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HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 18, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Mark 4: 40: *Jesus said unto His disciples, Why are ye so fearful? How is it that ye have no faith?*

Eternal God, from whom cometh all wisdom and understanding, draw us closer to Thyself that we may have the insight and inspiration to clearly comprehend whatsoever is true and worthy.

Quicken us with a vivid sense of Thy nearness, and may our minds and hearts be endowed with a faith and a power which will make us strong and steadfast when we are in danger of faltering and failing.

Grant that the troubled and tormented mood which has settled upon men and nations may be dispelled, and may we devoutly and diligently seek Thee and learn the secret of consecration and conquest.

Inspire us to believe that Thou alone canst guide us safely through these agitated times and enable us to live and labor humbly and heroically.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 7796. An act to amend certain lending limitations on real estate and construction loans applicable to national banks;

H.R. 9280. An act to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes;

H.R. 9593. An act to provide for the conveyance of certain phosphate rights to the Dr. P. Phillips Foundation, of Orlando, Fla.;

H.R. 9954. An act to amend the act of June 6, 1924, chapter 270 (43 Stat. 463), relating to the National Capital Park and Planning Commission, as amended by the National Capital Planning Act of 1952 (66 Stat. 781; 40 U.S.C. 71);

H.R. 10540. An act to exclude deposits of petrified wood from appropriation under the U.S. mining laws;

H.R. 11019. An act to provide that the Uniform Limited Partnership Act shall apply in the District of Columbia;

H.R. 12577. An act to place authority over the trust powers of national banks in the Comptroller of the Currency;

H.R. 12675. An act to provide for the formation of partnerships in the District of Columbia and to make uniform the law with respect thereto;

H.R. 12689. An act to repeal section 557 and to amend section 559 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901;

H.R. 12727. An act to amend the act of February 28, 1901, to insure that policemen and firemen in the District of Columbia will receive medical care for all injuries and diseases;

H.R. 12762. An act to amend the District of Columbia Unemployment Compensation Act, as amended; and

H.R. 12899. An act to amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8738. An act to amend sections 1 and 5b of chapter V of the Life Insurance Act for the District of Columbia.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 654. An act to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption;

S. 3358. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank; and

S.J. Res. 136. Joint resolution to determine the susceptibility of minerals to electrometallurgical processes, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11974) entitled "An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes."

PERMISSION TO FILE PRIVILEGED REPORT ON FOREIGN AID APPROPRIATION BILL FOR FISCAL 1963

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file a privileged report on the foreign aid appropriation bill for fiscal 1963.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TABER. Mr. Speaker, I reserve all points of order.

RESIGNATION OF STANLEY FORSYTHE, CHIEF ENGINEER, NATIONAL CAPITAL TRANSPORTATION AGENCY

Mr. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD. Mr. Speaker, last week the Washington papers carried an article stating that Mr. Stanley Forsythe, Chief Engineer of the National Capital Transportation Agency, had resigned. If my memory serves me correctly, this is the third top official that has resigned from this Agency since Mr. Stolzenbach was appointed Administrator. In fact, the first Deputy Administrator that was appointed to this Agency refused to serve with Mr. Stolzenbach.

Mr. Speaker, 6 weeks ago I expressed deep concern over the ability of this Agency to draft a workable transit plan; now, with the loss of Mr. Forsythe, I am more concerned than ever.

Prior to coming to the transit agency, Mr. Forsythe was with the Chicago Transit Authority for 41 years. He is nationally recognized as one of the most competent transit authorities in the country. It seems most unusual that now, just 2 months before the transit agency is to submit its transit plan to the Congress, Mr. Forsythe, the Chief Engineer, should resign.

Mr. Speaker, I strongly urge that Mr. Forsythe be brought before an appropriate committee of the Congress to give his views on the transit plan now being drafted by the National Capital Transportation Agency.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

MRS. WILLIAM W. JOHNSTON

The Clerk called the bill (H.R. 9942) for the relief of Mrs. William W. Johnston.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CLARA B. FRY

The Clerk called the bill (H.R. 7615) for the relief of Clara B. Fry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARGARET MACPHERSON, ANGUS MACPHERSON, RUTH MACPHERSON, and MARILYN MACPHERSON

The Clerk called the bill (H.R. 1660) for the relief of Margaret MacPherson, Angus MacPherson, Ruth MacPherson, and Marilyn MacPherson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Margaret MacPherson, $30,000; (2) Angus MacPherson, $10,000; (3) Ruth MacPherson, $10,000; and (4) Marilyn MacPherson, $10,000; all of Lawrence, Massachusetts. The payment of such sums shall be in full settlement of all their claims against the United States for compensation for personal injuries, pain and suffering, disfigurement, and property damage sustained by them, and for reimbursement of medical expenses incurred by them, as the result of a fire occurring on December 4, 1951, in an apartment building at the United States Naval Base, Middletown, Rhode Island, in which they occupied one of the apartments made available by the Department of the Navy to Navy personnel and their families: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5: Strike "$30,000" and insert "$15,000".

Page 1, line 6: Strike "$10,000" and insert "$5,000".

Page 1, line 7: Strike "$10,000" in both places that it appears in that line and insert "$3,500" in each instace in lieu thereof.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARLETON R. McQUOWN, THOMAS A. PRUETT, AND JAMES E. ROWLES

The Clerk called the bill (H.R. 4950) for the relief of Carleton R. McQuown, Thomas A. Pruett, and James E. Rowles.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DANIEL WALTER MILES

The Clerk called the bill (H.R. 7469) for the relief of Daniel Walter Miles.

Mr. GROSS. Mr. Speaker, I ask unanimous consent the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARY E. O'ROURKE

The Clerk called the bill (H.R. 3624) for the relief of Mrs. Mary E. O'Rourke.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DR. AND MRS. ABEL GORFAIN

The Clerk called the bill (H.R. 6709) for the relief of Dr. and Mrs. Abel Gorfain.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THEODORE ZISSU

The Clerk called the bill (H.R. 8550) for the relief of Theodore Zissu.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMBEST B. SILLS

The Clerk called the bill (H.R. 8062) for the relief of Combest B. Sills.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

GEORGE H. PETERS

The Clerk called the bill (H.R. 8549) for the relief of George H. Peters.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HENRY ARMSTRONG, ADMINISTRATOR OF THE ESTATE OF ELLA ARMSTRONG

The Clerk called the bill (H.R. 6940) for the relief of Henry Armstrong, administrator of the estate of Ella Armstrong.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FRANCIS X. FOLEY AND DORIS W. FOLEY, HIS WIFE

The Clerk called the bill (H.R. 1659) for the relief of Francis X. Foley.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. NATHALIE ILINE

The Clerk called the bill (H.R. 12101) for the relief of Mrs. Nathalie Iline.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARGARET PATTERSON BARTLETT

The Clerk called the bill (H.R. 4964) for the relief of Mrs. Margaret Patterson Bartlett.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ESTATE OF GREGORY J. KESSENICH

The Clerk called the bill (S. 149) for the relief of the estate of Gregory J. Kessenich.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Gregory J. Kessenich, the sum of $100,000, in full satisfaction of all claims of such estate against the United States arising out of the invention of the bazooka rocket (patent numbered 2,579,323) by the late Gregory J. Kessenich: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANE FROMAN, GYPSY MARKOFF, AND JEAN ROSEN

The Clerk called the bill (H.R. 12313) for the relief of Jane Froman, Gypsy Markoff, and Jean Rosen.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

VAGHARSHAG O. DANIELIAN

The Clerk called the bill (H.R. 2806) for the relief of Vagharshag O. Danielian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Vagharshag O. Danielian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Vagharshag Hovannes Danielian shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act for the Relief of Vagharshag Hovannes Danielian."

A motion to reconsider was laid on the table.

ELAINE VERONICA BRATHWAITE

The Clerk called the bill (H.R. 1691) for the relief of Elaine Veronica Clarke.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child Elaine Veronica Clarke shall be held and considered to be the natural-born alien child of Alfred Reginald Clarke, a citizen of the United States.

With the following committee amendments:

On page 1, line 4, strike out the words "the minor child,".

On page 1, line 5, strike out the name "Clarke" and substitute the name "Brathwaite".

On page 1, line 6, after the word "alien" insert the word "minor".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "An act for the relief of Elaine Veronica Brathwaite."

A motion to reconsider was laid on the table.

GERARD PUILLET

The Clerk called the bill (H.R. 2619) for the relief of Gerard Puillet.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Gerard Puillet may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENJAMIN LEACH, DIOGRACIAS LEACH, ROGELIO LEACH, AND MAXIMO LEACH

The Clerk called the bill (H.R. 12887) for the relief of Benjamin Leach, Diogracias Leach, Rogelio Leach, and Maximo Leach.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Benjamin Leach, Diogracias Leach, Rogelio Leach, and Maximo Leach shall be held and considered to be the natural-born minor alien children of Grady R. Leach, a citizen of the United States: *Provided*, That the natural parents of the beneficiaries shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIMON KARASICK

The Clerk called the bill (H.R. 4483) for the relief of Simon Karasick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $230.10 to Simon Karasick of Jamaica, New York, in full settlement of all claims against the United States. Such sum represents payments deducted from his salary while working for the Brooklyn Conservatory of Music for the period 1946 to 1952 inclusive. The Brooklyn Conservatory of Music being a nonprofit educational organization was not covered by the Social Security Act during this period: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAROLINE G. JUNGHANS

The Clerk called the bill (H.R. 9129) for the relief of Caroline G. Junghans.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations contained in section 33 of the Trading With the Enemy Act, as amended (50 App. U.S.C. 33), with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to section 9 or 32 of such Act (50 App. U.S.C. 9 or 32), Caroline G. Junghans, a United States citizen residing in West Germany, may, within six months after the enactment of this Act, file a claim for the return of certain property, namely, her interest under item 7 of the will of Fritz Glogauer, deceased, the title to her interest having been acquired by the United States under the Trading With the Enemy Act by vesting order numbered 4907 of the Office of Alien Property; and that claim shall be considered on its merits in accordance with the remaining provisions of that Act: *Provided*, That if no such return is made within a period of sixty days after the filing of such claim, the said Caroline G. Junghans shall be entitled, within one year of the expiration of such period, to institute suit pursuant to section 9 of such Act (50 App. U.S.C. 9) for the return of such property.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES L. KAYS

The Clerk called the bill (H.R. 9469) for the relief of Charles L. Kays.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles L. Kays, of Pittsburgh, Pennsylvania, is hereby relieved of all liability for repayment to the United States of the sum of $473.64 representing money paid him incident to his service in the United States Army and Air Force and received by him in good faith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STELLA McKEE

The Clerk called the bill (H.R. 9943) for the relief of Stella McKee.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations contained in section 33 of the Trading With the Enemy Act, as amended (50 App. U.S.C. 33), with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to section 9 or 32 of such Act (50 App. U.S.C. 9 or 32), Stella McKee, a United States citizen, may, within six months after the enactment of this Act, file a claim for the return of certain property, namely, her interest under item 7 of the will of Fritz Glogauer, deceased, the title to her interest having been acquired by the United States under the Trading With the Enemy Act by vesting order numbered 497 of the Office of Alien Property; and that claim shall be considered on its merits in accordance with the remaining provisions of that Act: *Provided,* That if no such return is made within a period of sixty days after the filing of such claim, the said Stella McKee shall be entitled, within one year of the expiration of such period, to institute suit pursuant to section 9 of such Act (50 App. U.S.C. 9) for the return of such property.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORREST L. GIBSON

The Clerk called the bill (H.R. 5695) for the relief of Forrest L. Gibson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Forrest L. Gibson, Tacoma, Washington, the sum certified to the Secretary of the Treasury by the Secretary of the Army as the amount to which the said Forrest L. Gibson would be entitled for reimbursement of expenses incurred by him in moving his dependents and household goods from Sierra Ordnance Depot, California, to Camp Cooke, California, in June of 1951, if such move had involved a permanent change in administrative ordnance station. The payment of such sum shall be in full settlement of all claims of the said Forrest L. Gibson against the United States for reimbursement of such expenses: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to, or received by, any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. DOROTHY H. JOHNSON

The Clerk called the bill (H.R. 10423) for the relief of Mrs. Dorothy H. Johnson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Dorothy H. Johnson, of Santa Ana, California, the sum of $10,654.02 in full settlement of all her claims against the United States arising out of the death of her minor son, Steven W. Johnson, who died on August 15, 1959, as a result of burns received by him on August 8, 1959, when, as an employee of the Forest Service of the United States Department of Agriculture, he was fighting a forest fire in the Cleveland National Forest near Elsinore, California: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, strike all after the enacting clause and insert the following: "That sections 15 to 20, inclusive, of the Act entitled 'An Act to provide for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended (5 U.S.C. 765–770), are hereby waived in favor of Dorothy H. Johnson and her claim based on the death of her son, Steven W. Johnson, for compensation under that Act is authorized and directed to be considered and acted upon under the remaining provisions of the Act, as amended, if she files such claim with the Department of Labor (Bureau of Employees' Compensation) not later than six months after the date of enactment of this Act: *Provided,* That no benefits except hospital and medical expenses actually incurred shall accrue for any period of time prior to the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KENNETH E. FOUSSÉ AND OTHERS

The Clerk called the bill (H.R. 12936) for the relief of Kenneth E. Foussé and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified in full settlement of all claims against the United States for expenses and losses incurred in preparing to move and moving, as the case may be, themselves and their dependents from the Washington, District of Columbia, area to the Philadelphia, Pennsylvania, area in November and December 1960 incident to the transfer of the Navy Production Equipment Control Office from the Naval Weapons Plant, Washington, District of Columbia, to the Naval Air Material Center, Philadelphia, Pennsylvania, as directed by the Secretary of the Navy and thereafter canceled: Kenneth E. Foussé, $302.56; Oliver G. Green, $4,152.67; Betty I. Guidry, $331.67; Walter C. Helms, Junior, $67.24; Woodrow W. Houchins, $254.52; Albert W. Kines, $35.30; Robert W. Lindsay, $71.40; Thomas W. Miller, $650.63; Robert O. Powell, $39.25; and Sylvia Van Eckhardt, $246.56: *Provided,* That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONTI MARINE CORP. OF NEW YORK

The Clerk called the resolution (H. Res. 797) providing for sending the bill (H.R. 12884) for the relief of the trustee in bankruptcy, estate of Monti Marine Corp. of New York, together with accompanying papers, to the Court of Claims.

There being no objection, the Clerk read the resolution, as follows:

Resolved, That the bill (H.R. 12884) entitled "A bill for the relief of the trustee in bankruptcy, estate of Monti Marine Corporation of New York", together with all accompanying papers, is hereby referred to the Court of Claims subject to its rules and pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the House, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ARTHUR H. BRACKBILL

The Clerk called the bill (H.R. 12092) for the relief of Arthur H. Brackbill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arthur H. Brackbill, Lancaster, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of $399.31. Such sum represents the amount of certain overpayments of compensation made to the said Arthur H. Brackbill through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur H. Brackbill, Lancaster, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said Arthur H. Brackbill, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided,* That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH WOLF, JR.

The Clerk called the bill (H.R. 12093) for the relief of Joseph Wolf, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Wolf, Junior, Lancaster, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of $424.75. Such sum represents the amount of certain overpayments of compensation made to said Joseph Wolf, Junior, through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Wolf, Junior, Lancaster, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said Joseph Wolf, Junior, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided,* That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

MRS. MARY E. O'ROURKE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Private Calendar No. 631, the bill (H.R. 3624) for the relief of Mrs. Mary E. O'Rourke.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act of August 12, 1955, entitled "An Act to provide for settlement of claims resulting from the disaster which occurred at Texas City, on April 16 and 17, 1947" (69 Stat. 707) and the 1959 Amendment to the Texas City Disaster Relief Act (73 Stat. 706), the claim of Mrs. Mary E. O'Rourke (formerly Mrs. James V. Pharr) for personal injuries to her former husband shall be deemed to have been filed with the Secretary of the Army before February 9, 1956.

With the following committee amendment:

Strike all after the enacting clause and insert: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $12,500 to Mrs. Mary E. O'Rourke, of New York, N.Y., in full settlement of her claims against the United States for an award under the Texas City Disaster Relief Act, as amended (69 Stat. 707, as amended), due her under the laws of the State of Texas based upon the injuries sustained by her former husband, James V. Pharr, in the Texas City disaster on April 17, 1947: *Provided,* That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate Concurrent Resolution (S. Con. Res. 86) favoring the suspension of deportation of certain aliens, with a Senate amendment to the House amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 5, after line 4, insert:

"SEC. 5. The Congress approves the granting of the status of permanent residence in the case of the alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011; 64 Stat. 219; 50 App. U.S.C. 1953):

"A-7116387, Rock, Feiga Altmann."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. WALTER. Mr. Speaker, Senate concurrent resolution which passed the Senate on July 29, 1962, was designed to record congressional approval of suspension of deportation in the cases of 67 aliens whom the Attorney General found eligible pursuant to paragraphs (4) and (5) of section 244(a) of the Immigration and Nationality Act or under section 19(c) of the Immigration Act of 1917, as amended. All cases have been reviewed by the Committee on the Judiciary of the Senate and upon review by the Committee on the Judiciary of the House of Representatives all cases included in that resolution except three cases were approved by the committee.

The Committee on the Judiciary also included in Senate Concurrent Resolution 86 the cases of three aliens found by the Attorney General to be eligible for permanent residence in the United States pursuant to section 6 of the Refugee Relief Act of 1953, as amended.

In this amended form the House of Representatives approved Senate Concurrent Resolution 86 on August 20, 1962.

On September 7, 1962, the Senate concurred in the amendment of the House and amended it further by adding one more case where the Attorney General has determined and reported to the Congress that an alien is qualified for permanent residence under section 4 of the Displaced Persons Act of 1948, as amended. This case appears to be the last to be considered by the Congress under the terms of the 1948 law, as amended in 1950.

The additional case has been reviewed by the Committee on the Judiciary and the approval of the Attorney General's recommendation is now included in the amendment of the Senate to the House amendment.

AMENDING SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Strike out all after the enacting clause and insert: "That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by inserting after section 16 thereof the following new section:
>
> " 'Sec. 16A. The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.' "
>
> Amend the title so as to read: "An Act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the gentleman please explain the amendments.

Mr. POAGE. This is the so-called wetlands bill which the House passed some time ago. The Senate amendments simply attempt to tighten up a little bit more on this. For instance they provide that if a man sells his land, the limitations or regulations shall not apply to the new owner. Under the terms of the original bill, if the Secretary of the Interior found that the land was needed for the propagation of waterfowl, he would so certify and for 5 years the Secretary of Agriculture could not pay retirement benefits on that land which had been set aside. On the contrary, the Secretary of the Interior shall seek to enter into an agreement or a lease proposition with the owner for the use of the land as a waterfowl refuge. The landowner is not compelled to sign, but for a period of 5 years he cannot draw the benefits. The Senate provides that if he sells the land, the new owner will not be bound by that decision and may proceed to acquire benefit payments immediately. I believe that is the most important change which the Senate makes in the House bill.

Mr. HOEVEN. The House Committee on Agriculture unanimously voted to accept the Senate amendment; did they not?

Mr. POAGE. Yes, the House committee voted unanimously on that.

Mr. HOEVEN. Mr. Speaker, I withdraw by reservation of objection.

Mr. POAGE. The House committee is willing to take the language of the Senate amendments. We believe this language is good, but we believe that the language in Senate Report No. 1805 is misleading.

The purpose of H.R. 8520 is to stop the practice of providing subsidy for the drainage of wet lands which in the opinion of the Secretary of the Interior are needed for the preservation and conservation of waterfowl and related wildlife.

Therefore the House Committee on Agriculture does not agree with the following language contained in Senate Report No. 1805:

> If the purchase or lease of lands for which drainage assistance is requested cannot be consummated because the State Governor or appropriate State agency in accordance with Public Law 87-383 has denied approval of such acquisition, the Secretary of the Interior would be expected to notify the Secretary of Agriculture that the limitation should not be applicable so that the applicant would be free to obtain assistance without regard to the terms of this bill.

H.R. 8520 provides for the Secretary of the Interior or the appropriate State agencies to make an offer to purchase or lease the wet lands in question within 1 year after the application for drainage assistance has been denied.

The language in the Senate report is too broad in that it covers offers to lease as well as offers to purchase.

The intent and purpose of H.R. 8520 should not be thwarted by implying that the Governor of any State must approve the right to make an offer to lease. There should be no objection to a lease program because lands are not removed from the tax rolls and ownership remains in private hands. We also question, under the provisions of H.R. 8520, the authority of a Governor to veto the authority of the Secretary of the Interior to make a bona fide offer to purchase private lands. H.R. 8520 affects only specific wet lands for which Federal financial or technical assistance for drainage is sought. It does not restrict the owner of such lands to finance the drainage with his personal funds.

The House committee wants it to be clearly understood that with passage of H.R. 8520, the Departments of Agriculture and Interior shall proceed to carry out the provisions of the act in relation to a leasing program and the offer to the outright purchase of any land may be made by the Department of the Interior to comply with the intent of H.R. 8520. The consummation of any purchase may be determined by the Governor of the State in which the lands are located, but certainly not an offer to lease so far as H.R. 8520 is concerned.

(Mr. JOHNSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I am pleased that the Senate has approved H.R. 8520, a bill that would end the federally subsidized drainage of wet lands valuable for waterfowl refuges in the prairie pothole regions of North and South Dakota and Minnesota. As you recall, this legislation was passed by the House during the 1st session of the 87th Congress.

The problem which this measure would solve is a pressing one. Currently, the U.S. Department of Agriculture furnishes technical and financial assistance to farmers for drainage of wet lands under the agricultural conservation program. At the same time, the Department of Interior is conducting a program for the acquisition of wet lands in order to save our dwindling duck population. Present requirements of the law do not permit the Secretary of Agriculture to withhold cost-sharing assistance from drainage projects merely because they adversely affect wildlife.

Here we have two programs which are operating at cross-purposes. Clearly, we must resolve this conflict of interest in order to prevent the taxpayers' money from being wasted because two programs are working against each other.

Mr. Speaker, since nonlegislative efforts to end the existing conflict between these two programs had proved to be fruitless, I had introduced H.R. 8520 in the House on August 7 of last year. Hearings were held 11 days later by the House Agriculture Committee's Subcommittee on Conservation and Credit, and the full committee favorably reported the measure on September 1. It was passed by the House on September 12.

Under the provisions of my bill, no contract for Federal drainage assistance can be entered into by the Secretary of Agriculture with a farm operator in North and South Dakota and Minnesota if the Secretary of Interior has determined that wildlife preservation will be materially harmed by the proposed drainage project.

The Interior Department has 90 days after an application for drainage assistance has been received to file an adverse finding. On land where drainage assistance is denied, the Interior Department or the State wildlife agency must make an offer to buy or lease the land as a waterfowl refuge within a year or the ban on Federal drainage assistance will be lifted.

Mr. Speaker, the Senate has amended H.R. 8520 to provide that the "veto" on drainage assistance will be terminated if no agreement is reached after 5 years of negotiation or if the ownership of the land changes. I feel that these are sound and workable amendments to safeguard the rights of the farmers involved.

The amendment setting a 5-year limit on negotiations would protect farmers against undue delay in the lease or sale of their wet lands for waterfowl refuges. The other amendment would avoid legal complications if the land in question was put up for sale. As a lawyer, I am well aware of the difficulties involved in the transfer of property which has any kind of a lien against it.

Last week, the House Agriculture Committee approved the Senate amendments to H.R. 8520 and favorably reported the amended bill. Inasmuch as the Senate amendments improve rather than weaken the proposed legislation, I urge my colleagues in the House to accept these amendments and speed this legislation on its way to the White House.

Mr. Speaker, since 1936, agricultural drainage has been responsible for destroying 5,602,241 acres of waterfowl wet lands in the prairie pothole region alone. Each year, about 3 percent of the remaining wet lands are lost to federally subsidized drainage.

Conservationists and sportsmen are rightly concerned over the recent report by the Interior Department which predicts another drop in the production of waterfowl. The handwriting is on the wall. Immediate action is necessary if we are to save our continental flights of ducks and geese.

In the pioneer days, the value of a duck was expressed in cents per pound, but today waterfowl values do not find true expression behind a dollar sign. They have recreational, social, and cultural values which make their meat values appear almost inconsequential.

Mr. Speaker, the necessity to meet the outdoor needs of our people now and in the future will in all likelihood be the sharpest and most consistent pressure on our land, water, and forests in the years ahead. It is our responsibility to see to it that there will be sufficient outdoor recreational areas available to our increasing population so that our children and their children may enjoy the outdoor opportunities we have had.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATIONS, 1963

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1963, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman will take ample time to explain the bill.

Mr. THOMAS. Yes. I will say to the gentleman from Iowa, we will. We are all here and we will attempt to answer any questions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2376)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 16, 17, 27, 34, 97, 105, and 107.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 9, 10, 18, 30, 56, 70, 82, 86, 90, 91, 98, 100, 101, 108, and 118; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$750,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,500,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,150,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$79,564,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,200,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$480,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: Restore the matter stricken by the amendment, amended to read as follows: "That total costs of aviation medicine, including equipment, for the Federal Aviation Agency, whether provided in the foregoing appropriation or elsewhere in this Act, shall not exceed $5,100,000 or include in excess of 315 positions: *Provided further,*"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$125,000,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,475,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,250,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,200,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,486,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,700,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,282,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$181,200,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$180,955,600"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,482,600"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$997,500"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,311,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$288,800"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,505,200"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$836,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,178,300"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$518,700"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,254,300"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,605,400"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$116,800"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$455,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$280,200"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,225,500"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,447,500"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,470,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$318,200"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,114,900"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$390,400"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$700,100"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$281,200"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,164,700"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,816,700"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$5,342,800"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$305,900"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,444,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,310,700"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,187,200"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,932,100"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,022,500"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$308,700"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,503,200"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$754,300"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$469,300"; and the Senate agree to the same

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,482,300"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,565,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$860,900"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,257,700"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$285,000"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$437,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,323,300"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,493,500"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,062,400"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$7,716,800"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,664,500"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,500,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$40,500,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,500,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,400,000"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,606,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,897,878,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$776,237,000"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,250"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$322,500,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$30,500,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$77,000,000"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,037,500"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,140,000"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,150,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,400,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 8, 12, 28, 71, 72, 92, 93, 95, 96, 109, 113, 116, and 119.

ALBERT THOMAS,
SIDNEY R. YATES,
CLARENCE CANNON,
HAROLD C. OSTERTAG,
JOHN TABER,
Managers on the Part of the House.

WARREN G. MAGNUSON,
LISTER HILL,
ALLEN J. ELLENDER,
WILLIS ROBERTSON,
RICHARD B. RUSSELL
(except as to 16),
ROBT. S. KERR,
GORDON ALLOTT
(except as to No. 107),
LEVERETT SALTONSTALL,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Executive Office of the President

Office of Emergency Planning

Amendment No. 1: Appropriates $5,000,000 for salaries and expenses as proposed by the Senate instead of $4,000,000 as proposed by the House.

Amendment No. 2: Deletes language proposed by the Senate earmarking funds for research and studies.

Amendment No. 3: Appropriates $5,000,000 for civil and defense mobilization functions of Federal agencies as proposed by the House instead of $4,000,000 as proposed by the Senate.

Office of Science and Technology

Amendment No. 4: Appropriates $750,000 for salaries and expenses instead of $700,000 as proposed by the House and $850,000 as proposed by the Senate. The Congress has laid down programs concerning the National Aeronautics and Space Administration, the National Science Foundation, the Atomic Energy Commission, and other agencies. The conferees respectfully submit to Dr. Wiesner, the Director of the Office of Science and Technology, that should it develop that any changes in these scientific programs should be brought about, that such changes be submitted for the approval and action of the Congress.

Department of Defense

Civil Defense, Department of Defense

Amendment No. 5: Appropriates $75,000,000 for operation and maintenance instead of $65,000,000 as proposed by the House and $91,200,000 as proposed by the Senate.

Amendment No. 6: Authorizes $13,500,000 for matching grants for personnel and administrative expenses of State and local civil defense organizations instead of $12,000,000 as proposed by the House and $17,000,000 as proposed by the Senate.

Amendments Nos. 7 and 8: Reported in disagreement.

Department of Health, Education, and Welfare

Public Health Service

Amendments Nos. 9, 10, and 11: Delete heading proposed by the House and insert heading proposed by the Senate; insert language relating to emergency health activities as proposed by the Senate; and appropriate $7,000,000 instead of $5,500,000 as proposed by the House and $8,500,000 as proposed by the Senate.

Independent offices

Civil Aeronautics Board

Amendment No. 12: Reported in disagreement.

Amendment No. 13: Appropriates $9,150,000 for salaries and expenses, instead of $8,900,000 as proposed by the House and $9,400,000 as proposed by the Senate.

Amendments Nos. 14, 15, and 16: Appropriate $79,564,000 for payments to air carriers instead of $71,900,000 as proposed by the House and $87,228,000 as proposed by the Senate; authorize $5,000,000 for subsidy for helicopter operations instead of $4,975,000 as proposed by the House and $10,000,000 as proposed by the Senate; and delete language proposed by the Senate relating to helicopter operations in any one area. The conferees agree that the subsidies for helicopters should be ended shortly—that this service should either be made self-supporting or concluded. It is recommended that the appropriate committees of the Congress give their earnest consideration to this problem in 1963.

Civil Service Commission

Amendment No. 17: Deletes language proposed by the Senate to derive $3,153,000 for salaries and expenses from the civil service retirement and disability fund.

Amendment No. 18: Deletes item for payment to the civil service retirement and disability fund as proposed by the Senate.

Amendment No. 19: Appropriates $4,200,000 for Government payment for annuitants, employees health benefits fund, instead of $3,000,000 as proposed by the House and $5,400,000 as proposed by the Senate.

Federal Aviation Agency

Amendment No. 20: Appropriates $480,000,000 for operations instead of $463,400,000 as proposed by the House and $488,400,000 as proposed by the Senate.

Amendment No. 21: Restores language proposed by the House and stricken by the Senate amended to limit total costs of aviation medicine to $5,100,000 and 315 positions instead of $4,920,000 and 304 positions as proposed by the House.

Amendment No. 22: Appropriates $125,000,000 for facilities and equipment instead of $120,000,000 as proposed by the House and $130,000,000 as proposed by the Senate.

Amendment No. 23: Appropriates $3,475,000 for operation and maintenance of Washington National Airport instead of $3,225,000 as proposed by the House and $3,725,000 as proposed by the Senate.

Amendment No. 24: Appropriates $3,250,000 for operation and maintenance of Dulles International Airport instead of $3,000,000 as proposed by the House and $3,500,000 as proposed by the Senate.

Amendment No. 25: Appropriates $3,200,000 for construction and development of Dulles International Airport instead of $3,000,000 as proposed by the House and $3,400,000 as proposed by the Senate.

Amendment No. 26: Appropriates $20,000,000 for civil supersonic aircraft development, instead of $15,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

Amendment No. 27: Deletes language proposed by the Senate relating to concession agreements at Washington National and Dulles International Airports. The conferees are agreed there is some merit to the Senate language but that the legislative committee should consider the subject.

Federal Communications Commission

Amendment No. 28: Reported in disagreement.

Amendment No. 29: Appropriates $14,486,000 for salaries and expenses instead of $14,355,000 as proposed by the House and $14,617,000 as proposed by the Senate.

Amendments Nos. 30 and 31: Appropriate $10,700,000 for salaries and expenses instead of $9,946,500 as proposed by the House and $11,100,000 as proposed by the Senate, and delete language earmarking not to exceed $10,000 for special counsel as proposed by the Senate.

Federal Trade Commission

Amendment No. 32: Appropriates $11,282,500 for salaries and expenses instead of $10,720,000 as proposed by the House and $11,845,000 as proposed by the Senate.

General Services Administration

Amendment No. 33: Appropriates $181,200,000 for operating expenses of the Public Buildings Service instead of $175,000,000 as proposed by the House and $187,400,000 as proposed by the Senate.

The conferees are concerned by the rising costs of rents and are agreed that better control should be exercised over acquisition of new space which presently in the first year is financed in agency budgets and by this appropriation thereafter. The language in the bill authorizing such transfers or reimbursements to the General Services Administration for new space should be modified or deleted next year to give better control over such acquisition.

Amendment No. 34: Deletes language proposed by the Senate relating to fallout shelters.

Amendment No. 35: Appropriates $180,955,600 for construction of public buildings projects instead of $155,325,000 as proposed by the House and $193,066,000 as proposed by the Senate.

Amendment No. 36: Authorizes $11,482,600 for the project at Juneau, Alaska, instead of $11,240,900 as proposed by the House and $12,290,000 as proposed by the Senate.

Amendment No. 37: Authorizes $997,500 for the project at Nogales, Ariz., instead of $976,500 as proposed by the House and $1,050,000 as proposed by the Senate.

Amendment No. 38: Authorizes $1,311,000 for the project at Bakersfield, Calif., instead of $1,283,400 as proposed by the House and $1,444,000 as proposed by the Senate.

Amendment No. 39: Authorizes $288,800 for the project at Calexico, Calif., instead of $282,700 as proposed by the House and $304,000 as proposed by the Senate.

Amendment No. 40: Authorizes $5,505,200 for the project at Denver, Colo., instead of $4,325,000 as proposed by the House and $5,931,000 as proposed by the Senate.

Amendment No. 41: Authorizes $836,000 for the project at Wallingford, Conn., instead of $818,400 as proposed by the House and $928,000 as proposed by the Senate.

Amendment No. 42: Authorizes $2,178,300 for the project at Gainesville, Fla., instead of $2,132,500 as proposed by the House and $2,376,000 as proposed by the Senate.

Amendment No. 43: Authorizes $518,700 for the project at Marianna, Fla., instead of $507,800 as proposed by the House and $582,000 as proposed by the Senate.

Amendment No. 44: Authorizes $2,254,300 for the project at Tampa, Fla., instead of $2,206,900 as proposed by the House and $2,457,000 as proposed by the Senate.

Amendment No. 45: Authorizes $3,605,400 for the project at Macon, Ga., instead of $3,534,800 as proposed by the House and $3,641,800 as proposed by the Senate.

Amendment No. 46: Authorizes $116,800 for the project at Porthill, Idaho, instead of $114,400 as proposed by the House and $123,000 as proposed by the Senate.

Amendment No. 47: Authorizes $455,000 for the project at Seymour, Ind., instead of $445,500 as proposed by the House and $514,000 as proposed by the Senate.

Amendment No. 48: Authorizes $280,200 for the project at Owensboro, Ky., instead of $274,300 as proposed by the House and $295,000 as proposed by the Senate.

Amendment No. 49: Authorizes $1,225,500 for the Federal office building at New Orleans, La., instead of $1,199,700 as proposed by the House and $1,290,000 as proposed by the Senate.

Amendment No. 50: Authorizes $3,447,500 for the post office and courthouse at New Orleans, La., instead of $3,375,000 as proposed by the House and $3,629,000 as proposed by the Senate.

Amendment No. 51: Authorizes $2,470,000 for the project at Augusta, Maine, instead of $2,418,000 as proposed by the House and $2,686,000 as proposed by the Senate.

Amendment No. 52: Authorizes $318,200 for the project at Houlton, Maine, instead of $311,500 as proposed by the House and $335,000 as proposed by the Senate.

Amendment No. 53: Authorizes $27,114,900 for the project at Boston, Mass., instead of $26,544,100 as proposed by the House and $28,893,000 as proposed by the Senate.

Amendment No. 54: Authorizes $390,400 for the project at Webster, Mass., instead of $382,200 as proposed by the House and $429,000 as proposed by the Senate.

Amendment No. 55: Authorizes $700,100 for the project at Grand Rapids, Mich., instead of $685,400 as proposed by the House and $737,000 as proposed by the Senate.

Amendment No. 56: Deletes $251,100 authorization proposed by the House for the project at Sault Ste. Marie, Mich., as proposed by the Senate. This project is being financed from construction savings from other projects.

Amendment No. 57: Authorizes $281,200 for the project at Pigeon River, Minn., instead of $275,300 as proposed by the House and $296,000 as proposed by the Senate.

Amendment No. 58: Authorizes $1,164,700 for the project at Clarksdale, Miss., instead of $1,140,200 as proposed by the House and $1,285,000 as proposed by the Senate.

Amendment No. 59: Authorizes $29,816,700 for the project at Kansas City, Mo., instead of $29,189,000 as proposed by the House and $31,781,000 as proposed by the Senate.

Amendment No. 60: Authorizes $5,342,800 for the project at Billings, Mont., instead of $5,756,000 as proposed by the Senate.

Amendment No. 61: Authorizes $305,900 for the project at Grand Island, Nebr., instead of $299,500 as proposed by the House and $322,000 as proposed by the Senate.

Amendment No. 62: Authorizes $1,444,000 for the project at North Platte, Nebr., instead of $1,413,600 as proposed by the House and $1,588,000 as proposed by the Senate.

Amendment No. 63: Authorizes $3,310,700 for the project at Reno, Nev., instead of $3,241,000 as proposed by the House and $3,590,000 as proposed by the Senate.

Amendment No. 64: Authorizes $3,187,200 for the project at Concord, N.H., instead of $3,120,100 as proposed by the House and $3,459,000 as proposed by the Senate.

Amendment No. 65: Authorizes $6,932,100 for the project at Albuquerque, N. Mex., instead of $6,786,200 as proposed by the House and $7,450,000 as proposed by the Senate.

Amendment No. 66: Authorizes $2,022,500 for the project at Fayetteville, N.C., instead of $1,980,000 as proposed by the House and $2,209,000 as proposed by the Senate.

Amendment No. 67: Authorizes $308,700 for the project at Grand Forks, N. Dak., instead of $302,200 as proposed by the House and $325,000 as proposed by the Senate.

Amendment No. 68: Authorizes $2,503,200 for the project at Canton, Ohio, instead of $2,450,500 as proposed by the House and $2,722,000 as proposed by the Senate.

Amendment No. 69: Authorizes $754,300 for the project at Oklahoma City, Okla., instead of $738,400 as proposed by the House and $794,000 as proposed by the Senate.

Amendment No. 70: Inserts word as proposed by the Senate.

Amendments Nos. 71 and 72: Reported in disagreement.

Amendment No. 73: Authorizes $469,300 for the project at Westerly, R.I., instead of $459,400 as proposed by the House and $527,000 as proposed by the Senate.

Amendment No. 74: Authorizes $2,482,300 for the project at Pierre, S. Dak., instead of $2,430,100 as proposed by the House and $2,699,000 as proposed by the Senate.

Amendment No. 75: Authorizes $2,565,000 for the project at Sioux Falls, S. Dak., instead of $2,511,000 as proposed by the House and $2,788,000 as proposed by the Senate.

Amendment No. 76: Authorizes $860,900 for the project at Winchester, Tenn., instead of $847,200 as proposed by the House and $956,200 as proposed by the Senate.

Amendment No. 77: Authorizes $9,257,700 for the project at Austin, Tex., instead of $9,062,800 as proposed by the House and $9,909,000 as proposed by the Senate.

Amendment No. 78: Authorizes $285,000 for the border station at Del Rio, Tex., instead of $279,000 as proposed by the House and $300,000 as proposed by the Senate.

Amendment No. 79: Authorizes $437,000 for the border patrol sector headquarters at Del Rio, Tex., instead of $427,800 as proposed by the House and $460,000 as proposed by the Senate.

Amendment No. 80: Authorizes $1,323.300 for the project at Houston, Tex., instead of $1,295,500 as proposed by the House and $1,393,000 as proposed by the Senate.

Amendment No. 81: Authorizes $4,493.500 for the project at Ogden, Utah, instead of $4,398,900 as proposed by the House and $4,853,000 as proposed by the Senate.

Amendment No. 82: Authorizes an additional $509,000 for the project at Montpelier, Vt., as proposed by the Senate.

Amendment No. 83: Authorizes $2,062,400 for the project at Charlottesville, Va., instead of $2,019,000 as proposed by the House and $2,251,000 as proposed by the Senate.

Amendment No. 84: Authorizes $7,716,800 for the project at Richland, Wash., instead of $8,287,000 as proposed by the Senate.

Amendment No. 85: Authorizes $4,664,500 for the project at Cheyenne, Wyo., instead of $4,566,300 as proposed by the House and $5,034,000 as proposed by the Senate.

Amendment No. 86: Authorizes $6,500,000 as proposed by the Senate to initiate construction of the project at Baltimore, Md. Funds approved are on the basis of a total improvement cost of $19,378,100.

Amendment No. 87: Appropriates $27,500,000 for sites and expenses of public buildings projects instead of $16,500,000 as proposed by the House and $29,354,000 as proposed by the Senate. The amount approved by the conferees is for the projects as proposed by the Senate.

Amendment No. 88: Appropriates $40,500,000 for operating expenses of the Federal Supply Service instead of $40,000,000 as proposed by the House and $41,000,000 as proposed by the Senate.

Amendment No. 89: Appropriates $13,500,000 for increasing the capital of the general supply fund instead of $10,000,000 as proposed by the House and $17,000,000 as proposed by the Senate.

Amendment No. 90: Appropriates $14,000,000 for operating expenses of the National Archives and Records Service as proposed by the Senate instead of $14,050,000 as proposed by the House.

Amendment No. 91: Deletes House language as proposed by the Senate.

Amendment No. 92: Reported in disagreement.

Amendment No. 93: Reported in disagreement.

Amendment No. 94: Authorizes $11,400,000 for administrative operations instead of $11,100,000 as proposed by the House and $12,000,000 as proposed by the Senate.

Amendment No. 95: Reported in disagreement.

Amendment No. 96: Reported in disagreement.

Amendment No. 97: Restores House language relating to lease construction agreements. The conferees are agreed on the merit of the amendment and recommend that the legislative committees give lease construction further study.

Housing and Home Finance Agency

Amendment No. 98: Deletes House language relating to administrative expenses for housing for the elderly as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 99: Appropriates $22,606,000 for salaries and expenses instead of $22,187,500 as proposed by the House and $23,025,000 as proposed by the Senate.

Amendment No. 100: Authorizes $1,753,700 for railroad safety activities as proposed by the Senate instead of $1,718,300 as proposed by the House.

Amendment No. 101: Authorizes $1,170,800 for locomotive inspection activities as proposed by the Senate instead of $1,147,000 as proposed by the House.

National Aeronautics and Space Administration

Amendment No. 102: Appropriates $2,897,878,000 for research, development, and operation instead of $2,877,878,000 as proposed by the House and $2,917,878,000 as proposed by the Senate.

Amendment No. 103: Appropriates $776,237,000 for construction of facilities instead of $766,237,000 as proposed by the House and $786,237,000 as proposed by the Senate.

Amendment No. 104: Authorizes $26,250 for scientific consultations, etc., instead of $17,500 as proposed by the House and $35,000 as proposed by the Senate.

National Capital Housing Authority

Amendment No. 105: Restores House language appropriating $40,000 for operation and maintenance of properties.

National Science Foundation

Amendment No. 106: Appropriates $322,500,000 for salaries and expenses instead of $310,000,000 as proposed by the House and $335,000,000 as proposed by the Senate.

Amendment No. 107: Deletes the Senate proposal relating to the Mohole project.

Selective Service System

Amendment No. 108: Appropriates $37,585,000 for salaries and expenses as proposed by the Senate instead of $37,085,000 as proposed by the House.

Veterans' Administration

Amendment No. 109: Reported in disagreement.

Amendment No. 110: Appropriates $30,500,000 for medical and prosthetic research instead of $28,000,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Amendment No. 111: Appropriates $77,000,000 for construction of hospital and domiciliary facilities instead of $75,500,000 as proposed by the House and $78,500,000 as proposed by the Senate.

TITLE II—CORPORATIONS

Federal Home Loan Bank Board

Amendment No. 112: Authorizes $2,037,500 for administrative expenses instead of $2,000,000 as proposed by the House and $2,075,000 as proposed by the Senate.

Amendment No. 113: Reported in disagreement.

Amendment No. 114: Authorizes $1,140,000 for administrative expenses, Federal Savings and Loan Insurance Corporation instead of $1,080,000 as proposed by the House and $1,200,000 as proposed by the Senate.

Housing and Home Finance Agency

Amendment No. 115: Authorizes $1,150,000 for administrative expenses, Office of the Administrator, Public Facility Loans, instead of $1,100,000 as proposed by the House and $1,200,000 as proposed by the Senate.

Amendment No. 116: Reported in disagreement.

Amendment No. 117: Authorizes $10,400,000 for administrative expenses, Federal Housing Administration instead of $9,500,000 as proposed by the House and $10,800,000 as proposed by the Senate.

Amendment No. 118: Authorizes $67,500,000 for nonadministrative expenses of Federal Housing Administration as proposed by the Senate instead of $62,000,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

Amendment No. 119: Reported in disagreement.

Albert Thomas,
Sidney R. Yates,
Clarence Cannon,
Harold C. Ostertag,
John Taber,
Managers on the Part of the House.

Mr. THOMAS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with and I will attempt to explain it.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THOMAS. Mr. Speaker, certainly, the House is entitled to all the information it needs and wants. The conferees are here and the members of the subcommittee are here and we will do our best to give you all the information we have, and we will all try to answer any questions together.

Let me give you a broad outline at this time. When the bill left the House, it covered some 26 or 27 agencies. It carried in round figures, $11,501,141,000. That was a reduction, again in round figures, of $1,059 million below the budget estimate. So that is a pretty healthy cut. The bill went over to the other body. The other body did not increase it very materially. This is about the first time they have not upped the House bill considerably, but the other body added only $300 million. I for one want to commend them.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. Since when has $300 million become "only $300 million"?

Mr. THOMAS. Only $300 million out of $11 billion. I really felt the other body would come up with a billion. Of course, $300 million is a considerable amount of money, certainly.

We go into conference with the other body and we come back with the restoration of about $100 million. So they raised it about $200 million.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Certainly, to a member of the committee who certainly did a wonderful job.

Mr. OSTERTAG. The gentleman from Texas in response to the inquiry of the gentleman from Iowa pointed out that the Senate, the other body, increased the independent offices appropriation bill by $300 million. In conference the bill finally comes back here $197 million, or nearly $200 million less than the Senate bill. So we do not want to leave the impression that the Senate raise of $300 million stayed there; in other words, it is $200 million less than the Senate appropriated, and it is $102 million, as I understand, over the original figure of the House.

Mr. THOMAS. Well said, may I say to the gentleman from New York, and thank him for his valuable contribution.

We are bringing back here 119 items in disagreement, but in truth and in fact only 3 items are in disagreement; the others are in technical disagreement; therefore, we have 105 of these items where there is not even technical disagreement. So we will ask the House to approve the conference report. There are 14 items in technical disagreement, but in actual disagreement there are only 3; and may I say I do not think there is anything in here that is going to give anybody much concern except one item, and I must point it out to you. That is the item on fallout shelters. I have been advised that one of our colleagues wanted to express himself on this matter, and certainly we are going to give him plenty of time to go into it and answer his objections.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. There are considerably more than a hundred amendments to this bill.

Mr. THOMAS. One hundred and nineteen.

Mr. GROSS. I scrutinized them to some extent and I could not find more than one or two where the amount was reduced after it went over to the other body sometimes known as the upping body.

Mr. THOMAS. The other body made a fine record this time; they did not restore all the budget estimates.

Mr. GROSS. Let me ask the gentleman this question: The language which the gentleman from Iowa struck out on a point of order as being legislation on an appropriation bill, is that restored to this bill in any way? What was done in that respect?

Mr. THOMAS. I cannot say "in any way," but the language stricken from the House bill on a point of order made by the gentleman from Iowa was not reinserted verbatim by any means.

Mr. GROSS. But you did not go to conference and seek power that was denied by any point of order on the original appropriation bill to take over certain property in the District of Columbia, did you?

Mr. THOMAS. Referring specifically to the property in the District of Columbia, there is nothing in the language of the amendment brought back in technical disagreement that will affect that one iota. In other words, the decision of the court will control.

Mr. GROSS. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, as a member of the Independent Offices Subcommittee of the House Committee on Appropriations, I should like to bring to the attention of the Members of the House a very significant step which was taken by the Senate Committee on Appropriations in reporting out the independent offices appropriations bill 2 weeks ago.

The Senate committee directed the CAB to take immediate action to bring about a reduction in the subsidies paid to local service airlines through encouraging the use of modern, more efficient aircraft.

For many years, members of our committee have viewed with growing concern the rapidly rising subsidies paid annually to support otherwise unprofitable regional air operations. This year our committee even invited operators of local service airlines to testify before us. Further, our committee made a very substantial cut in the subsidy appropriation to the CAB.

We have on a number of occasions expressed our displeasure at the steadily mounting subsidy burden which must be borne by the Civil Aeronautics Board. In fiscal year 1954, subsidies were $18.4 million; in 1958, the total had risen to $32.7 million, and in this year's bill, we ultimately appropriated in excess of $80 million.

It is as obvious to the CAB as it is to the Congress that steps are urgently needed to reverse this trend. It is imperative that we encourage local service airlines to operate more efficiently and economically to provide essential service with maximum safety but with a minimum burden on the Federal Treasury.

Most civil aviation authorities agree that one of the basic causes for increasing subsidies is the lack of suitable modern equipment, specifically designed for regional air carrier operations. Many local service carriers still use the DC-3. While it was once ideally suited for local service operations, no new DC-3's have been built since the immediate postwar period and there are few in service today which are not almost totally obsolete. Operating costs have increased in direct relation to the age of the aircraft.

Lack of suitable equipment for local carrier operation has prompted many Members of Congress to advocate a federally sponsored research and development program, specifically to find a replacement for the DC-3. Such a proposal would involve vast expenditures by the Civil Aeronautics Board.

As an alternative to this expensive research and development program, it has been proposed that the CAB should undertake a demonstration program in cooperation with local service airlines to experiment on typical routes under typical operating conditions with modern aircraft not now in use on local service airlines.

The Senate Committee on Appropriations recognized the desirability of developing an aircraft which would meet the demanding requirements of local service operation. The committee recommended that the Civil Aeronautics Board undertake a pilot project at once in order to determine whether currently available aircraft would be suitable for local service operation and if so to what extent subsidies could be reduced through more economical and more efficient operation. I ask unanimous consent to have reprinted at this point in my remarks the language adopted by the Senate committee:

> The committee commends the efforts of the Civil Aeronautics Board, as well as the Federal Aviation Agency, to encourage the development of more modern and efficient short-haul aircraft for use by local service carriers. It is generally recognized that an important cause of the present subsidy level is the lack of suitable equipment. The committee feels, however, that adequate attention has not been given to possible reduction in subsidies by the use of more modern aircraft which are already available.
>
> The committee recommends that the Civil Aeronautics Board develop a program for the lease or purchase of a limited number of any aircraft which appear to offer greater economy of operation than older aircraft currently in use, and that such aircraft be provided to local service carriers under suitable arrangements for experimental use. Operation of aircraft by carriers over representative route segments under typical operating conditions could provide the data needed to permit an accurate evaluation by local service carrier management of the extent to which currently available equipment might produce significant cost savings. It would also permit the responsible Government agencies to evaluate the comparative advantages of further development of this type of aircraft as against the immediate availability of aircraft already in production.

Certainly before any costly research and development program is undertaken, the use of modern aircraft in local airlines should be thoroughly explored. The Senate committee should be congratulated for incorporating this language in its report. Those of us on the committee who have been deeply concerned with the steadily rising annual subsidy payments will certainly await with great interest the findings of the CAB in the study program which it has now been directed to undertake. The introduction of modern equipment in local airline operation may well provide one major answer to the subsidy problem.

It is my hope that CAB will proceed expeditiously with this program so that it may report its findings to our committee when the next subsidy request is before us.

Mr. THOMAS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 7: On page 4, strike lines 5 to 8, inclusive.

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. THOMAS moves that the House insist on its disagreement to the amendment of the Senate numbered 7.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 8: On page 5, line 10, after "shelters", insert: "(except for fallout shelters resulting from minor modifications to design, construction, or building equipment, at a cost not to exceed $5,000 in any one facility, which provides fallout shelter space primarily serving the normal peacetime purposes of the facility)".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House insist upon its disagreement to the amendment of the Senate numbered 8.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 6, line 9, after "basis;", insert "not to exceed $1,000 for official reception and representation expenses."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

Mr. THOMAS. Mr. Speaker, I wanted to yield such time as he might desire to the gentleman from Illinois, but I forgot it and I humbly apologize. I now yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Speaker, it is my understanding that the gentleman from Texas [Mr. THOMAS] who is chairman of the Independent Offices Appropriation Subcommittee, will today seek instructions from the House with respect to certain unresolved differences between the House and Senate conferees on H.R. 12711.

I would like to state my own views with respect to one item in controversy between the two Houses, an item relating to the civil defense program.

The President has asked the Congress to recognize the importance of expanding and making more effective civil defense measures for the protection of our people. He has stated in a recent letter to the gentleman from Georgia [Mr. VINSON], chairman of the House Armed Services Committee, and to other committee chairmen in both Houses, that he views civil defense as an integral part of our national defense, and that the first step in this direction should be to take inventory of the shielding from radiation which we already have and to bring it into use.

There is pending before the Armed Services Committee legislation which would authorize Federal financing of fallout shelter construction. It has been the gentleman from Georgia's [Mr. VINSON] view, and one in which I concur, that no action should be taken on a nationwide program of new construction of shelters at this time. On the other hand, we believe that the current phase of the President's civil defense program is sensible and should be supported with adequate funds. The Defense Department is proceeding rapidly to identify and bring into use a large amount of shielding from fallout radiation which already exists in buildings and underground structures throughout the country—enough for about one-third of the population.

Last year the House appropriated $152 million for the survey, marking, and stocking of already existing shelter spaces. But this amount is not sufficient to do the job and $56 million more has been requested this year by the Department of Defense to complete this very important work.

I think it is important that these funds be provided so that we will have a complete inventory of existing shelter space, so that it will be stocked and ready for use for the potential protection of tens of millions of people, and so that this country can develop some realistic experience in organizing communities to use shelter systems before we decide whether to spend a lot of money building shelters.

The gentleman from Georgia, Chairman VINSON, has had some correspondence with the President with respect to this matter and while the chairman of my committee has stated that he does not believe that action should be taken toward the construction of new shelters at this time, he did say to the President in a letter dated August 8, 1962, that he felt that the first part of the program—which is the part which will cost an additional $56 million—should go forward at this time. I quote from his letter:

> I feel that the first part of the program, the survey, should be completed.

The gentleman from Georgia [Mr. VINSON] indicated in his letter that a great deal of knowledge would be gained from the completion of this survey and the marking and stocking of these existing spaces. This information and experience would then permit a proper assessment of how we should proceed with respect to the shelter incentive program—that is, actual construction of shelter space in nonprofit institutions—in the future.

In my view, it would be a serious mistake for this House to cut off the funds needed for the successful completion of this undertaking. It would be hard to justify the refusal on the part of the Federal Government to finance shelter space which can be brought into use at a cost of $3.50 per person per shelter—particularly after the Federal Government has done most of the work and led State and local governments into participating in the effort.

I recommend that the House, in all logic and good sense, instruct its conferees to recede on funds requested to complete the survey and marking and stocking of existing shelters and thereby permit the Senate figure to stand and this very important step in our civil defense program to be completed.

Specifically, I urge that the House instruct the conferees to accept the $56 million approved by the Senate and permit the survey to be completed.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OLSEN. Mr. Speaker, section 2 of the Federal Civil Defense Act of 1950 as amended, expresses in unequivocal language the policy and intent of the Congress to provide a system of civil defense for the protection of life and property in these United States from attack with responsibility therefor to be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal Government is to provide the necessary direction, coordination and guidance for such a system and shall provide necessary assistance as authorized by the act.

In 1961, the Senate and Congress, in effect reaffirmed this policy and again recognized the National Government responsibilities for civil defense measures by endorsing and enacting into law a budget which contained an appropriation for fiscal year 1962 of $93 million for the purpose of identifying and marking shelter spaces in existing buildings and structures. In addition, a sum of $58.8 million was voted for the purpose of stocking 30 million of the 50 million shelter spaces which were expected to be identified in the survey.

At this point it might be well to state that by revising survey techniques to permit greater use of automatic data processing, the cost estimate of the identification and marking portion of the program was reduced to approximately $68 million although more than 60 million shelter spaces were located by the survey. Economy in the survey operations has made it possible to undertake procurement of supplies sufficient to provide balanced provisions for 37 million shelter spaces from fiscal year 1962 funds.

The objective of the national shelter program is to develop adequate shelter space for every person in the United States by 1967. In order to assure the success of such an ambitious task it has been necessary to call upon the States and their local political subdivisions to participate in and contribute to the program. In addition to their normal ongoing work in civil defense they have been given the responsibilities of first, securing from building owners agreements for the use of space as public shelter; second, receiving and delivering federally procured survival supplies in the shelters; third, certifying to the necessity of shelter spaces at the locations concerned; fourth, making available technical information and guidance to building owners developing shelter spaces; fifth, assisting in monitoring shelter construction and shelter supplies to protect the public from fraudulent operations; sixth, developing shelter management plans; seventh, training a large number of people as shelter managers and shelter staff personnel such as communicators and radiological monitors; and eighth, undertaking a stepped-up public information and education program to prepare their citizens to make effective use of the available shelters.

As a result local governments have increased their staffs and have geared up their operational capabilities to cope with these additional responsibilities which they have ungrudgingly accepted and assumed. They are prepared to carry out their part of the avowed congressional policy and intent. The importance in carrying out the national fallout shelter program and related civil defense operations cannot be discounted nor overemphasized. They are the Federal Government's local agents and community leaders. Their assistance is sorely needed to assure the success of any shelter program.

To provide leadership to the entire national shelter program, it is necessary that the Federal Government do as it is asking others to do. It is essential that the Congress provide the means at the Federal level for adequate protection of the American people in the event of a nuclear holocaust.

The national shelter program is based on the premise that, in the event of a nuclear attack upon this country, fallout shelters would offer the most practical nonmilitary defense measure for the protection of the greatest number of people. Shelter space required to protect the population from the effects of nuclear fallout are being located and identified by the current shelter survey program inaugurated during fiscal year 1962. It is essential that adequate provision be made for the continuing identification and addition of suitable shelter spaces brought into being by new construction or the modification of existing buildings, and for the deletion of those shelter spaces located in buildings which have been destroyed, razed or for some reason withdrawn from the shelter program since the initial survey was completed. Unless this inventory is kept current it will deteriorate in value and eventually become obsolete and unusable, thus resulting in an almost complete waste of the Federal funds already spent on the survey since it would not provide an up-to-date list of licensed, marked, and provisioned shelters ready for use in an emergency.

Funds requested in the Department of Defense budget for fiscal year 1963 would meet the supervisory costs of the Corps of Engineers and the Bureau of Yards and Docks to administer the contracts with architect and engineering firms awarded in fiscal year 1962 to complete the initial survey. Such funds would also provide for continuing the survey of new construction including the identification and marking of an estimated additional 4 million shelter spaces during fiscal year 1963. A total of $8 million was asked for these purposes.

During an emergency shelter space would have to be occupied for periods ranging from a few days to 2 weeks depending on the concentration of fallout in a particular area. Needed supplies and equipment must therefore be stored in the shelter areas in advance in order to be available for immediate use. It would not be possible to locate such supplies and move them to shelters in the short period of time following an alert. Without such provisioning available shelter space could not be effectively used.

Funds were requested and appropriated in fiscal year 1962 to provision 30 million spaces. As I have stated before, economies in the survey made it possible to undertake procurement of supplies for 37 million spaces from fiscal year 1962 funds. Funds requested in the 1963 budget would permit stocking with balanced stocks of an additional 22 million spaces for a total of 59 million spaces from fiscal years 1962 and 1963 funds. Allowing for the unavailability of a small, but as yet unknown, part of the surveyed space, funds in an amount of $48 million were asked for fiscal year 1963 to provision these anticipated available spaces.

In neither instance were funds requested for the introduction of any new programs. Funds requested were for the continuation of programs authorized or established during fiscal year 1962 or prior years.

Our recent House action eliminated these funds—totaling $56 million—from the departmental appropriation.

Now what will be some of the effects of our fiscal surgery on the budgetary requests?

First. The national fallout shelter survey would have to be brought to a close and obligations incurred for continuing essential operations under authority of the continuing resolution would have to be absorbed in appropriations made for other essential ongoing programs which would seriously impair the efficacy of such other programs.

Second. The results of the survey, already completed at the cost of several millions of dollars, would eventually become obsolete and worthless for all practical shelter purposes.

Third. Funds necessary for transporting, receiving, and warehousing shelter supplies already under procurement in Government-owned warehouses, and for distributing these supplies to local governments for placement in available shelters would be denied.

Fourth. The procurement of additional supplies for provisioning of 22 million shelter spaces which have already been identified would be delayed for at least 1 year.

Fifth. The orderly procurement process now underway would be interrupted, resulting in the conversion of production lines to other items after delivery of procurement started in fiscal year 1962, with a consequent increase in future procurement costs to provide for reestablishment of lines for producing these same shelter provisions.

Sixth. Transportation costs for certain items could not be provided.

Seventh. The anticipation of an interruption of shelter supplies can be expected to deter local governments from assuming responsibility for obtaining the participation of building owners in the program and the installation of supplies in the shelter areas.

I sincerely urge the House to restore the needed funds for our modest civil defense program.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: On page 16, line 14, insert "not to exceed $500 for official reception and representation expenses,".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71: On page 23, line 9, insert the following: "and courthouse, —".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

On page 23, line 10, strike out "$7,281,900" and insert "$9,588,000".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment insert "$8,958,500".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 92: On page 28, line 15, insert "except as otherwise provided herein: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended, and, after compliance with the disposal requirements of section 3(e) of the Strategic and Critical Materials Stock Piling Act, excess materials in the national stockpile established pursuant to that Act, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses of refining, processing, or otherwise beneficiating materials, pursuant to section 3(c) of the Strategic and Critical Materials Stock Piling Act, into a form best suitable for stockpiling."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment as follows: Restore the matter stricken out by said amendment and also include the matter proposed.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 93: On page 29, line 6, insert ": *Provided*, That not to exceed $500 shall be available for reception and representation expenses."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 95: On page 31, line 7, insert "Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" made in this Act shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 95 and concur therein with an amendment, as follows: Before the period add the following: ": *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 96: On page 31, line 16, insert "Expenditures heretofore made pursuant to contract or stipulation from, and unexpended obligations heretofore incurred against, appropriations under the heading "Construction, Public Buildings Projects" in prior Appropriation Acts for the purposes specified in the preceding paragraph are hereby ratified."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert "Expenditures heretofore made pursuant to contract or stipulation from, and unexpended obligations heretofore incurred against, appropriations under the heading 'Construction, Public Buildings Projects' in prior Appropriation Acts for the purpose of acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, are hereby ratified."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 109: Page 42, line 23, insert "not to exceed $1,000 for official reception and representation expenses; reimbursement of the Department of the Army for the services of the officer assigned to the Veterans Administration to serve as Assistant Deputy Administrator;".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 109 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 113: Page 52, line 3, insert: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses:".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 113 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 116: page 55, line 17, insert:

"LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, HOUSING FOR THE ELDERLY

"Not to exceed $850,000 of funds in revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), shall be available for administrative and nonadministrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal National Mortgage Association, the Federal Reserve banks or any member thereof, the Federal home-loan banks and any insured bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, as amended (12 U.S.C. 264)) which has been designated by the Secretary of the Treasury as a depository of public money of the United States."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 116 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$725,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 119: Page 61, line 4, insert "(except for fallout shelters resulting from minor modifications to design, construction, or building equipment, at a cost not to exceed $5,000 in any one facility, which provides fallout shelter space primarily serving the normal peacetime purposes of the facility)".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House insist upon its disagreement to the amendment of the Senate numbered 119.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

HOUSE PROCEDURES

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD discussing procedures.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I think it is very disturbing to Members to have important bills coming onto the floor of the House under unanimous-consent requests and by suspension of the rules which do not permit orderly or full explanation, discussion, and debate, particularly when it is obvious that many of these bills have been considered by the committees to which they have been referred in some instances months ago and that the House has had a remarkably light load for Committee of the Whole action under properly considered and adopted rules.

The bill which created this ruckus, H.R. 12653, raised the amount that could be borrowed under the Farmers Home Administration from $150 million to $200 million. The original bill was to increase the amount to $300 million. Now I think the people of this country are enough interested in $50 million to know a little more about it than the bald statement by a few Congressmen, however well intentioned, that they thought that it would be well applied. I also think the people would be interested in the policy decision that caused these few Congressmen to make the figure $50 million and not $150 million as the original author of the bill proposed.

The gentleman from Iowa, Congressman GROSS, pointed out that there were no committee reports available on this bill and others Saturday. I might point out that the committee report on this bill just became available this morning.

Perhaps this bill does not justify a rule and the 40 minutes of discussion or debate provided for under the procedure of suspending the rules would be adequate. However, the bill was attempted to be passed by unanimous consent which provides for no orderly method of discussion or debate. The simple budgetary questions I had begun to ask received no intelligible answers.

Other matters which required full debate have been placed upon the Suspension of the Rules Calendar, bills on which rules could have been obtained weeks and even months ago if the proponents had been concerned that the matters receive fair consideration and debate. I refer specifically to H.R. 12082, to amend the Internal Security Act of 1950 by adding title IV establishing a legislative base for personnel security procedures in the National Security Agency, and H.R. 11636, to amend the Internal Security Act of 1950 to provide for the protection of classified information released to or within U.S. industry and for other purposes.

Both of these bills involve important and serious principles long established in our society. Both bills relate to serious security problems in our society. From the debate as it appears in the RECORD under extension of remarks not as it appeared in the well of the House, in the 40 minutes of time allotted, it becomes obvious why there needed to be the much greater opportunity for discussion and rebuttal that a rule provides.

I think it is important for all of us when we are acting in our capacity as members of a committee to realize that we are servants of the rest of the Members of the House to expound and develop the facts and arguments surrounding an issue with only recommendations for action, not in effect to make the decisions for the rest of the Members of the House. I find a growing inclination on the part of House committees and my own committee, Ways and Means, is not the least of the offenders, to try to make the decision for the rest of the House rather to expound the issues so the House can make its decision with intelligence. Limited debate, such as I am objecting to here, is one of the most effective ways for a committee to impose its decision in lieu of the decision of the House.

The use of the suspension of the rules is, of course, within the discretion of the Speaker, but how he exercises that discretion with the approval of the majority party which he heads becomes a matter of proper public concern. Certainly an indiscriminate use of unanimous-consent procedures and suspension of the rules can badly damage the orderly procedures of the House and render the Members incapable of explaining with intelligence to their constituents what the issues were in the measures passed by the House.

I was happy to learn that the proposal to grant the President standby authority to call up 150,000 Reserves was removed from the suspension list and that a rule will be sought so the House can consider this most important and serious matter in a full and orderly fashion. I am hopeful that the resolution in respect to our policy toward Cuba will likewise be removed from the suspension list and presented to the House under a rule which will provide full and orderly discussion and debate.

It disturbs me greatly that the majority leadership should ever have contemplated putting such serious matters on the Suspension Calendar. I am certain that the rules of the House never intended that the procedure of suspending the rules would be used in such a fashion. Perhaps it would be well to amend the rules to limit the type of matters that may be placed upon the Suspension Calendar, so that there may be no misunderstanding.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 223]

Abbitt
Adair
Addabbo
Andersen, Minn.
Anfuso
Ashley
Ayres
Bailey
Baring
Barrett
Bass, N.H.
Bates
Belcher
Blitch
Bolton
Bow
Boykin
Brademas
Brewster
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Byrnes, Wis.
Cahill
Carey
Celler
Cook
Cooley
Cunningham
Curtis, Mass.
Davis, James C.
Dawson
Delaney
Derwinski
Diggs
Dominick
Donohue
Dooley
Doyle
Dwyer
Edmondson
Elliott
Ellsworth
Fallon
Farbstein
Findley
Finnegan
Fino
Fisher
Ford
Fulton
Gallagher
Garmatz
Gavin
Gilbert
Glenn
Goodell
Goodling
Green, Pa.
Hall
Halpern
Hansen
Harding
Harris
Harrison, Va.
Harvey, Mich.
Hays
Healey
Hébert
Herlong
Hiestand
Hoffman, Ill.
Hoffman, Mich.
Holifield
Hull
Jarman
Jennings
Johnson, Md.
Judd
Kearns
Kee
Keith
Kelly
Kilburn
Kirwan
Lane
Lankford
Lindsay
McCulloch
McDonough
McSween
McVey
Macdonald
Martin, Mass.
Martin, Nebr.
Mason
Meader
Merrow
Moeller
Moorehead, Ohio
Morgan
Morse
Moulder
Multer
Nedzi
Nix
Norrell
O'Brien, Ill.
O'Hara, Mich.
O'Neill
Patman
Peterson
Pfost
Philbin
Pike
Pilcher
Powell
Pucinski
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
Rostenkowski
Rousselot
St. George
St. Germain
Santangelo
Saund
Scranton
Seely-Brown
Selden
Shelley
Sibal
Sikes
Spence
Stratton
Thompson, La.
Thompson, N.J.
Tuck
Udall
Van Zandt
Vinson
Wallhauser
Weaver
Weis
Whalley
Wickersham
Yates
Zelenko

The SPEAKER pro tempore. On this rollcall 285 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1963

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follws:

CONFERENCE REPORT (H. REPT. No. 2381)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 23, 31, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 13, 17, 20, 21, 22, 24, 26, 27, 28, 30, 33, 34, 35, 36, 39, 41, 45, and 46; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$58,055,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,000,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,765,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,499,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$682,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,705,500"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,250,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,500,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$39,794,500"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows: "That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further,* That no portion of the funds for the 1963 program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III), 4 (IV), and 5(V) in United States Department of the Interior, Fish and Wildlife Service Circular 39, Wetlands of the United States, 1956: *Provided further,*"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,341,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,799,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,060,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 4, 6, 19, 25, 38, 40, 44, 47, 48, 49, 50, 51, 52, 53, and 54.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,
Managers on the Part of the House.

RICHARD B. RUSSELL,
CARL HAYDEN,
ALLEN J. ELLENDER,
MILTON R. YOUNG,
KARL E. MUNDT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Amendment No. 1—Salaries and expenses: Reported in disagreement.

Amendment No. 2—Research: Reported in disagreement.

Amendment No. 3—Plant and animal disease and pest control: Appropriates $58,055,500 instead of $56,330,500 as proposed by the House and $59,180,500 as proposed by the Senate. The increase over the House bill includes $150,000 for inspection at ports of entry, $1,250,000 for hog cholera eradication, $50,000 for pesticide regulation, $125,000 for sheep scabies eradication and $150,000 for modernization of the Canadian border inspection stations. The conferees agree that any additional funds which might be needed for hog cholera eradication may be transferred from funds provided for gypsy moth control.

Amendment No. 4—Plant and animal disease and pest control: Reported in disagreement.

Amendment No. 5—Meat inspection: Appropriate $25,000,000 instead of $24,711,000 as proposed by the House and $25,211,000 as proposed by the Senate.

Amendment No. 6—Construction of facilities: Reported in disagreement.

Extension Service

Amendments Nos. 7 and 8—Payments to States and Puerto Rico: Appropriate $63,590,000 as proposed by the Senate instead of $60,590,000 as proposed by the House.

Amendment No. 9—Retirement costs for extension agents: Appropriates $6,765,000 instead of $6,605,000 as proposed by the House and $7,105,000 as proposed by the Senate.

Amendment No. 10—Federal Extension Service: Appropriates $2,499,500 instead of $2,464,500 as proposed by the House and $2,724,500 as proposed by the Senate. The amount agreed to includes an additional $35,000 for rural area development activities. The conferees direct that, if pending legislation (H.R. 12589 and S. 2998) is adopted, none of the additional funds provided thereby shall be used by the Federal Extension Service during fiscal year 1963.

Farmer Cooperative Service

Amendment No. 11—Salaries and expenses: Appropriates $682,000 instead of $657,000 as proposed by the House and $707,000 as proposed by the Senate.

Soil Conservation Service

Amendments Nos. 12 and 13—Conservation operations: Appropriate $90,705,500 instead of $90,280,000 as proposed by the House and $90,825,000 as proposed by the Senate and authorize the construction of a building at Americus, Ga. The increase over funds available for fiscal year 1962 includes $500,000 for assistance to new soil conservation districts, $400,000 for soil surveys, $94,500 for snow survey work, and $75,000 for plant material centers.

The bill includes $60,585,000 for watershed protection, including $5,200,000 for planning of individual watersheds and $2,200,000 for river basin surveys.

Amendment No. 14—Flood prevention: Appropriates $25,000,000 as proposed by the House instead of $24,000,000 as proposed by the Senate.

Amendment No. 15—Great Plains Conservation program: Appropriates $12,250,000 instead of $12,000,000 as proposed by the House and $12,500,000 as proposed by the Senate.

Economics Research Service

Amendment No. 16—Salaries and expenses: Appropriates $9,500,000 instead of $9,410,000 as proposed by the House and $9,910,000 as proposed by the Senate. With the funds provided, attention should be given to the studies on economics of farm size and numbers and domestic agricultural and outlook reporting as recommended by the Senate.

Statistical Reporting Service

Amendment No. 17—Salaries and expenses: Appropriates $9,693,000 as proposed by the Senate instead of $9,518,000 as proposed by the House. This provides the full budget request of $760,000 for extension of the long-range crop and livestock estimates program plus $175,000 to initiate work on quarterly pig crop reports. The conferees direct that a review be made of the needs, priorities, and costs for additional estimates on crops and livestock, and that future program requirements be presented for consideration at next year's appropriation hearings.

Agricultural Marketing Service

Amendment No. 18—Marketing research and service: Appropriates $39,794,500 instead of $38,857,000 as proposed by the House and $40,107,000 as proposed by the Senate. The amount agreed to provides additional funds for various activities, including a market study in Chicago, adequate poultry inspection, research on transportation of grain in larger boxcars and covered gondolas, and market news services in Illinois, the Western States, Fargo, N. Dak., and Yuma, Ariz. The conferees direct that a special study be made by the Secretary as to the possibility of combining all meat inspection work under one service for consideration at next year's appropriation hearings.

Amendment No. 19—Construction of facilities: Reported in disagreement.

Amendment No. 20—Payments to States and possessions: Appropriates $1,425,000 as proposed by the Senate instead of $1,325,000 as proposed by the House. The additional amount should be available for worthy projects in all States which have matching funds available and any State or States previously designated or otherwise mentioned shall be treated on the same basis as others.

Amendment No. 21—School lunch program: Eliminates language proposed by the House which would make available extra commodity assistance to schools in needy areas. Legislation now pending in Congress should help to meet this need when finally enacted.

Foreign Agricultural Service

Amendment No. 22—Salaries and expenses: Appropriates $16,895,000 as proposed by the Senate instead of $16,145,000 as proposed by the House.

Amendment No. 23—Special foreign currency program: Restores language proposed by the House and eliminates substitute language proposed by the Senate.

Agricultural Stabilization and Conservation Service

Amendment No. 24—Acreage allotments and marketing quotas: Eliminates language and appropriation proposed by the House. This and various other items under this Service are consolidated under a new appropriation created by amendment No. 25 below.

Amendment No. 25—Expenses, Agricultural Stabilization and Conservation Service: Reported in disagreement. The managers on the part of the House intend to offer a motion to recede and concur. This new appropriation combines the administrative and operating funds previously provided under the various appropriations carried under this Service.

Amendments Nos. 26 and 27—Sugar Act program: Appropriate $77,650,000 as proposed by the Senate instead of $80,000,000 as proposed by the House and eliminate language involving administrative expenses.

Amendments Nos. 28 through 31—Agricultural conservation program: Appropriate $212,900,000 as proposed by the Senate instead of $242,000,000 as proposed by the House and eliminate language involving administrative expenses. Language stricken by the Senate relative to information employees and drainage of wet lands has been restored.

Amendments Nos. 32 and 33—Conservation reserve program: Appropriate $300,000,000 as proposed by the House instead of $305,000,000 as proposed by the Senate and eliminate language involving administrative expenses.

Amendment No. 34—Special agricultural conservation and adjustment program: Eliminates language and appropriation proposed by the House. Funds for this purpose are provided under amendment No. 25, above.

Office of the General Counsel

Amendment No. 35—Salaries and expenses: Appropriates $3,695,000 as proposed by the Senate instead of $3,645,000 as proposed by the House.

National Agricultural Library

Amendment No. 36—Salaries and expenses: Appropriates $1,153,500 as proposed by the Senate instead of $1,028,500 as proposed by the House.

General administration

Amendment No. 37—Salaries and expenses: Appropriates $3,341,000 instead of $3,506,000 as proposed by the House and $3,256,000 as proposed by the Senate. The sum of $85,000 is included for rural area development activities.

Amendment No. 38.—Salaries and expenses: Reported in disagreement.

Farmers Home Administration

Amendment No. 39—Direct loan account: Authorizes $290,000,000 for operating loans as proposed by the Senate instead of $275,000,000 as proposed by the House.

Amendment No. 40—Direct loan account: Reported in disagreement.

Amendment No. 41—Salaries and expenses: Appropriates $34,582,000 as proposed by the Senate instead of $34,382,000 as proposed by the House.

Federal Crop Insurance Corporation

Amendment No. 42—Administrative and operating expenses: Appropriates $6,799,000 instead of $6,549,000 as proposed by the House and $7,049,000 as proposed by the Senate.

Amendment No. 43—Federal Crop Insurance Corporation fund: Authorizes $3,080,000 instead of $3,330,000 as proposed by the House and $2,830,000 as proposed by the Senate.

Commodity Credit Corporation

Amendment No. 44—Reimbursement for net realized losses: Reported in disagreement.

Amendment No. 45—Reimbursement for special milk program: Appropriates $95,000,000 as proposed by the Senate instead of $105,000,000 as proposed by the House.

Amendment No. 46—Limitation on administrative expenses: Authorizes $43,188,500 as proposed by the Senate instead of $47,116,000 as proposed by the House. Funds eliminated are included under amendment No. 25, above.

Foreign assistance programs

Amendments Nos. 47, 48, 49, and 50—Public Law 480: Reported in disagreement.

Amendments Nos. 51 and 52—International Wheat Agreement: Reported in disagreement.

Amendments Nos. 53 and 54—Bartered materials for supplemental stockpile: Reported in disagreement.

Section 32 Funds

The conferees are in general agreement with the intent of the Senate report with reference to the use of section 32 funds, whereby the use of such funds will be justified by project and use each year and made subject to annual approval by the Congress.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,
Managers on the Part of the House.

Mr. WHITTEN. Mr. Speaker, the managers on the part of the House find themselves in the unusual position of having to come back to the House for further instructions, requesting the support of the House on the position taken by them.

Mr. Speaker, the Department of Agriculture appropriation bill in years past has been controversial. In recent years, we on the House side have tried our best to work out what we thought was a sound approach, not only to the basic problem facing our Nation—and that is the supply of food, clothing, and shelter—but also to meet the various and sundry problems which face individual Members and the individual sections of the United States.

When this bill was before our committee this year, recognizing many of the problems that we faced, your committee reduced the budget request by some $800 million. We admitted that we did not know how much of a saving that would be in the future. But we very carefully provided funds sufficient to run the price support program and the Department of Agriculture for the full fiscal year.

We had many requests for additional attention to research problems in the United States. And may I say candidly that this matter of constantly staying ahead of disease and pestilence and keeping these things from being brought in from overseas, and getting new strains so that we would have new seed available when the ones we had fall by the wayside, is a continuing problem. In fact, your Department of Agriculture now has about 70,000 employees, excluding the Forest Service which is not in this bill. The Government provides something like $78 million annually for research, under the Agricultural Research Service which we think is a good investment.

The utilization research problems are met primarily by four large laboratories in various sections of the United States, where we spend quite a bit of money each and every year in meeting the many problems that are handled by the Federal Government in this field.

In addition to that, throughout the United States, we have certain other laboratories having to do with soil and water research and those problems. But primarily we have carried on much of the research in this country through a cooperative arrangement between the Federal Government and the various States, through the land-grant colleges and the State experiment stations.

Your committee in dealing with the request of the Bureau of the Budget, as I said, did several things. We provided funds to carry on present research facilities, to carry the present employees in these research facilities; and in addition provided $1 million and directed that these special problems that constantly arise have the attention of the research department through the use of these funds.

With regard to many laboratories which have been built, and knowing that some several months of the fiscal year had passed, your committee tried to hold these additional employees in line. It recognized that they could not snap their fingers and start running at full blast. We tried to hold the line on adding new employees to the Department of Agriculture on the theory that with 70,000 employees, and with over 7,000 in research, with all the facilities throughout the United States, they should be able largely to meet this need. But again we provided $1 million cushion just in case there were places where some things had to be taken care of. In addition to that we provided about three-fourths of the request, as I recall it, for staffing the new laboratories that were just coming into existence. Then this bill went to the other side of the Capitol.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Kansas.

Mr. AVERY. Mr. Speaker, I appreciate the gentleman's yielding to me. I tried to follow him carefully. Am I interpreting his remarks to mean this, that the House provided funds for perhaps one or two additional laboratories or research centers, but that a considerable additional number were added by the other body? Is that what the gentleman has said?

Mr. WHITTEN. No. The House held back and did not provide for any new construction at this time. Under present conditions it was felt that that could be delayed.

Mr. AVERY. What was the position of the other body?

Mr. WHITTEN. The other body added quite a number of new facilities and new construction, which I point out is a shift from the cooperative research which is the normal type of operation, where the States and the Federal Government cooperate. This would mean the Federal Government stepping into the picture. We have had some of that. As the gentleman knows, we have four large laboratories now and some several others. But the other body, without Budget approval, may I say, except in one or two instances, added quite a number of others. In a nutshell, they would add something like 1,800 additional employees on a permanent basis. The Senate increases would cover nearly a thousand immediately and would lead to 800 or 1,000 more in the future.

Mr. AVERY. If I may make this comment, I do not think today we ought to be looking at additional employees for the Department of Agriculture. I take exception at putting them in the spotlight and saying we have them doing research. We have the conference committee on the agricultural bill. That is the time to look at the additional employees, because there might be 2,000 or 3,000 additional persons employed under that bill.

Mr. WHITTEN. With something over 7,000 experts in this field, and with all the facilities we have, certainly if we want to economize we should tell the people in the field to take care of the problems as they arise and not to get a new doctor when you have a person with a new symptom before you get him over the old one.

In case these things do arise and these things are needed, we have told the Department to take care of them, and we have given them extra money to be sure there could be no question about it.

The $700 million which the other body eliminated is done by financing the Commodity Credit Corp. for only part of a year. In all the years I have been here I have never seen the financing of the Department on a half-year basis. Further, a part of that reduction was used up by these additional amounts which they put in the bill which cost you money down the road. I want to make that clear at this point.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. JENSEN. I note that the $25 million which the Senate included in their bill for research into new industrial uses for farm products was deleted in the conference report. I should like to know why that item was deleted, knowing well that we have little money expended for research in that field compared to research in other agencies of the Government for every conceivable thing one could think of.

Mr. WHITTEN. May I say to the gentleman, and I know of no one who is more interested in agriculture and research and the use of research results than the gentleman from Iowa, that the use of that word by the other body is like an open sesame. It sounds good. It gets lots of support.

The facts are these. Approximately $19 million is being spent in utilization research now. An increase of $25 million was made by the other body for utilization research. It is my opinion after sitting in the conference that there was little if any planning on the use of the additional funds, there was little if any study, in my opinion, as to what we are getting for the $19 million we have spent for this purpose. But if the gentleman will look at the breakdown, it was not $25 million for utilization research. An estimated $17,500,000 of it was to build new facilities. Further, the Senate put the construction of facilities and various other research work in the same item. I am not sure why, unless it was so that one would carry the other.

We have been following a different course for quite a number of years, and I think very satisfactorily. I think the Members of Congress are entitled, if it is a new laboratory, that we see the picture. If it is for carrying on old work, it ought to be so described. If this $25 million is for new work, there should be a study of what we are getting for the $19 million now being spent, and a detailed plan of how they are going to use that new money, in my humble opinion.

Mr. JENSEN. I thank the gentleman. Certainly, I must say we all would agree with him when he says that $17,500,000 of this could be spent for new construction. I was hoping, however, that the conferees would put a limitation on the construction funds and approve part, at least, of the rest of the $25 million for research into new uses, for industrial uses for farm products. I must also agree with the gentleman when he says that the results have not been too promising. Results for the money that we have spent for research in agricultural products for new uses has not been forthcoming to the degree that I had hoped.

I cannot quite understand why more things have not been discovered where farm products could be utilized especially since we have such a surplus of farm products.

Mr. WHITTEN. May I say to the gentleman, the conferees on this side were prepared, where we had the four big laboratories, to go along where the case was made for some increase in funds. Where we have facilities and where the problems are great, we had open minds as to whether it could be shown that some increase in funds for research in reducing production costs could be made. But we could not get to the point of trying to resolve those differences because once we said we did not see how we could go along with this new construction and with the permanent increase in employees, we found we had no further opportunity to work out these differences, where it was a matter of increasing work that you now have with the facilities you have in areas where you have experience. That is the reason we are back here asking the House to stand by us.

Mr. JENSEN. Can the gentleman tell me how much money will be available for research in fiscal 1963 for industrial uses for farm products?

Mr. WHITTEN. This bill as passed by the House carries about $78 million for overall research. It carries something like $56 million for what is termed farm research which includes research on reduced cost of production. It carries roughly close to $19 million for what is called utilization research, as the gentleman has described it, that is, the use of farm products to promote increased uses. So the bill, as it passed the House, had $19 million along that line. But we were open to the fact that, with the four big laboratories and in certain other areas, increasing costs might require some part of this increase. As I say, when the House conferees expressed belief that they could not go along with the new construction we had no opportunity to work out the other items.

Mr. JENSEN. I thank the gentleman. I do want to compliment the committee for the funds appropriated in this bill for the Soil Conservation Service, which conserves our priceless soil. I want to compliment the gentleman and every member of the committee for the interest they have taken and the interest they have shown in that great important problem of conserving our soil.

Just one more question. I cannot quite understand how we can intelligently appropriate for the fiscal year 1963 for agriculture since we do not yet know what this farm program is going to cost. We do not know yet whether the House is going to agree to the conference report or whether it will be sent back to conference.

Can the gentleman explain to the House how we can at this moment appropriate intelligently for the functions of the Department of Agriculture since we do not yet know what the law is going to provide relative to the agriculture program?

Mr. WHITTEN. May I say to the gentleman that there is an agriculture law and a program in existence. If we fail to take care of various departments for participation in programs under certain laws we pass we never would go forward. That is one side. As long as the law is as it is we have to provide for it on that basis.

But let me point out to the gentleman that whether the new act is passed, whether it is passed this way, that way, or the other way, or whether the present law continues, insofar as that phase of the department's activities are concerned it is carried on by the Commodity Credit Corporation. That corporation has certain borrowing authority which enables it to finance its programs, subject to replenishing of funds annually in the appropriation bill. So whether we pass the new act as it was passed by the House, or passed by the Senate, or whether the conference report is adopted, or whether you go on with existing law, the funds that you have in the House appropriation bill to operate the Commodity Credit Corporation will be necessary. If we finally adopt the legislation as it passed the House, or as it passed the Senate, or anywhere in between, the House bill provides sufficient funds to carry on.

But whether we pass the House bill, the Senate bill, or anywhere in between, we will be required to appropriate money. The House bill takes care of the situation for a full year while the Senate version would take care of it for about 6 months.

Mr. JENSEN. I thank the gentleman. I am sure the Members of the House will appreciate his reply and explanation.

Mr. WHITTEN. Does the gentleman from Washington desire to use any time?

Mr. HORAN. I think the gentleman from Mississippi has stated the position of the House conferees very well, so I do not have a great deal to add.

I do feel that the other body went far afield in some of these things and I intend to support several motions which will be made to insist on the position of the House with regard to various Senate amendments. You will find that the Senate bill is in excess of ours by quite an amount if we meet the legal obligations Congress has provided for.

Mr. WHITTEN. May I say that the contribution made by the gentleman from Washington has been great in this matter. His understanding and his willingness to cooperate has always been apparent, but he does not let that overshadow his judgment insofar as soundness is concerned.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. MICHEL. It has been my understanding that in the agricultural conservation program traditionally we have been providing a quarter of a billion dollars a year and included in that amount was the cost of administration of that particular facet of the program. I see on page 21 that the figure $212,900,000 is substituted which is supposed to be strictly for payments, exclusive of administration, is that correct?

Mr. WHITTEN. May I say to the gentleman the House stood by, in its conference, the position of the gentleman from Illinois. We have announced $250 million each year, which includes administrative expenses, and at the end of the year we pay what we actually owe. In connection with the agricultural conservation program, your conferees insisted that we stick to the program that we have had and have come to accept.

Mr. BATTIN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Montana.

Mr. BATTIN. I do not quite understand what the position of the committee will be when they go back to conference if a procedure is followed that will sustain the House position by the motion you are planning to make. Is the committee then bound so there can be no compromise in conference, either on construction items or on other items in disagreement with the other body?

Mr. WHITTEN. I would personally feel we were bound to carry out generally the intent as expressed when the House passed the bill. When it comes to many of these items, as I pointed out earlier, where many things are grouped together, certainly we would try to adjust them. Certainly I would go back with that in mind.

In reference to these construction items, I do not see how we can go along with the many new construction items that are in this bill. I do not see how we could play favorites. I think I would have to be consistent and go along with the position of the House in that area. I want to be candid about that.

Mr. BATTIN. In dealing with the various requests, as I understand the gentleman's position, he would still want to go back to conference, which I understand is for the purpose of working out problems between the two bodies and be instructed not to concede on certain items in the bill. At the time this bill passed the House the chairman himself stated that one thing we had to protect in the country and certainly in the world was the topsoil that produces our food and fiber.

This can only be done through research. Some of the items that have been included in the Senate bill are budgeted items, items that have had programing, planning, and have been considered and worked out, and in some instances money expended to the extent of land having been purchased. The item in my district to which I have reference pertains to Sidney, Mont. The discussion so far leaves me with the feeling that if the position of the chairman of the subcommittee, the gentleman from Mississippi [Mr. WHITTEN], is sustained here today, any item under new construction will not be yielded to by the House. This bothers me considerably. The purpose of the conference is to iron out differences.

Mr. WHITTEN. I have learned long since that this is a give-and-take sort of world in which we live. I also have learned that some people are more influential with the Bureau of the Budget than others. I have learned that the Budget is not sacrosanct. One can look behind the situation sometimes. I also said at the outset that, in all the years during which I have had the privilege of handling the agricultural appropriation bill, this is the first time I have had to come back without being able to work out something which was reasonably fair on both sides.

Mr. Speaker, what I have tried to say is that I think the position of the House is sound in holding down this construction in the bill, and not starting any new construction. I have said that before, and I still believe it. But I am of the opinion if we had to make any change in it, we should be fair about it and not necessarily go along with those who are fortunate enough to get approval by the Bureau of the Budget and leave out those who were not so fortunate. I think we should sustain the position of the House conferees.

Mr. HORAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Washington.

Mr. HORAN. For the benefit of my colleague, the gentleman from Montana [Mr. BATTIN], we did not ignore the important matters of soil and water research. There are $70,000 to be spent for this purpose under our version of the bill in the gentleman's State. I think that in prior years we have set up a pretty good research program dealing with soil and water. The House bill provides funds for our historic activity in the matter of the protection of our topsoil.

Mr. BATTIN. If the gentleman from Mississippi will yield further, I would agree with the gentleman from Washington. However, going back to the statement which was made at the time the bill originally passed the House by the subcommittee chairman, that we have an expanding population and with the need becoming even more basic insofar as the anticipated problem of feeding our own country, you still have to plan ahead through the construction of facilities in order to take care of an expanded population. That is what concerns me, and that is why I asked the question of the chairman. I appreciate the position of the chairman. If no new construction is to be the position of the House because of economic circumstances, that is fine. But if we are going to have construction, then the matter becomes a question of who is going to have it.

Mr. HORAN. If the gentleman from Mississippi will yield further, we all thought, to be fair, if we allowed any new construction, we would have to allow a major portion of the requests. Many of the requests were very well presented and sounded very plausible. But we had requests for about $300 million in additional projects. Much of it was construction. So we had to hold the line some place, and this is where we have held it. I think we can live with the action of the House, but I do not think we can live with the action of the other body, because of the great increase over the House action on this particular bill and the additional increases that would be required for staffing in the years ahead if these new facilities were constructed.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Louisiana.

Mr. WILLIS. Along the line of the questions asked by the gentleman from Montana who preceded me, I would like to refer to this situation; and I am not talking about construction funds. As the gentleman well knows, I am interested in an item for varietal sugarcane research and a similar item for accelerating sugarbeet research. I appeared before the subcommittee of which the gentleman from Mississippi is chairman, for myself, and presented letters from, as I recall, some 18 Members in behalf of these items. As it turned out, they were added in the other body. Now, as I understand the position of the gentleman from Mississippi [Mr. WHITTEN], based upon what he has said thus far, he intends to move later on for the Members of the House to approve the action of the House conferees in rejecting Senate amendment No. 2. The particular research items about which I am talking occur in amendment No. 2 in the other body. But in amendment No. 2 there are quite a variety of other items. With reference to the research funds to which I am addressing myself, sugarcane and sugarbeets, I would like to ask the gentleman whether he does not agree that funds for this particular purpose are in order at this time. I would remind the gentleman that this is basic research in the sugar industry which is becoming more and more important in light of the Cuban situation. I am wondering whether the gentleman, despite his position of having to offer a motion to sustain the position of the House conferees, will not concede that it would be in order when the conferees meet again for him to take the position on this particular item that some further negotiations are in order and funds for that purpose are necessary.

Mr. WHITTEN. Mr. Speaker, may I say to my colleague from Louisiana, as we tried earlier to say, by grouping almost all these different matters in one provision in the other body, it made it clear that we would have difficulty, because we could not agree to all of them, even though we were ready to agree on some others.

The gentleman did appear before my subcommittee. As I recall, I was busy on some other matters.

Mr. WILLIS. I remember, the gentleman was occupied at that time and was not presiding.

Mr. WHITTEN. I did not have the privilege of hearing the gentleman's presentation, but I know from the record and from my colleagues that he made a very good presentation. Let me repeat, it has always been our belief, and I think we are sound, that we should seek research results. That is really what we want, results. So far as we have been able to do so, we try to get them to use existing personnel in pursuing new problems, instead of doing as the Department indicates to our friends very often, that they can do so-and-so, if we will get them some more money. But if you follow that course, you never get anything done.

Our study of about 15 items, such as the gentleman has in mind, that were added in the other body indicates that there are increasing costs, and other factors which led us to believe that we were in a position to offer a part of the increases in those areas in order that these new problems could be met. We became convinced, not only as to the sugar item that the gentleman is interested in, but with regard to some of the other 15 in these areas, that we have had increasing costs to where we were in a position to offer a part of the total increase for these items. But, of course, we had no chance when we made a statement that we could not go along with the new construction.

All I can tell the gentleman is that this is not the area which we feel so strongly about. In fact, we were ready to attempt to work out exactly what increase would be essential to meet this problem.

Mr. WILLIS. As I understand, although the gentleman will be placed in the position of asking the House to sustain the position of the House conferees on general amendment No. 2, including a variety of items, as to the matters to which I have addressed myself, his position in the conference will be as it has been in the past and as he has just indicated here on the floor; that these sugar research items are necessary?

Mr. WHITTEN. That is correct. And may I take occasion to lead with my chin, so to speak, and say that many folks who attack this type of research fail to appreciate that the only reason we are in business in this country the way we are is because we are constantly trying to improve varieties and cut down the cost of production. Otherwise, the American farmer could not have fed this Nation as he has. The area which the gentleman discusses I think is probably the most vital area in this bill. I refer not only to this item but the other 15, because only by cutting down the cost and increasing the amount of yield from labor and all the other things, have we been able to expand our national income and maintain a high standard of living. So I think the gentleman knows my feelings about that.

Mr. WILLIS. I thank the gentleman very much. I was going to offer a motion to recede and concur but the position the gentleman outlined will make that unnecessary.

Mr. HORAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Washington.

Mr. HORAN. I do not believe the gentleman informed the House that we allowed $487,600, in the House bill, for research in sugarcane. We accelerated sugarbeet research mostly in the mosaic disease and virus fields. We allowed $549,600 in the House bill for this type of research. In addition to that, there is a contingency fund which we allowed in our bill, largely for the accelerating of research on any outbreaks that need immediate attention. The use of that fund is left to the discretion of the research branch. We insist also that the Agricultural Research Service be flexible. They have available personnel, and if they qualify they can be transferred to a program where the need is great. We recognize that.

Mr. WILLIS. I understand the program on the books and the programs in the past, but we are talking about specific items for special existing purposes stated in Senate amendment No. 2. I might remind the gentleman that there are only two cane-producing States and about 19 beet-producing States. I should say probably 75 percent or thereabouts of the cane sugar is produced in Louisiana, mostly in my congressional district, the sugar bowl of the United States. I am quite familiar with the projects the gentleman referred to and I have been interested in their inauguration in Louisiana and elsewhere. I will say to the gentleman that the item we are now talking about is not for mosaic and other diseases. We are now looking into varietal decline. I should be very much distressed if the gentleman would say funds have been appropriated in the past for some other purposes, and the best you can do is help us fight for helter-skelter research here and there for varietal decline research. I was talking about an item right in this bill as Senate Amendment No. 2, and I was inquiring in new negotiations on it you could expect some favorable disposition on this particular item. There are general funds somewhere in the Agriculture Department for basic research, but we are talking about an item in the bill. I am sure that is what the gentleman from Mississippi had in mind.

Mr. WHITTEN. I had expressed that in the conference, I might say.

Mr. WILLIS. I thank the gentleman.

Mr. WHITTEN. The managers on the part of the House urge the House to support us on these amendments which are in actual disagreement—Nos. 1, 2, 6, 19, 44, and 47 through 54. Our position on these is sound. It is based on, first, requiring the Department to move from less productive to more productive research, largely with present personnel; second, authorizing no new construction which would result in large personnel and budget increases in the future; and, third, financing the Commodity Credit Corporation and its allied programs on a full-year basis so as to avoid a supplemental appropriation next session.

In our opinion, the House position will result in far greater economies than the Senate bill, which would increase the annual costs of going programs on a permanent basis for the future by providing increased personnel, and offsets these increases by denying funds for CCC which will have to be provided either in a supplemental bill or by increasing the borrowing authority of the Commodity Credit Corporation early in January.

The following summary table sets forth the budget estimates and House, Senate, and conference action—based on the House position on the items in disagreement—on the bill:

H.R. 12648—Department of Agriculture and related agencies appropriation bill, 1963

Item	Budget estimates	Passed House	Passed Senate	Conference action	Conference action compared with—		
					Budget estimate	House	Senate
Title I. General activities	$1,510,069,000	$1,464,582,500	$1,513,856,000	$1,470,664,500	−$39,404,500	+$6,082,000	−$43,191,500
Title II. Credit agencies	55,324,000	44,406,000	44,606,000	44,606,000	−10,718,000	+200,000	
Title III. Corporations	2,602,455,000	2,390,004,000	2,169,004,000	2,380,254,000	−222,201,000	−9,750,000	+211,250,000
Title IV. Foreign assistance programs	2,186,935,000	1,576,850,000	1,047,517,000	1,576,850,000	−610,085,000		+529,333,000
Total appropriations	6,354,783,000	5,475,842,500	4,774,983,000	5,472,374,500	−882,408,500	−3,468,000	+697,391,500

Mr. FOUNTAIN. Mr. Speaker, I rise in opposition to the preferential motion of the distinguished gentleman from Georgia [Mr. FORRESTER], and in support of the motion of the gentleman from Mississippi [Mr. WHITTEN], that the House insist upon its disagreement with amendment No. 19 of the Senate providing $1,600,000 for the construction of a peanut marketing research laboratory at Dawson, Ga.

Mr. Speaker, my people in North Carolina originally supported the idea of a national peanut marketing research laboratory, but they did so in the sincere belief that it was the intent of both the Senate and House Appropriations Committees that the U.S. Department of Agriculture, in preparing plans and specifications for the laboratory, would follow the request made by the peanut industry in their testimony before both the Senate and House Appropriations Committees.

However, on January 31 of this year the North Carolina Peanut Growers Association, through its executive committee, went on record in opposition to present plans and proposals of the Department for this research laboratory. The North Carolina association, and, I understand, similar associations in a number of peanut-growing States are all presently in opposition to the appropriation in question because they feel that the Department's plans for the construction of the laboratory in question, and the intent of its operations, are inconsistent with the original idea which all of the industry had in mind.

In the first place, pertinent testimony before the Senate Appropriations Subcommittee during the first session of this Congress in connection with H.R. 7444 indicated that a peanut research center is needed where the factors that effect peanut quality can be studied, and efficient, economical methods worked out to handle, store, and market the crop and to increase consumption. The facility should not displace any research by the pioneering laboratory, the utilization laboratories, State agencies, or industry, but should encourage these agencies to use the research center to measure the effects of any and all developments, whether in the field of basic, farm, marketing, or utilization research, on the quality of peanuts or peanut products.

That testimony is followed by some of the specific research projects to be undertaken and the specifications were furnished as a guide to indicate to the Congress the areas in which the Congress desired research work—work which could also serve as a guide to the Department in preparing its plans and specifications for construction and operation of the laboratory. It was pointed out that the facility should not displace any research by any of the aforementioned research agencies, public or private, but instead, should encourage such other agencies to use its facilities. However, Agriculture Department records indicate that if a national peanut research center is established at Dawson, Ga., in keeping with present plans, the peanut mechanization program at Holland, Va., will be terminated and resources shifted to Dawson, Ga., in the third year. If the Department has such a proposal in mind, and it certainly appears to, it could well decide to close other essential reasearch facilities and thus disrupt peanut research in all governmental-type agencies and possibly private agencies.

It is also the feeling of our peanut growers that the Department has gone much further than the industry planners for the laboratory had envisioned, and that the initial cost, the maintenance and operating costs annually will be much greater than the industry ever had in mind and that the laboratory will cover a wider area of research than is needed in such a research laboratory.

The peanut planning committee which developed and submitted to the Congress the request for this appropriation was justifiably disturbed when, upon the appropriation of the planning funds, the Department planners no longer conferred with the industry planning committee as to the scope of the laboratory's operations or its location, with one exception and that was when the industry committee itself requested a hearing with the Department planners, at which time the Department did not seek the advice of the industry planning committee, but told the industry planning committee that appropriate decisions had already been made. Thus, when it appeared that the project might become an accomplished fact, as a result of efforts and support from the entire peanut industry, advice and counsel from the peanut industry's planning committee is no longer needed.

The proposed peanut research laboratory was initiated by the entire peanut industry with certain overall objectives in mind. It is obvious to our people that the objectives they had in mind have been distorted and that the laboratory in question, if constructed, at Dawson, Ga., as is planned, will not serve the purposes necessary or intended by the industry when it undertook the overall project. It is their present feeling therefore, that such a laboratory, if it is to be constructed at all and operated economically and in keeping with the industry's vision, should be established as a part of an existing national research laboratory facility—one which is now doing some research work on peanuts, and under which the proposed laboratory could function. It is the feeling of my people that either the Southern Utilization Laboratory in New Orleans, or the Beltsville Research Station, of Maryland, could be so enlarged, with considerably less expense, constructionwise and operationwise, and with greater efficiency so as to enable it to achieve the overall function which the industry had in mind. Surely we in North Carolina and Virginia are a good ways from these places, but we think either location would be appropriate for the industry and all others affected.

The initial intent of the peanut industry, and especially the Virginia-Carolina Peanut Association, the Southwestern Peanut Shellers Association, the Peanut Growers Cooperative Marketing Association, the Southwestern Peanut Growers Association, the Association of Virginia Peanut Hog Growers, and the North Carolina Peanut Growers Association was clearly stated in testimony given before the gentleman from Mississippi's [Mr. WHITTEN] subcommittee during the current session of the Congress. That intent, as I see it, has been so substantially changed that it would be harmful to the entire peanut industry if the peanut research laboratory, as now contemplated by the Department, is established.

As I understand it, it is the feeling of the peanut growers, represented by the organizations to which I have referred, that any such national laboratory should be constructed within the general guidelines set forth by the entire peanut industry—not just a portion of it—when it first proposed such a laboratory.

Mr. Speaker, I am, therefore, in complete accord with that part of the Whitten subcommittee report which says:

> Further action on this request should be deferred until leaders of the peanut industry can come to some agreement, to which the entire industry will adhere, on the type of research program needed and the proper location for additional facilities proposed.

Let me also quote further language from that Whitten subcommittee report, saying:

> It should be noted that approximately $806,000 is now being spent each year for research on peanuts at 16 Department of Agriculture facilities and 7 State experiment stations. Approximately $300,000 of this amount is being used for utilization and marketing research, the same general area of research proposed for the new facility. The Department should make certain that existing peanut research facilities are being used fully and effectively before funds for an additional research laboratory are requested.

Mr. Speaker, I regret that it has become necessary for many of us to oppose an idea which our own people originally participated in sponsoring. However, if the plans and specifications to be used to implement a good idea will distort the original purpose and thus jeopardize the future welfare of the industry as a whole, then I think it unwise to implement the idea improperly by the expenditure of $1,600,000, which naturally will be followed annually by additional expenditures.

It is my considered judgment that reppresentatives of all of the peanut growing States in the Union should first get together, devise and develop, with the advice of their representative research advisers—such as land-grant colleges, research directors, and so forth—new and concrete plans and proposals for such a national peanut research laboratory, in accordance with the original wishes of the industry, as set forth in the resolution of the national peanut working group. Such an approach, will, in my opinion, be more economical and will better serve the purpose of research and will supplement, and not replace, research now being conducted by existing research facilities, whether they be private, State or Federal. An agreed upon plan, when fully developed should then be presented to the appropriate authorities for substantial execution.

I am reminded of the words: "A house divided against itself cannot stand." Let us therefore get the peanut industry back together on whatever is done before we permit the expenditure of what may well otherwise be unnecessary funds of the taxpayers.

I, therefore, urge the Members of this House to support its own conferees by insisting upon its original position and thus disagreeing with the Senate amendment providing $1,600,000 for a new peanut research laboratory at this time. Further exploration and study and greater unity in the industry must be accomplished before such funds are appropriated.

Mr. WHITTEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEERMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The **SPEAKER** pro tempore. Further proceedings on this matter will be deferred until tomorrow.

The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 1: Page 2, line 20, strike out "and for acquisition of sites therefor by donation, exchange, or purchase at a nominal cost not to exceed $100".

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. WHITTEN moves that the House insist upon its disagreement to the amendment of the Senate numbered 1.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 2: On page 3, strike out all of line 9 down to and including 14 and insert:
>
> "Research: For research and demonstrations on the production and utilization of agricultural products, home economics, and related research and services, $106,126,500, including such amounts as may be necessary, notwithstanding the foregoing limitations, to remain available until expended, for the construction, alteration, and equipping of facilities and acquisition of the necessary land therefor by purchase, donation or exchange: *Provided*, That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a);".

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist upon its disagreement to the amendment of the Senate numbered 2.

The SPEAKER pro tempore. For what purpose does the gentleman from Montana [Mr. Battin] rise?

Mr. BATTIN. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. Battin moves that the House recede and concur in Senate amendment No. 2.

Mr. WHITTEN. Mr. Speaker, I am opposed to the amendment for reasons stated earlier.

Mr. BATTIN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. BATTIN. Mr. Speaker, I appreciate the gentleman yielding. I do not like to use the method of a preferential motion, but under the circumstances, as disclosed in the colloquy between the gentleman and myself earlier in the debate I find myself constrained to do so. Not all of the items listed in the bill are necessary at this time, but on the other hand, I do sincerely believe when it comes to a question of looking to the future and looking after the necessity of providing research facilities and taking care of the soil and crops of this country that we should go ahead and move forward on a program such as this. The project at Sidney, Mont., is a good example of a farsighted program and should be approved. For this and other reasons I ask that my motion be agreed to.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. FORRESTER. I just want to congratulate the gentleman on his motion. I think he is absolutely right. I think research is absolutely the lifeblood of agriculture and I want the gentleman to know I am going to support him on his motion.

Mr. WHITTEN. Mr. Speaker, I am opposed to the motion. The gentleman and I reached some meeting of the minds in our earlier discussion. But I would like to say to the House, if the gentleman's motion prevails and adds all these new laboratories and adds $28 million to this bill, if we have to take it back not only would it have all these laboratories in there helter-skelter, but it would add this permanent increase in employment in the Department. I certainly can appreciate the gentleman's position. As I said earlier, where a matter is in the budget, if there is any change in the conference, I can readily see the gentleman's position. But I do not believe this House wants to add $28 million in one amount, about four-fifths of which is not included in the budget.

Mr. Speaker, I hope the House votes down the gentleman's motion.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Montana [Mr. Battin] to recede and concur.

The question was taken; and on a division (demanded by Mr. Battin), there were—ayes 37, noes 37.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 4, line 11, insert "*Provided*, That, $150,000 shall be available, notwithstanding the foregoing limitations, for the construction and equipping of facilities and acquisition of the necessary land therefor by purchase, donation, or exchange: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for fiscal year 1964 that does not require minimum matching by any State of at least 40 per centum:".

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 6, line 22, strike out:

"CONSTRUCTION OF FACILITIES

"For construction of facilities and acquisition of the necessary land therefor by purchase, donation or exchange, $760,000, to remain available until expended."

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist upon its disagreement to the amendment of the Senate numbered 6.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 15, line 16, insert:

"CONSTRUCTION OF FACILITIES

"For construction of facilities and acquisition of the necessary land therefor, as authorized by law, $1,600,000 to remain available until expended."

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House insist upon its disagreement to the amendment of the Senate numbered 19.

Mr. FORRESTER. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Forrester moves that the House recede and concur in the amendment of the Senate numbered 19.

Mr. WHITTEN. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia.

Mr. FORRESTER. Mr. Speaker, I am glad that some of the provisions in amendment No. 2 which came from the Senate have been tentatively accepted. I wish they had been incorporated in the House bill originally—they should have been.

Now, I want to talk to you a little while about a matter that sincerely I think I am right in. I think I have equity on my side. It is a matter of tremendous importance to the people I represent. Mr. Speaker, I want to say to every Member of this House and do it beyond any fear of contradiction, that for at least 2 years the entire peanut industry—do you understand me? The entire peanut industry, the farmer, the sheller, the processor, the manufacturer—were in unanimous agreement upon one thing and that is the research laboratory to improve the quality of peanuts was a most important need.

They were right then, and they are right now. I believe in research. I heard someone say that research has not amounted to much. My stars. I just do not know why you accept that. You know, I was just thinking about our friend and colleague the gentleman from Rhode Island [John Fogarty]. There should be stars in his crown for the work that he has done and for the research that he has promoted that has brought cures to so many people and has alleviated so much pain, so much illness, and so much suffering. Oh, yes, Mr. Speaker, research is a wonderful thing. I believe in research; it offers tremendous possibilities, and it may be that some time because of research our basic crops can stand alone without Government support; and, for me, Mr. Speaker, I would like to see that day come.

Mr. Speaker, $130,000 was appropriated by the Secretary to make a study and plans for this laboratory. The Secretary accepted that responsibility, and the Secretary selected Dawson, Ga., as the site.

It was not political. It was intensely practical. He said it was in the heart of the southeastern peanut production area. He took into consideration that for 40 years one-half of all the peanuts produced in the United States had been grown in the Southeast. That is, Georgia, Florida, Alabama, and South Carolina. And that one-third of the peanuts grown in the United States were grown in the State of Georgia alone. In other words, he is putting the installation where the peanuts are. There are more farmers producing peanuts in that area, Mr. Speaker, than in all of the other areas combined.

Do you know what I hear again? They want to put a facility down not where the crops are grown but it should be in neutral territory. That is the first time anything like that has ever been advocated, and I do not believe you are going to fall for that kind of stuff.

The people in Dawson, Ga., thinking that the decision of the Secretary of Agriculture settled this question, have paid $12,000 for a site. They have given the deed to the Government, and the Government has accepted it. It is expending $307,000 for a disposal plant, for sewage lines, water, natural gas, and so forth. It would be a cruel and a crippling thing to delay or deny this laboratory to that city.

It is said this matter should be delayed so that industry might agree on this site. Industry agreed that you had to have a laboratory. This argument came into being after they selected Dawson. That is all there is to it. They were 100 percent agreed until the Secretary said that Dawson was the place to put it. They say now you ought to wait and let industry select the site. That is new. The Secretary of Agriculture is the one who has that authority. That kind of argument did not impress the Secretary and it did not impress the Senate. The Secretary is in favor of Dawson now and expects to be in favor of Dawson as long as he is Secretary. Do you understand that?

The Secretary of Agriculture has selected Dawson, and he expects to stand for Dawson, Ga., as long as he is Secretary. He thinks that the practical facts have decided that situation instead of politics or the dictation of industry. He does not think that locating this laboratory at Dawson will give any undue advantage to any section of the country. I do not, either. I heard the argument they might put it somewhere else—in neutral territory so it would be fair. The Federal Government does not operate that way. You know better than that. You know there is not anything to that. You know the Government would be fair. It would be a Federal installation and it would be handled by the Federal Government, I believe fairly so.

A small plant has been operated at Holland, Va., by the Federal Government. I do not think other sections were unfairly treated by that plant.

There were some objections about Holland being closed, but the Secretary of Agriculture knocked that into a cocked hat. He said that is not so. We are going to operate Holland and we are not going to close anything.

Mr. RAINS. Mr. Speaker, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Alabama.

Mr. RAINS. First, I would like to ask a question of the gentleman. Dawson, Ga., is in the gentleman's district. It is really in the center or almost the center of the peanut belt, is that not true?

Mr. FORRESTER. Yes. And that is what the Secretary of Agriculture, Mr. Freeman, says.

Mr. RAINS. I remember when we located a research institute for cotton. Where did we locate that research institute for cotton?

Mr. FORRESTER. The gentleman asks a good question. It was in Mississippi, I believe.

Mr. RAINS. It was located in Mississippi, in the cotton country, was it not?

Mr. FORRESTER. Yes.

Mr. RAINS. I heard some contention that it should be located in a neutral State, which to me does not make any sense at all. The idea of the Secretary seems to be to locate it near the center of the peanut belt, is that correct?

Mr. FORRESTER. That is correct, and the gentleman knows that his State, my State, and South Carolina and Florida produce more peanuts than all of the other peanut sections put together. We have more farmers in that area planting peanuts than in all of the other sections put together.

Mr. RAINS. The peanut in the southern part of the State of Alabama is one of the most important crops which our State produces. I am very hopeful that the gentleman from Georgia [Mr. Forrester] will win with his preferential motion and that the experimental laboratory will be built at Dawson, Ga.

Mr. FORRESTER. I certainly thank the gentleman from Alabama for his remarks.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Alabama [Mr. Andrews].

Mr. ANDREWS. I congratulate the gentleman from Georgia for the great fight he has made in having that experimental station located at Dawson, Ga. The congressional district which the gentleman from Georgia represents, and the old congressional district in the State of Alabama which I represented were adjoining districts. The old district that I represented is a great peanut-producing district. All of the great peanut leaders of that section have done all they can to see that that plant is located at Dawson, Ga.

I want to say that I am for the gentleman's motion and I shall do anything I can to help the gentleman.

Mr. FORRESTER. I thank the gentleman from Alabama.

Mr. ANDREWS. I think Dawson, Ga., is an ideal location for a peanut experimental plant.

Mr. FORRESTER. Permit me to ask the gentleman this, because I happen to know that the gentleman from Alabama [Mr. Andrews] has followed the history of this industry:

Is it not true that the entire industry, including every section of the peanut country, had unanimously agreed that it had to have a laboratory for research insofar as quality is concerned?

Mr. ANDREWS. If the gentleman will yield further, the gentleman is correct.

Mr. FORRESTER. It was only after the Secretary stated that it was to be located at Dawson, Ga., that any trouble developed.

The SPEAKER pro tempore. The time of the gentleman from Georgia [Mr. Forrester] has expired.

Mr. WHITTEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Georgia.

Mr. FORRESTER. Mr. Speaker, permit me to say this in conclusion: To delay the start of this laboratory certainly is not wise. Now, sometimes you can delay things and it would be wise, and sometimes it would not. But, my friends, prices are advancing daily, and we can only add to its cost wherever it might be located by undue delay. The work Dawson has done in improving the site will simply deteriorate. It is reasonable to expect—and I think it is reasonable to expect—that Secretary Freeman is going to occupy his office for some time to come—certainly, for 2 years, and perhaps 6 years—and he, who is charged with the responsibility for selecting this site, expects to stand on his selection of Dawson.

Mr. Speaker, this item was approved by the administration and it is in the budget. The Senate placed it in this bill without a dissenting vote. The Senators representing the States that the opposition in the House today comes from had no argument with the plant being located at Dawson, and the amendment passed, I understand, without a dissenting vote.

I do not think that the objectors today know any more about a proper location than does the Secretary. I do not think they know any more about it than the Congressmen from Florida, Alabama, Georgia, and South Carolina. Certainly, this opposition is on a section basis, and that is to be deplored.

This laboratory will certainly mean much to my section. I certainly hope that this House, by its vote, will sustain the action of the administration and the Secretary, and place this Federal facility in the location that the Secretary himself said was in the heart of the peanut section.

Mr. Speaker, the record is completely against the opposition to a peanut research laboratory for the purpose of promoting quality.

In the hearings before the subcommittee of the Senate Committee on Appropriations for 1962 beginning on page 286 through page 292 it shows that the peanut associations, processors, shellers, and manufacturers in all of the peanut areas heartily endorsed this laboratory. In the interest of truth, I think that the names of those organizations endorsing this laboratory should be made part of this Record, and they read as follows:

National Peanut Council.
National Confectioners' Association.
Peanut Butter Manufacturers Association.
Peanut & Nut Salters Association.
Peanut Improvement Working Group.
Planning Committee.
Virginia-Carolina Peanut Association.
Southwestern Peanut Shellers Association.
Southeastern Peanut Association.
Southwestern Peanut Growers Association.
Virginia Peanut & Hog Growers Association.
North Carolina Peanut Growers Association.
GFA Peanut Association.
Alabama Peanut Producers Association.
Farm Bureau Officials.
Officials Agricultural Marketing Service.
Officials Agricultural Research Service.
The National Grange.
The North Carolina State Grange.
The Peanut Growers Cooperative Marketing Association.
The Association of Virginia Peanut & Hog Growers.
The North Carolina Peanut Growers Association.
The North Carolina Farm Bureau Federation.
The Alabama Peanut Producers Association.
The Georgia, Florida, Alabama Peanut Association.
The Georgia Farm Bureau Federation.
The Southwest Peanut Growers Association.
Southwestern Peanut Shellers Association, comprising all of the peanut shellers and crushers in the States of New Mexico, Oklahoma, and Texas.
Virginia-Carolina Peanut Association, comprising all of the peanut shellers and crush-

ers of the States of North Carolina, South Carolina and Virginia, including Planters Nut & Chocolate Co.

Southeastern Peanut Association, comprising all of the peanut shellers and crushers of the States of Alabama, Florida, and Georgia.

Peanut Butter Manufacturers Association, by resolution adopted at general membership meeting October 4, 1960.

Mr. Speaker, I challenge any of my colleagues from Texas, Oklahoma, North Carolina, or Virginia to deny that every segment of the peanut industry of their States wanted this laboratory to improve the quality of their peanuts, and their opposition only appeared when the Secretary of Agriculture announced the site at Dawson, Ga. It is unbelievable that these organizations and associations should contend now that they were never for a laboratory, as the Senate hearings show beyond a doubt that they were unequivocally in favor of the laboratory.

Mr. Speaker, the gentleman from Texas [Mr. POAGE] said in debate today that this laboratory was for utilization and other purposes, and I contended the research laboratory was for the purpose of improving the quality of peanuts exclusively. I am attaching hereto a statement entitled "National Peanut Research Center," same being pages 293–294 of the hearings before the subcommittee of the Senate Committee on Appropriations for 1962:

NATIONAL PEANUT RESEARCH CENTER

Peanuts are considered one of the 10 basic crops, with over 1,700,000 acres grown annually during the past 10 years. Production amounts to 1½ to 2 billion pounds annually, with a farm value of about $150 to $200 million. One of the chief outlets for shelled peanuts is peanut butter, with about 50 percent of the shelled crop used for this purpose. Other large uses are for salted peanuts, candy, and inshell roasting. No major new uses have been added for peanuts or peanut byproducts in a considerable period of time.

Peanuts are a relatively new commercial crop, and little has been spent on research until in recent years. In view of the importance of this crop to farmers in nine States and because of the food value of peanuts more research is justified.

During the past few years all segments of the peanut industry, including farmers, have been faced with quality problems, multiplied by rapid advances in mechanization at the farm level. The sheller has been concerned about "hidden" damage, splitting, and skin slippage. Shellers need more accurate methods of determining the quality of peanuts purchased, and improved methods for shelling and grading raw peanuts. The peanut butter manufacturers, the salters, and candymakers, have complained that new harvesting and curing methods are affecting peanut quality adversely. Many specific quality defects, such as "hard" peanuts, chalky, and off-flavor nuts, are becoming a problem. The difference between varieties in respect to these problems needs thorough investigation. Cultural practices, harvesting, handling, and curing practices should be looked into as to their effect on quality and to perfect less expensive and more efficient methods and equipment.

Insect damage to peanuts is an increasingly serious problem in all the peanut-producing areas, but it is especially acute in the Southeastern States, where warm weather favors insect activity. Harvesting with combines has aggravated the problem of insect damage in storage by increasing the number of loose kernels and cracked pods which are easy for insects to attack.

A peanut research center is needed where the factors that affect peanut quality and end use value can be studied, so that efficient, economical methods can be developed to handle, store, process, and market the crop and increase consumption.

The facility should not displace any research by the U.S. Department of Agriculture, State agencies, or industry, but should encourage these agencies to use the research center to measure the effects of any and all developments in the field of basic or applied research as it relates to production, marketing, or utilization of peanuts or peanut products.

Some of the specific research projects to be undertaken are:

1. The development of improved methods and equipment for measuring texture, color, maturity, flavor, and other elements of peanut quality, and the development of standards of quality.

2. Development of small sample equipment and techniques which will provide statistically reliable data useful in predicting results of large-scale industrial processing.

3. Effect of storage factors on the quality of farmers stock, shelled peanuts, and peanut products.

4. Effect of harvesting and curing methods on quality.

5. Working with all research scientists to assay the influence of the use of all chemicals, including, but not limited to, fungicides, herbicides, insecticides, fumigants, nematocides, and the effects of various degrees of fertilization, moisture, and soil conditions, during the growing season, on the quality of peanuts. This would involve the processing of small samples on the scale of thousands per annum submitted from existing agricultural research programs in breeding, mechanization, curing entomology, and pathology, using the small sample equipment and techniques developed under item 2 above.

6. Conduct necessary tests to determine whether the use of materials of the type listed in 5 above results in residues which are harmful to consumers or adversely affect the quality of end products.

7. Improved equipment for sampling and inspection of peanuts, farmer stock and shelled grades.

8. Study the ecology, biology, and habits of the insects that attack peanuts during harvesting, transportation, storage, processing, and marketing.

9. Study the nature and extent of damage, and the relative importance of the various insect species that attack peanuts during harvesting, transportation, storage, processing, and marketing.

10. Study the effects of harvesting, transportation, and storage techniques on the susceptibility of farmers stock peanuts to infestation and damage.

11. Develop new methods of preventing and controlling stored peanut insects, including the uses of micro-organisms, biological control, fumigants, insecticides, controlled atmospheric gases, and physical and mechanical devices.

12. Cooperate in the development and testing of improved techniques, new concepts, and equipment for curing peanuts.

13. Develop improved methods and equipment for handling peanuts, particularly in bulk.

14. Design improved commercial storage facilities for bulk peanuts.

15. Develop improved methods, equipment, and facilities for shelling peanuts and for grading and packaging shelled peanuts.

16. Provide evaluation service to peanut breeders to assay the quality potential of breeding lines and new varieties of peanuts. This would include the measurement of milling quality, storage stablitiy quality, adaptability to handling practices and shelling, and the color, flavor, and texture of products manufactured therefrom.

17. Conduct necessary analyses to determine the economic feasibility and effects of the adoption of alternative procedures and processes developed under the foregoing research.

It is understood that research of the type described above, with the exception of economic and statistical research, is an assigned function of the Agricultural Marketing Service, U.S. Department of Agriculture.

A reading of this statement will show conclusively that the laboratory will be confined to improving the quality of peanuts and that the gentleman from Texas was wrong.

Mr. Speaker, I understand that it is now being suggested that the Congress might place this laboratory in some other place. Such a suggestion is ridiculous because the power is vested solely in the Secretary of Agriculture. I again urge my colleagues to support my preferential motion.

Mr. WHITTEN. Mr. Speaker, it is never pleasant to differ with my friend, the gentleman from Georgia [Mr. FORRESTER], or my friends from Alabama. But since the gentlemen made some reference or some indication that the attitude of our subcommittee was perhaps influenced because of this location, I think in fairness to the subcommittee I should make some statement.

In the first place, mention was made of this cotton laboratory which was established in order to get rid of the boll weevil. It is in Mississippi. May I say that is true. It is not in the major cotton section, and neither is it in my congressional district. It is located at Mississippi State University, which is located in the district represented by my colleague, the distinguished gentleman from Mississippi [Mr. ABERNETHY]. But the point that I take the floor for is to say that my friend from Georgia completely misunderstands the position of our subcommittee. In the cotton industry there was no disagreement whatsoever about which I have heard with respect to the need for some laboratory to break the line on insects which were destroying and costing hundreds of millions of dollars annually. A committee was appointed, and the committee selected the site. This site was approved by the Department of Agriculture.

Mr. Speaker, the committee nor anyone else ever talked to me about the location of this peanut laboratory nor should they. But in this particular instance our subcommittee deferred conference for three or four times, trying to see if we could not get the peanut industry together on what they wanted, in an effort to try to see what we could do. I, personally, have little knowledge about the peanut industry, though I am in an area where they are grown. We do not have any base acreage, and we do not grow them commercially. But in this section, I am told, they have the runner peanut, which has a price differential, and is in competition in other sections of the United States. The other sections of the peanut growing industry are of the opinion that if you give them a Federal laboratory in that area it will create further competition. It was stated here that they had to retain part of the peanut industry right in this area. As to any of this I do not know. I am just telling you that the peanut groups, the organizations from the Carolinas and Virginia and some from over the United States, and certain manufacturers, all came to us and said that they did not see the need for a national laboratory when normally this kind of research is carried on in cooperation between the States and the Federal Government. In that way you can have research on the Virginia-Carolina type of peanut in the Virginia-Carolina area and you can have it on the Spanish peanut in the Texas area between the Federal Government and the State. You can have it on a three-State basis. But to put up a big Federal laboratory—let me say, so far as I am concerned, Dawson, Ga., is as fine a place as I have ever heard of. I come from that area and Dawson, Ga., suits me as an individual. But to get rid of this cooperative program, which we have had through the years, which could be carried on in various regions, and to put it in a central Federal laboratory, is something that in my opinion the industry ought to be in agreement on. I do not want to leave any impression that I have taken any particular view because of location. It has nothing in the world to do with me. But I do know that we delayed in conference two or three times trying to help our friends in Georgia, to try to bring the people together, and any inference by my friend from Alabama—and he is my friend—that there is anything unfair or lack of agreement on the laboratory in Mississippi with regard to the boll weevil, is not justified. But I do say that there they had the approval and the selection by a committee appointed for it. But in this instance, I am told they did not. Of course, I have no knowledge as to this matter of my own.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. FORRESTER. Mr. Speaker, I appreciate the gentleman's wanting to help me, but the gentleman is just about helping me out. He is helping me out of the report entirely.

Mr. WHITTEN. This is on the basis of their getting some agreement between these folks. And we did it before we brought the bill up.

Mr. FORRESTER. The gentleman knows that no one is going to get any agreement there. Gabriel will blow his horn before that happens.

Mr. WHITTEN. May I say to the gentleman that I have about decided that, but I did not start off with that belief. I had high hopes for the gentleman being able to get agreement.

Mr. FORRESTER. Mr. Speaker, I am glad the gentleman understands the situation.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Texas.

Mr. BURLESON. Mr. Speaker, I appreciate what the chairman of the committee has said. He is absolutely correct in his appraisal of this issue. There is just one thing wrong with the explanation by our esteemed and lovable friend from Georgia; and may I say now there is not a man in this House for whom I have greater respect and admiration. There is just one thing wrong in his reply to the gentleman from Alabama [Mr. Rains] about this being the center of the peanut growing industry. It is the center of the runner peanut, as the gentleman from Mississippi has just pointed out, but it is hardly the geographical center of Texas, Oklahoma, Virginia, and the Carolinas, all of which grow a different type of peanut, and which are not related to the same sort of treatment in research as will be provided by this laboratory. The proposal to locate a $1,600,000 laboratory in the center of a peanut growing area which is in very heavy competition with other types of peanuts is the question at issue. Even our friends and colleagues from New Mexico and Arizona which raise the Valencia type of peanut have an interest in this matter although not to the same degree as other areas producing other types of peanuts.

There is a vast difference in the treatment of these peanuts between the Carolinas and Virginia, where is produced the large, premium type of peanut, I might add, and the New Mexico and Arizona Valencia peanut, and the Texas and Oklahoma Spanish-type peanut. They all take special treatment. They are all in competition. Already there is disparity of treatment legislatively and now, if this laboratory, which is primarily to promote the end-use of peanuts, is established, this disparity in competition will be greatly expanded. This is more a political laboratory than anything else. We can see the tracks of our esteemed former colleague, Steve Pace, the great former chairman of the Committee on Agriculture, on this issue. We see his tracks in the Department of Agriculture in this thing. There is no mistaking about it. You are asking for something that is unfair to the other peanut-producing sections of this country. I say that in all kindness, and with the best feelings but with honest conviction.

There are those here who talk about economy. Most all of us talk about economy but just lipservice does not cut these huge governmental expenses. Here is a place where we can practice economy and be certain we are right.

The House conferees have performed excellently and with responsibility by declining to yield to the other body on this issue, and I hope they will overwhelmingly support their highly justified position.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. FORRESTER. I have great respect for my colleague from Texas. As a matter of fact, I heard him preach here one day and I adopted him as my pastor. But I am not going to let him be a peanut expert for me. I do not believe that any of my colleagues are going to accept the statement that Georgia is playing politics in the Department of Agriculture. I do not believe anybody on this floor is going to think that Georgia outweighs Texas over there in the Department of Agriculture.

The gentleman well knows we do not grow just one type of peanut, we grow almost all types of peanuts. The gentleman knows this is going to be a Federal laboratory. It is going to be absolutely impartial, the gentleman knows that. You have no trouble with the work in Louisiana or in Virginia. There is no reason for you to have any trouble in Georgia, and you are not going to have it. Will you not out of your plenty of what Texas has let Georgia have this little crumb? I will appreciate it if you will.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. GROSS. I am beginning to get the idea that somebody is being unfair to peanuts around here. Did I hear somebody say something about a runt peanut?

Mr. WHITTEN. It might have sounded that way, but it is the runner peanut.

Mr. GROSS. What is the runner peanut?

Mr. WHITTEN. I am like some of the others here, I am no expert in this field, but I have been approached by so many different people with diverse opinions that I have had to learn a little bit about this matter since it started.

Mr. GROSS. I do not want to see anybody be unfair to peanuts, because I like peanuts.

Mr. WHITTEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. Poage].

Mr. POAGE. Mr. Speaker, there are three areas in the United States which raise peanuts. The oldest is the Virginia-Carolina area. The large ballgame peanut is the Virginia type and it is grown in Virginia and Carolina. The smaller type—the one with red skins which you used to be able to buy for a penny; that is the Spanish peanut. That peanut is grown mostly in the Southwest, Texas, Oklahoma, and New Mexico, although some are grown in the Southeast. Then there is the Southeastern area, which, as the gentleman from Georgia told you, grows more peanuts than either one of the other areas alone but not as much as the other two areas combined.

The Southeast grows basically runner peanuts, as described by the chairman of the subcommittee. Each type of peanut competes with the other for the industrial market. Anything which increases the utilization of runner peanuts normally would reduce the utilization of Virginia or Spanish peanuts.

Now get this. I want the Members to listen to this because I do not think there is any clear understanding on this point. This laboratory is not being established as a production laboratory, to teach people how to produce peanuts. It is being established as a utilization laboratory, to develop uses of peanuts. You do not need to locate a utilization laboratory at the point where you grow peanuts. There is no sense to it. Chicago and Los Angeles are the greatest markets for peanuts in the United States.

That is where you have utilization. You do not have maximum utilization in Georgia nor in Texas nor in Carolina. You have utilization at the points where they are processing these peanuts so there is absolutely no justification for saying this laboratory needs to be in the middle of an area where either type of peanut is produced because what you are studying is not the production of peanuts, but you are studying the utilization of peanuts.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. FORRESTER. Of course, what is being studied is the quality of the peanuts and not the utilization.

Mr. POAGE. No; the laboratory is described and it has constantly been described as a utilization laboratory, one that is established for the purpose of determining how to utilize these peanuts. The gentleman well knows that every bit of this work might just as well be carried on in the regional laboratory at New Orleans where the law says it shall be carried on and where we already have a laboratory well equipped for it. There are no peanuts grown in Louisiana and no type of peanut would have any advantage there. Neither would it be necessary to build a new plant. Why should we spend $1,600,000 duplicating facilities which we already own?

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. BEERMANN. I was wondering where they grew these peanuts that we were talking about in committee some time in the spring; where they boil them.

Mr. POAGE. That is in Florida.

Mr. BEERMANN. You did not bring them into this conversation.

Mr. POAGE. They are a very, very minor factor, probably not one-half of 1 percent of the peanuts.

Mr. BEERMANN. I wonder about the distance. If there is going to be a laboratory, I wonder if the distance should not be quite close to the area of production because in the Midwest we have a nine-State area. First, I would like to know how they transport these peanuts—by truck or rail or how?

Mr. POAGE. In our area, peanuts are generally transported by truck. I do not know what happens in Georgia, other than that they have been trucking runner peanuts into Houston and Dallas for processing.

Mr. BEERMANN. If they are transported by truck, it probably would not be so bad unless Jimmy Hoffa called a strike. We have a nine-State area that is on strike now and it is quite a detriment to the economy of our area. So I can say we would like to see something like this in the area of production, if that is going to be a reason for the laboratory and if it is not the reason for a laboratory, and it is utilization, then it probably does not make any difference where they are sent unless they are going to send trainloads of a commodity for just a utilization laboratory.

Mr. POAGE. I must confess that I do not know anything about some of the questions the gentleman asked, but I do know this is a utilization laboratory. I do know that there is no reason why it needs to be in a region of production. I do know that peanuts is the one crop in the United States where there is such competition between the various types that it becomes unfair as the gentleman from Texas suggested to establish a laboratory in one region and to promote the utilization of one type of peanut against the other two types of peanuts. We feel the two types of peanuts ought to have the same break as the one type.

We, from Texas, are not asking that the laboratory be located in Texas. The people from Virginia or from Carolina are not asking you to locate it in their area. We are suggesting that you might use the resources we already have established in New Orleans where we do not have to spend maybe $1,600,000 to build a new laboratory; or they might use the cooperative resources that the gentleman from Mississippi described because every one of these States that are growing peanuts have some kind of local agency working on production and utilization of peanuts. There is no reason in the world why, if we want to put some money into utilization research of peanuts, we should not put it in on a cooperative basis. And if the State of Georgia wants their cooperative institution located at Dawson, I certainly have no objection in the world, but I do not want the people of Texas or the people of the Southwest and the people of the Carolinas who are growing a different type of peanut to be asked to support the institution at Dawson and cut the heart out of our market. That is exactly what they are asking us to do. They are asking us to pay for destroying our own market for the advantage of one type of peanut, grown only in the Southeast. We are not mad at anybody but we do not believe anyone will seriously expect us to support this expenditure to destroy our own people.

Mr. COOLEY. Mr. Speaker. Will the gentleman yield?

Mr. POAGE. I yield to my chairman.

Mr. COOLEY. All the people in the industry would be happy if it were placed in New Orleans or Beltsville or any other neutral place.

Mr. POAGE. Certainly, the people in the industry would be perfectly happy to have it that way. We feel that this Subcommittee on Agriculture Appropriations has done a good job and has made an honest effort to give you a reduction in expenses. Now I realize that your good friends and my good friends from Georgia have very properly been very active, as their Senator has very properly been active. Most of you know exactly why this laboratory is located at Dawson, Ga. It was not put there by the industry, as the gentleman from Georgia suggested. It was not put there by the producers. It was put there, without the knowledge of the industry or the producers, after the committee had been plainly told that the question of location would be discussed at their next meeting.

Let me repeat. I have no criticism of the gentlemen from Georgia. They have sought to serve their people, but most of you have a greater obligation to the taxpayers of the United States than you have to the people of Georgia. There are lots of research projects on which there is complete agreement. Why not spend any money we feel is available for research on a project of that kind rather than a project which seems to the representatives of at least two areas to be dangerous to their welfare?

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Georgia.

The question was taken, and on a division (demanded by Mr. FORRESTER) there were—ayes 56, noes 41.

Mr. BURLESON. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Further proceedings on this matter will go over until tomorrow.

The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 20, line 1, insert:

"EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

"For necessary administrative expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); Sugar Act of 1948 (7 U.S.C. 1101–1161); sections 7 to 15, 16(a), 16(d), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590o, 490p (a), and 590q) as added by section 132 of the Act of August 8, 1961; and subtitles B and C of the Soil Bank Act (7 U.S.C. 1831–1837, 1802–1814, and 1816) $95,423,000: *Provided*, That, in addition, not to exceed $51,379,500 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund, and additional amounts not to exceed $30,000,000, may be transferred contingent upon the enactment of H.R. 12391, Food and Agriculture Act of 1962."

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 38: Page 27, line 9, insert ": *Provided further*, That not to exceed $225,000 may be transferred by the Secretary from other appropriations available to the Department of Agriculture for the expenses of the Office of Internal Audit and Inspection."

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the word "may" insert the word "shall".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 28, line 21, insert ", of which $50,000,000 shall be placed in reserve to be used only to the extent required during the fiscal year 1963 under the then existing conditions for the expeditious and orderly conduct of the loan program."

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein.

The motion was agreed to.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to consider, en bloc, Senate amendments No. 44, and Nos. 47 through 54, inclusive.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendments in disagreement.

The Clerk read as follows:

> Senate amendment No. 44: Page 30, line 18, strike out "$2,278,455,000" and insert "$2,066,955,000."
>
> Senate amendment No. 47: Page 32, line 4, insert "and unrecovered prior years' costs, including interest thereon,".
>
> Senate amendment No. 48: Page 32, line 10, strike out "$1,080,632,000" and insert "$700,000,000;".
>
> Senate amendment No. 49: Page 32, line 12, strike out "$250,000,000" and insert "$189,000,000,".
>
> Senate amendment No. 50: Page 32, line 16, strike out "$40,000,000" and insert "$50,000,000".
>
> Senate amendment No. 51; Page 32, line 16, strike out "expenses during fiscal year 1963" and insert "unrecovered prior years' cost, including interest thereon,".
>
> Senate amendment No. 52: Page 32, line 19, strike out "$81,218,000" and insert "$15,650,000,".
>
> Senate amendment No. 53: Page 32, line 22, strike out "expenses during fiscal year 1963" and insert "unrecovered prior years' costs".
>
> Senate amendment No. 54: Page 33, line 4, strike out "$125,000,000" and insert "$92,267,000,".

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. WHITTEN moves that the House insist upon its disagreement to the amendments of the Senate numbered 44 and 47 to 54, inclusive.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1963

Mr. STEED. Mr. Speaker, I call up the conference report on the bill (H.R. 11151) making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 2316)

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H.R. 11151) making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 42, and 43.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,810,430"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 36, 41, 44, and 45.

TOM STEED,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,
Managers on the Part of the House.

JOHN O. PASTORE,
DENNIS CHAVEZ,
A. S. MIKE MONRONEY,
HUBERT H. HUMPHREY,
CARL HAYDEN,
LEVERETT SALTONSTALL,
MILTON R. YOUNG,
THOMAS H. KUCHEL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate Nos. 36, 37, 39, 40, 41, 42, 43, 44, and 45 to the bill (H.R. 11151) making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each such amendment, namely:

AMENDMENTS PREVIOUSLY AGREED TO

Amendments of the Senate Nos. 1–35, inclusive, and No. 38, relating solely to appropriations for the expenses of that body, were agreed to by the House just prior to sending the remaining amendments to conference on August 8.

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

Amendment No. 36: Reported in technical disagreement. Motion will be made to recede and concur.

Under a somewhat arbitrary arrangement many years ago, appropriations for expenses of certain joint committees are disbursed by the Clerk of the House and certain others are disbursed by the Secretary of the Senate. In conformity, those disbursed by the Clerk are included in the bill in the House while the others, following the general custom in regard to all Senate housekeeping expenses, are left for insertion by the Senate. Being joint committees, the matter of expenses is of equal concern to both bodies, and the conferees are accordingly agreed that in the future all such items should be included in the budget and in the House version of the bill.

ARCHITECT OF THE CAPITOL

Amendment No. 37: Strikes from the bill the $37,500 proposed by the Senate for preparing working drawings, specifications, and estimates of cost for restoration of the old Senate Chamber and the old Supreme Court Chamber in the Capitol Building substantially to their conditions in 1859 and 1860, respectively.

This action has been taken without any prejudice to future consideration of the proposal. There are those in the Congress who feel the project is desirable, but it is one that should be first processed through regular legislative channels. Under the law, changes in architectural features of the building require prior legislative approval. An authorization in advance of appropriation is the prescribed procedure.

Moreover, with rebuilding and reinforcement of the supporting structure under the East side of the central dome, it has been indicated that, for engineering and structural reasons, it may, in the not so distant future, be necessary to rebuild the west central side to compensate and to replace the deteriorating structural features. This would at least open to logical consideration the whole question of the west central area and the conferees think this is an added reason for deferral of the instant proposition.

LIBRARY OF CONGRESS

Amendments Nos. 39, 40, and 41: Appropriate $9,810,430 for salaries and expenses of the Library, instead of $8,930,000 as proposed by the House and $9,906,350 as proposed by the Senate; earmark not to exceed $1,100,000 of the appropriation for renovation of naval weapons plant space for use of the Library as proposed by the Senate and in connection therewith, strike the space rental authority in the House bill.

The House has repeatedly approved funds for commercial rental of space as a modest measure of relief for the badly overcrowded situation in the Library, but suitable space has not been found. After the bill passed the House it developed that suitable space could be allocated at the old naval gun factory, but it would require some alteration. The Senate, in response to a budget increase of $955,500 not before the House, made provision for the item, including allowance for customary General Services Administration maintenance costs. The economics of the proposition are such that the savings as compared to commercial rental of equivalent space should offset renovation and maintenance costs in about 6 years. The Senate assumed occupancy of the space by September 1, but it is now understood that April 1 of next year is a more realistic date. That accounts for $90,070 of the downward adjustment of the Senate figure.

The amount allowed also includes $15,000 for the children's book section. The conferees are agreed that this activity should be held, at least for the time being, to the modest basis proposed. There are many demands for the services and facilities of the Library, and it is usually not practicable to meet all of them. This unit should, as a minimum, be on a modest basis for an experimental period of time and take its place in the competition of priorities within the annual budget determinations.

Amendment Nos. 42 and 43: Strike the Senate increase of $80,000 in the item for purchase of Treasury-owned foreign currencies to be used to acquire and distribute foreign library materials.

The conferees are agreed that this experimental program should be kept on that basis at least a while longer.

GENERAL PROVISIONS

Amendment No. 44: Relates to simplified addressing of franked mail not only on city delivery service but on rural and star routes. Reported in disagreement.

Amendment No. 45: Relates to longevity pay provisions for certain employees of the Senate and of the telephone exchange and Capitol police. Reported in technical disagreement. Motion will be to recede and concur with minor perfecting amendments. The telephone exchange personnel, some of whom are carried on the House roll and some on the Senate roll, have been under a longevity system for many years. The police force has also had such a system for several years. They would, under the proposition, be on a uniform basis along with the other employees covered by the plan.

TOM STEED,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,
Managers on the Part of the House.

Mr. STEED. Mr. Speaker, in this conference report, only nine Senate amendments were subject to conference. The others which related solely to Senate housekeeping were agreed to on August 8 just before sending the bill to conference.

Of the nine amendments in conference, agreement has been reached on eight of them. Four of them are reported in disagreement, but three of those are purely technical. The only real disagreement is on amendment No. 44, relating to use of the congressional frank, on which I shall at the proper time offer a motion to insist on the House position and at which time we can debate the proposition.

Therefore, Mr. Speaker, I move the previous question.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. On page 23 of the bill I note $63,000 for the legislative garage. That garage is not to be painted again this year, is it?

Mr. STEED. No.

Mr. GROSS. I just want to make sure.

Mr. STEED. I assure the gentleman it will not be.

Mr. GROSS. On page 6 of the bill under the head of "Mail transportation, $16,560," it is not proposed, I take it, to buy some more Lincoln Continentals for the transportation of mail?

Mr. STEED. That is a Senate item.

Mr. GROSS. The gentleman understands at one time there were some automobiles, Lincoln Continentals, purchased through that fund. I doubt if any of those Lincolns would ever see a mail pouch. The gentleman does not know whether any Lincolns or Cadillacs are included in that item this year?

Mr. STEED. I do not believe there is anything of that sort in this item. I know of nothing along that line.

Mr. HORAN. As the gentleman from Iowa knows, this is a Senate item.

Mr. GROSS. Yes; I am well aware that this item belongs to the other body. But I would still like to find out as much as I can about it, and it is pretty hard to do.

On page 23 of the bill, with reference to the subway, is not that new, grandiose Senate subway pretty well taken care by this time? How much of the $2,235,000 is going to be expended on that? Does the gentleman from Oklahoma know?

Mr. STEED. That is a Senate Office Building item which was inserted by the Senate in accord with the custom. I am not informed as to any detail on that. We did not go into it.

Mr. GROSS. Well, it is taxpayers' money that is being spent, is it not?

Mr. STEED. Certainly.

Mr. GROSS. I wonder if there is any way we can find out how the money is being spent?

Mr. STEED. The only source of information I know about would be either through the Architect of the Capitol, who has all the records, or the Senate hearings.

Mr. GROSS. Is there money in this bill for the $100 million pyramid known as the New House Office Building?

Mr. STEED. Yes, there is $8,500,000 in the pending bill.

Mr. GROSS. I assume that will take care of the new swimming pool recently decided to be put into the building?

Mr. STEED. Under the governing law, each year the committee is advised of what has been obligated and what the expenditures are expected to be and we recommend the necessary amount to cover it. As the gentleman knows, the special committee in charge of the building operates under authority of a law that gives them contracting authority, and as a practical matter we have virtually no control over what is spent.

Mr. GROSS. Well, does the gentleman have any idea or did the gentleman elicit any information in conference as to when the pyramid might be completed? It has now been under construction for 5 years and Mr. McCloskey, the contractor, has gone to Ireland. How many more years will it take to finish it? Will this be one of the 100-year pyramids?

Mr. STEED. We went into that matter in the hearings earlier in the year. The Architect told us they had a target date of August 1964, for a turnkey job on the building.

Mr. GROSS. Will that be an Olympic-size swimming pool, or does the gentleman know?

Mr. STEED. I have not seen the drawings, and I know nothing about the details of the swimming pool. I would suggest that the gentleman go to the Architect's field office adjacent to the building where they have all those records, and there he can get all the details he wants.

Mr. GROSS. Is it going to be open to mixed swimming, or men only—does the gentleman know?

Mr. STEED. I do not know what decision the House will make on the use of it. That is something which the House will have to decide.

Mr. Speaker, agreement on all money amendments has been reached in the conference. No. 44 does not involve an appropriation amount. Therefore, under consent granted, I include a summary of the bill as finally agreed to:

Summary of legislative branch appropriation bill, 1963 (H.R. 11151)

Group	Budget estimates (revised)	Passed House	Passed Senate	Conference action [1]	Conference action compared with—		
					Budget estimates	House	Senate
Senate	$29,414,285	(2)	$29,601,160	$29,601,160	+$186,875	+$29,601,160	
House of Representatives	48,230,050	$48,150,725	48,150,725	48,150,725	−79,325		
Joint offices and items	4,243,875	4,228,565	4,255,355	4,255,355	+11,480	+26,790	
Architect of the Capitol	18,492,000	16,017,500	18,290,000	18,252,500	−239,500	+2,235,000	−$37,500
Botanic Garden	456,000	452,000	452,000	452,000	−4,000		
Library of Congress	19,743,400	18,551,500	19,607,850	19,431,930	−311,470	+880,430	−175,920
Government Printing Office	26,333,600	26,333,600	26,333,600	26,333,600			
Grand total	146,913,210	113,733,890	146,690,690	146,477,270	−435,940	+32,743,380	−213,420

[1] Many of the items were concurred in by the House on Aug. 8 just prior to sending the remaining amendments—dealt with in the conference report—to conference.

[2] By custom, House omits all items under the "Senate" heading and those items under the Architect of the Capitol pertaining solely to the Senate.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Under previous order of the House, further proceedings on this matter will go over until tomorrow, and the gentleman withdraws his point of order.

Mr. KYL. I withdraw my point of order that a quorum is not present.

The **SPEAKER** pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: On page 19, line 1, insert the following:

"JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

"For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the committee, $26,790, to be disbursed by the Secretary of the Senate."

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: On page 27, line 6, insert ": *Provided further*, That not to exceed $1,100,000 shall be available for reimbursement to the General Services Administration for alterations, including air conditioning, of space to be occupied by the Library of Congress in the Naval Weapons Plant."

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: On page 34, line 6, insert the following:

"Sec. 105. No part of any amount appropriated in this Act shall be available to finance, under authority of section 4167(a) of title 39, United States Code, the mailing and delivering of mail matter sent through the mails with a simplified form of address under the franking privilege by any Member or Member-elect of Congress to postal patrons, including those patrons on rural or star routes."

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House insist upon its disagreement to the amendment of the Senate numbered 44.

Mr. STEED. Mr. Speaker, this amendment No. 44 from the Senate is identical to the one on which the House had a record vote when the legislative bill was on the House floor last April. As the Members know, the House on that occasion rejected the proposition by record vote. When the bill went to the other body, the other body saw fit to insert the amendment. We have brought it back and we propose to move to stand by the House position. Since we felt the House was correct in the first instance I feel at this time that I can in good conscience recommend that the House continue to insist that this amendment not be part of the appropriation bill.

Most of the Members are familiar with this matter. The gentleman from Washington [Mr. Horan] and I yesterday circulated a letter to the Members of the House setting forth the essence of the proposition and pointing out the economical and effective features of it. I believe that this letter covers all the essential details connected with this issue, and I include excerpts from it at this point:

1. The House, by record vote, rejected the identical proposition last April.

2. If the amendment were adopted, henceforth all franked mail—rural and star route as well as city and town—would have to include name and address (even for such things as lists of publications, farm bulletins, etc.).

3. Franked mail would not even have parity with private mailers on either rural, star, or city routes or boxes (private mailers can send rural mail addressed simply "Postal Patron, local" and city mail without name).

4. Present simplified addressing procedure reduces cost in Member's offices and in the Post Office. (The Department states: "The per piece handling cost of congressional mail, addressed to 'Postal Patron' without street address on city carrier routes and post office boxes, will be less than the same mail fully addressed to each householder.") Of course, the same would hold true for rural mail.

5. The House Doorkeeper testified in March (hearings, p. 145): "This patron mail, so-called, has not affected the workload of this House folding room whatsoever."

6. Simplified addressing procedure is entirely permissive. Members can continue to use the more complete address if they prefer.

The two Houses for many years have observed the rule of comity as to their respective housekeeping matters. This is an exception to the longstanding custom.

In summary, it is our view:

1. That Congress should protect the use of the frank as a means of effectively and economically getting Government publications and other information to constituents.

2. That if any isolated abuses are felt to have occurred, they should be considered as matters of policy by the appropriate legislative committees.

Mr. Speaker, at this time I yield to the gentleman from Washington [Mr. Horan].

Mr. HORAN. Mr. Speaker, I appreciate the gentleman from Oklahoma yielding to me at this time. The letter should have been received by you yesterday. If not, you will find it on page 18550 of the body of the Record you received this morning, that is, yesterday's proceedings. We have attempted there briefly to summarize our position. I might say that I yield to no one in my love for the House of Representatives. I believe we should not abuse the great privileges granted to us. Among those is the use of the frank in your official mail from your office.

One reason I am particularly opposed to this amendment, which was inserted by the other body, is that it does not make very good sense for us to appropriate hundreds of millions of dollars for research of all kinds—and we had quite a discussion on that only a few minutes ago on the floor—and come up with thousands of farm bulletins and other publications from all of the great departments of this Government unless the Members of Congress are facilitated in the privilege of making those findings available to any constituent in the United States or its possessions who would put those findings to use.

We cannot operate our reseach under a bushel basket. We have got to have the light of this Government shining at all times, and the proper use of the frank, in my opinion, is a matter of shining the light, and is something that we should jealously guard. For that reason I am very happy to join my colleague from Oklahoma in this defense of the rights of our constituents to receive the findings of the Government.

Mr. STEED. Mr. Speaker, I concur in what the gentleman has said. And I wonder if he would agree with me that if this amendment were to stay in the bill, it would affect the use of the frank in only one way. It will not eliminate any abuse of the frank if any Member of the House saw fit to do so. To say that this would eliminate abuses of the frank is simply not so. Any safeguard against abuse of the frank is in the conscience of the Members who are authorized to use it.

Mr. HORAN. Mr. Speaker, you will note at the conclusion of our letter we mention the fact that any abuses of the privilege of this House, including the frank, should be dealt with through the appropriate committees of this House, and that should be done in the name of the good of all of us.

Mr. STEED. I think if this amendment were to remain in the bill it would create a great deal of trouble in the Post Office Department. I have discussed this with them. They say this amendment will increase costs and will create problems as to what they can or cannot accept the frank for, because this amendment will take away from Members of Congress the privilege to use the mail on the basis now granted to private users of the mail.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. The use of the franking privilege for this purpose is not limited to Government bulletins?

Mr. STEED. No. This puts a limitation on the right of a Member to send out any material that he pleases under the frank as patron mail. It would still allow the Member to send out anything he wanted if he put the name and address on it.

Mr. GROSS. But if this amendment is stricken from the bill, Members of Congress will continue to send out any material to occupants?

Mr. STEED. That is true. That can be done now by private users of mail, and it can be done now by Members.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield.

Mr. BASS of Tennessee. May I ask the gentleman if this deals with the situation of various Members of this body sending mass mailings into the districts of other Members? Does this strike at that practice at all?

Mr. STEED. It would not stop that at all. The only thing this does, it would prevent a Member of Congress from using the frank on any piece of mail that does not have a name and address on it. If it does have a name on it, he can use it all he wants.

Mr. BASS of Tennessee. I hope some day we can get some sort of practice or regulation here by which one Member of Congress will not flood some other Member's district in another State with mass mailings if he happens to disagree with that Member's political philosophy. It has never happened to me, but I have heard some of my colleagues discuss it. I think it is a bad practice and should be stopped one way or another.

Mr. STEED. In our letter we call attention to the fact that if any Member abuses the system something should be done about it, but the proper way to go at it would be to have the legislative committee bring out legislation to deal with it, because when you get into using the frank for the several classes of mail you get into a technical thing. There is no way I know that some limiting language in an appropriation bill could satisfactorily deal with the problem.

Mr. BASS of Tennessee. I agree with the gentleman that it probably should be taken up by a legislative committee, but I think this is a very bad practice that has developed in recent years as the result of some of these minority extremist organizations who happen to have a friend in Congress getting him to frank mail which is sent out to districts outside that Member's State. I think it is not only an unethical practice but something that should be stopped from the viewpoint of abusing the privilege of the frank.

Mr. STEED. I agree with the gentleman that this amendment will not prevent the happening of what he complains about.

Mr. BASS of Tennessee. If the gentleman can figure out a way to stop it I should like his support and influence in this matter.

Mr. STEED. One way to stop it is for a Member to send the mail only to his own district.

JUNK CONGRESSMEN

Mr. CANNON. Mr. Speaker, I received a letter the other day. It is very brief. It begins abruptly. "You saved my baby's life. I just must write and tell you."

And then she relates that she left the house just long enough to hang out the clothes and left the baby in its crib playing with a string of wooden beads. When she returned he had broken the string and one of the beads had lodged in his windpipe. He was limp. He was already turning black. The nearest neighbor was half a mile away. There was no possibility of saving him.

And then she happened to remember in the "Infant Care" I had sent her it said that in case of obstruction in the windpipe to lift the child by the feet and give him a sharp stroke on the back.

"The bead came out at the first stroke and I am so thankful for the book. Without it I would have lost him."

But the distinguished Senator who wrote this amendment would have thrown out the junk baby with the junk mail.

Recently Ida and I stopped at a house for street directions. The young woman who came to the door had been crying. She said, "Oh, Mr. CANNON, come in." When we sat down to visit with her she said, "You must overlook my tears but the baby was 10 days old today and mother has just left on the bus and I feel so utterly helpless. But," she added brightly through her tears, "your book on 'Infant Care' is my 'bible' now, and I am certain we will make it all right."

Unfortunately, Congressmen are not all-prescient and do not know where "Prenatal Care" and "Infant Care" and "One to Six" are needed and where other equally helpful Government publications on how to cook, how to mix concrete, how to plan a building, how to implement a workbench, how to protect wildlife, tips for sportsmen, growing vegetables in town, mosquito control, kitchen cabinets, hospitals, annual flowering plants and other invaluable how-to-do-it bulletins are in demand. So all we can do is send out lists of the publications which are available and wait until we are asked to send them.

The Federal Government spends literally millions of dollars writing and rewriting, for free distribution, publications which improve methods, modernize practices, and introduce new plants, adding to the income and comfort and prosperity of families and communities every day in the year. But unless they reach the people who need them—if they lie rotting on the shelves of the Superintendent of Documents and other departmental repositories—the millions are wasted. The distinguished Senator votes for all these appropriations—and now he writes an amendment to leave them on the shelf instead of getting them to the people who need them and who ask for them when they are given the opportunity. It shakes your confidence in the Senator's business qualifications.

The Congressman's frank is a mutual honor both to him and to his constituency. It is a badge of office first conferred in the administration of George Washington to make democratic government workable and used by every Member of Congress in American history. Daniel Webster, Abraham Lincoln, Speaker Reed, Speaker Cannon, Speaker Clark, and their predecessors and successors sent out speeches broadcast to inform the voters of their position on the issues of the day and in order to permit them to vote intelligently—for them if they approved or against them if they disagreed. Democratic government is workable only if the constituency is informed. It is difficult to understand why the Senator would want to keep the voters in the dark.

If, as some newspaper columnist has said, the Senators are opposed because they are afraid a Congressman might become a candidate for their senatorial seat, and are unable to meet the challenge or unwilling to submit their candidacy to the voters, it might be well to throw the junk Senator out with the junk speeches and the junk babies.

It has been charged that the use of the frank involves extra expense and extra expenditure. On the contrary, the evidence in the hearings and the published reports of committees in this session show emphatically that it is less expensive to send broadcast—and the men who deliver the mail would rather deliver congressional mail without personal address than with street numbers. Ask any mailman. They do not have to work their mail in advance and do not have to return letters with reason for nondelivery.

The Post Office Department reports:

> The per piece handling cost of congressional mail addressed to "Postal Patron" without street address on city carrier routes and post office boxes will be less than the same mail fully addressed to each householder (p. 206 of the hearings).

And the Doorkeeper of the House, William M. Miller, the best informed and most efficient official who has ever served the House in any capacity, testifies that there has been no appreciable increase in such mail since the resumption of the unrestricted use of the frank.

I have not sent out speech broadcast for 20 years. But I have from time to time sent out lists of Government bulletins and although I used the latest and best lists—and paid for extra clerks from my own pocket to address them—hundreds always come back.

And I have received percentagewise more requests from the cities than from the country.

Let me call attention, Mr. Speaker, to a very serious situation. In case of national emergency—or of personal necessity to answer some acute situation—there is absolutely no way of reaching every constituent except through broadcast use of the frank.

And no complete test of sentiment through the use of questionnaires can be made through any other medium. It is the height of folly to throw away one of the most useful of all congressional facilities for no reason at all.

In other words, Mr. Speaker, these keepers of other men's consciences have no legitimate reason whatever for denying this ancient prerogative to the Members of the House. This amendment is the most illogical, irresponsible, insulting proposition that could be offered on the floor of the House and doubly so when offered on the floor of the other body. It should be resented and rejected.

The SPEAKER pro tempore. The question is on the motion.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEVINE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Under previous order of the House, further proceedings on the pending motion will go over until tomorrow.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: One page 34, line 13, insert:

"Sec. 106. (a) This section shall apply to—

"(1) Each employee of the Senate whose compensation is paid from the appropriation for Salaries, Officers and Employees under the heading 'Office of the Secretary', except the Assistant to the Majority, and the Assistant to the Minority.

"(2) Each employee of the Senate whose compensation is paid from such appropriation under the heading 'Office of Sergeant at Arms and Doorkeeper', except employees designated on the rolls as 'special employees'.

"(3) Each employee of the Senate whose compensation is paid from such appropriation under the heading 'Official Reporters of Debates'.

"(4) Each employee of the Senate whose compensation is paid from such appropriation under the heading 'Offices of the Secretaries for the Majority and the Minority'.

"(5) Each employee of the Senate authorized by Senate resolution to be appointed by the Secretary or Sergeant at Arms, except employees designated on the rolls as 'special employees'.

"(6) Telephone operators, including the chief operator and assistant chief operators, on the United States Capitol telephone exchange.

"(7) Members of the Capitol Police.

"(b) An employee to whom this section applies shall be paid during any period of continuous service as such an employee additional basic compensation (hereinafter referred to as 'longevity compensation') at the rate of $120 per annum if at the time of such payment the annual rate of basic compensation (exclusive of longevity compensation) of the position in which employed is less than $1,800, or $180 per annum if at such time such rate is $1,800 or more, for each five years of service performed as such an employee during such period. No employee shall receive more than four such increases upon the basis of any period of continuous service, and nothing in this section shall be construed to authorize the payment to any employee of total compensation, including longevity compensation, in excess of the maximum amount prescribed by law for Senate employees generally. In computing length of continuous service for the purposes of this section only service performed subsequent to August 31, 1957, shall be credited, and in the case of employees of the Official Reporters of Debates of the Senate there shall be credited any service as such an employee performed during the period beginning on September 1, 1957, and ending on June 30, 1960, whether or not compensated from the appropriation referred to in subsection (a). Continuity of service for the purpose of this subsection shall not be deemed to be broken by separations from service of not more than thirty days or by the performance of service as an employee, other than an employee subject to the provisions of this section, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, but such separations and service shall not be credited for the purposes of this section. Longevity compensation under this section shall be payable on and after the first day of the first month following completion of the five-year period upon which such compensation is based.

"(c) The Act of February 13, 1945 (Public Law 2, 79th Cong.; 2 U.S.C. 601) is repealed, and no longevity increase payable under authority of such Act prior to the effective date of this section shall be payable on or after such date.

"(d) Section 105 of the Legislative Branch Appropriation Act, 1959 (Public Law 85–570) is repealed. Any member of the Capitol Police who prior to the effective date of this section completed service entitling him to be paid at a rate specified in such section 105 shall be entitled, so long as he continues to serve without break in service of more than thirty days as a member of the Capitol Police, to continue to be paid at such rate and, in addition, to receive any longevity increases for which he may become qualified under subsection (b) of this section, except that while receiving compensation at a rate specified in such section 105(1) no such member shall receive more than three longevity increases under subsection (b) based upon any period of continuous service, and (2) in computing length of service for the purpose of such longevity increases, only service performed subsequent to the date on which such member began receiving compensation at a rate prescribed by such section 105 shall be counted.

"(e) This section shall become effective on September 1, 1962."

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment as follows: In lieu of the matter proposed by paragraph (7)(b) insert the following:

"(b) An employee to whom this section applies shall be paid during any period of continuous service as such an employee additional basic compensation (hereinafter referred to as 'longevity compensation') at the rate of $120 per annum if at the time of such payment the annual rate of basic compensation (exclusive of longevity compensation) of the position in which employed is less than $1,800, or $180 per annum if at such time such rate is $1,800 or more, for each five years of service performed as such an employee during such period. No employee shall receive more than four such increases upon the basis of any period of continuous service, and nothing in this section shall be construed to authorize the payment to any employee of total compensation, including longevity compensation, in excess of the maximum amount prescribed by law for Senate employees generally. Notwithstanding the first sentence of this subsection, the first increase under this section for telephone operators (exclusive of, the chief operator and assistant chief operators), who on September 1, 1962, have more than 25 years of service as a telephone operator on the United States Capitol telephone exchange shall be $240 basic per annum. In computing length of continuous service for the purposes of this section only service performed subsequent to August 31, 1957, shall be credited, and in the case of employees of the Official Reporters of Debates of the Senate there shall be credited any service as such an employee performed during the period beginning on September 1, 1957, and ending on June 30, 1960, whether or not compensated from the appropriation referred to in subsection (a). Continuity of service for the purpose of this subsection shall not be deemed to be broken by separations from service of not more than thirty days, by the performance of service as an employee, other than an employee subject to the provisions of this section, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, or by the performance of active military service in the Armed Forces of the United States, but such separations and service shall not be credited for the purposes of this section. Longevity compensation under this section shall be payable on and after the first day of the first month following completion of the five-year period upon which such compensation is based."

The SPEAKER pro tempore. The question is on the motion.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. STEED. Mr. Speaker, I ask unanimous consent to revise and extend by remarks on the conference report and include some tabulations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

STRIKING OF MEDALS IN COMMEMORATION OF 100TH ANNIVERSARY OF ADMISSION OF WEST VIRGINIA INTO THE UNION

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3154) to amend Public Law 86–184, an act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of West Virginia into the Union as a State.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have a brief explanation of what is proposed to be done and whether there is any cost involved other than the striking of a medal?

Mrs. SULLIVAN. This bill meets the desires of the State of West Virginia. It involves no cost to the Government. The Committee on Banking and Currency considered the bill in executive session and it unanimously decided that the bill should be taken from the Speaker's table rather than being referred to the committee. It would simply authorize a change in the number and type of medals commemorating the 100th anniversary of West Virginia as a State. Existing law authorizes the striking of 200,000 silver medals and under this bill 20 platinum medals, 20,000 silver medals, and 750,000 bronze medals can be struck instead.

Mr. GROSS. Mr. Speaker, I thank the gentlewoman and withdraw my reservation of objection.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, as the gentlewoman from Missouri has indicated, this bill will not cost the taxpayers of the Nation anything. The actual cost of these medals will be returned to U.S. Treasury, and additional funds above cost realized from the sale of these medals will go to help finance the West Virginia centennial in 1963.

This bill is a great improvement over the existing law, and will provide a major stimulus to the West Virginia centennial next year. The law now on the statute books, passed in 1959, provides for 200,000 silver medals. The new law, in providing for 20,000 silver medals, 20 platinum medals and 750,000 bronze medals, allows the sale of a relatively inexpensive bronze medal for schoolchildren, tourists, and many others. The 20 platinum medals are designed for special collectors and will sell at a considerably higher price, of course.

It is my understanding, Mr. Speaker, that the West Virginia Centennial Commission plans to submit the design of the West Virginia State seal on one side of the medal and the centennial emblem on the other side of the medal.

The senior Senator from West Virginia, my able colleague, Senator Jennings Randolph, introduced this bill in the other body. In pleading for its passage on September 7, he eloquently called attention to the beauty of our great State and its historical heritage. I would also like to indicate that this bill is cosponsored by Senator Robert C. Byrd, of West Virginia, and has the fullest support of our Governor, W. W. Barron.

No opposition has been expressed to this bill, and considerable support has been indicated on all sides. I believe it is a fine piece of legislation, and I am confident in the good judgment of my colleagues to support and pass it. Naturally, I also hope you can come to West Virginia, for there will be more to see in 1963.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 86–184 is hereby amended by striking out, in section 1, line 7, the words "not more than two hundred thousand silver medals" and inserting in lieu thereof "not more than twenty platinum medals, twenty thousand silver medals, and seven hundred and fifty thousand bronze medals."

Sec. 2. Public Law 86–184 is further amended by striking out, in section 2(b), line 2, the words "in silver".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FARMERS HOME ADMINISTRATION, INCREASE AUTHORIZATION FOR INSURED LOANS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12653) to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out the figure "$150,000,000" and inserting in lieu thereof the figure "$300,000,000".

With the following committee amendment:

On page 1, line 6, strike out the figure "$300,000,000" and insert "$200,000,000".

The committee amendment was agreed to.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I respectfully urge my colleagues in the House to take favorable action on H.R. 12653, a bill which I introduced on July 23 of this year to increase the effectiveness of the Farmers Home Administration's insured loan program. Under the original provisions of my measure, the Consolidated Farmers Home Administration Act of 1961 would be amended in order to raise the amount of loans which may be insured by FHA each year from $150 million to $300 million.

Hearings were held on the proposed legislation on August 27 by the House Agriculture Committee's Conservation and Credit Subcommittee, which favorably reported the measure to the full committee. On September 12, members of the House Agriculture Committee voted to favorably report an amended version of the bill which would increase the annual ceiling on the FHA insured loan program to $200 million in order to take care of the immediate emergency facing this important and worthwhile program.

During the past fiscal year, which ended June 30, the demand for these FHA loans was so great that the $150 million annual insurance authorization was exhausted by May 11. Because of the large number of applications on hand and the increasing demand for this type of credit, FHA officials estimate that the present limit on the fiscal 1963 program will be reached by December 31—6 months before the close of the fiscal year. Passage of H.R. 12653 will enable the program to continue through the first few months of 1963 and give the 88th Congress time to consider a long-range remedy for the existing problem. I intend to introduce such a long-range bill on the opening day of the 88th Congress.

Mr. Speaker, in the meanwhile, I feel we must deal with the immediate emergency. For the past few months, insured loans have been made at the rate of about $25 million per month, which adds up to $300 million a year. During fiscal 1962, applications for insured loans were received at the rate of 3,600 a month. As of June 30, 1962, county FHA offices reported they had 16,561 insured loan applications on hand. Of that number, 4,470 had been processed to the point where it was determined that loans could be made.

In my home State of Wisconsin, nearly 600 applications for initial FHA farm ownership loans were on hand at the end of June. In the 12-month period preceding July 1, about 1,500 of these loans were made to Wisconsin farm families.

As you know, the FHA insured loan program is a cooperative program with private investors and does not require appropriations from the U.S. Treasury. Private investors provide funds to help eligible farmers enlarge, develop and buy family farms, to refinance debts and to develop community water systems. The loans are made and serviced by the Farmers Home Administration, which collects the principal and interest payments when due and forwards the receipts to the lenders after retaining one-half of 1 percent for insurance. Lenders agree to hold the notes for at least 3 years. If borrowers default, the Government agrees to make the payments.

Insured loans are made only when a farmer is unable to obtain the credit he needs from other sources. Banks, pension funds, insurance companies and trust funds are the principal investors. The loans return 4.5 percent interest to the lender.

Mr. Speaker, since the FHA insured loan program was started in 1947, $15,652,259 has been invested in Wisconsin alone. For the Nation as a whole, the figure stands at approximately $390 million. Repayments of principal have totaled more than $100 million. Losses have amounted to less than one-tenth of 1 percent, which certainly is a small loss for a loan program.

Several factors contributed to the rapid increase in the volume of farm ownership loans during fiscal 1962. The Agricultural Act of 1961 broadened the scope of the farm ownership program to enable FHA to make loans to acquire and enlarge the full range of family farms. Previously, FHA was limited to making such loans on a rather narrow segment of family farms. In addition, insured loans can now be made for 100 percent rather than 90 percent of the normal value of the farm.

The act also improved the insured loan program by making it more attractive to investors. They now may receive 4½ percent interest on their investment rather than 4 percent and can sell the insured notes back to the Federal Government after 3 years rather than 5 years.

Mr. Speaker, the trend toward larger farms has naturally increased the demand for farm enlargement loans. As the rural areas development program gains momentum, an even larger number of small farmers will be encouraged to take advantage of this method of rounding out their farms.

The increasing use of credit in purchasing farmland also contributes to the demand for FHA loans. More than 80 percent of all land purchases during the year ending March 1 involved the use of credit, which is a record high. As recently as 1946, less than half of farmland transfers were credit financed.

The growing percentage of farmland transfers financed with the use of an installment sales contract has influenced the rise in FHA real estate loans. In 1946, only 11 percent of all transfers were made by contract. This year, about 30 percent of all transfers are being made with this financing device. Many of these contracts contain terms that cannot be met by the farmer and result in his applying to the Farmers Home Administration for refinancing.

Last, but not least, it is my opinion that farmers are aware that the present Administration is more responsive to their needs, and this has prompted many to seek credit assistance.

Mr. Speaker, the funds for investment under the FHA insured loan program are available. One of the most progressive of our labor unions has offered to invest $10 million in these loans over a 4-year period. The funds of this organization, as well as those of the banks and other lenders which are investing in insured farm loans, will be diverted to other markets unless prompt action is taken.

Obviously, the FHA insured loan program has many merits. Farmers who receive the loans are able to strengthen their operations. Rural communities in which the loans are made are fortified not only by the improvements financed by the loans, but also with the increased trade that is brought about by the expenditure of loan funds.

In addition, the use of insured loan funds rather than appropriated funds lessens the strain on the U.S. Treasury. An increase in the authorized amount of insured loans will reduce the need for direct Government loan funds for farm ownership and soil and water conservation loans. During fiscal 1962, the obligation of direct funds was discontinued almost entirely for several months while the $150 million of insured loan authority was available. Under current money market conditions, an increase in the loan insurance authorization would permit meeting the credit needs of most of the applicants for farm ownership and soil and water conservation loans with insured funds, thus effecting a savings in sums authorized to be obligated for direct loans.

Mr. Speaker, the House Agriculture Committee, of which I am a member, heard testimony last month on the Committee for Economic Development's "Adaptive Program for Agriculture," which proposes to dispose of the farm problem over a 5-year period by moving 2 million farmers off the land and into the cities—already plagued by unemployment. Rather than adding 2 million displaced farmers to the ranks of the unemployed, I feel a much more humanitarian and practical solution would be the enactment of various types of farm legislation to help farmers stay in rural communities. H.R. 12653 certainly falls into this category.

The need is apparent. Thousands of family-type farmers will be deprived of the credit they need to continue and strengthen their operations unless prompt action is taken in this area. If action to raise the ceiling on the FHA insured loan program is delayed until the next Congress meets, there will be several months when credit of this type is not available to our farmers. This period will occur at a time of year when the funds are most needed. I urge my colleagues to take favorable action on H.R. 12653 so that it can be enacted into law before the close of the 87th Congress.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDING AGRICULTURAL ADJUSTMENT ACT OF 1938 RELATING TO LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENTS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12855) to amend the Agricultural Adjustment Act of 1938 relating to the lease and transfer of tobacco acreage allotments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is further amended to change the language enclosed in parenthesis in the first sentence of section 316(a) to read "(other than a Burley tobacco acreage allotment, and for the 1963 crop year, other than a cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment)."

With the following committee amendments:

Page 1, line 4, strike out "to change" and insert "(1) by changing".

Page 1, line 9, strike out the period, add a semicolon following the quotation marks and the following: "and (2) by striking the period and inserting at the end of the second sentence of subsection 316(b) the following: ': *Provided*, That no such lease shall be renewed for 1963 for cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco.' "

The committee amendments were agreed to.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I want to urge my colleagues in the House to take favorable action on H.R. 12855, a bill which I introduced on August 9 of this year. Under the provisions of this measure, cigar-filler and cigar-binder tobacco would be exempted from the tobacco allotment leasing provisions of the 1963 tobacco program. Included in this category are types 42, 43, 44, 53, 54, and 55 tobacco.

Tobacco growers in my home State of Wisconsin raise types 54 and 55 tobacco, and they are unanimous in their support of this bill. The need for this legislation was called to my attention by the two major farm organizations in the State, the Wisconsin Farmers Union and the Wisconsin Farm Bureau Federation.

Subsequently, the directors of the Northern Wisconsin Cooperative Tobacco Pool of Viroqua, Wis., unanimously adopted a resolution which reads, as follows:

Resolved, That the board of directors of the Northern Wisconsin Cooperative Tobacco Pool go on record as being opposed to the lease and transfer of tobacco acreages for 1963 and that they encourage Members of our U.S. Congress to take the necessary action to have Wisconsin excluded from this law.

George E. Nettum, general manager of this tobacco cooperative, and J. Clark Johnson, a director, came here from Wisconsin in order to testify in support of my bill at hearings held August 27 by the Tobacco Subcommittee of the House Agriculture Committee.

Also making the trip to Washington to testify in favor of the legislation were Eugene Bergum, manager of the Wisconsin Cooperative Tobacco Growers Association of Edgerton, Wis., and William KasaKaitas, secretary of the Wisconsin Farm Bureau Federation. Gilbert Rohde, president of the Wisconsin Farmers Union, submitted a statement in support of the measure, as did Robert Cool, manager of the Cigar Tobacco Cooperative, of Miamisburg, Ohio, whose members grow types 42, 43, and 44 tobacco.

Mr. Speaker, it is my opinion—and the opinion of the tobacco growers I have mentioned—that the allotment leasing program in cigar-filler and cigar-binder tobacco is operating against the intent of the tobacco program. The present supply and demand situation in these types of tobacco required Wisconsin growers to take a 15 percent cut in allotments in 1962. However, this reduction has been offset to a large extent by the leasing of tobacco acreage allotments that are not being used on the farms to which they have been allotted.

In 1961, only 71.8 percent of Wisconsin's total tobacco acreage allotment of 19,110 acres was used for harvest. During that year, 2,159 of the 6,619 farms with tobacco allotments grew no tobacco at all. However, in 1962, tobacco allotments from 581 farms have been leased to 678 farms in the State. These leases involved 921.05 acres of tobacco land.

To put it another way, 8,300 acres of northern Wisconsin—or type 55— tobacco were harvested in 1961. According to a U.S. Department of Agriculture estimate made on July 1 of this year, around 7,500 acres of type 55 tobacco will be harvested in Wisconsin this fall. This acreage represents about a 10 percent reduction over 1961—which is 5 percent short of the required 15 percent allotment reduction.

As far as southern Wisconsin—or type 54—tobacco is concerned, it was harvested on 5,400 acres in 1961. This year, an estimated 4,900 acres of type 54 tobacco have been planted. This reduction falls short of the desired cut of 15 percent by better than 5 percent. Since Wisconsin tobacco raisers have had an excellent growing season, it is safe to assume that the supply of cigar-binder and cigar-filler tobacco will exceed the demand by better than 5 percent. As a result, tobacco growers will be faced with an even greater reduction in allotments for 1963.

Mr. Speaker, we are all well aware that even a 5-percent excess supply can upset markets, drive down prices, and create a surplus which could endanger the stable system we have established through the tobacco program. It has been a very successful program, which, over the years, has enabled tobacco farmers to receive close to 90 percent of parity for their product without substantial cost to taxpayers. Tobacco farmers have demonstrated their willingness to adjust supply to demand in order to get a fair price in the marketplace. Their support of this program is evidenced by the fact that 95.4 percent of the tobacco growers voting in the 1960 Wisconsin tobacco referendum approved a tobacco supply-adjustment program covering the next 3 years.

Our present difficulty in the cigar-binder and cigar-filler tobacco area arises not because the tobacco growers have been unwilling to make the required 15 percent cut in production, but rather because the new tobacco allotment leasing provision encourages them to lease unused allotments and bring them back into production. This situation works a hardship on the regular grower, who has made the required reduction in production and is left with an uneconomic unit and the unhappy choice of either bidding against others for whatever acreage is available for lease—or else retiring from active tobacco growing and leasing his allotment to those who remain.

Obviously, this arrangement introduces an unnecessary cost factor into tobacco production. Furthermore, it tends to discriminate against the smaller farmer who does not have the ready cash necessary to successfully bid for the allotments which are available for lease.

Mr. Speaker, the tobacco allotment leasing provision is not operating in the best interests of the producers of cigar-filler and cigar-binder tobacco. Matter of fact, it is working in this area against the worthwhile purpose of supply adjustment which is the intent of the tobacco program. It seems absurd to foster a situation where, on one hand, reductions in allotments are required in order to balance supply with demand while, on the other hand, unused allotments are allowed to be leased and brought back into production.

Wisconsin tobacco growers are rightly concerned over the fact that continuation of the leasing provisions will require greater reductions in allotments to accommodate the unused acres brought back into production through leasing arrangements. Ohio tobacco growers share this concern.

Immediately following the hearings on H.R. 12855, the tobacco subcommittee favorably reported the bill to the full House Agriculture Committee, which approved the measure on September 12. I respectfully urge my colleagues in the House to take favorable action on this measure, so that it can be enacted into law before the adjournment of this Congress. Since the legislation applies to the 1963 tobacco program, the need for early action is abundantly clear.

Mr. McCULLOCH. Mr. Speaker, I am pleased that H.R. 12855, to amend the Agricultural Adjustment Act of 1938, relating to the lease and transfer of tobacco acreage allotments, was scheduled for consideration this week. I am pleased that it has been reached for final vote today.

There are more than 1,200 cigar filler type tobacco growers in the Great Miami Valley of western Ohio. These growers, in large part, are members of the Ohio Farm Bureau Federation and of the Cigar Tobacco Cooperative, which cooperative is managed by Robert Cool of Arcanum, Darke County, Ohio, which is in the Fourth Congressional District of Ohio that I have the honor to represent. These organizations favor H.R. 12855, as amended by the Committee on Agriculture.

Ohio tobacco growers, of the cigar filler type, produced more than 8 million pounds of tobacco in 1961 and such production exceeded use by almost 2 million pounds, for the past 2 years. In addition, there is more than 25 million pounds of this type of tobacco on hand, which is in surplus, and any act or failure to act which increases such surplus is not in the best interest of the producers or the public.

For that reason, as well as for other reasons which need not be discussed at this time, H.R. 12855 should be passed by the House, today.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

FEDERAL-STATE COOPERATION

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12802) to provide further for cooperation with States in administration and enforcement of certain Federal laws.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws and regulations relating to the marketing of agricultural products and to the control or eradication of plant and animal diseases and pests, the Secretary of Agriculture is hereby authorized, in the administration and enforcement of such Federal laws within his area of responsibility, whenever he deems it feasible and in the public interest, to enter into cooperative arrangements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of such Federal laws and regulations to the extent and in the manner he deems appropriate in the public interest.

Further, the Secretary is authorized to coordinate the administration of such Federal laws and regulations with such State laws and regulations wherever feasible. However, nothing herein shall affect the jurisdiction of the Secretary of Agriculture under any Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions of law upon such cooperation.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. POAGE. I yield.

Mr. GROSS. This is not a bill, is it, that rotates these agricultural attachés?

Mr. POAGE. It is not, but I yield to the gentleman from Missouri [Mr. JONES], to answer more fully. The bill came from his subcommittee.

Mr. JONES of Missouri. No, it has nothing to do with that. It was approved unanimously by both the subcommittee and the full committee. It does not add any cost. It merely clarifies existing regulations and provides for cooperation between State and Federal Governments on certain programs. In some cases it would avoid a duplication of services that are being rendered by both the Federal and the State Governments. It would provide that State employees in some instances might do the work required at the present time of Federal employees. It would avoid duplication and to that extent result in economy to both the Federal Government and the State governments.

It does not take away any authority that now exists.

Mr. GROSS. Does it give any additional authority to the Secretary of Agriculture? That is the Federal Secretary of Agriculture?

Mr. JONES of Missouri. The only additional authority he would be given would be in case of duplication of services being performed, in which case he could say it could be performed by one service.

Mr. GROSS. As between the States and the Federal Government?

Mr. JONES of Missouri. That is right.

Mr. GROSS. But it does not require him to cooperate with the State government unless they both want it. Is that about the way it goes?

Mr. JONES of Missouri. That is right.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I gladly yield to the gentlelady from Missouri.

Mrs. SULLIVAN. I would like to ask either the chairman or the author of the bill whether this bill applies to Federal meat inspection.

Mr. SMITH of Iowa. The bill does not cover Federal meat inspection. I would hope that if and when protection for meat inspection is extended, a provision would be put in that bill to encourage cooperation.

Mrs. SULLIVAN. At least it does not weaken the Federal meat inspection laws as they now exist?

Mr. SMITH of Iowa. No.

Mr. JONES of Missouri. I think the following statement from the report states the matter very clearly:

> For example, should the Secretary enter into an agreement to cooperate with a State in carrying out Federal meat inspection, the eligibility and sanitation requirements of such inspection would be those of the Federal statute; the inspection would be Federal inspection, not State inspection, even

though it might be carried out by a State employee; and the Federal policy that meat inspection may be done only by an employee paid with public funds would be controlling.

Mr. QUIE. Mr. Speaker, I rise in support of H.R. 12802. For some time I have been concerned with duplication of similar actions by Federal and State agencies. Because of this concern, I have introduced an identical bill to that of the gentleman from Iowa, the Honorable Neal Smith.

This legislation is long overdue and will make laws already on the statute books more workable. In areas of pest and disease control and marketing assistance, there is much room for improvement.

In many instances, similar projects are now carried out by both the State and Federal Governments. These projects could be implemented entirely by State personnel.

It is my belief that this legislation will strengthen the role of State governments and in some cases, eliminate duplication by Federal and State officials.

The duplication could be avoided by many means. The use of grants-in-aid technical assistance and State supervision and direction, to mention a few. The general rules, regulations and uniform training could come from the Federal agencies.

There are many areas in my home State of Minnesota in which duplication could be avoided. Barberry eradication, control of white pine blister rust, and inspection of chicks, hatching eggs, and poults are a few.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the three bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORITY OF FHA TO MAKE PAYMENTS IN LIEU OF TAXES UPON ACQUIRING CERTAIN MILITARY HOUSING

Mr. RAINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13067) to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the National Housing Act is amended by adding at the end thereof the following new section:

"Sec. 811. (a) The Commissioner is authorized to make payments in lieu of taxes on any real property to which title has been or is hereafter acquired by him in fee under section 803 as effective prior to August 11, 1955, and on which taxes or payments in lieu of such taxes were payable or paid prior to acquisition by the Commissioner. Such payments may be made in connection with tax years occurring prior to or subsequent to the date of the enactment of this section. The amount of any such payments shall not exceed taxes on similar property and shall not include interest or penalties. If the Commissioner has acquired or hereafter acquires title in fee to real property by foreclosure or by transfer from some other department or agency of the Government or otherwise during a tax year, he may make a payment in lieu of taxes prorated for that portion of the year remaining after his acquisition of title. This subsection shall not authorize any lien against property held by the Commissioner, nor the payment of any tax, nor any payment in lieu of any tax, on any interest of the Commissioner as lessee or mortgagee.

"(b) Nothing in this title shall be construed to exempt any real property which has been or is hereafter acquired and held by the Commissioner under section 809 or 810 from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed."

The SPEAKER pro tempore. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. RAINS. Mr. Speaker, this is a very simple bill designed to permit the FHA Commissioner to pay local real estate taxes on certain military housing projects which he has acquired, just as he now does on any other projects. In the original Wherry Act authorizing FHA mortgage insurance for military housing, FHA had authority to pay local real estate taxes if it should acquire any of the properties. When this law was amended in 1955 to substitute the Capehart program that authority was omitted. This bill would restore that authority for certain Wherry projects.

This bill is highly deserving in my judgment. It applies only to Wherry Act projects on which taxes were being paid prior to acquisition. It would be highly unfair to undermine the local tax base just because the FHA Commissioner acquired the property. If local government is to meet its responsibilities we should not rob them of tax revenue. We do not do that now under any other FHA program.

The dollar impact of this bill would be very small. It would permit the FHA Commissioner to meet his responsibilities on two existing projects, one in Paducah, Ky., and one in Florida. Also, it would permit him to pay taxes on any properties he might acquire under two other small programs—sections 809 and 810. This bill has the full support of the administration and I hope will have the support of all of my colleagues.

Mr. Speaker, it would put on the local tax rolls these two projects which should have been on the local tax rolls all the time.

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. STUBBLEFIELD. Mr. Speaker, during the Korean war the Atomic Energy Commission constructed an atomic energy plant just outside of Paducah, Ky. Before construction began on this project, Paducah had a population of approximately 32,000 people. At one stage of construction there were 28,000 additional persons working at the AEC plant. This, of course, caused quite a housing problem. In order to alleviate this problem a housing project consisting of 350 individual units and 150 apartment units was constructed. This was known as the Forest Hills project.

This project was built in 1954 at the insistance of the Atomic Energy Commission over the three times refusal by the Federal Housing Administration. Further, civic leaders in the city of Paducah opposed construction of the Forest Hills project.

In 1956, the Federal Housing Administration foreclosed on Forest Hills because of the builder's inability to pay for the project. At that time it was less than 25 percent occupied and that situation is the same today. Several proposals have been made both by the city of Paducah and by FHA for the disposal of this property. In one instance, FHA wanted to subdivide the property for individual sales, but this would have required over 400 exceptions to Paducah's zoning ordinances.

City records indicate that FHA paid $32,007.78 for 1957 taxes, $32,142.53 for 1958, and $33,004.26 for 1959. Then, with the advice of their legal office, FHA discontinued taxpayments although the city of Paducah was and still is furnishing schools, police and fire protection, sewers and refuse collection and other city services. This has created a real burden on the city.

This bill, H.R. 11604, would permit the Federal Housing Authority to pay taxes on repossessed housing projects built under provisions of the Wherry housing program. Forest Hills was built under these provisions. At the present time there are no provisions for this type payment although other property acquired by the Commissioner of FHA is subject to taxes or payments in lieu of taxes. H.R. 11604 would merely authorize the same types of tax payments on repossessed projects built under the Wherry program as are already authorized for FHA programs generally.

Most people tend to think of Wherry projects as housing on military bases. This is primarily true, and of course these type projects would not be affected as they are located on Government property. Forest Hills was not built on a military reservation nor was it built for military personnel.

In its report dated August 29, 1962, the Housing and Home Finance Agency has recommended enactment of H.R. 11604. Also, the Bureau of the Budget has advised that there is no objection to the bill from the standpoint of the administration's program.

Although I am vitally concerned with the ultimate resolution of this problem as concerns the final disposition of the property, I am at the present primarily interested in seeing that an equitable solution is found regarding the payment of taxes on this property. Enactment of H.R. 11604 is definitely needed in order to correct the existing inequity.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from Alabama that the House suspend the rules and pass the bill H.R. 13067.

The question was taken.

Mr. **GROSS**. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Further proceedings on this matter will go over until tomorrow.

Mr. **GROSS**. I withdraw my point of order, Mr. Speaker.

AMENDMENT OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962 TO PROVIDE FOR REIMBURSEMENT OF RAILROAD EMPLOYMENT INSURANCE ACCOUNT

Mr. **HOLLAND**. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3529) to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad employment insurance account.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (h) of section 203 of the Manpower Development and Training Act of 1962 is amended, effective March 15, 1962, by inserting "(1)" after the subsection designation, and by adding at the end of such subsection the following new paragraph:

"(2) If unemployment benefits under the Railroad Unemployment Insurance Act are paid to a person taking training under this Act and eligible for a training allowance, the railroad unemployment insurance account in the unemployment trust fund shall be reimbursed, from funds herein appropriated, for all of such benefits paid prior to July 1, 1964, and for 50 per centum of the amount of such benefits paid on or after that date. The amount of such reimbursement shall be determined by the Secretary of Labor on the basis of reports furnished to him by the Railroad Retirement Board and such amount shall then be placed in the railroad unemployment insurance account."

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **GRIFFIN**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **HOLLAND**. Mr. Speaker, S. 3529 passed the Senate on August 7, 1962, and was referred by the Speaker to our committee on August 13, 1962.

This bill has as its purpose the amendment of the Manpower Development and Training Act which we passed earlier in this session so that railroad workers and the railroad unemployment insurance account may receive reimbursement in the same manner as all other unemployed workers and State unemployment insurance accounts originally contemplated under the Manpower Act.

It is not a partisan or controversial measure in any way. It was sponsored and supported by both railroad labor and railroad management jointly. Its terms have been approved by the Railroad Retirement System, the Department of Labor and the Bureau of the Budget.

Under its provisions no additional money need be appropriated nor will any department which has any responsibility for the administration of the Manpower Act need additional personnel funds. The 47,000 railroad workers eligible for unemployment benefits as of August 15 of this year and the thousands who exhausted their eligibility earlier will be treated in the same manner as every other unemployed worker as contemplated by the original legislation.

Mr. **GRIFFIN**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GRIFFIN**. Mr. Speaker, I know of no objection to the bill from this side of the aisle.

Mr. Speaker, the fact that a provision for reimbursement of the unemployment account for railroad workers was omitted from the manpower training bill seems to have been inadvertent. This bill is designed to correct the omission in that legislation and provide equity and fairness across the board for unemployed workers who receive training under the Manpower Training Act.

Mr. **GRIFFIN**. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GOODELL**. Mr. Speaker, I rise in support of S. 3529. At the time the Manpower Development and Training Act was passed, there was no intention on the part of the members of the Education and Labor Committee to discriminate against the railroad unemployment insurance fund. If we had known that an individual taking training under the Manpower Act could, at the same time, receive benefits from the railroad unemployment insurance fund, we would have provided in the Manpower Act that the railroad unemployment compensation fund could be reimbursed for the amount of such payments. This then is all that S. 3529 would do.

By enacting this legislation, we will be doing two important things:

First. We will make it possible for the railroad unemployment insurance fund to be reimbursed whenever a trainee, who is eligible for a training allowance, receives benefits from such fund while he is being trained; and

Second. We will be encouraging those persons who are receiving benefits from the railroad unemployment insurance fund to seek and to undergo training as soon as possible rather than to wait in idleness until such time as they have drawn all of their unemployment benefits.

It should be noted that once a trainee has received all the payments due him under the railroad fund, he will then be eligible for a training allowance on the same basis as any other unemployed worker. In addition, the amount of his training allowance will be determined in the same manner as any other trainee. This bill does not set up a double standard with respect to the payment of training allowances. It only provides for the reimbursement of the railroad fund in the event a trainee who is eligible for a training allowance continues to draw benefits under the railroad unemployment fund while he is undergoing training.

Finally, it should be noted that in addition to reimbursing the railroad unemployment fund, there will also be a crediting of the individual for the period that such reimbursement covers. Thus, if the railroad unemployment fund is reimbursed for 2 weeks of payments to an individual because such individual is undergoing training and is eligible for a training allowance, this same individual will then be able to draw an additional 2 weeks of railroad unemployment fund payments at the completion of his training, if he is still technically eligible for such payments at that time.

Mr. Speaker, I believe that the enactment of S. 3529 will correct what is unquestionably an inequity as far as the railroad unemployment compensation fund is concerned. I therefore urge its passage.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill S. 3529.

The question was taken; and the Chair announced that in the opinion of the Chair two-thirds had voted in favor thereof.

Mr. **GRIFFIN**. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Under previous order of the House, further proceedings on this bill will go over until tomorrow, and the point of order is withdrawn.

VIRGIN ISLANDS NATIONAL PARK, ST. JOHN, V.I.

Mr. **THORNBERRY**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 777 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2429) to revise the boundaries of the Virgin Islands National Park, Saint John, Virgin Islands, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown]; and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 777 provides for the consideration of S. 2429, a bill to revise the boundaries of the Virgin Islands National Park, St. John, Virgin Islands, and for other purposes. The resolution provides an open rule with 1 hour of general debate.

S. 2429 has two purposes: First, to enlarge the boundaries of the Virgin Islands National Park to include 5,650 acres of submerged lands off the shores of the island of St. John; and, second, to permit appropriated funds to be used for the acquisition of other lands which were included within the original boundaries of the park but which have not been acquired.

The national park, which was established in 1956, includes about 9,500 acres on the island of St. John. Adjacent to these lands are two submerged areas, title to which is in the United States, that are reported to contain especially beautiful coral formations and rich forms of tropical marine life which are endangered by careless sportsmen and commercial operators. S. 2429 is needed to give these areas the same protection that the laws governing the national park system give to other scenically and scientifically important areas and to assist in providing, in the words of the basic law of the National Park Service, "for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The estimated cost of land acquisition is $2,500,000. However, it is expected that Federal participation will not exceed 50 percent of this amount.

Mr. Speaker, I urge the adoption of House Resolution 777.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order with 1 hour of general debate the consideration of the bill S. 2429, a bill designed to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes.

If I recall correctly, this bill was on the Suspension Calendar not too long ago and was defeated. Since that time a rule was sought and was granted under the provisions of this resolution for the consideration of this measure. If my memory serves me correctly, there was considerable opposition to the bill originally when it was first before the House. However, I do not know that there was any opposition before the Committee on Rules to the granting of a rule, to give the House the opportunity to work its will.

Mr. Speaker, I have no further requests for time.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. Laird) there were—ayes 28, noes 14.

Mr. LAIRD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The rollcall is automatic.

Mr. LAIRD. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The Chair must advise that that comes too late. The announcement that a quorum was not present had already been made.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 5, not voting 162, as follows:

[Roll No. 224]

YEAS—269

Abernethy
Albert
Alexander
Alger
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashmore
Aspinall
Avery
Baker
Baldwin
Baring
Barry
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Bolling
Bonner
Breeding
Brooks, Tex.
Broomfield
Brown
Broyhill
Burleson
Byrne, Pa.
Byrnes, Wis.
Cannon
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Cohelan
Collier
Colmer
Cooley
Corbett
Corman
Cramer
Curtin
Curtis, Mass.
Daddario
Dague
Daniels
Davis, John W.
Dawson
Dent
Denton
Derounian
Devine
Dingell
Dole
Dorn
Dowdy
Downing
Dulski
Durno
Everett
Fascell
Feighan
Fenton
Fisher
Flood
Flynt
Fogarty
Forrester
Fountain
Frelinghuysen
Friedel
Gallagher
Gathings
Giaimo
Gonzalez
Granahan
Grant
Green, Oreg.
Griffiths
Gross
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Harding
Hardy
Harrison, Wyo.
Harvey, Ind.
Hechler
Hemphill
Henderson
Hiestand
Hoeven
Holifield
Holland
Horan
Hosmer
Huddleston
Ichord, Mo.
Inouye
Joelson
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Keogh
Kilgore
King, Calif.
King, N.Y.
King, Utah
Kitchin
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Loser
McCulloch
McDowell
McFall
McIntire
McMillan
MacGregor
Mack
Madden
Magnuson
Mahon
Mailliard
Marshall
Mathias
Matthews
May
Michel
Miller, Clem
Miller,
George P.
Milliken
Mills
Minshall
Monagan
Montoya
Moore
Moorhead, Pa.
Morris
Morse
Mosher
Murphy
Murray
Natcher
Nelsen
Norblad
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Konski
Olsen
Osmers
Ostertag
Pelly
Perkins
Pillion
Pirnie
Poage
Poff
Price
Purcell
Quie
Rains
Randall
Reece
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Roosevelt
Rosenthal
Roudebush
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scott
Sheppard
Shipley
Shriver
Siler
Sisk
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Springer
Stafford
Stephens
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tupper
Ullman
Utt
Vanik
Van Pelt
Waggonner
Walter
Watts
Westland
Wharton
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Calif.
Wilson, Ind.
Wright
Young
Younger
Zablocki

NAYS—5

Bray
Griffin
Harsha
Johansen
Ray

NOT VOTING—162

Abbitt
Adair
Addabbo
Alford
Andersen,
Minn.
Anfuso
Ashley
Auchincloss
Ayres
Bailey
Barrett
Bass, N.H.
Belcher
Blitch
Boland
Bolton
Bow
Boykin
Brademas
Brewster
Bromwell
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Cahill
Carey
Casey
Conte
Cook
Cunningham
Curtis, Mo.
Davis,
James C.
Davis, Tenn.
Delaney
Derwinski
Diggs
Dominick
Donohue
Dooley
Doyle
Dwyer
Edmondson
Elliott
Ellsworth
Evins
Fallon
Farbstein
Findley
Finnegan
Fino
Ford
Frazier
Fulton
Garland
Garmatz
Gary
Gavin
Gilbert
Glenn
Goodell
Goodling
Gray
Green, Pa.
Halpern
Hansen
Harris
Harrison, Va.
Harvey, Mich.
Hays
Healey
Hébert
Herlong
Hoffman, Ill.
Hoffman, Mich.
Hull
Jarman
Jennings
Jensen
Johnson, Md.
Jones, Ala.
Judd
Kearns
Kee
Keith
Kelly
Kilburn
Kirwan
Lane
Lindsay
Lipscomb
McDonough
McSween
McVey
Macdonald
Martin, Mass.
Martin, Nebr.
Mason
Meader
Merrow
Miller, N.Y.
Moeller
Moorehead,
Ohio
Morgan
Morrison
Moss
Moulder
Multer
Nedzi
Nix
Norrell
O'Brien, Ill.
O'Hara, Mich.
O'Neill
Passman
Patman
Peterson
Pfost
Philbin
Pike
Pilcher
Powell
Pucinski
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
Rostenkowski
Rousselot
St. George
St. Germain
Santangelo
Saund
Scranton
Seely-Brown
Selden
Shelley
Short
Sibal
Sikes
Smith, Calif.
Spence
Staggers
Steed
Stratton
Taber
Thompson, La.
Thompson, N.J.
Tuck
Udall, Morris K.
Van Zandt
Vinson
Wallhauser
Weaver
Weis
Whalley
Wickersham
Winstead
Yates
Zelenko

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Garmatz with Mr. Auchincloss.
Mr. Hébert with Mrs. St. George.
Mr. Fallon with Mr. Wallhauser.
Mr. Addabbo with Mr. Fino.
Mr. Johnson of Maryland with Mr. Ford.
Mr. Brewster with Mrs. Bolton.
Mr. Donohue with Mr. Conte.
Mr. Macdonald with Mr. Bow.
Mr. Philbin with Mr. Rousselot.
Mr. Burke of Massachusetts with Mr. Moorehead of Ohio.
Mr. Lane with Mr. McVey.
Mr. Elliott with Mr. Jensen.
Mr. Edmondson with Mr. Glenn.
Mr. O'Brien of Illinois with Mr. Ayres.

Mr. Rostenkowski with Mr. Cunningham.
Mr. Nix with Mr. Derwinski.
Mr. Moeller with Mr. Weaver.
Mr. Diggs, with Mr. Smith of California.
Mr. Thompson of Louisiana with Mr. Merrow.
Mr. Sikes with Mr. Lindsay.
Mr. Jarman with Mr. Kearns.
Mr. Alford with Mr. Halpern.
Mr. Finnegan with Mr. Goodell.
Mr. Peterson with Mr. Bass of New Hampshire.
Mr. Rivers of Alaska with Mr. Adair.
Mr. Green of Pennsylvania with Mr. Scranton.
Mr. Barrett with Mr. Curtis of Missouri.
Mr. Morgan with Mrs. Dwyer.
Mr. Morrison with Mr. Ellsworth.
Mr. Doyle with Mr. Dominick.
Mr. Gray with Mr. Dooley.
Mr. Harrison of Virginia with Mr. Findley.
Mr. Hays with Mr. Van Zandt.
Mr. Herlong with Mrs. Weis.
Mr. Shelley with Mr. Short.
Mr. St. Germain with Mr. Seely-Brown.
Mr. Rogers of Texas with Mr. Andersen of Minnesota.
Mr. Pucinski with Mr. Meader.
Mr. Burke of Kentucky with Mr. Miller of New York.
Mr. Bailey with Mr. Martin of Massachusetts.
Mr. Hull with Mr. Goodling.
Mr. Jennings with Mr. Cahill.
Mr. Thompson of New Jersey with Mr. Garland.
Mr. O'Neill with Mr. Gavin.
Mr. Ashley with Mr. McDonough.
Mr. Anfuso with Mr. Lipscomb.
Mr. Buckley with Mr. Kilburn.
Mr. Carey with Mr. Hoffman of Illinois.
Mr. Santangelo with Mr. Sibal.
Mr. Stratton with Mr. Taber.
Mr. Multer with Mr. Mason.
Mr. Pike with Mr. Martin of Nebraska.
Mr. Gilbert with Mr. Keith.
Mr. Delaney with Mr. Harvey of Michigan.
Mrs. Kelly with Mr. Hoffman of Michigan.
Mr. Powell with Mr. Judd.
Mr. Healey with Mr. Fulton.
Mr. Farbstein with Mr. Bromwell.
Mr. Zelenko with Mr. Belcher.

Mr. **CHIPERFIELD** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. **RUTHERFORD**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2429) to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. RUTHERFORD].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2429, with Mr. JONES of Missouri in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from Texas [Mr. RUTHERFORD] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. RUTHERFORD].

Mr. **RUTHERFORD**. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. ASPINALL].

Mr. **ASPINALL**. Mr. Chairman, S. 2429 concerns the Virgin Islands National Park. This park was established in 1956 pursuant to an act of Congress of that year. Its authorized boundaries include about 9,500 acres or two-thirds of the island of St. John. The total population of the island, according to the 1960 census, is 925, most of whom live outside the park boundaries. About 6,200 of the 9,500 acres within the boundaries have been donated to the United States by Mr. Laurance S. Rockefeller and his associates who acquired them at a cost of over $4 million.

Although it is small in comparison with many of our great national parks in the West, the Virgin Islands National Park is one of the gems of the national park system. The lush tropical vegetation which typifies the island of St. John, the coral reefs which surround it, the 1,200-foot mountains which dominate its landscape, the many remains of forts and plantation homes which remind us that it was a flourishing community in the 18th century, and the petroglyphs which remain from a still earlier period when it was the home of Arawak and Carib Indians—all these, taken together, make it unique among our national conservation and recreation areas.

The time has come, Mr. Chairman, to round out the Federal holdings in this little national park. As the figures I have already given indicate, there are about 3,300 acres within the authorized boundaries that remain to be acquired.

The Park Service estimates that these 3,300 acres will cost about $2,500,000. An amendment to the bill which the committee recommends provides, however, that not more than $1,250,000 is authorized to be appropriated for this purpose. The remainder, whatever it may turn out to be, will have to be donated to the Government. The committee has been informed that $500,000 is readily available for this purpose. I hope the House will concur in my and the committee's estimate of the great value to the Nation of Mr. Rockefeller's philanthropies in this area and of the reasonableness of the Government's taking over a share of the burden from here on out.

I now want to point out to the House that quite a storm has blown up since the time we last considered this bill on the floor. It has been charged that this bill, and particularly its provision permitting the Park Service to acquire lands by condemnation, has been rushed through under a cloud of secrecy. Mr. Chairman, this is a totally unfounded and unfair charge. S. 2429 was introduced in the Senate on August 16, 1961. Nearly a year passed before hearings were held by that body's Subcommittee on Territories and Insular Affairs. These hearings were held on June 8, 1962. The bill was reported by the Senate Committee on Interior and Insular Affairs on June 27 and passed 2 days later. Meanwhile, hearings on the House companion bills—H.R. 11312, by myself, and H.R. 11313, by the gentleman from Pennsylvania, Congressman SAYLOR—which were introduced on April 16, 1962, were held by our Subcommittee on National Parks on May 28. On July 10 our subcommittee reported S. 2429 to the full Committee on Interior and Insular Affairs, and on August 13 our committee reported it to the House. In all this time, Mr. Chairman, there was not one word, orally or in writing, to indicate that this provision for condemnation—a very common provision in our national parks legislation—was troublesome to anyone. There was no attempt to keep it secret, and there is no ground for complaint against any action which the Congress or any of its committees or Members has taken.

Nevertheless, after the storm arose, our colleague, the gentleman from Texas [Mr. RUTHERFORD] took the trouble to make a hurry-up flight to the Virgin Islands to find out what all the fuss was about. He met with local officials and with local people. He has reported to me that, in view of the misunderstandings that have arisen and in view of what he has been told the representations were at the time the park was established and in view of the support which Governor Paiewonsky and Mr. Rockefeller have given to deletion of the condemnation provision, he is willing to offer an amendment to take care of this. When he does so, I shall support his amendment. Its adoption will, I hope, remove the only seriously controversial feature of this bill and permit us to go on to more productive business.

Let me now return to my main theme.

The second purpose of S. 2429 is to add to the park two areas of submerged land plus a few small cays and rock islands off the coast of St. John. One area on the north shore includes 4,100 acres, the other on the south shore includes 1,550. The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has recommended that areas such as these be included in the park.

These additions will cost little or nothing, since the United States already owns the submerged land. In a bill passed by the House a few months ago—H.R. 4860, by the gentleman from New York, Congressman O'BRIEN—under which the submerged lands adjacent to the Virgin Islands, Guam, and American Samoa will be transferred to the jurisdiction of the governments of those territories, we specifically authorized the President to reserve such areas as these from the transfer.

The inclusion of these 5,650 acres is desirable for several reasons. They include important and beautiful coral formations which deserve to be protected from depredation by souvenir hunters and commercial interests. There is also an important habitat of tropical fish, spiney lobsters, and mollusks that attract but need protection from spear fishermen, tourists, and others. Finally, the National Park Service has plans for the development of underwater trails for visitors which will add greatly to the attractiveness of the park.

Mr. Chairman, these two purposes of S. 2429 deserve the support of the House. I recommend that the bill be enacted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. How far is this location from Jamaica where $7 million in foreign aid was dumped a few weeks ago?

Mr. ASPINALL. This has nothing to do with the proximity of Jamaica. I think the better way would be to start with the island of Cuba, which has had some place in the news these days, and go some 40 miles east of Cuba, when we come to the Haitian area. The Haitian area is adjacent and contiguous to the Santo Domingan area to the east. Then you go some 80 miles and get to the Puerto Rican area. The Puerto Rican area is about 120 miles long and then directly east of that island 40 miles you get to the St. Thomas area. East of that island 6 miles is the island of St. John.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. JENSEN. It is difficult for me to understand why the boundary line for a national park on St. John's Island should be extended.

Mr. ASPINALL. If the gentleman wants to ask me a question, I shall be glad to try to answer the question.

Mr. JENSEN. I was about to ask the gentleman a question. Just what is the purpose of this extension; what is the reason given for it?

Mr. ASPINALL. Has the gentleman ever been on St. John's?

Mr. JENSEN. Yes, I certainly have, and I must say it is a wonderful resort island.

Mr. ASPINALL. As far as the extension of the boundaries is concerned, by this legislation they are extended out into the water area. There will be no extension, as I understand it, as far as the land area is concerned. The boundaries of the area, however, out to approximately 2 to 3 miles of the water area, will be extended by this in order to take into the park area a few little islands which are not inhabited at all, and areas which have a great deal of value as far as the use of some people who are skindivers and swimmers and boaters and so forth.

Mr. JENSEN. Just how much is this going to cost the taxpayers of America?

Mr. ASPINALL. I think the gentleman from Iowa will have to admit that a committee which I chairman never comes up here with any hidden figures. We always have them in the open. This will provide for an additional authorization for $1,250,000 of Federal money, to be used as matching funds to other funds which will be donated. There is some objection to this additional authority. I think we will be properly advised when the time comes as to that by the gentleman from Washington [Mr. WESTLAND]. I would suggest to my friend from Iowa that if possible when the gentleman from Texas, who has made such a thorough study of this matter, takes the floor, his questions should be properly addressed to him, because the gentleman has been very close to this matter.

Mr. JENSEN. I assume the gentleman knows that Laurance Rockefeller is not pleased with this bill. He is opposed to condemnation. The Rockefeller Foundation has spent a lot of money on St. John Island to provide a wonderful summer resort there for people to enjoy.

Mr. ASPINALL. It was my opinion until the recent discussion on the floor under suspension of the rules that Mr. Rockefeller was in favor of the bill, but since then he has withdrawn his support in connection with a provision that has to do with condemnation.

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, few bills that have been before this House in the closing days of this session have caused so much heat and shed so little light on the subject as the bill now being considered, S. 2429, to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes.

First let me say that the basic land boundaries of this park were established in 1956. Those who were Members of the House at that time who were in favor of the establishment of this national park prescribed the boundaries as they were agreed upon and those boundaries were accepted by the Congress. They have not been changed from then until now. There is absolutely nothing in the bill that is before the committee that changes the boundaries in the land area of 9,500 acres.

What this bill does is to extend the national park into two offshore areas. Even though the Park Service knew that certain of the underwater areas near St. John and adjoining the park held some unusual strata, it was not until the park was established and the Park Service men were there that a complete survey of this area was made.

As a result of surveys that have been made by the people in the Park Service, they have asked the permission of Congress in this bill, first, to include a north offshore area of 4,100 acres—all under water—Uncle Sam owns it all and we just want to designate it as the north shore area. This is not going to cost us anything. We are not going to dispossess anybody.

Secondly, they said on the south side of the island there was an area of approximately 1,550 acres all under water, all owned by Uncle Sam, and no one would be dispossessed.

These are the main features of this bill so far as the expansion of the boundaries of the park is conerned. It seems to me that it is about time the House understands we are not going to take in any more land. Therefore, all of the arguments that have been made with regard to expanding the boundaries merely follow a pattern which this House has approved several times this year in the Cape Cod National Seashore, the Point Reyes National Seashore, and the Padre Island National Seashore which was passed just a few days ago. What we are doing in the Virgin Islands is the same thing, including offshore underwater areas.

The second thing that has caused a great deal of difficulty has been the fact that section 2 of the bill authorizes the Secretary of the Interior to acquire certain inholdings. I am sure that those of us who have been Members of this House for some period of years have heard on many, many occasions people rise and say that one of the worst features of a national park are certain inholdings. There was an attempt to get rid of the inholdings within the 9,500 acres. It seems that because this is in the Virgin Islands, the House is desirous of changing that formula and not using the usual provisions in a law.

So an agreement has been worked out that section 2 of this bill will have deleted from it the authorization for the Secretary to condemn any of the inholdings; however, this bill will permit him to acquire inholdings by purchase donation, with donated funds or by exchange.

One of the provisions of this bill originally extended to the residents of the Virgin Islands certain rights in the north and south offshore areas. The members of the committee, after discussing this bill thoroughly, determined that since the residents of the Virgin Islands are also citizens of the United States, they should be given no additional rights, but should be given the same rights as all citizens of the United States. So that objection has been deleted.

When this bill passed the Senate, it came here with a section 4, which is known as an open end appropriation. Because Members of the House have looked with disfavor upon open end appropriations, the House Committee on Interior and Insular Affairs struck out section 4 of the Senate bill and substituted a new section 4.

It states as follows:

> SEC. 4. There are hereby authorized to be appropriated such sums, but not more than $1,250,000, as are necessary to acquire lands pursuant to section 2 of this Act.

The park was originally established by the Congress. Laurance Rockefeller—and let us make sure that those Members of the House who see political connotations in this bill understand that it is Laurance Rockefeller. He is not the Governor of New York; he is only a brother of the Governor of New York. He is, in my opinion, the outstanding conservationist in America today, yes, probably of all time, a man who has been blessed with an inheritance, but one who has seen that money alone in his hands does not mean much. He desires to make available to the people of these United States areas where they can go and enjoy themselves.

Laurance Rockefeller went to the Virgin Islands and spent upward of $4 million of his own money acquiring land and gave that land as a gift to the United States for the establishment of the Virgin Islands National Park.

From the information which has been furnished to our committee, it will take approximately $2,500,000 to acquire the other inholdings. Mr. Rockefeller and other groups have said they will match the expenditures of the Federal Government to acquire them. So what we are actually doing here is acquiring a national park, the cost of which is about $6,500,000, for the expenditure of $1,250,000. I, for one, feel that this is a good investment.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. JENSEN. I am reading from the Sunday Journal of Sunday, September 9, 1962, published at St. Thomas, V.I.

Paiewonsky, Rockefeller Say They Oppose Eminent Domain

Gov. Ralph M. Paiewonsky has expressed his strong opposition to the use of Federal eminent domain powers as a means of enlarging the present land holdings within the boundaries of the Virgin Islands National Park on St. John.

The Governor is of the opinion that extremely serious problems of relocation and related social hardships will result affecting a substantial part of the St. John community if condemnation were resorted to as provided under legislation now before the Congress. Some 60 families, representing roughly one-third of that island's population, occupy the land area that would be affected. Although repeating his support of the aims of the National Park Service and the expansion of the seaward boundaries of the Virgin Islands National Park, the Governor pointed out that any land expansion could not under any circumstances ignore the very real and human considerations involved.

Attorney Louis Hoffman, Laurance Rockefeller's representative, also issued the following statement:

"As the Virgin Islands representative of Mr. Laurance S. Rockefeller, I today reassured Gov. Ralph M. Paiewonsky of Mr. Rockefeller's continued position against expropriation or condemnation of lands in the British Virgin Islands or St. John, U.S. Virgin Islands, for park purposes. I am authorized by Mr. Rockefeller to categorically state that his position continues unchanged; and against expropriation or condemnation.

"Mr. Rockefeller still is of the opinion that all purchases of land for park purposes should be negotiated by the National Park Service with the owners of the land involved. Mr. Rockefeller, who returned from Europe just a few days ago, further advises that he is personally endeavoring to make his views known to the Congress, the National Park Service and the Department of the Interior."

Now does the gentleman contend that Laurance Rockefeller's objection has been removed by the suggested amendment to the bill by your committee against condemnation?

Mr. SAYLOR. I would like to tell the gentleman that I am authorized by Laurance Rockefeller, not as his representative, but after conversation with Mr. Rockefeller, to state that the elimination of the condemnation provision removes his objection to this bill.

I now yield to the gentleman from New York [Mr. O'Brien].

Mr. O'BRIEN of New York. Will the gentleman tell the House whether Mr. Laurance Rockefeller has ever made a penny of profit out of these parks, or if he will make a penny of profit if this bill passes?

Mr. SAYLOR. To the best of my knowledge Mr. Rockefeller has never made a penny out of the park. None of the organizations or foundations with which he is connected have made any money out of the park and probably in the future will not make any money out of the park. In fact, it has been a losing deal all along on money they have invested in Cruz Bay and it has been such that it has been difficult for them to even make sure that the going expenses are met.

Mr. O'BRIEN of New York. Is it not also a fact that any profit from Cruz Bay would go into a foundation which was organized for charitable purposes?

Mr. SAYLOR. That is correct.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. KYL. I was wondering if the gentleman might care to spend a moment illustrating how the Virgin Islands got into this general American scheme of things. Why are we concerned about the Virgin Islands?

Mr. SAYLOR. I might say the Virgin Islands were acquired from Denmark in 1917 by the United States through purchase. The purpose was to defend our interests in the Panama Canal.

Since that time they have become a very integral part of this country. They have under the tutelage of the House Interior and Insular Affairs Committee been rapidly progressing toward self-government. The House and the Senate have given them increased authority and they are doing better now than they have ever done in their history.

I might say if the Members of the House had been privileged or had been able to get into our committee room, they would have been thrilled to hear Governor Paiewonsky state last year to the members of our committee that the Organic Act of the Virgin Islands, by which we govern them through self-rule, has done more for the people of the Virgin Islands than all of the money spent by the U.S. Government in their acquisition, all of the money spent by the Department of the Navy in maintaining them up until they were turned over to the Department of the Interior, all of the money that the Department of the Interior has spent through any relief programs and anywhere along the line until the Organic Act was passed.

Mr. KYL. The present status of the Virgin Islands is that of an unincorporated territory of the United States?

Mr. SAYLOR. Yes.

Mr. JENSEN. I want to join the gentleman in all the kind things he has said about Laurance Rockefeller. I know Laurance Rockefeller personally. I know what is in his heart. I also know something about the Virgin Islands, having been on the subcommittee that has initiated appropriations for the Virgin Islands the last 20 years. I have the highest regard for the people who want to see the Virgin Islands developed into a recreational area, but I question the justification for this bill since it is going to cost the taxpayers of America $1.2 million, and I see no good reason for spending that money for this purpose.

Mr. SAYLOR. I would like to say to the gentleman from Iowa, in years past, having heard him condemn the inholdings that we have had in our national parks, I certainly hope he may see fit to support this legislation, because that is the purpose of it—to eliminate inholdings in a national park. If he can tell me where we can get $6.5 million worth of land for $1,225,000, I would like to know, and I believe the Appropriations Committee would be happy to go along with that.

Mr. JENSEN. To straighten the gentleman out, it has been quite a task to keep the National Park Service from condemning thousands upon thousands of acres of land in the national parks owned by private people.

Mr. SAYLOR. That is a difference of opinion, because the postponing of acquiring inholdings in our national parks has invariably ended up by costing the Federal taxpayers a great deal more money than if we would have taken them over earlier.

Mr. JENSEN. I beg the gentleman's pardon. We stopped most of such condemnation, by refusing the requested funds, and by inserting necessary language in our reports to head off such condemnation procedures.

Mr. SAYLOR. The failure to acquire inholdings by condemnation or otherwise is penny wise and pound foolish. What invariably happens is that the appropriations committee refuses money to acquire inholdings until such inholdings become a nuisance and so inconsistent with a national park that the public demands their removal. Then having acquired an inholding at an exorbitant price, the recipient of the money goes up the road, buys more unimproved land and creates a far greater nuisance than was abated.

If the Appropriations Committee were interested in economy they would ask the Director of the National Park Service to present to them a program for the orderly acquisition of all inholdings in our national parks and set up appropriations for the next 20 years to acquire them. This would be good business and a better investment.

Mr. RUTHERFORD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, in the course of listening to others talk about the Virgin Islands National Park and about the bill during the last few weeks, I have run into a number of misconceptions that need to be cleared up. These misconceptions have nothing to do with the merits of the bill, but they seem to be so prevalent that they should be dispelled before I come to the contents of S. 2429.

First, Mr. Speaker, is the association of the name of Rockefeller with the Virgin Islands National Park. As my colleague, the gentleman from Pennsylvania [Mr. Saylor], referred to, I am afraid that this has political connotations to some of my colleagues. I assure you, however, that this Democrat from Texas is not playing partisan politics with a Republican Governor of the State of New York. The Rockefeller in question is Mr. Laurance Rockefeller, and not Gov. Nelson Rockefeller. But I will say this: If it had been Gov. Nelson Rockefeller, who has made such a great contribution to conservation, as his brother Laurance has done, I would still be up here in support of Gov. Nelson Rockefeller's contributions to conservation to the Nation and to its people.

Second is the notion—the false notion—that the Virgin Islands National Park is somehow or other a private preserve of Mr. Laurance Rockefeller, his friends and associates. This is a false statement. It is not only a truly national park, open to all Americans, and I might say to all the world, at all times, as is Yellowstone or Yosemite or Big Bend or any other one would care to name, the constantly increasing patronage which the park enjoys—and I might say in the off season—in the last 3 months the visitors to the park were in excess of 10,000 and this is in the off season—although it is still small in comparison with some of our older, larger parks, is proof of this.

Third is the statement that I have heard made that there is no means of access to the island of St. John, on which the park is located, except on a motor launch that plies between the island of St. Thomas and the Caneel Bay Plantation, a private development on St. John. This is absolutely a false statement. The St. John Corp., an organization financed and controlled by local Virgin Islanders and one in which I am told they take great pride, also operates a boat which makes four or five round trips a day between the two islands.

Fourth is the charge that once a visitor reaches St. John there is no place to stay except at Caneel Bay Plantation and that that is too expensive for the average tourist. I may say again that this is not so. The National Park Service has set up a camping area within the park which is so widely used that it is planning the development of other similar and larger areas. In addition, the trip between St. John and St. Thomas, where there are plenty of hotel accommodations covering the whole price range, is less than half an hour away—by private enterprise.

Fifth, it is said that St. John could better be left to subdivision than preserved as a national park. There are several answers to this. One is that this bridge was crossed in 1956 when the national park was created and when its size—9,500 acres—was determined by act of Congress. Another is that there has been very little subdivision activity in those parts of St. John which were deliberately left outside the park boundaries for just this purpose. Still another is that this 87th Congress has itself three times accepted the proposition—in the case of Cape Cod, Padre Island, and Point Reyes—that it is interested in keeping intact and unspoiled representative areas of the United States. The long and beautiful beaches of St. John, its wooded hills, its historic remains and associations make it a worthwhile companion of these and other units of the national park system.

Finally, it has been said that the Virgin Islands Legislature has passed a resolution expressing opposition to the park. Again this is not so. The only resolution of the Virgin Islands Legislature on record is one from 1956 when it favored creation of the park. In support of this statement, I will read to the House a short telegram from the president of the legislature dated September 6:

> Legislature not on record against establishment or extension of national park St. John. Resolution 17, copy mailed, expressed approval of establishment of park but petitioned Congress and National Park Service to protect and maintain the vested interest of residents of St. John. Elimination of condemnation features of H.R. 11312 will accord with this requirement.
>
> HODGE.

What, then, does the bill do and what are its merits? To answer this question, let me go through the bill in some detail.

Section 1 of S. 2429 makes a part of the Virgin Islands National Park two areas, mostly submerged land, which lie off the shores of the island of St. John. They are to be included within the park boundaries in order, in the language of the bills, "to preserve for the benefit of the public significant coral gardens, marine life, and seascapes in the vicinity" of the park.

It has been our usual practice, in connection with the national seashore program, to include offshore areas. This has been done at Cape Hatteras, N.C.; Cape Cod, Mass.; and Point Reyes, Calif. Why it was not done at the time the Virgin Islands Park was created in 1956, I do not know and our records do not show. Perhaps it was not thought of. Be that as it may, enactment of S. 2428 would correct this defect in the original law and make the Virgin Islands Park still more of an attraction to visitors than it already is without cost to the Government.

One of the important results would be to put under the protection of the National Park Service law the coral, spiney lobsters, tropical fish and other flora and fauna with which these two areas abound and thus to fulfill the prime objectives of any national park—"to conserve the scenery and the natural and historic objects therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The two areas of which I speak include 5,650 acres. All of the land, except possibly for a few rock islands, is already owned by the United States. Enactment of section 1 will thus cost the United States nothing.

Section 2 deals with the subject of land acquisition in the Virgin Islands National Park. When the park was authorized in 1956, the law provided that its lands could be acquired only by donation. Sixty-two hundred acres have already been donated to the Government, but there are still 3,300 acres within the authorized boundaries that need to be acquired. The estimated cost of doing so is $2,500,000, but private donations are assured that will procure at least part of these lands and the cost to the Treasury will be not more than half this amount.

It would be nice, of course, and give all of us great pleasure if all of the lands to be acquired were to be donated to the United States. I doubt that this will occur. The fact, moreover, is that Mr. Laurance S. Rockefeller, the donor of the 6,200 acres that are now in the park, has been extremely generous. We would, in my judgment, be derelict if we did not show some sense of obligation on our part and reciprocate at least to the extent that S. 2429 contemplates we will.

It may be contended, however, that there is no need for the additional lands even though they are included within the official boundaries of the park—that the present 6,200 acres are enough and that we should stop where we are. Mr. Chairman, the 84th Congress did not take its duties lightly. When it provided for 9,500 acres and when the boundaries were then drawn, it did not do so carelessly. In addition, there are at least two present reasons for continuing the planned acquisition program. A glance at a map of the park shows that the present holdings have large gaps between them which may well lead to administrative difficulties; the park is not yet a compact body as it should be. Second, one of the fundamental considerations in any park is the maintenance of uninterrupted scenic beauty with no chance of its being spoiled by untoward intrusions. We must work toward this end here as elsewhere.

Section 3 is designed to assure those who have customarily used the water areas and the rock islands that are being included in the park that their practices will not be disturbed as long as they conform to reasonable regulations designed to preserve the natural conditions that exist there. In order to avoid any implication that the Virgin Islanders are being given privileges which other Americans do not have, the committee adopted an amendment striking out the words "by residents of the Virgin Islands."

Finally, the amendment to section 4 sets a limit on the amount of money authorized to be appropriated for land acquisition purposes. This amendment replaces other language which would have given open-ended appropriating authority.

Mr. Chairman, I think this sufficiently outlines the contents of S. 2429 and indicates the reasons for the bill. Before I close, however, I want to speak of an amendment which I shall offer at the proper time. Ten days or 2 weeks ago, as the gentleman from Colorado [Mr. ASPINALL] has already told you, I made a hurry-up trip to the Virgin Islands and talked to the people on St. John, the people actually concerned, as well as the Governor of the Island, Governor Paiewonsky. I learned that their one great concern was the condemnation provision. Such a provision is a very common feature, and under ordinary circumstances a very necessary feature, of Federal legislation of this sort. Nevertheless, in view of the misunderstanding and in view of the fact that there has not been sufficient time for us to make clear to the Virgin Islanders what it does involve and what it does not, it seems wise to me, in view of the statement I have made today, to propose an amendment to eliminate the condemnation feature. I told them that I would offer an amendment to accomplish this purpose and they assured me that if such an amendment were adopted the bill would be satisfactory to them. I shall do so at the proper time.

In conclusion I might say this to those who are concerned with the cost, that we are getting a tremendous bargain. Mr. Laurance Rockefeller has expended $4 million. Under provisions of title 2 he asks permission to donate $1,250,000 more. The sum and substance is this: The Federal Government and the American public will receive a national park costing $6.5 million at a cost of $1,250,000. I think we ought to accept this bargain. I think we ought to accept the generosity of a great man, a man who has made such great contributions to the development of this Nation.

Mr. SAYLOR. Mr. Chairman, I yield the remaining time on this side to the gentleman from Washington [Mr. WESTLAND].

Mr. WESTLAND. Mr. Chairman, a couple of weeks ago when this bill came before the House under suspension of the rules I protested the condemnation features that were in the bill. I thought that the people of the Island of St. John should have the right to decide themselves whether or not they wished to dispose of their property and dispose of their homes, so I opposed the bill and it failed to get the necessary two-thirds vote at that time. It now has been brought to the floor under a regular rule.

I think as a result of that failure of passage quite a few things happened. Mr. Laurance Rockefeller had announced his opposition to the condemnation features. Governor Paiewonsky subsequently announced his opposition to the condemnation part of the bill. I can assure you that I got a great many letters from the people of the Virgin Islands, particularly from the Island of St. John, in opposition to the condemnation features.

I also want to compliment the gentleman from Texas [Mr. RUTHERFORD] for his diligence in going down there to get the views of the people who were basically concerned, and coming back with the proper solution. I think the House should also know that Senator Moorhead of the Virgin Islands, who lives in St. John, visited me in my office the other day, as I am sure he did other members of the Committee on Interior and Insular Affairs, and expressed his view that if the condemnation features were eliminated the bill would meet with the approval of the residents of that island. The gentleman from Texas [Mr. RUTHERFORD] has informed me that he is going to offer this amendment, which will eliminate the condemnation features. Therefore, I will support the bill.

I do not know whether another 3,000 acres on the Island of St. John will be acquired or not. I frankly think that 6,000 acres, which amounts to half of the island, is adequate. I would like to see private development, homes built by many people who would like to live there. But whether these other acres are acquired or not is up to the judgment of those people who own the properties. They can decide for themselves whether or not they want to sell. They will not be subjected to condemnation proceedings. They can do it of their own volition. This is the kind of legislation that I think the House should approve.

Mr. RUTHERFORD. Mr. Chairman, I yield myself 5 minutes in order to respond to the questions of the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding.

I simply want to clarify one point. Members might be wondering why the name of Laurance S. Rockefeller comes into this discussion. The objections which Mr. Rockefeller expressed to the original form of this bill, incidentally, were not expressed in any arbitrary fashion. He is simply one citizen expressing his opinion in the same way as every other citizen has the right to express any opinion on a bill of any kind that comes before the Congress of the United States.

I do want to say further that his name must be mentioned prominently whenever we talk about national parks and conservation in the United States because he and his associates in the Rockefeller Foundation have contributed so much materially and otherwise to the Park System in such instances as the Acadia National Park and the Grand Teton area and in addition, of course, to the Virgin Islands area. It was my privilege to serve for the time I have been in the Congress on the Outdoor Recreation and Resources Review Commission of which Mr. Rockefeller was the Chairman. I can say that during this entire period, his entire effort was given to that Commission in the most unselfish, patriotic, and diligent fashion that anyone could possibly imagine.

Mr. Chairman, in order to clarify the reason that his name comes up in this discussion, I wish to restate again that any opposition which he expressed was certainly not an arbitrary opposition but was an expression of a citizen to the Congress of the United States.

Mr. RUTHERFORD. I appreciate the statement made by the gentleman from Iowa. I might further state in addition to the Acadia National Park that the gentleman mentioned, and Jackson Hole, Grand Teton, I might even go further and point out the Williamsburg restoration as well as Cape Hatteras in North Carolina and a million dollars to the shoreline study that was made as a result of this study which was commonly referred to as the vanishing shorelines of Cape Hatteras and that Cape Cod, Point Reyes, as well as Padre Island, was the result of this contribution and many other contributions of Mr. Laurance Rockefeller in behalf of conservation. I do appreciate the gentleman bringing his great contribution to conservation to the attention of the House. As the gentleman from Pennsylvania stated, possibly no man in the Nation has the material wealth that he has been blessed with and has invested it in behalf of the people of this Nation in the field of conservation. Others have made great contributions and have given their all to conservation, but have not had the opportunity of the financial wealth that Mr. Rockefeller has, but all have made great contributions. I think we should accept this bargain of a $6½ million national park for $1¼ million, and I think we ought to grab the bargain in a hurry.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Act of August 2, 1956 (70 Stat. 940), as amended, providing for the establishment of the Virgin Islands National Park, and in order to preserve for the benefit of the public significant coral gardens, marine life, and seascapes in the vicinity thereof, the boundaries of such park, subject to valid existing rights, are hereby revised to include the adjoining lands, submerged lands, and waters described as follows:

NORTH OFFSHORE AREA

Beginning at the hereinafter lettered point A on the shore of Cruz Bay, a corner in the Virgin Islands National Park boundary, being also a corner of lot F, Cruz Bay, added to the park by order of designation signed June 29, 1960, by the Assistant Secretary of the Interior pursuant to the Act of August 2, 1956 (70 Stat. 940), and published in the Federal Register of July 7, 1960, the said corner being the terminus of the course recited therein as "north 58 degrees 50 minutes west a distance of 20.0 feet, more or less, along Government land to a point;" for the third call in the metes and bounds description lot F, Cruz Bay.

From the initial point A, distances in nautical miles, along direct courses between the hereinafter lettered points at geographic positions (latitudes north, longitudes west):

Northwestward, approximately 0.13 mile to point B, latitude 18 degrees 20 minutes 08 seconds, longitude 64 degrees 47 minutes 43 seconds in Cruz Bay;

0.43 mile to point C, latitude 18 degrees 20 minutes 08 seconds, longitude 64 degrees 48 minutes 10 seconds in Pillsbury Sound;

1.36 miles to point D, latitude 18 degrees 21 minutes 30 seconds, longitude 64 degrees 48 minutes 10 seconds in Windward Passage;

1.64 miles to point E, latitude 18 degrees 22 minutes 10 seconds, longitude 64 degrees 46 minutes 35 seconds in the Atlantic Ocean;

1.99 miles to point F, latitude 18 degrees 22 minutes 45 seconds, longitude 64 degrees 44 minutes 35 seconds in the Narrows;

3.18 miles to point G, latitude 18 degrees 22 minutes 00 seconds, longitude 64 degrees 41 minutes 20 seconds in Sir Francis Drake Channel;

1.04 miles to point H, latitude 18 degrees 21 minutes 10 seconds, longitude 64 degrees 40 minutes 40 seconds in Haulover Bay;

Southwestward approximately 0.22 mile to point I, a bound post on the shore of Haulover Bay marking a corner of the Virgin Islands National Park boundary as shown on drawing numbered NP–VI–7000 entitled "Acquisition Area Virgin Islands National Park", approved November 15, 1956, by the Acting Secretary of the Interior in accordance with the provisions of the Act of August 2, 1956, supra, being also the southeasterly corner of estate Haulover 5a and 5c east end quarter as delineated on the municipality of Saint Thomas and Saint John drawing PW file numbered 9–24–T51 dated October 26, 1950;

Thence running generally westward along the Virgin Islands National Park northerly boundary as it follows the northerly shore of the island of Saint John as shown on the said drawing numbered NP–VI–7000 and on drawing numbered NP–VI–7003 entitled "Land Ownership Cruz Bay Creek" depicting the boundary adjustment affected by the said order of designation to point A, the point of beginning.

The area described contains approximately 4,100 acres.

SOUTH OFFSHORE AREA

Beginning at the hereinafter lettered point L, a concrete bound post on the shore of Drunk Bay marking a northeasterly corner in the Virgin Islands National Park boundary as shown on the said drawing numbered NP–VI–7000, being also the northeasterly corner of parcel numbered 1, estate Concordia (A), as delineated on the Leo R. Sibilly, civil engineer, drawing file numbered C9–13–T55.

From the initial point L, distances in nautical miles, along direct courses between the hereinafter lettered points at geographic positions (latitudes north, longitudes west):

Eastward approximately 0.32 mile to point M, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 41 minutes 50 seconds in Sabbat Channel;

0.88 mile to point N, latitude 18 degrees 17 minutes 55 seconds, longitude 64 degrees 41 minutes 50 seconds in the Caribbean Sea;

0.40 mile to point O, latitude 18 degrees 17 minutes 55 seconds, longitude 64 degrees 42 minutes 15 seconds in the Caribbean Sea;

1.88 miles to point P, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 44 minutes 00 seconds in the Caribbean Sea;

1.74 miles to point Q, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 45 minutes 50 seconds in the Caribbean Sea;

0.45 mile to point R, latitude 18 degrees 19 minutes 15 seconds, longitude 64 degrees 45 minutes 50 seconds in Fish Bay;

Eastward approximately 0.08 mile to point S on the shore of Fish Bay, a corner in the present Virgin Islands National Park, as delineated on said drawing numbered NP–VI–7000, being the northwesterly corner of parcel numbered 2 estate Fish Bay, numbered 8 Reef Bay Quarter, and the terminus of the delineated course "south 78 degrees 52 minutes west distance 1,178.9 feet" as depicted on the Leo R. Sibilly, civil engineer, drawing file numbered G9–385–T56.

Thence running generally eastward along the present southerly park boundary as it follows the southerly shore of the island of Saint John as depicted on the said drawing numbered NP–VI–7000 to point L, the point of beginning.

The area described contains approximately 1,550 acres.

Lands, submerged lands, and waters added to the Virgin Islands National Park pursuant to this Act shall be subject to administration by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

Sec. 2. Within the boundaries of Virgin Islands National Park as established and adjusted pursuant to the Act of August 2, 1956 (70 Stat. 940), and as revised by this Act, the Secretary of the Interior is authorised to acquire lands, waters, and interests therein by purchase, donation, with donated funds, or by condemnation or exchange.

Sec. 3. Nothing in this Act shall be construed as authorizing any limitation on customary uses of or access to the areas specified in section 1 by residents of the Virgin Islands for bathing and fishing (including setting out of fishpots and landing boats), subject to such regulations as the Secretary of the Interior may find reasonable and necessary for protection of natural conditions and prevention of damage to marine life and formations.

Sec. 4. There are hereby authorised to be appropriated such sums as are necessary to carry out the purposes of this Act.

The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 6, line 16, strike out the words "by residents of the Virgin Islands".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 6, line 22, strike out section 4 and insert in lieu thereof the following:

"Sec. 4. There are hereby authorized to be appropriated such sums, but not more than $1,250,000, as are necessary to acquire lands pursuant to section 2 of this Act."

The committee amendment was agreed to.

Mr. RUTHERFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rutherford: Page 6, lines 12 and 13, strike out "lands, waters, and interest therein by purchase, donation, with donated funds, or by condemnation or exchange." and insert "lands, waters, and interests therein by purchase, exchange or donation or with donated funds."

The amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore having resumed the chair, Mr. Jones of Missouri, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2429) to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes, pursuant to House Resolution 777, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken and the Chair announced that the ayes appeared to have it.

Mr. ARENDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Further proceedings on the bill will go over until tomorrow.

Mr. ARENDS. Mr. Speaker, I withdraw my point of order.

FEDERAL-STATE COOPERATION

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3475) to provide further for cooperation with States in administration and enforcement of certain Federal laws, which is identical to the bill H.R. 12802 which was passed earlier in the day.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws and regulations relating to the marketing of agricultural products and to the control or eradication of plant and animal diseases and pests, the Secretary of Agriculture is hereby authorized, in the administration and enforcement of such Federal laws within his area of responsibility, whenever he deems it feasible and in the public interest, to enter into cooperative arrangements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of such Federal laws and regulations to the extent and in the manner he deems appropriate in the public interest.

Further, the Secretary is authorized to coordinate the administration of such Federal laws and regulations with such State laws and regulations wherever feasible. However, nothing herein shall affect the jurisdiction of the Secretary of Agriculture under any Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions of law upon such cooperation.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken and the Chair announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Further proceedings on the bill will go over until tomorrow.

Mr. GROSS. Mr. Speaker, I withdraw the point of order.

HOUR OF MEETING, 10 O'CLOCK, THURSDAY, SEPTEMBER 20

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourns to meet at 10 o'clock a.m. on Thursday morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. GRANT submitted a conference report and statement on the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

FOWLING NETS—EXCISE TAX ON CERTAIN TELEVISION TUBES—LOCAL ADVERTISING

Mr. MILLS submitted a conference report and statement on the bill (H.R. 6682) to provide for the exemption of fowling nets from duty.

HOUSEHOLD EFFECTS—MONOFILAMENT GILL FISH NETS—ACCIDENT AND HEALTH INSURANCE CONTRACT PREMIUMS

Mr. MILLS submitted a conference report and statement on the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

SELF-EMPLOYED INDIVIDUALS' TAX RETIREMENT ACT OF 1962

Mr. MILLS submitted a conference report and statement on the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, and for other purposes.

CUBA AND OUR ALLIES

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, at this time when the advisability of a Cuban blockade is being argued, it would be well for us to consider the question of whether or not our NATO allies are trading directly or indirectly with the Castro government.

It is unthinkable and outrageous that so-called friendly nations should be facilitating the passage of supplies to a nation which is avowedly hostile to the United States. We should exercise the strongest persuasion against such practices.

I would support a resolution urging that the greatest vigilance be exercised in this respect, and I hope that many of my colleagues will speak out on this problem.

ADDRESS BY THE HONORABLE ROSS R. BARNETT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, on the evening of September 13, 1962, the Governor of the State of Mississippi, Hon. Ross R. Barnett, delivered an address to the people of Mississippi which has been the subject of widespread interest and comment throughout the Nation. Because this is a historymaking address, and because it expresses so well the feelings and beliefs of most of the people of our State, I am including its text herein as part of my remarks.

Mr. Speaker, permit me to say that I endorse wholeheartedly and unequivocally the position taken by our Governor in this time of grave crisis in our State. I commend the Governor's historic address to the membership of this body.

STATEWIDE ADDRESS ON TELEVISION AND RADIO TO THE PEOPLE OF MISSISSIPPI BY GOV. ROSS R. BARNETT, SEPTEMBER 13, 1962

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

These are not my words. This is the 10th amendment to the Constitution of the United States.

Ladies and gentlemen, my friends and fellow Mississippians, I speak to you as your Governor in a solemn hour in the history of our great State—in a solemn hour, indeed, in our Nation's history. I speak to you now in the moment of our greatest crisis since the War Between the States.

In the absence of constitutional authority and without legislative action, an ambitious Federal Government, employing naked and arbitrary power, has decided to deny us the right of self-determination in the conduct of the affairs of our sovereign State.

Having long since failed in their efforts to conquer the indomitable spirit of the people of Mississippi and their unshakable will to preserve the sovereign majesty of our Commonwealth, they now seek to break us physically with the power of force. Even now, as I speak to you tonight, professional agitators, an unfriendly liberal press, and other troublemakers are pouring across our borders, intent upon instigating strife among our people. Paid propagandists are continually hammering away at us in the hope that they can succeed in bringing about a division among us. Every effort is being made to intimidate us into submission to the tyranny of judicial oppression.

The Kennedy administration is lending the power of the Federal Government to the ruthless demands of these agitators.

Thus we see our own Federal Government teamed up with a motley array of un-American pressure groups against us. This is the crisis we face today.

"Principles" is a little word. It is easy to speak and to spell and, in print, is easily overlooked, but it is a word that is tremendous in its import and meaning—denoting respect and obedience to those fundamental and eternal truths that should be respected and form the way of life of all honest and right-thinking people. Expediency is for the hour; principles are for the ages. Principles are a passion for truth and right and justice and, as long as the rains descend and the winds blow, it is but folly to build upon the shifting sands of political expediency. It is better for one's blood to be poisoned than for him to be poisoned in his principles. So deep and compelling were the convictions and principles of our forefathers that they risked even death to establish this now desecrated Constitution as the American way of life and handed it to us in trust as our sacred heritage and for our preservation.

The day of expediency is past. We must either submit to the unlawful dictates of the Federal Government or stand up like men and tell them "Never!"

The day of reckoning has been delayed as long as possible. It is now upon us. This is the day—and this is the hour.

Knowing you as I do, there is no doubt in my mind what the overwhelming majority of loyal Mississippians will do. They will never submit to the moral degradation, to the shame and the ruin which have faced all others who lacked the courage to defend their beliefs.

I have made my position in this matter crystal clear. I have said in every county in Mississippi that no school in our State will be integrated while I am your Governor. I repeat to you tonight—no school will be integrated in Mississippi while I am your Governor.

Lest there be misgivings in some quarters about the immediate status of the University of Mississippi and other public schools, I assure you that they will not be closed if this can possibly be avoided, but they will not be integrated.

As your Governor and chief executive of the sovereign State of Mississippi, I now call on every public official and every private citizen of our great State to join with me in refusing, in every legal and constitutional manner available, to submit to illegal usurpation of power by the Kennedy administration.

I especially call upon all public officials, both elected and appointed, in the State of Mississippi, to join hands with the people and resist by every legal and constitutional means the tyrannical edicts which have been and will be directed against the patriotic citizens of our State.

I am not willing to ask men to do that which I would not do myself.

In that spirit, I say to you that there is no sacrifice which I will shrink from making to preserve the racial integrity of our people and institutions. Every man holding public office should feel the same way.

Every public official, including myself, should be prepared to make the choice tonight whether he will submit or whether he is willing to go to jail, if necessary, to keep faith with the people who have placed their welfare in his hands. If there be any official who is not prepared to suffer imprisonment for this righteous cause, I ask him now to submit his resignation and it will be accepted without prejudice. A man who is prepared to stand firm will be appointed in his place.

If these measures should be considered extreme they are evoked by extreme provocation for which we are in no way responsible.

There is no cause which is more moral and just than the protection of the integrity of our races. To this end, we as parents will do whatever is necessary to defend those who are most dear to us.

There is no case in history where the Caucasian race has survived social integration. We will not drink from the cup of genocide.

Mississippi, as a sovereign State, has the right under the Federal Constitution to determine for itself what the Federal Constitution has reserved to it.

The Mississippi Legislature, in 1956, asserted this right in no uncertain terms by the passage of chapter 466 of the Laws of 1956, invoking the historic and time recognized doctrine of interposition to protect the sovereignty of this State and its constitutionally guaranteed exclusive right to control and regulate its own internal affairs.

This is the law of the State of Mississippi. It is my sworn duty to uphold the laws of our great State.

The last hope of our constitutional form of government rests in the conscientious enforcement of State laws; and the perpetuation of the sovereignty of the States. Without this, there can be no government of, by, and for the people. If our Nation is to survive, we must maintain strong State governments and unity in matters of national security.

Therefore, in obedience to legislative and constitutional sanction, I interpose the rights of the sovereign State of Mississippi to enforce its laws and to regulate its own internal affairs without interference on the part of the Federal Government or its officers, and in my official capacity as Governor of the State of Mississippi, I hereby make this proclamation:

"Whereas the United States of America consists of 50 sovereign States bound together basically for their common welfare; and

"Whereas the Constitution of the United States of America provides that each State is sovereign with respect to certain rights and powers; and

"Whereas pursuant to the 10th amendment to the Constitution of the United States, the powers not specifically delegated to the Federal Government are reserved to the several States; and

"Whereas the operation of the public school system is one of the powers which was not delegated to the Federal Government but which was reserved to the respective States pursuant to the terms of the 10th amendment; and

"Whereas we are now face to face with the direct usurpation of this power by the Federal Government through the illegal use of judicial decree:

"Now, therefore, I, Ross R. Barnett, as Governor of the sovereign State of Mississippi by authority vested in me, do hereby proclaim that the operation of the public schools, universities, and colleges of the State of Mississippi is vested in the duly elected and appointed officials of the State; and I hereby direct each said official to uphold and enforce the laws duly and legally enacted by the legislature of the State of Mississippi, regardless of this unwarranted, illegal, and arbitrary usurpation of power; and to interpose the State sovereignty and themselves between the people of the State and any body politic seeking to usurp such power."

The State of Mississippi has become the keystone in the fight for States rights. Our Nation's survival as a republic of sovereign States depends on what we do in this crisis. Should we fail and the keystone be removed, our system of government will crumble and fall, and American liberty will be lost forever in the ruins.

Therefore, my friends, let us stand together as loyal Mississippians and as patriotic Americans, and hold fast against this grave threat to our liberties.

Mississippians have never faltered in times of crisis, and we shall not fail now.

Generations ago our ancestors pledged their lives, their fortunes, and their sacred honor to establish on this continent a government of the people, by the people, and for the people. Succeeding generations defended their liberties with blood and sweat and tears at Valley Forge, at Shiloh, and at Vicksburg, in the Argonne, at Guadalcanal, and on the Heartbreak Hills of Korea.

Our generation now faces this new challenge to our liberties. The burning question in the minds of all Americans today is whether, in this crisis, we will exhibit the same courage, the same devotion to deathless principle, and the same determination to guarantee the blessings of liberty to future generations as was shown by those patriots who have gone before.

Fellow Mississippians, let us stand together, hand in hand, mind to mind, unyielding and unafraid.

We know that our cause is just and right. Let us meet this crisis with dignity, courage, and fortitude, and show to the world that we are people of honor, that we do not, we will not surrender to the evil and illegal forces of tyranny.

Should the actions on the part of any of the public officials of Mississippi be construed as contempt of Federal courts, then in such event I humbly and respectfully suggest that the charge be laid upon the Governor of our sovereign State and not against any of her public officials or citizens.

Let us invoke the blessings of divine providence as we struggle to maintain our liberties. With the help of Almighty God, and with the unbounding determination of our people to remain free, we shall be invincible, and we shall keep the faith.

"HOME" AND THE INTERNAL REVENUE CODE

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, in the earlier days of this country, labor conditions in America were such that a worker's home would, of necessity, be at or near the place where he worked or made his employment contacts. Income tax law, in determining what should be considered an employee's home, accepted this concept and we now have this as an integral part of the regulations of the Internal Revenue Service and the thinking of tax lawyers.

In the dynamic progress of the American economy this concept has become outmoded, and I have today introduced a bill to amend the Internal Revenue Code to change this dated idea. The bill touches upon two sections of the code, and I shall illustrate the effect of each change with an example drawn from the experience of those I represent in St. Louis County.

First, though, I should like to comment briefly on what I believe to be the importance of bringing our tax laws in this field up to date. By making the definition of home the regular place of employment, the tax laws tend to restrict the mobility of labor in the American economy. During the days of relatively static economic conditions, where there was little of the dynamic change which has been the chief characteristic of our contemporary economic life, there was not the need for great labor mobility. The adventursome few could strike out for new lands, while the majority could stay tied securely and comfortably to one job and one location. But today skills are needed in new places, and we need tax laws which will encourage and not impede this mobility.

The two examples which I mentioned deal with the two areas in which our tax laws touch on mobility. The first is the deduction of travel and living expenses while a worker is away from one's home. The second is the exclusion from adjusted gross income of amounts received as reimbursement for expenses so incurred.

Section 162 of the Internal Revenue Code of 1954 permits the deduction by a taxpayer of amounts he spends for business purposes; this includes amounts spent for meals and lodging while away from his home for business reasons. Home, as I noted before, has been defined as the place of employment of the individual worker. The example that I would give here is the United Auto Workers employed by the Chrysler Corp. The company closed its plant in Indiana and moved the operations of this plant to a new facility in St. Louis County. The workers were permitted and encouraged to follow their jobs; and they did. But, in the process, many of them found it necessary to move themselves temporarily to the St. Louis area while they left their families in Indiana and sold the homes which they had purchased in Indiana. Here we have a real split in the concept of home; the man and his job are in St. Louis County, the residence which he owns and in which he maintains his family is in Indiana. He cannot, with the tax definition of home, claim the expense of maintaining his family in Indiana as a deductible item nor may he deduct his expenses while he is away from the place we normally think of as a man's home.

Section 62 of the Internal Revenue Code of 1954 defines the term "adjusted gross income." In making this definition, the code excludes amounts which a worker receives as compensation for his business expenses while away from home. These amounts do not figure in the income upon which the individual is taxed. The example in this area is the member of the International Association of Machinists working for the McDonnell Aircraft Corp. In the development of today's modern aeronautical and space weaponry it is necessary for protracted experimentation to be undertaken. These tests, generally conducted in the desert areas of the West, often must be of indeterminate length and the engineers and machinists who are essential to the tests are paid a per diem to defray their expenses while living away from their normal residences and their families. Again the outdated concept of home arises. With an indefinite period of testing involved, the location of the worker's job—the testing job—becomes his home and the special per diem is no longer an amount paid for the taxpayer's business expenses away from home.

In both cases the tax laws discourage the worker from having the type of mobility which our economy requires. Basically, his family and the investment which he has put into his home make mobility too costly with the tax laws as they are now written. This is especially important in a country like the United States in which home ownership is so high.

To cover these two situations I have introduced legislation which would make, for purposes of sections 62 and 162 of the Internal Revenue Code, an employee's home "the place where the employee owns a residence in which he maintains his family."

I do not expect that this legislation will be passed by this Congress; it is far too late in the final session for it to receive the consideration which it deserves before passage. Further, in the form in which it is introduced it is no more than a kernel of an idea, a matter for discussion and, I hope, for improvement by those who are concerned with this problem. I welcome comment and improvement on the language in which I have couched this proposal, and I welcome discussion of the idea which it contains.

TRADE PARADISE

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DENT. Mr. Speaker, as we come to the final vote on the so-called expanded trade bill, all of us should be interested in the reaction of our trading partners. Some of us have maintained that this legislation is promoted from a purely commercial base notwithstanding the high-sounding and high-minded slogans and phrases used by its many proponents.

An interesting article in the Financial Post, Canada's leading businses and investment newspaper, should awaken every Member of Congress to the realities of the commercial side of the trade picture. After reading this article one becomes more and more convinced that free trade under the terms of this legislation puts the United States in the position of supplying the free part and our friends from overseas will supply the trade part.

I have read a great deal in the last 4 years since the passage of the 4-year extension in 1958, but nothing quite so bold has come across my desk in all these years. Some of us have pointed out the weakness in the trade proposals in that concessions granted under the terms of this act in the Common Market will automatically be given to all other nations under the favored-nation clause of our trade agreements. If one of us, as a Member of Congress, made the charges of bribery and vote buying contained in this article from across the border, we would probably be subjected to criticism from all sources.

Although there have been some hints and some suspicion that undue pressures were applied in the matter of textiles and other commodities, the bold charge of bribery by this article makes the passage of this legislation something less than a free expression of the will of the people.

I would recommend that every Member of Congress read the article entitled "Our Trade Paradise" as it is herewith reprinted. I would especially recommend to the Members of the Senate that they read and try to understand that this bill spells out closed factories, unemployed workers, increased taxes, and, above all, a depreciated economy in agricultural, industrial, and mining activities in these United States.

None of us is against expanded trade, but all of us should be interested in equitable, fair, and free trade—as much of it as we can afford.

The article follows:

OUR TRADE PARADISE JUST 2 WEEKS AWAY?

(By C. Knowlton Nash)

WASHINGTON.—President Kennedy's bold new trade program has reached the critical stage of congressional surgery, and whether it survives will be decided within the next 2 weeks.

The sharp knives of the protectionists are trying to slice the program to ribbons. The attack is serious because not only are the usual high-tariff politicians doing the slashing, but also a number of normally freer-trading Senators who seem frightened of the changing economic world envisaged by Kennedy.

If the bill passes largely as Kennedy wants, it would provide Canada with almost everything Canadian trade officials have been urging for years.

It is the most liberal trade bill ever offered by a U.S. President and would mean a substantial increase in Canadian exports to the United States and to other nations if it goes into law.

Tariffs would be chopped in half. On many industrial items there would be free trade. Tariffs of 5 percent or less would be abolished. And the teeth would be pulled from many of the present protectionist loopholes in the law. The bill gives the President authority to do all these things in return for similar concessions from other countries. Canada would reap large benefits because a number of key exports now facing a 5-percent or less tariff, could enter the United States free. And current import restrictions on Canadian lead and zinc might well be removed under provisions of the bill.

Thus Canadian cash registers would be jingling more than ever if Kennedy gets his bill through the Senate where the surgery is now going on.

This, however, is a major "if" because there are more than 50 protectionist amendments considered seriously. Some of the amendments might specifically hit Canada, such as those affecting oil imports and fishing, and those calling for tariffs based on foreign wage rates.

But the most serious protectionist attack comes from a group of 37 amendments offered by Senator PRESCOTT BUSH, Connecticut Republican, and a number of other Republican and Democratic Senators. These would eviscerate the bill, leaving nothing but a bold-looking shell with protectionist stuffing.

They call for tariff cuts only on an item-by-item basis, heavy restrictions on any industrial free trade efforts, no elimination of the 5-percent duty which would hit Canada, and action which would maintain present U.S. quotas on Canadian lead and zinc.

The Bush amendments also would water down the most-favored-nation concept and eliminate any possibility of so-called free rides which under the Kennedy program Canada might have.

This is the most concerted overall protectionist attack in Washington in many years. It has the aspects of a do-or-die attack because approval of the Kennedy trade program means trade would enter an entirely new economic world leading to real economic partnership among the industrial free nations of the world.

It is this "think big" grand concept that has alarmed a number of Senators who normally are not protectionist minded. Their questioning of witnesses during the weeks of testimony before the Senate Finance Committee indicates a feeling of frustration and fear at the growing economic strength of the Common Market.

Repeatedly Senators urged that the trade bill should be made "tough" so the President could take the Common Market "to the woodshed" if it did not do what Washington thought it should. They also said U.S. trade negotiators are "sissies" when it comes to dealing with foreigners and always give away too much.

"I can assure you quite categorically," Under Secretary of State George Ball (keyman in the trade program) told the Senators, "that this belief is held nowhere outside of the United States. It is a myth that stops, so to speak, at the water's edge."

Despite the evident truth of this statement, Senator HARRY BYRD, chairman, Senate Finance Committee, and other committee members, still seemed to feel the United States always is "taken to the cleaners" by foreigners in trade talks.

President Kennedy has tried to dilute the opposition to his program by, in effect, "buying off various Congressmen through restrictions on textile imports, rugs, and glass, and talking of restrictions on such things as oil, Canadian lumber, and wool textiles.

This bribery worked in the House of Representatives which approved the bill, but it has run into trouble in the Senate where the Senators are demanding much more.

If the Kennedy trade program survives the protectionist surgery of the Senate Finance Committee, it will go to the floor of the Senate about mid-September.

It likely will be late in September, however, before it's known whether Kennedy is successful in dragging the Congress, kicking and screaming, into the new economic world created by the Common Market.

FALSE ADVERTISING OF LIQUOR IN WASHINGTON

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I have today introduced a bill, H.R. 13165, which would prohibit the false advertising of liquor, by any means, in the District of Columbia.

This bill adopts the features of section 37 of my bill H.R. 12776 to revise the District of Columbia Alcoholic Beverage Control Act. A separate bill on false advertising has become necessary because of the opposition to the ABC Act revision while that provision remains in the bill.

It is difficult for me to understand why there is opposition to this proposal, Mr. Speaker. If we allow this pernicious practice to continue we will be guilty of condoning deliberately false and misleading advertisements which are carried in the Washington newspapers for what—I am glad to say—is a small segment of licensed retailers in the District.

Ethical newspapers could stop that false advertising by voluntarily refusing to print the ads. The newspapers of Washington have refused to take such action and instead have opposed a legal prohibition of such advertising.

Let it be understood that this bill is not aimed against those who make mistakes or innocent misstatement: by its very language it is directed only against "knowingly" false advertising. Those violating these provisions would be subject to suspension and revocation of their license, but would have the right of review both by the Commissioners of the District of Columbia and by the courts.

Even if we do not obtain the needed revision of the ABC Act this year I believe that we must have this much of it and I intend to ask for immediate action on H.R. 13165.

I insist on my colleagues standing up and being counted. Their constituents are entitled to know whether they will not only preach against sin, but also will vote against its commission.

DOPPLER NAVIGATION SYSTEM INADEQUATE

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on August 29 of this year I called the attention of the House to the fact that the Federal Aviation Agency earlier this year gave approval to one of our transatlantic airlines to fly its planes across the North Atlantic on the so-called Doppler navigation system.

I mentioned that evidence had come to my attention revealing that the Doppler radar, when used as a self-contained navigational system by the pilot of an aircraft, is not fully reliable. The flight logs of these planes reveal a high frequency of breakdowns or deviations in this Doppler navigation. The result has been that an uncommonly large number of flights are straying widely off course.

This situation should be of more than passing interest, because of its effect on air safety, and I wish to discuss it further. Several things have happened since I started this discussion.

First, I now have additional data on these erratic Atlantic crossings that add confirmation of my statements. Secondly, I have offered to meet with officials of the airline involved to compare my information with their own. Further, I now have some interesting documents that both confirm my concern over this situation and that also suggest some very plausible scientific reasons to account for the unreliable nature of the Doppler radar when used as anything other than an auxiliary aid to the navigator of a plane in the North Atlantic area.

I doubt very much if any of the data I have on flight logs is not already known to Mr. Najeeb Halaby, Administrator of the Federal Aviation Agency. Certainly all of it has been offered to him. Yet, within the last 2 weeks Mr. Halaby has reaffirmed his approval for this arrangement of guiding passengers across the crowded North Atlantic airlanes.

I think Mr. Halaby is wrong in his indifference to this situation, and I appeal to him to reconsider his stance. I do not doubt that he feels he can rely on certain tests that FAA performed prior to the granting of his approval. But a man should not be blind to new evidence and he should not turn a deaf ear to reasonable proposals to investigate the possible causes of the breakdown in this Doppler system.

I can well understand that Mr. Halaby does not welcome any suggestions from me. Yet, I know that others besides myself have expressed their deep concern over this matter and have made appeals for his attention. It should have his attention, for it bears directly not only on the safety of passengers, but also on the economies of other airlines both domestic and foreign carriers. It limits what can be done in the allocation of planes to air routes and in their separation one from the other.

An article in the Financial Times in London on September 3, 1962, calls vivid attention to this. Written by an official of the Ministry of Aviation, the article points out that the Doppler navigation systems show promise "in areas where traffic is less dense, and the need for navigational accuracy of a high order is less important." But the writer points out:

> The effects of the operational inflexibility of modern jet transport are probably most severely felt in the North Atlantic, where aircraft are competing for similar tracks and heights, at levels where increased vertical separation has to be imposed because of the increasing errors of altimetry at these heights and speeds.
>
> Here the problem is essentially an international one, in which solutions cannot be imposed by any one of the individual controlling authorities.

But Mr. Halaby, as a controlling authority, has sought to impose his will in this matter. He has approved this use of Doppler in an area where I am advised it has already been evaluated and repudiated by SAS, Irish Airlines, Swiss Air, CPA, Air France, BOAC, Trans Canada Airlines, Sabena, Lufthansa, Qantas, and Pan American Airways.

The men who actually navigated these planes, prior to Mr. Halaby's conviction that an automated device was more reliable than a human brain in this work, have themselves, I believe, put their finger on the cause of the Doppler's unreliability. One in particular, Mr. Andrew Yelaney, a navigator, may have discovered a natural phenomenon that will add richly to our knowledge of this earth.

Mr. Yelaney may well join that company of scientific minds, headed by Benjamin Franklin, who discovered profound facts by deductions from their own chance observations. It is said of Franklin that he discovered the great gulf stream by drawing up jars of water and recording temperatures on an Atlantic crossing.

Mr. Yelaney has over 20 years experience navigating airplanes. Some years ago he read in a magazine about the little-known midatlantic ridge which begins at Iceland and runs beyond South Africa, splitting the ocean bottom into two valleys. The top of this ridge is 9,000 to 10,000 feet below the surface of the water. Mr. Yelaney started recording magnetic deviations over this 500-mile-wide range of underwater mountains. He discovered magnetic anomalies or separate magnetic intensities in this area. These reminded him of certain other magnetic deviations he had noticed flying over the iron-filled Mesabi Range in Minnesota.

Mr. Yelaney took his work home with him and haunted libraries to learn the significance of his findings. These findings were brought to the attention of the FAA, the CAB, the Navy, and the Air Force. All of these showed a responsive interest, except FAA. But not until he went to the Lamont Geological Observatory of Columbia University did it appear that his findings might be fully checked out. The Lamont Observatory has written to Mr. Halaby requesting his interest in and support of an investigation. It has stated that for a mere $10,000 the costs of collating data on these magnetic anomalies could be accomplished. My latest information of yesterday is that Mr. Halaby has not yet answered the appeal from the observatory. I urge that he do so and that the disturbances that appear to be affecting the performance of the Doppler system be fully investigated. This is a reasonable proposal when weighed against the many thousands of lives that depend on the performance of this device.

MONTANA'S RECLAMATION—AN ACCOMPLISHED PAST AND PROMISING FUTURE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Montana [Mr. Olsen] is recognized for 30 minutes.

Mr. OLSEN. Mr. Speaker, an important anniversary is being observed in the West this year. It is the 60th anniversary of the Bureau of Reclamation, pioneering Federal public works agency which is still playing a prominent role in water resource development in Montana and elsewhere in the West.

During most of these six progressive decades, the people living on both slopes of the Rockies have worked with the Bureau of Reclamation to unlock opportunities for resource development in Montana.

Statistically, the results of this development are most impressive.

Twelve projects or units of projects have been completed in Montana to the stage where they are capable of delivering a full supply of irrigation water to 344,341 acres of land.

These projects, built since the early 1900's, have yielded crops, through 1961, with a cumulative gross crop value of $307.5 million—a tremendous contribution to the State's major industry.

Twelve projects or units of projects, involving total Federal obligations of $563 million, were in an active construction phase during fiscal year 1962. The Bureau plans to spend approximately $22 million in Montana during the present fiscal year on the nine Montana projects still under construction. Details of this construction program are shown in table I.

Two Bureau of Reclamation hydroelectric powerplants—at Hungry Horse and Canyon Ferry Dams—have generated an average of approximately 1 billion kilowatt-hours of power annually since they first went into operation, about a decade ago. Gross generation at Hungry Horse powerplant for fiscal year 1962 was 805,192,000 kilowatt-hours, and at Canyon Ferry powerplant, 269,234,000 kilowatt-hours.

TABLE I.—*Projects and units with active construction programs in fiscal years 1962 or 1963*

MONTANA

Project or Missouri River Basin unit	Project functions	Total estimated obligation	Obligations through June 30, 1962	Present fiscal year 1963 program [1]	Estimated date of functional completion
Wholly within State:					
Bitter Root (river and basin)	Irrigation	$835,000	$324,618	$71,000	After fiscal year 1968.
Buffalo Rapids	do	4,600,000	4,410,700	1,785	Completed.
Milk River, Fresno Dam	do	2,052,917	2,051,911		Do.
Missouri River Basin:					
Canyon Ferry unit	Power, flood control, and irrigation	29,356,342	29,332,907		Do.
Crow Creek pump unit	Irrigation	1,765,000	1,636,152	39,513	Do.
East Bench unit	Irrigation, flood control, recreation, and fish and wildlife.	21,200,000	9,178,896	5,651,103	Fiscal year 1965.
Helena Valley unit	Irrigation, municipal and industrial water, and fish and wildlife.	14,105,000	12,855,157	367,783	Do.
Lower Marias unit	Irrigation flood control, and recreation	64,400,000	21,324,246		After fiscal year 1968.
Savage unit	Irrigation	534,000	521,926	12,074	Completed.
Sun River, Fort Shaw division (river and basin)	Irrigation and recreation	99,935	97,562	2,374	Do.
Partly within State:					
Missouri River Basin:					
Transmission division including Fort Peck	Power	326,412,000	188,134,048	[2] 15,491,568	After fiscal year 1968.
Yellowtail unit, Montana-Wyoming	River regulation, power, flood control, and ish and wildlife.	98,383,000	16,631,837	[3] 12,240,202	Fiscal year 1967.
Total		563,543,194	286,499,900	33,877,402	

[1] Based on appropriation request for fiscal year 1963 now under consideration by the Congress.

[2] The Montana portion of the transmission division, fiscal year 1963 program, will total $3,352,000.

[3] Entire fiscal year 1963 program for Yellowtail unit is in Montana.

Of the 20 rural electric cooperative systems in Montana, east of the Continental Divide, 12 are served by the Bureau of Reclamation—MRBP, Eastern Division Power System. Based on the McGraw-Hill Directory of Electric Utilities, 1961, the total number of customers served—residential, farm, commercial, industry, other—by the 12 REA's was 21,954. Two of the twelve cooperative systems are served, in part, by a private utility, and the two REA's served 4,943 customers.

Montana projects of the Bureau have provided 12 manmade lakes and 3 wildlife refuges which supplement the State's important and expanding recreation industry. During 1961, a total of 17,000 watercraft were in use on the 104,000 acres of reservoir water surface, and a take of 103,000 sport fish and 5,100 ducks and geese was reported by sportsmen using those facilities. A grand total of 292,000 visitor days use of this public recreation area was recorded in 1961—thus continuing the growth trend that has been underway for the past decade.

Other important byproducts from the Bureau's Montana reservoirs, constructed primarily for irrigation, are municipal and industrial water supplies for six communities—Helena, Havre, Harlem, Chinook, Chester, and Worden. This phase of reclamation's benefits is now a planned aspect of modern projects and important contribution to the State's population and economic growth.

These statistical highlights, though interesting, tell only a partial story. Approximately 90 percent of the acreage brought under ditch by reclamation projects produces forage and cereal crops, most of which is fed to livestock. This and other irrigated acreage, developed privately and by State projects, therefore, is a tremendous built-in stabilizer for Montana's important livestock industry, which during the 1930's had demonstrated an acute vulnerability to drouth. It has been estimated that some 30 percent of Montana's harvested acreage has been irrigated land, and this vital one-third of the cropland has accounted for more than 60 percent of the crops produced in a drouth year.

This is borne out in a survey conducted by the Agricultural Experiment Station in Bozeman about a decade ago. This survey showed that about 80 out of every 100 farmers who developed farms on reclamation projects here half a century ago have extended their holdings to the adjoining dryland areas and roughly two-thirds of them graze some livestock on adjoining rangeland. The survey concluded that, as a result of these extensions from the original irrigated farmhold, an additional five animal units are either wintered or fattened for market on the same winter feed base, for every animal unit produced on irrigated land.

A Bureau of Reclamation economic study on its Lower Yellowstone project in Montana and North Dakota a few years ago disclosed these economic contributions from an irrigation project:

Irrigated land values are 12 times the value of grazing land and 4 times the value of dry cropland.

Irrigated land outproduces adjacent nonirrigated land about sixfold.

Retail sales in Richland County, where two-thirds of the project acreage is located, were four times as great, and personal income is three times as great as in a nearby nonirrigated county of roughly equal size. A twentyfold increase in employment in business and professions had occurred in the project area.

Crop production on the project had a cumulative value of about 14 times the net cost of constructing the project. Federal tax revenues from the project area since 1940 alone are roughly double the Federal cost of construction.

The acreage and value of crops produced on Reclamation project lands in Montana through the 1961 crop year are summarized in the following table:

TABLE II.—*Acreage and value of crops on reclamation projects in Montana, 1961*

Project	Irrigable acres			Irrigated acres	Gross crop value	Cumulative gross crop value
	Full supply	Supplemental	Total supply			
Bitter Root	16,665	0	16,665	16,002	727,984	14,900,781
Buffalo Rapids (Yellowstone River, Eastern Montana)	22,938	0	22,938	21,264	1,817,441	21,369,268
Frenchtown	4,810	0	4,810	3,975	238,375	3,587,984
Huntley	32,447	0	32,447	24,244	1,757,160	51,044,104
Intake	881	0	881	806	46,116	376,150
Lower Yellowstone (Montana portion only)	34,554	0	34,554	29,862	3,007,713	61,347,388
Milk River	118,391	0	118,391	87,590	3,970,084	90,487,349
Missoula Valley	977	0	977	668	28,761	298,361
Missouri River Basin:						
Three Forks division: Crow Creek pump unit	4,545	0	4,545	3,452	302,405	1,182,458
Helena-Great Falls division: Helena Valley unit	14,121	0	14,121	8,839	401,739	926,561
Yellowstone division: Savage unit	2,215	0	2,215	1,997	117,178	898,312
Sun River	91,797	0	91,797	68,069	3,009,829	61,046,622
Total, Montana	344,341	0	344,341	266,768	15,424,775	307,455,338

Reclamation history is still being made in Montana. Two major units of the nine-State Missouri River Basin project are now under construction in the State—the East Bench unit in Madison and Beaverhead Counties and Yellowtail Dam, biggest concrete dam in the Missouri Basin, now under construction on the Bighorn River 45 miles southwest of Hardin. The economic influence of these large construction jobs is being felt throughout the State, and beyond, and they will continue to play an important economic role in Montana after the physical structures are completed.

Construction of the East Bench unit near Dillon underscores the long-range nature of reclamation development. This project unit, which will develop water for 21,800 acres of new land and 28,000 acres of land presently under irrigation but in need of additional water, was made possible by the construction, a decade ago, of Canyon Ferry Dam, northeast of Helena.

The multiple-purpose Canyon Ferry unit, consisting of a dam, reservoir, and powerplant, placed in operation in 1953, is one of the key units of the Missouri River Basin project. The major purpose of Canyon Ferry Dam is to regulate the flows of the Missouri River so that new irrigation development both above and below the dam can take place without interfering with existing downstream water rights. These downstream water rights are protected by release of replacement water from Canyon Ferry Reservoir storage.

Irrigation, the generation of electric power, flood control, the creation of recreational opportunities, and fish and wildlife conservation are the major benefits of Canyon Ferry unit.

Similar multipurpose benefits will result from the construction of the $100 million Yellowtail unit. A contract was awarded April 24, 1961, for the construction of the 520-foot-high concrete arch dam and powerplant, major features of the unit. About 5 years of construction will be required to complete the $39,809,359 contract. Yellowtail Reservoir will be regulated for multipurpose use, and will impound 1,375,000 acre-feet Irrigation, power generation, flood control, sediment retention, improvement of fish and wildlife resources, and recreational opportunities are the benefits to be provided by Yellowtail unit. Water stored in the reservoir can be used for the irrigation of the proposed 43,550-acre Hardin unit, immediately downstream from Yellowtail Dam. Yellowtail Reservoir will also provide in part a water supply for the proposed Yellowstone pumping units, scattered along a 300-mile stretch of the Yellowstone River.

Columbia River Basin planning also has disclosed possibilities for a comparable development on the Flathead River. A report of the Corps of Engineers, Department of the Army, is now before the Congress recommending authorization of Knowles Dam on the Flathead, south of Polson in Flathead County. Agreement has been reached with the Corps of Engineers on the division of responsibilities in the Columbia River Basin, including the Bureau of Reclamation's responsibility for construction of Knowles Dam.

A considerable amount of project investigation work and advance planning is going ahead on other potential projects in Montana. Three of the proposed developments in an advance planning stage are the Jefferson and Whitehall units along the Jefferson and Missouri Rivers in southwestern Montana, and the West Bench unit, northwest of Dillon. The Jefferson and Whitehall units would serve a total of 49,085 acres of new land and 19,071 acres presently irrigated, but in need of supplemental water. These lands are located in Beaverhead, Madison, Jefferson, and Broadwater Counties. The 6,700-acre West Bench development would store additional water and rehabilitate existing facilities for an irrigation district now dependent upon an inadequately regulated water supply from a tributary of Big Hole River. These developments are made possible by Canyon Ferry storage.

Space does not permit a detailed review of the other project planning activities in Montana by the Bureau of Reclamation, which are now proceeding at a level of about one-half to three-quarters of a million dollars annually. Nor does space permit a review of the manifold contributions of other Bureau of Reclamation projects in Montana, beginning with the pioneering Bitter Root project, constructed in the beautiful Bitter Root Forest in the first decade of this century, and recently rehabilitated by the Bureau.

In closing, mention must be made of Hungry Horse Dam, one of the world's great dams built between 1948 and 1953 by the Bureau of Reclamation on the South Fork of the Flathead River in Flathead County.

At the time of its construction, this 564-foot-high concrete arch dam was the fourth largest and the fourth highest concrete dam in the world. These comparative ratings have been eclipsed in recent years by other great engineering works, but few dams will match Hungry Horse for its beauty of structure and setting, and for its contributions in control and utilization of the waters of a mighty river.

This great dam was built following the 1948 floods on the Columbia River which caused damage estimated at $100 million, and the reservoir's live storage capacity of nearly 3 million acre-feet can be used to the extent necessary to control and regulate the flow of the south fork of the Flathead River in coordination with other reservoirs in the main control plan of the Columbia River.

The hydroelectric contributions of the Hungry Horse powerplant to the Columbia River power system also are tremendous. In 1962–63, it is estimated that at-site production will increase system prime power by 222,000 kilowatts and downstream production through storage releases by 832,000 kilowatts. These impressive downstream benefits will be increased as additional generating units are installed below Hungry Horse on the Columbia River.

From Bitter Root to Hungry Horse, to Yellowtail—and beyond—the story of the progress of reclamation development in Montana is a story of the growth and economic development of Montana. We are proud of the achievements made, in process, and planned for the State of Montana and are pleased to salute the Bureau of Reclamation in this 60th anniversary year.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Feighan, for 1 hour, Thursday September 20, 1962, vacating his special order of 1 hour for today.

Mr. Alexander (at the request of Mr. Keogh), for 30 minutes, on tomorrow, Wednesday, September 19, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Baldwin and to include extraneous matter.

Mr. Rutherford and to include extraneous matter.

(The following Member (at the request of Mr. Milliken) and to include extraneous matter:)

Mr. Byrnes of Wisconsin.

(The following Members (at the request of Mr. Keogh) and to include extraneous matter:)

Mr. Kitchin in two instances.

Mr. Rosenthal.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 654. An act to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption; to the Committee on the Judiciary.

S.J. Res. 136. Joint resolution to determine the susceptibility of minerals to electrometallurgical processes, and for other purposes; Interior and Insular Affairs.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on September 17, 1962, present to the President, for his approval, a bill of the House of the following title:

H.R. 5393. An act to amend the Bankruptcy Act, as amended.

ADJOURNMENT

Mr. KEOGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 19, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2536. A letter from the Acting Director Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1963, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2537. A letter from the Assistant Chief of Naval Material (Procurement) Department of the Navy, transmitting the Department of the Navy's semiannual report of certain research and development procurement actions covering the period January 1 through June 30, 1962, pursuant to title 10 United States Code section 2357; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURRAY: Committee on Post Office and Civil Service. Senate Concurrent Resolution 53. Concurrent resolution favoring air travel by legislative and Government officers and employees on U.S.-flag air carriers; without amendment (Rept. No. 2407). Referred to the House Calendar.

Mr. GRANT: Committee of conference. S. 1037. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (Rept. No. 2408). Ordered to be printed.

Mr. SELDEN: Committee on Foreign Affairs. S. 2568. An act to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes; with amendment (Rept. No. 2409). Referred to the Committee of the Whole House on the State of the Union.

Mr. PASSMAN: Committee on Appropriations. H.R. 13175. A bill making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes; without amendment (Rept. No. 2410). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. H.R. 10. A bill to encourage the establishment of voluntary pension plans by self-employed individuals (Rept. No. 2411). Ordered to be printed.

Mr. MILLS: Committee of conference. H.R. 6682. A bill to provide for the exemption of fowling nets from duty (Rept. No. 2412). Ordered be to printed.

Mr. MILLS: Committee of conference. H.R. 12180. A bill to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders (Rept. No. 2413). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary S. 136. An act for the relief of Dinko Dorcic; without amendment (Rept. No. 2386). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 453. An act for the relief of Robert J. Scanlan; without amendment (Rept. No. 2387). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 689. An act for the relief of Karl Heinz Agar; without amendment (Rept. No. 2388). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1263. An act for the relief of Marie Margaret Arvanetes; without amendment (Rept. No. 2389). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1848. An act for the relief of Ivanka Vladimirovna Tindek; without amendment (Rept. No. 2390). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1999. An act for the relief of Anna Marie Erdelyi; without amendment (Rept. No. 2391). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2667. An act for the relief of Sebastiana Santoro; without amendment (Rept. No. 2392). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2687. An act for the relief of Robert D. Barbee; without amendment (Rept. No. 2393). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2690. An act for the relief of Mona McIsaac Downey; without amendment (Rept. No. 2394). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2922. An act for the relief of Raymond Chester Hendon; without amendment (Rept. No. 2395). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1359. A bill for the relief of Mario Rodrigues Fonseca; without amendment (Rept. No. 2396). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2338. A bill for the relief of Kaino Knuuttila; with amendment (Rept. No. 2397). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 5133. A bill for the relief of Nora Lee Douglas; without amendment (Rept. No. 2398). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 8351. A bill for the relief of Anthony Joseph Calandi; with amendment (Rept. No. 2399). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 8728. A bill for the relief of Pong Yong Jin; with amendment (Rept. No. 2400). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 9430. A bill for the relief of Basilio King; with amendment (Rept. No. 2401). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 10178. A bill for the relief of Katherina Raffaelli; with amendment (Rept. No. 2402). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 11746. A bill for the relief of Yasuko Agena; with amendment (Rept. No. 2403). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 13013. A bill for the relief of Elfriede Unterholzer Sharble; without amendment (Rept. No. 2404). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 13072. A bill for the relief of Robert O. Nelson and Harold E. Johnson; without amendment (Rept. No. 2405). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 13120. A bill for the relief of Dorothy L. Lisette; without amendment (Rept. No. 2406). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Kentucky:

H.R. 13163. A bill to amend the District of Columbia Redevelopment Act of 1945; to the Committee on the District of Columbia.

By Mr. McMILLAN (by request):

H.R. 13164. A bill to amend the act of March 3, 1901, relating to devises and bequests by will; to the Committee on the District of Columbia.

By Mr. MULTER:

H.R. 13165. A bill to amend the District of Columbia Alcoholic Beverage Control Act to prohibit false advertising in the District of Columbia relating to alcoholic beverages; to the Committee on the District of Columbia.

By Mr. BUCKLEY:

H.R. 13166. A bill to amend section 748 of title 38, United States Code, to permit the payment of benefits under policies of U.S. Government life insurance for total disability arising after the insured reaches the age of 65; to the Committee on Veterans' Affairs.

By Mr. CURTIS of Missouri:

H.R. 13167. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct (as trade or business expenses) the expenses of travel, meals, and lodging while employed away from his regular place of abode; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 13175. A bill making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

By Mr. COHELAN:

H. Con. Res. 556. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H. Con. Res. 557. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. PRICE:

H. Con. Res. 558. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. RYAN of Michigan:

H. Con. Res. 559. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. GEORGE P. MILLER:

H. Con. Res. 560. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON:

H.R. 13168. A bill for the relief of Daniel M. Small, Jr.; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 13169. A bill for the relief of Vincenzo Iannarelli; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 13170. A bill for the relief of Maria Teresa Dias; to the Committee on the Judiciary.

By Mr. CLEM MILLER:

H.R. 13171. A bill for the relief of certain claimants; to the Committee on the Judiciary.

By Mr. OSMERS:

H.R. 13172. A bill for the relief of Dr. Elpidio T. Marcelo; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 13173. A bill for the relief of Shomai Safier; his wife, Genia; and their children, Miriam, Pninia, and Josefa; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 13174. A bill for the relief of B. Matusow & Son; to the Committee on the Judiciary.

SENATE

TUESDAY, SEPTEMBER 18, 1962

The Senate met at 10 o'clock a.m., and was called to order by Hon. J. J. HICKEY, a Senator from the State of Wyoming.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, who in the toils and troubles of time has set vistas of eternity in our hearts, save us, we pray, from the supreme hypocrisy of making this fenced-in dedicated time of communion but a conventional gesture of unfelt piety. As we come, may we be deeply concerned that our personal attitudes to our fellow men shall be a part of the answer, not a part of the problem of our ailing social order.

Grant to those who exercise their public responsibilities in this Chamber of governance some part in the fulfillment of Thy redemptive purpose for Thy world. Through what is said and done here, lay Thy hand in healing upon the open sores of this day. Stir up our wills and kindle our imaginations, that there may be found the way to a just and ordered society in which all may gain the due reward of their labors, and in which men will serve Thee and one another in harmony and mutual good will. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 18, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. J. HICKEY, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. HICKEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 17, 1962, was dispensed with.

TRADE EXPANSION ACT OF 1962—SUBMISSION OF AMENDMENTS DURING ADJOURNMENT

Under authority of the order of the Senate of September 17, 1962,

Mr. BUSH submitted amendments, intended to be proposed by him to the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. CURTIS submitted amendments, intended to be proposed by him, to House bill 11970, supra, which were ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1161. An act to provide for the use of lands in the Garrison Dam project by the Three Affiliated Tribes of the Fort Berthold Reservation;

S. 1307. An act to amend section 128 of title 28, United States Code, to constitute Richland, Wash., a place of holding court for the eastern district of Washington, southern division, and to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Washington, southern division, holding court at Richland, Wash.;

S. 1924. An act to amend the act of August 27, 1954 (68 Stat. 868) with respect to the Uintah and Ouray Reservation in Utah;

S. 2696. An act to correct certain land descriptions in the act entitled "An act to declare that the United States holds in trust for the Pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands"; and

S. 2971. An act to declare that certain lands of the United States are held by the United States in trust for the Jicarilla Apache Tribe of the Jicarilla Reservation.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 555. An act for the relief of Elmore County, Ala.;

H.R. 2016. An act to provide that States and political subdivisions which operate liquor stores shall not be required to pay more than one tax as a retail dealer in liquor;

H.R. 8113. An act to amend the act of August 9, 1955, for the purpose of including the Southern Ute Indian Reservation among reservations excepted from the 25-year lease limitation;

H.R. 9342. An act to provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes;

H.R. 11678. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Northern District of Ohio, eastern division, holding court at Akron, Ohio;

H.R. 12434. An act to facilitate the work of the Forest Service, and for other purposes; and

H.R. 13044. An act to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 555. An act for the relief of Elmore County, Ala.; and

H.R. 11678. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Northern District of Ohio, eastern division, holding court at Akron, Ohio; to the Committee on the Judiciary.

H.R. 8113. An act to amend the act of August 9, 1955, for the purpose of including the Southern Ute Indian Reservation among reservations excepted from the 25-year lease limitation; and

H.R. 9342. An act to provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2016. An act to provide that States and political subdivisions which operate liquor stores shall not be required to pay more than one tax as a retail dealer in liquor; to the Committee on Finance.

H.R. 12434. An act to facilitate the work of the Forest Service, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 13044. An act to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittees or committees were authorized to meet during the session of the Senate today:

The Internal Security Subcommittee of the Committee on the Judiciary;

The Committee on Post Office and Civil Service;

The Inter-Governmental Relations Subcommittee of the Committee on Government Operations.

On request of Mr. BIBLE, and by unanimous consent, the Subcommittee on Flood Control, Rivers, and Harbors of the Committee on Public Works was authorized to meet during the session of the Senate today.

SUBCOMMITTEE MEETING DURING SENATE SESSIONS ON SEPTEMBER 20 AND 21

Mr. BIBLE. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary be authorized to sit during the sessions of the Senate on September 20 and 21, 1962.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

CERTAIN LANDS ADMINISTERED BY FISH AND WILDLIFE SERVICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the un-

finished business, Calendar No. 1881, Senate bill 2138, to provide that a greater percentage of the increase from lands administered by the Fish and Wildlife Service of the Department of the Interior be returned to the counties in which such lands are situated, be returned to the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Plans for Works of Improvement in Arkansas, Kentucky, and Tennessee

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Crooked Bayou watershed, Arkansas, West Fork of Pond River, Ky., Hardin Creek, Tenn., and Mill Creek, Tenn. (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Reapportionment of an Appropriation

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1963, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Department of the Navy Research and Development Procurement Actions

A letter from the Assistant Chief of Naval Material (Procurement), transmitting, pursuant to law, a report on Department of the Navy research and development procurement actions of $50,000 and over, covering the period January 1 through June 30, 1962 (with an accompanying report); to the Committee on Armed Services.

Report on Examination of Certain Pricing Under Department of the Air Force Subcontracts

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of pricing of screwjack assemblies for F-106 airplanes under Department of the Air Force negotiated fixed-price subcontracts awarded by Convair, a division of General Dynamics Corp., San Diego, Calif., to Lear, Inc., Grand Rapids, Mich., dated September 1962 (with and accompanying report); to the Committee on Government Operations.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Plans for Works of Improvement in Georgia and Oklahoma

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Tobesofkee watershed, Georgia (supplemental), Cottonwood Creek, Okla., and Delaware Creek, Okla. (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

H.R. 218. An act to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States (Rept. No. 2063).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H.R. 5423. An act to amend title 10, United States Code, to authorize the Secretary of the Navy to take possession of the naval oil shale reserves, and for other purposes (Rept. No. 2060);

H.R. 12416. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act (Rept. No. 2061); and

H. Con. Res. 509. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile (Rept. No. 2062).

By Mr. SALTONSTALL, from the Committee on Armed Services, with an amendment:

H.R. 10937. An act to amend the act providing for the economic and social development in the Ryukyu Islands (Rept. No. 2103).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 223. Joint resolution designating the period from January 13, 1963, to January 19, 1963, as International Printing Week (Rept. No. 2064); and

H.J. Res. 730. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week (Rept. No. 2065).

By Mr. JOHNSTON, from the Committee on the Judiciary, without amendment:

S. 2949. A bill to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowances of witnesses, and for other purposes (Rept. No. 2066).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

H.R. 5312. An act for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942 (Rept. No. 2067).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 3227. A bill for the relief of Young Wai (Rept. No. 2068);

S. 3502. A bill for the relief of Mrs. Maria Nowakowski Chandler (Rept. No. 2069);

H.R. 1304. An act for the relief of Jung Hae (Rept. No 2070);

H.R. 2604. An act for the relief of Pietro Dattoli (Rept. No. 2071);

H.R. 5320. An act for the relief of Robert Knobbe (Rept. No. 2072);

H.R. 6016. An act for the relief of William Thomas Dendy (Rept. No. 2073);

H.R. 6998. An act for the relief of Anthony Pirotta (Rept. No. 2074);

H.R. 6999. An act for the relief of Henry Massari (Rept. No. 2075);

H.R. 7123. An act for the relief of Mrs. Takako Coughlin (Rept. No. 2076);

H.R. 7438. An act for the relief of Anna Caporossi Crisconi (Rept. No. 2077);

H.R. 7704. An act for the relief of Chyung Sang Bak (Rept. No. 2078);

H.R. 8626. An act for the relief of Wilfrid M. Cheshire (Rept. No. 2079);

H.R. 9578. An act for the relief of Annie Yasuko Bower (Rept. No. 2080);

H.R. 9587. An act for the relief of Anthony E. O'Sorio (Rept. No. 2081);

H.R. 9603. An act for the relief of Lt. Comdr. Joseph P. Mannix (Rept. No. 2082);

H.R. 9893. An act for the relief of Tadeusz Sochacki (Rept. No. 2083);

H.R. 9995. An act for the relief of Dwight W. Clarahan (Rept. No. 2084);

H.R. 10678. An act for the relief of Angelo A. Russo (Rept. No. 2085); and

H.R. 10720. An act for the relief of Rexford R. Cherryman of Williamsburg, Va. (Rept. No. 2086).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3455. A bill for the relief of Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im) (Rept. No. 2087);

S. 3557. A bill for the relief of Betty Sandra Fagann (Rept. No. 2088); and

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter (Rept. No. 2089).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3274. A bill for the relief of Ho Koon Chew (Rept. No. 2090);

H.R. 1488. An act for the relief of Clara G. Maggiora (Rept. No. 2091);

H.R. 1599. An act for the relief of Pasquale Marrella (Rept. No. 2092);

H.R. 1681. An act for the relief of Gabriel Chehebar, his wife, Marcelle Levy Chehebar, and their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar (Rept. No. 2093);

H.R. 2371. An act for the relief of Ali Khosrowkhah (Rept. No. 2094);

H.R. 2977. An act for the relief of Kyoko Stanton (Rept. No. 2095);

H.R. 4478. An act for the relief of Aldo Francesco Carbone (Rept. No. 2096);

H.R. 5057. An act for the relief of Hans-Dieter Siemoneit (Rept. No. 2097);

H.R. 9472. An act for the relief of Janina Tekla Gruszkos (Rept. No. 2098);

H.R. 9669. An act for the relief of Molly Kwauk (Rept. No. 2099);

H.R. 10796. An act for the relief of Kazimierz Krupinski (Rept. No. 2100); and

H.R. 12907. An act for the relief of Dr. Mehmet Vecihi Kalaycioglu (Rept. No. 2101).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 4333. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended (Rept. No. 2107).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

H.R. 13044. An act to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act (Rept. No. 2104).

By Mr. HARTKE, from the Committee on the District of Columbia, with an amendment:

H.R. 8074. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations (Rept. No. 2106).

PERMANENCY OF EXISTING SUSPENSIONS OF TAX ON FIRST DOMESTIC PROCESSING OF CERTAIN OILS, ACIDS, SALTS, AND COMBINATIONS OF MIXTURES THEREOF—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 2102)

Mr. BYRD of Virginia. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 5260) to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm kernel oil, and fatty acids, salts, and combinations or mixtures thereof, and I submit a report thereon. I ask that the report be printed, together with my supplemental views and the supplemental views of the Senator from Illinois [Mr. Douglas].

The ACTING PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Virginia.

AUTHORIZATIONS FOR CERTAIN BANKS TO INVEST IN BANK SERVICE CORPORATIONS—REPORT OF A COMMITTEE — SUPPLEMENTAL VIEWS (S. REPT. NO. 2105)

Mr. ROBERTSON. Mr. President, from the Committee on Banking and Currency, I report favorably the bill (H.R. 8874) to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report, together with supplemental views of Senators Proxmire, Douglas, Neuberger, and Muskie, members of the committee with respect to the bill, may be filed as late as midnight tonight.

Mr. President, I also ask unanimous consent that these supplemental views may be printed along with the committee report.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar, and the report, together with the supplemental views, will be printed, as requested by the Senator from Virginia.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated September 10, 1962, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report was submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Executive B, 87th Congress, 2d session, Treaty of Friendship, Establishment, and Navigation between the United States of America and the Grand Duchy of Luxembourg, together with a related protocol (Ex. Rept. No. 7).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STENNIS (for himself and Mr. Eastland):

S. 3726. A bill for the relief of Charles F. McKellar, Jr.; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 3727. A bill for the relief of Barry T. Thorndycraft; to the Committee on the Judiciary.

By Mr. DODD:

S. 3728. A bill for the relief of Evanthia Haji-Christou; to the Committee on the Judiciary.

RESOLUTIONS

CREATION OF A WESTERN HEMISPHERE MILITARY ALLIANCE

Mr. SMATHERS submitted a resolution (S. Res. 393) favoring the creation of a Western Hemisphere Military Alliance, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. Smathers, which appears under a separate heading.)

RECOGNITION OF A FREE CUBAN GOVERNMENT IN EXILE

Mr. SMATHERS (for himself, Mr. Humphrey, and Mr. Beall) also submitted a resolution (S. Res. 394) concerning the recognition of a free Cuban Government-in-exile, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. Smathers, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "UNITED STATES PRIVATE FOREIGN AID PROGRAMS"

Mr. GOLDWATER submitted the following resolution (S. Res. 395); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed as a Senate document a Senate Republican Policy Committee staff study entitled "United States Private Foreign Aid Programs"; and that one hundred and three thousand additional copies be printed for the use of the Senate.

TRADE EXPANSION ACT OF 1962—AMENDMENTS

Mr. BUSH submitted amendments, intended to be proposed by him, to the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. PROUTY submitted an amendment, intended to be proposed by him, to House bill 11970, supra, which was ordered to lie on the table and to be printed.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, I desire to announce that yesterday the Senate received the nomination of W. Walton Butterworth, of Louisiana, a Foreign Service officer of the class of career ambassador, to be Ambassador to Canada.

In accordance with the committee rule this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 319) to amend part I of the Interstate Commerce Act in order to provide that the provisions of section 4(1) thereof, relating to long- and short-haul charges, shall not apply to express companies.

The message also announced that the House had passed the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2511. An act to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes; and

S. 3408. An act to establish in the Library of Congress a library of musical scores and other instructional materials to further educational, vocational, and cultural opportunities in the field of music for blind persons.

RUSSIAN UNITED NATIONS EMPLOYEES ENGAGED IN SPYING

Mr. STENNIS. Mr. President, I feel certain that many, if not all, in this Chamber felt as I did on learning that certain Russian United Nations employees were leaving the country—scot free—after "engaging in illegitimate intelligence" activities, following a 3-year effort on their part to bribe a student assistant in the office of the U.S. attorney for the southern district of New York. These spies offered $3,000 in exchange for "information regarding internal operations of U.S. Government agencies."

To put it mildly, I was surprised, indignant, and apprehensive. Then, on learning that, even without diplomatic immunity, these men were able to leave the country virtually unchallenged, my apprehensions grew even stronger. There is some basis for granting immunity to those with diplomatic status, because we, in turn, are granted the same immunity for our own diplomats. But there is no reason whatsoever to give relatively minor United Nations employees diplomatic status. Certainly, it cannot be justified on the basis of reciprocity for our employees, since the United Nations is in New York.

It is well known that official representatives of foreign governments in the diplomatic service enjoy full diplomatic immunity. I have checked today with the State Department, however, and am advised that employees of the United Nations are not included in the category of diplomats, but under the United Nations Headquarters Agreement are granted the privilege of residence in New York City while employees of the United Nations.

These employees are not given diplomatic immunity, and their privilege of residence can be withdrawn at any time. While residing in New York City, they are able to assemble and gather information to be used by the Soviets or others against us. New York City is a fertile ground for such activity by United Nations staff members attached to the Soviet Union or to any of the Communist member nations. These staff members total in the hundreds. The question arises: Is this freedom from prosecution and trial likewise to be applied to each of them?

We are thankful that these two enemy agents were detected. But how many others have gone undetected? The history of the betrayal of atomic bomb secrets by our country's enemies carries continual warning of the dangers to our security through espionage. Yet, in this instance, two enemy agents and spies are ordered to leave the country, without trial or punishment.

This incident brings into focus the possibility of continuing, vigilant, insidious activities of Soviet spies in our midst, with complete immunity to prosecution and punishment, so long as they are members of the Soviet United Nations staff. It is time to be upset and alarmed. This is an intolerable state of affairs. It must be remedied.

Are we to sit idly by, giving haven to spies and enemy agents, and even encouraging them, to plot, plan, and bring about our own destruction? Any treacherous act must be punished.

These two agents should be prosecuted and punished. This is the only method of dealing with them and any others guilty of espionage activity.

I demand that the Nation be advised of the full facts in this case. We must know where we stand. We must have an effective plan to protect the security of our Nation.

There must be a full explanation as to just what happened, and the reason for the end result of no prosecution. To this end, I am calling on the United Nations Ambassador, the State Department, and the Justice Department for a full explanation.

Mr. President, I yield the floor.

WESTERN HEMISPHERE MILITARY ALLIANCE AND CUBAN GOVERNMENT IN EXILE

Mr. SMATHERS. Mr. President, I submit, and send to the desk, two resolutions which have to do with the problem of Cuba. I ask that the resolutions be printed and be appropriately referred, and also that they be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The resolutions will be received, printed, and appropriately referred; and, under the rule, the resolutions will be printed in the RECORD.

The resolutions submitted by Mr. SMATHERS were referred to the Committee on Foreign Relations, as follows:

S. RES. 393

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared to the Congress that we should consider any attempt on the part of European powers "to extend their system to any portion of this Hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties thereto agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962, unanimously declared, "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the United States has joined with certain other nations of Europe in the North Atlantic Treaty Organization in order to offer mutual protection against Communist attack or threat of attack and thereby has successfully halted Communist encroachment in that area of the world; and

Whereas the United States has joined with other countries of the Western Hemisphere in an effort to prevent Communist penetration of this hemisphere, as evidenced by provisions set forth in such inter-American agreements as the Rio Treaty (1947), the Charter of the Organization of American States (1948) the Caracas Agreement (1954), and the Declaration of Punta del Este (1962); and

Whereas international communism now controls Cuba and has created a massive arms build-up there and threatens to extend its political, economic, and military sphere of influence to other nations of the hemisphere; and

Whereas, in order to protect and preserve the security of this hemisphere against the threat of international communism, the agreements referred to above, including articles 6 and 8 of the Rio Treaty, must be fulfilled by all of those nations that are willing to act: Therefore be it

Resolved, That it is hereby declared to be the sense of the Senate that the United States Government should support the formation of an inter-American military alliance, joined by all nations in the Western Hemisphere who voluntarily wish to do so, for the purpose of carrying out the principles previously enunciated.

S. RES. 304

Whereas historically Cuba has been a member of the inter-American family of free and democratic nations; and

Whereas the present Cuban dictatorship is now under the domination of an alien Sino-Soviet Communist power and was publicly denounced and expelled from the inter-American system at the eighth meeting of Foreign Ministers at Punta del Este in January of 1962; and

Whereas that dictatorship has destroyed the personal and political freedoms of the people of Cuba; and

Whereas the existence of that dictatorship is a continuing threat to the peace and security of the other Western Hemisphere nations, and violates the Monroe Doctrine of 1823 as well as the Inter-American Treaty of Reciprocal Assistance (1947), the Charter of the Organization of American States (1948), the Declaration of Caracas (1954), the Declaration of Santiago de Chile (1959), and the Declaration of San Jose (1960), which the nations of the inter-American system have pledged to support and uphold; and

Whereas the United States has historically given aid and comfort to oppressed peoples through the recognition of governments-in-exile, when free nations were overrun and occupied by totalitarian powers, as was the case in World War I with the recognition by the United States of the Czechoslovak National Council in 1918 (at a time when this territory was still part of the Austro-Hungarian Empire) and in World War II when the United States recognised seven European governments-in-exile whose homelands were occupied by the Nazi armies; and

Whereas, a Cuban government-in-exile would (1) provide a rallying point for two hundred thousand Cuban refugees who have demonstrated their desire to liberate their homeland and return to a free Cuba, (2) provide a legal and effective means whereby the Government of the United States and the other nations of the Western Hemisphere could help freedom-loving Cubans to regain their homeland, (3) provide an instrument whereby freedom-loving Cubans could ask for and receive the assistance that is necessary if they are to throw off the yoke of communism, (4) provide an effective contact with those brave people inside Cuba who are already opposing the Communist dictatorship in whatever way they can, and (5) assure the people of the world that the fight against a Communist Cuba is not ended and will not end until Cuba is free: Therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that the United States should recognize as the true government of Cuba a Cuban revolutionary Government-in-exile whose avowed purpose is to lead the Cuban people in the liberation and recovery of their homeland;

Resolved further, That the United States should recognize only a Cuban revolutionary Government-in-exile which agrees, prior to recognition by the United States, that it will, upon the liberation of Cuba, transfer its power and authority to the Cuban people by the holding of free elections.

Mr. SMATHERS. Mr. President, one of the resolutions calls for the creation of a Western Hemisphere military alliance. Personally, I cannot help but believe that before we get rid of communism in Cuba and before we get rid of Castro, some action, and possibly some military action, will be required. It seems to me it is not the wisest course for the United States to let this situation continue to develop, and then finally have to make this move and act unilaterally. It seems to me quite important that steps be undertaken now to get the countries of Latin America who feel about communism and Castro very much the same way that we do, and who are willing to enter into a type of alliance similar to that which we have with NATO, to act. I understand that NATO is an organization formed wholly to use military force to stop Communists wherever and however it is deemed important to use that force to stop them; and the same thing is true of the Southeast Asia Treaty Organization.

There are in Central America and in South America a number of countries which I believe would be willing to join in an alliance of this type; and I believe the time has come for the United States to take the lead in organizing such an alliance, so that if the day comes when troops are finally put into Cuba, they will go there under the direction of an organization in which many countries are represented, and in which at least a large number of them will be Latin American countries. In that event, if the substance of my other resolution is adopted, when that day comes, many of the Cubans themselves will be leading the invasion. That is what the Cuban refugees would like to do, and that is what should be done.

So, Mr. President, one resolution calls for the creation of a Western Hemisphere military alliance. I shall not read the resolution for it appears in the RECORD along with these remarks.

The other resolution calls for recognition of a free Cuban government-in-exile. There is a great deal of precedent for such action. In World War I, we recognized the exile government of Czechoslovakia. In World War II, we recognized many exile governments. For all practical purposes, there is today an exile government of Chiang Kai-shek, which operates from the Island of Taiwan. We have refused to recognize the Communist government of China; but we recognize the government of Chiang Kai-shek, and we give to that government a great deal of funds and much material.

So it seems to me that we should recognize a free Cuban government-in-exile, which could enter into treaties and agreements with the United States and the other countries of Central America and South America. These governments could then openly and legally send materials, equipment, and money to the Cuban revolutionary government. In that way the Cuban exiles can receive the materials and funds they need in order to begin to do the job they wish to do, which is to free Cuba from Castro.

I am told that many of the Cuban refugees are in touch with the Cuban freedom fighters who remain in the Escambray Mountains of Cuba. One of the reasons why the freedom fighters there are not more active is that they do not have sufficient equipment with which to fight, and they have no means of obtaining funds with which to purchase such equipment. They can obtain it only from friendly governments, but they do not have funds with which to pay for it. But under the treaties and diplomatic arrangements we have made with all the countries in the Western Hemisphere, if we recognize a Cuban government-in-exile, we can then turn over to it the equipment and material it needs, and they can be put into the hands of the freedom fighters who are still in Cuba, so that they can oppose Castro more effectively.

Mr. BEALL. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from Maryland.

Mr. BEALL. I wish to join the Senator from Florida in sponsoring the two resolutions, and I congratulate him for submitting them.

I am glad to hear him state that there is ample precedent for them, particularly our recognition of the government of Chiang Kai-shek.

Does the Senator from Florida believe that if we were to recognize a Cuban government-in-exile, it would be able to form its own organization perhaps to take over and recapture Cuba?

Mr. SMATHERS. There is no question about it. Today, there are roughly 200,000 Cubans in Florida. Let us say 75,000 of them are in a position to do some fighting and, if necessary, to go to war. When the day comes when troops are finally put into Cuba, I can think of nothing better for all concerned than to have Cubans lead the fight. They want to do it, and they should do it; and, at the same time, that will negate the Communist propaganda—which otherwise would be made against us—that that was "U.S. imperialism" and all that sort of thing. Certainly the Cubans must have some financial means and assistance, in order to take that lead.

Mr. President, I have submitted the resolutions. I cannot help but believe that ultimately we shall have to come to this idea, and I believe we should do so.

DR. JAMES R. SHAW

Mr. CHAVEZ. Mr. President, Dr. James R. Shaw has been rendering service in matters of health among American Indians for many years. He has recently retired from the program of that service to 400,000 American Indians. The Gallup Independent of Gallup, N. Mex., has published several articles on Dr. Shaw's service. I ask unanimous consent that the said articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Gallup Daily Independent, Gallup, N. Mex., Aug. 3, 1962]

INDIAN HEALTH IMPROVING

When the overall health of a racial or ethnic group within a progressive society is considerably below that of the rest of the population, it is an indictment of that society. Using this criteria, the United States has been open to indictment in the matter of health standards among American Indians.

Twenty years ago, a newborn Indian baby could expect to live no longer than a half century. In less advanced societies in the world, the average life span is even below that, but it is a sad commentary that it was true in the United States even 20 years ago. Indians were particularly susceptible to such diseases as tuberculosis, infant diarrhea, respiratory illnesses, and deformity.

Half of all Indians hospitalized in 1956 had tuberculosis, but the mortality rate has been reduced considerably. In the past 6 or 7 years, infant mortality among Indians has declined 30 percent. Tuberculosis has declined 44 percent in the past few years.

The problem of improving the health of Indians is one of education and improved facilities, and one man who has contributed a great deal in both respects is Dr. James R. Shaw.

Dr. Shaw, 54, stepped down Wednesday as head of the Division of Indian Health within the U.S. Public Health Service, a post he had held for 9 years.

There were vast changes made in Indian health care during his tenure. From an organizational standpoint, the biggest step was transfer of Indian health care from the Bureau of Indian Affairs to the Public Health Service. This was accomplished in 1955 and Dr. Shaw was one of the prime movers.

He has seen appropriations increased from $20 million in 1955 to $61 million in 1962, an increase in personnel and new Indian hospitals built around the country, one in Gallup.

As Dr. Shaw retires to a more placid life in Arizona, it is his hope that the trail he has blazed will be pursued until Indian health reaches the same level as that of other people in this country. It is axiomatic that with improved health and a longer life there will follow other improvements in the Indians' standard of living.

[From the Gallup (N. Mex.) Daily Independent, Aug. 1, 1962]

DR. JAMES SHAW RETIRES AS HEALTH ADMINISTRATOR

WASHINGTON.—Dr. James R. Shaw today turned over to Dr. Carruth J. Wagner the Federal program providing health services to about 400,000 American Indians.

Dramatic changes took place in the 9 years that Shaw was in charge of Indian health, and he anticipates that equally dramatic changes will take place during the next decade with Wagner at the helm.

A major milestone occurred in 1955, when, on July 1 of that year, it was transferred from the Bureau of Indian Affairs to the U.S. Public Health Service. Shaw was instrumental in the transition. He had been detailed by the U.S. Public Health Service to take over the BIA Indian health program in July 1953. Two years later Shaw and the 3,400 employees in the Indian health service were transferred to U.S. Public Health Service within the Department of Health, Education, and Welfare.

In the interim the Indian health program has made more progress than any other Indian program. Interior Secretary

Stewart L. Udall on July 25 hailed the Indian health program as one of the major accomplishments of the Eisenhower administration—quite a compliment coming from a highly partisan Democrat for a Republican administration.

Dr. Luther L. Terry, Surgeon General of the U.S. Public Health Service, said on July 12 that Shaw had been a prime mover in transferring the Indian health service to U.S. Public Health Service, the Federal agency which specializes in health; that he had spearheaded the initiation of the highly successful Indian sanitation program in 1959; and that he had spearheaded legislation passed in 1958 providing Federal funds for the construction of hospital beds for Indians within community hospitals.

So outstanding has Shaw's work been in the field of Indian health that on November 7, 1961, he received the Gorgas Medal for his work in conquering diseases among American Indians at the 68th annual meeting of the Association of Military Surgeons of the United States. This is the top award of the association and is made to those who have made outstanding contributions to the field of preventive medicine.

[From the Gallup (N. Mex.) Daily Independent, Aug. 1, 1962]

SANITATION PROGRAM WOULD CUT DISEASE

WASHINGTON.—The Indian sanitation program undertaken by the U.S. Public Health Service in 1959 could wipe out 30 to 40 percent of all diseases among Indians, if the Indians do their part in carrying out the program.

That is the view of Dr. James R. Shaw, retiring Chief of the Division of Indian Health of U.S. Public Health Service. He believes the Indian sanitation facilities bill enacted by Congress in 1959 was a landmark in preventive medicine.

"As I looked at the whole Indian health program, I became convinced that we had to attack the cause of disease among Indians at the source. From 30 to 40 percent of diseases we were treating Indians for were due to environmental conditions. They were due to lack of sanitation, lack of information and lack of ability by individual Indians to provide proper sanitation facilities," Shaw stated last week in an interview.

An Indian sanitation program at Elko, Nev., proved to be the forerunner of the program initiated by Congress in 1959. In 1958 the Elko Indian colony, the city of Elko and the U.S. Public Health Service shared the cost of building water and sewer lines after employees of the Division of Indian Health showed the Indians how to improve sanitary facilities in their homes, dispose of garbage and refuse. Under special legislation passed in 1957, the U.S. Public Health Service received $34,000 from Congress to build 4,000 feet of sewer main and 2,000 feet of water main and the necessary service lines for 28 Indian homes. These were connected with the sewer and water mains of the city. U.S. Public Health Service entered into agreements with the Indians and the city of Elko to operate and maintain the facilities. Many benefits flowed from this initial construction, Shaw said. The Indians began improving and broadening their streets. They electrified their houses and bought refrigerators.

"The initial sanitation training program for Indians proved to be the mechanism that brought the whole community together in meeting the health problems of the whole population, Indian and white alike," Shaw said.

The Elko experiment was so successful that other programs have been patterned after it in the Indian sanitation program begun in 1959, Shaw said. It proved that "there must be participation by Indians in the program, from the very beginning. If they have no responsibility for it, they may reject the whole thing," Shaw said.

Under the 1959 program, the U.S. Public Health Service was given authority to make agreements with Indians and communities in Indian-border areas to build sanitation facilities for Indians. They include domestic and community water supplies and facilities, drainage, sewage and waste-disposal facilities. The facilities are transferred to the Indians or communities to operate and maintain.

Shaw has been absolutely insistent that it be a self-help program. For every dollar spent by U.S. Public Health Service under the program, the Indians must put up 40 cents either in cash or in work toward construction of the facilities. "No money is obligated until and unless we have agreements with the Indians on each project, including the role of participation of the Indians in it," he said.

[From the Gallup (N. Mex.) Daily Independent, Aug. 2, 1962]

SHAW PREDICTS CHANGES IN INDIAN HEALTH PLAN

WASHINGTON.—Dr. James R. Shaw, retiring Chief of the Division of Indian Health of the U.S. Public Health Service, foresees major changes in the Indian health program over the next decade.

"The Public Health Service will be treating more vertical cases, fewer horizontal patients," Shaw told the Independent in an interview. "More patients will walk in and be treated by doctors, and there will be fewer cases of patients being hospitalized for long periods of time," he said.

Indians will no longer be so plagued by the diseases to which they have been particularly susceptible in the past, notably tuberculosis, infant diarrhea, and respiratory illnesses. There already has been a marked decrease in these diseases, and as the health of Indians approaches that of the general population, they will have the same lifespan as other Americans and be subject to the same illnesses.

Indians no longer will be moved hundreds of miles to a hospital. Their own hospitals, including the four new ones at Shiprock, Gallup, Sells, Ariz., and Kotzebue, Alaska, are comparable to the hospitals built under the Hill-Burton program. "There has been a marked upgrading of hospitals, hospital staffs and supplies of all kinds" in the 9 years that he has been in charge of the Indian health program, Shaw said.

The Indian health program is now and will continue to attract younger doctors, nurses, and laboratory technicians. An increasing number of Indians will be in this professional and semiprofessional group, Shaw said. Because of cultural differences, he anticipates that few young Indians will become doctors in the Division of Indian Health, but he does anticipate that a number of Indians will become doctors and will go into private practice on their own in non-Indian communities.

"The Division of Indian Health now operates schools to train dental technicians, nurses aids, sanitation aids, practical nurses, registered nurses, public health nurses, community health workers, and some specialists. This group will not only increase in number, but there will be an increasing number of Indians within it, and there will be an increasing migration of these trained Indians from their reservations to nearby communities," he said. "Many Indian nurses now marry in the community and do not return to their reservations," Shaw said. "This trend will continue," he said.

"The turnover of personnel in the Indian Health Service was once high because of inferior quarters. This is no longer the case, as 600 sets of quarters for the medical staff have been built along with new hospital, clinic, and outpatient facilities," Shaw said. Turnover will continue to decrease as modernization of Indian health facilities continues, he anticipates.

Shaw anticipates that the Division of Indian Health will continue so to elevate the level of Indian health as rapidly as possible. With better health and better education, Indians will achieve a greater measure of self-sufficiency sooner and many will automatically leave their reservations for better jobs in urban areas, Shaw believes.

Shaw believes that the Division of Indian Health must continue to have both a short-range goal and a long-range goal. Presently its short-range goal is to clean up all outstanding cases of chronic illness and illness due to poor sanitation on reservations. Its long-range goal is to make Indian health equal, at least, to that of the general population.

U.S. FOREIGN POLICY TOWARD CASTRO AND CUBA

Mr. LONG of Missouri. Mr. President, our Nation's policy toward Castro and Cuba is of great concern to all Americans. The President at his recent press conference made our Nation's policy quite clear. The President has my complete support in any action he finds necessary to protect the Western Hemisphere.

The Daily Dunklin Democrat of Kennett, Mo., recently published a thoughtful editorial pointing out the many facets of the Cuban problem. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CASTRO NO, FREEDOM SI

Most Americans have not thought the Cuban problem through.

There is reason for this. The President, who has thought the problem through, cannot talk about it in public without getting in trouble. He cannot lay all the American bargaining problems with the Soviet Union on the table.

But civilians can.

Fundamentally, American policy on Berlin is established.

Fundamentally, American policy on Cuba is not.

The issue at Berlin is whether Communist power can break out of the East-West line—the military and political circle which holds it in place.

The issue in Cuba is whether the Communists can leapfrog over that circle and establish their power in the vast, unguarded territories behind the East-West line. They have often tried this kind of penetration. Up to now they have never, for very long at least, succeeded.

These are two different, though related, issues.

In the case of Berlin, there has never been any serious doubt as to where the West stood. Some persons would act to stop creeping aggression at an earlier point, some later. But the West stands strongly agreed on the fundamental. If the Communists cut Western access to Berlin and the right to keep West Berlin free and economically alive, the West will fight.

If the Russians make a military base out of Cuba, on the other hand, it is not decided what to do. Or if they stop short of creating a Soviet base and continue to build up Cuba as an ally, as the United States has armed Pakistan, there is still no decision on what to do with Cuba itself. The only firm decision is to prevent the use of Cuban force elsewhere in Latin America.

American public opinion is understandably on edge. Serious minded persons of all viewpoints are gravely concerned, some in a state of great alarm.

There are several conflicting concerns which the United States must resolve.

It must consider the threat to our own immediate security. How damaging is a nearby base?

It must consider Latin America. Would an American invasion of Cuba deliver significant, angry Latin American forces into the hands of Castroism without firing a shot? Could the United States then invade those countries? Would time and persuasion, prior to a showdown with Cuba, prepare Latin American opinion for it?

The United States must consider American bases and military missions overseas. They ring the Communist island. They bring American land power closer to the heart of Communist strength than Communist land bases can approach their American targets. If the United States invades Cuba, will the Soviet Union invade a U.S. base or mission? What will the United States do then?

It must consider world opinion as well as Latin American. The peoples once colonized by Europe have a deep and undiscriminating mistrust of Western military action against small countries like Cuba. The Communists play skillfully on this. In dealing forcibly with one Cuba, the United States would have to be extremely careful not to create other and perhaps more damaging Cubas out of Asian and African resentment.

The Cuban question remains a peculiarly awkward one. When Castro communism seemed to be failing economically and politically, under U.S. pressure and a rising tide of anti-Castro feeling in the Americas, the Soviet Union converted it, by signing an arms agreement, into a military outpost. The special nature of this new type of threat, an armed satellite deep inside the free world, needs to be analyzed although it has not yet developed very far in the military direction.

Two fountainheads of enlightened thinking in the State, the St. Louis Globe-Democrat and Republican Senatorial Candidate Crosby Kemper, Jr., have demanded an immediate U.S. naval blockade around Cuba. We are certain both sources have been deliberate in their thinking processes and have considered all the ramifications of such an overt act. Have they considered, for instance, the fact that a U.S. blockade is a unilateral action in the American hemisphere when this Nation has sought, over a period of many years, pacts against such action? For whether we realize it or not, other American nations are just as concerned over the Cuban situation as is this Nation. Multilateral action against Cuba is necessary if the future of American solidarity is to be safeguarded and preserved.

It may well be that a naval blockade will be necessary, but certainly at this point, until all the facts are known, overt military action demonstrates an inability to cope with communism in this hemisphere in but one way. Democracy must demonstrate to the world that communism will fail in all climates except where it is the sole ideology. A Cuba collapsing despite Russian assistance will offer a far more graphic picture to the world than thousands of Cubans starving because a U.S. Navy blockade has prevented them from receiving foodstuffs.

America was driven to war over Cuba, once before, and the single origin of this was hysteria. The cries of war were heard over the voices of reason on Cuba a little more than a generation ago. Let America not make the same tragic error it committed once before—let the voice of reason be heard over the land and let the freedom which America promises have full meaning to the rest of the world.

NONDIPLOMATIC ACTIVITIES OF REPRESENTATIVES OF FOREIGN GOVERNMENTS

Mr. LONG of Missouri. Mr. President, the Foreign Relations Committee is expected to schedule within the near future hearings on "Nondiplomatic Activities of Representatives of Foreign Governments."

In this connection, I should like to commend the distinguished junior Senator from Minnesota, Senator EUGENE J. McCARTHY, for his cogent analysis of the role of the lobbyist in an article which recently appeared in the Sunday magazine section of the New York Times.

I personally feel this is an area amply in need of clarification, if not actual definition. I am convinced that confusion exists in the public mind as to the respective roles of the lobbyist and the foreign agent. Many people apparently believe they are one and the same. Such is certainly not the case.

Now, we are all cognizant of the fact that abuses and unsavory activities have occurred in the past in this field. Principally, this is why we now have stringent laws controlling the activities of lobbyists and foreign agents.

I think, however, that it is time that the role of the legitimate, responsible lobbyist or foreign agent be redefined and the constructive contributions which he makes to proper legislation be analyzed. That is why I am very glad that the Foreign Relations Committee is planning hearings on the subject.

I feel that many reputable practitioners of the art of public relations have been unduly maligned by being grouped together with overly aggressive and less conscionable individuals.

I think one of the most concise analyses of the role of the lobbyist was written by President Kennedy, when, as a Senator, he wrote the following in an article prepared for the New York Times in 1956:

> Lobbyists are in many cases expert technicians and capable of explaining complex and difficult subjects in a clear, understandable fashion. They engage in personal discussion with Members of Congress in which they can explain in detail the reason for positions they advocate.
>
> Lobbyists prepare briefs, memorandums, legislative analyses and draft legislation for use by committees and Members of Congress; they are necessarily masters of their subject and, in fact, they frequently can provide useful statistics and information not otherwise available.
>
> Competent lobbyists can present the most persuasive arguments in support of their positions. Indeed, there is no more effective manner of learning all important arguments and facts on a controversial issue than to have the opposing lobbyists present their case.
>
> Concededly, each is biased; but such a procedure is not unlike the advocacy of lawyers in court which has proven so successful in resolving judicial controversies. Because our congressional representation is based on geographical boundaries, the lobbyists who speak for the various economic, commercial and other functional interests of this country serve a very useful purpose and have assumed an important role in the legislative process.

I think that adequately explains the role of the lobbyist—a role, by and large, that most of us appreciate. Frequently, the prospect arises of legislation affecting areas which are beyond the expertise of most of us. Here is where the lobbyist often is invaluable, regardless of which side of the issue he represents. He is an expert on the subject, he is well informed, and he has all the facts at his command. He is capable of briefing the Senator in infinitely less time than would be involved if the latter had to do the research himself. Thus does he perform a service to those who must bear the responsibility of enacting legislation.

As the Senator from Minnesota pointed out in his article:

> The most common method of lobbying is that of simply appearing before a committee of Congress or speaking to individual Members in an attempt to bring them to understand one's position or to influence them to support that position.

Elsewhere in his article, Senator McCARTHY writes:

> Although lobbying does not usually involve a physical assembly—such as the 1932 veterans bonus march on Washington or current picketing of the White House—it does involve organization, a bringing together of citizens seeking a common objective. Thus the act of lobbying is basically an exercise of the right to petition the Government—a right set forth in the Constitution. Lobbying also involves, in a way, the exercise of the right of assembly.

I believe it is important that all citizens be informed of the proper functions of lobbying groups and I congratulate the Senator from Minnesota for rendering this service with such an able presentation of the facts.

In this regard, I might mention that several unfortunate articles recently have appeared on the subject in the German press. It was obvious that these publications did not even comprehend the difference between a lobbyist and a foreign agent, the latter being a public relations professional, a lawyer or a person who is registered with the Department of Justice as the U.S. representative of a foreign official body.

Some German newspapers went so far as to write that one of the most reputable foreign agents in the United States may be involved in "a court hearing by the State Department," This statement certainly reflects misunderstanding and confusion. Perhaps they were referring to the forthcoming hearings by the Foreign Relations Committee, but if so, something was very definitely lost in the translation.

I certainly hope that representatives of these newspapers will avail themselves of the opportunity to attend the Foreign Relations Committee's hearings.

This country spends many millions of dollars annually to project a proper image of America in foreign countries. It is heartening that the Western European democracies are cooperating in encouraging mutual understanding.

In his foreword to the preliminary study, the distinguished chairman of the Foreign Relations Committee, Senator FULBRIGHT, very properly points out: "In many instances, State Department officials themselves agree that legitimate representation by U.S. citizens on behalf of certain foreign governments is necessary due to the complexities of current international problems. However, it is believed that this committee has a responsibility to obtain for itself, for the Senate, and for the American people a full and accurate picture of activity of this kind, particularly since the tempo of such activity has increased in almost direct proportion to our Government's growing political, military, and economic commitments abroad."

When hearings on this subject are held, I believe they will accomplish a great deal in clarifying this entire area of activity.

While on this subject, Mr. President, I might say that in my opinion the distinguished Senator from Arkansas recently has made a most commendable and sensible suggestion that our country's law schools carry on what he termed imaginative and thorough research in the field of foreign representation in the United States. As he pointed out, there have been no cases at all under the labeling provisions of the Foreign Agents Registration Act of 1938 and, since 1945, none have been brought under the act's full disclosure requirements.

Certainly an examination of possible loopholes in the act by our law schools is logical and quite probably would prove fruitful.

It is unfortunate that many people are wont to confuse the activities of one person such as Alexander Guterma, who represented the dictator Trujillo and was prosecuted for not registering as a foreign agent, when the actual foreign agent registration files in the Department of Justice include the names of some of the most prominent men in our country.

I might list just a few of these gentlemen, who either are or have been registered foreign agents: Former Secretary of State Dean Acheson, the Honorable Thomas E. Dewey, John and Franklin Roosevelt, Jr., Under Secretary of State George W. Ball, and Maj. Gen. Julius Klein.

I had the pleasure, incidentally of seeing General Klein just recently when he was invited to attend the luncheon which Speaker McCormack gave for General MacArthur.

General Klein, of course, is known and respected as a distinguished soldier and one of our leading citizens. He commanded combat troops under General MacArthur in the South Pacific and his personal decorations include the Soldier's Medal for Heroism, the Philippine Distinguished Service Star, the Legion of Merit, and the Bronze Star.

He was the author of the original Army combat public relations plan. This project, drafted before Pearl Harbor, was the foundation of our psychological warfare activities. After completing his tour of duty in the Pacific, he served with distinction after the armistice in a military capacity, as special assistant to the late Secretary of War Robert P. Patterson, participating in the unification program which resulted in the establishment of the Department of Defense.

General Klein is a lifelong resident of Illinois, the good neighbor of my native Missouri. He also is a lifelong Republican. I can state unequivocally, however, that when it comes to matters involving the national interest, he is above partisan politics. General Klein is the type of American whose politics ends at the water's edge.

Many Senators will recall the wonderful job General Klein performed in 1954 as a special, nonpaid consultant to the Armed Services Subcommittee of the Committee on Appropriations. General Klein's report, following his mission to Western Europe, called for increased military self-reliance by the United States, consolidation of American oversea operations, greater centralization of administrative functions, and the adoption of policies to encourage Western European nations in seeking solutions to their own military and economic problems.

General Klein's report, I might add, was highly praised on both sides of the aisle. In fact, if I recall correctly, its only critic was Pravda.

A former Chicago newspaperman and author, General Klein is a pioneer in the field of public relations. Much of his present activity involves industries within West Germany, where he enjoys also the confidence and respect of top officials in the Federal Republic.

In singling out General Klein, whom I have known for years, I wish only to point out—for the edification of those sufficiently interested—that there is nothing at all sinister or cloak-and-daggerish about a registered foreign agent who performs his activities aboveboard, in the open and within the letter of the law.

I look forward to the hearings contemplated by the Senate Foreign Relations Committee, as I believe a public discussion of this whole area of activity is well overdue.

BAYONNE EXPERIMENT

Mr. WILLIAMS of New Jersey. Mr. President, we have heard much of late about the language lag in our Nation. Justice William O. Douglas, in a recent statement, warned that we seem to be falling farther behind. Our educators sense the need, but there seems to be a lack of organized effort to produce a well-defined system for instruction in foreign languages at all levels of our educational system.

For that reason it is heartening to read about the efforts made in the primary school system of Bayonne, N.J. There, fifth grade pupils in some schools are studying Russian. School authorities believe that this project will help serve a definite need. We know, of course, that English is a major subject in many Russian schools. We know, too, that there is a need in this Nation for experts who are qualified to study Russian newspapers and documents. The Bayonne school system is to be congratulated for this experiment.

An editorial in the Jersey Journal of September 14, comments on the project. I ask unanimous consent to have it printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bayonne Experiment

That Bayonne experiment in teaching Russian to primary school pupils probably will be watched carefully by educators everywhere in New Jersey.

So far as is known to educational authorities, Bayonne is the only community in the State where fifth grade pupils in a number of schools are studying Russian. This is the logical level at which to begin, for children at age 10 learn languages faster than they do in high school.

There is a great need for Americans to understand Russian. Russian pupils long have been encouraged to learn English. As a result, the Russians know more about us on a level of direct communication than we know about them.

The stakes are big in this experiment. Success in Bayonne could stimulate similar experiments and successes in other school systems throughout New Jersey—and even beyond our State's borders.

This could do much toward eliminating the advantages the Russians enjoy over us in the language field.

A BIRTHDAY FOR OUR CONSTITUTION

Mr. WILLIAMS of New Jersey. Mr. President, our Constitution has served us well for 175 years. It has given us protection and security, it has proven capable of change without compromise of basic principles; it has become part of our very thinking processes about liberty and hopes for this Nation.

We hear many comments during this week—Constitution Week—about the great document offered to the Nation in Philadelphia 175 years ago. These comments are significant, I think, because they indicate the continuing vitality of this document. We continue to argue about the Constitution; we continue to interpret it in different ways. And we find that there is room for such argument; there is room for such interpretation.

This point was very well taken in an editorial that appeared on September 15 in the Camden (N.J.) Courier-Post. The editorial writer shows that citizens are as keenly interested now in the Constitution as their predecessors were in 1787. I ask unanimous consent to have it reprinted in the Record.

Mr. President, an article in the Newark Sunday News, of September 16, pays similar tribute to the Constitution, and it discusses the prominent role played by New Jersey before and during the Constitutional Convention. The author of this article, Mr. Thomas J. Hooper, has given us a lively account of the Convention and the part played by New Jersey delegates. I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Newark Sunday News, Sept. 16, 1962]

Constitution Signed 175 Years Ago

(By Thomas J. Hooper)

One hundred and seventy-five years ago tomorrow—September 17, 1787—39 prominent residents of the erstwhile Colonies affixed their signatures to a document that has since been hailed as the "most perfect" of its kind.

The document was the Constitution of the United States, which was the far-from-unanimous product of 99 sessions of a Constitutional Convention that sat in Philadelphia in an attempt to agree on a basic law of the land. It was drawn to end the loose, ineffectual confederation that followed upon the winning of independence from England. George Washington was the presiding officer of the Convention.

Tomorrow marks the anniversary of the signing of the Constitution by the Convention delegates, not the date of its becoming effective. That did not officially take place until March 4, 1789.

The day is officially designated Citizenship Day, although it is not a legal holiday. In 1952, by Presidential proclamation, Citizenship Day was established to replace Constitution Day, which had been observed on September 17, and I Am an American Day, which was reserved for the third Sunday in May.

Before it took effect, the Constitution had to be ratified by the States through individual conventions. New Jersey was the third to fall in line, ratifying it on December 18, 1787. To New Hampshire fell the honor of supplying the needed ninth vote for the official adoption of the Constitution. That occurred on June 21, 1788, and the Government thereafter decreed that it would become operative on the following March 4.

The Constitution, as originally adopted, did not include the first 10 amendments, the so-called Bill of Rights. They came later, the effective date December 1791, and resulted from reservations about the original Constitution.

Many prominent individuals, including members of the Convention, believed that the original document was not explicit enough about both personal and States rights. Their reservations led to the drawing up of the supplementary amendments.

The original Constitution, headed by its renowned preamble beginning "We the People * * *," contained six articles, which established the three divisions of government, provided for the relationships between the several States and the amending of the Constitution, and established the Constitution as the supreme law of the land.

New Jersey played a prominent role in bringing about the Constitutional Convention and at the Convention itself.

It will be remembered that the Philadelphia session was preceded by the Annapolis Convention, a meeting of five States brought about by the need for some kind of joint action or control with respect to commerce on the navigable waters to which all five States were contiguous.

The New Jersey delegates had been instructed "to consider how far a uniform system in their commercial regulations and other important matters might be necessary to the common interest." The phrase—"other important matters"—has been credited with bringing before the Convention the question of how a "more perfect" union of the States might be achieved.

The States, at that time, were governed, if that is the word, by the Articles of Confederation and Perpetual Union, which left to each State "its sovereignty, freedom and independence" and which has been described as an attempt at "national suicide."

Out of the Annapolis Convention went a request to the Congress to call for a general meeting of the States to discuss public affairs. Congress obliged and set the Constitutional Convention for Philadelphia in May 1787.

New Jersey was represented at the convention by William Livingston, 11 times its Governor; William Paterson, a lawyer who "never speaks but when he understands his subject well"; David Brearley, a justice of the State supreme court; Capt. Jonathan Dayton, and William C. Houston. Also assigned as delegates but not attending were John Neilson and Abraham Clark. At the conclusion of the convention of the five New Jersey delegates present, only Houston failed to sign the document.

It was Paterson who announced to the Convention the so-called New Jersey plan in opposition to the Virginia plan. The New Jersey, or small State proposal, provided primarily for equal representation for the States and envisioned, not a new Constitution, but only a revision of the Articles of Confederation.

Out of the ensuing debates came the "bundle of compromises" that the Constitution has been described as, including a bicameral legislature with one body directly respresentative of the people and the other representative on an equal basis of each of the States.

Twelve of the States, Rhode Island excepted, had assigned 65 delegates to the Convention but only 55 attended. Of the 55 only 39 signed the document, an indication of the opposition it generated.

Yet de Tocqueville was led to call it "the most perfect Federal Constitution that ever existed."

[From the Camden, N.J., Courier-Post, Sept. 15, 1962]

CONSTITUTION'S 175TH ANNIVERSARY

Designed to last through the ages, the Constitution of the United States of America nevertheless has been a subject of debate as to whether the framers sought a liberal or a strict interpretation of their handiwork.

Although this remains one of our bedrock political issues, and healthfully promises to continue to be, the basic document has survived 175 years of that kind of controversy and on Monday the country will observe that 1¾-century anniversary.

Constitution Week, by act of Congress and Presidential proclamation, will continue through September 23.

Despite their disagreements, the men who nurtured the document through to final form in the summer of 1787 seemed to know they were producing a work that would indeed live through the ages. Truly, it has been hailed in places throughout the world as a model for posterity. A speaker at the Constitutional Convention called on the assembly to "extend their views beyond the present moment of time * * * for the whole human race will be affected by the proceedings of this Convention."

And while Thomas Jefferson termed it "unquestionably the wisest ever yet presented to men," the First Congress at its first session laid the groundwork for immediate amendments, 10 of which were to become the Bill of Rights. Amendments have come since and doubtless will continue to come.

A letter to this newspaper from a local DAR chapter urges that all citizens reread the Constitution and renew their pledge to serve their country and to defend its Constitution. The latter of course may be more easily achieved than getting some Americans to read the Constitution at first time, much less a second. Still we believe loyal citizens, as the letterwriter asks, would defend it against "all threats to its supremacy."

Another letterwriter raises the question of whether the Constitution was written for the "protection of the minority." But he also understands correctly the Constitution was "to be the law of the land for all, providing and guaranteeing the liberty of all including the minority."

The writer simply wants to know whether the emphasis on upholding the rights and liberty of minority groups is doing violence to the rights and liberty of the majority. The answer must be that the Constitution always, we hope, will serve the greatest good for the greatest number of Americans. Constitution Week, is a good time to think it over, and all the weeks are good for practicing its guarantees.

BANK SUPERVISION AND EXAMINATION AT THE FEDERAL LEVEL

Mr. SPARKMAN. Mr. President, recently, there has been considerable public discussion of proposals that have been advanced to change various functions exercised by the Government in supervising our banking system. Undoubtedly, more will be heard on the subjects in the days ahead.

Today, Mr. Erle Cocke, Sr., who is Chairman of the Federal Deposit Insurance Corporation, is making a pertinent and valuable contribution to these discussions in a speech before the 60th annual convention of the National Association of Supervisors of State Banks at Bretton Woods, N.H.

Mr. Cocke's long experience in the banking business and as a government banking official qualifies him as an authority on this subject.

Mr. President, I ask unanimous consent that the address of Mr. Cocke and an article from the Washington Post and Times Herald of this morning entitled "Cocke Challenges Plan To Unify Bank Controls" may be printed in the RECORD.

There being no objection, the address and article were ordered to be printed in the RECORD, as follows:

BANK SUPERVISION AND EXAMINATION AT THE FEDERAL LEVEL: ISSUES AND POLICY PROBLEMS

(By Erle Cocke, Sr.)

In the beginning, I wish to state that the comments which I will make are my individual thinking. This talk has not been discussed with either of the other members of the Board of Directors of the Federal Deposit Insurance Corporation.

Supervision of banking today is vested in three Federal agencies and authorities in 50 States as well as two other areas (Puerto Rico and the Virgin Islands). The much heralded and highly regarded dual banking system is, in reality, a plural banking system; for each State, along with the chartering authority for national banks, has its own laws, regulations, procedures and standards. Partisans of tidy structural patterns take delight in criticizing the differences and conflicts inherent in such a system of multiple authorship and authority; and I am not among those who hold that no improvements can be made. However, in our discussion of possibilities for change, we must never overlook what I take to be axiomatic; namely, that in the nearly hundred years of its existence, our plural banking system has convincingly proven its genius, and changes in our banking laws must proceed from the premise of the inviolability of this system.

DIFFUSION OF AUTHORITY

Problems stemming from the diffusion of bank supervisory authority between State and Federal agencies are admittedly difficult. Attempts to cope with them have so far been voluntary and extra-legal in nature. For example, a report on bank examinations made to the Secretary of the Treasury in 1934 recommended that, "Immediate steps should be taken to consult with the bank supervisory authorities in each of the States with a view to obtaining their cooperation in coordinating Federal and State supervision of banks through the adoption of uniform policies and forms and elimination of duplication in examination."

From the time of its establishment the Federal Deposit Insurance Corporation has steadfastly adhered to a policy of cooperation with the bank other supervisory authorities in attempting to solve problems of mutual concern. Drafts of bills formulated by the Corporation to provide for cooperation between State banking authorities and the Corporation in making examinations and in exchanging information with regard to insured institutions were included among the proposals submitted for consideration by State legislatures in 1934 and 1935. By the close of 1935 the objectives of these proposals were achieved by State legislation or other arrangements in a total of 32 States. Subsequently there has been a continuing effort to improve and add to these arrangements.

Another significant cooperative effort by the Federal Deposit Insurance Corporation, together with the other Federal agencies and the representatives of the State bank supervisors, was the procedural agreement as regards guiding principles to be observed in bank examination work. Designed to implement some of the important lessons of the early 1930's, this procedural agreement, formalized in 1938, and still quoted frequently in financial publications, covered questions of asset valuation and classification, as well as determinations with respect to capital and the establishment and maintenance of reserves for losses. Revised in 1949, the agreement now would benefit from further consideration by the supervisory authorities because of recent and prospective developments in banking.

Experience with State-Federal cooperative efforts has taught that coordination of bank supervision has many facets and demands a continuing effort by all of the participants. For example, there is a genuine need for agreement among the State and Federal authorities on the essential elements of a uniform banking code as well as a persistent effort to keep such a code up to date. Needed also is some permanent machinery for consultation that will facilitate the adoption of uniform policies, procedures, report forms and practices, on a national basis, for a regional group of States, or an individual State.

Problems resulting from the diffusion of authority among the Federal agencies are likewise amenable to treatment and do not require wholesale surgery. The bank supervisory powers and duties of the three agencies, viz., the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, can be reorganized and integrated into a structure that is better adapted to the current situation. Proposals to centralize supervisory authority in a single agency have certain weaknesses, but deserve serious consideration along with other plans. A clearcut decision concerning the structure that will best serve the public interest is needed to clarify the atmosphere of supervision.

EXAMINATION AS A TOOL OF SUPERVISION

The examination of banks and investigations by examiners with respect to proposed changes or additions in banking facilities constitute the principal means for implementing bank supervision. Bank examining activities include both visitation by representatives of the supervisory authority, who prepare a report of their finding and recommendations, and reporting by the bank—without visitation—on a standard information form.

Up to now, reports based on visitation have been the major tool of bank supervision. However, reports obtained without visitation offer great hope of adding substantially to the benefits already available from the use of these fact-gathering devices. Properly designed reports may be expected to secure data which could be matched with information obtained on a visitorial basis, and processed by modern-day computers. Such an approach to bank supervision could reduce substantially the volume of costly fieldwork and office review, and at the same time provide information not heretofore obtainable.

Recent developments in banking call for both new approaches and new methods in regard to the examination problem. For example, the size of banks and the complexity of their operations have increased tremendously over the past three decades. These changes in size and complexity impose a special obligation on the supervisory authorities to be vigilant for practices that may affect adversely the effectiveness of the traditional examination. The precise nature of the limitations on the value of the usual examination, and the consequences for bank supervision, are unknown. However, it seems doubtful that examination techniques designed for a banking system comprising many small units with few opportunities for specialization of work assignments are entirely suitable for giant banking organizations which can make effective use of highly skilled technicians. This is one of the many aspects of bank examination work that deserves further serious consideration.

Rapid change in the structure of banking is now being stimulated by a complex of forces. Among the many diverse elements included in this complex, one might mention the accelerated rate of population growth since the 1930's; the rural-urban migration, and the migration of city dwellers to nearby suburbs; the shift of population from the North and East to certain areas in the South and West; the tremendous expansion of industrial activity; and the related increase in business volume. In addition to these environmental changes, it now appears that the automation of clerical tasks made possible by a host of recent electronic inventions will stimulate changes in banking organization and structure necessary to take advantage of cost-saving opportunities. For instance, legislation is now under consideration by the Congress of the United States that would enable banks to benefit from automated facilities through stockownership in service corporations. These developments will have an important bearing on bank examination work as well as present insistent questions concerning branches, mergers, and holding companies.

It is within this developing framework that the responsibilities of the different bank supervisory agencies my be reassessed. What do these changes imply for the traditional roles performed by the different agencies?

SUPERVISION BY THE FEDERAL RESERVE

No one questions that the Federal Reserve System is chiefly concerned with monetary policy. Supervision of banking, including the examination of individual banks, is subordinate to this major responsibility Accordingly, attention at the Fed is focused on pertinent information obtained from call reports and other special financial and business reporting programs regarding conditions in the entire banking industry or in its major segments.

SUPERVISION BY THE CHARTERING AUTHORITIES

All of the States and the Office of the Comptroller of the Currency have the legal authority to charter banks, pursuant respectively to State and Federal laws. The power to approve or reject an application for entrance to this type of business, in accordance with varied and frequently rather general standards, represents the initial function of the chartering authority. In order to evaluate charter applications, and to maintain compliance with laws and regulations, examinations are a necessary tool of the chartering authority. For example, a finding of noncompliance under law or regulation may require a decision to close a bank in financial difficulties, to require additional capital, or to strengthen management so that the bank will not drift into a position of weakness as a prelude to failure.

SUPERVISION BY INSURER

Like the chartering authority, the insurer is concerned with the condition of individual banks. The right of the insurer to select or reject a risk, and its right of inspection and examination whenever necessary, are essential ingredients of a successful insurance operation. Accordingly, the Federal Deposit Insurance Corporation should continue to periodically inspect its risks so that the hazards of deposit insurance may be contained within the limits of reasonable calculation. Mere technical authority to examine is not sufficient; the inspection and examination of the insured banks by the Corporation is a duty it owes to the depositors and to the public.

Lest it be forgotten, the catastrophe hazard inherent in deposit insurance is worthy of emphasis. To be sure, the banking community and the Federal and State Governments have taken many steps to reduce this hazard by such means as improving the skills of bank management and personnel, the banking legislation of the thirties, the Employment Act of 1946, and improvements in the extent and quality of bank supervision. Moreover, the Federal Deposit Insurance Corporation has sizable resources to validate its obligation to depositors in the insured banks. It is true that when the financial troubles of business generally, as well as individual banks, reach the dimensions of serious monetary problems that are nationwide in scope and character, the responsibility rests with the Federal Reserve rather than the Corporation; should the situation be such as to affect the security of the Nation, "all Government" must become involved. But short of such catastrophe, the integrity of Federal deposit insurance is vital to a viable banking system.

Failure of an insured bank to meet its obligation to depositors in the ordinary course of business is the event that triggers action by the Federal Deposit Insurance Corporation to protect these depositors. The corporation does not have control over the time or the occasion when it may be called upon to furnish this protection, since the power to close a bank is in the hands of its directors and the chartering agency. Thus the call for performance on the insurance obligation may sound at any time and without warning. Like any other insurer, the corporation is entitled to safeguards. For the corporation, this means the authority to determine, without hindrance or limitations, the risk with respect to each insured bank by periodic examination, including the investigation of proposals as to banking management and facilities.

Owing to the need for inspection by the deposit insuring agency as well as the bank chartering authority, alternating examinations by each agency would seem to be the best way to satisfy their respective needs. Moreover, the experience of the Corporation shows that a maximum of one examination each year is sufficient for its purposes, except in unusual or emergency circumstances. The advantages of alternating bank examinations have been demonstrated by the Corporation's experience in cooperating with State examining authorities. Such a procedure brings fresh eyes and new minds to the task of inspecting and examining the activities of each bank. In virtually all cases, alternating examinations have proved to be better than joint or concurrent ones.

SUGGESTED CHANGES IN SUPERVISORY STRUCTURE

Taking into account the considerations and developments mentioned so far, certain improvements in the existing structure of Federal bank supervision may be suggested. Experience with deposit insurance has emphasized the importance of maintaining a separation between the chartering and the insuring agencies. Likewise, the diffusion of supervisory authority has emphasized the need for coordinate but separate inspection of banks. Alternate examinations would entail minimum changes in long-established arrangements and at the same time correct serious defects. So viewed, they are consistent with the history of bank supervision; they recognize both the lessons of experience and the obstacles to change in a real world.

Adoption of alternate examinations would not greatly disturb the alinement of responsibilities of the three Federal bank supervisory agencies. The Federal Deposit Insurance Corporation would examine each insured bank at least once each year, and would investigate, concurrently with the chartering authority, all proposals as regards banking facilities and personnel. Some reduction in workload appears realizable if the Corporation were to alternate its examination with the State examining authorities in the case of State banks, and the Comptroller with respect to national banks. The examining authorities could exchange copies of each examination report. Furthermore, reports would be available to the Federal Reserve for informational purposes both on individual banks and in the form of aggregate data.

With respect to national banks, the Office of the Comptroller of the Currency in the U.S. Treasury Department would continue its powers and responsibilities as the bank supervisory and chartering authority. The Comptroller is now required by law to make two examinations in each calendar year. One of these examinations, however, may be waived in a 2-year period. This requirement could be modified by authorizing one regular national bank visitorial examination annually. Such an examination together with a regular examination each year by the Federal Deposit Insurance Corporation would give the desired examination coverage. Thus, representatives of both the chartering and the insuring agency would have a recurring opportunity to inspect and report on each bank's condition and performance under the applicable laws.

Given the orientation of the Federal Reserve, which is chiefly concerned with problems of broad national interest regarding money and credit and related matters, that agency does not need to engage in such operations as bank examination work. At various times officials of the Federal Reserve System have indicated their desire to be relieved of all duties extraneous to their fundamental responsibility of performing the functions of a central bank. In at least one instance an outstanding official of the System has stated that transfer of the examination and supervisory functions of the System to another agency "would relieve the Federal Reserve System of a great deal of work, which, while important, is not essentially interrelated with its primary function of regulating the supply of money and credit." However, each of the 12 Federal Reserve banks requires a limited number of qualified examination personnel to review reports and—if needed in specific or emergency circumstances—to exercise visitorial powers.

Since the cost of examination work is an operating expense chargeable against income from assessments for deposit insurance—not a proper expenditure of funds appropriated by the Congress for purposes of government—the Federal Deposit Insurance Corporation would defray the expense of one examination each year for both National and State banks. A saving of at least one-third and possibly more of the workload would result if the Office of the Comptroller of the Currency examined each national bank annually and received the Corporation's report in place of a second examination. This saving would make possible a reduction in statutory examination fees levied on national banks. Furthermore, in many States such an arrangement would tend to place National and State chartered banks on the same basis with respect to charges for examinations, and when entirely coordinated, would bring about savings in examination costs for State banks, realizable perhaps during the first full year of operation under the plan. As heretofore, each bank would carry the cost of the examination as provided by the law applicable to the chartering authority—either the State supervisor or the Comptroller of the Currency.

If it were to undertake the task of examining insured banks chartered by the Comptroller of the Currency, the Federal Deposit Insurance Corporation could draw upon its background of successful experience in working with State chartering authorities in bank examining activities. Certainly there should be no more basis for conflict resulting from the examination of national banks by an insuring agency than has been experienced with the States that are likewise chartering authorities. Already the FDIC examines regularly all insured nonmember State banks (a majority of all banks), and without cost to the respective States or banks.

Proposals to centralize Federal bank supervisory authority in one agency are designed to achieve operating economies and standardization of examination procedures. Reasonable men may disagree concerning the effects which centralization of bank supervisory authority might have on the dual banking system. It seems to me likely that many of the presumed advantages, including operating economies, could not be realized. Such proposals also ignore the fact that the chartering authorities and the Federal Deposit Insurance Corporation as an insurer of bank deposits should have separate bank examination powers. Safeguards against the improper use of supervisory authority or the adoption of unwise policies could be weakened by too much centralization. Changes in our banking structure are now overdue; but let us not be too drastic in our pursuit of the dramatic, nor reckless of our priceless heritage.

COCKE CHALLENGES PLAN TO UNIFY BANK CONTROLS

BRETTON WOODS, N.H., September 17.—Chairman Erle Cocke, Sr., of the Federal Deposit Insurance Corporation, described as long overdue today the reorganizing and integration of bank supervision by Government agencies.

"But let us not be too drastic in our pursuit of the dramatic, nor reckless of our priceless heritage," Cocke said. He particularly questioned the wisdom of suggestions for centralizing bank supervisory authority in one agency to achieve economy and standardize examination procedures.

Saying such aims might not be reached by such a step, Cocke said "such proposals also ignore the fact that the chartering authorities and the Federal Deposit Insurance Corporation as an insurer of banks should have separate bank examining powers."

In a speech prepared for the National Association of Supervisors of State Banks, Cocke gave his own suggestions for streamlining the system under which the FDIC, the Comptroller of the Currency and the Federal Reserve keep watch over the banks.

A special advisory committee named by Comptroller James J. Saxon is expected to present a report soon dealing with bank supervision by the Government. Presumably, it would touch upon at least some of Cocke's suggestions.

His proposals for each agency to keep its inspecting authority but to work more hand in hand included:

1. Examination once a year by FDIC of all banks, both National and State, whose deposits are insured by the FDIC, and investigate with the chartering authority all proposals regarding banking facilities—such as new banks—and personnel.

2. Reduce the workload by having the FDIC alternate its examinations with the State examining authorities in the case of State banks and with the Comptroller with respect to national banks. The Comptroller could reduce from two to one its annual inspection of banks.

3. Relieve the Federal Reserve of responsibilities for the regular examination of State-chartered member banks and the investigation of proposals with regard to other banking facilities of such banks. This, Cocke said, would free the Federal Reserve System to concentrate on its primary function, monetary policy.

RECALLING THE NAZI-SOVIET INVASION OF POLAND ON SEPTEMBER 1, 1939

Mr. DODD. Mr. President, this last Sunday, September 16, the Polish American Congress, which is the largest organization of Americans of Polish descent, organized a mass meeting in Chicago for the purpose of commemorating the joint Nazi-Soviet invasion of Poland. Unfortunately, commitments in Connecticut made it impossible for me to join my friends of the Polish American Congress in Chicago on that day. But I do not want to let this occasion pass without commenting on it; and, had I been in Chicago, I would have expressed my thoughts on the subject in substantially the following terms.

The Nazi-Soviet invasion of Poland is one of the blackest pages in human history.

It is proper that we should observe the anniversary of this monstrous political crime, because it has a significance that extends far beyond the Polish people. Indeed, if the free world could learn and truly comprehend the lesson of the Nazi-Soviet invasion of Poland; if it could learn and comprehend the lesson of the unbroken record of perfidy and treachery and inhumanity that the Kremlin has perpetrated in Poland since the opening days of World War II; if it would take the time to restudy the facts and draw the necessary conclusions from these tragic facts, the free world would emancipate itself from all the illusions and all the wishful thinking about coexistence that have paralyzed our foreign policy in situation after situation.

The free world must not forget and cannot forget the fact that it was the Nazi-Soviet pact which made it possible for Hitler to unleash his war against the West; that this treaty contained secret annexes providing for the division of Europe between Nazi Germany and Soviet Russia; that at the signing of this treaty, Stalin toasted Hitler with the words:

> I know how much the German nation loves its fuhrer.

That Molotov gloated over the dismemberment of Poland with the shameful words:

> One blow from the German Army, and one blow from the mighty Red army, and this ugly duckling of Versailles ceased to exist.

We cannot and must not forget the Katyn massacre, in which 10,000 officers of the Polish Armed Forces were slaughtered in cold blood by the professional killers of the Soviet secret police.

We cannot and must not forget the unspeakable treachery of the Red army at the time of the Warsaw uprising, when it halted its advance at the very gates of Warsaw, condemned the uprising as the work of provocateurs, refused to send any aid to the heroes of the Polish Home Army, and refused landing facilities to Allied aircraft which, despite all the hazards, endeavored to drop some supplies to the embattled Polish patriots in Warsaw. As Winston Churchill said at the time, there was only one explanation for this unprecedented act of treachery against a military ally: The Soviet Government wanted the anti-Communist Poles killed to the utmost.

We cannot and must not forget the hypocrisy and perfidy of the Soviet Goverment in establishing the quisling Lublin committee and recognizing it as a de facto government of Poland.

We cannot forget their flagrant violation of their own assurance of safe conduct and of the time honored immunity of conferees, when they imprisoned the representatives of the Polish nationalist underground who had come to Moscow in an effort to negotiate an agreement.

We cannot forget the violation of their repeated assurances that the Polish people and the other central European peoples liberated from Nazi rule would be permitted to determine their own futures in free elections.

We cannot forget the terrible suffering of the Polish people under Soviet imperialist rule; nor can we forget the blood of the tens of thousands of Polish patriots who paid with their lives because of their love of freedom.

The free world must remember all of these things and it must draw the necessary conclusions from them as to Soviet intentions and as to the worth of agreements with the Soviet leaders.

We must remember these things. We must remember how our own guilessness and lack of judgment contributed to the tragedy of the Polish people and of the other captive nations of Europe. And we must dedicate ourselves to work unremittingly, by every means short of war, for the restoration of freedom to the captive nations.

We must raise the issue constantly in our press and in our propaganda, at diplomatic conferences and at every session of the United Nations.

We must arraign and indict the Soviet regime and spread their crimes upon the record for the whole world to see.

And if the Soviet leaders say "Nyet," as they have so many times before, we must reply by once again arraigning them before the bar of world opinion, once again spreading out the incontrovertible facts of our indictment, once again demanding that the Soviets live up to their promises of free elections and that the peoples of Poland and central Europe be accorded the elementary right of self-determination, which is today being granted to the most primitive peoples of Africa and Asia.

If we do these things, the Polish people will know that we have kept faith with them. They will be encouraged to persist in their hopes and continue in their resistance. And ultimately the day will come when the tyranny that today oppresses them will crumble before the constant exposure and condemnation of world opinion and before the unrelenting opposition and hatred of the Polish people.

I am confident that the Polish people, who have contributed so many glorious pages to the history of Western civilization, will not, for very much longer, remain the slaves of Soviet imperialism. They will, I am certain, again take their place in the foreranks of Western civilization—a place which is justly theirs by virtue of their history, their cultural achievements, their exemplary courage, and their present terrible suffering.

In observing the anniversary of the Nazi-Soviet invasion of Poland, let us dedicate ourselves to this end.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT, AS AMENDED

Mr. MANSFIELD. Mr. President, yesterday the Senate passed, with certain committee amendments, Senate bill 3596, to amend the District of Columbia Unemployment Compensation Act, as amended.

Subsequently, the Senate received from the House of Representatives House bill 12762, which is identical with the Senate bill as amended.

In order to expedite the enactment of this legislation, I ask unanimous consent that House bill 12762 be considered, ordered to a third reading, read the third time, and passed, without amendment; that the vote on the engrossment and passage of Senate bill 3596 be reconsidered, and that the Senate bill be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I understand that the Senator from Rhode Island [Mr. PASTORE] desires to bring up a conference report.

Mr. PASTORE. We are waiting for confirmation from the minority Members. When that is cleared, we shall be ready to submit the report.

Mr. MANSFIELD. Very well.

TRADE EXPANSION ACT OF 1962

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the pending business, Calendar No. 2025, House bill 11970.

The motion was agreed to; and the Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. MANSFIELD. Mr. President, House bill 11970 is now the pending business, is it not?

The ACTING PRESIDENT pro tempore. That is correct; it is the pending business.

Mr. MANSFIELD. Mr. President, does the Senator from Connecticut [Mr. BUSH] wish to call up his amendments at this time?

Mr. BUSH. I shall be glad to do so, if that meets with the wishes of the majority leader. Will he then suggest the absence of a quorum, so that we may have a little time to organize our presentation of the amendments?

Mr. MANSFIELD. Yes.

Mr. BUSH. Mr. President, I call up my amendments which are identified as "9–17–62–A," and send them to the desk. The amendments are offered by me on behalf of myself, the Senator from Colorado [Mr. ALLOTT], the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. HICKEY], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER].

I ask that the amendments be read.

The ACTING PRESIDENT pro tempore. The amendments will be read.

The amendments were read by the legislative clerk, as follows:

On page 11, between lines 5 and 6, insert the following:

"(5) find and report with respect to each such article—

"(A) the limit to which modification of duty or other import restriction may be made in order to carry out the purposes of section 102 without causing or threatening serious injury to the domestic industry producing like or directly competitive articles; and

"(B) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required."

On page 14, strike out lines 13 through 16 and substitute in lieu thereof the following: "this title, together with a statement accurately identifying any article with respect to which the limits or minimum requirements found and reported by the Tariff Commission under section 221(c)(5) are not complied with, and stating his reasons for the action taken with respect to each such article."

Mr. BUSH. Mr. President, briefly I merely wish to state at this time that the purpose of the amendments is to restore the peril-point procedures under existing law; these amendments are confined to that one point. The peril-point procedures have to do with the preparation of negotiations in connection with trade agreements; and the purpose of the amendments, therefore, is simply to restore to the bill the provisions of existing law with respect to the peril-point procedures.

Mr. CURTIS. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield to the Senator from Nebraska.

Mr. CURTIS. Let me say to the distinguished Senator from Connecticut that I support the amendments wholeheartedly. I should be very happy to join with him in offering them, if I may do so.

Mr. BUSH. I have already offered the amendments in the Senator's name, as well as my own, and also in the name of other Senators who wished to identify themselves with the amendments.

Mr. CURTIS. I appreciate that, because I have presented at the desk and have had printed an amendment to do exactly the same thing—to restore to the bill before us the peril-point procedures in existing law. I shall have something to say on this subject later. The pending bill represents the greatest delegation of power that has ever been given to any President. Heretofore our trade agreements have prevented a negotiation of 50 percent of the tariffs. This bill authorizes the President to wipe out the tariffs. It also authorizes him to impose tariffs even on goods that are not dutiable at the present time.

It is extremely important that the Senate write certain safeguards into the pending bill. An examination of the hearings will show that everyone, with one exception, besides the Government, favored retention of the peril-point procedures.

I hope the distinguished Senator from Connecticut will be successful in his amendments, and I thank him for yielding.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, the bill before us has been about 18 months in the making. Early in 1961 the Kennedy administration began a deep analysis of current trade and tariff policies in anticipation of the expiration of the reciprocal trade agreements program on June 30, 1962, keeping a particularly wary eye on the forces set in motion by the emergence of a new trading bloc in Western Europe, known as the Common Market.

Concurrently, we in the legislative branch began also to prepare ourselves for what we knew would be one of the greatest tasks of the 87th Congress when the Joint Economic Committee was authorized to undertake a series of studies in foreign economic policy. Included were a hard look at our own balance-of-payments problem, the challenge of expanding markets in less-developed countries, and the impact of the cold war and the Common Market on world trading patterns—the latter a special assignment accepted by Christian Herter, President Eisenhower's Secretary of State in his second administration, and Will Clayton, President Truman's Under Secretary of State.

By October of 1961, when our present Under Secretary of State, George Ball, addressed the National Foreign Trade Convention, the dimensions of the change which was taking place in Western Europe were clearly discernible. We were told that the six European nations composing the Common Market had exceeded all expectations in lowering internal tariffs among themselves, while at the same time raising their external tariffs to an average of the tariffs of all of the six countries. Trade was flowing among them with increasing velocity. They were achieving a phenomenal rate of growth. It was evident that if the United States wished to continue to trade with these countries, we would have to drastically reevaluate our own trade and tariff policies. We must prepare ourselves to deal with the EEC as a unit; to make and meet offers of mutual accommodation.

Then in January of this year, all the study and discussion was culminated in a request from President Kennedy for a bold new instrument to meet the new set of economic problems facing us—the Trade Expansion Act of 1962.

This new proposal has now been discussed in detail by our Senate and House committees concerned with foreign trade and tariffs and by the House itself, and all have given it broad majorities. I, too, have given it careful scrutiny, keeping in mind the injury which is bound to accrue to some of our domestic industries, and I have come to the conclusion that I cannot, in all conscience, do other than add my own voice to the chorus of support.

I sincerely believe that a foreign policy best calculated to serve both the Nation's industry and agriculture must be one that forthrightly and consistently liberalizes this country's trade with the Common Market countries and the rest of the free world. The imperatives of 1962 call for a trade policy that is vigorously expansive; one that recognizes that competition, both within and beyond our national borders, is the life of trade and a major stimulant to our own economy, as well as that of our foreign trading partners.

It was Christian Herter and Will Clayton, in their report for the Joint Economic Committee, who actually supplied the phrase to suit the action we must take—who actually sounded the clarion call—when they said the time had come for the United States to take a "giant step." They said that the time had come for America to form a trade partnership with the European Common Market and to assume the leadership in expanding a free world economic community.

Strictly speaking, this would really be a second giant step for America in the world of trade. Our first giant step was taken in this field a generation ago under Franklin D. Roosevelt and Cordell Hull when we reversed our traditional policy of high protective tariffs and established the reciprocal trade program itself.

Since it would have been absurdly cumbersome and time consuming for the Congress, or even for one of its committees, to negotiate tariffs with other countries, the President was given limited powers under this program to bargain for reciprocal tariff reductions on special items.

That the trade agreements program has been a success is undisputed. Under it, American export trade has prospered and grown. From an average of less than $2 billion a year in 1931–35, our exports have increased to a total of nearly $20 billion a year in 1961.

But the initiative which the United States took so boldly in the thirties, and which gave this Nation undisputed leadership in world trade, is now at a standstill. The trade agreements program has run its course, and authority for further tariff adjustment exhausted.

The time has come when we must move to meet our new challenge by giving the President the power to cut tariffs, not just on one item, which he had under the Trade Agreements Act, but on broad categories all across the board. This will not be breaking entirely new ground—it will only be sharpening the tools the President already has used and giving him a few new ones.

The bill contains clear standards for the utilization of the new authority by the President through the executive departments of the Government. Provision for a congressional veto of trade agreements would inject uncertainty into tariff negotiations and tie the hands of our negotiators—keeping them from winning firm concessions from other countries.

Much as I would prefer to see tariff-making powers remain with the Congress, past experience indicates that congressional tariffmaking is neither practical nor desirable. After action was completed on the Tariff Act of 1930, the late distinguished Republican Senator from Michigan, Senator Vandenberg, is reported to have said:

> Tariff ratemaking in Congress is an atrocity. It lacks any element of economic science or validity. I suspect the 10 members of the Senate, including myself, who struggled through the 11 months it took us to write the last congressional Tariff Act, would join me in resigning before they would be willing to tackle another general tariff revision.

I am convinced, therefore, that the measure before us, which gives the President the powers of agreement and tariff cutting, and which would enable him to reduce or even eliminate trade restrictions when Common Market countries do the same, and thus to enlarge our trading area, is the most realistic approach to our foreign economic problems at this juncture in history. Without it, the United States may well be left behind.

During the last few years our foreign economic policy has been predicated on a continuously expanding export policy. Coupled with this have been continuously rising imports which help meet the increasing needs of our burgeoning population. The record shows the United States capable of a long-term policy of trade expansion. Since 1947 we have indulged in cutting tariffs with little injury to domestic industry.

Trade expansion is an absolute necessity to our own economic well-being, and a boon to our allies in freedom. It will give us the foundation for a solid Western economic bloc with which to thwart the efforts of the Soviet Union to divide and rend in twain the free industrial nations. It is essential to American economic growth and to the protection of millions of American jobs. It is a must if we are to achieve equilibrium in our balance of payments. From our dominant position of influence on world currencies we must help bring the rest of the world closer to a general currency convertibility. As a leader of the world's industrialized countries, it is our prerogative to ask that other countries, which are now on the high road of industrialization, share with us equitably in the amount of aid we render weaker nations as well as contribute their share of the military forces necessary for the security of the free world community.

I think most of us can recall the turmoil in trade affairs which existed in the years imediately after World War II. Our slogan then was "Aid and Trade." In practice, this slogan meant that we had to give aid to some of the major industrialized countries whose economies had been disrupted by the war before they could participate in the trading activities of the free world. This has been accomplished.

Now the aid section of our foreign economic policy is veering rapidly toward assisting those underdeveloped countries who need long-term development aid. As part of this changing pattern we need also a new trade policy toward those countries who have now gotten back on their economic feet. Similarly, our trade with emerging and industrializing countries must assume a new form in order for these newer countries to take their rightful place on the world's economic stage. Thus far the free world industrialized nations have managed to achieve some form of successful and reasonable order in international trade. However, we now face vast new forces in world trade which must and should be met by a revitalized U.S. trade policy.

Our interest in the Common Market today is dictated by our economic ties to Western Europe as well as by the political benefits which will flow toward us from a Europe that is strong, free and friendly.

We will hear much of our economic ties with Europe, and I think the figures will bear repetition.

In 1960, 19 percent of our exports went to the Inner Six Common Market countries, and 13 percent of our exports went to the other seven nations joined in the Outer Seven European Free Trade Association. We, in turn, were the recipients of 20 percent of Common Market exports and 17 percent of the free trade area exports.

On top of this, we Americans had direct investments of $6.4 billion in these two groups in 1960, and their nationals, on the other hand, had invested $4.6 billion in industries in our country. These two factors of trade and investment constitute very strong links between their economies and ours. In the future these links can become even stronger as the domestic prosperity within the new and expanding Europe generates new income and trade.

It is axiomatic that economic growth in advanced industrialized nations generates trade. Europe is currently riding the wave of economic growth, and we are also on the verge of an upsurge in our economic life. For such growth to reach its full potential, increased trade between the two highly industrialized areas is indispensable. A more liberal trade policy on our part will offer us an unrivaled opportunity to share in the economic expansion of the new Europe, and in so doing accelerate our own growth here at home.

Before stating my reasons as to why I think the trade proposals under discussion will be beneficial to my State of Utah, I would like to examine briefly the reasons for the economic growth of Europe which in terms of annual percentage rates is about double our own. We are told that Europe's economic growth is currently at a rate of 5.9 percent and that our own is approximately 2.8 percent per year. There are half a dozen reasons why economic activity in Western Europe has proved to be so profitable and prosperous. The first we may consider is the amount of total expenditures out of the gross national product which is devoted to new machinery and new plant equipment. During the last 10 years we have been devoting a lessening amount of the gross national product to expanding our capital equipment whereas in Europe the major industrial nations are devoting a rising part of their national expenditures to this purpose. I have prepared a short table showing the declining rate of machinery and equipment buying in the United States and the rise of similar buying in Europe. Expenditures for machinery and equipment are expressed as a percentage of total gross national product for each country as well as for all Western European countries combined.

[In percent]

Country	1960	1950
West Germany	12.1	9.7
United Kingdom	9.1	7.0
France	8.4	7.4
Western Europe	9.8	8.0
United States	5.5	6.6

According to this table, of these countries only the United States shows a declining part of its national product invested in machinery and other production equipment. Although the 1961 breakdown is not available for Western Europe, the 1961 spending for machinery and equipment in the United States fell further to only 4.9 percent of GNP—the lowest rate since the 4.6 percent we had in 1939. While this low investment in the United States is partially due to the existence of substantial excess capacity in many industries, failure to modernize our industry adequately will impede our competitive potential and ultimately our rate of economic growth.

A second major factor for increasing industrial advancement in Europe rests in the depreciation deductions allowed against income taxes. Western Europe rates are more liberal than those in this country. Our Treasury Department has supplied certain facts concerning the depreciation allowances of several countries of Western Europe as compared to our own. These figures show the portion of cost of comparable equipment that could have been deducted for tax purposes after 1, 2, and 5 years:

[In percent]

Country	After 1 year	After 2 years	After 5 years
France	25	44	76
Germany	20	30	67
Italy	25	50	100
United Kingdom	39	46	64
Japan	43	51	68
United States	11	20	43

The inadequacy of depreciation allowances in the United States is without doubt one of the major restraints on capital investment. The Kennedy administration has recently moved to liberalize and accelerate depreciation schedules of U.S. production facilities, and the Senate has recently passed a measure which would provide businessmen with extra incentives to buy equipment. It is only through the use of the most modern and up-to-date machinery that the U.S. producers, who pay the world's highest wage rates, can hope to compete with many manufacturers abroad.

A third but related factor concerns the tax bite on corporate profits which is squeezing the amount of after-tax dollars which our U.S. companies have available for capital improvements on which our expanding economic growth depends. The corporate tax bite in Western Europe and Japan is generally not as large as in the United States. This is well illustrated in a table comparing maximum rates of corporate income tax in various countries, which I quote:

Maximum tax rate on corporation incomes

Country:	*Percent*
Belgium	28
Italy	31
Sweden	40
Denmark	44
Japan	49
Canada	50
France	50
Germany	51
United Kingdom	53
United States	52

In practice, the rate is even lower in several of these countries due to special deductions and the nondistribution of profits.

A fourth factor that inhibits our economic growth is the increasing amount of obsolescent machinery with which our industrial complex has to cope today. Recent studies showed that in 1958 the United States had the highest percentage—60 percent—of machine tools 10 years old or more of any major industrial nation. In Western Germany the percentage was 55, in Italy 56, and in France and Britain 59 percent, respectively. If 1961 figures were available, our percentage of obsolescent machinery would probably be even higher.

Western Europe has been in a position to capitalize on the latest and newest production methods. They have been willing and able to buy the newest and best machinery, particularly in the automated field. One process stands out, namely, the use of oxygen in steelmaking. By producing steel with oxygen, steelmakers can greatly speed output. At the moment we have an estimated steel capacity of around 160 million tons.

Yet only 7.5 million tons of America's steel capacity is devoted to production by oxygen. In Europe there is an estimated production of 130 million tons of steel capacity and by the end of 1962 it is estimated that at least 22 million tons of steel will be produced by the oxygen method. Even Japan with its current steel capacity of 31 million tons has 6.8 million tons devoted to oxygen production.

I am particularly concerned about the current uncertain state of our economy. In many industries production is at levels far below capacity. On the average, our manufacturing industries are operating about 80 percent of capacity while the manufacturing industries of Western Europe are operating at a level of 95 percent of capacity. I do not suggest that this discrepancy will last indefinitely, particularly since the high level of European production may decline as Europe's most basic reconstruction and modernization needs are met. However, the difference is a clear warning that we need to do more to use the manufacturing capacity available to us. One of the soundest steps we can take in this direction, I submit, is to expand our export markets. And this is precisely the central aim of the current trade expansion bill.

It will give us a new instrument for reciprocal trading which will assure us a working partnership with the free world industrialized nations, a way of assisting in the growth of the less-developed countries, and, finally, a realistic method of resisting the Sino-Soviet attempt to extend its influence through a massive economic offensive.

Bureau of the Census and Labor Department figures prove that at least 6 million American families are directly affected by our exports and imports—that is, they are engaged in production or distribution of goods that make up our foreign trade. It is clear that we cannot retreat behind tariff and quota walls to avoid the competitive impact of the new Europe. Should we do so, Europe will almost surely retaliate by raising its tariff barriers against us; the Western free world will be divided into two much slower growing halves; our export industries will not expand; and, finally, by becoming an economic adversary of Europe, we will be weakening the whole framework of Western unity, strength, and common purpose vis-a-vis the Soviet bloc.

Currently we are the strongest of the industrial giants of the free world. As such, it is incumbent upon us to exert our leadership toward a growing policy of cohesiveness.

In assessing the trade expansion bill, I have stated what I feel all Americans must do, and have looked carefully at the impact the proposals would have on our country as a whole and on our economy as a whole. I think there is no doubt that it is the best interests of the United States of America to give the President the tariff and trade negotiating authority requested in this bill.

But the question which I must also consider—which it is my responsibility to examine most exhaustively—is how the new trade proposals will affect my own State of Utah. We are located inland in the continent—in the great Rocky Mountain empire—and whenever we ship products overseas, we must pay first the high freight rates to get them to a port. But despite this handicap, I am convinced that Utah would benefit far more than she would be hurt by the new trade bill.

U.S. exports for the last 3 years have been running over $20 billion per year. Fully three-fourths of this total, or $15.5 billion, comprised manufactured exports in 1960. Utah participated to the extent of $45.8 million in three major categories, namely, nonelectrical machinery, primary metals, and food and kindred products. Of the $2.9 billion of nonelectrical machinery exported from the United States in 1960 our share from Utah amounted to $19.7 million. These comprised mostly mining machinery and equipment, sugar making systems, beet cutters, conveyors, hot air furnaces, and off-highway motor scooters. Moreover, our nonelectrical machinery industry depends heavily on imports of special metals for its high volume of production. We need and use concentrates of manganese, chromite, nickel, cobalt, and tungsten, as well as industrial diamonds, graphite, and rubber.

Of the $1.1 billion worth of primary metals exported from the United States in 1960, Utah supplied $16.4 million worth. Our best customers were the United Kingdom, France, West Germany, and Italy—all countries with whom we hope to reach some kind of trade accommodation in the very near future. To these countries we export steel plate, standard structural steel, hot rolled sheets and pig iron. We also export petroleum pipe and waterworks pipe.

Of the $1.6 billion of food and kindred products exported from the United States in 1960, Utah supplied $5.5 million worth. These consisted of packaged meat products, flour, food mixes, formula feeds for poultry and livestock, and soybean products. On the other hand, as you know, we import coffee, tea, bananas and many other foods we are loathe to do without.

Thus in every major industrial category affecting Utah—and it would apply elsewhere too—both exports and imports are essential to the prosperity and well-being of our people.

It has not been easy for me to decide how to vote on this bill. I know that some of the larger trade associations in the United States, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the United States Council of the International Chamber of Commerce, and the National Foreign Trade Council, support this bill, as does the AFL–CIO. On the other hand, I know also that certain limited sectors of our industrial complex will be hurt by increased imports that will come in because of the trade and tariff reductions which will be made. I reserve, therefore, the right to take appropriate action to protect some small Utah industries when amendments to this bill are considered. In most cases I feel that the built-in assistance provisions of the trade bill as well as the incentive provisions of the tax bill will offset the injurious impact of increased imports. I believe the adjustment provisions of the bill are adequate to protect not only our workingmen and the firms affected, but also whole industries that might suffer from tariff reductions granted to other nations. If they do not prove adequate, I will be among the first to demand new and stronger adjustment provisions.

One Western industry—one Utah industry—which immediately comes to mind when trade expansion is considered is the lead and zinc industry, which has been so seriously injured by importation of cheaply mined foreign ores. The Trade Expansion Act of 1962 reserves from negotiation all products subject to outstanding escape-clause actions, and this, of course, includes lead and zinc, which has gone to the Tariff Commission for escape-clause action on seven separate occasions.

Under certain circumstances, the President must also continue protection on other products which have been the subject of Tariff Commission recommendations under the escape clause, and he may protect such other articles as he deems appropriate. I feel, therefore, that there is no basis for believing that the bill before us will jeopardize the interests of the domestic lead and zinc industry. The industry is in dire financial difficulties, and it must have assistance, but this bill is not, in my opinion, the instrument in which to attempt to provide that assistance. There are other and far better ways.

There is much discussion as to what will happen when—and if—Great Britain joins the Common Market. It will certainly increase the resources and manpower available to the Common Market and increase its bargaining strength. But this need not work to our detriment. On the contrary, it may well increase the demand for American goods and the purchasing power to pay for them. To take advantage of this expanded market, this trade bill comes to have crucial importance. The very purpose of the bill is to enable us to enhance our bargaining power, especially with the Common Market. Amittedly, we are likely to find ourselves in a position where some difficult adjustments need to be made, yet I think it is time that we learned to accommodate ourselves to the impact of rising trade, both exports and imports, and to take the bad with the good. For the Nation and for my State of Utah the effects will be predominantly good. It will stimulate industrialization and economic growth, and will broaden the range of consumer goods available to our people.

This new trade bill will enable America and our friends to gear ourselves for increasing growth. It is a logical extension of two major economic offensives—the reciprocal trade agreements program and the Marshall plan—which we initiated and which resulted in major economic profit to us and to the world.

Today we are confronted with the dual problem of Soviet economic penetration and increasing attempts by us and our friends to raise the living standard of the lesser developed nations of the world. Again the call has come to us for international leadership to provide the means by which the economic viability of the free world will be assured. Should we accept this call, I feel confident that the beneficial results will far outweigh any injury that might be caused to a few sectors of our vast industrial productive complex.

I am convinced that this bill is above partisanship, above sectionalism, and will enhance the prestige of the United States in its relationships with the industrialized and emergent countries of the world. I support this bill and urge its prompt approval.

AUTHORIZATION OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11974) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 14, 1962, pp. 19487–19490, Congressional Record.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, I would like to make a very short statement concerning the conference report on H.R. 11974.

As Senators will recall, the other body included an amendment to this bill prohibiting the Atomic Energy Commission from entering into any arrangements for the sale or use of byproduct steam from the Hanford new production reactor. Shortly thereafter the Senate, acting upon the same bill, authorized certain arrangements under which electric generating facilities to harness this waste steam could be built by a group of 16 utility districts in the Pacific Northwest, at their own expense, and without any Federal expenditure. The bill was then sent to conference.

The conferees negotiated in good faith, in a full and free conference, and arrived at a compromise which will permit the reasonable use of this valuable national resource while providing total protection for the U.S. Treasury.

The compromise amendment would prohibit any arrangements for the addition of electric generating facilities at the Hanford new production reactor unless and until the Atomic Energy Commission could make a series of difficult and searching determinations, and then only if it could meet the stringent terms, conditions, and limitations contained elsewhere in the amendment.

First, the AEC will have to find that usable byproduct energy will be produced incident to the new production reactor's primary operation for the purpose of producing plutonium for weapons. Moreover, AEC will have to find that this production is in accord with the design of the reactor as originally authorized by the Congress.

This finding should remove any doubt concerning the usefulness of the byproduct energy from the new production reactor and it will assure that no additions to the reactor, paid for by the Government, are necessary to accommodate the generation of electricity.

Second, the AEC will have to find that the sale of this energy will provide a substantial financial return to the U.S. Treasury. This finding will make it absolutely clear that it is the taxpayers who will be the ultimate beneficiaries of these arrangements—and the benefits are substantial because the sale of this otherwise wasted steam could bring up to $125 million or more into the Treasury.

Third, the Commission will have to find that the national defense posture will be improved as a result of these arrangements. This finding will assure that the common defense and security of the Nation will be enhanced, because the reactor will be in constant standby condition, ready to resume plutonium production on a moment's notice in the event of any sudden change in international conditions or plutonium requirements. This will also save the taxpayers an estimated $4 million, otherwise needed to meet standby costs.

These determinations will provide positive assurances as to the technical and economic desirability of the project, its national defense advantages, and its benefits to the taxpayers of the United States. In addition, the conferees have inserted other binding conditions and limitations.

For example, section 112(c) provides that not a single dollar of Federal money may be spent for any electric generating or transmission facilities at the Hanford reactor.

In section 112(d) there is a further guarantee that any losses to the Bonneville Power Administration in connection with these arrangements will be borne by the customers of the Bonneville system through rate adjustments. This section provides an ironclad guarantee that neither the Federal Government nor the taxpayers will suffer any financial loss as a result of these arrangements.

Finally, the conferees have preserved the feature of the earlier Senate amendment assuring that 50 percent of this electric energy will have to be offered to private utilities under unusually favorable contracts which will not be subject to any preference or pullback provisions in any law. These contracts are guaranteed as inviolate, even in the unlikely event that the generating facilities are acquired by the Federal Government. In no event, however, could the generating facilities be acquired without prior and specific congressional authorization.

In summary, this conference report provides a commonsense approach to harnessing the waste steam from the Hanford new production reactor, under arrangements which guarantee no cost and no risk to the Federal Government. It holds the promise of significant benefits for the Pacific Northwest and the taxpayers of the United States.

Mr. President, I urge prompt approval of this conference report.

Now I am happy to yield to the Senator from Washington [Mr. Jackson].

Mr. JACKSON. Mr. President, I wish to associate myself with the able remarks of the distinguished vice chairman of the Joint Committee on Atomic Energy, the senior Senator from Rhode Island [Mr. Pastore].

I believe that the conference report on H.R. 11974 is a commendable piece of work. It will permit the use of a valuable national resource under rigidly defined statutory conditions. The net result will be enormous benefits to the public and private utilities of the Pacific Northwest and their customers, as well as the citizen-taxpayers of the United States.

Mr. President, this brings to a conclusion a long struggle to authorize the project. I am happy that we were able to reach almost a unanimous vote among the conferees. There was only one dissent. The conferees on the part of the Senate were unanimous.

At this time I wish especially to pay tribute to the chairman of the Joint Committee on Atomic Energy, Representative Holifield, of California, who fought so vigorously against great odds in the many battles which occurred in the House over this measure; to the able vice chairman of the committee, the Senator from Rhode Island [Mr. Pastore], who has been steadfast in his support of the project; to the former chairman of the committee, the junior Senator from New Mexico [Mr. Anderson], who has worked diligently all through the years to obtain authorization of this project; and to the members of the Joint Committee, who ably supported the project, along with the Members of the Washington State congressional delegation.

Especially I wish to thank my senior colleague, Warren G. Magnuson, for the able support he gave to the project, which made possible, in a large measure, the wonderful vote received in the Senate.

Mr. President, this conference report represents a victory for conservation and economy and a defeat for waste. I wish to add my support for its prompt approval by the Senate.

Mr. PASTORE. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER (Mr. Burdick in the chair). The question is on agreeing to the motion by the Senator from Rhode Island.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

[No. 257 Leg.]

Bartlett
Bible
Boggs
Burdick
Bush
Byrd, Va.
Carlson
Chaves
Clark
Cotton
Curtis
Dirksen
Engle
Goldwater
Hickenlooper
Jackson
Johnston
Jordan, N.C.

Long, Hawaii
Mansfield
McCarthy
McGee
McNamara
Miller
Monroney
Morse
Pastore
Pell
Proxmire
Randolph
Robertson
Sparkman
Wiley
Williams, Del.
Yarborough
Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Florida [Mr. Holland], the Senator from Washington [Mr. Magnuson], the Senator from Oregon [Mrs. Neuberger], the Senator from Massachusetts [Mr. Smith], the Senator from Illinois [Mr. Douglas], the Senator from Tennessee [Mr. Gore], and the Senator from Minnesota [Mr. Humphrey] are absent on official business.

I further announce that the Senator from New Mexico [Mr. Anderson] and the Senator from Alaska [Mr. Gruening] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from Maryland [Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from New Jersey [Mr. Case], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State Convention as required by Texas law.

The Senator from Massachusetts [Mr. Saltonstall] and the Senator from Pennsylvania [Mr. Scott] are detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. ENGLE. Mr. President, I move that the Sergeant at Arms be directed to invite the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Aiken, Mr. Beall, Mr. Bennett, Mr. Byrd of West Virginia, Mr. Carroll, Mr. Church, Mr. Cooper, Mr. Dodd, Mr. Eastland, Mr. Ellender, Mr. Ervin, Mr. Fong, Mr. Hart, Mr. Hartke, Mr. Hayden, Mr. Hickey, Mr. Hill, Mr. Jordan of Idaho, Mr. Kefauver, Mr. Kerr, Mr. Kuchel, Mr. Lausche, Mr. Long of Missouri, Mr. Long of Louisiana, Mr. McClellan, Mr. Metcalf, Mr. Moss, Mr. Mundt, Mr. Muskie, Mr. Pearson, Mr. Prouty, Mr. Russell, Mr. Smathers, Mrs. Smith of Maine, Mr. Stennis, Mr. Symington, Mr. Talmadge, Mr. Thurmond, Mr. Williams of New Jersey, and Mr. Young of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. BUSH. Mr. President, in approaching the consideration of the proposed Trade Expansion Act, I believe we should have in mind that there are three phases of procedure. The first is the preparatory stage, in which the material is arranged for use by the President or his agents in connection with the negotiation of agreements. A large amount of preparatory work is necessary for the assistance of our negotiators.

The second phase deals with the negotiating process itself.

The third phase relates to the question of relief, if it is determined that industries or groups of workers have been seriously injured because of excessive imports.

The amendments which have been offered on behalf of myself and other Senators relate to all three phases of the bill. The first amendment, which is now the pending business, relates to the restoration of the peril-point findings in the preparatory stage of trade agreements.

The second amendment, which may not necessarily be offered second, relates to the restoration of the escape clause procedure. This has to do with phase No. 3 involving the question, After injury is recognized as having been done, what relief will Government accord the injured? So a restoration of the escape clause comes in the category of "after the event."

Another amendment deals with the prerogatives of Congress, and would permit a majority vote of each House to make effective an escape clause recommended by the Tariff Commission, and to reinstate the privileged resolution status provided by existing law.

The present law provides for a two-thirds vote of each House. The pending measure as reported from the Finance Committee calls for a constitutional majority of each House. My amendment calls for a simple majority, which is exactly what is required in connection with the passage of any law, including any tax law, and, indeed, including any measure except treaties and constitutional amendments.

Another amendment is designed to exclude from the negotiating list for reductions beyond the 50-percent limit, articles with respect to which the Tariff Commission makes peril-point findings. In other words, under the amendment, the President may not negotiate beyond a point which has been established by the Tariff Commission; and such articles must be removed from the list, so there will not be any chance of making agreements applying to such items.

Another amendment will provide very definite criteria under which the Tariff Commission shall make its peril-point or escape-clause findings. In this connection, the language of the bill is quite vague. We seek to sharpen it, so as to give the Tariff Commission positive instructions in regard to what may constitute a peril point or serious injury to an American industry or group of workers.

Another amendment will provide essential conditions for granting concessions to other countries. For example, it will require equal treatment for our exports, and will require that the most-favored-nation policy, which has been our policy since the Trade Agreements Act came into effect, as introduced many years ago by Secretary Hull, be applied equally by our friends and allies, and particularly by the Common Market countries, which are the most important ones. This amendment will require them to accord the most-favored-nation policy to other countries, just as we do. In other words, if we make with the Common Market countries an agreement which provides for reduction of a tariff from 10 percent to 5 percent, we, under our most-favored-nation policy, extend the same concession to other countries, such as Far Eastern countries, like Japan. Under this amendment, we would also require that they, too, make comparable concessions to other countries.

One of the great defects of the bill, as I see it, is that it ignores to too great an extent our relationships throughout the free world, and seeks to require U.S. markets to absorb too great a share of exports from the Far Eastern countries and also the Latin American countries. By means of this most-favored-nation amendment, we are trying to see to it that our good friends of the free world accord to other countries the same opportunity and privilege to trade that we do. We do not ask them to do more than that, but we ask that at least they extend to the other free world countries the same opportunity and privilege that we extend to them. This is a very important amendment, and I believe it will have a very profound effect upon our relationships with the other nations of the free world.

Another amendment requires that the United States must account for 25 percent or more of free world trade in articles on which tariffs may be reduced to zero. In other words, it hardly seems appropriate that if we are not engaged in such trade to the extent of at least 25 percent of world trade on these items, the tariff should be reduced to zero. In short, we must have a stake in this trade, and we must be an important part of it if we are to agree that the tariff shall be reduced to zero.

The next amendment would make a peril-point report of the Tariff Commission to the President a prerequisite to negotiations. In other words, he must have the report in hand before he commences negotiations. The bill calls for a period of 6 months in which the Tariff Commission is to prepare its data. But there is great doubt as to whether that will be sufficient time. This amendment provides that the President shall not negotiate until he receives from the

Tariff Commission its peril-point recommendations.

Now I come to my first amendment, which has to do with the peril point itself. I believe that, first, we should place in perspective just what we are going to amend, before I discuss the amendment itself.

When we are in phase 1 of making a trade agreement—that is to say, the preparatory stage—section 221 deals with "Tariff Commission Advice." I shall read it:

> CHAPTER 3—REQUIREMENTS CONCERNING NEGOTIATIONS
>
> SEC. 221. TARIFF COMMISSION ADVICE.
>
> (a) In connection with any proposed trade agreement under this title, the President shall from time to time publish and furnish the Tariff Commission with lists of articles which may be considered for modification or continuance of United States duties or other import restrictions, or continuance of United States duty-free or excise treatment. In the case of any article with respect to which consideration may be given to reducing the rate of duty below the 50-percent limitation contained in section 201(b)(1), the list shall specify the section or sections of this title pursuant to which such consideration may be given.
>
> (b) Within 6 months after receipt of such a list, the Tariff Commission shall advise the President with respect to each article of its judgment as to the probable economic effect of modifications of duties or other import restrictions on industries producing like or directly competitive artcles,

That language was voted by the House; and it will be noted that it includes the 6-month limitation to the Tariff Commission. The amendment to which I last referred in my summary of the pending amendments has to do with that 6-month limitation.

The committee amendment on page 10 provides as follows: "so as to assist the President in making an informal judgment as to the impact that might be caused by such modifications on United States industry, agriculture, and labor."

At that point the Finance Committee also struck out from the House version of the bill the words:

> In the course of preparing such advice, the Tariff Commission shall, after reasonable notice, hold public hearings.

However, as I continue with the committee amendments, it will be seen that the Finance Committee reinstated that provision later in the bill.

Next on page 10, the committee amendment provides as follows:

> (c) In preparing its advice to the President, the Tariff Commission shall, to the extent practicable—
>
> (1) investigate conditions, causes, and effects relating to competition between the foreign industries producing the articles in question and the domestic industries producing the like or directly competitive articles;
>
> (2) analyze the production, trade, and consumption of each like or directly competitive article, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production;
>
> (3) describe the probable nature and extent of any significant change in employment, profit levels, use of productive facilities and such other conditions as it deems relevant in the domestic industries concerned which it believes such modifications would cause; and
>
> (4) make special studies, whenever deemed to be warranted, of particular proposed modifications affecting United States industry, agriculture, and labor.

I think those additions are very important. I have read these amendments to the bill as passed by the House. I think they point up the importance of the Tariff Commission, and recognize that there must be a responsible, expert body, such as the Tariff Commission, in a very intimate advisory capacity with the President, in order to insure that in making trade agreements the President will take into account all the various factors I have enumerated.

But the one point that is missing, and which my amendment, now pending, seeks to restore, is the exact point the Tariff Commission should find—namely, the peril point—below which the President cannot reduce duties without the risk of serious injury to American industry and workers.

My amendment, which will go between lines 5 and 6 on page 11 of the bill, adds this language to that which I have read. It adds this language to the committee amendment. The language is to be inserted between lines 5 and 6. The Tariff Commission shall—

> (5) find and report with respect to each such article—
>
> (A) the limit to which modification of duty or other import restriction may be made in order to carry out the purposes of section 102 without causing or threatening serious injury to the domestic industry producing like or directly competitive articles; and
>
> (B) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

So the amendment adds to the committee amendment the very definite statement of the limits above which modifications can be made. If the tariff on an item is 20 percent, the Commission may find the limit, the peril point below which it should not be reduced without causing or threatening serious injury, may be 10 percent.

Under the House bill, as amended by the Senate committee, no peril point is fixed. General statements are made, but there is no specific advice to the President concerning limits beyond which he may not go because if he did, it has been determined by the Tariff Commission that it would cause or threaten serious injury and would cause substantial unemployment to American workers.

Under the pending bill, and any modifications of it which may occur, the President could violate the peril point; but if he did so, he would have to explain to the Congress why he did so.

I shall now make my argument in favor of my peril-point amendment, which, as I have said, I have offered on behalf of myself and eight or nine other Senators.

This amendment has one simple purpose: to reiterate the peril-point findings as an essential part of the prenegotiation procedure in trade agreement preparations.

The bill as it reached the Senate did not allow the Tariff Commission to make such findings. In effect, it repealed existing law under which the President is advised by the Tariff Commission of the extent to which he can lower duties without running a risk of seriously injuring domestic industries, agriculture, and workers.

The Finance Committee was obviously worried about the skimpy gesture which the House bill makes in the direction of providing the President with advice of this kind before he negotiates. But the committee amendments, as I said a moment ago, stop short of requiring the Commission to do what it has been doing for the past 11 years—to wit, actually finding the extent to which duties can be cut without causing injury.

The committee amendments make a great show of describing all the economic factors the Commission is to investigate, analyze, describe, and study in preparing its report to the President. Yet the committee failed to find the words to say simply that the Commission should use its expert judgment to draw a conclusion from all these data—a conclusion as to the extent to which duties on particular articles being considered for negotiation can safely be reduced.

No conclusion is called for.

Why do we have a Tariff Commission if we are unwilling to trust its judgment on the safe limits for tariff change? It is undeniable that somebody will decide how far to cut these tariffs. Somebody will have to make that decision in connection with trade agreements. Is the President's judgment better than the Commission's? We all know that the President cannot make such judgments himself. He is bound to be dependent on the advice of others. Who, then, will make them?

The members of the Tariff Commission are appointed by the President. Their nominations are subject to confirmation by the Senate, and they are required to have expert knowledge in these matters. The law requires them to have expert knowledge in these matters, and their experience, being confined entirely to these areas of inquiry, certainly fortifies their abilities to make such judgments.

Is it not better to have these Commissioners, in whose selection we all participate through the confirmation process, draw informed conclusions as to the extent to which tariffs can be safely reduced, than unknown persons in the executive branch—probably in the State Department—who never have to answer to us for their conduct?

It is said by administration spokesmen that the Tariff Commission says they cannot do this job with precision. But the peril-point procedure has never been regarded as a precision after-the-fact type of determination, because it obviously deals with the probable effect of a tariff cut on future events.

It is significant that the Tariff Commissioners themselves did not testify before either the Finance Committee, or the House Ways and Means Committee. The Tariff Commissioners did testify, however, on the 1958 Extension Act when it was before the House Ways and Means Committee. The Commission then correctly described the nature of the peril point procedure. Its description is of great importance to our present study of the peril-point provisions of this bill. The Commission—all of them—told the Ways and Means Committee in 1958 as follows:

> It has always been recognized that the peril-point provision, insofar as it involves the determination by the Commission of the extent to which a rate of duty might be reduced without causing or threatening serious injury to a domestic industry, is, for all practical purposes, a forecasting process. The best that can be expected of the Commission is a considered judgment the value of which is recognized only because made by an agency which is expected to have a certain amount of prescience in this area by reason of its preoccupation with the study of the effects of import competition on domestic industries.

That is what the Commissioners told the House Ways and Means Committee in 1958, in the 85th Congress. That quotation is taken directly from the hearings held at that time by the Ways and Means Committee of the House, in part 1, page 245.

It is obvious, Mr. President, in view of this description by the Tariff Commission, that no one can seriously suppose the peril-point findings to be made with precision. They are forecasts, but highly informed forecasts by the agency most qualified to make such forecasts.

I would go further, and say that the only agency qualified to make such forecasts is the agency established especially with the knowledge, equipment, experience, time, and responsibility of making such forecasts.

So the objection now voiced by the administration that the peril-point findings are not always precise is beside the point. It begs the question. The issue is, Do we want the President to have before him when he acts a blueprint that will help him structure the negotiations with safety for our domestic industries? Or, conversely, do we want him to proceed without any knowledge of where an informed expert body would draw the line between safety and danger?

That is the difference between accepting my amendment and not having it. On the one hand, we would fortify the President with expert advice; on the other hand, the President would be free to act only on very general advice, which would not point up the line at which safety ends and peril or danger begins.

Under the existing law, the President is free to cut duties beyond the limits set in the peril-point forecasts of the Commission, providing only that he explain to Congress his reason for doing so. The amendment would not hamstring the President. He could violate the peril point if he came to the Congress and explained why he was doing so.

In the recent Dillon round of negotiations, President Kennedy cut many duties more deeply than the Commission's peril-point findings forecast could safely be done. So the existence of the findings would not tie the President's hands, as is asserted by the opponents of the amendment. The findings are designed to help him do a better job with precise information and expert advice.

Let it be clear, too, that the bill, either before or after the Committee amendments to section 221, would not save any of the Tariff Commission's time, nor result in any more expeditious procedure.

I have read all the things they are supposed to do. On the contrary, the Commission in a memorandum submitted to the Ways and Means Committee said:

> Section 221 of the bill does not call for the fixing of specific peril point rates but calls for judgments and evaluations based on specified criteria which, in the view of the Commission, would impose a much greater burden than that imposed by the existing peril point provision.

That statement is found in the transcript of hearings before the Ways and Means Committee, Trade Expansion Act of 1962, part 2, page 1004.

The Commission did not testify to this. The Commission prepared a memorandum. As I pointed out previously, the Commission has not been heard either before the House Committee on Ways and Means or the Senate Committee on Finance. This strikes me as strange, because that is the most expert body in connection with this whole problem. For some reason, unknown to me, the Commission has not been heard. I do not say that critically of either committee, but it is surprising to me that the Tariff Commission was not called upon to testify before either of the committees.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. BUSH. I gladly yield to the Senator from Nebraska.

Mr. CURTIS. I commend the very distinguished Senator from Connecticut for presenting the amendment to reinstate the peril-point procedure. The peril-point determination and procedure is one which should be very helpful to the President.

The Tariff Commission has been in existence since the early part of this century, I believe about 1916. The Tariff Commission has the staff, the equipment, and the know-how to make an appraisal of the American economy and the effect of imports and exports.

Under the existing peril-point procedure, the Tariff Commission studies an item and then advises the President how far he can safely go in lowering the tariff. I call attention of Senators to the fact that the peril-point finding is never made public. It can never be used to embarrass the President. Our own people do not have it. Those who are negotiating for the foreign country do not have it.

The best equipped agency in the U.S. Government to advise the President at what point it would be dangerous to go further provides the information.

We would not be hamstringing the President.

I think this proposal has a wider application, too. Our trade agreement program heretofore has been a program to expand business, to create more jobs, and at the same time not to hurt anybody. If we should abandon the peril-point principle and set up first aid stations along the way for industries which are hurt, by way of loans to business and by way of special unemployment compensation to workers who might lose their jobs because of imports, what we really would be doing would be abandoning the trade agreements program principle, which is not to hurt the American economy; is that not correct?

Mr. BUSH. The Senator is absolutely correct. The "no injury" policy in connection with the trade agreements program goes back to the very first day it became law. It was a part of the philosophy of then Secretary Hull. It was part of the policy of then President Franklin D. Roosevelt. It was adopted and followed by the Truman administration and by the administration of President Eisenhower.

The Senator has made an important point. The bill would establish a brand-new policy, which would be to scrap the so-called no-injury policy and to recognize, in the heart of the bill, that the program would cause much disemployment of American workers. Under title III of the bill there would be set up a so-called adjustment assistance program to offer loans to the companies badly hurt—perhaps even put out of business—by excessive imports, and a dole to American workers through an opportunity to take a retraining program, which would be very difficult for men to do after they attain the age of 45 or 50 years. I am sure the Senator and I would not wish to accept a retraining program.

In my State I know that this is one of the things about which the workers are very apprehensive.

There is also a provision that if there is no place in the home State where the men who have had retraining can use their new skills, the Government will pay their expenses to South Dakota or some other State, to begin life all over again at the age of 45 or 50 years.

I think that is one of the most cruel provisions I have ever seen in a piece of proposed legislation, because it recognizes the fact that the Federal Government contemplates, deliberately disemployment of American workers and the setting up, as the Senator says, of first aid stations and hospitals to take care of those seriously injured.

The Senator has made a very important contribution to this debate, very early in the debate, by pointing out these facets of the bill.

Mr. CURTIS. I thank the Senator. Is it not also true that if a decision can be made by the negotiator to injure a domestic industry, that same decision assists a foreign industry? So it transfers jobs from one place to another. If that is not a managed economy by Government decision, how would one be created?

Mr. BUSH. I agree with the Senator. If the President avails himself of the powers that he seems so eager to possess and which are accorded him under the House bill and even under the Senate version as modified, I believe that we can expect to see our already serious unemployment situation, which is one of the great worries of this administration and one of the great worries of the Congress, become more serious because of the workers who will be deliberately disemployed by the action of the Federal Government in making trade agreements that will cause serious injury. I think that is the principal issue involved in the bill. The Senator has asked, Are we going to depart from a no-injury policy, which has been the basic policy in connection with the Trade Agreements Act since its inception, or are we going to adopt a new policy which provides that, in order to make trade agreements and presumably to increase our exports—whether or not it would really do so is a question we shall have to get into a little later—we would have to disemploy perhaps hundreds of thousands of American workers.

That is my basic reservation about the whole bill. I am glad to make clear that heretofore, from time to time, when it has come to the Senate floor, I have supported the Trade Agreements Act. I was a member of the Randall Commission in 1953 and 1954, which reviewed the whole question of our foreign economic policy and the Trade Agreements Act. So I am no stranger to the issue. I am one who, I think, has taken and wants to take a so-called liberal attitude toward foreign trade. I want to see our exports increased. I want to see the people of our country have the benefit of improved trade agreements which will give us a wider variety of imports and have the effect of keeping prices in line in this country to some extent. All of that I believe in very much. But I do not believe in a proposal that would give the President the authority deliberately to vacate the no-injury policy, which has been the historic policy, and substitute for it economic hospitals and first aid stations, as the Senator from Nebraska [Mr. CURTIS] has said, to repair the damage. We do not know just how far he will go with the program. But I do not believe we should sit here and take action which would surely increase substantially the unemployment problem in the United States.

Mr. CURTIS. The Senator has been very generous in yielding. I wish to make one further observation.

Mr. BUSH. I am delighted to yield to the Senator. No Senator has been more devoted to finding the truth on this subject. The Senator from Nebraska is a member of the Finance Committee. He has taken a leading part in the consideration of the measure, and over the years has acquired much more knowledge about this subject than most Members of the Senate possess. So I am grateful to the Senator today for the remarks he has made and is making in connection with the measure. I hope that all Senators will have an opportunity to read his remarks in the RECORD.

Mr. CURTIS. I thank the Senator. I think he is overly generous. It has been my privilege to serve in the Congress for 24 years. During that time I have never seen a bill presented to the Congress that openly admitted that one of its objectives was to close businesses and create unemployment. I would like to have the proponents of the bill cite one instance in the history of the Republic in which a proposal of any kind was presented with the announced objective of closing factories, production plants, and distributing plants and the ending of jobs held by American citizens. I thank the Senator.

Mr. BUSH. Mr. President——

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. BUSH. I am happy to yield to the Senator from South Carolina, who is a cosponsor of the pending amendment, and, incidentally, of other amendments which will be called up.

Mr. THURMOND. Mr. President, I wish to commend the able senior Senator from Connecticut [Mr. BUSH] for his persistence and farsightedness in advocating certain amendments to the trade expansion bill of 1962. It was my pleasure to join with him in cosponsoring a series of 37 amendments to this bill which were designed to provide the President with definite congressional guidelines in the administration of the far-reaching powers granted to him by this measure.

The particular amendment, which was one of the 37, and is presently under consideration would incorporate the existing peril-point procedure into the provisions of H.R. 11970. I believe that this is a vital addition to this bill if we are to avoid the unnecessary sacrifice of many of our domestic industries. I believe that the distinguished senior Senator from Connecticut [Mr. BUSH] is making that point very clearly. The peril-point concept was implicit in the policy enunciated by the President at the time of the initiation of the trade agreements program in 1934. This concept was one which arose out of necessity and experience and was by no means a last minute congressional thought to hamper our trade negotiators. In fact, the peril-point procedure existed only through practice until it was enacted into law by Congress in 1948. It has existed in our law, with certain amendments, continuously since 1951.

The peril-point policy is designed to avoid trade commitments that may be seriously injurious to domestic industries. Under the terms of the bill as it was reported by the Senate Finance Committee the President is directed to furnish the Tariff Commission with lists of articles which may be considered for modification or continuance of U.S. duties or other import restrictions, or continuance of U.S. duty-free or excise treatment. The Tariff Commission is directed to advise the President with respect to each article as to the probable economic affect of modifications of duties or other import restrictions on industries producing like or directly competitive articles. Even though the Senate Finance Committee did add an amendment to the bill specifying the criteria which must be considered by the Tariff Commission in its study, this section still falls far short of the present peril-point procedure. I believe that the Senator from Connecticut would agree with that statement.

Mr. BUSH. I certainly do.

Mr. THURMOND. The amendment offered by the senior Senator from Connecticut [Mr. BUSH] would direct the Tariff Commission to determine the extent to which the duties could be reduced on each such article without causing or threatening serious injury to the domestic industry producing like or directly competitive articles.

Mr. President, I believe it is essential that the Tariff Commission be directed to make this determination as to the limit below which duties should not be reduced. This finding by the Tariff Commission would no doubt be valuable information to the President in the conduct of trade negotiations with other countries. I am happy to lend my wholehearted support to this amendment and urge that the Senate incorporate it into the provisions of H.R. 11970.

Mr. BUSH. I thank the able Senator, my good friend from South Carolina, for his very pointed remarks. I certainly agree with what the Senator has said. I am sure the Senator will agree with me that it is important that we stick to the "no injury" policy, for many reasons. One is that in manufacturing, for instance, as of last year—and I do not believe the situation has changed very much since then—the average wage rate in the Common Market countries was approximately 55 to 60 cents an hour. Some were below 55 cents and some were a little more than 55 cents. However the average for factory workers was of that order. At the same time, in the United States, it was $2.29 an hour. In Japan, it was 28 cents an hour, including fringe benefits. That is a tremendous wage differential.

In spite of that, there are many items in connection with which we have expertise or special know-how, and special mass production procedures, which actually enable us to compete with Common Market countries. However, those countries are rapidly modernizing and renovating their plants. I am told by American manufacturers who have toured those countries, that in many instances they have caught up with us and have even exceeded us in some instances in the means of production, in the expertness of production, and in the reduction of costs.

Therefore, it is necessary, if we are to make agreements with the modernized Common Market, with the revitalized nations of Europe, that in making agreements the President take into account some point below which he should not go in reducing duties, lest he cause serious injury to American workers and American firms because of the very wide cost differential.

Many agencies have studied this problem, among them the National Industrial Conference Board. It has shown that there is no question that the difference in labor cost is a very important factor in connection with our ability to compete on any manufactured item.

Therefore, we want to have the President recognize the fact that we have certain disadvantages insofar as costs are concerned, and that we wish him, in making trade agreements, to be fortified with precise information prepared by experts, who would tell him how far he could go without causing serious injury. If he wished to violate the so-called peril point or to exceed it, some special reason—he has done it in the past and he may have good reason to do it again—at least he would know, when he went into negotiations, where the line was beyond which he could not go without causing serious injury.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BUSH. I yield to the Senator from South Carolina.

Mr. THURMOND. The distinguished Senator from Connecticut is eminently correct. The peril-point procedure is merely a safety device prior to an agreement, just as the escape clause is a safety device after an agreement. Several Presidents have used the peril-point procedure, and it has been valuable, and of great assistance to them. Although it was put into practice first by administrative action, Congress thought so highly of it that it was adopted into law. It has served a very useful purpose. I again commend the Senator from Connecticut for his position on the magnificent presentation he is making today on this subject.

Mr. BUSH. I thank the Senator.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. BENNETT. Does the Senator from Connecticut know of any case in the past when the existence of the peril-point restriction has seriously impaired the power of any previous President in any negotiations acting under his authority to develop the necessary trade relationship?

Mr. BUSH. I have watched this situation very carefully, certainly for the past 10 years, and I have attended a meeting of GATT as a senatorial observer. I agree that there has never been any question raised regarding the usefulness of the peril-point procedure, and there has never been any criticism of it. In fact, it has been a useful and valuable tool. The President has on occasion violated it.

Mr. BENNETT. That is correct.

Mr. BUSH. Under our proposed amendment, of which the Senator from Utah is a cosponsor, the President could violate it again if he explained to Congress why he did so. Perhaps that explanation would be well received in Congress. All we say is that he should have that information on the peril point, the point beyond which he should not go without causing serious injury.

Mr. BENNETT. Mr. President, the value of the peril-point provision lies in the fact that it is a warning, a guideline. The present President of the United States has made wide use of guidelines in wage negotiations. This is a guideline in tariff negotiations. It seems to me that a President who attempts to fly blind without peril-point information will inevitably run into trouble. It may be necessary in the future to renegotiate, painfully, some agreement he may have made if he does not have the knowledge and warning that the peril-point process provides for.

Mr. BUSH. I agree with the Senator. I thank him for his observation. He is absolutely correct. I will proceed with the discussion of the amendment, and I shall conclude rather promptly.

Mr. President, the amendment which I have called up on behalf of myself and a number of other Senators, dealing with the peril point, merely requires the Tariff Commission to do the job in future trade-agreement preparations that it has done for the past 11 years; namely, indicate to the President the extent to which the duty or other customs treatment on each article scheduled for negotiation can be changed without, in the Commission's judgment, resulting in an increase in imports so large as to cause or threaten serious injury to any domestic industry, segment of agriculture, or workers. In describing the task to be performed by the Commission in this respect, the amendment uses the language of existing law.

We are not asking for any innovation. We are asking for the restoration of existing law. The amendment would do two things: It would require the Commission to make peril-point findings, and it would require the President to explain to Congress his reason for doing so if he goes beyond the peril point with respect to any article.

I would like to repeat that, because it is so important. That is the heart of the amendment. It would require the Commission to make peril-point findings, and it would require the President to explain to Congress his reason for doing so if it goes beyond the peril point on any article. That is the heart of the amendment. I do not see how this would in any way hamstring the President or any agent who may go out to make a trade agreement on behalf of the President and the United States.

In conclusion, on the question of the peril point, the President himself assured all of us that peril points would be a part of his trade program. In his state of the Union message he said:

> We are not neglecting the safeguards provided by peril points.

This is the President of the United States speaking in his state of the Union message.

The President said:

> We are not neglecting the safeguards provided by peril points.

Apparently Mr. Ball, the Under Secretary of State, or someone else in the official family has since overruled the President's own preference as stated at that time. Ours is the responsibility to decide the policy; ours the duty to set the standards for use by the President of the power we delegate to him.

The peril-point findings have been a key part of that policy and those standards for more than a decade. No good reason has been given for abandoning them. They have worked well. Let us retain them. The bill gives the President more power than any other American President has been entrusted with by Congress. At the very least, let us require the President to proceed with as sharp a set of tools and as good a set of safeguards as his predecessors have been provided with and required to use.

Mr. President, that concludes my remarks for the present in connection with this amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUSH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I rise in support of the amendments offered by the distinguished Senator from Connecticut [Mr. BUSH], on behalf of himself and a number of other Senators, including myself. The purpose of the amendments is to reestablish the peril-point provisions of the trade-agreements program.

Mr. President, I make no criticism because of the fact that only a few Senators can be present in the Chamber to hear this presentation. Yesterday I noted that 10 Senate committees were scheduled to meet at 10 a.m., and the Senate itself met at 10 a.m. It is obvious that if the average number of Senators in attendance at each committee meeting was 15, it would have been impossible to have any Senators present in the Senate Chamber. This situation makes quite difficult the legislative procedure in the Senate Chamber during the closing days of this session.

It is my belief that abandonment of the peril-point procedures is so serious that we should record in the CONGRESSIONAL RECORD that a major change of policy is being made.

Heretofore the President has been empowered to negotiate with foreign countries and lower tariffs by 50 percent. Under the pending bill he can go beyond 50 percent. On a long list of articles, he can wipe them out.

Heretofore guidelines have been provided. The Tariff Commission is an agency established to study this one problem and nothing else. It studies tariffs, imports, exports, import fees, licenses, embargoes, and all such subjects. The wealth of information that the Tariff Commission has is an asset to this Government.

In the past, before a President began negotiating, the Tariff Commission delivered to him studies about the economics of the particular commodity under consideration, and designated a point beyond which any lessening of the protection to our country would create a peril. The administration bill before us asks that that protection be wiped out. It is true that the Tariff Commission is still empowered to study, but, insofar as relates to the Tariff Commission's making a determination to be helpful to the President, the bill before us, as reported by the committee, would eliminate that provision.

Such a procedure will not help the President. Why, then, is it being proposed? It is being proposed because we are asked in this trade agreement program to make a major change in policy. The record will show that when the present trade agreement program was inaugurated, back in the days of Cordell Hull, it was said, "Here is something to put America to work. We are going to stimulate foreign trade and make jobs and improve business in this country."

The proponents of the program fell short of their goal, but at least that was their objective; and a phrase has been used down through the years, the "no hurt policy." The procedure that America would lessen her trade barriers to encourage trade up to the point of not hurting anyone was a sound procedure. The bill before us says, in substance, "We are going to hurt people. We are going to cause unemployment. We are going to close factories and other business. We are going to lessen the farmer's market. In so doing we are going to pay some unemployment compensation over and above what other unemployed persons receive."

The bill also provides for special loans to businesses that are "put on the rocks" by reason of the trade program. So, coupled with that concept of a determination to hurt America, we are asked to take the peril-point guideline away from the President.

Such a proposal does not make sense. The peril-point guideline has been followed by many Presidents. The peril point, as we know it in the statute, came into being under President Truman. It was created by the Congress. However, back in the days of Franklin Roosevelt, there was an announced policy that the powers to negotiate would not be used to hurt American business and employment. As the program progressed, that policy was formalized into a statute, and the peril-point procedure was established.

Under President Truman, the peril point was either never pierced or seldom pierced. His negotiators, when they were confidentially advised by the Tariff Commission that here was a point of danger of peril beyond which they should not go, observed it.

Under the 8 years of President Eisenhower, he observed the peril point, which the President is not required to do. It is my understanding that on two or three occasions President Eisenhower, for some good reason, went beyond the point of peril as designated by the Tariff Commission.

Under the present administration the peril point has been disregarded many times. I thought the calculation was 62 times, but it has been reported that President Kennedy has pierced the peril point nearly 70 times.

Is not that all the more reason why the Congress should maintain the peril-point procedure in the law? I call attention to the fact that we are here as the representatives of sovereign States; and that we must protect certain rights of the States. We have certain obligations, including the one to uphold the Constitution of the United States.

The Constitution provides that Congress shall regulate foreign and domestic commerce. The Constitution provides that Congress, and Congress alone, shall impose taxes, which include tariffs and import duties. The Founding Fathers were so concerned about this factor that they provided that all bills to impose taxes must originate in the House of Representatives, the body close to the American people and responsible to them by election every 2 years. In the pending bill we delegate to the President power over a wide range of taxes. The least we can do is to retain in the law the established guidelines.

I think it is important that we retain these guidelines in the law, so that it will be understood that tariffs and trade are economic matters and should be dealt with as such. We should not abandon all basic economics and basic law with the idea that somehow miracles can be performed in the field of diplomacy.

I realize that there are those in the State Department who would like to have the power to go to representatives of foreign nations and to say, "You vote with us in the United Nations on a certain issue, and we will buy *x* tons of a certain product from you."

Let us analyze that situation. In the first place, such action would violate the fundamental rule that a person cannot buy friendship. It would fly in the face of the understanding that if a person does "buy" a friend, that friend does not stay "bought."

Another very serious thing is involved. Suppose other nations in the United Nations voted with the United States because of principle. Would we ignore those nations? Would we not give to them trade benefits by which we "bought" the vote of the less principled leader? I think not. That would not work. It would not be good diplomacy. It would not be good trade legislation.

In the past there have been a number of limits and guidelines in a trade agreement law, but even in that regard our trade program has not been free from criticism. The United States, by moving trade and tariffs into the diplomatic arena, has fought a losing battle. It has allowed foreign countries to impose many nontariff barriers such as quotas, embargoes, import licenses, unreasonable inspections, variable import fees, currency manipulations, and other harassments.

How have we gotten along in obtaining trade concessions? The result has not been very praiseworthy. We have negotiated away 80 percent of our bargaining power. Our tariffs are down 80 percent from where they were when this program was initiated.

The average duty on dutiable goods coming into the United States is 11 percent. That disregards the fact that about 40 percent of our imports come in duty free. Were we to take an across-the-board average, the average duty would be around 6 percent.

Do Senators know what is the average tariff for other industrial nations? It is 14 percent. The United States is one of the low tariff countries of the world.

I will cite some instances for the information of Senators.

When American manufacturers attempt to sell automobiles in Europe, the tariff is 22½ percent. In addition, the value of the currency may be changed while the article is being shipped overseas. There may be inspection fees.

What is the tariff when a foreign manufacturer ships an automobile to America? It is 6½ percent.

In the capital city of the great State which I have the honor to represent in part—Lincoln, Nebr.—a great amount of candy is made. More people are engaged in the manufacture of candy than in any other manufacturing enterprise there. What are the components of candy? They are agricultural products; sugar, milk, dried milk, butter, nuts, and so on.

Do Senators know how much the tariff would amount to were we to ship candy to European countries? There would be a 30-percent tariff. We would be charged 30 percent to send our candy there; and some countries would not permit it to come in, because of a requirement for import licenses.

Some Senators may have visited stores in this city and seen on display more foreign candy than American candy. The tariff on candy which comes to the United States is 14 percent. That involves the use of agricultural products. It involves American labor.

There are some other discriminations. The manufacturers of candy in foreign countries buy sugar much cheaper than our manufacturers can buy it, although sugar is the greatest bargain the housewife has when she goes shopping. They buy their milk and butter free from the American support price system. This enables them to take over a considerable market in this country.

(At this point Mr. PELL assumed the chair as Presiding Officer.)

Mr. CURTIS. Mr. President, a great deal has been said about agricultural products and the need to export them. I invite attention to the fact that the United States imports as great a volume of agricultural products as it exports.

The proponents of this legislation have stated that one-sixth of our production goes to exports; that 1 acre out of 6 is used for foreign customers. That is true. But also one-sixth of our consumption of agricultural products is consumption of imported products.

That is only half the story. We pay a subsidy to export our agricultural products. How much was that last year? It was $1.9 billion, or substantially 40 percent of the value of the exports.

Under the variable duties now in effect within the Common Market countries, the products of the American farmer face a tariff in the Common Market countries as of August 1, 1962, at least six times as high as the corresponding tariff on identical items imported from Common Market countries into the United States.

I believe that trade can be mutually advantageous. I believe that we can enter into agreements with foreign countries that will help people in this country and will help the foreign countries. But trade is a two-way street. Did Senators ever do business with someone who did not have enough sense to look out for his own interest, and then come away from the bargaining table knowing that the other person was a fool? How much respect does that leave one of the bargainers?

I say that the Common Market countries of Europe expect the United States to protect its own industries. They will respect us if we do. They realize that this legislation will help our dollar balances. They realize it will stop the drain of our gold. They realize that a strong economy here will maintain the value of the dollar. The members of the European Common Market, as well as the whole free world, have everything to gain by a strong America.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. CURTIS. I yield to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. A moment ago the able Senator said that we imported as much agricultural commodities as we exported. It is, in fact, true that we import more than we export. If it were not for our highly subsidized exports, we would be importing to a far greater extent than we are exporting.

Does the Senator know of any agricultural nation in the world which has a great surplus of agricultural commodities and permits sizable imports of that same commodity?

Mr. CURTIS. I do not. If a country did so, we could not respect them for it. The first step in securing peace among the nations of the world is to have them respect each other. Uncle Sam has surplus problems. He is spending billions of dollars to support agriculture. He then goes to the bargaining table and says, "We shall import more agricultural products. Who at that bargaining table would have faith in the stability of the United States under such a procedure?

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield further?

Mr. CURTIS. I yield.

Mr. YOUNG of North Dakota. I, like my good friend from Nebraska, believe that we must export if we wish to import. But the program has not been reciprocal, at least so far as agricultural commodities are concerned. Foreign countries have not been reducing their tariffs as we have been reducing them here. Furthermore, agriculture is one of the basic segments of our economy. About 40 percent of the entire purchasing power of the American economy is through agriculture. But agriculture does not have a representative on the Tariff Commission or anyone adjusting tariffs between foreign countries. So long as that is the case, I do not see how one representing a farm State could vote for a bill such as the one before the Senate now.

Mr. CURTIS. I agree with the Senator. Certainly not in its present form. One of its basic weaknessess would be cured by the adoption by the Senate, and the maintenance in the conference report, of the amendment now pending to restore the peril point procedure. That amendment would not rectify all the problems. However, it will continue to help. Its repeal will make the situation much worse.

Mr. President, lest I be misunderstood, let me say that I firmly believe that the European Common Market is a very desirable entity. It will lead to greater unity among the nations of Europe. It will elevate their economies and strengthen their political ties. It is a fortress against international communism, and our national policy should be to encourage and cooperate with the Common Market. The bill presented by the committee will not, in my opinion, be mutually advantageous to the United States and the European nations. Both need the other. Whatever weakens the United States weakens Europe.

What is the Common Market? The Common Market for Europe is carrying out the plan that was carried out by the Thirteen Original States when they formed the Union on this continent. At that time the Delegates to the Constitutional Convention abolished tariff and other trade barriers between the Thirteen States and all States to be added. But they did not end there. They built a tariff wall around the Union of States. Did it work? It built the greatest nation on earth.

Now, belatedly, Europe has created a Common Market. Their objective is gradually to eliminate all barriers between the countries making up the Common Market. But they do not end there. They have their trade barriers around their entire common territory. It will make them strong. It will lead to political unity. It will lead to an economic strength that will cause fear in the Kremlin. We should encourage them. We should cooperate with them. We should go to the conference table, not as saps thinking that we can buy our way out and that wise guys in government can close factories, create unemployment, and somehow it would do a great deal of overall good. We should go to the conference table with the European Common Market respecting them, protecting our own people, and, starting from that premise, work out trade arrangements that will help both nations.

I remind Senators that America has always encouraged imports. Forty-seven percent of our imports have no tariff. There is no tariff on coffee, bananas, and a long list of commodities. The South American countries impose an export fee on coffee. But we encourage free trade in it because, up until the admission of Hawaii, it was not competitive with any of the American States and it was to the advantage of all to encourage trade.

Mr. President, the bill, if enacted by the Congress in the form in which it is now, would add to the confusion, the lack of confidence, and the stalemate in the country.

Does any Senator know any businessman or anyone else who really believes the United States is on the move? They might so believe if Washington would close up shop for a few months. But tax philosophy, trade programs, and other important pronouncements emanating from the administration all end up in confusion, indecision, loss of prestige at home and abroad, and a weakening of our country. It is a defeatist attitude.

The philosophy of the bill is, "Oh, yes, jobs would be lost. But we would give the individual some unemployment compensation." Why can we not have a bill that would create jobs, so that America may grow and prosper, and we can end the terrific unemployment now existing in our country? The bill admits that we would add to the unemployment problem.

It ought not to be passed in its present form. One of the most important things to do is to adopt the so-called Bush amendment, to restore the peril point.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. CURTIS. Mr. President, I ask unanimous consent that there be included in the RECORD, as a part of my remarks, brief quotations from the hearings which were conducted by the Committee on Finance. These quotations are from testimony given by witnesses who favor the amendment now pending, to reinstate the peril-point provisions of existing law.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Sidney Zagri, legislative counsel of the Teamsters Union: "The proposed bill is designed to scrap, to emasculate, both of these basic provisions of the peril-point procedure and the basic provisions of the escape-clause procedure.

"In the peril-point procedure the proposed bill no longer requires that the Tariff Commission make basic findings but simply requires that it advise the President with reference to the effect it may have on the overall industry, not the particular segment of the industry that may be involved.

"Secondly, under the peril-point procedure as it is proposed there must be a recommendation that the injury would be due to the sole impact of the concessions sought.

"Now, we propose to return to the original peril-point procedure which has served us in good stead, as recently as the recent GATT negotiations."

Homer Brinkley, executive vice president, National Council of Farm Cooperatives: "Any extension of the Trade Agreements Act should includes the following: (a) Retention of the peril-point principle, the determination of peril points to be made by the Tariff Commission, and their observance made mandatory upon the executive branches."

Robert A. Hornby, president, California State Chamber of Commerce: "Effective peril point and escape-clause mechanisms must be implemented when required. It seems evident that the peril-point concept in the bill needs considerable strengthening."

Douglas S. Steinberg, president, National Confectioners Association: "In 1962 President Kennedy has violated 62 peril points. He has approved the lowering of our import duties in 62 instances to levels below which the Tariff Commission has found reduction would cause or threaten serious injury to the domestic industry * * *. We urge the committee to retain the existing peril-point procedure except that we believe it should be strengthened so that the President will be required to abide by Tariff Commission peril-point findings and not permit him to disregard such findings by merely reporting his already accomplished violations of peril points to this committee and the Ways and Means Committee."

C. R. Morris, of the American Manufacturers of Barley Malt:

"THE INDUSTRY FAVORS THE RETENTION OF THE PERIL POINT

"H.R. 11970 provides for hearings before the Tariff Commission on any item upon which it is proposed to reduce duties. However, the bill does not in any way provide for the Commission's judgment as to what rate would safely protect an industry from serious injury nor for congressional review of any rate reduced by the President below that found by the Tariff Commission. In 1951 extension of the Trade Agreements Act, as amended, provides for this clear-cut action by the Commission and we have been the beneficiaries of this provision."

Carl A. Gerstacker, president, Synthetic Organic Chemical Manufacturers Association, representing 78 companies: "Accordingly, we urge that the provisions of section 3 of the Trade Agreement Extension Act of 1951, as amended, be reenacted in H.R. 11970 and section 221 be deleted."

Thomas H. Morris, on behalf of the National Association of Mirror Manufacturers: "Strengthen the peril-point provision of existing law. While the import duty on mirrors measuring more than 144 square inches has been reduced from 45 percent ad valorem to an average 20 percent ad valorem rate at the present time, the peril-point procedure has been of value in preventing duty reductions below this level.

"We have been able to convince the Tariff Commission that a reduction in the current rate of import duty on mirrors would cause serious injury to the domestic industry and even though the President has violated peril-point recommendations of the Tariff Commission in the case of some industries, such has not occurred in the case of the mirror industry."

Julian D. Conover, executive vice president, American Mining Congress: "Our economy requires that adequate supplies of metals and minerals be available at reasonable prices.

"Adequate import duties, properly applied, are necessary to maintain certain important segments of the domestic mining industry. Where duties are required as to any metal or mineral, we recommend that such duties be imposed or increased automatically when the price falls below a prescribed peril point and be removed or reduced when a prescribed price is reached or exceeded."

Walter A. Stilley, representing the hardwood plywood and veneer manufacturers, employing 35,000 workers, with an annual payroll of $125 million. The 1961 imports were 55 percent of the domestic sales. Mr. Stilley said: "We believe the congressional proponents of the bill either were so deeply prejudiced in favor of the bill or were so misled or misinformed that they, in turn, misled the inquiring Congressmen.

"It is regrettable that there was not full understanding of the effects of this bill in the House.

"H.R. 11970 purports to provide a peril-point provision but this provision is wholly ineffective as it places no restraint whatsoever on the President making tariff concessions.

"Under the bill the President supplies the Tariff Commission with a list, for advice only. He may go ahead with tariff reductions after 6 months, regardless of a finding of injury by the Tariff Commission. The Tariff Commission is charged with rendering to the President advice of the economic effect of a tariff reduction.

"There is no restraint on the President's action and not even provision for publication of a Commission report."

Tyre Taylor, general counsel, Southern States Industrial Council: "Inclusion in whatever legislation is adopted of adequate provisions for the protection of individual American industries from injury due to indiscriminate imports.

"These relief provisions should be precise, self-enforcing and should not be left to the discretion of the President or anyone except Congress."

Harold T. Toor, treasurer of the National Shoe Manufacturers Association; representing the New England Shoe & Leather Association; and the St. Louis Manufacturers Association, who stated that 16,000 American jobs were lost through 1961 shoe imports. He said: "We also recommend that the Tariff Commission should, under section 211 of the proposed bill, after holding hearings, be directed to report to the President in advance of negotiation the level of duty or import restriction on any article or articles below which domestic producers of such article would suffer serious injury from importation. The President should inform Congress where reductions are made in tariff duties or restrictions below such levels."

Hans Rie, president of the Hat Institute, who stated that the 1955 domestic production was 1 million dozen, and that the 1961 production was 672,000 dozen. He said: "Insert true peril point provisions to establish bench marks of probably injury for the administration to measure concessions proposed to other countries and to require the President to announce when he has exceeded these peril points."

James H. Casey, executive secretary, National Association of Glove Manufacturers, Inc. The year 1961 was the highest year of imports in the last 25 years. Italy, France, and Germany supply 75 percent of women's gloves on the domestic market. He said: "The peril point determination should be carefully spelled out and not presented as a recommendation, but as a positive finding, below which no consideration could be given. Much time, effort, and study is given to this work, and to permit any individual to alter it is granting him extraordinary power."

R. C. Cobourn, of the American Fine China Guild, Inc. The domestic production in 1950 was 860,000 dozen; in 1960, it was 450,000 dozen. The duties have been cut in two in the last 30 years. He said: "The weakening of peril point and escape clause provisions for the purpose of freeing the hands of program administrators to negotiate and bargain out of existence whole industrial enterprises is not in keeping with democratic processes."

George M. Parker, president, American Flint Glass Workers Union of North America, AFL–CIO; 19 of 44 plants were closed between 1950 and 1960; the number of employees in 1950 were 10,000; in 1961, there were 4,900. He said: "We do not believe the conscience of America should permit this problem to be swept under the rug by giving these men a little more 'rocking chair money.' What we want, and need, is full time employment and economy building jobs.

"In America we have a whole body of social legislation, financed in great measure by the employer, which is designed to assure American working people of a decent and ever-rising standard of living. The American economy is built upon this rock. We are now, and always should be, our own best customer.

* * * * *

"We are a specific industry condemned to ultimate extinction by the across-the-board tariff reductions made possible by H.R. 11970. Unless more effective and positive escape clause mechanisms are inserted in the legislation, unless the products of American craftsmen are given reasonable protection against low-wage imports, H.R. 11970 will ultimately destroy the industry which first nourished our Founding Fathers."

C. Frank Dale, sixth vice president, International Brotherhood of Operative Potters: "This bill comes as a shock to those of us who are familiar with the long line of promises and assurances given by President Roosevelt, Truman, and Eisenhower to the effect that the trade program was not to put industry out of business or cause serious injury.

"These promises were supported by various Secretaries of State who served from 1934 to 1960, beginning with Cordell Hull.

* * * * *

"Now, it is proposed to drop the peril point provision out of the law and to cut the heart out of the escape clause. This, I say, is a shocking proposal and should not prevail."

Burnham B. Holmes, appearing on behalf of the Rolled Zinc Manufacturers Association. Their most severe competition comes from Yugoslavia. He said:

"Secondly, we think it unwise to abandon the peril-point concept which, though fraught with difficulties and far from perfect has been worked out by several Congresses and revised to more nearly fit the requirements.

"Third, we pray that only will you preserve the peril point, but you make such peril points binding on the executive branch.

* * * * *

"Let me try to support our position with a few direct quotations, and I quote: 'Sweeping changes in our foreign trade policies are not necessary'—I am quoting from a letter written to Gov. E. F. Hollings, August 31, 1960. Second: 'I supported the peril point and the escape clause, both of which are in the present Reciprocal Trade Act. I would not ask additional legislative action, however, on reciprocal trade.' This is from a TV broadcast, Portland, Maine, September 2, 1960. Thirdly: 'I believe we can protect our domestic industry within present laws, with Presidential leadership, with a knowledge of the problem, with effective workings between the President and the State Department and countries abroad, and with the provisions in present reciprocal trade laws if vigorously, effectively, and responsibly administered.' (Address, New York City, October 12, 1960.)

"Gentlemen, all of these quotations are, to my best belief, accurate and quotations of talks by John F. Kennedy made while campaigning for the Presidency of the United States."

Eugene Stewart, counsel, Man-Made Fiber Producers Association, Inc. Because of the adverse trade balance between 1954 and 1960, 305,000 jobs were lost. He said: "Why penalize the President? Why make him operate with economic blinders? We ask this committee to restore to the President the blueprint for action represented by the peril-point findings."

T. C. Keeling, Jr., vice president and general manager, Chemicals and Dyestuffs Division, Koppers Co., Inc. He stated that the bill would wipe out the chemical industry's favorable balance of trade presently existing. He said: "The bill offers no peril-point procedure requiring that products, which would be hurt by unfair import competition, not be subject to tariff negotiation. The peril-point procedure would help to prevent U.S. industry being irreparably damaged in those cases where it could be foreseen beforehand that tariff reductions would put them in jeopardy."

Winthrop K. Coolidge, president, Chicago Copper & Chemical Co. The labor cost of European competitors is one-third that of the U.S. labor cost. He said: "If the Reciprocal Trade Act must be renewed, we recommend that (a) the peril-point clause should be stiffened to prohibit the breaching of it. President Kennedy stated in his recent announcement of the results of the negotiations last year, that the negotiators had breached the peril point 60 or 70 times."

Clark L. Wilson, chairman, Emergency Lead-Zinc Committee: "4. Under the Trade Agreements Extension Act, negotiations for tariff reductions are preceded by peril-point hearings before the Tariff Commission to determine whether tariff reductions are warranted and to establish peril points as limits of tariff reductions. These peril points have been an important deterrent to unwarranted comprehensive rate reduction and should not be weakened as proposed in H.R. 11970.

"We wish to state again that our industry does not fail to recognize the importance of world trade, and it is not opposed to the general goals that the administration wishes to attain. It is, however, unequivocally opposed to the principle in the proposed legislation that would anticipate and accept the possibility of sacrifice of important natural resource industries in our Nation. We do not believe it is in the national interest for the brush to sweep so broadly."

Theodore E. Veltfort, managing director, Copper & Brass Research Association. The 1961 German wage rate of their competitor was 73 cents an hour. In the United States the wage rate is $2.60 an hour. He said: "H.R. 11970 would change all this. While H.R. 11970 provides for a Tariff Commission proceeding prior to negotiations for further reductions in our tariffs, the similarity to existing peril point proceedings stops there. Instead of finding a specific peril point, the Commission would merely make a general inquiry 'as to the probable economic effect' of further tariff reductions.

"If a proceeding before the Tariff Commission prior to our negotiation of a trade agreement is to mean something, the vague and loose standards now found in H.R. 11970 should be changed to accord with the present law on peril point proceedings."

H. S. Potter, vice president of sales, Carpenter Steel Co., Reading, Pa., and chairman of the Tool and Fine Steel Industry Committee. He stated that the fine steel imported from Austria was 53 percent under the U.S. price. He said: "It is also to be emphasized that the bill retains only the facade of the peril-point provision of existing law. Briefly, the Tariff Commission may not find any specific level of duty below which injury would be likely to occur but may only 'advise' as to the 'economic' effect of reductions or eliminations. Consequently, the President need not report that any recommendation or finding was rejected, and the economic conclusions of the Commission would not permit Commission analysis only of the effect on overall industry operations of proposed reductions, a particular detriment to tool and fine steel."

C. W. McMillan, executive vice president, American National Cattlemen's Association: "We cannot agree with this view. Tariffs have been employed by nations for centuries to protect themselves from outside encroachments which are beyond their control—much in the same way, perhaps, as nations have used their armies to protect against invading physical forces.

"Economic forces within the Nation, we believe, should have free play to arrive competitively at the balances set by supply and demand, and these balances should not be allowed to be overturned by outside forces to the detriment of our industries.

"We believe that tariffs and other protective devices are essential to the progress of our economy in cases where an industry, because of products or services peculiar to our Nation's needs, cannot be expected to meet foreign competition."

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on the Bush amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Bush amendment be taken at 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

HOUSING FOR THE ELDERLY

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2015, H.R. 12628.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 12628) to provide additional funds under section 202(a)(4) of the Housing Act of 1959, and to amend title V of the Housing Act of 1949, in order to provide low- and moderate-cost housing, both urban and renewal, for the elderly.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, the bill was passed by the House on a yea-and-nay vote with only six votes in opposition.

The bill was then considered by the Senate Committee on Banking and Currency and was reported without a dissenting vote.

The bill provides an additional authorization of $100 million for housing for elderly persons under section 202 of the Housing Act. Also it provides for housing for the elderly under the farm housing program in an amount of $50 million for homeownership and $50 million in the direct loan program. This simply means provision of additional authorization for housing for the elderly in urban areas and brings into the housing program elderly persons in rural areas.

Since Congress first enacted a program of housing for the elderly, it has proved to be one of the best and most popular programs. I believe that the almost unanimous support which the bill received on a yea-and-nay vote in the House is an eloquent testimonial to its demand, to its need, and to the recommendation which the Members of the House, who come from all sections of the country, gave it.

SENATOR CARROLL SUPPORTS INCREASED DIRECT LOAN SENIOR CITIZENS HOUSING PROGRAM

Mr. CARROLL subsequently said: Mr. President, the Nation's population of senior citizens 62 and over now number about 21 million and by 1980, less than 18 short years away, will mount to a grand total of around 30 million. Over the years, our elderly citizens—our parents, dear relatives, and friends—have contributed to the development and emergence of the United States of America as the leading nation in the world. As they enter the golden years of life they are our reservoir of knowledge and experience which are both invaluable and irreplaceable. We owe it to all of them to help assure that these later years are enjoyed with dignity, privacy, and independence. Further, we need their active and interested support in community affairs, participating in all of our activities and helping to shape our country's future as in the past.

The increase in the authorization for direct loans which we enacted today will be of great help to our senior citizens. Housing for our elderly provides the base from which they can continue as contributing members of society and this legislation, providing for an additional authorization for the senior citizens housing program will finance the construction of about 10,000 additional housing units. Although these would only add a small percentage of the vast number of the homes needed by our older people—recently estimated at 5 million units by the Subcommittee on Housing for the Elderly—the program would permit sponsors to plan ahead in the knowledge that the Congress is prepared to assist in the development of these projects.

In 1960, 158,000 residents or 9 percent of my State's population were 65 years of age or over. Their numbers had increased by 36.8 percent during the previous 10 years or a little faster than the national average of 34.7 percent. The increase in the number of elderly 65 and over in the past decade was exceeded only by the increase in the number of children between 5 and 14, and in sharp contrast, the total population of the Nation increased by but 18½ percent. This rapid buildup of the number of older people poses a real social challenge to all of us and the manner in which we seek to assure their prime requirements in life will be a major determinant of how the rest of the world evaluates our image as a civilized society.

We, in Colorado, can take great pride in the activity and interest in the housing programs for senior citizens. We have, or will have, projects which receive Federal assistance under each of the existing programs including public housing, the FHA mortgage insurance program, and the direct loan program. This widespread interest and activity in these special programs for senior citizens housing is a real credit to the leadership of President Kennedy and to the Administrator of the Housing and Home Finance Agency, Robert C. Weaver, and his Office of Housing for Senior Citizens, who have been focusing their attention on the housing needs of our elderly—needs which have been neglected all too long.

The direct loan program is certain to have a strong impact on the development of housing for our seniors in Colorado. I am pleased to note that as of June 30, 1962, 5 applications for a total of 377 units were in process under this program. These projects would provide a wide choice of good housing for our elderly residents of Arvada, Colorado Springs, Denver, Grand Junction, and Pueblo.

Thus, it is evident that these programs are fulfilling a real need.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

Mr. BUSH. Mr. President, I desire to support the recommendation of the Senator from Alabama that the bill be passed. I know of no opposition to it on this side of the aisle. I do not believe there was any opposition to the bill in the Committee on Banking and Currency. So I join with the Senator from Alabama in recommending the passage of the bill.

Mr. SPARKMAN. I thank the Senator from Connecticut.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 12628) was passed.

Mr. SPARKMAN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. BUSH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Bush amendments be held at 2:15 p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRODUCTION AND DISTRIBUTION OF EDUCATIONAL AND TRAINING FILMS FOR THE DEAF

Mr. PELL. Mr. President, I ask the Presiding Officer to lay before the Senate the amendment of the House of Representatives to S. 2511.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2511) to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes, which was, on page 2, strike out line 24 over through and including line 2 on page 3, and insert:

> (c) Section 4 of such Act is amended by striking out "$250,000" and inserting in lieu thereof "$1,500,000".

Mr. PELL. Mr. President, in paragraph (4) of section 1(b) of S. 2511 it is intended that the word training should be broadly interpreted so that the Secretary of the Department of Health, Education, and Welfare would be authorized to produce and to distribute educational films for the education of the deaf as well as films which might be regarded as training films for particular jobs.

This question was raised on the floor of the House, and as chairman of the subcommittee which held hearings on this legislation, I should like to bring it out as a matter of legislative intent during the Senate consideration of this bill.

I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRACTICES IN CONNECTION WITH PLACING OF MINOR CHILDREN FOR PERMANENT FREE CARE OR FOR ADOPTION

Mr. KEFAUVER. Mr. President, the Senate may well congratulate itself upon the vision and wisdom reflected by its approval on yesterday of the bill (S. 654) to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption.

It is to be hoped that the House will now follow our example, for there is a great need to curb the nefarious interstate trafficking in babies that has been shown beyond dispute to exist in our Nation.

The bill will close one of the biggest holes in our present crazy-quilt system of adoption laws, which permit unscrupulous "baby brokers" to operate, encourage irresponsible placements even where no profit motive exists, and wreck untold numbers of lives.

If there is any field in which State laws should be uniform—and uniformly strong—this is it. Conscientious child-welfare workers are the first to admit that the adoption law of one State, no matter how strong, is handicapped by the absence of equally strong laws in other States.

Organizations are working for the establishment of a nationwide Uniform Motor Vehicle Code. Congress has passed laws such as the Dyer Act and the Mann Act to control interstate automobile theft and white slavery.

All of this is commendable. Yet, we have not seen to it that our children are accorded the same consideration, the same protection, as a used car or a mature woman.

With Senate passage of S. 654, however, we are on the way toward this goal. One section would outlaw interstate baby selling. That is, it would become a Federal felony to ask for or receive compensation to place or arrange to place a child for adoption across State lines.

Another section would make it a felony to induce or arrange for a parent or prospective parent to cross State lines in order to make a compensated child placement.

These prohibitions would not apply to the reimbursement of reasonable expenses of a licensed public or private child-care or adoption agency in a State in arranging an interstate placement. Nor would they apply to the interstate transportation of a natural mother by such agency or by a licensed or authorized maternity home in connection with a child placement.

In addition, the natural parents as well as the adoptive parents would be excepted from the criminal sanctions imposed in the bill. After all, these people are usually the victims and not the movers of the interstate trafficking in babies and children against which this bill is aimed.

The bill also would not affect those receiving fees solely for bona fide legal services in obtaining an adoption decree, or for bona fide medical services rendered the mother and child.

S. 654, in which the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. CARROLL], and I have joined as sponsors, is the outgrowth of an extended investigation which was begun by the Senate Judiciary Subcommittee To Investigate Juvenile Delinquency a few years ago when I was privileged to be chairman.

We held hearings in Miami, Chicago, and Washington. We heard nearly 100 witnesses, many of whom were engaged in the interstate baby racket themselves.

The subcommittee staff also interviewed more than 2,000 persons in all sections of the country. Half of them were natural or adoptive parents who had dealt with "baby brokers."

The facts which we turned up established the existence of a large-scale interstate black market in child placements. An estimated $15 million or more was changing hands each year. The amount received per child ranged from $1,000 to $5,000. The traffic, we learned, was nationwide.

Even the underworld had invaded the field. Known racketeers were soliciting unmarried mothers in an effort to secure their children for the baby black market.

More than 70 percent of the States have laws regulating the admission of children for adoption and care. But even in those States where baby selling is outlawed, law enforcers told our subcommittee of their inability to control the intrastate traffic because of the large interstate traffic.

S. 654 does not remove from the States their basic responsibility for dealing with adoption matters. Rather, it is directed at interstate situations which are beyond the reach and control of the States—mainly those in which the bartering of children is involved.

It may be true generally, as it seems to be true in some States, that the supply of children available for adoption is growing in proportion to the available number of adoptive parents.

This could be only a temporary condition. In any case, we ought to make it impossible—or at least, very risky—for even one "baby broker" to operate across State lines.

S. 654 will encourage prospective adoptive parents to adopt children more readily from authorized or licensed agencies and discourage them from dealing with those who are just out to make a fast buck.

It will take time to educate more of the public to look to such agencies in adoption matters. But the result will be a happier one—greater protection for the child, the natural parents, and the adoptive parents.

TOWNSITE LAWS APPLICABLE IN STATE OF ALASKA

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senate reconsider its vote of yesterday by which S. 3160, the Alaska townsite bill, was passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BIBLE. Mr. President, the Committee on Interior and Insular Affairs has before it an almost identical companion bill, H.R. 11266. I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of H.R. 11266 and that the Senate proceed to the consideration of the House bill.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11266) to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the bill.

Mr. BIBLE. Mr. President, I move that the language of S. 3160 as passed by the Senate yesterday be substituted for the language of the House bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 11266) was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of March 8, 1922 (42 Stat. 415), as amended (75 Stat. 384; 48 U.S.C. 376, 377, 377a), is further amended to read as follows:

"SEC. 3. The Secretary of the Interior may (a) sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, or (b) make disposition under the following townsite laws, as amended: Sections 2380 and 2381 of the Revised Statutes (43 U.S.C. 711, 712); section 11 of the Act of March 3, 1891 (26 Stat. 1009; 48 U.S.C. 355); Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d); and Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 301, 302, 303–308), of any lands in Alaska known to contain workable coal, oil or gas deposits, or that may be valuable for the coal, oil or gas contained therein, and which are otherwise subject to sale or disposition under said section 2455, as amended, or the said townsite laws, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of this Act."

The PRESIDING OFFICER. Without objection, Senate bill 3160 is indefinitely postponed.

EXTENSION OF TARIFF NEGOTIATING AUTHORITY TO AMERICAN AGRICULTURE

Mr. CARLSON. Mr. President, the American Farm Bureau Federation, representing 1,600,000 farm and ranch families in 49 States and Puerto Rico, has been actively interested in an expanded trade program and has been most helpful in drafting proposed legislation, because the organization is thoroughly familiar with the subject.

U.S. farmers have a vital stake in expanding foreign trade. Last year we exported the production from more than 60 million acres of cropland. Wheat, cotton, tobacco, soybeans, rice, tallow, and poultry are some of the products which U.S. farmers exported in substantial volume. Nevertheless, all farmers, whether they produce primarily for export or for the domestic market, have an interest in maintaining and expanding farm exports.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter dated September 18, 1962, which I have received from Charles B. Shuman, president of the American Farm Bureau Federation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., September 18, 1962.

Hon. FRANK CARLSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CARLSON: Farm Bureau, representing 1,600,000 farm and ranch families in 49 States and Puerto Rico, believes that the tariff negotiating authority contained in H.R. 11970, the Trade Expansion Act, is essential to American agriculture.

The House of Representatives and the Senate Finance Committee have improved this bill in several respects. Of special significance is a major amendment recommended by Farm Bureau and included in the bill as section 252. This provision directs the President to insist that other countries grant truly reciprocal concessions in return for U.S. concessions. For example, the European Economic Community is presently threatening to impose so-called variable import fees on wheat, feed grains, rice, poultry, and fruits. Such fees could drastically restrict U.S. exports of these commodities which last year amounted to over $400 million.

The substantial tariff bargaining authority contained in this bill, together with this firm directive from the Congress, could create an economic climate wherein expanded markets for the products of U.S. agriculture and industry could be achieved. A committee amendment making the special representative for trade negotiations the Chairman of the Interagency Trade Council also is a significant improvement in the bill.

In addition, Farm Bureau recommended, and the bill presently contains important amendments in regard to the escape clause provisions. These amendments provide direct access to the Tariff Commission by any industry which is being threatened by increased imports; they are intended to assure such industry public hearings and prompt consideration based on the facts in each instance.

We believe that the proper and vigorous implementation of these provisions can make a far greater contribution toward the sound administration of the foreign trade program than would the so-called adjustment assistance in the form of direct Federal aid. Therefore, Farm Bureau recommends that the bill be further amended by deleting the adjustment assistance provisions.

Farm Bureau policy over the years has recognized the need for a sound U.S. foreign trade policy—a policy based on expanded, mutually advantageous trade.

Expanded markets, expanded sources of supply, expanded opportunity can be the basis for a vital, growing U.S. economy and increased economic strength throughout the free world. Also, we sincerely believe that expanded U.S. agricultural exports can make a major contribution toward the solution of our balance-of-payments problem.

U.S. farmers have a vital stake in expanding foreign trade. Last year we exported the production from over 60 million acres of cropland. Wheat, cotton, tobacco, soybeans, rice, tallow, and poultry are some of the products which U.S. farmers exported in substantial volume. But all farmers, whether they produce primarily for export or for the domestic market, have an interest in maintaining and expanding farm exports. If world markets are decreased or lost, the land and other resources which have been used to produce for these markets will be utilized in the production of commodities for the domestic market, which in many cases is already oversupplied. This would decrease all farm prices and reduce the net incomes of all farmers.

Imports—as well as exports—are important to farmers. They can help alleviate the serious cost-price squeeze which farmers presently are undergoing.

With the deletion of the adjustment assistance provisions as recommended above, we believe the adoption of this legislation will make possible expanded mutually advantageous world trade in the best interests of the U.S. economy and, indeed, of the whole free world.

Sincerely yours,
CHARLES B. SHUMAN,
President.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

ATOMIC ENERGY COMMISSION

Mr. PASTORE. Mr. President, from the Joint Committee on Atomic Energy I report favorably the following nominations:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the sixth session of the General Conference of the International Atomic Energy Agency.

Henry DeWolf Smyth, of New Jersey; Robert E. Wilson, of Illinois; James T. Ramey, of Illinois; and William I. Cargo, of Florida, as alternate representatives.

The sixth session of the General Conference of the International Atomic Energy Agency is commencing today in Vienna, Austria, and I therefore ask unanimous consent that these nominations be considered en bloc at this time.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the nominations are confirmed en bloc.

Mr. PASTORE. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. The President will be immediately notified.

LEGISLATIVE SESSION

Mr. PASTORE. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. PASTORE. Mr. President, I hold in my hand an analysis made by the New England Council, dated August 1962. The analysis has reference to amendments proposed by the Senator from Connecticut [Mr. BUSH], on behalf of himself and other Senators, to the Foreign Trade Expansion Act of 1962, House bill 11970.

The first paragraph of the analysis reads as follows:

> If the so-called Bush amendments to H.R. 11970 should be incorporated in the new Trade Expansion Act of 1962, this country would have on its books the most restrictive trade legislation since the first Trade Agreements Act of 1934 became law. This is the conclusion reached by the New England Council following a detailed analysis of the proposed measures.

Mr. President, I ask unanimous consent that the entire analysis be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

NEW ENGLAND COUNCIL ANALYSIS—AUGUST 1962

If the so-called Bush amendments to H.R. 11970 should be incorporated in the new Trade Expansion Act of 1962, this country would have on its books the most restrictive trade legislation since the first Trade Agreements Act of 1934 became law. This is the conclusion reached by the New England Council following a detailed analysis of the proposed measures.

Such legislation would deny the reality of changed foreign trade policy requirements; it would prevent trade expansion, and particularly maintenance of U.S. export levels to Europe, not to speak of an expansion of exports. It would deny to our society, and particularly to New England, the benefits of international competition which are the same as those stemming from domestic competition: low-cost production and economic growth. The adjustment philosophy of the proposed legislation as passed by the House and supported by the New England Council would be replaced by a rigid philosophy of no adjustment to international competition.

These are only the domestic economic considerations. The damage that would be caused by this set of amendments to the U.S. foreign policy would be even more far reaching. Action based upon such legislation would likely lead to a split of the Western Alliance into two blocs.

The council has adopted the principles incorporated in H.R. 11970 as its policy—a position reached after careful study and debate. It was adopted unanimously by the directors of the council.

The following are some of the more striking features of the Bush amendments to which the council takes exception:

1. Elimination of tariffs of 5 percent or less is to be stricken from the bill. The majority of the goods belonging to this category are complementary to domestic production rather than competitive, and tariff elimination on such goods is primarily of benefit to the domestic industrial and individual consumer. By maintaining such tariffs we hurt only ourselves through higher costs and prices. A principal New England example is residual oil—an imported product that fills the gap created by diminishing domestic production. New England has already been hard hit by high fuel costs as a result of Government action, and the amendments would prevent the elimination of the 5 percent tariff of residual oil, thus maintaining artificially high costs to consumers.

2. The amendments restrict those goods on which tariffs could be reduced to zero in negotiations with the Common Market. They would, in effect, render the so-called 80-percent authority meaningless for the following reasons:

(a) The administration bill calls for authority to eliminate, step by step, all tariffs on goods for which the total share in world trade of the Common Market and the United States combined equals at least 80 percent. The Bush amendments would add to this requirement the following condition: 25 percent of such trade must be accounted for by the United States. Such a limitation would lead to an identical one by the Common Market. The Common Market and the United States would then, in effect, have to account for at least 25 percent each of the trade coming under the 80 percent provision. Goods on which U.S. exports accounted for more than 75 percent of the total trade would have to be left out of the free list—precisely those goods most likely to benefit from tariff reductions in Europe. Such a restriction would reduce the free list substantially.

(b) One amendment would exclude from the 80 percent category those goods that become part of the list as a result of U.S. foreign aid payments. An artificial distinction between commercial trade and trade based on aid is implied. Both types create export opportunities and income for domestic firms and individuals and lead to expansion of trade.

(c) Under the amendments competitive goods could be eliminated from the negotiable list by factfinding of the Tariff Commission. The bulk of trade between the Common Market and the United States is in manufactured goods that are directly competitive with each other; e.g., automobiles and airplanes. The United States could, perhaps, hope for reductions of tariffs on New England machinery but would have nothing to offer in return.

(d) The amendments require cancellation of zero tariff concessions as soon as the original conditions for the special authority are no longer applicable. Such a reversal would add to the already existing uncertainties of escape-clause legislation. A constant up and down tariff adjustment process would follow instead of a gradual lowering of all tariff restrictions.

3. According to the amendments, article-by-article reciprocity would be made a condition of U.S. tariff concessions. Such a requirement would tie the hands of any negotiator who must try to get the best possible bargain for our principal export articles. Almost by definition these are not the same as those on which our trading partners would like to obtain concessions. Reciprocity, if it is to be meaningful, must be accomplished on the basis of the combined value of all concessions made by each side in an agreement. A substantial portion of international trade is based upon an exchange of one product for a different one—a textile machine for textile products—an automobile for an airplane.

4. The amendments propose to increase the power of the Tariff Commission and to tighten the laws under which it is to operate. This set of amendments presents, perhaps, the most serious danger to domestic industries.

(a) By increasing the power of the Tariff Commission, the negotiating authority of the President will be limited. Such a procedure alone would, in effect, limit the extent of tariff concessions that could be offered to our trading partners in return for concessions of equal value. It would reduce flexibility by reducing a negotiator's room for maneuver.

(b) The amendments introduced to define serious injury incorporate the market-sharing principle and indeed go beyond this requirement by defining injury in terms of a reduction of traditional growth rates. Injury could be found by the Tariff Commission if the share of a domestic product has declined, or if the rate of growth of a domestic product has slowed down. Moreover, according to the amendments such developments do not have to be traced exclusively to proposed or actual tariff reductions. In addition, such findings could be made for groups of products rather than for industries.

Such a control and subsidy program restricting free international enterprise must be considered the first step toward Government control of domestic markets. Such a policy would not only damage our international position as advocate of the free enterprise system, but also our ability to expand or even maintain exports for American industries, especially industries in New England. Expansion of exports or maintenance of exports in the face of current world trade developments, particularly in Europe, require real concessions on our part in return for those of others. The restrictions proposed by this set of amendments are so severe as to eliminate the availability of any meaningful U.S. concessions with which to bargain.

5. The changes proposed for the adjustment assistance provisions of the bill would become mere theory, once all the proposed tariff safeguard amendments are adopted. In practice, domestic industries would become immune to foreign competition. Logically, perhaps, special assistance programs should then be set up to aid those U.S. export firms, industries, and employees who would suffer under retaliatory restrictions from abroad or from a progress toward an outer Common Market wall, and to those who could not maintain their normal rate of growth because of reduced export markets.

These are only the more obvious points to which we take exception. Although there may be merit in a few minor amendments, for example those requiring an expanded program of publication, the bulk is in direct opposition to our foreign trade policy position. In view of the preponderance of export competitive industries over import competitive industries in New England, and in particular in Massachusetts, adoption of any substantive portion of these amendments would cause incalculable injury to New England's economic development.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the last 4 minutes preceding 2:15 be allotted as follows: 2 minutes to the Senator from Connecticut [Mr. BUSH], and 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ESTABLISHMENT OF PADRE ISLAND NATIONAL SEASHORE

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 4, to establish the Padre Island National Seashore.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4) to provide for the establishment of the Padre Island National Seashore, which was, to strike out all after the enacting clause and insert:

That in order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped, the Secretary of the Interior shall take appropriate action in the public interest toward the establishment of the following described lands and the waters as the Padre Island National Seashore: Beginning at a point one statute mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway; thence due east to a point on Padre Island one statute mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico a distance of about three and five-tenths statute miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey chart numbered 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Goedetic Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended; thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. S. Boyles and is depicted on sections 9 and 10 of the map entitled "Survey of Padre Island made for the office of the Attorney General of the State of Texas," dated August 7 to 11, 1941, and August 11, 13, and 14, 1941, respectively; thence northerly along a line parallel to said survey line of J. S. Boyles and distant therefrom 1,500 feet west to a point on the centerline of the Port Mansfield Channel; thence westerly along said centerline to a point three statute miles west of the said two-fathom line; thence northerly parallel with said two-fathom line to 27 degrees 20 minutes north latitude; thence westerly along said latitude to the easterly line of the Intracoastal Waterway; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the areas described in the first section of this Act or which lie within the boundaries of the seashore as established under section 3 of this Act (hereinafter referred to as "such area"). Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) The Secretary is authorized to pay for any acquisitions which he makes by purchase under this Act their fair market value, as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish the area as a national seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the State and to the governing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for the county involved.

SEC. 4. (a) When acquiring land, waters, or interests therein, the Secretary shall permit a reservation by the grantor of all or any part of the oil and gas minerals in such land or waters and of other minerals therein which can be removed by similar means, with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto, under such regulations as may be prescribed by the Secretary with respect to such mining or removal.

(b) Any acquisition hereunder shall exclude and shall not diminish any right of occupation or use of the surface under grants, leases, or easements existing on April 11, 1961, which are reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the boundaries of the national seashore and the Secretary may grant additional rights of occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

SEC. 5. Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

SEC. 6. The Secretary may provide for roadways from the north and south boundaries of such public recreation area to the access highways from the mainland to Padre Island.

SEC. 7. The Secretary of the Interior shall enter into such administrative agreements with the Secretary of the Navy as the Secretary of the Navy may deem necessary to assure that the Secretary of the Interior will not exercise any authority granted by this Act so as to interfere with the use by the Department of the Navy of any aerial gunnery or bombing range located in the vicinity of Padre Island.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $5,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

Mr. BIBLE. Mr. President, on April 10 of this year, the Senate passed S. 4 with a group of committee amendments, after very careful consideration. The bill with an amendment was passed on September 13 by the House of Representatives.

The sponsors of this measure find the House amendment acceptable, and ask that the Senate concur in it.

I have conferred with the members of the committee on both sides of the aisle, and they are in agreement as to this proposed action.

I ask unanimous consent to have printed in the RECORD a statement of the changes made by the House amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The principal changes in S. 4 made by the House amendment are as follows:

1. Reduces the total mileage of the island to be taken for the seashore area from 88.5 miles to approximately 80.5 miles.

2. Moves the boundary between the Willacy-Cameron County line and Mansfield Cut to a point approximately 1,500 feet west of the Boyles line, excluding Laguna Madre and adjacent wastelands.

3. Increases the appropriation for acquisition from $4 million to $5 million.

4. Eliminates a provision to permit granting life estates to residents whose properties are to be acquired as unnecessary following the revisions in the boundary.

Mr. BIBLE. Mr. President, I now move that the Senate concur in the House amendment to Senate bill 4, so that the bill may be cleared for transmission to the President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, this is the third of three national seashore bills recently before the Congress. The first was the bill establishing the Cape Cod National Seashore. It was passed last year.

The second was the bill establishing the Point Reyes National Seashore. It is located in California, just north of San Francisco. That bill has received final action by the Congress, and recently has been signed into law by the President.

Senate bill 4, providing for the establishment of the Padre Island National Seashore, is the third one. This is a very attractive seashore area on the Gulf of Mexico, lying between Corpus Christi and Brownsville, Tex. It is an area in which the senior Senator from Texas [Mr. YARBOROUGH] has had a great deal of interest, and he has been a moving force in connection with this measure. He is to be greatly commended for his vigor and perseverance in seeing to it that this national seashore bill is enacted into law. I wish to commend him greatly; he has been very helpful. I think the House amendment is an improvement over the Senate bill. I have no hesitancy in recommending that the Senate adopt the House amendment.

I yield now to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I thank the senior Senator from Nevada for his able chairmanship of the Public Lands Subcommittee, for the hearings he held, and for the diligence and patience he devoted to the bill. The bill had strong opposition at first. The Senate committee held four hearings on the bill in 1959, 1960, and 1961, and as a result of the four hearings, with the facts and enlightenment from the facts being brought to the people of that area, most of the opposition faded away.

The bill now provides for a recreational area of 80½ miles on the Gulf of Mexico. I regret it was not the full 88 miles, but it provides the longest national seashore area in the country.

I introduced the first bill to create a national seashore recreational area on Padre Island in the 85th Congress in June 1958. This was followed by Senate bill 4, introduced by me in January 1959, in the 86th Congress, and by Senate bill 4, reintroduced by me in this 87th Congress in January 1961.

No national park legislation has had more careful study than my Padre Island bill. Four Senate hearings have been held on this legislation, in 1959, 1960, and 1961, in Corpus Christi, Tex., and Washington. Volumes of testimony have accumulated. Members of the Senate and House have flown over the island and visited it and explored it on the ground. In July of 1961, Vice President JOHNSON, Secretary of Interior Udall, and a delegation of us from the Congress flew over Padre Island, went to it on the ground; were consuming participants in a fish fry. On that trip the delegation from Washington viewed the wondrous beach of Padre Island, and feasted on the delectable products of its oceans.

The Republican administration under President Eisenhower and Democratic administration of President Kennedy both have recommended the creation of a National Padre Island Seashore Recreation Area. Secretary of the Interior Udall has helped advance the bill to this point and is for passage. His aid has been over and beyond the call of duty.

At first there was widespread opposition to the bill, due largely to a misapprehension as to what a national seashore recreation area really was. Successive hearings in several Congresses have proven the merits of this legislation to the Congress and to the country, and the opposition has faded away in the face of facts.

The House approved it with some reduction of mileage and acreage and ultimate cost on Thursday, September 13, after careful and detailed committee hearings. These changes are acceptable to me at this time as author of the bill. I think it vital that the bill be enacted at this session, before land values increase any more. Secretary Udall has assured me the bill is acceptable to the administration.

Great credit is due Congressman J. T. RUTHERFORD, of Odessa, Tex., chairman of the Public Parks Subcommittee of the House. Without the aid of both Secretary of the Interior Udall and Congressman J. T. RUTHERFORD, in my opinion the bill would not have passed the House. In its final form it had the active support of Congressman JOE KILGORE and JOHN YOUNG, in whose Districts the park lies.

Particular thanks are due the distinguished chairman of the Interior and Insular Affairs Committee, the Senator from New Mexico [Mr. ANDERSON] and the able chairman of the Public Lands Subcommittee, the senior Senator from Nevada, Senator ALAN BIBLE. Their persistence and patience were a great aid to the final passage of this measure. They were cooperative in holding hearing after hearing, until objections to the measure could be negatived, withdrawn, or reduced to minimal grounds.

Senator Moss, of Utah, presided ably and well at a very efficient hearing on this measure at Corpus Christi, Tex., in December 1959, at the conclusion of which National Parks Director Conrad Wirth, an early and able exponent of the Padre Island Park project, said:

> The evidence in favor of this park is the most overwhelming I have ever heard in any National Park hearing.

Texas wants this bill. In fact, Texas will have a final voice since approval of the Texas Legislature is necessary to putting it into effect.

Padre Island is a narrow, 118-mile-long barrier reef island extending along the Texas gulf coast, about 3 miles off the mainland, from Corpus Christi southward to Port Island. It has a rough quarter-moon shape, with parts of the island sweeping inward closer to the mainland than either tip. Somewhat broader in the north than in the south, Padre Island varies in width from about 3 miles to a few hundred yards and is accessible by causeways at each end. It is in the same latitude as the South Florida coast.

This gem of the Texas gulf coast is the longest and finest remaining unbroken and undeveloped seashore in the United States.

The gulf coast of Texas is one of the Nation's rapidly developing areas. Padre Island has a magnificent role in this future development.

Its wide, clean beach, composed of fine sand, has a uniformly gentle slope, providing ideal conditions for swimming, surfing, fishing, camping, and picnicking. The Padre Island beach is one of the finest bathing beaches in the Nation.

Either it will be preserved for the people for public use for all time, or fences would rise on it, and generations of Americans would look in vain for recreational areas, would be blocked off for all future time from the sea. The Padre Island bill, my S. 4, will assure that on about 80 miles of the Padre Island beach fronting on the Gulf of Mexico in south Texas, Americans may go forever to the sea, their seashore, the people's seashore, to walk, wade, swim, sun, fish, camp, relax, commune with nature, and be refreshed by their contact with the sun, sea, and sand on a beach as it was created by the eternal forces.

Unquestionably, the passage of the Padre Island bill will have a favorable economic impact on my State. This is an important fact, but is simply an offshoot of the more pressing need for preservation of recreation areas for our fast-growing population.

With 81 miles of the 118-mile island to be in the national seashore area, 37 will be left to private development on the north and south ends, areas outside the park site. Some few miles are already being developed.

Coupled with the prior passage this year of national seashore bills for Point Reyes, Calif., and Cape Cod, Mass., enactment of my Padre Island bill is certain to earn this Senate a distinctive place in American history, for its consideration of the recreational needs of the American people, and its action to serve them. More national seashore recreation areas will have been created, and more public beach areas thus preserved for the public by this Congress, than by all previous Congresses combined. This is a natural resource conservation Congress.

I urge the Senate to give final approval to my Padre Island bill.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. Bush] is recognized.

Mr. BUSH. Mr. President, the Senate is about to vote on the amendments which I have offered.

The amendments which I have offered would require the Tariff Commission to do what it has been doing for the past 11 years—indicate the extent to which duties or other customs on articles can be changed without, in the Commission's judgment, resulting in an increase in imports so large as to cause or threaten serious injury to any domestic industry, segment of agriculture, or workers.

In prescribing the task to be performed by the Commission in this respect, the amendments use the language of existing law.

The amendments would do two things: They would require the Commission to make peril-point findings, and would require the President to explain to the Congress his reason for doing so if he goes beyond the peril point on any article.

Mr. President, these amendments are not crippling amendments. They are fortifying amendments. They would fortify the President with the most exact information that could be developed as to where the peril point lies in connection with import duties.

We are giving the President, under the pending bill, unprecedented power, the greatest power any President has ever had in connection with trade agreements or in negotiating tariffs, import duties, and so forth. So he should have—he is entitled to have—the best possible advice in the establishment of these levels.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUSH. I hope the Senate will support the amendments.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senators from Rhode Island, Oklahoma, Louisiana, and other Senators, who have indicated their position against the amendments now pending before the Senate.

I call the attention of the Senate to the position of the administration outlined on page 1890 of the hearings expressing the reasons why the amendments are undesirable and unnecessary:

> This amendment would again impose on the Tariff Commission the responsibility given it by the 1951 act of fixing, for each article under consideration for a possible tariff concession, the exact "peril point" below which tariffs could not safely be reduced.
>
> This cannot realistically be done. To fix exact peril points on the basis of unpredictable future possibilities is an arbitrary process without foundation in sound economic analysis. It is impossible to translate into terms of precise tariff levels the broad variety of factors which may affect the response of domestic industries to modified tariffs.
>
> Moreover, reintroduction of the peril-point provision is unnecessary in view of the requirement in section 221(b) which assures that before any tariff concession is granted the Tariff Commission must have the opportunity to provide to the President in a meaningful way its advice as to the probable economic effect of the proposed concession. This will leave the Tariff Commission free to render the most meaningful and intelligible advice possible, unrestricted by artificial and unworkable statutory criteria. In addition, the President would have to take into account the views of interested persons presented at public hearings held by the Tariff Commission, as well as information and advice given to him by various Government agencies. All of these procedures are designed to insure that the President's decision to modify duties will be based upon the most thorough and rational consideration of the consequences of such action as is possible.
>
> The injury criteria under the proposed peril point would parallel those under the proposed escape clause. See paragraph 4 of comments on amendments 18 through 32.

Mr. President, I hope the Senate will defeat the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Connecticut [Mr. Bush] for himself and other Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Michigan [Mr. Hart], the Senator from Florida [Mr. Holland], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Magnuson], the Senator from Oregon [Mrs. Neuberger], and the Senator from Tennessee [Mr. Gore] are absent on official business.

I further announce that the Senator from New Mexico [Mr. Anderson] and the Senator from Alaska [Mr. Gruening] are necessarily absent.

On this vote, the Senator from Tennessee [Mr. Gore] is paired with the Senator from Colorado [Mr. Allott]. If present and voting, the Senator from Tennessee would vote "nay," and the Senator from Colorado would vote "yea."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from South Dakota [Mr. Bottum]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from South Dakota would vote "yea."

On this vote, the Senator from Michigan [Mr. Hart] is paired with the Senator from Texas [Mr. Tower]. If present and voting the Senator from Michigan would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Florida [Mr. Holland] is paired with the Senator from Indiana [Mr. Capehart]. If present and voting, the Senator from Florida would vote "nay," and the Senator from Indiana would vote "yea."

On this vote, the Senator from Minnesota [Mr. Humphrey] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from New Hampshire would vote "yea."

On this vote, the Senator from Washington [Mr. Magnuson] is paired with the Senator from Nevada [Mr. Cannon]. If present and voting, the Senator from Washington would vote "nay," and the Senator from Nevada would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from Maryland [Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from New Jersey [Mr. Case], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State convention as required by Texas law.

If present and voting, the Senator from New York [Mr. Keating] would vote "yea."

On this vote, the Senator from Colorado [Mr. Allott] is paired with the Senator from Tennessee [Mr. Gore]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Tennessee would vote "nay."

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from Florida [Mr. Holland]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from Minnesota [Mr. Humphrey]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Minnesota would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Michigan [Mr. Hart]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Michigan would vote "nay."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Oregon would vote "nay."

Mr. DODD (after having voted in the affirmative). On this vote I have a pair with the Senator from New Mexico [Mr. Anderson]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The result was announced—yeas 38, nays 40, as follows:

[No. 258 Leg.]

YEAS—38

Aiken
Beall
Bennett
Bible
Boggs
Bush
Byrd, Va.
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Eastland
Ervin
Fong
Goldwater
Hickenlooper
Johnston
Jordan, Idaho
Kuchel
Lausche
McClellan
Miller
Mundt
Pearson
Prouty
Robertson
Russell
Saltonstall
Scott
Smith, Maine
Stennis
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NAYS—40

Bartlett
Burdick
Byrd, W. Va.
Carroll
Chavez
Clark
Douglas
Ellender
Engle
Hartke
Hayden
Hickey
Hill
Jackson
Jordan, N.C.
Kefauver
Kerr
Long, Mo.
Long, Hawaii
Long, La.
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Smathers
Smith, Mass.
Sparkman
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—22

Allott
Anderson
Bottum
Butler
Cannon
Capehart
Case
Dodd
Fulbright
Gore
Gruening
Hart
Holland
Hruska
Humphrey
Javits
Keating
Magnuson
Morton
Murphy
Neuberger
Tower

So Mr. Bush's amendments were rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendments were rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the motion to reconsider the vote by which the so-called Bush amendments were rejected. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. What is the question now before the Senate?

The PRESIDING OFFICER. The question is on the motion to table the motion to reconsider the vote by which the Bush amendments were rejected.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Michigan [Mr. Hart], the Senator from Florida [Mr. Holland], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Magnuson], the Senator from Oregon [Mrs. Neuberger], and the Senator from Tennessee [Mr. Gore] are absent on official business.

I further announce that the Senator from New Mexico [Mr. Anderson] and the Senator from Alaska [Mr. Gruening] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson] would vote "yea."

On this vote, the Senator from Tennessee [Mr. Gore] is paired with the Senator from Colorado [Mr. Allott]. If present and voting, the Senator from Tennessee would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from South Dakota [Mr. Bottum]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Michigan [Mr. Hart] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Michigan would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Florida [Mr. Holland] is paired with the Senator from Indiana [Mr. Capehart]. If present and voting, the Senator from Florida would vote "yea," and the Senator from Indiana would vote "nay."

On this vote, the Senator from Minnesota [Mr. Humphrey] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting the Senator from Minnesota would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from New Hampshire would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from Maryland [Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from New Jersey [Mr. Case], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton] and the Senator from New Hampshire [Mr. Murphy] are necessarily absent. If present and voting, the Senator from New York [Mr. Keating] would vote "nay."

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State convention as required by Texas law.

On this vote, the Senator from Colorado [Mr. Allott] is paired with the Senator from Tennessee [Mr. Gore]. If present and voting, the Senator from Colorado would vote "nay," and the Senator from Tennessee would vote "yea."

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from South Dakota would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from Florida [Mr. Holland]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Florida would vote "yea."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from Minnesota [Mr. Humphrey]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Minnesota would vote "yea."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Michigan [Mr. Hart]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Michigan would vote "yea."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from Oregon would vote "yea."

The result was announced—yeas 40, nays 39, as follows:

[No. 259 Leg.]

YEAS—40

Bartlett
Burdick
Byrd, W. Va.
Carroll
Chavez
Clark
Douglas
Ellender
Engle
Hartke
Hayden
Hickey
Hill
Jackson
Jordan, N.C.
Kefauver
Kerr
Long, Mo.
Long, Hawaii
Long, La.
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Smathers
Smith, Mass.
Sparkman
Symington
Williams, N.J.
Yarborough
Young, Ohio

NAYS—39

Aiken
Beall
Bennett
Bible
Boggs
Bush
Byrd, Va.
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Eastland
Ervin
Fong
Goldwater
Hickenlooper
Johnston
Jordan, Idaho
Kuchel
Lausche
McClellan
Miller
Mundt
Pearson
Prouty
Robertson
Russell
Saltonstall
Scott
Smith, Maine
Stennis
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NOT VOTING—21

Allott
Anderson
Bottum
Butler
Cannon
Capehart
Case
Fulbright
Gore
Gruening
Hart
Holland
Hruska
Humphrey
Javits
Keating
Magnuson
Morton
Murphy
Neuberger
Tower

So Mr. Mansfield's motion to table the motion to reconsider the vote by which Mr. Bush's amendments were rejected was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CURTIS. Mr. President, I call up my amendment identified as "9-17-62—O."

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 20, strike out lines 4 through 13, and insert in lieu thereof the following:

Sec. 243. Legislative Branch Committee of the Trade Expansion Act of 1962.

(a) The Speaker of the House of Representatives shall select three members (not more than two of the same political party) of the Committee on Ways and Means, two of whom shall be selected on recommendation of the chairman of said committee and the other on recommendation of the ranking minority member of said committee, and the President of the Senate shall select three members (not more than two of the same political party) of the Committee on Finance, two of whom shall be selected on recommendation of the chairman of said committee and the other on recommendation of the ranking minority member of said committee, as members of the Legislative Branch Committee of the Trade Expansion Act of 1962 for the session of the Congress during which such selections are made.

(b) Members of the Legislative Branch Committee of the Trade Expansion Act of 1962 shall be accredited observers of any United States delegation to all negotiations under this title.

(c) If a majority of the Legislative Branch Committee of the Trade Expansion Act of 1962 shall disapprove any trade agreement to be entered into under this title, they shall promptly notify the President, the Speaker of the House of Representatives, and the President of the Senate of their disapproval.

(d) (1) No trade agreement entered into under this title, with respect to which the Legislative Branch Committee of the Trade Expansion Act of 1962 has signified its disapproval in accordance with subsection (c), shall, notwithstanding any other provision of law, take effect until the expiration of the first period of sixty calendar days, of continuous sessions of the Congress, following the date on which a copy of such agreement is transmitted to the Congress under section 226; and then only if, between the date of transmittal and the expiration of such sixty-day period, there has not been passed by either of the two Houses of Congress, by the affirmative vote of a majority of the authorized membership of that House, a resolution stating in substance that such House does not favor such agreement.

(2) For the purposes of paragraph (1)—

(A) continuity of session shall be considered broken only by an adjournment of the Congress sine die, but

(B) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

Sec. 244. Rules Governing Congressional Consideration of Disapproval Resolutions

(a) The following subsections of this section are enacted by the Congress:

(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) As used in this section, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the   does not favor the trade agreement, entitled   , submitted by the President to the Congress on   , 19   , pursuant to section 226 of the Trade Expansion Act of 1962.", the blank spaces being appropriately filled; and does not include a resolution which specifies more than one foreign trade agreement.

(c) A resolution shall be referred to the Committee on Finance of the Senate or to the Committee on Ways and Means of the House of Representatives by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) (1) If the committee to which has been referred a resolution has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to the same subject matter which has been referred to the committee.

(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same subject matter), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same subject matter.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) (1) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution, and all motions to proceed to the consideration of other business, shall be decided without debate.

(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

Mr. CURTIS. Mr. President, for the information of Senators, I do not anticipate a long discussion of my proposal. It is my intention to ask for a yea-and-nay vote on it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I am delighted to yield.

Mr. MANSFIELD. On the basis of the Senator's statement that he will ask for a yea-and-nay vote and that he does not anticipate spending very much time on this particular amendment, I wonder if he would be amenable to the idea of a time limitation being imposed on this amendment.

Mr. CURTIS. Ten minutes would be sufficient for me.

Mr. MANSFIELD. I ask unanimous consent that 30 minutes be allowed on the amendment, with 15 minutes to each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, the program before the Senate constitutes a delegation of power—power to lower tariffs, power to raise them, power to impose new ones—but it goes beyond the power of previous acts. My proposal would impose some legislative control over the exercise of that power. It is a moderate amendment. It is reasonable. In the past it has been suggested that trade agreements be ratified by the Senate. We are not proposing that. It requires time. It has also been suggested that all trade agreements be voted upon by Congress under a rather quick procedure such as that provided for reorganization plans in the executive branch of the Government. My amendment does not provide for that. It goes a reasonable distance.

The amendment provides for a legislative committee, controlled by the majority party, a committee composed of three members of the Committee on Finance—two majority members and one minority member—and three members of the Committee on Ways and Means of the House—two majority members and one minority member. They would constitute what we have chosen to describe as the Legislative Branch Committee of the Trade Expansion Act of 1962.

On page 2 of the amendment it is provided:

> Members of the Legislative Branch Committee of the Trade Expansion Act of 1962 shall be accredited observers of any United States delegation to all negotiations under this title.

Up to that point it is somewhat like section 243, in the bill which, I understand, has the approval of the executive branch of the Government.

Then on line 14 of page 2, I provide:

> If a majority of the Legislative Branch Committee of the Trade Expansion Act of 1962 shall disapprove any trade agreement to be entered into under this title, they shall promptly notify the President, the Speaker of the House of Representatives, and the President of the Senate of their disapproval.

The Committee would be composed of four Democrats and two Republicans, and a majority vote would be required to disapprove. I am not asking for a Republican proposal. I am asking for a constitutional proposal.

If the Committee disapproved of a trade agreement, it would not become effective for 60 days. During that 60 days the amendment provides, in the usual form of a proposed reorganization of the executive branch, for the appropriate committees of each House—Finance and Ways and Means—to report a resolution. The resolution must be reported, and then the question is, Shall the trade agreement be approved or not approved?

If either House rejects it, the trade agreement does not become final. What I have tried to say is that we are not proposing that all trade agreements shall be ratified by the Senate, as treaties are, although a good case could be made for that procedure. We are not proposing that all trade agreements must be subject to the vote of Congress, although a good case could be made for that procedure. We take the idea already in the bill, of legislative representation in negotiations, as observers only, because in the opinion of the junior Senator from Nebraska, under our Constitution, a Member of Congress cannot negotiate with a foreign country. However, we would have representatives at the negotiations. If a majority of them, which would mean four out of six—and the provision does not give a veto to the minority party—disapproved the agreement, they would notify the President, the President of the Senate, and the Speaker of the House.

Then follows a provision that the agreement must be submitted to Congress for a vote.

May we never become so sophisticated and so modern that we totally disregard the Constitution of the United States. Article I, section 8, reads:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises.

In addition to vast authority to reduce taxes by 50 percent, the bill provides authority——

Mr. HICKENLOOPER. The Senator means tariffs, not taxes, does he not?

Mr. CURTIS. Tariffs are taxes on imports. Actually, if the bill passes, the Government will sustain a loss of half a billion dollars in revenue. The bill provides the President with authority to wipe out tariffs on a long list of items. The Senate has just voted to abandon the peril-point procedure. The bill contains important provisions for the President to set in motion unemployment compensation systems, and a vast delegation of power which belongs to Congress.

I read again from article I, section 8, of the Constitution:

> Congress shall have power to regulate commerce with foreign nations.

I do not say that there are not established precedents for Congress to delegate power to the Executive; but that is always done under certain limitations and safeguards, and such delegation does not surrender all power.

My proposal amounts to creating a committee of six vested with the right to sit in on the negotiations, not to take the place of our negotiators or diplomats; we cannot do that. But we have a right to be present and know what is taking place. As Congress is now constituted, the congressional committee would consist of four Democrats and two Republicans. If a majority of that group decided that a trade agreement was not good for the United States, a procedure then would be set in motion under which, within 60 days, if Congress were in session, a vote would be taken to decide whether Congress approved or disapproved such a trade agreement. I submit that that would constitute a delegation of power with restraints, with guidelines, with knowledge on the part of the legislative branch, and with the legislative branch having the final determination of the use of such power. Without this amendment, there would be nothing.

I shall read some other language in the bill. It will not help to protect industries, but it is a delegation of power. If after damage has been done someone complains, the President would have power to do certain things. The bill contains this language at the top of page 83.

> Notwithstanding any other provision of law, the President may, when he finds it in the national interest, proclaim with respect to any article imported into the United States—
>
> (1) the increase of any existing duty on such article to such rate as he finds necessary.

How high can the President raise a tariff? He can raise it to outer space; not back to Smoot-Hawley; not by 50 percent; not by 100 percent. The language in the bill provides a delegation of power to the President to raise the duty as high as he finds necessary.

> (2) the imposition of a duty on such article (if it is not otherwise subject to duty) at such rate as he finds necessary.

The bill gives the President the power to impose a duty on any item on the free list at any rate he chooses. Our most liberal friends could not say that that is not an appropriate delegation of power, without having the final answer in the hands of those in whom it is vested by the Constitution.

This is the third thing the President could do:

> (3) the imposition of such other import restrictions as he finds necessary.

What are they? Embargoes, quotas, import licenses, currency manipulations, quarantines, and a decision that goods must be delivered within 5 days after they are manufactured. The President would have unlimited power.

I submit that the safeguard I propose is reasonable. It does not give a veto to the minority and will not impede the program. But I believe it will cause the program to conform to the real needs of the economy of this Nation, and also that it will result in a broader adherence to the basic charter which we are all pledged to uphold.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator from Nebraska has a minute and a half remaining.

Mr. CURTIS. I reserve the remainder of my time.

Mr. KERR. Mr. President, will the Senator from Nebraska yield for a question?

Mr. CURTIS. If the Senator will yield me some time.

Mr. KERR. I will yield a minute to the Senator. The Senator spoke about the President having authority to impose higher tariffs, quotas, and so forth. Is that by virtue of the Talmadge amendment, which was adopted by the Committee on Finance? Is that the amendment to which the Senator refers?

Mr. CURTIS. That is what I was referring to.

Mr. KERR. Did the Senator from Nebraska vote against that amendment?

Mr. CURTIS. I did.

Mr. KERR. I thought the Senator from Nebraska was among those who voted for the adoption of the amendment.

Mr. CURTIS. I voted for the amendment. I think the President must be armed with that power; but that does not imply that I believe in a total surrender and abandonment of the constitutional powers of Congress.

Mr. KERR. Mr. President, I yield myself 5 minutes.

I appreciate the action of the Senator from Nebraska in correcting himself and advising the Senate that he voted for the amendment which gives the President that power. That provision was placed in the bill not to weaken it from the standpoint of those who protect domestic industry, but to strengthen it. It was placed in the bill because members of the Committee on Finance thought it would strengthen the hand of the President in his negotiations, and not weaken it.

If the Senator from Nebraska really favors his amendment, he should offer one which not only would defeat the purpose of the bill, but would also set aside all the trade agreements which have been negotiated in the almost 30 years of the history of the Trade Agreements Act.

Mr. CURTIS. Mr. President, will the distinguished Senator from Oklahoma yield?

Mr. KERR. I will yield on the Senator's time; that was the way I had to yield to him.

Mr. CURTIS. I am sorry; I do not have sufficient time.

Mr. KERR. Congress had the full authority for tariff fixing, and still has it, under the Constitution. When the Trade Agreements Act was inaugurated, certain powers were delegated to the President in that regard. The Act provided that he might negotiate with other nations agreements which would benefit and place American industry in a favorable position, in return for which, in connection with items that were either in short supply or that we did not produce, we gave concessions to other nations. Thereby, Congress authorized the President to negotiate what amounted to changed tariff rates.

If Congress wishes to reassume the responsibility for fixing tariffs, it may do so. I recognize that there are great elements in favor of that. But if such were to be the desire of Senators, it should not be accomplished by means of an amendment such as this one, under which there would be the very awkard situation that the President would have authority to negotiate agreements and fix tariff rates, subject to passage by both Houses of Congress and the signature of the legislation by the President, but, on the other hand, under the provisions of this amendment one House of the Congress could veto such a trade agreement.

I cannot imagine a more cumbersome, awkward, and futile type of legislation. Certainly Congress has the responsibility and the authority to fix tariffs; and when Congress decides to return to the exercise of that authority, I am ready to support the posture of the Congress in fixing all tariffs.

But I cannot imagine anything more ridiculous than to send our negotiators to negotiate such agreements with other nations, but to have their hands tied behind them, and to have the representatives of the other nations say, "What is the use of our negotiating an agreement with you, because either House of your Congress can veto it by a simple majority vote." How could Congress expect the President to use such power effectually?

It was for the purpose of giving the President greater power and a better position for negotiation that the Finance Committee adopted the amendment referred to by the Senator from Nebraska—an amendment about which he was complaining, although he voted for it in the Finance Committee.

I remind Senators that under the provisions of this bill, both the House and the Senate are to be represented in the negotiations. If Senators will turn to page 20, line 4, section 243, they will find the following:

> SEC. 243. CONGRESSIONAL DELEGATES TO NEGOTIATIONS.
>
> Before each negotiation under this title, the President shall, upon the recommendation of the Speaker of the House of Representatives, select two members (not of the same political party) of the Committee on Ways and Means, and shall, upon the recommendation of the President of the Senate, select two members (not of the same political party) of the Committee on Finance, who shall be accredited as members of the United States delegation to such negotiation.

The **PRESIDING OFFICER** (Mr. LONG of Missouri in the chair). The time of the Senator from Oklahoma has expired.

Mr. KERR. Mr. President, I yield myself an additional 4 minutes.

The **PRESIDING OFFICER.** The Senator from Oklahoma is recognized for 4 additional minutes.

Mr. KERR. Mr. President, if Congress wishes to have a hand in these negotiations, it can do so; it can appoint two members from the Ways and Means Committee of the House and two members from the Senate Finance Committee, "who shall be accredited as members of the U.S. delegation to such negotiation," and they can play a part in the negotiations and in arriving at the trade agreement, and can do so in a manner which will not embarrass the negotiators for our country and will not strip them of any posture of dignity or authority, but will leave them in such a position that the countries with which they are negotiating will know that when they reach an agreement with the representatives of the United States, including two members of the House Ways and Means Committee and two members of the Senate Finance Committee, it will be a valid conclusion.

But under the amendment of the Senator from Alaska, they would not have a valid solution and conclusion of the agreement, even if the legislative commission which the Senator from Nebraska seeks to have established were present and agreed to it, because under the amendment either House could later veto it. The amendment of the Senator from Nebraska provides:

> As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions—

And so forth. This amendment would rewrite the rules of the Senate and the rules of the House; and even though these representatives were present and engaged in the negotiations and approved them, either group could return to its own House and could there secure the adoption of a resolution, under the terms of this amendment, which would void the agreement which had been reached.

If Congress is to enact a trade bill—and it is my sincere conviction that Congress should do so and will do so—it should do so on the basis of the language before it, and it should not permit that language to be destroyed and should not permit the purposes to be eliminated and voided by means of the adoption of this amendment, which would only cripple, embarrass, create confusion, and defeat the very purposes for which the bill is written and considered.

So, Mr. President, the amendment should be rejected.

Mr. MILLER. Mr. President, will the Senator from Oklahoma yield for a brief question?

Mr. KERR. Mr. President, how much time remains available?

The **PRESIDING OFFICER.** Four and one-half minutes.

Mr. KERR. I yield for a question.

Mr. MILLER. My question is with respect to the congressional delegates, under the bill. Would they be full-fledged members of the delegation who would vote, just like any other members of the negotiating team, in the event of controversy among themselves?

Mr. KERR. Yes.

Mr. MILLER. I thank the Senator from Oklahoma.

Mr. KERR. They will; the bill states, on page 20, that they—

> shall be accredited as members of the U.S. delegation to such negotiation.

Mr. MILLER. I thank the Senator from Oklahoma.

The **PRESIDING OFFICER.** The Senator from Nebraska has 1½ minutes remaining under his control.

Mr. CURTIS. Mr. President, I invite attention to the fact that when I refer to the Talmadge amendment, it is not the only delegation of power. In this bill authority is given to reduce tariffs by 50 percent in general; and the tariff on any commodity, when 80 percent of the world trade is represented in the European free community, can be reduced to zero; and on any tariff that is not as much as 5 percent ad valorem or its equivalent, there can be a reduction to zero.

As the bill now stands, it does not provide for any peril-point procedures. The bill is a vast delegation of congressional authority.

This amendment provides a small measure of supervision.

I point out that the number of nations in the world which require supervision of their trade agreements is greater than the number of those which do not require it.

If this amendment is adopted and enacted, it will mean that six congressional representatives will participate, and four of them will have to disapprove before this action can be taken; in this case, a majority will be two-thirds. In the event they disapprove, Congress will vote on the proposal.

Mr. President, the powers being dealt with are congressional powers, and the Constitution is thus being circumvented.

The **PRESIDING OFFICER.** The time available to the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I ask for a yea-and-nay vote.

Mr. KERR. Mr. President, I yield myself 2 minutes.

The **PRESIDING OFFICER.** The Senator from Oklahoma is recognized for 2 minutes.

Mr. KERR. Mr. President, the distinguished Senator from Nebraska said that under the bill the President has certain authority to reduce tariffs. That is quite true, and that was the question before the Finance Committee when the point was made that since the President had such power, we should strengthen his ability to obtain concessions, by also giving him the power to raise tariffs and impose quotas. The Senator from Nebraska was one of the advocates of such a proposal; and it was on the advocacy of such a proposal by other members of the committee and also by the Senator from Nebraska, and in order to strengthen the hands of the President at the same time, that we voted to give the President the power to reduce tariffs, and to eliminate them under certain circumstances, and also to raise them, and to impose quotas. The Senator from Nebraska said that was necessary and wholesome and constructive, and should be done; and the committee adopted the amendment.

So I am amazed to find now that, on the basis of the amendment which he sponsored in the committee, and the adoption of which he helped to effect, he now proposes that we destroy the bill by permitting one House of the Congress to void any agreement which might be reached under the bill.

Mr. President, I hope the amendment of the Senator from Nebraska will be rejected.

I yield back the remainder of the time under my control.

The **PRESIDING OFFICER**. All remaining time has been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska [Mr. Curtis]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

Mr. **KUCHEL**. Mr. President, has all remaining time been yielded back?

The **PRESIDING OFFICER**. Yes; and the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. **MANSFIELD**. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Hart], the Senator from Florida [Mr. Holland], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Magnuson], the Senator from Oregon [Mrs. Neuberger], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I further announce that the Senator from New Mexico [Mr. Anderson] and the Senator from Alaska [Mr. Gruening] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. Hart], the Senator from Florida [Mr. Holland], the Senator from Alaska [Mr. Gruening], the Senator from Washington [Mr. Magnuson], and the Senator from Virginia [Mr. Robertson] would each vote "nay."

On this vote, the Senator from Tennessee [Mr. Gore] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Tennessee would vote "nay," and the Senator from New Hampshire would vote "yea."

On this vote, the Senator from Minnesota [Mr. Humphrey] is paired with the Senator from Indiana [Mr. Capehart]. If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Indiana would vote "yea."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from Texas would vote "yea."

Mr. **KUCHEL**. I announce that the Senator from Colorado [Mr. Allott] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from Maryland [Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from New Jersey [Mr. Case], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State convention as required by Texas law.

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Colorado [Mr. Allott]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Colorado would vote "nay."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from New York [Mr. Keating]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from Minnesota [Mr. Humphrey]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Minnesota would note "nay."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Tennessee [Mr. Gore]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Oregon would vote "nay."

If present and voting, the Senator from New York [Mr. Javits] would vote "nay."

The result was announced—yeas 13, nays 65, as follows:

[No. 260 Leg.]

YEAS—13

Bennett
Boggs
Cotton
Curtis
Dirksen
Fong
Goldwater
Hickey
Jordan, Idaho
Kuchel
Mundt
Prouty
Thurmond

NAYS—65

Aiken
Beall
Bartlett
Bible
Burdick
Bush
Byrd, Va.
Byrd, W. Va.
Carlson
Carroll
Chavez
Church
Clark
Cooper
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Hartke
Hayden
Hickenlooper
Hill
Jackson
Johnston
Jordan, N.C.
Kefauver
Kerr
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Muskie
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—22

Allott
Anderson
Bottum
Butler
Cannon
Capehart
Case
Fulbright
Gore
Gruening
Hart
Holland
Hruska
Humphrey
Javits
Keating
Magnuson
Morton
Murphy
Neuberger
Robertson
Tower

So Mr. Curtis' amendment was rejected.

Mr. **MANSFIELD**. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. **KERR**. Mr. President, I move to lay that motion on the table.

The **PRESIDING OFFICER**. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. **BARTLETT** obtained the floor.

Mr. **MORSE**. Mr. President, will the Senator from Alaska yield to me?

The **PRESIDING OFFICER** (Mr. Jordan in the chair). Does the Senator from Alaska yield to the Senator from Oregon?

Mr. **BARTLETT**. I yield to the Senator from Oregon.

Mr. **MORSE**. The Senator from Oregon would like to know if the Senator from Alaska is willing to yield long enough for the Senator from Oregon to ask a few questions of the Senator from Virginia [Mr. Byrd] for legislative history on the bill.

Mr. **BARTLETT**. Indeed, yes. I have ample time. I am glad to yield to the Senator from Oregon for that purpose.

Mr. **MORSE**. Mr. President, I wish to say to the Senator from Virginia that I am very much interested in making some legislative history on the bill dealing with that part of the committee report starting at the bottom of page 10 which reads as follows:

> The language in the bill which modifies present law, as it relates to the criteria for determining injury in an escape clause proceeding before the Tariff Commission, is to make perfectly clear that all relevant economic factors shall be considered. In this respect the criteria for determining injury does not differ from present law.

As the Senator knows, the lumber industry in my State is greatly concerned about this bill. I am doing the very best I can to obtain clarification of the bill both in the Senate and from the administration. I shall have a conference later this afternoon with representatives of the administration in regard to the implementation of the proposals made by the President of the United States some weeks ago at a White House conference with representatives of the Pacific Northwest delegations vis-a-vis the critical problem which confronts us in the lumber industry.

It had been my hope that I could arrive at an understanding with the administration concerning the policy that will be followed by the administration in connection with the foreign trade bill, so that I can vote for the bill and not find it necessary to offer lumber amendments to it.

With that as a preface, I say to the Senator from Virginia that it would be very helpful to me if he would be so kind as to oblige me by answering certain questions I shall now put to him for the purpose of making a legislative history on the bill. As the Senator well knows, every word that the Senator from Virginia speaks about the bill in the course of the debate will have great bearing on any subsequent interpretation as to legislative intent and meaning with respect to the bill, whether the issue is raised before a commission such as the Tariff Commission or is later raised in litigation in an adversary proceeding before any judicial tribunal.

With that as a statement of my motivation in asking these questions, I proceed as follows:

Section 301(b) of the bill establishes the procedures whereby a domestic industry can seek relief before the Tariff Commission if it is being injured by the import of competing articles. The bill instructs the Tariff Commission to determine whether as a result in major part of concessions granted under trade agreements, an injury is being caused a domestic industry. In making its determination, the Tariff Commission is instructed to take into account all economic factors which it considers relevant. Section 7 of the present Trade Agreements Extension Act deals with the same subject matter as section 301(b) of the pending bill. The equivalent language of section 7 of the present Trade Agreements Extension Act instructs the Tariff Commission in an escape-clause case to consider "without excluding other factors" certain enumerated economic factors. My first question is this, and I ask this question for the purpose of clearly establishing the intent of Congress in modifying present law, as it relates to the criteria for determining injury in an escape-clause proceeding before the Tariff Commission:

Is it intended that the Tariff Commission shall consider all relevant economic evidence of injury to a domestic industry in an escape-clause case?

Mr. BYRD of Virginia. In answer to the question of the distinguished Senator from Oregon the Senator from Virginia states that certainly the factors enumerated by the Senator from Oregon are relevant factors and I should think that the Tariff Commission would take them into consideration along with others that may be pertinent.

Mr. MORSE. I thank the Senator very much. I proceed to my next question. Pursuing this line of questioning a little further, will the gentleman state whether the enumeration of three specific economic factors in section 301(b)(2) of the bill is intended to exclude any other relevant economic factors from being considered by the Tariff Commission in determining injury to a domestic industry—as for instance, a decline in domestic production or a decline in total wages paid, or an increase in the domestic market supplied by imports, or falling profits of domestic producers?

Mr. BYRD of Virginia. I will say to the Senator from Oregon that it is clear, in the opinion of the Senator from Virginia, that the language in section 301(b)(2) of the pending bill that all relevant economic factors shall be considered by the Tariff Commission including those which the Senator from Oregon enumerated and any others that would assist the Tariff Commission in arriving at a proper decision.

Mr. MORSE. I shall proceed with my next question. I appreciate very much the help of the Senator from Virginia in making the record on this subject. Does the Senator agree with me that insofar as deciding what economic factors shall be considered by the Tariff Commission in determining injury to a domestic industry there is no difference between section 301(b)(2) of the pending bill and section 7 of the present Trade Agreements Extension Act?

Mr. BYRD of Virginia. In the opinion of the Senator from Virginia, the Senator from Oregon has expressed the intention of section 301(b)(2) very well. The Tariff Commission shall consider all relevant economic factors, and in this respect the criteria for determining injury does not differ in any way from present law.

Mr. MORSE. Again I thank the Senator. I now wish to ask my last question. My reason for clarifying this point is well known to the gentleman. As he knows, the President urged in July that the lumber industry file an application before the Tariff Commission for relief from the disastrous impact of rapidly increasing imports of Canadian softwood lumber. I also urged the lumber industry, as did others in this body, to pursue the procedures established by law for obtaining relief from imports. The lumber industry has filed such an application before the Tariff Commission and the Tariff Commission has already sent a questionnaire out to the lumber companies seeking economic information—which questionnaire must be returned by September 28, 1962. I was sure that the Congress did not intend to change the rules right in the middle of this case so as to make it impossible for the lumber industry to have all relevant economic data considered by the Tariff Commission.

Am I correct in my understanding that the rules have not been changed, that is, the Tariff Commission can proceed on the basis of the questionnaire and on the basis of such other evidence as may be presented to it to make its finding in regard to the pending lumber situation?

Mr. BYRD of Virginia. The Senator from Virginia agrees with the Senator from Oregon that it would be unfair to change the rules significantly under the case to which he refers, to be considered, and I can assure him there is no intent in the present bill to preclude consideration of any factors heretofore or hereafter considered relevant.

Mr. MORSE. I thank the Senator from Virginia.

Mr. DOUGLAS. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I shall be happy to yield, but I promised to yield first to the distinguished Senator from Nebraska. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the distinguished Senator.

Mr. President, I invite the attention of Senators to the fact that when the distinguished Senator from Alaska [Mr. BARTLETT] completes the presentation of his amendment and his amendment is considered and acted upon, it will be my purpose to seek recognition to call up for adoption amendment 9–17–62—S, which would strike from the bill provision related to special unemployment compensation and special relief to business, such as loans. I thank the distinguished Senator.

Mr. BARTLETT. I now yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, rollcalls are extremely important to a proper understanding of the political history of the country, and frequently their full significance is not realized until a long time after they have occurred.

I hold in my hand the yea-and-nay vote on the Bush amendments, which failed of passage by so narrow a margin that it has become evident that the amendments were rejected by the small group of Senate liberals who voted against them in accordance with their convictions, despite the fact that they have been exposed for many months to revilement by the Democratic Senate leadership and by bitter attacks in many sections of the press. At the same time some of the Senate Democratic leadership were absent, and numerous others of the Senate Democratic hierarchy voted as usual with the Republicans.

I believe these facts need to be noted for the sake of history. It also seems to indicate that many of us who are ostracized in the Senate by the Democratic leadership and the Democratic staff are really the true defenders of Democratic policies. The whole reality of politics in the Senate needs to be known by the people and by the press. They need to know that the Senate is run by a bipartisan alliance of conservative Republicans and conservative Democrats.

As I said in Milwaukee in a speech in behalf of Governor Nelson, and as I said in 35 speeches throughout Illinois over the weekend, we need more progressive Democrats in the Senate and, in spite of the efforts of the Democratic leadership to defeat progressive Democrats in Illinois and elsewhere, we shall continue in our efforts to present the issues in which we believe before the country and before the people.

Mr. MORSE. Mr. President, will the Senator from Alaska yield so that I may make a comment?

Mr. BARTLETT. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I usually agree with the Senator from Illinois. I could not agree with him more than I do in relation to the comments he just made. I associate myself with those comments. I express the hope that the President of the United States, John Fitzgerald Kennedy, will take note of them.

Mr. DOUGLAS. I hope the country will take note. I do not expect the

Democratic senatorial leadership to take note, because I believe they have set themselves on a determined course. But I hope the country will take note and that we will carry the issue to the people as to what kind of Democratic Party we shall have, and whether the bipartisan alliance will continue to dominate the Senate and the Congress.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. SMATHERS. One nice thing about the practice of the Senate is that any Senator can rise and make a self-serving declaration at any time he wishes to do so. I am happy to observe that the able Senator from Illinois has indulged himself in that particular respect. I do not claim that I am any part of the Senate Democratic leadership. I am sometimes accused of so being, when I vote in favor of certain proposals and many times I have been accused of not being a part of the leadership when I vote contrary to certain Senators. In any event, I, like almost every other Senator, vote my convictions. I believe we all act in the best interests of our State and Nation.

As I look at the results of the yea-and-nay vote to which the Senator from Illinois alluded, I cannot be made completely aware that the so-called liberals won the issue. I see that there is a difference of only 1 vote, 39 to 40. Yet when we look over the result of the yea-and-nay vote, we see that the able Senator from North Carolina [Mr. JORDAN] voted against the Bush amendments. The Senator from Florida voted against the Bush amendments?

The Senator from Louisiana [Mr. ELLENDER] voted against the Bush amendments. The Senators from Alabama voted against the Bush amendments. The Senator from Massachusetts [Mr. SMITH] and the Senator from Rhode Island [Mr. PASTORE] and other Senators, who do not necessarily fall within this little self-appointed liberal group, voted against the Bush amendments. These Senators mentioned come from States where it was difficult for them to vote as they did. They showed great courage and conviction. Therefore, rather than the country having to be notified that the amendments were defeated by a single little group, actually, as is usually the case in a vote of this character, any 1 or 2 of the 40 Senators voting "no" could claim, "We did it," because the vote was that close.

I recognize the right of the able Senator from Illinois to make his assertion. I have no knowledge, and I doubt that anyone else has, that the Democratic leadership wants to do anything but try to cooperate with the so-called self-styled liberal group. It is my belief that the leadership wishes to cooperate and wishes to help these self-named liberals every time and on every program that they bring before the Senate. Sometimes it cannot do so. But I believe the leadership tries in most instances to do so.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. MORSE. I thought I heard the Senator in his first statement assert that the Senate leadership wishes to cooperate with the liberals and his second statement confirms it. I utter a complete denial that there has been any indication on the part of the Democratic leadership for some time past of cooperation with the liberal group in the Senate.

Mr. DOUGLAS. We have indeed been exposed to continuous revilement and denunciation.

Mr. SMATHERS. I am delighted that the Senator from Illinois has an understanding of what certain southern Senators have been going through for all these years. They have been reviled, but they do not get up and complain every time they are reviled. It is so regular and constant with them that they have become accustomed to it. They have learned to take it—their hides have grown thick.

Therefore it is very interesting that the so-called liberals, after receiving light criticism for the first time, are becoming a little sensitive. One distinguishing feature about our party is that it has all kinds of people in it, with all kinds of economic and political philosophies. It has strength in its diversity. That is what has given it strength and that is what will continue to give it strength.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. BARTLETT. Yes, but with the understanding that the floor will be returned to me eventually.

Mr. DOUGLAS. Certainly. I appreciate the comment of the very attractive Senator from Florida. I believe the RECORD will show that the Bush amendments could not have been defeated without the vote of 12 to 15 liberals. A further analysis of the vote will indicate that a great many of those high in the party hierarchy in the Senate were either absent or voted in favor of the Bush amendments.

We of the liberal group intend to continue to vote our consciences. We are not governed by resentment. However, sometimes we are taken for granted, and given very grudging acceptance when we bail out the party leadership, and are subjected to a good deal of punishment on other occasions, and ostracism virtually all the time. This is having an unfortunate effect on the country; and it is important that notice about it should go out to the country.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. MORSE. Does the Senator from Illinois also note that that applies very much to campaign support from the Democratic Senatorial Election Committee when liberals are running for office?

Mr. DOUGLAS. Yes; liberals receive very little support from senatorial headquarters when they run for office. In the State of Illinois, where we are trying to elect a progressive Democrat, the efforts of the senatorial leadership have been to defeat him.

Mr. SMATHERS. The able majority leader is not on the floor at the present time, but I know he would say if he were here that he is deeply grateful to Senators who call themselves liberals and all others who voted against the Bush amendments. He is deeply grateful to Senators from the South, who voted against the Bush amendments. He is also deeply grateful to the Senator from Illinois, the Senator from Oregon, and all the other Senators who voted against the Bush amendments. That was the leadership position and it was pleasant to find so many of us on the same side.

Mr. DOUGLAS. My heart is overflowing with love and understanding, but I am not deeply grateful.

Mr. BARTLETT. I do not know where the Senate has been in the past few minutes.

The PRESIDING OFFICER. Does the Senator desire to call up his amendment?

Mr. BARTLETT. I do.

Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 22, line 2, strike out "or".

On page 22, between lines 5 and 6, insert the following:

(3) engages or tolerates its nationals to engage in practices which are in conflict with recognized conservation principles and tend to defeat efforts by the United States including the respective States to conserve or protect fishery resources, or

(4) takes any action, contrary to the principles of international law, to harass or otherwise interfere with the United States-flag fishing vessels engaged in lawful activities on the high seas.

On page 22, line 10, strike out "or" after the comma.

On page 22, line 13, strike out the period and insert ", or".

On page 22, between lines 13 and 14, insert the following:

(C) take such action to adjust imports of products of such country or instrumentality as he deems necessary.

AMERICAN POLICY IN CUBA

Mr. HARTKE. Mr. President, will the Senator from Alaska yield to me for about 5 minutes?

Mr. BARTLETT. I yield.

Mr. HARTKE. Mr. President, for several weeks the American people have been listening to those who are on the other side of the aisle frantically seeking for some straw which, through magic—known only to themselves, can be turned into a campaign issue.

The oratory has been splendiferous—the flag has been waved vigorously and the voices have been loud—but, unfortunately for their purpose, the words and the logic, have been unconvincing.

The American people, wise in their understanding and mature in their judgment because of their heritage of democracy, recognize the purpose of this shouting and shadow boxing for what it truly is—a desperate search for an issue which can be used in the election campaign that is now upon us.

The issue that is being belabored is American policy in Cuba.

It is a strange fact of history that exactly 60 years ago our Nation was faced with the problem of another power-mad dictator also named Castro who, gripping the people of Venezuela by their throats, forced upon them a rule by corrupt and revolutionary methods.

Theodore Roosevelt, our President at that time, discarded the soft language of diplomacy in describing this Castro—the Venezuelan Castro—as an "unspeakable, villainous little monkey."

Somehow the words evoke a similar image today. One must agree with the sage known as "the Preacher" who, nearly 2,000 years ago, in setting down his thoughts and reflections regarding man and his deeds—in what is called "Ecclesiastes" said: "There is no new thing under the sun."

This power-mad, blood-lusting Castro of 1902 refused to honor his debts and his committments causing three powerful nations, Great Britain, Germany, and Italy to begin a combined naval demonstration off the coast of Venezuela.

President Roosevelt calmly, and from a position of strength, saw to it that the battleships were withdrawn and made the dictator Castro see reason and honor his commitments—not with arms, not with weapons, and not with troops—but through the power based upon his policy of "speak softly and carry a big stick."

Last Thursday afternoon at his press conference, President Kennedy—in measured and reasoned words—counseled watchful restraint.

His unruffled and impressive statement is in keeping with the policy of "speak softly and carry a big stick."

What our Republican friends either have forgotten or purposely ignore are the facts of geography.

Yes, Cuba is only 90 miles from our shores. But remember and mark this well, we are firmly based on the island of Cuba.

At Guantanamo we have an impregnable position, manned by thousands of highly trained and skilled marines armed with the latest weapons. Hugging the shores and on the alert are units of the powerful U.S. fleet, including aircraft carriers.

Yes, Castro is only 90 miles from our shores, but we are in his kitchen—armed with a great big stick and looking straight down his throat.

Mr. President, is not ours a wise and clear-sighted policy? That, first spoken by Theodore Roosevelt—"Speak softly and carry a big stick."

President Kennedy spoke as a statesman—and a student of history.

I am grateful to the Senator for yielding some of his time to me after yielding time to other Senators.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. BARTLETT. Mr. President, before the Senator from Indiana spoke, I was about to say that I did not know exactly where the Senate had been in the few minutes before that. I was about to suggest a cooling off period, since I proposed, in discussing my amendment, to take Senators below the briny surface of the ocean. But before doing so, I am minded to say that following the discussion among the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Minnesota [Mr. MCCARTHY], the Senator from Minnesota, who is a close student of "Alice in Wonderland" and possesses a most retentive memory, suggested that the end result of the discussion might have been long since settled in "Alice in Wonderland." He referred especially to the caucus race recited in that book. Apparently the question was who had won the race. It was finally settled, said the Senator from Minnesota, in the deathless words of the dodo, who said:

> Everybody has won, and all must have prizes.

Mr. President, I turn now to the amendment which I have offered, which is cosponsored by the distinguished senior Senator from Michigan [Mr. MAGNUSON], the chairman of the Committee on Commerce, which has jurisdiction over all measures related to the fishery; and by the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], and the Senator from Texas [Mr. YARBOROUGH]. The purpose of the amendment is to authorize the President to use the trade power given him under the bill for the purpose of conserving our fishery resources. The approach employed by the amendment is direct. It amends section 252(b) of the bill by adding two conditions under which the President may suspend trade concessions granted other nations. The amendment would permit the President after public hearing and within his own discretion to withhold trade concessions if he determines that a country is engaged in practices which tend to defeat our efforts to conserve fishery resources or if he determines a country is taking any action contrary to the principles of international law to harass U.S. fishing vessels on the high seas. In addition, the amendment supplements the present authority given the President under the trade bill by adding the power to adjust imports of products of a country, thereby permitting the use of import quotas or embargoes.

Mr. President, this amendment was submitted and referred to the Committee on Finance 6 weeks ago, giving a full opportunity to assess the merits of the proposal. At the time the amendment was submitted a clear record was made of the need for this amendment. In joining me when offering the amendment the Senator from Washington [Mr. MAGNUSON] stated:

> Surely the United States, which has a deep interest in fisheries and international waters, and which is a country that practices conservation, should have authority to allow the President to do what he can to persuade and influence other nations to do the same, and if necessary, to do it through economic sanctions.

I fully concurred with the Senator from Washington.

At the time the amendment was submitted I pointed out that the United States is an important market for foreign fish products, that we likewise are an important fishing nation. I felt then, as I do now, that it is imperative that we insist upon proper conservation of our fisheries and those international fisheries upon which we rely. We will be judged harshly if we, through inadvertence or for any other reason, give trade incentives and thereby encourage foreign governments to violate sound conservation practices, to overfish areas and stocks of fish and to use fishing gear and techniques contrary to proper conservation.

I pointed out then, and I do so again, that this is not merely an Alaska local problem. It is a serious matter of concern for the entire fishing industry of the Northwest, for the California tuna industry, the gulf coast shrimp industry, and the important fishing industry off the east coast. On numerous occasions my colleagues and I have pointed out with alarm the recent efforts on the part of not only Japan but Russia to accelerate their fishing efforts on the high seas.

The attention of the Senate, of the Nation, and, indeed, of the world, was most forcefully called to this situation only a few months ago by the distinguished junior Senator from Massachusetts [Mr. SMITH], who is now presiding over the Senate, in one of the most logical speeches that it has ever been my privilege to hear.

We would not be alarmed if this effort were directed only at tapping heretofore unharvested resources but such is not the case. Attention was also called to the ineffective efforts by our own State Department to protect our own fishermen from harassment in the Gulf Coast and off Central and South America. Additional instances have been reported this month. At the close of my remarks when introducing this amendment I stated that so long as we do nothing to protect the rights of our fishermen on the high seas, we can only expect further aggression and further oppressive acts against our fishermen from foreign governments.

To avoid possible misjudgments as to the merits of this amendment, the Senator from Washington [Mr. MAGNUSON] and I wrote the Director of the Bureau of the Budget and the Secretary of State advising them of the importance of the proposed amendment and soliciting their favorable consideration. In the letter we pointed out that the amendment is consistent with the purposes of the bill. It would encourage the expansion of foreign trade in fishery products by assuring the conservation of our fishery resources and defending our fishermen on the high seas. If our fishery resources are exploited, foreign trade in fishery products will decline. We warned in the letter that our fishery resources will be devastated by a blind continuation of the sudden and tremendous surge by foreign governments on to the high seas with technologically advanced fishing vessels and gear. As evidence of this rush we cited that the world catch of fish increased 33 percent from 1955 to 1960. Just within the past 10 years Japan has entered the North Pacific to catch salmon on the high seas and has moved into the Bering Sea with factory ships in search of bottom fish. Research scientists have forecast that bottom fish resources in the Bering Sea will be destroyed within 10 years if adequate conservation practices are not followed by all Nations engaged in the harvesting of these rich resources. We will then be faced with the same bleak situation now threatening the bottom fish resources of the North Atlantic. Russia, too, has launched its commercial fishing fleet around the globe searching out the fishery resources off George's Bank, the Bering Sea and into the Gulf of Alaska.

As a dramatic illustration of the deterioration of the U.S. position in world fisheries, attention should be given to a recent report by the Bureau of Commercial Fisheries indicating that the United States held second position only 10 short years ago and, as of 1961, had backed down to fifth position, bowing to the more energetic efforts made by Communist China, Peru, and the Soviet Union. These facts were first called to our attention in this Chamber, so far as I know, by the junior Senator from Massachusetts [Mr. SMITH].

We stated that the amendment is consistent also with the organizational structure provided by the bill, in which wide discretion is given the President to solve these complex and interrelated problems. A broad range of economic responses must be available to the President, so he can tailor the remedy to meet situations involving any particular country at any time in the future.

In summary, we believe it obvious that there is a serious threat to our fishery resources, that the proposed amendment provides an effective answer to the problem, and that there is a direct relationship between fishery resources conservation and trade.

Mr. President, only 2 weeks ago the Department of State informed me that the Finance Committee had been notified that the administration considered the amendment unacceptable. In opposing the amendment the State Department informed me that fishery conservation is unrelated to trade agreements, and that there would be a risk of retaliation against our exports if the amendment were to be adopted. It was also stated that legislation independent of the trade bill was being considered, in order to accomplish the purposes of my amendment.

Mr. President, if my amendment is unacceptable to them, I should like to make it a matter of public record that their position is unacceptable to me. It is a further example of the disregard of the State Department of all our fishery problems.

I am perfectly willing to run the risk of commercial trade concession retaliation in order to conserve our public fishery resources. I presume that the President would use discretion in the exercise of such power. Under Secretary of State Ball testified before the Senate Finance Committee that military, economic, and political pressure had been exercised on other countries, to persuade them to adopt our concepts of commercial trade negotiation. If we are capable of such dedication and international leadership in this area, can we not use trade power to protect in a responsible manner our fishery resources? I believe it may be a matter of priority; and I, for one, place fishery conservation extremely high on my list of national goals.

Mr. President, the difference between fish and so many other products is this: Once fish are gone, they are gone forever, and are lost both to the United States and to all other nations in the world.

On first impression, the response of the State Department may sound genuine. What, it asks, has international trade to do with fishery conservation? My answer is that international trade sanctions have been recognized for years by prior administrations, and even by this administration, and on numerous occasions by Congress, as the only effective means of safeguarding fishery resources. Why? The answer is clear. Fish move in and out of territorial waters and on the high seas. Salmon return to the inland streams to spawn. Conservation practices may be regulated, therefore, only by international agreement; and international agreements, like other agreements, can be secured and enforced only when adequate sanctions are available. Traditionally, trade sanctions have proved most acceptable and effective. This is a valid and traditional use of trade power. I call attention specifically to trade sanctions found in our legislation protecting our halibut resources.

Mr. President, I stated that the present administration has recognized that trade sanctions are required in order to protect fishery resources. I refer to the legislation, introduced in the 87th Congress, at the request of the State Department, to amend and strengthen the regulation of tuna on the high seas.

On September 14, 1 year ago, the Secretary of State wrote the Senate, requesting an amendment to the Tuna Convention. Sounding as if he represented Alaska himself, Secretary Rusk called for urgent action on his legislative proposal, so as to discharge the U.S. "general responsibility to the international community to follow sound conservation practices with respect to high seas resources." I shall not quarrel with that. I ask only that we do it. The letter from the Secretary of State included a draft of a bill which, among other things, provides:

> That upon the promulgation of any such regulation and upon notification thereof, the Secretary of the Treasury shall promulgate regulations to limit or prohibit the entry into the United States, * * * of fish of species covered by the convention and taken from convention waters. Any such regulations to limit or prohibit the entry of such fish shall require the concurrence of the Secretary of State.

So we find that 1 year ago the Secretary of State proposed the use of trade sanctions, under his close supervision, to conserve tuna resources found and taken primarily in tropical Pacific waters. Japan is the world's exporter of tuna. This administration, as well as others, has recognized the necessity of assuring fishery conservation through the use of trade sanctions.

Mr. President, I also call attention to the numerous bills, which I and other Senators have sponsored, which would place a restriction on the importation of fishery products from countries which violate salmon conservation efforts in the North Pacific.

When I first came to the Senate, I introduced an Alaska salmon bill which in substance would do for Bristol Bay salmon what my present amendment would do for all fishery resources. That was in the 86th Congress. Hearings were held by me and by other Senators in Alaska and elsewhere. On May 6, 1959, the State Department wrote the Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce, expressing opposition to the bill, and giving five reasons why the bill would be ineffective, inappropriate, and, in fact, would endanger the free world's stake in the Pacific. The Department concluded that "overall U.S. interests will be served by continued discussion of the problem"; of course, the Department added "through appropriate channels." The Senate committee continued to discuss the matter, and attempted without success to locate "the appropriate channels." I may add, Mr. President, that the Federal Trade Commission replied, in its report on the same bill, as follows:

> It does not appear that there is any useful comment which we can furnish.

I commend this for the consideration of other agencies and departments as possibly an appropriate response in regard to similar legislation.

My bill died at the close of the 86th Congress. Upon the convening of the 87th Congress, the Senator from Washington [Mr. MAGNUSON] introduced a similar bill to protect the North Pacific salmon. Companion bills were again introduced in the House. Last week, near the close of another Congress, after another 2 years of discussion of the problem through appropriate channels in the State Department, another Department report on the bill was filed. The situation has changed. The Department does not now oppose the bill because of the previously alleged disastrous effect on the free world's position in the Far East, but the Department opposes it now because it argues that the U.S. position at the bargaining table would be gravely weakened by the enactment of the bill, because the Japanese took fewer salmon last year than they took earlier, because the Bristol Bay salmon are only a small part of the total Pacific salmon run, and because Japan is a friend.

The State Department position was directly refuted by the Director of the Bureau of Commercial Fisheries in his testimony before the House committee on the same bill the following day. He testified that the availability of trade sanctions strengthened the position of the United States in international negotiations to protect our fishery resources. The Director stated:

> We believe that it need not hurt or harm our trade relations with Japan or any other country, that it simply insists that other countries carry our conservation programs with somewhat the same degree of thoroughness that we do. We believe it will be an effective tool for the United States.

In answer to a direct question as to whether having the power to employ trade sanctions would hinder negotiations, the Director stated the Department of the Interior felt that having this trade power would actually strengthen its position. In answer to a question, he said there have been other precedents for the use of trade power to enforce fishery conservation.

During the testimony the Director of the Bureau of Commercial Fisheries clearly explained the impact of Japanese fishing in the North Pacific on our salmon conservation efforts and flatly stated that no effective regulatory conservation program for Bristol Bay salmon was possible under the present conditions. The Director was also able to point out how the Japanese catch of Bristol Bay salmon had increased during recent years, starting from nothing 10 years ago, rather than the picture being that it has decreased in recent years, as suggested by the State Department witness the day before. He pointed out that the Bristol Bay red salmon run is the largest in the world and alone accounts for 10 percent of the total North American salmon run.

Let us make no mistake about the importance of the Bristol Bay fishery. There is a heavy plant investment. Thousands are employed annually in the fishery, in the plants ashore and in fishing. Over the years the aggregate commercial value of the pack has been close to a billion and a half dollars.

I mention these details as evidence of what I consider to be a general pattern of disregard by the Department of State for our fishery resources. I know they are loyal; I know there are among their numbers some who consider fishery resources as a top priority. I know also that the State Department is often criticized for local consumption only. But these facts should not shield them. When asked to support my amendment to the trade bill, they answer it is not germane, while the facts are that foreign trade sanctions have been the traditional means by which fishery conservation agreements have been enforced and our fishery conservation efforts furthered. The State Department asked for additional time for study, while, in fact, legislation has been introduced and has died in more than one Congress awaiting an affirmative solution or response from the State Department. The State Department said that separate legislation was being considered to accomplish the purposes of my amendment, and yet when confronted 10 days later with separate legislation, similar to that which I introduced 3½ years ago, which would accomplish the same purpose for our North Pacific salmon, they not only opposed the legislation but inaccurately suggested that the Japanese fishing effort at Bristol Bay has in recent years decreased and argued that the availability of trade sanctions would weaken our position at the bargaining table. The State Department testified that a strong fishing industry is required by Japan and that we must not embarrass our good neighbor and must keep our relationship with Japan free of avoidable irritations. Mr. President, I acknowledge our existing friendship and the rightful place of the Japanese in our line of defense against communism. I would be the last to withhold support of Alaska's Pacific neighbor. But, Mr. President, I do not think it is fair, I do not think it is just, to place upon the Bristol Bay fisherman the burdens of our international commitments to this Nation. If aid is needed, I will support it as I have in the past. If trade is to be expanded, I will applaud it. But, if, unilaterally, Alaskans are expected to stand by and observe quietly the exploitation of fishery resources upon which they depend, I loudly, consistently, and sternly object.

While other important Western fishing nations subsidize their fishing industry as we do our farmers, we not only refuse to support our fishermen but are internationally too shy to even want to possess the authority to employ trade sanctions on a broad base to conserve our fishery resources. This position is indefensible. It is advanced from a position of weakness, refusing assistance or even strength itself, afraid of retaliation, lacking confidence in one's own exercise of power, hoping sympathy and friendliness will prevail. In our affluent society we have surpluses of wheat, stockpiles of zinc, and an excess of little men.

Mr. President, at the hearings on the Alaska salmon bill in the House last week, there was advanced for the first time by the administration, through the Department of the Interior, a constructive proposal to protect the Alaska Bristol Bay salmon. This session of Congress is rapidly closing. For purposes of expediting the full consideration of this subject early next session, a bill will be introduced this week by the Senator from Washington [Mr. MAGNUSON] and me incorporating the revised draft of the bill as suggested by the Interior Department. I was pleased to note that this revision follows the approach of my amendment, in that broad discretion is given to employ a wide range of trade sanctions, rather than requiring an absolute embargo.

I would much rather that legislation of broader scope than that of the bill to be introduced later this week be considered and adopted, because if such a proposal is adopted, it will have impact only on a local problem, serious as it is. I should like to have legislation along the lines suggested by this amendment, which would cover all of our fishermen everywhere. They are entitled to the protection of the U.S. Government.

Mr. SMITH of Massachusetts. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I yield first to the Senator from Ohio. Then I shall gladly yield to the Senator from Massachusetts.

Mr. LAUSCHE. Mr. President, I commend the Senator from Alaska for his very clear presentation of the issues involved in his amendment. He has presented the issues objectively and given both sides of the argument, thus making it possible for Senators who are not intimately familiar with the problem to understand what is involved. I listened with great glee and fascination to the Senator's description of the issues involved in the amendment.

Mr. BARTLETT. I thank the Senator.

Mr. President, I am glad to yield now to the junior Senator from Massachusetts.

Mr. SMITH of Massachusetts. Mr. President, I thank the Senator from Alaska for his remarks this afternoon concerning conservation. There is no doubt that we must pay constant and close attention to the enforcement of our fish conservation agreements in the Atlantic and Pacific Oceans.

This problem is probably most severe in the North Pacific Ocean. As the Senator from Alaska and his west coast colleagues know all too well, there are salmon runs originating in American rivers that could be wiped out in a single season if conservation regulations were to be ignored.

Although the situation on the east coast is not quite that drastic, our North Atlantic fishermen are still faced with some serious conservation problems. Twelve nations now fish in the North Atlantic. They are led by the Soviet Union, which has developed fishing techniques that can sweep an area absolutely clean.

The supplies of fish in the North Atlantic are not unlimited. There are conservation agreements already in effect covering some species between the member nations of the International Committee for North Atlantic Fisheries. I have asked the Bureau of Commercial Fisheries to undertake studies that would permit a similar agreement to be drawn up for whiting. Possible conservation treaties for other species of fish were also discussed at the recent June meeting of this group.

It is clear that more must be done in this area. Last week, the Senator from Washington [Mr. MAGNUSON] presented to the Senate a resolution asking the President to call an international conference to discuss the conservation of fishery resources. This resolution, which was also sponsored by the Senator from Alaska [Mr. BARTLETT], my colleague from Massachusetts [Mr. SALTONSTALL], and myself, represent, I feel, an important step toward giving this problem the worldwide consideration it needs. At a conference of this sort, there would be an opportunity to discuss new conservation programs, not to mention better enforcement for the present agreements. Work could also be done to locate fishing areas and species in advance which could become critical and to prepare agreements to cover those areas.

I feel this is an excellent resolution, and I hope that Congress will give it earliest consideration. I would also like especially at this time to thank the Senator from Alaska [Mr. Bartlett] and the Senator from Washington [Mr. Magnuson] for the constant attention they have paid to the vital problem of conservation. The problem is becoming more critical every passing day. I thank the Senator from Alaska for yielding to me.

Mr. BARTLETT. Mr. President, I note that the chairman of the committee, the senior Senator from Washington [Mr. Magnuson] has now entered the Chamber.

Those of us who serve in the Senate and in the House of Representatives, and who are concerned about the problem, who recognize its quite considerable importance, who feel that if something effective is not done the fish population will be destroyed, who see the demand growing worse, and who are, perhaps I say immodestly, in the forefront of the effort, even if we have not been too successful in it, will miss the presence of the junior Senator from Massachusetts in the next Congress. He has been a leader in this endeavor. He has been a tower of strength. He not only knows what needs to be done, but also wants to do something about the problem. I know I speak not only for myself, but also for many other Senators, in saying that for this reason and for many other reasons we wish the Senator would be around next year.

Mr. SMITH of Massachusetts. I thank the Senator from Alaska.

I wish to point out one further aspect. We have seen the problem develop in other fields. We know that if steps are not taken in this regard there will be a great loss to the fisheries production of the future.

I thank the Senator from Alaska.

Mr. BARTLETT. I thank the Senator from Massachusetts.

Mr. President, in the light of the legislative situation, in an effort to be entirely realistic, in further consideration of the fact which I noted during my address—that before the week is out the Senator from Washington [Mr. Magnuson] and I will introduce a bill with the amendments suggested by the Department of the Interior—I withdraw my amendment.

Mr. MAGNUSON. Mr. President, I commend the Senator from Alaska and the Senator from Massachusetts on this particular amendment. I see nothing wrong with it. It would merely provide, in effect, that if some nations do not practice conservation on the high seas fisheries the President would have the right, any time he deemed it desirable to do so, under justifiable circumstances, to impose some sort of quota or restriction upon the importation of certain fish products.

If we do not do something like this, in less than two generations, in perhaps 20 years, there will be no fish on the high seas. It is high time we did something about the problem.

I have recently returned from home. In fact, I arrived about an hour ago.

I understand that the purpose of the withdrawal of the amendment is that the subject will be considered in the form of a resolution, which will be considered by the proper committees. I understand the leadership on both sides will be glad to undertake some action on this problem, perhaps before the session adjourns; perhaps by the consideration of another resolution which the Senator from Alaska and I are sponsoring, which would provide that the President immediately, or as soon as possible, initiate an international conference for conservation of the fisheries of the high seas.

The junior Senator from Massachusetts is in the Chamber. As I stated the other day, I am sorry he is leaving us. Today the voters of Massachusetts will decide who will succeed him, or at least who will be the nominee.

I know of no one who would be better qualified to serve on the conference on behalf of the United States than the junior Senator from Massachusetts. I hope the President will consider him in respect to the appointment.

This is a very serious problem. The amendment does not affect the concept of the trade bill one iota, in my opinion. We are merely suggesting that the international fisheries, which have become paramount in importance throughout the world, must be conserved. Someone must practice conservation, or we shall find that the fisheries of the world will soon be completely depleted.

That is what I do not like about the withdrawal of the amendment. I understand the legislative picture. I am hopeful that we can have some cooperation—as I am sure we will—and that we can start to make some move so that there may be an international agreement on the conservation of the fisheries of the high seas. I am sure the Senator from Massachusetts agrees with me in that regard.

Mr. SMITH of Massachusetts. Mr. President, I thank the able Senator from Washington for his very kind remarks. I know that he and the able Senator from Alaska [Mr. Bartlett] will continue in their determined efforts in this particular area. I am sure that in the future we can look forward to great success.

Mr. MAGNUSON. Mr. President, we may have a conservation program with respect to other natural resources, but fisheries is one natural resource that has been a kind of orphan. I agree with the Senator from Oklahoma [Mr. Kerr], the Senator from Montana [Mr. Mansfield], and other Senators that we ought to conserve all of our natural resources. No one has been more devout in his attention to our natural resources than has the Senator from Oklahoma.

Mr. MANSFIELD. The same devotion applies to the Senator from Alaska [Mr. Bartlett], the Senator from Washington [Mr. Magnuson], the Senator from Massachusetts [Mr. Smith], and other Senators who have led the fight for the conservation of our fishery resources.

Mr. BARTLETT. We want the fish to be swimming in the waters in and around our country long after we are gone.

Mr. MAGNUSON. If we do not act promptly and our practices continue as they have been, in the next 15 or 20 years there will be no fish for anyone in the world.

Mr. BARTLETT. Mr. President, reluctantly I withdraw my amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Myer Rashish, of the executive department, be given the privilege of the floor during the discussion of the trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, ever since the close of World War II, this country has cruised easily along the rails of economic prosperity in comparison to the rest of the world. We had productive strength and natural resources unmatched by any other nation. We had gold reserves so vast that we had little need to worry about our world credit position. We captured world markets by default, because only we could supply their demands. There was little need for the Government to take action to protect the dollar or to open the way for our exporters.

In 1962, our situation is considerably altered and much more complex. We are still prosperous, and our productive economy is still in healthy shape. But in comparison to the rest of the world, we are no longer the towering economic colossus that we once were. We have grown, but others, particularly in Europe, have grown more rapidly. Our producers are beginning to feel the pinch of their competition in the world marketplace. Our gold reserves, though still high, have recently dropped so steadily that we are now forced to take a more cautious view of our balance-of-payments deficits.

This is not a signal for alarm and pessimism, but it is a call for realistic and creative action. We no longer live in an age where we can sit by and passively watch our prosperity mount; we must act energetically to promote it. That is the spirit in which the Trade Expansion Act of 1962 is cast, and that is why I earnestly support it.

This bill recognizes and provides for the urgent needs of American workers, farmers, and businessmen if they are to expand, in numbers or even to maintain, their competitive position in the markets of the world. It looks to the growth of our economy in one of its most promising but least tapped areas—export trade. It puts the Communist leaders on notice that the free world countries far from collapsing in internal hostility, can break down the economic barriers that divide them, and as a result shore up their individual strength and their sense of unity.

The Trade Expansion Act is a sign of this country's frank awareness of an acute economic problem, and of our willingness to deal with it constructively. We have demonstrated this before, when we undertook the Marshall plan to revive the crumbled economies of postwar Europe. Now it is our own producers who need help and our own economy that we may boost, through the legislation now before us.

Let me focus briefly on the single greatest trading challenge which Americans face today, which also happens to be an area of some of the greatest trading opportunities which this bill is designed to open up. That is the European Economic Community, or Common Market.

In 1957, six Western European nations—France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg—pledged themselves by treaty to harmonize their economic policies, to seek a supranational political structure, and to establish free trade among themselves.

All these purposes promote the stability of Western Europe and reinforce the strength of the whole free world. But, the last objective—internal free trade—is the one that affects the United States most over the short term. The Common Market countries are now in the process of abolishing all tariffs on trade across their internal borders. At the same time they are adopting common tariff barriers on goods entering from the outside. Just as we Americans possess a free market among our 50 States and our 185 million people, the Europeans are establishing a free market among 6 countries and 170 million people. With the addition of countries like Great Britain and others that have applied for membership, the Common Market is likely to swell to a population of 250 or more and to cover almost all of Western Europe.

Its economy is already booming. Since the EEC's formation, the gross national product of the six members as a whole has grown by about 5 percent per year compared to our own growth of barely 3 percent; their industrial production alone has increased by 7½ percent annually. Current forecasts look to a 50-percent expansion of the Common Market's economy in the next 10 years.

These developments are of vital importance to American export trade. Last year we sold over $3½ billion worth of U.S. products to the six Common Market countries, and almost $6½ billion to Western Europe as a whole; $6½ billion was one-third of our total exports to the whole world, which came to about $20 billion.

We are now faced with the choice of taking action to provide for our producers, access into the vigorous economic expansion of Europe or of standing idly back and watching our European export trade stagnate or even diminish. As internal tariff barriers within Europe are gradually lowered—and they will have disappeared entirely sometime before 1970—U.S. exporters will find it more and more difficult to penetrate the European market. Their European competitors within the Common Market will have the advantage of duty-free treatment throughout the EEC area, while U.S. goods must continue to pay the tariff that the EEC countries will levy on imports from nonmembers.

Here is just one example of the competitive disadvantage that we face: A European distributor looking for a producer of ball and roller bearings would pay no duty if he chose German or French bearings, but he would be charged an 18-percent tariff if he bought bearings from the United States. That is $1,800 on every $10,000 order—$1,800 worth of inducement to do business with our German or French rivals.

The same sort of disadvantage lies in store for our exporters of almost all other industrial products we currently sell to the Common Market. We will pay a tariff while European producers can distribute their goods duty free.

This prospect also applies to our farm products, which totaled over $1 billion in world exports for our Western States as a whole. The Common Market, which is a major outlet for our agricultural exports, has adopted a common agricultural policy that establishes a competitive edge against nonmembers' imports for a variety of products. For some—wheat, feed grains, poultry, pork, and probably rice—a variable levy system will permit frequent adjustments in the Common Market tariffs in order to support commodity prices within the member countries. Fruits and vegetables, which are major exports from Florida, are not presently subject to this variable levy system, but if the Europeans experience difficulties with their price support systems, internal pressure may develop to treat them in this way, too.

These are, very briefly sketched, the facts of our trading relations with the Common Market. To be realistic, we must realize that if we fail to take action, our commercial position in these important European countries is going to become much tighter over the next few years as their preferential tariff arrangements are implemented further and further. The penalty for hobbling this bill with unnecessary restrictions will be to watch the gradual choking of American export industries by tariff disadvantages.

Our entire Nation's economy has a $20 billion stake in exports which we must protect. And in Florida alone, we sold nearly $300 million of our products abroad in 1960. Our fruits and juices and agricultural products are world famous, yet as I mentioned they are threatened with increased tariff levies in the Common Market, one of their best outlets. Our Florida chemical industry exported more than $50 million worth of its goods in 1960. Some of the best markets for U.S. chemicals have been West Germany and the Netherlands, where the tariff disadvantages I described will soon be coming into full force. Paper products and food products industries in my State also rely heavily on exports: I know of one large Florida firm making woodpulp, whose foreign sales recently have been accounting for 40 percent of its entire pulp business.

We here in Washington cannot do these companies' business for them; we cannot insure their success in foreign trade. But what we can do, and what they should expect us to do, is to help remove the official barriers that bar their products from the international marketplace. We can strive to give them access to foreign countries. After that, their own competitive ingenuity must take over, as I am confident that it will.

This bill would unlock that ingenuity. It would help free American enterprise from the artificial restraints that it faces, particularly in the Common Market.

Our representatives have already consulted with the EEC on these tariff problems, and they have said they would be willing to make substantial reductions of their common external tariff rates, provided we offer significant tariff cuts on our side in exchange.

If we can persuade the Common Market to eliminate or nearly eliminate their external tariffs on some of our major exports, this would tend to erase the competitive edge against us that I described earlier. Our exports would be treated on substantially the same tariff footing as European products, and our sales within the Common Market—already $3½ billion—could be expected to expand rapidly in the wake of surging European development. Demand is rising rapidly as affluence invigorates European capitals once again, and this demand must be filled to a considerable extent by imports. Industry is operating at full capacity in Europe, and there is an acute shortage of labor in many areas. As long as American products are not blocked by a tariff, they will naturally flow into this area in greater and greater numbers.

We have powerful reasons for trying to reap this opportunity. Our basic economic problems are in some respects the opposite of those in Europe. Important segments of our industry are functioning at less than their full potential, and instead of a shortage of workers, we have a shortage of jobs. About 4½ million Americans are currently unemployed.

Any increase in our exports creates jobs in our economy that were not there before. An estimated 150,000 new jobs are formed by each extra billion dollars of exports we manage to sell. This admittedly is not a huge dent in our unemployment situation, but when you have 5½ percent of your citizens out of work, every contribution helps. New orders from abroad also help take up the slack in our productive enterprises, and they stimulate our rate of growth, which has been lagging at about 3 percent. Finally, expanded exports are the best tool we have for repairing our balance-of-payments deficit, which last year came to about $2½ billion and threatens to undermine the strength of the dollar as the free world's most important currency—unless we can raise our income from overseas.

This act would give our Government the authority to enter into the major negotiations with the Common Market and with others as are now required to obtain significant concessions from our trading partners all over the world by offering reciprocal concessions in exchange, to take the lead in a gradual dismantling of trade barriers in order to promote broader commerce and closer unity among the nations of the free world.

Unity among the free world nations is now more important than ever before, as the Soviet bear growls with menace to various sections of the world. Mr. Khrushchev has challenged us openly to a contest of trade and economic growth. He is convinced, apparently, that the capitalist world will tear itself apart by economic rivalry among its nations.

Speaking through this bill, we can once more give the lie to his cocky historical predictions. We can demonstrate the spirit of open competition and economic cooperation that prevails in the West. For this bill not only provides for the growth of the American economy; it enables us to take a long step in breaking down the barriers that separate our markets from Europe's. Mr. Khrushchev has only recently laid bare his annoyance at the extraordinary success of the Common Market. The gross national product of the United States and Western Europe combined is twice that of the Sino-Soviet bloc. If we can work together in harnessing this tremendous economic energy, we will not only dwarf the Soviets in their pretensions of the economic supremacy of their system, we also equip ourselves to help insure the independence and prosperity of the entire free world.

Trade is no minor weapon in the competitive struggle we now wage.

The strategy of the Communists today, as you know, is to divide and conquer. They have already attempted to split off the less developed countries by increasing their trade with these nations 210 percent since 1954.

In addition to expanding our trade with the Common Market, we look forward to trade and tariff negotiations with other free world countries—not only our major trading partners like Japan and Canada and other Commonwealth members, but with the less developed nations of Asia, Africa, and Latin America. These countries are in the process of rapid economic expansion; they need the industrial and consumer goods we can supply, and they need the foreign exchange to be earned from sales of their own goods in countries like the United States. Working through the medium of international trade, we help bolster their development and strengthen their resistance to Communist encroachment.

Mr. President, the most absurd charge that has been leveled at this bill is that it is a giveaway, that it is a gesture toward international cooperation taken at the expense of American producers. On the contrary, the Trade Expansion Act is constructed on hard economic realism. It lowers none of our tariffs unilaterally, but looks to negotiating sessions where by tough bargaining the United States obtains the foreign trade concessions we need in return for equivalent concessions on our side. It thus provides realistically for coping with the growing competitive challenge to American export industries, which we can ignore only at our peril. It shows a hardheaded awareness of the economic threat to the entire free world from the commercial infiltration of the Communist bloc. And for the first time in our legislative history, it sets up realistic provisions to assist domestic industries which may be temporarily injured by a trade policy pursued in the overriding interest of the Nation as a whole.

Realism is the keynote of this bill, and let us look at the import problem realistically. In the first place, we import only $15 billion of goods compared to the $20 billion we export. Of the $15 billion that we import, only about $5 billion are actually competitive with American products. The rest are goods that we do not produce here at all, or do not produce in sufficient quantity to meet our needs. So the competitive difficulties created by imports are far less serious than they are often painted, and our volume of competitive imports is vastly outweighed by our export production.

Now let me say a few frank, realistic words about tariff negotiations. When we sit down at a table to try to obtain major tariff concessions from our trading partners, we must offer something in exchange. We do not offer more than we get.

In fact, in recent tariff negotiations the United States has obtained concessions on a greater volume of trade than that on which it has given concessions. But we must be prepared to offer substantial reductions in some of our tariffs in order to get the reciprocal foreign cuts that we urgently need.

In the past, we have said piously that tariff concessions would be made in such a way that no domestic industry would be injured. Such assurances are easily offered, but impossible to uphold. Who can accurately predict what results may flow in the future from a tariff concession? Of course precautions will be taken not to wreak disaster on domestic industries, and with the broad safeguards created in this bill, I am confident that these precautions will be effective. But if we are realistic, we must make provision for assistance to those isolated industries or firms or workers who undergo temporary hardship as a result of increased imports resulting from mutual tariff concessions.

That is the reason why a program of adjustment assistance for firms and workers has been added to the tariff relief available in the past to industries that encounter injury. This assistance—in the form of loan, technical, and limited tax assistance for firms and retraining and adjustment allowances for workers—would be given in a form and amount suited to their particular difficulties, and carefully designed to help a firm or group of workers rehabilitate its own competitive strength and regain its earning power. This is the most constructive, useful form that protection can take, and it is a valuable addition to the tools with which we can relieve cases of import injury.

One final word about the safeguards established in the bill. There has been much talk about the new peril-point provision, which calls for the Tariff Commission to make exhaustive studies of domestic industries whose goods are contemplated for future tariff reductions.

Here again the issue is realism. The old peril-point provision required the Commission to set precise levels below which tariffs could not be reduced without, in its judgment, producing serious injury sometime in the future. This was an impracticable, unavoidably arbitrary exercise. We are fooling ourselves if we think that anybody, however competent, could foresee the future developments in consumer demand, technological improvements, new styling, and the like that determine the health or illness of an industry.

In preparations for the recent tariff negotiations, the Tariff Commission found that for nine articles, the U.S. tariff already was below what it considered to be the peril point. Under existing law this required the automatic instigation of the 6-month maximum escape clause investigation, whether or not the industry involved demanded it. But in this investigation, the same Tariff Commission found that for six of these nine articles, no tariff relief was justified, that is, found that the original fixing of precise peril points had been erroneous.

The Tariff Commission itself has favored the new peril-point provisions as more realistic than the old. Under the new arrangements the scope of the Commission's prenegotiation studies is greatly broadened. The old peril-point provisions meant that the President entered into tariff negotiations armed with no analyses by the Tariff Commission except its suggestions of minimum tariff rates for each item. There was no analysis in depth of the industries themselves or of their possible import difficulties, as the bill before us would provide for. A bare list of suggested numerical points can hardly be said to provide the President or his chief negotiator a very sophisticated knowledge of U.S. industries on which to base his decision as to which tariffs may be reduced. In contrast the Tariff Commission under the new bill will collect and interpret relevant economic data and bring to bear its experience and judgment to produce advice which is meaningful and usable.

Mr. President, I have tried to point out with frankness some of the realities which underly this bill: the very real difficulties faced by American exporters if we cannot obtain adjustments in foreign tariffs, the pressing commercial challenge of the Communists, the need to face up constructively to the problems of those domestic industries or firms that find themselves sensitive to import competition. I believe that this bill addresses itself creatively to all these problems. It does so largely through a delicate balance between, on the one hand, the urgent need to help the millions of American workers, farmers, and businessmen who rely on our export trade and, on the other, our desire not to permanently dislocate other American industries. I hope that the Senate will not disturb this balance with amendments which may help a few of our citizens, but only at the expense of harm to many others.

Mr. President, I offer an amendment, which I send to the desk, and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Florida will be stated.

The Legislative Clerk. On page 63, line 5, after the word "law," it is proposed to strike out the comma and all that follows, through line 10, and insert a period.

Mr. SMATHERS. Mr. President, in explanation, the amendment is a technical corrective amendment which reflects that which the Senate Finance Committee thought it was doing. Upon consultation with some of the technicians, we find that there is language now in the bill, which we seek to have stricken, which would in some major respects change the intent and purpose from that which we sought to accomplish. I have checked with the able chairman of the committee, the Senator from Virginia [Mr. Byrd], the ranking Democrat on the committee, the Senator from Oklahoma [Mr. Kerr], the ranking Republican member of the committee, the able Senator from Delaware [Mr. Williams], the Senator from Nebraska [Mr. Curtis], and other members of the committee, and we all agree that the amendment should be adopted.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. WILLIAMS of Delaware. I urge the adoption of the amendment. If the amendment were not agreed to we are advised that under the interpretation of the present language of the bill an unemployed person in a State could draw all the State unemployment benefits available to him for the maximum time provided in that State, and then he could be given an additional 52 weeks of unemployment compensation. For instance, some States have available 39 weeks of unemployment compensation; without this amendment the man could draw benefits for this 39 weeks and then claim additional compensation for an extra 52 weeks. Surely this was not the intention of the administration. Therefore the amendment should be agreed to.

Mr. SMATHERS. The Senator is correct. We have been so advised by our counsel. The way the language is now drawn, that would be the result.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. Smathers].

The amendment was agreed to.

MISREPRESENTATION BY NEWSPAPERS

Mrs. SMITH of Maine. Mr. President, every public official must expect criticism—and even unfair attacks based upon personal opinions—particularly from newspapers. Fair criticism based upon fact is constructive and good and leads to improvement.

But criticism based upon misrepresentation is negative, destructive, and unworthy of the traditions of journalism. I say this as a former member of the press myself.

And when serious misrepresentations are made in the newspapers they should be corrected by the newspapers—rather than being compounded by a sensitive and defensive attitude of a newspaper covering up the misrepresentations by charging the exposer of the misrepresentations as being unduly sensitive.

It is not merely a matter of defending yourself against serious misrepresentations—but it is also a matter of getting the truth to the people when the newspaper has not given the truth.

Several years ago when serious misrepresentations were made against me by a writer-reporter and a publisher, I sued them for libel. It took me 4½ years to get them to trial—and at the opening of the trial they folded and admitted that the charges they had made were false—they made a full retraction, a public apology and paid damages. What I went through to obtain that correction and the admission of the truth by them was extremely unpleasant. But I felt that it was worth the unpleasantness not just to defend myself but to get the truth to the people.

A less extreme course is to speak up publicly on misrepresentations. It was in that spirit that I set the record straight in a broadcast I made this past Sunday on station WGAN in Portland. I ask unanimous consent to place that broadcast in the Record at this point.

There being no objection, the text of the broadcast was ordered to be printed in the Record, as follows:

> I have been doing this broadcast for May Craig and station WGAN longer than any other person. During that time I have never failed to make the broadcast when it came my time in the rotation among the five members of the Maine congressional delegation.
>
> While I respect the right of any newspaper to have and express its own editorial opinion and its own political preferences, I do believe that a newspaper should base its editorials upon fact rather than misrepresentation and that it should not editorialize in its news columns.
>
> It is in this spirit that I shall use this broadcast to defend myself against the concentrated campaign of the Portland Press Herald, the Portland Evening Express, and the Portland Sunday Telegram—all owned by the same corporation that owns this radio station—their concentrated campaign to hold me up to scorn and ridicule to the people of Maine.
>
> In the short time of 1 week, the editorial pages of these newspapers characterized me as (1) not knowing what it was all about, (2) being asleep at the switch, (3) that the people of Maine did not agree with me, (4) going off the deep end, (5) being egotistical, (6) lacking humility, and (7) that I should be redesignated as Maine's inferior Senator.
>
> The intent of the concentrated campaign was evident in their ridiculing me on the average of once a day for a week—two editorials in the Press Herald against me, two editorials in the Evening Express against me, an observation in the political column in the Sunday Telegram against me, a snide letter topped by a snide headline in the Press Herald against me, and a snide editorializing headline in the Evening Express against me.
>
> They have ridiculed me because I protested against the playing of politics on national defense in the political favoritism of the Kennedy administration in giving defense award information to Democratic Senators far ahead of the official release time set by administrative security.
>
> When I first protested against this type of action a year ago, the White House apologized to me, expressed regret and promised to investigate the unauthorized leakage. When I protested again this year, the Secretary of Defense and the Secretary of the Navy expressed regrets to me and gave assurances that such leakage was in violation of administrative security and that they were doing what they could to stop it.
>
> Yet, the Portland papers seek to hold me up to ridicule for having protested on a leakage system on which the White House, the Secretary of Defense and the Secretary of the Navy have expressed regrets about and consider serious.
>
> The news stories in the Portland papers started off with a misrepresentation that the information leak was given out by the Navy Department. The Secretary of the Navy flatly repudiated this claim—and ultimately, in my search for truth, it was revealed by the United Press International that the news leak came from the White House.
>
> The news stories in the Portland papers ended up with a misrepresentation in a headline stating "Navy Traces N-Sub Tip to White House." This was a headline written by the Portland Press Herald to a news story filed by a United Press International reporter. The UPI reporter writing the story has, in writing, flatly repudiated this misrepresentation by the Portland Press Herald as he has stated that while he found out that the news leak came from the White House—it was not—and I repeat—it was not the Navy that told him. Thus, contrary to the Press Herald headline the Navy did not do the tracing. Orally the UPI reporter identified the source of his information.
>
> There you have it—the Portland papers started the stories with a misrepresentation and ended the stories with a misrepresentation. And in between these misrepresentations they heaped scorn and ridicule upon me.
>
> They sought to characterize me as not knowing what it was all about. Now what is the truth? Well, it is this. I am a member of the Senate Armed Services Committee, which took the first action to make the nuclear submarine involved possible—which acted to authorize the building of the submarine—which studied the matter, held hearings on it and reported the authorization bill to the Senate.
>
> Not only that—but I am a member of the Senate Appropriations Subcommittee on Defense, which took the action to appropriate the funds to build the submarine that the armed services had authorized to be built. In other words, in the Senate as a member of the Armed Services Committee and the Appropriations Committee I worked legislatively getting this submarine from start to finish.
>
> How ridiculous can the Portland papers get when they seek to give the impression that I didn't know what it was all about on the submarine.
>
> Next the Portland papers published statements characterizing me as being asleep at the switch—and implying that I could have gotten the information as soon as the other Senator did if I had just asked for it.
>
> How wrong can they get—for the record shows that I first asked for the award information 2 days before the other Senator made the announcement 3 hours ahead of the release time set by administrative security of the Navy Department and the Defense Department—but that I was turned down by the Navy.
>
> How then was I asleep at the switch when I asked for the information 2 days before the other Senator obtained it.
>
> And more than that—I asked for the information a short time after the other Sena-

tor was given the information by the White House—and again I was refused by the Navy.

In other words, the Kennedy administration refused to give me the award information both before and after it had given the information to the other Senator.

If that is not playing politics on a national defense matter, then I don't know what is. Yet, the Portland papers in their ridicule of me assert that the people of Maine do not agree with my charge that it was playing politics with national defense.

Who is so all-knowing as to be able to read the minds of the nearly 1 million people who reside in Maine?

If there is any display of egotism or lack of humility in this matter, it would seem to be that of the Portland papers in their claim of reading the minds of 1 million residents of Maine.

I would certainly not claim such tremendous mindreading ability as the Portland papers have in their ridicule of me.

Instead I would let the facts speak for themselves and let the people themselves decide whether the Kennedy administration played politics on this matter of national defense when it refused to give me, a Republican Senator, the award information, both before and after it had given it to a Democratic Senator to give him the privilege of making the announcement.

And because I protested against this policy of the Kennedy administration of withholding information from Republican Senators—and in this case, refusing to give it to a Republican Senator on the committees that handled the legislation on the nuclear submarine—because I protested, the Portland papers editorially ridiculed and characterized me as being egotistical and as lacking humility.

As a member of the Senate Armed Services Committee and as a member of the Senate Appropriations Committee, I have accepted the restrictions placed on me about the release of national defense information. In this instance, because I abided by the restrictions in accepting the Navy's refusal to give the information when I requested it—I was penalized for playing the game straight while the White House was giving the information to a Democratic Senator while denying such to me under the administrative security policy.

When that happens, I do not propose to sit by in silence regardless of what the Portland papers may write about me. This sort of playing politics was never practiced under the Eisenhower Republican administration—contrary to the attempt to explain away this matter with a condoning of obvious politics.

The Portland papers concluded their week of ridicule against me with statements on the editorial page of the Press Herald that I should be redesignated as the inferior Senator from Maine instead of the senior Senator from Maine.

I shall not dignify that with any attempted refutation. I will leave it to the people of Maine to pass judgment as to whether I am "inferior" or not. They have passed judgment upon me in many, many elections and their verdicts have been very generous.

I would make only one comment on this phase of the Portland papers' intensified campaign of ridicule against me. The characterization of "inferior" made against me was in the same manner as statements of about a year ago on the editorial page of the Portland Press Herald implying that I was responsible for breaking the heart of a man who did not get a rural carrier appointment and thus responsible for his death. It was charged that I played politics in the matter and caused his death.

The truth was that the man failed to pass the open competitive examination given for the appointment. Not only did he fail on the examination but the appointment selection was made by the Postmaster General without any recommendation from me as I refused to make a recommendation.

Let me make it clear that the Portland Press Herald itself did not make the charges against me on the rural carrier matter. But in exercising its judgment of what letters it would publish and what letters it would not publish—it did choose to publish this letter of false and serious charges against me. In doing so, it went far beyond the limits of propriety, ethics, decency, and fairplay.

A year later it repeated its action in the "inferior" characterization letter and with which it collaborated in the headline it composed as a heading to the letter against me.

The Portland papers are entitled to their opinion of me. But their editorials should be based upon fact—and, in their weeklong campaign of ridicule against me, their news columns started with, and ended with, misrepresentations of the real and pertinent facts in this matter. All of these facts have been meticulously brought to the attention of their Washington correspondent—May Craig—to whom I have granted the courtesy of doing this program for 16 straight years at her request.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 149. An act for the relief of the estate of Gregory J. Kessenich; and

S. 3154. An act to amend Public Law 86-184, an act to provide for the striking of medals in commemoration of the one hundredth anniversary of the admission of West Virginia into the Union as a State.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

The message further announced that the House had agreed to the amendment of the Senate to the amendments of the House to the concurrent resolution (S. Con. Res. 86) favoring the suspension of deportation of certain aliens.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 28, 71, 93, 109, and 113 to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 72, 92, 95, 96, and 116 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 7, 8, and 119 to the bill.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. PELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. CARROLL in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 11, line 3, after the word "studies," it is proposed to insert the following: "(including studies of real wages paid in foreign supplying countries)" and on line 5, after the word "labor" insert the following: ", utilizing to the fullest extent practicable the facilities of United States attachés abroad and other appropriate personnel of the United States."

Mr. PELL. Mr. President, the whole concept of my amendment is permissive. It is designed to place greater emphasis upon the comparison of wages in our own country with those abroad.

The very establishment of this comparison would be in line with our American objective of raising the standard of living, and, hence, wages throughout the world.

And, by emphasizing "real" wages, all fringe benefits such as lodging, meals, transportation, and medical and pension benefits are included.

In securing this information, no further personnel would be needed at home in our Washington bureaucracy. Rather, it would mean that the excellent network of labor attachés and economic offices abroad would be even more fully utilized than is now the case. We now have labor attachés in 58 countries abroad; and in those countries where a labor attaché is not stationed, we could use the services of our embassy's economic officer. To my mind, economic officers and labor attachés abroad are a remarkably well-informed and able group of men.

So, the preparation of these studies could be done within our present framework, calling for no further increase in manpower or budget. Moreover, no larger home bureaucracy would be created, since the information is funneled directly into the Tariff Commission.

Finally, this amendment would mean that this relative wage information would be readily at hand for the Tariff Commission and the President to consider and evaluate it, arriving at their decisions.

I have discussed the amendment with the chairman of the Committee on Finance, and it is my hope that it may be accepted.

Mr. BYRD of Virginia. Mr. President, I have discussed the amendment with the staff of the committee, and I will accept it and take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. PELL].

The amendment was agreed to.

Mr. CURTIS. Mr. President, I call up my amendment identified as "9-17-62—S."

The PRESIDING OFFICER (Mr. PELL in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 41, beginning with line 9, strike out all through line 15 on page 76 (chapters 2 and 3 of title III of the bill, relating to assistance to firms and assistance to workers).

On page 12, line 19, strike out "351, or 352" and insert "311, or 312".

On page 18, lines 18 and 19, strike out "sections 351 and 352" and insert "sections 311 and 312".

On page 19, line 11, strike out "(e)" and insert "(d)".

On page 30, line 15, strike out "351" and insert "311" and strike out "(f)" and insert "(e)".

On page 33, lines 4 and 5, strike out "AND OTHER ADJUSTMENT ASSISTANCE".

On page 33, line 21, strike out "351" and insert "311".

On page 34, strike out lines 1 through 7.

On page 34, line 8, strike out "(3)" and insert "(2)".

On page 35, beginning with line 15, strike out all through line 25 on page 36.

On page 37, line 9, strike out "(d)(1)" and insert "(c)".

On page 37, strike out lines 14 through 21.

On page 37, line 22, strike out "(e)" and insert "(d)".

On page 38, line 4, strike out "(f)" and insert "(e)".

On page 38, strike out lines 21 through 25.

On page 39, line 1, strike out "(g)" and insert "(f)".

On page 39, beginning with line 8, strike out all through line 8 on page 41 and in lieu thereof insert the following:

"After receiving a report from the Tariff Commission containing an affirmative finding under section 301(b) with respect to any industry, the President may provide tariff adjustments for such industry pursuant to section 311 or 312."

On page 76, line 16, strike out "CHAPTER 4" and insert "CHAPTER 2".

On page 76, line 17, strike out "351" and insert "311".

On page 77, line 4, strike out "(e)" and insert "(d)".

On page 78, line 10, strike out "(e)" and insert "(d)".

On page 82, line 4, strike out "352" and insert "312".

On page 82, lines 8, 9, and 15, strike out "351" and insert "311".

On page 83, line 1, strike out "353" and insert "313".

On page 83, beginning with line 13, strike out all through line 15 on page 84.

On page 85, line 17, strike out "and other adjustment assistance".

Mr. CURTIS. Mr. President, I ask unanimous consent, without losing my right to the floor, that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, the amendment calls for striking out the provisions in title III which provide for assistance to workers and assistance to firms who suffer by reason of imports.

Specifically, the amendment would strike the language on page 41, beginning with line 9, through line 15 on page 76, of the bill comprising chapters 2 and 3 of title III of the bill relating to assistance to firms and assistance to workers. These provisions are unjustifiable departures by way of special treatment for firms and workers who may be considered to be affected by the reduction of tariffs.

As to assistance to firms, several dangerous features are involved. The removal of the peril-point provision leaves our industries subject to peril without the escape provisions now provided. Instead, at the whim of a bureaucracy, firms and their workers will be eligible for special assistance.

The decision to grant such assistance is subject to the most general specifications only. To distinguish the firm suffering from the effects of poor management, obsolete equipment, and the wide range of similar factors, from another firm suffering from the effects of a tariff reduction will open a whole new area of administrative discretion.

In any case, very little additional assistance is provided that is not already available under present laws, such as the Area Redevelopment Act, the Manpower Development and Training Act, and the Small Business Act.

But the greater concern with title III of the bill is chapter 3, which provides assistance to workers. This superunemployment compensation program erected on the base of the individual programs of 50 States, can operate only to the detriment of those State progfams. It is merely another of many attempts which have been made over the years to federalize the unemployment compensation system and thus standardize it throughout the country.

The benefits provided are substantially higher than those payable to workers unemployed for all other reasons. Yet those reasons may involve just as deliberate action by the Federal Government, taken in the national interest—changes in defense policy, tax policy, minimum wage legislation, and the like.

In addition, no special treatment is proposed for those in service and trade industries who will lose their jobs because the manufacturer is harmed to the detriment of business in an entire community.

Administrators of State unemployment compensation laws who appeared on the bill pointed out the intolerable situation created by having these superunemployment compensation claimants being handled by the same administrative machinery at the same claim counters.

A factory worker might receive $60 per week for 52 weeks because his employer is found to have been harmed by a tariff reduction. His neighbor, an auto mechanic, might receive only $35 for 26 weeks, though his unemployment is just as surely the result of the tariff reduction.

Mr. President, the proposal before the Senate would mean that if a factory closed because of tariff reduction, the employee would get $60, or perhaps up to $65 for 52 weeks; while an employee in a factory which closed because the Federal Government discontinued a defense contract would receive the amount provided by his State law, which perhaps would be about $35 for 26 weeks, on the average.

Because this superbenefit is expected to be needed for an estimated 18,000 workers a year, it must be recognized as a device to highlight the fact that each State now has an unemployment compensation program tailored to its own economy.

The only reasonable answer to these objectionable features of title III of the bill is to omit this title as unnecessary. Not only is adequate relief already available to both firms and workers, but the new administrative discretion is highly undesirable.

The bill provides for special treatment of workers deemed to be laid off as a result of a tariff concession made in the national interest. If Congress once adopts the principle that the apparent cause of unemployment, rather than the fact of unemployment should be a factor in determining the condition of eligibility, benefit amount or benefit duration, will we not be urged to give special favors for unemployment arising out of other causes? Will it not be just as logical for us to give special consideration to workers who are laid off as a result of other Federal actions in the national interest, such as cancellation of a defense contract for obsolete military hardware? Or for a change in the Federal program of farm price supports? Or a change in tax policy?

Can anyone prove that workers laid off due to tariff concessions are more likely to be out of work for longer periods than other workers unemployed because of automation or technological change? Or because of stiffer competition from other companies in the same line of work—or dozens of other reasons. Anyone thrown out of work for any of these reasons now relies on unemployment compensation in the 50 States for protection against job income loss.

When Congress passed the Manpower Development and Training Act of 1962, it clearly had in mind workers who were laid off due to import competition arising from tariff concessions. This was specifically mentioned in the act, and in the House debates it was referred to repeatedly. However, this new law provides weekly allowances for those taking training for no more than 1 year. Apparently, Congress concluded that retraining allowances for 52 weeks would be adequate, whether the worker had become unemployed due to import competition or to forces and factors occurring within the domestic economy. Consequently, the provision of the bill providing training allowances for an additional half year is uncalled for. It is unfair to most unemployed workers.

The bill provides for weekly cash payments to those who are totally unemployed or those who merely experience a decline in hours worked and in job income in a given week. Such declines will not have to be substantial in order for the individual to qualify. For example, a person who works as much as a 4-day week and who earns less than 75 percent of his previous average earnings including overtime, will be "unemployed" for the purposes of this act, and will receive some adjustment allowance.

Spokesmen for the administration repeatedly have stated that these adjustment allowances to workers are not unemployment compensation. We can readily understand how such statements might be made. A person who works a 4-day workweek and earns, say, 70 percent of his previous average weekly earnings can hardly be judged as unemployed. He certainly would not be regarded as unemployed by the standards of any of the State unemployment compensation programs, nor would he be found unemployed by the standards that Congress has established for Federal employees or for men discharged from the military services. However, any cash payment to such worker for a "week of unemployment" as specified in the bill can only be viewed as unemployment compensation. To describe it in any other terms is to engage in an extremely tortuous exercise in doubletalk.

What family with the breadwinner unemployed and drawing State unemployment compensation alone will be persuaded that the extra "adjustment allowances" received by his neighbor are not compensation for unemployment? The shorter duration and smaller amounts of State unemployment compensation will inevitably arouse workers' resentment. It is unrealistic to believe that such workers will cheerfully accept such obvious discriminations—no matter what language may be employed in describing and labeling the unemployment compensation provided in the bill.

Since there are unemployment compensation programs operating in all 50 of the States, to compensate workers for involuntary job loss, and since there is a national program to pay weekly allowances for those taking retraining, I urge Senators to vote to delete the provisions of the bill which provide for so-called adjustment assistance to workers laid off because of tariff concessions.

Mr. President, these amendments should be adopted. We should delete from the bill the special unemployment compensation provisions. In the first place, they would constitute another major step toward federalizing our unemployment compensation assistance, another step toward destruction of the State systems. The State systems are geared to the local economy, both as to the amounts the unemployed are to receive, the duration of the benefits, and the ability of the local industry to provide jobs.

Mr. President, there is a broader reason why these amendments should be adopted. Suppose a factory were to close because of imports as the result of this act. As the bill now stands, those who thus became unemployed would draw perhaps twice as much, and for twice as long a time, as would the other unemployed persons in the same community. Yet some of those unemployed would be in that situation because they had been providing goods and services to the industry which had to close. Mr. President, we have an obligation to be fair and to treat all our citizens alike and to recognize the needs of all those who are unemployed. The determining factor is their loss of job income, not what caused it.

Mr. BUSH. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I am glad to yield.

Mr. BUSH. Does it not seem to the Senator from Nebraska that title III, which would be deleted by the amendments of the Senator from Nebraska, is a highly discriminatory portion of the bill?

Mr. CURTIS. That is very true.

Mr. BUSH. Because it selects a group of workers, whom the proponents of the bill intend to become disemployed, and states that they are to receive especially favorable treatment because of the excess of imports, whereas those who might be disemployed because of other governmental action, or for any other reason, would receive much less favorable treatment; in fact, they would be ignored, as compared to the treatment provided by this bill.

Those who favor title III, which provides for the so-called adjustment assistance, make the point that the reason why such unemployed persons are entitled to more favorable treatment is that they would be disemployed as a result of governmental action. But I point out that if the Government were to transfer the construction of submarines from the New Hampshire shipyards to the Electric Boat Co. in Connecticut, that action would disemploy many workers in New Hampshire, but would add to employment in Connecticut, and that development would occur because of governmental action. However, under this bill the ones disemployed by imports would receive more favorable treatment than would those who were disemployed in the New Hampshire shipyard.

Mr. CURTIS. That is true.

Mr. BUSH. There is inscribed over the entrance to the Supreme Court Building, across the way—although it is difficult to state, while one stands here, in just what direction from this Chamber that building is located——

Mr. CURTIS. Sometimes I think it is very far from here, in fact.

Mr. BUSH. In fact, sometimes it is difficult to state, while one is in this Chamber, whether outdoors it is raining or whether the sun is shining.

Perhaps we should have a compass, to help us determine just where we are. At any rate, there is inscribed over the entrance to the Supreme Court Building the words, "Equal justice under law." However, title III violates that concept, because it does not purport to give, under this proposed law, equal justice to the workers of our country. In fact, the entire bill is most discriminatory, because it very carefully gives protection to favored, politically powerful groups, but prepares to throw to the wolves, so to speak, groups which have not had sufficient influence to enable them to obtain protection under this bill.

The other day it was stated in an editorial in the New York Times, "Protectionism has had its day." But I am sure that the one who wrote that had not studied this bill, because it is filled with protective devices of one sort or another. The oil industry is given protection, and so is agriculture; and the administration has given protection to the glass industry and to the carpet industry, and so forth; and the textile industry has been given assurances, in order to obtain its support of this measure. So protectionism is not dead; instead, protection is being parceled out on the basis of political favoritism.

In commenting on the amendments of the Senator from Nebraska, I point out that I think that is particularly true under the bill as it now stands. I served 10 years ago on the Randall Commission, and this so-called adjustment arrangement was brought up at that time by my good friend, David MacDonald, of the United Steel Workers, who was on the Commission with us; but we rejected it, because we did not want to abandon the established policy and substitute for it this so-called adjustment assistance.

From my knowledge of the history of this "adjustment assistance" device, I am satisfied that it is the price the administration has paid to the leaders of organized labor for their support of this particular bill. I venture to assert that if the amendments of the Senator from Nebraska were to be adopted, the support of organized labor for the bill would vanish overnight. I do not blame the leaders of organized labor for trying to look out for their own. Other elements in the economy have been looking out for their own, in order to get the necessary protection, so they will be able to avoid the adverse effects of this bill.

Mr. CURTIS. But let me say that the labor leaders do not have a right to connive with the Federal Government to obtain special favors for part of their membership, at the expense of other portions of their membership.

In response to the illustration the distinguished Senator from Connecticut gave, let me say that in one community 1,000 jobs might be lost because of the cancellation of a defense contract, and those workers might belong to a union which also had 1,000 members in another city who lost their jobs because a factory there had to close. So the impact on the two communities would be the same, and the impact upon the individual workers and their household budgets would be the same. Obviously it would not be right or fair—and I am sure that if this issue were ever submitted to the rank and file of organized labor——

Mr. BUSH. And if they understood it——

Mr. CURTIS. Yes, and if they understood it, they would say that all unemployed should be treated alike.

Mr. BUSH. I venture to say that if the pending bill were thoroughly explained to the workers in industrial States and industrial communities that are vulnerable to a very substantial loss of business due to excessive imports by the use of the powers the President would be accorded under the bill, and if they understood the implications of it, they would not want our Government to depart from the "no injury" policy which has characterized our Trade Agreements Acts under Secretary Hull, who was the father of the original act, under President Franklin Roosevelt, under President Truman, and under President Eisenhower. I do not think they would want to see that policy violated if they understood the implications of the bill.

Mr. CURTIS. I agree emphatically with the distinguished Senator. I have the highest respect for the intelligence of the rank and file of our citizens, for the intelligence of the people who work and operate our farms and factories and carry on our businesses. I think the time will come when they will understand what we are doing here today, and they will require of us equal treatment before the law.

There are those who believe in a national unemployment compensation system. They think the benefits ought to be uniform, and that there ought to be longer periods of unemployment compensation and higher rates. If they want that, let them bring that proposal in the front door and let us debate it. But attaching such a provision as a part of a bill to take care of a favored few is not the way to scuttle our State system of unemployment compensation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. WILLIAMS of Delaware. Suppose under this section of the bill 1,000 employees in a certain company were laid off—500 of those employees laid off in a section which could be ruled as having been affected by imports and the other 500 laid off as a result of competitive conditions in our domestic economy. Would not the result of such be that half of the unemployed from that particular plant would be drawing one rate of benefits whereas the other half of the unemployed, who had been working in the same plant and who were members of the same union would be drawing lower benefits because they had lost their jobs as a result of domestic competitive conditions? Is that not correct?

Mr. CURTIS. The Senator is absolutely correct. We are doing here for one class of employees something we did not do for the veterans who may have been in foreign lands 3, 4, or 5 years and who came home and had to make the transition and be oriented and find jobs.

Mr. WILLIAMS of Delaware. Will the Senator yield further?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. Would not the determination as to eligibility for all or a part of the employees for increased benefits under title III largely be made by the Secretary of Labor?

Mr. CURTIS. That is correct; and there are very few guidelines. The bill provides that one does not have to be unemployed; if he were working 4 days a week and earning less than 70 percent of his normal salary, he could draw benefits under the bill, when he could not qualify under our State systems.

Mr. WILLIAMS of Delaware. Will the Senator yield further?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. Does not the bill provide that a group consisting of two or more employees could file a request for such a determination, even though the industry itself claimed it was not injured by imports, and the Secretary of Labor could make such a determination?

Mr. CURTIS. It is my understanding that that is true.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. CURTIS. I yield to the Senator from Connecticut.

Mr. BUSH. Does not the Senator agree with my view of another aspect of that title? I call it a cruel aspect of the provision. Certain sections of this country have been accorded tariff protection for many years. Industries have actually grown up there with the assistance of some tariff protection, the reason being the differential between wage rates paid in this country and those paid abroad. So, in order to protect our people and the standard of living of which we are so proud and which we cherish so much, we have had a measure of protection as a matter of national policy.

This administration is not abandoning that policy, because, as I said a few moments ago, it is being extended here, there, and everywhere, in order to get support for the bill. But what disturbs me about the bill is the human aspect of it. Here are families in a given location, where their fathers and grandfathers have worked for a certain industry or various industries in the area. Now they are told that, by action of their own Government, they are to be disemployed, but that the Government will take care of them by putting them on a dole, by giving them retraining of some sort, for another skill, perhaps, than the one from which they have made a livelihood for perhaps 20, 25, or 30 years; and finally, that the Government will, if needed, or if they so desire, move them to another part of the country—for example, from Connecticut to South Dakota, or somewhere else, where the brassworker's skill has been transferred to that of a gas filling station attendant, but because there is no room for a gas filling station attendant in an area where employment is going down, he will have to go to a distant State, at the expense of the Government, hoping he can find work there.

But the point is—and I wonder if the Senator does not agree with me—that thousands of workers in this type of situation do not want to move. They would rather stay where they have been brought up, where their children are in school, where they belong to churches, where their parents are buried in cemeteries, where they have roots in the ground. By the bill we are saying, which is so cruel, "We do not think that makes any difference. We think you can be put out of work because we want to expand our exports, and the way to do it is to increase our imports and thus put you out of work."

If we are going to adopt the principle of equal justice under law and apply it, as is stated on the Supreme Court Building we intend to do, I would have no objection to this proposal. I would like to see a state of free trade in the world, in which we were all on an equal basis. But the fact is that this administration and its predecessors have been so protectionist-minded that it is an impossibility to think of free trade, because protection has already been given to various segments of our economy and of our social life, in order to drive through this particular trade bill.

I wonder if the Senator does not agree with me that the effect upon such workers is really quite cruel and harsh, and unnecessarily so if we would only stick to the policy of the last 27 years, namely, the "no injury" policy.

Mr. CURTIS. I agree with the Senator. I believe every American worthy of the name, if he is able bodied, would rather be employed than unemployed. I believe that to leave in the bill provision for a Government dole if tariff negotiations put persons out of work is an invitation for the negotiators to destroy businesses. It is an invitation for the negotiators to destroy jobs. It is the quid pro quo in the deal. It is negative and backward looking. It is contrary to the concept of trade legislation heretofore followed, which was an expansion of trade and an increase in jobs.

Mr. BUSH. Mr. President, will the Senator yield further?

Mr. CURTIS. I yield.

Mr. BUSH. A few weeks ago I was riding downtown listening to the radio. In the morning there is, on that particular station, a program called "Opinion, Please." It gives voice to the people. People can call the station and say what they think about any particular issue selected as the issue of the day. This particular day Mr. Martin—I believe that is his name—selected the trade bill as the issue of the day. People were invited to call to say what they thought about the President's trade bill. I am sure that none of them had read it. I do not blame them for that. I doubt if there is a Senator present, not a member of the commitee, who has read it, with the exception of myself. Nevertheless, people were invited to express their opinions.

I was impressed by one particular opinion, by a man who made response to the question, "What do you think of the President's trade bill?" He said, "I am all for it. The reason I am for it is that it is the only way we can ever get wages down in this country. If we pass the trade bill, that is what it will do. And that is a good thing, and I am for it."

Mr. President, I am not for that. I think it is very likely that the bill could have such an effect; and I do not think it is necessary for us to approach the wage level in that way.

That could happen if the President were to use all the power the bill would give him. I do not say that he would use it, but if he should, I am satisfied it would cause a tremendous degree of unemployment. It would be bound to have an effect upon the wage levels in this country, upon which we have prided ourselves, which have meant so much to the development of our high standard of living in this country, and which have brought fullness of life to so many individuals and so many families.

I do not want to see that injured by the proposed legislation. I think it holds out a very definite threat of serious injury in this particular respect.

Mr. CURTIS. I thank the Senator for his contribution.

Before I surrender the floor, I wish to congratulate the Senator, and to express the gratitude of many for the distinguished service which the Senator from Connecticut has rendered on this issue. We are left with a deep sense of disappointment that the Senator is leaving this body. The fight he has made on these amendments, whether he prevails or not, is a distinct service rendered to our country, to its economy, and to people who work.

The Senator is here when the decision is being made to abandon the "no injury" policy and to substitute the dole for jobs as the controlling factor in tariff matters, but the RECORD will forever stand that he was not for it.

I thank the Senator for his help today.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. WILLIAMS of Delaware. I join my colleague from Nebraska in paying respect to the Senator from Connecticut and in expressing regret that he will soon be leaving this body. I have spoken to the Senator privately, but I now say publicly that I have developed great respect not only for his service in the Senate but also, in particular, for the manner in which he has conducted himself after he made the decision. The Senator from Connecticut has taken an active part in the workings of the Senate. Even today he is leading the fight on one of the major proposals before this Congress during this session and as important as any coming before any Congress during his service.

I admire the Senator greatly for the manner in which he is continuing to fight for the principles which he thinks are so important to this country.

Mr. CURTIS. I agree with my distinguished colleague.

The Senator from Connecticut was quite correct in pointing out that by administrative action some industries continue to have protection. For instance, the glass industry was given protection, but not the manufacturers of mirrors. Today mirrors can be imported for less than the mirror manufacturers can buy the glass in this country. That is the situation which results when we have such an operation of our trade laws, instead of proceeding by law and treating everyone equally.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CURTIS. I ask for a vote at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Nebraska.

Mr. KERR. Mr. President, I rise to oppose the amendments offered by the Senator from Nebraska. They would strike out all the provisions of the bill which would provide adjustment assistance both to workers and to industries, and to individual firms in industry.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KERR. I yield to the majority leader.

Mr. MANSFIELD. As I understand the amendments offered by the Senator from Nebraska [Mr. CURTIS], on which I hope a vote will shortly be had, they would delete all of the provisions for adjustment assistance for firms and workers contained in the trade bill now under discussion.

Mr. KERR. That is the statement which the Senator from Oklahoma just made.

Mr. MANSFIELD. I am corroborating what the Senator said.

Mr. CURTIS. Yes.

Mr. MANSFIELD. In other words, if people were hurt as a result of foreign competition there would be no means by which they could find surcease from the effects of what might happen because of cheap foreign products, if the amendments were agreed to.

Mr. KERR. If the amendments offered by the Senator from Nebraska were adopted and the bill passed without the provisions in it which the Senator seeks to strike, the answer to the question by the Senator from Montana would be "Yes."

Mr. MANSFIELD. The Senator has made the point crystal clear.

Mr. KERR. Mr. President, it is somewhat difficult for me to understand why Senators should oppose the bill on the basis that it would do damage to industries, to individual units or collectively, and that it would throw workers out of employment, yet at the same time seek to delete from the bill the provisions whereby industries which were damaged, if they were, or workers made unemployed, if they were, could receive some benefits by reason of that occurrence having taken place.

It is entirely apparent that such Senators cannot have reasoned through their position, unless their sole purpose is to destroy the bill.

I know that the operations of the reciprocal trade program have resulted in some industries suffering from foreign competition and some workers losing their jobs. I contemplate the possibility that such might be the case if the pending bill were passed.

The justification for passage of the bill is the overall benefit which will accrue to our country, the overall help which will be given to our industries, through the finding of a better market in the channels of trade and commerce around the world for American products.

In the fierce competition of today and tomorrow our domestic industries may suffer damage, and some American workers may lose their jobs.

The purpose of the section in the bill which the Senator seeks to delete is to make help available for industries which suffer, if they can show they have suffered, and to make compensation available for workers who might lose their jobs. The compensation would be for a limited period of time. There would be an opportunity for retraining for the displaced workers, if there were any.

Mr. President, since the section is such a vital part of the bill and so absolutely necessary to enable the program to succeed, the amendments offered by the Senator from Nebraska should be rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to say a few words in support of the President's trade bill, and especially in support of the trade adjustment provisions of the bill which are under heavy attack.

I strongly support the President's trade program. I think it is vital to our Nation's continued growth and prosperity. But I see no reason why the few communities, industries or workers who may possibly suffer some adverse effect from the reduction of trade barriers must bear the entire burden. If the interests of the Nation and the interests of our national trade policy cause some injury, the Nation, and therefore the Federal Government have a clear and unmistakable obligation to alleviate that injury and facilitate adjustment to new economic activities.

I am proud to say that as a Member of the House of Representatives from 1954 to 1956, I had the pleasure of joining with President Kennedy, when he was here in the Senate, in originating one of the first legislative measures to incorporate the trade adjustment concept.

I worked long and hard to advance this idea, and it gives me the greatest pleasure to watch its advance to the significant position it occupies in the trade bill now before us.

I earnestly hope the Senate will retain this provision, and reject the substitutes which have been proposed—which in my judgment are ill-conceived and ill-designed—to meet the trade adjustment problem.

It is suggested that we eliminate the carefully drawn trade adjustment provisions of the bill, and stretch two programs—the Area Redevelopment Act and the Manpower Training Act—to meet the need of trade adjustment. To me, this twisting of these programs, which were designed for entirely different purposes, is awkward in the extreme.

For example, the Area Redevelopment Act is designed to help revitalize entire communities suffering from substantial and prolonged unemployment. It carries with it a number of requirements, including planning and financial participation by the States. To make any area in the country a "redevelopment area" whether it suffers substantial unemployment or not, upon the petition of an eligible industry, would do violence to the entire concept of the program, and impose unreasonable restrictions on the affected industries. If these restrictions are to be waived by the Secretary of Commerce at his discretion, we will then have given him a complete blank check, with no congressional guidelines.

The Manpower Training Act is equally unsuited to the needs of workers adversely affected by the trade program.

Under the trade program, worker benefits are related to the individual's former wages. The benefits are intended as a reasonable substitute for his previous job security, until the period of adjustment to new conditions can be completed.

Under the Training Act, the training allowances are equal to the average unemployment insurance payment in the worker's State since only a subsistence wage is intended until the retraining can be completed.

Thus if the trade program is vital to the Nation, and some few industries and workers may suffer as a consequence, then I say the Federal Government has an obligation to help, and in the right way, not with a few miscast palliatives.

And Mr. President, I think this program is vital, for the unmistakable fact is that the Common Market countries of Europe are going to reduce their tariffs among one another to zero, while erecting a common tariff wall to the rest of the world, ourselves included.

If we do not arm ourselves with the strength to negotiate away that wall between the Common Market and the United States, we will have lost an immense market to our American exporters. We simply cannot blink away the fact that in order to get something, we have to give something. And this bill gives the President the trading material he must have if we are to negotiate from strength with the Common Market.

If we fail and this bill is not passed, the result can only be a widening economic division within the Atlantic Alliance, which could well lead to a widening political breach. And I can think of nothing that would suit the aims of the Soviet Union more than that.

Some people say that we cannot compete, that we are being priced out of the world market, but the facts belie the cliche. The fact is that last year, we exported over $20 billion worth of goods, while we imported less than $15 billion. Incidentally, we also sell about $700 million more worth of goods to such a low-wage country as Japan than we buy from her.

Even on the amount that we import, much needs to be said. Too often it is assumed that every dollar of import displaces a dollar's worth of potential production and employment in the United States. But it has been estimated that about 60 percent of our imports are noncompetitive, and thus do not injure our job opportunities. These noncompetitive imports range from coffee and tea to bananas and tin. And of course the handling of these imports, the distribution and sale of them in this country produce jobs, and create new productive demands. For example, the import of coffee stimulates the production in this country of grinding equipment, brewing equipment and many other items necessary to bring the coffee to the American consumer.

Even in the area of competitive imports, American jobs are at stake in the distribution and retailing end. And this competition also benefits the all-too-often-forgotten consumer who benefits greatly from wider variety of selection and better prices.

On the whole, therefore, I think imports are both beneficial and important to the American economy. But there are times when the import of competitive goods turn from their healthy role of keeping our producers on their toes, to an unhealthy and unfair blow to American jobs. And that is the time for the Federal Government to act to minimize the adverse impact and facilitate the transition to new areas of production and service.

Thus, Mr. President, I earnestly hope the Senate will approve both the basic provisions of the bill, and especially the trade adjustment section.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Nebraska [Mr. CURTIS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Florida [Mr. HOLLAND], the Senators from Oregon [Mr. MORSE and Mrs. NEUBERGER], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING] is necessarily absent.

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Colorado [Mr. ALLOTT].

If present and voting, the Senator from Alaska would vote "nay," and the Senator from Colorado would vote "yea."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Michigan would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Oregon [Mrs. NEUBERGER] is paired with the the Senator from New Hampshire [Mr. MURPHY]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from New Hampshire would vote "yea."

I further announce that, if present and voting the Senator from Nevada [Mr. CANNON], the Senator from Florida [Mr. HOLLAND], and the Senator from Georgia [Mr. TALMADGE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent on official business as a U.S. Representative to the General Assembly of the United Nations.

The Senator from South Dakota [Mr. BOTTUM], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent attending the Republican State Convention as required by Texas law.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from South Dakota [Mr. BOTTUM] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from New York [Mr. KEATING]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Michigan [Mr. HART]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Michigan would vote "nay."

On this vote, the Senator from New Hampshire [Mr. MURPHY] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 23, nays 58, as follows:

[No. 261 Leg.]

YEAS—23

Aiken
Beall
Bennett
Boggs
Bush
Byrd, Va.
Carlson
Chavez
Cotton
Curtis
Dirksen
Ervin
Goldwater
Hickenlooper
Jordan, Idaho
Mundt
Pearson
Prouty
Robertson
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NAYS—58

Anderson
Bartlett
Bible
Burdick
Byrd, W. Va.
Carroll
Case,
Church
Clark
Cooper
Dodd
Douglas
Eastland
Ellender
Engle
Fong
Hartke
Hayden
Hickey
Hill
Humphrey
Jackson
Johnston
Jordan, N.C.
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—19

Allott
Bottum
Butler
Cannon
Capehart
Fulbright
Gore
Gruening
Hart
Holland
Hruska
Javits
Keating
Morse
Morton
Murphy
Neuberger
Talmadge
Tower

So Mr. CURTIS' amendments were rejected.

Mr. KERR. Mr. President, I move to reconsider the vote by which the amendments were rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of Virginia. Mr. President, on behalf of myself and the Senator from Delaware [Mr. WILLIAMS], I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 58, strike out line 19 and all that follows through line 2 on page 59 and insert the following:

SEC. 323. WEEKLY AMOUNTS

(a) Subject to the other provisions of this section, the trade readjustment allowance payable to an adversely affected worker who is eligible for unemployment insurance under State law shall be the weekly benefit amount (including allowances for dependents) which would be payable to him pursuant to such State law, but for the provisions of this chapter. The trade readjustment allowance payable to an adversely affected worker who is not eligible for unemployment insurance under State law shall be the weekly benefit amount to which he would have been entitled if he had been eligible for such insurance under the law of the State to which his employment is assigned under regulations prescribed by the Secretary of Labor.

On page 59, line 16, strike out "(c)" and beginning with line 24, strike out all through line 8 on page 60 and on line 9 of page 60 strike out "(d)" and insert "(c)".

On page 60, line 14, strike out "subsection (c) or (e) or to".

On page 60, line 21, strike out "unemployment insurance or the".

On page 61, beginning with line 4, strike out all through line 2 on page 62, and on line 3 of page 62, strike out "(g)" and insert "(d)".

On page 62, lines 9 and 10, strike out "(determined without regard to subsection (c) or (e))".

On page 67, lines 16 and 17, strike out "(determined without regard to section 323 (c) and (e))".

On page 68, line 12, strike out "the average weekly manufacturing wage." and insert "the trade readjustment allowance payable to the worker under section 323(a)."

On page 69, strike out lines 4 through 8.

On page 69, strike out "section 323 (g)" in lines 16 and 21 and insert "section 323(d)".

On page 73, beginning with line 18, strike out all through line 6 on page 75.

On page 75, line 7, strike out "(8)" and insert "(3)"; on line 11 strike out "(9)" and insert "(4)"; on line 13, strike out "(10)" and insert "(5)"; strike out lines 17 through 20 and on line 21 strike out "(12)" and insert "(6)".

On page 76, line 3, strike out "(13)" and insert "(7)" and strike out lines 5 through 15.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. MANSFIELD. I understand that the distinguished chairman of the Committee on Finance is amenable to a limitation of debate on the amendment. I understand also that the distinguished Senator from Nebraska [Mr. CURTIS] has two amendments which, he says, will not require much time, and that he would likewise be agreeable to a limitation on his amendments; and he has so informed me. I also understand that the Senator from Connecticut [Mr. BUSH] has two amendments. Whether or not he would consider a limitation of time on his amendments, I do not know.

Mr. BUSH. I may have three amendments. I am not sure.

Mr. MANSFIELD. Therefore, with the consent of the Senate, I should like to state that it is the intention of the leadership at this time to make a unanimous-consent request. I ask unanimous consent that, on the Byrd amendment, 1 hour of debate may be allowed, to be equally divided, 30 minutes of debate to be controlled by the Senator from Virginia and 30 minutes by the Senator from Montana, the majority leader.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Does that apply only to the pending amendment?

Mr. MANSFIELD. Yes. I wish to state to the Senate, in view of the circumstances which have arisen, and after discussing the question with the chairman of the Committee on Finance, the Senator from Virginia [Mr. BYRD], the minority leader, and other Senators, that there is a possibility—a long possibility—that it may be possible to complete consideration of the bill tonight. So long as a large number of Senators are in attendance, I thought I would take the occasion to make this statement.

Since the Senator from Georgia raised a question concerning the latest unanimous-consent agreement, I now ask unanimous consent that, as to the two amendments to be offered by the Senator from Nebraska [Mr. CURTIS], there be allocated, instead of 10 minutes to a side, as he suggested, one-half hour, or 15 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Is that with respect to each amendment?

Mr. MANSFIELD. Yes; each amendment.

Mr. CURTIS. I have no objection.

Mr. RUSSELL. Mr. President, I contemplate offering an amendment to limit this vast grant or power to 3 years, instead of 5. I hope to have an opportunity to offer it at some time during the consideration of the bill.

Mr. MANSFIELD. That opportunity will be available.

I am making this request now at the suggestion of Senators who have said they propose to offer amendments, but they will have to take their chances as to when the amendments can be called up.

Mr. KERR. Mr. President, has unanimous consent been granted?

Mr. MANSFIELD. I believe it has been granted.

Mr. KERR. I did not think it had been granted.

Mr. MANSFIELD. The requests for unanimous consent apply only to these three amendments; to no others.

Mr. CLARK. Mr. President, I want to be certain that I understand the agreements. Is there to be a limitation of 1 hour on the amendment of the Senator from Virginia [Mr. BYRD]?

Mr. MANSFIELD. That is correct; 30 minutes to a side.

Mr. CLARK. And one-half hour on each of the Curtis amendments, 15 minutes to a side?

Mr. MANSFIELD. The Senator is correct.

Mr. SMATHERS. Mr. President, while the Senate is in such a compromising mood, I wonder if an arrangement might not be made with the Senator from Connecticut [Mr. BUSH], so that we might know when to expect to finish voting on amendments and reach the third reading of the bill.

Mr. MANSFIELD. Whenever the Senator from Connecticut indicates that he wishes to discuss the question, I shall be willing to consider a proposal. For the time being, I think we have done well enough.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. BYRD of Virginia. Mr. President, this amendment deals with the unemployment compensation provisions in the pending Trade Expansion Act of 1962 (H.R. 11970). It amends section 323 of the bill, beginning with line 19 on page 58.

The amendment makes only one primary change in the bill as it stands since the perfecting deletion from the so-called Smathers amendment. Other language in the amendment would be of a conforming nature.

In short, the only prime change in the present bill to be made by this amendment would simply provide that unemployment compensation to be paid under terms of this act would be paid at the rates which prevail in the respective States where the payments are made.

If the amendment is not adopted, those claiming unemployment compensation under this act would be paid almost twice as much as their neighbors who may be out of work for any other reasons.

The amendment does not change the duration over which unemployment compensation would be paid under terms of this bill. It would still be paid for a year, plus 6 months for training—a total of 18 months.

The amendment does not change the provisions under which States would be reimbursed by the Federal Government for unemployment compensation payments made under the terms of the bill.

In other words, under the amendment the Federal Government would pay for unemployment compensation under this act at the rates prevailing in the respective States for a period of up to 18 months including training.

Without the amendment the bill would give a windfall to those who can qualify for unemployment compensation under this act, and to this extent would discriminate against all others.

Under the amendment weekly unemployment benefits for all persons in each

State who are eligible for unemployment compensation would be determined under the same formula without regard to the cause of their unemployment.

The provisions of the bill under which a segment of the unemployed in this country would be paid nearly twice as much as all others are not and cannot be justified.

It is argued that unemployment caused by the bill will be peculiar to the extent that it will result from a national policy and a Federal act.

The same argument could be made with respect to unemployment resulting from the dismissal of Federal employees, or with respect to unemployment resulting from the mustering-out of returning servicemen.

This provision in the bill runs contrary to all Federal and State experience in unemployment compensation. It is based on the fact that people are unemployed; not to the passing cause.

It will be difficult to explain to the worker who is out of work for some domestic reason how he is any less unemployed than his neighbor who may be out of work because of foreign competition.

If we are to establish the precedent of paying federally occasioned unemployment at different and higher rates, then we are starting out on an uncharted sea.

The Department of Labor estimates that there was a measure of unemployment due to the recent increase in the minimum wage. If and when the minimum wage is again raised, will Congress make provision for special benefits for those who are out of work by reason of the action of the Congress in increasing the minimum wage?

No reasonable doubt can exist that Federal tax policy substantially affects employment opportunities and occasions unemployment.

To the extent that unemployment is traceable to changes in Federal tax policy, will Congress make special-benefit provisions for displaced workers?

The Secretary of Labor has estimated that only some 18,000 to 19,000 workers would be eligible each year for the special benefits over the 5-year life of the bill.

This is less than 100,000 workers receiving special privilege as compared with over 30 million unemployed workers, who, on the basis of past experience, will be claiming and receiving benefits under State laws in the like 5-year period.

The fact is that this amendment is required as a means of preserving the degree of State sovereignty in the unemployment insurance compensation system which we have fought so hard to maintain.

Make no mistake. There is a close relationship between the special high benefits in the bill as it stands without the amendment and the recurring proposal to federalize unemployment compensation.

Likewise, with respect to duration, the representative weekly duration of payments applying to more than 80 percent of workers covered under State laws is 26 weeks.

The duration of unemployment compensation payments for those out of work under the bill is 52 weeks. This is the avowed objective of those who would cause the Federal Government to enter the field and induce States to double their duration of payments.

If the benefit provisions of the bill are enacted, they will be consistent with the proposals of those who have continuously tried to federalize the program. And the establishment of these special high benefits in amount and duration for a selected few will be construed as congressional recognition that State benefits are inadequate.

I hope the amendment we have offered will be adopted, and that it will remain a part of the law.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. DIRKSEN. As I understand, either an industry or a worker in an industry may file a petition with the U.S. Tariff Commission, the industry claiming that it has been injured as a result of imports, or the worker claiming that he has become unemployed because of the impact of imports. Is my understanding correct?

Mr. BYRD of Virginia. The Senator is correct.

Mr. DIRKSEN. If the Tariff Commission agreed and made a finding to that effect, the displaced or dislocated worker would then receive, under the bill as reported by the committee, not to exceed 65 percent of the national average wage, which is estimated, as a ceiling, to be $61 a week?

Mr. BYRD of Virginia. The Senator is correct.

Mr. DIRKSEN. Under the bill he could receive that payment for a period of 52 weeks.

Mr. BYRD of Virginia. After he retrained——

Mr. DIRKSEN. I shall come to that point in a moment.

He would receive up to $61 a week for a period of 52 weeks. If he took the retraining course, he would receive the payments for an additional 26 weeks for a total of 78 weeks, at 65 percent of the national average.

Mr. BYRD of Virginia. That is correct.

Mr. DIRKSEN. On the other hand, a worker who lost his job because of domestic reasons—whatever they might be—would be paid under the State formula at the State rates. So there would be a distinction as between the two groups; one would be paid at a much higher rate than the other.

Mr. BYRD of Virginia. The Senator from Illinois is entirely correct.

Mr. DIRKSEN. In addition, the aged would receive an additional 13 weeks of payments, as I understand.

The Senator's amendment provides that the money shall be paid by the Federal Government, as provided in the bill, but also that although the money will be Federal money, it will be paid at the rates which obtain in the respective States; is that correct?

Mr. BYRD of Virginia. That is correct.

Mr. DIRKSEN. So that is what the amendment would do; and, of course, in so doing, it would retain at least that much of the framework of the States' unemployment compensation systems.

Mr. BYRD of Virginia. And it would avoid having two unemployment compensation systems side by side in the same State.

Mr. DIRKSEN. Yes.

Mr. BYRD of Virginia. Both categories would be paid out of the State funds; and then, under this plan, the States would be reimbursed by the Federal Government.

Mr. DIRKSEN. If the provision as reported by the committee were to remain in the bill, it would be a long step in the direction of federalizing the unemployment compensation systems of the various States, would it not?

Mr. BYRD of Virginia. In my opinion, that is correct.

I want it understood that my amendment is a very simple one. It will not strike out title III, on which we voted a short time ago, except to the extent that the amendment will provide for uniform payments to those who are injured or lose their jobs because of imports. The payments to them and the payments to other unemployed persons in the same State would be the same.

Mr. DIRKSEN. And thus the amendment will not set up two classes of beneficiaries, to be paid at entirely different rates, and in some cases with one being paid twice as much as the other.

Mr. BYRD of Virginia. Yes; and, as the Senator from Illinois has stated, the amendment will extend the duration period, as provided by the bill as it now stands; there will be no change in that respect. The only change will be in the weekly payments to the other unemployed persons in the respective States.

Mr. SALTONSTALL. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. LONG of Hawaii in the chair). Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. BYRD of Virginia. I yield.

Mr. SALTONSTALL. This amendment would extend the period for 1 year, and the payments would be made by the Federal Government, but would be made at the State's rate; and, in addition, there would be a retraining period of 26 weeks, which also would be paid for at the same rate?

Mr. BYRD of Virginia. That is correct.

Mr. SALTONSTALL. I thank the Senator from Virginia.

Mr. DIRKSEN. And in each case the money would be Federal money.

Mr. BYRD of Virginia. Yes.

Mr. President, I hope the amendment will be adopted.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Florida [Mr. SMATHERS].

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. SMATHERS. Mr. President, there is no Member of the Senate for whom I have greater affection or higher regard than I have for the very able chairman of the Finance Committee, the senior Senator from Virginia [Mr. BYRD]. I am not accustomed to being on the opposite side from the side he is on, in connection with any issue.

However, in this instance I find myself upon the opposite side. The amendment he now has offered would delete from the bill the amendment which I offered in the committee, and which was adopted.

I, too, believe in States rights. I believe that if an injury done to a worker results from action taken by a State, the State, rather than the Federal Government, should provide the proper compensation.

But when this bill goes into effect, the injury will result from Federal action, from the action of the Federal Government in removing the tariff, thereby allowing the entrance of imports which will result in damage to an industry and in the loss of the jobs of the workers in that industry. In view of the fact that the action would be Federal action, those of us on the committee took the position that the Federal Government should have the responsibility for making the compensation payments due to the worker because he lost his job as a result of action taken by the Federal Government.

I believe that in this instance the Federal Government, acting in what I regard as the overall interest of the Nation—and I recognize that some workers will be injured thereby, but there will be overall benefit to American industry and to the general economy—has the responsibility, under the original concept, to provide funds for proper and necessary compensation. I believe the able chairman of the committee must agree as to that, because in his amendment he provides that the Federal Government shall pay basically a certain amount of money.

So the only argument is whether, once the workers have thus been injured, and inasmuch as they then will have the right to receive Federal funds, the amounts received by the workers shall be those regulated and determined by the States or those determined by action taken under the provisions of the bill. In the bill it is provided that if a worker loses his job because of action by the Federal Government, he then will be entitled to receive unemployment compensation for 52 weeks at a rate of two-thirds of the national average. But if his wage is much lower, he never can receive more unemployment compensation than the amount of pay he would receive if he were employed. So he then would receive two-thirds of his weekly wage. In other words, if he had been paid $75 a week, he would be entitled to unemployment compensation of $50 a week; or if he had been receiving wages a good deal larger than the national average, he would receive unemployment compensation of $61 a week.

I cannot help but believe that in this instance we are following the correct principle when we provide that the Federal Government shall pay unemployment compensation for the injured worker; and I believe we recognize that when an industry has been injured in that way and workers have lost their jobs, the injury is unlike the ordinary injury, inasmuch as the business will be out of business for a long time, and thereby the workers will be deprived of their jobs for a long time. We felt that because of that philosophy, the workers who thus are injured deserve total Federal participation in this particular instance, and are entitled to unemployment compensation even greater than that which a State might have paid them if they had lost their jobs because of ordinary economic conditions.

Mr. McCARTHY. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I shall yield in a moment.

Mr. President, I do not believe it is fair to take the position that a worker in Virginia who has lost his job because of action taken by the Federal Government or a worker in Florida who has lost his job because of action taken by the Federal Government should receive less compensation than workers in Massachusetts or New York or Delaware who have lost their jobs because of action taken by the Federal Government. I do not believe we could logically support an arrangement whereby a worker in Florida who thus had lost his job would be told, "You have lost your job because of imports, and we believe you should receive less unemployment compensation than that received by workers in other States who have lost their jobs because of the same development. Even though you have been adversely affected by the action taken under the provisions of the bill, we favor having you receive smaller amounts of unemployment compensation than the amounts to be received by unemployed workers in Louisiana, New York, or other States." Yet, Mr. President, that would be the result of the amendment of the Senator from Virginia.

It seems to me that both groups should receive the same treatment, because their injury has resulted from the action of the Federal Government in removing the tariff, and because—inasmuch as the tariff would have been removed by the Federal Government—it would have the responsibility for providing compensation; and certainly the compensation should be provided on the same basis to all such workers in the United States.

I am glad to yield now to the Senator from Minnesota.

Mr. McCARTHY. The Senator has established that this is entirely a Federal program and that it would be paid for out of funds of the Federal Government. It is assumed that the reason for the injury is a program under the Trade Act. In every other case in which a Federal program is involved, we do not make a distinction as among the States. The same veterans pensions or benefits are paid in New York as in Florida or California. The same Government salaries are paid. If the amendment were adopted we might establish a precedent under which different persons would get different salaries while working for the same department. Because the cost of living was lower in one State, it might be argued that the postmasters in that State ought to get 75 percent of what they got in a State where the cost of living was higher.

Mr. SMATHERS. And possibly one might argue that a U.S. Senator would be entitled to more money because he came from New York, as compared to one who came from the State of Nevada, for example. But we do not subscribe to such a theory.

Mr. McCARTHY. With respect to Government pensions, Government salaries, and payments for total disability, we provide the same benefits. To adopt the pending amendment would be a departure from a clearly established precedent.

Mr. SMATHERS. I thank the Senator from Minnesota.

Mr. LONG of Louisiana. Mr. President, will the Senator yield me 5 minutes?

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, this Senator believes in States rights and States handling State affairs, and Federal responsibility for Federal purposes. I am opposed to calling upon the States to pay for Federal damages, and this Senator has called upon the Government to pay for damage done the States by the Federal Government.

I am happy to say that I was successful in getting some of our northern colleagues to agree to provide Government pensions for Confederate widows, as well as Yankee war widows. On other occasions I have been successful in righting some of the damage done to the South in the Civil War, because I thought we ought to be in this enterprise together.

In this particular case we are talking about a Federal injury. The Senator from Florida [Mr. SMATHERS] offered an amendment in committee providing that the Federal Government would pay the entire expense, because it is not fair for a State to pay for a Federal injury. The Federal Government should pay for these damages to the exclusion of the States.

How are we going to pay for it? We are going to say, "If you were working and making $75 a week and you lost your job for a long time to come because the Federal Government decided to cut tariffs and put your boss out of business, we will try to help the boss get back in business by giving him reasonable assistance, by way of loans, aid, counseling, and otherwise. We will try to help him get in another business. We will also help the former workers in the company by giving them two-thirds of what they had been making for a period of 1 year, because we know they may be out of work for a long time." Sometimes the only industry in a town may be put out of business, while the overall national economy gets the benefit. So it is not fair for the Nation as a whole to benefit at the expense of a few.

Therefore the majority voted, contrary to our chairman, to keep that provision in the bill, whereby we provide Federal relief for Federal injury, so that, when there was an overall benefit, it would not be so greatly at the expense of a few who would have to suffer.

If this provision is not agreed to, it will mean that, in the State of Alaska, a man will be getting $70 as the Federal payment, because that is the level of the State payment. In Alabama he will be getting $28. Why should anyone from Alabama vote to cut the benefits his people would receive by two-thirds because he happened to be from Alabama and the State of Alabama had not provided as well for this type of injury as some other State had? Why should I not vote for the higher level of Federal protection for the people of Louisiana when the Federal Government is ready and willing to compensate for the Federal injury? All we have to do is let the Government do it.

Therefore, I say the formula is that it is a Federal injury; it is tied to a Federal level of wages; so the payments cannot exceed two-thirds of the national average, nor can they exceed two-thirds of what the individual had been making. The national average is now $93 a week. If a person had been making $150 a week, he could not exceed the national average. He would receive 65 percent of $93, which is $61.

Mr. President, it is a fair proposal that Federal standards be used in paying for Federal injury. We provide private relief bills to compensate Federal injury all the time. If one examines the calendar, he will find more private relief bills than any other kind. This is a relief bill for those the Federal Government chooses to injure in the pursuance of a program in the overall national interest. On the whole, we anticipate an increase in national income as a result of the bill. We anticipate an increase in employment overall. We do not want to do that at the expense of a few and the suffering of an unfairness to a few Americans who will be injured.

I hope the Senate will see fit to retain the provision in the bill.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware. Mr. President, I support the amendment of the Senator from Virginia. Both the Senator from Florida and the Senator from Louisiana made a good argument for the amendment. People should be treated equally if they lose jobs. What difference does it make to a workingman in Louisiana, Alabama, or Delaware whether he loses his job as a result of imports caused by a Federal decision on tariffs or whether he loses his job as a result of Government contracts being canceled in a State or the curtailment of farming operations?

If the amendment of the Senator from Virginia is not adopted we shall have a situation under this proposal in which workers in the respective States will be drawing different rates of benefits depending upon why they were unemployed.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, would there not be the same difference between a Federal court and a State court? A litigant might get one decision in one court and a different one in another.

Mr. WILLIAMS of Delaware. No; this case is in the Congress, and we are making the decision. I do not see what difference it makes whether a worker is laid off for one reason or another. What difference does it make whether he loses his job as a result of domestic competition or as a result of imports?

If we do not adopt the amendment there will be a situation in which a company could have 1,000 employees; and it might be determined that one-third of the unemployed resulted from the branch of the company which was affected by imports and they would therefore be eligible for one rate of unemployment compensation, while employees of the same company losing their jobs on the same day as a result of domestic competition would be drawing a lower rate of compensation merely because they were working in another division of the company.

If the object is to federalize unemployment insurance and put national standards in effect all over the Nation let us vote on it as such and not let it come in through the back door. When two men lose their jobs through no fault of their own why should one get $61 a week and the other get only $30 a week. They both have families to support. If one is entitled to $61 so is the other. If we do not adopt the amendment we shall have laid the groundwork for federalization of unemployment insurance—let there be no misunderstanding on that point.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DIRKSEN. Is not the argument of the Senator from Louisiana a little like that of the man who is hit by an automobile? If Mr. A is driving the automobile, he gets x amount in damages, if he is successful; but if Mr. Y is driving the automobile, he gets an entirely different amount, although the injury might be exactly the same.

Mr. WILLIAMS of Delaware. That is true. There is another point which must be determined. The injury resulting from imports would be determined as of a certain date. Let us say it was October 1. There must be some specific date. Some workers from the same plant are going to be laid off in the month of September. Would it be any less disastrous to the man if he were laid off before the determination was made rather than afterward?

I think all sorts of complications would develop. If the amendment is not agreed to I venture to say that in the very near future another proposal will be made, either to repeal the provision or to federalize and standardize unemployment insurance throughout the United States.

Mr. DIRKSEN. I have one further question to ask the Senator. Is it not true that in each instance the funds would be derived from the Federal Treasury?

Mr. WILLIAMS of Delaware. In both instances that would be correct. That question would not be affected by the adoption of the amendment.

Mr. DIRKSEN. Exactly.

Mr. WILLIAMS of Delaware. The time period for which the man could draw unemployment insurance also would not be affected.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. Since the analogy has been made with respect to law, I wish to say that in most States the law is that whoever occasions injury upon another must pay the entire cost of the injury.

In one instance we are talking about an injury which might occur to a man through no fault of his own, and in another instance we are talking about an injury which might occur through the deliberate action of the Federal Government. In the latter case we are only talking about compensating the man for two-thirds of his injury.

In view of the fact that the Federal Government would cause the entire injury, would it not be fair for the Federal Government, insofar as practical, to try to reward the man in a substantial way?

Mr. WILLIAMS of Delaware. He should be treated fairly not in only one instance but in both instances. The unemployment would occur through no fault of the man. He would not cause his own unemployment. This amendment would guarantee equal treatment.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. May I have 2 more minutes?

Mr. BYRD of Virginia. Mr. President, I yield the Senator 5 more minutes.

The PRESIDING OFFICER. The Senator from Delaware may proceed for 5 additional minutes.

Mr. WILLIAMS of Delaware. In either instance the unemployment could result from Federal action. It could be unemployment resulting from imports or a change in the plans of the Federal Government with respect to expanding a military base or the result of contracting for defense work. The unemployment could result from a change in the farm program, such as a restriction in the acreage of planting of wheat. North Dakota, for instance, certainly would find the situation with respect to employment affected as a result of such action by the Federal Government.

What difference would it make to a man who lost his job? The man would have a family to support. He would be in the same unfortunate position in losing the job regardless of why he lost the job.

I think we should adopt the amendment and make sure that the unemployed would be treated on the basis of equality.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. It is a question of economics as to whether the man loses his position because the firm in which he is working cannot compete or because of a slowdown, or whether he loses his position because of a change in import duties and the business going abroad. I cannot see that there is any difference, from the standpoint of economics, as to why the man loses his job.

Mr. WILLIAMS of Delaware. Neither can I.

Mr. SALTONSTALL. What we wish to do is to maintain State responsibility.

Mr. WILLIAMS of Delaware. That is correct. I cannot see that there would be any difference. On many occasions there will be a very thin line of deterioration. It could not be determined fairly. Applications would be placed before the board, and there would be many borderline decisions to be made. The decision might be made that the cause for the unemployment was imports, domestic competition, or inefficiency on the part of management. I do not think the fate of the worker should be tied up in that question.

Mr. SALTONSTALL. We wish to be fair to the worker.

Mr. WILLIAMS of Delaware. We should be fair to the worker.

Mr. SALTONSTALL. But that is a responsibility of the State, as to how much is involved.

Mr. WILLIAMS of Delaware. I think it is. I have sufficient confidence that the respective States would be fair to the workers. If they are not, that would be a problem the people should deal with at the State level.

The bill as written could be used as a political football.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. As I read the language of the bill, without the amendment offered by the Senator from Virginia [Mr. BYRD] I detect that possibly there might be unjust enrichment. Let us consider the situation in which the average weekly manufacturing wage is $100. Let us say a worker was paid $100 a week and was thrown out of employment. Under the bill he would receive $65 a week; is that correct?

Mr. WILLIAMS of Delaware. Yes.

Mr. MILLER. Let us assume that the man went to work somewhere else, at a salary of $100 a week. The bill would provide that the amount allowed to him would be reduced by 50 percent of the remuneration, or by $50. The remaining allowance plus his remuneration combined would still leave the man $115, which, I think, is better than otherwise would be the case.

Mr. WILLIAMS of Delaware. There is a limitation in the bill and I quote section 323(e):

> (e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a trade readjustment allowance would exceed 75 percent of his average weekly wage, his trade readjustment allowance for such week shall be reduced by the amount of such excess.

Mr. MILLER. I appreciate this explanation. I should like to take the example one step further.

In a situation where the State did not have a requirement that assistance be reduced by only 50 percent of the outside compensation, the man would come out ahead of his coworker in a similar situation, because he would have to reduce his compensation only by 50 percent of the amount of remuneration, whereas the State might require another worker to reduce by 100 percent of the remuneration.

Mr. WILLIAMS of Delaware. That is correct.

Mr. MILLER. I thank the Senator.

Mr. WILLIAMS of Delaware. The amendment offered by the Senator from Virginia [Mr. BYRD] would correct that situation.

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes.

Mr. President, there can be no dispute that an expansion of our international trade would benefit us greatly in terms of economic growth, employment, and foreign relations. Because of those factors the bill has been reported by the Committee on Finance. Nor can there be any doubt that we have great opportunities to expand that trade. But we all must recognize that we cannot expand our exports without accepting some increase in imports, and that try as we will those imports will cause some injury to American firms and workers.

This afternoon the Senate defeated the amendment offered by the Senator from Nebraska [Mr. CURTIS], which would have done away with clauses in the pending bill seeking to recompense workers and firms hurt because of imports from overseas. That amendment was a "killer amendment," because the purpose was to kill the Trade Act, now pending.

The pending amendment would seek to downgrade the amount paid from that set at a national level to that compatible with the payments made on an unemployment compensation basis in the States. The pending amendment is not a "killer amendment," but certainly it would dilute to a great extent the effectiveness of the bill now being considered.

Traditionally we have provided some relief from such injury through the escape clause provisions for tariff judgment. Under H.R. 11970 such relief would still be available.

However, the philosophy of the bill is that if a trade expansion program such as that proposed is to be effective there must be a means of dealing with injury resulting from expanded trade other than by restricting that trade.

The means provided in this bill is through adjustment assistance to firms and workers injured by imports. This assistance would be available when injury was not widespread enough to warrant tariff relief or when the national interest prevented the granting of such relief. It would also be available more promptly than tariff relief and would assist in getting injured firms and workers back into the competitive stream where they could contribute to our expanding trade and enjoy its benefits themselves.

Now, some have questioned the fact that under H.R. 11970 most workers laid off because of imports would receive allowances at the rate of 65 percent of their average wages rather than at the level of their unemployment compensation, which would be lower in most cases.

I believe that this provision is fully appropriate, and that workers who might lose their jobs because of imports would be entitled to such assistance.

There is no need for concern that the payment of such allowances to workers laid off because of imports would discriminate unfairly against those out of work for other reasons or that this program would injure regular State unemployment compensation systems.

These import-affected workers would not be casualties of supply and demand or any other impersonal economic force. Instead, their unemployment would be directly attributable to a decision of the Federal Government taken in the national interest. Certainly, the Federal Government would owe a special obligation to those injured by such actions.

Furthermore, in the trade area we as a Government have long recognized the need to protect firms and workers in connection with import competition, and through the tariff and the escape-clause procedure we have provided special protection against imports—protection not available to firms and workers faced with other forms of competition.

The fact is that adjustment assistance is an alternative form of protection to such special tariff relief for those in import industries.

For all these reasons I strongly oppose the amendment to strike the adjustment assistance program in the form suggested and now before us. This adjustment program is an integral part of the Trade Expansion Act. It provides a constructive solution to the problems that we will have to face in securing the benefits of expanded trade. It provides such solutions in the best traditions of our economy—by stimulating individual effort to adjust to competition—by providing time for American adaptability and resiliency to assert themselves.

Seen in this way, the adjustment assistance provisions are as essential to the concept of the trade bill as any of the other safeguards it contains. In fact, the escape clause procedure, the staging requirement for phasing tariff reductions over 5 years, and the adjustment assistance provisions all complement each other. Their common purpose is to provide a variety of tools which the President can utilize in helping our economy to engage in ever-increasing volumes of world trade.

The adjustment assistance program will contribute a great deal to expanding our trade and to promoting our economic growth. It will increase our competitive ability and provide better security for firms and workers at the same time.

I urge all who support expanded world trade and economic justice to vote against this amendment to change the adjustment assistance program as reported out of the committee.

Mr. KERR. Mr. President, will the Senator yield 3 minutes?

Mr. MANSFIELD. I yield.

Mr. KERR. No worker could receive relief under this section of the bill unless the Tariff Commission should find that he was displaced by reason of unfair competition developing through the proposed trade program. If members of an industry should go before the

Tariff Commission under the escape clause to obtain relief in the form of an increased tariff, that worker would keep his job and receive 100 percent of his salary. If, however, the industry were damaged, the worker might lose his job by reason of the operation of this law. Then after the Tariff Commission found that he was in such a position because of the operation of the law, he would receive 65 percent of his salary in the form of assistance or workmen's compensation. Since his loss would have resulted because of the workings of the Federal Government, naturally the Federal Government should pay the cost of the worker's unemployment compensation.

In view of the fact that he could not receive the benefits unless he were unemployed by reason of the proposed program, it would be only simple justice that he be compensated. If his industry or his employer in an industry were saved through a higher tariff, the worker would continue to work and would get 100 percent. But failing that, should his industry lose out and no longer operate, and the worker became unemployed and his compensation were reduced to 65 percent, from the standpoint of simple justice to the worker he should be asked to take no loss. Certainly the Congress that would enact the law that brought about the condition in which he finds himself should not penalize him because of his suffering from what the Congress itself had done.

Mr. BYRD of Virginia. Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. BYRD], for himself and the Senator from Delaware [Mr. WILLIAMS].

All time having been yielded back, and the yeas and nays having been ordered, the clerk will call the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Florida [Mr. HOLLAND], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Arizona [Mr. HAYDEN], are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING] is necessarily absent.

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Nevada would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from Colorado would note "yea."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from Maryland [Mr. BUTLER]. If present and voting, the Senator from Michigan would note "nay," and the Senator from Maryland would vote "yea."

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Florida would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Oregon [Mrs. NEUBERGER] is paired with the Senator from New Hampshire [Mr. MURPHY]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from New Hampshire would vote "yea."

Mr. KUCHEL. I announce the Senator from Colorado [Mr. ALLOTT] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from South Dakota [Mr. BOTTUM], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent attending the Republican State Convention as required by Texas law.

On this vote, the Senator from South Dakota [Mr. BOTTUM] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from New York [Mr. KEATING]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Maryland [Mr. BUTLER] is paired with the Senator from Michigan [Mr. HART]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Michigan would vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Florida [Mr. HOLLAND]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from New Hampshire [Mr. MURPHY] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Nevada [Mr. CANNON]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Nevada would vote "nay."

The result was announced—yeas 31, nays 51, as follows:

[No. 262 Leg.]

YEAS—31

Aiken
Beall
Bennett
Boggs
Bush
Byrd, Va.
Carlson
Cotton
Curtis
Dirksen
Eastland
Ervin
Goldwater
Hickenlooper
Jordan, N.C.
Jordan, Idaho
Lausche
McClellan
Miller
Mundt
Pearson
Prouty
Robertson
Russell
Saltonstall
Stennis
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NAYS—51

Anderson
Bartlett
Bible
Burdick
Byrd, W. Va.
Carroll
Case
Chavez
Church
Clark
Cooper
Dodd
Douglas
Ellender
Engle
Fong
Hartke
Hickey
Hill
Humphrey
Jackson
Johnston
Kefauver
Kerr
Kuchel
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—18

Allott
Bottum
Butler
Cannon
Capehart
Fulbright
Gore
Gruening
Hart
Hayden
Holland
Hruska
Javits
Keating
Morton
Murphy
Neuberger
Tower

So the amendment offered by Mr. BYRD of Virginia for himself, and Mr. WILLIAMS of Delaware, was rejected.

Mr. KERR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FINANCIAL AND TECHNICAL ASSISTANCE

Mr. HUMPHREY. Mr. President, a number of Senators have inquired as to the administration of provisions of this bill governing financial and technical assistance to firms injured as a result of competition from imported articles and products.

I might say that these provisions reflect the well-known interest of the distinguished chairman of the Finance Committee to avoid nonessential Federal expenditures for they are designed to avoid duplication of staff and effort, and to make maximum use of existing facilities, rather than create new agencies to handle these programs. Enactment, some weeks ago, of legislation broadening the scope of the Small Business Administration's authority to make loans following a referral of a certified adjustment proposal is an encouraging sign that the President will use existing agencies, their personnel and experience in administering these programs. This legislation—Public Law 87-550, July 25, 1962—authorizes SBA to make loans under the circumstances cited above, using the provisions of H.R. 11970 to supplement present SBA authority.

Under the adjustment provisions contained in sections 311 through 314 of the bill, if the Secretary certifies an injured firm's proposal for its economic adjustment and, for example, if the firm requires financing to carry out its proposal, the Secretary will refer the proposal to the appropriate agency having lending authority. Farmers will probably be referred to the Department of Agriculture, miners and fishermen to the Department of Interior, businessmen generally to the SBA, and some applicants perhaps to the Area Redevelopment Administration. The agency to which the proposal is referred will determine whether it will grant financial assistance, and will specify the terms and conditions of the assistance that it can provide under its own legislation.

Only when the referral agency declines to furnish any financial assistance and the Secretary determines such assistance to be necessary to carry out the proposal, may the Secretary utilize his "residual" lending authority under the bill to furnish such assistance. The Secretary may also use his lending authority to supplement assistance granted by the referral agency, again provided he determines that such additional assistance is necessary to carry out the proposal. Even when in the "relatively few cases" that the Director of the Bureau of the Budget has told us that this authority may be invoked, he has assured the committee that the Secretary will make maximum use of the personnel, skills, and facilities which already exist in the various Government agencies and not create a lending agency in the Department of Commerce. Technical assistance under the bill will be administered in the same way.

Mr. BUSH obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. MANSFIELD. Would the Senator consider adopting a time limitation on the amendment which he intends to offer?

Mr. BUSH. I am glad to do so.

Mr. MANSFIELD. How much time would the Senator suggest be allowed on the amendment?

Mr. BUSH. I should like to have 20 minutes for myself. I do not believe I will use all of that time, unless I am interrupted, but 20 minutes to a side would be sufficient, with the hope that we would not use all the time allowed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendment which the Senator from Connecticut will offer the time be limited to 40 minutes, 20 minutes to be controlled by the Senator from Connecticut and 20 minutes to be controlled by the Senator from Montana.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUSH. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. The amendment has not yet been offered.

Mr. BUSH. I offer my amendment identified as "9-17-62—N".

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, it is proposed to strike out lines 16 through 22.

Mr. BUSH. Mr. President, I can be quite brief in explanation of my amendment.

The PRESIDING OFFICER. The request of the Senator from Connecticut for a yea-and-nay vote on his amendment has not been acted on.

Mr. BUSH. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUSH. Mr. President, the amendment would strike from the bill section 202, which authorizes the President to eliminate duties entirely on an article, simply on the ground that it has already been cut, or would be cut under the Dillon round concessions, to 5 percent ad valorem or less. To argue that the greater the reductions in the past, the less the need for the protection which is left is completely illogical. Yet that is the basis for section 202.

The administration at first tried to justify this provision on the ground of "administrative convenience." This has never been accepted as a basis for removing protection afforded domestic industries. The Government's convenience is not to be served at the expense of domestic industries, agriculture, and workers. As a matter of fact, this provision of the bill strikes hardest at our lumber, fishery, and minerals industries. These are the very groups whose distress has been the greatest from import injury in the past.

Mr. President, if an article is important to Common Market negotiations, it very likely will be subject to other sections of the bill, such as 211, 212, or 213. And any article, regardless of level of duty, can be reduced 50 percent under section 201(b) of the bill. There is simply no justification for the additional power to wipe out low-rate duties whether the ground be administrative convenience, or the simple desire on the part of the administration to increase its free trade power as much as possible.

Mr. President, to show the wide-ranging application of section 202, I call attention to the list of affected articles, prepared by the administration, appearing at pages 312 to 327 of the Ways and Means Committee hearings. The items included in that listing may be summarized as follows: Lumber of all types, rough or sawed; fish and products, fresh or frozen, filleted, and prepared or preserved in any manner; fruits; meat and poultry products; minerals and ores, such as feldspar, clays and earths, mica, lead, zinc, residual oil, amorphous graphite, aluminum hydroxide, gypsum, sandstone, limestone, crude silica, cement, and calcined bauxite; metals, such as babbit metal and solder, sponge iron, cast iron castings, pig iron, iron and steel rails, antimony, nuts and washers, nickel in pigs, structural steel, nails and spikes, iron and steel sheets and shapes, lead alloys, zinc sheets, wire rods, bar iron, chains, bolts, and malleable iron plates.

So we have a very far-reaching grant of power placed in the bill for no reason at all. Administrative convenience is not an acceptable reason. The report of the Committee on Ways and Means disputes the suggestion of the administration that such low duties have no economic significance. It is not needed for EEC negotiations. Why then? Simply to maximize the virtually total power to transfer our tariff structure into one gigantic free list.

We should strike section 202 from the bill. I urge that my amendment to that effect be adopted.

Mr. CURTIS. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield to the Senator from Nebraska.

Mr. CURTIS. I shall support the amendment and be delighted to become a cosponsor of it.

I have before me a list which confirms the list which the Senator from Connecticut has read. However, this list is a little more diversified. It was provided to me by the Department of Agriculture and is based on 1957 imports on which the duty was 5 percent or less. It is a formidable list. It includes sheep and lambs, swine, fresh chilled pork, frozen pork, bacon and hams, pork sausage, canned cooked hams, venison, extract of meat, skimmed milk, live poultry, birds, buckwheat flour, corn, oatmeal, and many other agricultural products.

Among the forest products included are round or hewn timber, sawed lumber and timber, including Douglas-fir, hemlock, larch, spruce, pine, and other types of wood.

If I may have the permission of the distinguished Senator from Connecticut, I should like to have the list of products printed at the conclusion of his remarks. It will show the power that is proposed to be given to the President to wipe out these tariffs entirely.

I believe the amendment of the Senator from Connecticut should prevail. Forty-seven percent of our imports are now on the free list. The revenue effects of the bill are not small; they exceed half a billion dollars.

Mr. BUSH. Mr. President, I ask unanimous consent that the request of the Senator from Nebraska be honored.

The PRESIDING OFFICER. Is there objection?

There being no objection, the list was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. BUSH. Mr. President, I am grateful to the Senator from Nebraska for raising this point.

EXHIBIT 1

Value of agricultural imports in 1957 on which the duty was 5 percent or less but not free (excludes forest products and naval stores)

[In thousands of dollars]

	Value
Value of total agricultural imports	3,923,265
Value of duty-free agricultural imports	2,530,807
Total value of dutiable agricultural imports	1,392,461
Value of agricultural imports on which there is a duty of 5 percent or less, except duty-free imports	257,764
Value of agricultural imports on which there is a duty of 5 percent or less as a percent of value of total dutiable agricultural imports (percent)	18.5

Agricultural commodities on which the duty or its ad valorem equivalent was 5 percent or less based on imports in 1957 thereof

Tariff No.	Statistical No.	Brief description of commodity	Duty average (percent)[1]	Value of imports, 1957
702	0012 000	Sheep and lambs	4.0	$331,000
702	0012 200	Goats	.8	----------
703	0013 000	Swine, except for breeding	2.1	72,000
703	0020 100	Fresh, chilled pork	2.7	1,565,000
703	0020 500	Frozen pork	2.8	8,814,000
703	0031 200	Bacon, hams, etc; not cooked, etc	2.4	1,506,000
703	0031 400	Pork sausage, except fresh	1.9	700,000
703	0031 800	Canned cooked hams and shoulders	4.1	75,549,000
703	0031 990	Other pork, preserved, etc	4.1	9,613,000
704	0023 300	Venison, fresh, chilled or frozen	3.3	655
705	0096 000	Extract of meat	3.8	3,449,110
706	0023 600	Edible offal; livers, etc., fresh chilled frozen.	#6.0 [2][3] (4.8)	59,000
707	0038 000	Whole milk, fresh or sour	2.6	----------
707	0038 200	Skimmed milk, fresh or sour	1.5	----------
711	0014 500	Live poultry, etc	2.1	11,000
711	0015 500	Baby chicks	4.8	12,000
712	0025 900	Birds, dead, dressed or undressed, fresh, etc	1.7	1,000
712	0026 100	Birds, prepared, etc.; chickens, etc	4.7	----------
712	0026 900	Birds, prepared, etc., other than chickens or turkeys, etc	4.2	708,000
723	1025 000	Buckwheat	3.4	82,000
723	1090 120	Buckwheat flour, and grits or groats	2.6	----------
724	1931 600	Corn—certified seed	1.8	417,188
726	1090 220	Oatmeal, etc	4.5	14,000
727	1059 100	Rice meal, etc	1.6	12,000
729	1067 000	Wheat, unfit for human consumption	#5.0	13,174,000
730	1119 900	Oil cake, etc., n.s.p.f	3.1	33,037
730	1181 000	Bran, shorts, etc., other wheat byproducts etc., for direct importation	#2.5	5,142,000
730	1182 000	Bran, shorts, etc.; other wheat byproducts, withdrawn from bond	#2.5	32,000
730	1185 000	Beet pulp, dried	3.7	1,195,000
730	1190 000	Malt sprouts and brewers' grain	2.5	2,341,000
730	1190 100	Byproducts feeds, etc	#2.5	915,000
730	1190 200	Mixed feeds	#2.5	770,000
730	1190 300	Grain hulls	3.0	158,000
730	1190 700	Dogfood, unfit for human consumption, etc	#2.5	117,000
731	1190 400	Screenings, etc., of grain, except flaxseed	#2.5	3,171,000
731	1190 410	Flaxseed screenings, etc	#2.5	1,049,000
732	1090 170	Cereal breakfast foods, etc	#5.0	870,000
734	1311 000	Applies, green or ripe	3.7	3,593,000
734	1330 010	Applies, dried, etc	4.0	69,000
735	1330 110	Apricots, green, ripe, in brine	3.8	20,000
735	1330 120	Apricots, dried, etc	3.0	8,000
736	1312 000	Blueberries, natural or in brine	6.2 ([2] 4.2)	755,000
736	1312 300	Berries, natural, etc.; strawberries, etc., June 15 to Sept. 15	1.5	2,000
736	1312 300	Berries, etc.; strawberries, etc., Sept. 16 to June 14	.2	314
736	1312 500	Lingon or partridge berries, natural or in brine	1.3	84,000
736	1312 700	Raspberries, etc., January to June 30 and Sept. 1 to Dec. 21	5.0	$7,000
736	1312 700	Raspberries, etc., July 1 to Aug. 31	2.7	893,000
737	1313 300	Cherries, natural, etc	3.1	185,000
738	1250 320	Malt vinegar	5.2 ([2] 3.2)	19,000
738	1770 500	Apple cider	2.4	388,000
742	1318 300	Grapes, hothouse	.7	5,000
742	1318 500	Grapes, other than hothouse (Feb. 15 to June 30)	2.8	703,000
743	1303 000	Lemons	3.1	10,000
743	1330 320	Mandarin oranges, canned	3.0	2,358,000
745	1330 610	Peaches, etc. (Dec. 1 to May 31)	3.0	186,000
747	1308 100	Pineapple in bulk (except product of Cuba).	1.6	376,000
747	1308 200	Pineapples, not in crate or bulk (except product of Cuba)	5.0	1,500
748	1330 510	Prunes, prunelles, and plums, etc. (Feb. 1 to May 31)	2.1	67,000
748	1330 530	Prunes, prunelles, and plums, in brine	#.9	32,000
753	2501 000	Hyacinth bulbs	2.9	1,908,000
753	2503 000	Tulip bulbs	6.3 ([2] 4.3)	5,663,000
753	2504 000	Narcissus bulbs	6.6 ([2] 4.6)	1,303,000
753	2505 000	Lily bulbs	4.7	385,000
753	2506 000	Crocus corms	4.6	369,000
754	2552 000	Rose stock and plants, seedlings and cuttings, etc; 3 years old or less	2.3	36,000
754	2552 100	Rose plants, budded, etc	4.0	----------
755	2551 000	Cuttings, layers, etc., of fruit stock	2.1	22,000
757	1356 000	Brazil nuts, shelled	2.7	4,399,000
757	1357 000	Brazil nuts, not shelled	3.1	2,549,000
758	1351 000	Coconuts, in shell, not product of Cuba or Philippines	2.5	699,000
761	1375 000	Pignolia nuts, shelled	4.1	286,000
761	1375 100	Pignolia nuts, not shelled	4.4	1,000
761	1376 000	Pistache nuts, shelled	1.8	230,000
761	1376 100	Pistache nuts, not shelled	1.2	4,449,000
761	1377 000	Cashew nuts	3.6	24,329,000
761	1378 000	Edible nuts, n.e.s., shelled	4.7	13,000
761	1378 100	Edible nuts, n.e.s., not shelled	3.6	61,000
762	2231 000	Castor beans	3.8	2,236,000
762	2235 000	Poppy seed	.4	1,278,000
763	2401 000	Alfalfa seed	3.5	38,000
763	2410 020	Canadian bluegrass seed	5.8 ([2] 3.8)	48,000
763	2410 030	Kentucky bluegrass seed	3.0	344,000
763	2410 070	Meadow fescue seed	5.2 ([2] 3.2)	311,000
763	2410 080	Chewing fescue	3.0	18,000
763	2410 090	Other fescue	3.2	2,111,000
763	2410 300	Timothy seed	2.5	80,000
763	2410 310	Bromegrass seed	2.2	638,000
763	2410 350	Wheatgrass seed	2.9	19,000
763	2410 500	Grass seeds and forage crop seeds, n.e.s	2.4	$1,590,000
764	1525 000	Celery seed	5.2 ([2] 3.2)	445,000
764	2451 000	Cabbage seed	4.3	33,000
764	2452 000	Canary seed	3.4	2,196,000
764	2456 000	Spinach seed	1.6	161,000
764	2460 130	Cauliflower seed	3.2	20,000
764	2460 260	Mangelwurzel seed	4.8	1,257
764	2460 310	Mushroom spawn	2.3	----------
764	2460 400	Parsley seed	1.1	4,000
764	2460 600	Tree and shrub seed	.7	204,702
764	2460 700	Flower seed	.4	422,000
764	2460 990	Seeds, n.s.p.f	3.5	205,000
766	1210 030	Beets (other than sugar)	#5.0	----------
767	1199 000	Lentils	1.8	173,000
767	1199 100	Lupines	2.8	63,000
709	1196 000	Peas (except cowpeas and chickpeas), green or unripe (July 1 to Sept. 30)	4.7	1,000
773	1206 000	Turnips and rutabagas	2.1	2,723,000
774	1210 100	Celery, fresh, n.e.s	4.4	5,000
776	1210 010	Endives as crude chicory, fresh, n.e.s	2.6	329,000
776	1250 000	Coffee essences, substitutes, etc	1.1	9,240,000
777	1502 100	Cocoa, unsweetened	4.2	12,419,000
777	1503 000	Chocolate, sweetened, in bars, etc., weighing 10 pounds or more each	2.4	449,000
777	1503 500	Chocolate, unsweetened	2.0	6,181,000
779	1101 000	Hay	4.6	916,000
779	1190 500	Straw	2.9	3,762,000
779	2936 000	Broomcorn	3.7	796,000
779	2945 200	Rice straw and fiber	.6	----------
780	2811 100	Hop extract	2.0	----------
781	1549 400	Sage (unground)	3.6	440,000
781	1550 090	Mace, ground, n.e.s	1.8	----------
781	1550 170	Curry and curry powder, etc	4.8	$6,000
783	3003 400	Cotton, 1¹¹⁄₁₆ inches or more in stable length	3.5	3,456
806(a)	1770 307	Prune juice, etc	4.4	2.480
806(a)	1770 309	Cherry juice, etc	3.4	807,984
808	1770 650	Ginger ale, lemonade, etc	3.2	69,367
1001	3261 000	Flax, hackled	3.6	----------
1001	3262 400	Flax, not hackled	2.9	808,000
1001	3262 700	Flax noils	2.2	120,000
1001	3262 800	Flax tow	1.5	487,000
1001	3262 900	Flax straw	.5	----------
1001	3263 000	Hemp, hackled	3.1	----------
1001	3263 200	Hemp, not hackled	2.0	122,000
1001	3263 300	Hemp tow	2.2	----------
1102(b)	3535 050	Hair of alpaca, etc.: In the grease or washed.	6.2 ([2] 4.2)	5,355,000
1102(b)	3535 100	Hair of alpaca, etc: On the skin	2.9	21,000
1102(b)	3535 300	Hair of alpaca, etc.: Sorted or matched, if not scoured.	6.6 ([2] 4.6)	12,000
1102(b)	3535 400	Hair of alpaca, etc.: Scoured	1.9	----------
1102(b)	3537 050	Hair of cashmere goat: In the grease or washed (non-Communist country).	5.6 ([2] 3.6)	395,000
1102(b)	3537 800	Hair of cashmere goat: Sorted, or matching, if not scoured (non-Communist country).	5.2 ([2] 3.2)	9,985,000
1102(b)	3537 800	Hair of cashmere goat: Sorted or matching, if not scoured (Communist countries)	4.9	1,083,000
		Total		257,764,050

[1] The rates of duties shown represent the ad valorem equivalent calculated on the 1957 imports except as noted by #.

[2] If a concession is negotiated during the 5th Round Tariff Conference.

[3] Minimum rate.

Source: Trade Policy Division, Jan. 8, 1962.

Value of certain forest products imported in 1957 on which the ad valorem equivalent duty was 5 percent or less

Tariff number	IRC number	Statistical number	Brief description of commodity	Duty average (percent)[1]	Value of imports, 1957
401	----------	4085 300	Round or hewn timber n.s.p.f.: Used for spars, etc	0.7	$8,000
401	4551 (1)	4103 100 4103 300	Sawed lumber and timber n.s.p.f.: Mixed fir, hemlock, and larch	1.7	16,566,000
401	4551 (1)	4104 010 4104 020	Sawed lumber and timber n.s.p.f.: Douglas-fir	0.6	50,028,000
401	4551 (1)	4104 040 4104 050	Sawed lumber and timber n.s.p.f.: Other fir	1.6	3,766,000

Value of certain forest products imported in 1957 on which the ad valorem equivalent duty was 5 percent or less—Continued

Tariff number	IRC number	Statistical number	Brief description of commodity	Duty average (percent)[1]	Value of imports, 1957
401	4551 (1)	4105 100 4105 300	Sawed lumber and timber n.s.p.f.: Hemlock	1.4	10,878,000
401	4551 (1)	4108 000	Sawed lumber and timber n.s.p.f.: Larch	0.7	242,000
401	4551 (1)	4106 730	Sawed lumber and timber n.s.p.f.: Sitka spruce	1.0	2,382,000
401	4551 (1)	4106 760	Sawed lumber and timber n.s.p.f.: Western white and Engelmann spruce	.3	53,438,000
401	4551 (1)	4106 790	Sawed lumber and timber n.s.p.f.: Other spruce	1.1	14,431,000
401	4551 (1)	4107 200	Sawed lumber and timber n.s.p.f.: Northern white and Norway pine	.2	3,107,000
401	4551 (1)	4107 700	Sawed lumber and timber n.s.p.f.: Other pine	.9	17,381,000
1803 (1)	4551 (1)	4110 000	Sawed lumber and timber n.s.p.f.: Cedar siding	.5	6,124,000
1803 (1)	4551 (1)	4110 300	Sawed lumber and timber n.s.p.f.: Other cedar (except Spanish cedar and siding of cedar species)	.8	17,675,000
1803 (1)	4551 (1)	4110 900	Sawed lumber and timber n.s.p.f.: Other softwood n.e.s	1.2	462,000
1803 (1)	4551 (1)	4118 300	Sawed lumber and timber n.s.p.f.: Maple, birch, and beech: Other than flooring	.8	15,194,000
1803 (1)	4551 (1)	4118 000	Sawed lumber and timber n.s.p.f.: Balsa	2.8	948,000
1803 (1)	4551 (1)	4118 600	Sawed lumber and timber n.s.p.f.: Teak	.5	660,000
1803 (1)	4551 (1)	4118 150	Sawed lumber and timber n.s.p.f.: Japanese maple and white oak: Other	.9	67,000
1803 (1)	4551 (1)	4200 100	Sawed lumber and timber n.s.p.f.: Spanish cedar: Other	1.0	26,000
404	4551 (1)	4202 100	Sawed lumber and timber n.s.p.f.: Mahogany: Sawed (rough and flooring)	4.3	29,000
1803 (1)	4551 (1)	4202 400	Sawed lumber and timber n.s.p.f.: Mahogany: Other	.8	4,153,000
1803 (1)	4551 (1)	4204 800	Sawed lumber and timber n.s.p.f.: Philippine type hardwoods: Not product of Philippines	.9	6,051,000
1803 (1)	4551 (1)	4204 850	Sawed lumber and timber n.s.p.f.: Granadilla, rosewood, and satinwood: Other	.6	4,000
1803 (1)	4551 (1)	4204 900	Sawed lumber and timber n.s.p.f.: Other hardwood lumber not a product of Cuba	.96	3,148,000
			Total		235,798,000

[1] The ad valorem equivalent shown represents duty plus IRC tax imposed on the basis of 1957 imports.

Source: Trade Policy Division, Jan. 8, 1962.

Mr. THURMOND. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield to the Senator from South Carolina.

Mr. THURMOND. The Senator from Connecticut is eminently correct in the position which he takes. I commend him for offering the amendment.

Section 202 permits the elimination of duty simply because it is 5 percent or less. It is sought on the ground of administrative convenience. The Ways and Means Committee rejected the contention that such duties have little or no economic significance. If an article is important to European Trading Community negotiations, it will fall within section 211, 212, or 213. Any article may be reduced 50 percent under section 201(b). No justification exists for the elimination of duties on the ground of administrative convenience. If that were a valid ground, all duties could be eliminated, since it would be less trouble for the Government if there were no necessity for the collection of customs.

The only treatment of this provision that I can find in the report of the Committee on Finance is contained on the middle of page 8. It merely reads:

> The President would also be authorized to reduce or remove entirely all duties which were 5 percent or less on July 1, 1962. This would include articles which were reduced to 5 percent or less in the 1961–62 negotiations.

That is certainly no justification of the necessity for this section. The report of the Ways and Means Committee of the other body on this particular provision indicated that the majority rejected the administration's argument in support of this provision. Nevertheless, they included it in the bill for no apparent reason. I believe that section 202 should be deleted from H.R. 11970.

Mr. BUSH. I thank the Senator. I call attention to the fact that he is one of the sponsors of this amendment and other amendments which have been filed and which are at the desk. I very much appreciate his comments.

Mr. CARROLL. Mr. President, will the Senator from Connecticut yield?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BUSH. I yield.

Mr. CARROLL. What is the existing ad valorem percentage? The Senator has mentioned lead and zinc.

Mr. BUSH. I cannot inform the Senator from Colorado as to the exact amount.

Mr. CARROLL. The Senator has mentioned mining; and I wish to put a question to the expert. I may support the amendment if I can get an answer to my question.

Mr. BUSH. I hope the Senator from Colorado will support the amendment.

Mr. CARROLL. If the Senator from Connecticut will permit me to put a question to the expert in connection with this matter——

Mr. BUSH. I am glad to yield briefly on that point.

Mr. KERR. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. CARROLL. Mr. President, I asked the Senator from Connecticut about the ad valorem duty on lead and zinc.

Mr. KERR. I do not know what it is; but under the bill it is not eligible for negotiation to a lower point than the present one.

Mr. CARROLL. That is my impression.

Mr. KERR. Under the bill there is no authority to negotiate a lower tariff rate on lead and zinc for the duration of the bill.

Mr. BUSH. But that is not provided in section 202, which gives the President the power to eliminate the duty——

Mr. KERR. The point is that lead and zinc have been the subjects of an escape-clause action; and, under the provisions of the bill, any commodity with reference to which there has been escape-clause action is not subject to having its tariff dealt with by negotiation under the bill for a period of 5 years.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. WILLIAMS of Delaware. In line with the question which has been asked, I point out that under the provisions of the bill, lead, zinc, and petroleum products are exempt from any reduction of tariff for the full period of 5 years. Let us admit it—this is a proposal to lower tariffs on all but certain commodities; and the ones I have named are exempted in their entirety.

Mr. BUSH. For a period of 5 years.

Mr. WILLIAMS of Delaware. Yes; lead, zinc, and petroleum products are exempted for a period of 5 years—in other words, for the entire life of the bill. For some reason the administration gave this group special consideration.

Mr. CARROLL. I thank the Senator from Delaware. That answers my question.

Next, I should like to know the present ad valorem duty on fluorspar and how it would be changed by the bill.

Mr. BUSH. My answer is that if the tariff or duty on it is 5 percent or less, it could be eliminated, unless my amendment were adopted and enacted into law.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. WILLIAMS of Delaware. Perhaps that commodity, too, could have been taken care of if its producers had been successful in making a similar "deal" with the administration.

Mr. BUSH. Yes. I think we owe an obligation to the Senator from Colorado for this opportunity to point out how, under the bill, special treatment would be given to certain favored, powerful interests.

Mr. CARROLL. Mr. President, will the Senator from Connecticut yield again to me?

Mr. BUSH. I yield for a question.

Mr. CARROLL. The Senator from Connecticut made some references to rails and nails and other items which affect my State.

Mr. BUSH. They affect all States.

Mr. CARROLL. As I understand the bill, if there is some discrimination, the President can also move the rate upward. I ask the Senator from Virginia whether I have a correct understanding of the bill.

Mr. BUSH. Mr. President, I did not yield for a general discussion of the bill. We are now discussing the amendment of the Senator from Virginia. If the Senator from Colorado wishes to ask a question in connection with the amendment, I yield.

Mr. CARROLL. That is my purpose. The able Senator from Connecticut mentioned nails and rails; and I have a great interest in them, because there is but little steel in Colorado. I have not yet made up my mind about the effect of section 202, and I am seeking information.

Mr. BUSH. Mr. President, I agreed to a very drastic time limitation. If the Senator from Colorado wishes to inquire about the duty on each of the items I have mentioned, I am sorry that I cannot yield time for that purpose.

Mr. CARROLL. I do not wish to embarrass the able Senator; but when the lists are read by the Senator from Connecticut and the Senator from Nebraska, and when some of the commodities on the lists affect my State, I wish to know the nature of the provisions. That is why I have asked the question.

Mr. BUSH. I do not blame the Senator from Colorado for seeking to know the nature of the provisions of the bill. I can state in a general way that these items are on the general list of items which have a tariff duty of 5 percent or less; and section 202 of the bill, which we seek to eliminate, gives the President authority to eliminate those tariffs, merely as a matter of convenience.

Mr. CARROLL. Mr. President, will the Senator from Connecticut yield for another question?

Mr. BUSH. I yield.

Mr. CARROLL. I am trying to determine whether the President will have authority to raise the tariff. We have been told that under the bill he will have authority to eliminate the duty. I understood the Senator from Virginia to say that the President does have the power to raise the tariff.

Mr. BUSH. But not under this section, which we seek to eliminate. The President has that power under another section.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. WILLIAMS of Delaware. It is true that the President has the power to increase the tariff, but that is tied to another provision which states that the President can increase the tariffs only with the consent of the country affected. So, in effect, he is not entirely empowered to increase tariffs.

Mr. MAGNUSON. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. MAGNUSON. If the tariff is 5 percent ad valorem——

Mr. BUSH. Or less.

Mr. MAGNUSON. Yes, or less, then the President will not have authority to change it either up or down, unless resort is had to the Tariff Commission, under the escape clause.

Mr. BUSH. No. Section 202, which we seek to eliminate, gives the President authority to eliminate the tariff on items which have a 5 percent or less ad valorem duty.

Mr. MAGNUSON. Or to raise them?

Mr. BUSH. No, not under section 202, which we seek to eliminate. Other sections of the bill give the President authority to raise tariffs.

Mr. MAGNUSON. But under this section the President would have authority to lower the tariffs, would he?

Mr. BUSH. Yes.

Mr. MAGNUSON. So if the duty on a certain article were 5 percent, there would be no chance to raise it?

Mr. BUSH. Not under this section.

Mr. MAGNUSON. Who picked out the magic formula of 5 percent? Did it come out of the air.

Mr. BUSH. Yes, out of the hot air, from the administration, under this bill.

Mr. MAGNUSON. I do not mean hot air. Probably it was cold, calculating air.

Mr. BUSH. Yes. The only excuse given for this provision is the excuse of convenience. If it is to be excused on the ground of convenience, why limit it to 5 percent? Why not extend it to 10 percent? Or perhaps it will be more convenient to eliminate all of them.

Mr. MAGNUSON. If the President is to be given authority—with which I agree—under section 201, why should not he be given such authority for all articles, regardless?

Mr. BUSH. That is the point. Why not just give him authority to eliminate all of them—both the 5 percent, the 10 percent, and the others.

Mr. LAUSCHE. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. LAUSCHE. If the President is to have the right to eliminate tariffs of 5 percent or less, under what section of the bill—if I may direct this question to the Senator from Delaware—are lead, zinc, and probably other commodities to be exempt if the tariff is now 5 percent or less?

Mr. WILLIAMS of Delaware. On page 12, section 225 beginning in line 15, and down through the rest of that section. These commodities are not named, but that is the effect of this language.

Mr. BUSH. That is under the title "Reservation of Articles From Negotiations."

Mr. LAUSCHE. Why permit some articles to be exempt if the tariff on them is 5 percent or less?

Mr. BUSH. That was done in order to obtain support for the bill.

Mr. WILLIAMS of Delaware. I think the Senator from Connecticut is correct; and I strongly objected to this procedure. I think a trade bill could have been passed on its merits. I say that as one who for years has supported the reciprocal trade program. Certainly the bill could have been passed on its merits rather than on the basis of having "deals" made in the smoke-filled rooms downtown.

Mr. FONG. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. FONG. Are fruits included in this list?

Mr. BUSH. Yes.

Mr. FONG. Under those circumstances, pineapple would be included, would it?

Mr. BUSH. I presume so. It is a most delicious fruit.

Mr. FONG. I have received a letter which states that the tariff on pineapples is three-fourths of a cent a pound, and that that amounts to 6 percent ad valorem. But if the price of imported pineapples rose, and if the tariff remained at three-fourths of 1 cent per pound, the effect would be to reduce the tariff from 6 percent to perhaps 5 percent, would it not?

Mr. BUSH. Yes. So perhaps the Senator from Hawaii should vote for this amendment.

Mr. FONG. Yes; and I think I will vote for it. I thank the Senator from Connecticut.

Mr. CURTIS. The list I have states that pineapples in bulk, except from Cuba, have a duty of 1.6 percent; pineapples, not in crates, 5 percent.

Mr. BUSH. Mr. President, if there are no further questions, I am about to yield the floor. I will reserve such time as I have.

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. BUSH. I yield myself 2 minutes.

Mr. KERR. I yield 2 minutes to the Senator from Connecticut.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, if the Senator will yield for a question, I understand that section 202, if it were to remain in the bill, would allow a President to cut tariffs that are below 5 percent.

Mr. BUSH. It would allow him to eliminate the tariff.

Mr. MAGNUSON. But that has nothing to do with the authority later in the bill to raise tariffs.

Mr. BUSH. That is correct.

Mr. MAGNUSON. If one is under 5 percent, there is the possibility, or the potential for one to be wiped out; but if it is under 5 percent, the President can also raise the tariff.

Mr. BUSH. If it is under 5 percent, the President can eliminate the tariff. He has authority elsewhere in the bill to raise tariffs, with the consent of the other countries, of course.

Mr. KERR. Mr. President, I yield myself 5 minutes.

I remind Senators that the section of the bill which the Senator from Connecticut seeks to delete is only an authority entirely consistent with every other element of authority given to the President under this bill to negotiate.

Mr. President, it is certainly presumed, and rightly so, that he will not give away any tariff, that he will make no concession, unless an appropriate and adequate concession is received in return; and that would be the case here.

The Senator from Nebraska was complaining earlier because under the bill the President had authority to raise tariffs, although the Senator voted for the amendment in the bill which gave the President such authority. Now the Senator from Connecticut is complaining because, under the bill, the President would have the authority, if the tariff were 5 percent or less, on the basis of negotiations and concessions received, to eliminate the tariff entirely.

It is a little strange that, on the one hand, the opponents of the bill should complain because the President had the authority to raise the tariff and, on the other hand, seek to delete from the bill the authority of the President to reduce the tariff.

The provisions of the bill are consistent with all of those that have been passed. For 8 years the Congress gave the same authority, on a different basis, in different degree, but basically the same authority, to the then distinguished President of the United States. I never heard voices lifted on the other side of the aisle against the provisions of such bills.

The bill provides in principle only the same kind of authority for a Democratic President. There is a complaint because in the bill there is authority for a Democratic President to raise tariffs to the extent he finds necessary, or to impose quotas if he finds them necessary, and at the same time there is authority for the President in the negotiations, to give in the form of a concession, a reduction of tariffs in return for a concession. Certainly that is consistent with the principle of a free-trade bill which Congress has passed in every program that has been before it, under the authority of previous laws extending the provisions of the reciprocal trade program.

Therefore, I urge that the amendment not be adopted.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. KERR. For a question.

Mr. CURTIS. Is it not true that all previous trade agreement authorizations limited the power of the President to reduce tariffs by 50 percent?

Mr. KERR. I believe they did.

Mr. CURTIS. And is it not true that in the pending bill there is delegated to the President authority to cut beyond 50 percent, down to zero, tariffs on commodities as to which the United States and the European free-trade community represent 80 percent of the world trade?

Mr. KERR. In case the tariff is 5 percent or less. In that regard I remind the distinguished Senator there would be no such tariff now in existence if it had not been reduced to that basis by President Eisenhower's negotiations under previous trade bills.

Mr. CURTIS. That is entirely beside the point.

Mr. KERR. But it is entirely accurate.

Mr. CURTIS. There is a long list of agricultural, forest, and other products on which the tariffs can be cut entirely. That is what we are considering here.

Mr. KERR. If we were contemplating possible horrors, if we were contemplating the probability that under this authority the President would abuse it, we could describe the situation——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERR. I yield myself an additional 5 minutes. We could describe the situation with far greater adverse potentiality if the tariff were 25 or 30 percent and the President had authority to reduce it 50 percent, or a total of 12 or 15 percent.

Under the pending bill, the authority to eliminate the tariff entirely is only with relation to the products on which the tariff does not exceed 5 percent. It is not an invitation to the President to remove the tariff. He will not gratuitously, in return for no concession at all, eliminate the tariff. Under this bill, he has only the authority to do so in negotiations for concessions which he regards as being of as great or greater advantage than the ones he would be relinquishing by the elimination of the tariff.

I again remind the Senator that the amendment in the bill, which he sponsored and then came on the floor and criticized, is authority for the President to increase the tariff by any amount he finds necessary for the protection of domestic industry.

Mr. MAGNUSON. Mr. President, if the Senator will yield, could the President increase the tariff if the tariff on certain articles were under 5 percent?

Mr. KERR. He could, by any amount he might choose, or he could impose quotas if he should find them necessary to protect American industry.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. KERR. For a question.

Mr. CURTIS. If it is not the intent to injure industries, why are the proponents of the bill insistent upon the unemployment compensation and the lending provisions?

Mr. KERR. Those are safeguards in the event industries are injured.

Since the Senator from Nebraska has brought the question up, I will say to him that in previous times when extension bills were before the Senate we had letters from President Eisenhower in which he said, "I will not permit injury to any domestic industry. I give my word that such will not be the case."

I have heard described in the debate numerous American industries which have been injured under the operation of this program by reason of the negotiations and concessions of the previous administration.

There is a difference in the approach of the pending bill compared to those we have previously considered. There is a recognition of the possibility—yes, even the probability—that some American industries may be injured.

Mr. CURTIS. Would not the Senator say that was the intention?

Mr. KERR. That possibility is faced responsibly under the terms of the bill, by giving the industry or the workers the right to go to the Tariff Commission and obtain a finding to justify compensation for the injuries sustained.

I say to the Senator from Nebraska that he knows this as well as I do that heretofore those injuries have been sustained and ignored. They have been "pushed under the rug."

The pending bill faces the problem on a responsible basis by saying, "If such injury occurs, the workers who are made unemployed or the industry damaged can go to the Tariff Commission and establish a basis for relief."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true, in judging whether one should vote for or against the bill, one should test his conscience and his judgment to see whether he thinks in the administration of the bill the Executive will handle the power in such a way as to make the program work to the overall benefit of the national interest? If a person thinks otherwise, he ought to vote against the bill.

Mr. KERR. The Senator is entirely correct. If a person thinks otherwise, he ought to present an amendment not only to eliminate any authority under this bill, but also to vitiate any agreements already made, whereby injuries have previously occurred.

Mr. LONG of Louisiana. What was the vote by the Committee on Finance with respect to favorably reporting the bill?

Mr. KERR. There are 17 members of the Finance Committee, and the vote reporting the bill to the Senate was 17 to 0. That included the vote by the distinguished Senator from Nebraska [Mr. CURTIS].

Mr. LONG of Louisiana. I thank the Senator.

Mr. KERR. Mr. President, I yield back any remaining time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. BUSH]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Florida [Mr. HOLLAND], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING] is necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. SYMINGTON], and the Senator from Alaska [Mr. GRUENING] would each vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from New Mexico would vote "nay" and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Michigan [Mr. Hart] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Michigan would vote "nay" and the Senator from Texas would vote "yea."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from New Hampshire would vote "yea."

On this vote, the Senator from Nevada [Mr. Bible] is paired with the Senator from Florida [Mr. Holland]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Florida would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from South Dakota [Mr. Bottum], the Senator from Maryland [Mr. Butler], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton] and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State Convention as required by Texas law.

The pair of the Senator from Colorado [Mr. Allott] has been previously announced.

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from New York [Mr. Keating]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from New Mexico [Mr. Chavez]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New Mexico would vote "nay."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Michigan [Mr. Hart]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Michigan would vote "nay."

Mr. GORE. On this vote I have a pair with the senior Senator from Colorado [Mr. Allott]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The result was announced—yeas 25, nays 55, as follows:

[No. 263]

YEAS—25

Aiken
Beall
Bennett
Boggs
Bush
Byrd, Va.
Carlson
Church
Cotton
Curtis
Dirksen
Fong
Goldwater
Hickenlooper
Jordan, Idaho
Lausche
Miller
Mundt
Pearson
Prouty
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NAYS—55

Anderson
Bartlett
Burdick
Byrd, W. Va.
Carroll
Case
Clark
Cooper
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Hartke
Hayden
Hickey
Hill
Humphrey
Jackson
Johnston
Jordan, N.C.
Kefauver
Kerr
Kuchel
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—20

Allott
Bible
Bottum
Butler
Cannon
Capehart
Chavez
Fulbright
Gore
Gruening
Hart
Holland
Hruska
Javits
Keating
Morton
Murphy
Neuberger
Symington
Tower

So Mr. Bush's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KERR. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

Mr. DIRKSEN. Mr. President, on behalf of the distinguished Senator from New York [Mr. Javits], who has been unavoidably detained by a very important political convention in the State of New York, in which he has something more than a casual and transient interest, I offer an amendment.

The PRESIDING OFFICER. The amendment of the Senator from New York will be stated.

The Legislative Clerk. On page 18, between lines 14 and 15, it is proposed to insert the following:

(c)(1) The Special Representative for Trade Negotiations shall appoint a Council of Advisers which shall consist of not to exceed fifty appointive members to be selected from the major organizations in the United States representing industry, agriculture, and labor. In addition, the congressional delegates to negotiations, selected pursuant to section 243, shall, during any period in which they are accredited members of a United States delegation to any negotiation under this title, serve as ex officio members of such Council. The Special Representative shall serve as chairman of such Council. Members appointed to such Council, while attending meetings or otherwise engaged in the performance of their duties as members of the Council, shall be entitled to receive compensation and reimbursement as provided in section 401(3), and the provisions of section 1003 of the National Defense Education Act of 1958 (20 U.S.C. 583) shall apply to such members.

(2) Members of the Council of Advisers shall give advice and counsel with respect to products of direct interest to them to members of any United States delegation to negotiations under this title, and to the United States delegates to any other international meeting dealing with modifications of existing trade restrictions. The Special Representative for Trade Negotiations shall provide members of the Council with such information with respect to such negotiations and meetings as he determines will enable such members to fully and effectively discharge their functions under this subsection.

Mr. MANSFIELD. Mr. President, I should like to propound a unanimous-consent request in relation to the pending amendment. I ask unanimous consent that the time allotted for the amendment be 4 minutes, 2 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, reserving the right to object, what was the request?

Mr. MANSFIELD. Four minutes, two minutes to a side.

Mr. GOLDWATER. Mr. President, reserving the right to object, I think the distinguished majority leader is asking 100 percent too much time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, the amendment is extremely simple. It provides nothing more than an advisory council of 50 members selected from industry, labor, and agriculture to serve in an advisory and consultative capacity to the special representative for negotiations provided in the bill.

They would be consulted and be available to consult with. They would be paid if and when they were on duty. That is as far as the amendment provides.

Personally, I think it is a capital idea and particularly so because of experience I have had. I remember my experiences under the so-called reciprocity committee. It was most difficult ever to get a story told before that group. The amendment would put that activity in a different light, and would make possible consultation with those who have a particular interest in a given line of activity, whether it be labor or agriculture, or industry. I think that is in the great American tradition. I hope that the committee could accept an amendment of the kind proposed.

Mr. MORSE. Mr. President, will the Senator yield me 30 seconds, so that I may reply in opposition to the amendment?

Mr. MANSFIELD. I yield 1 minute to the Senator from Oregon.

Mr. MORSE. Mr. President, the Senator from Illinois is quite right when he says that it is a capital suggestion, in that it is a waste of capital. Any time that the administration has a problem and needs to call in someone for consultation, it can do so. There is nothing in the bill prohibiting it. To set up the kind of advisory board that is proposed would mean a considerable expense over the years, especially when 50 persons are involved. The establishment of a standing advisory board is an unnecessary waste of money. There will be some instances in which there will be need for consultation; and whenever the need arises and the request is made, I am sure it will be granted.

Mr. DIRKSEN. Mr. President, my only rejoinder is that if such a board is established, and its members are carefully selected, it can be a powerful influence for equitable treatment whenever grievances may arise.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back, and all time has expired on the amendment. The question is on agreeing to the amendment offered by the Senator from New York [Mr. Javits].

The amendment was rejected.

Mr. KUCHEL. Mr. President, I rise to fashion a little legislative history. I speak for California, indeed, I speak for all States which produce certain specialty crops, such as fruits and nuts.

I should like to pose a question for purposes of clarification of the intent embodied in this bill. I address my question to the able Senator from Oklahoma, one of the Senators in charge of the bill, along with the distinguished senior Senator from Virginia [Mr. Byrd], the chairman of the Committee on Finance. Let us assume that there is in effect, or under negotiation, an orderly marketing agreement or similar international agreement with respect to a certain agricultural product. Would the Senator contemplate that the President would negotiate for the reduction of duties on such products while such an agreement was in effect or under negotiation, under the intention of this bill?

Mr. KERR. Mr. President, I assume that if the President were in the process of negotiating, or had negotiated, an orderly marketing agreement, under the provisions of the bill, he would do so for the purpose of protecting the interests of domestic industry or agriculture. If it would be prejudicial to such interests to negotiate reductions in tariffs, he would not do so. Moreover, under the bill any article which is subject to an orderly marketing agreement under the provisions of section 252 must automatically be reserved from any tariff reductions.

Mr. KUCHEL. I thank my able friend from Oklahoma for the pristine clarity with which he has just indicated the intention of this bill in this particular respect. I want it clearly understood that American agriculture will be given maximum protection under any agreement fashioned under the pending bill.

The fact is that the type of agricultural products of which I speak, which include cherries, citrus fruits, dates of all kinds, figs, various types of olive oil, and all kinds of wines produced in this country, among other products, as well as many kinds of nuts, are all primarily dependent upon the domestic market for the sale of those products. I reiterate my gratitude to the Senator from Oklahoma for spelling out the intention of this legislation.

Mr. KERR. I thank the Senator from California for making it crystal clear that all the commodities to which he has referred are agricultural commodities.

Mr. KUCHEL. In this colloquy, I speak for the interests of California agriculture and of American agriculture as they are interested in this vital problem.

Mr. BUSH. Mr. President, I call up my amendment identified as "9–17–62—C."

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 35, line 3, strike out the period and insert in lieu thereof the following: ", or a downward trend of production, sales, employment, profits, or wages and a decline in the proportion of the domestic market supplied by domestic producers."

On page 35, line 8, after the period insert the following: "The 'domestic industry producing an article which is like or directly competitive with the imported article' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive products or articles in commercial quantities. In applying the preceding sentence, the Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive products or articles referred to in such sentence from the operations of such organizations involving other products or articles."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. MANSFIELD. I ask unanimous consent that on the pending amendment there be a time limitation of 40 minutes, 20 minutes to a side, equally divided, to be controlled by the Senator from Connecticut and by the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. Mr. President, reserving the right to object, I wish to ask a few questions of the Senator from Virginia [Mr. Byrd] with regard to a part of this bill for the purpose of legislative history. Perhaps that could be done now. It is important from the standpoint of the time element involved. The unanimous-consent agreement could run following my colloquy with the Senator from Virginia.

Mr. MANSFIELD. I am certain that the Senator from Connecticut would extend that courtesy to the Senator from Oregon.

Mr. BUSH. I did not understand the request.

Mr. MANSFIELD. The Senator from Oregon would like to ask some questions of the chairman of the committee, because he has some commitments that he must keep this evening. I would appreciate it if he were allowed to do so.

Mr. BUSH. I am perfectly willing to have that done, with the understanding that I will regain the floor.

Mr. MORSE. The Senator from Connecticut would keep the floor. He would merely yield to me.

Mr. BUSH. With the understanding that I do not lose the floor, I agree, of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUSH. I wonder if we could now have the yeas and nays ordered.

The yeas and nays were ordered.

Mr. MANSFIELD. May we have a ruling on the unanimous-consent request with respect to the division of the time on the amendment?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Oregon is now recognized.

Mr. MORSE. I invite the attention of the Senator from Virginia to page 83 of the bill, section 353: Additional Authority to Increase Tariffs and Impose Quotas. It reads:

> Notwithstanding any other provision of law, the President may, when he finds it in the national interest, proclaim with respect to any article imported into the United States—
>
> (1) the increase of any existing duty on such article to such rate as he finds necessary,
>
> (2) the imposition of a duty on such article (if it is not otherwise subject to duty) at such rate as he finds necessary, and
>
> (3) the imposition of such other import restrictions as he finds necessary.

I wish to have the attention also of the Senator from Washington [Mr. Magnuson], because this is a little different problem from the one about which he will ask the Senator from Virginia some questions later this evening, although it is on the same general subject of quotas.

The Senator from Virginia knows that Senators from the Pacific Northwest—in fact throughout the whole West—are greatly concerned about the condition of the lumber industry. The lumber industry in our part of the country is being subjected to unfair competition from Canada because of the subsidy programs, direct and hidden, on the part of the Canadian Government, which grants great favoritism to the Canadian lumber industry. The result is that the Canadian lumber industry is taking away from our lumber mills, a large percentage of the Midwest and Eastern U.S. market, because of the various forms of direct and indirect subsidy which it receives from the Canadian Government.

All that western Senators have been asking for is an opportunity for our lumber industry to compete on an equal basis with Canada. We do not ask to be placed in a favored position vis-a-vis Canadian lumber mills, but we do not like to compete with both the Canadian mills and the Canadian Government.

The President of the United States has taken a direct interest in the problem. Several weeks ago, as the Senator from Washington [Mr. Magnuson] will bear out, western Senators and Representatives met with the President at a White House conference on this subject, and the President promulgated what has become known as the White House program. It seeks to give our lumber industry an opportunity to compete on a basis of equality with Canadian mills. The President took an interest in this question on the basis of the facts which we presented to him, as he took an interest in the problems of the textile industry. However, the two subjects call for different administrative treatment.

One of the requests the congressional delegation from the West made to the President was that the President appoint a negotiating commission to call upon and negotiate with the Canadian Government, to see if a voluntary quota agreement could not be arranged with the Canadian Government. At first, the Canadian Government indicated strong resistance to any such proposal.

The record is clear that the Senator from Washington [Mr. MAGNUSON] and the senior Senator from Oregon expressed themselves on that subject in speeches on the floor of the Senate. We insisted and persisted in our demand that the Government of the United States make perfectly clear to the Government of Canada that we wanted consideration of this subject on the merits, because a foreign trade bill was to come before the Senate in a few weeks. We made clear in our speeches in the Senate and we made clear to the administration that our position with respect to the foreign trade bill would be determined in no small measure by whether or not we could obtain some assurance that the lumber industry in the Pacific Northwest would receive consideration from our Government in respect to the unfair competition for which the Canadian Government itself was responsible. We said then that the U.S. Government had loaned many millions of dollars to the Canadian Government in the not too distant past—by that we meant within the past several weeks—in order to stabilize the economy of Canada.

One of the first things the Canadian Government did, within a matter of hours, really, after receiving those millions of dollars of loans, was to increase the imposts on one American article after another imported from the United States into Canada. The congressional delegations of the West protested to the President that we did not think such action could be justified, and that if that was the way the Canadian Government intended to act, we would be faced with no other course of action than to propose amendments to the foreign trade bill when it reached the floor of the Senate, and to fight for those amendments in an endeavor to make certain that our lumber industry did not go down the economic drain. If something is not done for the lumber industry in the Pacific Northwest, that is exactly what will happen to it: It will go down the economic drain.

We have made clear to the administration that one of the amendments which we would consider offering, unless we could get some consideration from the administration, and, through the administration, from the Canadian Government, would impose quotas on the importation of Canadian lumber to the United States. The amendment we have been considering would require a calculation of the imports of Canadian lumber into the United States for the past 10-year period, strike an average in regard to such imports, and propose that during any year when the imports from Canada reached the average for that 10-year period, a quota should be imposed.

The administration, I think rightfully, took the position that an opportunity ought to be afforded at least to try to arrange this program on a voluntary basis with the Canadian Government. Officials of the Canadian Government met with the Commission appointed by the President of the United States on this subject. They have had one meeting; another meeting is scheduled in October. The meeting was postponed until October to permit both sides to collect data and information to be considered at the next international conference on this question.

Also, the administration took the position that the lumber industry should file an application for hearings before the Tariff Commission. That application has been filed and has been accepted. As I said earlier today, in another colloquy with the Senator from Virginia, a questionnaire has been sent to the lumber industry for the collection of necessary data and evidence needed for the conduct of the hearing before the Tariff Commission and the passing of judgment upon the problem by the Tariff Commission.

The President of the United States himself, together with his advisers, made clear that the filing of such an application met with his approval as a part of the Presidential program which he promulgated some weeks ago, dealing with the lumber problem. The Senators from Washington, the Senators from Oregon, and the Senators from other Western States have this practical legislative problem facing them tonight on the floor of the Senate: Shall we proceed to offer the amendment about which we have been speaking, an amendment which many in the lumber industry have said they would like to have us offer, and which would seek to add to the bill a provision for a quota against the importation of Canadian lumber such as I have just outlined to the Senate?

I want the lumber industry of my State to know what I have done. The Senator from Washington [Mr. MAGNUSON] can speak for himself. I have made clear to the lumber industry of my State that I seek to do what I can to help protect that industry in accordance with the merits of its case and in accordance with its legitimate rights.

The senior Senator from Oregon has made clear to the lumber industry that he is opposed to the adoption of an economic program by his Government which would amount, in fact, to exporting lumber jobs to Canada. As the Senator from Washington knows, the States of Oregon and Washington already have a chronic unemployment problem. Too many men in the lumber industry are out of employment 12 months a year because the American lumber industry has been subjected to unfair competition on the part of Canada. There is no doubt that the adoption of the amendment about which we have been speaking would provide some relief.

I say to the lumber industry of my State from my desk in the Senate tonight that I have reached a decision not to offer that amendment because, in my judgment, it cannot now be adopted, and it would not be in the best interest of the lumber industry to offer it. In my judgment, it is not necessary to offer it because I have complete confidence in my President and my administration that they will pursue this problem and give to the lumber industry the cooperation and assistance it needs to protect the lumber economy of the Pacific Northwest. I see no chance of its being passed now, because Canada is now meeting with our representatives as we seek a voluntary agreement on this subject. That was what we asked for first. Obviously, we must await the result of those negotiations before we act further.

I say to the lumber industry that I am confident that this administration intends to do everything it can to make clear to the lumber industry of Canada and the Government of Canada that our lumber industry is entitled to be freed from and relieved of competition with the Canadian Government. I have great hope that the conferences and negotiations which will take place in October will bring the beneficial results which the lumber industry needs.

In case they do not, I wish to make it clear that our Government has plenty of leeway within the field of executive action to afford protection to the U.S. lumber industry. We have the problem of transportation; we have the problem of freight rates; we have the problem of imposing restrictions on the use of American lumber in the Government program vis-a-vis Canadian lumber.

Before I ask the Senator from Virginia the question I am leading up to—and I assure him I am leading up to it—I should say that at a later date it may prove desirable to introduce proposed legislation which will require that every stick of lumber that goes into any FHA or VA housing in this country be American-milled lumber. Moreover, if the administration fails to extend to the lumber industry of the Pacific Northwest the legitimate protection to which it is entitled in connection with the unfair competition which Canada is visiting upon us, I shall consider introducing a bill to require that every stick of lumber which comes into this country from Canada or from elsewhere in the world be so stamped, and that it be graded as to quality. I hope that we will not be forced to seek legislative remedies, because I believe the executive branch already has ample power to put our lumber industry on an equal footing in competition with foreign lumber. But I shall seek legislative remedies, if it becomes necessary to do so, and I will fight for their enactment. I will also make clear to the administration that much of my own future support of it will depend upon whether it first comes to the relief of the lumber industry of the Pacific Northwest. I owe it to my State and to my administration to give that notice tonight.

Certainly Senators from the Northwest who support this bill are not taking a course of action popular with large segments of the lumber industry. The Senator from Washington [Mr. MAGNUSON] knows whereof I speak. But I think the lumber industry also owes cooperation to the President of the United

States, in view of the great effort he is making to bring relief to it.

The bill contains section 353, which I read a moment ago. That section gives the President of the United States additional authority to increase tariffs and impose quotas.

So I submit this problem to the Senator from Virginia [Mr. Byrd]: Assuming that the effort of Senators from the West ends without their receiving the help we need in order to put the lumber industry on a basis of equality in competition with Canadian lumber, and assuming that we are unable to obtain a voluntary quota agreement from the Canadian Government, does the Senator from Virginia agree with me that section 353 places the President of the United States in a position in which if, on the merits, he thinks our case is sound, he will have authority under this section to impose a quota?

Mr. BYRD of Virginia. In reply to the question of the Senator from Oregon, I should say the President has the authority to do so. I read that section:

> Sec. 353. Additional Authority To Increase Tariffs and Impose Quotas.
>
> Notwithstanding any other provision of law, the President may, when he finds it in the national interest, proclaim with respect to any article imported into the United States—
>
> (1) the increase of any existing duty on such article to such rate as he finds necessary,
>
> (2) the imposition of a duty on such article (if it is not otherwise subject to duty) at such rate as he finds necessary, and
>
> (3) the imposition of such other import restrictions as he finds necessary.

The third clause certainly would mean quotas, if the President found it to be in the public interest and in the national interest to impose such quotas.

Mr. MORSE. That is my interpretation of the language; and I call it to the attention of the lumber industry. I point out that because we are now talking to Canada about this problem, and because of this language in the bill, I shall not offer a quota amendment. Because of this language in the bill, I can also vote for the bill, insofar as the quota problem is concerned.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MORSE. If the Senator from Connecticut, who has the floor, will permit me to do so, I shall be glad to yield.

Mr. BUSH. Mr. President, I should like to have the Senate proceed with the pending question.

Mr. MAGNUSON. But there is some business to transact, too.

Mr. BUSH. But I have the floor.

Mr. MAGNUSON. Will the Senator from Connecticut yield to me for 5 minutes?

Mr. BUSH. But I have just yielded for 25 minutes.

Mr. MAGNUSON. But the Senator from Connecticut has had the floor all day.

Mr. BUSH. No; I have had the floor only twice. However, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. MAGNUSON. Mr. President, what the Senator from Connecticut has to say is important, and I realize that.

Let me ask whether the Senator from Oregon will yield briefly?

Mr. MORSE. I yield.

Mr. MAGNUSON. First of all, I wish to associate myself with the remarks of the Senator from Oregon [Mr. Morse] on this subject.

While he was speaking, a Senator who was sitting beside me said, "Oh, yes; but Canada is our biggest and best customer." Mr. President, we have been hearing such statements for a long time. Of course Canada is our biggest and best customer—but only as regard products which are not manufactured in Canada.

But whenever Canada manufacturers a particular product, it does not take the Canadian Government 24 hours to place a tariff or some other protection on the importations of that article—which I think is justifiable if it is done to protect the Canadian industry in a reasonable way.

In this case we are talking about a product which American industry manufactures for the American market—namely, lumber. But the argument about Canada being our biggest and best customer is always made when we begin to discuss this subject.

The Senator from Oregon and I and all the rest of us are very much concerned with this subject. The Senators from the South are concerned with it too, for they represent the industries in their section of the country which produce pine.

Certainly what is happening is most inequitable. First of all, the Canadians devalued their dollar, and it is now down to 92½ percent. Even if we were to take some of the actions referred to, I say to the Senator from Virginia that we can hardly compete with the Canadians when they devalue their dollar.

So we must do something in this situation.

I think the Senator from Virginia correctly answered the question of the Senator from Oregon. Certainly our lumber industry is entitled to this relief if we can prove these facts in regard to our dealings with Canada or in regard to what we sell to Canada or what Canada sells to us. But I wonder what would happen if we invaded the eastern lumber market of Canada. What do Senators think would happen then?

Mr. MORSE. Then Canada would "tariff" us right out of the market.

Mr. MAGNUSON. It is virtually certain that in 15 minutes the Canadians would hold a meeting "in council," as it is called in other words, in Parliament—to do just that. We are not talking about the sale of lumber in all the markets of the world; we are talking only about the sale of our lumber in competition with theirs. They are coming into our market, because they have devalued their dollar, and because of other reasons which I think the President and others are in all sincerity trying to correct.

So this amendment appeals to us. I could easily vote against this bill; that would be politically popular. But I will not do so.

A little later we shall submit a fish amendment. It does not amount to much; it will not affect the practical application of the bill. But it will create a sense of direction in regard to these questions.

I am sure that what the Senator from Oregon [Mr. Morse] has said is correct. He has stated the case very factually and very well, and I wish to join him in his remarks.

At this point I should like to ask the Senator from Virginia a question on the same subject, if I may do so.

Mr. BUSH. Mr. President, the Senator from Washington has already gone far beyond the 5 minutes which have been yielded to him. Let me ask how much time he wishes to have.

Mr. MAGNUSON. I shall wait until the Senator from Connecticut has concluded.

Mr. BUSH. I should like to accommodate the Senator from Washington, but I have been waiting for half an hour or more.

Mr. MAGNUSON. I shall bring up this question later on.

Mr. BUSH. I should like to accommodate the Senator from Washington, if he will be reasonable in the amount of time he wishes to have. Does he wish an additional 5 minutes or so?

Mr. MAGNUSON. As the Senator from Connecticut knows, I do not talk a great deal on the floor of the Senate.

Mr. BUSH. Yes; neither do I.

Mr. MAGNUSON. But this question might take a little time. So I shall take it up later.

Mr. BUSH. I appreciate that consideration.

Mr. President, on the question of agreeing to my amendment, the yeas and nays have been ordered; and I should like to have the vote taken.

Mr. MAGNUSON. Mr. President, I thank the Senator from Connecticut for yielding.

Mr. MORSE. Mr. President, I, too, thank the Senator from Connecticut for his courtesy and consideration. At this time we shall desist with the understanding that when the Record is printed, our later remarks will appear in continuity.

Mr. MORSE subsequently said: Mr. President, I should like to have the attention of the Senator from Washington [Mr. Magnuson] as we complete the discussion I started some time ago.

We had pointed out, Mr. President, for the legislative history, that the lumber industry in the Pacific Northwest is greatly disturbed about the foreign trade bill, and wishes to have some assurance as to what the administration will do to give protection to the lumber industry of the Pacific Northwest. I remind my southern lumber friends that they also will be the beneficiaries of the course of action the administration will take in connection with Canadian lumber.

All we are asking is that the American lumber mills be put on a basis of competitive equality with the Canadian mills, that they be protected from the direct and indirect subsidies the Canadian Government makes available to the Canadian lumber mills, which are enabling Canadian lumber to take over an ever-increasing percentage of American lumber markets.

To my southern friends I say, "It is only a matter of time before you discover that your pine mills of the South also suffer from unfair competition from Canada."

In our colloquy earlier this evening, the Senator from Virginia [Mr. BYRD] gave assurance to the Senator from Washington [Mr. MAGNUSON] and to the senior Senator from Oregon that the permissive quota section of the bill could be used by the President to give necessary protection in case the Canadian Government does not agree to a reasonable voluntary agreement on quotas in the negotiations now in process. There has been one meeting in such negotiations. There will be another in October.

In my opinion we have good reason to place complete confidence in our President and his advisers in regard to this subject. We believe he will exercise the authority he is given by section 353 in the bill when we can show on the merits of the evidence we present that our lumber industry has a legitimate right to protection under this section.

For the record and for the information of the lumber industry of my State, I wish to say that this afternoon I was at the White House, and talked with White House advisers about this problem. I point out to the Senator from Washington that I made very clear where we who represent the Pacific Northwest stand on this question. Today I was given further assurance that the White House Conference on Lumber some weeks ago still represents the President's position. The President is determined to carry through on the representations he made at that meeting to see to it that economic justice is done to the lumber industry of our country.

I see the Senator from Idaho [Mr. CHURCH] in the Chamber. He was with us at that conference as was my colleague from Oregon [Mrs. NEUBERGER]. I want the Senate to know that my colleague from Oregon was a very effective participant in that conference. She has given much time and great effort to the problems we took up at that conference. Her work has been a valued contribution to what we all hope will be a real solution to the problems of this industry.

There is every reason to believe that there has been written into the bill language that would give to the President any added authority he may need, if it becomes necessary to use it, to see to it that economic justice is done to the industries of our States.

The Senator from Illinois [Mr. DOUGLAS] has pointed out to me section 252 (a)(3) and subsection (c), which he believes is also applicable to our problem. The first section to which I refer is on page 21 of the bill and the second section is on page 22. I wish to read section 252(a) subsection (3):

> (3) notwithstanding any other provision of law or any provision of any trade agreement, impose duties or other import restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, to the extent he deems such duties and other import restrictions necessary to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis.

I say to the lumber industry of my State in the Pacific Northwest that, in my judgment, that language of the bill would give to the President of the United States such authority as he may need to exercise, if the facts show that it should be exercised, to place restrictions upon foreign lumber that may be competing unfairly with our own, because I think there are restrictions against U.S. agricultural products that would justify its being invoked.

Let me also direct the attention of the Senate and the lumber industry in my State and in the State of Washington to subsection (c) on page 22 of the bill. We are greatly indebted to the Senator from Illinois [Mr. DOUGLAS], a member of the committee, and other members of the committee, for the foresight they exercised in seeing to it that such language was put into the bill.

The section states:

> (c) Whenever a foreign country or instrumentality, the products of which receive benefits of trade agreement concessions made by the United States, maintains unreasonable import restrictions which either directly or indirectly substantially burden United States commerce, the President may, to the extent that such action is consistent with the purposes of section 102, and having due regard for the international obligations of the United States—
>
> (1) suspend, withdraw, or prevent the application of benefits of trade agreement concessions to products of such country or instrumentality, or
>
> (2) refrain from proclaiming benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality.

Not only should the Senate and the lumber industry of my State and the other States of the Pacific Northwest take note, but also I say to Canada, "Please take note of the language in the bill; and also take note that there is a group of Senators in this body who have no intention of letting the subject drop after the bill has been passed. We are going to be here to carry on the fight to protect the lumber industry of our country against the unfair competition of Canada, if Canada refuses to enter into a voluntary agreement that will bring to an end the unfair competitive advantage that they are insisting upon through their Government subsidies, direct and indirect."

I yield to the Senator from Illinois.

Mr. DOUGLAS. I am very glad that the Senator from Oregon has made that point. I had the honor of moving the adoption of the language of section 252(c), which was adopted by the committee. I did so because, while I am a very firm believer in low tariffs and indeed have been called a free trader, I felt that the provisions which were contained in the original bill were altogether too weak. They would merely have authorized the President to suspend future reductions in tariffs to countries which discriminated against us. The amendment I proposed and which was adopted would give to the President the power to suspend and withdraw all previous reciprocal agreements way back to the Smoot-Hawley Act. The Talmadge amendment would permit us to go even beyond Smoot-Hawley.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. TALMADGE. The Senator is referring to the Smoot-Hawley tariff.

Mr. DOUGLAS. The Senator is quite correct—the Smoot-Hawley tariff. We will send the President into negotiations with weapons so that if the Common Market countries or any other country or indeed any third country acts in a severe and discriminatory fashion toward us we can act in a positive fashion. We hope that this will not be necessary. But the fact that the President will have those powers will, I think, have a very great influence in helping to make the other countries adopt a better policy and not take the United States too much for granted.

I believe it will help to curb the protectionist tendencies of Germany, under which American farm products including frozen chickens and American coal have been discriminated against. It will help to check the protectionist policies of France, and if, as the Senator from Oregon has said, Canada has discriminated against us—the provision can be used in negotiations with that country. We would send the President into all negotiations armed not merely with an olive branch but with strong weapons which he can use if the Europeans and Canadians take us too much for granted and decide we are easy marks. It is regrettable that we have to do this. But it is necessary.

Mr. MORSE. I thank the Senator from Illinois from the bottom of my heart for the work that he did on the committee to help to get this language included in the bill. I thank the Senator from Georgia [Mr. TALMADGE] also, for myself and for the lumber industry of the Pacific Northwest.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TALMADGE. The Senator has addressed his remarks primarily to the Pacific Northwest. The lumber industry in the southeastern part of the United States is also in extremis. We have made our views known to the President and others concerned. If we do not get relief, as the Senator from Oregon has pointed out, it will be only a short time before the lumber industry in the southeastern part of the United States will be out of operation also, and many thousands of people will be unemployed.

Mr. MORSE. If the Senator from Georgia was in the Chamber during the earlier part of my remarks he heard me refer to the situation in the South. I said then that it is only a matter of time until my southern friends will be as much involved as we are now in the Pacific Northwest. We are under the economic gun of Canada shooting into the heart of our economy.

Mr. TALMADGE. The South has already arrived at that point.

Mr. MORSE. I stand shoulder to shoulder with the Senator, because this is a common cause, and we are right. When I am engaged in a common cause, I do not know what the word "quit" means.

As I close this comment on this subject, let me say that I am aware that there will be those in the lumber industry who are not going to be satisfied with this bill. However, it is evident that we have done as much as can be done in their interest at the present time. Since we have gotten the discussions with Canada underway, we are in a stronger position if we place faith in our administration, with the knowledge that in this bill we have greatly strengthened the administration in exercising the authority it needs to give protection to the lumber industry than if we tried and failed to write a statutory quota.

In my judgment, the necessity for such an amendment no longer exists, in view of the language now contained in the bill. Furthermore, if the Canadian discussions come to nothing, and if the President fails to act under any one of these sections we will have the opportunity in January of introducing legislation necessary to give protection, and I have no doubt about the fact that such legislation will be introduced. So will many other bills to give relief to American lumber.

The administration thoroughly understands that point. I made it clear this afternoon that that would be my course of action.

In view of these amendments and in view of the actions of the administration and the conversations I have had with its spokesman. I am pleased to vote for the bill.

There is another item on which I would like to make a little legislative history. It deals with cherries. Before I move to cherries, I wonder if the Senator from Washington wishes to say anything on the lumber situation.

Mr. MAGNUSON. Mr. President, I appreciate very much what the Senator from Illinois [Mr. DOUGLAS] has suggested with reference to what can be done if the facts justify some action on the part of the administration. I believe there should be a legislative record on that subject.

The pending bill provides in section 301(e) that the Tariff Commission shall determine the increase in or imposition of any duty or import restriction which is necessary to prevent or remedy an injury it finds—pursuant to an escape-clause investigation under section 301(b)—to be due to increased imports of an article. The Tariff Commission includes such a determination in its report to the President.

Thus, there is no limitation on what relief the Tariff Commission can find warranted.

Section 351(a)(1) of the pending bill permits the President to proclaim any relief, either higher tariffs or restrictive quota, he judges to be needed to remedy or prevent injury. However, section 351(b)(1) imposes a ceiling on how high he can raise a tariff at 50 percent above the duty existing on July 1, 1934. No limitation is imposed on the President's authority to impose a quota or other import restriction.

The term "existing on July 1, 1934" defined in section 256(5) refers to the rate of duty, however established, and even though temporarily suspended by act of Congress or otherwise, existing on July 1, 1934.

For some reason I do not know, the term "existing on July 1, 1934" was used.

Mr. DOUGLAS. That refers to the tariffs and quotas prevailing under the Smoot-Hawley law.

Mr. MAGNUSON. That was the beginning of the Reciprocal Trade Agreements Act.

Mr. DOUGLAS. Yes.

Mr. MAGNUSON. That could be a very inequitable formula for certain industries. Of course, I realize that the committee had to start somewhere. I was about to propose an amendment which would have added the words "or the ad valorem equivalent thereof" to section 256(5), which would have given the necessary flexibility; and the July 1, 1934, date could have been used, but with some flexibility. The Senator from Oregon and I continue to harp on the lumber industry. It is important to our economy. We do not seek anything different from any other industry.

Let me illustrate what I have in mind with the specific example of lumber. Under the Tariff Act of 1930 and the Revenue Act of 1932, lumber of fir, spruce, pine, hemlock, and larch were dutiable at $4 per thousand board feet and other softwood lumber at $3 per thousand board feet. With lumber at 1934 prices, these duties were equivalent to 16.6 percent ad valorem on imports in 1934. The unit value of lumber has risen since 1934 to a point where the average value in 1961 was approximately $70 per thousand board feet. To restore the duty to the same level as existed in fact in 1934, the present duty would have to be raised to $11.62 per thousand board feet, yet the pending bill would only allow the President to increase it to between $4.50 to $6 per thousand board feet, depending on the species.

The Senator from Illinois suggests that there are other sections of the bill which will allow the President to take care of this great inequity.

Mr. TALMADGE. Mr. President, I was about to call this point to the attention of the distinguished Senator from Oregon. If Senators will look at page 83 of the bill, section 353, subsection 2, they will find that the President is authorized to impose a duty on such an article if it is not otherwise subject to duty, at such rate as he finds necessary.

Mr. MAGNUSON. The Senator from Oregon was trying to make proper legislative history in the interpretation of the bill. I hope Senators will not be impatient with us. We are dealing not only with the ordinary tariff or export-import matter, but also with a country which has devalued its dollar down to 92½ percent. Therefore, even if we correct these inequities, we will still have to deal with a 7½ percent differential. We are willing to do that.

The Senator from Georgia worked on this amendment in cooperation with the Senator from Illinois. I appreciate this legislative history, because it is very important to us.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. TALMADGE. I commend the Senator from Illinois for his initial work in this connection. It was pointed out in the hearings, chiefly by the distinguished Senator from Illinois, that we were sending the President or his representative into battle under the terms of this act with power to reduce tariffs in some instances down to zero, but he did not have authority to deal with countries that might be protectionist inclined, as the European Economic Community has demonstrated it is. Under such conditions the President would have authority to deal both ways, either up or down, and the bill gives the President such authority.

Mr. MAGNUSON. I agree. I should like to ask one further question of the Senator from Illinois, or one of the other distinguished members of the committee. There is no restriction, as I understand, in the bill on the President of the United States, under certain circumstances and justifiable facts, in imposing a quota on any item coming into the United States. Is that correct?

Mr. DOUGLAS. I think the chairman should answer that question.

Mr. MAGNUSON. Mr. President, the question was whether under the bill the President of the United States could, under circumstances which he deemed justifiable, impose a quota on any article coming into the United States.

Mr. BYRD of Virginia. There is no question that he could do so, if it were in the public interest.

Mr. MAGNUSON. I say: If he deems it desirable, necessary, and justifiable. I assume that would mean it would have to be in the public interest, and therefore he could impose a quota.

Mr. BYRD of Virginia. The President has that authority very plainly written in the bill.

Mr. DOUGLAS. In so doing, he can if he deems wise abrogate the reciprocal trade agreements. He is not bound by the many provisions of GATT. The laws of the United States and the decisions of the President now become supreme. Gulliver is no longer tied to the earth by the multitudinous threads of the Lilliputians.

Mr. MORSE. Mr. President. I have already thanked the distinguished Senator from Georgia [Mr. TALMADGE], but I wish to make it perfectly clear for the RECORD that I am greatly indebted to him for the work he did on the bill in regard to the inclusion of language which, in my judgment, gives to the President the authority he needs, if he will exercise it, to give to our lumber industry, North and South, the protection it deserves.

Mr. TALMADGE. Mr. President, I am grateful to the Senator from Oregon for his generosity. The language referred to was the conjunctive effort of the entire committee. We have recited that the amendment, specifically section 353, on page 83, gives the President ample authority to take any action he may deem to be in the national interest. That language was adopted by the Committee on Finance with only one dissenting vote.

Mr. MORSE. Mr. President, I now turn to another subject. I shall place most of the material in the RECORD, except that part about which I wish to question the distinguished Senator from Virginia.

CHERRY AMENDMENT

The Senator from Virginia knows that for several years, when the Senate has had trade matters under consideration, we have sought under his very able leadership to deal with the Morse cherry amendment. The Senate has adopted that amendment twice, once in 1955 and again in 1958.

Briefly, the amendment related to the problem of cherry growers who found themselves "out of court," so to speak, so far as the Tariff Commission was concerned, with respect to imports of processed cherries. The growers were told that because glazed cherries were a processed product, they did not fall within the definition of being directly competitive with the imported product. Therefore, they were not permitted to participate in proceedings involving the importation of glazed and maraschino cherries.

I received quite an education on the use of maraschino cherries. I was not aware of the amount of their imports into the country because I was unaware that so much alcohol is consumed in the United States in cocktail form; but the information was helpful to me. So I offered an amendment, which the Senator from Virginia has always helped me move through the Senate, to enable growers to take part in these proceedings.

However, I shall not offer that amendment on this occasion because it does not appear that there is any need for it. It is my understanding—and I wish to be assured by the Senator from Virginia that my understanding is correct—that the bill in its present form contains language that would cover the problems of the cherry growers and would leave no room for doubt that they would have standing before the Tariff Commission.

Both the bill and the report of the House Committee on Ways and Means, on section 405(4), which is the section in point, indicate that the purpose of my earlier amendment is achieved in the bill. The House committee report states:

> Your committee has incorporated in the bill a provision which has the effect of permitting an extension of the scope of the term "directly competitive." Under this provision, an imported article may be considered "directly competitive with" a domestic article, or vice versa, if the one is at an earlier or later stage of processing than the other, or if one is a processed and the other an unprocessed form of the same article, and if the economic effect of importation of the imported article is comparable to the effect of importation of articles in the same stage of processing as the domestic article.
>
> The term "earlier or later stage of processing" contemplates that the article remains substantially the same during such stages of processing, and is not wholly transformed into a different article. Thus, for example, zinc oxide would be zinc ore in a later stage of processing, since it can be processed directly from zinc ore. For the same reason, a raw cherry would be a glace cherry in an earlier stage of processing, and the same is true of a live lamb and dressed lamb meat.

Mr. President, in view of the language of the bill and the language I have read from the report of the House Committee on Ways and Means, does the Senator from Virginia agree with me that the language of my previous amendment would be surplusage and unnecessary; and that, therefore, the Senator from Oregon is rightly taking the position that it is not necessary for him to offer it?

Mr. BYRD of Virginia. Mr. President, the bill provides ample authority for the President of the United States, if the public interest is involved, to establish quotas or take whatever other action may be necessary.

It also clearly provides that an imported article may be considered directly competitive even though at a different stage. I would not say that the Morse amendment is needed with the language of the bill as now constituted. Furthermore the bill itself very clearly and distinctly spells out that the President has the power, if he chooses to exercise it in the public interest, to impose quotas, tariffs, or whatever else may be necessary to protect any agricultural or industrial production in this country.

Mr. MORSE. Section 405 of the bill also makes clear that the processing element would be covered, does it not?

Mr. BYRD of Virginia. It does.

Mr. MORSE. The Senator from California [Mr. ENGLE] is the principal sponsor of another amendment I have joined in offering which would affect the cherry growers of our States. It calls for an import quota to be negotiated if any concession is made on a list of fruit and tree crops. I assume that he also agrees that the language of the bill provides the President with the needed authority to cover this problem, as well. Does the Senator agree with my view?

Mr. ENGLE. I do, indeed. I refer to page 6 of the report, on which that subject is dealt with.

The Senator from Maine [Mr. MUSKIE] proposed an amendment, which is dealt with on page 6 of the report, and which I call to the attention of the Senate. It refers to the international agreements which have been made under section 204 of the Agricultural Act of 1956, as amended, involving certain agricultural commodities and other raw materials. The amendment expands that provision and calls this particular problem to the attention of the administration. I hope the provision will be implemented in the future.

Mr. MORSE. I thank the Senator from California. The cherry growers of our section of the country are greatly indebted to him for the service he has rendered to them, not only in helping to make this legislative record, but in proposing the amendment which, in my judgment, had some influence in placing in the bill the language to which he has just referred.

Mr. ENGLE. Mr. President, in addition to paying tribute to the distinguished Senator from Oregon, who has made an excellent statement, I desire to pay tribute also to the distinguished Senator from Georgia [Mr. TALMADGE], who offered the amendment in committee. The amendment was rejected in committee; but as a result of the amendment, the report contains the language which appears on page 6. I recited only a part of it; but it performs, in part, the function which we sought to have performed, and implements the program we have in mind.

The PRESIDING OFFICER. The Senator from Connecticut has 20 minutes remaining.

Mr. BUSH. Mr. President, some time ago I called up my amendment identified as "9-17-62—C," and it was made the pending question. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BUSH. Mr. President, this amendment would complete the process by which the so-called "escape" provision of the bill will have been brought back from the initial empty form of H.R. 9900 to some semblance of reality.

The purpose of this amendment is to add to the escape-clause provisions of the bill, as changed by the committee amendments, two principal concepts. First, it would set forth the criteria of serious injury contained in existing law. Second, it would define domestic industry in the words of existing law.

The first change is required to make it clear that the Tariff Commission will not have to meet any greater or more difficult test than now used in determining whether imports have caused serious injury.

The second change is also very important because it preserves the Commission's right to consider the effect of imports on the particular segment or part of an industry's facilities actually engaged in the production of items like or competitive with the increased imports. This also is in keeping with present practice.

Mr. President, Senators know that the escape clause now in effect is difficult and costly to invoke, and extremely uncertain in its results. The desire to retain it instead of the provisions of the bill, even as changed by the committee amendments, stems from the certain knowledge that the bill's escape provisions are so weak as to be almost meaningless. By comparison, the uncertain results of the present weak escape clause appear strong and satisfactory.

The escape clause has been in operation since 1947, when it was established by Executive order. This was the administration of President Truman, and it was his order which placed the escape clause in operation. Later, in 1951, it was written into the trade agreements law. During the time it has been in effect, the United States has made literally thousands of tariff reductions. Many hundreds of tariff items have been cut two or three times. Yet during all this period, the escape clause has been invoked by the United States only 15 times. This is a record of phenomenal restraint. Quite clearly, the frequency of the escape actions could not rationally serve as a basis of criticism against U.S. trade policy.

Yet the bill before us today seriously weakens the escape clause. It repeals the time-tested criteria of injury, the definition of industry, and the specific recognition given by Congress in the past that it is impracticable to require the Tariff Commission to find more than that concessions are a substantial cause of increased imports, and that increased imports are a substantial cause of serious injury.

To the credit of the committee, amendments have been made to the escape clause which reject the House version, requiring as it did that concessions be the sole cause of increased imports, and that increased imports be the sole cause of serious injury.

But the benefit of these changes—in themselves more stringent than existing law—is canceled out by the repeal of the definition of domestic industry, and the criteria of injury which have guided the Commission this past decade or more.

Present law directs the Commission's attention to trends in the basic economic facts bearing on injury. A downward trend of production, sales, profits, employment, or wage payments is the touchstone of injury when imports have increased and the share of the domestic market supplied by domestic producers has gone down.

The use of such trends is sensible because the policy of the law has been to prevent serious injury from occurring. It is enough when these trends in basic facts are established. Action then is justified, and will serve to preserve our domestic industries as vital contributing factors in our economy. Fifteen escape actions in as many years, contrasted with thousands of cuts in duty, show that some rough balance between competing interests can be achieved without significant disruptions to our trade commitments.

But the bill scraps these concepts. Trends are thrown overboard along with the basic policy of avoiding and preventing serious injury. The bill, even with the committee amendments, directs the Commission's attention to conditions which are the de facto evidence of disaster as an accomplished fact. Thus, section 301(b)(2) of the bill, as amended by the committee, calls for idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment as the basis for escape action. Two of these are objective facts associated with economic disaster: idle plants and unemployment. Why should we withhold escape action until they are an accomplished fact?

The third condition is a subjective fact. What is inability to operate at a level of reasonable profit? Is there a difference between the fact of unreasonably low profits, on the one hand, and inability to operate at any other level of profits, on the other? How could an industry prove that it was unable to operate at a profitable level? What steps, and in what variety, and for how long a period must it have experimented with measures to overcome the income-robbing effect of excessive imports before the Commission could make the necessary finding?

And what aggregation of firms, plants, and the like is it that must meet this new burden of proof? The definition of industry now in the law to guide the Tariff Commission would be repealed by the bill. Does the repeal intend that henceforth the Commission may not use that guide? Many persons would think so. Under Secretary of State Ball, as author of the preinauguration task force report on foreign economic policy, advised the President that the escape clause should be revised so that it would be operative only "where there is a finding that an entire industry is adversely affected by increased imports resulting from a tariff cut" in order to correct the "major deficiency," as described by the Ball report, that the escape clause "is triggered not by the impact of imports on an entire multiproduct industry but by the effect on an individual product." These quotations are to be found in the hearings of the Senate Finance Committee, Trade Expansion Act of 1962, 87th Congress, at page 1182.

So it is quite clear, Mr. President, that so far as Mr. Ball and his colleagues are concerned, escape-clause action should not be permitted until imports of an article bring an entire multiproduct industry to the state of disaster described above. Do we really want this to be the guideline by which the power we are delegating to the President will be used? What is there in the record to justify such an extreme departure from the moderate safeguards of the past?

My amendment would restore the segment of industry definition which results in the Tariff Commission's measuring the impact of imports on that part of the producing organizations actually engaged in producing the like or competitive article. If that test has not yielded more than 15 escape actions in the past 15 years, it is not likely to unravel the whole ball of our trade negotiations in the future.

Let us be forthright enough to insist on at least the tiny amount of assurance which today's escape clause provides the business community. Out of a decent respect for our own responsibilities to our States and the Nation's economic strength, let us require some proof of necessity before we dismantle the procedures which safeguard our industries, farms, and workers against harm from the use of such unprecedented power as this bill contains.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. BUSH. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. The Senator's amendment, as I view it, has a twofold purpose. First, it would enlarge the definition as to how an industry may be harmed; and, second, it would give the Tariff Commission an opportunity to make a finding.

It would not prevent the President from reducing a tariff or not agreeing to the finding, if he did not wish to agree, would it?

Mr. BUSH. The Senator is correct.

Mr. SALTONSTALL. So far as the amendment is concerned, the only difference would be that the Tariff Commission would make a finding, is that correct?

Mr. BUSH. The Tariff Commission would, of course, have to make a finding in any case. Under my amendment we would give better criteria, as are in existing law, than would be provided in the bill pending before the Senate.

The Senator is quite correct. The amendment would not inhibit the President from reducing tariffs.

Mr. SALTONSTALL. If the President disregarded the Tariff Commission's finding, he would be required to report to the Congress; as in the present law; is that correct?

Mr. BUSH. The Senator is correct.

Mr. SALTONSTALL. The amendment would not interfere in any way with the President's reducing a tariff if he so desired?

Mr. BUSH. That is correct.

Mr. SALTONSTALL. Instead of a whole industry being involved, if the Senator's amendment were adopted one part of the industry could be considered.

Mr. BUSH. Yes. I think of the International Silver Co. in my State, which manufactures various products. Let us consider a stainless steel flatware business, which might be seriously injured, whereas the coffee urn business, or a business in similar items, might not be. This would give an opportunity to appeal, under my amendment, on the basis that a certain segment of the industry was seriously injured or threatened with serious injury.

Mr. SALTONSTALL. The amendment would broaden the definition as to what is an economic situation.

Mr. BUSH. That is correct. I thank the Senator for clarifying that point.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. BUSH. I reserve the remainder of my time, Mr. President.

Mr. MANSFIELD. Mr. President, one of the amendments provides:

> On page 35, line 8, after the period insert the following: "The 'domestic industry producing an article which is like or directly competitive with the imported article' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive products or articles in commercial quantities. In applying the preceding sentence, the Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive products or articles referred to in such sentence from the operations of such organizations involving other products or articles."

It appears to me that if the amendment were adopted it would make it much easier for the Tariff Commission to find injury in any given case. Furthermore, the amendment would have the effect of breaking down an industry into segments, so that an industry would not be considered as a whole but could be broken up and considered in segments.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BUSH. I invite the Senator's attention to page 11 of the report of the committee, on which it is virtually stated what my amendment would provide. My amendment seeks only to put into the law what the committee report says should be in the law.

I read from the middle of page 11 of the report:

> Where a corporate entity has several establishments (e.g., divisions or plants) in some of which the domestic article in question is not produced, the establishments in which the domestic article is not produced would not be included in the industry. * * * In the case of multiproduct establishments in which productive resources are devoted to producing products A, B, C, and D, of which only product A is suffering from import competition, it is not necessary that the Commission find that the resources engaged in the production of any one or more of the other products have been injured.

This is exactly what my amendment seeks to put into the law, rather than to depend entirely on the committee report. We are in accord with the committee.

Mr. MANSFIELD. Mr. President, the committee report should be sufficient. This question was considered in the committee and the provision was approved by the committee.

I point out that there is a world of difference between a set of establishments, per se, and segments of the economy, which I think would be involved in the effect of the amendments under consideration. The law would be made applicable to segments.

I hope the amendments will be rejected.

I yield back the remainder of my time.

Mr. BUSH. Mr. President, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, several questions in connection with the bill have been raised by various Senators. With the cooperation of our staff, I have compiled answers to those questions. To conserve the time of the Senate, I ask unanimous consent that both the questions and the answers may be printed in the RECORD.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

Question. What is the actual effect of section 352—the orderly marketing agreements section? For instance, will it give to the shoe industry any protective consideration that it does not already have, or would not have under the other sections of the bill? What was the comment of the administration to the committee on this orderly marketing provision?

Answer. With regard to marketing agreements, the administration has not made any public statements nor private commitments.

The amendment in the bill provides the enforcement procedure for marketing agreements which could have been made anyway but which would have had no enforcement procedure.

The State Department accepts the proposal—but refuses to comment on whether there is any intention to enter into any new agreements. The President has promised to look into the lumber situation—but merely indicates "shoes" as a future possibility.

It should be noted that the section on marketing agreements merely provides an alternative to tariff adjustment or other assistance under the escape clause. This does not become usable until the industry has been injured and has successfully appealed to the Tariff Commission and had a majority vote that serious injury exists.

Question. Does the bill provide any specific favored treatment or exemptive protection for any commodities? What are those commodities?

Answer. The only items not to be negotiated for new tariff cuts are those which have had Presidential action under the National Security clause, the escape clause, or

In other words a few items will be reserved from tariff cuts for 5 years. They are—

Petroleum (national security).

Escape clause: dried figs, watches, linen toweling, safety pins, thermometers, lead and zinc, stainless-steel flatware, cotton typewriter ribbon cloth, carpets and rugs, and sheet glass.

Other majority vote by Tariff Commission: fur-felt hats and bodies, hatters fur, garlic, tobacco pipes, printed-silk scarves, scissors and shears, ground fish fillets, alsike cloverseed, bicycles, lighter flints, velveteen fabrics, violins, umbrella frames, cream of tartar, tartaric acid, baseball gloves, ceramic tile, straight pins, and clothespins.

Question. In contrast, does the bill provide any such exemptive protection for the textile industry or the shoe industry or the plywood industry?

Answer. No, the bill does not provide any exemption protection for textiles or shoes.

Question. Just what protection outside of this bill has been given to the textile industry up to the present time?

Answer. The short term textile agreement was not enforced and imports increased.

Mr. BUSH. Mr. President, if there is no further request for time, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments offered by the Senator from Connecticut [Mr. BUSH].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. GORE (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Colorado [Mr. ALLOTT]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ] and the Senator from California [Mr. ENGLE] would vote "nay."

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Florida would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Minnesota [Mr. MCCARTHY] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Kansas would vote "yea."

On this vote, the Senator from Oregon [Mrs. NEUBERGER] is paired with the Senator from New Hampshire [Mr. MURPHY]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from New Hampshire would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent on official business as a U.S. Representative to the General Assembly of the United Nations.

The Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. MURPHY], and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent attending the Republican State convention as required by Texas law.

The pair of the Senator from Colorado [Mr. ALLOTT] has been previously announced.

On this vote, the Senator from South Dakota [Mr. BOTTUM] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from New York [Mr. KEATING]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from New Hampshire [Mr. MURPHY] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Kansas [Mr. PEARSON] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Kansas would vote "yea," and the Senator from Minnesota would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Florida [Mr. HOLLAND]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Florida would vote "nay."

The result was announced—yeas 34, nays 45, as follows:

[No. 264]

YEAS—34

Beall
Bennett
Bible
Boggs
Bush
Butler
Cotton
Curtis
Dirksen
Dodd
Ervin
Fong
Goldwater
Hickenlooper
Hickey
Hill
Johnston
Jordan, N.C.
Jordan, Idaho
Kuchel
McClellan
Miller
Mundt
Prouty
Robertson
Saltonstall
Scott
Smith, Maine
Sparkman
Thurmond
Wiley
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—45

Aiken
Anderson
Bartlett
Burdick
Byrd, W. Va.
Carlson
Carroll
Case
Church
Cooper
Douglas
Eastland
Ellender
Hart
Hartke
Hayden
Humphrey
Jackson
Kefauver
Kerr
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Russell
Smathers
Smith, Mass.
Stennis
Symington
Talmadge
Williams, N.J.
Young, Ohio

NOT VOTING—21

Allott
Bottum
Byrd, Va.
Cannon
Capehart
Chavez
Clark
Engle
Fulbright
Gore
Gruening
Holland
Hruska
Javits
Keating
McCarthy
Morton
Murphy
Neuberger
Pearson
Tower

So Mr. BUSH's amendments were rejected.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. KERR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS. Mr. President, I call up my amendment identified as "9-17-62—P."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, line 5, number the present section (a) and following line 14 add a new paragraph (b) to read as follows:

> (b) Every trade agreement shall include provisions designed (1) to maintain or expand the 1957 volume of United States agricultural commodity and processed commodity exports and to decrease the restrictions on the export of such commodities and (2) to limit the importation into the United States of competitive agricultural commodity and processed commodity imports at a volume not in excess of the year 1957.

Mr. CURTIS. Mr. President, it is my contention that reciprocal trade need not abandon all protection. It is my contention that trade should be encouraged among nations when that trade is mutually advantageous to the bargaining nation. We are faced with this situation in agriculture. We are spending several billion dollars to support our agricultural economy. We are importing as great a quantity of commodities as we are exporting. There is danger that the United Kingdom will prevail upon the Common Market to turn over to the Commonwealth countries the agricultural imports which they are now buying from us. I wish to call attention to a few figures.

Several weeks ago, I asked the Department of Agriculture to compile for me a list of tariffs imposed by nations of the EEC upon agricultural products of this country which are traded in any appreciable volume. With reference to wheat, rye, barley, oats, corn, grain sorghum and wheat flour, the tariff protection imposed on American products by the European community is a factor of at least six times as high as comparable tariffs on those products being imported into the United States. Additional items on this list are those processed from agricultural products which, in substance, bear out about the same disparity of tariffs levied between the European Economic Community and the United States.

I ask unanimous consent that the tabulation may be included in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Reciprocal EEC import duties and restrictions on specified grains [1]

[Dollars per metric ton]

Commodity	Belgium	Luxembourg	Netherlands	France	Germany	Italy	United States
Wheat	39.00	39.45	33.25	36.20	61.25	50.97	[2] 7.71
Rye	22.00	46.05	10.77	20.04	52.17	40.74	2.36
Barley	25.00	27.35	21.03	20.11	49.40	7.14	3.44
Oats	15.60	18.00	18.83	13.26	40.87	7.19	2.76
Corn	29.60	29.90	18.63	36.85	55.20	8.85	9.84
Grain sorghum	33.20	34.30	21.07	41.25	55.15	21.93	(3)
Wheat flour	(4)	(4)	66.74	(4)	(4)	(4)	[2] 11.46

[1] Effective July 30, 1962, imports of these commodities came under the regulations of the common agricultural policy whereby former customs duties and quantitative restrictions were replaced by the above variable import levies.

[2] Subject to quantitative restrictions.

[3] 5 percent ad valorem.

[4] Negligible exports.

Reciprocal EEC import duties and restrictions on poultry and eggs

Commodity	Belgium	Luxembourg	Netherlands	France	Germany	Italy	United States
Eggs:					*Per pound*		
Dry whole egg [1]	(2)	(2)	(2)	(2)	$0.3716	(2)	27 cents per pound.
Dry whole yolk [1]	(2)	(2)	(2)	(2)	$0.3673	(2)	Do.
Frozen and liquid whole egg [1]	(2)	(2)	(2)	(2)	$0.9830	(2)	Frozen or otherwise prepared or preserved, 11 cents per pound.
Frozen and liquid egg yolk [1]	(2)	(2)	(2)	(2)	$0.7457	(2)	Frozen or otherwise prepared or preserved, not specifically provided for, 11 cents per pound.
Albumen:							
Inedible	Free	Free	Free	Free	Free	[3] 4.9	Dried, 27 cents per pound.
Edible	[3] 2.4	[3] 2.4	[3] 2.4	[3] 10	(4)	[3] 11.5	Frozen or otherwise prepared or preserved, not specifically provided for, 11 cents per pound.
Slaughtered poultry: [5]							
Class I [1] [6]	12.36	15.18	9.85	19.07	17.98	6.80	Ducks, geese, and chickens, 6.6 cents; turkeys, 18.7 cents.
Class II [1] [6]	14.65	18.00	11.68	22.61	21.33	8.07	
Class III [1] [6]	15.81	19.43	12.60	24.36	23.00	8.71	

[1] Effective July 30, 1962, imports of these commodities came under the regulations of the common agricultural policy whereby former customs duties and quantitative restrictions were replaced by the above variable import levies.

[2] Negligible exports.

[3] Percent.

[4] Dried, 5.9 percent; fresh or preserved other than by drying, 8 percent; other, 11 percent.

[5] In cents per kilo.

[6] Class I—Plucked, drawn, head and feet attached (83 percent live weight).

Class II—Plucked, drawn, excluding head and feet, including giblets (70 percent live weight).

Class III—Plucked, drawn, excluding head, feet, and giblets (65 percent of live weight).

Reciprocal EEC import duties and restrictions on specified animal products

Commodity	Benelux	France	Germany	Italy	United States
Dried milk:					
Unsweetened	15.9 percent	13.8 percent [1]	18 percent [1]	18 percent [1]	Dried whole milk, 3.1 cents per pound.[1]
Sweetened	23 percent	23 percent [1]	23 percent [1]	23 percent [1]	Dried skimmed and buttermilk, 1.5 cents per pound.[1]
Tallow:					
Inedible	0.6 percent	Crude, 14.6 percent;[1] other, 11.1 percent.[1]	0.6 percent	0.6 percent	Inedible and edible: 0.125 cent per pound plus 0.75 cent per pound IRC.
Edible	3 percent	Crude, 17 percent;[1] other, 13.5 percent.[1]	Crude, 7.2 percent; other, 11.4 percent.	Crude, 12.1 percent; other, 3 percent.	
Hides and skins	Free	Free	Free	Free, except split or completely fleshed, other than sheep and goat, 2.8 percent.	Buffalo, 3 percent; cattle, calf, kip, 4 percent; other, free.
Sausage casings	do	do	do	Fresh, free chilled, 12.6 percent; frozen, 10.5 percent; dried or salted, 2.8 percent.	Free.
Lard:					
For industrial use	1.2 percent	23.3 percent [1]	1.2 percent [1]	For industrial uses: Rancid, or spoiled for use in soap works, 4 percent; other, 15.2 percent.	3 cents per pound.
Other	Free	28.4 percent [1]	20 percent [1]	20 percent	
Sausages and the like, of meat, meat offal, or animal blood:					
Liver sausage:					
Of pork	do	35.2 percent	18.4 percent	In airtight containers, 24 percent; other, 18.4 percent.	Pork sausage: Fresh, 3¼ cents per pound; others, 1⅝ cents per pound. Meat pastes prepared or preserved, not specifically provided for, in airtight containers, canned meats not specifically provided for and prepared or preserved meat not specifically provided for (includes liver paste), 3 cents per pound, 10 percent minimum.
Other:					
In airtight containers	28.2 percent	do	do	24 percent	
Other	17.7 percent	do	do	18.4 percent	
Other:					
Of pork	Free	21 percent	17.5 percent	21 percent	
Other:					
In airtight containers	27.3 percent	do	do	do	
Other	16.8 percent	do	do	do	
Edible offals, fresh, chilled, or frozen:					
Of horse, ass and mule species	13.2 percent	4.8 percent	18 percent	16 percent	Edible offals, fresh, chilled or frozen: Livers, kidneys, tongues, hearts, sweetbreads, tripe, and brains, 1.125 cents per pound; 5.4 percent minimum.
Of animals of the bovine species.	Frozen tongues, 13 percent; other, 14.4 percent.	6 percent	Liver, 9.5 percent; other, 13 percent.	Fresh or chilled, 20 percent; frozen, 16.5 percent.	
Of swine	Free	6 percent	Liver, 9.5 percent; other, 13 percent.	Fresh or chilled, 20 percent; frozen, 16.5 percent.	
Of sheep and goats	12 percent	3.6 percent	17.6 percent	Fresh or chilled, 16.2 percent; frozen, 14.1 percent.	
Of poultry	Free	Goose or duck liver, 5 percent; other poultry liver, 18 percent.	Goose and duck livers, 58.73 cents per pound; other livers, 12.09 cents per pound; offals, 5.02 cents per pound.[2]	Giblets: Fresh or chilled, 18 percent; frozen, 15.9 percent. Duck or goose liver: Fresh or chilled, 16.2 percent; frozen, 14.1 percent; other poultry liver, 16 percent.	

[1] Subject to quantitative restrictions.

[2] Effective July 30, 1962, imports of these commodities came under the regulations of the common agricultural policy whereby former customs duties and quantitative restrictions were replaced by the above variable import levies.

Mr. CURTIS. Mr. President, in the discussion of the amendment offered by the distinguished Senator from Connecticut [Mr. BUSH], I inserted a list of agricultural and forest products which are now enjoying protection of 5 percent or less. In addition to that list, I now ask unanimous consent to have printed in the RECORD a memorandum which shows the category of commodities under which existing tariffs could be reduced by at least 50 percent or down to zero in the many cases wherein existing tariffs are now 5 percent or less ad valorem.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CATEGORIES OF ITEMS SUBJECT TO ELIMINATION OF DUTY UNDER SECTION 212

Sugar; molasses and sugar sirups; unmanufactured tobacco; live animals; meat products, including fresh, chilled or frozen beef, mutton, lamb, and pork, bacon, hams and shoulders, pork sausage, canned beef and meats; poultry, live or dressed, fresh, chilled or frozen; eggs, fresh, frozen, or dried; dairy products, including milk and cream, fresh or sour, dried, condensed or evaporated, butter, oleomargarine, and cheese of all types;

Miscellaneous animal products, including gelatin, glue, casein, meat extract, bristles, edible oils, tallow, and lard; animal and fish oils, inedible; vegetable oils and fats; essential or distilled oils; oilseeds, including cottonseed, soybeans and the like; grains and preparations, including flour and meal, cereal breakfast foods, biscuits, wafers, cakes, and bread; fodders and feeds; fruits and preparations, including all fruits in the natural state, green or ripe, in brine, dried, or prepared or preserved, or frozen; jellies, jams, marmalades, and fruit butter; fruit paste and pulp; fruit juices; beverages, including still wines, vermouth, champagne, beer, ale, malt extract and nonalcoholic beverages;

Vegetables and preparations, green or ripe, dried, or prepared or preserved; nuts and preparations, shelled or unshelled, blanched, roasted or otherwise prepared or preserved; seeds; nursery and greenhouse stock; raw cotton and cotton waste; other vegetable textile fibers and silk, unmanufactured; wool and other animal hair, unmanufactured; hides and skins, raw; drugs, herbs, and the like, including those advanced in condition, and fish oils; miscellaneous vegetable products, including monosodium glutamate, yeast, flavoring extracts, vinegars, sauces, soups, pastes, coffee essence, cocoa, chocolate, chewing gum, and other edible preparations.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. CURTIS. I am operating under limited time. If I can finish my statement and have some time remaining I shall be glad to yield to the Senator from South Carolina. I am sorry that I must do that.

Our committee expanded beyond the limits of the House bill with regard to the formula in which the United States and members of the European Economic Community produce 80 percent or more of the free world export of a commodity. As you perhaps know, the Senate Committee expanded the concept to include all members of the European Free Trade Association. When Secretary Hodges appeared before the House Committee on Ways and Means, he submitted for the record a projection of commodities affected by this amendment. His projection included the United States, present members of the EEC and five other nations which may possibly become EEC members. You will note that, in the year 1960, the United States exported various types of commodities coming within this formula in the amount of $8.803 billion and imported commodities within the formula in the amount of $1.763 billion. Of this import amount, the United States received $1.199 billion from current EEC members and five other nations which will possibly become members. The current EEC nations and the five other possible members imported commodities from the United States in the amount of $2.086 billion. I am submitting for the record Secretary Hodges' analysis and table regarding this portion of the bill.

I ask unanimous consent that the analysis may be printed in the RECORD at this point in my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANNEX A—TESTIMONY OF HON. LUTHER H. HODGES, SECRETARY OF COMMERCE, ON THE TRADE EXPANSION ACT OF 1962—CATEGORIES IN WHICH THE UNITED STATES AND THE EUROPEAN ECONOMIC COMMUNITY PLUS FIVE POSSIBLE ADDITIONAL MEMBERS SUPPLIED 80 PERCENT OR MORE OF FREE WORLD EXPORTS IN 1960

The attached is a tabulation of those commodity groups based on the standard international trade classification (SITC), revised, of which the value of exports from the United States and six present and five other possible members of the European Economic Community together accounted for 80 percent or more of free world exports in 1960.

Such a commodity list can only be illustrative at the present time of the kinds of commodity groups which may be included in a finally selected list under the "80 percent dominant supplier formula" in the special European Common Market authority in the Trade Expansion Act of 1962. Under the provisions of the new trade legislation a definitive list of the commodity groups which would be included under the special EEC authority can only be compiled (1) at a future date which approaches the commencement of negotiations, and (2) after data have been assembled for world trade in a representative period, selected from the years since January 1, 1957, as determined by the President. Such period may include 1961, 1962, and/or 1963, for which trade statistics are not yet available. In accordance with the bill's requirements, some commodity groups included in the attached illustrative list for 1960 may not be included in the final list and others may be added, depending upon what the trade figures show for the actual representative period selected.

The list of commodities to be actually offered in negotiation under the special EEC authority, as distinguished from the maximum list of commodities which could be included as described in the preceding paragraphs, would only be put together after public hearings have been held by the President and by the Tariff Commission, and the Tariff Commission has reported to the President its views concerning the impact on American employment, productive facilities, and profits from anticipated reductions in duties on such commodities. Under the proposed law, items on which escape clause or national security action has been taken must be withheld from negotiation. In addition, the President may withhold such other items, where he deems such action to be in the best interests of the Nation and the economy.

List of SITC, revised, commodity groups of which exports from the United States and the European Economic Community and 5 other possible EEC member European countries combined total 80 percent or more of free world exports in 1960 [1]

[Values of U.S. trade with the free world, values of exports to the free world from the EEC and 5 other possible EEC member European countries, and values of their imports from each other, in millions of dollars]

SITC, revised, group No.	Commodity group	Percent of free world exports from United States, EEC, and 5 others	U.S. exports to free world	U.S. imports from free world	U.S. net trade with free world	EEC and 5 others' exports to free world, excluding EEC plus 5 intra-trade	U.S. imports from EEC and 5 others	EEC and 5 others' imports from United States
734	Aircraft	97	1,227	53	1,174	250	20	425
862	Photographic and cinematographic supplies, except cameras	93	62	29	33	93	28	13
321	Coal, coke, and briquettes	92	360	4	356	133		197
613	Fur skins	91	16	9	7	21	8	6
732	Road motor vehicles	91	1,237	643	594	2,671	596	76
091	Margarine and shortenings	90	47	1	46	42	(2)	38
664	Glass, excluding glassware	89	34	54	−20	140	44	5
533	Pigments and paints	88	77	4	73	117	3	20
[3] 552	Perfumery, cosmetics, and cleansing preparations	88	74	8	66	144	7	7
731	Railway vehicles	87	126	1	125	157	(2)	1
062	Sugar confectionery and other sugar preparations	86	10	15	−5	37	12	1
111	Nonalcoholic beverages	86	1	(2)	1	13	(2)	
715	Metalworking machinery	86	352	36	316	355	27	95
733	Road vehicles, excluding motor	86	24	33	−9	124	25	1
712	Agricultural machinery, including tractors	85	520	136	384	414	38	30
891	Musical instruments, sound recorders, and parts	85	57	45	12	122	34	19
612	Leather manufactures	83	6	5	1	19	2	(2)
512	Organic chemicals	82	266	54	212	324	26	176
711	Power generating machinery, excluding electric	82	280	24	256	649	17	130
[3] 599	Miscellaneous chemicals, including plastics and insecticides	81	682	40	642	522	20	188
621	Materials of rubber	81	6	(4)	6	42	(4)	9
714	Office machinery	81	207	67	140	211	52	69
[3] 716	Industrial machinery, except power generating and metalworking	81	1,817	170	1,647	1,966	92	340
122	Tobacco manufactures	80	97	1	96	56	1	11
629	Articles of rubber	80	152	[4] 47	105	229	[4] 25	13
[3] 721	Electric machinery	80	1,066	284	782	1,535	122	216
	Total, 80 percent and above (26 groups)		8,803	1,763	7,040	10,395	1,199	2,086

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[1] The free-world export value used in these calculations includes total exports of all countries of the free world with the exception of (1) exports from the present European Economic Community member countries (Belgium, France, Federal Republic of Germany, Italy, Luxembourg, and Netherlands) and 5 other possible member countries (Denmark, Greece, Ireland, Norway, and United Kingdom) to each other; and (2) exports from the free world countries to countries dominated or controlled by international communism (Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, U.S.S.R., China (mainland Communist), North Korea, North Vietnam, Outer Mongolia, and Cuba).

Commodity groups are taken from the Standard International Trade Classification, Revised, of the United Nations except as noted below.

[2] Less than $500,000.

[3] This is an original SITC group number which was used because separate data are not available according to the SITC, revised, numbers. Groups 552, 599, 716, and 721 have been expanded to 13 group numbers in the SITC, revised. If data were available for 1960, a large proportion of the 13 groups would appear separately on the list.

[4] U.S. import statistics for articles of rubber include materials of rubber.

The CHAIRMAN. Mr. Secretary, I want to congratulate you, sir, on what I think is one of the finest presentations of a proposal that I have heard submitted to the Ways and Means Committee since I have been a member of the committee.

I know you were somewhat hesitant to take as much time as you have in the presentation of the case; but I want you to understand, sir, that we fully recognize that as the leading proponent in the Cabinet for this program it was incumbent upon you to present it in the detail that you have.

You have presented to us a very forceful statement in support of the legislation.

Secretary HODGES. Thank you, Mr. Chairman. I had a lot of good help.

The CHAIRMAN. Mr. KING.

Mr. KING. I must agree with the chairman, Mr. Secretary. It seems to be usual with you to make your position clear.

Mr. Secretary, I have tried through the years to avoid being burdened with regional considerations in connection with trade proposals that have been before this committee on many occasions. I was interested in what you had to say about the west coast's great tuna fisheries.

Mr. CURTIS. Mr. President, much has been offered for the record during hearings on this bill about the fact that the United States exports one-sixth of its agricultural products. The statement that 1 of every 6 acres now farmed is supported by export markets is becoming cliche. We must temper this volume of export with the fact that more than half of current agricultural exports are subsidized in varying degrees. At the same time, a very competent witness came before the committee and submitted information for the record in effect that the United States, during fiscal year 1961, also accounted for about one-sixth of the world's agricultural imports. This is fact which has escaped appropriate notice. In fiscal year 1961, about 55 percent of our agricultural imports were duty free. For the 45 percent of the imports which were dutiable, the ad valorem equivalent for all agricultural imports—free and dutiable—average 6 percent. More than half this volume of agricultural imports, 53 percent to be exact, came from 10 countries none of which are members of the Common Market.

Most of us think of agriculture in terms of the supported basic commodities, livestock, and commodities processed either from basics or livestock. We fail to comprehend the very substantial volume of business carried on in our domestic trade which is not supported under any Government program. This category, principally fruits and vegetables, has also suffered from rising imports in recent years. I would like to offer for the record a summary of average imports for fruits and vegetables in millions of pounds per item, averaging the years 1950 through 1955. The table will show very substantial increases in all these categories from the 5-year average to imports during the years 1959 to 1960. I ask unanimous consent that the table may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

(K) U.S. imports—Selected items pursuant with Ways and Means Committee, U.S. Congress, July 1, 1960

Trends: Data for the past decade on total U.S. imports of products considered in detail in this report are shown in the following tabulation:

[In millions of pounds]

Product	Average 1950–51 to 1954–55 or 1951–55	1955–56 or 1956	1956–57 or 1957	1957–58 or 1958	1958–59 or 1959	1959–60 or 1960
Cantaloups [1]	18.2	51.9	50.2	44.0	56.5	79.4
Watermelons [1]	11.8	37.7	24.5	43.5	58.0	72.0
Miscellaneous melons [1]	8.9	15.1	11.0	12.7	20.3	35.5
Snap beans	1.4	2.3	6.3	6.5	8.1	6.9
Garlic [1]	19.8	17.3	17.8	21.5	24.2	23.5
Onions [1]	25.6	26.4	27.0	54.6	59.1	31.1
Tomatoes	165.8	82.1	120.9	270.4	242.5	309.1
Cucumbers	22.6	42.1	40.8	45.1	34.7	65.7
Eggplant	2.2	2.0	1.9	3.5	3.4	4.8
Peppers	15.5	5.3	9.5	17.1	17.8	21.4
Squash	.3	(2)	.5	.6	1.6	1.2

[1] Calendar-year basis.

[2] Less than 50,000 pounds.

NOTE.—Imports of all the products shown above were significantly larger in each of the last 3 years than average annual imports in 1951–55. Comparing the data for 1960 (or 1959–60) with the annual average for 1951–55 (or 1950–51 to 1954–55), imports of watermelons increased by 510 percent; snap beans by 393 percent; cantaloups by 336 percent; miscellaneous melons and squash by about 300 percent; and cucumbers by 191 percent. Imports of eggplant and tomatoes approximately doubled; and imports of peppers, onions, and garlic increased by 38, 21, and 19 percent, respectively.

Source: P. 19, Investigation 332-39 Resolution, Ways and Means Committee, U.S. House of Representatives, July 1, 1960.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD table No. 6, found at page 29 of the Quantity Indexes of U.S. Agricultural Exports and Imports, for January 1960, together with additions which have been made therein in handwriting.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 6.—*Agricultural imports: Quantity indexes of principal commodity groups, United States, by calendar years, 1944–61*

[Calendar years 1952–54=100]

Year	Total [1]	Supplementary [2]										Complementary [2]		
		Total	Animal products					Grains and feeds	Vegetable oils and oilseeds	Sugar, molasses and sirups [5]	Tobacco, unmanufactured	Total	Cocoa, coffee, and tea [3]	Rubber and allied gums [3]
			Total [3]	Dairy products	Hides and skins	Meats and meat products [3]	Wool excluding free in bond [4]							
1944	86	119	----	19	179	----	204	260	96	89	79	61	----	----
1945	79	98	----	24	123	----	248	71	86	76	81	66	----	----
1946	94	101	----	48	136	----	296	20	98	61	86	88	----	----
1947	95	89	93	19	112	18	157	7	132	103	97	99	96	103
1948	102	93	119	46	141	52	153	21	122	82	86	108	105	107
1949	99	88	88	54	111	42	99	56	110	95	86	106	112	96
1950	106	107	127	93	166	67	152	62	139	95	90	105	97	117
1951	105	108	128	89	131	90	161	88	112	93	103	103	104	107
1952	106	107	117	109	106	92	140	119	101	100	100	106	103	117
1953	104	103	100	104	110	103	96	112	99	102	100	104	107	95
1954	90	90	83	87	84	106	64	69	100	98	100	90	90	88
1955	96	92	89	95	92	101	71	42	99	106	103	99	100	94
1956	99	91	80	96	100	92	61	54	99	108	111	103	108	85
1957	98	94	87	94	81	110	43	56	101	105	113	100	105	82
1958	101	100	120	107	91	180	45	47	97	121	124	95	101	70
1959	110	110	122	118	123	183	61	37	105	116	134	110	116	84
1960	103	105	103	116	93	154	47	31	104	123	139	102	112	60
1961	107	107	120	136	86	183	54	34	108	107	144	106	118	57

[1] Based on 251 classifications.

[2] Supplementary agricultural imports consist of all imports similar to agricultural commodities produced commercially in the United States, together with all other agricultural imports interchangeable to any significant extent with such U.S. commodities. Complementary imports include all others, about 97 percent of which consists of rubber, coffee, tea, cocoa beans, raw silk, wool for carpets, bananas, and spices.

[3] Not calculated prior to 1947.

[4] 1942–45 includes wool (ordinarily dutiable) imported free as an act of international courtesy.

[5] Prior to 1930 includes molasses; beginning in 1947 includes molasses and sirups.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD table No. 7 in the publication entitled "Foreign Agricultural Trade of the United States: Statistical Report for Calendar Year 1961." The table appears on pages 32 and 33.

There being no objection, table No. 7 was ordered to be printed in the RECORD, as follows:

TABLE 7.—*Imports (for consumption): Value of selected agricultural commodities and groups, averages 1935–39 to 1955–59 and annually 1947 to 1961*

[In thousands of dollars]

Year ended Dec. 31	Supplementary					
	Animals, live	Dairy products	Hides and skins	Meats	Wool, unmanufactured, excluding free in bond	Total animals and animal products
Average:						
1935–39	16,602	15,068	49,196	19,855	24,887	160,993
1940–44	23,887	8,759	66,626	19,374	193,780	349,567
1945–49	48,682	17,951	75,526	35,364	197,420	436,760
1950–54	42,664	38,669	83,036	145,979	303,968	695,727
1955–59	75,576	43,826	59,795	229,671	115,076	577,520
Annual:						
1947	21,813	12,687	83,849	12,147	159,582	353,912
1948	86,583	22,725	105,496	78,111	214,286	579,542
1949	69,230	22,471	69,944	61,552	165,360	452,908
1950	82,210	34,356	114,103	96,436	282,396	700,710
Annual—Continued						
1951	62,392	38,798	126,965	165,291	590,492	1,088,571
1952	17,740	45,392	55,891	139,087	299,103	660,622
1953	28,925	38,804	68,153	161,876	202,810	557,873
1954	22,055	35,996	50,062	167,203	145,041	470,859
1955	33,606	40,829	53,125	148,493	151,817	481,367
1956	22,528	42,213	62,905	129,481	128,903	444,874
1957	77,236	41,171	46,750	167,328	109,194	496,740
1958	146,653	45,440	51,767	320,189	84,431	700,277
1959	97,857	49,477	84,427	382,863	101,033	764,344
1960	76,072	49,896	67,606	311,073	84,965	644,183
1961 preliminary	105,439	54,335	61,266	371,697	89,961	736,754

[In thousands of dollars]

Year ended Dec. 31	Supplementary					
	Cotton, excluding linters	Fruits and preparations	Grains and preparations	Feeds and fodders [1]	Nuts and preparations	Sugar, cane
Average:						
1935–39	10,176	13,099	56,121	11,341	15,998	142,556
1940–44	14,125	17,205	99,313	15,623	13,859	154,315
1945–49	35,568	45,088	42,969	21,104	49,420	298,857
1950–54	33,739	62,912	127,164	45,393	53,362	404,200
1955–59	32,271	68,721	69,262	21,524	64,384	465,463
Annual:						
1947	51,911	39,161	6,471	13,056	47,170	410,516
1948	38,030	51,421	28,873	19,740	59,538	313,061
1949	19,130	45,721	75,311	24,334	47,949	372,171
1950	36,810	56,645	78,443	33,534	55,973	381,187
1951	39,671	59,847	131,428	42,436	57,208	387,182
Annual—Continued						
1952	33,337	62,107	165,701	74,895	49,249	416,405
1953	33,218	70,712	169,285	40,598	55,233	425,393
1954	25,657	65,249	90,963	35,503	40,149	410,831
1955	36,855	63,097	60,717	20,149	73,132	415,090
1956	19,563	67,436	80,081	20,067	60,757	436,717
1957	59,064	69,932	83,937	22,372	58,439	459,425
1958	26,036	65,575	65,907	23,679	62,200	520,029
1959	19,839	77,565	55,669	21,351	67,391	496,056
1960	23,187	88,031	54,524	16,195	69,443	507,221
1961 preliminary	31,064	87,737	54,430	15,905	61,813	457,502

[In thousands of dollars]

Year ended Dec. 31	Supplementary					
	Molasses and sugar sirup	Oil-seeds	Oils, vegetable, expressed	Tobacco, leaf	Vegetables and preparations	Total vegetable products
Average:						
1935–39	12,389	40,471	77,139	30,653	19,645	469,884
1940–44	30,649	40,062	45,493	41,046	24,600	537,414
1945–49	23,377	94,524	82,655	77,072	52,046	903,434
1950–54	39,288	79,375	97,073	76,558	51,678	1,181,610
1955–59	40,087	55,777	89,513	89,029	59,257	1,172,100
Annual:						
1947	23,385	139,280	117,379	85,703	52,666	1,051,995
1948	41,504	150,782	103,636	75,397	60,236	1,038,593
1949	18,313	95,178	70,014	70,357	52,439	967,191
1950	19,257	105,660	109,498	73,424	46,512	1,104,059
1951	48,650	104,112	107,567	81,506	52,894	1,230,044
Annual—Continued						
1952	51,052	56,181	95,667	75,437	55,304	1,241,652
1953	38,971	68,642	92,680	76,092	56,965	1,245,202
1954	38,509	62,281	79,952	76,330	46,715	1,087,091
1955	39,446	54,981	74,887	78,636	43,042	1,069,073
1956	40,398	48,400	81,376	82,503	51,914	1,103,867
1957	39,964	48,162	96,613	87,689	55,925	1,198,916
1958	43,934	53,440	93,745	95,886	74,206	1,237,589
1959	36,692	70,843	100,944	100,432	71,198	1,251,056
1960	41,269	68,096	93,017	103,284	80,049	1,274,035
1961 preliminary	27,620	55,248	90,216	101,687	78,091	1,201,776

[In thousands of dollars]

Year ended Dec. 31	Complementary					
	Silk, raw	Wool, free in bond	Bananas	Cocoa or cacao beans	Coffee [2]	Rubber, crude
Average:						
1935–39	102,883	25,469	29,206	31,935	139,726	167,029
1940–44	37,374	22,786	22,289	35,003	221,741	194,561
1945–49	28,150	56,490	44,622	114,638	581,065	241,661
1950–54	26,087	104,392	59,631	192,358	1,356,053	495,990
1955–59	26,173	105,348	70,217	160,273	1,288,000	364,052
Annual:						
1947	15,709	49,362	49,586	152,359	598,609	318,232
1948	15,406	93,387	49,959	193,721	697,305	309,209
1949	7,272	56,863	52,682	124,485	793,438	240,312
1950	20,565	145,438	55,643	167,218	1,091,480	458,241
1951	19,485	123,015	54,493	196,850	1,358,341	809,330
Annual—Continued						
1952	33,625	83,108	55,494	178,275	1,375,685	618,821
1953	26,084	92,940	67,225	167,311	1,468,878	331,498
1954	30,675	77,461	65,301	252,134	1,485,883	262,061
1955	33,548	108,538	66,471	184,833	1,356,800	442,372
1956	32,444	113,517	68,016	144,434	1,439,076	398,127
1957	24,575	101,798	69,788	134,706	1,376,280	349,422
1958	15,572	79,598	69,388	172,458	1,170,687	247,771
1959	24,728	128,290	77,424	164,937	1,097,150	282,566
1960	27,227	111,950	78,639	143,188	1,002,626	321,686
1961 preliminary	27,105	107,759	77,467	159,479	964,017	216,553

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[1] Excludes barley, corn, oats, and wheat unfit for human consumption.

[2] Beginning 1953, includes imports through the customs district of Puerto Rico.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD, table No. 2, with additions, which appears on pages 15 and 16 of the publication entitled "Quantity Indexes of U.S. Agricultural Exports and Imports, Revised January 1960."

There being no objection, table No. 2 was ordered to be printed in the RECORD, as follows:

TABLE 2.—*Agricultural exports: Quantity indexes of principal commodity groups, United States, by calendar years, 1924–61*

[Calendar years 1952–54=100]

Year	Total[1]	Animal products: Total	Animal products: Dairy products[2]	Animal products: Poultry and poultry products[2]	Animal products: Animal fats[2]	Animal products: Meats and meat products[2]	Cotton and linters	Tobacco, unmanufactured	Grains and feeds	Vegetable oils and oil seeds	Fruits and vegetables
1924	111	170					182	99	69	8	75
1925	108	135					229	90	51	9	69
1926	112	119					247	93	55	6	79
1927	120	110					254	98	70	10	91
1928	112	98					240	120	55	9	96
1929	104	100					209	116	51	7	104
1930	89	91					184	115	36	6	89
1931	87	72					193	107	32	5	102
1932	92	57					252	78	23	8	88
1933	84	55					236	86	11	6	78
1934	65	46					163	87	11	4	72
1935	61	22					166	80	7	2	89
1936	57	21					152	86	7	3	76
1937	65	25					163	89	19	4	74
1938	74	28					125	103	56	4	107
1939	64	37					129	69	31	15	96
1940	47	30					104	46	20	10	47
1941	42	115					32	60	18	11	66
1942	53	234					29	54	12	11	51
1943	74	301					43	90	16	38	73
1944	67	287					27	63	17	37	86
1945	79	186					68	101	48	15	100
1946	113	247					109	142	73	17	117
1947	116	158	285	216	41	282	74	111	138	22	138
1948	97	92	210	117	31	89	77	94	118	26	106
1949	120	109	187	70	82	80	139	109	129	89	70
1950	106	102	154	221	72	70	154	105	86	77	84
1951	124	107	156	175	94	84	138	115	138	97	82
1952	106	82	64	99	99	90	110	87	127	71	99
1953	93	102	111	95	99	104	77	114	95	82	96
1954	101	116	126	106	102	106	113	99	78	147	105
1955	113	183	318	126	117	128	68	118	110	170	110
1956	153	199	325	152	131	180	123	112	160	215	140
1957	166	174	244	122	113	194	187	110	161	235	139
1958	145	147	230	131	89	112	124	106	158	217	135
1959	154	153	159	246	127	132	99	102	180	300	139
1960	194	157	122	322	140	138	202	109	210	340	143
1961	193	170	158	429	124	133	172	110	236	280	142

[1] Based on 261 classifications (commodity groups and total index include commodities shipped as food for relief or charity by individuals and private agencies starting 1949)

[2] Not calculated prior to 1947.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD table No. 4, which appears on pages 15 to 18, inclusive, of the publication entitled "Foreign Agricultural Trade of the United States, Statistical Report for Calendar Year 1961."

There being no objection, the table No. 4 was ordered to be printed in the RECORD, as follows:

TABLE 4.—*Domestic exports: Quantity of selected agricultural commodities and groups, averages 1935–39 to 1955–59 and annually 1947 to 1961*

Year ended Dec. 31	Cattle for breeding	Cheese	Evaporated milk, unsweetened	Condensed milk, sweetened	Nonfat dry milk	Dried whole milk
	Thousands	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
Average:						
1935–39	2	1,281	25,971	4,586	2,735	3,117
1940–44	5	170,793	429,124	43,207	123,959	21,353
1945–49	15	150,415	506,771	99,486	201,220	101,576
1950–54	9	33,490	143,052	21,142	148,912	50,571
1955–59	26	133,308	139,950	31,766	617,722	37,811
Annual:						
1947	9	177,461	469,945	108,158	283,072	101,660
1948	7	95,592	316,520	110,118	159,155	100,534
1949	4	96,021	249,529	78,330	214,498	81,393
1950	6	47,490	150,148	27,896	229,450	62,550
Annual—Continued						
1951	6	79,640	203,352	28,870	122,543	59,496
1952	7	3,811	97,095	29,553	58,728	42,319
1953	11	5,912	133,245	17,979	98,097	46,070
1954	17	[1] 30,597	131,418	1,412	[1] 235,743	42,421
1955	25	[1] 148,183	154,800	8,012	[1] 487,578	45,891
1956	24	[1] 176,320	170,101	30,851	[1] 622,243	40,483
1957	37	[1] 172,458	164,388	37,868	[1] 655,646	48,225
1958	24	[1] 155,035	[1] 127,480	34,981	[1] 659,772	28,691
1959	19	[1] 14,545	[1] 82,981	38,117	[1] 663,371	25,764
1960	27	[1] 9,136	[1] 101,526	41,896	[1] 446,749	28,072
1961 preliminary	21	[1] 8,821	[1] 92,260	46,928	[1] 730,387	17,464

Year ended Dec. 31	Butter, except dehydrated	Beef and veal	Pork	Variety meats[2]	Poultry meat	Total meats[3]
	1,000 pounds	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
Average:						
1935–39	1,370	13,764	89,003	17,190	1,822	129,986
1940–44	41,726	27,001	646,997	6,201	1,556	1,091,955
1945–49	7,910	142,628	187,140	2,599	11,910	625,544
1950–54	10,102	23,083	73,913	16,810	13,732	155,505
1955–59	56,107	54,124	69,017	84,103	58,306	287,698
Annual:						
1947	11,036	159,108	59,457	6,227	16,260	476,526
1948	5,708	15,406	28,640	1,687	7,199	173,519
1949	4,174	19,604	59,649	2,908	8,689	137,263
1950	3,215	16,519	58,258	1,831	10,178	111,120
1951	7,127	11,608	82,250	2,923	16,450	147,095
Annual—Continued						
1952	914	14,734	96,755	4,345	8,654	150,728
1953	362	38,730	79,408	29,030	16,689	189,751
1954	[1] 38,894	33,824	52,893	45,923	16,687	178,832
1955	[1] 126,650	40,664	66,323	69,536	27,978	228,938
1956	[1] 102,762	89,291	75,571	99,427	44,541	330,698
1957	[1] 6,078	88,536	78,000	91,179	41,824	326,569
1958	23,616	24,772	54,248	69,417	51,418	219,742
1959	21,427	27,358	70,944	90,956	125,768	332,541
1960	1,534	29,391	69,365	118,196	176,545	412,816
1961 preliminary	738	29,906	68,320	123,464	248,049	483,854

See footnotes at end of table.

Table 4.—*Domestic exports: Quantity of selected agricultural commodities and groups, averages 1935–39 to 1955–59 and annually 1947 to 1961*—Continued

Year ended Dec. 31	Eggs in the shell	Hides and skins	Lard	Inedible tallow and greases	Cotton, excluding linters [4]	Fruits, canned
	1,000 dozen	*1,000 pieces*	*1,000 pounds*	*1,000 pounds*	*1,000 bales*	*1,000 pounds*
Average:						
1935–39	2,215	2,143	165,636	15,042	5,345	307,451
1940–44	9,221	803	568,256	17,598	1,745	82,627
1945–49	28,362	1,934	446,945	130,914	3,476	120,684
1950–54	35,154	3,633	535,261	845,735	4,380	132,710
1955–59	35,087	9,615	533,570	1,356,405	4,448	314,844
Annual:						
1947	38,137	3,035	380,735	77,103	2,747	225,838
1948	24,951	2,076	271,835	95,832	2,825	65,978
1949	18,445	2,685	613,698	447,772	5,152	82,271
1950	19,428	1,735	466,065	545,385	5,714	87,886

Year ended Dec. 31	Eggs in the shell	Hides and skins	Lard	Inedible tallow and greases	Cotton, excluding linters [4]	Fruits, canned
	1,000 dozen	*1,000 pieces*	*1,000 pounds*	*1,000 pounds*	*1,000 bales*	*1,000 pounds*
Annual—Continued						
1951	27,029	1,306	688,507	550,260	5,126	99,579
1952	41,700	2,430	633,745	758,436	4,069	128,986
1953	39,658	4,380	422,591	1,205,311	2,842	135,208
1954	47,953	8,314	465,397	1,169,281	4,148	211,893
1955	49,725	10,278	562,071	1,304,831	2,487	225,643
1956	44,721	8,878	611,394	1,502,073	4,554	318,622
1957	31,726	11,166	501,374	1,391,147	6,927	315,753
1958	28,882	9,832	388,850	1,119,738	4,598	366,167
1959	20,381	7,921	604,162	1,464,236	3,673	348,037
1960	17,547	11,373	620,010	1,704,523	7,532	387,679
1961 preliminary	14,678	12,610	418,637	1,813,901	6,392	446,282

Year ended Dec. 31	Fruits, fresh					
	Apples	Grapes	Grapefruit	Lemons and limes	Oranges and tangerines	Pears
	1,000 pounds	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
Average:						
1935–39	470,221	58,377	77,373	47,662	446,006	132,238
1940–44	43,227	52,526	75,529	39,094	410,718	15,637
1945–49	121,593	75,693	154,839	29,084	556,798	52,187
1950–54	111,716	104,261	126,986	47,641	633,616	35,905
1955–59	136,877	157,454	163,107	170,061	644,748	59,825
Annual:						
1947	220,067	92,389	189,550	38,608	691,407	95,083
1948	94,213	66,262	167,373	9,912	535,023	18,765
1949	85,231	93,768	122,634	9,412	395,260	20,907
1950	138,614	87,456	94,448	25,005	412,811	40,645
1951	176,561	102,231	121,355	38,607	574,616	35,375

Year ended Dec. 31	Fruits, fresh					
	Apples	Grapes	Grapefruit	Lemons and limes	Oranges and tangerines	Pears
	1,000 pounds	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
Annual—Continued						
1952	110,741	120,562	132,784	49,030	644,727	31,651
1953	53,040	92,917	129,819	47,955	809,108	34,438
1954	79,622	118,140	156,524	77,599	726,817	37,414
1955	104,302	136,244	146,701	131,300	670,154	39,707
1956	100,719	152,971	176,894	149,098	897,877	48,736
1957	139,265	153,034	182,314	169,849	718,831	79,867
1958	201,889	166,209	133,063	248,292	354,926	48,874
1959	138,212	178,810	176,561	151,764	581,953	81,939
1960	167,573	194,644	155,442	184,428	455,423	53,460
1961 preliminary	181,431	171,686	223,488	222,218	437,127	69,381

Year ended Dec. 31	Fruits, dried		Fruits juices	Rice (milled basis)	Rye, grain	Wheat and grain equivalent of flour [5]
	Prunes	Raisins and currants				
	1,000 pounds	*1,000 pounds*	*1,000 gallons*	*1,000 pounds*	*1,000 bushels*	*1,000 bushels*
Average:						
1935–39	189,473	129,501	2,642	202,626	1,541	50,182
1940–44	111,091	131,900	6,343	444,871	208	32,055
1945–49	157,591	160,284	16,120	850,328	3,903	373,781
1950–54	90,467	140,910	23,688	1,334,239	2,887	325,278
1955–59	93,467	90,451	33,710	1,552,098	6,983	419,342
Annual:						
1947	125,437	118,387	16,416	963,374	1,764	491,339
1948	296,544	264,493	17,252	868,913	1,110	501,536
1949	124,915	158,423	18,128	1,137,050	8,460	408,727
1950	155,586	150,385	19,826	1,085,228	3,358	241,781
1951	47,925	77,691	21,066	1,081,576	5,516	471,626

Year ended Dec. 31	Fruits, dried		Fruits juices	Rice (milled basis)	Rye, grain	Wheat and grain equivalent of flour [5]
	Prunes	Raisins and currants				
	1,000 pounds	*1,000 pounds*	*1,000 gallons*	*1,000 pounds*	*1,000 bushels*	*1,000 bushels*
Annual—Continued						
1952	101,383	190,290	25,604	1,744,134	4,480	410,922
1953	67,718	157,813	25,783	1,535,447	4	270,810
1954	79,724	128,371	26,163	1,224,809	1,075	231,253
1955	80,334	118,146	28,534	1,138,184	5,327	272,378
1956	111,245	139,650	33,999	[1] 2,047,089	10,656	[1] 471,697
1957	95,657	82,789	37,613	[1] 1,729,861	6,236	[1] 495,408
1958	118,244	51,336	36,289	[1] 1,290,905	7,289	[1] 412,895
1959	61,857	60,334	32,113	[1] 1,554,449	5,406	[1] 444,332
1960	81,835	113,005	33,316	[1] 2,198,018	4,882	[1] 602,108
1961 preliminary	68,744	119,128	34,518	[1] 1,841,037	8,617	[1] 729,729

Year ended Dec. 31	Barley, grain	Oats, grain	Corn, grain	Grain sorghums	Feed grains including products (grain equivalent)	Oilcake and meal
	1,000 bushels	*1,000 bushels*	*1,000 bushels*	*1,000 bushels*	*1,000 short tons*	*1,000 short tons*
Average:						
1935–39	9,579	3,311	37,232	154	1,463	332
1940–44	832	309	16,566	10	782	52
1945–49	14,422	15,464	63,161	18,499	3,319	138
1950–54	25,679	1,721	100,871	38,131	4,805	181
1955–59	88,799	29,083	161,181	63,124	9,318	579
Annual:						
1947	24,585	13,077	127,563	25,469	5,765	209
1948	13,986	14.349	23,604	21,791	2,290	90
1949	29,324	20,769	133,908	37,296	6,113	380
1950	15,570	1,548	96,063	45,691	4,616	128
1951	37,979	3,437	100,083	68,516	5,996	293

Year ended Dec. 31	Barley, grain	Oats, grain	Corn, grain	Grain sorghums	Feed grains including products (grain equivalent)	Oilcake and meal
	1,000 bushels	*1,000 bushels*	*1,000 bushels*	*1,000 bushels*	*1,000 short tons*	*1,000 short tons*
Annual—Continued						
1952	36,026	1,415	99,988	48,367	5,313	32
1953	17,284	1,214	131,383	10,832	4,663	152
1954	21,538	991	76,836	17,250	3,437	300
1955	71,948	24,171	108,110	62,417	7,148	653
1956	82,367	31,402	[1] 117,707	55,272	[1] 7,672	641
1957	55,903	19,549	[1] 178,914	22,287	[1] 7,839	415
1958	120,425	24,679	[1] 180,619	73,794	[1] 10,930	369
1959	113,352	45,615	[1] 220,554	101,849	[1] 13,001	817
1960	90,655	32,330	[1] 222,767	96,750	[1] 12,175	708
1961 preliminary	62,805	17,540	[1] 293,366	64,569	[1] 12,390	717

Year ended Dec. 31	Soybeans	Flaxseed	Soybean oil	Cottonseed oil	Tobacco, unmanufactured
Average:	*1,000 bushels*	*1,000 bushels*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
1935 to 1939	[6] 4,793	(7)	6,467	6,300	420,796
1940 to 1944	985	[8] 14	35,721	20,391	283,318
1945 to 1949	8,430	961	135,665	35,539	513,360
1950 to 1954	30,511	3,772	230,365	195,450	473,675
1955 to 1959	86,437	7,299	652,094	467,632	499,899
Annual:					
1947	2,505	16	107,278	11,878	507,286
1948	6,497	1,650	83,035	32,765	426,609
1949	23,361	3,107	363,981	116,609	498,191
1950	19,110	3,557	299,790	140,214	477,596
1951	24,607	3,737	503,717	61,425	522,089

Year ended Dec. 31	Soybeans	Flaxseed	Soybean oil	Cottonseed oil	Tobacco, unmanufactured
Annual—Continued	*1,000 bushels*	*1,000 bushels*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
1952	23,683	1,858	223,028	105,156	396,452
1953	41,606	14	48,709	75,912	518,664
1954	43,547	9,696	76,522	[1] 594,542	453,572
1955	67,843	4,706	134,484	[1] 630,219	540,279
1956	69,372	8,576	679,169	[1] 616,083	510,356
1957	87,961	9,606	[1] 685,128	[1] 412,293	500,953
1958	84,333	4,660	872,511	160,851	482,290
1959	122,675	8,948	889,179	518,710	465,615
1960	148,088	4,149	1,058,116	451,534	496,148
1961 preliminary	133,532	4,527	602,440	357,852	500,841

See footnotes at end of table.

TABLE 4.—*Domestic exports: Quantity of selected agricultural commodities and groups, averages 1935–39 to 1955–59 and annually 1947 to 1961*—Continued

Year ended Dec. 31	Beans, dry, ripe	Peas, dry, ripe [9]	Potatoes, white	Tomatoes, fresh	Vegetables, canned
	1,000 pounds	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
Average:					
1935 to 1939	15,796	10,029	116,323	[8] 19,496	44,128
1940 to 1944	197,477	84,265	136,266	29,115	172,154
1945 to 1949	181,990	245,645	622,429	41,223	109,416
1950 to 1954	260,554	78,058	401,859	63,590	105,613
1955 to 1959	284,927	117,404	319,949	106,631	194,285
Annual:					
1947	243,965	365,859	1,061,616	46,245	194,093
1948	245,501	213,264	746,359	11,069	82,673
1949	163,289	124,499	242,784	51,211	72,806
1950	146,901	54,216	746,885	56,116	71,740
1951	277,567	99,861	277,258	53,505	99,381
Annual—Continued					
1952	387,845	62,460	349,906	67,511	108,120
1953	286,909	52,454	298,965	61,931	119,420
1954	203,550	121,298	336,281	78,885	129,404
1955	138,196	60,750	394,256	97,544	162,714
1956	[1] 307,289	91,084	337,010	132,583	208,190
1957	[1] 310,224	83,196	300,112	95,153	239,076
1958	[1] 216,312	158,027	272,482	119,121	189,263
1959	[1] 452,613	193,963	295,883	88,755	172,183
1960	[1] 316,771	207,261	338,094	73,060	181,787
1961 preliminary	[1] 163,662	177,009	235,947	97,519	146,675

[1] Includes "food exported for relief or charity."

[2] Included in classification "other meats, fresh, frozen, etc.," 1952 through 1957.

[3] Excludes sausage casings and meat extracts.

[4] Prior to 1957 bales of 500 pounds; running bales 1957 to date.

[5] Excludes foreign wheat milled in bond for export.

[6] 3-year average; not separately classified prior to 1937.

[7] Not separately classified prior to 1941.

[8] 4-year average.

[9] Includes cowpeas and chickpeas.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the table entitled "Classification of expenditures by functions as reflected in the budget for the fiscal year 1963, U.S. Department of Agriculture," which appears on page 905 of the hearings of the Committee on Appropriations on the agricultural appropriations bill for 1963.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE

Classification of expenditures by functions as reflected in the budget for the fiscal year 1963

[In millions]

	1961	Estimated, 1962	Estimated, 1963
International affairs and finance: Economic and financial assistance: Food for peace (Public Law 480, title II)	$919	$281	$300
Agriculture and agricultural resources:			
Farm income stabilization and food-for-peace:			
Price support, supply, and purchase programs:			
Present programs	1,331	2,497	2,516
Proposed legislation	----------	----------	−434
National Wool Act	61	67	70
Food for peace (Public Law 480, titles I and IV)	1,455	1,480	1,389
International Wheat Agreement	76	81	81
Transfer of bartered commodities to supplemental stockpile	201	225	250
Removal of surplus agricultural commodities	203	225	235
Conservation reserve	363	346	323
Sugar Act	72	82	87
Other	39	69	68
Subtotal	3,801	5,081	4,585
Financing rural electrification and rural telephones:			
Present programs	301	330	370
Proposed legislation	----------	----------	−136
Financing farm ownership and operation: Farmers Home Administration	353	158	198
Conservation of agricultural land and water resources:			
Soil Conservation Service (including watershed protection and Great Plains program)	146	164	181
Agricultural conservation program, CCC loans for ACP, and emergency conservation measures	251	256	257
Research and other agricultural services	324	352	380
Total	5,176	6,341	5,836
Natural resources: Forest resources:			
Forest Service:			
Payments to Klamath Indians	69	----------	----------
Other	246	279	281
Total	315	279	281
Health, Labor, and Welfare: School lunch and special milk programs:			
Present programs	241	274	271
Proposed legislation	----------	----------	20
Total	241	274	291
Grand total	5,929	7,177	6,709

Mr. CURTIS. Mr. President, the purport of the tables I have placed in the RECORD is this: We have a certain volume of exports, many of which go to Europe. My amendment directs that those exports, using 1957 as the base year, be continued or expanded; that that be one of the goals; in fact, a direction that in any case we are to maintain those exports.

The second part of my amendment directs that our negotiators carry out a policy which would limit our agricultural imports to not to exceed the 1957 levels. The tables I have submitted provide the figures for that purpose.

My reason for the amendment is that I believe Congress should declare the policy that we do not want to negotiate away the export trade which we have at present, and also that in connection with the program on which we are spending billions of dollars to maintain our agricultural economy each year we should not increase our imports. This is not an unreasonable contention. We say to our own farmers, "You may not increase your production." In fact, they are asked to reduce their production, and they are faced with the threat of mandatory controls. Certainly now is no time to increase agricultural imports.

I am aware that it will be argued that this proposal would take the matter out of the hands of the negotiators. My contention is that if someone believes in this reasonable and very modest protection for agriculture, the program could be administered without difficulty if the amendment were adopted.

I now yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, the amendment which the able Senator from Nebraska [Mr. CURTIS] has offered would provide legislative direction to our negotiators to hold or expand the market which we presently have on agricultural commodities. This market has been substantially the same since 1957. I commend the distinguished Senator from Nebraska for offering the amendment.

There is a recognized need for such an amendment, since it is fairly obvious that certain European countries may insist upon a preference for the agricultural products of former colonies with which they are still closely alined.

I believe we owe it to the beleaguered farmers of our country to take every possible step to prevent any further injuries to them. I commend the Senator from Nebraska for offering the amendment, and am glad to lend it my wholehearted support.

Mr. CURTIS. Mr. President, I thank the distinguished Senator from South Carolina.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, I reserve the remainder of my time.

Mr. KERR. Mr. President, having read the amendment of the distinguished Senator from Nebraska, I must say that I am thoroughly in accord with the purposes which the Senator has in mind. He wants to maintain or expand the volume of U.S. agricultural commodities and processed commodity exports, to decrease the restrictions on the export of such commodities, and to limit the importation into the United States of competitive agricultural commodities and processed commodity imports.

I wondered why he selected the year 1957 as his guideline.

Mr. CURTIS. Is that a question?

Mr. KERR. No; that is a statement.

Mr. CURTIS. I shall be happy to tell the Senator why.

Mr. KERR. The Senator had 15 minutes in which to tell us something, but he did not tell us anything.

Mr. CURTIS. I had no hope of telling the Senator from Oklahoma anything.

Mr. KERR. That was a well-founded hope.

I used to hear it said: "Beware of Greeks bearing gifts." I am not intimating that my great friend from Nebraska is other than perfectly sincere in his desire to be generous and appropriate in connection with his amendment. But I wonder what the relationship between 1957 and 1962 is.

The purpose of the bill is to expand exports, not only of agricultural commodities, but of all commodities. The purpose of the bill is to expand trade and commerce in American products and American commodities throughout the world.

So one may wonder why the Senator from Nebraska did not select the year 1961 or 1962. The fact is that 1957 was the year of the Suez crisis. Naturally, that brought about a situation in which there was a limitation of imports into this country and an expansion of exports.

Also, 1957 was the year of the great drought in Europe, and that resulted in a tremendous increase in the demand for American wheat. I think the record will show that in 1957 the exports of wheat probably exceeded what they will be in 1962.

Naturally one who was most dedicated to the defeat or weakening of the bill, would not only seek to insert within it a guideline on the basis of normal growth and expansion, or on the basis of achieving objectives in the orderly process of expansion of trade and commerce; but he would fix as a minimum of what could be exported what was exported in 1957, the year of the Suez tragedy and of the great drought in Europe and of the great expansion of our exports of agricultural commodities, and limit imports to the amounts which came into our country in 1957.

Mr. President, I have no fault to find with anyone who seeks to expand American trade and commerce. That is the purpose of the proposed legislation—namely, to arm the President of the United States with every appropriate weapon and every appropriate facility and means of expanding our trade and commerce.

Would not it be a mockery if in passing proposed legislation to do that, we innocently slipped into the bill a little amendment which, instead of helping the President, would cripple him; instead of arming him, would disarm him; instead of letting him go forward on the basis of orderly expansion of our trade and commerce in relation to our production and the production of the rest of the world, would set up an artificial guideline—which would be the result of using the very exceptional year 1957.

Mr. President, I urge that the amendment be rejected.

Mr. CURTIS. Mr. President, the year 1957 was selected for this amendment because it is a good representative year from the standpoint of agricultural exports and imports.

In general our agricultural exports since 1957 have remained constant.

Our livestock and meat imports have unreasonably increased since 1957 and should be cut back to that year.

Mr. MANSFIELD. Mr. President, I yield back the remainder of the time under my control.

Mr. CURTIS. Mr. President, I yield back the remainder of the time under my control.

The PRESIDING OFFICER (Mr. Burdick in the chair). All remaining time has been yielded back.

The question is on agreeing to the amendment lettered "P" of the Senator from Nebraska [Mr. Curtis]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from New Mexico [Mr. Chavez], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from California [Mr. Engle], the Senator from Arkansas [Mr. Fulbright], the Senator from Florida [Mr. Holland], and the Senator from Oregon [Mrs. Neuberger] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Chavez], the Senator from Florida [Mr. Holland], and the Senator from California [Mr. Engle] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Indiana [Mr. Capehart]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Indiana would vote "yea."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from New Hampshire would vote "yea."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from Texas would vote "yea."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent, attending the Republican State convention as required by Texas law.

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from Pennsylvania [Mr. Clark]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from New York [Mr. Keating]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 20, nays 63, as follows:

[No. 265 Leg.]

YEAS—20

Aiken
Allott
Beall
Bennett
Bush
Butler
Cotton
Curtis
Dirksen
Fong
Goldwater
Jordan, Idaho
Lausche
Mundt
Prouty
Scott
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NAYS—63

Anderson
Bartlett
Bible
Boggs
Burdick
Byrd, Va
Byrd, W. Va.
Carlson
Carroll
Case
Church
Cooper
Dodd
Douglas
Ellender
Ervin
Gore
Hart
Hartke
Hayden
Hickenlooper
Hickey
Hill
Humphrey
Jackson
Johnston
Jordan, N.C.
Kefauver
Kerr
Kuchel
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Muskie
Pastore
Pearson
Pell
Proxmire
Randolph
Robertson
Russell
Saltonstall
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—17

Bottum
Cannon
Capehart
Chavez
Clark
Eastland
Engle
Fulbright
Gruening
Holland
Hruska
Javits
Keating
Morton
Murphy
Neuberger
Tower

So Mr. Curtis' amendment was rejected.

Mr. JACKSON. Mr. President, I should like to ask the distinguished Senator from Virginia [Mr. Byrd], who is in charge of the bill, some questions in connection with the pending bill, in order to make certain the legislative history of the pending measure.

I refer to section 221(c) of the bill. It is my understanding that the Tariff Commission, in preparing its advice to the President under the provisions of this section, would not be precluded from considering the probable domestic economic effect of modifications of duties or other import restrictions on manufactured articles, the development, manufacture, or sale of which is carried out by a foreign organization that receives direct, substantial, governmental financial assistance. I appreciate, of course, that the Tariff Commission would be required to do so only if information concerning such financial assistance were made readily available.

Mr. BYRD of Virginia. In answer to the Senator from Washington, his understanding is correct. I might add that, in my opinion, the Tariff Commission would consider information regarding the effect of such substantial subsidies not only to privately owned foreign organizations but also to those that have been nationalized.

Mr. JACKSON. I believe the Senator will agree that such barriers to trade expansion, and thus to a more economic allocation of resources in the free world, as direct governmental subsidies to the manufacture of articles for export should be one of the factors considered by the Tariff Commission in their deliberations on the import restrictions on such articles.

Mr. BYRD of Virginia. I believe the Senator is absolutely correct. It seems to me that would be one of the important factors to be considered.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. SALTONSTALL. Am I to understand from the colloquy that the fact that a foreign nation subsidizes a commodity should be considered by the Tariff Commission?

Mr. JACKSON. The Tariff Commission should consider a substantial subsidy or a nationalized industry that would be bringing goods directly into the United States. We want to make certain that that factor is taken into consideration in the pending bill.

Mr. SALTONSTALL. I think that is very important.

Mr. CURTIS. Mr. President, I call up my amendment identified at 9-17-62—Q.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 14, to strike out lines 4 through 9, and insert in lieu thereof the following:

> (c) The President shall reserve from negotiations under this title for the reduction of any duty or other import restriction or the elimination of any duty, any article processed in substantial part from a raw or processed agricultural product or products or mineral or minerals (including nonmetallic minerals) if the United States price for such agricultural product or products or mineral or minerals (including nonmetallic minerals) is 10 per centum or more higher than the world market price of such agricultural or mineral product or products unless the Tariff Commission shall determine a lower rate of duty for such product to which the duty may be reduced without causing or threatening serious injury to the domestic industry producing like or directly competitive products."
>
> (d) In addition to the articles described by subsections (a), (b), and (c), the President shall also so reserve any other article which he determines to be appropriate, taking into consideration the advice of the Tariff Commission under section 221(b), any advice furnished to him under section 222, and the summary furnished to him under section 223.

Mr. CURTIS. Mr. President, it is not my intention to use all of my time. I think I can complete my statement in about 5 minutes. I shall not ask for a yea and nay vote. I would appreciate the attention of the Senate. Many Senators are interested in this proposal. I shall do my best to briefly explain it.

Many manufacturing industries have a difficult import competition problem because U.S. policy has been to provide greater protection on raw materials and semiprocessed materials than is provided on products manufactured from these raw materials or partially processed products. My analysis indicates that this occurs primarily in the case of manufactured products produced from agricultural commodities, minerals, and nonmetallic minerals. In many cases the U.S. price, because of our own governmental action, is much higher on these basic materials than is the competitive world price for which the same raw or semiprocessed products may be purchased by foreign competitors who then manufacture them into finished products which are shipped to the United States.

Here are some examples: Practically all items used in confectionery manufacture have much higher prices in the United States than are the foreign prices for which foreign confectionery manufacturers may purchase the same agricultural commodities and then ship the confectionery to the United States to create unfair competition for domestic candy manufacturers.

When American candy manufacturers produce their product, they pay a much higher price for sugar than the world price. They buy their milk and butter, and sometimes nuts, at supported prices. Their foreign competitors pay much less for the ingredients for the same product that they send into this country.

There are import quotas on lead and zinc when imported both in ore or slab form, but we do not have quotas on the manufactured products. The quotas on the base metal make the U.S. price higher than the world price, yet foreign manufacturers may buy the metal at a much lower world market price and ship the manufactured products to the United States to create unfair competition. Earlier this year the President increased the import duty on glass. The import duty on mirrors was not correspondingly increased. As a result, it is possible to buy imported mirrors for little more than the domestic industry pays for glass.

Now, what would this amendment do? It would not prohibit reduction of the import duty on products manufactured in substantial part from materials of which the U.S. price is 10 percent or more higher than the world market price. It merely would provide a safeguard that, if any such duty is to be reduced, before doing so the Tariff Commission should determine that such reduction would not cause serious injury to the competitive domestic industry.

Certainly, if because of our own governmental action the U.S. price for many agricultural and mineral raw and semiprocessed materials is appreciably higher than the world market price, we should not wish to penalize our own manufacturers in favor of their foreign competitors.

Mr. President, I hope the amendment will be agreed to.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. CURTIS. I yield.

Mr. SALTONSTALL. There are substantial candy manufacturers in Massachusetts. Massachusetts has one of the biggest candy industries. As I understand the Senator's amendment, if sugar, butter, or other things which go into the making of candy—and particularly candy sold in great volume and cheaply—should have prices 10 percent higher for the raw products in the United States than the prices abroad, when imports come to the United States in great numbers, the Tariff Commission would make certain findings.

Mr. CURTIS. Yes. Before such a tariff could be lowered the Tariff Commission would have to make a finding that it would not do serious injury to domestic industry. Candy is only one example.

We support the prices of dairy products. The price of sugar in the United States is much above the price foreign candy manufacturers pay for their sugar, yet it is one of the best bargains the housewife has in the marketplace.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CURTIS. I am glad to yield.

Mr. SCOTT. What the Senator said also would apply to chocolate, would it not?

Mr. CURTIS. I think that is correct. It would not prohibit the imports. It would not impose any quotas or other restrictions. It would not prevent a reduction in duty. It would merely provide, in connection with the agricultural and mineral products, that before the duty could be reduced on the manufactured article the Tariff Commission would have to find that serious injury would not be done to our domestic industry.

Earlier in the debate I pointed out that the tariff on candy in the Common Market countries is 30 percent. The tariff on European candy coming to the United States is 14 percent.

I believe this is a reasonable request. I believe it would in no sense hamper the program. I urge the adoption of the amendment.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. CARLSON. Those of us who heard the testimony in respect to the candy industry realize that there is a very difficult problem in trying to compete, in view of the products brought into this country and the competition of products with respect to which we support higher prices. I think the Senator has made a very good case for his amendment.

Mr. CURTIS. I thank the Senator.

Mr. President, again I say that I make no apology for believing in protecting the American industry. I do not think that is inconsistent with the spirit of reciprocal trade. I believe we should trade in those things which will be mutually advantageous to the trading partners. I think we should respect foreign countries in all reasonable attempts to do justice to their people, and they should do the same for us.

It happens that in the capital city of Lincoln, Nebr., there are more people engaged in the manufacture of candy than are engaged in any other manufacturing enterprise.

Candy, however, is only one example. I cited the case of mirrors, and related the fact that the price fixed on glass makes it possible for importers to send mirrors into this country at a cost little more than our own manufacturers must pay for the glass.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. CURTIS].

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. KERR. Mr. President, the amendment should be rejected. Agricultural products are protected not only under the bill, but also under section 22 of the Agricultural Adjustment Act and by a system of price supports which maintains a much higher price in the domestic market than the world price. Certainly no member of the committee would do anything to imperil American agriculture. Every worthy amendment which was offered for the further protection of American agriculture was adopted. Those amendments are in the bill as basic law protection.

The pending amendment should be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back the remainder of his time?

Mr. CURTIS. Mr. President, I yield back the remainder of my time, and I ask for a division.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska. A division has been requested.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BUSH. Mr. President, I call up my amendments designated "9–17–62—K" and ask that they be read.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On page 21, line 15, it is proposed to strike out "agricultural".

On page 21, lines 18 and 19, strike out "agricultural".

On page 22, line 18, strike out "may" and insert in lieu thereof "shall".

On page 22, strike out lines 19 through 21.

Mr. BUSH. Mr. President, I shall not ask for a yea-and-nay vote on this amendment; I know from previous experience today the result I may expect.

Mr. HUMPHREY. Mr. President, can the Senator from Connecticut give us some indication of how long he intends to speak on the amendments?

Mr. BUSH. I will be finished in a reasonable time.

Mr. HUMPHREY. That is perfectly satisfactory.

Mr. BUSH. Mr. President, it has become common knowledge that discriminations and nontariff restrictions against U.S. exports are widely practiced by foreign countries which are beneficiaries of our trade agreement concessions. The printed hearings report of the Ways and Means Committee contains a tabulation and listing of such restrictions imposed by Common Market countries. It was prepared by the executive department, and fills 117 pages of the hearings report. An additional 66 pages of the hearings report is devoted to a country-by-country description of discriminations and restrictions against U.S. exports.

The executive department does not appear to be as concerned about nullification of our trade concessions and discriminations against our exports as is the Congress. The administration bill, H.R. 9900, contained no provisions designed to arm the President against such practices. The Ways and Means Committee adopted an amendment, section 252 of the bill, which is intended to enable the President to act in two ways in such a situation: First, he is directed not to grant new concessions to an offending country; and, second, he is directed to withdraw past concessions from such countries.

The Finance Committee was properly dubious about the effectiveness of the House amendment, section 252. The use of the term "unjustifiable" in the several places made the provision so purely discretionary that there could be no assurance of executive action to correct the problems the State Department has tolerated for so long a time.

The Finance Committee amendments to section 252 are definitely an improvement. The word "unjustifiable" was deleted in two places; the word "unlimited" was struck from the reference to variable import fees; and two new subsections which were added give the President power to act against discriminations and restrictions which burden our commerce. Unfortunately, however, these new subsections are themselves too narrowly drawn. Paragraph 3 of subsection (a) of section 252 gives the President the power to impose any duties or restrictions he deems necessary to provide access for our agricultural products to other countries on an equitable basis. This is a good approach. The concept of access on an equitable basis is the spirit of what I attempted, along with other Senators, by means of amendments which we offered to the bill when it was pending in committee. But the restriction of this provision to agricultural products is not justified. Our objective should be to provide equitable participation in foreign markets for our export products of every nature—not simply agricultural products. The amendment which I have called up would simply strike the word "agricultural" from this provision, and thus would broaden it to cover all our exports.

The second new subsection adopted by the committee to section 252 is also salutary, Mr. President. I compliment the Senator from Illinois [Mr. DOUGLAS] for sponsoring the new subsection (c) to section 252 adopted by the committee. It particularly appears to combine the essence of what other Senators and I offered for the committee's consideration in our amendments 11(a) and (c), submitted on August 2. This committee amendment authorizes, but does not require, the President to suspend past concessions, and to refrain from granting new concessions to countries whose import restrictions burden our commerce. The provision is worded so that the failure of another country to extend the benefit of its concessions on a most-favored-nation basis to Japan and other low-wage countries would permit the President to act against that country, since its failure would force Japan's exports unnaturally into the United States. This is the essence of Bush amendment 11(c).

The Douglas amendment is so qualified, however, that it makes the remedy rest purely in the President's discretion. Our entire trade agreements history suggests that discretionary remedies will seldom, if ever, be invoked by the State Department against other countries. The amendment I have called up would, therefore, strike out the few words which make the provision discretionary, in order to convey the spirit of congressional attitudes that we must begin rooting out these oppressive discriminations systematically if we are ever to open up European markets for products of Asia.

Two benefits will flow if the pending amendment is adopted. Japan, India, and other Asiatic countries will be afforded expanding markets in Europe. Unreasonable pressure from the products of Asiatic countries will be lifted from the United States market, as Europe begins to absorb her fair share of such articles.

Mr. President, I urge adoption of this amendment as a perfecting amendment to the committee amendments. Together they will serve to insure that our exports are, in fact, given access to European and Asiatic markets on terms as fair and liberal as those we ourselves provide for the products of those areas of the world. They will assist in our long-held objective of opening up all of the markets of the free world for the products of Japan, India, and other countries of Asia.

Mr. President, one purpose of the amendment is to make the most-favored-nation policy, which we have had for many years as a part of our general foreign economic policy and trade agreements policy, apply to other entities with which we enter into trade agreements. For example, if we enter into a trade agreement under this bill with the Common Market nations, whatever concessions are made by us to the Common Market nations would also be made available, under our most-favored-nation policy, to another country—for example, Japan—and to all other countries with whom we have trade relations. The amendment provides that the Common Market countries must also extend to Japan and to the Latin American countries the same most-favored-nation treatment that we extend. In other words, the purpose of the amendment is to get away from the unilateral most-favored-nation policy, and to make it a bilateral or multilateral affair, so that when we make an agreement which carries the most-favored-nation policy on our part, it will require that the other party to the agreement—for example, the Common Market group of nations—extend the same concessions to other countries.

Mr. President, I compliment the distinguished senior Senator from Illinois [Mr. Douglas] on the amendment which he submitted in the committee, and which was included in the bill. I simply say the amendment does not go far enough. His amendment gives the President permission to do these things. But my amendment states that the President shall do these things in making trade agreements.

Mr. President, this concludes my remarks on the amendment; and I ask for a vote on it, unless some other Senator wishes to speak on it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut (putting the question).

The noes appear to have it; and the noes have it, and the amendment is rejected.

The bill is open to further amendment.

If there is no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The Chief Clerk. A bill (H.R. 11970) to promote the general welfare——

Mr. SMATHERS. Mr. President, I think the Senator from Washington [Mr. Magnuson] has an amendment.

Mr. MAGNUSON. Mr. President, I have an amendment which is being prepared by the Senator from Alaska [Mr. Bartlett], who was here a minute ago.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Illinois will be stated.

The Chief Clerk. On page 2, in line 23, after the words "before July 1," it is proposed to strike out "1967" and insert "1965."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. DIRKSEN. Mr. President, the amendment I offer is probably the simplest, shortest amendment which will be offered to this bill. The amendment would have been offered by the very distinguished Senator from Georgia [Mr. Russell]. It proposes only to make this a 3-year program, instead of a 5-year program.

Mr. President, George Bernard Shaw once observed that there is only one universal passion, and that is fear. He wrote an interesting monograph on that subject, to show that from babyhood until the day when the human being looks into the Great Beyond, he is constantly beset with fear.

There has been a constant shadow of fear over this bill, both in committee and out. There has been the fear on the part of the proponents that if the measure fails, some severe consequence may happen to the American economy.

There is the converse fear—on the other hand—on the part of the opponents of this proposal that if it comes into being, it will have a very deteriorating effect upon the American economy. Both of them cannot be right, Mr. President. In considering whether the bill is going to be good or bad for our country, we simply have to conclude that all of the argument has been highly speculative.

If the opponents of the bill are correct, Mr. President, then of course the heavy hand of foreign competition can lay itself upon the American economy and can cause untold damage. But who am I to say that that will happen?

On the other hand, if there do come into being all the benefits that have been prophesied by the proponents of this measure, they should have no concern about having it extended after a limited period.

Mr. President, if a 5-year program is begun, it will be difficult indeed to be able at any time during the 5-year period to open up the act for purposes of amendment, if the opponents of the measure are correct. On the other hand, if the proponents are correct, they will never have any real difficulty in getting it extended. That was the history of the Reciprocal Trade Act, and that would be the history of this proposal.

I suggest, therefore, instead of making this a 5-year program, that it be made a 3-year program, and that each side meet the other halfway.

I would shudder, indeed, if the proponents were wrong, or if the opponents were right, for the very simple reason that there could be damage. There is fear of damage, and that fear has beset the committee from the moment it started hearings upon the present bill.

So I suggest to Senators that 3 years would be long enough.

I voted on the original Reciprocal Trade Agreements Act in the House of Representatives in 1934. It provided for a 3-year period, and no more. It has been extended from time to time since 1934. There were occasions when it was extended for 3 years. There were other occasions when it was extended for 2 years. When a case was made, no difficulty whatsoever was encountered in securing an extension. But I rather shudder at the thought that some of our industries, and particularly smaller industries, might be harmed or damaged in any way by the provisions of the bill.

Is there a Member of the U.S. Senate who can tonight prophesy and predict with any degree of accuracy what the ultimate impact of this measure will be? I do not know. Nobody knows. I have examined a ton of literature on this subject, and never have I seen so much literature on any proposal as has found its way to the offices of Members of this body. In all of it I detect a constant apprehensive fear that something may happen which will not be good for industry. Then, the question is, How shall it be modified?

It is never easy to modify a bill, because the burden of proof in every case is upon the individual who introduces the proposal to change the law. To obtain a hearing is not easy. To obtain committee consideration is not easy. To obtain the approval of both branches of Congress is not easy.

I would far rather have an automatic cutoff date after 3 years of experience, in order to determine whether or not the law should be modified.

That is the amendment, in all its simplicity. It requires no more consideration or argument on my part. So I submit it. I had intended to offer it in the first instance. The distinguished Senator from Georgia intended to do so, but he was slightly indisposed. He had a very bad headache, and he asked me specifically if I would present the amendment in his name. I am honored to do so. I rest the case.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. I have sat here most of the day listening to debate on what is supposed to be a trade bill, and I have heard many trades made, but I have not heard much discussion about foreign trade, or the Common Market, or the many good purposes that the President originally suggested this bill has.

So far, we have not discussed foreign trade and its effect upon the United States. In fact, I have heard more good arguments presented this afternoon for protection than I have heard for free trade.

I happen to be a person who believes in freer trade. I think the very fact that free trade has helped to create the great economic system we have as applied to our country should be able to be applied to the whole world, but I have sat here tonight and heard arguments for protection for lumber, protection for this, that, and the other product. It seems to me that what we are talking about here tonight is a sort of "gimmick" proposal from the President that we do not know much about.

If the President were willing to state clearly what he proposes by this measure, we might be able to vote for it.

I would like to be able to vote for the bill. As I say, I believe in freer trade. But I do not think we are talking about freer trade. I have a strong suspicion that many industries have been promised certain concessions if they go along with this measure.

I see in this measure—and I speak as freely and frankly as I can—a new pattern for labor to work for Government intervention in wages, hours, profits, and prices. I see no argument, nor have I heard any convincing argument, that the pending bill would create more trade for the United States, a better balance of payments condition, or better working conditions for the American working man.

In my opinion, we have not faced certain fundamental facts. The Congress can pass any kind of trade legislation it cares to enact, but we are not going to be able to compete with the European and Japanese markets as long as we have restrictive tax legislation upon our books, as long as the American economy is saddled with nearly $100 billion worth of obsolete machinery that new capital will not replace, because new capital does not have confidence in this administration's attitude toward the free enterprise system, and—I am sorry to say this—does not seem to have confidence in the Congress' attitude toward the free enterprise system.

I think before we can be associated with the markets of Europe, we are going to have to—and I am in full accord with this—put our own fiscal house in order. I have yet to hear a spokesman for the administration say we are going to balance our budget some time. Spokesmen for foreign markets will tell us they want no part of us until we exhibit some fiscal responsibility. I have not heard anything from the administration—unless one wants to mention a piddling billion-and-a-half-dollar provision for investment credit—to the effect that we are going to increase capital investment.

During the past quarter, capital investment in this country was the same as it was in 1957. This is a disturbing note. Congress can pass all the trade bills it wishes, it can talk about the Common Market and our association with it, but it is not going to affect the economy of this country one iota unless we put our own fiscal house in order, which includes tax collection, particularly in the field of depreciation, in order to encourage manufacturers and investors to buy new equipment, build new factories, and create new jobs.

The proposal started out as a very noble idea—namely, that we should cooperate with the Common Market. I believe, frankly, that if we had our fiscal house in order, we could effectively associate with the Common Market in producing 83 percent of the world's goods, and in that way, in my opinion, create the greatest weapon that has ever been created against communism.

We in Congress are successfully negating free institutions by going along with deficit spending, and, instead of encouraging investment, discouraging investment.

So what I long ago hoped would be a bill I could vote for because I believe—and probably more wholeheartedly than most Members of this body—in freer trade, I shall have to vote against tonight. The bill would place restrictions against American business that would, in 1 year after its passage, cause Senators who voted for its passage to be sorry they did, because they will learn that it will not create a growing tendency in the American economy. They will be sorry they voted for this measure tonight as a trade bill, because it is not a trade bill as far as foreign markets are concerned, but a trade bill as far as internal groups who would oppose the President's wish are concerned.

I hoped I could vote for the bill. I shall be forced to vote against it. I think it is like a $3 bill—it is a phony.

Mr. DIRKSEN. Mr. President, I have only one thing to offer. I propose to vote for the bill. I certainly am not going to hamstring the administration when it so constantly and fervently believes that this is the way to get America moving again. As a citizen of this common country I want to do what I can in that direction, because it is in the interest of our national welfare.

I think I could vote tonight for the bill with a lighter heart and an easier conscience if it provided for a 3-year program instead of a 5-year program, because then the possibilities for modification would not be so remote in the future, but could be undertaken before heavy damage might be inflicted upon our economy.

At that point, Mr. President, I rest the case. The amendment is very simple. Instead of providing that the program go to 1967, we would make the cutoff date 1965.

Let us see what eventuates. Let us appraise it and assess it as best we can. If the program merits extension, that will be an easy thing to do. If, on the other hand, events and circumstances and competition from abroad dictate that it ought to be modified, the opportunity to do so will automatically be furnished.

I submit the amendment in the hope that it will commend itself to the Senate.

Mr. MANSFIELD. Mr. President, would the distinguished minority leader be amenable to a 5-minute limitation on this amendment?

Mr. DIRKSEN. I have finished.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in 5 minutes the vote be taken on the pending amendment.

The ACTING PRESIDENT pro tempore. Is there objection to the request by the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have listened, as I always do, with a great deal of interest to what the distinguished minority leader had to say.

He has mentioned the word "prophecy." No one can foretell, in this day and age in which we live, what the future holds for us.

He has mentioned the word "fear," as being applicable to both the proponents and the opponents of this measure.

I prefer to use the word "courage," because in this day and age I think we must take chances.

I prefer to use the word "hope." We must look forward with some degree of confidence, and we must place some degree of confidence in the President of the United States.

The minority leader will recall that the last time the Reciprocal Trade Act was extended President Eisenhower asked for a 5-year extension. I believe on that occasion the minority leader and I both voted for the proposed 5-year extension, although the Congress in its wisdom voted to reduce the term from 5 years to 4.

I have as much confidence in the present President of the United States as I had in Mr. Eisenhower at the time he was President, when the Reciprocal Trade Act was extended for 3 years on the last previous occasion.

If we vote for a 3-year extension, we will lose the first year, anyway, because it will be necessary to accommodate ourselves to the new setup. More than that, we would have to speed up the process of accommodating the Common Market.

With the 5-year period we could become used to the idea, could lay the groundwork during the first year and then, over the following 4 years, do the work gradually in a manner which I think would be best for the welfare of American economy, our industries, and our workers.

Mr. President, I yield the remainder of the time to the Senator from Oklahoma [Mr. KERR].

Mr. KERR. Mr. President, the opponents of the bill spent most of the day trying to cut off its various limbs—fingers, toes, and arms. They failed to do so. Now they seek to cut its throat, by limiting it to 3 years.

If Senators will examine the bill, they will find that there are more provisions in it for negotiation than in any bill previously passed by the Congress. There are pages setting forth requirements concerning negotiations, advice from departments, and public hearings. It could not take less than a year to place the administration in a posture of beginning the negotiations.

We do not know when the Common Market identity will be known, when the various members joining the Common Market will be identified and made a part of it.

If Senators do not trust the administration, they should not pass the bill. The Senate is considering a bill to give to the administration authority to cut the remaining tariffs by 50 percent. Would Senators not rather provide for 5 years to do this, if the Executive is to use the authority? Would Senators not prefer to have that done in 5 years, instead of 3 or 2?

It will require a year for the administration to begin negotiating, and a year to complete the negotiations, following which they could implement them within a 3-year period under the 5-year program. Instead of having a longer period of time and more years in which to permit the new rates to phase in, would Senators wish to require that it be done in 1 year, or 2?

If Senators have no confidence in the President or the administration they should not pass any bill. If they do, they should pass a bill to put the President in the best position to achieve the greatest results over the period of time best calculated to enable the American economy to adjust itself to its posture of greater strength and preparation for the greater advance that will come in the new era of the European Economic Community, the Common Market, on the one hand and our own great industrial workshop on the other.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. KERR. I will yield in a moment. The Senator from Montana indicated that the last time the act was extended President Eisenhower requested it be extended for 5 years. He got 4 years.

Certainly, in view of the fact that there will be at least a year of preparation before negotiations can get underway under this measure, actually we would be giving the present administration no greater amount of time in which to implement the program than was given to the previous President in the extension of the Trade Act which has just expired.

I yield to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, in my judgment this involves no lack of confidence in the President. What is involved in a very fractious world, full of fever and friction, is the mutability of events and the change of circumstances which might take place over a 5-year period and which could put our country in a position of disadvantage, of which the Congress would have to take note.

I would feel happier if the measure were for 3 years instead of 5 years. Then we could take account of changes. If a change in the law were required, if there were restrictions or modifications required, it could be done before the damage was too heavy or got out of hand.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. Dirksen]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from New Mexico [Mr. Chavez], the Senator from Arkansas [Mr. Fulbright], the Senator from Ohio [Mr. Lausche], the Senator from Oregon [Mrs. Neuberger], the Senator from Georgia [Mr. Russell], and the Senator from Missouri [Mr. Symington] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening] is necessarily absent.

On this vote, the Senator from New Mexico [Mr. Chavez] is paired with the Senator from Texas [Mr. Tower].

If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from South Dakota [Mr. Bottum].

If present and voting, the Senator from Alaska would vote "nay," and the Senator from South Dakota would vote "yea."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from Georgia [Mr. Russell].

If present and voting, the Senator from Oregon would vote "nay," and the Senator from Georgia would vote "yea."

On this vote, the Senator from Missouri [Mr. Symington] is paired with the Senator from New Hampshire [Mr. Murphy].

If present and voting, the Senator from Missouri would vote "nay," and the Senator from New Hampshire would vote "yea."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State convention as required by Texas law.

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from New York [Mr. Keating]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Missouri [Mr. Symington]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Missouri would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from New Mexico [Mr. Chavez]. If present and voting, the Senator from Texas would vote "yea," and the Senator from New Mexico would vote "nay."

The result was announced—yeas 28, nays 56, as follows:

[No. 266]

YEAS—28

Allott
Beall
Bennett
Boggs
Bush
Butler
Byrd, Va.
Carlson
Cooper
Cotton
Curtis
Dirksen
Fong
Goldwater
Hickenlooper
Jordan, Idaho
McClellan
Miller
Mundt
Pearson
Prouty
Robertson
Saltonstall
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NAYS—56

Aiken
Anderson
Bartlett
Bible
Burdick
Byrd, W. Va.
Carroll
Case
Church
Clark
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Gore
Hart
Hartke
Hayden
Hickey
Hill
Holland
Humphrey
Jackson
Johnston
Jordan, N.C.
Kefauver
Kerr
Kuchel
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—16

Bottum
Cannon
Capehart
Chavez
Fulbright
Gruening
Hruska
Javits
Keating
Lausche
Morton
Murphy
Neuberger
Russell
Symington
Tower

So Mr. Dirksen's amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KERR. Mr. President, I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to query the distinguished majority leader as to whether it is his intention to complete action on the bill tonight.

Mr. MANSFIELD. Mr. President, the Senate willing, it would be our intention to try to complete consideration of the bill tonight, or at least to reach the third reading. Speaking personally, I should like not only to get to the third reading, but also to reach a vote on the bill. Inasmuch as we have been here this long, we should finish it if we can do so.

Then, as I discussed the subject with the minority leader, the Senate would meet at 12 o'clock tomorrow in order to give committees an opportunity to meet tomorrow morning while the Senate would not be in session. Those meetings would include the Committee on Foreign Relations and the Committee on Armed Services, meeting jointly, and the Committee on Labor and Public Welfare, in which the Senator from Michigan [Mr. McNamara] is very much interested, as well as other committees.

That is something neither the Senator from Illinois nor the Senator from Montana can decide. It is our hope that we may reach the third reading tonight.

Mr. DIRKSEN. I wonder whether the distinguished majority leader would query the Senate for a moment to ascertain how many other amendments are likely to be offered and how much time the authors of the amendments would like to take.

Mr. BARTLETT. I have the floor.

Mr. MANSFIELD. The Senator may have the floor, but the Senator from Illinois was seeking recognition, and as a matter of courtesy, he should have been recognized.

Mr. BARTLETT. I make that statement merely to answer the Senator from Illinois as to how much time I intend to take. For myself, I would not take more than 10 minutes, and probably less.

Mr. PROUTY. Mr. President, I shall ask for a yea-and-nay vote on my amendment, but I will discuss it for only 2 or 3 minutes.

Mr. SCOTT. I shall need only 5 minutes on my amendment. I shall ask for a division, instead of a yea-and-nay vote on my amendment.

Mr. MANSFIELD. I should like to make a unanimous-consent request. I ask unanimous consent that there be allowed 20 minutes on each amendment, 10 minutes to a side.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I have no objection to the request on the amendments that will be offered, if it is confined to the amendments that have been mentioned.

Mr. MANSFIELD. I know of only four amendments.

Mr. KERR. I have one substantive amendment to offer, and two technical amendments.

Mr. MANSFIELD. Let us apply it to these four amendments.

Mr. WILLIAMS of Delaware. Yes.

Mr. MANSFIELD. Twenty minutes on each amendment, with 10 minutes allowed to each side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. RANDOLPH. Mr. President, reserving the right to object—and I shall not object—I should like to clarify the situation with reference to Members of the Senate—and I am one of them—who will want to speak, not on any particular amendment, but on the general subject matter before the Senate.

Mr. DIRKSEN. May I ask the distinguished Senator from West Virginia how long he intends to speak?

Mr. MANSFIELD. The Senator from West Virginia and any other Senator will be accommodated after a third reading, if it can be reached tonight.

Mr. RANDOLPH. Of course. I merely wished to clarify the situation.

Mr. HOLLAND. Reserving the right to object, does the unanimous-consent request contemplate votes on all amendments?

Mr. MANSFIELD. On the four amendments that have been mentioned.

Mr. HOLLAND. Those votes would be taken tonight?

Mr. MANSFIELD. Yes. There would be a time limitation of 20 minutes on each amendment. I am sure that some of the amendments will be considered fully in less than 5 minutes.

Mr. HOLLAND. What is the intention of the majority leader with reference to final passage?

Mr. MANSFIELD. I would like to reach the third reading and, if possible, final passage, tonight. However, I will be happy if we can have the third reading tonight.

Mr. McCLELLAN. Mr. President, reserving the right to object, why does not the Senator announce that the bill will not reach final passage tonight?

Mr. MANSFIELD. We will get to it if we can get to it at a reasonable hour. I would be happy to get to a third reading, and have the final vote tomorrow, even though some Senators may be discommoded as a result.

Mr. McCLELLAN. Mr. President, further reserving the right to object, there will be a number of speeches on the bill. If they are made tonight, the Senate will be in session quite late.

Mr. MANSFIELD. Most of those speeches will come after third reading. I hope the Senate will indulge us to the point of being able to go to at least the third reading tonight, but not beyond.

Mr. McCLELLAN. Not beyond?

Mr. MANSFIELD. No.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. GOLDWATER. Mr. President, we could not hear very well what the Senator was saying.

Mr. MANSFIELD. We will try at least to reach a third reading, but not beyond.

Mr. GOLDWATER. Will the distinguished majority leader agree that there will not be a vote on final passage tonight?

Mr. MANSFIELD. Yes.

Mr. GOLDWATER. The agreement he suggests is 20 minutes to a side. That would mean that the Senate would be in session beyond 1 o'clock.

Mr. MANSFIELD. Of course all that time will not be used. I said we would go to third reading only, not beyond.

Mr. GOLDWATER. And final passage would come tomorrow?

Mr. MANSFIELD. Yes.

The ACTING PRESIDENT pro tempore. Is there objection?

ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK NOON TOMORROW

Mr. DIRKSEN. I wonder if the majority leader would like now to present an order for the convening of the Senate tomorrow.

Mr. MANSFIELD. Since the bill is going to a third reading tonight, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection to the request with respect to the adjournment?

The Chair hears none, and it is so ordered.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request with respect to the limitation of time on amendments?

The Chair hears none, and it is so ordered.

Mr. BARTLETT. Mr. President, I call up my amendment.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. In section 257, page 32, after line 14, insert the following new subsection (i):

(i) The Tariff Act of 1930 is amended by adding the following new section.

"SEC. —. CONSERVATION OF FISHERY RESOURCES.

"Upon the convocation of a conference on the use or conservation of international fishery resources, the President shall, by all appropriate means at his disposal, seek to persuade countries whose domestic fishing practices or policies affect such resources, to engage in negotiations in good faith relating to the use or conservation of such resources. If, after such efforts by the President and by other countries which have agreed to engage in such negotiations, any other country whose conservation practices or policies affect the interests of the United States and such other countries has, in the judgment of the President, failed or refused to engage in such negotiations in good faith, the President may, if he is satisfied that such action is likely to be effective in inducing such country to engage in such negotiations in good faith, increase the rate of duty on any fish in any form imported from such country into the United States, for such time as he deems necessary, to a rate not more than 50 per centum above the rate existing on July 1, 1934."

Mr. BARTLETT. Mr. President, I have offered this amendment on behalf of the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Massachusetts [Mr. SMITH]. It will not be necessary, I hope, for me to detain the Senate long with respect to this amendment. I offered an amendment on the same subject earlier today and spoke concerning it at some length, but then withdrew it.

The present amendment proposes to achieve the same result sought by the earlier amendment, but with different language and with a different approach. In essence, its intention is to give the United States some power and authority in the conservation of fish in the high seas fisheries. The United States has the best conservation practices in the world, and we hope that other nations will build up to the standard we have set.

If the destruction of a species of fish being taken under terms of a convention to which the United States is a party, is threatened by the fishing practices of other nations which are not mindful of the needs of conservation, the President by this amendment would have power to act. We who sponsor this amendment do not contemplate that it will be used as an economic club to be used without restraint. We only want the high seas fisheries to be protected, so there will be fish for future generations.

It is my understanding that in the form in which it is now presented, the amendment probably is acceptable to the leadership. I hope that is the case.

Speaking personally, if the amendment should be agreed to, it would be all the easier for me to vote for the passage of the bill. I trust the amendment will be agreed to.

Mr. MAGNUSON. Mr. President, I associate myself with the remarks of the distinguished Senator from Alaska.

The PRESIDING OFFICER (Mr. Muskie in the chair). Is all time yielded back?

Mr. BARTLETT. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska [Mr. Bartlett].

The amendment was agreed to.

Mr. SCOTT. Mr. President, on behalf of myself and the Senators from New York [Mr. Javits and Mr. Keating] I offer the amendment which I send to the desk. I ask unanimous consent that the amendment not be read but that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 8, after "article" insert "included in a list submitted to the Tariff Commission under section 221(a)".

On page 14, between lines 3 and 4, insert the following:

"(c)(1) Subject to paragraph (3) of this subsection, the President shall reserve from negotiations under this title for the reduction of any duty or other import restriction or the elimination of any duty—

"(A) any article referred to in Agricultural Handbook No. 143, United States Department of Agriculture, as issued in September 1959, if (i) not more than 5 percent of the average annual domestic production of such article, in the most recent 5-year period, has been exported from the United States, and (ii) United States production and sales of such article have not been a substantial factor in determining the world market price over any 3 years of the most recent 5-year period, as determined by the Secretary of Agriculture; and

"(B) any article the major part of the cost of production of which is attributable directly to the cost of processing such article from an article or articles referred to in such Handbook No. 143, if (i) there is in effect with respect to such article or articles so referred to any action taken under the Agricultural Act of 1949, section 32, Public Law 320, Seventy-fourth Congress, or the Sugar Act of 1948, and (ii) the world market price of such article or articles so referred to has been at least 10 percent below the domestic market price over any 3 years of the most recent 5-year period, as determined by the Secretary of Agriculture;

unless there is in effect with respect to such article a multilateral agreement, negotiated by the President under section 204 of the Agricultural Act of 1956, with countries accounting for a significant part of world trade in such article.

"(2) If any interested party shall, at the hearings provided for under section 223, propose that any duty or other import restriction on any article reserved from negotiations under paragraph (1) be reduced or eliminated pursuant to negotiations under this title, the agency or interagency committee holding such hearings shall promptly submit a summary of the testimony received from such person to the Tariff Commission. The Tariff Commission shall, as soon as practicable after the receipt of such summary, advise the President with respect to such article of its judgment as to the probable economic effect of such reduction or elimination on industries producing like or directly competitive articles so as to assist the President in making an informed judgment as to the impact that might be caused by such reduction or elimination on United States industry, agriculture, and labor. In preparing its advice, the Tariff Commission shall, after reasonable notice, hold public hearings.

"(3) If the Tariff Commission shall advise the President that a reduction of any duty or other import restriction, or the elimination of any duty, on any article referred to in paragraph (2) would not cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles, the President may, to the extent that he determines such action to be in furtherance of the purposes of section 102, and notwithstanding the provisions of paragraph (1), make an offer for such reduction or elimination in negotiations under this title."

On page 14, line 4, strike out "(c)" and insert "(d)".

On page 14, line 5, strike out "(a) and (b)" and insert "(a), (b), and (c)(1)".

Mr. SCOTT. Mr. President, Congress has a duty to state clearly that domestic industries which are disadvantaged in international competition by governmental policies which directly raise their costs of production deserve the maximum safeguards compatible with the broad purposes of trade expansion. Furthermore, there are certain industries—especially in the agricultural field—which are not susceptible to real immediate help from a program of adjustment assistance.

In order to meet these special problems in the broadest and most flexible way, and without seriously diminishing the President's trade negotiation authority, I have offered, together with the Senators from New York [Mr. Javits and Mr. Keating], an amendment intended to reserve from trade negotiations such items as are produced by industries which meet the conditions stated above. Also, a review procedure by the Tariff Commission would be provided for; and the President would have the additional choice of entering into international commodity agreements on these items.

In effect, any domestically produced item, for which the chief cost of processing derives from an agricultural product which is under a domestic price support program which causes the domestic price of the agricultural product to be at least 10 percent higher than the world market price, would be reserved from negotiations. This reservation, of course, would be subject to review by the Tariff Commission and would cease to be in effect once an international commodity agreement is entered into.

Further, an article referred to in Agricultural Handbook No. 143, of which the United States exports 5 percent or less of annual production, and the U.S. production and sales of which are not a substantial factor in determining the world market price, would also be reserved from negotiations. Again this reservation would be subject to review by the Tariff Commission and would cease to be in effect once an international commodity agreement was entered into.

Mr. President, while the amendment is broader in its effect than my illustration, it is intended to cover, among other items, problems facing the candy industry in this country through the importation of such items as sugar, chocolate, nuts, and the like.

At this point I am delighted to yield to my senior colleague from Pennsylvania.

Mr. CLARK. Mr. President, I am grateful to my colleague for yielding. As he well knows, the candy industry in Pennsylvania is most important. Unfortunately, Pennsylvania is affected by chronic and persistent unemployment. Does the Senator not agree with me that one of the difficulties which confronts Pennsylvania's very substantial candy industry is that it must buy sugar in a protected market and sell candy in a free market?

Mr. SCOTT. That is entirely true. In the course of competition, it must meet increasingly heavy competition from such countries as the Netherlands, Switzerland, Great Britain, and many other Western European countries, as well as some Asian countries. For example, in Western Europe the prices of such items as almonds, chocolate, and sugar are substantially lower; and, of course, wage levels are lower, too.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. SCOTT. I am delighted to yield.

Mr. CLARK. Does it not seem unfair to the Senator, as it does to me, that our domestic industry is confronted with the problem of having its raw materials far more expensive than the raw materials of its competitors because of the policies of the U.S. Government?

Mr. SCOTT. The Senator is entirely correct. It seems to me to be unfair. Not only are candy producers numerous, but some of them are among the best known in the United States. One entire community in Pennsylvania, the community of Hershey, is built almost solely around the production of that particular brand of chocolate candy, on which the employment of that entire area depends.

Mr. CLARK. Is it not true that the Senator and I are most anxious never to yield to a conflict-of-interest situation, but that every Member of the U.S. Senate has, during the last 2 or 3 years, as a result of the efforts of the Senator and myself, received from the Hershey Chocolate Co. a package glorifying the candy industry of Pennsylvania? I am sure the Senator would agree with me that that would not affect the votes of any Senators.

Mr. SCOTT. I am sure it would not; but I think the argument is sweet, has the succulence of persuasiveness, and is supplemented by the illustrative manner in which the producers have demonstrated and distributed their products.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. SCOTT. I am delighted to yield.

Mr. CLARK. What does the Senator have to say about mushrooms?

Mr. SCOTT. I feel much the same way about them, though perhaps not in so saccharin a sense. I have much the same concern about mushrooms, and hope that they also might be included among the agricultural products involved. The mushroom industry is a very important one, particularly in the southeastern part of Pennsylvania, although there is a substantial mushroom industry in other areas of the State. The mushroom industry has the same problem with respect to price competition.

Mr. CLARK. Without being facetious any longer, does the Senator not agree with me that the mushroom industry, particularly in southeastern Pennsylvania, is a source of substantial employment of the working people of our State, and that it would be a real tragedy if a result of the trade bill should be to impinge in any way on the ability of the mushroom producers of Pennsylvania to continue the fairly profitable industry in which they are now engaged?

Mr. SCOTT. Yes. Those people do not have and never have had the kind of benefit which applies to the more glamorous products and products which are raised in far greater quantities in the United States. It is a small, highly specialized industry. It is limited in area. It requires specialized conditions for growth. It would unquestionably be very seriously injured. I think that for the first time in the history of the industry competition is now being felt.

Mr. CLARK. Would two of the principal purposes of the Senator's amendment be to protect the candy and the mushroom industries in our home State?

Mr. SCOTT. Yes; that is the purpose we have in mind.

Mr. CLARK. I am happy to support the amendment of my junior colleague.

Mr. SCOTT. I thank my colleague.

Mr. CASE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. CASE. I do not wish to take as much time as the Senators from Pennsylvania have taken on the amendment and in assuring their constituents of their ardor in supporting it. But I join in supporting the amendment. I think it is important to the candy industry of the country.

Mr. SCOTT. I thank the Senator from New Jersey.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Pennsylvania in supporting the amendment. I joined in supporting it in the committee, and I support it on the floor. I hope it will be adopted.

Mr. SCOTT. That is very heartening, and I thank the Senator from Delaware.

Mr. President, in view of the support of the amendment, unless there is a demand for further time for debate, I shall be glad to yield back the remainder of the time under my control; and instead of requesting that the yeas and nays be ordered on the question of agreeing to the amendment, I request a division.

Mr. KERR. Mr. President, if I can understand any part of the amendment of the Senator from Pennsylvania, it is the last Curtis amendment on stilts and clothed in muslin. It covers two pages. In my judgment, it would be derogatory to and contradictory of much that is in the bill; and, in my opinion, the amendment should not be adopted.

Mr. SCOTT. Mr. President, if the Senator from Oklahoma will yield, let me say that I regret very much that he is of that opinion, because in the absence of the amendment, I fear that the bill would seriously damage a most important industry in our Commonwealth. Although I intend to support the trade bill, and am eager to do so, I would not like to see the amendment rejected. For the reasons which both Senators from Pennsylvania have stated, I hope the amendment will be agreed to.

Mr. KERR. Mr. President, when I first came to the Senate, I studied under a great mentor, Senator O'Mahoney, of Wyoming. One day I went to him and said to him that I had a very good bill, and wanted it passed. He read it for about 15 minutes, and then said, "Senator, if you will let me insert certain amendments, I will support your bill."

Mr. President, I do not know of any Senator who would not support this bill if we permitted him to write into it his amendments.

I deeply regret that I believe the amendment would do damage to the bill; and I must oppose the amendment.

Mr. President, I yield back the remainder of the time under my control.

The PRESIDING OFFICER. All remaining time on the amendment of the Senator from Pennsylvania has been yielded back.

On the question of agreeing to this amendment, a division has been requested.

On a division, the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SMATHERS. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion to lay on the table was agreed to.

Mr. MILLER. Mr. President, if I may have the attention of the Senator from Oklahoma [Mr. KERR], let me state that I contemplated offering an amendment to section 202 of the bill, on page 3. During the colloquy on the Bush amendment, which would have deleted this section, the Senator from Nebraska presented some rather impressive figures in regard to agricultural imports under duties of less than 5 percent ad valorem.

My amendment would have inserted on page 3, in line 18, following the word "article," the phrase "other than agricultural commodities and produce determined to be in surplus by the Secretary of Agriculture."

The objective of my amendment was to try to make sure that the policy of Congress, as being implemented by the Secretary of Agriculture, to cut down on our surpluses would not be frustrated by section 202 of the bill.

I shall appreciate it if the Senator from Oklahoma will comment on the amendment to which I have referred.

Mr. KERR. Mr. President, I think everything the Senator from Iowa seeks is taken care of under section 22 of the Agricultural Adjustment Act. If the Senator from Iowa will turn to page 32 of the bill, in line 11, he will find this language in paragraph (h):

> (h) Nothing contained in this Act shall be construed to affect in any way the provisions of section 22 of the Agricultural Adjustment Act, or to apply to any import restriction heretofore or hereafter imposed under such section.

Not only does section 22 of the Agricultural Adjustment Act amply meet, in my opinion, the objective of the Senator from Iowa, but the bill protects section 22 insofar as any import restrictions which heretofore have been made or any under it which hereafter may be made are concerned.

In view of that fact, I hope the Senator from Iowa will not press for the adoption of his amendment.

Mr. MILLER. Mr. President, in view of the assurance and the explanation by the Senator from Oklahoma, I shall not offer my amendment. But I think it well to have the Senator's statement appear in the RECORD, because I believe that the tie-in between section 22 of the Agricultural Adjustment Act and this section of the bill was not brought out in previous colloquy. I believe that the Senator's explanation satisfies me; and I thank him.

Mr. KERR. I thank the Senator from Iowa.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROUTY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Vermont will be stated.

The CHIEF CLERK. On page 14, in line 13, after the word "with", it is proposed to strike out all the remainder of that line and all of lines 14, 15, and 16, and to insert in lieu thereof the following: "details of the advice provided by the Tariff Commission under section 221(b) and a statement of his reasons for entering into said agreement."

Mr. PROUTY. Mr. President, we have had a rather difficult period in discussing the proposed legislation; and it seems to me that this is a good time to offer what I regard as a noncontroversial amendment, so the debate may be ended in a spirit of harmony and good will.

Under the provisions of the pending bill, Congress will give the President unprecedented power and authority with respect to tariff negotiations. It appears to me that inasmuch as the levying of tariffs is the direct responsibility of Congress, it should be completely informed with respect to all aspects of the tariff negotiations.

The amendment I am offering requires that after the negotiations have been completed and the trade agreements have been entered into, the President in his report to Congress shall be required to give Congress a synopsis of the recommendations made to him by the Tariff Commission.

I can well understand the necessity to keep secret and privileged, pending negotiations, such advice by the Tariff Commission to the President. However, once the negotiations have been completed, I think it would be in keeping with congressional responsibility to have Congress given the benefit of the thinking of the Tariff Commission and the reasons for its recommendation to the President. Such a report, being made after the fact, would not act as a deterrent on the President or on the negotiating team. However, it would provide Congress—for purposes of future legislation—with information which Congress could not possibly acquire in any other fashion.

I have discussed the amendment with the distinguished Senator from Oklahoma [Mr. KERR], and I discussed it particularly with a member of his staff. They seem to think the amendment is controversial. But I think we have a government of checks and balances—although perhaps too many checks and no balances. I hope the distinguished Senator from Oklahoma will find it possible to take the amendment to conference.

Mr. KERR. I cannot do so.

I ask each Senator to turn to page 14 of the bill, section 226. They will find there language drafted by the House Ways and Means Committee, by the House itself, and by the Senate Finance Committee, which meets every objective that could possibly be attained by the amendment of the Senator from Vermont. Senators will find that the language of the bill, on line 11, page 14, states:

> The President shall transmit promptly to each House of Congress a copy of each trade agreement entered into under this title, together with a statement, in the light of the advice of the Tariff Commission under section 221(b) and of other relevant considerations, of his reasons for entering into the agreement.

Mr. PROUTY. Mr. President, I still believe I have the floor, but I am very happy to yield to the Senator from Oklahoma.

Mr. KERR. I beg the Senator's pardon. I thought he had yielded the floor.

Mr. PROUTY. I yield to the Senator from Oklahoma.

Mr. KERR. I thought I had the floor in my own right.

Mr. PROUTY. I yield to the Senator from Oklahoma. I would like to have him continue, if he will.

Mr. KERR. If Senators will look at the amendment by the Senator from Vermont, they will find that he has changed the word "the" agreement to the word "said" agreement; that he has changed the language by striking out "a statement, in the light of the advice of the Tariff Commission under section 221(b) and of other relevant considerations," which under the language of the bill, the President is directed to give to the Congress, and substituting the words, "details of the advice provided by the Tariff Commission under section 221(b) and a statement of his reasons," and so forth.

Aside from that, the only difference in the language is that it changes the word "the" to "said."

Mr. PROUTY. I have the floor, if the Senator will permit me to proceed.

Mr. KERR. I cannot do otherwise.

Mr. PROUTY. The amendment would merely require the President, after the fact of completing a trade agreement, to submit to the Congress, together with a copy of the agreement, a summary of the recommendation made to him by the Tariff Commission, as required under section 221(b). This amendment does not interfere with the President's prerogatives in negotiating treaties. It asks, after the fact, Has the President followed the recommendations of the Tariff Commission? If he has not, the Congress should be notified as to why he has not.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield. I thought the amendment was completely noncontroversial. Apparently it is not.

Mr. MILLER. Mr. President, I have read the amendment of the Senator from Vermont. I believe the difficulty is brought about by the wording of the bill which reads "in the light of the advice of the Tariff Commission." It seems to me what the Senator from Vermont has tried to do is make this language meaningful. What does "in the light of the advice of the Tariff Commission" mean, unless it means detailing the recommendations of the Tariff Commission? I believe this perhaps is—and it certainly should be—the intention of the drafters of the bill. I think that what the Senator from Vermont is trying to do is merely reword the language so that the intention behind it will actually be achieved.

I ask the Senator from Vermont if that is not what he is trying to do.

Mr. PROUTY. Absolutely. That is the only purpose I have in mind.

The **PRESIDING OFFICER.** Does the Senator from Vermont yield the floor?

Mr. PROUTY. No, I do not yield the floor. I am willing to yield to the Senator from Oklahoma.

Mr. KERR. When the Senator yields the floor, I shall be glad to take the floor.

Mr. PROUTY. I had intended to ask for the yeas and nays on my amendment. I am perfectly willing to have it go over until tomorrow, if it meets with the approval of the majority leader.

Mr. MANSFIELD. No; it does not.

Mr. President, I ask for the yeas and nays on the Prouty amendment.

The yeas and nays were ordered.

Mr. KERR. Mr. President, I will use 2 minutes and then yield back the remainder of my time. The language of the bill provides a very adequate precautionary requirement that—

> The President shall transmit promptly to each House of Congress a copy of each trade agreement entered into under this title, together with a statement, in the light of the advice of the Tariff Commission under section 221(b) and of other relevant considerations, of his reasons for entering into the agreement.

Why the Senator from Vermont should want to change the provision and make other requirements and different requirements is beyond the comprehension of the Senator from Oklahoma.

It was a matter fully considered by the Finance Committee of the Senate, by the House Ways and Means Committee, and by the House itself.

I hope the amendment will not be agreed to.

Mr. PROUTY. Mr. President, I would like to ask the distinguished Senator from Oklahoma what is meant by the phrase "in the light of the advice of the Tariff Commission"? I do not know what it means. I have asked a member of the staff. He told me he did not know what it meant.

Mr. KERR. To whom did the Senator address the question?

Mr. PROUTY. A member of the Senator's staff.

Mr. KERR. I do not know where the Senator makes his inquiries. I gave him a response.

Mr. PROUTY. I had discussed the question with a member of the Senator's staff. He listened to it. His staff member said, "This is no good, because the President will have to tell what the recommendations of the Tariff Commission were."

Mr. KERR. I refer Senators to the language of the bill——

Mr. PROUTY. I do not know what the language means. That is what I am trying to find out.

Mr. KERR. I cannot help the Senator if he does not understand it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PROUTY. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, the bill has been amended several times. It will have to go to conference. I think the amendment of the Senator from Vermont is a good one. I can understand why the Senator from Oklahoma does not want to put himself in the position of accepting amendments, because, as he said a few moments ago, if he starts it, he does not know where he will end. But I submit that the amendment the Senator from Vermont has offered is a very good one. I do not believe anyone could find anywhere in the statute books an interpretation of the language "in the light of the advice of the Tariff Commission."

The pending Prouty amendment would require that the reasons the Tariff Commission assigned to the President be made known to Congress. The language of the bill is vague. For that reason, we ought to tighten it so that Congress will know what it is getting.

Mr. PROUTY. May I add that this would be after the fact, after the treaty was negotiated, not before.

Mr. GORE. Mr. President, I suggest——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Tennessee.

Mr. PROUTY. Mr. President, I think I have the floor, but I am happy to yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. PROUTY. I yield the floor.

Mr. MANSFIELD. Mr. President, I yield the Senator from Tennessee 3 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I suggest that the provision in the bill is not ambiguous. It is a clear requirement that the President supply to the Congress the fullest possible information upon the negotiations and his reasons for entering into a trade agreement. If I did not think the bill required that of the President, I would favor such an amendment; but I believe and I suggest to the Senator from Vermont that the provision in the bill is sufficient.

Mr. KERR. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Vermont [Mr. Prouty]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from New Mexico [Mr. Chavez], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Arizona [Mr. Hayden], the Senator from Ohio [Mr. Lausche], the Senator from Arkansas [Mr. McClellan], the Senator from Oregon [Mrs. Neuberger], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], the Senator from Missouri [Mr. Symington], and the Senator from Florida [Mr. Smathers] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson], the Senator from Mississippi [Mr. Eastland], the Senator from Arizona [Mr. Hayden], and the Senator from Virginia [Mr. Robertson] would each vote "nay."

On this vote, the Senator from New Mexico [Mr. Chavez] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Texas would vote "yea."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from South Dakota [Mr. Bottum]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from South Dakota would vote "yea."

On this vote, the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from New Hampshire would vote "yea."

On this vote, the Senator from Florida [Mr. Smathers] is paired with the Senator from New York [Mr. Keating]. If present and voting, the Senator from Florida would vote "nay," and the Senator from New York would vote "yea."

On this vote, the Senator from Missouri [Mr. Symington] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting, the Senator from Missouri would vote "nay," and the Senator from Nebraska would vote "yea."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent, attending the Republican State Convention as required by Texas law.

The Senator from Kentucky (Mr. Cooper], the Senator from Arizona [Mr. Goldwater], and the Senator from Wisconsin [Mr. Wiley] are also necessarily absent.

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from Missouri [Mr. Symington]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Missouri would vote "nay."

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Indiana [Mr. Capehart] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from New York [Mr. Keating] is paired with the Senator from Florida [Mr. Smathers]. If present and voting, the Senator from New York would vote "yea," and the Senator from Florida would vote "nay".

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from New Mexico [Mr. Chavez]. If present and voting, the Senator from Texas would vote "yea," and the Senator from New Mexico would vote "nay."

The result was announced—yeas 21, nays 54, as follows:

[No. 267 Leg.]

YEAS—21

Aiken
Allott
Bennett
Boggs
Bush
Butler
Carlson
Cotton
Curtis
Dirksen
Dodd
Fong
Hickenlooper
Jordan, Idaho
Miller
Mundt
Pearson
Prouty
Scott
Thurmond
Williams, Del.

NAYS—54

Bartlett
Beall
Bible
Clark
Douglas
Ellender
Engle
Ervin
Gore
Hart
Hartke
Hickey
Hill
Holland
Humphrey
Jackson
Johnston
Jordan, N.C.
Burdick
Byrd, Va.
Byrd, W. Va.
Kefauver
Kerr
Kuchel
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Carroll
Case
Church
Muskie
Pastore
Pell
Proxmire
Randolph
Saltonstall
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Talmadge
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—25

Anderson
Bottum
Cannon
Capehart
Chavez
Cooper
Eastland
Fulbright
Goldwater
Gruening
Hayden
Hruska
Javits
Keating
Lausche
McClellan
Morton
Murphy
Neuberger
Robertson
Russell
Smathers
Symington
Tower
Wiley

So Mr. Prouty's amendment was rejected.

Mr. KERR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. Mr. President, with great reluctance, and yet with great honor, I move to lay on the table the motion of the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The question is on agreeing to motion of the Senator from California.

The motion was agreed to.

Mr. BUSH. Mr. President, I offer an amendment, which I send to the desk, and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk. On page 81, line 14, it is proposed to strike out the word "profit" and insert in lieu thereof the words "level of reasonable profit."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. BUSH. Mr. President, the amendment is what I would call a conforming amendment, to conform to the committee amendment which appears on page 35, line 2, of the bill. The bill provides that when the Tariff Commission is engaged in a finding of serious injury, it shall take into account all economic factors which the Commission considers relevant "including idling of productive facilities, inability to operate at a level of reasonable profit."

On page 35 the committee amendment speaks of a "level of reasonable profit" rather than merely at a "profit."

On page 81 similar language appears in connection with the Tariff Commission advice as to whether a remedy for serious injury shall remain in effect. My amendment would merely provide that on page 81, line 14, the language "level of reasonable profit" be inserted so as to make the language on page 81 conform with the committee amendment language on page 35. That is the amendment.

Mr. KERR. Mr. President, the amendment is clearly within the spirit and meaning of the bill, and I urge its adoption.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BUSH. Mr. President, I yield back the remainder of my time.

Mr. KERR. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time having been yielded back, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. BUSH. I thank the able Senator from Oklahoma for his courtesy.

The **PRESIDING OFFICER.** The bill is open to further amendment.

Mr. KERR. Mr. President, if there are no further amendments to be offered, I call up my amendment No. 2, which I believe is purely technical.

The **PRESIDING OFFICER.** The amendment of the Senator from Oklahoma will be stated.

The **CHIEF CLERK.** On page 33, line 21, after the figure "351" and before the word "may" it is proposed to insert "or for the negotiation of an agreement under section 352."

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. WILLIAMS of Delaware. Mr. President, I do not believe I have any objection to the amendment, but what is its purpose?

Mr. KERR. On page 33, in line 21, after the figure "351" and before the word "may," it is proposed to insert "or for the negotiation of an agreement under section 352."

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. KERR. Mr. President, I call up my amendment No. 1 and ask that it be stated.

The **PRESIDING OFFICER.** The amendment of the Senator from Oklahoma will be stated.

The **CHIEF CLERK.** On page 21, line 10, beginning after "(3)", it is proposed to strike out the language down to and including the comma on line 11.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. KERR. Mr. President, I ask unanimous consent that debate on the pending amendment may be subject to a limitation of time.

Mr. WILLIAMS of Delaware. The Senator from Oklahoma may commit himself to whatever time he wishes. Then I shall take whatever time I think is necessary.

Mr. KERR. Would 10 minutes on a side be agreeable?

Mr. WILLIAMS of Delaware. It may not take that much time. I merely want to be sure I have enough time to protect the committee's amendment.

Mr. KERR. What amount of time does the Senator desire?

Mr. WILLIAMS of Delaware. I have not heard the Senator from Oklahoma make his speech as yet.

Mr. KERR. If Senators will turn to page 21 of the bill, beginning at line 10, they will see that there is inserted a new paragraph setting forth what the President shall do in certain eventualities. The language begins at the bottom of page 20, line 24:

> (a) Whenever foreign import restrictions impair the value of tariff commitments made to the United States, unjustifiably oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis, the President shall—
>
> (1) take all appropriate and feasible steps within his power to eliminate such restrictions, and
>
> (2) refrain from negotiating the reduction or elimination of any United States import restriction under section 201(a) in order to obtain the reduction or elimination of any such restriction, and—

Then the next paragraph sets forth what the President shall further do—

> (3) notwithstanding any other provision of law or any provision of any trade agreement—

Which is purely an introductory phrase since the language following it sets forth what the President shall do—

> he shall impose duties or other import restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, to the extent he deems such duties and other important restrictions necessary to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis.

The Senator from Oklahoma finds no fault whatever with the language which provides what the President shall do. But the Senator from Oklahoma calls the attention of Senators to the first phrase in the paragraph: "notwithstanding any other provision of law or any provision of any trade agreement."

The Senator from Oklahoma does not think that the mandate in that paragraph is of such dignity as to place it in the posture of being the most important, and the paragraph of highest priority of any in the bill.

It would be of a higher priority than any of the treaties in which our Government has entered. It would be of higher priority than any law that has been passed in connection with the reciprocal trade agreements since their commencement. It would be of higher priority than any provision of any trade agreement that has been negotiated in the period of more than a quarter of a century that we have had the program. Therefore, the Senator from Oklahoma thinks that the language lifts that one paragraph out and puts it in such an inordinate position of priority that the President must disregard any treaty to which our Government is a party, and must disregard any other provision of law that has been passed for a quarter of a century. It would compel the President to disregard any trade agreement that has been made in that period of 25 years in order to carry out the very simple provisions of the section, other than the introductory phrase.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. KERR. I yield.

Mr. PASTORE. Is the Senator from Oklahoma suggesting that the first 2 lines of subparagraph (3) be stricken?

Mr. KERR. That is all. That is what the amendment would do. It would not take from the paragraph a single item of the mandate as to what the President shall do. It would merely leave the provision on such a basis that he would act as he would act under the other two provisions in the section, eliminating the language which would place his obligation in that particular paragraph above any treaty, law, or trade agreements that have been made.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. HICKENLOOPER. I am interested in learning what the purpose of the amendment is. I would not raise the question as to whether a statute passed by Congress could vitiate a treaty that had been formally entered into with the advice and consent of the Senate.

Mr. KERR. I do not know whether it could. If it cannot, I see no reason why we should do a futile thing by passing a law which said it could. If it can, I see no basis for us to carry out a simple mandate in the section and attempt to do that which the Senator has asked me whether we had the power to do.

Mr. HICKENLOOPER. I have no particular quarrel with the statement of the Senator that it would abrogate or displace trade agreements which had been raised to the dignity of a treaty, but I would seriously question whether a statute in and of itself could destroy the effect of a treaty that had once been entered into.

Mr. KERR. If it cannot, it is not only necessary, but futile. If it can, it is a very serious breach of our obligations under the treaty.

Mr. WILLIAMS of Delaware. Mr. President, the committee amendment was not intended to give any authority to the President to override any existing treaty. The legislative record—and the Senator from Oklahoma is aware of it—is very clear. It provides that the President shall not enter into any future trade agreement under the restriction we are laying down.

I told the Senator from Oklahoma, and I told the State Department, that if there was the least concern about the language of the amendment, we could put in front of the words "trade agreement" the words "any future" to make it clear that it refers to any future trade agreement. I suggested that language to the State Department official with whom I consulted. I am willing to say "of this act" or "any future trade agreement." I intend to make it prospective in its application. They say they have no intention of violating any of these sections. If they do not, what is the object to putting in that language?

The amendment was approved by the Finance Committee by a vote of 15 to 2, in the form in which it is now before the Senate. At this late hour I am disappointed that an effort is being made to take out of the bill the language which the committee by an overwhelming vote felt it was necessary to put in the bill.

I hope that the Senator from Oklahoma will not press his amendment. I would be perfectly willing to make the language on the second line read "future trade agreement."

The staff has suggested the language "notwithstanding any other provision of law or any provision of any trade agreement entered into under authority of this act." That would make it clear that we were not attempting to override any past trade agreements. I recognize that once an agreement is entered into between this country and any other country we should not override it by an act of Congress. I am not attempting to do it. The suggested language would make it very clear that this provision is applicable only to future trade agreements, trade agreements entered into under authority of this act; and that could not possibly be interpreted to apply to anything else. I agree with the Senator from Oklahoma with respect to the impropriety of overriding any existing treaty.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PASTORE. What the Senator is saying is that when any foreign country deliberately institutes a limitation or restriction against American products, we should retaliate.

Mr. WILLIAMS of Delaware. To the extent that the President deems necessary the President has authority to act. Lest there be any misunderstanding, I am not trying to cripple the bill. I will vote for the bill whether this amendment is in it or not. The administration does not have to make any deal with me to get it passed. I shall vote for it. I have supported the trade extension act over many years, and I shall continue to do so. My vote on the bill is not contingent upon the acceptance of this amendment. At the same time I believe that the committee amendment has merit and should remain in the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PASTORE. Why is the Senator insisting upon the words "any other provision of law"? It strikes the Senator from Rhode Island that that language could be deleted, and that it would serve the purpose if it merely read: "notwithstanding any provision of any trade agreement under this act," and then the word "impose," and so forth.

Mr. WILLIAMS of Delaware. The staff told me that the reason that this language was used was that the phrase was in one of the other amendments which was adopted by the committee; therefore the same language was used, to avoid confusion. In addition, I suggested that it be limited to this act, and the State Department representative said that he would prefer that this language read "of this law."

Mr. PASTORE. When the Senator says "any other provision of law," he is not limiting the language to this act.

Mr. WILLIAMS of Delaware. On page 83, the Senator will find the identical language used. That is the reason for using that language here. Otherwise, a great deal of argument would be involved, I believe.

Mr. PASTORE. The reason I raise the question is that the Senate has already agreed that the language is intended to apply only to future trade agreements under this particular act. That being the case, I do not understand why the Senator wishes to include the other phrase.

Mr. WILLIAMS of Delaware. As I have said, I would be willing to strike the word "law" and insert "this Act." I agree with the Senator from Rhode Island. If we strike out "law" and insert "this Act" the language will be clearer. That would be agreeable to me. I suggested that earlier but was advised not to press it.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. I call the attention of Senators to the fact that at page 83 the committee wrote in an amendment authorizing the President to increase duties and impose import restrictions, and in so doing, the committee provided that the President shall do so "notwithstanding any other provision of law." That principle has been adopted in the amendment we are discussing, as a part of the bill. The Williams amendment merely leaves the same language: "notwithstanding any other provision of law."

Mr. WILLIAMS of Delaware. My first suggestion was what I stated earlier. I am perfectly willing to make this change.

Mr. PASTORE. I repeat my suggestion that the section should read: "Notwithstanding any provision of any trade agreement entered into under this Act," and then go on with "impose" and so forth. I believe that would accomplish the Senator's purpose. I strongly recommend to the Senator from Oklahoma that he take the amendment to conference.

Mr. WILLIAMS of Delaware. I would be willing to accept such a change. I intended to make it prospective. I am not trying to insert any element of retroactivity. I have been advised by the Department of State that no such agreement has ever been entered into. There is none in existence now. Even if it were to read "provision of law" it would be immaterial because I am advised that there has been no provision of law under which this has been done. I am more than willing to accept the suggested change.

Mr. GORE. Mr. President, reference has been made to the amendment on page 83. The suggestion has been made that the amendment on page 83 is comparable to that on page 21. If Senators will turn to page 83, they will find that the power contained in the amendment on that page, which amendment was offered by the distinguished junior Senator from Georgia [Mr. TALMADGE], is entirely permissive. It reads:

> Notwithstanding any other provision of law, the President may—

And so forth. On page 21, line 3, the language is: "the President shall."

That is an unmistakable, unqualified mandate or requirement of law, if the bill be enacted in this form.

I was one of the two members of the Committee on Finance who voted against the entire amendment, from line 10 through line 20. I still believe the entire amendment should be stricken. But if it is the desire of the Senate to leave a part of the amendment in the bill, lines 10 and 11, which require the President to impose the duties, regardless of any other commodity involved in any other agreement, regardless of any other agreement or any other law, should be retained.

Other amendments and other provisions of the bill refer to many commodities which might be affected by trade agreements. Most commodities will be affected in one way or another by existing trade agreements. This provision of law would require the President to give to the particular commodities referred to or protected by the amendment priority over every other commodity, over every agreement, over every other law.

I suggest that the amendment goes entirely too far. Although it would be my preference to strike the whole amendment, I shall support the amendment of the senior Senator from Oklahoma.

Mr. KERR. Mr. President, I thank the distinguished Senator from Tennessee for calling attention to the difference in language on pages 21 and 83 of the bill. I had intended to call attention to that difference, but the Senator from Tennessee has ably done so.

The language on page 83 reads: "The President may."

On page 21, the language reads: "The President shall."

The Senator from Delaware, speaking about the language on page 21 being patterned after the language on page 83—and the Senator from Georgia will bear me out—has stated that the language on page 83 was not placed in the bill until after action had been taken on the language on page 21.

The Senator from Delaware was present when the action was taken. So even if the word "shall" were used on page 83, which it is not, it would not have been a precedent for the language on page 21, because it was not adopted by the committee and was not placed in the bill until the language on page 21 had been acted on.

Mr. WILLIAMS of Delaware. I never said that the language on page 83 was comparable to that on page 21. I said the language in the first part was identical. Both amendments were before members of the committee.

It is true that on page 21 the word is "shall" whereas on page 23 the word is "may." But if we continue to read the language on page 21 it is "shall to the extent he deems such duties and other import restrictions necessary."

That is permissive language. What is the objection to including it in the bill?

Since its adoption I have yet to hear any representative of the State Department or any other department tell me personally that there is any objection to the amendment. The Department has a representative on the floor of the Senate, but I had to ask him. They know where I am located. I am a member of the Finance Committee. The committee approved this language by a vote of 15 to 2. The chairman of the committee is on the floor of the Senate, and I am sure that he will confirm the vote. Why has not the Department come before us and stated its objection to the amendment? The Senator from Oklahoma said the Department had objection to it. Its representatives have not told me of any objection since the committee adopted the amendment.

Mr. PASTORE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PASTORE. Why does the Senator limit the language to agricultural products? Why does he not include all products? A group of jewelry industry representatives from my State came to see me and said they were willing to sell their products in foreign countries, and that foreign merchants were ready to buy their products, but that there were restrictions on obtaining credit.

Why should not this be a general provision rather than only for agricultural products?

Mr. WILLIAMS of Delaware. It is general so far as agriculture is concerned. The Senator has made a good point but that is not before us now.

The reason lies in the problem we had in connection with poultry, but all agricultural commodities could be affected.

After the Common Market was established a tariff arrangement was negotiated about the end of July, and a special tax, called a variable fee, of about 9 cents a pound was established. This was a new kind of charge which prohibited or practically stopped the export of American poultry.

The State Department, upon the insistence of several Senators from the States affected, interceded with representatives of the Common Market. I received a letter from the State Department, which I placed in the RECORD a few weeks ago, which stated that they had received assurance that the German Government would abolish these unusual charges assessed as variable fees, gate charges, and so forth.

But a few days later a rule was made that any poultry sold for export from this country must be delivered in the European country in 3 days. That means it can be shipped only by air. That is moving from one unreasonable proposal to another. The bill states that in such cases the President shall take such action as outlined in the amendment and to the extent he feels necessary to protect American agriculture.

Mr. MILLER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. First, I send to the desk a substitute for the amendment offered by the Senator from Oklahoma and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the matter proposed to be stricken on page 21, line 10, it is proposed to insert the following:

> (3) notwithstanding any other provision of this Act or any provision of any trade agreement entered into under the authority of this Act.

Mr. WILLIAMS of Delaware. Mr. President, I will yield to the Senator from Iowa in a moment.

The substitute amendment would clear up beyond any doubt any question but that this proposal is applicable only to future agreements. It would completely eliminate the objections raised by the Senator from Oklahoma that past agreements would be nullified. That certainly never was the intention. As I previously stated, I have been advised that we have never entered into any such agreement.

I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I should like to add to what the Senator from Delaware has said and have the attention of the Senator from Rhode Island. In response to his question as to why the amendment should not have general application, I suggest the reason is the action of the Common Market itself.

Only with respect to certain agricultural commodities has the Common Market declared its policy of self-sufficiency, and this language is in the nature of a protective device to offset that policy. Had the Common Market not adopted that policy, the need for this language would not have existed. But the Common Market policy exists, and I think it is well for us to recognize it by strengthening the position of the United States, as this provision has done.

Mr. PASTORE. What harm would be done by making the language general? That would cover the situation of future actions of restriction on the part of any exporting country.

Mr. MILLER. I suggest that if the Common Market had declared a self-sufficiency policy on everything, the Senator's point would be well taken. But since the Common Market has adopted a policy of self-sufficiency only with respect to agriculture, I suggest that that is the reason the amendment was confined to agriculture.

Mr. PASTORE. That may be so; but if the amendment is a good one, it ought to apply to all products.

Mr. BUSH. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I do not have the floor.

Mr. BUSH. If the Senator from Rhode Island would offer an amendment to strike "agricultural" in those two places in that paragraph, I should like to join him in supporting such an amendment.

Mr. PASTORE. I think the Senator from Delaware should do it himself.

Mr. WILLIAMS of Delaware. But this is a committee amendment, and I do not have authority to change it. However, if that is what is bothering the Senator from Oklahoma, I would go along if he would submit such a proposal. But I cannot speak for the committee on a proposal to make that change; I do not have such authority.

This is a committee amendment; and the intention clearly was to make the provision prospective, not retroactive.

Mr. PASTORE. Will the Senator yield, so that I may move a modification by striking out the word "agricultural" in two places?

Mr. WILLIAMS of Delaware. I cannot under the rules accept such an amendment.

Mr. PASTORE. Mr. President, will it be in order for me to offer to the pending amendment an amendment to strike out the word "agricultural" in line 15 and in lines 18 and 19?

The PRESIDING OFFICER. The Chair rules that such an amendment to the amendment to the amendment would not now be in order.

The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS] to the amendment of the Senator from Oklahoma [Mr. KERR].

Mr. WILLIAMS of Delaware. Mr. President, I hope the Senator from Oklahoma will be willing to accept this proposal as a modification of his amendment. I think that would be a reasonable settlement.

Again I emphasize that I have no desire to have past agreements repudiated. It was clearly the intention to make this provision prospective, not retroactive. We were told by all parties interested that it would be unnecessary to specify that it would not be retroactive on the theory that we could not violate past agreements. However, to avoid any confusion I wish to make this provision prospective, and I think this suggested language would do so. If this amendment is adopted we can go on to clear up the bill.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

Mr. KERR. Mr. President, the distinguished Senator from Delaware has made a statement on which I feel I must comment.

In the committee there was a misunderstanding in regard to the vote on the amendment. I offered this amendment, and I heard the announcement of the vote, and I heard the statement that there were eight votes on one side and seven on the other. I was sitting within 1 foot of the distinguished chairman of the committee, the senior Senator from Virginia [Mr. BYRD], who announced the result of the vote. I understood him to say that my amendment to delete that sentence was approved by a vote of 8 to 7. That is the way I understood the announcement that was made by the chairman—whereupon I said, "I now offer the Williams amendment with the first sentence deleted." The roll was called, and that amendment was adopted by a vote of 14 to 2.

Then I left the room with the distinguished Senator from Georgia, in an effort to bring about an accommodation between him and representatives of the administration, with reference to another part of the bill. When I returned, the staff advised me that the 8-to-7 vote of the committee, instead of deleting that sentence, had been against deleting it.

I know what the committee voted on in adopting the amendment, because I made the motion. It is entirely possible that I could have misunderstood my good friend the Senator from Virginia, although I was sitting within 1 foot of him. But it is not possible that I did not know what I was doing when I offered the Williams amendment with that sentence deleted; and I cast five proxies in favor of the motion which I had made.

But the way the staff recorded the vote was that my original motion to delete had lost by a vote of 7 to 8, instead of having been adopted by a vote of 8 to 7, and that the amendment voted on by the committee was the full amendment, instead of the amendment without that sentence, as I had offered the amendment.

I am sure the Senator from Delaware [Mr. WILLIAMS] understood it the other way; but I offer that explanation only because of the fact that twice he has said that the committee approved this proposal by a vote of 15 to 2, whereas I know of 6 votes which were cast in favor of the amendment, because I, myself, cast them. I cast them for my own motion.

I ask the Senator from Minnesota how he understood it.

Mr. McCARTHY. I understood it in the same way the Senator from Oklahoma did. It was my understanding that the first sentence had been stricken out.

Mr. KERR. Yes, when we were voting for this amendment.

Mr. McCARTHY. That is correct.

Mr. KERR. I cast six votes for the amendment, and the Senator from Minnesota cast two votes for the amendment. But then we are told that the vote was overwhelmingly the other way. However, the Senator from Tennessee and the Senator from Illinois voted against it; and if I had not been positive that I was voting for the amendment without that sentence, and if the Senator from Minnesota had not been positive that he was voting for that amendment without that sentence, instead of being overwhelmingly adopted by the Finance Committee, it would have been defeated by at least a vote of seven in favor and eight opposed. That is a fact.

But now the Senator from Delaware wants to have that sentence included.

I say to Senators that when we pass this bill and when the conference report is approved, it will be the Trade Act, and will provide the President's authority in this field.

But under the amendment which the Senator from Delaware now seeks to have adopted, there would be a sentence providing that this one sentence is to be preeminent over any other section of the bill, and that notwithstanding any other section of the bill which the House and the Senate voted, this one sentence will be the law and the President shall do these things.

Mr. GORE. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. I yield to the Senator from Tennessee.

Mr. GORE. Would not it also mean, as to these particular products, that the requirement of the bill on page 21, if it is written into the law, would take precedence over such agreements made by authority of the bill in regard to any other commodities?

Mr. KERR. Yes, over all other commodities in which we engage in trade.

Mr. LONG of Louisiana. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. I yield.

Mr. LONG of Louisiana. Under this amendment, would not the following be true: Let us assume that the European countries think they have some right to protect a particular agricultural commodity—for example, chickens—and let us assume that they think they are within their rights in doing so, whereas we think they are not within their rights in doing that. Could not it then be argued that although they were willing to buy more coal, cotton, and rice, our President would be forced to impose duties on many things that they would be selling us, until they agreed with our interpretation of the law in regard to chickens?

Mr. KERR. That is correct.

Mr. LONG of Louisiana. So chickens would come ahead of everything else, even though we might think other commodities might be more important than chickens.

Mr. KERR. Yes, or just as important.

Mr. McCARTHY. Would not this sentence give to agricultural commodities more protection than that given to any other products?

Mr. KERR. That is correct.

Mr. PASTORE. That is why I think the sentence should be deleted.

Mr. KERR. I know the Senator from Rhode Island does; and we can address ourselves to that sentence if the amendment of the Senator from Delaware to my amendment is rejected—which I devoutly hope will be the case.

Mr. ERVIN. Mr. President, I wonder if the Senator from Oklahoma will yield for a question?

Mr. KERR. I yield.

Mr. ERVIN. I wanted to ask the Senator from Oklahoma if he could arrange some way by which we can vote on this proposal so that all of us can go to roost. [Laughter.]

Mr. KERR. Mr. President, having a community of interest and desire with the distinguished Senator from North Carolina, I yield the floor.

Mr. YARBOROUGH. Mr. President, some reference has been made to Delaware. The hour is late, but I hope we shall not vote on the theory that only Delaware is interested. Every agricultural industry is involved. My State has been discriminated against in the shipment of meat to Germany. In addition, ports of New York and other great ports are interested in seeing that agricultural exports are protected. There is a great interest in this product in my State, and I hope this modicum of protection for agriculture is not thrown out, because every student of economy knows that agriculture is the segment that is really going to be given a beating.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. PASTORE. If the word "agricultural" were taken out and the provision were made general, agricultural products would still be protected, but they are being singled out when other products may be just as important to certain States as meat is to Texas.

Mr. KERR. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KERR. Is the Senator aware of the fact that with the language of the phrase taken out, protection of agricultural products is not diminished one iota?

Mr. YARBOROUGH. I think it would be safer with the phrase in there. If it meant nothing, I do not think there would be such a fight being made on the floor over it.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that there be a limitation of 5 minutes to the side on the pending amendment, and that the Senate then vote.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I shall not question the understanding of the Senator from Oklahoma in committee. He said he did not know what he was doing, and if he said he did not know what he was doing I will have to assume that is correct. I will say, generally speaking, he usually knows what he is doing.

This was an amendment which I offered in the committee in the identical form in which it is now before the Senate. The Senator from Oklahoma offered an amendment to strike certain language in my amendment. It was defeated. Whether the Senator from Oklahoma so understood what happened I do not know, but I definitely understood that the amendment of the Senator from Oklahoma was defeated, and the records of the committee show that it was defeated.

After defeating his amendment it was my amendment that was pending, and I usually am able to submit my own amendments without resorting to assistance from the Senator from Oklahoma to move their adoption. I asked for a record vote on my amendment, and it was approved by a vote of 15 to 2. The Senator from Oklahoma—who now says he did not know what he was doing—voted for it. But I want to say to him that I appreciate that vote. I appreciate also the six proxies he voted. I wish he would be as understanding or in the same mood now as he was then, and we would settle this question in a hurry. I am sorry that he now appears to be as confused as he was in the committee.

To get back to the pending amendment it was clearly pointed out in the committee that the provision was prospective and that that was the intention. The committee amendment is exactly as approved by the committee. The official records of the committee will show that the amendment of the Senator from Oklahoma was defeated. No one has falsified the records of the committee. I do not think the Senator from Oklahoma is accusing anyone of so doing. I know of no one who was confused except the Senator from Oklahoma.

I have offered this as a substitute. I think it is a very reasonable substitute. It definitely makes it prospective. The other members of the committee with the exception of the Senator from Oklahoma knew what they were doing. Our committee usually knows what it is doing. I will say further that the Senator from Oklahoma usually knows what he is doing.

Mr. President, I ask for a vote.

Mr. MANSFIELD. Mr. President, I had hoped the impasse which now confronts the Senate would not be facing us at this time. I have nothing but the highest degree of respect, affection, and confidence for and in both the distinguished senior Senator from Oklahoma [Mr. KERR] and the distinguished senior Senator from Delaware [Mr. WILLIAMS]. I am sorry that it seems impossible at this time to bring about an accommodation on the part of the two Senators. I would like, however, to make one attempt on my own, and this is being done without having discussed this suggestion either with the Senator from Oklahoma or the Senator from Delaware.

If I may have the attention of both Senators, I would like to make this proposal: On line 10, page 21, strike out "notwithstanding any other provision of law or any provision of any trade agreement," retain the word "impose," and insert between the word "impose" and the word "duties" on line 11 the word "such" so as to read "impose such duties or other import restrictions on the products of any foreign country or instrumentality," and so forth and so on.

Would that be satisfactory to both Senators?

Mr. WILLIAMS of Delaware. That would run into more trouble downtown than before.

Mr. MANSFIELD. This is the Senate. I am asking Senators if they will reach an accommodation. I think we can handle our own responsibilities.

Mr. WILLIAMS of Delaware. I agree with the Senator that this is the Senate, but I also want to say that the Senate committee was in agreement on this language until someone from downtown came up here and insisted that it be changed. The Senate is made up of adults. We are competent to act. Why jump every time the State Department snaps its fingers. The objection, and the only objection, which was raised at first was that the provision could be interpreted to be retroactive. I said it was clearly intended that it should not be retroactive; and if necessary I said I would see that the language was changed in any manner necessary to make sure that it would not be retroactive. This language would be in conference if there were a further complication.

I think the action of the committee should be sustained.

Mr. KERR. Mr. President, may I see what the Senator from Montana has suggested?

Mr. President, after looking at the wording, I recommend the adoption of the suggestion of the majority leader.

Mr. MANSFIELD. Mr. President, will the Senator from Delaware make his wishes known?

Mr. WILLIAMS of Delaware. No—not with the other language stricken out.

Mr. MANSFIELD. I have done the best I could. Is there to be a vote on the Williams substitute at this time?

Mr. WILLIAMS of Delaware. I am willing to vote now on the substitute. Is the Senate to stay in session and complete action? I would like to have a yea-and-nay vote on the substitute language.

HOUSING FOR THE ELDERLY ACT

Mr. WILLIAMS of New Jersey. Mr. President, I am extremely pleased to see Senate passage today of the bill, H.R. 12628, to increase funds for the loan program to provide housing for the elderly.

New Jersey has long taken an active, interested part in the development of specially designed housing for senior citizens. My State is a recognized leader in the field of public housing for our older citizens and we have a large number of projects in numerous communities already occupied, under construction and in various planning stages.

There is also a great need for special housing for our senior citizens whose incomes are just a little too high to be eligible for public housing and yet are too low to permit them to obtain good, suitable housing in the private market. The direct loan program, administered by the Community Facilities Administration of the Housing and Home Finance Agency, is aimed at helping to fill that gap, and its present authorization of $125 million is far too small to permit the program to fulfill its objectives. The present proposal to increase the authorization to $225 million is of course a small step in the right direction, and I fully support its enactment.

The record shows that applications for direct loans total much more than the amount presently authorized, and the increased authorization would encourage other groups and sponsors to continue their plans for the development of good senior citizens housing in the knowledge that Congress will support their programs. The Housing and Home Finance Agency, directed by Administrator Robert C. Weaver, and his Office of Housing for Senior Citizens are to be commended for their continuing and enthusiastic support of the Federal programs for senior citizens housing. President Kennedy urged the Nation to move forward, and the results in the housing for senior citizens programs show real progress. On an overall basis, commitments in 1961 for specially designed housing units for the elderly in the three special rental housing programs more than doubled the 1960 pace. Moreover, in 1961 alone, applications for Federal assistance in the development of these housing units almost equaled the total received during the previous 5 years. This is a record all of us can be proud to share.

A number of applications for direct loans for senior citizens housing have been made by prospective sponsors in New Jersey and at the present time two applications for projects are being processed by the Community Facilities Administration; one would be located in Atlantic City and would provide for a total of 231 units and another sponsor would build a project of 50 units in East Orange.

Applications for mortgage insurance under the FHA nursing home program have been received for projects in Elizabeth, Linwood, Ridgewood, Roxbury Township, Teaneck, and Westwood. In total, these projects will add 479 beds to the nursing home structure in my State and our elderly will benefit in large part from these additions to the supply of skilled nursing home facilities. I am also pleased to note that there is one application—profit motivated—in process for quite a large senior citizens housing complex of 580 units proposed for Atlantic City which would be developed under the FHA section 231 housing for the elderly program.

It is reassuring to note that interest in sponsoring suitable housing for our elderly is mounting all over the country. Our older population in New Jersey need many, many units at prices they can afford to pay. The enactment of H.R. 12628 which occurred today will further stimulate this interest and demonstrate that Congress is responsive to the needs and will of the people.

IN SUPPORT OF THE PROPOSAL TO INCREASE THE AUTHORIZATION FOR THE DIRECT LOAN SENIOR CITIZENS HOUSING PROGRAM

Mr. HUMPHREY. Mr. President, it is indeed a great pleasure for me to congratulate the Senate on increasing the funds to be authorized for the senior citizens housing program. Increasing the authorization to $225 million from the present $125 million level as provided in this bill will lend strong support and encouragement to the prospective sponsors of such projects to proceed with their plans.

To our millions of elderly citizens, who within themselves contain vast resources of knowledge and experience—but who are in the millions of cases, in need of better, more suitable housing—the approval today of this increase will indicate that Congress is meeting its responsibilities and keeping faith with the national housing policy.

In our own great State of Minnesota, we are already fortunate and pleased that good progress is being made to meet some of the housing needs of our thousands of elderly citizens. Counting only those who are 65 years of age and over, slightly over 10 percent of the population fall within that age group—169,000 in 1960; and since the Federal programs provide that persons 62 and over are eligible for occupancy of the federally assisted housing projects for the elderly, an even larger percentage of the population of the State are eligible.

I am pleased to note that there are applications in various stages of processing for specially designed senior citizens housing in each of the major federally assisted programs—in public housing, in the FHA mortgage insurance program, and in the direct loan program. I have been impressed by the new vitality which has developed in these programs since President Kennedy was inaugurated and by the effective work of Robert C. Weaver, the Administrator of the Housing and Home Finance Agency and his staff.

Dr. Weaver is to be congratulated for his foresight in organizing a central Office of Housing for Senior Citizens to coordinate these programs. It was particularly encouraging to note that in the first year of the Kennedy administration, applications for senior citizens housing units almost equaled the total received during the previous 5 years, and that commitments for these units in 1961 alone more than doubled the 1960 total.

I am very encouraged to note that, as of June 30, 1962, data show that special housing projects for our Minnesota senior citizens are planned for or being constructed or already exist in at least 18 different communities, and that these communities run the gamut from such small towns as Blue Earth, Glenwood, Hoffman, and Montivedeo to our leading metropolitan cities including Duluth, Minneapolis, and St. Paul.

Included among the projects are 11 under the direct loan program for a total of 982 units. Two projects with 102 units are under construction, 4 projects with 516 units have received loan agreements and 5 projects with 516 units are in the application processing stage. The public housing projects include 1,840 units, and the FHA mortgage insurance program will provide for another 416 units. The FHA also has an application for a nursing home to contain 92 beds—which will help to fill the need for nursing care, most of which stems from our elderly population.

While we are far from meeting the housing needs of our own senior citizens and only making the most modest plans for assisting in the development of the 5 million units which the recent report by our Subcommittee on Housing for the Elderly suggests are needed, today's increase in the present authorization for the direct loan program to $225 million is a step in the right direction.

COMMUNITY PROFILES—PROVIDENCE, R.I.

Mr. PELL. Mr. President, I was most pleased and proud to note that the August 1962 edition of Footlight, issued by the National Culture Center, pays tribute to the dynamic efforts to my own State of Rhode Island on behalf of the National Culture Center.

Under the exceptionally capable leadership of Mr. John Nicholas Brown, a Rhode Island program has been organized which I believe compares most favorably with the efforts of any other State in the Union.

I ask unanimous consent that the article "Community Profiles—Providence, R.I.," which appeared in the August 1962 edition of Footlight, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Community Profiles—Providence, R.I.

The smallest State in the Union has a most impressive list of sponsors for the November telecast. So many enterprises are interested in participating that the Rhode Island Committee for the National Cultural Center was formed, under the dynamic leadership of John Nicholas Brown, a board of trustees member.

With the assistance of his public relations adviser, Will Barbeau, Mr. Brown has made his group into one of the most vigorous associated with the center. Two separate events for the night of the telecast are being planned. A $100-a-plate dinner will be given in the Biltmore ballroom, while, in the Veterans' Auditorium, 2,000 seats will be offered at an average price of $10 each. Mr. Brown's committee has set $60,000 as their goal for the evening.

Among the sponsoring groups linked to the committee are three whose activities lie in contrasting areas of the performing arts. They are the Rhode Island Philharmonic Orchestra, the Civic Chorale, and the Rhode Island Associated Community Theaters.

In addition to its regular concerts, the Philharmonic directs a substantial part of its efforts to providing music for the State's youth. One-third of the support for such concerts comes from the children's own voluntary quarters. The 17-year-old, 50-piece orchestra is under the musical direction of Francis Madeira.

The purpose of the Civic Chorale, under its president, Mrs. Edwin Hallenbeck, and its conductor, Dr. Louis Pichieri, is to present religious and secular chorale works, while at the same time helping those with serious musical ambitions to make a start. The chorale gives three concerts a year, and will present a Bach festival next year for the first time.

The Rhode Island Associated Community Theaters is made up of 12 theatrical companies, playing across the State. Headed by Rhode Island Associated Community Theaters president, Irving Silverman, the groups work together, exchanging technical and educational information. They even call upon each other to assist in casting difficult roles.

Providence, R.I., provides conspicuous proof that energetic encouragement of the performing arts is not governed by territorial size.

THOMAS G. MASARYK: FREEDOM FIGHTER; FOUNDER OF FREE CZECHOSLOVAKIA

Mr. PELL. Mr. President, last Friday, September 14, marked the 25th anniversary of the death of the great European and Czechoslovak statesman, the founder of the Czechoslovak Republic in 1912, Thomas G. Masaryk. As a result of the years I was stationed with our Embassy in Prague and established the American Consulate General in Bratislava and through subsequent trips to Czechoslovakia, I have developed a special appreciation for Masaryk's greatness.

Masaryk's name is hated by the Bolsheviks, but sacred to the Czechoslovak people who remain in spite of all the pressure of the Communist regime, faithful to Masaryk's democratic ideas. The Communists have good reason to fear the memory of Thomas Masaryk. In 1898, long before he became the first President of the Czechoslovak nation, he wrote a scholarly study critical of Marxism. I was shocked to learn just today that a wreath which was placed by the American Embassy in Prague on the tomb of Thomas Masaryk with the inscription "From the American People," was removed immediately by the Communist government. So, it is, indeed, obvious that the memory of Thomas G. Masaryk still frightens those who are afraid of freedom.

I know of few men more devoted to the principles of T. G. Masaryk than Dr. Peter Zenkel, the president of the executive committee of the Council of Free Czechoslovakia, and I take this opportunity to salute this brave man who defied the Nazis and the Communists and who now continues to fight for his country's freedom in exile here in America.

Mr. President, the Council of Free Czechoslovakia recently issued a proclamation in honor of the 25th anniversary of Masaryk's death, and I ask unanimous consent that the proclamation be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

T. G. Masaryk, 1850–1937–1962—He Passed Away 25 Years Ago

The Council of Free Czechoslovakia reminds all Czechs and Slovaks at home and abroad as well as the whole cultured world that, on September 14, 1962, a quarter of a century has already elapsed since the death of the great philosopher and founder of the Czechoslovak Republic, T. G. Masaryk. Of course it was only his body and soul that left us. In our thoughts, in our daily life and in our political struggle he is with us more than ever. All democratic Czechs and Slovaks are inspired by his example and believe in the democracy he wanted, in a democracy of free and responsible people, in a humanitarian democracy of high cultural standards.

A quarter of a century after Masaryk's death we see his personality from a higher vantage point and in a deeper historical context. And from this vantage point, which only history can offer, Masaryk's personality, Masaryk's teachings, and Masaryk's work appear in a new light.

During the time of his professorship at Charles University and his public activity, his contemporaries considered Masaryk as being too modern and too radical. In his classes he discussed Western philosophical ideas, little known at that time in Czech academic circles. He developed his own philosophy of Czech history. He advocated the emancipation of women and was opposed to their inferior position in the family and in public life. He opposed the domination of the state by one single church, and fought bitterly against the prejudices against Jews. He advocated more advanced education of the common people and opposed the special rights of the privileged social classes. He fought for the moral rebirth of the nation as well as for the full establishment of civil rights. He stood for humanitarianism and against autocracy. In the later part of his life he opposed the Austro-Hungarian monarchy and fought for its dismemberment and for the self-determination of the Austro-Hungarian nations. He favored the republican form of the new Czechoslovak state.

In the prime of his life Masaryk was so radical that even in his own nation he had a very small number of followers. But with the increased education of the masses and after the young intelligentsia entered into responsible positions and, of course, after World War I broke out, Masaryk's ideas were more and more accepted. And after the establishment of the Czechoslovak state they became part of the national culture.

But even then, despite his age, Masaryk was the strongest progressive force in the nation. More and more he put into effect the principles of his humanitarian democracy. For instance, he brought about the acceptance of compulsory establishment of municipal libraries. Likewise, he was instrumental in establishing a cooperation of German political parties in the government. His conception of a federated Europe anticipated the Common Market and the probable future political unification of Europe.

As a rule, 25 years after the death of a successful statesman or thinker, he cannot be considered as a modern radical. This does not apply to Masaryk for two reasons. First, the principles of humanitarian democracy were rejected and crushed among a large portion of mankind. This also happened within his own nation. Civil rights are rejected and replaced by terrorism and mass murder in Communist countries. Secondly, Masaryk's political principles and humanitarian ideals would have been still leading the political life of our nation if it were free. Nothing more modern can be found. The problem would be only their fuller development and realization.

And as far as the dictatorships of different kinds are concerned, history already has rejected many of them. The Fascist and Nazi regimes fell and their gruesome error has been acknowledged even by the majority of their erstwhile followers. Still in existence are only the Communist dictatorships and some personal dictatorships in Latin countries. But many of the South American dictatorships fell and the other ones as well as the Communist dictatorships will fall. The power of humanitarian and democratic ideals is irresistible even if it opposes the use of physical force.

Thus at the 25th anniversary of Masaryk's death we conceive of him more as the leader of the future development of mankind than as a historical personality. His philosophical and political legacy is more a program for the future than a mere historical reality. Even the dead Masaryk is a live spiritual force that inspires millions of people and that will influence the future political and social organization of mankind. In a way, Masaryk is more modern now than during his lifetime. Also the future liberation of Czechs and Slovaks will be carried out under his banner, which we follow proudly and with dedication.

Mr. DOUGLAS. Mr. President, on the 25th anniversary of the death of Thomas Garrigue Masaryk, it is fitting that we should pay tribute to this great Czechoslovak statesman. Thomas Masaryk was born 112 years ago in the little village of Hodonin, Czechoslovakia, and he died on September 14, 1937. During his long, active, and extremely fruitful life, he witnessed many epoch-making events of world significance and personally changed the course of history for his people and his country. At the time of Masaryk's birth, Czechoslovakia was one of the many provinces of the dual monarchy of Austria-Hungary. At the time of his death, that polyglot empire no longer existed, and the Republic of Czechoslovakia, which he had founded, was one of the most progressive, democratic, and highly developed states in Europe.

Thomas Masaryk was the creator, godfather, and guardian angel of that republic. For decades he had worked for the freedom of his people and for the reestablishment of the Czechoslovak state. At the end of the First World War when his people attained freedom, he, as the founding father of the new state, was elected its first president—an office which he held until his retirement in 1935 at the age of 85.

Scarcely 1 year after President Masaryk's death his beloved country became one of the first victims of Nazi aggression and at the end of World War II she fell under the tyranny of Soviet communism. However, the great spirit of Thomas Masaryk still lives among his people—the ideals for which he fought cannot be extinguished. Let us work and pray that the day will soon come when the brave Czechoslovak people will be able to take their honored and rightful place among free nations of the world.

SENATOR ANDERSON'S REVIEW OF MICHAEL FROME'S BOOK ON NATIONAL FORESTS

Mr. STENNIS. Mr. President, in a recent issue of the Washington Post, Sunday, July 10, 1962, our distinguished colleague from New Mexico, Senator CLINTON P. ANDERSON, reviewed the new book of Michael Frome, a well-known writer about our great outdoors entitled "Whose Woods These Are: The Story of the National Forests." Senator ANDERSON who is a true conservationist in his own right, presents this new work of Mr. Frome in a manner to cause immediate interest and the desire for an early opportunity to read it.

I ask unanimous consent that the Senator's review be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

THOSE WOODS ARE OURS, SAYS CONSERVATION SAGA

(Reviewed by CLINTON P. ANDERSON)

(Senator ANDERSON, Democrat, of New Mexico, is a member of the Outdoor Recreation Resources Review Commission and chairman of the Senate's Committee on Insular Affairs.)

"WHOSE WOODS THESE ARE," BY MICHAEL FROME

Michael Frome takes us on a fascinating journey through some of America's magnificent outdoors, the national forests of the United States. Colorful, factual and at times more exciting than fiction, it is a penetrating story of the conservation of these valuable public lands which represent 10 percent of our land area. It is the story of the history, present development and future hopes for their management by the U.S. Department of Agriculture's Forest Service.

Interspersing facts of botany, geology, history, economics, and ecology with his personal impressions, Frome talks of forests, colorful individuals, and Forest Service traditions. The short chapter on the Green Mountain National Forest in Vermont, for example, includes an economic history of the region, a section of the Appalachian Trail, a guide to Vermont villages, winter sports, and suggestions for a trip through the forest.

Elsewhere in the book he discusses Indian history, plant geneticists at work, turpentining in the South, crafts of the mountain folk, life in a northwest logging camp, a trip through a national forest wilderness, the life of a typical ranger, and the story of an earthquake in the Gallatin National Forest.

Most vivid is the author's story of his personal experiences flying with smokejumpers and fighting forest fires. Of special interest to me were the chapters on the management of watersheds and problems of grazing and irrigation in the Southwest.

In the pages you will find Gifford Pinchot, who probably did more for the management of American forests than any other individual, and Aldo Leopold of the wilderness program. You will encounter the effort to bring the national forests east instead of confining them to the western portions of the United States. But I like the light touches, such as his description of the qualities of seeds—how those that are heavy stick close to home but those that are light float hundreds of miles and carry new varieties of trees into treeless areas. We emerge with no doubt as to whose woods these are.

Public interest in conservation has been stimulated by the President's messages to the Congress, the White House Conference, and the report of the Outdoor Recreation Resources Review Commission. This book is a must reading for those who would be informed on the vital matter of conservation as it affects the national forests of America.

REMARKS OF SECRETARY HODGES AT HOOSIER TRADE CONFERENCE

Mr. HARTKE. Mr. President, it was my privilege to work closely with Secretary Luther Hodges of the U.S. Commerce Department and members of its Business Service Center to bring about the first conference on world trade for Indiana businessmen, September 13, 1962. I believe briefings of the sort provided by Commerce Department officials during the day-long conference indicate the advantages of a close working relationship between all levels of government and business. This policy permits the businessmen in Indiana to be able to know of a Washington door open to him when he comes to the Nation's Capital. Through the conference, we tried to tear down the wall that has sometimes stood between businessmen and Washington. We were trying to build a slab of friendship on which Indiana businessmen can walk in their contacts with Government on matters of economy. My idea was to bring Hoosiers to Washington to learn firsthand, what services are available to Indiana businessmen. Attending from Indiana were 25 Indiana businessmen, who were joined for the conference by 35 Washington, D.C. representatives of Indiana firms, and others.

During a luncheon in the U.S. Department of Commerce building, Secretary Hodges and I addressed those attending the conference. In view of the unusual nature of the conference and because I believe other States may wish to offer similar learning opportunities to their businessmen, I ask unanimous consent to have a summary of remarks by Secretary Hodges printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF REMARKS BY SECRETARY OF COMMERCE LUTHER H. HODGES AT BUSINESS OPPORTUNITY CONFERENCE FOR INDIANA BUSINESSMEN, COMMERCE DEPARTMENT BUILDING, WASHINGTON, D.C., SEPTEMBER 13, 1962

First, I want to say again, how happy we are to have you with us today, and to have the opportunity to be of service to Indiana businessmen.

We think the Commerce Department has great unrealized potential. We think it can render services to business—and to our country—far beyond anything it has done in the past. We want Commerce to mean as much to business as Agriculture does to our farmers and Interior does to our mining and our oil people.

So we want you to know in detail about our services, and we want your advice and your ideas on how we can do an even better job of helping American business.

* * * *

You can't be in Washington very long before you realize that there is scarcely a national problem that, somewhere along the line, does not require participation on the part of business.

Whether we are concerned about job opportunities at home, or military strength overseas, or a stable dollar throughout the world, we find that the ultimate answer must come from business, including the taxes paid. The solution comes down to greater exports, or more investment, or a stronger tax base to support our security program, or some other basically economic or business activity.

So we feel very strongly that the best thing we can do for our country is to help you take the fullest advantage of the economic opportunities that exist at home and abroad. We have been instilling this conviction throughout the Department, and we have the firm backing of the President in this general program.

* * * *

We are very grateful to Senator Hartke for giving us the opportunity to tell the business leaders of his State about our services.

I might say we have many reasons for being grateful to Senator Hartke. He has done much to help us gear the Commerce Department to provide the kinds of services we believe business needs.

As a member of the Senate Commerce Committee, he has been a hardworking and enthusiastic supporter of the Department. He helped us establish the U.S. Travel Service, which Voit Gilmore will tell you about this afternoon. This is a very important program, not only in the help it is giving us with our balance-of-payments problem, but primarily in making it possible for more foreign tourists to see our country as it really is—not just a few cities such as New York and Washington, but also Indiana and the great American Midwest.

What I regard as one of the most promising programs the Federal Government has undertaken in many years—the area redevelopment program—is the outgrowth of studies conducted by the Senate's Special Committee on Unemployment Problems. Senator Hartke probably conducted more hearings for that committee than any other member.

We are happy to have the Area Redevelopment Administration in the Commerce Department. It gives us a valuable instrument for trying to deal with this very difficult problem of unequal economic development and persistent pockets of high unemployment.

* * * *

We also count Senator Hartke as a good friend of business and one who understands our fundamental economic needs.

He was a strong supporter of our request for an Assistant Secretary of Commerce for Science and Technology—an area in which we think the Government can be of great help to private business.

I don't imagine you fully realize just how deeply the Commerce Department is involved in this area of science and technology. But among our agencies we have the Weather Bureau, the Patent Office, the National Bureau of Standards (the world's greatest measurement laboratory), the Coast and Geodetic Survey (which does everything from chart our coastline to fix the elevations of our airports and missile bases), and the Office of Technical Services (which makes available to private industry the results of the enormous sums the Federal Government pours into research and development).

Our new Assistant Secretary, a very able scientist from General Electric, is working on this problem of translating our mounting stock of scientific knowledge into new civilian products and industrial processes. I don't think there is anything more important we can do for greater economic growth than to speed up the transformation of our research and development work into things you can put on the market—into new and improved consumer goods for the American people.

* * * *

We have been trying to gear the Commerce Department to provide both direct business services and to stimulate the broader economic advances that will benefit all of American business.

We have had excellent support in this whole effort from the Senate Commerce Committee. Senator Hartke and his colleagues have been very understanding of our need for quality personnel to man these expanding programs, and we have had their full support in our efforts to reorganize and revitalize the Department.

We are able to provide the services our speakers are talking about today because of this enthusiastic congressional support.

* * * *

I would like to mention one of the most important bills that is before Congress and that is the trade expansion bill.

We are getting good support in the current committee consideration of the President's trade expansion bill. Your Senator is a key member of the Senate Finance Committee that is handling this bill, and I feel confident we are going to come through the Senate with the bill in substantially the form the President needs it.

It will give the President the power to protect and expand our markets abroad. It means billions of dollars in sales for American business and jobs for millions of Americans in our highest paid and most efficient industries. I shudder to think what it would mean for the American economy if we should fail to adopt this legislation, and should let the European Common Market develop on a protectionist, high tariff basis.

The State of Indiana has a big stake in these exports ranking as it does as 10th in the Nation in value of manufactured exports. Exports of manufactured goods from Indiana amounted to nearly $484 million in 1960, with 312 establishments in the State exporting more than $25,000 during that year. These firms employed more than 310,000 workers.

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We are going to face increasingly stiff competition in these foreign markets, even with the trade bill. We can't go into it and expect to maintain our high standard of living if we fail to step up the modernization of our industrial plant.

We can sell many things cheaper abroad than our competitors, but we can't expect to maintain that advantage unless we have the very best equipment. That's why this administration is putting so much emphasis on tax measures which will enable businessmen to earn and retain the money they need to finance this plant modernization.

* * * *

We could not be more eager to see business succeed. Our domestic growth, our trade position in the world, the very stability of our dollar depend upon the success of American businessmen in finding profitable opportunities for increased sales at home and abroad.

We are concerned with the problems of opening up new trade opportunities.

We are concerned with your problems in finding precisely those opportunities which you are best equipped to exploit.

We are concerned with the broad climate in which you must operate—the whole area of labor-management relations, the tax environment, the kind of transportation system we have, the attitude of our people toward business, profits, and business problems.

We want to see our unparalleled business system realize its full potential for the American people and as a demonstration of what a free economy can accomplish in the world.

* * * *

So we have our work cut out for us. We need your help and your advice and understanding. We need your cooperation and we need your prodding.

Together, I think, we can make the Commerce Department an effective instrument of economic progress. We can do this by working with business to solve our economic problems and to make the most of our opportunities at home and abroad.

I hope you will begin calling upon us for help today.

If you have specific problems you think we might help you with, we want you to take them to our Business Service Center downstairs after your regular program ends today. Some of you may want to stay over tomorrow so our people can go into your problem in greater detail.

Our Service Center people know the right people in the Commerce Department and in other Government agencies to deal with special problems. They will put you in touch with these specialists, and if necessary bring several of them together for joint consideration of your problem.

Give us a chance to help you. That's what we are here for, and that's why we are delighted to have you with us for this special conference.

IMPATIENT AMERICANS

Mr. McGEE. Mr. President, one of America's national qualities is impatience with problems that cannot be solved overnight. It is especially annoying to have to deal with problems that are more than a decade old. Many commentators attribute much of the popularity of current extremist groups to this impatience for results—any results—instead of the steady tension of stalemate.

And now in the midst of the crisis over Cuba those advocating action for action's sake have redoubled their efforts. A recent editorial in the Northern Wyoming Daily News of Worland, Wyo., gives a thoughtful analysis of this American habit of impatience with long-lived problems. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

IMPATIENT AMERICANS

Many years ago, the late Gen. George C. Marshall, testifying before Congress, attempted to summarize what he regarded as the characteristic impatience of the American people. Said he:

"They regard as a stalemate any problem which arises in the morning and cannot be settled by afternoon."

This is perhaps the mark of a youthful people, and we are still essentially that, for all our 186 years as a nation.

If this is so, then it suggests that we should comment with some restraint on the frequently exhibited impatience of many in the newly emerging or upward struggling nations of the rest of the world.

We cannot always easily curb our exasperation at some manifestations of this impatience in others. Peoples seek freedom before they are ready for its responsibilities—and thereafter throw themselves and their problems at the world's door. They demand status in the United Nations before their leaders' voices speak with effective authority within their own borders.

Their young men sometimes come to the United States, assailing our "failures and stupidities" in dealing with their problems. What this often means is that we have not shaped policies to their specific national taste. They forget that we are a great power which must weigh the broad world impact of everything it does. We have many concerns, while they seldom have more than one.

Yet, though we may have matured enough to be critical of impatience in other peoples, we evidently retain a large quota of it ourselves.

You would expect to find a lot of it in our youngsters—and you do.

A midwestern college lad was asking a Washington newsman about some of the key world and national issues of the day. The answers he got seemed to pile complexity on complexity. He finally smiled and said:

"I find it hard to get very interested in things on which you can't get a fairly immediate solution."

It did not seem to trouble him that he had just ruled out of bounds nearly all the great matters of the day—the cold war, disarmament, unemployment, the booming population.

But he has plenty of company in this land. For many, youth is still a time—here as elsewhere—for fast, sure, clean, rewarding answers.

The great trial lawyer, Clarence Darrow, once said:

"When you're young, you want to reform the world and you think you can. When you're old, you still want to, but you know you can't."

Maybe Darrow has it about right. But perhaps our impatient young folk get some good things done before they discover how impossible it is. Without their seal for quick results, we might not make even the slow social advances we do.

HOW DEMOCRACY IS NUDGED AHEAD IN ECUADOR

Mr. McGEE. Mr. President, in the words of Madison Avenue, this country must project its image if we are to help freedom and democracy in the battle for men's minds.

This body is seldom hesitant to grant sizable sums to provide our friends or those who we hope will be our friends with military assistance. A tank or howitzer is a substantial piece of equipment and is easily pointed out in demonstration of value received for an expenditure. A radio broadcast or a news service item in a foreign newspaper are less durable items and consequently harder to defend as worthwhile budget items.

I am convinced that we get more for our idea dollar than we can ever hope to get from our hardware dollar. This Nation is famous for an idea officially proclaimed on July 4, 1776. If we can sell that idea and the ideas that developed from it we will do mankind a great service.

A measure of our effectiveness in selling these ideas is found in an article entitled "How Democracy Is Nudged Ahead in Ecuador," which appeared in the September 17 issue of the National Observer. It is the story of a United States Information Service post in Guayaquil. This story shows how efficient and dedicated Americans, operating on limited budgets, can advance the cause of freedom.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW DEMOCRACY IS NUDGED AHEAD IN ECUADOR

(By Hunter S. Thompson)

GUAYAQUIL, ECUADOR.—Fred Shaffer, chief of the U.S. Information Service office in Guayaquil, looked up from his desk as the visitor entered. "Did you see that little man who just left?" he asked with a smile. "Didn't seem very happy, did he?"

The visitor recalled the man, a small Ecuadorian with a large satchel. He had come out of the office, looking slightly sick, and nearly bowled over the receptionist as he fled through the door to the street.

"I think that man has troubles," Mr. Shaffer explained. "He owns a radio station that used to broadcast so much anti-American stuff that we nicknamed it the Voice of Moscow." He shook his head sadly. "Then he had some bad luck; suddenly all his advertisers quit him and now he's nearly bankrupt." He smiled faintly. "And he has the gall to come in here and try to blame it on me—can you imagine such a thing?"

The visitor detected a note of irony.

A CRISIS OVER DELEGATES

It was a hot afternoon in Guayaquil, where the year-round temperature averages 77 degrees, but in the USIS office no one had time to mop his brow. The scene was one of apparent chaos: Visitors were constantly arriving; the phone rang incessantly; and crises succeeded themselves in an apparently interminable progression.

Jim Smith, the press officer, entered the room and introduced another crisis. "Those women are outside, Fred," he said. "Did we get word on the other delegates?"

Mr. Shaffer picked up the phone and dialed a number. "Guillermo? We're waiting on your people—they coming over?" There was a pause, and a horrified expression crossed his face, "Great balls of fire!" he exclaimed. "I don't want you to think I'm pressing you on this thing, Guillermo, but we've set up this meeting four times now—can you give me some idea when you'll get around to appointing your delegates?"

He hung up the phone and fell back in his chair. Mr. Smith groaned and shook his head. "I can't face those women again," he said helplessly. "You'll have to do it, Fred—it's your turn."

Mike Eisenstadt, the cultural affairs officer, appeared in the door. "What about the elections?" he asked. "I heard we won." Mr. Smith beamed. "Right. Eighteen hundred to eleven hundred—how's that for an upset?"

Mr. Eisenstadt gave a mock salute and turned to go. "Tell me later on. I have 40 kids in my office, waiting to see the movie."

THE INSISTENT TELEPHONE

The phone rang; a sack of powdered milk, donated by an American welfare agency, had been found on the black market and the story was in the afternoon paper. The phone rang again; the USIS office in Quito was demanding photos of 15 dump trucks that had arrived that morning from the United States. While Mr. Shaffer checked on the milk, Mr. Smith went to see what had happened to the photos.

He returned with a long face; the film had not been developed because the photo lab man had taken a religious holiday. The receptionist reported that a local journalist, a friend of Mr. Shaffer, was demanding to know why he'd been refused a visa to go to the States. And the women were getting impatient.

Out in the hot sun, the cabs rolled back and forth like animals looking for meat, honking their horns incessantly at every walking prospect. Several American tourists were sitting at a sidewalk cafe talking excitedly about a Communist demonstration the night before. It had been broken up by a cavalry charge through the Plaza Centenario, the city's principal park.

At the Phoenix Club, where Anglo-Americans gather in the evenings to reaffirm their solidarity over beer and bridge, an unemployed helicopter pilot was idly tossing darts at a much-punctured board, killing time until somebody arrived to keep him company. For Guayaquil it was a day like any other day, with a lot to talk about and not much to do.

WHERE THE UNEXPECTED IS PREDICTABLE

Even at USIS, despite the apparent chaos, it was a pretty routine day. Nothing had happened that could not have been predicted—and at the same time everything had been unexpected.

The USIS is the oversea arm of the United States Information Agency, headquartered in Washington and headed by Edward R. Murrow. Each year, when Congress is asked to appropriate new funds for USIS, legislators want to know: "Why do they need all that money? What do they do with it?

The agency's reply could easily be lifted from one of its own pamphlets: "The young officers, now being recruited, will carry out a mission long ago established—to submit evidence to people of other nations that the objectives and policies of the United States are in harmony with and will advance their legitimate aspirations for freedom, progress, and peace. They must also be able to counter hostile propaganda."

Doing things like "countering hostile propaganda" costs money—especially when the propaganda is put out by such practiced craftsmen as the editors of Prensa Latina (Fidel Castro's news service) and the New China News Agency, both operative in Ecuador. And money is a commodity USIS officials would like in greater abundance.

When Mr. Shaffer was program manager of a radio and TV station in York, Pa., he points out, the station had an annual budget of slightly over $300,000. The 1962 USIS budget for all of Ecuador, by comparison, is $151,160. And for all of Latin America—20 countries—it's approximately $4 million with almost one-fifth for Brazil.

THE VOICE OF AMERICA

These figures are slightly misleading, however, because the USIS operation in South America is given a considerable boost by additional money spent in Washington. A good example is the Voice of America—which comes in very clearly, all over the continent, 7 days a week. The "Voice" transmits regular broadcasts from Washington, and also provides taped programs used by 235 local stations in 15 Latin American countries.

Another worldwide service is the USIA press wire, which sends out a steady stream of news stories for local papers. These stories are not so much slanted as selected. A recent day's fare, for example, included coverage of Ecuadorian President Arosomena in New York; a wrap-up of the previous night's Telstar activity; a report on the Disarmament Committee meeting in Geneva; and Senate comments on Puerto Rico's anniversary.

There's locally originated USIS material, too—and newspapers welcome it. "Our function is propaganda," says Frank Dean, press officer in Quito, "but we don't like to use that term because of its unfortunate connotation."

Whatever the material is called, however, USIS places a lot of it. The Guayaquil branch, distributing to 3 local papers and 18 in the coastal provinces, placed 12,540 inches during June alone. Mr. Dean's office in Quito, serving 3 papers in the capital and 31 in the mountain provinces, racked up another 13,000 inches.

What kind of propaganda? In Guayaquil, the June breakdown included 1,396 inches of science news (space achievements, medicine, and so on); 464 on U.S. foreign policy; 2,670 on "inter-American subjects" (Organization of American States activity, news from other countries); 404 on sports, and 1,934 on "Cultural, Educational, and Agricultural subjects," a catch-all category covering everything from Pablo Casals to trenchmouth in the Argentine.

LOCAL SUBJECTS GIVEN BIG PLAY

There's outright anti-Communist material, too, of course—2,103 inches of it, including photo stories on the Berlin wall, food rationing in Cuba, famine in China, and so forth. And the month's biggest news category is local subjects (3,317 inches), which means stories from Guayaquil and the nearby provinces. Most of these center on the Alliance for Progress, what it means for Ecuador, and specific ways it's being put into effect.

A tremendous amount of USIS effort goes into what the handbook calls personal contact. This is a gray, uncertain area where imagination, quick wits, and a good sense of humor can tip the balance between triumph and disaster. If the businessmen of Guayaquil didn't respect Mr. Shaffer, for instance, he couldn't have reduced the "Voice of Moscow" to financial ruin in a few short weeks—which he did.

The station was a steady outlet for Prensa Latina material. Its viewpoint was patently anti-American, yet most of its advertising revenue was coming from representatives of American-owned firms whose interests do not lie in exactly the same area as those of Presna Latina.

SPONSORS QUICKLY WITHDRAW

So Mr. Shaffer became a regular listener—with a tape recorder. "In 5 days," he says, "I picked up one open denunciation of our point 4 program; one of Irv Rubenstein, the point 4 labor representative; one of the Peace Corps; one of the Alliance for Progress; and one of the Empressa Electrica, a U.S.-owned light and power company—all preceded and followed by advertisements for American products."

He then notified the companies involved, asking if they were aware of what their advertising dollars were sponsoring. They were not, but they quickly withdrew their commercials.

Another example of improvised USIS work was a recent election for the presidency of the Guayaquil chapter of FEUE, the national association of university students. Mr. Smith, who does a lot of work with various student groups, was convinced that Luis Bonini, a rabid Leftist, was going to win—not because he had a majority, but because the prodemocratic students were split into seven or eight factions.

Although USIS maintained a strictly handsoff stance, Mr. Smith worked hard in private conversations to convince the anti-Bonini students that their only hope was in unity. And Marcello Santos, a stanch pro-American, upset Bonini by a vote of 1,800 to 1,100.

Still a third aspect of this personal contact is a USIS-sponsored community center taking shape in Guayaquil's barrios suburbanos, one of the worst slums in the Western Hemisphere. The community center idea, one of the biggest factors in the USIS program, is basically a self-help concept: The people of some community—usually a lower class one—get together and undertake projects to lift themselves up by the bootstraps. Usually this involves building houses or schools.

For sometime, Guayaquil has had a makeshift center functioning in several rooms of a barrios municipal school. Now land has been donated for a new building, and roughly $12,000 has been pledged to build the structure. Some of this money will come from USIS; most, plus the land donation, comes from local American and Ecuadorian businessmen. Last month, a Peace Corps contingent arrived to help build the center and get it underway.

During the day of apparent chaos at USIS described earlier, Mr. Smith was trying for the fourth time to set up a meeting of the center's board of directors. Three earlier attempts had failed, because the businessmen's representatives had not appeared. Now the fourth meeting would also be called off. The only people on hand were the three women from the barrios suburbanos, and somebody had to tell them it was another false alarm.

Getting people to honor appointments is only one of the USIS's frustrations in Guayaquil. Another, probably the biggest, is trying to convince them they can solve their own problems. Progress is slow, and all of it comes in spite of daily Communist harassment. The people themselves are often exasperating; there is never enough money; and sometimes a tiny detail will stall an entire program.

Anyone in Guayaquil for any length of time, though, is encouraged by what he sees. It is on this sort of level—in the barrios and the daily papers and local student elections—that the battle to make democracy a reality in South America will be won or lost.

ADDRESS BY SENATOR GORE BEFORE THE UNITED NATIONS GENERAL ASSEMBLY

Mr. MONRONEY. Mr. President, this afternoon our colleague, Senator GORE, made his first address as a member of the U.S. delegation to the United Nations.

It was a message of congratulations and welcome to four new members of the U.N. Because of its importance in the growth of this organization I commend Senator GORE's statement for the information of the Senate.

I ask unanimous consent to have the address by Senator GORE printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GORE

Mr. President, on behalf of the United States it is a pleasure to congratulate you, Mr. President, upon your election and to proffer our hearty cooperation in the work of the United Nations.

Outside the U.S. Senate Chamber, in which I am privileged to serve, there is a statuary bust of former U.S. Secretary of State Cordell Hull, my fellow townsman, friend, and benefactor. On the base of this bust appear these words: "Father of the United Nations." I know Secretary Hull would have been pleased to have foreseen the growth of this organization to a membership more than twice that at its beginning.

In common, I believe, with mankind of the world, the people of the United States regard with hope, not unmixed with awe, the marvelous growth of the United Nations organization. Today we welcome to membership four nations, each newly possessed of the fruits of self-determination, real independence, and genuine national sovereignty. Two of these countries rest in the midst of a sunny ocean close to our shore.

Two of them are nestled in the majestic reaches of the central African highlands, almost half a world away. Yet, for all the distance that separates them Ruanda and Jamaica, Trinidad-Tobago and Burundi share a common strain of blood and experience. And today, joining with us in the U.N. each of them makes a commitment to the single community of man which in previous epochs was obscured and hidden, but which today is plain for all to see and which best explains why each of us and all the countries we represent are here.

So, Mr. President, on behalf of my countrymen and the President of the United States I congratulate and welcome the representatives of Ruanda, Jamaica, Trinidad-Tobago and Burundi.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

An additional bill was introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. HART:

S. 3729. A bill for the relief of Wilhelm Konyen; to the Committee on the Judiciary.

RESOLUTION

USE OF ARMED FORCES WHERE NECESSARY TO DEAL WITH COMMUNIST BUILDUP IN CUBA

Mr. SCOTT submitted a resolution (S. Res. 396) authorizing the President to use the Armed Forces of the United States where necessary to deal with the Communist buildup in Cuba, which was referred to the Committees on Foreign Relations and Armed Services, jointly, as follows:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared to the Congress that we should consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas in the Rio Treaty of 1947 the Parties further agreed that: "If the inviolability or the integrity of the territory or the sovereignty or political independence of any American state should be affected by an aggression which is not an armed attack or by an extracontinental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent"; and

Whereas in the Rio Treaty of 1947 the Parties further agreed that "the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephone, and radiotelephonic or radiotelegraphic communications; and use of armed force"; and

Whereas the Charter of the Organization of American States, signed in Bogotá in 1948, states: "If the inviolability or the integrity of the territory or the sovereignty or political independence of any American state should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extracontinental conflict, or by a conflict between two or more American states, or by any other fact or situation that might endanger the peace of America, the American states, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 unanimously declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement is increasingly extending into Cuba and its political, economic, and military sphere of influence; and

Whereas the Government of Cuba is now a part of the international Communist movement, defined by the Caracas Conference of 1954 as of "anti-democratic nature and * * * interventionist tendency * * * incompatible with the concept of the American freedom."; and

Whereas the Declaration of Caracas condemned the activities of the international Communist movement as constituting intervention in American affairs and expressed the determination of the American States to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States in addition to his authority as Chief Executive, is specifically authorized to employ the Armed Forces of the United States as he deems necessary—

(a) to prevent by whatever means may be necessary, including the use of arms, the Castro regime from exporting its aggressive purposes to any part of this hemisphere by force or the threat of force;

(b) to prevent in Cuba the creation or use of an externally supported offensive military base capable of endangering the United States naval base at Guantanamo, free passage to the Panama Canal, United States missile and space preparations or the security of this Nation and its citizens;

(c) to work with other free citizens of this hemisphere and with freedom-loving Cuban refugees to support the legitimate aspirations of the people of Cuba for a return to self-determination; and

(d) to use such measures as may be necessary to halt, impede or counter the buildup of Cuba with Communist arms as a Communist military base, including the use of economic and military boycott and blockade.

TRADE EXPANSION ACT OF 1962—AMENDMENTS

Mr. KERR proposed an amendment to the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes, which was ordered to be printed.

Mr. WILLIAMS of Delaware submitted an amendment in the nature of a substitute for the amendment of Mr. KERR to House bill 11970, supra, which was ordered to be printed.

EXPRESSION OF SENSE OF THE SENATE ON INTERNATIONAL CONFERENCE ON THE CONSERVATION OF FISHERY RESOURCES—ADDITIONAL COSPONSORS OF RESOLUTION

Under authority of the order of the Senate of September 14, 1962, the names of Mr. GRUENING, Mrs. NEUBERGER, and Mr. JACKSON were added as additional cosponsors of the resolution (S. Res. 392) to express the sense of the Senate on International Conference on the Conservation of Fishery Resources, which was submitted by Mr. MAGNUSON (for himself and other Senators) on September 14, 1962.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move, pursuant to the previous order, that the Senate stand in adjournment until 12 o'clock noon today.

The motion was agreed to; and (at 12 o'clock and 20 minutes a.m. on Wednesday, September 19, 1962) the Senate adjourned, pursuant to the previous order, until 12 o'clock meridian of the same day.

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 18, 1962:

INTERNATIONAL ATOMIC ENERGY AGENCY

Glenn T. Seaborg, of California, to be the Representative of the United States of America to the sixth session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be Alternate Representatives of the United States of America to the sixth session of the General Conference of the International Atomic Energy Agency:

Henry DeWolf Smyth, of New Jersey.
Robert E. Wilson, of Illinois.
James T. Ramey, of Illinois.
William I. Cargo, of Florida.

EXTENSIONS OF REMARKS

Movement of Communist Supplies to Cuba

EXTENSION OF REMARKS
OF
HON. A. PAUL KITCHIN
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 18, 1962

Mr. KITCHIN. Mr. Speaker, while it is being widely publicized that ocean vessels under registry of some of our NATO allies are carrying, under charter, Communist goods to Cuba, less attention is being given to this Government's consultation with its allies on the problems such commerce imposes.

In a dispatch from Moscow, September 15, the Soviet Minister of Sea Transport is quoted as boasting that the United States is failing to influence its allies in the matter of stemming supplies to the Castro government. I think this boast is premature.

As chairman of the House Select Committee on Export Control, and as a member of the Armed Services Committee, I am concerned with the movement of material to any Soviet bloc country which would strengthen their economic or military potential to the detriment of the United States. I believe that there is evidence that our allies in Europe, South America, and the Far East would support an embargo of Cuba if ever this Government decided that to be necessary.

While I take a decidedly dim view of the movement of Communists goods to Cuba in ships of Western European registry, and certainly to the movement of any materials of either economic or military cold war significance, this country has not yet laid the groundwork or applied full diplomatic pressure to isolate Cuba from free world trade.

Late in August and again this month, the President has expressed concern over the chartering of Allied ships by the Soviet bloc to move Communist goods to Castro. Reportedly Norway, Britain, West Germany, and Italy are making inquiries into the part vessels under their registration are taking in this Cuban buildup.

While at present these inquiries may actually be little more than polite diplomatic response to this country's disturbed view of commerce with Cuba, more direct consultations with the NATO countries are underway, I am informed.

This week a top diplomatic spokesman for Peru indicated that country would go along with a U.S. blockade of Cuba and predicted other OAS countries would do likewise. Not every move being made by this Government is being shouted from the housetops.

Before Castro turned Cuba into a Soviet satellite, we supplied 80 percent of Cuba's imports. This country and my own State of North Carolina sacrificed millions in profitable trade with Cuba and we recognize that as part of the payment of leadership in Communist containment. Our food and drug exports to Cuba now amount to a trickle of little more than $50,000 a month.

It is understandable that American producers look askance while countries like Canada and the Netherlands double their Cuban trade and ocean tonnage of Allied nations is put at the disposal of Soviet countries to carry Iron Curtain commodities to the Caribbean.

However, a progress report received by the House Select Committee on Export Controls indicates that a much tighter clamp is being put on the movement of strategically significant goods to Communist countries including Cuba since Congress amended the Export Control Act this year. Now there is some indication that the President's concern over Allied commerce with Cuba is getting some attention abroad despite Moscow's claim to the contrary.

The select committee is charged with watchdogging the movement of goods, economic and military, which would prove detrimental to the interests of the United States. The committee intends to make further inquiries into the Cuban buildup and expects to inform Congress of its findings before adjournment.

Urban Mass Transportation

EXTENSION OF REMARKS

OF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1962

Mr. ROSENTHAL. Mr. Speaker, one of President Kennedy's proposals earlier this year called for Federal assistance for improvements in mass transportation for urban areas. There is an increasing need for this legislation in many sections of the country, and, of course, I am particularly interested in and familiar with the problem affecting my own city of New York, and the many thousands of my own constituents in Queens County.

The Urban Mass Transportation Act of 1962 was favorably reported by the House Committee on Banking and Currency on July 3 of this year, and since that time has been waiting for a rule from the House Rules Committee. The bill would provide $500 million in Federal assistance over a period of 3 years to State and local governments for the construction, acquisition, and improvement of mass transportation services, facilities, and equipment. The grants can cover up to two-thirds of the project costs, and the remaining one-third must be contributed in cash by the local community. The measure would be an expansion and continuation of the temporary program currently in effect under the provisions of the Housing Act passed by the Congress last year, which authorized $50 million for a loan program for facilities and equipment in an effort to meet mass transit needs.

It is true that the passage of this bill would mean much to New York City, but strong support for it has come from varied sources including large and small communities, public officials, private transportation companies, and others. For New York City, it could mean that millions of dollars of Federal money could be made available to help meet the urgent need for new and improved facilities in our metropolitan area, now served by the New York City Transit Authority. With the thousands upon thousands of New Yorkers residing on the fringes and in the suburbs—and I refer primarily to those residents of my district in Queens County—who must use public transportation to and from Manhattan and other parts of the New York City area, it would facilitate travel and would mean a tremendous savings in time, energy, and money.

An efficient and economical mass transit system is absolutely essential if we are to provide those who live in urban areas with adequate means of transportation. Our cities have been experiencing fantastic population explosions, and lack of adequate transit facilities has caused an increased use of private passenger automobiles, which in turn has resulted in traffic congestion and a transportation problem which is growing more serious year after year. I believe that it has been estimated that traffic congestion and traffic jams cost the country about $5 billion each year in time and wages lost, fuel consumption, vehicle depreciation, et cetera. We must take prompt action in effecting a solution to the problem. In my own area of Queens County, a Queens transit committee, composed of prominent civic and business leaders, has been formed for the purpose of pressing for transit improvements in Queens, which is the largest borough in New York City.

The mass transit bill is only 1 of some 22 bills which have been bottled up in the House Rules Committee during the 87th Congress awaiting action, even after the attempted reform of the committee last year. I believe that this more than demonstrates the need for further changes in the rules of the House to permit the orderly and prompt consideration of legislation, which otherwise would never reach the floor for debate. It is my understanding that an effort to bring the bill up under the Calendar Wednesday rule will be made in the House of Representatives tomorrow, and I shall certainly do whatever I can to force consideration of this legislation. I sincerely hope that it will be possible for the majority of my colleagues to support this move to bring this necessary and desirable bill before us.

The U.S. Constitution

EXTENSION OF REMARKS

OF

HON. JOHN F. BALDWIN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1962

Mr. BALDWIN. Mr. Speaker, yesterday was the 175th anniversary of the signing of the U.S. Constitution. In this connection, Congressman PAUL FINDLEY, of Illinois, recently gave a particularly outstanding talk on the Constitution before the weekly prayer breakfast group of the House of Representatives. The talk was so excellent and presented such a comprehensive historical background of the deliberations which led to the drafting and signing of the Constitution that I would like to insert it in the RECORD for the information of the thousands of our citizens who read the RECORD daily:

AMERICA'S GREATEST INVENTION

(By Hon. PAUL FINDLEY of Illinois)

Have you ever considered this question: What was America's greatest invention?

Was it Alexander Graham Bell's telephone, which opened a new era in communications? Was it Thomas A. Edison's electric light, which turned a world of flickering nighttime into one in which night can be as brilliant as day? Was it the Wright brothers' airplane, which gave mankind wings, for good and for ill? Was it Henry Ford's assembly line which led to a mass production and a sharply rising standard of living? Was it atomic energy, which ushered in an age that is now only beginning to unfold?

Each has a claim to greatness. Each is uniquely American. Each has contributed immensely to progress. Which would you choose?

My choice may surprise you. It is none of these. My choice is nothing more tangible than a manuscript, and yet it has become the most vital force for freedom and progress history has known. It is uniquely an American invention. It is the Federal Union plan for Government as embodied in the U.S. Constitution.

The laboratory where Federal Union was created was Independence Hall in Philadelphia. The year was 1787. In the same hall 11 years earlier had been signed the Declaration of Independence, the vital spark that was to ignite this torch of freedom.

The inventors were farmers, professors, businessmen, lawyers—39 men representing 12 American States.

In 3 months they created the Federal Union idea, an accomplishment which Historian John Fiske called "The 'Iliad,' the Parthenon, the 'Fifth Symphony' of statesmanship."

You have all seen Christy's massive painting of the signing of the Constitution. It shows a room filled with distinguished bewigged gentlemen. At the Speaker's desk with austere bearing is George Washington. One has the feeling that here were the beloved statesmen of the Colonies commissioned by a grateful people to fashion a new government now that the British yoke had been lifted. It is an illusion of peace, unity, good feeling, solidarity, confidence and high purpose untainted by usual human frailties.

The true picture was one of disunity, open warfare between States, rebellion within States, bitterness and sectional strife, and in Independence Hall itself, a constant struggle between lofty purpose and provincialism, between freedom and slavery.

The American States were on the verge of anarchy. The Central Government, organized under the Articles of Confederation, was weak, nearly bankrupt and without support abroad. The league was unable to meet its own current expenses and too weak to enforce payment of debts, public or private. The league was so weak foreign governments refused to enter into agreements. Barbary pirates were seizing American ships and American citizens. The league was too poor to build a Navy, and too poor to buy off the pirates.

States erected a maze of foolish discriminatory tariff walls among themselves. New

York levied a high import duty on Connecticut firewood, for example, so Connecticut voted to forbid all trade with New York.

Connecticut and Pennsylvania quarreled over a river valley. One winter and spring was especially rough on the valley. Floods, ice floes, and storm were almost devastating. Under the pretext of helping the population, Pennsylvania sent a militia into the area. Their conduct would have disgraced barbarians. They stole and plundered, naturally got violence in return. On one occasion, the militia emptied a Connecticut town of 500 people, burned the homes and at bayonet point forced the inhabitants, children and all, into the wilderness.

Currency collapsed in most of the States, and efforts to establish fiat paper currency led to rebellion, a new high in bitterness, hatred. The only sound currency was a meager and assorted supply of foreign coins, called specie. Clipping of coins was so common, many people carried scales with them to verify weight of gold coins before accepting them.

In Rhode Island, money-hungry citizens forced the legislature to issue paper money, even thought it was doomed to failure. Realizing there was no public confidence in paper money, merchants refused to accept it at the same value as hard money, or specie. Laws were passed providing fines or imprisonment for refusing to accept paper money at the same value as hard money. Rather than go to prison, merchants shut up shop.

In defiance to merchants, farmers dumped their produce, burned corn for fuel and tried to starve city people into accepting paper money at face value. All trade, except on a barter basis, stopped. In 6 months, paper money dropped in exchange value from $1 to 16 cents. There was virtually no money to pay debts, and imprisonment for debt became commonplace.

In Massachusetts, a mob angry over currency collapse, took it out on established authority. The mob stormed the courts and forced the State supreme court to leave town. Rebels seized leading citizens as hostages in other communities.

Such was the American mood and times in 1787, the eve of America's greatest invention: An impotent Central Government, unable to defend American rights abroad, or to make foreign agreement, unable to meet its own expenses; bloody warfare between States, and rebellion within States, a maze of tariff walls separating one State from another; looming anarchy because of the collapse of currency; jealousy, hatred, chaos, rebellion, anarchy.

What was the mood of delegates at Independence Hall? The mood was despair. A year earlier a convention had been called for the purpose of strengthening the Central Government. The convention ended before it began, because only five States sent delegates.

The second convention was called for May 14. There was very little interest in it among the State governments. Indeed, New York thought so little of it that State did not send its best men as delegates. John Jay, who could have added strength to the Convention, was left at home.

The one fact which added hope to this second convention was the news that General Washington was to be in the Virginia delegation.

Washington arrived at Convention Hall on schedule. So did 28 other delegates. They had to wait 11 days before delegates from the seventh State arrived, providing a quorum. Before the Convention was concluded, 12 States participated. Rhode Island never did send delegates.

The night before the Convention was to have its opening session, some of the delegates were gathered before the fireplace shooting the breeze. The Convention was called for the purpose simply of revising the Articles of Confederation, and several delegates warned that the country was in no mood for any radical changes in the Central Government. It would be better for the Convention to deal with mild changes, and avoid anything very sweeping.

Washington could not bear this talk in silence. He rose and delivered his shortest and one of his greatest speeches. He said, "It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work?"

Perhaps thinking of the border warfare, the low estate to which America had fallen in the eyes of the world, the rebellion in Massachusetts and elsewhere, the crying need for a strong Central Government, Washington added these words, "Let us raise a standard to which the wise and honest can repair. The event is in the hand of God."

But in the Convention, the outlook fell from bad to worse. Big States vied with little States. Southern interests opposed New England. The longer the delegates debated, the more remote seemed agreement.

After 6 weeks, Washington wrote a note to Alexander Hamilton, who had left the Convention for a few days' business in New York. In the note Washington said, "I almost despair seeing a favorable issue to the proceedings and do therefore repent having had any agency in the business."

At a critical moment when the Convention appeared to be on the verge of collapse, Ben Franklin had this to say: "In this situation of this assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity, and have we now forgotten that powerful friend? Or do we imagine that we no longer need his assistance? I have lived a long time and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, sir, in the sacred writings that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel: we shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and byword down to future ages. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing governments by human wisdom and leave it to chance, war, and conquest.

"I therefore beg leave to move—that henceforth prayers imploring the assistance of heaven, and its blessings on our deliberations, be heard in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service."

Franklin's suggestion was adopted, and without doubt the daily prayer helped to calm frayed nerves and added the inspiration needed for perseverance.

Tempers were snapping. Angry words were heard. Delegations threatened to go home. But out of desperation and adversity, one by one, were hammered out the great principles which formed America's greatest invention:

The United States was to be a Union of people, not a Union of States. The citizen was to be the sovereign power, and he was to have dual citizenship, being a citizen of a State and a citizen of the Nation.

The Central Government was to have strictly limited powers, with a balance of these powers among the two Houses of Congress, the executive, and the judiciary.

Senators and Congressmen were to vote individually and not by State blocs. This permitted a vigorous party system to develop in the United States.

States were to have equal representation in the Senate, and Congressmen were to be chosen on the basis of population. This was the result of compromise, and the agreement was reached only after long dispute, and because the final debate occurred on a day when the New York delegation happened to be absent.

Laws and treaties of the Central Government were to be supreme.

Free trade was to be established throughout the area of the Union. It was the first time a group of sovereign States had agreed to abolish all tariffs. This act made possible America's tremendous economic growth and our sharply rising standard of living.

But it was a gain not without cost. The price paid for free trade and for the right of the Central Government to control foreign commerce was a grisly deal that later was to haunt the United States.

Involved was the problem of the slave trade. Ten of the twelve States—including Virginia—favored stopping import of slaves, and many freely predicted that slavery would soon be abolished.

Only South Carolina and Georgia resisted. There rice was the principal crop, and the death rate in the sickly rice swamps was so high, the planters needed a steady supply of new slaves to replace those who died.

So a compromise provided that import of slaves could not be halted for another 20 years. By that time, the cotton gin had changed the principal crop of the South to cotton, and a new expanding demand for slaves was created.

It is ironic that much of the opposition to the deal was from Virginia, soon to become a center of slave activity. George Mason was so incensed that he refused to sign the Constitution, despite Washington's fervent appeal for unity. Said Mason, "I would sooner chop off my right hand than put it to the Constitution as it stands."

Yet, without this and other compromises, the Federal Union would not have been created in the summer of 1787. America would likely have gone the way of Europe with numerous small warring States. Instead of one war on a great moral issue, there would have probably been several wars on petty issues. But for this slave deal, a mighty force for freedom might never have been created.

And who is to say it was a wrong compromise?

America's greatest invention was a creature of compromise from start to finish, and yet the invention created a strong Central Government, and protected the liberty of citizens and retained the authority of the States.

William Gladstone said the U.S. Constitution was the greatest work ever struck off by the mind of man.

Considering the obstacles, the rivalries, open warfare, suspicion among the States, it is all the more remarkable that the Convention of 1787 should have produced this "Fifth Symphony" of statesmanship. As

Washington had predicted the event was in the hand of God.

Surely a power greater than man contrived to resolve the antagonisms of the day and to inspire those 39 men to create in this greatest of all American inventions a shield for liberty that would survive the test of time and become an example for others to follow.

Here indeed was raised a standard to which the wise and honest can repair—in 1787—and in 1962. How fully we understand and appreciate this great charter will determine in large measure how well we fulfill our stewardship in keeping high the torch of freedom.

The great historian of the period, John Fiske, concluding his study entitled "The Critical Period of American History," had this to say: "In some future still grander convention we trust the same thing will be done between States that have been wholly sovereign, whereby peace may gain and violence be diminished over other lands than this which has set the example."

Fiske wrote these words 80 years ago. And today leaders in both political parties speak hopefully and confidently of this still grander convention Fiske foretold.

> "Sail on, O ship of state.
> Sail on, Union strong and free.
> Humanity in all its fears
> In all its hopes for future years
> Hangs breathless on thy fate."

Wilkesboro Dam and Reservoir Dedication, September 16, 1962

EXTENSION OF REMARKS

OF

HON. A. PAUL KITCHIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1962

Mr. KITCHIN. Mr. Speaker, under unanimous consent, I include in the RECORD a timely and instructive address by our distinguished Secretary of Commerce, Luther H. Hodges, delivered at the dedication of the Wilkesboro, N.C., Dam and Reservoir on Sunday, September 16.

I also wish at this time to express to the Congress and the people of the United States the profound thanks and gratitude of the people of North Carolina, and especially the citizenship of the Eighth Congressional District, for the Federal assistance on this splendid flood control and water conservation project.

The pride that I personally feel on the completion and utilization of the Wilkesboro Dam is exceeded only by the vastness of this reservoir and the sustaining waters which it controls.

The long and tedious efforts of all those responsible for this wonderful project is relegated now into the archives of man's efforts to constantly improve his environment and harness the forces of nature to meet his ever-expanding needs.

Progress is born of sacrifice, and sacrifice is the element that makes for a more sincere appreciation of all progressive endeavors.

The community and the area which has provided this lastingly useful project is to be congratulated for giving this monument of achievement to the State of North Carolina and deserves the congratulations of all. This hard-won project carries with it the great lesson that always where there is a will there is a way.

Secretary Hodges was Governor of North Carolina during a crucial period when this project developed. I am honored to include in the RECORD his remarks on the occasion of the dedication of the Wilkesboro Dam and Reservoir:

SUMMARY OF REMARKS BY SECRETARY OF COMMERCE LUTHER H. HODGES AT DEDICATION OF WILKESBORO, N.C., DAM AND RESERVOIR, SUNDAY, SEPTEMBER 16, 1962

I am delighted to be back in North Carolina for this happy occasion. This is a great day for Wilkes County and for Winston-Salem, and I consider it a privilege to be included in your celebration.

It is more than 2 years since I had an opportunity to speak in Wilkes County. I was here in 1960 to talk to your chamber of commerce—a fine organization which has led the struggle to make this great flood control project a reality.

I came to Wilkes to talk about the development of North Carolina's water resources, and especially to urge you to support local financial participation in this project. I was pleased then when you said you would and I am happy now to see the results of your efforts.

Your vote of 40 to 1 in favor of Wilkes County's participation demonstrated your conviction of the project's importance. Winston-Salem gave similar proof of this project's broad popular support by approving its financial participation in an election in which the five other propositions on the ballot were defeated.

The Wilkesboro Dam and Reservoir have been an ambition of the people of this county for more than two decades.

That is not a long time in the life of a county which is older than the United States. Wilkes was a county and Wilkesboro a town before the U.S. Constitution was ratified and George Washington elected as our first President.

But 20 years is a long time for those who remember the flood of 1940, or the flood of 1916. Only those who know what the floodwaters of the Yadkin can do, can fully appreciate the significance of this control and water supply project.

The farmlands and industrial potential of Wilkes County can now be developed to their fullest, in the presence of an abundant supply of water but free of the flood danger to life and property. The county can anticipate a spur to its growth comparable perhaps to that which followed the arrival of the railroad spur in 1891. That created North Wilkesboro and made it the commercial center of this area of North Carolina.

This great reservoir should add a healthy tourist and recreation business to the county's diversified agriculture and developing industry. I urge you to make the most of all your opportunities because the development of your local economy helps spur the growth of our national economy.

Our national economy is, after all, only the aggregate of a multitude of local and regional economies. What strengthens part of America strengthens the whole.

To Winston-Salem, as well as to Wilkes County, this dam and reservoir bring the realization of a long-time ambition.

Every large metropolitan area—especially when it is the home of major industrial plants—needs an assured supply of fresh water. Water is life for industry, for the farmer's crops, for the suburbanite's lawn. The lack of adequate water can do more to limit the growth potential of a community than the lack of any other natural resource.

Now Winston-Salem's future water needs are assured. This dam will store in its reservoir enough water to maintain the minimum flow of the Yadkin at three times its previous minimum. The water will be there when it is needed, and Winston-Salem, under its agreement with Wilkes County, will have first call on this valuable water supply.

I cannot praise too highly the officials and civic leaders of Wilkes County and Winston-Salem who have worked to make this wonderful dam and reservoir possible.

I especially want to commend the Wilkes County Chamber of Commerce, which has spearheaded this effort since the chamber was organized in 1946. I had the privilege of working with your chamber officials and your State legislators in overcoming some of the legislative hurdles to your local participation in this project, as required by the 1958 Federal law.

I also want to commend your U.S. Senators and Congressmen for their continuing support of this project. Their efforts have made available nearly $7 million in Federal appropriations for this joint Federal and local project.

Many others, I am sure, have made valuable contributions to this whole effort, especially the dedicated men of the U.S. Army Corps of Engineers. And the contractors who have brought this project to completion months ahead of schedule deserve special mention.

I understand it will be possible to open some of the recreation areas next summer instead of in the summer of 1964 as originally planned. In this connection, I want to commend the chamber of commerce and the county commission for the steps they have already taken in planning and zoning to assure the proper development of the lands around the reservoir. It is much easier to prevent undesirable development than it is to correct it. May I urge that you plan ahead and set high standards for your development.

To all who have had a part in this wonderful project, may I extend my sincerest congratulations and commendations.

You have not only made your dream a reality. You have also been pioneers in developing this type of flood control and water supply project under the 1958 law. You have helped to set a pattern of Federal-local cooperation for North Carolina and the Nation.

This is only the first of the works that will be necessary to assure full control of the waters of the Upper Yadkin. I understand that you are already working for surveys of the river down to High Rock Lake. This is the way we progress in America: never resting on our laurels, but moving on from one accomplishment to the next problem, the next challenge.

This is the way we can get America moving at a rate more in keeping with our needs. We can get growth by planning ahead, by moving ahead with the public and private investments upon which to build future growth, and by working together to accomplish our goals.

In talks around the country President Kennedy has been pointing out how important projects such as this are to the entire Nation. They do not benefit only the people of a single community, or a single State or region. They benefit us all, wherever we live, by developing the resources of the Nation.

The President pointed out that we are one country and one people, "and I believe," he said, "that those programs which make life better for some of our people will make life better for all our people."

I think he summed it up very well when he said: "A rising tide lifts all the boats."

That's what we should all be doing—working together to raise the tide of economic activity in America so we can all prosper and have a better life.

Most of this activity must be through private enterprise. That's where we get the bulk of our solid economic growth—through the efforts of private individuals—businessmen, farmers, workers, and all the rest.

But we must have public investment in our economic future, as well. This dam and reservoir provide a wonderful example of how we can use the instruments of government to strengthen our free enterprise society.

Another example is the $900 million accelerated public works program. Th's program will help stimulate our economy by speeding up many of our existing Federal works projects and by enabling local communities to move forward with the water and sewer programs, street building, hospital construction, and other projects they have been planning.

Wilkes County is eligible for Federal matching funds under this new program. It is eligible, along with adjoining Surry and Yadkin Counties, because the unemployment rate has been 6 percent or more in 9 of the past 12 months. In addition, all of the North Carolina counties designated as redevelopment areas are eligible.

These matching funds will be available for a wide variety of local projects, although not for schools. An important consideration in project approvals will be how quickly the projects can be started and completed. The aim is to have the bulk of the construction work and employment take place in the next 12 months.

To build a greater America, we must join together—through local, State, and Federal Governments and private organizations and enterprises—to conserve and develop our water supplies, our power resources, our transportation arteries, our recreational opportunities, and improve our schools and hospitals and the other facilities that expand the skills and strengthen the vitality of our greatest resource—our people.

There need be no conflict between the various jurisdictions of government, or between government and business, or business, labor and farmers. We can all work together to serve our country and our fellowmen.

And with the rising tide of a faster growing America our individual boats will be lifted and we can move forward toward our personal goals in life.

This wonderful dam and reservoir shows what we can do. It shows that the cooperation and participation of many people, organizations and official bodies to obtain common objectives is a practical approach to getting things done.

I am delighted to be here for this inspiring dedication of another monument to the capacity of men to build together for the future.

I thank you for inviting me.

Gov. William P. Daniel

EXTENSION OF REMARKS

OF

HON. J. T. RUTHERFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1962

Mr. RUTHERFORD. Mr. Speaker, we Texans are very proud of the service that has been rendered to his country by retiring Governor of Guam, William P. Daniel.

To the great regret of the President of the United States, the Secretary of the Interior, and the people of Guam themselves, Governor Daniel presented his resignation over the weekend. His motive was characteristically unselfish.

The keystone of Governor Daniel's program for Guam was a high degree of local government. He thought this program would be enhanced by the appointment of a native Guamanian and he so advised the President.

Governor Daniel's administration has been characterized by the President himself as "one of the most successful in the history of Guam." Secretary of the Interior Stewart Udall said that Governor Daniel inaugurated "a New Frontier program which has made Guam into a showcase of democracy."

And the members of the executive committee of the Democratic Party of Guam, which includes all the members of the Sixth Guam Legislature, said that his accomplishments went "to a degree beyond expectation within such a short term."

Fortunately for the United States, Governor Daniel has agreed to accept an appointment as consultant on territorial matters after his retirement. His experience will be invaluable.

Under unanimous consent, I include in the CONGRESSIONAL RECORD the exchange of correspondence between Governor Daniel and the President, a statement by Secretary of the Interior Stewart L. Udall, and a resolution adopted by the Executive Committee of the Democratic Party of Guam on September 8, 1962:

DEAR MR. PRESIDENT: I appreciate the opportunity of service as Governor of Guam afforded by your appointment early in 1961. I have been very pleased with the assignment and the progress made during my administration as Governor. This progress is best evidenced by the unanimous resolutions recently adopted and forwarded to you by the legislature and the elected commissioners of Guam.

During my period of service, I have formed a real attachment to the people of Guam and the work that I have done has given me deep personal satisfaction. I have great faith in the future of Guam and I hope that I can always maintain the close friendships that I formed during my stay. However, the keystone of the program which I have advocated is more self-government for the people of Guam, including enactment of legislation by the Congress providing for the election of a Governor.

Upon careful thought, I have become convinced that the success of this legislation would be enhanced if a Guamanian was serving successfully as Governor while it is pending. Therefore, in order that you may have the opportunity to consider such an appointment, I hereby respectfully submit my resignation as Governor of Guam, effective January 20, 1963.

I sincerely thank you for the confidence you expressed in my appointment and for the opportunity of service which this afforded me.

Sincerely yours,

BILL DANIEL.

THE WHITE HOUSE,
Washington, September 14, 1962.

Hon. WILLIAM P. DANIEL,
Governor of Guam,
Agana, Guam.

DEAR GOVERNOR DANIEL: It is with great regret that I accept your resignation as Governor of Guam. Your administration as Governor has been one of the most successful in the history of Guam, and it is evident that the people of the island hold you in a great deal of affection and esteem for the work you have performed in their behalf.

I understand and fully appreciate the reasons that led to your decision, and I hope to make an appointment which will attain the objective you have set forth. In the event your successor has not been qualified by next January 20, I hope you will agree to continue in office until there is a qualified successor.

You have performed an important mission with distinction, and I am pleased to learn from the Secretary of Interior that you have agreed to become a consultant to the Interior Department on Territorial Affairs upon your resignation. Your experience and your dedication are valuable to our country and should not be lost.

Sincerely,

JOHN F. KENNEDY.

GOV. BILL DANIEL OF GUAM RESIGNS TO OPEN WAY FOR APPOINTMENT OF GUAMANIAN

Secretary of the Interior Stewart L. Udall today announced that President Kennedy has notified him he has accepted the resignation, effective next January 20, of Gov. Bill Daniel of Guam, who is stepping aside to permit a Guamanian to take the top position in the territory.

The Governor has agreed to become a consultant to the Interior Department on Territorial Affairs after he leaves office, Secretary Udall said. The Interior Department administers the U.S. territories of Guam, American Samoa, and the Virgin Islands, and, under a United Nations trusteeship, the Trust Territory of the Pacific Islands.

A Presidential appointee confirmed by the U.S. Senate, Governor Daniel took office May 20, 1961.

In his letter of resignation, Governor Daniel wrote that "the keystone of the program which I have advocated is more self-government for the people of Guam, including enactment of legislation by the Congress providing for the election of a Governor. Upon careful thought, I have become convinced that the success of this legislation would be enhanced if a Guamanian was serving successfully as Governor while it is pending. Therefore, in order that you may have the opportunity to consider such an appointment, I hereby respectfully submit my resignation as Governor of Guam, effective January 20, 1963."

President Kennedy's letter accepting the resignation with regret said "I understand and fully appreciate the reasons which led to your decision, and I hope to make an appointment which will attain the objective you have set forth." He added that he hoped Governor Daniel would continue in office past next Jaunary 20 in the event a successor has not been qualified by then.

Secretary Udall said:

"I deeply regret that Governor Daniel is leaving this important post. I understand and applaud his motives. But he will be missed because Guam has made important progress under his administration and the people of the island have expressed their affection for him and their high esteem for his services.

"Under Governor Daniel, restrictions which prevented free access to the island have been lifted—thereby opening the way for increased economic activity and for the establishment of a tourist industry. Important public works have been set in motion to enhance both the health standards of the people and the natural beauties of the island.

"Such great strides have been made that private industry is now engaged in establishing adequate tourist facilities. Highways have been improved, as well as schools and parks. Major agricultural programs have been launched and Guam is well on the way toward a prosperous economy.

"Governor Daniel inaugurated a New Frontier program which has made Guam into a showcase of democracy.

"I am very pleased that Governor Daniel has agreed to accept an appointment by the Interior Department as Consultant on Territorial Affairs, effective on the date of his resignation. His advice will be invaluable in helping to draft and enact legislation which will raise local self-government to even higher standards."

Guam, with a population of more than 41,000, is about 6,000 miles southwest of San Francisco and 1,500 miles southeast of Manila. It is the largest and most populous of the Mariana Islands. Its people are U.S. citizens, although they cannot vote in national elections and have no representation in Congress.

Governor Daniel's home in the States is the historic Plantation Ranch, Texas' oldest settlement.

DEMOCRATIC PARTY OF GUAM,
Agana, Guam.

I, the undersigned, chairman of the Democratic Party of Guam, do hereby certify that the attached resolution was duly adopted by the executive committee of the Democratic Party of Guam at its headquarters in Agana, Guam, on the 8th day of September 1962; that the same has been duly recorded in the minutes of said committee and remains in full force and effect.

In witness whereof, I have hereunto set my hand this 8th day of September 1962.

R. J. BORDALLO,
Chairman, Democratic Party of Guam.

Attested:

JOSE I. CRUZ,
Acting Secretary.

RESOLUTION BY THE DEMOCRATIC PARTY OF GUAM, AGANA, GUAM

Resolved, That the 52 members of the executive committee of the Democratic Party of Guam, consisting of all the members of the Sixth Guam Legislature, all the Democratic commissioners of the various districts, and the Democratic Party precinct chairmen of all districts within Guam, do hereby respectfully bring to the attention of the Honorable John F. Kennedy, President of the United States; the Honorable Lyndon B. Johnson, Vice President of the United States; the Honorable John M. Bailey, chairman of the Democratic National Committee; and the Honorable Stewart L. Udall, Secretary of Interior; the fact that the economic program of the present Democratic Governor of Guam, the Honorable Bill Daniel, has the whole-hearted support of the Democratic Party of Guam per se and the Sixth Guam Legislature, whose members are all Democrats duly elected by the people of the territory of Guam under the Organic Act of Guam.

Gov. Bill Daniel, upon assumption of the highest office within the territory of Guam as its Chief Executive sometime in May 1961, has achieved and accomplished most worthy objectives to a degree beyond expectation within such a short term, and far in excess of his three preceding Republican predecessors, some of which accomplishments are as follows:

1. The general cleanup of the city of Agana after many years of unsightly jungle growth and debris;

2. His support for the revocation of Executive Order No. 8683 (naval entry clearance) by President Kennedy;

3. The highly needed return-to-the-soil program and the upbreeding of livestock, largely through the personal efforts of Gov. Bill Daniel;

4. Active effort and support in the development of the tourist industry for Guam, including the impending construction of a hotel for the accommodation of visitors to Guam;

5. The successful intervention and negotiation on behalf of the people of Guam for the return of unused Federal lands to the Government of Guam;

6. The development of park and beaches for public recreation;

7. The continued improvements of arterial highways and major trunkline;

8. The installation of street lights in the various districts and villages of the territory;

9. The implementation of the intent and letter of section 9(a) of the Organic Act of Guam, which section provides that preference be extended no persons of Guamanian ancestry in all positions of trust and confidence;

10. His courageous stand in cooperation with the Sixth Guam Legislature to increase taxes in the midst of declining revenues which permitted the continuation of the public programs and services now being enjoyed by the people of the territory, without which the curtailment of such services and facilities would have resulted, causing the people undue hardship.

Gov. Bill Daniel is the only civilian chief executive of Guam since the inception of the Organic Act of Guam who has been commended twice officially by the Guam Legislature which is in itself one of the most remarkable events in the political history of the territory of Guam.

Wherefore, the Democratic Party of Guam, by its executive committee, desires to express by this resolution its highest and deepest appreciation to the constituted authorities of the United States of America for the meritorious appointment of Bill Daniel as Governor of Guam, to whom complete support has been extended during his tenure of office, the party furthermore pledging to continue such support as his program advances so that the record of the present Democratic Governor shall remain one unparalleled in the history of the territory.

Tax Credit Needed for Cost of Health and Accident Insurance

EXTENSION OF REMARKS
OF

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 1962

Mr. BYRNES of Wisconsin. Mr. Speaker, on July 25, 1962, I introduced a bill—H.R. 12693—to provide a 20-percent tax credit for premiums paid by the taxpayer for health and accident insurance. The 20-percent credit is the equivalent of allowing a full deduction for insurance costs for a taxpayer in the first tax bracket.

This bill is intended to serve a twofold purpose: First, it remedies an inequity in the provision of existing tax law providing for a medical deduction; second, it will encourage more persons to obtain accident and health insurance.

The medical expense deduction presently available is confined to expenses in excess of 3 percent of the taxpayer's adjusted gross income. This penalizes the taxpayer who insures himself and his family through accident and health insurance.

For example, taxpayer A, whose income consists of wages of $5,000 per year, purchases a medical insurance plan at a cost of $150 per year. Since $150 is not in excess of 3 percent of $5,000, he would not be allowed a medical deduction in any year for the cost of his medical plan. Taxpayer A continues the plan for 5 years at a total cost of $750. In none of the years was he able to deduct this as a medical expense. In the fifth year, he incurs $750 of medical expenses. This $750 of medical expenses is covered by his insurance. He gets no deduction because his medical expense was covered by insurance, although he has paid out a total of $750 over the 5 years for the coverage.

On the other hand, taxpayer B, who has the same $5,000 income as our first taxpayer, has no medical insurance. Taxpayer B deposits $150 a year in a savings account, on which he earns interest. In the fifth year, taxpayer B also incurs $750 of medical expenses. He uses the $750 which he has saved to pay his medical bill. The first $150—3 percent of his income—is not includible as a medical deduction. Taxpayer B subtracts this $150 from his $750 medical bill, and takes a medical deduction for the balance—$600.

Thus, while both taxpayer A and taxpayer B had identical annual incomes and medical costs, B gets the benefit of interest earned while his $750 was invested, plus a tax deduction of $600. From this simple illustration it is apparent that the present medical deduction favors the uninsured taxpayer, to the detriment of the insured taxpayer.

While I have taken taxpayers with an income of $5,000 for purposes of comparison, the effect is the same irrespective of the taxpayer's income. The taxpayers who carry medical insurance are penalized under the Federal tax laws because those taxpayers will not obtain any benefit from the medical deduction, while the taxpayers who do not carry medical insurance will have the benefit of a tax deduction if their medical expense in any year exceeds 3 percent of their income. Taxpayer A is, in effect, penalized for protecting the Government's revenues against the risk of a medical deduction.

In providing a tax credit for medical insurance for the taxpayer, the bill includes amounts paid by the individual for himself, his spouse, his parents, his spouse's parents, and his dependents. Thus, whether or not his, or his spouse's parents qualify as dependents within the meaning of our tax laws, the taxpayer would be permitted to claim the 20 percent credit. This will act as an incentive for children to adequately insure their parents against a major illness.

The effect of this will be to encourage individuals to provide for adequate medical protection: First, for themselves; second, for those dependent upon them; third, and for those who might later become dependent upon them, and, fourth, beyond this, it will encourage individuals to provide for adequate medical insurance in advance of their old age.

Some may find that if they waited until age 65 or over to take out medical insurance, the cost would be such that adequate coverage is not within their means. This credit would apply to the purchase of level-premium policies or paid-up policies during their younger years which would provide health insurance coverage for their later years.

In providing for a credit instead of a deduction, the bill would still permit the taxpayer to use the tax tables or to take advantage of the standard deduction. The standard deduction—which is reflected in the tax tables—is the equivalent of a deduction of 10 percent of the adjusted gross income. This use of the tables makes it unnecessary for the taxpayer to itemize all his personal deductions. It is in lieu of any other deductions permitted under our tax laws—such as charitable deductions, interest payments, personal taxes, and nonbusiness casualty losses. If medical insurance premiums are treated as an additional personal deduction, the 37 million taxpayers who today elect to use the standard deduction and the tax tables would either lose the benefit of the insurance deduction or the simplicity of the standard deduction and the use of the tax tables. They would have to account for each and every item of personal expense allowable as a deduction. This would materially complicate the filing of returns, particularly for those in the lower tax brackets.

On the other hand, with a 20-percent tax credit for medical insurance, the taxpayer who had an income of $5,000 would still be entitled to the $500 standard deduction. The tax credit provided by my bill would be taken in addition to—not in lieu of—the standard deduction. In other words, the medical insurance credit would be treated in the same manner as the 4-percent credit for dividends received and the $1,200 retirement income credit, both of which are taken in addition to the standard deduction.

In recent months, we have heard a lot about establishing a Government plan of so-called medical insurance for those age 65 and over through the social security system. The Kennedy administration's proposal, embodied in the King-Anderson bill, would be financed through an increase in the social security tax, under the control of the Federal Government.

The Kennedy administration's plan—which was voted down by the Senate—applied only to those age 65 and over. Furthermore, it offered them only limited coverage. It did not cover doctors' or surgeons' fees, drugs prescribed outside the hospital, or dental care—to name a few. It was even limited in its in-hospital care in that the individual must pay the first $20 to $90 of hospital services—$10 per day for the first 9 days, with a $20 minimum. The Kennedy administration's plan at most would only cover 25 percent of the medical needs of our elderly. The remaining 75 percent of their medical needs would go unattended.

We must recognize that medical care is not solely a problem for those under the social security system, or those 65 years of age. A major illness can befall both young and old. Legislation which limits relief to a segment of the population is deficient. A young father may be just as hard pressed to meet the expense of illness in his family as would the retired person who himself became ill. The bill I have introduced provides tax relief for meeting the medical expenses of both through private insurance. It does not attempt to socialize medical insurance as the Kennedy administration would do.

This bill makes no attempt to regiment our elderly citizens into a Government-conceived, adopted and controlled system of compulsory health insurance. It does not require that the taxpayer's insurance conform to certain standards set by the Federal Government before favorable tax treatment can be obtained. Many of our elderly citizens are at present adequately providing for themselves through private plans of their own choosing, and prefer to continue to do so. This bill recognizes that it is the right of the individual—young and old—to select the type of insurance program which best meets his needs—and to select it in a free and competitive marketplace.

H.R. 12963 approaches the problem through the encouragement of private insurance—without Government interference and control. Unlike other concepts, it realizes that it is not only the role of the Government to encourage adequate health protection among those age 65 and over, but that our Nation is faced with a problem which transcends both age and economic standards. The bill would encourage individuals of all ages and income levels to provide health and accident insurance as a means of protecting themselves against catastrophic and prolonged illnesses.

The bill advances one of the needs recognized recently in the Republican Declaration of Principles and Policy, wherein it was stated:

> Effective tax relief for medical and hospital insurance should be given to all. We support government action to increase the coverage of voluntary insurance plans and to help older citizens having difficulty meeting the costs of adequate coverage.

We have made tremendous gains in public acceptance of health and accident insurance over the past decade. The problem is that medical expenses are so treated under existing law that the taxpayer, instead of being given an incentive to enroll himself or his family in a medical plan, is penalized for doing so. Recognition in the tax laws of the desirability of private health insurance is long overdue. The tax credit I propose, by correcting this inequity, would build on the gains we have made in the field of private health insurance.

SENATE

WEDNESDAY, SEPTEMBER 19, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, our Father, with a new dawn, in a world drenched with beauty, we have awakened again by Thy mercy to toil, to gratitude, and to friendship. Grant us now, in the heat and burden of these days of deliberation and decision, a sustaining realization that our labor is not in vain in the Lord. So teach us to number these days, so crucial in the life of our own Nation and the whole world, that in national and global affairs we may apply our hearts unto wisdom.

May our personal lives, freed of pettiness and prejudice, and radiant with the good will which leaps all barriers, be open channels through which Thy saving grace may flow for the healing of the nations. Thus may this land of our hope and prayer fulfill the potent ministry to all the world to which in Thy providence we believe Thou hast called us.

We ask it in the name of the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 18, 1962, was dispensed with.

TRADE EXPANSION ACT OF 1962

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be postponed briefly, and that the Senate resume the consideration of the Trade Expansion Act of 1962, House bill 11970.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS] to the amendment of the Senator from Oklahoma [Mr. KERR] on page 21, in line 10.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw my amendment to the amendment of the Senator from Oklahoma.

The PRESIDENT pro tempore. The amendment to the amendment is withdrawn.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment of the Senator from Oklahoma [Mr. KERR] may be withdrawn.

The PRESIDENT pro tempore. Without objection, the amendment of the Senator from Oklahoma is withdrawn.

Mr. MANSFIELD. Mr. President, I submit, and send to the desk, an amendment, for which I request immediate consideration.

The PRESIDENT pro tempore. The amendment of the Senator from Montana will be stated.

The LEGISLATIVE CLERK. On page 21, in line 10, it is proposed to strike out "notwithstanding any other provision of law or any provision of any trade agreement," and to insert the following: "notwithstanding any provision of any trade agreement under this Act,".

Mr. WILLIAMS of Delaware. Mr. President, this amendment is perfectly acceptable to me. As I stated last night, it was the clear intent of the committee at the time when it adopted the committee amendment that in no way would it invalidate any past agreements and that the amendment was to apply only to trade agreements negotiated under this act. I was advised that no agreements had been entered into heretofore which would conflict with this provision.

So I enthusiastically support the amendment of the Senator from Montana as clearly carrying out the intention of the committee and my intention at the time I offered the amendment.

Mr. DIRKSEN. Mr. President, I hope the difference of opinion which developed in regard to this part of the bill can be amicably settled, and I am sure it will be.

Mr. WILLIAMS of Delaware. Yes.

Mr. DIRKSEN. I am glad the distinguished Senator from Delaware is willing to accept the amendment proposed by the distinguished majority leader.

Mr. MANSFIELD. Mr. President, the amendment also meets with the approval of the distinguished Senator from Oklahoma [Mr. KERR.]

Mr. DIRKSEN. Yes.

Mr. WILLIAMS of Delaware. Mr. President, this amendment is similar to what I proposed last night and has the same effect.

I am in wholehearted agreement with the amendment of the Senator from Montana. It is in line with the intent.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I am delighted that the Senate has given its approval to this amendment which is so important to the American agriculture. In particular this amendment is very important to the poultry industry.

The Common Market countries on July 30 through unilateral action established new and drastic trade barriers against poultry and other important agricultural products.

These barriers were highly protectionist and have for their purpose and effect the destruction of the U.S. competitive position. In other words, American poultry production, processing, and marketing have reached a point where it is able to produce and ship the product across the seas and compete with poultry produced locally in the Common Market countries. Because we are competitive the Common Market is seeking to establish a system whereby our competitive position can always be offset so that its members may preempt as much of that market as they choose. This policy is the reverse of trade expansion. It is trade strangulation.

If such measures are to be employed against our poultry and other agricultural commodities on which we are competitive—why should not such measures be employed against their industrial goods shipped to this country on which they are competitive and have the advantage because of their lower labor and other costs of production. At least we must be in a position to bargain. Trade must be a two-way street. If the Common Market countries are to have access to our market for their goods on which they can outcompete us then we in turn must have equivalent access to their markets.

These nontariff barriers which are being established against our poultry products take the form of gate prices and equalization fees. A gate price is an arbitrary price which is established below which our poultry may not come in. For example, if our price is 30 cents per pound and the gate price is 33.4 cents, the difference must be paid as a fee to the Common Market. To this is added an equalization fee of 9.6 cents per pound which purports to represent the difference between the world price of grain and the artificial grain price which is established within the Common Market. A feed conversion ration is also used which further offsets some of our efficiency. The net result is that the additional levies in the form of gate price fees and equalization fees will double and in some instances treble the existing duty barriers.

These new trade barriers are not necessary. Imports of U.S. poultry have not hurt their markets or their producers. On the contrary, they have been beneficial. The U.S. poultry industry's International Trade Development Committee has promoted the increased consumption of poultry. In the short time this promotion program has operated poultry consumption has almost trebled. Their producers as well as U.S. producers have benefited from this enlarged consumption. Consumers in these countries have responded to high quality products at reasonable prices with increased purchases. It is inconceivable, therefore, that these protectionist barriers would be proposed. It is even more inconceivable that our Government has not struck openly and hard at these barriers as being wholly inconsistent and incompatible with the whole idea of expanding multilateral trade on the basis of comparative advantage.

We are convinced that a firm policy position must be taken by our Government against these nontariff trade barriers. At the very least this should involve the authority to react to such measures and to use similar measures against the goods of such countries to the extent that such action is necessary to bring about a return of fair trading principles for our poultry and other agricultural products.

In the past 5 or 6 years we have developed a multimillion-dollar poultry export market. This trade is vital to the poultry industry, which is the third largest producer of cash farm income in the Nation. This trade is likewise vital in helping our Nation meet its balance-of-payments problems. It is also beneficial to the economy of foreign countries in that it provides needed animal protein at reasonable costs.

The VICE PRESIDENT. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, certain Members of the Senate wish to speak on the bill following the third reading.

With the consent of the distinguished Senator from West Virginia [Mr. RANDOLPH], who now is on his feet, I shall yield to the Senator from Wisconsin [Mr. PROXMIRE], because he waited so that I might submit the amendment which was agreed to a moment ago.

Mr. RANDOLPH. Certainly.

Mr. PROXMIRE. I thank the Senator. I have some morning hour business to submit for perhaps 4 or 5 minutes.

(Mr. PROXMIRE addressed the Senate. His remarks appear elsewhere, under appropriate headings.)

Mr. MILLER. Mr. President, I propose to vote for this bill as it is now amended. I am certain that I speak for many of my colleages when I say that I vote with some misgivings. No one knows how this is going to work out. All of us hope for success. It places in the hands of the executive branch an unusual amount of discretion. It is claimed that this discretion will be exercised in the national interest. However, I would feel more secure if the guidelines of what is meant by the national interest were more definitely specified by the Congress, for it is in the Congress and not in the executive branch, that the determination of what is or is not in the national interest primarily reposes.

Let me sound a warning, Mr. President, that this bill, coupled with the kind of sound administration which we expect from it, will not solve our serious problem of declining gold reserves and imbalance of payments. It is going to have to be accompanied by sound fiscal policies, including a balanced Federal budget, to insure preservation of the purchasing power of our money, economy in Federal spending, and improved Federal tax laws which will provide an incentive to capital formation and investment.

It is reassuring to see that the bill contains several provisions calculated to protect our agricultural industry. This is as it should be. The President of the United States gave, as one of the reasons for asking for this legislation, the preservation and growth of our agricultural exports. The Common Market then adopted a most unfortunate policy of self-sufficiency in agriculture. Our trade negotiators must therefore drive a hard bargain if the President's policy regarding agricultural exports is to be met. These provisions in the bill are designed to make sure that they do so.

Personally, I believe that too much emphasis has been given to this legislation on the plus side. There is a minus side, and we should not try to play it down at all. Estimates with respect to the impact on employment and unemployment have been made, and I suggest that these have been calculated on the optimistic side. In this connection, I ask unanimous consent to have included in the RECORD at this point a letter from the Deputy Assistant Secretary of Commerce for Trade Policy, written in response to my request for information regarding forecasts with respect to future levels in U.S. trade and related employment. These forecasts were not forthcoming, and it is to be noted that the Deputy advises that there are no completed authoritative studies.

He does cite figures relating to 1960 employment related to exports and imports, and I suppose these furnish some basis for making projections. However, I find it difficult to understand why this legislation would be presented to us before authoritative studies providing reasonably accurate forecasts were completed. In this connection, I ask unanimous consent that the following tables be inserted in the RECORD at the conclusion of my remarks: From the publication "Domestic Employment Attributable to U.S. Exports, 1960," published by the Bureau of Labor Statistics, tables 2, 3, 4, and 5; and from the publication "Employment in Relation to U.S. Imports, 1960," also published by the Bureau of Labor Statistics, tables 2, 3, 4, and 5.

There being no objection, the letter and tables were ordered to be printed in the RECORD, as follows:

THE ASSISTANT SECRETARY
OF COMMERCE,
Washington, D.C., September 12, 1962.
Hon. JACK MILLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MILLER: In our conversation at the end of the briefing on the trade bill arranged by Senator MORSE, you expressed an interest in the relationship between foreign trade and employment and queried whether any forecasts had been made of future levels in U.S. trade and related employment.

Earlier this year the Labor Department published two studies estimating the number of jobs attributable to U.S. exports and imports in 1960. (Please see enclosures.)

In the export study, the Labor Department estimated that 3.1 million workers were required directly or indirectly to produce, transport, and market the $20.7 billion of merchandise exported by the United States in 1960. This estimate includes all American labor involved from the raw material stage to delivery of the export at the foreign port, but does not include the employment resulting from the income-generating effects of export-related employment, i.e., employment required to produce food, clothing, housing, etc., purchased by workers whose jobs are attributable to exports. (On the basis of this, it was estimated that about 150,000 jobs are generated for each additional billion dollars of exports.)

On the import side, Labor estimated that approximately 941,000 workers were supported by activities connected with the $15 billion of products imported in 1960. This estimate includes employment in: (1) the transporting, handling, and distributing of imports from the foreign ports through the U.S. ports to domestic factories that process imported raw materials and to wholesalers that import and distribute finished manufacturers; (2) supplying fuel and supplies to the trade and transportation sectors; (3) processing imported raw materials and semimanufacturers; and (4) replacing plant and equipment used up in these stages of handling imports. The processing estimate is limited to direct employment in the first-stage processing of imports considered primarily noncompetitive. It does not include the additional indirect employment involved in providing materials, supplies, and services for the processing of these imported materials. Thus, it was estimated that over 62,600 jobs are created for each additional billion dollars of imports.

The Labor Department study did not attempt to show a "net" effect of imports on employment, weighing both the positive and negative effects. It did, however, try to answer the hypothetical question, how much employment would be required to produce in the United States the $6.8 billion of "competitive" imports in 1960; i.e., all finished manufactures and selected raw materials and semimanufactures.

According to the Bureau of Labor Statistics, about 1 million workers would be required to produce, in the United States, imports of all finished manufactures and other products considered "competitive" with domestically produced goods. It is important to note, however, that such hypothetical employment does not represent jobs lost by Americans as a result of imports. Estimation of actual jobs "lost" requires a different type of analysis involving investigation of actual changes in employment related to specific imports, the degree and precise character of the competition and the concurrent effect of changing productivity and demand. Research along these lines is being undertaken by the Bureau of Labor Statistics as part of the broad investigation of the impact of foreign trade on employment.

Secretary of Labor Goldberg, testifying before the House Ways and Means Committee on March 13, perhaps best summed up the impact of foreign trade on employment when he said: "The total adds up to something like this—and again, I want to emphasize that these are conjectures all around because under no circumstances do I believe the Congress of the United States would choke off our exports and choke off our imports totally—but if we were to assume a total program of this type, we would find that we could lose on one side 4 million jobs and we might gain on the other side at most, if we did actually gain them—which is doubtful—800,000 to 900,000 jobs. We would have a net loss from this policy of at least 3 million jobs. In other words, the price of adding one job by a policy that would revert to erecting a trade wall around the United States, the price of adding one job, would be the loss from this policy of at least three to four jobs."

Turning to your query concerning foreign trade forecasts, I have been unable to locate any completed authoritative studies on this topic that have been published either in the Government or outside. I have learned, however, that Mr. Walter Salant of the Brookings Institution is preparing for the Council of Economic Advisers a study of U.S. balance-of-payments trends, which will include forecasts of our imports and exports. The study should be completed in November and it is anticipated that a report of its finding will be made public.

Please let me know if there is anything else you need in this connection.

Sincerely yours,
PETER T. JONES,
Deputy Assistant Secretary for Trade Policy.

TABLE 2.—*Employment attributable to exports and total employment in the private economy, by industry group, 1960*

[In thousands]

Industry group	Employment attributable to exports			Total employment in the private economy [3]
	Direct [1]	Indirect [2]	Total	
Total employment [4]	1,467.1	1,614.6	3,081.7	52,865.0
Farm	530.6	401.8	941.4	7,145.0
Nonfarm	927.5	1,212.8	2,140.3	45,720.0
Mining	28.3	61.6	89.9	709.0
Manufacturing [5]	640.6	647.0	1,287.6	16,654.7
Food and kindred products	32.9	24.3	57.3	1,778.6
Tobacco manufactures	6.0	5.8	11.7	91.8
Textile mill products	27.3	20.0	47.3	944.1
Apparel and other finished products	17.8	5.7	23.5	1,246.0
Lumber and wood products, except furniture	11.6	26.4	38.0	624.7
Furniture and fixtures	2.8	2.3	5.1	370.9
Paper and allied products	13.1	26.7	39.8	597.1
Printing, publishing, and allied industries	6.4	24.6	30.9	894.7
Chemicals and allied products	46.2	69.5	115.7	804.7
Petroleum refining and related industries	6.6	10.1	16.7	237.1
Nonfarm—Continued				
Manufacturing [5]—Continued				
Rubber and miscellaneous plastics products	14.0	14.2	28.2	387.0
Leather and leather products	6.0	2.9	8.9	373.4
Stone, clay, and glass products	11.8	17.7	29.5	619.0
Primary metal industries	31.4	139.7	171.0	1,187.4
Fabricated metal products	28.1	44.2	72.3	1,120.2
Machinery, except electrical	154.2	69.8	224.0	1,448.4
Electrical machinery, equipment, and supplies	57.1	35.2	92.4	1,326.3
Transportation equipment	[6] 104.4	27.5	131.9	1,687.5
Professional, scientific, and controlling instruments	27.0	6.4	33.4	327.3
Miscellaneous manufacturing and ordnance	[6] 36.0	6.9	42.9	594.8
Military (indirect)		[8] 67.2	67.2	(7)
Trade	120.3	78.3	198.6	9,786.0

See footnotes at end of table.

TABLE 2.—*Employment attributable to exports and total employment in the private economy, by industry group, 1960*—Continued

[In thousands]

Industry group	Employment attributable to exports			Total employment in the private economy [3]
	Direct [1]	Indirect [2]	Total	
Nonfarm—Continued				
Transportation, including ocean (U.S. ships)	118.1	95.4	213.5	2,565.0
All other [8]	20.3	120.6	140.9	16,005.0
Employment attributable to replacement of plant and equipment consumed [9]		210.0	210.0	(7)

[1] Covers employment in producing, transporting, and marketing goods in the form in which exported, e.g., steel, automobiles, etc. Employment required for transportation of goods is included in transportation industry, and employment for marketing in trade industry.

[2] Covers employment in the supporting industries which produce, transport, and market the materials, parts, components, etc., which are used to make the products which are then exported. For example, the indirect employment in the steel industry is the employment required to make the steel which is not exported as steel but used to make automobiles, machinery, appliances, and fabricated steel products which are then exported.

[3] Farm employment estimates for 1960 from "Farm Labor," U.S. Department of Agriculture, and "Census of Agriculture," U.S. Department of Commerce, Bureau of the Census; manufacturing employment estimates from 1959 "Survey of Manufactures," U.S. Department of Commerce, Bureau of the Census; employment for remaining industry groups based on 1960 employment estimates by the U.S. Department of Labor, Bureau of Labor Statistics, contained in "Employment and Earnings," November 1961.

[4] Covers all nonfarm wage and salary employment (excluding government) and total employment on farms, including farm operators, family workers, and employees. May exceed actual number of persons employed because of dual jobholding.

[5] Includes exports of major military end items such as military vehicles, aircraft, ships, and ordnance including small arms and ammunition. Of the total military direct employment of 65,900 workers, about 39,600 are in transportation equipment industry group and 26,300 in ordnance and miscellaneous manufacturing.

[6] The indirect employment required to produce major military exports was not estimated in detail but as an overall figure and therefore could not be distributed to the individual industry groups. For this reason, the indirect employment shown for military goods industries does not refer to indirect employment in the military goods industries but to indirect employment in the industries supplying materials, parts, components, etc., to the military goods industries. Because the indirect employment resulting from military exports could not be distributed to the individual supporting industries, estimates of indirect employment in each of these industries are understated to some extent and the share of industry employment attributable to exports is also understated.

[7] Not available.

[8] Covers utilities, communications, all business services, forestry, fisheries, agricultural services, and contract construction.

[9] Employment required to replace plant and equipment used up in the course of producing, transporting, and marketing the goods exported from the United States was estimated as an overall total and therefore could not be distributed to individual industry groups. Because employment could not be distributed to machinery and construction industries, and supporting industries, estimates of indirect employment in each of these industries are understated.

NOTE.—Because of rounding, individual values may not add to total.

TABLE 3.—*Percent distribution of employment attributable to exports and total employment in the private economy, by industry group,*[1] *1960*

Industry group	Employment attributable to exports			Total employment in the private economy
	Direct	Indirect	Total	
Total employment	100.0	100.0	100.0	100.0
Farm	36.8	24.9	30.5	13.5
Nonfarm	63.2	75.1	69.5	86.5
Mining	1.9	3.8	2.9	1.3
Manufacturing	43.7	40.1	41.8	31.5
Food and kindred products	2.2	1.5	1.9	3.4
Tobacco manufactures	.4	.4	.4	.2
Textile mill products	1.9	1.2	1.5	1.8
Apparel and other finished products	1.2	.4	.8	2.4
Lumber and wood products, except furniture	.8	1.6	1.2	1.2
Furniture and fixtures	.2	.1	.2	.7
Paper and allied products	.9	1.7	1.3	1.1
Printing, publishing, and allied industries	.4	1.5	1.0	1.7
Chemicals and allied products	3.1	4.3	3.8	1.5
Petroleum refining and related industries	.4	.6	.5	.5
Rubber and miscellaneous plastics products	1.0	.9	.9	.7
Leather and leather products	.4	.2	.3	.7
Nonfarm—Continued				
Manufacturing—Continued				
Stone, clay, and glass products	0.8	1.1	1.0	1.2
Primary metal industries	2.1	8.7	5.5	2.2
Fabricated metal products	1.9	2.7	2.3	2.1
Machinery, except electrical	10.5	4.3	7.3	2.7
Electrical machinery, equipment, and supplies	3.9	2.2	3.0	2.5
Transportation equipment	7.1	1.7	4.3	3.2
Professional, scientific, and controlling instruments	1.8	.4	1.1	.6
Miscellaneous manufacturing and ordnance	2.5	.4	1.4	1.1
Military (indirect)		4.2	2.2	(2)
Trade	8.2	4.5	6.4	18.5
Transportation, including ocean (U.S. ships)	8.0	5.9	6.9	4.5
All other	1.4	7.5	4.6	30.3
Employment attributable to replacement of plant and equipment consumed		13.0	6.8	(2)

[1] Percent distribution based on table 2.

[2] Not available.

NOTE.—Because of rounding, percentages may not add to totals.

TABLE 4.—*Direct and indirect employment as percent of total employment attributable to exports, by industry group, 1960*[1]

Industry group	Employment attributable to exports [2]	
	Direct	Indirect
Total employment	47.6	52.4
Farm	57.3	42.7
Nonfarm	43.3	56.7
Mining	31.5	68.5
Manufacturing	49.6	50.4
Food and kindred products	57.5	42.5
Tobacco manufactures	50.8	49.2
Textile mill products	57.8	42.2
Apparel and other finished products	75.7	24.3
Lumber and wood products, except furniture	30.6	69.4
Furniture and fixtures	54.8	45.2
Paper and allied products	32.8	67.2
Printing, publishing, and allied industries	20.5	79.5
Chemicals and allied products	39.9	60.1
Petroleum refining and related industries	39.5	60.5
Rubber and miscellaneous plastics products	49.6	50.4
Leather and leather products	67.7	32.3
Nonfarm—Continued		
Manufacturing—Continued		
Stone, clay, and glass products	40.0	60.0
Primary metal industries	18.4	81.6
Fabricated metal products	38.8	61.2
Machinery, except electrical	68.8	31.2
Electrical machinery, equipment, and supplies	61.8	38.2
Transportation equipment	79.2	20.8
Professional, scientific, and controlling instruments	80.9	19.1
Miscellaneous manufacturing and ordnance	83.9	16.1
Military (indirect)		100.0
Trade	60.6	39.4
Transportation, including ocean (U.S. ships)	55.3	44.7
All other	14.4	85.6
Employment attributable to replacement of plant and equipment consumed		100.0

[1] Percent distribution based on table 2.

[2] Total employment attributable to exports equals 100 percent.

NOTE.—Because of rounding, sums of individual items may not equal totals.

TABLE 5.—*Employment attributable to exports as percent of total employment in the private economy, by industry group,[1] 1960*

Industry group	Employment attributable to exports			Total employment in the private economy
	Direct	Indirect	Total	
Total employment	2.8	3.1	5.8	100.0
Farm	7.6	5.6	13.2	100.0
Nonfarm	2.0	2.7	4.7	100.0
Mining	4.0	8.7	12.7	100.0
Manufacturing	3.8	3.9	7.7	100.0
Food and kindred products	1.8	1.4	3.2	100.0
Tobacco manufactures	6.5	6.3	12.8	100.0
Textile mill products	2.9	2.1	5.0	100.0
Apparel and other finished products	1.4	.5	1.9	100.0
Lumber and wood products, except furniture	1.9	4.2	6.1	100.0
Furniture and fixtures	.8	.6	1.4	100.0
Paper and allied products	2.2	4.5	6.7	100.0
Printing, publishing, and allied industries	.7	2.8	3.5	100.0
Chemicals and allied products	5.7	8.6	14.4	100.0
Petroleum refining and related industries	2.8	4.2	7.0	100.0
Rubber and miscellaneous plastics products	3.6	3.7	7.3	100.0
Leather and leather products	1.6	.8	2.4	100.0
Nonfarm—Continued				
Manufacturing—Continued				
Stone, clay, and glass products	1.9	2.9	4.8	100.0
Primary metal industries	2.6	11.8	14.4	100.0
Fabricated metal products	2.5	4.0	6.4	100.0
Machinery, except electrical	10.7	4.8	15.5	100.0
Electrical machinery, equipment, and supplies	4.3	2.7	7.0	100.0
Transportation equipment	6.3	1.6	7.8	100.0
Professional, scientific, and controlling instruments	8.3	2.0	10.2	100.0
Miscellaneous manufacturing and ordnance	6.1	1.2	7.2	100.0
Military (indirect)	(2)	(2)	(2)	(2)
Trade	1.2	.8	2.0	100.0
Transportation, including ocean (U.S. ships)	4.6	3.7	8.3	100.0
All other	.1	.8	.9	100.0
Employment atrributable to replacement of plant and equipment consumed	(2)	(2)	(2)	(2)

[1] Percent distribution based on table 2.

[2] Not available.

NOTE.—Because of rounding, percentages may not add to totals.

TABLE 2.—*Estimated employment attributable to imports, 1960*

[Thousands]

Item	Employment
Total employment related to imports	941.2
Employment related to U.S. ocean and other transportation to U.S. port [1]	26.3
U.S. cargo insurance [2]	3.0
Domestic transportation	67.4
Wholesale trade	98.2
Activities of supplying industries [3]	60.4
Employment involved in 1st-stage processing of "supporting" imports [4]	618.7
Employment related to replacement of plant and equipment consumed [5]	67.2

[1] Covers transportation of U.S. imports on U.S. planes, trains, and flag-flying ships; and unloading of U.S. imports.

[2] Covers insurance of U.S. imports by U.S. insurers.

[3] Covers employment indirectly generated through U.S. transportation, insurance, and trade of U.S. imports. This employment was estimated as an overall total and, therefore, could not be distributed to individual industry groups.

[4] "Supporting" imports as defined by U.S. Department of Commerce. See definition in technical note.

[5] Covers employment required to replace plant and equipment used up in the course of U.S. transportation, insurance, and trade of U.S. imports and in first-stage processing of "supporting" imports. This employment was estimated as an overall total and, therefore, could not be distributed to individual industry groups.

TABLE 3.—*Assignment of "competitive" imports to comparable U.S. industry sectors, 1960*

[Millions]

Type of "competitive" import	Value
U.S. port value of imports of finished manufactures and other products considered competitive with domestically produced goods [1]	$6,808.6
Distribution to comparable U.S. producing sectors:	
Farm	241.5
Nonfarm	6,567.1
Mining	147.1
Manufacturing	6,247.4
Food and kindred products	429.9
Tobacco manufactures	25.5
Textile mill products	797.4
Apparel and other finished products	422.2
Lumber and wood products, excluding furniture	174.9
Furniture and fixtures	34.3
Paper and allied products	98.7
Printing, publishing, and allied industries	43.3
Distribution—Continued	
Nonfarm—Continued	
Manufacturing—Continued	
Chemicals and allied products	$435.9
Petroleum refining and related products	97.0
Rubber and miscellaneous plastics products	183.1
Leather and leather products	142.3
Stone, clay, and glass products	263.9
Primary metal industries	570.8
Fabricated metal products	239.2
Machinery, except electrical	398.1
Electrical machinery, equipment, and supplies	389.5
Transportation equipment	844.8
Professional, scientific, and controlling instruments	247.2
Miscellaneous manufacturing and ordnance	409.4
All other [2]	172.6

[1] "Competitive" imports are all finished manufactured products and other selected raw materials and semimanufactured products considered directly "competitive" with American-made goods.

[2] Includes forestry and fisheries.

Source: "U.S. Commodity Exports and Imports as Related to Output, 1958," U.S. Department of Commerce, Bureau of the Census (1962).

TABLE 4.—*Hypothetical employment required to produce and market in the United States all finished manufactures and other products considered "competitive" with domestically produced goods [1]*

[Thousands]

Industry group	Employment		
	Direct [2]	Indirect [3]	Total
U.S. employment required to produce imports	439.5	550.4	989.9
Farm	87.1	103.9	191.0
Mining	4.0	19.3	23.3
Manufacturing	332.1	256.6	588.7
Food and kindred products	12.7	7.8	20.5
Tobacco manufactures	1.6	.5	2.1
Textile mill products	48.9	26.6	75.5
Apparel and other finished products	37.0	8.8	45.8
Lumber and wood products, except furniture	13.6	12.8	46.4
Furniture and fixtures	2.7	1.4	4.1
Manufacturing—Continued			
Paper and allied products	3.8	11.8	15.6
Printing, publishing, and allied industries	2.1	11.5	13.6
Chemicals and allied products	12.4	27.9	40.3
Petroleum refining and related industries	1.2	2.4	3.6
Rubber and miscellaneous plastics products	12.8	7.2	20.0
Leather and leather products	13.3	4.1	17.4
Stone, clay, and glass products	23.3	10.4	33.7
Primary metal industries	18.8	50.2	69.0
Fabricated metal products	12.8	18.4	31.2
Machinery, except electrical	22.8	17.3	40.1

See footnotes at end of table.

TABLE 4.—*Hypothetical employment required to produce and market in the United States all finished manufactures and other products considered "competitive" with domestically produced goods* [1]—Continued

[Thousands]

Industry group	Employment		
	Direct [2]	Indirect [3]	Total
Manufacturing—Continued			
Electrical machinery, equipment, and supplies	23.5	12.5	36.0
Transportation equipment	25.0	11.7	36.7
Professional, scientific, and controlling instruments	14.3	5.1	19.4
Miscellaneous manufacturing and ordnance	29.5	8.2	37.7
Trade		26.2	26.2
Transportation		31.3	31.3
All other [4]	16.3	39.4	55.7
Employment attributable to replacement of plant and equipment consumed		73.7	73.7
Manufacturing—Continued			
U.S. employment necessary to transport and distribute imports from factory to wholesalers	62.7	20.3	83.0
Trade	42.5		43.5
Transportation	20.2		20.2
All other [5]		20.3	20.3
Total	502.2	570.7	1,072.9

[1] See technical note for U.S. Department of Commerce definition of "competitive" imports.

[2] Covers employment which would be required to produce, transport, and market goods in the form in which imported.

[3] Covers employment in the supplying industries which produce, transport, and market the materials, parts and components, etc., which would be used to make the products imported.

[4] Includes employment in insurance, forestry, fisheries, and agricultural services.

[5] Represents employment estimated as an aggregate and not distributed among separate industries.

TABLE 5.—*Employment attributable to exports and total employment* [1] *in the private economy, by industry group, 1960*

[In thousands]

Industry group	Employment attributable to exports			Total employment in the private economy [4]	Percent of employment attributable to exports		
	Direct [2]	Indirect [3]	Total		Direct	Indirect	Total
Total employment [1]	1,467.1	1,614.6	3,081.7	52,865.0	2.8	3.1	5.8
Farm	539.6	401.8	941.4	7,145.0	7.6	5.6	13.2
Nonfarm	927.5	1,212.8	2,140.3	45,720.0	2.0	2.7	4.7
Mining	28.3	61.6	89.9	709.0	4.0	8.7	12.7
Manufacturing [5]	640.6	647.0	1,287.6	16,654.7	3.8	3.9	7.7
Food and kindred products	32.9	24.3	57.3	1,778.6	1.8	1.4	3.2
Tobacco manufactures	6.0	5.8	11.7	91.8	6.5	6.3	12.8
Textile mill products	27.3	20.0	47.3	944.1	2.9	2.1	5.0
Apparel and other finished products	17.8	5.7	23.5	1,246.0	1.4	.5	1.9
Lumber and wood products, except furniture	11.6	26.4	38.0	624.7	1.9	4.2	6.1
Furniture and fixtures	2.8	2.3	5.1	370.9	.8	.6	1.4
Paper and allied products	13.1	26.7	39.8	597.1	2.2	4.5	6.7
Printing, publishing, and allied industries	6.4	24.6	30.9	894.7	.7	2.8	3.5
Chemicals and allied products	46.2	69.5	115.7	804.7	5.7	8.6	14.4
Petroleum refining and related industries	6.6	10.1	16.7	237.1	2.8	4.2	7.0
Rubber and miscellaneous plastics products	14.0	14.2	28.2	387.0	3.6	3.7	7.3
Leather and leather products	6.0	2.9	8.9	373.4	1.6	.8	2.4
Stone, clay, and glass products	11.8	17.7	29.5	619.0	1.9	2.9	4.8
Primary metal industries	31.4	139.7	171.0	1,187.4	2.6	11.8	14.4
Fabricated metal products	28.1	44.2	72.3	1,120.2	2.5	4.0	6.4
Machinery, except electrical	154.2	69.8	224.0	1,448.4	10.7	4.8	15.5
Electrical machinery, equipment, and supplies	57.1	35.2	92.4	1,326.3	4.3	2.7	7.0
Transportation equipment	[5] 104.4	27.5	131.9	1,687.5	6.2	1.6	7.8
Professional, scientific, and controlling instruments	27.0	6.4	33.4	327.3	8.3	2.0	10.2
Miscellaneous manufacturing and ordnance	[5] 36.0	6.9	42.9	594.8	6.1	1.2	7.2
Military (indirect)		[6] 67.2	67.2	(7)	(7)	(7)	(7)
Trade [8]	120.3	78.3	198.6	9,786.0	1.2	.8	2.0
Transportation, including ocean (U.S. ships)	118.1	95.4	213.5	2,565.0	4.6	3.7	8.3
All other [9]	20.3	120.6	140.9	16,005.0	.1	.8	.9
Employment attributable to replacement of plant and equipment consumed [10]		210.0	210.0	(7)	(7)	(7)	(7)

[1] Covers all nonfarm wage and salary employment (excluding government) and total employment on farms, including farm operators, family workers, and employees. May exceed actual number of persons employed because of dual jobholding.

[2] Covers employment for producing, transporting, and marketing goods in the form in which exported, e.g., steel, automobiles, etc. Employment required for transportation of goods is included in transportation industry, and employment for marketing in trade industry.

[3] Covers employment in the supporting industries which produce, transport, and market the materials, components, etc., which are used to make the products which are then exported. For example, the indirect employment in the steel industry is the employment required to make the steel which is not exported as steel but used to make automobiles, machinery, appliances and fabricated steel products which are then exported.

[4] Farm employment estimates for 1960 from "Farm Labor," U.S. Department of Agriculture, and "Census of Agriculture," U.S. Department of Commerce, Bureau of the Census; manufacturing employment estimates from 1959 "Survey of Manufactures," U.S. Department of Commerce, Bureau of the Census; employment for nonmanufacturing industry groups based on 1960 employment estimates by the U.S. Department of Labor, Bureau of Labor Statistics, contained in "Employment and Earnings," November 1961.

[5] Includes exports of major military end items such as military vehicles, aircraft, ships, and ordnance including small arms and ammunition. Of the total military direct employment of 65,900 workers, about 39,600 are in the transportation equipment industry group and 26,300 in ordnance and miscellaneous manufacturing.

[6] The indirect employment required to produce major military exports was not estimated in detail but as an overall figure and therefore could not be distributed to the individual industry groups. For this reason, the indirect employment shown for military goods industries does not refer to indirect employment in that industry but to indirect employment in the industries supplying materials, parts, components, etc., to the military goods industries. Because the indirect employment resulting from military exports could not be distributed to the individual supporting industries, estimates of indirect employment in each of these industries are understated to some extent and the share of industry employment attributable to exports is also understated.

[7] Not available.

[8] Excluding eating and drinking establishments.

[9] Covers utilities, communications, all business services, forestry, fisheries, agricultural services, and contract construction.

[10] Employment required to replace plant and equipment used up in the course of producing, transporting, and marketing the goods exported was estimated as an overall total and therefore could not be distributed to individual industry groups. Because employment could not be distributed to machinery and construction industries and supporting industries, estimates of indirect employment in each of these industries are understated.

NOTE: Because of rounding, individual values may not add to total.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, March 1962, p. 277.

UNANIMOUS-CONSENT AGREEMENT TO VOTE AT 1:30 P.M.

During the delivery of Mr. RANDOLPH's remarks,

Mr. MANSFIELD. Mr. President, will the Senator from West Virginia yield to me, with the understanding that he will not lose his right to the floor?

Mr. RANDOLPH. I am delighted to cooperate with the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the request I am about to make be printed before the address by the Senator from West Virginia, so that his address will not lose its continuity. It is too fine an address to be interrupted in its printing, but I believe the request I have to make is important.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I ask unanimous consent that the vote on the question of passage of the Trade Expansion Act of 1962 be held at 1:30 this afternoon.

The VICE PRESIDENT. Is there objection to the request by the Senator from Montana?

Without objection, the normal quorum call will be waived.

Without objection, the agreement is entered into.

Mr. MANSFIELD. Mr. President, if perchance any Senator seems to be foreclosed, the leadership will feel free at that time to ask for an extension.

UNFAIR FOREIGN COMPETITION THREATENS AMERICAN INTERNATIONAL AIR CARRIERS

Mr. RANDOLPH. Mr. President, Members of this forum will, within a few hours, exercise affirmative action on the Trade Expansion Act of 1962. I am sure that Senators on both sides of the aisle, although differing in their approach to this problem, realize the vital importance of increased international trade to international peace and prosperity, and to our country's economy.

I shall support the pending measure. During my service in the House my approval was given to reciprocal trade legislation. The results of such programs have not been completely satisfactory. In fact, I was almost persuaded to join in support of one or more amendments which were before us for decision during the past 2 days.

We desire—all of us—a bill incorporating provisions which are, insofar as possible, aimed at providing equitable treatment.

The pending proposal has been discussed in terms of its provisions for the lowering of U.S. tariffs on foreign goods. This is only one of its features, but it is misleading to emphasize this one objective while ignoring the more fundamental purposes of the legislation.

Mr. President, actually, we are considering a new venture in international trade relations which we believe would provide greater flexibility in the setting of tariffs on foreign products in exchange for the comparable removal of foreign barriers against American goods. Our hope is to increase total international trade and to expand U.S. exports.

The principle of reciprocity is basic to the Trade Expansion Act. It is not a giveaway program; nor is it a unilateral lowering of our defenses against oversea competition. It will provide for a business-like and realistic relationship between the United States and those nations of the world with which we now trade or might trade in the future.

I am interested in the welfare of the workers and the industries of the United States. Fundamentally, pertinent provisions of the pending measure represent a recognition of this interest—which I know is likewise shared by my colleagues.

But I am concerned that the interest in the welfare of U.S. workers and industries contemplated to be a characteristic of the trade expansion program might be ignored in the area of international aviation.

Mr. President, we must not overlook the fact that international aviation is a vital element of world trade. It is important because of its role in transporting commodities and persons in furtherance of world travel and commerce. It is necessary that we understand that the exchange of international air services represents as direct an impact on our balance-of-payments position as does the exchange of a physical commodity.

The sale of U.S.-flag airline services to an American citizen has the same effect as the purchase of a U.S. product rather than the purchase of a foreign manufactured item. Such air passage sales conserved $305 million in 1961. Similarly, the sale of U.S.-flag airline services to a foreign traveler or shipper has the identical beneficial effect as the sale abroad of any commodity produced or manufactured in this country. In 1961, these purchases amounted to an estimated $150 million. Thus, the combined balance-of-payments contribution of the U.S.-flag airlines last year was nearly one-half billion dollars.

While the Congress has been considering the President's trade expansion bill, this administration has been conducting a study of U.S. international aviation policies. Such an analysis is critically needed because of the seriously declining share of international traffic being carried by U.S.-flag airlines.

In 1961, over 61 percent of all international travelers were citizens of the United States. Notwithstanding this fact, our airlines carried less than one-half of all international air travelers. The two U.S. passenger air transport companies serving the North Atlantic market in competition with 18 foreign airlines, carried only 34 percent of the commercial air traffic. This downward trend is a warning to all citizens of our country that such a condition must be remedied if our carriers are to build a strong system and provide for its constant improvement. In fact, the very existence of U.S. international or American-flag ship lines is threatened.

Mr. President, the situation has come about despite the fact that international aviation services are operated on the basis of agreements between the United States and foreign nations that provide for the equal exchange of economic benefits.

Has there, in effect, been an equal exchange of economic benefits? I respond to this question by presenting the following facts and figures.

If a person took the time to think these facts through, he would realize the consequences are shocking to a republic such as the United States of America in a time of mobility, not only in the movement of products and people in this country, and on the international air routes of the world. Therefore, I ask Senators to be concerned with me when I indicate that the U.S.-flag airlines earned $149 million for transporting citizens of other countries last year, but American citizens paid $299 million for transportation on foreign flag airlines. This resulted in a balance-of-payments deficit of $150 million in the year 1961.

Will our air travel be dissipated as has our oceanic surface transportation?

I set down the uncontested truth as follows:

In 1961, U.S. sea carriers earned only $18 million for transporting foreign citizens, while U.S. citizens paid $216 million to foreign carriers for a balance-of-payments deficit of $198 million last year.

The problem is critical. I do not call, however, for restrictionism or protectionism for U.S. air carriers on international air routes. I urge only that the principle of reciprocity that characterizes the Trade Expansion Act of 1962 be held to apply to international aviation matters.

I would hope that while Senators are acting favorably on President Kennedy's trade expansion plan that the international aviation policy study group, established by the Chief Executive, will keep intact in its thinking the principle of the trade bill in focus during its deliberations and in making its recommendations. To do less would be to do acute damage to our American air carriers which fly the world routes.

The problems facing the United States and its international airlines have, in fact, become of increasing concern to the Congress. Under the leadership of the knowledgeable Senators who are the chairman and ranking minority members of the Aviation Subcommittee—the junior Senator from Oklahoma [Mr. MONRONEY] and the senior Senator from New Hampshire [Mr. COTTON]—the subcommittee has begun to come to grips with the issues which cannot be postponed 10 years or 5 years, but issues which must be faced by our Government immediately. The ranking majority member of the subcommittee, the junior Senator from Florida [Mr. SMATHERS], likewise has for years been alert in bringing these issues to the attention of the Congress. Under a resolution by the Senator from New Hampshire [Mr. COTTON], hearings were held last year by the Aviation Subcommittee to define and focus attention on the broad problems involved in the international air picture. Disclosures emphasized the destructive foreign-flag airline capacity and rate practices.

Troubles of this type cause the industry to suggest that additional tools be given the Civil Aeronautics Board to deal with these practices. Two bills introduced by the capable chairman of the Commerce Committee, Senator MAGNUSON, would clarify and strengthen the Board's authority in the capacity and foreign rate fields. Both of these steps are urgently needed as desirable.

These measures are necessary as initial steps if our Government is to have the virile air transport system it requires for its national defense and to build its economic strength.

Our American air carriers are faced with the inequity of competing with the airlines of foreign nations which have created discriminatory or unreasonable obstacles to U.S. carriers. This is not a generality. I propose to spell out these discriminations and unreasonable obstacles. Hearings before the Senate Aviation Subcommittee in 1961 revealed that the following countries discriminatorily limit or restrict our air carrier schedules: Argentina, Austria, Brazil, Colombia, Costa Rica, Finland, India, Indonesia, Japan, Korea, Lebanon, Mexico, New Zealand, Nicaragua, Nigeria, Philippines, Portugal, Turkey, and Venezuela.

In addition to these 18 countries there are instances where foreign governments do not permit U.S. airlines to serve routes between their country and ours and thereby preserve monopoly routes for themselves.

The danger of excess capacity, particularly on the North Atlantic route, is becoming critical, partly because of scheduling by some carriers in excess of that provided for in the bilateral agreement. It is also being aggravated by the increasing number of airlines desiring access to the heavy traffic on this route, most of which is U.S. generated. As I have indicated, in 1961 there were 18 foreign carriers on this route outnumbering our country's passenger carriers by a ratio of 9 to 1.

There are approximately a dozen other countries which already have rights which have not yet been exercised. For example, Greece, Egypt, Mexico, Turkey, Portugal, Austria, Lebanon, and Nationalist China are among those which have negotiated rights to fly to and from the United States over the Atlantic, but have not activated them.

There are also 16 emerging countries in Africa that were not independent a couple of years ago. Most of them want their own international airlines. Their patriotic fervor and their eagerness to fly their flag are understandable. I sometimes wonder, when we help a nation which is barely in the concept of the 20th century, to acquire jets for intercontinental air service to London and New York, whether we have fully considered that the same expenditures on our part to improve their standards of living, might not have been more useful to them and to all mankind.

I am not saying these countries do not have the right to operate international airlines. However, it does seem ironic for the United States, directly or indirectly, to subsidize such operations in competition with our own carriers. Moreover, the fact is that most of these nations are sorely in need of capital for domestic economic growth. It does not seem prudent to squander their resources to operate, for prestige purposes, uneconomic airlines which will benefit relatively few of their people.

Another major problem brought into focus by the Aviation Subcommittee's hearing results from destructive rate practices. Assistant Secretary of State Martin said the condition "has become critical in recent years" and "the effect of these rate-cutting practices has been to divert passengers from U.S. carriers." This result has two aspects, the one related to International Air Transport Association carriers; the other to non-IATA carriers.

The first of these arises from rate cutting by IATA members who charge rates that have not been approved by the Civil Aeronautics Board. Machinery to deal with this problem already exists, and, in fact, is being effectively dealt with as a result of the recent annual general meeting of IATA in Dublin. The second and more difficult problem stems from practices by non-IATA carriers over which our Government has failed to exercise control.

The legislation introduced by Chairman MAGNUSON, to which I have referred, would give our Government the necessary tools to deal with these rate and capacity problems. It would not erect any artificial barriers to trade and commerce for the sake only of protecting our carriers. It provides our Government with added bargaining power comparable to that provided under the pending trade bill, which will shortly be passed by the Senate.

There is need for our country to have improved negotiating power, because, beside the problems of rate and capacity, we have the fact that U.S. carriers must compete against foreign government-owned or subsidized airlines, both individually and in pools.

We are told that $2 billion in U.S. farm exports to Europe are at stake in the avowed plans of the European Common Market to integrate its agriculture. We are also informed of the efforts of the United Kingdom and additional European states to join that Economic Community within the next 6 months. Therefore, Mr. President, we must consider the avowed plans of the Common Market countries, especially France, Italy, Germany, and Belgium, to integrate international airline operations. They propose to pool routes and traffic, interchange equipment, concentrate sales, overhaul and maintenance facilities, and accentuate efforts to penetrate the rich U.S. travel market even more deeply than at present, while cutting operating costs in the process.

In the Dutch Parliament in recent weeks, legislation providing some $10 million in direct loans to KLM Royal Dutch Airlines has been approved, along with loan guarantees for a much larger sum. In the course of debate, it was stated that KLM would eventually join Air Union, the combine of Air France, Sabena, Lufthansa, and Alitalia. Why? we can ask. And the answer is because integration would inevitably be necessary to more effectively compete and slash operating costs.

The Government-owned British Overseas Airways Corp. has acquired Cunard's airline on a 70- to 30-percent ownership basis. The purpose: to make BOAC and associated British Commonwealth long-haul carriers better able to compete vigorously in the aggressively competitive transatlantic market. Air France is receiving supplemental appropriations from the French Government—and we know the French Government is beset with many problems—to increase its working capital from 100 million new francs to 400 million new francs.

We lift our sights beyond the immediate but critical horizon and we see the rising of the red star of the Communist airline, Aeroflot, already the largest airline in the world. I repeat: The Soviet Union, through Aeroflot, operates the largest airline in the world. Aeroflot is introducing nonstop service between Havana and Moscow, using the turboprop TU-114, the huge plane which brought Chairman Khrushchev to Andrews Air Force Base from Russia a few years ago. Those of us who have traveled in Europe in the past 4 years have become accustomed to seeing twin-jet TU-104's at airports in many Western capitals.

The Soviet economic and political penetration is symbolized by the expansion of Soviet airline operations, an expansion which is a fact. We witness as well the use of Soviet military and commercial aircraft equipment, including engines and airframes, in many areas of the world. This is a danger signal. Will we heed it?

I have outlined some of the problems, and have shown the similarity between our trade policy and our international air transport policy.

To be successfully implemented, both the trade policy and the international air transport policy required the strong and active support of the U.S. Government, the Government acting through an awakened understanding on the part of all our citizens of the situation in which we find ourselves. Both policies require reciprocal international concessions. Both require the lifting of foreign restrictions imposed on American goods and services. Both require equal market opportunity between nations. Both require strict compliance with agreements between nations. Both require effective bargaining. Both require safeguards to protect the national interest of the United States. Both require dedicated and resourceful negotiators. Both require the strongest possible negotiating position. Both require energetic and imaginative American salesmanship, which today is being stifled because of practices which, as I have indicated, are unfair in marked degree.

The Interagency Committee on International Air Transport Policy must not fail to understand these fundamental similarities between our overall foreign trade policy and our international air transport policy.

Mr. President, Americans are supposed to be good businessmen. I believe that, by and large, we have proved that to be true. It has been said in rather plain language that we are good horse traders. Sometimes we wonder at the results, but we do know that we are more than willing to go to great lengths to help less fortunate peoples raise their economic standards and enhance their personal freedoms. But we must not abandon our national interest in the process. I submit that this is a time of crisis, and we must be resourceful and realistic in meeting the challenge. To do less is to fail. That we must not do.

Mr. MUSKIE. Mr. President, I rise in support of the trade expansion bill. I do so because I believe this proposed legislation represents a balanced program for a national trade policy. As a Senator from a State which grew on trade, but has felt the adverse effects of foreign competition, I can appreciate the advantages of expanded trade, and, at the same time, I understand the problems which such trade can create.

I do not need to remind my colleagues of the benefits of international trade. Even those who have doubts about the present bill agree, I believe, that our Nation must trade, in order to continue its economic growth. We need raw materials from other lands; we shall benefit from expanded markets overseas; healthy competition between domestic and foreign manufacturers can bring us improved products at lower prices; and the strength of the free world, I am sure, will be increased by the bonds of commerce.

But to sing the praises of trade expansion is not to ignore the prices it exacts. Wherever there is competition in the marketplace, someone must adjust. Not everyone can win. Someone may be hurt.

Because we are concerned about the human cost involved in economic competition, we have devised ways and means of softening the blows of economic adversity in domestic legislation. We have unemployment compensation programs, aid for small business, and area redevelopment legislation, for example, all of which are designed to help individuals and businesses adjust to changing conditions of competition.

The administration's trade bill, as introduced, recognized that international trade would involve adjustments. Under the Trade Agreements Act, escape-clause proceedings were included, to enable the President to provide protection for domestic industries when the going was too rough and the competition from abroad impossible to meet in the normal play of the market.

The trade expansion bill added a new program comparable to our area redevelopment program, under the adjustment assistance provisions of the bill. For the first time, the Federal Government indicated that it was prepared to assume the responsibility of direct assistance where economic injury was traceable to national trade policy.

The House of Representatives improved upon the original bill, particularly in the field of general negotiating authority for increases in duties and quotas, the escape clause, and in the prenegotiating protection procedures.

Even so, I felt that H.R. 11970 fell short of meeting particular problems which industries in my own State and in other States confronted in the field of foreign trade. In the State of Maine, many of our communities have a single industry. Individual plants are faced by consistent competitive pressure from overseas, especially from the low-wage countries. This competition is severe in textiles, shoes, forest products, and electronics. As small businesses, these companies have narrow survival margins.

In recent years they have found that not only the volume of imports but also the rate of expansion of imports has disrupted markets and threatened them with economic ruin. What they need is not gigantic walls of protection, shielding them forever from the world market, but sufficient protection to shelter them while they adjust to changing conditions.

Some have said that such industries are inefficient, that they might as well be allowed to go out of business quickly, rather than lingering. This is a proposition I cannot accept. Maine industry and Maine workers can compete if they are given a fair chance.

In towns where there is but one industry, where economic resources are limited, adjustment assistance may come too late to restore the economic health of the community. Our experience with the area redevelopment program, while encouraging, demonstrates that the road back to prosperity is a long and hard one.

It has been my belief that neither high tariffs of extreme protectionism nor adjustment assistance after the loss of industries represented a complete and adequate answer to the problem of economic injury resulting from changes in trade patterns.

Almost a year and one-half ago, I introduced S. 1735, the Orderly Marketing Act. This legislation was designed to give the President specific authority to negotiate orderly marketing agreements with foreign countries where such agreements could provide reasonable protection against sudden increases in imports, without closing the door against reasonable import competition from abroad. This legislation, which was cosponsored by Senators TALMADGE, CHAVEZ, SMATHERS, BUSH, LONG of Louisiana, BARTLETT, WILEY, MCCARTHY, BIBLE, and MCGEE, had the support of the shoe industry, in particular.

I want to pause here to pay tribute to the shoe manufacturers and to the shoe workers who have supported this concept, not as an impassable barrier to trade, but as a reasonable approach to an orderly sharing of our domestic market, even under difficult conditions.

S. 1735 was directly related to the problem of low-wage-cost competition. It offered a formula for negotiating with foreign countries agreements which would relate the level of imports of a given commodity to the share of the domestic market currently enjoyed by such imports. The marketing agreements would permit an increase in imports in line with expanding domestic consumption. This proposal was comparable in principle to the Geneva Textile Agreements, concluded earlier this year.

Subsequent to the introduction of the Orderly Marketing Act, the Trade Expansion Act was submitted to the Congress. I urged that the principle of orderly marketing be incorporated in the trade legislation. To accomplish this purpose, on August 2, I submitted an amendment to H.R. 11970. The new amendment was designed to carry out, within the framework of the general trade bill, the intent of the Orderly Marketing Act. I was pleased to have bipartisan cosponsorship of this amendment, including Senators BARTLETT, CHAVEZ, COTTON, DODD, MURPHY, PASTORE, PELL, WILEY, LONG of Missouri, and RANDOLPH.

An August 14, I testified before the Senate Committee on Finance, urging that the orderly marketing agreement principle be incorporated by the Committee on Finance in H.R. 11970. I was deeply gratified, 1 month later, on September 14, when the committee adopted an amendment adding section 352 to the bill.

Section 352, as the committee report points out, gives "the President discretionary authority to enter into orderly marketing agreements with foreign countries, limiting the export of certain articles to the United States where such agreements offer an appropriate device to prevent or remedy serious injury to domestic industries found to be injured under the escape clause procedure."

The committee also has improved the escape clause, to make clear that trade agreements need not be the sole cause of injury, in order for an industry to seek relief. This was accomplished by the amendments which require that injury result only "in major part" from trade concessions. Furthermore, the industry need not be "down and out," to be eligible for relief. The committee language notes that the Tariff Commission take into account the "inability to operate at a reasonable profit."

In effect, the Senate Committee on Finance has recognized that international trade and the conditions of such trade are changing. With the development of modern industrial plants overseas, we no longer have an absolute advantage in industrial efficiency, especially in areas where wage costs represent a substantial part of the costs of production.

Under the bill, as reported by the committee, an industry injured or threatened with injury from imports has three kinds of relief available to it under the escape-clause procedures. The first is the imposition of tariffs or other import restrictions. The second is the orderly marketing agreement. The third is adjustment assistance.

The second alternative, that of the orderly marketing agreements, represents meaningful protection for the substantial group of industries confronted with low-wage competition from highly industrialized and efficient operations overseas. At the same time, it will not shut the door to foreign trade; but it will assure foreign manufacturers an opportunity to share in the orderly growth of our domestic market.

Traditionally, American industry has maintained a substantial advantage over foreign competition, even in low-wage areas, because of the relatively higher productivity of American labor. Since the end of World War II, we have seen that advantage whittled away as foreign companies have acquired modern plants and equipment—many times, equivalent to our own.

The experience of the shoe industry illustrates what happens when an efficient, highly competitive domestic industry is hit by efficient, highly competitive imports from countries where labor output is high and wages are low.

Imports of footwear, leather, and nonleather types, have increased 234.5 percent since 1957—from 11 million pairs in 1957 to 36.8 million pairs in 1961. For the first 6 months of 1962 they have more than doubled the rate of the comparable period of 1 year ago. While imports have been increasing, our exports have dropped from 4.4 million pairs in 1957 to 3 million pairs in 1961.

The impact of such competition must be measured, not only in terms of the volume of imports, but also in the rate of expansion and the ability of the foreign competitor to concentrate on certain lines of production and to shift rapidly from one line to another. The key to the problem is market disruption.

The orderly marketing agreement procedure under section 352 provides a tool for the President to use, in cases in which the device as practicable, in halting market chaos and in giving domestic manufacturers a breathing space in which to adjust to changing competitive conditions.

As the committee report has noted, the orderly marketing agreement approach is particularly applicable "when industries concerned have relatively low capital investment, high labor input, and manufacturing techniques which are easily transferred and labor skills which are easily acquired, and in which there is a tendency to overproduction for the world market. In such industries rapid expansion is possible and these industries are frequently characterized by substantial wage differentials as between countries."

Mr. President, I believe this amendment represents a constructive contribution to the cause of realistic and meaningful trade expansion. It has the enthusiastic support of the shoe industry. I have here seven telegrams from the industry indicating its reaction to the incorporation of section 352 in the bill. I ask unanimous consent that the telegrams be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SUMMIT, N.J., *September 18, 1962.*
Senator Edmund Muskie,
Old Senate Office Building,
Washington, D.C.:

Congratulations on Finance Committee acceptance of principles of your amendment for orderly marketing. This represents a sound and constructive achievement. We believe shoe manufacturing industry will welcome this measure as providing basis for ultimate import relief.

Merrill A. Watson,
Executive Vice President, National Shoe Manufacturing Association.
New York, N.Y.

BOSTON, MASS., *September 18, 1962.*
Hon. Edmund S. Muskie,
Senate Office Building,
Washington, D.C.:

Our association extends heartiest congratulations to you on Senate Finance Committee's acceptance of your amendment providing for orderly marketing arrangements by the President. This action is a constructive achievement and culminates months of personal effort which have proven successful. We believe shoe manufacturing industry will welcome this measure as providing basis for ultimate important relief by the administration.

Your support of the shoe industry is deeply appreciated by fellow officers.

Maxwell Field,
New England Shoe and Leather Association.

PORTLAND, MAINE, *September 18, 1962.*
Senator Edmund S. Muskie,
Senate Office Building,
Washington, D.C.:

My personal congratulations to you upon acceptance by the Senate Finance Committee of your amendment for orderly marketing arrangement. Your support is greatly appreciated by the shoe manufacturers in your State.

Regards,

Abe W. Berkowitz,
Songo Shoe Manufacturing Co.

AUBURN, MAINE, *September 18, 1962.*
Hon. Edmund Muskie,
Senate Office Building,
Washington, D.C.:

I just learned that your orderly marketing amendment has been accepted by the Senate Finance Committee, to be considered by the Senate when voting on the proposed tariff bill.

May I express for my own company and in behalf of shoe manufacturers in Maine my congratulations and sincere appreciation of your efforts in our behalf. Also in recognition of the probable advantage to shoe workers in your State.

Lucien French,
Charles Cushman Co.

WATERVILLE, MAINE, *September 18, 1962.*
Hon. Edmund S. Muskie,
Senate Office Building,
Washington, D.C.

I appreciate everything you have done in supporting the orderly marketing arrangement amendment.

Sincerely,

Harold Alfond,
Norrwwock Shoe Co.

DEXTER, MAINE, *September 18, 1962.*
Senator Edmund S. Muskie,
Senate Office Building,
Washington, D.C.

The shoe manufacturers of Maine appreciate the support which you have given to the orderly marketing arrangement amendment.

Dexter Shoe Co.,
Harold Wolff.

LYNCHBURG, VA., *September 18, 1962.*
Senator Edmund S. Muskie,
Senate Office Building,
Washington, D.C.

Congratulations on the adoption of the principles of your orderly marketing amendment. This is a great step forward for the shoe industry, and we welcome it as a necessary basis for ultimate import relief.

Percy N. Burton.

Mr. MUSKIE. Mr. President, I wish to take this opportunity to thank those who have worked with me for a year and one-half in perfecting this proposal, those of my colleagues who have supported me in this fight, and the members of the Finance Committee who made it possible for this principle to be adopted. I believe this legislation will be of benefit, not only to the State of Maine, but also to many other sections of our country. I am honored to have been able to play a role in making the orderly marketing agreement approach an integral part of our Nation's trade policy.

Mr. JAVITS. Mr. President, I did not have the opportunity to be here yesterday; I was engaged in some rather important business in Buffalo, N.Y., where I had the honor to be nominated as the candidate of my party for reelection to the U.S. Senate.

Mr. President, as I have listened to the debate on this subject of trade over the years, both when I was a Member of the House, and, more recently, since I have been a Member of the Senate. I have noted with great satisfaction that a number of major suggestions which I have made have been incorporated in trade legislation, including the pending bill as reported by the Finance Committee.

However, before I speak of that subject, I wish to say that I believe the bill which will be passed today—and I shall support it—will represent one of the most important steps in the foreign policy of our Nation, both in this administration, and, in my opinion, also in the previous administration. It will represent not only the affirmative step of coming abreast of the developments in connection with our economic leadership of the free world, in terms of the opportunities for expansion of its trade, but, even more, it will represent our acceptance of, and our determination to work in partnership with, the European Common Market, which probably is the most extraordinary and striking example of initiative successfully undertaken by the free world in the struggle against communism in the cold war.

All of us know only too well that unless some untoward event, which might occur anywhere—it might be in Berlin or in Cuba, or might come about because of the pressing of a button by a mad man—were to result in a war, the issue of world trade will be of very great importance in the years to come. It is my opinion that the integration of the free world, particularly insofar as its industrial power is concerned, is absolutely indispensable to victory in the struggle against communism. In my opinion, the pending bill marks a most signal achievement in connection with such integration, second in importance only to the European Economic Community itself, in view of the fact that our trade program is collaborative in the free world and bipartisan in our Nation.

I realize that those who, like myself, have been devoted to the bipartisan foreign policy of our country have always considered it to be the greatest evidence of the essential unity of the United States of America when we face a crisis of any kind on the world scene.

So, first and foremost, the Congress is to be congratulated on producing a measure which, in my view, represents the most signal achievement, since the establishment of the European Economic Community itself, for the integration of the economic power of the free world, in order to make it possible to cope with the very grave menace to all our institutions by communism, through its economic arm which has proved to be so attractive to many of the newly developing countries. The action contemplated by this measure will rebut—and will do so very effectively, I am sure—that Communist menace.

I take great satisfaction, Mr. President, in the fact that although the President will be given, by means of the bill, large grants of authority, he is also being given a grant of authority which shows that we are maturing and are awake to the possibilities of danger to our trade and to our economy, as well as to the possibility of good. The European Economic Community has a great potential for the expansion of the standards of living of the whole of Western Europe, making it an unparalleled market, second only to our own in the whole free world. It also could become a closed corporation with a protectionist character itself.

The fine amendment offered in committee by the Senator from Illinois [Mr. DOUGLAS]—an amendment which I urged before the committee when I testified before it—will go far toward enabling us to have a piece of equipment in reserve which can deal with any idea which Europeans might have of making the Common Market a protectionist enclave.

The second point of major importance is the fact that, in terms of trade, we have been taking an undue proportion of the exports of Japan, for example, and of other countries which have come back after World War II, after having been heavily damaged as a result of the war.

Also, we have been taking a large proportion of the exports of newly developing nations like India and Pakistan, which have an industrial potential of their own. It is extremely important that the production, whether it is of Japan, Hong Kong, or any other newly developing nations, should be properly shared by all the industrial nations of the world. The way in which the most-favored-nation treatment accorded by us, as basic to the policy, is treated in section 251 of the measure. Section 252(c), enables the President to act in the way of suspending, withdrawing, or preventing the application of the benefits of trade agreement concessions where U.S. commerce is substantially burdened, either directly or indirectly, because of unreasonable import restrictions—even against third countries—maintained by a foreign country. Again, we give the President a weapon in reserve to deal with that critically important situation.

Here, too, I had recommended to the committees a similar way of proceeding. I am very pleased this has been done.

Also, Mr. President, with respect to my suggestions relating to congressional veto of Presidential action on Tariff Commission recommendations in escape-clause cases, and retention by the Tariff Commission of authority to make findings and recommendations with respect to injury from imports to industry and workers—both in the escape clause and in the so-called adjustment clauses—I take great satisfaction in seeing them incorporated.

Also, I had urged upon the committees broadening the President's authority to eliminate tariffs, not only with the European Economic Community, but also with other industrialized nations, in view of the fact that the bill, as presented by the administration, assumed the entry into the European Common Market of the United Kingdom. I am very pleased to see that the extension of the President's authority in this respect to countries of the European Free Trade Association now has accomplished at least in large part the intent of my suggestion.

I think Congress can take great satisfaction in what has been done here. I have lived with foreign economic policy ever since I was in the other body, and in this body also. As a matter of fact, in my last 2 years in the House, I was chairman of the Foreign Economic Policy Subcommittee. I am confident we are taking here one of the most critically important steps required to equip us effectively to deal with the challenge and to throw back in his teeth Khrushchev's boast that he will bury us, which was later defined to mean that he will bury us economically.

I look for a new burst of trade and enterprise. I look for the Atlantic Community to help in granting more aid to the less developed nations. I look for help from them in the Alliance for Progress program. I look for Europe to help in the associated African territories. I look for help in world consortiums like the World Bank, the International Finance Corporation, the International Development Association, and in moving into areas of southeast Asia in a developmental way.

We are not doing enough. Governments have their limitations. We have not done enough in bringing the free enterprise system into the relationship it ought to occupy to foreign aid development. This is a struggle for tomorrow, which I hope to undertake here strongly, if my people send me back to the Senate. But today we are striking an enormous blow, in terms of governmental action, in the field of trade which is more important even than aid itself. A drop in the price of coffee, for example, might eliminate in an afternoon all the aid that we might give to Brazil for a year or more. We are striking a blow for freedom which has been unparalleled in the last few years and which is the greatest economic development since the European Common Market.

Mr. President, two amendments were presented in my name yesterday, one by the junior Senator from Illinois, and one by the junior Senator from Pennsylvania. I am grateful to both of those Senators, and I am grateful to the Senate for the consideration it gave to those amendments.

One amendment provided for a Council of Advisers, composed of business, labor, and agricultural people who could be of assistance to our negotiators in relation to tariff and other negotiations, but would not actually serve as negotiators. This is something that could be done by way of administration. I know, and I state as a fact, that it represents a very important way of tying private enterprise and the great expertise which resides there into our negotiations. It will help the President restore confidence of the business community in this administration if he, himself, is responsible for establishing such a Council of Advisers. I hope he will do so, and I invite him to do so. My amendment is not needed. The President can do it. I hope very much he will, and strongly urge it upon him.

Mr. President, I ask unanimous consent to have inserted in the Record at this point a revised version of this first amendment which was rejected by the Senate yesterday. The junior Senator from New York has expressed the desire to join me in this revised version. I hope that it may serve as some guidance as to what could be done administratively in this respect.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 18, between lines 14 and 15, insert the following:

"(c)(1) The Special Representative for Trade Negotiations shall appoint a Council of Advisers which shall consist of not to exceed fifty appointive members to be selected from the major organizations in the United States representing industry, agriculture, and labor. In addition, the congressional delegates to negotiations, selected pursuant to section 243, shall, during any period in which they are accredited members of a United States delegation to any negotiation under this title, serve as ex officio members of such Council. The Special Representative shall serve as Chairman of such Council. The provisions of section 1003 of the National Defense Education Act of 1958 (20 U.S.C. 583) shall apply to members appointed to such Council.

"(2) Members of the Council of Advisers shall give advice and counsel with respect to products of direct interest to them to members of any United States delegation to negotiations under this title, and to the United States delegates to any other international meeting dealing with modifications of existing trade restrictions. The Special Representative for Trade Negotiations shall provide members of the Council with such information with respect to such negotiations and meetings as he determines will enable such members to fully and effectively discharge their functions under this subsection."

Mr. JAVITS. With respect to the other amendment, designed to ease the burdens of certain agricultural producers and of American manufacturers, the principal cost of whose products results from the high prices of commodities protected under our price-support programs, I believe that the way in which the orderly marketing agreement provision in section 352 of the bill is administered will go a long way toward helping the people we were trying to help by my amendment. Again, the President can do it. I urge that he do it. He can do it, with propriety, in an administrative way, as long as the Senate did not accept my amendment.

I yield the floor.

Mr. ENGLE. Mr. President, in the past several months the United States has become much more conscious of the role of foreign trade and its importance to this Nation and to the free world. Many first became aware of the importance of trade when public attention was given to our imbalance in international payments and the unprecedented flow of gold from our shores.

The problem was clarified when it was explained that the balance of trade—American exports as against American imports—has been in our favor, but that our economic and military assistance programs have more than offset our trade surplus and caused the loss of U.S. dollars and gold. Since we are necessarily committed to continuing these aid programs, it has become clear that the only solution to the situation is through a substantial increase in our exports.

The present administration has moved firmly in this direction, with no little amount of success. Yet, in order to keep pace with changing economic conditions throughout the world, and to enable this country to increase its share of world markets, additional bargaining authority is needed to place our Government negotiators on a par with their counterparts from other trading nations.

The Trade Expansion Act of 1962, proposed by the President, should provide the necessary impetus to our trade program. I believe that this legislation will help provide new and greater markets for our products, strengthen our domestic economy, and thereby give added strength and endurance to our free world trading partners.

I have been concerned, however, by the emphasis which has been placed on our future trade relations with the European Economic Community. There is an apparent effort to tie the need for the Trade Expansion Act in with the probable increase in membership and economic importance of the Community. Without depreciating the importance of the Common Market as a purchaser of American products, I submit that there are further considerations impelling enactment of this legislation.

We cannot make the fatal error of directing all of our attention to Europe. Our allies and friends in Asia, Latin America, and Africa are of equal importance to our military and economic strength. As I see it, the United States should act as a bridge between the Atlantic Community and other free nations of the world who are not connected with the Common Market.

Such tariff reductions as may be achieved in future negotiations between this Nation and the Common Market should also be available to other friendly nations. Reductions granted to Europe will likewise apply to those nations to whom we have granted most-favored-nation recognition. Moreover, and most important, we must make every effort to convince the Common Market to open its doors to the products of these other nations.

Recently, the Committee on Commerce began a series of hearings looking into the trade patterns in the Pacific area. This vast region includes nations on every level of the economic scale. Japan, for example, is recognized as one of the foremost industrial nations, and is the second biggest customer for American goods and products, following only Canada. Particular attention must be given to the millions of people in the Pacific area who have only recently become independent and are now seeking to improve their way of life. They are no longer content to be have-nots in this age of technology, and are searching for opportunities to raise their standard of living.

Our aid programs are designed to provide self-help for these people, and those in the underdeveloped countries in Africa and Latin America. At the same time, by increasing our trade with these nations, we will materially benefit their economies as well as our own.

The greatest potential for future markets for American products is not in mature Europe, but in those nations now experiencing their first growing pains. We on the west coast, and particularly in my own State of California, have long recognized this potential. We know that our goods will continue to find growing markets in the Pacific Ocean area. Therefore, we will not be satisfied with any trade program which does not give equal emphasis to both the Pacific markets and the Atlantic Community.

I believe that properly implemented, the Trade Expansion Act will enable us to continue to develop and expand our markets in the Pacific. Moreover, we should be able to help these nations find additional markets for their own products.

It is with this in mind, looking beyond our relationship with the Common Market, that I intend to vote for the Trade Expansion Act. The importance of this bill to the underdeveloped nations of the entire free world, as well as to our own economy, cannot be overemphasized.

Mr. BYRD of West Virginia. Mr. President, I want to state my firm support for the Trade Expansion Act. I am frank to say that I have not favored the reciprocal trade program in the past. But, in the words of a familiar hymn, "New occasions teach new duties." In the last few years a powerful new factor has entered the balance; a factor which has altered fundamentally the old circumstance of international trade. In Europe, the common suffering of World War II and subsequent recovery forged the bonds of common purpose which link countries of Western Europe in new understanding, mutual cooperation, and a common market. Our most important trading partners—France, West Germany, Italy, the Netherlands, Belgium, and Luxembourg—have banded together to form a European Economic Community. Several other nations have already applied for membership.

Already, the EEC, or Common Market, has taken steps that affect us here and now. It is in the process of forming a free trading area, within which goods produced in any member country may be sold to any other member free of tariff. At the same time, the member countries are equalizing the tariff rates they charge to outside countries.

These are the same steps taken by the Thirteen American Colonies to permit a free flow of trade across State lines when they formed a federation under the Constitution in 1793. The wisdom of our colonial forefathers set the stage for the vigorous development of our country as a single economic unit and was a crucial factor in making the United States the richest and most powerful country in the world today.

In Europe, the same process has fostered a booming 7½-percent rate of growth of industrial production in the last few years and has increased imports among the member countries by approximately 70 percent since 1958. The Common Market within the framework of free enterprise has created a climate which encourages cautious businessmen to unleash their capital, energy, and ingenuity. We should be proud of our role in Europe's recovery and welcome the Common Market's positive contribution to the economic strength of the free world, even as Mr. Khrushchev condemns and fears it as a further bulwark against the spread of communism. More that that, the phenomenon of European unity, driven forward by the momentum of its own success, confounds the Marxist theory of the warring capitalist empires and undermines Communist efforts to split the West.

At the same time, we should look realistically at the changes which the Common Market will thrust upon our own trading position. The creation of an industrialized trading unit with a population approximating our own and a vigorous rate of economic expansion cannot fail to affect our own commercial prospects.

In the first place, a strong new market for consumer and industrial sales is being born. The gross national product of the Common Market as a whole is expected to rise by 50 percent in the next 10 years. As the incomes and the standard of living rise, and industrial expansion progresses, demand for more products correspondingly will rise sharply. The EEC's consumption of such goods as automobiles, radios, television sets, refrigerators, and washing machines is now only a fraction of what we have consumed in the United States and is bound to increase enormously. For example, in order to reach our own standard of living, the population of the Common Market countries will have to buy about 50 million more refrigerators and 50 million more washing machines.

These are goods we produce best and are used to producing—electrical machinery, office equipment, other plant machinery, home appliances, and the like. And, Europe now is facing a severe shortage of labor, and most of her plants are operating near full capacity. In the years ahead, we can expect that she will have to turn to imports to satisfy a sizable proportion of her bursting demand.

This market is vitally important to us as a nation—to our businessmen, workers, farmers, and other American producers. Last year we sold $3½ billion worth of U.S. goods to the Common Market. That is $3½ billion of orders that our producers would not otherwise have obtained. It accounts for an estimated half million American jobs that we could not otherwise offer. And subtracting a $2¼ billion of U.S. imports from the Common Market, trade in that area alone gives us $1¼ billion of credit on our currently nagging balance-of-payments account.

And this market is vitally important to my own State of West Virginia. Exports of manufactured goods from West Virginia amounted to $156.1 million in 1960; $125.3 million of this total was reported by 71 establishments, exporting $25,000 or more. These exporting establishments employed 58,489 workers, and their exports represented nearly 7 percent of their total value of shipments.

In addition, West Virginia has some of the Nation's richest deposits of bituminous coal. Seventeen hundred mines employ 51,000 of our workers, and exported in 1960 some $100.3 million, amounting to 17 percent of our local production.

I have sketched some of the encouraging prospects which the Common Market will open up for American exporting industries. But we can take advantage of them only if our products are not fenced out of the Common Market by the tariff disadvantages we now face. The Common Market countries are gradually abolishing entirely the tariffs charged on goods sold among themselves. Meanwhile, they are harmonizing their tariff rates on goods that enter from nonmember countries, such as the United States. In not many years, therefore, our European competitors will be able to send their products throughout the Common Market duty-free, while American firms will have to pay duties.

In many cases, this tariff disadvantage will be substantial, and could be crippling to our trade. Our ball bearing manufacturers, for instance, will be charged an 18-percent duty, as opposed to no duty at all for German competitors. Automobile and truck parts from the United States will be levied at 14 percent, or $1,400, for every $10,000 order, while French or German equipment passes duty free.

This would be a severe obstacle, and this is the main reason for the urgency of negotiating the Common Market's external duty rates downward. The Trade Expansion Act would give us the instrument needed to make such bargains. It lowers no U.S. duties in itself; it simply authorizes us to bargain for foreign tariff reductions by offering cuts of our own.

I have been skeptical of reciprocal trade in the past; but if we fail to enact the Trade Expansion Act of 1962, mushrooming markets abroad will be increasingly protected against American goods; we might face the foolish spectacle of our flourishing allies and ourselves engaged in price wars and dumping fights on world markets, offering for exploitation by the Communist bloc a division of immense proportions. With the possibility of steadily rising domestic prices and a declining base for our exports juxtaposed with the widening horizons of our international obligations, the effect of inaction on the trade front could be catastrophic.

In contrast to this dismal picture of increasing frustration and division stands the prospect of the first meaningful partnership in history between the Old World and the New. United, we are a force so powerful as to deal Soviet cold war efforts their severest blow; the underdeveloped countries, in their own self-interest, would be drawn closer to the dynamic partners of the Northern Hemisphere.

I know that this trade legislation will not automatically solve all the problems of American domestic life, nor all the problems of our international relations. But it is a tool that we cannot afford to neglect.

As the President said in his message on trade early this year:

> At rare moments in the life of this Nation, an opportunity comes along to fashion out of the confusion of current events a clear and bold action to show the world what it is we stand for. Such an opportunity is before us now. This bill, by enabling us to strike a bargain with the Common Market, will strike a blow for freedom.

The PRESIDING OFFICER (Mr. Burdick in the chair). All time has expired, according to the unanimous-consent agreement.

Mr. MANSFIELD. Mr. President, in line with the request granted earlier today, I ask unanimous consent that an additional 15 minutes be allotted to debate on the bill, the time to be divided between the Senator from Colorado [Mr. Carroll], the Senator from Kentucky [Mr. Cooper], and the Senator from Massachusetts [Mr. Smith].

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I will merely ask for 15 additional minutes, so that there may be a vote soon.

Mr. HOLLAND. Mr. President, yesterday I was necessarily absent. There is one subject in the bill that has caused me grave concern. I should like to have 5 minutes to discuss it before the final vote.

Mr. MANSFIELD. We shall do our best to accommodate the Senator.

Mr. COOPER. Mr. President, reserving the right to object, I point out that I have been waiting since 12 o'clock for an opportunity to speak.

Mr. MANSFIELD. If we cannot have a unanimous-consent agreement, we must vote now. I am trying to obtain an additional 15 minutes.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Why could we not vote now and have the explanations afterward? I am in the unfortunate position of having to catch a plane in 15 or 20 minutes.

Mr. MANSFIELD. The Senator from Kentucky [Mr. Cooper] has been waiting very patiently.

Mr. HOLLAND. Mr. President, I would be perfectly willing to speak after the vote if any Senator has made his plans to get away. I would like an opportunity to express the view of large segments of the fresh fruit and vegetable industry with reference to certain provisions in the bill.

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I ask the majority leader if it would be feasible for any Senator to insert his statement in the Record or make a statement and have it appear in the Record prior to the vote. Would that be feasible?

Mr. MANSFIELD. It is not unknown.

Mr. HICKENLOOPER. It would be feasible but not practical.

Mr. MILLER. Mr. President, I have a question or two to ask. It will not take more than 1 minute.

Mr. MANSFIELD. If the request is granted, the Senator may then ask his question.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. CARROLL. Mr. President, I know that the able Senator from Kentucky has been waiting some time to speak. I shall be brief.

I shall vote in favor of H.R. 11970, the Trade Expansion Act.

I have given long and studied attention to this bill and to the challenge which it is designed to meet.

It is only in recent years that America's trade position in the world has received the consideration of the public.

For long a favorable balance of trade was considered a fact of life. For long, the supremacy of the competitive position of most American goods was unquestioned.

With the rebirth of industrial Europe, the formation of the Common Market, and the staggering growth rate of Japan, the situation has changed. American products must now actively compete—both abroad and at home—for their markets.

And they are competing—competing successfully:

In the year 1961 alone, our merchandise exports exceeded our merchandise imports by close to $5 billion, including all shipments of goods from the United States.

COLORADO EXPORTS

In my own State of Colorado, it has been authoritatively estimated exports of manufactured goods in 1960 amounted to $48.4 million. Agricultural exports, from Colorado alone, amounted to $81.7 million.

This means that Colorado sells $130.1 million of its produce abroad every year.

This oversea market is important to my State. It is important to the estimated 9,300 agricultural workers and the estimated 19,130 industrial workers who receive their livelihood from export sales.

As the able Governor of our State, Steve McNichols, has well pointed out:

> No longer can the centennial State be viewed as an area rich only in scenic mountain beauty and fertile plains. The world's attention is focused upon the phenomenal industrial growth and unlimited potential of this colorful manufacturing region. Not only is Colorado an ideal site for industrial expansion, but it is a great storehouse of manufactured products available for export to industry.

The world trades with Colorado, and Colorado trades with the world.

This is why I support this legislation—it will provide the President with the negotiating powers he needs to insure that America trades from the very best competitive position possible. This bill puts the intent of the Congress clearly by stating:

> The purposes of this act are, through trade agreements affording mutual trade benefits (1) to stimulate the economic growth of the United States and maintain and enlarge foreign markets for the products of U.S. agriculture, industry, mining, and commerce.

Some people have misunderstood parts of this measure.

CONGRESS RETAINS POWER

It is said by some that Congress has totally abdicated its tariff making authority. This is not so.

The Congress may revoke any or all of this bill at any time.

Should the President not choose to act upon a recommendation for higher tariffs made by the Tariff Commission because of domestic injury caused by foreign imports, the Congress by a constitutional majority vote may require him to do so.

The bill prevents the cut of any tariff on any article for which there is an outstanding proclamation of the President under the escape clause provisions of current law.

This means that the domestic lead and zinc industry will in no way be affected by this legislation except as it may stimulate exports of products made from lead and zinc.

The President may not reduce the tariff on any article which the Tariff Commission has found under existing law by majority vote that imports were seriously injuring the domestic industry.

The bill retains the national security provisions of the present act. This means that our domestic oil industry will not in anyway be affected by this legislation because of national security reasons.

IMPROVEMENTS IN PRESENT LAW

In many ways this legislation improves upon existing law in this field:

First. This bill retains a strong escape clause, which provides that an industry is entitled to a "reasonable" profit. Thus, to qualify for escape-clause protection, it will not be necessary that all companies in an industry be operating in the red.

Second. This bill embodies the principles of the Muskie orderly marketing amendment, giving the President authority to negotiate itemized trade restriction agreements. This provides an alternate method of obtaining relief from excess foreign imports.

Third. This bill embodies the amendment of the Senator from Georgia [Mr. TALMADGE], which gives the President unlimited power to raise tariffs and to impose import quotas if he deems it in "the national interest."

Fourth. It includes the amendment of the Senator from Delaware [Mr. WILLIAMS], which empowers the President to ban imports on farm products in retaliation against foreign bans on American farm products.

Fifth. This bill adopts an amendment offered by the Senator from Illinois [Mr. DOUGLAS], which gives the President specific tariff-raising authority with which to counter the protectionist actions of other countries. It is thought that this will give the President the wherewithal to see that the Common Market accepts Japanese goods, so as to relieve to a reasonable extent the burden which such goods have caused in recent years on some of our domestic markets. This amendment will also assist the President in his efforts to obtain fair tariffs from Europe for American farm products.

Because of the foregoing safeguards, Mr. President, I am supporting this measure. It will strengthen the authority of the President and of the country at the bargaining table. It is my confident expectation that it will enable him to obtain meaningful concessions that will assure the maintenance—and, I hope, the expansion—of U.S. manufactured goods and agricultural products.

LIVESTOCK INDUSTRY

It is most important that in these negotiations full regard be given to the interests of American producers who must meet the competition of foreign imports on our domestic market.

In this regard, let me call the attention of the Senate to the problems of our domestic livestock industry. The U.S. market has long been available to foreign producers who have had to overcome only moderate import duties levied on their products. American producers have been faced with increasing competition from imports during recent years.

Imports of beef and veal in 1961 totaled 1,038 million pounds, carcass weight, compared with 775 million in 1960, and 1,063 million in 1959. Imports during the first half of this year continue at these high levels.

Imports of boneless mutton in 1961 totaled 55.8 million pounds, an increase over the 37.3 million brought in during 1960. Mutton imports continued to increase in 1962. In the case of lambs, while current imports are below the high levels of recent years, they continue substantial.

I have consulted with officials in the Departments of Agriculture and Commerce in my efforts to insure that the bill before us contains adequate safeguards for the legitimate interests of the American livestock industry. I am assured that the bill does contain such safeguards and I look for their proper implementation to carry out the intent of the Congress.

ECONOMIC SAFEGUARDS

There are three safeguards embodied in this measure. The first is the investigation of economic peril which must be undertaken by the Tariff Commission before the President can enter into tariff negotiations with foreign governments. The Commission must hold public hearings, gather full information and then advise the President as to the probable economic effect upon domestic industry of a modification of the duty upon incoming articles.

The second safeguard is the escape clause, which I have mentioned above. The bill before us makes a change in the present law that is of particular interest to the U.S. livestock industry. Existing law lays down a narrow standard for determining whether an imported article is directly competitive with a domestic article. For example, the Tariff Commission turned down an application for escape clause relief filed by domestic sheep growers because it considered that under existing law, imported lamb and mutton were not directly competitive with domestic live sheep. Under section 405(4) of the bill before us, this imported article would be deemed "directly competitive" with the domestic article even though it might be at an earlier or later stage of processing.

The third safeguard available is that embodied in section 352 which gives to the President discretionary authority to enter into orderly marketing agreements with foreign governments, limiting their exports to the United States where such agreements offer an appropriate device to prevent or remedy serious injury to domestic industries found to be injured under the escape clause procedure.

Mr. President, the industries of my State, their executives and their workers have studied this bill. I have consulted with labor leaders, business executives and government officials of my State.

I believe that the great majority of all of those with whom I have consulted endorse the purposes and intent of this bill. It is not perfect, but this is not the last word. We, in the Senate, and I am sure our colleagues in the House, intend to keep close watch on our international trade position and on the sales of foreign made products upon domestic markets.

I am determined, and I am sure the Congress joins me in this determination, to see that American products are marketed in the best of possible circumstances; that our competitive position is improved, our markets expanded and our trade with other nations conducted in a healthy and vigorous manner.

Mr. President, I ask unanimous consent that a few of the many thoughtful and enlightening letters which I received from interested persons in Colorado may be printed in the RECORD at this point, for the benefit of Senators.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DENVER CHAMBER OF COMMERCE,
Denver, Colo., August 10, 1962.

Hon. JOHN A. CARROLL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARROLL: Attached is a copy of the report of the national affairs committee of the Denver Chamber of Commerce, subject: H.R. 11970. The report was approved by the board of directors of the Denver chamber at its regular meeting on Friday, August 10, 1962. A telegram regarding this action has been forwarded.

Respectfully yours,
SHELBY F. HARPER,
General Manager.

AUGUST 1, 1962.

Report to: The Board of Directors of the Denver Chamber of Commerce.
From: The National Affairs Committee.
Subject: Trade expansion bill, H.R. 11970.

The European Common Market is one of the most significant developments among the nations of the free world since World War II.

It has helped to strengthen economics of those nations signatory to the Rome treaty to such an extent that during the period 1955 through 1961, the average growth rate in gross national product in Europe was 4.2 percent. The growth rate in the United States for the same period was but 2.2 percent.

This new economic vitality of our European friends is bound to be a major defense against economic aggression from the Soviet bloc.

The European community also presents new economic competition to U.S. products and services—a challenge to our industry, leading us to innovation, research, cost reduction, improvement of efficiency in every direction.

For our own economic welfare as a nation, the United States must trade, compete, and invest worldwide.

In competing with our friends and allies, one of the essentials is the progressive lowering of trade barriers—both our own and those erected by others. This is the road to expanding world markets for our industrial and agricultural products.

The Denver Chamber of Commerce believes that the administration's Trade Expansion Act proposal, as embodied in H.R. 11970, is the first step toward this Nation's successfully meeting the challenges of Europe's Common Market nations.

The chamber's support of the administration's trade bill is made with the realization that Colorado has a substantial interest in foreign trade. Exports of manufactured goods from Colorado in 1960 (the last year for which statistics are available) amounted to $48.4 million. Twenty-one Colorado establishments each exported more than $25,000 in the same year.

Colorado's agricultural products exports in the 1960–61 crop year amounted to $81.7 million. It is estimated that about 9,300 Colorado farmworkers may be attributed to the production of these farm products that were exported.

We have one serious reservation with respect to this bill—that part providing for the federalization of unemployment payment to workers in industries damaged by the lowering of tariffs. We strongly recommend that all unemployment payments be administered under existing State laws.

In considering our needs to expand our worldwide trade activities, including foreign investments, certain tax proposals pending in Congress relative to the taxation by the United States of earnings of U.S.-owned foreign corporations, seem contrary to the encouragement of such foreign investment. Particular reference is made to a proposal to tax foreign earnings not distributed as dividends but reinvested for expansion of foreign facilities. Such proposals would make it impossible for American business to compete with their foreign counterparts.

Such tax proposals defeat the principle of competing worldwide with our Common Market friends.

In endorsing the passage of H.R. 11970, the Denver Chamber of Commerce also recognizes that Congress should be consistent in its intent to encourage our worldwide trade activity, by opposing those tax proposals that are mentioned as contrary to meeting our foreign trade obligations.

Respectfully submitted,

ROY ERICKSON,
Chairman, National Affairs Committee.

PUEBLO, COLO., *July 2, 1962.*

Hon. JOHN CARROLL,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR CARROLL: The League of Women Voters of Puebo urges your support of the Trade Extension Act of 1962 soon to be presented on the floor of the Senate.

As you know, this bill has had bipartisan support and recently passed in the House by 298 to 125. It will give the President broad tariff-cutting powers for bargaining with the booming European Common Market. It would also carry out a new program of trade adjustment assistance for workers and businessmen injured by increased competition due to imports.

The league has for many years supported a more liberal trade policy for the United States.

Yours very truly,

MRS. ROBERT L. MARSH,
Foreign Policy Chairman,
League of Women Voters.

LEAGUE OF WOMEN VOTERS,
Boulder, Colo., July 4, 1962.

Hon JOHN A. CARROLL,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARROLL: Having studied foreign trade for several years, the members of the League of Women Voters are very happy to see the Trade Expansion Act pass the House of Representatives. We shall be watching its progress through hearings and debate in the Senate very closely. Although our community is not as actively engaged in foreign trade as some, we are very much aware of the importance of trade to the whole economy and to the national interest.

We hope that you will be among those Senators who support the Trade Expansion Act and urge its speedy passage, so that trade negotiations with the Common Market countries will not be any longer delayed.

Sincerely yours,

SYBIL S. DOWNING
Mrs. Mancourt Downing,
President.

LEAGUE OF WOMEN
VOTERS OF DENVER,
Denver, Colo., July 31, 1962.

Hon. JOHN CARROLL,
Senator From Colorado,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARROLL: The League of Women Voters of Denver strongly urges your support of the Trade Expansion Act. Our membership, after a year of nonpartisan research and study, hope to see the following basic principles incorporated in our trade legislation:

1. A liberal trade policy which reduces tariffs and all other barriers on a systematic basis.

2. Presidential authority for across-the-board, long-term powers to negotiate.

3. A continuation of our most-favored-nation clause and the principal of reciprocity (exceptions being made for developing nations if needed).

4. Trade adjustment assistance for industries and workers proved hurt by import competition.

In our opinion, the U.S. economy will thrive under the stimulus of increased foreign trade—more jobs, dollars, and productivity will result. Equally important, the Trade Expansion Act will unify and strengthen the Western alliance and win approval among developing nations who urgently need access to world markets.

The United States will undoubtedly suffer some pains of adjustment and shifting of resources in the face of increased imports. Yet our Nation has traditionally believed in free enterprise with its element of competition. Our businessmen have accepted change also and have capitalized on it. With this same ingenuity and energy, Americans can find opportunities in our new trading position—especially with the Common Market.

We sincerely trust that our legislators will consider the new trade bill not on behalf of Democratic or Republican constituents, or local businessmen or workers, but from the standpoint of what is best for our Nation—whose welfare is, in the long run, synonymous with the peace and prosperity of our free world partners.

Sincerely yours.

CAROLYN STARBUCK,
President.

LEAGUE OF WOMEN VOTERS,
CHERRY HILLS VILLAGE, COLO.,
August 1, 1962.

Hon. JOHN A. CARROLL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARROLL: As you know, the League of Women Voters has concluded its current portion of the trade study with a strong consensus in support of the Trade Expansion Act of 1962. We think you will be interested to know that the Cherry Hills League, in its own study, concurs in this stand.

We have given serious thought to all aspects of the trade question. For example, we have noted that Colorado's equivalent share in U.S. total exports of $4.9 billion of agricultural products was $81.7 million in the 1960-61 crop year, and that exports of manufactured goods from Colorado amounted to C'8.4 million in 1960. Were we to lose our foreign markets for these products, our economy would suffer severe hardship. The six countries of the Common Market are among our best customers and offer an increasing potential. U.S. exports to the Common Market in 1960 soared 42 percent over 1959 levels.

We are enclosing a flyer on trade prepared by Colorado leagues for distribution at the trade conference held May 24 at the University of Denver. We hope you will find it of interest.

We strongly urge your support of the trade bill.

Sincerely,

MRS. DONALD F. MARLER,
President.

THE LEAGUE OF WOMEN
VOTERS OF DURANGO,
Durango, Colo., June 17, 1962.

Hon. JOHN CARROLL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for taking the time to visit with the league when you were in Durango during May. The membership was very pleased to have had this opportunity to meet you and hear some of your views. You will always be a welcome guest when you are in this area.

I am enclosing a pamphlet which contains an insert showing the importance of foreign trade to the mountain plains region. You are well aware that the league has supported an expanded trade policy with decreasing barriers through the years. During the past 2 years, local leagues all over the United States have been engaged in another concentrated study of trade. Our support position is printed on the back of the enclosed folder.

The Durango League recognizes that certain local enterprises might be hurt by this act; however, the proposed Trade Expansion Act does provide for adjustment assistance. In the league view, such assistance when limited in time and scope is preferable to measures which restrict trade.

It is our hope that you will support the Trade Expansion Act.

Sincerely yours,

MARJORIE VLASMAN
Mrs. Andrew Vlasman,
President.

THE EVERSMAN MANUFACTURING CO.,
Denver, Colo., August 31, 1962.

Senator JOHN A. CARROLL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CARROLL: In receipt of your letter dated August 22 concerning the Trade Expansion Act, H.R. 11970, we here have been completely sold on the objectives of the Trade Expansion Act and so has the exporting fraternity in Denver. I am attaching hereto a copy of the letter the World Trade Club of Denver, of which I am president, sent to Mr. Charles P. Taft, general counsel, Committee for a National Trade Policy on March 21. We polled the membership of the trade club, per attached of March 14, and roughly 100 members gave complete endorsement with only 1 dissent. All manufacturers in Colorado appear to be strongly in favor of the objectives of H.R. 11970. Even among the mining fraternity a majority of the commercial producers particularly Climax, which exports such a very large percentage of its product, approves of the legislation. In this sector only the mine lease brokers seem to be opposed to the legislation.

In answer to your specific questions:

1. Eversman exports between 15 to 23 percent of its product.

2. In our particular field, foreign imports have in no way affected us. We welcome, on the other hand, an influx of foreign goods since competition from foreign sources enables us to considerably improve our purchases of supplies going into our products on the one hand and also gives us a bigger choice and selection in manufacturing tools, enabling us to utilize our capital to better advantage, by purchasing lower cost and more productive machinery as is commonly available at this time in the United States.

3. Under the circumstances, we are completely sold on the objectives of the Trade Expansion Act and hope that same will be enacted without enfeebling riders. I trust that you are well aware of the fact that our position in world markets is, by no means, as strong as some of us may wish it to be and the very drastic and painful reaction by the EEC Council in June in retaliation to recent duty increases on carpets and plate glass imposed by the United States sets a precedent which cannot be ignored. Prompt levying retaliatory duties should give warning to the United States of European determination. This highlights also the damage which pressure groups, serving their own limited interests, can do to the country as a whole. For this reason I urge you not to let narrow parochial considerations damage the grand concept of the bill by enfeebling riders, exceptions, etc.

4. Colorado already has a very considerable stake in the flourishing of export markets. There are very few if any industries which could be hurt by foreign goods coming into this State, excepting the mining and wool industries, which appear to me at least to be amply protected already. Every industry in Colorado has a definite strong self-interest to see the Trade Expansion Act become a law as quickly as possible.

I wish to thank you for giving us an opportunity to express our thoughts to you.

Very sincerely yours,

F. L. BLIGH.

THE MONAGHAN CO.,
Denver, Colo., August 31, 1962.

Hon. JOHN A. CARROLL,
U.S. Senate, Washington, D.C.

DEAR SENATOR CARROLL: I wish to thank you for your recent letter, concerning my views on the Trade Expansion Act, bill H.R. 11970.

First, and in general, I would like to say that I am in basic accord with the statements made by William L. Clayton and Christian Herter that our country must be closely linked economically with the industrial European Community (the Common Market).

Our own company manufactures medical equipment—more specifically anesthesia and respiratory equipment, having been started shortly after World War II.

Our company grosses somewhat less than a million dollars in sales a year from all sources, with approximately 5 percent derived from foreign sales. Needless to say, our main foreign competition is German and British in oversea markets. Price and credit are the principal factors in these markets. American-made equipment in those markets is generally well regarded and is considered to be of high quality.

As of this time, it does not appear that either British or German equipment would pose a serious threat in the home market, even if tariffs were substantially reduced. Generally, we have a very protective rate—45 percent. However, our industry would have to continue to make substantial technological progress to offset any threats.

Needless to say, our company is making a substantial effort to increase foreign sales. Our methods being to grant as liberal discounts and to extend as favorable credit terms as possible. We would welcome a lowering of European tariffs, but in addition, there must be a lowering of other import quotas and restrictions imposed on American equipment or the mere lowering of tariffs will have little or no beneficial effect. These latter are probably more restrictive than tariffs per se. For example, in Great Britain there is a basic import duty of 22 percent on our type of equipment, but within the discretion of the customs department there is an add-on proviso so that the British importer can never be sure how much his cost will be until he actually receives the goods. That is a very strong deterrent to importation.

In any reciprocal bargaining granted the executive branch, such corollary programs of the OEC must be taken into consideration.

Being too protectionist will certainly be against American self-interest, but being naive will be equally so.

Yours very sincerely,

PIERRE CHAPPELL,
President.

B. K. SWEENEY MANUFACTURING CO.,
Denver, Colo., September 4, 1962.

Hon. JOHN A. CARROLL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CARROLL: Thank you for writing to us in regard to the Trade Expansion Act which is now under consideration by the U.S. Senate.

From a national point of view there seems to be very little disagreement with the act as proposed and it is hoped that the Congress will not cripple the act with a series of disabling amendments.

The question of the federally sponsored unemployment insurances does not seem to have any particular connection with trade expansion and should probably be handled elsewhere.

As regards to industry in Colorado, with two major exceptions, the majority of firms are so highly specialized that the expansion in trade will be a great deal more benefit than hindrance.

Because of competition from the rest of the country, it has been pretty well rationalized by most manufacturers that they must either live under the freight umbrella here in Colorado or must be so specialized that freight does not enter into the picture. The brick manufacturers are a good example of those who live under the umbrella, and I believe that our operation is a typical example of those who have taken the specialty route.

For example, most of our goods are shipped out at from $2 to $10 per pound and can be sold in Australia or South Africa without freight making much difference in the delivered selling price.

I know that the issue is not freight, but it has an important byproduct. In so designing our products, we have put a large percentage of the cost into engineering and a relatively small percentage into labor. Thus, if we are selling in Italy in competition to German-made goods, the labor factor is so small that we can compete very favorably because of our superior design. In fact, in many cases our design is so far advanced that there is no active foreign competition at all. Thus, the reduction of tariffs and trade barriers could only be a benefit to us and to the many firms in Colorado that have followed this course.

The obvious exceptions mentioned above are the steel industry and the sugar industry, but these are special cases and I am sure their views are well presented to the U.S. Senate.

Sincerely,

JOHN F. SWEENEY,
President.

Mr. COOPER. Mr. President, I support the Trade Expansion Act of 1962, as I have supported extensions of the Trade Agreements Act in the past.

It has occurred to me that in some respects the task of enacting the extension and revision of the Trade Agreement Act 4 years ago was more difficult than the passage of the present act. This is true, I believe, because at the time the Common Market was unformed, and its powers and influence on U.S. trade were not clearly seen. Yet I do not derogate the work that has been done in the passage of the present bill. The members of the Senate Finance Committee under the leadership of the senior Senator from Virginia [Mr. BYRD] as well as the members of the Ways and Means Committee of the House deserve full credit and congratulations for their work. The passage of the bill is a signal achievement of the administration and the Congress during the present session.

Today the Common Market is a reality. Its present members buy $3.5 billion of the total of $20 billion of U.S. exports. If Great Britain and the Outer Seven enter the Common Market, they could account for $7 billion or $8 billion of the total of $20 billion of products exported by the United States—33½ percent to 40 percent—and in time a larger proportion of our dollar exports.

I think, therefore, it is imperative that the President of the United States be armed with the necessary power to negotiate with the Common Market countries, as the bill provides.

Maladjustments will occur. Perhaps the adjustments provided in the bill may not be wholly effective. But, if so, amendments can be offered in the future to make the provisions of the bill more adequate. But even with maladjustments, unfavorable to some industries and to workers, there is no reasonable alternative to the enactment of this bill. We must provide this opportunity for the expansion of industry and jobs in our country, for, if we cannot trade, we shall be isolated economically.

I strongly support the bill because I believe it will give great opportunity to make gains in the field of foreign policy. Our military strength and advancement in space and, in fact, our leadership in the world, depend upon our economic strength. and therefore upon trade for if we cannot trade—and that means export trade—we shall be isolated economically. The gross national product of the United States and the Common Market countries, when combined, is twice that of the Soviet Union and the Communist Chinese bloc.

The importance which Russia attaches to this development and to fear of its strength can be seen in the strictures and fulminations of Mr. Khrushchev against the Common Market, against the entry of the United Kingdom, and the association of the United States, which the bill proposes.

The Common Market, with the association of the United States and the Outer Seven, will represent a center of attraction to the developed areas as well as to the undeveloped countries of the world. It can provide an example of a healthy, progressive economy, which is most attractive to the world, developed and undeveloped.

We hope that this association will be more than an example. We hope that from this center of economic strength, its members will provide to less developed countries, a part of the burden of aid which the United States now provides.

What of the future? We do not yet know whether these objectives will be realized. But, in addition to the economic growth and development which we have witnessed in Europe as a result of the Common Market, and which we anticipate will increase when the United States becomes more closely associated with it, I think it is important to note the possibilities of growing political association in Europe, and in tune with our country and hemisphere.

Under the Marshall plan the European countries joined in OEEC, and worked together in the preparation of plans to participate in the aid furnished by the United States under the Marshall plan.

In 1950, at the second Council of Ministers of NATO, I had the honor of proposing the admission of the Republic of Germany to the OEEC as a step toward West Germany's union with NATO and the European countries. Later, we saw the development of the Steel and Iron Community, Euratom, and other associations in which European countries have given up a portion of their sovereignty. The entrance of the Outer Seven into the Common Market may signal an even larger political association in Europe.

I am not here today to say that the association of the United States with the Common Market will lead to our political association with Europe. But who can say that in time it will not gradually develop in some limited form? I am persuaded that the security of the United States and Europe, and free countries everywhere, freedom and any chance for a true peace, will depend in great part upon some type of union between the democratic countries of Europe, the United States, and Canada, and, we hope, the countries of the Western Hemisphere. I may be looking too far into the future. But today in addition to the immediate objective of assuring an economic growth in the United States, I see economic association and unity leading to a larger political association in Europe. And it is entirely possible that in time the association of the United States with the Common Market will develop into some kind of a limited political association, which I believe may be essential to guarantee the survival and growth of liberty, freedom, and democracy in the world.

Our policy must embrace concepts larger than the aims of one nation. It must form the resources, skills, democratic spirit of the free countries of Europe, the United States, Canada, and other free countries in the Americas—and ultimately, perhaps, free nations in some type of political association or union in which democratic power—as well as spirit—can be reborn.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record at this point my individual views, as printed in the committee report.

There being no objection, the individual views were ordered to be printed in the Record, as follows:

Individual Views of Senator Carl T. Curtis on H.R. 11970

This measure goes far beyond the existing trade agreements program and I do not favor its enactment in its present form.

The European Common Market is a very desirable entity. It will lead to greater unity among the nations of Europe; it will elevate their economies and strengthen their political ties. It is a fortress against international communism and our national policy should be to encourage and to cooperate with the Common Market. The bill presented by the committee will not, in my opinion, be mutually advantageous to the United States and to the European nations. Both need each other and whatever weakens the United States weakens Europe.

Under the trade agreements program existing for more than a quarter of a century the Congress has delegated its constitutional powers to levy, modify and repeal taxes, and its powers to regulate portions of our commerce to the executive. In the past there have been certain limitations in this delegation of power. In most recent years the Congress has provided for safeguards such as the peril-point and escape-clause procedures. The measure before us departs from all these previous concepts.

Our reciprocal trade program of the past is not free of criticism. The United States has allowed foreign countries to impose many nontariff barriers against us such as quotas, embargoes, import licenses, unreasonable inspection, variable import fees, currency manipulations, and other harassments. In the past the Congress has authorized the President, in his negotiations, to lower tariffs by 50 percent. Under the successive acts passed, the United States has bargained away 80 percent of its tariffs and bargaining power. The result is not praiseworthy. The average U.S. tariff on dutiable goods at present is 11 percent while the average for other major industrial nations is 14 percent. Many important examples are in greater contrast—for instance, the tariff on European cars sold in the United States is 6½ percent and the tariff on American cars, under EEC proposals will soon be 22½ percent. Many other unfair situations can be cited especially in connection with our agricultural products. Candy is a widely consumed item and is made entirely from agricultural products. We permit candy to come in from Switzerland, France, Germany, or England under a tariff of 14 percent. American-made candy shipped to many of these nations faces a tariff of 30 percent. The farmers want to trade with the Common Market countries. We are the world's most efficient and lowest cost producers of agricultural products. Under the variable duties now in effect within the Common Market countries, the products of American farmers face a tariff in the Common Market countries, as of August 1, 1962, at least six times as high as corresponding tariffs on identical items imported from the Common Market into the United States. In addition to the inequality of tariffs facing the United States, we meet continually countless instances of the imposition of nontariff barriers mentioned above.

It is my belief trade negotiations can be carried on that would be mutually advantageous to the United States and to other countries. It must be a two-way street. The only safeguards remaining in the bill before us are ineffective. Discretionary power is given to the President, without limitation, to raise tariffs, to any level or to impose any other trade restriction. These provisions are not guidelines for negotiation. They will be applied, if at all, after the fact. They will subject the President to innumerable requests and pressures from deserving industries at home and will create ill will for the United States within foreign countries if they are ever applied.

The bill before us eliminates the peril-point procedure. No longer will the Tariff Commission, after it has made its studies, advise the President before the negotiations at what point injury might occur. This measure abandons the policy of economically sound increased trade and proceeds upon an admission that negotiations will be consummated to the injury of segments of our economy. The escape clause is shorn of effectiveness in existing law.

The powers delegated to the President are vastly greater than the powers heretofore delegated. He may, through negotiation, lower all tariffs from their present level, a level lower than almost any other country, by an average of 50 percent. An additional list of commodities is subject to being lowered more than 50 percent—in fact down to zero. The President is specifically authorized to negotiate away all tariffs now less than a 5-percent ad valorem equivalent. In these two latter categories of additional power will rest many of our agricultural products.

Prior acts had, as their goal, an expansion of trade and an increase of jobs. This measure substitutes a Government-managed economy for the United States and for foreign countries with shocking disregard for business and employment results. The bill sets up a superunemployment compensation system in addition to individual programs of our 50 States. It is another major step toward federalizing our unemployment systems. The bill permits workers or management to seek a finding that they are injured by imports. A worker so found to be unemployed by the reason of imports will be entitled to unemployment compensation for 52 weeks at approximately 65 percent of his salary. This will amount to almost twice the average rate of unemployment compensation paid by our States. He will receive these benefits for 52 weeks, a longer period than is provided by most State unemployment compensation systems.

If this Federal unemployment compensation system becomes the law it will bring about many inequalities and many instances of unfairness. A person whose unemployment is caused by the Executive granting concessions to destroy his job will draw a higher rate of unemployment compensation, for a longer period, than his neighbor who is secondarily unemployed because his employment was based upon goods or services provided to the business which closed because of imports. Attention is called to the testimony in the hearings of longtime, well-qualified administrators of State unemployment compensation systems who testified against this provision of the bill.

This measure is defective in its unprecedented and far-reaching delegation of power. It is lacking in that it fails to provide guidelines before agreements are entered into with foreign nations to protect the United States from arbitrary barriers or to protect the U.S. domestic market from excessive and uneconomic imports. The measure should be materially revised or delayed until January when such revision could be made.

Carl T. Curtis,
U.S. Senator.

Several Senators addressed the Chair.

The VICE PRESIDENT. Several Senators are addressing the Chair, the Senator from Minnesota among them. The Chair recognizes the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I speak in support of the Trade Expansion Act of 1962. It is needed as a vital part of our domestic and foreign policy.

Without our fully realizing it, the movement toward European economic and political unity has snowballed until today it is one of the most prominent—if not the most prominent—feature on the international landscape. The accelerated momentum of the European idea has taken the United States somewhat unawares, despite our warm sponsorship of European integration ever since World War II.

In the immediate postwar era, the United States must have appeared, in relation to Europe, like a mother hen standing guard over a brood of frightened, wet, bedraggled chicks. Exhausted by mankind's greatest conflict to date, Europe was in no condition to stand up by itself to aggressive communism or to give itself the needed impetus to economic recovery.

Now all that is a thing of the past. Yesterday's chicks have come of age. Individually, the nations of Western Europe have demonstrated enormous productive and managerial capacity. Some countries—such as West Germany and Italy—have expanded their economies at a rate more than twice that of the United States. Others, such as politically troubled France, have used their internal resources so effectively that U.S. experts are inquiring as to whether the European success story can be emulated on this side of the Atlantic. Overshadowing all other achievements has been the flourishing European Common Market—that great area of progressively freer trade which now comprises six nations in the industrial and cultural heart of Europe.

Proceeding gradually—and not without controversy and heartache—the Common Market has evolved into an economic trading bloc which already stands on its own feet as a formidable economic entity. Early this year, the six agreed upon their transition to the second stage of the Common Market, which means the eventual formation of a genuine free trade area, with a common external tariff policy and no internal trade barriers. In view of this development the United States has had to consider vigorous measures—measures not of reprisal or resistance but measures of adjustment and accommodation. Foremost among these has been the President's proposed Trade Expansion Act of 1962, a progressive new departure from the old Reciprocal Trade Agreements Act, which the Trade Expansion Act is designed to supplant. The new trade expansion bill has successfully—indeed, with flying colors—hurdled partisan obstruction in the House of Representatives and now awaits favorable action by the Senate. Of all the principal measures of the 1962 Kennedy program, the trade bill stands the best chance of passage in the form desired by the administration.

The Trade Expansion Act as reported by the Finance Committee merits strong support and adoption by the Senate. H.R. 11970 merits this support because of what it will do to strengthen our own economy and to help realize a number of important goals in our relations with friendly countries. In the past, the trade agreements program, which has been extended on 11 occasions under both Democratic and Republican administrations, has contributed immeasurably to the strength and growth of our economy and to the economies of our free world trading partners. It has become a true national policy. The Trade Expansion Act retains the basic principle of the trade agreements program—that the growth of open and nondiscriminatory trade is beneficial to all nations—but provides the means to implement this principle in the light of the challenges and opportunities facing us in the 1960's. This new legislation deserves the same bipartisan support.

Rather than describe in general terms the merits of the bill before us and the benefits which will flow from its enactment, I would like to discuss three aspects of the measure which I feel are of outstanding importance. These are the necessary additional authority granted to the President, the economic opportunities available to us in the European Common Market, and the trade adjustment assistance program.

With regard to the first—the new authority which this act would delegate to the President: There are those who charge that the Trade Expansion Act would result in the full and complete abandonment of the constitutional authority of Congress to regulate tariffs. This act would do nothing of the kind. What it does is to continue for a limited fixed period the delegation of authority to set tariff rates within limits defined by Congress and with well-established safeguards that has been in effect since 1934. The Trade Expansion Act does increase the President's authority to reduce tariffs in negotiations designed to achieve reciprocal benefits and increase trade. But the Congress has clearly defined in detail the procedures necessary to develop a negotiating list of goods and by which various items may be reserved from negotiations. The Congress has also retained the right to review the President's decisions on escape-clause actions and to overrule these by a majority, not a two-thirds vote as exists in current legislation. It could well be argued that these limitations are more detailed and more stringent than under the reciprocal trade program.

What have been the results of this delegation of authority; and why must it be continued.

The United States has not achieved its commanding position in foreign trade by cowering behind high tariff walls. We began long ago to negotiate down our trade barriers and let the commerce of the world come to our doors. In return for our concessions, other nations have made it possible for our own goods to reach their markets more easily. The results of these reciprocal moves are easy to see; the United States is now the greatest trading country in the world; our imports have increased tenfold, from $1.4 billion in 1933 to $14.4 billion in 1961, while our exports have multiplied 12 times, from $1.7 to $20.1 billion. There is no segment of our economy which does not in some way benefit from foreign trade. There can be no doubt that the present trade agreements program has served this country well. But this 30-year-old law shows the strain of coping with the trade of the sixties in terms of the thirties. Now is the time to replace the old trade agreements mechanism by a plan tailored to today's realities and tomorrow's expansion. We must act quickly if we are to retain our leadership in our relations with our free world trading partners.

Among these trading partners none will be of greater importance to us in the future than the new community of nations arising across the Atlantic, the European Economic Community.

I have heard it said that while we welcome the emergence of the Common Market, it creates problems for us. It does create problems, but it will create a great many more problems if this bill is not enacted. Consider for a moment the tremendous economic potential opening up on the European continent for American producers, who know no equal in producing for a mass market. The six present members of the Common Market already have a population approximating our own and a gross national product about half ours. Negotiations will shortly be resumed looking toward membership of the United Kingdom in the Common Market; and several other European countries have applied for membership. I am confident that within the foreseeable future the result will be an integrated economy comprising from 250 to 300 million people with a productive capacity approaching our own.

These European countries are now experiencing the explosion of demand for consumer and other goods we have long known, and this will continue. If we are really interested in selling, and I believe we are, there is tremendous opportunity there, for someone will have to sell a great deal of merchandise before the Community reaches our level of saturation. According to recent statistics 95 out of every 100 Americans have a radio; in the EEC the corresponding figure is 23 out of every 100. For passenger cars the comparative statistics are 34 against 7, for television sets 29 against 4, refrigerators 28 against 6, and washing machines 27 against 6. Any salesman viewing these figures would have no difficulty in determining where to direct his sales efforts.

To capitalize on this opportunity, to expand the $3.55 billion in exports which we shipped to the EEC last year, it is essential that the negotiating authority contained in H.R. 11970 be granted to the President. For if this is not granted our exporters will be faced with an ever-increasing cost disadvantage as tariffs within the Community move toward total elimination.

My examples so far included only manufactured items, but I would be a poor representative of my State if I did not also mention the great interest of farmers in world markets.

AGRICULTURE AND THE TRADE BILL

Mr. President, I wish to make some observations on the Trade Expansion Act and the effects it can have on U.S. agriculture and agricultural exports.

Several factors—including a vigorous market promotion program carried out jointly by the U.S. Department of Agriculture and industry groups—redoubled efforts to negotiate favorable trade access terms—prosperity in dollar markets abroad—were responsible for our agricultural exports setting new records in both value and volume in the fiscal year ending June 30.

These exports reached $5.1 billion, and significant in this is that sales for dollars accounted for most of the gain over the $4.9 billion exported during the previous fiscal year. Our dollar sales were approximately $3.5 billion, which also is a record. Food-for-peace exports were valued at $1.6 billion.

With the passage of the Trade Expansion Act, we will have the machinery to further expand our agricultural exports. With this expansion we will be taking the most desirable, the most efficient, the best of all possible roads to reducing and eliminating our own agricultural surpluses—raising the income of our farmers and those dependent on farm income for their livelihood—and helping our less fortunate friends abroad who are suffering and dying because they have little or nothing to eat.

But the passage of this act, Mr. President, does not carry with it an automatic increase in agricultural exports, just as it does not mean more sales abroad for industry. It can be our most important legislative measure designed to benefit our agricultural areas.

The act itself is a ray of hope, a bright shining light which must be put to use before we can gain by it. It is like a waterfall, which is a great potential source of energy but without the powerplants it cannot provide light for the smallest bulb.

The Trade Expansion Act of 1962 will give the United States the flexibility it needs to deal with other nations on trade access matters, including agricultural trade. But with its passage we must devote our full efforts to market development, which is one of the big challenges and opportunities for putting the Nation's agricultural abundance to use.

The teamwork which has developed so rapidly and so well in recent years between Government and the private agricultural and trade organizations must continue and be coupled with the greatest ingenuity and skill in order to take full advantage of the potential that exists. It is highly interesting and significant that foreign markets are going to expand much more rapidly than markets in our own country.

Between 1950 and 1960 domestic markets grew about 14 percent while farm exports increased 84 percent. I ask unanimous consent, Mr. President, to insert at this point in my remarks a chart showing major increases in fiscal year 1962 over the 1961 fiscal year. I call particular attention to the phenomenal rise of 30 percent in feed grains, 33 percent in poultry meat and 47 percent in protein meal.

All of these commodities are of major importance to the economy of my State of Minnesota. And I would like to see these figures even higher next year and the year after that and the following years. This can be done because this act will give us the machinery to do it.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the exports of commodities which show major increases in fiscal year 1961–62, compared with 1960–61.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Dollars in millions]

Commodity	1960–61	1961–62	Percent rise
Wheat, including flour	$1,151	$1,286	12
Feed grains	531	691	30
Tobacco	385	398	3
Soybeans	344	372	8
Fruits and preparations	254	280	10
Vegetable oils	148	171	16
Vegetables and preparations	127	135	6
Poultry meat	57	76	33
Protein meal	45	66	47

Mr. HUMPHREY. Mr. President, this act can provide a strong economic boost to the farmers of Minnesota and the Nation. It represents sound economic policy, enlightened foreign policy and the legal framework for a vast expansion of trade.

In Minnesota alone during the 1960–61 season a total of $163,700,000 worth of farm products were exported, and an estimated 23,700 farmworkers in the State were kept busy in the production of farm goods for export. Minnesota food and related products industries, employing 13,807 workers, exported products worth $49,400,000 in 1960.

Minnesota's economy, as related to foreign trade, is linked far more to exports than to imports and the tariff-cutting authority in this bill would bring an increase of trade which will mean tremendous benefits to Minnesota and its people and the other States in this country and their people.

Agricultural exports make up about one-fourth of all U.S. exports. A nationwide study completed by the U.S. Department of Agriculture this year showed that each of our States has a significant share of total exports of farm products to world markets. The study is a clear indication that continuation of high-level exports is essential to our agricultural economy.

During the 1961 fiscal year the output of 60 million acres of U.S. cropland moved abroad, or 1 acre out of every 6 harvested. I ask unanimous consent, Mr. President to insert at this point in my remarks the study to which I have referred, showing the value of agricultural exports and competitive agricultural imports by region and State for the 1961 fiscal year.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Value of agricultural exports and competitive agricultural imports, by region and State, fiscal year 1960–61

[In millions]

Region and State	Principal exports	Agricultural export equivalents [1]	Competitive agricultural import equivalents [1]
New England		$56.1	$17.2
Maine	Potatoes and poultry products	25.6	6.3
New Hampshire	Dairy and poultry products	2.7	1.1
Vermont	Dairy products	4.8	2.2
Massachusetts	Apples and dairy and poultry products.	9.9	3.8
Rhode Island	Dairy products	1.6	.5
Connecticut	Tobacco and dairy and poultry products.	11.5	3.3
Middle Atlantic		136.0	54.7
New York	Apples and dairy and poultry products.	59.1	24.3
New Jersey	Apples, poultry products, and vegetables.	19.9	8.3
Pennsylvania	Wheat, tobacco, and dairy products	57.0	22.2
East North Central		746.3	272.3
Ohio	Soybeans, wheat, corn, and livestock products.	117.7	42.4
Indiana	do	149.3	53.1
Illinois	do	320.1	112.0
Michigan	Wheat, corn, soybeans, and dairy products.	94.9	33.7
Wisconsin	Corn, tobacco, and dairy products	64.3	31.1
West North Central.		1,105.3	448.3
Minnesota	Soybeans, corn, and livestock products.	163.7	59.8
Iowa	do	248.0	126.6
Missouri	Soybeans, wheat, cotton, and livestock products.	154.4	58.0
North Dakota	Wheat and livestock products	111.7	31.9
South Dakota	Wheat, corn, and livestock products	46.4	27.9
Nebraska	Wheat, corn, grain sorghum, and livestock products.	176.9	73.2
Kansas	Wheat, grain sorghums, soybeans, and livestock products.	204.2	70.9
South Atlantic		597.0	193.0
Delaware	Soybeans and poultry products	9.7	2.4
Maryland	Tobacco, soybeans, and poultry and dairy products.	27.0	8.5
So. Atlantic—Con.			
Virginia	Tobacco, soybeans, and apples	$63.4	$21.2
West Virginia	Tobacco and livestock products	7.0	4.0
North Carolina	Tobacco, cotton, soybeans, and poultry products.	210.5	50.9
South Carolina	Tobacco, cotton, and soybeans	75.4	20.2
Georgia	Cotton, tobacco, and poultry products	102.8	28.9
Florida	Oranges, tobacco, and vegetables	101.2	56.9
East South Central		402.9	114.9
Kentucky	Tobacco, wheat, and livestock	101.4	31.6
Tennessee	Cotton, tobacco, soybeans, and livestock products.	93.0	27.8
Alabama	Cotton and poultry products	71.6	20.4
Mississippi	Cotton, soybeans, and livestock products.	136.9	35.1
West South Central.		802.9	236.3
Arkansas	Cotton, soybeans, and rice	171.2	41.5
Louisiana	Cotton and rice	81.9	22.0
Oklahoma	Wheat, cotton, and livestock products	103.3	35.8
Texas	Cotton, grain sorghums, wheat, rice and livestock.	446.5	137.0
Mountain		390.5	147.1
Montana	Wheat and livestock products	67.9	24.3
Idaho	do	95.1	28.6
Wyoming	do	16.3	9.4
Colorado	Wheat, corn, grain sorghum, and livestock products.	81.7	35.0
New Mexico	Cotton, wheat, and livestock products	35.4	12.7
Arizona	Cotton, grain sorghums, and livestock products.	74.2	26.5
Utah	Wheat and livestock products	15.6	7.5
Nevada	Livestock products	4.3	3.1
Pacific		702.9	269.7
Washington	Wheat, fruits, and livestock products	113.0	38.2
Oregon	Wheat, fruits and nuts, and livestock products.	68.1	25.6
California	Cotton, rice, fruits and nuts, and livestock products.	477.5	194.8
United States		[2] 4,946.6	[2] 1,810.3

[1] The equivalent shares were derived from the States' contribution to national sales or output as determined from agricultural census data. They do not show actual exports or imports, though they reflect the common stake of the States in total U.S. trade based on Bureau of Census trade data.

[2] Total U.S. agricultural exports based on Bureau of Census data exceed the export totals for the States while total U.S. agricultural imports exceed the import totals for the States because of the exclusion of certain beverages and nursery and greenhouse stock in the State items and because Alaska and Hawaii are included in the national total.

Mr. HUMPHREY. Mr. President, as I have said, the Trade Expansion Act of 1962 is but the machinery to increase our agricultural and other exports. We all are aware of the reason why this legislation has taken on a high priority and why it is of the utmost importance that it be passed this year. The reason, of course, is the emergence of the European Economic Community, or Common Market.

The biggest area dollar outlet for our agricultural exports in fiscal year 1962 was the Common Market, with a value of about $1.2 billion. This was one-third of the value of our agricultural exports to all dollar markets last year.

But while the Common Market is good for American agriculture—and particularly for those commodities not produced within the Common Market but which the United States has available for export, such as cotton, soybeans, hides and skins—there are some special problems we must face in our negotiations with the Common Market for sales of agricultural commodities.

With respect to such commodities as grains, rice, and poultry, which are important U.S. export products, there are protectionist tendencies at work in the Common Market.

The Common Market is developing an internal agricultural market which will be protected against imports from outside countries by variable import levies. These levies will equalize the price of the imported products with the Common Market's internal domestic prices. Under such a system Common Market domestic producers of those commodities which are subject to variable levies could have absolute protection against imports, depending upon price support levels.

If the United Kingdom should become a member of the European Economic Community our problems in this area would increase substantially, since our agricultural exports to the United Kingdom in the fiscal year 1962 approached $500 million. This, then, is the immediate problem for American agriculture—how to meet the trade challenges posed by the Common Market.

For those items with a fixed duty we can use the traditional tariff bargaining, or exchanging reductions of U.S. duties for comparable reductions of Common Market duties. I am encouraged that the Common Market already has indicated its willingness to negotiate on these commodities.

But with the highly complex variable import levy items we are going to face problems. This is a system not adaptable to the usual tariff bargaining.

The Department of Agriculture already has taken steps to meet these problems with the establishment of a new agricultural attaché post in Brussels, Belgium, the so-called capital of the Common Market. Secretary of Agriculture Freeman and others in the Department of Agriculture have had numerous discussions with Common Market officials and the Secretary has personally visited the Common Market to present the case for American agriculture. The efforts of the Secretary in this regard deserve great commendation.

The passage of the Trade Expansion Act will provide more flexibility and strength at the bargaining table for American agriculture. The Common Market has agreed to keep the door open for continuing negotiations on certain agricultural commodities which are affected by variable import levies, such as wheat, corn, grain sorghum, rice, and poultry. The Trade Expansion Act will enable the United States to make concessions to gain improved access for these farm products.

But there must be concessions on both sides and it is important that this bill authorizes the President to increase duties as a further bargaining tool to regulate trade.

The President could deny the benefits of U.S. trade agreements to countries maintaining such nontariff trade restrictions as unlimited variable fees which substantially burden U.S. commerce in a manner inconsistent with provisions of trade agreements. In this way the United States will be carrying out a truly reciprocal trade policy and will not merely stand by if its agricultural export markets are eroded by unwarranted foreign governmental actions.

Mr. President, I am for the Common Market and I am for a liberalized trade policy. But this policy must do justice to American agriculture—a vital part of our economy and a part that has suffered all too much in the past.

American agriculture needs markets now and it will need them even more so in the future. It is essential that we keep in mind that liberalized trade policies include agriculture.

In this act we have the machinery—the sunlight of a freer trade has broken through the clouds of protectionism. We must now make use of this light and so doing must not forget American farmers, whose efficiency, industriousness, and good, honest hard work have made a valuable contribution to the high standard of living shared by all of us in the United States today.

TRADE EXPANSION FINANCIAL AND TECHNICAL ASSISTANCE

As an inalienable part of his program, the President envisages broad safeguards to American industry. However, in cases where unavoidable damage through imports is suffered by companies, farmers, and workers, the trade bill provides effective trade adjustment assistance—in the form of financial help and training to displaced workers or advice, tax benefits, and loan guarantees to businessmen and farmers.

This is a subject in which I have been interested for some time and about which I feel very strongly. Several years ago the President, then a Member of this body, and I sponsored proposals for an adjustment assistance program. In July 1958 the then Senator John F. Kennedy, Senators Douglas, Javits, Neuberger, and I introduced amendments that would have added a trade adjustment assistance program to the 1958 renewal of the Trade Agreements Act. It is, therefore, with a sense of satisfaction that I see this bill before us today incorporating such a program—a program which has now been accepted as an integral part of the trade bill by our colleagues in the House and by our own Finance Committee.

I support this program because I feel it adds to the import side of an expanding trade policy a new approach consistent with that applied to the export, or negotiating side. I say "adds," for the bill retains the traditional technique of restricting imports through tariffs and quotas when the President, acting on the advice of the Tariff Commission and other informed sources, determines that such restrictions will best prevent or remedy injury to a domestic industry. And it adds:

First. A new dimension for firms—authority to extend technical, financial, and tax assistance; for workers—readjustment allowances, training, and relocation allowances;

Second. A new flexibility—ability to tailor assistance programs to the real needs of individual firms and workers and to aid industries through a combination of all available means of assistance; and

Third. A new initiative—constructive adjustment which will convert the competitive force generated by imports into positive energy stimulating our growth and prosperity.

Adjustment to competition is an ageless issue. In our domestic economy, and within our tariff walls, we have accepted, welcomed, even encouraged it—for competition is the lifeblood of the free enterprise system. It forces change, adjustment, and innovation, and these in turn are the bases for growth and prosperity.

But our attitude toward foreign competition, even though this is insignificant in comparison to competition from domestic sources, has failed to keep pace with our attitude toward domestic competition. And our policies, reflecting this lag, have tended to restrain import competition and to shelter some domestic producers from the need to adjust. If these policies were suitable in the past, they are as obsolete today as the Gibson Girl and the buggy whip. The question is no longer whether or not to adjust, but how best to adjust, to the impulse of foreign trade. For regardless of what tariff action we take, or if we take no action at all, domestic adjustments will be necessary.

If we raise our tariffs, we will have to adjust. Most of our tariff rates are bound in agreements with other countries who gave us concessions in their tariffs in return. If we raise certain of these bound rates, we are obligated to offer compensation to the injured country by reducing our tariffs on other items. Or if the other country refuses our compensation and elects to retaliate by raising its own tariff barriers, our exporters are forced to adjust to this loss in their foreign markets.

If we maintain all our existing tariff levels, we will also have to adjust. As the six nations of the European Common Market eliminate all duties on trade with each other, our rich export markets in the area will be jeopardized and our exporting industries will be faced with shrinking sales, unless we are able to bargain down the common external tariff of the Common Market and preserve and expand our exports to this very promising market.

And, if we reduce our tariffs, we will have to adjust. However, in this case we will not be adjusting just because of the impact of increasing imports, we will also be adjusting to the increased opportunities for our exports which are made possible by the exchange of tariff concessions with other countries. Only in this case then does adjustment offer real opportunities for expanding sales, production, profits, and employment.

How then can we best adjust to the impulse of foreign trade? We can best adjust if we adopt policies which experience tells us will succeed. And in formulating these policies we can profit from our own experience as well as from that of other countries.

Since 1934 the United States has pursued a trade policy which has resulted in expanding exports and expanding imports, and we have prospered because of it.

Six nations on the European Continent have elected to capitalize on the opportunities afforded by an expanding trade policy and are now eliminating all duties and other barriers to trade with each other. These six countries have established a trade adjustment assistance program to help their firms and workers adjust to an increase in competition which is far greater than any possible under the provisions of the Trade Expansion Act. Tariffs on all nonagricultural products traded among the Common Market countries have already been cut in half, yet the adjustment assistance program has been used in only one case; and the six Common Market countries are prospering as never before.

The Trade Expansion Act with its trade adjustment assistance program embodies these policies which have been proven by experience. It is in short, the rational approach to the ageless issue of import competition.

In concluding his message to the Congress introducing the Trade Expansion Act, the President said:

> The purpose of this message has been to describe the challenge we face and the tools we need. The decision rests with the Congress. That decision will either mark the beginning of a new chapter in the alliance of free nations, or a threat to the growth of Western unity. The two great Atlantic markets will either grow together or they will grow apart. The meaning and range of free economic choice will either be widened for the benefit of freemen everywhere or confused and constricted by new barriers and delays.

I accept the President's challenge and have made my decision. I support the Trade Expansion Act and I ask for an overwhelming vote in its favor.

The Trade Expansion Act is a comprehensive program of adjustment to the radically changed world economic pattern of the 1960's. Although primarily designed to cope with the challenge of the Common Market, the trade bill will be of material assistance in our relations with our traditional trading partners in Latin America and the Far East, whose interests we have not forgotten.

The Trade Expansion Act is only our first reaction to the European Common Market and it is a reaction to only one aspect of the Common Market; namely, its importance to the continued health and vitality of our foreign trade. Statesmen on both sides of the Atlantic have frequently maintained that the logical result of European economic integration is a wider political unity, perhaps a United States of Europe capable of playing a role in world politics equal with that of the United States and Soviet Russia. Political unity looms as the culmination of a process of which the Common Market is the first and most significant step.

The last few years have seen the almost miraculous fulfillment of these conditions.

Through the help of the United States and the marshaling of its own genius, Europe has more than regained its prewar prosperity. The necessity to guard Western civilization against Communist imperialism has made close allies of countries which only a few years before had been at each other's throats.

NATO has given each country a sense of contribution to the common Western defense effort. Above all, the eyes of Europeans have been opened to the economic possibilities of cooperation. Through trial, error, and patient persistence, through the experience of the Common Market, the European Coal and Steel Community, Euratom and other institutions, nations have learned that their pooled efforts far outweigh their individual capacities.

As a result, the goal of political unity has been an implicit and explicit corollary of European cooperation in the economic sphere. In applying for full membership in the Common Market, Great Britain, too, has in effect resolved to merge her separate political destiny with that of her continental neighbors. To do so required a great effort of ,will, a conscious divorce from exclusive imperial tradition. Even today, conflict rages in the the chancelleries of Europe as to the nature and the timetable of European unity: Should Europe be, as the Germans seem to be saying, a closely knit fraternity of club members prepared to accept all the rules of membership and abide by the collective will? Or should it be, as in the French view, a looser union of "fatherlands" in which each country surrenders a minimum of sovereignty while retaining a maximum quantity of national grandeur. Should the European club be made exclusive, for the sake of a more perfect and efficient union, or should weaker, smaller nations be allowed to partake of the advantages of membership even though constitutionally or otherwise they are unable to shoulder the full political burden of membership?

To a large extent these are the questions facing the architects of European unity today. They cannot be resolved quickly, nor is there any guarantee that they will be resolved at all. It should be clearly understood, however, that they are the last remaining obstacles to the formation of a single political entity numbering close to 300 million souls, with an economic and military potential equal to or surpassing our own. Furthermore, there is a firm will in Europe to overcome all problems.

For instance, on July 18, 1961, a European summit conference at Bonn, Germany, declared that the six Common Market countries intended to give "shape to the will for political union already implicit in the treaties establishing the European Communities." Day before yesterday in Paris—July 5—President de Gaulle of France and Chancellor Adenauer of Germany—whose views on this question are known to differ at least superficially—declared that it was "desirable to bring the discussions on the creation of a political federation, which would consolidate achievements already made in the economic field, to a conclusive agreement with their partners."

Given this will to cooperate in Europe, it was singularly appropriate that President Kennedy should have chosen the Fourth of July in Philadelphia's Independence Hall to make his historic and ringing call for a declaration of interdependence between the United States and a united Europe. President Kennedy drew a consistent parallel between the experience of the United States in forging a workable Federal constitution out of the raw material of independence and the slow, sometimes painful stages by which a similar process would have to take place in Europe. Yet he left no doubt that he expected the European movement to be crowned with success, and equally clearly, he staked out the claim of the United States to have a special, mutually beneficial relationship with Europe.

The President left no doubt that he conceives of a partnership between Europe and America which would consist of more than sentimental ties and less than the ties between vassal and suzerain. On the contrary, the proposed relationship would be one of equality—a relationship in which both Europe and the United States could provide for the common defense, promote the general welfare, and carry out their mutual obligations for the emerging nations and the underdeveloped areas of the world.

The President likewise left no doubt that a united Europe must not become a "third force" counterpoised between the United States and the Soviet Union. In his own words:

> We do not regard a strong and united Europe as a rival but as a partner. To aid its progress has been the basic objective of our foreign policy for 17 years. We believe that a united Europe will be capable of playing a greater role in the common defense, of responding more generously to the needs of poorer nations, of joining with the United States and others in lowering trade barriers, resolving problems of currency and commodities, and developing coordinated policies in all other economic, diplomatic and political areas. We see in such a Europe a partner with whom we could deal on a basis of full equality in all the great and burdensome tasks of building and defending a community of free nations.

In short, what the President proposes, and what every American should welcome, is a discussion between the United States and Europe—once its unity has been established—as to "ways and means of forming a concrete Atlantic partnership." Already, this partnership exists in more or less solid form—in the shape of institutions such as the Organization for Economic Development, the Development Advisory Group, NATO, and others. But the West needs a much more comprehensive, a much more detailed and institutionalized instrument of cooperation, the more so as relations between North America and Europe become less and less multilateral and more and more bilateral. We need a true Atlantic charter for the sixties and seventies.

The President, says the Times of London, has advanced "an imaginative idea, typical of his sense of style and history." His speech, I would say, makes a double contribution of unsurpassed value to the cause of Western unity. First, he frankly admits that the goals of international justice, domestic tranquility, defense against aggression, general welfare, or the blessings of liberty can be achieved by any one nation in today's world. This would seem to answer the fear of some who might object that the United States is trying to horn in on Europe and establish Anglo-Saxon domination over continental institutions. Secondly, he states just as frankly that his grand scheme is not a blueprint for tomorrow but a goal to be striven for over the years:

> All this—

He says—

> will not be completed in a year, but let the world know it is our goal.

The United States, therefore, will neither withdraw from Europe nor will it seek to reestablish hegemony over Europe. It is going to cooperate closely with Europe once the latter has solved its constitutional problems. If this remains our goal, despite all the setbacks and disappointments which may be encountered, then the West will have found nine-tenths of its answer to the Communist threat.

This, then, is the environment in which the Trade Expansion Act must be considered and passed.

Mr. SMITH of Massachusetts. Mr. President, I would like to discuss the reasons why I have so strongly supported the Kennedy trade bill.

I have done so knowing that there are older industries in my State which have been hurt by foreign competition in the past and which may feel even greater pressures from it when this program goes into effect. I believe, however, that in the long run Massachusetts gains in new markets and trade opportunities will more than offset its losses through foreign competition. Furthermore, I believe that this bill provides new and better safeguards for the older industries.

In part, these safeguards consist of provisions to enable them to adjust to changing conditions and to remain competitive without traditional tariff barriers. More important, however, they give to the President more powerful and flexible tools to act swiftly to assist any industry facing unfair foreign competition. This has already been done under the Kennedy administration without the assistance of this bill. I know that this bill will enable President Kennedy to greatly expand his efforts in this area.

There are several safeguards in this bill for domestic industries threatened by foreign competition. First, tariff reductions must be spread out over a 5-year period. Second, the escape clause provisions have been clarified and strengthened. Thirdly, provisions are included for adjustment assistance to help industries hurt by foreign competition to adjust to new conditions. The adjustment assistance provisions are particularly important as they can be adapted to the needs of individual firms. They allow greater flexibility for the firms to meet the problems of foreign competition than that provided by tariffs. This bill does not by any means eliminate tariff and import quotas. It recognizes, however, the fact that a rapidly changing economy requires flexible assistance provisions. Adjustment assistance is a modern way of meeting the new economic problems of our age.

The most important safeguards, however, are those which increase the decision making powers of the President. He has been given additional authority to deal with countries which maintain unfavorable trade restrictions against the United States. He also has increased power to enter into marketing agreements to protect products covered by the escape clause provisions. In general, this bill makes it both easier for the industry to gain access to the President and for him to act on their requests.

Under the Kennedy administration, we have already seen what can be done through vigorous executive action to protect an industry hurt by foreign competition. President Kennedy took the initiative in May 1961 in preparing a broad program to help the textile industry. Since then, the United States has set up a long-term, 18-nation agreement permitting importing countries to take restraint actions to prevent marketing disruption by low cost imports. Congress then supplemented the President's powers to permit him to control nonparticipating nations.

As a result of this work, over 75 percent of the import movement of cotton textile production has been kept under control. Sixty-eight specific restraint actions have been taken against other countries in the less than 1 year that this program has been underway. Mill activity and profits in the cotton textile industry have risen and the decline in employment in that industry has been halted.

This is an example of what vigorous action has done for one industry in our country hurt by foreign competition. More can be done along these lines and will be, I am sure. There is no person in the country more knowledgeable and concerned over the problems of our older industries than our President. He represented my State on Capitol Hill for a decade and knows firsthand the problems which the older industries of Massachusetts, New England, and other parts of the country face. By increasing the President's power to deal with these problems, Congress has given him a greater opportunity to give to other industries the same relief which he gave to the textile industry.

The primary purpose of this bill is to open new opportunities for expansion abroad for American industry. This is especially important to Massachusetts. In 1960, my State sent nearly $450 million worth of manufacture and agriculture abroad. Almost a third of the working force in the Commonwealth in over 300 firms benefited through jobs from these exports. Massachusetts was the eighth largest exporting State in the Union in that year.

These exports came in a large part from industries where American industrial know-how and manufacturing skills gave us a competitive advantage. American industries have many such advantages in exporting to foreign countries and it is important that we make the best use of them. We have had long experience in many enterprises that are new to foreign countries, and possess technological methods that are the world's finest. Through advanced techniques of production and distribution, we can get our products to market quicker and cheaper than even other highly industrialized nations.

The Kennedy trade program will enable us to convert the benefits of our advanced industrial economy into jobs through expanded exports. This is of utmost importance to the country. Our economy cannot afford to stand still. If our sales do not increase, if we do not provide ourselves with the necessary tools to deal with the rapidly growing European Common Market area, we shall not only halt our growth but begin to decline. On the other hand, if we combine forces with the European Common Market we will not only bolster our own economy through this action but we will offer to the Soviet bloc an industrial might with twice their economic power. Over the long run, this is a greater threat to Mr. Khrushchev than all our armaments.

He knows this and has recently taken steps in eastern Europe to bolster the economic strength of that area. The free world, however, still has a great lead over the Communist bloc in the economic field. This trade program will be a great step toward insuring that we keep that lead. I consider it a great privilege to have served in the Senate at a time when we approved a forward looking measure such as this one.

Mr. MILLER. Mr. President, with a view toward clarifying the intention of the legislation by the making of some legislative history, I wonder if I could ask a few questions of the distinguished Senator from Virginia, the chairman of the Committee on Finance. My first question refers specifically to the word "predominantly," which appears on lines 12 and 13 on page 49 and on line 24 on page 52 of the bill. Is it the intention that this means over 50 percent?

Mr. BYRD of Virginia. I believe that that is the intention. This is borne out by the statement in the House report appearing at the middle of page 54.

Mr. MILLER. I thank the Senator. My next question is this: Referring specifically to the word "major," appearing on line 7 at page 35, is it the intention that this does not necessarily mean over 50 percent?

Mr. BYRD of Virginia. The answer to the Senator is that that is my personal interpretation.

Mr. MILLER. I thank the Senator.

Mr. McCARTHY. Mr. President, the Trade Expansion Act of 1962 has rightly been called one of the most important pieces of legislation to come before the Congress in several decades. It is a forward-looking and far-reaching bill which faces up to the challenges of a rapidly changing world, a world in which yesterday's formulas are no longer adequate for today's problems.

This bill puts the United States on record as announcing to the rest of the world that we are prepared to make a positive response to new situations. And the situations are new. After many years of enjoying our position of unrivaled economic supremacy, we now see that across the Atlantic the nations of Western Europe have at last discovered the potential which lies in economic union. These nations are producing—and consuming—at record rates. This is all to the good. We welcome it. There is, in fact, every reason to believe that the United States as well as Western Europe will benefit from the economic revolution which is taking place. But in order to compete effectively with West Germany, France, Italy, and the rest, in order to take advantage of the vast market which has opened up abroad and, at the same time, to enjoy the fruits of their labor, we must revise our trade laws and recognize that adjustments will be necessary.

Mr. President, the Trade Expansion Act which is before the Senate today is, in reality, a "fair trade" bill. Its aim is to insure those conditions around the world which will foster and guarantee the age-old right to exchange goods and services in a free and open marketplace. To this end, the bill gives to the President the power to reduce our tariffs—but on a truly reciprocal basis. Trade is a two-way street, and the purposes of this legislation will be accomplished only if they are accepted in fact as well as in principle by the other nations of the world.

At the same time, the bill is protectionist, in the best sense of the word. It protects the principle of the free market at home. It is designed to protect the American businessman in his right to compete fairly around the world. And it protects American workers and firms from unfair competition. Moreover, it protects them from the consequences of imports and import competition which may result from the enactment.

Once again I should like to call the attention of my colleagues to the provisions of the Trade Expansion Act which make this a fair trade measure. With regard to the real and discretionary power given to the President to safeguard genuine competition, H.R. 11970 came from the House with the following provisions:

Section 201(b), which gives to the President, in addition to his basic authority to reduce duties, authority to increase duties to 50 percent above the level of July 1, 1934.

Section 232, which retains the present authority to adjust the level of imports when the President finds that they threaten to impair the national security.

Section 252, which requires the President to take all appropriate and feasible steps in his power to eliminate unjustifiable foreign import restrictions which impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade. He may not, however, give concessions on U.S. duties in order to accomplish this end. Further, the President is required, to the extent consistent with the purposes stated in the bill, to prevent the application of trade agreement benefits to products of countries which maintain unwarranted nontariff trade restrictions against the United States or which engage in discriminatory acts or policies which unjustifiably restrict U.S. commerce.

To these important provisions, which are in the interest of fair trade, the Finance Committee has given the President the following general powers:

Section 353, which provides that, notwithstanding any other provision of law, the President may, when he finds it in the national interest to do so, increase any existing duty to the extent he finds necessary, impose a duty on an article to the extent he finds necessary, and impose such other import restrictions to the extent he finds necessary.

Section 252(c), which provides that whenever a country or instrumentality, the products of which receive benefits of trade agreement concessions made by the United States, maintains import restrictions which are unreasonable, although they may be legally justifiable, and which either directly or indirectly substantially burden U.S. commerce, the President may, to the extent consistent with the purposes set out in section 102, and having due regard for the international obligations of the United States, first, suspend, withdraw, or prevent the application of benefits of trade agreement concessions to products of such country or instrumentality; or, second, refrain from proclaiming benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality.

Section 352, which provides that after receiving an affirmative finding of the Tariff Commission under section 301(b) with respect to an industry, the President may, as an alternative to the action authorized by section 351(a)(1), but subject to the congressional review procedures of the other paragraphs of section 351(a), negotiate with foreign countries international agreements limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry, whenever he determines that such an agreement would be more appropriate than tariff relief to prevent or remedy serious injury to the industry.

The Finance Committee has also recognized the special problems which attend the continued export of American agricultural products to Western Europe with an amendment to section 252(a) which provides that the President shall impose duties or other import restrictions on the products of any country establishing or maintaining burdensome restrictions against U.S. agricultural products.

Finally, in the interests of safeguarding American agriculture, the committee has added section 257(h), which provides that nothing in H.R. 11970 shall be construed to affect in any way the provisions of section 22 of the Agricultural Adjustment Act. Section 22 is designed to protect agricultural products participating in Government price-support programs from dumping or other unfair practices on the part of foreign nations.

Mr. President, it is my firm conviction that the various sections I have cited will, if properly administered—and I expect them to be so administered—afford adequate protection to the American businessman, worker, and farmer against restrictive and unfair practices abroad, thereby guaranteeing that the purposes of the Trade Expansion Act will be accomplished.

I stated earlier that this bill is designed also to protect American businesses and workers who might, despite these protection provisions, be injured because of this legislation. We would be foolish if we closed our minds to the fact that there will be some injuries as we liberalize our trade laws. I sincerely believe that injury to American workers and producers will be limited in scope and duration, and that the resiliency and adaptability of American industry will act to reduce the extent of injury; but I would not want to be the one to have to tell the unemployed worker and his family or the businessman who has been forced to close his plant that they represent but a small segment of the American economy, the segment that has been idled by the effects of our new trade act. Those who are injured because of the implementation of national policy are entitled to assistance. It is important, and indeed essential, that the Trade Expansion Act include provisions for their relief.

The idea of helping firms and workers who may be injured because of national trade is not new. In 1950, administration spokesmen testifying in behalf of foreign economic aid suggested that some form of compensation might be appropriate for persons who suffered economic loss as a result of the lowering of American tariffs; and in 1953, the Public Advisory Board for Mutual Security submitted a report on "A Trade and Tariff Policy in the National Interest," in which the principle of adjustment assistance was endorsed. But in neither case was a specific program offered. Also in 1953, Mr. John S. Coleman, chairman of the Committee for a National Trade Policy, and president of the Burroughs Corp., told the Randall Commission that "assistance should be provided to enterprises, communities, and employees affected by reduction in import restrictions where it is needed to help them adjust to dislocation," although in his proposal Mr. Coleman emphasized assistance that would permit avoidance of injury, where possible, rather than straight indemnification against injury.

The Randall Commission took a position against special Government adjustment assistance. However, one member of the Commission, United Steelworkers President David McDonald, formally proposed assistance, urging that "adequate provision be made in the law for sharing the costs of such adjustments as may be necessitated by increased imports." Mr. McDonald's proposal focused public attention on the problem; and in the years that followed a number of bills calling for adjustment assistance, including one that I cosponsored—S. 3803, in the 86th Congress—were introduced in Congress. One of the first of these was S. 3650, introduced in 1954 by then Senator John F. Kennedy, which the sponsor said was similar in many respects to the McDonald proposal.

In 1959 to 1960, the Senate Special Committee on Unemployment Problems, which I had the privilege of chairing, made an extensive study of unemployment conditions in the United States. One of the recommendations of the majority was the "enactment of adjustment legislation to relieve the impact of international trade policies on employees, businesses, and communities adversely affected." The minority went into more detail, stating that "we see no reason why a relatively small number of persons who are vulnerable to import competition from low-wage countries should be expected to bear the brunt of the cost of national adjustment to increased imports," and recommending assistance to firms through "loans, tax concessions or other forms of assistance to adjust to new lines of production," and assistance to workers in helping them to move to new jobs and to develop new skills.

Under the adjustment assistance provisions of H.R. 11970, workers who qualify would be eligible for, first, readjustment allowances, usually amounting to 65 percent of the worker's average weekly wage, but in no case more than 65 percent of the national average manufacturing wage, for up to 52 weeks for all workers, with provision for up to 26 more weeks for a worker in an approved training program, or a possible 13 more weeks for workers over 60 years of age who are not getting training; second, vocational education and training to help workers hurt by imports to develop higher and different skills; and, third, relocation allowances to pay for the worker's and his family's moving expenses, plus a lump-sum payment of about $230.

Firms which are hurt by import competition and which submit a sound economic adjustment proposal reflecting efforts toward self-help and consideration of the interests of their workers may qualify for technical assistance, loans, or permission to carry back a net operating loss for tax purposes to 5 years, rather than the normal 3 years.

It is not unusual for the Federal Government to make special provision for situations arising out of national policy. Congress has in the past enacted such programs as the GI bill of rights, the reconversion unemployment benefits for seamen, unemployment compensation for certain Korean veterans, reemployment rights for veterans, and hospital and other benefits for those injured in advancing the national interest.

Why is such a program of adjustment assistance necessary in an economy which retains the dynamism of ours? In the first place, adjustment assistance is intended to be complementary to the escape-clause provisions and the staging requirements also provided in the bill. Second, adjustment assistance is a more adaptable and flexible tool for adjusting to trade situations than anything heretofore proposed.

In cases where industrywide injury may not be sufficient to warrant tax relief, adjustment assistance can be given to individual firms and groups of workers who may be genuinely injured. With various kinds of assistance available, a particular program can be adjusted to the special needs of the firms and workers who may be affected. At the same time, assistance can be given in one area, without affecting our overall trade policy, and without inviting retaliatory action from abroad. The program, above all, directly promotes what Secretary Hodges called a "constructive response to the challenge of import competition."

The statement by the Secretary of Commerce is important in pointing up the fact that adjustment assistance is not a dole or a subsidy. Neither is the program expected to be very large. The best estimates are that it will affect perhaps 18,000 workers a year, or 90,000 over a 5-year period. Furthermore, maximum use will be made of existing agencies in providing assistance, so that there need be no fears about an expanding Federal bureaucracy.

Mr. President, I am confident that the Trade Expansion Act will assist the United States in meeting the new challenges of a rapidly changing world. I have emphasized my belief that this is truly a "fair trade" act, one which will contribute to the elimination of trade barriers and restrictions all over the world. I believe the bill is fair in what it attempts to do for American industry, for American labor, for American agriculture, and, indeed, for all the American people. The United States is often reminded of its special responsibilities of leadership. I believe we are here providing an instrument for the more effective exercise of that leadership of the world, while at the same time we meet and fulfill our obligations to the American people.

Mr. President, I had intended to offer an amendment to the inducing clause of section 252(a) which would strike the word "unjustifiably" and reinsert the word "unjustifiable" before the phrase "foreign import restrictions," which are the subject of this subsection. This would have had the effect of returning to the language of the House bill.

The change was made in the House bill not with any intent to change the substance of the inducing clause but rather as a clarification of its language. It has been brought to my attention that the inducing clause contains three situations in the alternative, in any one of which the President is required to take the action specified in the three subparagraphs of section 252(a), including paragraph 3, which is Senator WILLIAMS' amendment. If, as in the committee's bill, the word "unjustifiable" or "unjustifiably" is used to modify only one of these three alternatives, the other two alternative clauses can be read to require the President to act even though the restrictions in question are legitimate and justifiable. This would be particularly unfortunate in the case of paragraph 2 of section 252(a), which prohibits the President from negotiating U.S. concessions in order to obtain the reduction in any foreign import restriction which is the subject of that subsection. The intent of this paragraph is clearly only to make the prohibition apply to bargaining for the reduction of unjustifiable restrictions.

By the reinsertion of the word "unjustifiable" to modify the import restrictions which are the subject of section 252(a), it will be clear that, as in the case of section 252(b), the President is fully armed to take action against foreign import restrictions which are illegitimate, by virtue of being inconsistent with, or contrary to, international agreements like the GATT and treaties of friendship, commerce, and navigation. Senator DOUGLAS' amendment, the new section 252(c), on the other hand, authorizes action against unreasonable import restrictions, that is, restrictions which, though they may be legally justifiable, unreasonably impose a substantial burden upon U.S. commerce. Taken together, sections 252 (a), (b), and (c) will thereby provide a formidable array of powers which the President can invoke, if he sees fit, to attempt to induce the reduction or removal of both illegal and legal but reasonable import restrictions which burden U.S. commerce abroad.

Accordingly, consistent with the committee's intention but in the light of a more careful reading of the inducing clause of section 252(a), I believe that this amendment, returning to the language of the House bill, is a necessary one. Since it effects no substantive change and is merely in the nature of a technical amendment, I hope that it will be adopted in conference.

Due to the fact that third reading of the bill came earlier than I had anticipated, I ask unanimous consent to have the amendments printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

Amendments to section 252(a): Page 20, line 24, insert "unjustifiable" before "foreign import restrictions".

Page 21, line 1, strike "unjustifiably".

Mr. STENNIS. Mr. President, I think that one should record his impressions of the problems presented by the trade bill and give his reasons for support of same.

No one knows what will be the impact of this trade bill on both the major and minor segments of our economy. I am certain it will in some respects be upsetting, and will cause special burdens to many segments of our business and industrial life.

However great these burdens may prove to be, I am also certain that the sufferings and burdens will be worse, should we fail to act at all.

Substantial changes are rapidly coming about in the economic conditions of the world. New trade problems and possibilities come with each passing month. To a degree, this legislation is an experiment in meeting these new conditions—but at the same time it is a necessary experiment.

Tremendous power will be vested in the executive department of the Government in devising and administering the far-reaching trade policies which will evolve from this measure. I vote to grant this power because I think it is necessary to meet new conditions at home and abroad.

A major point to always remember is that to meet changing conditions we have to negotiate with other nations. Our present trade bill law has expired and it is necessary that we pass some bill in order to have a method or authority for negotiating agreements with others.

Another very significant point is that the success or failure of this measure will depend so much upon its administration. This applies to the Nation as a whole as well as every section thereof. It will be possible for the administration to favor one area of the country and to penalize another. The executive department will certainly be on trial in this respect.

I feel sure that the utmost effort will be made by all those charged with responsibilities under the bill to carry out the spirit of fairness and impartiality entrusted to them by the enactment of this far-reaching measure.

In addition thereto, it is implicit in the passage of the bill that it shall be reviewed by Congress in view of experiences gained by its operation.

NOTICE OF INTENTION TO BRING BEFORE THE SENATE THE TREATY OF FRIENDSHIP, ESTABLISHMENT, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Mr. MANSFIELD. Mr. President, it is the intention of the leadership—and I have discussed this matter with the distinguished minority leader—to call up, at the conclusion of the consideration of the trade bill, the Treaty of Friendship, Establishment, and Navigation between the United States of America and the Grand Duchy of Luxembourg. There will be a yea-and-nay vote on the treaty, and we suggest that Senators remain in the Chamber to vote on it.

TRADE EXPANSION ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

Mr. HOLLAND. Mr. President, like a good many other Senators, I am about to vote for the so-called trade measure because I see hope in it, but still with some reluctance because of some of its very far-reaching provisions. I see hope in it, because we all know that the customary channels of trade, which have existed in somewhat the same form for decades or even centuries, are rapidly changing and are subject to additional change.

I realize that in view of the rise of the Common Market and other conditions known to all of us there must be more flexible machinery accorded to the executive for prompt and effective dealing with trade problems than anything now provided under current law. I am therefore voting for the bill, though with some reservations, and in the hope that in the administration of the act—which will be the real test of its effectiveness—the administration shall be vigorous and shall be insistent upon the protection of American industry, American agriculture, and American labor in those many instances in which I think those great groups will be entitled to very real recognition as the act comes into operation.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JACKSON. I commend the distinguished senior Senator from Florida for the very sensible statement he is making on the bill. I think he speaks with the voice of many Senators who support the measure. We all have very serious reservations about what might happen under the terms of the bill, but when one looks at the other side of the coin and sees the Common Market coming into being, I think one must realize that we are confronted in the Senate with no alternative course of action to follow than to enact legislation giving to the President appropriate power to act. A failure to do so would be to bury our heads in the sand and ignore the problem we face in the European Common Market.

Therefore, as the distinguished senior Senator from Florida has pointed out, whether the bill is an effective tool in furthering American agriculture, commerce and industry will depend upon the administration of the act.

I think the overwhelming vote the bill will receive in the Senate today will indicate this mandate to the President of the United States. It will indicate that we expect the President to carry out the purposes and objectives of the act in order at the same time to preserve, protect and defend American business, agriculture and commerce.

I commend the Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator from Washington for his comments. I know that in the back of his mind is at least one thing which is in the back of my mind, because we have been together in many negotiations heretofore, both under the preceding administration and under the present administration, when we have felt that there was not sufficiently aggressive representation of the rights of that large segment of American agriculture which produces and markets perishable fruits and vegetables and the products of those agricultural commodities, which are so very perishable, which are not price supported, and which have depended heretofore largely upon foreign markets to absorb a large portion of the production.

I am hopeful for a much more aggressive attitude on the part of the Executive generally, and particularly the Department of State, in protecting and defending the rights of the producers of the perishable agricultural commodities I have mentioned, fruits and vegetables, to permit them to reach their traditional foreign markets and to build themselves greater in those markets. Insofar as the Department of Agriculture is concerned, we have had from that Department much more friendly treatment.

Mr. JACKSON. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. JACKSON. Is it not true that the problem we face involves not merely the matter of tariffs, since there are other barriers which are even more formidable than tariffs, such as quotas, unfair trade practices, and all the systems and devices which have been used in the past and which likely will be used in the future to make it difficult for American agriculture, commerce, and industry to enter the European and other markets throughout the world?

Mr. HOLLAND. The Senator is correct. To the factors which the Senator has mentioned there should be added the differences in exchange, which have proved to be quite a hurdle with respect to the rebuilding by our vegetable and fruit industries of the markets which they had before World War II and which they have been unable to reestablish, in spite of the fact that they have spent large sums of their own money, both before the war in developing the markets they then had and since the war in the effort to reestablish those markets.

I hope that we shall have a vigorous and aggressive administration of the act in all those fields. I think particularly of the industries which I have mentioned, which are not price supported and which can legitimately turn to the Federal Government for more help in the matter of getting over the foreign quotas and getting over the other restrictions which the Senator from Washington has mentioned.

Mr. JACKSON. Mr. President, will the Senator yield briefly?

Mr. HOLLAND. I yield.

Mr. JACKSON. I heartily concur in the Senator's reference to the devaluation of currency. The currency problem hit the lumber industry in the Northwest particularly hard. It has hit the industry in the South. I refer to the problem with Canada, since the Canadian dollar has been devalued.

I think the message to the President, when we finally vote on this measure in the Senate, is that we hope and anticipate that he will look at the problem in broad perspective, not merely from the standpoint of tariffs, but also with respect to all the other devices used to make it more difficult for our commerce, agriculture, and industry to properly compete in world markets.

I commend the able Senator from Florida for what I think is a commonsense analysis of the problem we face. We are confronted with a condition and not a theory. I think we are taking the only reasonable action we can take. We must give the President full power. It is up to the administration to utilize the tools wisely in the furtherance of our own national objectives.

Mr. HOLLAND. Again I thank the Senator from Washington.

Mr. President, with reference to this one relatively small aspect of the problem, though it is very large to the people who produce fruits and vegetables and other perishable crops, I wish to call attention, if I may, to the amendment in the bill approved by the Senate, which is found as a part of section 252. It begins as follows:

> (a) Whenever foreign import restrictions impair the value of tariff commitments made to the United States, unjustifiably oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis, the President shall—

I call particular attention to the use of the word "shall"—

> (3) notwithstanding any provision of any trade agreement under this Act, impose duties or other import restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, to the extent he deems such duties and other import restrictions necessary to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis.

Mr. President, I am sure the committee meant in the use of the word "instrumentality" such organizations of states as the Common Market and other similar organizations that have arisen or that may arise.

I warmly congratulate the distinguished Senator from Delaware [Mr. WILLIAMS] for his insistence upon the inclusion of the amendment. Though not precisely in its final form, yet in a form which will carry out the objective sought. Representing in part those who produce fruits and vegetables in this Nation, and having cooperated with Senators with similar groups of constituents in numerous other States, we believe that, in the adoption of the amendment, we have given to the Executive a tool with which he can much better serve. We hope he will use it to serve much more aggressively the legitimate interests of the fruit and vegetable producers of our Nation. They should include, of course, the producers of other highly perishable agricultural products, such as poultry and other perishables, which receive no price supports. They must be marketed quickly and carefully. We have every confidence now that they will receive the vigorous attention of the Executive and the various departments that deal with this subject in reestablishing and enlarging our markets abroad.

I am sure that Senators from States which produce these commodities in large exportable quantities will be hoping—as I hope—that the provision will prove to be an effective tool to give better protection to those products than they have had and, above all, more effective representation from the executive department, the State Department, and even the Department of Agriculture, which has been uniformly friendly and helpful.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Florida for his remarks. I agree completely with his analysis of the amendment and its importance to those engaged in the field of agriculture. For the first time we are arming the President of the United States with adequate authority to give proper protection to the export of American agricultural products. I consider this amendment one of the most important provisions in the bill. I am delighted that the Senate accepted that provision in substance as the committee approved it.

Mr. HOLLAND. I thank my distinguished friend. I again congratulate him warmly. He has rendered a real service to the producers of all highly perishable crops in the United States. I am talking not only about chickens from the Delmarva Peninsula, or citrus products from Florida or citrus products from Arizona and California. I refer also to the deciduous crops grown in many parts of our country. I refer to agricultural products grown in the Pacific Northwest, in Virginia, in New York, and in various other areas. I am talking about the producers of prunes and other dried fruits. I am talking about the producers of the very fine canning peach which is produced in California and elsewhere, but particularly in California.

We have had a hard road to travel. I see some friends here from States in which cherries are produced. I see Senators representing States in which milk products are produced. We have had a hard road to travel since World War II, because there has not been the aggressive representation for which we have hoped.

I now express the view that with the new tool which we are providing we shall be entitled to more aggressive representation, and that we shall get more effective results.

I yield again to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, again I concur in the statement of the distinguished Senator from Florida. The amendment was not directed to provide protection to just one segment of American agriculture. It is true that I had a primary interest in the amendment as it would affect the export of poultry and certain other commodities produced in our State. But the amendment is broad in its language. It covers all agricultural commodities as they are produced in any of the 50 States of the Union.

Mr. HOLLAND. Mr. President, I again thank the Senator for his quite correct remarks.

On a slightly different aspect of the situation, I ask unanimous consent to have printed at this point in the RECORD section 353, which is a very great departure from anything that the Congress has ever done before by way of granting power to the Executive in the field of trade.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

> SEC. 353. ADDITIONAL AUTHORITY TO INCREASE TARIFFS AND IMPOSE QUOTAS.
>
> Notwithstanding any other provision of law, the President may, when he finds it in the national interest, proclaim with respect to any article imported into the United States—
>
> (1) the increase of any existing duty on such article to such rate as he finds necessary,
>
> (2) the imposition of a duty on such article (if it is not otherwise subject to duty) at such rate as he finds necessary, and
>
> (3) the imposition of such other import restrictions as he finds necessary.

Mr. HOLLAND. That section, if applied other than for the protection of American industry and other than for retaliation, if such is needed against those who would impose upon us, would be an unthinkable addition to our body of legislative law. I call attention only briefly to the fact that, among other things, the President would be allowed under this section, which is a Senate amendment, notwithstanding any other provision of law, when he finds it in the national interest to proclaim "(2) the imposition of a duty (if it is not otherwise subject to duty) at such rate as he finds necessary."

In other words, in instances in which Congress had not found it to be necessary heretofore, the provision would allow the President to create a tariff.

Such a broad grant of authority would be, to the Senator from Florida, without understanding of its limitations, such an obstruction and such a hurdle that I could not cross it in voting for the bill. I understand from discussing the provision with members of the committee and from the debate that it is to be used solely for the protection of American industry and as retaliation against those who would impose on American industry in those extreme cases that would be covered by the early part of this section. I wish the legislative history to show that, at least so far as the Senator from Florida is concerned, he could not support the bill, including that section, except upon his understanding that it is in the bill solely as a defensive tool, for the protection of American industry, agriculture, and labor, and solely to be used when strong opposing methods are required, when others try to impose upon us and upon our products.

Mr. President, I hope—and I am sure every other Senator hopes—that the bill, including the two sections which I have mentioned and the other broad and generous grants of power, will be wisely used and vigorously used, and will make an effective contribution to building the strength of American foreign trade and to keeping that strength on as high a level as it is possible to keep it.

The VICE PRESIDENT. The time previously agreed upon for the vote on the passage of the bill having arrived, the question is, Shall the bill pass?

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll on the question of the passage of the bill.

The legislative clerk called the roll.

Mr. SPARKMAN. On this vote I have a pair with the senior Senator from Indiana [Mr. Capehart]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. YOUNG of North Dakota (after having voted in the negative). I have a pair with the senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Arkansas [Mr. McClellan], the Senator from Oregon [Mr. Morse], and the Senator from Oregon [Mrs. Neuberger] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening] is necessarily absent.

On this vote, the Senator from Nevada [Mr. Cannon] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote the Senator from Oregon [Mrs. Neuberger] is paired with the Senator from New Hampshire [Mr. Murphy]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from New Hampshire would vote "nay."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent, attending the Republican State convention as required by Texas law.

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Kentucky [Mr. Morton]. If present and voting, the Senator from South Dakota would vote "nay," and the Senator from Kentucky would vote "yea."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from New Hampshire [Mr. Murphy] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Nevada [Mr. Cannon]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Nevada would vote "yea."

The pair of the Senator from Indiana [Mr. Capehart] has been previously announced.

The result was announced—yeas 78, nays 8, as follows:

[No. 268 Leg.]

YEAS—78

Aiken
Allott
Anderson
Bartlett
Beall
Bible
Boggs
Burdick
Butler
Byrd, Va.
Byrd, W. Va.
Carlson
Carroll
Case
Chavez
Church
Clark
Cooper
Dirksen
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Fong
Gore
Hart
Hartke
Hayden
Hickenlooper
Hickey
Hill
Holland
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Metcalf
Miller
Monroney
Moss
Muskie
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Stennis
Symington
Talmadge
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—8

Bennett
Bush
Cotton
Curtis
Goldwater
Jordan, Idaho
Mundt
Thurmond

NOT VOTING—14

Bottum
Cannon
Capehart
Fulbright
Gruening
Hruska
McClellan
Morse
Morton
Murphy
Neuberger
Sparkman
Tower
Young, N. Dak.

So the bill (H.R. 11970) was passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. KERR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the bill (H.R. 11970) be printed with the amendments of the Senate numbered; and that in the engrossment of the amendments of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth, designations, and cross references thereto.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I move that the Senate insist upon its amendments and request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. Byrd of Virginia, Mr. Kerr, Mr. Long of Louisiana, Mr. Smathers, Mr. Williams of Delaware, Mr. Carlson, and Mr. Curtis conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the schedule for the remainder of today and also for tomorrow, if he can inform us about it now.

Mr. MANSFIELD. Mr. President, it is the intention to have the Senate proceed, first, to consideration of the Treaty of Friendship, Establishment, and Navigation Between the United States and Luxembourg.

It is the intention of the leadership to have the Senate take up, thereafter, the conference report on the United Nations bond issue measure, which, as Senators know, has now been passed by both Houses. I understand that the conferees have agreed to the House version.

After that, it is planned to have the Senate take up the Quincy project bill, in which the Senator from Colorado [Mr. Allott] and the Senator from Iowa [Mr. Miller] are interested.

It is the intention to have the Senate take up, after that, the aquarium bill, Calendar No. 1741, House bill 8181.

That may be enough for the session today, unless there is time to take up some of the measures on the calendar to which there is no objection.

Tomorrow the leadership will decide when to have the Senate take up the Cuban resolution, which I understand was reported today by the Armed Services Committee.

It is hoped that at some time it will be possible to comply with the request of the Senator from Washington [Mr. Magnuson] and the Senator from Delaware [Mr. Williams] to reach the so-called maritime bills, which are piling up rapidly for want of agreement between those two Senators.

Mr. DIRKSEN. I should like to ask the majority leader whether he anticipates a late session this evening.

Mr. MANSFIELD. I do not.

Mr. DIRKSEN. I am delighted to hear that.

I should like to ask when the independent offices appropriation bill conference report may be brought to the floor.

Mr. MANSFIELD. I shall try to supply that information later, for the Record, or to make an announcement about it. But at the moment I do not know; and at the moment I do not see in the Chamber the chairman of the subcommittee.

Mr. KEATING. Let me ask whether it is the intention to have the conference report on House bill 10 taken up soon.

Mr. MANSFIELD. It is my understanding that it will be taken up in the House either today or tomorrow.

Mr. KEATING. And after that to have it taken up in the Senate?

Mr. MANSFIELD. Yes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the Treaty of Friendship, Establishment, and Navigation Between the

United States of America and the Grand Duchy of Luxembourg.

The motion was agreed to, and the Senate proceeded to consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Morris Miller, of the District of Columbia, to be chief judge of the juvenile court of the District of Columbia; and

Marjorie McKenzie Lawson, of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia.

By Mr. KEATING, from the Committee on the Judiciary:

Irving Ben Cooper, of New York, to be U.S. district judge for the southern district of New York; and

Inzer B. Wyatt, of New York, to be U.S. district judge for the southern district of New York.

By Mr. HILL, from the Committee on Labor and Public Welfare:

W. Willard Wirtz, of Illinois, to be Secretary of Labor.

TREATY OF FRIENDSHIP, ESTABLISHMENT, AND NAVIGATION WITH LUXEMBOURG

The VICE PRESIDENT. If there be no further reports of committees, the treaty will be stated.

Mr. MANSFIELD. Mr. President, the treaty was reported unanimously from the Foreign Relations Committee. The acting chairman of the committee, the Senator from Alabama [Mr. SPARKMAN], is prepared to explain the treaty briefly, and there will be a yea-and-nay vote on the question of agreeing to the resolution of ratification.

I now ask unanimous consent that the Senate proceed to the consideration of the Treaty of Friendship, Establishment, and Navigation Between the United States of America and the Grand Duchy of Luxembourg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the Treaty, Executive B (87th Cong., 2d sess.), of Friendship, Establishment, and Navigation Between the United States of America and the Grand Duchy of Luxembourg, which was read the second time, as follows:

TREATY OF FRIENDSHIP, ESTABLISHMENT, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

The President of the United States of America and Her Royal Highness the Grand Duchess of Luxembourg, desirous for strengthening the bonds of peace and friendship traditionally existing between their two countries and of encouraging closer economic and cultural relations between the two peoples, and being cognizant of the contributions which may be made toward these ends by arrangements specifying mutually accorded rights and privileges and promoting mutually advantageous commercial intercourse and investments, have resolved to conclude a Treaty of Friendship, Establishment and Navigation, and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America: His Excellency Mr. James W. Wine, Ambassador Extraordinary and Plenipotentiary of the United States of America in Luxembourg, and Her Royal Highness the Grand Duchess of Luxembourg: His Excellency Mr. Eugène Schaus, Minister of Foreign Affairs, who, having communicated to each other their full powers found to be in good and due form, have agreed as follows:

ARTICLE I

Each Contracting Party shall at all times accord equitable treatment and effective protection to the persons, property, enterprises, rights and interests of nationals and companies of the other Party.

ARTICLE II

1. Nationals of either Contracting Party shall, subject to the laws relating to the entry, sojourn and establishment of aliens, be permitted to enter the territories of the other Party, to travel therein freely, and to reside and establish themselves at places of their choice. Nationals of either Party shall in particular be permitted to enter the territories of the other Party and to reside therein:

(a) for the purposes of carrying on trade between the two countries and engaging in related commercial activities; or

(b) for the purpose of developing and directing the operations of an enterprise in which they have invested, or are actively in the process of investing, a substantial amount of capital.

2. Nationals of either Party and nationals of third countries en route to or from the territories of such Party shall, subject to the reservation in paragraph 1 of the present article, be accorded freedom of transit for themselves and their baggage through the territories of the other Party by the routes most convenient for international transit. In particular, they shall be free from requirements that entail unnecessary delays and impediments. They shall be subject, however, to regulations with respect to their baggage that are applicable to aliens generally in order to prevent abuse of the transit privilege.

3. Nationals of either Party, within the territories of the other Party, shall enjoy freedom of conscience; and they shall be at liberty to hold religious services, both public and private, at suitable places of their choice.

4. Nationals of either Party shall be permitted, within the territories of the other Party to gather information material for dissemination to the public abroad, and shall enjoy freedom of transmission of such material to be used for publication by the press, radio, television, motion pictures and other means; and they shall be permitted to communicate freely with other persons inside and outside such territories by mail, telegraph and other means open to general public use.

5. The provisions of the present article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and protect the public health, morals and safety.

ARTICLE III

1. Nationals of either Contracting Party within the territories of the other Party shall be accorded full legal and judicial protection for their persons, rights and interests. Such nationals shall be free from molestation and shall receive constant protection, in no case less than that required by international law.

2. To this end they shall in particular have right of access, on the same basis and on the same conditions as nationals of such other Party, to the courts of justice and administrative tribunals and agencies in all degrees of jurisdiction and shall have right to the services of competent persons of their choice.

3. The provisions of paragraphs 1 and 2 of the present article shall extend and apply in the same manner to companies. It is understood, moreover, that the right of such access shall be enjoyed without any requirement of registration or domestication:

(a) in the case of Luxembourg companies not engaged in activities in the territories of the United States of America; and

(b) in the case of United States companies not established in the territories of the Grand Duchy of Luxembourg.

4. If a national of either Party is taken into custody within the territories of the other Party, the nearest consular representative of his country shall on the demand of such national be immediately notified and shall have the right to visit and communicate with such national without unnecessary delay. Such national shall:

(a) receive reasonable and humane treatment, in no case less than that required by international law;

(b) be formally and immediately informed of the charges against him; and

(c) be brought to trial as rapidly as is consistent with the proper preparation of his defense, for which he shall enjoy all reasonable means, including the services of competent counsel.

5. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either Party located within the territories of the other Party shall not be subject to searches or measures other than those permitted by law and in execution of law. Official searches and examinations of such premises and their contents, when necessary, shall be made according to law and with careful regard for the convenience of the occupants and the conduct of business.

6. Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territories of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid and denied effective means of enforcement by the authorities of either Party merely on the grounds that the place where such award was rendered is outside the territories of such Party or that the nationality of one or more of the arbitrators is not that of such Party.

ARTICLE IV

1. Property that nationals and companies of either Contracting Party own within the territories of the other Party shall enjoy constant security therein through full legal and judicial protection.

2. Neither Party shall take unreasonable or discriminatory measures that would impair the acquired rights and interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, or in the skills, arts or technology which they have supplied.

3. Nationals and companies or either Party shall not be expropriated of their property within the territories of the other Party except for public benefit and with the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken. Furthermore, adequate provision shall have been made not later than the time of taking for the determination and payment thereof.

4. Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less than national treatment with respect to the matters set forth in paragraph 3 of the present article and in paragraph 5 of article III. Moreover,

enterprises in which nationals and companies of either Party have a substantial interest shall be accorded, within the territories of the other Party, not less than national treatment in all matters relating to the taking of privately owned enterprises into public ownership and to the placing of such enterprises under public control.

ARTICLE V

1. Nationals and companies of either Contracting Party shall be accorded, within the territories of the other Party, national treatment with respect to obtaining and maintaining patents of invention, and with respect to rights in trade marks, trade names, trade labels and industrial property of all kinds.

2. The Parties deem that it is highly desirable to further, through cooperative and other appropriate means, the interchange and use of scientific and technical knowledge, particularly in the interest of increasing productivity and improving standards of living within their respective territories.

ARTICLE VI

1. Nationals and companies of either Contracting Party shall be accorded national treatment with respect to engaging in all types of commercial, industrial, financial and other activity for gain (business activities) within the territories of the other Party, whether directly or by agent or through the medium of any form of lawful juridical entity. Accordingly, such nationals and companies shall be permitted within such territories:

(a) to establish and maintain branches, agencies, offices, factories, and other establishments appropriate to the conduct of their business;

(b) to organize companies under the general company laws of such other Party, and to acquire majority interests in companies of such other Party; and

(c) to control and manage enterprises which they have established or acquired. Moreover, enterprises which they control, whether in the form of individual proprietorships, companies or otherwise, shall in all that relates to the conduct of the activities thereof be accorded treatment no less favorable than that accorded like enterprises controlled by nationals and companies of such other Party.

2. Each party reserves the right to determine the extent to which aliens may establish, acquire interests in, or carry on enterprises engaged within its territories in communications, air or water transport, banking involving fiduciary or depository functions, or the exploitation of land or other natural resources. However, new limitations imposed by either Party on the extent to which aliens are accorded national treatment with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are regularly engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party. Moreover, neither Party shall deny to transportation, communications and banking enterprises of the other Party the right to maintain branches and agencies to perform functions necessary for essentially international operations in which they are permitted to engage.

3. The provisions of the present article shall not prevent either Party from prescribing special formalities in connection with the establishment of companies or enterprises within its territories which are managed or controlled by aliens; but such formalities may not impair the substance of the rights set forth in paragraph 1 of the present article.

4. Nationals and companies of either Party shall be accorded national treatment with respect to engaging in scientific, educational, religious and philanthropic activities within the territories of the other Party. They shall be accorded the right to form associations under the laws of such other Party for the purpose of engaging in the aforesaid activities. Nothing in the present Treaty shall be deemed to grant or to imply any right to engage in political activities.

ARTICLE VII

1. The Contracting Parties recognize that it is desirable for conditions of competitive equality to be maintained in situations in which publicly owned or controlled trading or manufacturing enterprises are in competition within the territories of either Party with privately owned and controlled enterprises of nationals or companies of the other Party.

2. Accordingly, such state-owned enterprises should not be given special economic privileges which could injure the competitive position of such private enterprises. However, this principle shall not be construed to prevent either Party from making such special concessions in aid of state-owned enterprises as it deems necessary during periods of economic crisis, especially to relieve unemployment. This principle, moreover, is without prejudice to special advantages given in connection with:

(a) manufacturing goods for government use or supplying goods and services to the Government for government use; or

(b) supplying, at prices substantially below competitive prices, the needs of particular population groups for essential goods and services not otherwise practically obtainable by such groups.

ARTICLE VIII

1. Nationals and companies of either Contracting Party shall be permitted to engage, within the territories of the other Party, the services of accountants and technical experts of all kinds, executive personnel, attorneys, agents and other specialists of their choice.

2. Nationals and companies of either Party shall be permitted to engage the services of accountants and other technical experts regardless of the extent to which they may have qualified for the practice of a profession within the territories of the other Party, for the sole purpose of making examinations, audits and technical investigations and rendering reports in the private interest of such nationals and companies in connection with the planning and operation of their enterprises, and enterprises in which they have a financial interest, within such territories.

ARTICLE IX

1. Nationals and companies of either Contracting Party shall be accorded within the territories of the other Party:

(a) national treatment with respect to leasing land, buildings and other real property appropriate to the conduct of activities in which they are permitted to engage pursuant to article VI and for residential purposes, and with respect to occupying and using such property; and

(b) other rights in real property permitted by the applicable laws of such other Party.

2. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment with respect to acquiring, by purchase, lease, or otherwise, and with respect to owning and possessing, personal property of all kinds, both tangible and intangible. However, either Party may impose restrictions on alien ownership of materials dangerous from the standpoint of public safety and alien ownership of interests in enterprises carrying on particular types of activity, but only to the extent that this can be done without impairing the rights and privileges secured by article VI or by other provisions of the present Treaty.

3. Nationals and companies of either Party shall be accorded national treatment within the territories of the other Party with respect to acquiring property of all kinds by testate or intestate succession or through judicial process. Should they because of their alienage be ineligible to continue to own any such property, they shall be allowed a period of at least five years in which to dispose of it.

4. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment with respect to disposing of property of all kinds.

ARTICLE X

1. Nationals of either Contracting Party residing within the territories of the other Party, and nationals and companies of either Party engaged in trade or other gainful pursuit or in scientific, educational, religious or philanthropic activities within the territories of the other Party, shall not be subject to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, within the territories of such other Party, more burdensome than those borne by nationals and companies of such other Party in like situation.

2. With respect to nationals of either Party who are neither resident nor engaged in trade or other gainful pursuit within the territories of the other Party, and with respect to companies of either Party which are not engaged in trade or other gainful pursuit within the territories of the other Party, it shall be the aim of such other Party to apply in general the principle set forth in paragraph 1 of the present article.

3. Nationals and companies of either Party covered by paragraph 2 of the present article shall not be subject, within the territories of the other Party, to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, more burdensome than those borne by nationals and companies of any third country.

4. In the case of companies of either Party engaged in trade or other gainful pursuit within the territories of the other Party, and in case of nationals of either Party engaged in trade or other gainful pursuit within the territories of the other Party but not resident therein, such other Party shall not impose or apply any tax, fee or charge upon any income, capital or other basis in excess of that reasonably allocable or apportionable to its territories, nor grant deductions and exemptions less than those reasonably allocable or apportionable to its territories. A comparable rule shall apply also in the case of companies organized and operated exclusively for scientific, educational, religious or philanthropic purposes.

5. The provisions of the present article shall not obligate either Party to extend to nationals and companies of the other Party tax advantages accorded to nationals and companies of any third country on the basis of reciprocity or by virtue of agreements for the avoidance of double taxation. Furthermore, each Party reserves the right to apply special provisions in extending advantages to its nationals and residents in connection with joint tax returns by husband and wife and in allowing to residents of contiguous countries exemptions of a personal nature in connection with income and inheritance taxes.

ARTICLE XI

1. Nationals and companies of either Contracting Party shall be accorded by the other Party the same treatment as nationals and companies of such other Party in like situations, with respect to payments, remittances and transfers of funds or financial instru-

ments between the territories of the two Parties as well as between the territories of such other Party and of any third country. This treatment shall be not less favorable than that accorded to nationals and companies of any third country in like situations.

2. Neither Party shall impose exchange restrictions as defined in paragraph 5 of the present article except to the extent necessary to maintain or restore adequacy to its monetary reserves, particularly in relation to its external commercial and financial requirements. It is understood that the provisions of the present article do not alter the obligations either Party may have to the International Monetary Fund or preclude imposition by either Party of particular restrictions whenever the Fund specifically so authorizes or requests.

3. If either Party imposes exchange restrictions in accordance with paragraph 2 of the present article, it shall not fail, after making whatever provision may be necessary to assure the availability of foreign exchange for essential goods and services, to make provision to the fullest extent practicable in light of the level of the monetary reserves and its balance-of-payments, for the withdrawal in the currency of the other Party, of:

(a) the compensation referred to in article IV, paragraph 3,

(b) earnings, whether in the form of salaries, interest, dividends, commissions, royalties, payments for technical services, or otherwise,

(c) amounts for amortization of loans, depreciation of direct investments, and, to the extent feasible, capital transfers, giving consideration to special needs for other transactions. If more than one rate of exchange is in force, the rate applicable to such withdrawal shall be a rate which is specifically approved by the International Monetary Fund for such transactions or, in the absence of a rate so approved, an effective rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

4. Exchange restrictions shall not be imposed by either Party in a manner unnecessarily detrimental or arbitrarily discriminatory to the claims, investments, transport, trade and other interests of the nationals and companies of the other Party nor to the competitive position thereof.

5. The term "exchange restrictions" as used in the present article includes all restrictions, regulations, charges, taxes, or other requirements imposed by either Party which burden or interfere with payments, remittances, or transfers of funds or financial instruments between the territories of the two Parties.

6. Questions arising under the present Treaty concerning exchange restrictions affecting aliens are governed by the provisions of the present article.

ARTICLE XII

Commercial travelers representing nationals and companies of either Contracting Party engaged in business within the territories thereof shall be accorded within the territories of the other Party treatment no less favorable than that accorded to commercial travelers representing nationals and companies of such other Party with respect to the exercise of their functions. As concerns the temporary importation of samples the persons referred to above shall be accorded most-favored-nation treatment.

ARTICLE XIII

1. Between the territories of the two Contracting Parties there shall be freedom of navigation.

2. Vessels of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other Party; and such products shall be accorded treatment no less favorable than that accorded like products carried in vessels of such other Party, with respect to:

(a) duties and charges of all kinds,

(b) the administration of the customs, and

(c) bounties, drawbacks and other privileges of this nature.

ARTICLE XIV

The present Treaty shall not preclude the application by either Contracting Party of measures:

(a) regulating the importation or exportation of gold and silver;

(b) relative to its national fisheries and to the products thereof;

(c) relating to fissionable materials, to radioactive byproducts of the utilization or processing thereof, or to materials that are the source of fissionable materials;

(d) regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment;

(e) necessary to fulfill the obligations of a Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests;

(f) for the protection of national treasures having an artistic, historical or archeological value; or

(g) denying to any company in the ownership or direction of which nationals of any third country or countries have directly or indirectly the controlling interest, the advantages of the present Treaty, except with respect to recognition of judicial status and with respect to access to courts.

ARTICLE XV

1. The term "national treatment" means treatment accorded within the territories of a Contracting Party upon terms no less favorable than the treatment accorded therein, in like situation, to nationals, companies, products, vessels or other objects, as the case may be, of such Party.

2. The term "most-favored-nation treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels, or other objects, as the case may be, of any third country.

3. As used in the present Treaty, the term "companies" means corporations, partnerships, companies and other associations, whether or not with limited liability and whether or not for pecuniary profit. Companies constituted under the applicable laws and regulations within the territories of either Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other Party.

4. National treatment accorded under the provisions of the present Treaty to companies of the Grand Duchy of Luxembourg shall, in any State or possession of the United States of America, be the treatment accorded therein to companies created or organized in other States and possessions of the United States of America.

ARTICLE XVI

1. The territories to which the present Treaty extends shall comprise all areas of land and water under the sovereignty or authority of each Contracting Party, other than the Panama Canal Zone and the Trust Territory of the Pacific Islands.

2. It is understood that the present Treaty does not apply to territories under the authority of either Party solely as a military base or by reason of temporary military occupation.

ARTICLE XVII

1. Each Contracting Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the other Party may make with respect to any matter affecting the operation of the present Treaty.

2. Any dispute between the Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settlement by some other pacific means.

ARTICLE XVIII

The present Treaty shall terminate the Declaration between the Grand Duchy of Luxembourg and the United States of America for the Effective Protection of Trademarks signed at Luxembourg December 23, 1904 and at The Hague December 27, 1904.

ARTICLE XIX

1. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

2. The present Treaty shall enter into force one month after the day of exchange of instruments of ratification.

3. The present Treaty shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

4. Either Contracting Party may, by giving one year's written notice to the other Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

Done in duplicate, in the English and French languages, both equally authentic, at Luxembourg this twenty-third day of February, one thousand nine hundred sixty-two.

For the United States of America,

JAMES W. WINE.

For the Grand Duchy of Luxembourg,

EUGENE SCHAUS.

PROTOCOL

At the time of signing the Treaty of Friendship, Establishment and Navigation between the United States of America and the Grand Duchy of Luxembourg the undersigned Plenipotentiaries, duly authorized, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Treaty.

1. The provisions of article II, paragraph 1(b), of the Treaty shall be construed as extending to persons who represent nationals and companies of the same nationality which have invested or are actively in the process of investing a substantial amount of capital in an enterprise in the territories of the other Party, and who are employed by such nationals and companies in a responsible capacity.

2. With reference to the provisions of article III, paragraph 2, each Party agrees that, within its territories, the nationals of the other Party shall be entitled to free legal aid on the same conditions as its own nationals.

3. The provisions of article IV, paragraph 3, providing for the payment of compensation shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.

4. The provisions of article VI, paragraph 1, shall not be construed to affect the right of the Luxembourg authorities to require that aliens may not be allowed to exercise gainful activities in Luxembourg unless the appropriate authorizations for access to and exercise of such activities have been granted. However, in keeping with the terms of that paragraph, the regulations governing access to and exercise of such activities shall be applied in a liberal fashion.

5. The provisions of article VI, paragraph 1, shall not extend to professions which, because they involve even occasionally participation in the exercise of public authority or relate to the public health and safety, are state licensed or reserved by law to nationals of the country.

6. The provisions of article VI, paragraph 1, shall not extend to the activity of peddlers and itinerant artisans in the exercise of their occupations as such.

7. It is understood that the provisions of article VIII, paragraph 1, do not contravene the national legislation relating to the exercise of the professions of lawyer, attorney or solicitor.

8. The treatment provided in article XI, paragraph 1, is designed only to preclude discriminations on the ground of nationality but does not, for instance, preclude different treatment based upon residence requirements.

9. The provisions of article XIII, paragraph 2, shall not apply to postal services.

In witness whereof the respective Plenipotentiaries have signed this protocol and have affixed hereunto their seals.

Done in duplicate, in the English and French languages, both equally authentic, at Luxembourg this twenty-third day of February, one thousand nine hundred sixty-two.

For the United States of America,

James W. Wine.

For the Grand Duchy of Luxembourg,

Eugene Schaus.

Mr. SPARKMAN. Mr. President, the treaty with Luxembourg is the 22d such modern commercial agreement concluded by this country since the end of World War II.

The purpose of this treaty is to provide an agreed basis for protection of the property and interest of American citizens and companies in Luxembourg, with reciprocal rights for Luxembourg's citizens in the United States. The treaty contains no provisions that might seriously impair or infringe upon the domestic laws of the United States, nor does it contain any provisions which would restrict the legislative authority of the Congress.

It does, however, contain detailed provisions on a wide range of matters, including entry and sojourn, personal freedom, property rights, operating rights for business enterprises, taxation, and exchange regulation. I may add that these provisions conform to the general pattern of uniform treatment of such matters developed in treaties with Luxembourg's other partners in the European Economic Community.

The treaty with Luxembourg also provides that disputes between the parties as to the interpretation or application of the treaty, not satisfactorily adjusted by diplomacy, are to be submitted to the International Court of Justice, unless the parties agree to settlement by some other pacific means. I wish to point out, however, that this provision does not amount to a general waiver of the so-called Connally amendment relating to the submission of disputes to the International Court of Justice.

The treaty will enter into force 1 month after ratifications have been exchanged, and it will remain in force for an initial period of 10 years. Thereafter, it may be terminated by either party by giving 1 year's written notice.

Mr. President, this treaty is the sixth such agreement to be signed with countries in the European Economic Community, and it completes a uniform pattern of agreements designed to promote friendly economic intercourse between the United States and the members of that Community. I believe it will serve a useful purpose in regulating mutual economic relations between the United States and Luxembourg; and I hope the Senate will give its advice and consent to the ratification of this treaty.

As has been stated by the majority leader, the treaty was reported unanimously from the Foreign Relations Committee; and I request its approval.

The VICE PRESIDENT. If there be no objection, the treaty will be considered as having passed through its various parliamentary stages, up to the point of agreeing to the resolution of ratification, which will be read.

The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Friendship, Establishment, and Navigation Between the United States of America and the Grand Duchy of Luxembourg, together with a related protocol, signed at Luxembourg on February 23, 1962 (Executive B, 87th Cong., 2d sess.).

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification.

Mr. SPARKMAN. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Arkansas [Mr. McClellan], the Senator from Montana [Mr. Metcalf], the Senator from Oregon [Mr. Morse], and the Senator from Oregon [Mrs. Neuberger] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. Cannon], the Senator from Arkansas [Mr. Fulbright], the Senator from Arkansas [Mr. McClellan], the Senator from Montana [Mr. Metcalf], the Senator from Oregon [Mr. Morse], the Senator from Oregon [Mrs. Neuberger], and the Senator from Alaska [Mr. Gruening] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Arizona [Mr. Goldwater], the Senator from Nebraska [Mr. Hruska], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

The Senator from Texas [Mr. Tower] is necessarily absent attending the Republican State Convention as required by Texas law.

I further announce that, if present and voting, the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Arizona [Mr. Goldwater], the Senator from Nebraska [Mr. Hruska], Senator from Kentucky [Mr. Morton], the Senator from New Hampshire [Mr. Murphy], and the Senator from Texas [Mr. Tower] would each vote "yea."

The yeas and nays resulted—yeas 86, nays 0, as follows:

[No. 269 Ex.]

YEAS—86

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Carlson
Carroll
Case
Chavez
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Fong
Gore
Hart
Hartke
Hayden
Hickenlooper
Hickey
Hill
Holland
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Miller
Monroney
Moss
Mundt
Muskie
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—14

Bottum
Cannon
Capehart
Fulbright
Goldwater
Gruening
Hruska
McClellan
Metcalf
Morse
Morton
Murphy
Neuberger
Tower

The VICE PRESIDENT. Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Hospitals and medical care, Public Health Service," for the fiscal year 1963, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Publication of Notice of Proposed Disposition of Certain Tungsten Ore and Tungsten Concentrates

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 852 short tons of low-grade tungsten ore and approximately 512 pounds of low-grade tungsten concentrates now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

Provision of a Jury Commission for Each U.S. District Court

A letter from the Attorney General, transmitting a draft of proposed legislation to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 7708. An act for the relief of Mr. and Mrs. Gerald Beaver (Rept. No. 2110).

AMENDMENT OF TARIFF ACT OF 1930, TO PERMIT THE DESIGNATION OF CERTAIN CONTRACT CARRIERS AS CARRIERS OF BONDED MERCHANDISE—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 2108)

Mr. BYRD of Virginia. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 5700) to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise, and I submit a report thereon. I ask that the report be printed, together with my supplemental views and the supplemental views of the Senator from Illinois [Mr. Douglas].

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Virginia.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, WITH RESPECT TO CERTAIN MANUFACTURERS EXCISE TAXES—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 2109)

Mr. BYRD of Virginia. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes, and I submit a report thereon, I ask that the report be printed, together with my supplemental views and the supplemental views of the Senator from Illinois [Mr. Douglas].

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Virginia.

EXPRESSING THE DETERMINATION OF THE UNITED STATES WITH RESPECT TO THE SITUATION IN CUBA—REPORT OF COMMITTEES ON FOREIGN RELATIONS AND ARMED SERVICES, JOINTLY (S. REPT. NO. 2111)

Mr. SPARKMAN. Mr. President, from the Committee on Foreign Relations, and the Committee on Armed Services, sitting jointly, pursuant to the unanimous-consent agreement of September 13, 1962, I report an original joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba, and I submit a report thereon.

The VICE PRESIDENT. The report will be received and printed, and the joint resolution will be placed on the calendar.

The joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba was read twice by its title and placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 3730. A bill to authorize adjustment, in the public interest, of rentals under a lease covering the oleum facilities located at the Kankakee Unit of the Joliet Arsenal Military Reservation, Ill.; to the Committee on Armed Services.

(See the remarks of Mr. Dirksen when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3731. A bill to provide for the merger of certain Coast Guard appropriations for operating expenses, Reserve training, and retired pay; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Hawaii:

S. 3732. A bill for the relief of Eduardo Calbayar Legaspi; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 3733. A bill for the relief of Hurley Construction Co.; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3734. A bill for the relief of Carmel Grech; to the Committee on the Judiciary.

By Mr. WILEY:

S.J. Res. 229. Joint resolution to authorize the President to proclaim the 25th day of October in each year as "American Explorers' Day"; to the Committee on the Judiciary.

(See the remarks of Mr. Wiley when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. SPARKMAN:

S.J. Res. 230. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; placed on the calendar.

(See the remarks of Mr. Sparkman when he reported the above joint resolution, which appears under the heading "Reports of Committees.")

ADJUSTMENT OF RENTALS FOR OLEUM FACILITIES, KANKAKEE UNIT, JOLIET ARSENAL MILITARY RESERVATION, ILL.

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill designed to bring some relief to the Wabash Chemical Corp., the lessee of the oleum facilities located at the Kankakee unit of the Joliet Arsenal Military Reservation, Ill., under a lease, as amended, extending to June 15, 1979.

These facilities are used by the lessee for the production of sulfuric acid. As part of its obligation, the lessee has agreed to maintain the property in good operating condition and to maintain all portions of the property not being used by it in standby condition. These facilities would be important sources of TNT and other explosives in the event of a national emergency.

It is agreed by all concerned that the present rent payable under the lease is considerably in excess of the present fair market rental value of the property. It appears that unless relief is afforded, the lessee will be forced to cease operations; and the maintenance of this important property will have to be otherwise provided for.

The Secretary of the Army has determined that such relief is not available under existing statutory authority. The purpose of the bill, therefore, is to authorize amendment of the lease to permit adjustment of rentals payable on and after September 1, 1962, to amounts commensurate with the present fair market rental value of the property as appraised by the Corps of Engineers.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3730) to authorize adjustment, in the public interest, of rentals under a lease covering the oleum facilities located at the Kankakee unit of the Joliet Arsenal Military Reservation, Ill., was received, read twice by its title, and referred to the Committee on Armed Services.

MERGER OF CERTAIN COAST GUARD APPROPRIATIONS FOR OPERATING EXPENSES, RESERVE TRAINING, AND RETIRED PAY

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for the merger of certain Coast Guard appropriations for operating expenses, Reserve training, and retired pay. I ask unanimous consent that a letter from the Secretary of the Treasury, requesting the proposed legislation, be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 3731) to provide for the merger of certain Coast Guard appropriations for operating expenses, Reserve training, and retired pay, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., September 7, 1962.
Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "to provide for the merger of certain Coast Guard appropriations for operating expenses, Reserve training, and retired pay."

In 1950, language was enacted in the Treasury Department Appropriations Act for the fiscal year 1951 (act of Sept. 6, 1950, 64 Stat. 639) which provided for the transfer and merger of amounts equal to the unliquidated obligations outstanding against Coast Guard appropriations for fiscal years 1949 and 1950 for "Salaries, Office of the Commandant," "Pay and allowances," "General expenses," and "Civilian employees" with the fiscal year 1951 appropriation for "Operating expenses." This act authorized such merged appropriations to be available as one fund for the payment of obligations properly incurred against both the prior appropriations and the fiscal year 1951 appropriation, but required that the identity and integrity of each fiscal year appropriation be maintained in Coast Guard accounting records. Since 1951, each "Operating expenses" appropriation act has contained similar authorization, and beginning with fiscal year 1953, such authorization was extended to include appropriations for "Reserve training." The need for merger authorization was created by the Coast Guard's adoption, in fiscal year 1951, of a system of accounting based upon the accrual principle. This system developed more meaningful and current financial management information on the operating costs of units and programs; it is a system which was later made mandatory for all executive agencies by the act of August 1, 1956 (70 Stat. 782).

Under the accrual accounting principle, accrued expenditures are entered in the accounting records when liabilities are incurred for goods and services received and other assets acquired and performance accepted, whether or not payment has been made and whether or not invoices have been received. Operating costs are distributed to units and programs in the accounting period in which the cost is incurred. Under this system it often occurs that an expenditure is entered during a fiscal year subsequent to the year in which the obligation is incurred. Lacking some sort of merger authorization such as that contained in the 1951 and subsequent appropriations acts, the Coast Guard would be required to (1) maintain three separate fiscal year appropriation accounts for both "Operating expenses" and "Reserve training," (2) cause disbursements to be charged to the appropriation account for the year the obligation was incurred, and (3) relate cost information retroactively to appropriate accounts of previous fiscal years. This would serve no practical accounting purpose, but would be required in conformity with governmental accounting regulations.

The merged appropriation system, on the other hand, permits the Coast Guard to authorize disbursements from a single account for obligations incurred during any one of the 3 separate years and eliminates the need for tying costs to each individual fiscal year account. During the past 11 years, the merged appropriation authorization with respect to "Operating expenses" and "Reserve training" accounts has proved most effective and beneficial in achieving improved financial management.

The purpose of this bill is to provide permanent authority for this merger process and to extend it to the annual appropriation for "Retired pay," thereby bringing all Coast Guard annual appropriations under the merger principle on a permanent basis.

It is emphasized that the proposed bill would not destroy the identity or integrity of the individual appropriations or in any way diminish existing controls over expenditures. As in the past the Coast Guard would be required to keep its expenditures within the limits of these individual appropriations and to maintain detailed internal accounting records reflecting this. The bill would merely provide that the Coast Guard pay all obligations from a single appropriations account, regardless of the nature of the obligation or the year in which it was incurred. This will provide a permanent basis for accrual type accounting in the Coast Guard and permit the maximum advantages to be derived from that system.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

DOUGLAS DILLON.

AMERICAN EXPLORERS' DAY

Mr. WILEY. Mr. President, I introduce, for appropriate reference, a joint resolution to proclaim October 25 of each year as American Explorers' Day.

The purpose of the joint resolution would be to designate a special day to commemorate the immeasurable contributions to our national progress and life by outstanding explorers of our history. The date October 25 was chosen because it marks the birthday of our most renowned explorer, Rear Adm. Richard E. Byrd.

For the future, as the past, progress in all aspects of our individual and national life will depend upon the kind of adventurous, creative, visionary exploration of the earth, of space, of the evaluation of the significance of life's journey itself, of man's right relationship to man, and of ultimately establishing peace on the world.

For these, and other, great goals, there will be required the exploring spirit demonstrated by the indomitable, courageous spirit of Admiral Byrd.

Reflecting upon the pertinence of designating October 25 as National Explorers' Day, I ask unanimous consent to have three items printed at this point in the RECORD: First, the joint resolution itself; second, a brief statement memorializing Adm. Richard E. Byrd; and, third, excerpts of a letter from Dr. James E. Mooney, Antarctic Projects Officer of the Department of the Navy.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution, statement, and excerpts will be printed in the RECORD.

The joint resolution (S.J. Res. 229) to authorize the President to proclaim the 25th day of October in each year as American Explorers' Day, introduced by Mr. WILEY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the 25th day of October in each year marks the anniversary of the birthday of Rear Admiral Richard Evelyn Byrd; and

Whereas the outstanding lifework and achievements of this illustrious American molded a modern epic of pioneering courage; and

Whereas his history-making flights over the ends of the earth, his service to the many branches of science and education, his sincerity and selflessness, and his lasting gifts to our broadening knowledge and understanding has helped immeasurably to lift humanity into the world of change and toward the world of tomorrow; and

Whereas the life of Admiral Byrd is symbolic of the lives of the other great American explorers, all of whom should be recognized in the minds and hearts of the citizenry of our country; and

Whereas it is fitting that the date that marks the anniversary of the birthday of Rear Admiral Richard E. Byrd should be set aside as a day on which the American people may express their high appreciation of the great contributions rendered by this Nation's pioneer explorers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to officially proclaim the 25th day of October in each year as "American Explorers' Day", and to issue annually a proclamation inviting the State and local governments and the people of the United States to observe such day with appropriate ceremonies and activities.

The statement and excerpts presented by Mr. WILEY are as follows:

MEMORIALIZING OCTOBER 25, THE BIRTHDAY OF THE ILLUSTRIOUS, LATE AMERICAN, REAR ADM. RICHARD EVELYN BYRD, AS AMERICAN EXPLORERS' DAY

His life and achievements molded a modern epic of pioneering courage. His history-making flights over the ends of the earth, his service to many branches of science and education, his sincerity and selflessness, his lasting gifts to our broadening knowledge and understanding, help immeasurably in his time to lift humanity to a new partnership in the world of change in the conquest of new horizons toward our world of tomorrow. The Senate of the United States directs that the lifework and achievement of the late, Rear Adm. Richard Evelyn Byrd be memorialized for his exemplary accomplishments and that the date which marks the birthday of this illustrious American and gallant Virginian be set aside as American Explorers' Day to recognize, each year on this date, October 25, the appreciation of the American people of a life symbolic of other great explorers whose honor and devotion are inseparable and should be recognized as one in the minds and hearts of the citizenry of our country. This Nation, in growing times must take cognizance of its forceful pioneer explorers who are effective advocates for the extension of the American horizon.

Hon. ALEXANDER WILEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILEY: * * * The accomplishments of Dick Byrd were symbolic of the best in American life and our American heritage. As you know, he was an ideal inspiration of youth for more than a quarter of a century.

In 1938, the schools of the Nation honored Admiral Byrd through the American Association of School Administrators. * * *

Hundreds of textbooks and articles include Admiral Byrd's signal contributions to American life. A number of schools and institutions have been named in his honor. Among these is one in far-off Japan.

It is felt by many that a day recognized officially, and set apart as National Explorers' Day, would be an incentive to the youth and teachers of the country in focusing their attention upon the pioneering accomplishments of one of our great American heritages which we have inherited from our explorers, and that these noted pioneers be represented together and thus honored on the Admiral's birthday.

Herman Hagedorn ably speaks of our heroes in his "Book of Courage":

"These men and women are torches. They illuminate their own centuries for us, but, what is more important, they illuminate our own and throw long beams along the paths we tread. We walk more deeply into hidden places, face the enemy more courageously. From their flame we ourselves catch fire; living or dead, to us they are all living, our companions in the silences and solitudes, our counselors, our rescuers, early and late our friends."

Sincerely,

JAMES E. MOONEY,
Deputy.

AMENDMENT OF MERCHANT MARINE ACT, 1936, TO MAKE PERMANENT A TEMPORARY INCREASE IN THE MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER SUCH ACT—AMENDMENT

Mr. WILLIAMS of Delaware proposed an amendment to the bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such Act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships which was ordered to be printed.

AMENDATORY REPAYMENT CONTRACT NEGOTIATED WITH QUINCY COLUMBIA BASIN IRRIGATION DISTRICT—AMENDMENT

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and to amend the Columbia Basin Project Act of 1943 (57 Stat. 14), as amended, and for other purposes, which was ordered to lie on the table and to be printed.

THE 175TH ANNIVERSARY OF CONSTITUTION OF THE UNITED STATES

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the remarks I made on August 16, found on page 16707 of the RECORD, together with Senate Joint Resolution 217, be included in the Senate document which was ordered to be printed by unanimous consent on September 17, 1962.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HUMPHREY:

Articles entitled "An Inquiry Into Political Morality" and "A Senator Looks at the Lobbies," written by Senator MCCARTHY and published in the New York Times magazine.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2697) to waive certain time limitations prescribed in chapters 33 and 35 of title 38, United States Code, in the case of certain veterans and eligible persons ordered to active duty with the Armed Forces, or whose period of duty with the Armed Forces was involuntarily extended, on or after August 1, 1961, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7431) to provide for the free entry of certain stained glass for St. Joseph's Cathedral, Hartford, Conn., and for the Church of St. Francis Xavier, of Phoenix, Ariz.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1660. An act for the relief of Margaret MacPherson, Angus MacPherson, Ruth MacPherson, and Marilyn MacPherson;

H.R. 1691. An act for the relief of Elaine Veronica Brathwaite;

H.R. 2619. An act for the relief of Gerard Puillet;

H.R. 2806. An act for the relief of Vagharshag Hovannes Danielian;

H.R. 3624. An act for the relief of Mrs. Mary E. O'Rourke;

H.R. 4483. An act for the relief of Simon Karasick;

H.R. 5695. An act for the relief of Forrest L. Gibson;

H.R. 5753. An act to provide that the district courts shall be always open for certain purposes, to abolish terms of court and to regulate the sessions of the courts for transacting judicial business;

H.R. 8846. An act to amend the Internal Revenue Code of 1954 with respect to the taxation of dispositions of property (other than stock) pursuant to orders enforcing the antitrust laws;

H.R. 9129. An act for the relief of Caroline G. Junghans;

H.R. 9469. An act for the relief of Charles L. Kays;

H.R. 10423. An act for the relief of Mrs. Dorothy H. Johnson;

H.R. 10542. An act to repeal the Inland Waterways Corporation Act;

H.R. 12092. An act for the relief of Arthur H. Brackbill;

H.R. 12093. An act for the relief of Joseph Wolf, Jr.;

H.R. 12653. An act to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act;

H.R. 12818. An act to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay;

H.R. 12855. An act to amend the Agricultural Adjustment Act of 1938 relating to the lease and transfer of tobacco acreage allotments;

H.R. 12887. An act for the relief of Benjamin Leach, Diogracias Leach, Rogelio Leach, and Maximo Leach; and

H.R. 12936. An act for the relief of Kenneth E. Fousse and others.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1660. An act for the relief of Margaret MacPherson, Angus MacPherson, Ruth MacPherson, and Marilyn MacPherson;

H.R. 1691. An act for the relief of Elaine Veronica Brathwaite;

H.R. 2619. An act for the relief of Gerard Puillet;

H.R. 2806. An act for the relief of Vagharshag Hovannes Danielian;

H.R. 3624. An act for the relief of Mrs. Mary E. O'Rourke;

H.R. 4483. An act for the relief of Simon Karasick;

H.R. 5695. An act for the relief of Forrest L. Gibson;

H.R. 5753. An act to provide that the district courts shall be always open for certain purposes, to abolish terms of court and to regulate the sessions of the courts for transacting judicial business;

H.R. 9129. An act for the relief of Caroline G. Junghans;

H.R. 9469. An act for the relief of Charles L. Kays;

H.R. 10423. An act for the relief of Mrs. Dorothy H. Johnson;

H.R. 12092. An act for the relief of Arthur H. Brackbill;

H.R. 12093. An act for the relief of Joseph Wolf, Jr.;

H.R. 12887. An act for the relief of Benjamin Leach, Diogracias Leach, Rogelio Leach, and Maximo Leach; and

H.R. 12936. An act for the relief of Kenneth E. Fousse and others; to the Committee on the Judiciary.

H.R. 8846. An act to amend the Internal Revenue Code of 1954 with respect to the taxation of dispositions of property (other than stock) pursuant to orders enforcing the antitrust laws; to the Committee on Finance.

H.R. 10542. An act to repeal the Inland Waterways Corporation Act; to the Committee on Commerce.

H.R. 12653. An act to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act; and

H.R. 12855. An act to amend the Agricultural Adjustment Act of 1938 relating to the lease and transfer of tobacco acreage allotments; to the Committee on Agriculture and Forestry.

H.R. 12818. An act to amend the Act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay; to the Committee on Public Works.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4. An act to provide for the establishment of the Padre Island National Seashore;

S. 149. An act for the relief of the estate of Gregory J. Kessenich;

S. 319. An act to amend part I of the Interstate Commerce Act in order to provide that the provisions of section 4 (I) thereof, relating to long- and short-haul charges, shall not apply to express companies;

S. 1161. An act to provide for the use of lands in the Garrison Dam project by the Three Affiliated Tribes of the Fort Berthold Reservation;

S. 1307. An act to amend section 128 of title 28, United States Code, to constitute Richland, Wash., a place of holding court for the eastern district of Washington, southern division, and to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Washington, Southern Division, holding court at Richland, Wash.;

S. 1924. An act to amend the act of August 27, 1954 (68 Stat. 868) with respect to the Uintah and Ouray Reservation in Utah;

S. 2357. An act to provide for the regulation of credit life insurance and credit accident and health insurance in the District of Columbia;

S. 2511. An act to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes;

S. 2696. An act to correct certain land descriptions in the act entitled "An act to declare that the United States hold in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands";

S. 2971. An act to declare that certain lands of the United States are held by the United States in trust for the Jicarilla Apache Tribe of the Jicarilla Reservation;

S. 3086. An act to provide for a reduction in the workweek of the Fire Department of the District of Columbia, and for other purposes;

S. 3154. An act to amend Public Law 86-184, an act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of West Virginia into the Union as a State;

S. 3315. An act to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia;

S. 3317. An act to amend the provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes;

S. 3580. An act to amend the Atomic Energy Community Act of 1955, as amended, to provide for the disposal of federally owned properties at Los Alamos, N. Mex., and for other purposes;

H.R. 2292. An act to authorize the Secretary of the Treasury to issue certificates of honorable service in lieu of certificates of disenrollment to certain persons who served as temporary members of the U.S. Coast Guard Reserve during World War II;

H.R. 9914. An act for the relief of San-Man Inn of Manning, Inc.;

H.R. 11974. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 12870. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1963, and for other purposes.

ACQUISITION OF, AND PAYMENT FOR, CERTAIN INDIVIDUAL INDIAN AND TRIBAL LANDS OF LOWER BRULE SIOUX RESERVATION, S. DAK.

Mr. ANDERSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill, H.R. 5144, to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5144) to provide for the acquisition of and the payment for individual Indian and tribal lands of the lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANDERSON. Mr. President, I move that the Senate adhere to its position on its amendments to the bill, H.R. 5144.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

ACQUISITION OF, AND PAYMENT FOR, CERTAIN INDIVIDUAL INDIAN AND TRIBAL LANDS OF THE CROW CREEK SIOUX RESERVATION, S. DAK.

Mr. ANDERSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill, H.R. 5165, to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5165) to provide for the acquisition of and payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANDERSON. Mr. President, I move that the Senate adhere to its position on its amendments to the bill, H.R. 5165.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

RECORD OF SENATOR JAVITS, OF NEW YORK

Mr. JAVITS. Mr. President, it has been my custom during my service in this body to present an annual report to the voters of New York State. I hereby present my report on the momentous events of the past year. I include a summary of my record of the past 6 years. I am particularly gratified that I can report to the people of New York that we were successful in appropriating $17 million for a U.S. pavilion at the New York World's Fair of 1964–65.

Mr. President, since coming to the Senate in 1957, I have presented annually to the voters of New York State a report on the congressional session. These have been 6 years of momentous events, in which mankind literally reached for the moon. It has been a period of revolutionary change, in which more than 40 new nations emerged into independence. It has been a period dominated by the struggle for peace. The world has grown smaller and more complex; the stakes have never been higher for freedom; the opportunity never greater.

SENATE TERM EVENTFUL

These 6 years have demonstrated that to attain a stable peace we must dig in for long and continuing "competition" with international communism, involving all our resources; that we cannot hope for easy solutions and that we must be truly and deeply committed to maintaining the dignity of the individual and of free institutions—and we must be determined to see them prevail.

The 6 years have also demonstrated that events and problems can no longer be divided into neat foreign and domestic compartments. Accordingly, our Nation's economic health is the key factor in the life-and-death economic struggle with the Soviet Union; our failures in the civil rights field at home have global significance in a world two-thirds of which is nonwhite; and the new economic strength of Western Europe poses opportunities for all and new challenges for business, labor, management, investors, farmers, and consumers.

In the struggle for peace, I have been a consistent supporter of the bipartisan foreign policy; of helping to strengthen the United Nations; of advocating fidelity to our commitments on West Berlin; of preventing a Communist military base in Cuba; of encouraging democracy in developing nations; of fighting Arab States' discrimination against U.S. citizens and companies; and of seeking to end the perils of Arab intransigence against Israel. As Chairman of the Economic Committee of the NATO Parliamentarians' Conference for 4 years, I have worked with the 14 NATO nations for the economic integration of the free world through the Organization for Economic Cooperation and Development, and trade expansion. I cosponsored legislation which established the Peace Corps and the U.S. Arms Control and Disarmament Agency, and initiated amendments to expand private enterprise participation in U.S. foreign aid, and to thwart Communist economic penetration of the free world.

I have never relented in my struggle for human rights. I participated in the enactment of the two civil rights laws in 1957 and 1960, cosponsored bills to end hate bombings and to extend the life of the U.S. Civil Rights Commission. My protests helped eliminate segregation in bus and air terminals and bring action against segregation in federally aided hospitals, and against discrimination in employment by Government contractors. Much more needs to be done. The Senate rule permitting filibusters still stands as the chief obstacle to meaningful legislation. And school desegregation, 8 years after the Supreme Court decision, is still proceeding at a snail's pace because of our failure to enact laws permitting Government-instituted lawsuits to achieve compliance.

I have supported the drive to improve the coverage and benefits of social security. My efforts for health care for the aging were concentrated this year in the Anderson-Javits health care bill, which extended coverage to all over 65 and gave a private coverage option. It was defeated in the Senate by four votes, and, I believe, will be the basis for future legislation. I supported the expanded National Defense Education Act, worked for Federal aid to education, public and private, and sponsored the student loan plan now so widely implemented.

The questions of economic growth and productivity have been of deep concern to me. I helped shape the Small Business Investment Act of 1958; cosponsored legislation to expand exports and assist business seriously affected by imports; helped win enactment of the 1961 minimum wage law; sponsored extension of unemployment compensation to Puerto Rico; worked for reorganization of the Securities and Exchange Commission after leading the fight to defeat an unjust reorganization plan; and was responsible for revisions in the Labor-Management Disclosure Act of 1959 to improve code of ethics provisions for unions and to safeguard union recognition in the garment trades.

New York State has benefited directly from my successful efforts to increase its share of urban renewal and college housing funds and for adequate middle income public housing construction. I helped write the Housing Acts of 1959 and 1961, cosponsored the program for middle-income housing, sponsored laws to aid relocated families and businesses, and sponsored the law to permit reduction of FHA mortgage charges and to aid section 213 cooperatives.

I have continued my fight to obtain a greater share of defense contracts for New York State firms, especially in areas of labor surplus. Continuous efforts for a more equitable Pentagon policy, plus legislation to increase competitive bidding, will eventually make this effort even more successful. I cosponsored the Area Redevelopment Act and coauthored provisions to prevent "pirating" of industry from the State; I worked to decrease feed grain costs, and for protection of the dairy industry against Midwest milk imports not meeting New York's high sanitation standards; led the drive for U.S. approval of New York as a site for the World's Fair of 1964, and for congressional approval of U.S. participation in the fair.

I sponsored bills to reduce court congestion, resulting in 11 additional Federal court judgeships in New York; cosponsored the law under which New York State is developing Niagara power; led the successful effort for congressional approval of the Theodore Roosevelt memorial, the Hamilton Grange in New York City as a national memorial, and to give U.S. recognition to the Cooperstown—baseball—Hall of Fame and to Samuel Wilson, of Troy, as the original "Uncle Sam."

I have continued my fight for a revision of our outdated immigration laws and sponsored refugee relief laws to permit adoption of alien orphans and reunite families. I helped write the Juvenile Delinquency Act of 1961, including demonstration and pilot projects, such as the mobilization for youth program in New York City, and sponsored the legislation for a U.S. Travel Service. I authored laws extending passports from 2 to 3 years and bills easing inconveniences for travelers to the United States. I also sponsored laws making possible the free importation of works of modern art into the United States; initiated the amendment exempting Federal admission taxes in nonprofit theaters; and continued my efforts to aid the arts through a U.S. Arts Foundation.

These are, in my judgment, the high spots of my 6 years of service. But service is not only written in accomplishments; it is also reflected in the day-to-day debate and in voting on hundreds of issues of importance to New York and the Nation; in answering letters; in meeting the requests and needs of constituents; and in working as a liaison between New Yorkers and the Federal Government. All this I have endeavored to do in representing the needs and spirit of our great Empire State to the best of my ability.

This is my report for the 2d session of the 87th Congress.

PEACE AND BERLIN, CUBA

Berlin and Cuba were the key cold war battlefronts as the session neared an end. I have stood firmly behind a no-backdown position on Berlin, and for action in combating the Castro threat to the Western Hemisphere. In both cases, I advocated diplomatic, political, and propaganda initiatives by the United States. I suggested action to incorporate West Berlin into the Federal Republic, to cut off trade between NATO members and East Germany, and to demonstrate the shame of the Berlin wall by appropriate U.N. action.

For Cuba, I advocated combined action with the Organization of American States to deal with the menace of a Soviet military base in Cuba, or if necessary acting unilaterally; also, to insist that NATO countries refrain from helping the Communist buildup in Cuba through transport or shipping. I supported our policy in Laos which resulted in the present peace, though we must recognize it as a risky solution of a neutralist government including Communists. In Vietnam, we are assisting the Government at its request to fight off Communist guerrillas from North Vietnam. I also urged support for the United Nations in the Congo situation. I continued to oppose recognition and the admission of Communist China to the U.N.

I spoke out for improving and strengthening the U.N. instead of downgrading it. The U.N. is not perfect but it is indispensable as a forum for world debate and conciliation, for effective policymaking and other peacekeeping action. I supported the bill to buy $100 million in bonds for, or otherwise loan, the U.N., and the Senate accepted my amendment that the United States match dollar for dollar the purchases of other nations.

I favor continuation of the nuclear test ban and disarmament negotiations at Geneva, and I believe that the test ban treaty on atmospheric testing proposed by the United States offers a meaningful opportunity to the Soviet Union as well as a demonstration to the world that we are seriously seeking the road to disarmament of which a test ban is the first step. I would be opposed, however, to acceptance of the U.S.S.R.'s word on the initial inventory of armaments, and I believe there can be no genuine disarmament without a satisfactory international inspection system. The objective is the most important in the world.

I urge continued support for the U.S. Arms Control and Disarmament Agency, and its valuable economic studies.

I look upon resumption of nuclear testing by the United States with a heavy heart because I know and respect the strong feelings of Americans aware of its consequences, but the United States had no alternative in view of the President's determination that our national security had been adversely affected by the Soviet nuclear bomb tests.

I have urged the Senate to consider again the U.N. Convention on the Prevention and Punishment of Genocide to which 65 nations have so far acceded, and to ratify it as one means to attain a rule of law in the world.

SPACE

The space age continues to effect revolutionary changes in our lives. Development of ICBM's, more satellites, and the beginning of manned space flights have resulted from extraordinary breakthroughs in electronics, medicine, physics and other sciences. Congress has appropriated $3,644,115,000 for our space program which includes Apollo, the man-on-the-moon project.

The orbital flights of Lt. Col. John H. Glenn, Jr., and Lt. Comdr. Scott Carpenter carried out in the full glare of publicity contrasted sharply with the secrecy that covered the Soviet orbital flights and had a strong impact on our foreign relations. I have supported a U.S. initiative to seek to bring about an international treaty for the peaceful uses of outer space analogous to the 12-nation Antarctica Treaty of 1959.

I participated in hearings on the communications satellite bill conducted by the Select Committee on Small Business, of which I am a member. I voted for cloture to halt the filibuster by its opponents and voted to establish an innovation—the mixed Government-business corporation to operate the communications satellite system.

DEFENSE

Congress appropriated $48.1 billion for defense for fiscal 1963—including $16.6 for procurement and $7 billion for research and development—the largest peacetime total. The impact will be felt in three key areas: First, the lunar program will be sharply stepped up; second, the number, flexibility, and effectiveness of our missiles, rockets, and Polaris submarines will be increased and development of the 2,000-mile-per-hour RS-70 long-range bomber will be accelerated; and third, weapons and supporting equipment of increased firepower, mobility, and versatility will improve our capability for limited military operations. I voted to give the President the authority he requested to call up 150,000 reservists, but urged the Army not to make the same mistakes in implementing last year's Reserve callup.

AID AND TRADE

The Congress sent to the President a bill authorizing $4.6 billion for the Foreign Assistance Act of 1962, of which $1,818,900,000 was in new aid and $1.8 billion for the Alliance for Progress. I supported the bill. Strong sentiment against aid to Communist countries found expression in an amendment which was adopted denying aid to such nations unless the President determined and reported to Congress that this aid was vital to U.S. security, that the country was not dominated by international communism, and that it would promote that country's independence. I supported the provisions giving the President discretionary authority and requiring suspension of aid to any country that expropriates U.S. property without arranging for adequate compensation within 6 months. Included also were my amendments increasing to $25 million the ceiling for all risk loan guarantees; and directing the Agency for International Development—AID—to assist the Commerce Committee for the Alliance for Progress in enlisting private enterprise.

The importance of foreign economic policy to U.S. domestic and international goals must be recognized in terms of trade expansion, private enterprise in international development programs, and leadership of coordinated free world efforts to raise living standards and meet the economic offensive of the Soviet bloc. Thus, I introduced amendments to the Trade Expansion Act of 1962, to provide for congressional policy directions on the use of tariff-negotiating authority by the President, control over trade adjustment assistance and the escape clause.

I have called for a conference for private enterprise-public cooperation for Latin American development, to be held under the auspices of OECD.

The Economic Committee—of which I am Chairman—of the NATO Parliamentarians' Conference reported on free world economic policy including Communist economic exploitation of oil sales to Italy and other countries of Western Europe. A direct outgrowth of the Committee's work was the formation of a group of United States and West German businessmen at my invitation to serve as a nucleus for private enterprise participation in free world economic development programs.

I introduced several bills to strengthen U.S. leadership in fighting Communist trade penetration. I urged creation of a commission to study revision of the antitrust laws to meet the Soviet bloc challenge. My amendment to the Export Control Act to facilitate the unification of East-West trade policies was enacted into law. Most of these measures are based on "The Political Stakes in East-West Trade," a published report which I submitted to the Joint Economic Committee on my trip of November 1961 to the U.S.S.R., and Eastern Europe.

In the Senate I protested the action by the United States in sponsoring the U.N. resolution of censure against Israel for the clash with Syria while omitting all reference to Syria's provocations and urged the United States to review its policy in that region. I also called upon the administration to give up its "quiet" diplomacy in dealing with the continued Arab blockade of the Suez, the boycott of Israel, the blacklisting of and discrimination against U.S. tourists and businessmen because they are Jewish, Arab intransigence on steps toward peace, immobilization of the Arab refugee situation, and the threat of an Arab-Israel arms race. I urged the administration to insist that any aid program for the U.A.R. be conditioned on a guarantee to keep the peace and work for regional cooperation, and called on the White House to live up to its 1960 determination to spark an initiative for Near East peace.

To insist that the Arab States conduct themselves at least within the spirit of the Foreign Assistance Act, I successfully sponsored with 11 other Senators an amendment to the act which called on the President to report annually on the progress in implementing the statement of policy approved by Congress against the Arab boycott and blockade.

I protested the Soviet Union's increased propaganda activity against Israel, coupled with renewed intensification of a Soviet drive against Jews and other religious minorities in the Soviet Union, and called for worldwide public protests against such manifestations.

I also expressed deep concern in the Senate over the evidence of increasing anti-Semitism in the Argentine and Uruguay, and urged the Secretary of State to use his good offices. Our Government has advised the Argentine Government of its concern and has been given assurances that it would halt these activities.

BUDGET AND TAXES

In his budget message, the President estimated spending at $92.5 billion and revenues at $93 billion. Increased expenditures and reduced revenues of $5 to $6 billion for fiscal 1963 resulting chiefly from tax revisions and an economy which is not yet really moving forward will likely bring about a deficit. In view of this fiscal situation, as a member of the Senate Appropriations Committee, I am especially concerned with scrutinizing all programs to eliminate pork-barrel spending and unrealistic price support programs, agricultural and otherwise.

The poor recovery of the economy, as evidenced by unemployment, the stock market slide and other indexes, warranted decisive action. I advocated a 1962 incentive tax cut to stimulate purchasing power and investment, and a relaxation of the antibusiness atmosphere which the administration had helped to create.

I supported several features of the omnibus tax bill which Congress adopted, such as the credit for investment in new plant and equipment, and the partial reduction of the tax preferences afforded certain mutual savings and insurance companies. I also supported an amendment to reduce from its present 27½ percent level the oil and gas depletion allowance. I opposed as burdensome for low-income recipients a proposal to withhold taxes on dividends and interests, and recommended a substitute which was adopted, to require more detailed reporting by payers of dividends and interest; opposed proposals to repeal the 4 percent tax credit for dividends; and proposed a substitute on foreign subsidiaries of U.S. firms dealing with "tax haven" abuses.

I supported elimination of the wartime-created excise tax on rail travel. The Congress granted relief, which I supported, for the tax problems of the stockholders in the Du Pont-General Motors case. I sponsored legislation, which became law, to modernize the Securities and Exchange Commission effectively.

CIVIL RIGHTS

The importance of changing rule XXII of the Senate, which in its present form permits filibusters, was again demonstrated by congressional inaction on civil rights legislation. An effort will be made at the opening of the next Congress to amend the filibuster rule.

A bipartisan group of Senators, of which I am a member, introduced a series of bills designed to implement all the 1961 recommendations of the Civil Rights Commission.

Having failed to ask Congress for such legislation in his first year, the President opened the second with a request for only 2 of the 27 measures recommended by the U.S. Civil Rights Commission: the antiliteracy test and anti-poll tax bills. Yet even these were emasculated. The literacy test bill was killed by a filibuster, and the weak anti-poll-tax proposal was passed only in the unnecessarily cumbersome form of a constitutional amendment. Attempts which I made for the Senate to consider provisions to eliminate segregation in hospitals, schools, and recreational facilities constructed with Federal aid were killed because of threats of filibuster.

The inability of the Congress to provide legal solutions for this vital national problem was reflected in the handling of the so-called "reverse freedom rides"—sending economically disadvantaged Negroes on a one-way ticket from the South to the North—and the passive resistance and prayer movement which focused the attention of the world on Albany, Ga. I spoke out strongly against the injustices reflected by these events.

SMALL BUSINESS

The Select Small Business Committee, of which I am a member, conducted extensive hearings on the Small Business Investment Corporation program which I have long supported. The Congress passed a measure, which I supported, to insure effective participation of SBA in the new adjustment assistance program under the trade bill. Legislation to bolster the small business share of defense procurement was enacted, with amendments which I proposed, to give SBA a greater voice in negotiations with other Federal agencies.

HEALTH, EDUCATION, AND WELFARE

My determination to bring a program of health care for the aging before the Senate brought results when four Republican colleagues and I were able to work out a bill with Senator ANDERSON, of New Mexico, which was consistent with the 1960 Republican platform and the essential guidelines contained in my earlier proposals. The Anderson-Javits bill was superior to the original administration bill because under social security financing it included all those 65 years of age and over, whether or not on social security, provided for a separate trust fund to insure fiscal responsibility, for State and private participation in administration of the plan, and for an option to select or continue private plans.

The measure was defeated by a vote of 48 to 52, but I believe this program is inevitable and I shall continue to fight for it. A fine public task force will be bringing in recommendations at my request in 1963.

I voted for public welfare amendments which included funds for child day care services, a program I have sponsored for many years, and an amendment which I sponsored to include foster homes of private agencies. The bill was a comprehensive measure covering aid to the needy aged, blind, disabled, and dependent children. I proposed an amendment to permit Federal-State disputes over enforcement to be settled by the courts. I have repeatedly called attention of the Congress to the need for larger, better equipped hospital facilities as well as more doctors, nurses, and other public health personnel. I therefore sponsored the Hospital Renovation and Modernization Act and also supported measures to improve dental health, to make possible intensive vaccination programs, and to provide funds for research in cancer, heart ailments, and other diseases.

Alerted by the experience with the drug thalidomide, the Senate passed amendments to the Pure Food and Drug Act, several of which were designed to tighten control over experimentation with new drugs. I cosponsored an amendment making clear the power of the Food and Drug Administrator to stop experimentation on persons if he is not satisfied that new drugs are safe.

I proposed an amendment to permit Federal-State disputes to be settled by the courts. Also, I sponsored an amendment which was in part successful to give FDA authority to require notification when possible, to patients treated with experimental drugs.

Congress considered only one bill to aid education, the college academic facilities and scholarship bill, which I supported. The bill included a 5-year, $1.5 billion grant and loan construction program, a loan program for needy students, and a program of $50 million a year in matching grants for community colleges. The bill passed both Senate and House. As of this writing it has been impossible to compromise the views of the House and Senate, and the bill regrettably may have to go over to the next session of Congress.

I introduced several measures to help deal with narcotics addiction without relaxing the already heavy penalties against sellers, or "pushers," of narcotics. My bills would establish a Federal-State program to construct and operate narcotic hospital facilities in areas of need such as New York City; permit civil commitment of addicts to the custody of the U.S. Surgeon General; and stimulate research activity under an existing federally aided mental health program. I called for a White House Conference on Narcotics to study all aspects of the problem, which the President scheduled for September 1962.

LABOR

Congress passed virtually no major labor legislation in 1962, a year marked by the steel industry wage agreement, the Eastern flight engineers strike, continuing costly labor disputes at missile and defense bases, and railroads.

The Manpower Development and Training Act, which passed the Senate in 1961, was revised in the House and enacted into law in March 1962. It provides funds for retraining unemployed workers with 3 years' work experience and also establishes a special program for occupational training of youths. My amendment to assist the formation of local and industrywide labor-management-public committees was adopted.

The Welfare and Pension Plan Disclosure Act of 1958 was amended this year to give the Secretary of Labor authority to investigate violations and enforce the act by injunction. Criminal penalties for bribes, kickbacks, and embezzlement were added. Also enacted was the Work Hours Act to make uniform wage and hour requirements on federally assisted construction projects. I supported equal pay legislation to prohibit discrimination because of sex.

Of five bills I cosponsored affecting the health and education of migratory workers and their families, which passed the Senate last year, one was reported favorably by the House committees in this session and one of them became law.

IMMIGRATION

Substantial revision of our outmoded immigration national quota system is essential, and I sponsored legislation to amend the Immigration and Nationality Act to permit pooling of unused quotas and their reallocation by Presidential Executive order. Another provision permits admission of fourth preference quota immigrants—family of citizens and lawfully admitted resident aliens—approved by the Attorney General prior to July 1, 1957, without reference to quota. I also introduced a bill to grant permanent residence to first preference aliens who possess critically needed skills and whose national quotas are heavily oversubscribed.

The inadequacy of our archaic immigration laws was highlighted by the flight of Chinese refugees to Hong Kong and the international crisis this caused. The Migration and Refugees Assistance Act of 1962 permitted the President to centralize the authority for aid but little else. I supported the President in speeding surplus foods to the Hong Kong authorities and the Nationalist Government on Formosa to feed the Chinese refugees. The Senate adopted my amendment to a war claims bill to allow claims for loss at the hands of the Nazis by those who later became U.S. citizens.

AGRICULTURE

I voted against both farm bills which passed the Senate: the omnibus bill which was defeated in the House of Representatives and another bill relating to wheat and feed grains. I see real disadvantage to New York farmers in programs of strict production control and supply management, particularly respecting feed grains so important to dairy, poultry, and livestock farmers. Food prices to the housewife are not lowered under these programs. I remain convinced that until Congress adopts a policy based on the realities of the U.S. economy in 1962, our agricultural productivity will continue to be a drain on the taxpayer.

The severe drought which hit New York dairy and livestock farmers brought immediate favorable action by the New York congressional delegation in obtaining emergency authorization for farmers to use retired land.

The much publicized Jesse Stalker case relating to producer-handlers, and the Supreme Court decision affecting milk marketing orders, have created an uncertain situation with respect to orderly milk marketing procedures in the New York milkshed, and I am prepared to respond to the need for legislation, if necessary, to assure dairy farmers an adequate return.

POST OFFICE AND CIVIL SERVICE

I favor a pay raise this year for postal employees, as well as all other Federal employees who face the same cost-of-living squeeze—even if it is necessary to raise postal rates to help provide for such increases. Congress must maintain wage scales comparable with private industry.

An increase in postal rates appears to be fiscally necessary to cut down on operating deficits, but such increase must take full account of the public interest in the informational and educational contents of second-class mail, and the commercial functions of third-class mail advertising.

VETERANS

I have supported bills increasing the compensation for disabled veterans, and giving peacetime veterans the same hospital and medical care for service-connected disabilities as war service veterans get. Also, I voted for the bill reopening for 1 year national service life insurance to applications from Korean war and other veterans; this passed the Senate but was limited in the House to those with service-connected disability only. I continued to support the resolution to establish a standing Senate Committee on Veterans' Affairs.

TRANSPORTATION

The financial problems of our railroads and the rising costs of freight and passenger operations continue to demand solution. The Senate considered the mass transit bill, which I cosponsored, to provide Federal financial assistance for the planning and development of comprehensive mass transportation systems in urban areas.

Hearings are now being held by the Interstate Commerce Commission on the proposed merger of the New York Central and Pennsylvania Railroads and the Civil Aeronautics Board will hold hearings on the proposed American and Eastern Airlines merger. Mergers of common carriers into more efficient operating units appear to be necessary but they must protect the public interest in reasonable rates and service and the workers' interest in continuing security of employment, including, if necessary, retraining, severence pay, early retirement or other means, with the Federal Government helping as may be desirable. The railroads need modernization but the cost should not come out of the workers.

HOUSING

Long concerned with difficulties faced by tenants of both commercial and residential property which is demolished to make way for Federally assisted projects, I sponsored legislation to extend relocation assistance, already made a part of the urban renewal program and expanded with my help, to those displaced by Federal highways. Also, I introduced additional legislation to help small businesses to relocate because of Federal housing and urban renewal.

I cosponsored the bill to create a Cabinet-level Department of Urban Affairs to coordinate the many Federal housing and other programs related to urban areas. The creation of this new Department was defeated for this session.

NEW YORK STATE

The analysis of defense procurement activities which my office has prepared and released every 3 months since 1959 indicates a continuing decline in contract awards given to businesses in New York State. Our share of the national total dropped from 15.3 percent during the Korean war to 12 percent during fiscal 1961, and a further decline lowered the share to 10 percent during the first 9 months of fiscal 1962.

To increase the number of contracts subject to competitive bidding and improve the preferential set-aside system for labor surplus areas is the aim of the armed services competitive procurement bill which I introduced with the cosponsorship of the New York State congressional delegation.

I am particularly gratified that my efforts in this session helped to secure the $17 million appropriation to build a U.S. Pavilion at the 1964–65 New York World's Fair.

POLITICAL ADVANTAGE THROUGH MANIPULATION OF NEWS ABOUT THE PEOPLE'S AFFAIRS

Mrs. SMITH of Maine. Mr. President, the Boston Herald of September 18, 1962, has an editorial of basic fairness. It calls for an end to the undignified practice of giving this or that Member of Congress political advantage through the manipulation of news about the people's affairs.

I am proud that under the Eisenhower Republican administration there was no such practice. I never received notices except those on the basis of simultaneous notification to all members of the Maine congressional delegation. That is the way it should be.

The editorial very accurately states my position and contention when it says—

> What she asks, and what ought to suit everyone, is not favoritism but impartial treatment.

I recommend this editorial as good reading for the Portland Press Herald, the Portland Evening Express, and the Portland Sunday Telegram—and for the White House Special Assistant on Congressional Relations, Mr. Lawrence F. O'Brien.

I ask unanimous consent that the editorial be placed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> Senator MARGARET CHASE SMITH, Republican, of Maine, is mad as a hornet at the White House, and we don't blame her.
>
> A year ago she complained to Presidential Aid Lawrence O'Brien that the White House had given Senator EDMUND S. MUSKIE, Democrat, of Maine, early notification of the news that a million dollar contract for a medical facility at Maine's Dow Air Force Base had been awarded.
>
> O'Brien, she says, promised to investigate this inequity as between Maine Senators (not to say as between a male Senator and a female Senator). But nothing happened.
>
> Indeed, she says, "Not only does it appear that * * * no investigation has been made during the interval of a year—but the handling of the recent disclosure of the construction award of a nuclear submarine to the Kittery Naval Shipyard constitutes a repetition of political favoritism on a matter of national defense in the notification given to Senator MUSKIE on the submarine award far in advance of the release time."
>
> We don't envy Mr. O'Brien his placatory tasks. But we do hope he doesn't go so far as to offer to give Mrs. SMITH a few defense contract "exclusives" of her own. What she asks, and what ought to suit everyone, is not favoritism but impartial treatment.
>
> It's time for an end to the undignified practice of giving this or that Member of Congress political advantage through the manipulation of news about the people's affairs.

WITI-TV HITS HARD FOR MORE ADEQUATE TEACHERS' SALARIES

Mr. PROXMIRE. Mr. President, Milwaukee television station WITI continues an excellent editorial policy that constitutes an impressive contribution to our great metropolis in Wisconsin.

One of its recent editorials deals perceptively with a matter under consideration by the Senate and the House of Representatives—namely, the serious problem of getting more teachers and better teachers. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOT JUST MORE TEACHERS BUT BETTER QUALIFIED TEACHERS

> Not only more teachers but better qualified teachers should be the goal in modern education.
>
> A modern school system faces many challenges. Probably the greatest is to meet the demands of our more complex and more competitive world. It means we need not only more teachers but better qualified teachers. Yet, in Milwaukee we do little to encourage our educators to add to their own training.
>
> The average teacher here has spent 4 years in college to get a bachelor's degree that will qualify him for a job in the public schools. His starting salary is $4,900 a year, almost $2,000 less than the average income in Milwaukee in 1961.
>
> We say we'd like this teacher to continue his education, work toward a master's degree, keep up with all the new knowledge available, and pass that knowledge on to our children.
>
> But what incentive do we offer him? This starting salary of $4,900 won't inspire him. Under the present setup the teacher gets $100 a year more for obtaining his master's degree.
>
> Here's what that master's degree costs him: Approximately 1,280 hours in class, many more hours of study outside of class, the time and money it costs him to get to and from class, ever-increasing tuition fees, and the possible loss of income he could be getting through evening or summer employment.
>
> For all this effort, time, and expense we add $100 a year to his paycheck. This is how we are trying to compete not only with industry and other States but with other cities here in our own State.
>
> Now the teachers are asking for a better break, for more incentive. They are asking for a $800 pay boost for obtaining a master's degree. The plan would cost $430,000 next year; it would be money well spent. We will encourage more people to the teaching profession, and we will encourage them to become better qualified instructors. Channel 6 believes we need this incentive in our modern school system.

EUROPEAN GOVERNMENT SPENDING, NO ALIBI FOR U.S. RED INK

Mr. PROXMIRE. Mr. President, there has been a great deal of discussion about the more rapid growth rate of the economy of the European countires. Attention has been called to the fact that some European economies have been growing recently more rapidly than has ours. Some have argued with force that this growth is forced by government deficit financing.

A recent analysis published in the New Republic was reported on by Sylvia Porter in an article published last night in the Washington Star. Her article casts some badly needed light on the reasons why European deficit spending might contribute to national growth, while red ink in our country would not.

Mrs. Porter writes:

> In Europe, governments own, by and large, transportation, communications, power and many basic industries such as coal, gas, petroleum, iron and steel. When European government budgets go into the red, a fundamental cause is that they are investing in these enterprises—which are productive, make jobs, spur growth.
>
> In the United States, the situation is drastically different, for "Much that would be government enterprise in Europe is privately owned."

The Federal budget of the United States is quite different. Our Federal deficits do not mean that we are investing more extensively in productive enterprises.

On the contrary, Federal spending is not likely to be productive in the same way that is private investments in the productive development and growth of plant and equipment.

I ask unanimous consent that the article by Sylvia Porter be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Deficits Help Europe To Grow

(By Sylvia Porter)

"You should read an article which has just appeared in the New Republic on this question of the American economy's inadequate growth in recent years in comparison with the strong growth rates of European economies and what should be done about it," said William McChesney Martin, Chairman of the Federal Reserve Board, "for the article says things people here should understand."

The face of a man I have known since he was the boy-wonder president of the New York Stock Exchange broke into a broad smile. "Of course, the reason I'm asking you to do this is that I agree with the points the article makes."

So naturally, as soon as I left the Federal Reserve Board's headquarters in Washington, I picked up the magazine (Aug. 27 issue) and studied the article "Deficits and Economic Growth" by Matthew J. Kust, identified as a "Washington lawyer specializing in international tax and financial matters." It is not easy reading, but here in simple language are the major points Mr. Kust makes.

1. It has become fashionable this year to suggest we examine what Europe has been doing that we have not been doing to spur economic growth—and an argument gaining adherents is that Europe "owes its greater economic growth to a bolder use of government deficit finance." But before we accept this, we should inquire whether government budget deficits have the same economic impact in the United States as in Europe.

2. We have kept pace with European countries in runing deficits during the last decade. Our Federal, State and local governments had deficits in 8 of the last 12 years; Britain in 9 of the last 11; France in each of the last 10 years, and Germany in 4 out of the last 6 years.

MIXED ECONOMY

3. Why, then, have government deficits resulted "in such an inadequate rate of growth in the United States while yielding such high rates in France and Germany?" The answer is that "Europeans have accepted, which we have not, the principle of the mixed economy wherein the government conducts many industrial undertakings that are privately owned in the United States." In Europe, governments own, by and large, transportation, communications, power, and many basic industries such as coal, gas, petroleum, iron and steel. When European government budgets go into the red, a fundamental cause is that they are investing in these enterprises—which are productive, make jobs, spur growth.

4. In the United States, the situation is drastically different, for "Much that would be government enterprise in Europe is privately owned." When our Federal budget goes into the red, little of the extra spending is for productive enterprise. Mr. Kust explains: "It would be quite different if, let us say, the Government owned the railways and floated a multibillion dollar bond issue for rehabilitation and modernization."

TAXES CURB INVESTING

5. Tax policies also are a key factor. We tax corporations far more heavily than other countries do. "Since corporations undertake most of the private productive investment in industrialized countries, heavy taxation of their earnings dissuades growth." The same goes for our personal tax structure, which cuts down on the savings that are essential to greater investment in productive facilities. We invest much less of our total production in new machinery and equipment than European countries do, and the outcome is that the United States "has an old and obsolete industrial plant."

Mr. Kust's conclusion is that "it is this quite striking difference in the economic impact" of our various government policies "which may provide the answer to the great difference in growth rates." He clearly believes the fundamental need is to overhaul our fiscal policies with the primary aim of stimulating investment rather than consumption.

Whether or not you agree, this is a thoughtful contribution to the debate on what we should do to get back on the road to strong growth. And most significant is that Mr. Martin sympathizes with this view, for, as head of the powerful central bank of the United States, he is among the most informed and influential men of the free world.

U.S. ALLIES STILL POURING MACHINERY AND INDUSTRIAL RAW MATERIALS INTO CUBA

Mr. PROXMIRE. Mr. President, the House of Representatives is about to consider the foreign-aid appropriation bill, and the Senate will do so shortly. I am very much disturbed about the fact that countries which receive substantial amounts of assistance from the United States are continuing to trade extensively with Cuba.

Yesterday's New York Times reported that—

> Cuba has been getting machinery and industrial raw materials from Canada, diesel motors and chemicals from West Germany, and machinery and chemicals from Britain. The Netherlands and France also have exported goods to Cuba.

The article states that these countries continue to make such shipments in very large quantities.

I think the Senate should give serious consideration to this matter when it considers the foreign-aid bill, in the next few days.

I ask unanimous consent that an excerpt from the article published in the New York Times be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

United States Fails To Curb Allies Over Cuba

Nevertheless, Cuba has been getting machinery and industrial raw materials from Canada, diesel motors and chemicals from West Germany, and machinery and chemicals from Britain. The Netherlands and France also have exported goods to Cuba.

According to figures available here, North Atlantic Treaty Organization countries sold Cuba about $138 million worth of goods in 1959 and purchased goods amounting to $79 million. In 1961, NATO exports dropped to $86 million and imports from Cuba to $32 million.

In addition, Japan conducted a $16-million annual trade with Cuba, exchanging light machinery for sugar. Chile was the only country in Latin America reported to have an appreciable trade with Cuba, bartering various foodstuffs for sugar.

TWO ALLIES INCREASE TRADE

Two allied countries increased their trade with Cuba during the 2-year period, 1959-61, contrary to the general trend. Canada was the biggest allied trader with Cuba in 1961, exporting $31,800,000 worth of goods, slightly more than double her 1959 exports. The Netherlands increased her trade total with Cuba from $8,275,000 to $10,920,000.

The United States, which ended all imports from Cuba and limited sales to food and medical supplies, is now sending less than $50,000 worth of such supplies to Cuba each month.

SPACE INDUSTRY SURE TO EXCEED AUTO INDUSTRY IN SIZE; REQUIRES FAR GREATER ECONOMY

Mr. PROXMIRE. Mr. President, one of the very important developments in the United States and, in fact, in the world has been the magnificent progress made by the space industry. All of us are anxious to have our country able to meet and to surpass such developments by the Soviet Union. We are being challenged in this area more than in any other, except perhaps the military area.

Nevertheless, I believe we must recognize the enormous size which the space industry will achieve in the next few years.

An article published yesterday in the Washington Post states that the space industry is expected to exceed the automobile industry in size.

Mr. President, with no profit incentive or discipline and with no budget discipline—because in the House committee hearings it was revealed that the Bureau of the Budget leaves virtually untouched the budget of the Space Agency. With the terrific public relations buildup for developments in space, with television, radio, and the newspapers enthusiastically urging us to make more and more investments in space, there is danger that there will be great extravagance in this area.

In this connection, I ask unanimous consent that an article from the Washington Post, entitled "Space Industry Seen Topping Auto in Size," as well as an editorial from Fortune magazine entitled "Defense in Space," be printed in the Record at this point.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 18, 1962]

Space Industry Seen Topping Auto in Size

St. Louis, Mo., September 17.—An aerospace executive said today the astronautics industry within 10 years may exceed in size the combined automotive industries of the world.

The prospect was raised by M. G. O'Neil, president of the General Tire & Rubber Co., in a talk prepared for a national convention of tire dealers.

He likened the impact of the space age to that of America's discovery nearly 500 years ago.

O'Neil said the country's steadily growing aerospace endeavor already numbers 5,000 companies or research organizations, and has led to over 3,000 space-oriented products.

He estimated that the approximate cost of landing a man on the moon by 1970 would be $30 billion, and said some estimates for the Government's total space projects run to $150 billion.

Calling space exploration a necessity for national survival, O'Neil enumerated useful byproducts of the space effort in the fields of medicine, communications, weather, and marine navigation.

[From Fortune magazine]

Defense in Space

It is high time that we forsake some of the more exotic scientific idealism in the space program, in recognition of a real and somber threat. NASA's programs should be trimmed at the fringes, and its lines of control strengthened. The Nation's defense requirements should be thoroughly, openly, and honestly integrated with the fabulously expensive development of moon-shot technology. Congress should see to it that these unified objectives are ensured by unified direction—not just coordination—of all space activities by the national aeronautics and space council. As Secretary of the Air Force Eugene Zuckert wrote recently: "We must be able to enforce our stand on the peaceful uses of space."

ISRAEL FOREIGN AID PROGRAM MODEL OF EFFICIENCY AND EFFECTIVENESS

Mr. PROXMIRE. Mr. President, in connection with the foreign aid bill which is about to come before the Senate, all Senators are aware of the many examples of waste, and some examples of graft and extravagance, in our foreign aid program. The little State of Israel, which is deficient in resources, limited in capital, dimunitive in population as compared with ours, and urgently in need of capital investment on its own account, has been carrying on an inspiring foreign aid program from which we can learn real lessons.

A recent editorial in the Milwaukee Journal stated in part:

> In Kenya, Israel has helped organize two cooperative stores. In Nepal it is helping to set up a bus transport system. It has just added Jamaica to the list of countries given free scholarships for technical students in Israel.
>
> Africans from Dahomey, Niger, and Togo are studying radio techniques in Israel and more are coming soon from the Ivory Coast. Israel technicians have the contract to build large bathhouses in Ethiopia.

Israel's foreign aid program is such a model of efficiency and effectiveness, so honest and economic in its operation, that I think it serves as a real example for us and the rest of the free world. I ask unanimous consent that the editorial to which I have referred be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Israel Helps Others

Israel is one of the smaller nations but one of the most enterprising. Surrounded by Arab enemies, it has been making friends constantly by its program of international cooperation.

In Kenya, Israel has helped organize two cooperative stores. In Nepal it is helping to set up a bus transport system. It has just added Jamaica to the list of countries given free scholarships for technical students in Israel.

Africans from Dahomey, Niger and Togo are studying radio techniques in Israel and more are coming soon from the Ivory Coast. Israel technicians have the contract to build large bathhouses in Ethiopia. Two Israel doctors are at work in eye clinics in Liberia, which were set up by Israel experts. A number of students from French speaking African nations have completed police training in Israel.

Recipient of much foreign help itself, this small country is busy helping others.

PROXMIRE RESOLUTION TO END SCHOOL DROPOUTS BEFORE 17 WILL REDUCE UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, recently I submitted a resolution calling on State school officials to give consideration to raising the school dropout age to 17, which in some areas is now 14, 15, or 16. I submitted the resolution for many reasons. The principal reason is that unemployment is so highly concentrated among our young people.

Sylvia Porter, in a very fine article, commented on this question and stated:

> This summer, while the general unemployment rate has ranged under 6 percent, the rate among the unskilled has been 11 percent. Among the 900,000 who were graduated from high school in June 1961 and didn't go on to college, the unemployment rate last October was 18 percent. Among the 350,000 youngsters of 16 to 24 who quit elementary or high school between January and mid-October 1961, the unemployment rate in the fall was 27 percent.
>
> Even when he gets a job, a dropout is likely to get an undesirable one.

On the other hand, skilled workers will find their future bright and find more job openings than workers to fill them.

That is the reason why my resolution should be given consideration by the Committee on Labor and Public Welfare. I hope the resolution will be adopted by the Senate in this session. It is a simple Senate resolution and merely calls on school authorities around the country to give serious consideration to increasing the age for dropping out and to provide the kind of vocational training which can so tremendously help young students leaving education and also help the growth of our economy.

I ask unanimous consent that the article by Sylvia Porter which appeared recently in the Washington Star be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Return to School, Dropouts Warned

(By Sylvia Porter)

"Return to school," urged President Kennedy in his Labor Day message to the youth of the Nation, thereby putting the White House behind the accelerating drive to convince America's youngsters that they must stay in school until they gain the education and skills essential to fill today's jobs.

But a potential dropout, or a young man or woman who already has quit school, well might ask for more than exhortation, more than even a warning from the President that "returning to school may mean the difference between possible hardship and unemployment or a fruitful life."

In this and Sunday's column, I'll submit the "why" and "what." Make a record of these facts, no matter who you are, for in your neighborhood may be a young person whose entire life you can benefit by reciting them.

Here's the why.

In the 1960's, overall employment is scheduled to rise about 20 percent, but unskilled workers always will face the threat of unemployment as jobs are eliminated by automation.

This summer, while the general unemployment rate has ranged under 6 percent, the rate among the unskilled has been 11 percent. Among the 900,000 who were graduated from high school in June 1961, and didn't go on to college, the unemployment rate last October was 18 percent.

Among the 350,000 youngsters of 16 to 24 who quit elementary or high school between January and mid-October 1961 the unemployment rate in the fall was 27 percent.

You need a high school diploma even for menial jobs today. In Detroit industrial companies require one for a sweeper.

Even when he gets a job, a dropout is likely to get an undesirable one. A full 28 percent of the male dropouts in 1961 who had obtained jobs by October were working as farm laborers, and 40 percent were working as factory laborers or semiskilled operatives. About two-fifths of the female dropouts were working in private households or as other types of service workers. Only 1 out of 10 of the dropouts had obtained a clerical job.

As a skilled worker, though, your future will be bright. In the 1960's, an additional 2.3 million jobs are due to open up for skilled workers and 2.7 million others will become available as those holding these jobs transfer to other occupations, retire or die. This means our economy will be looking for 5 million young, educated, skilled men and women. If you are trained, you'll not have trouble finding employment.

Jobs which today don't seem to require much training, such as simple clerical or office jobs, will require training tomorrow. As automated equipment takes over more and more offices, employers will need trained personnel to operate the equipment.

The job outlook for the educated and skilled young man and woman is superb. The uneducated, unskilled dropout is likely to be unplaced or displaced. That is the "why" behind the warning: "Return to school."

AMERICAN FARMER'S GREAT JOB FOR CONSUMER-TAXPAYER

Mr. PROXMIRE. Finally, Mr. President, we are about to consider a very important conference report on the farm bill. There is some possibility we will not have a farm program this year. Unfortunately, farmers have been accused of being a burden on other American citizens, particularly on the taxpayer. I feel very strongly that this is a serious mistake; that, actually, farmers contribute more to our well-being than does any other group in our society.

In this connection, Reader's Digest, which is conservative on such subjects, and particularly on the farm subject, published a fine article showing that American food is bought at bargain prices, and showing how the American consumer pays far less for food now than he has before in terms of wages and income. The article shows that the consumer pays a great deal less for his food in this country than he does in foreign countries; and the article spells out what this means in terms of leisure, income, and well-being. This also means a great deal in terms of our competition with the Soviet Union and communism in other parts of the world where agriculture has been such a dismal failure.

I think we should view the farm program in connection with the very fine job which has been done by our farmers in keeping the cost of food low. We are all consumers. When looked at in this way, what we have done in farm programs for our farmers is very modest.

I ask unanimous consent that the article from the Reader's Digest for September 1962, entitled "Why Our Food Is a Bargain," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY OUR FOOD IS A BARGAIN

(By John Strohm)

(John Strohm, one of today's foremost agricultural writers, has visited 70 countries (including the Soviet Union and Red China) as a correspondent, and has conducted a group of Russian farm officials through the United States. A past president of the American Agricultural Editors' Association, he is currently president of Publications, Inc., and editor of Ford Almanac. This article is the basis for a presentation Mr. Strohm will make at the Fifth International Food Congress, which will be held in New York City's Coliseum, September 8–16.)

If I could show any visitor from abroad just one thing in the United States, I would turn him loose in a smalltown supermarket with $25—the average amount the American homemaker spends weekly to feed her family. For food is our No. 1 success story, a far bigger bargain here than in any other nation.

Mrs. America pays out, after taxes, only 20 percent of the family income for food. By contrast, the Russian family must spend 56 percent. In Sweden it's 27 percent; in Italy, 38 percent; Peru, 40 percent; Nigeria, 70 percent. This means that the U.S. family has 80 cents out of every dollar of disposable income left for "other things." It means more and better education for our sons and daughters. It means better homes, better health, better living. It means refrigerators, automobiles, TV sets. And with such a relatively small part of our national effort devoted to feeding the people, we can match missiles with the Russians or race them to the moon without giving up necessities or luxuries, while the Russian people suffer acute shortages of food, clothing, and housing.

Our national ability to feed our families with more food, of higher quality and variety, with less money and labor than any other people on earth is an achievement we too often take for granted. Let's see what goes into it.

Mrs. America makes three trips weekly to the food store, takes 27 minutes on each visit to look around among thousands of items, buys 21 of them, and pays $7.74 at the checkout counter. Does she wonder where all the money goes? Maybe she forgets that her husband works only 38 hours a month to buy food for his family. To earn a pound of butter, he works 21 minutes—while a Russian works 193 minutes. A pound of rice costs an American 5 minutes of work; a Japanese, 25 minutes, despite the fact that Japan gets among the highest rice yields in the world. A pound of sugar costs an American 3 minutes of work; an Englishman, 7 minutes of work; a Russian, 75 minutes of work.

And lest you long for the "good old days" when prime beef was 15 cents a pound and bread two loaves for a nickel, consider the real cost of food then and now. In 1912, Granddad's family earned $11 a week and spent 40 percent of it for food. His grandson's family earns more than $125 weekly, spends $25 for food—and buys more and better food.

You're better off than your dad, too. In 1931, an hour of U.S. factory labor bought only 1.4 pounds of round steak, while today it buys 2.2 pounds. It bought 8 pints of milk then—17.8 pints today; 1.5 dozen oranges then—3 dozen today. Since 1947–49 food prices have gone up less than most items in the cost-of-living index—22 percent. The cost of housing went up 33 percent; of transportation, 51 percent; of rent, 45 percent.

Moreover, while the old corner grocery with its crackers and pickles in open barrels and sauerkraut in tubs may be full of nostalgia, our food today is safer, cleaner and more nutritious.

Researchers have bred more vitamin C into tomatoes, more protein into corn, more lean meat into pork. Processors have improved nutrition by selecting crops at exact maturity, by rapid deactivation of enzymes and by cooking in a limited amount of liquid, which is then retained in the can rather than discarded. Mobile packing vans move right into the fields to film-wrap vegetables at their peak of freshness. We've improved on nature by enriching bread with vitamins and iron, by "fortifying" milk.

Improved diets have helped infant mortality to drop sharply. People are living an average 9 years longer than two generations ago. Our children are 2 inches taller than their grandparents, weigh several pounds more. And the sports pages tell us they can run faster and jump higher and farther than ever before. Children (and grownups, too) now get two-thirds of their protein from meat and dairy products, while these foods represent only 2 percent of the Japanese diet, 4 percent of the Indians'.

Instant and heat-and-eat foods can reduce the housewife's daily food preparation work from 5½ hours to 1½ hours. She buys freedom from the drudgery of kitchen chores in the form of cakes already mixed, meat already trimmed, vegetables already cleaned and washed, juice already squeezed.

The Agricultural Research Service says: Already prepared meals that cost $6.70 for a family of four for 1 day can be fixed by the housewife herself for $1.80 less. But should the housewife work 4 hours extra for 45 cents an hour, and save the $1.80? Or should she devote her 4 hours to her children, to community activities, to keeping up with the world, to holding an outside job? Unshackling the housewife from her kitchen has had an incalculable impact for good on our Nation—socially, politically, spiritually and culturally.

Many instant foods actually save money. A pound of fresh frozen peas costs about 32 cents; bought fresh, they cost 70 cents. A devil's food cake, made from a prepared mix, plus two eggs, costs 41 cents; made from scratch, it costs 53 cents. Frozen concentrated orange juice costs only half as much as that squeezed at home from fresh oranges (the can of concentrate costs 2.7 cents more to process, but 3.7 cents less to transport and 8.5 cents less to merchandise).

There were 100 items in the grocery store of a century ago; Mother found 1,000 items 20 years ago. Today's homemaker has a choice of 8,000 items in her local food store—and two-thirds of them are either brand new or materially improved over 10 years ago.

How did this food abundance come about? The answer is that three imaginative, venturesome groups have been working with increasingly effective teamwork to feed our Nation.

Farm suppliers: Six million workers produced $16 billion worth of fertilizer, feed, machinery and other food-production tools for the farmer last year. Machines permit one farmer to plow 40 acres a day (three out of four farmers around the world plow less than 1 acre a day, and that poorly, with oxen and wooden plow). Agricultural research has developed fertilizers that permit farmers to triple crop yields on "worn out" soil. Imaginative chemists have found ways to make apples hang on trees until ripe, to stimulate corn while killing weeds, to grow bug-resistant crops.

Farmers: Five and a half million farm workers take these new seeds, new breeds, new feeds, add their own capital, knowledge, and labor, and turn out raw food products worth about $27 billion a year. Motorized muscles have made the U.S. farmer a food-production giant. Here, where only 8 percent of our population remains on the land, 1 farmer feeds himself and 26 others. In Russia, with more than 40 percent of the people still on the land, a collective-farm worker can feed himself and three or four others.

If our farms were no more efficient than the Soviet collectives I've visited, 20 to 25 million U.S. industrial workers would have to quit their jobs for the farm. Think what that would do to our standard of living and to our ability to shoot for the moon.

The food industry: Some 8 million processors, package manufacturers, transporters, wholesalers, retailers take our raw farm produce and place $50 billion worth of food on store shelves. Packing plants utilize "all of the hog except the squeal," conserving once wasted byproducts for medicines and other valuable items. Jets carry lobsters from Maine to Iowa, fresh vegetables from California fields to Boston tables in 24 hours at a price the housewife is glad to pay.

Dramatic as our food progress has been, we can expect other near miracles soon. Among them are dried fruit juices that can be stored on the kitchen shelf; freeze-dried fruits and vegetables with weight and bulk reduced to save expense of refrigeration, shipping and storage; atomically irradiated steaks and chops that can be stored on the shelf.

"Food manufacturers are spending $120 million a year on research to develop new and improved products," says Paul S. Willis, president of the Grocery Manufacturers of America. "In 10 years, the big markets will be handling 12,000 items, half of them different from those sold today."

Great as the impact of the U.S. food achievement has been on American consumers, it is potentially even more revolutionary for the 2 billion people who live in 70 nations where malnutrition is widespread and persistent. Four international food congresses, held in France, Belgium, Italy, and Switzerland, have helped spread the benefits of U.S. food technology throughout Europe. Supermarkets, with European refinements, are mushrooming in the six Common Market nations. At the Fifth International Food Congress, to be held in New York City this September, participants from some 50 countries will learn how food can be brought to the people efficiently, conveniently and abundantly.

"It took more than 170 years for Americans to develop the food system which has brought the cost of food per hours of work to its lowest point in history," says Secretary of Commerce Luther H. Hodges. "But, to achieve a similar goal, other nations need not go through all the steps we had to take. What we have learned over the years is available today to all who wish to use it."

BULGARIAN NATIONAL DAY

Mr. JAVITS. Mr. President, I am pleased to join in the 15th annual observance of Bulgarian National Day for the fight for freedom, independence, and democracy which is taking place on September 23. This observance commemorates a great hero of the Bulgarian people, Nikola Petkov, who was executed by the Communist dictators of Bulgaria because of his courageous opposition and denunciation of their tyranny and oppression.

Petkov is an outstanding example of the spirited fighters for freedom who by their resistance to tyranny have written a memorable page in the history of the Bulgarian people. Although they are now held captive by the Communists, no conqueror has been able to suppress for long their spirit and determination to be free. Their brothers in the free world speak where they cannot, and by observing the memory of their great hero, keep fresh and alive their continuing struggle for independence which has so much sympathy in this country.

I ask unanimous consent to print in the RECORD an account of the life and death of Nikola Petkov.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

NIKOLA PETKOV, BULGARIAN NATIONAL HERO AND GREATEST MARTYR IN THE STRUGGLE FOR FREEDOM AND INDEPENDENCE

Nikola Dimitrov Petkov was born in Sofia in 1894. He was the son of Dimiter Petkov, a self-educated peasant from Dobrudja, who became Prime Minister of Bulgaria. Dimiter Petkov was assassinated in 1907 for opposing foreign intervention in the internal affairs of Bulgaria, especially on the part of Czarist Russia.

Petko Petkov, Nikola's brother, was one of the greatest Bulgarian peasant leaders. He fought Alexander Tzankov's Fascist dictatorship of 1923 and as a result was shot down on a Sofia street on June 14, 1924—exactly 1 year after the merciless assassination of Alexander Stamboliiski.

Nikola Petkov received a law degree in Paris, where he spent most of his youth. During the Nazi occupation of Bulgaria he was an underground leader and was imprisoned several times.

When the Nazis were driven out of Bulgaria, Nikola Petkov and three other representatives of the Bulgarian National Agrarian Union—the largest political organization in Bulgaria—took part in the first coalition government, together with Communists, Socialists, representatives of the political group "Zveno," and the independent intellectuals. Together with Dr. G. M. Dimitrov, Secretary-General of the Bulgarian National Agrarian Union, Nikola Petkov fought stubbornly against Communist outrages, terror and violence, and thus incurred the hatred of both the Communist Party and the Soviet occupation authorities. Despite these difficulties, he continued to defend the freedom and independence of his country.

When the Soviet occupation authorities demanded the removal of the "capitalist agent" Dr. G. M. Dimitrov from his post as Secretary General, Nikola Petkov took his place.

In July 1945 Nikola Petkov sent a memorandum to the Inter-Allied Control Commission demanding the postponement of the elections which the Communists had scheduled for the end of August 1945. These elections were to involve only one list of candidates, headed by the Communist Party. As a result of the memorandum, the Prime Minister declared that Petkov had resigned, although formally he never did so. In protest, Nikola Petkov and other cabinet ministers broke up the coalition government, and thenceforth openly opposed the Communist dictatorship. Upon intervention of the Control Commission, the elections were postponed until November 18, 1945.

During the winter of 1946, Stalin sent Vishinsky to Sofia for the purpose of getting Petkov to come back into the government. At their dramatic meeting, Petkov declared that it was not his custom to obey the orders of any foreigner, but to listen only to the will of the Bulgarian people.

That meeting decided Petkov's fate.

In October 1946 Petkov headed the opposition in its election campaign against the Communist-Soviet attempts to seize full control of the country. The enthusiastic people from the countryside and towns voted en mass for Petkov's list, but the election results were falsified and violence and bloodshed were commonplace. Nevertheless, 101 people's representatives, headed by Petkov, were acknowledged to have been elected and triumphantly entered the Grand National Assembly. It was there that Petkov's most courageous and heroic struggle culminated. Availing himself of his constitutional immunity, he unmasked in Parliament the treacherous intentions of the Communists and their leader, Georgi Dimitrov, former Secretary-General of the Comintern. He accused them of being Stalinist agents, and said that their hands were stained with the blood of innocent Bulgarians and that they wanted to make Bulgaria a Soviet province.

As a result of his activity, Petkov was charged with conspiracy against the state and the Soviet Union. Like his predecessor, he was called "an agent of Anglo-American capitalism."

After dramatic and stormy debates in Parliament, Petkov was arrested inside the Parliament building in complete defiance of the Constitution and the law. Petkov declared dauntlessly that he would share with pride the fate of his father and his brother.

On August 16 Petkov was sentenced to die on the gallows.

Early in the morning of September 23, only 15 minutes after midnight, he was executed in secret because the Communists feared the people's mass indignation. (At that time all executions took place about 5 o'clock in the morning.)

Prior to the execution a representative of the Bulgarian Communist government appeared in Nikola Petkov's prison cell and offered him a pardon if he signed a petition in which he declared his repentance.

"You are even trying to desecrate my sacred memory," Petkov replied. "My sentence was passed by your Moscow masters and no one can revoke it. I do not seek any mercy from you. I want to die so that my people may be freed sooner."

The heroic example set by Nikola Petkov shook the free world and opened its eyes to the treacherous intentions and methods of the Bolshevist international conspiracy and the tragic fate which Soviet imperialism is preparing for all of humanity.

Petkov's career was a brilliant model of self-sacrifices for his people, principles, ideas, freedom and democracy. Thousands and thousands of Bulgarian patriots followed his great example.

That is the reason why the American Congressmen who, upon the occasion of a visit to Bulgaria, laid a wreath on his freshly dug grave, called him "one of the greatest democrats of all time."

This is why government officials and statesmen from all over the world sent protest notes to his Sofia and Moscow executioners, and honored and still continue to honor, Nikola Petkov as one of the greatest martyrs of human freedom and the right to independence.

With each elapsing year, the memory of Nikola Petkov is becoming a greater danger for the Communist tyranny, shaking its yoke and leading the freedom fighters to their final victory.

TRIBUTE TO J. EDGAR HOOVER

Mr. LAUSCHE. Mr. President, Ohio's Association of Chiefs of Police has recently adopted two resolutions commending Director J. Edgar Hoover for his significant contributions in exposing communistic activities and propaganda in his two recently published books, "Masters of Deceit" and "A Study of Communism," and also for Director Hoover's cooperative attitude toward the law enforcement agencies in Ohio and elsewhere in the performance of their duties and services to the public.

Mr. President, I ask unanimous consent that these two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ON "A STUDY OF COMMUNISM," BY DIRECTOR J. EDGAR HOOVER

Whereas J. Edgar Hoover is eminently qualified as an authority on communism and since his assumption of FBI directorship in 1924 has held responsibility for protecting the internal security of the United States, and conducting investigation into all aspects of subversive activity, espionage, sabotage, and related functions with emphasis on communism; and

Whereas the book "Masters of Deceit," written by Director Hoover was an outstanding compilation of Communist ideology, tactics, and strategy, and served a vital need in the United States; and

Whereas the recent intensification of Communist activity directed toward the capture of the minds of young people and the overt actions of the international Communist conspiracy are directed at the destruction of the United States, and thus emphasizing the importance of all citizens being aware of Communist challenges against law and order; and

Whereas it is fundamental that the Communists seek to destroy confidence in established agencies of government, including the dedicated public servants in the police profession, and it becomes important for each citizen to be aware that the Communist world membership of 40 million, its false appeals, its propaganda, front groups, infiltration of non-Communist organizations and other subtle tactics, including the all-out, systematic campaign to recruit members from the college campuses, can be combated only through enlightened citizens; and

Whereas Director Hoover has now performed another characteristic service to the American people through the issuance of his new book, "A Study of Communism," designed to help high school and college students, as well as adults, more effectively serve in the protection of the United States and in contributions to government under law; and

Whereas Director J. Edgar Hoover has, without remuneration to himself, offered in "A Study of Communism" the most modern, complete, factual compendium of the entire Communist picture in textbook form, especially designed for use in the schools, as well as in adult education: Now, therefore, be it

Resolved, That the Ohio Association of Chiefs of Police does hereby express its hearty commendation to Director J. Edgar Hoover for his latest book, "A Study of Communism," and for his selfless services in providing this penetrating analysis of the Communist threat to freedom as well as for his many years of protecting the internal security of the United States; and be it also

Resolved, That the Ohio Association of Chiefs of Police endorses "A Study of Communism" and urges its incorporation into the high school and college curriculums throughout the land, as well as the widest possible dissemination to citizens everywhere as a means of enhancing democratic government under law.

WAYNE F. ETHELL,
President, Ohio Association of Chiefs of Police.

Adopted by the Ohio Association of Chiefs of Police in conference assembled at Cincinnati, Ohio, September 11, 1962.

RESOLUTION OF COMMENDATION FOR J. EDGAR HOOVER

Whereas the FBI Laboratory was established by FBI Director J. Edgar Hoover on November 24, 1932, for the purpose of serving all law enforcement agencies throughout the United States in the scientific examination of evidence in criminal cases, and has rendered scintillating, effective, harmonious, and gratis services in this direction; and

Whereas the law enforcement agencies of Ohio have used the facilities of the FBI Laboratory to a degree rarely exceeded by that of any other State; and

Whereas the Federal Bureau of Investigation, under Director J. Edgar Hoover, constantly strives in all scientific matters and in many other service aspects to improve the professionalization of police work and effective service to citizens: Now, therefore, be it

Resolved, That the Ohio Association of Chiefs of Police in conference assembled at Cincinnati, Ohio, on September 11, 1962, does hereby commend Director J. Edgar Hoover, FBI, for his multifold services, and congratulate him on the 30th anniversary of the establishment of the FBI Laboratory which will occur on November 24, 1962; and be it further

Resolved, That the Ohio Association of Chiefs of Police expresses deep gratitude for the many aspects of FBI cooperation and for its efficient, effective, economical service to the people of the United States and to the people and the law enforcement agencies of the great State of Ohio.

WAYNE F. ETHELL,
President, Ohio Association of Chiefs of Police.

LAND AND PEOPLE

Mr. LONG of Missouri. Mr. President, on September 17–18 the first of a series of five regional Land and People Conferences was held in St. Louis, Mo., under the sponsorship of the U.S. Department of Agriculture. Some 1,500 rural leaders from the Midwestern States were in attendance.

The purpose of the meeting was for the Department of Agriculture to have a means of counseling with rural leaders to find ways and means of strengthening rural America, of providing for adequate family farming, and of stimulating economic growth throughout the rural areas of the Nation.

A spokesman for the rural leaders summarized the conference by saying:

> I believe that this conference is a great step forward and has been and will continue to be more productive of ideas and plans for action than any other similar effort in many years.
>
> From the many conversations I have been involved in and others I have overheard, it is my firm conviction that I speak the sentiments of the vast majority that we here in attendance are taking home with us renewed vitality, a new sense of hope and faith in the future of rural America and an unprecedented determination to build a more socially satisfying and economically desirable life for rural people.

Outstanding addresses were also delivered by the Honorable Orville L. Freeman, Secretary of Agriculture; Fred V. Heinkle, president of the Missouri Farmers Association; Edwin Christianson, president of the Minnesota Farmers Union; and Dan Saults, assistant director of the Missouri Conservation Commission.

Mr. President, I now ask unanimous consent that these speeches be printed at this point in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN KEYNOTING REGIONAL LAND AND PEOPLE CONFERENCE, ST. LOUIS, MO., SEPTEMBER 17, 1962

The people of the United States are concerned about strengthening rural America in order that rural America may continue to make invaluable contributions to the strength of the Nation.

Political philosophers, poets, and historians have rightly sung the praises of rural America. They have told of how the basic qualities that have made America great—the spirit of initiative and independence, the dedication to ideals of democracy, the pioneering courage and drive that overcomes tremendous obstacles, the vision to aspire to a future of limitless possibilities—they have told of how all these qualities grew, and flourished, and bore fruit on the farms and ranches and in the small towns of our country.

This rural America, that has up to now contributed so much to our national growth and greatness, now faces a period of serious crisis—a crisis brought about by the same technological and scientific progress that has made American agriculture the productive marvel of the world. But let me make it perfectly clear that the real threat to rural America does not lie in scientific and technological progress itself; the real threat lies in a failure to direct the changes that grow out of that progress to meet the real needs and wants of all the people. And it is not only rural America, but the health of the entire Nation, that will be seriously threatened if we fail to preserve and advance the real values of the past as we adopt and make use of the new potential for the future.

I would like to emphasize that this threat is very real, and very serious. Its reality is illustrated by the cold facts of what has been happening to rural America in our generation. I will point out some of these facts a little later. Its seriousness is demonstrated by the fact that an organization as distinguished as the Committee for Economic Development has recently put out a proposal that would attempt to solve the farm problem by cruelly depressing farm income to the point where a mortal blow would be inflicted upon the small cities, towns, villages, and farms that, together, make up rural America.

The CED would thus attempt to solve a problem of surplus grain by substituting for it an infinitely more serious problem of surplus human beings.

We are unalterably opposed to this approach.

Instead of the CED program of deliberately using poverty to drive people off the farms, we seek to end rural poverty by building new resources in the country.

Instead of the CED program to idle our great land resources because they now produce more food than we can use, we seek to redirect those resources to meet critical and growing scarcities that exist in our society.

Instead of using rural America as a base from which to inflict upon our burgeoning metropolitan areas an influx of jobseekers we seek to develop in rural America facilities for outdoor recreation that will offer to the men, women, and children of our cities opportunities to fulfill one of this Nation's most pressing and urgent demands.

These are some of our goals for rural America. This Land and People Conference is held for the purpose of exploring ways and means for reaching these goals. In order to approach this task within a framework of understanding that will enable us to choose the best programs directed toward those goals, I am asking you to review with me: first, the size and shape of rural America; second, some of the facts of today that clearly warn us of the imminent threat to our rural economy; and, third, some of the programs we are developing to avert this threat by expanding opportunity and encouraging new growth.

Two out of every five Americans today live in areas that are essentially rural in their nature. Almost 16 million live on farms. Thirty-eight million others, who are not farmers, live close to the land in strictly rural areas. In towns and nonmetropolitan cities of less than 25,000 population there are 22 million more people who, because they draw their economic lifeblood from the countryside, must be considered a part of rural America.

These 76 million people are the ones most directly concerned with the danger signals that threaten rural America, though all Americans are indirectly involved. To understand their implications, let's look for a moment at some of the results that technological and scientific changes have brought about, along with the new problems arising because of the failure to adjust to these changes.

In the first place, it is important to recognize to what extent our growth in population reflects increasing urbanization. From 1950 to 1960, some 300 metropolitan counties accounted for 85 percent of the population increase. And 50 of these metropolitan counties had half of the Nation's total population growth.

Outside urbanized areas, the population of most towns under 2,500 declined, while that of most towns from 2,500 to 10,000 people increased only slightly. But their supporting farm population dropped by one-third—from 23.1 million to 15.6 million. On the average at least a million people left the farm every year through the 1950's.

The decline in farm population reflects the economic plight of the farmer. The efficient family farmer found it necessary to increase his acreage enough for full use of the machine-based technologies. He bought or rented land from the small farmer who lacked the resources or the skills to take advantage of the new technology.

Many small farmers gave up, or turned to whatever nonfarm work he could find in order to remain in rural America. In 1959, families on the 2.9 million farms producing less than $10,000 in marketings got 73 percent of their cash income from nonfarm sources.

Even with many fewer people to divide farm earnings, per capita personal income of the farm population was $1,373 last year, or only 50 percent of the $2,345 for the nonfarm population.

And this was true despite the fact that total realized net farm income was 10 percent higher in 1961 than in 1960, and the highest since 1953.

With its major economic mainstay in trouble, rural America began to slide backward. And today we see these results:

More than half of the Nation's poverty today is rural poverty.

Rural people lack educational opportunities. Half of our urban people 25 years of age and older have had more than 11 years of formal education. By comparison, the median figure for the rural nonfarm population is 9.5 years of formal schooling, and for farm people it is 8.8 years.

Rural people lack employment opportunities. Underemployment in the countryside and its small towns is so great that it is the equivalent of around 4 million unemployed.

This has happened in a countryside which has produced an abundance of food and fiber never before seen in the world—where one farmworker feeds and clothes 27 people.

This has happened in the United States of America—the richest Nation in the world.

The sound and the fury over the management and use of agricultural abundance has too often obscured the plight of people and the plight of communities. Concern has centered on commodities—instead of communities. And to solve the problem of abundance, it even has been seriously proposed that people deliberately and systematically be moved off the farm—that the present rate of movement be speeded up.

We don't hold with the idea of depopulating rural America through administered out-migration. Change, inexorable though it is, can be shaped to work for people—not against them. This means that we must have a two-pronged attack on the problems of agriculture. We must manage our abundant productivity in order that the really efficient family farm can produce a decent income; and, for those now living on farms that are not or cannot operate efficiently, we must offer opportunities to raise their levels of living by means of both agricultural and nonagricultural pursuits, or some combination of the two, as far as practicable in their own communities where they prefer to live.

It is utterly inconceivable to me to think that in the American society there is a lack of resources, a lack of ingenuity, or a shortage of determination to revitalize rural America. We are here today to see how we can work together toward that goal.

What basic resources do we have with which to strengthen rural America?

First, we have tremendous human resources. You and thousands of others are serving in hundreds of local, State, and regional planning and action institutions or committees—both public and private. With determination, the people of this Nation can make of rural America what it should be.

Second, we have abundant natural resources in our land, water, forests, and wildlife. Nearly three-fourths of all land in the 46 contiguous States is in private ownership. More than three-fifths of all land in the 50 States is privately owned. Here is the source of our abundance of food and fiber, and 69 percent of our commercial forests. Privately owned land, together with the national forests and other public land, is the great gathering place and reservoir of most of the fresh water for farm, city, industry, fish and wildlife, and recreation.

Eighty percent of the game taken by hunting is produced on privately owned land. Eighty-five percent of the wildlife habitat economically feasible of improvement is privately owned.

Here, near the crowded cities, is space for outdoor recreation, and the water, fish game, wild creatures, and woodlands to make outdoor recreation truly meaningful to urban people.

Here, in agriculture, are assets of $207 billion, producing commodities selling for around $35 billion. Farmland alone is valued at more than $109 billion—a living, renewable resource that feeds, clothes, shelters, and possesses intangible values no man can measure.

Third, we have made a good beginning in the development of programs to enable people to conserve, use, and develop the land and water resources—a whole galaxy of action programs authorized by the Congress, by the States, and by local government. In an all-out effort to improve and strengthen these programs, the USDA is now emphasizing rural area development. We have reorganized the Department to place key action agencies under a new Assistant Secretary. We are developing new tools and seeking new legislation for a more effective program to strengthen rural America.

One great step forward lies in the coordination of many related activities toward one broad goal. Rural areas development is a blending of all available programs for a broad-gage, long-range simultaneous attack on all the problems of rural America.

Credit problems are not being attacked separately from those of conservation.

Conservation is not being sought separately from the efforts to bring production into balance with consumption and increase farm income through fair prices for farm products.

Industrial development is not being sought separately from solution of the problems of adequate training and education, water supply, sewage disposal, electrification, hospitals, libraries, and other necessary public facilities.

Help for the development of outdoor recreation on the farm and in the forest takes into account the need for credit and technical assistance, and the needs of both rural and urban people.

The time is past when each program goes its separate way. The time is here when local people can use as one, the tools of credit, research, technical aid, electrification, educational services, marketing, and assistance in cooperative efforts.

The time is past when land can be idled. Last year, American farmers produced abundantly and they did this while growing crops on about two-thirds of the Nation's cropland. This means a potential for overproduction that hasn't even been tapped. Unless effective programs are devised to prevent it, at least 38 million acres will return to crop production within the next 5 years—acres that have been diverted under Government programs. Rural America—all America—needs this land in economic use, but not for crops. It can be put to paying use—for the production of grass, trees, and outdoor recreation.

The time is past when America can afford a single use for any acre. Instead, that acre can be put to multiple use, just as the national forests are producing timber, water supply, forage, wildlife and recreation—all at the same time.

And the time is past when it's even valid to ask, "Can rural America be revitalized?"

Rural America is being revitalized now.

It's happening in Kentucky's Mud River watershed.

There we have an outstanding example of local people—rural and urban—working together. They have teamed up with their government—local, State, and Federal—to solve the problems of flood, water supply, soil erosion, poor land use, underemployment, and lack of recreation.

This small watershed project is sponsored by soil conservation districts in Butler, Logan, Muhlenberg, and Todd Counties, by the Mud River Watershed Conservation District, and by the Kentucky Department of Fish and Wildlife Resources.

Many of the 25 dams being built with help from the Department of Agriculture for flood prevention also are serving many other important purposes.

One multipurpose structure provides wildlife conservation and recreation as well as flood prevention. The lake it created covers more than 800 acres. The Kentucky Department of Fish and Wildlife Resources will manage it for recreational purposes. Some 50 cabins already have been built around the lake. A sportsman group has built a clubhouse there. Landowners are selling cabin sites for $500 to $1,500 on land formerly of very low value.

Seven other flood prevention structures have been completed and stocked with fish to provide additional recreational opportunity.

Another multiple-purpose structure, now being built will supply water to the city of Lewisburg. It is estimated that the additional water supply ultimately will mean 150 more new jobs in the city. Lewisburg recently obtained from the Area Redevelopment Administration, in the Department of Commerce, a grant of $144,000 and a public facility loan of $130,000 to help finance the water system that will distribute water stored behind the multiple-purpose watershed dam.

More than 60 percent of the landowners in the watershed are cooperating with their soil conservation districts in applying land treatment measures. They are receiving technical and conservation cost-sharing help from the Department of Agriculture. To protect young and old forests, the Kentucky Division of Forestry has built a forest fire tower and organized a volunteer firefighting organization.

Kentucky's Mud River watershed project is not an isolated case. It is 1 of 403 small watershed projects operating throughout the country—1 of 791 projects which have been authorized for help with planning—1 of more than 1,739 watersheds covering 123 million acres for which projects have been requested.

The watershed project is just one type of community or area development work being done today, with thousands of local people directly involved in seeking common objectives.

Nearly 50,000 rural and smalltown people are members of 1,500 rural areas development committees. These committees already have prepared 2,700 development project proposals, and have initiated 900 of them. These 900 operating projects have created new employment for more than 12,000 rural people. And when plans for the other 1,800 projects are carried out, an estimated 25,000 new jobs will have been created in rural America.

Rural housing reflects new hope and new confidence in more and more rural communities. There is no better place to see—and to feel—the upswing in the countryside than with the family in a new rural home. Like many another rural homemaker, an Iowa farm wife has said of the family's new home: "It is something we have hoped for, for many years. Sometimes I think I may wake up at midnight and find our family back in the old house."

Time and again we have seen fears disappear and confidence reappear as the Department has helped rural families to finance 6,200 new homes since the Housing Act of 1961 was passed. The effect also is electrifying on the community. The building of a new home is proof that someone has confidence in the community's future as a good place to live, to work, and to bring up a family.

The effect goes far beyond the community. Rural construction creates jobs and extra buying power for carpenters, electricians, bricklayers, and others. It provides an additional market for building materials and appliances—a market that helps to buoy the urban economy.

This is extremely important, for we are an interdependent people—rural, suburban, and urban. Revitalization of the countryside will be speeded by a strong and vigorously growing urban economy with the means to buy the goods and services, including outdoor recreation, produced in rural areas.

Rural areas development also recognizes the interdependence of regions of the United States. Each with its complex of open country, peopled by farm and nonfarm residents, its shifting boundaries of urban, suburban, and rural areas, and its varied resources, is an integral part of the whole.

Yet, each region differs from all the others. There are measurable differences in climate, resources, size of farm, crops and livestock produced, income, density of population, public facilities and services, nearness to markets, degree of industrial development, and in the impact of change. Each region, and in most cases each subregion or area, has problems and resources peculiar to it.

This conference was arranged to give you full opportunity to review with each other, and with us, the problems of this region and the resources—both human and physical or material—for solving these problems. Your evaluation of rural changes in this region is needed. Your ideas for stimulating and expanding economic growth are wanted.

I urge each of you to participate in one of the four discussion groups. We are eager to have your answers to the questions to be propounded at these group sessions:

First, how can family farms be strengthened for rural development?

Second, how can new uses and conservation of land and water expand income, employment, and better living in rural communities?

Third, how can planning and implementation of economic development for county or rural areas be accomplished?

And, fourth, how important is rural-urban community planning?

In these group discussions and during the questioning period tomorrow, you have an opportunity to be heard on matters of vital concern to rural development and conservation in your region.

We are here to listen and to learn. We want your suggestions for improving the Department's services to make them more effective development tools in your hands.

To make the services of the Department more effective, I have reorganized it to place under one leader—the Assistant Secretary for Rural Development and Conservation—the Farmer Cooperative Service, the Farmers Home Administration, the Forest Service, the Office of Rural Areas Development, the Rural Electrification Administration, and the Soil Conservation Service. This is a grouping—a packaging—of important development and conservation services to enable the Department to help you more effectively.

The Department may soon have additional authority to work with you in long-range programs for putting the land we don't need for crops into new and profitable uses—for timber, for grassland farming, and for outdoor recreation, including water-based recreation in small watershed projects. These new authorities pave the way for greater cooperation of urban and rural people, and of farmers and sportsmen.

With these new tools, the Department can assist you and your local organizations in planning and carrying out rural renewal projects, resource conservation and development projects, watershed recreation projects, projects for expanding grasslands and family forests, and for the development of outdoor recreation facilities on farmland.

The Department looks to local people to initiate, to plan, and to carry out these projects in cooperation with local and State agencies, just as it does in its long-established conservation and development programs for privately owned land.

The Department will enlist the help of farmer-elected committees and the advisory committees on credit and education. The Department will build upon the soundly conceived and technically aided experience of the Nation's 2,900 soil conservation districts, and upon proven methods of sharing conservation costs and providing credit. We will rely upon proven methods of education in cooperation with the land-grant colleges and universities. We will draw on our successful multiple-use experience in the national forests. Research will seek out improved methods and test them. The Department also will continue to work closely with other Federal departments and agencies, for the whole concept of rural areas development is a joining of forces—a joining of resources—for revitalizing all of rural America.

But the ultimate success of rural areas development is—and must be—the responsibility of local people. The impetus and the drive must come from them.

The Federal Government can provide incentives and technical services, but Government cannot and should not do the job for local people. Government cannot and should not control all the land-use activities of its citizens.

Local people—those who live on the land and use it—must make rural development and conservation their own business and carry out their own programs. The Government has programs and resources that will help them. But any community—any area—that waits for Government to pull it out of the problems caused by change and shifting economic and social patterns will be submerged.

The challenge, then, is to the leadership of the people of this great countryside of ours. Countless thousands of people, living up to the tradition born in rural America of local effort to meet local problems, have already accepted the challenge. They have sound experience and notable achievements to back them in this effort. Local leadership in farmer committees, in REA's, in soil and water conservation districts, in rural area development committees, as well as in scores of organizations in our towns and villages, has demonstrated its worth. A united and coordinated effort of all these forces will insure the future of rural America.

I should like to conclude by pointing out that our program for strengthening rural America is an integral part of our program for food and agriculture in the 1960's. The sound and fury over controversial supply management features of the Food and Agriculture Act of 1962 obscured the great advances authorized in the act for conservation and development—advances that drew quiet but strong support from conservation leaders in all fields and at all levels, rural and urban. But the goal of strengthening the income of the famiy farm, by means of adjusting production to amounts that can be used, is inseparable from the goal of strengthening rural America.

We seek increased efficiency on our farms, and we would further this goal by helping farmers to acquire and operate more efficient farming units; but along with this we seek farm programs that will enable the farmer, as well as the consumer, to benefit from this increased efficiency.

We seek, therefore, to manage our abundant productivity, not by idling land, but by putting it to use to provide services such as recreation that are in increasingly scarce supply.

We repudiate the CED proposals to use poverty as a weapon to accelerate the migration from our farms, and to replace a surplus of wheat and corn with a surplus of men and women.

Instead, we can provide, in rural America—

A land of prosperous farms and thriving towns, where people may choose to earn a living, not only by producing food and fiber, but also from among a number of attractive alternatives that result from building new enterprises and creating new opportunities.

Opportunities for combining part-time employment with part-time agriculture to help to provide a good life for those many Americans who prefer to live in nonmetropolitan areas.

Decent housing and adequate living for the millions of senior citizens who live in greater proportions in our rural areas than in our cities.

Communities that can provide health, education, and other public services equal to the best that we know how to provide.

Resources of outdoor recreation of all kinds and in sufficient supply to meet the needs of our growing urban population.

The conservation of our soil and water resources to meet the needs of future generations.

This kind of rural America will add to the economic strength of the Nation, and will continue to make invaluable spiritual and social contributions to our national life. We can have this kind of rural America if we work together to preserve the real values of our heritage as we use the new science and technology to meet changing human needs.

Rural-Urban Interdependence in This Region

(Address of Fred V. Heinkel, president, Missouri Farmers Association, USDA Regional Land and People Conference, St. Louis, Mo., Sept. 17, 1962)

Mr. Chairman, Secretary Freeman, it is indeed an honor to have been invited to attend this unique conference. The title, "Land and People," denotes that it is signally important and a history-making event.

"Rural-Urban Interdependence in This Region," the subject assigned to me, is a fascinating one.

The Pilgrims who survived that first terrible winter of hunger, cold, and hardship following their landing at Plymouth Rock, of necessity, became farmers. They raised crops, harvested these crops, and then set aside a day of thanksgiving in the autumn of 1621. From then until now agriculture's importance has continually increased. Its importance will continue to increase daily.

Each day there are 8,000 new citizens to be fed. This is the equivalent of adding to our population a city like St. Louis each 100 days, or St. Louis and the urban fringe every 200 days. It equals the total population of the State of Iowa once a year, and amounts to a city like Chicago every 16 months.

Surely this emphasizes the growing importance of rural America in its role as the supplier of food and fiber. Likewise, rural-urban interdependence becomes greater. More emphasis needs to be placed on this fact.

It is the responsibility of farmers, as part of the rural-urban interdependence, to produce and to market their products in quantities adequate to meet the needs of the consuming public. This they have done, with a most outstanding record.

It is the job of labor and industry to manufacture the production supplies needed by farmers. Farmers purchased more than $27 billion worth of production supply items last year. Farm homes are among the most substantial customers of American industry, American labor, and of American retail business. These family farms provide some of our greatest markets for petroleum products, steel, fertilizer, agricultural chemicals and a multitude of other products. They maintain the rural towns and cities of America. These in turn provide support for the larger cities. Loss of income and buying power on the farms is reflected in loss of business in the towns and cities. It is not necessary to belabor the point that 100 family farms are better customers than 10 factory-type units on the same land.

America grew great because it had a great rural economy to back it up.

Many nations of the earth struggle with poverty, chaos and revolution because they have treated agriculture as an outcast. And of course they are short of food.

It is in the best interests of the public to establish programs which will assist farmers to do their job effectively and efficiently. Here in America we have taken many actions in an effort to treat agriculture as a partner.

Our Government, "of the people, by the people, for the people," recognized its vital stake in the land and in its development and potential. The public, through Government set up numerous programs with respect to the land; enacted a homestead act, for example, to encourage individuals to claim and clear the land and make it produce; established and subsidized land-grant colleges and experiment stations to provide information and aid to farmers in order that they might produce more and do it more efficiently.

Since the turn of the century the public, by law, created the Agricultural Extension Service; the Farm Credit Administration with its land banks; the Farmers Home Administration; the Soil Conservation Service to specialize in the conservation of the land; and then the Rural Electrification Administration to bring the blessings of electricity to those who dwell upon the land. Most every farm in America today has electric power; and this has benefited the urban people too, because they have furnished the electrical supplies, equipment, and appliances.

During the last 100 years, almost $6 billion has been spent on agricultural research, according to a recent USDA study. This investment has paid off in an amazing manner. This study estimated that if farmers today used 1940 methods it would cost consumers $13 billion more each year for food and fiber. That's an annual return of more than 200 percent on the public's investment. Again the farmers have put to use programs set up by Government, and all the people benefit.

Say what you like, you can't escape the fact that the public is interested in the land.

So, to be practical about it, we farmers must accept this fact, and welcome this interest when it is sincere.

The fact is that our American farming system and its accomplishments are the envy of the world, not in spite of (as some infer), but because of the public's interest in agriculture.

Times are changing. America is changing. Agriculture is changing. Our methods of production and our patterns of marketing can be expected to change. We make use of tools and techniques which we never thought of a few decades ago.

Isn't it logical then to assume that we can also benefit from refinements and improvements in, and even completely new farm programs?

What does all this have to do with rural-urban interdependence?

It simply means that rural America needs to be treated as a full partner—not only in research and production, but with respect to income—if it is to continue as a substantial market for the products of labor and industry.

In a documentary presented by the National Broadcasting Co. entitled "The Land," Chet Huntley pointed out in his narration that the 47 percent of farmers who account for 92 percent of production earn only 80 cents an hour. These are the modern, efficient, commercial farmers who feed and clothe more than 180 million people from the land that supported only 1 million Indians when Columbus discovered America.

We have farm programs for tobacco, sugar, and specialty crops that have proved satisfactory to both producers and consumers. Therefore, it is obvious that Congress should, through enabling legislation, make similar programs available to producers and growers of other crops and products, the privilege of adoption or rejection being left to the farmer in referendum.

While these programs vary, the key to their success is supply management and the right of producers to approve or disapprove the program.

We adopted long ago a public policy through law of regulating crude oil production. The law determines the number of days per month oil wells can be operated, thereby conserving crude oil reserves until such time as they will be needed. This program has resulted in orderly production of crude oil and in establishment of stable prices. Oil is essential in our economy, but not more essential than food and fiber.

A few complain that quotas on sugarbeet production prevent those not now producing from getting into the business. It should be pointed out, however, that were it not for the success of the industry resulting from quotas and supply management no one not now producing would want to get into the business.

And, incidentally, it is worthy of note that the tobacco program with a 90-percent price-support program and strict acreage allotments has cost the Government and the taxpayers nothing, but has made the tobacco growers millions. It has also made them and their families good customers of the retail merchants.

All this is pertinent to the subject of rural-urban interdependence because farmers don't buy and pay for the products of labor and industry with pounds, bushels, and tons—but with dollars. And unlimited production does not provide the most dollars.

We have discussed the problem of the 47 percent of our farmers who account for 92 percent of production; what about the other 53 percent? This is evidently the group, plus a few more, that Dr. Leon Keyserling, an eminent economist, refers to when he says that 68 percent of farmers and farm managers have an inadequate income. This is in contrast to the only 31 percent of all families (both farm and nonfarm) whose incomes are inadequate.

We need to do those things necessary to provide additional off-the-farm employment, within daily driving distance of the farm home, in order that these farmers and their families may continue to reside in the environment in which they were reared and to which they are best suited. They will then continue to provide substantial support for the schools, churches, and retail businesses of their community.

This will make it unnecessary for the farmer and his family to move to the city in search of a job that may not exist or is now filled by someone who needs to keep it. If he moves to the city and cannot find a job, then he joins the ranks of the unemployed and he and his family become a social problem.

In this area of rural-urban interdependence there appears to be a problem in the cities of what to do with leisure time resulting from automation and shorter hours. This seems to pose a need for more recreational facilities, for hunting, fishing, boating, and picnicking.

It would seem logical that farmers could provide, on a private enterprise-for-profit basis, a lot of recreational facilities for the use and enjoyment of city people. This is an area in which lie many opportunities for both rural and urban people.

Is there land available? Yes. We now feed 180 million people from 40 million fewer acres than in the early 1900's. And we may add that it is estimated that our population will be 240 million by 1980 and that we will need 50 million fewer acres than were used last year. These facts serve to emphasize the need for fewer acres in production of food and fiber and for increased need of land for recreation.

Are we alert to these opportunities to strengthen rural-urban interdependence? Yes, we are. Again, the public, acting through Government, has created the program known as rural area development, commonly referred to as RAD.

The Farmers Home Administration, land-grant colleges, ASCS, Soil Conservation Service, and many individuals are working diligently to develop this total RAD program of greater off-the-farm employment and development of privately owned recreational facilities.

This RAD program holds much promise for helping both rural and urban people. It should also improve farm-city relations, reinforce our form of government, and strengthen our way of life.

REMARKS BY EDWIN CHRISTIANSON, PRESIDENT, MINNESOTA FARMERS UNION, AT REGIONAL LAND AND PEOPLE CONFERENCE, ST. LOUIS, MO., SEPTEMBER 17, 1962

This morning, I think, the speakers laid a good groundwork for this conference when they outlined the nature of the changes taking place, the impact of these changes upon our rural society, and some guidelines for living in these fast-changing times.

It is important that we have a constructive attitude toward change—we cannot blindly oppose change, for change is the rule of life. Yet, we cannot stand helpless in the face of change. We do not oppose efficiency or new technology—new technology is not the problem, it merely magnifies the old problem of lack of economic organization in agriculture.

The remedy is not to oppose efficiency, but to guide it in ways which will benefit agriculture and the national economy.

We do not accept poverty as a natural condition for an efficient and productive agriculture. We take the attitude that we welcome change and we welcome progress, but it must be guided in constructive channels which will make it possible for agriculture to make its maximum contribution to the gross national product and to national strength.

Our assignment on this panel this afternoon is to move on from the foundation set this morning and study how we can stimulate economic growth in the rural areas.

Our panelists, I know, will touch upon some of the tools which are vital to economic growth—community and regional planning, credit, resource conservation and development, and low-cost power.

Before getting into these specifics, it would be important to recognize that stimulating economic growth in rural America is a twofold problem. First, it is a matter of strengthening the basic industries which we have and, second, it is a matter of pioneering new industries and new development.

Few people realize the high cost of low farm prices. In a typical farming country in my State, full parity prices would mean $5 million more each year in income and purchasing power for agriculture.

Every community has a chamber of commerce or business development group exploring every avenue for attracting new industry and new payroll. It is understandable that such groups are overjoyed when they can persuade a new plant employing 50 or 100 workers to locate in their community.

Yet to restore full parity prices on all farm products in that county would mean more than $5 million in added purchasing power and be the equivalent of new plants employing 1,000 workers.

So, we ought to proceed on the basis that the most fundamental and far-reaching step that can be taken is to restore farm parity income and that this will determine the effectiveness of other measures which we might take for economic development of rural America.

Rural development, industrialization of rural areas and development of recreation and other new land uses should not be thought of as substitutes, but as supplements to the agricultural industry. In fact, the other efforts are foredoomed to ineffectiveness if agriculture is left in a depressed state.

The total economic strength of the United States is the sum of the economic strength of our individual communities and States. America is a series of communities, rural and urban, stretching from coast to coast and the Nation can be truly strong only if we have economic strength all along the line.

We deceive ourselves seriously if we think we can allow basic industries like agriculture to remain in a depressed condition and still think we can have the needed national economic growth.

It is clear that in the past several years, the national economy has suffered to the extent that farm prices have been below parity.

The Nation suffers an economic deficit to the extent that these raw materials go to market at less than parity prices—and this deficit affects not only farmers, but the industry, the business and the employment of the community as well.

Surveys in our area, made on a farm-to-farm basis, have revealed that there is a backlog or near to $5,000 per farm in repairs, new equipment or in modernization of facilities, which has had to be shelved because of lack of purchasing power.

All that is needed to turn loose this pent-up economic demand is an improvement in farm purchasing power.

Some people reach the conclusion that because the farm programs have not been entirely successful, they are inherently unworkable and ought to be eliminated.

The trouble with the farm programs has been, not that they are basically unworkable, but that there has not been an adequate set of tools available to cope with the problems.

Too much of the time in the past several years, the emphasis has been placed upon fringe programs. Naturally, if a program deals with only the secondary phases of the farm problem, it is not likely to be successful in bringing about a cure of the principal problem, that of low farm prices and income. Neither can we expect really significant results from each dollar spent in the farm programs as long as indirect approaches are used.

Our observation has been that the programs which have taken a direct approach, such as the direct payment programs, have been the most successful and effective, both from the viewpoint of the farmer and of society.

We are encouraged that the principle of direct payments, which has worked so well on sugar and wool in this country and so well in Canada and other countries on other commodities, is receiving more consideration now for other commodities.

It is significant that direct payments, on a limited basis, will be a part of the wheat and feed grains support programs for 1963.

The direct payment support system is one with which all interests in the economy could live—as it would assure an increase in net farm income and purchasing power and provide a climate in which our new efforts in community development would have a chance to be fruitful.

One does not have to go back so many years to recall the contradictory situation which prevailed when the first rural development program was launched.

There was nothing wrong with the pioneer effort in rural development except that it was more than nullified by the reduction of farm prices.

For every low income farmer who was rescued by the early rural development program, 100 new low income farmers were created by the slashing of farm prices.

As we look to the future, it is well to remember that farm policies and rural development policies must both work together toward strengthening the rural economy.

In fact, the evidence is very compelling that agricultural prosperity is essential as a basis for holding and expanding industry.

While it is not necessary that all industry brought into rural areas needs to be related to agriculture, as a matter of practical reality, the best chance to locate industry in the countryside seems to be with plants processing and handling farm commodities.

Some concrete examples can be cited of how strengthening the situation of the producers of a farm commodity has helped retain and strengthen the domestic processing industry using that commodity.

In the case of the sugar industry, undoubtedly the refining industry would have gone overseas to the source of cheap raw materials there, if no effort had been made to retain a domestic beet and sugarcane production operation.

The Sugar Act, adopted first in 1934 and renewed at intervals of several years since that time, has kept the farm production end of the sugar industry on a sound basis.

Instead of diminishing in importance the sugar refining industry has been expanding its plants and facilities—today it provides some 53 million man-hours of employment and an annual payroll of $120 million.

Similarly, the wool milling industry enjoys larger production volume and employment because the Federal wool support programs have enabled domestic producers to continue in production.

What these examples indicate to us is that we are all enter-dependent in our rural communities and that the things which strengthen agriculture are the same things which will foster our ability to diversify and develop new industries and activities.

In looking at the balance sheet of our communities, there are many things which make for a good community.

Some of the actions which will make for better communities can be approached at the local level, some at the State level, some at the national level, but regardless of where the initial push comes from, the eventual and long-term success of a program will depend upon community initiative.

Certainly, there are many fields in which Federal initiative and the broadness of the Federal tax base were needed to get the ball rolling, but few programs have ever been of much value without local initiative to go along with the Federal initiative.

The REA program for example floundered around for a whole year before the key to local initiative was found in the form of farmer-owned distribution co-ops. And from the moment when the local initiative and the Federal initiative were hitched together, the program moved forward rapidly.

In the same way, the Federal Government provided the spark to get the engines going in soil conservation, vocational education, and other fields.

For this reason, I am convinced we have the right key today in our discussions in seeking to develop the local nucleus for planning community economic growth.

If we mobilize our communities for economic growth, I do not think there is any limit to the progress we can make in any field—in community purchasing power, jobs and employment, new industries, recreational development, better housing, community facilities and educational opportunity.

As we proceed here this afternoon on this panel, I am sure that our resources and our opportunities, once we have marshaled them, will far outbalance the problems which sometimes loom so difficult.

THE USE AND NEED OF FARMLANDS IN WILDLIFE AND FORESTRY PRODUCTION FOR PEOPLE

(By Dan Saults, assistant director, Missouri Conservation Commission)

There is no such thing as conservation by subject matter. Game management, timber production, crop growing, erosion control, or water pollution are only ideas for management of what we call resources. Ideas are devised by people and are ephemeral, subject to error; soil, air, and water are as close to eternal as we are likely ever to come on earth. Let us not make sacred icons out of our forefathers' assumptions about land use and economic growth.

This pretentious pontification is my way of arguing that there isn't any base for our economy except physical resources, and that we can't really define any other resource except the physical variety. Man is as much a part of nature as deer, wheat, or oaks, but we're biased in favor of men. I am one of this species of mammal, incidentally here as spokesman for a State department charged with management of wildlife and forestry in the political map myth known as Missouri.

We know how to manage wildlife by natural reproduction, how to have more fish in lakes or streams, and more quail and rabbits per farm; we have demonstrated to our own satisfaction how timber quality and quantity can be improved. But we don't know how to get this knowledge applied under the socio-economic motivations of human behavior current in this particular area at this particular time.

Further, we know (though less provably) that mankind has a conscious and subconscious need for soil, air, and water beyond that required for his food.

On the first Sunday in September I was in Forest Park, near this hotel, watching many thousands of people simply sitting upon grass, leaning against trees, drinking beer beneath shading leaves. On Labor Day I was in 25,000-acre Lake Ozark State Park, 150 miles from St. Louis, watching much the same sort of people in a huge but crowded campground doing just about the same thing. Five days later I saw 600 people fishing for trout in 1 day on a mile of water at Bennett Spring. And last April, I sat alone in a deadfall on Clark National Forest, 20 miles from the nearest town and 3 miles from the nearest road, waiting fruitlessly for a wild turkey.

There is a single common denominator linking the many thousands sitting in Forest Park, the few thousands camping on the lake, the several hundreds angling on the trout stream, and the lone would-be gunner in the forest. That denominator is mankind's primal need to touch the source of existence, as best he may and where he can. Man cannot live without his roots somewhere touching soil.

Stripped of herbal foliage, the tree of my argument is that man, like all other life, needs soil, air and water—but under our present system he isn't getting much of it. For despite the rural traditions to which we cling so frantically, the United States is today an urban nation for the great proportion of its people, and it is certainly true of most States represented here today. This is neither good nor bad in a moral sense; it is just a sociological "fact." Highways have become extensions of the city's main street; corporations are seeking dividends rather than corn from large agricultural factories; we are even finding, at least in Missouri, a pronounced trend toward urban ownership of Ozark timberlands. And more than 50 percent of our population live in less than one-fiftieth of our area.

The urbanization of rural areas, and the capitalization of farm lands has destroyed wildlife habitat. And the destruction of habitat, whether by bulldozer, plow, ax, fire or herbicide, has destroyed the production of quail, rabbits, squirrels and other species that have provided a traditional recreation, a return to primal sources of man's beginnings.

How shall wildlife managers appeal to the ecological conscience of a corporation? And how shall a farmer be motivated to spend time, money, and land in providing habitat that will produce upland game but not cash? Can landowners be persuaded to invest labor and years in a woodlot even if seedlings are provided at cost, solely because trees are an essential part of land esthetics and squirrel nesting? Will forest deedholders fight fires and provide timber stand improvement solely to protect the watershed of a hillstream and the bass in that stream?

However, the situation here, and I am sure wildlife departments in other States would agree, is not bad in terms of incidental game production. Possibly our really immediate problem is lack of habitat for hunters. The gunner has no place to stand, few farms where he and his dog are welcome—or tolerated. In the generation that produced me, most city dwellers still had a tie to farmland; Grandpa, or Cousin Ed were working the soil and keeping the family bonds tied. But now Grandpa is dead, Ed's with General Motors, and the dweller at 42d and Broadway eats Thanksgiving Dinner at Schwartz Irish Bistro instead of the Old Homestead. Most urbanites of 1962 have lost personal contact with the steadily diminishing farmers. And these farmers, quite understandably, are reluctant to play host to numbers of unknown gun-bearing guests.

Yet, to use a local example, the number of deer hunters in Missouri jumped from 14,000 in 1948 to almost 100,000 last year but we heard far fewer complaints about "no place to hunt" than we did from 70,000 quail hunters.

We think there are two conclusions which most clearly explain why 100,000 riflemen can find hunting space while 70,000 shotgunners can't. First, we have nearly 2 million acres of Federal and State forest land to which we have conditioned deer hunters; many of them are not only prepared but eager to drive two hundred miles into relatively unsettled country.

Second, and may I stress this point, many of our farmers welcome deer hunters because the landowner makes money by providing food, lodging and deer stands. In Wyoming last week I met a rancher who had made $20,000 last year as an outfitter.

Also the small-game gunner is following the tradition of his father and grandfather: he wants to hunt close to home; he has little interest in forest lands, though cooperative range management by foresters and biologists has greatly increased game; and he does not want to pay for trespass rights.

There are rabbit hunters in St. Louis who arise in winter darkness, drive 200 miles across the State, hunt 3 hours and then drive home in night's darkness.

A great many fishermen drive from St. Louis to Lake Table Rock—more than 600 miles round trip—over a weekend. And 36,000 St. Louisians fished on Busch Wildlife Area, 40 miles from here, this summer in 28 small lakes totaling 244 acres. This is about 150 people per acre, on waters restocked only by natural reproduction.

Yet there are 138,500 farm ponds in Missouri that meet Extension Service requirements of construction, and my department has stocked over 55,000 of these in the last few years for which I checked figures. Farm ponds provide excellent fishing—but most of those we investigate contain fish that are stunted for lack of enough harvesting.

A fortnight ago, Director Tom Kimball of the National Wildlife Federation told the Soil Conservation Society of America—that the future of hunting in America would be decided by private landowners, and that farmers are now passing up opportunities to supplement their incomes. Secretary Freeman has said that less and less land is needed for feeding our people because of our revolution in agricultural techniques. The September issue of the American Rifleman carried an analytical article on hunting by C. R. Gutermuth, vice president of the Wildlife Management Institute, which discussed at length the history of hunting, made the same points on tradition that I have, and said "the major problem of the future will be space in which to hunt, not a shortage of game."

A partial answer has been devised by operators of commercial shooting areas, where on small acreage large numbers of hatchery-reared pheasants, quail and chukar are released just ahead of the gun, usually at high cost to hunters and low profit to operators. I've no quarrel with "game farms"; they serve a real purpose for those who have little time and some cash, who want to know where hatchery birds are and how to get directly to them. But this will never supply hunting for a mass public.

A partial answer has been devised by State and Federal agencies on publicly owned lands and waters; this has worked fairly well for fishermen although large impoundments are costly and usually distant from population masses. But publicly owned hunting lands are vastly more expensive than water in terms of usage per acre and in distance from masses, quite apart from the small-game tradition of hunting near home.

The real answer to the mass problem of outdoor recreation—not just hunting and fishing—cannot be provided by Government agencies, not even if the moon is made into a national park.

Most Americans will visit their primal sources, land and air and water, grass and trees and living earth, only if we can devise within our society a truly multiple-use philosophy. The specialist in corn and the specialist in quail, the timber technician and the wheat expert, the fisheries biologist and the livestock authority, all are important men in our society; but somewhere, somehow, there must be a synthesis, an overall view, a recognition that all of this activity must be aimed at providing human happiness and well-being, that specialization is not an end in itself. This, I think, is Government's major role.

Many people want and need space; a relatively few people in our society own space. In its simplest terms, our complicated problem here is to get them together, on a basis that will benefit both.

RIGHT OF IMMEDIATE TRIAL IN CRIMINAL CASES

Mr. HICKEY. Mr. President, during the past 6 weeks I have received some correspondence and have noted in the CONGRESSIONAL RECORD some statements with regard to the delay occasioned in at least one criminal case that has been docketed for trial by the Department of Justice. I ask unanimous consent that the facts related in the following excerpts from correspondence I have received be included in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

On August 20, the Tampa newspaper headline read as follows: "Government Wins Delay in Hoffa Case." This delay resulted from the Government's opposition to the defendant's petition demanding to be tried on October 1 in Tampa.

Even more shocking is the fact that the Government sought this delay because it preferred to proceed with the case in Nashville although the indictment, in Tampa, Fla., was returned a year before the Nashville indictment.

Obviously, the Government feels it has a better chance of sending Hoffa to jail in the Nashville case.

I have been greatly concerned with the Government's policy of forum shopping, in this or any other case. The Government has transported thousands of documents into Nashville, Tenn., and then proceeds to justify jurisdiction of the Nashville court on this basis.

It would appear that in the interest of fairness, the records should have remained where the business is located, where the defendant resides, where almost all of the witnesses reside, and where most of the alleged overt acts occurred.

In fact, the Government has been able to produce only three highly technical acts to justify trying the case in Nashville. According to the indictment, the only acts that took place in the middle district of Tennessee were:

Filing of the charter in 1949.
Amendment to the charter in 1953.
Filing of an excise tax return.

These acts which are purely legalistic and are performed not only all over the country for corporations which are incorporated in States other than that in which they do business, i.e., Delaware, etc., but all over the world, have never been considered as anything more than purely formal legal jurisdictional matters.

On the other hand, we find that all of the substantive acts occurred or exist in Detroit, Mich.

As far back as the Magna Carta, Anglo-Saxon justice required that the defendant must be tried in the vicinity where the alleged offense was committed. This was a basic protection against the despot dragging the defendant for trial from the scene of an alleged crime, where he could be judged by members of the community, to a hostile or unfriendly jurisdiction.

Our forebearers fought the American Revolution against such tactics by the British crown. For this reason, we have article III, section 2, of the Constitution, which provides that criminal trials "shall be held in the State where the said crimes shall have been committed," a safeguard reinforced by the command of the sixth amendment that the criminal trial shall be before an impartial jury of the State and district wherein the crime shall have been committed.

In construing these provisions, the Supreme Court has said (*Travis* v. *U.S.*, 364 U.S. 631):

"The venue provisions in acts of Congress should not be so freely construed as to give the Government the choice of a tribunal favorable to it."

Why then has the Government so flagrantly disregarded Hoffa's constitutional rights?

Why is it playing free and loose with basic principles of fairness, and equity so thoroughly engraved in our system of jurisprudence since the days of Magna Carta?

Why is it overreaching and tampering with the schedules of cases—an exclusive function of the courts, under our system of separation of powers—in order to try the case in Nashville now?

The answer is quite obvious—Nashville, Tenn., is dominated by a newspaper—the publisher of which is a former aid of the Attorney General. The newspaper has saturated the Nashville, Tenn., area with an anti-Hoffa bias.

Nashville, Tenn., is one of the major right-to-work centers of a right-to-work State. The likelihood of finding a jury free of an antilabor bias, let alone anti-Hoffa bias, is remote indeed.

Is it proper for the prosecutor to shop around for a court in which the chances of a fair trial are minimal?

In fact, the courts have suggested that a defendant may not be tried where the hostility of the community has been engendered by the Government's acts.

The prosecutor has a responsibility in the interest of a fair and impartial trial, to lean over backward in securing the defendant's rights.

Mr. HICKEY. As a former U.S. attorney dedicated to the proposition that the right of speedy trial by jury was one of the basic guarantees assured to all accused, wherein their right to trial by jury and their right to be confronted with witnesses and secure testimony has been one of the most important aspects of our judicial procedure, I have been disturbed to learn that in at least one instance by virtue of application made by the Department of Justice a trial has been postponed and removed from the docket in spite of the fact that the accused and his counsel have diligently pursued their efforts to obtain an immediate trial. The evidence presented to me indicates an order which removed a cause from the docket and without the consent of the accused was not reset for immediate trial but still awaits a setting.

The administration of justice in this fashion does more to shake the confidence of people in the courts and destroy the efficient administration which all interested members of the bar and the bench are dedicated to than any other matter. I would, therefore, suggest that the Judiciary Committee examine the facts of those cases that have been delayed on the criminal dockets, and particularly the one referred to in this statement.

INCREASED COMPENSATION FOR FEDERAL AND POSTAL EMPLOYEES

Mr. HICKEY. Mr. President, I wish at this time to make known my strong hopes that a salary increase measure for Federal service employees including postal workers is acted upon during this session.

No one can doubt that our Federal employees have found it increasingly difficult to meet the increased costs of living in a manner comparable with their counterparts in private life.

We have all encountered in public life the diligence and dedication common to those who have devoted their lives to public service and well known is the realization that this dedication and spirit of public service transcends the material rewards expected and gained.

However, Mr. President, this selflessness of these persons which benefits the entire Nation should be recognized, not penalized. For as the President stated in his message to the Congress relative to salary increases for Federal service employees, the success of this Government, and thus the success of our Nation, depend in the last analysis upon the quality of our career services.

REVIEW OF SMALL WATERSHED PROGRAM IN MICHIGAN

Mr. HART. Mr. President, several weeks ago, at my request, representatives of the Soil Conservation Service of the Department of Agriculture participated in a series of meetings to review the small watershed program in Michigan. Mr. Russell Hill, executive secretary, State soil conservation committee, and Michigan State University extension specialist, provided leadership in assembling an outstanding group representing various State organizations in this series of meetings.

Ever since I was privileged to serve with the distinguished senior Senator from Oklahoma [Mr. KERR] on the Senate Select Committee on National Water Resources, the problem of utilizing the small watershed program to its fullest potential in the Midwest and the East has been of special interest to me. Serving on the Small Watershed Subcommittee of the Senate Committee on Agriculture and Forestry has given me the opportunity to see how this program in many parts of our Nation has become one of the key tools in managing land and water resources to their broadest and fullest potential.

The July meetings reviewing the small watershed program in Michigan represent the type of State-Federal cooperation which all who have studied the management of our land and water resources believe is essential. Participants in these meetings, both State and Federal, deserve special commendation.

The letter summarizing these meetings, while directed primarily toward Michigan, is applicable I am sure to the overall problem of broader utilization of this program in our Midwest and Eastern States. I commend it to all concerned with better use of our water resources, a cause which requires our interest and thought and merits the fullest cooperation of responsible local, State, and Federal agencies.

I ask unanimous consent, Mr. President, that the letter from Mr. Williams, Administrator of the Soil Conservation Service, summarizing some of the results of these meetings, and a list of those participating in the discussions, be printed at this point in the RECORD.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Washington, D.C., August 20, 1962.

Hon. PHILIP A. HART,
U.S. Senate.

DEAR SENATOR HART: In response to your request, we have been pleased to have representatives of this office and our Milwaukee Engineering and Watershed Planning Unit participate in a review of the small watershed program in Michigan. This review was made on July 9, 10 and 11, 1962, and the enclosed list of participants indicates the broad coverage of State and Federal agency officials who joined in the various sessions.

The primary objectives of the review were to study the progress of the watershed program in Michigan thus far and determine what changes might be desirable in both State and Federal operating policies and procedures in order to accelerate the program and make it more applicable to Michigan conditions.

The review team was very much impressed with the interest exhibited by the various State and Federal agency representatives, with their analysis of the problems being encountered in Michigan, and with their desire and willingness to take whatever action was possible under their existing authorities to make the watershed program a more effective tool in solving the State's land and water problems.

The specific problems considered, together with the action agreed upon as being needed to meet these problems, are as follows:

1. There is an overall need for local people throughout the State to be better informed about the opportunities available under the watershed program and their responsibilities in initiating, developing, and carrying out watershed projects. It was agreed that as an initial and immediate step the Extension Service and the Soil Conservation Service will plan and carry out a coordinated training program for their employees throughout the State aimed at making certain that all county representatives of the two agencies were fully aware of the opportunities under the program and the procedures for developing projects. The ACP and FHA county representatives, the drain commissioners, and soil conservation district directors will be invited to take advantage of this training opportunity.

2. It appears that the local drain commissioner will continue to be a key individual in sponsoring most watershed projects in Michigan. Unless he is enthusiastic and active in project development and installation, the chances for a successful project are considerably decreased. It is proposed to concentrate on informing the drain commissioners as to the opportunities they have for using watershed project development to increase their prestige and stature within the local community. Special emphasis will be placed on the desirability of encouraging the drain commissioners to promote and participate in project development since some commissioners have taken a somewhat narrow and limiting view on their legal authorities for these activities. Deputy State Drain Commissioner Stan Quackenbush, the Soil Conservation Service, and the extension service will join together in this educational endeavor. The State Association of Drain Commissioners will be used as one of the media for reaching the individual commissioners. The State Association of Soil Conservation Districts has agreed to establish a closer working relationship with the State Association of Drain Commissioners.

3. Since the drain commissioner has been a primary sponsor in nearly all projects to date and most projects have been carried out under the Michigan drain code, there appears to be a general attitude throughout the State that watershed projects are primarily drainage projects rather than an approach to overall land- and water-management problems. All agencies participating in the review agreed that in their publicity and contacts with local people they will emphasize the multiple-purpose aspects of the program.

4. In discussions with the conservation department, several projects were discussed which are primarily for fish and wildlife development. It was the review team's opinion that these projects were eligible under present policies and legal authorities and the conservation department was urged to explore the potential for sponsorship of the applications.

5. Discussions with the deputy attorney general and his staff were felt to be very productive in clarifying the presently confused legal situation in Michigan. The primary discussion concerned the March 1962 decision of the Michigan Supreme Court in the case of *Ridenour* v. *County of Bay* and the remedial legislation (enrolled senate bill No. 1452) enacted by the Michigan Legislature in connection with this decision, together with the effects of the decision and legislation on the progress of the watershed program in Michigan. The team was informed that another decision of the Michigan Supreme Court was expected to be issued in the near future which involves the specific question of the constitutionality of the notice required by law to be given in a drain proceeding, and that this decision might resolve some of the legal questions raised but left unanswered by the Ridenour decision. It was suggested that it would be desirable for the Soil Conservation Service to defer entering into project agreements with drainage districts until the forthcoming decision of the Michigan Supreme Court had been issued and sufficient time had elapsed for its review and analysis.

There appears to be general agreement among the attorneys present that the provisions of the remedial legislation requiring that notice to property owners in special assessment proceedings be given by mail were applicable only to the notice in drain proceedings in connection with the review of the appraisal of benefits, and did not apply to other notices required to be given to property owners in the drain proceedings, such as notices relating to the creation of the district and to the necessity and feasibility of the drainage project.

Discussion was also had of another problem in Michigan bearing upon the progress of the watershed program, namely, injunctions issued by State courts for the purpose of delaying or prohibiting the prosecution of watershed projects. It was pointed out that the injunction problem is somewhat peculiar to Michigan since it does not appear to exist to a comparable degree in other States. The reason for the seriousness of this problem was believed to lie in the fact that in Michigan a temporary injunction can be obtained by a landowner without the necessity of posting a bond to insure payment of any damages resulting from the wrongful issuance of the temporary injunction. The laws of most other States require that such a bond be posted by the applicant for the injunction, and the effect of this requirement is generally to discourage landowners from seeking injunctive relief in connection with watershed projects in order to avoid personal liability for damages. It was agreed that there was no prospect of lessening this problem by obtaining amendments to the Michigan injunction laws.

6. The review team pointed out to the administrative assistant to the Governor and the State soil conservation committee that one possible solution to most of the watershed program problems in Michigan would be a State appropriation to help sponsoring local organizations meet the costs of acquiring the necessary land, easements, and rights-of-way. Ten States are now utilizing State funds to pay for all or part of these costs. It was agreed that this would be desirable but that in view of the State government's current financial problems such a move would be out of the question at the present time but would be given careful consideration at such time as the State's financial problems were eased.

We appreciated the cooperation shown by the various State and Federal agencies in making this review, and trust that in some degree the review will help in accelerating watershed activities in the State. If you believe there is any additional assistance that might be provided by this service or if there is any further information that you may desire, please call upon us.

Sincerely yours,

D. A. WILLIAMS,
Administrator.

P.S.—Two significant developments affecting the legal situation in Michigan with respect to the watershed program have occurred since the preparation of the above report. First, the Michigan Supreme Court has decided the case of *International Salt Company* v. *Henry V. Herrick, Wayne County Drain Commissioner*, involving the validity of the notice given to landowners of the hearing on the apportionment of benefits in proceedings under the Michigan drain code; and, second, the Michigan Attorney General has issued an opinion upholding the legal sufficiency of the notice to landowners provided for under certain sections of the Michigan drain code relating to intercounty drains. These two developments, together with the remedial legislation passed by the Michigan Legislature relating to notices to be given to landowners in special assessment proceedings, have largely resolved the legal questions raised by the Ridenour decision. Consequently, the prosecution of watershed projects in Michigan need not be further delayed on account of the Ridenour decision.

ATTENDANCE AT WATERSHED REVIEW MEETING
JULY 9, 10, 11, 1962

Review group: Leroy M. Adams, General Counsel's Office, USDA, Washington; V. W. Silkett, field representative, Corn Belt, SCS, Washington; G. E. Ryerson, Director, Administrative Services Division, SCS, Washington; J. H. Wetzel, Director, Watershed Planning Division, SCS, Washington; C. E. Ghormley, head, engineering and watershed planning unit, SCS, Milwaukee.

Monday, July 9, 9 a.m., SCS State office, East Lansing Soil Conservation Service; Allan J. Collins, State conservationist; H. D. Lakin, assistant State conservationist; J. W. Waterman, State conservation engineer; E. E. Fenton, watershed party leader; S. K. Kamminga, State administrative officer.

Monday, July 9, afternoon, USDA conference room, East Lansing, university-extension service; Raleigh Barlowe, head, resource development; M. H. Steinmuller, resource development; L. F. Twardzik, resource development (recreation); N. P. Ralston, director, cooperative extension service; W. A. Cutler, agricultural engineering department; E. H. Kidder, agricultural engineering department; R. G. Hill, executive secretary, State soil conservation committee and MSU extension specialist; W. S. Harrison, assistant secretary, State soil conservation committee and MSU extension specialist.

Michigan Department of Agriculture, Lansing; S. R. Quackenbush, deputy State drain commissioner.

Tuesday, July 10, morning, conservation department conference room, Mason Building, Lansing, water resources commission; L. F. Oeming, executive secretary; Norman F. Billings, assistant executive secretary and chief, hydrology division; Dale W. Granger, hydraulic engineer, hydrology division.

Tuesday, July 10, a.m., conservation department conference room, Mason Building, Lansing, State department of conservation, Lansing, A. C. Elmer, chief, parks and recreation division; Roger Wicklund, biologist, lake and stream improvement section, fish division; L. A. Davenport, habitat management, game division; H. J. Miller, wetlands investigation and planning, game division; A. B. Cook, chief, fish division; C. E. Millar, chief, lands division; W. H. Colburn, land use specialist, lands division; G. E. Eddy, director, conservation department; W. H. Evans, supervisor general engineering, engineering and architect section; H. D. Ruhl, chief, game division; Dr. J. W. Leonard, assistant deputy director, research department; Clarence J. Messner, chairman, State conservation department commission, Ann Arbor; G. A. Walker, chief deputy director; L. F. Twardzik, cooperative employee, conservation department and university.

Tuesday, July 10, p.m., conservation department conference room, Mason Building, Lansing attorney general's office: S. S. Faville, chief assistant, assistant attorneys general; M. M. Moule, assistant attorneys general; V. H. Meier, conservation division, office of attorney general; Robert Kealy, office of general counsel, Milwaukee, Wis.

Wednesday, July 11, a.m., USDA conference room, East Lansing, Mich. ASCS: F. E. Carroll, State executive director; Carl Shumway, chairman, ASC committee; Frank Light, member, ASC committee; Franklin Switzer, member, ASC committee. Farmers Home Administration: Nyle L. Katz, State director; R. R. Wilson, real estate loan officer. State association committee on water resources, soil conservation districts; Carl Loss, Sanilac SCD, Deckerville, Mich.; Lavern Weisenberger, Saginaw SCD, New Lothrop, Mich.; Wesley Myllyla, Baraga SCD, Pelkie, Mich.; John Harmon, Hillsdale SCD, Hudson, Mich.; Corwin Smart, Thornapple-Grand SCD, Mulliken, Mich.; Clarence Manning, Clinton SCR, route No. 1, Eagle, Mich.

Wednesday, July 11, p.m., Kellogg Center, Michigan State University campus, East Lansing, State soil conservation committee: B. Dale Ball, deputy director, representing G. S. McIntyre, director, Michigan Department of Agriculture; Farley F. Tubbs, assistant deputy director, representing G. E. Eddy, director, Michigan Department of Conservation; Lloyd M. Turk, assistant dean and director of agricultural experiment station, representing T.K. Cowden, dean of agriculture; Russell W. Gingrich, Reed City, Mich.; R. Lester Hill, Caro, Mich.; Lloyd Ruesink, Adrian, Mich.; Wendell Sandahl, Stephenson, Mich.; R. G. Hill, executive secretary; W. S. Harrison, assistant secretary; executive officer B. K. Benedict, administrative assistant to Governor Swainson; Michigan Association of Soil Conservation Districts, Inc., R. W. Peterson, president, Lakeview, Mich.; Corps of Engineers, Detroit, Vernonr Goelzer, chief, planning and reports branch, and Philip McAllister, planning and reports branch; Michigan Department of Conservation, H. J. Hanes, in charge, engineering and architecture, and L. A. Davenport, habitat management, game division; Soil Conservation Service, Allan J. Collins, H. D. Lakin, J. W. Waterman, E. E. Fenton; Michigan Department of Agriculture, S. R. Quackenbush, deputy State drain commissioner; water resources commission, L. F. Oeming, executive secretary, and Norman F. Billings, assistant executive secretary and chief, hydrology division; Michigan ASCS, F. E. Carroll, State executive director.

Wednesday, July 11, p.m., Kellogg Center, Michigan State University campus, East Lansing, State association committee on water resources, soil conservation districts; Carl Loss, Sanilac SCD, Deckerville; Lavern

Weisenberger, Saginaw SCD, New Lothrop; Wesley Myllyla, Baraga SCD, Pelkie; John Harmon, Hillsdale SCD, Hudson; Corwin Smart, Thornapple-Grand SCD, Mulliken; review group, Adams, Silkett, Ryerson, Wetzel, Ghormley, and Kealy.

TRIBUTE TO EDWARD J. MEEMAN

Mr. KEFAUVER. Mr. President, this September Edward J. Meeman, the editor of the Memphis Press-Scimitar, became "editor-emeritus" of the Memphis Press-Scimitar.

This fact marks the official conclusion of one of the most distinguished careers in newspapering and public service in the history of our Nation; but even more important, it marks the beginning of Ed Meeman's continued devotion to the causes and principles for which he has always fought. For Ed Meeman, who prides himself above all as being a working newspaperman, will never be able to lay aside the tools of his trade.

I like to feel—because I know it is true—that Ed Meeman has been freed, in a sense, from the details and technicalities of directing a great newspaper. In this freedom as "editor-emeritus" he will find new opportunities to bring to bear his tremendous personal influence and tireless mind on issues and causes.

I would like to emphasize to my colleagues in the Senate that Ed Meeman's retirement does not mean at all that his attributes as a newsman will retire.

I can see Ed Meeman as "editor-emeritus" now, riding down Main Street in Memphis in a taxicab. A fire engine roars past, pulls up in front of the Ciaridge Hotel. Ed Meeman, reporter, stops the cab, steps out to the nearest phone, calls the city desk. He will never be able to stop being a newsman.

I can see Ed Meeman now, at his typewriter, pounding out his fierce ideas on what city hall must do about expressways, urging the citizens of his city to accept their civic responsibility in elections, selling the projects he believes in to the community he lives in.

Although I am not such Ed Meeman would not vehemently deny it, I think I know him well enough to describe him also as one of the most effective politicians abroad today. When he sets his mind to it, he can really go to work for an issue—on the telephone, person to person, or standing in the public forum.

But one of the most admirable characteristics of Ed Meeman—whether he be in the role of editor, newspaper reporter, or politician—is his abiding faith in what he is fighting for. If Ed Meeman believes it is right, and all arguments to the contrary do not otherwise convince him, he has always been and will always be unswervable in his purpose.

The editor's shoes out of which Ed Meeman is stepping officially are big and busy. They will be hard to fill. I know that Charles Schneider, who has been named the new editor of the Press-Scimitar, will do a fine job in carrying on the traditions of courage and devotion to the public interest which Ed Meeman has nurtured and built upon in the many years he has guided the destinies and responsibilities of this great newspaper.

And I know that Ed Meeman will be turned to for advice and counsel many times in the years ahead and that he will continue to be a moving, active force for good in his community.

To these remarks I add also my own fondest and warmest best wishes to Ed Meeman, my admiration for him as a newspaperman and an editor and a fighter, and my gratitude for the many times he has stood behind me in my own battles—or shoulder to shoulder with me when we shared the fray together to bring such dreams as an Atlantic Community close to reality.

I ask unanimous consent that a story in the Press-Scimitar of Memphis, telling of Ed Meeman's accomplishments and of those of his successor, be placed in the RECORD at this point in my remarks.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

MEEMAN BECOMES EDITOR EMERITUS—CHARLES SCHNEIDER IS NEW EDITOR

(By Clark Porteous)

In accordance with the retirement policy of the Scripps-Howard Newspapers, Edward J. Meeman, editor of the Press-Scimitar, today becomes editor emeritus of this newspaper.

He is succeeded as editor by Charles H. Schneider, who was born in Mississippi just over the line from Memphis, and got his start as copy boy on the Memphis Press-Scimitar. Until recently he was editor of the San Francisco News-Call Bulletin.

TO CONTINUE ACTIVE

"But it is not 'retirement' for me," Meeman said. "I am in excellent health and will be as active as ever." His signed editorial page column will appear more frequently. He will act as a consultant to the Press-Scimitar and the Scripps-Howard Newspapers. He will engage in certain civic activities. He will occupy an office adjoining his present one.

Announcement of the appointment of Schneider was made by Jack R. Howard, president and general editorial manager of the Scripps-Howard Newspapers.

A FAMOUS PHRASE

Meeman came to the Press-Scimitar in 1931 from Knoxville where he had started the Knoxville News and became editor of the Knoxville News-Sentinel.

Meeman coined a phrase which has had much to do with his success as an editor in Memphis. It is:

"Citizens working alone can do much; a newspaper working alone can do much; but citizens and a newspaper, working together, can do anything."

Meeman has proved this time after time.

THE DRIVE FOR TVA

Two years after Meeman took over editorship of the Press-Scimitar, he opened a 6-year campaign for TVA that brought cheap power to Memphis. It was an exciting fight, founded on Meeman's convictions about public power and conservation of the land, and spearheaded by a young reporter named Null Adams, who became city editor during the fight and is still city editor.

Meeman's lucid editorials backed Adams' dynamic stories and victory was achieved, a victory still commemorated by November 6th Street, from the date of the overwhelming victory at the polls for TVA in 1934. Now Memphis is negotiating to get back into TVA.

SLUMS AND SOIL

In the same period, the Press-Scimitar made a dramatic study of housing needs written by the late Walter Stewart, which was a large factor in making Memphis one of the first cities to have a slum clearance project and a housing development.

Meeman vitalized soil conservation in the Midsouth. Topsoil which once washed wastefully down the rivers of the Mississippi Valley to be lost in the gulf was stopped by scientific farming practices inspired by the Press-Scimitar's save-enrich our soil campaign.

SHELBY FOREST

A strong believer in parks and recreation areas, Meeman conceived of and campaigned for Shelby Forest. He practices what he preaches, and lives on Forest Farm on the edge of Shelby Forest's green preserves, which were carved from the river wilderness in the north part of Shelby County. Shelby Forest is now the most-used State park in Tennessee.

Citizens and the Press-Scimitar working together in 1948 found they could, indeed, accomplish anything. One of the greatest achievements of Meeman's career was the ending of a political machine's 20-year domination of State affairs. He led the campaign to elect ESTES KEFAUVER as U.S. Senator and to return Gordon Browning to the governorship he had held more than a decade before.

Comprehensive city planning, vital to a city's healthy growth, became a reality again in recent years, after the Press-Scimitar and citizens reviewed it after a period of stagnation.

RECOGNITION

Among many awards won by the Press-Scimitar during Meeman's editorship was the Sigma Delta Chi national award for Courage in Journalism. SDC is the national professional journalism fraternity.

When the University of Tennessee-Tennessee Press Association annual newspaper excellence contests were opened to metropolitan daily papers in 1947, the Press-Scimitar immediately won the General Excellence Award, as the best daily newspaper in the State. This award was discontinued after 1 year. During the next 5 years, until the U-T-TPA contests were again closed to the metropolitan dailies in 1952, the Press-Scimitar won 12 first-place awards for editorials, public service, local features, and makeup and appearance. Plaques symbolizing all these awards are displayed in the Press-Scimitar newsroom.

Not only has Meeman been a leader in local affairs, but he is credited by Clarence Streit, founder of the Atlantic Union movement, with having played an indispensable part in bringing about its recent climactic success, the holding of the Atlantic Convention of the NATO nations in Paris in January 1962, under a resolution passed by the U.S. Congress. Meeman was a member of the American delegation to the Atlantic Congress in London in 1959, which issued the call for the Atlantic Convention.

OUR NEW EDITOR

For "Charley" Schneider it is a homecoming.

He was born January 17, 1912, in Miller, Miss., 23 miles southeast of Memphis. As a boy, he used to negotiate old Pigeon Roost Road once a year, in September, to attend the Tri-State Fair, now the Mid-South Fair and spend the nickels and dimes earned during the summer delivering Sunday Commercial Appeals on horseback in and around Miller.

His father, the late William Schneider, ran one of Miller's four general merchandise stores, and young Schneider started clerking in the store as a small boy. He attended grammar school in Miller's one-room schoolhouse, and at the ninth grade shifted to a consolidated high school at Byhalia. He commuted 6 miles daily by train with his younger sister.

EARLY DAYS

During this time, for a spell, Schneider was Miller correspondent for the De Soto County weekly paper under the pseudonym of "Barney Google." Items invariably said somebody "motored" to Memphis and returned. In those days of careful driving they always returned.

The family moved to Buntyn, then a suburb of Memphis, when Charley was in the 11th grade. His father pioneered in the then sparsely settled community with a grocery store at the corner of Park and Speed, now Semmes. Young Schneider was graduated from Messick High in 1928, working after school and on Saturdays delivering groceries.

Schneider, after graduation from high school in June, applied to both the Press-Scimitar and the Commercial Appeal for a job as a "journalist." No luck. He delivered more groceries.

COPY BOY

In September James E. Mills, then managing editor of the Press-Scimitar, and now editor of the Birmingham Post-Herald, a Scripps-Howard newspaper, telephoned the Schneider store and said he had a job for Charley as a copy boy. Schneider took the job and has been with Scripps-Howard practically ever since.

As a copy boy, he had to make hourly "copy runs" to press rooms at the courthouse and police station, as copy boys still do to get stories written for the paper. He took the "run" part seriously and usually did just that.

After a few months, Schneider was made a clerk in the editorial department library, known as the "morgue," then became morgue keeper.

As morgue keeper, Schneider also had the assignment of writing death notices. This is not true now, as an experienced reporter writes obituaries. But writing deaths led Schneider to other writing, chiefly bright little feature stories.

TAKING PICTURES

Later he broke in as a cub photographer, then became staff—and for quite a while the only—photographer. Soon Hilman Pinegar and his cigar joined Schneider in the darkroom and they teamed as photographers. Pinegar is now assistant Mid-South editor of the Press-Scimitar.

Schneider became Boy Scout reporter, schools editor, and civic club reporter.

He recalls some of his most enjoyable photographic assignments, were with Eldon Roark, who had just started his "Strolling" column.

FUN ON THE JOB

"We pulled some 'duzies' and had a lot of laughs together," Schneider recalls. "Also, I turned out some picture-story combinations that were pretty good, if I do say so myself.

"I remember Eldon's classic story about the scrubwoman. Randi Lerohl, who skiffed alone down the Mississippi in search of sunshine, together with a silhouette picture I took at sunrise of this courageous character.

"I still remember my work as a photographer on the Press-Scimitar as my most enjoyable newspaper experience."

Many still remember Schneider's classic picture, "Plowin' Under."

It was an angle shot of an old gray mule and a farmer plowing under every third row of cotton, one of the things Henry Wallace had advocated as Secretary of Agriculture. Reprints were sent around the Nation and even abroad.

MEMPHIS WEDDING

In 1932, Schneider married a Memphis girl, Katherine Kasaftes, whose picture he had been assigned to take when she was singing for a Press-Scimitar-sponsored show to raise money for the Cynthia Milk Fund. They were married twice the same day—in the afternoon in a Greek ceremony at the Hellenic Orthodox Church, and in the evening in a Methodist ceremony at a newspaper wedding in the backyard of Forrest Allen, a member of the editorial staff of the Press-Scimitar.

The Schneiders have a married daughter, Mrs. George L. Powell, Jr., the former Tina Schneider, who lives in New York. The Powells have a daughter, Pamela, 3, who is Editor Schneider's only grandchild.

MOVING UP

Schneider was transferred to the Cleveland Press, a Scripps-Howard paper, in 1934. He started out as a general assignment reporter, and began to cover amateur theatricals. By 1935, he became theater editor of the Press. The first play he reviewed was the world premier of Katharine Cornell in George Bernard Shaw's "Saint Joan" and he was more frightened than an actor making his debut. But he did an excellent job as a critic, until 1937, when he was made director of the Press' Public Service Bureau.

Schneider was promotion editor, until February 1948, when he was promoted to one of the top jobs in Scripps-Howard, national promotion editor with an office in Scripps-Howard's general offices in New York. He was in charge of the National Spelling Bee in Washington for 9 years and did other things to help make Scripps-Howard papers better.

SAN FRANCISCO EDITOR

Schneider became editor of the San Francisco News, a Scripps-Howard paper, in February. 1957. In August 1959, the News and the Hearst Call-Bulletin merged, with Scripps-Howard in charge of the editorial and Hearst in charge of the business side. Schneider became editor of the San Francisco News-Call Bulletin.

Under editor Schneider, the paper fought vigorously for progress. It battled for rapid transit to serve the entire Bay area, but insisted that no construction violate the city's natural beauty. The paper exposed California's shaky second-mortgage investment businesses, saving readers thousands and leading to a State crackdown.

ACCOMPLISHMENTS

The paper won a State law against cancer quacks, put a pornography mill out of business, disclosed wasteful surplus textbook burning by the State education department.

The News-Call Bulletin won the Tom Wallace Award of the Inter-American Press Association for a fundraising drive after the Chilean earthquake. Readers gave $46,000 for earthquake victims and erected in Chile a "City of San Francisco" which included apartments and a school.

While Schneider was editor, the paper won a number of awards, including the Catholic Newsmen's Association award last year, both first place and first honorable mention for the newspaper in San Francisco which best exemplified the principles of the Sermon on the Mount.

MOTHER A MEMPHIAN

Last June 2, the San Francisco arrangement between Scripps-Howard and Hearst was ended, and Scripps-Howard sold its interest in the News-Call Bulletin to Hearst. And Charley Schneider, after 28 years, has now come back home to Memphis.

His mother, Mrs. William Schneider, and a sister, Miss Marjorie Schneider, live at 3042 Park. Another sister, Mrs. Hardy S. Green, lives at 3053 Harris.

Editor Schneider and his wife are living presently at the Parkview, will move into an apartment at the Continental, 1422 Lamar, on October 1.

EARLY U.N. ACTION ON FINANCIAL OBLIGATION OF MEMBERS

Mr. WILEY. Mr. President, the General Assembly of the U.N.—opening yesterday—has before it an agenda of highly significant challenges relating to peace.

Of high priority, affecting the heart of the U.N., itself, is a determination of whether or not U.N. members have a real responsibility for meeting financial obligations for peacekeeping operations of the U.N.

During recent world crises, several countries—particularly, the Soviet Union—have withheld financial support.

Earlier this year, the World Court rendered an advisory opinion that all U.N. members are obligated to help pay for its peacekeeping operations.

The General Assembly now has the responsibility for considering—and, I believe, confirming—the decision of the International Court of Justice.

Over the years, the United States has borne a substantial share of the costs of this International peacekeeping agency.

As a nation, and as taxpayers, we have a right to require that other member nations of the U.N., exercising equal voting rights, similarly live up to their obligations.

U.S. delegates, I believe, should therefore press for early consideration of this matter on the agenda of the present session of the U.N.

I ask unanimous consent to have editorials from three leading national newspapers printed at this point in the Record—the New York Times, the Washington Post, and the Evening Star:

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 10, 1962]

U.N. ASSESSMENTS

The International Court of Justice recently decided in 242 big pages, nine agreements and five dissents, that the cost of the United Nations police activities in Suez and the more expensive ones in the Congo could be charged to the member nations under the terms of the charter. The arguments, in brief, were that the Assembly as well as the Security Council had the right to take actions that cost money and that in each case the assessments could properly be levied according to the percentages assigned in the regular budget.

In a letter on this page today Dr. Alexander W. Rudzinski addresses himself to the point raised by article 19—namely, whether a member of the U.N. in arrears for its share of the Suez and Congo costs is likely to lose its vote in the Assembly. Article 19 says that such a nation shall lose its vote "if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding 2 full years." It happens that the Russians and some others who have refused to pay the Suez and Congo assessments have paid their assesment for the regular operations of the U.N. The inference is that they cannot lose their voting rights in the Assembly until they are behind in their payments not only for the special assessments but for the total of the regular and the special assessments.

The problem remains whether or not, as Dr. Rudzinski says, the General Assembly will ever be willing to "suspend the voting rights of a defiant big power." He suggests that the mere possibility of such a procedure may induce member nations to pay up. It is hard to imagine the President of the General Assembly either refusing to recognize a Russian speaker or refusing to record a Russian vote, but it could conceivably

What we must hope for, however, is that no coercion, parliamentary or otherwise, will have to be applied to Russia and other delinquents. What the world needs is the rule of law. If the Russians and their dissenting friends cannot see this, the U.N. will never become an effective instrument for what the charter repeatedly alludes to as the maintenance of "international peace and security."

[From the Washington Star, July 23, 1962]

COURT AND U.N.

In its 9-to-5 advisory opinion holding that all members of the United Nations are obligated to meet special assessments to finance emergency operations, the World Court has not handed down a judgment that is either enforceable or really binding upon anybody unwilling to accept it. Indeed, the Soviet-led Communist bloc has been quick to indicate that it will ignore the decision and continue in arrears on what it is supposed to pay to help maintain the U.N.'s forces in the Congo and the Middle East.

To that extent, the Court's action in this matter may seem to amount to little more than an exercise in futility. Still, despite some pessimistic interpretations of it, it ought not to be dismissed too lightly as a ruling of little or no consequence. Actually, there is considerable promise in it. There are indications, for example, that it may be respected and obeyed by Belgium, France, and certain other countries that have thus far joined the Soviet Union in declining to put up their fair share of the costs of the U.N.'s peacekeeping tasks. If only a few of these delinquent nations now begin to pay what they owe, the gain will be substantial.

Further the ruling is almost certain to be a key item on the agenda of the U.N. General Assembly when it meets for its next regular session in September. What is hoped for, and even confidently expected in some quarters, is that two-thirds of the Assembly's membership will vote in favor of formally accepting—or, better still, explicitly endorsing—the Court's advisory opinion. Certainly backed by such a vote, the opinion would be strengthened in a way that might make it significantly strong in terms of exerting moral influence or suasion on members in arrears—strong enough, perhaps, to persuade even the Kremlin to back away from its no-pay policy.

As for depriving persistent delinquents of their votes in the Assembly, the U.N. Charter leaves that pretty much to the Assembly's discretion. Of course, applied to a country like France or the Soviet Union, such a penalty could lead to the disintegration of the world organization. But the same holds true for continuing delinquency in the payment of special assessments—a delinquency that has already pushed the United Nations to the brink of bankruptcy.

[From the Washington Post, July 22, 1962]

NEW SINEW FOR THE U.N.

The World Court has given substantial buttressing to the United Nations by its advisory opinion that all members of the U.N. are obligated to help pay for its peacekeeping operations. The Court ruled in effect that the United Nations outlays in the Congo and in the Near East are "expenses of the organization" within the meaning of the U.N. Charter. Its decision sweeps away all the legal excuses that the Soviet Union and many other countries have offered in the past for refusing to pay their share of the cost of these activities.

There is, of course, no means by which either the Court or the United Nations can force the delinquents to pay. But the General Assembly now has, for the first time, a formidable source of pressure that it can apply. The charter provides in unmistakable terms:

"A member of the United Nations which is in arrears in the payment of its financial contributions to the organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding 2 full years."

The General Assembly has authority to permit members in arrears to vote if their failure to pay is due to conditions beyond their control. But this would seem to require a specific vote by the Assembly to relieve members temporarily of their obligations. Otherwise the loss of voting rights in the General Assembly would appear to stand, as declared in the charter, without any positive action on the part of the General Assembly, other than adoption of the opinion of the Court.

The ruling is of great importance not merely from the financial viewpoint. In recent months the United Nations has been skating close to the edge of bankruptcy. Now it will doubtless be able to collect substantial sums which have been assessed, but not paid, for policing the Gaza strip and the Congo. The combined arrears for the Congo alone amount to more than $116 million.

Far more important, however, are the political implications of the ruling. The General Assembly can now institute peacekeeping operations wherever they may appear necessary without risking a denial of funds for their support. Its operations in the future may, therefore, be less hesitant. The result may be to drive some members out of the organization or to leave them in a state of suspension, but it would be farcical to permit members to thwart the vital purposes of the organization merely to keep their names on the rolls in good standing.

The effect of the ruling in Congress should be substantial. There has been a shameful amount of foot-dragging on Capitol Hill in regard to President Kennedy's proposal to buy $100 million worth of U.N. bonds. Some Congressmen have been fearful of allowing the United States to support peacekeeping activities in full unless all other countries do likewise. That self-defeating attitude should have less appeal for even the neoisolationists now that the World Court has ruled that all U.N. members have an obligation to pay specific as well as general assessments.

The new power in the hands of the General Assembly should not be used to impose a hardship on any country. But we hope that the body will use it vigorously to give itself the new girding that it needs in the complex and insecure world of 1962. The Court has taken the world a step closer to an international legal order and opened the way for the General Assembly to move substantially farther in the same direction.

COLORADO COLLEGE WINS FORD GRANT

Mr. ALLOTT. Mr. President, recently it was announced that a relatively small private institution of higher education in the State of Colorado was the only college in over 1 million square miles to receive a grant from the Ford Foundation. This institution was Colorado College, with an enrollment of approximately 1,200 students and a permanent faculty of 100, located in Colorado Springs, Colo.

We in Colorado take a great pride in the educational facilities in our State. There is no area, we believe, with such a comparatively small population, that can surpass our State in either the number or quality of outstanding educational institutions. This is exemplified by the amazing growth, particularly in the past decade, of the number of students from other sections of the country and the world, who come to Colorado to avail themselves of our facilities. This growth is the result of a concentrated effort on the part of the people of our State to provide the very best in higher education for our young people. As a result of this interest and the progress that has been made, our institutions are more and more being recognized nationwide, and are being made the recipients of increasingly larger bequests and grants by both foundations and individuals.

Outstanding among our institutions is the comparatively small in size, but large in import, Colorado College. This school is entitled to recognition and commendation for the progressiveness and strengthening of curriculum which made this latest grant possible.

The Colorado College received $2,200,000 conditional on its raising $5,500,000 within 3 years in other funds. The gift is without strings, save "to advance the development of selected private institutions of higher education, as national and regional centers of excellence."

The new grant recognized the progress made by Colorado College under its president, Dr. Louis T. Benezet, who came to the institution in 1955 from Allegheny College, Pennsylvania, and who has in recent years resisted several attempts to pull him away from Colorado College to larger institutions.

There appeared in the July 6, 1962, issue of the Christian Science Monitor an article giving the details of this most significant grant by the Ford Foundation, and I ask unanimous consent that this article be included in the RECORD as part of my remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

WESTERN COLLEGE WINS FORD GRANT

COLORADO SPRINGS, COLO.—Colorado College, a relatively small private institution that is making a big impression over a vast area, was the only college in nearly 1 million square miles to be included in the Ford Foundation's latest grant awards.

The local institution received $2,200,000, conditional on its raising $5,500,000 within 3 years in other funds. The gift is without strings, save "to advance the development of selected private institutions of higher education, as national and regional centers of excellence."

The West is relatively void of such private colleges, as compared to those which thickly dot the East and Midwest. Colorado College was one of only five from west of the Mississippi to be included, out of 21 in all.

PROGRESS RECOGNIZED

This was the second largest academic grant ever made in the immediate region. The University of Denver received a similar Ford conditional grant, dependent on raising supplementary funds, in 1960, for $5 million.

The new grant recognized the progress made by Colorado College under its president, Dr. Louis T. Benezet, who came to the institution in 1955 from Allegheny College, Pennsylvania, and who has in recent years resisted several attempts to pull him away from Colorado College to larger institutions.

The college was founded in 1874 as a joint enterprise of the Colorado Congregational Conference and the American College and Education Society. It has remained an institution "in which liberal studies may be pursued under positive Christian influences [though] under no ecclesiastical or political control."

OTHER GIFTS

The raw, new town of Colorado Springs, made as a realty development enterprise by Gen. William J. Palmer and his associates in building the Denver and Rio Grande Western Railroad, was chosen as the college site simply because it offered a campus and an establishment loan of $10,000.

The Ford Foundation's award is the third largest gift, among many smaller ones, made to the college under Dr. Benezet. The larger ones included $1,250,000 from the local El Pomar Foundation for the new Charles Leaming Tutt Library just completed; $1,490,400 from the Olin Foundation in 1960 for a new hall of science; and $1,250,000 in a general bequest from the estate of Ethel Carlton, member of one of the town's founding families.

ACHIEVEMENTS LISTED

Under Dr. Benezet the college is seeking to raise $6,500,000 in all—exclusive of the new Ford grant. It has increased faculty salary levels, and has strengthened the curriculum, particularly in the sciences, though retaining a strong emphasis on the liberal arts. It now has a student body of about 1,200 and a full-time faculty of 100.

Other southwestern colleges included in the Ford program were Austin College at Sherman, Tex., and Oklahoma City University. The two other western colleges were on the west coast.

TAXPAYERS' DOLLARS

Mr. ALLOTT. Mr. President, there recently appeared in the Rocky Mountain News of Denver, Colo., an article by the eminent columnist, Mr. Henry J. Taylor. In this article Mr. Taylor takes his own profession, the fourth estate, to task a bit. His article states most clearly that perhaps his profession would better serve the interest of the public, and better fulfill its responsibility to that public, if it would more frequently make reference to Federal spending as an expenditure of the "taxpayers' money" rather than "Federal funds." With Mr. Taylor's thought I thoroughly agree. In addition, it occurs to me that perhaps we, as the elected representatives of those taxpayers, could better fulfill our responsibility to those taxpayers if we would sharpen our own awareness of this difference in terminology.

It is Mr. Taylor's contention—and again I agree—that too often when people read or hear of some joint State-Federal project being financed with "Federal funds," they get the impression that some new outside source of capital has been found to provide their State with its needs. This is, of course, a misimpression, since these funds, to be supplied by the Federal Government, are actually dollars from their own pockets. As Mr. Taylor points out, there are no "Federal funds," only the taxpayers' dollars.

I ask unanimous consent that Mr. Taylor's remarks may be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TODAY'S CLICHES COST OUR SHIRTS

(By Henry J. Taylor)

A poor choice of words, grown traditional, has helped send our sweat-kissed taxes around the world in a ballastless balloon, finance the pork-pork-pork in political barrels, pay for loony projects without end, toss good money after bad and yet hardly let us known how we foot the bill.

The words? "Federal funds," "Government money," "the Government is paying," etc.

Repetition has done the rest. Oliver Wendell Holmes said, "A catchword long enough repeated can defy analysis for 100 years." And when Cato repeated "Carthage must fall," so often that Carthage finally fell, the old Roman simply proved the collapse of public understanding in the face of cliche.

Today's cliches have cost us our shirts. Countless millions are falsely led to believe they somehow get something for nothing.

A simple correction by editors and others, constantly repeated, might even bring a taxpayers' revolt.

Day after day we read some new cost "will be met by Federal funds." There are no "Federal funds." Hey, that's our money. An accurate revision would read, "* * * will be met by taxpayers' funds."

Why not? As standard practice, if editors always blue-penciled "Federal funds" into "taxpayers' funds," it could certainly ring a bell in better public understanding.

The blue-pencil could easily clarify the joint financing of State-Federal projects. When announced locally that part of the cost "will come from Federal funds," this part sounds like found money.

We're constantly told "the Government" will pay for such-and-such an educational program, or this, that, or the other thing—a subsidy to mushroom growers, a cultural TV station in the Samoa Islands, or whatnot. A Niagara of handouts gushing from every Government department reemphasizes the misinformation. The Government pays for nothing.

We read that Washington is supporting Nehru in India with another billion dollars and that Ambassador George F. Kennan would resign if Washington's aid to Tito is cut. Washington never gave Nehru or Tito a nickel. Washington aids nobody.

The rewrite: "The taxpayers are supporting Nehru, and Kennan would resign if the taxpayers' aid to Tito is cut." It begins to sound different already.

When the Government recently gave the National Biscuit Co. a multimillion-dollar order for atomic shelter saltines, that's us taxpayers buying something again. The State Department did not pay the $300,000 for Chester Bowles' latest lush-lush world-conference journey. We did.

Communists everlastingly use wrong words and cash in on the result. Moreover, they understand the enormous effect of repetition. This is how they spread the big lie.

RESOLUTIONS BY ASSOCIATION OF WESTERN STATE ENGINEERS

Mr. ALLOTT. Mr. President, at the annual meeting of the Association of Western State Engineers, held at Salt Lake City in August, a number of resolutions were adopted which bear directly on legislation currently before the Congress such as the wilderness bill, Water Resources Planning Act, State water rights—for which I have been pressing for over 5 years—and others. Mr. J. E. Whitten, State engineer for the State of Colorado, was good enough to furnish me with copies of those as well as the resolutions concerning Federal-State relations in areas of mutual concern.

The importance of these resolutions, gaged as they are by the caliber of the group involved, suggests that they should be widely circulated and studied. I therefore ask unanimous consent they be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1

Resolution relating to the protection of water rights under State laws

Whereas Federal legislation has not yet been enacted for the protection of water rights acquired under State laws nor to preserve the historic authority of the States to control the acquisition and administration of water rights within their respective borders; and

Whereas recent court decisions threatening such rights and undermining such authority continue in effect; and

Whereas extensive committee hearings have been held by the Congress during the last several years with respect to water rights legislation; and

Whereas although such legislation has been introduced in the 87th Congress it has not been enacted: Now, therefore, be it

Resolved, That the Association of Western State Engineers urges the earliest possible introduction and enactment by the Congress of legislation that (1) will clearly state that the Federal Government shall not be deemed to have acquired or reserved any water rights as a result of the reservation or withdrawal of public land; (2) will require compliance with State water laws by all Federal agencies, licensees, or project beneficiaries; and (3) will adequately safeguard all water rights established under State laws against the action of Federal agencies and their licensees; and be it further

Resolved, That copies of this resolution be sent to appropriate executive departments of the U.S. Government and that copies also be promptly sent by each of the members of this association to the congressional delegation of his State.

RESOLUTION 3

Resolution relating to the proposed Water Resources Planning Act of 1961

Whereas there has been introduced in the 87th Congress proposed legislation entitled "Water Resources Planning Act of 1961" (e.g., S. 2246 and H.R. 8177); and

Whereas such legislation would accomplish three major objectives; namely: (1) Establish a water resources council, (2) establish river basin commissions, and (3) provide grants to States for water resource planning; and

Whereas the Association of Western State Engineers believes such legislation to be of major importance to the future development and conservation of the Nation's water resources: Now, therefore, be it

Resolved, That the association supports the establishment of a Water Resources Council composed of the Secretaries of the Interior; Agriculture; Army; and Health, Education, and Welfare; and the association is also of the opinion that there should be established an advisory committee to such Council, composed of non-Federal members and representing each of the 22 water resource regions defined in the 1961 report of the Senate Select Committee on National Water Resources; and be it further

Resolved, That the association recommends that any legislation authorizing river basin commissions should provide that:

1. Any such Commission should be established only upon the request of a majority of the Governors of the affected States.

2. Non-Federal members of such Commission should be equal in number to Federal agency representatives.

Resolution 4

Resolution relating to consultation between the United States and the affected States in planning

Whereas population growth has greatly accelerated demands for water supplies for agricultural, domestic, municipal, and industrial uses throughout the Nation; and

Whereas water resources development has not kept pace with the water supply demands made upon it; and

Whereas the Federal Government has declared and demonstrated that it cannot alone satisfy such demands; and

Whereas the States have a responsibility to participate with the Federal Government in comprehensive and multiple-purpose water resources development which can best provide water supplies for maximum beneficial uses; and

Whereas a waste of time, materials, and resources by conflict, duplication, or isolated effort in water supply development can best be prevented at the investigations stage; and

Whereas a readily available means of accomplishing economical, effective, and orderly development of water resources is through consultation between the United States and the affected States commencing with the initiation of investigations: Now, therefore, be it

Resolved, That the Association of Western State Engineers urges the adoption of the principle of continuing consultation between the United States and the affected States with respect to the construction, maintenance, and operation of water resources projects, commencing with the initiation of investigations as an integral element of State and Federal water resources development policy, and that it commends those Federal agencies that have followed this principle; and be it further

Resolved, That copies of this resolution be sent to the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Federal Power Commission, and Health, Education, and Welfare.

Resolution 5

Resolution relating to national wilderness preservation system bills

Whereas certain bills have been introduced in successive Congresses which would establish a national wilderness preservation system; and

Whereas such bills would authorize administrative creation of wilderness areas additional to areas designated by the Congress in creating the system; and

Whereas water conservation and modification of plan cover in wilderness areas would be allowed only upon an express presidential finding of greater national interest than an otherwise presumed paramount interest in wilderness preservation; and

Whereas diverse national interests will be more fully satisfied through a discerning policy of accommodation of all uses of such areas than by an absolute preferment of an exclusively undeveloped status: Now, therefore, be it

Resolved, That while the Association of Western State Engineers is not opposed to the establishment of wilderness areas under proper management, it is opposed to any wilderness legislation which would impede water resources development in the Western States; and be it further

Resolved, That the establishment of new wilderness areas or the expansion of existing areas should be accomplished only upon the specific approval of Congress to each new inclusion of such areas; and be it further

Resolved, That copies of this resolution be forwarded to the Secretary of the Interior, the Secretary of Agriculture, and to members of the House and Senate Committees on Interior and Insular Affairs, and that each member of the association is requested to send copies of this resolution to the members of the congressional delegation from his State.

Resolution 6

Resolution relating to the Federal Pollution Control Act Amendments of 1961

Whereas, the Congress has passed and the President has signed an act entitled "Federal Water Pollution Control Act Amendments of 1961" (Public Law 87–88, 87th Cong., H.R. 6441, dated July 20, 1961); and

Whereas the act provides in part: "(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purposes of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source"; and

Whereas available flow in many streams in the 17 Western States is limited and the entire yield of reservoirs on some streams is required for beneficial uses such as municipal, industrial and irrigation purposes which, in many cases, are more important uses than those for nonconsumptive purposes, such as streamflow enhancement for water quality control: Now, therefore, be it

Resolved, That the Association of Western State Engineers urges that in determining the need for and the value of storage for regulation of streamflow for the purpose of water quality control, the Federal agencies shall give serious consideration, in early and continued consultation with the States involved, to the relative needs for water to supply the various beneficial use from reservoirs proposed to be bulit in the 17 Western States; and be it further

Resolved, That copies of this resolution be sent to the two Houses of the Congress, the President, the Secretary of the Army, the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Health, Education, and Welfare.

Resolution 7

Resolution relating to the use of interstate compacts

Whereas the problems of water resources development and use of interstate water by the States and the Federal Government require a high degree of cooperation; and

Whereas such cooperation involves the coordination of planning and programing of water resources developments to avoid duplication and waste; and

Whereas there is need for simple, effective, and equitable representation of local, State, and Federal interests in the administration of a cooperative water resources development program for interstate water; and

Whereas the existence of such an administrative body brings about a saving of money and time in accomplishing water resources development and maximizes the benefits resulting from such development; and

Whereas an interstate compact commission or board composed of representatives of State and Federal Governments is a recognized vehicle for providing equitable administration and effective coordination of local, State, and National responsibilities and the satisfaction of needs for water resources use and development; and

Whereas the interstate compact also provides an opportunity for States to accomplish by negotiation the equitable allocation of interstate waters; and the substantial delay in water resources development required by the pursuit of litigation may be largely avoided by utilization of the interstate compact: Now, therefore, be it

Resolved, That the Association of Western State Engineers believes that (1) planning for and actual development of interstate water resources should be governed by interstate compacts as the most effective, economical, and equitable means of resolving problems of water allocation among the States concerned and achieving maximum benefit from the development of such water in preference to the pursuit of litigation for the resolution of such problems, and (2) to the extent that the United States now participates or will participate in the planning for and actual development of the waters of interstate streams it should be a party to and be bound by the provisions of the interstate compact concerning such waters.

Resolution 8

Resolution relating to Federal assistance to non-Federal municipal and industrial water projects

Whereas S. 13 has been introduced in the 87th Congress to provide for Federal cooperation in non-Federal, nonprofit public projects proposed to be constructed primarily for municipal and industrial purposes; and

Whereas such cooperation is intended to encourage the planning and construction of water resources developments on a multiple-purpose and comprehensive basis; and

Whereas the proposed legislation would authorize the United States through the Secretary of the Interior, to make loans repayable in 50 years to State and local agencies for the portion of project construction costs properly allocable to irrigation; and

Whereas the Secretary of the Interior and the Secretary of the Army would be authorized to make grants for the portion of project construction costs properly allocable to recreation fish and wildlife preservation and propagation and to navigation and flood control, respectively; and

Whereas the enactment of such legislation would facilitate the acomplishment of water resources development in concurrent satisfaction of National, State, and local interests and needs: Now, therefore, be it

Resolved, That the Association of Western State Engineers urges prompt enactment by the 87th Congress of legislation substantially embodying the foregoing provisions of S. 13 as a forward step in Federal-State cooperations; and be it further

Resolved, That each member of the association is requested to transmit copies of this resolution to the congressional delegation of his State as constituted in the 87th Congress.

Resolution 9

Resolution relating to the use and regulation of flood plains in connection with flood control

Whereas it is necessary for the full development of land and water resources that maximum economic use be made of flood plains at the same time minimizing the risk of flood damage; and

Whereas in order to make such use consistent with sound planning and the public welfare and safety, planning, and regulation of the use of flood plains is necessary, and the use and regulation of flood plains should be closely coordinated with the provision of flood control through the construction of projects: Now, therefore, be it

Resolved, That the Association of Western State Engineers believes that all of the following factors should be considered in relation to flood problems:

1. Consistent with the necessity for maximum feasible utilization of land and water resources the maximum economic use of flood plains should be made.

2. The use of flood plains should be regulated so as to allow their full economic use consistent with public welfare and safety.

3. Flood control projects should be provided consistent with and coordinated with the economic use and regulation of flood plains.

4. Where necessary, State and local legislation should be enacted to accomplish these objectives.

Resolution 10

Resolution relating to cost participation with the U.S. Weather Bureau through the use of non-Federal funds

Whereas there is increasing need for climatological and hydrologic basic data for the design of water projects and for such data, including evaporation measurements, in connection with water losses and reservoir operation; and

Whereas the U.S. Weather Bureau is often best equipped to provide such data by expansion of existing low-cost substation networks designed to provide generalized overall information and to make such data available to all through existing processing facilities and publications; and

Whereas the Weather Bureau now lacks authority to accept non-Federal funds and cannot now cooperate with States or other entities in obtaining such basic data for basin or other hydrologic studies: Now, therefore, be it

Resolved, That the Association of Western State Engineers supports and urges provision of authority for the U.S. Weather Bureau to accept non-Federal funds to enable cooperation in the assembly of data necessary for hydrologic studies, for the design and operation of water projects, and for providing information for flood forecasting; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Commerce.

Resolution 11

Resolution relating to acquisition of rights in reservoirs constructed by Corps of Engineers

Whereas in some instances contracts for water-storage rights in reservoir projects constructed by the Corps of Engineers limit the exercise of such rights to 50 years, even though such contracts provide for the full repayment of costs allocated to water storage; and

Whereas many such reservoirs will have a useful life in excess of 50 years: Now, therefore, be it

Resolved, That the Association of Western State Engineers urges enactment by the Congress of the principle, contained in H.R. 2438, 87th Congress, that such contracts shall grant permanent rights to water storage, extending throughout the useful life of the project; and be it further

Resolved, That copies of this resolution be sent to the Secretary of the Army and to the Public Works Committees of the House and Senate.

Resolution 14

Resolution relating to the standards and criteria for evaluation of multiple-purpose projects (S. Doc. 97)

Whereas the association notes that on May 15, 1962, the President of the United States approved a recommendation of a special Cabinet Committee for establishing new standards and criteria for the evaluation of multiple-purpose water resource development projects (S. Doc. 97), replacing the Circular No. A-47 requirements of the Bureau of the Budget; and

Whereas the association believes that this action of the President will be beneficial to the 17 Western States, making possible the full development of the waters of the West to meet the ever-increasing water demands, provided the special needs of each of the States are recognized; and

Whereas the association understands the several Federal agencies directly concerned will soon issue instructions to their respective offices intended to implement the new standards; and

Whereas the association believes the greatest benefit in the 17 Western States from the new standards will be achieved by close coordination of the instructions of the several Federal agencies directly concerned with the responsible State officials: Now, therefore, be it

Resolved, That the association requests that the Army Corps of Engineers, the U.S. Bureau of Reclamation, the U.S. Department of Agriculture, the U.S. Department of Health, Education, and Welfare, and all other Federal agencies concerned with the feasibility of multiple-purpose water resource development projects confer with each of the 17 Western States on the plans of the Federal agencies for the implementation of the new standards to the end that the requirements and rights of each of the States are fully understood and recognized.

AMERICAN LEADERSHIP IN INTERNATIONAL FISHERY CONSERVATION

Mr. BARTLETT. Mr. President, I was delighted with the understanding and affirmative support that was given last night to my revised amendment to the trade bill. The amendment is identical in purpose, if not in content, with the one originally introduced and that purpose is to promote the conservation of our fishery resources. This amendment represents a major advance in our long struggle to obtain effective means by which we can persuade other nations to participate with us in conferences involving our fishery resources and to negotiate in good faith. The President under this amendment has ample authority to increase tariffs as a sanction to assure good faith negotiations of a nature similar to that required between parties by our labor and other laws. The responsibilities of parties who have a duty to negotiate in good faith is clear under American law. By placing this duty on all concerned we will be threatened no longer with the possibility of an arbitrary termination of any fishery convention or negotiation and we will no longer be plagued by the threat of a foreign government openly disregarding facts or refusing to supply pertinent information regarding the fishery resource.

Mr. President, last night when I withdrew my original amendment I intended to introduce other legislation on the subject. The acceptance of this amendment suggests that the introduction of additional legislation by me at this time is unnecessary.

I stated then and do again that I and others have not forgotten and will not forget the desperate need we have to protect our fishermen on the high seas from harassment by other nations. I pledge to call for immediate hearings and early action next Congress on separate legislation which would amend the Fishermen's Protective Act in a manner that will assure our fishermen that they can expect compensation for not only the fine imposed but also for other damages suffered under conditions of harassment and I will work to assure our fishermen that their claims will be paid in a speedy and efficient manner. And I can say Senator Magnuson, chairman of the Commerce Committee, is fully sympathetic with these goals.

Mr. President, the acceptance of this amendment does not place an American flag on every fish on the high seas, nor does it suggest that international waters are American waters. The amendment is not directed at any particular nation, nor any particular species of fish; it is directed at solving a conservation problem on the high seas. The amendment does represent an acknowledgment on the part of our Government and this administration that it intends to fulfill the entire scope of its responsibilities of leadership in our struggle to conserve international fishery resources.

FEDERAL-STATE-LOCAL RELATIONS

Mr. MUSKIE. Mr. President, I should like to inform my colleagues that the Subcommittee on Intergovernmental Relations of the Committee on Government Operations held its first hearing on problems of Federal-State-local relations on Tuesday, September 18. This hearing was conducted in the form of a panel discussion, with experts in the field of intergovernmental relations presenting their views on problem areas in federalism. Prior to their presentation of prepared remarks on this subject, Senators Mundt, Ervin, and I made some introductory remarks which I believe will be of interest to our colleagues. I ask unanimous consent to place these remarks in the Record at this point.

There being no objection, the texts of these remarks were ordered to be printed in the Record, as follows:

Introductory Statement by Senator Edmund S. Muskie, Chairman, Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations. at September 18, 1962, Subcommittee Hearing on Problems in the Field of Intergovernmental Relations

This is the first hearing to be conducted by the newly created Senate Subcommittee on Intergovernmental Relations, established under Senate Resolution 359 of the 87th Congress. I should like to include in the record at this point the resolution and Senate Report No. 1716 which accompanied it. In this material can be found the reasoning which led to Senate action to give specific attention to ways and means of enhancing cooperation between all levels of Government and strengthening our Federal system.

The field of intergovernmental relations might be categorized as the "Hidden Dimension of Government." Performing as almost a fourth branch of government in meeting the needs of our people, it nonetheless has no direct electorate, operates from no set perspective, is under no special control, and moves in no particular direction. Programs in this field make an unpredictable impact on our society and our economy. The world of intergovernmental relations is represented by no policymaking body—there is no executive, no legislature and no judiciary. The Advisory Commission on Intergovernmental Relations serves as its major meeting ground, but this organization functions only in an advisory capacity. What we hope to do in the work of this subcommittee is to give this hidden dimension of Government definition and identity—to understand what it is and what its potential is, and in what directions it is moving.

Evidence that this field makes a major impact on the lives of all Americans can be found in its involvement in such matters as highways, housing, public assistance, hospitals, airports, public health, unemployment compensation, education, agricultural extension, and waste treatment facilities. A substantial amount of our governmental expenditures is involved in those programs every year. Assuming that we consider the combined Federal, State and local contributions, estimates of the sum involved range from $11 billion in fiscal 1962 to $14 billion in 1963. It is significant to note that no governmental authority is prepared to provide any specific data on this subject. This amount is greater than the total Federal budget used to be in the not too distant past, and yet we do not see it appearing as a recognizable entity in the Federal budget or in State and local budgets.

It is our purpose today to explore with a panel of experts the problems in the field of Federal-State-local relations which they view as currently causing major difficulties in the proper functioning of our Federal system. It is clear that many Americans hold drastically conflicting views on the relative roles of the different levels of government, and it is our intention to give careful attention to every point of view to determine which pattern of interrelationships best serves the needs of the United States during this period of our history.

Woodrow Wilson said that "the question of the relation of the States to the Federal Government is the cardinal question of our constitutional system." Our Founding Fathers created a system of the division of powers between levels of government which has withstood the test of time. There are those who say that the system is outmoded and an anachronism in the space age. But we find growing evidence that State and local governments are trying to make the necessary adjustments to meet the needs of the time.

What seems to be the pattern that is taking shape in governmental efforts to cope with public needs and demands has been referred to by one authority as a "marble cake" of relationships rather than the old "layer cake." More and more the emphasis is on cooperation rather than competition between levels of government. We hear less talk about States' rights and more talk about States' responsibilities. When it became clear that the Federal Government had more power to accomplish certain public ends than was necessary to do the job, the comment of James Madison that the system required "reciprocal forbearance" took on new meaning.

There is no sense denying that the 20th century has seen the rise of "revolutionary" demands on the part of the people for the provision of services by the government. What we are striving to achieve is a new balance of governmental activity which unshackles all levels of government to perform these tasks adequately. At the same time, we must be on guard to prevent the growth of the kind of imbalance that leads to the stultification of local initiative and the deprivation of individual rights. The tendency to overlook the establishment of appropriate standards by which to measure the total cost and the allocation of the costs of government must be checked if sound fiscal management is to prevail.

When we look at the current situation in the field of Federal-State-local relations, we find numerous problem areas existing, many of them festering because of inaction or the lack of proper action. A brief cataloging of trouble spots includes: the governmental organization of metropolitan areas, the conservation of natural resources, the division of revenue resources, the apportionment of electoral districts (now being redressed somewhat by the Supreme Court decision), the provision of adequate transportation, the provision of adequate housing, the maintenance of a high standard of education, the status of grant-in-aid programs, and many more. Such basic questions as the extent to which local self-government should be granted, what measures should be adopted to strengthen State and local finances, how decentralization of government administration should be achieved, and what steps should be taken to improve cooperation between the levels of government, remain unanswered.

Our subcommittee has been given the broad mandate by the Senate to "examine, investigate, and make a complete study of intergovernmental relationships between the United States and the States and municipalities." It is also called upon to review the recommendations made in this area by the Advisory Commission on Intergovernmental Relations. In order to perform these functions, we should first find out what the relevant organizations representing both geographic and functional groups regard as the basic problem areas from their point of view. We are now, of course, in the very preliminary stages of reviewing these problem areas and intend to hold additional hearings this fall to determine what specific contributions the subcommittee can make to the resolution of these problems. In addition to observations of the men who have kindly agreed to assemble here today for a panel discussion of these issues, we plan on calling for the views of a wide range of governmental and nongovernmental organizations, scholars and practitioners alike. In this manner, we hope to ultimately be able to offer to the Congress some legislative proposals which will contribute to the strengthening of our Federal system.

Opening Statement of Senator Karl E. Mundt, at the First Hearing of the Newly Created Senate Subcommittee on Intergovernmental Relations

Mr. Chairman, this hearing marks the public debut of the newly created Senate Subcommittee on Intergovernmental Relations. I have great confidence that this subcommittee, acting as an agency of the National Legislature, can make a meaningful and constructive contribution to the advancement and improvement of our Federal system.

It seems to me most fitting that the first public action of this subcommittee should be a panel discussion by a group of men, all knowledgeable in the field of intergovernmental relations, concerning the critical problems that face us as a nation in the broad sector of Federal, State, and local governmental relations. This discussion and the similar discussions which will be pursued with other panels will, I am sure, provide us with valuable information and ideas.

The Federal system, as conceived by the drafters of the Constitution, stands as one of the most remarkable and worthwhile innovations in the history of mankind's experience with representative government.

Historically, we know that the Federal principle came into being as a compromise between two sharply divided schools of thought—those who sought to abolish all State autonomy and establish a unitary governmental authority at the national level and those who desired a Central Government of form rather than substance with the primary governmental authority being retained by the several States.

From its inception the essence of the Federal system has been balance—the striking of an equilibrium between the central authority required for unity and action as a single national entity and the circumferential authority and State autonomy demanded for the meaningful operation of our democratic political system.

We have now functioned as a nation under this system for 173 years. During that period the Federal system has undergone many changes and adjustments. A third level of government has emerged, deriving its powers and authority from the States. Generally denominated as local government, this third level includes our county, township, and municipal governments, which are charged with providing basic governmental services specially tailored to meet the needs of a particular locale or an individual community.

Since the original enunciation of the Federal principle, population growth, the increased mobility of people, military emergencies, economic crises, industrial development, commercial diversification and dramatic technological advancements have wrought significant and lasting changes in the character and composition of this Nation. The changes of profile and content have brought with them ever-increasing demands for better service at all levels of government.

Three major wars and a serious economic depression during the past five decades have compounded the pressures for governmental action. All of these events and developments have combined to place extraordinary stresses and strains on the Federal system.

In numerous instances, responding to pressures for emergency action, the Federal Government has expanded existing authority or undertaken responsibilities previously carried by the States and their local units of government. Rarely has there been a relinquishment or retrocession of this authority by the Federal Government after the emergency has passed. This development has caused many individuals to contend that the Federal system is now out of balance with too great an accretion of power and authority at the center. Other commentators have concluded that the continued growth of central power and authority is an inevitable development in an increasingly complex society. There are even some who have charged that State and local units of Government are nothing more than outmoded reliques of the 18th century, lacking the competency and capacity to govern in these fast-moving times of the 20th century. I personally regard this latter view as "ismatic propaganda" and directly in conflict with the abundant evidence of dramatic State and local governmental growth since the end of World War II.

This diversity of opinion and viewpoint on the present and future status of the various levels of government reflects the important need for an objective assessment and analysis of the Federal system and the current relationships existing among its constituent parts. I am delighted that the Senate has charged us with that responsibility.

During the course of our study and investigation I hope that we can give consideration to such problem areas as:

1. The equitable division of tax sources among the various levels of government.

2. Federal involvement in urban development and the accompanying impact on State and local government.

3. The system of Federal grants-in-aid; its growth; its direction; and its effect on the efficient utilization of State and local resources.

4. The prospective role of State and local government in our development of peaceful uses of atomic energy.

5. The appropriate role of the National Government in assisting State and local governments to more effectively fulfill their functions and responsibilities.

6. The growth of interlocal cooperation; its capacity for effecting improvement in the quality of government at the local level; and its corresponding use in areas of high and low population density.

The chairman has suggested several other avenues of inquiry which should lead to a more comprehensive understanding by the Congress of the critical challenges presently confronting the Federal system. In the final analysis what we are seeking, and what I hope we will obtain, are objective answers to the eternal question, "How can representative government best serve the needs and aspirations of the people from which it derives its power and authority?"

INTRODUCTORY REMARKS OF SENATOR SAM J. ERVIN, JR., AT THE FIRST HEARING OF THE NEWLY CREATED SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. Chairman, I have no prepared statement. However, I would like to make a few observations on the subject under discussion.

In my judgment, William Gladstone was clearly right in the main when he said that the Constitution of the United States was the greatest instrument ever struck off at a given time by the brain and purpose of man.

As a matter of fact, however, he was partly in error in that statement. The Constitution of the United States was not struck off at a given moment, although it was reduced to writing at a given moment. It embodied, however, the experience of many generations of men in their quest for a system of government in which man should be guaranteed the right to self-rule, and also the right to protection against governmental tyranny.

I think that the finest system of government ever devised by man is the American system of government, and I think that is true because the Constitution is correctly described in a nutshell in the statement made by Chief Justice Salmon P. Chase in *Texas* v. *White*. He said in that case, "The Constitution, in all of its provisions, looks to an indestructible union composed of indestructible States."

I think if we were to destroy the States we would destroy our Constitutional system of government and do the greatest injury to the cause of good government that could possibly be done.

The States are in jeopardy at this time, I think, for several reasons. The first reason is that those who seek to impose their will upon others in governmental matters would prefer to deal with one government only, namely, the Federal Government.

They do not like to deal with 50 State governments and the Federal Government, in addition.

They realize that if they can immobilize State government and control the Federal Government, they can control all of the government.

Now, this would have a very bad effect, if it were to be accomplished. I think one of the great values of our system of government, which separates the powers of government between the National Government and State government, lies in the fact that it affords us 50 laboratories in the States for governmental experiments.

A State can experiment with an innovation in government or economics and if it turns out bad it doesn't affect us governmentally speaking or economically speaking except in one limited area.

If it turns out good then it can be adopted in the other States.

But if the Federal Government indulges in an experiment which has tragic consequences, it affects us tragically at all levels.

Then there is another thing of a detrimental character in shifting all responsibility of government from a State level to a National level, and that is that such action relieves the people of a sense of responsibility at the local level. One of the things about democracy which is essential if democracy is to endure is a sense of responsibility in individuals at local levels.

Someone has said that the saddest epitaph that can be written on the loss of any right is that those who had the saving power failed to stretch forth a saving hand while there was yet time. I think one of the finest things that this subcommittee can do is to take steps which will preserve the Federal system of government with its division of powers between National and State levels.

This thing goes far beyond merely governmental things. It goes to the personality of the people of the United States.

A member of the Supreme Court of the United States whom I admired very much was Justice Brandeis. Justice Brandeis is said by Judge Learned Hand to have made this statement, "The States are the only breakwater against the ever-pounding surf which threatens to submerge the individual, and destroy the only society in which personality can exist."

I think there is more than a modicum of truth in that statement. Whenever you shift all responsibility of government from the States to the national level you destroy the only society in which personality really can exist. You are certainly impressed by the truth of this observation when you try to deal with some of these overgrown Federal agencies.

I recognize there is a great deal of difficulty in local self-government and particularly in the cities due to the fact that the Federal Government monopolizes the sources of taxation which yield the taxes most easily collected. I think that one of the finest contributions which this subcommittee can make is to see if we can't devise some method by which we can prove that Aesop was not thinking of the Federal Government when he told the story about the lion.

He said that the lion invited another animal to visit him in his cave. The animal said, "I am not coming because I notice that all tracks lead into your cave and none lead out."

Now that is certainly a parable about the system of taxation which prevails in this country. I think this is a field in which something drastic has got to be done in order to give to the States and the local communities more sources of taxation than they now enjoy. The alternative is to have them continue to do what they have been doing with increasing frequency; and that is, to come to Uncle Sam to beg for a little more of the patrimony which he has taken from them.

These are just some random observations. As a consequence of knowledge gained from my service with him in the Senate, I know the subcommittee has an excellent chairman, a very devoted American, who has participated with great distinction in government at several levels. I think it is most fortunate that the Senator from Maine is chairman.

I will say a word about my friend from South Dakota who has just left. He comes from an area where, like my own State, there are still some folks who believe that a federal system of government ought to be preserved and that really and truly the Constitution was designed to create an indestructible union composed of indestructible States.

NEGOTIATED FIXED-PRICE CONTRACTS

Mr. WILLIAMS of Delaware. Mr. President, under date of September 17, 1962, the Comptroller General sent to Congress a report in which he called attention to the fact that the Air Force has awarded to Convair, a division of General Dynamics, San Diego, Calif., a cost-plus-a-fixed-fee and fixed-price incentive contract, with fixed-price subcontracts to Lear, Inc., Grand Rapids, Mich. He criticized the performance of these negotiated contracts totaling $1,579,000 wherein a 52-percent profit went to Lear, Inc., on one of these subcontracts.

This is another example of unnecessary expenditures in our Defense Department as a result of its failure to exercise normal business practices in soliciting competitive bids in all instances where they are economically feasible.

This is an indefensible waste of taxpayers' money and a practice which should have been corrected long ago.

I ask unanimous consent that excerpts from the Comptroller General's report be included in my statement at this point in the RECORD, including the letter which is addressed to the President of the Senate and the Speaker of the House of Representatives, dated September 17, 1962.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., September 17, 1962.

To the PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Enclosed is our report on examination of the pricing of screwjack assemblies for F–106 airplanes under Department of the Air Force negotiated fixed-price subcontracts awarded by Convair, a division of General Dynamics Corp., San Diego, Calif. (now General Dynamics Corp., San Diego), to Lear, Inc., Grand Rapids, Mich.

The report shows that, although Lear was the sole source supplier of screwjack assemblies for F–106 airplanes, Convair generally accepted Lear's quoted prices without obtaining cost data or other pertinent information in support of the prices. Consequently, neither the prime contractor nor the Air Force had a sound basis for determining whether the prices quoted were reasonable. On the basis of computations which we made, using data taken from Lear's formal records and available to Lear at the time its price quotations were submitted to Convair, prices totaling about $1,579,000 for negotiated fixed-price subcontracts awarded Lear for screwjack assemblies from August 1958 to April 1960 were about $439,000 or 39 percent higher than costs previously experienced in producing like assemblies. In the performance of these subcontracts, we estimated that Lear experienced total costs of about $1,038,000 and profit of about 52 percent of cost.

In commenting on our finding, the Office of the Assistant Secretary of the Air Force advised us that neither the prime contractor nor the subcontractor had established the reasonableness of the prices of the subcontracts covered by our report, or any other considerations which would render such prices reasonable because of equitable pricing factors not reflected in the report. The Air Force requested Convair to obtain an appropriate adjustment from Lear, and Convair made a demand on Lear, but Lear has not indicated whether or not a refund will be made.

Subsequent to award of the subcontracts described in this report, the Air Force and the Department of Defense have introduced a number of measures aimed toward improving the pricing of contracts. We believe that the measures taken, if properly executed, should contribute significantly to the negotiation of fair and reasonable contract prices and to the prevention of recurrences of the deficiencies which occurred in the pricing of the subcontracts described in this report. However, the extent to which these measures are effective will depend upon the degree to which they are applied by contracting officials. We believe also that it is inequitable for a contractor to realize financial benefits as a result of its failure to furnish available cost information or other evidence in support of the reasonableness of the prices established. We are recommending, therefore, that the Secretary of the Air Force take aggressive action to obtain for the Government an equitable adjustment of the prices of Convair's subcontracts with Lear.

Copies of this report are being sent to the President of the United States, the Secretary of Defense, and the Secretary of the Air Force.

Joseph Campbell,
Comptroller General of the United States.

Findings and Recommendation—Subcontract Prices Established for Screwjack Assemblies Were High in Relation to Costs Previously Experienced by the Sole-Source Supplier in Producing Like Items

Although Lear was the sole-source supplier of screwjack assemblies for F-106 airplanes, Convair generally accepted Lear's quoted prices without obtaining cost data or other pertinent information in support of the prices. Consequently, neither the prime contractor nor the Air Force had a sound basis for determining whether the prices quoted were reasonable. On the basis of computations which we made, using data taken from Lear's formal records and available to Lear at the time its price quotations were submitted to Convair, prices totaling about $1,579,000 for negotiated fixed-price subcontracts awarded Lear for screwjack assemblies from August 1958 to April 1960 were about $439,000 or 39 percent higher than costs previously experienced in producing like assemblies. In the performance of these subcontracts we estimated that Lear experienced total costs of about $1,038,000 and profit of about 52 percent of cost.

On September 20, 1956, Convair invited proposals from three companies for development of screwjack assemblies and certain other components for the F-106 airplane. Lear was selected on the basis of technical capability and the lowest competitive prices, and late in September 1956 Lear was awarded subcontracts by Convair for the initial procurement of two types of screwjack assemblies. Subsequently, there were many design changes in the assemblies as the development progressed, and it was not until mid-1958 that the designs became relatively stable. However, Convair did not invite competitive bids subsequent to the initial procurement because it believed that procurement of these items from another supplier would most likely result in the duplication of costs for qualification testing and engineering. Thus, follow-on orders, including those discussed in this report, were awarded to Lear on a sole-source basis.

The basic designs of the screwjack assemblies designated as models 533 A and B and models 534 A and B were developed by Lear on a prototype basis, and the first units produced were tested on F-102 aircraft. Successive design changes requested by Convair during 1957 resulted in the development of models 533 E and F and models 534 E and F screwjack assemblies. During 1958, models 533 E and F were redesigned to replace an aluminum gear housing with a steel-forged housing, and were designated as models 533 G and H. Except for the gear housing and an added thrust ring, similar component parts were used in producing models 533 E and F and models 533 G and H. During the period from August 28, 1958, through completion of shipments under subcontracts awarded on April 18, 1960, Lear produced and shipped 5,412 screwjack assemblies to Convair under negotiated fixed-price subcontracts.

Although on several occasions Convair requested lower prices for the screwjack assemblies, Lear refused to reduce its prices except on orders for larger quantities. Convair accepted the prices quoted by Lear, generally on the basis of preceding subcontract prices, which Convair considered to be reasonable because (1) the prices remained fairly stable as compared to the competitive prices initially obtained and (2) reduced prices were quoted for purchases of larger quantities. However, we estimate, on the basis of computations made from information taken from Lear's formal records, that the prices quoted by Lear generally exceeded its recently experienced costs by amounts ranging from 26 to 128 percent. In October 1958 Lear furnished Convair a cost summary in support of the unit price of $309 quoted for models 534 E and F screwjack assemblies. This price consisted of an estimated unit cost of $283 plus a profit of $26, or about 9 percent of the cost. On the basis of our estimates, Lear's costs of producing screwjack assemblies during the period from July through September 1958 averaged only $237 a unit. Except for this one procurement, we found no evidence that either Convair or the Air Force obtained from Lear price analyses, information on costs experienced in recent production of like items, or other data to support the reasonableness of the prices quoted by the subcontractor.

PURCHASE OF UNITED NATIONS BONDS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2768) to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor, which were, on page 1, line 6, strike out all after "Nations." down through and including "loan" in line 7, and insert "The proceeds of such loan"; on page 1, line 8, strike out "states"; on page 1, line 10, after "assessments" insert ", and shall not be used to reduce regular or special assessments against any such members"; on page 2, line 1, after "The" insert "total"; on page 2, line 1, strike out "to be lent" and insert "that may be loaned"; on page 2, lines 3 and 4, strike out "by more than $25,000,000"; on page 2, lines 4 and 5, strike out "or agreed to be made"; on page 2, lines 18 and 19, strike out "makes unnecessary any future large-scale borrowing" and insert "will avoid any future large-scale deficits"; on page 2, line 19, after "borrowing." insert "the The Department of State is hereby instructed to submit to the Congress, not later than January 31, 1963, a report on steps taken in the 17th Session of the General Assembly of the United Nations on long-term financing of the United Nations."; on page 2, after line 19, insert:

Sec. 5. The Congress hereby expresses its satisfaction that the International Court of Justice has decided that the expenditures authorized in resolutions of the United Nations General Assembly relating to operations in the Middle East and in the Congo are "expenses of the Organization" within the meaning of the United Nations Charter, thereby providing a sound basis for obtaining prompt payment of assessments for such expenditures by making them obligations of all members of the United Nations.

On page 2, after line 19, insert:

Sec. 6. It is the sense of the Congress that the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations in order to assure prompt payment of all assessments, including assessments to cover the cost of operations to maintain or restore international peace and security.

And to amend the title so as to read: "An Act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds therefor."

Mr. SPARKMAN. Mr. President, before moving that the Senate concur in the House amendments, I wish to remind Members of the principal provisions of the bill as it passed the Senate, and then note the changes made by the House.

The Senate version authorized the appropriation of $100 million for a loan, or loans, to the United Nations. However, at no time were the loans of the United States to exceed by more than $25 million the aggregate amount of loans to the United Nations by other nations.

The House amended this provision so as to require that at no time should the sums loaned by the United States exceed the aggregate loaned by other nations. In other words, the U.S. loans are not to be more than the total amount loaned by other states.

This change tightened the provisions of the bill and I believe it is desirable.

A second change made by the House was insertion of a provision which states without qualification that U.S. funds loaned to the United Nations are not to be used to reduce the regular or special assessments of any other member. The administration had already made that decision last spring when it made public its opposition to any continuation of the past practice of applying voluntary contributions to reduce the obligations of other U.N. members to pay their fair share of United Nations expenses.

A final change of significance concerns the advisory opinion of the World Court finding that assessments levied for peacekeeping purposes are regular expenses of the organization and as such members are obliged to pay such assessments. The House of Representatives commended this opinion and expressed the hope that the General Assembly will make it clear that states which may in the future become delinquent will be subject to the penalties of the charter.

I believe all these amendments have strengthened the provisions of S. 2768 and that the Senate should adopt them.

Mr. President, I move that the Senate concur in the House amendments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Alabama.

Mr. AIKEN. Mr. President, it seems to me that the explanation by the Senator from Alabama is an accurate description of the conference report and its contents. I concur with him in the statement that the Senate would be acting wisely to accept the House version. It is a better-written and stronger bill than the one which passed the Senate. It makes very clear to the United Nations that it must put its financial house in order if it is to expect generous support from us. I hope the amendments of the House will be concurred in.

The PRESIDING OFFICER (Mr. PELL in the chair). The question is on agreeing to the motion of the Senator from Alabama.

Mr. MILLER. Mr. President, will the Senator from Alabama yield for a question?

Mr. SPARKMAN. I yield.

Mr. MILLER. I should like to develop the intention behind the requirement that there be a purchase of bonds by other member states of the United Nations before we match their purchases. I should like to inquire about the manner in which we would match purchases. Let us assume that one of the member states is seriously delinquent in its assessment. Let us say further that it is over 2 years behind in assessments. Nevertheless, it purchases some bonds. In that situation, would we purchase bonds to match their purchases?

Mr. SPARKMAN. If they paid their money for the bonds, under the terms of the bill, we would. The Senator will remember that an amendment was offered in the Senate which would have provided that no bonds would be subscribed for if nations were behind in their assessments. That amendment was voted down by the Senate. Every effort will be made to collect the back assessments. As a matter of fact, one item to which I called attention finds favor with the decision of the International Court with reference to the obligation on peace and security operations, and calls upon the United Nations to approve that decision, so that hereafter nations which get behind will be subject to penalty.

Mr. MILLER. The point I wish to make is that if we have a situation in which a delinquent member nevertheless somehow or another finds the wherewithal to buy some bonds, how is this going to affect that provision which states that no part of the proceeds of these bonds shall be used to satisfy any of the obligations of any of the member nations?

Mr. MANSFIELD. There would be no effect on that provision. If we look at the United Nations Charter, we find—and I believe I am correct in this—that any member of the U.N. which is more than 2 years behind in the payment of its dues is supposed to lose its right to vote. Whether that provision is being enforced, I do not know. I recall that that is a part of the charter. There is no connection between this provision and delinquent dues.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. We have with us a new member of our delegation to the United Nations, the Senator from Colorado, who may be able to shed some light on this subject.

Mr. MILLER. I am familiar with what the Senator from Montana has said. What I am trying to bring out is whether there might be a subtle way of getting around the provision which is now in the bill, to the effect that the proceeds of these bonds cannot in any way be used to defray or cover the expenses or the delinquencies of any of the member nations.

Mr. SPARKMAN. There is no connection between the case the Senator is talking about and these payments, the sums that might help other nations, because the proceeds of these bonds are for the purpose of paying the peace and security operations. Provision is made that none of the proceeds shall be used for the purpose of helping delinquent nations.

Mr. MILLER. I recognize that to be the situation. However, let us say that the Soviet Union, for example, which is so very much delinquent, suddenly decides that it will use some money for the purchase of bonds instead of paying its assessments for the Congo operations. Would it not be a frustration of the objective of this provision in the bill, that the proceeds of these bonds will not be used to cover these delinquencies of any of the members, if the Soviet Union were to do that? The Soviet Union in that situation would in effect strap the Congo operation by refusing to pay its assessment for that operation and turn the money into an investment in U.N. bonds. I am wondering if the Senator might not agree with me on that point, namely, that there could be a frustration of the objective which has now been written into the bill by the conferees.

Mr. SPARKMAN. No. There is no connection between those situations. I do not see how there could possibly be a frustration of the purposes of the bill.

Mr. AIKEN. This is only a temporary solution of the United Nations financial troubles. If the entire $200 million worth of bonds were sold or loans to the amount of $200 million were made, that would probably suffice to carry the United Nations expenditures in the Congo and elsewhere only until sometime next spring, and the United Nations would then have to make other arrangements.

It is true that some countries—and it it is a little disgusting, too—which have declined to pay their assessments for the Congo have been willing to buy bonds because the bonds are repayable over a 25-year period; and if the nations do not pay their assessments, they perhaps think they will be in so much. However, I think most nations were waiting to see whether the World Court would hold that assessments for the Congo and the Middle East were binding assessments or not. Now that the World Court has found that the assessments are binding, it is up to the United Nations itself to implement the court decision and require the delinquent nations to pay their dues.

Mr. SPARKMAN. That is correct. One of the amendments of the House in which the Senate is being asked to concur is an expression of the sense of Congress—of the Government of the United States—to the United Nations that the United Nations should implement the decision of the World Court. It is believed that if that is done, the nations which heretofore have refused to pay for peace and security operations will pay for them, because if they do not, they will be subject to a penalty, the same as with respect to the regular budget.

Mr. ALLOTT. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield to the distinguished Senator from Colorado, a brandnew member of the United Nations delegation.

Mr. ALLOTT. I thank the Senator for yielding.

With respect to the question which the Senator from Iowa [Mr. MILLER] has just asked, the record ought to be perfectly clear that I do not believe there is any connection between the purchase of bonds and the matter of assessments or becoming delinquent. As the Senator from Vermont has said, one of the first tasks which faces the United Nations is to implement the decision of the World Court in such a way that it will become a part and parcel of the record of the United Nations. In that case, Russia's payments to the United Nations on the special assessment for the Congo and the Middle East operations would fall in the same category as do the regular assessments. This may be a difficult task to accomplish, but it will have to be done during this session of the General Assembly.

If the proposed legislation is enacted—and I like the present bill; I think the matching provisions are very good—we can expect that we will not have any trouble with the sale of the bonds. There has been a recent interest and an influx of promises by nations which have been waiting on us to do the job. This will make it much easier to finance the bonds.

With respect to the 2-year limitation, I may say for the benefit of the Senator from Iowa that Russia is not badly in arrears now; and the cumulative effect of the provisions should be understood. Most people claim that if a nation has not paid for all or a part of 2 years, it is in arrears and therefore cannot vote. Actually, the rule provides that a nation must be in arrears for as much as a total of 2 years' assessments.

Mr. AIKEN. The 2 preceding years.

Mr. ALLOTT. Yes. So a nation could, by paying a certain amount, stall for some time; but eventually the arrears must creep up on it to the point where it would actually lose its vote, although this has not been done. No member of the United Nations today is in arrears to the extent provided by the 2-year rule.

Mr. SPARKMAN. It is a matter of interest to note that Russia has never been in arrears with her regular assessments.

Mr. ALLOTT. That is correct.

Mr. SPARKMAN. She has kept up her payments, and so have practically all the other nations. One nation that I think of has not. Only one of the larger powers has been behind in its payments, and I think the reason is quite understandable. But, as I recall, that nation has never been more than 2 years behind in its payments.

Mr. AIKEN. If Russia does not pay anything on the Congo and Middle East assessments, she will doubtless become delinquent about 1964.

Mr. SPARKMAN. Yes.

Mr. AIKEN. That is only a guess on my part, but I believe it will be about 1964.

I agree with the Senator from Alabama that Russia will not permit herself to become delinquent to the extent of losing her vote in the General Assembly, although she would still retain her position in the Security Council and the veto power in the Security Council whether she were delinquent in assessments or not.

Mr. JAVITS. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield to the Senator from New York.

Mr. JAVITS. The denial of the right to vote is not automatic; it must be imposed by a vote of the General Assembly. The importance of that rule is that it makes a very clear distinction that there is no forgiveness of any arrears, because the General Assembly could act notwithstanding whether a nation bought bonds or not in an effort to shade the situation for itself. But it does require affirmative action; therefore no obligation is canceled or forgiven, because affirmative action by the General Assembly remains capable of being taken at any stage of the proceeding, whatever may be bought.

Mr. MILLER. I appreciate the information which the Senator from Alabama and the Senator from Colorado have provided. The Senator from Iowa is still not satisfied. I am more than happy to see the United States put up dollar for dollar on the purchase of bonds to match the purchases by some member nation which has been practicing fiscal responsibility at the United Nations and is reasonably current in its payment of assessments. But I am not very happy about the United States putting up dollar for dollar to purchase bonds to match the purchases by a member nation which is not practicing fiscal integrity before the United Nations and is delinquent.

I suggest that any nation—and I understand from the Senator from Vermont that there are a few—which has seen fit to use money which otherwise should be used to pay for the expenses of the United Nations according to its legitimate assessments in order to buy United Nations bonds is not in very good face before the membership.

Mr. SPARKMAN. I find nothing to quarrel with in the statement of the Senator from Iowa. I, too, should like to see bonds bought by nations which are completely paid up in every respect. But what we are deciding today is whether the House bill is preferable to the Senate bill. In other words, would the Senator from Iowa prefer to take the amendments which the House added to the bill, or would he prefer to send the Senate to a conference to arrive at some adjustment as between the two versions? I am proposing that we accept the House bill. I think the Senator from Iowa would say that the House bill pleases him more than does the bill which passed the Senate.

Mr. MILLER. The Senator from Alabama knows that I believe I speak for most Senators on this side of the aisle when I say we recognize that the House provisions make this a tighter bill, and that it has a tendency to provide for greater responsibility on the part of the membership of the United Nations.

Mr. SPARKMAN. I agree.

Mr. MILLER. So the Senator from Iowa is much happier with the House bill. Nevertheless, I think I have a duty to point out that a situation could develop—and apparently it already has developed—under which some member nations would seek to try to save face, as they think, by continuing to refuse or persisting in refusing to pay their proper assessments, and would take money they might well use to do so in order to buy bonds, so that the United States and other nations which are practicing financial responsibility would underwrite the bond purchases.

Mr. SPARKMAN. I am confident that the U.S. delegation to the 17th General Assembly will have in mind the House amendment in the bill which calls upon the United Nations to help to implement the opinion of the World Court and to instill greater fiscal responsibility in the United Nations.

Mr. ALLOTT. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. ALLOTT. The senior Senator from Colorado has been assigned to the Fifth Committee of the General Assembly.

Mr. SPARKMAN. I was about to say a few minutes ago that I hoped the Senator would be placed on the Fifth Committee.

Mr. ALLOTT. I assure the Senator, with respect to the statement he has just made, that the situation will be amply called to the attention of the General Assembly.

I also wish to say to the Senator from Iowa that I really do not think any nation will save face, so to speak, by purchasing the bonds, whether that nation is delinquent in the payment of its assessments or not. I can conceive of Russia's not paying her assessments, although I do not agree to any extent with such a course. But once we have implemented the decision of the World Court in the United Nations, these become assessments in the regular sense, and Russia will be before the gun, the same as any other nation will be; and then we can see what will be done.

Mr. SPARKMAN. Yes.

Mr. AIKEN. I think we should make a part of the debate the point that under the House version of the bill and under the Senate version, as passed, the President is not required to buy these bonds. He can use the money for making short-term loans or long-term loans or to purchase the bonds.

Mr. SPARKMAN. Yes; and that provision of the House version is identical with the corresponding provision of the Senate version.

Mr. AIKEN. That is correct. By giving the President that leeway, he will have a great deal more leverage to exert in insisting that the United Nations put its house in order. When that is done, he can assist it in getting out of its financial stringency, so long as he does not make loans or purchase bonds in amounts in excess of the amounts purchased by other members of the United Nations.

Mr. SPARKMAN. And not to exceed $100 million.

Mr. AIKEN. Yes.

As regards smaller countries which agreed to purchase bonds, even though they are behind in their assessments, I think most of them were waiting to find out what the decision of the World Court would be. I have felt that now that the World Court's decision has been implemented by the General Assembly, nearly all of them will meet their obligations—most of them being rather small.

I am glad the Senator from Colorado [Mr. ALLOTT] is a member of the Fifth Committee, which is the workhorse committee of the United Nations; and since the veto power has rendered the Security Council almost impotent on important matters, the Fifth Committee is perhaps one of the strongest factors in the entire United Nations establishment. I am sure the Senator from Colorado will do an excellent job there.

Mr. SPARKMAN. Inasmuch as I served on the Second Committee, perhaps I would not be willing to agree to all that the Senator from Vermont has said about the Fifth Committee.

Mr. AIKEN. I was on the Fifth Committee. Its work is frequently so unglamorous that there are seldom many persons in the galleries.

Mr. THURMOND. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. THURMOND. I should like to ask the distinguished Senator from Alabama whether the House amendment that states that—

> It is the sense of the Congress that the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice—

And so forth, is purely expressing our opinion, and has no binding effect on the United Nations.

Mr. SPARKMAN. Except to this extent—and I do not believe the Senator from South Carolina heard the statement of the Senator from Colorado [Mr. ALLOTT], made a few minutes ago. I stated that I felt certain that the U.S. delegation to the United Nations would have this point in mind and would do its best to get it implemented; and the Senator from Colorado stated that he had been assigned to the Fifth Committee—which is the fiscal committee of the United Nations—and said he could give us assurance that this matter would be pressed. I feel certain not only that it will be pressed by our delegation, but also that it will be accepted by the United Nations.

Mr. THURMOND. If this section had been worded as follows:

> No funds shall be made available under this authorization until such time as the United Nations gives effect to the advisory opinion of the International Court of Justice—

And so forth, then we would be assured, would we not, that proper action would be taken before this loan arrangement would take effect?

Mr. SPARKMAN. Of course the Senator from South Carolina is correct. But it is too late to speak of what might have been, because the bill has already been passed by both the House of Representatives and the Senate; and now the question is either on concurring in the House amendments or on arriving at some version between the two.

Mr. THURMOND. I feel that the House has improved the bill by means of its amendments.

Mr. SPARKMAN. I agree with the Senator from South Carolina.

Mr. THURMOND. But the bill still does not overcome my objections.

Mr. SPARKMAN. Of course the bill is not perfect, and I do not suppose it entirely pleases any of us.

Mr. THURMOND. I am also of the opinion that the various nations should pay their assessments, under the decisions of the International Court of Justice, which is known as the World Court.

Mr. SPARKMAN. I agree with the Senator from South Carolina.

Mr. THURMOND. And I believe we should pay our part, but no more, and that we should not be required to put in any additional funds or to make loans to the United Nations to make up for the failure of other countries to pay their fair share. If the various countries paid their assessments, this loan would not be necessary, would it?

Mr. SPARKMAN. If they had paid them as they went along, yes. But now it will take the United Nations some time to work out of this fiscal situation. However, I am confident it will work out of it.

Mr. THURMOND. Mr. President, I wish to say that I think the House version is an improvement over the Senate version; but I still believe we are making a mistake by granting a loan, over and above our fair share, to the United Nations.

Mr. MILLER. Mr. President, Senators will recall that one of the objections I had at the time of the passage of the Senate version of the bill was that I thought it was premature; I thought we should wait until after the World Court had rendered its advisory opinion. Unfortunately, that was not done.

But I think the House has wisely decided to do so; and, following the opinion of the World Court, which cleared the air regarding the status of nations which are behind in the payment of their assessments, and bore out the expectations of the proponents of the bill, now the measure is again before the Senate and I think it is now timely. So I wish to make clear that I believe my original objection has been removed.

Mr. JAVITS. Mr. President, this measure was the subject of long debate, much controversy, and great discussion throughout the country. I believe the controversy is now happily settled, and I believe the measure as it now stands marks a commitment by the people of the United States to the United Nations which should not be overlooked. I believe it represents a very serious and important understanding that we are relying heavily upon this agency in connection with trying to have a rule of law in the world replace the rule of force.

The significance of this measure should not be overlooked merely because the debate took place some time ago. I am delighted that this action has been taken, and I believe it important to the United States, to the United Nations, and to the world.

Mr. MANSFIELD. Mr. President, I join in the remarks of Senators, and I express full confidence in two of the most able Members of the Senate, the Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. ALLOTT], who are serving as full delegates this year and who know whereof the Senator has spoken.

Mr. JAVITS. Mr. President, I have the privilege of concurring in what the Senator from Montana has said.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama [Mr. SPARKMAN] that the Senate concur in the amendments of the House of Representatives to Senate bill 2768.

The motion was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the Senate concurred in the House amendments.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR FOREIGN RELATIONS COMMITTEE AND ARMED SERVICES COMMITTEE TO FILE REPORT BY MIDNIGHT TONIGHT

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Foreign Relations Committee and the Armed Services Committee, acting jointly on the so-called Cuban resolution, may have until midnight tonight to file their report.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOIL AND WATER CONSERVATION

Mr. McCARTHY. Mr. President, soil and water conservation is clearly a national responsibility held in common by all of our citizens. At the recent convention of the National Association of Soil and Water Conservation Districts, the area of community responsibility was discussed by Mr. Alf Larson. I ask unanimous consent that his remarks be included at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW HORIZONS IN THE BROAD CONCEPT OF SOIL AND WATER CONSERVATION

Keynote, as the word is used in the musical terminology, is that particular note which sets the pitch for a musical composition, opus, song etc., and if one is off pitch, the song is flat.

It is my sincere hope, that I, in a humble way, may be permitted to set the pitch for this area meeting at a level conducive to the regeneration of energy and enthusiasm for a program in which we are all vitally interested, a program we are proud to be a part of, a program we have helped develop, a program that has proven itself as a step in the right direction as to proper utilization and development of our natural resources, and above all, a program that has given conclusive evidence as to what farmers and ranchers can accomplish through a united and concerted effort. Yes, my friends, this is our program, and we do not want it to go flat.

"Light is the load where many share the toil" is the motto of one of our largest cooperative shipping associations here in the Twin City area. I could not resist the temptation to use it at this time, because I felt it is so appropriate and it so effectively reflects my thinking—that whatever progress we have made in promoting conservation, whatever plateau of success has been attained—it can all justifiably be credited to a fervent desire and a rigid determination for a unified approach to reach an ultimate goal—that distant horizon when some day every acre of land in these United States will be treated according to their needs and utilized within their capabilities—and I would like to add—for the most good to all people.

The theme, "New Horizons in the Broad Concept of Soil and Water Conservation," is indicative of two facts: (1) That we have reached certain horizons and (2) that having reached these horizons we discover, not only opportunities, but also the need for new ones.

Webster's Dictionary defines the word, "horizon," as a range of perception or experience, and that leaves me to conclude that with the experience gained in the past, we have grown in stature; we have learned to project our thinking to a point where it now behooves us to evaluate our present situation and to implement our knowledge and experience into a program more far reaching and more comprehensive than any we have heretofore attempted.

Engaging in a bit of retrospect, we are reminded of the fact that districts were originally established for the primary purpose of erosion control and soil conservation.

With your indulgence, I would like to use a little more picturesque hyperbole. It was a mild attempt to salve the wounds inflicted upon Mother Earth through improper land use, indifference, carelessness, and ignorance.

Although there is still much to be done to get more conserving practices on the land, other methods of approach, to solve the same problem, were initiated. We learned that soil conservation and water conservation went hand in hand and that the two were inseparable.

We learned that one farmer's efforts was not enough to effectively protect him from the excess water runoff from the rest of the neighbors above him in the same watershed. This became the start of the small watershed program, which has been so successful where completed.

The Great Plains program has proven to be an effective tool in the implementation of more conservation practices in the Plains area.

The ASC program, with its cost sharing features, has proven effective. I always like to refer to this program as the one where the American public invests, with cooperating farmers, tax money for the assurance of permanent protection of our soil resources of benefit to present and future generations.

The soil stewardship program has called our attention to our moral obligations as custodians of God's possessions. Educational programs, in cooperation with State and local institutions, are steadily improving the teaching methods on conservation, correlating it with various subjects in the curriculum.

Many districts have already cooperated in the development of wildlife and recreational areas, reforestration and forest management, tree planting, shelterbelting, and tree planting for farmsteads. Field days and plow matches, tours, and many, many other promotional features that all add up to one big factor—that the local soil conservation district has definitely shown its ability to work not only with land, but also with people, and I wish to state most emphatically that any program contemplated to work with land and people may well be directed through the local district.

The local district in its pursuits and with capable leadership will need, can find, and can use and cooperate with people of various professions in all walks of life. It is in a position to provide additional services, help, and information to any program designed to make your community a better place to live in.

The decision is up to you. Are you going to sit back and let somebody else take a hold, perhaps a new agency, or are you going to offer your services and leadership as well as willingness to accept added responsibility?

I can visualize opportunities for the attainment of distant horizons through an ambitious program designed to meet the needs of our modern agriculture through long range planning, not precluding the part land and water and people will play in a coordinated effort to satisfy the anticipated need for rural area development, industrial expansion, locations for bigger and better highways, airports, and recreation. I can visualize local parks with artificial ponds or small lakes suitable for swimming, boating, and fishing.

For the small farmer, supplemental income opportunities must be provided through an area development program that gives credence to the proper and most effective use of all natural resources within the district.

Rural zoning and planning have gained prominence as a tool for effective regulatory and protective laws for proper use of resources commensurate with needs and locations. Remember, soil conservation districts are in an enviable position. They not only know what is in, on, or above the ground, but they also have a pretty good idea what is under it.

Urban expansion into rural areas is becoming more and more in need of help and attention.

Many districts find themselves in a position to help metropolitan areas solve their water shortage problems as well as controlling air and water pollution. The small watershed program is working well in some States, in others not at all. What is the reason? Are your laws too cumbersome? Is there lack of advance information and education? Are the farmers indifferent and fail to recognize the need, or is the cost factor the main reason for poor participation? How do you purport to attain this horizon?

Yes, friends, there are many horizons yet to mention, but we better stop a minute and ask ourselves the question, Where is the technical help coming from if we take on these added responsibilities?

With the complexities involved, we no doubt will need men specially trained to cope with specialized problems, and my first suggestion would be that every district take another long look at the area involved, dig out the old work plan, and then with projective thinking, begin to make the proper changes implementing into the new work plan every conceivable idea that will make for an expanded and comprehensive program inclusive of what you have heard and will hear. On the basis of this, request a new memorandum of understanding with the Secretary of Agriculture at which time you can also mention the need for additional manpower. If all districts in the United States would do this, I believe we could stir up a commotion sufficiently loud to open up the doors of our Treasury Department.

Let us also bear in mind there are other agencies, State and Federal, capable of providing assistance to districts. In Minnesota, for instance, districts have signed agreements with the forestry, and also, the game and fish division in our conservation department. We have also approved the wording of an agreement with the Federal Fish and Wildlife Service.

Coming back to the theme of this area meeting, I am fully convinced it is going to take a great deal of imagination, fortitude, and perseverance to not only sell this program to districts, but more so, to sell districts to the program. A report issued by the Department of Agriculture states: "How we conserve, manage, and develop these natural resources will effect our economic growth, the strength of our Nation, and our long-range statures in world affairs." In the recently issued Policy Guide of the USDA, it makes reference to 12 recommended elements considered of major importance:

1. Resource uses that will yield continuing maximum benefits.
2. Opportunities for earning adequate farm income.
3. Conservation of land and water resources.
4. Owner operation of family enterprises and an equitable distribution of land and water resource income.
5. Efficient family-type operations.
6. Intensified rural area planning.
7. Expanded participation in rural-urban planning.
8. Increased efficiency in water use.
9. Prevention of water and air pollution.
10. Improved fish and wildlife habitat and expanded recreational facilities.
11. Utilization of all resources and authorities of the Department.
12. Participating in planning at all levels.

I believe you will concur with my thinking that this is a tailormade program for districts. Of necessity, this type of program will have to be administered on a local level, by people familiar with local conditions and local thinking. If local people want to maintain their identity and manifest their belief in home rule and self-government, now is the time to come forward and be counted. This is the type of program that will separate the men from the boys, and I am confident we have the men as well as the ability.

Lest we forget, ladies and gentlemen, we raised this national association from a little infant. We nursed it and pampered it through trials and tribulations; we fed it a balanced ration of hope, sincerity, faith, and devotion, where today it has emerged as the acclaimed leader in the problems on soil and water conservation. We have reached this favorable and important position because of people like you who were willing to give of your time, energy, and finances in support of an organization you have helped reach national recognition. I hope the time will never come to pass when we will consider ourselves incapable of coping with any situation and problem that may arise, and resort to others to do our thinking for us. This is our organization, let us keep it that way.

In conclusion, I would like to paraphrase a statement taken from a church bulletin: "Our greatness will lie, not in the land, the food, or the resources we possess, but in our administration of them for the welfare of all men."

INDEPENDENT OFFICES APPROPRIATIONS, 1963—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Tuesday, Sept. 18, 1962, pp. 19698–19703, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, this is a very important bill. The total of the bill is about $12 billion. It involves 24 independent agencies of the Federal Government. It was a long time in coming over from the House. We held quite lengthy hearings, and finally went to conference. The bill is in the amount of $11,567,292,100.

The conference between the House and the Senate was quite satisfactory on most items. Most of them were resolved, I think, to the satisfaction of both the Senate and the House. There was a little give and take here and there.

For civil defense in the Department of Defense, the item for "Operation and maintenance" is covered in the conference report. The estimate was $126,245,000, the House allowed $65 million, the Senate amendment raised it to $91,200,000, and the conference agreed on $75 million.

Also under this item are the matching funds for administrative expenses in the States, estimated at $18 million. The House allowed $12 million, the Senate amendment restored the estimate, and the conference agreed on $13,500,000.

The item for "Shelter, research and development, and construction," together with a modification of the fallout shelter language, was in actual disagreement and was taken back to the House for a separate vote, as shown in the message from the House to be next considered.

On that item, the estimate of $568,755,000 included $460 million for a new program of shelter incentives in the form of grants to cover a portion of the cost of constructing fallout shelters in certain nonprofit institutions, which has not been authorized, and the President has requested that hearings on such authorization be held early next year. The House allowed $10 million for research only, and the Senate amendment restored the amount for the complete item to $93,800,000, mainly for the purpose of continuing to survey, mark, and stock existing shelters.

It will be recalled that this is being done by the Department of Defense under an Executive order. Specifically, the Army Engineers are doing the survey and marking. The House cut the budget amount of $568 million to $10 million, and that was for research only. The Senate provided for $93 million. This is one of the items in dispute and in disagreement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. May I complete my statement first?

For helicopter operations, the estimate was $5,850,000, the House allowed $4,975,000, the Senate amendment raised the amount to $10 million with a proviso, suggested by the Senator from Georgia, that not to exceed 25 percent shall be available in any one area. The conference agreed to strike the proviso and allow $5 million for the subsidy, and stated in the report:

> The conferees agree that the subsidies for helicopters should be ended shortly—that this service should either be made self-supporting or concluded. It is recommended that the appropriate committees of the Congress give their earnest consideration to this problem in 1963.

For construction of public buildings projects, the Senate amendments restored the amounts for fallout protection and the average reduction of 7 percent in cost levels, and added funds for Billings, Mont.; Baltimore, Md.; Tulsa, Okla.; Montpelier, Vt.; and Richland, Wash. The conference agreed to all the projects added by the Senate, adjusted the cost levels to a 5-percent reduction, and eliminated all funds for fallout protection.

These are the main items in the conference on which there was some disagreement, but which have been worked out, with the exception of the ones on civil defense.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. May I make my motion first?

I move that the conference report be agreed to.

Mr. JAVITS. Mr. President, do I have the floor? A motion has been made. I understand that means I can obtain the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. A parliamentary inquiry. If we adopt the conference report does that have the effect of denying us a separate vote upon the item in disagreement which the Senator referred to with respect to the identification and stocking of civil defense shelters?

The PRESIDING OFFICER. The amendments reported as being in disagreement are voted on after the adoption of the conference report.

Mr. JAVITS. So the whole conference report may be adopted without depriving us of that opportunity?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. My second parliamentary inquiry is, on the motion to recede on the item in disagreement—

Mr. MAGNUSON. Mr. President, if the Senator will yield, I am going to make a motion to insist upon our $93 million item, but first we must agree to the conference report.

Mr. JAVITS. That is just the point. Am I to understand that the Senator from Washington intends to take the position that the Senate will insist on our amendment, and, if the Senator is sustained in that motion, we will return to conference on that item?

Mr. MAGNUSON. Yes. I intend to move that the Senate insist on amendments Nos. 7, 8, and 119, and we would like to have the others agreed to.

Mr. JAVITS. Mr. President, a parliamentary inquiry. If the motion of the Senator from Washington which he has just stated he intends to make is carried, is the parliamentary situation that the same conferees will return to conference for the limited purpose of dealing with the particular items in disagreement?

Mr. MAGNUSON. That is correct.

The PRESIDING OFFICER. The Senate has the right to appoint new conferees if it desires to do so.

Mr. JAVITS. Would the conference be limited to the item or items in disagreement?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Mr. President, I believe it would be a great mistake for us to do anything but insist on this item. I am delighted to hear the Senator from Washington say what he has said. Personally, I would back him to the hilt. The parliamentary situation, so far as I can see, would fully protect us.

Before I conclude my remarks, I wish to compliment the Senator for the solution in regard to helicopter service. What was provided was much better than the rather strange limitation previously stated. I think everyone would be more than anxious to give Atlanta an opportunity when, as and if it is ready to get into helicopter transportation.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. KEATING. Do I correctly understand that the helicopter item was in disagreement?

Mr. MAGNUSON. No. I merely reported what we agreed.

Mr. KEATING. What the Senator reported has been agreed upon?

Mr. MAGNUSON. It has been agreed upon.

Mr. KEATING. It will go through, then, barring unforeseen trouble.

Again I reiterate my discomfort over the fact that there is no way, by looking at the CONGRESSIONAL RECORD, to know what the House has done with regard to the conference report. The House considered it yesterday.

Mr. MAGNUSON. Yesterday afternoon.

Mr. KEATING. When a person looks at the RECORD he does not see any reference to helicopters. When a Senator looks at the RECORD, he does not see any reference to what the House has done. It is necessary to wait until the question is discussed on the Senate floor, before we can know what is the issue.

I think the issue has been well resolved. I compliment the distinguished Senator from Washington. I think what has been provided is preferable to what we previously did.

This has worried me, as it has some other Senators who have mentioned it. We cannot tell from this "numbers game" of "amendment numbered so-and-so" by looking at the CONGRESSIONAL RECORD what has been done with respect to helicopters. As I understand the situation, there is nothing in the entire RECORD of yesterday's proceedings in the other body which contains anything on the subject, or which gives any clues to what has been done.

The Senator from Washington is very busy. We cannot all call him whenever the appropriation bill is to come before the Senate.

I wish there could be some joint action on the part of the Appropriations Committees. I wish my distinguished friend from Washington would take this subject up with the distinguished chairman of the Appropriations Subcommittee in the other body, who I am sure is a relatively flexible man in his dealings and who will be happy to conform to what seems to be so reasonable, to see whether there is some way that we who are uninitiated and uninformed members of other committees can know in advance what the other body has done, so that we can be ready to take a position when the question comes up in the Senate. Will the Senator please talk to the chairman of the House Subcommittee on Appropriations on that subject?

Mr. MAGNUSON. Naturally, the RECORD of the House proceedings refers to the conference report, which was printed. All the amendments are numbered. The report points out what was done. The report was printed before the bill was taken up in the House. This must be done by reference.

Mr. KEATING. By reference to the House proceedings?

Mr. MAGNUSON. By reference to the conference report. There is a report by the conferees.

Mr. KEATING. That was printed and available?

Mr. MAGNUSON. Yes.

Mr. KEATING. When?

Mr. MAGNUSON. Over the weekend.

Mr. MONRONEY. Mr. President, will the Senator from Washington yield to me, if the Senator from New York has completed his questioning?

Mr. MAGNUSON. I know there are certain items of interest to several Senators. That is why I referred to certain items in the presentation.

Mr. KEATING. I appreciate that.

Mr. MAGNUSON. I did that even though the items were agreed to by both bodies.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, the distinguished chairman of the subcommittee will recall that in the conference committee the amendment which denied the right of the General Services Administration to use appropriated funds to make long-term leases of new buildings was discussed by the conferees.

Mr. MAGNUSON. That is correct.

Mr. MONRONEY. I am quite interested in the situation in regard to the Federal Aviation Agency Center at Oklahoma City.

I am advised by the chairman of the House Appropriations Subcommittee for Independent Offices that he has written to the Administrator of General Services Administration that language in the committee bill is not intended to affect in any regard the projects that have previously cleared the Appropriations Subcommittee and had secured their approval. I would like to ask the Senator in charge of consideration of this bill if that is his understanding. I want to be doubly sure that we have a correct interpretive understanding in regard to this matter. Since last year certain projects at Oklahoma City in the Federal

Aviation Agency Center were approved, and GSA and FAA were given authority to proceed, I wish to be sure that what the conference on appropriations did last year is still effective in regard to those projects.

Mr. MAGNUSON. It is the understanding of the conferees of both the House and the Senate, based upon the facts, that there are two lease construction facilities for FAA at the Oklahoma City airport—a base maintenance facility and a records storage and cafeteria building.

A year ago the distinguished chairman of the House Appropriations Subcommittee [Mr. THOMAS], in a meeting with Mr. Halaby, of the FAA, and the GSA public buildings group, agreed they could go ahead with these lease construction projects.

On the base maintenance facility, there is no problem as it is now under contract and will be ready for construction about March 1.

For the records storage and cafeteria building, the proposal has just been received by GSA from FAA and is being reviewed. To receive bids and award a contract will require several weeks—after the pending bill has become law.

In agreeing to recede on Senate amendment No. 97, the conferees understood that the requirements to get authorization for such projects would not apply to the Oklahoma City airport project.

This agreement could be confirmed by letters from the appropriations committees, in order to allow the GSA administrator to go ahead on the basis that this project was agreed to beforehand and not meant to be covered by the restriction in the general provision.

Mr. MONRONEY. In other words, it was cleared previously by the committee on conference.

Mr. MAGNUSON. Yes.

Mr. MONRONEY. This makes it doubly sure that we have a correct interpretive understanding.

Mr. MAGNUSON. That is correct.

Mr. MONRONEY. I thank the chairman.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I wish to say a word first about the civil defense functions.

There was $568 million in the budget estimates. The committee made a recommendation of $93 million, which was passed by the Senate. The House was quite adamant in its position. The House conferees insisted that only $10 million be retained.

Sometime, somewhere, we in the Congress of the United States must decide what to do about civil defense. If we are not to appropriate anything worth while, we might as well throw out the $10 million and save it, also. We eliminated the provision for some 750 mobile hospitals, which were requested. Already there are 3,000 available. We felt that was sufficient to serve the purpose.

The present program contemplates the marking, the stocking, and the fixing up of buildings, not merely around in a little center, but around the peripheries of areas, where the Defense Department has decided the program would be worthwhile. Mr. Pittman spoke for the office. He said it would be possible to save the lives of 60 million people from radiation and fallout if we do the job.

We heard a lot said in the conference committee, making fun of dog biscuits and storing water, or something like that, but it is not possible to put people in fallout shelters and expect them to live without food and water for a period of 10 days, 2 weeks, or 3 weeks.

I do not like skirting around the edges of the problem, poking fun at the whole program. I know the program has never gotten off its feet. I know it has never been supported by the American people.

We serve as Senators representing the American people. At some time we must "fish or cut bait" on this issue. This is the place to do it. This is the reason why we must send the item back in disagreement, because the absolute minimum with which the agency can begin to do the job is $56 million.

If we do not wish to do anything, let us strike out all the appropriation for civil defense and get rid of it. Let us then get rid of the albatross around our necks, and forget about it.

But whether the American people as a whole can become enthusiastic enough about the program to support it, as an individual Senator I feel that it is my duty to take the responsibility for seeing that we do what I have proposed with relation to civil defense. In the present situation of the world, I for one cannot see abandoning my responsibility. We must face the question. We are not talking about the difference between an appropriation of $10 billion and $93 million. What we are really trying to decide, and what we must decide, is whether we are going along with the civil defense program or whether we are going to kick it out and forget about it.

Mr. JAVITS. I thoroughly agree with the Senator. That was the point I was trying to make before. I identify with him fully in his remarks.

Mr. HUMPHREY. Mr. President, I can save a good deal of time by saying that the Senator from Colorado has stated the case eloquently and factually. I thoroughly agree. I believe we should put up a fight on this subject and finish it once and for all. The civil defense program is as much a part of national defense as Offutt Air Base or any other part of our defense structure. We cannot have a serious defense program unless we try to protect the public. It seems to me that what we provided for in the Senate bill was a modicum, only a small beginning. I hope that we will retain it. We should go back to conference on that point.

Mr. ALLOTT. I thank the Senator.

Mr. MAGNUSON. Mr. President, I thank the Senator from Colorado for stating the case so well. He has sustained the views of the chairman. We stated the same case to the House conferees. I finally said, "We will take it back in disagreement." That is what we had to do.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. I thank the distinguished chairman and associate myself with the remarks made by the distinguished Senator from Colorado. Actually the figures are a little worse than have been stated, as far as what the House did, and what the able Senator reported. The appropriation for shelters was cut from $93,800,000 to $10 million.

I present to the Senate the fact the original civil defense request of the administration was less than one-half of 1 percent of the military budget. That figure was reduced by the Senate, then further heavily reduced in the House.

A poll was taken by Elmer Roper Associates with respect to the program of the civil defense agency. Eighty-six percent of those polled approved the program. As one who saw in the Battle of Britain what a very modest civil defense program, started late, could do from the standpoint of saving lives, it is inconceivable to me that the Congress in effect, as the able Senator from Colorado pointed out, would ditch this program at this time. If there is any justification for the great military budget the American people are now paying for—and I believe there is—surely it makes little or no sense to take this part of the defense budget—considerably less than one-half of 1 percent of the total—and scrap it, for reasons which do not stand up under the facts as they exist in the world today. I thank the Senator.

Mr. MAGNUSON. Mr. President, I know the Senator from Missouri [Mr. SYMINGTON] and the Senator from Colorado [Mr. ALLOTT] are aware of these figures, but I should like to state for the record that three-quarters of the cost of the project has already been allotted in the 1962 funds. The proposed appropriation would merely complete shelters for about 60 million people at a cost of $3.50 per person.

Mr. SYMINGTON. The overall cost would be $3.50, but a cost of only about $1 per person would be involved in this figure, based on about 185 million people.

Mr. MAGNUSON. As the Senator from Colorado [Mr. ALLOTT] and I have said so many times, when people in local communities are interested in the subject, an action such as the one proposed would psychologically undermine the morale of the entire program. We have started to build up a fine program through the agency handling it.

Mr. SYMINGTON. The able chairman of the committee is so right. If we go through with this almost washing out of the civil defense program, it would be the last time we would get any real interest on the part of the States and the municipalities. As the Senator has pointed out, not only would the proposal not permit us to go forward, but such a sharp retrenchment in funds would cut to pieces what is now being done today.

Mr. MAGNUSON. The Senator is correct.

Mr. HART. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Michigan.

Mr. HART. I agree fully with all that has been said with respect to the item of civil defense. We get down basically to the question of how many days during any one session we have an opportunity to vote with confidence on a program that would improve materially the survival opportunity of 60 million American people. We spend a great deal more money than we are discussing now for certain aircraft or rockets. On balance we think we need it. But there is less certainty with respect to the ultimate utilization of those things, if there is a war, than with respect to the utilization of shelters. To stop when we are three-quarters of the way along—to pull the rug out of present operations, as has been said here—when, for the first time, we have a program that has excited the imagination and encouraged the active participation of local communities in civil defense, makes no sense at all. I had hoped that the House would be given a further opportunity to consider the measure. We are not talking about raising the excellence of education or reaching the moon. We are talking about whether we shall put food and water aside in order that mankind may survive in the event of a casualty.

Mr. ALLOTT. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. First, I thank the Senator from Michigan [Mr. Hart], the Senator from Missouri [Mr. Symington], and the Senator from Minnesota [Mr. Humphrey] for their kind remarks. In a world in which fallout, radiation, and nuclear hazard exist, if such a pushbutton war should occur, we would have the means of making possible a good chance that 60 or 65 million Americans would rise out of the dust and perpetuate what we have in our country. It is as simple as that. Let us not befuddle and bemuse ourselves any longer.

One other item to which I would like to call attention before we vote on the measure is listed under the Civil Aeronautics Board. It was my impression that in the conference we had inserted words to the effect that we thought helicopters might have to operate under subsidy for as long as 2 years. That was language which was suggested by the senior Senator from Massachusetts [Mr. Saltonstall].

However, I notice that the conference language reads as follows:

> The conferees agree that the subsidies for helicopters should be ended shortly, that this service should either be made self-supporting or concluded.

My recollection about the conference committee could be faulty. I am not casting any aspersions on anyone. But I wish to make perfectly clear what this Senator's understanding of the amendment is. In the hearings and in the conferences with the House I have said over and over that the story of the three-helicopter operation—to which I must confess I was primarily opposed when I first started to study the subject—we were repeatedly told, again and again and again, that the operation of the piston-operated helicopters could never result in anything but an almost complete subsidization by the Government. The idea for legislation which would make possible, in the first instance, the development of turbine-powered or jet-powered helicopters was devised in order that we could find out if such craft could be operated with complete economic feasibility. This subject has been gone into to a great extent, both by the Senator from Washington [Mr. Magnuson], the chairman of the committee, and by the senior Senator from Colorado, who is the ranking minority member of the subcommittee. We have been told again and again the same story. They have never pretended that they could operate this year without a subsidy, next year without a subsidy, or the year after without a subsidy. They are just now phasing into their turbine helicopters.

They do not have all. It is obvious they cannot operate without a subsidy. We have a choice. If we stop the subsidy entirely, we shall never find out whether we can create an industry which can operate on its own. Therefore, I do not like the word "shortly." I wish to make it clear that, so far as the Senator from Colorado is concerned, he does not accept any interpretation of "shortly" which means next year, because the operators have said repeatedly that it would take them into the year 1964 or 1965 to start substantially reducing their subsidy, although this year New York Airways was able to reduce its subsidy by several hundred thousand dollars.

This is the point I wish to make. I do not want to be put in the position of accepting the term "shortly" as meaning that we are saying we will not give a subsidy next year. I want the record to be clear on that point. We will undoubtedly have to do it next year and perhaps, to some extent, the year after. Nevertheless, if the situation does not show substantial improvement by that time, I believe the House and the Senate should take another look at it, and perhaps withdraw it.

Mr. MAGNUSON. Mr. President, the Senator from Colorado is correct. The House wanted to cut it off next year. The Senator from Massachusetts [Mr. Saltonstall] suggested that we provide for 2 years. We delegated him to write the language, and this is the language he wrote, in which he used the word "shortly." The Senator from Colorado has cleared up the record. The word "shortly" will not be taken to imply anything else. That is the understanding of the Senator from Washington.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. As a member of the Committee on Appropriations, I wish to identify myself with that understanding. I will not feel in the least inhibited in asking for a subsidy. I am grateful to the Senator from Colorado for what he has said. When we think of what the 707 and the D-8 have meant to our Nation in terms of really hard money in business, as well as standing in the world, we begin to appreciate the fact that a little financing and a little help to these efforts, which represent industrial initiative, can pay off very big dividends.

Mr. HUMPHREY. Mr. President, so that there may be clear identification in reference to this point, and an understanding that this feeling is not merely limited to one side of the aisle, I, too, feel that the subsidy program is justified and ought to be continued, at least for a period of time, to develop a better understanding and knowledge of what can be done with helicopter operations.

I should like to ask one final question. I have been concerned about the report that I have received in connection with GSA in the bill, namely, that the so-called construction savings that may come about in GSA, which under previous appropriations have been available to GSA for its use in new construction projects, are now to be held, and any new projects will have to come back to the Appropriations Committee for clearance. Is that the situation?

Mr. MAGNUSON. The Senate rewrote that language as a substitute for the provision which was deleted in the House on a point of order and we did it in our version. The House wanted to keep control by making GSA get approval. We finally agreed upon this language, to the effect that nothing in the bill shall authorize the expenditure of funds for the acquisition or extension or conversion of construction without approval of the Committees on Appropriations of the House and Senate.

That procedure, I believe, will be satisfactory, and I do not think it will cause a great deal of inconvenience. The House insisted on this language, but said that it would be simply a matter of a letter being written to the committees, and unless the two committees were to rise up and say, "Don't do it," such a letter would be sufficient to take care of the situation. I do not know how we can go back to the House with this provision, because we agreed that we should have some semblance of control, and this is about as good language as we can work out.

Mr. HUMPHREY. I wanted to make sure that this subject had been discussed with the Administrator of GSA.

Mr. MAGNUSON. Oh, yes.

Mr. HUMPHREY. Mr. Boutin is doing an excellent job.

Mr. MAGNUSON. He certainly is.

Mr. HUMPHREY. When we see a man doing such a fine job, we should not place unnecessary restraints on him. If we are to understand that this is more or less a procedural matter in order to keep the Committees on Appropriations informed, that is one thing. After all, these are funds that are saved by efficient management on the part of GSA. If it is understood that this language will not unduly delay the activities of GSA, that is all right, especially if the Agency can live with it. Frankly, I feel that if an agency has had money appropriated to it and if out of that money it has been able to make some savings, that in itself is a measure of good management, and it ought to be permitted to utilize the money for projects which have been authorized.

Mr. MAGNUSON. As a practical matter, that is the situation. So far as I am concerned, this is a procedural matter. It will not delay the work of GSA. Unless there is a project that we decide should be further investigated, nothing will be done about it, and no delay will occur. If there is a project which we think should be investigated, we will say, "Do not do it until we approve it." The House was very adamant on this point. It considered this to be one of the really important parts of the bill. We tried to modify it or water it down as much as we could.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a statement relating to the civil defense appropriation be printed in the RECORD at this point in my remarks. I commend Mr. Pittman on the job he is doing. When we have such a good administrator doing such a fine job, and producing such excellent results through good management and sound organization, we have an obligation to support the programs we have approved, and to follow through on them and give the administrator the support he needs.

So I join the Senator from Colorado and others in support of the civil defense appropriation, in support of those who are attempting to give us a good civil defense program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL DEFENSE APPROPRIATION COMMENTS ON UNRESOLVED HOUSE-SENATE DIFFERENCES

The Senate-House conferees on the independent office appropriation bill report agreement on one of two major civil defense items and disagreement on the other. The figures, in millions, are as follows:

[In millions]

	Conference action	House action	Senate action	Administration request
Operations and maintenance	$75	$65	$91.2	$126.2
Shelter and research	Open	10	93.8	108.8
Total	Open	75	185.0	235.0

The remaining difference between the House and Senate conferees will determine whether or not the current phase of the Defense Department civil defense program can be completed.

1. SURVEY, MARKING, AND STOCKING

Of the $83.8 million unresolved difference, $56 million is to continue the survey, marking and provisioning of existing shelter space started last year. If the Federal Government fails to provide promised provisions and fails to complete the verification of survey data and keep it up to date, the national civil defense effort will suffer a long-term setback. It is doubtful that hard-pressed mayors, county commissioners, school superintendents and private owners of buildings would respond after an interruption of 1 fiscal year, to another Federal appeal to participate in a joint Federal, State and local undertaking to make use of the shielding from radiation which is now a valuable but unused national asset.

State and local governments have had every reason to anticipate that the executive branch and the Congress meant to follow through with this program; last summer Congress appropriated $207 million for this purpose; in the intervening year rapid progress has been made in the Defense Department survey which has found more shelter space than the most optimistic estimates; more recently a public letter from the President to congressional leaders clearly emphasized that this operation is important to the national security and must be completed.

To take inventory of the protection which already exists, to bring it into use as part of improved civil defense systems in many communities throughout the United States, and to locate austere food rations, protected water, and medical supplies where people would take cover under nuclear attack are the kinds of low-cost, high-priority civil defense measures which clearly make sense. The only known poll of public attitudes toward survey, marking, and stocking existing shelter space was conducted by Michigan State University and Elmo Roper Associates; it showed 86 percent in favor of this operation.

The difference between the two Houses presents a clear issue of whether it is worthwhile to spend $3.50 per person (the cost of surveying, marking and stocking shelters) to improve significantly the chance of survival under nuclear attack for about 60 million Americans. Last year both Houses found this to be worth while.

2. RESEARCH

The Senate appropriation would permit carrying through with the research started with fiscal year 1962 funds. This carefully conceived research program has been coordinated with the total Defense Department research, of which it comprises less than one-half of 1 percent, and with the National Academy of Sciences Advisory Committee on Civil Defense. Expansion of knowledge of probable effects of large-scale nuclear attacks, and improvement of methods of minimizing the effects of the damage, are a high priority element in the total national defense program.

3. FEDERAL BUILDINGS

Last year Congress appropriated $17.5 million for a program to take advantage of low-cost opportunities to include shelter space in Federal buildings. This work is in process. The survey has identified previously existing shelter space in Federal buildings for 3.7 million people, which will be brought into use. For the Federal Government to stop doing what it recommends that State and local governments and private owners of buildings should do would undermine the current civil defense program. Design experience and cost data resulting from this work is contributing to the development of a sound nationwide shelter program at minimum cost.

The Senate voted 68 to 14 against an amendment which would have eliminated the $83.8 million excess over the House figure for shelter and research. The full $93.8 million in this account is vital to materializing on the substantial progress made with the fiscal year 1962 appropriation of $256 million.

Mr. MAGNUSON. I hope the Senator from Colorado will agree with my statement that the RECORD should show that it is our understanding that the savings in GSA could be used for some other projects; that they would write us a letter, and that then if we did not make any objection with respect to an item, it would be presumed to be approved.

Mr. ALLOTT. That is my understanding.

Mr. MAGNUSON. There may be some project into which we may want to go further.

Mr. HUMPHREY. That would be on our initiative, of course.

Mr. MAGNUSON. Yes.

Mr. HUMPHREY. If a letter comes to the committee, and there is no response by the committees, that will be taken as approval.

Mr. MAGNUSON. That is my understanding.

Mr. ALLOTT. That is my understanding. I believe Mr. Boutin is doing an excellent job. The senior Senator from New Jersey spoke to me about the GSA appropriations. He is just as much interested as we are. We had to more or less shortchange the GSA in several respects, although not drastically, but I believe Mr. Boutin can live with what he has. Of course, a bigger revolving fund is needed, and the agency will probably have an opportunity to get it later, perhaps next year, if it is needed.

Mr. MAGNUSON. The House was adamant on this item.

Mr. COOPER. Mr. President, I wish to join Senators who have approved the course of action whereby the report will be returned with our insistence upon the appropriations for civil defense. I am not speaking on the subject for the first time. When the bill was before the Senate I raised this issue. I remember that last year and also this year I spoke on it. I believe that the failure of policy—and that is what we have, a failure of policy—represents a great gap in our defense and foreign policies.

I know that many persons object to the civil defense program because of its expense. Also, many look upon it as a sign of weakness. Some believe it might be an indication to the Soviet Union that the United States is actively thinking of an aggressive attack.

My own thought is that so long as the danger persists, the administration and Congress have a duty to anticipate the worst and to do all that is possible to protect the lives of those who would be in danger—and millions would be—if an attack should come.

Further, I believe that instead of being a sign of weakness, it would be a sign of our determination to survive and rise again and fight. It would be a strong addition to our deterrent power.

Expensive as the program might be, so long as the danger lasts I think Congress has a duty to provide for the safety of the people. I believe this is a field in which the administration has not clearly defined its policy. I do not believe any effective action will be taken by Congress, and the people will not know where they stand, until the administration clearly defines its policy with respect to civil defense.

Mr. MAGNUSON. I thank the Senator from Kentucky.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. JAVITS. Am I correct in understanding, as I have been told, that the work of stocking shelters is 60 percent completed?

Mr. MAGNUSON. Seventy-five percent.

Mr. JAVITS. And that if left in the middle, it may cause a certain amount of retracing of steps by those in areas where the work has already been started?

Mr. MAGNUSON. That is correct.

Mr. JAVITS. That is the clear vice of leaving the situation in the middle.

Mr. MAGNUSON. Seventy-five percent of the work would have been done and 25 percent would have been left undone.

Mr. JAVITS. Mayors would be doubly embarrassed.

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER (Mr. PELL in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12711, which was read, as follows:

IN THE HOUSE OF
REPRESENTATIVES, U.S.,
September 18, 1962.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 28, 71, 93, 109, and 113 to the bill (H.R. 12711) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes", and concur therein;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 72, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,958,500."

Resolved, That the House recede from its disagreement to the amendment of the Sennate numbered 92, and concur therein with an amendment, as follows: Restore the matter stricken out by said amendment and also include the matter proposed.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and concur therein with an amendment, as follows: Before the period, add the following: ": *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives".

That the House recede from its disagreement to the amendment of the Senate numbered 96, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert "Expenditures heretofore made pursuant to contract or stipulation from, and unexpended obligations heretofore incurred against, appropriations under the heading 'Construction, Public Buildings Projects' in prior Appropriation Acts for the purposes of acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, are hereby ratified."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 116, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$725,000".

Resolved, That the House insist upon its disagreement to the amendments of the Senate numbered 7, 8, and 119 to aforementioned bill.

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments Nos. 72, 92, 95, 96, and 116.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate insist upon amendments Nos. 7, 8, and 119 and request a further conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HILL, Mr. ELLENDER, Mr. ROBERTSON, Mr. RUSSELL, Mr. KERR, Mr. ALLOTT, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota conferees on the part of the Senate at the further conference.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1963, H.R. 11164, the Quincy Columbia Basin Irrigation District bill.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

EXTENSION OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT

Mr. McCARTHY. Mr. President, one of the most serious obligations Congress must meet before adjournment is that of emergency assistance to the long-term unemployed. In the last few days of this session we must report and enact an extension of the Temporary Extended Unemployment Compensation Act of 1961.

It is clear that there is insufficient time at this session to accomplish general revision and improvement of the unemployment compensation system along the lines of the administration bill, S. 2084, which I introduced last year. A general revision of the system is long overdue. In 1958 proposed legislation was introduced in the Senate and in the House to provide changes and improvements which were clearly needed at that time. Since then the necessity of revision has become even more evident. We have had to enact two emergency programs to prevent a breakdown of the State systems and to provide a minimum of protection for the unemployed. Now there is serious need for another emergency action.

It is not the fault of the unemployed that the Congress has not had an opportunity to consider the long-needed revision of the unemployment compensation system. Had we done so, millions of citizens would not face the privation that now threatens them this coming winter. Their problem is not that of the international balance of payments nor of adjustment of taxes or any of the other serious matters with which the 87th Congress has dealt. Many of the measures enacted, of course, do have an indirect effect insofar as they improve the general economy or at least prevent more serious economic declines. But at the same time we must consider their immediate problem which is that of securing the bare necessities of life.

The emergency measure of 1961 provided up to 13 weeks of additional benefits for those workers who exhausted their benefit rights under a State program. Eligibility under this measure terminated last April 1, and payments for those qualifying before that date ceased entirely on June 30.

President Kennedy recommended a bill (S. 3411) to extend this measure for an additional year, to March 31, 1963. Since the temporary program of last year was not as costly as anticipated, the President has estimated that $184 million from the special 1962 and 1963 tax will be available to finance the extension. The estimate of the President was that the extension could be financed by an increase of one-tenth of 1 percent on the normal Federal unemployment tax rate, for the year 1964 only.

Since there would be administrative difficulties in making a temporary extension retroactive to April 1, it may be advisable to extend the act for 6 months only, from October 1 to March 31, 1963. In that case the proposed increased tax of 0.1 percent could be cut in half. I want to emphasize that about three-fourths of the funds required for an extension are available from the surplus of revenue provided by the temporary tax increases last year.

Mr. President, the August unemployment figures released by the Bureau of Labor Statistics on September 11 provide further evidence of the need for action. The rate of unemployment rose from 5.3 percent in July to 5.8 percent last month. The number of unemployed was 3.9 million.

In August the rate of unemployment among adult men rose 0.4 percent and among adult women by 0.7 percent. The Department of Labor statement indicates that these increases were unexpected, but in any case the rates for both these groups were the highest of any month since the beginning of the year.

Although the number of unemployed this year is down from the total last year, the rate of unemployment has averaged above 5.5 percent for 1962, and there is no indication of a substantial reduction in the rate in the next few months. In my judgment we should adopt the proposed emergency measure to provide some degree of protection for the long-term unemployed during the next few months. This will provide some protection for the long-term unemployed until the new Congress convenes, but it will not solve the larger problem of general revision and improvement. The greatest concern, of course, is the welfare of the unemployed and the need to extend coverage and to increase the amount and duration of benefits.

In addition the method of financing requires study and revision. A recent report on the Minnesota unemployement compensation fund illustrates a situation which has developed in many States. The news report states that the danger point has been reached. The Minnesota fund reached a peak of $134 million in 1953. In 1958 it had dropped to $82.5 million; by the end of 1960 it was down to $63.2 million, and last year to $41.7 million. During the first 7 months of this year the fund has been further depleted and it now stands at the lowest level in 19 years—$35.9 million.

I ask unanimous consent that an article about the Minnesota fund written by Jack MacKay, and published in the St. Cloud Daily Times, September 8, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MINNESOTA JOBLESS PAY FUND HITS PERIL LEVEL

(By Jack MacKay)

ST. PAUL.—The danger point has been reached in Minnesota's unemployment compensation fund.

This means the legislature will be faced with raising contribution rates of approximately 43,000 Minnesota employers.

A check by the Associated Press showed that the fund dropped to $35,930,000 at the end of July—the lowest point in 19 years.

The employment security commissioner has power, under a 1949 law, to raise the rates if the fund drops below $50 million. But that occurred at the end of 1960 and he already has levied the maximum rate schedule provided by the law.

The depletion has been heavy the last 19 months despite the fact that the automatic increase in rates was ordered in January 1961.

Rates in effect now range from six-tenths of 1 percent to 3 percent of payroll. Before January 1961, the rates ranged from three-tenths of 1 percent to 2.7 percent.

During the first 7 months of this year, the State paid out about $26 million in unemloyment compensation benefits. Contributions from employers are running lower.

At the beginning of this year the fund had a total of $41,700,287, according to a report by Commissioner Frank Starkey to Gov. Elmer L. Andersen.

This represents a decrease of $21,527,514 from the $63,227,801 balance on the same date of the previous year.

The State paid out in benefits in 1961 a net total of $45,730,347, while contributions and interest earned during the year amounted to only $24,073,443.

Last year 42,997 employers were assigned contribution rates for 1962 as compared with 41,491 employers assigned rates for 1961.

In 1937, the first year of the fund's existence, there was available only $11,868,121 for benefits. Year by year the fund grew and by 1946 it had passed the $100 million mark. It remained above that until the end of 1958, reaching the peak of $134 million in 1953.

In 1958 it had dropped to $82.5 million and has been declining since. By the end of 1960 it dropped to a level of $63,227,000—falling at a faster pace since then.

A boost in the economy could increase the fund, but a number of legislators are planning to renew a drive for legislation to strengthen the fund.

Mr. McCARTHY. Mr. President, the lack of employment opportunities for youth continues to be one of the most serious problems of unemployment. Through the years the highest rates of unemployment are regularly among the youth group and during recessions their rate of unemployment is two and three times that of other groups in the labor force.

The Manpower Development and Training Act of 1962 recognizes this problem and makes some special provision for youth; but a far greater effort is required by all groups in society in order to meet this growing problem effectively.

We perhaps too often think of work in terms of its value in producing income and of unemployment for its hazards of economic privation. But the social and psychological effects both of work and of unemployment cannot be wholly separated from the economic ones and in some instances they are of more lasting importance. This is particularly true for youth. Much of our thought and effort is still concentrated on the exploitive aspects of child labor, but meanwhile other problems have arisen and new questions must be asked. The value of work in the formation of a complete person is generally accepted, but as a consequence of modern technology and living, the opportunities of children and youth for learning how to work have declined drastically.

Some important aspects of this problem are well brought out in a discussion paper by Prof. John R. Ellingston of the University of Minnesota. Professor Ellingston prepared his paper on the question of unemployment among youth for the Governor's Conference on Children and Youth, held in Minneapolis last spring. I ask unanimous consent that some excerpts from his study dealing with the psychological aspects of work and unemployment be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE PSYCHOLOGICAL THREAT TO YOUTH

It is bad enough to be one of too many people who are together scratching a bare subsistence from the soil, like the peasants of India and of most of the rest of the world. It is worse, or at least less endurable, to be on the dole in the midst of affluence, to be sidelined in a bustling society.

In the depression of the 1930's the unemployed averaged 10 million or about one-fifth of the labor force for a whole decade. That depression caused immense suffering to young and old and did great harm to some. But not even the unemployed thought that their labor was not needed. Closed factories assured people that it was a depression reflecting the defects of the system, the failure of fiscal and monetary policies and of political and social institutions to keep pace with a rapidly developing industrial economy. In the great depression most of the unemployed took for granted that sooner or later the economy would again need them. The prospect facing the unemployed of today and tomorrow, especially the young beginning workers, is quite different. It is that the economy will move forward, producing more and more with fewer and fewer workers, so that many will really not be needed, not wanted. Should this prospect be realized the psychological harm will be devastating.

THE MEANING OF WORK TO MAN

For man, work (as distinguished from exhausting toil) is something more than the means of earning his bread and butter. To live is to act, to use one's resources of hand and muscle, mind and spirit, to study, to make or accomplish something, in short, to work. Life without work of some kind, which for the great majority means a job, is a form of living death. To do nothing is to be nothing. Without work in this large sense of constructive effort there can be no growth of mind or spirit. It is suggestive that in their play children imitate the work of the adult world—keeping house or store, playing mother, nurse, teacher, policeman, and whatnot.

Again, work within reasonable limits is one of the tools essential to help civilize the growing child and youth. It teaches him punctuality and responsibility. By the sweat of his body or the strain of his mind he learns that things have value and should not be wasted. Through work he learns skills and respect for materials and craftsmanship. Work teaches him to accept authority and how to get along with his fellow workers. It helps him control his inborn selfishness and accustoms him to do for others instead of having everything done for him.

A man's job is his membership card in the human community and gives him a personal stake in his society. Thus work in this broad sense is one condition of good citizenship. It is also the key to self-respect and to the respect of others. To gain acceptance and approval in our society a man has to be a worker. And the gregarious human animal cannot endure rejection by his kind. To be needed and approved is indispensable to his mental health. Not to be needed is a terrible blow to one's self-image and emotional security. And so, work is essential to human happiness.

It is in the light of these fundamental truths about human nature that the personal and social costs of the unemployment of a million or more young workers in the United States must be evaluated. At that critical moment when a youth is first ready to enter the labor force, inability to get a job is more than an economic hardship. It is a personal rejection that is likely to sap his self-confidence, particularly in a period of high general employment. It tells him that he is not wanted; he will often conclude that he, himself, is no good. In frustration and bitterness he may strike back at society. Even if he does not, what chance is there of his learning to become a competent and reliable workman, a good spouse or parent, or a good citizen?

THE THREAT TO OUR POLITICAL AND SOCIAL SYSTEMS

Referring to the masses of unemployed young people in the slums of our large cities, Dr. James B. Conant asks: "What can words like 'freedom,' 'liberty,' and equality of opportunity mean to these young people? With what kind of zeal and dedication can we expect them to withstand the relentless pressure of communism" in an era when "the fate of freedom in the world hangs very much in balance?" [1]

The foregoing carries no implication that unemployment is the cause of delinquency and crime; nor that full employment of itself will cure these social evils. Far from it. But every worker with delinquent teenagers knows that a job may be decisive in changing antisocial behavior and helping most vulnerable youngsters grow safely past the age of high delinquency. One student of human behavior has phrased the matter in these words: "There is pretty strong evidence from the field of research that no other single factor has as much to do with successful adjustment as does satisfying work experience, whether we are considering the population generally, neuropsychiatric patients, or offenders."[2]

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[1] "Slums and Suburbs," McGraw-Hill, 1961, p. 34.

It is suggestive that 75 percent and more of adjudicated juvenile delinquents in the United States and Great Britain abandon their lawbreaking behavior as they approach manhood and find their places in the working world. What will happen if that working world has no places for them? Considerable evidence indicates that while most school dropouts are not delinquent, most delinquents are dropouts who have difficulty in finding and holding regular jobs.

DISAPPEARING CHORES HAVE LEFT A VACUUM IN EDUCATION

Although man must work if he is to be happy or well adjusted, work is something he has to learn to do just as he has to learn to walk, to read, or to play the piano. This truth is being brought home to us by the discovery that many school dropouts in urban areas do not know how to work; that they have no sense of responsibility and no self discipline; that they have never carried a task, especially an unwelcome task, through to completion; that they do not know how to take orders or get along with other workers; that they are lacking in attitudes as well as skills.

This is a new phenomenon in our experience, but the explanation is not far to seek. One can learn to work only by working. Automated living—in the form of hot and cold running water, oil or gas furnaces, electric lights, stove, washer, iron, vacuum cleaner, refrigerator, automobiles, ready-cooked food and readymade clothing, etc., etc.—plus compulsory school attendance and work restrictions in today's urban areas deprive many children, including the dropouts referred to, of the opportunity of learning to work by having to contribute to the daily physical needs of the family and home. The deprivation may have effects scarcely less serious than the closing of the job market to many young people.

The postwar generation in the United States, with the exception of migrant farmworkers, has forgotten that the children of the masses of Americans in all preceding generations were economic assets, as they still are in the less industrialized areas of the world. Such children learned to work as inevitably and automatically as they learned to walk. As soon as they were old enough children had to throw in their strength and skill to help feed and maintain the family. On the farms—and even as late as 1910 half the Nation's children still lived on farms—sons and daughters as soon as they were big enough chopped and carried in the wood, pumped water, filled lamps, watered horses, fed chickens, milked cows, and worked in the fields and orchards. Even in the cities children were needed to help with the daily cooking, washing, sweeping, mending, carrying out the ashes, beating rugs, stringing beans, shelling peas, and so on.

TOIL THAT BLIGHTED

Some of this sounds desirable, and it was. But much of the toil was brutalizing. The farmer's son whose daily chores included milking and caring for a half dozen cows morning and evening had little energy for the enrichment of his mind or the expansion of his horizons in the few hours of school. Any talent that he might have had was almost certain to be blighted.

As late as 1904 when the National Child Labor Committee was organized, its records show that this Nation's labor force included 800,000 boys and girls aged 10 through 13 years, and 1 million more aged 14 and 15 who did a full day's work in mines, in mills, on farms, in tenement sweat shops, and on the city streets to help their parents scratch out a living. And there were many more thousands even younger than 10 whom nobody bothered to count.

No one will quarrel with the technological marvels that have taken the sweat out of housekeeping and largely out of all production in this country. They are inseparable parts of the greatest material achievement in human history—the conquest of want, hunger, cold, disease, ignorance, and the elimination of the back-breaking toil for survival that went with them. Before the industrial revolution Oliver Goldsmith described the condition of the vast mass of mankind throughout history: "The toil of man is irksome to him and he earns his subsistence with pain." This applied to children as well as adults and remained true for too many children well into this century in this country, as it still does in most of the rest of the world.

However, there have been losses with the gains. In the magnificent achievement of eliminating most back-breaking toil and most exploitation of children's labor, we have eliminated the age-old automatic method of teaching children to work and thus created a dangerous vacuum in the education of children for living. At the same time, incidentally, we have robbed many children of the assurance that they are useful, needed, and wanted.

THE ROLE OF PARENTS AND SCHOOL IN PROVIDING WORK EXPERIENCE

It is obvious that we are dealing with elements of character that can only be formed through work of some kind. Fortunately, despite the reduction of chores wise parents will always enlist their children's help from the latters' early years, in self-service and in service to the family. Thereby they protect children at once from a sense of uselessness and from demanding selfishness and begin the essential conditioning to work at the age when children are most malleable, when habits can be most deeply set.

Unhappily large numbers of children are not so fortunate in their parents and their homelife. Moreover, all children as they grow older need types of work or jobs that their parents cannot provide. Getting an education is, of course, work of a high order, the main hope for filling the vacuum in education created by the industrial revolution lies in the schools, functioning at new levels, as we shall see in subsequent chapters. But the schools cannot fill the need alone.

For many slow-learning children the academic and vocational education offered by the school will be meaningful and absorbed only if it is related to part-time work. Most young people want summer jobs, which in view of their lack of training have to be largely manual or menial, and learn from them respect for useful work and workers, however lowly, that they can acquire in no other way.

PART-TIME JOBS FOR YOUTH

Whatever the truth of that assertion, it is certain that American teenagers and college students find in part-time jobs benefits far beyond the cash returns that enable so many of them to continue schooling. Inevitably these are in large part the unskilled jobs that are most threatened by automation. The magnitude of the problem which the elimination of part-time jobs would create can be swiftly measured.

In 1960, the Nation's 14- to 17-year-olds totaled 11,389,000. Of this number 5,555,000, or nearly half, worked during the month of July. Some 680,000 were out of school and in the full-time labor force. This means that 4,875,000 boys and girls in this age group enrolled in school held part-time jobs in summer. As would be expected, summer work far outruns work during the school year, with only 2,227,000 students working in October—less than half the summer workers. Of the working male students under 18, those called operatives are likely to be filling station attendants, delivery boys, or workers in laundry or drycleaning establishments. More than half of those listed as sales workers were newsboys. Seventy percent of all schoolgirls working part time found jobs as babysitters, household workers, and farmworkers.

The proportion of youth under 20 in the labor force since 1947 shows sharp ups and downs, compared with the more stable participation of older age groups. The ups and downs coincide with the movement of the business cycle. A high level of business activity marked the years 1948, 1951, and 1956 with resultant peaks in part-time employment of school youth. Contrariwise 1949, 1954, and 1958 all experienced recessions which were reflected in fewer jobs for youth.

Part-time jobs appear to be increasingly harder to get for high school youth in the 14-to-17 age bracket. For the month of October their rate of unemployment moved from 7.3 percent in 1958, to 7.1 percent in 1959, and to 7.5 percent in 1960. The placement service of the Minneapolis public schools reported that more students were unable to find summer jobs in 1961 than in any year since the depression. Automation is moving in on these unskilled jobs.

Again, we must look at the future with concern. By 1965 the number of students aged 14 to 17 is expected to total 13,226,000. If, as in 1960, 48 percent of that number seek summer jobs, the Nation will have to provide 6,350,000 such jobs. Actually with higher percentages of youth aged 14 to 17 enrolled in school, the probabilities are strong that more will seek part-time jobs.

Swiftly rising numbers of college youth will add to the competition for part-time jobs. In 1960 college enrollment totaled 3,750,000 with about 36 percent in the labor force part time. For many work was essential to enable them to continue in college. By 1965 college enrollment is expected to reach 5,379,000 with a proportionate increase in the number of jobs needed. In the fall of 1961, the student employment service at the University of Minnesota reported the worst shortage of part-time jobs since World War II.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA—LIMITATION OF DEBATE

Mr. HUMPHREY. Mr. President, I have spoken with the majority leader and with the minority leader in regard to Calendar No. 1741, House bill 8181, commonly known as the aquarium bill. We had hoped to take it up this afternoon and act upon it; but because certain Senators who are interested in the bill have other duties, it will not be possible to have the bill taken up and acted on today. It is Calendar No. 1741, House bill 8181, to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia, and to provide for its operation.

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[2] Dale G. Hardman, "The Function of the Probation Officer," Federal Probation, September 1960, p. 5.

Therefore, we shall take up the bill on Friday. I now ask unanimous consent that on Friday, following the morning hour, the pending business be Calendar No. 1741, House bill 8181, to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia, and to provide for its operation, and that there be available for debate and consideration of the bill 3 hours, to be equally divided—in other words, to have 1½ hours available to each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Chair.

The order as subsequently reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Friday, September 21, 1962, at the conclusion of routine morning business, the Senate proceed to consider and that during the further consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation, all debate on any amendment, motion, or appeal, and final passage thereof shall be limited to 3 hours, to be equally divided and controlled respectively, by the majority and minority leaders.

THE NEED FOR BUDGET REFORM

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be printed in the body of the Record a fine article in regard to the need for Federal budget reform. The article was published in the August issue of the AFL–CIO American Federationist.

This is a subject in which I have had a long and deep interest. I feel that it is very important that we have much more discussion and consideration of our budget processes, so that we have a realistic bookkeeping system. I have discussed this subject a number of times, and I find that there is widespread interest in it in the Nation. The article from the AFL–CIO American Federationist makes a great contribution toward a clear understanding of this subject.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE NEED FOR BUDGET REFORM

The degree and range of Federal economic activities are increasing in response to the imperatives of increasing population and urbanization and unmet requirements in the public sector. These activities call for Federal budget reform—specifically, the adoption of a capital budget.

Budget reform is essential to provide the foundation for sound fiscal policy and public understanding of the Federal budget as a potentially powerful instrument of national economic policy for achieving and maintaining maximum economic growth and stability.

The present Federal budget is not designed to aid in meeting these challenges. As a matter of fact, its present organization as basically a cash income-outgo document has been turned into a weapon used with deadly effectiveness by those opposed to the use of Government programs to assist in achieving national goals of economic growth and stability.

Although there has been a succession of improvements in the budget process in recent years, the Federal budget remains an archaic document of limited usefulness. In its present form, it is neither an understandable tool of economic policy nor an adequate measure of the Government's financial and economic operations. The annual report on expenditures, for example, is an unrelated and detailed mixture of various investments and current operating outlays, with very little potential use for economic policy purposes.

There has been a serious lag in establishing a comprehensive, national financial policy in the United States, although the past 30 years have seen a revolutionary change in the role of the Government as a stimulating and stabilizing force in the economy. A major reason for this lag is the failure of the Federal Government to develop a modern and adequate system of financial reporting and planning.

Budget policy lies at the heart of the financial and economic planning of modern corporations. It can and should play an indispensable role in the formulation and execution of Government economic policies.

For many years, attention has been called by congressional committees, private foundations, economists and fiscal experts to the shortcomings of the Federal budget. Yet resistance to budget reform continues.

One of the principal fiscal recommendations of the first Hoover Commission report of 1949 was for the establishment of a capital budget.

In the section on "The Budget and Federal Capital Outlays," the fiscal 1963 budget message of the President contrasts sharply the budgetary practice of the Federal Government with that of private business—lumping together capital and current expense outlays.

The President added that "it is clearly of importance in analyzing the significance of the Federal budget to recognize that the budget includes substantial expenditures for loans, public works and other durable assets and capital items which will yield benefits in future years."

"Furthermore," the President stated, "increasing attention has been given in recent years to the significance of 'developmental' expenditure outlays for education and training for research, which have the effect of adding to the Nation's level of knowledge and skill and thereby increase the capacity to produce a larger national output in future years."

Broadly speaking, capital items are those which involve creation, improvement, or acquisition of durable assets; or acquisition of recoverable claims.

Current expense items are those which are not investments in physical or financial assets and which are also not expected to yield a return in dollars.

On the capital side, development and commercial activities of the Federal Government are large scale and varied. They include the various lending programs whose loans are repaid with interest, as well as activities of the United States in natural resource development, a great deal of which is self-liquidating.

Capital expenditures also are made for the Federal-State highway program, various grants-in-aid and loan programs, and for research and development, public health, public assistance, worker training, and nonreimbursable land and water development activities.

In addition, the United States owns a vast array of physical assets—public lands, public buildings, etc.

Despair is voiced that under such complexities an adequate and realistic definition of a capital item, as applicable to the Federal budget, can be derived.

This is a difficult, but by no means insuperable, problem. As in all accounting systems some degree of arbitrariness is inevitable, but this should not detract from the validity of capital budgeting.

The Federal capital budget should include a broad range of both wealth-producing and non-wealth-producing Federal outlays on the capital side of the ledger. Many of these are self-liquidating and are already easily identified; others could be ascertained and properly included after further study and evaluation.

Such a capital budget classification should be geared with the overall budget to comprise as capital those items properly so, whether they are self-liquidating projects or capital investments in research and development, grants-in-aid, education, public welfare, and other public programs whose benefits are tangible but less susceptible to dollar measurement.

The ledger sheet on capital investments should clearly distinguish between revenue-producing and non-revenue-producing items. Depreciation on the latter could be accomplished annually, using the Swedish example, to be included in the annual operating budget and immediately written off. Self-liquidating projects would be eligible for financing by Federal borrowing. In this fashion the equivalence between the capital accounts and the Federal Government's interest in wealth-producing assets could be ascertained.

The use of capital accounts and capital budgeting principles has become the rule rather than the exception in American private business, in the governments of most of our large cities, in a number of the States and in many foreign countries. This trend has come about by reason of an increasing role of Government in long-range public works, lending, grants-in-aid, public welfare, and research and development programs. It also has been given momentum by the use of modern budgeting to enhance management efficiency.

Capital budgeting, as an important aspect of the Federal budget's use as an economic tool, will enable the Government better to analyze the rate and level of performance of its investment programs. Accordingly, there will be more freedom of choice between alternatives and more intelligent allocation of resources to the components of such programs.

A Federal capital budget will improve analysis of the total level of capital formation in the Nation, how it is financed and the part played by the Government in outlays for goods and services currently used; the Government's contribution to creation of real assets; changes in private sector investment patterns resulting from moneys received from the Federal Government.

Although only an accounting control and analysis technique, capital budgeting will provide the necessary information on which choices between or among economic objectives or reasonable compromises can be better made by an administration.

As a prelude to wider budget reform which this administration has already begun, the capital concept will play a key part in assisting the overall Federal budget to become a truly meaningful economic document and enable the Federal Government to adjust its fiscal and economic programs and policies to changing needs.

Opponents of a Federal capital budget concept include those who advance the familiar and oversimplified arguments of the conservative banking and business community and those in the Congress who share the same view.

In addition, certain lines of opposition to the capital budget have been advanced for other than self-serving reasons:

1. It is held that a capital budget would impose arbitrary limits to the use of the total Federal budget in carrying surplus or deficit financing programs in quick response to changing economic conditions. Moreover, the fear is expressed that certain kinds of capital expenditure programs would be insulated from such decisions.

The capital budget is no more and no less than an accounting method used by management for fiscal and economic planning. Budgeting lies at the center of all financial and economic planning by the modern corporation and should play a similarly indispensable role in planning by the Federal Government.

The capital budget, of course, will not resolve differences over what kind of fiscal, economic or tax policies are required under any given circumstances.

In addition to its use in measuring results of Federal wealth-producing programs, the capital budget approach should establish a relationship between annual budget results on long-term programs and vice versa. In combination with current operating expenses as part of a consolidated cash budget a clear picture of inflationary or deflationary effects of Federal financial programs could be gained.

Without this kind of separation, the present capital and current expense budgetary potpourri overstates the amount of money that must be raised by taxes as well as generating pressures for new forms of Federal taxation, mostly of the regressive type.

Additional pressures against tax reform are self-generating in the way capital investments are now carried as current items and will benefit future generations of taxpayers at the expense of those of the present generation.

2. A second argument, akin to the first one, holds that a capital budget will tend to overemphasize economic growth programs, particularly if they are revenue producing, at the expense of tax reduction in developing anticyclical policy or against needed programs in research, education, health, and other kindred fields.

The preoccupation once again is with the end result of policy and program rather than an objective judgment as to the value of a capital budget in helping to achieve fruitful, timely, and wise decisions. Emphasis, desirable or otherwise, is supplied by human evaluation of data. Capital budget data will assist rather than impede such evaluation. The decisions that will result will be directed toward the goal of using Federal power to achieve and foster economic growth and stability.

3. The preceding objections to a Federal capital budget can be better understood in light of a trend toward outflanking a national debt ceiling and the pitfalls of the appropriations process. This has resulted in enactment of the Federal highway aid program, the TVA self-financing authority for power generation and establishment of various Federal lending agencies that operate outside the regular appropriations process and whose transactions are presented separately from the Federal cash budget.

If this trend continues, more such agencies will be created and there will be intensified problems of imposing budgetary and administrative control under the total Federal fiscal program and economic policy.

As the first long step toward immediate public discussion, debate, and resolution of the problem of Federal budget reform, the President should establish a National Commission on Budget Reform to study the problem and make findings and recommendations within a year.

When the Commission has presented its report, findings, and recommendations to the President and the Congress, the stage would be set for implementing legislation, accompanied by a full range of public hearings in appropriate committees of the Congress.

The presentation of the budget last January represented a great advance. This should be followed through—with the midyear budget review—as well as subsequent years' budgets.

Besides continuing to present the traditional administrative budget classified by broad administrative areas, it certainly would be wise to continue the newly initiated income and product account budget.

In addition, the consolidated cash budget should be modified to consist of a consolidated account of income and outgo, including the trust funds, and consist of two subsidiary accounts—for current expenses and for capital investments.

The capital budget should be broken down for economic purposes to distinguish between loans and self-liquidating resources programs on the one hand and other capital investments creating intangible returns to the general welfare and economic strength of the country.

The overall capital items should comprise: (a) Defense installations, (b) Government buildings, (c) Government power facilities, (d) Government loans, (e) park recreation areas, preserves, (f) conservation and development of other resources, (g) atomic energy, and so forth.

There are great difficulties and complications—both political and technical—in the path of achieving basic budget reform. The technical and political complexities can be overcome, however, by a pragmatic approach. Major segments of public opinion can be won over to support of a practical and commonsense reform of the Federal budget.

SIDEWALK CAFES IN WASHINGTON

Mr. HUMPHREY. Mr. President, the other day I saw with great interest an article entitled "Connecticut Avenue May Offer Variety of Sidewalk Cafes."

My colleagues know that I have been very much interested in this subject. I have always felt that the great city of Washington, D.C., should have an international atmosphere, because in a real sense it is the world's capital. I have also felt that we should take more advantage of the good climate which occasionally is enjoyed in this city. This summer would have been a good one for sidewalk cafes.

Mr. President, I cannot resist noting that the cosmopolitan restaurant proprietors of Connecticut Avenue are planning to increase the number of sidewalk cafes available to the residents and visitors of Washington. As a long-time advocate and supporter of sidewalk cafes, I welcome this development. The trend has been established, the fashion has been accepted, and the sidewalk cafe bandwagon is rolling. It is a personal pleasure to invite all of my colleagues and all citizens of the District of Columbia and all visitors to this city to jump aboard.

Therefore, Mr. President, I ask unanimous consent that the article, which was published on Sunday in the Washington Post, and describes these developments, be printed in the Record; and I encourage the restaurant operators to get busy before the beautiful fall season leaves us.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 16, 1962]

Connecticut Avenue May Offer Variety of Sidewalk Cafes

(By Paul D. Boyd)

Washington may soon out-Paris Paris.

An international buffet of sorts—six sidewalk cafes with six different cuisines—is now being talked about for Connecticut Avenue's 2600 block, just above Calvert Street.

A menu for sidewalk cafehoppers might begin with enchiladas at El Mexico on the east side of the street and move on to lasagna at the Marco Polo, frogs' legs at Napoleon's and steak at the Ted Lewis Restaurant.

After braving six lanes of traffic to cross the street, the hiking diners could have chop suey at Chin's and barbecued spareribs Pennsylvania Dutch style at Arbaugh's—all al fresco.

Two of the restaurants, Napoleon's and Ted Lewis, already have asked for—and should get within a week—permission from the District Commissioners to open cafes in front of their establishments. The other four intend to do the same.

The setting is appropriate. The tree-lined boulevard is wide enough for an extended view and there is room on the sidewalks for tables, chairs, shrubs and pedestrians.

With some imaginative designing, the street should become a tourist attraction to conventioneers at nearby hotels.

Ted Lewis is thinking of putting a fountain in the grass plot next to his restaurant. Arbaugh's decor would be Pennsylvania Dutch, even to hex signs on the flower boxes and typical up-country furniture.

Chin's has no drawings on the board as yet, but a rice paddy rock garden and flaming dragon designs might be a start.

El Mexico wants to have waitresses in colorful Mexican costume and a new store front if they set up an outdoor cafe. Basil Politis of Napoleon's left no doubt that he would recreate a French atmosphere and really "do it up right."

The Marco Polo might try some lacy grillwork and wine bottle candlesticks on the tables.

The way was cleared for the outdoor cafes August 15 when the District Commissioners designated both sides of Connecticut Avenue from Taft Bridge to Garfield Street NW., a business area. This is defined as an area in which 50 percent of the frontage is used for commercial purposes.

Applications from Ted Lewis and Napoleon's have now been processed by some 15 public agencies. According to Julian P. Green, Assistant Superintendent of the Licenses and Permit Division, the applications will be referred to the District Commissioners by the Public Space Committee at a meeting next week.

QUINCY-COLUMBIA BASIN IRRIGATION DISTRICT

The Senate resumed the consideration of the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy-Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin irrigation districts, and for other purposes.

Mr. JACKSON. Mr. President, H.R. 11164 is a bill to approve an amendatory repayment contract negotiated with the Quincy-Columbia Basin Irrigation District and to authorize similar contracts with any of the Columbia Basin irrigation districts. The bill also amends the Columbia Basin Project Act of 1943.

This bill was introduced as a result of an executive communication and is needed to permit the development program for the Columbia Basin project to go forward on a sound basis with the water users repaying an appropriate and equitable share of the construction costs. In addition, action is needed this year because the 1962 drainage charge which was deferred by congressional action last year and the 1963 drainage charge will both become due on May 1 of next year. It may probably be impossible for the irrigation districts to meet these payments unless they become part of their long-term obligations as provided by the bill. The failure to enact this legislation will result in grave hardship for individual farmers on the project.

The bill does not authorize the appropriation of any additional funds. The project has been fully authorized since 1943. The legislation would remove a contractual limitation of $281 million on the obligation of the United States to make expenditures for the project irrigation facilities. This limitation was included in the 1945 repayment contracts executed between the three Columbia Basin irrigation districts and the Secretary of the Interior. In some repayment contracts $8,176,000 was fixed as the limitation on the amount to be expended for drainage works. The contracts provided that any drainage costs above this amount would be paid by the water users as part of an annual operation and maintenance charge. Soon after the first irrigation water was delivered it became clear that these estimated costs were inadequate in two respects. First, the total construction estimates were based on prewar costs and were totally unrealistic. Secondly, the drainage problem was much more severe than it was originally thought to be. The situation became critical 2 years ago when this ceiling on drainage costs was reached and charges were levied against the irrigation districts.

The necessity for amendatory contracts became clear at that time and there followed a protracted negotiation between the Bureau of Reclamation and the irrigation districts. Early in 1961 Secretary of the Interior Udall appointed a three-man board of consultants to make an independent study of the repayment problem and to provide recommendations for solution. On August 31 of 1961 Secretary Udall announced a "framework of solution" which framework followed the recommendations of the special board of consultants. As a result an amendatory "short form contract" has recently been negotiated with the Quincy Irrigation District and has been approved by an overwhelming majority of the water users of that district. This amendatory contract is set forth in full in the report. A principal objective of this legislation is the approval of the Quincy repayment contract, and similar contracts.

Some reference to the history of the Columbia Basin project may be helpful to the Senate. The Columbia Basin project is located in eastern Washington. Its key structure is the Grand Coulee Dam on the Columbia River with a power installation of 1,944,000 kilowatts.

Construction of the project began December 18, 1933, with Public Works Administration funds. Grand Coulee Dam was formally authorized in the Rivers and Harbors Act of 1935 and the Columbia Basin project was "authorized and reauthorized" by the act of March 10, 1943. This authorization was for the irrigation of the full 1,029,000 acres of the project. The first power was delivered from Grand Coulee in 1941. Prior to that time the 1,029,000 acres of the project had been divided into three irrigation districts—the south, east, and Quincy districts—which were organized under Washington State law to administer the delivery of water to individual farming units.

Under reclamation law, assurances are required of the return to the Treasury of all construction costs over and above operation and maintenance costs. Interest is assessed on construction costs of power facilities but not on the irrigation investment. The multiple-purpose aspect of Grand Coulee Dam and, in particular, the use of power revenues for the support of irrigation repayment, was recognized from the time the project was first conceived in the 1920's. It was clearly understood that while the million acres of land in the project area could be transformed into productive farms, the cost of construction of the irrigation facilities was unquestionably beyond the ability of the potential water users to pay.

Before the project was authorized in 1943, extensive studies were made by highly qualified individuals and organizations attempting to forecast the repayment ability of the lands to be placed under irrigation. Following a series of discussions and negotiations from 1943 to 1945, an average repayment figure of $85 per acre was finally reached. This figure was incorporated into the repayment contracts executed in 1945 between the irrigation districts and the Secretary of the Interior. However, a contract limitation of $281 million was set on the obligation of the United States to expend funds to complete the irrigation work. Of this amount, $8,176,000 was fixed as the maximum amount to be applied to the construction of drainage facilities; $281 million represented an estimate of the construction costs to irrigate 1,029,000 acres of the project. As I have stated, however, this estimate was based on prewar costs and it soon became apparent that this estimate was unrealistic. No concrete explanation is available as to the background of the $8,176,000 limitation on drainage construction. It is virtually impossible to forecast with any degree of accuracy drainage construction costs before land is irrigated. The 1945 contracts required the Secretary to assess the irrigation districts for any construction costs of drainage over and above the contract limitation. This limitation was reached in 1960 and the Secretary accordingly assessed drainage charges amounting to $1.65 per acre as part of the operation and maintenance. In 1961 the charges amounted to $2.30 per acre and in 1962 the amount increased to $2.80 per acre. Rising costs of operating farm units in the basin placed the water users in a vicious cost-price squeeze. Now these water users face the prospect of ever-increasing drainage charges. In 1960 drainage charges were paid from the reserves of the irrigation districts and in 1961 by the water users under assessment. In 1962 the drainage charges were deferred by congressional action. On May 1 of next year the 1961 and 1962 drainage charges will become due, and there is grave doubt as to whether the irrigation districts can meet these charges which with operation and maintenance charges and construction charges will be in excess of $15 per acre for some irrigation blocks.

Furthermore, the contract ceiling of $281 million has now been reached, and unless this ceiling is removed by amendatory contracts all work on the project will cease at a point where less than half of the total authorized acres to be irrigated are actually under irrigation.

Without burdening the Senate, Mr. President, I should like to examine briefly the provisions of H.R. 11164.

Section 1 of the bill authorizes the Secretary of the Interior to execute the amendatory contract approved by the voters of the Quincy Irrigation District on February 13, 1962. The Secretary is also authorized to execute either a short-form amendatory repayment contract with the South and East Columbia Basin Irrigation Districts with the same repayment provisions as the Quincy contract or long-form amendatory repayment contracts of similar provisions with any districts. The amendatory repayment contract negotiated with the Quincy district which is the model for either short or long-form contracts with the other districts makes provisions for the following:

First. Adjusting the net irrigable acreage in the district;

Second. Removing the limitation on the amount to be expended for construction of project irrigation and drainage works and substituting a requirement for a finding of economic and financial feasibility;

Third. Capitalizing the cost of drainage works now being charged to and paid as a part of the cost of annual operation and maintenance of the irrigation system;

Fourth. Authorizing performance of project drainage construction work by the district under suitable agreements with the United States;

Fifth. Increasing the district's maximum construction charge repayment obligation;

Sixth. Increasing the average construction charge from $85 to $131.60 per irrigable acre;

Seventh. Extending the construction repayment period from 40 to 50 years; and

Eighth. Reducing the annual construction payments in the early years and increasing them at periodic intervals during the remaining years of the 50-year period.

Section 2 of the bill provides for a capitalization of the irrigation districts' share of operations and maintenance funds expended for the construction of drainage works for the calendar year 1960–62, with the result that these charges will become part of the long-term obligations of the districts and they will receive an appropriate credit or refund for amounts previously paid.

Section 3 of the bill also repeals those sections of the Columbia Basin Project Act of March 10, 1943 (57 Stat. 14), which are peculiar to that project and the repeal of which would in all essential requirements eliminate the difference between the Columbia Basin project and other Federal reclamation projects.

The repeal of these provisions of the Columbia Basin Project Act would, first, eliminate the requirement for farm unit conformance; second, permit the delivery of water to farm units without regard to whether they are conformed; third, allow delivery of water to 160 irrigable acres held by an individual and to 320 irrigable acres held by a husband and wife without regard to when the lands were held or reacquired by them or to the irrigable lands held by their minor children in their own right and for their own benefit; fourth, confine the antispeculation provisions or recordable contracts to lands in excess of those to which water may be lawfully delivered under this section of the bill; fifth, eliminate reference to companion State legislation which has already been enacted; and sixth, eliminate need for consent to sale of State-owned lands at approved prices.

Section 3 of the bill also amends section 4 of the Columbia Basin Project Act to permit farm units owned by the United States which the Secretary determines are not suitable for settlement purposes to be sold to resident project landowners as supplemental units, subject to the applicable acreage limitations.

In regard to the antispeculation provisions contained in the Columbia Basin Project Act of 1943 which are modified by this bill, I should like to take this opportunity to make the legislative record clear. Accordingly, I should like the RECORD to show at this point my recent correspondence on this subject with the Department of the Interior. Under Secretary Carr's letter sets out clearly what action the Department of the Interior intends to take to prevent any speculation in Columbia Basin project lands. I should like to emphasize again that this correspondence is offered as part of the legislative history of H.R. 11164.

I ask unanimous consent that the correspondence be printed in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12, 1962.

Hon. STEWART L. UDALL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

MY DEAR MR. SECRETARY: During the consideration of S. 3162 and H.R. 11164 a question has arisen concerning the possibility of speculation on Columbia Basin project lands if such legislation is enacted. I am particularly concerned that it might be possible for a person or persons to buy large areas of land presently within one or more of the irrigation districts and, after enactment of the legislation, sell such land at a speculative profit thereby gaining a windfall by reason of the legislation. It was the intention of the Interior Committee and I know of your Department to insure that such windfalls should not occur.

Your framework statement of August 31, 1961, made it clear that you proposed to remove the antispeculation provisions from the nonexcess lands and retain such provisions as to excess lands.

Accordingly, I would appreciate your views on this question before this legislation comes before the Senate for consideration during the week beginning September 17. I intend to incorporate your reply into the RECORD as part of the legislative history of S. 3612 and H.R. 11164.

Sincerely yours,
HENRY M. JACKSON,
U.S. Senator, Acting Chairman.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 17, 1962.

Hon. HENRY M. JACKSON,
Acting Chairman, Senate Interior and Insular Affairs Committee, Washington, D.C.

DEAR SENATOR JACKSON: Thank you for your letter of September 12, 1962. You are correct in your statement that the Department's proposal of August 31, 1961, intended to refer to the lifting of the antispeculation provisions of the existing Columbia Basin Project Act only as to the nonexcess lands and to retain the existing antispeculation provisions under the Federal reclamation laws as to excess lands.

The date as of which the status of land is to be determined as in excess or nonexcess status has not heretofore been explicitly stated. The Columbia Basin Project Act requires that all lands be covered by recordable contracts. At the present time all or substantially all of the lands legally within the present districts on the project are covered by recordable contracts executed by the landowners which contain specific antispeculation provisions as to those lands whether they will be excess or nonexcess.

Until the Columbia Basin Project Act is amended there is no authority to remove any antispeculation provisions from recordable contracts covering any lands in the project. If the pending legislation is enacted, there would be authority to amend the recordable contracts to remove the antispeculation provisions from lands deemed nonexcess. The date upon which the lands would be considered excess or nonexcess would be the date of the approval of the pending legislation which would be the authority to reform the contracts to provide for the lifting of the antispeculation provisions as to the nonexcess lands. This would remove the possibility of unscrupulous speculation with project lands as they might apply to large areas which would be excess.

A person who owns excess lands as of the date of the enactment of the legislation would be governed by the existing antispeculation provisions applicable to excess lands under the reclamation laws.

Sincerely yours,
JAMES K. CARR,
Acting Secretary of the Interior.

Mr. JACKSON. Section 4 of the bill authorizes and directs the Secretary to amend or modify all existing contracts, instruments, rules, regulations, forms, and procedures to conform to the provisions of this act.

Section 5 is designed to retain provisions of existing law allowing the delivery to nominal quarter sections even though they exceed 160 irrigable acres. While carrying out the cadastral surveys of the United States there were frequent errors which were rectified by a procedure which made all sections regular except those along the west side of a township. These sections along the west side were sometimes slightly short or in excess of 640 acres, and a quarter section would, of course, be similarly irregular. Section 5 also preserves the right of a vendee or a grantee the right to sue for an overpayment made under the Columbia Basin Project Act prior to the repeal of section 3 by this legislation.

Section 6 is a housekeeping provision which eliminates language in the Columbia Basin Project Act which the enactment of this bill makes unnecessary or inappropriate.

Section 7 amends an act of June 23, 1959 to permit the delivery of water to 640 acres of State lands used by Washington State University for agricultural research purposes whether or not these lands are in conformed farm units.

Mr. President, these are the provisions of H.R. 11164.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. ALLOTT. Mr. President, I wish to address myself to the pending bill, H.R. 11164.

As a person who was born and reared in the West, where water is literally the lifeblood of the economy and of the life of the people, it is with the greatest of reluctance that I rise in opposition to this particular bill. I shall offer an amendment at a subsequent time which I hope will cure the problem.

All of us know how important it is in the West to have reclamation projects, to have dams to preserve our water. Without water there cannot be farms. Without water there cannot be municipalities. Without water there cannot be industrial development.

Only through the development of water resources of the West have we been able to achieve some of the really great—almost fantastic in some cases—developments characteristic of the West. Without water this would not have been possible in our sister State of California, nor would it have been possible in the State of the Senator from Washington, who is now floor manager of the bill, nor would it have been possible in the State of Colorado.

Most of our efforts in legislative matters are devoted to the sheer task of trying to find ways of creating water in our Western States, of better using it and of preserving it.

With this background, it is very difficult for anyone like myself to oppose such a bill as the one before the Senate. I do not oppose the principles of the bill or its reclamation features. I oppose certain provisions in the bill which I think would cast a great burden upon the Northwest itself and eventually would cast a great burden upon the American taxpayers.

While the stated purpose of the bill, H.R. 11164, is to approve a short-term amendatory repayment contract with one of the three irrigation districts in the Columbia Basin project, the effect of the bill would go far beyond this. The bill would open the door to expenditures of an additional $400 million and the development of an additional 500,000 acres of new lands to be brought under irrigation.

This new development would be undertaken on the basis of construction costs of the year 1962 and beyond, but the repayment of these costs would be largely geared to the repayment capacity of irrigated lands in the agricultural economy of 1945. It is true that the project has already been authorized. It is also true that the original authorization for the Columbia Basin project in 1943 was for the ultimate development of 1 million acres of land. When the repayment contracts on this project were first executed in 1945, it was estimated that the entire irrigation development of the 1 million acres could be completed at a cost to the Federal Government of $280 million. Because of this 1945 estimate, and because of apprehension among Members of Congress that this cost figure might be exceeded in the absence of any ceiling on Federal expenditures for irrigation developments, there was inserted in the 1945 repayment contracts a provision placing a limit on the obligation of the Federal Government to make expenditures for facilities devoted to irrigation in the proposed 1-million-acre Columbia Basin project.

Today that contract ceiling of $280,782,180 has almost been reached. But instead of completion of irrigation facilities for 1 million acres, this $280 million will be sufficient to develop facilities for only 481,000 acres by the year 1966. Because of the existing contract limitation, the Bureau of Reclamation has been gearing its construction and development program for the past few years to a 481,000-acre development. Over 500,000 acres of the project, originally proposed to be developed and served with water from this project, is still used for dryland farming and remains undeveloped, so far as irrigation is concerned. It is now estimated that under present costs of construction, it will take an additional $400 million to complete the million-acre project so as to get water to the additional half-million acres. This means that the total cost of irrigation facilities for the project will become $678,126,000 instead of $280 million.

The Senator from Washington recently said that this was not a new authorization. Speaking strictly and legally, the Senator is correct. Factually speaking, what we are asked to do is to expand the limitations of a contract to the extent that we really would be authorizing by the proposed legislation the expenditure of $400 million more, and no one should make any mistake about what we are asked to do.

It would cost the Government of the United States $400 million more.

However, this additional $400 million cannot now be spent because of the ceiling on expenditures placed in the present repayment contracts. This bill, H.R. 11164, would remove this ceiling on expenditures, and no ceiling whatsoever would remain, either by contract or legislation.

The effect of this bill then is to make possible the expenditure of an additional $400 million so as to provide irrigation development for the additional 500,000 acres of land.

I am not in a position at this time to say whether I would favor this additional development or be opposed to it. I do not think any member of the Interior Committee has sufficient facts to make an intelligent stand one way or the other on this matter. Congress has not taken a look at the financial and engineering feasibility of this irrigation project since its authorization in 1943, almost 20 years ago. Since that time, construction costs on this project have increased 140 percent. The irrigation and farming practices have changed considerably. The needs of the agricultural economy have changed. And most important, from the standpoint of this project, the ability of the irrigator to pay his fair share of the project costs allocated to irrigation has increased substantially.

That is one of the main points, which I repeat. Most important from the standpoint of the project is the ability of the irrigator to pay his fair share of the project costs allocated to irrigation. Those costs have increased substantially.

Despite the fact that the estimated total construction costs of this project have increased 140 percent from the 1945 figures, that is, from $280 million to $678 million, it is proposed that the costs to be repaid by the water user on this 500,000-acre development be increased only 60 percent, that is, from $85 per acre to $131 per acre, and much of this modest increase will not be noticed because this bill would extend the repayment period an additional 10 years.

I repeat, that costs of the project have increased 140 percent. We know that the ability of the irrigator to pay a fair share has increased. Yet the irrigator himself would only be required to pay an increase of 60 percent as compared with an increase of 140 percent in the cost of construction.

I do not mean to suggest, by quoting these figures that the amount which the water user ought to pay should be increased in the same proportion as the cost of construction has increased. It has long been the policy of reclamation law, in multipurpose projects, to allocate the construction costs to the irrigators on the basis of their ability to pay. However, this standard of repayment ability, which is applied to every other reclamation project in the United States, is to be disregarded by the new development made possible through this bill.

The total cost of this new irrigation development will average something over $700 per acre. According to testimony of Mr. Stamm of the Bureau of Reclamation on July 18, 1962, the irrigators on this project will have the ability to repay annually the sum of $5.28 per acre. Over the 50-year repayment period, this would amount to a total of $264 per acre as against a project cost of $700 per acre. However, it is proposed in these new repayment contracts that the water user repay not $264 per acre, not even $200 per acre, but only $131 per acre over a 50-year period.

So it is proposed in the present measure that, based upon the contract which was made in 1943 and the provision with relation to the ability of the irrigator to pay in 1943, of the $700-per-acre cost which we are now asked to assume, the irrigator would repay only $131.

The balance of the $700-per-acre cost will be loaded on power revenues of the project. I point out that it was only in recent weeks that the Senator from Washington [Mr. JACKSON] came before the Senate and procured a preferential use for the power in the Columbia River Basin. By way of comparison, I might point out that in the recently approved Fryingpan-Arkansas project in my State, the water user is scheduled to repay 70 percent of the project costs allocated to irrigation.

This desire of water users in the Columbia Basin project that their payment ability be ignored and that a disproportionate share of the burden be carried by power revenues was commented upon by the present Commissioner of Reclamation, Mr. Floyd Dominy, in 1960 when he said:

> It is inevitable, too, that where reclamation law says we should write contracts according to the ability to pay and there is a large powerplant with revenues available, the water users obviously are interested in loading as large a portion of the total on the revenue-producing elements other than irrigation.

Whether this amount of power assistance to irrigation under this project is justified under these circumstances, again I cannot say. Under this bill, there would be no reevaluation by Congress of the financial feasibility of this new 500,000-acre development costing an estimated $400 million. I, for one, think Congress should take a new look at this 20-year-old project before we pass this bill—a bill which will have the effect of opening the door for another $400 million expenditure.

I do not voice any objections to the other features of the bill. I believe amendatory repayment contracts are undoubtedly warranted to grant relief to existing irrigators from undue hardship arising out of the drainage problems in the districts.

In order to separate the desirable features of this bill from the potential development of an additional one-half million acres, I offer an amendment which I have sent to the desk and ask to have read.

The PRESIDING OFFICER. The amendment of the Senator from Colorado will be stated.

The CHIEF CLERK. On page 6, line 4, it is proposed to insert the following section:

> SEC. 8. No irrigation works or facilities shall be constructed, pursuant to any existing authorization of the Columbia Basin project, which will provide for the irrigation of more than a total of 500,000 acres of land within the project.

Mr. ALLOTT. Mr. President, in my few remarks I have stated the reason for the amendment. The facts of the situation are very easy to understand. They are very clear and plain. When the project was authorized in 1943, a limitation on the Federal expenditure of $280 million was put in the contract. Repayment contracts were entered into based upon cost estimates at that time. Now it is proposed to construct facilities for another half million acres in 1962. Of course, the cost today would be based upon the construction costs of today. But instead of the irrigator paying what he is able to pay under today's prices, situation, and conditions, he would only repay $131, compared with the $85 repayment then.

The gist of the reclamation law is that the irrigator must repay in accordance with his ability to repay, which depends upon the location of the land, the condition of the soil, the part of the country, and the crops. All these factors are taken into consideration.

The amendment is not subject to the objection which many amendments face. I offered it in the subcommittee and in the full committee and discussed it there. The subject has been considered. What we are here to determine is whether we should abandon the basic concept of irrigation law, which is the ability of the irrigator to repay, and let these irrigators take a free ride—because that is what it is—on our 1962 costs based upon the contracts of repayment which were executed in 1945.

Mr. JACKSON. Mr. President, I rise in opposition to the pending amendment. As the Senator from Colorado has said, the amendment was considered in both the subcommittee and in the full committee, and in both places it was decisively disapproved.

The Senate should understand that the effect of the adoption of the amendment of the Senator from Colorado would be to permit development of the project for only 1 more year.

I realize that when we talk about the Columbia Basin project, there is some feeling of envy, because this is indeed one of the most highly feasible projects that Congress has ever authorized. Grand Coulee Dam is the central part of the project. Fortunately, Grand Coulee Dam got underway when costs were low. The total cost of the power part of the project was about $180 million. By 1978—and that is not very far away—all of the cost of the Grand Coulee Dam, as it relates to commercial power—and that is virtually all of the dam structure—will be paid back with interest. This is a significant point. By 1978 all the present allocation from power revenues from the dam will be applied to the irrigation and reclamation features of the project.

Currently, we are paying in $12,800,000 a year from the power revenues from Grand Coulee. Reference has been made to the amount the irrigators are paying per acre. In the Colorado Basin Storage Act the costs that the irrigators are paying per acre are similar to that proposed in the amendatory contract approved by this bill.

Let me cite specific figures. In the central Utah vernal unit, the irrigation allocation is $6,787,400. The water users will repay $1,500,000, which is $102 an acre, or 22.1 percent.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. ALLOTT. I am sure the Senator would not wish to contend that we can, carte blanche, compare repayment features of one project with any other project. For example, all of the areas in the Colorado River Basin, without exception, are of a completely different kind. The quality of the land conditions is different. The atmospheric conditions are different. The crops are different. All factors are different on the Colorado River Basin.

Mr. JACKSON. The Columbia Basin is different. It is different in all these things. It is more feasible than other projects. That is the significant point. I wish to continue along this line, as long as the cost-per-acre figure has been mentioned.

Mr. ALLOTT. If it is so feasible, why are the irrigators unwilling to pay in accordance with their ability to pay?

Mr. JACKSON. I will come to that point in a moment. The Senator recalls the testimony from the three distinguished persons who went out into the basin to look over the project and who made their findings for the Secretary of the Interior as to the ability of the irrigators to pay. They came forward with the recommendations which are to be found in the contract. The irrigators in that area are not in a very good financial position. They are in a difficult situation because they are pioneers in the area, so to speak; and few have the resources and the funds to meet the ever-increasing costs. My senior colleague from Washington will concur in what I am saying, I am sure. We have had a great deal of difficulty in that basin. There have been a number of bankruptcies and forfeitures of real estate contracts due to the inability of the farmer to meet the total costs which have been imposed upon small farms. The farm unit, on the average, involves an investment of between $30,000 and $50,000.

I agree that there are differences, but I point out what the record shows with reference to other projects.

In the Emory project, a part of the Columbia Basin Storage Act, the irrigation allocation is $9,277,000. The water users will repay $2,550,000. That is $136 an acre, or 27.5 percent.

In the Florida irrigation project, the irrigation allocation is $9,030,604. The water users will repay $1,600,000. That is $82 an acre, or 17.7 percent.

In the Hammond project, the irrigation allocation is $3,656,303. The water users will repay $425,000, which is $109 an acre, or 11.6 percent.

In the Paonia project, the irrigation allocation is $7,540,874. The water users will repay $2,320,000, which is $152 an acre, or 30.8 percent.

In the Smith Fork project, the irrigation allocation is $4,128,394. The water users will repay $875,000, which is $92 an acre, or 21.2 percent.

In addition—and I emphasize this in view of the pending amendment—the Colorado Basin Storage Act provides for contracts with participating projects. These contracts do not contain a ceiling limitation on the obligation of the Government to expend funds or a feasibility clause—permitting the Secretary of the Interior to stop construction if the costs become excessive.

I believe that sufficiently answers the contention made in behalf of the amendment. The project in the Columbia Basin is one of the finest in the Nation. The water users will pay for a part, and the power users will pay for the other part, when they pay their power bills. This is something that the people in the Pacific Northwest agreed upon a long time ago. In the end, the Government will be amply repaid. I hope the amendment will be rejected.

Mr. MAGNUSON. Mr. President, I understand that the amendment of the Senator from Colorado, if adopted, would mean that there would be 1 more year left to work on the project, and that the effect would be to deny us the right to have the potential of the whole concept of Grand Coulee and the Columbia Basin. The reason it has such a good feasibility ratio is the great acreage of more than a million acres, which will ultimately be developed.

Mr. JACKSON. I am sure the Senator will agree that adoption of the amendment would make it impossible to properly plan the project. I point out that the Colorado Basin project is an open-ended one. What is good for one place ought to be good for another. Congress previously fully authorized this project.

Mr. MAGNUSON. Is it not true that before these contracts were entered into, they were subject to long hearings in the field, which were attended by many people, both government officials and water users; and that this problem has been threshed out pro and con until we arrived at this figure after almost 2 years? Surely any suggestion that there has been no testimony as to the ability of water users to pay is not well taken, because the question has been considered at length, even to the extent of having three or four elections on the types of contracts.

Mr. ALLOTT. Mr. President, I very seriously considered several methods of handling this problem. I thought the bill ought to be returned to committee. However, one thing occurred during the proceedings to which I think the attention of the Senate ought to be called.

We in the Government frequently get into unusual situations and positions. A hearing was held upon this question, and representatives of the Bureau of Reclamation testified. I think we spent an hour or two on the question one morning. During that hearing we heard much about amendatory contracts.

I was very much in sympathy with the problems of the chairman of the subcommittee, the distinguished junior Senator from Washington [Mr. JACKSON], who was trying to solve the contractual problems. The reclamation officials went out to the area to try to solve the problems. But not once during that entire morning was one word said about increasing the expenditures by $400 million. I suppose $400 million is merely pocket money to those people; but I believe the average American—and I think I am average—cannot conceive of $400 million. I know I cannot comprehend so large a sum.

When the question rose, I called it to the attention of the junior Senator from Washington [Mr. JACKSON], who is chairman of the subcommittee. He told me very frankly that he was not aware of the problem. That was why I called it to his attention. I do not wish to imply that he would try to pull a "fast one" or to pull the wool over my eyes. I think in respect to this problem he was as much misled as was the Senator from Colorado.

At the next hearing, the chairman of the committee, the distinguished junior Senator from New Mexico [Mr. ANDERSON], presided. At page 29 of the hearings, the Senator from New Mexico said:

> The CHAIRMAN. The main problem we had when we got into this was that in the testimony given before the committee there was very little said about the fact that this would raise the authorization $400 million, and some of us believe that $400 million is not an insignificant sum; but not one word of that ever appeared in the testimony, so far as I can tell.
>
> There was a sort of limitation as to how many acres could be developed. I think it is the plain intention of everybody that in time the entire million acres be developed, but the Congress has been very careful about authorizing additional reclamation at the present time, and from what was being proposed by your Department, let us say quietly, at least, it was to raise the authorization from 400,000 acres to the full 1 million acres.
>
> I did not find anywhere in the testimony where that was made plain or even mentioned, and I wonder if it was the purpose of the witnesses to conceal that fact from the committee.
>
> Secondly, I know of nothing in this that said that the money limit which had been placed in the contract by Secretary Ickes was being expanded from $200 million.

I call this situation to the attention of the Senate merely to show why I am concerned. The junior Senator from Washington and I are very good friends. He understands my reasons for opposing this bill. As he has told me, he was not aware of the situation any more than I was.

As the Senator from New Mexico [Mr. ANDERSON], the chairman of the committee, said, in the 2 hours of hearings not one word was said by the Bureau of Reclamation about an expenditure of $400 million.

I am attempting by my amendment to cure the problem in the only way I know how. During the hearings, I was afflicted by the thing known as "proxyitis." I did not have enough votes, so far as proxies were concerned, to carry my point in the committee. I say that in good grace and in friendship. Nevertheless, I think this proposal is a bad mistake. It would deal a mortal blow to reclamation. We are writing out of reclamation law or the policy of reclamation law in respect to multipurpose projects the allocation of construction costs to irrigators on the ability to pay, and we are allocating it here on the ability to pay in 1943.

CHICAGO & NORTH WESTERN RAILWAY STRIKE

Mr. MUNDT. Mr. President, the time for effective action by President Kennedy and others in authority in connection with the protracted strike which has tied up all shipping in a nine-State area on the Chicago & North Western Railway is not only here and now; it is, in fact, long past. Unless immediate action is forthcoming, the farmers and shippers of this great agricultural area will suffer an irreparable economic loss bordering on a financial disaster.

For more than a week, friends of the White House, both in and out of the Senate, who presume to speak with authority on the strike negotiations, have been counseling the people to be calm and confident in view of the fact that a strike settlement could be expected momentarily. It was freely predicted by those speaking for the White House and the Department of Labor that on the basis of their inside pipeline information from these areas of authority, the strike would be settled during the past weekend.

When those predictions turned to ashes in our hands, we were told the strike would be settled certainly not later than Monday night. Then we were advised to expect an end of the strike and the resumption of rail service by Tuesday at the latest.

Mr. President, it is now late Wednesday afternoon. Yet no firm word of assurance that the strike has been settled has come from either the White House or the Secretary of Labor. The farmers and the many citizens generally who are suffering from the strike, which is now in its 20th day, can no longer survive on expressions of pious hope that the strike settlement is just around the corner. Even though the strike were settled tonight and the trains began to carry farm produce tomorrow morning, the economic loss to the farmers of South Dakota and elsewhere would be staggering. Many of our farmers having perishable products on their hands have already reached the corner of disaster.

Every passing day of delay in getting the trains back on the tracks is expanding the economic suffering of our nine-State area. Action is needed now. Further postponement may well make the eventual settlement of the strike far too late to help those who will already have suffered serious economic tragedy.

Ever since his press conference last week, in which the President disclosed a double standard of morality in dealing with strike settlements, as revealed in the conflicting manner in which he has handled strikes on missile bases as compared with this railroad strike, editorials have been appearing all across America calling attention to this discrepancy and urging that the President himself move into this prolonged railroad strike in order to seek a settlement. In connection with the missile controversy the President stated that he had appointed a factfinding board, and that the factfinding board had made recommendations that the companies comply with the demands of the union; and the President virtually ordered the companies to comply.

But in connection with the railroad strike, although the President also appointed a factfinding board, and although it found that the union should have its members return to work, and recommended that it agree to a procedure which was acceptable to the railroad and was devised by the factfinding board, in this case no such stirring words urging the striking workers to return to their jobs were used. So the strike continues this Wednesday afternoon.

Merely shifting the controversy from the President's factfinding board, which already has studied all the evidence, and has made its recommendations, and has urged that the union accept them, over into a new area of study and discussion by a new factfinding panel or arbitration committee—as was suggested on Monday in his telegram to the railroads and to the union—has not brought relief from this disastrous strike.

All day I have been keeping in touch with the situation. Conferences were held this morning, and have taken place during the day, downtown; and I presume that negotiations are continuing. But what is required is action in order to get the trains back into operation before the sugarbeets deteriorate and before the farmers who have been forced to store their grain outdoors lose their crop, and before a million-dollar loss is suffered by the farmers of this area, through no fault of their own.

Yet, although they were prudent and efficient enough to produce a good crop, they are now denied an opportunity to market it, because of a controversy in which they are not involved in any way.

Certainly this situation should not be permitted to continue. Great damage has already occurred to the national defense, and great construction works have been delayed, because of the inability to obtain the necessary supplies to continue the work on them. This development is occurring in our area, where winter is only a short time ahead of us, and where, because of the weather conditions, the construction season is normally short.

Mr. President, it seems to me that the time has clearly arrived when we should call for, and should expect, effective action from the White House. The President could call into his office the officials of the unions and the officials of the railroad, and urge them to abide by the decisions and recommendations of his factfinding board. If either refused to cooperate—and up to now the Telegraphers Union has refused to cooperate—the President could go on the television and the radio, and could marshal public opinion against those who would perpetuate, or even further this strike, which already has slowed down our national defense program in a widespread area and already has caused grave economic suffering to farmers and producers.

Or, as a second suggestion, the President could send to Congress proposed legislation specifically granting to him authority to deal with this emergency-type situation. I am sure Congress would respond in the course of 48 hours to such a proposal—as Congress did respond, in a like amount of time, to the President's request for authority to call up the reservists.

As a third suggestion, Mr. President, President Kennedy could explore and utilize the other steps available to him through the prestige and authority of his high office, which would enable him to undertake to bring the strike to an immediate end.

It seems to me that if the strike is not settled by midnight tonight, the least that should be done is for the President to call into his oval office those who are delaying the solution of the strike, and exercise the prestige of that position and the impressive environment of the President's office to go into this problem himself, because it is one of serious consequences. It involves not only South Dakota, although our farmers have been badly hit, and we have a rich and ample sugarbeet crop which needs to be hauled at once to the mills. In addition, this matter has become one of national concern and national consequences.

To illustrate how widespread is the concern about the strike, I ask unanimous consent to have printed at this point in the Record a number of editorials dealing with the problems involved, which have appeared in the press of the country from virtually coast to coast.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Chicago Daily Tribune, Sept. 19, 1962]

Rail Strikes Can't Be Tolerated

After 20 days of inconvenience and hardship for thousands of people in nine States, a strike of telegraphers against the North Western Railway appears to be nearer settlement. Both sides have accepted a proposal by President Kennedy that the remaining issues of the dispute be submitted to binding arbitration by a new three-man board.

A Presidential emergency board, created under the Railway Labor Act, already has studied the dispute and made recommendations which the C. & N.W. agreed to accept. The union balked on a recommendation that it should have no veto over job reductions, and insisted on a settlement like one made a year ago with the Southern Pacific Railroad.

Under the Railway Labor Act the report of a Presidential emergency board is not binding upon the parties; it is merely a recommendation of terms for a settlement. The theory of the law was that public opinion would force a settlement according to the board's terms. Framers of the law thought also that bargaining between the parties would be conducted realistically and in good faith, because neither side would dare risk unwelcome recommendations.

The act worked for a while just as its sponsors hoped it would, until former President Franklin D. Roosevelt began to overrule the findings of the boards, giving the unions more than the boards recommended. The practice was continued by former President Truman. Since then there has been no real bargaining in railroad labor disputes until after emergency boards have made reports.

The railroads have never opposed the recommendations of such a board, but the unions have not been under similar restraint. They begin bargaining after a board already has sought to reach a compromise.

In the current C. & N.W. strike there was no pressure from the White House upon the union to accept the recommendations of the Presidential emergency board, although in other disputes the Kennedy administration has put heat on employers to accept the findings of similar boards.

Railroad executives, trying to work within the double standard imposed by the administration, have concluded that the Railway Labor Act needs strengthening. Clair M. Roddewig, president of the Association of Western Railways, says he has come to the conclusion reluctantly that the findings of Presidential emergency boards should be made binding through an amendment of the Railway Labor Act.

The unions surely would oppose such a change in the law because it would deprive them of their most powerful weapon—the strike. But if they continue to ignore the findings of Presidential boards, and continue to call devastating strikes, they will exhaust the patience of the public. The result is very likely to be congressional action for compulsory arbitration.

The strike against the C. & N.W. is a kind of pilot for other disputes involving other companies and other unions. If it results in improvement of the procedure for keeping peace in the railroad industry, the country will have received something in return for the troubles which the strike caused.

[From the Chicago Sun-Times, Sept. 19, 1962]

Hallelujahs and Hard Facts

Everyone affected will welcome the resumption of North Western Railway Co. train service. At this writing, however, hallelujahs would be premature. The strike by the Order of Railroad Telegraphers has not been ordered ended although both sides to the dispute have agreed to President Kennedy's proposal that the differences between them should be settled by arbitration. The union is unhappy with the President's proposal and is being cagey about what questions ought to go to the arbitrators.

As we understand the President's proposal, the entire dispute between the railroad and the union will not go to arbitration but only those differences concerning the interpretation and application of a Presidential emergency board's report and recommendations in the case.

The arbitrators would not try to rewrite the earlier Presidential board's report, but only try to get both sides to agree to what those recommendations mean and to decide this for the disputants if they can't agree.

It seems to us that the Presidential board's report that is now to be interpreted by the arbitrators was lucid enough for men of ordinary intelligence and good will to interpret. The stickiest problem between the railroad and the union concerns the need—acknowledged even by the union—for cutting back the number of telegraphers' jobs. In today's operation, railroads do not need as many telegraphers as they once did.

The union has insisted that it does not demand a job freeze or the right of veto over abolishing jobs. It says it merely wants the same settlement on the issue that was made in the case of the Southern Pacific Railway Co. 11 months ago. With certain important exceptions, this would limit the cutback of telegraphers' jobs to 2 percent a year, which in the Southern Pacific's case was no block to its progress.

The union's demand was investigated thoroughly by the Presidential board and it stated specifically that the Southern Pacific formula should not be applied to North Western. It would be harmful to North Western's modernization program.

Nevertheless as late as September 10, while the strike was in progress, the union put out a flyer giving the facts about the strike. It said, "Our union is seeking from the North Western the same kind of agreement it has on the Southern Pacific. This provides an orderly procedure and timing for job abolitions, plus protective conditions for those men adversely affected by job changes."

The union then added, "Or, if Mr. Heineman prefers, our union has offered to negotiate any other agreement providing reasonable job security and stability."

Heineman is Ben W. Heineman, chairman of North Western.

This statement by G. E. Leighty, president of the union, shows the maddening difficulty of dealing with a union that wants what it wants regardless of the merits of its case, or the public interest. It completely ignores the fact that the Presidential board flatly recommended against the Southern Pacific formula in the North Western case. There can be no misinterpretation of the board's views on that matter. They are spelled out in considerable detail. It will not take an arbitrator to tell the union that the Southern Pacific formula is out in the case of the North Western.

And what of the union's demand for "any other agreement?" The board recommended other plans for retraining displaced telegraphers, for separation, furlough, and displacement allowances and other ways of easing the inevitable changes that are necessary. The railroad agreed.

There should not be too much for the arbitrators to decide in interpreting the Presidential board's findings. The union could have spared its own members, other North Western employees and the public a costly strike if it had accepted the Presidential board's report. Instead it had to be forced by the President of the United States himself, somewhat belatedly, to take a reasonable position and we are not even certain that it has yet done so.

[From the Chicago Sun-Times, Sept. 14, 1962]

Out of Steam?

President Kennedy moved swiftly to stop a proposed increase in the price of steel. But when a railroad system serving nine States is shut down with disastrous consequences to the communities along its 10,800-mile right-of-way he, as well as the railroad, seems to be out of steam.

While the President was journeying about the country informing us what we may some day do in outer space the people served by the Chicago & North Western Railway, were concerned with what can be done on their particular section of this earth to get the railroad moving again.

That 1,000 or fewer railroad telegraphers can immobilize a vast community in a union's losing battle to stop automation, freeze jobs and otherwise prevent an efficient operation of the Chicago & North Western system is a ridiculous example of irresponsibility by both the telegraphers and the other unions which refuse to cross their picket lines. It is especially so when the railroad, accepting the recommendations of a Presidential factfinding board, has agreed to institute an adjustment program for the telegraphers whose jobs would be lost.

The union has had and has been granted every legal and moral right inherent in the collective bargaining process. Its present intransigency is without justification.

The President has sent several hundred messages to the current congressional session, messages which, in most instances, have requested increased grants of power. But he has yet to send one to the Hill suggesting that he be given the power to seize the Chicago & North Western and put it back in business.

Members of his administration have sometimes indicated concern over charges that he and his colleagues are unfriendly to business. Some of his apologists have contended there is no substance to such charges. Maybe not. But a President who can move so swiftly and effectively to stop an increase in steel prices should be able to move swiftly and effectively in getting the Chicago & North Western rolling again. Mr. Kennedy used the prestige of his office to keep steel prices down. Why can't he use the prestige of his office to force the union to accept the recommendations of his own emergency board? Or is there one rule for business and another for unions?

Perhaps what we need to get the railroad to moving again is to get the President to moving again.

[From the Green Bay (Wis.) Press-Gazette, Sept. 8, 1962]

It May Be a Long Strike

Ben Heineman, chairman of the Chicago & North Western Railway, says that the line will stay shut down for months if necessary to win its strike with the Order of Railroad Telegraphers. "The principle involved here is such that it would stop progress not only on the North Western, but in the whole railroad industry," he stated. "For that kind of principle we will continue our present stand for as long as the Telegraphers Union continues theirs."

With the strike becoming more and more important to many people in this area it is vital that the public understand the principle Mr. Heineman refers to.

In recent years the relatively new management of the railroad has taken a number of somewhat drastic steps to try to reduce its operating expenses below its operating income. One of these steps was the elimination of stations in many small communities, throwing telegraphers and other employees out of work.

Faced with the probability that this trend will continue, the Telegraphers Union has demanded a contract clause stating that no jobs which existed on the railroad December 31, 1957, can be eliminated without union consent.

The management of the North Western has the right to assume that such consent would never be forthcoming, and hence refers to the proposed clause as a "job freeze proposal." The management also takes the position that submitting to this proposal would be giving the union a veto over management's right to run its business.

The situation on the North Western is similar to the problem in other industries where automation of production processes leads to laying off workers. This issue has brought on long and bitter strikes in a number of other instances.

Management of any business must have the right to adopt policies which make its operations more efficient, even if it means laying off workers. On the other hand, in our modern concept of fair employee relations, management also has the responsibility to alleviate as much as possible economic hardship to workers thus displaced.

In the North Western case a factfinding commission appointed by the President recommended a number of measures to aid the displaced telegraphers, including displacement allowances, furlough allowances, separation allowances, moving and traveling expenses, extension of pension and hospitalization benefits, preference of employment, and training and retraining programs. The railroad accepted these liberal conditions, but the union has refused to give up its primary demand.

It is unfortunate that this union has resorted to a strike to try and settle a basic issue which in the end can only be solved by compromise. No enlightened management can give up its right to manage its own business and long stay in business. That is why Mr. Heineman says his railroad will stay closed a long time unless the union gives up its primary demand.

[From the Wausau (Wis.) Daily Record Herald, Sept. 10, 1962]

The North Western Is Right

A factfinding emergency board appointed by President Kennedy has made recommendations aimed at settlement of the strike by telegraphers of the Chicago & North Western Railway. The railway has indicated that it will accept the recommendation of the emergency board. But the telegraphers do not.

It would seem like an appropriate time for the President to take action. And we mean action—not consideration of action. The Chief Executive lost only a few minutes in clamping down on Big Steel some months ago when he disagreed with a price increase and considered it to be contrary to the public interest. Now he has the assurance from his own factfinding board that this strike can be settled in the public interest if both parties will accept the recommendations.

The seat of the problem involves the following proposed rule:

"No position in existence on December 3, 1957, will be abolished or discontinued except by agreement between the carrier and the organization."

Carry this to its extreme and the railroads would be forced to employ people to shovel coal for steam locomotives which are no longer in existence. The firm is being asked to sign an agreement to make absolutely no progress, but to guarantee to stand still—and lose money, if necessary, to keep unessential employees on the payroll.

The board recommended a fair and reasonable method of abolishing unnecessary jobs. Employees moved to other jobs would be paid a differential between their new pay and old. Those released would be paid monthly allowances equivalent to 60 percent of wages in the prior 12 months. Workers who have been with the railway for 5 to 14 years would receive this furlough allowance for 3 full years and those with 15 years or more would be paid for 5 years.

There are other similar provisions, all recommended by Mr. Kennedy's board and accepted by the railway, but the telegraphers will not accept.

Wausau area industry could be hurt soon unless this strike is settled. The President should act.

[From the DeKalb (Ill.) Daily Chronicle, Sept. 13, 1962]

North Western Strike

A needless and useless strike is beginning to pinch hard at the Nation's breadbasket, all caused by a walkout of approximately 1,000 members of the telegraphers union.

Hundreds of towns and cities which are served by the Chicago & North Western are being seriously affected by the walkout.

Such commodities as coal, wheat, iron ore, and the seasonal processing of agricultural products are directly affected. In many areas, important industries, largely dependent upon this railroad may soon be forced to curtail operations.

For instance, the Midland Electric Coal Co. has reported that the strike of the telegraphers is costing the firm $30,000 each day and has idled over 300 miners.

The purpose or plan of the union evidently as has been stated in reports is the taking away from management the right to decide what jobs within this union's jurisdiction are needed or not needed.

If the union's demands are met the result can have far-reaching effects on the Nation's business and economy. Sixteen thousand five hundred persons have been idled by the walkout of these 1,000 telegraphers, and has caused the following:

Forced 70,000 commuters to seek other means of transportation to and from work.

Sixteen thousand five hundred workers and employees have been idled which will cost them $10 million in wages.

The railroad stands to lose about $18 million in revenues, the bulk being in freight, grain, coal, pulpwood, and machinery.

Other products too many to enumerate, which depend on the road will themselves lose millions of dollars in business.

If there ever was an attempt to featherbed, this is it. These jobs are in no way necessary to the efficient operation of the road because if the demands are met approximately 620 telegraphers would presumably be reinstated dating back to December 3, 1957.

These jobs have been rendered obsolete by elimination or consolidation of small station agent positions. Even with the job eliminations the North Western's net loss for the first 6 months of 1962 has been set at nearly $3,800,000.

The company has, in accordance with recommendations of the Presidential factfinding board announced its willingness to provide substantial financial cushioning for those laid off; to pay moving and traveling expenses for those transferred to other areas, and to finance training and retraining programs for those displaced.

If the tail ever wagged the dog, this is it.

By prolonging this strike George Leighty, president of the union, and his few hundred telegraphers are causing a $600,000 daily loss to the Chicago & North Western railroad, many thousands and perhaps millions to hundreds of businesses and industries in the Midwest.

If the strike is not settled soon the railroad, the telegraphers, and many others concerned will go down to ruin wishing they had been given another chance. This is no time for stubbornness, this is no time for bickering, this is no time for halting the productive flow of goods to our markets.

If the strikers are permitted to win, if the same policy should be allowed to prevail elsewhere, then we might as well throw in the towel—for technological advancement might as well be halted.

Had such a policy prevailed 50 years ago—men today would be sitting in buggy factories drawing pay for just sitting there.

[From the San Francisco News Call-Bulletin, Sept. 8, 1962]

The Silent Telegraph

The economy of an important part of the Midwest has hit another bump along the road of changing industrial patterns.

The Chicago & North Western Railway, third longest in the Nation, has been shut down 2 weeks by a strike of telegraphers with consequent pinches on commerce and stranding of 36,000 Chicago area commuters.

The North Western has eliminated several hundred telegraphers' jobs since 1957 in a modernization program and plans to cut more. Technology is catching up with the telegrapher at his key in hundreds of small stations along the line.

Presidential fact-finding boards have agreed with the railroad's contention that its program is essential for efficient operation. They approved the job eliminations but recommended measures to ease the plight of the displaced telegraphers. The boards proposed severance payments, replacement in other jobs on the road, moving expenses and other means to soften the blow.

The railroad accepted, but the union refused.

American railroads are hard pressed and are entitled to make what economies they can consistent with the public safety.

In doing so, they are obligated to do everything in their power to ease the plight of the displaced. Undeniably, whatever they do will not in all cases be enough because it is impossible to compensate a man and his family adequately for being uprooted and moved into new and unaccustomed living and working conditions.

But other thousands of jobs are dependent on the soundness of the railroads and the good of the greatest number must be paramount.

[From the Scottsdale (Ariz.) Progress, Sept. 1, 1962]

NEEDLESS STRIKE

The strike called by the Order of Railroad Telegraphers (AFL–CIO) against the Chicago & North Western Railroad is a direct challenge to management's right to conduct its own business. Behind the union protest is opposition to the road's reorganization program which has removed 500 surplus union members from the payroll and which will involve others.

Telegrapher officials may use fancy words in trying to defend their action, but what they actually are trying to do is retain featherbedding in its most offensive form.

Featherbedding is the term used to denote retention or creation of jobs, which are not actually needed in the operation of a railroad or business. Its objective is to keep union membership at high levels.

In other words, featherbedding is used for the benefit of unions and officials who receive big salaries but not for the advantage of the employer. The latter pays the bill and in the case of the railroads, that is the situation which is causing financial distress in the industry.

Another point which the Telegraphers Union will find difficult to explain is that the bulk of its membership is not connected with actual communications. The old Morse operators are as scarce as proverbial hen's teeth. Modern methods in communication are now used to send messages and control traffic.

Members of the striking union are ticket sellers, station employees, and tower operators. Ask most of them to take a message and they would reach for a phone.

While these employees may have reason to be concerned about their jobs, they are taking the wrong way to save them. The strikers will lose pay; thousands of other employees will be deprived of paychecks and communities in nine States will face extraordinary hardships.

This strike is unwarranted and indefensible.

The union officials who called it are open to criticism, for the harm they are doing will be felt throughout the area served by the railroad. The strike is certainly not in the national interest.

[From the Rapid City (S. Dak.) Journal, Sept. 10, 1962]

THERE ARE NO OUTSIDERS

"Let's not have any outsiders interfering with our strike" was the gist of a letter from a railroader printed in the Journal.

But there are outsiders who are very much concerned.

If you didn't count the importance of moving sugarbeets or missile equipment, then you have Oahe and highway projects which require transportation of tons of material by rail.

The Chicago & North Western Railroad has been tied up with the strike order by members of the National Order of Telegraphers. All other union members on the railroad struck in sympathy. The complete tieup of the big rail system puts the problem into national focus.

Conversation with members of the railroad unions indicates they realize the pattern for railroad operation in this area has changed. Sympathetic walkouts are made because union members claim they must hang together or hang separately. It was Patrick Henry who said that as he talked of a union of States.

But there are economic facts which union members, management, and all the people should recognize.

Telegraphers for nonexistent stations sounds like some Federal governmental bureaucratic waste which every American criticizes. Yet such positions do exist. The telegraphers would never put themselves in the same category, but what other category is there?

Offers at Belle Fourche to take care of beets and almost run a railroad are symbolic of the manner in which South Dakotans will rise to meet an emergency—but ordinarily those emergencies are tornadoes, fires, or floods.

Some sense must be made to settle the North Western strike.

The rail employees know that private firms have unloaded freight cars stopped at the crossings, they know that trucks are in demand to move more goods all along the line.

Railroads in the United States have been operating in recent years at losses and the charges of featherbedding have never ceased. Passenger service on trains has diminished to zero for South Dakota because the companies simply could not keep operating, the business wasn't there.

Pay where there is no job can be costly for any firm. Jobs which demand skill and knowledge must be filled by personnel who deserve adequate wages.

As the years go by, management understands that competent employees are required and they should be compensated accordingly. Some jobs can be eliminated as efficient and modern methods are used. Employees and employers ordinarily recognize this.

There are farmers today who are holding their cattle, sheep, hogs, grain, and other produce off the market with the hope that reasonable prices can be obtained.

As of now, the National Farmers Organization has members who refuse to go to market. The farmer strike has slowed packing plant operations in the Midwest and several packers have laid off employees because there were no animals to process.

Loss of revenue for the railroad in the case of the telegraphers' strike is tremendous. The inconvenience is costly and diversion of traffic to trucks could mean permanent truck use by some shippers.

The farmer strike doesn't mean this Nation will go hungry, because demands for beef and pork, flour, and breakfast cereals will be met from other sources.

Economics and fair prices and fair wages are linked for this Nation. All the people must recognize these facts. And it is best to keep negotiating and keep working these days. Strikes focus attention on problems, but how often is the overall good served?

[From the Mankato Free Press, Aug. 31, 1962]

THE RAILROAD DISPUTE

Any assessment of the validity of the Chicago and North Western Railway telegraphers' strike must consider carefully the central point involved. The average American when he hears of a labor walkout, usually takes it for granted that involved are such things as higher pay, shorter hours, and working conditions. This is not true in the telegrapher union's dispute.

The telegraphers walked out because the railroads would not agree to their demands that no position existing in 1957 be abolished without the union's agreement. The jobs involved were principally those of station agents, tower men, and others for whose services there is a declining need. The union wants the jobs to continue as always whether or not it is necessary to have people fill them.

This is comparable to having firemen in diesel locomotives or four men in the cockpit of an airliner which needs only three, and standby musicians for an orchestra. It provides employment for people for whom there is no work.

The railroad offered to retrain or make other provisions for workers who may be displaced by the decline in the number of jobs available. However, the union would not listen to this proposal. The issue as far as the telegraphers are concerned is the retention of jobs that existed 5 years ago whether or not there is still work to do.

This is the kind of dispute that is designed to bring an entire railroad to a standstill and to put a total of about 16,000 workers out of jobs. In addition, it will inconvenience many travelers, including about 70,000 commuters in the Chicago area, and will delay the movement of a great deal of freight in the Middle West.

In other words, the issue of whether jobs for which there is no need will be retained, is allowed to tie up a major industry. This apparently makes sense to the telegraphers but the average American cannot be blamed if he finds that it makes no sense at all.

[From the Portland (Oreg.) Journal, Sept. 4, 1962]

C. & N.W. STRIKE CASTS SHADOW

Although extremely serious, the strike of 1,000 telegraphers against the Chicago & North Western Railroad is but a preliminary skirmish over whether railroads must retain jobs that have become outmoded and are no longer necessary.

It is not a problem peculiar to the railroads. New equipment and machines mean a shifting of jobs in every industry, eliminating some and creating others. But a full-scale crisis is developing on the railroads because of the failure of railway management and union labor to reach a compromise after years of negotiation.

A recommendation by a Presidential Commission, spelling out what appears to be a reasonable solution to a difficult situation, was accepted by the railway management but rejected by the unions. The purpose of this Commission was to cut through the claims and counterclaims of the disputing parties to get at the facts, and try to outline a solution in the best interests of the railway employees, the railroads—and the public.

This particular telegraphers' strike affects only the North Western, but a similar issue, largely revolving around the forced employment of firemen on diesels, involves all the railroads. Basically it is the problem of the right of management to abolish unnecessary jobs.

A nationwide railroad strike cannot be tolerated, and with no hope of a compromise in sight, the Federal Government may be forced to intervene, and, eventually, may have to virtually dictate the settlement.

If this happens it will be a serious breakdown of collective bargaining. It will plunge labor-management relations into the vagaries of politics, which not only is a poor substitute for round-the-table discussion by the parties directly involved, but also sets a dangerous precedent that could undermine the independence of both management and labor.

In many ways this is the most serious labor-management problem that has faced the Nation since World War II, because it involves basic concepts of the rights of both labor and management.

[From the Portland (Oreg.) Oregonian, Aug. 30, 1962]

1851–1962

Ever since the Erie Railroad first experimented in 1851 with the transmission of train orders over copper wires, the telegrapher has been as much a part of the romance of the rails as the engineer, the conductor, the fireman, or the brakeman. For generations, every way station on every U.S. railroad had its faithful brass pounder, held in awe by all small boys for his ability to interpret the clicks of his instrument and throw sidetrack switches to keep the fast mail from a disastrous "cornfield meet" with a slow freight.

But times change, and with the development of microwave radio, automatic switches and centralized traffic control (CTC), the job of the telegrapher has become less vital and his numbers steadily fewer. The telegraphers naturally dislike this trend, and their union, the AFL–CIO Railway Telegraph Order, has fought hard against railroad efforts to eliminate jobs. Their president, G. E. Leighty, is chairman of the Railway Labor Executives Association, the counterpart of the Association of American Railroads in the bitter struggle over union work rules and featherbedding.

This is the basic issue in the threatened strike of the telegraphers against the Chicago & North Western Railroad. The C. & N.W. in the past 6 years has eliminated 620 telegraphers' jobs on its lines serving Illinois, Iowa, Wisconsin, Minnesota, Michigan, Nebraska, North and South Dakota, Montana, and Wyoming, and currently proposes dropping 70 more. The 1,139 survivors in the C. & N.W. branch of Mr. Leighty's union want job security provisions in their new contract. They have rejected the findings of President Kennedy's emergency board which on July 14 said the retention of unnecessary jobs by the railroad is not an acceptable form of job security, and that the C. & N.W. should have the latitude to discharge superfluous employees if it provides increased severance pay and other benefits.

The dispute thus is remindful of the continuing squabble between the railroads and their firemen and rear end brakemen, and the airlines and their flight engineers. It is difficult to see how such controversies can end other than along the lines suggested by the presidential board. The telegraphers must be philosophical enough to accept the fact that technological progress created their jobs 111 years ago, and the same process now has made them obsolete.

[From the Omaha World-Herald, Aug. 31, 1962]

North Western Strike

The Chicago & North Western railroad has station agents who in some cases, according to official findings, work only a few minutes a day. It wants to close some of these stations and to consolidate some. To ease things for the telegraphers who now man these stations, it has offered retraining, preference in other jobs, all moving expenses, a separation allowance of up to 16½ months of full pay.

To this the telegraphers say no. They insist that no telegrapher may be let out, regardless of whether he has anything to do. The union, the Order of Railroad Telegraphers, insists also that no telegrapher's job may be abolished without the consent of the union, even though machines may be doing the telegrapher's work. That might mean, as the railroad puts it, that the union could force the company "to keep unnecessary positions on its payroll for persons not yet born."

That is the issue involved in the strike which has shut down the vast North Western system. Rarely has the issue of featherbedding been presented so badly.

The 1,000 telegraphers who are on strike, backed by other rail unions, can do incalculable harm to the North Western and to the area it serves. If the strikers are permitted to win, and if the same policy should prevail elsewhere, technological advancement might as well be halted.

Had such a policy prevailed 50 years ago, men today would be sitting around in empty buggywhip factories drawing pay for doing nothing.

[From the Indianapolis News, Sept. 5, 1962]

Defeating Its Purpose

A 5-year-old dispute over job security has culminated in a strike against the Chicago & North Western railroad that can only be harmful to all concerned.

The strike was called by 1,000 telegraphers of the railroad, and operation of one of the Nation's largest rail systems has been tied up. Sixteen thousand other employees have been laid off and 70,000 Chicago commuters have been denied the transportation on which they had depended.

Nobody will contend that workers have no right to strike to support the position they believe to be right. But it is highly questionable under the circumstances whether a strike against a railroad can do anything to strengthen job security. In fact, it would seem to do otherwise.

Railroads generally are in a precarious position because of loss of business to other forms of transportation. When a system is forced to suspend operation, its patrons through necessity will turn to substitute carriers.

It is quite possible many of them will never return. Thus, additional business has been lost which the North Western, or any railroad, can ill afford to lose in these times. And if its business continues to decline, the railroad simply does not need nor can it afford as many telegraphers as it once did.

There obviously is stubbornness on both sides in this dispute. But whether the strike is of short or long duration, it is a clear example of an effective means of destroying job security.

[From the Chicago Daily News, Sept. 6, 1962]

Everyone Is Losing in This Strike

"It wouldn't surprise me," said George E. Leighty, president of the telegraphers' union, "if the strike runs a month or more."

Taking the statement at face value, this means that fewer than 1,000 men, striking the Chicago & North Western Railway, will prolong and compound this havoc:

A rail system employing 15,500 persons and serving the vital interests of nine States will remain paralyzed. The employees will lose nearly $10 million in wages.

Thirty-five thousand commuters will have to shift for themselves, jamming the expressways, straining other commuter facilities beyond capacity, suffering inordinate inconvenience.

The railroad will lose $18 million in revenues. The great bulk of this business is freight, which means that shippers of grain, pulpwood, machinery, and other products dependent upon C. & N.W. will themselves lose millions of dollars in business.

As one example of the beating suffered by shippers, the Midland Electric Coal Co. reports the strike is costing it $30,000 a day, and has idled 300 miners at its Middle Grove mine.

This is calamity on a vast scale, affecting in one way or another every resident of the territory served by the big railroad.

The public is entitled to ask Leighty and his relative handful of telegraphers why.

The answer is totally inadequate.

The strike was called in an effort to blackjack the railroad into giving the union the right to freeze telegraphers' employment. Since the freeze would be as of December 3, 1957, this would presumably mean the reinstatement of some 620 telegraphers whose jobs have been abolished since that time.

These are jobs in no way necessary to the efficient operation of the railroad. They are mainly feathered jobs, rendered obsolete by elimination or consolidation of small station agent positions. Even with these payroll slashes, the C. & N.W.'s net loss for the first 6 months of 1962 was nearly $3,800,000.

In accordance with the recommendations of the Presidential emergency board, the railroad has announced its willingness to provide substantial financial cushioning for those laid off; to pay moving and traveling expenses for those transferred to other communities, to finance training and retraining programs for those displaced.

Unless the Nation's third most extensive railroad is to be pushed into bankruptcy, a settlement must be reached on some such basis.

Do Leighty and his few hundred telegraphers intend to prolong the strike—and the company's $600,000 a day losses—until the railroad, the telegraphers, and all others concerned go down to ruin together?

[From the Green Bay Press-Gazette, Sept. 4, 1962]

The Telegraphers Strike

Because about 1,000 telegraphers have struck the North Western Railroad in a dispute over job policy, 15,500 other rail workers have been laid off and literally millions of persons living in the nine States served by the North Western Road have been inconvenienced.

The dispute started over about 700 telegraphers' jobs that have been eliminated in a company streamlining program started in 1955. The union has been demanding a contract agreement that would prevent the elimination of any jobs which existed on the railroad December 31, 1957, without union consent. The railroad officials call this a demand for a job freeze which would give the union "an absolute veto over technological improvements and over modernization and increases in efficiency." Spokesmen for the union say they are not asking for a job freeze but they merely want the company to notify the union 90 days before doing away with a job. This they say is "a form of stabilization with protective benefits for those who have their jobs abolished."

Persons discommoded may wonder whose rights are being trampled by a strike which ties up 10,000 miles of rail line, throws thousands of rail workers out of their jobs and causes literally millions of dollars in business loss to customers of the railroad who have no voice whatever in this dispute. If this strike goes on for any length of time it could cause an economic loss reaching a sum which properly invested would bring a return sufficient to pay the wages of the telegraphers who have been displaced and those who may be displaced in the future forever.

The solution of the problem can only come through understanding of the issues, their effects upon the railway employees and upon the public. This must be an intellectual exercise leading to a judgment. It is difficult to see how pickets trudging about with placards, how engines and cars standing idle on the tracks, how vacant railway stations can contribute anything to the understanding of the problem or to its final solution.

The fact that the problem involving a comparatively few telegraphers can bring chaos to the economics of millions of people living in nine States indicates that we are not really civilized. Years ago the Federal Government realizing the danger that could come to the people with the shutting down of its railroads, set up means of delaying strikes until the issues could be studied and presented to the public. The theory was that when the public understood the issues it would bring pressure upon the management and the workers to yield on the points which they could not rightfully defend. This program has worked well in the past but it does not always work. Obviously it has failed to work promptly enough in this instance. But that it will work eventually is certain. The strike will bring the issues painfully to the attention of the public and the decision will be made. But we should be able to make this decision without punishing the public.

What we need is better machinery for handling such disputes. The telegraphers have gone on strike because they feel they have nowhere else to go. Management is resisting because it feels that that is the only way to bring the matter to a final decision. We have learned to settle other disputes by courts and juries. Civil courts and juries decide matters more important and involving more personal and economic rights than are involved in the telegraphers strike every day without interrupting the normal flow of business. A way must be found to provide a court, perhaps a special court that will have the confidence of management and labor, to bring about settlement of such questions without interrupting such an important business as transportation.

When the North Western Road telegraphers walked off the job, management and labor of the Kohler Co. were meeting in Sheboygan in an effort to settle a strike that has been going on for 6½ years. Tremendous losses have been suffered on both sides in this strike and the terms of settlement when finally announced will not be far from terms that would have been provided had the case been taken to a judge and a jury for final decision 6½ years ago.

We have found a means to settle personal injury cases which result in disputes between the employer and the injured worker without strike, without judges, without jury, but merely through commissions. We can find a way to settle other disputes between employers and workers if we really try.

[From the Tulsa (Okla.) Tribune, Aug. 31, 1962]

THE NORTH WESTERN STRIKE

The Chicago & North Western railroad was shut down yesterday by a strike of telegraphers because the telegraphers' union insisted on the right to veto any job eliminations.

This is a simple issue and a clear one. A segment of railroad labor tells its employer that the employer must continue to hire people which the employer either no longer needs or feels it cannot afford. Otherwise the employer will not be allowed to operate its business.

If the telegraphers win this strike other unions will be encouraged to load payrolls as they please under the threat of forcing other employers to go out of business. And then the free enterprise system, which has brought America to the highest standard in human history, will gradually languish.

One by one essential services will have to be taken over by the Government. And eventually we'll all be working for Big Brother at whatever wage Big Brother chooses to pay. There will, of course, be no independent unions and no strikes. Big Brother's army will see to that just as it does in Russia and China.

The Chicago & North Western railroad is a sick railroad. It possesses a large amount of trackage reaching out into thinly populated farm regions which is not used much except in the harvest season. It competes with five other lines on its main routes between Chicago and the Twin Cities and Chicago and Omaha. Under pressure from the city of Chicago and the North Shore suburbs it recently spent millions buying new equipment for its Chicago suburban service. Then Chicago opened a couple of free expressways to the north and northeast and the railroad suburban service is in the red again.

The battle with the telegraphers arose over the attempt by the company to close a number of stations and to serve them with traveling agents. Switch towers in which union telegraphers have been employed were also to be automated. Does the North Western need to save money?

Its common stock has lost more than half its value in the past year. It hasn't paid a dividend for 12 years. Its current liabilities are greater than its current assets. For the first 3 months of this year the North Western lost $6.58 per share.

This is the turnip out of which the telegraphers' union is now trying to squeeze the blood of job security. The union wants the right not only to determine the amount of the wages but also the size of the payroll.

The company will, however, retain one freedom—the freedom to go bankrupt. And then the taxpayers will have the freedom to take over the railroad as a public necessity—and pay the union what it demands.

[From the St. Paul Dispatch, Sept. 4, 1962]

JOB SECURITY FEARS

Job security is increasingly a major problem in labor-management relations. Fears and disputes revolving around abolition of traditional positions through technological progress form a common thread running through controversies in numerous industries.

The North Western Railway strike is one example. The company has no need for the services of many telegraphers and station agents formerly required. The telegrapher's union insists jobs of its members should be preserved. Similar disputes continue between the railroads generally and the operating brotherhoods. Airlines have problems of the same kind.

Different in nature but also reflecting intensity of concern over future job opportunities are some of the bitter attacks by farm organizations against the Committee for Economic Development proposal for a heavy shift of small farmers out of agriculture.

If the Nation were not plagued by a persistent 5-percent unemployment rate, the fear of change would not be so great. The basic need for technological progress in a competitive world is admitted by almost everyone, including labor leaders. But the practical problem of finding new jobs for those displaced by automation and other efficiency developments continues to be a source of worry. This is mainly what caused the AFL–CIO to announce its support for a 35-hour workweek, against the opposition of the Kennedy administration.

Both Arthur Goldberg, former Secretary of Labor, and his successor, Willard Wirtz, are opposed in principle to artificial retention of jobs that are no longer necessary for efficient operations. They favor liberal provisions for smoothing out job changes to prevent individual suffering, but they are against freezing outmoded, inefficient methods into today's changing situations.

No one is likely to come up with easy answers for the complex problems involved, but a faster growth of the economy, providing job opportunities for more people, is a fundamental need. How that is to be accomplished is a question on which neither economists nor the Congress have been able to agree. Every specific proposal thus far brought forward has been subject to immediate opposition, including tax reduction plans. A national consensus on constructive solutions is yet to be obtained.

[From the Rockford (Ill.) Morning Star, Sept. 2, 1962]

STRIKE AUTHORITY GIVEN BY COURT

Although the Order of Railway Telegraphers has borne the brunt of the criticism for the strike it called against the Chicago & North Western Railway, most of the criticism could be more properly directed against the Supreme Court of the United States.

This is a proper subject for public discussion on the day before Labor Day, for it is highly important that American citizens realize the extent to which the present high court can directly and indirectly influence the lives, convenience, and economic position of all of us.

The controversy between the union and the railway is a long one. The union has sought to write into its contract with the North Western the following clause:

"No position in existence on December 3, 1957, will be abolished or discontinued except by agreement between the carrier and the organization."

The railway took the position that whether railroad jobs should be established or abolished was a matter for determination by management. The North Western held that the job-freeze proposal was not a matter of negotiation because it was outside the area of pay rates, work rules, and working conditions. That position was upheld by the U.S. Court of Appeals, which held that the union could not strike to enforce this particular demand.

In April of 1960, however, the Supreme Court in a 5 to 4 decision reversed the appeals court's ruling. The majority held that the union demand was an issue requiring bargaining, and that the union could strike to enforce its position.

In a strong dissenting opinion, Justice Tom Clark pointed out that many railway stations in close-together towns had been closed, that some agents worked only 12 minutes a day, and that the average daily work time for station agents was 59 minutes. Yet all drew a full day's pay, he said, which in some cases resulted in a rate of $300 per hour.

A Presidential factfinding board this summer, after long study of the controversy, rejected the telegraphers' demands as unreasonable. The board decided that a job-freeze proposal would perpetuate present inefficiency, maintain unreasonable costs, and hamper an industry beset by competition. It recommended, instead, a 10-point proposal which would give telegraphers some protection as the railway abolished jobs for which there is no further need today. The North Western agreed to this 10-point plan.

Basically, this program calls for company paid subsidies to employees who are either shifted to lower paying positions, transferred to new locations, or dismissed. Payments to employees could amount to as much as 16½ months' pay. Telegraphers were even guaranteed against any loss on sale of their homes.

But this wasn't enough. The Telegraphers Union demanded the right to freeze jobs at the number in existence in 1957. They struck to enforce this demand, as the Supreme Court said they could.

If there had been a law on the books for the past century, providing that no job could be eliminated without the consent of the employee or an employee's organization, the United States today would have a lot of people working at driving stagecoaches, working in blacksmith shops, and building covered wagons. Few workers will readily consent to the elimination of their own jobs, regardless of the fact that there may be no economic excuse for the job any longer.

As we pointed out earlier, the basic criticism in the dispute between the telegraphers and the North Western Railway should be directed at our Supreme Court, which in recent years has stretched the law in a thousand ways to grant labor unions authority to inflict economic damage not only on business firms, but also upon the general public.

Any group—government agencies, business firms, or labor unions—will abuse power if given too much of it. In the current railway case, we have an example of the chaos that can result when a labor union with Supreme Court encouragement uses its ultimate weapon in an attempt to achieve a goal that is ridiculous on its face.

The crowning insanity comes when strikers who voluntarily absent themselves from their jobs start drawing unemployment compensation from the benefit fund financed by the railroad. This is about like requiring the condemned to pay for the rope used by the hangman.

[From the Cedar Rapids (Iowa) Gazette, Sept. 3, 1962]

THE RAILROAD STRIKE

The issue involved in the strike by the Order of Railroad Telegraphers against the North Western railroad is featherbedding.

The railroad wants to close some stations where, according to official findings, the station agents are required to work only a few minutes a day. It wants to consolidate some other stations. To make things easier for the telegraphers who have been manning the stations, the railroad has offered retraining, preference in other jobs, all moving expenses and a separation allowance of up to 16½ months of full pay.

The telegraphers want no part of this. They say that no telegrapher may be let out regardless of whether or not he has much to do. Also, that no telegrapher's job may be abolished without the union's consent, even though machines may be doing a telegrapher's work. The company says this could mean forcing it "to keep unnecessary positions on its payroll for persons not yet born."

In view of the company's offer to make the transition to other, and perhaps more fruitful, jobs easier for the telegraphers, it seems to us that if the strikers win this one and thereby set a precedent, it will be an immeasurable setback for technological advancements.

As the Omaha World-Herald so aptly puts it: "Had such a policy prevailed 50 years ago, men today would be sitting around in empty buggy-whip factories drawing pay for doing nothing."

[From the Cleveland (Ohio) Plain Dealer Sept. 1, 1962]

FULL PAY FOR NO WORK

"No position in existence on December 3, 1957, will be abolished or discontinued except by agreement between the carrier and the organization."

This is the clause the Order of Railroad Telegraphers insists be included in any work contract with the Chicago and North Western Railway.

In the case of the Telegraphers and the New York Central Railroad, the date is March 4, 1958, but the rest of the contract language would be the same.

The railroads refused to accept this clause. At the C. & N.W., the refusal resulted in a strike by the Telegraphers that shut down the entire operations of a vital transportation medium.

In all these cases, emergency factfinding boards appointed by the President have found the union's demands to be "absolute veto power over proper managerial functions." The demand for a job freeze could perpetuate positions for people not yet born if the railroads acceded to the outrageous stipulation. It would deny improvements in technology and in operating efficiency and would prevent modernization.

The railroads, struggling to stay alive, have agreed to the recommendations of an emergency board of arbitrators to provide a comprehensive program of employee protection including liberal displacement allowances and retraining programs.

The Telegraphers struck rather than accept the mature, considered judgment of men representing neither side but rather the public.

In effect, the telegraphers on the C. & N.W. are striking for the ultimate of featherbedding demands, full pay for no work, because radio and the telephone in most stations have replaced the telegrapher; some C. & N.W. stations aren't even open for business due to changing transportation habits but the Telegraphers insist on having a telegrapher in a boarded up shack or unused tower.

No matter how soon the railroad labor picture clears, and this would include settling of the operating employees' contracts as well, the labor movement cannot be proud of this instance when a union struck against the march of time and against the expressed wishes of Government, the public and impartial arbitrators.

This is a real black eye.

[From the New York Times, Sept. 15, 1962]

WHITE HOUSE DOUBLE TRACK

If President Kennedy wonders why so many businessmen consider his administration unfair, he might find part of the explanation in the inconsistency of the positions he took at his latest news conference on two labor disputes, both heavily weighted with public interest.

Mr. Kennedy put all his prestige behind the recommendation of a special Presidential board for union-shop elections to avert a threatened strike in plants manufacturing missiles, planes, and spacecraft. The two powerful unions in this field—the United Automobile Workers and the International Association of Machinists—welcome the board's recommendation; the employers are cold to it. The President asserted that, if the latter rejected the panel's peace plan, the country should blame them for any work stoppage.

The story was quite different when Mr. Kennedy was asked about the 2-week-old strike on the Chicago & North Western Railway, which is inflicting great economic injury on nine Midwest States. This tie-up stems from the rejection by the Order of Railroad Telegraphers of a Presidential emergency board's recommendation that the union abandon its demand for a veto over job reductions caused by changing technology or other factors. The panel recommended a formula for cushioning layoffs through liberalized unemployment, retraining, and severance benefits.

Mr. Kennedy had no word of personal endorsement for the emergency board's report, nor any censure for the union. Ignoring the fact that the North Western had always been ready to negotiate a contract based on the board's proposals, the President called on both sides to make "sufficient concessions" to effect an accord. This is not the first time Mr. Kennedy has made an orphan of a Presidential fact finding report that railroad labor did not like. A similar fate befell the comprehensive recommendations for eliminating featherbedding in train crews, which are still being resisted by all the unions involved.

The current application of a double standard of White House judgment is made more conspicuous by the differing legal status of the two boards. The board the President is supporting in the aerospace industry was created outside Taft-Hartley, without any specific legislative authority. The board he is ignoring in the North Western strike represented the final step in the exhaustive machinery of the Railway Labor Act. Mr. Kennedy will have to exhibit more consistency if the Nation is to be convinced that his sole yardstick in such matters is the public welfare.

[From the Chicago Daily Tribune, Sept. 15, 1962]

DOUBLE STANDARD

At his press conference Thursday President Kennedy urged four aerospace manufacturers to accept the terms proposed by a special Presidential board for settlement of their dispute with two labor unions. The President said that if the companies refused and a strike resulted, the companies would be responsible.

At the same press conference Mr. Kennedy discussed the dispute between the North Western Railway and the Telegraphers Union, which has caused hardships in nine States. He expressed hopes for a quick settlement but failed to say that a Presidential board has recommended terms which the railroad has accepted and the union has rejected. Instead, he recommended that both sides make "sufficient concession."

Why doesn't the Kennedy administration, for once, put pressure on a union to accept a settlement recommended by a Presidential board? The administration never is shy about castigating employers and telling them what to do.

Last February a Presidential commission, after more than a year of study, made a report on railroad work rules. The railroads reluctantly accepted the recommendations, but the unions have refused even to bargain on the basis of the board's report. Mr. Kennedy has kept mum.

Last June a Presidential board recommended a pay increase for 450,000 off-train employees of the railroads. Arthur Goldberg, then Secretary of Labor, informed the companies they had no alternative but to accept the board's recommendations because the country would not tolerate a railroad strike. So the railroads reluctantly agreed to the proposed terms.

The mediation machinery of the Railway Labor Act and of other Presidential boards is useless if only one side is expected to heed the findings. The double standard employed by the Kennedy administration invites strikes.

What other result can you expect when the President, on the same day, tells one industry to accept a Presidential board's recommendations or be responsible for a strike, and tells a strikebound company, which has agreed to accept the findings of a Presidential board that it must make further concessions?

[From the Chicago Daily News, Sept. 15, 1962]

J.F.K.'S SPLIT PERSONALITY

If evidence were needed that the administration employs a double standard in its approach to labor-management affairs, President Kennedy provided it in his Thursday press conference.

The President addressed himself to two major labor disputes—the one that threatens to shut down the aerospace industry, and the one that already paralyzes the North Western Railway.

Special Presidential factfinding boards have made recommendations in each industry.

In the case of the railroads the board's major recommendation was for an end of featherbedding—for elimination of useless jobs, and for special financial provisions and retraining and relocating programs to ease the impact on those displaced.

In the case of the four companies involved in the aerospace dispute, the board recommended that they accept a union shop arrangement requiring that all of the 100,000 affected workers belong either to the Auto Workers or the Machinists union.

In the aerospace industry, management is resisting the union shop recommendation. In the North Western strike, the Telegraphers' union is resisting the no-featherbedding recommendation.

In these circumstances the administration might reasonably have been expected to give equal and impartial support to the recommendations of the two presidential boards.

It didn't happen.

Asked for comment on the aerospace dispute, Mr. Kennedy said:

"The economic proposals made are not excessive. * * * The unions are accepting a financial settlement which is not particularly generous in relation to certain other unions in recent years. * * * I would hope the company would accept it because if a strike comes * * * the responsibility would be very clear, I think, to the American people * * * for such an action."

The President's response to a question regarding the North Western strike was quite different.

"I think," said Mr. Kennedy, "it's important that the parties come to an agreement immediately, because * * * the interests of nine States are affected.

"I'm hopeful that both sides will make the sufficient concessions, if that's the word, to permit an agreement, because the public interest suggests an agreement is due."

Boiling it down, the President asked the employers in the aerospace industry to accept the board's recommendation without reservation or accept the responsibility for a damaging strike. In the North Western case, making no reference to the board's recommendations, the President merely asked "concessions" of both sides. Any concessions made by the railroad would necessarily constitute a back-away from the recommendations of the presidential board.

This double standard may be shrewd politics at the moment; the November elections are coming up, and labor casts more votes than management.

But it falls far short of equitable application of the influence of the presidential office.

[From the Sioux Falls Argus-Leader, Sept. 12, 1962]

President Kennedy Should Get Chicago North Western Railway Moving Again

We applauded President John F. Kennedy when he used "big Government" to make "big steel" roll back its price increase last spring.

The President saved the American consumer untold millions of dollars that a price increase in steel would have cost in boosting the price of everything from automobiles to farm equipment.

He made "big steel" live up to the promise they left by implication in negotiations with "big labor," that there would be no price increase as a result of the settlement on wages and working conditions.

Now we think it is time for President Kennedy to use all the muscle of his "big Government" to make the handful of union telegraphers act in the public interest.

One thousand men in the Telegraphers Union have thrown 15,000 other employees of the Chicago & North Western Railway out of work. They have caused great economic damage to localities in nine States.

In South Dakota, the telegraphers have halted laying of communication cable to 150 Minuteman missile sites and 15 control sites. If the news on the front pages of the Nation's newspapers is as bad as it looks, this country can't afford to lose a day in preparing its defenses for what lies ahead.

There's a $2.5-million sugarbeet crop still in the ground in South Dakota. It has to be harvested and moved to market within the next several weeks—or it will be lost. The farmers and the sugar company are at the mercy of the railroad telegraphers.

We think it is time for the Telegraphers' Union to drop its insistence on perpetuating jobs whether today's railroad operations require them or not. They should agree to the recommendations made by President Kennedy's emergency board to settle the dispute.

For better or worse, big Government has become irrevocably tied to negotiations between big business and big labor. Big Government should treat both alike.

There has been a lot of talk from the administration in Washington about getting the country moving.

We think it is time for the young man in the White House to get the Chicago & North Western Railway Co. moving again.

[From the Chicago Daily Tribune, Sept. 12, 1962]

Mr. Leighty Calls for Cold Facts

George E. Leighty, president of the Order of Railroad Telegraphers, denies that his union is striking against the Chicago & North Western Railroad to enforce a job freeze. He declares that the union does not insist on the retention of useless jobs or employees who have no work to perform. All the union wants from the North Western, he says, is the same kind of agreement which the union made with the Southern Pacific Railroad last October.

In his statement outlining the union's position Mr. Leighty strangely neglects to mention that the Southern Pacific agreement was considered by the Presidential emergency board which studied the telegraphers' dispute with the North Western. The board found that the Southern Pacific settlement was not an applicable precedent in the North Western case, for a variety of reasons.

The Southern Pacific agreement provided that jobs would not be abolished at a rate greater than 2 percent a year. When the agreement was made, telegraphers' positions on the Southern Pacific had dwindled from about 1,500 to 1,000; the railroad had closed 160 agencies [stations] and was not planning to abolish many more. Nothing in the agreement would prevent the Southern Pacific from carrying out its modernization program, the North Western board pointed out.

The North Western, on the other hand, is engaged in a program of eliminating little used stations in rural areas, replacing them with central agencies serving groups of stations. Planned extensions of the central agency plan would abolish about 70 positions covered in the railroad's present agreement with the telegraphers. A formula limiting the attrition of positions to 2 percent a year would impede these plans, the emergency board found.

The board noted also that the situation of the two roads differs with respect to employment of telegraphers. In 1961, the Southern Pacific had 1,069 telegraphers among 41,302 employees, or 2.6 percent of the total. The C. & N.W., on the other hand, had 1,189 telegraphers out of 16,505 employees, or 7.2 percent.

"Although Southern Pacific has fewer telegraphers, and fewer agency positions, than the North Western, it is a much bigger railroad," said the Presidential board. "Its net investment is approximately twice as great; its revenue ton-miles of freight and operating revenue are more than three times as great. * * * Such being the case, it is understandable that Southern Pacific may have been relatively unconcerned over the controlled attrition formula whereas the North Western believes it would be extremely damaging.

"But even if the burden were approximately equal, which it is not, the two carriers differ greatly in their ability to absorb it. The Southern Pacific is one of the half dozen most profitable railroads in the Nation, while the North Western's financial condition is marginal."

The telegraphers' union, in trying to impose the Southern Pacific agreement upon the North Western, is beginning a campaign to impose the same terms on the entire railroad industry. The next railroad scheduled to be hit with a strike is the New York Central because another Presidential emergency board has made virtually the same findings as in the case of the C. & N.W.

President Leighty of the telegraphers has accused the North Western management of failing to submit a definite proposal for ending the strike.

"This seems incredible, but it is cold fact," he said.

It is also cold fact that the Presidential board has recommended a definite proposal for ending the strike and the North Western has accepted it. The union has not.

[From the Janesville (Wis.) Daily Gazette, Sept. 1, 1962]

To Win Is To Lose

However much one may yearn for the "good old days" of railroading, as members of the striking Order of Railroad Telegraphers do, it is difficult to rationalize the action they have taken. Putting aside the very real chance that they may lose out in their demands, the results of a victory are less than attractive.

A strike victory would impose an unconscionable burden on a railroad already struggling to remain solvent. The public is being penalized while the strike continues and can expect even more limited service if unions are successful in imposing their employment and wage demands. The overhead resulting from outmoded employment practices can only mean continued deterioration of the North Western, an observation which can be extended to other roads as well.

Except from the shortsighted viewpoint, employment in a financially strapped industry holds nothing for the future. Employees, in their own best interests, would be wiser to cooperate in reforms and help the railroads regain their old place in the economy.

Among the chief grievances cited by the telegraphers is the closing of many small North Western stations which formerly employed one of their number. These little stations were located every few miles along the lines in the days when patrons drove to them behind a horse, or perhaps walked to the station to catch a train. The stations are an unquestioned survival of the horse and buggy age and the efforts to keep them in operation in these times is not sensible.

Such a practice would be unprogressive under any circumstances, but in the light of today's competition it is impossible. The railroads for years have had no monopoly in transportation, as the workers certainly are aware. To pretend that such jobs which once were vital must still be filled is to live in a dream world.

Virtually every other business has modernized—merchandising, factories, construction, agriculture. Railroads too, have made great technical and mechanical progress, but against great odds. It is interesting to speculate on what they would be like and the type of jobs they would now offer had they been freed years ago of the double deterrents of Government control and stand-pat unionism.

As an essential to better public service and to the rehabilitation of rail service, the North Western as well as other roads ought to be given something of a free hand to set their houses in order. Obviously, this must be done if the railroads are to survive. It could be done far more easily with labor cooperation, and in expectation that the ultimate benefits to rail workers would be substantial. Instead the telegraphers are seeking to perpetuate a vanishing era.

[From the Washington Post, Sept. 16, 1962]

Presidential Impartiality

The President, at his press conference on Thursday, had an opportunity to exhibit an appropriate impartiality toward the backwardness in both labor and industry. Instead, his remarks on the aerospace dispute and on the railway strike showed a curious ambivalence toward the disregard of Federal agency recommendations.

He had a nice lecture for the aerospace industries, on the virtues of the union shop, and urged the industry to accept Federal recommendations made by Dr. Taylor for the settlement of the strike by permitting the union shop.

For the striking telegraphers, who have shut down the transportation facilities of several States in order to enforce an outdated manning of posts no longer required, the President had no homilies on featherbedding, make-work and supernumerary positions. He did not urge the union to accept the recommendations of the board operating under the Railway Labor Act.

The President would speak on these matters with more force if he were equally in favor of recommendations that require concession by labor and those that require concession by industry.

[From the Madison (Wis.) State Journal, Sept. 11, 1962]

The Public Loses Patience

The issue in the Chicago and North Western Railroad strike, initiated by the Order of Railroad Telegraphers, is not over wages, hours, or working conditions.

The question, as simply as it can be put, is whether the railroad management shall have the right to run the business it is responsible for, hiring only such help and using only such services as it needs and can afford. This comes down to eliminating some telegraphers' jobs, part of the broader question of a complete review of all railroad jobs which has simmered along for 3 years.

The telegraphers' union wants to save every job of its members, as is natural. But those jobs will not be saved by bankrupting their employers, nor in pushing rail costs to where more small business goes to their employer's competitors.

The North Western has accepted a Presidential commission's recommendations which offered generous furlough allowances, retraining programs, and severance pay for telegraphers whose jobs are eliminated. It is a fair order, and one that costs the company a lot more in money than a straight businesslike approach could justify.

It is a foolish and unjustified strike, and one that is costing the unions dearly in public good will. They are pushing their luck by continuing such demands.

[From the Dunlap (Iowa) Reporter, Sept. 13, 1962]

Stalemate

We are always appalled at the useless waste involved when a major labor union thinks it necessary to call a strike. This seems to be the case in the present stalemate between the telegraphers union and the Chicago & Northwestern Railway.

The effect of the dispute has gone far beyond the parties involved. It has already begun to affect the economy of many lines and businesses not directly involved. Too often it is the public that suffers in these affairs and that is beginning to be the case here.

It may be humorous, but it is indicative of the thing involved. A remark was overheard recently that a person said they would have to cut down on their bowling. Their wages had been reduced to token a payment for their union, not because they were involved in the dispute, but because they happened to be employed by the North Western.

No increase in wages or benefits the telegraphers hope to gain can ever add up to the loss to themselves, other employees and businesses all along the line.

As we read it in the papers, most of the dispute seems to be over job security. The union insists on keeping the status quo. They insist that jobs be kept as they were in 1957. Actually it amounts to the old system of featherbedding, that has so long plagued the railroads.

It is the same old story. If a business puts in a machine that will do two or three men's work, then those employees are made available for work elsewhere in the plant. But not if the telegraphers win their point. They will keep the three men sitting there watching the machine while they draw full pay for doing nothing.

The sad part of it is—the man on the street and the man on the farm is the person who pays: He pays for the economic waste involved in higher prices for the products made and services rendered.

In this sort of strike the telegraphers union or any union will find little sympathy among the general public for their attitude.

A factfinding board, appointed by the President has turned in its report. The company has accepted it and will go along with that report—but not the union. They insist on their job freeze with the resultant increase in freight and traffic costs.

It seems to us the case is not so much different from the steel dispute a few months back, when economic factors indicated a raise in steel prices necessary. President Kennedy was not so slow in jumping on business with both feet—all for the good of the economy of the country. It is now about time, if he is to be consistent, to do the same thing to the telegraphers union.

After the steel episode the administration was tagged as being antibusiness. This they flatly denied. Actions speak louder than words. In this case no action is speaking rather loudly. If the administration wants to prove its point—it had better get on the ball.

[From the Roanoke (Va.) World News, Sept. 3, 1962]

Real Issue in the C. & N.W. Strike

The strike of less than a thousand telegraphers which has tied up the Chicago & North Western Railroad, third largest in the Nation, must be regarded as a key test in current effort of all railroads to cut down or eliminate featherbedding.

Since 1957 the Order of Railroad Telegraphers has been seeking to achieve with management an agreement that none of their jobs as station agents or communications operators be abolished without agreement between union and carrier.

In spite of last minute efforts by Secretary of Labor Arthur Goldberg on the eve of his appointment to the Supreme Court, the telegraphers walked off the job last week, paralyzing the 10,600-mile line, throwing thousands of other employees out of work and inconveniencing throngs of daily commuters.

Newly appointed Secretary of Labor W. Willard Wirtz has taken up where Goldberg left off and with Francis J. O'Neill, of the National Mediation Board, is seeking to effect a compromise.

The dispute is entirely apart from that between the operating brotherhoods and the railroads who are seeking to reduce crews on diesel locomotives by eliminating unnecessary firemen.

The C. & N.W. case appears to be fundamental. Should the telegraphers' point of view prevail or be upheld by the Government it would mean the union could dictate continuation of stations and jobs, both outmoded and uneconomical. It amounts to an effort to block progress.

It stands to reason that a railroad should not have to operate facilities it does not need, nor should it be required to maintain on the payroll employees for whom there is not enough work to justify their retention. Should the opposite condition prevail under Government protection we will have arrived at state socialism. Thus, in effect, the C. & N.W. is fighting the battle for all other roads.

[From the Highmore (S. Dak.) Herald]

Unnecessary Railroad Strike

It seems as though the railroad operating unions are trying to turn back the clock. Evidence of this is the costly strike against the Chicago & North Western Railway—a strike that affects Highmore and every other town serviced by the company.

In striking against the method of laying off excess employees they are saying, in effect, that the operating conditions of 30 to 40 or even 50 years ago must be considered the operating conditions of today * * * despite the enormous technological advancements made in railroad in the modern era.

They seem to be saying, in effect, that all railroad jobs must be maintained even when the need for them has passed and the cost imposed by obsolete work rules has been a major element in bringing much of this vital industry to near insolvency. And they are saying, in effect, that the recommendations made by a distinguished Presidential commission which studied the problem for more than a year, should be disregarded. The commission proposed not only a modernization of the work rules, but generous benefits of many kinds for displaced and transferred workers. Apparently, the industry accepted the plan * * * and the unions will have nothing to do with it.

These seem the only conclusions that can be drawn from current union actions. The strike against the Chicago & North Western Railway Co. is doing immeasurable damage to the economy, to the public interest, and to labor itself. For we believe that labor, from Jimmy Hoffa on down, is now weaving the rope that will hang it.

Meanwhile, some things can be said with certainty. One is that no group, whether it be railroad, teamster, newspaper, etc., no matter how powerful, can blatantly ignore the national interest and get away with it indefinitely. Another is that a depressed industry cannot long be a source of highly paid, necessary jobs, much less those that progress has made useless. A third is that railroads must continue to serve this country. And fourth, if worse comes to worse, the Government would be forced to take them over. No one in his right mind would want that.

[From the St. Louis Post Dispatch, Sept. 12, 1962]

The North Western Shutdown

The recommendations of the Presidential factfinding board for settlement of the job-security dispute between the Chicago & North Western Railroad and the Order of Railroad Telegraphers offer in our opinion the most equitable basis for ending the strike which has been going on since August 30.

They provide the union with as much protection for displaced workers as can be afforded while at the same time leaving the railroad free to go ahead with economies dictated by, in the board's words, the "remarkably inefficient" condition into which it had fallen 6 years ago.

We believe with the board that the union should withdraw its demand that no position in existence December 3, 1957, should be abolished except by agreement between union and company. A similar demand on the Southern Pacific last year was withdrawn on the recommendation of the Presidential factfinding board set up for settlement of that dispute.

The factfinding board for the C. & N.W. dispute advances cogent reasons why the 2-percent attrition limit placed on work force reductions and the limit of five station closures a year except by mutual agreement, provided for in the Southern Pacific contract, and again demanded by the union, are not properly applicable to the C. & N.W.

Southern Pacific, one of the half dozen most profitable railroads in the country, has fewer telegraphers than the C. & N.W., constituting only about a third as much of its labor force, though it handles three times as much freight.

It had closed most of the stations it planned to close before it signed the contract, whereas Chicago & North Western has yet to close some 70 to 100 stations. "It is understandable," says the board, that Southern Pacific "may have been relatively unconcerned" by the limitations on its authority to close stations and reduce work force "whereas the North Western believes it would be extremely damaging."

The now protracted shutdown of the Chicago & North Western is causing heavy losses to the farming, industrial and mining complex in the nine States where it operates. We believe the union and the company owe it to these innocent bystanders to compose their differences promptly. A Presidential factfinding board's recommendations command respect, and are not to be disregarded in the absence of strong contrary evidence.

[From the New Ulm (Minn.) Daily Journal, Sept. 10, 1962]

All Aboard

The tail is wagging the dog in the telegraphers' strike against the Chicago & North Western Railroad. The union has tied up 10,000 miles of track, including all service into New Ulm, because of a few jobs eliminated in the North Western trying to stay modern and meet competition.

The cutback in telegraphers came since 1957 in the dualization of stations; in other words, the putting of one man in charge of two stations at small towns where the volume of business justified.

The key issue is a rule in the contract between the union and the railway which states: "No position in existence on December 3, 1957, will be abolished or discontinued except by agreement between the carrier and the organization."

This rule, which would give the union veto power in attempts by the line to adopt technological improvements, came before a Presidential factfinding board last spring. The board recommended the union withdraw its rule, and that the railroad provide protection for the employees displaced.

North Western accepted the board recommendation. The telegraphers didn't, and have now shut down the line. The result is causing a bind on business along the line, some unemployment and hardship. Telegrams and letters went out from local people last week requesting the Federal Government require the telegraphers to accept the board recommendation. North Western would like more public support.

Getting trains rolling again is important. Vital, too, is the right of business to modernize so as to maintain a competitive position. North Western can't keep up if it has to tie its service to the hitching-post era.—W.E.M.

[From the Mapleton (Iowa) Press, Sept. 13, 1962]

Railroad Strike

The railroad telegraphers strike against the Chicago & North Western Railroad affects nearly every small community in our area as well as the cities. With the railroad shut down, employees living in each of these small towns are out of work.

Is there a need for this strike? The Presidential board says there is not.

The whole strike boils down to one question. Should the railroad be forced to hire employees that it doesn't need?

The Presidential board made a series of recommendations after a careful study. The railroad agreed to accept the board's recommendations, but the union is still holding out for a job freeze.

The commission has recommended a long list of worker benefits, including retraining of displaced labor at railroad expense, wage increases for three-fourths of the operating workers, improved conditions and retirement privileges, and other human issues involved.

The board recommended that the union withdraw the rule from its contract: "No position in existence on December 3, 1957, will be abolished or discontinued except by agreement between the carrier and the organization."

This rule would give the unions the veto power over improvements or changes that would increase the efficiency of the railroad. They want to keep on the payrolls, men who work only a few minutes each day, yet draw pay for a full day's work.

The Portland, Oreg., Journal, in an editorial said, "Union leaders are doing their membership no favors by refusing a compromise based on the findings of the President's commission, while the climate is still favorable, and while there is public sympathy toward easing the problem of displaced union workers."

Mr. MUNDT. Mr. President, I sincerely hope that instead of having a great many more pious statements urging farmers, Senators, Members of the House of Representatives, and Governors of the States in the area to sit and wait, saying that everything will be all right, and that tomorrow or the day after tomorrow or in a very short time the strike will be settled, we now shall find someone getting down to the brass tacks of settling the strike, and that we shall receive the good news that the men have returned to work and that trains are again available to haul the produce to market.

Mr. MILLER. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER (Mr. METCALF in the chair). Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. MUNDT. I am happy to yield.

Mr. MILLER. I invite attention to the fact that 11 days ago my senior colleague [Mr. HICKENLOOPER] and I sent to the President an urgent telegram in which we pointed out to him the seriousness of the situation and requested him personally to take part in settlement of the strike. Eleven days have now elapsed since then. I wonder whether the Senator from South Dakota thinks that if the President or the Vice President had intervened in the same manner in which the Vice President intervened in the steel strike in late 1959 or early 1960, there might now be a better opportunity for settlement of this strike than the one which has occurred—and, I may add, a more rapid settlement of the strike.

Mr. MUNDT. If the President or the Vice President had intervened a week or 10 days or 2 weeks ago, I would have very much hoped that the strike would long ago have been settled and the trains would again be running.

I, too, made that recommendation to the White House. I have sent such telegrams, and I have been in telephonic communication with officials in the Department of Labor, as well, in trying to impress upon them the seriousness of this situation. I am not particularly critical of Secretary Wirtz, who is new to the job. I suppose this is his first experience with strike-settlement negotiation. But I cannot understand why the President, himself, has not called the opposing parties into his office, and gone into this matter with them, and at least undertaken to get the trains running, so that perishable crops can be hauled.

Last week my colleague [Mr. BOTTUM] introduced proposed legislation which, if it received the approval of the Department of Labor and the White House, could be passed by Congress in 48 hours. That measure would give the executive branch of the Government the power to move in and get the trains running again, insofar as that is necessary for the movement of perishable commodities.

After that was done, things would return to the status quo. Once the sugarbeet crop is gone, once the farmers lose their perishable products, all the tears and all the lamentations occurring over the protracted strike settlement negotiations will not put a dime in the pockets of the farmers and will not help recapture the assets which have been exhausted.

I yield to the Senator from Iowa.

Mr. MILLER. Would the Senator not agree that the situation has actually deteriorated in the respect that, instead of having the President or Vice President call these parties in and use the high offices of those officials to develop an atmosphere of urgency and great importance to the Nation, there has developed an atmosphere which could well be looked upon as hostile upon the part of the North Western Railroad? It has observed that the President has made the statement that he believes in the aerospace dispute the aerospace management people should accept the findings of a Presidential board, whereas, when a Presidential board has already made findings in the railroad industry, he has not made the same statement in that case. He did not say it was hoped that the railroads would follow the recommendations of the Presidential factfinding board, as he did in the case of the aerospace industry. No; he said he hoped both parties might get together.

A considerable discussion has arisen as a result of that unfortunate statement, and there has been considerable intimation that there is a double standard.

Would the Senator not agree that if management received the impression there was a double standard, it might be reluctant to agree upon the issues, and particularly agree upon the arbiters involved in a compulsory arbitration arrangement, which I understand has been tentatively agreed upon, but the mechanics of which have not been agreed upon?

Mr. MUNDT. The difficulty with the present situation is that authority to make recommendations has simply been shifted from a Presidential factfinding board, which has already made recommendations, to a new board. President Leighty has said it is going to be more difficult to reach agreement on what the issues are going to be than perhaps to arrive at a settlement. Since he is the head of the union, he speaks with some authority.

Anyone who reads the editorials I have inserted in the RECORD must come to the conclusion that the Senator from Iowa is correct in that the editorial writers and news commentators of this country are interpreting the President's so-called double standard of morality, as applied to companies versus unions, as being another evidence of an antibusiness attitude. We do not want any further evidence of an antibusiness attitude at a time when we are still trying to recover from the most severe stock market crash in American history, save only the crash of 1929.

I have hopefully expected and waited for the development of some sort of modus operandi whereby a better understanding could be arrived at between the White House and business following the unfortunate statement the President made about the steel executives. I have been hopeful that business and the White House could work together in trying to pull the country up from the economic consequences of the stock crash. The unfortunate reaction has been triggered again, according to the editorial writers. They say this is definitely an antibusiness attitude; that one should not look at one set of circumstances and in that case, not only caution, but threaten, them to yield in the missile base situation, whereas, under a set of circumstances exactly the same, but affecting the telegraphers' union, the President has said, "You ought to get together."

What we in the Midwest are asking is that the President get them together, that he step into the situation which has been created in part by his unfortunate discrepancy in attitude in two situations having the same set of circumstances, so perishable products can be gotten to market.

Mr. President, this is not something which can wait until Saturday night. This is not something which can wait until next week. This is something which has waited too long.

If the trains should get rolling tomorrow, we would still have lost hundreds of thousands of dollars in South Dakota alone, because of the inability of farmers to get their products to market. They are losing their products by the hour and by the day. So this is a problem of vast urgency. This is why I call on the President, himself, to come into the situation and not leave it to the new and untried Secretary of Labor, whose first experience with this kind of situation happens to be the railroad strike, on which they have done nothing but talk Monday, Tuesday, and Wednesday, just as we are doing here, with still no resounding news that the strike has been settled, but merely the hopeful expression that if we wait until tomorrow perhaps the strike will be settled. But by tomorrow several hundred thousand dollars of additional farm income will be lost to South Dakota, Iowa, Minnesota, and the other nine States served by the Chicago & North Western Railway.

Mr. MILLER. Mr. President, if the Senator will yield, let me suggest that we must wait until at least after the America's Cup races are over at Newport.

Mr. MUNDT. I think the America's Cup races have certainly detained the President from acting, and, therefore, I would like to see him move into this situation, with his persuasive capacity, his prestige, and his authority to bring the strike to an end.

It is regrettable that the strike has continued so long. It will be calamitous if the strike is not settled within another 24 or 48 hours. Even if it is settled then, I know of no way we can recapture for the farmers of the Midwest the hundreds of thousands of dollars which have been permanently lost to them because the strike has continued for 20 days, at a time when it is important for farmers to get their products to market.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

The Senate resumed the consideration of the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and for other purposes.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Colorado [Mr. ALLOTT].

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW; AND UNANIMOUS-CONSENT AGREEMENTS TO LIMIT DEBATE

Mr. HUMPHREY. Mr. President, after consultation with various Members of the Senate, including the minority leader [Mr. DIRKSEN], the Senator from Washington [Mr. JACKSON], and other Senators, there has been an agreement that at the conclusion of the business today the Senate will temporarily set aside the so-called Quincy project bill, now under discussion; and that tomorrow the Senate will meet at 10 o'clock in the morning.

It is understood that at the conclusion of business today the bill presently before the Senate will be temporarily laid aside and that there will be laid before the Senate, as the pending business for tomorrow, either Calendar No. 1286, S. 2800, to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships, or the House equivalent of that bill, Calendar No. 1637, H.R. 11586, to amend section 502 of the Merchant Marine Act, 1936, as amended.

That will be the pending business. Starting at 10:30 tomorrow morning there will be a half hour for each side for discussion of that particular bill.

Mr. President, I ask unanimous consent that at the conclusion of the business of the Senate today the bill now before the Senate be temporarily laid aside and that there be made the pending business of the Senate either Calendar No. 1286, relating to amendment of the Merchant Marine Act of 1936, or Calendar No. 1637, the similar House bill; and that the Senate meet at 10 o'clock tomorrow morning and at 10:30 a.m. proceed to the consideration of Calendar No. 1286 or Calendar No. 1637, with the time to be divided a half hour to each side, to be controlled by the Senator from Delaware [Mr. WILLIAMS] and by the Senator from Washington [Mr. MAGNUSON].

The **PRESIDING OFFICER.** Is there objection to the request by the Senator from Minnesota? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I now ask unanimous consent that when the Senate concludes its deliberations today, if that was not clear under the previous unanimous-consent request, the Senate stand in adjournment until 10 o'clock tomorrow morning.

Mr. ALLOTT. Mr. President——

Mr. HUMPHREY. I yield to the Senator from Colorado.

Mr. ALLOTT. I see no reason why the pending amendment should not be disposed of.

Mr. HUMPHREY. That will be done this evening.

The **PRESIDING OFFICER.** Is there objection to the request by the Senator from Minnesota that when the Senate concludes its deliberations this evening it stand in adjournment to meet at 10 o'clock tomorrow morning? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. For the information of the Senate, following consideration of the maritime bill to which I referred, the Senate will consider the Cuba resolution. Following completion of action on the Cuba resolution the Senate will return to consideration of the bill for the Quincy project, presently under discussion. Senators can keep the ground rules well in mind.

I ask unanimous consent that after resumption of consideration of the bill for the Quincy project tomorrow, the time be equally divided, 45 minutes to a side, the time to be controlled by the Senator from Washington [Mr. JACKSON] and by the minority leader [Mr. DIRKSEN], on the Miller amendment only.

The **PRESIDING OFFICER.** Is there objection to the request by the Senator from Minnesota? The Chair hears none, and it is so ordered.

Mr. HICKENLOOPER. Mr. President, under these arrangements does the acting majority leader anticipate any record votes this evening?

Mr. HUMPHREY. Nothing more than voice votes.

The **PRESIDING OFFICER.** Is there objection to the request by the Senator from Minnesota? The Chair hears none, and the unanimous-consent agreements are entered into.

The unanimous-consent agreements, subsequently reduced to writing, are as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That at the conclusion of the business of the Senate today, the pending bill H.R. 11164, the so-called Quincy project, be temporarily laid aside, and that either Calendar No. 1286, S. 2800, to amend the Merchant Marine Act of 1936, or the companion House bill, H.R. 11586, be made the pending business; that at 10:30 a.m. tomorrow (Thursday, September 20, 1962), the Senate proceed to the consideration of the bill brought up for consideration, under a limitation of debate of 1 hour, to be equally divided and controlled by Mr. WILLIAMS of Delaware and Mr. MAGNUSON.

Following the consideration of the foregoing maritime bill, the Senate will proceed to the consideration of the joint resolution reported today by the Committee on Foreign Relations and Armed Services, Senate Joint Resolution 230, relating to the Cuban situation.

Following the action on the Cuban resolution, the Senate will resume the consideration of the bill H.R. 11164, the Quincy project, under a 90-minute limitation of debate, to be equally divided and controlled by Mr. JACKSON and by the minority leader, on the Miller amendment now pending.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

The Senate resumed the consideration of the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin irrigation districts, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ALLOTT].

The amendment was rejected.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be printed in the RECORD, and that it lie on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment is as follows:

SEC. 8. For a period of ten years from the date of enactment of this Act, no water shall be delivered to any water user for the production of newly irrigated lands in the Columbia Basin project, of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. This limitation shall not apply to lands within irrigation blocks for which the initial availability of project water has heretofore been announced in writing by the Secretary of the Interior for publication in the Federal Register.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate temporarily set aside Calendar No. 1963, the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TEMPORARY INCREASE IN MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER MERCHANT MARINE ACT, 1936

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1286, Senate bill 2800.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That section 2 of the Act of July 7, 1960 (Public Law 86-607, 74 Stat. 362), as amended by the Act of September 13, 1961 (Public Law 87-222, 75 Stat. 494), is further amended by striking out the words "two years" and inserting in lieu thereof the words "five years".

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment to the bill S. 2800 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill insert the following:

SEC. —. (a) The Merchant Marine Act, 1936 (49 Stat. 1985), is amended by striking out subsection (d) of section 502.

(b) Section 509 of the Merchant Marine Act, 1936 (46 U.S.C. 1159), is amended by striking out ": *And provided*, That in case a vessel is to be constructed under this section for an applicant who has as his principal place of business a place on the Pacific coast of the United States" and all that follows in that section down through and including "maintains his principal place of business at any place on the Pacific coast." and insert in lieu thereof a period.

(c) Section 213 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1123), is amended by striking out "a report" and inserting in lieu thereof "reports" and by striking out "as soon as practicable".

(d) Paragraph (c) of said section 213 is amended by striking out the period at the end thereof and adding the following "; reports under this paragraph shall be made annually on the first day of July of each year.".

(e) The first sentence of subsection (f) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152), is amended by striking out "periodically" and inserting in lieu thereof "at least once each year".

(f) The second sentence of subsection (f) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152), is amended by striking out the words ", with the approval of the President,".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I should like to make a brief word of explanation in connection with the amendment which I have offered, and upon which we shall vote tomorrow. The purpose of the amendment is simple. It would repeal the present 6-percent differential which is allowed in awarding contracts to west coast ship construction companies.

Mr. HUMPHREY. Mr. President, as I understand, the pending business is the Williams amendment?

The PRESIDING OFFICER. The Senator is correct.

JENO NAGY

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3026) for the relief of Jeno Nagy, which was, on page 1, line 4, strike out all after "be" down through and including "impose:" in line 11, and insert "granted the status of permanent residence in the United States pursuant to the provisions of the Act of July 25, 1958 (72 Stat. 419-420) if he is found to be otherwise admissible under the provisions of that Act:".

Mr. HUMPHREY. Mr. President, on July 3, 1962, the Senate passed S. 3026, to grant a waiver of the excluding provision of the law relating to one afflicted with tuberculosis in behalf of the beneficiary, who was previously paroled into the United States as a Hungarian refugee. This would have enabled the beneficiary to adjust his status administratively.

On September 4, 1962, the House of Representatives passed S. 3026, with a technical amendment.

Inasmuch as the amendment does not change the intent of the bill, I move that the Senate concur in the House amendment to S. 3026.

The motion was agreed to.

SU-FEN CHEN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2208) for the relief of Su-Fen Chen, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Su-Fen Chen. From and after the date of the enactment of this Act, the said Su-Fen Chen shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Mr. HUMPHREY. Mr. President, on May 29, 1962, the Senate passed S. 2208, to grant the status of permanent residence in the United States to the beneficiary.

On August 7, 1962, the House of Representatives passed S. 2208, with an amendment to provide merely for cancellation of outstanding deportation proceedings.

I move that the Senate concur in the House amendment to S. 2208.

The motion was agreed to.

MRS. HEGHINE TOMASSIAN

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 2184) for the relief of Mrs. Heghine Tomassian, which was, to strike out all after the enacting clause and insert:

> That sections 1 through 4 of the Act of July 14, 1960 (74 Stat. 504, 505), shall be applicable in the case of Mrs. Heghine Tomassian.

Mr. HUMPHREY. Mr. President, on March 29, 1962, the Senate passed S. 2184, to enable the beneficiary, a native of Turkey, to qualify for a visa under the quota for France, a country where she has resided for 40 years.

On September 4, 1962, the House of Representatives passed S. 2184, with an amendment to permit the beneficiary to be paroled into the United States as a refugee-escapee.

I move that the Senate concur in the House amendment to S. 2184.

The motion was agreed to.

YUK-KAN CHEUK

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 2760) for the relief of Yuk-Kan Cheuk, which was, to strike out all after the enacting clause and insert:

> That, for the purposes of the Immigration and Nationality Act, Yuk-Kan Cheuk shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. HUMPHREY. Mr. President, on May 29, 1962, the Senate passed S. 2760, to enable a native of Hong Kong of Chinese descent to qualify for an adjustment of her status to that of a lawful resident alien under the subquota of Hong Kong.

On September 4, 1962, the House of Representatives passed S. 2760, with an amendment to grant the status of permanent residence in the United States to the beneficiary.

The amendment is acceptable and I move that the Senate concur in the House amendment to S. 2760.

The motion was agreed to.

HRATCH SAMUEL ARUKIAN

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 273) for the relief of Hratch Samuel Arukian, which was, to strike out all after the enacting clause and insert:

> That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Hratch Samuel Arukian shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960.

Mr. HUMPHREY. Mr. President, on March 29, 1962, the Senate passed S. 273 to provide that the beneficiary be chargeable to the quota for Ethiopia.

On August 20, 1962, the House of Representatives passed S. 273, with an amendment to provide that the beneficiary be considered to be a refugee—escapee and to have been paroled into the United States on the date of the enactment of the act pursuant to the provisions of the act of July 14, 1960.

I move that the Senate concur in the House amendment to S. 273.

The motion was agreed to.

MEMORIAL SERVICES FOR DAG HAMMARSKJOLD

Mr. HUMPHREY. Mr. President, I think it is only appropriate that Members of the Senate take cognizance of the memorial services for the late Secretary General of the United Nations, Dag Hammarskjold, held yesterday at the United Nations headquarters in New York, in Geneva and in Leopoldville in the Congo.

As we too vividly recall, it was 1 year ago that Dag Hammarskjold was killed in an airplane crash in Northern Rhodesia during the peace mission in the Congo. Mongi Slim of Tunisia, retiring President of the General Assembly, referred to Mr. Hammarskjold as a "pioneer of peace" in his remarks yesterday. Mr. Hammarskjold was a pioneer in the true meaning of the word and world peace was the objective he steadfastly pursued until his tragic death.

He was a pioneer in his understanding of the need to develop new and revolutionary weapons for maintaining the peace. He had the vision to see the increasingly important role open to the United Nations in those sections of the world attaining nationhood but threatened by the tensions of the cold war. He had the raw courage of a pioneer as he personally implemented his vision through numerous peace missions around the globe.

I think it is also appropriate to note that the memorial plaque honoring Mr. Hammarskjold was placed in the Meditation Room of the United Nations above the one honoring the late Count Folke Bernadotte, of Sweden, the mediator in Palestine, who was assassinated by terrorists in Jerusalem in 1948. Sweden can feel justly proud of these two sons who gave their life in the service of the United Nations and its quest to secure world peace.

As the 17th General Assembly of the United Nations convenes today, the delegates from every nation would do well to ponder the sacrifices of Dag Hammarskjold and Count Bernadotte. Their dedication to the objectives of the United Nations should serve as a perpetual reminder that peace can never be secured without great personal sacrifice, seemingly endless toil, and an inexhaustible determination to keep the forces of tyranny and totalitarianism under control.

Mr. President, I am sure that I speak for every Senator when I say that we are deeply indebted to Dag Hammarskjold for his years of loyal service to the United Nations, the cause of world peace, and world law and order, and that his untimely death was one of the most tragic events of our time.

CONSTITUTION DAY

Mr. HUMPHREY. Mr. President, every American citizen and every citizen of the Western World carried with them Monday a special feeling of pride. It was 175 years ago that the Founding Fathers of this Nation completed their labors in Philadelphia and brought forth one of the most remarkable documents ever produced by human mind and hand: the Constitution of the United States.

It is truly amazing to contemplate the results of the Philadelphia Convention. As the noted British political scientist, D. W. Brogan, noted in Sunday's Washington Post, the political institutions established by the U.S. Constitution are the oldest in the world. Professor Brogan noted that—

> The office held by Queen Elizabeth has only a formal connection with the office held by George III. * * * There is no emperor in Peiping (or Delhi), no czar in Russia. Despite rumors, General De Gaulle is not the "most Christian King of France and Navarre" and Adenauer is not the Holy Roman Emperor or even the successor to Wilhelm II. President Kennedy is the successor of General Washington; this seems to me, in a world of alarming change, a merit.

These are the words of one of the most illustrious and talented and gifted political commentators and political scientists of modern times.

We are all familiar with the British capacity for understatement. I would go so far as to suggest that "merit" might appropriately be expanded upon. Indeed, the Constitution is the cornerstone of our great democracy. It has become the model for many of the democratic governments that have followed. Today it represents a perpetual source of light in the areas of the world darkened by dictatorship and totalitarianism. It is difficult to conceive of the development of human liberty and freedom in the world without the Constitution of the United States.

It has been my observation that every new country which has come into its own national sovereignty and has joined the United Nations has looked to the Constitution of the United States as a guideline for its constitutional system. We can be proud of the fact that not only has our Constitution endured for these 175 years, for the benefit of the American people, but that it has been a source of inspiration and a source of legal direction to hundreds of millions of people throughout the world who have sought to enjoy the blessings of freedom and the pursuit of happiness.

I hope Monday also served as an appropriate reminder to us, the elected representatives of the 50 sovereign States, that the Founding Fathers placed great responsibility and faith in the legislative process. In fact, in the minds of a majority of the founders, Congress was seen as the cornerstone of the American system of government.

Woodrow Wilson, one of the great Presidents of this Nation, while he served as president of Princeton University and as a teacher in the field of political science, wrote one of the most important documents ever written about our Government. It was entitled "Congressional Government." This indicates to me that this great student and scholar of American history and American law understood the importance of the legislative process and of the legislative institutions in our constitutional system.

Each of us upon assuming his responsibilities in this body takes a solemn oath to protect and preserve the Constitution. At times I believe the Congress far surpasses the vision of the founders in fulfilling its duties under the Constitution. We have our good days; and some days are even great.

But we also must frankly recognize that other days we do not accomplish what needs to be done; we do not fulfill the vision of the founders. At such times we could hardly do better than to recognize anew the great inheritance that the Constitution grants to us. We are legatees of the most workable and equitable system of government in the history of the world. But it is ultimately our responsibility, and the responsibility of every U.S. citizen, to make this system function as effectively today as it has in the past.

In Philadelphia, President Truman formally commemorated Constitution Day. In his characteristically vigorous fashion, President Truman expressed the timeless message of the Constitution in terms relevant to our contemporary duties and responsibilities as leader of the free democratic community of nations. This message bears repeating, not only in this body, but throughout the Nation and the world. Quite simply, it is this: the United States will never sacrifice her basic freedoms in our struggle against Communist tyranny.

Surely this is the same message the founders of this Nation made in their struggle for independence and for the establishment of a viable system of government. And this is the message they would have made today in the circumstance we face.

I think it most appropriate that a former President of the United States, one who understood the Constitution and lived by it, President Truman, chose Constitution Day to remind us once again of the great tasks before us.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, under the previous order, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, September 20, 1962, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 19, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The prayer of the Master for His disciples. John 17: 21: *That they all may be one.*

Eternal and ever-blessed God, at the noon hour of this new day we are uniting our hearts in the sacrament of adoration and praise, of penitence and confession, of petition and supplication.

We earnestly beseech Thee to show us the need and strength of cultivating the spirit of fellowship and brotherhood among all the members of the human family.

Make us eager to identify ourselves with mankind in its struggles and sorrows for we cannot enjoy health and happiness while vast multitudes are miserable and bearing the burdens of injustice, oppression, and inhumanity.

Help us to understand that we are all Thy creatures and children and that the injury of one, however slight and small, is the harm and hurt of all.

Inspire us to condemn and crucify that selfish and supercilious spirit which is so wholly contrary to the fundamental purpose and passion of the Master whose incomparable life was the supreme revelation of Thyself and the realized ideal of humanity.

Hear us in His name. Amen.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the preceding session.

Mr. WILLIAMS. Mr. Speaker, I demand that the Journal be read in full.

The SPEAKER. The Clerk will read the Journal.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold his point of order?

Mr. WILLIAMS. I withhold my point of order, Mr. Speaker.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair will receive a message.

The DOORKEEPER. Mr. Speaker, a message from the Senate.

The SPEAKER. Mr. Secretary.

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12628. An act to provide additional funds under section 202(a)(4) of the Housing Act of 1959, and to amend title V of the Housing Act of 1949, in order to provide low and moderate cost housing, both urban and rural, for the elderly.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11266. An act to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 4. An act to provide for the establishment of the Padre Island National Seashore; and

S. 2511. An act to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes.

The SPEAKER. The gentleman from Mississippi makes the point of order that a quorum is not present.

Mr. WILLIAMS. Mr. Speaker, I withhold that point of order.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with, today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. PERKINS. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD with my own remarks a letter from the Secretary of State addressed to the Speaker of the House.

Mr. WILLIAMS. Mr. Speaker, I renew my point of order.

The SPEAKER. The Chair will state that unanimous-consent requests will have to wait until after the Journal has been read and acted upon.

CALL OF THE HOUSE

Mr. WILLIAMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Mississippi makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 225]

Adair
Anfuso
Barry
Bass, N.H
Blitch
Bromwell
Buckley
Curtis, Mass.
Davis, James C.
Diggs
Dooley
Edmondson
Fino
Ford
Gary
Gavin
Goodell
Harvey, Ind.
Hébert
Hoffman, Ill.
Hoffman, Mich.
Hull
Johnson, Md.
Jones, Ala.
Kearns
Kilburn
Lane
McDonough
McSween
McVey
Macdonald
Martin, Mass.
Merrow
Moorehead, Ohio
Morrison
Moulder
Norrell
O'Brien, Ill.
Patman
Peterson
Pfost
Pilcher
Powell
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
St. George
St. Germain
Saund
Sikes
Smith, Calif.
Spence
Thompson, La.
Thompson, N.J.
Vinson
Weis
Whalley
Yates
Zelenko

The **SPEAKER.** On this rollcall, 372 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. **WILLIAMS.** I object, Mr. Speaker.

Mr. **ALBERT.** Mr. Speaker, I move that further proceedings under the call be dispensed with.

The **SPEAKER.** The question is on the motion.

The question was taken; and on a division (demanded by Mr. WILLIAMS), there were—ayes 83, noes 25.

Mr. **WILLIAMS.** Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 355, nays 17, not voting 63, as follows:

[Roll No. 226]

YEAS—355

Abbitt
Adair
Addabbo
Albert
Alexander
Alford
Alger
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashley
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Baring
Barrett
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Breeding
Brewster
Brooks
Broomfield
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Cohelan
Collier
Colmer
Conte
Cook
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis, Mo.
Daddario
Dague
Daniels
Davis, John W.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Dingell
Dole
Dominick
Donohue
Dorn
Dowdy
Downing
Doyle
Dulski
Durno
Dwyer
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Findley
Fisher
Flood
Fogarty
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz
Gathings
Giaimo
Gilbert
Glenn
Gonzalez
Goodling
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagen, Calif.
Hagan, Ga.
Haley
Hall
Halleck
Hansen
Harding
Hardy
Harris
Harrison, Wyo.
Harvey, Mich.
Hays
Healey
Hechler
Hemphill
Henderson
Herlong
Hoeven
Hoffman, Ill.
Holifield
Holland
Hosmer
Ichord, Mo.
Inouye
Jarman
Jennings
Jensen
Joelson
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Kearns
Kee
Keith
Kelly
Keogh
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McDowell
McFall
McIntire
McMillan
MacGregor
Mack
Madden
Magnuson
Mahon
Mailliard
Marshall
Martin, Nebr.
Mathias
Matthews
May
Meader
Michel
Miller, Clem
Miller, George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morris
Morse
Mosher
Moss
Multer
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Passman
Pelly
Perkins
Philbin
Pike
Pirnie
Poage
Poff
Price
Pucinski
Purcell
Quie
Rains
Randall
Reece
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scott
Scranton
Seely-Brown
Selden
Shelley
Sheppard
Shipley
Short
Shriver
Sibal
Siler
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Springer
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Udall, Morris K.
Ullman
Utt
Vanik
Van Zandt
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Widnall
Willis
Wilson, Ind.
Wright
Young
Younger
Zablocki

NAYS—17

Abernethy
Andersen, Minn.
Ashmore
Flynt
Harsha
Hiestand
Horan
Huddleston
Johansen
King, N.Y.
Pillion
Ray
Taber
Van Pelt
Waggonner
Williams
Winstead

NOT VOTING—63

Anfuso
Barry
Bass, N.H.
Blitch
Boykin
Bromwell
Buckley
Curtis, Mass.
Davis, James C.
Davis, Tenn.
Diggs
Dooley
Edmondson
Finnegan
Fino
Ford
Gary
Gavin
Goodell
Grant
Halpern
Harrison, Va.
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Johnson, Md.
Kilburn
Lane
McDonough
McSween
McVey
Macdonald
Martin, Mass.
Mason
Merrow
Moorehead, Ohio
Morrison
Moulder
Norrell
O'Brien, Ill.
Patman
Peterson
Pfost
Pilcher
Powell
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
St. George
Saund
Sikes
Sisk
Smith, Calif.
Thompson, La.
Thompson, N.J.
Vinson
Weis
Whalley
Wilson, Calif.
Yates
Zelenko

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Martin of Massachusetts.

Mr. Hull with Mr. Bromwell.

Mr. Morrison with Mrs. Weis.

Mr. Peterson with Mr. Fino.

Mr. Rogers of Texas with Mr. Moorehead of Ohio.

Mr. Thompson of Louisiana with Mr. McDonough.

Mr. Sikes with Mrs. St. George.

Mr. Anfuso with Mr. Kilburn.

Mr. Thompson of New Jersey with Mr. Barry.

Mr. Sisk with Mr. Harvey of Indiana.

Mr. Powell with Mr. Gavin.

Mr. Finnegan with Mr. Halpern.

Mr. Buckley with Mr. Ford.

Mr. Lane with Mr. Wilson of California.

Mr. Johnson of Maryland with Mr. Goodell.

Mr. Gary with Mr. Smith of California.

Mr. Rivers of Alaska with Mr. Dooley.

Mr. O'Brien of Illinois with Mr. Merrow.

Mrs. Riley with Mr. Bass of New Hampshire.

Mr. Edmondson with Mr. McVey.

Mr. Diggs with Mr. Hoffman of Michigan.

Mr. Macdonald with Mr. Curtis of Massachusetts.

Mr. Zelenko with Mr. Mason.

The result of the vote was announced as above recorded.

The doors were opened.

THE JOURNAL

The **SPEAKER.** The Clerk will read the Journal.

The Clerk commenced the reading of the Journal.

Mr. **PERKINS** (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Journal be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

Mr. **WILLIAMS.** I object, Mr. Speaker.

Mr. **PERKINS.** Mr. Speaker, I move that further reading of the Journal be dispensed with.

The **SPEAKER.** The Chair will state that that motion is not in order.

The Clerk will read the Journal.

The Clerk continued the reading of the Journal.

Mr. **GROSS** (interrupting the reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore (Mr. ALBERT). Evidently a quorum is not present.

Mr. **BOGGS.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Anfuso
Bass, N.H.
Blitch
Bromwell
Bruce
Buckley
Curtis, Mass.
Davis, James C.
Diggs
Dooley
Edmondson
Fascell
Findley
Fino
Ford
Gary
Gavin
Goodell
Griffin
Harrison, Va.
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Johnson, Md.
Jones, Mo.
Kilburn
Lane
McDonough
McSween
McVey
Macdonald
Martin, Mass.
Merrow
Michel
Moorehead, Ohio
Morrison
Moulder
Norrell
O'Brien, Ill.
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Rhodes, Pa.
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
St. George
Saund
Sikes
Smith, Calif.
Staggers
Thompson, La.
Thompson, N.J.
Ullman
Vinson
Weis
Whalley
Willis
Wilson, Calif.
Yates
Zelenko

The **SPEAKER.** On this rollcall, 369 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. **SMITH** of Virginia. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken.

Mr. SMITH of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 26, not voting 69, as follows:

[Roll No. 228]

YEAS—341

Abbitt
Abernethy
Addabbo
Albert
Alexander
Alford
Andersen,
  Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashley
Aspinall
Avery
Ayres
Bailey
Baker
Baldwin
Baring
Barrett
Bass, Tenn.
Bates
Battin
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Boykin
Brademas
Bray
Brewster
Brooks, Tex.
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Cohelan
Collier
Colmer
Conte
Cook
Cooley
Corman
Cramer
Cunningham
Curtin
Curtis, Mo.
Daddario
Dague
Daniels
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Devine
Dingell
Dole
Dominick
Dorn
Dowdy
Downing
Doyle
Dulski
Durno
Dwyer
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Feighan
Fenton
Findley
Flood
Fogarty
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz
Gary
Gathings
Giaimo
Gilbert
Glenn
Gonzales
Goodling
Granahan
Grant
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Hansen
Harding
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harvey, Mich.
Hays
Healey
Hechler
Hemphill
Henderson
Herlong
Hoeven
Hoffman, Ill.
Holifield
Holland
Hosmer
Ichord, Mo.
Inouye
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Kearns
Kee
Keith
Kelly
Keogh
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McFall
McIntire
McMillan
MacGregor
Mack
Madden
Magnuson
Mahon
Mailliard
Marshall
Martin, Nebr.
Mason
Mathias
Matthews
May
Meader
Michel
Miller, Clem
Miller,
  George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morris
Morse
Mosher
Moss
Multer
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Passman
Pelly
Perkins
Philbin
Pike
Pirnie
Poage
Poff
Price
Pucinski
Purcell
Quie
Randall
Reece
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scott
Scranton
Seely-Brown
Selden
Shelley
Sheppard
Shipley
Short
Shriver
Siler
Sisk
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Springer
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Udall, Morris K.
Ullman
Vanik
Van Zandt
Waggonner
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Widnall
Willis
Wilson, Ind.
Wright
Young
Younger
Zablocki

NAYS—26

Adair
Alger
Ashmore
Becker
Broomfield
Corbett
Derwinski
Flynt
Gross
Harsha
Hiestand
Horan
Huddleston
Jensen
Johansen
Jonas
King, N.Y.
McVey
Pillion
Ray
Rousselot
Saylor
Taber
Utt
Van Pelt
Winstead

NOT VOTING—69

Anfuso
Auchincloss
Barry
Bass, N.H.
Blitch
Breeding
Bromwell
Buckley
Curtis, Mass.
Davis,
  James C.
Diggs
Donohue
Dooley
Edmondson
Fascell
Finnegan
Fino
Fisher
Ford
Forrester
Gavin
Goodell
Halleck
Halpern
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Johnson, Md.
Jones, Ala.
Kilburn
Kluczynski
Lane
McDonough
McDowell
McSween
Macdonald
Martin, Mass.
Merrow
Moorehead,
  Ohio
Morrison
Moulder
Norrell
O'Brien, Ill.
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
St. George
Saund
Sibal
Sikes
Smith, Calif.
Thompson, La.
Thompson, N.J.
Vinson
Weis
Whalley
Williams
Wilson, Calif.
Yates
Zelenko

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Auchincloss.

Mr. Rivers of Alaska with Mr. Wilson of California.

Mr. Hull with Mr. Kilburn.

Mr. Donohue with Mr. Bromwell.

Mr. Macdonald with Mrs. St. George.

Mr. Lane with Mr. Fino.

Mr. Thompson of Louisiana with Mr. Barry.

Mr. Morrison with Mr. Halpern.

Mr. Rains with Mr. Goodell.

Mr. Rogers of Texas with Mr. Halleck.

Mrs. Riley with Mr. Smith of California.

Mr. Zelenko with Mrs. Weis.

Mr. Anfuso with Mr. Sibal.

Mr. Powell with Mr. Martin of Massachusetts.

Mr. Buckley with Mr. Harvey of Indiana.

Mr. Peterson with Mr. Ford.

Mr. Patman with Mr. McDonough.

Mr. Sikes with Mr. Gavin.

Mr. O'Brien of Illinois with Mr. Moorehead of Ohio.

Mr. Johnson of Maryland with Mr. Judd.

Mr. McDowell with Mr. Bass of New Hampshire.

Mr. Breeding with Mr. Dooley.

Mr. Kluczynski with Mr. Merrow.

Mr. Finnegan with Mr. Hoffman of Michigan.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk resumed the reading of the Journal.

CALL OF THE HOUSE

Mr. WAGGONNER (interrupting the reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 229]

Anfuso
Auchincloss
Bass, N.H.
Blitch
Boykin
Bromwell
Buckley
Curtis, Mass.
Davis, James C.
Davis, Tenn.
Diggs
Dooley
Edmondson
Finnegan
Fino
Ford
Frazier
Gavin
Goodell
Green, Oreg.
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Jensen
Johnson, Md.
Jones, Ala.
Kilburn
Lane
McDonough
McSween
Macdonald
Martin, Mass.
Merrow
Moeller
Moorehead,
  Ohio
Morrison
Moulder
Nix
Norrell
O'Brien, Ill.
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Tex.
St. George
Saund
Sikes
Smith, Calif.
Teague, Tex.
Thompson, La.
Thompson, N.J.
Vinson
Weis
Whalley
Wilson, Calif.
Yates
Zelenko

The SPEAKER. Three hundred and seventy-two Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. ALBERT. Mr. Speaker, I renew my request that the call of Calendar Wednesday business be dispensed with today.

Mr. PERKINS. Mr. Speaker, reserving the right to object, it is very obvious, since the House has now been in session for 2½ hours, that we are not going to be able to get around to the youth opportunities bill today. When the House convened, I objected to the dispensing of Calendar Wednesday with the hope that we could vote on H.R. 10682, the Youth Opportunities Act, which in effect recreates the Civilian Conservation Corps on a limited scale. The Youth Conservation Corps is designed not only to advance conservation and recreational projects in our State and National parks and forests, but also to provide useful employment and income to the many thousands of young people who are out of school and unemployed. This bill authorizes pilot projects and calls for an expenditure of only $75 million for the first year.

I am of the personal opinion that this piece of legislation would do more to curb juvenile delinquency than any other legislation this Congress has enacted in a long time. We have in this country today more than a million out-of-school unemployed youngsters between the ages of 17 and 21 years and I feel that this Congress will be derelict in its responsibility if we fail to vote on this needed legislation. I regret that we were unable to get a rule before the Rules Committee and that we had to resort to this method of procedure. Realizing that we have a dozen or more votes today, I shall not object, Mr. Speaker, to the unanimous-consent request of the majority leader, but I am hopeful that somewhere along the line we will be able to get a vote on this legislation before the adjournment of this Congress.

Mr. FULTON. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that business in order under Calendar Wednesday rule be dispensed with.

The SPEAKER. The Chair may say that that motion is not in order until after the Journal is read.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

Mr. WILLIAMS. Mr. Speaker, I object.

The Clerk continued the reading of the Journal.

Mr. GROSS (interrupting reading of the Journal). Mr. Speaker, I make the point of order that the Clerk has not resumed the reading of the Journal at the end of amendment 42 on page 18383 when the quorum call was made. The Clerk had finished the reading of amendment No. 42, and I ask that he resume the reading of the Journal at the point where he concluded.

The SPEAKER. The Clerk will continue the reading of the Journal where he left off.

The Clerk continued the reading of the Journal.

Mr. ALBERT (interrupting the reading of the Journal). Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Without objection, the Journal will stand approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I move that the business in order under the Calendar Wednesday rule today be dispensed with.

The SPEAKER. The question is on the motion which requires a two-thirds vote.

The question was taken; and on a division (demanded by Mr. FULTON) there were—ayes, 269, noes, 1.

So the motion was agreed to.

SENATE AMENDMENTS TO H.R. 7431

The SPEAKER. The unfinished business is the question of suspending the rules and agreeing to House Resolution 800.

Without objection, the Clerk will again report the resolution.

There was no objection.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill H.R. 7431, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby, agreed to.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. HECHLER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HECHLER. Mr. Speaker, I think this bill sets an unfortunately bad precedent. In admitting this stained glass duty free, we are clearly injuring the domestic glass plants, many of which abound in the State of West Virginia. I hope that my colleagues will realize that we cannot maintain a healthy art-glass industry in the United States of America if we continue to subsidize foreign competition. I trust that this resolution will be defeated.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HIESTAND) there were—ayes 162, noes 34.

Mr. BAILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNAL SECURITY ACT OF 1950

The SPEAKER. The further unfinished business is the question on suspending the rules and passing the bill (H.R. 12082) to amend the Internal Security Act of 1950, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken.

Mr. WALTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 352, nays 23, not voting 63, as follows:

[Roll No. 230]

YEAS—352

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Alford
Alger
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashmore
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Baring
Barrett
Barry
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Boykin
Brademas
Bray
Breeding
Brewster
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Collier
Colmer
Conte
Cook
Cooley
Corman
Cramer
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Dole
Dominick
Donohue
Dorn
Dowdy
Downing
Doyle
Dulski
Durno
Dwyer
Elliott
Ellsworth
Everett
Evins
Fallon
Fascell
Fenton
Findley
Fisher
Flood
Flynt
Fogarty
Forrester
Fountain
Frelinghuysen
Friedel
Gallagher
Garland
Garmatz
Gary
Gathings
Giaimo
Glenn
Goodling
Grant
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Mich.
Hays
Healey
Hechler
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Holland
Horan
Hosmer
Huddleston
Ichord, Mo.
Inouye
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karth
Kastenmeier
Kearns
Kee
Keith
Kelly
Keogh
Kilgore
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kornegay
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lipscomb
Loser
McCulloch
McDowell
McFall
McIntire
McMillan
McVey
Mack
Madden
Magnuson
Mahon
Mailliard
Martin, Nebr.
Mason
Mathias
Matthews
May
Meader
Michel
Miller, Clem
Miller, George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Morgan
Morris
Morrison
Morse
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Pelly
Perkins
Philbin
Pike
Pillion
Pirnie
Poage
Poff
Price
Pucinski
Purcell
Quie
Randall
Ray
Reece
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Roberts, Ala.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Ryan, Mich.
St. Germain
Santangelo
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scott
Scranton
Seely-Brown
Selden
Shelley
Sheppard
Shipley
Short
Shriver
Sibal
Siler
Sisk
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Springer
Stafford
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Udall, Morris K.
Ullman
Utt
Vanik
Van Pelt
Van Zandt
Waggonner
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham

Widnall
Williams
Willis
Wilson, Ind.
Winstead
Wright
Young
Younger
Zablocki

NAYS—23

Ashley
Celler
Cohelan
Corbett
Curtis, Mo.
Dingell
Farbstein
Fulton
Gilbert
Gonzalez
Holifield
Karsten
Lindsay
MacGregor
Marshall
Moorhead, Pa.
Mosher
Moss
Multer
Roosevelt
Rosenthal
Ryan, N.Y.
Staggers

NOT VOTING—63

Anfuso
Bass, N.H.
Blatnik
Blitch
Bromwell
Buckley
Curtis, Mass.
Davis, James C.
Diggs
Dooley
Edmondson
Feighan
Finnegan
Fino
Ford
Frazier
Gavin
Goodell
Granahan
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Jarman
Johnson, Md.
Kilburn
Kowalski
Lane
McDonough
McSween
Macdonald
Martin, Mass.
Merrow
Moorehead, Ohio
Moulder
Norrell
O'Brien, Ill.
Passman
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Riley
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rogers, Tex.
St. George
Saund
Sikes
Smith, Calif.
Thompson, N.J.
Vinson
Weis
Whalley
Wilson, Calif.
Yates
Zelenko

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Smith of California.

Mr. Hull with Mr. Harvey of Indiana.

Mr. Macdonald with Mrs. St. George.

Mr. Thompson of Louisiana with Mr. Wilson of California.

Mr. Sikes with Mr. Moorehead of Ohio.

Mr. Rains with Mr. Fino.

Mr. Rivers of Alaska with Mr. Bromwell.

Mr. Rogers of Texas with Mr. Ford.

Mr. Feighan with Mr. Martin of Massachusetts.

Mr. Buckley with Mr. Goodell.

Mr. Anfuso with Mr. Gavin.

Mr. Powell with Mr. Kilburn.

Mr. Zelenko with Mrs. Weis.

Mr. Lane with Mr. McDonough.

Mr. O'Brien of Illinois with Mr. Dooley.

Mr. Peterson with Mr. Bass of New Hampshire.

Mr. Blatnik with Mr. Merrow.

Mr. Johnson of Maryland with Mr. Curtis of Massachusetts.

Mr. Patman with Mr. Hoffman of Michigan.

Messrs. NEDZI and ASHBROOK changed their vote from "nay" to "yea."

Mr. HALPERN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

PROTECTION OF CLASSIFIED INFORMATION

The SPEAKER. The further unfinished business is suspending the rules and passing the bill (H.R. 11363).

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. LINDSAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 132, not voting 56, as follows:

[Roll No. 231]

YEAS—247

Abbitt
Abernethy
Adair
Albert
Alexander
Alford

Anderson, Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashmore
Aspinall
Auchincloss
Avery
Ayres
Baker
Baldwin
Baring
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Boggs
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Breeding
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Burleson
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Collier
Colmer
Cook
Cooley
Cramer
Cunningham
Dague
Davis, John W.
Davis, Tenn.
Denton
Derounian
Devine
Dole
Donohue
Dorn
Dowdy
Downing
Doyle
Durno
Elliott
Everett
Evins
Fallon
Fascell
Feighan
Fenton
Fisher
Flood
Flynt
Forrester
Fountain
Frazier
Garland
Gary
Gathings
Goodling
Grant
Gray
Griffin
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Mich.
Hays
Hechler
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Horan
Hosmer
Huddleston
Ichord, Mo.
Jarman
Jennings
Jensen
Johansen
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Kearns
Keith
Kilgore
King, N.Y.
Kitchin
Knox
Kornegay
Kyl
Laird
Landrum
Langen
Latta
Lennon
Lesinski
Lipscomb
Loser
McCulloch
McIntire
McMillan
McVey
Mack
Mahon
Martin, Nebr.
Mason
Matthews
May
Meader
Michel
Miller, George P.
Miller, N.Y.
Mills
Minshall
Moeller
Montoya
Moore
Morris
Morrison
Murray
Natcher
Nelsen
Norblad
Nygaard
O'Hara, Mich.
O'Konski
O'Neill
Ostertag
Passman
Pelly
Philbin
Pike
Pillion
Poage
Poff
Pucinski
Purcell
Randall
Ray
Reece
Reifel
Rhodes, Ariz.
Rhodes, Pa.
Roberts, Ala.
Rogers, Colo.
Rogers, Fla.
Roudebush
Roush
Rousselot
Rutherford
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Scott
Selden
Shipley
Short
Shriver
Smith, Va.
Spence
Springer
Steed
Stephens
Stratton
Stubblefield
Taber
Taylor
Teague, Tex.
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Thornberry
Tollefson
Trimble
Tuck
Utt
Van Pelt
Van Zandt
Waggonner
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Williams
Willis
Wilson, Ind.
Winstead
Wright
Young
Younger
Zablocki

NAYS—132

Addabbo
Alger
Ashley
Bailey
Barrett
Barry
Boland
Brewster
Byrne, Pa.
Celler
Clark
Coad
Cohelan
Conte
Corbett
Corman
Curtin
Curtis, Mo.
Daddario
Daniels
Dawson
Delaney
Dent
Derwinski
Diggs
Dingell
Dominick
Dulski
Dwyer
Ellsworth
Farbstein
Findley
Fogarty
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Giaimo
Gilbert
Glenn
Gonzales
Granahan
Green, Oreg.
Green, Pa.
Griffiths
Gross
Halpern
Hansen
Harding
Healey
Holifield
Holland
Inouye
Joelson
Johnson, Calif.
Judd
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kunkel
Lankford
Libonati
Lindsay
McDowell

McFall
MacGregor
Madden
Mailliard
Marshall
Mathias
Miller, Clem
Milliken
Monagan
Moorhead, Pa.
Morgan
Morse
Mosher
Moss
Multer
Murphy
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
Olsen
Osmers
Perkins
Pirnie
Price
Quie
Reuss
Riehlman
Robison
Rodino
Rooney
Roosevelt
Rosenthal
Rostenkowski
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Schwengel
Scranton
Seely-Brown
Shelley
Sheppard
Sibal
Siler
Sisk
Slack
Smith, Iowa
Smith, Miss.
Stafford
Staggers
Sullivan
Teague, Calif.
Toll
Tupper
Udall, Morris K.
Ullman
Vanik
Wallhauser
Widnall

NOT VOTING—56

Anfuso
Bass, N.H.
Blatnik
Blitch
Boykin
Bromwell
Buckley
Curtis, Mass.
Davis, James C.
Dooley
Edmondson
Finnegan
Fino
Ford
Gavin
Goodell
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Johnson, Md.
Kilburn
Kowalski
Lane
McDonough
McSween
Macdonald
Magnuson
Martin, Mass.
Merrow
Moorehead, Ohio
Moulder
Norrell
O'Brien, Ill.
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Riley
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rogers, Tex.
St. George
Saund
Sikes
Smith, Calif.
Thompson, N.J.
Vinson
Weis
Whalley
Wilson, Calif.
Yates
Zelenko

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Smith of California and Mr. Rivers of Alaska for, with Mrs. St. George against.

Mr. Hébert and Mr. Ford for, with Mr. Zelenko against.

Mr. Pilcher and Mrs. Riley for, with Mr. Anfuso against.

Mr. Rogers of Texas and Mr. Patman for, with Mr. O'Brien of Illinois against.

Mr. Sikes and Mr. Wilson of California for, with Mr. Buckley against.

Mr. Kilburn and Mr. Moorehead of Ohio for, with Mr. Powell against.

Mr. Hoffman of Michigan and Mr. James C. Davis, for, with Mr. Thompson of New Jersey against.

Mr. McSween and Mr. Harvey of Indiana for, with Mr. Yates against.

Until further notice:

Mr. Blatnik with Mr. McDonough.

Mr. Lane with Mr. Goodell.

Mr. Magnuson with Mr. Martin of Massachusetts.

Mr. Peterson with Mr. Bromwell.

Mr. Rains with Mr. Dooley.

Mr. Johnson of Maryland with Mr. Fino.

Mr. Hull with Mr. Gavin.

Mr. Finnegan with Mr. Bass of New Hampshire.

Mr. Edmondson with Mrs. Weis.

Mrs Norrell with Mr. Curtis of Massachusetts.

Messrs. McDOWELL, COAD, and ALGER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

AUTHORIZING ASSISTANCE TO PUBLIC AND OTHER NONPROFIT INSTITUTIONS OF HIGHER EDUCATION

Mrs. GREEN of Oregon submitted a conference report and statement on the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1963

The SPEAKER. The further unfinished business is the question of the adoption of the conference report on the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

Mr. BEERMANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The further unfinished business is the vote on the motion of the gentleman from Georgia [Mr. FORRESTER] which the Clerk will report.

The Clerk read as follows:

Mr. FORRESTER moves that the House recede and concur in the amendment of the Senate numbered 19.

The SPEAKER. The question is on the motion.

Mr. FORRESTER. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FORRESTER and Mr. WHITTEN.

The House divided, and the tellers reported that there were—ayes 109, noes 107.

Mr. ABBITT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 223, answered "present" 1, not voting 68, as follows:

[Roll No. 232]

YEAS—143

Abernethy
Alford
Andrews
Arends
Ashmore
Aspinall
Baker
Bass, Tenn.
Bates
Battin
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bray
Broomfield
Brown
Burke, Mass.
Carey
Celler
Chamberlain
Chenoweth
Chiperfield
Clark
Cook
Corman
Cunningham
Daddario
Davis, John W.
Davis, Tenn.
Dawson
Dent
Donohue
Dorn
Doyle
Dulski
Durno
Elliott
Everett
Evins
Farbstein
Fascell
Flynt
Fogarty
Forrester
Gilbert
Grant
Gray
Green, Oreg.
Griffiths
Gubser
Hagan, Ga.
Haley
Hall
Halpern
Hansen
Harding
Harris
Harsha
Hays
Healey
Hechler
Hemphill
Herlong
Holland
Huddleston
Ichord, Mo.
Inouye
Jensen
Johansen
Johnson, Calif.
Jones, Ala.
Karsten
Karth
King, N.Y.
Knox
Kyl
Landrum
Libonati
Loser
McCulloch
McFall
Magnuson
Matthews
Montoya
Moorhead, Pa.
Morgan
Morris
Moss
Multer
Murphy
Murray
Nedzi
Norblad
Nygaard
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
Osmers
Ostertag
Philbin
Pillion
Pirnie
Price
Ray
Reece
Reifel
Reuss
Rhodes, Pa.
Riehlman
Roberts, Ala.
Robison
Rogers, Colo.
Rogers, Fla.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roush
Ryan, N.Y.
St. Germain
Schenck
Scherer
Schwengel
Selden
Short
Sisk
Smith, Miss.
Springer
Staggers
Stephens
Stubblefield
Sullivan
Tollefson
Trimble
Udall, Morris K.
Ullman
Waggonner
Walter
Williams
Willis
Winstead

NAYS—223

Abbitt
Adair
Addabbo
Albert
Alexander
Alger
Andersen, Minn.
Anderson, Ill.
Ashbrook
Ashley
Auchincloss
Avery
Ayres
Baldwin
Baring
Barrett
Barry
Becker
Beckworth
Beermann
Belcher
Bell
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Breeding
Brewster
Brooks, Tex.
Broyhill
Bruce
Burke, Ky.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Casey
Cederberg
Chelf
Church
Clancy
Coad
Cohelan
Collier
Conte
Cooley
Corbett
Cramer
Curtin
Curtis, Mo.
Dague
Daniels
Delaney
Denton
Derounian
Derwinski
Devine
Dingell
Dole
Dominick
Dowdy
Downing
Dwyer
Ellsworth
Fallon
Feighan
Fenton
Findley
Fisher
Flood
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz
Gary
Gathings
Giaimo
Glenn
Gonzalez
Goodling
Granahan
Green, Pa.
Griffin
Gross
Hagen, Calif.
Hardy
Harrison, Va.
Harrison, Wyo.
Harvey, Mich.
Henderson
Hiestand
Hoeven
Hoffman, Ill.
Horan
Hosmer
Jarman
Jennings
Joelson
Johnson, Wis.
Jonas
Jones, Mo.
Judd
Kastenmeier
Keith
Kelly
Keogh
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Kornegay
Kowalski
Kunkel
Laird
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Lindsay
Lipscomb
McDowell
McIntire
McVey
MacGregor
Mack
Madden
Mahon
Mailliard
Marshall
Martin, Nebr.
Mathias
May
Meader
Michel
Miller, Clem
Miller, N.Y.
Milliken
Minshall
Moeller
Monagan
Moore
Morse
Mosher
Natcher
Nelsen
Nix
O'Brien, N.Y.
O'Neill
Pelly
Perkins
Pike
Poage
Poff
Pucinski
Purcell
Quie
Randall
Rhodes, Ariz.
Rodino
Roudebush
Rousselot
Rutherford
Ryan, Mich.
Santangelo
Saylor
Schadeberg
Schneebeli
Schweiker
Scott
Scranton
Seely-Brown
Shelley
Shipley
Shriver
Sibal
Siler
Slack
Smith, Iowa
Smith, Va.
Stafford
Steed
Stratton
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tuck
Tupper
Utt
Vanik
Van Pelt
Van Zandt
Wallhauser
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Widnall
Wilson, Ind.
Wright
Young
Younger
Zablocki

PRESENT—1

Sheppard

NOT VOTING—68

Anfuso
Bailey
Bass, N.H.
Blatnik
Blitch
Boykin
Bromwell
Buckley
Colmer
Curtis, Mass.
Davis, James C.
Diggs
Dooley
Edmondson
Finnegan
Fino
Ford
Gavin
Goodell
Halleck
Harvey, Ind.
Hébert
Hoffman, Mich.
Holifield
Hull
Johnson, Md.
Kearns
Kee
Kilburn
McDonough
McMillan
McSween
Macdonald
Martin, Mass.
Mason
Merrow
Miller, George P.
Mills
Moorehead, Ohio
Morrison
Moulder
Norrell
O'Brien, Ill.
Passman
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Riley
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rogers, Tex.
St. George
Saund
Sikes
Smith, Calif.
Spence
Thompson, La.
Thompson, N.J.
Vinson
Weis
Whalley
Wilson, Calif.
Yates
Zelenko

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. James C. Davis for, with Mr. Patman against.

Mr. Pilcher for, with Mr. Ford against.

Mrs. Blitch for, with Mr. Wilson of California against.

Mr. Harvey of Indiana for, with Mr. Smith of California against.

Until further notice:

Mr. Holifield with Mrs. St. George.

Mr. Peterson with Mr. Hoffman of Michigan.

Mr. Rivers of Alaska with Mr. Gavin.

Mr. Bailey with Mr. Fino.

Mr. Anfuso with Mr. Martin of Massachusetts.

Mr. Buckley with Mr. Kilburn.

Mr. Zelenko with Mr. Goodell.

Mr. Rogers of Texas with Mr. Moorehead of Ohio.

Mr. Morrison with Mr. Bromwell.

Mr. Thompson of Louisiana with Mr. Dooley.

Mr. George P. Miller with Mr. McDonough.

Mr. Macdonald with Mrs. Weis.

Mr. Thompson of New Jersey with Mr. Curtis of Massachusetts.

Mr. McSween with Mr. Merrow.

Mr. Hull with Mr. Bass of New Hampshire.

Mr. HERLONG changed his vote from "nay" to "yea."

Mr. SHEPPARD changed his vote from "yea" to "present."

Mr. GRIFFIN changed his vote from "yea" to "nay."

Mr. HOFFMAN of Illinois changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Mississippi [Mr. WHITTEN] that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1963

The SPEAKER. The further unfinished business is the question of the adoption of the conference report on the bill (H.R. 11151), the legislative branch appropriation bill, 1963.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The further unfinished business is the vote on a motion of the gentleman from Oklahoma [Mr. STEED] which the Clerk will report.

The Clerk read as follows:

Mr. STEED moves that the House insist upon its disagreement to the amendment of the Senate numbered 44.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CONTE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Speaker, would an "aye" vote be to sustain the Senate in knocking out the junk, the "occupant," mail for the legislators?

The SPEAKER. The Chair will state that that is not a parliamentary inquiry. The motion has been stated.

Mr. BROWN. Mr. Speaker, will the Chair restate the question?

The SPEAKER. Without objection, the Clerk will report the motion.

There was no objection.

The Clerk read as follows:

Mr. Steed moves that the House insist upon its disagreement to the amendment of the Senate numbered 44.

The question was taken; and there were—yeas 125, nays 248, not voting 62, as follows:

[Roll No. 233]

YEAS—125

Addabbo
Albert
Alexander
Alford
Andersen, Minn.
Ashley
Aspinall
Baring
Barrett
Bass, Tenn.
Beckworth
Blatnik
Bolling
Bonner
Bow
Brooks, Tex.
Burleson
Byrne, Pa.
Cannon
Carey
Celler
Chelf
Coad
Cohelan
Colmer
Corman
Daniels
Delaney
Derwinski
Dingell
Donohue
Dorn
Downing
Doyle
Elliott
Evins
Farbstein
Fascell
Feighan
Flood
Fountain
Friedel
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gilbert
Gonzalez
Granahan
Gray
Green, Pa.
Hagen, Calif.
Harding
Hardy
Harris
Healey
Henderson
Holifield
Horan
Ichord, Mo.
Inouye
Jennings
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Karsten
Kastenmeier
Kelly
Keogh
King, Calif.
Kirwan
Lesinski
Libonati
McFall
Magnuson
Mahon
Marshall
Matthews
Miller, Clem
Montoya
Moorhead, Pa.
Moss
Multer
Natcher
Nix
O'Hara, Mich.
Olsen
O'Neill
Perkins
Philbin
Pillion
Pirnie
Poage
Price
Purcell
Randall
Rhodes, Pa.
Riehlman
Rodino
Rooney
Roosevelt
Rosenthal
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Scott
Sheppard
Sisk
Smith, Iowa
Smith, Va.
Steed
Stubblefield
Sullivan
Thomas
Thompson, Tex.
Thornberry
Toll
Trimble
Van Pelt
Walter
Watts
Whitener
Whitten

NAYS—248

Abbitt
Abernethy
Adair
Alger
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashmore
Auchincloss
Avery
Bailey
Baker
Baldwin
Barry
Bates
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Boggs
Boland
Bolton
Brademas
Bray
Brewster
Broomfield
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Byrnes, Wis.
Cahill
Casey
Cederberg
Chamberlain
Chenoweth
Chiperfield
Church
Clancy
Clark
Collier
Conte
Cook
Cooley
Corbett
Cramer
Cunningham
Curtin
Curtis, Mo.
Daddario
Dague
Davis, John W.
Davis, Tenn.
Dawson
Dent
Denton
Derounian
Devine
Dole
Dominick
Dowdy
Dulski
Durno
Dwyer
Ellsworth
Everett
Fallon
Fenton
Findley
Fisher
Flynt
Forrester
Frazier
Frelinghuysen
Fulton
Garland
Glenn
Goodling
Grant
Green, Oreg.
Griffin
Griffiths
Gross
Gubser
Hagan, Ga.
Haley
Hall
Halleck
Halpern
Hansen
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Mich.
Hays
Hechler
Hemphill
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Holland
Hosmer
Huddleston
Jarman
Jensen
Joelson
Johansen
Johnson, Wis.
Jonas
Judd
Karth
Kearns
Kee
Keith
Kilgore
King, N.Y.
King, Utah
Kitchin
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lindsay
Lipscomb
Loser
McCulloch
McDowell
McIntire
McMillan
McVey
MacGregor
Mack
Madden
Mailliard
Martin, Nebr.
Mason
Mathias
May
Meader
Michel
Miller, George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Moore
Morgan
Morris
Morse
Mosher
Murphy
Murray
Nedzi
Nelsen
Norblad
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Konski
Osmers
Ostertag
Pelly
Pike
Poff
Pucinski
Quie
Ray
Reece
Reifel
Reuss
Rhodes, Ariz.
Roberts, Ala.
Robison
Rogers, Colo.
Rogers, Fla.
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scranton
Seely-Brown
Selden
Shipley
Short
Shriver
Sibal
Siler
Slack
Smith, Miss.
Springer
Stafford
Staggers
Stephens
Stratton
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tollefson
Tuck
Tupper
Udall, Morris K.
Ullman
Utt
Vanik
Van Zandt
Waggonner
Wallhauser
Weaver
Westland
Wharton
Wickersham
Widnall
Williams
Willis
Wilson, Ind.
Winstead
Wright
Young
Younger
Zablocki

NOT VOTING—62

Anfuso
Ayres
Bass, N.H.
Bennett, Mich.
Blitch
Boykin
Breeding
Bromwell
Buckley
Curtis, Mass.
Davis, James C.
Diggs
Dooley
Edmondson
Finnegan
Fino
Fogarty
Ford
Gavin
Goodell
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Johnson, Md.
Kilburn
McDonough
McSween
Macdonald
Martin, Mass.
Merrow
Moorehead, Ohio
Morrison
Moulder
Norrell
O'Brien, Ill.
Passman
Patman
Peterson
Pfost
Pilcher
Powell
Rains
Riley
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rogers, Tex.
St. George
Saund
Shelley
Sikes
Smith, Calif.
Spence
Thompson, La.
Thompson, N J.
Vinson
Weis
Whalley
Wilson, Calif.
Yates
Zelenko

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McDonough for, with Mrs. St. George against.

Mr. Anfuso for, with Mr. Hébert against.

Mr. Buckley for, with Mr. Rogers of Texas against.

Mr. Powell for, with Mr. Kilburn against.

Until further notice:

Mr. Fogarty with Mr. Bennett of Michigan.

Mr. Morrison with Mr. Ford.

Mr. Thompson of Louisiana with Mr. Smith of California.

Mr. Macdonald with Mr. Martin of Massachusetts.

Mr. Peterson with Mr. Harvey of Indiana.

Mr. O'Brien of Illinois with Mr. Ayres.

Mr. Rivers of Alaska with Mr. Goodell.

Mr. Hull with Mr. Gavin.

Mr. Finnegan with Mr. Fino.

Mr. Patman with Mr. Moorehead of Ohio.

Mr. Rains with Mr. Bromwell.

Mr. Thompson of New Jersey with Mr. Bass of New Hampshire.

Mr. Johnson of Maryland with Mr. Merrow.

Mr. Shelley with Mr. Dooley.

Mr. Pilcher with Mr. Wilson of California.

Mrs. Riley with Mrs. Weis.

Mr. Diggs with Mr. Curtis of Massachusetts.

Mr. Edmondson with Mr. Hoffman of Michigan.

Mr. ALBERT changed his vote from "nay" to "yea."

Messrs. BAILEY, DENT, HOLLAND, HARVEY of Michigan, AUCHINCLOSS, BERRY, CHAMBERLAIN, and SLACK changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

Mr. STEED. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, under leave to extend my remarks I desire again to point out that the action of the House today in accepting a Senate amendment which prohibits the use of the franking privilege for "Occupant" mail is not a move for economy. On the contrary, the Post Office Department has testified that the occupant mail handled is a much less costly method than addressed mail carrying the frank.

The legislative appropriation bill approved today contains more than $3,900,000 in payment to the Post Office Department for the use of the franking privilege by Congress. This is the highest figure in history.

An analysis of the claim filed by the Post Office Department shows that the largest single item is for mailing the daily Congressional Record. Other large mailings charged to Congress include so-called newsletters, questionnaires, farmer bulletin lists, and reprinted speeches.

An analysis of the membership record on use of the frank in these areas shows that there are 32 members who sent out more than 400,000 pieces of franked mail each. It is interesting to note that these heaviest users of the frank sent a combined total greater than all the other 403 Members combined. It is also interesting to note that of these heaviest users of the frank 24 voted against use of "Occupant" mail. Among those supporting the right of the House to use the frank for occupant mail were 95 Members who did not use the franking privilege for any of the above-stated purposes.

In view of this situation, I cannot refrain from advising our taxpaying American people that if their Congressmen now will practice what they preach, our postage bill next year will show a substantial reduction. I hope my beloved colleagues will do just this. Our hearings on next year's appropriation bill may be able to reveal this information.

Mr. CONTE. Mr. Speaker, once again, before the vote on the Senate amendment outlawing the congressional usage of the frank on mail addressed simply "Occupant" or "Boxholder," I want to register my approval and enthusiasm for the amendment. I was unable to be present during the discussion of it yesterday because I wanted to cast my vote in the Massachusetts primary. Had I been able to be anywhere near this Chamber, I would have run, not walked, to join in the debate on this amendment. For during that discussion, the high-flung praises of "Occupant" mail were sung as never before. It was claimed that "Occupant" mail had saved lives, that it would be less costly, and that it would put congressional mail on a par with that of the private sector of our Nation.

Some of these claims are based more on fancy than on fact. Let us look at just a few. The statement that "the per piece handling cost of congressional mail, addressed to 'Postal Patron' without street address on city carrier routes and post office boxes, will be less than the same mail fully addressed to each householder," is certainly true. But, it completely misses the point involved here, which is that the increase in volume of such mail will up the cost to offset the savings.

The second statement that "franked mail would not even have parity with private mailers on either rural, star, or city routes or boxes since private mailers can send rural mail addressed simply 'Postal Patron, Local' and city mail without name," is even more inaccurate.

There is a big difference between congressional mail for which the taxpayers foot the bill and other mail paid for by the users themselves. Certainly, private mailers can use the "Occupant" system, but they pay for it themselves. Congressional "Occupant" mail is paid for by the taxpayers in general. There is an enormous difference.

I have, in various debates on this subject, pointed out abuses of the system. I have emphasized that the taxpayers are the ones we should have in mind when voting on this measure. In general, my point has been that it is easier to prevent an abuse than to correct those which might occur. I hope that the House will allow the Senate amendment to stand.

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. STEED moves the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

The motion was agreed to.

A motion to reconsider was laid on the table.

FHA TO MAKE PAYMENTS IN LIEU OF TAXES

The SPEAKER. The further unfinished business is the question of suspending the rules and passing the bill H.R. 13067, which the Clerk will report by title.

The Clerk read the title of the bill.

The question is, Will the House suspend the rules and pass the bill (H.R. 13067)?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REIMBURSEMENT OF RAILROAD UNEMPLOYMENT INSURANCE

The SPEAKER. The further unfinished business is the question on suspending the rules and passing the bill S. 3529, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill (S. 3529)?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

VIRGIN ISLANDS NATIONAL PARK, ST. JOHN, V.I.

The SPEAKER. The further unfinished business of the House is the question on the passage of the bill S. 2429, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, first of all, it is very clear to anyone familiar with the Virgin Islands that the formation of the park has been a major factor for economic development. Senator Theovald E. Moorhead, meeting with the gentleman from Texas, Congressman RUTHERFORD, and others, on September 7, stated at length what a wonderful thing the Virgin Islands National Park is for the people of St. John and the whole community of the Virgin Islands, and what a fine project Caneel Bay Plantation has been for the economy of St. John. Furthermore, in the original legislation, more than 3,000 acres in two segments of the island where the great majority of the people live were purposely excluded from the boundaries of the national park in order that there might be ample land on the island for private development.

Senator Moorhead has said that his only objection to the bill was the feature of condemnation. Mr. Rockefeller has made his position very clear that he is against condemnation. This has constantly been his position, and it is based on the extreme, adverse reaction to condemnation expressed by the people of the area, plus the fact that Mr. Rockefeller feels condemnation is not essential in this particular case. The gentleman from Texas, Congressman RUTHERFORD, and others, also have made themselves very clear that they are against condemnation, and the gentleman from Texas, Congressman RUTHERFORD, has gone so far as to offer an amendment excluding condemnation from the bill and to work for the passage of the bill only if condemnation is excluded. It is regrettable that confusion continues; hopefully, this bill will be amended to exclude condemnation and will be enacted.

Senator Moorhead, in a letter to the Daily News of the Virgin Islands, which was published on September 15, also commented:

> We in St. John are convinced that this bill is to protect the Caneel Bay Plantation interests from further competition and provide a monopoly on the island.

Nothing could be further from the truth. Mr. Rockefeller, who had the vision and the willingness to invest in the future of the island of St. John, has constantly expressed his desire that private interests invest in the economy of the island. These interests have not been stymied for lack of land or beaches.

In another section of his letter, Senator Moorhead stated that $500,000 would be available to match Federal appropriations from Mr. Laurance Rockefeller and his associates, and further inquired:

> Does this mean the Federal Government, if this legislation is enacted, has decided to invest condemnation authority in Mr. Laurance Rockefeller and his associates?

Senator Moorhead obviously is referring to the possibility of Jackson Hole Preserve, Inc., giving matching funds with the Federal Government for land purchases. Jackson Hole Preserve is a nonprofit conservation foundation supported by the Rockefeller family. It donated the land for the establishment of the Virgin Islands National Park and has contributed funds for the purchase of lands within the park boundaries by the park service. It owns Caneel Bay Plantation, and any profits from that operation would be used for conservation purposes. It is, of course, ridiculous to suggest that Jackson Hole Preserve might ever have any power of condemnation.

FEDERAL-STATE COOPERATION

The SPEAKER. The further unfinished business is the question on the passage of the bill, S. 3475, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The proceedings by which the bill H.R. 12802 was passed were vacated, and that bill was laid on the table.

AIRCRAFT LOAN GUARANTEES

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10129) to amend the act of September 7, 1957, relating to aircraft loan guarantees, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none and appoints the following conferees: Messrs. Harris, Williams, Friedel, Bennett of Michigan, and Springer.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be permitted to sit during general debate tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, it is my understanding that the so-called foreign-aid bill—involving what? $3 to $4 billion—will be before the House tomorrow. Mr. Speaker, I shall object to this unanimous-consent request and any other unanimous-consent request that any committee meet tomorrow during general debate. Mr. Speaker, I object.

PUBLIC RECREATION IN NATIONAL FISH AND WILDLIFE CONSERVATION AREAS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1171) to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 20, strike out "and" and insert "game ranges, and other".

Page 3, lines 8 and 9, strike out "the wildlife populations" and insert "fish and wildlife populations and management operations".

Page 3, line 12, after "areas" insert "in existence or approved by the Migratory Bird Conservation Commission as of the date of enactment of this Act".

Page 3, line 18, after "stamps." insert "Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent."

Page 4, lines 4 and 5, strike out "charges, fees, and" and insert "charges and fees and issue".

Page 4, line 8 strike out "of this Act".

Page 4, line 8, after "Act." insert "The Secretary may issue regulations to carry out the purposes of this Act."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WICKERSHAM BLASTS CED FARM PLAN

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I wish to express my opposition to the Committee for Economic Development proposed plan for agriculture, which would drive approximately one-third of the farmers off their land within 5 years.

The Committee for Economic Development farm plan would reduce farm income from $11.5 billion as it was in 1959 to about $7 billion in 1965, a reduction in income of about 40 percent.

Farmers displaced from the fields would be dumped into the already crowded labor market, creating even more unemployment.

Taking one out of every three farmers away from their jobs would kill hundreds of small towns and cities.

The Committee for Economic Development program has been endorsed by big business officials of such firms as Sears, Roebuck & Co. and the Ford Motor Co., and so forth. A farmers revolt against products of firms endorsing the Committee for Economic Development farm plan has been so great that the Ford Motor Co. disassociated itself with the plan and other companies may follow soon.

The backbone of our farm program is the family-size farm. Agriculture cannot be run like big business.

The Committee for Economic Development farm plan is very much like the program of the late 1920's which led to the big depression day of the early 1930's.

AMENDING WAR CLAIMS ACT OF 1948

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, with amendments of the Senate thereto, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BENNETT of Michigan. Mr. Speaker, I object.

ENROLLMENT OF ATHLETES BY THE SERVICE ACADEMIES

Mr. CLARK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLARK. Mr. Speaker, I received a letter from my personal friend and outstanding director of athletics, Mr. Frank Carver, of the University of Pittsburgh. I agree with Mr. Carver that it would be doing this country a great disservice if the academies were not permitted to pay special attention to enrolling fine athletes—as long as these men met the other criteria.

I am inserting the letter at this point:

University of Pittsburgh,
Pittsburgh, Pa., August 27, 1962.

Hon. Frank M. Clark,
Congress of the United States,
House Office Building,
Washington, D.C.

Dear Frank: I noticed in the Post Gazette this morning that the Army—and the other service academies—are under fire for their football recruiting. May I say that I hope that this is not too serious a problem. We are in competition with all three of these institutions for players and I only wish all colleges and universities conducted this phase of the game as honestly as the service academies.

We know that they contact only the academically qualified students who have strong recommendations from the guidance counsellors in the various high schools, and the students sought are given to understand that they will not have any easier life by virtue of being an athlete.

I think it would be doing this country a great disservice if the academies were not permitted to pay special attention to enrolling fine athletes—as long as these men met the other criteria.

Sincerely yours,

Frank Carver,
Director of Athletics.

EXTENSION OF REMARKS

Mr. BONNER. Mr. Speaker, last Friday, September 14, I addressed the House and requested leave to insert in the Congressional Record the text of an excellent speech analyzing the problems involving legislation in the maritime labor field, presented at the recent annual convention of the Federal Bar Association.

It appears that the speech was estimated to exceed, by approximately one-half page, two pages in the Record, and that its insertion would cost about $225. Accordingly, my prefatory remarks and the text of the speech were returned to me.

I feel that the speech is of such significance, not only to the maritime industry, but to all of our transportation systems, that notwithstanding the estimated cost, I ask unanimous consent to insert my remarks and the accompanying speech by Mr. Warner W. Gardner on the subject of "Maritime Labor Legislation," in the body of the Record at this point.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MARITIME LABOR LEGISLATION

Mr. BONNER. Mr. Speaker, during the past year vital elements of our national economy and security have been plagued by a series of crises in labor-management relations. This has been particularly true in the transportation systems, where shipping, railroads, airplanes, and trucking have all been involved. Strikes have threatened to cripple and delay our space program. As chairman of the Committee on Merchant Marine and Fisheries, I have been particularly disturbed by the deficiencies in collective bargaining processes in the maritime industry.

As I have said on several occasions, an intolerable situation exists. I have urged intensified efforts on the part of cognizant executive departments to find solutions. I have introduced legislation with the hope that its consideration might lead the way to realistic answers.

The problems are complex and I freely confess that I do not know the answer.

Very recently, at the Federal Bar Association's annual convention held at the Statler Hotel on September 6, the maritime and admiralty law committee of the association presented a splendid panel discussion on the subject of "Maritime Labor Legislation." This timely and provocative subject had been selected for discussion by the chairman of that committee, John N. Thurman, who is also vice president of the Pacific American Steamship Association. Thoughtful and objective papers were presented by Mr. Lawrence Jones, General Counsel of the Federal Maritime Administration; Mr. Joseph P. Goldberg, maritime labor expert for the Department of Labor; Edward D. Friedman, counsel of the Labor Subcommittee of the Senate Committee on Labor and Public Welfare; and Mr. Warner Gardner, member of the law firm of Shea & Gardner, Washington, D.C., and an able and distinguished lawyer with broad background in maritime problems.

Mr. Gardner's remarks were particularly comprehensive and searching as he analyzed the background of maritime labor strife, pending legislation, and possible solutions to relationships which have reached a stage which has been characterized as "insoluble."

The issues involved in Mr. Gardner's excellent presentation are not limited to the maritime industry and I strongly commend his remarks for thoughtful consideration by all who are concerned with modernizing and making more effective the necessary machinery for fair collective bargaining.

Mr. Speaker, I wish to insert the text of Mr. Gardner's discussion in the Record at this point:

Maritime Labor Legislation

(By Warner W. Gardner)

I am not sure that I have a valid claim to speak. Possibly, indeed, none of us has. I at least have never participated in maritime collective bargaining, and without that richly educational experience I rather doubt that any discussion of maritime labor legislation can be more than a theoretical speculation. That, however, is a point which I shall probably be pressing upon Mr. Jones on another occasion, and it would be inappropriate to dwell upon it here.

It is probably unnecessary to state that my discussion today is my own, and may not at all reflect the views of the steamship men for whom I have worked, and certainly not of those for whom I have not.

A. THE HISTORICAL BACKGROUND

I don't believe that the recurrent crises in maritime labor relations can be understood without a quick backward glance at their history. The men are different; today's generation of seamen have in the large not known the conditions of 30 years ago, while the ship operators of the first part of the century have long since gone. Nevertheless the traditions of the sea outlive the men and the circumstances which formed them. I should expect that the difficulties of the present labor relations can in part be traced to resentments which have not faded away as rapidly as their causes.

At the turn of the century the seaman's life was close to indescribable. The wage was $20 or $25 a month; the hours were 12–14 a day, 7 days a week, without overtime pay. The quarters were simply bunks in the forecastle, with a table for those who could eat the food. Recruiting was largely accomplished by crimping, by which the boardinghouse keepers controlled the hiring and kept the kickback. The laws of desertion and mutiny insured against protest once the articles were signed.

Working conditions improved rapidly during the shipping prosperity of World War I. But the unions lost a disastrous strike in 1921 and were for most practical purposes eliminated; working conditions returned almost to the prewar level.

But the pendulum swings rapidly in this industry. After the NIRA, the Wagner Act and some bitter and successful organizational strikes, the unions were recognized on all coasts. Their victory was sealed by the prosperity of shipping, and the consequent demand for seamen, in the prewar and postwar period.

Today one need only glance at the conditions of employment to see who is up and who is down. The west coast seaman has a base rate of about $475 a month; overtime, for all hours over 8, and penalty pay will bring this up to about $650; and vacation and other fringe benefits make the total about $750 a month. Two men in an air-conditioned cabin are typical quarters on new vessels. A steward makes their bed and tidies up. Union hiring halls and rotation of employment are invariable. Manning scales exceed those of any other nation, and indeed those of the east coast. The seamen's earnings place them at or near the top of American labor, and at a level 3 to 6 times that of the foreign seamen aboard the competing vessels.

I am not here today to say whether this is on balance good or bad. It is obviously good that seamen be well paid. It is obviously bad if they are so well paid as to drive the American ships from the seas. At the present it seems likely that there would be no American vessels in foreign trade if it were not for the subsidy program and the cargo preference laws. Even with complete protection against foreign competition, the intercoastal and coastwise trades have shrunk close to the vanishing point. So far as I know, however, the inquiry as to whether the unions are pricing themselves out of work has invariably been answered according as the answer comes from the labor or the management side of the table. So it will probably always be.

B. THE BARGAINING ORGANIZATION

My concern today is not with the ultimate results of maritime collective bargaining, but rather with its processes; with what happens when it doesn't work.

There are, unfortunately, a number of built-in reasons why maritime collective bargaining won't work, or at least won't work very well. Probably the most fundamental of these reasons is the disorganized state of the industry, chiefly on the labor side.

The union organization goes something like this: On the east coast and gulf, there are two rival organizations of the unlicensed personnel. One, the National Maritime Union, covers all departments. The other, the Scafarers International Union—Atlantic has three constituent unions: the seamen, the firemen, and the cooks and stewards. The Seafarers International Union—Pacific has formal connection with but complete practical independence of Seafarers International Union—Atlantic. Its three constituents, Sailors Union of the Pacific, the firemen, and the cooks and stewards, negotiate together but through their respective officers rather than with a common voice.

The licensed unions are almost as diverse. The masters, mates, and pilots, and the marine engineers are nationwide organizations, which negotiate separate contracts on the east and on the west coasts. The radio operators have two unions. The American Radio Association operates on both coasts, while on the east coast the Radio Officers Union also operates.

Before a single ship can sail, the operator must have reached an agreement with either four unions or with six. Some operators, owing to different sources of their vessels, have contracts both with the NMU and ISU unions, and with both radio unions; they must agree with eight unions and face also the jurisdictional conflicts which arise when new vessels are added to the fleet.

A diversity of union organization tends, I believe, to magnify the coercive power of the stronger party. If the unions are weak enough, the employers can force upon all the terms agreed by the weakest. If, as in the maritime field, the unions are strong, the employer is almost inevitably caught in the whipsaw. Any demand won by one union becomes a fait accompli in subsequent negotiations with other unions. "Catchup" demands between west and east coast agreements acquire an added momentum when the several unions dispute as to who needs to catch up with whom. The union leader who fails to "catch up" may well fear the next election; the one who jumps the farthest ahead has laid a solid foundation for entrenching his leadership and extending his influence.

This basic problem is not soluble by any form of legislation. Nor do I see any reason to hope that the contending unions will of their own initiative merge into one. It is a problem which will, I expect, be with us for a good many years to come.

C. THE IMMATURITY OF MARITIME BARGAINING

Seven of the nineteen Taft-Hartley injunctions have been in the maritime field; two were required in the past year. The west coast lines have had three strikes within a year, 20 days in June 1961, shared with the east coast, and 12 days in October and 27 days in the spring of 1962 all to themselves. About another 3 months of the year consisted of operations conducted under the incomplete protection of a Taft-Hartley injunction. The lines have had to shoulder not only the loss of revenue and the cost of layup, while their foreign or east coast competitors moved the cargo, but have incurred also a long-term loss of confidence by their shippers. The ship operator, it must be remembered, is in direct day-to-day competition in the same trades with foreign competitors. Subsidy goes part of the way to make competition possible with ships sailing at a quarter of the wage cost. But subsidy will not in any way offset the shipper's reluctance to entrust his cargo to a ship which may not be able to deliver it.

The unions have now developed the practice of refusing to off-load cargo which arrives during a strike This is strike action against the customers, not the operators. They are customers the unions as well as the operators need. Hereafter, the mere threat of a strike is sufficient to dry up all inbound cargo on an American-flag ship, at least if manned with west coast crews. The Court of Appeals for the Ninth Circuit last May managed to displease both the employers and the unions by ruling that a Taft-Hartley injunction would not be extended to protect the discharge of cargo on ships arriving after the 80 days, but that the union members would have to sign the regular articles placing them under at least a legal obligation, possibly unenforceable, to discharge the cargo. Both sides filed petitions with the Supreme Court which, however, followed the Government's position and declined review.[1] In result, even though the last strike was settled within the 80 days, the ship operators lost several millions of dollars of revenue on their inbound voyages because of the fear that the ships would arrive during a strike.

The lines have been faced with union demands which seem, at least to me, to be increasingly irresponsible. Some recent examples, each a prime cause of one of the recent strikes, are: (a) The Masters, Mates & Pilots in October demanded rotational hiring for mates, and are talking of such a demand for masters; this would mean that the *President Cleveland*, for example, would put to sea with 1,000 passengers and crew under the sole command of the man with a master's license who had been longest on the beach; (b) the west coast SIU unions, under the leadership of the firemen, this spring demanded pay increases very substantially in excess of those bargained out with every other maritime union. That strike, incidentally, had a novel harbinger. Sailing of the *President Wilson*, with a full passenger list, 2 days before the general strike began, was forbidden by the union; (c) all American-flag lines a year ago were struck in part because some, chiefly the tankers, used flag-of-convenience vessels.

These disputes have been settled without new or drastic legislation. The two that produced a Taft-Hartley injunction were settled within the 80 days. But the settlements have been achieved only at enormous costs—in steamship losses, in loss of shipper confidence, and in lost wages. Another year like the last could well solve the west coast labor problem in the most thorough-going fashion, by eliminating the ships.

We talk of automation as solving the high wage costs which make American-flag ships noncompetitive. This, in the present state of labor relations, seems to me dreaming. The west coast operators can't get men off the ships who are now unnecessary; if they are needed, every other freighter in the world is unsafe because of 2–6 men short.

I don't believe that even the labor men would say that there is a mature responsibility on the part of the seagoing unions, nor that the labor-management relations in that industry have the stability which is customary ashore.

Some sort of last-ditch protection seems to me necessary if the American merchant marine, despite its importance and despite the magnitude of the Government's support, is not some day rather soon to be sunk in the turbulence of its labor relations.

D. THE RAILWAY LABOR ACT

There has during the present session of Congress been more interest than usual in finding a legislative solution. This has arisen both from the succession of maritime strikes and from the pilot-flight engineer controversy which has kept the airlines in ferment.

The first area in which to look for a solution is, of course, the Railway Labor Act. That act, jointly drafted by railway labor and management, worked rather well from 1926 to the war. It has, however, become increasingly ineffective as to major disputes and its grievance machinery is probably too cumbersome. I believe it has not been even partially satisfactory in the air industry.

Basically, the Railway Labor Act calls for (a) compulsory arbitration of grievances and minor disputes, ultimately before jointly manned adjustment boards, and (b) mediation of major disputes, to be followed if unsuccessful and if arbitration is refused, by a 90-day period during which a Presidential emergency board holds hearings and makes recommendations. Donald Richberg, counsel for the unions, and the chief draftsman of the act, told the Congress that (a) he expected voluntary recourse to arbitration in almost every case, and that (b) it would be extremely difficult for either side to flout public opinion by refusing an emergency board recommendation.[2] In fact, at least postwar, arbitration has been rare and the emergency board recommendations have usually served simply as a floor for further negotiations.

Congressman Bonner, on April 18, introduced H.R. 11450, which was an amendment of the Railway Labor Act to cover common carriers by water on the high seas and Great Lakes. I believe, however, that the Railway Labor Act approach has permanently been buried by the thoughtful comments of the Secretary of Commerce in his June 15, 1962, report to the House Committee on Merchant Marine and Fisheries as to possible solution of the maritime labor problem. He pointed out that the Railway Labor Act (1) was the result of joint agreement, with each side responsible for its success; (2) the railroad labor relations were matured and stable; (3) the splintering of maritime collective bargaining would not be remedied; (4) the grievance procedures of the act were less satisfactory than those voluntarily provided under the maritime contracts; and (5) the National Mediation Board has no maritime experience.

E. THE LABOR-MANAGEMENT ADVISORY COMMITTEE

The Secretary of Commerce in his report urged adoption of the course proposed by the President's Advisory Committee on Labor-Management Policy. This Committee, composed of leading members of management and of labor, under the chairmanship of the Secretary of Labor and the vice-chairmanship of the Secretary of Commerce, on May 1, 1962, submitted a largely unanimous report recommending in essence free collective bargaining, without enforced solution of any labor dispute. In order to deal with the national-emergency disputes which did not solve themselves, the Committee recommended only (a) convening an Emergency Disputes Board which would, upon authorization of the President, have power to make recommendations for settling the dispute, and (b) a direct order of the President, instead of a court injunction, to forbid strikes during an 80-day period.

Draft bills incorporating these provisions, though forecast by Government officials, have not yet reached the Congress (or else have done so when my back was turned).

I consider myself as much attached as the committee members to American ideals, to the virtues of freedom, and to developing a sturdy and mature bargaining responsibility by all parties.

I don't, however, believe that such an act would provide the solution for the maritime industry. There is not in that field a single, broad-based union, feeling a lively responsibility for the future of the industry. There is instead a diversity of unions, with leaders apparently feeling chiefly a lively need to stay a jump ahead of their colleagues or competitors. I am inclined to doubt that emergency board recommendations would be followed.

If the choice were between this approach and none, this approach seems to me obviously desirable. If the choice were wider, I should think the more effective avenues opened by three other current bills would be preferable.

F. COMPULSORY SETTLEMENT

1. Senator Butler on July 6 introduced S. 3511. This bill is directed specifically to the off-shore maritime industry, and is confined moreover to the carriers and their employees who bargain in a group including subsidized lines. It is intended to provide a flexible series of powers by which the Government officials can, if at several successive forks of the road they so choose, force settlement of the otherwise insoluble maritime labor dispute in which the Government has so heavy a stake.

The procedures could be invoked only by a party who has offered and has been refused arbitration of the dispute. The Secretary of Commerce could in his discretion dismiss the matter at the outset. Otherwise, in consultation with the Secretary of Labor, he may order the dispute either to factfinding or directly to arbitration. If factfinding is chosen, the Secretary of Labor would appoint an officer of maritime inquiry who would report in 20 days. The proceeding could then either be dismissed at that stage or be referred to a national maritime arbitration board of three disinterested persons appointed by the Secretary of Labor. After hearing, it would enter its award. It is not, however, legally enforcible except by injunction sought under direction of the President. He can, if he chooses, request a normal Taft-Hartley injunction for the life of the arbitration proceedings. Upon separate determination by the President, and separate action by the Court, it can be extended for a year, with the conditions of employment those fixed by the arbitration award.

2. S. 3442, introduced by Senator Morse on June 19, would apply to all industry. It authorizes the President, in an insoluble dispute affecting the national health, safety or security, to appoint an emergency board. It shall, after hearings, submit its findings to the President and also, if so requested, its recommendations. On its receipt the President can propose to the Congress that he either reconvene the board with authority to issue an order or seize the business concerned for a maximum of 90 days. Either House of Congress can by resolution within 10 days veto the proposal. Strikes in violation of the board's orders can be enjoined.

3. Finally there is S. 3540, introduced by Senator Monroney on July 12. It is directed specifically to the air industry, and in essence authorizes jurisdictional disputes to be submitted by the President to a jurisdictional disputes board appointed by him for final settlement. It shall, after hearing, issue a final order, reviewable by a Court of Appeals, and enforceable in court, including an injunction.

These bills have one element in common—a compulsory settlement of the otherwise insoluble labor dispute. The Monroney bill offers no alternative solution; the Morse bill offers two; the Butler bill offers several. But each in the end comes down to providing Government compulsion as a solution of the insoluble labor dispute.

G. THE MERITS OF COMPULSORY ARBITRATION

I want to make three not entirely consistent points about the theory and practice of compulsory arbitration.

1. The semantic obstacle: In the first place I do not believe we should stop analysis at the threshold of the problem by saying that compulsory arbitration contradicts the American way of life, is inconsistent with a free man's rights, or is a threat to the American home and motherhood.

I seem in that respect to speak for the minority. Both the chamber of commerce and the AFL–CIO could readily agree upon both the substance and the wording of a declaration that compulsory arbitration is evil.

I am told, for example, that organized labor will oppose compulsory arbitration even when to its advantage. The underpaid hospital workers in New York are unable, so strong is the natural force of public opinion, to strike. I understand that they gladly agreed to a proposed law for compulsory arbitration, which has however encountered the vigorous opposition of the general labor movement.

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[1] *Seafarers International Union* v. *United States*, 304 F. 2d 437 (C.A. 9), cert. den. 370 U.S. 924.

[2] Hearings on H.R. 7180, 69th Cong., 1st sess., pp. 18–19, 103.

Yet American labor and management are alike thoroughly committed to arbitration of their disputes. A great many contracts call for compulsory arbitration of all disputes arising under or during the life of the contract. A great many major contract disputes are settled by an agreement to put the issues to arbitration. It is then a fairly standard practice to have compulsory arbitration of minor disputes and voluntary arbitration of major disputes. It does not seem too far a leap to have compulsory arbitration of an occasional major dispute.

There is, it is true, a considerable difference between Government enforcement of a contract and Government compulsion not agreed in advance. But that difference does not by any means rise to the point that it is a dividing line between freedom and slave labor.

The Government has in wartime controlled wages. It has, indeed, drafted workers and owners alike to die in battle. The Government tax laws, unemployment benefits, old age plans, manning requirements and safety regulations are in the aggregate about as important an element of the maritime labor contract as those bargained out by the parties. Once the articles are signed the laws of mutiny and desertion require completion of the voyage. The Government can for appropriate purposes seize the workers' home or the employers' ships. I can see nothing in the American tradition which makes abhorrent an occasional and last-ditch arbitration of an insoluble dispute heavily affecting the public interest.

2. Practical experience: It yet remains true that the countries which have experimented with general systems of compulsory arbitration seem to have had a mixed experience. My very superficial examination indicates:

Australia has had a system of compulsory arbitration, with binding awards on wages and conditions, since 1904. While there has been some dissatisfaction with its operation, on the ground that collective bargaining tends to give way to extensive litigation, the fact remains that it has been in operation for over half a century. The New Zealand experience goes back a decade longer; while it is based upon voluntary entry into the system, that entry seems to be the rule rather than the exception.

The European experience, judging by the short life of the experiments which have been made, points in the other direction. For the chief examples: Denmark enacted a compulsory arbitration law in 1936 and repealed it in 1937. Great Britain has used compulsory arbitration during both world wars, with the last experience continuing for 5 years thereafter, but has found both management and labor opposed. Sweden in 1923 abandoned its 1903 requirements that disputes in the railroad industry over the terms of new contracts be arbitrated.

A sound conclusion would require a more careful study, but I at least am persuaded that any general system for compulsory arbitration would be of doubtful value in actual practice.

3. Last-resort compulsion: A fair resolution of these contradictions seems to me to be found in the Butler bill.

(a) We start from the premise that we are dealing with an industry whose survival, and whose continued operation, is of imperative national interest. If, as I believe to be the case, the choice may some day be between the possibility of compulsory arbitration and continuance of the merchant marine, the choice would, I believe, be clear to all who accept the necessity of choice.

(b) The coverage of the Butler bill is very narrow; it includes only the offshore maritime disputes involving subsidized lines and does not push the experiment into fields where relief is not necessary.

(c) There ought not, even in a narrow field, be established a system by which the parties know that failure to agree will result in arbitration of the dispute. Each would prefer to hold out in the hope of a favorable arbitration award rather than to yield his point in negotiation. Compulsory arbitration must be only a possibility, and preferably a rather remote one, if collective bargaining is to have its necessary pressures toward agreement.

(d) Finally, the Butler bill recognizes that subsidy is in itself a course of labor instability. Unions tend to overreach, and the operators either to give in too quickly or, for fear of criticism, to be unduly adamant when the Government pays 75 percent of the wage cost. As subsidy is necessary if there is to be a merchant marine, so it seems right that the Government should prevent a breakdown of bargaining partially caused by that subsidy.

When many unions are competing for leadership of the men who go to sea, and when any one of them has the economic strength to impose its will, there is a premium on overreaching demands. If the shipowners yield successively to one demand and then to another, the country's oceangoing merchant marine may be expected before too long to join, as a colorful chapter of our history, the New England whalers and the Mississippi River packets. It is not good enough—whether for the sailors whose lives have been spent at sea, or for the investors who have committed their fortunes, or for the Government which has invested so heavily—that insoluble labor disputes should be allowed to run a fatal course without provision for their last-resort solution.

TRADE EXPANSION LEGISLATION

Mr. BETTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, although the Kennedy trade expansion bill has been approved by the House and Senate, two events have taken place which to my mind deserve some comment and consideration.

The first is the difficulty Great Britain has experienced in being accepted as a member of the Common Market. The discussion of reasons for delaying the British application has particular interest for the American farmer, since it is in the realm of agriculture that difficulty arises in finding a common ground of agreement.

The more one reads the press accounts of Common Market negotiations and the objections of the British dominions to England's accession to membership, the more one becomes impressed with the fact that the grand purpose of the Common Market is self-sufficiency—at least as to agricultural products. If England is admitted as a member of the market but the British farm producing Dominions are left out, we can easily imagine the difficulty the American farmer will encounter in trying to penetrate the tariff wall around the European Economic Community. British influence would certainly not permit any concessions to the United States which would hurt Canada, Australia, and New Zealand.

On the other hand, if these Commonwealths are allowed to enter with England and be permitted to ship grain into Europe without any tariff restrictions—the United States foreign agricultural market is doomed. Nowhere in the trade bill would there be sufficient negotiating authority to compensate for the millions of tons of farm products these British countries could dump into the Common Market duty free. The American farmer would be caught with no protection and in addition would find himself taxed to pay for the cost of compensation and adjustment for other workers and industries injured by imported products. Since the Treaty of Rome was signed nothing has so clearly demonstrated the protectionist attitude of the six countries who signed it as has the current negotiations in regard to England's membership. As a harbinger of things to come these negotiations should settle once and for all the notion that our workers and farmers and industries have anything to gain under the terms of this so-called trade expansion bill with its provisions for removing protection and compensating the injured.

If the complications connected with the admission of Great Britain leave any doubts about the protectionist policies of the Common Market, then the following article from Paris by Gaston Coblentz should lay them to rest:

FEATHERS FLY AS TARIFF ON BROILERS RISES—AMERICAN CHICKEN EXPORTERS ARE JOLTED BY COMMON MARKET

(By Gaston Coblentz)

PARIS.—The largest single foreign market for American frozen chickens—$35 million annual business with West Germany—is at the mercy of the European Common Market commission at Brussels.

It has become a matter of high-level diplomacy. It was considered important enough for U.S. Secretary of State Dean Rusk to have discussed it with West German Foreign Minister Gerhard Schroeder at Geneva recently along with such topics as the Berlin crisis.

Rusk's move followed reported pleas to the White House by the Governors of Maryland, Delaware, Georgia, and Mississippi to prevent the Common Market's high tariffs from raising havoc with the annual 63,000 tons of American ready-to-cook broiler sales to West Germany.

The next step in the sequence has been a recommendation by the West German Government to Common Market headquarters to take it easy on the American "poulets" by making use of an escape clause hidden in the Common Market treaty.

This means that the fate of the frozen chickens has passed into the hands of the Common Market's semiautonomous commission at Brussels. Bonn's formal recommendation was said by well-informed quarters to be in the process of being forwarded. Prophesies varied as to what the results will be.

The Common Market's agricultural policy responsible for this situation was agreed upon earlier this year and went into effect this week. It will raise the price of imported poultry in West Germany, thus dealing a blow to American sales.

Feathers are flying as French "poulet" interests and their opposite numbers across the Rhine, the German "Gefluegel" farmers, angrily are protesting against any Common Market concession to the U.S. broilers.

It all adds up to the fact that we are dedicated to the task of lowering trade barriers at the expense, not only of the American worker and businessman but also the taxpayer, while the Common Market has dignified the term "protection" and goes merrily on its way of raising tariff walls. And now the administration proposes that the American farmer be added to the casualty list. It seems to me we should be working for our farmers, workers, and industries instead of against them. It is plain that the Common Market is definitely protectionist and it is time we come down to earth and develop a course of action predicated on the cold realities of the marketplace.

The second incident which provokes comment is the President's Fourth of July speech on the Atlantic union and interdependence. With that it becomes apparent that the trade expansion bill is one of the vehicles to be used for the purpose of violating sovereignty and promoting interdependence. Going back a few months, one can find ample evidence that the administration trade proposal is not only a trade bill but a political bill.

One of the original purposes recited in H.R. 9900 was to strengthen economic and political relations with the European community and foreign countries. On March 14, 1962, Roswell Gilpatric, Deputy Under Secretary of Defense, testified before the Ways and Means Committee that—

> Together, as full partners, we can battle for economic and political progress in a fragmentary world.

On April 25, 1962, at Toledo, Ohio, a representative of the Department of State said:

> Our real aim in aiding the Common Market is to achieve European political unity.

This remark was made at a State Department regional briefing conference on the subject of the Kennedy trade program and the U.S. relationship to the European Common Market.

It is rather amazing that the State Department should be saying that the purpose of the trade bill is to aid the Common Market. I thought we were told it was to aid our own industry and our American workers.

On March 30, 1962, Time magazine reported that the State Department wanted its representative to be the lead-off witness in hearings before the Ways and Means Committee. Only after intervention by the White House was this procedure abandoned and the Secretary of Commerce given the honors.

The obvious conclusion to be drawn from these episodes is that the course of the proposed trade expansion legislation is being directed by the State Department with the aim not so much of helping our own economy but of "achieving political unity" among the Common Market countries. It also is important to note that the Ways and Means Committee was careful to strike the word "political" from the purpose clause in H.R. 9900, and the Department of Commerce has been designated as the administrative agent in H.R. 11970. But this change of words cannot eliminate the original intentions. Clever cliches like "trade or fade" cannot obscure the plain fact that the historic concept of regulating trade to help American business has given way to the proposition that American business must be used to help the political progress of the Common Market and the underdeveloped countries.

Aside from these two observations, another example of Common Market protectionism is the creation within it of giant industrial mergers, obviously aimed at the self-sufficiency of its economy. The advocates of the trade bill pointed out to the Ways and Means Committee that the European Economic Community is committed to the elimination of cartels. Much is made of article 85 of the Rome Treaty on this score. But a careful reading of this article reveals that while cartels are prohibited in one section, they are permitted by a following section if the cartel improves production or distribution. An article in the Washington Star of June 22 will shatter anyone's illusions that cartels are doomed in the Common Market. Under a Dusseldorf dateline, the article begins as follows:

EUROPEAN FIRMS STUDY MERGERS TO WIN TRADE

(By Norman Lindhurst)

DUESSELDORF.—The real threat posed by the European Common Market may prove to be an even stronger economic weapon than the erection of a common tariff wall. That is the series of mergers, currently being engineered by Common Market companies, to form giant production units aimed at wresting world markets from American and other outside competitors.

Common Market-based production units are now taking shape which eventually will rival in size and financial resources General Motors and United States Steel in America; Mitsui and Mitsubishi, industrial combines in Japan, and the Wallenberg interests in Sweden.

Mergers of Common Market automakers are in the offing—Fiat and Citroen, for example. And chemical colossi, such as Imperial Chemical Industries and Bayer, have focused on fusion as the most promising avenue to the competitive conquest of Du Pont.

But the real shape of things to come is foreshadowed in the current paroxysm of mergers that are recasting Ruhr steel and easing the way for a fusion of Common Market steel producers.

STEEL MERGER PLANNED

The European Coal and Steel Community has authorized three mergers by German Steel companies:

August Thyssen-Suette (ATH) is acquiring control of Handelsunion AG; ATH, in a second merger, is purchasing a 50-percent holding in Stahlund Walzwerke Rasselstein Andernach AG; and Dortmund-Hoerder Huettenunion AG is taking over Establech Gesellschaft fuer Eisen-Stahl-und Blecherzeugnisse MbH.

Even more significant is the new type of Ruhr steel merger requiring no special legal sanction—the "mutual capacity exchange."

The pilot agreement for this form of indirect merger is between Hoesch and Dortmund-Hoerder Huettenunion. These two companies have agreed to make idle plant capacity mutually available, and to coordinate their investment policies.

POOLING OF PRODUCTION

In effect, the agreement represents a pooling of production capacity. Dortmund-Hoerder is using Hoesch's broad strip mill and Hoesch, in turn, gets reciprocal use of Dortmund-Hoerder's blooming mill capacity. Finally, Dortmund-Hoerder gets access to Hoesch's sintering plant for iron ore dressing, and Hoesch will use Dortmund-Hoerder's soaking pits.

Ruhr steel is now engineering linkups with French and Belgian steel producers too. And if Britain enters the Common Market, as is assumed in the Ruhr for planning purposes, Ruhr steel is prepared to negotiate linkups with British producers.

This is not to say that agreements are in the making for a cartel sliceup of the Common Market among a few producers in each field. But the mergers clearly signal a contraction in producers and a magnifying of competition among a few giant firms.

This is illustrated in the automotive field where negotiations are in progress for a fusion of Fiat and Citroen. Mercedes-Benz is talking merger with Peugeot. And Renault and Volkswagen, both largely State-owned, would like to pool production and sales facilities, particularly with the aim of strengthening their penetration of the North American market.

The auto-makers illustrate still another aspect of the competitive struggle taking shape. In some cases, the Common Market mergers are dictated as much by protective as aggressive market considerations.

European auto-makers fear the merger of American General Motors with its subsidiaries in Britain and West Germany. They also fear a similar Ford merger. For such steps would threaten to deliver the Common Market auto industry to the American "Big Two."

The Common Market merger moves are aimed at deflecting the competition of such foreign colossi outside the market.

With each new step and counterstep, the gyrations add up to an economic dance that makes the twist seem decorous as a minuet.

Mr. Speaker, American foreign economic policy should be directed to the strengthening of the position of our Nation's free enterprise system in international trade. Our foreign economic policy should not become confused with uncertain or vague goals of political unity or interdependence that may be labeled as desirable by some State Department planner. America's foreign trade program should promote jobs and opportunities for Americans; we should not shortsightedly sacrifice our economic strength in pursuit of a program that in its conception suggests that our negotiators will not be primarily motivated by seeking to achieve maximum economic benefits for American producers.

Mr. Speaker, are we about to embark on another program threatening injury to American industry through increased imports with little hope of achieving expanded export opportunities for our goods and services? I am afraid the answer is in the affirmative in the light of the comments and press reports I have submitted to the House membership today.

I am convinced the Congress should not delegate sweeping tariff-cutting authority to the Executive for the unprecedented period of 5 years. If a delegation of authority is to be made, it should be for a shorter period in order to assure a more timely congressional review of the exercise of the authority.

THE PRICE OF FREEDOM

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, once in a while something is said that bears repeating. I feel that the address of Mr. H. W. Prentis, Jr., president of the Armstrong Cork Co., delivered in 1945, is such a worthy presentation. I have consistently advocated the thesis that the basic issue of our decade is whether or not the individual will maintain his freedom or surrender it to a paternalistic government.

Mr. Prentis eloquently presented the problem in its proper perspective and I am inserting his address at this point in the RECORD:

THE PRICE OF FREEDOM

(By H. W. Prentis, Jr.)

Some years ago I heard a minister in the Deep South deliver a sermon based on a verse found in the first epistle of Peter, the fifth chapter: "The devil is a roaring lion, walketh about, seeking whom he may devour." His opening sentences were to the effect that his text would be developed under three heads: "First, who the debil am he? Second, what de debil am he lookin' for? And, third, where de debil am he goin'?" Regardless of its logic, this outline did have the virtue of indicating the speaker's general intentions fairly accurately. Perhaps in talking to you today about the price of freedom I should do likewise. So you will find my text in paragraph XV of the Bill of Rights proclaimed by the Virginia Assembly in June 1776, about 3 weeks before the momentous Declaration from Independence Hall on the 4th of July of that same year. That paragraph reads: "No free government or the blessing of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by a frequent recurrence to fundamental principles." I have selected it because it states in succinct and lucid fashion what our American forefathers considered the price that any nation must pay for liberty.

What then are those "fundamental principles"? From what sources do they stem? What historic grounds do we have for confidence in their validity? The pragmatic philosophy that has pervaded so much of America's thinking in the past 40 years denies that there are any eternal verities; refuses to concede that there are any principles of truth and morality and social conduct that are permanent and lasting. Everything is relative; nothing is absolute. Our so-called progressive education directly reflects that type of reasoning and now it has invaded the realm of law and justice, where sociological jurisprudence is ascribing new and strange meanings to the plainly written provisions of our Federal Constitution.

LIBERTY MUST BE BOUGHT AND REBOUGHT

However, there are still some old-fashioned people in the world like myself, who believe that certain things will be as true a thousand years from now as they are today. Common honesty will still be common honesty. A truthful balance sheet will still be a truthful balance sheet. A steel girder of a given size and composition will still be safe to carry only a certain maximum load. Oil and water will still refuse to form a chemical mixture. And generations hence, man will still find that he does not live by bread alone, which conviction will lead him to assert again and again his possession of those divine, inalienable rights that distinguish him from brute creation. So while the mechanics of government may and will change, the principles on which men may associate themselves permanently to enjoy the blessings of liberty are firm and immutable. The price of freedom is fixed. And liberty must be bought and rebought at the same price by every generation for itself.

Obviously, in addition to practicing justice, moderation, temperance, frugality and virtue, we must also know what those fundamental principles are if we are to recur to them frequently—as the Virginia Bill of Rights says we must. Yet how many American business and professional men have even a casual acquaintance with those principles? How many members of this assembly—far above the level of the average American audience in education and intelligence—could appear this afternoon before their employees or on a radio forum with Earl Browder or Norman Thomas or Henry Wallace and make even a sketchy explanation and defense of the foundations on which the American Republic rests?

And yet is it not obvious that without such knowledge widely dispersed among our people, the preservation of our system of popular self-government is simply impossible? We have all been very smug and complacent. We have taken our freedom for granted. We have washed our hands of so-called dirty politics. We have buried our heads in the sand while a vocal minority in our midst have been steadily undermining the foundations of our freedom for half a century. "The mills of the gods grind slowly, but they grind exceedingly small" and we have permitted the mills of the collectivists—operated in the majority of cases by kindhearted but shortsighted men and women—to befuddle the thinking, arouse the covetousness, and destroy the faith and self-confidence of great groups of our people who now turn to that mythical being, the Government, to solve their economic difficulties.

Yet I am not without hope. The fact that you are here to listen to a talk of this nature; the fact that more Americans today are examining the foundations of their liberty than at any period since the Civil War; the fact that more books are now being written about the American system than have been for a generation; the fact that so many businessmen are planning now to provide greater stability for our economic system in the post-war years—all indicate that the thinking people of America are coming alive to the seriousness of the situation that confronts us and are again girdling themselves to pay the price of freedom—no matter what that price may be in personal effort and sacrifice, and in persecution and smearing by those who do not hesitate to apply personal vilification to anyone who has the courage to stand for sound American principles.

FREEDOM IS INTELLIGENT BEHAVIOR

The roots of American liberty are sunk deep in philosophic and religious soil. They go down to those far-off days in Palestine 1100 years before Christ when the Prophet Samuel warned the Hebrew people what they would suffer in loss of personal dignity and independence if they insisted on having an earthly king; to those distant generations in ancient Greece when men sought to discover the requirements for living a good life; to that great period when the freemen of ancient Rome explored the possibilities of a self-governing republic under the rule of law; and to those brief years of Christ's ministry in Judea, proclaiming the fatherhood of God and the brotherhood of man. The common philosophy on which American freedom rests holds that there is a vital relation between freedom and reason; that freedom, in other words, is intelligent behavior. Thus emphasis is placed on understanding, and on the development of reason and intelligence, and our society has been organized on the basis of a meeting of minds and of mutual respect.

Three great historic currents of thought combined to foster and develop this concept of freedom among the English-speaking peoples: First, the Nominalist philosophy in England in the 14th century; second, the British Reformation 200 years before Luther; and third, the revival of classical learning in England in the 16th century.

Neither the time nor the occasion permits an extended discussion of these three momentous movements. Suffice it to say that the English monk, William of Ockham, the founder of the Nominalistic school of philosophy, postulated the fundamental tenet of English and American liberalism—individualism—about the year 1325 when he taught at Oxford. Applying that concept to government, the English-speaking peoples have said ever since that the reality of the individual and his concrete experience in a real world must be respected.

John Wyclif placed translations of the New Testament in the hands of the common people all over England; set up conventicles where the populace got together for prayer and worship; and taught that the sacraments of the church meant nothing unless the individual who accepts them knows what he is doing and what they signify. As a result, our forefathers came to the shores of the American Continent impregnated with the principles of personal moral responsibility, the right of private judgment, and the right of free assembly which, together, filled them with a fervent passion and unshakable belief in the inward spirituality of the individual soul.

THE TRIPOD OF FREEDOM

With this principle as the foundation, they erected the tripod on which our individual freedom in America rests today. First they maintained that if man did possess a sacred personality, he had the right to choose who should rule over him. On that thesis they reared the first supporting tower of our edifice of liberty—representative constitutional democracy. Again they argued that since man possessed a sacred personality, he had the right to think, speak, assemble, and worship as he saw fit. On that concept they erected the second tower of the structure of American liberty—civil and religious freedom. And finally they reasoned that any man endowed with a sacred personality had the right to possess for himself such portion of the God-given resources of the earth as he could win by honest toil and effort. Thus they asserted every individual's right to private property and economic activity of his own choice, and on that basic tenet they built the third supporting tower of their temple of liberty—private competitive business. These three towers stand or fall together. Destroy any one of them, and the whole structure of freedom soon collapses.

To our forefathers tyranny was not merely a seven-letter word. They knew what tyranny meant literally in terms of religious, intellectual, economic and political oppression. They dreamed of a land where every man—no matter how humble—could have liberty and the opportunity to pursue happiness in his own personal way, so long as he did not interfere with the rights of others. Hence they resolved to set up a form of government that would prevent tyranny from ever raising its ugly head again. They gave us the best instruments designed to that end that the mind of man has yet devised—our Federal and State constitutions. But these constitutions are worth nothing in preserving our freedom unless they are backed up by citizens who are willing to pay the continuing price of liberty. The cornerstone of the Republic our forefathers established was the religious concept of which I have spoken: the conviction that every human being is endowed with a soul that is sacred in the eyes of a sovereign God. From this principle, they derived the two basic theses that they employed in setting up our system of popular self-government.

First, they concluded that, since God had created man in His own image with the power to distinguish between right and wrong, every individual ought to listen with respect to the opinions expressed by his fellow citizens, and that whatever judgment was expressed by the majority of such divinely created human beings after full and free discussion, was likely to be closest to God's will for all of them. Vox populi, vox Dei—the voice of the people is the voice of God. This idea is reflected in the assertion that governments derive their just powers from the consent of the governed.

GOVERNMENT'S OBJECTIVES

Their second thesis was equally logical, namely, that every mortal soul is endowed by its Creator with certain natural inalienable rights that no human agency whatever may justly invade—neither any man called king, nor any group of men representing a temporary majority called government. To guard these natural rights, government, in John Locke's words, should be confined to four objectives—the protection of life, property, peace, and freedom.

The problem of the founders of this Republic, therefore, was how to combine these two opposing principles into a workable, durable government adapted to human nature in its manifold economic, intellectual and spiritual aspects, and to a large population scattered over a big country. They discarded the idea of a pure democracy in which all decisions would be made by the current majority, because they knew historically that such governments had never lasted long. They are too susceptible to demagoguery. As Samuel Adams said: "There never was a democracy that did not commit suicide." So they decided on a republic instead, that is, a constitutional representative democracy, so as to make effective the majority will of the people in governing themselves and at the same time not destroy the individual rights that the Creator had conferred upon each person.

To resolve the paradox that thus confronted them, they set up a government of laws—not a government of men. As the first step, they adopted a written Constitution with its Bill of Rights, as a permanent bulwark to safeguard individual and minority rights from hasty and ill-considered attacks by temporary majorities. Hence, they purposely made the process of amending the Constitution long and difficult. That is the reason sociological jurisprudence—stretching the Constitution to meet current demands for legislation—instead of honest forthright amendment of that document after full discussion, is so very dangerous to our freedom. As Thomas Jefferson said: "Our peculiar security is the possession of a written constitution. Let us not make it a blank paper by construction."

In the second place, our forefathers incorporated in their system of government the principle of representative rather than direct action, with different terms of office and different modes of electing Senators and Representatives, to cushion the action of any current majority, and to enable government to function over a large geographical area.

Third, they provided a system of checks and balances by painstaking separation and coordination of the powers of the legislative, executive and judicial branches. I wish I had time to quote the provision on this point in the Constitution of Massachusetts, which was adopted in 1780 and which spells out explicity the fact that in the government of that Commonwealth no one of the three departments may ever exercise any of the powers of either of the others "to the end that it (the government of Massachusetts) may be a government of laws and not of men." As the Federalist Papers pointed out: "The accumulation of all powers—legislative, executive, and judicial—in the same hands * * * may justly be pronounced the very definition of tyranny." Hence the present blurring of the lines of responsibility between the three departments of the Federal Government—which had gone far even prior to the outbreak of the war—is perhaps the most sinister of all threats to our freedom in the postwar period. The tyranny of administrative law—the bureaucratic despotism from which we suffer today—would be mitigated if the lines of demarcation between the legislative, executive, and judicial functions had been kept sharp and clear.

DANGERS OF CENTRALIZED POWER

As a fourth step, the founders of our Republic divided the responsibilities of government among the Federal Union and the States, counties and towns. They did that, so that each particular segment of government would not get too big for an intelligent citizen to understand its functions and for his elected representatives to legislate intelligently. Today the Federal Government has arrogated to itself so many State and local powers, and has become so extremely huge and complicated that the average Congressman will tell you frankly that it is impossible for him even to read all of the legislation that is proposed or desired by the various Federal departments. In other words, the size of the Central Government puts such a tremendous load on Congress that our representatives are unable to function effectively to protect the rights of the people who elected them.

It is exactly as though a business corporation permitted itself to expand to a point where the directors and officers chosen by the stockholders, found themselves unable to cope with the enormous number of problems that were put up to them for decision. Centralization of power in Washington, moreover, undermines State and local government, and thus destroys the opportunity that local self-government affords for practical experience in citizenship. Unless a man first acquires some training in handling public problems in State, county, city or town, he certainly is not likely to become qualified to deal with the large questions of national scope on which his freedom ultimately depends.

Drawing from the experience of our British ancestors, the fifth step was to keep the control of the public purse in the hands of the House of Representatives—the arm of government closest to the people. Every effort at popular self-government that I have read about in history has eventually been destroyed by some demagog who got his hands on the people's own money. In recent years Congress has delegated more and more latitude in respect to public expenditures to the executive department. Hence another grave threat to our freedom is arising from what might well be termed the privy power of the public purse.

NO FIXED CLASSES

Another basic essential of a republican type of government is that there should be no fixed classes in the social structure; that every man should have the opportunity to advance and improve his economic, intellectual, and social status just as far as his innate ability, industry, and character will permit him to go. So the sixth step was to discourage the development of class feeling by inserting article I, section 9, in the Constitution which specifically prohibits the granting of any title of nobility by the Federal Government. Thus it was hoped that such divisions of political opinion as we had, would be essentially vertical rather than horizontal in character, for our forefathers knew that no form of popular self-government could long endure in the face of acute class cleavage. Hence the appearance of sharp class stratifications in recent years—such as youth groups, farm groups, labor groups, veterans' groups—is naturally a matter of deep concern to every true lover of American liberty—particularly since such class consciousness has frequently been incited for partisan political purposes.

Last but not least, the men who set up the American Republic reserved the largest possible field for local and individual initiative by strictly limiting the powers of the Central Government. In respect to business, only interstate and foreign commerce were made subject to its regulation. The tenth amendment to the Federal Constitution provides specifically that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people." As the late Justice Brandeis said: "The makers of the Constitution * * * conferred, as against the Government, the right to be let alone, the most comprehensive of rights and the right most valued by civilized men." I leave it to you to say to what extent that halcyon situation still exists.

There, in a nutshell, is the mechanism by which our forefathers sought to harmonize the will of the majority with the personal rights of the individual. Jobs, opportunity, and freedom for us and succeeding generations depend on how well we safeguard that mechanism—a mechanism based on meticulous analysis of all previous attempts at self-government in the world's history; a mechanism so ingenious, so carefully organized, so accurately compensated against human vagaries and lust for power, that it led Gladstone to say that the Constitution was "the greatest instrument of government ever struck off at a given time by the hand and brain of man."

If we are willing to pay the price of freedom, we will take the advice of the Virginia Bill of Rights seriously and by frequent recurrence to these seven fundamental principles examine every new proposal of government to see whether it fits soundly into the fabric of our system. Precise definition of the terms we used in our political discussions, clear thinking based on sound understanding, willingness to take a large measure of responsibility for our own physical welfare, self-restraint, courage, along with justice, temperance, moderation, frugality, and virtue—these are the coin in which the price of freedom must be paid yesterday, today, and forever. As Somerset Maugham said: "If a nation values anything more than freedom, it will lose its freedom; and the irony of it is that if it is comfort or money that it values more, it will lose that, too."

THE HISTORICAL CYCLE

Paradoxically enough, the release of initiative and enterprise made possible by popular self-government ultimately generates disintegrating forces from within. Again and again, after freedom has brought opportunity and some degree of plenty, the competent become selfish, luxury loving and complacent; the incompetent and the unfortunate grow envious and covetous; and all three groups turn aside from the hard road of freedom to worship the golden calf of economic security. The historical cycle seems to be: from bondage to spiritual faith; from spiritual faith to courage; from courage to liberty; from liberty to abundance; from abundance to selfishness; from selfishness to apathy; from apathy to dependency; and from dependency back to bondage once more.

At the stage between apathy and dependency, men always turn in fear to economic and political panaceas. New conditions, it is claimed, require new remedies. Usually so-called new remedies are not new at all. Compulsory planned economy, for example, was tried by the Chinese some three millenniums ago, and by the Romans in the early centuries of the Christian era. It was applied in Germany, Italy, and Russia long before the present war broke out. Yet it is being vigorously advocated today as a solution of our economic problems in the United States.

For example, I noticed a few months ago in the New York Times a typical illustration of muddy thinking on this vitally important subject in a public address by Dr. Robert S. Lynd, professor of sociology at Columbia University, in which he calmly asserted: "The choice the engineer faces today and from now on is not between the use of his skills by 'free enterprise' or by the State. * * * The choice * * * is a choice between two versions of State power, two types of State control of science and technology: a monopoly business-dominated State or a democratic State which dominates and uses industry and science for the ends of mass welfare of all the people. Since the engineer is inescapably caught in this choice, up to his chin, the course of realism is for him not to pretend that he is politically neutral and to make up his mind as to which way he will seek to throw his weight."

Certainly the engineer—or any other citizen—cannot afford to take a neutral position but neither alternative that Professor Lynd offers is in accord with the fundamental principles on which the perpetuation of American freedom depends. We desire neither a "monopoly business-dominated state" nor a "democratic state which dominates industry and science." We want no state domination whatever except in the sense of state umpiring and regulation of business to insure fairplay. For state control—compulsory planning of our economic life by the state—means the ultimate destruction of our political freedom and all our hard-won civil and religious liberties. Professor Lynd, like so many other humanitarian thinkers, ignores that point completely; yet the lessons of history all point in exactly that direction.

Under compulsory national economic planning in Germany before the war was there freedom of the press? Ask any newspaperman. Was there freedom of suffrage in Italy? Ask any hardy soul who underwent the castor oil treatment at the hands of fanatical Fascists. Did the farmer preserve his freedom in Russia? Ask the kulaks. What happens to labor unions under planned economy? Ask the former labor leaders of any Axis nation. Is academic freedom permitted? Ask the intellectuals in exile. How about freedom of worship? Ask the clergy of Germany and Russia. Well, then, can we not apply compulsory planning to a part of our economy and leave the rest to private business? Stalin says no, and so does Douglas Miller in his famous book about Hitler. That is the record. "Power over a man's support is power over his will," the Federalist Papers sagely observed. Yet I venture to predict that if we ever do lose our freedom in America it will be because of public ignorance of the perils involved in outright government planning and control of our economic life. All of which again demonstrates that the price of freedom is a deep understanding of the basic principles of self-government and recognition of the fact that "eternal vigilance is the price of liberty."

VOLUNTARY PLANNING FOR THE FUTURE

Of course, we want all of the voluntary planning for the future that we can possibly have on the part of labor, management, agriculture, and Government. Compulsory planning, however, is a horse of an entirely different color. As Peter Drucker says in his book, "The Future of Industrial Man": "The panacea which is being advertised today under the misleading name of 'Planning' is not a preparation for future events and contingencies. It is the abolition of all limitations on governmental power."

Russia's planned economy is being cited today by many well-intentioned Americans as possessing certain virtues that we might well emulate. For example, in an article in the New York Times last spring, Clair Wilcox, professor of economics at Swarthmore College, says: "Whatever the shortcomings of the Russian system—and there are many—it has one outstanding merit: It can unquestionably provide full employment." Of course, it can—but at what a price: the loss of every civil and religious right that we Americans hold dear—freedom of speech, of the press, of assembly, of religious worship, of the right to work when and where one pleases, and to choose one's own rulers. To secure so-called full employment at such cost would be the negation of every principle of freedom that the American Republic has stood for since its foundation.

And do not say that the danger of our being subjected to compulsory economic planning in the United States when peace comes, is not real. The National Resources Planning Board, headed by Mr. Roosevelt's uncle, had as one of its chief advisers, Dr. Alvin H. Hansen of Harvard University. Among other things, he is one of the outstanding proponents of the idea that the size of the public debt does not matter "since we owe it to ourselves."

In an interview some months ago, he said that under his proposed program, "Congress will surrender to the administration the power to tax, keeping to itself the right only to establish broad limits within which the administration may move. Congress will appropriate huge sums; will surrender the power of directing how and when they will be spent. Other extraordinary powers such as, for instance, to effect wholesale social reforms will be delegated to the administration, which will retain most, if not all, of its present extraordinary wartime controls." Mr. Herbert Agar, one of the more vocal New Dealers, in his book, "A Time for Greatness," advocates making "the responsibilities of the Executive absolute and public. A government must have unlimited power to act and at times act fast, or it cannot survive the emergencies of our unquiet world." Yet, as Woodrow Wilson said: "The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties."

A year or so ago Congress abolished the National Resources Planning Board but a checkup will show that many of its planners are still in the service of the Government in divers capacities. Their power and influence in molding governmental policies is still potent, and there is no reason to believe they are not still working for the inauguration of compulsory economic planning in the postwar period which, as I have said, will spell the end of liberty as we have known it heretofore in America.

GUARANTEEING THE "RIGHT" TO A JOB

Take the so-called Full Employment Act of 1945 recently introduced in the Senate by Senator Murray.

Despite the lipservice this suggested legislation pays to private enterprise, the fact remains that it would result in overall governmental planning and control of the national economy. The bill proposes that the Government guarantees the "right" of every able-bodied American to a "useful and remunerative job." A national production and employment budget would be set up based on a Government estimate of the number of jobs required to assure so-called full employment in the ensuing fiscal year; the estimated dollar volume of gross national product at the expected level of prices required to produce such number of jobs; the estimated volume of investment and other expenditure by private business and Government to assure such a gross national product in the year ahead; an estimate of the actual prospective volume of such investment, with the Federal Government making up any deficiency in the required level of investment by expenditures from public funds.

The mere knowledge that the Government had any such plan in mind would tend to create the very unemployment that this job budget plan seeks to eliminate. This proposal and others of similar tenor have strong support in certain labor and social reformer circles. It would lead inevitably to some form of the very collectivism we are fighting to destroy in Germany and Italy today.

It is significant to note that with little publicity in this country, the British House of Commons and later the House of Lords recently approved a program entitled "Planned Economy of Great Britain." That's the exact title of the act and it, apparently, means exactly what it says. Debate in Parliament developed that the British program was almost identical with the New Deal program in the United States. The British plan is described in detail in a white paper entitled "Employment Policy" which has been reprinted by the Macmillan Co. of New York.

You should read it in order to get a clearer picture of the probable "shape of things to come" over here if the advocates of economic planning have their way.

The long history of man's struggle for freedom indicates that a part of the price he must pay for it is the willingness to assume a large measure of responsibility for his own physical well-being. Whenever men have endeavored to transfer their economic responsibilities to the shoulders of other fallible men calling themselves government, they have eventually reared a Frankenstein monster that has turned and devoured their political, intellectual and spiritual liberty. Plutarch's sage observation that "the real destroyer of the liberty of any people is he who spreads among them bounties, donations and largesses," still holds good, along with Plato's prediction that "democracy contains no long-range force which will check the constant tendency to put more and more on the public payroll."

ECONOMIC DEMOCRACY BRINGS POLITICAL DEMOCRACY

Significantly enough, freedom for the common man has seldom, if ever, resulted from the efforts of either the aristocrat or the wage earner. The entrenched privileges of aristocracy and the leveling-down demands for equality under the rule of the proletariat, have proven to be equally destructive of personal liberty. Hence such freedom as the ordinary man has enjoyed for brief periods since the dawn of history, has always emerged as a corollary of the development of a middle class composed of business and professional men and farmers. A recent lecturer at Princeton University affirms that "political democracy came to the United States as a result of economic democracy." History shows that businessmen were principally responsible for such freedom as Athens enjoyed before the age of Pericles; as Rome had before the time of Marius and Sulla; as the Republic of Florence had under the early Medici.

The merchant class, moreover, created the free cities of the Hanseatic League. And certainly in modern times, freedom for the common man has been the outstanding characteristic of the business civilization of the Netherlands, Switzerland, France, Great Britain, and the United States. The reason for all this is obvious. A complex and expanding commercial and industrial society requires political stability of a high order to ensure the sanctity of contracts, the protection of property, and the right to labor at a vocation of one's own choice; and such stability can be secured only by having the foundations of government laid sound and deep in the hearts and minds of the people where it is presumably safe from the arbitrary whims of tyranny and dictatorship.

Hence as a part of the price of freedom, businessmen must faithfully recognize their historic mission as preservers of the precious values of human liberty. To that end they should be shining examples of civic virtue, using that word "virtue" in the exact sense in which it is employed in my text this afternoon. They must eliminate unethical practices in their own enterprises so that business can always come into the court of public opinion with clean hands; they must be keenly conscious of the social significance of their day-by-day decisions; they must be good stewards of the responsibilities with which individual freedom has entrusted them; they must constantly endeavor to create better conditions of employment by the elimination of health and accident hazards; they must steadily seek ways and means of regularizing employment and cushioning the effect of advancing technology on the lives and fortunes of their workers; they must raise the standard of living by passing along the benefits of improved technique and quantity production through lower prices and higher wages; they must take an active part in public affairs; they must seek to be industrial statesmen rather than mere businessmen.

SOCIAL STEWARDSHIP

The voluntary assumption of social stewardship is, in a very literal sense, the price of freedom. As Justice Brandeis said: "Democracy is a serious undertaking which substitutes self-restraint for external restraint." In other words, if men do not conduct themselves of their own volition with due regard for the rights of others, they invite public coercion. We saw that process at work in the years before the war in the well-nigh endless multiplication of governmental controls designed allegedly to bring about social justice. Many of these measures were justified, but few would have been enacted if we had had the moral competency to conduct ourselves in accordance with the basic tenets of the parable of the Good Samaritan, the Sermon on the Mount and the Golden Rule.

Henri Bergson, addressing the French Academy in 1914, said: "Science * * * equipped man in less than 50 years with more tools than he had made during the thousands of years he had lived upon earth. Each new machine being for man a new organ, an artificial organ, his body became suddenly and prodigiously increased in size, without his soul being at the same time able to dilate to the dimensions of his new body." That was 30 years ago, and we still have the same problem confronting us. It cannot be solved by the spawning of more laws and regulations—if we are to keep our freedom. Its only solution lies in the development of adequate moral competency—a task in which there can be no evasion of individual responsibility on the part of any citizen who truly loves his country. In his last published article, "The Road Away from Revolution," written practically on his deathbed, Woodrow Wilson said: "The sum of the whole matter is this, that our civilization cannot survive materially unless it be redeemed spiritually."

SECRET OF LIBERTY IS COURAGE

Pericles observed 2,400 years ago that "The secret of liberty is courage"; not food, not comfort, not money, but just plain old-fashioned fortitude of body, mind and soul. In thinking about the four freedoms that we hear so much of these days, I have often wondered what the reaction of the Pilgrim Fathers would have been the day they landed on the rocky, barren coast at Plymouth if Governor Carver had said: "Those of you who seek primarily freedom from want, come ashore." Not a man would have stirred. Again suppose he had said: "Those of you who seek primarily freedom from fear in this wilderness full of savages, come ashore." Not a man would have left the ship. But, thank God, impending privation and fear did not daunt those sturdy pioneers. They had known at firsthand what political, intellectual and spiritual tyranny meant and they were willing to pay the price for the blessings of such liberty in the New World, no matter what physical suffering was involved. They landed in midwinter. Before many months had passed, half of their number had died. Yet when the *Mayflower* sailed home in April, as an old historian says: "Not one of the colonists went in her. So sweet was the taste of freedom even under the shadow of death." Millions of our soldiers and sailors are under that same shadow today. May it not be written of us civilians in the fateful years ahead, that we lacked that courage of body, mind, and soul, which, when all is said, is the real price of freedom.

ADMINISTRATION OF JUSTICE IN THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from Indiana [Mr. BRAY] is recognized for 30 minutes.

Mr. BRAY. Mr. Speaker, I have requested this special order to bring to the attention of my colleagues in the House a series of events affecting the administration of justice in the United States.

As a former prosecutor, I have always been impressed with the importance of protecting the defendants' constitutional rights "to a speedy and public trial by an impartial jury of the State and District where the crime shall have been committed."

At the outset, I wish to set the record straight. I shall not argue the merits of the Hoffa case. I am not bound to believe Hoffa right in order to argue that he shall have the same right as any other citizen to a "fair and speedy trial." I do not know whether he is right or wrong in either of the indictments now pending against him. But I do know this—I know that the humblest and the meanest man who lives, I know that the idlest and the silliest man who lives, should have his day in court. And I know that the Constitution is a delusion and a snare if the weak or the unpopular in the land do not have the same right to a fair and impartial trial as the greatest and strongest in the land.

There is a practical reason for this belief. Over a quarter of a century ago, Clarence Darrow stated the basis for this conviction, in pleading the cause for unpopular men, who were despised and maligned by prosecutors. Darrow's warning rings with eloquence to this day. He stated:

> You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free.

Attorney General Robert Kennedy condemned Teamster lawyers for even undertaking the defense of Teamsters like Jimmy Hoffa. Attorney General Kennedy condemned Teamster lawyers as "legal prostitutes."

The American Weekly of July 17, 1960, quoted Robert Kennedy as stating:

> I think the 200 lawyers who take their money from the Teamsters are legal prostitutes.

On August 19, 1960, in a letter addressed to the editor of the American Weekly, Robert F. Kennedy attempted to explain the statement attributed to him:

> I have never made such a statement. I said to your reporter, as I have said on other occasions, that investigations revealed that the Teamsters have about the largest array of legal talent in the country. Many of them are not labor lawyers but criminal attorneys. They are financed through the use of huge amounts of union members' dues money and often their only job is to insure that Mr. Hoffa and his cronies remain in their positions of power within the Teamsters Union. These men are the legal prostitutes. I differentiated these lawyers to your writer, as I have always done, from those lawyers within the Teamsters who do labor management work and advise the Teamsters on labor negotiations, etc.
>
> In fairness to those Teamster attorneys whose work is untainted by any wrongdoing, I would greatly appreciate your printing this letter.

Robert Kennedy's statement regarding lawyers representing Teamsters, even in its revision as given by him, falls far short of the high ethical, fair, and objective standards that are called for in the position of Attorney General of the United States.

In the light of this, I feel compelled to join with my colleague, the gentleman from Missouri, TOM CURTIS, who stated on the floor of the House on August 31, 1960:

> It is difficult enough to keep impressed upon the American public the importance to our personal liberties of the principle that good lawyers should represent people and groups accused even of the most reprehensible of crimes without members of the bar undermining this important public concept by ill-considered public statements. It is a basic part of our concept of justice that every person and every organization whatever they may be accused of should be ably represented by counsel.
>
> Where would this concept be if lawyers felt that they were going to be judged by the clients they represent rather than by their own conduct in representing, whomever might be their clients, ethically and to the best of their abilities? Such a statement as that attributed to Robert Kennedy is more than ill conceived. It is both libelous and unethical.

Since taking office the Attorney General has spent hundreds of thousands of dollars toward the prosecution of James Hoffa, and has even established a special Hoffa unit. He has empaneled 32 grand juries for the purpose of getting Hoffa. I have no objections to these actions if his motive is to obtain evidence to determine whether indictment should be brought and later to prosecute the indictment properly. If this great energy on the part of the Attorney General is for other reasons, however, it is not in accord with the high responsibility of his office.

There recently has been added another chapter to the many volumes of legal actions that the Government has taken against James Hoffa. On December 7, 1960, an indictment was returned against Hoffa in a Federal district court in Florida. The original indictment was dismissed on July 12, 1961, and a second indictment was returned on October 11, 1961. Many motions have been made before that court. A pretrial conference was held and the case scheduled for trial on October 15, 1962. Attorneys on each side of the case have examined many, many thousands of exhibits. The officials of the Justice Department and of the Post Office Department have been very active in the investigation of this case.

Another indictment was returned against Hoffa and Commercial Carriers, Inc., in the Federal district court in Nashville, Tenn., on May 18, 1962. A hearing was held before a Federal district judge of this court on August 1, 1962, and at that time the Government insisted on an early trial of this case in October on the grounds that the case in Florida would be removed from the docket. I understand that the defense attorneys had no knowledge that this case was to be removed from the docket in Florida and apparently neither did the Federal judge before the case was set for trial.

Apparently the district attorney had information which the others did not have, for on August 6, 1962, Chief Justice Simpson in the southern district of Florida removed all cases from the docket in that district which were scheduled to be tried before October 2 but which would not be completed before October 28. One of the reasons given for removing this case from the docket was that a new district had been created in Florida.

Title 18, section 3240 of the United States Code Annotated, reads as follows:

> Whenever any new district or division is established, or any county or territory is transferred from one district or division to another district or division, prosecution for offenses committed within such district, division, county, or territory, prior to such transfer, shall be commenced and be proceeded with the same as if such new district or division had not been created, or such county or territory had not been transferred unless the court, upon application of the defendant, shall order the case to be moved to the new district or division for trial.

There have been arguments raised that this second indictment in Tennessee should not have been returned in that State, but I have no comment to make on that, for I assume that this matter will be adequately disposed of. But I do want to point out that the Government in its prosecution of James Hoffa should proceed with the same fairness that it proceeds against anyone else.

It is easy to demand fairness and justice for a person who is popular. It is not so easy to go against public opinion and defend the rights of the unpopular. We are often remiss and I fear that in this case the Government is remiss in resorting to unfairness against a person who is not popular. I am not commenting on the reasons for the present unpopularity of James Hoffa. I do know that there has been the strongest concerted attempt made to convict this man that in my opinion has ever been made to convict anyone in this country.

It is also an interesting fact that whenever leaders in a government desire to take over power which they should not have, especially in the matter of prosecution, they first proceed against a person who is unpopular. I fear that this is what is happening today. But we must keep ever before us the fact that if our Government proceeds with unfair practices to indict and convict James Hoffa, they can use this same unfair practice to attack any of the rest of us.

If our Government is to remain the sacred depository of our freedoms, we must protect the rights of those we do not like with the same zeal that we protect the rights of those whom we love.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield.

Mr. ADAIR. Certainly it is basic to Anglo-Saxon jurisprudence that every man when accused of a crime has the right to adequate representation properly prepared by well-trained lawyers; and he is entitled further, as the gentleman from Indiana so well points out, to be tried under established rules of procedure and evidence. It is important that these rules, these procedures, and these laws be applied equally to all men.

I commend the gentleman for bringing this basic matter to our attention this afternoon.

Mr. BRAY. I thank the gentlemen and yield to the gentleman from California.

Mr. ROOSEVELT. Mr. Speaker, I certainly agree with what the gentleman from Indiana has said as to the basic principles which he has so clearly set forth.

There certainly seems to be something patently unfair about charging an individual, causing him to expend large sums of money in preparation for trial on a day certain, as I understand it, a day certain was set at least a year ago—and then delaying such trial in order to permit a second indictment to take precedence.

I would ask the gentleman if I am not correct in my understanding that the case in Tampa, Fla., where the person involved was originally indicted is ready at the present time, and the defense is ready, and that there is no request on the part of the defense for any postponement.

Mr. BRAY. There has been no request for postponement; in fact there has been insistence that the trial be carried through.

Mr. ROOSEVELT. Does it not mean that the defendant in this instance is in the position of finding himself forced by the Government to have spent thousands of hours and many thousands of dollars in examining hundreds of thousands of exhibits and doing research work, interviewing witnesses, pretrial conferences, and so forth, all of which have taken place and now must be held in abeyance until the case in Nashville is completed; is that correct?

Mr. BRAY. That is correct.

Mr. ROOSEVELT. I agree again with the gentleman, we are not trying to decide the merits of either indictment, but it seems to me that in this case in the zeal of trying to proceed against the defendant, as the gentleman said, who is in certain quarters unpopular, and maybe deservedly so, perhaps an injustice is being done him.

If these facts are true, then certainly the Government is in the position of following a course of conduct which places an individual's liberty in jeopardy under our laws. May I ask the gentleman, it would come pretty close to being actually harassment in this instance?

Mr. BRAY. It apparently is.

Mr. ROOSEVELT. Then I will say to the gentleman I must agree with him. I have taken the unpopular side of many cases, as the gentleman well knows. I will be glad, of course, to consider any evidence on the part of the Government which would justify pressing so hard at this time and ignoring the Tampa indictment to proceed with the other matters which the gentleman has brought out. I have not been able to find, and again I will ask the gentleman whether he knows, of any instance which would justify the Government's action in this case?

Mr. BRAY. I know of none. I heard about this matter a short time ago, and while I have not done any research in the matter, it did seem unusual, after I understand thousands of exhibits have been examined, and pretrial conferences held, with both sides working and both sides ready, to take the action that has been taken is not justifiable. It is very easy for a prosecuting attorney and the Attorney General to become very ambitious, but that ambition must be purged, because if you have in the courts tried one man unfairly, that can spread to someone else.

Mr. ROOSEVELT. Is it not true that in the case that is being made in Nashville it is based upon facts which were studied by a committee of the House some 10 years ago and subsequently by a committee of the other body, and following those investigations previous Attorneys General have refused to proceed in the basic matters which are here involved?

Mr. BRAY. I did not mention this, but it was brought about from investigations of 10 years or more ago. Whether it was brought to the attention of the prosecuting attorneys of the District, I do not know. I assume it was, but all of these years have elapsed, and again the matter is being brought up.

Mr. ROOSEVELT. I hope the Attorney General will find out and review the discussion here this afternoon.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I have been sitting quietly in this Chamber listening to the colloquy between the gentleman from California and the gentleman from Indiana.

It occurs to me, Mr. Speaker, speaking personally, that here is a case where I am called upon to fulfill my sworn duty to uphold and defend the Constitution of the United States.

The remarks of the gentleman from Indiana [Mr. BRAY]—with reference to double standards of law enforcement—have impelled me to stand up and remind myself and my colleagues of this House that this week the Congress and the American people are observing Constitution Week. I remind myself that it is the Constitution which guarantees each citizen, including such unpopular citizens as Jimmy Hoffa, equal justice under the law. The issue raised here is that presently, under the policy of the Attorney General of the United States, there is a violation of the Constitution which guarantees equal protection under the law. As I understand the charge leveled here today, it is that the policy of the Department of Justice is such that a double standard is being followed.

Mr. Speaker, if this be true, none of us is secure in our liberties. The target of the politically ambitious prosecutor may be—and I take it from what is said, is—one Jimmy Hoffa. Tomorrow that target could be a member of an unpopular minority, or, indeed, the target could be a member of an opposite political party.

Mr. Speaker, under this administration there has been pressure and it is generally known that Members of the Congress have been threatened with reprisals if they failed to get in line.

Under this administration and under this Attorney General, we know that newspaper reporters have been awakened by a knock at the door at 3 o'clock in the morning on orders from the Attorney General.

What I fear is that a teamster law-enforcement policy of today, even though Mr. Hoffa is the subject of such prejudice and discrimination, might well be supplemented by a special brand of law enforcement tomorrow, leveled at another group, or individual, in our society.

This approach, as I see it, by the Attorney General in the Hoffa case employs in an arbitrary fashion the unlimited power of Government in violation of the constitutional guarantees of the rights of the individual—the very essence of totalitarianism. Such a hounding by the police and prosecutor has all the earmarks of a police state. Is this America?

Mr. Speaker, as for me, I must say that I feel compelled to agree with Clarence Darrow, that great defender of individual rights, who once said:

> You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free.

Mr. Speaker, I would urge an investigation by the House Committee on the Judiciary of the charges against the Attorney General—that he is following a double standard of law enforcement.

Mr. Speaker, I thank the gentleman for yielding.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I want to join my other colleagues in commending the gentleman from Indiana [Mr. BRAY], for taking this time to call attention to not just the Members of the House but to others throughout the country the serious implications involved in the Hoffa case. It is indeed true that the test of liberty is often one that involves someone who is unpopular and, as the gentleman from California [Mr. ROOSEVELT] said, possibly deservedly so. When prejudice is rampant and, I might add, when fear has been built up, liberty is in danger. I think it is quite appropriate that this special order should have come today after we had on the floor of the House two other procedural matters in the name of national security, and this Congress refused to look beneath the label in one of the bills to determine whether we were protecting security to the extent that we well might and at the same time preserving basic personal liberties.

I took the floor of the House, as the gentleman from Indiana has pointed out, I believe it was last year or possibly the year before, when this news magazine quoted, whether rightly or wrongly, the Attorney General as referring to the lawyers of the Teamsters Union as legal prostitutes. At the time the American Bar Association was meeting here. I called upon the labor section of the American Bar Association to whom a protest had been presented, and rightly so by the Teamsters Union, of unethical conduct on the part of the man who later became Attorney General, to urge that they should move forward in this matter. I am happy that the Attorney General denied he made these remarks. I was careful in the way I made my statement. I said "a statement as that attributed to Robert Kennedy," but I note in his denial of having made the statement he compounds and commits the unethical and libelous conduct on his part. He said he was not talking about the labor lawyers of the Teamsters Union, but the criminal attorneys, and went on to say that they were the legal prostitutes. My remarks at the time were to the effect that it is difficult enough to keep impressed upon the American people the importance to our personal liberty, of the principle that good lawyers should represent people and groups accused even of the most reprehensible crimes, without members of the bar undermining this important concept by ill-considered public statements.

This is only an illustration of the manner in which, apparently, the Attorney General of the United States is determined to prosecute an individual and a group—and indeed the word persecute could be used here. And this is no brief, I might say, for Jimmie Hoffa. I do not know the man. Politically, Harold Gibbons, the No. 2 man in the Teamsters Union is in my district; and there is no group in my district that has been more active to defeat me the first time I ran for office and every time I have run since. So I would be the last person to take the floor, if it were from the standpoint of wishing well to my political opponents. But these issues are deep.

Mr. Speaker, I want to refer to article III, section 2 of the Constitution, which provides that criminal trials shall be held in the State where the said crime shall have been committed; a safeguard which is reinforced by the command of the sixth amendment, that the criminal trial shall be before an impartial jury of the State and district wherein the crime shall have been committed.

Construing these provisions the Supreme Court has said in the case of *Travis* v. *United States* (364 U.S. 631):

> The venue provisions in Acts of Congress should not be so freely construed as to give the Government the choice of a "tribunal favorable to it."

From the points that the gentleman has been making and the points that I have observed of the switching around of jurisdictions, I am led to only one conclusion, that the Government, the Attorney General, has been engaging in both "forum shopping" and "forum juggling" and the defendant is being denied an opportunity of a speedy and impartial trial.

I think we well might ask ourselves, and I hope there will be this investigation by the Judiciary Committee, as to why the Government has decided that they want to push the matter in Nashville, Tenn. I might state that this has been brought to my attention, I have not verified it, but it is something the Judiciary Committee should look into, that Nashville, Tenn., is dominated by a newspaper, the publisher of which is a former aid of the Attorney General. This newspaper, it has been alleged, has saturated the Nashville area with anti-Hoffa and anti-Teamster bias. Nashville, Tenn., is one of the major right-to-work centers of a right-to-work State, which is their right, of course. But also it indicates that there is the likelihood of not finding there a jury free of antilabor bias, let alone anti-Hoffa bias, under these circumstances.

It is these questions that among others I think need to be gone into.

The basis of venue in Nashville, Tenn., as nearly as I have been able to determine is on points of extreme technicality. I think the Judiciary Committee should look into the question, of whether there has been both "forum shopping" and "forum juggling" and whether perhaps we need to amend the laws to make it very clear that this kind of operation is contrary to our laws, so that the Attorney General, whoever he may be, does not engage in this kind of procedure which is prone to lead to miscarriage of justice.

Mr. Speaker, again I commend the gentleman from Indiana.

Mr. MAGNUSON. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman.

Mr. MAGNUSON. As a newspaperman who covered the courts for many years, I developed great pride in the fierceness with which our system of jurisprudence protects the rights of the defendant.

It seems to me that in the present instance, as the gentleman from Missouri [Mr. CURTIS] has just said, the Government is engaged in both "forum shopping" and "forum juggling," and the defendant is being denied an opportunity of a speedy and impartial trial.

When I voted to create a new judicial district in Florida, I thought I was casting my vote to expedite, not to delay, cases pending in the Southern District of Florida.

On August 20 last, the Tampa newspaper headline read as follows: "Government Wins Delay in Hoffa Case." This delay resulted from the Government's opposition to the defendant's petition demanding to be tried on October 1 in Tampa.

Even more interesting is the fact that the Government apparently sought this delay because it preferred to proceed with the case in Nashville even though the Tampa indictment was returned a year before the Nashville indictment.

Obviously the Government feels it has a better chance of sending Hoffa to jail in the Nashville case.

I have been greatly concerned with the Government's policy of "forum shopping" in this or any other case. The Government has transported thousands of documents into Nashville and then proceeds to seek to justify jurisdiction of the Nashville court on this basis.

It would appear that in the interest of fairness the records should have remained where the business is located, where the defendant resides, where almost all the witnesses reside, and where most of the alleged overt acts occurred.

The Government has been able to produce only three highly technical acts to justify trying the case in Nashville. According to the indictment, the only acts that took place in the middle district of Tennessee were: filing of the charter in 1959; amendment to the charter in 1953; filing of an excise tax return.

These acts, which are purely legalistic and are performed not only all over the country for corporations which are incorporated in States other than those in which they do business, that is, Delaware, et cetera, but all over the world, have never been considered as anything more than purely formal legal jurisdictional matters.

On the other hand, we find that all of the substantive acts occurred or exist in Detroit, Mich.

As far back as the Magna Carta, Anglo-Saxon justice required that the defendant must be tried in the vicinity where the alleged offense was committed. This was a basic protection against the despot dragging the defendant for trial from the scene of an alleged crime, where he could be judged by members of the community, to a hostile or unfriendly jurisdiction.

Our forebears fought the American Revolution against such tactics by the British crown. For this reason, we have article III, section 2, of the Constitution, which was quoted by the gentleman from Missouri, which provides that criminal trials "shall be held in the State where the said crimes shall have been committed," a safeguard reinforced by the command of the sixth amendment, which states that the criminal trial shall be before an impartial jury of the State and district wherein the crime shall have been committed.

I cannot but wonder whether Hoffa's constitutional rights are not being disregarded. I wonder if the Government is not playing fast and loose with basic principles of fairness and equity thoroughly engraved in our system of jurisprudence since the days of Magna Carta.

Why is it "overreaching" and juggling the schedules of cases—an exclusive function of the courts under our system of separation of powers—in order to try the case in Nashville now?

Regardless of the merits of the case, it is not proper for the prosecutor to shop around for a court in which the chances of a fair trial are minimal. In fact, the courts have suggested that a defendant may not be tried where the hostility of the community has been engendered by the Government's acts.

The prosecutor has a responsibility, in the interest of a fair and impartial trial, to lean over backward in securing the defendant's rights.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Speaker, I should like to compliment the gentleman from Indiana for the statement he has made today and also my colleagues who have expressed themselves on the situation the gentleman has brought before the House. As a member of the Committee on the Judiciary, I certainly am well aware of the situation that is involved in the cases in Florida and Tennessee. I assure the Members who participate in this colloquy this afternoon, that in voting to create a new judicial district in Florida it was the farthest thing from our minds in committee that we would put in the hands of the Attorney General a weapon he could use to trample on the individual liberties of any party in any particular case.

We talk about the fact that this is a case where the Department of Justice has been shopping around for a forum. Under section 3240, title 18, of the United States Code, a case such as this that has been initiated in one district cannot be transferred to a newly created district unless the defendant himself consents. Obviously the intent and purpose of this long-existent statute is to safeguard the rights of a defendant in a situation similar to that which has been called to our attention today.

Mr. Speaker, the example which has been cited by those who have joined in this discussion is but one instance, and I am sure there are many other instances that could be documented; yet, it is sufficiently disturbing, I believe, to warrant the inquiry of the Committee on the Judiciary. If public prosecutors, regardless who they might be, can ensnare citizens into spending small fortunes on defending indictments only to make the indictment disappear without formal action being taken, it is even more reprehensible for the Federal courts to be willing to lend assistance to this type of pettifogging; then there is little hope for individual liberty.

The misuse of power by the public prosecutor is as old as civilization and as new as the morning newspaper. In this country of ours, however, we have always gone about our daily business under the secure belief that such misuse could not occur or be long tolerated. Whether the cause be attractive or objectionable, we have always stood ready to assure and demand fair and equal justice for everyone. Today, however, there appears to be developing an unwholesome tendency to wink at the procedural safeguards which have been long established in our society. Albeit these aberrant tactics may be employed in the sincere effort to stamp out syndicated crime—a cause for which we all extend our total support—that is no excuse for riding roughshod over the rights of individual citizens. In fact, the greater the war on crime, the more exacting the law-enforcement arm of the Government must be to protect the innocent and to treat fairly those suspected of guilt. This is not mollycoddling, this is justice according to law.

Yet in spite of this time-honored tradition of ours, there has come to my attention in the past few years a number of instances where the judicial system was being used more as a weapon than as an equally balanced scale.

In particular, I have in mind a series of indictments which have been served in the States of Florida and Tennessee during the past 2 years against the same defendant. As the drama unfolded, an indictment was issued in a Federal district court in Florida in December 1960. For reasons not now relevant, the indictment was dismissed. Shortly thereafter, in October 1961, a second indictment was again issued and in the same district of Florida. After initial legal fencing was dispensed with, a definite trial date was set for October 1962. In the meantime, however, another indictment, based upon a different set of circumstances, was obtained against the same defendant in a Federal court in Tennessee.

From this point on, the plot thickens, but the basis for action grows hazy. What appears to have occurred is that the outcome of the trial in Florida began to cause worries within the Department of Justice, while that in Tennessee radiated greater hope. Perhaps it was even believed that an adverse decision in Florida could have undermined the hoped for victory in Tennessee. For one reason or another, therefore, the decision was obviously made within the Department, as will be seen below, to remove from the docket the Florida case and pursue alone the Tennessee indictment.

At this point, it may be asked, what this all has to do with justice, equity, and fair play. The answer is that forum shopping may be an accepted practice of a prosecutor prior to the institution of legal proceedings. But, to promulgate on-again-off-again tactics is reprehensible. As a defendant, you would have to expend time and money preparing for a case in one jurisdiction only to discover that that was only a feint and that the actual prosecution actually will transpire in another district. For all one knows, this could be carried on indefinitely.

Without going into great detail in my present example the defendant contended with numerous motions before the Florida court, he participated in a detailed pretrial conference. Attorneys for the defendant devoted large periods of time in preparing for the trial. This involved not only gathering material but examining exhibits and interviewing witnesses. Needless to say, thousands and thousands of dollars were spent by the defendant in this endeavor to justify innocence. No one knows how many additional thousands were paid out by the Government prosecutor.

Yet, in one fell swoop, this was all cast aside. How can this be, one may ask. Of course, there is no question that the public prosecutor can move to dismiss an indictment. It is regularly done and for good cause. But it must be recognized that good cause must be part and parcel of such a motion. The Federal judge hearing such a motion may well demand reasons for granting the motion and is well justified in turning it down if he believes the proceedings are too far advanced or if he suspects that the prosecutor has ulterior motives for making the motion.

It was undoubtedly with this in mind, then, that the Department of Justice engineered a most ingenious coup under our present example—the effect of which was to have the Florida case dismissed without the trial judge's concurrence and thereby inducing the Tennessee court to move more hastily. What apparently occurred was that the Department learned that Congress intended to create a new judicial district in Florida. In turn, this new district would be created out of certain counties theretofore attached to the southern district where our defendant was facing trial.

Under existing law, however—section 3240 of title 18, United States Code—a case that has been initiated in one district cannot be transferred to a newly created district unless the defendant consents. Obviously the intent and purpose of this long existent statute was to safeguard the rights of a defendant in a situation similar to our example. Once litigation has begun, a defendant was not to be shunted around like a freight car in a railroad yard. A speedy trial, the orderly administration of justice, and fairness were the basis for the statute and these have been rigidly enforced through subsequent court decisions.

But, here is where the Department turned in some fancy legerdemain—pulling the rabbit out of the hat, so to speak. It was undoubtedly recognized by the astute lawyers at the Department of Justice that although the bill creating the new Florida district was passed on July 20, 1962, and that the President would undoubtedly sign it a short time thereafter, as he did on July 30, nevertheless the act itself would not become effective until 90 days after the enactment. Therefore, in piecing the mystery together, the Department attorneys undoubtedly put their heads together sometime between July 20 and July 30 and concluded that this 90-day delay in effectuating the act was a miraculous legislative gift which would get them off the hook in Florida without disturbing their Tennessee proceedings.

Without it, they would have faced the need to explain to the Federal judge the reasons for seeking to dismiss the indictment before him. Since the legal proceedings had gone so far and the defendant had been so inconvenienced, the judge may have denied such a motion. Even if he had not denied it, bad publicity could have resulted. But if he did deny, bad publicity could have been assured along with the possibility of a Government defeat at trial. Finally, a dramatized false step in Florida could have generated repercussions in Tennessee. Thus, without this fateful creation of the new Florida district, justice as administered by the Department of Justice could have faltered embarrassingly.

Here is how the new act was well used. Following the presumed conferences between July 20 and July 30, a special assistant to the Attorney General appeared in the Tennessee court on August 1, 1962. In this appearance, the Justice Department lawyer urged the Federal court in Tennessee to set an early trial date in October since the case in Florida would be removed from the docket. Keep in mind that this August 1 appearance was but 1 day after the President had signed the bill creating the new Florida district, and preceded any knowledge of such action by the defendants since the Florida court had taken no action to raise such notice. Yet, on August 6, just 5 days later, the chief judge in the southern district of Florida entered an order removing all cases from the docket that were scheduled to be tried after October 2, but not to be completed prior to October 28. Conveniently, but not surprisingly, this happened to include the case of our present defendant whose trial was scheduled to begin on October 15.

The conclusion from all this is inescapable. The Department maneuvered a beautiful end run through an arrangement between the Department and the chief judge of the circuit. The district judge in Florida was bypassed, a case whose conclusion could have been embarrassing was chloroformed, the action in Tennessee was given a green light. And, yet, no motions were made to dismiss, no refusals to dismiss were promulgated, no cases were lost and no newspaper headlines were forthcoming. Harry Houdini could not have performed better in his heyday. The fact that no administrative necessity has been shown for the chief judge's action; the fact that existing law directs that cases pending in a district be continued when a new district is created; and the fact that justice, equity, and fairness compel the continuation of our defendant's case in Florida appear to carry little weight with the administration of justice today.

This example which I have cited is but one, I'm sure, of many that could be documented from recent experience. Yet, it is a sufficiently disturbing example to warrant the query as to where we are headed in this country. If public prosecutors can ensnare citizens into spending small fortunes in defending indictments only to make the indictment disappear without formal action being taken and if Federal courts will lend assistance to this type of petti-fogging, then there is little hope that individual liberty and justice under law will survive as we have long understood those terms.

I again congratulate the gentleman from Indiana for bringing the matter to our attention. It is in the best American tradition.

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record following the remarks made by Mr. Moore.

The **SPEAKER.** Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MacGREGOR. Mr. Speaker, as a member of the House Committee on the Judiciary, I am concerned that the Department of Justice has used a new act of the Congress to gain a tactical advantage over a defendant in a manner apparently contrary to law. When the Congress this summer created a new judicial district, the middle district of Florida, a criminal action was pending in that State. A second criminal action was pending in Tennessee involving the same defendant. The Florida action was scheduled to be tried first.

The applicable law seemed to be clear; title 18, United Stats Code, section 3240 provides:

> Wherever any new district or division is established * * * prosecutions for offenses committed within such district * * * shall be commenced and proceeded with the same as if such new district or division had not been created * * * unless the court upon the application of the defendant shall order the case to be removed to the new district or division for trial.

The defendant named above has made no such application, but I understand the Department of Justice has now so juggled matters that the Tennessee action will be reached for trial before that pending in Florida. The Attorney General has taken advantage of our creation of a new district to reverse the orderly course of justice. He owes the Committee on the Judiciary, and the Congress an explanation.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks following the remarks made by Mr. MacGregor.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. I compliment the gentleman from Indiana who is leading the discussion that involves basic principles of law.

Mr. Speaker, the passing of impartial laws to apply equally and fairly to every citizen of the United States is the sole ultimate purpose of the Congress of the United States.

Whenever we legislate on matters that deal with the courts or in any way to knowingly pass laws that can or will influence the outcome of a trial we are ourselves violating the basic principle and the accepted principle of law that has become almost sacred.

Mr. Speaker, because I have privately and publicly on previous occasions spoken about the inadequacies and poor judgment and apparent lack of understanding of both good public policy and the responsibility of his job that prevails in the Attorney General's office, I should extend for the record some additional information that gives proof to the belief that many have regarding our present Attorney General and that is, he is not the best qualified man in the United States for the most responsible law enforcement office in the world. For it was this same Attorney General who has recommended that we pass some wiretapping laws and based upon his testimony these laws, if passed, would go far beyond any legitimate need and in my opinion would be in violation of the natural private rights and personal invasion of the sanctity of the home, the like of which we have never seen before in America. It evidences a trend in this administration and in his Office that is undesirable and inconsistent with America's established and proven traditions on personal rights.

This is also the Attorney General who on April 13 shocked America when at his executive order had some people from his Department in the early morning hours in Philadelphia knocking at the doors of American citizens. It turns out that these knockers were Federal police acting without the knowledge of their immediate superior, without writs or warrants, with no claim of wrongdoing against the citizens, investigators with no questions to ask that could not have been better asked in the morning and with no right constitutionally or otherwise. It turns out that apparently they had a personal mandate from the Nation's highest enforcement officer—the Attorney General of the United States, a servant and not the master of the sleeper and frightened citizen and one who took an oath to support and not violate the laws of the United States. We are told that in New York a similar event took place.

Mr. Speaker, the implication of this type of occurrence is a frightening thing to happen in America and we need to be alerted to its consequences.

There are other things that need to be noted in this Office that involve the basic and accepted procedures of law and the conduct of this enforcement officer and about which much has already been said, but time and space does not permit.

I cannot resist, however, from jocularly and seriously calling attention to another bit of evidence of poor judgment. The mistreatment of a dog by the name of Brumas. Judging from newspaper reports the Attorney General imagines that this friendly dog enjoys being brought down to the office in violation of law and there while important business of state goes on being led around the halls by beautiful girls. Now, of course, there are people who would enjoy this but we from Iowa know that dogs would much rather be out in the open country where they can enjoy the fresh air and be away from the dangers of heavy traffic and enclosures which would be for a dog an unhealthy atmosphere. And if one's own children are not available there are always children in the neighborhood who would enjoy being asked to play with a friendly dog like this dog must be.

Mr. MILLIKEN. Mr. Speaker, I commend the gentleman from Indiana for bringing to the attention of the House these very important facts with reference to the liberties of certain people in this country.

THIS NATION IN STATE OF DIRE DISTRESS AND EXTREME DANGER

The **SPEAKER** pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from New York [Mr. Pillion] is recognized for 60 minutes.

Mr. PILLION. Mr. Speaker, I take this occasion to solemnly warn the President of the United States, the Members of this Congress, and our 186 million citizens, that this Nation is in a state of dire distress and extreme danger.

The Soviet-Communist forces are pounding this Nation with a succession of political and military power blows around the world.

Our national and international policies are tragically inept, inadequate, and ineffective to stem or to even slow down the Soviet-Communist drive to destroy us.

The magnitude of the present and potential dangers posed by the Soviet-Cuban military and nuclear buildup cannot be hidden by the devious excuses of the State Department or by artful sophistry from the administration.

In order to intelligently and effectively contend with the threat of Cuba, we must recognize that Cuba is only the spearhead of the Soviet-Communist drive to take over every Central and South American country. We must further recognize that the Soviet campaign for Latin America is only one phase of the Soviet-Communist total world civil war.

Cuba cannot be viewed or treated merely as an isolated source of danger. Cuba is not a Cuban problem. It is a Soviet problem we are dealing with.

The strategic, economic, and political decisions directing Cuba's actions are made by Khrushchev in Moscow, and not by Castro in Havana.

Cuba constitutes a Khrushchev jugular attack upon the United States. Today, Cuba is a formidable Soviet military outpost.

The Soviet has, under its command, in Cuba, as of now: first, two nuclear rocket and missile launching sites; second, five naval bases; third, hundreds of Soviet fighter planes; fourth, thousands of Czech and Soviet artillery pieces; fifth, thousands of Soviet tanks and motorized weapon carriers; and sixth, 350,000 Soviet trained and equipped troops.

This arsenal is only the nucleus of the Soviet military plans for Cuba. Unless this military buildup is arrested, now, Cuba will become a triple nuclear threat to this Nation's survival.

Within 6 months to a year, the Soviet will be using Cuba's naval bases for hiding its nuclear launching submarines. These Russian submarines are capable of destroying just about every coastal city in the United States.

Cuba's airfields, inevitably, will be utilized for Soviet aircraft, carrying nuclear bombs. These bombers could drop nuclear bombs anywhere in the United States.

Cuba's missile launching sites can be intended only for the installation of Soviet nuclear missiles zeroed in on the United States.

This nuclear weapons complex, based in Cuba, will have the capability of destroying this Nation and its people. We are cravenly delivering, to Khrushchev in Moscow, another alternative weapon for blackmail.

Mr. Speaker, let us recall that Castro did not take over Cuba. Khrushchev did not take over Castro and Cuba.

Pro-Castro segments of our press, and the television networks, can take the discredit for misguiding public opinion and pressuring the State Department into the chain of events which created today's Cuban crisis.

Members of Congress, our Central Intelligence Agency, our State Department, other governmental agencies, all contributed to the Castro-Communist takeover.

In essence, it was failure of our foreign policy, the malfunctioning of our foreign-policy-making machinery, and the incompetence of our officials, under the Eisenhower administration, that delivered Cuba to Castro.

All of this Nation's foreign policy blunderings, under the Eisenhower administration, have been repeated and compounded under the Kennedy administration.

In all the world's history there has never been a more ill-conceived, misplanned, and pitifully executed military abortion than our Cuban invasion of April 17, 1961. One thousand two hundred innocent youngsters were sacrificed in this Bay of Pigs debacle.

This was a military operation for the attainment of a political objective. It was turned over for execution to a disjointed, uncoordinated combination of State Department, CIA, and White House dilettantes.

Our tragic policies, aimed to soothe the Soviet, involved Khrushchev's takeover of both Castro and Cuba. This Government's failure to act practically assured Khrushchev of our noninterference.

At this late date Congress is about to consider two resolutions relating to the Cuban crisis.

Now, I have the highest respect for every Member of this House. The sponsors of these resolutions are sincerely seeking a means to neutralize Soviet aggressions.

But I respectfully submit that these resolutions do not realistically discharge our constitutional responsibility to provide for the common defense of this Nation.

The first resolution would authorize the President to call up 150,000 reservists.

Under the previous authorization of August 1961, 150,000 reservists were recalled to active duty.

This last callup did not prevent the surrender of Laos to a Communist coalition government. It did not end the Communist guerrilla war in South Vietnam. It did not slow up the Soviet-Communist successes anywhere in the world.

No American can seriously accept the conclusion that a new callup will in any way disrupt or delay the completion of the Soviet nuclear arsenal in Cuba.

Mr. Speaker, the second proposal would authorize the President, in his sole discretion, to prevent the Castro regime from exporting its aggressive purposes and to prevent in Cuba, the creation of an externally supported offensive military base capable of endangering the United States.

I would like to emphasize that the Soviet nuclear base in Cuba is not being constructed to export aggressive purposes.

It is not being constructed as a base from which to launch conventional military attacks against other Latin American nations.

It is directed wholly and solely toward squeezing this Nation into a choice between thermonuclear destruction, or a blackmail surrender.

The language of this resolution is vague and indecisive.

It fails to support the Monroe Doctrine. In fact, it legitimatizes a foreign Soviet base in Cuba.

It fails to clearly define for Khrushchev and Castro the limits of Soviet military power that this Nation will tolerate in Cuba.

It fails to unmistakably state this Nation's determination to prevent the completion of any and all types of nuclear missile bases in Cuba.

The weakness of this resolution and the defensive pronouncements of President Kennedy do not truly reflect the strength and the determination of the American people.

This resolution actually invites Khrushchev to speed up his missile bases in Cuba.

Mr. Speaker, this Nation is now in its most critical and dangerous phase of the Soviet-Communist total war.

A Soviet-controlled nuclear arsenal, based only 90 miles away in Cuba, and aimed at the United States, demands that our people make a "now or never" decision for their survival.

Mr. Speaker, I call upon this House to adopt a resolution expressing the sense of Congress in support of the following proposals:

First. A Presidential proclamation stating this Nation's unqualified determination to prevent the completion of any and all Soviet nuclear missile bases in Cuba.

Second. A Presidential demand that the Cuban Government take immediate steps to expel all foreign military troops.

Third. Congressional authorization to the President for a complete naval blockade of Cuba against the entry of all military supplies and equipment, a Presidential directive to the Department of Defense calling for a worldwide alert of our forces and ordering specific preparation to carry out whatever acts may be required to completely secure this Nation against any Soviet military threat out of Cuba.

Mr. Speaker, Cuba is not a single, isolated crisis that confronts us. It is only one skirmish in the Soviet-Communist total war of disintegration and destruction. Cuba is another loss in a 30-year series of disastrous defeats resulting from our tragic misconceptions and misjudgments of the Soviet-Communist purposes and strategies. Latvia, Poland, Red China, East Germany, North Vietnam, Cuba, and Laos are chronological examples of our foreign policy failures. They extend over the administrations of Presidents Roosevelt, Truman, Eisenhower, and Kennedy.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. I wish to commend the gentleman from New York for talking on this very important subject. Frankly, I feel, as does the gentleman from New York, that this is the most important and most dangerous thing facing us in the world today.

Mr. PILLION. There is no question about it.

Mr. O'KONSKI. The tragedy of it is, and the laughing stock that we must be all over the world, is this fact: I do not know if the gentleman from New York is aware of it or not, but just a few days ago a Yugoslavian ship came into the port of Cuba, loaded with Soviet, Czechoslovak, and Communist arms. They unloaded that cargo of arms from the Communist countries in Cuba.

That same ship is now on the way to Houston, Tex., where, under Public Law 480, it is going to pick up grain which we gave to Yugoslavia as a gift. We are paying the cost of the transportation for it. In other words, the United States of America is actually paying for the transportation of Communist arms from Czechoslovakia and Russia to Cuba and then picking up grain under Public Law 480, wherein we foot the bill. In other words, we are actually in a position where we are financing our own destruction on the Cuban island.

Mr. PILLION. I agree with the gentleman completely. It is evidence of the stupidity of our outlook so far as the Communist war is concerned. You are right. We are paying for our own destruction. We give foreign aid to these Communist satellite countries who are united with the Soviets in a campaign to destroy us, not to rule us, but to destroy us first. They do not want to rule us until they first destroy our society.

The comments of the gentleman from Wisconsin [Mr. O'KONSKI] are very appropriate. The gentleman is completely right. That is the type of thinking and conception that we have in the State Department that I am trying to awaken the people of this country to, so we can bring about a reshaping of those policies that are bringing about our downfall, and with accelerated speed. I thank the gentleman for his comments.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from California.

Mr. UTT. Mr. Speaker, I thank the gentleman for yielding, and wish to compliment the gentleman on his discussion this afternoon of the seriousness of the Cuban situation and the mishandling of that situation. I shall go further than that and say that our "no win" policy in my estimation began when we failed to cross the Elbe River into Germany and permitted the division of Germany in Berlin. This was followed up when we failed to cross the Yalu River and destroy the Russian and Chinese armaments in that area. It occurred again when we failed to support the Cuban invasion, and was followed up when we failed to destroy the wall in Berlin.

Mr. Speaker, there is no doubt that at that time we had the power to destroy that wall. We had the power to remove Castro. We further had the power in 1948 by armed force to open Berlin, rather than to put on a world show through a stupendous airlift which cost millions of dollars, and which did not settle anything.

There were those in the military who wanted to move into Berlin and enforce our rights there by a chain of tanks. That would have stopped the encroachment of communism. But we have come to a point where we are afraid to make any move for fear it will create a countermove, which would create another countermove. That is now being described by the Pentagon and the State Department as escalation. In other words, we start with a fist fight, we go into an armaments fight, then we go to the fear of a holocaust by nuclear weapons. It is that fear that has destroyed us in the eyes of the world, when we should have respect rather than popularity.

It is time, as I say, to take a stand. If we are going to be destroyed, let us be destroyed as honorable men rather than to be put in the chains of slavery; whether those chains are made of gold or of steel, they are still onerous and they are not what I want for my grandchildren.

Following up what the gentleman from Wisconsin [Mr. O'KONSKI] said, it has come to our attention that within the last week or two great Russian airplanes have been flying into Cuba by way of Gander, with the tacit consent of the administration and with the aid of the Canadian Government, that furnished Russian-speaking crews to go over to Scotland and train the Russian pilots on the approach mechanism to Gander and the exit from Gander. Those planes have been flying armaments and military personnel and other types of technicians into Cuba. If we do not take a stand now, if we just try to contain communism in Cuba, we shall fail because that is the springboard, as the gentleman has said, for Latin America and all of South America. We cannot afford to try to brush this under the rug. To me it is an issue. When they say this is a bipartisan matter, I say that it cannot be a bipartisan matter. If it is bipartisan, I have got to put my stamp of approval on the Cuban situation; I have got to put my stamp of approval on the Laos situation; I have got to put my stamp of approval on the Berlin wall. That I will not do. And I would be remiss in my duty as a Representative of my district if I did not call the attention of my people to the dangers which they are facing in this decade.

Mr. Speaker, I thank the gentleman.

Mr. PILLION. Mr. Speaker, I wish to thank the gentleman for his appropriate remarks. They are so relevant to the one great issue that is facing this country, and that is our survival. I agree with the views expressed by the gentleman from California [Mr. UTT] completely. I agree with him that our foreign policies have failed to stem the tide, have failed even when we had complete military superiority up to the time of about 1953 or 1954, because we failed to use that military superiority to attain the political objective we should have attained in order to secure the future of this country. Instead, we permitted the Soviet to extend her political control to a point where today the matter of survival of this country is in very, very precarious balance. I wish publicly to acknowledge the fine efforts of the gentleman from California [Mr. UTT] in this great fight that we must make if we are to survive.

The steady increase of Soviet-Communist world power and the corresponding decrease of the power of the free world can be accounted for only because of policies that have lacked a comprehension of the nature, the totality, the strategies, and the tactics of Lenin's new form of complete warfare.

Our foreign policies have failed to meet the realities of world politics. Our basic foreign policy concepts have remained unchanged for 30 years.

They have been defensive, self-deceptive, and self-defeating.

The NATO alliance, the United Nations, international loans, foreign aid, disarmament, summit meetings, have been major features of our foreign policy. They have all proven themselves to be figments of our own gullibility.

Our negotiations, our appeasements, our vacillations, have led us only down the road of retreat and surrender, bit by bit.

Mr. Speaker, I have been saddened and frightened by the confused, evasive, and capitulating pronouncements emanating from our Government.

I do not, for 1 minute, expect this administration to reverse our disastrous foreign policies.

Nor can we hope, that this Congress will take appropriate action to reverse this country's march to national suicide.

Unless this country is able to reevaluate, reshape, and reformulate its foreign policies, the cause of freedom is lost.

Mr. Speaker, our policies with respect to the Communist cancer cannot be redesigned by the existing foreign policy apparatus. They are too deeply imbedded in the fabric of our National Government.

Only a national surge of political demands on the part of the people can bring about the needed reforms.

The impulse for a transformation from weak and vacillating policies to strong, firm, effective policies can only come from the electorate, the people of this Nation.

Mr. Speaker, former President Eisenhower and President Kennedy have both expressed their opinion that foreign policy is not a proper topic for debate in this year's political campaign.

Mr. Khrushchev has expressed the same desire.

I respectfully disagree with General Eisenhower and President Kennedy.

We should contemptuously reject Khrushchev's devious effort to prevent the American people from forcing a reversal of this country's foreign policies that serve him so well.

On the contrary, Mr. Speaker, there is only one issue that is of vital importance to our people.

That is the issue of freedom, survival, and peace.

I make only one qualification. These national aspirations and the foreign policies necessary to retain them, should not be made partisan political issues.

I respectfully suggest that every member of this Congress present to his or her constituency the following questions of:

First. Whether or not this Nation is losing the global war to the Soviet-Communist forces.

Second. Whether or not our present foreign policies are adequate for dealing with the Soviet-Communist forces.

Third. Whether or not the citizens of this Nation are willing to make all necessary sacrifices to build up an invincible military superiority over the Soviet.

Fourth. Whether or not they favor a strong, coordinated, political, and military program that will reverse the course of this war.

Mr. Speaker, on June 12 of last year, I introduced House Joint Resolution 447.

This resolution called for a recognition by this Congress of the total war being waged against us by the Soviet-Communist conspiracy.

It called for action by the United States to counter the Soviet-Communist war with a nonmilitary, political, ideological, and economic offensive.

In March of this year, 6 months ago, I sent 150,000 questionnaires to my constituency. The following three questions were based upon the concepts contained in House Joint Resolution 447.

I submit to you the tabulated answers to these questions.

The first question was: "Do you believe that the Soviet-Communist forces are steadily winning their goals of weakening and destroying the free world?"

The tabulation of the answers was: "Yes," 5,401; "No," 1,179.

The second question was: "Do you believe that the first step in reversing Communist gains is to recognize the Communist organization, its purposes, strategies, tactics, and weapons?"

The answers were: "Yes," 5,213; "No," 1,245.

The third question was: "Would you support a united free world effort to neutralize and destroy the international Communist conspiracy by nonmilitary political means?"

The answers were: "Yes," 5,426; "No," 386.

Gentlemen, the future of this Nation is in your hands.

CUBAN SITUATION

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from North Carolina [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, the American people are gravely concerned over the situation existing today in Cuba. The concern felt by our people over the Communist buildup is shared by freedom-loving people everywhere.

The President has wisely stated that the United States will not permit a Communist-dominated Cuba to become a serious threat to the security of this country.

It is my feeling, Mr. Speaker, that the Congress should let the President know that it supports his efforts to preserve the peace and political integrity of this hemisphere.

I have introduced a resolution, therefore, which declares that it is the sense of the Congress that the President should take all necessary steps to implement the Monroe Doctrine with respect to the current situation in Cuba.

The Monroe Doctrine is as applicable today to the troubled situation in the Caribbean as it was when it was promulgated by President James Monroe on December 2, 1823. Within the framework of that historic declaration the President has ample precedent to deal with communism in this hemisphere.

It is my feeling that the Congress and the President should take a strong stand and that the United States should make it abundantly clear that we have no intention of permitting a Communist threat to our security to exist in our backyard.

I hope that the President will take immediate and positive action to implement the Monroe Doctrine.

INCOME TAX LEGISLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, again I call the attention of this House to legislation I have introduced to provide an exemption from income taxation of the first $3,000 received by an individual as an annuity, pension, or other retirement benefit.

On August 29, I explained to this House in detail the purpose of this legislation. At that time I called for the support of the measure by my colleagues and urged that the Ways and Means Committee give the bill its fullest attention with the view of acting on it before the current session adjourns.

I rise again today to reiterate this appeal. My bill, H.R. 6504, is a sensible and reasonable approach to a serious problem. It corrects an existing inequity in the tax law which currently exempts some retirement programs, partially exempts others, and applies full taxation to still other annuities.

When an individual retires he usually must adjust to a substantially reduced income. With living costs what they are today, and the gradual decline in the valuation of the dollar, the average person has considerable difficulty in building up even a small nest egg to provide reserve funds during his later years of life. Thus, faced with reduced income and larger outlays, an individual can ill afford a further reduction in his income by having to pay taxes on a small pension. As a result many workers who approach the retirement age cannot see their way clear to retire. They often work beyond the normal retirement age and thus are deprived of a few years free of the rigors and anxieties of a full-time job. That is why I do not think it is fair that retired individuals be required to pay income tax on a small, modest retirement income.

This bill is not establishing any new principles. Actually, all it does is ask that all retirees be given a reasonable exemption as currently accorded social security and railroad retirement annuitants. Its enactment would fulfill a cardinal principle of a fair tax system—that similarly situated individuals should be taxed similarly. How can anyone argue against this type of justice? That is why equity demands that we take favorable action on H.R. 6504, the bill to allow an exemption of $3,000 on annuities, pensions, and other retirement benefits.

I fervently trust that my colleagues in this House will join in urging early committee action on this bill so that full opportunity can be given to the House to vote on it before the adjournment of the 87th Congress.

HIESTAND DEMANDS TAFT-HARTLEY BE INVOKED

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HIESTAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HIESTAND. Mr. Speaker, I think we should demand that President Kennedy invoke the provisions of the Taft-Hartley Act to prevent the closing down of five great Aero-Space factories by the impending strike. The strike is scheduled to begin Saturday, September 22. Congress enacted the Taft-Hartley law to provide for just such emergencies as this. A national industry vitally important to the security of our Nation is threatened.

The law clearly directs the President to appoint a board of inquiry to determine whether a national emergency exists. This must be done immediately in order to prevent the strike. If this board decides that a national emergency does exist, the President must ask the courts for an injunction outlawing the strike and declaring an 80-day moratorium during which time the employees and employers shall continue to negotiate. At the end of the 80-day period, the employees shall take a vote by secret ballot upon the employers' last and final offer.

This is the legal and duly authorized method of settling national emergency strikes. The informal and extra-legal factfinding committee of George W. Taylor, of course, can advise the President but they cannot replace the law. It appears that this committee was constituted for the purpose of evading the Taft-Hartley procedure. The families of the workers who will be deprived of their income deserve more consideration. The defense of our country deserves better, also.

Whether the President will invoke the Taft-Hartley provisions is clearly up to him, but it appears that a devastating strike which could throw many thousands of people out of work and seriously delay our defense and space effort is the alternative. I think the proper course is crystal clear and I hope the President takes it.

DIALOG

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, the Alliance of Czechoslovak Exiles in Chicago, a group of dedicated citizens who give their special attention to reminding us of the critical situation of the peoples in their homeland and all the other nations behind the Iron Curtain, featured in their monthly bulletin of September 1962 an article describing the socialistic philosophy of the special assistant to the President, Mr. Arthur Schlesinger, Jr. They point out the danger that this type of thinking may present to the United States.

The article is entitled "Dialog," and is a penetrating analysis of Mr. Schlesinger's controversial and extreme views, which I insert into the RECORD at this point:

MARGINAL NOTES TO OUR DIALOGS

(Dealing with the Schlesinger manifesto)

To complete the picture of today's "Dialogs" it is necessary to make known that Mr. Henry J. Taylor, Scripps-Howard columnist, sent this year to Mr. Schlesinger a letter, asking whether the professor still believed what he wrote in 1947. Taylor knew that many men, who, in their youth, were bearers of various ideas, often acquired wisdom through the ages. It turned out that Mr. Schlesinger was not one of them. His answer read as follows: "I neither withdraw nor apologize."

If Mr. Schlesinger were a mere Harvard University professor, conclusions to his ideas would not be perhaps necessary. However, the fact that Mr. Schlesinger is at present the special assistant to the President, and as such, one of his principal advisers, can hardly be overlooked.

By his ideas, Mr. Schlesinger is openly manifesting that he has dedicated himself to the task of promoting socialism in the United States of America. It is needless to deny that his deductions have been presented in a very attractive form and that he has endeavored to emphasize parliamentary procedure and to preserve liberties as well. However, speaking "en passant," there is in the Soviet Union, as well as in the United States of America, a formal parliamentary procedure; nevertheless, they do not enjoy liberties known to the Christian world. But even so, many will find Mr. Schlesinger's manifesto in theory quite attractive.

It is by no means necessary to amply discuss the pros and cons of socialism. Generally speaking, its good points exist in theory only, whereas the practice clearly reveals the shortcomings. Existing results of the buildup of the Union of Soviet Socialist Republics could hardly establish a bright example to be followed. It makes no difference if a Socialist buildup is achieved by brutality and guns or by deceit and guile. Professor Schlesinger does not differ with Marx and Lenin in aim, but in procedure and tactics solely. To prevent the arrival of a sudden and tough Marxism, he is recommending the acceptance of a gentle and gradual one.

For that purpose, and in order to achieve the subjugation of the American Nation's mind, he and his ideological associates will have to use every adroit verbal acrobacy, dialectical subtleties, humanitarian and melodramatic appeals and theoretical and semitruths—if you want to catch a bird, you have to lure it. He knows very well that to influence people you do not ask them to think, but rather, you plant thoughts in their minds.

Preserving liberties under a Socialist buildup is nothing but mere utopia. This fact has been indirectly admitted by the professor himself through his diction; liberties "could be," instead of "would be," preserved. Of course, if what the professor means by liberty exists at present in the Soviet Union and in the satellite countries, then his deduction is absolutely correct. Do not "liberties" also exist there, and, do they not enjoy "the new and real expression of democracy"?

In spite of all theoretical assurances, we do not share the opinion of easily persuading anyone that socialism (i.e., the ownership by the State of all significant means of production) would not bring a tremendous increase of power to a centralized government. Thus, President Woodrow Wilson said in 1912 in New York: "The history of liberty is a history of the limitation of governmental power. When we resist the concentration of power, we are resisting the powers of death, because concentration of power is what always precedes the destruction of human liberties."

In the eastern part of the world we are witnessing today the existence of a monolithic state organization, which by its natural character makes an individual become a manipulatory unit, suppresses his initiative and personal responsibilities, and governs by merciless oligarchy and by awkward bureaucracy.

The basic problem facing the United States of America today is to find the means to protect individual freedom, action, and responsibility without slowing down those processes and techniques which a modern industrial society must employ if it is to develop. Taking into consideration the experience and outcome of socialism up to date, it can be fairly said that Schlesinger's "Alice in Wonderland" barely constitutes an answer.

Certain intellectual circles in the United States of America have strong leftist leanings. It makes no difference if it is an accident of history or a carefully laid plan. It remains a reality that this course has important backing in very high and influential places. A group of these intellectuals decided that in order to definitely save America from the inevitable adoption of either fascism or communism, there had to be some changes made. These changes then should unequivocally be based on certain selected aspects of Marxism, which, in their opinion, would enrich and stabilize American democracy.

While the American Nation is guarding the front door of its national home against communism, the back door remains open. Its new and cunning enemy is shrewdly avoiding the odious name of communism and slips into favor through a "sheep's garment" of different nomenclature. One time it is called "welfarism," "New Dealism," "State monopoly capitalism," "centralized government," or "democratic socialism." The common denominator with Marxism remains the same. The aim is identical, whereas the methods are different. It is of little or no significance if the planned subjugation would be performed through the "iron chains of communism" or by the "silken threads of socialism."

To bring their "new religion" to victory, Socialists have to endeavor to create a general state of mind, in which belief in God should be considered to be an abnormality and a symptom of social disease. It is matter of no coincidence that Professor Schlesinger blames the worker for his belief in religion.

In conclusion, it is to be stated that contemporary society certainly cannot live by a law of the wilderness wherein only the stronger can survive. It does not mean, however, that the desired social justice should be brought by a reactionary and, in practice, failing system, which is the best method to enslave mankind. There are, in spite of that, still many enthusiastic prophets of socialism. With them, disagreeing is honestly possible. It seems, however, that in contradistinction we could also find those individuals and groups driven solely by "gloriae et potestatis sacra fames"—"the cursed desire for glory and power." They know better than anyone else that their plans would be served best by a Socialist oligarchy.

REPORT TO MY CONSTITUENTS ON THE 87TH CONGRESS

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, as the 87th Congress is drawing to a close, once again I am submitting a report to my constituents of the 22d District of Ohio covering a résumé of major legislation and my activities as their Representative in Washington. This has been a session of greater than average length, but less than average accomplishment. Congress continued to support the President in the field of defense and international relations but despite the fact that the President's own party controls the Senate by a 2 to 1 margin and the House by a 3 to 2 majority, his domestic program has not met with any display of enthusiastic support which is necessary to move the legislation efficiently through the Congress. While it is impossible to list all legislation considered by the Congress, here are some of the major issues and a summary comment on them:

MEDICAL CARE FOR AGED

This has been a major issue for several years. The House did not have an opportunity to consider this subject in the 87th Congress as no bill was reported by the Ways and Means Committee. However, the Senate considered and defeated the proposal embodied in the King-Anderson bills for medical care financed through social security. As a longtime advocate of better health care for all individuals, I am very cognizant of the need for an adequate health insurance protection plan for senior citizens. This matter will be taken up again and it is my hope that we will have an opportunity to consider alternatives to the King-Anderson proposals. There have been so many claims and counterclaims concerning what this plan would or would not do that many people are understandably confused. Many believe that the administration's proposal, embodied in the King-Anderson bill, would cover all elderly people.

The truth is that it would provide no protection to some 4.5 million of the most needy who are not under social security or railroad retirement. In my opinion any health care program for senior citizens should provide protection for all. Furthermore, the King-Anderson bill is not a true medical care program in that it would not cover the costs of a doctor's services, whether at home, in an office, or in a hospital. It would not cover surgical or dental fees. It would not pay for medicines used outside a hospital or nursing home. In short, it would be necessary for a patient to be admitted to a hospital or nursing home before receiving any benefits under the administration's King-Anderson plan. Even then, the proposed program would not cover all hospital costs, and the patient would be required to pay $10 for each of the first 9 days of hospitalization, plus the first $20 of costs for diagnosis, or a total of $110.

In spite of the limited benefits offered, the King-Anderson plan would be extremely costly—estimated to be $1 billion the first year and up to $5 billion per year within 20 years. To saddle all this cost onto those workers and employers paying social security taxes could lead to the collapse of the whole social security retirement system. Without medicare, the social security tax will be 10 percent by 1969, with employer and worker each paying 5 percent. One can imagine what the tax will have to be if medicare is attached to social security. And this tax hits hardest in the brackets least able to pay. Its overwhelming burden falls on the lowest levels of the income ladder.

To provide adequate coverage and at the same time avoid getting into the realm of compulsory socialized medicine, it seems to me a medical care plan for the aged should meet the following tests: First, it should cover all those in need; second, it should be voluntary both as to participation and the choice of doctors and hospitals; third, it should provide adequate care—such as doctor services and medicines; fourth, since health care of our senior citizens is a national problem the costs should be met through general revenues, keeping the social security system funds fiscally sound to continue the retirement program, as was intended from its beginning.

The Kerr-Mills Act passed in the 86th Congress has operated successfully in some areas. However, it does not deal with the problem of the millions who are in the lower middle income bracket, not indigent but yet not able to underwrite the cost of a catastrophic illness. On the other hand, my Ohio colleague, Hon. FRANK BOW, has introduced a bill (H.R. 10981) which I believe will meet the tests outlined above. He proposes a very simple plan, easily understood, which avoids the setting up of an additional Federal bureaucracy and getting into an endless amount of Government redtape. Under the Bow plan, all persons over 65 paying Federal income tax would be permitted to deduct $125 per year from their actual income tax for the purpose of purchasing a noncancelable health insurance policy. Those who do not have to pay any tax would still be able to obtain from the Government a $125 certificate—$250 for a couple—to be used to pay the annual premium on a health insurance policy. The policy would be issued by private companies, licensed by the States, but it must contain those benefits prescribed in the proposed law. These benefits include among other things hospital, surgical fees, nursing services and medicines. While the sponsors of the Bow bill readily admit that it may need some work on it and perfecting amendments—that it is not the final answer in present form—let us hope this proposal will be given the committee consideration it deserves. Our senior citizens need an adequate health care program—not just a continuing political issue.

THE PRESIDENT'S BUDGET MESSAGE

The first budget prepared entirely under President Kennedy's direction called for expenditures totaling $92.5 billion, a sum greater than the amount spent in three of the four World War II years; $11 billion more than last year's budget, and $16 billion more than the first Eisenhower budget. At the time it was presented, the administration predicted there would be a surplus of $500 million at the end of the fiscal year but it now appears that the anticipated surplus has vanished and there will be a deficit of at least $4 billion.

COLLEGE ACADEMIC FACILITIES ACT

As passed by the House, assistance would be provided institutions of higher learning to build classrooms, laboratories, libraries, and related academic and service facilities. I favored the bill passed by the House to provide funds for construction purposes only. Subsequently the Senate passed a much broader bill which would include $1 billion for student scholarships. As a result, the legislation bogged down for most of the session in a Senate-House conference, but the conferees finally agreed to allow funds to colleges and universities for construction and a limited amount for aid to needy students. As of this writing, the conference report must still be passed by the House and Senate. This was the only major bill dealing with education considered by the House. The general Federal aid to education bill did not come out of committee.

DEPARTMENT OF URBAN AFFAIRS AND HOUSING

This came to the House in the form of a reorganization plan submitted by the administration to set up a new Cabinet post. It was overwhelmingly rejected by a vote of 264 to 150. I voted with the majority against this proposal. Those who opposed the establishment of a Department of Urban Affairs did so for the following reasons: First, the plan would provide the mechanism with which the Federal Government could involve itself in every imaginable local activity. If the cities were to take their troubles only to Washington the union of autonomous States which is the United States of America would soon cease to be. Second, the plan would not solve one single urban problem. It merely provided the trappings of another vast Federal agency for the making of more superfluous studies. Third, the cost and size of this proposed new Department staggers one's thinking. A vast majority of those who replied to my opinion poll agreed that the proposed new Department was not a wise move—61.4 percent did not favor it, 29.9 percent favored it, and 8.7 percent had no opinion.

MANPOWER DEVELOPMENT AND TRAINING ACT

This was one of the few major pieces of legislation to run the legislative course early in the session. I voted for this legislation which was largely an outgrowth of Operation Employment, a project undertaken by about 60 House Republicans. The 3-year program, first major national manpower retraining program yet proposed, will help the unemployed or unskilled worker, or one suddenly deprived of a job because of technological advances in his industry. Costs of retraining will be paid by the Government and the trainee is to be paid a weekly subsistence allowance in his State ranging from about $20 to $45. This program should go far in providing the Nation with a method of determining employment objectives and encouraging displaced workers to retrain for important job opportunities in our expanding free enterprise system. On my opinion poll 45.5 percent stated they favored a federally financed job retraining program; 45 percent said "No," and 9.1 percent had no opinion.

THE ADMINISTRATION'S TAX BILL

Passed the House by a record vote of 219 to 196. Prior to passage, a Republican motion to recommit the bill to eliminate the 7-percent investment tax credit for new business equipment—estimated to cost more than $1 billion in tax revenue in fiscal year 1963—and to eliminate the provision for withholding 20 percent of dividends and interest was defeated by a vote of 190 to 225. I voted for the motion to recommit and against final pasage of the bill. More mail was received in opposition to the provision for withholding on dividends and interest than on any other single subject this year. My opinion poll also indicated that a vast majority did not favor this provision—56.6 percent said "No"; 33.9 percent "Yes"; and 9.5 percent no opinion. When the bill reached the Senate the withholding provision was eliminated by the Finance Committee and their action was upheld by the Senate. I am pleased that this action was taken as the withholding provision would have hit low-income groups, such as retired persons, the hardest. It would have deprived many persons whose incomes are below taxable level of the use of their limited funds from savings and investments over a period of time before they received refund checks.

TAX RATE EXTENSION ACT

Once again Congress was called upon to pass legislation extending the present corporate tax rate of 52 percent and certain existing excise taxes on such items as passenger cars, automobile parts and accessories, general telephone service, and distilled spirits. The corporation tax would otherwise revert to 47 percent. Many of these taxes have been in effect since the Korean war, but with Government spending at an alltime high and our national debt reaching $300 billion, Congress was given little choice but to extend the corporate and wartime excise taxes. There was one redeeming feature of the bill and that was a provision whereby the 10-percent tax with respect to transportation of persons by railroad and bus will be discontinued December 31, 1962, and the tax on airline tickets will be reduced from 10 percent to 5 percent. For years I have advocated repeal of the transportation tax which was imposed during World War II to discourage travel as well as raise revenue. The repeal of a portion of this tax should be of some help in restoring passenger business to our hard-pressed railroads.

NATIONAL DEBT LIMIT

The Congress was called upon by the administration to raise the debt limit from $300 billion to $308 billion. This was the third time within a year that we were called upon to raise the ceiling. I opposed this, but it was passed 211 to 192. Unless the administration spending is curtailed we will have further deficits and still more debt. As the debt goes up, so must the interest payments. Our interest payments already amount to more than 10 percent of our yearly budget—$9.4 billion interest for fiscal 1963—and with this latest increase the interest will be more than $10 billion next year. This is more than $1 million an hour—money which otherwise could be used for other Government programs or left in the hands of taxpayers for them to spend or save as they see fit.

THE FARM BILL

The hairline vote of 215–205 by which the House recommitted the President's farm bill was one of the great dramas of the session. Forty eight Members of the President's own party voted with Republican Members to recommit the legislation. While we must continue to search for solutions to the farm problem and what to do about huge surpluses, and high prices to consumers, the answer does not lie in legislation that would give the Secretary of Agriculture virtually unlimited authority to put stringent controls on American farmers. Just as the problems of our urban areas cannot be solved by transferring them to Washington, the farm problem will not be solved by making a "czar"—or commissar—of the Secretary of Agriculture.

DEFENSE APPROPRIATIONS

More than half of the total Federal budget—$47.8 billion—was included in the defense appropriation bill. Because of the continuous Communist threat to the United States and the entire free world we must accept this burden and demonstrate to the Soviets and the Communist bloc of nations that there is no U.S. "defense gap" of any type. At the same time the Defense Department can and must improve its operations to provide a better defense program for less tax dollars. The money voted this year will provide an active duty establishment of 2,676,000 and a Ready Reserve military force of 1,003,500.

TRADE EXPANSION ACT

Under this act the President is empowered to reduce tariffs by 50 percent over a 5-year period in return for mutual concessions from countries with whom we trade; moreover, the President is granted authority to repeal outright, duties on items exported between the Common Market and the United States of America. Finally, the President is authorized to negotiate for mutual tariff reductions on broad categories of goods rather than on the usual item-to-item basis. My opinion poll indicated that a vast majority of my constituents favored a liberalized trade policy—68 percent said "Yes"; 15 percent "No," with 17 percent no opinion.

The adjustment assistance provision was the most controversial feature of the bill. It permits financial aid to firms and workers dislocated by foreign competition. Few proponents of this provision realize that such assistance would be inoperative and contrary to the laws of Ohio as well as many other States. The Ohio law prohibits benefits to any individual who "has received or is seeking unemployment benefits under unemployment compensation laws of any other State or the United States of America. However, a motion which I favored to recommit the bill to eliminate this provision failed, and I supported the basic legislation on final passage.

FOREIGN ASSISTANCE ACT

For the better part of 2 months my Committee on Foreign Affairs worked on the Foreign Assistance Act in an effort to reduce expenditures without jeopardizing the national security. The final bill which I supported authorized funds of $4.6 billion in military and economic assistance to Allies and friendly nations—a cut of $810 million from the President's request. The main categories of assistance are as follows: $1.5 billion, development loans; $300 million, development grants and technical cooperation; $600 million, Alliance for Progress; $148.9 million, international organizations; $1.7 billion, military assistance. Two important amendments were adopted by the House. The first concerns the expropriation of American property and requires the President to terminate assistance to nations that seize our property unless appropriate steps are taken within 6 months to make reasonable and adequate compensation. Secondly, the President is prohibited from granting assistance to Communist countries unless he decided such aid meets three conditions: it is vital to American security, the recipient country is not dominated or controlled by the international Communist movement, and aid would promote the possibility of independence. The Congress must still vote to appropriate the funds authorized and as of this writing no action has been taken, although the House Appropriations Committee has recommended a reduction of $1.1 billion.

FEDERAL AID HIGHWAY AUTHORIZATIONS

A bill was passed authorizing appropriations for fiscal years 1964 and 1965 to continue the Federal-aid primary and secondary highway system, as well as the Interstate System. This legislation which received my support is traditionally acted on several years in advance by the Congress in order to give State legislatures a sufficient opportunity to provide the necessary State matching funds. Under the allocation formula, Ohio will receive $37,200,000 for primary, secondary, and urban roads in 1964 to be matched on a 50–50 basis, and $176,952,000 for the Interstate System, 90 percent of which is paid by the Federal Government and 10 percent by the States. In 1965 Ohio will receive $38,179,000 for primary, secondary, and urban roads and $183,758,000 for the Interstate System.

CLEVELAND HARBOR APPROPRIATION

Again this year I joined my congressional colleagues and city and business interests from Cleveland in urgently requesting the House Appropriations Committee to favorably consider providing the funds recommended in the budget to continue our Cleveland Harbor improvement program. The committee approved and the Congress voted an appropriation of $1,553,000 to continue the improvement program of bridge replacement, cutting back of banks, dredging, and bulkheading. Also included was an appropriation of $75,000 to continue the Army Corps of Engineers technical study of the feasibility of constructing Tinkers Creek Dam to prevent flooding of the Cuyahoga River.

COMMUNICATIONS SATELLITE BILL

By a vote of 354 to 9 the House passed this bill to create a private rather than a Government corporation to develop our communications satellite program. When the bill reached the Senate it was filibustered for days by a group of Senators who call themselves "liberals." They favored Government rather than private development. Although this was an administration "must" bill, those who opposed it in the Senate were all members of the President's own party. After all their talk, no convincing reasons were put forth that the program should be Government rather than privately owned. Certainly the success of Telstar, which was perfected and built by private enterprise, was a source of pride to all of us, and it pointed the way to what can be accomplished through private enterprise, cooperating with Government efforts.

UNITED NATIONS BOND BILL

Authorizes appropriation of $100 million for loan to U.N. through purchase of U.N. bonds. My Committee on Foreign Affairs held 11 open hearings on this measure and met 5 times in executive session to consider amendments. We finally decided to report the bill but added an amendment to provide that the total amount loaned by the United States to the United Nations must be matched at all times, dollar for dollar, by the total loaned by other countries. Refusal of the United States to finance a substantial portion of the current United Nations deficit would not force a reform in United Nations organization and procedure nor would it put the United Nations out of business. Instead, it would mean the withdrawal of the United Nations from the Congo, and either the termination or drastic curtailment of United Nations operations in the Middle East. As a result, the United Nations would be limited to serving as an international forum for debate and the dissemination of propaganda. This is just what the Soviet Union is trying to bring about.

MY OWN BILLS

Among the bills I have sponsored in the 87th Congress have been the following: H.R. 315, to amend the Social Security Act to permit an individual to earn an unlimited amount without losing any social security benefits; H.R. 5146, to permit a taxpayer to deduct tuition expenses paid by him for the education of himself or any of his dependents at an institution of higher learning; H.R. 10531, to permit a child to continue receiving social security benefits after age 18—up to age 21—so long as he remains in school—this bill is designed to help prevent so many school dropouts—H.R. 913, to make educational benefits available to peacetime veterans; H.R. 4062, to repeal the telephone excise tax; H.R. 3640, to provide for the establishment of a Federal Advisory Council on the Arts; and H.R. 8135, to permit male nurses to receive Regular—rather than just Reserve—commissions in the Army, Navy, and Air Force.

CONCLUSION

This, of course, is little more than an outline of the work of the 87th Congress. Many, many hours were spent in committees, in conferences, and otherwise in tedious "behind the scenes" work on all phases of legislation and other business of the Congress and the Federal Government.

It is a very great privilege to serve the 22d Ohio District in the many areas of national life that grow increasingly important to each individual American, and I would like to thank each of my constituents for the support given me throughout my service in the Congress.

PRESIDENT KENNEDY AND THE AMERICAN ECONOMY

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BECKER] may extend his remarks in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BECKER. Mr. Speaker, President Kennedy, speaking at the commencement exercises at Yale University in June, called for a national "dialog" on the problems besetting the American economy. Still more recently, in August, the President reported to the American people over nationwide television on the state of America's economy, and why he will not propose a tax cut at this time.

I agree that a national debate on the subject of our lagging economy would be most fruitful. Therefore, I would like to address myself to one major thesis of the President's speech. Mr. Kennedy states that he "needs the help" of the Congress in pushing to enactment those measures which he thinks would speed up the economy.

The President's legislative proposals include farm controls, aid to depressed areas, medicare, youth employment, manpower retraining, and discretionary Presidential power to increase public works spending.

However, if one examines the proposals thus far, it is apparent that they have nothing to do with economic growth. Whatever else may be said for the farm bill that failed, its purpose was to regiment the farmer into producing less, not to stimulate more production. And also, whatever the pros and cons of medicare on other grounds, not even its proponents could very well claim it was a growth additive.

Aid to depressed areas, unemployed youth, manpower retraining, public works—all of these are by definition tranquilizers, designed at most to soothe sore spots. They can no more be expected to stimulate economic growth than did similar programs in the thirties, when all the considerable efforts of Government, year after year, were unable to significantly alleviate mass unemployment, much less lift the whole economy out of the mire of depression.

Thus, it would appear that the help the President seeks from the Congress would in reality at best mitigate the effects of our economic slowdown, rather than cure it. Then, if this be the case, what is the answer?

Certainly not budget deficits, which appear to be a key part of the administration's growth policy. Spending has gone up many billions, and not alone in the areas of defense and space. An imposing deficit of $7 billion was piled up in the last fiscal year, and another deficit of $10 billion is in store for this year. And yet the economy is still staggering. This still does not answer the question, "what can be done to get the American economy rolling again?"

The answer, in my opinion, lies in a forthright statement by Mr. Kennedy that he is going to reduce nonessential spending and restore fiscal responsibility to the Federal Government. If he would then convert these words into deeds, I believe this would do more to stimulate confidence in the American economy both in this country and around the world, than any other single act.

Secondly, Mr. Kennedy should present a comprehensive tax reform bill to the Congress along the lines of the Herlong-Baker bill which provides for tax reduction on a graduated basis—over a 5-year period—and covers both corporate and personal income taxes. This would release the additional money needed for more rapid plant expansion, retooling, and increased research. It would further put additional money in the consumer's hands for increasing the purchasing power of the American public. The stimulus from this increased economic activity would create more jobs and make up for lost revenues by increased taxable incomes.

Finally, I would suggest to President Kennedy that he fire his battery of pseudo economists and allow them to return to the "ivory towers" at Harvard, and so forth. Among these I include America's leading advocate of democratic socialism, Arthur Schlesinger; also Walter Heller, the President's chief economic adviser, whose advice the West German Government rejected in 1951, and by doing so, went on to create the healthiest economy in Europe.

This I respectfully submit to the President of the United States is my contribution at this time, to this suggestion for a "national dialog" on what ails the American economy.

SLUMS BREED CRIME

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Delaware [Mr. McDowell] is recognized for 20 minutes.

Mr. McDOWELL. Mr. Speaker, slums breed crime, and slums breed criminals. This basic and well understood fact is as true in the Nation's Capital as it is true in any other city in the United States and in nations overseas.

Slums are breeding crime and criminals on Capitol Hill.

There are 1,100 blighted slum houses on Capitol Hill, and the crime results are showing up continually on the front pages of our newspapers. Just a few weeks ago, a woman employee of our Republican colleague from New York [Mr. Becker] was stabbed several times while at prayer in a Catholic church 1 block from the House of Representatives Office Building and only 2 blocks from the U.S. Capitol Building itself.

The Washington, D.C., Post this morning and the Washington, D.C., Evening Star this noon reports that a member of the staff of our Democratic colleague from Arkansas [Mr. Mills] "suffered a broken nose last night when she was beaten by a man in the 300 block of First Street SE., police reported."

Inspector William T. Murphy identified the victim as Martha Sue Huitt, of 110 D Street SE., these newspaper report. She was admitted to Casualty Hospital, where doctors said she had suffered two cracked teeth and bruises in addition to the broken nose.

Miss Huitt told police she was walking on First Street about 9:45 p.m. when a man came up behind her, put his arm around her neck, and told her to be quiet. When the man released the pressure on her neck, Miss Huitt said, she screamed. Her assailant punched her in the face and fled.

I am concerned, naturally, because this could happen to those members of my own staff who live on Capitol Hill within a block of the places where these attacks have taken place.

They could be attacked, and the employees and families of Members of Congress could also be attacked in this area, because crime is no respecter of persons. The criminal strikes, and the victim may be rich or poor; the criminal is not concerned with the religion, politics, and often the sex of his victim.

I think it is time to act.

The police force on Capitol Hill should be increased to provide afterdark foot patrols with full use of trained men, dogs, and other means in the Capitol Hill area. A special plainclothes detail should also be trained and added to the night patrols of the Capitol Hill area.

We must not only take every step humanly possible to apprehend these criminals, we must also take positive steps to end the slum conditions which are breeding these criminals because slums breed crime and slums breed criminals.

The slum conditions on Capitol Hill have been fostered by certain special interests which do not want these slum conditions ended because they know it is easier to persuade people to build highways, expressways, and inner loop freeways through slum areas and blighted areas than through well-kept residential areas.

They say, get rid of your slums, your slum and blight, and your slum-bred criminals by building highways, expressways, and inner loop freeways, and do it the easy way with the Federal Government putting up 90 percent of the cost.

Anybody can get rid of slums and slum-bred criminals this way because it is an easy way to get rid of people, but it only does this by creating new slums in other parts of a city.

It was recognition of these basic facts which led me to seek the help of Capitol Architect J. George Stewart, in developing a legislative plan for ending the slums and the slum conditions on Capitol Hill.

I have added this to a legislative proposal clarifying the responsibility of the Joint Committee on the Library with respect to historical exhibits and objects, and other antiquities located in the U.S. Capitol Building, in which the Architect of the Capitol has also expressed the deepest interest and support.

Capitol Architect J. George Stewart has assured me that the adoption of this House Joint Resolution 852, which is the result of our joint efforts, with its section 8 providing for a master plan, and a means of carrying it out quickly and expenditiously, will make a major fundamental contribution to the early ending of the crime and criminal-breeding slum conditions which make it unsafe to live on Capitol Hill.

I am especially happy to say that my proposal has the support not only of the Capitol Architect but is also cosponsored by the gentleman from New Jersey [Mr. Widnall].

I urge the House leadership on both sides of the aisle to pass this legislation in this session of the Congress to assure the early end of the crime-breeding slum conditions on Capitol Hill.

Capitol Architect J. George Stewart told me that he had a record of 1,100 slum houses on Capitol Hill. These slum conditions must be ended immediately in order that our employees, as well as the citizens of the Nations' Capital who live on Capitol Hill, will be safe in their lives and persons, and will not live in dread of physical assaults, rape, and murder.

Too often, it seems to me, we are in the situation of the farmer who locks the door of his barn after his horse has been stolen.

We apprehend the criminal eventually by dint of splendid police work, and the police force in the Nation's Capital is second to none in this Nation.

But police can only go to work after the crime has been committed.

It is up to the Congress to move quickly to make possible the ending of the slum conditions on Capitol Hill which are making it unsafe for people to live on Capitol Hill in the Nation's Capital.

I include for the information of my colleagues the text of my House Joint Resolution 852 and the text of House Joint Resolution 875 introduced by our friend and colleague, the gentleman from New Jersey [Mr. Widnall] and I invite particular attention to section 8 of these two measures.

Your support for the passage of these two vital measures before this Congress adjourns will go a long way to make it safe for people to live in the Capitol Hill area of the Nation's Capital. It is obviously not safe to live there now, and this is proved by the continuing criminal assaults on innocent and law-abiding citizens.

H.J. Res. 852

(In the House of Representatives, 87th Congress, 2d session, August 14, 1962, Mr. McDowell introduced the following joint resolution; which was referred to the Committee on House Administration)

Joint resolution clarifying the responsibility of the Joint Committee on the Library with respect to historical exhibits and objects, and other antiquities located in the United States Capitol Building, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Joint Committee on the Library, with the assistance of the curator provided for in section 7 of this joint resolution, is hereby authorized and directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the United States Capitol, and in its judgment to accept any works of art, historical objects, or exhibits, which may hereafter be given, offered, or devised to the Congress, for placement and exhibition in the United States Capitol: *Provided*, That the placement and exhibition of such items in the House side of the United States Capitol shall be subject to the approval of the Speaker of the House of Representatives and in the Senate side of the United States Capitol shall be subject to the approval of the majority leader of the Senate.

(b) The Joint Committee on the Library shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, historical objects, and exhibits in the United States Capitol, and for their acceptance on behalf of the Congress. Appropriations for the care, maintenance, and protection of such works of art, historical objects, and exhibits shall be provided under the appropriation "Capitol Buildings" under the Architect of the Capitol.

(c) The Senate Committee on Rules and Administration, with the advice of the Architect of the Capitol, shall have the supervision, protection, and placement of all works of art, historical objects, and exhibits, which are the property of the United States, which may be lodged with the approval of the Joint Committee on the Library in the Senate Office Buildings, and the House Office Building Commission, with the advice of the Architect of the Capitol, shall have the supervision, protection, and placement of all works of art, historical objects, and exhibits, which are the property of the United States, which may be lodged with the approval of the Joint Committee on the Library in the House Office Buildings: *Provided,* That all such works of art, historical objects, and exhibits shall have first been accepted by the Congress or in the name of the Congress by the Joint Committee on the Library or acknowledged as United States property by inventory of the joint committee: *Provided further,* That no work of art, historical object, or exhibit, shall be displayed for sale or gain, or offered for sale or gain, in any of the rooms, spaces, corridors, or other areas of the United States Capitol, Senate Office Buildings, or House Office Buildings.

Sec. 2. The Joint Committee on the Library is authorized and directed to relocate within the United States Capitol any of the statues already received and placed in the National Statuary Hall collection, and to provide for the reception and location in the United States Capitol of the statues which hereafter may be received from the States pursuant to section 187, title 40, United States Code, and is authorized to consult with the Commission of Fine Arts with respect to such relocation and location: *Provided,* That such relocation and location in the House side of the Capitol shall be subject to the approval of the Speaker of the House of Representatives and in the Senate side of the Capitol to the approval of the majority leader of the Senate.

Sec. 3. It shall be unlawful for anyone to remove, relocate, or change any work of art, historical object, or exhibit, which is the property of the United States in the United States Capitol, except with the approval of the Speaker of the House of Representatives with respect to the House side of the United States Capitol and the approval of the majority leader of the Senate with respect to the Senate side of the United States Capitol, and whoever removes without such authority, defaces, injures, or in any way damages any said work of art, historical object, or exhibit, or violates any of the provisions of the regulations adopted by the Commission for their care and protection shall be fined not more than $100 or imprisoned not more than sixty days, or both, and prosecution for such offense is to be had in the municipal court of the District of Columbia, upon information by the United States attorney or any of his assistants: *Provided,* That in any case where the commission of an offense against said works of art, historical objects, or exhibits results in damage in an amount exceeding $100, the amount of the fine for the offense may not be more than $5,000, and the period of imprisonment for the offense may not be more than five years, and the prosecution shall be had in the United States District Court for the District of Columbia by indictment, or if the defendant, after he has been advised of the nature of the charge and his rights, waives in open court prosecution by indictment, by information by the United States attorney or any of his assistants.

Sec. 4. Such regulations as the Joint Committee on the Library may issue pursuant to this joint resolution and those regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeants at Arms of the Senate and the House of Representatives for the protection of the United States Capitol Building, and such regulations as are issued, pursuant to law, by the Rules and Administration Committee of the Senate, the House Administration Committee of the House of Representatives, the House Office Building Commission, and the Architect of the Capitol for the care, preservation, and protection of the United States Capitol and the Senate Office Buildings, and the Sam Rayburn, Joseph Cannon, and Nicholas Longworth House Office Buildings shall be consistent.

Sec. 5. The Joint Committee on the Library shall, from time to time, but at periods no less than once every ten years, publish as a House document a list of all works of art, historical objects, and exhibits currently within the United States Capitol and the Senate and House Office Buildings, together with their description, location, and with such notes as may be pertinent to their history, and the expenses of such publications shall be borne from appropriations available for printing and binding for the Congress.

Sec. 6. Nothing in this joint resolution shall be construed to prohibit the standing committees of the House and the Senate from accepting, as gifts for such committees, portraits of chairmen or former chairmen of such committees, which portraits shall be under the jurisdiction of such committees.

Sec. 7. The Architect of the Capitol, subject to the approval of the Speaker of the House of Representatives and the majority leader of the United States Senate, is authorized to employ a Curator of Art and Antiquities of the Capitol, who shall be an employee of the Office of the Architect at a gross salary not to exceed $15,000 per annum and shall be paid from the appropriation "Salaries, Office of the Architect of the Capitol", shall perform such duties as the Architect may direct, and shall be removed from office only with the approval of the Speaker of the House of Representatives and the majority leader of the United States Senate.

Sec. 8. Notwithstanding any other provision of law, in order to provide for beautifying and embellishing the surroundings of the United States Capitol and other present and future Federal buildings in its vicinity, to preserve adequate sites and additions to sites for future Federal buildings, including suitable grounds, parking, and approaches for such buildings, and to prepare and carry out a comprehensive plan for upgrading, preserving, and developing the Capitol Hill area, no plan for the development of the Capitol Hill area, including any plan for the construction of roads or highways, shall be prepared or carried out, or lands acquired in connection therewith, by the Board of Commissioners, District of Columbia, the National Capital Planning Commission, the District of Columbia Department of Highways and Traffic, the District of Columbia Redevelopment Land Agency, the Administrator of General Services, the Department of the Interior, or any other department or agency of the Federal Government or the District of Columbia government without prior consultation with the Architect of the Capitol. The National Capital Planning Commission shall, jointly with the Architect of the Capitol, prepare a comprehensive plan for upgrading, preserving, and developing the Capitol Hill area which gives special consideration to preserving the residential character of such area. Such plan shall be revised from time to time to keep it abreast of changes in and growth of the Capitol Hill area. For the purposes of this section the Capitol Hill area includes that part of the District of Columbia which is bounded on the north by the middle of G Street (Northeast and Northwest), on the east and south by the Anacostia River, and on the west by a line running down the middle of Third Street (Northwest and Southeast), from G Street to Canal Street, down the middle of Canal Street to First Street Southwest, and down the middle of First Street to the Anacostia River.

Sec. 9. (a) Section 1831 of the Revised Statutes (40 U.S.C. 188) is repealed.

(b) All laws or parts of laws inconsistent with this joint resolution are hereby repealed or amended to the extent of such inconsistency.

H.J. Res. 875

(In the House of Representatives, 87th Congress, 2d session, September 6, 1962, Mr. Widnall introduced the following joint resolution; which was referred to the Committee on House Administration)

Joint resolution clarifying the responsibility of the Joint Committee on the Library with respect to historical exhibits and objects, and other antiquities located in the United States Capitol Building, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Joint Committee on the Library, with the assistance of the curator provided for in section 7 of this joint resolution, is hereby authorized and directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the United States Capitol, and in its judgment to accept any works of art, historical objects, or exhibits, which may hereafter be given, offered, or devised to the Congress, for placement and exhibition in the United States Capitol: *Provided,* That the placement and exhibition of such items in the House side of the United States Capitol shall be subject to the approval of the Speaker of the House of Representatives and in the Senate side of the United States Capitol shall be subject to the approval of the majority leader of the Senate.

(b) The Joint Committee on the Library shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, historical objects, and exhibits in the United States Capitol, and for their acceptance on behalf of the Congress. Appropriations for the care, maintenance, and protection of such works of art, historical objects, and exhibits shall be provided under the appropriation "Capitol Buildings" under the Architect of the Capitol.

(c) The Senate Committee on Rules and Administration, with the advice of the Architect of the Capitol, shall have the supervision, protection, and placement of all works of art, historical objects, and exhibits, which are the property of the United States, which may be lodged with the approval of the Joint Committee on the Library in the Senate Office Buildings, and the House Office Building Commission, with the advice of the Architect of the Capitol, shall have the supervision, protection, and placement of all works of art, historical objects, and exhibits, which are the property of the United States, which may be lodged with the approval of the Joint Committee on the Library in the House Office Buildings: *Provided,* That all such works of art, historical objects, and exhibits shall have first been accepted by the Congress or in the name of the Congress by the Joint Committee on the Library or acknowledged as United States property by inventory of the joint committee: *Provided further,* That no work of art, historical object, or exhibit, shall be displayed for sale or gain, or offered for sale or gain, in any of the rooms, spaces, corridors, or other areas of the United States Capitol, Senate Office Buildings, or House Office Buildings.

Sec. 2. The Joint Committee on the Library is authorized and directed to relocate within the United States Capitol any of the statutes already received and placed in the National Statuary Hall collection, and to provide for the reception and location in the United States Capitol of the statues which hereafter may be received from the States pursuant to section 187, title 40. United States Code, and is authorized to consult with the Commission of Fine Arts with respect to such relocation and location: *Provided*, That such relocation and location in the House side of the Capitol shall be subject to the approval of the Speaker of the House of Representatives and in the Senate side of the Capitol to the approval of the majority leader of the Senate.

SEC. 3. It shall be unlawful for anyone to remove, relocate, or change any work of art, historical object, or exhibit, which is the property of the United States in the United States Capitol, except with the approval of the Speaker of the House of Representatives with respect to the House side of the United States Capitol and the approval of the majority leader of the Senate with respect to the Senate side of the United States Capitol, and whoever removes without such authority, defaces, injures, or in any way damages any said work of art, historical object, or exhibit, or violates any of the provisions of the regulations adopted by the Commission for their care and protection shall be fined not more than $100 or imprisoned not more than sixty days, or both, and prosecution for such offense is to be had in the municipal court of the District of Columbia, upon information by the United Attorney or any of his assistants: *Provided*, That in any case where the commission of an offense against said works of art, historical objects, or exhibits results in damage in an amount exceeding $100, the amount of the fine for the offense may not be more than $5,000, and the period of imprisonment for the offense may not be more than five years, and the prosecution shall be had in the United States District Court for the District of Columbia by indictment, or if the defendant, after he has been advised of the nature of the charge and his rights, waives in open court prosecution by indictment, by information by the United States attorney or any of his assistants.

SEC. 4. Such regulations as the Joint Committee on the Library may issue pursuant to this joint resolution and those regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeants at Arms of the Senate and the House of Representatives for the protection of the United States Capitol Building, and such regulations as are issued, pursuant to law, by the Rules and Administration Committee of the Senate, the House Administration Committee of the House of Representatives, the House Office Building Commission, and the Architect of the Capitol for the care, preservation, and protection of the United States Capitol and the Senate Office Buildings, and the Sam Rayburn, Joseph Cannon, and Nicholas Longworth House Office Buildings shall be consistent.

SEC. 5. The Joint Committee on the Library shall, from time to time, but at periods no less than once every ten years, publish as a House document a list of all works of art, historical objects, and exhibits currently within the United States Capitol and the Senate and House Office Buildings, together with their description, location, and with such notes as may be pertinent to their history, and the expenses of such publications shall be borne from appropriations available for printing and binding for the Congress.

SEC. 6. Nothing in this joint resolution shall be construed to prohibit the standing committees of the House and the Senate from accepting, as gifts for such committees, portraits of chairmen or former chairmen of such committees, which portraits shall be under the jurisdiction of such committees.

SEC. 7. The Architect of the Capitol, subject to the approval of the Speaker of the House of Representatives and the majority leader of the United States Senate, is authorized to employ a Curator of Art and Antiquities of the Capitol, who shall be an employee of the Office of the Architect at a gross salary not to exceed $15,000 per annum and shall be paid from the appropriation "Salaries, Office of the Architect of the Capitol", shall perform such duties as the Architect may direct, and shall be removed from office only with the approval of the Speaker of the House of Representatives and the majority leader of the United States Senate.

SEC. 8. Notwithstanding any other provision of law, in order to provide for beautifying and embellishing the surroundings of the United States Capitol and other present and future Federal buildings in its vicinity, to preserve adequate sites and additions to sites for future Federal buildings, including suitable grounds, parking, and approaches for such buildings, and to prepare and carry out a comprehensive plan for upgrading, preserving, and developing the Capitol Hill area, no plan for the development of the Capital Hill area, including any plan for the construction of roads or highways, shall be prepared or carried out, or lands acquired in connection therewith, by the Board of Commissioners, District of Columbia, the National Capital Planning Commission, the District of Columbia Department of Highways and Traffic, the District of Columbia Redevelopment Land Agency, the Administrator of General Services, the Department of the Interior, or any other department or agency of the Federal Government or the District of Columbia government without prior consultation with the Architect of the Capitol. The National Capital Planning Commission shall, jointly with the Architect of the Capitol, prepare and present to the Congress for appropriate action a comprehensive plan for upgrading, preserving, and developing the Capitol Hill area which gives special consideration to preserving the residential character of such area. Such plan shall be revised from time to time to keep it abreast of changes in and growth of the Capitol Hill area. For the purposes of this section the Capitol Hill area includes that part of the District of Columbia which is bounded on the north by the middle of G Street (Northeast and Northwest), on the east and south by the Anacostia River, and on the west by a line running down the middle of Third Street (Northwest and Southwest), from G Street to Canal Street, down the middle of Canal Street to First Street Southwest, and down the middle of First Street to the Anacostia River.

SEC. 9. (a) Section 1831 of the Revised Statutes (40 U.S.C. 188) is repealed.

(b) All laws or parts of laws inconsistent with this joint resolution are hereby repealed or amended to the extent of such inconsistency

KENNEDY REQUEST FOR 150,000 RESERVE CALLUP APPLAUDED

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KITCHIN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KITCHIN. Mr. Speaker, the President's bid for congressional authority to call up for 1 year 150,000 reservists and to extend certain enlistments, if needed while Congress is not in session, is a restrained and timely preparedness move.

While this measure will get overwhelming support in the House as it did in the Senate, the public should be informed as to the significance of this preparedness move.

Speedy action on the emergency callup authority first, demonstrates for the world this Government's unity in determination to respond to any Communist-created crisis whether it be Cuba, Berlin, or southeast Asia; second, strengthens the President's hand in diplomatic negotiations while Congress is away from Washington; third, provides replacements, if needed, for regular military forces which might be directed to oversea areas; and, fourth, demonstrates a new bipartisan support of the President in a vital and sensitive area of U.S. foreign policy.

The United States now has approximately 2.8 million Americans under arms, and the Executive has authority to call up an additional 1 million when and if a national emergency is found to exist. So, obviously, the request for authority to call up 150,000 reservists is, in reality, only a phase of preparedness which the President and the Joint Chiefs of Staff believe adequate to meet the current situation.

The reservists callup is an intermediate step which a prudent and alert Government deems necessary to take. I hope that when the measure comes before the House next week it will be discussed for the enlightenment of the country at large, but that Members will refrain from adopting amendments which could delay and complicate the situation.

AMERICANS WANT FOREIGN AID ECONOMY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KITCHIN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KITCHIN. Mr. Speaker, even Congressmen who supported the $4.75 billion foreign aid authorization last July should now seek to reduce by amendment, aid funds allocated to "doubtful area" in the mutual assistance bill due for debate in the House tomorrow.

I am told that the Appropriations Committee has already sharply reduced the multi-billion-dollar measure, but I understand there are still aid classifications subject to further economies. Economy in foreign aid—especially in areas where it is not likely to advance free world aims nor retard communism's spread—is what the American taxpayer wants today.

Outright opponents of foreign aid appropriations have never mustered more than 132 votes in the House, and while there's no expectation of eliminating foreign aid, I think the goals of the program can be achieved more economically than in the past. Every economy would strengthen our foreign trade position, and would harden the dollar in the international market.

Among the doubtful areas of foreign aid are countries where communism dominates government; nations whose elected governments are toppled by military juntas and dictators; those with no plans or programs for effective utilization of U.S. aid, and countries which have resisted private capital and discouraged private investment by expropriation. Less American foreign aid might well pressure our prosperous allies to share a more proportionate burden of assistance to emerging and undeveloped countries still outside the iron and bamboo curtains. Foreign aid and loans under the Marshall Plan have restored Western Europe to economic and military potency, and there has been a commendable trend away from outright aid grants and toward long-term loans in oversea assistance programs.

Mr. Speaker, I urge the House to give full weight to foreign aid reductions reportedly made by the House Appropriations Committee after 2 months of detailed study of the $4.75 billion measure.

DISMISSAL POLICY OF NATIONAL SECURITY AGENCY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, two important bills before the House today deal with security administration. One, H.R. 12082 would give the Secretary of Defense power to discharge any employee of the National Security Agency with no hearing whenever the Secretary deems it "in the interest of the United States." The other, H.R. 11363 would establish an industrial security program. Though it would provide for hearing procedures, nevertheless, confrontation and cross-examination procedures could be eliminated "for reasons determined by the Secretary to be good and sufficient."

Though I have many doubts about the wisdom of H.R. 12082, I have voted for this legislation in the belief that the National Security Agency is what might be termed a "hypersensitive" Government agency. Its subject matter is extremely delicate and men who work in the NSA take on special obligations. I feel it is fair to provide procedures comparable to the CIA and AEC in this Agency, although it could be argued that in all of these agencies some reforms might be in order. Since no one is obliged to take work in this specialized Agency, and since it is best to err on the side of caution in this area of national security, I believe the bill should be supported.

However, H.R. 11363 is another matter. This bill does not affect Government agencies. It is not concerned with a specialized group of security experts. Rather it deals with the daily work of 5 million private employees. It would permit the Secretary of Defense to effectively wipe out due process rights of all the employees in industry and education who come under this program.

If this bill were passed, access to information could be denied to millions of men because of an informer's testimony. They would have no way to prove they are above suspicion. The stigma of not being allowed to use information is very great. In many cases it determines whether a man work or not. No man should be put into a position where another may wreck his career or cost him his job without allowing him the right of cross-examination.

I realize that this bill is brought before us in order to protect secret informers. However, the committee report on this bill indicates that in 800 plant-security cases since 1960, it has only been necessary to conceal the informer 11 times. In my opinion the right of the individual to a fair procedure is more important that the loss of anonymity of a few informers whose names would be made public if the right to cross examination is clear in any future case. I cannot see that we lose anything of importance in terms of national security, but we preserve much that is important to our free way of life in sharp distinction to practices in police states which this legislation would, in this respect, seek to emulate.

I believe that measures which deny the individual the rights that are his guarantee to freedom should be opposed. To approve legislation which bends over backward to preserve the secrecy of a few informers at the expense of the job security and freedom of millions of workers is to move away from the traditions of American democracy which have distinguished us from Communist states and, indeed, all totalitarian societies.

REPLY TO KHRUSHCHEV ON CUBA—A SPECIAL HOUSE COMMITTEE ON CAPTIVE NATIONS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, in all the comments made about Cuba today it is strange, indeed, that few characterize it for what it has been for some time—a captive nation. In both the 1961 and 1962 Captive Nations Week observances the captive status of Cuba was emphasized, and many in this country thought this was a gross exaggeration. Americans of Cuban background participated in these observances in Chicago, New York, Washington, and elsewhere, and many could not understand the meaning of their presence. Last year and this, calls for specific and positive action toward Cuba were sounded during these observances—calls for a complete blockade, recognition of a government-in-exile, and the formation of a free Cuban liberation army—but logic and foresight have had to await the pressures of reality and the gradual takeover of Cuba by imperialist Moscow.

A SOLID REPLY TO KHRUSHCHEV

Cuba is indeed a captive nation. This we are witnessing daily now. The resources of other captive nations in Eastern Europe and Asia are being steadily employed to buttress Cuba's captivity and, as so often in the past, to consolidate a base for Moscow's expansion in the rest of Latin America. Moscow has succeeded in bringing the reality of a captive nation to our very doorstep. Cuba, situated close to the bastion of the free world, has become an integral part of the captive world—a truth that many Americans are just now beginning to recognize.

Mr. Speaker, there is one solid reply that this Chamber can make to Khrushchev's threats about Cuba, and that is to create now and quickly a Special House Committee on Captive Nations. Moscow would want us to continue to think in piecemeal fashion, to fail to understand Cuba as a member of the growing family of captive nations, and to overlook the enormous cold war possibilities suggested by a truthful linking of Cuba with the captive nations in Europe and Asia. We can circumvent this Soviet Russian objective by establishing this special committee.

Since Congress legislated the Captive Nations Week resolution in 1959, there has been a mushroom growth of evidence that clearly proves how sensitive and fearful Moscow is to any free-world concentration on the captive nations. We do not need to counter-threaten Moscow; all that is required at this stage is to launch a serious full-scale investigation into all of the captive nations under Moscow's direct or indirect domination. This alone would mirror the predominant weakness of Moscow's empire. This alone would be capable of demonstrating to the world Moscow's profound weakness and insecurity.

THE 1962 WEEK AND A SPECIAL COMMITTEE

The 1962 Captive Nations Week observance highlighted the necessity for a Special House Committee on the Captive Nations. Many of my colleagues, both Democratic and Republican, have introduced into the RECORD much data about this highly successful event. I wish to augment this evidence by inserting the proclamation issued by Governor Lawrence, of Pennsylvania, the proclamation of the commissioners of the county of Allegheny, Pa., the Pittsburgh program of Captive Nations Week, the fine resolutions passed by the Pittsburgh assembly, and the report in the July 16 issue of the Pittsburgh Post-Gazette on "U.S.S.R. Called a Giant With Feet of Clay."

With fitting tribute paid to Commissioner John E. McGrady and Mr. Michael Komichak, respective chairman and secretary of the Captive Nations Committee of Allegheny County, whose leadership and work made the Pittsburgh observance one of the best in the country, I request that this material be printed in the RECORD.

In addition, for those who think we cannot place Moscow under heavy cold war pressure, I need just cite one example for the RECORD, that of the cruel and prolonged imprisonment of Metropolitan Joseph Slipy of the genocided Ukrainian Catholic Church in the U.S.S.R. I request that the sermon delivered by Richard Cardinal Cushing on "A Prelate Under Red Coexistence," as published in the June 7 issue of America and the Pastoral Letter of the Ukrainian Catholic Hierarchy of the free world also be printed in the Record in support of my remarks:

Proclamation: Captive Nation's Week—July 15 Through 21, 1962

Whereas the Senate and the House of Representatives of the United States of America has, by resolution, requested and authorized the President of the United States to designate the week of July 15 through 21, 1962, as Captive Nations Week; and

Whereas the President of the United States has, by such proclamation, invited the people of the United States to observe such week with the appropriate ceremonies and activities; and

Whereas the citizens of the Commonwealth of Pennsylvania are fully aware and grieve of the plight of those made captive under the heavy yoke of Russian communism; and

Whereas it is deemed appropriate to call for a public observance of this occasion so that our knowledge and sympathies may be declared: Now, therefore,

I, David L. Lawrence, Governor of the Commonwealth of Pennsylvania, do hereby designate the week beginning July 15, 1962, as Captive Nations Week. I invite all Pennsylvanians to observe this occasion with appropriate activity so that all may be made aware of the unfortunate status of those enslaved behind the Iron Curtain and to reaffirm our determination to keep our Nation free to help others obtain equal freedom.

Given under my hand and the great seal of the State, at the city of Harrisburg, this 9th day of July 1962, and of the Commonwealth the 187th.

David L. Lawrence,
Governor.

By the Governor.

E. James Trumarchi, Jr.,
Secretary of the Commonwealth.

Proclamation

"Whereas by a joint resolution of the Congress of the United States the third week of July has been designated as 'Captive Nations Week'; and

"Whereas the people of the county of Allegheny are linked to the captive nations through bonds of family, religion and the belief in democratic principles; and

"Whereas these nations have been made captive by the imperialistic, aggressive and heartless policies of Soviet Russia, which have deprived them of their national independence and individual liberties; and

"Whereas it is in the American tradition to advocate the dignity of man, his freedom from tyranny and his right to self-determination of the form of government he prefers,

"Now, therefore, we, the commissioners of the county of Allegheny, do hereby designate the week beginning July 15, 1962, as 'Captive Nations Week.'

"We urge the people of Allegheny County to join with the Captive Nations Committee of Allegheny County in observing the plight of the Communist-dominated nations and in the support of the just aspirations of the people of the captive nations.

"We especially encourage everyone to manifest his or her interest in the people imprisoned in the captive nations by their attendance at the civic observance of the Captive Nations Week to be held at Kennywood Park on Sunday afternoon, July 15, 1962, at 5 p.m., eastern daylight saving time."

I, Murray W. Snyder, chief clerk for the Board of County Commissioners of the County of Allegheny, Pa., do hereby certify the foregoing to be a true and correct copy of a certain proclamation duly adopted by said board at a special meeting thereof duly held on the 11th day of July, 1962, as the same appears in the minutes of said meeting duly recorded in said board's minute book volume 43.

Witness my hand and the seal of said county of Allegheny hereto affixed this 11th day of July 1962.

Murray W. Snyder,
Chief Clerk.

Captive Nations Committee
of Allegheny County,
Pittsburgh, Pa.

Captive Nations' Observance, Kennywood Park, Sunday, July 15, 1962, 5 p.m.

Parade, park to stage, 4:50 p.m.: U.S. Marine Corps; color guard and captive nations flags.

"Star-Spangled Banner": Robert Spikula; accompanist, Michael E. Darkoch.

Pledge of Allegiance: Laszlo Pastor, former Hungarian freedom fighter.

Invocation: Bishop John J. Wright.

Introduction of Michael Komichak: Master of ceremonies, Commissioner John E. McGrady.

Reading of proclamations: Judge Ruggero J. Aldisert.

Address: Gov. David L. Lawrence.

Introduction of honored guests.

Main address: Dr. Lev E. Dobriansky.

Reading of resolutions: Judge John G. Brosky.

Remarks: State Senator Leonard C. Staisey.

Benediction: Rev. Basil Gregory.

Folk songs and dances.

STATEMENTS

Yugoslavs: State Senator Leonard C. Staisey.

Hungarians: Attorney Bill Karlowitz, Mrs. Louis Smith.

Lithuanians: Attorney Stanley Simon.

Polish: Wence Dolegowski.

Slovaks: Paul C. Kazimer.

Ukrainians: Dr. Peter Stercho, St. Vincent's College.

Captive Nations Week—Resolution I

Whereas the 1 billion captives in the Eurasian empire of Moscow and Peiping are suffering from undernourishment, and in some instances starvation, because of the inability of the so-called Communist economies to feed adequately the captive peoples; and

Whereas the food capability of the U.S. economy exceeds that of all "Communist economies" combined: Now, therefore, be it

Resolved, therefore, That the U.S. Government offer food to any of the captive peoples, both within and outside the U.S.S.R. and China, provided it is stamped "Food for Freedom" and is distributed by the International Red Cross.

Captive Nations Week—Resolution II

Whereas the Allied nations, through their representatives, adopted the Atlantic Charter in which they proclaimed that they "desire to see no territorial changes that do not accord with the freely expressed wishes of the people concerned;" and

Whereas the signatory nations to the Atlantic Charter "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them;" and

Whereas the Atlantic Charter guaranteed the four freedoms to all populations of the world; and

Whereas Russia was one of the nations accepting the Atlantic Charter, but has since repudiated her commitments and enslaved over a score of nations against the wishes of their peoples: Now, therefore, be it

Resolved by the representatives of the captive nations here assembled, That the principles of the Atlantic Charter be reaffirmed, and that the Government of the United States be respectfully requested to repronounce its adherence to the Atlantic Charter and thus give hope and confidence to the peoples of the captive nations for their peaceful liberation from Communist tyranny.

Captive Nations Week—Resolution III

Whereas the captive nations, including those once independent nations in the so-called U.S.S.R., were suppressed by fraud, violence, and brute military force of Soviet Russian imperialism and are being denied their freedom and independence, and

Whereas since 1920 Soviet Russia has extended its control over 18 countries, while since 1945 over 40 nations have won their independence from Western colonial control: Now, therefore, be it

Resolved, That the United Nations General Assembly debate the issue of Soviet Russian colonialism which, through such deceiving entities as "constituent republics" and "peoples' democracies", is waging a policy of ruthless colonialism; be it further

Resolved, That the United Nations insist on the withdrawal of Soviet Russian troops from all occupied territories to within the ethnographic boundaries of Russia proper and that free and unfettered elections be held in all the captive nations.

Captive Nations Week—Resolution IV

Whereas the greatest fear held by the leaders of international communism is that the people of the free world will awaken to the true nature of the vast empire which they have established by subversion, terror, and armed aggression; and

Whereas it is imperative that the African and Latin American countries be made aware of the traditional imperialism and colonialism of Moscow; Now, therefore, be it

Resolved, That a permanent Committee on the Captive Nations be established in the House of Representatives to study the plight of the captive nations and thus bring to the attention of the uncommitted nations, and those on the verge of committing themselves in favor of communism, the consequences of Communist alinement.

[From the Pittsburgh Post-Gazette, July 16, 1962]

U.S.S.R. Called a Giant With Feet of Clay—Captive Nations Committee Leader, Here for Freedom Rally, Hits Red Myth

The U.S.S.R. is a giant with feet of clay that will crumble through truth, an expert on communism and the Soviet Union said here yesterday.

Dr. Lev E. Dobriansky, chairman of National Captive Nations Committee and originator of the Captive Nations Week resolution passed by Congress, gave his views in an interview before speaking at a freedom rally in Kennywood Park.

Dr. Dobriansky said that one of the chief deceits about Russia is "the myth of Soviet unity." Within the U.S.S.R., he said, are 15 non-Russian "captive" nations with a population of 114 million.

NINETY-SIX MILLION POPULATION

Russia itself, according to Dr. Dobriansky has a population of only 96 million.

These captive nations are not the ones Americans usually think of as being captive—Yugoslavia, Hungary or Bulgaria.

Instead they bear the exotic and relatively unknown names of Kazakh (9.3 million), Idel-Ural (15 million) or Uzbek (8.1 million).

One of Dr. Dobriansky's purposes is to make these and the other names household words.

MUST EXPLODE MYTH

"We must build up the image of the United States and explode the myth of Soviet unity," he said.

One way he attempted to do this was through the formation of the National Captive Nations Committee.

"This and the Captive Nations Week resolution are the structural apparatus," he said. The next step, he believes will come with the establishment of a Freedom Committee in Congress.

The Freedom Committee, which is now being studied by the Senate Foreign Relations Committee, could be the forerunner of a Freedom Academy.

SIMILAR TO WAR COLLEGE

The Academy, Dr. Dobriansky said, would be similar to the War College, where men from different levels and fields would train for a year in psychopolitical warfare.

Dr. Dobriansky also remarked that the Captive Nations Week being observed in this country this week is having a counterpart observance in Formosa and the offshore islands of Quemoy and Matsu.

Dr. Dobriansky spoke on Quemoy Island last January in answer to an invitation by Chiang Kai-shek. In addition to his work with captive nations, Dr. Dobriansky is an associate professor of economics at Georgetown University and a staff member of Georgetown's Institute of Ethnic Studies.

LAWRENCE SPEAKS

Governor Lawrence also spoke at the Kennywood rally, which was sponsored by the Captive Nations Committee of Allegheny County.

Lawrence, in speaking of countries who are not free, said:

"It is to these people that we turn our hearts and our hands today; it is to them that we offer our hope; it is for them that we offer our prayers and our pledge to our own country."

[From America, June 7, 1962]

A Prelate Under Red Coexistence

(Sermon delivered by Richard Cardinal Cushing at a Solemn Pontifical Mass of the Byzantine Rite in the Basilica of Our Lady of Perpetual Help Mission Church, Roxbury, Mass., on May 6, in honor of the 70th birthday of Metropolitan Joseph Slipy.)

The native land of the Ukrainians is located in southeastern Europe. Centuries ago it was a powerful state, rich in history and traditions with a population of about 50 million. Constant wars of aggression by foreign enemies weakened the nation but never killed the spirit of patriotism that inspired its people.

Before the year 1000 Christianity under the Byzantine rite was embraced by the Ukrainians. The schism of the 11th century that divided the East from the West separated the church from the Holy See. Five hundred years later, in the year 1595, some of the Ukrainian bishops and priests and a large group of the laity were reunited with the Holy See. Retaining their liturgy and religious customs they became a stronghold of the faith of their forefathers and one of the most precious jewels of the universal church.

The faith of the people prospered. The nation eventually became independent but lost its freedom 2 years later, in the year 1920. Within 20 years the church of this great nation suffered religious persecution at the bloody hands of the Soviet power. By the year 1945 all the bishops and priests were arrested, moved to Moscow and subjected to persecution until some 7 million Ukrainian Catholics were forced into the Russian Orthodox Church to be used as tools for the conquests of communism. But doomed to death—the Ukrainian Church was fated not to die.

Even today amid the shadow of the Iron Curtain priests secretly serve their people who amidst constant threats of persecution and death cherish and practice to the best of their ability, the faith of their fathers. Priests are being ordained and bishops consecrated. Thus the Ukrainian Church still lives although it is a "church in silence" awaiting the day when the Iron Curtain will be lifted and freedom of speech, assembly, and religion will once again be possible. When that day dawns, and sooner or later it will dawn, for injustice and slavery, persecution and treachery can last for awhile and only awhile—in the end truth, justice—God will prevail—then the hundreds of thousands of Catholics of Ukrainian origin now worshipping in almost 200 parishes, in 8 dioceses, with about 300 priests will extend their aid to their persecuted brethren and the Catholic Church of Ukraine shall arise from the tomb and enjoy a triumphant resurrection.

Symbolic of the passiontide and crucifixion of the church in his country is the living martyr of the Ukrainian Catholic Church, Metropolitan Joseph Slipy, whose 70th birthday we are commemorating this afternoon.

What manner of churchman is this man of God? He is a scholar of great renown. He is one of the great confessors of the faith in modern times. Born of comparatively wealthy parents, he distinguished himself as a seminarian and a priest for scholarship and piety. Linguist, theologian, editor, rector of a seminary, lecturer, authority on art and literature, he became the pride and joy of his people. It was no surprise, therefore, that, when Metropolitan Sheptitsky, as he advanced in years and ill health, requested the Holy See to appoint Father Slipy as his coadjutor bishop with the right to succeed him. On November 25, 1939, he became an archbishop and later succeeded his metropolitan. Before long his long "way of the cross" began. In the war between Germany and Russia he suffered a foretaste of what was to come.

He was marked for death which he awaited with patience after suffering one humiliation after another. But his choice of suffering was to be filled with greater and more severe persecution. In 1944, on All Saints Day, Metropolitan Andrew Sheptitsky died and his faithful coadjutor archbishop succeeded him. A few months of peace followed and then the Bolshevik forces began the liquidation of the Ukrainian Catholic Church. They first assailed in booklet form the character of the former metropolitan. But the late Pope Pius XII put the lie on that document when in later years he wrote: "The memory of Metropolitan Sheptitsky is forever a blessing for the Catholic Church. It will safeguard the memory of his fervent zeal for souls and of his constant courage in the defense of his country."

In 1945 shortly after the blasphemous attack on the former metropolitan, the Soviets arrested Archbishop Slipy and many other Ukrainian bishops. That was the beginning of a cruel passiontide in his life which has continued to the present day. Hard labor was assigned to him in a Siberian prison and sentence after sentence was pronounced against him on false charges save one—he refused again and again to break relations with the Holy See and to subject the Ukrainian Catholics to the allegiance to the Soviet State.

In 1957 while still a helpless, emaciated prisoner he commemorated his 40th anniversary in the holy priesthood. The event was observed throughout the world from the Pope to the humblest member of his flock. His anniversary, however, was celebrated without external manifestation lest the aging archbishop would be subjected to greater suffering. Seventeen of those 40 years in the priesthood have been spent in prison.

In the long history of the church there are few if any confessors and martyrs of the faith who can surpass that record. In the early church Christians were thrown to the lions, tortured, starved, crucified and burned at the stake. But these tortures were of brief duration, in comparison to the prolonged imprisonment with its accompanying tortures of mind and body to which Archbishop Slipy has been subjected, for almost one-half of his entire priesthood of 40 years.

In our day we can recall Cardinal Stepinac of Yugoslavia and Cardinal Mindzenty of Hungary with other priests, prelates and lay Catholics who suffered from the cruel torture of communism. But few, if any, survived the long imprisonment of Archbishop Slipy.

Stepinac was released from prison shortly before his death and died a free man. Mindzenty is now in protective custody of the American consulate in Budapest. But the great archbishop of the Ukrainians still survives as prisoner of the Communist regime that since 1945 has reduced the Ukrainian Catholic Church to the sorrowful plight of the "Church of the Catacombs." More than 2,000 diocesan priests and religious have been arrested and deported to slave labor camps because they refused to acknowledge the patriarch of the Russian Orthodox Church as their supreme head in place of the vicar of Christ, the bishop of Rome, the sovereign pontiff of the universal church. The once-flourishing dioceses of the Ukrainian Catholic Church have been liquidated. Almost 5,000 churches and chapels and 200 religious houses have been desecrated. The bishops that once inspired, instructed and guided the Catholic people have been exiled or imprisoned. Only one remains as a living symbol of the Ukrainian unit of the mystical body of Christ, that was doomed to death by communism, but fated not to die.

Behold the Man of God. Another Christ, still erect, still persevering in his divine vocation, still carrying on although worn and wasted at the age of 70, more than 17 years in prison, subsisting on little nourishment, suffering all kinds of indignities, praying and uniting his agony with that of Christ Himself—and all because he would not deny the faith of his fathers, of his priests, and people and their fidelity to the Apostolic See.

Saddened though we are by the pitiable state to which this spiritual giant has been reduced, we are forced out of our complacency and apathy by his extraordinary example to cry out to all those who follow the communistic line or who think we can coexist with an atheistic plot to dominate the world: Behold the Ukrainians of whom Archbishop Slipy is a symbol, behold Hungary, Latvia, Lithuania, Poland, China, Russia itself and learn at last that we cannot trust a regime rooted in atheism, propagating a false economic, social, and political order bent on the conquest of the world. Unless and until the Ukrainian people and their shepherd, Archbishop Slipy, are permitted their God-given right to worship God in truth and in charity and unless all people behind the curtains of communism can regain the freedom to do likewise, then communism remains what it has always been—an intrinsic evil that by prayer, sacrifice, and dedication to the supernatural order must be wiped from the face of this earth. Meanwhile, we pray today for Archbishop Slipy, one of the greatest confessors of faith since the dawn of Christianity, and for all others, crushed by the tyranny of communism, of whom he is the symbol.

Pastoral Letter of the Ukrainian Catholic Hierarchy of the Free World, on the Occasion of the 70th Birthday of His Excellency, the Most Reverend Joseph Slipy, Metropolitan of Halych and Archbishop of Lviw

(Maxime Hermaniuk, CSSR, D.D., archbishop of Winnipeg and metropolitan of Ukrainian Catholics in Canada; Ambrose

Senyshyn, OSBM, D.D., archbishop of Philadelphia and metropolitan of Ukrainian Catholics in the United States; John Buczko, D.D., archbishop of Leucadia and apostolic visitator for Ukrainians of Western Europe; Neil Savaryn, OSBM, D.D., bishop of Edmonton, Canada; Isidore Borecky, D.D., bishop of Toronto, Canada; Andrew Roborecki, D.D., bishop of Saskatoon, Canada; Joseph M. Schmondiuk, D.D., bishop of Stamford, United States; Jaroslav Gabro, D.D., bishop of Chicago, United States; John Prashko, D.D., apostolic exarch for Ukrainian Catholics in Australia; Platon Kornyljak, D.D., apostolic exarch for Ukrainian Catholics in Germany; Volodimir Malanchuk, CSSR, D.D., apostolic exarch for Ukrainian Catholics in France; Joseph Martinets, OSBM, D.D., auxiliary for Ukrainian Catholics in Brazil; Andrew Sapelak, SDB, D.D., apostolic visitator for Ukrainian Catholics in Argentina; Augustine Hornyak, OSBM, D.D., auxiliary for Ukrainian Catholics in England.)

To the very reverend and reverend clergy, the venerable members of the religious communities, and the faithful, peace in the Lord and episcopal blessings. "I am the good shepherd. The good shepherd giveth his life for his sheep"—John 10: 11.

Very reverend and reverend fathers, religious, and dear brethren in Christ who reside in the free world, a very significant anniversary in the history of our church is the occasion for this jointly issued pastoral letter to you, dearly beloved in Christ. On the 17th day of February of this year, 1962, occurs the 70th birthday of our metropolitan and head of the Ukrainian Catholic Church in Ukraine—the Most Reverend Joseph Slipy. The anniversary cannot be observed by him in his own Cathedral of Saint George in Lviw. It will not be noted in liberty, but rather in exile in a cold Siberian dungeon. Our hearts are pained when we dwell upon the great tragedy which our Ukrainian nation suffers with our church in Europe and with its highest ecclesiastic, Metropolitan Joseph Slipy. The soul of every Ukrainian cannot help but be profoundly moved by the personal misfortune of Metropolitan Slipy as an individual deprived unjustly by a godless government of his ecclesiastical dignity, of personal freedom, of the rights fundamental to each human being, and as an individual who in no way has committed an act contrary to the discipline of the law. Metropolitan Joseph Slipy suffers simply because he has remained steadfast to his God, to his church, and to its Supreme Pontiff, the successor to Saint Peter, the Holy Father, Pope of Rome; and because of his immeasurable love for his people. This very loyalty to the most high, to the Apostolic See, to church and country, and this sacrifice on his part become for us a sacred trust and a source of great pride, pride in the fact that our church is headed by such a godly man who has not surrendered to the power of evil, but who has remained faithful with the help of divine grace to the holy ideals for which he dedicated himself in his youth, and for which he offers himself to Christ every day he lives. Verily can Metropolitan Slipy repeat the words of Saint Paul in his epistle to the Galatians: "With Christ I am nailed to the cross. And I live, now not I: but Christ liveth in me. And that I live now in the flesh: I live in the faith of the Son of God, who loved me and delivered himself for me" (Galatians 2: 19–20).

METROPOLITAN JOSEPH SLIPY—PREPARATION FOR AND DEDICATION TO GOD, CHURCH, AND PEOPLE

As early as in his youth, Joseph Slipy, the son of wealthy parents of the Podilya region (Western Ukraine), distinguished himself with his outstanding abilities, industry and piety. Though he had the opportunity to study any secular profession, after completing his gymnasium studies at Ternopil in 1911 with honors, the youth enrolled in theological courses at the seminary in Lviw in order that he might serve the Lord. Perceiving the very desirable characteristics of spirit and intellect in the young student, Metropolitan Andrey Sheptitsky sent him for advanced studies to Innsbruck, from which in 1918 he received a doctorate in theology. In the same university, he wrote in German in 1923 a thesis on "The Teachings of the Byzantine Patriarch Photius on the Holy Trinity." Besides theological studies, the Reverend Slipy broadened his studies in philosophy, philology and art on the university level. From 1920 and on he matriculated at these universities: Gregorianum, Angelicum, Oriental Institute in Rome. After completing a dissertation in Latin about the Holy Trinity, he received from Gregorianum the degree of "magister agregatus." During the course of his education he perfected his knowledge of the classical languages and learned German, French, Italian, Russian and English. All these subjects were attended to with diligence and proved to be a suitable preparation for his labors in Christ's vineyard, particularly in those departments in which the Church had most need—in the training of as many as possible highly educated candidates for the priesthood and the development of theological studies, especially in those branches which were important for better mutual understanding between East and West.

METROPOLITAN SLIPY—THEOLOGIAN, ORGANIZER, AND AUTHOR

After this thorough preparation, the young scholar returned to his archdiocese where he was assigned in 1922 by Metropolitan Sheptitsky to be professor of dogmatics at the theological branch of the Seminary of Lviw. In the following year he became one of the organizers of the Scientific Theological Society, founded the theological quarterly "Bohosloviya" (theology), and became its chief editor—an office he kept until the publication was liquidated by the Bolsheviks. The society and publication as well as his teaching became his principal occupations; and in great measure these contributed to the progress of the theological studies of our priesthood, as well as to the Catholic Church in general.

In 1926 Metropolitan Sheptitsky appointed the eminent theologian and outstanding organizer, Father Slipy, to be the rector of the seminary; and the Scientific Theological Society chose him to be their presiding officer. In both positions he proved to be truly a man of great learning as well as an indefatigable laborer for the welfare of his church and people. For his distinguished services in education, the oldest Ukrainian intellectual organization, the Shevchenko Scientific Society, selected him in 1930 to become a member. Meanwhile in 1928 he was assigned by Metropolitan Sheptitsky the task of organizing a theological academy along the lines of the universities of Western Europe; and he was appointed by the Metropolitan to be its first rector, an office which still more manifested his tremendous pedagogical and organizational skills. Both prior to this new post and during it he also undertook frequent journeys to Western European countries where he visited Catholic educational institutions, observed their procedures and systems, and then introduced their strongest points into the theological academy. His last such trip was to England in 1935.

In addition, from 1929 and on, he was the coeditor of Niva (the Soil), a monthly organ for clergy. Besides that he was cowriter of the Velehrad Acts plus other domestic and foreign publications which dealt with theology and unity problems.

Church unity was always a subject that interested him and his predecessor, Metropolitan Sheptitsky. Father Rector Slipy continually participated in unity meetings such as those held at Velehrad, Prague, and Pinsk. There he delivered his lectures. In addition he organized and presided over a similar gathering held at Lviw. Following the example of Metropolitan Sheptitsky he maintained friendly relations with our orthodox brethren who in a similar manner were interested in the return to unity and who studied the causes of church disharmony.

Another interest that Father Slipy had was that of looking for and collecting old specimens of liturgical art, decoration, and print. Frequently such precious articles were to be found in the churches and homes of Halychyna (western Ukraine). He acquired many such treasures and presented them for permanence and safekeeping to the museum at the seminary of Lviw. The museum was established and supervised by him.

In the midst of his energetic labors, widespread interests, and great plans for the expansion of the theological academy into a full Catholic university came World War II.

METROPOLITAN SLIPY AS CONFESSOR

In 1939 during the Bolshevik occupation, Metropolitan Sheptitsky, poor in health and advanced in years, requested that the Holy See grant him an auxiliary bishop with coadjutor rights. For this office he suggested Rev. Rector Slipy to be the best candidate, for Metropolitan Sheptitsky highly regarded his close coworker for his deep piety, arduous labors, organizational ability, and broad erudition. On November 25, 1939, the apostolic see nominated Father Rector Slipy archbishop with the right to succession of the archdiocese and metropolitan see of Halych.

The archepiscopal consecration was observed secretly in the metropolitan's private chapel on the Feast of the Immaculate Conception of the Blessed Virgin Mary (according to the Julian Calendar), December 22, 1939. The consecrators were their excellencies, Metropolitan Sheptitsky, Bishop Nicethas Budka, and Bishop Nicholas Charnetsky. The circumstances of this event were indicative of the great cross divine providence was placing upon the shoulders of Archbishop Slipy. Of this he was fully aware. The road to Calvary began for him with the very first occupation of Halychyna and almost ended with the retreat of the Bolsheviks during the German-Russian battles. Miraculously he was rescued from being shot. "The NKVD's tore off my cassock. We made an act of contrition and awaited death," wrote the archbishop.

The Lord, however, had prepared for him a full chalice which was not to be drained then and which brims over to the present day. After the death of Metropolitan Andrey Sheptitsky on November 1, 1944, Archbishop Joseph Slipy assumed his duties in the Metropolitan See of Halych with the consent of the Apostolic See. For a few months it was a time of waiting; but quickly the godless forces began their attacks upon the Ukrainian Catholic Church. They were set off with a disgraceful brochure which maligned the late Metropolitan Sheptitsky whose memory was highly regarded and about whom Pope Pius XII said in 1952: "His memory will become forever a blessing in Christ's Church, which will safeguard the memory of his fervent zeal for the salvation of souls and of his constant courage in the defense of this nation." (A.A.S. v. XLIV 1952, p. 877.)

Shortly after the appearance of this printed slander (April 6, 1945), the Soviets arrested Metropolitan Slipy on April 11, 1945, together with all the other bishops of the Province of Halych: Bishop Gregory Khromyshyn, Bishop John Latyshevsky, Bishop Nicholas Charnetsky, C.S.S.R., and Bishop Nykyta Budka. Later on Bishop Josaphat Kocylowsky, O.S.B.M. and Bishop Gregory Lakota were also imprisoned. Of these incidents the supreme pontiff, Pope Pius XII wrote in his encyclical, "Orientales Ecclesias" of December 15, 1952: "We sadly turn our thoughts and affection to another people, truly dear to us; namely, to the people of Ukraine, among whom are not a few of the faithful, who look toward Rome with immense desire and earnest love, and venerate this Apostolic See as the center of Christianity, and as the infallible teacher of Christian truth by reason of the mandate of Jesus Christ. This people, nevertheless, as we have learned with overwhelming grief, are oppressed in no smaller degree with persecution and find themselves already for some time in a situation no less grave than the other peoples. In a special way we would recall the memory of those bishops of the oriental rite,[1] who were among the first in the defense of their religion to endure hardship, affliction and outrage; who, transported to the city of Kiev, were there tried and condemned to various punishments—in the city of Kiev, we say, whence once shone forth throughout all those regions the light of Christian doctrine, and whence Christian worship was propagated. Some of these have already met a glorious death, and so, as one may hope, from the abode of heavenly blessedness, which they enjoy, lovingly look down upon their sons and their companions in their unarmed struggled, and implore for them the all-powerful protection of God." In March 1946 at Kiev Metropolitan Slipy was sentenced for a term of 8 years to a prison in the Siberian wastelands.

GOLGOTHA OF METROPOLITAN SLIPY

We do not know in detail what trials and terrors Metropolitan Slipy has had to endure. For many years nothing was heard of or from him. About 10 years ago there was a rumor—most likely one released by the Soviet regime itself—that he had died. But later this was learned to be false; and information came that he was alive, had been sent to hard labor, yet maintained a spirit of fortitude and even uplifted those suffering with him. It was hoped that after serving his 8-year sentence he would be released from prison in 1954. But this did not come to pass. News came of his being tried again, in Moscow, then later in Kiev where he was tried and sentenced anew for so-called crimes against the Muscovite government. The government demanded that he make a public break from the Holy See of Rome and transfer his allegiance to Soviet Orthodoxy. In fact he was diabolically tempted—as was Jesus Christ tempted by diabolical cunning—with various high positions, on condition that he merely reject his Catholic Church. Neither tortures, a triple sentence, nor imprisonment have forced him to deny his faith—an act which would very much please the Soviet regime. As did Saint Paul and the early martyrs and confessors, so does he bear all: "In all things we suffer tribulation, but are not distressed. We are straightened: but are not destitute. We suffer persecution: but are not forsaken. We are cast down: but we perish not. For we who live are always delivered unto death for Jesus' sake: that the life also of Jesus may be manifest in our mortal flesh" (2 Corinthians 4: 8–9, 11).

During the next 7-year term in imprisonment in Siberia, specifically in 1957, the 40th anniversary of Metropolitan Slipy's priesthood occurred. The Ukrainian Catholic faithful in the free world decided to keep from public notice their feelings lest any demonstration or statement increase the trials he had to bear in slavery. The event was observed in quiet prayer for his intention. However, the Holy Father, Pope Pius XII, desired to express his paternal solicitude and regard for the metropolitan-martyr.

On Christmas of 1957 His Holiness released an apostolic statement with greetings, good wishes, and blessing to "venerable brother, Joseph Slipy, metropolitan of Halych, archbishop of Lviw, bishop of Kamyanets from Pope Pius XII, venerable brother, greetings and apostolic blessings.

"The 40th anniversary of your priesthood which recently occurred gives us the opportunity to express to you our love and respect and our concern to comfort you in exile in the midst of your suffering. We know that upon the completion of 18 years of the priesthood you accepted and zealously fulfilled your pastoral service in the Lviw Eparchy, first as auxiliary coadjutor with rights of succession with the consent of the archbishop ordinary. Because of your fidelity to this Apostolic See you were sentenced to imprisonment and thus forced to leave your faithful flock. Then you were imprisoned in various prisons and finally carried off to Siberia where you now are in a faraway place, Maklakovo, laboring as a servant and guard at a home for the handicapped. Therefore, we express our heartfelt gratitude to you, venerable brother, for the zealous fulfillment of your priestly and pastoral office at the cost of freedom; and because you chose 'to carry disgrace for the name of Jesus,' we arduously implore the Divine Infant Jesus to graciously comfort and strengthen your soul in the midst of many discomforts and unpleasantness. Meanwhile as a sign of certain heavenly protection and our particular affection we bestow upon you, venerable brother, with our wholeheart our apostolic benediction.

"Given in Rome at Saint Peter's, on the 25th day of the month of December on the Nativity of our Lord Jesus Christ, in the year 1957, during the 19th year of our reign as supreme pontiff.

POPE PIUS XII."

(Uryadoviy Veesnyk A. V. 1959, Nos. 1–3, pp. 38–40.)

We regret that we do not have any answer from the most eminent addressee about receiving this papal letter although we can guess that he received it, and that it was a great joy to him in his sad state.

METROPOLITAN SLIPY AS THE GOOD SHEPHERD

Great are the courage and the constancy in holy faith of Metropolitan Joseph Slipy, who as the "Good Shepherd gives His life for His flock" (John 10:11). He did not surrender before the godless government, did not deny his Catholic Church and did not betray his sheep. He was not afraid of suffering and with repugnance discharged the sly and treacherous promises of the atheistic government. He is aware that the eyes of his unfortunate faithful in the Ukraine, who are also persecuted because of their faith, are turned to him. Not only are they gazing upon him as their suffering bishop, but also those whom he would want to win for Christ and for church unity. For this reason, he carries the burdensome chains of imprisonment, and these chains, according to the words of His Holiness, Pope Pius XII, will surely speak louder to the faithful and the unfaithful than the living word (Pro Ecc.).

Although he is physically weak, he is always spiritually strong. He looks to the crucified Christ and is enraptured with the limitless love that God has for us; and from this he obtains new strength for endurance and immunity for all discomforts, and physical and moral suffering. Patiently, resigning himself to the will of God, he endures everything. It is appropriate, therefore, to quote St. Paul's letter to the Corinthians: "In all things we suffer tribulation, but are not distressed; we are sore pressed, but are not destitute; we suffer persecution, but are not forsaken; we are cast down, but we perish not. For we who live are always delivered unto death for Jesus' sake; that the life also of Jesus may be made manifest in our mortal flesh" (2 Corinthians 4:8).

And Christ, our Divine High Priest, certainly assists generously His faithful servant in order that he would emerge from this difficult battle crying out the words of St. Paul in his second epistle to Timothy: "I have fought a good fight, I have finished my course, I have kept the faith. As to the rest, there is laid up for me a crown of justice, which the Lord the Just Judge will render to me" (4: 7–8).

And all of us, dearly beloved, having greeted our most venerable jubilarian on his 70th anniversary with best wishes, let us unite with him in those heartfelt feelings and let us thank the merciful God that He gave us such an illustrious archbishop. Let us give thanks for all those graces which were granted to him by our Lord throughout his life until now and let us ask Him so that He would keep him for us and present him with the richest love for many years to come, until the triumph of Christ's kingdom in our native Ukraine and in the whole world.

On this day on which we commemorate the birth of our suffering archbishop, let us increase our humble petitions, so that these lofty Christ-like ideals for which he suffers and offers himself as a supreme sacrifice, would bloom sooner. Let his fervent wish to see the Ukrainian nation united in one, holy Catholic and apostolic church, under the infallible guidance of the highest supreme pastor, come true.

Exalting the heroic efforts of our metropolitan confessor before God and before the world, let us repeat, dearly beloved, our ardent prayer crusade, so that God may grant a better future for our holy church and for our Ukrainian nation. Let us bring to the attention of other nations the injustice which is perpetrated in our native land and let us ask their participation in our prayer crusade for God-given and human rights for our church and our nation. Let our voice also be heard by the mighty nations of this world that often talk so much about the rights of man and liberty of nations and hardly any of them have the courage to stand up and defend these rights for our nation. Let our voice also be heard by those that have put the chains of bondage on our people, so that they realize and do penance for their evils. We turn to them together with our bishop-jubilarian with the words of Isaias the prophet: "Mighty ones humble yourselves, because God is with us" (8: 9).

"The grace of our Lord Jesus Christ, and the love of God and the Father, and the communion of the Holy Ghost, be with you all"—II Corinthians 13: 13.

Given in Winnipeg, Philadelphia, Rome, Edmonton, Toronto, Saskatoon, Stamford, Chicago, Melbourne, Munich, Paris, Curitibi, Buenos Aires, London, on the 17th day of February in the year of our Lord 1962.

Maxime, Metropolitan-Archbishop; John, Archbishop; Isidore, Bishop; Joseph, Bishop; John, Bishop; Volodimir, Bishop; Andrew, Bishop; Ambrose, Metropolitan-Archbishop; Neil, Bishop; Andrew, Bishop; Jaroslav, Bishop; Platon, Bishop; Joseph, Bishop; Augustine, Bishop.

(It is requested that all the Very Reverend and Reverend Fathers offer the Divine Liturgy on the birthday of Metropolitan Joseph Slipy for the intention of His Excellency, and that the faithful be exhorted to do works of penance, offer prayers, and receive the Holy Sacraments for the intention of our church and for its Prime Hierarch, the Most Revend Joseph Slipy).

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[1] Regarding additional bishops: in 1947 the Communists murdered Bishop Theodore Romza of Uzhorod, Carpathian Ukraine; in 1950 Bishops Paul Gojdich, O.S.B.M. and Basil Hopko of Pryashiv, Czechoslovakia, were imprisoned. In 1951 Bishop Gojdich was condemned to forced labor for life; Bishop Hopko is in a concentration camp.

SOVIET BID TO DOMINATE THE SEAS

Mr. HAGEN of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAGEN of California. Mr. Speaker, I invite the Members attention to the following review of the growing threat of the Soviet merchant marine fleet:

Much has been said in recent days about the degree of Russia's accomplishments in outer space. But, little notice has been taken of the Kremlin's accelerated program to overtake us on the high seas.

While we are bogged down in quibbling over whether or not a partial maritime subsidy is proper, the Soviets, with a 100-percent subsidized effort will in the not too distant future have many more merchant vessels on the oceans than we do. These, of course, are for trade, economic, political, and propaganda purposes. Likewise, the Soviet Navy, with reportedly 400 submarines now in operation, is not being neglected.

All of this adds up to a "Soviet Bid To Dominate the Seas," the title of an excellent review, of recent date, by the distinguished journalist and writer, Fletcher Knebel, which I am inserting at this point in the Record:

Soviet Bid To Dominate the Seas

(By Fletcher Knebel)

Washington, D.C.—The Red flag streams from masts over the seven seas as Soviet Russia bids to become one of the world's great maritime powers.

Landlocked for centuries, Russia has burst out to sea and now raises a menacing challenge to the naval and merchant fleets of the free world.

GIANT STRIDES

In the last decade, largely unnoticed except by intelligence and marine technicians in the West, Russia has made giant strides in all phases of ocean commerce with these results:

Soviet trawlers are now actually outfishing American fishermen in Atlantic and Pacific waters off the U.S. coasts which, until 1955, saw only an occasional Soviet commercial fishing boat. As many as 400 Red trawlers appeared this year, about half on Georges Bank off Cape Cod and about half in the Bering Sea near Alaska.

The Soviet Navy, now manned by 750,000 officers and men, has grown swiftly and numbers more than 400 submarines, 25 cruisers, 165 destroyers, 275 frigates, and hundreds of smaller fighting craft and auxiliaries.

The Soviet merchant marine is swelling rapidly at the same time that the U.S. merchant fleet is contracting. In 6 years, Russia has almost doubled her merchant marine, now has almost 1,000 freighters and tankers with a total of about 5,500,000 deadweight tons. Twenty-first in world trade volume only 4 years ago, Russia is now sixth.

In shipbuilding, Russia is ordering vessels at a dizzy pace, outbuilding the United States two for one. This year, according to the authoritative Marine Engineering Log, Russia is building 2,086,000 tons of merchant shipping as contrasted with 1,084,000 by the United States. Russia has 169 freighters, 40 tankers, and 17 passenger-cargo vessels under construction in shipyards located in Russia, East Germany, Finland, Yugoslavia, Japan, Italy, Bulgaria, Poland, Sweden, Czechoslovakia, Denmark, and West Germany.

In marine design and gadgetry, Russia is going in for the most modern improvements. Her trawler fleets have great mother ships which process, package, and freeze the fish as caught.

She is experimenting with hydrofoil passenger ships, has built nuclear subs and icebreakers and has automated to the point where one man at a console can unload a ship. Six Russian tankers being built in Japan will have racy Yankee clipper lines with closed-circuit TV for loading operations.

In oceanography, Russia has vastly expanded its research facilities. Our Bureau of Commercial Fisheries estimates that "thousands of Soviet scientists, technologists and other workers are engaged in marine research activities," with headquarters at big research institutes at Murmansk and Vladivostok. The Soviets have a research ship in the Indian Ocean, have built an oceanography school in Indonesia and are teaching new fishing techniques to the Vietnamese, among other projects.

WORRIES UNITED STATES

This outburst of Soviet energy on the high seas worries marine specialists in Washington. Assistant Secretary of the Navy Kenneth E. BeLieu warned in a San Francisco speech of "the challenge of the emerging Communist-bloc maritime power" and foresaw an epic battle for control of the waves.

He said the Soviet merchant fleet "is young, vigorous, and growing rapidly" and said her active cargo carriers increased 30 times as fast as the American fleet last year.

"Will we," he asked, "allow ourselves to be driven from the seas commercially for the first time in our history while we try to take comfort in possession of the world's greatest Navy?"

Senators Warren Magnuson, Democrat, of Washington, and Benjamin Smith, Democrat, of Massachusetts, warned in the Senate that Russia's modern fishing fleets were outcatching the "small and ancient" American fishing ships off both coasts.

BIG PROGRAM

Whether the United States will take steps to counteract the Russian maritime surge remains to be seen. The U.S. naval building program this year is a huge one, but there has been no comparable drive in the merchant marine and fishing fleets.

In the non-Government area of seapower, high wages and costs have driven shipbuilding abroad and many U.S. merchant vessels to the haven of foreign-flag operation. In reverse, many American-flag operators have sought the shelter of government subsidies. Meanwhile Russia, her merchant marine spliced to the total state of the Kremlin, challenges for dominance of the high seas.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Thompson of New Jersey (at the request of Mr. Bolling), for today, on account of business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Magnuson (at the request of Mr. Wickersham), for 15 minutes, today.

Mr. Rogers of Florida, for 30 minutes, tomorrow.

Mr. Halpern (at the request of Mr. Milliken), for 10 minutes, today.

Mr. Flood (at the request of Mr. Gonzalez), for 30 minutes, tomorrow, to revise and extend his remarks and include extraneous matter.

Mr. Gross, for 10 minutes on Monday, September 24.

Mr. Cramer, for 30 minutes, September 20.

Mr. McDowell (at the request of Mr. Gonzalez), for 20 minutes, today, and to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Roosevelt in two instances and to include extraneous matter.

Mr. Santangelo in two instances and to include extraneous matter.

Mr. Feighan and to include extraneous matter.

Mr. Cohelan and to include extraneous matter.

Mr. Pucinski.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Albert.
Mr. Toll.
Mr. Dulski.
Mrs. Kelly.
Mr. Carey.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2292. An act to autherize the Secretary of the Treasury to issue certificates of honorable service in lieu of certificates of disenrollment to certain persons who served as temporary members of the U.S. Coast Guard Reserve during World War II;

H.R. 9914. An act for the relief of San-Man Inn of Manning, Inc.;

H.R. 11974. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 12870. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1963, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4. An act to provide for the establishment of the Padre Island National Seashore;

S. 149. An act for the relief of the estate of Gregory J. Kessenich;

S. 319. An act to amend part I of the Interstate Commerce Act in order to provide that the provisions of section 4(I) thereof, relating to long-and-short-haul charges, shall not apply to express companies;

S. 1161. An act to provide for the use of lands in the Garrison Dam project by the Three Affiliated Tribes of the Fort Berthold Reservation;

S. 1307. An act to amend section 128 of title 28, United States Code, to constitute Richland, Wash., a place of holding court for the eastern district of Washington, southern division, and to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Washington, Southern Division, holding court at Richland, Wash.;

S. 1924. An act to amend the act of August 27, 1954 (68 Stat. 868) with respect to the Uintah and Ouray Reservation in Utah;

S. 2357. An act to provide for the regulation of credit life insurance and credit accident and health insurance in the District of Columbia;

S. 2511. An act to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes;

S. 2696. An act to correct certain land descriptions in the act entitled "An act to declare that the United States holds in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands";

S. 2971. An act to declare that certain lands of the United States are held by the United States in trust for the Jicarilla Apache Tribe of the Jicarilla Reservation;

S. 3086. An act to provide for a reduction in the workweek of the Fire Department of the District of Columbia, and for other purposes;

S. 3154. An act to amend Public Law 86–184, an act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of West Virginia into the Union as a State;

S. 3315. An act to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia;

S. 3317. An act to amend the provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes; and

S. 3580. An act to amend the Atomic Energy Community Act of 1955, as amended, to provide for the disposal of federally owned properties at Los Alamos, N. Mex., and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 20, 1962, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2538. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a statement relative to reporting that the appropriation to the Department of Health, Education, and Welfare for "Hospitals and medical care, Public Health Service," for the fiscal year 1963, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2539. A letter from the Administrator, General Services Administration, transmitting notice of proposed disposition of low-grade tungsten ore and low-grade tungsten concentrates now held in the national stockpile, pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e); to the Committee on Armed Services.

2540. A letter from the Attorney General, transmitting a draft of proposed legislation, entitled "A bill to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes"; to the Committee on the Judiciary.

2541. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation of certain persons, pursuant to section 244(a)(4) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1254(a)(4)); to the Committee on the Judiciary.

2542. A letter from the Comptroller General of the United States, transmitting a report on overcharges by the Shipbuilding Division of Bethlehem Steel Co., Quincy, Mass., for overhead costs reimbursed by the Government under cost-type contracts awarded by the Department of the Navy and the Atomic Energy Commission; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. S. 3120. An act to amend section 6 of the act of May 29, 1884; without amendment (Rept. No. 2429). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. S. 3152. An act to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program; without amendment (Rept. No. 2430). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 9491. A bill to provide for the removal of an encumbrance on the title of certain real property heretofore conveyed to the Board of Education of the Vallejo School District, Vallejo, Calif., by the U.S. Housing Corporation; without amendment (Rept. No. 2431). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 12479. A bill to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President; with amendment (Rept. No. 2432). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 11378. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to schools for the mentally retarded, schools for the physically handicapped, educational television stations, and public libraries; with amendment (Rept. No. 2433). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 11111. A bill to amend the act of October 4, 1961, authorizing the Secretary of Agriculture to sell and convey certain lands in the State of Iowa; without amendment (Rept. No. 2434). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GREEN of Oregon: Committee of conference. H.R. 8900. A bill to authorize assistance to public and other non-profit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions, and for other purposes (Rept. No. 2435). Ordered to be printed.

Mr. DAWSON: Committee on Government Operations. Twenty-third report of the Committee on Government Operations (Rept. No. 2436). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 10569. A bill to amend title 13, United States Code, to preserve the confidential nature of copies of information filed with the Bureau of the Census on a confidential basis; with amendment (Rept. No. 2437). Referred to the House Calendar.

Mr. COOLEY: Committee on Agriculture. S. 2859. An act to amend the Federal Crop Insurance Act, as amended, in order to increase the number of new counties in which crop insurance may be offered each year; without amendment (Rept. No. 2438). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 2711. An act for the relief of Tasia Demetropoulou (Dimitropoulos); without amendment (Rept. No. 2414). Referred to the Committee of the Whole House.

Mr. WALTER. Committee on the Judiciary. S. 2753. An act for the relief of Duk Man Lee and Soon Mal Lee; without amendment (Rept. No. 2415). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2777. An act for the relief of Arild Ericksen Sandli; without amendment (Rept. No. 2416). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2836. An act for the relief of Carmelo Rafala; without amendment (Rept. No. 2417). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2902. An act for the relief of Sumiko Takahashi; without amendment (Rept. No. 2418). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2908. An act for the relief of Rosa Fumarola Balice; without amendment (Rept. No. 2419). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2950. An act for the relief of Dwijendra Kumar Misra; without amendment (Rept. No. 2420). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2992. An act for the relief of Michelangelo Comito (Nati); without amendment (Rept. No. 2421). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3086. An act for the relief of Paul Huygelen and Luba A. Huygelen; without amendment (Rept. No. 2422). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3265. An act for the relief of Despina Anastos (Psyhopeda); without amendment (Rept. No. 2423). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3267. An act for the relief of Gunter Heinz Hillebrand; without amendment (Rept. No. 2424). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3275. An act for the relief of Anna Sciamanna Misticoni; without amendment (Rept. No. 2425). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3279. An act for the relief of Yet Gee Moy (Tsze Woo Lai) and Mee Sen Moy (Sau Ming Lai); with amendment (Rept. No. 2426). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3295. An act for the relief of Mathew Lengyel (also known as Brother Paul, S.V.D.); without amendment (Rept. 2427). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3336. An act for the relief of Lazaro Loyola Arinque, Jr.; without amendment (Rept. No. 2428). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H.R. 13176. A bill to increase the participation by counties in revenues from the national wildlife refuge system by amending the act of June 15, 1935, relating to such participation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BECKWORTH:

H.R. 13177. A bill to provide for post cards of a distinctive color for nonbusiness messages with a postage rate of 1 cent; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.J. Res. 886. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H. Con. Res. 561. Concurrent resolution expressing the sense of the Congress with respect to the Cuban situation; to the Committee on Foreign Affairs.

By Mr. MATTHEWS:

H. Con. Res. 562. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Alabama:

H. Con. Res. 563. Concurrent resolution expressing the sense of the Congress with respect to promoting international educational radio and television broadcasting as a means of achieving better understanding among and promoting education of the peoples of the world; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H. Con. Res. 564. Concurrent resolution providing that certain violations of human rights by the Government of Poland shall be brought to the attention of the General Assembly of the United Nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Michigan:

H.R. 13178. A bill for the relief of Armando DaLio, his wife Domenica Vescovi DaLio; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 13179. A bill for the relief of Mr. Hong Song Kim; to the Committee on the Judiciary.

By Mr. MACK:

H.R. 13180. A bill for the relief of Wong Bing Lin; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H.R. 13181. A bill for the relief of Esterina Ricupero; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Administration of the Davis-Bacon Act

EXTENSION OF REMARKS

OF

HON. JAMES ROOSEVELT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. ROOSEVELT. Mr. Speaker, I wish to refer to a letter from Mr. J. B. Lowe, of Dallas, Tex., inserted in the RECORD of September 14, 1962, by my colleague, the Honorable OLIN E. TEAGUE. In his letter, Mr. Lowe makes some fallacious assertions about practices of the Department of Labor under the Davis-Bacon Act. In clarification of those assertions, I submit the following:

SEPTEMBER 18, 1962.

Hon. OLIN E. TEAGUE,
U.S. House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: I read with interest the letter of Mr. J. B. Lowe, of Dallas, Tex., which you inserted in the CONGRESSIONAL RECORD of September 14, 1962. Unfortunately, Mr. Lowe made a few erroneous statements concerning administration of the Davis-Bacon Act by the Department of Labor.

The Special Subcommittee on Labor, of which I am chairman, has recently concluded extensive hearings on the Davis-Bacon Act and its administration. I would like to apprise you of the actual practices of the Department in contradiction to Mr. Lowe's statements.

Mr. Lowe's letter indicates that only union rates have been considered by the Labor Department in determining prevailing wages. This is not correct. The Department considers whatever rate is prevailing in a given area, whether it be union or nonunion.

Another fallacy in Mr. Lowe's letter is his assumption that residential construction rates would determine construction rates for nonresidential projects. This is incorrect. Under the Davis-Bacon Act the Secretary of Labor is required to determine prevailing wages from projects of a character similar to the contract work.

The Special Subcommittee on Labor has heard various criticisms of the Davis-Bacon Act and its administration. Such criticism, if constructive, is very helpful. The instant letter, however, raises some criticisms that, to me, seem unfounded. I am sure you would want to be informed of what the subcommittee has learned to be Labor Department practice under this important act.

Yours sincerely,

JAMES ROOSEVELT, *Chairman.*

Law Observance Committee

EXTENSION OF REMARKS

OF

HON. HERMAN TOLL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. TOLL. Mr. Speaker, in this age of rising crime I think the country should be aware of an important project which is bringing together the efforts of law enforcement agencies, bar associations, civic organizations and private industry.

The Federal Bar Association through its law observance committee is engaged in a program of promoting respect for law and those who enforce it. The committee consists of the following: Harry D. Shargel, Esq., chairman; Hon. Tom C. Clark, Justice, Supreme Court of the United States; Hon. Robert F. Kennedy, the Attorney General; Hon. Emanuel Celler, chairman, House Judiciary Committee; Hon. Cyrus H. Vance, Secretary of the Army; Abram Chayes, Esq., Legal Adviser, Department of State; Robert H. Knight, Esq., the General Counsel, U.S. Treasury Department; John T. McNaughton, Esq., General Counsel, Department of Defense; Daniel B. Mitchie, Jr., Esq., president, National Association of Citizens Crime Commissions.

The committee is assisted by an advisory staff composed of the following personnel: Radio and Television Advisory Subcommittee: Alfred R. Beckman, vice president, American Broadcasting Co.; Leon Brooks, Esq., Columbia Broadcasting System; Robert F. Hurleigh, president, Mutual Broadcasting System; Howard Monderer, Esq., National Broadcasting Co.; William J. Wheatley, Storer Broadcasting Co.; public information adviser; Charles R. DeHaven, manager of public relations, Philadelphia Gas Works; outdoor advertising adviser: Arthur G. Petry, director of public service, Outdoor Advertising Association of America, Inc.; community relations adviser: Milton A. Eisenberg, vice president, Yellow Cab Co. of Philadelphia.

This national committee is arranging to have the 50 local chapters of the Federal Bar Association organize chapter law observance committees to engage in activities to educate the public on the importance of respecting the law and law enforcers, raising the morale of law-enforcement agents, attract the best personnel to the field, and inform the public about the fine work that is being done in the law-enforcement field.

I think we must especially commend the Pennsylvania District of Kiwanis International for underwriting the cost of large outdoor posters bearing the Federal Bar Association slogan, "The Law Protects You—Respect It, Uphold It, Obey It." These posters have already been placed on billboards in the Philadelphia area donated as a public service by the General Outdoor Advertising Co. They will make possible a program pursuant to which such billboards will appear throughout the country. Industry will be asked to cooperate and the first billboard donated by a large industrial firm has already been unveiled in the Camden, N.J., area through the public-spirited contribution of the Radio Corp. of America.

The Federal Bar Association is currently making arrangements for radio and TV participation in the program and I know that we will soon see and hear a great deal about this.

The law observance committee has published a "Manual for Law Observance Committees," to assist in the formation and functioning of such committees and these manuals will be made available to any organization which is willing to participate in the program.

It would be advantageous for Government agencies and private firms to participate in this program.

Patrol Dog Teams

EXTENSION OF REMARKS

OF

HON. ALFRED E. SANTANGELO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. SANTANGELO. Mr. Speaker, the high incidence of crime in housing projects and outlying areas requires the enforcement agencies to use every means available to prevent crime and to apprehend criminals. The District of Columbia has recognized that an effective deterrent to crime is the use of police-dog teams. I have communicated with the New York City Police Department and urged that department to use police dogs in their police work. The New York City Police Department has indicated that it is taking the matter under advisement.

My interest in the matter has caused me to inquire into the use of police-dog teams, and I find that dogs are used in police work in the following cities, counties, and States:

Cities using dogs in police work: Birmingham, Ala.; Sacramento, Calif.; Bridgeport, Hartford, and Milford, Conn.; Norwalk, Conn.—program about to start; Miami, Fla.; Indianapolis, Ind.; Lexington, Ky.; New Orleans, La.; Baltimore, Cumberland, Ocean City, and Mount Rainer, Md.; Brentwood, Kansas City, Overland, and St. Louis, Mo.; Clifton, Elizabeth, and Trenton, N.J.; Santa Fe, N. Mex.; Rochester, N.Y.; Cincinnati, Ohio; Tulsa, Okla.; Lancaster, and Reading, Pa.; Sioux Falls, S. Dak.; Alexandria, Newport News, and Richmond, Va.; and Washington, D.C.

Counties using dogs in police work: Montgomery and Prince Georges Counties, Md.; and St. Louis County, Mo.

States using dogs in police work: Delaware, Maryland, Michigan, and Virginia.

Our citizens have a right to be protected and we have a right to call upon our enforcement agencies to use whatever means available to decrease the rising incidence of crime.

The Foreign Aid Program for Fiscal Year 1963

EXTENSION OF REMARKS

OF

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter addressed to Hon. JOHN W. MCCORMACK, Speaker of the House, by Hon. Dean Rusk, Secretary of State:

THE SECRETARY OF STATE,
Washington, September 19, 1962.

DEAR MR. SPEAKER: I am gravely concerned by the drastic cut of over $1,100 million which the Appropriations Committee has recommended in the appropriation requested by the President to conduct the foreign aid program for fiscal year 1963.

That program has a central and major role in our foreign policy whose objectives are to protect the security and promote the welfare of our country. I know that you and your colleagues of both parties in the House are as deeply devoted to the achievement of these high objectives as I am. I feel impelled, therefore, to bring to your attention my deep conviction that those objectives will be greatly endangered if this cut is allowed to stand.

You are as familiar as I am with the worldwide struggle for freedom in which the United States and other nations of the free world have been engaged against the aggressive power of totalitarian communism and of the indispensible role which our foreign aid program has had in preserving freedom in the world. It quite literally saved Europe from chaos and the spread of communism and made possible its regrowth as a strong partner in collective security. It rescued Greece and Turkey from Soviet domination, maintained stability in Iran, preserved the Philippines from Communist insurrection and made possible the continued existence of the Republic of Korea and the Republic of China. It has provided the military assistance vital to creating the free world shield of NATO. It has made possible the economic survival of Israel and the development of India and Pakistan where a fifth of the world's people are showing that progress can be made in freedom—in contrast to the failure and human misery of communism in China.

The great struggle for freedom still continues. Dangers in the Far East are still present. The importance of progress in South Asia is still as great. NATO remains essential to our safety. The Communist effort to penetrate and control the many new nations of Africa goes on. Communism has actually succeeded in establishing a beachhead in our own hemisphere, in Cuba. It is attempting to infiltrate and destroy the freedom of our Latin American neighbors, with whom we are joined in an Alliance for Progress.

Our aid program is a principal and vital instrument of our foreign policy for maintaining the integrity and freedom of the nations of these regions and for helping them in their own efforts toward economic and social progress. Its significance to our own security and welfare is fully recognized by the legislation enacted by the Congress last year and renewed this year.

It is important to realise that the appropriations requested by the President for fiscal year 1963 are intended to carry out the policy authorized by the legislation and initiated last year. The appropriations requested for fiscal year 1963, $4,754.8 million, including funds for the Alliance for Progress, are in fact only 1 percent more than the appropriations actually made and available last year, including the funds for the Alliance for Progress. They are only 3 percent more than was appropriated for fiscal year 1961 (leaving aside the Alliance, which did not then exist).

It is obvious that a drastic cut of the nature recommended by the Appropriations Committee would compel an equally drastic change in and weakening of the policy now carried out by the President pursuant to the legislation itself. I do not believe that any such change in policy is desired or intended by the Congress.

Although the reductions as a whole and in several categories will impair our ability as a nation to pursue the central objectives of our foreign policy, I would like to emphasize the effects of two reductions in particular: those in development lending and in supporting assistance.

Development lending was enacted by the Congress last year as the keystone of our aid program. The new aid agency was to move as rapidly as possible from grants for short-term purposes under the supporting assistance category to dollar-repayable loans for long-term development under the development lending category. Last year the Congress appropriated $1,112.5 million for development lending for fiscal year 1962 and authorized $1,500 million for fiscal year 1963. The President has now asked $1,250 million for fiscal year 1963 under this authorization. The increase over last year is intended to carry forward the policy of transferring aid from grants to dollar-repayable loans. The Appropriations Committee has recommended $775 million—a cut of 38 percent. (The provision of funds for the Alliance for Progress does not reduce this cut. Funds of a comparable amount were provided for the Alliance last year by a separate act.) This cut would obviously make it impossible for the President to carry out the policy established by the Congress of shifting the emphasis from grants to loans. It would reverse that policy.

In fact, the action of the committee would make it impossible to extend any significant new loans beyond those already committed in the past. Let me emphasize that underscored statement. You will recall that last year the Congress provided statutory authority to the President to make long-term commitments, subject to appropriations. Commitments made under this authority, with others already made and explicitly recognized last year, will call for loan funds in fiscal year 1963 amounting to $700 million. The committee recommendation would leave only $75 million for additional lending to such important countries as Greece, Israel, Turkey, the Republic of China and the Republic of Korea.

Such a reversal of established congressional policy would paralyze U.S. leadership in this tremendous task of development and progress in the most dangerously critical areas of the world.

I would urge on you and all Members of the Congress the sober necessity of providing the funds needed to continue that leadership.

Supporting assistance is needed, as you know, primarily to help sustain the economies of nations heavily burdened by military programs which they maintain as part of our agreed free world defense effort. These nations are on the very edge of Communist power, living quite literally under the continuing threat of infiltration, subversion or attack. Supporting assistance also goes to a few nations which provide us with bases or other special facilities—and to others whose internal stability is endangered by serious economic problems and whose collapse could set in train consequences potentially dangerous and highly expensive to our own Nation.

It is our policy to end supporting assistance to any country as soon as its circumstances and our national interest allow it in each case. But until that time comes, it is a dangerous economy to fail to do what needs to be done. The $415 million the President has requested under the authorizing legislation is already well below the $481.5 million for which he asked authorization. The further cut to $350 million recommended by the committee will make it impossible for us to act—or to act adequately—where we should in our own national interest.

The sum requested by the President for development grants, $300 million, is substantially identical with the sum appropriated last year. These funds are needed for basic education, technical training, and the preparation of the public administration officials, particularly in those nations which most recently attained their independence. They are directed toward developing the human resources which are so fundamental to the firm establishment of these new nations and their growth in freedom. The committee cut of $75 million—or 25 percent—would seriously impair our ability to provide fundamental help at a most critical time.

The contingency fund provides the essential margin of safety in our conduct of a highly complex aid program in support of our worldwide foreign policy. The demands on this fund which have arisen since the legislation was originally submitted have already been heavy. The President's request of $300 million is well below the $400 million authorization originally requested. The further cut of $75 million recommended by the committee narrows the margin dangerously below the level of safety.

I warmly welcome the action of the full Appropriations Committee in partially restoring the military assistance funds cut so heavily by the subcommittee. Nevertheless, the $1,500 million which the President has requested—and which is below both the appropriation for last year and the authorization for this year—is in fact needed.

The reduction in the Alliance for Progress, though less severe than the cuts I have discussed, does not support our call to the governments and peoples of this hemisphere to mobilize to defend the freedoms of our own continents.

The sharp reduction in the sum requested for administration of the program can have costly effects far greater than the apparent saving. In our aid program, not only are we engaged in the expenditures of very significant sums, but the wisdom with which we use them can have effects on the future of our Nation far beyond the immediate value of the funds involved. The administrative funds requested are needed to employ the most capable personnel to man the most effective organization we can devise. We cannot do this with the reduced funds recommended.

Finally, I understand the effect of section 109 of the appropriation bill, as recommended, would be to undo the work of the Congress only a few weeks ago in the foreign aid authorizing legislation to give the President authority, under certain circumstances carefully spelled out in the law, to provide aid to such nations as Yugoslavia and Poland. This matter has been extensively discussed in the Congress and I shall not, therefore, repeat the reasons why it is of the highest importance that the authority provided by the Congress in the authorizing legislation be continued.

Our aid program has always been a great national effort. Over the past 14 years, it has always been bipartisan in nature, springing from the needs of our country, not the ambitions of either party. It has been strongly supported by successive Presidents and by both parties. I trust and am confident that support will continue.

I am sending a substantially identical letter to Mr. HALLECK.

Sincerely,

DEAN RUSK.

Awards to California Contractor Spread Far Afield

EXTENSION OF REMARKS

OF

HON. JAMES ROOSEVELT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. ROOSEVELT. Mr. Speaker, so often the public gets the impression that if a California firm is awarded a Government contract, the amount of money announced for the contract will all be used and spent in California. This is not at all true. I recently had occasion to look into this with one of the companies in my district, and I believe some of my colleagues will be interested in just exactly what happens to amounts awarded to a large and prominent company in California.

Hughes Aircraft Co. awarded subcontracts to 5,632 companies in 35 States during the first 8 months of 1962 for subassemblies, components and services needed for the company's space, defense, and civilian programs. Hughes subcontract allocations for the first 8 months of 1962 totaled $87 million, of which 48 percent went to small business concerns. Hughes has been very active in small business participation in support of their prime contracts and has participated in Government-industry small business ad hoc committee work to afford small business the greatest possible opportunity to assist in defense and space work.

On November 10, 1961, the Hughes Aircraft Co. was host to 45 representatives of the defense industry and Government in reviewing the role of small business in modern procurement. Participating were representatives of the SBA, DOD, NASA, AEC, Navy, Air Force, Army, General Services Administration, with participants of the U.S. Chamber of Commerce, National Security Industrial Association, Aerospace Industries Association, Electronic Industries Association, Machine and Applied Products Institute and American Gear Manufacturing Association. The meeting at Hughes followed a similar meeting held at Martin and North American, and the purpose was to acquaint all participants with typical prime contractor procurement complexities and to encourage the pursuit of all possible avenues to strengthen major defense industries' small business programs.

With one eye on the long-term future growth and the other on the constant need to develop improved suppliers to meet the new technological requirements required by defense and space programs, Hughes Aircraft Co. opened a Midwest procurement office in Chicago to evaluate the potential of subcontractors in that area. The approach being taken by this office is to make a full determination of what Chicago and the Midwest States can do to help Hughes on its key space and defense programs. It is believed by Hughes that it can obtain more support from its existing subcontractors in the area, and it is Hughes' belief that there are still more manufacturers in the Midwest region who cannot only help the company, but the national defense effort in general.

Hughes spent 13 percent of its subcontract money in the Midwest last year, mostly with manufacturers with which it had been doing business for some time.

Shakespeare: Soul of an Age

EXTENSION OF REMARKS

OF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. COHELAN. Mr. Speaker, the 400th anniversary of the birth of William Shakespeare, the fabulous "Bard of Avon," takes place on April 23, 1964. Observance of this event is expected to take place in free countries the world over in honor of one of the most gifted literary talents of all time; a talent whose impact has been felt wherever books are published and read.

It is significant to note at this time that one of our leading television networks—the National Broadcasting Co.—has anticipated the 400th anniversary of Mr. Shakespeare's birth with an NBC news production titled, "Shakespeare: Soul of an Age." This production will be broadcast in color for a full hour over NBC-TV's nationwide network on Friday, November 30, 1962, from 7:30 to 8:30 p.m., eastern standard time. It will be, I understand, no ordinary presentation of Shakespeare's works, but a scholarly as well as entertaining undertaking designed to show what remains on earth that recalls Shakespeare's life. Through the eyes of the TV color camera, audiences will visit the places which have come to be traditionally associated with many of the characters of Shakespeare's tragedies, histories, and comedies.

The presentation will re-create the mood of these literary landmarks and hear Shakespeare's words in their proper geographical settings. In dedicated research for authenticity as well as entertainment, NBC-TV camera crews journeyed in the footsteps of Shakespeare to England, Wales, Scotland, and

France. Many of the characters of his plays, filmed in color, comprise the illuminating and exciting sequences to be seen and heard on this program.

Sir Michael Redgrave, voicing excerpts from Shakespeare's plays, will star in this NBC News production of "Shakespeare: Soul of an Age," and Sir Ralph Richardson will be its guest narrator. These are two of the most eminent actors in the British theater, and both are well known for their interpretation of Shakespearean roles. In addition to Redgrave, a group of prominent English actors will be seen in scenes from the poet's histories, tragedies and comedies.

Reconstructing Shakespeare's life, the television cameras will explore existing landmarks in Stratford-on-Avon and the surrounding countryside, as well as the other places connected with many of his plays.

The program's title comes from Ben Jonson's lines:

> Shakespeare, Sweet Swan of Avon
> What a sight it were
> To see thee in waters yet appear—
> Soul of the age.

Lou Hazam, noted television producer, produced and wrote the program, and Guy Blanchard is director-cameraman for this noteworthy artistic effort.

Mr. Speaker, I believe it is appropriate for us to express appreciation to the National Broadcasting Co., which, through NBC News, will bring into the homes of millions of American families this important television program, a program which marks still another of the important contributions to news, public affairs and the arts that this network has presented through the years.

Time for Realism on the Captive Nations

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. FEIGHAN. Mr. Speaker, it was my privilege to appear today by invitation of the chairman, Mr. MONAGAN, before the House Foreign Affairs Committee, Subcommittee on Europe, on the burning public issue of the captive nations.

The purpose of my appearance was to raise eight basic questions related to the national security of the United States in the context of this vital but neglected area of our foreign policy. I raised these questions because I am convinced that Congress, in these trying times, must be more than the voice of the American people. Congress must, in my considered judgment, be the conscience of the American people in the development and execution of a foreign policy that accords with the great traditions of our country. Nothing more is needed to pull us out of the depths of our dilemma, but nothing less will suffice to meet the global challenge of imperial Russian communism.

Under leave granted, I insert in the RECORD my testimony:

TESTIMONY OF HON. MICHAEL A. FEIGHAN, CONGRESSMAN, 20TH DISTRICT, OHIO, BEFORE THE SUBCOMMITTEE ON EUROPE, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, SEPTEMBER 19, 1962

Mr. Chairman, I appreciate receipt of your letter of July 25, 1962, inviting Members of the House to submit testimony concerning the captive nations.

I am delighted to have this opportunity to present my views on the issue of captive nations because I have long been an advocate of the rights of all nations and all peoples to self-government and national independence. Such views accord with the basic traditions of our country, with our political ideals, with our moral principles, and with our oft-stated intentions toward all the nations and people of the world.

I observe from your communication of July 25 that the subcommittee has taken testimony from persons having expert knowledge of conditions in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania. It struck me as peculiar that testimony before this subcommittee would be limited to a select few of the captive nations held by force within the present day Russian Communist Empire. It may be that geographical limitations placed upon the Subcommittee on Europe result in this condition. I trust this is the case, because any other reason could not survive the honest test of what constitutes a captive nation, expertly defined in Public Law 86-90, known as the Captive Nations Week Resolution.

Let me make this clear, Mr. Chairman, I stand for the freedom and national independence of all the nations and which this subcommittee has taken testimony. But let me make this equally clear—I stand without reservation for the rights of all the nations spelled out in Public Law 86-90 in their quest for freedom and national independence. Freedom is indivisible. The worldwide movement toward national independence is equally indivisible. I maintain that the unity of freedom's cause is vital to the survival of freedom anywhere in the world. I maintain with equal conviction that any effort, accidental or intentional, to divide the cause of freedom—expressed through the desires of all the captive nations to regain their national independence is divisive, dangerous in the extreme, self-defeating and a black mark upon the historic traditions of our Nation.

It will be a sad day for the peoples of Asia if, by these hearings, the impression is created that our Government is concerned only with those captive nations which fall within the purview of the Subcommittee on Europe of the House Foreign Affairs Committee. A casual examination of geography reveals that the 600 million or more people of mainland China are captives of the mythology of Marxism supported by the imperial power of Moscow. Such an examination will also reveal that the people of ancient Tibet are no less captives of this tyrannical scourge—as are the people of North Korea and North Vietnam.

It will be equally damaging to the cause of American leadership if, as a consequence of these hearings, word goes out that our Government is not interested in the aspirations or the future of the captive nations in the central Asian part of the modern day Russian Empire. I have particular reference to such ancient nations as Armenia, Georgia, Azerbaijan, Turkestan, Cossackia, and Idel-Ural. All of these nations declared and won their national independence and complete separation from imperial Russia during the period 1917-21. Acts of Russian Communist aggression which robbed these nations of their newly won national independence must not be allowed to purge the honest judgment of history. Genuine scholars are thoroughly acquainted with the historic struggles of these nations against the imperial encroachments of Moscow. Those who are not inclined toward or do not have the time for genuine scholarship in regard to these nations, can find a quick summary of the history and aspirations of these nations in the reports of the House Select Committee To Investigate Communist Aggression, 83d Congress. Eyewitness testimony taken under oath and supported by reliable documents establish the facts concerning the rights of these nations to be regarded as captive nations. Popular ignorance concerning the history of these nations is no excuse for our failure to give them equal consideration in any deliberations relating to the issue of freedom versus human slavery.

Turning to the captive nations of Europe, I raise the question as to why the Ukraine nation and the Byelorussian nation have not been considered within the immediate purview of the Subcommittee on Europe of the House Foreign Affairs Committee as expressed in the letter of July 25, 1962, of Hon. JOHN S. MONAGAN.

These two nations have long been considered a part of Europe by competent historians. As far back as the 13th century European cosmographers and cartographers have identified Ukraine as part of the European geographical area. Noted in this regard is the work of a Frenchman, Beauplan, whose maps and charts of Ukraine were published in 1651. I admit that the work of early cosmographers and cartographers may be difficult to include in hearings of this type, but I submit that any scholarly examination of the issue of the captive nations requires an understanding and appreciation in depth of geography.

The world atlas of the Encyclopaedia Brittannica divides the U.S.S.R., the contemporary land mass of the Russian Empire, into its European and Asian parts. Both the Ukrainian nation and the Byelorussian nation are listed as European parts of that Empire.

Mr. Chairman, I maintain that it is a dangerous exercise in folly, if not political suicide, to disregard the long history and the contemporary aspirations of the people of Ukraine, a nation inhabited by some 42 million people, among the great European powers, and holding unbreakable attachments to the history and culture of Europe. The same may be said for the Byelorussian nation whose population today approximates 15 million people, but which has no less an attachment to the history and to the future of Europe.

Mr. Chairman, I now come to the reason which compels me to appear before this subcommittee. My purpose is best expressed in a series of questions which I present for the consideration of the members of the House Foreign Affairs Committee. Those questions are as follows:

1. Does the committee believe that the only captive nations within the present-day Russian Empire worthy of our consideration and solicitude are those which, by an arbitrary decision, are considered a part of Europe? I trust this is not the case because no one but imperial Russia could be served by such a decision.

2. Does the committee, in its considered judgment, agree that captive nations, regardless of their geographical location, merit equal concern and solicitude by the Government of the United States? I trust this is the case, because any other approach to this vital issue will divide freedom's cause, support the propaganda of imperial Russia, spread despair among multitudes of captive people, and in the end, earn nothing but contempt for our purposes among the suffering masses of the non-European parts of

the present-day Russian Empire. We must not permit these things to happen.

3. Has the Subcommittee on Europe been limited in its purview of this Eurasian problem in any manner which prohibits an honest and open examination of the captive non-Russian nations within the Union of Soviet Socialist Republics? There is current public suspicion that these hearings seek to avoid an objective and deliberative examination of the non-Russian nations of the Soviet Union, either because of the feelings of the State Department expressed in the letter of Secretary Rusk to the chairman of the House Rules Committee in connection with the pending resolution—House Resolution 211—or because an open examination of the rights of those captive nations would interfere with or impair delicate negotiations now under way with the leaders of the U.S.S.R.? I trust this is not the case, because any concealment or delay of freedom's cause, accidental or deliberate, can only increase the prospects of war over the long run.

4. Is the committee aware of the special interests in the Department of State which hold that there is nothing wrong with the Soviet Union that a change in Moscow from a Communist government to a non-Communist government would not cure? These special pleaders appear to be completely unaware that the Russian Empire under the czars was a constant threat to the survival of Western civilization, as it is today under the commissars. Russian imperialism—whether red, black, or white—is out of tune with the rising tide of self-determination so well described by President Kennedy in his address before the United Nations. Moreover, any action, statement or omission on the part of our Government which tends to favor or support a Russian Empire, under any name, brands us as ignorant reactionaries in the eyes of our proven allies behind the Russian curtain. I urge a thoroughgoing public investigation of what I have called the doctrine of Russia, the sacred cow, and its practitioners in our Department of State.

5. To what extent has the committee probed into the policy conflicts within the Department of State with regard to the political principle of self-determination and its application to the global problems of colonialism and imperialism? For example, a policy of Africa for the Africans heralds our support for the full application of self-determination for all of Africa. What prevents our announcing a policy of Russia for the Russians as an expression of our support for the aspirations of the people in the captive, non-Russian nations of the Soviet Union? We have invited the charge against our country of discrimination on a massive scale for failing to give universal application to the principle of self-determination. This policy conflict is underscored again by the opposing points of view expressed by Secretary Rusk and Ambassador Stevenson. At the United Nations Ambassador Stevenson properly charges the Russian Communists with colonial aggression for robbing Ukraine, Georgia, Armenia, and other once free nations of their national independence in the years immediately following World War I. Here in Washington Secretary Rusk lends his signature to a letter which holds in effect that these same captive nations never had their national independence, and worse, they are regarded by our Government as traditional parts of the Russian state. This confusion at the highest policy levels of our Government indicates someone needs a few basic lessons in history—and I do not mean Ambassador Stevenson.

6. To what extent is the committee interested in establishing the connection between the collapse of the Red army before the invading German armies during World War II and the aspirations for freedom and independence long held by the people of Ukraine, Byelorussia, Georgia, Armenia, Turkestan, the Caucasus and others? It is time that we flushed up the truth on this chapter of history. What motivated in excess of 2 million Red army soldiers to lay down their arms in the thick of battle? Were these soldiers Russians or nonRussians? What proposition did these soldiers make to the German commanders and what prevented the German commanders' accepting the proposition? How did the civilian populations of Byelorussia, Ukraine, the Baltic States, and the Caucasus react to the German armies in the early months of conflict on the eastern front and what caused them to change their attitude as the war wore on? Answers to these questions have a vital bearing on the question of which is and which is not a captive nation. It would be a tragedy of immeasurable magnitude if we, in the conduct of the cold war, made the same ideological mistakes as those made by the fanatic Nazis in their conduct of a hot war. For the cold war with the Russians holds no less a danger for our country than a hot war.

7. Is the committee aware of the organized assault being made by Russian emigree organizations in the United States against Public Law 86–90 and the parallel which exists between their propaganda line and that of the Russian commissars on this issue? Is the committee aware of the enthusiastic support for Public Law 86–90 given by all the non-Russian emigree organizations in the United States? A worthy public service would be rendered by this committee if it probed fully into the similarity of position on this issue assumed by the Russian emigrees, the Russian commissars, and the State Department doctrine of Russia, the sacred cow. Such a probe conducted within the framework of what policy position best serves the security of the United States and what policy position best serves Russian imperial ambitions would be a most rewarding exercise.

8. Has the subcommittee sought testimony from responsible representatives of the American Committee for Liberation, which sponsors "Radio Liberation," a powerful radio signal beamed to the U.S.S.R.? I raise this question because I observe in the letter of Mr. Monagan of July 25, 1962, that testimony has been taken from the president of the Free Europe Committee. I urge that representatives of the American Committee for Liberation be brought before an appropriate committee of the Congress to testify as to its political aims and objectives with respect to the captive non-Russian nations of the Soviet Union. Such a quest for information, if properly conducted, would be most revealing in terms of Public Law 86–90 and the basic question of the indivisibility of human freedom and national independence.

Mr. Chairman, I am well aware of the problem which engages the leadership of the House with regard to the establishment of a Select Committee of the House on the Captive Nations, as proposed in House Resolution 211. Strong public support favors action by the House to establish such a committee. The trend of the times underscores the need. I have favored the establishment of such a committee because I believe that the geographical limitations inherent in the present subcommittee structure of the House Foreign Affairs Committee would make it unduly cumbersome, if not impossible, to do justice to this vital issue. I submit that if the House does not establish a Select Committee on the Captive Nations, it is incumbent upon the House Foreign Affairs Committee to establish a subcommittee on the Captive Nations, which should not be limited by geographical considerations and which should concern itself with all the captive nations identified in Public Law 86–90.

My appearance before this subcommittee today, I hope, will contribute to a resolution of one of the most burning issues before the 87th Congress. If the House Foreign Affairs Committee is to be held responsible for a full, objective, scholarly, and purposeful examination of matters relating to the captive nations, it must take steps properly to assume this responsibility. Otherwise there is no other course open to Members of Congress who are informed on and concerned about the cause of the captive nations, as identified in Public Law 86–90, but to advocate the establishment of a select committee of the Congress on the captive nations.

I urge that this problem be resolved before the adjournment of the 87th Congress. The power of decision on this question rests within your committee. It is time that action was taken.

"Iliopsoas"—Muscles and Power

EXTENSION OF REMARKS

OF

HON. ALFRED E. SANTANGELO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. SANTANGELO. Mr. Speaker, last week I was thrilled to be appointed by Mr. Clarence Cannon to the House Appropriations Subcommittee on Health, Education, and Welfare. These are subjects in which I have been keenly and vitally interested, not only by reasons of early misfortunes, but because of the sensitivity to the needs of my fellow man and the youth of our country.

I owe a great deal to the medical profession. I admire those who follow the vows of the Hippocratic oath. Their profession is one of the noblest of all. Few violate their great responsibilities and few pursue the golden calf to the detriment of their patients.

In my present congressional district is the New York Medical College Flower-Fifth Avenue Hospital, which for the past hundred years has made, and is still making, numberless contributions to advancement in medical science, in which field lies the primary responsibility of determination and maintenance of physical fitness.

Dr. Arthur Michele, professor and chairman of the Department of Orthopedic Surgery, New York Medical College, has written a book, published just recently by Charles C. Thomas, of Springfield, Ill., in which he presents the results of 5 years of intensive research, study, and experiment, culminating in the establishment of unequivocal criteria of physical fitness. The title of the book, "Iliopsoas," does not connote the discussion of a muscle per se, but rather of an intrinsic force harbored by man within his own body and which in a maladapted individual is capable of bringing into activity a host of disorders and bodily deformities. Incredible as it may appear at first glance, this force or power represents a potential of destruction to the human race far beyond that of the H-bomb.

When I venture the opinion that the significance of Dr. Michele's accomplishment is immeasurable, I know whereof I speak, for I have suffered greatly by reason of a childhood disorder, whose infirmity and blemish remain with me. And I can well testify to the efficacy of the doctor's work, for he is my orthopedic surgeon.

The need for the White House Conference for the Study of Physical Fitness, stemming from the status as determined during mobilization of our forces in World War II, is in itself a challenge to all workers in the field of man's physical well-being and to the medical profession in particular. It goes without saying that in a situation where survival of a nation may depend upon the activities of its defensive forces, there must not be even the shadow of a doubt as to the fitness of the members of those forces.

Discovery of the sulfonamides and antibiotics has done much toward eradication of specific infectious diseases; steroids have been effective in arresting the devastation caused by rheumatoid diseases, and vaccines have erased severe poliomyelitis epidemics. There remains with us, however, an ever expanding group of youths who inevitably will fall into the category of the physically unfit. The burden of responsibility inherent in the task of classifying and preparing the military and other services for possible active combat is a heavy one; there must be cognizance of the repressions, progressions, and adjustments of the human biological organism incidental to the demands of ever changing environmental conditions, so that their reflective manifestations may be discerned, and identified and interpreted and their significance weighed in arriving at a true evaluation of fitness. Ponderous as the burden may be, it may be assumed with confidence in the light of total comprehension of the vital, pivotal factor involved, the kinesiology of the human body.

The White House Conference on Child Health and Protection defines body mechanics as "the mechanical correlation of the various systems of the body with special reference to the skeletal, muscular, and visceral systems and their neurological association. Normal body mechanics may be said to obtain when this mechanical correlation is the most favorable to the function of these systems." This again implies a study of kinesiology, both physiological and pathological, and recognition of the significance of "Illiopsoas" influence.

Too often deformities which Dr. Michele has perceived to derive from nothing more than maladaptation by the individual to his environment have been found causes for rejection by the military, as well as deterrents to the full enjoyment of life and chosen vocation. A fundamental knowledge of the principles of kinesiology and their application in given situations would have expedited early detection of maladaptation and its correction, with consequent restoration of the nonvulnerable individual to a status not only acceptable by military standards, but also enabling him to follow his life's normal pattern insofar as physical well-being is concerned.

There is no doubt that much can be done to rectify in some measure the results of abnormal body mechanics. Greater attention should, however, be directed toward eradication of those maladies that follow maladaptation, lag in or failure of readjustment during the rapid growth period in the development of our youths; adjustment made mandatory by man's achievement of his self-appointed goal, the erect posture. According to Dr. Michele errors of posture are but reflections of maladaptation, and one must be competent to recognize circumstances and situations favorable to the incipience of malposture; furthermore, that the first to be considered are hip dislocations in infants and their classification, for the doctor believes that any program for physical fitness of the future citizen should commence with the mother-to-be.

In his book, "Illiopsoas," Dr. Michele offers his concept of the formation of deformaties in man, a plan for the earliest detection of physical unfitness or its potential, and a rational approach to management and correction of infirmities revealed. He is confident that any fitness program formulated in the light of a complete comprehension of the principles expounded in his book may be undertaken with the assurance that it will achieve its goal, a physically fit individual in perfect balance with his environment, capable of a full and productive life and of service to his country should the need arise.

Buffalo, N.Y., Host to Polish Union of America's 25th Quadrennial Convention

EXTENSION OF REMARKS

OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. DULSKI. Mr. Speaker, during the week of August 19, 1962, the city of Buffalo, N.Y., was host to the Polish Union of America on the occasion of their 25th quadrennial convention.

The highlight of the convention was a banquet held on Sunday, August 19, at the Hotel Statler-Hilton in Buffalo, under the careful guidance of Mr. Alfred F. Wolinski and Mr. John Krysinski, the reception chairman.

The toastmaster for the evening was the Honorable Chester C. Gorski, president of the city council of Buffalo.

The invocation was given by the Right Reverend Monsignor Peter J. Adamski, P.A.

Greetings were extended to the delegates and guests by Mr. Walter J. Lohr, president of the Polish Union of America.

His message follows:

> Mr. Toastmaster, as president of the Polish Union of America, it gives me more than usual pleasure, to extend a hearty welcome to His Excellency Bishop Leo R. Smith, our honorary chaplain of the Polish Union of America, whose friendship, is one of the most precious possessions one can hope to enjoy, always interested in the good of our organization and the welfare of its members. I also want to extend our welcome to the right reverend, the very reverend monsignories, the reverend clergy, to Congressman Thaddeus Dulski, to Senator Walter Mahoney, to Mayor John Ogarek, mayor of the city of Lackawanna, to Mr. Frank Luchowski, representative of mayor Chester Kowal, mayor of the city of good neighbors, Buffalo, who unfortunately cannot be with us, for reasons known to all of us, to Mr. Stanley Turkiewicz, president of one of the largest Polish Roman Catholic organizations in America, to the representatives of our brother and sister organizations, to the delegates and members of our organization and to all our friends, who have honored us by their presence here tonight, the opening of the 25th quadrennial convention.
>
> I also want to thank Mr. John Krysinski, our national vice president who has labored, most earnestly and most cheerfully, to make this banquet a success.
>
> Ladies and gentlemen, anyone who lives fully and makes a contribution to the community in which he lives, is a success.
>
> This motto, can be applied to the fullest extent, to the Polish Union of America, a fraternal as well as a beneficial, organization of American citizens of Polish extraction.
>
> Its worth reflects the wisdom of the founders of the Polish Union of America, the late John Pitass, pastor of St. Stanislaus Parish, Buffalo, N.Y., and the late Reverend Dominik Majer, of St. Paul, Minn., who built this organization on the enduring foundation, and religious principles, to support its purposes and religious practices, on the part of its membership, to insure its perpetuity.
>
> Through their guiding genius, the stupendous undertaking, was launched as the Polish Union of America.
>
> The Polish Union of America, was a product of historic necessity, it helped to preserve, what is best in the Polish background and tradition, of its members and incorporate it, into the American way of life, of which they are an integral part.
>
> The members of the Polish Union of America contributed, to American industry, commerce, education, religious and charity. It may not be widely known, but cannot be ignored and minimized.
>
> America to some of us, may be an adopted land, but to most of us, born here, is a home of the free and mighty, in the championship of freedom, to all peace-loving countries of the world.
>
> While some of us despair about the future of the Polish American status, and point out, that the Polish language is spoken less and less, that the Polish American press is losing support and our fraternal organizations are not gaining enough new members, and generally claim, that our Polonia is doomed, I say, have faith
>
> Work and work hard, because Polonia is not wasting away, falling apart and sliding into an abyss, but on the contrary, it is living a healthy normal life, based on strong and enduring principles, principles which have guided the life of the Polish American community in its religious, family, social, intellectual, economic, cultural, political and fraternal manifestations.
>
> It is based, on positive established principles, so well embodied in the Polish Union of America, for the past 72 years, in this motto: "Unity is Strength."
>
> Again I repeat, let us have faith, and upkeep, what our forefathers built, and as long as we have organizations, such as the Polish Union of America and others, we will succeed and benefit. As I said at the very outset of my address of welcome, anyone who lives fully and makes a contribution, to the community in which he lives, is a success, and the Polish Union of America is a success.
>
> In conclusion, it is our hope, that you will enjoy the program arranged by the committee, but perhaps, more than that, we hope that all our thinking will be provoked, so that we will renew our efforts to promote fraternalism in its purest form.

Fraternalism, has a definite mission. Fraternalism, is a patriotic and democratic institution, founded on the principles of democracy.

It has always been a strong and beneficial influence in our Nation's history and is sorely needed today, when we are beset on every side, by other concepts of life—isms, which would destroy our Government, of, by, and for the people.

The Honorable Walter J. Mahoney, New York State senator, delivered the following address:

In a few days, September 1, we will mark the 23d anniversary of the infamous day when Poland was invaded by Hitler's Nazi hordes and World War II began. The gallant defense by Poland will go down in history as one of the most heroic chapters in the never-ending fight for freedom. Today, that fight is still going on against an equally vicious tyranny, the forces of atheistic communism. The Polish people are still in the forefront, and they deserve our prayers and encouragement. I am confident that one day they will throw off the chains of dictatorship.

The great contribution the Polish Union makes in providing insurance for its membership is well known outside your community. This is, of course, vitally important. But you are to be congratulated also for the lesser known social-service aspects of your organization. In these days when the concept of family life is under attack from all sides, and when people more and more are being encouraged to depend on government for the things which might better and more properly be done by themselves and their neighbors, this is indeed a heartening thing.

America's greatness has been its ability to draw upon the cultures of all of the many peoples who have come to her shores, preserving the best of each while uniting all under a common devotion to their adopted land. We must strive to retain the interest of our young people in their respective heritages, so that while we all fuse in the great melting pot, we do not lose sight of the great contributions each national group has made.

Senator Mahoney brought the following message from the Honorable Nelson A. Rockefeller, Governor of the State of New York:

State of New York,
Executive Chamber,
Albany, August 17, 1962.

Mr. Walter J. Lohr,
President, Polish Union of America,
Buffalo, N.Y.

Dear Mr. Lohr: The 25th quadrennial convention of the Polish Union of America affords me the welcome opportunity of sending my cordial greetings to all present at the preconvention dinner.

The Polish Union, thanks to able leadership, has done a remarkably good job. It has maintained the ideals of ancient Polish traditions. It has preserved among the Americans of Polish origin respect for Polish history and Polish customs. It has contributed to the happiness and welfare of its members. It has encouraged fidelity to Poland's passionate belief in man's right to his own soul and his own integrity. God did not make the Poles to be slaves.

Among the finest of our citizens are those of Polish origin. Your great generals, Pulaski and Kosciusko, helped us win our freedom, and those who came after have defended, expanded, and enhanced it. You helped to build our railroads. You helped clear and till our fields; you helped man our factories; your thriftiness helped finance our economic growth; you have made distinguished contributions in the arts and professions; and when the call to arms has been sounded, Americans of Polish origin have customarily responded in numbers far beyond your proportion in our population.

You have been freedom fighters, not only when freedom was threatened by tyrants but also in the day-to-day struggle to keep it viable and strong.

My best wishes for a happy convention.

Sincerely,

Nelson A. Rockefeller.

Greetings were extended by the Honorable Chester Kowal, mayor of Buffalo, who was represented by Mr. Frank Luchowski.

Choral selections were offered by the Kalina Singing Society No. 221 P.S.A., under the direction of Mr. Peter Gorecki.

Greetings were also extended from the Polish Clergy Association by the Reverend Joseph Stelmach, president.

It was a pleasure for me to address the delegates and guests and my text follows:

It is an honor and a great personal pleasure to address this great convention of the Polish Roman Catholic Union of America.

As I am sure you are all aware, the Polish contribution to American life extends back to the time of the earliest voyages of exploration. Poles have participated in every American conflict. They made notable contributions to the American Revolutionary effort. At the time of the Civil War there were some 30,000 Poles in the United States. Of this number, 4,000 fought in the Union Army and 1,000 in the Army of the Confederate States. When President Lincoln made his appeal for volunteers, typical of those who responded was General Kryzanowski who distinguished himself at the battles of Cross Keys, Bull Run, Chancellorsville, and Gettysburg. He was appointed the first Governor of Alaska, served in Panama, and died in 1887. In 1938 his remains were transferred to the Arlington National Cemetery. Polish-Americans have fought in the Spanish War, both World Wars, and the Korean war. Their heroism is one of the great parts of the tradition of the Polish people in America. But an important part of that same tradition is the history of the organization met in convention here today, the great patriotic, religious, fraternal, Polish Roman Catholic Union of America.

The founding, growth, and tradition of service of the Polish Roman Catholic Union of America grew naturally out of the history of the Polish people in the United States. In 1870 there were some 50,000 Poles and 10 Polish parishes in America; in 1875 there were 200,000 Poles and 50 parishes. By 1889 there were 800,000 Poles in 132 churches led by 126 priests. At that time Wisconsin had the largest number of Polish settlements, and Chicago had the largest Polish population. Today there are more than 1,000 churches with Polish parishioners. Most Polish Americans live in the regions of the Great Lakes, lower New England, New York, and Pennsylvania. Chicago, with a population of over a half million Poles is the second largest Polish city in the world; Warsaw is the first.

The first Polish mutual aid society established in the United States was that of St. Stanislaus Kostka, in Chicago, in 1864. In time, Polish parishes were established which became the centers of social and cultural activities. The tendency toward concentration grew stronger. At the turn of the century, for example, two Polish parishes alone were larger than many dioceses. In 1899, St. Stanislaus Kostka parish of Chicago had a membership of over 50,000 parishioners, and the Buffalo parish of St. Stanislaus Bishop and Martyr numbered 30,000 parishioners. The parish church in America took on the form of a Poland in miniature. With the establishment of the parish, new institutions, especially the parochial school came into being. The purpose of the parochial school was not only to impart Christian education but to acquaint the child with its Polish heritage.

Since the Polish parishes were the centers of all community activities, an informal federation of parish leaders joined Father Gieryk to promote unity among the American Poles. The first convention met in Detroit; the name "Polish Roman Catholic Union" was adopted.

Thus, the Polish Roman Catholic Union of America became a fraternal organization which not only insures its members, but also gives help and assistance to them in commercial and educational endeavors. It helps its handicapped and unfortunate members in the spirit of brotherhood.

From the beginning, the Polish Roman Catholic Union of America has contributed to the founding, building, and expansion of the Polish-American school system. Various schools throughout the United States have been recipients of this aid. They include St. Stanislaus Kostka College in Chicago, and St. John Cantious College in Erie, Pa. Every convention of the Polish Roman Catholic Union in America has shown a strong interest in education.

The union, by using funds from assessed dues, also laid the foundation for the Polish Seminary at Orchard Lake, Detroit, Mich., the oldest Polish institution of higher learning in the United States.

The fifth convention of the union devoted itself to the problem of Polish orphans. The plans then made were realized in 1885 with the establishment of an orphanage in Chicago under the direction of the Sisters of the Holy Family of Nazareth. In 1891 the union helped establish in New York City the Polish Emigration House of Saint Joseph, a social agency for the protection of Polish immigrants. In 1894 it helped build a Polish-American pavilion at the Polish National Exposition in Lwow, Poland. In 1901 and again in 1903, at Pittsburgh, the union took a leading part in the second and third Polish Catholic Congresses which strove for Polish representation in the American Catholic hierarchy. In 1904 the union contributed to the Chicago monument to Gen. Thaddeus Kosciuszko, the American Revolutionary War hero.

In 1918 the union established its juvenile department whose primary purposes were to insure the future growth of the organization and the training in character of Polish youth born in the United States. In 1935 the sports department was formed; in 1937 the youth department replaced the sports department.

In 1908 the library was established; today it is a nationally know institution having the largest collection of Polonica in English. The union has published a series of books dealing with the history of Polish-Americans. These annals are the organ of the archives and museum of the Polish Roman Catholic Union of America. In 1897 the union established Narod Polski as the official organ of the organization. Issued on the first and third Mondays of every month, it is free to members.

This great tradition of service and achievement deserves commemoration here today, and I am well aware that all in attendance at this convention intend that the Polish Roman Catholic Union of America will add new and further triumphs to its splendid record.

The convention was honored by receiving a message from the President of the United States, the Honorable John F. Kennedy, which was read at the opening meeting on Monday, August 20.

The President's message follows:

It is a pleasure to send warm greetings to the members of the Polish Union of America on the occasion of your 25th quadrennial convention. I am delighted to convey these words through Congressman DULSKI.

As Americans of Polish descent, you may be proud of the contributions made by Generals Pulaski and Kosciuszko, so many others of your countrymen, and you of this generation to the American way of life and to the ideals of freedom and democracy throughout the world.

With every good wish for a successful convention and for continuing progress in the important work you are doing.

JOHN F. KENNEDY.

The principal speaker was Dr. Stephen A. Graczyk, K.S.G., medical director, Care of the Aged, Catholic Charities, diocese of Buffalo, who gave a very interesting address on medical care, a topic on which he is well qualified to speak. Dr. Graczyk is an authority on this subject, because of his vast experience and the many positions he holds.

The concluding speaker was his excellency, the Most Reverend Leo R. Smith, D.D., who lifted us spiritually by stressing our obligations to God and our country.

Inquiry Into Political Morality and Lobbies

EXTENSION OF REMARKS

OF

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 19, 1962

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD two excellent articles by my colleague, Mr. MCCARTHY, which appeared this summer in the New York Times magazine.

The first one is entitled "An Inquiry Into Political Morality"; and the second is entitled "A Senator Looks at the Lobbies."

I know that all who are interested in government and in the legislative process will find these articles of great interest and value.

I wish to commend my colleague for the fine quality of these two articles.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times magazine, July 1, 1962]

AN INQUIRY INTO POLITICAL MORALITY: A SENATOR EXAMINES THE REASONS FOR THE TOO FREQUENT LAPSES IN PUBLIC ETHICS AND SUGGESTS WHERE RESPONSIBILITY LIES FOR CREATING AND ENFORCING HIGHER STANDARDS

(By EUGENE J. MCCARTHY)

(NOTE.—EUGENE J. MCCARTHY is a former professor of economics and sociology who took office as Senator, Democrat, from Minnesota in 1959. He wrote "Frontiers of American Democracy.")

WASHINGTON.—The morality of men who hold public office—a matter being brought forcibly to public attention in the case involving Billie Sol Estes—has been a subject of concern throughout the history of the United States.

An essay, attributed to Alexander Hamilton, in the "Federalist Papers" in 1788 states: "The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place to take the most effectual precautions for keeping them virtuous."

One hundred and fifty years later, Peter Odegard, in an article on corruption written for the "Encyclopaedia of the Social Sciences," observed that among the great modern nations the United States had had the least enviable record with regard to the morality of its public officials.

Fourteen years later, Senator J. W. FULBRIGHT, in commenting on the investigations of the Reconstruction Finance Corporation, said: "As our study of the RFC progressed, we were confronted more and more with problems of ethical conduct." He asked these questions: "How do we deal with those who under the guise of friendship accept favors which offend the spirit of the law, but do not violate the letter? What of the men outside Government who suborn those inside it? Who is more at fault, the bribed or the bribers?" How, he asked, do we deal with the disturbing problem that "among so many influential people, morality has become identical with legality."

The findings of congressional and executive investigations, reports of State and local governments—official and unofficial—indicate that the moral and ethical standards of public officials have not improved much since 1951. Congressional committees are now looking into not only the Estes case but also scandals in the national highway-construction program, price fixing, and excessive profit taking on Government contracts, even on those vitally related to national defense.

It is not important to determine whether present conditions are better or worse than those of the past; what is, is bad enough. It is important that two questions be asked and answered, if possible.

First, what are the causes of the present state of morality or lack of morality; and, second, what can be done to bring about a change for the better?

The explanation of the present state of public or political morality or immorality is not to be found in simple one-cause statements such as in a recent Senate report "that corruption is the inevitable result when one party or one faction remains too long in power." Neither is it to be found in sweeping generalizations regarding the inevitable corruption of democratic government; nor can it be explained away in terms of technique, codes and procedures of government. We must look for more fundamental causes.

There are, I think, at least three distinguishable ones: first, the general level of morality prevailing in the United States; second, the level of morality in business and in the legal profession, as well as in those other professions that directly bear on government and politics, and, third, the lack of a strong tradition of political responsibility and of the honor of public office in the United States.

Let us look first at the general level of morality in the United States. Americans by and large are concerned about the ethical aspects of politics and business. There is widespread protest against clear cases of bribery and graft and outright theft. "Throw the rascals out" is a popular campaign slogan. On the other hand, it is a matter of common knowledge, sustained by reports and statistical records, that the level is not so high as we would like it to be. Why?

Ideas do have consequences. There is less respect today for old-fashioned morality and for the hard-and-fast principles of honesty that were formerly enforced by religious conviction. Today there is rather wide acceptance among philosophies of the relativism of morality. We should not be surprised, therefore, to find some government officials and businessmen making up rules which, although convenient to their own purposes, are not based upon traditional or reasoned standards of right and wrong, truth or falsehood.

The level of strength of the virtue prevailing among citizens will inevitably be reflected in the conduct of officials—since they are drawn from the body of citizens and are formed and influenced by the moral standards which are generally accepted and observed.

The conduct of public officials is likely to be affected particularly by the standards of conduct prevailing in business and in the professions that touch most directly upon government. It is significant that, in many cases in which public officials accused of wrongdoings have attempted to defend themselves, they have argued that their actions were fully within the bounds of accepted practice in the business or professional world from which they had come.

Disclosures of dishonesty and misrepresentation in the fixing of radio and television programs a few years ago turned the spotlight of publicity on those associated with the communications and entertainment industry. These findings, however, have significant bearing upon other fields of business and professional activity and especially upon politics, in which the temptation to oversimplify and misrepresent is always strong.

In our society falsification is universally condemned, yet the practice in greater or lesser degree is widespread and to some extent condoned. The problem is complicated. Carl Sandburg, in "The People, Yes," asks the searching question: "What kind of a liar are you?"

"People lie because they don't remember clear what they say.

"People lie because they can't help making a story better than it was the way it happened.

"People tell white lies so as to be decent to others.

"People lie in a pinch, hating to do it, but lying on because it might be worse.

"And people lie just to be liars for crooked gain.

"What sort of a liar are you?

"Which of these liars are you?"

Carl Snyder, in his book, "Capitalism the Creator," observes that despite our prejudices we must acknowledge that avarice and greed have been the great forces in the building of America. This is too harsh a judgment, but certainly it is true that the opportunist and the sharp dealer are not unknown in the business world.

They may not sit at the head of the table, but often the high-pressure artist, the dealer in influence, the public-relations man skilled in expanding doubt or contracting truth as the case demands, and the disciples of Hermes, sit at the right hand.

The term, "free enterprise," which has a good and defensible meaning, has been abused. For many it has been the excuse for sweeping rejection of social justice and responsibility, for the rejection of traditional conceptions of right and wrong. "Legality" for many has become the watchword; they see little wrong in avoiding legal obligations, as indicated in the Internal Revenue Service estimate that something over $25 billion of taxable income goes unreported in the United States each year.

John Cassidy, who argued the question of political morality with Mr. Dooley at the turn of the century, insisted that he "niver knew a pollytician to go wrong ontil he's been contaminated by contact with a businessman."

This oversimplifies, but it does point to the fact that there is in nearly every case of corruption a double responsibility or a shared responsibility.

In the long run, the indirect and more subtle influence resulting from the transfer of an exploitative and self-seeking philosophy can be more destructive of morality in public office than the direct influence of bribery.

The third general cause bearing on morality in public service in the United States is the lack of any strong tradition of the responsibilities and special obligations—and the honor—of public office.

In the beginning of our national existence, we cut ourselves away from the aristocratic traditions of the Old World and adopted an egalitarian political philosophy. Every citizen was given a share of the political power which, in the old order, had been restricted to the aristocracy.

In transferring political rights to each citizen we failed to transfer a corresponding sense of responsibility which the old traditions and institutions had imposed and institutions had imposed upon the nobility. We failed to develop new institutions or a new tradition attaching obligations and responsibility to position and to office directly, as a substitute for a system that fixed such responsibility through birth or class.

Montesquieu declared that that honor was the basis of monarchy and virtue the basis of democracy. History has demonstrated that honor without virtue is an insufficient basis for monarchy, so history is demonstrating that virtue is also inadequate unless sustained by honor.

What can be done to bring about an improvement in public morality in the United States?

First, there must be a broad effort to transform the whole social and cultural environment—that is, to transform it by eliminating whatever pushes man toward evil or leads him into error, and whatever establishes or sustains conditions which encourage man to easy response in action that is morally objectionable and wrong.

Government has a clear responsibility in this field, but it a residual and sustaining responsibility; the primary and principal responsibility rests on all persons and on all institutions that affect moral judgment and actions, primarily those whose work is religious and educational.

Second, ethical standards in business and in the professions must be raised primarily for the sake of businessmen, but also because of the effects such improved standards will have on public morality and morality in public service.

We have come to accept that only a few fields of activity are truly professional—for instance, medicine and the law—and that all others are, somehow, nonprofessional or unprofessional. It is essential that other groups be indentified, like professions, with special public responsibilities, and consequently be expected to develop self-discipline and individual codes of ethics—a true sense of profession.

I cite as examples physical scientists in some fields, certified public accountants, public-relations personnel and others acting as consultants and advisers on matters touching directly on the social and public good.

Third, we must take immediate action to develop in the United States a code of ethics for men in public office, for those with responsibilities for making laws, interpreting laws and administering the affairs of Government, and to lay the foundations upon which we can build a tradition reflecting the high honor and responsibility of Government service.

The responsibility rests first with the Congress and the President, who have the authority to set standards for Government service. In a more general way it is a responsibility of the colleges and universities. They should be willing not only to fill the demand but also to create a supply of men who view Government as a professional career and who are liberally educated and professionally trained for such service.

Lindsay Warren, as Controller General of the United States, testified in 1951 before a special subcommittee to study ethical standards in Government:

"For a long time I thought that no code of ethics or morals would insure a high standard of conduct of the Government's business. I have felt that moral integrity is something innate, the result of a person's conscience, upbringing, and education and not something controllable by regulation, no matter how rigid. * * * Without good administration the best written codes will fail.

"However, the things I have seen in my 25 years in Washington, especially the shocking disclosures of the war and postwar period, have made me more receptive to an official moral code. In the first place, I no longer feel that we can rely on the moral training of all those who come into or deal with the Government."

We must not expect perfection. It will not be possible to eliminate all abuses through changes in rules and procedures. But there is a continuing need for reexamination of the methods and processes through which the great powers of Government are exercised, and a need, also, for penalties and punishments which are adjusted to the new and varied ways in which public officials today may violate public trust.

[From the New York (N.Y.) Times magazine, Aug. 19, 1962]

A Senator Looks at the Lobbies: Groups That Have Stakes in Pending Legislation Clamor To Be Heard in Congress—This It Is Argued, Is Their Right, and There Are Safeguards Against Their Abusing It

(By Eugene J. McCarthy)

(Note.—Eugene J. McCarthy has served as a Senator, Democrat, from Minnesota since 1959. He wrote "Frontiers of American Democracy.")

Washington.—The word "lobbying" has a derogatory ring. This is not surprising, for good or bad lobbying occurs in the processes of democracy at the point of rough transition where interests conflict and judicial processes fall short. Lobbying is a test—sometimes a raw test—of the judgment and integrity of political officeholders, both elected and appointed.

Who are the lobbyists? What do they do in order to affect the course of Government? How effective are they? Is lobbying a threat to democracy? Do Government officials need more protection from lobbyists? What can or should be done about lobbying? It is important that these questions be asked and that an attempt be made to answer them.

This has been a most active year for lobbyists in Washington. They were drawn especially by the tax bill, the Trade Expansion Act, the medical insurance program and by the Sugar Act.

The activities of lobbyists on the Sugar Act, which involves foreign countries, have moved the Senate Foreign Relations Committee to make a special study of lobbying—or, as the committee described it, of "nondiplomatic activities of representatives of foreign governments or their agents in promoting the interests of those governments." Investigation or inquiry into the operation of lobbyists in other fields has been suggested by some Members of Congress.

By statute, the lobbyist today is any person who solicits money or anything of value to be used principally to secure or influence the passage or defeat of any legislation by the Congress of the United States.

Lobbying has a long history. The word "lobby" appeared first in the English language about the middle of the 16th century. It was derived from the medieval Latin word "lobium," a monastic walk or cloister.

Three hundred years later the word was in politics. It was used both to identify a hall or corridor in the British House of Commons and as a collective noun applied to all those who frequented these lobbies. It covered those who sought to influence men in office as well as newspapermen and others looking for news and gossip.

Today the word "lobbyist" is used both in its narrow legal sense and, more broadly, as a description of all attempts to influence not only the legislators, but also any agency or officer of Government. Registered lobbyists in Washington number approximately 1,100, but the number of persons and agencies involved in efforts to influence the Government is much greater.

Some lobbyists represent big interests and well organized groups. The chamber of commerce and the National Association of Manufacturers have registered lobbyists along with the AFL–CIO; so do the American Petroleum Institute, the Association of American Railroads, and nearly all major industrial and financial interests. The so-called little people and the unorganized or less organized also have lobbyists. For example, the American Committee for Flags of Necessity, the Hualapai Tribe of Hualapai Reservation, and the Arthritis and Rheumatism Foundation are among those groups or organizations represented by lobbyists.

Some lobbyists are well paid; some get little more than expense money. Some operate directly on Government officials, others primarily by indirection through appeals to constituents or voters. Some are professional, others amateur. Some lobbyists represent only one position or program, while others are available as free lancers on an issue-by-issue or client-by-client basis.

Some lobbyists are quite open—they seek their own gain, the protection of an economic advantage, or the elimination or reduction of advantages held by their competitors. These cry more often for equity than they do for justice. Others speak for the arts, for morality, for aid to the sick and for the oppressed among the family of man.

What do lobbyists do in order to affect Government decisions?

The methods used by the lobbyists are almost as varied as their causes. Some appeal on a purely personal basis, as friend to friend. Some undoubtedly use monetary or material appeals, but there is little evidence of direct payoff in lobbying activities affecting the Congress. In some 14 years of membership in the Congress, I know of no case in which a Member was moved to support or to oppose a position in response to any kind of direct financial or material reward. The indirect influence of campaign contributions is more difficult to assess but it is, I believe, more important.

The most common method of lobbying is that of simply appearing before a committee of Congress or speaking to individual Members in an attempt to bring them to understand one's position or to influence them to support that position.

How effective are the lobbyists?

Some are wholly ineffective but take credit for what happens without, in fact, having in any way influenced events.

Among the regular lobbies, the postal employees' organizations are usually very active and, whenever postal pay legislation is before Congress, they are listed at or near the top in terms of total expenditures. In order to raise wages or to change working conditions significantly, the spokesmen for the postal workers of the country must influence either the Congress or the administration—or both—for Government employee unions are not recognized and dealt with in the same way as other labor unions are by private employers. There is little doubt that the existence of this Washington lobby has influenced the Congress and successive administrations to raise salaries and to improve working conditons not only for postal employees, but for all Government workers.

The major farm organizations in the country maintain regular lobbies in Washington. The American Farm Bureau Federation and the National Farmers Union usually take opposite sides on farm legislation. The apparent success of the two organizations parallels closely the success of the two major political parties. The Farmers Union position is favored when the Democrats are in power, and the Farm Bureau position when the Republicans are in power.

One of the most interesting and continuing lobbying efforts of recent years has been that in support of a bill which is known as H.R. 10. This bill proposes to change existing income tax laws to allow members of professions and other self-employed persons a limited income tax credit on money invested in private pension or retirement programs. Starting almost from scratch, the supporters of this legislation have secured the approval of the House of Representatives and of the Senate Finance Committee. Victory in this case—if it comes—must be credited in great measure to the efforts of a lobby registered as the American Thrift Assembly, a kind of holding company or organizing lobby, which was supported in testimony by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Farm Bureau, the American Medical Association, and others.

In this session of Congress, lobbies have been most active in four major areas: taxes, trade and tariffs, medical aid for the aged and extension of the Sugar Act. Undoubtedly the lobbyists did have or will have some effect on action in each of these areas.

Any significant change in tax laws attracts the attention of those who may be affected. The changes being considered this year were significant and controversial and the lobbying effort extensive.

Industries likely to be affected by trade and tariff policies are always well represented in Washington. Whenever an issue even remotely bearing upon trade is brought up for consideration, the representatives of these industries seek permission to testify. The hearings on the President's new tariff and trade program have attracted them in great numbers. Members of the House Ways and Means Committee and the Senate Finance Committee, which ordinarily hold trade and tariff hearings, are generally familiar with the testimony of these witnesses. They have been described as somewhat like professional soldiers who regularly go to battle, seldom win wars and suffer few casualties.

One of the most active Washington lobbies this year, and through the years, is that of the American Medical Association—better known in Washington for what it is against than for what it is for. The spokesmen for the AMA have effectively opposed the inclusion of doctors in the social security retirement program. They were strongly opposed to amending the social security law to provide for the payment of social security pensions to people who are permanently or totally disabled after they pass the age of 50. And in the present session of Congress, the AMA lobby led the opposition to the establishment of a medical insurance program for the aged as a part of the social security program. Action in this congressional session has been a real test of the power of the AMA lobby.

Lobbying activities with reference to the Sugar Act revision this year involved lobbyists in greater numbers than ever in the past, and the lobbying activities were more intensive. At least 22 lobbyists testified before congressional committees in behalf of the countries they represented. The list of lobbyists included former members of both the Eisenhower and Truman administrations, Washington lawyers, and public relations men. Their agreements with their principals varied from flat fees to contingency agreements, depending upon the action taken by Congress.

The massive lobbying activity this year arose from the fact that the administration recommended that the Cuban sugar quota of some 3 million tons, withdraw from Cuba because of Castro, be purchased in the world market at something like 2.8 cents a pound rather than on a quota basis from designated countries at traditional premium prices. At the premium price the supplying country would receive approximately $54 a ton more than it would receive at world prices. The administration's counterproposal was an open, almost demanding invitation to every sugar producing country interested in getting a share of the premium market to seek representation. Most of them did.

We now come to the basic question: Is lobbying a threat to democracy?

The effects of lobbying can be good or bad, helpful or harmful to democracy, depending upon two things: the purposes or objectives of the lobbying effort, and the methods or devices by which the lobby seeks to accomplish its objectives.

There are some who take the extreme view that lobbies are by their very nature power blocs and therefore inconsistent with democratic government; that since lobbies represent special or limited interests, their objectives are of necessity not directed to the general welfare and, therefore, they should be abolished.

There are some who see nothing wrong with lobbies except when they represent economic interests.

There are some who hold that the dangers in lobbying arise from secrecy and behind-the-scenes operations and from the amount of money that may be spent by lobbyists.

There are regular demands that more publicity be given to lobbying activities, that lobbying be more closely regulated, and that the amount of money which can be spent by a lobbyist or lobbying groups be limited and fully reported.

Positively, the activity of lobbyists is often very helpful. Lobbyists can help maintain a balance between Congress and the executive branch of the Government. The executive branch has a prepared case, usually sustained by expert witnesses. The Congress can offer in opposition the knowledge and experience of its own Members and that of the committee staff or congressional assistants. Often this is an unfair contest. The expert testimony of lobbyists or witnesses from outside may help to bring the contest closer to balance.

Congress, of course, does not depend entirely upon lobbyists for its information. It is the usual practice to call upon governmental experts and also on independent experts drawn from groups directly affected by the legislation under consideration or from related fields and from the academic profession.

For example, in special hearings on unemployment in 1959, invitations to testify were sent to these organizations; the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Coal Policy Conference, the AFL–CIO, the United Mine Workers, the National Small Businessmen's Association, the Railway Labor Executives Association and others. Representatives of the U.S. Departments of Labor, Commerce, and Defense were called. Leading labor economists were asked to submit papers, to testify, and to meet with the members of the committee. Hearings were also held in the field. These hearings were open to the testimony of anyone who wished to speak on the subject.

Apart from laws and regulations, there are some built-in protections against the power and influence of lobbyists. One safeguard is that usually there are organized lobbies on both sides of controversial issues; protectionists on the one hand versus free-traders on the other; the AFL–CIO opposed by the National Association of Manufacturers; growers' associations against those seeking to improve working conditions of migratory farmworkers; antivivisectionists against those who favor medical experimentation with animals.

Sometimes the opposition is not direct but involves competition for a larger share of a quota or a subsidy, or for greater participation in advantageous tax concessions.

Political party positions and programs, too, tend to eliminate large areas of political action from the influence of lobbyists. The political compaign in the United States is a rather severe testing. Most of the important national issues are raised during political campaigns, and most men who are elected to office have made firm commitments on most issues.

The President of the United States is called to account and judged by the people every 4 years; Members of the U.S. Senate must run for reelection every 6 years, Members of the House of Representatives every 2 years.

The activities of Members of Congress are watched closely by colleagues, particularly by those of the opposite party. They are watched by newspapermen whose reputations in many cases are based upon their ability to ferret out and report any action and conduct unbecoming Government officials.

In addition, of course, everyone who holds office must assume that there are at least two or three people—perhaps in his own party and certainly in the opposition party—who are quite willing to replace him and consequently are likely to give more than ordinary attention to his conduct in public office.

What can or should be done about lobbying?

Members of Congress cannot be fully protected from lobbyists by regulation. They cannot be expected to keep a checklist of registered lobbyists or demand proof of registration or defense of nonregistration before responding to a request for conversation or for a conference. Yet, Members of Congress and other Government officials can be given some protection by law.

The present Lobby Registration Act should be fully enforced, and financial reporting should be checked carefully. Fees contingent on successful lobbying should be outlawed. Care should be taken to remove from direct legislative determination those questions which should be settled by other branches of Government: by the President, by special commissions, by departments and agencies of Government or by international agreement.

Much of the agitation over the Sugar Act could have been prevented if the administration, acting directly or possibly in cooperation with the Organization of American States or the signatories to the International Sugar Agreement, had determined the way in which the Cuban sugar quota was to be allocated. There would have been some congressional protest, since in a broad way Congress has determined sugar allocations since the Sugar Act was passed in 1934. But the protest would have been limited and the compromises so minor that extensive lobbying activities, brought on when the whole question of reallocation was left open by the administration, would have been discouraged.

Better salaries for Government officials and sounder methods of financing campaigns would also lessen the likelihood of undue financial influence on public officials by lobbyists and others.

There is always the risk that public officials may be unduly subject to outside influence. But it is hard to imagine a meeting of a national legislature today that could or should be insulated from public pressure or demand. The practice of some primitive tribes, in which the wise men or elders withdrew from society periodically to consider laws and practices, is not likely to be revived.

The whole concept that lobbying opposes the majority, that it seeks to manipulate and subvert the majority will and the public interest, is unrealistic. Lobbyists seldom manufacture a problem. They call attention to an existing problem and try to guide the course of events. Action in Washington sometimes supports the judgment of J. B. S. Hardman, the philosopher and intellectual mentor of industrial trade unionism in America: "Majorities never rule, they merely give credentials to contending minorities."

Although lobbying does not usually involve a physical assembly—such as the 1932 veterans' bonus march on Washington or current picketing of the White House—it does involve organization, a bringing together of citizens seeking a common objective. Thus, the act of lobbying is basically an exercise of the right to petition the Government—a right set forth in the Constitution. Lobbying also involves, in a way, the exercise of the right of assembly.

In a democratic society there must be a point at which influences, both good and bad, are brought to bear upon government. The point at which these influences meet finally is in the elected and appointed officials of the country. They are supposed to be men skilled and experienced in politics and possessing the character to withstand improper pressures and improper demands.

Until a clear case can be made against the lobbyist, his voice should be heard in Washington. But his voice must be identified and, insofar as possible, restricted to that influence which is justified by the facts and the conclusions to be drawn from those facts.

THE BIG ONES

As reported, according to law, to the Clerk of the House of Representatives and the Secretary of the Senate, the 10 biggest spending lobbies in Washington in 1961 were:

American Medical Association	$163, 405
AFL–CIO	139, 919
American Farm Bureau Federation	111, 364
American Legion	103, 566
U.S. Savings & Loan League	101, 801
National Committee for Insurance Taxation	90, 058
National Farmers Union	88, 273
National Housing Conference	88, 141
American Trucking Associations, Inc	84, 986
International Brotherhood of Teamsters	81, 918

Attorney General Robert Kennedy's Address to the Polish Roman Catholic Union Convention

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. PUCINSKI. Mr. Speaker, last Monday, Attorney General Robert F. Kennedy addressed the Polish Roman Catholic Union convention in Baltimore. I should like to call his inspiring remarks to the attention of my colleagues.

The Polish Roman Catholic Union is the oldest Polish American fraternal organization in America. In its 89 years of existence, this dedicated organization, which has chapters in virtually every State in the Union, has written an impressive record of contributions toward helping Americans of Polish descent become better versed on the strength of the democratic process and also to become better American citizens.

It is most reassuring to know that the Attorney General of the United States would take time out from his very busy schedule to meet with this very worthwhile organization and discuss with them the problems which confront freedom-loving people throughout the world. I might add, Mr. Speaker, that Attorney General Kennedy was given one of the greatest ovations ever accorded a guest of the Polish Roman Catholic Union Convention in its 89 years of existence.

Attorney General Kennedy's eloquent message follows:

ADDRESS BY HON. ROBERT F. KENNEDY, ATTORNEY GENERAL OF THE UNITED STATES, AT THE POLISH ROMAN CATHOLIC UNION CONVENTION, LORD BALTIMORE HOTEL, BALTIMORE, MD., MONDAY, SEPTEMBER 17, 1962

Mr. Chairman, Reverend Fathers, officers, and delegates to the Polish Roman Catholic Union Convention, the one characteristic which distinguishes us as Americans in the world today is that in the United States we have a land of 180 million people whose cultures and background come from virtually every nation in the world, and yet we live virtually as one people.

I am particularly happy to be with you here today to participate in the opening session of your convention because Americans, regardless of ethnic background, will agree that the Polish Roman Catholic Union, through its 89 years of existence, has made an indelible contribution to the growth of America.

Over the years you have assisted Polish immigrants make an orderly transition from the customs of the Old World to those of our country. Your efforts have helped these people become dedicated Americans and made your communities across the country better places in which to live.

Although Poland is a much older nation than the United States, our destinies have been closely and profitably intertwined.

A few years after its founding, Jamestown, the first permanent settlement in America, was in trouble. The gentlemen adventurers who formed Capt. John Smith's company had little taste for the hard task of building a colony in a hostile wilderness. They were more interested in vain searches for gold than in clearing stubborn forests or plowing fields.

Smith sent to London for help. He asked for men who would work and who had the skills necessary to create a civilization in the wilderness.

The next ship brought help, not more gentlemen seeking a quick fortune, but six skilled craftsmen—Lowicki, Stefanski, Mata, Bogdan, Zrencia, and Sadioski.

These first six Poles in the new world went to work. They established a glass furnace—the first industry in America—and helped the Colony to start a soap works and a sawmill. John Smith credited their example of skill and industry with saving Jamestown.

A few years later, when the Colony was to elect the first representative legislature in America, the Governor ruled that only those born in England could vote. The Poles promptly put down their tools and proclaimed "No vote, no work." The Governor relented and the annals of the Jamestown Colony for 1619 note that Poles were extended the full rights accorded other settlers.

It is not surprising that this first strike in America was by Poles and that it was staged in the name of freedom.

The Polish love of freedom served this Nation well then and in the Revolution. The names of Pulaski and Kosciusko brighten the pages of our history.

Pulaski died in an attack on the British at Savannah after distinguished service at the Battle of Brandywine and at Valley Forge. But Kosciusko lived to serve the cause of freedom both here and in Poland long after the war.

A large cash award and a valuable tract of land were bestowed upon him by a grateful Congress, but he never used this bounty for himself. Before leaving to fight again for Polish freedom in 1794, he placed his will in the hands of Thomas Jefferson.

That last testament, as did his entire life, struck a blow for freedom and human dignity. It directed that his estate be used to buy Negro slaves and set them free.

Down through the years, Americans and Poles have shared the burden of fighting for freedom. Several years ago, I climbed that steep, rocky Italian hillside where Polish troops, under General Wladyslaw Anders, took Monte Cassino from the Nazis, climaxing some of the hardest fighting of the Second World War.

I shall never forget the inscription on the memorial to the Polish soldiers buried there:

"We Polish soldiers, for our freedom and yours, have given our souls to God, our bodies to the soil of Italy, and our hearts to Poland."

On the day the Poles captured Monte Cassino, American GI's were moving forward through the hills on their left and the Americans who died in that battle are buried a few miles from their Polish brothers.

This has been the theme of the relationship between the Polish and the American peoples—working and fighting together in the cause of freedom.

Time after time, Americans have been inspired by the stubborn courage of the Poles. We cannot forget that at the outset of the Second World War, Polish cavalrymen charged their horses against Nazi tanks.

Nor can we forget General Bor's uprising against the Germans in Warsaw, holding out for 63 days against the might of the German occupation force.

We have been able to make partial payment on the debt we owe to the sons of Pulaski and Kosciusko.

Nor have we forgotten our friend in the troubled days since the Second World War. We welcome and support the advances that have taken place in recent years.

We will continue to be concerned for the welfare of the Polish people and to maintain our traditional close ties of friendship with them.

I am happy that this Government has been able to extend over a half billion dollars in assistance to the Polish people in the past 5 years, and I am happy that this program is going to continue. This aid has been supplemented by the fine work of private organizations and citizens who have been sending generous assistance since the war.

American private and Government aid and assistance joined to build the new children's hospital which is nearing completion in Kracow.

We have invited leaders of the Polish Government and leaders of thought and opinion in Poland to visit America and see this land for themselves.

Cultural exchanges are continuing to increase. The Warsaw philharmonic and the Polish folk dance groups have toured this country. A band from Warsaw played at the Washington, D.C., and Newport jazz festivals this summer.

Our program of exchanging students, teachers, and technicians is continuing and

I hope it will grow as both nations can benefit from it.

Each year, more and more American tourists are going to Poland. I hope that trend will increase and will flow both ways so that more Poles will visit us and see America.

These exchanges are but tangible evidence of the close bond between the people of Poland and the people of the United States.

Today, more than ever before, we need the courage and dedication to freedom which have made Americans and Poles such good friends through their history.

We face a resourceful foe who seeks to impose his totalitarian way on free men everywhere. The threat takes many forms. It may be a wall in Berlin, occupied domination of proud old nations, guerrilla warfare in southeast Asia, military aid to Cuba, or espionage in our own country.

We are alert to this threat and as President Kennedy said last week, we intend to do everything within our power to meet it—and our power is very great.

We are making a consistent, carefully planned effort to turn the arms race into a peace race to spread respect for the rule of law, and dedication to man's God-given right to be free.

We are convinced that a supreme effort must be made to halt the arms race, but until some progress is made, we are and will remain prepared to do what is necessary to protect our own interests and the security of our friends and allies.

As we face this challenge through the difficult years ahead, another of the great attributes of the Polish people—their loyalty and devotion to the Roman Catholic Church—will serve us well.

Poles are now celebrating their 1,000th anniversary as a Christian people. Think of it—40 generations of faith.

Ten centuries of Christianity have given the Polish people a collective dynamism and a sense of great continuing national purpose. Indeed, the birth of Poland as a nation is closely tied to the arrival of Christianity and its long and proud history has continued this close bond to the church.

We have a rich heritage of our own—revolution, toughness, industry, and unswerving belief in the fundamental rights of the individual—but we are a young nation. We look back to many lands for our basic beliefs and traditions.

The Poles brought to this country strength, courage, faith, and perseverance—and America is indebted to its Polish citizens for helping to forge our national character with this steel.

A thousand years of history shows beyond a doubt that the spirit of freedom and human dignity is so ingrained in the Polish soul that no tyrant will ever succeed in destroying them.

I know from my own experience, for on the same trip that I saw the monument at Monte Cassino, I also visited Poland. I came there from the Soviet Union, and it was inspiring to enter a country where the people yearn for the principles of freedom and meaningful democracy. It was like emerging from darkness into the sunshine.

During those thousand years, Poland has been conquered and partitioned six times. Yet Poland has never lost its concept as a nation. Stubbornly and passionately, the Poles have clung to their determination to be free. They have refused to quit. They have always come back.

This is the strength and tradition of the Polish character. This is your heritage.

So, it is a privilege to be here for not only do I feel a close bond with the Polish people, but the President shares this regard and feeling. His sister-in-law is married to a Pole. The President has visited Poland as has my mother, my brother, Ted, and my sisters. With virtually no other group has my family had a closer affiliation.

Oliver Wendell Holmes, speaking on Memorial Day, 1884, in Keene, N.H., said:

"It is required of a man that he should share the passions and actions of his time at the peril of being judged not to have lived."

I can think of no other people who have shared the passions and actions of their time as have the Poles.

I hope you will have a successful conference and that you will return to your homes with renewed dedication to our common ideals of freedom and human dignity.

And I know you share with me the conviction that Poles everywhere are dedicated to these ideals and that they will triumph, for imbedded throughout the pages of Polish history and our own is the slogan which is apt today—"Polak nie sluga"—a Pole—and I might add an American—will never be a serf.

"We Asked and Now We Answer" Results of District Poll by Representative Hugh L. Carey

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mr. CAREY. Mr. Speaker, I am pleased to report the results of a survey on Federal issues which I recently conducted in my district. The response, in the tens of thousands, speaks well for the public interest of the people of Brooklyn.

The questions I asked and the results are as follows:

1. Medical care for aged under social security: Yes, 62 percent; no, 35 percent; no opinion, 3 percent.
2. Aid to education in some form for pupils of all schools: Yes, 60 percent; no, 37 percent; no opinion, 3 percent.
3. Authorize the President to negotiate tariffs with trade blocs such as Common Market and other countries: Yes, 65 percent; no, 25 percent; no opinion, 10 percent.
4. Federal subsidy or financing of (1) family fallout shelters, (2) community fallout shelters: Yes, 41 percent; no, 52 percent; no opinion, 7 percent.
5. My bill to revise tax deductions to afford greater allowances for student dependents to cover education expenses: Yes, 82 percent; no, 12 percent; no opinion, 6 percent.

In addition to publishing the results of this survey I have decided to live dangerously and adopt a new wrinkle. The practice among some Members who conduct these surveys is to ask questions but seldom to answer them. I submit that since I am now aware of how the residents of my district feel they have an equal right to know my position. Addressing myself first to the question which generated the most comment and controversy—No. 2, I favor a fair share in any educational assistance for every child in every school. As a sponsor of the "GI bill for junior" with my distinguished colleague, Representative JAMES J. DELANEY, of Queens, I advocate that financial assistance to preserve the right of freedom of choice in education be extended through the States and to the parents of all children in all schools. This bill has an absolute prohibition against any Federal control, interference, or monopoly in education. Since it follows the same pattern of distribution as the GI bill after World War II and the Education Act for the Pages of Congress, it is modeled on constitutionally unquestioned legislation which has worked well and is nondiscriminatory. The bill does not provide aid for teaching religious subjects and it is therefore not subject to objection under the First Amendment.

The "GI bill for junior" is in keeping with the concept of distributive justice in that every parent has an equal right to share in the proceeds of tax funds allocated to education. I believe that at every level of government, Federal, State, and local, that the parent should not be compelled to forfeit his right to freely choose a school and direct the education of his children as a condition to receiving an equitable share of his own taxes. Parents rights in education are paramount and inviolate and must remain so. This was recognized in the Universal Declaration of Human Rights of the United Nations General Assembly at article 26 which reads:

> Parents have a prior right to choose the kind of education that shall be given their children.

It is significant that when this resolution was passed in the General Assembly the Communist bloc nations abstained from voting. Under their system of education the parents have no control over the education of their children and they become creatures of the state. To avoid that in our Nation it is essential that we recognize and preserve parents' rights in education. This is particularly important in the light of the further secularization of the schools in our State resulting from the decision of the Supreme Court in the New Hyde Park regents school prayer case. Children must not be forced to attend a school where prayer is forbidden. We must move on twin fronts to restore the right of prayer to the public schools and serve the right of the parent to choose education with religion added through a fair plan of assistance. That plan is the bill for which I urge consideration as vital to our junior citizens—the "GI bill for junior." These junior citizens are voiceless and voteless but they have a right to educational excellence and I will continue to work in their interest.

On the other issues I have supported a plan of medical care for all our citizens over 65 and I intend to work for a solution which will provide that care with adequate safeguards against any threat of socialized medicine.

I strongly supported the Trade Expansion Act, a legislative blue ribbon of the 87th Congress. New York City clearly depends on trade for jobs and well-being and that trade could only be increased by effective interest in the Common Market. This legislation passed by a vote of 298 to 125.

I am in accord with the recent action of the Armed Services Committee in deleting $460 million allocated to the fallout shelter program.

Our strong defense effort, the largest in peacetime history, is the best approach to deterring Communist aggression. I favor continuing surveys to maximize the use of existing shelter facilities.

My bill to increase the tax deduction for children from the present unrealistic amount of $600 to a gradually higher figure, based upon the age of the child and therefore his needs has received universal support. The deduction would finally rest for all dependents at a new level of $800. The other provision of this bill allowing deductions to cover educational expense has been similarly well received.

Unfortunately, until the residents of our district express themselves further on these questions as only constituents can, I will not know how many disagree with me. If the majority do, then I will not be around to run this risk again, but while I am here at least my stand is clear so that, while some may question the prudence of stating my views on the questions I have asked, it must be conceded that the policy is positive.

Assembly of Captive Nations

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1962

Mrs. KELLY. Mr. Speaker, one of the most capable Members of the House of Representatives, and I assure you one of the most capable members of the Committee on Foreign Affairs of the House of Representatives, gave an address at the plenary meeting of the Assembly of Captive European Nations in New York. His address is of note and I feel that all should read it with care.

He emphasizes the grave mistake of Hungary. This mistake was reported by my committee in this manner:

> The Hungarian revolution which broke out October 23 was catastrophic in nature and caught the free world totally unprepared.

In this address he referred to one of the reports made by the Subcommittee on Europe of the Committee on Foreign Affairs. I am the chairman of this Subcommittee on Europe and at the time the report was written, I was fortunate to have the gentleman from Alabama [Mr. SELDEN] as a member of my committee.

He was a member of the special study mission to Europe following the Hungarian revolution which was the subject of the study mission's report. His contribution to the study mission is now equaled by his reports on Cuba and the enormous problems involved in the Communist takeover with the assistance of Fidel Castro, of these peoples by the leaders of the Kremlin.

I regret that the aggression and seizure of the peoples of eastern Europe was not a lesson and forewarning to us and to the nations of the Western Hemisphere in meeting the subversion of Cuba by the U.S.S.R.

We must meet the problem of Cuba with calm deliberation. I regretted the day President Eisenhower withdrew recognition of Cuba. Recognition has not been withdrawn from other Communist controlled nations and by not withdrawing recognition, a nation can always maintain a foothold in a country by maintaining an embassy, even though small.

I know my colleague, the gentleman from Alabama [Mr. SELDEN], will help to keep the spark of liberty alive in the hearts of the peoples of the captive nations throughout the world and I hope we will all see the day when we will again see them a free people.

I am happy to insert in the CONGRESSIONAL RECORD the address of our colleague, the Honorable ARMISTEAD SELDEN:

REMARKS OF REPRESENTATIVE ARMISTEAD SELDEN AT PLENARY MEETING OF THE ASSEMBLY OF CAPTIVE EUROPEAN NATIONS, CARNEGIE ENDOWMENT INTERNATIONAL CENTER, NEW YORK CITY, TUESDAY, SEPTEMBER 18, 1962

Five years ago, following the Hungarian Revolution, the Subcommittee on Europe of the House Committee on Foreign Affairs undertook a special study mission. In Paris, Vienna, Munich, Bonn, London, Warsaw, and Belgrade, members of the subcommittee sought to determine the effect of U.S. policy toward Soviet satellite nations, in the wake of the massacre of Budapest.

As a member of the subcommittee I learned firsthand, from Hungarian refugees, the grim results of the failure of the United States and the free world to meet the challenge of Budapest.

Five years have passed since our subcommittee, in its report to the Congress, said: "The forces of communism are committed to making colonies of all nations by any means available, with no recognition of any standard except that might makes right. In any consideration of policy, it must be remembered that peace will not be secured by any evidence of weakness in the free world's struggle against Soviet power and Soviet propaganda.

"The survival of Western civilization," said the 1957 subcommittee report, "depends on the influence exercised by the United States, not alone upon the nations which are free today, but, more important, upon those nations which yearn for freedom now—the satellite nations. We have reached a turning point in history where, unless we formulate and implement policies of action, courageously and firmly executed, scholars might someday read the history of the decay of Western civilization under faltering U.S. leadership.

As a member of that subcommittee and as a Member of Congress, as well as an American concerned about the future of freemen and men who would be free, I regret to say that these words are as true today as they were in 1957.

Indeed, the subcommittee report has proven prophetic—tragically so.

Today, Soviet power subjugates not only the people of Eastern and Central Europe, but the people of a nation a mere 90 miles from the shores of the power center of the free world.

Today, Soviet propaganda works unceasingly to corrode not only the will of captive nations, but the power and will of free nations as well.

Today, the Soviet threat to the survival of civilization is greater than ever before in history.

This is not alarmist talk. It is not defeatist talk. It is simple historical truth, and to ignore it is to compound the errors of the past. For the bitter fact is that during the half decade which has elapsed since Budapest, time has worked against the free world.

Yet I submit that the reason for this weakening of the free-world position is not that which Soviet propaganda and dogma would have us believe. Our power has not receded because the march of communism is inexorable, but because we did not learn the lesson of Budapest.

In short, the history of the cold war since 1957 is not so much that of Communist success as of free world failure—let me quote again from the subcommittee report—to "formulate and implement policies of action, courageously and firmly executed."

Incredibly, there remain policymakers in the free world who still cling to illusions regarding the true nature of Soviet imperialism. These people continue to urge on the free world a policy based on their illusions—a policy not of action, but of inaction.

We therefore have witnessed in the past 5 years the emergence of a cold war policy which denies the existence of the cold war, the so-called policy of coexistence.

"Coexistence," "accommodation," "relaxation of tensions"—these are the current words and phrases of the free world's diplomatic vocabulary this autumn of 1962. They are words which gloss over the essential truth of the world in which we live today.

The value of the Assembly of Captive European Nations lies in your continuing efforts to cut through these illusory words and phrases—to lay bare for the people of the free world the grim realities of Soviet power.

Your organization is not simply a symbol of hope for the captive peoples. It is also an instructor and guide for the people, as well as the policymakers, of the free world.

This assembly understands, from the harsh experience of recent history, that Soviet communism allows for only one kind of coexistence, the coexistence known by the captive peoples of Russian imperialism.

This assembly knows, from the cruel lessons inflicted upon your nations and your compatriots, that Soviet communism permits only one form of accommodation—the accommodation forced upon captive peoples by Russian brutality and deceit.

And this assembly can see through the cloud of illusion to reject the foolish and dangerous notion that there can be any true relaxation of tensions in a world half slave to the Kremlin.

No, the cold war continues relentlessly, and those who counsel coexistence, accommodation, and relaxation of tensions do not understand our adversary. As a strategy for survival of our civilization, any policy based on such illusions must fail. It can only hasten a time when, and I quote again from the subcommittee report of 1957, when "scholars might someday read the history of the decay of Western civilization under faltering U.S. leadership."

As chairman of the House Subcommittee on Inter-American Affairs, I am especially aware of the free world's failure during the past half decade to learn the lesson of Budapest. For during this period we have seen the arm of Soviet imperialism extend, from the bloody streets of Budapest to the bloody prisons of Fidel Castro's Cuba.

From Kadar to Castro—from the enslavement of Eastern and Central Europe to the enslavement of a people neighboring the United States—that is the tragic summary of our failure to act, courageously and firmly, against Soviet aggression.

Cuba today is a captive nation in every sense. All the implements and apparatus which enforce Soviet domination of Central and Eastern Europe, including Russian military personnel and equipment, are today present on that island.

But while the American people are immediately concerned about the Soviet threat in Cuba, and while our attention is focused there, it would be well to trace the policy steps leading to this crisis of the Western Hemisphere.

In my opinion, the free world's failure to formulate a purposeful and sustained policy concerning the captive nations of Europe is a direct cause leading to the establishment of the first captive nation in the Western Hemisphere. A policy which grants and permits the Soviet Union's subversion and overthrow of legitimate governments in Europe has resulted in the Kremlin's challenging the United States on our own frontier.

This course of events is really not surprising. For although there are those policymakers in the free world who think in terms of so-called spheres of influence, the Communists neither know nor respect any limitation on their world aspirations.

"The forces of communism," declared our congressional report 5 years ago, "are committed to making colonies of all nations by any means available, with no recognition of any standard except that might makes right."

Predictably, when the free world assures the Communists that they need fear nothing from us in their own so-called sphere, the Communists intensify their efforts to extend that sphere. Their goal remains world domination, nothing less.

In 1956, when Khrushchev declared "hands off Hungary," the West accommodated. We heard much expert talk then about so-called spheres of influence and the alleged political and military realities of Eastern and Central Europe. The result is that today the Soviet dictator is emboldened to tell us, in the same strident tone, "hands off Cuba."

Where now are the experts who ceded the freedom of 100 million Europeans on the basis of their inhabiting areas within the so-called Soviet "sphere"? Surely these authorities must now recognize that Soviet imperialism is not satisfied by concessions, nor is it derived from or limited by geography.

Cuba, we may be assured, is not a Soviet satellite because of its geographical proximity to the Soviet Union. I submit that the same can be said for the captive nations of Europe. Subversion, force, denial of the right to self-determination, these are the political and military realities which support Soviet domination over Budapest and Havana.

The point is clear, if only our experts will see it. The nations of Eastern and Central Europe are not Communist-dominated because of political inevitability, but because the forces of Soviet tyranny have been permitted a free hand by vacillating and indecisive Western policies.

If we begin by accommodating ourselves to Rusian domination in Eastern and central Europe, we inevitably must end by accommodating ourselves, whether we like it or not, to this same domination in the Western Hemisphere.

But this the people of the United States, who bear the greatest share of responsibility for free world policy, will never permit. And that is why I am hopeful that we may yet learn from Havana the lesson of Budapest.

Let us hope that these points are now brought home, to our policy framers as well as our people.

First, that we cannot cede or abandon any people or nation anywhere to Soviet tyranny, but must hold as a tenet of our world policy and faith the ultimate self-determination of all peoples.

To believe or to act otherwise is not simply immoral—it is irresponsible to the interests of Western civilization.

Second, that Communist ambition is global in scope and must be met by global counterstrategy.

Our failure has been that we continue to meet the Communists on cold war battlefields, within the bounds and upon the terms which their interests dictate. Berlin, Vietnam, Cuba, these are the stakes in the world struggle today. Significantly, they are all Western stakes.

A global counterstrategy for the West would mean that Khrushchev would not be given a free hand to pick and choose pressure points convenient only to the Soviet timetable. The vulnerable segments of the Soviet empire can and should be targets for Western political strategy.

Third, that we take the lead in extending the meaning of anticolonialism to include the nations of Eastern and Central Europe, as well as those in other parts of the world.

If the principle of self-determination means anything, it must be universal and unqualified. Our policymakers speak of taking the lead in the so-called revolution of rising expectations. Let us not overlook the expectations and hopes of the suffering peoples of Eastern and Central Europe, and let us not forget the brutal suppression of their revolutionary goals.

Here the United Nations faces one of its longstanding challenges, a challenge that cannot be evaded. For the repression of the European captive nations cannot be ignored by the United Nations if its pronouncements concerning self-determination are to be taken seriously.

Self-determination of peoples and nations is not subject to two definitions, one for the underdeveloped parts of the world and the other for Soviet captive peoples and nations. Let the moral finger of the United Nations point accusingly at Communist repression—and let the free world exert its influence in the United Nations toward that end.

Lastly, let the lesson be learned that the greatest hope for world peace and the security of the free world lies in carrying the cold war battle to the enemy—in extending the boundaries of freedom. Communism and Soviet imperialism will not recede or soften or mellow of its own accord. History shows that only the unremitting pressure of freemen, and men who would be free, can subdue tyranny.

Can we then look ahead to "policies of action, courageously and firmly executed?" We may hope that the swift pace of events in this hemisphere in recent weeks may spur courageous and firm action. Two years ago, almost to the day—on September 28, 1960—a program for such action was put forward in simple and direct language.

"I am tired of reading what Khrushchev is doing," said John F. Kennedy to an audience at Erie, Pa. "I would like the people of the world to be reading what the American President is doing, and what the United States is doing, not merely what Castro is doing or Khrushchev is doing or Kadar or Gomulka is doing."

These words of a man who is now President of the leading Nation of the free world reflect the feeling of the people of the United States and of anti-Communist lovers of freedom everywhere.

The time is overdue for this country and its allies to be up and doing. We must seize the initiative in the cold war through policies aimed at the ultimate elimination of Soviet imperialism—not only in the Western Hemisphere, but throughout the globe.

We live for a day when there need be no assembly of captive European nations. Only, however, when the lesson of Budapest and of Havana is truly learned by freemen—and acted upon by the forces of freedom—can we be assured that this day will come.

SENATE

THURSDAY, SEPTEMBER 20, 1962

The Senate met at 10 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Oh God, in whose strong hands are the threads of every life which seeks its pattern on the loom of Thy righteous will, back of all our thinking and striving we are conscious of something divine that haunts us and will not let us go—something at work behind our fallible minds. Sometimes in the stillness we hear it like soft bells at evening pealing; sometimes in hours of mystic insight we feel it, and rising above the trifles which so often clutter our days, our hungry and empty hearts cry out, "Nearer, my God, to Thee, nearer to Thee." If that petition is but answered in these stern, strange times in which our lot is cast, if really in our hearts we draw near to Thee, then at Thy fire our little candle will blaze as we bring Thy light to every shadowed area of human need.

Even so, send us forth in the Spirit of the Master whose we are and whom we serve. Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 19, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 19, 1962, the President had approved and signed the act (S. 167) to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 3475. An act to provide further for cooperation with States in administration and enforcement of certain Federal laws; and

S. 3529. An act to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 1171) to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 10129) to amend the act of September 7, 1957, relating to aircraft loan guarantees; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. WILLIAMS, Mr. FRIEDEL, Mr. BENNETT of Michigan, and Mr. SPRINGER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11151) making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 36, 41, and 44 to the bill, and concurred therein, and that the House receded from its disagreement to the amendment of the Senate No. 45 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 4, 25, and 40 to the bill, and concurred therein, that the House receded from its disagreement to the amendment of the Senate No. 38 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate Nos. 1, 2, 6, 19, 44, 47, 48, 49, 50, 51, 52, 53, and 54 to the bill.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. HUMPHREY, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. HUMPHREY, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today:

The Committee on Post Office and Civil Service.

The Subcommittee on Flood Control, Rivers and Harbors of the Committee on Public Works.

The Subcommittee on Business and Commerce of the Committee on the District of Columbia.

The Committee on Armed Services.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States, submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. DISTRICT JUDGES

The Chief Clerk read the nomination of Irving Ben Cooper, of New York, to be U.S. district judge for the southern district of New York.

Mr. HUMPHREY. Mr. President, several Senators have asked that this nomination be passed over until the end of the day—only because at this particular moment they are unable to be present due to other duties. We shall take up the nomination later on.

The VICE PRESIDENT. The nomination will be passed over.

The Chief Clerk read the nomination of Inzer B. Wyatt, of New York, to be U.S. district judge for the southern district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CHIEF JUDGE OF THE JUVENILE COURT, DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of Morris Miller, of the District of Columbia, to be chief judge of the juvenile court of the District of Columbia for a term of 10 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

ASSOCIATE JUDGE OF THE JUVENILE COURT, DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of Marjorie McKenzie Lawson, of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia for a term of 10 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I am particularly pleased that Marjorie McKenzie Lawson was nominated and that her nomination to be associate judge of the juvenile court of the District of Columbia has now been confirmed. She is very talented and able; and I think this appointment will set a very fine precedent for bringing into our judiciary ladies of the legal profession who have demonstrated great competence in the law and the judicious temperament which is so important, particularly on the juvenile court. I have known Mrs. Lawson for some time, and I hold her in the highest esteem and respect. I feel that this nomination, in particular, deserves commendation.

SECRETARY OF LABOR

The Chief Clerk read the nomination of W. Willard Wirtz, of Illinois, to be Secretary of Labor.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I wish to express a word of praise and a word of commendation in regard to the nomination of the Secretary of Labor. Mr. Willard Wirtz, who succeeds Arthur Goldberg as Secretary of Labor, is an experienced and able lawyer, and has demonstrated his competence in the field of government. He has an intimate, working knowledge of labor-management relations. He has been the Under Secretary of Labor to the former Secretary of Labor, Mr. Goldberg, who has been nominated to the position of Associate Justice of the Supreme Court of the United States.

Mr. Wirtz has been deeply involved in recent months in the settlement of a number of labor disputes, and at the present time he is taking the leadership in bringing about solution of a labor-management dispute involving the Chicago & North Western Railway.

I have known Mr. Wirtz for many years. I regard him as a good friend, and I feel that he will be an outstanding Secretary of Labor. I wish him well in his new duties.

The VICE PRESIDENT. That completes the nominations on the Executive Calendar.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to and the Senate resumed the consideration of legislative business.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON ARMED FORCES RESERVES CONSTRUCTION PROGRAM FOR YEAR 1963

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the Armed Forces Reserves construction program for the year 1963 (with an accompanying report); to the Committee on Armed Services.

REPORT ON OVERCHARGES BY SHIPBUILDING DIVISION OF BETHLEHEM STEEL CO., QUINCY, MASS.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overcharges by the shipbuilding division of Bethlehem Steel Co., Quincy, Mass., for overhead costs reimbursed by the Government under cost-type contracts, dated September 1962 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERR (for Mr. Chavez), from the Committee on Public Works, without amendment:

H.R. 12818. An act to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay.

By Mr. JOHNSTON, from the Committee on the Judiciary, with an amendment;

S. 3070. A bill to amend title 28, United States Code, to provide for additional commissioners of the U.S. Court of Claims, and for other purposes (Rept. No. 2113).

PROPOSED INTERNATIONAL CONFERENCE ON THE CONSERVATION OF FISHERY RESOURCES—REPORT OF A COMMITTEE (S. REPT. NO. 2112)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably Senate Resolution 392, to express the sense of the Senate concerning an International Conference on the Conservation of Fishery Resources, and I submit a report thereon.

The resolution was reported unanimously. Inasmuch as this is a matter of some urgency, I ask unanimous consent for the immediate consideration of the resolution.

Mr. HUMPHREY. Mr. President, I understand that the resolution has been given clearance by the minority.

Mr. MAGNUSON. Mr. President, the resolution calls upon the United States to initiate, with other nations, a world conference on the conservation of fishery resources, a conference which is long overdue.

I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That it is the sense of the Senate that the President should propose an International Conference on the Conservation of Fishery Resources to consider the technical, economic, and scientific problems relating to the conservation, utilization, and regulation of living marine resources in the high seas and estuarine waters of the world, and that government, industrial, scientific, and technical participation in such Conference on as wide a basis as may be practicable should be encouraged.

The preamble was agreed to.

INCLUSION OF A DISTRICT JUDGE OR JUDGES ON JUDICIAL COUNCIL OF EACH CIRCUIT—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 2114)

Mr. JOHNSTON. Mr. President, from the Committee on the Judiciary I ask unanimous consent to submit a report to accompany H.R. 6690, to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit, together with the individual views of the junior Senator from New York [Mr. Keating].

I ask unanimous consent that the report, together with the individual views, be printed.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from South Carolina.

PAYMENT OF INTEREST BY DOMESTIC BANKS ON TIME DEPOSITS OF FOREIGN GOVERNMENTS—REPORT OF A COMMITTEE—MINORITY AND SUPPLEMENTAL VIEWS (S. REPT. NO. 2115)

Mr. MUSKIE. Mr. President, on behalf of the Senator from Virginia [Mr. Robertson], from the Committee on Banking and Currency, I report favorably, without amendment, the bill (H.R. 12080) to permit domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors. Along with the report, the Senator from Wisconsin [Mr. Proxmire] filed minority views and the Senator from Illinois [Mr. Douglas] filed supplemental views. I ask unanimous consent that the minority and supplemental views may be printed together with the report.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Maine.

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. SYMINGTON, from the Committee on Armed Services, reported an original resolution (S. Res. 397) to provide additional funds for the Committee on Armed Services, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 295, agreed to February 22, 1962, authorizing a study by the Committee on Armed Services on strategic and critical stockpiling, as amended by S. Res. 345, agreed to June 14, 1962, is further amended on page 2, line 14, by striking "$80,000" and inserting in lieu thereof "$115,000".

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 3735. A bill for the relief of Dr. Olga Marie Ferrer; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. Long of Louisiana, Mr. Humphrey, Mr. Randolph, Mr. Smathers, Mr. Morse, Mr. Bartlett, Mr. Saltonstall, and Mr. Bible):

S. 3736. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies; to the Committee on Finance.

S. 3737. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bills, which appear under a separate heading.)

By Mr. SCOTT:

S. 3738. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War II; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES

Mr. SYMINGTON, from the Committee on Armed Services, reported an original resolution (S. Res. 397) to provide additional funds for the Committee on Armed Services, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Symington, which appears under the heading "Report of a Committee.")

PROPOSED LEGISLATION RELATING TO SMALL BUSINESS

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill relating to the income tax treatment of small business investment companies. Joining me as cosponsors of the bill are Senators Long of Louisiana, Humphrey, Randolph, Smathers, Morse, Bartlett, and Saltonstall. I ask unanimous consent that following my remarks the text of this bill be printed in the Record, together with an analysis of the bill which I have prepared.

I also introduce, for appropriate reference, a bill amending the Small Business Investment Act of 1958. Joining me as cosponsors of this bill are Senators Long of Louisiana, Humphrey, Randolph, Saltonstall, Smathers, Morse, and Bartlett. I ask unanimous consent that following my remarks the text of this bill also be printed in the Record, together with an analysis of the bill.

Mr. President, I further ask unanimous consent that both of these bills lie on the table for a week.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills and analyses will be printed in the Record, as requested by the Senator from Alabama.

The bills, introduced by Mr. Sparkman (for himself and other Senators), were received, read twice by their titles, referred as indicated, and ordered to be printed in the Record:

S. 3736. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies; to the Committee on Finance.

S. 3737. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that both bills may lie at the desk for a week.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I am not clear whether I am listed as a cosponsor of the bills just introduced. If not, I ask permission that I may be included as a cosponsor.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senator from Nevada [Mr. Bible] be included as a cosponsor of each of the two bills.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, a few weeks ago marked the fourth anniversary of the enactment of Senate bill 3651 which was titled the "Small Business Investment Act of 1958."

This fourth anniversary of the passage of what has been termed by a leading financial journal "the most significant piece of legislation dealing with the economically important issue of small business" represents a good vantage point for analyzing the progress of the SBIC program and its present posture.

It seems to me that there are two major features to note—and they appear to be contradictory. First of all, no one can fail to be impressed by the hearty growth achieved by this youthful industry. On the other hand, during the past several months some observers of the program have been preparing obituary notices for the SBIC concept: This is the second and conflicting phenomenon.

I would like to take a few minutes today to delve more deeply into the program. I believe that it is proper that I take the time of the Senate for this purpose, since the SBIC program is uniquely a creature of the Congress. As far back as 1950, I joined with the late Senator Maybank, of South Carolina, and our former colleagues, Senators Scott Lucas, and Joseph O'Mahoney, in sponsoring legislation calling for the establishment of capital banks which would make long-term credit and equity capital more readily available for worthy small business firms.

Through the years following 1950, both Houses of Congress studied this need and possible solutions. The legislative branch of the Government took the initiative in defining the need and designing the structure for solving it. Although we had the cooperation of many agencies of the executive branch, it was we who were the advocates. Furthermore, in the years since 1958, Congress has proposed from time to time amendments to the SBIC program which would make it operate more effectively. This is the purpose of the bills which I have introduced today.

The Small Business Committee recognized last year the need for taking a close look at this program. Early this year, we undertook a study of the industry which included a number of public hearings as well as gathering detailed information from the individual companies by means of a questionnaire. Fortunately, the committee has the information at this particular time and is in a position to draw sound conclusions regarding the posture of this new financing industry.

Let us look first at some facts which are easy to understand; then we can try to make some interpretation from them.

On March 19, 1959, the first two SBIC's were licensed; 3 years later, on March 19, 1962, there were 517 SBIC's licensed to do business; today there are over 600. The first two licensees brought $650,000 into the program; today, there is over $525 million committed to the SBIC's—the overwhelming majority of its dollars invested by private citizens.

Back in 1958, we believed that most of the companies would call upon the Government for half of their capital, but that has not been the case. At the present time, there are 7 private dollars in the program for every $1 committed by the Small Business Administration. The bills which I have introduced would stimulate even greater participation by private capital and private credit in this program.

The record shows that much of the money now invested in SBIC's is already in use, since more than $200 million has been invested in and loaned to small business enterprises in the 3 years from the granting of the first licenses through March 31, 1962.

I believe that I can say without contradiction, then, that substantial progress has already occurred in transforming SBIC's from a legislative dream to an operating reality. I have personally been proud of the growth of the program and the contribution it has made to our national economy through its timely aid to growing independent businesses.

But now I turn to the large dark cloud which some observers see hovering over the SBIC's. During the past month or so, a number of financial writers have read the portents and have concluded that these are "Shaky SBIC's," as the Wall Street Journal headlined its story on July 16. I quote from the article:

> The risky business of providing risk capital for small businesses unable to raise money through more conventional sources is proving to have more hazards than many small business investment companies bargained for. These new lending institutions, brought into being by an act of Congress only 4 years ago, were given special tax treatment and the privilege of borrowing on reasonable terms from the Government. Nevertheless, they are beset these days with a host of troubles stemming from the declining stock market, touchy relationships with their customers, a snarl of Government redtape, occasional bad investments and some miscalculations about the nature of this fledgling financial field.

Mr. President, it is quite true that the quotations from the stock of the 48 SBIC's which have raised capital through public offerings have declined precipitously during the past 12 months. One private market service publishes an index of SBIC stock prices; on June 30, 1961, the index stood at $18.27. By June 30, 1962, it had tobogganed to $7.40. Naturally, this leads to serious questions about the health of the program.

During the past year, several of the larger SBIC's have sustained sizable losses on investments they have made and several others have stated that they fear such losses in the near future. Here again is a bearish factor depressing the SBIC outlook. One of the bills I have introduced would provide for statutory loss and bad debt reserves for SBIC's—something which is vitally needed by the industry.

One of the larger SBIC's which raised $15 million through a public stock offering has indicated that it wants to get out of the SBIC field and become a conventional investment company. This development, too, has served as a basis for gloomy predictions about the future of the industry.

It is also true, as the Wall Street Journal stated, that the organizers of other SBIC's have found themselves without the time or the skills to operate profitably; a few of them have surrendered their licenses and others are not in active operation.

Finally, some members of the industry have found it difficult to understand the actions of those administering the program for the SBA; there have been some differences of opinion and some misunderstandings.

These, then, are five factors which lead to pessimism—which, for some observers, overshadow the bare facts of progress which I cited earlier.

Is there any way to analyze the present situation? Has the period of achievement passed, to be succeeded by a rapid decline into oblivion? Were we wrong when we conceived this program? Were the investors and managers wrong when they financed it?

Obviously, there are no easy answers, but I do believe that solid facts can be found which we can utilize in our study. None of them alone is conclusive; all of them together may not be conclusive, as a matter of fact. Nonetheless, I believe strongly that a sound reply should be made to the Cassandras whose dire prophesies are based upon a superficial analysis of scattered readings.

In the first place, I believe that the strongest possible answer to those who would bury the program can be found in the continuing and accelerating pace of SBIC activity. Those SBIC's which have been in the program longest are, by and large, those who are most convinced of its essential soundness. Both of the first two licensees have greatly increased their initial capital—and both are now seeking additional funds; these are only two examples—48 of the more than 600 SBIC's have been able to sell their stock to the public; an additional 77 have increased their capacity to invest in small businesses by raising extra capital privately. Since the passage of the 1961 amendments to the Small Business Investment Act, 46 SBIC's have raised their private capitalization and have asked SBA to purchase subordinated debentures.

This seems to me to be unanswerable evidence—this show of faith in the program backed by private dollars committed by individuals who have actually owned and managed SBIC's for a period of time. If it is true that the program is "shaky," I doubt very much that these practical businessmen-investors would choose SBIC's over all the alternate forms of investment opportunities.

In addition to the fact that more dollars are being invested in SBIC's, I would cite proof that more dollars are being invested in small businesses by the present SBIC's. SBA reports show that over $200 million had been loaned to or invested in small businesses by March 31, 1962. This contrasts with the $79,500,000 of 1 year earlier and the $152,200,000 figure reported on September 30, 1961. Thus, it is apparent that the managers of the SBIC's are not sitting on their hands, content with investing their idle funds in Government bonds. As a matter of fact, all available evidence indicates that the pace of placing SBIC dollars to work for small business firms has accelerated in the weeks since March 31.

Therefore, two concrete proofs can be demonstrated: First, SBIC's are raising more dollars, and, second, SBIC's are investing more dollars in eligible business enterprises.

Perhaps the most difficult feature of the entire SBIC operation is the appraisal of the present and potential value of a small business. This is true at the time the business applies for financial assistance; it remains true after the firms receive SBIC help. For that reason, my next point is not capable of definite proof.

Nonetheless, I believe, on the strength of the study of the Senate Small Business Committee and on the basis of other independent analysis, that the small business investment companies have made sound investments. Although there have been a few well-publicized losses, the bulk of the SBIC portfolios appear sound. The public companies list their investments in their annual reports and it appears that most of their client companies have made progress with the help of SBIC funds and show promise of further substantial growth.

In addition, our committe heard from the presidents of many SBIC's during our field hearings this spring. All of them testified that they felt that most of their investments were working out and that they expected some of them to be exceptionally successful. This, of course, is the pattern we expected, for no one ever believed that every small business would suddenly become a Ford Motor Co. or an IBM as soon as it received SBIC funds.

The printed record of the committee's hearings is replete with case studies showing the value of SBIC financing to dozens of individual small firms. Let me give just two or three examples.

Down in Atlanta, two brothers started a business in the basement of a bakery. As they put it:

> Our ideas were million-dollar ones. As is usually the case, our savings accounts and pocketbooks were not.

Mr. President, these two young men manufacture glass patio doors. Starting operations in mid-1959, they soon ran out of capital and called on an Atlanta SBIC for help in March 1960, and again in January 1962. The two brothers now employ 90 people and the firm expects 1962 sales to total some $4 million. This is a profitable venture, too, and the profits have been proceeding along with the volume.

Up in New York, a manufacturer of ultrasonic products reports that its sales have soared from $38,000 in fiscal 1960, to $2,150,000 in fiscal 1962. Similarly, it lost $100,000 in 1960, lost $200,000 in fiscal 1961 and turned the corner with a $2,000 profit in fiscal 1962. The firm's management expects to earn $160,000 during the present year—based on first quarter sales and earnings. Here again, the small business gives much of the credit for this amazing growth to the timely advance of $500,000 from two SBIC's.

Out in Oregon, a small-business firm with a good product but a negative net worth sought out an SBIC as a last resort. After receiving $80,000 of SBIC money and quite a bit of management counseling, the firm started making a profit and has increased its volume 1,800 percent. Its president told our committee that his firm "feels that a very profitable future is in sight. Without the financial avenues opened to us by the SBIC, our organization would have collapsed, and all the work, time, and money we had invested in this small corporation would have been lost."

I assure my colleagues that hundreds of similar cases could be drawn from the committee's files and from the annual reports of the 600 SBIC's now in operation. These are only a few I recall from our hearing record.

This, then, seems to me to be a third strong plank underpinning the SBIC program; namely, the worth of the small businesses to whom the investment companies have advanced funds.

A fourth factor of strength is the growing rapport between the industry and its regulator, the Small Business Administration. Congress has directed the SBA to license small business investment companies and to regulate their operations. Naturally, during the early months of the program, there were misunderstandings and areas of friction, as both the operators and the regulators tried to learn how to make this new machine work. Now, after almost 4 years, much of the pioneering and the educating has taken place and the SBIC's now realize that they must operate completely within the framework of an industry affected with a public interest, while the Investment Division of SBA has learned that SBIC's are essential elements of the free enterprise system which must make a profit—or at least, have the chance to make a profit—if they are to survive. The ground rules have been established; many of those who had no concept of how SBIC's should operate are gone; and the SBA and the industry are working closely together on all remaining problems.

Closely related to the preceding point is the greater maturity of the industry. Through its trade association, the National Association of Small Business Investment Companies, the industry has taken several steps which speak well of its goals and principles. In the first place, it requires all of its members to subscribe to a rigorous code of ethics and trade practice rules which spell out the peculiar responsibilities of an SBIC to the Government, to the small businessman, and to other SBIC's.

Further, the association has just announced that it is initiating an executive training program in conjunction with one of the Nation's leading educational institutions, the University of Wisconsin. Beginning this September, the University of Wisconsin and NASBIC will sponsor a rigorous seminar which will undoubtedly give the entire industry a better insight into how to make SBIC's better instruments for financing small business and for making profits for those who invest in the SBIC program. One of the major problems uncovered by the Small Business Committee's study was the shortage of top management personnel within the industry. The SBIC is a new and different sort of institution, and not too many people have a full understanding of the general concept of SBIC financing. This is another positive step initiated by the industry itself, which proves that we are dealing with no "fly by night" or "quick buck" institution when we in Congress lend our support to the further growth and greater effectiveness of the SBIC concept.

Finally, I would like to point out one "silver lining" which has generally been overlooked by those who have reported on the dark clouds surrounding the recent dip in the stock market. In addition to the serious declines in the quotations for almost every business listed on the various stock exchanges, the fall has brought an almost complete halt in the flotation of new offerings. Naturally, a number of SBIC's have been caught by this moratorium and have been forced to delay their efforts to raise additional funds through public offerings. On the other hand, many eligible small businesses with good earnings records and excellent growth prospects have also been turned away from the public security market and, for these seasoned firms, the SBIC represents a fine alternative source of funds.

For this reason alone, most of the larger SBIC's report a substantial rise both in the quantity and quality of applicants for financing. The present relationship being developed between the investment banker and the SBIC is certain to continue in the future and gives me a further reason for confidence that the SBIC concept is valid today and holds great promise for tomorrow.

Mr. President, I am confident that this program will continue to succeed. It must if the capital requirements of the American independent businessman are to be met. The surface has only been scratched; small business has legitimate needs for hundreds of millions of dollars every year for capital. In 1957, the Federal Reserve Board estimated the equity needs of small business to be about $550 million annually. The program now has sufficient funds to take care of just 1 year's minimum requirements. Therefore, there will have to be a fivefold increase merely to fulfill the 1957 estimate.

As the business and financing community become better acquainted with the SBIC program; as the Congress continues to support its legitimate requirements through passage of legislation such as I have proposed today; as the SBA works in close harmony with the industry, existing and future small business investment companies will continue to grow and to prosper.

And through the assistance they receive from SBIC's, tens of thousands of independent small businesses will be able to make their individual contributions to a vigorous, competitive, and growing American economy.

The bills, introduced by Mr. Sparkman (for himself and other Senators), together with an analysis of each bill, are as follows:

S. 3736

A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 165 of the Internal Revenue Code of 1954 (relating to deduction for losses) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

"(i) Small Business Investment Companies.

"(1) Reserve for losses on certain investments.—In the case of a small business investment company operating under the Small Business Investment Act of 1958, there shall be allowed, in lieu of any deduction under subsection (a) for any loss sustained on any investment described in section 1243 (a) (1), a deduction for a reasonable addition to a reserve for losses on such investments.

"(2) Amount of addition to reserve.—The reasonable addition to a reserve for losses under paragraph (1) for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this paragraph shall not be greater than the lesser of—

"(A) the amount of its taxable income for the taxable year, computed without regard to this section, or

"(B) the amount by which 20 percent of the taxpayer's total investments described in section 1243(a) (1), at the close of the taxable year with respect to which this section applies, exceeds its reserve for losses on such investments at the beginning of the taxable year."

Sec. 2. (a) Section 166 of the Internal Revenue Code of 1954 (relating to deduction for bad debts) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) Small Business Investment Companies.—In the case of a small business investment company operating under the Small Business Investment Act of 1958, the reasonable addition to a reserve for bad debts under subsection (c) for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this subsection shall not be greater than the lesser of—

"(1) the amount of its taxable income for the taxable year, computed without regard to this section, or

"(2) the amount by which 20 percent of the taxpayer's total loans to small business concerns, at the close of the taxable year with respect to which this section applies, exceeds its reserves for bad debts at the beginning of the taxable year."

Sec. 3. Section 532(b) of the Internal Revenue Code of 1954 (relating to exemptions from accumulated earnings tax) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and insert in lieu thereof ", or"; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) a small business investment company operating under the Small Business Investment Act of 1958."

Sec. 4. (a) Section 542(c) (11) of the Internal Revenue Code of 1954 (relating to exception of small business investment companies from definition of personal holding company) is amended to read as follows:

"(11) a small business investment company which is licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958 and which is actively engaged in the business of providing funds to small business concerns under that Act in accordance with regulations prescribed by the Small Business Administration pursuant thereto. This paragraph shall not apply if any shareholder of the small business investment company owning, directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a) (2)), 10 percent or more of the outstanding stock of such small business investment company owns at any time during the taxable year, directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a) (2)), a 10 percent or more proprietary interest in a small business concern to which funds are provided by the small business investment company or 10 percent or more in the value of the outstanding stock of such concern. For purposes of the preceding sentence, a shareholder of a small business investment company shall not be considered as owning any proprietary interest in or stock of a small business concern solely by reason of his ownership directly or indirectly of stock of such small business investment company."

Sec. 5. (a) Section 851(a) of the Internal Revenue Code of 1954 (relating to general rule for definition of regulated investment company) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", or"; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) which, at all times during the taxable year, is a small business investment company operating under the Small Business Investment Act of 1958 (whether or not registered under the Investment Company Act of 1940, as amended)."

(b) Section 851(b) of such Code (relating to limitations on definition of regulated investment company) is amended by adding at the end thereof the following new sentence:

"Paragraphs (2), (3), and (4) shall not apply to any corporation which is a small business investment company operating under the Small Business Investment Act of 1958, whether or not such company is registered under the Investment Company Act of 1940, as amended."

Sec. 6. (a) Section 1243 of the Internal Revenue Code of 1954 (relating to losses of small business investment companies) is amended to read as follows:

"Sec. 1243. Loss of Small Business Investment Company

"(a) General Rule.—In the case of a small business investment company operating under the Small Business Investment Act of 1958, if—

"(1) a loss is on equity securities (including stock received pursuant to an option or conversion or exchange privilege) acquired pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and in accordance with regulations of the Small Business Administration prescribed under such section, and

"(2) such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset.

"(b) Special Rule for Determining Amount of Loss on Stock.—Under regulations prescribed by the Secretary or his delegate, for purposes of determining the amount of loss (if any) from the sale or exchange by a small business investment company of stock acquired by such company pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and in accordance with regulations of the Small Business Administration prescribed under such section (including stock received pursuant to an option or conversion or exchange privilege), the basis of such stock shall be reduced (but not below zero) by an amount equal to the amount of any distribution received by such company with respect to such stock on or after the date of enactment of this subsection, to the extent that any such distribution is made by the distributing corporation out of its earnings and profits accumulated prior to the date of the acquisition of such stock by such company."

Sec. 7. Section 1371(a) (2) of the Internal Revenue Code of 1954 (relating to definition of small business corporation) is amended to read as follows:

"(2) have as a shareholder a person (other than an estate or a small business investment company operating under the Small Business Investment Act of 1958) who is not an individual;".

Sec. 8. The amendments made by sections 1 and 2 of this Act shall apply to taxable years ending on or after March 31, 1962. The amendments made by section 4 of this Act shall apply to taxable years beginning after December 31, 1958. The amendments made by section 6 of this Act shall apply to taxable years ending after June 11, 1960. Except as herein otherwise provided, the amendments made by this Act shall apply to taxable years ending on or after the date of the enactment of this Act.

ANALYSIS OF BILL (S. 3736)

This bill amends the Internal Revenue Code with respect to the income tax treatment of small business investment companies, as follows:

Sections 1 and 2: These sections provide for the establishment by SBIC's of reserves for losses and bad debts, and will allow an SBIC to deduct reasonable additions to these reserves. The amount of such reserves is limited to 20 percent of the SBIC's total investments or loans, as the case may be.

Section 3: This section will exempt SBIC's from the accumulated earnings tax imposed by section 532 of the Internal Revenue Code.

Section 4: This section will clarify section 542(c)(11), which excepts SBIC's from the definition of a personal holding company, and will bring the self-dealing qualification contained in that section in line with the SBA regulation prohibiting self-dealing. Under the present law, an SBIC is not considered a personal holding company unless a shareholder of the SBIC owns a 5-percent or more proprietary interest in a small concern to which the SBIC has provided funds. In applying this section, the Internal Revenue Service maintains that stock acquired by the SBIC in a small concern must be attributed to the shareholders of the SBIC, in proportion to their respective stockholdings in the SBIC, to determine whether or not any one of such shareholders owns as much as 5 percent of the small concern. Section 4 of the bill would avoid this interpretation by IRS by providing that a shareholder of the SBIC shall not be deemed to own the stock of a small concern solely by reason of his ownership of stock in the SBIC.

In addition, this section of the bill provides for the loss of exempt status in a case of self-dealing only where the common shareholder owns a 10-percent interest in the SBIC (as contrasted with present law applying to any shareholder) and also owns 10 percent of the small concern (as contrasted with the present 5 percent). These are the percentages presently contained in SBA regulations prohibiting self-dealing.

Section 5: This section will allow all SBIC's to qualify as regulated investment companies, so as to enable them to pass through income to their shareholders. This privilege is presently afforded publicly owned SBIC's which have registered with the Securities and Exchange Commission under the Investment Company Act of 1940. The section will also make inapplicable to SBIC's the portfolio and income restrictions provided by subsections (2), (3), and (4) of section 851(b) of the Code. This is made necessary by the unique nature of SBIC's and their investments.

Section 6: This section will allow losses on any equity securities to be deducted against ordinary income. This treatment of SBIC losses was limited in the original act to losses suffered on convertible debentures, since, at that time, the convertible debenture was the only type of equity security authorized to be used by an SBIC. The act has since been amended to permit the use of other forms of equity securities, and section 6 of the bill will bring the tax laws in line with the act, as amended. A special rule is included in the bill which is applicable to losses on stock. This rule will prevent an SBIC from recovering the amount of its investment in a small concern through tax-free dividends paid by the small concern out of earnings and profits accumulated prior to acquisition of the stock by the SBIC, and thereafter receive a full deduction from ordinary income in the event of a loss from the sale of the stock.

Section 7: This section will permit a small corporation to qualify under subchapter S of the Code to be taxed as a partnership notwithstanding the fact that the corporation has an SBIC as a shareholder.

Section 8: Except where otherwise provided in the bill, the amendments made by the bill will apply to taxable years ending on or after the date of the enactment of the bill.

S. 3737

A bill to amend the Small Business Investment Act of 1958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Investment Act Amendments of 1962."

SEC. 2. The second sentence of section 302(a) of the Small Business Investment Act of 1958 is amended by striking out "$400,000" and inserting in lieu thereof "$1,000,000" and by striking out "three years" and inserting in lieu thereof "five years".

SEC. 3. Section 303(b) of the Small Business Investment Act of 1958 is amended to read as follows:

"(b) To encourage the formation and growth of small business investment companies, the Administration is authorized (but only to the extent that the necessary funds are not available to the company involved from private sources on reasonable terms) to lend funds to such companies either directly or by loans made or effected in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. Such loans shall bear interest at such rate and contain such other terms as the Administration may fix, and shall be subject to the following restrictions and limitations:

"(1) The total amount of the Administration's share of loans made and outstanding under this subsection (b) to any one company at any one time (including direct loans, the Administration's share of loans made hereunder pursuant to agreements to participate on an immediate basis, and commitments to lend directly or on an immediate participation basis, but excluding loans made hereunder pursuant to agreements to participate on a deferred basis and any obligations acquired pursuant to such deferred participation agreements) shall not exceed an amount equal to 50 per centum of the paid-in capital and surplus of such company or $4,000,000, whichever is less. The total amount of the Administration's share of all loans made and outstanding under this subsection (b) to any one company at any one time, including loans made hereunder pursuant to agreements to participate on a deferred basis and any obligations acquired pursuant to such deferred participation agreements, shall not exceed an amount equal to the paid-in capital and surplus of such company or $8,000,000, whichever is less.

"(2) All loans made under this subsection (b) shall be of such sound value as reasonably to assure repayment."

SEC. 4. Section 306 of the Small Business Investment Act of 1958 is amended to read as follows:

"SEC. 306. Without the approval of the Administration, the aggregate amount of obligations and securities acquired and for which commitments may be issued by any small business investment company under the provisions of this Act for any single enterprise shall not exceed 20 per centum of the combined capital and surplus of such small business investment company authorized by this Act."

ANALYSIS OF BILL (S. 3737)

Section 1: The act will be cited as the "Small Business Investment Act Amendments of 1962."

Section 2: This section will increase the amount of subordinated debentures of an SBIC, which SBA is authorized to purchase under section 302(a) of the Small Business Investment Act of 1958, from $400,000 to $1 million. These funds will continue to be made available by SBA for the purpose of aiding in the formation and growth of SBIC's, and will continue to be provided on a dollar-for-dollar matching basis with the private capital and surplus of the SBIC. The present law requiring that such funds not be provided by SBA if they are available from private sources on reasonable terms would remain in effect.

The section will also increase from 3 years to 5 years the time after licensing within which an SBIC may sell its subordinated debentures to SBA under section 302(a).

Section 3: This section will expand the lending authority which SBA now has under section 303(b) of the Small Business Investment Act. Under the present law, SBA may lend funds to an SBIC (so long as such funds are not available from private sources on reasonable terms) through the purchase of their interest-bearing obligations. The total amount which may be loaned and outstanding to any one company at any one time may not exceed an amount equal to 50 percent of the paid-in capital and surplus of the company or $4 million, whichever is less, and such loans must be of such sound value as to reasonably assure repayment. In order to stimulate the extension of private credit to SBIC's, and to encourage and promote maximum utilization of private credit facilities by SBIC's, it is proposed by section 3 of the bill to expand this lending authority, as follows:

1. The Administration will be authorized to make loans under section 303(b) either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or a deferred basis. Such loans will continue to bear interest at rates fixed by the SBA and must be of such sound value as to reasonably assure repayment.

2. Exclude loans made in cooperation with banks or other lending institutions through agreements to participate on a deferred (standby) basis from the loan limit provided in the present law, i.e., 50 percent of capital and surplus or $4 million, whichever is less. By so doing, SBIC's will be able to obtain loans which exceed the present limit from private lending institutions on the basis of an SBA agreement to take over the loan whenever called upon to do so by the private institutions. This section of the bill provides, however, that the total SBA share of all loans to any one company, including those made on such a standby basis, shall not exceed the amount of the paid-in capital and surplus of the company or $8 million, whichever is less.

Although present law contains no prohibition against loans by SBA under section 303(b) in participation with others, either on an immediate or a deferred basis, it is felt that granting specific authority for the making of such loans is advisable. At present, SBA has a program under which deferred (standby) participation loans are made under section 303(b) of the act. The existing program works in this way: When a licensee applies for a direct loan from SBA under section 303(b) of the SBIA, SBA will not issue its commitment to purchase the licensee's obligations unless the latter certifies as to its inability to obtain the needed funds from private sources alone, as well as its inability to obtain such funds from private sources under the standby program. If a private financial institution is willing to provide the licensee with the loan funds under an SBA standby arrangement, SBA thereupon processes the loan application of the licensee, including the obtaining of executed loan documents and related instruments, in the same manner and under substantially the same terms as when SBA issues a loan commitment to a licensee and purchases the obligation of the licensee directly. However, where the standby arrangement is involved, the SBA commitment to the licensee indicates that either SBA or the private source will disburse the loan funds and will hold the note. Simultaneously with the issuance by SBA of a loan commitment to a licensee under the standby program, SBA and the private lending source (ordinarily a bank) execute an agreement under which—

(a) SBA assigns to the bank the executed note of the licensee and bank assumes the obligation under the SBA loan commitment to disburse funds to the licensee under the note, but only when so directed by SBA.

(b) Bank may reassign the note to SBA at any time and SBA will thereupon pay bank the outstanding principal under the note. Recoveries of unpaid interest by SBA are prorated between SBA and bank.

(c) SBA may at any time require bank to reassign the note upon payment to bank by SBA of the outstanding principal thereunder. If at the time SBA ever exercises its right of reassignment, there is no default under the note in principal or interest, SBA will pay bank, in addition to outstanding principal, any accrued interest under the note.

(d) The commencement of bankruptcy or similar proceedings involving the licensee-borrower effectuates an automatic reassignment of the note from bank to SBA and the obligation of SBA to pay bank outstanding principal.

(e) Bank pays SBA a service and commitment charge of 1 percent per annum upon outstanding principal under the note while held by bank.

In providing specific statutory authority to make deferred participation loans, it is not intended to require SBA, in the exercise of that authority, to follow the exact procedures which are presently in use. However, it is intended to ratify and approve those procedures, and it is expected that the expanded authority granted by section 3 of the bill will be administered in a way very similar to the present SBA "standby" program.

Finally, it should be pointed out that section 3 of the bill does not fix a percentage limitation upon SBA's share of a loan made under section 303(b) on an immediate participation basis. This matter is left to the discretion of the agency. In the case of deferred participation agreements, it is intended that SBA be authorized to cover the entire amount of a loan by its agreement to participate on a deferred basis. Both immediate participations and deferred participations are, of course, subject to the limitations specifically provided in the bill.

Section 4: This section will repeal the dollar limitation upon the amount of funds which an SBIC may provide to a single small business concern. Presently, section 306 of the SBIC provides that the amount of such funds shall not exceed 20 percent of the combined capital and surplus of the SBIC, or $500,000, whichever is less. To assure sufficient diversity of the SBIC's portfolio, the present 20-percent limitation will remain in effect. Reliance would be placed upon the SBA size standard regulations to assure that SBIC funds are provided only to concerns which have traditionally been classified by these regulations as "small."

Mr. HUMPHREY. Mr. President, I associate myself with the remarks of the Senator from Alabama, particularly with regard to his comment that the SBIC industry has, in 4 short years, achieved a measure of maturity in the financial community.

It is gratifying to note the large number of responsible financial institutions that have become associated with the SBIC program. I feel this augurs well for its future. An example of this can be found in the recent entry into the program of the Chase Manhattan Bank, the second largest commercial bank in the Nation. I understand that the Chase Manhattan SBIC will begin business with a capitalization of $3 million. While this is a relatively modest sum considering the fact that, under the 2-percent limitation, Chase Manhattan could invest a total of approximately $14 million in its SBIC, it is nevertheless significant that a conventional financing institution with the experience and prestige of Chase Manhattan has seen fit to become a part of this small business program.

It is my understanding that 80 of the small business investment companies now in operation are affiliated with commercial banking institutions. Of these, 20 are wholly owned by commercial banks and the remaining 60 have banks as stockholders. All told, more than 100 banks have indicated their confidence in the program, including such well-known institutions as the Bank of America, the First National of Chicago, the Citizens & Southern Bank of Atlanta, and the Morgan Guaranty Trust Co. of New York.

The Senator from Alabama referred to an article in the Wall Street Journal which characterized the SBIC's as being shaky. Frankly, I think it safe to say that those institutions to which I have just referred are not especially famous for investing their capital in shaky enterprises. It would appear that their entry into this program is a clear indication of the growing maturity of these new investment firms.

The Senator from Alabama and I have just introduced bills which would accomplish needed changes in the tax treatment of SBIC's and in the Small Business Investment Act. The enactment of these bills would be most helpful in promoting the success of this program.

I enjoyed observing the optimism expressed by the Senator from Alabama with regard to the SBIC program. I share his optimism and I shall always be prepared to support any effort to make this program the success that Congress intended it to be.

Mr. SPARKMAN. Mr. President, I appreciate the remarks of the distinguished Senator from Minnesota. The bills relate to the Small Business Investment Corporation. They are good bills. I hope we will succeed in having them enacted.

Mr. President, the Senator from Florida [Mr. SMATHERS] fully intended to speak on the bills; but since he cannot be present at this time, I ask unanimous consent that a statement prepared by him be printed at this point in the RECORD. The Senator from Florida is a cosponsor of the bills.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SMATHERS

In view of the pessimistic forecasts on the future of the SBIC program, which the distinguished Senator from Alabama has discussed, and because of the interest I have had in this program and the support which I have given it from the beginning, I would like to comment briefly on my view of the program at this particular time.

As has been said, the small business investment company program is growing steadily, and is gaining stature in the financial community. I am convinced that it is becoming a significant force in making available the annual capital needs of small business. Large amounts of money have been coming into the program from private sources and these funds are being used solely for small business purposes.

This channeling of investor funds into small concerns is something that we never had prior to the establishment of this program. Of course, there were a few wealthy individuals and groups who engaged in providing venture capital to small business, but these were wholly inadequate to meet the needs. In addition, although substantial gains were possible in these investments, the risk of losses was so great that only the wealthy could afford to go into the field. Through the SBIC program, with its cushion against losses through specially designed tax provisions, a flow of capital from the private investor to be utilized solely for small business, has become a practical reality.

The result of increased investments in small business through the SBIC's is an increase in national productivity and employment as well as the fulfillment of the primary consideration of helping small business place itself in a better competitive position.

I know of one specific instance which especially demonstrates the value of the program. Until recently, the Defense Department had only one major source from which to purchase a highly important component item. A small firm capable of producing the item was unable to compete for the contract because of inadequate capital. An SBIC, after studying the small firm's potential, agreed to provide the needed financing and the small business is now a competitive bidder and has been supplying a substantial part of the Defense Department's need. By providing a small firm with the means to become competitive and to survive, this SBIC contributed not solely to the welfare of this particular business, but also to the elimination of a sole-source procurement situation.

I have cited this specific SBIC investment because I think it is an excellent example of both the direct and the indirect advantages that flow throughout our economy from the maintenance of a strong and healthy small business community.

When equity capital is needed and is not available, the trend of small firms is toward consolidation with competitors or with a big business. It is my hope that the SBIC program will slow down and perhaps even reverse this trend and help small concerns to preserve their identity and continue as a significant force in the American economy.

As the Small Business Committee stated in its most recent annual report, a primary factor in the success of the program has been and will continue to be the flexibility of the act under which this type of financing can be provided. There's not only flexibility in the methods of providing assistance to small concerns but provision has been made for the SBIC industry to serve all segments of the small business community.

The needs of small business are vastly different. A small retailer, for example, may require $20,000 to $30,000 in long-term credit for the expansion which will enable him to grow and prosper; whereas, a small manufacturer competing with the giants of American industry may have just as great a need for $2 to $3 million in equity capital for plant expansion and equipment.

There is a vast difference between the needs of these two members of the small business community but small they are and survive they must if our free enterprise system is to function as it should.

BENEFITS FOR MEMBERS OF ARMED FORCES OF NATIONS ALLIED WITH THE UNITED STATES IN WORLD WAR II

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War II. My amendment would make benefits available to a person who served in active service in the armed forces of any government allied with the United States in World War II who has been a lawful resident of the United States for at least 10 years, and who during such service was a member of forces which actually participated in armed conflict against an enemy of the United States. Such a person would derive benefits—as hospital and domiciliary care and medical services—to the same extent as if his service had been performed in the Armed Forces of the United States.

I have studied the treatment accorded to similar war veterans in other countries. For instance, the British Royal Air Force Benevolent Fund gives able and extensive assistance to former members, and their dependents, of the two Polish fighter squadrons which fought with the RAF against the Luftwaffe in the Battle of Britain. The members of these squadrons escaped from the near-total destruction by Hitler of the Polish armed forces, made their way to France and ultimately to England, finally to perform distinguished service for the RAF. The Benevolent Fund of the RAF now provides grants and loans to those in need of assistance, makes interest-free loans to those in need of money to buy tools, and helps obtain employment to those out of work. In this way, the British people show their gratitude to those who fought for Britain.

Investigation shows a pressing need for legislation dealing with this problem in our country. Thousands of brave men of different nationalities served the goals of the free world in the Second World War. The Polish people were especially notable for their exemplary bravery and service. After the hostilities had ended, many of these distinguished soldiers came to the United States. Here, together with their families, they hoped to rebuild their lives and salvage the dreams the war had reduced to rubble. Financial reward cannot exhaust our gratitude. But it could make the lives of these brave men a bit easier.

Mr. President, the United States has always been proud of its tradition of faithfulness to friends. I now ask that those who fought for the principles which we hold most dear now be assisted by passage of this legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3738) to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War II, introduced by Mr. Scott, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had concurred in the amendment of the Senate numbered 1 to the bill (H.R. 1960) to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the United States district courts, and for other purposes, with an amendment, in which it requested the concurrence of the Senate, and that the House had concurred in the amendment of the Senate numbered 2 to the bill.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills, Mr. King of California, Mr. Boggs, Mr. Keogh, Mr. Mason, Mr. Byrnes of Wisconsin, and Mr. Baker were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9943. An act for the relief of Stella McKee;

H.R. 12082. An act to amend the Internal Security Act of 1950; and

H.R. 13067. An act to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 9943. An act for the relief of Stella McKee; and

H.R. 12082. An act to amend the Internal Security Act of 1950; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 20, 1962, he presented to the President of the United States the following enrolled bills:

S. 4. An act to provide for the establishment of the Padre Island National Seashore;

S. 149. An act for the relief of the estate of Gregory J. Kessenich;

S. 319. An act to amend part I of the Interstate Commerce Act in order to provide that the provisions of section 4(I) thereof, relating to long- and short-haul charges, shall not apply to express companies;

S. 1161. An act to provide for the use of lands in the Garrison Dam project by the Three Affiliated Tribes of the Fort Berthold Reservation;

S. 1307. An act to amend section 128 of title 28, United States Code, to constitute Richland, Wash., a place of holding court for the eastern district of Washington, southern division, and to waive section 142 of title 28, United States Code with respect to the U.S. District Court for the Eastern District of Washington, Southern Division, holding court at Richland, Wash.;

S. 1924. An act to amend the act of August 27, 1954 (68 Stat. 868) with respect to the Uintah and Ouray Reservation in Utah;

S. 2357. An act to provide for the regulation of credit life insurance and credit accident and health insurance in the District of Columbia;

S. 2511. An act to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes;

S. 2696. An act to correct certain land descriptions in the act entitled "An act to declare that the United States hold in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands";

S. 2971. An act to declare that certain lands of the United States are held by the United States in trust for the Jicarilla Apache Tribe of the Jicarilla Reservation;

S. 3086. An act to provide for a reduction in the workweek of the Fire Department of the District of Columbia, and for other purposes;

S. 3154. An act to amend Public Law 86–184, an act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of West Virginia into the Union as a State;

S. 3315. An act to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia;

S. 3317. An act to amend the provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes; and

S. 3580. An act to amend the Atomic Energy Community Act of 1955, as amended, to provide for the disposal of federally owned properties at Los Alamos, N. Mex., and for other purposes.

U.S. POLICY WITH RESPECT TO CUBA

Mr. CLARK. Mr. President, I rise in support of the resolution on Cuba unanimously reported by the Foreign Relations and Armed Services Committees. In my opinion, this resolution, in clear and candid terms, states the correct position for our country to take with respect to the troubled conditions in that Caribbean island 90 miles from our shores.

All Americans must feel anger and frustration at the situation in Cuba. Castro's Communist subversion of the Cuban revolution has hoisted a Red flag within sight of our shores. I share the common concern about the recent arrival of Soviet technicians and weapons, both Mig fighters and short-range missiles. Khrushchev's insulting warnings to the United States have raised everyone's blood pressure.

But in this situation there is a heavy obligation on those of us in public office to help our Nation keep events in perspective; to avoid aggravating a tense international problem with cheap, rash talk for political gain.

This is no time for warhawks. This is no time to call for the imposition of a naval blockade, in itself an act of war. This is no time for garrulous old men to deal lightly with the lives of young men whom they might send to war.

I repudiate the belligerent, irresponsible, demagogic talk, and I support wholeheartedly the pending resolution—a resolution supporting the intelligent position of the President of the United States, which has been brought forward by the combined Armed Services and Foreign Relations Committees.

I hope it will be unanimously adopted by the Senate, and thus state in unmistakable terms our national will and desire to protect the interests of freedom in our hemisphere, and at the same time to repudiate the unwarranted, irresponsible and belligerent efforts of many to force the United States of America into an unwanted and unneeded war in violation of solemn treaty obligations against unilateral acts of intervention.

I am happy to state my position in support of the policy of drawing a cordon sanitaire around Cuba and thus protecting the effort of our Latin American allies to maintain their freedom with our support.

Mr. MAGNUSON. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to my friend from Washington.

Mr. MAGNUSON. Without going into details on the joint resolution, as to which I expect to have something to say later in the afternoon, the Senate is about to consider some so-called maritime bills today.

Mr. CLARK. So I have heard.

Mr. MAGNUSON. We have all been working to preserve the American merchant marine in many ways. There are many ways in which we can tackle the problem with respect to which the joint resolution will deal.

I should like to quote from a UPI dispatch which appeared in the morning newspaper:

> Two Italian freighters loaded with Russian goods for Cuba remained tied up in port today because crew members refused to continue the trip.

The reference is to a port in Italy.

> Port sources said the tieup could worsen this week when two more ships carrying Russian goods to Cuba are due.

I make the suggestion that all the so-called NATO countries which are engaged in this struggle with us against the Russian ideology, which is so repugnant to us, which has now spread its ugly ramifications into Cuba, if they are sincere in regard to the effort—I am sure they are, and I do not question it—could take the same action. They can see what at least a few Italians have done in regard to the blockade of Cuba. I call upon the maritime nations which belong to NATO to take a good long look at this procedure, because it could be very effective.

Mr. CLARK. I thank my friend for his helpful interjection. I, too, commend the action by the Italian crews.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. I hope that shipping interests in other NATO countries will exhibit a similar desire.

Mr. MAGNUSON. Yes.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

THE CHICAGO & NORTH WESTERN RAILWAY STRIKE

Mr. CURTIS. Mr. President, President Kennedy's dilemma over what to do next about the strike against the Chicago & North Western Railway is a very real one, and until he faces up to the action it compels he is impaled squarely on its horns.

His tortuous path along the rocky road of labor disputes is well lighted by two editorials recently appearing in the New York Times and the Chicago Sun-Times. They ask the obvious question, "Why, Mr. President?"

Why do we see firm action by the President to back up his extra-legal board in the aerospace industry, a board whose findings were favorable to labor, and then have him avoid, like the smallpox, the findings of the statutory board in the Chicago & North Western Railway strike, a legally authorized board, whose findings are opposed by labor?

In the aerospace strike he said, "Management, get in line or take the consequences for halting our missile program." In the railway strike, the board recommendations having been ignored, the President says "make concessions."

Mr. President, the Chicago & North Western strike is surrounded with despair. Beet farmers either ship their beets or end up broke. Farm produce, merchandise of every kind, and even commuters, must move. If they do not, the slump in the Midwest's economy will make the stock market slump almost as palatable as a yacht race on a sunny afternoon.

Labor experts doubt that the injunctive relief contained in the Taft-Hartley Act covers this railway strike. If we disagree, and believe it can be employed, use it. If Taft-Hartley does not seem to apply, recommend to leaders in the Congress its incorporation in the Railway Labor Act.

Another expedient available, is the bill S. 794, introduced by the Senator from Illinois [Mr. DIRKSEN] on February 6, 1961, to amend the Norris-LaGuardia Act, the National Labor Relations Act, and the Railway Labor Act. Hearings were held on this bill in the 86th Congress with no final action and the current bill has been before the Senate for 19 months. It contains a quick and reasonable remedy. It will protect the rights of all parties.

Mr. President, earlier this week, in the matter of a relatively few hours, this body passed the most comprehensive and far-reaching trade bill ever passed by any Congress. Under it, we have given authority exceeding that ever before given a Chief Executive of this great Nation. Your demands are given great weight. Whatever you need to cope with the railway strike will, I am sure, be promptly yours for the asking.

I ask unanimous consent to have printed at this point in the RECORD various editorials on the subject.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From Omaha (Nebr.) World Herald, Sept. 15, 1962]

Sugar in the Fields

The Chicago & North Western strike, which has idled the Nation's third largest railroad, has inflicted widespread economic hardship. Sugarbeet producers, particularly, are threatened with considerable loss.

Sugarbeets have no value except in the processing of sugar, and the only place they can be processed into sugar is in a sugar factory, which in many cases is a considerable distance from the beet fields. The period of time between the maturity of sugarbeets and the start of freezing weather normally is a short one. Rapid and orderly transportation of the crop is essential. Beet producers feel that if they don't have the crop moving in volume by October 1, their financial loss may be heavy.

The Federal Government has made routine efforts at conciliation. The White House has issued the usual expressions of concern. But freight cars stand idle and rails rust. We imagine that some of the sugarbeet producers may wish that President Kennedy would perform with some of the firepower he displayed when the steel companies tried to raise prices. But that—as yet, at least—is not the way the ball bounces.

[From the Madison (Wis.) State Journal, Sept. 17, 1962]

Concessions, if That Is the Word

President Kennedy's highly original suggestions on how to end the Chicago & North Western Railway strike should interest Midwest farmers whose sugarbeets may rot in the fields and Wisconsin papermill workers now jobless because of the tieup.

"I am hopeful that both sides will make sufficient concessions, if that is the word, to permit an agreement," said the President at his news conference last week.

What concessions, exactly, does the White House have in mind by the North Western management?

It already is on record as pledging that telegraphers shifted to lower paid jobs would get the difference in pay for 5 years; that those laid off would get 60 percent of their old pay for 3 to 5 years, even if working at other jobs; that those required to move would have their moving costs paid, and guaranteed against loss in sale of their homes; that retraining would be offered the furloughed (laid off) workers; that pension and hospitalization benefits would be continued for the part-pay period.

These offers by the railroad, made before the strike began and restated since, would seem to most Americans as about as far as an employer can reasonably go in protecting workers it no longer needs and can no longer afford.

The telegraphers insist that they are not demanding a "job freeze" or a veto over management rights to hire only the men it needs. Yet their refusal to consider the North Western offer belies their protest. And the fact that neither Mr. Goldberg nor his successor, Mr. Wirtz, even once criticized the North Western refusal to make a new offer is pretty good evidence that the original offer was fair.

Mr. Kennedy thinks that "both sides" should make new concessions to end a costly and senseless strike. His proposal is about as nonpolitical as his trips to open new dams and inspect missile plants.

[From the Fargo (N. Dak.) Forum and Moorhead (N. Dak.) News, Sept. 7, 1962]

Job Security Big Issue in North Western Strike

The strike of the Order of Railroad Telegraphers against the Chicago & North Western Railway does not involve any dispute over wages or hours, but it relates solely to job security.

It is a disturbing problem not only for the participants, but for the public, particularly to the public in the States through which the railroad runs. The railroad had to close down operations since other railroad unions would not cross the picket lines.

The railroads of the country are in difficult times. Faced with increasing competition from other carriers, they have found that under their type of setup and the Federal and State controls over them, some way must be discovered to get their properties back on paying basis. That is why they have been talking mergers. It is why they have been trying to find ways to economize—they know they must find ways. There have been railroad heads who have declared that they must have mergers, must put economies into force or private enterprise will be out—that it will be necessary for the Federal Government to operate the railroads as a last resort.

While there has been much talk of mergers, little has been done about it. In the meantime, railroads have been concerned about doing what they can to get their own houses in order. Modern communications has been one approach. Prior to the employment of these techniques it was necessary to man each local station with a telegrapher even though many stations were no more than 5 or 6 miles apart. With the new techniques, the North Western has been eliminating local station telegraphers wherever possible.

When management refused to accede to a job security demand that would require union consent for the elimination of any telegrapher's post that existed prior to 1957, the strike was on.

A similar demand is on file against the New York Central, but an emergency board appointed by President Kennedy rejected it on August 30.

It is possible, under the Railway Labor Act, for the telegrapher's union soon to call a strike against the New York Central. The law requires a delay of 30 days before a strike can start—after the board's report is made public.

In the Chicago & North Western dispute, a Presidential Emergency Board recommended on June 14, 1962, that the union's demand for veto power over jobs be withdrawn. The Board also proposed that the railroad and the union "negotiate a comprehensive program of employee protection."

The union rejected the recommendations. The railroad accepted them.

In commenting on the strike, the Washington Post says:

"By striking the North Western the union is attempting to set a pattern which would make it exceedingly difficult for the hard-pressed railroads to institute economies through the elimination of superfluous jobs. Five factfinding boards have rejected the union's demand for a job freeze. One such board said: 'A job freeze is like an economic cancer. It may serve to hasten the end of an enterprise which might otherwise be able to provide more jobs in a healthy economic climate'."

The President's Emergency Board proposed a displacement allowance. That is, a worker transferred to a lower paid job would receive for 5 years the difference between the new wage and his former average as a telegrapher. It also called for a furlough allowance—minus any other earnings received. This would continue for 3 years for an employee having 5 to 10 years' service. A 15-year man would get allowances for 5 years. Severance pay in a lump sum also was recommended—and the railroad said it was ready to put the plan into effect if the union dropped its demand for a job freeze.

But the union says that the North Western has brought about "an excessive elimination of jobs." It contends there has been no collective bargaining for eliminating a post or as to benefits.

President Kennedy made several appeals for a peaceful solution. The Department of Labor tried to bring about mediation efforts. All legal procedures of the Railway Labor Act have been exhausted.

In the current issue of the U.S. News & World Report it is said that "the administration's final weapon—in the event of a prolonged strike—could be an appeal to Congress for special legislation to bar railroad strikes and require arbitration of the issues—binding settlement by outsiders."

[From the Pierre (S. Dak.) State News, Sept. 12, 1962]

Unnecessary Rail Strike

It seems as though the railroad operating unions are trying to turn back the clock. Evidence of this is the costly strike against the Chicago & North Western Railway—a strike that affects Highmore and every other town serviced by the company.

In striking against the method of laying off excess employees they are saying, in effect, that the operating conditions of 30 to 40 or even 50 years ago must be considered the operating conditions of today—despite the enormous technological advancements made in railroading in the modern era.

They seem to be saying, in effect, that all railroad jobs must be maintained even when the need for them has passed and the cost imposed by obsolete work rules has been a major element in bringing much of this vital industry to near-insolvency. And they are saying, in effect, that the recommendations made by a distinguished Presidential commission which studied the problem for more than a year should be disregarded. The commission proposed not only a modernization of the work rules, but generous benefits of many kinds for displaced and transferred workers. Apparently, the industry accepted the plan—and the unions will have nothing to do with it.

These seem the only conclusions that can be drawn from current union actions. The strike against the Chicago & North Western Railway Co. is doing immeasurable damage to the economy, to the public interest and to labor itself. For we believe that labor, from Jimmy Hoffa on down, is now weaving the rope that will hang it.

Meanwhile, some things can be said with certainty. One is that no group, whether it be railroad, teamster, newspaper, etc., no matter how powerful, can blatantly ignore the national interest and get away with it indefinitely. Another is that a depressed industry cannot long be a source of highly paid, necessary jobs, much less those that progress has made useless. A third is that railroads must continue to serve this country. And fourth, if worse comes to worst, the Government would be forced to take them over. No one in his right mind would want that.—Highmore Herald.

[From the Sheboygan (Wis.) Press, Friday, Sept. 7, 1962]

Early Action Needed

Approximately 1,000 members of the Order of Railroad Telegraphers went on strike last week. This idled 15,500 other railroad employees and shut down operations on more than 10,000 miles of track in the nine States in which the railroad operates.

If the railroad and its employees were the only ones affected, this could be classified as just another unsettled dispute between the railroad and its union employees. Unfortunately that is not the case. This strike is so far-reaching that it endangers the welfare and economic livelihood of countless innocent people who have no voice in this dispute.

It would be impossible to estimate the economic loss that will be caused by this strike. It is sure to run into hundreds of millions of dollars, and the loss will certainly snowball if the strike is prolonged. Both management and the union have indicated that a quick settlement appears impossible at this time.

Sheboygan is especially hard hit because the only rail service passing through the city is the Chicago & North Western line. Press news stories have told the plight of many local industries which will have to shut down unless this rail service is resumed. Similarly, wire stories have told how the strike is beginning to throttle the economy of the nine Midwest and Great Plains States normally served by the railroad.

The gravest danger of the present situation is that the strike could put some of the industries out of business permanently. When plants shut down, their customers turn to other sources for the products needed, and they might never come back to the industries that formerly served them.

The tremendous economic effect of a strike can well be illustrated by that of the Milwaukee breweries' union in 1953. Breweries in other cities not affected by the strike prospered when beer consumers quenched their thrist with their products during the 2-month period that the strike was on. The Milwaukee breweries have not fully recovered from that strike to this very day because of the permanent loss of many of their former customers.

Besides the frightening economic loss and the inconvenience caused everybody affected, the strike has even created a safety hazard in the areas of the large cities in the Middle West. Thousands of suburban commuters who normally were served by the railroad are driving their cars to work, resulting in the jamming of all highways entering metropolitan areas in the Midwest.

All of which proves that the public interest has been vitally affected by this strike. If there is no legal way to stop it, certainly some new legislation should be adopted by Congress so that nothing like this could happen again to railroads or any other type of transportation affecting the general public.

Obviously better machinery is needed for handling such disputes. Perhaps a special transportation court could be created to settle the issues at stake while the common carriers continue to operate. Certainly some solution must be found for this sort of problem.

Furthermore, we do not believe that the most ardent labor leader could conscientiously endorse an arrangement that would concentrate such unconscionable power in the hands of so few. The very idea runs counter to the democratic principles on which our constitutional Government is founded.

The right to strike is basic in our economic structure which we like to refer to as the capitalistic system of private initiative and enterprise. In the ordinary strike, union and management pit their existence against each other until one or the other gives in; but when the welfare and very existence of many other businesses and thousands of employees are threatened by the strike, and when the welfare and safety of entire communities and States are endangered, a mere handful of men have exercised a power that it was never intended that they should have.

They have, by their action created a statewide, if not national emergency and it seems to us it is time for the appropriate authority to exercise its present powers and bring this serious threat to our economy, to our safety and to our very lives to a halt.

NEEDED: A POLICY OF FIRMNESS AND ACTION TOWARD CUBA

Mr. BENNETT. Mr. President, I rise in full support of Senate Joint Resolution 230 which was unanimously adopted Wednesday by the Senate Armed Services and Foreign Relations Committees. The joint resolution unmistakably warns the Soviet Union and its Communist allies of the Castro regime that the present do-nothing policy of the United States toward Cuba is at an end. The two committees are to be commended for presenting the resolution in a form which requires the President's signature, to make it the law of the land. Both Congress and the American people are far ahead of the President in their willingness and earnest desire for prompt, affirmative, and resolute action to meet the Communist military threat in Cuba. He too will be compelled to take notice of the great concern of Congress as he signs the joint resolution.

It is my purpose today to discuss the great need for Senate approval of the joint resolution and to recommend a course of action to implement it.

The time has clearly arrived for the Government of the United States to confront Cuba and its Communist allies with a policy of firmness and action rather than the present policy of vacillation and tardy reaction. The American people and the peoples of the free world are entitled to a long overdue demonstration of decisive leadership from the President. It will be fatal to continue the present policy of drift, timidity, improvisation and indecision.

TWENTY MONTHS OF FAILURE

The American people were treated to a series of impassioned statements during the 1960 presidential campaign concerning the menace of communism just 90 miles from our shores. We were told that if the then Senator Kennedy were elected President, this threat would be ended. But what has been the record?

President Kennedy inherited a detailed plan which was formulated and developed by the preceding Eisenhower administration calling for training and full support of Cuba's freedom fighters in their effort to liberate Cuba from its Communist masters. The freedom fighters were promised air and sea cover. But the administration panicked and refused to give the promised air support. President Kennedy announced that it would not be given just as the invasion began. This shocking statement was reiterated twice by the President himself and four times with even more emphasis by Secretary of State Dean Rusk. This announcement virtually ruled out the possibility of any general uprising in Cuba.

Thus the Cuban freedom fighters were abandoned on the shores of the Bay of Pigs and left to be slaughtered because our Government panicked and refused to honor its promises. This was one of the most disgraceful episodes in U.S. history. As a result, our prestige and standing in Latin American countries particularly, and throughout the world generally, reached its lowest point ever. Even the liberal New York Times columnist, James Reston, so friendly to the Kennedy administration, was moved to state of the President at the time:

> The confidence in his prudence, his poise, his sense of direction and proportion—so joyfully observed after so long in the allied world—have dropped steeply if they have not been destroyed.
>
> In short, he is the author not only of a defeat but of a clumsy defeat, which he has followed with lectures to the press and to the public, as if they were responsible.

We Republicans refused to make this a political issue, hoping and believing that President Kennedy would profit by this debacle. Unfortunately, the lessons apparently have not been learned.

RUSSIAN TAKEOVER OF CUBA

The almost total poverty of U.S. policy toward Cuba has been highlighted during the past few days as the Russians continue their military buildup and complete takeover of Cuba. Military and other supplies have been sent in vessels owned by our NATO allies and shipped in airplanes coming through Canada. Havana is ringed by military hardware manned by Russians and Cubans. Dozens of Soviet Mig fighters have been shipped in, and the number may reach 200. Military equipment, along with thousands of so-called technicians, are pouring into the island. A Cuban parachute corps will be sent to Russia to complete training. Russian-manned radar checks all aircraft flights, while it is believed that former estates near Havana will be used for rocket launching sites. In short, the Soviet takeover of Cuba is complete. While all this has been going on, the administration has sat idly by doing nothing, waiting for the dust to settle, hoping somehow to muddle through.

ADMINISTRATION'S CUBA POLICY ONE OF INDECISION, IMPROVISATION, AND VACILLATION

In the face of this dangerous threat, we are told by the Kennedy administration that we must wait until the Soviet military buildup in Cuba becomes an imminent menace, and then we shall act, and only then. In short, our Government tells us that we must wait until the Communists can do us real harm before action is taken. Meanwhile, nothing is to be done to prevent this threat from arising. Even though history has conclusively demonstrated that the Communists appreciate and respond only to firm, resolute action, the administration proposes that instead we give the Reds an uninterrupted diet of weakness and vacillation.

As a substitute for a meaningful policy, an attempt has been made by the administration to divert attention from the very real crisis in Cuba. On the one hand we are told that Berlin is the real problem, not Cuba, and by implication that we should not worry much about the Castro government and the Soviet military buildup in Cuba. Inspired leaks were given to the press by administration spokesmen espousing this peculiar dogma which maintains that if we have two problems, we should only worry about one.

WE MUST FACE UP TO CUBA OR LOSE ALL LATIN AMERICA

Even though it is most embarrassing to the administration we must direct our attention to Cuba and to Latin America as well as to Berlin. The fact remains that our present policy toward Cuba is an open invitation for further Communist inroads in Latin America. They have seen the administration panic at the Bay of Pigs, and they see our present indecisive timidity. We are, therefore, driving them toward an active anti-American neutralism, if not outright collaboration with the Communists. As the Latin American expert for the Washington Daily News, Virginia Prewett, observed in an article on September 17:

> President Kennedy's announced determination to act against Castro only if Russia makes Cuba strong enough to attack the United States or Latin America militarily is inviting the anti-American mice out to play throughout the hemisphere.
>
> As a result, Latin America is rapidly slipping toward anti-U.S. neutralism or pro-Communist control without the firing of a single shot by Castro.

In conclusion she says:

> President Kennedy's limited defense of Cuba is inviting our hemisphere opposition to boil furiously, while we are a noncontender.

This same theme was developed in a Wall Street Journal editorial for September 18:

> If the the United States continues to appear weak and lets the Soviets move about the Western Hemisphere with impunity, there is no telling how far they will go. That is why we think the public discussion, not to mention Government planning, should center on all possible ways of ending the Soviet immunity.

I shall ask unanimous consent that both of these articles appear in the RECORD at the conclusion of my remarks.

The United States is, therefore, consigned to a role of "noncontender" while administration policies invite our hemisphere opposition to move away from us while the Soviets move about the Western Hemisphere with impunity.

On the other hand, another effort to divert attention from Cuba has been made by the New Frontier. President Kennedy's special adviser on African and Asian affairs, Chester Bowles, managed to build a magnificent strawman in a speech given, with White House blessing, on September 16. Instead of presenting a firm, workable policy toward Cuba, he attacked those who are concerned about the utter lack of such a program. He clearly implied that all those who have such a concern advocate an outright invasion of Cuba and that the only alternative to invasion is a continuation of the present do-nothing policy. This may be a neat debating trick, but it will not fool the American people. We know that there are many other things that can be done, many alternatives available. If these are the only two choices that can be dreamed up by administration spokesmen, it is little wonder that our policy toward Cuba has been so disastrous.

In summary, then, the administration policy has been one of reaction, not action; brave words without brave action; statements that the Monroe Doctrine still is our policy without implementing it; this, coupled with attempts to divert attention from Cuba and the crisis facing Latin America by creating strawmen and by saying we should look only at Berlin and not Cuba. Of course we must look to Berlin, but we must also face up to the Cuban threat immediately.

A PROGRAM OF ACTION

The present situation calls for firm action. We should immediately meet with the Organization of American States in an effort to obtain a concerted economic and political quarantine of Cuba. We must demand that our NATO allies, including Canada, must stop shipping military hardware in NATO-owned vessels or in planes that are permitted to land in NATO countries on the way to Cuba. Russia and Cuba must be immediately advised that the military buildup in Cuba must stop and that Russian military personnel must leave the country. We should also give our full support to the Cuban freedom fighters. If these efforts fail, then the United States should promptly apply a blockade against Cuba. We can do nothing less if we wish to stop a Communist takeover of other Central and Latin American countries and if we wish to stop the remainder of the countries from concluding that the United States is an irresolute ally which, because of fear and timidity, is unwilling to protect its national interests and the interests of the Western Hemishpere.

Immediate action is vital; further delay will be fatal. The American people are waiting for the President to lead. He will have their unwavering support if he acts now and decisively.

Since I prepared this speech there have been two excellent comments on the Cuban situation, one in a Life editorial and the other written by the noted columnist William S. White. I ask unanimous consent that these, along with the two articles previously mentioned, may be printed in the RECORD following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Sept. 17, 1962]

WE'RE FACING DISASTER IN SOUTH AMERICA

(By Virginia Prewett)

President Kennedy's announced determination to act against Castro only if Russia makes Cuba strong enough to attack the United States or Latin America militarily is inviting the anti-American mice out to play throughout the hemisphere.

As a result, Latin America is rapidly slipping toward anti-U.S. neutralism or pro-Communist control without the firing of a single shot by Castro.

The Organization of American States, our hemisphere defense system, is being nibbled to death.

Haiti, with two Communist cabinet ministers, recently warned the OAS it's preparing charges against the Dominican Republic. Informants say Haiti will accuse its Dominican neighbor of plotting an invasion.

Haiti is thus generating counterpressure for Moscow against the Dominican Republic, since the Dominicans are pushing charges in the OAS that Cuba is inciting subversion in their country. The United States is trying to get the Republic started in self-government after 30 years of Trujillo dictatorship.

Bolivia, which has a Communist Vice President, recently bolted the OAS. The trumped up excuse is a dispute with Chile over use of the River Lauca waters. This argument, bumbling along for years, was only lately blown up as a reason for disrupting the OAS.

BRAZIL SLIPPING

Brazil, already "neutralist," is slipping deeper into the power of President Joao Goulart's anti-American associates. Senor Goulart has maneuvered his supporters into top army commands, but civil war is still a possibility.

Senor Goulart's triumphal visit to the United States last April rescued his then tottering prestige and fostered his power drive.

Argentina, only 2 years ago a showcase of recovery with the cooperation of U.S. private and public capital, has been economically shattered by the upsurge of totalitarian Peronism aided by communism.

Peronism and communism are manipulating labor. Huge packing plants and textile factories are closed, with slowdowns in other industries. Millions of letters are undelivered in paralyzed post offices. Newspapers are reduced to skeletonized forms. The Government is 2 months behind in paying civil servants.

DIVIDED

While the Peronist-Communist combination gathers momentum from Russia's strong play in Cuba, antitotalitarian forces are divided, disoriented, virtually leaderless.

Central America's "President" Louis Somoza of Nicaragua has just warned that U.S. inaction against communism in Cuba may "force" Latin Americans into the Soviet bloc. This hints that President Somoza, who inherited a family dictatorship but is now being pressured to democratize his country, may soon start playing the Communists against the United States.

President Kennedy's limited defense on Cuba is inviting our hemisphere opposition to boil furiously, while we are a noncontender.

[From the Wall Street Journal, Sept. 18, 1962]

THE SOVIETS' IMMUNITY

The trouble with a lot of the talk about Cuba, it seems to us, is not that it is "rash," in President Kennedy's word. It is that the public discussion has grown too narrow, making it sound as though the United States had only two choices: Either do nothing at all about the Soviet occupation of Cuba, or else immediately mount a military invasion to take over the island.

The President himself leaves this implication. His stated policy is to do nothing at present, but to act boldly at any time the Communist buildup in Cuba endangers or interferes with the security of the United States or its hemispheric allies.

It may be that these black-and-white alternatives are the only ones left. After all, the United States has already used up a lot of economic and political weapons. It cut Castro off from Cuba's prime sugar market; it embargoed exports to Cuba of everything but some food and medicine; it succeeded in getting a somewhat grudging denunciation of Castro from the Organization of American States and his exclusion from the Inter-American Defense Board.

Still, today's either/or atmoshere obviously encourages the proponents of each alternative—those eager to rush into Cuba without further ado, and those who don't want the United States to fight anywhere for anything. And this atmosphere deters people from taking thought to see if there are any other possible ways for dealing with this expanding Soviet base on our doorstep.

Certainly some other possibilities exist, whether or not they necessarily represent wise courses for the United States. One would be an attempt to force the Soviet hand in Cuba by applying pressure elsewhere, as for example curbing trade with the Soviet bloc. Similarly, there could be diplomatic pressures, including breaking relations with the Soviet Union.

Or, to confine the response to Soviet Cuba itself, the United States could tell the Kremlin that unless it voluntarily stops shipping arms and men to Cuba, the United States will do the stopping. If they refused, that would of course mean a blockade as far as all military shipments to or from Cuba are concerned.

Now a blockade is a military act but it is not of itself war. If the Soviets refrained from making it an occasion of war, then the effect would be to isolate Cuba. The Soviets would still have their base but it wouldn't do them much good. In such circumstances Castro and Cuban communism might or might not collapse from economic strangulation, but at least we would have neutralized the threat to our security.

Or the United States could go further and tell the Soviets to get out of Cuba altogether if they don't want to be evicted. Again, a course clearly risking strong Soviet reaction. Yet it might be remembered that the Soviets have always backed down in the face of Western firmness; even the Korean war probably would not have occurred had not the Soviets thought the sailing was clear. In the case of Cuba, military experts think it extremely doubtful that the Soviets would fight for it; there is too much against them, and its intrinsic importance may not be all that great to them.

We cite these courses not in advocacy but to suggest there still is ground between total inaction and a precipitate plunge into Cuba. Words, it is clear, are not enough.

Right after the Bay of Pigs debacle a year ago April, President Kennedy had strong words to say about our course in Cuba; so did he last week. Yet in the interim the Soviets have secured and greatly strengthened their Caribbean base with no opposition from the United States.

If the United States continues to appear weak and lets the Soviets move about the Western Hemisphere with impunity, there is no telling how far they will go. That is why we think the public discussion, not to mention Government planning, should center on all possible ways of ending the Soviet immunity.

[From Life magazine, Sept. 21, 1962]

WHAT SHOULD MONROE DOCTRINE MEAN? BLOCKADE

Khrushchev's arms buildup in Cuba is an insolent challenge to the Western Hemisphere which has so far drawn no adequate response from the President of the United States. The White House is wrapped in what appears to be indecision. A measure of indecision is understandable, for we have been skillfully ambushed by Khrushchev. But the President must act, and we urge him to invoke the Monroe Doctrine, a foundation stone of U.S. foreign policy, to prevent Castro's further import of Communist arms.

What has happened to the Monroe Doctrine? When Khrushchev pronounced it "dead" 2 years ago Eisenhower denied it and so has Kennedy. But Khrushchev is evidently trying to prove it dead or to find out what it means. Being unilateral, the Doctrine has always meant just what the United States says it means, including what kind of "colonization" it is intended to forbid. But to mean anything to Khrushchev, the doctrine needs a fresh definition of the kind the United States will risk a fight for. Kennedy owes the world that clarification.

In his statement admitting the Cuban buildup Kennedy said it is not yet a serious military threat to the United States. He made a distinction (hardly tenable) between offensive and defensive weapons, implying that a continued buildup will raise the "gravest issues"—that is, issues of U.S. preventive action. We suggest that the issue is sufficiently grave already; that the presence of massive Soviet arms and soldiers in this hemisphere is hostile to the Monroe Doctrine, and that it should be specifically defined to exclude them. Russian arms have turned Cuba into a Russian colony as abject as East Germany. If not yet a threat to the continental United States, they are such to the harassed governments of Venezuela, Guatemala, Honduras and several other members of our hemisphere security system, not to mention our Marine base at Guantanamo or the Panama Canal. And they are a political threat to the U.S. position as a world power.

How then can Kennedy stop further Communist arms to Cuba and make an updated Monroe Doctrine stick? He has taken some first steps. He is bringing pressure on our NATO allies not to let their ships be chartered for this traffic. Dean Rusk has proposed an informal meeting of Western Hemisphere foreign ministers to discuss possible OAS action. Moreover, Kennedy has promised to continue helping Caribbean nations patrol their shores against arms smuggled from Cuba.

These steps are not enough. The next one, we suggest, is that the U.S. Navy, with whatever Latin American support we can muster, stop and search all vessels, especially Soviet vessels, entering Cuban waters and suspected of carrying more Soviet arms or men. The men would be sent home, the arms dumped in the sea.

Rusk has discouraged a blockade talk on the ground that it would be an act of war. But a blockade against armaments is less warlike than Khrushchev's massive arming of Castro. It is less bellicose than Khrushchev's irresponsible rodomontade of last week, in which he accused the United States of plotting an invasion of Cuba and threatened nuclear war. An arms blockade—although it may mean war—is not necessarily a formal act of war, especially if the 139-year-old Monroe Doctrine is interpreted to require it.

In so interpreting it, we must of course seek assent from our Latin allies, with whom we have increasingly shared responsibility for the doctrine's definition since 1933. But we have not surrendered this responsibility; the Latins are inclined to evade it; and our whole hemisphere security system depends in the last analysis on U.S. power. Said Kennedy last year: "If the nations of this hemisphere should fail to meet their commitments against outside Communist penetration * * * this Government will not hesitate in meeting its primary obligations which are to the security of our Nation."

It is true that U.S. interests and security are now global, not merely hemispheric. Kennedy himself seems unduly impressed with Khrushchev's argument that if we support NATO bases near Russia's Turkish border, why can't Russia have bases in our backyard? Though our interests are global, we have a prior commitment to this hemisphere; and there is no law telling us we must not resist aggression until our declared enemy is as worldwide as we.

The Soviet buildup near Florida is the most direct challenge to the Monroe Doctrine since Maximilian invaded Mexico. The reassertion of the doctrine against this threat will reassure our uneasy allies and put spine in the inter-American system. Above all, it will let Khrushchev know that Kennedy, who once said, "Our restraint is not inexhaustible," is not the victim of permanent indecision. A blockade has its dangers, including that of physical sailor-to-sailor contact with the enemy, though the conflict will remain as limited as Khrushchev desires. There is far greater danger in continued piecemeal acceptance of the worldwide Communist advance.

[From the Washington Evening Star, Sept. 19, 1962]

Beware "After All" View on Cuba—Rationalizing of the Soviets' Takeover With Free World's Bases Is Found Faulty

(By William S. White)

A curious line is running through much public and private comment about the presence in Castro Cuba of Soviet arms and Soviet "technicians." It might be called the argument of after all, and it goes thus:

It is very upsetting, of course, that the Soviet Union has now made a publicly boasted military lodgment in this hemisphere. But, after all, the United States has forces of its own or allies of its own in many places confronting Russia, too.

Of this sort of reasoning the only possible query is how "sophisticated," how "objective," can you get? Isn't this another way of saying that there is, underneath, not much difference between us and our record and intentions and the Soviet Union and its record and intentions?

Is there no distinction between the positioning of American forces in free countries which have asked for our protection and the positioning of Soviet forces in countries which have been brutally and simply overrun—say Hungary and Poland?

We have troops in West Germany, yes. But is West Germany under our rule as East Germany is under Nikita Khrushchev's rule? President Kennedy, whose whole administration has been involved in endless and often losing arguments with Chancellor Adenauer, would hardly say so.

For a decade we have had troops or military associations in a Europe running from Turkey on the east to Italy on the south and France on the west. But have we dominated any of those countries? Charles de Gaulle of France would hardly prove so. For American foreign policy has been as notably unsuccessful in dominating General de Gaulle as it has been in dominating Chancellor Adenauer or the Turks or the Italians or the Belgians or any of the others.

And where and when have we used a foreign base or lodgment to assault another nation? How many times has the Soviet Union done so since the Second World War? Half-a-dozen? More like a dozen?

If the afterallers are even partly right, what is the moral justification for foreign aid, for the North Atlantic Treaty Organization, and all the rest? And what of our long record, backed by unbroken history, of seeking no territory, no conquest? If we are, indeed, to be measured alongside the Soviet Union by our own voices what is the use of anything at all?

The afterall logic comes to this: Here, afterall, are two giant powers. If we have the right to maintain foreign bases, though our bases are maintained with the consent and on the eager appeal of the host nations, then so does the Soviet Union, even though its bases are maintained at gunpoint and in some instances over the dead bodies of the host nations.

If this is objectivity, so then is the epigram which says that the rich and poor have an equal right to sleep in the public parks.

What price the objectivity, say of a Chester Bowles, a presidential adviser who says we must not attack a Cuba infected with Soviet military communism because we should then be charged in the United Nations by the Russians with blatant aggression and very likely they (the Russians) would win their case?

The naked right of self-defense cannot possibly be alerted by any such mere "Alice-in-Wonderland" propaganda case in the U.N. or elsewhere.

There are only two possible excuses for not putting a stop right now to Soviet penentration. One is the official judgment that as of now we are not directly menaced. The other is the estimate, on which President Kennedy is banking, that the job can be done through collective Pan American action. Because he is President, his judgments must be accepted now; because there can be only one President at a time and because only a President can either know all of the facts or act upon them, anyhow.

But if his judgments turn out wrong, and wrong because of any heed paid to the afterallers, there will be measureless tragedy for his administration and for this country.

U.S. POLICY WITH RESPECT TO CUBA

Mr. KUCHEL. Mr. President, there is a seething bitterness among the American people today. They watch the ugly contemptible situation in a Communist-dominated island located 90 miles off the American coastline. They are filled with a bitterness perhaps unparalleled in modern times at the Soviet Union's making of Cuba a Communist power in this hemisphere.

That feeling is shared by the people's representatives in this Chamber. Shortly the U.S. Senate, in my judgment, will unanimously pass Senate Joint Resolution 230, which yesterday was reported to the Senate unanimously by both the Committee on Armed Services and the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the text of the resolution may be printed in the Record at this point in my remarks.

The PRESIDING OFFICER (Mr. Burdick in the chair). Is there objection to the request of the Senator from California?

There being no objection, the joint resolution (S.J. Res. 230) was ordered to be printed in the Record, as follows:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. KUCHEL. Mr. President, the passage of the joint resolution will demonstrate that the American people are united behind the President of the United States. The passage of the joint resolution will demonstrate that the Congress of the United States, the American people's representatives, reconfirm in the President the responsibility which under the Constitution is his, to take such steps as may be necessary and appropriate in the defense not alone of the American people, but in the defense also of freedom in the Western Hemisphere; and to prevent any attempted exportation of communism by Cuba, or the Soviet Union, or any Communist power, into any part of this hemisphere.

I am, as an American and not a partisan, most grateful and proud of what our two committees have done. I look forward to demonstrating with my vote, in conjunction with the votes of every Democrat and every Republican in this Chamber, the fact that the American people and the American Government intend to see that communism does not constitute a growing cancer in the Western Hemisphere. Firmness in our policy against Communist imperialism must be an unflinching American position any place in this globe where the threat arises.

Mr. MAGNUSON. Mr. President, I wish to associate myself, in case the time limitation might not allow all of us to say what we would like to say on Cuba and on the joint resolution, with the remarks made by the Senator from California and by the Senator from Pennsylvania. Apparently Senators are united on this issue, regardless of political party. Apparently we are all united in the belief that Castro must go. We are dedicated to that proposition, whether we be Republicans or Democrats.

I think the best illustration of that fact for the American people, as Americans rather than Republicans or Democrats, is what is taking place in the Senate today. The distinguished Senator from California is a Republican candidate for the U.S. Senate in a State, a neighbor to mine. I am a Democratic candidate for the U.S. Senate in my State. We are both united in believing that Castro must go, and we shall be dedicated to that proposition.

Mr. KUCHEL. I thank my friend.

TRIBUTE TO SENATOR MAGNUSON

Mr. BARTLETT. Mr. President, an article in the September–October 1962 issue of the National Defense Transportation Journal paid high tribute to Senator MAGNUSON and observed that he had been selected by the Joint Chiefs of Staff of the Department of Defense to receive the thirteenth annual National Transportation Award of the National Defense Transportation Association. The award will be presented to Senator MAGNUSON on October 31, 1962. The citation accompanying the award stated, among other things:

> His inspiring leadership and enthusiasm, sturdy principles and progressive spirit, and his valuable and noteworthy service in the cause of transportation preparedness have merited for him the respect of the entire transportation world.

Mr. President, the recognition accorded Senator MAGNUSON by this award is richly deserved. In both Houses of the Congress and on both sides of the aisle no one would dispute that he is Mr. Maritime.

Mr. President, whether the mode of travel or cargo shipment is over water, on the surface or in the air, I believe there is no man in Congress who has been more dedicated to, or contributed more, to the achieving and realization by our country of the most modern and efficient transport system in the world.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR MAGNUSON WINS TRANSPORTATION AWARD

Senator WARREN G. MAGNUSON, of Washington State, has been selected by the Joint Chiefs of Staff of the Department of Defense to receive the 13th annual National Transportation Award of the National Defense Transportation Association. His selection was based on achievements in transportation which "contributed to the effectiveness of the transportation industry in support of national security."

The award will be formally presented to Senator MAGNUSON at NDTA's 17th annual transportation and logistics forum which will be held in San Francisco, October 28–31. Actual presentation of the award will take place during the association's annual banquet the evening of October 31 in San Fransico's Sheraton-Palace Hotel.

The citation accompanying the award said that Senator MAGNUSON, during his career in Congress, "has been particularly active and effective in the field of transportation legislation bearing upon all modes of transportation."

"In his capacity as chairman of the Senate Committee on Interstate and Foreign Commerce, he has constantly and consistently led the way in endeavors designed to enhance and to improve our national transportation system throughout. His successful efforts range through the Magnuson-Monroney aid to airports bill, the Federal Aviation Act, congressional approval of the International Rail and Highway Commission studies, development of the world's first nuclear-propelled merchant ship, the N.S. *Savannah;* the world's first oceangoing hydrofoil vessel, the H.S. *Denison;* the Transportation Act of 1958, and most recently the report developed under his guidance, as a result of Senate Resolution No. 29 of the 86th Congress.

"His inspiring leadership and enthusiasm, sturdy principles and progressive spirit, and his valuable and noteworthy service in the cause of transportation preparedness have merited for him the respect of the entire transportation world," the citation concluded.

Born in Moorhead, Clay County, Minn., April 12, 1905, Senator MAGNUSON came to Washington, D.C., January 1937, as a Member of the House of Representatives from Seattle, Wash., where he served until assuming his Senate seat on December 13, 1944. He now ranks 9th among Democrats and 11th in seniority in the membership of the Senate of the 87th Congress.

Senator MAGNUSON holds important positions in the Senate for the advancement of his and the Nation's transportation objectives.

He is chairman of the Senate Committee on Commerce and chairman of the Subcommittee on Independent Offices of the Senate Committee on Appropriations, which weighs the funding needs of 29 Government agencies, including all regulatory agencies and of the Federal Aviation Agency, the National Aeronautics and Space Administration, Interstate Commerce Commission, and the Office of Emergency Planning.

Senator MAGNUSON is also a member of the Senate Committee on Aeronautical and Space Sciences, chairman of the Standing Subcommittee on Merchant Marine and Fisheries, and of the Special Subcommittee To Study Operation of the Military Air Transport Service and the Military Sea Transportation Service, chairman of the Special Subcommittee To Study Methods of Advancing Foreign Trade Between the United States and Asia, and Between the United States and Canada and Iceland.

In addition, Senator MAGNUSON is the recognized spokesman for transportation in the nine-member Senate Democratic policy committee on which he serves, and he heads the Congressional Board of Visitors to both the U.S. Coast Guard Academy and the U.S. Merchant Marine Academy.

OTHER AWARD WINNERS

Senator MAGNUSON, as the 1961 winner of the National Transportation Award, heads a list of many transportation-field leaders who have been honored in previous years. They include Morris Forgash, chairman of the board and president of the United States Freight Co., selected as the 1960 winner for sparking industrywide interest in a basic set of standards and dimensions of transportation equipment; Stephen D. Bechtel, Sr., 1959 winner, selected for his strengthening of transportation facilities through engineering and construction, mainly in the building of oil and natural gas pipeline systems; Robert G. LeTourneau, 1958, for his development of heavy-duty handling, hauling, and loading equipment; William T. Faricy, 1957, for his efforts to strengthen transportation as a leader of the Association of American Railroads; Donald J. Russell, 1956, for his contribution to the solution of emergency transportation problems; Donald W. Douglas, Sr., 1955, for his work in both military and civilian transportation, and Charles H. Weaver, 1954, for the design and construction of the nuclear powerplant for the submarine *Nautilus.*

The National Defense Transportation Association, a military-civilian group of transportation professionals established the National Transportation Award in 1949 to promote transportation preparedness and to foster a keener realization of military transportation requirements.

SENATOR TO DELIVER MAJOR ADDRESS OCTOBER 31

Senator MAGNUSON is expected to deliver a major transportation message when he speaks to NDTA delegates at their annual banquet.

MAGNA CARTA

Mr. SCOTT. Mr. President, the Baronial Order of Magna Carta is a highly esteemed, patriotic organization, with its headquarters in Philadelphia. Its members are to be found in the various States of the Union—many of them in Pennsylvania. The sureties of Magna Carta were the barons and nobles chosen to see to it that the English King did nothing to stay or destroy the liberties granted under the famous Document of Runnymede, approved in 1215.

Every year the annual meeting of the officers and members of the order is held usually in Philadelphia or its environs. These meetings are usually held at the home of members; and a feature involved is the display of the banners of the original sureties. Weather permitting, the dinner that is served is on the lawn of the host. These occasions are well attended; and the wives and daughters of the members lend the "eloquence of their presence." The annual meeting falls on a Saturday in the early summer, at which business is transacted, and the social aspects observed.

On the day following the annual meeting, Sunday, a Magna Carta service is held in Old Christ Church, in the heart of Philadelphia, and an address is delivered, concerning Magna Carta, by an outstanding publicist. The banners of the ancient sureties are carried in the church procession. Following the service the order makes bestowal of its annual award of merit on the speaker.

The last annual meeting of the order occurred June 16, 1962, at the home of Charles Edgar Hires, former marshal—chief officer of the order—in Bryn Mawr, in Metropolitan Philadelphia. The meeting is designated the annual grand chapter. Col. Thomas R. White, Jr., is the present marshal.

An interesting feature of this meeting was the election of Gen. Douglas MacArthur as an honorary life member of the order. He is eligible for membership under his ancestral lines. The motion for this action was made by former Congressman Maurice H. Thatcher, of Kentucky, a member of the order and on its governing board of sureties.

On the next day, June 17, at the Magna Carta service held in Christ Church, Hon. John C. Bell, Jr., chief justice of the Pennsylvania Supreme Court, was the speaker, and he delivered a most interesting and patriotic address. Following its delivery, Justice Bell was presented with the order's annual award of merit for outstanding public service.

Mr. President, I ask unanimous consent for inclusion of this excellent address in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF JOHN C. BELL, JR., CHIEF JUSTICE OF THE SUPREME COURT OF PENNSYLVANIA, AT CHRIST CHURCH, PHILADELPHIA, JUNE 17, 1962

We are gathered today to celebrate the 747th anniversary of one of the greatest and probably the most famous document in English history, the Magna Carta. It is particularly appropriate that these commemorative services should be held in Philadelphia, the city which is the birthplace of liberty, and in Christ Church, because it is probably the most famous church in our country. This historic church is rich in tradition, glorious in its spirituality, and wonderful in the influence which it has exerted in Philadelphia and on the Founding Fathers of our Nation. It was chartered by the Bishop of London in 1695, upon petition of 36 persons, including physicians, lawyers, carpenters, a baker, a dyer, a judge of the Admiralty, and two "pirates." It was the first Church of England parish in this colony, and thus the mother church of the diocese of Pennsylvania. It was a shrine of American patriots during Revolutionary times, and especially when the Declaration of Independence was being drafted and signed, and the Constitution was adopted. George Washington, Benjamin Franklin, and many other leaders of our country worshipped at Christ Church and many of them are buried here.

The Protestant Episcopal Church in the United States was formed in Christ Church after the Revolution, and William White, who was its outstanding rector for 57 years, was not only chaplain of the Continental Congress, but also became the first bishop of Pennsylvania.

Its spiritual leadership has been combined with temporal leadership and works of charity and benevolence. Through the influence of members of its congregation, four churches in nearby counties have been established, as was the University of Pennsylvania, the Episcopal Academy, and the Philadelphia Divinity School. After 260 years since its founding, Christ Church has lost nothing of its spirituality and its dynamic activity as a church and parish. Its parish groups and organizations are constantly aiding the poor, the helpless and the needy, and spreading the Kingdom of God at home and abroad. Its fame and historic appeal is evident from the fact that some 175,000 people visit Christ Church every year, and of this number approximately 50,000 are schoolchildren, scouts and young people.

Our ancestors who founded America, believed that God created men in equality and willed them to be free in body, spirit and soul. Our forefathers crossed 3,000 miles of a wild unknown ocean and gave up security, in order to live and worship in freedom. In words and in deeds they proclaimed their belief in God, and in freedom from any absolute temporal ruler. They proclaimed this in the Declaration of Independence, they established it by a revolution, and they ordained and protected it with a Constitution. That is why it is so appropriate that the Baronial Order of Magna Carta is holding its services today in this historic church.

Magna Carta was wrested by the barons and knights of England from King John at Runnymede, on the 15th day of June 1215. It is not generally known, but Magna Carta was an 18-inch-square sheepskin document which was ensealed, not signed, because neither the King nor any of the nobles could write. Magna Carta has been universally recognized as the bulwark of English liberties. The most important grant of liberties in this great charter was: "No Freeman shall be taken, or imprisoned, or be desseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we not pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny to any man either Justice or Right."

Magna Carta did not create new and novel rights.

It was in essence a recognition and restoration of certain rights and liberties which had previously been enjoyed by the nobles of England, but which had been usurped and abrogated by King John. It was the inspiration and basis for our Declaration of Independence and for the inherent rights of private property and the fundamental freedoms which were ordained and established in our Constitution. These included freedom of religion, freedom of speech, freedom of the press, the right of private property, and the right to trial by jury. Moreover, Magna Carta was the first written acknowledgement by the Crown that the people (the nobles) had certain inherent indefeasible rights and that the Crown was subject to the law. In other words, that the power of sovereignty or government was limited. This concept of limited government is the essence of our Constitution and Bill of Rights.

The Baronial Order of Magna Carta was established to perpetuate the memory of those ancestral noblemen who in that charter finally secured from the King a recognition and guarantee of their important liberties and their basic rights of property; and to inspire their descendants with an indestructible determination to perpetuate these fundamental rights of freedom and property.

Freedom of any kind is not easily secured or easily maintained. The almost-divine flame of freedom is flickering in atheistic Russia and its Communist satellites in Europe, in China, and in our next-door neighbor, Cuba—but it never dies. Today in many parts of the world, in several new nations in Africa, in southeast Asia, and in smouldering nations in South America, freedom is erupting and shining more brightly than ever before.

Our Constitution, in spite of many criticisms today, has been proclaimed by world leaders, as the greatest document ever written in the last 1,900 years. It not only guarantees numerous fundamental liberties, but it further provides that no man shall be deprived of his property or liberty except by a law which is passed by his Representatives in Congress or in a State legislature, in accordance with the provisions of the Constitution. These inherent fundamental rights of private property, of freedom of religion, speech and press, and the right to trial by jury, are the basic rights which distinguish a really free people from atheistic communism and from other nations which are ruled by an omnipotent dictator.

Magna Carta was also the first important written recognition and partial settlement of the endless struggle which has gone on through history, and which I believe will continue perpetually, between an absolute dictator or an omnipotent government on the one hand—regardless of what euphemistic and false name it adopts—and freedom-loving people on the other. This struggle, this battle, like the tides of the sea, constantly ebbs and flows.

It is surprising how many people fail to realize this endless struggle and the importance and necessity of preserving these fundamental basic pillars on which the house of freedom has been erected. Unbeknown to most people, a craving for absolute governmental power has insidiously invaded our beloved country.

Our Constitution is not a weathervane which turns with every popular wind that blows; our Constitution is a rock of Gibraltar, which was built to give a free people a wise framework of limited government and to protect our constitutionally ordained rights of property and our liberties against infringement—even against hurricane winds generated by demands of selfish groups or by self-seeking politicians, or even by those with worthy objectives. You cannot swear to support and obey the Constitution; you cannot say that you are for the Constitution if you attempt to erode or bypass or distort or destroy a part of the Constitution when it restrains your present wishes or interests.

Today every expansion of Government, and every curtailment of rights of private property and of freedom of speech or press, is advocated and proclaimed under the guise, often sincerely made, that it is for the general welfare and in the best interest of the people, and hence government should possess and exercise this power. This is a very popular cloak with which to conceal infringements of basic constitutional rights. It is unpopular to oppose any government action, whether advocated by the highest officer in the land or by the lowest zoning commission, when they constantly assert, accompanied with a righteous glow, that their plans and actions and policies are for the benefit of the people.

Yet if we are to preserve our fundamental rights, which were ordained in Magna Carta and in the Constitution, we must oppose each and every sugar-coated invasion and curtailment of these basic rights. I vigorously urge the Baronial Order of Magna Carta to be as vigilant and indestructibly steadfast as were their ancestors in opposing the expansion of governmental power when it curtails the inherent rights of free men, even though the governmental acts be gilded with a heart-warming slogan or a (misdirected) worthy goal.

The Baronial Order of Magna Carta can be helpful in another important way. It is well known that Magna Carta resulted from a revolt of the Nobles, but it is not as well known that the church, through the efforts of Stephen Langton, Archbishop of Canterbury, was part of this movement. The Magna Carta provides that the Church of England "shall have her whole rights and liberties inviolable." King John had persecuted the clergy and had appropriated church lands, and in this way had filled his coffers with money which he needed for pleasure and for war. John was excommunicated, but after several years he made peace with the Pope, his excommunication was withdrawn, the church's property was returned, and the church's sovereignty over England was recognized in Magna Carta.

* * * * *

Today, mainly because of the cold war, people throughout the world are so worried, harried, poor, or hungry, that they have become extraordinarily materialistic, and are worshiping Mammon instead of God. Here in this wonderful historic church, all of us should rededicate ourselves not only to protecting and perpetuating the fundamental rights of freedom and private property which were established in Magna Carta and ordained in our Constitution, but even more important the higher power which is above all temporal power, namely, the love of church and the love of God. May I reverently say "Let your light shine forth throughout our city, State, and Nation, so that all men may see your good works and be inspired to protect our liberties and glorify our God."

U.S. POLICY WITH RESPECT TO CUBA

Mr. SCOTT. Mr. President, I wish to call to the attention of the Senate an excellent editorial by William S. White in the September 19 issue of the Washington Evening Star. This editorial discusses a common fallacy that often enters into our discussion of the explosive Cuban situation. The fallacy is the facile parallels sometimes drawn between U.S. bases overseas and Communist colonialist expansion.

The assumption that U.S. military bases in other countries and Soviet military outposts are in some way identical is dangerously wrong. Such an assumption is based on the inability, or the refusal, to see a difference in the respective goals of the United States and the U.S.S.R. The assumption also points to a misunderstanding of the role of military forces in a democratic society and in a totalitarian, colonialist society. We should recognize that our purposes are to let the free world remain free. The purposes of the U.S.S.R., on the other hand, are to turn the free world toward Communist slavery.

Mr. President, I ask unanimous consent that Mr. White's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BEWARE "AFTER-ALL" VIEW ON CUBA—RATIONALIZING OF THE SOVIETS' TAKE-OVER WITH FREE WORLD'S BASES IS FOUND FAULTY

(By William S. White)

A curious line is running through much public and private comment about the presence in Castro Cuba of Soviet arms and Soviet technicians. It might be called the argument of after-all, and it goes thus:

It is very upsetting, of course, that the Soviet Union has now made a publicly boasted military lodgment in this hemisphere. But, after all, the United States has forces of its own or allies of its own in many places confronting Russia, too.

Of this sort of reasoning the only possible query is how sophisticated, how objective, can you get? Isn't this another way of saying that there is, underneath, not much difference between us and our record and intentions and the Soviet Union and its record and intentions?

Is there no distinction between the positioning of American forces in free countries which have asked for our protection and the positioning of Soviet forces in countries which have been brutally and simply overrun—say Hungary and Poland?

We have troops in West Germany, yes. But is West Germany under our rule as East Germany is under Nikita Khrushchev's rule? President Kennedy, whose whole administration has been involved in endless and often losing arguments with Chancellor Adenauer, would hardly say so.

For a decade we have had troops or military associations in a Europe running from Turkey on the east to Italy on the south and France on the west. But have we dominated any of those countries? Charles de Gaulle of France would hardly prove so. For American foreign policy has been as notably unsuccessful in dominating General De Gaulle as it has been in dominating Chancellor Adenauer or the Turks or the Italians or the Belgians or any of the others.

And where and when have we used a foreign base or lodgment to assault another nation? How many times has the Soviet Union done so since the Second World War? Half a dozen? More like a dozen?

If the after-allers are even partly right, what is the moral justification for foreign aid, for the North Atlantic Treaty Organization, and all the rest? And what of our long record, backed by unbroken history, of seeking no territory, no conquest? If we are, indeed, to be measured alongside the Soviet Union by our own voices what is the use of anything at all?

The after-all logic comes to this: Here, after all, are two giant powers. If we have the right to maintain foreign bases, though our bases are maintained with the consent and on the eager appeal of the host nations, then so does the Soviet Union, even though its bases are maintained at gunpoint and in some instances over the dead bodies of the host nations.

If this is objectivity, so then is the epigram which says that the rich and poor have an equal right to sleep in the public parks.

What price the objectivity, say of a Chester Bowles, a Presidential adviser who says we must not attack a Cuba infected with Soviet military communism because we should then be charged in the United Nations by the Russians with "blatant aggression and very likely they (the Russians) would win their case?"

The naked right of self-defense cannot possibly be alerted by any such mere Alice-in-Wonderland propaganda "case" in the U.N. or elsewhere.

There are only two possible excuses for not putting a stop right now to Soviet penetration. One is the official judgment that as of now we are not directly menaced. The other is the estimate, on which President Kennedy is banking, that the job can be done through collective pan-American action. Because he is President, his judgments must be accepted now; because there can be only one President at a time and because only a President can either know all of the facts or act upon them, anyhow.

But if his judgments turn out wrong, and wrong because of any heed paid to the after-allers, there will be measureless tragedy for his administration and for this country.

COUNTY GOVERNMENTS IN CALIFORNIA ADVANCE FOUR-POINT PROGRAM FOR LUMBER INDUSTRY

Mr. ENGLE. Mr. President, the responsibility of local elected officials to advance the economic well-being of their own areas is fundamental in American Government. This sense of local service and responsibility has been demonstrated by nine northern California counties whose boards of supervisors have proposed a program of action to relieve the plight of the lumber industry upon which these counties so heavily depend.

Secretary of Agriculture Orville Freeman last week met with Congressman HAROLD T. (BIZZ) JOHNSON, Democrat, of California, whose mountain district contains 12.5 million acres of national forest, and with Michael T. Hennessy of Yreka, representing the Northern California Supervisors Association. The secretary reviewed the basic four-point program advocated by the nine county governments and pledged the Department's full cooperation. The four points are:

First. Sale of full allowable cut of timber based on sound inventories and growth prediction.

Second. Consideration of community stability in appraising timber for sales.

Third. Revision of Forest Service contracts to make them more equitable to the public, the timber purchaser, and the Forest Service.

Fourth. Adoption of an independent appeals procedure to permit speedy settlement of contract disputes.

I endorse this program. It is important to note that the nine counties—Siskiyou, Plumas, Butte, Glenn, Modoc, Lassen, Tehama, Shasta, and Trinity—produce most of the timber harvested on national forests in California.

Mr. President, their resolutions reflect the genuine interest of local government in an attempt to solve their own problems. The one presented by Siskiyou County is typical. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution to Secretary of Agriculture on Proposals of the Lumber Industry

Whereas an increasingly large segment of the lumber industry has become substantially dependent upon the Federal Government for its source of timber supply; and

Whereas recent trends in Federal timber sales procedures are resulting in more and more instability in such lumber industry; and

Whereas as representatives of the people of this county, the board of supervisors is vitally interested in the lumber industry in order to bring about economic stability to the communities of this county: Now, therefore, be it

Resolved by the Board of Supervisors of Siskiyou County, That the Secretary of Agriculture be urged to immediately adopt the four point program presented to the Secretary of Agriculture on Februery 21, 1962, by the representatives of the lumber industry as supplemented and more particularized by the memorandum to the Secretary of Agriculture further expanding such four point proposal made August 9, 1962.

The clerk is directed to mail additional copies of this resolution to the two U.S. Senators of this State and to the Congressman from this district.

Passed this 28th day of August 1962, by the following vote:

Ayes: Supervisors Ager, Barr, Jackson and Ealy.

Noes: None.

Absent: None.

Don S. Avery,
Chairman of the Board of Supervisors.

Attest:

Rachael N. Cordes,

DISARMAMENT—ARTICLES BY REPRESENTATIVE GALLAGHER

Mr. HUMPHREY. Mr. President, I would also like to call attention to three articles by Representative Cornelius E. Gallagher, of New Jersey. Representative Gallagher recently spent 12 days in Geneva as adviser to the U.S. Delegation to the Disarmament Conference. These three articles recently appeared in New Jersey newspapers and I commend them to my colleagues for analysis and study. They represent a concise summary of the status of negotiations in Geneva.

I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Geneva Disarmament Talks May Decide Survival of World

(By Congressman Cornelius E. Gallagher, Member, Foreign Affairs Committee, House of Representatives and Adviser to U.S. Delegation on Disarmament)

Nothing is more vital to the security of the United States and the entire world than a workable, realistic, and guaranteed nuclear disarmament treaty between the major nuclear powers.

I have recently returned from the 18-Nation Disarmament Conference in Geneva, Switzerland, where I served as adviser to the U.S. delegation on disarmament. As an original sponsor of the legislation creating the U.S. Arms Control Agency, my job was to evaluate the Conference proceedings and report back to the Congress with my recommendations.

In the light of my observations at the Conference and conversations with Secretary Rusk, I want to report to you here, and in subsequent columns, on our country's efforts to achieve a guaranteed system of nuclear disarmament.

I believe the Geneva Disarmament Conference is the most important international conference to be held this year. The recent news that the Conference will take a temporary recess from September 8 to November 12 has been interpreted by some observers as a sign that the Conference has reached a total deadlock. This is a misconception. A temporary recess has been planned for some time to permit Conference delegates who are also delegates to the U.N. to attend the opening sessions of the U.N. General Assembly this fall.

Some people feel that the establishment of the U.S. Arms Control Agency was a sign of weakness. There are many people today who view the talks now going on in Geneva as a sign of weakness. I could not disagree more. The creation of the agency and the continuation of the talks are manifestations of our strength and maturity.

If we are to prevent an incineration of the world some day it will come about only because an agreement was reached on nuclear disarmament.

I am not talking of thoughtless, irresponsible, unilateral disarming, I am speaking of a disarmament agreement carefully considered and honorably entered into by all the nations of the world.

As the Secretary told the Conference, "our goal is perhaps the most ambitious, but certainly, it is the most essential, of all the items on the agenda of mankind. The United States considers that progress in disarmament is a practical goal and a practical necessity. I can assure you that no government is more anxious than the Government of the United States to assume the responsibilities which go with the drafting, the signature, and the execution of a sound and safeguarded treaty on general and complete disarmament."

The Russians, for their part, say they want peace and an end to the arms race, but so far they have shown little disposition to join us in an objectively controlled and reasonable reduction in arms or even in securing an end to nuclear testing. It was the Soviet Union, after all, which first renewed nuclear testing in 1961 breaking a 3-year moratorium on testing by the United States and the U.S.S.R.

The Russians have, however, indicated a desire to talk about reducing points of friction that might ignite a war, and we are prepared to press patiently and persistently for agreement in these areas. This could cover such issues as prohibiting the spread of nuclear weapons and the advance notification of military movements to prevent tension-producing situations.

But there are other factors which influence the chances for a reasonable and guaranteed disarmament agreement. These factors include the new U.S. plan for disarmament and the presence of eight new neutral nations at Geneva. They raise some hope that the 18-nation conference will make more progress than past conferences.

The long history of disarmament negotiations forms the background for our present attempt to reach agreement with the Soviet Union. We have placed our cards on the table—presented our outline for a treaty on general and complete disarmament. The Soviet Union has presented its own proposal. How we resolve our disagreement may make the difference between survival and the total destruction of the world as we know it.

In my next column I will discuss our past efforts to obtain a disarmament agreement and our prospects for success at Geneva.

Present Geneva Talks Most Hopeful Since World War II

(By Congressman Cornelius E. Gallagher, Member, Foreign Affairs Committee, House of Representatives and Adviser to U.S. Delegation on Disarmament)

Geneva, Switzerland, the location of the 18-Nation Disarmament Conference, has been called "the city of lost causes." This is because so many fruitless conferences on major issues dividing the world have been held in that beautiful city.

But the present disarmament meetings at Geneva should not be viewed as a "lost cause." As I observed the proceedings at the Conference, I became convinced that it is the best forum which has so far been utilized in the long series of disarmament negotiations since the end of World War II.

Barely 2 months after the end of World War II the United States made its first attempt to seek international controls on nuclear weapons. Although we were then the only Nation possessing nuclear weapons, we were anxious to establish controls while nuclear technology was still in its infancy and before large stockpiles of nuclear weapons were built up in many countries.

The world had a chance to be free of nuclear threats at the very outset when Bernard Baruch, U.S. representative to the U.N. Atomic Energy Commission, presented proposals which came to be called the "Baruch plan." The "plan" called for creation of an international system of control and management of atomic energy. Useful nuclear material was to be transferred to an international agency, to be used for peaceful purposes. After an adequate system of control was agreed upon, free of the exercise of a veto by any one state, the "plan" called for a complete halt to the manufacturing of nuclear weapons and for the destruction of all existing weapons.

The Baruch plan was rejected by the Soviet Union even after the U.N. General Assembly adopted it as the U.N. plan in November 1948. In 1949, the U.S.S.R. exploded its first atomic bomb. Shortly thereafter the Korean war began. By 1953 both nations possessed hydrogen bombs.

These events disrupted disarmament talks for a long period of time. Succeeding years saw continued efforts by the United States to negotiate a workable disarmament treaty. The United States made many constructive proposals, such as President Eisenhower's Open Skies plan, in an effort to achieve a guaranteed system of disarmament. Many conferences, informal consultations and meetings of the U.N. Disarmament Subcommittee were held. But the Soviet Union persisted in refusing to accept a workable plan of inspection to verify test ban or disarmament proposals.

Little headway was made until June 1961 when the United States and the U.S.S.R. held talks in Washington. The talks ended in agreement on a joint statement of principles to guide further disarmament negotiations.

The joint statement set forth general and complete disarmament as a goal shared by both countries. It recognized both the need for international peacekeeping machinery and the possibility of deciding upon and carrying out initial disarmament measures even before a comprehensive treaty was signed.

The necessity for adequate control was recognized, although the U.S.S.R. refused to accept the U.S. position that verification procedures should apply not only to weapons destroyed but also to those retained. The 18-nation Disarmament Committee was named and the U.N. General Assembly called upon it to begin negotiations "as a matter of utmost urgency."

Negotiations began in Geneva last March with the United States resolved to explore any pathway which might lead to progress. My observations at the conference have convinced me that several factors are working in our favor there.

First, the U.S. delegation to the conference is ably led by Ambassador Arthur N. Dean, a veteran negotiator on disarmament issues. Backstopping the delegation is a group of economic, scientific, and military experts drawn from the new U.S. Army Control and Disarmament Agency.

Another reason for hope is the composition and atmosphere of the Geneva meetings. In addition to the four NATO nations (United States, United Kingdom, Italy, and Canada), and the five Warsaw Pact nations (Soviet Union, Poland, Czechoslovakia, Bulgaria, and Rumania), eight new neutral nations are represented (Brazil, Mexico, Sweden, Ethiopia, Nigeria, United Arab Republic, India, and Burma). France was invited but has so far declined to take its seat on the grounds that only the four nuclear powers should negotiate on disarmament or nuclear test ban treaties.

The seriousness with which the West and the eight new nations are approaching the difficult problems of disarmament is a hopeful sign. Even on the Soviet side, the talks have been fairly free of polemics.

The eight new nations seem to be making a responsible contribution to the deliberations of the conference. Their very presence, in my judgment, has restrained the Soviet Union's propaganda attacks and has resulted in the focusing of attention upon the serious problems involved in negotiating a workable disarmament treaty.

But the major reason for hope at the conference is the U.S. proposal for disarmament. The U.S. plan would enable us, as President Kennedy told the U.N. last September, "to advance together step by step, stage by stage until general and complete disarmament has been achieved." In my next column, I will explain the details of the U.S. blueprint for disarmament and the Soviet position.

GENEVA ARMS CONFERENCE ADVANCES U.S. INTERESTS

(By Congressman CORNELIUS E. GALLAGHER, Member, Foreign Affairs Committee, House of Representatives and Adviser to U.S. Delegation on Disarmament)

The U.S. plan for complete and general disarmament is, in my judgment, the most carefully thought out and reasonable disarmament plan that has ever been presented by any nation.

In the present disarmament talks at Geneva the United States seeks agreement on three levels: (1) a treaty on general and complete disarmament; (2) a nuclear test ban treaty, and (3) partial measures, such as advance notice of major troop movements, to reduce international tensions.

The general U.S. disarmament plan is designed to permit the nations of the world to stop the arms race at an agreed time, to freeze the military situation as it then exists, and then to shrink military establishments to zero.

Our proposal would accomplish disarmament in three stages with each stage and the measures included therein to be carried out within a specific time limit. For example, during the first stage all countries would reduce their nuclear delivery weapons and conventional armaments by 30 percent.

Under the U.S. plan, disarmament progress would be balanced so that no state secures a military advantage over another state at any point in the disarmament process. Compliance with all disarmament measures would be effectively verified by a U.N. agency as they enter into force. As armaments are reduced the U.N. would also be progressively strengthened as an international peacekeeping body.

The United States also insists that new stages of disarmament cannot begin until all measures in the previous stage have been implemented and verified and until verification arrangements needed for the next stage are ready to operate.

Although progress has been made in discussing the details of the U.S. general disarmament plan at Geneva, major differences have come clearly to the foreground. The basic issue which divides the United States and the U.S.S.R. is Soviet insistence on measures which would result in military imbalance between the two sides in the early stages of disarmament.

What the U.S.S.R. wants is complete elimination of nuclear weapon delivery vehicles and foreign bases and withdrawal of all foreign troops stationed on alien territory during the first stage of disarmament. This proposal is an obvious propaganda move aimed at NATO and was properly denounced as such and rejected by the U.S. delegation.

Russia also refuses to accept a reasonable system of inspection to verify disarmament proposals. The Soviet proposal limits inspection to monitoring only to destruction of weapons and declared production facilities, while the United States rightfully insists that any effective inspection system must be able to determine that agreed levels of armaments in the various stages are not exceeded.

While I was in Geneva I found that the various delegations placed great stress on reaching agreement on the second level of the U.S. proposals, a nuclear test ban treaty. This is perhaps the most hopeful area of negotiation at present.

The new U.S. proposals for inspection of a nuclear test ban, developed as a result of new findings by the Defense Department, scales down U.S. demands for international controls to guarantee that all sides live up to an agreement to ban tests. The new U.S. proposals are based on scientific developments which permits a simpler and less costlier control system which would in no way jeopardize our national security.

Although the Soviet Union has formally rejected the new U.S. proposals, it is possible that the international political impact they have had may lead Russia to come up with an acceptable counterproposal.

During the temporary recess of the Geneva talks next fall the U.S. test-ban proposals may come up before the U.N. General Assembly. If the U.N. shows as much interest in the U.S. proposal as the neutral nations at Geneva, new pressure will be brought to bear on Russia when the Conference resumes in November.

But even if no agreement between the major nuclear powers is reached in the near future, the Geneva Conference has offered useful opportunities to advance U.S. interests. By communicating our point of view to other countries and by demonstrating that disarmament is a complicated task which cannot be achieved by propagandistic proposals, the Geneva talks have already been of value.

I have come back from Geneva convinced that the cause of humanity makes disarmament absolutely vital. The economics of the escalation of weapons and counterweapons ad infinitum make it a compelling necessity. We cannot continue to dissipate our resources and energy in the search of means to destroy each other.

Russia knows this as well as we do. That is why they are in Geneva, too. If we don't discuss means we will never find a solution. So long as we can talk, so long as we can keep the channels of communication open, there is hope. This is why we must persevere. It requires patience, but the prize is the greatest that man can bestow on his fellow man—for the prize is peace.

ABUSES OF ANNUAL LEAVE AND SICK LEAVE AND PADDING OF OFFICIAL TRAVEL VOUCHERS

Mr. WILLIAMS of Delaware. Mr. President, early in April it was called to my attention that certain employees of the Department of Agriculture were abusing their annual and sick leave and were padding their official travel vouchers.

In particular, Mr. Ayles B. Shehee, Chief of the Safety Branch, Rural Electrification Administration, Department of Agriculture, was cited as having falsified his travel vouchers, in that he was charging his personal travel expenses to the Government, as well as collecting per diem allowance for several nonofficial trips.

I have just received from the Civil Service Commission a report confirming this abuse on the part of Mr. Shehee.

Examination of Mr. Shehee's travel vouchers disclosed that he claimed reimbursement for 251 days of official travel during the period from January 6, 1961, through March 1962.

During the same period he claimed reimbursement for 58¼ days of official travel in Atlanta, but the record shows that he did not visit any Rural Electrification Administration cooperatives in the State of Georgia during 1961 and 1962.

This abuse of annual and sick leave and travel allowance by Mr. Shehee was called to the attention of the Civil Service Commission on April 3, 1962. Four and one-half months later—on August 24—I received confirmation from Mr. John W. Macy, Jr., chairman of the Civil Service Commission, to the effect that they had found that Mr. Shehee had on several occasions falsified his travel expenses, and that the report was being forwarded to the Department of Agriculture's general counsel and to the Department of Justice.

However, a call to the Department of Agriculture today disclosed that Mr. Shehee is still on duty.

During recent months the administration has been very critical of American businessmen whom they charge with claiming excessive allowances for travel and official entertainment, as business deductions.

The administration would be more effective in its endeavor to correct any such abuse by the businessmen if first it demonstrated a desire to keep its own house in order.

Why after 4 months has more effective action not been taken in this case?

I ask unanimous consent to have printed at this point in the RECORD my letter to Hon. John W. Macy, Jr., chairman of the Civil Service Commission, dated April 3, 1962, and his reply thereto, which I received on August 24, 1962.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 3, 1962.

Hon. JOHN W. MACY, Jr.,
Chairman, Civil Service Commission,
Washington, D.C.

MY DEAR MR. MACY: I have received allegations of widespread abuse among civil service employees in the use of annual and sick leave. One particular allegation is to the effect that an employee of the Rural Electrification Administration, Ayles B. Shehee, chief of the safety branch, has arranged his Christmas leave for the past several years so as to have the Government pay for his trips to his home in Atlanta, Ga. The report is that in 1961 he visited a cooperative in Georgia on December 9 and went on annual leave, that a special meeting was called in Washington on December 18, and that he returned to the city on a TR, only to go back to Atlanta the next day on a TR on leave until January 6. It was further alleged that at the present time he is in or is planning to go in an Atlanta hospital on sick leave and is arranging to do this also on TR's.

I would appreciate your checking this particular allegation and advising me of your findings. I would also appreciate your advising me of any other similar instances which have been found in recent years.

Yours sincerely,

JOHN J. WILLIAMS.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: On April 3, 1962, you asked that we develop information for you concerning the alleged abuse of sick and annual leave by Mr. Ayles B. Shehee, Chief of the Safety Branch, Rural Electrification Administration, Department of Agriculture.

As I informed you earlier, this was investigated by the Department of Agriculture. Mr. Joseph M. Robertson, administrative assistant secretary, has now informed us of the findings and the action expected.

Mr. Shehee has been one of the principal officials in the agency's job training and safety programs and it was necessary for him to perform substantial amounts of travel throughout the country to meet with organizations interested in those programs.

Examination of Mr. Shehee's travel vouchers disclosed that he claimed reimbursement for 251 days of official travel during the period from January 6, 1961, through March 1962. During the same period he claimed reimbursement for 58¼ days of official travel in Atlanta. He did not visit any Rural Electrification Administration cooperatives in the State of Georgia during 1961 and 1962.

An investigation was made of the trips which appeared questionable to any degree. The investigation indicates that a fiscal charge will be assessed against Mr. Shehee for money paid for travel expenses, including per diem in lieu of subsistence, which were not essential to the transaction of official business. It also appears that his annual leave account will be charged for certain occasions when he was performing personal business during official duty hours but failed to charge annual leave.

Mr. Robertson stated that a letter of charges is being prepared which will direct Mr. Shehee to show cause why he should not be disciplined for claiming reimbursement for expenses which were not essential to the transaction of official business, and that the Department's General Counsel has referred the case to the Department of Justice for possible action.

I have no information concerning other similar cases of recent years.

If we can be of any further assistance to you in this matter, please let me know.

Sincerely yours,

JOHN W. MACY, JR.,
Chairman.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. HUMPHREY. Mr. President, what is the pending business?

Mr. STENNIS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. STENNIS. Before the pending business is considered, will there be a quorum call?

Mr. HUMPHREY. Yes.

TEMPORARY INCREASE IN MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER MERCHANT MARINE ACT OF 1936

The PRESIDING OFFICER. Under the order of the Senate, the Chair lays before the Senate the bill, S. 2800, to amend the Merchant Marine Act, 1936.

The Senate resumed the consideration of the bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships.

Mr. HUMPHREY. Mr. President, I believe there is a unanimous-consent agreement to limit the time for debate on this bill.

The PRESIDING OFFICER. The agreement provides for 1 hour. The pending question is on agreeing to the amendment offered by the Senator from Delaware.

Mr. HUMPHREY. If the Senator from Delaware will permit, there will be a brief quorum call, without the time being charged to either side. The Senator from Mississippi requests that that be done.

Mr. WILLIAMS of Delaware. That is agreeable.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that the time necessary for the call of the roll not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I yield first to the senior Senator from Virginia [Mr. BYRD] as much time as he desires.

Mr. BYRD of Virginia. Mr. President, the pending amendment, offered by the Senator from Delaware [Mr. WILLIAMS], would eliminate the 6 percent differential which Pacific coast shipyards have enjoyed for 26 years in bidding on the construction of certain merchant ships. I support the amendment. I shall vote for it. I hope it will be enacted.

It is an amendment in the interest of American taxpayers. It is an amendment in the interest of our merchant marine. It is an amendment in the interest of good and fair business practice. It is an amendment in the interest of eliminating discrimination.

The provisions to be repealed are in section 502(d) of the 1936 Merchant Marine Act which discriminate against shipyards on the gulf, lakes and east coasts. They favor west coast yards in bidding on ships to be built by Pacific coast operators for western seaboard routes.

In short, under these provisions—for ships covered—west coast yards participating in the federally subsidized merchant marine replacement program must be awarded contracts even when they may be 6 percent higher than yards anywhere else in the country.

If there were any reasons for this 6 percent differential when it was put in the law back in 1936, they do not exist now; and it is not needed in the interest of national defense. Personally, I was opposed to the principle involved in 1936, and I oppose it now.

This is a great Nation. It is blessed by its location in the temperate zone. We have virtually four sea coasts. We dominate the two greatest oceans on the globe. Our industrial capacity is unsurpassed. Our position for maritime leadership is unequaled in the world.

But for reasons hard for many to understand we have plagued our maritime industry with unconscionable costs. It is time that we stopped pricing ourselves off of the seas. Adoption of this amendment is a good place to start. This expensive differential is not justifiable.

Contracts on more than 60 ships are to be let under the replacement program during the next few years. Expenditures in the program will total upward of $700 million. This unnecessary and discriminatory differential will add tens of millions of dollars to the cost.

These unnecessary expenditures will be shared by the Nation's taxpayers and American-flag ship operators who otherwise are struggling to compete with foreign operators who have the advantage of lower wages and who are not met at every turn with unreasonable union demands.

Merchant shipping in all of its aspects—including ship construction—is a highly competitive business. It needs the advantages of competitive bidding at its best. To add an unnecessary 6 percent to its construction costs is not in the public interest.

This 6 percent differential was provided at a time when the Nation was coming out of the depression, but before the lend-lease and World War II buildup was started. West coast ship construction—merchant and naval—was dormant, but it never had been a major business.

It was argued that the industry was needed, and that the differential was required to compensate for the distance to sources of materials, and the lack of experience, know-how, facilities, et cetera. Since then—over a quarter of a century—the situation has clearly changed.

During World War II west coast shipyards turned out 44 percent of all tonnage built in the tremendous shipbuilding effort of the United States. It can no longer be contended that west coast yards do not possess the experience, know-how and facilities. All of these are there.

The Pacific coast has grown in population, and it has been developed industrially. Steel mills are now in production west of the Rockies. Many components of ship construction are manufactured there. The Navy has huge establishments from one end of the coast to the other.

The 6-percent differential has never been applied to contracts for naval vessels. Although taking no position on repeal of the differential, Adm. H. E. M. Ward, speaking for the Secretary of the Navy on May 9, 1961, advised the House Committee on Merchant Marine and Fisheries, in part, as follows:

> The Department of Defense has no convincing evidence that west coast shipyards are now at a significant disadvantage.

With respect to the merchant marine program, the 1936 act—exclusive of the 6-percent differential—provides for allocation of contracts in size and amounts sufficient to guarantee maintenance of the industry on the Pacific coast in a posture necessary for national defense purposes.

Repeal of the 6-percent differential under the pending amendment would not disturb naval activities or the national defense safeguards of the basic Maritime Act which, in themselves, assure continuing work of considerable magnitude in the west coast shipyards.

When opponents of this amendment point with alarm to the statement that west coast yards have only about 10 percent of the maritime work, they do not tell the whole story. They conveniently omit the fact that they have only about 12 percent of the shipways.

I have dealt with a lot of figures during my time in both public and private life, but I have never seen such a confusing mass of more or less conflicting statistics as have been presented in testimony and other discussion on this matter. There is a set of figures for every point of view.

The latest figures were compiled by the Maritime Administration, and published by the Senate Commerce Committee in the form of a committee print dated April 6, 1962. On page 3 of this print, the Maritime Administration arrives at three conclusions which I quote:

> 1. The cost of shipbuilding on the west coast exceeds that of the east coast by 4 percent.
>
> 2. The cost of shipbuilding on the gulf coast is less than that on the east coast by 1 percent.
>
> 3. The cost of shipbuilding on the Great Lakes is less than that on the east coast by 2 percent.

Have the east coast yards ever asked for a differential to compensate for the difference between their costs and those on the gulf and the lakes? Of course they have not. And if they did I would be the first to oppose the proposition.

Four percent variations in costs are not unusual among companies bidding in most markets. Such variations are not insurmountable for well managed and efficiently operated businesses. I do not concede that west coast shipyards are otherwise.

On the contrary I am surprised that there are those here in the Senate who would be so uncomplimentary to the west coast yards as to contend that without the 6-percent discriminatory differential they could not compete in hardheaded competitive bidding.

The amendment is clearly in the interest of good and fair business practice, and the taxpayers and the Government. A differential favoring west coast shipyards is no more justifiable than would be a differential discriminating against west coast aircraft manufacturers.

With respect to defense contracts other than for shipbuilding, those now opposing this amendment on June 14, 1961, stood on the floor of the Senate and asserted—

> We have the experience, personnel, the plant capability, and the product quality that enable the Federal Government to get the best possible product at the lowest possible total cost.

It is difficult for citizens in any part of the country to refute this position—unless we are running a relief program—unless we are engaging in WPA-type projects—or unless the Federal Government admittedly is entering into some other kind of unbusinesslike venture.

I have the honor in the Senate to represent an east coast State. It is a source of great pride that the greatest and most efficient shipyard in the world is located in Virginia. It has been in successful operation for more than 60 years.

Both the U.S. Navy and the U.S. Maritime Administration bear witness to the character and efficiency of the Newport News Shipbuilding and Dry Dock Co. Its nuclear Carrier *Enterprise* and its SS *United States* rule the high seas today.

This yard's motto, which is inscribed in granite, says:

> We build good ships at a profit if we can, at a loss if we must, but always good ships.

So far as I know, this motto has never been successfully challenged.

But I am not supporting this amendment in the way of a special plea for industry in my own State. I am not supporting it on any narrow geographical basis. I support it in behalf of the national interest which is not served by the existing sectional differential.

Opponents of the amendment hang their position on a weak reed when they base their opposition on the technical contention that no Senate Commerce Committee hearings have been held. There has been ample time and opportunity for Senate hearings on the matter.

Exhaustive hearings have been held by the House Committee on Merchant Marine and Fisheries. The proposal in the form of H.R. 1159 was passed by the House of Representatives on April 12, 1962. It has been before the Senate Commerce Committee since that date.

This is not a matter of limited local interest. An important question of national policy is involved. The Nation and the Senate are entitled to an enlightened settlement of the issue. I believe the differential is wrong in principle. I shall vote for its repeal.

Mr. MAGNUSON. Mr. President, I know that the Senator from Virginia [Mr. BYRD] must go to a very important meeting shortly. In relation to the pending amendment, I wish to quote from a statement of the Department of Defense because the Senator from Virginia cited other quotations regarding the overall defense procurement problem.

Mr. President, in effect the Department of Defense has said that—

> The purpose of our Navy is national defense; the purpose of the merchant marine is to act as an auxiliary navy for national defense. Neither of these purposes can be attained without adequate shipyards located on both our Atlantic and Pacific coasts capable of meeting any emergency when national defense is endangered.
>
> Certainly we do not mean [that] national security includes only shipyards within a short radius of Washington * * * it must include shipbuilding on the Pacific coast as well as the Atlantic coast.
>
> It is impossible——

The General Accounting Office and other agencies have made the same statement—

> for the west coast to compete with the east coast in construction costs. It is impossible as it is for the east coast to compete with Europe in construction costs.

These statements have been made over and over again. The real basis for this situation, if anyone reads the legislative history, is that there should be a kind of spread in the shipbuilding potential that is vital to national defense both in war and in peace. Frankly, it has not worked too well. The Senator from Virginia suggests that ships be built on the east coast. I agree with him. The latest American Bureau of Shipping figures show that 49 vessels are under construction or under contract in Atlantic and gulf yards as of July 1. In addition, the Sun Shipbuilding Co., in the home State of the Senator from Delaware, was low bidder this month on five more vessels. When this contract is awarded the score will be 54 vessels in the Atlantic and gulf ports as against two nearly completed vessels on the Pacific coast. The score is 54 to 2, with the 6-percent differential. Without it, I suppose the score would be 56 to 0.

That would completely violate the principle enunciated time and time again by the Maritime Administration, the old Maritime Commission, the Navy Department, and the Defense Department.

What happened in World War II? Finally we had to build 42 percent of the ships that were used in World War II as a fourth arm of defense. I cannot see why this practice is not in the national defense. In the past 10 years we have built 9.6 of all the ships built in the United States. The shipyards on the east coast and on the gulf coast have built more than 90 percent of the ships. If the shoe were on the other foot, I could not look anyone straight in the face and say, "I want those 9.6 ships, too."

There should be an allocation, Mr. President. We are concerned only with ships which are built by the so-called subsidized lines. The Navy Department allocates the building of its ships to the

Pacific coast, the gulf coast, and the east coast yards. They have done it as a matter of policy for many years. The 1936 act was sponsored by the distinguished late Representative from Virginia, right in the backyard of Newport News, Mr. Bland. He thought it was wise and practical. Of course, ships can be built on the east coast.

I ask unanimous consent to put into the RECORD a newspaper account with respect to the Newport News Shipbuilding & Dry Dock Co.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Mar. 13, 1962]

SHIPYARD INCOME SETS MARK

NEWPORT NEWS, Va., March 11.—Gross income of the Newport News Shipbuilding & Dry Dock Co. rose to a record level of $250.4 million in 1961, the company reported yesterday.

This was an increase of 28 percent over 1960 gross income.

Net profit for 1961 was $7 million, or $4.28 per share, a decline from the profit of $7.9 million, or $4.89 a share, in 1960. Dividend payments were $2.40 per share each year.

The company's annual report said the decline in net profit for 1961, despite a large increase in gross income, was the result of a lower overall profit margin which in turn was attributable to lower priced shipbuilding contracts taken in prior years.

Uncompleted shipbuilding contracts in the yearend backlog included 21 ships with deliveries scheduled into 1964. Among these are the conventionally powered aircraft carrier *America*, five Polaris nuclear-powered submarines, a submarine tender, six cargo vessels and a tanker.

Mr. MAGNUSON. They made the greatest earnings of all time. That is fine. We should also proceed on the theory that in the national interest there should be the kind of spread that the Navy uses in building its ships. As I said, this applies only to the subsidized lines, and only to ships whose home ports are on the Pacific, of which there are three lines; one small one, the American Mail Line; APL; and the Pacific Far East.

We have had reports from the General Accounting Office and we have had reports from the Maritime Board, and they all agree that it costs from 4 to 5½ percent more to build ships on the west coast. It is as simple as that.

The statements I have quoted are not recent. As a matter of fact they were made in 1935, at hearings on the bills which later were enacted into the Merchant Marine Act, 1936. Other statements made at that time with respect to west coast shipping are almost as completely descriptive of shipbuilding conditions in the west coast area now. They described the depressed conditions then existing in the shipyards—conditions which may well be equaled soon unless some real attention is paid to measures for their relief.

As of today, believe it or not, there is just one yard on the west coast which has any construction underway of commercial oceangoing vessels. And the total of their contract is only two vessels.

National Steel & Shipbuilding Co. at San Diego has the two vessels building for States Steamship Co., of San Francisco, and work on these is about coming to an end. One was launched on May 5; the keel of the second vessel was laid last November.

What we get down to, then, is that only two large commercial vessels presently are being constructed in a west coast yard. These two vessels are well on their way to completion. When they are completed, in the reasonably near future, there will be no ships a-building in any west coast yards—no commercial ships. Fortunately, the Navy has placed some contracts with yards in the area, so the valuable skills there assembled have not been completely dissipated as yet.

What about the shipbuilding situation on the other coasts of the country—in the shipyards that are moving heaven and earth to try to take from the west coast the 6-percent differential that has brought to that west coast a grand total of five vessel construction contracts in more than 5 years; five vessels out of a total of 90-odd built or under contract or scheduled for awards?

According to the latest figures of the American Bureau of Shipping, there were 49 large commercial vessels under construction or under contract as of July 1 in shipyards on the Atlantic and gulf coast. Since that time, the Sun Shipbuilding Corp., an east coast yard, has been declared to be the low bidder on 5 vessels for the United States Lines. This will bring the total number of vessels to be constructed elsewhere than on the west coast to a total of 54 out of 56. That is better than 96 percent, and the west coast's share is less than 4 percent.

It is the declared policy of the United States that we have adequate shipbuilding facilities, which means facilities on all four coasts. If the amendment of the Senator from Delaware were to prevail, adequacy of the west coast shipbuilding industry would have to be achieved by allocation of contracts on which yards on the east coast or gulf coast were the lowest responsible bidder. This is an expensive procedure. So far, it has been twice as expensive as awards under the 6-percent provision. And, certainly, the 6-percent provision has not drained any great amount of work from the yards on the other coasts, despite the howls that have been raised.

By any rule of reason, the west coast, whose vessel replacement contracts total approximately 20 percent of the 300-plus vessels to be replaced, are entitled to more than 4 percent of the replacement contracts, their present percentage. Two contracts out of fifty-six is by no means the number necessary to achieve the national policy objective of an adequate national shipbuilding facility.

I say in all sincerity, that the national interest would be far better served by steps to assure a more equitable share of the available shipbuilding to the west coast, than by insistence upon further erosion of the Pacific coast's minute share of vessel construction contracts.

If the national maritime policy means anything at all, we must strengthen our west coast yards rather than further weaken their competitive ability. A 56-to-2 ratio of contracts awarded does not indicate that the east and gulf coast yards are being hurt by the 6-percent differential.

I ask unanimous consent to have printed in the RECORD a bulletin of the American Bureau of Shipping bearing on this subject.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

BULLETIN OF AMERICAN BUREAU OF SHIPPING

Vessels under construction or under contract as of July 1, 1962

	Number	Gross tons	Deadweight tons
East coast:			
Bethlehem, Sparrows Point	17	235,800	281,160
Bethlehem, Quincy	8	123,200	169,260
Newport News	7	90,893	112,389
Sun Shipbuilding & Dry Dock Co	5	66,000	101,200
Total	37	515,893	664,009
Gulf coast:			
Avondale Shipyards, La	6	60,400	67,320
Ingalls Shipbuilding Corp	6	69,600	74,400
Total	12	130,000	141,720
Total, Atlantic and east coast	49	645,893	805,729
Plus Sun Shipbuilding Co. for U.S. Lines Co	5		
Total	54		
West coast: National Steel & Shipbuilding Corp	2	25,400	28,700

Mr. MAGNUSON. Mr. President, I am hopeful that an allocation procedure can be devised. The west coast would not mind it, because we could not fare any worse than the present 54-to-2 score.

It does not look as though we will have anything in the future. If Congress wishes to say, "Abandon the west coast shipbuilding potential," that is one thing. If we do that, we will find that shipbuilding is like a funnel. Newport News, which is building all these ships, will be able to sharpen its pencil a little more and bid a little lower than anyone on the west coast is able to bid, and very soon we will find that three yards in the United States will be building all the ships, located in one geographical complex.

This goes against all policy of the Defense Department, all policy of the Navy Department, as laid down for many years, and all policy of the distinguished Representative, Mr. Bland, chairman of the old House Maritime Committee, as laid down in the 1936 act. Incidentally, Mr. Bland represented the district where there is this great shipbuilding complex. Good ships are built there.

If it is not unfair, it is certainly the most inequitable proposal that I have ever heard of.

We are building two ships out there, and the wildest exaggerated projection for the next 10 years on the subsidized lines would still give us less than 10 percent of all the shipbuilding. Do the people on the east coast want it all? I presume they do. The Defense Department and other reliable people say that the shipbuilding complex should be spread. That is what this issue is all about.

In case there is any argument, that so far as the Senator from Washington is concerned, this type of ship cannot be built in Puget Sound. I believe that we need a complex of west coast shipbuilding. I also know that when we build a ship, every State in the Union participates in building that ship. The East builds nearly all the machinery, and a great deal of the gear. The East ships us all the steel. That is the real problem.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. KUCHEL. The remarks of the distinguished senior Senator from Washington are unassailable and unanswerable. I bitterly regret the fact that there is pending an amendment offered by the senior Senator from Delaware upon which no hearings have been held, and which would wipe out a law which has been on the statute books for more than a quarter of a century. The amendment is a vicious amendment. It is an evil amendment. Demanding that the Senate, in the absence of any hearings whatever, pass on this subject, is clearly a regrettable and unwarranted procedure. Indeed, it is no procedure at all.

What the senior Senator from Washington said is correct. When a vessel is constructed anywhere in America, every State in the Union benefits. The law which we are discussing was enacted a quarter of a century or more ago, because the Federal Government, through the Defense and other appropriate executive agencies, indicated that it was believed that there was a national interest in having ship construction capacity in the East and in the West and on the gulf. The Comptroller General inquired into the problem. He found that the costs on the west coast are 13 percent greater than on the east coast.

I suggest to my friend from Ohio [Mr. LAUSCHE], whom I see in the Chamber, that we still see in every national magazine advertisements the statement: "The cost is a little higher west of the Rocky Mountains." Of course it is. And a law recognizing that unassailable fact ought not, willy-nilly, to be repealed.

The fact is—and let the record be clear—that the Defense Department walks away from this amendment, as my able friend from Washington has said. The Department of Commerce will not touch it. There is not one executive agency in the Government today which has put its imprimatur of approval upon the amendment now pending before the Senate.

I hope and pray that Senators will follow the logic of the able Senator from Washington, who has performed a service not merely representing one State in the Union, but representing the national interest. On that basis, I very much hope that in the national interest this regrettable and untenable amendment of the Senator from Delaware will be rejected.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. KUCHEL. I yield.

Mr. MAGNUSON. The 6-percent differential is now in effect. Does the Senator have any figures, or does he know of anyone who has any figures, which indicate that that has hurt shipbuilding on the east coast or the gulf?

Mr. KUCHEL. To the contrary.

Mr. MAGNUSON. The score is 54 to 2, is it not?

Mr. KUCHEL. The Senator is exactly correct. I suggest that the Senator is also correct when he says that some persons would like to have it all.

Mr. STENNIS. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. STENNIS. A while ago the Senator said that only 10 percent of the shipbuilding is being handled on the west coast, and that only two ships, as I recall his statement, are now under construction there.

I have been advised that under the current replacement program, which is now underway, 91 ship contracts have been awarded, and that of the 91, 17 were awarded to west coast firms, which is approximately 20 percent, instead of 10 percent. Is the Senator from Washington familiar with those figures, and are they not correct?

Mr. MAGNUSON. I shall obtain the correct figures; but they are for the replacement program. Our figures for the 10-year program, since replacement started, show that approximately 9.6 percent of the work has been awarded to the west coast.

Mr. STENNIS. I understand the records show that contracts for 91 ships have been awarded under the current program for replacement, and that about 17 of those ships are to be built by west coast firms. I believe those figures are correct. That is a different percentage from the one which the Senator from Washington cited a moment ago.

Mr. MAGNUSON. I can explain that to the Senator. Five of the ships were allocated by the Maritime Board irrespective of the 6-percent differential. So contracts for 12 of the ships, under the bidding on 91, have been awarded to the west coast.

Mr. STENNIS. The figures which the Senator cited led me to believe that only 10 percent of the ships were being built on the west coast.

Mr. MAGNUSON. That is true, over the past 10 years.

Mr. STENNIS. But the figures I have show that 17 out of 91 are being constructed on the west coast. Is not that correct?

Mr. MAGNUSON. That is correct for one period. Five contracts were allocatd to the west coast only because of a dearth of ships out there.

Mr. STENNIS. Are not 20 percent of the ships which are being constructed under the current program being built on the west coast now?

Mr. MAGNUSON. No; that is not correct. In the past 10 years, west coast shipyards have built 9.6 percent of the ships. In one year 20 percent of the ships might be built on the west coast, but the average over a number of years is 9.6 percent.

Mr. STENNIS. No. My understanding is—and I believe it to be correct—that of the 91 ships now under contract for construction, 17 are to be built on the west coast. That is about 20 percent.

Mr. MAGNUSON. Five of those ships were allocated irrespective of the 6-percent differential.

Mr. STENNIS. The 6-percent differential has nothing to do with the allocation. I understand that recently Sun Shipbuilding was the lowest bidder by $6,000.

Mr. MAGNUSON. That is correct.

Mr. STENNIS. But under the 6-percent clause, the contract will be awarded to National Steel and Shipbuilding Co. There were no other bidders from the west coast except this low bidder. But the reason is very apparent. They cannot afford to bid, because when they are the low bidders, they do not get the contracts. Is the $6,000 figure correct?

Mr. MAGNUSON. The figures show that Sun Shipbuilding Co. was the low bidder by $6,000. But do not worry: there is plenty of bidding on the west coast. I have just read what happened at Newport News. The same is true on the gulf. The General Accounting Office has said that the gulf is at a disadvantage by 2½ percent.

Mr. STENNIS. If there is to be a 6-percent differential for the Pacific coast, why not have a differential for the east coast and one for the gulf coast? Why have a differential for the Pacific coast and say, "The rest of you scratch as best you can"?

Mr. LAUSCHE. And what about the Great Lakes?

Mr. STENNIS. Yes; why not have a differential for the Great Lakes?

Mr. MAGNUSON. We are talking about the dry cargo ships which are being built for the subsidized lines. There is no shipyard on the Great Lakes that can build such ships. Great Lakes shipyards would not bid on them; they do not have the capability to build them.

When the 6-percent differential was provided for the west coast yards, there was not much of a shipbuilding complex on the gulf. Now there are two or three yards which have the capability to build such ships, and they do build them.

Many different costs are involved on all three coasts. The theory was to have a reasonable differential to take into account the three different costs.

I have said this on many occasions, to the House committee and others. The House Committee on Rules held the bill up last year. The distinguished chairman of the Rules Committee is from Virginia. This year the vote was 7 to 6. The distinguished Representative from Mississippi, Mr. Colmer, is a member of the Committee on Rules. We said that if it were left to the Maritime Board to follow the Department of Defense theory, that would be all right. But only two ships are on the ways on the west coast; and over a 10-year period only 9.6 percent of the ships have been built on the west coast. All the predictions from Government departments indicate that in the next 10 years the number could not be more than 10 percent, even with the 6-percent differential. I think that is not proper.

Mr. ENGLE. Mr. President, will the Senator from Washington yield me 2 minutes?

Mr. MAGNUSON. I yield 2 minutes to the Senator from California.

Mr. ENGLE. Mr. President, I desire to place in the Record a memorandum with reference to the bids of National Steel & Shipbuilding Co. and Sun Shipbuilding & Drydock Co., whose bids in this instance were $11,346,000 and $11,340,000, respectively. As stated by the Senator from Mississippi, the difference is $6,000, which is 0.0005 percent in excess of the Sun Shipbuilding bid.

I ask unanimous consent to have printed at this point in the Record a memorandum containing the details of the bidding. I understand the bids were opened on September 17, 1962, but the contract has not yet been awarded.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Application of Pacific Coast Differential to Bids To Construct Cargo Vessels for American Mail Lines, Ltd.

On June 26, 1962, the Maritime Administration issued invitations to bid on building each of two cargo vessels for American Mail Lines, Ltd. (1) as a commercial vessel, and (2) with specified national defense features. Article II of the invitation specified that it was subject to various provisions of the Merchant Marine Act, 1936, including section 502(d), the Pacific coast differential. Article II also provided that in evaluating the bids, the Maritime Administration would consider the cost of the commercial vessel together with such of the national defense features as may be selected for inclusion in the contract.

When the bids were opened on September 17, 1962, National Steel & Shipbuilding Co. (Nassco) was the low bidder on the commercial vessels, bidding $11,278,000 on each of two commercial vessels. If all of four specified national defense features are included in the contract, Nassco was $6,000 higher than Sun Shipbuilding & Drydock Co. (Sun) on each of two vessels with national defense features. The bids were as follows:

	Nassco	*Sun*
On each of two commercial vessels	$11,278,000	$11,299,000
With national defense features:		
Propulsion machinery	55,000	30,000
700-kilowatt generator	1,500	1,000
60-ton boom	8,500	8,000
Omitting gray cast iron	3,000	2,000
Total	11,346,000	11,340,000

Even if all national defense features are included, the Maritime Administration must award the contract to Nassco under section 502(d) of the Merchant Marine Act, 1936, because all the conditions of that section are met and Nassco's bid is only 0.0005 percent in excess of Sun's bid.

As indicated above, the Pacific coast differential may or may not enter into an analysis of the bids depending on whether the propulsion machinery is included in the contract as a national defense feature. If the Pacific coast differential does enter into the analysis, any effort by Congress to repeal the differential should not affect the analysis of these bids, assuming that a repeal of such a nature would be valid. The invitation to bid specifically incorporated the Pacific coast differential and the bids were submitted in reliance thereon.

Mr. ENGLE. Mr. President, I heartily concur in the statement of the Senator from Washington. The case is as simple as this: If there is no differential, there will be no shipbuilding on the west coast. If it is desired to wipe out shipbuilding on the west coast, that is one thing. If it is in the interest of national defense to maintain shipbuilding on the west coast, as we say it is, and as the Department of Defense repeatedly has said it is, then it is necessary to maintain a differential. If that is not done, the west coast will not have any shipbuilding—not even 9 percent. The case is as simple as that.

I compliment the chairman on his excellent statement, and I thank him for yielding to me.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield me 3 minutes?

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I think the subject under discussion must be approached on the basis of consistent principle. By consistent principle, I mean that the same rule ought to be applied in all situations when business is being allocated to various areas of the country.

If west coast shipbuilders are to be subsidized to the extent of a 6-percent differential, why is it not logical to say that Ohio manufacturers should be subsidized on the basis of 6 percent, so as to take away a part of the great bulk of procurement contracts which are going to the west coast?

It has been said on the Senate floor that 24 percent of the contracts are being awarded to west coast yards.

In answer to that statement, the argument was made on June 14, 1961—as pointed out by the Senator from Virginia [Mr. Byrd]:

> On the west coast we have the experience, the personnel, the plant capability, and the products of quality that enable the Federal Government to get the best possible product at the lowest possible total cost.

Mr. President, I am not one of those who are arguing that some areas of the country should be given a benefit on the basis of a subsidy equal to the cost differential. That would be wrong, and I would not subscribe to it—although some Senators have been advocating that policy.

But Ohio is a member of the Union, and has shipbuilding facilities. They may not be capable of producing ships to travel on the high seas, but they are able to produce ships for less extensive operation.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. LAUSCHE. May I have 2 more minutes?

Mr. WILLIAMS of Delaware. I yield 2 more minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 more minutes.

Mr. LAUSCHE. I thank the Senator from Delaware.

Mr. President, we have pending a bill on this subject. It is argued that the bill should not be considered now, because no hearings have been held. I should like to know why the bill has not been scheduled for hearings.

Mr. MAGNUSON. Because the Comptroller General has not yet made his report; and, second, because we on the west coast have been fighting desperately to preserve our shipbuilding industry.

Mr. LAUSCHE. I judge that the principal reason is the latter one.

Mr. MAGNUSON. I think the Senator from Ohio understands that.

Mr. LAUSCHE. Yes.

But how can it properly be argued that this bill cannot be considered because no hearings have been held on it? There has been an opportunity to hold hearings on this measure; but because the west coast is opposed to it, no hearings have been held in the Commerce Committee.

Basically, this subsidy to the west coast has been an inducement to raise the price of ships which the taxpayers of the Nation have to pay.

Mr. KUCHEL. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I do not yield, Mr. President; I did not seek to interrupt the statement the Senator made.

Mr. President, it is wrong in principle to subsidize. It would be wrong to subsidize an Ohio industry, to enable it to compete with California industries in the manufacture of space equipment; and it is wrong to subsidize California shipyards to the extent of 6 percent, in order to place them in a better competitive position in connection with the sale of ships to the U.S. Government, over the efforts of firms in Mississippi, Louisiana, Ohio, Pennsylvania, Virginia, Delaware, and other States on the east coast.

Mr. President, I support the amendment of the Senator from Delaware.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. WILLIAMS of Delaware. Mr. President, how much time remains available to me?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes.

Mr. WILLIAMS of Delaware. First, Mr. President, I wish to say that this 6-percent differential was first authorized in 1936. I can understand the need for such a program then; and if I had then been a Member of Congress, I would have supported it. The legislative record show it was established in 1936 on the basis that at that time there was very little shipyard construction on the Pacific coast due to the fact that the yards there could not compete. There was no steel industry on the west coast, and the charges for transportation of the necessary steel and machinery caused those yards to be at a competitive disadvantage. However, that competitive disadvantage no longer exists; today steel is as readily available on the west coast as it is on the east coast. Therefore, there is no reason why those yards cannot compete. In many instances they do compete, and in several cases which I have cited for the RECORD they have been the lower bidders, even in competition with east coast yards.

So long as the Government is building ships and paying over half the cost as a subsidy I think the taxpayers have a right to have the ships built at the lowest possible price. We must remember that the Government is paying 50 percent of the additional cost, and under the bill 55 percent of the additional cost of construction on the west coast would be paid by the taxpayers.

Every citizen in each of the 50 States has a direct interest in this amendment because the people of the Nation are paying for the additional cost.

Insofar as the competitive advantage is concerned, I point out that on several occasions complaints have been made on the floor of the Senate that such a large percentage of the defense contracts has been going to California and to other west coast States. On numerous occasions I have defended that on the basis that if military equipment can be built cheaper on the west coast than it can on the east coast or in the center of the Nation, then the west coast is the place to have it built. After all, the Defense Department is not running a relief agency, nor are we building ships merely to provide work. When the Government is making a purchase it should make the purchase at the lowest possible price the Government can get; and if that means that all the defense contracts will be awarded to concerns on the west coast I will support that. But if the west coast firms cannot get their house in order and cannot build ships at the competitive cost, then the ships should be built on the east coast, on the Great Lakes, and in other areas of the Nation.

The PRESIDING OFFICER. The time the Senator from Delaware has yielded to himself has expired.

Mr. CLARK. Mr. President, will the Senator from Delaware yield 2 minutes to me?

Mr. WILLIAMS of Delaware. I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. CLARK. Mr. President, I support the Senator from Delaware in what is essentially a bipartisan effort to remove an unjust discrimination which presently favors shipbuilding on the west coast. Many Pennsylvanians have long been engaged in shipbuilding. The Sun Drydock & Shipbuilding Co. at Chester, Pa., and the New York Shipbuilding Co., just across the river from Philadelphia, are only two examples of presently continuing shipbuilding companies which have provided many, many jobs for residents of Pennsylvania. A very large percentage of the men who work at the New York Shipbuilding Co. live on the Pennsylvania side of the river.

Unfortunately, Pennsylvania is, and has been for many years, an area of chronic and persistent unemployment. It is true that the rate of unemployment is higher in the western part of the State than in the eastern part. Nevertheless, all of us are quite unhappy about the percentage of the labor force in Pennsylvania which is unemployed; and we seek everything possible to reduce it. I believe that by cutting out this unfair differential, jobs will be provided for shipyard workers in Pennsylvania.

The PRESIDING OFFICER. The time yielded to the Senator from Pennsylvania has expired.

Mr. CLARK. May I have 1 more minute?

Mr. WILLIAMS of Delaware. I yield 1 more minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 more minute.

Mr. CLARK. Mr. President, I would not take so States rights a position on this matter, were it not for the fact that Pennsylvania is not receiving the amount of defense contracts and contracts from NASA that we think Pennsylvania firms are entitled to receive. In my opinion, a far higher percentage of those contracts than is equitable is going to the west coast. Since our firms are prepared to meet the west coast aircraft firms and space firms on an equal basis, I think the west coast shipbuilding firms should be prepared to meet our shipbuilding firms on an equal basis.

Mr. SCOTT. Mr. President, will the Senator from Delaware yield to me?

Mr. WILLIAMS of Delaware. I yield 2 minutes to the junior Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. I thank the Senator from Delaware.

As he knows, I strongly support the position he is taking here today.

As illustrative of this problem, I think it interesting to note that an east coast bidder, the Sun Shipbuilding & Drydock Co., is about to lose a contract, by reason of the operation of the 6-percent differential, unless this bill is enacted prior to the making of the final award. In connection with that matter, two west coast yards—National Steel and Puget Sound—are on practically even terms with the Sun Drydock & Shipbuilding Co., which to my mind is evidence that the west coast yards are presently competitive without the benefit of the 6-percent differential, and that east coast yards other than Sun Drydock & Shipbuilding Co. did not bother to bid, because of their sense of futility in the face of the 6-percent differential. The differential seems to me, therefore, to be operating not equitably with regard to the yards affected, particularly through our being unable to secure much interest on the part of the east coast shipyards in competitive bidding; and, as I have said, in view of the fact that the west coast shipyards, as in this instance, were able to bid on even terms with the east coast yards.

We all know that the purpose of the original differential was to help build up the west coast yards, which it has done with such effect that they now operate to the disadvantage of the east coast, whereas previously it was the west coast which was at a disadvantage.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. I ask unanimous consent that I may have certain data printed in the RECORD at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUN BID APPARENT LOW ON AML SHIPS—NATIONAL STEEL BID SUBJECT TO 6 PERCENT DIFFERENTIAL

Sun Shipbuilding & Drydock Co., Chester, Pa., made the apparent low offer of $11,340,000 for construction of each of two Mariner-type cargo vessels for American Mail Line as bids were opened today at the Maritime Administration.

National Steel & Shipbuilding Co., San Diego, Calif., submitted the next apparent low bid of $11,346,000 for each of two ships. The bid is subject to the 6 percent differential in favor of Pacific coast shipyards.

The 6-percent differential becomes operative, generally, where construction subsidy is applied for by an applicant who has his principal place of business on the Pacific coast and intends to operate the vessel in foreign trade from ports on that coast.

MA records show that the 6-percent differential has been applied in two cases. One of these involved three vessels for AML with respect to a contract signed in August 1959, and the other to two vessels for Pacific Far East Line with respect to a contract signed in September 1959.

In addition to Sun Shipbuilding and National Steel, three other bids were received. These were made by Bethlehem Steel Co., San Francisco, Calif.; Puget Sound Bridge & Drydock Co., Seattle, Wash.; and Todd Shipyards Corp., San Pedro, Calif.

The invitation covered submission of bids on a fixed-price basis for one of each of two national defense ships or commercial ships. All bidders offered to complete the first ship in 720 calendar days, and the second ship in 795 calendar days.

Following is a breakdown of the bids:

Sun Shipbuilding & Drydock Co.: National defense ship—first vessel, $11,810,000; for each of two vessels, $11,340,000. Commercial ship—first vessel, $11,769,000; for each of two vessels, $11,299,000. Work to be done at Chester, Pa.

National Steel & Shipbuilding Co.: National defense ship—first vessel, $11,972,000; for each of two vessels, $11,346,000. Commercial ship—first vessel, $11,904,000; for each of two vessels, $11,278,000. Work to be done at San Diego.

Bethlehem Steel Co., San Francisco: National defense ship—first vessel, $14,427,000; for each of two vessels, $13,449,000. Commercial ship—first vessel, $14,371,000; for each of two vessels, $13,394,000. Work to be done at San Francisco.

Puget Sound Bridge & Drydock Co.: National defense ship—first vessel, no bid; for each of two vessels, $11,370,000. Commercial ship—first vessel, no bid; for each of two vessels, $11,355,000. Work to be done at Seattle.

Todd Shipyards Corp.: San Pedro: National defense ship—first vessel, $13,176,000; for each of two vessels, $12,695,000. Commercial ship—first vessel, $13,121,280; for each of two vessels, $12,640,850. Work to be done at San Pedro.

The two ships which were the subject of today's bids represent the second group of replacement ships in the AML long-range replacement program of eight vessels. Three vessels were covered in the first group.

The vessels are of the modified Marine type and will be operated on the AML subsidized service on Trade Route No. 29—U.S. Pacific coast to Far East.

Characteristics of the ships are as follows: design, MA C4–S–1sa: length overall, 563 feet, 7¾ inches; beam, 76 feet; draft (full load), 31 feet 6 inches; deadweight tons, 14,800; machinery, geared turbine, single screw; passengers, 12; speed, 20.5 knots.

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, I think this is another case in which the old saying that the proof of the pudding is in the eating applies. I think it is unfortunate that we are getting into a regional dispute over the allocation of Federal ship construction. The historical pattern which has been followed in regard to the 6-percent differential has not worked to the disadvantage of either the Government or the American taxpayers, and I cite certain data to support that statement:

Bids opened at Maritime on September 17 for construction of two vessels for American Mail Line showed National Steel, San Diego, only 0.00005 percent above the low bid of Sun Shipbuilding:

Sun Shipbuilding bid	$11,340,000
National Steel bid	11,346,000

As of September 1, there were only two cargo vessels under construction on the west coast, at National Steel. One of these is scheduled for delivery in November, 1962, the other in January, 1963.

On the east coast, there are 23 vessels under construction or under contract, plus 5 scheduled for award to Sun Shipbuilding.

Gulf coast yards have 17 under construction or under contract. Thus, in effect, there are 45 on the east-gulf coasts, and only 2 on the west coast. Both of these will be delivered by January 1963.

The facts are undeniable that the shipyards of my State resemble almost a barren desert, rather than a shipbuilding yard State. We have the shipyard building facilities but so far as allocations by our Government for ship construction is concerned our shipyards are idle most of the time. Many hundreds of men have been denied employment as a result of that policy. We need the 6-percent differential to place us on a fair competitive basis with the east coast. On the basis of national defense needs, there ought to be a wider distribution of the allocation of these shipbuilding contracts. The Pentagon has discriminated against us, and we have been discriminated against so far as costs are concerned. Let us take another look at the facts. I refer to a memorandum on this subject.

The Maritime Administrator, at the request of the Senator from Washington [Mr. MAGNUSON] made a study of the costs to the Government of allocation of construction contracts, under section 502 (f) of the 1936 act, and awards of contracts under the 6-percent provision of 502(d).

Five vessels were built on the west coast under the 6-percent provision, at a total increased cost to the Government of $2,101,841.

Four vessels were allocated to west coast yards, under 502(f), at a total increased cost to the Government of $3,742,710.

This latter figure does not include the extra expenditures for inspection, and so forth, and delivery of vessels to the east coast—estimated by Maritime at $270,000 for American Export Lines and $260,000 for Moore-McCormack Lines, $530,000 in all—making the extra cost for allocation of the four ships $4,272,710.

Or, more than double the cost to the Government of awarding the five vessels under the 6-percent proviso.

This report, which was obtained by the Senator from Washington [Mr. MAGNUSON], shows how, when we consider the final result, construction on the east coast has been costing the taxpayers more than construction on the west coast.

The sad fact is that because the political power of the East is greater than that of the West, the East has been getting the hog's share of ship construction. In the interest of economy and equality, the 6-percent differential should be retained.

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from Alaska [Mr. BARTLETT].

Mr. BARTLETT. Mr. President, I support the position taken by the Senator from Washington. I think this whole position was precisely stated by the Senator from California [Mr. ENGLE] when he said that maintaining a differential for the west coast will favor building ships there, because any allocation program in effect or suggested will not do the job and no ships will be built there without it. If it is important to the Nation to maintain a shipbuilding industry on the west coast, the amendment should be defeated, and I propose to vote accordingly.

There are no shipyards in my own State, other than for some very small vessels. I think it is essential for the welfare of the Nation that a viable shipbuilding industry be maintained on the west coast.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. MAGNUSON. The reason the Defense Department has always made such a statement is that just before World War II broke out, when we started to build up our merchant marine, the west coast was called on to increase its facilities by 40 percent, to create the fourth arm of defense. So, when something happens, the shipbuilding complex of the west coast is needed. The east coast ways were loaded. The gulf coast ways were loaded. So were those of the west coast. We needed them all to do the job necessary for World War II.

Mr. BARTLETT. That is correct. I would like to ask the Senator a question at that point.

It is said that there is a great movement of population westward, and that the Western States are building up in industry as well as population, and no substantial differential any longer prevails. I ask the Senator if transportation does not have something to do with making the price of a car in his own city of Seattle, for example, somewhat higher than in Washington, D.C.

Mr. MAGNUSON. Of course, it does. It is a great deal higher.

Studies have been made of the question by the Maritime Commission, the Maritime Board, the Maritime Administrator and the General Accounting Office. They all have come to the conclusion that the differential was needed in order to have fair competition. The bid by National Steel has been quoted. They are desperate out there to get a contract to build another ship, because they will be through in January, and there will be much unemployment. I suppose they would be willing to build it for cost, but nobody wants that.

What the Senator from Oregon said was true; the score is 45 to 2.

The PRESIDING OFFICER. The time of the Senator from Washington has expired. The Senator from Washington has 2 minutes' total time left.

Mr. MAGNUSON. I yield to the Senator from Alaska.

Mr. BARTLETT. Is it not true that if costs were no higher on the west coast, and therefore the differential were not justified, more ships would be built on the west coast? But less than 10 percent of ship construction has gone to the west coast even with the 6-percent differential.

Mr. MAGNUSON. In some years there are ups and downs. The average has been 9.6 percent. In some years there has been an allocation for 19 ships. That should be the average. This year it is down to 15. That makes a difference. The situation becomes tighter, and the bidding grows tighter.

The overall figure is 9.6 percent. We put all those figures in the RECORD. If Senators want to abolish all the shipbuilding on the west coast, they should vote for the amendment.

Mr. BARTLETT. So the 6 percent does not constitute a bonanza.

Mr. MAGNUSON. It has not been.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, if I have a half a minute remaining——

Mr. WILLIAMS of Delaware. Mr. President, I yield a minute to the Senator from Washington.

Mr. MAGNUSON. I need only half a minute.

I have available a study made by the Department of Commerce on ship construction, which was made in April 1962. On page 3 it is stated that the bulk of the merchant shipbuilding activity—I ask Senators to remember that this is only the merchant ship building activity—both private and subsidized, has been on the east coast. Of 307 vessels delivered since 1952 or under contract on January 1, 1962, construction awards were: 72 percent for the east coast, 12 percent for the gulf, 7 percent for the Great Lakes, and 9 percent for the west coast.

Those are the figures, for all of the construction for the private and subsidized work. This comes from the report of the Department of Commerce, made in April. It is a long report and study of the problem.

The figure is not 9.6 percent, but only 9 percent.

I think my time has expired.

Mr. WILLIAMS of Delaware. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Delaware has 12 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I assure the people of the Pacific coast that this is certainly no attack on them or on any other area of the country. We are fighting for our own lives, for the other areas of the country.

My area of the country gets what little fragments or crumbs may be left. We are fighting for our lives.

Any contracts we get are obtained on competitive bids altogether, by an actual low bidder.

Mr. President, the bill now before the Senate will pass. That is a certainty. Let us not get into an argument about adding an amendment to kill the bill. The bill will pass by almost a unanimous vote, with the amendment. The amendment is germane.

I should like to give the facts in the case. The question is, in a way, "Bids are made for construction of the ships. Contracts are awarded to the low bidder, are they not?"

The statute says, however, "No; though you may be the low bidder, you will not get the contract unless you are more than 6 percent lower than the man who bid on the Pacific coast."

Mr. President, we are arguing merely for fairness. If there is any justified determination with reference to various areas of the country, the evidence has not been brought out. If there is some such factor, it ought to be determined by the Congress and enacted into temporary legislation.

The 6-percent differential statute was passed in 1936, to try to encourage the building up of a shipbuilding capacity on the west coast. That was a most laudable motive. Now all the reasons for the action have gone. All the facts which then existed have disappeared.

There are fine construction companies on the west coast, well able to compete with anyone else. This condition merely illustrates how situations change.

I was talking with the Senator from California [Mr. Engle] a moment ago. He is always alert and quite active on matters concerning California. We serve on the Committee on Armed Services together. He looks after all subjects which concern his State, strongly supports them there and before the Appropriations Committee.

I serve on the Committee on Appropriations with the other Senator from California [Mr. Kuchel]. He is alert as to all the matters coming before us there.

Twenty-three and nine-tenths percent of all military prime contracts for fiscal year 1961 went to the State of California. There is no fight merely with respect to California, but that is where the shipyards are. Twenty-three and nine-tenths percent of all the military prime contracts for fiscal year 1961 went to California alone.

Six billion dollars was spent in fiscal year 1961 in the three west coast States on the military prime contract awards, out of $22 billion.

As to the research and development prime contracts, in 1961 California industries alone were awarded more than 41 percent of all the contracts of that kind for the United States. Those figures run into billions of dollars.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. STENNIS. I will yield briefly, and only briefly, if I may, to the Senator from California.

Mr. ENGLE. I appreciate the fine compliment that my good friend from Mississippi paid to me and to my colleague from California. I know the Senator wishes to be fair. Would the Senator from Mississippi suggest that we should close down the shipyards on the west coast?

Mr. STENNIS. Not at all. My point is that the folks in California have gotten well. If they were ever ill economically, they are getting well. They are so efficient, so fine, and so thorough that they can compete successfully and get almost half the money for the entire United States with reference to the particular contracts I have mentioned. Those contracts run into billions of dollars.

The shipbuilding industry of California compares favorably with the industry of the remainder of the country. It is doing well.

Soon California will have the largest representation in the Congress of any State in all our Nation. I am glad it will, but we should be fair about these things.

I yield further, but briefly, I hope.

Mr. ENGLE. There is only one thing I should like to mention, to keep the Record straight.

I respect my friend from Mississippi, but the figures do not show that we can continue to compete if we do not have the differential. The figures show the reverse. The figures cited by the Maritime Administrator and in the Department of Commerce report make it perfectly clear that in the absence of the differential we would have to close the shipyards.

Mr. STENNIS. I dispute that conclusion, Mr. President. I do not think it is correct.

It does not make any difference if an agency certifies as to certain facts.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, will the Senator yield me 2 additional minutes?

Mr. WILLIAMS of Delaware. I yield 2 more minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, there is no other example in all the vast Government operations, in the case of Government contracts, in which a discriminatory provision is mandatory with respect to a particular State or region of the United States compared to other areas of the United States. That fact proves that this proposal cannot justly stand on its own feet and on its own merit.

I was asked a while ago, "What does it mean, after all, to have the 6-percent differential"?

I repeat, it means that under these contracts, which are highly Government-subsidized, no one can be the low bidder or have an opportunity to compete successfully unless he is more than 6 percent lower than someone else on these particular contracts.

This whole procedure is outmoded.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator briefly, because he yielded to me.

Mr. MAGNUSON. The Senator loses sight of the fact that three-fourths of all the material shipped is manufactured in the northeastern part of the United States. A great deal of steel is used in shipbuilding. The steel delivered to the west coast is 11 percent higher in cost. That is the reason.

Mr. STENNIS. The Senator has made reference to only one item which goes into the construction cost. There are local supplies of steel on the Pacific coast, and they are growing all the time.

Mr. MAGNUSON. We do not have them.

Mr. STENNIS. Except as to a certain portion.

Mr. MAGNUSON. Ship plate is not made there.

Mr. STENNIS. It is necessary to buy the ship plate.

Mr. MAGNUSON. Yes.

Mr. STENNIS. But there is steel capacity on the west coast. The picture has changed entirely. The basis for the discriminatory provision has entirely disappeared.

Mr. President, I have a statement with respect to repeal of 6-percent preference in favor of west coast shipbuilders, as provided in section 502(d), Merchant Marine Act, 1936, as amended.

The proposed amendment offered by the Senator from Delaware [Mr. Williams] will repeal the provisions of section 502(d) of the Merchant Marine Act, 1936, as amended, which afford an unjustified preference to shipbuilders on the Pacific coast by way of a 6-percent differential in competitive bidding on merchant ship construction contracts for shipping companies having their principal place of business on the Pacific coast. The House voted to repeal the differential when it passed H.R. 1159 on April 12, 1962. Extensive hearings were held in the House both in this Congress and in the last Congress, during the course of which the complete situation was thoroughly explored. Testimony was heard from the Pacific coast shipbuilders and the shipbuilders on the other three coasts of the United States, as well as from the Maritime Administration and the Department of the Navy.

When this discriminatory provision was enacted into law 26 years ago, there may have been some justification for providing this preference in favor of one section of the country. At that time the west coast had little heavy industry and no steel production, and its shipbuilding had been dormant since the end of World War I. Because of the lack of industrial activity on the Pacific coast, all components going into ships had to be transported from the East. The transportation cost at that time made it difficult, if not impossible, for west coast yards to compete with yards in the eastern part of the country. The differential in the cost of transporting such components was measured at 6 percent. Today, a quarter of a century later, the preference is outmoded and unjustified. A great many of the major components going into vessels are now built and sold at the same, or competitive, prices on the west coast. Yards in the eastern part of the country, including particularly our fine gulf coast shipyards, purchase many components from west coast suppliers. After World War II, two major steel mills commenced operation west of the Rocky Mountains.

The west coast shipbuilding industry is now as strong as that in any other section of the country. The population of the west coast has increased in a far greater proportion than the rest of the country, and it is conservatively estimated that more than 20 percent of all existing prime defense contracts are held by west coast industry.

Specifically with respect to the merchant shipbuilding program, some 44 percent of all of the vast tonnage of vessels built during World War II—17 million out of a total of 38,500,000—were delivered by west coast yards. During the House hearings on H.R. 1159 in the spring of 1961, the west coast yards had 14 of the 61 vessels then under construction. This percentage, when compared with the relative capacity of the yards—namely, 10 building ways on the west coast and 74 ways in the other 3 regions of the country—results in a very favorable percentage for the west coast. Likewise, during the hearings before the House, the official witness for the Navy Department testified as follows:

> In recent years, however, with the growth and diversification of west coast industry, private shipyards in that area have shown an increasing ability to compete successfully for Navy ship construction. The development of basic supporting industries, the application of improved techniques, and the achievement of greater efficiency in shipyard operations, have helped to improve the competitive position of the west coast shipbuilding industry.
>
> As the previous witness outlined in his statement, several major awards on a competitive basis during the past year or so have offered convincing evidence that west coast yards have definitely overcome their former disadvantage in bidding on Navy ship construction.
>
> For example, in March 1960, a Puget Sound firm bidding on a nationwide competitive basis was the lowest bidder on three guided missile destroyers (DDG) and received a contract for approximately $47 million. In November 1960, another Seattle firm was successful, in a nationwide bidding, in obtaining an award for two DDG's—at a price of approximately $29 million. Only a few days ago, a San Diego firm, again as a result of countrywide competition, submitted the lowest of 7 proposals received in response to invitations sent to 22 shipyards. This firm was awarded construction of a combat stores ship (AFS) at a price of approximately $18 million.

From the foregoing statement it is clear that in connection with Naval shipbuilding, where there is no 6-percent preference, shipyards on the Pacific coast are completely competitive with the yards on the gulf coast, east coast, and Great Lakes. Therefore, there is no longer any justification for continuation of the preference in favor of the west coast in the case of merchant shipbuilding. There is no other example, in the case of Government contracts, where a discriminatory provision is mandatory with respect to a particular State or region of the United States over other areas in the United States.

In the event shipbuilding should fall off in the west coast yards, the Secretary of Commerce will have the authority to allocate particular contracts to specific west coast yards if such allocation is necessary to the national defense. It is by this method that the Navy awards its contracts to insure that there will be shipbuilding activity on all four coasts. For this reason, not only is the 6-percent preference unjustified, but also it is an imposition on the Federal taxpayers to permit the payment of construction subsidy funds, to the extent of 6 percent above the low bidder, in the case of particular vessels.

The great shipbuilding facilities on the gulf coast have always been at some disadvantage in competitive bidding with shipyards on the Atlantic coast. However, these yards have always been, and are still, prepared to bid on a free, open, competitive basis against shipyards in all other areas of the country and have been successful on a number of such bids. But if the 6-percent preference is continued, there will be the constant threat that their west coast competitors will be able to take advantage, in competitive bidding, of the 6-percent margin.

In 1961, and early in 1962, the Maritime Administration made a study of comparative shipbuilding costs. This study concluded, at best, a 4-percent differential between west coast shipyards and those on the Atlantic coast. However, 2.9 percent of this differential was a reflection of higher wage rates on the west coast. In 1936, the west coast sponsors of the 6-percent preference repeatedly made it clear that differentials in wages were not a part of the original 6 percent, but that the entire differential was intended to measure the freight rate handicap involved in the transportation of materials and components.

Therefore, I repeat that since the original justification for the preference is virtually eliminated, the only method whereby we can be assured of a healthy shipbuilding industry in all sections of the country is to repeal the 6-percent preference and allow private industry from each of the four areas of the country to compete freely, thus providing an incentive for improvements in production techniques and the efficient management and utilization of shipyard labor.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I am sorry; my time has expired.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be granted 2 minutes to address a question to the Senator from Mississippi.

The PRESIDING OFFICER. Does the Senator from Delaware yield time?

Mr. WILLIAMS of Delaware. Mr. President, I have 5 minutes remaining. I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator.

Is it not true that those who manufacture airplanes seem to be able to exist not only competitively, but also in a manner to take a large part of the market, even though they are located on the west coast of the United States?

Mr. STENNIS. The Senator is quite correct. I believe the Senator came into the Chamber after I cited the figures. Twenty-three and nine-tenths percent of all military prime contract awards in fiscal year 1961 went to the State of California alone.

Mr. HOLLAND. Is it not true that in the field of missile construction and the space effort generally the same thing is true? The west coast area has found itself not only able to compete but also able to take the larger part of that very important public program and hold it as against the rest of the Nation.

Mr. MAGNUSON. That is because of the aluminum at our back door.

Mr. STENNIS. It is to their credit that they are running away with all those juicy contracts to which the Senator from California has referred.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. I thank the Senator for yielding to me.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I wish to say at the outset that there is no Senator for whom I have greater affection and admiration than the chairman of our committee, the Senator from Washington [Mr. MAGNUSON]. At this moment and on this measure I regret that I cannot support him. My reasons are identical with the reasons that have been given by my good friend from Mississippi [Mr. STENNIS]. I supported the Hanford reactor. I even fought for it on the floor of the Senate. I thought it was a desirable project, not only for the State of Washington, but for the country at large.

I supported my good friend from Washington on the Snake River projects, because I thought they were good for the country as well as for his area. I regret that I cannot support him on the present measure.

I recall that only a short while ago we had a conference with the then Secretary of Labor, Mr. Arthur Goldberg. He pointed out to us that one out of every six jobs in these United States—and that statistic goes for defense contracts, manufacturing, commercial services, and all others—is either in California, Texas, or Florida.

I have nothing against those States. We favored them while they were pioneer States. But the fact, America grows—and America changes, is that America is on the move. The reasons for what we did 25 or 35 years ago no longer need move us. I believe the reasons for the 6-percent differential have passed.

I would suggest that the Congress investigate the subject thoroughly and equitably. But I believe the State of California, the State of Washington, the State of Texas, the State of Florida, and all other States of our Union are today in a competitive position. We should do away with the differential because the conditions which gave it birth no longer exist. I regret that I must oppose my friend from Washington. I shall support the amendment to eliminate the 6-percent differential.

Mr. MAGNUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield 30 seconds to the Senator from Washington.

Mr. MAGNUSON. I submitted for the RECORD all the reasons showing that the need still exists, as shown by an objective report of both the General Accounting Office and the Department of Commerce.

Mr. PASTORE. The Senator from Rhode Island disagrees with that report, and he still maintains that the reason for the differential passed away a long time ago.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. WILLIAMS of Delaware. I yield 1 minute to the Senator from California.

Mr. KUCHEL. Mr. President, the Senator from Rhode Island is mistaken. No hearings have been held on the amendment. Every agency in the executive branch of the administration has refused to take a position in favor of the proposal. The Defense Department has walked away from the amendment. I wish to say to the Senator, who follows sound procedure, that the only basis on which that type of legislation ought to be voted up or down in this Chamber is on the basis of facts adduced at the hearings, none of which we have had. On that basis I say to my friend that this is the wrong time and place even to consider the amendment.

Mr. PASTORE. Mr. President, I take a few seconds merely to say to my good friend from California that if prosperous California is in such a competitive position in attracting so many jobs into California, the State ought to be on a competitive basis in the matter of shipbuilding.

Mr. WILLIAMS of Delaware. Mr. President, I shall be brief.

I wish to answer one argument that has been made that there have been no hearings held on the bill. The hearings were held on the bill in the House of Representatives. Ample opportunity was afforded to the Senate to conduct such hearings, had they been desired.

The amendment has already passed the House of Representatives and is now before the Senate. We are not trying to take the shipbuilding industry away from the west coast. I have defended on the floor of the Senate the right of west coast firms to obtain defense contracts when they can underbid companies on the east coast. But if shipbuilding companies on the west coast cannot compete on ship construction then they should be willing, by the same token, to let the ship construction go to east coast yards. When taxpayers' money is being spent it should be spent where the commodity or service can be purchased at the cheapest price. The reason for originally approving the differential no longer exists. West coast shipyards are well able to compete without the differential as other west coast companies bidding on defense contracts have demonstrated.

Section 503(d) requires that in certain circumstances vessel construction contracts must be awarded to a Pacific coast shipyard if its bid exceeds the lowest responsible bid by up to 6 percent. This preference is in effect a domestic tariff protecting one geographical area of the country against the others. Today the shipbuilding industry in all of the United States is in a depressed condition, and if the preference in favor of the Pacific coast continues the possibility of unemployment both in the shipyards and in the plants of manufacturers supplying component parts in the other areas of the country will be seriously aggravated.

The legislative history shows that the only basis for enactment of the 6-percent tariff in 1936 were:

First. Shipbuilding on the Pacific coast was dormant, and it was deemed essential from the national defense standpoint that it be restored; and, second, steel, machinery, and other component parts were manufactured only in the East and overland freight rates prevented the Pacific coast shipyards from being competitive. Even if these considerations were valid in 1936, none of them exist today as demonstrated by the following:

(a) Pacific coast shipyards have constantly within the last several years, and particularly in the last 12 months, underbid yards in the other areas of the country, both on Federal Maritime Board and naval ship construction projects.

(b) The differential, if any, in the cost of steel, machinery, and other components, has been reduced to an infinitesimal amount, and while it is contended that there is a difference in labor and overhead, these factors were not considered in the original legislation. In any event, Congress should not subsidize the labor in one area of the country as against labor in other areas, nor should it subsidize inefficiency in production methods.

(c) The Navy Department has indicated that the Pacific coast shipyards "have shown an increasing ability to compete successfully for navy ship construction," hence indicating a strong national defense nucleus in that area.

Recent bidding gives concrete evidence of the west coast's present ability to compete:

First. On November 30, 1960, in the most recent bidding under the Maritime Administration program, a west coast yard, National Steel & Shipbuilding Co., of San Diego, Calif., was low bidder and was awarded the contract for two ships at $11,110,424 each. National Steel's bid was $82,293 below the lowest east coast bid, on each ship.

Second. Recent bidding on Navy ships is summarized as follows in the testimony of Rear Adm. Floyd B. Schultz of the Navy's Bureau of Ships at hearings before the House Merchant Marine and Fisheries Committee, May 19, 1961:

> Several major awards on a competitive basis during the past year or so offered convincing evidence that west coast yards have definitely overcome their former disadvantage in bidding on Navy ship construction. For example, in March 1960 a Puget Sound firm bidding on a nationwide competitive basis was the lowest bidder on three guided missile destroyers (DDG) and received a contract for approximately $47 million. In November 1960 another Seattle firm was successful, in nationwide bidding, in obtaining an award for two DDG's—at a price of approximately $29 million. Only a few days ago, a San Diego firm, again as a result of countrywide competition, submitted the lowest of seven proposals received in response to invitations sent to 22 shipyards. This firm was awarded construction of a combat store ship (AFS) at a price of approximately $18 million.

On June 22, 1961, a contract for a Navy destroyer-escort was awarded to Bethlehem Steel Co.'s San Francisco yard after competitive bidding.

In the face of this evidence, the 6-percent differential is an unnecessary drain on public funds. For example, Bethlehem Steel's San Francisco yard was awarded a contract for two ships for Pacific Far East Lines under the 6-percent provision. This contract was awarded on September 22, 1959, and Bethlehem's bid was $516,000 per ship, or a total of $1,032,000, above the low bid of its own east coast yard. Approximately half this difference was borne by the taxpayers in the form of construction differential subsidy. Todd Shipyard of San Pedro, Calif., was awarded a contract for three vessels for American Mail Line under the 6-percent provision under contract awarded August 5, 1959. Todd's total bid was $35,775,167, or a total of $1,725,167 higher than the low bid. About half the difference was borne by the taxpayers.

Since the need for this subsidy for the Pacific coast has now been removed the 6-percent preference should be eliminated as proposed in the pending amendment. I hope the Senate will see fit to support this amendment and terminate an unnecessary expense to the taxpayers.

I ask unanimous consent that two tables which I received from the Department of Commerce be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,
Washington, D.C., August 8, 1962.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This will confirm the information you received by telephone on August 7, 1962, concerning ship construction and conversion contracts award to west coast shipyards.

As to the construction contracts, you were informed that the four awarded to the west coast since January 1959, were, as follows:

Contract date	Number of ships	Owner	Contractor	Total commercial price contract
Feb. 28, 1961	2	States	National Steel	$22,078,274
Sept. 22, 1959	2	PFEL	Bethlehem Pacific	27,132,000
Aug. 5, 1959	3	American Mail	Todd	35,775,167
Mar. 17, 1959	4	American Export	National Steel	43,595,175

The two contracts under dates of September 22, 1959, and August 5, 1959, were awarded under section 502(d) of the Merchant Marine Act of 1936. The low bidders on these contracts and the commercial price per ship were Bethlehem Sparrows Point, $13,050,000 and Newport News, $11,350,000, respectively.

As to the conversion contracts awarded to west coast shipyards since January 1956, you were informed that there were three, as follows:

Contract date	Number of ships	Owner	Contractor	Total commercial price contract
June 8, 1956	2	APL	Pacific Ship Repair	$933,000
Dec. 11, 1959	2	APL	Moore	686,000
Feb. 16, 1961	1	APL	Puget Sound	7,750,993

The conversion of the *President Roosevelt,* contract date February 16, 1961, was awarded under section 502(d), the low bidder being Newport News with a bid price of $7,737,581.

It was a pleasure to secure this information for you. Please call on us at any time in the future.

Sincerely yours,

J. W. GULICK,
Deputy Maritime Administrator.

Mr. WILLIAMS of Delaware, Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. All time having expired, and the yeas and nays having been ordered on this question, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PEARSON (when his name was called). On this vote I have a pair with the Senator from Nebraska [Mr. HRUSKA]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I have a pair with the Senator from Alaska [Mr. GRUENING]. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." Therefore I withhold my vote.

Mr. BUSH. Mr. President, I have a pair on this vote with the Senator from Kentucky [Mr. MORTON]. If he were present and voting he would vote "nay." If I were at liberty to vote I would vote "yea." I withhold my vote.

Mr. KEFAUVER. Mr. President, on this vote I have a pair with the Senator from Connecticut [Mr. DODD]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay."

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. HICKEY] and the Senator from Missouri [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] and the Senator from Maryland [Mr. BUTLER] are detained on official business. If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from South Dakota [Mr. BOTTUM], the Senator from Maryland [Mr. BUTLER], the Senators from New York [Mr. JAVITS and Mr. KEATING], and the Senator from New Hampshire [Mr. MURPHY] would each vote "yea."

On this vote, the Senator from North Dakota [Mr. YOUNG], is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from North Dakota would vote "yea," and the Senator from Indiana would vote "nay."

The respective pairs of the Senator from Kentucky [Mr. MORTON] and that of the Senator from Nebraska [Mr. HRUSKA] have been previously announced.

The result was announced—yeas 50, nays 29, as follows:

[No. 270 Leg.]

YEAS—50

Allott
Beall
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Douglas
Eastland
Ervin
Hart
Hickenlooper
Hill
Holland
Johnston
Jordan, N.C.
Kerr
Lausche
McCarthy
McClellan
McNamara
Miller
Mundt
Muskie
Pastore
Pell
Prouty
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Wiley
Williams, N.J
Williams, Del
Young, Ohio

NAYS—29

Anderson
Bartlett
Bennett
Bible
Burdick
Carroll
Chavez
Church
Ellender
Engle
Fong
Goldwater
Hartke
Hayden
Jackson
Jordan, Idaho
Kuchel
Long, Hawaii
Long, La.
Magnuson
Mansfield
McGee
Metcalf
Monroney
Morse
Moss
Neuberger
Symington
Yarborough

NOT VOTING—21

Aiken
Bottum
Bush
Butler
Cannon
Capehart
Dodd
Fulbright
Gore
Gruening
Hickey
Hruska
Humphrey
Javits
Keating
Kefauver
Long, Mo.
Morton
Murphy
Pearson
Young, N. Dak.

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

Mr. KUCHEL. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. KUCHEL. I suggest the absence of a quorum.

The PRESIDING OFFICER. Was a motion made to table the motion to reconsider the vote?

Mr. STENNIS. I have moved to table the motion.

Mr. KUCHEL. Mr. President, was I not recognized?

The PRESIDING OFFICER. Yes; the Senator from California was recognized.

Mr. KUCHEL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Without objection, it is so ordered.

Mr. HUMPHREY. Madam President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. STENNIS] to lay on the table the motion to reconsider the vote by which the Senate agreed to the amendment of the Senator from Delaware [Mr. WILLIAMS].

The motion to lay on the table was agreed to.

Mr. SMITH of Massachusetts subsequently said: Mr. President, I am very much pleased that the Senate has voted today to end the discriminatory 6-percent shipbuilding subsidy for the west coast.

This subsidy places an unfair and unnecessary burden on the shipyards of the eastern seaboard and in particular, those of Massachusetts. In the Commonwealth these yards provide jobs for over 16,000 workers. One of the major yards, the Fore River Shipyard in Quincy, is working well below capacity at this time. Additional contracts for that yard would create from 4,000 to 6,000 new jobs. The termination of this subsidy for the west coast will allow Fore River, the Boston Naval Shipyard, and the other shipbuilding firms in Massachusetts to compete on a fair basis for their share of new contracts, and will help strengthen the economy of my State.

ORDER OF BUSINESS

Mr. HUMPHREY. Madam President, let me ask the Senator from California [Mr. KUCHEL] whether it is his view—and I also ask whether it is the view of the Senator from Washington [Mr. MAGNUSON]—that the Senate should proceed with this particular bill, or whether it should be temporarily laid aside, and the Senate should now proceed with consideration of the Cuba joint resolution, which was the subject of an agreement entered into on yesterday.

Mr. KUCHEL. I have talked with a number of Senators—some of whom favored the amendment which was adopted a moment ago, and some of whom opposed it—and I think I can say that we would like to have this maritime measure temporarily laid aside, and to have the Senate proceed with consideration of the Cuba joint resolution, because we may be able to find some additional ground of accommodation.

Mr. HUMPHREY. If the pending measure is temporarily set aside—and I believe this matter is covered by the agreement entered into on yesterday—I should like to have the Senate take up the conference report on the legislative appropriation bill—a privileged matter—and then proceed with consideration of the Cuba joint resolution.

Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment to the merchant marine bill.

Mr. SPARKMAN. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. SPARKMAN. Under the order by which the so-called Cuba joint resolution was referred to the Armed Services Committee and the Foreign Relations Committee, was not that joint resolution automatically to become the order of business today, and was not it covered by the unanimous-consent agreement entered into yesterday?

The PRESIDING OFFICER. No time was specified. The agreement was modified by an additional agreement that following consideration of the merchant marine bill, the Senate would proceed to the consideration of the joint resolution. But no time was specified.

Mr. SPARKMAN. But the agreement did provide that that would be done following consideration of the maritime bill, did it not?

Mr. HUMPHREY. Yes.

Mr. SPARKMAN. If the maritime bill is temporarily laid aside, does not the second part of the agreement automatically take effect?

The PRESIDING OFFICER. By unanimous consent the pending bill may be temporarily laid aside.

Mr. SPARKMAN. I understood that it was laid aside.

Mr. HUMPHREY. It has not yet been laid aside.

Mr. SPARKMAN. Then let me say to the acting majority leader that I do not wish to have many other matters brought up ahead of the Cuba joint resolution——

Mr. HUMPHREY. That will not be done.

Mr. SPARKMAN. Unless the Cuba joint resolution can be scheduled for consideration at a definite time this afternoon.

Mr. HUMPHREY. The conference report on the legislative bill is a privileged matter.

Mr. SPARKMAN. Yes; but certainly the Cuba joint resolution is an urgent measure; and apparently the Senate thought so, too, when it required the two committees to report it today. So I believe it should be disposed of.

Mr. HUMPHREY. The Senator's wish will be fulfilled.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1963—CONFERENCE REPORT

Mr. HUMPHREY. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11151) making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes. I ask unanimous consent that the maritime bill be temporarily laid aside, and that the Senate now proceed to the consideration of the conference report on the legislative branch appropriation bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Tuesday, Sept. 18, 1962, p. 19720, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 11151, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.
September 19, 1962.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 36, 41, and 44 to the bill (H.R. 11151) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1963, and for other purposes", and concur therein;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45, and concur therein with an amendment, as follows: In lieu of the matter proposed by paragraph (7)(b) of said amendment, insert the following:

"(b) An employee to whom this section applies shall be paid during any period of continuous service as such an employee additional basic compensation (hereinafter referred to as longevity compensation) at the rate of $120 per annum if at the time of such payment the annual rate of basic compensation (exclusive of longevity compensation) of the position in which employed is less than $1,800, or $180 per annum if at such time such rate is $1,800 or more, for each five years of service performed as such an employee during such period. No employee shall receive more than four such increases upon the basis of any period of continuous service, and nothing in this section shall be construed to authorize the payment to any employee of total compensation, including longevity compensation, in excess of the maximum amount prescribed by law for Senate employees generally. Notwithstanding the first sentence of this subsection, the first increase under this section for telephone operators (exclusive of the chief operator and assistant chief operators), who on September 1, 1962, have more than twenty-five years of service as a telephone operator on the United States Capitol telephone exchange shall be $240 basic per annum. In computing length of continuous service for the purposes of this section only service performed subsequent to August 31, 1957, shall be credited,

and in the case of employees of the Official Reporters of Debates of the Senate there shall be credited any service as such an employee performed during the period beginning on September 1, 1957, and ending on June 30, 1960, whether or not compensated from the appropriation referred to in subsection (a). Continuity of service for the purpose of this subsection shall not be deemed to be broken by separations from service of not more than thirty days, by the performance of service as an employee, other than an employee subject to the provisions of this section, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, or by the performance of active military service in the armed forces of the United States, but such separations and service shall not be credited for the purposes of this section. Longevity compensation under this section shall be payable on and after the first day of the first month following completion of the five-year period upon which such compensation is based."

Mr. PASTORE. Madam President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 45.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. PASTORE. Madam President, I ask unanimous consent to include in the RECORD at this point a tabulation showing by item the budget estimates, the amounts in the Senate and House versions of the bill, and the amounts agreed to in conference.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Comparative statement of the appropriations for 1962 and the estimates and amounts recommended in the bill for 1963

Item	Appropriations, 1962 [1]	Budget estimates, 1963	House allowance	Senate allowance	Conference allowance
SENATE					
Vice President and Senators:					
Compensation of the Vice President and Senators				$2,471,140	$2,471,140
Compensation of Senators	$2,433,370	$2,433,370			
Compensation of the Vice President	37,775	37,775			
Expense allowances of the Vice President, and majority and minority leaders				14,000	14,000
Expense allowance for majority and minority leaders	4,000	4,000			
Expense allowance of the Vice President	10,000	10,000			
Mileage of the President of the Senate and of Senators	58,370	58,370		58,370	58,370
Beneficiaries of deceased Senators	67,500				
Total, Vice President and Senators	2,611,015	2,543,515		2,543,510	2,543,510
Salaries of officers and employees:					
Office of the Vice President	120,550	[6] 127,645		127,645	127,645
Chaplain	8,810	8,810		8,810	8,810
Office of the Secretary of the Senate	708,400	708,400		720,460	720,460
Committee employees	2,551,200	2,551,200		2,551,200	2,551,200
Conference committee:					
Majority	47,325	47,325		77,325	77,325
Minority	47,325	47,325		77,325	77,325
Administrative and clerical assistants to Senators	11,938,395	[6] 12,676,275		12,676,275	12,676,275
Offices of Sergeant at Arms and Doorkeeper	2,519,525	2,540,135		2,522,780	2,522,780
Offices of secretaries for the majority and minority	126,350	126,350		126,350	126,350
Office of the majority and minority whips	28,340	28,340		28,340	28,340
Official Reporters of Debates	224,870	214,990		214,990	214,990
Total salaries of officers and employees	18,321,090	19,076,795		19,131,500	19,131,500
Office of Legislative Counsel of the Senate: Salaries and expenses	232,240	232,240		232,240	232,240
Contingent expenses:					
Legislative reorganization	125,940	125,940		125,940	125,940
Senate policy committees	267,950	267,950		327,950	327,950
Joint Economic Committee	247,555	[6] 187,075		250,000	250,000
Joint Committee on Atomic Energy	294,010	294,010		294,010	294,010
Joint Committee on Printing	115,725	115,725		115,725	115,725
Automobiles and maintenance				36,000	36,000
Vice President's automobile	8,710	8,710			
Automobile for the President pro tempore	8,960	8,960			
Automobiles for majority and minority leaders	17,420	17,420			
Furniture	31,190	31,190		39,530	39,530
Inquiries and investigations	3,797,210	3,797,210		3,797,210	3,797,210
Folding documents	34,295	34,295		34,295	34,295
Senate restaurants	110,000				
Mail transportation	16,560	16,560		16,560	16,560
Miscellaneous items	2,294,345	[6] 2,390,565		2,390,565	2,390,565
Postage stamps	55,975	55,975		55,975	55,975
Stationery	195,000	195,000		195,000	195,000
Communications	15,150	15,150		15,150	15,150
Total, contingent expenses	7,635,995	7,561,735		7,693,910	7,693,910
Total, Senate	28,800,340	29,414,285		29,601,160	29,601,160
HOUSE OF REPRESENTATIVES					
SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER					
Compensation of Members	10,672,000	10,672,000	$10,672,000	10,672,000	10,672,000
Mileage of Members and expense allowance of the Speaker	200,000	200,000	200,000	200,000	200,000
Total	10,872,000	10,872,000	10,872,000	10,872,000	10,872,000
SALARIES, OFFICERS AND EMPLOYEES					
Office of the Speaker	62,900	[2] 83,710	83,710	83,710	83,710
Office of the Parliamentarian	64,630	64,635	64,635	64,635	64,635
Office of the Chaplain	8,810	8,810	8,810	8,810	8,810
Office of the Clerk	1,146,025	1,155,330	1,154,490	1,154,490	1,154,490
Committee employees	2,900,000	2,950,000	2,925,000	2,925,000	2,925,000
Office of the Sergeant at Arms	618,150	618,150	618,150	618,150	618,150
Office of the Doorkeeper	1,058,310	1,058,310	1,059,325	1,059,325	1,059,325
Special and minority employees (several items)	302,045	302,045	302,045	302,045	302,045
Office of the Postmaster	316,210	326,125	326,125	326,125	326,125
Official reporters of debates	202,915	202,915	202,915	202,915	202,915
Official reporters to committees	204,995	204,995	204,995	204,995	204,995
Committee on Appropriations (investigations)	550,000	600,000	600,000	600,000	600,000
Office of the Legislative Counsel	225,750	236,000	229,000	229,000	229,000
Total, salaries, officers and employees	7,660,740	7,811,025	7,770,200	7,779,200	7,779,200
MEMBERS' CLERK HIRE					
Clerk hire	20,400,000	20,400,000	20,400,000	20,000,000	20,400,000

See footnotes at end of table.

Comparative statement of the appropriations for 1962 and the estimates and amounts recommended in the bill for 1963—Continued

Item	Appropriations, 1962 [1]	Budget estimates, 1963	House allowance	Senate allowance	Conference allowance
CONTINGENT EXPENSES OF THE HOUSE					
Furniture	$242,550	$262,550	$262,550	$262,550	$262,550
Miscellaneous items	2,550,000	2,600,000	2,600,000	2,600,000	2,600,000
Reporting hearings	150,000	175,000	150,000	150,000	150,000
Special and select committees	2,900,000	3,000,000	2,935,000	2,935,000	2,935,000
Joint Committee on Internal Revenue Taxation	322,500	322,500	322,500	322,500	322,500
Joint Committee on Immigration and Nationality Policy	20,000	20,000	20,000	20,000	20,000
Joint Committee on Defense Production			65,000	65,000	65,000
Office of Coordinator of Information	108,245	[2] 113,875	113,875	113,875	113,875
Telegraph and telephone	1,300,000	1,375,000	1,350,000	1,350,000	1,350,000
Stationery (revolving fund)	744,600	788,400	788,400	788,400	788,400
Attending physician's office	16,545	16,545	16,545	16,545	16,545
Postage stamps	183,640	183,640	183,640	183,640	183,640
Folding documents	236,500	240,000	240,000	240,000	240,000
Revision of laws	19,515	19,515	19,515	19,515	19,515
Speaker's automobile	10,000	10,000	10,000	10,000	10,000
Majority leader's automobile	10,000	10,000	10,000	10,000	10,000
Minority leader's automobile	10,000	10,000	10,000	10,000	10,000
Portrait of Speaker			2,500	2,500	2,500
New edition, United States Code	100,000				
Payment to widows and heirs of deceased Members	102,500				
Total, contingent expenses	9,026,595	9,147,025	9,099,525	9,099,525	9,099,525
Total, House of Representatives	47,959,335	48,230,050	48,150,725	48,150,725	48,150,725
CAPITOL POLICE					
General expenses	36,700	36,700	36,700	36,700	36,700
Capitol Police Board	114,700	142,810	129,500	129,500	129,500
Total, Capitol Police	151,400	179,510	166,200	166,200	166,200
JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES					
Salaries and expenses	26,790			26,790	26,790
EDUCATION OF SENATE AND HOUSE PAGES					
Expenses	67,900	68,365	68,365	68,365	68,365
PENALTY MAIL COSTS					
Expenses	3,836,000	3,986,000	3,986,000	3,986,000	3,986,000
CONTESTED ELECTIONS					
Expenses, compiling testimony in contested election cases		2,000			
STATEMENTS OF APPROPRIATIONS					
Preparation	8,000	8,000	8,000	8,000	8,000
ARCHITECT OF THE CAPITOL					
Salaries, Office of the Architect	337,700	363,000	363,000	363,000	363,000
Contingent expenses	50,000	50,000	50,000	50,000	50,000
Capitol buildings	1,629,500	1,282,000	[4] 1,282,000	[4] 1,282,000	1,282,000
Extension of the Capitol	1,500,000	500,000	500,000	500,000	500,000
Restoration of Old Senate and Old Supreme Court Chambers				37,500	
Capitol Grounds	446,000	435,000	435,000	435,000	435,000
Legislative garage	79,000	63,000	63,000	63,000	63,000
Senate office buildings	2,170,400	2,465,000		2,235,000	2,235,000
House office buildings	1,639,000	1,677,000	1,703,000	1,703,000	1,703,000
Acquisition of property, construction, and equipment, additional House Office Building (liquidation cash)	6,000,000	8,500,000	8,500,000	8,500,000	8,500,000
Capitol Power Plant (operation)	2,052,000	2,059,000	2,052,000	2,052,000	2,052,000
Library buildings and grounds:					
Structural mechanical care	3,748,000	869,000	[4] 844,500	[4] 844,500	844,500
Furniture and furnishings	90,000	229,000	225,000	225,000	225,000
Total, Architect of the Capitol	19,750,600	18,492,000	16,017,500	18,290,000	18,252,500
BOTANIC GARDEN					
Salaries and expenses	489,000	456,000	[4] 452,000	[4] 452,000	452,000
LIBRARY OF CONGRESS					
Salaries and expenses	8,455,000	[7] 9,988,100	[4] 8,930,000	[6] 9,906,350	9,810,430
Copyright Office, salaries and expenses	1,600,000	1,619,700	1,619,700	1,619,700	1,619,700
Legislative Reference Service, salaries and expenses	1,809,200	1,876,800	1,870,000	1,870,000	1,870,000
Distribution of catalog cards, salaries and expenses	2,347,000	[3] 2,700,700	[3] 2,700,700	[3] 2,700,700	2,700,700
Books for the general collection	470,000	605,000	570,000	570,000	570,000
Books for the law library	90,000	110,000	110,000	110,000	110,000
Books for the blind, salaries and expenses	1,786,100	1,884,700	1,884,700	1,884,700	1,884,700
Organizing and microfilming the papers of the President, salaries and expenses	112,800	112,800	112,800	112,800	112,800
Preservation of early American motion pictures	60,600	60,600	60,600	60,600	60,600
Revision of Annotated Constitution	25,000				
Collection and distribution of Library materials (special foreign currency program)	[5] 400,000	[5] 770,000	[5] 678,000	[5] 758,000	[5] 678,000
Indexing and microfilming the Russian Orthodox Greek Catholic Church records in Alaska		15,000	15,000	15,000	15,000
Total, Library of Congress	17,155,700	19,743,400	18,551,500	19,607,850	19,431,930
GOVERNMENT PRINTING OFFICE					
Printing and binding	13,400,000	15,200,000	15,200,000	15,200,000	15,200,000
Office of Superintendent of Documents, salaries and expenses	4,724,000	4,683,600	4,683,600	4,683,600	4,683,600
Acquisition of site and construction of annex		6,450,000	6,450,000	6,450,000	6,450,000
Total, Government Printing Office	18,124,000	26,333,600	26,333,600	26,333,600	26,333,600
Grand total	136,360,065	146,913,210	113,733,890	146,690,690	146,477,270

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[1] Includes items in 2d Supplemental, 1962.

[2] As amended in H. Doc. 370.

[3] As amended in H. Doc. 366.

[4] In addition, reappropriation.

[5] Of which the following amounts are to purchase currencies already owned by the Treasury: Appropriation, 1962, $363,500; budget for 1963, $610,000; Conference bill, $630,000.

[6] As amended in S. Doc. 89.

[7] As amended in S. Doc. 99.

Mr. STENNIS. Madam President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. STENNIS. I commend the Senator from Rhode Island and the committee for the very fine way in which they considered and handled the matter of the restoration of the old Senate Chamber. Funds are not carried forward in the bill, but they have been carefully considered and carried forward without prejudice for further consideration under a plan to consider other matters.

Mr. PASTORE. Madam President, I ask unanimous consent that the part of the conference report under the title "Architect of the Capitol," which refers to amendment No. 37, on page 2 of the conference report, including the first paragraph on page 3 of said report, be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> ### ARCHITECT OF THE CAPITOL
>
> Amendment No. 37.—Strikes from the bill the $37,500 proposed by the Senate for preparing working drawings, specifications, and estimates of cost for restoration of the old Senate Chamber and the old Supreme Court Chamber in the Capitol Building substantially to their conditions in 1859 and 1860, respectively.
>
> This action has been taken without any prejudice to future consideration of the proposal. There are those in the Congress who feel the project is desirable, but it is one that should be first processed through regular legislative channels. Under the law, changes in architectural features of the building require prior legislative approval. An authorization in advance of appropriation is the prescribed procedure.
>
> Moreover, with rebuilding and reinforcement of the supporting structure under the east side of the central dome, it has been indicated that, for engineering and structural reasons, it may, in the not so distant future, be necessary to rebuild the west central side to compensate and to replace the deteriorating structural features. This would at least open to logical consideration the whole question of the west central area and the conferees think this is an added reason for deferral of the instant proposition.

U.S. POLICY WITH RESPECT TO CUBA

Under the order previously entered, the Senate proceeded to consider the joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba.

Mr. HUMPHREY. Madam President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is Senate Joint Resolution 230.

Mr. HUMPHREY. Madam President, I now ask unanimous consent that discussion on Senate Joint Resolution 230 be limited to 3 hours. I have discussed this subject with the minority leader. We have likewise discussed the limitation with Senators keenly interested in the joint resolution. The time will be under the control of either the majority leader or the minority leader, whoever may be present at the time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Madam President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Madam President, I suggest that the distinguished acting chairman of the Committee on Foreign Relations be in charge of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Madam President, I yield myself 10 minutes, under the time limitation.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. SPARKMAN. Madam President, the Committee on Foreign Relations and the Committee on Armed Services have unanimously reported to the Senate a joint resolution which, in my judgment, clearly and forcefully expresses the determination of the American people to defeat the designs of Communist aggression in the Western Hemisphere and to do so by means that are consistent with traditional American policies including the Monroe Doctrine, with the national security requirements of the United States, and with our obligations under the Rio Treaty of 1947.

Senate Joint Resolution 230 expresses the determination of the United States; first, to prevent the Cuban Communist regime, by whatever means may be necessary, including the use of arms, from engaging in aggression or subversion in any part of this hemisphere; second, to prevent the creation in Cuba of an externally supported military capability endangering the security of the United States; and third, to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

This resolution is designed to strengthen the hand of the President in his stated determination to take whatever action may be necessary to protect the security of the United States and its allies. The resolution is entirely consistent with President Kennedy's statement of September 13, when he said:

> If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities in Cape Canaveral—or the lives of American citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

This resolution must be considered within the broad context of our worldwide struggle against Communist imperialism and our long-term relations with Latin America. Our relations with Latin America have been altered by two great historical changes since the end of World War II.

The first of these has been the emergence of the United States from isolationism and its acquisition of worldwide responsibilities beyond the limits of the Western Hemisphere. This change has greatly altered the conditions governing our implementation of the Monroe Doctrine, which was based in part on the assumption that the nations of the Western Hemisphere would remain uninvolved in the conflicts of Europe. We are now deeply involved in these conflicts and, as a result, their impact is felt in our own hemisphere as well as in the outside world. The core of the Monroe Doctrine—its determination to defend the Western Hemisphere against extracontinental aggression and imperialism—remains a valid and vital principle of our foreign policy. But in discharging our obligations under the Monroe Doctrine, we must act with full regard for the fact that the problem of Cuba and of Communist designs in the Western Hemisphere is not an isolated one but part of our worldwide struggle against Communist imperialism.

The second great change in our relations with Latin America since the end of World War II has been the emergence of Latin America into the mainstream of world history, its awakening to the great forces—communism, democracy, and nationalism—which have aroused all of the peoples of the non-European world. Latin America, in short, has been drawn into the worldwide social revolution against economic deprivation and political humiliation. The tragedy of Cuba is that the aspirations of its people for freedom and a better life have been betrayed by a demagog whose appetite for power has brought his country to its present status as a chattel of Communist imperialism.

Under these conditions the basic aims of the United States in Latin America as expressed in the Monroe Doctrine can best be realized by combining measures of collective security whenever possible—unilateral action when necessary—with policies designed to help the peoples of Latin America achieve the aims of their social revolution under free institutions. If the Alliance for Progress succeeds, it will give this hemisphere not only the social and economic justice that its peoples demand but also the fullest possible measure of security against Communist imperialism.

Because I believe that Senate Joint Resolution 230 is entirely consistent with these realities of our Latin American relations as well as with our obligations as a member of the Organization of American States and the United Nations, I commend its adoption to the Senate.

Mr. CHAVEZ rose.

Mr. SPARKMAN. Madam President, I yield to the Senator from New Mexico.

Mr. CHAVEZ. I am in favor of everything the Senator from Alabama has said, but how can we justify saying we object to the Russians being in Cuba when we have a base within 60 miles of the Russian border, in Turkey? I have been at our airbase in Turkey, 60 miles from Russia. How can we justify that and at the same time object to the Russians being in Cuba? I wish the Senator would answer.

Mr. SPARKMAN. That question has been raised a good many times. Our answer is that we are in positions near the Russian borders purely for the purpose of protecting our own national security in conjunction with our allies. We have the base in Turkey, for example, at the request of the Turkish Government. We certainly have no aggressive purpose in being there. We are not trying to subvert the Turkish Government or to install our system of government there. We are working with the Turkish Government, at its invitation and on a defensive basis, not on an offensive basis.

Mr. CHAVEZ. In my opinion, the Committee on Foreign Relations, is mistaken in respect to the people of Latin America. There are not many Communists in Latin America. They are few, but noisy—very noisy. Latin America could not be made a Communist area. It could not be done. The people are not of that mind philosophically, by national origin, or otherwise. They are for this country.

Mr. President, what worries me is that some people in the United States brag about being anti-Communist. What we do in Europe, of course, might be necessary, and I am for it. Nevertheless, it gives the people as a whole time to think.

Mr. SPARKMAN. The Senator has made a very thoughtful suggestion. I wish to emphasize a point he has made, because I think he is right. The Latin American is not by nature a Communist. And he is not likely to be, provided he can be free, independent, and enjoy the reasonable comforts that a person is entitled to in life. I think the Senator is correct.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a very brief statement?

The PRESIDING OFFICER. The 10 minutes which the Senator from Alabama allotted to himself have expired.

Mr. SPARKMAN. Madam President, I yield myself an additional 5 minutes. I had promised the Senator from Washington [Mr. JACKSON] that I would yield to him for a question.

Mr. JACKSON. Madam President, I should like to endeavor to make the legislative history of Senate Joint Resolution 230 as clear as possible by asking the distinguished Senator in charge of the pending joint resolution whether or not the proposal is limited to Cuba.

Mr. SPARKMAN. In answer to the question propounded by the Senator from Washington, I point out that he is correct. The Senator will note that the title itself states—

> Expressing the determination of the United States with respect to the situation in Cuba.

Some Senators felt that we ought to have made the resolution more widespread than that. But we were dealing with the Cuban situation.

Mr. JACKSON. The fact that we are not resolving in the joint resolution questions with reference to other areas in Central and South America is not to be taken as an assumption that we are not concerned with the threat to all areas of the Western Hemisphere. Is that correct?

Mr. SPARKMAN. The Senator is correct. I believe the manner in which we have incorporated the Monroe Doctrine in the joint resolution can be taken to indicate our interest in all the Western Hemisphere, because the Monroe Doctrine certainly covers the entire Western Hemisphere.

Mr. JACKSON. I am happy that the Senator has made that point. The fact that we are legislating with reference to Cuba is not to be taken by implication to mean that we are not concerned with the threat to the other countries in the Western Hemisphere by any power anywhere in the world. Is that not correct?

Mr. SPARKMAN. The Senator is absolutely correct.

Mr. JACKSON. Historically, the Monroe Doctrine has been thought to apply only to threats from European countries, but many of us feel that what we are concerned about is the security and integrity of the Western Hemisphere.

Mr. SPARKMAN. Yes. I point out that we have not only the Monroe Doctrine, but also we have bolstering that doctrine the Rio Treaty and the Punta del Este Treaty, all of which amount to a closer tying together of the nations of the Western Hemisphere within the framework or in recognition of the Monroe Doctrine.

Mr. JACKSON. I merely wish to make certain that all powers anywhere in the world that attempt to threaten the security and the integrity of any part or all parts of the Western Hemisphere are not able to assume that because we are dealing in this resolution with a specific current situation in Cuba, by implication there would be afforded to them a license to move in.

Mr. SPARKMAN. The Senator is absolutely correct.

Mr. JACKSON. On the contrary, the Monroe Doctrine, the Rio Treaty of 1947, and the Punta del Este meeting in January 1962, are all applicable, including the right of the United States to take whatever unilateral action it may find necessary at any time to provide for our own security, should that situation arise.

Mr. SPARKMAN. The Senator is correct. I made that statement in the concluding paragraph of my statement.

Mr. CASE. Madam President, will the Senator yield?

Mr. SPARKMAN. I understand that the Senator from New Jersey wishes to ask a question along the same line.

Mr. CASE. Yes. I thank the Senator. In summary, the joint resolution is not intended to be a limitation upon our own rights as a nation or upon our freedom of action in pursuance of our traditional position.

Mr. SPARKMAN. Not at all. I regard it as a reaffirmation.

Mr. CHAVEZ. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I wish to state a little history about Latin America. Simon Bolivar, of Venezuela, was the one who made Latin America independent. He had observed what had been done in relation to the thirteen Colonies in the United States, and he wanted to create that kind of union in South America. Instead of 20 countries, he wanted one solid independent country. However, others including England, wanted Latin America divided, for being divided, it could be conquered.

Mr. SPARKMAN. Madam President, I appreciate the remarks of the Senator from New Mexico.

I have agreed to yield briefly to the Senator from New Mexico [Mr. ANDERSON].

RELIEF FOR CERTAIN RESIDENTIAL OCCUPANTS OF UNPATENTED MINING CLAIMS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior may convey to any occupant of an unpatented mining claim which is determined by the Secretary to be invalid an area within the claim of not more than (a) five acres or (b) the acreage actually occupied by him, whichever is less. The Secretary may make a like conveyance to any occupant of an unpatented mining claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes to the United States all right in and to such claim which he may have under the mining laws or who, within two years prior to the date of this Act, relinquished such rights to the United States or had his unpatented mining claim invalidated. Any conveyance authorized by this section, however, shall be made only to a qualified applicant, as that term is defined in section 2 of this Act, who applies therefor within three years from the date of this Act and upon payment of the amount established pursuant to section 5 of this Act.

As used in this section, the term "qualified officer of the United States" means the Secretary of the Interior or an employee of the Department of the Interior so designated by him: *Provided,* That the Secretary of the Interior may delegate his authority to designate qualified officers to the head of any other department or agency of the United States with respect to lands within the administrative jurisdiction of that department or agency.

SEC. 2. For the purposes of this Act a qualified applicant is a seasonal or year-round residential occupant-owner, as of January 10, 1962, of land now or formerly in an unpatented mining claim upon which valuable improvements had been placed.

SEC. 3. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make conveyances under section 1 of this Act, only with the consent of the head of that governmental unit and under such terms and conditions as that unit may deem necessary.

Sec. 4. Where the Secretary of the Interior determines that a disposition under section 1 of this Act is not in the public interest or the consent required by section 3 of this Act is not given, the applicant, after arrangements satisfactory to the Secretary of the Interior are made for the termination of his occupancy and for settlement of any liability for unauthorized use, will be granted by the Secretary, under such rules and regulations for procedure as the Secretary may prescribe, a preference right to purchase any other tract of land, five acres or less in area, from those tracts made available for sale under this Act by the Secretary of the Interior, from the unappropriated and unreserved lands and those lands subject to classification under section 7 of the Taylor Grazing Act, upon the payment of the amount determined under section 5 of this Act. Said preference right must be exercised within two years from and after the date of its grant.

Sec. 5. The Secretary of the Interior prior to any conveyance under this Act shall determine the fair market value of the lands involved (exclusive of any improvements placed thereon by the applicant or by his predecessors in interest) or interests in lands as of the date of this Act.

Sec. 6. The execution of a conveyance authorized by section 1 of this Act shall not relieve any occupant of the land conveyed of any liability, existing on the date of said conveyance, to the United States for unauthorized use of the conveyed lands or interests in lands. Relief under this section shall be limited to those persons who have filed applications for conveyances pursuant to this Act within three years from the enactment of this Act. Except where a mining claim was located at a time when the land included therein was withdrawn from or otherwise not subject to such location, or where a mining claim was located after July 23, 1955, no trespass charges shall be sought or collected by the United States based upon occupancy of such mining claim, whether residential or otherwise, for any period preceding the final administrative determination of the invalidity of the mining claim by the Secretary of the Interior or the voluntary relinquishment of the mining claim, whichever occurs earlier. Nothing in this Act shall be construed as creating any liability for trespass to the United States which would not exist in the absence of this Act.

Sec. 7. (a) In any conveyance under this Act there shall be reserved to the United States (1) all minerals and (2) the right of the United States, its lessees, permittees, and licensees to enter upon the land and to prospect for, drill for, mine, treat, store, transport, and remove leasable minerals and mineral materials and to use so much of the surface and subsurface of such lands as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing such minerals and mineral materials on or from other lands.

(b) The leasable minerals and mineral materials so reserved shall be subject to disposal by the United States in accordance with the provisions of the applicable laws in force at the time of such disposal.

(c) Subject to valid existing rights, upon issuance of a patent or other instrument of conveyance under this Act, the locatable minerals reserved by this section shall be withdrawn from all forms of appropriation under the mining laws.

(d) Nothing in this section shall be construed to preclude a grantee, holding any lands conveyed under this Act, from granting to any person or firm the right to prospect or explore for any class of minerals for which mining locations may be made under the United States mining laws on such terms and conditions as may be agreed upon by said grantee and the prospector, but no mining location shall be made thereon so long as the withdrawal directed by this Act is in effect.

(e) A fee owner of the surface of any lands conveyed under this Act may at any time make application to purchase, and the Secretary of the Interior shall sell to such owner, the interests of the United States in any and all locatable minerals within the boundaries of the lands owned by such owner, which lands were patented or otherwise conveyed under this Act with a reservation of such minerals to the United States. All sales of such interests shall be made expressly subject to valid existing rights. Before any such sale is consummated, the surface owner shall pay to the Secretary of the Interior the sum of the fair market value of the interests sold, and the cost of appraisal thereof, but in no event less than the sum of $50 per sale and the cost of appraisal of the locatable mineral interests. The Secretary of the Interior shall issue thereupon such instruments of conveyance as he deems appropriate.

Sec. 8. Rights and privileges under this Act shall not be assignable, but may pass through devise or descent.

Mr. ANDERSON. Madam President, I move that the Senate disagree with the amendment of the House of Representatives, and ask for a conference with the House on the disagreeing votes of the 2 Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Bible, Mr. Church, Mr. Jackson, Mr. Kuchel, and Mr. Allott conferees on the part of the Senate at the conference.

U.S. POLICY WITH RESPECT TO CUBA

The Senate resumed the consideration of the joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPARKMAN. Madam President, I yield myself an additional 5 minutes.

In conclusion, I am sure every Senator knows that the two committees met jointly, held extensive hearings on Monday, and then worked quietly on Tuesday in an effort to agree upon the wording, without a formal committee meeting. On Wednesday we met again for the purpose of having the committees agree on the wording. One might think that it would be a very difficult task to get two committees with a total membership of 33 together on that subject.

However, we arrived at an adjustment yesterday morning without too much difficulty. It was unanimous. Every member of both committees voted for the wording of the resolution. The meetings were presided over by the very able veteran Senator from Georgia [Mr. Russell], chairman of the Armed Services Committee. I mean veteran in point of service, not in age, because he is eternally young.

Mr. RUSSELL. I particularly thank the Senator for the latter remark.

Mr. SPARKMAN. Of course he did the only type of job that we could have expected of him, a superb job. I wish to add that this morning the House Foreign Affairs Committee agreed by unanimous vote on the identical wording of the resolution that has been reported by our two committees.

Therefore, Madam President, before concluding these brief remarks, I express the hope that Members of the Senate, who, of course, have complete freedom in offering amendments to this resolution, will bear in mind that the resolution now before us is the product of most careful consideration by members of two committees of the Senate, the House Foreign Affairs Committee, and the executive branch. Obviously, not every member of the joint committee was fully satisfied with every phrase and every word in the pending resolution. A number of changes were suggested and some of them adopted during our consideration of this resolution. I would suggest that Members who may wish to propose amendments to the pending resolution examine the executive session record of the joint committee before submitting amendments. I am sure that such examination will reveal reasons which will commend to Members the resolution in the form in which it has been reported. The executive session transcript is available in the Foreign Relations Committee room or it will be brought to the floor of the Senate for examination by individual Members if they desire that be done.

Let me say that Secretary of State Rusk and Deputy Assistant Secretary of Defense Bundy were most candid and forthcoming in their testimony. The hearings which are before every Member of the Senate have been edited to delete security information. However, the unedited version is available for consultation.

Finally, Madam President, let me emphasize that this is one of those rare occasions in the Senate of the United States when it is more important that the Senate speak with a united voice than that we appear disunited as a consequence of unnecessarily perfecting amendments whose purpose may be to clarify concepts in the minds of a few Members of the Senate. I urge, therefore, that Members who may have questions regarding the meaning of particular language in this resolution, or doubts about whether it goes too far or not far enough, resolve their doubts in favor of helping this Nation speak with one voice on the critical situation in Cuba.

Madam President, I now yield to the Senator from Florida.

Mr. SMATHERS. Madam President, first, I rise to congratulate the members of the Armed Services Committee and the Foreign Relations Committee for bringing to the floor of the Senate this very excellent resolution. I completely agree with the able Senator from Alabama that in this field it is most important that we speak with one voice. The committees have rendered a signal service.

We all recognize that the final decision is left to the President of the United States by the Constitution. It is a most difficult decision for him to make. It is not easy, no matter how we look at it. I am certain, however, that he will be comforted in the knowledge that Congress supports him in any strong and firm action which he might determine needs to be taken, first, to protect the national interest of the United States and, second, to get rid of communism in Cuba.

I have previously discussed and thought about offering two resolutions. I have decided not to bring them up at this time, as I previously stated to the committee. The resolutions which I have submitted are more specific in nature, but they fall within the context of the overall pending resolution.

Rather than complicate the pending resolution, and bring about debate, which might create the impression that we are divided with respect to the steps that ought to be taken, I will withhold pressing my resolutions at this time. However, I expect to press them before the Foreign Relations Committee at a later date.

I am very happy that the committees have seen fit to add the last paragraph to the resolution, which makes mention of the Organization of American States.

I supplement what has previously been said by saying that in the very basic document which formed the Organization of American States, about 1948, this kind of strong action was called for in dealing with outside influences.

Prior to that there was the Rio pact. Subsequent to that there was the Act of Bogotá. Subsequent to that, in 1954, there was the strongest statement yet made, at Caracas. After that, an additional statement was made at Costa Rica, in 1960. Then, of course, there were the findings at Punta del Este, in 1961.

Each of these documents states clearly that it is the duty of the nations of the Western Hemisphere to band together in action to stop any outside power from coming in and exercising its influence contrary to the principles of democracy as we understand them in the Western Hemisphere.

I believe we are about to take the logical first step. It is my hope, possibly after the meeting that has been called for by Secretary Rusk of the foreign ministers of the Western Hemisphere nations—who actually only advise, and do not have much authority—that the President of the United States himself will consider, probably later this year or early next year—and the sooner the better—calling a meeting of the heads of state of the countries of the Western Hemisphere, where there could be outlined the inroads which have been made by the Communists in Cuba, and the danger to the whole hemisphere of having the Communists in Cuba. I believe that needs to be done to preserve the meaning and worth of the Organization of American States.

In conclusion, I again congratulate the able Senator from Alabama [Mr. Sparkman], the Senator from Georgia [Mr. Russell], the minority leader [Mr. Dirksen], the Senator from Massachusetts [Mr. Saltonstall], and other Senators who have brought this meaningful resolution to the Senate. I am certain that it will at least imply to the President of the United States that the Members of Congress want him to take affirmative and strong action in this field. I am certain he will be so encouraged, and I believe also that he will be comforted in the decisions which he must subsequently make.

Mr. SPARKMAN. I thank the Senator from Florida. I commend him, because I know the great interest he has shown in this field. Incidentally, if Senators have not already noted it, the appendix of the hearings contains the documents of the several conferences mentioned by the Senator from Florida.

Madam President, I yield such time to the Senator from Massachusetts [Mr. Saltonstall] as he may need.

Mr. SALTONSTALL. Madam President, I shall be very brief. First, I commend the Senator from Alabama, the acting chairman of the Committee on Foreign Relations, and my own chairman of the Committee on Armed Services, the Senator from Georgia [Mr. Russell], on the manner in which they conducted the hearings, and especially on the manner in which they drafted the pending resolution, which I trust will be unanimously adopted without any amendments. I believe it is essential to do so, because the House has followed our language, and we want to be united, and not have any question as to further interpretation.

As I see it, the resolution supports three general principles. The main purpose of the resolution is to indicate to the world, more specifically and more directly to the Communist governments in Cuba and Moscow, that the people of the United States are actively supporting the President of the United States in whatever action he deems it necessary to take to prevent any action by the Castro regime in Cuba which would threaten the security of the United States or of any of the other countries of Latin America.

The second point is the support of the principle of the Monroe Doctrine.

We realize that the world has undergone great changes in the past 10 years. As I see it, the resolution is in support of the principle of the Monroe Doctrine; but today we also have other agreements, which the Senator from Alabama [Mr. Sparkman] and the Senator from Florida [Mr. Smathers] have just mentioned, agreements which tie us together in certain ways with the countries of Latin America and South America. We are a member of the Organization of American States, and we have been a party to additional meetings which have taken place and treaties which have been entered into by countries of the Americas. That means that in carrying out the principle of the Monroe Doctrine, we must discuss hemispheric questions with our friends and neighbors in the other countries to obtain their support where and how we can.

But we should always remember that the resolution supports the principle that we intend to take any unilateral action which may be necessary to our own security. That is fundamental. That is made clear in the joint resolution.

The joint resolution also states that it is our purpose to prevent any further development, by external support, of military force in Cuba which would threaten not only the United States itself, but also the other American nations. We have made it clear that we will work with them in accordance with the general principles of the Monroe Doctrine, but that we will take whatever unilateral action we believe is essential if we cannot obtain their cooperation when our own security is endangered.

Finally, the joint resolution supports the principle of self-determination for the Cuban people. We intend to help our Cuban friends in their aspirations to again have a free Cuba.

Overall it is a clear, strong statement that we will do everything we can to prevent Communist infiltration into the Western Hemisphere, and that is the only interpretation which can be given the resolution.

I am glad the resolution expresses "the determination of the United States" rather than the "sense of Congress" or any other language, because this means that we, as representatives of the people of the United States, are interpreting their will to be in support of the President, and the President is interpreting the will of the people in whatever action he may take.

I thank the Senator from Alabama for the opportunity to make this statement.

Mr. SPARKMAN. I thank the distinguished Senator from Massachusetts.

Madam President, I now yield 12 minutes to the Senator from Utah.

Mr. MOSS. Madam President, I, too, express appreciation and gratitude to the acting chairman of the Committee on Foreign Relations, the chairman of the Committee on Armed Services, and all other members of those two committees who have prepared and drafted the resolution which is before the Senate today.

I concur in what has been said earlier about the need for unity of purpose at this time. I hope this body will act as with a single voice in approving the joint resolution.

Madam President, America's firm insistence on democracy and freedom for the countries of the Western Hemisphere is hallowed by both time and tradition. It is as deep as the wellsprings of our own free Government, and as sacred to us.

In 1823, we enunciated the Monroe Doctrine, a unilateral statement that the United States would consider any attempt of an extrahemispheric power to extend its system to any portion of this hemisphere dangerous to the peace and safety of the United States. This doctrine is still applicable, and we have consistently, and with resolution, opposed any aggressive influence in this hemisphere on the part of any government from the other hemisphere.

Our policy toward the Castro regime and Soviet Communist influence in Cuba is completely in line with our traditional policy. Our policy is to rid the hemisphere of the Castro regime and the Soviet influence, and to permit the people of Cuba to choose freely the type of government they want.

Our policy, furthermore, is to prevent the Castro regime from exporting its aggressive purposes by force or the threat of force to any other part of the hemisphere. We will do this by taking whatever action is necessary. The United States, in conjunction with the other countries of the hemisphere, will make sure that the increased Soviet military aid to Cuba, while a burden to the Cuban people, will be nothing more than that.

The recent Soviet shipments to Cuba of arms and technicians indicate a significant increase in the Soviet involvement in Cuba. This situation has created a noisy cry from a number of sources for immediate military intervention to remove this spot of Communist influence in the Western Hemisphere. This sounds simple but its implications are enormous.

President Kennedy has assured us that this country pretty well knows what is going on inside Cuba. We have the island under full surveillance. We are following every ship that is coming to, and going from, the island, and we have a close watch on what those ships are loading and unloading. We have every reason to believe that we are completely informed on the location of missile sites and we know the kind of missiles that the Cubans have. We know of the deployment of aircraft, tanks, and artillery. This outside military aid will increase the defense capacity of the regime and the effectiveness of the Cuban military force for possible internal use, but there is no evidence of any organized outside combat force in Cuba from any Soviet bloc country. There is no evidence of any significant offensive capability including offensive ground-to-ground missiles of sufficient range to reach our shores either in Cuban hands or under Soviet direction and guidance.

There is little doubt that if we directed our superior military force at Cuba right now, we could smash the island and take it over. It would not be too hard for a giant like America to knock over a small country like Cuba, which is about as large as one of our middle-sized States. We would lose some fine American boys, and some equipment, but we could do it.

But to move now without evidence of actual or planned aggression outside Cuba might be a victory won at a prohibitive cost. Action that the peoples of the world might view as naked aggression on our part might cost us both our moral and intellectual leadership of the world. Never has it been more necessary, and perhaps more difficult, to practice restraint and judgment in this world community. By rash and headlong action we well might destroy the beginnings of a world order under law which is slowly and painfully emerging at the United Nations.

America today stands as a symbol to all people because of our devotion to justice, and liberty, and to self-determination for all. Our Declaration of Independence and the writings of Thomas Jefferson are the foundation stones of our Republic and our political freedom. We have built on them by our idealistic participation in World War I, under Woodrow Wilson, to keep the world safe for democracy, and in World War II, under Franklin D. Roosevelt, to preserve the freedom of men all around the globe. There was never a more eloquent expression of the basic rights of man than the four freedoms of Franklin Roosevelt and Winston Churchill, nor of the goals for peace of the United Nations which this Nation nurtured and blessed.

We might forfeit our moral leadership of the world with one shot into Cuba—with one missile aimed at Castro's troops or one bomb dropped into the crowded streets of Havana. We could wipe away with one salvo all of the good work of our Peace Corps, all of the dedicated services of our missionaries, all of the accomplishments of our engineers and doctors and other professional people who have struggled to better the living conditions of people around the globe who are less fortunate than ourselves.

It is not worth it. I believe that we cannot revert to the ways of the savage. We cannot brand ourselves as ruthless terrorists such as the Red army in Hungary and East Germany. The hopes and strivings of people everywhere under the Communist yoke or Communist threat would be betrayed and crushed if we lost our nerve and lashed out now in blind rage with crushing military power at Castro and his miserable regime. I believe that we are following a reasonable course now, and we must continue. We must be vigilant and we must be firm. We must make it clear that we mean business. If we find tangible evidence that the Cuban buildup is to be used for offensive action against others we must move. But we must handle this Cuban threat in a manner consistent with our position of world leadership, moral and intellectual as well as economic and political, which entitles us to the allegiance of the free nations and people of the world. A livable world must be built on law. It never can be erected on militarily imposed dominance.

Mr. SPARKMAN. Madam President, I am very sorry that in the printing of the report on the resolution, in the enumeration of the various resolutions before the committees, Senate Resolution 396, submitted by the Senator from Pennsylvania [Mr. SCOTT] was not included. It is an understandable mistake, because the resolution was submitted the day before yesterday to be printed and was not available yesterday. We did not have notice that it had been submitted until after the report had been sent to the Printing Office.

However, the Senator from Pennsylvania presented a mimeographed statement to the committees, and his proposals were carefully considered in connection with the entire subject before the committees.

Madam President, I ask unanimous consent that at any future printings of the report, Senate Resolution 396, submitted by the Senator from Pennsylvania may be listed with the others.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Madam President, I yield 5 minutes to the Senator from Pennsylvania [Mr. SCOTT].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Madam President, first, I wish to say that the distinguished Senator from Alabama [Mr. SPARKMAN] is, as always, most thoughtful and courteous, and I appreciate very much his action in mentioning my resolution and in obtaining consent to have it incorporated as part of the permanent record in connection with future printings of the report. As he said, it was referred to the two committees, and I am very glad to have it become a part of the legislative history.

Madam President, I think the joint resolution as reported, taken all in all, is about as good as could be obtained in order to secure the unanimous agreement of the 34 members of the two committees and in order to secure unanimous approval—if that can be done—of the joint resolution by the Senate.

It is a fact that my measure sought to go further, as did the measures submitted by the Senator from Vermont [Mr. PROUTY], the Senator from Iowa [Mr. MILLER], the Senator from Connecticut [Mr. BUSH] and, I believe, the measure submitted by the Senator from New York [Mr. JAVITS], as well as the measures submitted by other Senators. But the pending joint resolution goes a considerable distance in making clear the determination of the Congress of the United States that certain metes and bounds have been established, and that we will not permit an enemy or a hostile ideology to proceed beyond them. I think it is good that this measure is a joint resolution—which is in the form of the proposal I submitted in the beginning—because a joint resolution has the effect of combining action by the Congress and action by the President.

I am also glad that no date has been included for the removal of this Communist menace from this hemisphere, because no date should be specified in a joint resolution pertaining to our foreign policy.

I am also glad that this measure is not in the form of a treaty, which would require action by two or more nations. Some persons who write to me do not understand that, even above and beyond the Monroe Doctrine itself, the right of self-defense is an inherent right of any nation, and exists in any case, regardless of whether other nations may decide to confirm it. Thus it is, Madam President, that a treaty would not be appropriate in this case.

I am also glad that the joint resolution does not specifically name the forms of agression which would warrant the taking of action by the United States. Subsection (b) merely provides—

> (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

That certainly is much broader than to limit it to the Panama Canal or to certain other things.

In my opinion, there is still the hope that this joint resolution will be regarded as a crystal-clear warning of the fact that the United States recognizes, if not a clear and present danger—although personally I think such exists—

at least an evident intent on the part of Communist Russia and Communist Cuba to move, unless halted, toward a situation in which this clear and present danger could not even be denied by those who now deny it.

I have not altered my own views, as presented in Senate Resolution 396; but I consider it my responsibility as a Senator to recognize the sincere work which has been done on the joint resolution. The work of these 34 Senators should be, and I believe is, a better solution than merely the adoption of the disparate views of individual Senators.

The **PRESIDING OFFICER.** The 5 minutes yielded to the Senator from Pennsylvania have expired.

Mr. **SCOTT.** May I have 1 additional minute?

Mr. **DIRKSEN.** Madam President, I yield 1 additional minute to the Senator from Pennsylvania.

The **PRESIDING OFFICER.** The Senator from Pennsylvania is recognized for 1 more minute.

Mr. **SCOTT.** Madam President, in referring to the unassailable rights of the United States, as referred to in the committee report, the point is strongly made about our right of self-defense and our right in that connection to use the Armed Forces. I am glad that reference is included.

As I have said, I strongly support the joint resolution. I reject the hysterical accusations of certain persons, one of whom I regard as the den mother of the invertebrates, who attempted to prevent debate or to gag debate on this matter. It is far better that we debate it and that our views be made clear, and that the Governments of Soviet Russia and Cuba be made aware of the fact that there exists in the Congress of the United States and among the people of the United States a strong body of opinion that we are prepared under proper circumstances to defend the United States at all costs. I think the time is coming when we shall have to do so, Madam President. I hope we shall be strong enough in our determination to do it early enough, so that the cost—if it must be met—can be minimized.

Mr. **STENNIS.** Madam President——

Mr. **SPARKMAN.** Madam President, I yield to the Senator from Mississippi such time as he may desire.

Mr. **STENNIS.** I thank the Senator from Alabama.

The **PRESIDING OFFICER.** The Senator from Mississippi is recognized.

Mr. **STENNIS.** Madam President, under the circumstances I shall take only 1 minute, and I shall use it principally in high commendation, as well as in expressions of appreciation, of the excellent work done by the Senator from Alabama [Mr. SPARKMAN], the Senator from Georgia [Mr. RUSSELL], and other Senators, including the Senator from Iowa [Mr. MILLER], whom I see in the Chamber at this time, and many other Senators who contributed to the drafting of this very complicated measure in connection with a grave and far-reaching situation, which at times has resulted in conflicting thoughts. I think the result achieved is remarkable. I see in the Chamber at this time the Senator from Vermont [Mr. PROUTY], who made very forceful statements at the hearings, and very logically and in a fine manner presented a number of points. His remarks were brief, but, in my opinion, highly important.

The pending joint resolution has come with outstanding unanimity from these two committees. That fact demonstrates the fine unity of the country, and shows in a strong way the willingness of dedicated members of the two committees to yield, in part, their views, for the sake of a clear demonstration of united strength.

I think the joint resolution is far more valuable than the result which might be achieved by proceeding to consider a Pan American union or a NATO type of organization for this hemisphere, even though such action may be appropriate in the future.

I have been deeply concerned, and still am with the Cuban problem; and I have given a great deal of attention to it, particularly during the last year. I feel the Congress is really rising to very fine heights in getting together and bringing forth this joint resolution.

I am frank to say that I believe this problem will plague us for many years. But the joint resolution is clearly the beginning of a bedrock solution and a firm policy which will bring good fruit.

Again I commend Senators who worked so hard on this problem.

Mr. **HICKENLOOPER.** Madam President——

Mr. **DIRKSEN.** Madam President, I yield 5 minutes to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. **HICKENLOOPER.** Madam President, to me the joint resolution (S.J. Res. 230) represents a stimulating result of unified and concerted action of the Senate at a time when tensions are sometimes elevated and when emotions could, under certain circumstances, lead us into rather difficult declarations and statements.

Because I know the members of the Armed Services Committee and the members of the Foreign Relations Committee, I am not surprised, but I am pleased, at their consistent approach to this particularly difficult situation and the great degree of statesmanlike consideration they gave to it.

The task of drawing the line between what a legislative body should do by way of detailed instructions or a detailed outline of the conduct of foreign affairs and what the Executive should do is not very easy. Basically, the Executive has the responsibility for and is in charge of foreign policy operations. I think it is just as true in this case as in any other case. Because of the many unfortunate events that have occurred in the Caribbean and in Latin America which have caused dissatisfaction and concern on the part of the people, I think it is essential that we in this body and in the other body of Congress join speedily in a united declaration of our purpose and unity.

I think if anything at this particular moment could give warning to any foreign country that might have some adventurous plans in mind that the United States is unanimous in its determination that the canker of international communism cannot seriously threaten or invade this hemisphere, the joint resolution should be a long step in that direction. There is no dispute about the joint resolution. Democrats and Republicans are equally agreed about its force, connotation, and meaning.

Unfortunately, I think over the years we have seen our position vis-a-vis the whole Latin American complex deteriorate somewhat, depending on one's viewpoint. I am mindful of the fact—and I discussed this in the committee hearings—that there was a time in the early days of this century when we adopted the Platt amendment, which in effect declared that the United States reserved the right to go into Cuba whenever the United States was endangered or the liberty or freedom of the Cuban people was threatened. That was the Platt amendment. It was on the books a long time. That was our reserved right, and it was a method open to us if danger threatened in that area.

The Platt amendment might have been modified somewhat, but, unfortunately, in my view, it was completely abrogated in 1934. Something called the good neighbor policy came into effect, and I think our leadership and influence in Latin America have deteriorated ever since that time. It has been a rather loose association. While we have been good neighbors, are good neighbors, and will continue to be, there has been a sort of pulling apart of the cohesiveness which had existed for some time.

We have, of course, the Rio Treaty. We have various acts which affect Latin American solidarity, one way or another. The latest declaration by the American Republics was that issued at Punta del Este this spring. I happen to have had the privilege of participating in the conferences there.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **HICKENLOOPER.** May I have 3 more minutes?

Mr. **DIRKSEN.** I yield 2 more minutes to the Senator from Iowa.

Mr. **HICKENLOOPER.** I will settle for 2.

We also have the Monroe Doctrine, which may or may not be as strong as it once was. We have the inherent right of self-defense when our security is threatened. But I think the important thing about this joint resolution is that, without caviling or quibbling, without argument or dissension in any material or substantial way, the pending joint resolution is the product of a unanimous determination, not only of the members of the two committees that joined to write it, but of the two parties of this great country represented in Congress, the Democratic and the Republican Parties. If this joint resolution passes, it will express the feeling on the part of the Congress that we are fed up with a lot of nonsense that may go beyond nonsense if we do not act vigorously and seriously to meet the challenge.

I realize the great difficulty of a legislative body writing the details of a course of action which normally is and should be in the hands of and under the responsibility and direction of the Chief Executive. That is what is proposed here. By this joint resolution we say to the President, "We support you. We join in eliminating this menace. We declare to you that, in the last analysis, if we must act unilaterally, if the security of the United States is threatened, we will support you in that course, too."

In the joint resolution we have eliminated the question of whether or not the President or Congress shall declare war. We have avoided that point. There are various shades of view regarding that question. The joint resolution does not touch it. There is no argument with respect to it in the joint resolution, and we are united in our approach to the problem.

I think it is an excellent joint resolution. I hope it passes unanimously.

Mr. DIRKSEN. Madam President, I yield 20 minutes to the Senator from Vermont——

Mr. SPARKMAN. Madam President, I wonder if the Senator will allow me to yield 4 minutes to the Senator from South Carolina [Mr. THURMOND], because he has an appointment. I do not want to delay the Senator from Vermont [Mr. PROUTY].

Mr. DIRKSEN. Very well.

Mr. THURMOND. Madam President, it is my hope and belief that the Congress will unanimously pass S.J. Res. 230. The position set forth in this joint resolution contains a measure of the will and determination which the American people hold in this time of crisis.

It is also my hope that no one will misinterpret this joint resolution. It expresses the true sentiment of the Members of Congress and of the people of the country. The intention of the Congress in passing it is to protect the Nation's security. The intention of the Congress is not inspired by a desire to pacify the electorate; for in times of crisis Americans lay aside partisan motivations and stand firmly united.

Most of all, I hope that we in the Congress will not be deceived by our own action on this joint resolution. While this joint resolution expresses the will of the legislative branch of the U.S. Government, and when signed by the President will have the force and effect of law, neither this joint resolution or any other action of the Congress in and of itself can solve the problem created by the Communist expansionist movement in Cuba or elsewhere. To protect the security of the United States and the free world from Communist imperialism, words are not enough; resolute and consistent execution must follow.

This joint resolution, when passed and signed by the President, will firmly establish the policy position of the United States on this matter. Whether this position be viewed as a foreign policy or as a defense policy is immaterial, for it will have behind it the full authority of both the Congress and the President.

The establishment of a firm and clear policy position has not always meant that there would be firm execution of the policy. For instance, it is quite obvious that the Monroe Doctrine has not been enforced in the case of Cuba. It is always possible to find some excuse not to take affirmative action which a law or established policy demands, if those charged with the execution of the law or policy approach their responsibility with a spirit of unwillingness and timidity. It is imperative that both the Congress and the President take whatever steps are necessary to insure that once this joint resolution is passed and signed into law, it is executed faithfully and precisely and without any footdragging.

The proposed policy embodied in the words of this joint resolution is essential to our security. Not only should we pass it, but also our continuing responsibility requires that we insure that it does not perish from the all-too-common fatal disease of policy paralysis.

Mr. DIRKSEN. Madam President, I yield 15 minutes to the distinguished Senator from Vermont [Mr. PROUTY].

The PRESIDING OFFICER. The Senator from Vermont is recognized for 15 minutes.

NO PRINCIPLE TO LIGHT OUR WAY

Mr. PROUTY. Madam President, American foreign policy suffers because we have no Pole Star—no guiding principle which gives us direction and aim. With no principle to light our way, we stagger blindly into one crisis after another. Each is a part of the total scheme of things. Yet, tragic to say, each is dealt with as a disconnected problem independent of all others.

When will we learn that Cuba, Laos, Vietnam, and Berlin are part and parcel of the one grand design of the Soviet Union—world conquest? Have we not reached the critical hour when the United States must set its policy—not with respect to one island, not with respect to one hemisphere, but with respect to the world at large?

And, if a policy is to be established, let it be one which will show our firmness, our will, and our resolution.

Let it be one that will so mark our course that Mr. Khrushchev knows and the world knows what our intentions are and where we really stand.

We gave no proof of an iron will by giving the President authority to call up 150,000 Reserves when he already has authority to call up 1 million.

The Senate gives no show of fixed purpose now. It is making something more than a gesture, and it is taking something less than real action.

The pending business is simply a resolution of determination.

It is "only this and nothing more knocking at [our] Chamber door."

It says that the United States is determined to prevent the regime in Cuba from extending by force or threat of force its aggressive or subversive activities to any part of this hemisphere.

It says that the United States is determined to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

It does not say that the United States should act alone.

It does not say that the United States should act in concert with others.

In fact, it does not say that the United States should act at all.

There is not one single line in the resolution which gives the President authority to meet the Cuban threat.

There is not one single line in the resolution which acknowledges that the President has such authority.

In short, the resolution does not even face up to the Cuban problem.

It reminds me of the resolve from King Lear that goes:

> I will do such things * * * what they are
> I know not * * *
> But they shall be the wonders of the earth.

I am concerned about the growth of communism in this hemisphere whether it emanates through Cuba or directly from the Soviet Union.

The resolution says precious little about the former, and absolutely nothing about the latter.

Madam President, I am disturbed as well about the countless Communist inroads in every cranny of the globe.

With Congress on the brink of adjournment, shall we simply pretend to patch up one blemish when the whole face of the world is erupting?

Shall we remain silent about all these other troublesome areas in the vain hope that if we sit perfectly still, Khrushchev will not move again?

The trouble is, we have no general policy—the trouble is, we have no general resolve. For this reason, I introduced in the Senate a resolution which was laid before the Committees on Armed Services and Foreign Relations.

This resolution is founded on the notion that we must take great risks now or face greater ones later on and that the greatest risk of all would be to take no action at all.

My proposal would authorize the President to use the Armed Forces of the United States whenever and wherever he deems such action necessary in order to protect our security. It would also tell the world that those who cause aggression will be held equally responsible with those who commit it.

At the outset of these remarks I stated my sincere conviction that the hour is at hand when we must establish a policy not with respect to one island, not with respect to one hemisphere, but with respect to the world at large.

The pending resolution neither sets such a policy nor recommends it. Indeed, it falls so far short of containing what I think is best for the United States that I protest its every line.

I object to its every paragraph.

And I oppose it in its entirety.

I think it is very unfortunate that Senators have not had an opportunity to read the printed hearings which were just made available. If they could read the testimony which was taken on the pending resolution, I am sure they would understand why I am unable to support it.

The people of this Nation are ready to stand up for their aspirations, their heritage, and all the ideals that decent men cherish. It is my earnest hope that they and the world will not look upon the frailties of the pending resolution as a true measure of our resolve.

We have the purpose. We have the will. We have the spine. We have the ability to do far more for our own ends than we have been willing to profess to the world through this resolution.

Madam President, everything that I have tried to say today was said much better by Ethan Allen in a message to the Continental Congress more than 175 years ago:

> I wish to God, America would at this critical juncture exert herself. She might rise on eagles' wings, and mount to glory, freedom and immortal honor if she did now but know and exert her strength.

Madam President, I ask unanimous consent to insert in the Record the statement which I made before the Committee on Foreign Relations and the Committee on Armed Services relative to Senate Joint Resolution 230.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Hon. Winston L. Prouty, a U.S. Senator from the State of Vermont

Senator Prouty. Mr. Chairman, I appreciate the opportunity to appear before the joint committee on a question which is vital to the security of the United States.

I have no prepared statement, and I shall try to be as brief as possible in order that Secretary Rusk may be heard.

However, may I make it clear at the outset of my remarks that I appear not as a warhawk or warmonger but as one who sincerely believes this country must take a different course if it is to survive and prevail.

There are some of us in the Senate who genuinely feel that the Reserve callup resolution falls far short of the expression of firm will by Congress that is needed at this time. For acting in support of our beliefs, we have been labeled by some newspaper reporters in Washington as "warmongers."

These men, whose profession is founded on the bedrock of free speech and differences of opinion, are not willing to extend to others that same sincerity of motive they attribute to themselves.

This highly vocal segment of the press insisted that the resolutions we were proposing to add to the Reserve callup resolution were inspired completely by political reasons.

In addition, a Senator of the United States, speaking on the Senate floor, said much the same thing in language which was insulting, and to say the least, inaccurate. He questioned the motives of all of us who proposed amendments to the callup resolution.

Now I have been in politics long enough so that I think I am relatively insensitive to political barbs which may be hurled against me, but when my patriotism is impugned—when I am charged with playing politics with the destiny or the security of my country, I find there is kindled within me a deep fire of resentment which shall burn for a long, long time.

EXPLANATION OF PROUTY RESOLUTION

Now having said that, Mr. Chairman, I would like to proceed directly to the purpose behind my appearance here today.

I have placed before the Senate a resolution which represents the view I think we should take toward the world crisis. It may be a view shared by no other Senator. If this is true, so be it. I think that the times are so critical that each Senator ought to speak up about what he thinks is best for America. Tragic to say, the old test "What is good for the country" has become "What will the world ever think of us." To be loved by other nations is fine, but to be respected is more essential.

The heart and soul of my resolution, its foundation, its very vitals—is the notion that we must take great risks now or face even greater ones later on and that the greatest risk of all is to take no action at all.

I turn now to my resolution, to its purposes and its resolves.

First, it is stated that the purpose of the United States in its relations with all other nations is to develop and sustain a just and enduring peace for all.

Second, it is declared that the governments of some nations, and some areas not recognized as nations by the United States, are in fact dominated and controlled by other governments that are members of the international Communist movement.

Third, the resolution declares that an act of aggression committed by the government of any such dominated and controlled nation might gravely endanger the peace and security of the United States and the free world.

It is further declared that such an act of aggression should be recognized by the United States as the act of the dominating and controlling government and that in order to effectively protect the United States and its vital interests throughout the world, swift and decisive use of the Armed Forces of United States by the President may be necessary.

I doubt that any Senator present will seriously challenge the purposes in this resolution.

I turn now to the resolving portion of the resolution.

It is there stated that it is the resolve of Congress to protect the vital interests of the United States in any area of the world against acts of aggression committed by an unfriendly nation or by the government of any nation dominated and controlled by the international Communist movement.

It is further resolved that the President shall have authority to employ the Armed Forces of the United States as he deems necessary and shall have such other authority as he may require to protect the peace and security of the free world and the vital interests of the United States.

In short, Mr. Chairman, my resolution would authorize the President to use the Armed Forces of the free world whenever and wherever he deems such action necessary in order to protect our security.

Senator Goldwater. The Armed Forces of the United States. Did you say of the world?

Senator Prouty. Of the United States is what I intended to say.

My resolution takes no completely novel approach. It is founded on at least two specific precedents, the Formosa resolution and the Middle East resolution.

The first authorized the President to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack. It further authorized him to take such measures as he judged to be required or appropriate in assuring the defense of Formosa and the Pescadores.

The Middle East resolution gave the President authority to use Armed Forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism.

With respect to my own resolution, I was told by one Senator that it did not go far enough because it did not specify a particular area which shall be defended and a particular place where troops might be utilized.

Another Senator stated that he thought my resolution went too far because it authorizes the President to declare war whenever he deems it necessary and in any part of the world.

There may well be some validity to both of these criticisms. Yet, Mr. Chairman, I presented my approach because I sincerely felt that the Reserve callup resolution was so meaningless and ineffective in a military sense as to be virtually useless.

Furthermore, I could see very little psychological value in such a resolution, because prior to its adoption the President already had statutory authority to call up 1 million reserves.

Senator Stennis. May I ask a question, which resolution did you say?

Senator Prouty. I am referring to the Reserve callup resolution.

Senator Stennis. Yes.

THREAT POSED BY SOVIET BELIEF THAT UNITED STATES WILL NOT FIGHT

Senator Prouty. Mr. Chairman, I think the greatest threat to peace today is a belief on the part of Russian leaders that the United States and perhaps the free world will not fight or resist in the event of a real showdown.

Indeed, Joseph Alsop reports that Premier Khrushchev told Secretary Udall that the United States would never fight. There has been no confirmation or denial of this remark from Secretary Udall, and I think we can assume that the quote is an accurate one. Certainly it is in line with other statements made by the Russian leader.

I believe that this Kremlin appraisal of the weakness of our resolve represents a danger far more grave than Cuba or the crisis in East Berlin and East Germany, and I think we have to recognize that fact.

Certainly an article in this morning's Washington Post will strengthen the Soviet leader's belief about our reluctance to take action despite anything they might do.

I refer to a statement by Chester Bowles, President Kennedy's Special Adviser on Latin, Asian, and African Affairs. Bowles was reported yesterday to have said that a military or economic blockade of Cuba could be the first step to a nuclear holocaust. At the minimum, he said, it would result in a diplomatic debacle for the United States, including condemnation as an aggressor by the United Nations.

For my own part, I am tired of our fawning and truckling to win the love of nations whose policies would lead us into the valley of our own undoing. If we permit fear to warp our judgment or to blind us to existing realities, then indeed we shall write the epitaph of liberty, freedom, and the United States.

Now, certainly, Congress ought to make it clear that Mr. Bowles was not stating a fact—a fact that will dominate U.S. policy. He was expressing an opinion which is not shared by those who believe that we must take a position strong enough and firm enough to make the Soviets realize that we mean business.

In contrast with the views of Chester Bowles, the same Washington Post article quotes the Peruvian Ambassador as saying he presumes a majority of Latin and South American nations would support the United States if the latter concluded the security of the Western Hemisphere required a Cuban blockade.

In addition to any remarks he may have made to Secretary Udall, Mr. Khrushchev told Robert Frost that the United States is "too liberal to fight." He suggested that we would simply sit "on one hand and then the other."

Are we too liberal to fight? Are we so soft and concerned with creature comforts that we will not even tolerate the thought of war? I do not believe this to be the case.

Only a day or two after I had drafted my resolution and after it had been proposed to the Congress, I read a column by Joseph Alsop which expresses my convictions far better than I could do so myself. I think it is generally conceded that Mr. Alsop has a reputation of being an objective reporter with sources of material more accurate than those of some of his contemporaries.

According to his article, Mr. Khrushchev remarked to Secretary Udall that the Europeans will be powerless to act without the United States and the United States will do nothing about it in the end.

As Mr. Alsop suggests, this is no laughing matter. He goes on to say, and I quote:

"The American policymakers believe that Vienna and post-Vienna increases in the U.S. defense effort convinced Khrushchev that missteps at Berlin would lead to a big war.

"The Europeans, or at any rate, a good many of them, now believe the opposite."

Then he continues:

"A Berlin test with East Berlin forces in the forefront, which is the kind seemingly being prepared, will be a limited test at least in the first stage. These facts suggest Khrushchev is merely uncertain that Mr. Kennedy really means to defend Berlin, uncertain enough to gamble on the President's doing nothing but talk, but also uncertain enough in the other direction to wish to keep some control of events.

"The question of how to remove Khrushchev's uncertainty is, therefore, urgent. Reasonable behavior, keeping talking, endlessly professed willingness to negotiate when there is nothing to negotiate, all these methods have been exhaustively tried out."

And the last part of this article, I think, is most significant:

"Maybe the time has come to get angry. For example, the recent outrageous statement about Cuba and Berlin was technically unofficial. But perhaps the time has come to think about throwing this kind of thing back in Khrushchev's face, if it is ever said officially, in a way that can be thrown back as unacceptable and nonreceived."

My resolution does not specify the action that should be taken by the President in any part of the world. It mentions no nation, nor does it suggest or tell the President that he should send American troops into Cuba or anywhere else in the world. It simply authorizes him to use the Armed Forces and to take such other action as may be necessary to protect the peace and security of the United States and the free world.

RESOLUTION PATTERNED ON FORMOSA AND MIDDLE EAST RESOLUTIONS

I have stated previously that the resolution was deliberately patterned after the Formosa and Middle East resolutions which also authorized the use of our Armed Forces for the protection of a vital interest.

The President conducts our foreign policy and commands our Defense Establishment and it is he who should decide the specifics with regard to any action we take in a given area of the world. But the hands of Congress are not tied, and I think we have to raise the question as to how long we can allow a buildup of military strength in Cuba without taking some action.

My resolution would take away nothing from the Chief Executive. Rather it is designed to strengthen his hand—designed to give him the authority he needs in dealing with the moves and maneuvers of the Soviet Union. But after all, it is the No. 1 adversary with which we are confronted at the present time.

I have a memorandum here with respect to the Latin American treaties into which we have entered during the past several years. On the basis of this memorandum, I have concluded that perhaps the United States cannot take unilateral action in the Western Hemisphere without violating some of these treaties.

Although I am not a lawyer or authority in the field of international relations, I do believe that the time has come for us to find out what the Monroe Doctrine means in terms of today's world and what flexibility it affords the President for action.

Senator Morse. I would certainly agree with you we can if our own security is threatened.

Senator Prouty. If we are attacked as I understand it.

Senator Morse. The violation of our own security rights.

Senator Prouty. There seems to be a complete difference of opinion on that among some of the experts.

I don't profess to be one and I will not take the time to put the memorandum in the record now but I will make use of it later on.

NEED FOR A RESOLUTION

I do earnestly hope, Mr. Chairman, that the joint committee will bring forth a resolution which will be strong and meaningful. It is highly desirable that it be of such a nature as will command support from all Members of Congress. I think the reported resolution should bring sharply to focus the fact that the President of the United States and the American people are as dedicated to the preservation of American ideals and objectives as the international Communists are to their destruction and that any overt act of major significance by the Soviet Union or any of its puppets will bring into action the armed might of the United States and its entire productive resources.

We must so mark our course that Mr. Khrushchev knows and the world knows that there will not be just strong words—but strong words followed by strong decisions.

Like any other bully who utilizes threats and bluster, Mr. Khrushchev may well retreat if his bluff is called.

It has been said, and rightly so, that we cannot conduct our foreign policy on the principle of Sir Galahad: "My strength is as the strength of 10, because my heart is pure."

The willingness to use power, if need be, will count for far more in this world than virtuous intentions.

In closing, may I say that I would not endeavor to tell the President of the United States what specific action he should take in any part of the world. But I do believe, it is time that we served notice on the Soviet Union that while we do not seek conflict, we will not cower and slink away at the very mention of it, and that, if necessary, we will use our Armed Forces to protect our national security and that of the freedom-loving nations around the world.

Mr. PROUTY. Madam President, I yield back any remaining time.

Mr. DIRKSEN. Madam President, I yield 5 minutes to the Senator from Nebraska.

Mr. CURTIS. Madam President, the Cuban problem may be likened to one treading carefully and nervously around his backyard because his neighbor across the fence is walking around, wildeyed, carrying a shotgun. One prays he will not be shot, and hopes the neighbor will go away.

It is a grave thing to look at our former ally, a nation to which we gave freedom from a despot's rule, become the armed camp of another despot. It is a grave thing to contemplate missile installations, unlimited supplies of modern munitions, jet aircraft, and undersea craft, 90 miles from our shores. It is a grave thing to have the Premier of a hostile nation threaten us, saying, "Don't start anything or you'll get it back doubled."

It is worrisome to witness thousands of his "technicians" making of Castro's legions, 400,000 in number, a formidable fighting force.

But, this is where we are and all the recriminations which might be conjured by all of us will not alter the fact. The Bay of Pigs was last year's mistake. To retry it now violates our prohibition against double jeopardy.

Plainly, we are faced by a situation which will worsen until we make it better. Temporizing will lead only to further frustration, to a further loss of prestige in the eyes of the free world. We know that there are political leaders throughout Latin America who will seize on any act of containment, any act of resurrection, and cry "Yankee imperialism." We also know that officials of certain Latin American nations support armed intervention by the United States. We can surmise that any Latins who oppose any effort to eradicate communism in the Western Hemisphere might also welcome the subjugation of this Nation by communism. So, we have an obligation to our Latin allies, and we have a higher duty to ourselves.

The cloud hanging over the Caribbean has been gathering for a long time. On August 30, 1957, I introduced Senate Resolution 200 which was referred to the Committee on Foreign Relations. I asked:

> That the Senate Committee on Foreign Relations, or a subcommittee thereof, make appropriate studies of these activities for the purpose of advising the Senate whether the Monroe Doctrine is being violated and whether existing statutes and treaties enable the United States to take any actions that may be necessary or desirable to avoid encroachment upon governments of Western Hemispheric countries who seek to resist international communism.

On August 24, 1961, and again on March 23, 1962, on the floor of the Senate, I asked the President to invoke a pacific blockade of Cuba. This is a concept well defined in international law, and is about the strongest action, short of war, which a nation can invoke. I regret such a step was not taken, for it could have avoided the arms buildup in Cuba during recent months. It is gratifying that, in recent weeks, other Members of the Congress have similarly advocated a blockade of Cuba.

Anguish over "what might have been" is a perfectly human pastime. My concern now is the anguish which might occur, in great depth, if we fail to act now. Any positive action will incur risk. The longer the delay, the greater the risk. I urge that we move now to invoke a pacific blockade. It is not a precipitous act, it is long overdue. We cannot halt the armaments which reached Cuba yesterday, but we can stop them tomorrow.

Mr. DIRKSEN. Madam President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Madam President, what I shall say today is substantially what I said last Thursday when I spoke on this subject in the Senate. I consider the intervention of the Soviet Union in Cuba—in the Western Hemisphere—one of the most dangerous events since World War II. Over the long term it will be a tragedy and dangerous to our security if the Soviet Union should continue to furnish arms and military personnel and extend its power and domination over Cuba and other countries in the Caribbean and South America. And knowing as we do the purposes of the Soviet Union, we must assume that such an extension will occur unless something is done to make it clear to the Soviet Union that it will not be tolerated.

We must recognize also that the situation in Cuba is one of immediate danger. For our action could bring about war with the Soviet Union—which might accelerate into a nuclear war. This is a dilemma which the President, the Congress, and our country must face.

As the situation is one which concerns national security, I do not believe that the Cuban situation is one to be used as a political gambit. It is too dangerous to the security of our country to be either political or reckless in what we say or do. I said a few days ago that I hoped that any resolution which might be passed would be agreed to by both the House and the Senate, and that it would have the unified support of both parties, and would be acceptable to the President of the United States. What we say and do in the Congress on Cuba, and on this resolution, will be helpful in informing the President, the country, and the Soviet Union of our position and our determination to resist, at whatever cost, the aggressive purpose of the Soviet Union. But I think the greatest meaning and value of the resolution is to back up the President of the United States in whatever action he may deem it advisable to take. Only the President of the United States—by virtue of his powers as Commander in Chief, to direct the foreign policy of our country—can make the decisions about which we are speaking today, and which this resolution supports.

The joint resolution is prospective. It provides that if some event occurs, which is an aggression, or which affects the security of the United States, the United States is determined through whatever means may be necessary, including the use of arms, to act to protect our security. But only the President of the United States can determine what event would make it necessary to call into play, the terms of this resolution—which actually refer to his constitutional powers. My judgment is that the chief effect of this resolution is to give our support to the President of the United States in the use of his powers. I think that is proper. It also gives notice to the Soviet Union, to Cuba, and to the world that we are united on our support.

Contrary to much which has been said today, this is a strong resolution. I see its strength particularly in paragraph (b) which states:

> To prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

It has been questioned that this resolution invokes the Monroe Doctrine in its original terms—because of its reference to the Rio Treaty—which I consider proper and because it may be said that the Soviet Union has already extended its domination upon Cuba. The last argument, may not be finally established and if not, paragraph (b)'s statement that the United States is determined to prevent the creation of a military capability in Cuba which could endanger the United States, is, I believe, in harmony with the Monroe Doctrine. But whether or not it applies, we have the inherent right of self-defense.

The President has said thus far he does not believe such a capability has been established. I say today that we in Congress and the people, in passing this resolution, must be willing to accept its consequences. If it means anything, it means at some point if the Soviet Union continues its present course of action and the President should determine that a military capability has been established in Cuba which endangers immediately our security, the issue will be before the President of whether he shall take steps, including military steps, to prevent a further buildup. And this could require a blockade.

There has been talk about an immediate blockade. A blockade implies a state of war. The use of a blockade against the Soviet Union could lead to war, and we must accept the fact. The laying down of a blockade at this time would, in my opinion, imply a state of belligerency, or war against Cuba; but, because we would be forced to use the blockade against other nations to prevent the delivery of supplies to Cuba, it could bring us into actual conflict with the Soviet Union, if the Soviet Union chose not to respect the blockade.

That may come about. This is the reason I say that our country should recognize every possible consequence of this resolution, which is a firm resolution and a very firm warning to the Soviet Union.

I believe it would be helpful, not alone with respect to the Cuban situation, but to Berlin as well, if the President of the United States will make known to our country and to the world the extent of our military capabilities, which are superior to the Soviet Union and I hope that before any action is taken which would require the use of force, the President of the United States will give warning to the Soviet Union that the further supply of arms, which would establish the capability to endanger the security of our Nation of which the resolution speaks, will be resisted.

Whether or not it would bring about war, I do not know. I prefer to believe that warning of this resolution, followed by firm action, if required, will prevent war instead of bringing war.

If it does not, then we who pass the resolution today, and the President of the United States, and the people of this country must understand its possible consequences, be willing to face up to them and support the President with all the power and strength at our command. I have no doubt that all of us, and the people of this country will support the President of the United States, for in his hands lie the ultimate decisions.

Mr. DIRKSEN. Madam President, I yield 10 minutes to the Senator from Iowa.

Mr. MILLER. Madam President, most Senators will support Senate Joint Resolution 230. However, I for one, believe it falls short of meeting the opportunity presented to meet, with no equivocation, the statement by the leader of the international Communist conspiracy in Moscow that the Monroe Doctrine is dead.

The resolution is entitled: "Expressing the determination of the United States with respect to the situation in Cuba."

Of course, at the moment Cuba is uppermost in our minds so far as crises in the Western Hemisphere are concerned.

I ask unanimous consent to have included in the RECORD at this point a statement by the President, dated January 3, 1961, on the severance of diplomatic relations with the Government of Cuba, copies of the exchange of notes between the two Governments, and a statement of the President of the United States, dated February 3, 1962, announcing an embargo on all trade with Cuba.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE STATEMENT BY THE PRESIDENT, JANUARY 3, 1961

Between 1 and 2 o'clock this morning, the Government of Cuba delivered to the U.S. Charge d'Affaires ad interim of the U.S. Embassy in Havana a note stating that the Government of Cuba had decided to limit the personnel of our Embassy and Consulate in Havana to 11 persons. Forty-eight hours was granted for the departure of our entire staff with the exception of 11. This unusual action on the part of the Castro government can have no other purpose than to render impossible the conduct of normal diplomatic relations with that Government.

Accordingly, I have instructed the Secretary of State to deliver a note to the Charge d'Affaires ad interim of Cuba in Washington which refers to the demand of his Government and states that the Government of the United States is hereby formally terminating diplomatic and consular relations with the Government of Cuba. Copies of both notes are being made available to the press.

This calculated action on the part of the Castro government is only the latest of a long series of harassments, baseless accusations, and vilification. There is a limit to what the United States in self-respect can endure. That limit has now been reached. Our friendship for the Cuban people is not affected. It is my hope and my conviction that in the not too distant future it will be possible for the historic friendship between us once again to find its reflection in normal relations of every sort. Meanwhile, our sympathy goes out to the people of Cuba now suffering under the yoke of a dictator.

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CUBA AND THE GOVERNMENT OF THE UNITED STATES

The text of the Cuban note delivered at the U.S. Embassy in Havana is as follows:

"HABANA, *January 2, 1961.*

"Mr. CHARGE D'AFFAIRES: I have the honor to inform you that the revolutionary government has decided that under present circumstances the personnel of the Embassy and Consulate of Cuba in the city of Washington, whether diplomatic, consular, or of other character, whatever their nationality, should not exceed 11 persons. Likewise it has decided that the personnel of the Embassy and Consulate of the United States in the city of Habana, whether diplomatic, consular, or of other character, whatever their nationality, should likewise be limited to 11 persons.

"For the purpose of facilitating the departure of the persons who for this reason must abandon the national territory, a period of 48 hours has been fixed from the time of receipt of this note.

"I take the opportunity, Mr. Charge d'Affaires, to reiterate to you the assurance of my reciprocity of your considerations.

"Carlos Olivares."

The text of the U.S. note addressed to Dr. Armando Florez-Ibarra at the Cuban Embassy in Washington is as follows:

"Sir: I have the honor to refer to a note dated January 2, 1961, from the Government of Cuba to the Charge d'Affaires of the U.S. Embassy in Habana stating that the Government of Cuba has decided that personnel of the Embassy and Consulate of the United States in the city of Habana, regardless of nationality, shall not exceed 11 persons.

"This unwarranted action by the Government of Cuba places crippling limitations on the ability of the U.S. mission to carry on its normal diplomatic and consular functions. It would consequently appear that it is designed to achieve an effective termination of diplomatic and consular relations between the Government of Cuba and the Government of the United States. Accordingly, the Government of the United States hereby formally notifies the Government of Cuba of the termination of such relations.

"The Government of the United States intends to comply with the requirement of the Government of Cuba concerning the withdrawal of all but 11 persons within the period of 48 hours from 1:20 a.m. on January 3, the time of the delivery of the note under reference. In addition, the Government of the United States will withdraw its remaining diplomatic and consular personnel in Cuba as soon as possible thereafter.

"The Government of Cuba is requested to withdraw from the United States as soon as possible all Cuban nationals employed in the Cuban Embassy in Washington and in all Cuban Consular establishments in the United States.

"The Government of the United States is requesting the Government of Switzerland to assume diplomatic and consular representation in Cuba on behalf of the Government of the United States.

"I take this opportunity to reiterate to you the assurances of my reciprocity of your considerations.

"Christian A. Herter."

The White House,
February 3, 1962.

Embargo on All Trade With Cuba by the President of the United States of America—A Proclamation

Whereas the eighth meeting of consultation of Ministers of Foreign Affairs, serving as organ of consultation in application of the Inter-American Treaty of Reciprocal Assistance, in its final act resolved that the present Government of Cuba is incompatible with the principles and objectives of the inter-American system; and, in light of the subversive offensive of Sino-Soviet communism with which the Government of Cuba is publicly alined, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

Whereas the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

Whereas the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alinement with the Communist powers: Now, therefore, I, John F. Kennedy, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, do—

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 a.m., eastern standard time, February 7, 1962, the importation in the United States of all goods of Cuban origin and all goods imported from or through Cuba; and hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. And further, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021–2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that act, to continue, make, modify, or revoke exceptions from such prohibition.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this third day of February in the year of our Lord 1962, and of the Independence of the United States of America the 186th.

John F. Kennedy.

By the President:

Dean Rusk,
Secretary of State.

Mr. MILLER. Madam President, the Monroe Doctrine is not limited to Cuba. Its principles are applicable throughout the Western Hemisphere.

The joint resolution recites that the United States is determined to prevent the Marxist-Leninist regime in Cuba from extending by force, or the threat of force, its aggressive or subversive activities to any part of this hemisphere. This would more properly be worded: "the Marxist-Leninist regime in Moscow." It is very unrealistic and shortsighted to talk about the regime in Cuba, because the regime in Cuba is merely the agent of the regime in Moscow. In this connection, I ask unanimous consent to have inserted in the Record at this point in my remarks an article appearing in the Omaha Sunday Herald of September 16, by the well-known Associated Press writer, William L. Ryan, entitled: "Soviet Communism Has Cuba in Its Steel Grip."

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviet Communism Has Cuba in Its Steel Grip

(By William L. Ryan)

Moscow today just about owns Cuba—lock, stock, barrel, and beard.

Inexorably, Soviet communism is closing its steel grip. Challenging the United States in the Caribbean and the Western Hemisphere, Moscow has given the world a lesson in imperialism.

When the Russians colonize, they colonize for good. Short of armed invasion, there seems little hope of prying the Communists out of a base 90 miles from U.S. shores.

The Soviet takeover will be complete when Fidel Castro is shoved aside, along with his 26th of July Movement revolutionaries. This will be a slow and cautious process, but signs of party conflict are clear.

Mr. Castro appears more and more in the role of a bumbling and confused man, loudly demanding everything his own way, but bowing to what he now calls the "collective leadership." He has lost much popular support.

Havana reports suggest only 20 percent of the people back him now. That is much more than the percentage backing the old guard Communists, but they do not need popular support. They have their tight, disciplined, spy-ridden organization—and they have Moscow on their side.

The Communists are patient. They can wait until popular disillusion and economic chaos make Mr. Castro no longer important. They are letting him shoulder the blame for Cuba's internal woes.

They are letting his entourage of new Communists—men like Ernesto (Che) Guevara, Fidel's brother Raul Castro, and others of his Sierra Maestre revolution following—hang themselves with ropes fashioned of their own confusion. The time will come when Mr. Castro can safely be removed.

From documents and official regime statements and from reports of diplomatic travelers, this picture emerges of a Cuba as tightly bound to Moscow as is Bulgaria:

The ragtag 26th Army of bearded romantics who marched into Havana January 2, 1959, is no more. In its place is a force of about 300,000, made of more than 50,000 trained regulars and a heavily armed militia. The training is by Communist bloc officers. The equipment is modern.

Moscow owns the economy. Trucks, jeeps, and other vehicles pour in from the Red bloc, each batch making Cuba more dependent upon Soviet petroleum shipments.

Cuba's sugar goes to the bloc in part payment. The sugar industry, always the backbone of the Cuban economy, is dominated completely by the Soviet bloc. Bloc equipment runs the refineries.

The island, therefore, now is practically wholly dependent on world communism.

In a May 1961 speech to farmers, Prime Minister Castro ridiculed the idea that farms would be collectivized.

As late as 2 months ago, Mr. Castro repeated the pledge against collectivization. Then he changed his mind—or it was changed for him.

Last month, Mr. Castro told a sugar cooperative conference that distribution of land to the peasants would mean destruction of the revolution. Nor was the cooperative idea practical, either.

The answer had to be "people's farms"—a copy of the Soviet state farm idea in which the Government owns the land and the peasant becomes a sort of farm-factory worker. Mr. Castro indicated the regime would collectivize all the cooperatives so that, in his words, the farmer would be a real proletarian and get rid of his instinctive impulse to own land.

Mr. MILLER. Madam President, the statement relates only to an extension of subversive activities by force or threat of force. The Monroe Doctrine does not so limit itself. A nice question over whether subversion and overthrow of an existing government and its replacement by Communists would constitute a violation of this resolution. If the subversion were directed from Moscow, it would not, because the resolution refers only to the regime in Cuba. If the subversion were directed from Cuba, would this constitute "force"? It seems to me there are more ways of subverting and replacing a government with Communists than the use of "force." And, of course, there would be a nice question if the force were undertaken only by citizens of the local government under the direction of

Communist agents. In this connection, I call attention to the editorial appearing in the current issue, September 24, of U.S. News & World Report by Mr. David Lawrence, entitled "Retreat," and ask that it be included in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETREAT

(By David Lawrence)

The United States, under the policy just announced by President Kennedy, has retreated from the Monroe Doctrine.

Mr. Kennedy has abandoned that principle of the Monroe Doctrine which declared that after the year 1823 the United States would not countenance any colonization by a European power or extension of its system in any country in this hemisphere.

Mr. Kennedy chooses now to narrow the doctrine to cover only "offensive" action taken by one American State against another with the aid of a European power.

Administration leaders have just sponsored resolutions in both Houses of Congress which also back away from the Monroe Doctrine and accept this limited application.

This means that Communist colonialism, Communist imperialism and Communist despotism can be extended and imposed upon any country in this hemisphere by the Soviet Union without being challenged. The United States, in effect, has notified Moscow that no military action will be taken to rid the Western Hemisphere of Soviet infiltration even when this includes military forces—so long as those forces are not used against another country. The people of any Latin American country now may lose their freedom and may become a colony of the Soviet Union, but the United States will do nothing by military force to help the enslaved people to regain their freedom.

As these lines are written, moreover, no protest has been made by the U.S. Government to the Soviet Government denouncing its intervention in the internal affairs of Cuba and other Latin American countries. Does silence mean acquiescence?

The President, in his news conference last week, chose to assail critics of his policies and to argue that the security of the United States will be protected by military action if and when an offensive has actually been undertaken from Cuba against this country.

This is a philosophy of procrastination. It permits the enemy gradually to build up its power, then launch its attack before any military resistance is offered.

Administration officials argue that the Washington Government cannot really protest the existence of Soviet bases in this hemisphere because the United States has military bases in Western Europe.

But the policy of the United States, as enunciated in World War I and in World War II, is aimed at making the world safe for the operation of the democratic system. Self-determination of peoples was, and since 1917 has been, the battle cry. The United States maintains forces in Europe today to defend the West against attack, but at the proper moment they can also help those countries which seek to liberate themselves from Soviet despotism. The principle of the Monroe Doctrine truly applies throughout the whole world. We are against colonialism everywhere. We are against despotism everywhere. We are in favor of the freedom of peoples everywhere to govern themselves without coercion from the outside.

To support such policies today requires courage. We must not give the impression of vacillation and indecision or preoccupation with technicalities as a cloak to doctrines of expediency.

Courage and statesmanship are needed. No better example of the resoluteness we should exhibit today in the making of world policy can be given than that which the late John Foster Dulles, Secretary of State, expressed in an interview in Life magazine on January 16, 1956, when he said:

"You have to take chances for peace, just as you must take chances in war. Some say that we were brought to the verge of war. Of course we were brought to the verge of war. The ability to get to the verge without getting into the war is the necessary art. If you cannot master it, you inevitably get into war. If you try to run away from it, if you are scared to go to the brink, you are lost.

"We've had to look it square in the face—on the question of enlarging the Korean war, on the question of getting into the Indochina war, on the question of Formosa. We walked to the brink and we looked it in the face. We took strong action.

"It took a lot more courage for the President than for me. His was the ultimate decision. I did not have to make the decision myself, only to recommend it. The President never flinched for a minute on any of these situations. He came up taut."

Confirming the foregoing, Secretary Dulles said on January 17, 1956, in a news conference:

"I believe that the United States should adopt every honorable course to avoid engagement in war. Indeed, I have devoted my whole life to the pursuit of a just and durable peace. I believe, however, that there are basic moral values and vital interests, for which we stand, and that the surest way to avoid war is to let it be known in advance that we are prepared to defend these principles, if need be by life itself."

Mr. MILLER. Madam President, the resolution declares that the United States is determined to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States. This is just another way of wording the present policy of this administration which is to permit a military buildup in Cuba of so-called defensive weapons. As I pointed out recently, weaponry will be defensive or offensive according to the direction of the Kremlin. The weakness of this policy is clearly expressed in an article by Mr. David Lawrence appearing in the September 11 issue of the Washington Evening Star, entitled: "Inviting Miscalculation by Soviet," and I ask unanimous consent that this be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INVITING MISCALCULATION BY SOVIET

(By David Lawrence)

Vacillation, indecision, irresoluteness and a policy of wavering from day to day by the Western Powers brought on World War I and also World War II.

History may be repeating itself. The West is again giving the impression of weakness. The United States, the most powerful military force in the West—without whose aid World War I and World War II could not have been won by the Allies—is wobbling in its policies. This could lead to a gross miscalculation by Nikita Khrushchev, just as indecisiveness on the part of Washington misled Kaiser Wilhelm in 1914 and Adolf Hitler in 1939 as each assumed that the United States would not go to war over any European question.

Today the situation seems to be growing more serious, as it is being assumed in Moscow that the United States will not even go to war over an American question—the taking over of control in Cuba by the Soviets, who are supplying military equipment to the Cuban regime under an open agreement between the two governments.

This defiance of the Monroe Doctrine has been ignored by President Kennedy. He has made no public protest over Soviet policy. He has announced, in effect, that he agrees with the Soviet viewpoint that Cuba is merely engaging in a "defensive" operation with Soviet help.

This startling change in America's historic policy has apparently been accepted by supporters of the administration in Congress, though here and there some exceptions are noted.

The President, in his public statements, shows that he considers the Cuban situation not to be an American question by itself, but as somehow directly related to the Berlin crisis. The Soviets may be interpreting this stand to mean that Mr. Kennedy is hesitant to do what he would perhaps like to do in Cuba for fear that the Soviets might intensify the East German problem and might be tempted to take chances on a belligerent move against West Berlin.

President Kennedy doubtless hoped to give an impression of resoluteness when he asked Congress for "standby authority" to call up 150,000 reservists. The trouble with the move is that it implies vaguely that sometime in the future he might use the troops somewhere—he doesn't say whether in Berlin or in Cuba. The Reserves aren't actually being ordered up now. Mr. Kennedy says he might call them up if matters get critical somewhere.

This ambiguity in American policy implies that the United States isn't really acting on principle, but is feeling its way expediently from one crisis to another while it waits for its adversary to continue step by step with its aggressive course.

Senator HUBERT HUMPHREY, of Minnesota, assistant Democratic leader, gives the reasoning back of the administration viewpoint. In an interview quoted by the Associated Press, he says:

"I think it should be clearly understood that the President has no immediate intention for use of this authority. Prompt congressional approval will be a demonstration to our allies and our enemies that the elected representatives of the people are firmly behind our Commander in Chief."

But will the men in the Kremlin take this to mean that Congress approves inaction in Cuba? If the United States will not fight on a clear issue that arises 90 miles away from its shores, will the passage of a resolution authorizing the call for Reserves produce the psychological effect which the administration intends to create? The resolution itself makes no mention of Cuba, and in all probability the Regular Marine Corps—not the 150,000 Reserves—would be used if there were any intervention in Cuba by the United States.

Not a word has been spoken publicly to Moscow, moreover, by the Washington Government about her violation of the Monroe Doctrine in shipping to Cuba arms and "technicians." Does this mean that the administration acquiesces in the Soviet move and that all that's necessary now for the Communists to gain a foothold in a Latin American country is to infiltrate a government there, call the military buildup "defensive," and the United States will not object?

The same hesitation and vacillation that characterized American policy between 1914 and 1917 and between 1939 and 1941 are being repeated. The end result then was war, because America was believed to be unwilling or unable to fight. At least in those days, however—both with respect to protesting the violation of American rights on the high seas and in supplying destroyers to the

British Navy—the United States wasn't entirely inactive or inarticulate, though at no time in the prewar period was the German Government convinced that the United States would fight.

Is entry into a world war the only way a nation's resoluteness can be expressed? There are many measures short of war—a sea and aerial blockade of Cuba and an economic boycott of East Germany and of the Communist bloc—which could multiply Moscow's troubles and prevent a major war.

Mr. MILLER. Madam President, this policy also overlooks the fact that, given ample time and opportunity to build up so-called defensive military strength in Cuba, the United States would be forced to make a great sacrifice in the lives of our troops if the day arrived when offensive weapons were installed in Cuba. Witness the defensive strength of Matsu as a deterrent to Red China's desires to capture it.

This policy further overlooks the fact that the more military power built up in Cuba, the further the freedom-loving, anti-Communist Cuban people are taken away from the opportunity to overthrow their Communist dictators. It was amply demonstrated in Hungary that one cannot beat off tanks with sticks.

It was for these reasons, Madam President, that my joint resolution was worded as it was. I ask unanimous consent that a copy of my resolution, Senate Joint Resolution 226, be inserted in the RECORD at this point.

There being no objection, the resolution (S.J. Res. 226) was ordered to be printed in the RECORD, as follows:

Reaffirming the principles of the Monroe Doctrine and authorizing and directing the President of the United States to take such action as is necessary to prevent any violation thereof.

Whereas there now exists in the Western Hemisphere a country whose government, being intimately linked with the Sino-Soviet bloc, is under the control and direction of the international Communist conspiracy; and

Whereas on January 3, 1961, the President of the United States formally terminated diplomatic and consular relations with the government of said country, following a long series of harassments, baseless accusations, and vilification by its officials; and

Whereas on February 3, 1962, the President of the United States formally proclaimed an embargo upon trade between the United States and said country in accordance with the decisions of the meeting of Foreign Ministers of the Inter-American System at Punta del Este, Uruguay; and

Whereas recent developments in said country have given rise to concern over the peace and safety of the United States and other peace-loving nations in the Western Hemisphere; and

Whereas the principles of the Monroe Doctrine, enunciated by President James Monroe in his annual message of December 2, 1823, are an expression of the inherent right of self-defense of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and directed to take such action as is necessary to prevent any violation of the Monroe Doctrine.

Mr. MILLER. Madam President, I point out that there is nothing ambiguous about the resolving clause in my resolution. It merely authorizes and directs the President of the United States to take such action as is necessary to prevent any violation of the Monroe Doctrine. This means any action within the powers of the President, and it is not delimited to Cuba. It is not hedged with a question of policy, as to whether, at a particular time, weapons are offensive or defensive. It is not limited by factors of force or threat of force. It is not confined to the regime in Cuba.

Another missed opportunity in the joint resolution before us is the failure to make it clear that the Monroe Doctrine is an expression of the inherent right of self-defense of the United States. The resolution gives expression to the inherent right of self-defense, but it delimits this right to situations where there is an armed attack. The Monroe Doctrine is not so delimited. I invite attention of the Senate to the report of the Senate Committee on Foreign Relations dated January 14, 1929, issued in connection with the committee's consideration of the multilateral or Kellogg-Briand Treaty. The committee stated on page 2 of the report:

> The United States regards the Monroe Doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe Doctrine, which is a part of our system of national defense.

Madam President, I ask unanimous consent that the report be printed at this point in the RECORD.

There being no objection, the report (Rept. No. 1, 70th Cong., 2d sess.) was ordered to be printed in the RECORD, as follows:

Your Committee on Foreign Relations reports favorably the treaty signed at Paris August 27, 1928, popularly called the multilateral or Kellogg-Briand Treaty. The two articles in this treaty are as follows:

"ARTICLE I. The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"ARTICLE II. The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

The treaty, in brief, pledges the nations bound by the same not to resort to war in the settlement of their international controversies save in bona fide self-defense and never to seek settlement of such controversies except through pacific means. It is hoped and believed that the treaty will serve to bring about a sincere effort upon the part of the nations to put aside war and to employ peaceful methods in their dealing with each other.

The committee reports the above treaty with the understanding that the right of self-defense is in no way curtailed or impaired by the terms or conditions of the treaty. Each nation is free at all times and regardless of the treaty provisions to defend itself and is the sole judge of what constitutes the right of self-defense and the necessity and extent of the same.

The United States regards the Monroe Doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe Doctrine, which is a part of our system of national defense. Bearing upon this question and as to the true interpretation of the Monroe Doctrine as it has always been maintained and interpreted by the United States, we incorporate the following:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness. (President Monroe's message, Dec. 2, 1823.)

"The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government. (Message of President Cleveland, Dec. 17, 1895.)

"The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. * * * Since the Monroe Doctrine is a declaration based upon this Nation's right of self-protection, it can not be transmuted into a joint, or common, declaration by American States, or any number of them.

"It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers "without endangering our peace and happiness" that "the United States cannot behold such interposition in any form with indifference." (Hon. Elihu Root, July 1914.)

"There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe Doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being, therefore, whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others. * * * The Monroe Doctrine is based upon the right of self-defense. This is the first law of nations as of individuals. (Prof. Theodore Woolsey, June 1914.)"

The committee further understands that the treaty does not provide sanctions, express or implied. Should any signatory to the treaty or any nation adhering to the treaty, violate the terms of the same, there is no obligation, or commitment, express or implied, upon the part of any of the other signers of the treaty to engage in punitive or coercive measures as against the nation violating the treaty. The effect of the violation of the treaty is to relieve the other signers of the treaty from any obligation under it with the nation thus violating the same.

In other words, the treaty does not, either expressly or impliedly, contemplate the use of force or coercive measures for its enforcement as against any nation violating it. It is a voluntary pledge upon the part of each nation that it will not have recourse to war, except in self-defense, and that it will not seek settlement of its international controversies except through pacific means. And if a nation sees proper to disregard the treaty and violate the same, the effect of such action is to take it from under the benefits of the treaty and to relieve the other nations from any treaty relationship with the said power.

This treaty in no respect changes or qualifies our present position or relation to any pact or treaty existing between other nations or governments.

This report is made solely for the purpose of putting upon record what your committee understands to be the true interpretation of the treaty and not in any sense for the purpose or with the design of modifying or changing the treaty in any way or effectuating a reservation or reservations to the same.

Mr. MILLER. Madam President, back in 1929, there was no doubt in the minds of Senators over the fact that the Monroe Doctrine is an expression of our inherent right of self-defense. There should be no doubt about it today.

If it be conceded that our policy is unchanged, there should be no hesitation about reaffirming it. If it be suggested that to reaffirm it might cause some tensions with the Soviets, then, I think that those who would say it would do well to read the article entitled "Beware 'After All' View on Cuba," and published in yesterday's Washington Evening Star, written by the distinguished columnist, William S. White; and another article, written by the very able Washington correspondent of the Des Moines Register, Mr. Richard Wilson, appearing in the September 8 issue of the Register, and entitled "Nuclear Paralysis Over Cuba Criticized," both of which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Sept. 19, 1962]

BEWARE AFTER-ALL VIEW ON CUBA—RATIONALIZING OF THE SOVIETS' TAKEOVER WITH FREE WORLD'S BASES IS FOUND FAULTY

(By William S. White)

A curious line is running through much public and private comment about the presence in Castro Cuba of Soviet arms and Soviet "technicians." It might be called the argument of after-all, and it goes thus:

It is very upsetting, of course, that the Soviet Union has now made a publicly boasted military lodgment in this hemisphere. But after all, the United States has forces of its own or allies of its own in many places confronting Russia, too.

Of this sort of reasoning the only possible query is how "sophisticated," how "objective," can you get? Isn't this another way of saying that there is, underneath, not much difference between us and our record and intentions and the Soviet Union and its record and intentions?

Is there no distinction between the positioning of American forces in free countries which have asked for our protection and the positioning of Soviet forces in countries which have been brutally and simply overrun—say Hungary and Poland?

We have troops in West Germany, yes. But is West Germany under our rule as East Germany is under Nikita Khrushchev's rule? President Kennedy, whose whole administration has been involved in endless and often losing arguments with Chancellor Adenauer, would hardly say so.

For a decade we have had troops or military associations in a Europe running from Turkey on the east to Italy on the south and France on the west. But have we dominated any of those countries? Charles de Gaulle of France would hardly prove so. For American foreign policy has been as notably unsuccessful in dominating General de Gaulle as it has been in dominating Chancellor Adenauer or the Turks or the Italians or the Belgians or any of the others.

And where and when have we used a foreign base or lodgment to assault another nation? How many times has the Soviet Union done so since the Second World War? Half a dozen? More like a dozen?

If the "after-allers" are even partly right, what is the moral justification for foreign aid, for the North Atlantic Treaty Organization, and all the rest? And what of our long record, backed by unbroken history, of seeking no territory, no conquest? If we are, indeed, to be measured alongside the Soviet Union by our own voices what is the use of anything at all?

The after-all logic comes to this: Here, after all, are two giant powers. If we have the right to maintain foreign bases, though our bases are maintained with the consent and on the eager appeal of the host nations, then so does the Soviet Union, even though its bases are maintained at gunpoint and in some instances over the dead bodies of the host nations.

If this is objectivity, so then is the epigram which says that the rich and poor have an equal right to sleep in the public parks.

What price the objectivity, say of a Chester Bowles, a Presidential adviser who says we must not attack a Cuba infected with Soviet military communism because we should then be charged in the United Nations by the Russians with "blatant aggression and very likely they (the Russians) would win their case"?

The naked right of self-defense cannot possibly be altered by any such mere Alice-in-Wonderland propaganda case in the U.N. or elsewhere.

There are only two possible excuses for not putting a stop right now to Soviet penetration. One is the official judgment that as of now we are not directly menaced. The other is the estimate, on which President Kennedy is banking, that the job can be done through collective pan-American action. Because he is President, his judgments must be accepted now; because there can be only one President at a time and because only a President can either know all of the facts or act upon them, anyhow.

But if his judgments turn out wrong, and wrong because of any heed paid to the "after-allers" there will be measureless tragedy for his administration and for his country.

[From the Des Moines (Iowa) Register, Sept. 8, 1962]

NUCLEAR PARALYSIS OVER CUBA CRITICIZED

(By Richard Wilson)

WASHINGTON, D.C.—An advanced case of nuclear paralysis affects our Cuban policy. It is a new disease for which no cure has been found. Its symptoms are psychotic in nature rooted in fear and apprehension. We suffer paralysis out of fear of what will happen if we act, and we become a musclebound giant.

We do not act in Cuba because this may invite Soviet action in Berlin or elsewhere that might escalate into nuclear war. So the President seems to say, in effect.

But is this conclusion sound? Is it a predicate on which an effective policy can be based? The President must be credited with much more information than anyone who is commenting on his action or lack of it. But there are some contradictions worth examining.

One of them is the repeated assurances of the U.S. Department of Defense that the Soviet Union cannot afford nuclear war, and must know it. Even more, some military officers have asserted that the conventional balance of opposing forces in central Europe has changed more nearly in our favor and a Soviet walkover can no longer be assumed.

It is hard to lend plausibility to the premise that the Soviet Union will risk its own complete destruction for control of a poor little island in the Caribbean Sea; or that it will engage its forces in conventional war in Europe for this reason.

THE MONROE DOCTRINE

More plausibility attaches to the idea that Communist retaliatory action would be taken in southeast Asia or Iran or some other exposed U.S. position close to Communist lines of supply. This would surely be the case unless the Soviet Union has some grand design in Latin America which takes precedence over many of its other international interests.

Responsible officials must ask themselves whether efforts to maintain a position in Iran or southeast Asia are worth balancing off against the consequences that may flow from the Russian position in Cuba.

These consequences are not hard to imagine, nor are such imagined results farfetched. A Russian success in Cuba would certainly have the most far-reaching effect in all Latin America. Even as matters stood a year ago, the United States had great difficulty in alining the most important Latin American nations against Cuba and never succeeded in doing so completely.

It is quite useless to talk about the Monroe Doctrine. This is something that can be reserved for academic discussion as a historical curiosity. The campaign orators this fall will enjoy talking about it. But it has no force and effect, it is not recognized by our chief opponent in world affairs, and remains a unilateral expression by the United States, except for such polite indulgence as is paid to it by the Organization of American States.

American policy appears to be the containment of Soviet communism in Cuba. But containment is not always a very satisfying or effective policy. It does not hold bright promise in a part of the world where the population is expanding at an alarming rate, where the conditions that gave rise to Fidel Castro are more and more exacerbated, and where the leadership of the United States is less and less respected.

FATALISTIC ACCEPTANCE?

It may be very well in these circumstances to explain to the American public and congressional leaders that caution must rule in dealing with Cuba because of our commitments elsewhere in the world.

But if this restraint is no more than another symptom of nuclear paralysis, we will not soon find a solution for the Cuban problem, nor for many problems.

If what the President has been saying is meant to quiet public opinion while resolute policies are formed, it is one thing. But if what is being said merely hides a fatalistic acceptance of Russian audacity, this is something else again.

Mr. MILLER. Madam President, many Americans believe that Soviet Russia has already violated the Monroe Doctrine. Is it beyond the imagination of this administration that we might suggest to Premier Khrushchev that we will do something about it—close down his Embassy and legations and stop trade with Communist bloc nations, for example? Or does Soviet Russia possess some kind of psychological power which causes us to have a defensive psychosis which invites further aggression?

I ask unanimous consent to have printed in the RECORD at this point in my remarks the lead editorials of September 5 and September 18, appearing in the Wall Street Journal, two additional articles by Mr. David Lawrence appearing in the Washington Evening Star on September 6 and September 12, also an article written by Arthur Krock and published in the New York Times of September 20, 1962.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 5, 1962]

THE MONROE DOCTRINE

The year was 1823. Imperialist Russia, filled with ambitions to extend its domain, was pushing its power along the northwest coast of North America. In an alliance with Austria and Prussia, whose territories included parts of what is now East Germany, the Russians were threatening to intervene in revolutions in Central and South America.

In that situation the U.S. Secretary of State, John Quincy Adams, proposed and the President of the United States, Mr. Monroe, issued a statement addressed to the European powers.

"We owe it therefore to candor," said the President of the United States, "and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portions of this hemisphere, as dangerous to our peace and safety."

The United States, in those days, was a weak country. It comprised less than half its present continental expanse; it numbered barely 9 million people; it had only a small Navy and less Army. It was certainly no such power in the world as Austria, Prussia, France, or Imperial Russia. And as a matter of fact, in most of the chancelleries of the world there was contemptuous amusement at President Monroe's bold pretensions.

For they were bold. It took considerable courage for the President to act alone instead of waiting for Great Britain, which had suggested a joint statement but somehow never got around to acting on it. Neither Mr. Adams nor Mr. Monroe were quite sure how they would implement their policy if it were challenged by the great powers. But believing the step necessary to this country's peace and safety, they did not let uncertainty paralyze their decision.

Those quiet words, shorn of all bombast, served their purpose for 140 years, through many tests, because the world came to believe we meant what we said. The Monroe Doctrine did not keep the United States out of wars. It did assure that no foreign power would come to threaten us upon our own doorstep.

Or at least, the Monroe Doctrine did so until our own day.

It can hardly be a secret to anyone that a new imperialist Russia is extending its system to this hemisphere. The system of the present government of Cuba is the Communist system. And this week the Castro regime signed a military pact with the Soviet Union in which it is frankly and publicly acknowledged that the Soviet Union will help training and provide arms to the Cuban army.

But a difference between the centuries is that today Secretaries of State and Presidents of the United States have reacted differently. Both President Eisenhower and President Kennedy have asserted that the Monroe Doctrine is not dead. But up to yesterday neither had chosen to implement it; both have relied instead upon the so-called machinery of the inter-American security system.

That is, the U.S. Government has put its trust in the hope that others will act rather than in acting itself. Where once a weak nation was bold enough to put its shield over the other nations of the hemisphere, a strong nation has hoped that its weak neighbors will somehow rise and shield it from a danger on its own doorstep.

So matters stood until yesterday. Now President Kennedy has issued a statement saying that the Castro government of Cuba will not be permitted to extend its influence further in the Western Hemisphere and strongly implied that the United States will stand by its doctrine of 140 years ago.

Just 2 years ago—in July 1960—Mr. Khrushchev said the Monroe Doctrine was dead. The President of the United States says it is still alive. Now the problem today, as it was in the days of Imperialist Russia, is for the United States to convince the world that it means exactly what it says.

[From the Wall Street Journal, Sept. 18, 1962]

THE SOVIETS' IMMUNITY

The trouble with a lot of the talk about Cuba, it seems to us, is not that it is "rash," in President Kennedy's word. It is that the public discussion has grown too narrow, making it sound as though the United States had only two choices: either do nothing at all about the Soviet occupation of Cuba, or else immediately mount a military invasion to take over the island.

The President himself leaves this implication. His stated policy is to do nothing at present, but to act boldly at any time the Communist buildup in Cuba endangers or interferes with the security of the United States or its hemispheric allies.

It may be that these black-and-white alternatives are the only ones left. After all, the United States has already used up a lot of economic and political weapons. It cut Castro off from Cuba's prime sugar market; it embargoed exports to Cuba of everything but some food and medicine; it succeeded in getting a somewhat grudging denunciation of Castro from the Organization of American States and his exclusion from the Inter-American Defense Board.

Still, today's either/or atmosphere obviously encourages the proponents of each alternative—those eager to rush into Cuba without further ado, and those who don't want the United States to fight anywhere for anything. And this atmosphere deters people from taking thought to see if there are any other possible ways for dealing with this expanding Soviet base on our doorstep.

Certainly some other possibilities exist, whether or not they necessarily represent wise courses for the United States. One would be an attempt to force the Soviet hand in Cuba by applying pressure elsewhere, as for example, curbing trade with the Soviet bloc. Similarly, there could be diplomatic pressures, including breaking relations with the Soviet Union.

Or, to confine the response to Soviet Cuba itself, the United States could tell the Kremlin that unless it voluntarily stops shipping arms and men to Cuba, the United States will do the stopping. If they refused, that would of course mean a blockade as far as all military shipments to or from Cuba are concerned.

Now a blockade is a military act but it is not of itself war. If the Soviets refrained from making it an occasion of war, then the effect would be to isolate Cuba. The Soviets would still have their base, but it wouldn't do them much good. In such circumstances Castro and Cuba, communism might or might not collapse from economic strangulation, but at least we would have neutralized the threat to our security.

Or the United States could go further and tell the Soviets to get out of Cuba altogether if they don't want to be evicted. Again, a course clearly risking strong Soviet reaction. Yet it might be remembered that the Soviets have always backed down in the face of Western firmness; even the Korean war probably would not have occurred had not the Soviets thought the sailing was clear. In the case of Cuba, military experts think it extremely doubtful that the Soviets would fight for it; there is too much against them, and its intrinsic importance may not be all that great to them.

We cite these courses not in advocacy but to suggest there still is ground between total inaction and a precipiate plung into Cuba. Words, it is clear, are not enough.

Right after the Bay of Pigs debacle a year ago April, President Kennedy had strong words to say about our course in Cuba; so did he last week. Yet in the interim the Soviets have secured and greatly strengthened their Caribbean base with no opposition from the United States.

If the United States continues to appear weak and lets the Soviets move about the Western Hemisphere with impunity, there is no telling how far they will go. That is why we think the public discussion, not to mention Government planning, should center on all possible ways of ending the Soviet immunity.

[From the Washington Evening Star, Sept. 9, 1962]

MONROE DOCTRINE DISREGARDED?—PRESIDENT'S CUBA STATEMENT INTERPRETED AS WILLINGNESS TO TAKE THE FIRST BLOW

(By David Lawrence)

Has President Kennedy really disregarded, if not scrapped altogether, the Monroe Doctrine—the historic policy of the United States for the protection of the Western Hemisphere against European aggression?

The President's latest statement, upon being examined carefully, reiterates deliberately what he said, in effect, at a news conference on August 29—that he will not uphold the Doctrine unless there's an actual military invasion of a country in this hemisphere. He will not take action in the face of European intervention in the affairs of a Latin American country. He will accept a military buildup by the Soviet Union inside Cuba for instance, as "defensive" in that country. He will wait for actual offensive preparations or operations before taking action. He will, in other words, take "the first blow." He will not intervene to save the people of Cuba or of any other Latin American country from domination by a European power.

This is a distinct departure from the words of the Monroe Doctrine, itself, and from the action taken by several Presidents of the United States in past history.

The Monroe Doctrine says nothing about avoiding action just because European problems may loom large at the time. When Russia was attempting to get a foothold in the northwestern part of this country, President James Monroe expressed in his famous message to Congress on December 2, 1823, the American policy as follows:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those [European] powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

Plainly, the Soviet Union has political control of Cuba today. The whole world has seen how it has actually begun to impose its system on Cuba, which not only is a part of this hemisphere but is only 90 miles away from the United States. This makes it even more relevant as an action that is "dangerous to our peace and safety."

Thus, the Soviet Union has given a "manifestation of an unfriendly disposition toward the United States." The Soviet Union has officially acknowledged that it has sent armament to Cuba, and the Washington Government recognizes officially that this armament can be used to ward off any military action by planes or naval vessels of the United States. The Soviets can also make Cuba a base of supply for submarines.

The fact is, therefore, that the Soviet Union has armed Cuba to prevent the United States from landing troops or otherwise assuring that the lives and properties of its citizens and of other foreign nationals be protected.

The Soviet Union has defied the Monroe Doctrine and has taken steps to prevent its enforcement insofar as Cuba is concerned by sending allegedly "defensive" armament to Cuba.

President Kennedy, of course, does not know at what moment the missile pads being erected for "defensive" purposes may be used for "offensive" purposes. The officially confirmed data shows that Soviet military "technicians"—at least 3,500 men—have actually been landed in Cuba.

Under the circumstances, the United States can, if it wishes, ignore the Soviet military plans and land troops now before Cuban missile strength is built up, or it can wait—as it did in Berlin when "the wall" was erected—to deal with a more serious problem that can develop later.

If the U.S. Government does not wish at this time to land forces in Cuba to assert the principles of the Monroe Doctrine, then the question arises as to what steps this country could take to manifest its feeling concerning the Soviet Union's "interposition" in this hemisphere.

The United States can announce that it will sever diplomatic relations with the Soviet Union unless all Soviet military technicians are withdrawn at once from Cuba. This action would mean the expulsion from the United States of all Soviet diplomatic and consular officials and the return of all United States officials from the Soviet Union. It could mean also the imposition of an economic blockade by the United States not only against Cuba but against the Soviet Union. All Latin American States would be urged to join in the same move. It's the only way to get rid of Communist infiltration in the Western Hemisphere without bloodshed.

[From the Washington Evening Star, Sept. 12, 1962]

Soviet Propaganda on Cuba—Moscow Believed Taking Advantage of U.S. Silence on Violation

(By David Lawrence)

Nearly 2 weeks have passed since the news was given out that the Soviets had begun an arms buildup in Cuba. The United States, so far as known, has sent no protest to the Soviet Government against its flagrant violation of the Monroe Doctrine.

Meanwhile, the Soviet Government has taken advantage of America's silence and has filled the broadcast waves of the world with one propaganda blast after the other, characterizing President Kennedy's callup of Reserves as a "provocative" action. The latest accusation actually turns the tables on the United States and warns the Washington Government that it must not do anything in Cuba to interfere with the Castro government's policy of acquiring Soviet arms. The claim is reiterated that Cuba is arming for "defense." President Kennedy thus has given away a propaganda advantage by appearing to accept the Castro and Soviet arguments that the supplying of arms and the sending of "technicians" are simply for "defensive" purposes.

It is a puzzle just why Mr. Kennedy chooses to forfeit the initiative in propaganda. Time was when the American Government uttered its protests through formal diplomatic channels and made them public in situations comparable to the present controversy over the Soviet buildup in Cuba. The action of the Moscow Government not only affects the Monroe Doctrine as a policy but is directly related to America's own security. To place missile pads and missiles in Cuba, which is just 90 miles away from our own shores, is an act that can be construed as hostile to the United States. Yet the administration prefers to say nothing by way of formal protest.

The seriousness of the situation is not diminished but actually increased by the failure to make any protest before the world. Unfortunately, the Soviets may come to believe that they have successfully bluffed the United States into silence, and they make take further chances in the "cold war." Moscow in its latest outburst even hints at a nuclear war if the United States does anything about Cuba.

The impression in Washington is that the administration has all along been afraid of "increasing tensions" by saying anything to Russia about the Cuban buildup. Still, the Soviets do not mind increasing tensions by their propaganda statements. These could be regarded as of little importance if they were merely part of an exchange of words between the Soviet Union and the United States. Unhappily, the propaganda is circulated all over the world. The peoples of allied as well as neutral countries can thus be influenced to believe that the United States is afraid to speak out and is being shoved into a corner by the aggressive pronouncement of the Soviet Union.

The administration has known for a long time about the Soviet arms buildup in Cuba. On September 2, the United Press International in a dispatch from Washington said:

"A State Department spokesman said today that the Soviet announcement of arms aid to Cuba 'merely confirms what has been going on in recent months.' The spokesman said:

" 'The announcement does not seem to represent anything new. We have been saying right along that the Soviet Union has been sending military equipment and technicians to Cuba.' "

But the American people were not told officially about this until about 2 weeks ago, and there is no public record that the United States has filed any protest with the Soviet Government concerning the arms buildup. Naturally, the Soviets would construe this as an acquiescence and would be inclined to increase their military buildup in Cuba and begin to send arms to other parts of Latin America which they are planning to infiltrate through agents already on the job.

Senator **Strom Thurmond**, Democrat of South Carolina, referring to some of Mr. Kennedy's recent statements, said the other day in the Senate:

"The President's comments indicate strongly that the Monroe Doctrine has recently been reinterpreted with major omissions to the extent that the Monroe Doctrine is no longer a bulwark of U.S. foreign policy which it was for over a hundred years."

In Congress, Members of both parties are restive and uneasy about the apparent surrender of the initiative to the Soviet Union. Authority to call up 150,000 Reserves has been overwhelmingly endorsed, but this does not overcome the feeling in Congress that the United States is being portrayed over the airwaves as afraid to stand up to the Soviets. Paul Nitze, Assistant Secretary of Defense for International Affairs, in a television interview over the ABC network Sunday, really summed up the situation. He was not trying to be critical of the administration and, in fact, was endeavoring to defend it. But he unwittingly stated the case against the administration's policy of silence when he said:

"I think the grounds for concern are, first of all, that this assistance the Soviets are giving Castro makes it more difficult for the Cuban people ever to restore their freedom, and, second, this helps Castro consolidate his position in Cuba and thereby might increase the possibility that Cuba could be used as a base for Communist infiltration into the rest of the hemisphere."

Yet nothing has been said officially for the last several months to the Soviet Government in protest about all this.

[From the New York Times, Sept. 30, 1962]

The First Whereas Should Have Stood in Bed

(By Arthur Krock)

Washington, September 19.—The politicians of both parties in Washington, including President Kennedy, are now established as strangely determined to pretend to the people that the original Monroe Doctrine remains U.S. policy in its entirety. The bipartisan character of this pretense was officially certified today in the text of the proposed congressional joint resolution described as "expressing the determination of the United States with respect to the situation in Cuba."

In this text, which was approved by the 33 members of the Senate Committee on Foreign Relations and Armed Services, the first "whereas" is contradicted by two later paragraphs. Also the quotation in this "whereas" from President Monroe's message to Congress in 1823 omits his supplemental statement of policy that it will be "impossible" for the United States to regard any attempt by European powers "to extend their system to any portion of this hemisphere" otherwise than as "endangering our peace and happiness." The joint resolution acknowledges that "the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence." But it deviates fundamentally from the doctrine in that, instead of asserting with Monroe that this extension automatically "endangers our peace and happiness," the resolution merely declared that:

"The United States is determined * * * to prevent, by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or the threat of force its aggressive or subversive activities to any part of this hemisphere."

The text, proposed for adoption by Congress and the President's signature, also pledges the United States "to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States." But in the Monroe Doctrine any "extension," such as that of international communism in Cuba, was held to create this danger the moment it occurred. The invocation of the doctrine in the first "whereas" was therefore misleading. Yet there are sound reasons—the product of this age of nuclear missiles with a global range—for the modification that is explicit in the text.

Why all these Senators, and the administration officials who collaborated on it, tried to cover up this fact with the camouflage of their opening citation of Monroe is a political mystery which grows with its every manifestation. This latest one leaves Senator **Humphrey** of Minnesota the single occupant of the niche reserved for administration foreign policy spokesmen who publicly concede the shrinkage in the original scope of the Monroe Doctrine. Nevertheless, he was one of the 33 committeemen who approved today's text from which this candor was absent.

AN UNSOLVED PUZZLE

Doubtless he and some others decided that to get bipartisan unanimity on the really strong declarations of policy in the resolution was worth the price of the camouflage of the first "whereas." To agree that this evaluation was statesmanlike does not, however, solve the political puzzle why unanimity was otherwise unattainable.

This fear of being candid with the American people on acts in foreign policy, and their real foundations, pervades the Kennedy administration, and the approval of the Cuban resolution by congressional leaders of the Republican Party today is not the first evidence they share this reluctance. Individual Republicans and Democrats have been more venturesome than their leaders. But none has analyzed our foreign policy with the directness and penetration displayed by Anthony Eden. A mild sample is his comment in the October issue of Foreign Affairs on the administration's and the U.N.'s leading role in promoting the violations of the U.N. Charter by the transfer of West New Guinea to Indonesia under the threat and actuality of armed force:

"* * * The consequences for the free nations of sponsoring a solution which is not in itself just can be grave; a little present case may be gained, but probably at the expense of greater trouble thereafter. In the history of the last 30 years it has not proved wise to seek to assuage excessive appetites by unjust concessions."

Mr. MILLER. Madam President, we should know from bitter experience that it is long past time for us to be reacting to Soviet aggression and for us to take some initiative which will put a stop to aggression. Weakness, timidity, and inaction have no effect except to whet the appetite of the leaders in the Kremlin.

I ask unanimous consent to have printed in the RECORD at this point in my remarks another article by Mr. David Lawrence appearing in the September 17 issue of the Washington Evening Star, entitled "Will Inaction Again Bring War?" and the lead editorial from the September 19 issue of the Wall Street Journal entitled "The Praise of Weakness."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Sept. 17, 1962]

WILL INACTION AGAIN BRING WAR?—WORLD ATTITUDE ON RED CUBA LIKENED TO THAT TOWARD MUSSOLINI IN THE THIRTIES

(By David Lawrence)

Is it the 1930's all over again? Fear of war led then to inaction by the West—and this brought on the big war itself. Will history repeat?

The parallel with events from 1935 to 1938 is startling. Then, as now, a dictator—Mussolini—grabbed Ethiopia in faraway Africa, just as Khrushchev today has grabbed Cuba. The West protested feebly in 1935, and the League of Nations voted 50 to 1 for an economic blockade in November of that year. But the United States was indifferent, and the commercial interests of the world succeeded in causing an abandonment of the blockade after 8 months of spasmodic effect.

Then, as now in respect to Cuba, a blockade was characterized as useless unless all nations participated wholeheartedly.

Then, as now, the pacifists and appeasers expressed in speeches and newspaper advertisements the fear that a blockade would bring on war and implied it was better to recognize the steps taken by Mussolini as "accomplished facts." The Chamberlains and the Baldwins led Britain into a mess, out of which war became inevitable.

The United States wobbled then, too. Let Winston Churchill tell the story. He writes it frankly and bluntly in his book, "The Gathering Storm," published in 1948. He refers pointedly to the economic blockade of Italy as a veans of persuading Mussolini to lay off Ethopia, previously called Abyssinia—a country which also was a member of the League—and declares:

"A large number of commodities, some of which were war materials, were prohibited from entering Italy, and an imposing schedule was drawn up. But oil, without which the campaign in Abyssinia could not have been maintained, continued to enter freely, because it was understood that to stop it meant war. Here the attitude of the United States, not a member of the League of Nations, and the world's main oil supplier, though benevolent, was uncertain. Moreover, to stop it to Italy involved also stopping it to Germany."

Mr. Churchill then criticizes the failure of Britain to back up her economic blockade with naval power, and adds:

"The Italian armies in Abyssinia would have famished for supplies and ammunition. Germany could as yet give no effective help. If ever there was an opportunity of striking a decisive blow in a generous cause with the minimum of risk, it was here and now.

"The fact that the nerve of the British Government was not equal to the occasion can be excused only by their sincere love of peace. Actually it played a part in leading to an infinitely more terrible war. Mussolini's bluff succeeded, and an important spector drew far-reaching conclusions from the fact. Hitler had long resolved on war for German aggrandizement. He now formed a view of Great Britain's degeneracy which was only to be changed too late for peace and too late for him."

What Mr. Churchill describes as the "irresoluteness" of those days finds its counterpart in what is happening today. Here is a brief extract from a summary of William L. Ryan of the Associated Press in Sunday morning newspapers this week:

"Moscow today just about owns Cuba—lock, stock, barrel, and beard. Inexorably, Soviet communism is closing its steel grip. Challenging the United States in the sensitive Caribbean and the Western Hemisphere, Moscow has given the world a lesson in imperialism. When the Russians colonize, they colonize for good * * *. The Soviet takeover will be complete when Fidel Castro is shoved aside. * * * This will be a slow and cautious process, but signs of party conflict are clear."

The United Press International reported last Saturday from Washington as follows:

"The United States has been making quiet diplomatic efforts for more than 6 months to persuade allies in European countries and elsewhere to help isolate Communist Cuba.

"The Kennedy administration was receiving little encouragement today from Latin American and European allies in its attempt to tighten the diplomatic and economic squeeze on Cuba."

A London dispatch by the United Press International on the same day said:

"Britain has politely but firmly discouraged any American ideas that it join the United States in an economic blockade of Cuba, it was reliably learned today. Other European nations of the North Atlantic Treaty Organization were reported also to have backed away from tentative soundings as to whether they would go along with the United States in any possible embargo against Cuba."

Thus, as in the 1930's the free world is in disunion, and the enemy dictators are taking advantage of such dissension.

President Kennedy, meanwhile, has also backed away. He has disregarded the all-important principle of the Monroe Doctrine which declares against European colonization or imposition of their system in the Western Hemisphere. He says the doctrine means only resistance to an armed attack against the United States or against other countries in this hemisphere with the aid of a European power. This gives Khrushchev a free hand to infiltrate any country in America, take over the government there with a puppet ruler, and send in military supplies and forces without running the risk of any countering action by the United States.

For all practical purposes, has the Monroe Doctrine now been buried, as Khrushchev in 1960 said it would be? Resolutions in Congress, introduced last week by administration leaders, still mention the Doctrine in their "whereases" but not in the text of the conclusions reached. Their theory evidently is that only if America is attacked should any action be taken.

Communist imperialism is thereby given the unchallenged opportunity to extend its system anywhere in the Western Hemisphere. If the United States will not fight when historic American policy is being violated 90 miles away from its shores, the dictatorship in Moscow may conclude that pacifism has won a big victory in the Americas and the West, and that there will be no resistance to Communist aggressions anywhere else in the world, including Berlin. It could be the 1930's all over again.

[From the Wall Street Journal, Sept. 19, 1962]

THE PRAISE OF WEAKNESS

So now it seems that anyone who thinks something should be done about Cuba is a hotheaded extremist warmonger. At least that is the view of Chester Bowles, one of President Kennedy's foreign policy advisers, and it typifies a good deal of the current comment on Cuba.

The way some people see it, action against the Soviet occupation of Cuba would be no better than the behavior of the Communists themselves. We have bases close to Soviet borders, it's reasoned; why shouldn't they have a base right off our shores? Even to complain about this circumstance strikes some as hypocritical, since the United States has done comparable things, like sending military personnel to South Vietnam to aid it in the fight against the Communists.

Now it might be noted, first, that advocacy of total inaction is a pretty extreme position. As a precedent, it would confer on the Soviet Union freedom of movement not only in Cuba but in the Western Hemisphere. And the Bowles doctrine, literally interpreted, would close off even the discussion of the possible courses of action, from nonmilitary responses up to and including invasion of the island.

As for the so-called argument from morality which seeks to equate possible U.S. action with actual Soviet deeds of aggression, we think it is a false equation. It reflects a dangerous misreading of the nature of the struggle in which we are engaged, for it assumes that American purposes in the world are on a level with those of the international Communist conspiracy.

The truth, of course, is that it is the Communist effort to enslave the world which requires us to resist and in the process, gets us into situations we would infinitely rather stay out of. What American wanted to fight in Korea? Who wants to risk death in Vietnam? Who likes the idea that Berlin remains an explosive which could blow us all up?

Yet this is the way the world is in our time, just as in other times other civilizations have had to try to hold back barbarian hordes. Ever since the United States woke up to the nature of the threat, it has done pretty well in holding the Communists at bay.

It has done so by being firm and backing up its firmness with military power. At times it has not even hesitated to deliver ultimatums, in effect, to the Soviet Union. Certainly it has not hesitated to put bases as far forward as possible, even smack up against the Soviet Union, in the interest of American security. That is part of the power struggle, and we ought to be glad we have the power to do it.

The point is to keep Soviet force as far away from our shores as possible. In that light, it is a little silly to say that our forward bases somehow entitle the Soviets to a base in Cuba. On the contrary, it is axiomatic that the U.S. Government should prevent it if possible. If we do not try to stop the Soviets in Cuba, where in the Western Hemisphere do we propose to stop them?

And if people can't even discuss what might be done without being called extremists and warmongers, then surely the Nation is exhibiting a weakness of will which may help undermine our position in Berlin and elsewhere. If the Soviets think we have in fact grown weak, they will naturally intensify their probing efforts all over.

It is one thing to argue about exactly what should be the next move in Cuba, what kind of economic and diplomatic pressures can be applied to the Soviets short of military intervention; or to argue about the precise timing of any move.

But it is exceedingly hard to credit the argument that considerations of morality deny us the freedom to take any action at all. Morality, if that is the issue, requires us to oppose the evil of communism. If we were ever to stop, then we would deserve history's moral censure for failing a duty that is harsh and unwanted but which the times have clearly thrust upon us.

Mr. MILLER. Madam President, not to be overlooked is the impact all of this is having on our allies and the uncommitted nations. I do not believe they wish us to assume a belligerent attitude, nor do we have to do so. But I believe they are dismayed and concerned over what appears to be a defensive psychosis and a lack of firmness in words and deeds on the part of our Government. In this connection I ask unanimous concent to have printed at this point in the RECORD an article by the distinguished columnist, Mr. Constantine Brown, entitled "America's Low Prestige in Europe," which appeared in the September 6 issue of the Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Sept. 6, 1962]

AMERICA'S LOW PRESTIGE IN EUROPE—U.S. LEADERSHIP BLAMED FOR LETTING AGGRESSORS WIN IN MANY AREAS

(By Constantine Brown)

MUNICH.—Much has been written in the last year by newspapermen reporting from Europe that the policies followed by the United States have brought its prestige to the lowest ebb in contemporary history.

In 3 weeks of travel through Switzerland and Germany your reporter has talked not only with responsible leaders but also with average citizens. In this city there was an occasion to combine a social visit and a political discussion with an old friend who, since the early days of the American occupation has been a strong advocate of a pro-American policy for Germany. To him, America has always been the world beacon of justice and human rights.

I shall try to present in condensed form a long conversation which, in the mind of this reporter, represents the views of not only Germans, but of many European leaders regarding Washington's new policies.

"The Europeans," my German friend pointed out, "have frequently misunderstood America's policies. This is inevitable among the democracies who have different conceptions concerning freedom. But we all believed that you would never tolerate the real meaning of freedom to be snuffed out anywhere in the world. We Germans know what it is to lose freedom and our civil rights. And when you demolished Hitler for us, we believed we could look to America to lead the way for our country to regain its democracy. And we always believed that you would continue to do your utmost to prevent aggression—from whatever quarter it might come.

"But in these last few years, and especially in the last few months, we have suffered a sort of slow shock; we have reluctantly come to the conclusion that you regard aggression with equanimity, provided it is perpetrated by the Communists or neutralists. You have established the principle that aggression can pay dividends to the aggressors."

He then began to enumerate concrete cases. He started with the little enclaves such as Goa, belonging to Portugal on the Indian continent, which was gobbled up by the Indian armies overnight, needlessly reminding me that our only reaction was some outraged words from the lips of United Nations Ambassador Stevenson, and more foreign aid to India, the aggressor. Added to this has been outright hostility by Washington toward Portugal, a stanch ally.

The next example was our hostility toward President Tshombe of Katanga, a strong anti-Communist who is apparently taking literally, my friend said, the self-determination of all nations guaranteed in the Atlantic Charter. And then he went on to mention the fact that our long-time ally, Holland, had been forced through American pressure to give up a small remaining part of her empire, Irian, and cede these poor natives to the pro-Communist president of Indonesia, Sukarno; even though the Dutch were willing to permit the natives to decide for themselves whether they should become independent or join with the Indonesians. "You actually made it physically impossible for the Netherlands to send troops to defend the natives," he added.

"Take Laos," he said. "After stating early in 1961 that Laos' full independence was a matter of life and death for the security of East Asia, you have forced the creation of a so-called neutralist government. It will be a Communist Government within a year.

"And now you tolerate coldblooded murders by the East Berlin Vopos right under your eyes, while at the same time you emphasize human rights for peoples all over the world.

"We know that it is not the American people who have changed. I have been to the States recently, and I know from personal contacts that they still have lofty ideals and are the same people who did not hesitate to shed their blood for the sake of freedom, and to pour out untold billions to make a better world. No, the change has come with your leadership. They are now tolerating aggression because of the new element of fear. America's leaders of the past never had a fear complex—why, you entered the last two wars totally unprepared. But that didn't stop you from your determination to stamp out aggression.

"There is a growing feeling in Europe today that henceforth they will have to 'go it alone' without America. Their leaders do not find it politic to say it outright; but the fact is that many of them are now writing off the United States as the mainstay of the remaining free world. This is the kernel of America's low prestige in the world."

Mr. MILLER. Madam President, I express the hope that the joint resolution, which I shall vote for as being better than nothing, will be strengthened in the House of Representatives along the lines I have suggested.

I ask unanimous consent that an excellent memorandum to the Secretary of State by Under Secretary of State Reuben Clark, dated January 6, 1930, appearing in Senate Document No. 114, 71st Congress, 2d session, on the subject of the Monroe Doctrine be printed in the RECORD at the conclusion of my remarks. Students of our foreign policy would find this article highly informative.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM TO THE SECRETARY OF STATE

The SECRETARY: Herewith I transmit a memorandum on the Monroe Doctrine, prepared by your direction, given a little over 2 months ago.

Voluminous as it is, the memorandum makes no pretense at being either a treatise or a commentary on the doctrine; the shortness of time available for the work and the urgency for its completion, coupled with the performance of regular departmental duties assigned to me, forbade such an undertaking.

Obviously the views set out, both herein and in the memorandum, are not authoritative statements, but merely personal expressions of the writer.

The memorandum is by design (to the full extent it has been possible so to make it) a mere collection of documents, or glossed authoritative statements and discussions, accompanied by such slight, running comments only as are necessary to identify the incident or situation with which the documents are connected. This is especially true of the correspondence covering the years immediately preceding the announcement of the doctrine and thereafter, this material being in the main taken from references or quoted documents given in the "International Arbitrations" and "International Law Digest" of John Bassett Moore, whose deep learning and exhaustive research in all matters connected with the international relations of this country, can be appreciated by those only who attempt to follow along any road he has already traveled. In common with every person who writes about American international relations, I owe to Mr. Moore (on account of these two great works) a debt which I can pay only by a full and frank admission of my obligation, which I am happy here fully to make.

The memorandum deals first with such matters and incidents of our history as British colonies and of our history as a nation under the Constitution up to 1823, as had a bearing on the doctrine, and indicated the relationship between these matters and the course of concurrent events in Europe, including a brief statement of the development of the holy alliance with its aims and purposes.

There follows, after this, extracts of the pertinent parts of our diplomatic correspondence which immediately preceded Monroe's declaration, the declaration itself, and then the more important instances, arranged in chronological sequence, in which the principles of the doctrine or the doctrine itself has come under consideration and application.

Then follows a collection, under classified headings, of various announcements and declarations touching matters and incidents which have been said not to fall within the doctrine or its underlying principles.

The pertinent parts of the doctrine as announced by President Monroe (December 2, 1823) are these:

"* * * the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

"It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole Nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

"It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

The doctrine, thus declared by Monroe, when reduced to its lowest terms, covers—

(1) Future colonization by any European powers of the American continents.

(2) Any attempt by the allied powers to extend their political system to any portion of this hemisphere, or (in its second statement) to any part of either continent.

(3) Any interposition, by any European power, for the purpose of oppressing or controlling in any other manner the destinies of the Latin American Governments "who have declared their independence and maintained it, and whose independence we have on great consideration and just principles acknowledged."

(4) Noninterference by the United States with the existing colonies or dependencies of any European power.

(5) Policy of leaving Spanish American colonies and Spain to themselves in the hope that other powers will pursue the same course.

Behind the doctrine, though not expressly stated in words by President Monroe, is the principle of the complete political separation of Europe and the Americas, or, as Jefferson put it, "Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs." (Oct. 24, 1823.)

The principles of the nonextension of the European political system to this hemisphere and interposition in the affairs of Latin American Republics, are mere corollaries of the political separation of Europe and America.

The memorandum shows that each of these essential principles of the Doctrine had been understood, announced, and invoked as between ourselves and Europe, years before the framing of Monroe's declaration was contemplated.

Jefferson, in 1793, seems clearly to have visualized an America with no European political affiliation.

Washington in his Farewell Address (1796) declared we should have "as little political connection as possible" with Europe that Europe had a "set of primary interests" with which we had "none or a very remote relation," wherefore Europe "must be engaged in frequent controversies, the causes of which are essential foreign to our concerns"; "Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

Adams (1797) in a message to Congress declared, "We ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it."

King, our Minister to Great Britain, reported (1798) intimations that Great Britain desired, with our coopertaion, to separate South America from Spain—Britain not wishing France to secure the resources of these colonies—and King intimated to British officers that, as to Louisiana, we should be unwilling "it should pass into the hands of new proprietors."

King (1801) speaking of the Floridas, told Hawkesbury "we should be unwilling to see them transferred except to ourselves."

Madison, Secretary of State (1801), informed Pinckney at Madrid that the United States never had favored and could never favor the transfer to Great Britain of the Spanish possessions on the Mississippi, and this instruction had the assent of President Jefferson.

Jefferson himself writing to Livingston at Paris (1802) declared the cession of the Floridas and Louisiana "works most sorely on the United States"; that it "completely reverses all the political relations of the United States"; and that by it France "assumes to us the attitude of defiance," and makes "it impossible that France and the United States can continue long friends." Madison writing Livingston with the approval of Jefferson, at about the same time, declared that "mere neighborhood could not be friendly" to the harmony of France and the United States. Lord Hawkesbury (1802) inquired of King as to the "line of policy" which the United States would adopt if France acquired Louisiana. In a mémoire which he delivered to French authorities (1802) Livingston again spoke of the dangers of neighborhood; and in the latter part of the year (1802) Madison wrote to Pinckney in Madrid of the "injuries" coming to us on account of the "colonial officers scattered over the hemisphere, and in our neighborhood."

King (early 1803) informed Addington of the British Government that we would "with much concern" see New Orleans in British possession. Hawkesbury (1803) speaking of our purchase of Louisiana, stated he had "received his Majesty's commands to express to you the pleasure with which His Majesty has received this intelligence." Jefferson (1803) in a message to Congress, observed that a "wide ocean" separated us from the entangling "political interests" of Europe, that "it cannot be the interest of any to assail us, nor ours to disturb them," a position we should be "most unwise * * * to cast away."

The Congress of the United States in 1811 passed a resolution, which, while dealing with a restricted territorial area, invoked our "security, tranquillity, and commerce." This resolution reads:

"Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation."

In 1820, Secretary Adams instructing Middleton at St. Petersburg, affirmed that the political system of the United States was essentially "extra-European," and "that for the repose of Europe as well as of America, the European and American political system should be kept as separate and distinct from each other as possible."

Beginning in 1821, Adams continued his correspondence with Russia in the course of which he developed, as it appears for the first time, the anti-European colonization principle, which was crystallized in his statement on July 17, 1822, that " we should assume distinctly the principle that the American Continents are no longer subjects for any new European colonial establishments."

Later (July 22, 1823) Adams instructed Middleton to say "frankly and explicitly to the Russian Government, that the future peace of the world, and the interests of Russia herself cannot be promoted by Russian settlements upon any part of the American Continent."

The situation as to Cuba in 1823 is said to have called for a remark from Clay to Canning that "we would fight" if Britain were to secure possession of Cuba.

As to the Canning-Rush negotiations, about the middle of August 1823, Mr. Canning orally advised Mr. Rush that "His Britannic Majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America"; that "Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, toward making up the dispute between Spain and her colonies, but that if this result could still be brought about she would not interfere to prevent it"; that he (Canning) "hoped that France would not, should even events in the peninsula be favorable to her, extend her views to South America for the purpose of reducing the colonies, nominally, perhaps, for Spain, but in effect to subserve ends of her own"; and that if France should meditate such a policy, a knowledge that both Great Britain and the United States opposed it "could not fail to have its influence in checking her steps."

On August 20, 1823, Mr. Canning sent a "private and confidential" communication to Mr. Rush suggesting that Great Britain and the United States "might understand each other as to the Spanish-American colonies." He stated:

"For ourselves we have no disguise.

"1. We conceive the recovery of the colonies by Spain to be hopeless.

"2. We conceive the question of the recognition of them, as independent states, to be one of time and circumstances.

"3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiation.

"4. We aim not at the possession of any portion of them ourselves.

"5. We could not see any portion of them transferred to any other power with indifference.

"If these opinions and feelings are, as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other, and to declare them in the face of the world?"

In a subsequent paragraph Mr. Canning inquired whether Mr. Rush was authorized to enter into negotiations and sign a convention upon this subject.

In a later communication marked "private and confidential" (August 23, 1823) Mr. Canning informed Mr. Rush that he found as a further reason for the two Governments reaching the proposed understanding, the fact that the French expected as soon as their military objects in Spain were achieved to propose "a Congress, or some more or less formal concert and consultation, specially upon the affairs of Spanish America."

President Monroe, on October 17, 1823, wrote to Mr. Jefferson and to Mr. Madison, enclosing copies of this correspondence, and stated among other things:

"My own impression is that we ought to meet the proposal of the British Govt. and to make it known, that we would view an interference on the part of the European powers, and especially an attack on the Colonies, by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us."

Mr. Jefferson replying under date of October 24, 1823, stated among other things:

"* * * Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs."

As to the war which the proposal of Great Britain might lead to, Mr. Jefferson said:

"* * * Its object is to introduce and establish the American system, of keeping out of our land all foreign powers—of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it."

Later in his communication Mr. Jefferson said:

"I could honestly, therefore, join in the declaration proposed, that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country; but that we will oppose, with all our means, the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession or acquisition in any other way."

The foregoing sets out, as to principles involved, the general situation when Monroe's Cabinet began its deliberations early in November of 1823. It will be observed that every essential principle of the declaration as finally framed had been definitely stated, some of the principles over and over again, before the Cabinet began consideration of the matter. The only thing left for the Cabinet to do and the only thing which the Cabinet did was to frame the formulas by which the principles should be announced.

Much research and learning have been exhausted in an effort to place or distribute, as among Adams, Monroe, Canning, and Rush, the credit for conceiving the principles of the declaration. From what has been said it would appear that neither Adams nor Monroe had any closer connection with this doctrine than Jefferson had with the Declaration of Independence, except as to the colonization principle, which Mr. Adams seems to have developed. In each case, the drawing of the instrument was the work of the draftsman; the principles cast into definite formulas in the doctrine had long been the common property of the American statesmen of the time, and even of European statesmen.

Returning to the declaration itself, it must not be overlooked that the matters inhibited by the doctrine came under ban because they were "dangerous to our peace and safety," or were a "manifestation of an unfriendly disposition toward the United States," or "endangering our peace and happiness."

This is the language used in international correspondence to describe matters which challenge the security or self-preservation of a nation. From the time when the announcement of the doctrine was made to the present time, substantially equivalent expressions have been used to describe the doctrine and the principles which underlie it. No reasonable doubt can be sustained that it has always been considered as involving our security. Secretary Knox speaking in 1911, declared:

"* * * The maintenance of the Monroe Doctrine is considered by us essential to our peace, prosperity, and national safety."

In 1914 Senator Elihu Root declared:

"The doctrine is not international law but it rests upon the right of self-protection and that right is recognized by international law."

Conceiving it as a doctrine touching our self-preservation (and the incidents of its application are squarely within the precedents of action for self-preservation) the definitions and discussions of self-preservation by international law writers are of importance.

Concerning self-preservation Phillimore says—

"The right of self-preservation is the first law of nations, as it is of individuals.

"All means which do not affect the independence of other nations are lawful for this end. No nation has a right to prescribe to another what these means shall be, or to require any account of her conduct in this respect." ("International Law," 3d ed., vol. I, p. 312.)

After stating, as to the independence of a state, that "to interfere with it therefore is a wrong, unless it can be shown that there are rights or duties which have priority, either invariably or in certain circumstances, over the duty of respecting independence," Hall lays down the following rule:

"That there is one such right is incontestable. Even with individuals living in well-ordered communities the right of self-preservation is absolute in the last resort. A fortiori it is so with states, which have in all cases to protect themselves. If the safety of a state is gravely and immediately threatened either by occurrences in another state, or aggression prepared there, which the government of the latter is unable or professes itself to be unable, to prevent, or when there is an imminent certainty that such occurrences or aggression will take place if measures are not taken to forestall them, the circumstances may fairly be considered to be such as to place the right of self-preservation above the duty of respecting a freedom of action which must have become nominal, on the supposition that the state from which the danger comes is willing, if it can, to perform its international duties." ("International Law," 5th ed., p. 54.)

Wheaton declares:

"Of the absolute international rights of states, one of the most essential and important, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other states, but a duty with respect to its own members, and the most solemn and important which the state owes to them. This right necessarily involves all other incidental rights, which are essential as means to give effect to the principal end." ("Elements of International Law," par. 61.)

Westlake lays down the rule thus:

"What we take to be pointed out by justice as the true international right of self-preservation is merely that of self-defense. A state may defend itself, by preventive means if in its conscientious judgment necessary, against attack by another state, threat of attack, or preparations or other conduct from which an intention to attack may reasonably be apprehended. In so doing it will be acting in a manner intrinsically defensive even though externally aggressive. In attack we include all violation of the legal rights of itself or of its subjects, whether by the offending state or by its subjects without due repression by it, or ample compensation when the nature of the case admits compensation. And by due repression we intend such as will effectually prevent all but trifling injuries (de minimis non curat lex), even though the want of such repression may arise from the powerlessness of the government in question. The conscientious judgment of the state acting on the right thus allowed must necessarily stand in the place of authoritative sanction, so long as the present imperfect organization of the world continues. If its legal rights or those of its subjects are concerned, and the necessity is not great and immediate, action on the right of self-preservation will seldom be conscientious unless arbitration has first been offered and refused; and there may be cases of a political kind not wholly unfitted for arbitration." ("International Law," pt. I, pp. 299–300.)

Oppenheim says:

"From the earliest time of the existence of the Law of Nations self-preservation was considered sufficient justification for many acts of a state which violate other states. Although, as a rule, all states are under a mutual duty to respect one another's personality, and are therefore bound not to violate one another, as an exception certain violations of another state committed by a state for the purpose of self-preservation are not prohibited by the Law of Nations." ("International Law," vol. I, par. 129.)

Rivier announces the rule thus:

"When a conflict arises between the right of self-preservation of a state and the duty of that state to respect the right of another, the right of self-preservation overrides the duty. Primum vivere. A man may be free to sacrifice himself. It is never permitted to a government to sacrifice the state of which the destinies are confided to it. The government is then authorized, and even in certain circumstances bound, to violate the right of another country for the safety (salut) of its own. That is the excuse of necessity, an application of the reason of state. It is a legitimate excuse." (Translation of "Principes du Droit des Gens," p. 277, as given by Westlake in "International Law," pt. I, pp. 296–297.)

The occasions when this right has been exercised are many. The more frequently cited instances have been summarized as follows:

Those classed as acts of self-defense:

"Halleck (p. 96) and Phillimore (p. 561) cite the intervention of the powers in the French Revolution in the latter part of the 18th century as illustrations of the exercise of this right (Halleck apparently reprobating and Phillimore justifying the intervention). Phillimore also classifies under this head the intervention of the powers in the partitions of Poland in 1772, 1793, 1795, and 1815, interventions which he characterizes as 'public crimes' and 'national wickedness' (p. 563). Phillimore also classifies under this head as being the 'offspring of necessity' the intervention of the powers in Greece in 1856 (p. 567), and also quotes at least one earlier exercise of the right in the 'conduct of Hiero, King of Syracuse, who, though an ally of Rome, sent aid to Carthage during the war of the auxiliaries' (p. 576).

"Lawrence seems also to classify the British intervention in Egypt in 1882 under the head of self-defense (p. 133).

"The authorities appear to regard this kind of intervention variously. Halleck states that this usually is a mere 'excuse' (p. 96). Phillimore contends that 'in cases like the foregoing (that is, the intervention in the French Revolution) the right of self-defense justifies other nations in intervening and demanding and if necessary by force of arms compelling, the abolition of a government avowing a principle of hostility to the existing governments of all other nations. But this, like the other grounds of intervention, is very liable to be abused' (citing the partitions of Poland, p. 562).

"Lawrence appears to approve the principle (p. 117), as does also Hall (pp. 264 et seq., 279).[1] "

"Those classed as acts of self-preservation:

"Hall, Phillimore, and Oppenheim treat the subject of 'Self-Preservation' as distinct from the question of intervention. Phillimore, indeed, specifying as one of the grounds of intervention the closely allied 'Right of Self-Defense.' All three authors (Phillimore, p. 315; Hall, p. 265; Oppenheim, p. 180) cite the case of the destruction, in 1839, of the *Caroline* on the Niagara River by British forces crossing over into American territory as an instance of the exercise of this right. Phillimore adds (p. 315) the instance of the British Government sending troops to Portugal in 1826 (Portugal being her ally) in order to assist Portugal in meeting the mustering and equipment of Portuguese rebels on the Spanish frontier unchecked by the Spanish authorities. Hall (p. 268) and Oppenheim (p. 179) cite the seizure by the British forces in 1807 of the Danish fleet, which, under certain secret articles of the treaty of Tilsit, was to be used by France against England. Hall (p. 270) also cites in this connection the case of the *Virginius*, where Spain exercised the right of visit and search during the insurrection in Cuba, a state of belligerency not having been recognized. In the case of the *Virginius* the United States and Great Britain both protested against the summary execution of certain of their citizens and subjects found on board the vessel. Oppenheim (p. 180) also cites the case of Amelia Island, whose piratical inhabitants were put down by this Government because of their preying upon American commerce as an instance of this kind. Finally, Hall (pp. 273-277) classes under this heading of 'Self-Preservation' the protection of subjects abroad. On this point further discussion will be made hereafter.

"Regarding the right of self-preservation as contrasted with other alleged rights of intervention, Hall says (p. 284):

"It is unfortunate that publicists have not laid down broadly and unanimously, that no intervention is legal, except for the purpose of self-preservation, unless a breach of the law as between states has taken place, or unless the whole body of civilized states have concurred in authorizing it. Interventions, whether armed or diplomatic, undertaken either for the reason or upon the pretexts of cruelty, or oppression, or the horrors of a civil war, or whatever the reason put forward, supported in reality by the justification which such facts offer to the popular mind, would have had to justify themselves, when not authorized by the whole body of civilized states accustomed to act together for common purposes, as measures which, being confessedly illegal in themselves, could only be excused in rare and extreme cases in consideration of the unquestionably extraordinary character of the facts causing them, and of the evident purity of the motives and conduct of the intervening state. The record of the last hundred years might not have been much cleaner than it is; but evil-doing would have been at least sometimes compelled to show itself in its true colors; it would have found more difficulty in clothing itself in a generous disguise; and international law would in any case have been saved from complicity with it."[2]

Those classed as acts of imminent danger:

"Lawrence (p. 121), seemingly having in mind much the same idea as that covered by Hall and others under the heading of "Self-Preservation," instances the action of the British Government when, in 1804, the British Ministry discovered that Spain had entered into arrangements to assist France, then at war with England, and was preparing a naval armament in the harbor of Ferrol, and states that the Ministry were justified in commencing hostilities when their remonstrances were disregarded. Lawrence also instances the case of Austria in 1813, when that government, at the close of an armistice granted by Napoleon after the Battle of Buatzen, "joined Russia and Prussia against France, the reason being that the French emperor had rejected its (Austria's) offers of mediation on the basis of reasonable concessions on his part, and had brought up the army of Italy to intimidate it."[3]

It is of first importance to have in mind that Monroe's declaration in its terms, relates solely to the relationships between European states on the one side, and, on the other side, the American Continents, the Western Hemisphere, and the Latin American Governments which on December 2, 1823, had declared and maintained their independence which we had acknowledged.

It is of equal importance to note, on the other hand, that the declaration does not apply to purely inter-American relations.

Nor does the declaration purport to lay down any principles that are to govern the interrelationship of the states of this Western Hemisphere as among themselves.

The doctrine states a case of United States versus Europe, not of United States versus Latin America.

Such arrangements as the United States has made, for example, with Cuba, Santo Domingo, Haiti, and Nicaragua, are not within the doctrine as it was announced by Monroe. They may be accounted for as the expression of a national policy which, like the doctrine itself, originates in the necessities of security or self-preservation—a policy which was foreshadowed by Buchanan (1860) and by Salisbury (1895), and was outlined in what is known as the Roosevelt corollary to the Monroe Dctrine (1905) in connection with the Dominican debt protocol of 1904; but such arrangements are not covered by the terms of the doctrine itself.

Should it become necessary to apply a sanction for a violation of the doctrine as declared by Monroe, that sanction would run against the European power offending the policy, and not against the Latin American country which was the object of the European aggression, unless a conspiracy existed between the European and the American states involved.

In the normal case, the Latin American state against which aggression was aimed by a European power, would be the beneficiary of the doctrine not its victim. This has been the history of its application. The doctrine makes the United States a guarantor, in effect, of the independence of Latin American states, though without the obligations of a guarantor to those states, for the United States itself determines by its sovereign will when, where, and concerning what aggressions it will invoke the doctrine, and by what measures, if any, it will apply a sanction. In none of these things has any other state any voice whatever.

Furthermore while the Monroe Doctrine as declared, has no relation in its terms to an aggression by any other state than a European state, yet the principle "self-preservation" which underlies the doctrine—which principle, as we shall see, is as fully operative without the doctrine as with it—would apply to any non-American state in whatever quarter of the globe it lay, or even to an American state, if the aggressions of such state against other Latin American states were "dangerous to our peace and safety," or were a "manifestation of an unfriendly disposition toward the United States," or were "endangering our peace and happiness"; that is, if such aggressions challenged our existence.

In other words, there is a broad domain occupied by self-preservation which is incapable of definite boundary as to its extent, or of definition as to the kind of act which lies within it, because new conditions, new advances in the arts and sciences, new instrumentalities of international contact and communication, new political theories and combinations, vary from age to age and cannot be certainly foretold. As the law stands, whatever falls within the necessities of self-preservation, under existing or future conditions, lies within the boundaries of the domain of the principle.

By his declaration President Monroe occupied and bounded but a narrow portion of this whole domain—that portion which contained situations immediately threatening. But that can hardly be said to have changed under the rules and principles of international law the fundamental character of the acts defined and bounded. These acts still remained within the domain of self-preservation, for, obviously, if they would constitute a menace to our existence, such measure would not disappear by virtue of their being listed.

In this view, the Monroe Doctrine as such might be wiped out and the United States would lose nothing of its broad, international right; it would still possess, in common with every other member of the family of nations, the internationally recognized right of self-preservation, and this right would fully attach to the matters specified by the doctrine if and whenever they threatened our existence, just as the right would attach in relation to any other act carrying a like menace.

The doctrine has been useful, and such indeed was the real motive of its announcement, and it will remain of such use that it should never be abandoned, as a forewarning to European powers as to what this country would regard, in a restricted field, as inimical to its safety. It has been equally useful to the Americas as forecasting our attitude toward certain international problems and relations in which they might be involved.

But, recalling that the doctrine is based upon the recognized right of self-preservation, it follows (it is submitted) that by the specification of a few matters in the doctrine, the United States has not surrendered its right to deal, as it may be compelled, and under the rules and principles of international law, with the many others which are unspecified as these may arise, which others might, indeed, have been included in the declaration with as much propriety, legally, as those which were mentioned. By naming either one act or a series of acts which challenges our self-preservation, we do not estop ourselves from naming others as they may arise; otherwise the mention of one such act would foreclose all others. The custom of nations shows that invoking the right as to one menace does not foreclose a power from invoking it as to others.

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[1] "Right To Protect Citizens in Foreign Countries by Landing Forces" (2d rev. ed.), p. 9.

[2] Ibid., pp. 21, 22.

[3] Ibid., p. 22.

Moreover, by specifying a few of the world powers which, if they performed the prohibited acts, would bring themselves within the inhibitions of the doctrine, the United States has not estopped itself from asserting the same principles against other and unnamed powers making the same sort of aggression. That against these other powers, the United States might, in its intervention, speak of the right of self-preservation and not of the Monroe Doctrine, would neither enlarge nor diminish its rights under international law as to the Monroe Doctrine or otherwise.

It is evident from the foregoing that the Monroe Doctrine is not an equivalent for self-preservation; and therefore the Monroe Doctrine need not, indeed should not, be invoked in order to cover situations challenging our self-preservation but not within the terms defined by Monroe's declaration. These other situations may be handled, and more wisely so, as matters affecting the national security and self-preservation of the United States as a great power.

It has been sometimes contended (see particularly the speech in the Senate by Senator Calhoun in 1848 regarding the situation in Yucatan) that the doctrine was announced merely to meet the threatened aggressions of the European Alliance in 1823, and that the doctrine became obsolete with the passing of this immediate threat. But this view is not supported by the language of the declaration which as to action "by any European power" (both as to colonization and interposition) is unlimited in time; nor by that part of the declaration which specifically mentions the "Allied Powers" for here the declaration is couched in such general terms as to be, with sound reason, applied to any power or powers whatsoever who should, at any time, commit the aggressions against which the announced policy was aimed.

During the period since the doctrine was announced there have been assertions at various times as to situations which were not objectionable to the doctrine or to the principles underlying the same. In few of these instances has it been categorically asserted that the Monroe Doctrine did not cover the specific matter in question, the ruling or declaration having usually come in the form of a statement to the effect that some particular situation was not inimical to the interests of the United States.

The statement of the doctrine itself that "with the existing colonies or dependencies of any European power we have not interfered and shall not interfere," has been more than once reiterated.

It has also been announced that the Monroe Doctrine is not a pledge by the United States to other American states requiring the United States to protect such states, at their behest, against real or fancied wrongs inflicted by European powers, nor does it create an obligation running from the United States to any American state to intervene for its protection.

Mr. Clay in 1828 asserted that the Monroe Doctrine was not applicable to wars as between American states, and it was likewise very early declared by Mr. Clay (1825) "that whilst the war is confined to the parent country and its former colony, the United States remain neutral, extending their friendship and doing equal justice to both parties."

Beginning in the second half of the last century (1861) the United States took the position that it would consider that Spain was "manifesting an unfriendly spirit toward the United States" if it should undertake the resubjection of certain of her former colonies, and this position was reinterated at later dates.

Commencing with 1825 and running on down through the whole of the last century it was repeatedly asserted that the Monroe Doctrine did not require the United States to prevent Europe from waging war against Latin American countries, and from almost as early a period down to the close of the century the principle was followed (as announced by Secretary Sherman in 1898) that it was not the duty of the United States "to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty."

The United States has at times jointly intervened with European countries in internal situations existing in the Latin Americas; at other times it has declined to participate in such intervention.

A popular feeling exists that the Monroe Doctrine is hostile to monarchial government as such, but this is not the fact. Monarchies have been set up in Brazil, Haiti, and Mexico without objection by the United States, and for many years we dealt with the Brazilian monarchy on terms and in language of sincere friendship. Even the establishment of the Maxmilian Empire in Mexico was objected to not so much from the point of view of its being a monarchy as from the point of view that this monarchy was established and maintained by European troops.

One of the interesting suggestions that have been made by European powers is that the possession of colonies by that power upon this hemisphere makes of that possessing power an American state. This suggestion has, of course, not be acceptable to the United States.

The Monroe Doctrine has always been considered as covering a possession—either "temporary or permanent" (Forsyth, 1840)—of American territory by European powers, and in line with that principle, we have declared that the Monroe Doctrine forbade the occupation of American territory by such powers. President Roosevelt in his message of February 15, 1905, in relation to the situation in Santo Domingo, declared:

"An aggrieved nation can without interfering with the Monroe Doctrine take what action it sees fit in adjustment of its disputes with American states, provided that action does not take the shape of interference with their form of government or of the despoilment of their territory under any disguise."

At various times proposals have been made that the United States should join with Europe in neutralizing certain areas (notably Cuba) on this continent, but the United States has steadily declined to join in such an action. One of the classic notes that have been written regarding the relationship between the United States and the other Americas was penned by Secretary Everett on December 1, 1852, regarding a proposal to neutralize Cuba.

The so-called Roosevelt corollary was to the effect, as generally understood, that in case of financial or other difficulties in weak Latin American countries, the United States should attempt an adjustment thereof lest European governments should intervene, and intervening should occupy territory—an act which would be contrary to the principles of the Monroe Doctrine. This view seems to have had its inception in some observations of President Buchanan in his message to Congress of December 3, 1860, and was somewhat amplified by Lord Salisbury in his note to Mr. Olney of November 6, 1895, regarding the Venezuelan boundary dispute.

As has already been indicated above, it is not believed that this corollary is justified by the terms of the Monroe Doctrine, however much it may be justified by the application of the doctrine of self-preservation.

These various expressions and statements, as made in connection with the situations which gave rise to them, detract not a little from the scope popularly attached to the Monroe Doctrine, and they relieve that doctrine of many of the criticisms which have been aimed against it.

Finally, it should not be overlooked that the United States declined the overtures of Great Britain in 1823 to make a joint declaration regarding the principles covered by the Monroe Doctrine, or to enter into a conventional arrangement regarding them. Instead, this Government determined to make the declaration of high national policy on its own responsibility and in its own behalf. The doctrine is thus purely unilateral. The United States determines when and if the principles of the doctrine are violated, and when and if violation is threatened. We alone determine what measures, if any, shall be taken to vindicate the principles of the doctrine, and we of necessity determine when the principles have been vindicated. No other power of the world has any relationship to, or voice in, the implementing of the principles which the doctrine contains. It is our doctrine, to be by us invoked and sustained, held in abeyance, or abandoned as our high international policy or vital national interests shall seem to us, and to us alone, to demand.

It may, in conclusion, be repeated: The doctrine does not concern itself with purely inter-American relations; it has nothing to do with the relationship between the United States and other American nations, except where other American nations shall become involved with European governments in arrangements which threaten the security of the United States, and even in such cases, the doctrine runs against the European country, not the American nation, and the United States would primarily deal thereunder with the European country and not with the American nation concerned. The doctrine states a case of the United States versus Europe, and not of the United States versus Latin America. Furthermore, the fact should never be lost to view that in applying this doctrine during the period of 100 years since it was announced, our Government has over and over again driven it in as a shield between Europe and the Americas to protect Latin America from the political and territorial thrusts of Europe; and this was done at times when the American nations were weak and struggling for the establishment of stable, permanent governments; when the political morality of Europe sanctioned, indeed encouraged, the acquisition of territory by force; and when many of the great powers of Europe looked with eager, covetous eyes to the rich, undeveloped areas of the American hemisphere. Nor should another equally vital fact be lost sight of, that the United States has only been able to give this protection against designing European powers because of its known willingness and determination, if and whenever necessary, to expend its treasure and to sacrifice American life to maintain the principles of the doctrine. So far as Latin America is concerned, the doctrine is now, and always has been, not an instrument of violence and oppression, but an unbought, freely bestowed, and wholly effective guarantee of their freedom, independence, and territorial integrity against the imperialistic designs of Europe.

J. Reuben Clark.

December 17, 1928.

Mr. SPARKMAN. Madam President, I yield myself 2 minutes in order to conduct a colloquy with the Senator from Colorado [Mr. Carroll].

Mr. CARROLL. Madam President, I desire to ask the able Senator from Alabama several questions about the joint resolution. I favor the joint resolution. I am in favor of a firm policy with reference to Cuba and the situation that obtains there. After reading the joint resolution, I should like to know whether it contains anything which delegates to the President any warmaking powers which, under the Constitution, are vested in Congress.

Mr. SPARKMAN. There is no delegation or grant of powers in the joint resolution. With reference to the specific point about which the Senator inquires—warmaking power—the Constitution declares that it is the responsibility of Congress to declare war. In my opinion, under that constitutional provision Congress could not delegate to the President power to declare war. Certainly no attempt is made in the joint resolution to delegate or grant any such powers. Whatever powers the President now has, he will still have after the passage of the joint resolution. Nothing is added; nothing is taken away.

Mr. CARROLL. Let me put the question differently. Do I correctly understand that the joint resolution neither adds to nor takes away from any power which the President has under the Constitution, and that it neither adds to nor detracts from any power which Congress itself has with reference to the declaration of war?

Mr. SPARKMAN. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SPARKMAN. I yield myself 1 additional minute.

Mr. CARROLL. I have heard statements by visitors to Colorado, and I have read statements in the press, with respect to the imposition of a blockade. What types of blockades might be imposed in the Cuban situation?

Mr. SPARKMAN. I do not pose as an expert on blockades; but, from what I know of them, it is my conception that in the minds of people who talk about blockades there are two different types. There is a type which is known as the pacific blockade, which term was used by the distinguished Senator from Nebraska [Mr. CURTIS] in the course of the debate a few minutes ago. If there is such a thing as a pacific blockade, it means a blockade which a country attempts to establish through the cooperation of other nations. If a nation wishes to cooperate, it can do so. Then there will be no shipping.

The PRESIDING OFFICER. The time of the Senator from Alabama has again expired.

Mr. SPARKMAN. I yield myself an additional minute.

Then there is the real blockade or the effective blockade. An effective blockade against a country is an act of war. But if the country declaring the blockade makes an effective blockade, that blockade must be respected by all the nations of the world, and international law supports the blockade.

Mr. CARROLL. As I understand the Senator's statement, a pacific blockade would be effective only if all countries agreed to the stopping and searching of ships.

Mr. SPARKMAN. They would either agree to permit searching, or else they would agree not to ship to the country concerned.

Mr. CARROLL. That is my understanding.

The PRESIDING OFFICER (Mr. METCALF in the chair). The time the Senator from Alabama yielded himself has expired.

Mr. SPARKMAN. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 more minute.

Mr. SPARKMAN. Mr. President, during the Korean war there was a blockade somewhat of that type against Communist China; at least, we had asked the friendly nations of the world not to ship to Communist China materials which might aid in her war effort. I am not sure that our Government actually recognizes what is called a pacific blockade; but the term is used at times, and, according to my understanding, that is what it means.

Mr. CARROLL. Then, as I understand the able Senator from Alabama, there is another type of blockade, which is full and effective.

Mr. SPARKMAN. Yes; a military blockade.

Mr. CARROLL. It is tantamount to a declaration of war, is it not?

Mr. SPARKMAN. I would not say so; but it is regarded by the country against which it is established as an act of war.

The PRESIDING OFFICER. The additional time the Senator from Alabama yielded himself has expired.

Mr. CARROLL. I should like to have a few more minutes.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. CARROLL. If a full military blockade is imposed, and is considered an act of war, other nations must pay attention to it.

Mr. SPARKMAN. Provided it is effective. In other words, the country maintaining it must enforce it and must make it effective.

There was such a blockade during the War Between the States; the Federal Government imposed a blockade against the South, and made it quite effective. Otherwise, the outcome of that war might have been quite different.

Mr. CARROLL. If such a blockade is an act of war, or could be so construed, does the joint resolution contain any provision which would prevent the President from calling on the Congress to impose such a blockade?

Mr. SPARKMAN. No. The President would have that right in any case.

Let me suggest that the Senator from Colorado read the discussion on that point, as it appears on pages 32 and 33 of the hearings, when Secretary Rusk discussed the continuing relationship—or discourse, as he called it—between the Executive and the Congress.

Mr. CARROLL. I ask unanimous consent that that part of the hearings be printed at this point in the RECORD.

Mr. SPARKMAN. Very well.

The PRESIDING OFFICER. Is there objection?

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> PRESIDENT'S ACTIONS TO DATE AS COMMANDER IN CHIEF
>
> I think that as far as authorization or direction to the President is concerned and the wording of that part of the resolution, whether the sense of the Congress or an authorization, let me say, sir, that the President, as Commander in Chief, does have very far-reaching powers, and that there are certain actions which he would take under existing public commitments, I am sure, which the Congress would approve of.
>
> For example, on August 31 at a time when two small naval vessels fired on U.S. Navy aircraft, it was declared publicly that in any such incident in the future where U.S. aircraft and naval vessels are fired upon in international waters while in the peaceful performance of their duties, the U.S. Armed Forces will employ all means necessary for their own protection and will insure their free use of such waters.
>
> We are conducting a close surveillance of the Caribbean area, and we intend to enforce the right to conduct such surveillance, and this itself could lead to certain incidents which would involve the use of the Armed Forces of the United States.
>
> Secondly, on general grounds, as well as specifically under the September 4 statement, it has been made clear that if the Cubans or the Soviets in Cuba attempted to move arms illicitly into other Latin American countries, or if any elements of armed forces embarked from Cuba for any neighboring countries, that the Armed Forces of the United States would be used to intercept such traffic.
>
> Of course, if there is an attack upon Guantanamo, the President would move immediately with the forces necessary to repel that attack and to take the necessary action.
>
> But I want to emphasize, Mr. Chairman, we do not consider that the passage of a resolution at this particular time by the Congress in any sense breaks the discourse or terminates the discourse between the Executive and the Congress on this important situation.
>
> I would think, for example, if a situation arose in which it were necessary to make a major use of the U.S. Armed Forces against Cuba, the consequences, certainly as far as Cuba is concerned and this country and the potential consequences in other places in the world, would be so large and so significant that the President would be in close consultation with the leadership of the Congress in connection with any such move.
>
> So that this resolution, a resolution at this time does not terminate the Cuban question so far as the Congress is concerned.
>
> It's something which both the Congress and the Executive would be involved in over the weeks and months ahead.

The PRESIDING OFFICER. The additional time yielded to the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, may I have 1 more minute?

Mr. SPARKMAN. I yield 1 more minute to the Senator from Colorado.

Mr. CARROLL. It is my impression that the Secretary of State has said that in the event such action is taken, Congress will be consulted.

Mr. SPARKMAN. Yes, he has said that he feels certain that the President would be in close consultation with the leadership of Congress, in connection with any such move. He said:

> We do not consider that the passage of a resolution at this particular time by the Congress in any sense breaks the discourse

> or terminates the discourse between the Executive and the Congress on this important situation.

And he said that the whole matter is one "in which both the Congress and the Executive would be involved over the weeks and months ahead."

Mr. CARROLL. Mr. President, I commend the able Senator from Alabama, and also both the Foreign Relations Committee and the Armed Services Committee.

This is a strong, sober, serious resolution. It is a unanimous and bipartisan joint resolution. It represents the wise thinking and the calm judgment of the 34 members of the highly respected and powerful Senate Foreign Relations Committee and the Senate Armed Services Committee—who, in turn, were in constant consultation with the equally respected and powerful House Foreign Affairs Committee and the House Armed Services Committee.

This resolution should not be construed as an idle or empty threat but must be considered as a strong, positive, and emphatic warning to the Soviets and to the Castro government in Cuba. In estimating the scope and strength of this warning, I advise the Soviet Government and the Cuban Government to note it well.

Once this resolution has received the approval of the House of Representatives and the Senate of the United States—once it has been signed by the President of the United States, it will fully and clearly represent the solemn and declared policy of all of the American people—to use an old American expression—"come hell or high water. Our course is charted"

Mr. SPARKMAN. I thank the Senator from Colorado.

The PRESIDING OFFICER. The additional time yielded to the Senator from Colorado has expired.

Mr. DODD. Mr. President——

Mr. SPARKMAN. I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. I thank the Senator from Alabama.

Mr. President, I strongly support the joint resolution which has been reported from the Committee on Armed Services and Committee on Foreign Relations, on the latter of which I am privileged to serve.

I believe this joint resolution makes it unequivocally clear that the United States is committed to the restoration of freedom to the Cuban people and to the principle that the right of self-determination, which is the cornerstone of the United Nations Charter, be restored to the Cuban people.

I also believe that the resolution makes it unequivocally clear that the Monroe Doctrine, despite Khrushchev's derisory comments, is not dead; that it is, on the contrary, very much alive and remains a guiding policy of our Government in its natural concern to protect the countries of the hemisphere against all external aggression.

I believe the resolution also makes it clear that we are determined to take whatever measures may be necessary to prevent the extension of Soviet influence in the Western Hemisphere.

Mr. President, having said that, I believe I should make clear, for the RECORD, that I wish the joint resolution had been more strongly worded. However, I shall not offer an amendment, for I think it most important that Senators stand together on the joint resolution. But I also think it important that Senators who have reservations in regard to the language used in the joint resolution should make our reservations clear at this time on the RECORD.

I believe it would have been better if, in clause (a) we had eliminated the words "in Cuba." I believe the use of the words "in Cuba" might conceivably be interpreted as meaning that we will take no measures against the incursions of Soviet imperialism into the Western Hemisphere, provided the Kremlin is willing to limit itself to its first triumphant incursion in Cuba. This, I am certain, is not the intent of Congress or the real intent of the resolution now under consideration.

Moreover, I feel that the inclusion of the words "in Cuba" obscures the fact that we are dealing, not with a native Cuban Marxist-Leninist regime, but with a Soviet quisling regime that maintains itself in power thanks only to massive support from Moscow and the massive presence of Communist-bloc arms and Communist-bloc military personnel.

In short, the inclusion of the words "in Cuba" obscures the fact that we are talking about Soviet—that is, nonhemispheric—aggression and subversion.

I think it is regrettable that we do not say so in unmistakable language. I am wholeheartedly in favor of the joint resolution; but I believe that sooner or later we shall have to face up to the facts of this situation. I so sincerely and definitely believe that it will be necessary that conscience compels me to say so on the floor of the Senate. For this reason, I think the words "in Cuba" should have been deleted.

I also believe that the words "by force or the threat of force" should have been deleted, because in my opinion these words conflict with the adjoining words, "from extending its aggressive or subversive activities to any part of this hemisphere." This wording recognizes, clearly and properly, that communism operates in two ways: by open aggression and by subversion. But I think all of us would agree that the world Communist movement has achieved the great majority of its successes by means of subversion or indirect aggression, rather than by means of direct military aggression.

If the Communists decide to take over Panama—and I am sure that Khrushchev and Castro do have plans for taking over Panama—they will not do so by means of an open military attack, employing Castro's Red army and Soviet-bloc hardware and specialists. The Communists are far too clever to operate so blatantly.

We can virtually take it for granted that they will operate by fostering the creation of a Panamanian front movement, proclaiming itself to be nationalist and anti-imperialist and reformist, as Castro did when he was bidding for power; that they will provide clandestine support for this movement in the form of arms, unlimited quantities of printed propaganda, and Cuban and Latin American experts in guerrilla warfare and political subversion, who have been trained in Moscow.

In short, Khrushchev and Castro could take over Panama, or could take over any other Latin American country, without any apparent or provable use of force by the Cuban regime, and without even a threat of direct military intervention.

As President Kennedy pointed out in what I think was one of his great speeches, before the American Society of Newspaper Editors—I think it is worth while to remind ourselves what he said:

> We face a relentless struggle in every corner of the globe that goes far beyond the clash of armies or even nuclear armaments. The armies are there, and in large number. The nuclear armaments are there. But they serve primarily as the shield behind which subversion, infiltration, and a host of other tactics steadily advance, picking off vulnerable areas one by one in situations which do not permit our own armed intervention. * * * Our security may be lost piece by piece, country by country, without the firing of a single missile or the crossing of a single border.

How right the President was and how cogently he described the peril.

It is in the light of this statement and for the purpose of removing any possible ambiguity that I propose the deletion of the words "by force or the threat of force."

Mr. President, the resolution quite properly does not suggest any specific course of action. This is for the administration to determine, in the light of the available information. The great value of this resolution is that it will serve to declare the general intent of Congress both to our friends and to our enemies. It is my hope, however, that, with the moral authority of this resolution behind it, the administration will proceed to take a number of measures to bolster the forces of Cuban liberation.

I hope that there will be a greatly intensified propaganda effort, directed to the people of Cuba and the peoples of the other Latin American countries. I hope the Voice of America will provide itself with powerful long-wave broadcast facilities, because its present shortwave facilities severely limit its reception in Cuba. I hope that we will encourage the formation of a Radio Free Cuba, organized along lines similar to Radio Free Europe, and supported by the contributions of the millions of private citizens in our country who, I am certain, would gladly contribute to such an undertaking.

I hope that in the not very distant future we will encourage the creation of and grant recognition to a Cuban government-in-exile, committed to the holding of free elections.

I hope we will proclaim the formation of a Cuban Freedom Legion, armed and supplied by the United States, and open to nationals of all Latin American countries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. May I have 3 more minutes?

Mr. SPARKMAN. I yield 2 more minutes to the Senator from Connecticut.

Mr. DODD. To those who say that this would constitute a violation of the Neutrality Act, I point out that within recent years an Algerian Liberation Army and an Algerian Government-in-exile were organized on the territory of Tunisia and Morocco, two countries with which we enjoy friendly relations and which are the recipients of large-scale American aid; that this army was largely equipped by the Soviet bloc, and that the government-in-exile was recognized by many Afro-Asian countries as well as by the Communist-bloc countries; that, when it was a matter of liberating an African country from the relatively mild colonial rule of a NATO ally—when I say "relatively mild," I mean compared with the Soviet bloc—it seemed to be accepted as natural and proper that there should be a government-in-exile and a liberation army organized in neighboring territory.

Surely it is not too much to ask that we accord comparable freedom and comparable support to the Cuban freedom fighters, who seek to liberate their country from an infinitely more tyrannical form of foreign colonialism.

Meanwhile, Mr. President, it is my hope that both Houses will unanimously support the resolution now before them.

Our trouble is that we have not yet resolved to face up to the realities of this dreadful situation. I understand the hesitancy of those who have had to carry this burden. Yesterday in the joint meeting of the Armed Services Committee and the Foreign Relations Committee, presided over by the great Senator from Georgia [Mr. Russell], and the great Senator from Alabama [Mr. Sparkman], Senators were trying, as best they could, to draft a resolution that would help us and help the free world by giving notice to our enemies where we stand on this issue. I think we have done well. The only reason why I have spoken is that I have a deep and abiding fear that sooner or later we must face up to this situation in terms of concrete actions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPARKMAN. I yield 1 additional minute to the Senator from Connecticut.

Mr. DODD. It is my hope that we will be able to do it when the hour strikes. This is why I wanted to go on record this afternoon.

Mr. SPARKMAN. Mr. President, I yield 15 minutes to the Senator from Minnesota [Mr. Humphrey].

Mr. HUMPHREY. First, Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Tennessee [Mr. Gore], in support of Senate Joint Resolution 230. As Senators know, he is a delegate to the United Nations and cannot be present in the Chamber today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Gore

I support the unanimous decision of the Committee on Foreign Relations and the Committee on Armed Services who have jointly recommended the approval of Senate Joint Resolution 230 expressing the determination of the United States to prevent the Communist regime in Cuba from extending its aggressive and subversive activities to any part of this hemisphere.

Although the President of the United States has authority in his own right to take appropriate action to prevent the Cuban regime from threatening the security of the United States, I believe there is an advantage at this time in having the Congress and the President join together in this joint resolution to express the determination of all of the American people.

There is no doubt in my mind but that the Communist regime in Cuba has the potentiality of threatening the security of the United States. We should not remain idle if this threat continues to increase.

I take this occasion to urge other States in the American system to recognize, while there is still opportunity, that the exploitation by military and subversive means of the alien ideology of communism has the potentiality of destroying, not only the freedoms which have made this Nation great, but those that are essential to the full development of economic and political freedom in the hemisphere.

Mr. HUMPHREY. Mr. President, I rise to support Senate Joint Resolution 230. It is my view that this resolution clearly states American policy relating to the situation in Cuba, the Caribbean, and the Western Hemisphere. It is also my view that the resolution will strengthen the hand of our President; it will forewarn our enemies and will encourage our friends.

The joint resolution received very thoughtful and serious consideration by the two committees of the Senate which considered it, the Foreign Relations Committee and the Armed Services Committee.

Developments in the Caribbean, and particularly in Cuba, have attracted international notice, and have commanded the attention of the American people and their Government.

What has taken place in Cuba is of serious concern to every one of us, and the resolution makes that perfectly clear, as it declares in the resolving clause:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States is determined—
>
> (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force, or the threat of force, its aggressive or subversive activities to any part of this hemisphere;
>
> (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and
>
> (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

I submit that this resolution reaffirms the many commitments we have made under treaty, and under the Monroe Doctrine, insofar as that doctrine applies to this hemisphere.

In Tuesday's New York Times the distinguished columnist, Mr. Arthur Krock, for whom I have a very high regard, commented on my remarks on Friday, September 14, concerning this administration's policy on Cuba and the application of the Monroe Doctrine to the present situation in the Caribbean.

Senate Joint Resolution 230 should remove any doubt which anyone might have as to the policy not only of the administration, but also of the entire Government of the United States.

Mr. Krock wrote:

> Senator Humphrey, of Minnesota, an established foreign affairs spokesman of the administration in Congress, has for the first time put on the public record a candid admission that President Kennedy has set limits to the historic thrust of the Monroe Doctrine. As now officially interpreted, in what the Senator prophesied would become known as the Kennedy Doctrine, * * * (the Monroe Doctrine) has been modified to apply only to situations which directly endanger the security of the United States.

Mr. Krock dwells upon my description of the Kennedy doctrine as "a modern application of the principles of the historic Monroe Doctrine to the recent developments in our hemisphere. He contends that this makes me the only administration spokesman to have "publicly conceded" that the President has "narrowed the original scope of the Monroe Doctrine."

I yield to no one in my admiration of Mr. Krock's ability, ingenuity, and resourcefulness. But this does not blind me to the fact that Mr. Krock, like all of us, can occasionally be led astray by his eagerness to reach a desired conclusion. In this particular instance, he has both exaggerated the authority with which I spoke—as my colleagues would readily agree—and has concentrated on one aspect of my remarks to the exclusion of all others. In fact, I think that Mr. Krock has failed to emphasize the wider meaning of the President's statement on Cuba and my interpretation of that statement—namely, that the United States has now given specific present-day content to the Monroe Doctrine. Thanks to the President's stirring words and skillful presentation, the Monroe Doctrine is now a fit instrument to be used against Soviet penetration of this hemisphere.

The joint resolution underscores the fact that the commitments we have made by treaty and agreement, and under the Monroe Doctrine, are designed to prevent Soviet penetration of this hemisphere.

Let me say at the outset that the administration is not to blame for my words in praise of the President's historic statement of September 13. I neither consulted with the administration before making my remarks nor did I try to act as the administration's spokesman for a new departure in American foreign policy. Indeed, no startling new departure in foreign policy has taken place, and my remarks were certainly not an official interpretation of any new policy. At the same time, I believe that I said nothing which contradicts or is out of tune with U.S. policy as defined by the President.

Everyone, especially if he is a noted columnist, is entitled to his opinion. But Mr. Krock is mistaken in his contention that the President has set limits to the applicability of the Monroe Doctrine. Far from limiting or modifying this venerable U.S. policy, the President has given it room to breathe in the modern era. He has put U.S. policy in this hemisphere on a new plane. He has updated our traditional interpretation of the Monroe Doctrine and has put it in harmony with the nuclear age rather than the age of sail.

Again, let me emphasize that this is my reading of the President's statement and not an official pronouncement by something called an administration spokesman.

Now it is true that in my statement of September 14 I laid stress on our determination to safeguard the security of the United States. This was only natural. I do not apologize for it. It is impossible, as so many of my constituents and correspondents have pointed out in their letters to me, to ignore the potential threat of a hostile military power only 90 miles from the continental United States. Cuba is not now a significant danger, but we must be on our guard. There is no basis for the claim, however, that I was talking about the security of the United States as distinct from the security of the rest of the hemisphere and our allies in the Organization of American States. Indeed, I thought it was plain as day that whenever I referred to the Monroe Doctrine I was speaking of a broad U.S. commitment to defend not only our security but also the security of our independent neighbors in the Western Hemisphere.

This is the policy of the United States. We are not selfish in our policy, thinking only of aggression against the United States. We have committed ourselves to preventing Communist aggression, not only against the United States and in the Western Hemisphere but also throughout the world. There are treaties to which we have placed our signature—and we will honor that signature.

We will act unilaterally, if need be, to protect this security. This has always been the meaning of the Monroe Doctrine and this is its meaning today, as I see it.

Time after time, Mr. President, I have spoken of the situation in Cuba as representing a threat to the entire hemisphere, not just to ourselves. On September 7, I said:

> Castro and his sponsors need to be told that the United States will not hesitate to use its power to crush any Cuban military aggression against the United States or any Latin American state.

President Kennedy himself has said that the Castro regime "will be prevented by whatever means may be necessary from taking action against any part of the Western Hemisphere."

This is the application of the Monroe Doctrine in the year 1962.

On September 11, I said in this Chamber:

> The President has said clearly and unambiguously that the United States will use whatever means may be necessary to protect our forces around Cuba and to prevent Cuban aggression anywhere in the Western Hemisphere. Far from being dead or abandoned, the principles of the Monroe Doctrine have been espoused by the Organization of American States and are directly aimed at Communist subversion in this hemisphere.

Further on in my remarks, I said:

> Castro should know that any aggressive move against our planes, or ships, or installations—electronically or in terms of the actual use of force—will be met with immediate counterforce. * * * The same would be true in the case of an attack against the forces and territories of any of our neighbors in the Caribbean or the rest of Latin America.

Any columnist who took the trouble to study my remarks of September 11 would have seen that I said:

> We must take the leadership in the OAS to counter the most likely leapfrog of Castro communism—the jump to the Republic of Haiti, which shares the same strategic island with the Dominican Republic. * * * I warn this Government now, from the Senate floor, as I have done privately and by letter and word, that we need to be prepared for a leapfrog effort on the part of Castro to jump over the Dominican Republic into the Republic of Haiti and establish a force of Castroism in that half of the island.
>
> In order to forestall this development, the Organization of American States should have fire-fighting equipment ready to act on a moment's notice. We should request from the OAS an international police force ready to come to the aid of the leaderless Haitaians in the event that Mr. Duvalier takes the bloody fall that seems inevitable.

Mr. President, I could quote numerous statements to this same effect. They prove beyond a shadow of a doubt that neither President Kennedy nor his "lieutenants" in Congress have ever interpreted the Monroe Doctrine as an instrument of selfish protection. American policymakers have always thought in hemispheric terms and they do so today.

What does the Monroe Doctrine actually say? Among other things, it states that the "American Continents are henceforth not to be considered as subjects for future colonization by any European power." Secondly, that any attempt by the European powers "to extend their system to any portion of this hemisphere" will be considered "dangerous to our peace and safety." Finally, that intervention for purposes of oppression or control of any independent American government by any European power would be looked upon as the "manifestation of an unfriendly disposition toward the United States."

These three principles—no future colonization, no extension of the European system to this hemisphere, and nonintervention by outside powers—are valid in this day and age. But the fact remains that the Monroe Doctrine cannot be automatically applied to specific cases today without considerable explanation and reinterpretation. Obviously we are not dealing with simple colonization as the word was understood in the 18th and 19th centuries. In 1823, when the Monroe Doctrine was promulgated, what we meant by the European system was a system of absolute monarchies, linked together in the Holy Alliance in a concerted effort to crush republicanism and representative democracy. Things have changed since that time. We are no longer worried about thrones and dynasties. To be sure, there are similarities between arbitrary monarchical despotism and Communist despotism, but it can hardly be argued that President James Monroe and John Quincy Adams were thinking in terms of the modern Soviet system when they devised what is now known as the Monroe Doctrine.

Likewise, the Soviet Union did not have to move into Cuba in order to demonstrate its "unfriendly disposition" toward the United States. The Soviet Union and the United States have been at loggerheads since the end of World War II. The Kremlin has never been one of our closest friends. We have always opposed the extension of Communist dictatorship around the world, and in a series of inter-American conferences since World War II we have opposed any extension of the Communist system to the Western Hemisphere. In response to the Soviet threat, we have abandoned our prewar isolationism and have built a formidable structure of defensive alliances around the world—including alliances with many countries which lie at the very portals of the Soviet Union.

As Walter Lippmann pointed out in his column of September 18, we now have farflung interests in Europe and Asia, although the intention of our Founding Fathers—and indeed of the authors of the Monroe Doctrine—was to keep us from "foreign entanglements."

In that sense the Monroe Doctrine has been altered because we have foreign commitments and responsibilities. We have them because of the nature of the Communist threat, which is a totalitarian and worldwide threat, an ever-present threat, constantly menacing us every day of the year. We are prepared to meet that threat and we meet it very minute of the day.

The implication is clear. What goes on in Europe today is vital to our security—what goes on any place in the world is vital to our security—although the Monroe Doctrine specifically denied that we wished to involve ourselves in Europe's affairs. Of course, this does not mean that we now involve ourselves in European or Asian affairs as the Communists try to worm their way into inter-American affairs. As Raymond Moley points out in the current issue of Newsweek:

> We have repeatedly denied our desire for territorial gain, nor do we have any intention to colonize anywhere. Our bases in Turkey and Spain have nothing to do with the internal affairs of those nations. The Communist takeover in Cuba (however) is a barefaced operation designed to establish a Communist- and Soviet-dominated state in the center of the Western Hemisphere.

In other words, changing circumstances of world politics have placed the Monroe Doctrine in a different context. We cannot take any action in the Western Hemisphere without considering what effect it will have on our worldwide commitments and interests.

In Walter Lippmann's words:

> We cannot wage preventive war against Castro without establishing the rule that a

> preventive war is legitimate against our military positions in Berlin, Turkey, Iran, Pakistan, Thailand, South Vietnam, Taiwan, Okinawa, South Korea, and Japan.

A clear understanding of this point is absolutely essential. As McGeorge Bundy, Special Assistant to the President on National Security Affairs, writes in the current issue of Foreign Affairs, we have formal alliances with 42 sovereign, independent states. An alliance cuts both ways. An alliance entails mutual obligations. It requires reciprocity.

I submit, therefore, that we can neither morally nor realistically take actions which would jeopardize the security and independence of our allies. Many of them are as vulnerable to Soviet power as Cuba is to ours. Although we reserve the right to take unilateral action in defense of our vital interests, we are obliged to take the interests of our allies into consideration. Our allies are part of the masonry of our defenses. We defend them from aggression, and they form a bulwark against the worldwide march of communism. However, our allies must recognize our deep concern over the aggressive and subversive activities of the Castro Communist agents in the Western Hemisphere. We cannot and will not sacrifice our Latin American neighbors or refuse to fulfill our treaty obligations.

But, as this Senator has made clear, publicly and privately, our foreign policy must not be controlled by a fear of Soviet power or by what Mr. Castro or Mr. Khrushchev threatens to do, because if we have a foreign policy that is to be stymied and paralyzed by the blusters and threats of Mr. Khrushchev, we shall have no policy at all.

There is no need to deny again that Mr. Khrushchev cannot make a deal with us over Cuba. We will not abandon Berlin or any other outpost of freedom just to get the Communists out of Cuba. But I say in all seriousness—and this point has been stressed privately by observers for whose judgments I have the highest respect—that if we back down in the face of a threat 90 miles from our own shores, no one will believe that we will stand up to a threat thousands of miles away. This, Mr. President, is the real link between Berlin and Cuba. This is the real nature of the crisis of confidence before us. The joint resolution under consideration faces up squarely to the challenge. The subsequent actions of the United States—both military and political—must maintain the high standard of our present resolve.

We must pursue a policy which we believe is in our national interest and which is responsive to our international commitments. Therefore every action that we take must be considered as a part of the total security policy of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield 4 additional minutes?

Mr. SPARKMAN. Mr. President, I yield 4 more minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I continue to quote Walter Lippmann:

> We cannot invoke the Monroe Doctrine without meeting the question of what we are doing all over Europe and Asia.

That is the columnist's point of view. I would word it somewhat differently. I submit that we must apply the Monroe Doctrine in terms of our security in this hemisphere as well as our security in other parts of the world.

Nothing would deter us, needless to say, if Castro or his Soviet helpers decided to strike out at ourselves or our allies in this hemisphere.

Let it be clear. I repeat that American policy cannot be predicated upon the fear of the threats and blusters of Khrushchev. We must have a policy, and pursue it, and not try to enter into a worldwide popularity contest. What is needed is calm and firm determination.

If Castro attacks us, we would respond with a crushing and devastating blow which would decisively end the threat of aggression. Castro would not survive this action, and his Communist advisers would have to depart ignominiously with nothing to show for their pains. Threats of nuclear war could not stay our hand.

That is what Senate Joint Resolution 230 provides. The fulfillment of our international obligations and the defense of our vital national interests cannot be immobilized or paralyzed by fear of Soviet retaliation.

At the same time, we would be ill advised to act without cause or provocation. Nor should we artificially create such cause or provocation. Hotheaded, unilateral action is precluded—as much by our "decent respect for the opinions of mankind" as by our concern for the integrity of our exposed allies on the periphery of the Soviet Union.

Is this a narrow interpretation of the Monroe Doctrine? Decidedly not. It is a broadly calculated policy which takes into account the facts of life in 1962. It means, as the President stated in his news conference of August 30, that "we would oppose a foreign power extending its power to the Western Hemisphere" as we oppose what is happening in Cuba today. We are taking all means short of belligerent action to bring about Castro's downfall. We will take more forceful action, in accordance with the guidelines laid down by President Kennedy, only if the situation requires it. The Monroe Doctrine does not require us to act precipitously or against our better judgment.

Indeed, the Monroe Doctrine, which is couched in diplomatic terms, does not prescribe how we should counter any violation of the doctrine by a European power. The unspoken implication, of course, is that a violation of the Monroe Doctrine will be met by force. But that is only an implication. It is not spelled out. Nor could it be spelled out when it was meant to apply to any one of a score of unforeseen and unspecified circumstances.

Therefore, the President has made it unmistakably clear in his latest statement that the use of offensive power by Castro Cuba or its Communist allies will be met with the requisite degree of force by the United States and, we trust, by our allies. In this instance, the Kennedy doctrine is a much-needed amplification of the usual interpretation of the Monroe Doctrine—an adaptation to changing circumstances and conditions. By his statement last Thursday, President Kennedy reasserted our well-known and unalterable determination to protect this hemisphere against external military aggression. He clearly specified the circumstances under which our vital interests might require a military response. Of and by itself the Monroe Doctrine would not have sufficed. The President had to speak out, and he spoke admirably.

And what do I mean by the Kennedy doctrine? I mean the President's de facto amendment of the Monroe Doctrine to the effect that we can no longer promise to stay out of Europe if only the European powers will stay out of this hemisphere. In other words, there is no basis for a deal, for a quid pro quo. International communism attacks us on all fronts, and we must be prepared to meet it on all fronts. Noninvolvement is no longer a tenable policy. But while widening our scope of action, modern conditions have undeniably limited the circumstances under which we can take action. I might point out that the H-bomb has had the same effect.

Let no one maintain, however, that the part of the Monroe Doctrine which relates to the Western Hemisphere has been changed or invalidated in any way.

In fact, it has been strengthened. The Kennedy doctrine spells out in greater detail just how we intend to implement the Monroe Doctrine under the threat of Communist penetration in this hemisphere:

First. The Kennedy doctrine states in essence that no Soviet threats or Communist weapons will prevent us from acting as we see fit "if the United States ever should find it necessary to take military action against communism in Cuba."

Second. "If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of American citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies."

Third. We shall strive to persuade our friends in Latin America and our NATO allies of the consequences and implications to them of the Soviet beachhead in Cuba.

Fourth. The administration will cooperate with freedom-loving Cuban refugee leaders.

Fifth. The President will continue to keep the American people and the Congress fully informed of developments.

Sixth. Our surveillance of the whole Caribbean area will be increased.

Seventh. Finally, we shall neither initiate nor permit aggression in the Western Hemisphere.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. SPARKMAN. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

Mr. HUMPHREY. Thus, the United States is on record as being determined to protect the hemisphere against any of the various methods of aggression peculiar to this day and age. These include electronic aggression—for example, interference with our space program at Cape Canaveral, the establishment of missile bases and other facilities with aggressive intent or capability, and specific threats to our military installations, our commercial lifelines, and our communications throughout the Western Hemisphere.

Thus, the President's statement applies not only to Cuba but to any future or potential Cubas. It harmonizes with the resolution jointly recommended by the Foreign Relations and Armed Services Committees. It is a refreshing doctrine of U.S. foreign policy which is firmly based upon the bedrock of existing and past policy. It does not imply acceptance of the Soviet stranglehold on Cuba, but neither does it commit us to action which would be incompatible with our worldwide political and military posture.

The President needs no spokesman in Congress to bring these facts home to the American peoples. Least of all does he need to float a trial balloon in Congress to concede something which he is reluctant to concede in his own name. There has been no concession except to the realities and the facts of life. There has been no retreat from the Monroe Doctrine, and none is contemplated.

That is the Kennedy doctrine—the updating of the Monroe Doctrine to correspond with the facts of life in 1962. I support the resolution.

Mr. BUTLER. Mr. President, will the Senator yield sufficient time so that I may ask the Senator from Minnesota a question?

Mr. DIRKSEN. I yield 2 minutes.

Mr. BUTLER. The first paragraph of the resolution quotes from the Monroe Doctrine, as follows:

> To extend their system to any portion of this hemisphere as dangerous to our peace and safety.

The first resolution is:

> (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere.

Could those two phrases, taken together, mean that we condone the present penetration of communism in Cuba?

Mr. HUMPHREY. I am very pleased that the Senator from Maryland asked that question, because the answer is an unequivocal "No." We do not condone the present situation in Cuba. We seek by whatever means we find necessary to bring to Cuba once again self-determination. As we have provided in item (C) of the resolution, we seek to have a free Cuba.

In the meantime, we seek to prevent the contagion of Castroism and communism from spreading to any other parts of the hemisphere. We will prevent aggression. We will fight subversion. We will work with friendly governments in the Western Hemisphere to prevent and eliminate effective subversion. We know subversion to be a form of aggression. We will resist such aggression, just as we shall resist military aggression. There should be no mistake about that.

I am pleased that the Senator from Maryland asked his question, because on its face it seems as though there might be some contradiction. There is none. There is no doubt that communism has penetrated this hemisphere in the sense that it has set up a bridgehead in Cuba. That bridgehead is irreconcilable with the principles of this hemisphere and with the principles of the Organization of American States, along with the declaration of the Conference of Foreign Ministers in Punta del Este in January 1962.

Day before yesterday an editorial in the Wall Street Journal made what I regarded as basically an excellent point. The editorial stated that we have not exhausted the choices available to us in dealing with Castro.

The merit of the resolution before us is that the President retains his flexibility to deal with the situation as he sees fit. This in turn coincides precisely with the spirit of the Monroe Doctrine, which does not specify in detail what means have to be employed to counteract outside intervention in the affairs of this hemisphere. The joint resolution states "that the United States is determined to prevent by whatever means may be necessary, including the use of arms"—but not exclusively or necessarily by force of arms—the extension to any part of this hemisphere of the Marxist-Leninist regime in Cuba.

Any other formulation would either unduly restrict our freedom of action or would be a weak, unworthy response to a serious challenge to inter-American solidarity and integrity.

The nature of the Castro regime undeniably brings into question the applicability of the Monroe Doctrine. I say categorically that the Castro regime is a threat to the integrity and purpose of the Monroe Doctrine. The Monroe Doctrine clearly applies to the present situation. We neither condone nor reconcile ourselves to the continued subjugation of the Cuban people to an alien ideology manipulated by an unfriendly foreign power.

The full magnitude of the threat represented by Castro, however, has revealed itself only by progressive stages. When Castro came to power in 1959, he was hailed by the Cuban people and was immediately recognized by the United States as the legitimate ruler of Cuba. U.S. authorities were skeptical of Castro, and they waited to see how he would work out. We had no concrete reason to oppose him, despite his radical and violent past. Some observers say that Castro could have gone either way when he took office. It is claimed by some observers that he could have stepped out on the path of reform and fruitful cooperation with the United States.

Instead, the Cuban dictator conducted mass trials and executions of Cubans, expropriated the property of our citizens in Cuba, installed an ironfisted regime over his people, and sold his country and himself lock, stock, and barrel to international communism. The Communists, for their part, were delighted to make their first breach in the common antitotalitarian front of the Western Hemisphere.

The Senator from Maryland will agree with me, I hope, that with each revelation of the true bent that Castro was taking, the United States sought both unilaterally and collectively to isolate, nullify, and remove the threat of Marxist-Leninism in Cuba. We must relentlessly purpose this course until freedom and self-determination come to Cuba.

Recent developments have only accelerated these efforts. Last January's meeting of Foreign Ministers at Punta del Este was a milestone in achieving hemispheric recognition of the danger represented by Castro and the incompatibility of his regime with inter-American principles. Another such meeting is forthcoming. Each of these efforts is designed to restrain and resist the Castro threat and to replace the Castro regime with a government based on self-determination and freedom. I assure the Senator and all who may share his doubts that there is nothing in the resolution, or in the current attitude of the administration which can be construed as condoning the status quo in Cuba.

Mr. BUTLER. I am very happy to hear the Senator from Minnesota say that.

Mr. HUMPHREY. We must use whatever means we find adequate, appropriate, and necessary to bring to Cuba freedom once again and self-determination for her people. We must stop with every means at our command any further incursion, any further expansion, of Castroism and communism in this hemisphere.

Let it be clearly stated on the record that if any country should follow in the pattern of Cuba, the Organization of American States, with the United States as a leader in that organization, should be prepared to take definitive action to see that this disease and this aggression is stopped dead in its tracks.

Mr. BUTLER. Mr. President, may I have 1 more minute?

Mr. DIRKSEN. I yield 1 minute more to the Senator from Maryland.

Mr. BUTLER. I thank the Senator for his explanation. I desire to vote for the joint resolution, but I do not want my vote to be construed as condoning the present penetration in Cuba, which

I consider to be a violation of the Monroe Doctrine.

Mr. HUMPHREY. I thank the Senator. I, too, wish to vote for the joint resolution; and I do not condone what has happened in Cuba. It is a tragedy of our time.

I ask unanimous consent to have certain articles printed in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A NEW NAME FOR THE MONROE DOCTRINE

(By Arthur Krock)

WASHINGTON, September 17.—Senator HUMPHREY, of Minnesota, an established foreign affairs spokesman of the administration in Congress, has for the first time put on the public record a candid admission that President Kennedy has set limits to the historic thrust of the Monroe Doctrine. As now officially interpreted, in what the Senator prophesied would become known as the Kennedy doctrine, the following explanation by President Monroe to Congress in 1823 of the reach of his doctrine has been modified to apply only to situations which directly endanger the security of the United States:

"The United States will consider * * * any attempt by European powers to extend their system to any portion of this hemisphere as dangerous to our peace and safety," and it is "impossible" that this extension could be made in any degree without that consequence.

Soviet Russia has made this extension in Cuba, and is amplifying the activity. But President Kennedy has evaluated it thus far as not "endangering our peace and safety," thereby narrowing the original scope of the Monroe Doctrine. The fact is clear. But the only administration spokesman who has publicly conceded it is Senator HUMPHREY. For this candor the American people owe him a debt of gratitude. He accurately described "the Kennedy doctrine" as "a modern application of the principles of the historic Monroe Doctrine to the recent developments in our hemisphere."

This modification can be supported as sound policy in an age of nuclear weapons with the facility of almost instantaneous delivery to targets thousands of miles away—an age not envisaged in 1823, even in a physicist's dreams. It can also be supported, as the President has done, by the evaluation he has based on a balance of information no one in or out of Government can match: that the extension of the Soviet Union's power system to Cuba has not yet endangered our national security. But a comparison between extracts from the transcripts of the last two White House news conferences demonstrates his continued reluctance to concede publicly, as Senator HUMPHREY has, that the Monroe Doctrine isn't what it used to be:

WHAT THE DOCTRINE MEANS

The President on August 30, having been asked "what the Monroe Doctrine means to you today in the light of world conditions and in Cuba," replied: "The Monroe Doctrine means what it has meant since * * * President Monroe and John Quincy Adams enunciated it, and that is that we would oppose a foreign power extending its power to the Western Hemisphere. And that's why we oppose what is happening in Cuba today."

On September 14, however, the question was more specific: "Will it require force to contravene the Monroe Doctrine, or does the presence of a foreign power in any force, but not using that force, in this hemisphere amount to contravention?" His response, but not to the point of the question, was:

"I have advocated that if Cuba should possess a capacity to carry out offensive actions against the United States, the United States would act * * * [and also] would not permit Cuba to export its power by force in this hemisphere."

This, beyond dispute, is a large truncation of what Monroe and John Quincy Adams said or "meant when they enunciated" the doctrine. When or if the President decides to concede that, and give his reasons, the country, being then in a position to reach an informed judgment, might well become less impressed by critics of his Cuban policy.

A cautious effort to test this proposition appears in the October 1962, issue of Foreign Affairs, marking its 40th anniversary with a series of contributions remarkable even for this eminent publication that Hamilton Fish Armstrong has brilliantly guided throughout the period. McGeorge Bundy, the President's national security assistant, while he veils the news in generalities, yet discloses to the careful reader that this administration's policy is to interpret the texts of our worldwide commitments, as well as such manifestos of wholly national purpose as the Monroe and Truman Doctrines, with the flexibility imposed by change. "When the same treaty is used to cover everyone," writes Bundy, "we must look past the paper to the facts."

How about trying the experiment of conceding the results of these looks as they occur?

[From the Washington Post and Times Herald, Sept. 18, 1962]

CUBA: WATCHFUL WAITING

(By Walter Lippmann)

Although there are some who say that we are doing nothing about Cuba, the fact is that we are doing just about everything that can be done short of going to war.

Besides the economic embargo, we are keeping the island under surveillance. We are watching every ship that comes to and goes from the island, and we are keeping a close watch on the loading and unloading of these ships. We have accurate and current records of building operations and the deployment of aircraft and tanks and artillery.

There may be some doubt whether we have located every missile site in the vastness of the Soviet Union. But in Cuba, unless our cameras are failing us, we are completely informed.

As a result, we are quite able to know about the development of anything like a Soviet missile base directed against the United States, and what may be more realistic, we are able to spot anything like an expeditionary force against Cuba's neighbors in the islands and in the Caribbean.

Our policy at the present is to keep ourselves completely informed, and to wait and see whether Castro and his Soviet helpers do any overt act against the United States or its neighbors. Beyond this, there is no serious action the United States can take to remove him that would not be an act of war.

The United States is, of course, able easily to blockade Cuba. But stopping ships under threat of seizure or sinking would be an act of war not only against Cuba but against the Soviet Union. For we would be seizing or sinking Soviet ships.

The invasion of Cuba would, of course, be an act of war against Cuba. To be sure, the United States could easily win a war against Cuba. We could close the Cuban ports within a few hours and we could occupy very quickly Havana and a few big cities. The countryside might be another story.

But what we could not be sure of doing is to prevent the retaliatory moves to which we would have laid ourselves wide open, moves against Berlin or against Turkey, or against Iran.

For we would have acted on the rule that a possible threat against our security or our interests justifies us in going to war.

We would be saying that because Cuba, which is only 90 miles away, is in the grip of an unfriendly European power, we have a right to blockade or occupy the island; we would be saying, too, that the Soviet Union has no such right to act against the American military positions in Turkey, Iran, Pakistan, right on her own frontier.

Let us not fool ourselves. Such an argument will not wash. It would be rejected, probably even laughed at, not only by all neutrals but by powerful elements among our closest allies.

There are some who think foreign opinion does not matter. But when it comes to war, it means a great deal to the belligerent who is for him and who is against him. We could go to war if Castro injures us. But we cannot go to war, even against Castro, because of what he may conceivably do in the future.

We cannot wage a preventive war against Castro without establishing the rule that a preventive war is legitimate against our military position in Berlin, Turkey, Iran, Pakistan, Thailand, South Vietnam, Taiwan, Okinawa, South Korea, and Japan.

It is true, of course, that the Soviet lodgment in Cuba is a gross violation of the Monroe Doctrine. Yet we cannot invoke the Monroe Doctrine. Why not?

The Monroe Doctrine declares that "any interposition" by a European power in this hemisphere would be "the manifestation of an unfriendly disposition toward the United States."

But, this is the crucial point, the American claim for the isolation of the Western Hemisphere was coupled with a renunciation of American interest in the Eastern Hemisphere: "In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do."

This fundamental passage in Monroe's message is, of course, a restatement of the principle laid down by Washington in his Farewell Address: "Europe has a set of primary interests which to us have none, or a very remote relation."

This basis of the Monroe Doctrine disappeared in the 20th century, in the two World Wars, the Korean war, and the cold war. We cannot invoke the Monroe Doctrine without meeting the question of what we are doing all over Europe and Asia.

Our right to put Cuba under surveillance, and if necessary to blockade and invade it, rests not on the Monroe Doctrine but on the elementary right of a people to insure its own security.

For two centuries the British felt that way about the occupation of Belgium by an unfriendly power. The Russians felt that way about Turkey. This right can, however, be exercised only when there is a clear and present danger.

Castro is an insulting nuisance but is not, and is not now remotely capable of becoming, a clear and present danger to the United States. So we must practice watchful waiting, and hold ourselves in readiness, never for a moment forgetting the vastly greater dangers elsewhere.

In a time of watchful waiting, Congress and the newspapers are compelled to remember that the President is conducting a delicate and dangerous operation, and that he is seriously interfered with if he is forced to dot every "i" and to cross every "t" in advance of a decision.

The President should not be asked to say whether he will go to war. He should not be driven to say that he won't go to war.

A certain mystery and uncertainty are desirable, and will be deterrent to our adversaries.

Mr. DIRKSEN. Mr. President, how stands the time?

The **PRESIDING OFFICER**. The Senator from Alabama has 2 minutes remaining, and the Senator from Illinois has 39 minutes remaining.

Mr. DIRKSEN. Mr. President, I yield myself such time as I shall need.

Mr. President, it is important that the history book be kept current. Who shall say what action may flow in the future from the resolution on Cuba which we have before us here today?

On April 3, 1961, the Department of State issued a white paper on Cuba containing the following data on the buildup of Communist bloc supplied arms—nearly 18 months ago:

> Since the middle of 1960, more than 30,000 tons of arms with an estimated value of $50 million have poured from beyond the Iron Curtain into Cuba in an ever-rising flood. The 8-hour military parade through Havana and the military maneuvers in January 1961, displayed Soviet JS-2 51-ton tanks, Soviet SU-100 assault guns, Soviet T-34 35-ton tanks, Soviet 76-millimeter field guns, Soviet 85-millimeter field guns, Soviet 122-millimeter field guns. Except for motorized equipment the Cuban armed forces have been reequipped by the Soviet bloc and are now dependent on the bloc for the maintenance of their armed power. Soviet and Czech military advisers and technicians have accompanied the flow of arms. And the Castro regime has sent Cubans to Czechoslovakia and the Soviet Union for training as jet pilots, ground maintenance crews and artillerymen.

Maintenance is a tremendously important item.

> As a consequence of Soviet military aid, Cuba has today, except for the United States, the largest ground forces in the hemisphere—at least 10 times as large as the military forces maintained by previous Cuban governments, including that of Batista. Estimates of the size of the Cuban military establishment range from 250,000 to 400,000. On the basis of the lower figure, 1 out of every 30 Cubans is today in the armed forces as against 1 out of every 50 in the Soviet Union and 1 out of 60 in the United States.

On March 27, 1962, the Department of State, in response to inquiries from the press, issued a summary on Sino-Soviet bloc military aid to Cuba which makes it clear then—6 months ago—that the Cuban military buildup was being accelerated at a steady rate. The Department's summary follows:

> For about a year and a half the Sino-Soviet bloc has supplied Cuba with large-scale military assistance. Bloc military deliveries—primarily from the U.S.S.R. and Czechoslovakia—have included a wide assortment of land armaments ranging from small arms through heavy tanks. Bloc aircraft supplied to Cuba includes Mig jet fighters, helicopters, transports, and trainers. Extensive military training has been provided both in the bloc and in Cuba.
>
> Communist military aid has turned the Cuban military establishment into one of the most formidable in Latin America, and it has introduced a military capability hitherto not present in any of the Latin American countries of the Caribbean area. However, there is no evidence that the Soviet Union has supplied Cuba with missiles, or that missile bases are under construction in Cuba.
>
> The Soviet Union at first moved cautiously in responding to Cuban requests for military assistance. Once underway, however, the Cuban buildup proceeded swiftly. Bloc support has aided the Castro regime in consolidating its control over the Cuban people. For the past several months the bloc's military aid program in Cuba has been concerned primarily with training, assimilating new equipment, and remolding the Cuban military establishment along bloc organizational lines.
>
> ### BACKGROUND
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> Preliminary attempts to procure Soviet bloc arms were initiated by the Cuban Government as early as 1959, but no firm military aid pacts were concluded until the summer of 1960. During 1959 and early 1960, Cuban purchasing missions traveled frequently to the bloc to investigate new sources of supply. Discussions reportedly covered a whole range of equipment from small arms to modern jet aircraft. Mikoyan's visit to Cuba in February 1960 signaled the beginning of a massive bloc trade and aid program which gained momentum throughout 1960 as United States-Cuban relations deteriorated.
>
> Military negotiations with the U.S.S.R. and Czechoslovakia in 1960 were followed up by a well-publicized trip to Prague and Moscow by Raul Castro, which probably was the occasion for the conclusion of secret arms deals. By August, Czech small arms were being issued by some Cuban militia units, and in the autumn the first major shipments of Communist arms began arriving in Cuba.
>
> ### SCOPE OF BLOC MILITARY AID
>
> From the autumn of 1960 until the late summer of 1961, bloc arms deliveries were made regularly to Cuban ports. No financial information on the bloc's arms deals with Cuba has been disclosed, but it is estimated that on the order of $100 million worth of equipment and technical services has been provided. Moreover, several hundred Cuban military personnel have received training, including pilot training, in the bloc.
>
> Cn January 5, 1962, during a military parade celebrating the third anniversary of takeover by the present regime, Cuba unveiled an array of military hardware indicative of deliveries up to that time. Units equipped with medium and heavy tanks, assault guns, truck-mounted rocket launchers, artillery, antiaircraft weapons, and mortars, as well as rifles and machineguns, were featured prominently. A flyby of Mig jet fighters, including some high-performance Mig-19's, was one of the highlights of the air display.
>
> In the latter part of 1961 the focus of the bloc's military aid to Cuba was on assimilation of new equipment, intensive training, and completion of the reorganization of Cuba's military establishment. Recently, however, military shipments to Cuba have resumed and for the first time have included small naval vessels.
>
> The capabilities of the Cuban ground forces have increased steadily since the introduction of bloc equipment and training in the autumn of 1960. The ground forces are estimated to number some 300,000. All units are equipped with bloc small arms and many have heavier equipment as well. Bloc aid is strongly reflected in Cuba's ground forces organization which resembles that of the East European satellites. Soviet bloc arms aid has given the Cuban ground forces an armored, artillery, antiaircraft, and antitank capability largely lacking in the past and unknown to other Latin American countries of the Caribbean area. Thousands of modern bloc small arms have been delivered. Soviet bloc instructors have been used extensively for training purposes and they serve as full-time advisers to some individual units.
>
> Following the takeover by the present regime, the capabilities of the Cuban Air Force declined sharply as a result of purges and defections of key personnel. One of the major goals of the new regime, however, was to acquire combat jet aircraft, and most of the Cuban military trainees who went to the bloc in the summer of 1960 were air cadets. Their training has been one of the most important tasks of the bloc's military air program. Cuban pilots have now returned to Cuba where they are continuing instruction on Mig jet fighters which arrived last summer. The bloc has also supplied helicopters, piston-engine trainers, and small, single-engine transports. About a dozen IL-14 twin-engine transports were delivered this autumn for the Cuban civil airline. No Soviet bombers are known to have been delivered to Cuba.
>
> During the first year and a half of the bloc's military aid program, the Cuban Navy did not receive any significant assistance. Since the first of the year, however, a number of Soviet patrol vessels and motor torpedo boats have been supplied.

Mr. President, I shall now summarize the supplies that were sent to Cuba, so far as the State Department knew about them 6 months ago:

Bloc arms and military equipment supplied to Cuba

Type of equipment:	*Estimated quantity*
Mig jet fighters	50-75.
Medium and heavy tanks	150-250.
Assault guns	50-100.
Field artillery	500-11, 000.
Antiaircraft artillery	500-11, 000.
Mortars	500.
Small arms	200, 000.
Patrol vessels	Some.
Motor torpedo boats	Some.

On September 4, 1962, the President briefed congressional leaders on the deteriorating situation in Cuba. After the briefing was concluded, the President indicated his intention of asking Congress for authority to call up 150,000 reserves in case they were needed anywhere in the world.

The President subsequently issued a press statement on September 4, summarizing the military situation in Cuba as follows:

> All Americans as well as all of our friends in this hemisphere have been concerned over the recent moves of the Soviet Union to bolster the military power of the Castro regime in Cuba.
>
> Information has reached this Government in the last 4 days from a variety of sources which establishes without doubt that the Soviets have provided the Cuban Government with a number of antiaircraft defensive missiles with a slant range of 25 miles which are similar to early models of our Nike.
>
> Along with these missiles the Soviets are apparently providing the extensive radar and other electronic equipment which is required for their operation.
>
> We can also confirm the presence of several Soviet-made motor torpedo boats carrying ship-to-ship guided missiles having a range of 15 miles.
>
> The number of Soviet military technicians now known to be in Cuba or en route—approximately 3,500—is consistent with assistance in setting up and learning to use this equipment.
>
> As I stated last week, we shall continue to make information available as fast as it is obtained and properly verified.
>
> There is no evidence of any organized combat force in Cuba from any Soviet bloc country; of military bases provided to Russia; of a violation of the 1934 treaty relating to Guantanamo; of the presence of offensive ground-to-ground missiles; or of other significant offensive capability either in Cuban hands or under Soviet direction and guidance.
>
> Were it to be otherwise the gravest issues would arise. The Cuban question must be

> considered as a part of the worldwide challenge posed by Communist threats to the peace. It must be dealt with as a part of that larger issue as well as in the context of the special relationships which have long characterized the inter-American system.
>
> It continues to be the policy of the United States that the Castro regime will not be allowed to export its aggressive purposes by force or the threat of force. It will be prevented by whatever means may be necessary from taking action against any part of the Western Hemisphere.
>
> The United States in conjunction with other hemisphere countries will make sure that, while increased Cuban armaments will be a heavy burden to the unhappy people of Cuba themselves, they will be nothing more.

On September 7, 1962, the joint Senate-House Republican leadership prepared and issued two statements on Cuba. One of these statements, made by the minority leader of the House, Mr. HALLECK, summarized the military buildup in Cuba as revealed in the various official pronouncements by our own Government and the President which I have already included in my remarks today. The other statement which was read by me as minority leader of the Senate follows:

> From 1823 until 1947 the nations of North and South America were protected by the Monroe Doctrine which declared that the United States would consider the extension of any alien system of government "to any portions of this hemisphere as dangerous to our peace and safety."
>
> In 1947 this doctrine was extended to embrace action by all American nations when the Inter-American Treaty of Reciprocal Assistance was signed at Rio de Janeiro. In 1954 under the Caracas Declaration this multilateral promise of action was specifically applied to communism.
>
> The United States and its sister members of the Organization of American States are now confronted by the existence of a Communist government in Cuba and delivery of Soviet arms and Soviet military technicians to that Communist state by the admission of the Soviet Union itself. These facts constitute a deliberate challenge to the Monroe Doctrine of 1823, the Rio de Janeiro Treaty of 1947 and the Caracas Declaration of 1954.
>
> Several courses of action have already been advanced. In view of our treaty commitments, however, we believe: (1) A course of action should be promptly fixed by the Organization of American States in concert, or (2) as President Kennedy has already stated in his speech to U.S. editors (Apr. 20, 1961), "if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration" then the United States must act on its own.
>
> Obviously the Congress of the United States has responsibility in the matter. In 1955 when Communist China menaced Formosa and the Pescadores the Congress by joint resolution authorized the President of the United States to employ our own Armed Forces as he deemed necessary to protect those Asiatic islands.
>
> We, the members of the Joint Senate-House Republican leadership, believe that the Congress should now adopt a similar authorizing resolution to meet the Cuban problem and we shall invite our Democratic counterparts to join us in its drafting, its introduction and its passage by this Congress before it adjourns. We recommend that the measure be drawn up by the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House acting in consultation with the appropriate agencies of the executive branch.
>
> This course of action by the Congress will reflect the determination and clear purpose of the American people and will demonstrate to the world the firmness of this Nation in meeting this problem.

Mr. President, I made that statement to a press conference on the 7th of September.

Within an hour and a half, after the statements of the joint Senate-House Republican leadership were issued, the White House announced that the President would ask the Congress to provide authority for the Reserve callup if needed.

Copies of the Republican leadership statements were sent to both the Speaker of the House of Representatives and the Vice President of the United States. We felt it was not only appropriate but imperative that the Congress and the executive branch demonstrate their determination to bring about a solution to the Cuban problem and we of course felt that the Foreign Relations and Foreign Affairs Committees of the Congress were the proper instruments to draft the language of any resolution that might be considered.

As interest in Cuba heightened, both in the Congress and among the public, a number of proposals were prepared with the intention of offering them to the Reserve callup measure when it was recently before the Senate.

To me it seemed desirable that all of these, including a resolution prepared by the majority leader, be sent to committee for further examination rather than to have unconfined debate on the floor of the Senate on a variety of proposals in an effort to express the will of the Senate on this matter.

In pursuance of our deliberations on the matter, I made a unanimous-consent request to that effect and included the Armed Services Committee in the request. The result of the joint deliberations of the Senate Foreign Relations and Armed Services Committees in the last few days is the joint resolution which now is before the Senate.

By reporting it in the form of a joint resolution, it will require the signature of the President, and thus will make this expression reflect the intent and purpose of both the Congress and the White House.

There will be a myriad of interpretations of this joint resolution and its intent. The debate should make clear to Soviet Russia and Soviet Cuba that we mean business and that this is "for keeps."

We are confronted with some hard facts. Moscow owns Cuba. What shall it profit us to restrain communism 12,000 miles from home in the jungles of Vietnam, but give it encouragement through inaction on our very doorstep.

Inaction is as dangerous as action. Indecision is even more dangerous than decision.

The Red regime is in this hemisphere.

The Soviet Government statement of September 11, 1962, setting forth that an attack on Cuba "will be the beginning of the unleashing of war * * *" makes clear that the Reds intend to stay in this hemisphere.

Castro as a weak, stupid tool of communism means to expand.

Cuba today is a source of infection which already is spreading in the hemisphere.

Let us make certain by restrained, but firm, words that we, too, mean business, and that if this is showdown time, then let it come.

Mr. President, I give my full blessing to the joint resolution which is before the Senate.

Mr. BUSH. Mr. President——

Mr. DIRKSEN. I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. BUSH. Mr. President, I take this opportunity to congratulate the senior Senator from Georgia [Mr. RUSSELL] and the junior Senator from Alabama [Mr. SPARKMAN] for the statesmanlike handling of the joint meeting of the Armed Services Committee and the Foreign Relations Committee. The fact that after holding a 1-day hearing we could sit down and compose all the legislative differences in several hours shows that we achieved one of the finest legislative feats I have seen during my service in the Senate, under the excellent leadership, tolerance, and wisdom of these two Senators.

I am glad to see the joint resolution before the Senate.

I cannot help wishing that the Senate had acted in 1960, when the Senator from Alabama and I jointly introduced a similar resolution dealing with the Cuban situation and invoking the Monroe Doctrine. That resolution was introduced again by me in January 1961. But nothing has been done until very recently. I believe that if action had been taken 2 years ago, when the danger appeared so clearly, very likely we would not now be in the predicament in which we find ourselves.

Nevertheless, we are in this predicament; and I am happy to support the joint resolution.

Instead of providing "that the United States is determined (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States," I wish, in a way, that we had stated "that the United States is determined to end in Cuba the existence of such a military capability endangering the security of the United States."

I very much fear that the meaning of the joint resolution is that one day we shall have to take affirmative action to end in Cuba the existence of such a military capability. But I do not offer this suggestion in the form of an amendment. I did not think of it during the joint meeting, when the joint resolution was finally drafted.

But I believe that the joint resolution is so serious, and, as the Senator from Kentucky pointed out earlier today, so meaningful, that it may result in our having to take action to end in Cuba the existence of this dangerous military capability.

Mr. President, I hope the joint resolution will be passed unanimously.

I yield back the remainder of the time which has been granted to me.

Mr. **KEATING**. Mr. President, will the Senator from Illinois yield 5 minutes to me?

Mr. **DIRKSEN**. I yield 5 minutes to the Senator from New York.

The **PRESIDING OFFICER**. The Senator from New York is recognized for 5 minutes.

Mr. **KEATING**. Mr. President, I join the Senator from Connecticut [Mr. BUSH] in hoping that the joint resolution will be unanimously passed.

Turning to the specific provisions of the joint resolution, it seems to me the joint resolution is undoubtedly a great improvement over the terms of the resolution originally introduced by the distinguished Senator from Montana. I am not entirely convinced that the pending joint resolution is better than the resolution introduced by the Senator from Connecticut and myself. But at least it is much closer to the sense of our resolution than was the original resolution introduced by the distinguished Senator from Montana.

The pending resolution is 100 percent correct and proper in emphasizing that the United States—not merely the Congress, not merely the President, but the entire country—is determined that communism shall not triumph in the Caribbean.

The President expressed his determination in that regard—and did so very firmly—in April 1961, when he said:

> Let the record show that our restraint is not inexhaustible. Should it ever appear that the inter-American doctrine of noninterference merely conceals or excuses a policy of nonaction—if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration—then I want it clearly understood that this Government will not hesitate in meeting its primary obligations which are to the security of our own Nation. * * *
>
> Cuba must not be abandoned to the Communists. And we do not intend to abandon it, either.

Many Senators wish the President would again express the same caliber of determination, and would follow up his vigorous statements with vigorous action.

Many Members of the Senate have made clear their strong feelings in regard to this subject. It has not involved partisan politics. It has involved an expression by many Senators, on both sides of the aisle, who have a very sincere and honorable conviction that, in the long run, inaction is far more dangerous and far more provocative.

Finally, the people of the United States have made clear their feelings, by means of a flood of letters written, I am sure, to all Senators. Those letters have come from all over the country.

Speaking from my own experience, whenever I leave Washington I find only one issue being discussed among the people. Only one question is in their minds and disturbing them. That issue is Cuba. The entire country is aroused. Mr. President, the language of the joint resolution is accurate in making that point clear.

I am also glad the joint resolution does not attempt to make any distinction between an offensive buildup and a defensive buildup. Unfortunately, it does not imply that there now exists "an externally supported military capability endangering the security of the United States," since it states that the United States is determined to prevent in Cuba the creation or use of such a capability. Many of us believe that that capability has been created already. For that reason I would prefer the language "put an end to" in place of "prevent" on page 2, line 9. The security of the United States is endangered not because I anticipate that Castro is going to invade Miami in PT boats, but because the presence of such a substantial military capability severely hampers our freedom of action in the Caribbean and elsewhere. However, I would not want to offer an amendment to disturb the unanimous action which has been taken.

The real question before the Congress today is not the exact words used in the joint resolution, but the purpose of it, the value of it. Let me say, clearly and unequivocably, this resolution is worthless—it is more than worthless; it is positively harmful—if it is not followed up by a decisive policy on the part of the United States. If the Congress passes the joint resolution and then the United States looks the other way while Castro builds up his forces and increases the Communist threat in the Caribbean, we might as well invite the Communists into this hemisphere, for that will be the result.

The **PRESIDING OFFICER** (Mr. PELL in the chair). The time of the Senator has expired.

Mr. **KEATING**. Will the Senator yield me 3 more minutes?

Mr. **DIRKSEN**. I yield 3 minutes to the Senator from New York.

Mr. **MANSFIELD**. Mr. President, will the Senator yield briefly, with the consent of the Senator from Illinois, so that I may ask for the yeas and nays?

Mr. **KEATING**. I yield.

Mr. **MANSFIELD**. I ask for the yeas and nays on the joint resolution.

The yeas and nays were ordered.

Mr. **KEATING**. Let me emphasize my own conviction, which is strongly reinforced by a study of Soviet tactics over the past decade, that we will be bringing war closer, we will be making a nuclear holocaust more, not less, likely if we look the other way and turn the other cheek. It has been said that we cannot afford to act vigorously in Cuba for fear the Russians will take some counteraction in Berlin. I see the situation in a different perspective. In my judgment—and this is confirmed by men for whom I have the greatest respect—we cannot afford not to act vigorously in Cuba because if we do not act vigorously in Cuba, the danger of Russian pressure and aggressive action in Berlin is increased, not diminished. Throughout the world, the Russians are testing us, probing us. Where we say "No" and then back it up, they retreat. Look at what happened in Greece at the end of the war. Look at Iran; look at Quemoy and Matsu; look at the results of the Berlin blockade; look at our most recent success in keeping armored cars out of West Berlin.

Yet, Mr. President, when we say nothing and look the other way, the Russians always advance. That was the problem in Korea—they did not know that we intended to fight. Look at Laos. And look also at Cuba.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **DIRKSEN**. I yield 2 more minutes to the Senator from New York.

Mr. **KEATING**. Remember, too, what happened before the outbreak of the Second World War. Had Hitler been stopped decisively when he marched into the Rhineland, into Austria, or even when he went into Czechoslovakia, the Second World War would probably never have occurred. Khrushchev cannot know where we will draw the line any more than Hitler knew where Britain or France would. He cannot know unless we tell him and show him that we mean business—not only in Cuba, not only in Berlin, not only in South Vietnam, but everywhere freedom is endangered. Chamberlain was the British Prime Minister then. He had access to all kinds of information. Churchill was not Prime Minister. He knew very little more than what he read in the newspaper. Yet Churchill was right and Chamberlain wrong. Information is no substitute for judgment. We cannot slough off our own responsibilities with regard to Cuban policy by insisting that only the President knows enough to make a decision.

Let me make this point once again and let me emphasize it: if we do not act decisively in Cuba, we will face more—not less—trouble in Berlin and elsewhere in the world.

Inaction is more provocative than action because it leads the Communists on; it tempts the Communists to test us further. We move closer to the nuclear holocaust we all dread when we fail to draw the line. There will be more trouble in Berlin and in Asia and elsewhere if we accept the status quo of Cuba than if we reject it. Inaction can lead only to a further deterioration of U.S. prestige in Latin America and also in Europe, Asia, and Africa. If Communist entrenchment in Cuba is accepted as something that the United States cannot cope with—something we cannot combat—we will gradually suffer a breakdown of influence in the inter-American system, in Europe, in the United Nations, and throughout the world. For the short run, inaction is easy. In the long run, inaction and acceptance of the status quo in Cuba will amount to the greatest defeat this country has suffered since China was lost to the free world.

Mr. President, for these reasons, I urge the Senate to give its resounding support to this resolution, and I urge the President to interpret it in this light and to use his full powers as Executive to enforce it. We will then present a united front, not only partywise, but as Americans, a united front of the legislative and executive branches to face up to the problem with which we are confronted. That is the way to deal with the problem.

I ask unanimous consent to have printed in the Record at this point the statement I made before the two committees sitting jointly.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Kenneth B. Keating Before Foreign Relations and Armed Services Committees Jointly With Regard to U.S. Policy Toward Cuba September 17, 1962

Distinguished members of the Foreign Relations and Armed Services Committees, I appreciate the opportunity to testify before you on the subject of U.S. policy toward Cuba. In particular, I appreciate the courtesy of the committee chairmen in allowing me to testify at this point since it would not be possible for me to appear later. And I want also to commend the committees for the responsible manner in which they have initiated these hearings on all of the resolutions submitted with regard to U.S. policy toward Cuba.

I turn specifically to these resolutions. Some undoubtedly seek to give the President additional power. Whether or not that is desirable will be one of the considerations before you. The resolution introduced by the senior Senator from Connecticut and myself, however, does not anywhere refer to the President of the United States, but instead expresses the sense of the Congress in this matter. It is not like the resolution of the Senator from Montana which specifically declares that "the President of the United States is supported in his determination and possesses all necessary authority" to undertake certain specific measures. I respectfully submit that it might be more appropriate for the Senate to limit itself to an expression of the sense of the Congress and not to attempt to read the mind of the President. I also believe it is desirable to refer very strongly in the text of the resolution to the present infringement on the rights of the Cuban people to national independence and self-determination, an infringement which is the direct result of the alien, imperialistic military and political base which the Soviet Union and Castro have created on the island of Cuba. The resolution introduced by Senator Bush and myself makes this reference very decisively.

There is one other aspect of the resolution of the Senator from Montana, which reflects an earlier statement by the President, which may be questionable. It is said—and repeatedly emphasized—that the present buildup in Cuba is a defensive one and that only if such a buildup becomes offensive will we take action. In my judgment, this distinction between an offensive and defensive military buildup is dangerous and unrealistic. First, who is to judge whether a gun, a tank, or torpedo boat, a military plane, is intended for offensive or defensive purposes?

Second, with regard to missiles, it is my understanding that a missile launching facility for short range ground-to-air missiles may be transformed in a very short time into a facility for intermediate range ground-to-ground missiles.

Third, as Hanson Baldwin, a responsible and by no means alarmist expert on military policy, has clearly pointed out, the present buildup in Cuba, when finally completed will provide a strong base for any future offensive actions. At what point can we determine that this steadily progressing buildup has passed the point of defensive capability and acquired an offensive value?

Fourth, it is apparent from the whole history of Communist expansion that infiltration and subversion are used as effectively as overt aggression to overcome free governments. We cannot possibly protect the security of the Western Hemisphere if we limit our response to cases of obvious aggression. Our hesitancy in dealing with Cuba, in my judgment, already has served to weaken the resolve of many Western Hemisphere leaders to combat Castroism in their own lands. Certainly, we must not wait for open aggression before taking further steps against this regime.

I do not intend to occupy the time of these committees in criticism of some of the statements that have been made to date by various representatives of the U.S. Government. I would rather use this opportunity to recommend a constructive course of action which can be taken by the United States without undertaking a military invasion of Cuba. Let me make it very clear, I certainly do not, under present circumstances, advocate a U.S. invasion of Cuba. But there are a number of steps which I believe are imperative. First and foremost I have recommended a formal meeting of the members of the Organization of American States. I was delighted to learn on September 5 that Secretary of State Dean Rusk did hold an informal meeting with the ambassadors of the Latin American nations and at that time proposed an informal meeting to be held at a later time. Every attempt should be made at such a meeting to agree on a number of common measures to isolate the Cuban dictator from the rest of the hemisphere.

Secondly, and also on the agenda, should be an honest and objective evaluation of the Monroe Doctrine. The Monroe Doctrine must not be allowed to die. In my judgment, it is difficult to improve on the wisdom, the commonsense, of the words of President Monroe when he said on December 2, 1823:

"It is impossible that the Allied Powers (meaning certain European powers) should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord."

President Monroe's words apply to the present case. He recognized that quite possibly a form of government might be forced upon a state in the Western Hemisphere by reason of the superior power of one of the European nations. He did not leave it to the tool of the alien power—in this case Castro—to decide whether this condition should be allowed. The Cuban people never would have adopted the Communist tyranny under which they are now ruled if they were not deceived in the same way many Americans were deceived by the nature and character of castroism.

It would be very useful for the OAS to express its recognition of the tyranny under which the Cuban people now suffer and its determination to take whatever steps are necessary to liberate the Cuban people from Communist control. It would be most effective if the OAS declared Castro an outlaw regime and recognized a Cuban government-in-exile which met certain conditions as the true representative of the Cuban people.

Up until now the OAS has deliberately dodged such issues, but they cannot be dodged forever. If the OAS refuses to meet this situation honestly and fearlessly, the United States will have no alternative but to take whatever unilateral action is necessary in our national interest. A consensus for action is most desirable, but we can never join in a consensus for inaction.

Thirdly, the United States should call for an immediate meeting of NATO ministers in which the United States should mince no words. It is absolutely ridiculous and must be unacceptable to the United States that NATO and other free world nations supply shipping to the Soviet Union to create a military base in Cuba. It is intolerable that at a time when American Reservists are put on the alert to defend West Berlin that West German ships should be chartered to the Soviet Union for the transport of strategic equipment to any Communist country in this hemisphere. It is intolerable for the Canadian Government to permit the flight of Soviet planes over Canada in order to supply additional equipment to Cuba. It is intolerable that in addition the Canadian Government should supply pilot observers or guides for the flight of light bombers to be added to the Cuban air force, or transport planes. It is intolerable that the Government of Greece which was rescued from Communist guerrilla warfare and aided by the Marshall plan should provide both shipping and refueling facilities for Russian cargo vessels on the way to Cuba. It is, in fact, intolerable for any NATO nation to permit the use of vessels flying its flag to transfer Russian equipment with a direct or indirect military potential to the Cuban Government

The present tendency of the NATO governments to carry on trading and in particular ship chartering activities to the Soviet Union in its efforts to supply Cuba may be the result of the inability of the United States to work for a more effective policy of export controls within the NATO community. Our Government never appears to have recognized this as a matter of urgency. In the programing and administration of our aid program we will have to take into consideration this new element—the use of shipping of NATO nations for Soviet purposes.

The goal for which we should be striving in our foreign policy and in these resolutions is the complete isolation of Cuba, the quarantine of the Castro government from political influence and economic impact in Latin America and throughout the world, not only because the interest of the United States is involved, but also because the Cuban people are themselves being deprived of the right of self-determination and self-government.

Now, if I may digress very briefly, it is my conviction that the people of the United States have the right to know the facts about Cuba. I do not believe that the responsible members of these committees would characterize as "jingoism," "warmongering," "alarmism," or "rashness" critical discussion of the situation which exists in the first Western Hemisphere country to fall under the control of international communism.

I have confidence in the President of the United States and am encouraged by his most recent expressions on this subject. But that is no reason for foreclosing discussion of the course of events in Cuba. I reject completely the suggestion which has been made by some that the only role the Senate can play in shaping our foreign relations is to express our faith in the President of the United States. Bipartisanship is essential in our foreign affairs, but bipartisanship is premised on an opportunity to discuss and consider alternatives before the decision is made. And this kind of discussion is impossible unless a maximum amount of information is made available to the American people. Concealment of the facts and the encouragement of a blind and uninformed confidence in policies which may be misguided even though well intentioned are not in the best interests and traditions of our Republic.

The framers of the Constitution certainly intended that the Senate should do more than merely consider and perhaps change a word of two in resolutions which the President might send up to Capitol Hill.

Of course, some of the activities undertaken by the United States may not for security reasons be publicly discussed. But this is no justification for not fully disclosing the activities of the Soviets in Cuba, the number of troops or technicians, the types of equipment, the number of missile bases, the length of time required to convert what are now called defensive missile installations into offensive ones, and similar information. The Soviets obviously have this information and there is no reason to keep it from the American public. I hope that questions along these lines will be considered during the testimony of Secretary of State Rusk and Secretary of Defense McNamara. The American people are entitled to know the facts. Only when the full facts are not known is it possible to "play on the fears, the biases, the prejudices, and the emotions of the American people" instead of dealing constructively and reasonably with the issues.

In my judgment, therefore, we are not doing a service to the United States or to the principles of representative government which we all cherish if we tell the American people, "You do not need to know the facts. All you need to do is trust the President." No President is omniscient. The very strength of the democratic process is that out of widespread discussion comes intelligent criticism and useful guidance.

This point is made very well in the recent book, "The Cuban Invasion," by Tad Szulc and Karl E. Meyer. This book discusses the reasons for the failure of that effort and in particular points to the lack of factual newspaper reporting and informed discussion as one of the reasons why the planning defects of the venture were not recognized.

"If there is any utility in freedom of the press, it is precisely that the press can act as an independent corrective on the blunders of Government. With the best and most patriotic intentions, a great many newspapermen and some administration officials failed to rely on the very principles of freedom for wihch the Cuban invaders were ready to die. The Government embarrassed itself by sponsoring a venture that sought to put a free press in the position of conveying flimsy lies that might more appropriately appear in Pravda or Revolucion."

In my judgment, full information and public discussion are the right—no, even more, the responsibiilty—of the American people, and in my judgment those who have tried to prevent or discredit all such discussions are doing a great disservice to the American people and the Congress.

Mr. SPARKMAN. Mr. President, I yield such time as he may desire to the Senator from Ohio [Mr. YOUNG].

Mr. YOUNG of Ohio. Mr. President, when we think of the Monroe Doctrine today, too often we think chiefly in terms of what Castro is doing and has been doing. The Monroe Doctrine was directed against European countries which might attempt to assert dominion in this hemisphere. Curiously enough, it was czarist Russia's attempt to exclude all shipping but its own from the Pacific Northwest that first prompted consideration of the Monroe Doctrine. I think we have to recognize that it is the intervention of the Soviet Union in this hemisphere, rather than anything that Cuba can do, which is the threat to the security of this hemisphere.

We may do great harm in our Latin-American relations if we first proceed unilaterally. The situation in connection with many Latin American republics is very delicate.

We are a signatory to the Rio Pact. We are a signatory to the Act of Punta del Este. We are a signatory to the Act of Bogotá. We are a signatory to other treaties signed since 1823 with Latin American republics which put a different perspective upon the Monroe Doctrine of 1823.

The essence of the Monroe Doctrine, as far as the U.S. commitment is concerned has been to stand ready and willing to protect Latin America and any other part of this hemisphere from being overrun by any foreign power. This is still binding upon us. However, it is not the same Monroe Doctrine as that of 1823; and our historians have been reporting that fact to us for some decades. They are correct.

The situation in Berlin carries a grave portent to the peace of the world. Tension there has been growing. Nevertheless, we read and hear more of Castro and Castroism and of Khrushchev moving Soviet technicians, so-called, and shipload after shipload of artillery, armaments, and military equipment, into Cuba. We are further incensed over the fact that the shipping of friendly nations, in fact allies, is being utilized by the Soviet Union and Castro for this military buildup in Cuba.

The Congress of the United States has spoken out in this joint resolution. Our position is a strong and determined one, and there is no reason why it should not be understood the world over, regardless of the mouthings of Khrushchev. The fact is that we Americans have always enforced the Monroe Doctrine since the year it was enunciated.

Venezuela was also afflicted with a tyrant by the name of Castro some 60 years ago. He was a ruthless dictator who by force had usurped rule over the Venezuelans, and then continued that rule by force, violence, and corruption. He was, in fact, a cruel and bloody dictator. In 1902 he spread his operations by cheating European powers, and repudiating indebtedness he had incurred. Warships of Great Britain, Germany, and Italy combined in a naval blockade against Venezuela, attempting to collect the debts by force. American citizens felt outraged. Our then President Theodore Roosevelt, spoke softly and wielded a big stick. He termed that Venezuelan Castro as an "unspeakable villainous little monkey," but he forced the European powers to withdraw. In the Bible in Ecclesiastics it is written, "There is no new thing under the sun." History has a way of repeating itself.

It seems the vogue for people to say we are doing nothing about Castro. The truth is this Nation is doing everything against him that can be done short of waging a shooting war. We have adopted an embargo. We are keeping Cuba under constant surveillance. No freighter from the Soviet Union or any other nation carrying and unloading armaments to Castro's Cuba has escaped our watchfulness.

Americans may depend upon it that our officials have accurate information on the aircraft, tanks, torpedo boats, and artillery shipped from the Soviet Union to Cuba or en route there, or in Soviet ports awaiting shipment. Frankly, we may not know all missile sites in the vast expanse of the Soviet Union, but in the little island of Cuba we know the forces in operation, their military emplacements, and the buildup of any bases—missile or otherwise.

People seem to overlook the fact that we have a firm and in fact well-nigh impregnable base in Cuba. I refer to our Guantanamo naval base. Our Armed Forces contain the finest fighting men in the entire world and they are armed with the most modern equipment. In addition, our air and naval power in the Caribbean is superb. Then, in nearby Puerto Rico and in the Canal Zone we have air, naval, and ground forces.

This Nation will enforce the Monroe Doctrine against aggression from the Soviet Union or any European or Asiatic nation. Furthermore, it would be better to do that in conjunction with the Organization of American States than on our own. We have the force and power to send Castro fleeing in a matter of hours. However, were we to take this action without previous consultation with the heads of state of Latin American republics, such as Mexico, Brazil, Chile, Venezuela, and others, we would alienate friendships in Central and South America. Furthermore, Khrushchev and others would be able to argue that we are "Yankee imperialists" and aggressors.

Whatever we do in military, naval, and air action against Castro and his forces should be done in cooperation with the Organization of American States.

Americans would do well to remember our President's statement at his recent press conference:

> If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activies at Cape Canaveral, or the lives of American citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force, or the threat of force, against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

Our President throughout his Administration, from the inaugural continuing through his forceful conference with Khrushchev at Vienna, to this good hour, has been firm, determined, and implacable in dealing with Communist aggression in Berlin and with Castroism, its manifestation in Cuba. The continuing Berlin crisis is probably fraught with greater danger to the peace of the world than is the Soviet buildup in Cuba. The latter may be attributed in large part to the fact that Castro is in trouble—deep trouble—with his own people. Congress, in the adoption of Senate Joint Resolution 230, demonstrates that the American people are solidly behind the determined and no-appeasement policies of President Kennedy. He is the Commander in Chief of our Armed Forces and he has the entire support of the American people.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Ohio [Mr. LAUSCHE] such time as he may require.

Mr. LAUSCHE. Mr. President, I shall vote for the joint resolution. I do not, however, in so voting, take the position that we shall be inactive in Cuba until such time as one of the two conditions set forth in subparagraphs (a) and (b) are violated. I do not bind myself, by my vote, to the proposition that we shall intervene (a) only when it appears that, by force or the threat of force, our security is endangered; or (b) only when it is necessary to prevent Cuba from creating within that country an externally supported military capability. My position is that there may be conditions separate from the ones set forth in these two situations that will require our action.

The Senate has manifested, by the joint resolution now before it, that the time has come when, if there is a further trespassing on our rights, the Senate and the House will give firm support to whatever firm action the President takes.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. All time on the joint resolution has been yielded back. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 230) was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], and the Senator from Tennessee [Mr. Gore] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senator from Kentucky [Mr. Morton] and the Senator from New Hampshire [Mr. Murphy] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. Aiken], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Nebraska [Mr. Hruska], the Senator from Kentucky [Mr. Morton], and the Senator from New Hampshire [Mr. Murphy] would each vote "yea."

The result was announced—yeas 86, nays 1, as follows:

[No. 271 Leg.]

YEAS—86

Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Carlson
Carroll
Case
Chavez
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Eastland
Ellender
Engle
Ervin
Fong
Goldwater
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Prouty

NOT VOTING—13

Aiken
Bottum
Cannon
Capehart
Clark
Fulbright
Gore
Gruening
Hickey
Hruska
Long, Mo.
Morton
Murphy

So the joint resolution (S.J. Res. 230) was passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The preamble was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. JAVITS subsequently said: Mr. President, I wish to address myself to the joint resolution on Cuba which just passed, and which I had the honor to support with my vote. I arrived from my party's State convention in New York just in time to participate in the vote.

Mr. President, I desire to state that I went to considerable pains to reach the Chamber in time to vote—not that I had any doubt whatever that the joint resolution would receive overwhelming support, but in order to demonstrate my solidarity with the rest of the Members of the Senate in regard to our position about Cuba.

To demonstrate my concern about this matter, I wish to make these few remarks. I do not believe the point is that Cuba can be so crammed with arms so soon as to seriously threaten our country; I do not believe that is what we are considering. But, I believe that the present demonstrations of Russian initiative in Cuba might have the result of influencing people in other countries in the Americas, in terms of their opinion of the strength of the Soviet Union, as against our strength. So it is necessary to demonstrate not only our leadership and our determination to help bring all our neighbors of the American Republics abreast of present developments, in terms of modern technology and economics and standards of health and education, which we are doing through the Alliance for Progress and otherwise, but also our determination to make clear to the entire hemisphere that it will be secure from Communist aggression.

Mr. President, we must make this very clear, so that no one will get any false ideas or have any doubt as to who will win the struggle for freedom in the Western Hemisphere or will have any tendency to believe that there would be any point in associating, in that connection, with any nation but the United States.

Mr. President, I am not entirely satisfied with the specific terms of the joint resolution. No doubt others could improve on its terms. Nevertheless, it is important that we assert our determination to keep Communist encroachment outside this hemisphere, and also that we express our understanding of the risks involved.

By using the phrase "the use of arms" we point out to our people that we understand that there is a risk. Mr. President, it is essential that our people understand that there is a risk—one which cannot be hidden—by virtue of the size and magnitude and weight of the interests and resources represented by great powers.

By means of this joint resolution we express to the President and to the country as a whole our determination to bring our people abreast of the fact that grave risk is involved, but that it is worth taking, and that it must be taken; and that we close ranks, in terms of the foreign policy of our Nation, and tell the President precisely what we want; and that it is his duty, as President and as Commander in Chief, to see to it that this line of policy—which I am confident has the overwhelming support of the majority of the country—is fully and clearly implemented now.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the

House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Vice President:

H.R. 7431. An act to provide for the free entry of certain stained glass for St. Joseph's Cathedral, Hartford, Conn., and for other purposes;

H.R. 7796. An act to amend certain lending limitations on real estate and construction loans applicable to national banks;

H.R. 8520. An act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands;

H.R. 9280. An act to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes;

H.R. 9593. An act to provide for the conveyance of certain phosphate rights to the Dr. P. Phillips Foundation of Orlando, Fla.;

H.R. 9954. An act to amend the act of June 6, 1924, chapter 270 (43 Stat. 463), relating to the National Capital Park and Planning Commission, as amended by the National Capital Planning Act of 1952 (66 Stat. 781; 40 U.S.C. 71);

H.R. 10540. An act to exclude deposits of petrified wood from appropriation under the U.S. mining laws;

H.R. 12577. An act to place authority over the trust powers of national banks in the Comptroller of the Currency;

H.R. 12628. An act to provide additional funds under section 202(a)(4) of the Housing Act of 1959, and to amend title V of the Housing Act of 1949, in order to provide low and moderate cost housing, both urban and rural, for the elderly;

H.R. 12675. An act to provide for the formation of partnerships in the District of Columbia and to make uniform the law with respect thereto;

H.R. 12689. An act to repeal section 557 and to amend section 559 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901;

H.R. 12727. An act to amend the act of February 28, 1901, to insure that policemen and firemen in the District of Columbia will receive medical care for all injuries and diseases;

H.R. 12762. An act to amend the District of Columbia Unemployment Compensation Act, as amended; and

H.R. 12899. An act to amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger.

INCREASE OF JURISDICTION OF MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

Mr. ROBERTSON. Mr. President, on August 9, 1962, H.R. 12708, to increase the jurisdiction of the municipal court of the District of Columbia in civil actions, to change the names of the court, and for other purposes, was passed without amendment by the Senate.

Because of other duties, I was not present in the Senate Chamber at that time. When I was later informed that the bill had been passed, I entered a motion to reconsider the vote on its passage with a view of studying the extraterritorial subpena power provision that is contained in the bill. I have now satisfied myself that territorial subpena power of 25 miles distance from the court would appear to be adequate for the purposes of the court rather than the 100-mile distance that is now contained in the bill. I am also advised that the various proponents of this measure are satisfied with this 25-mile subpena distance. I further understand that if my motion to reconsider is agreed to that an amendment will be submitted so as to amend the subpena distance to 25 miles.

Mr. President, I ask unanimous consent that the motion entered by me on August 9 last to reconsider the vote on the passage of the bill be agreed to, and that the action of the Senate ordering its third reading be rescinded.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BIBLE. Mr. President, I have sent to the desk an amendment to correct the situation referred to by the distinguished junior Senator from Virginia. I call up the amendment.

The PRESIDING OFFICER. The amendments will be stated.

The Legislative Clerk. On page 4, line 23, strike out "one hundred" and insert in lieu thereof "twenty-five".

On page 5, line 1, immediately after "as", insert the following: "otherwise".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TEMPORARY INCREASE IN MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER MERCHANT MARINE ACT, 1936

The Senate resumed the consideration of the bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships.

Mr. KUCHEL. Mr. President, I call up an amendment, offered on behalf of myself and my colleague from California.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. At the end of the bill, to add a new subsection, as follows:

> *Provided, however,* That the repeal of subsection (d) of Section 502 of the Merchant Marine Act, 1936 shall not be effective with respect to contracts for new ship construction under Title V of said Act awarded on the basis of bids opened prior to the date of the enactment of this Act.

Mr. KUCHEL. Mr. President, I have discussed the amendment with my colleague from California and the Senator from Washington [Mr. Magnuson].

The PRESIDING OFFICER. Under the unanimous consent agreement, no debate is in order.

Mr. KUCHEL. I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. I have also discussed the amendment with the Senator from Delaware [Mr. Williams], and the Senator from Virginia [Mr. Byrd], all of whom interpose no objection to the amendment.

Today, contracts for ship construction with respect to new vessels have not been awarded, but the bids actually have been opened. The language of the proposed amendment would provide that the Williams amendment would not apply retroactively in that situation.

Mr. ENGLE. Mr. President, I fully agree in the statement made by my senior colleague. The purpose of the amendment is to clarify the situation. It makes plain that the action taken today is not retroactive. I do not believe it was the intention of my friend from Delaware to make it retroactive. However, the matter could be subject to legal dispute. In order to clarify the Record, the amendment is offered, so as to make it plain that we do not intend to make the action taken today, repealing the 6 percent differential, retroactive to situations in which the bids have been opened but the contracts have not actually been made, of which there is only one.

Mr. WILLIAMS of Delaware. I am agreeable to the amendment. As I understand it, these bids have already been solicited and have been opened, and the bidders naturally submitted their bids under the law as they understood it, and they had, naturally, no knowledge of the action that would be taken today. It is only fair that they be excepted from any provision which would be applicable as a result of the adoption of the amendment today. It is my understanding that this applies to these two cases only, and only to those upon which bids not only have been solicited but also have been received and opened.

Mr. KUCHEL. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the Senate agreed to the amendment.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. It is my understanding that a number of amendments will be offered to the pending bill, and that the discussion of the amendments will take a considerable length of time. Therefore, after having consulted with certain Members of the Senate, it is my intention to ask unanimous consent that we lay the bill aside temporarily over the weekend, and bring it up again early next week. I hope there will be no objection to that procedure, although I believe some Senators may want to comment on it.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. WILLIAMS of Delaware. It is my understanding that if the bill is carried over until next week it will be made the order of business before we begin the consideration of any of the other maritime bills.

Mr. HUMPHREY. Yes; it will be the first maritime bill to be considered.

Mr. WILLIAMS of Delaware. The first maritime bill to be considered.

Mr. HUMPHREY. Yes.

Mr. LAUSCHE. I submit an amendment and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BARTLETT. Mr. President, I submit an amendment to the pending bill and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and lie on the table.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the pending measure, the maritime bill, be laid aside until next week, to be called up at the earliest appropriate moment.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. I may say that the other maritime bills will also be called up once we have taken action on the pending bill.

Mr. LAUSCHE. Mr. President, reserving the right to object, I wish to explain briefly my amendment. The bill contemplates the extension of the 55-percent limitation on subsidies for 3 years. The Department of Commerce recommended that it be extended for only 1 year. Therefore, my amendment provides that instead of the extension being made for 3 years, it will be for only 1 year, as recommended by the Department of Commerce.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Minnesota?

Mr. BARTLETT. Mr. President, my amendment would prohibit officials or employees of the U.S. Government from taking free or reduced rate transportation on foreign-flag vessels.

In the 86th Congress, the Senator from Delaware [Mr. Williams] offered an amendment which later became law. The Senator's amendment prohibited American-flag vessels from offering free or reduced rate transportation to officials or employees of the U.S. Government. The amendment I offer today would be a simple extension of that earlier provision which is contained in Public Law 86–607.

It has been reported that several foreign-flag steamship companies are offering attractive arrangements to Government officials and employees for passenger and cruise travel. This would, if true, place the American-flag companies at a disadvantage since they are prohibited from making such offers. It is not my position that any favors are granted because of these inducements. However, I want to echo what Senator Williams said in his earlier amendment to the effect that Government employees and officials must, like Caesar's wife, be above suspicion.

The earlier Williams amendment was passed by the Senate by 88 to 0; in other words, unanimously. The Senate conferees then were able to have the House recede from its disagreement and thereby clear the Williams amendment for final passage.

My amendment would strengthen and broaden the Williams amendment of 1960 which prohibits Government employees from traveling at free or reduced rates on U.S.-flag ships. It simply extends that prohibition to foreign ships as well.

Mr. HUMPHREY. Mr. President, I renew my request that we may lay aside the pending bill until the appropriate time next week, at which time we will act upon this measure before other maritime bills are taken up.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

The Senate resumed the consideration of the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin irrigation districts, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Minnesota yield me 1 minute?

Mr. HUMPHREY. I believe the Senator from Washington has a privileged matter that he would like to bring up.

AIRCRAFT LOAN GUARANTEES

The PRESIDING OFFICER (Mr. Pell in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 10129) to amend the act of September 7, 1957, relating to aircraft loan guarantees, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARTLETT. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Pell in the chair) appointed Mr. Monroney, Mr. Smathers, Mr. Thurmond, Mr. Cotton, and Mr. Scott conferees on the part of the Senate.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

The Senate resumed the consideration of the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin irrigation districts, and for other purposes.

Mr. MILLER. Mr. President, I call up my amendment which is at the desk. I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Sec. 8. For a period of ten years from the date of enactment of this Act, no water shall be delivered to any water user for the production of newly irrigated lands in the Columbia Basin project, of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. This limitation shall not apply to lands within irrigation blocks for which the initial availability of project water has heretofore been announced in writing by the Secretary of the Interior for publication in the Federal Register.

Mr. MILLER. Mr. President, while a considerable number of Senators are in the Chamber, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator from Iowa yield himself?

Mr. MILLER. I yield myself 20 minutes.

My amendment uses the same language that has been placed in numerous irrigation and reclamation bills in the past several years. The amendment is designed to prevent the frustration of the policy of Congress and of a Cabinet officer; namely, the Secretary of Agriculture, that policy being to reduce the surpluses of certain crops.

I do not need to point out that it is highly inconsistent for Congress to appropriate the taxpayers' money to bring more acres into production, if on those acres will be produced crops which are already in surplus, and for which the taxpayers are paying money which is being appropriated by Congress for price supports and for storage. This type of inconsistent policy is undesirable, and has been so recognized by the use of specific language, which I shall presently read, in many reclamation and irrigation projects.

My amendment provides:

Sec. 8. For a period of ten years from the date of enactment of this Act, no water shall be delivered to any water user for the production of newly irrigated lands in the Columbia Basin project, of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. This limitation shall not apply to lands within irrigation blocks for which the initial availability of project water has heretofore been announced in writing by the Secretary of the Interior for publication in the Federal Register.

Back in the days when the Columbia Basin Irrigation District was authorized and when appropriations were first made, there was not a surplus of crops. Surpluses were unheard of. I do not believe there was any problem of surpluses. There may have been some storage costs, but surpluses as a problem did not exist.

Throughout the years, Congress has seen fit to enable this project to grow. But there has been wise restraint on the part of Congress with respect to its appropriations, so that as time went on, we could see that Congress must have been aware that surpluses were increasing and that the situation in the Columbia Basin Irrigation District could cause some frustration of policy and could aggravate the situation.

I recognize that the authorization has long since been on the books, but I wish to make clear that at the time of the making of the authorization, the congressional policy with respect to crop surpluses had not even been thought of.

However, today the situation is entirely different—so different that I believe it warrants the amendment I have offered.

During the rather extensive hearings on this bill, Mr. President, the policy to which I have referred—that of preventing the production on new irrigation projects of crops already in surplus supply—was discussed. The point was made that this policy should be applied universally to all irrigation projects. I do not know of any member of the committee who questioned that. But the trouble is that we do not have before us a bill of universal application. We are told that an attempt will be made to enact such a bill next year. But it seems to me that the time to implement this policy is right now, when our surplus-agricultural-commodity situation is so serious.

At the hearing there was a long colloquy between me and various representatives of the Bureau of Reclamation and the U.S. Department of Agriculture with respect to the background of this project and the policies of these two Government agencies in regard to the production on reclamation and irrigation projects of crops already in surplus supply.

Mr. President, for purposes of the record, I shall read from the hearings, beginning at page 68. I shall skip a few parts of the hearings which are not particularly applicable to the problem, but I believe these parts of the hearing should be made a matter of record, and will provide a helpful background for our consideration of this amendment. The colloquy which I am about to read from the hearings includes discussions between myself, Mr. G. G. Stamm, Chief of the Division of Irrigation and Land Use, Bureau of Reclamation; Mr. Edward Weinberg, Associate Solicitor for Water and Power, Department of the Interior; and Mr. Carl P. Heisig, Deputy Administrator, Economic Research Service, U.S. Department of Agriculture. The portion to which I wish to refer begins on page 68 of the hearings, as follows:

Senator Miller. Under the contract ceilings, you can increase the acres, too. What is the present acreage now?

Mr. Stamm. We have facilities completed to serve about 450,000 acres.

Senator Miller. And you have the facilities. And then how many acres are there now?

Mr. Stamm. About 400,000 acres are irrigated at present.

Senator Miller. About 400,000. Can you tell me, or do you have the figures there of the breakdown of those acres by type of crops produced?

Senator Jackson. That is all in the record.

Senator Miller. That is in the record. Well, that came out.

Senator Jackson. Go ahead and read it back.

Senator Miller. I do not want to clutter up the record. Could we suspend the reporter's work so that he could just bring me up to date on that?

(Discussion off the record.)

Mr. Stamm. 36,000 acres of vegetable crops.

Senator Jackson. 36,000 acres of vegetable crops, all right.

Mr. Stamm. And about 32,000 acres of seed crops.

Senator Miller. What kind of crops?

Mr. Stamm. The principal one there is pea seed. The next most important is alfalfa seed and then clover seed. About a thousand acres of fruits.

Senator Miller. May I suggest—do not bother going into the smaller ones. Just the top five or six or seven major ones.

Mr. Stamm. Cereal crops, about 79,000 acres. Forage crops, about 109,000 acres.

Senator Miller. How much?

Mr. Stamm. 109,000.

Senator Miller. What do you mean by forage crops?

Mr. Stamm. Hay, pasture, silage, things like that. Those are the principal subdivisions.

Senator Jackson. Sugarbeets?

Mr. Stamm. Sugarbeets comes in a miscellaneous category. There are over 27,000 acres of sugarbeets.

Senator Miller. What about wheat and corn and barley?

Mr. Stamm. Those are in the cereal crop figure. I gave you 79,000 acres of cereal crops. Within that, wheat is the largest one, nearly 45,000 acres.

Senator Miller. I see.

Senator Jackson. May I make another suggestion?

Would you supply, for the record if you do not have it, the number of acres of wheat, especially on the east side of the project, that was taken out of the project?

Mr. Stamm. A very large part of the best wheat area of the project, the dryland wheat area, was withdrawn from the project in the early days of development. Those lands may eventually come back in.

Senator Miller. How many acres would that be?

Mr. Stamm. Well, I think in the realm of at least 200,000, maybe 300,000.

Senator Miller. When you go from the 400,000, which is what you have been breaking down now, up to 450,000, up to 481,000 and then at the rate of 20,000 a year, roughly, in the future, do you have any scheduling of the types of crops that would be brought into production by that?

Mr. Stamm. Well, normally, 30 to 40 percent of the area goes into forage crops initially. The amount that goes into sugarbeets, for example, depends upon what our national sugarbeet quotas are. We would have had a much larger acreage in sugarbeets had the acreage allotment been available. The general agricultural situation and control programs will also have an influence. But I think we can say that the type of production here would be comparable to the usual diversified irrigated farming area.

Senator Miller. In other words, crop distribution would be about the same as it is on the present 400,000 acres.

Mr. Stamm. Yes, and I think as time goes on it is going to shift to a greater extent to cash crops, row crops, as opportunity becomes available, because the area is well suited to a diversity of crop production.

Then, Mr. President, there was a colloquy relating to sugarbeets.

I resume the colloquy at page 70 of the hearings:

Senator Miller. Now, to what extent do you follow a similar procedure—

That is, similar to the sugarbeet procedure—

with respect to crops that are in surplus? For example, the feed grains problem, which USDA now has, to what extent do you take guidance on them with respect to bringing in additional acres in your schedule?

Mr. Stamm. Well, if there is any crop that requires an allotment under the agricultural program, and if an acreage allotment is not available, obviously nobody can produce that crop under the Agriculture Department's support program.

Senator Miller. That is correct. But when you do not have an allotment, which we do not have in the case of feed grains?

Mr. Stamm. Where there is no allotment there is no attempt to dictate to the individual farmer what he can produce on his farm.

Senator Miller. But have you, in your scheduling, or would you, in your scheduling, of bringing these new acres into production, take your guidance from the USDA in trying to see that their policies of reducing surpluses are not frustrated by your bringing in acres which would go the other way?

Mr. Stamm. We have worked closely with Agriculture and are interested in the surplus problem. The Secretary of Agriculture, Secretary Freeman, has made public statements in recent months which have indicated the relationship of the irrigation program to the total agricultural program. He specifically has endorsed the irrigation and reclamation program in the West in a general way and has also done it specifically in the case of certain projects.

He has made the statement that irrigation development generally does not contribute to the surplus problems that have been plaguing the Nation.

Senator Miller. He has made such a statement with respect to this specific project?

Mr. Stamm. Not to this specific project, no, sir.

Senator Miller. Thank you very much.

Let me ask you just one more question. Would you be disposed to take your guidance from the Department of Agriculture regarding the crops that could be grown on these new acres as they are brought in in the future.

Mr. Stamm. We have no authority, in the Department of Interior or in Reclamation, to specify what a man may grow in a reclamation project.

Any control of that type, I think, would more properly be handled under the authorities and obligations of the Department of Agriculture.

Senator Miller. Well, you are the ones who are negotiating these projects; are you not?

Mr. Stamm. Yes.

Senator Miller. Could you not, by contract, specify—let us say we go from 400,000 to 450,000. And I am someone who wants to get a block of this land for irrigation purposes. Could you not, in that contract, specify, based upon guidance received from the USDA, that I shall in no event grow any crops that are presently in surplus? Could you not do that?

Mr. Weinberg. Well, this would require some very complex contractual requirements. You see, we do not contract with the individual farmer under the reclamation law. We contract with the district.

Senator Miller. Yes.

Mr. Weinberg. This would have to take the form, then, of our requiring the district to agree in turn not to deliver water for the production of certain crops.

Senator Miller. Could you not do so?

Mr. Weinberg. This might be done as a matter of contract. This has not been done, except to the extent that the Congress, in authorizing certain new projects, has imposed a limitation upon the delivery of water for 10 years.

Senator Miller. Well, suppose the Secretary of Agriculture came to you and said, "I have a serious problem on surplus of forage crops. Additional production of forage crops would aggravate the feed grain surplus that I am now trying to take care of. Therefore, while I cannot tell you to do so, my guidance to you, for what it is worth, would be to negotiate contracts with the district for future acres to provide that until such time as I make a determination that we are not in a surplus situation, these new acres will not produce crops that will aggravate my problem."

Now, could you not take the guidance from the Department of Agriculture, and carry through with that policy in your contracts?

Mr. Weinberg. If we were requested to do that, if the Congress so instructed, I think a better way to accomplish your objective would be to control future development. In other words, if it were decided either legislatively or policywise between Interior and Agriculture, that because of this surplus that you mentioned in forage crops, we would then be able to postpone the development of these next blocks of land. We could do that entirely between our agencies, because we are not committed to a development program with the water user.

Senator Miller. You would not need legislation from Congress on that?

Mr. Weinberg. No, we would not need legislation from Congress to do that.

Senator Miller. But suppose it might be entirely feasible to bring in more acres for vegetables, possibly for sugarbeets, you would not need legislation from Congress to take guidance from the USDA on that, would you?

Mr. Weinberg. That would bring a third party into it. If we were to say then, "We will provide water for this block of land provided the owners of it produce only certain crops," then we would have to bring the third party into it, the irrigation district and the owners, to agree also that water is made available contingent upon these things.

Senator Miller. Would that not be feasible? I am trying to be practical about this, because I know that Mr. Freeman is deeply concerned with the surplus situation and trying to do something about it. And we have got to have the right hand and the left hand working together on this.

And if the right hand and the USDA is saying, "We have got to cut down surpluses," and the left hand—

Which in this case, Mr. President, is the Bureau of Reclamation—

cannot help further that policy in its contracts with the districts, it would seem to me that you people ought to say, "We will take our guidance from the U.S. Department of Agriculture in this respect." That is what I am trying to elicit from you.

Mr. Stamm. I think this is a matter of high policy that should be resolved by the Congress itself, and certainly we will be governed by anything that the Congress lays down for us to do.

Senator Miller. I am sure you will be guided by Congress, but I find it difficult to understand why it is necessary for Congress, which has already expressed its concern in the beginning clauses of the current emergency feed grains legislation, about surpluses—why in the face of that, the U.S. Department of Agriculture and the Interior Department cannot get together with the USDA, giving guidance on this matter, to you, in the development of your contracts. And if you do not think you can, or you do not think you will, I want to have that answer.

Mr. Stamm. We certainly can, between the agencies. If we make it a matter of contract involving the operation of the individual water user, it brings in a lot of complication as Mr. Weinberg has said. We have not gotten into this kind of detail in these circumstances, where we, through our contract, control the farming operations of individual farmers. Those controls have been handled through the responsibilities, authority, and administration of the Department of Agriculture. And I think it would be better for the Department of Agriculture to continue those controls, rather than to get us into their business of controlling production.

Senator Miller. But you can still negotiate these contracts under your present authority along the lines I have mentioned, could you not?

Mr. Stamm. I think, getting into the legal phases, from a legal posture, it is not impossible.

Mr. President, it will be observed how difficult it was for us to obtain a responsive answer from the Bureau of Reclamation officials on this problem. I shall point out presently why it is necessary for the Congress to write specific legislation on this point. I think it is very unfortunate that in this administration we cannot be assured that the Bureau of Reclamation will take its guidance from the U.S. Department of Agriculture in seeing to it that surplus production is not aggravated by irrigation project contracts covering the bringing in of new acres. Apparently while they admit that it is not impossible to do this, there seems to be great reluctance to volunteer to do so.

I turn now to page 74 of the hearings, Mr. President:

Senator Miller. I am happy the Department of Agriculture people are here because I wanted to ask them a few questions in the setting of this questioning that I had been conducting with the Interior people. My question was, Would it not be feasible for the Secretary of Agriculture to establish guidance for the Secretary of the Interior to follow in negotiating these contracts with the view to having the contracts with the irrigation districts provide that no crops in surplus as determined by the Secretary of Agriculture should be grown thereon during the time that such a determination was present?

Would that not be feasible?

Mr. Weinberg. I wanted to observe, Senator Miller, that irrigation districts are creatures of State law and have limited powers under State law and, absent a specific provision of Federal law requiring the Secretary of the Interior to so contract, there might be a very serious question of the extent to which an irrigation district under State law could impose such a limitation on the delivery of water to landowners. in the district who are assessable for all district charges and who ordinarily under State law have a right to an allocable share of the district's water supply. I wanted to raise that caveat in connection with the answer to the question of what the Secretary of the Interior might be able to do by contract with the irrigation districts.

Senator Miller. May I say on that point, of course, my question has nothing to do with the law. I am talking about an arrangement between the two departments, not congressional law, but even there you already have that problem. I believe Mr. Stamm pointed out the situation which would give rise to the same problem on sugarbeet quotas.

You have to make an arrangement with your district now so that no additional sugarbeet acreage would be brought in, as I understand it.

Mr. Weinberg. No, Senator, we make no such arrangement with the districts. The sugarbeet allotment is handled under the Sugar Act and this is a matter that is between the Department of Agriculture and the farmers. This is not a matter which is carried out through the contracts of the Interior Department with the irrigation districts.

Senator Miller. Are you saying that if a farmer persisted, regardless of the sugarbeet acreage allotment, in growing sugarbeets you would continue to deliver water to him?

Mr. Weinberg. Well, any limitations upon such farmer would be under the provisions of the sugar legislation. It would not be under the provisions of the reclamation law and under our contract.

Senator Jackson. Do you have any provision in the contract where the farmer receiving water is in violation of any other agreement with the Federal Government relating to the project?

Mr. Weinberg. No, sir.

Senator Jackson. You can terminate the delivery of water?

Mr. Weinberg. No, sir.

Senator Jackson. That is the answer.

Senator Miller. Would that not be feasible?

Mr. Weinberg. Well, as I indicated earlier, we deal with the irrigation districts.

Senator Miller. I mean in the contracts with the irrigation districts.

Mr. Weinberg. Again you get into the area of what the irrigation district may be authorized to agree to under State law, absence a specific provision of Federal law.

Senator Miller. Do you know what the situation is on this particular project in that respect?

Mr. Weinberg. Under the law of Washington?

Senator Miller. Yes.

Mr. Weinberg. No, sir; I do not.

Senator Miller. I wonder if it would be possible for you to check that point. That should not be too difficult to check to see whether or not there would be a roadblock to having this arrangement made. In other words, I assume that if you found a roadblock due to State law insofar as a Federal law is concerned, there would be a roadblock insofar as the Secretary of Agriculture and the Secretary of the Interior trying to work that out on an administrative basis too.

I wonder if we might have them check that point and incorporate that in the record.

Mr. Weinberg subsequently supplied a statement which appears on pages 75 and 76 of the hearings. I ask unanimous consent that that statement may be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Muskie in the chair). Is there objection to the request of the Senator from Iowa?

There being no objection, the statement was ordered to be printed in the Record, as follows:

Section 87.03.115, R.C.W., provides that all water, the right to the use of which is acquired by an irrigation district under any contract with the United States, shall be distributed and apportioned by the district in accordance with the acts of Congress and rules and regulations of the Secretary of the Interior until full reimbursement has been made to the United States, and in accordance with the provisions of the contract with the United States in relation thereto. The question, therefore, reverts to one of whether the Secretary of the Interior is authorized to prohibit a district from delivering water to be used to grow certain crops in the absence of specific provision in an act of Congress authorizing such a limitation.

Absent specific congressional action, it is doubtful whether the Secretary possesses such authority under the Federal reclamation laws.

Section 8 of the act of June 17, 1902 (43 U.S.C. 372), provides, among other things, that the right to the use of water acquired under the provisions of the reclamation law shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right. The growing of crops is, of course, a beneficial use of water and a restriction upon the nature of the crop for which water may be used would appear to be inconsistent with the right to beneficial use and the concept of the water right as being appurtenant to the land.

That the Congress may authorize limitations upon the use of water from a Federal reclamation project notwithstanding section 8 of the 1902 act is clear. *Ivanhoe Irrigation District* v. *McCracken,* 357 U.S.C. 275. However, absent specific authorization for a limitation on the delivery of water for particular crops, it is doubtful that authority in the Secretary could be implied in the face of section 8.

Section 6 of the Reclamation Project Act of 1939 (53 Stat. 1187) authorizes the Secretary, in connection with any repayment contract, to require such provisions as he deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof and protect project lands against deterioration due to improper use of water. This provision, however, cannot be said to authorize the Secretary to impose limitations with respect to the nature of the crops for which water may be delivered.

The conclusion that authority to impose a limitation of the nature under discussion probably cannot be read into the Federal reclamation laws by implication finds support in the express provisions of the act of July 2, 1956 (70 Stat. 483). Section 1 of that act provides, among other things, that in administering subsections 9 (d) and (e) of the Reclamation Project Act of 1939, parties contracting with the United States under long-term repayment of water service contracts shall during the term of the contract and subject to fulfillment of obligations thereunder, have a first right to a stated share or quantity of the project's water supply for beneficial use on the irrigable lands within the boundaries of the contractor and a permanent right to such water supply upon completion of payments of an appropriate share of the construction costs. Limitations upon the nature of crops for which water may be supplied would appear to be inconsistent with the contractor's right, under the statute, to a share of the project's water supply for beneficial use.

The Congress has expressly required limitations on the delivery of water in the case of surplus crops on the Colorado River storage project (act of Apr. 11, 1956, 70 Stat. 105); the Ainsworth unit of the Missouri River Basin project (act of May 18, 1956, 70 Stat. 160); the San Angelo project (act of Aug. 16, 1957, 71 Stat. 372); the Greater Wenatchee division, Chief Joseph project (act of May 5, 1958, 72 Stat. 104); the San Luis Act of the Central Valley project (act of June 3, 1960, 74 Stat. 156); and the San Juan-Chama and Navajo projects (act of June 13, 1962, 76 Stat. 96). In view of the foregoing, it would appear that if application of similar limitations to the Columbia Basin project are deemed desirable, they should be supported by express statutory authorization.

Mr. MILLER. I point out, Mr. President, that the conclusion of Mr. Weinberg's memorandum reads:

> In view of the foregoing, it would appear that if application of similar limitations to the Columbia Basin project are deemed desirable, they should be supported by express statutory authorization.

The conclusion seems to be very strong that the attitude of the Bureau of Reclamation is that Congress must enact legislation to satisfy the problem.

I continue to read from the hearings:

Mr. Stamm. I wonder if it would be appropriate to point out here that many Federal agencies have their own responsibilities on reclamation projects such as credit agencies. We have never considered including a provision whereby a water user would be denied water if he became delinquent in payment of a loan to the Farmers Home Administration, for example.

They have their own courses of action against the individual if he becomes delinquent. We have provisions under our law whereby if a water user does not pay his O. & M. charge in advance, we do not deliver water. If he is more than 12 months in arrears in payment of construction charges we withhold water. But each agency has its own requirements and its own assessment of penalties if an individual becomes delinquent.

Senator Miller. On that let me just carry that point one step further. I can well understand this. My question, though, is not quite on that set of facts, because with the surplus in feed grains we don't have any violation of USDA regulations or contracts.

This is a matter of policy and, as I pointed out earlier, I know that Mr. Freeman is concerned about the surplus situation and wants to do something about it, and I find it almost indefiable to think that the right hand in the form of the USDA would be trying to cut down on surpluses, and the left hand in the form of the Interior Department is going ahead on contracts which give rise to frustration of that policy, so don't you think we have a little different situation there, Mr. Stamm, than these other cases that you mentioned where you have actual regulations which would be in violation if there was a growing of certain crops, where there are allotments, for example?

Senator Jackson. When you respond to this I would appreciate your thinking of it in terms of universal applicability, because as I see it if we want to offer such amendment it ought to apply to all projects that are similarly situated.

Of course, we are going to be at this a long time because all of these people will want to come in and be heard, but the questions that are being raised now of course apply to every project that we have had up here, including the large one we acted on the other day, Arkansas-Fryingpan. Although we never applied these rules to supplementary water, I think we may want to consider that, and I do think that if we are going into this thing, we want to think of it in terms of all projects.

I have no objection. Don't misunderstand me. I think we have to do something about this surplus problem.

Mr. Stamm. The chairman of this committee asked Secretary of Agriculture Freeman some time ago about this question and whether these two programs were incompatible. I don't have with me a copy of the response, but it was essentially to the effect that——

Senator Miller (presiding). Pardon me. Which two programs now?

Mr. Stamm. The surplus problem on the one hand and the continued development of irrigation on the other.

Senator Miller. In general?

Mr. Stamm. In general, yes. The Secretary of Agriculture answered Senator Anderson specifically by letter and he also has made some public speeches in that regard. I do have two statements here from the Secretary of Agriculture that speak to this question. One says:

"Most of the farm products coming from irrigated land are not the ones for which there are overproduction problems."

And further he stated:

"To attempt to balance production with market needs by eliminating sound reclamation and irrigation projects would be tantamount to deliberately promoting inefficient use of agricultural resources."

I point out how general these statements are. I continue to read from the hearing:

Senator Miller. I would like to carry that a step further. I can understand such a statement as a general statement, but when we get into this particular project where out of 400,000 acres in production we have 79,000 I believe in cereal grains and 109,000 in forage crops, you have about half of it going into crops that seem to me to be generally recognized as the kind which would tend to frustrate the policy with respect to feed grain surpluses. That is why I wanted particularly to have you people down here, Mr. Heisig, so that we could have an expression

> of opinion from the Department of Agriculture with respect to this specific project.
>
> Have you people had an opportunity to study this project and its scheduled expansion from the standpoint of analyzing the crop production that will be coming in and how this will tie in with the policy of the Secretary of Agriculture?

Mr. President, the upshot of that was apparently they had not. However, they gave assurance that they would provide information.

I continue reading on page 82:

> Senator Miller. The point I was making was that if we are going to use a universal approach to this, that if some of these other reclamation projects have this clause in them, perhaps this one ought to also, but I would like to get the recommendation from the Department of Agriculture.
>
> Then there was another thing and that is I do think we ought to have an analysis from the Department of Agriculture, plus their comments, on how the scheduling of bringing acreage into production in this project which Mr. Stamm outlined for us this morning, which you understand is only tentative, but it is a schedule, would affect the surplus situation and whether or not the Department would recommend any particular approach to meeting a problem of surplus.
>
> In other words, if 5 or 10 years from now we have no surplus problem there is no need for any particular action, but if the schedule calls for bringing another 20,000 acres into production, of which half is going to be, let's say, of wheat which would be in surplus, or of corn, or of some forage crops which could be used as a substitute, how can this be handled without having to run into Congress all the time for some kind of change in the law?
>
> Is there some type of provision or some administrative act that can be taken by the Department of Agriculture which can cope with this? Would that be agreeable to the chairman to have those comments and that analysis?
>
> Senator Jackson. Whatever the Senator requests. I think they are all reasonable. I assume the Department can supply that information.

Subsequently the Department of Agriculture sent a letter to the chairman.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Mr. President, I yield myself another 10 minutes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Mr. President, I remind the Chair that, when I yielded myself 20 minutes, I received no notification from the previous occupant of the chair of any lapse of time.

Mr. JACKSON. Mr. President, I yield the Senator from Iowa 5 minutes out of my time.

Mr. MILLER. I do not like to take the time away from the Senator from Washington.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Do I correctly understand that the Senator from Iowa has used up his allocated time of 45 mintues?

The PRESIDING OFFICER. The record of the Parliamentarian indicates that he has.

Mr. JACKSON. I shall yield 5 minutes to the Senator from Iowa because I am anxious to get on.

Mr. MILLER. Mr. President, I am anxious also. I had yielded myself 20 minutes. I believe the Record will so state. I received no notification until now that the time had expired.

Mr. MANSFIELD. Mr. President, I do not believe that a Senator must be notified unless he raises the question himself. The Senator came in under a unanimous-consent agreement. I believe the Senator understood that 45 minutes had been allotted to each side. The Senator will admit that.

Mr. MILLER. The Senator certainly will admit that. But the Senator believes that the Chair customarily notifies a Senator when he has used his allotted time.

Mr. JACKSON. Mr. President, I shall take the time desired out of the time available to me. But I think my friend from Iowa lost some of his time because he yielded to 2 or 3 other Senators. That was his responsibility. But in all equity, I yield 5 minutes from my time.

Mr. MILLER. Mr. President, will the Senator from Washington defer to this extent? I think I can wind up what I have to say in about 3 minutes.

Mr. JACKSON. I shall take only 3 minutes myself, and then I shall yield 3 or 4 minutes of my time to the Senator from Colorado [Mr. Allott.]

Mr. MILLER. Mr. President, I yield myself 3 minutes of the 5 minutes yielded to me by the distinguished Senator from Washington.

In response to the request of the chairman of the committee, the Secretary of Agriculture, by letter dated July 31st to the Chairman of the Committee on Interior and Insular Affairs, gave the following responses. I shall read only extracts from the letter. But, Mr. President, the point I wish to make is that this indicates a very unsatisfactory answer to the question, indicating either an indifference on the part of the Department of Agriculture or ignorance on the part of the Department of Agriculture with respect to these problems. I read as follows:

> With specific reference to the request for recommendation about providing cropping restrictions in the renegotiated repayment contracts on the Columbia Basin project, it would appear that this might result in inequities. Since no limitations were enacted in the original project authorization, farmers on the project have had to abide by the laws and regulations pertaining to crop allotments and other agricultural programs in existence while the farms were being developed. Inequities could result from imposing special restrictions on these farmers now.
>
> With respect to the request for an analysis of the effect of the schedule for new irrigation on the surplus crop situation, we can say that production from scheduled irrigation is not likely to be a major factor. The scheduled rate of irrigation reported to us by the Department of the Interior for the 7-year period 1962 to 1968 is 432,000 acres of new land and 470,000 acres of land now irrigated with inadequate water.. This is an annual rate of about 128,000 acres a year. Only a portion of this acreage, of course, would be devoted to crops that are in surplus supply.

It has already been pointed out that over half have been going into crops that could be considered surplus.

> In response to the specific request for suggestions this Department might have about restricting production of surplus crops, we would call attention to the fact that new producers and new land are under certain limitations imposed by existing laws. However, if the Congress feels that it is desirable to impose special additional restrictions on newly irrigated land served by Federal reclamation projects, then we would suggest that restrictions imposed by legislation be limited to production of price-supported crops in surplus supply and on crops for which acreage or production are otherwise restricted by Federal programs and policies.

That is specifically what my amendment would do. I point out that this amendment was actually adopted by the subcommittee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURDICK. I yield myself about 5 minutes. We are dealing here with method, not with substance. It does not seem justifiable to take crops out of production and to pay money for that and then to use other money to produce more crops. I believe the Senator from Iowa knows my position on that subject. In the Garrison project, there is a limitation on the production of surplus crops. On the other hand, I should like to ask my friend from Iowa if it is not true that it is the consensus of the Interior Committee to consider this problem as one requiring general legislation?

Mr. MILLER. I appreciate the question of my friend from North Dakota. He will recall that the subcommittee recommended that the Senate bill be amended specifically as my amendment reads. Then the full committee of the Senate had its executive session. By that time the House-passed bill had come to the committee. That bill had been passed by the House and referred to the Senate committee. That bill did not contain the language of my amendment. At that time the majority of the members of the committee decided to report the House bill without amendment.

Mr. BURDICK. Is it not a fact that it is the intention of the committee to take up this question at the next session and examine general legislation with reference not only to this project but to all projects, either completed or not completed?

Mr. MILLER. I do not know of any member of the committee who was in disagreement with the suggestion that at the next session of Congress an effort would be made to enact a general law.

Mr. BURDICK. Yes.

Mr. MILLER. The able Senator from Washington [Mr. Jackson], the author of the Senate bill, has made that very clear, and I know that the Senator from North Dakota has done so. There is no question about it. I remind the Senator, however, that we have no assurance that such legislation will be enacted.

Mr. BURDICK. If it were to be enacted at the next session of Congress, is it the Senator's opinion that such legislation would apply to the Quincy project?

Mr. MILLER. I am no expert on reclamation and irrigation contracts, but it seems to me that it could not apply to contracts previously entered into. It might well apply to future contracts with irrigation districts, but I suggest that only as a probability; I would not want to suggest that as the final answer.

Mr. BURDICK. It is my thought that the legislation which it is intended to pass at the next session might apply to all projects not then constructed, and perhaps we could have that in mind as we draft legislation at that time.

Mr. MILLER. Do I correctly understand the Senator's conclusion to be that such general legislation would not affect this particular project?

Mr. BURDICK. It would affect the portion that had not been completed.

Mr. MILLER. Is it the Senator's conclusion that it would affect contracts with respect to new land or new contracts?

Mr. BURDICK. Yes.

Mr. MILLER. Even though no construction was entailed?

Mr. BURDICK. That is my understanding of the consensus of the committee.

Mr. MILLER. In other words, the Senator is in agreement with my tentative conclusion on that point?

Mr. BURDICK. Yes.

Mr. JACKSON. Mr. President, I wish to make a brief statement on this subject. There is merit in the proposed amendment if it could be applied generally. We have adopted an amendment of this kind in some bills and not in others; some projects are so restricted and others are not. There have been 6 projects since 1936 to which we have applied this limitation, and there have been 11 projects since 1956 to which we have not applied it.

Of the 11 projects, 9 projects involve entirely new water or new water and supplemental water.

This is a serious problem. It is most pertinent in connection with the development of new irrigated lands throughout the country.

I am confident that when the new Congress convenes in January the committee will go into this problem in such a way as to apply this limitation with equity and fairness with respect to all projects that have not been completed.

I say that because I think it is pertinent to the farm surplus problem. However, I point out that in this particular case we would be applying the limitation to a project which had been previously authorized. We have never applied crop limitations to a project previously authorized.

In addition, as the Senator from Iowa recalls, the testimony was that thousands of acres of wheatland have been taken out of dry farming and put into irrigated areas, which in turn took out crops that were in surplus.

I reiterate my firm belief that this is a matter of such importance that we ought to consider general legislation which will apply at least to new projects.

I hope the Senate will reject the amendment.

I now yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator from Washington for yielding to me. I should like to make two or three points. First of all, I believe, Senators are agreed on the fact that this is an area in which there should be general legislation.

Second, it is fairly obvious from the remarks of the Senator from Washington that he would not infer that legislation which Congress might enact next year would be made applicable to the Quincy project. By passing the present bill we would approve contracts for the project. There is a deep question in my mind at this time as to whether or not any subsequent legislation could apply to surplus agricultural commodities.

Third, as I pointed out in the Senate yesterday, property owners will pay for this project primarily upon the basis of their 1943 ability to pay. Yet it is proposed to construct the facility for them on the basis of the 1962 costs.

Last, I believe that since such a provision has been included in most of the bills passed recently—this project was authorized in 1943, but no work has been done on the part for which we are now appropriating $400 million—it should be applicable in this instance. Therefore, I strongly support the amendment of the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I believe the issue is clearly defined. I appreciate the attitude of the Senator from Washington [Mr. JACKSON] with respect to general legislation. I do not think it is responsive to talk about an authorization act of Congress passed in 1943, because, as I have said, the problem of surpluses did not exist in those days. I do not believe Congress should be limited in taking cognizance of the serious surplus situation that now exists. I believe it is shortsighted and contrary to the desires of the taxpayers for Congress to be legislating in such an inconsistent way.

Millions of dollars are being appropriated to solve the surplus feed grains problem. Yet we are about to spend millions of dollars more of the taxpayers' money to bring more crops into production. My amendment would prevent that from happening for a period of 10 years, unless the Secretary of Agriculture declares that such surplus crop production is necessary in the interest of national security.

I believe the amendment is fair and deserves the support of the Senate.

Mr. HICKENLOOPER subsequently said: Mr. President, I have a statement which I desired to make prior to the vote on the amendment offered by my colleague from Iowa [Mr. MILLER], but I reached the Chamber as the vote was being taken. I therefore ask unanimous consent that I may place in the RECORD, immediately prior to the vote on the amendment, a statement in support of the amendment of my colleague from Iowa, together with accompanying tables.

There being no objection, the statement and tables were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HICKENLOOPER

I give my wholehearted support to the amendment proposed by my colleague from Iowa. It seems to me to be the height of folly to increase the area of land for production of surplus crops on the one hand, through highly subsidized irrigation projects, and on the other hand to impose on those already engaged in farming the most rigorous controls that a Cochrane can imagine. Statements by the Secretary of Agriculture to the effect that, although we must take 50 million acres of farmland out of production, initiation of irrigation projects bringing new land into effective production is not inconsistent with that goal as irrigated lands do not contribute substantially to the overproduction problem, are pure and simple bunkum and hogwash, full of holes that a caravan of Billy Sol Estes fertilizer trucks could drive through. Lands serviced by Bureau of Reclamation projects in 1960, for example, produced more than 28 million bushels of corn, 731,323 tons of barley, 631,128 tons of wheat, 243,616 tons of upland cotton lint—and many other crops which are supported and are in surplus. Surely these are substantial contributions to the overproduction problem, and a further aggravation of that problem through additional irrigation projects at the taxpayers' expense cannot be justified.

TABLE 1. *Acreage and production of selected crops on irrigated lands, 17 Western States and Louisiana, 1959*

Crop	Total acres irrigated	Acres irrigated where entire acreage of farm was irrigated	Production [1] farms where entire acreage was irrigated
			Bushels
Barley	1,656,000	1,564,000	79,952,000
Corn	2,583,000	1,858,000	98,229,000
Oats	381,000	364,000	17,264,000
Rice	1,198,000	1,198,000	89,791,000
Rye	14,800	14,000	334,000
Sorghum	2,888,000	2,133,000	124,396,000
Wheat	5,251,000	1,328,000	52,183,000
Cotton	3,370,000	2,924,000	4,589,000
Soybeans	58,000	55,000	1,325,000
Subtotal, selected crops	17,399,800	11,438,000	
Total, all crops [2]	31,222,967		

[1] Total production figures for all irrigated lands unavailable as some farms did not irrigate entire acreage of various commodities. Data did not segregate production on irrigated and unirrigated portions.

[2] Total irrigated acreage, 17 Western States and Louisiana, 1959.

Source: Bureau of the Census, unpublished data.

TABLE 2.—*Acreage of selected crops of irrigated lands, 30 Eastern States, 1959*

Crop	Total acres irrigated
Corn	57,679
Sorghum	2,360
Wheat	408
Oats	456
Barley	101
Rye	421
Rice	424,657
Soybeans	281,300
Cotton	245,924
Tobacco	89,211
Subtotal, selected crops	1,102,517
Total, all crops	[1] 1,798,832

[1] Total irrigated acreage, 30 Eastern States, 1959.

Source: Bureau of the Census, special report, "Irrigation in humid areas."

ABLE 3.—*Acreage, production, and gross crop value of selected crops on lands serviced by Bureau of Reclamation projects, 1960*

Crops	Irrigated lands		Production		Gross crop value	
	Acres	Percent of total	Tons	Percent of total	Dollars	Percent of total
Barley	527,497	7.65	731,323	2.205	30,173,497	2.61
Corn	367,277	5.32	785,020	2.367	30,923,101	2.67
Oats	185,470	2.69	165,303	.499	7,491,621	.65
Rice	6,405	.09	11,591	.035	975,020	.08
Rye	2,024	.03	1,640	.005	66,739	.01
Sorghum	107,970	1.56	164,933	.497	6,900,651	.60
Wheat	418,589	6.07	631,128	1.903	34,457,533	2.98
Upland cotton:						
Lint	502,301	7.28	243,616	.735	153,472,134	13.26
Seed			405,016	1.221	20,047,145	1.73
Subtotal, 8 crops	2,117,533	30.69	3,139,570	9.467	284,507,441	24.50
Total, all crops	7,304,021	[1] 105.86	33,162,088	100.000	1,129,816,883	97.61
Less multicropped	556,710	8.07				
Total harvested cropland	6,747,311	97.79				
Cropland not harvested and soilbuilding	152,400	2.21				
Acres irrigated	6,899,711	100.00				
Additional revenues [2]					27,711,810	2.39
Total gross crop value					1,157,528,693	100.00

[1] Exceeds 100 percent due to acres multicropped.

[2] Includes payments received from Federal and commercial agencies.

Source: Report of the Commissioner of the Bureau of Reclamation, 1961.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has been yielded back. The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Virginia [Mr. RUSSELL], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Tennessee [Mr. KEFAUVER] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], the Senator from Missouri [Mr. LONG], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Tennessee [Mr. KEFAUVER] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Wisconsin [Mr. WILEY] is detained on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], the Senator from Arizona [Mr. GOLDWATER], and the Senator from California [Mr. KUCHEL] are necessarily absent.

On this vote, the Senator from Maryland [Mr. BEALL] is paired with the Senator from Vermont [Mr. AIKEN]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Vermont would vote "nay."

On this vote, the Senator from New Hampshire [Mr. MURPHY] is paired with the Senator from South Dakota [Mr. BOTTUM]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Wisconsin [Mr. WILEY] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Wisconsin would vote "yea," and the Senator from Nebraska would vote "nay."

The result was announced—yeas 13, nays 61, as follows:

[No. 272 Leg.]

YEAS—13

Allott
Boggs
Cotton
Dirksen
Douglas
Hickenlooper
Keating
Miller
Prouty
Proxmire
Saltonstall
Tower
Williams, Del.

NAYS—61

Anderson
Bartlett
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Carroll
Case
Church
Cooper
Curtis
Dodd
Ellender
Engle
Ervin
Fong
Hart
Hartke
Hayden
Hill
Holland
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Kerr
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Randolph
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—26

Aiken
Beall
Bottum
Bush
Butler
Cannon
Capehart
Chavez
Clark
Eastland
Fulbright
Goldwater
Gore
Gruening
Hickey
Hruska
Kefauver
Kuchel
Lausche
Long, Mo.
Morton
Murphy
Robertson
Russell
Wiley
Williams, N.J.

So Mr. MILLER's amendment was rejected.

Mr. JACKSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MORSE. I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The bill is open to further amendment.

If there be no further amendment to be offered, the question is on the third reading of the bill.

The bill (H.R. 11164) was ordered to a third reading and was read the third time.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Madam President, I would like to query the majority leader about the program for tomorrow, and I would like to inquire particularly about the consideration of the conference report on the farm bill.

Mr. MANSFIELD. Madam President, it is contemplated that the Senate will proceed to the consideration of the Baker project bill at the conclusion of consideration of the Quincy project bill. Then it is anticipated that a number of unobjected-to items on the calendar will be passed; that the Senate will meet at 11 o'clock tomorrow morning, as suggested by the Senator from Minnesota [Mr. HUMPHREY]; and that the pending business then, under the unanimous-consent agreement, will be the aquarium bill. We would like to take up then the foreign service buildings measure, and perhaps the school lunch legislation, and one or two other measures, and then go over to Monday.

It had been practically agreed to on this side that the conference report on the farm bill would be taken up Monday, but, on inquiry, I find that Senators on both sides of the aisle will be missing part of Monday because of certain events over which they have no control. What I would like to do now, instead, if the minority leader and the Senate are willing, as an accommodation to Members of the Senate on both sides, is to schedule the conference report on the farm bill for Tuesday, in the hope that if the Senate should convene at 9 or 10 o'clock on Tuesday morning, it could agree to vote at 1 or 2 o'clock in the afternoon.

Mr. DIRKSEN. Madam President, I am sure that if a time certain could be set for a vote on the conference report we could come to an agreement, but it would have to come later. I assume it would have to be sometime around 4 o'clock to accommodate Senators who have an interest in the bill and want to be present.

Mr. MANSFIELD. Four o'clock is a little late. We might make it 3 o'clock, since some interested Senators have to leave and might not be back before then.

Mr. MUNDT. Madam President, if the Senator will yield, I suggest 3 o'clock. Some Senators will have to leave by train or plane.

Mr. DIRKSEN. If there is no objection on the part of Senators who sat in conference, we could set the time for voting at 3 o'clock.

Mr. MANSFIELD. Madam President, I ask unanimous consent—and this is a little out of order, but it has to be done—that the Senate meet at 10 o'clock on Tuesday next, and that it agree to vote on the conference report on the farm bill at not later than 3 o'clock that afternoon.

The **PRESIDING OFFICER.** Without objection——

Mr. ALLOTT. Madam President, reserving the right to object, I would like to ask if that request could be rephrased so that the vote will take place at 3 o'clock.

Mr. MANSFIELD. I shall be delighted to make it that definite.

The **PRESIDING OFFICER.** Is there objection? Without objection——

Mr. MANSFIELD. I also ask unanimous consent that the usual call of the roll be omitted prior to the vote.

The **PRESIDING OFFICER.** It is not required on a conference report.

Is there objection to the request of the Senator from Montana?

Mr. DIRKSEN. I only suggest that we have an understanding that on the conference report the time be equally divided between the chairman of the committee and the ranking minority member.

Mr. MANSFIELD. That is fair. Madam President, in addition, the time is to be equally divided between the Senator from Louisiana [Mr. ELLENDER] and the Senator from Vermont [Mr. AIKEN], or anyone they designate.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request? The Chair hears none and it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective on Tuesday, September 25, 1962, after the reading of the Journal, the Senate proceed to the consideration of the conference report on H.R. 12391, the farm bill, and that a vote be taken thereon at 3 o'clock, with the time being equally divided and controlled, respectively, by the chairman of the Committee on Agriculture and Forestry and the ranking minority member thereof, or someone designated by them.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

The Senate resumed the consideration of the bill (H.R. 11164) to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin irrigation districts, and for other purposes.

Mr. HUMPHREY. Madam President, the third reading of the bill has been had. I ask for final action.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 11164) was passed.

Mr. JACKSON. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** Without objection, Senate bill 3162 is indefinitely postponed.

ORDER OF BUSINESS

Mr. DIRKSEN. Madam President, I tried to ascertain whether there would be any more yea-and-nay votes this evening. My understanding is that there will be one amendment by the distinguished Senator from Colorado [Mr. ALLOTT], but I do not think he will insist on a yea-and-nay vote on it.

Mr. ALLOTT. No; I will not insist on a yea-and-nay vote.

Mr. PASTORE. Madam President, are we to understand that there will be no yea-and-nay votes tonight?

Mr. HUMPHREY. Madam President, let the bill be laid before the Senate first.

BAKER FEDERAL RECLAMATION PROJECT, OREGON

Mr. HUMPHREY. Madam President, I now move that the Senate proceed to the consideration of Calendar No. 1957, H.R. 575.

The **PRESIDING OFFICER.** The bill now will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 575) to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. I yield to the Senator from Rhode Island. The Senator from Rhode Island wanted to know whether there would be any yea-and-nay votes tonight.

Mr. PASTORE. That is correct.

Mr. HUMPHREY. The Senator from Colorado has informed the Senate that, even though he has an amendment, he will not insist on a yea-and-nay vote. Is that correct?

Mr. ALLOTT. That is correct.

Mr. HUMPHREY. I do not believe there are any other major amendments.

The **PRESIDING OFFICER.** The bill is open to amendment.

Mr. JACKSON. Madam President, I wish to make a brief statement on the pending bill.

The pending bill would authorize the construction and operation of a multipurpose reclamation and flood control project, with fish and wildlife and recreational benefits, in northeastern Oregon known as the Baker Federal reclamation project. Some 18,000 acres of land in the Baker Valley would be irrigated. In addition, the present dangerous situation in the valley with reference to floods on the Powder River, which periodically threaten the city of Baker and the valley, would be brought under control.

The estimated cost of the upper division, Baker project, is $6,168,000. This cost is allocated to the various functions as follows: Irrigation, $4,354,600; flood control, $1,056,400; fish and wildlife, $632,000; and recreation, $125,000.

The payment capacity studies of the Bureau of Reclamation indicate that the irrigators can repay $1,127,500 of the amount allocated to irrigation over a 50-year period following a 10-year development period. The remaining $3,227,100 of the cost allocated to irrigation, but in excess of the irrigators' repayment ability, would be returned to the reclamation fund during the 50-year repayment period from the disposition of power marketed through the McNary Dam.

The committee considered this matter very carefully. The House had lengthy debate on it. The measure passed the House of Representatives by a substantial margin. I trust the Senate will approve the pending bill.

The **PRESIDING OFFICER.** The bill is open to amendment.

Mr. ALLOTT. Madam President, there seems to be some misunderstanding as to amendments. I do not intend to offer an amendment to the bill. I intend to speak in opposition to the bill.

I have always been a strong believer in the values of Federal reclamation. I have continually cast my vote in support of sound reclamation projects. I believe that these reclamation projects which have been carefully studied and screened by Congress either have repaid, or will in the future repay, to the Federal Treasury many times over the amount of their original cost. The benefits from these projects are both direct and indirect, tangible and intangible.

However, proposals for projects unfortunately do come before Congress from time to time that have not been wisely conceived and thoroughly analyzed and which are not justifiable from a financial or engineering standpoint. It is incumbent upon those of us who support reclamation to be constantly on the alert to make careful analysis of proposed projects to make doubly sure that only projects worthy of the reclamation concept are authorized. If only a few isolated reclamation projects go sour, this will have a tendency to give an undeserved bad name to reclamation as a whole and make it more difficult thereafter to get support for worthwhile projects.

The Baker project, which is proposed for construction in the State of Oregon by H.R. 575, is not a sound reclamation project. It is a poorly conceived project for several reasons.

In the first place, almost three-fourths of the 18,000 acres which are proposed to be irrigated by the project have deficiencies in soils, topography, or drainage and consequently have limited usefulness. For example, most class 3 lands have shallow soils and a combination of other deficiencies which give them a relatively low productive capacity. Soils of some class 3 lands have moderately high to high alkalinity or salinity. Nearly all of the class 4 lands have a water table within a few feet of the surface, and their use will have to be largely restricted to production of meadow hay and pasture. Unfavorable salt conditions also limit the land use, suitability, and productivity of part of these lands.

To illustrate the extent that these class 3 and 4 lands make up the lands to be irrigated from the project, the following table is offered.

I ask unanimous consent that the table may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Land class	Acres to get full water supply	Acres now irrigated to get partial water supply	Total acres
1	370	1,530	1,900
2	500	2,500	3,000
3	1,770	1,630	3,400
4	2,750	6,950	9,700
Total	[1] 5,390	12,610	[2] 18,000

[1] Includes 1,380 acres now irrigated.

[2] Includes 600 acres within city limits.

Mr. ALLOTT. I merely wish to point out that 370 class 1 acres, 500 class 2 acres, 1,770 class 3 acres, and 2,750 class 4 acres, are to receive a full water supply. The table shows the acres which are to get a full water supply and the acres which are to get a partial water supply, and illustrates the fact that the great bulk of the acreage is class 3 and class 4 land, unworthy of any reclamation application.

Reclamation law has for many years placed a maximum acreage limitation on the size of irrigated farm units on reclamation projects. This limitation has been 160 acres. However, the feasibility report on this Baker project, prepared by the regional director in 1960, stated that 160 acres of the class 3 and class 4 lands on this project would be insufficient to support a farm family. In an attempt to meet this situation, H.R. 575 was amended to permit irrigation in a single farm unit of as much as 218 acres of class 3 lands and as much as 315 acres of class 4 lands on this project.

Nevertheless, the senior Senator from Oregon, who introduced this proposed legislation in the Senate, has expressed himself as having serious reservations about removing the 160-acre limitation. In his testimony before the Interior and Insular Affairs Committee on Senate Resolution 322 on April 10 of this year, the senior Senator from Oregon said:

> I think we need to go into this whole matter of the 160-acre limitation from the standpoint of a policy decision in the Congress, but not on the basis of this kind of a piecemeal approach.

A few days earlier during the hearings of the Irrigation and Reclamation Subcommittee on this very project, the senior Senator from Oregon stated:

> However, I would be less than honest and frank, Mr. Chairman, if I did not tell you that there is one part of this record at which I hope the committee will take a good long hard look. I refer to the proposed amendment which would modify the 160-acre-limitation proposal. All I can say in support of the people of my State who wish to have some modification of the 160-acre-limitation proposal in respect to this bill, is the following:
>
> 1. They point out that they do fix a definite limit and that this is going to refer only to the so-called high mountain area where the growing season is reduced each year by a good number of days in comparison with the growing season in the lowlands.
>
> They point out, in their view at least, that the purpose of the 160-acre limitation is still retained in that they take into account what a family farm has to be in the high mountain area in order to accomplish the same economic values for the owner thereof that a family farm of 160 acres in the lowland would accomplish.
>
> However, Mr. Chairman, I happen to hold the point of view that if we are going to modify the 160-acre-limitation program it ought to be on a national policy basis. Although it will not be too pleasing for my constituents, I want to say that the senior Senator from Oregon would take the position that, unless we can have a policy statement that would be applicable generally, I would have no objection to this proposed amendment being rejected (p. 14, hearings on S. 308).

At another place he said:

> What I would regret seeing us do is, try to modify the 160-acre limitation by a bill in the Senate unless you have a general policy in regard to the modification (p. 15, hearings on S. 308).

In view of the fact that 160 acres of land on this proposed project would admittedly be insufficient to support a farm family; in view of the repeated assertions by the senior Senator from Oregon that he opposes a piecemeal modification of the 160-acre limitation; and when we consider that H.R. 575 does not attempt to establish a national policy on this matter but represents the very piecemeal approach which he so eloquently condemns, I cannot see how it is possible for the senior Senator from Oregon to support this proposed legislation either with or without the piecemeal modification of the House amendments.

I must say that, unlike the senior Senator from Oregon, I have not been wedded to the idea of rigid adherence to the 160-acre limitation. When we look at the circumstances of this Baker project, where most of the land is already receiving some irrigation water, where three-fourths of the lands have low productive capacity, and where the majority of the land is presently held in land ownerships averaging more than 700 acres each, my principal concern is that the modification of the 160-acre limitation in this House bill does not go far enough. I think there would still be a serious question whether a farm family on this project could make a living on 218 acres of class 3 or 315 acres of class 4 lands on this project.

I have never seen this land, but I know the classifications of the Reclamation Bureau, and I do not believe it is possible for any farm family in this day and age to live on 218 acres of class 3 land or 315 acres of class 4 land.

An even more notable area of weakness in this project lies in the proposals for financial repayment. Turning to these financial aspects of the proposed project, we find that $4,554,600 of the cost of the project is allocated to irrigation on these poor-class lands. This $4.3 million irrigation allocation is, of course, fully reimbursable to the U.S. Treasury without interest in accordance with usual reclamation law. I have no quarrel with the fact that the costs allocated to irrigation are reimbursable without interest. This is true on all reclamation projects and is justified by the numerous other types of benefits flowing to the Nation from this type of development. This interest-free policy has contemplated, however, that first, substantial annual repayments will be made by the water users to amortize the balance of the capital cost allocated to irrigation, and second, any assistance to irrigation from other revenue-producing features of the project will be paid into the Treasury within a reasonable time. If these two conditions are met, the subsidy of the interest-free feature is held within reasonable bounds.

If they are not, of course, they are not held within reasonable bounds.

In the repayment plan for the Baker project, however, because of the low productivity of the lands even with the full supply of water contemplated by the project, the water users would have the ability to make amortization payments, toward this $4.3 million cost allocated to irrigation, of only $22,500 per year over the 50-year repayment period.

I repeat that of the $4.3 million cost, only $22,500 a year would be paid over the 50-year repayment period. That figure is only one-half of 1 percent of the cost.

This annual repayment amounts to one-half of 1 percent of the irrigation allocation. This annual return on the irrigation investment would be less than one-fifth of the interest the U.S. Treasury must pay to borrow money to build the project.

If there were no power revenues available to provide financial assistance to the irrigation features of this project, at the repayment rate of $22,500 per year, it would take over 200 years for these water users on this project to repay the costs allocated to irrigation even though those costs were to be repaid without interest.

I am quite familiar with the practice on these multipurpose projects of using surplus revenues from the sale of hydroelectric power to assist the water users in repaying the irrigation allocation when the project contains hydropower generating facilities. Where are the power units on this project? The simple truth is that there are none. This fact has not, however, deterred the sponsors of this legislation who understandably do not wish to saddle the water users with payments over a 200-year period. It has been proposed that the remainder of the irrigation allocation, amounting to $3,227,000 will be repaid from "surplus power revenues" of the Bonneville Power Administration. It matters not that this project is unrelated to the Bonneville power project. It matters not that repayment of this $3.2 million could not even commence until 50 to 55 years from now for the reason that all anticipated Bonneville power revenues have already been committed for other purposes until that time. It matters not that Bonneville Power Administration is currently operating at a $15 million annual deficit.

A few moments ago we loaded the Columbia River Basin down again with the Quincy project.

No explanation was given at the hearings why Bonneville power revenues should be tapped even in the 21st century to provide assistance to this proposed project. The Baker project is no part of and has no connection with the Columbia Basin project which, under existing law, is scheduled to receive financial assistance from Bonneville power revenues for many, many years following the year 1978. The only way this questionable project could have even theoretical financial justification is to be tied to the deficit-operated Bonneville Power Administration to take advantage of some anticipated surplus revenues which it is expected will be available about the year 2020.

Madam President, in an attempt to evaluate reclamation projects, I have never been one who is guided solely by the benefit-cost ratio. The variations of the types of benefits and the uncertainties in attempting to place a dollar value on some of these benefits, have induced me to look for criteria other than the benefit-cost ratio in judging the worth of these projects. Nevertheless, it should be mentioned in passing that the basic report on this project, prepared in 1960, showed a benefit-cost ratio of 0.79 to 1.0 for direct benefits over a 50-year period of analysis.

In other words, the benefits that may be reasonably expected to be secured from this project do not even come up to the direct costs.

Even after these direct benefits were recently recomputed by the Bureau of Reclamation to "recognize the effects of modern farm management," the ratio is still only 1.2 to 1 which is one of the lowest for any project considered by the Senate Interior Committee in several years.

In conclusion, I want to reiterate that I believe in reclamation. The total investment in reclamation during the past 60 years has been a sound investment—one that will reap dividends for many years to come. Nevertheless, when viewed in retrospect, those of us who support reclamation must admit that there are a few reclamation projects which should never have been authorized or constructed.

Incidentally, and as an interpolation, our Committee on Interior and Insular Affairs has had to struggle month after month and year after year trying to find ways of bailing out unjustified reclamation projects which have somehow found their way through Congress and have been started. Congress has in the past been urged to act upon reclamation bills which could not withstand close analysis. Some of these projects have been authorized, nevertheless, and a few of the projects unfortunately have become failures. Members of the Interior Committees know the projects to which I am referring. They do not have to be named. The impact of these few failures has not been limited to the U.S. Treasury. It has been felt by hundreds of farm families whose energy and life savings have been exhausted on these few marginal and submarginal projects and who would even now be happy to be relieved of their obligations so they could walk away from the projects.

My plea is simply that we do not mark the occasion of the 60th anniversary of the Reclamation Act of 1902 by the authorization of another project which, in all likelihood, will prove to be a failure.

Madam President, I feel strongly about this question, despite my long support of reclamation projects, and despite the fact that it is very distasteful to the senior Senator from Colorado to speak against a reclamation project. I am sure that the words which I have uttered will come home and that it will not be long before we shall be asked to bail this project out in one way or another. It is absolutely necessary that I speak on the floor against this reclamation project and to speak as forcefully as I have spoken.

Mr. MORSE. Madam President, I never question the high motives or sincerity of the Senator from Colorado. I find myself on this occasion, however, in complete disagreement with him. My case rests upon the reports of the Senate committee and the House committee. I ask unanimous consent that excerpts from the Senate report be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Excerpts From Senate Report, Baker Project, Oregon

PURPOSE OF MEASURE

H.R. 575, sponsored by Congressman AL ULLMAN, of Oregon, is a companion bill to S. 308, sponsored by Senators MORSE and NEUBERGER. It authorizes the construction and operation of a multipurpose reclamation and flood control project, with fish and wildlife and recreational benefits, in northeastern Oregon known as the Baker Federal reclamation project. Some 18,000 acres of land in the Baker Valley would be irrigated, and dangerous, costly floods on the Powder River, which periodically threaten the city of Baker and the valley, would be brought under control.

Water users would repay the share of the costs allocated to irrigation up to the limit of their ability, and the remainder would come from hydroelectric power revenues from the McNary project, a part of the Bonneville system.

The plan of development for the Baker project was evolved in close cooperation with the people of the area involved. It meets their immediate requirements and lends itself for incorporation in a more comprehensive plan of development for Baker Valley as the need might arise at a later date. Local citizens have on various occasions expressed their desire for the development and have formed the Baker Valley Irrigation District for the purpose of contracting with the Federal Government.

DESCRIPTION OF PROJECT

The principal feature of the project plan is the Mason Dam and Reservoir with 100,000 acre-feet of storage capacity which would be constructed on the Powder River some 18 miles upstream from the city of Baker. Other project works include replacement of the existing Lilley pumping plant and a relift pumping plant to serve 3,080 acres in the Lilley pumping tract in the northern end of the valley and minimum basic recreation facilities. The irrigation water users would rehabilitate and extend the existing diversion and distribution facilities, using their own funds, and these items are not a part of the Federal expenditure.

The Mason Reservoir would be operated for flood control and fish and wildlife as well as for irrigation. Of the 100,000 acre-feet of reservoir capacity, 17,000 acre-feet would be reserved for exclusive flood control use and an additional 21,000 acre-feet would be operated on a forecast basis for joint flood control and irrigation use. The rest of the active storage space, amounting to 57,000 acre-feet, would be for irrigation use and for the maintenance of flows immediately below the dam for fishing purposes. The inactive storage in the reservoir amounts to 5,000 acre-feet.

Winter flows and surplus spring floodflows would be stored in the reservoir for release as needed to meet project functions. The average annual water diversion requirement for the project is estimated at 58,500 acre-feet. It is estimated that an average annual firm water yield of 27,300 acre-feet would be available from storage in the Mason Reservoir and that this amount, supplemented by direct river diversion during high-flow periods and usable return flows, would meet the total diversion requirement in all but extreme drought years.

Spring floodflows cause considerable damage in the Baker Valley in most years. It is estimated that the operation of the Mason Dam and Reservoir for flood control purposes would provide flood control benefits averaging $40,000 annually. The benefits to fishery resources are estimated to total $17,700 annually, attributable principally to the maintenance of a 10-cubic-foot-per-second flow in the 12-mile reach of the river below Mason Dam.

Minimum basic recreation facilities consisting of picnic units, boat ramp, and access roads estimated to cost $125,000 would make this a popular recreational area.

ECONOMIC AND FINANCIAL ASPECTS

The estimated cost of the upper division, Baker project, is $6,168,000. This cost is allocated to the various functions as follows: irrigation, $4,354,600; flood control, $1,056,400; fish and wildlife, $632,000; and recreation, $125,000. The allocation to recreation is the specific cost of land acquisition and construction of the basic facilities. The recreation facilities would be constructed only if some qualified State or local agency agrees to operate and maintain them at no cost to the Federal Government. The costs allocated to flood control, fish and wildlife, and recreation would be nonreimbursable.

The cost allocated to irrigation would be reimbursable without interest in accordance with reclamation law.

The payment capacity studies of the Bureau of Reclamation indicate that the irrigators can repay $1,127,500 of the amount allocated to irrigation over a 50-year period following a 10-year development period. The remaining $3,227,100 of the cost allocated to irrigation, but in excess of the irrigators' repayment ability, would be returned to the reclamation fund during the 50-year repayment period from the disposition of power marketed through the Bonneville Power Administration.

On the basis of the economic study of the Bureau of Reclamation the benefit-cost ratio of the upper division, Baker project, including all benefits and using a 100-year period of analysis, was determined to be 1.28 to 1. Since the date of this study the Bureau of Reclamation has adopted new procedures for determining irrigation benefits and under these new procedures the benefit-cost ratio for this project would be considerably improved. Using the new procedures, reanalysis of the project over a 50-year period using only direct benefits resulted in a benefit-cost determination of 1.2 to 1.

AGRICULTURAL ASPECTS

Baker Valley has an elevation in excess of 3,300 feet above sea level and a relatively short growing season. It is surrounded by vast acreages of dry rangelands suitable only for livestock grazing. The presently irrigated lands are devoted predominantly to the production of livestock, and irrigable lands are best suited to livestock feed and forage to support this economy. This pattern is expected to be expanded to the new irrigated lands. The added production of forage and feed grains will help to reduce overgrazing of the rangelands. This plan of development adequately meets the immediate requirements of the area to stabilize and improve the existing cattle economy.

ACREAGE LIMITATION

Your committee gave careful consideration, both in the hearings and in executive sessions, to the formula for acreage limitation recommended by the Department of the Interior and set forth in section 2(b) of H.R. 575. The members are convinced that under the particular climatic and soil conditions of the project area, the historic 160-acre limitation principle is not being violated.

The purpose of the 160-acre provision, which is a basic part of Federal reclamation law, is to encourage individual, independent family-size farms on lands made productive through Federal expenditures and activity. The 160-acre figure itself was borrowed from the Homestead Act which was signed into law by President Abraham Lincoln in 1862 (12 Stat. 392). At the time, the rich, plentifully watered lands of the Middle West were being settled.

However, Congress has on previous occasions recognized that in the case of certain soils and climatic conditions, 160 acres of land is not enough to support a family, and has enlarged the limitation accordingly. The formula proposed by the Interior Department for the Baker project has been used on at least two earlier irrigation projects: The East Bench unit of the Missouri River Basin project (71 Stat. 309) and the Seedskadee project (72 Stat. 963).

Under section 2(b), ownership larger than 160 acres would be permitted where farm units include sizable percentages of poorer classes of lands. Classification is based on productivity, with class 1 land the most productive. Larger holdings of the less productive lands are permitted in the equivalent of class 1 land.

The committee emphasizes that this provision was approved to maintain the family-size farm principle of reclamation law.

EXECUTIVE COMMUNICATIONS

The favorable reports of the Department of the Interior and the Bureau of the Budget on S. 308, the Senate companion bill to H.R. 575, are set forth in full below.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 23, 1962.
Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: This responds to your request for the views of this Department on S. 308, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes.

We recommend the enactment of this bill if it is amended as suggested hereinafter.

The proposed development of the upper division of the Baker Federal reclamation project, Oregon, would be a multipurpose project, including the functions of irrigation, flood control, fish and wildlife and recreation. Project works would consist of the earth- and rock-filled Mason Dam and 100,000 acre-foot reservoir on the Powder River some 18 miles upstream from the city of Baker, the Lilley pumping plant and relift pumping plant, minimum recreation facilities, and a hydrologic network consisting of precipitation gages and snow courses to predict runoff from the drainage basin above the reservoir. The irrigators contemplate rehabilitating and extending the present distribution systems so no new diversion structures, canals, or laterals would be constructed as part of the potential Federal development.

Approximately 13,990 acres of the project lands now receive a partial water supply, primarily by flooding the lands during the spring runoff. After July 1 of most years, there is little natural streamflow and, except for a small amount of pumping from wells, the irrigation season is at an end. The water that would be stored in Mason Reservoir would provide a reasonably firm water supply to the 13,990 acres over the entire irrigation season as well as a full water supply to 4,010 acres that are not now irrigated.

Of the total 18,000 acres, 3,080 are located in the Lilley pump tracts at the north end of Baker Valley and would be irrigated mainly from return flows getting back into the main stream channel from irrigated lands at higher elevations. Some 1,380 acres of these lands now receive a partial water supply by pumping. However, the present works would be abandoned, and a full water supply would be furnished through new pumping plants which would be constructed as a part of the proposed works of the division, and which would more efficiently serve the existing irrigated lands. Thus, for repayment purposes, these lands are considered to receive the same benefits from the project as the lands not now irrigated. In essence then, the works of the potential development would provide a full water supply to 5,390 acres and a supplemental supply to 12,610 acres.

Each year floodflows during the spring cause some damage in Baker Valley. The channel capacity of the Powder River through the city of Baker is 1,500 cubic feet per second and floods of higher magnitude do considerable damage to residential, municipal, and commercial property. Much of Baker was inundated during the flood of February 1957, which reached a peak flow of 2,350 cubic feet per second. Total damages in the valley were estimated at $250,000 with $200,000 of this amount occurring within the city limits of Baker.

Mason Reservoir would provide 17,000 acre-feet of space exclusively for floodwater storage and in addition 21,000 acre-feet of space, to be used jointly with irrigation, would be made available on a forecast basis to store floodflows. It is estimated that with this storage capacity, $40,000 in average annual flood damages would be prevented.

The construction and operation of Mason Reservoir would result in an annual benefit to fishery resources of $17,700. Of this total amount, $2,900 in benefits would result from the reservoir, and $14,800 would result from minimum releases of 10 cubic feet per second to Powder River at Mason Dam under agreements wherein storage would be operated for this purpose in addition to irrigation. No diversions from this flow between Mason Dam and Smith Dam are contemplated in the project plan. Reduction in releases below this desired minimum would be allowed proportional to irrigation shortages.

Development of only basic recreation facilities is proposed at the reservoir. Additional recreation facilities not appropriate for Federal construction will be provided by a State or local agency. The Department has under consideration the acquisition and development of additional lands and improved facilities for recreation development as proposed in our planning report of July 26, 1961. We suggest that authorization for such additional facilities be delayed pending further study.

The total estimated cost of the potential development is $6,168,000 based on October 1958 prices, which are substantially the same as at the present time. Of this amount there is tentatively allocated $4,354,600 for irrigation, $1,056,400 for flood control, $632,000 for fish and wildlife, and $125,000 for recreation facilities. The total annual operation, maintenance, replacement, and pumping power costs allocated to irrigation, flood control, fish and wildlife, and recreation are $50,450, $7,000, $150, and $8,000, respectively.

The farm budget studies indicate that the irrigators probably could repay $1,127,500 of the Federal investment allocated to irrigation in a 50-year period following a 10-year development period. During the development period, the water uses would meet the annual operating costs of their existing systems and of the development recommended herein, and would incur the necessary expenses to rehabilitate and extend the existing distribution systems to efficiently utilize the additional water to be made available by the potential Federal development. The remaining $3,227,100 reimbursable cost in excess of the irrigators' repayment ability during the 50-year repayment period would be returned to the reclamation fund from revenues derived from the disposition of power marketed through the Bonneville Power Administration. These revenues accumulate from individual projects within the Bonneville Power Administration system only after full repayment with interest of the commercial power investment in those projects.

It is recommended that the capital and annual operating costs allocated to flood control and fish and wildlife be nonreimbursable in accordance with existing law. It is further recommended that the capital cost of minimum recreation facilities also be nonreimbursable.

The plan of development was evolved in close cooperation with the local people. It meets their immediate requirements and lends itself for incorporation in a more comprehensive plan of development for Baker Valley as the need might arise at a later date. The persons to benefit from the development have on various occasions expressed their desire for the development and have formed the Baker Valley Irrigation District for the purpose of contracting with the Federal Government.

The proposed plan of development is engineeringly feasible. A comparison of the benefits and costs indicates that the development is economically justified having a favorable benefit-cost ratio of 1.28 to 1.

For a 50-year period of analysis, the direct benefits have been recomputed to recognize the effects of modern farm management, and the ratio of direct benefits to annual equivalent costs is estimated to be about 1.2 to 1.

In recognition of the limited payment capacity of the class 3 and class 4P lands on the project, the Secretary should be authorized to permit delivery of project water to units of sufficient size, considering the land classification, to support a family and to provide the necessary payment capacity. This could be accomplished by the addition of a new section 2(b), reading as follows:

"(b) Any lands in the Upper Division of the Baker project, Oregon, which are held in private ownership by a person whose holdings exceed the equivalent of one hundred and twenty acres of class 1 land shall, to the extent they exceed that acreage, be deemed excess lands. No water shall be furnished to such excess lands from, through, or by means of project works unless (1) the owner's total holdings do not exceed one hundred and sixty irrigable acres or (2) said owner shall have executed a valid recordable contract with respect to the excess in like manner as provided in the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 636, 649, 43 U.S.C., sec. 423e). In computing 'the equivalent of one hundred and twenty acres of class one land' under the first sentence of this section, each acre of class 2 land shall be counted as seventy-five one-hundredths (.75) of an acre, each acre of class 3 land shall be counted as fifty-five one-hundredths (.55) of an acre, and each acre of class 4 land shall be counted as thirty-eight one-hundredths (.38) of an acre."

In order to clarify the intent of the bill, we recommend that the second sentence of section 2, page 2, lines 11 through 20, be amended to read as follows:

"Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay, within the repayment period or periods herein specified, shall be returned to the reclamation fund within such period or periods from revenues derived by the Secretary of the Interior from the disposition of power marketed through the Bonneville Power Administration."

The provisions of subsections 3(b) and 3(c) are unnecessary in that they relate to matters which are adequately covered in reclamation law. However, we would not object to their retention in the bill.

A statement of personnel and other requirements that enactment of this bill may entail is attached in accordance with the provisions of Public Law 801, 84th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JAMES K. CARR,
Under Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

Additional data required for project authorization under Public Law 801, 84th Cong., Baker project, Oregon, upper division

	1st year [1]	2d year	3d year	4th year	5th year
EXECUTIVE DIRECTION					
Administrative services and support:					
Administrative officer	(1)	1	1	1	1
Clerical and stenographic	(1)	1	1	1	1
Subtotal, administrative	(1)	2	2	2	2
Substantive (program):					
Engineering aids and technicians	(1)	7	7	7	7
Engineers	(1)	5	5	5	5
Inspectors	(1)	1	5	5	5
Other (field office head and right-of-way agent)	(1)	2	2	2	1
Subtotal, substantive		15	19	19	18
Total positions		17	21	21	20
Total estimated additional [2] man-years		3.3	4.0	4.0	4.0
Expenditure for additional [2] man-years		$13,285	$16,580	$17,000	$13,130
Total estimated man-years of civilian employment		13.8	19.5	21.0	14.0
Total estimated expenditures:					
Project personal services		$91,000	$131,000	$143,000	$98,000
All other		209,000	1,825,000	3,009,000	319,000
Total estimated expenditure		300,000	1,956,000	3,152,000	417,000

[1] 1st year will initiate DPR activity, utilizing GI personnel and details from other offices. Establishment of permanent staff not anticipated until 2d year.

[2] Experience indicates that, for projects of this size, non-Bureau recruitment is necessary only for the low-grade engineering positions (GS-3 and GS-4) and occasionally for clerical or stenographic positions.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 5, 1962.
Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of January 17, 1961, requesting the views of the Bureau of the Budget on S. 308, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes.

The purpose of this bill is clearly stated in its title.

The project report of the Department of the Interior on the upper division, Baker project, tentatively allocates costs to fish and wildlife in excess of the specific costs of fish and wildlife facilities. We would except that, prior to a request for funds to initiate work on the Baker project, the costs of the project would be reallocated in accordance with evaluation standards for water resource projects to be established under this administration.

Accordingly, the Bureau of the Budget would have no objection to the enactment of S. 308.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

Mr. MORSE. Madam President, my case rests also upon factual data I obtained in support of this project from the Bureau of Reclamation. In this connection I shall discuss briefly two aspects of the project which should save to dispel any misapprehension which might exist with respect to the project.

The first point concerns the crops which this project will make possible.

The Baker project is located in a range livestock-producing area, and most of the cropland in that area is used for the production of a winter feed base to complement the summer pastures and ranges. Most of the cropland is used for the production of grass hay, alfalfa hay, and pasture. In addition to this, some small grains, primarily barley, which are used for livestock feed in the project area, are produced.

From time to time, project farmers have experimented with the production of sugarbeets and potatoes as cash crops. With the development of additional storage for the project, it can be anticipated that a small acreage of these crops will be produced. The benefit and repayment analysis presented in the report was based on the assumption that about 500 acres of such crops would be grown in the project of 18,000 irrigable acres. Because of the distance from organized processing or packing facilities and also because of the importance of using the irrigable land in the project for the production of feeds and forage for livestock, it is not expected that sugarbeets and potatoes will ever attain a significant role in the agriculture of the Baker Valley.

The better lands of the area would be suitable for the production of some specialty crops, such as lettuce, carrots, spinach, and grass seeds.

On lands that are otherwise climatically and physically suited to the production of a wide range of crops, such as the better land in the Baker Valley, irrigation makes it possible to produce these crops which are in current demand.

Except for wheat, none of the six basic agricultural commodities which are in surplus are climatically adapted to the area.

Madam President, I ask unanimous consent that a table entitled "Anticipated Future Crop Distribution" be printed in the RECORD at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Anticipated future crop distribution, Baker project

Crop distribution	"With" project	
	Acres	Percent
Irrigated lands [1]:		
Alfalfa hay	1,500	8
Grass hay	8,000	45
Pasture	4,200	23
Small grains	2,100	12
Row crops	600	3
Farmstead, roads, etc	1,000	6
4-H lands [2]	600	3
Total [2]	18,000	100

[1] Includes only irrigable lands with water right from Powder River.

[2] Water-right lands inside city limits of Baker.

Mr. MORSE. Madam President, concern has been expressed regarding the acreage limitation language in this measure. I think it is helpful, and this is my second point, to look at the factual situation.

Since many of the low-lying, heavier project lands will be limited to the production of low-income crops, such as grass hay or pasture, it will be impossible for operators of farm units on such lands to make a reasonable living on farm units of 160 acres of irrigable land which are permitted under reclamation law. For this reason, it has been proposed in connection with the Baker project to amend the acreage limitation provisions of reclamation law as they apply to that particular development.

Under terms of the proposed amendment, owners of farm units composed entirely of class 3 land would be provided service for 218 acres, while those on farm units composed entirely of class 4 land would be permitted service for 316 irrigable acres. An owner of a farm made up of mixed land classes which comprise more than 160 irrigable acres would be limited to the equivalent of 120 acres of class 1 land. For purposes of calculating the equivalent acreage, 1 acre of class 2 land would equal three-quarters of an acre of class 1; 1 acre of class 3 would equal fifty-five one-hundredths; and 1 acre of class 4 would equal thirty-eight one-hundredths. There would be no restriction on the size of ownership units in those cases where the total irrigable area constituted 160 irrigable acres or less.

Thus, this provision does not represent a departure from the family-sized farm of reclamation tradition and law. It simply recognizes that because of limited crop adaptation, a family may need a few more acres of land to give them a family-sized farm if their holding is made up largely of the heavy textured bottom lands.

Madam President, my case also rests on material prepared for the committee and made available to me by various organizations in my State, as the Presiding Officer so well knows, who have worked so long and have worked so hard in support of this project. I ask unanimous consent that this material may be inserted in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by Alvin Ward, Rancher and Chairman, Baker Valley Irrigation District, Baker, Oreg., on Behalf of the Upper Division Baker Project

I am chairman of the Baker Valley Irrigation District on the Powder River in Baker, Oreg. My occupation and entire livelihood is derived as a farmer.

Irrigation in this area started around 1870 by simple diversions from Powder River to improve the native wild hay meadows. The Union Pacific Railroad was built through the valley in 1884 and served as an impetus to the expansion of the first and still surviving industries, agriculture, lumbering, and mining. However, the level of settlement and development, except for the variation resulting from the change from the horse to machinery, has remained nearly constant since the turn of the century. One of the greatest factors contributing to this is the complete lack of irrigation water after July 1 and in many years June 15. This is an area with only an average annual precipitation of 11.73 inches. Our county had a population of 16,175 in 1950, a drop of 2,122 from 1940.

Baker Valley Irrigation District was organized in 1956 by water users interested in fulfilling a 32-year vision of providing a full or supplemental water supply to approximately 18,000 acres of land within the district.

Investigations for the present project report were undertaken in 1957 to update the report so as to conform to the needs of the legally formed district and to reflect present conditions. The vote tally for our district election was 47 to 1.

It is not felt that application of this supplemental water after July 1 will result in any additions to our Nation's so-called surpluses. In fact, I feel it will reduce the acreage of cereal grains, and particularly wheat. Wheat is grown now primarily because it is one of the few crops that can be produced with only one irrigation.

Our farm income at the present is based almost solely on pastures, livestock, and livestock products. One-half of 1 percent of the district acreage is in row crops and only 10 percent in small grains.

We are capable of irrigating properly as the existing distribution system is established. Some rehabilitation will be necessary. We are prepared to do what is necessary at our own expense.

Mason Dam will enhance the fishing and recreation of this area and has the wholehearted support and endorsement of the Powder River Sportsmens Club of Baker, Oreg. The club has 1,607 members. We expect 50,000 people yearly to visit our reservoir for fishing and boating and picnicking as it is only 16 miles from Highway U.S. 30 at Baker, Oreg., with a paved highway the entire distance. The entire reservoir area is surrounded by a beautifully timbered ponderosa pine stand with level benches affording excellent recreation development opportunities. Due to the short distance from Baker, excellent boating, fishing, water skiing, swimming, picnicking, camping, and hunting would all be available, accessible, and popular activities.

Mr. Chairman and members of the committee, I believe we are asking for a project worthy of your consideration.

There is a competent irrigation district organized to contract with the Government. We have the land and we have the water, but the water must be stored to enable full season use. Our farmers and ranchers want, and will pay for this project in accordance with their ability.

Thank you for your courteous time and attention.

Statement by the Baker County Court on Behalf of the Upper Division Baker Project, Hon. Lloyd Rea, County Judge

The Baker County court urges the Congress to authorize the development of the Baker Valley project, upper division, as a necessary facility for the agricultural interests involved and for the general welfare of the public.

The interest of valley farmers and ranchers in the development of supplemental water dates back many years. The present project enthusiasm is the culmination of thorough study and discussion at the grassroots. It was brought to a formal position September 4, 1956, when the court officially declared the Baker Valley Irrigation District organized. This action was taken by Judge Lloyd Rea (myself) and Commissioners R. M. Phipps and Gill C. Wright after public petition by 53 landowners followed by the formal public hearing and election at which the vote on behalf of the district was 47 "yes" and 1 "no."

The county court feels that there is solid support by the residents of this irrigation district for the project as envisioned in the present Baker Valley report and we are pleased to represent Baker County in support of these people.

The lower Powder division project works at the Thief Valley, providing supplemental water to our lower Powder Valley has been beneficial and the contribution of this area to the stability of the county has been notable. The fine project on Burnt River with a storage facility at Unity, likewise, has been a major factor through the years in providing a backbone to the great livestock economy around which the entire southern portion of the county is built. We want to commend the ranchers and farmers who had the vision and energy to bring these projects into being, and the Congress and agencies who developed and authorized these beneficial public works.

On behalf of the county court I want to commend, to the Congress, the officers of the Baker Valley Irrigation District who are submitting statements and providing this committee with information in urging authorization of the Baker Valley project. These men are successful ranchers and farmers, representing all phases of valley agriculture. Skilled farmers, vigorous men, with long years of ranching ahead of them, they have been delegated by the fellow residents of the district to see the Baker project through to fruition. Their faith in the project and the authority by which they speak for their neighbors is certainly the most experienced testimony one could wish for that the project will be beneficial to the agriculture of Baker Valley, that the plan is sound and the water development to implement their operations is necessary.

As a county court we are close to the economy of this area. Throughout a period of years we have seen a change in many phases of this economy that makes it more important than ever to strengthen the agricultural segment upon which so much of the burden of government and our social and community life falls. As you know, historically, even up till several years after the last war, dredge mining for gold in the upper reaches of Sumpter Valley on Powder River gradually reduced farming acres to waste. Much of this tremendous acreage is now in county ownership, foreclosed for taxes. If we can in part make up for this depreciation of our economy it is important that we do so. The Baker project will in fact tend to do this on the same Powder River.

The economy of this county has been further strained by the gradual reduction in the volume of lumber industry activity. The narrow-gage logging railroad that at one time extended from Baker, up Powder River through the very reservoir land of the proposed Mason Dam under this Baker project, was abandoned after the war and its passing is testimony that our economy now must depend upon other things. We as public officials know that much of this dependence is now on agriculture.

We are particularly impressed that under the proposed Baker project the county court will not be burdened with the necessity of building new roads and serving new communities. This project will supplement the existing ranches and the existing lands which are already served by adequate county roads and highways, by existing fine new schools and by present utilities and public services. It will not disrupt the community in any way.

The proposed reservoir area is served by a fine paved State highway, making it possible for its multiple benefits in the way of recreation to be enjoyed without major access problems. The proposed acreages to be served by the supplemental and additional water are already adjacent to a modern system of county roads that network Baker Valley from north to south and from east to west. Schoolhouses already serve the entire district affected, as does a mail route. Likewise, the county already assures winter access by snow removal in these areas when weather makes this necessary.

Rather than expanding our problems and those of agriculture, we of the county court are certain that the proposed project will strengthen and stabilize these ranching and farming operations which are so vital in the maintenance of our economy.

Statement by Charles M. Colton, Baker County Rancher, Baker, Oreg., on Behalf of the Upper Division Baker Project

I represent the livestock and farming industries of the Baker Valley Irrigation District. I have lived my entire lifetime on the ranch I now own and operate. It is located in the lower end of the district in an area that is mostly wild meadow hay and pasturelands.

The use of these lands is restricted to such crops because of spring floods which make any tillage of the soil impossible. Any attempts to improve the quality of the existing hay and pasture crops have largely failed because of the almost annual floods which kill the legume plants. The grasses are of poor quality and produce only about 1 ton of hay per acre. During years of worst flooding considerable damage is done by the washing in of sediment and debris which makes harvesting operations difficult and costly.

Almost without exception the irrigation water is gone by the first of July leaving almost 4 months of excellent growing season and inadequate water supply. The rainfall during this period is very little.

This area is very much the same as I first remember it and I can see no way to make much improvement without protection from floods and the usage of stored water. The soils and climate are good and under the right moisture conditions will produce abundantly.

The upper end of the project area is not flooded except by unusually large runoffs.

The usage of this land is more diversified but restricted because of the lack of irrigation water after July 1.

Some grain is grown because such crops do not require late irrigation. With sufficient water available more of this land would be used for hay and pasture as this is an excellent livestock producing area if adequate feed is available.

Restrictions upon the usage of Bureau of Land Management and U.S. Forest Service rangelands are also making irrigated pasture more in demand. I have never seen enough irrigated pasture in Baker Valley during the late summer and fall months to provide adequately for the existing livestock population.

Irrigated pasture would improve the quality of cattle by making possible a program of artificial breeding which is not practical under existing range conditions.

Water would help many people with fewer acres to have gardens and dairy farms.

Almost all of the farms of the district now have buildings, fences and the equipment necessary for farming. The people that live on the land are accustomed to the climate and soils and market conditions. The increased population would create no particular problems for them.

Baker County has lost about 15 percent of its peak population because of the decline in the mining and lumbering industries. A sound agricultural industry can be made by the building of Mason Dam and is needed to stabilize the economy.

I am sure the landowners are willing and able to assume the costs of supplemental irrigation water.

Statement by Henry Peyron, Baker County Rancher, Baker, Oreg., on Behalf of the Upper Division Baker Project

I am one of the ranchers in the Baker Valley Irrigation District. My father, brother and I operate a family owned hay, grain and livestock ranch. We have operated this ranch continually for 44 years during which time water has always been our No. 1 problem. There have been short water years and long water years but regardless of the year, no water is available in the best growing months of July and August.

Under the present flow of Powder River we never know from one water season to the next just what to expect in the way of irrigation water. Some years we are able to get over all our land with one irrigation. There have even been years when two irrigations were possible but then there have also been years when there has been no irrigation water.

Mason Dam will eliminate the possibility of crop failures and add much to the stability of our operation. With a reliable source of water, the quantity and quality of all our production would be greatly improved. Since our principal operation is livestock, this production improvement will be utilized primarily in the livestock phase of our operation. Although farm benefits will be important results of Mason Dam, there are others that may be equally beneficial to the area. Flood control and recreation are important among these.

Floods have been one of the ravages of mankind since the beginning of history and continue so today where rivers go unchecked. Our comparatively small Powder River is no exception. Flood flows in Powder River are caused by a combination of snow melts and rains. Snow melt is the principal cause. High flows usually begin in March and in normal years cause inundation of farmlands bordering the river for approximately 5 miles. In abnormal years higher flows cause inundations of farmland for approximately 12 miles. During these high-flow years the city of Baker does receive considerable damage from the river overflowing its banks. This damage is to municipal, commercial and residential properties. The most recent flood occurred in February 1957. This flood inundated approximately 16,750 acres, most of which was farmland and developed properties in the city of Baker. During this flood the city of Baker suffered damages of some $200,000 including cost of $55,000 from flood fight activities. In the farmland areas outside the city of Baker, damages amounted to some $50,000.

Damage to farmland downstream from Baker occurs each year, and in the high-flow years, this damage is more pronounced. This downstream damage includes the loss of use of pasture due to prolonged inundation and silt deposition, damage to farm roads, bridges, fences and irrigation structures and induced growth of noxious weeds and unpalatable grasses.

Since hay and pasture are basic to our agricultural economy flooded farmland takes away our very existence. Hay meadows are the principal type of land flooded. This flooding causes late growth, lowers the quantity and quality of hay, and results in a reduced recovery rate on pastures. These lands along the river then which have the better soils and should be superior producers, are the ones that are suffering most from flooding. The construction of Mason Dam will prevent the hazards caused by floods and store this much needed water for use through the summer growing season when and where it will do the most good.

This writer feels that the ranchers under the project have the factors necessary, including the ability and willingness to reimburse the Government for the reimbursible costs of the project.

Statement by John C. Hesketh, County Extension Agent, Baker, Oreg., on Behalf of the Upper Division Baker Project

In the hope that a general understanding of the setting of this project—its location, its geography, its economy, and its people, will be helpful to members of this committee in their deliberations regarding merits of the upper division Baker project, this statement is presented.

Baker County is located in the northeastern part of the State of Oregon. It is bordered on the north by the Wallowa Mountains, on the west and south by the Blue Mountains, and on the east by the Snake River on the Oregon-Idaho boundary.

Within the county are some 1,972,660 acres of land, more than half of which is publicly owned. Of the total 961,882 acres in private ownership, 807,580 acres are used for pasture and 154,302 acres are devoted to crops. Of this cropland, 142,000 acres are irrigated to some extent. There are 757 farms averaging 1,173.5 acres in size.

Soil, moisture, and climatic conditions vary greatly within the area of Baker County. Land is tilled at elevations ranging from 1,500 to 5,000 feet. Annual precipitation varies from less than 10 inches to some 40 inches at one location. In most cropland areas it averages somewhere between 11 and 15 inches annually. The length of growing season, too, shows much variation and is closely related to elevation and proximity to the higher mountains. Because of this great diversity in conditions, there are very few crops grown anywhere in Oregon that cannot be produced somewhere within Baker County.

The economy of Baker County is based almost entirely upon production of the land—mining, forestry and agriculture. Of these, forestry and agriculture are the most important and contribute about equally to the economy. The gross annual sale of lumber amounts to more than $10 million. Industrial payroll of the lumber industry has been in excess of $3 million. The estimated gross income from agricultural marketings within the county in 1961 was $13,410,500. Of this, nearly $10 million was from the sale of livestock and livestock products.

Cropland of Baker County is located primarily in a number of large fertile valleys surrounded by timbered mountains or sagebrush range. In the case of the rangeland, livestock grazing often affords the only possible use. Livestock production is, therefore, the principal agricultural enterprise of the county. Of the 757 operating units, 600 are classified as beef cattle operations. Typically these livestock producers utilize private or public grazing land throughout the summer and use their cropland for the production of winter feed. Since most cattle sales (35,000 to 45,000 head annually) involve weaner calves marketed in the fall or winter, very little fattening is done and the feed needed is principally hay. Very little grain is produced anywhere in the county and this, for the most part, only in forage crop rotation programs or on land where irrigation water supplies are such as to permit only early irrigation and thus only one cutting of hay per season. Grain is produced on these lands because it can be grown with one irrigation and under these conditions is a relatively high return crop.

Agricultural production, even upon the cropland within the various valleys, absolutely depends upon the artificial application or irrigation water. The difference between native grazing land producing several hundred pounds of forage per acre per season, and cropland producing several tons, on the same basis, is the availability of irrigation water. Often there is nothing more than a barbed wire fence separating one such field from the other. Perhaps as great and important as these differences in volume of production, are differences in quality of production. Laboratory analysis of both types of forage made by Oregon State University show actual differences in crude protein contents of as much as 12.2 percent.

It is estimated that there are 400,000 acre-feet of water originating annually within the boundaries of Baker County. In spite of the very obvious need and active demand for this water, less than 30 percent of the supply is utilized. This is because of the early seasonal runoff which leaves 2 to 3 months of the most productive growing season without adequate supplies for irrigation. The economic consequence of this waste has long been recognized and a great deal of effort and expense have been devoted toward preservation and effective use of this valuable resource. The 16,429 acres below Unity Reservoir on Burnt River and 7,320 acres below Thief Valley Reservoir on Powder River provide vivid proof of what storage for late season use can mean to the development and economic well-being of an area. Efforts have been directed toward construction of similar storage facilities on the Powder River above Baker and Bowen Valleys for nearly 30 years.

The balance and stability of Baker County's economy is evident in its population statistics. In 1960, total population of the county was 17,180. About one-third of this (5,431) was rural. In 1920 total population was 17,929. Over this entire 40-year period these figures have varied by less than 2,500 persons and the balance between urban residents and the rural population these serve, has remained nearly the same. This population stability and the relative isolation of many areas does not, however, imply any degree of backwardness. The general educational level of residents throughout the county is high and their progressiveness is evident in all phases of civic, educational, and vocational endeavor. Baker County was one of the first four Oregon counties to voluntarily achieve complete reorganization and consolidation of its public schools. It is 1 of 8 of Oregon's 36 counties to have yet achieved this objective under the State's most recent reorganization enabling laws. This has resulted in a reduction from 87 school districts in 1930 to 4 districts in 1961.

In the field of agriculture the progressiveness of Baker County farmers and ranchers is also evident. Records show that in the 5-year period 1956 through 1960, 892 producers participated in the agricultural stabilization and conservation program. During this period vegetative cover was established or improved on more than 15,000 acres, and more than 81,000 acres have benefited from the establishment or improvement of irrigation and drainage facilities. These improvements have all been made on privately owned land.

. Baker Valley, the area most immediately affected by the project proposal under consideration, is the most nearly geographically centered of all crop-producing valley areas of the county. More than half of the county's population is also concentrated in this area. The city of Baker, located at the southern end of the valley with a population in excess of 10,000 serves a wholesale trade area approximately 125 miles in radius. About 40 percent of the labor force is employed in the extractive industries of agriculture, forestry, and mining. Trade and service industries employ most of the remaining 60 percent.

Transportation facilities in Baker Valley are excellent. The main line of the Union Pacific Railroad traverses the entire valley from southeast to northwest. U.S. Highway No. 30 follows the Old Oregon Trail throughout the length of the valley and connects with several State highways. West Coast Airlines also serves the area and connects with transcontinental airlines at Boise, Pendleton, and Spokane.

The type of irrigating established in Baker Valley by the first settlers in the 1870's has been continued to the present time. At the turn of the century farmers began to improve the native hay meadows by seeding improved grass and legume varieties on the better drained slopes. Except for this trend toward increased production of forage per acre there has been little change in the general land use pattern.

The land is irrigated by flooding during the spring runoff through numerous individual and partnership ditches diverting water from Powder River, its west side tributaries, and several sloughs. Distribution of this water is administered by the county water master. Until 1956 there were no organized irrigation districts. Since no adequate storage facilities exist, the amount of water applied and the length of the irrigation season depend entirely upon the extent of the natural runoff. The season of this natural runoff usually ends by early July. This erratic irrigation water supply pattern has resulted in water use practices which have limited the agricultural development of much of the valley area. Correction of this situation is entirely dependent upon the obtainance of adequate water supplies and distribution control.

It is felt that the multipurpose facility proposed in the Baker project upper division report will materially benefit the population and entire economy in a large area of the Pacific Northwest.

STATEMENT BY THE POWDER RIVER SPORTSMEN'S CLUB OF BAKER, OREG., FAVORING AUTHORIZATION OF BAKER PROJECT (UPPER)

Powder River Sportsmen's Club is one of the largest and most active sports, conservation and wildlife clubs in the Northwest. Its major functions in the areas of big game, fish, public lands, water resources, conservation, and recreation are accomplished by local committees; but it is also affiliated with the Oregon Wildlife Federation.

Local membership in 1961 reached 1,411 and it has been growing at the rate of about 200 to 300 per year.

Interest by the club in Mason Dam project dates back many years but was stimulated following release of the present multiple-use project report by the bureau. The club's water resources committee was assigned the task of cooperating with landowners and agencies in promoting and supporting this development.

Pressures from all sides in our Nation demand that water resource developments be given high priority wherever a potential development and a feasible plan can be brought together. The yield and flow characteristics of the Powder River dictate a need for water storage upon this stream. Eighty-four percent of the runoff floods away in the few spring months and from the standpoint of the fishery and recreation, Powder River's present value is nil. Under the Mason Dam project these resources would be tremendously valuable. This sportsmen's club believes the evaluations contained in the report are very conservative.

Baker is headquarters for the Wallowa-Whitman National Forest. The report by this forest just released shows recreation use reached 243,000 visitations in 1961, an increase of 30 percent in 1 year alone.

Only by properly preparing for the impact of this rate of increase in recreation can the demands be met and conservation measures be taken. Estimates of recreation values under the Baker Valley project are currently conservative, we feel. By the time the reservoir is a reality under the most expeditious of schedules its recreation use will far surpass all present forecasts.

Features that make the proposed reservoir attractive to recreation are: (1) Its proximity to the county's population center for local patronage; its relative location as a seasonal retreat close to the hotter districts of southeastern Oregon, eastern Washington, and Idaho; (2) its location upon a hard-surfaced State highway; (3) its moderate elevation assuring long-season advantages; (4) its topography and physical setting of great attractiveness, located in sight of the high peaks of the southeastern end of the Elkhorn Range of the Blue Mountains, well sheltered from winds and providing forested cover upon adjacent slopes; (5) its proximity to interesting back country having big-game resources and considerable pioneer lore in old goldmining camps; (6) its location immediately below many thousands of acres of gold dredged lands, most of it in public title with great wildlife and recreation use potential; and (7) its size which will provide ideal boating and water skiing conditions.

Fishery people have told this club that the trout potential of Mason Dam pool is such that the fishery will be fabulous. Water temperatures are expected to be ideal for maximum growth of this species and, based upon public expressions by Oregon fishery people, sportsmen look forward to the creation of this pool with great anticipation.

The project report and subsequent negotiations relative to the fishery and recreation have been accomplished with an awareness of this sportsmen's club. The agreement relative to minimum flows in sharing critical year storage deficiencies between the fishery and the agricultural purposes of the project is an example. Furthermore, recreation and agriculture have worked together in citing in this pending legislation the expectation that long-range recreation policy regarding land acquisitions at the reservoir can be worked out.

It is the opinion of this club that the project is a fine example of a multiple-purpose plan and that the effort behind its authorization and construction exemplifies the close cooperation that can exist between major economic purposes of such water developments and the essential conservation, fishery, recreation, and flood control purposes which are public responsibilities.

This club hopes that the Congress can authorize the Baker project (upper division) early and that final planning can go forward immediately.

THE POWDER RIVER SPORTSMEN'S CLUB,
BYRON C. BRINTON,
Chairman, Water Resources Committee.

Mr. MORSE. Lastly, my case rests upon the action taken in the House of Representatives when this bill was passed. We all know that in the closing days of this session of Congress, there really is not sufficient time available to engage in long and extended discussion of a project such as this, but that if time did permit I would cover all these points in a formal speech. In such a speech I would point out the strong local support for this project which is evidenced by letters such as I received on September 11, 1962, from Mr. Bard Johnson, an attorney in Baker who wrote me as follows:

JACKSON & JOHNSON,
ATTORNEYS AT LAW,
Baker, Oreg., September 11, 1962.

Re Baker Valley project.
Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The members of our community have been watching with considerable interest and much gratefulness your efforts on behalf of the Baker Valley project and in being able to have the subcommittee pass the House version of the project favorably so that it may be brought before the entire Senate.

Lately, in talking to some of the people here I have detected a note of concern on their part for fear that because of the nearness to the end of the legislative session of the possibility that the project may not be brought before the Senate for a vote.

It is very difficult to express in words the real necessity of this project to this area. I know that you are fully familiar with the benefits that this project will bring to the community over a period of time, but this feeling is one, in my opinion, which goes further than the actual benefits derived by the project.

Since the closing of the Oregon Lumber Mill and the general difficulty the lumbering industry is having as a whole, has had a depressing effect on this area in general, and we feel very strongly that if the Baker Valley project would be authorized it would tend to lift their morale and give them more optimism for the future welfare of our community.

We know that you will do your very best to have this matter brought before the Senate before adjournment and to have the project approved. Your efforts on the project's behalf is most appreciated and I know your efforts on behalf of the project and other matters which affect our affairs in eastern Oregon will be most beneficial to you come November.

Sincerely,

H. B. JOHNSON.

The points he and many others have made before the committees on both sides of the Capitol are well taken. I would but supplement the record on this bill with an extract from my testimony before the Senate committee on March 22, 1962. I ask unanimous consent that the excerpt be printed at this point in my remarks.

There being no objection, the excerpts of the testimony were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WAYNE MORSE BEFORE SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS ON MASON DAM BILL, S. 308, MARCH 22, 1962

This project has been under study for many years. In recent years I have received convincing evidence of the tremendous local interest and support it enjoys. It is the type of project which will provide benefits for present and future generations of Americans.

The project is located on the Powder River in the vicinity of Baker, Oreg., and is estimated to cost a total of $6,168,000. According to the latest information available to me, $4,354,600 would be allocated to irrigation, $1,056,400 to flood control, $632,000 to fish and wildlife and $125,000 to recreation. It will bring supplemental water to approximately 14,000 acres of land now under irrigation and will provide new irrigation for approximately 4,000 acres. In addition to irrigation, the project would also supply 100,000 acre-feet of storage and 10 second-feet of water the year around to assure a stream flow which would be of great benefit to those interested in the fishery of the Powder River.

The construction of Mason Dam will contribute substantially to the reduction of flood losses. Such losses can be very severe in this area, as demonstrated by the flood of 1957. On that occasion, $200,000 of flood damage occurred within the city limits of Baker and $50,000 of damage along the Powder River. The Bureau of Reclamation estimates $40,000 annual flood control benefits through the construction of the dam.

The recreational facilities of this project are of great importance. We live in an age of automation and tension. Our people are turning to recreational activities to provide the antidote for our speeded up basis of life.

Mr. Chairman, I could deal at length on the merits of this project. However, there are Oregonians present in the hearing room who are experts in this field and who have much valuable information to give the Committee. I shall not take additional time because I wish to give our Oregon witnesses the opportunity to supply the full facts.

Mr. MORSE. Madam President, I have worked long and hard with the able Presiding Officer in support of this very much needed project. We are dealing with one of the critical economic areas of the State of Oregon. It is one of the depressed areas of the State of Oregon. It is one in which this kind of program would mean very much to the economic life of the area. It would mean much to flood control. It would mean much to the hay crops that would be made available by this project, which are so essential to the livestock industry and to the wildlife of eastern Oregon.

I believe I have overwhelming support for my position, and I therefore rest my case on the basis of the reports and the materials that I have introduced into the RECORD.

Madam President, I ask unanimous consent that various letters which were made an appendix to the printed hearings on the bill be printed at the close of my presentation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BAKER COUNTY
CHAMBER OF COMMERCE,
Baker, Oreg., March 1, 1961.

Hon. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR ANDERSON: We would like to bring to your attention the recreational potential that could be developed at the proposed Mason Dam site, located 16 miles southwest of Baker on State Highway No. 220.

This dam would be built across Powder River where there is now good trout fishing early in the spring and until late summer, at which time the water gets too low for good fishing.

The State game commission has made traffic counts of from 300 to 500 fishermen using this water from the city limits of Baker to the proposed site.

If this project is approved it will greatly improve the fishing in this area as there would be a constant level flow of water in the river below the dam. In addition to backing up water into a pool which would be 4½ miles in length and ½ to 1 mile wide, this pool would make an excellent recreational spot for many types of fishing, boating, water skiing, swimming, and other water sports.

Due to the paved highway and the short time that it requires for people from Baker to reach this area, many business men and women are already inquiring into possible locations for weekend and summer homesites.

As this dam would be located in a beautiful, undeveloped area with pine and fir timber surrounding it, we feel it would be the most desirable family recreational area in eastern Oregon.

Sincerely,

IRA D. STAGGS,
President.

OREGON RECLAMATION CONGRESS,
Huntington, Oreg., February 1, 1961.

Hon. CLINTON ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: The Baker Valley Irrigation District embraces an area in a mountain valley adjoining the city of Baker. The agricultural economy of the area is in process of a transitory change from wild meadow hay and feed grain crops to potato, beef, and tame grass pasture and hay production.

Restrictions of public domain and private range in the area have created interest in crops that will provide year round forage for the large livestock industry of the valley. Favorable cost-to-benefit ratio shown in the investigation firmly support the urgent need for the proposed Mason Dam project.

Oregon Reclamation Congress unanimously approves authorization of its construction.

Respectfully submitted.

HAROLD HURSH,
President.

FEBRUARY 9, 1961.

Hon. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR MR. ANDERSON: I sincerely hope that your committee will give favorable consideration to the proposed Mason Dam on Powder River. It is generally conceded in this section that such a dam would be of material benefit and will bring into production considerable land that should be in production and will give late water rights to farms that are handicapped by the lack of moisture in the last months of summer and the first months of fall.

Yours very truly,

RIVES WALLER.

BAKER PRODUCTION CREDIT ASSOCIATION,
Baker, Oreg., March 6, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: We endorse the construction of Mason Dam as being a very worthwhile project to store 100,000 acre-feet of water from Powder River, and control floods and furnish supplemental water for 18,000 acres of land under the Baker Valley Irrigation District.

During spring and early summer the floodwater covers large portions of the project land from 1 to 3 feet deep for a period of 2 to 4 weeks. The cold snow water shortens the growing season, and does great damage to the lands, killing all legumes in the meadows.

The dam will recover the most valuable national resources in our area, as this water cannot be used elsewhere. The floodwaters flow into the Snake and on into the Columbia and then into the ocean and are wasted.

By July 1 each year water in Powder River is all gone leaving 70 days of our best growing season without water for irrigation. Construction of this project would add 40 percent to production of the valley and would add greatly to the economy of the landowners, as well as to the county as a whole.

The reservoir created by the dam would make a beautiful recreational area, the best in all eastern Oregon, being entirely surrounded by pine and fir forests, on a paved highway only 18 miles from Baker and the Old Oregon Trail Highway.

We have financed a large percentage of farmers and livestock operators in Baker County on a year-round basis for the past 27 years, ever since we were organized under the Farm Credit Act. For the last few years the financing has amounted to several million dollars annually without a loss or foreclosure.

If this project is constructed the water users will be amply able to pay all charges as we understand will be specified in the contract between the water users and the Government.

Thanking you in advance for your early consideration of the project, I am,

Yours very truly,

Earl Heizer,
Manager.

Baker Mill & Grain Co.,
Baker, Oreg., April 10, 1961.

Re Mason Dam project.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator: For more than 40 years our firm has been doing business with Baker County farmers and ranchers and we naturally maintain a keen interest in their problems and welfare. Therefore, we are most pleased to learn that the Mason Dam proposal is coming before your committee for consideration.

Aside from the flood control and recreational benefits, we feel that the irrigational water from this project is the key to general prosperity in this valley. A longer, more dependable supply of irrigational water is the difference between success and failure for our cattleman, hay producer, grain grower, and row-crop men, operating on marginal land.

We sincerely hope that your committee will endorse this project as proposed.

Very truly yours,

T. D. Henry,
President.

Wayne Phillips & Sons,
Baker, Oreg., March 20, 1961.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Anderson: Being a landowner under both the Baker Valley project and the Thief Valley Irrigation District, I hope you will look with favor toward the Baker project as it is a district which produces hay and pasture for the growing of beef cattle which is the principal source of income of the county.

We do not grow crops which are in surplus, such as wheat and corn.

The runoff of spring waters which would be stored is very valuable for the middle and late summer for irrigation purposes. Our streamflow is diminished by late June or early July, leaving the best part of our growing season without irrigation water, causing our crops and pastures to dry up in the early fall. Also, the spring runoff causes excessive damage to the lands, both in the Baker Valley and downstream in what is known as the lower Powder Valley. By storing the spring flow it would alleviate great damage which causes crop failures of the meadows and hay grown in the lower Powder Valley.

Thanking you for your favorable report on the project, I am,

Very truly yours,

Wayne Phillips, Sr.

The Record-Courier,
Baker, Oreg., March 14, 1962.

To the Honorable Committee:

This newspaper, the local paper to the county and area concerned in the Baker project, favors authorization of this reclamation facility.

The editor has served as a member of the Oregon Water Resources Board and feels that the Baker Valley development proposed to fully utilize the waters of the upper reaches of Powder River would be one of the stronger links in the whole reclamation picture of our State.

Baker Valley agriculture is predominantly livestock, and always will be. The changing livestock production picture is placing increased emphasis upon the interrelationship of valley ranches and the high wild ranges and upon overall efficiency. The stability that full water supplies can render irrigated agriculture is vital to our local livestock economy, to the full utilization of the higher lands and to our whole economic community.

Our experience shows that the project is economically sound, based upon costs and benefits as determined in the amended report. After working a number of years with landowners in developing a supplemental water plan and the district organization, I feel that the landowners are wholeheartedly behind the program in the district. Experience of the last few short-water years has more than ever convinced them it is futile to continually face the exigencies of critically deficient natural-flow water supplies. The project will be a great boon to the district landowners and I can foresee no detrimental effect upon any other, whose water rights naturally will not be affected. The taking area of the reservoir is a very minor factor, indeed, in the overall picture.

From the standpoint of flood control and recreation, it is certain that the project report is very conservative. The Mason Dam facility will be real flood insurance. It will provide one of the area's best trout fisheries and some of the finest recreation water. Project operation is such that it will be compatible with all these values and maximum water utilization.

Presently, the community, because of depressed lumber industry tendencies, needs the stimulus of such a project as Mason Dam. We look forward to early authorization and prompt planning and fufillment of the Baker Valley district's project.

Respectfully submitted.

Byron C. Brinton,
Editor-Publisher.

A. S. Boyd & Co.,
Baker, Oreg.

Hon. Clinton P. Anderson,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Sir: For years many of we stockmen have been interested in the building of the Mason Dam, for the purpose of reservoiring the early run of high waters of Powder River which often floods a large portion of our Baker Valley rendering much of this fertile area unfit for the production of anything but a poor quality of wild hay or slough grass.

In recent years much of our national forest has been closed to the grazing of livestock, other areas closed to grazing for military purposes, hydroelectric projects on Snake River, recreation parks, and watersheds for city water supplies. This all results in quite a shortage of grazing land and pasture and leaves us with an overproduction of hay. If it were possible to reservoir this early run of water, preventing this early flooding of our valley, and the water made available later in the summer, much of this land growing wild hay could be developed to produce good long-season pasture.

We have been in the livestock business in Baker Valley for over 40 years and have never seen or heard tell of a surplus of irrigated pasture.

It has been my observation that all good irrigated pasture countries such as the Long Valley or McCall districts of Idaho and most of the ladino clover areas of California are prosperous districts with cheap production costs.

Beef or lamb can be produced on such pastures for a cost not to exceed 12 cents per pound; in the feedlots it costs 18 cents or more to put on a pound, with the average above 20 cents per pound. Nearly all cattle and lambs raised in our Western States are in the feeder class and are sold to be finished in the various feeding areas or States. Beef, lamb, and wool are being imported so we evidently have room to expand in the production of these commodities.

It is my understanding that our committee from Baker Valley will be in Washington soon. Your careful consideration of this project will be appreciated by me and almost all the citizens of this area.

Thank you for this consideration.

Yours truly,

Arthur T. Boyd,
President.

Durkee, Oreg., *March 27, 1961.*

Hon. Clinton Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Sir: This letter is written to bring to your attention the necessity of the proposed Mason Dam, and the Baker Valley Irrigation District on the Powder River.

Most of my life has been spent in the ranching business in Durkee Valley on the Burnt River, a sister stream to the Powder River on which the Mason Dam is proposed to be built.

Let me take you back to the days before our storage reservoir was built, when the Burnt River went on a rampage every spring. The spring runoff went by in a week or two of turbulent muddy water washing out roads and fences and carrying down trees, dead cows, and other debris to deposit on our fields in exchange for an acre or two of good land that it gouged out at every bend.

We watched the river closely and as soon as it subsided to its regular channel, we put in our dams and started irrigating as we must "get wet" while there was water in the river for it would soon be dry. By the end of June it was down to a trickle and later in the summer only a series of stagnant, moss-covered pools too foul for a horse to drink.

How much better it is now with the stored water. No need now to irrigate too early when the ground is still cold or to irrigate too heavily hoping to store precious water in the soil against the day when there would be no more water.

No more floods followed by drought but a steady, dependable, controlled flow of clear, clean water.

And so it will be in the Baker Vallley when the Mason Dam is built.

Please give this project every consideration.

Yours truly,

Thos. W. Sheehy,
Master, Durkee Grange No. 653.

Steward & Morrissey,
Baker, Oreg., March 29, 1961.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Anderson: We appreciate the interest of your committe in the authorization of and the eventual development of the Mason Dam by the Bureau of Reclamation on the upper reaches of the Powder River in Baker County, Oreg.

There is no single development on the Powder River watershed which will yield such meaningful returns to the entire county where 80 percent of our yearly income derives from the basic livestock industry.

While our own operation, situated near Keating some 20 miles downstream, does not embrace land under the Baker Valley project, we and our neighbors expect tangible benefits from the Mason project on at least three fronts.

1. The Mason Dam will eliminate the yearly flood hazards and demonstrable damage. Several years ago with the Army Engineers from Walla Walla, Wash., we arrived at a $1,000 yearly damage figure on our home ranch through which the river flows for about 1 mile. Aside from soil losses, along the river channel, it is impossible to hold a stand of palatable meadow grass and legume species in our bottom lands. The

elimination of flood threat could lead to farming up to the riverbanks.

2. Irrigation of some 18,000 acres above us would stretch out our present supplemental supply of irrigation water from the Thief Valley reclamation dam. This will mean improved soil practices, crop-rotation potentials, and heavier weight on our stocker and feeder animals each fall.

3. We are plagued with animal diseases which derive from spores which accompany river bottom pastures. If we could institute proper tillage, crop rotation, and other approved soil practices we should be able to achieve more effectual animal husbandry through reduction of disease losses. I refer to such ailments as blackleg, foot rot, jumpy jaw, liver fluke, and red water disease. True, we vaccinate for most of these diseases and attain some protection but we can never eradicate the threat of disease eruption and severe economic losses until our land control circumstances improve.

There are other fringe benefits to a project of this sort. More forage means, for example, a better crop of game birds. Clear water on a steady, reasonable flow basis means an opportunity for expanded fish culture.

I hope your committee will not be dissuaded by the shopworn thesis advanced by some that since we have problems of surpluses in some crops, we should not compound those problems by developing the productive capacity of more lands. This is a fine argument for those communities and those producers who have it made. We know that you know that the livestock-based industry does not have burdensome surpluses. Our commodity is not in Government-financed storage. We are on a current production-demand basis and want to keep it that way. We believe, however, that each community must advance through taking advantage of our natural resources and improving our potential, or, through inaction, we will surely slip backward, while other more favored areas will progress.

Prudent water development is the key to achieving our economic and social potential, locally and nationally.

Thank you for favorable consideration of the Mason Dam project in Baker County.

Sincerely yours,

ROBERT J. STEWARD.

BAKER, OREG., *February 14, 1961.*

Hon. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

HON. CLINTON P. ANDERSON: I am merely writing this letter to express my opinion on the irrigation project here in Baker County.

I have a farm of 380 acres that is very well located and has some of the best soil in the country. However, it has developed into black alkali for only one reason—we do not get enough water to irrigate and wash it down. Therefore, I can raise only first-class alkali weeds which are of absolutely no value and cannot be utilized in any manner. Consequently, I would say that it is high time that we get down to business and encourage this Mason Dam to get it developed as soon as humanly possible. Baker Valley could be the spot of the Northwest, if proper irrigation could be arranged. I am sure it could be done with the installation of Mason Dam. It would induce industries to this area, and permit us to raise more extensive and varied crops. There is no need for water to go down the drain when we have plenty of moisture in the spring of the year and then in July, August, and September when we really need water there isn't any. Therefore, I feel it is very urgent that we work hard to restore surplus water to Baker Valley.

I am not just encouraging this for my own benefit, but everyone concerned.

Sincerely yours,

WM. SCHAAN.

BAKER BRANCH,
THE U.S. NATIONAL BANK OF PORTLAND, OREG.,
Baker, Oreg., August 14, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: For many, many years this bank has been interested in the Baker Valley irrigation development project, commonly known as the Mason Dam project wherein a dam is proposed to be erected in the Sumpter area between Sumpter and Baker, its main use being for irrigation purposes for the Baker Valley. We have always felt that the construction of this project is of the utmost importance to the welfare of this county, and accordingly to the entire State of Oregon. We believe the present waste of this valuable natural resource is inexcusable and that the benefits that will be realized from the project will far outstrip the cost of construction.

The officers and employees of this bank all join with me in recommending the construction of this project.

Sincerely,

LESTER D. HANSEN,
Assistant Vice President and Manager.

FORTNER SUPPLY CO.,
Baker, Oreg., August 14, 1961.

Hon. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SIR: As a 30-year resident of Baker County, Oreg., during half of which time I served as Baker County agricultural agent, I am writing to urge your support of the proposed Mason Dam project for this locality.

There is no question but that the agricultural economy of Baker County has been held down for many years due to the lack of late season irrigation water. This is particularly true of the Baker Valley area and other sections of the county not served by water-impounding dams such as have been provided in the Burnt River and Lower Powder Valleys of the county.

Adequate irrigation water, such as the Mason Dam would provide to the established irrigated ranches and some new lands under it, would allow for desirable diversification and boost yields of hay and pasture in this basic livestock area. Late pastures are particularly important in view of the limitations now placed on range operators. The beef, dairy, and sheep producers all need the added forage that stored late water would make possible.

Plentiful water would permit diversification on the smaller farm units and the acreage of such crops as sugarbeets and potatoes, which do well in this area, could be increased with benefit to all.

Yes, we need the benefits that would come to Baker County with the building of Mason Dam. As an early advocate and worker for this project I urge you and your committee to give a favorable report on the Mason Dam project.

Very truly yours,

P. T. FORTNER,
President.

BAKER, OREG., *August 14, 1961.*

Hon. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SIR: I wish to express my hope that you will do everything in your power to expedite any legislation that would make possible the construction of Mason Dam on Powder River in Baker County, Oreg. This construction would certainly improve the agricultural picture in this valley and I'm certain that in the near future that we are apt to need all of the agricultural production that we can muster.

This project is needed because at the present time there is seldom water for irrigation after July 4. This dam would enable floodwaters to be held back and would lessen the downstream damage from high waters.

Very truly yours,

DICK HAYNES.

MARCH 28, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SIR: In the near future, you will have before your committee for consideration, the authorization for the Mason Dam project on the Upper Powder River division. As a rancher of this area, I would like to acquaint you with my thinking about this project.

The committee, in reviewing the proposed project, will note that there is considerable acreage in the valley which is classed as No. 3 and No. 4 land. This is the type of land which we farm in our livestock operation. I live and farm the land on the ranch where I was born, and over the years, I have seen this land reclaimed from alkali by washing it with river water. Production on parts of this land has been increased by 100 percent or more, and it is an indisputable fact, I'm sure, that if we had water for late irrigation it could be increased even more.

A problem which is always with us on our lower lands is flooding early in the spring. Much of the land stands under water for from 4 to 12 weeks each year. There is no way to use good farming practice unless the runoff water can be conserved for later irrigation by constructing Mason Dam.

We have neighbors who pump water from deep wells for later use and the contrast in production is obvious. The costs of pumping is prohibitive, however, for our operation.

It is my opinion that in asking for this project we are not asking Congress for money to further aggravate the farm problem. This water will be used on our lands only as a supplement. The products we grow are cattle, sheep, hay, and pasture. Supplemental water would increase the efficiency of our operation, controlling floodwater would conserve our resources, and the two together would benefit all our valley, our State, and logically the Nation.

I hope your committee will take a good look (approving) at our request—we think it is sound and worthy of authorization.

Yours truly,

FRED J. WARNER.

BAKER, OREG., *March 14, 1961.*

Hon. CLINTON P. ANDERSON,
Chairman of Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SIR: As a livestock producer of Baker Valley I urge you to do everything possible to gain authorization of our Mason Dam project.

I believe irrigation will greatly stabilize the livestock industry and general economy of this area.

Yours truly,

WILLIAM E. WIDMAN.

CALIFORNIA-PACIFIC UTILITIES CO.,
Baker, Oreg., December 13, 1961.

Hon. CLINTON ANDERSON,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SIR: We urge that you do everything possible for the passing of the bill authorizing construction of the proposed Mason Dam in this session of Congress.

This irrigation project is of grave importance to the economy of our entire area.

The waste of a natural resource so vital to our area could be eliminated by the construction of this dam.

L. G. Gray,
District Manager.

Baker, Oreg., *February 22, 1961.*

Hon. Clinton P. Anderson,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Anderson: I'm writing this letter in behalf of the proposed Mason Dam in Baker Valley. I feel it would be of great benefit to the ranchers and farmers of this valley. We have floodwater from Powder River which lasts until the first of July, then the ranchers are left with no irrigation water.

If this water could be stored in the proposed Mason Dam, it would store enough water for a full supply of water to irrigate all the land that has now only one-half enough water to grow the crops that could be grown with a full supply of water.

One could grow 50 to 60 percent more hay and grass, which this valley surely needs to meet the demands for pasture and winter feed for the fine beef and dairy cattle grown in this valley, as well as other crops that could be grown suitable to the soil and climate conditions of Baker Valley.

I have drilled two irrigation wells on my ranch and with the wells as a supplemental water source, I have grown good crops of potatoes and sugarbeets and when the alfalfa hay is irrigated from wells, I get one extra good cutting of hay and a good pasture.

The proposed dam would benefit the whole valley; the city of Baker would benefit from the extra population that would naturally occur when the large farms would be sold in smaller units and would be farmed in a diversified manner.

The growing of sugarbeets in Baker Valley would by their byproducts, increase the feeding and finishing our beef cattle instead of shipping the cattle as feeders to California and other States to be fattened and then shipped back to Oregon as finished products.

Another reason I feel the Mason Dam, as proposed in the Powder River, should be built is the conservation of water, something all of us are becoming conscious of today, and at this time if we of the Baker Valley don't protect our rights to the water of Powder River, we might lose those rights. As others also know, the great value of the water that is running to waste down Powder River, therefore, we ranchers and the city people need the dam on Powder River, the proposed Mason Dam, to protect our rights to this water.

Yours truly,

Conrad Allen.

Commercial Welding Co., Inc.,
Baker, Oreg., April 13, 1961.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator: As we are steel fabricators of ranch equipment in this area, I am writing to ask if you would do all possible to help us in this area get the OK for the construction of the Mason Dam here in Baker County.

We work from 25 to 30 people and we feel that building the Mason Dam would naturally increase our work and possibly more could be employed. Also, I would like to point out that more than 90 percent of our employees have expressed a high degree of enthusiasm regarding the recreational facilities which will be made available to them as well as to all the other people of eastern Oregon and surrounding communities.

In closing, we want you to know that we would sincerely appreciate any effort that you would put forth to help us on the Mason Dam project.

Very truly yours,

Jack Frost,
Secretary-Treasurer.

Britton Equipment Co.,
Baker, Oreg., March 14, 1961.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Anderson: As a dealer in farm equipment and irrigation supplies, I have very close association with the farmers and ranchers in Baker Valley.

It is a pathetic situation to see the crops dry out and burn. The alfalfa producing a spotted, skimpy, one-third yield on the second cutting and no third cutting, due to the fact that our water goes floating down the river in May and the early part of June. There is no water in July, August, and September which are our best growing months. This is a yearly disaster which must be stopped to bolster our failing economy in Baker Valley.

Mr. Anderson, I sincerely urge you to help us gain authorization of Mason Dam project to help us remedy this deplorable situation.

Sincerely yours,

Charles H. Britton.

Pioneer Federal Savings and Loan Association,
Baker, Oreg., April 5, 1961.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U. S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Anderson: It is my understanding that the Mason Dam project on the Powder River in Baker County, Oreg., will come up very soon before your committee. I would like to urge you on behalf of our association and on behalf of the city of Baker and Baker County, to take affirmative action on this measure, as we feel that it will be of great value to the economy of this area.

Yours very truly,

Carl Davis,
President.

Jones & Son,
Baker, Oreg., April 5, 1961.

Hon. Clinton P. Anderson,
Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator: We wish to give our support to the proposed Mason Dam. We feel that it is needed now for our present acreage and to insure the future economy of our valley. The steady decrease in annual rainfall along with our ever-present need for more water makes this dam of vital concern to all Baker County folks. We give our wholehearted endorsement to this project.

Yours very truly,

Howard H. Jones.

Basche-Sage Hardware Co.,
Baker, Oreg., April 5, 1961.

Hon. Clinton P. Anderson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Anderson: We understand that a hearing will be held concerning the building of the Mason Dam. We feel that this is a very worthy project which will certainly strengthen the economy of our community. Both in an economic way and through recreation areas it will obtain.

Other factors to consider would be flood control and storage of badly needed irrigation waters. The last few years show how badly we need an additional supply of water when we encounter an under average snow or rainfall.

We hope you will be able to help our community obtain this worthy project.

Very truly yours,

F. C. Basche.

Mrs. NEUBERGER subsequently said: Mr. President, the Powder River, on which the Mason Dam and Reservoir will be located meanders through saucer-shaped Baker Valley in one of the most scenic plateau areas of eastern Oregon. Timbered and rugged slopes form the south and west borders of the valley and sage-covered hills, the east and north boundaries. Construction of the irrigation facilities authorized by the legislation now before you will add to the economic stability of the Baker area without detracting from pastoral physical features.

Because of relatively high elevation, the Baker Valley farmers are faced with a shortened growing season. The average period between killing frosts is 137 days. Also, water shortages normally confront farmers for about half of the growing season. Water stored in Mason Dam Reservoir will provide supplemental irrigation water for approximately 13,990 acres now receiving a partial supply and would give a full supply to 4,010 acres not now irrigated. The project would also provide important flood control, fish and wildlife, and recreation benefits.

Principal project works would include Mason Dam, the Lilley pumping plant, and a relift pumping plant. Mason Dam is designed as a 185-foot-high, earth-and-rockfill structure, forming a 100,000 acre-foot reservoir on the Powder River in Lower Sumpter Valley, about 18 miles upstream from Baker. Land now irrigated is generally flooded during the spring runoff to make maximum use of natural flows.

Storage in Mason Reservoir will permit more effective use of regulated flows for higher production of hay and other forage crops essential to this cattle-raising area. Thirty-eight thousand acre-feet of the space in Mason Reservoir will be used to store flood flows which periodically damage residential, commercial, and agricultural property in the Baker Valley.

Operation of the project also will preserve and enhance the fishery resources of Powder River by establishing lake fishing in the reservoir and by maintaining a live stream below the dam, through releases of water specifically for this purpose.

The reservoir area would be particularly attractive for recreation purposes, and provision is being made for facilities to accommodate visitors. Studies also are continuing on the possible acquisition of additional land around the reservoir, specifically for recreation, to implement the President's directive to realize maximum recreation benefits for future generations.

The benefit-cost ratio of this project is about 1.28 to 1. Officials of the State of Oregon have strongly endorsed authorization of the project and have recommended appropriation of funds for its construction at an early date. I urge favorable consideration of S. 308 as a means of furthering the progress of water resource development in our State.

The **PRESIDING OFFICER**. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. HUMPHREY. Madam President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

U.S. DISTRICT JUDGES

Mr. HUMPHREY. Madam President, I ask that the Senate proceed to the consideration of the first nomination on the calendar under U.S. district judges.

The **PRESIDING OFFICER**. The clerk will state the nomination.

The legislative clerk read the nomination of Irving Ben Cooper to be a U.S. district judge for the southern district of New York.

The **PRESIDING OFFICER**. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. HUMPHREY. I move that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HUMPHREY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

JURISDICTION OF U.S. DISTRICT COURTS

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 1960, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
September 20, 1962.

Resolved, That the House concur in the amendment of the Senate numbered 1 to the bill (H.R. 1960) entitled "An Act to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the United States district courts, and for other purposes", with the following amendment:

Strike out lines 3 through 5 on page 2 of the said House engrossed bill and insert in lieu thereof the following:

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

Resolved, That the House concur in the amendment of the Senate numbered 2.

Mr. CARROLL. Madam President, H.R. 1960, which was passed in the Senate, with amendments, on September 6, 1962, has again been passed in the other body with an amendment to section 1361 of that bill. The bill as passed by the House retains the venue provision of the Senate version.

Following the passage in the Senate of H.R. 1960, the Department of Justice voiced some concern that the Senate language might result in the creation of a remedy different than we intended. Accordingly, I asked the Department of Justice to send me a letter, which I ask to have inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., September 18, 1962.

Hon. JOHN A. CARROLL,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill H.R. 1960, "To amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes," which passed the Senate amended September 6, 1962, and is awaiting action in the House.

The purpose of this bill, as indicated by the Senate report (S. Rept. No. 1992), is to make it possible to bring original actions in the nature of mandamus against Government officials and employees in all U.S. district courts. Such actions at present can be brought only in the U.S. District Court for the District of Columbia. However, the Department believes that the language chosen to effect this purpose is susceptible to varying interpretations which might result in the creation of a remedy quite different from mandamus. Accordingly, to remove all doubt that the legislative intent of the bill is to do nothing more than extend to all U.S. district courts jurisdiction in mandamus actions against Federal officials and employees, the Department suggests that the language of proposed section 1361 be modified to read as follows: "The district courts shall have original jurisdiction [concurrent with that of the District Court for the District of Columbia] of any action in the nature of mandamus to compel an officer or employee of the United States, or of any agency thereof, to perform a duty owed to the plaintiff."

If the language suggested above is adopted, this Department, as well as the Department of the Treasury, will support the enactment of the bill.

Sincerely yours,
NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

Mr. CARROLL. Madam President, after consultation with the Department and with the interested parties in the other body, it was agreed that the suggested language would accomplish the legislative purpose we were seeking. However, the suggested phrase in the Department of Justice language: "Concurrent with that of the District Court for the District of Columbia," was eliminated as unnecessary and cumbersome.

The only change in the bill as passed by the House then, would be to word proposed section 1361 to read as follows:

The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States, or of any agency thereof, to perform a duty owed to the plaintiff.

As I have stated, I believe this language accomplishes the original legislative purpose of the bill and I urge that the Senate concur in the House amendment so that this important piece of legislation may become a part of title 28 of the United States Code.

Madam President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. CARROLL. Madam President, I move that the Senate reconsider the vote by which the motion was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. HUMPHREY. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of certain measures on the calendar to which there is no objection.

The **PRESIDING OFFICER**. Without objection it is so ordered.

SALE OF CHESTNUT EXTRACT

The bill (H.R. 12416) to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2061), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would waive the statutory requirement for a 6-month waiting period before the Administrator of General Services is authorized to dispose of 4,000 long tons of chestnut tannin extract from the national stockpile.

DISPOSITION OF CERTAIN MATERIALS FROM THE NATIONAL STOCKPILE

The concurrent resolution (H. Con. Res. 509) providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile was considered, and agreed to.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2064), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

House Concurrent Resolution 509 of the 87th Congress, which is being reported favorably by the Committee on Armed Services concurrently with H.R. 12416, proposes to grant congressional consent to the disposal from the national stockpile of 12,245 long tons of chestnut tannin extract that are surplus to the stockpile objectives.

Section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), provides that no disposal of materials that are excess to stockpile requirements may be made until 6 months after publication in the Federal Register. Notice of this proposed disposal was published in the Federal Register on August 9, 1962. In the absence of express authority to waive the 6-month waiting period for a part of the excess chestnut tannin the disposal of this material could not be accomplished until 6 months after August 9, 1962, even with favorable action on House Concurrent Resolution 509.

INTERNATIONAL PRINTING WEEK

The joint resolution (S.J. Res. 223) designating the period from January 13, 1963, to January 19, 1963, as International Printing Week was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period from January 13, 1963, to January 19, 1963, is hereby designated as International Printing Week, and the President of the United States is requested and authorized to issue a proclamation inviting the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2065), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to designate the period from January 13 to 19, 1963, as International Printing Week, and authorizes the President of the United States to issue a proclamation inviting the people of the United States to observe such week with appropriate ceremonies and activities.

PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK

The joint resolution (H.J. Res. 730) to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week was considered, ordered to a third reading, read the third time, and passed.

PURPOSE

The purpose of this joint resolution is to authorize and request the President to issue a proclamation designating May 15 of each year as Peace Officers Memorial Day in honor of the Federal, State, and municipal officers who have been killed or disabled in line of duty.

The joint resolution also authorizes and requests the President to designate in each year the calendar week during which May 15 occurs as Police Week in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws.

Finally, the joint resolution authorizes and requests the President to invite State and local governments and the people of the United States to observe these events with the appropriate ceremonies and activities.

INCREASE IN ALLOWANCES OF WITNESSES

The bill (S. 2949) to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowances of witnesses, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1821 of title 28, United States Code, is amended by striking out "$4" and inserting in lieu thereof "$6", by striking out "8 cents" and inserting in lieu thereof "10 cents", and by striking out "$8" and inserting in lieu thereof "$10".

Sec. 2. Section 1825 of such title is amended to read as follows:

"Whenever witness fees are payable by the United States, the marshal for the district shall make such payments on the basis of a certificate of attendance signed by the United States Attorney, Assistant United States Attorney, or other Government attorney in charge of the case or grand jury proceeding. United States Commissioners shall certify as to the attendance of witnesses at proceedings before them.

"Fees and mileage need not be tendered to the witness upon service of a subpena issued in behalf of the United States or an officer or agency thereof."

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2066), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowances of witnesses, and for other purposes.

CLAIMANTS AGAINST UNITED STATES REGARDING EXPLOSION OF MUNITIONS TRUCK IN NORTH CAROLINA

The bill (H.R. 5312) for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942, was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2067), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay T. E. Cooke, of Louisburg, N.C., $800; Bobbie Ray Lewis, of Greenville, N.C., $6,000; and Roy A. Robertson, of Jacksonville, Fla., $10,000, in settlement of their claims against the United States based upon an explosion which occurred when a truck transporting munitions for the U.S. Army exploded on March 7, 1942, at a point between Selma, N.C., and Smithfield, N.C.

STATEMENT

The facts and circumstances surrounding this proposed legislation are fully covered in the detailed report of the Judiciary Committee of the House of Representatives recommending enactment of the bill. The report states:

"The amendment recommended by the committee was suggested in the report of the Department of the Army on the bill. That Department has indicated that it would have no objection to the bill provided it is amended in the form recommended by this committee. The basis for the amounts stated in the committee amendment are fully discussed in the report of the Department of the Army, which is appended to this report. The three individuals named therein sustained losses and injuries in the circumstances outlined below.

"On March 7, 1942, Mr. T. E. Cooke, his wife, and three children lived in a rented house in Smithfield, N.C. The Cooke family was asleep when the munitions truck and passenger automobile collided at the intersection of U.S. Highways No. 301 and 70, between Selma and Smithfield, N.C. The munitions truck explosion severely damaged the Cooke home. Mr. T. E. Cooke in a sworn statement dated January 30, 1960, stated the following:

" 'When I knew anything my house was torn to pieces, timber and litter were all over our beds. I got out of bed and got timbers out of the way so that they could get up, and went outside the house. When we were outside, we saw that windows[,] doors[,] timber[,] and furniture were scattered all over the yard, and everything around us that we could see was on fire.

" 'At this time we left and went to Selma, N.C., in our nightclothes and barefoot, and a family in Selma took us in * * * I stayed on at Selma, N.C.[,] for about 2 weeks trying to find a job and a place for us to stay. Being unable to find anything in that time, I went to Rocky Mount, N.C.[,] to see Mr. Tom Simmons and asked did he have anywhere that I could stay, he did not but helped me find a place. My family and I got back together and started to work on our second crop of that year the 1st of April 1942.'

"The house was owned by Henry Talton, Rocky Mount, N.C. Damage to the house was stipulated to be $4,746.50 and Henry Talton was compensated by Private Law 86–92.

"On April 29, 1959, Henry Talton in a sworn statement stated as follows:

" 'I know of my own knowledge that he [T. E. Cooke] was rather severely injured, particularly around his head and I do know now that he has no hearing in his left ear and very little in his right. I further know that everything that he and his family possessed was destroyed by this explosion.'

"The evidence is clear that the direct and proximate cause of the damage to the house and furniture was the explosion. The committee agrees that the claim for $800 is both fair and reasonable for the loss of all of Mr. T. E. Cooke's furniture and other personal property.

"There is insufficient evidence available to establish that Mr. T. E. Cooke received injuries from the explosion. Mr. Cooke in his sworn statement did not mention that he had sustained any injuries from the explosion.

"On March 7, 1942, Bobbie Ray Lewis was a passenger in the rear seat of the Pontiac sedan which collided with the munitions truck. The sedan was driven by Mrs. Minnie Lewis, Bobbie Ray Lewis' mother. The evidence indicates that Bobbie Ray was only slightly injured in the traffic accident. After the accident Bobbie Ray was taken to the Talton Hotel where he stayed until the hotel was wrecked by the explosion; Bobbie Ray was severely injured at that time.

"After the explosion Bobbie Ray was hospitalized in the Johnston County Hospital. That hospital closed in 1950 and most of its detailed records have been misplaced. The admission record for Bobbie Ray, the only record now available from the hospital, is as follows:

" 'Patient admitted to hospital March 7, 1942.

" 'Discharged April 13, 1942.

" 'Diagnosis: Fracture of left leg. Laceration of head and chest. Condition good at date of discharge.'

"A medical examination of February 19, 1960, disclosed the following abnormalities:

" 'RE [right eye] 20/15 LE [left eye] 20/70; * * * many superficial laceration scars about the forehead, face; deeper and somewhat contracted scars beneath the left eye; similar scarring neck, anterior chest, and a few on the anterior lower extremities. Foreign bodies are felt in several of the scars and are slightly tender. * * * There is abnormal dilatation of the veins of the left popliteal fossa [hollow at the back of the knee]. The joint surface medielly is sl. tender, range of motion is now normal. There is mild pain on percussion of the sacroiliac joints. * * * Some of the foreign bodies are amenable to surgical removal now, and others may be readily accessible later.'

"The evidence indicates that Bobbie Ray sustained some slight injury as a result of the traffic accident. However, the serious injuries complained of resulted from the explosion. Bobbie Ray was hospitalized for more than a month in 1942. The injuries received have continued to cause physical discomfort since the explosion. Bobbie Ray has had tenderness and pain in the scars on his forehead, face, neck, and upper anterior chest. Occasional removal of glass from these scars has been required. New operations are required to remove foreign bodies blown into the skin by the explosion. There is some indication that veins in the fractured leg may have received permanent damage. In the opinion of the committee, the amount claimed is both fair and reasonable, based on the hospitalization required in 1942, the injuries sustained, and the need for further treatment.

"Mr. Roy A. Robertson was employed as a truckdriver for the Polk Packing Association, Winter Haven, Fla., in 1942. On March 7, 1942, Mr. Robertson approached the scene of the sedan-munitions truck collision in his truck and was stopped by the local police. He walked to a gasoline station and was standing inside the station building at the time of the explosion. The explosion knocked Mr. Robertson down and caused serious injuries to his head. Mr. Harold Selman, who was with Mr. Robertson, took him to a hospital in Smithfield, N.C.

"A medical report dated April 11, 1942, contains the following:

" 'The injury consisted of a contused and lacerated wound of the scalp about 2 to 3 inches in length and about 3 inches above the left ear. X-ray of skull showed an elliptical compound comminuted fracture of the skull at this point. From this wound there was considerable bleeding and also brain tissue was found oozing from the wound onto the dressing. At this time there was definite evidence of injury to the brain center of speech inasmuch as patient was hardly able to say many words that could be understood. There was definite paralysis of the face and almost complete paralysis of the right arm and hand also as a result of the above-mentioned injury.'

"On July 6, 1943, an operation was performed to correct, as much as possible, damage done by the explosion. The postoperative progress which was recorded is as follows:

" 'Patient stood the operation very well. Progress was very satisfactory. For the first week he had occasional twitching of the right face and hand together with a numbness. This is frequently seen after excision of scars of the brain in the immediate postoperative convalescence. The wound healed primarily * * *. There will be a tendency for seizures for a long time since the irritable zone in the brain will be present until it gradually subsides following medication. It is recommended that he avoid operating machinery or going into dangerous places or climbing, until time has elapsed to make it reasonably certain that he will not have any unconscious attacks.'

"The evidence is clear that Mr. Robertson's injuries were directly and proximately caused by the explosion. He received very serious injuries of the head and has required considerable hospitalization and surgery. Evidence of brain damage is very apparent from the medical reports. Based on the foregoing facts the amount claimed, $10,000, is extremely fair and reasonable. Mr. Robertson has received $2,059.65 from the Continental Casualty Co., Chicago, Ill., in the form of $774, workmen's compensation, and $1,285.65, medical expenses.

"The committee finds that the foregoing facts clearly show the basis for extending legislative relief to the three individuals named in the bill. The Army report demonstrates that these three claims have been evaluated in line with the amounts found due other claimants suffering losses and injuries in the same explosion who were included in a congressional reference case. The Army has found that the Government has suffered no prejudice since the evidence referred to in its report was of record and was available to support the claims. Clearly these individuals are entitled to relief. The committee recommends the language of the amendments proposed in the Army report with the additional language relating to a limitation of attorney's fees required under the rules of Subcommittee No. 2. The matter of the amount of attorney's fees was the subject of a separate consideration by the subcommittee. The evidence presented to the committee established that the amount of legal work performed in connection with these claims was equivalent to that performed in connection with the claims covered by the previous bill, H.R. 2594, of the 86th Congress which was enacted into law as Private Law 86-92. Further, it is clear that these claims are closely related to the claims covered by that bill, which carried a similar 25-percent limitation on attorney's fees. The committee, therefore, agrees that the bill should carry the limitation of 25 percent. The committee recommends that the bill with these amendments be considered favorably."

This committee concurs in the recommendations and conclusions arrived at by the House Committee on the Judiciary and it is, therefore, recommended that H.R. 5312 be favorably considered.

The communication from the Department of the Army concerning the proposed legislation is attached hereto and made a part hereof.

YOUNG WAI

The bill (S. 3227) for the relief of Young Wai was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Young Wai shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2068), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Young Wai. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

MRS. MARIA NOWAKOWSKI CHANDLER

The bill (S. 3502) for the relief of Mrs. Maria Nowakowski Chandler was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Mrs. Maria Nowakowski Chandler may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of Justice or the Department of State has knowledge prior to the enactment of this Act.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2069), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to a conviction of possession of narcotics in behalf of the wife of a U.S. citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of Germany who is the wife of a U.S. citizen member of our Armed Forces whom she married at Salzburg, Austria, on April 7, 1956. Her husband has been a member of the Armed Forces since 1943 and the family has been residing in Bad Nauheim, Germany. They have two children who are U.S. citizens and a third child whom they adopted. The beneficiary has been denied a visa because of two minor convictions for theft and embezzlement and a conviction for possession of narcotics. As the wife of a U.S. citizen, the convictions for theft and embezzlement may be administratively waived. Although the narcotics offense appears to have been minor in nature, without the waiver provided for in the bill, the beneficiary will be unable to join her husband in the United States.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 3502

Information concerning the case was obtained through correspondence abroad with Earl Delmar Chandler, the beneficiary's husband, and from interviews with his sisters, Opal Blevins and Pearl Fancher, and his brother Leo Virgil Chandler.

The beneficiary, Mrs. Maria Chandler nee Nowakowski, a native and citizen of Germany, was born on July 22, 1926. She married Earl Delmar Chandler on April 7, 1956, at Salzburg, Austria, while he was a member of the U.S. Armed Forces. Two children have been born of this marriage. They are natives of Germany and are citizens of the United States through their father. The beneficiary and her husband have also adopted another child, a daughter born in Italy on March 22, 1956. The family group lives in Bad Nauheim, Germany. The beneficiary is not employed. She and the three children are supported by her husband. Her parents and a brother live in Germany. She has never been in the United States. She was refused an immigrant visa by the American consul general, Frankfurt, Germany, during April 1962.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Earl Delmar Chandler was born on August 15, 1923, at Springfield, Mo. He entered the U.S. Army on February 4, 1943, and has served continuously since that date. His present rating is sergeant and his annual income is $3,000. The family has no known assets. Mr. Chandler did not attend high school. He was arrested at Springfield, Mo., on May 15, 1940, for petty larceny and placed on probation. On August 20, 1940, he was arrested at Springfield, Mo., for larceny of a bicycle. He was charged with delinquency and served from August 21, 1940, to August 5, 1941, in the State Training School for Boys at Boonville, Mo.

Senator Stuart Symington, the author of the bill, has submitted numerous letters and documents in connection with the case.

JUNG HAE

The bill (H.R. 1304) for the relief of Jung Hae was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2070), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

GENERAL INFORMATION

The beneficiary is a 4-year-old native and citizen of Korea who was abandoned shortly after birth and was adopted in Korea, on August 7, 1958, by Miss Ellen M. Dana, a citizen of the United States.

At the outset, the committee wishes to stress that its favorable recommendation in this case should not be construed to be a precedent or as an indication that it intends to depart from its general policy of not approving private bills in cases where the child is coming to reside with a single adopting parent.

Legislation in behalf of the beneficiary, Jung Hae, was first submitted to the Committee on the Judiciary during the 85th Congress and it has been reviewed by the committee on four occasions. The favorable recommendations of the Department of Social Welfare, State of California, which are printed in this report, and Miss Dana's continued support and interest in her adopted child, as well as her assistance and interest in the welfare of her deceased sister's three adopted children, have prompted the committee to report H.R. 1304 with a favorable recommendation.

Certain pertinent facts in this case are contained in reports dated March 7 and April 25, 1961, from the former Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JUNE HAE, BENEFICIARY OF H.R. 1304

Information concerning this case was obtained from Ellen M. Dana, the beneficiary's adoptive mother.

Jung Hae, a native and citizen of Korea, was born on December 10, 1957. She was abandoned shortly after birth and is being cared for at the World Vision Reception Center at Seoul, Korea. Her expenses of $10 a month, clothing, and vitamins are furnished by her adoptive mother.

She is in good health. No information is available concerning her natural parents or other relatives. She was adopted by Ellen M. Dana in the district court of Seoul on August 7, 1958.

Ellen M. Dana, a native citizen of the United States, was born on May 7, 1920. She is single. A former marriage was terminated by divorce on December 13, 1949. She was awarded a bachelor of arts degree by Whittier College, Whittier, Calif., in 1949. She is employed as an elementary school teacher and receives $7,800 a year. Miss Dana and her widowed mother reside together in Bellflower, Calif. They have joint assets valued at $24,000 consisting of their home, furniture, savings, and an automobile. Her mother, a retired schoolteacher, receives a monthly pension of $331.95.

Three children, previously adopted by Miss Dana's sister and brother-in-law, have resided with Miss Dana and her mother since the death of their adoptive mother on November 29, 1960. These children, ages 3, 4, and 5 years, are of Korean origin. Their adoptive father assists in their support.

Private bills H.R. 11818, 85th Congress, and H.R. 3100, 86th Congress, introduced in behalf of the beneficiary, were not enacted.

PIETRO DATTOLI

The bill (H.R. 2604) for the relief of Pietro Dattoli was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2071), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one convicted of a crime involving moral turpitude in behalf of the son of lawful permanent residents of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Italy, who presently resides in that country. His parents were lawfully admitted to the United States for permanent residence in June 1958, accompanied by two of the beneficiary's sisters. The beneficiary was denied a visa because of a conviction in 1954 for the theft of miscellaneous foodstuffs. His 10-month sentence was suspended. A third preference visa petition was approved in behalf of the beneficiary in March 1960.

There is a letter, with attached memorandum, dated June 14, 1960, to the chairman of the Committee on the Judiciary of the House of Representatives from the then Commissioner of Immigration and Naturalization with reference to H.R. 11054, which was a similar bill introduced in the 86th Congress for the relief of the same beneficiary.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PIETRO DATTOLI, BENEFICIARY OF H.R. 11054

Information concerning this case was obtained from Mr. Giambattista Dattoli, the beneficiary's father.

The beneficiary, a native and citizen of Italy, was born on February 9, 1935. He resides with an unmarried sister in Alberona, Province of Foggia, Italy. He attended elementary school for 3 years and served in the Italian Army for 2 years. He works on a farm owned by his parents and earns about $500 per year. He has never married. The beneficiary has never been in the United States.

The beneficiary was refused an immigrant visa by the American consul at Naples, Italy, in April 1959, on the ground that he had been convicted of a crime involving moral turpitude. On June 24, 1954, he was convicted in the civil and penal court of Lucera, Italy, of theft committed in March 1954 at Alberona, Italy. The beneficiary was sentenced to imprisonment for 10 months, 20 days, a fine of 11,000 liras, and payment of trial costs. The court suspended imposition of imprisonment due to his past good record. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. Giambattista Dattoli was born on October 18, 1906. His wife, Petronilla, nee Finelli, was born in Italy on June 29, 1912. They were married on May 13, 1932. They and two daughters were admitted to the United States for permanent residence on June 21, 1958. The family resides in Orange, N.J. Mr. Dattoli is employed as a landscape gardener and during the year 1959, earned $1,352. Mrs. Dattoli is employed as a sewing machine operator and earns approximately $2,000 per year. Their assets include the farm in Italy valued at approximately $1,500 and a savings account in the amount of $4,817.

A visa petition submitted in the beneficiary's behalf by his father was approved on March 28, 1960. However, the third preference portion of the quota for Italy, to which the beneficiary is chargeable, is presently oversubscribed.

ROBERT KNOBBE

The bill (H.R. 5320) for the relief of Robert Knobbe was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2072), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation is to pay Robert A Knobbe, of 5300 South Christiana Avenue, Chicago, Ill., $365 in full settlement of his claims against the United States for damages to his automobile which was struck by an Army staff car driven by an Army private on April 9, 1960.

WILLIAM THOMAS DENDY

The bill (H.R. 6016) for the relief of William Thomas Dendy was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report

(No. 2073), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable William Thomas Dendy to regain his U.S. citizenship which was lost by services in the armed forces of Canada.

ANTHONY PIROTTA

The bill (H.R. 6998) for the relief of Anthony Pirotta was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2074), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation is to pay to Anthony Pirotta, of 239 McClean Avenue, Staten Island, N.Y., the sum of $381.21 in full settlement of his claims against the United States for damages to his automobile which was struck by an Army staff car driven by an Army private on April 9, 1960.

STATEMENT

The facts as contained in the report of the Department of the Army show that at approximately 3:30 p.m., on April 8, 1960, an Army sedan was dispatched to Pfc. Robert W. Brennan, Army serial No. RA11355022, at Fort Wadsworth, N.Y., for the purpose of transporting an officer on the following day at 6:45 a.m. from Miller Field to the St. George ferry. Permission was given to Private Brennan to park the Government vehicle in his company area at Fort Wadsworth because of the early morning hour of the trip to be made the next day. The Army states that it was standard procedure at Fort Wadsworth to dispatch a vehicle the night before under such circumstances, inasmuch as the motor pool was locked and unattended at the early morning hour when the trip in question was to be made. It was understood and was the practice that the operator would park the vehicle in the company area until required to use it for the designated trip.

At approximately 7:30 p.m., on April 8, 1960, Private Brennan left Fort Wadsworth in the Army car without authority, accompanied by two enlisted men. When departing from the post, he displayed to the gate guard the trip ticket which authorized the trip he was to make the following morning. The guard knew Brennan personally, and did not question him or examine the trip ticket closely, believing that the vehicle was being used for an emergency run. After leaving the post, Private Brennan and his companions drove to the Shore Tavern located on Bay Street, Staten Island, commenced drinking, and continued to do so until about 3:30 a.m. on April 9, 1960.

During the time spent at the tavern, Private Brennan was in the company of a woman companion and two other enlisted men, in addition to the two enlisted men whom he had brought in the Government vehicle. At approximately 4 a.m. on the date in question, Private Brennan was driving down McLean Avenue, Staten Island, N.Y., in the Army vehicle with the four enlisted men and the woman. While driving at a fast rate of speed and under the influence of alcohol, Private Brennan drove the Army car into a parked sedan, careened off and crashed into the rear of another sedan, parked approximately 175 feet ahead, and knocked this one into the rear of a third one, which, in turn, crashed into the rear of a fourth parked car. The force of the impact caused gasoline tanks to rupture and fire ensued which enveloped the vehicles. All injured persons were rushed to the Staten Island Hospital by ambulance. Private Brennan died of head injuries on arrival at the hospital. The surviving military members were released from the Staten Island Hospital and transferred to the Fort Wadsworth dispensary where they were checked and returned to duty. The woman passenger in the Army car sustained fractures of both legs and was admitted to the hospital where she remained until April 14, 1960. Damage to the various automobiles involved in the accident was as follows: The U.S. Army sedan, a total loss; two of the civilian cars, total losses; one, the entire left side damaged; and the fourth had the entire rear damaged.

Mr. Pirotta's car was one of the parked cars at the time it was struck by the Army vehicle and was damaged to the extent of $381.21. Other claims for property damage resulting from the accident in question were filed with the Department of the Army in amounts as follows: $365.00; $500.43, and $1,784.98.

The report of the Department of the Army also shows that the only statute available for the consideration and payment of claims of this nature is the Federal Tort Claims Act (28 U.S.C., 2671 et seq.). This act provides that the employee of the Government must be acting within the scope of his office or employment at the time the incident occurred. Because the evidence of record clearly established that the Government employee was not acting within the scope of his employment, but was on a personal mission of his own at the time of the incident, the above-mentioned claims were disapproved on November 8, 1960. Subsequently, the claimants, severally, appealed the adverse actions to the Secretary of the Army, and, on January 31, 1961, the Deputy Assistant Secretary of the Army (Financial Management), acting for the Secretary, denied the appeals and sustained the previous actions taken on the claims.

In its Report No. 811 on H.R. 6998 the House Judiciary Committee stated its conclusion as follows:

"However, the committee has concluded that such a position fails to take into account the obvious failure of the Army to properly supervise its vehicles and its drivers and control their movement from the Army facility. Further, it must be seriously questioned whether under these particular circumstances the loss should be imposed upon an individual who was completely without fault. The Army report itself establishes that the Army driver was permitted to remove the car from the motor pool to his company area as 'standard procedure.' Further, he was furnished a trip ticket ahead of time, and when he exhibited the ticket at the gate he was apparently waved through without any real check by the guard, who knew the driver personally, to determine whether he had proper authority to remove the vehicle from the base. Under these circumstances of a complete breakdown of proper controls, it is inequitable for the Government to take advantage of the technical defense asserted in the Army report to avoid payment in this instance."

This committee agrees that this case cannot be properly decided solely in terms of legal responsibility and concurs in the House conclusion that the laxity of discipline permitted by the Army in this instance has created a moral responsibility on the part of the Government. The circumstances here persuade the committee that this blameless claimant is entitled to equitable relief at the hands of the Congress. Accordingly, it is recommended that H.R. 6998 be given favorable consideration.

The report of the Department of the Army is attached hereto and made a part hereof.

HENRY MASSARI

The bill (H.R. 6999) for the relief of Henry Massari was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2075), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation is to pay to Henry Massari, of 191 McLean Avenue, Staten Island, N.Y., the sum of $1,784.98 in full settlement of his claims against the United States for damages to his automobile which was struck by an Army staff car driven by an Army private on April 9, 1960.

STATEMENT

The facts as contained in the report of the Department of the Army shows that at approximately 3:30 p.m., on April 8, 1960, an Army sedan was dispatched to Pfc. Robert W. Brennan, Army serial No. RA11355022, at Fort Wadsworth, N.Y., for the purpose of transporting an officer on the following day at 6:45 a.m. from Miller Field to the St. George ferry. Permission was given to Private Brennan to park the Government vehicle in his company area at Fort Wadsworth because of the early morning hour of the trip to be made the next day. The Army states that it was "standard procedure" at Fort Wadsworth to dispatch a vehicle the night before under such circumstances, inasmuch as the motor pool was locked and unattended at the early morning hour when the trip in question was to be made. It was understood and was the practice that the operator would park the vehicle in the company area until required to use it for the designated trip.

At approximately 7:30 p.m., on April 8, 1960, Private Brennan left Fort Wadsworth in the Army car without authority, accompanied by two enlisted men. When departing from the post, he displayed to the gate guard the trip ticket which authorized the trip he was to make the following morning. The guard knew Brennan personally, and did not question him or examine the trip ticket closely, believing that the vehicle was being used for an emergency run. After leaving the post, Private Brennan and his companions drove to the Shore Tavern located on Bay Street, Staten Island, commenced drinking, and continued to do so until about 3:30 a.m. on April 9, 1960.

During the time spent at the tavern, Private Brennan was in the company of a woman companion and two other enlisted men, in addition to the two enlisted men whom he had brought in the Government vehicle. At approximately 4 a.m. on the date in question, Private Brennan was driving down McLean Avenue, Staten Island, N.Y., in the Army vehicle with the four enlisted men and the woman. While driving at a fast rate of speed and under the influence of alcohol, Private Brennan drove the Army car into a parked sedan, careened off and crashed into the rear of another sedan, parked approximately 175 feet ahead, and knocked this one into the rear of a third one, which, in turn crashed into the rear of a fourth parked car. The force of the impact caused gasoline tanks to rupture and fire ensued which enveloped the vehicles. All injured persons were rushed to the Staten Island Hospital by ambulance. Private Brennan died of head injuries on arrival at the hospital. The surviving military members were released from the Staten Island Hospital and transferred to the Fort Wadsworth dispensary where they were checked and returned to duty. The woman passenger in the Army car sustained fractures of both legs and was admitted to the hospital where she remained until April 14, 1960. Damage to the various automobiles involved in the accident was as follows: the U.S. Army sedan, a total loss; two of the civilian cars, total losses; one, the entire left side damaged; and the fourth had the entire rear damaged.

Mr. Massari's car was one of the parked cars at the time it was struck by the Army vehicle and was damaged to the extent of $1,784.98. Other claims for property damage resulting from the accident in question were filed with the Department of the Army in amounts as follows: $381.21; $500.43, and $365.

The report of the Department of the Army also shows that the only statute available for the consideration and payment of claims of this nature is the Federal Tort Claims Act (28 U.S.C. 2671 et seq.). This act provides that the employee of the Government must be acting within the scope of his office or employment at the time the incident occurred. Because the evidence of record clearly established that the Government employee was not acting within the scope of his employment, but was on a personal mission of his own at the time of the incident, the above-mentioned claims were disapproved on November 8, 1960. Subsequently, the claimants, severally, appealed the adverse actions to the Secretary of the Army, and, on January 31, 1961, the Deputy Assistant Secretary of the Army (Financial Management), acting for the Secretary, denied the appeals and sustained the previous actions taken on the claims.

In its report No. 812 on H.R. 6999 the House Judiciary Committee stated its conclusion as follows:

"However, the committee has concluded that such a position fails to take into account the obvious failure of the Army to properly supervise its vehicles and its drivers and control their movement from the Army facility. Further, it must be seriously questioned whether under these particular circumstances the loss should be imposed upon an individual who was completely without fault. The Army report itself establishes that the Army driver was permitted to remove the car from the motor pool to his company area as "standard procedure." Further, he was furnished a trip ticket ahead of time, and when he exhibited the ticket at the gate he was apparently waved through without any real check by the guard, who knew the driver personally, to determine whether he had proper authority to remove the vehicle from the base. Under these cricumstances of a complete breakdown of proper controls, it is inequitable for the Government to take advantage of the technical defense asserted in the Army report to avoid payment in this instance."

This committee agrees that this case cannot be properly decided solely in terms of legal responsibility and concurs in the House conclusion that the laxity of discipline permitted by the Army in this instance has created a moral responsibility on the part of the Government. The circumstances here persuade the committee that this blameless claimant is entitled to equitable relief at the hands of the Congress. Accordingly, it is recommended that H.R. 6999 be given favorable consideration.

MRS. TAKAKO COUGHLIN

The bill (H.R. 7123) for the relief of Mrs. Takako Coughlin was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2076), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to preserve for the widow of a U.S. citizen the status of a nonquota immigrant, to which status she would have been entitled were it not for the death of her husband.

ANNA CAPOROSSI CRISCONI

The bill (H.R. 7438) for the relief of Anna Caporossi Crisconi was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2077), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to preserve nonquota status for the widow of a U.S. citizen, to which status she would have been entitled were it not for the death of her husband.

CHYUNG SANG BAK

The bill (H.R. 7704) for the relief of Chyung Sang Bak was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2078), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to waive any applicable limitations and to provide that the claim of Chyung Sang Bak, of Pusan, Korea, filed on or about December 5, 1960, for disabling injuries he suffered on or about May 28, 1951, while working with U.S. Army personnel at a railroad repair yard in Pusan, shall be held to have been timely filed, shall be considered and, if found meritorious, settled and paid in accordance with otherwise applicable provisions of law.

WILFRID M. CHESHIRE

The bill (H.R. 8626) for the relief of Wilfrid M. Cheshire was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2079), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay to Wilfrid M. Cheshire, of 53-B, Farnham Road, Guildford, Surrey, England, the sum of $10,000 as full and final settlement of his claim against the United States for physical injuries which he suffered as a result of the negligent administration of a hypodermic injection on September 29, 1955, while he was a patient at a U.S. Army evacuation hospital at Inchon, Korea.

STATEMENT

On September 28, 1955, Wilfrid M. Cheshire, while serving on active duty as a captain in the British Army, was admitted to the 121st U.S. Army Evacuation Hospital, Inchon, Korea. While in the hospital, on September 29, 1955, he experienced a major convulsive seizure and at about 9 p.m., on the same day, a quantity of sodium amytal was injected into his left buttock. As a result of the negligent administration of the hypodermic needle by a U.S. Army nurse an injury to the left sciatic nerve resulted which produced a left drop foot.

He submitted a claim on April 16, 1957, in the amount of $15,000, under the Military Claims Act (10 U.S.C. 2733), but it was disapproved because the act, in effect at the time of the injury, allowed recovery for reasonable hospital and medical expenses only, and he had not incurred any. An amendment to the act on March 29, 1956, to permit recovery for personal injuries, pain, and suffering afforded him no basis for a claim because it was not retroactive.

His claim also was not cognizable under the provisions of the Foreign Claims Act (10 U.S.C. 2734) because it was necessary for a person to qualify thereunder that he be an inhabitant of the foreign country where the claim arose, at the time of the injury. The amendment of July 28, 1956, wherein an inhabitant of any foreign country would qualify under this act did not inure to the claimants benefit because it, too, was not retroactive.

From all available evidence it is clear that Mr. Cheshire's injury was caused by the negligence of the Army nurse who attended him at the hospital in Korea. Had the incident occurred 6 months later he would have been entitled to recover damages for his personal injuries under the provisions of the Military Claims Act, or 10 months later, under the provisions of the Foreign Claims Act. There is no judicial or administrative remedy available in this case; however, the moral obligation to compensate Mr. Cheshire for the disability he has suffered is clear and pervasive.

He is receiving a disability pension of $363.58 per annum from the British Government. Evidence was submitted that his present salary as a general assistant in a hotel is $1,026.48 per annum plus board and lodging for 5½ days of each week. His disability is permanent and effectively impairs his former occupation of surveyor and real estate agent; the award, therefore, is computed upon his military salary of $2,538 per annum, and his life expectancy of 24 years, he was 45 years of age at the time of his discharge from the British Army.

This bill was introduced in the House of Representatives in accordance with the recommendation of the Department of the Army, contained in an executive communication. The factors applied by the Department in arriving at the amount to be awarded are fair and equitable and, in view of the fact that the Department frankly admits the negligence of one of its officers in administering the hypodermic which caused the injury, there is an obligation on the part of the United States to respond in damages to the claim. It is, therefore, recommended that H.R. 8626 be considered favorably.

ANNIE YASUKO BOWER

The bill (H.R. 9578) for the relief of Annie Yasuko Bower was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2080), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to grant to the minor child adopted by a U.S. citizen the status of a nonquota immigrant, which is the status normally enjoyed by the alien minor children of citizens of the United States.

ANTHONY E. O'SORIO

The bill (H.R. 9587) for the relief of Anthony E. O'Sorio was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2081), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to waive time limitations to permit the filing and consideration of a claim by Anthony E. O'Sorio, of Bronx, N.Y., for civilian detention benefits under section 5(a) through (e) of the War Claims Act of 1948, as amended. The bill would further require that the claim be filed within 6 months of enactment.

STATEMENT

The claim which could be considered under the authority provided in H.R. 9587 would concern civilian detention benefits provided under section 5(a) through (e) of the War Claims Act of 1948, as amended. Mr. Anthony E. O'Sorio's claim is for benefits payable for the time he was in hiding from the Japanese to avoid capture in the Philippines during World War II.

The House Committee on the Judiciary states as follows in its report (No. 2215) on this legislation:

"As is noted in the report of the Foreign Claims Settlement Commission, Mr. O'Sorio attempted to file a claim for detention benefits on December 1, 1952. However, this claim was rejected, because it had not been filed prior to March 31, 1952. The issue presented to the committee, therefore, is whether the particular circumstances of Mr. O'Sorio's case warrant legislative relief to the extent of an authorization for the consideration of the claim without regard to such time limitations. The committee finds that the evidence presented to it justifies a waiver in this case. Further, it has been established that Mr. O'Sorio's mother and sister, Mary and Irene O'Sorio, both received the benefits now being sought by Mr. Anthony E. O'Sorio. Mr. O'Sorio's mother made the following statement in an affidavit filed with the committee which attests to the son's status during World War II:

"'I, Mary Osorio, do hereby swear and affirm that my son, Anthony Edward O'Sorio, currently in the service of the U.S. Navy, did reside with me during the Japanese occupation of the Philippine Islands during the same duration that my war claim had been approved for.'

"The committee is further advised that Mr. O'Sorio was a member of the guerrilla forces which operated in the Philippines during World War II. After the American landings, he was attached to the 1st Cavalry Division of the U.S. Army for a period of approximately 4 months as a liaison officer until he was repatriated to the United States. He subsequently joined the U.S. Navy, and, at the time that he was required to file the claim referred to in this bill, he was overseas. This was the time of the Korean conflict and he was unaware that he was entitled to benefits under the War Claims Act. The committee feels that this is an appropriate matter for legislative relief and, therefore, recommends that the bill be considered favorably."

Considering that the War Claims Act is beneficial legislation, this committee concurs in the view of the House of Representatives that this is a meritorious bill, and therefore recommends it favorably.

LT. COMDR. JOSEPH P. MANNIX

The bill (H.R. 9603) for the relief of Lt. Comdr. Joseph P. Mannix was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2082), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Treasury to exercise his discretion so as to require the repayment or withholding of only those amounts which will not impose an undue or inequitable hardship upon Lt. Comdr. Joseph P. Mannix, U.S. Coast Guard, retired, in the discharge of an indebtedness of $13,324 resulting from an erroneous computation of his retired pay.

STATEMENT

The proposed legislation is in accord with the conclusions and recommendations of the General Counsel of the Treasury Department. The facts relating to this claim are contained in House Report 1947 on H.R. 9603, and are as follows:

"Lt. Comdr. Joseph P. Mannix has appealed to Congress for relief from indebtedness resulting from an erroneous overpayment of retired pay. The overpayment extended over the period from February 1, 1957, to September 30, 1961, and totals $13,324.

"On January 2, 1957, the Commandant of the Coast Guard approved Lieutenant Commander Mannix' application for retirement from active duty effective February 1, 1957, under the provisions of section 238 of title 14, United States Code.

"This section provides that a commissioned officer of the Coast Guard who has been placed out of line for promotion after completing 10 years of commissioned service may, at his own request and with the approval of the Secretary of the Treasury, be retired from active service with the permanent grade held at the time of such retirement, with retired pay of the grade with which retired. An officer retired under that section is entitled to have his retired pay computed on the basis of 2½ percent of the active duty pay of the permanent grade held at the time of retirement multiplied by the number of years of creditable service. On the basis that the officer had completed 15 years and 4 months of creditable service of which 1 year and 8 months was service as a civilian employee with the former Bureau of Marine Inspection and Navigation, Department of Commerce, he was entitled to retired pay in the amount of $193.05 a month until June 1, 1958, when such retired pay was increased to $204.63 per month.

"His retired pay, however, was computed on the basis of 14 U.S.C. 433 which governs retirement of the former Bureau of Marine Inspection and Navigation personnel from the Coast Guard, authorizing them to retire at age 62 with 75 percent of their active duty pay at the time of retirement provided they have completed 15 years of combined civilian and military service. This was in error because at the time of retirement Commander Mannix was only 57 years old. As a consequence of this mistake, his retired pay was computed on the basis of 75 percent of the active-duty pay of a commander, he having held that grade temporarily, with over 14 years' service, or $421.20 a month until June 1, 1958, when it was increased to $446.47 a month. It is shown that the payments continued at the higher rates until September 30, 1961, when the error was discovered. It is reported that as of December 31, 1961, $256.40 has been withheld from his retired pay.

"The Comptroller General in his report to the committee on the bill found from the information available to him that it was indicated that the overpayment resulted entirely from administrative error. Lieutenant Commander Mannix states that he was unaware that the Coast Guard had erroneously computed his retired pay. The report of the Comptroller General and the report of the Treasury Department both refer to the fact that Lieutenant Commander Mannix is in ill health and that he is dependent entirely upon his retired pay for the support of himself and his wife. This committee has been advised that while Lieutenant Commander Mannix was on duty he had been hospitalized on numerous occasions for treatment to the hip and spine. In April 1957, following his retirement, he entered the U.S. Public Health Hospital in Chicago, Ill., for further treatment. After a series of tests, he was advised that he suffered from deterioration of the vertebrae and from spinal arthritis. His condition required certain injections and he had been fitted with a brace. Despite subsequent examination and treatment, he has advised the sponsor of this bill that his back condition remains substantially the same. In November 1960 Lieutenant Commander Mannix was examined due to difficulty with his eyes and was advised that he had cataracts on both eyes. The committee has been further advised that his wife also requires treatment because of poor health.

"As has already been noted, Lieutenant Commander Mannix must rely upon his retirement income for the support of himself and his wife. In return for performing certain janitorial services in the building in which he lives, his rent is reduced to $35 a month and he now receives a payment of $32.50 in the form of social security benefits.

"The report of the Treasury Department recognizes the difficulties and hardships faced by Lieutenant Commander Mannix as the result of this train of events. The Comptroller General in his report on the bill notes these considerations and states that the General Accounting Office would have no objection to legislative relief if the Congress agrees that these circumstances justify that relief. However, the Treasury Department has questioned the form of relief provided in the bill and suggests that relief be a matter left in the discretion of the Secretary of the Treasury rather than a case of outright relief from the indebtedness by act of Congress. That Department recommends that the Secretary of the Treasury be empowered to determine what amount, if any, should be withheld from Lieutenant Commander Mannix's retired pay. The committee has recommended amendatory language embodying these recommendations with the intent that the Secretary of the Treasury will give due consideration to the difficulties faced by Lieutenant Commander Mannix including his health problems and his straitened financial circumstances."

The committee notes that the bill gives to the Department of the Treasury the authority to require repayment by the claimant up to the amount specified in the bill, according to the Department's decision as to what amount may be just and reasonable.

The repayment might range, under the provisions of the bill, from nothing to the full amount, depending on the circumstances. If, on the one hand, the facts relating to the income of the claimant and to his health should be as related in the statement, it would appear that no repayment should be required, or, at the most, a minimal repayment. If, on the other hand, the fortunes of the claimant are good or should improve in the future, then, in that event, a reasonable repayment should be required.

The committee is in accordance with the manner in which the claim is to be resolved, and recommends that the bill, H.R. 9603, be considered favorably.

TADEUSZ SOCHACKI

The bill (H.R. 9893) for the relief of Tadeusz Sochacki was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2083), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in a nonquota status of an alien child adopted by citizens of the United States.

DWIGHT W. CLARAHAN

The bill (H.R. 9995) for the relief of Dwight W. Clarahan was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2084), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to authorize the Secretary of the Treasury to pay to Dwight W. Clarahan, of Sigourney, Iowa, the sum of $227.02 in settlement of all his claims against the United States for the difference between the salary he was paid and the salary to which he was lawfully entitled as an employee in the Sigourney post office from April 1, 1948, to April 1, 1950.

ANGELO A. RUSSO

The bill (H.R. 10678) for the relief of Angelo A. Russo was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2085), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay to Angelo A. Russo, of Burlington, Mass., $200 to reimburse him for the amount he paid to satisfy judgments rendered against him as the result of an accident which occurred while he was operating a Government vehicle as an employee of the Corps of Engineers of the Department of the Army.

STATEMENT

The facts as contained in the favorable report of the Department of the Army on this bill show that on April 16, 1954, at approximately 12:50 p.m., Mr. Angelo A. Russo was operating a 1½-ton truck owned by the Government, in connection with his employment as mobile equipment repair with the Corps of Engineers. He was en route from division headquarters in Boston to Grenier Air Force Base, Manchester, N.H., when he was involved in an intersection collision at Cottage Farm Bridge and Memorial Drive, Cambridge, Mass. The other vehicle involved in the accident was a 1946 Ford sedan owned by Robert P. Trevette and operated by Arthur C. Roberts. Mr. Trevette was not a passenger in the automobile. Mr. Russo stated that as he approached the intersection the Ford sedan, traveling at an estimated speed of 40 miles per hour, approached from his left and crossed his line of travel. Mr. Russo attempted to halt the Government vehicle, but was unsuccessful. He also stated that the truck was proceeding at a speed of 5 miles per hour when it collided with the side of the Ford sedan.

Minor damage resulted to the Government vehicle, but it was estimated that it would cost $369 to repair the civilian vehicle.

An initial administrative finding showed that the accident was attributable to negligence on the part of Mr. Roberts. However, on May 25, 1954, Mr. Trevette filed suit in the amount of $1,000 against Mr. Russo in his individual capacity for the damage caused to his automobile. In this regard, the U.S. attorney moved to set aside a default judgment which was entered against Mr. Russo for his failure to answer timely the complaint against him.

It appears that nothing further was done about the suit until July 1960 when the U.S. attorney attempted to dismiss the action for want of prosecution. This attempt was unsuccessful and the action was set for trial in the Third District Court of Eastern Middlesex on December 4, 1961. On the day of the trial, just prior to the calling of the case, the suit was settled for $200. This amount has been paid to Mr. Trevette by the claimant and an agreement for judgment was filed in court.

Since suit in this instance could have been brought against the United States under section 1346(b) of title 28 of the United States Code and had this been the case, Mr. Russo would have not have been subject to suit because section 2676 of title 28 provides that a judgment in an action under section 1346(b) shall constitute a complete bar to any action by the plaintiff by reason of the same subject matter against the employee of the Government whose action or omission gave rise to the claim.

This committee feels that it would be unfair to require this individual to bear the cost of this judgment, in view of the fact that the United States, under the tort claims provisions of title 28, would have been subject to suit on the same state of facts. This suit was brought in a court not subject to the provisions of Federal law, in which provisions of the Federal Tort Claims Act had no application. The claimant elected to sue only the driver, who was represented by Government counsel, even though the employer of the driver had already determined administratively that the driver was without fault or negligence. This committee has considered favorably other bills of this nature and, accordingly, recommends that H.R. 10678 be favorably considered.

Attached hereto and made a part hereof is the report on this bill from the Department of the Army, addressed to the chairman of the House Judiciary Committee.

REXFORD R. CHERRYMAN

The bill (H.R. 10720) for the relief of Rexford R. Cherryman of Williamsburg, Va., was considered, ordered to a third reading, was read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2086), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to authorize and direct the Secretary of the Navy to pay, out of current appropriations available for the payment of severance pay, to Rexford R. Cherryman, of Williamsburg, Va., an amount equal to the difference between (a) the amount of severance pay which would have been paid to him upon his discharge from the U.S. Navy if the computation of such severance pay had been based upon his actual commissioned service in the U.S. Navy, and (b) the amount of severance pay actually paid to him.

MELYNDA KIM ZEHR

The Senate proceeded to consider the bill (S. 3455) for the relief of Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im) which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im) may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of the said Act and petitions may be filed by Mr. and Mrs. Byron D. Zehr, citizens of the United States, in behalf of the said Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im) pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2087), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill, as amended, is to facilitate the entry into the United States in a nonquota status of two alien children adopted by citizens of the United States. The bill has been amended to bring the cases within the procedures applicable to the admission of adopted alien orphans under the general law.

BETTY SANDRA FAGANN

The Senate proceeded to consider the bill (S. 3557) for the relief of Betty Sandra Fagann which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Betty Sandra Fagann may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Antoinette Blanche Fagann,

> a citizen of the United States, in behalf of the said Betty Sandra Fagann pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2088), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The purpose of the bill, as amended, is to facilitate the entry into the United States, in a nonquota status, of an alien child adopted by a citizen of the United States. The bill has been amended to bring the case within the procedures applicable to the admission of adopted alien orphans under the general law.

E. LA REE SMOOT CARPENTER

The Senate proceeded to consider the bill (H.R. 7326) for the relief of E. La Ree Smoot Carpenter which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

> That the Secretary of Labor is authorized and directed (1) to consider any claim filed not later than six months after the date of enactment of this Act by E. La Ree Smoot Carpenter, of Burney, California, for compensation under section 5(a)(21) of the Federal Employees' Compensation Act for disfigurement allegedly sustained by her on or about November 13, 1943, while she was employed as a junior clerk-stenographer, post engineers, Army Air Base, Madras, Oregon; and (2) to award to the said E. La Ree Smoot Carpenter any compensation to which she would have been entitled had she elected to make application for such compensation within the time provided therefor in section 303(d)(1) of the Federal Employees' Compensation Act Amendments of 1949.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HUMPHREY. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2089), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENT

> The purpose of the amendment, in the nature of a substitute, is to conform the bill to the advice of the Secretary of Labor that, in order to give effective relief, the time limitation in section 303(d)(1) of the Federal Employees' Compensation Act Amendments of 1949 must be waived. The time limitations waived in H.R. 7326 are not those which bar the filing of the subject claim.

PURPOSE

> The purpose of the proposed legislation, as amended, is to waive section 303(d)(1) of the Federal Employees' Compensation Act Amendments of 1949, in favor of E. La Ree Smoot Carpenter, of Burney, Calif., to enable her to file her claim for compensation for disabilities including permanent disfigurement of the face and hands allegedly resulting from injuries incident to her employment as a junior clerk-stenographer, post engineers, Army Airbase, Madras, Oreg., sustained on or about November 13, 1943.

Mr. HUMPHREY. Madam President, that completes action on the calendar for today. Reports on bills following Calendar No. 2055 are lacking. It is hoped that they will be in our possession tomorrow and over the weekend.

NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

Mr. HUMPHREY. Madam President, as I understand, according to the unanimous-consent agreement of yesterday, the business of the Senate tomorrow will be the bill for the National Fisheries Center and Aquarium in the District of Columbia, H.R. 8181. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. Madam President, I move that the Senate proceed to the consideration of Calendar No. 1741, H.R. 8181.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Public Works with amendments.

AUTHORIZATION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO FILE REPORT

Mr. JOHNSTON. Madam President, I ask unanimous consent that I may be permitted to file, on behalf of the Committee on Post Office and Civil Service, a bill in regard to a proposed pay increase and also the postal rate bill, which we hope to have finished tomorrow, during the weekend when the Senate is not in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIFTEENTH INTERNATIONAL CONFERENCE OF THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

Mr. HUMPHREY. Madam President, the 15th international congress of the Women's International League was held at the Asilomar Conference Grounds, Pacific Grove, Calif., July 8–13, 1962. The organization, which was formed at The Hague in 1915 during World War I, assembled more than 250 delegates, alternates, and observers from 23 countries.

A public meeting was held in San Francisco Saturday evening with Mayor Christopher giving an address of welcome and warm praise for the work of the Women's International League for Peace and Freedom.

Two of its founders, Jane Addams and Emily Greene Balch, were the only American women ever to receive the Nobel Peace Prize. The league was organized by women on both sides in the first World War—Germans as well as British, Americans, and other Allies. Their idea was to "talk it out instead of battling it out."

Mrs. Else Zeuthen, of Denmark, the international chairman, who served 6 years in the Danish Parliament, noted:

> Our foremost priority—total and universal disarmament—is the declared policy of statesmen now.

Besides working for disarmament, the organization declares as its goal:

> The abolition of violent means of coercion for the settlement of all conflicts, the substitution in every case of some form of peaceful settlement, and the strengthening of a world organization for the prevention of war, the institution of international law, and for the political, social, and economic cooperation of peoples.

The triennial congress elects 12 members of the international executive committee which meets each year between congresses. Two members of this committee are from the U.S. section; namely, Mrs. Emily Parker Simon, vice chairman of the international executive committee and executive secretary of the committee on world development and world disarmament, and Miss Doris Shamleffer, administrative associate of the committee on world development and world disarmament. Other countries represented on the executive committee are Denmark, England, India, Israel, Japan, Norway, Sweden, and Switzerland. The international representative to the United Nations in New York is Mrs. Adelaide Baker. Miss Gertrude Baer is the international representative to the United Nations in Geneva and Rome. The international representative to UNESCO in Paris is Miss Andre Jouve.

Mrs. Annalee Stewart, of Washington, D.C., the legislative secretary and lobbyist for the U.S. section, conducted a session on political action techniques and included a period for the exchange of methods used to contact government leaders in the various countries. A number of the delegates visited Washington before and after the triennial congress and attended sessions of the Senate and House and had lunch with Members of Congress. It was my privilege to visit with this delegation.

Many expressed amazement and great admiration for the way in which individual citizens and representatives of nongovernmental organizations can have personal contact and two-way discussions with Members of Congress and other Government officials. In many countries this is not possible.

Among those with whom they talked or saw at hearings were Vice President JOHNSON, Speaker of the House MCCORMACK, Senate Majority Leader MANSFIELD, Minority Leader DIRKSEN, and Senators SPARKMAN, FULBRIGHT, ENGLE, KUCHEL, LONG of Hawaii, DOUGLAS, Cooper, Saltonstall, Clark, Hart, Kefauver, McNamara, McCarthy, Metcalf, Javits, Keating, Lausche, Young, Morse, Johnston, Gore, Aiken, Proxmire, and Wiley; also Representatives Roosevelt, Edith Green, Kowalski, Sikes, Philbin, Ryan, Kastenmeier, Morgan, Rhodes, Judd, Church, Powell, Bolton, and Hansen.

Greetings to the International Congress were sent by President Kennedy, U Thant, Acting Secretary General of the United Nations, and other prominent world leaders.

The theme of the 15th Triennial Congress was "Total and Universal Disarmament—Now." The opening speaker was Dr. E. Raymond Wilson, executive secretary emeritus of the Friends Committee on National Legislation. He is well known to Members of Congress for his valiant work on legislation affecting foreign policy, peace, disarmament, and civil liberties during the years since 1943 when their Washington office was established. Dr. Wilson spoke on "Some Political Aspects of Disarmament."

Other working papers were given by members of the Women's International League for Peace and Freedom on "Political Aspects of the Disarmament Problem," by Dr. Dorothy Hutchinson, of Philadelphia, president, U.S. section of the Women's International League for Peace and Freedom; "Economic and Social Impact of Disarmament," by Dr. Frances W. Herring, of Berkeley, Calif.; and "The Psychological Aspect and Cultural Methods of Achieving Disarmament," prepared by the French section of the WILPF.

Dr. Herring used as a basis for her paper the United Nations report on the "Economic and Social Consequences of Disarmament" published in February 1962, which was prepared by an international team of able and representative economic experts from nations East and West. The topics covered are:

First. How much of the world's resources are now being devoted to military purposes?

Second. What types of advance planning can ease transition to peaceful economies?

Third. To what major types of peaceful use might released resources be put, and what scale of priorities is recommended?

Fourth. What economic problems are likely to arise during the conversion period?

Fifth. How will disarmament affect economic relations between nations?

Sixth. What will disarmament allow in aid for economic development to underdeveloped countries?

Seventh. What must we as individuals accept as responsibilities, if the hopeful general conclusions of the U.N. document are to be translated into reality?

While I do not agree with all of the thinking and proposals contained in these addresses, I do believe that they deserve the attention of the Senate and that the Women's International League for Peace and Freedom is to be commended for its untiring efforts and devotion to the advancement of a peaceful and freedom-loving world.

Madam President, I ask unanimous consent to have printed at this point in the Record certain addresses that were delivered at the conference, together with excerpts from the addresses.

There being no objection, the addresses and excerpts were ordered to be printed in the Record, as follows:

Some Political Aspects of Disarmament

(An address given before the 15th triennial congress of the Women's International League for Peace and Freedom meeting at Asilomar, Calif., July 8, 1962, by Dr. E. Raymond Wilson, executive secretary emeritus, Friends Committee on National Legislation)

Across the street facing the line of 104 flags at the United Nations is a tiny park. On the north wall of the park is inscribed these words from the prophet Micah, "They shall beat their swords into plowshares and their spears into pruning hooks."

There wasn't room on that wall for the rest of that quotation from the bearded Hebrew prophet who lived more than 2,000 years ago.

"Nation shall not lift up a sword against nation, neither shall they learn war any more. But every man shall sit under his vine and under his fig tree and none shall make them afraid. For the mouth of the Lord of Hosts hath spoken it."

Was this merely rhetoric on the part of the writer? Or was it a prophecy to be fulfilled? I, for one, believe that it was a prophecy to be fulfilled, that peace is the will of God and that you and I are coworkers with God and that we have an indispensable part to play in the achievement of world peace and world disarmament.

Some years ago when the very popular ambassador from India was about to return to his country, a big dinner party was held in Washington to honor him. In a very significant farewell speech, Ambassador Mehta said, "What we need are minds clear enough to prevent a hot war, and hearts warm enough to melt a cold war."

I. THE WILL TO DISARM NEEDED

A few weeks ago I was talking to a friend of mine who works on disarmament problems for the U.S. Government. He said to me, "I could work out 10 different methods of inspection that I believe would work. While the technical problems are difficult, they are not insoluble if we really worked on them. What I would like would be for somebody to tell me how to develop in the countries like the United States and the U.S.S.R. the will to disarm. If governments really wanted to disarm, they could find the way."

Reluctance to disarm rests on many, many factors including fear of aggression, fear of broken treaties and commitments, distrust of the present international organizations to keep the peace, concern for the liberties of small nations which might be overrun, prestige and the struggle for power and national vainglory, the intimate tieup between arms and patriotism, the growing dependence on arms spending for economic prosperity and for cushioning unemployment.

So the No. 1 political problem of sufficient desire for disarmament and getting governments geared up to tackle world disarmament with sufficient intensity, persistence, flexibility, and imagination, rests on the number one psychological problem of overcoming distrust and suspicion and of developing adequate motivation to surmount the overwhelming obstacles.

Achieving world disarmament means, I think, one of the biggest, if not the biggest step in political history. And it is a transition of unparalleled urgency.

II. THE NECESSITY OF WORLD DISARMAMENT

This point, I am sure, need not be labored at length with the members of the Women's International League for Peace and Freedom who have held consistently to the goal of worldwide disarmament since their organization was founded.

First, we want a world where people can read and have something worthwhile to read; a world where people can eat a nutritious meal and where half of God's children do not suffer hunger or malnutrition; a world where men and women can enjoy the fruits of technology and modern science and the wonders of modern medicine. Disarmament won't bring these things automatically but the energies of the 18 or more million men and women in uniform and the world's expenditure of more than $100 billion transferred to constructive development at home and around the world could make a whale of a difference.

So long as huge power blocs arm against each other, the United Nations is more symbol than substance. The building up of a world system of law and order is a twin task with the search for world disarmament. And yet how unevenly our treasure is applied. This year the expenditure on arms per man, woman and child in the United States is more than $260 per person per year. U.S. expenditures on the central organ of the United Nations last year was 11 cents per capita, or one Coca-Cola, and on all the U.N. activities and programs and specialized agencies (except the military operations in the Congo) put together totaled considerably less than $1 per person per year.

So far as the last U.S. Congress in 1961 was concerned, the appropriations for military defense, military aid and defense support amounted to $53⅓ billion, or 55½ percent of the annual appropriations, while the appropriations of the Federal Government for social security, health, education, welfare, and housing totaled $6 billion or 6⅓ percent of the appropriations. So from the standpoint of taxes and expenditures, the citizens of the United States live in a warfare state, rather than a welfare state. And yet when our conservatives talk about high taxes, and debt ceilings, and balanced budgets, how seldom do we hear the astronomical sums for military purposes criticized?

Three weeks ago I spent a very lively 2 hours in a dialog with about 15 employees of the Rand Corp. in Santa Monica. They have beautiful new buildings, 1,100 employees and a budget for this one research outfit for the Air Force considerably more than twice the sum asked for by the U.S. Arms Control and Disarmament Agency.

Our consciences in the United States have been quickened by the recent visit of the young man and the young woman from Hiroshima, as pilgrims for peace, accompanied by Mrs. Barbara Reynolds. They exhibited a long banner covered with the pictures of some of those in Hiroshima still in hospitals suffering from the effect of radioactivity although it has been almost 17 years since the bomb was dropped over that city. I was reminded again of the cenotaph to commemorate the victims who died in the blast and its aftermath and the inscription in their memory, "Rest in peace, for the wrong shall not be repeated."

If the wrong is not to be repeated by accident, incident, or design, nations will have to give up their cherished atomic, chemical, and biological weapons. Too many people refuse to face the threats and dangers of modern war, which could only be 15 minutes away with weapons triggered for almost instant strike as they are today. One of the most recent reminders of what atomic war could mean was a study by some Massachusetts physicians printed in the May 31 issue of the New England Journal of Medicine, a copy of which was given to me since I came to California.

This study assumes a limited attack on the State of Massachusetts along the lines of the weeks hearings before the Holifield subcommittee of the Joint Committee on Atomic Energy which were held in 1959 and were reported in two large volumes. Taking their figures of 10 bombs totaling 56 megatons (altogether about the explosive force of the recent big bomb exploded by the Russians) these doctors estimated that 1 million people in the Boston area and 300,000 more in the State would be killed outright. One and half million Bostonians and 800,000 outside Boston would be injured, two-thirds of them fatally.

Only 900 doctors in Boston and 1,300 in the rest of the State would be left to care for the 2 million "acutely injured." If these physicians were to spend only 10 minutes in diagnosis and treatment of each patient and worked 20 hours each day, it would require 8 to 14 days before each injured person could be seen for the first time.

For these 2 million injured, all but 10,000 out of the 65,000 beds in 209 hospitals would be destroyed by the initial blast. And what would happen to the normal public health load of people with diabetes, cancer, tuberculosis, and people with psychological breakdowns and infectious diseases? And just another problem. How would you cope with the millions of dead bodies? It took the U.S. Army 8 days to bury 39,000 bodies found in Manila in 1944.

Assuming a 20-megaton ground blast on downtown Boston it would excavate a crater 250–300 feet deep and half a mile in diameter. Even the most heavily reinforced concrete structures and deep blast shelters would be totally destroyed in a radius of 4 miles. Within a 6-mile radius all frame and brick buildings and basement shelters would be completely destroyed. To a radius of 15 miles all frame buildings damaged beyond repair. Flying glass and masonry would be a hazard as far away as 18 miles traveling with the speed of sound. Up to 21 miles a person would have second-degree burns of all exposed skin and his clothing and other easily inflammable material would ignite. As far as 40 miles away, a reflex glance at the fireball would produce blindness by burning of the retina of the eye.

Another serious effect of short-term and long-term radiation effects of fallout would be the disruption of the normal balance in the plant and animal world. Mammals and birds are highly sensitive to radiation; insects are extremely resistant, and so are bacteria, viruses and fungi.

III. THE GOAL IS UNIVERSAL AND COMPLETE DISARMAMENT

Faced with the specter of modern war with its lightninglike timetable and its capacity for total destruction our goal can be nothing less than the total abolition of war and general and complete disarmament. At long last even the great powers have given lipservice to this in their disarmament proposals.

Yet in the United States, and no doubt in many other countries, a major debate is raging between the advocates of arms control and of disarmament. To some champions of arms control that is a plateau or temporary stopping place until more far reaching measures can be undertaken. For others, more skeptical about the nature of governments and about the nature of man, some arms control stabilization is the most that can be achieved in the foreseeable future. Even as great a mind as Ralph Waldo Emerson is said to have written in 1859, 2 years before the Emancipation Proclamation, that "no man living will see the end of slavery."

In his little book published this year, "The Limits of Defense," by Arthur Waskow, now with James Wadsworth on the staff of the Peace Research Institute, the author has summarized the two dominant theories of defense now advanced by the military in the United States which are competing for money and support in Washington.

The first thesis, urged principally by the Air Force, is the counterforce theory of deterrence. It is based upon the conviction that nuclear war is probable if not inevitable, and must therefore be transformed into a usable instrument of national policy. If the United States and the Russians will concentrate on military targets instead of cities, civilian deaths can be held within acceptable limits. If U.S. weapons are "hardened" (placed deep in hard to destroy underground missile silos), the United States could ride out a Soviet first strike and also effectively deter a United States-U.S.S.R. exchange.

The second strategic theory, according to Waskow, is that of balanced deterrence, supported by the Army and Navy. This is based on the contrary assumption that nuclear war can only be deterred by making it unthinkably horrible. So weapons like the Polaris submarine are needed which are designed for use against cities, because they cannot be pinpointed accurately, rather than against hardened bases and missile sites. Nor can these Polaris submarines be destroyed by a first strike. This will be supplemented by a variety of limited war forces, for "brush fire" or local wars. Waskow summarizes current U.S. defense policy as a mix, which by trying to keep everybody happy makes absolutely no sense at all. The United States has moved from a concept of military defense to one of military deterrence, aimed at creating a certain frame of mind, which gets into the realm of the psychology of disarmament, with which another speaker will deal. Robert Paul Wolff has written a very interesting review of Waskow's book for the June 1962 Bulletin of Atomic Scientists.

I have made this brief reference to the counterforce theory and that of balanced or stabilized deterrence, and there are many variations of these theories because they create much of the climate within which the efforts for general disarmament must go on and which have won such heavy support of men's minds and money.

IV. WHAT ABOUT DISARMAMENT NEGOTIATIONS?

Robert A. Levine, in an article entitled "Breaking the Arms Stalemate," in the same June issue of the Bulletin of the Atomic Scientists, starts his article by saying, "In reviewing the efforts of the past decade and a half to limit by agreement the numbers and uses of military weapons, one theme dominates all other—failure."

I. F. Stone in his weekly some time ago observed, "It is time the anthropologists took over, and recognized the disarmament conference as a form of religious ritual engaged in by humanity between its world wars."

In spite of the enormous difficulties we cannot rest our efforts with such a cynical view. An adequate and objective summary of the last 15 years remains, so far as I know, still to be written. But one can start a catalog of some of the deficiencies of the process while expressing sympathy for the negotiators. Discusions have largely been held on technical points and proposals with negotiation in a political vacuum, with the big political problems such as Berlin, Central Europe, Korea stalking in the background. A friend of mine who made quite a study of the various proposals observed that in his judgment, most if not all of the proposals on both sides contained items which the nation making the proposals knew would not be accepted by the other side. Were these matters of principle, or bargaining positions, or obstructions?

Has there been sufficient flexibility in negotiations? Have negotiators been afflicted with "diplomatic fatigue" and outlived their usefulness before being replaced? How often have countries reversed positions, or withdrawn proposals when progress seemed in sight? How much have proposals been sincerely made or offered for propaganda purposes?

From the Western point of view, the Soviets provoked a crisis in Iran in 1946; severe pressure was put upon Turkey and Greece in 1947 which led to the Truman Doctrine; behind the scenes military support was given for the Communist takeover of the most democratic country in Eastern Europe, Czechoslovakia; Berlin was deliberately blockaded in 1949. The list could be extended through the next decade. The Korean war in my judgment, was a major watershed in American foreign policy, and set back the disarmament cause in the United States about 25 years, because at that time the U.S. budget and military manpower were the lowest since the Second World War and selective service conscription had expired. No doubt the Soviet bloc has its bill of particulars, including the U–2 incident.

My point is that we cannot wait for the ideal time for disarmament when there are no tensions and no obstacles. Efforts for negotiations and agreements must be made unremittingly against all kinds of odds. I know of no simple gimmick or formula to break the impasse we are still in. It seems to me that disarmament must be pursued much more in the context of political settlements, much more in the framework of evolving world organizations, with much more attention to the process of peaceful settlement, peaceful change, the kind of a world that disarmament will bring, and how it can be enforced with some type of an international police or enforcement agency.

V. IMPROVING RELATIONS BETWEEN THE WESTERN WORLD AND THE SOVIET BLOC

Turn the pages of history back to 1833 and listen to these words: "Between them there is nothing in common either in object, interest and feeling—nothing that apparently tends to their connection unless it be the water that flows between them. And even these waters, instead of in fact uniting them, form a barrier between them which, however frequently passed, still form and must continue to form, an insurmountable obstacle to their union."

These sentiments were expressed not about two distant countries with different languages and cultures but about neighbors speaking the same language on each side of the East River to prove the utter impossibility of ever joining the village of Brooklyn to the city of New York.

There must be the continuing search for common ground. Some of you have heard me tell of a conversation with the U.S. High Commissioner in Vienna in 1952. I asked him what the prospects were for an Austrian Peace Treaty. He replied, "Well, Mr. Wilson, we have tried 238 times to get a treaty agreed upon. We haven't succeeded, but we are going to keep on trying and we are going to succeed."

It took nearly 400 meetings and nearly 7 years of negotiations to hammer out the Austrian Peace Treaty. It wasn't a perfect treaty, but so far as I can learn it has been kept. This treaty provided for the evacuation of the Russian, British, French and American armies, and the neutralization of Austria.

This treaty is an example of what Senator Brian McMahon used to call self-executing treaties—treaties hammered out to the point where there is a built-in interest and desire on both sides to see that the treaties are observed.

The Antarctic Treaty provided for the continued neutralization of the Antarctic region. The International Geophysical Year provided much fruitful collaboration and exchange. The very recent agreement for limited cooperation in space exploration is another encouraging sign.

As Dorothy Hutchinson has indicated in her discussion outline at least the broad goals were laid down in the United States-U.S.S.R. agreement on basic principles of general and complete disarmament including the need for balanced stages and a specific time schedule proceeding to total disarmament as well as for inspection, a peace force, and reliable procedures for peaceful settlement of disputes. It has been the specific implementation of these goals that has proven so difficult.

On the Soviet side the bitter assault on the Secretary General and the insistence on the troika in the U.N. and in the disarmament control setup has been very disturbing to those who believe that the United Nations should have a Secretariat with a status like that of an independent civil service with primary allegiance to the welfare of the whole world, and a control and inspection system that operates under previously agreed-upon procedures but without a veto.

The achievement of disarmament will rest, in no small part, on some far-reaching changes in the policies of governments.

VI. SOME STEPS WHICH THE UNITED STATES SHOULD TAKE

1. More dynamic leadership and crusading zeal on the part of U.S. Arms Control and Disarmament Agency. Much more money should be spent on research, on publications, and on discussions on the problems of disarmament throughout the country.

2. Cultivation of more leadership in both Houses of Congress. Reactivation of the Senate Subcommittee on Disarmament and publication of their study on the economics of disarmament which has not been released for publication yet.

3. Repeal of the Connally amendment which reserves to the United States the decision whether the jurisdiction of the World Court shall apply to disputes in which the United States has an interest. In other words, accepting the compulsory jurisdiction of the World Court, and taking one more important step toward establishing a world of law.

4. Lift the restrictions on the sale and donations of food to the people of Communist countries.

5. Go back to something like the 1954–55 proposals combining substantial disarmament with appropriate inspection in an attempt to break the current impasse in the Geneva negotiations.

VII. INITIATIVE WHICH THE UNITED STATES MIGHT TAKE

Some additional disarmament moves which the United States could take without waiting for agreement in the hope that such initiatives would improve the international climate, and might encourage comparable moves on the part of other nations.

1. Set up a pilot inspection station equipped with seismological and other instruments as a demonstration and turn it over to the UN for operation.

2. Convert the Fort Detrich chemical and bacteriological facility into a world health research station.

3. Stop further testing of nuclear weapons. At this writing (July 2, 1962), 24 atmospheric tests have been held since the current series started April 25, and 44 underground tests have been carried out in the Nevada series which opened last September 15.

4. Move to bring the People's Republic of China into the disarmament negotiations, since this government must be a party to a fully effective disarmament treaty, or a worldwide test ban and inspection system, or an end to the nuclear arms race.

5. Support the seating of the People's Republic of China in the United Nations and the right of self-determination for the people of Taiwan so far as their future status is concerned.

6. Reverse present policy which would transfer U.S. nuclear weapons information to certain other countries. The National Planning Association in its pamphlet "The Nth Country Problem and Arms Control," estimates that some 11 more countries have the scientific and industrial capacity to follow France into the nuclear club with actual weapons over the next 5 years, if they wanted to, and that 8 more countries could join the suicide club in a somewhat longer period of time.

7. Cut armament expenditures 10 percent, and use at least part of the savings for foreign economic aid and investment, preferably under U.N. auspices.

8. Elimination of one or more foreign bases.

9. Removal of travel restrictions in America imposed on Russian visitors.

For an international gathering this discussion tonight has revolved too much around the polarization of power between the Western bloc and the Soviet bloc. Small nations can act as arbitrary or antipeace as large ones, and they are by no means free from the struggles for power, from playing for prestige, or from generating disputes that can easily escalate into larger wars. There is a much greater role that ought to be played by nations not aligned with the major protagonists.

VIII. THE POLITICS OF THE ECONOMICS OF DISARMAMENT

In many countries where there are sizable arms expenditures there will be serious political pressure to continue such spending. Economists in the United States and those who have had a part in the U.N. studies are pretty well agreed that arms spending can be reduced or eventually eliminated without major depression and actually to the great benefit of mankind. What I think is not sufficiently recognized is the seriousness of the politics of the economics of disarmament and how much persuasion must be done to get people to accept what is the better for the larger number. To put the problem in another way, the economists believe that they can solve, with adequate planning and Government action the major economic problems in the transition if the politicians will make the necessary decisions.

IX. SUMMARY

In summary, I have urged all-out efforts on the part of governments and peoples for universal disarmament, a United Nations greatly strengthened in its peacemaking and peacekeeping functions including a genuine international police force. The United Nations should include within its membership all nations willing to subscribe to the principles of the Charter.

As citizens of many countries we have the task of developing the will to disarm on the part of governments we can influence, of raising the questions which have to be answered even though they may be unpopular, of working with our governments when we can support them and ahead of them which will be much of the time.

Particularly, we must link hands more effectively with people of good will in every country so that the movement for universal disarmament is truly universal. If the tomorrow we want is to come, we must encourage more and more people to live and work today as if tomorrow were already here.

POLITICAL ASPECTS OF THE DISARMAMENT PROBLEM

(By Dorothy Hutchinson, president, U.S. section of the WILPF)

I wish to raise some questions which, in conjunction with Raymond Wilson's speech to the Congress on the political aspects of disarmament, may stimulate productive discussion.

* * * * *

We are all aware that hopes for disarmament are not made brighter by recent developments such as—

1. Threats exchanged at the time of the Berlin crisis which indicated that both U.S.S.R. and United States still consider nuclear war a potential instrument of national policy under certain circumstances.

2. Increased military expenditures by United States and U.S.S.R. which may tend to increase the influence of the military over foreign policy decisions in both nations.

3. Nuclear test resumption by U.S.S.R. and United States causing new spiral in nuclear arms race which increases danger of nuclear war by miscalculation or by accident due to mechanical or human error.

4. Refusal of France to attend the disarmament talks at Geneva and failure to include the People's Republic of China in these negotiations thus rendering them relatively ineffective even if agreement can be reached there.

5. Failure of Geneva negotiations to make progress toward either a nuclear test ban or disarmament agreement.

However, we are also aware that, during the 3 years since we last met to discuss this problem, prospects for disarmament seem to have been improved by—

1. Increasingly frequent public declarations by statesmen (East, West, and uncommitted) that general and complete disarmament offers the only hope for security and that it must be achieved without delay. Also increasing public opinion in favor of disarmament.

2. Reports made by both U.N. and U.S. research commissions which find that economic readjustments necessitated by disarmament need present no insuperable difficulties.

3. Increasing recognition of the value of the U.N.'s capacity to prevent certain types of cold war confrontations and unilateral military interventions by the big powers (e.g., in Suez and Congo).

4. U.S.S.R.-United States agreement to cooperate on peaceful uses of outer space.

5. United States-U.S.S.R. agreement on basic principles of general and complete disarmament including need for balanced stages and specific time schedule proceeding to total disarmament as well as for inspection, a peace force and reliable procedures for peaceful settlement of disputes.

6. U.S.S.R. and United States draft disarmament treaties which at least clarify the areas of disagreement.

7. Presence of eight uncommitted nations at Geneva offering compromise proposals and urging need for progress toward operative test ban and disarmament agreements.

* * * * *

In view of all the areas of agreement, why does progress toward a nuclear test ban treaty and a disarmament treaty seem to be blocked by secondary problems of inspection and enforcement which are not, in themselves, technically insoluble? May it be because:

A. The political consequences and requirements of total universal disarmament have not yet been really analyzed and accepted?

B. Political decisions have not been made to take even first steps toward preparing the U.N. as an instrument for insuring world peace?

BASIC OBSTACLES TO DISARMAMENT

A. Lack of analytical study of the required structure of a warless world

As disarmament negotiations proceed, it becomes clear that the elimination of the war system, which will be the result of general and complete disarmament, involves considerably more than the technology of disarmament. Before a warless world can be envisaged; even before the disarmament process can move beyond token stages; and therefore, perhaps before any overall disarmament agreement can be achieved, certain political questions must have answers.

On these questions WILPF, as an organization which has always pioneered in the field and wants to continue to do so, must clarify its own thinking.

1. Since international disputes will not be prevented by the mere fact of disarmament (just as disputes within a community or a nation continue to occur even though violent means for their settlement have been effectively prohibited) by what means will such international disputes be settled in a warless world?

2. The United States and U.S.S.R. have agreed that disarmament will require "strict and effective international control" including veto-free inspection and a peace force able to "effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the U.N."

They have also agreed on "the establishment of reliable procedures for the peaceful settlement of disputes."

Are the proposed disarmament control, peace force, or reliable machinery for peaceful settlement compatible with unlimited national sovereignty? How early in the disarmament process will disputes and the competitive activities of nations have to be made subject to binding international regulation?

3. To what extent is the concept of law and law enforcement applicable at the world level?

(a) In a warless world, should disputes about the interpretation of the disarmament agreement and disputes over the implementation of treaties be under compulsory jurisdiction of the International Court of Justice?

(b) By what means could the Court's decisions be enforced?

(c) How could political (as distinct from legal) disputes be settled in a warless world?

(d) If the prompt and complete disarmament we hope for leaves some people still not wholly self-governing, how can peaceful change of this or other undesirable situations be accomplished?

4. What should be the function and the nature of the proposed "peace force"?

(a) At what point in the process of disarmament will it need to be established?

(b) How will it operate during the process of national disarament? And how will it operate after general and complete disarmament?

(c) How should it be controlled so that it cannot become tyrannical?

(d) At what point can and should the peacekeeping be done by civilian police enforcing law applicable to the individual?

B. Difficulties in the way of preparatory functional strengthening of the U.N.

WILPF has never agreed with those who think of strengthening the U.N. solely (or even primarily) in terms of giving the U.N. decisive armed forces. How then can the U.N. be strengthened in its peacemaking rather than in its warmaking functions, i.e., as an effective third party in solving international disputes without violence so that the U.N. may eventually become a lawmaking and law-enforcing agency substituting law for war?

1. How can the seating of the People's Republic of China be accomplished so that global problems like world disarmament and developing world law can be dealt with on a global basis?

2. How can respect for U.N. Charter principles of noninterference and nonviolence in international relations and noninfringement of human rights be increased (e.g., Cuba, Goa, Angola, Tibet)?

3. How can nations be induced to abide by U.N. resolutions which they may consider unfavorable to their national interest (e.g., nuclear tests, Hungary, Kashmir, nuclear-free Africa)?

4. How can nations be included to forgo policies which actually weaken the U.N. (e.g., by passing the U.N. and putting major emphasis on regional alliances, insisting on troika administration of U.N. and its organs, withholding financial support from actions implementing U.N. resolutions)?

5. How can nations be induced to submit the legal aspects of their disputes to the International Court of Justice (e.g., Berlin, Taiwan, Middle East)?

6. Can peacekeeping functions of U.N. be strengthened (e.g., by establishing a U.N. Peace and Security Fund for use in emergencies; by establishing a permanent U.N. police force with special training in nonviolent techniques; by devising means whereby the U.N. can be assured of a reliable income)?

7. Can the U.S.S.R.'s doubts about the impartiality of the U.N. in which she is in minority and the West's doubts about the competence of the U.N. where the balance of voting power is held by relatively weak and/or inexperienced nations be assuaged by entrusting to U.N. some pilot projects whereby it might demonstrate its fairness and reliability (e.g., give U.N. jurisdiction over high seas and outer space; give U.N. supervision of military disengagement in central Europe, Middle East, southeast Asia)?

8. How can the fear on the part of the more powerful nations of relinquishing the veto and giving more authority to the U.N. where every nation has equal vote and the fear on the part of the less powerful nations of giving up that equality be adjusted so that the U.N. may be entrusted with more authority?

* * * * *

Besides these basic political problems relating to the structure of a warless world and how to start giving to the U.N. some of the kinds of authority it will need in preparation for general and complete disarmament, there are other problems in the way of disarmament with which this WILPF Congress will be dealing at another time but which should be at least mentioned here, since they, too, involve political decisions.

1. Unsolved international disputes: While it is not prerequisite that all disputes be settled before disarmament is undertaken, steps toward their settlement would certainly facilitate disarmament negotiations. What specific steps can be taken to relieve conflicts in southeast Asia, the Middle East, the Far East and Germany which now cause all nations either directly or indirectly concerned to rely on arms to protect their interests?

2. Economic fears (see working paper on "Economic and Social Impact of Disarmament," by Frances Herring).

It is evident that capitalist nations will have to make some drastic political decisions in order rationally to plan for the transition to peacetime production and that both capitalist and Socialist nations will need detailed planning for adjustment in the affected sectors of their economies.

Therefore, would it not reduce economic fears, indicate sincere interest in disarmament, and stimulate competitive planning for peace rather than for war, if nations of both major blocs made public rather detailed plans for the economic conversion process?

3. East-West distrust (see working paper on "Psychological Aspects and Cultural Methods of Achieving Disarmament," by French section).

Every day's discussion at Geneva indicates that neither West nor East accepts the other's disarmament proposals at their face value. Signs of approaching agreement seem actually to frighten them into searching for hidden disadvantages to themselves in whatever is being proposed. Distrust is equally the cause of U.S.R.R. fear of proposed inspection procedures and of U.S. fear of disarmament without effective inspection, even though both may be presumed to have a common interest in detecting violations of disarmament agreement and also in having as little inspection on their territory as is needed for this purpose.

Granting that mutual distrust has been many years building up and has considerable justification, are there political decisions which either side might make independently (i.e., unilateral initiatives) which, without leaving itself in any great danger, would decrease distrust and facilitate disarmament? For example:

(a) United States dismantling some of its bases located near U.S.S.R.?

(b) United States offering food to People's Republic of China?

(c) Either United States or U.S.S.R. removing travel restrictions on citizens of the other, and challenging the other to do likewise?

(d) Either United States or U.S.S.R. renouncing all further nuclear test unconditionally regardless of what the other does?

(e) Either the United States or U.S.S.R. inviting limited U.N. inspection of military installations sufficient to offer the other insurance against surprise attack?

* * * * *

All these obstacles to disarmament call for unprecedented political decisions. Achieving general and complete disarmament is obviously not just a matter of inspection and disarmament technology but involves questions of law and arbitration, political science, economics, psychology, etc., and complex interrelations of all these disciplines.

Therefore, the WILPF which has for 47 years taken an intelligent and realistic approach to the problems of peace must:

1. Face these complexities and give them serious study.

2. In pursuance of the recommendation by WILPF 1959 Congress for "the establishment of an international institute for research into the causes of international tensions and wars" this 1962 Congress must take all possible steps to stimulate basic research by the best minds in all these fields working together on an international and interdisciplinary basis to solve the world's most urgent problem—total and universal disarmament now.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. HUMPHREY. Madam President, if there is no further business to be transacted, I move that the Senate adjourn until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 52 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 21, 1962, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, September 20, 1962:

IN THE AIR FORCE

The officers named herein for appointment as Reserve commissioned officers in the U.S. Air Force under the provisions of sections 8012, 8201, 8218, 8351, and 8379, title 10, of the United States Code:

To be major general

Brig. Gen. Collins H. Ferris, AO411820, Wisconsin Air National Guard.

To be brigadier generals

Col. Gordon L. Doolittle, AO757963, Oregon Air National Guard.

Col. Robert W. Gilbert, AO819798, Iowa Air National Guard.

Col. Magnus B. Marks, AO861747, Michigan Air National Guard.

Col. Glennon T. Moran, AO799229, Missouri Air National Guard.

Col. Donald J. Smith, AO695779, Illinois Air National Guard.

Col. Robert W. Tucker, AO499454, Rhode Island Air National Guard.

Col. I. G. Brown, AO497687, Arkansas Air National Guard.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be captains, USAF, medical

William T. Coon, AO3048814.
William H. Greendyke, AO3041695.
Donald J. LaPorte, AO3000864.
M. Vernon Ordiway, AO3075113.
Wendell C. Schorlemer, AO3075437.
Wilber C. Voss, AO3092874.

To be captains, USAF, dental

David H. Kimball, AO3091725.
James H. Lenz.
Richard E. Spires, AO3111929.
Dwight C. Swimley, AO3090689.
Roger R. Wolf, AO3090601.

To be captains, USAF, nurse

Joan M. Bennett, AN2242775.
Ruth M. Owens, AN2242771.

To be first lieutenants, USAF, dental

Clovis G. Gault, AO1890691.
Charles D. Miller, AO3110494.
Donald W. Turner.

To be first lieutenants, USAF, nurse

James E. Bergeron, AN3075871.
Sandra L. Berry, AN3111058.
Darla J. Carroll, AN3112199.
Mary T. Giniewski, AN3046019.
Geraldine S. Griffin, AN3077440.
Josefita Swazo, AN3088622.
Marlys A. Wickboldt, AN3075911.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Distinguished Officer Training School Graduates

Myron J. Babler, AO3122346.
Robert Bellas, AO3122355.
James F. Bolt, AO3127977.
Glenn M. Buchanan, AO3127980.
Burton W. Campbell, AO3122594.
Francis J. Caravaglio, AO3122595.
Joel T. Champion, AO3122364.
Joseph F. Charlow, Jr., AO3120877.
David B. Cory, AO3122604.
Philip F. Cronin, Jr., AO3122369.
John G. Dean, AO3122611.
Richard R. Donaca, AO3122613.
Clelland R. Downs, AO3122478.
Ira Engle, Jr., AO3122376.
Robert A. Fry, AO3127998.
Thomas Gorman, AO3121664.
Robert C. Gransewicz, AO3122487.
Stephen R. Heard, AO3122494.
Robert E. Hieronymus, AO3127911.
William B. Leist, AO3128019.
Peter M. Lester, AO3128020.
Stephen L. Mauldin, Jr., AO3127922.
Francis V. McNabb, Jr., AO3127924.
Bobby J. Moneyhun, AO3127928.
Wayne E. Morrison, AO3122522.
Neil J. Ormonde, AO3128032.
Glenn F. Pribus, AO3127940.
Dana B. Rogers, AO3127944.
William A. Ryan, AO3122444.
Frank O. Shefl, AO3122545.
Robert E. Spargur, AO3127950.
David J. Spyr, AO3128041.
Victor S. Stachelczyk, AO3122425.
Maurice G. Stork, AO3127955.
Jean G. Tellier, AO3122429.
Harold A. Toth, Jr., AO3128044.
Donald L. Tweddle, AO3122330.
Clifton L. Whidbee, AO3122439.
Francis G. Whitcomb, AO3122441.

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Joseph R. DeTrani, Jr.
John A. Mellen.
Clarence H. Shub.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 1962:

U.S. DISTRICT JUDGES

Irving Ben Cooper, of New York, to be U.S. district judge for the southern district of New York.

Inzer B. Wyatt, of New York, to be U.S. district judge for the southern district of New York.

CHIEF JUDGE OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA

Morris Miller, of the District of Columbia, to be chief judge of the juvenile court of the District of Columbia for the term of 10 years.

ASSOCIATE JUDGE OF THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA

Marjorie McKenzie Lawson, of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia for the term of 10 years.

SECRETARY OF LABOR

W. Willard Wirtz, of Illinois, to be Secretary of Labor.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 20, 1962

The Very Reverend Walter J. Schmitz, dean, School of Sacred Theology, Catholic University, Washington, D.C., offered the following prayer:

In the name of the Father and of the Son and of the Holy Ghost. Amen.

O God, through whose bounty and generosity so many blessings have been bestowed upon us and our Nation, we beg Thee to guide and direct our actions and our deliberations to the end that these blessings may be the means of establishing more deeply and more forcibly the great command to love the Lord thy God and thy neighbor as thyself and thus advance the peace the whole world so anxiously awaits and desires. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 19, 1962:

H.R. 75. An act to amend section 2103 of title 28, United States Code, relating to appeals improvidently taken;

H.R. 852. An act to establish a procedure for the use of independent medical experts by the Board of Veterans' Appeals;

H.R. 857. An act to improve due process in the consideration and final adjudication of disputed claims for veterans' benefits by providing that the claimant shall be furnished a brief statement of the facts and law applicable to the case appealed and afforded an opportunity to reply thereto;

H.R. 860. An act to repeal certain obsolete provisions of title 38, United States Code, relating to unemployment compensation for Korean conflict veterans;

H.R. 1322. An act for the relief of Georges Khoury;

H.R. 1450. An act for the relief of Maria Odelia Campos;

H.R. 1463. An act for the relief of Judy Josephine Alcantara;

H.R. 1678. An act for the relief of Jacques Tawil;

H.R. 2611. An act for the relief of Charles F. Ward, Jr., and Billy W. Crane, Sr.;

H.R. 3125. An act for the relief of Joao de Freitas Ferreira de Vasconcelos;

H.R. 3619. An act for the relief of Gennaro Prudente;

H.R. 3719. An act for the relief of Pagona Pascopoulos;

H.R. 4628. An act for the relief of Fotios Sakelaropoulos Kaplan;

H.R. 4635. An act for the relief of Hattie and Joseph Patrick, Sr., and for the legal guardian of Betty Ann Smith and the legal guardian of Stanley Smith, and for the legal guardian of James E. Harris, Jr.;

H.R. 5234. An act to amend title 38, United States Code, to provide for the restoration of certain widows and children to the rolls upon annulment of their marriages or remarriages, and for other purposes;

H.R. 5317. An act for the relief of Mrs. Sun Yee (also known as Mrs. Tom Goodyou) and her children, Male Har Yee, Shee Bell Yee, and Male Jean Yee;

H.R. 6021. An act for the relief of Lt. Don Walsh and Lt. Lawrence A. Shumaker;

H.R. 6653. An act for the relief of Maurizio Placidi;

H.R. 7437. An act for the relief of Stella Rosa Pagano;

H.R. 7582. An act for the relief of Dario Taquechel;

H.R. 7900. An act for the relief of Lt. (jg.) James B. Stewart;

H.R. 8038. An act to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers, or other things which are similar in size and shape to the lawful coins or other currency of the United States;

H.R. 9775. An act for the relief of Nihat Ali Ucuncu;

H.R. 9834. An act for the relief of Estelle L. Heard;

H.R. 10195. An act to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service;

H.R. 10242. An act to amend Private Law 86–339;

H.R. 10383. An act to amend the Federal Home Loan Bank Act to give Puerto Rico the same treatment as a State in the election of Federal home loan bank directors;

H.R. 10493. An act to amend title 18, United States Code, section 4163, relating to discharge of prisoners;

H.R. 11017. An act to amend section 4281, title 18, of the United States Code, to increase from $30 to $100 the amount of gratuity which may be furnished by the Attorney General to prisoners discharged from imprisonment or released on parole;

H.R. 11031. An act for the relief of George Wm. Rueff, Inc.;

H.R. 11122. An act for the relief of Edward J. McManus;

H.R. 11863. An act for the relief of Vernon J. Wiersma;

H.R. 11914. An act for the relief of Charles Gambino;

H.R. 11996. An act to amend the act of January 30, 1913, to provide that the American Hospital of Paris shall have perpetual succession;

H.R. 12024. An act for the relief of Librande P. Caltagirone;

H.R. 12157. An act to amend the Bankruptcy Act in respect to the salaries of retired referees; and

H.J. Res. 627. Joint resolution extending the duration of copyright protection in certain cases.

On September 20, 1962:

H.J. Res. 783. Joint resolution granting consent of Congress to the State of Delaware and the State of New Jersey to enter into a compact to establish the Delaware River and Bay Authority for the development of the area in both States bordering the Delaware River and Bay.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11970. An act to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Byrd of Virginia, Mr. Kerr, Mr. Long of Louisiana, Mr. Smathers, Mr. Williams of Delaware, Mr. Carlson, and Mr. Curtis to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 273. An act for the relief of Hratch Samuel Arukian;

S. 2184. An act for the relief of Mrs. Heghine Tomassian;

S. 2208. An act for the relief of Su-Fen Chen;

S. 2760. An act for the relief of Yuk-Kan Cheuk;

S. 2768. An act to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; and

S. 3026. An act for the relief of Jeno Nagy.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) entitled "an act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes.

The message further announced that the Senate agrees to the amendments of the House to amendments of the Senate Nos. 72, 92, 95, 96, and 116 to the foregoing bill.

The message also announced that the Senate further insists upon its amendments Nos. 7, 8, and 119, requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Hill, Mr. Ellender, Mr. Robertson, Mr. Russell, Mr. Kerr, Mr. Allott, Mr. Saltonstall, and Mr. Young of North Dakota, to be conferees on the part of the Senate.

The message also announced that the Senate adheres to its amendments to bills of the House of the following titles:

H.R. 5144. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes; and

H.R. 5165. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes.

TRADE EXPANSION ACT OF 1962

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11970) an act to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes, with Senate amendments thereto, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. Mills, King of California, Boggs, Keogh, Mason, Byrnes of Wisconsin, and Baker.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 234]

Bass, N.H.
Blatnik
Blitch
Bromwell
Buckley
Celler
Curtin
Curtis, Mass.
Davis, James C.
Davis, Tenn.
Dawson
Diggs
Dooley
Doyle
Edmondson
Fino
Garland
Gray
Harsha
Hébert
Hoffman, Mich.
Hull
Kearns
Kowalski
McDonough
McSween
McVey
Magnuson
Martin, Mass.
Merrow
Moeller
Morris
Morrison
Moulder
Norrell
O'Brien, Ill.
Pilcher
Powell
Riley
Rivers, Alaska
Rogers, Colo.
Rousselot
St. Germain
Saund
Scranton
Sikes
Smith, Calif.
Smith, Miss.
Spence
Thompson, La.
Ullman
Weis
Whalley
Wilson, Calif.
Zelenko

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INTRASTATE MOTOR CARRIERS IN INTERSTATE COMMERCE

Mr. HARRIS submitted a conference report and statement on the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State.

TO AMEND CHAPTER 85 OF TITLE 28 OF THE UNITED STATES CODE

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 1960, with Senate amendments thereto and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "his duty.' " and insert "a duty owed to the plaintiff or to make a decision in any matter involving the exercise of discretion.' "

Page 2, strike out lines 12 to 18, inclusive, and insert:

" '(e) A civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, may, except as otherwise provided by law, be brought in any judicial district in which: (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4) the plaintiff resides if no real property is involved in the action."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. POFF. Mr. Speaker, reserving the right to object, inasmuch as there is departmental approval of the measure and inasmuch as there is complete support for the measure on this side of the aisle, I shall not object. However, I take this time to ask the chairman of the subcommittee, the gentleman from Georgia [Mr. Forrester], to make a brief explanation of the Senate amendments.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Georgia.

Mr. FORRESTER. Mr. Speaker, the Senate has proposed three changes in the bill as it passed the House.

First, in respect to section 1 of the bill which deals with an action to compel an officer to perform his duty, the Senate amended the House bill to spell out in greater detail the nature of the jurisdiction conferred. The Senate amendment makes it clear that the duty must be one owed to the plaintiff. It also specifies that where the duty involves the exercise of discretion, the court may compel the officer to exercise his discretion but, as the Senate report makes clear, the court may not direct or influence the substance of such a decision.

The second change proposed by the Senate is in respect to section 2 of the bill, the venue part. The House bill provided that an action within this section may be brought in any judicial district where a plaintiff in the action resides, or in which the cause of action arose, or in which any property involved in the action is situated. The Senate amendments both clarify and limit these provisions.

The Senate version limits the House bill where real property is involved in the action. In those cases the Senate would not provide for venue where the plaintiff resides.

The Senate amendments clarify in that they specifically provide for venue where a defendant in the action resides. As pointed out in the House report on this bill, it was contemplated that the provisions of the proposed section 1391 (e) would be supplementary rather than exclusive. Section 1391(b) now provides for venue in the judicial district where all the defendants reside.

The Senate amendment resolves any ambiguity which could arise in the relationship between section 1391(b) and the proposed section 1391(e) by making it clear that an action within section 1391(e) may be brought wherever a defendant in the action resides.

Finally, the Senate specifically provided that the venue provision should apply only to the extent that venue is not otherwise provided by law. The Senate report gives some examples of such proceedings. Included in those examples are proceedings brought with respect to Federal taxes and proceedings under section 5 of the act of September 26, 1961, relating to immigration. It is my understanding that as a result of section 8(a) of the Tennessee Valley Authority Act, actions against the TVA would be another example.

The Committee on the Judiciary believes that the Senate amendments contribute a great deal toward achieving clarity in this legislation. However, the committee is concerned with the wording of section 1 of the bill. The Department of Justice has informed the committee that it fears that this language may produce broad and unintended results. These, the Department states, may best be avoided by making specific reference in the statute to the mandamus concept. The Department has, therefore, proposed that section 1361 should read as follows:

> The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

The committee agrees that by specifically making relevant a body of known principles, greater certainty can be achieved. Accordingly, the committee accepts and endorses the amendment proposed by the Department of Justice.

The committee has been assured that with this amendment, the bill will receive the endorsement and support of both the Department of Justice and the Treasury Department.

We have also been assured that the amendment is acceptable to proponents of this legislation in the Senate.

Mr. POFF. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FORRESTER. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will read the motion.

The Clerk read as follows:

> Mr. FORRESTER moves to concur in Senate amendment No. 1 with the following amendment: Strike out lines 3 through 5 on page 2 of the House engrossed copy and insert in lieu thereof the following: "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

The SPEAKER. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. FORRESTER. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion of the gentleman from Georgia.

The Clerk read as follows:

> Mr. FORRESTER moves to concur in Senate amendment No. 2.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

A motion to reconsider was laid on the table.

FOOD AND AGRICULTURE ACT OF 1962

Mr. COOLEY. Mr. Speaker, I call up the conference report on the bill (H.R. 12391) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2385)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391), to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Food and Agriculture Act of 1962'.

"TITLE I—LAND-USE ADJUSTMENT

"SEC. 101. The Soil Conservation and Domestic Allotment Act (49 Stat. 163), as amended, is further amended as follows:

"(1) by repealing subsections (b), (c), (d), (e), (f), and (g) of section 7;

"(2) by repealing subsection (a) of section 8;

"(3) by amending the first sentence of subsection (b) of section 8 of said Act, as amended, by striking out the language 'Subject to the limitations provided in subsection (a) of this section, the' and inserting in lieu thereof the word 'The'; and

"(4) by adding a new subsection at the end of section 16 of said Act to read as follows:

" '(e) (1) For the purpose of promoting the conservation and economic use of land, the Secretary, without regard to the foregoing provisions of this Act, except those relating to the use of the services of State and local committees, is authorized to enter into agreements, to be carried out during such period not to exceed ten years as he may determine, with farm and ranch owners and operators providing for changes in cropping systems and land uses and for practices or measures to be carried out primarily on any lands owned or operated by them and regularly used in the production of crops (including crops such as tame hay, alfalfa, and clovers, which do not require annual tillage, and including lands covered by conservation reserve contracts under subtitle B of the Soil Bank Act) for the purpose of conserving and developing soil, water, forest, wildlife, and recreation resources. Such agreements shall include such terms and conditions as the Secretary may deem desirable to effectuate the purposes of this subsection and may provide for payments, the furnishing of materials and services, and other assistance in amounts determined by the Secretary to be fair and reasonable, in consideration of the obligations undertaken by the farm and ranch owners and operators and the rights acquired by the Secretary: *Provided,* That agreements for the establishment of tree cover may not provide for annual payments with respect to such land for a period in excess of five years.

" '(2) No agreement shall be entered into under this subsection covering land with respect to which the ownership has changed in the two year period preceding the first year of the contract period unless (a) the new ownership was acquired by will or succession as a result of the death of the previous owner, (b) the land becomes a part of an existing farm or ranch, or (c) the land is combined with other land as a farming or ranching enterprise which the Secretary determines will effectuate the purposes of the program: *Provided,* That this provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this subsection.

" '(3) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under this subsection.

"'(4) The Secretary may agree to such modification of agreements previously entered into as he may determine to be desirable to carry out the purposes of this subsection or to facilitate the practical administration of the program carried out pursuant to this subsection.

"'(5) The Secretary shall issue such regulations as he determines necessary to carry out the provisions of this subsection.

"'(6) Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this subsection, may provide in any agreement hereunder for (A) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (B) surrender of any such history and allotments.

"'(7) There is hereby authorized to be appropriated such sums as may be necessary to carry out this subsection. The Secretary is authorized to utilize the facilities, services, authorities, and funds of the Commodity Credit Corporation in discharging his functions and responsibilities under this subsection including payment of costs of administration for the program authorized under this subsection: *Provided,* That after June 30, 1963, the Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subsection unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection. The Secretary shall not enter into agreements hereunder which would require payments, the furnishing of materials and services, and other assistance, in amounts in excess of $10,000,000 for any calendar year, except that the Secretary may enter into agreements hereunder with respect to lands previously covered by conservation reserve contracts which would require payments, the furnishing of materials and services, and other assistance, in an additional amount for the calendar year 1963 not exceeding $15,000,000.'

"(5) by adding a new subsection at the end of section 16 of said Act to read as follows:

"'(f) The Secretary is authorized to use the services, facilities, and authorities of Commodity Credit Corporation for the purpose of making disbursements to producers under programs formulated pursuant to sections 8 and 16(e) of this Act: *Provided,* That no such disbursements shall be made by Commodity Credit Corporation unless it has received funds to cover the amount thereof from appropriations available for the purpose of carrying out such programs.'

"Sec. 102. (a) Section 31 of title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended, is amended by striking out 'including the retirement of lands which are submarginal or not primarily suitable for cultivation,' and by inserting following 'natural resources,' the phrase 'protecting fish and wildlife,' and by striking out the period at the end thereof and inserting ', but not to build industrial parks or establish private industrial or commercial enterprises.'

"(b) Subsection (a) of section 32 of title III of the Bankhead-Jones Farm Tenant Act, as amended, is repealed.

"(c) Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, is amended to read as follows:

"'(e) to cooperate with Federal, State, territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to assist in carrying out such plans by means of loans to State and local public agencies designated by the State legislature or the Governor, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively the purposes of this title, and to disseminate information concerning these activities. Loans to State and local public agencies shall be made only if such plans have been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over such plans, or by the Governor if there is no such State agency. No appropriation shall be made for any single loan under this subsection in excess of $250,000 unless such loan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Loans under this subsection shall be made under contracts which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than 30 years, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury on its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for 15 years from date of issue. Repayment of principal and interest on such loans shall begin within 5 years.'

"Sec. 103. The Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended as follows:

"(1) Paragraph (1) of section 4 of said Act is amended by changing the semicolon at the end thereof to a colon and adding the following: '*Provided,* That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further,* That the Secretary shall be authorized to participate in recreational development in any watershed project only to the extent that the need therefor is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: *Provided further,* That the Secretary shall be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres, or two such developments in a project containing between seventy-five thousand and one hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: *Provided further,* That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or rights-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary shall be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance shall be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds.'

"(2) Clause (A) of paragraph 2 of section 4 of said Act is amended to read as follows: '(A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife or recreational development, and'.

"Sec. 104. Clause (B) of paragraph 2 of section 4 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended to read as follows:

"'(B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this Act: *Provided,* That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act not to exceed 30 per centum of the total estimated cost of such reservoir structure where the local organization gives reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment of the cost of such water supply storage within the life of the reservoir structure: *Provided further,* That the local organization shall agree prior to initiation of construction or modification of any reservoir structure including such water supply storage to repay the cost of such water supply storage for anticipated future demands: *And provided further,* That the entire amount of the cost paid by the Secretary for such water supply storage for anticipated future demands shall be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for water supply purposes, except that (1) no repayment of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8.'

"Sec. 105. Section 5 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended to read as follows:

"'Sec. 5. (1) At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: *Provided*, That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: *Provided further*, That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation cost of such works.

"'(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure.

"'(3) Whenever the estimated Federal contribution to the construction cost of works of improvement in the plan for any watershed or subwatershed area shall exceed $250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President.

"'(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes reclamation or irrigation works or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

"'(5) Prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies, including the Department of the Interior and the Department of the Army.'

"Sec. 106. The last proviso of section 7 of the Watershed Protection and Flood Prevention Act, 68 Stat. 666, as amended, is amended to read as follows: '*Provided further*, That in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, the Secretary of Agriculture is authorized to prosecute additional works of improvement for the conservation, development, utilization, and disposal of water in accordance with the provisions of section 4 of this Act or any amendments hereafter made thereto'.

"TITLE II—AGRICULTURAL TRADE DEVELOPMENT

"Sec. 201. Title IV of the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

"(1) Section 401 is amended by adding at the end thereof the following new sentence: 'It is also the purpose of this title to stimulate and increase the sale of surplus agricultural commodities for dollars through long-term supply agreements and through the extension of credit for the purchase of such commodities, by agreements either with friendly nations or with the private trade, thereby assisting the development of the economies of friendly nations and maximizing dollar trade.'

"(2) Section 402 is amended—

"(a) by inserting ', including financial institutions acting in behalf of such nations,' after the words 'friendly nations'; and

"(b) by adding at the end thereof the following: 'In furtherance of the purpose of maximizing dollar sales through the private trade, the Secretary of Agriculture is authorized to enter into sales agreements with foreign and United States private trade under which he shall undertake to provide for the delivery of surplus agricultural commodities over such periods of time and under the terms and conditions set forth in this title. Any agreement entered into hereunder with the private trade shall provide for the furnishing of such security as the Secretary determines necessary to provide reasonable and adequate assurance of payment of the amount due for agricultural commodities sold pursuant to such agreement.'

"(3) Section 403 is amended—

"(a) by deleting the words 'approximately equal' from the last sentence thereof and substituting therefor the word 'reasonable'; and

"(b) by inserting after the word 'agreement' in the last sentence thereof the following: ', except that the date for beginning such annual payment may be deferred for a period not later than two years after such date of last delivery,'.

"(4) Section 405 is amended to read as follows:

"'Sec. 405. In the case of such agreements, the Secretary may enter into agreements with other friendly and historic supplying nations of such commodities for their participation in the supply and assistance program herein authorized on a proportionate and equitable basis.

"(5) Section 406 is amended by inserting after the word 'sections' the following: '101 (b) and (c),'.

"Sec. 202. Section 416 of the Agricultural Act of 1949, as amended, is further amended by inserting in clause (4) after the words 'needy persons' the words 'and in nonprofit school lunch programs'.

"Sec. 203. Section 308 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended by inserting after the words 'needy persons' the words 'and in nonprofit school lunch programs'.

"Sec. 204. Section 9 of the Act of September 6, 1958 (Public Law 85–931), is amended by inserting after the words 'needy persons' the words 'and in nonprofit school lunch programs'.

"Sec. 205. In any school feeding programs undertaken hereafter outside the United States pursuant to section 416 of the Agricultural Act of 1949, as amended, section 308 of Public Law 480 (83d Congress), as amended, and section 9 of the Act of September 6, 1958, as amended, the Secretary shall receive assurances satisfactory to him that, insofar as practicable, there will be student participation in the financing of such programs on the basis of ability to pay, and such programs shall be undertaken with the understanding that commodities will be available for those programs only in accordance with the provisions of such statutes and that commodities made available under section 416 of the Agricultural Act of 1949, as amended, will be available only in accordance with the priorities established in such section.

"TITLE III—COMMODITY PROGRAMS

"*Subtitle A—Feed grains*

"Sec. 301. Section 105(c) of the Agricultural Act of 1949, as amended, is amended by adding the following new paragraphs (5) and (6):

"'(5) The level of price support for the 1963 crop of corn shall be established by the Secretary at such level not less than 65 per centum of the parity price therefor as the Secretary may determine. Eighteen cents per bushel of the support price for corn, and a comparable portion of the support price for grain sorghums and barley shall be made available to producers through payments in kind. Such payments in kind shall be made on the number of bushels of such feed grain determined by multiplying the actual acreage of such feed grain planted on the farm for harvest in 1963 by the adjusted average yield per acre for the 1959 and 1960 crop acreage of such feed grain. Such payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for corn, grain sorghums, and barley (such feed grains to be valued by the Secretary at not less than the support price minus that part of the support price made available through payments in kind) and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within 30 days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning 30 days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. The Secretary shall provide for the sharing of such certificates among the producers on the farm on the basis of their respective shares in the crop produced on the farm with respect to which such certificates are issued, or the proceeds therefrom. If the operator of the farm elects to participate in the special agricultural conservation program for 1963 for corn, grain sorghums, and barley, price support shall be made available to the producers on such farm only if such producers divert from the production of such feed grains in accordance with the provisions of such program an acreage on the farm equal to the number of acres which such operator agrees to divert, and the agreement shall so provide.

"'(6) The Secretary shall require as a condition of eligibility for price support on the 1963 crop of corn, grain sorghums, and barley that the producer shall participate in the special agricultural conservation program for 1963 for corn, grain sorghums, and barley to the extent prescribed by the Secretary: *Provided*, That the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for price support for barley to participate in the special agricultural conservation program for 1963 if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest in 1963, does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960, and does not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960.'

"Sec. 302. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding the following new subsection:

"'(g) Notwithstanding any other provision of law—

"'(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1963, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn, grain sorghums, and barley to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount: *Provided*, That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn, grain sorghums, and barley in the crop years 1959 and 1960 or up to twenty-five acres, whichever is greater. Payments in kind only may be made by the Secretary for the diversion of up to an additional 30 per centum of the average acreage on the farm planted to corn, grain sorghums, and barley, in the crop years 1959 and 1960. Payments may be made at the basic county support rate for the 1962 crop in effect at the time payment rates for the special feed grain program for 1963 are established, adjusted to reflect any changes between the national support rates for the 1962 and 1963 crops on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. The Secretary may also make such adjustments in yields as he determines necessary to reflect any increases in yields since the 1959 and 1960 crop years as the result of the adoption or the improvement of an irrigation system if such improvement or adoption of such irrigation system was made prior to the effective date of this sentence but such adjustment in yields shall apply only to payments with respect to acreage diverted pursuant to the requirements of section 105(c)(6) of the Agricultural Act of 1949, as amended. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance. Notwithstanding any other provision of this subsection (g)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(c)(6) of the Agricultural Act of 1949 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

"'(2) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(g). Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1963, and to pay such costs as may be incurred in carrying out section 303 of the Food and Agriculture Act of 1962.

"'(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.'

"SEC. 303. Payments in cash shall be made by Commodity Credit Corporation and payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains (valued at not less than the support price minus that part of the support price made available through payments in kind) and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates at such time and in such manner as the Secretary determines will best effectuate the purposes of the special feed grain program for 1963 authorized by this Act. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate.

"SEC. 304. Notwithstanding any other provision of law, the Secretary may place such limits on the extent that producers may participate in the special feed grain conservation program for 1963 authorized by this Act as he determines necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of corn, grain sorghums, or barley.

"SEC. 305. The Agricultural Act of 1949, as amended, is amended by striking out subsection (a) of section 105 and inserting in lieu thereof the following:

"'(a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1964 crop, price support shall be made available to producers for each crop of corn at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn.'

"Subtitle B—Wheat

"Program for 1963

"SEC. 306. Price support for the 1963 crop of wheat shall be made available as provided in section 101 of the Agricultural Act of 1949, as amended, except that (1) price support shall be made available only to cooperators, and only in the commerical wheat-producing area, (2) if the operator of the farm elects to participate in the program formulated under section 307—

"(A) price support shall be made available to the producers on such farm only if such producers divert from the production of wheat in accordance with the provisions of such program an acreage on the farm equal to the number of acres which such operator agrees to divert, and the agreement shall so provide, and

"(B) the level of price support for wheat of the 1963 crop to such participating producers shall be at a national average of two dollars per bushel and the amount by which such level of two dollars per bushel exceeds the national average level available to cooperators who are not participating producers shall be made available as hereinafter provided, and

(3) the national average level of price support for wheat of the 1963 crop to cooperators who are not participating producers shall be one dollar and eighty-two cents per bushel. The amount by which the level of two dollars per bushel exceeds the level of price support available to cooperators who are not participating producers shall be made available through payments in kind, on the number of bushels of wheat determined by multiplying the actual acreage of wheat planted on the farm for harvest in 1963 by the normal yield of wheat for the farm. Such payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for wheat (such wheat to be valued by the Secretary at not less than the current support price for wheat to cooperators who are not participants in the program formulated under section 307) and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within 30 days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning 30 days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. The Secretary shall provide for the sharing of such certificates among the producers on the farm on the basis of their respective shares in the wheat crop produced on the farm, or the proceeds therefrom. For purposes of section 407 of the Agricultural Act of 1949, the 'current support price' for wheat during the marketing year for the 1963 crop shall be the support price for such crop to cooperators who are not participants in the program formulated under section 307.

"SEC. 307. (a) If marketing quotas are in effect for the 1963 crop of wheat, producers on any farm, except a farm on which a new farm wheat allotment is established for the crop, in the commercial wheat-producing area shall be eligible for payments determined as provided in subsection (b) upon compliance with the conditions hereinafter prescribed:

"(1) Such producers shall divert from the production of wheat an acreage on the farm equal to 20 per centum of the higher of (i) the average acreage of the crops of wheat planted for harvest in the calendar years 1959, 1960, and 1961, with adjustments for abnormal weather conditions, established crop-rotation practices on the farm, and such other factors as the Secretary determines should be considered, but not to exceed 15 acres, or (ii) the farm acreage allotment for the 1963 crop of wheat. Such producers may divert additional acreage on the farm not in excess of the larger of one and one-half times the amount diverted under the preceding sentence or such acreage as will bring the total acreage diverted to

10 acres: *Provided,* That the total acreage diverted shall not exceed the larger of (i) or (ii) of the preceding sentence.

"(2) Such diverted acreage shall be devoted to conservation uses including summer fallow, approved by the Secretary, and such measures shall be taken as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents: *Provided,* That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, and flax when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the provisions of subsection (b)(4) of this section.

"(3) The total acreage of cropland on the farm devoted to soil-conserving uses, including summer-fallow and idle land, but excluding the acreage diverted as provided above and acreage diverted under the special program for feed grains, shall not be less than the total average acreage of cropland devoted to soil-conserving uses, including summer-fallow and idle land on the farm in 1959 and 1960. Certification by the producer with respect to such acreage may be accepted as evidence of compliance with the foregoing provision. The total average acreage devoted to soil-conserving uses, including summer-fallow and idle land, in 1959 and 1960, shall be subject to adjustment to the extent the Secretary determines appropriate for abnormal weather conditions or other factors affecting production, established crop-rotation practices on the farm, changes in the constitution of the farm, participation in other Federal farm programs, or to give effect to the provisions of law relating to release and reapportionment or preservation of history.

"(4) The actual acreage planted to wheat for harvest on the farm in 1963 shall be reduced by the total amount of acres diverted under this section below whichever of the following acreages is the larger—

"(A) the farm acreage allotment for the 1963 crop of wheat;

"(B) the average acreage of the crops of wheat planted for harvest in the calendar years 1959, 1960, and 1961 with adjustments as provided above, but not to exceed 15 acres.

"(b)(1) Upon compliance with the conditions prescribed in subsection (a) producers on the farm shall be eligible for payments which shall be made by Commodity Credit Corporation in cash or wheat not in excess of 50 per centum of the value, at the estimated basic county support rate (available to cooperators who are not participants in the program formulated pursuant to this section) per bushel for Number 1 wheat for the county in which the farm is considered as being located for the administration of farm marketing quotas for wheat, of the number of bushels equal to the adjusted yield per acre of wheat for the farm, multiplied by the number of diverted acres other than acres devoted to special crops pursuant to the proviso in subsection (a)(2) of this section, payment for which shall be computed in accordance with subsection (b)(4) of this section.

"(2) The Secretary may make such adjustments in yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual yields for the farm for the 1959 and 1960 crop years, such yields shall be used in making determinations.

"(3) The Secretary shall provide by regulations for the sharing of payments among producers on the farm on a fair and equitable basis. The medium of payment shall be determined by the Secretary. If payments are made in wheat, the value of the payments in cash shall be converted to wheat at not less than the current support price for wheat to cooperators who are not participants in the program formulated pursuant to this section. Wheat received as payment-in-kind may be marketed without penalty but shall not be eligible for price support.

"(4) Payment with respect to diverted acreage devoted to special crops pursuant to the proviso of subsection (a)(2) of this section shall be at a rate determined by the Secretary to be fair and reasonable taking into consideration the use of such acreage for the production of such crops: *Provided,* That in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage.

"(c) Any acreage diverted from the production of wheat to conservation uses for which payment is made under the program formulated pursuant to this section shall be in addition to any acreage diverted to conservation uses for which payment is made under any other Federal program except that the foregoing shall not preclude the making of cost-sharing payments under the agricultural conservation program or the Great Plains program for conservation practices carried out on any acreage devoted to soil-conserving uses under the program formulated pursuant to this section.

"(d) The Secretary may provide for adjusting any payment on account of failure to comply with the terms and conditions of the program formulated under this section.

"(e) Not to exceed 50 per centum of any payment to producers under this section may be made in advance of determination of performance.

"(f) The program formulated pursuant to this section may include such terms and conditions, in addition to those specifically provided for herein, as the Secretary determines are desirable to effectuate the purposes of this section.

"(g) Wheat stored to avoid or postpone a marketing quota penalty under the Agricultural Adjustment Act of 1938, as amended and supplemented, shall not be released from storage for underplanting based upon acreage diverted hereunder, and in determining production of the crop of wheat for the purpose of releasing wheat from storage on account of underproduction the normal yield of the acres diverted from the allotment shall be deemed to be actual production of wheat.

"(h) The Secretary is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section.

"(i) The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized herein and to pay administrative expenses necessary in carrying out this section during the period ending June 30, 1963. There is authorized to be appropriated such amounts as may be necessary to pay administrative expenses necessary in carrying out this section after June 30, 1963.

"Sec. 308. (a) Section 334(e) of the Agricultural Adjustment Act of 1938, as amended, is amended by changing the period to a comma at the end of the next to the last sentence and adding the following: 'or section 307 of the Food and Agriculture Act of 1962.'

"(b) The special wheat program formulated under section 307 of this Act shall not be applicable to any farm receiving an additional allotment under section 334(i) of the Agricultural Adjustment Act of 1938, as amended.

"Sec. 309. Item (7) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340(7)), as amended, is amended by changing the period at the end thereof to a colon, and adding the following: '*Provided, further,* that a farm marketing quota on the 1963 crop of wheat shall be applicable to any farm on which the acreage of wheat exceeds the smaller of (1) 15 acres, or (2) the highest number of acres actually planted to wheat on the farm for harvest in any of the calendar years 1959, 1960, or 1961.'

"Program for 1964 and Subsequent Crops

"Subtitle B—Wheat

"Sec. 310. Section 331 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended by striking out the last paragraph thereof and inserting in lieu thereof the following paragraphs:

" 'Wheat which is planted and not disposed of prior to the date prescribed by the Secretary for the disposal of excess acres of wheat is an addition to the total supply of wheat and has a direct effect on the price of wheat in interstate and foreign commerce and may also affect the supply and price of livestock and livestock products. In the circumstances, wheat not disposed of prior to such date must be considered in the same manner as mechanically harvested wheat in order to achieve the policy of the Act.

" 'The diversion of substantial acreages from wheat to the production of commodities which are in surplus supply or which will be in surplus supply if they are permitted to be grown on the diverted acreage would burden, obstruct, and adversely affect interstate and foreign commerce in such commodities, and would adversely affect the prices of such commodities in interstate and foreign commerce. Small changes in the supply of a commodity could create a sufficient surplus to affect seriously the price of such commodity in interstate and foreign commerce. Large changes in the supply of such commodity could have a more acute effect on the price of the commodity in interstate and foreign commerce and, also, could overtax the handling, processing, and transportation facilities through which the flow of interstate and foreign commerce in such commodity is directed. Such adverse effects caused by overproduction in one year could further result in a deficient supply of the commodity in the succeeding year, causing excessive increases in the price of the commodity in interstate and foreign commerce in such year. It is, therefore, necessary to prevent acreage diverted from the production of wheat to be used to produce commodities which are in surplus supply or which will be in surplus supply if they are permitted to be grown on the diverted acreage.

" 'The provisions of this part affording a cooperative plan to wheat producers are necessary in order to minimize recurring surpluses and shortages of wheat in interstate and foreign commerce, to provide for the maintenance of adequate reserve supplies thereof, to provide for an adequate and orderly flow of wheat and its products in interstate and foreign commerce at prices which are fair and reasonable to farmers and consumers, and to prevent acreage diverted from the production of wheat from adversely affecting other commodities in interstate and foreign commerce.'

"Sec. 311. Section 332 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended by striking out the provisions of such section and by inserting in lieu thereof the following:

" 'National Marketing Quota

" 'Sec. 332. (a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year and for either the following marketing year or the following two marketing years, if the Secretary determines and declares in such proclamation that a two- or three-year marketing quota program is necessary to effectuate the policy of the Act.

" '(b) If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) as the average amount which was utilized as livestock (including poultry) feed in the marketing years beginning in 1959 and 1960; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the Act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than one billion bushels.

" '(c) If, after the proclamation of a national marketing quota for wheat for any marketing year, the Secretary has reason to believe that, because of a national emergency or because of a material increase in the demand for wheat, the national marketing quota should be terminated or the amount thereof increased, he shall cause an immediate investigation to be made to determine whether such action is necessary in order to meet such emergency or increase in the demand for wheat. If, on the basis of such investigation, the Secretary finds that such action is necessary, he shall immediately proclaim such finding and the amount of any such increase found by him to be necessary and thereupon such national marketing quota shall be so increased or terminated. In case any national marketing quota is increased under this subsection, the Secretary shall provide for such increase by increasing acreage allotments established under this part by a uniform percentage.'

"Sec. 312. Section 333 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

" 'National Acreage Allotment

" 'Sec. 333. Whenever the amount of the national marketing quota for wheat is proclaimed for any marketing year, the Secretary at the same time shall proclaim a national acreage allotment for the crop of wheat planted for harvest in the calendar year in which such marketing year begins. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of expected yields and expected underplantings of farm acreage allotments will, together with (1) the expected production on the increases in acreage allotments for farms based upon small-farm base acreages pursuant to section 335, and (2) the expected production on increased acreages resulting from the small-farm exemption pursuant to section 335, make available a supply of wheat equal to the national marketing quota for wheat for such marketing year.'

"Sec. 313. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

"(1) By amending subsection (e) thereof by striking out in the first sentence thereof 'any of the 1962, 1963, and 1964 crops' and inserting in lieu thereof 'the 1962 and 1963 crops'.

"(2) By repealing subsection (g) thereof and by redesignating subsections (h) and (i) thereof as (g) and (h) respectively.

"(3) By amending subsection (i) thereof, redesignated by this section as subsection (h), by inserting the following sentence immediately following the seventh sentence thereof: 'The land-use provisions of section 339 shall not be applicable to any farm receiving an additional allotment under this subsection.'

"(4) By adding at the end thereof the following new subsection:

" '(i) If, with respect to any crop of wheat, the Secretary finds that the acreage allotments of farms producing any type of wheat are inadequate to provide for the production of a sufficient quantity of such type of wheat to satisfy the demand therefor, the wheat acreage allotment for such crop for each farm located in a county designated by the Secretary as a county which (1) is capable of producing such type of wheat, and (2) has produced such type of wheat for commercial food products during one or more of the five years immediately preceding the year in which such crop is harvested, shall be increased by such uniform percentage as he deems necessary to provide for such quantity. No increase shall be made under this subsection in the wheat acreage allotment of any farm for any crop if any wheat other than such type of wheat is planted on such farm for such crop. Any increases in wheat acreage allotments authorized by this subsection shall be in addition to the National, State, and county wheat acreage allotments, and such increases shall not be considered in establishing future State, county, and farm allotments. The provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340(6)), and section 326(b) of this Act, relating to the reduction of the storage amount of wheat shall apply to the allotment for the farm established without regard to this subsection and not to the increased allotment under this subsection. The land-use provisions of section 339 shall not be applicable to any farm receiving an increased allotment under this subsection and the producers on such farms shall not be required to comply with such provisions as a condition of eligibility for price support.'

"Sec. 314. Part III of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is hereby amended by adding immediately after section 334 thereof the following:

" 'Commercial Area

" 'Sec. 334a. If the acreage allotment for any State for any crop of wheat is twenty-five thousand acres or less, the Secretary, in order to promote efficient administration of this Act and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for the marketing year for such crop. If such State is so designated, acreage allotments for such crop and marketing quotas for the marketing year therefor shall not be applicable to any farm in such State. Acreage allotments in any State shall not be increased by reason of such designation.'

"Sec. 315. Section 335 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

" 'Small Farm Exemption

" 'Sec. 335. Notwithstanding any other provision of this part, no farm marketing quota for any crop of wheat shall be applicable to any farm with a farm acreage allotment of less than fifteen acres if the acreage of such crop of wheat does not exceed the small-farm base acreage determined for the farm, unless the operator elects in writing on a form and within the time prescribed by the Secretary to be subject to the farm acreage allotment and marketing quota. The small-farm base acreage for a farm shall be the smaller of (A) the average acreage of the crop of wheat planted for harvest in the three years 1959, 1960, and 1961, or such later three-year period, excluding 1963, determined by the Secretary to be representative, with adjustments for abnormal weather conditions, established crop-rotation practices on the farm, and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable small-farm base acreage, or (B) fifteen acres. The acreage allotment for any farm shall be the larger of (1) the small-farm base acreage determined as provided above on the basis of the three-year period 1959–1961, reduced by the same percentage by which the national acreage allotment for the crop is reduced below fifty-five million acres, or (2) the acreage allotment determined without regard to (1) above. If the operator of any such farm fails to make such election with respect to any crop of wheat, (i) for the purposes of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340), as amended, the farm acreage allotment for such crop of wheat shall be deemed to be the larger of (A) the small-farm base acreage or (B) the acreage allotment for the farm, (ii) the land-use provisions of section 339 shall be inapplicable to the farm, (iii) such crop of wheat shall not be eligible for price support, and (iv) wheat marketing certificates applicable to such crop shall not be issued with respect to the farm. The additional acreage required to provide acreage allotments for farms based upon small-farm base acreages under this section shall be in addition to National, State, and county acreage allotments.'

"Sec. 316. Section 336 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

" 'Referendum

" 'Sec. 336. If a national marketing quota for wheat for one, two, or three marketing years is proclaimed, the Secretary shall, not later than sixty days after such proclamation is published in the Federal Register, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the marketing year or years for which proclaimed. Any producer who has a farm acreage allotment shall be eligible to vote in any referendum held pursuant to this section, except that a producer who has a farm acreage allotment of less than fifteen acres shall not be eligible to vote unless the farm operator elected pursuant to section 335 to be subject to the farm marketing quota. The Secretary shall proclaim the results of any referendum held hereunder within thirty days after the date of such referendum, and if the Secretary determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, the Secretary shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. If the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.'

"SEC. 317. Section 337 of the Agricultural Adjustment Act of 1938, as amended, is hereby repealed.

"SEC. 318. The Agricultural Adjustment Act of 1938, as amended, is hereby amended by adding after section 338 a new section as follows:

"'Land Use

"'SEC. 339. (a) (1) During any year in which marketing quotas for wheat are in effect, the producers on any farm (except a new farm receiving an allotment from the reserve for new farms) on which any crop is produced on acreage required to be diverted from the production of wheat shall be subject to a penalty on such crop, in addition to any marketing quota penalty applicable to such crops, as provided in this subsection unless (1) the crop is designated by the Secretary as one which is not in surplus supply and will not be in surplus supply if it is permitted to be grown on the diverted acreage, or as one the production of which will not substantially impair the purpose of the requirements of this section, or (2) no wheat is produced on the farm, and the producers have not filed an agreement or a statement of intention to participate in the payment program formulated pursuant to subsection (b) of this section. The acreage required to be diverted from the production of wheat on the farm shall be an acreage of cropland equal to the number of acres determined by multiplying the farm acreage allotment by the diversion factor determined by dividing the number of acres by which the national acreage allotment is reduced below fifty-five million acres by the number of acres in the national acreage allotment. The actual production of any crop subject to penalty under this subsection shall be regarded as available for marketing and the penalty on such crop shall be computed on the actual acreage of such crop at the rate of 65 per centum of the parity price per bushel of wheat as of May 1 of the calendar year in which such crop is harvested, multiplied by the normal yield of wheat per acre established for the farm. Until the producers on any farm pay the penalty on such crop, the entire crop of wheat produced on the farm and any subsequent crop of wheat subject to marketing quotas in which the producer has an interest shall be subject to a lien in favor of the United States for the amount of the penalty. Each producer having an interest in the crop or crops on acreage diverted or required to be diverted from the production of wheat shall be jointly and severally liable for the entire amount of the penalty. The persons liable for the payment or collection of the penalty under this section shall be liable also for interest thereon at the rate of 6 per centum per annum from the date the penalty becomes due until the date of payment of such penalty.

"'(2) The Secretary may require that the acreage on any farm diverted from the production of wheat be land which was diverted from the production of wheat in the previous year, to the extent he determines that such requirement is necessary to effectuate the purposes of this subtitle.

"'(3) The Secretary may permit the diverted acreage to be grazed in accordance with regulations prescribed by the Secretary.

"'(b) The Secretary is authorized to formulate and carry out a program with respect to the 1964 and 1965 crops of wheat under which, subject to such terms and conditions as he determines are desirable to effectuate the purposes of this section, payments may be made in amounts not in excess of 50 per centum of the estimated basic county support rate on the normal production of the acreage diverted taking into account the income objectives of the Act, determined by the Secretary to be fair and reasonable with respect to acreage diverted pursuant to subsection (a) of this section. The Secretary may permit producers on any farm to divert from the production of wheat an acreage, in addition to the acreage diverted pursuant to subsection (a), equal to 20 per centum of the farm acreage allotment for wheat: *Provided*, That the producers on any farm may, at their election, divert such acreage in addition to the acreage diverted pursuant to subsection (a), as will bring the total acreage diverted on the farm to fifteen acres. Such program shall require (1) that the diverted acreage shall be devoted to conservation uses approved by the Secretary; (2) that the total acreage of cropland on the farm devoted to soil-conserving uses, including summer fallow and idle land but excluding the acreage diverted as provided above, shall be not less than the total average acreage of cropland devoted to soil-conserving uses including summer fallow and idle land on the farm during a representative period, as determined by the Secretary, adjusted to the extent the Secretary determines appropriate for (i) abnormal weather conditions or other factors affecting production, (ii) established crop-rotation practices on the farm, (iii) participation in other Federal farm programs, (iv) unusually high percentage of land on the farm devoted to conserving uses, and (v) other factors which the Secretary determines should be considered for the purpose of establishing a fair and equitable soil-conserving acreage for the farm; and (3) that the producer shall not knowingly exceed (i) any farm acreage allotment in effect for any commodity produced on the farm, and (ii) except as the Secretary may by regulations prescribe, with the farm acreage allotments on any other farm for any crop in which the producer has a share: *Provided*, That no producer shall be deemed to have exceeded a farm acreage allotment for wheat if the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty: *And provided further*, That no producer shall be deemed to have exceeded a farm acreage allotment for any crop of wheat if the farm is exempt from the farm marketing quota for such crop under section 335. The producers on a new farm shall not be eligible for payments hereunder. The Secretary shall provide for the sharing of payment among producers on the farm on a fair and equitable basis. Payments may be made in cash or in wheat.

"'(c) The Secretary may provide for adjusting any payment on account of failure to comply with the terms and conditions of the land-use program formulated under subsection (b) of this section.

"'(d) Not to exceed 50 per centum of any payment to producers under subsection (b) of this section may be made in advance of determination of performance.

"'(e) The Secretary may permit the diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable taking into consideration the use of such acreage for the production of such crops: *Provided*, That in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage.

"'(f) The program formulated pursuant to subsection (b) of this section may include such terms and conditions, including provision for the control of erosion, in addition to those specifically provided for herein, as the Secretary determines are desirable to effectuate the purposes of this section.

"'(g) The Secretary is authorized to promulgate such regulations as may be desirable to carry out the provisions of this section.

"'(h) The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized in this section and to pay administrative expenses necessary in carrying out this section during the period ending June 30, 1963. There is authorized to be appropriated such amounts as may be necessary thereafter to pay such administrative expenses.'

"SEC. 319. Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340), as amended, is hereby amended as follows:

"(1) By amending paragraph (1) to read as follows:

"'(1) The farm marketing quota for any crop of wheat shall be the actual production of the acreage planted to such crop of wheat on the farm less the farm marketing excess. The farm marketing excess shall be an amount equal to twice the normal yield of wheat per acre established for the farm multiplied by the number of acres of such crop of wheat on the farm in excess of the farm acreage allotment for such crop unless the producer, in accordance with regulations issued by the Secretary and within the time prescribed therein, establishes to the satisfaction of the Secretary the actual production of such crop of wheat on the farm. If such actual production is so established, the farm marketing excess shall be an amount equal to the actual production of the number of acres of wheat on the farm in excess of the farm acreage allotment for such crop. In determining the farm marketing quota and farm marketing excess, any acreage of wheat remaining after the date prescribed by the Secretary for the disposal of excess acres of wheat shall be included as acreage of wheat on the farm, and the production thereof shall be appraised in such manner as the Secretary determines will provide a reasonably accurate estimate of such production. Any acreage of wheat disposed of in accordance with regulations issued by the Secretary prior to such date as may be prescribed by the Secretary shall be excluded in determining the farm marketing quota and farm marketing excess. Self-seeded (volunteer) wheat shall be included in determining the acreage of wheat. Marketing quotas for any marketing year shall be in effect with respect to wheat harvested in the calendar year in which such marketing year begins notwithstanding that the wheat is marketed prior to the beginning of such marketing year.'

"(2) by amending paragraph (2) to read as follows:

"'(2) Whenever farm marketing quotas are in effect with respect to any crop of wheat, the producers on a farm shall be subject to a penalty on the farm marketing excess of wheat at a rate per bushel equal to 65 per centum of the parity price per bushel of wheat as of May 1 of the calendar year in which the crop is harvested. Each producer having an interest in the crop of wheat on any farm for which a farm marketing excess of wheat is determined shall be jointly and severally liable for the entire amount of the penalty on the farm marketing excess.'

"(3) By inserting in paragraph (3) 'twice' before 'the normal production' in the first and second sentences thereof, and by inserting in the second sentence thereof 'twice the' between 'of' and 'normal' in the phrase 'upon the basis of normal production', by striking out 'corn and' from the first sentence thereof, and by striking out 'corn or' from the last sentence thereof.

"(4) By amending paragraph (4) to read as follows:

" '(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of wheat, the entire crop of wheat produced on the farm and any subsequent crop of wheat subject to marketing quotas in which the producer has an interest shall be subject to a lien in favor of the United States for the amount of the penalty.'

"(5) By striking out 'corn or' from paragraph (5).

"(6) By striking out 'corn or' from paragraph (6).

"(7) By repealing paragraph (7), and by renumbering paragraphs (8) through (11) as (7) through (10), respectively.

"(8) By striking out 'corn or' and ', as the case may be,' from paragraph (8), redesignated by this section as paragraph (7), and adding at the end of such paragraph the following sentence: 'If the buyer fails to collect such penalty, such buyer and all persons entitled to share in the wheat marketed from the farm or the proceeds thereof shall be jointly and severally liable for such penalty.'

"(9) By repealing paragraph (12), and by adding the following new paragraphs to follow paragraph (11), redesignated by this section as paragraph (10):

" '(11) The persons liable for the payment or collection of the penalty on any amount of wheat shall be liable also for interest thereon at the rate of 6 per centum per annum from the date the penalty becomes due until the date of payment of such penalty.

" '(12) If marketing quotas for wheat are not in effect for any marketing year, all previous marketing quotas applicable to wheat shall be terminated, effective as of the first day of such marketing year. Such termination shall not abate any penalty previously incurred by a producer or relieve any buyer of the duty to remit penalties previously collected by him.'

"Sec. 320. Section 301(b) (13) of the Agricultural Adjustment Act of 1938, as amended, is amended—

"(1) by striking out paragraph (A);

"(2) by inserting in paragraphs (D) and (E) after the words 'in the case of rice' the words 'and wheat,' by inserting in said paragraphs after the words 'per acre of rice' the following: 'or wheat, as the case may be,', and by inserting in said paragraph after 'determined' the following: 'in the case of rice, or during the five years immediately preceding the year in which such normal yield is determined in the case of wheat';

"(3) by striking from paragraph (G) the following: (A) 'wheat,' in each of the two places it first occurs therein; (B) 'and, in the case of wheat, but not in the case of corn, cotton, or peanuts, for trends in yields'; (C) 'ten calendar years in the case of wheat, and'; and (D) 'in the case of corn, cotton, or peanuts,'.

"Sec. 321. Section 371 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended as follows:

"(1) Subsection (a) is amended by deleting 'corn, wheat,' in the first sentence thereof.

"(2) The first sentence of subsection (b) is amended by striking out 'any national acreage allotment for corn or', 'wheat,' and 'in order to effect the declared policy of this Act or'.

"Sec. 322. Section 385 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended by inserting in the first sentence after 'parity payment,' the following: 'payment under section 339,'.

"Sec. 323. The amendments to the Agricultural Adjustment Act of 1938, as amended, and to Public Law 74, Seventy-seventh Congress, as amended, made by sections 310 through 322 of this Act shall be in effect only with respect to programs applicable to the crops planted for harvest in the calendar year 1964 or any subsequent year and the marketing years beginning in the calendar year 1964, or any subsequent year.

"Wheat Marketing Allocation Program

"Sec. 324. Title III of the Agricultural Adjustment Act of 1938, as amended, is hereby amended (1) by designating subtitles D and E as subtitles E and F, respectively, and (2) by inserting after subtitle C a new subtitle D as follows:

" '*Subtitle D—Wheat marketing allocation*

" 'Legislative Findings

" 'Sec. 379a. Wheat, in addition to being a basic food, is one of the great export crops of American agriculture and its production for domestic consumption and for export is necessary to the maintenance of a sound national economy and to the general welfare. The movement of wheat from producer to consumer, in the form of the commodity or any of the products thereof, is preponderantly in interstate and foreign commerce. Unreasonably low prices of wheat to producers impair their purchasing power for nonagricultural products and place them in a position of serious disparity with other industrial groups. The conditions affecting the production of wheat are such that without Federal assistance, producers cannot effectively prevent disastrously low prices for wheat. It is necessary, in order to assist wheat producers in obtaining fair prices, to regulate the price of wheat used for domestic food and for exports in the manner provided in this subtitle.

" 'Wheat Marketing Allocation

" 'Sec. 379b. During any marketing year for which a marketing quota is in effect for wheat, beginning with the marketing year for the 1964 crop, a wheat marketing allocation program shall be in effect as provided in this subtitle. Whenever a wheat marketing allocation program is in effect for any marketing year the Secretary shall determine (1) the wheat marketing allocation for such year which shall be the amount of wheat which in determining the national marketing quota for such marketing year he estimated would be used during such year for human consumption in the United States, as food, food products, and beverages, composed wholly or partly of wheat, and that portion of the amount of wheat which in determining such quota he estimated would be exported in the form of wheat or products thereof during the marketing year on which the Secretary determines that marketing certificates shall be issued to producers in order to achieve, insofar as practicable, the price and income objectives of this subtitle, and (2) the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota. Each farm shall receive a wheat marketing allocation for such marketing year equal to the number of bushels obtained by multiplying the number of acres in the farm acreage allotment for wheat by the normal yield of wheat for the farm as determined by the Secretary, and multiplying the resulting number of bushels by the national allocation percentage. If a noncommercial wheat-producing area is established for any marketing year, farms in such area shall be given wheat marketing allocations which are determined by the Secretary to be fair and reasonable in relation to the wheat marketing allocation given producers in the commercial wheat-producing area.

" 'Marketing Certificates

" 'Sec. 379c. (a) The Secretary shall provide for the issuance of wheat marketing certificates for each marketing year for which a wheat marketing allocation program is in effect for the purpose of enabling producers on any farm with respect to which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the value of such certificates. The wheat marketing certificates issued with respect to any farm for any marketing year shall be in the amount of the farm wheat marketing allocation for such year, but not to exceed (i) the actual acreage of wheat planted on the farm for harvest in the calendar year in which the marketing year begins multiplied by the normal yield of wheat for the farm, plus (ii) the amount of wheat stored to avoid or postpone a marketing quota penalty, which is released from storage during the marketing year on account of underplanting or underproduction. The Secretary shall provide for the sharing of wheat marketing certificates among producers on the farm on the basis of their respective shares in the wheat crop produced on the farm, or the proceeds therefrom.

" '(b) No producer shall be eligible to receive wheat marketing certificates with respect to any farm for any marketing year in which a marketing quota penalty is assessed for any commodity on such farm or in which the farm has not complied with the land-use requirements of section 339 to the extent prescribed by the Secretary, or in which, except as the Secretary may by regulation prescribe, the producer exceeds the farm acreage allotment on any other farm for any commodity in which he has an interest as a producer. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty. No producer shall be deemed to have exceeded the farm acreage allotment for wheat on any other farm, if such farm is exempt from the farm marketing quota for such crop under section 335.

" '(c) Whenever a wheat marketing allocation program is in effect for any marketing year, the Secretary shall determine and proclaim for such marketing year the face value per bushel of marketing certificates. The face value per bushel of marketing certificates shall be equal to the amount of which the level of price support for wheat accompanied by certificates exceeds the level of price support for wheat not accompanied by certificates (noncertificate wheat).

" '(d) Marketing certificates and transfers thereof shall be represented by such documents, marketing cards, records, accounts, certifications, or other statements or forms as the Secretary may prescribe.

" 'Marketing Restrictions

" 'Sec. 379d. (a) All persons are prohibited from acquiring marketing certificates from the producer to whom such certificates are issued, unless such certificates are acquired in connection with the acquisition from such producer of a number of bushels of wheat equivalent to the marketing certificates. Marketing certificates shall be transferable only in accordance with regulations prescribed by the Secretary. Any unused certificates legally held by persons other than the producer to whom such certificates are issued shall be purchased by Commodity Credit Corporation if tendered to the Corporation for purchase in accordance with regulations prescribed by the Secretary. Notwithstanding the foregoing provisions of this section, Commodity Credit Corporation is authorized to purchase from producers certificates not accompanied by wheat in cases where the Secretary determines that it would constitute an undue hardship to require the producer to transfer his certificates only in connection with the disposition of wheat.

" '(b) During any marketing year for which a wheat marketing allocation program is in effect, (i) all persons engaged in the processing of wheat into food products shall, prior to marketing any such product for human food in the United States, acquire marketing certificates equivalent to the number of bushels of wheat contained in such product, and (ii) all persons exporting wheat or food products shall prior to such export acquire marketing certificates equivalent to the number of bushels so exported. Marketing certificates shall be valid to cover only sales or exportations made during the marketing year with respect to which they are issued, and after being once used to cover a sale or export of a food product or an export of wheat shall be void and shall be disposed of in accordance with regulations prescribed by the Secretary. Notwithstanding the foregoing provisions hereof, the Secretary may require marketing certificates issued for any marketing year to be acquired to cover sales or exportations made on or after the date during the calendar year in which wheat harvested in such calendar year begins to be marketed as determined by the Secretary even though such wheat is marketed prior to the beginning of the marketing year, and marketing certificates for such marketing year shall be valid to cover sales or exportations made on or after the date so determined by the Secretary.

"'(c) Upon the giving of a bond or other undertaking satisfactory to the Secretary to secure the purchase of and payment for such marketing certificates as may be required, and subject to such regulations as he may prescribe, any person required to have marketing certificates in order to market or export a commodity may be permitted to market any such commodity without having first acquired marketing certificates.

"'(d) As used in this subtitle, the term "food products" means any product composed wholly or partly of wheat to be used for human consumption, including beverage.

"'Assistance in Purchase and Sale of Marketing Certificates

"'Sec. 379e. For the purpose of facilitating the purchase and sale of marketing certificates, the Commodity Credit Corporation is authorized to issue, buy, and sell marketing certificates in accordance with regulations prescribed by the Secretary. Such regulations may authorize the Corporation to issue and sell certificates in excess of the quantity of certificates which it purchases. Such regulations may authorize the Corporation in the sale of marketing certificates to charge, in addition to the face value thereof, an amount determined by the Secretary to be appropriate to cover estimated administrative costs in connection with the purchase and sale of the certificates and estimated interest incurred on funds of the Corporation invested in certificates purchased by it.

"'Conversion Factors

"'Sec. 379f. The Secretary shall establish conversion factors which shall be used to determine the amount of wheat contained in any food product. The conversion factor for any such food product shall be determined upon the basis of the weight of wheat used in the manufacture of such product.

"'Authority To Facilitate Transition

"'Sec. 379g. The Secretary is authorized to take such action as he determines to be necessary to facilitate the transition from the program currently in effect to the program provided for in this subtitle. Notwithstanding any other provision of this subtitle, such authority shall include, but shall not be limited to, the authority to exempt all or a portion of the wheat or food products made therefrom in the channels of trade on the effective date of the program under this subtitle from the marketing restrictions in subsection (b) of section 379d, or to sell certificates to persons owning such wheat or food products at such prices as the Secretary may determine. Any such certificate shall be issued by Commodity Credit Corporation.

"'Reports and Records

"'Sec. 379h. This section shall apply to processors of wheat, warehousemen and exporters of wheat and food products, and all persons purchasing, selling, or otherwise dealing in wheat marketing certificates. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of this subtitle. Such information shall be reported and such records shall be kept in such manner as the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memorandums as he has reason to believe are relevant and are within the control of such person.

"'Penalties

"'Sec. 379i. (a) Any person who violates or attempts to violate or who participates or aids in the violation of any of the provisions of subsection (b) of section 379d of this Act shall forfeit to the United States a sum equal to two times the face value of the marketing certificates involved in such violation. Such forfeiture shall be recoverable in a civil action brought in the name of the United States.

"'(b) Any person, except a producer in his capacity as a producer, who violates or attempts to violate or who participates or aids in the violation of any provision of this subtitle, or of any regulation, governing the acquisition, disposition, or handling of marketing certificates or who fails to make any report or keep any record as required by section 379h shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $5,000 for each violation.

"'(c) Any person who, in his capacity as a producer, knowingly violates or attempts to violate or participates or aids in the violation of any provision of this subtitle, or of any regulation, governing the acquisition, disposition, or handling of marketing certificates or fails to make any report or keep any record as required by section 379h shall, (i) forfeit any right to receive marketing certificates, in whole or in part as the Secretary may determine, with respect to the farm or farms and for the marketing year with respect to which any such act or default is committed, or (ii), if such marketing certificates have already been issued, pay to the Secretary, upon demand, the amount of the face value of such certificates, or such part thereof as the Secretary may determine. Such determination by the Secretary with respect to the amount of such marketing certificates to be forfeited or the amount to be paid by such producer shall take into consideration the circumstances relating to the act or default committed and the seriousness of such act or default.

"'(d) Any person who falsely makes, issues, alters, forges, or counterfeits any marketing certificate, or with fraudulent intent possesses, transfers, or uses any such falsely made, issued, altered, forged, or counterfeited marketing certificate, shall be deemed guilty of a felony and upon conviction thereof shall be subject to a fine of not more than $10,000 or imprisonment of not more than 10 years, or both.

"'Regulations

"'Sec. 379j. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subtitle including but not limited to regulations governing the acquisition, disposition, or handling of marketing certificates.'

"Sec. 325. The Agricultural Act of 1949, as amended, is amended as follows:

"(1) By inserting after section 106 the following new section:

"'Sec. 107. Notwithstanding the provisions of section 101 of this Act, beginning with the 1964 crop—

"'(1) price support for wheat accompanied by marketing certificates shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines appropriate taking into consideration the factors specified in section 401(b),

"'(2) if marketing quotas are in effect for wheat price support for wheat not accompanied by marketing certificates shall be at such level as the Secretary determines appropriate taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains,

"'(3) price support shall be made available only to cooperators; and if a commercial wheat-producing area is established for such crop, price support shall be made available only in the commercial wheat-producing area,

"'(4) the level of price support for any crop of wheat for which a national marketing quota is not proclaimed or for which marketing quotas have been disapproved by producers shall be as provided in section 101, and

"'(5) if marketing quotas are in effect for the crop of wheat, a "cooperator" with respect to any crop of wheat produced on a farm shall be a producer who (i) does not knowingly exceed (A) the farm acreage allotment for wheat or any other commodity on the farm or (B) except as the Secretary may by regulation prescribe, the farm acreage allotment on any other farm for any commodity in which he has an interest as a producer, and (ii) complies with the land-use requirements of section 339 of the Agricultural Adjustment Act of 1938, as amended, to the extent prescribed by the Secretary. If marketing quotas are not in effect for the crop of wheat, a "cooperator" with respect to any crop of wheat produced on a farm shall be a producer who does not knowingly exceed the farm acreage allotment for wheat. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, but the producer shall not be eligible to receive price support on such marketing excess. No producer shall be deemed to have exceeded the farm acreage allotment for wheat on any other farm, if such farm is exempt from the farm marketing quota for such crop under section 335.'

"(2) By changing the period at the end of the third sentence in section 407 to a colon and adding the following: '*Provided*, That if a wheat marketing allocation program is in effect, the current support price for wheat shall be the support price for wheat accompanied by marketing certificate and wheat sold shall be accompanied by a marketing certificate.'

"Sec. 326. Notwithstanding any other provision of law, performance rendered in good faith in reliance upon action or advice of an authorized representative of the Secretary may be accepted as meeting the requirements of subsections (c), (d), and (g) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended, or of section 307 of the Food and Agriculture Act of 1962, section 339 of the Agricultural Act of 1938, as amended, or of section 124 of the Agricultural Act of 1961, and payment may be made therefor in accordance with such action or advice to the extent the Secretary deems it desirable in order to provide fair and equitable treatment.

"SEC. 327. In the establishment of State, county, and farm acreage allotments for wheat under the Agricultural Adjustment Act of 1938, as amended, the acreage which is determined under regulations of the Secretary to have been diverted from the production of wheat under the special programs formulated pursuant to section 307 of this Act, section 339 of the Agricultural Adjustment Act of 1938, as amended, and section 124 of the Agricultural Act of 1961, shall be credited to the State, county, and farm as though such acreage had actually been devoted to the production of wheat.

"SEC. 328. Effective with the 1964 crop, during any year in which an acreage diversion program is in effect for feed grains, the Secretary shall, notwithstanding any other provision of law, permit producers of feed grains to have acreage devoted to the production of feed grains considered as devoted to the production of wheat and producers of wheat to have acreage devoted to the production of wheat considered as devoted to the production of feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program for feed grains or wheat.

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. The Consolidated Farmers Home Administration Act of 1961 (75 Stat. 307) is amended as follows:

"(1) By inserting in section 303 after 'use and conservation' a comma and the following 'including recreational uses and facilities';

"(2) By inserting in section 306(a) after 'soil conservation practices,' the following: 'shifts in land use including the development of recreational facilities,';

"(3) By striking out in section 309(f)(1) the figure '$10,000,000' and inserting in lieu thereof the figure '$25,000,000';

"(4) By inserting in section 312 after the words 'and conservation' the words 'including recreational uses and facilities'; and

"(5) By adding at the end thereof a new section as follows:

"'SEC. 343. As used in this title (1) the term "farmers" shall be deemed to include persons who are engaged in, or who, with assistance afforded under this title, intend to engage in, fish farming, and (2) the term "farming" shall be deemed to include fish farming.'

"SEC. 402. Congress hereby reconfirms its long-standing policy of favoring the use by governmental agencies of the usual and customary channels, facilities, and arrangements of trade and commerce, and directs the Secretary of Agriculture and the Commodity Credit Corporation to the maximum extent practicable to adopt policies and procedures designed to minimize the acquisition of stocks by the Commodity Credit Corporation, to encourage orderly marketing of farm commodities through private competitive trade channels, both cooperative and noncooperative, and to obtain maximum returns in the marketplace for producers and for the Commodity Credit Corporation.

"SEC. 403. The Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows: Section 8c(6) is amended by striking the period at the end of (I) thereof and inserting in lieu thereof the following: ': *Provided*, That with respect to orders applicable to cherries such projects may provide for any form of marketing promotion including paid advertising.'

"SEC. 404. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new sentence as follows: 'Notwithstanding the foregoing, whenever prior to December 31, 1963 the Secretary determines it necessary in order to assure the Nation an adequate supply of milk free of contamination by radioactive fallout, he may make feed owned or controlled by the Commodity Credit Corporation available to producers of milk in any area or areas of the United States at such prices and on such terms and conditions as he deems appropriate in the public interest.'

"SEC. 405. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby."

And the Senate agrees to the same.

HAROLD D. COOLEY,
W. R. POAGE,
E. C. GATHINGS,
J. FLOYD BREEDING,
Managers on the Part of the House.

ALLEN J. ELLENDER,
OLIN D. JOHNSTON,
SPESSARD L. HOLLAND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H.R. 12391) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The amendment of the Senate struck out all after the enacting clause of the House bill and substituted language which generally followed the subject matter of the House bill but was different in numerous substantial respects. The following summary indicates the major differences between the House and Senate versions of the bill and the action taken by the conferees:

TITLE I—LAND USE ADJUSTMENT

1. Long-term diversion contracts:

(a) House limited contracts to 10 years. Senate limited contracts to 15 years. Conference agreed to 10 years. Also agreed to House language with respect to change in cropping systems and land use.

(b) House did not provide for diversion to recreation and nonagricultural purposes. Senate provided for such diversion. Conference agreed to Senate language without nonagricultural purposes.

(c) House limited tree cover payments to 5 years. Senate did not include such limit. Conference agreed to House provision.

(d) House prohibited agreements on land acquired within 2 years, subject to certain exceptions. Senate did not contain such prohibition. Conference agreed to House language.

(e) House did not contain acreage history preservation provision. Senate authorized Secretary to provide for preservation or surrender of history. Conference agreed to Senate language.

(f) House did not limit payments. Senate limited payments to $10 million per year. Conference agreed to $25 million with $10 million earmarked for new contracts, plus amendment permitting use of CCC funds in fiscal 1963.

The Department of Agriculture is requested by the committee of conference to make a study and report early next year on problems connected with expiring conservation reserve contracts.

2. House did not contain provision for use of CCC in making ACP and long-term contract payments. Senate contained such provision. Conference agreed to Senate language.

3. Bankhead-Jones Act amendments:

(a) House excluded building of industrial parks or private industrial commercial enterprises from the purposes of the Bankhead-Jones Act and struck out a specific reference to the retirement of submarginal lands. Senate struck protection of health, safety, and welfare from purposes, inserted a specific reference to the more economic use of lands, and to providing public recreation. Conference agreed to House provision.

(b) House did not repeal authority to acquire submarginal lands (including by condemnation). Senate repealed such authority. Conference agreed to Senate language.

(c) House provided for any type of assistance to any type of agency, public or private, in developing and carrying out land utilization plans. Senate provided for cooperation with Government agencies in developing plans, limited assistance in carrying out plans to loans to State or local public agencies, subject to a number of conditions. Conference agreed to Senate language.

4. Watershed Act:

(a) House did not contain provision for recreation. Senate permitted Secretary to (i) pay up to one-half of costs of lands and related facilities for public recreation areas, including fish and wildlife; (ii) pay an equitable share of installation costs for recreational phases; (iii) advance funds for immediate land acquisition to prevent encroachment. Senate also changed installation cost-sharing formula from a direct identifiable benefit basis to one which considers national needs and assistance authorized for similar purposes under other Federal programs. Conference agreed to Senate provision with a House amendment limiting recreation areas to not more than one for each 75,000 acres of watershed.

(b) House increased maximum flood prevention capacity to 12,500 acre-feet. Senate did not have a similar provision. Conference agreed to strike House language.

(c) House permitted deferred payment for municipal and industrial water capacity to meet anticipated needs. Senate did not have similar provision. Conference agreed to House language.

(d) House clarified language of section 5 of Watershed Act without substantial change. Senate did not have similar provision. Conference agreed to House language.

(e) House made all amendments, past or future, to section 4 of the Watershed Act (conditions of assistance) applicable to additional works of improvement prosecuted in connection with the 11 watershed programs authorized by the Flood Control Act of 1944. Senate did not have similar provision. Conference agreed to House language.

TITLE II—PUBLIC LAW 480

5. House did not limit title IV private trade agreements to commodities to be consumed in underdeveloped countries. Senate so limited. Conference agreed to House language.

The conferees reaffirmed that sales under title IV are to be carried out in conformity with the provisions of section 404 of the act and the intent of that section as it was set forth in the report of the committee at the time of its adoption, so as to maximize dollar sales and not replace sales which would otherwise be made for cash.

6. House did not contain provision for security for performance of private trade agreements. Senate contained such provisions. Conference agreed to strengthened Senate language.

Reasonable security under this section from foreign buyers would include a guarantee of qualified foreign banking institutions, as determined by the Secretary of Agriculture. The authority under the amendments to this section of the act is vested exclusively in the Secretary of Agriculture, the same as it is under sections 403, 404, and 405 of the Act.

7. House left authority in Secretary to permit participation by other supplying countries. Senate transferred this authority to President. Conference agreed to House language, modified.

This section does not apply to agreements with private trade but only to government-to-government type of sales and supply agreements. With respect to the latter, this section makes it clear that the Secretary could only permit participation by "friendly and historic supplying nations" instead of "exporting nations" which might be neither friendly nor have any historic record of supply.

Section 201(5): Except for a matter of punctuation, the House and Senate provisions are identical. This section amends section 406 of the Act and makes certain provisions of title I applicable to title IV. Section 406, as amended, gives emphasis to market development and to the use of private trade channels and makes provision for CCC reimbursement for title IV activities in the same manner as for title I activities.

8. House provided for expanded donations to school lunch programs abroad, to include such donations to programs having student financing on basis of ability to pay. Senate did not contain similar provisions. Conference agreed to House language with substitute for section 205 making donations under section 416 of the Agriculture Act of 1949 subject to priorities under that section.

TITLE III—COMMODITY PROGRAMS

9. 1963 feed grain program: The conference agreed to the House bill with respect to the 1963 feed grain program with the following changes:

(1) The Secretary would be given discretion with respect to the use of the malting barley exemption;

(2) It is made clear that a malting barley producer would not be exempt from the obligation to reduce his corn and sorghum acreage in order to qualify for corn and sorghum price support;

(3) A single payment rate of up to 50 percent of the value of normal production would be substituted for the payment rates of 45 and 50 percent provided by the House bill;

(4) Price supports on 1963 feed grains to cooperators will be substantially the same as in 1962—based on a national average of $1.20 per bushel for corn. However, the support program will be carried out partially by payments in kind and partially by the usual loans and purchase agreements.

Price-support payments in kind at 18 cents per bushel on corn, and at comparable rates on grain sorghums and barley, would be made on the normal production of the 1963 acreage. The balance of the support price would be made available in the usual manner on actual production. All payment-in-kind certificates would be redeemed in feed grains valued at the loan rate.

Payment in kind certificates would be handled in the same manner as under the 1961 and 1962 feed grain programs, except that the minimum resale price of feed grains represented by such certificates could not be less than the loan rate. Cooperating farmers receiving such certificates have three choices: (A) to exchange them for actual grain from CCC stocks; (B) to sell the certificates; (C) to request CCC to market the certificates for them, in which event the CCC would advance the producer the face value of the certificates.

(5) Limits crops which may be grown on diverted acres to those named in the bill.

(6) Producers would be required to take appropriate erosion control measures.

(7) Participating producers would lose price support if they fail to divert acreage in accordance with their agreement.

10. Feed grain price support and CCC resale restrictions for 1964 and subsequent crops:

(a) House provided that for 1964 and subsequent crops the support level for corn would be 80 percent of the 3-year average price (instead of 90 percent of such average price or 65 percent of parity, whichever is higher, as provided by existing law). CCC minimum resale price for unrestricted use would be 105 percent of current support, plus reasonable carrying charges, as under existing law. Senate provided support for corn at such level not above 90 percent of parity as would not increase CCC stocks. Support for other feed grains would be 0 to 90 percent, after considering feed value in relation to corn and other factors. Secretary would submit proposal for feed grain legislation to next Congress. Minimum CCC resale price would be 65 percent of parity, plus reasonable carrying charges. Conference agreed to—

(1) Price support for corn at such level between 50 and 90 percent of parity as will not result in increasing Commodity Credit Corporation stocks;

(2) Strike the provision of the Senate amendment with respect to Commodity Credit Corporation resale price so that the minimum resale price will continue at 105 percent of the current support level plus carrying charges;

(3) Strike that part of the Senate amendment which would repeal section 105(b) of the 1919 act, so that price support for the other feed grains would continue to be determined pursuant to section 105(b).

Subtitle B—Wheat

Wheat program for 1963

11. Conference agreed to provisions generally along the lines of the House bill with respect to a 1963 wheat diversion program with the following changes:

(1) The mandatory 10-percent reduction would be eliminated and the provisions with respect to the 15-acre farms would be simplified to provide for diversion below an average 3-year acreage. As in 1962, the 15-acre exemption would be modified to the highest acreage planted in 1959, 1960, or 1961.

(2) Producers would be given the opportunity to divert not less than 20 percent and not more than 50 percent of their allotments with payments at 50 percent of their normal production on the diverted acreage based on the support price of $1.82. In addition, producers who do make this voluntary reduction would be entitled to price support at $2 per bushel. Such price support shall be carried out partially in the form of a payment in kind of 18 cents per bushel on the normal production of their 1963 wheat acreage and the balance in the usual manner through loans and purchase agreements at the national average of $1.82 per bushel on their actual production.

All payment-in-kind certificates would be redeemed in wheat valued at not less than the support price to cooperators not participating in the diversion program. Cooperating producers would have three choices: (1) To exchange the certificate for wheat from CCC stocks, (2) to sell the certificate, or (3) to request CCC to market the certificates for them. In the latter case, CCC would assist producers in marketing their certificates, and the Department has indicated CCC would advance producers the full face value of the certificate. The support level for cooperators not participating in the diversion program would be frozen at $1.82.

(3) Producers who agree to divert a specified acreage would lose price support for 1963 if they failed to carry out their agreements.

(4) Increases in the marketing penalty and voting eligibility changes would be omitted, since the referendum has already been held.

(5) Crops which would be planted on diverted acres would be limited to those named in the bill.

(6) Producers would be required to take appropriate erosion control measures.

Wheat Program for 1964 and Subsequent Crops

12. Senate revised the wheat marketing quota program to provide for more effective controls and for an acreage diversion program with payments for the first 3 years of diversion. Provides for a marketing certificate plan under which noncertificated wheat would be supported at a level determined after consideration of its feed value and world price, and certificated wheat would be supported at between 65 and 90 percent of parity. Certificates would be issued to producers for all wheat consumed domestically for food and such part of the exports as would carry out the price and income objectives of the bill. If marketing quotas were disapproved by producers, the support level would be 50 percent of parity. Conference agreed to the Senate provisions with respect to wheat with the following changes:

(1) They will be made effective beginning with the 1964 crop (the diversion payment program being authorized for 1964 and 1965).

(2) Substitution of wheat and feed grain acreage would be permitted if a feed grain acreage reduction program is in effect, to such extent and under such conditions as the Secretary determines would not adversely affect the overall operations of the wheat and feed grain programs.

(3) The small-farm base acreage would be computed on a 3-year adjusted average acreage excluding 1963 instead of the highest 3 years out of 5.

(4) The crops to which diverted acreage may be devoted under the diversion payment program would be the same as in the 1963 wheat program.

(5) Wheat acreage diverted under the 1962, 1963, 1964, and 1965 diversion programs would be counted as history for allotment purposes.

(6) The Secretary would be given authority to provide equitable treatment for producers acting in reliance on erroneous advice from the Department under past, present, and future wheat and feed grain diversion programs.

The bill, as agreed to by the conferees, contemplates that the Department, in operating the wheat marketing certificate program, will give full recognition to the potential impact of this program on the orderly marketing of wheat. In particular, the conferees are concerned with the problems of transition from the present program to the wheat certificate program. It is recognized that new crop wheat will be harvested and moved into the marketing channels prior to the beginning of the marketing year. It is also recognized that stocks of wheat will be held in an inventory position, particularly by millers, as of the beginning of the marketing year. The conferees expect that the Commodity Credit Corporation will take such steps as are necessary to assure that the benefits of the certificate program are extended to producers of wheat who harvest wheat prior to the beginning of the marketing year.

The conferees also expect that recognition will be given to stocks of wheat in inventory on the effective date of the program. The mechanics for handling this phase of the program are the responsibility of the Department of Agriculture. The bill contains adequate authority to handle this problem. The Secretary of Agriculture should, however, proceed with extreme caution in this matter. The principal concern of the conferees is that neither windfall profits nor losses should be incurred by holders of wheat on the effective date of the new program, because of inadequate mechanics for handling this problem.

The conferees also believe that the certificates should trade at face value or a preannounced value and that opportunities for speculation in certificates should be eliminated. This can best be accomplished by announcing in advance that CCC will be a free buyer and seller of certificates. This announcement should not preclude the handling of certificates in trade channels but it would eliminate the opportunity to hold certificates for financial gain. It would further eliminate the possibility of the disruption of orderly marketing because of an artificial shortage of certificates.

The conferees, by referring to specific problems, are not inferring that these are the only problems involved in the transition to the wheat certificate program or the only possibilities of interference with the orderly marketing processes. They are cited as a caution to the Secretary of Agriculture to use care in developing and administering this program. Conferences with committees of Congress, farm organizations, and the grain trade are essential to the proper development of the mechanics for handling the wheat certificate program.

The conferees also believe that it is important that the necessary mechanics of operation be worked out and announced well in advance of the effective date of the program. Only in this manner can all producers and grain handlers have an opportunity to adjust their operations to the certificate program.

Subtitle C—Dairy

13. House provided for a voluntary 9-month program (October 1, 1962–June 30, 1963) under which producers would be paid up to $2.50 per hundredweight for reducing their marketing below calendar 1961 levels. House also required price support or surplus removal loans on, or purchases of, products to be conditioned on certification that the support price was paid to the producers of the milk or butterfat. Senate contained no dairy provisions. Conference struck House provision.

TITLE IV—GENERAL

14. House limited FHA real estate loans for recreational uses to citizens with farm background or experience who are or will become owner-operators of not larger than family-size farms. Senate did not so limit. Conference agreed to House provision with a technical change.

15. Conference substitute omits the following provisions of the Senate amendment (which were not contained in House bill):

(a) Authority for sewer loans.

(b) Provision for REA direct loan account.

(c) Provision concerning use of farmer cooperatives.

16. Conference substitute contains the following provisions of the Senate amendment (which were not contained in House bill):

(a) Authority for loans to fish farmers.

(b) Congressional policy favoring use of customary trade channels.

The directive to the Secretary and Commodity Credit Corporation in section 402 to adopt certain policies and procedures is by its terms to be carried out "to the maximum extent practicable." In determining whether and the extent to which the adoption of such policies and procedures is practicable, it is intended that the Secretary and Commodity Credit Corporation have wide latitude for the exercise of discretion. In exercising such discretion, it is of course contemplated that there will be taken into consideration, among other factors, whether the policy or procedure would be consistent with the fulfillment of the Corporation's purposes and with the efficient and effective conduct of its operations. Section 402 is not intended in any way to override other statutory provisions which apply to the Secretary and Commodity Credit Corporation in carrying out their activities and responsibilities.

(c) Cherry marketing order provisions for advertising.

(d) Authority to make CCC feed available, prior to December 31, 1963, to milk producers to assure supply free of radioactive fallout contamination.

TITLE V—INDUSTRIAL USES OF AGRICULTURAL PRODUCTS

Conference substitute does not contain Senate provision (not in House bill) establishing an Agricultural Research and Industrial Use Administration within the Department of Agriculture to coordinate and expedite an expanded research program on industrial uses of agricultural commodities.

HAROLD D. COOLEY,
W. R. POAGE,
E. C. GATHINGS,
J. FLOYD BREEDING,
Managers on the Part of the House.

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. COOLEY].

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. HOEVEN. Will the gentleman yield the minority time on this conference report? I suggest he yield the minority 30 minutes.

Mr. COOLEY. I have such demand for time it would not be proper for me to comply with the gentleman's request, but I will yield the gentleman 20 minutes.

Mr. HOEVEN. Will it be understood, then, that the 20 minutes will be yielded to the gentleman from Iowa, and that he in turn may yield to Members on this side during the time limitation without losing the floor?

Mr. COOLEY. That is perfectly agreeable to me.

Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are here now about to make a very important decision. I still maintain that the problems of agriculture are paramount to just about all of our other problems. If agriculture is impoverished the Nation and the national economy are in danger.

Our farm program for many years operated very successfully and very well. But in recent years we have sustained gigantic losses and accumulated gigantic surpluses. Unless action is taken, we revert to the program of 1958, under which we sustained these losses and accumulated these surpluses.

I want to congratulate and commend the members of our Committee on Agriculture on the splendid manner in which they have discharged the duties assigned to them. We started to work on farm legislation back in January. Here it is now well into the middle of September. We have been up the hill and down again. Finally a bill passed this House. We went to conference. Of course we knew we would have to make concessions and compose differences, and that we did, but we made, I think, a minimum of concessions and we forced the other body likewise to make substantial concessions.

We have a bill here now that I believe is perhaps better than the House bill and better than the Senate bill. It is a combination of the two. I shall discuss later in these remarks the details of the conference report. Every provision in our bill was handled by a subcommittee and the chairmen of the subcommittees will explain these separate provisions. The grain section was handled by the gentleman from Texas [Mr. POAGE], the wheat section by the gentleman from Kansas [Mr. BREEDING], and all the other provisions were handled by subcommittees. We reached an agreement.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Indiana.

Mr. HALLECK. What subcommittee handled the compensatory payments? That was in neither the House or Senate bill, but it shows up in the conference report.

Mr. COOLEY. The gentleman says it was in neither bill?

Mr. HALLECK. That is right.

Mr. COOLEY. Certainly we had payments in the House bill.

Mr. HALLECK. This kind of payment?

Mr. COOLEY. Well, we had payments for compliance with acreage reductions. This is payment in kind. You can call it compensatory payments if you want to. You can call it compliance payments.

It is the same thing that has been used for the last 2 years.

Mr. HALLECK. My information is that this sort of proposition was never discussed in the committee. As a matter of fact, it is a complete departure from anything that we have ever had in farm legislation here except in the form of proposals from a previous administration that wanted this kind of a plan. It is a payment directly out of the Federal Treasury on a bushel basis to the farmer.

Mr. COOLEY. It is taken out of the warehouses—out of surplus stocks held by the Government—for payment in kind to farmers who comply with the program to divert land from the production of further surpluses. I think we would do well to use the surplus commodity rather than to use the cash. I cannot think of a better use for these surpluses than to prevent future surpluses. Much of our consideration has been with the problem of moving our surpluses in a manner to get the greatest return to the Treasury. This is why, for example, we have given the Secretary of Agriculture authority to use the private trade in making surplus sales for long-term dollar credit. And in this connection, Mr. Speaker, I want to say that the intent of Congress in passing the private trade amendment to sections 401 and 402 of title IV of Public Law 480 is for the purpose of conveying to the Secretary of Agriculture full authority to enter into private trade agreements as an additional sales means for moving agricultural commodities in order to regain, retain, develop, and expand dollar markets for such commodities. It is not intended that this authority should be administered as a foreign lending or assistance program. Therefore, this program should not be encumbered or delayed by being subjected to interagency and inter-governmental clearances, consultation and other procedures which usually apply in the case of such foreign lending and assistance programs. For example, consultation with other supplying countries would not only be inappropriate but could defeat the entire purpose of these amendments. These amendments do not change the disposal priorities for surpluses which were set out in the Conference report on the Agricultural Act of 1961: 1. Sales for cash dollars. 2. Sales for short-term dollar credit. 3. Barter for strategic and other materials. 4. Sales on long-term dollar credit under title IV. 5. Sales for foreign currency. 6. Donations.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. POAGE. This plan was proposed to the committee by a member of the minority party, a member of our committee, and was considered by our committee.

Mr. COOLEY. Certainly we would not have inserted a provision dealing with payments if payments were not provided in either the Senate bill or the House bill.

Mr. Speaker, let us examine the bill first in relation to our objectives.

The No. 1 objective is to continue the upward movement of farm income. This is essential if we are to keep our Nation's economy moving, expanding, fulfilling our capabilities for strength and prosperity. Prior to 1961, declining farm income was a dangerous weakness in the American economy. This 87th Congress can take great pride that its first major legislation—the emergency feed grain action in 1961—increased farm income last year by more than a billion dollars, a jump of nearly 10 percent. And so far in 1962, the new level is being maintained and, we hope, bettered.

The second objective is to continue to reduce surpluses and the taxpayers' burdens in financing those surpluses. Under the previous legislation and previous administration of that legislation, surplus was piled upon surplus. Year after year, the burdens grew heavier. Our emergency legislation was designed to stem this avalanche of surpluses. It did far better than that. On July 1 this year, total stocks of feed grains and wheat in the United States were 532 million bushels less than on July 1, 1961, and Government carrying charges on the publicly owned grains are down approximately $213 million a year.

For the first time since 1952, production of feed grains in 1961 was reduced below the level of consumption. Carryover into the 1962–63 marketing year is down about 14 percent from a year earlier. The 1961 program alone will save taxpayers around $600 million.

The results being achieved in the 1962 feed grain program are of comparable importance.

In the 1962 wheat program, production of Winter wheat has been cut by nearly one-fourth.

These are solid achievements. We dare not return to costly, ineffective legislation previously in effect. But that is what we will do if we do not enact new legislation. The third objective I mentioned earlier is that of bringing about land use adjustments in line with the needs of the people.

Only two-thirds of the Nation's cropland is being used to produce the great abundance we now enjoy.

At least 38 million acres will come into production within a very short time unless we take action. Conservation reserve contracts will run out; the feed grain and wheat programs are temporary. Our failure to act would throw millions of acres of land into the production of commodities which not only are not needed but would be a burden upon the people. Yet there are good uses for land not needed in crop and livestock production—uses that will meet real needs of the people and at the same time help to rejuvenate the rural economy.

We have great opportunities to develop and safeguard the water resources of our Nation—water resources that are becoming scarce. We have the opportunity to clean up our streams, to prevent floods, to assure the Nation of timber supplies in the future, and to open up God's great outdoors to more members of our expanding national family of citizens.

Mr. Speaker, while others will discuss the provisions of the conference report in more detail, I shall read into the RECORD at this point a summary of the major parts of H.R. 12391, the Food and Agriculture Act of 1962.

TITLE I—LAND USE ADJUSTMENT

Section 101:

This section amends the Soil Conservation and Domestic Allotment Act to provide for continued Federal administration of the agricultural conservation program and provides authority for the Secretary of Agriculture to carry out long-range conservation plans with individual farmers and ranchers in all agricultural areas through agreements for periods not to exceed 10 years to provide for changes in cropping systems and land use, and for development of soil, water, forest, wildlife, and recreation resources by means of cost sharing and other assistance.

Agreements may not be entered into covering land with respect to which the ownership has changed in the 2-year period preceding the first year of the contrast period except with successors by inheritance or purchasers during the contract period. Agreements for the establishment of tree cover may not provide for annual payments with respect to such land for a period in excess of 5 years.

The Secretary cannot enter into agreements providing for assistance in amounts in excess of $10 million for any calendar year, except that for calendar year 1963 he may provide assistance with respect to lands previously covered by conservation reserve contracts in an amount not exceeding an additional $15 million.

Section 102:

The amendments to title III of the Bankhead-Jones Farm Tenant Act include changes in section 31 to provide for the protection of fish and wildlife, but prohibits the building of industrial parks or establishing private industrial or commercial enterprises. They provide that the Secretary of Agriculture may cooperate with Federal, State, and local public agencies in developing and carrying out plans for land conservation and land utilization. This will include the furnishing of technical assistance and loans.

These amendments authorize the Secretary of Agriculture to assist State and local public agencies designated by the Governor or the State legislature, through loans, to carry out land utilization plans. This would enable the Secretary of Agriculture to make loans to appropriate State and local public agencies for the purpose of facilitating the shift of land resources out of unsuitable uses or out of the unneeded production of surplus crops into new and better uses. It would also provide an opportunity for rural renewal development by authorizing the Secretary of Agriculture to help develop plans for improvements and to assist in carrying out such plans by means of loans to State and local public agencies. These plans could be developed for severely disadvantaged rural areas where much of the land is not in its best use, resulting in chronic underemployment and poorly developed community facilities. Their objective would be to create conditions that would make these communities attractive to private investment and individual enterprise.

Repayment of loans would be required in not more than 30 years, with interest at the average rate paid by the Treasury on obligations of similar maturity.

The Governor or appropriate State agency would have 45 days to disapprove plans of State or local agencies. A single loan over $250,000 would have to be approved by appropriate congressional committees. Repayment of loans may be deferred for not to exceed 5 years.

Sections 103 through 106 would make several important changes in the Watershed Protection and Flood Prevention Act.

Section 103 would make three changes in the existing authority contained in this act.

First, it adds recreational development as a purpose for cost sharing. This means, for example, that funds appropriated to carry out the purposes of the act could be used to cost share with local organizations in enlarging a reservoir to make it more suitable for recreation. It authorizes the Secretary to bear not to exceed one-half of the cost of land, easements, and rights-of-way for reservoir or other areas to be available for public recreation and of providing minimum basic facilities needed for public health and safety, access to, and use of the reservoir or other area. The cost sharing is conditional on a local organization agreeing to operate and maintain the reservoir or other area for public use. This amendment would not authorize the Federal Government to acquire title to any land. It would be entirely optional with local organizations as to whether they would include public recreational developments in watershed projects which they sponsor. The Secretary would be authorized to participate in recreational development in any watershed project only to the extent that the need therefore is demonstrated in accordance with standards to be established by him. Moreover, the number of public recreational developments on which the Secretary would be authorized to cost share is limited to one such development in the smaller projects and no more than three in the largest projects.

Second, it authorizes the Secretary to advance funds to local organizations for immediate acquisition of lands, easements, and rights-of-way to prevent encroachment of other developments but such funds must be repaid with interest prior to construction, except for any part of such costs which the Secretary is authorized to bear.

Third, it would establish new criteria for Federal cost sharing for all purposes other than flood prevention and municipal or industrial water supply based on the principle of "consideration of national needs and assistance authorized for similar purposes under other Federal programs." This would permit the Secretary to establish definite cost-sharing requirements which are uniformly applicable in all watershed projects and which might be modified from time to time to conform with changes authorized for Federal assistance in other programs or to meet changing national needs.

Section 104 would provide authority to the Secretary comparable to that previously given to the Secretary of the Army and the Secretary of the Interior in the Water Supply Act of 1958, as amended, to assist local organizations in developing municipal and industrial water supply for future use.

Section 105 would delete certain obsolete language and would clarify the authority of the Secretary to provide engineering services for municipal and industrial water supply on a reimbursable basis.

Section 106 would specifically provide that amendments included in sections 103 and 104 and all subsequent amendments to section 4 of the Watershed Protection and Flood Prevention Act are made equally applicable to the 11 watersheds authorized under the Flood Control Act of 1944.

TITLE II—AGRICULTURAL TRADE DEVELOPMENT

The provisions of title II relate to long-term supply contracts through dollar credit export sales under title IV of Public Law 480 and also to the nonprofit school lunch programs carried out overseas through the charitable organizations and intergovernmental agencies like UNICEF.

In the title IV, Public Law 480, long-term dollar credit sales, one of the most significant amendments is to authorize agreements with the private trade in addition to those which had previously been authorized with the governments of friendly nations.

The purpose is to stimulate the sale of surplus agricultural commodities for dollars through long-term supply agreements and through the extension of credit for the purchase of these commodities, so that these agricultural commodities will assist in the development of the economies of friendly nations, and to maximize our U.S. dollar trade.

The Secretary of Agriculture is authorized to enter into sales agreements with foreign and U.S. private trade firms and institutions. The agreements with the private trade also must provide for the furnishing of such security as the Secretary determines necessary to provide reasonable and adequate assurance of payment of the amount due for commodities sold under the agreement.

The use of financial institutions acting in behalf of friendly nations would be authorized in addition to the previous authority to enter into agreements directly with the Government agencies of friendly countries.

The payment provisions are also modified to permit scheduling payments in reasonable, rather than approximately equal, annual amounts, and the date for beginning annual payments may be deferred for not more than 2 years after the last delivery in each calendar year.

A change was also adopted in the provision relating to participation by other friendly and historic supplying nations in the supply and assistance program authorized under title IV. Existing legislation required the Secretary of Agriculture to endeavor to reach agreements with other exporting nations, whereas the amendment makes this authorization discretionary with the Secretary. Title IV is also amended so as to make applicable the policies of utilizing private trade channels and emphasizing market development, as in the case of foreign currency sales.

Sections 202 through 205 relate to the nonprofit school lunch programs which are also often referred to as "school feeding programs" or "child feeding programs." The basic authorities in section 416 of the Agricultural Act of 1949, as amended by the provisions in section 302 of Public Law 480 and supplemented by other related statutes, are amended in this bill in accordance with the House provisions.

In addition to the authority for donation of commodities from the stocks of CCC and the purchases made pursuant to specific statutory authorizations, donations are specifically authorized for use in nonprofit school lunch programs outside the United States as well as assistance of needy persons.

The House provision in section 205 has been clarified to cover specifically the three statutes being amended in sections 202 through 204. This section as it passed the House and has been clarified by the conference committee provides that the Secretary shall receive assurances satisfactory to him that, insofar as practicable, there will be student participation in the financing of these school feeding programs outside the United States on a basis of ability to pay. In addition to clarifying the availability of commodities for these programs, it is provided that the programs shall be undertaken with the understanding that commodities will be available for them only in accordance with the provisions of these authorizing statutes, and the usual priorities as established in the provisions of section 416 of the Agricultural Act of 1949, as amended, with respect to commodities made available under section 416.

THE 1963 FEED GRAIN PROGRAM

For the 1963 crop of corn, grain sorghum and barley, producers can participate voluntarily by reducing their 1959–60 base acreage of those three crops by a minimum of 20 percent and up to 50 percent. Up to 25 acres may be diverted on any farm notwithstanding the maximum diversion rate of 50 percent. Participating producers will be eligible for price support on corn at $1.20 per bushel, to be provided through a price support loan at a national average rate of $1.02, and payment-in-kind of 18 cents per bushel from CCC stocks. Participating producers will also receive diversion payments computed at 50 percent of the value—at the price support level—of normal production on the diverted acreage.

No price support will be available to nonparticipants. CCC will assist producers in marketing their payment-in-kind certificates. Feed grains provided by CCC for certificates shall be valued at not less than the support price minus the 18 cents payment-in-kind.

Unlike the 1962 program, barley will be included in the corn and sorghum program. Also, the provisions for producing crops such as sesame and safflower on diverted acres are nearly identical with the 1962 provisions, and include authority for the Secretary to make partial diversion payments on such acreage.

This program will enable the Secretary to continue the improvement in farm income begun last year, to reduce the carryover of feed grains for the third successive year, and to continue to stabilize the livestock economy through a sound feed grain program.

The following application of the proposed feed grain program for 1963 to a typical corn farm shows that the provisions of H.R. 12391 will return to the farmer exactly the same benefits as would a straight extension of the 1962 program, but will cost the Government more than $1,000 less:

Comparison of H.R. 12391 and extension of 1962 feed grain program

Acres corn base: 100.
Acres diverted: 20.
Bushels per acre: 75.
Support: $1.20.
Payment in kind: $0.18.
Loan: $1.02.

BENEFITS TO FARMERS—H.R. 12391

20 acres diverted times 75 bushels per acre divided by 2 equals 750 bushels times $1.20 support	$900
80 acres planted times 75 bushels per acre equals 6,000 bushels times 18 cents payment in kind	1, 080
Equals 6,000 bushels times $1.02 loan (or sale)	6, 120
Total	8, 100

Comparison of H.R. 12391 and extension of 1962 feed grain program—Continued

EXTENSION OF 1962 PROGRAM

20 acres diverted times 75 bushels per acre divided by 2 equals 750 bushels times $1.20 support	$900
80 acres planted times 75 bushels per acre equals 6,000 bushels times $1.20 support	7,200
Total	8,100

COST TO GOVERNMENT—H.R. 12391

Diversion payment	900
Payment in kind	1,080
Total	1,980

(NOTE.—No loss on loans because, with market at about $1.00 to $1.05, little or no corn would be placed under loan.)

EXTENSION OF 1962 PROGRAM

Diversion payment	$900
Storage for 1 year (6,000 bushels at 13.5 cents	810
Handling equals 2.5 cents rail, 4.25 truck) (6,000 times 2.5)	150
Administration (6,000 times ½ cent)	30
Interest ($7,200 at 3 percent)	216
Loss on resale ($1.20-$1.05) (6,000 at 15 cents)	900
Total	3,006
Saving to Government by adoption of H.R. 12391	1,026

THE 1963 WHEAT PROGRAM

Farmers have already approved marketing quotas for the 1963 crop of wheat, and are planting or preparing to plant an acreage based upon the 55-million-acre national allotment. The conference report requires no change from that procedure by farmers. It does provide, however, a voluntary diversion program for 1963 crop wheat similar to the 1962 program and to the 1963 feed grain program. Producers would be eligible for price support at $1.82 per bushel, if they do not exceed their farm acreage allotment based upon the 55-million-acre national allotment. Producers would also be able to voluntarily participate in an acreage diversion program for the 1963 crop of wheat, and if they divert at least 20 percent of their wheat allotment or in the case of small farms of less than 15 acres of their average planting of wheat for 1959, 1960, and 1961, to conservation uses, would be eligible for diversion payment equal to 50 percent of the value of normal production on the diverted acreage, and for payment-in-kind at a rate of 18 cents per bushel on the normal production of the acreage devoted to wheat. Therefore, producers who participate in this special program would receive price support at $2 per bushel, through the combination of the loan and the payment-in-kind programs. The maximum diversion on any farm would be either 50 percent of the allotment or in case of small farms, up to 10 acres.

Provisions relating to the production of crops such as safflower and sesame would be essentially the same as for feed grains.

THE 1964 FEED GRAIN PROGRAM

Both the House of Representatives and the Senate approved a change in the price support authority for corn beginning with the 1964 crop. The House bill provided price support at 80 percent of the 3-year average market price. The Senate bill provided price support from 0 to 90 percent of parity at such level as would not add to CCC stocks of corn.

The conference report requires that beginning with the 1964 crop corn, price supports would be between 50 and 90 percent of parity at such a level as the Secretary determines would not add to CCC stocks of corn. Price supports for other feed grains would be related to corn.

THE 1964 WHEAT PROGRAM

Congress has studied the wheat problem for many years and has taken corrective action several times within the last few years only to see it fail for one reason or another. The wheat marketing certificate program would provide a permanent program of long-range benefit to wheat producers, to the public, and the grain industry. It would put an end to the uncertainty the wheat farmers have been faced with each year.

There are two principal features of the permanent wheat provisions of the conference report. The first would eliminate the 55-million-acre national allotment and would authorize the Secretary to estimate the total requirements for wheat in the coming year and to announce an acreage allotment large enough to meet those requirements. This is what we have been doing for years in the tobacco program, the cotton program, and the rice program. It can be done just as successfully for wheat. Producers would qualify for diversion payments for 2 years on an acreage equal to the difference between their new allotment under the bill and their wheat allotment in 1961. This would support farm income and prevent those acreages from being turned to other crops.

The other principal factor of the wheat program is a change in the price-support system. A marketing certificate program which would assure producers of price supports between 65 and 90 percent of parity for their share of wheat used for food and for a large portion of the exports would be substituted for the present price-support system. The main advantages of the marketing certificate program are that it provides greater flexibility for farmers to produce wheat as a feed grain if they want to, and that it limits higher price support level for wheat to a stated number of bushels. The certificates provide a means of distinguishing between wheat for food and export to be supported between 65 and 90 percent of parity and wheat for feed.

This change in the price support system for wheat is not something new that the Congress is being asked to consider. A marketing certificate program called the domestic parity program was approved by Congress but vetoed by the President in 1956. Similar proposals were considered by the Congress as far back as the early 1930's. There is broad agreement that the certificate program for wheat is a real improvement over the present price support system both for farmers and the Government. No substantial objections to the certificate program have been raised before the Agriculture Committee of the House.

There are other important provisions in the permanent wheat program:

First. The 15-acre exemption under which any farmer could grow 15 acres of wheat would be terminated permanently. Producers who have built up an acreage history under this provision, however, would be credited with their 3-year average acreage.

Second. Producers with 15 acres or less could also decide whether they wanted to be subjected to the program or exempt from it, and if they decided to be subject to the program could divert as much as their entire acreage for payment.

Third. Certain crops not in surplus supply, such as safflower, sesame, and other minor crops, could be produced on diverted acreage at the discretion of the Secretary, and partial diversion payments could be made.

Fourth. If more than one-third of the producers voting in the referendum opposed the program, price support would be provided at 50 percent of parity to cooperators.

The Secretary has assured the Agriculture Committee that if this proposed program had been put in effect in 1963, he would have expected to issue marketing certificates in the amount of approximately 925 million bushels, and would have provided price support at approximately $2 per bushel on that amount of wheat. Determinations of the percentage of the crop to be supported in the range of 65 to 90 percent of parity in later years would be based primarily on farm income objectives.

The bill provides also that the Secretary may increase the allotment for any type of wheat which would otherwise be in short supply. This will make it possible to gear the supply of different kinds of wheat to the market demand for different kinds of wheat.

Authority is provided also for the Secretary to permit wheat to be produced on feed grain acreages to such extent and under such conditions as will not impair the operation of the wheat program. It is understood that this authority would not be used except in the case when an acreage diversion program for feed grains was in effect.

Adequate authority is provided in the bill for the Secretary to administer the wheat marketing certificate program in a manner agreeable both to wheat producers and the wheat and flour industry. Authority is provided also for the Secretary to make an orderly transition from the 1963 wheat program to the 1964 program in a manner which will avoid both windfall profits and unexpected losses which might otherwise occur. It is important this program is being enacted a year in advance of its effective date, so that the Department of Agriculture has an opportunity to work out proper regulations, to consult with all parties concerned, and to announce the provisions for operation of the program well in advance.

TITLE IV—FARMERS HOME ADMINISTRATION

The bill makes the following changes in the lending authorities of the Farmers Home Administration:

First. Adds "recreational uses and facilities" to the purposes for which real estate loans may be made or insured to the owner-operators of not larger than family farms.

Second. Adds "shifts in land use including the development of recreational facilities" to the purposes for which loans may be made or insured to associations serving farmers and other rural residents,

Third. Adds "recreational uses and facilities" to the purposes for which operating loans may be made to the operator of not larger than family farms,

Fourth. Adds a definition of farmers to include persons engaged in fish farming among farmers eligible for loans, and

Fifth. Increases from 10 million to 25 million the aggregate of the real estate loans which the Secretary may make out of the insurance fund to be sold and insured, which are on hand and not disposed of at any one time.

Those are the major provisions of the legislation before us. Now let me give you what I believe to be the facts about costs.

The 1963 feed grain program would require lower expenditures than a program of the 1960 type despite the very substantial payments. Considerable cost will be averted by the new method of providing price support—that is, the use of the payment in kind for part of the support price. This will make unnecessary a considerable amount of work by CCC in selling grain from stocks and in taking over other grain. It will leave grain trading to farmers and the grain trade, to a much greater extent. While it is not possible to forecast all details of the operation, we know that CCC will save some money because it will not be taking losses on grain sales, and the savings can be applied to the cost of the payments. We know also that this program will be attractive to producers and that this will result in further reductions—very sizable reductions—in Government stocks. This will result in great savings over a period of years.

As to the 1963 wheat program, we can anticipate that costs should be at least $100 million lower than for the 1962 program, which is providing ultimate savings of at least $100 million to taxpayers. Perhaps even more to the point is the fact that the proposed 1963 program will cost far less than the old type of program which would otherwise be in effect.

The proposed program will cost less than that of 1962 because we are eliminating payments on the mandatory 10-percent reduction, and the 18-cents-a-bushel payment will not take up the full saving. Also, export subsidy costs will be down because the support level as far as the market is concerned will be lower.

The 1964 wheat program should bring net costs down to a somewhat lower level than for the 1962 crop and about a quarter of a billion dollars less than for a program of the 1960 type. One of the appeals of the domestic parity type of program has always been that it would reduce export subsidy costs. Every bushel exported now is subsidized in one way or another. Under the wheat certificate program, wheat for domestic food use can be supported at a domestic parity level, and export wheat can move at a lower level.

Let me assure the House also that this bill will help to maintain stable prices for consumers by retaining support levels for feed grains and wheat at about the levels of 1962. There would be no justification for increases in the prices of bread or flour as a result of the 1963 wheat program or as a result of the long-range wheat program. There would be no justification for an increase in consumer prices of livestock products as a result of the proposed feed grain program.

There has been some misunderstanding of the provision that would permit wheat production on feed grain acreage when a feed grain acreage diversion program is in effect. The misunderstanding arises from the failure to appreciate that one grain would be a substitute for the other, not added to another. This provision would merely give farmers in some areas a little greater flexibility in their farming operations, a little greater range of choice as to which grain to plant.

Let me also remind you that the purpose of the payments in kind under this bill is to draw down Government stocks of grain. Remember that the producer who receives a payment in kind has three choices: He can take the grain, he can use the certificate in place of cash in doing business, or he can have the CCC market the certificate for him and give him the cash. These payments in kind do not take the place of commodity loans, purchase agreements, and other methods of price support. They are supplementary to other methods, and they offer an opportunity to use products in which the Government already has a tremendous investment, to save storage and handling costs, and to avoid additional public investments for price-support purposes.

Now, Mr. Speaker, to conclude—here is our last clear chance to enact farm legislation which we honestly believe will result in a decrease in production, a decrease in cost, and at the same time will maintain farm income and will not disrupt ordinary and normal trade and commerce. I urge every Member to vote for the conference report on H.R. 12391.

The **SPEAKER**. The time of the gentleman has expired.

Mr. **HOEVEN**. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I regret exceedingly that the time is so limited to consider this conference report on this most important piece of farm legislation. I think all of you have advised yourselves rather well as to the intricate provisions of this conference report. With only one-third of the time of debate available to the minority side we simply are not going to have time to analyze it as we would like to. Let me say at the outset, however, that I do not consider the Members of this House who oppose this report as selfish interests eager to distort the facts. Neither do I consider the opponents of this conference report as promoters of higher tax costs, lower farm income, and increased consumer burden as intimated in some of the letters being circulated around. This conference report is just plain bad on its own merits. Its needs no one else to help.

Now that the gentleman from North Carolina has summarized some of the major points in this conference report, let me say this:

The fact is that this is a unilateral conference report. It was not signed by any of the minority members of the conference committee either in the Senate or in the House, which should indicate that this is a very bad conference report which should be recommitted, or most certainly defeated.

In submitting the conference report there has been a complete capitulation by the House conferees—on the part of those who signed the conference report. The only basic similarity between the original House bill as passed on July 19 and the conference report is that the number of the House bill has been retained.

Here are some of the major concessions made in conference:

First. On recreation by allowing payments to farmers under the agricultural conservation program for converting cropland into recreational uses.

Second. Again on recreation, by allowing public recreational facilities available to all American citizens to be established in small watershed projects developed under Public Law 566. These recreation authorities of course are in addition to the Farmers Home Administration recreation loan authority that was in both bills and thus not in conference about which Secretary Freeman testified before our committee would be made for pitch and putt golf courses.

Third. On Public Law 480, by eliminating the amendment adopted in our committee placing a termination date on world school lunch programs.

Fourth. On commodity programs, by accepting lock, stock, and barrel the certificate or two-price wheat plan for 1964.

Fifth. Again on commodity programs, by adopting expensive Brannan plan type payments for the 1963 wheat and feed grain programs.

Sixth. Again on commodity programs, by eliminating completely the House-passed dairy program.

Seventh. Again on commodity programs, by accepting in 1964 with minor modifications the "pull the rug from under the corn farmer" provisions of the Senate bill.

Eighth. On allowing compulsory checkoffs for promotion and advertising under cherry marketing orders.

Ninth. And finally, on allowing Farmers Home Administration loans to fish farmers.

And upon what major items did the House prevail during this conference? Let me tell you.

First. The House number on the bill was retained.

Second. The same Senate research bill which had been rejected by the House three times previously was dropped.

Third. Several miscellaneous provisions such as sewer loans by the FHA, an REA loan account, a policy statement on farmer co-ops, and recreation under the Bankhead-Jones Act was eliminated.

That certainly is not much of a trade in my book. The House even lost bird seed in this conference.

This report encompasses many things, of course. First of all let me refer to the feed grain section. It pulls the rug from under the corn and feed grain farmer. Starting in 1964 it proposes price supports from 50 percent of parity to 90 percent of parity at such level as will not increase CCC stocks of corn in lieu of the act of 1958 which provides for a 65 percent of parity floor and 90 percent of the last 3-year market average. Under the conference report, the only criteria that the Secretary need follow in fixing price supports is that corn shall not accumulate in Commodity Credit Corporation stocks. So there you have the gadget. I want to say right here and now and predict that if the conference report is approved, the price support for corn will be fixed at 50 percent of parity, or about 80 cents a bushel. It is the clear intent of the author of this provision to do so. The rug will be pulled out from under the corn farmer and he will be faced with no payments whatsoever and price support at 80 cents a bushel. Not only that, but the Government surplus could be dumped on the market at 84 cents a bushel, plus carrying charges, and 175 million bushels of cheap wheat would be thrown into artificial competition with corn.

I am not going to go back to my Iowa farmers and tell them that I voted to give them 80-cent corn. I do not think you people from the wheat areas want to go back to your wheat farmers and tell them that the House has foisted upon them a two-price certificate system which they do not want. Under the proposed 1964 certificate wheat plan, some 925 million bushels of wheat would be sold for food and export needs under a complex certificate system designed to give the farmer $2 per bushel. Some 175 million bushels of wheat would be marketed as feed at a price-support level set in relation to the price support on feed grains, relative feeding value, and world wheat prices. U.S. Department of Agriculture officials told the House-Senate conferees that the 1964 wheat support would be 92 cents, if based on 80-cent corn. In addition, wheat farmers would be required to cut their present acreage by at least 20 percent below their 1963 allotments, and would be eligible for diversion payments based on 50 percent of their normal yield on the retired acreage for only 2 years. After 1965 there would be no further diversion payments.

What this means is cheap feed wheat being dumped on the corn market, sharply reduced acreage and income for wheat farmers, a bread tax of $1.08 per bushel on consumers, and continued high costs to taxpayers.

In fact, I do not know of very many people who are in favor of this legislation except those who are determined to put it over for political purposes. This 1964 corn and feed grain program is of course nothing more than a brazen attempt to blackjack the corn farmer to his knees so that strict controls can be applied next year. I, for one, refused to sign this conference report because I will not be a party to such a ruthless political scheme.

Incidentally, what happened to "parity of income"? Who has abandoned "90 percent of parity"? This administration rode to power on these banners, but yet not one crop enjoys 90 percent of parity price support, not even those under controls.

Tobacco has a special formula which was enacted 2 years ago to prevent tobacco suports from going higher under the "new parity" formula.

Upland cotton is currently supported at 82 percent of parity, rice at 76 percent of parity, peanuts at 82 percent of parity, and wheat at 75 percent of parity; yet, these crops are all under controls. With a stroke of his pen, Mr. Freeman could set them at 90 percent of parity. He has all the legal authority in the world to do so. "Supply management" is obviously not enough to achieve 90 percent of parity. What this administration is striving for, it seems, is a program with Freeman controls and Committee for Economic Development price supports.

The farmers in general are not for the bill, the wheat farmers as a whole are not for it, the overwhelming number of feed grain farmers are not for it, the livestock industry is not for it, and most certainly the taxpayers are not for it, because no one has yet come up with a price tag on this new legislation. I honestly believe it is going to cost millions and millions of dollars more than the present program under which we are now operating.

I think that at this point a word of explanation on the difference between the proposed 1963 wheat and feed grain programs and my substitute to H.R. 11222, the omnibus farm bill rejected by the House, is in order.

The Hoeven substitute to H.R. 11222 contained a provision originated by the gentleman from Minnesota [Mr. QUIE] to make payments in kind available to complying feed grain farmers in lieu of price support by nonrecourse loans.

The conference report makes payments in both cash and in kind and these payments are not in lieu of price support, they are in addition to price support through nonrecourse loans.

The purpose of the provision in the substitute was to prevent CCC from acquiring corn at $1.20 a bushel and then dumping it back into the market at $1 a bushel. It was designed to prevent a wholesale shuffling of the surplus. The substitute would also have prevented the resale of CCC-owned surplus feed grain into domestic markets for less than 5 percent above the support price. The conference report makes no such provision for the grain represented by the 18-cent payments.

To compare the conference report to the Hoeven substitute is like comparing vinegar and water. They both have some properties in common, but what a difference it makes if you are thirsty.

I propose a way out. I propose to offer a motion to recommit with instructions. I think if it is adopted—and I do not believe anyone can afford to take a chance in not voting for the motion to recommit with instructions. We are now at the crossroads, because I am sure we are going to be faced next year with another strict control program, and I can prove my assertion from the CONGRESSIONAL RECORD itself. I want to warn you right now as to what is in the making for 1964 and further years.

The conference report is only stopgap legislation continuing the wheat and feed grain programs for 1963 with the new gadget, the so-called Brannan plan type of compensatory payments. It is a very lush proposal for the feed grain farmer. I think he would like it. But what is going to be the situation in 1964 and from there on after the rug has been pulled from under the feed grain farmer and the wheat farmer—when they come in with a control program next year with further acreage restrictions and marketing controls, the very thing this House has repudiated time and time again?

This has been an important struggle through the past 2 years, and here we have again another attempt to regiment and control the American farmer when he does not want to be regimented and controlled.

In discussion of the late lamented omnibus farm bill in the other body, the Senator from Kentucky, Mr. COOPER, in asking a question of Mr. ELLENDER, the chairman of the Agriculture Committee, you will find on page 17204 of the RECORD of Tuesday, August 21, 1962, the following:

> Mr. COOPER. I know the purpose of the chairman as he made very clear yesterday on the floor is to secure, if possible, enactment next year of the compulsory feed grain program.
>
> Mr. ELLENDER. Yes.

Then he went on to say some other things but his statement was direct and clear.

This is kind of a trap in which I do not propose to be caught: a lush proposal for corn farmers in 1963, and then in 1964 to be confronted with a situation where the Secretary of Agriculture can say to the corn farmer: "You take this strict control program in 1964 or you get nothing, because we pulled the rug from under you in 1962."

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. HOEVEN. I do not have time; I am sorry.

What is wrong with the present feed grain program which I seek to extend for another year in my motion to recommit? It has the full endorsement of the present Secretary of Agriculture, Mr. Freeman. He said so in a letter which was sent to every Member under date of September 18. Here is what he said in part:

> As everyone knows, these programs (1961 feed grain and wheat programs) have been an outstanding success.
>
> The 1961 feed grain program has reduced Government stocks by 400 million bushels and has saved the taxpayers over $230 million on storage and interest charges.

He said that the programs "had contributed to the most phenomenal increase in farm income since 1953, that farm income in 1961 was increased more than $1 billion."

> You have been asked to destroy this beginning.

Why hesitate to vote for the motion to recommit with instructions to carry on the very program in 1963 which the Secretary of Agriculture said has been such a huge success in 1961 and 1962?

I feel that this bill must be returned to the conference if we are to ever maintain some sense of sanity in the price support program. While I do not feel that some of the other provisions in the bill are fully acceptable, I have confined my motion to feed grains and wheat only. My motion is designed to achieve these results:

First. It would delete the complicated, unworkable, and unfair wheat certificate plan for 1964 and subsequent years. This is the proposal which would dump some 175 million bushels of cheap feed wheat into artificial competition with corn and feed grains; would impose an even greater bread tax on consumers; and would sharply deflate the income of wheat farmers while continuing excessive Government costs.

Second. It would delete the provision which beginning in 1964 would completely pull the rug from under the corn farmer by setting corn supports at 80 cents a bushel, or only 50 percent of parity, while dumping surplus feed grains back on the market at only 84 cents per bushel, plus carrying charges. This provision is nothing more than a brazen attempt to blackjack the corn farmer to his knees so that strict controls can be applied next year.

Third. It would delete the proposed 1963 wheat and feed grain programs which are financed in both cash and in kind through the back door of the Treasury with the new gadget making direct payments as a part of price support.

Fourth. In place of these provisions, it would extend for 1 year the present feed grain program without change. This program has been in existence for 2 years now and its results are a known quantity. Farmers understand how it works, and in my State of Iowa, there has been high participation. This is not the time to tinker with this established program and replace it with an untried and apparently very expensive new program.

Fifth. It would extend for 1 year the voluntary features of the present wheat program. It is of course impossible to extend the present wheat program without change because the present program carries a mandatory cut in acreage and a general lightening of controls, and wheat farmers have already voted in a national referendum on the old program established by the 1938 act. It just would not be fair to wheat farmers to change their program now and require cuts in acreage after they had voted. The only way open is to offer a voluntary reduction opportunity, and that is what the motion to recommit proposes.

The motion to recommit will not disturb the conference report as to titles 1, 2, and 4; I simply lift the feed grains section and the wheat section from the conference report and substitute a 1-year extension of the present Feed Grain Act and a 1-year extension of the present Wheat Act. This is the thing to do and thus avoid the trap which is being set for us.

The choice before the House boils down to this—either we take the certificate wheat plan, pull the rug from under the corn farmer, adopt a new and untried program for 1963, or we simply extend for 1 year with as little change as possible the present wheat and feed grain programs. The choice seems apparent to me, and I sincerely urge the House to adopt this motion to recommit.

Mr. COOLEY. Mr. Speaker, in answer to the charge that the House conferees capitulated, I would remind the gentleman from Iowa that there were 27 major differences between the House and Senate. The House position was accepted on 15 of these differences and the Senate only on 12 of the differences. I know all of you have received propaganda in opposition to this bill. The Farm Bureau has been especially active.

I have in my hand a letter dated September 14, 1962, signed by John C. Lynn, legislative director, American Farm Bureau Federation, and I should like to quote one sentence from that letter:

> In my estimation, no farmer with a corn or feed grain base can afford to stay out of this program.

Which means the Farm Bureau is opposed to the bill because it is too good for the farmers of America.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. HOEVEN. I am not here to raise the point at all, but there is nothing said in that letter about the consequences of the act of 1964 and thereafter. It relates to the act of 1963, and I admit very frankly that that is to pacify the farmers.

Mr. COOLEY. Let me quote another phrase:

> I cannot understand why you would vote for this kind of a program which will benefit primarily the Midwest corn and wheat States.

There is the statement from the legislative director of the Farm Bureau, notwithstanding the propaganda that was spread all over this House yesterday and is continuing today.

Mr. HOEVEN. In all fairness, that statement applies only to the act of 1962, not to 1963, or 1964. You are asking us to take the sweet with the bitter.

Mr. COOLEY. You can take any of it. You may object to it.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from California.

Mr. ROOSEVELT. I think those of us who do not come from farm areas, areas that we do not consider to be agricultural, should like to ask a question: Does this, to the consumers of our city areas, mean a probable increase in cost?

Mr. COOLEY. Absolutely not.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Illinois.

Mr. MICHEL. I think the gentleman from California raises a very good question. I want to give to the House a simple example of what could happen in a district like mine in connection with a 100-acre allotment of corn. A farmer could get a diversion payment plus a compensatory payment that in total could come out to a figure of $105.50 for each acre of land taken out of production.

This $105.50 an acre breaks down as follows, for a corn farmer in my area who has an acreage allotment of 100 acres and an average yield per acre of 80 bushels.

The bill, as I understand it, provides 18 cents per bushel for the normal yield times 80 percent of the acreage allotment which would in this case be 18 cents times 80 bushels, or $14.40 per acre times 80 acres, or a total of $1,152.

Now this is the compensatory payment alone, but I would remind my friends, particularly from the urban centers, that this farmer is still eligible to receive a land diversion payment calculated at 60 cents per bushel times his yield, or 80 bushels times 60 cents, which gives us a figure of $48 per acre times the 20 acres diverted gives us a total of $960.

Now in adding the total compensatory payment of $1,152 and the total diversion payment of $960, we get a figure of $2,112, divided by the 20 acres diverted or a cost of $105.50 per acre to keep the land idle.

Over and above this fabulous payment, the farmer would be eligible to receive price support on his total production of corn on the 80 acres at a $1.02 per bushel.

This whole proposition of a compensatory payment is nothing more than enactment of the discredited Brannan plan of a number of years ago, and I certainly have to be unalterably opposed to it.

Mr. COOLEY. How much would that be under the 1958 act?

Mr. MICHEL. I cannot advise the gentleman precisely, but it certainly would not come anywhere near these figures.

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, the distinguished ranking minority member of the Agriculture Committee has suggested that we should scrap all we have done this year and extend for another year the program which he so bitterly opposed last year. He now says it is a good program and that we should extend it.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. Of course, I yield to the gentleman from Iowa.

Mr. HOEVEN. I did vote for extension of the feed grain bill last year.

Mr. POAGE. After the gentleman had done everything he could to kill it, he got himself on record at the last moment by voting for the conference report. I fear the gentleman's support was in the nature of a "deathbed" conversion. But the gentleman was doing all he could to defeat this kind of program last year. He repeatedly told us how bad it was. And, now he is for it.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield further?

Mr. POAGE. Certainly, I yield to my friend from Iowa.

Mr. HOEVEN. Of course, the record will disclose that in the debate the gentleman stated that he was opposed to the original version because it would reduce prices to 17 percent below parity. When that was corrected in conference the gentleman voted for the conference report and spoke in behalf of it and voted for it.

Mr. POAGE. The only point I am making is that the gentleman opposed the program that he now suggests we continue. There is no question about that, is there? He has a right to change his mind, and he has changed his mind. He now recognizes that the program that he then opposed has been a good program and has worked. He has, however, suggested that there were many defects in that program. He proposed to correct them.

On June 21, 1962, one will find at page 11324 of the Record where the gentleman from Iowa introduced a proposal which states that the Secretary is authorized and directed to make payments in kind to producers eligible for price support on the 1963 crop of corn, grain sorghums, and barley who elect to take such payments in lieu of price support. For each bushel of corn, grain sorghums, and barley that otherwise would be eligible for price support, payment in kind shall be the equivalent of the following:

For corn, 15 cents a bushel.

There is exactly 3 cents difference between this proposal and the proposal in this bill.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. Yes, but let me read a little further. I read further on page 11326 of that same Record where the gentleman from Iowa stated—and I am quoting it and I hope you will read it if you have any question about what the gentleman said. Here are his words:

> Another provision of the substitute would make payments in kind to participating feed grain farmers in lieu of price supports, thus preventing wholesale shuffling of the Commodity Credit Corporation inventory.
>
> There is much sentiment for wider participation in a payment-in-kind program, but up to now it has not been used very much.
>
> It seems to me that it makes a lot of sense to get rid of some CCC grain through a payment-in-kind program rather than selling the same for cash.

Now, that is what the gentleman from Iowa asked us to vote for on the 21st day of June. If you do not believe it, read the Record. That is his statement, not mine.

So, we went to conference and the gentleman from Iowa pointed out how he felt that the present program allowed the manipulation of the market and how he feared it. Personally, I felt that there was merit to this objection. We did everything we could to take care of the objection by the gentleman from Iowa, even to the point of inserting his language in the conference report. True, there is a 3-cent-per-bushel difference in the amount of payments-in-kind which will be made to feed grain producers but that is not a matter of vital importance; is it? The gentleman did not heretofore, indicate that he considered this matter of any importance.

The gentleman from Iowa now protests. We have given him what he asked for, but he now protests. He does not want anyone else to use the device he so ably advocated just 3 months ago.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield for a question?

Mr. POAGE. I yield for a question, but not for a speech.

Mr. HOEVEN. Well, I think the gentleman should permit me to respond.

Mr. POAGE. If the gentleman has no question, then I will continue explaining the bill.

Mr. HOEVEN. I want to ask a question.

Mr. POAGE. If you have a question, I shall try to answer it.

Mr. HOEVEN. Does the gentleman think it is fair to make that assertion without giving the gentleman from Iowa a chance to rebut it?

Mr. POAGE. The gentleman from Iowa had the floor just as long as the gentleman from Texas has it. I have read the Record. The gentleman from Iowa can refer to the Record and so can every Member of the House. The gentleman does not question that I have read the Record correctly, does he?

Mr. HOEVEN. I do not question the fact that the gentleman has read the Record correctly.

Mr. POAGE. I have read the Record. I think the Members of the House understand this situation.

Mr. HOEVEN. Will the gentleman yield for a question?

Mr. POAGE. I am sorry. I do not have but a little time. The gentleman from Iowa further objects to the program. We in good faith made every possible effort to correct the gentleman's objection, and I think that we did in fact meet the objections which he raised prior to this time.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. COOLEY. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. POAGE. Now, just what have we done? Just what does this conference report do? Whether the gentleman from Iowa now approves what he proposed last June makes little difference. But is what we have done sound? I think it is. The most serious objection raised to the program during the last 2 years has been the fact that it was necessary for the Secretary to sell grain back into the market at or below market price in order to maintain a differential between the cooperator and the noncooperators.

Surely, everybody understands that if you have a voluntary reduction program you cannot maintain that program unless the cooperator gets some advantage because of his cooperation; and if you let the noncooperator get as much as the cooperator gets it is obvious you cannot make such a program work.

So the Secretary had to sell back into the market whenever the price began to climb. We have tried to correct that by saying instead of making the Secretary sell back into the market at less than market price we have provided a floor of $1.02 per bushel below which the Secretary cannot sell. And instead of maintaining a high price on corn in the Southeast and in the Northeast where there is often a feed-grain deficit, we are going to let the effective price support of all corn sink to $1.02 a bushel. Those who want to cooperate, those who want to reduce production, those who want to help us eliminate these burdensome surpluses will be paid the difference between $1.02 and the $1.20 which has been the support price. They will be paid that in grain out of our surplus stocks so that the income of the cooperator will remain at the basis of $1.20, whereas the price that you are going to pay on the east coast and in other feed-deficit areas will be somewhere around $1.02 per bushel.

Let me make this absolutely clear to every man from a feed-deficit area. Under the terms of this bill any man can plant every acre that he owns and every acre he rents, in corn or any other feed grain if he wants to. Nor does he have to limit it to his own use. He can sell it if he finds somebody to buy it. He can plant from fence to fence. Every acre throughout the South can be planted in corn; every acre in New England can be planted in corn. There is no restriction on the planting of feed grain. But if this man wants the Government to assist him, he can cut down on his plantings anywhere from 20 to 50 percent and he will be paid one-half of his normal production on the acres that he takes out of production and he will receive support at $1.02, which is just about the minimum which everybody is probably going to get for his corn. Then he will get paid an additional 18 cents worth of feed grains. He does not get that unless he becomes a cooperator and unless he helps Uncle Sam reduce these burdensome surpluses.

If he wants to be a free agent, if he values the right to plant from fence to fence more than he does his income, he can plant from fence to fence and there is no penalty against him.

I want it understood that this is a completely voluntary feed grains program without an ounce of compulsion on anybody.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield.

Mr. KASTENMEIER. Will the 18-cent-per-bushel payment apply to the farmer who harvests his corn for purposes of silage?

Mr. POAGE. Yes; it will. The bill as agreed upon by the conferees provides that the 18-cent-per-bushel payment in kind shall be made on the acreage of corn planted multiplied by the 1959–60 yield. This means the producer would receive 18 cents per bushel in kind on the number of bushels so determined irrespective of whether such corn is harvested for grain or silage or destroyed as a result of drought or other disaster. It is necessary, of course, that the producer reduce his total acreage of feed grains including corn for silage by at least 20 percent in order to be eligible for such payment in kind. In other words, if he cooperates he gets the payment the same as anybody else does. The payment is not dependent on the use of the grain but on the cooperation on the part of the producer in reducing the accumulation of unneeded surplus grain.

Mr. HOEVEN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. Quie].

Mr. QUIE. Mr. Speaker, after the bit of confusion that has gone on during this debate, I hope we can get the House back on the track again.

The whole issue is made to appear like we are objecting to the 1963 program for corn and wheat. If you will note from my comments, I do not have any objection to the 1963 program except one portion of it. I might add, that in this one way the conference report 1963 program is different from what the gentleman from Iowa introduced as a substitute when the Freeman bill was defeated. The Hoeven substitute provided that the resale of corn or other feed grains which reflected the certificate payments in kind was expected to be 5 percent above the support level plus carrying charges or 5 percent above $1.02. That was not written in the conference report, and that is my objection.

But my major objection to the conference report has nothing to do with the 1963 program; it has to do with the 1964 program, in what is going to happen to the farmer when that program takes effect. Let us see what will happen. What will happen to the feed grain farmers in my area and every other part of the country is that they will have price supports for corn down to 80 cents a bushel, and the Secretary of Agriculture will be able to dump all of the corn and feed grains he has in storage for just a little bit above that price. That is going to be damaging. It is going to be ruinous. It is not only going to hurt the farmers but every businessman in the farming communities.

Will the Secretary do it? Yes. How do we know? I will tell you. Because he has said in the bill he had introduced into the Congress that next year every farmer in the feed grain area will have a chance to vote—whether he wants regimentation and control or not. The Secretary of Agriculture under one choice tells him where to plant, how much to plant, and what to plant, or else he must choose a program with no price supports, and the Secretary can dump a tremendous amount of surplus on the market. This is ruinous.

For 3 weeks our committee had the CED report before us. Many a tear was shed over the fact that in 5 years, 2 million farmers would be driven from the farms because the price supports will be knocked down. The conference report and the administration bill want to do in 1 year what the CED wanted to do in 5 years. I cannot go along with that—a program so detrimental to rural America.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. FORD. Is there an estimate of the cost to the Treasury for the 1964 program?

Mr. QUIE. No; I have not seen any such estimate.

In 1964 the certificate wheat plan goes into effect. No matter how I read it, the farmer comes out with less income. The way I look at it, the farmer's income is just about as low as it can be. If you take the 1964 program, you are going to knock down the wheat farmers' income. The statement of the chairman is going to be correct, when he said in his opening remarks "If agriculture is impoverished the rest of our economy is in danger." If the next Congress by inaction does nothing by 1964, that is what will happen, and I do not want that to happen.

You take this legislation and look at it. The farmers are going to have disastrously low incomes. They just cannot make it on 80-cent corn out in the Midwest. We can get along on $1 corn, but not on 80-cent corn. If 20 percent of your wheat acres have to be idle, after 3 years you get no payment, and on your remaining acres you get the $2 a bushel for 80 percent of your crop, but the remainder would sell for about $1. It is damaging to the farmer.

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield.

Mr. HARVEY of Indiana. In addition to the load that will be put on the feed grain and livestock farmers, this 1964 provision for wheat will provide for dumping a substantial amount of so-called feed wheat into the market, which will further depress the grain market.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield.

Mr. FINDLEY. Is it not true that under the 1964 provisions the Secretary of Agriculture would acquire the tools he would need to discredit our traditional marketplace system to such an extent that many farmers would be driven to their knees so that they would cry for Government control thereafter?

Mr. QUIE. That evidently is the intent.

Mr. Speaker, in closing I want to say again that the 1963 program is not the issue. Some of you may be against it. I am for it. But the real issue is the 1964 program and the damaging effect that this will have not only on the farmers but on the rest of our economy.

The SPEAKER pro tempore (Mr. Bolling). The time of the gentleman has expired.

Mr. COOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. Cannon].

Mr. CANNON. Mr. Speaker, we are confronted today by two acute and dangerous situations. One is the matter of foreign relations. The other is before us today in this report and deals with the most vital factor in the domestic economy of the Nation. In both of these we approach a crisis.

Each involves the possibility, the potentiality, of unfathomable disaster.

Mr. Speaker, this is not a time for impulsive action. It is not a time for prejudice or partisanship or indecision on either front. But in both, Mr. Speaker, there is one thing that stands out like Mars at perihelion.

We must present a united front at home and abroad. We must consider the wise and prudent and measured counsel of the President of the United States.

The President does not look upon this bill as a panacea. He does not consider it the last word on the farm problem. He does not propose it as permanent legislation. It is at best a stopgap. But, Mr. Speaker, he understands—as we understand—it is our last chance in these closing days of the Congress.

There is every reason to believe that the President will accept this bill at this time if submitted to him in its present form.

Mr. Speaker, on these grounds may I urge prompt and favorable action on the conference report.

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. Breeding].

Mr. BREEDING. I thank the gentleman for yielding to me.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BREEDING. I yield.

Mr. BASS of Tennessee. Mr. Speaker, I would like to say I am going to vote for this conference report. It is not exactly what I would like to have had but I may refer to it as creeping progress, and I think we are moving in the right direction.

Mr. BREEDING. I thank the gentleman from Tennessee.

Mr. Speaker, conference agreed to provisions generally along the lines of the House bill with respect to a 1963 wheat diversion program with the following changes:

First. The mandatory 10-percent reduction would be eliminated and the provisions with respect to the 15-acre farms would be simplified to provide for diversion below an average 3-year acreage. As in 1962, the 15-acre exemption would be modified to the highest acreage planted in 1959, 1960, or 1961.

Second. Producers would be given the opportunity to divert not less than 20 percent and not more than 50 percent of their allotments with payments at 50 percent of their normal production on the diverted acreage based on the support of $1.82. In addition, producers who do make this voluntary reduction would be entitled to price support at $2 per bushel. Such price support shall be carried out partially in the form of a payment in kind of 18 cents per bushel on the normal production of their 1963 wheat acreage, and the balance in the usual manner through loans and purchase agreements at the national average of $1.82 on their actual production.

All payment-in-kind certificates would be redeemed in wheat valued at not less than the support price to cooperators not participating in the diversion program. Cooperating producers would have three choices: (a) to exchange the certificate for wheat from CCC stocks, (b) to sell the certificate, or (c) to request CCC to market the certificates for them. In the latter case, CCC would assist producers in marketing their certificates, and the Department has indicated CCC would advance producers the full face value of the certificate. The support level for cooperators not participating in the diversion program would be frozen at $1.82.

Third. Producers who agreed to divert a specified acreage would lose price support for 1963 if they failed to carry out their agreements.

Fourth. Increases in the marketing penalty and voting eligibility changes would be omitted, since the referendum has already been held.

Fifth. Crops which could be planted on diverted acres would be limited to those named in the bill.

Sixth. Producers would be required to take appropriate erosion control measures.

WHEAT PROGRAM FOR 1964 AND SUBSEQUENT CROPS

Senate revised the wheat marketing quota program to provide for more effective controls and for an acreage diversion program with payments for the first 3 years of diversion. Provides for a marketing certificate plan under which noncertificated wheat would be supported at a level determined after consideration of its feed value and world price, and certificated wheat would be supported at between 65 and 90 percent of parity. Certificates would be issued to producers for all wheat consumed domestically for food and such part of the exports as would carry out the price and income objectives of the bill. If marketing quotas were disapproved by producers, the support level would be 50 percent of parity.

Conference agreed to the Senate provisions with respect to wheat with the following changes:

First. They will be made effective beginning with the 1964 crop—the diversion payment program being authorized for 1964 and 1965.

Second. Substitution of wheat and feed grain acreage would be permitted if a feed grain acreage reduction program is in effect, to such extent and under such conditions as the Secretary determines would not adversely affect the overall operations of the wheat and feed grain programs.

Third. The small farm base acreage would be computed on a 3-year adjusted average acreage excluding 1963 instead of the highest 3 years out of 5.

Fourth. The crops to which diverted acreage may be devoted under the diversion payment program would be the same as in the 1963 wheat program.

Fifth. Wheat acreage diverted under the 1962, 1963, 1964, and 1965 diversion programs would be counted as history for allotment purposes.

Sixth. The Secretary would be given authority to provide equitable treatment for producers acting in reliance on erroneous advice from the Department under past, present, and future wheat and feed grain diversion programs.

The bill, as agreed to by the conferees, contemplates that the Department, in operating the wheat marketing certificate program, will give full recognition to the potential impact of this program on the orderly marketing of wheat. In particular, the conferees are concerned with the problems of transition from the present program to the wheat certificate program. It is recognized that new crop wheat will be harvested and moved into the marketing channels prior to the beginning of the marketing year. It is also recognized that stocks of wheat will be held in an inventory position, particularly by millers, as of the beginning of the marketing year. The conferees expect that the Commodity Credit Corporation will take such steps as are necessary to assure that the benefits of the certificate program are extended to producers of wheat who harvest wheat prior to the beginning of the marketing year. The conferees also expect that recognition will be given to stocks of wheat in inventory on the effective date of the program. The mechanics for handling this phase of the program are the responsibility of the Department of Agriculture. The bill contains adequate authority to handle this problem. The Secretary of Agriculture should, however, proceed with extreme caution in this matter. The principal concern of the conferees in that neither windfall profits nor losses should be incurred by holders of wheat on the effective date of the new program, because of inadequate mechanics for handling this problem.

The conferees also believe that the certificates should trade at face value or a preannounced value and that opportunities for speculation in certificates should be eliminated. This can best be accomplished by announcing in advance that CCC will be a free buyer and seller of certificates. This announcement should not preclude the handling of certificates in trade channels but it would eliminate the opportunity to hold certificates for financial gain. It would further eliminate the possibility of the disruption of orderly marketing because of an artificial shortage of certificates.

The conferees, by referring to specific problems, are not inferring that these are the only problems involved in the transition to the wheat certificates program or the only possibilities of interference with the orderly marketing processes. They are cited as a caution to the Secretary of Agriculture to use care in developing and administering this program. Conferences with committees of Congress, farm organizations, and the grain trade are essential to the proper development of the mechanics for handling the wheat certificate program.

The conferees also believe that it is important that the necessary mechanics of operation be worked out and announced well in advance of the effective date of the program. Only in this manner can all producers and grain handlers have an opportunity to adjust their operations to the certificate program.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. BREEDING. I yield.

Mr. WAGGONNER. When you speak of payment-in-kind certificates, would it be possible for them to take either payment in kind or convert it into cash through the Commodity Credit Corporation?

Mr. BREEDING. The payment-in-kind certificates would be redeemed. Cooperating producers would have three choices; first, to exchange certificates of wheat from the Commodity Credit stock; in other words, they could take the certificates in there and ask for the wheat and get it, or they could sell this certificate to the elevator man who wanted to take it from him, or he could request the Commodity Credit Corporation to market these certificates for him and could leave the certificates with the Commodity Credit Corporation and take the cash.

Mr. LATTA. Mr. Speaker, will the gentleman yield for a question?

Mr. BREEDING. I yield.

Mr. LATTA. Based on 80-cent corn for 1964, could you tell the House what the price support for noncertificated wheat would be?

Mr. BREEDING. As I understand, it would be in the neighborhood of $1.39 or $1.40.

Mr. LATTA. Based on 80-cent corn?

Mr. BREEDING. The price of wheat is based on the world price of wheat, not on the price of feed corn.

Mr. LATTA. But information has been given to me, and I tried to verify it with the chairman of the subcommittee, that the noncooperators—and I might say that 80 percent of the wheatgrowers in Ohio fall in that category, 15-acre growers—would get this 92-cent payment, rather than the $2.03 as they now do for wheat.

Mr. BREEDING. A lot of wild charges have been made, many of them about this very thing. This is a matter the gentleman from California [Mr. ROOSEVELT] is interested in. It has been claimed that it would add to the price of bread and that the marketing certificate is a bread tax on consumers. The facts are that the price support for wheat in 1962 is $2 per bushel and that it would be the same under the marketing certificate program according to the Department of Agriculture.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. COOLEY. Mr. Speaker, I yield the gentleman 3 additional minutes and would like to ask him a question.

You will recall the gentleman from Iowa [Mr. HOEVEN] said the farmers are not for this bill. I would like to ask the gentleman from Kansas what the wheat farmers of his area say about the wheat portion of the bill.

Mr. BREEDING. In response to the gentleman's questions I may say that I have a number of telegrams here which I will read and which I think answer his questions:

DODGE CITY, KANS.,
September 18, 1962.

HON. J. FLOYD BREEDING,
House Office Building, Washington, D.C.:

The wheat section of the conference committee report is the bushel approach advocated by wheat grower organizations for many years. Development of this program has been on a nonpartisan basis by the growers. Past sponsorship, development, and support by the Congressmen has been bipartisan. Wheat producers should be given an opportunity to study, analyze, approve, or reject this program. This program would allow an orderly reduction of excess stocks and provide freedom for the farmer to plan his production schedule so he can have wheat to market in bad crop years, maintaining farm income and protecting our food supply. Certificates would be issued initially for some 950 million bushels of current production. Later this would be increased as Government stocks and inventory stocks in all positions were reduced. Taxpayer costs would be reduced. This is a sound busi-

ness approach—an attempt to solve the wheat problem. Kansas economy and wheat producers have much to gain by the bushel approach.

ANSON HORNING,
President, Kansas Association of Wheat Growers.

LARNED, KANS.,
September 14, 1962.

Hon. J. FLOYD BREEDING,
House of Representatives, Washington, D.C.:

Kansas Association of Wheat Growers, an organization with a membership of 50,000, strongly urge your support for a long-range bushel management approach to the wheat problem beginning in 1962. Concentrated efforts to confuse the issue and discredit any constructive approach is making it very difficult for the average farmer to analyze the issues, but still he believes the bushel approach will be best over a period of time.

ANSON HORNING,
President, Kansas Association of Wheat Growers.

LARNED, KANS.,
September 14, 1962.

Representative FLOYD BREEDING,
House of Representatives,
Washington, D.C.

DEAR FLOYD: Just returned from a 1,200-mile trip over Kansas. Little wheat sown. Farmers can't wait much longer. It is either give us a program or we are through being kicked around.

The grange certificate wheat program will work if given a chance. Farmers are the lowest in spirits I have seen in 40 years of farm organization work.

Sincerely,

HARRY C. GOLGLAZIER,
Master, Kansas State Grange.

PROSSER, WASH.,
September 14, 1962.

Hon. FLOYD BREEDING,
Old House Office Building,
Washington, D.C.:

Believe many growers will support bill as reported from conference committee. Particularly urge you support certification plan for 1964 wheat crop

GLEN BAYNE,
President, National Wheat Growers Association.

AMARILLO, TEX.,
September 17, 1962.

Congressman FLOYD BREEDING,
House Office Building, Washington, D.C.:

This research, market development, and service organization serving its membership in the grain sorghum feed grain areas of Texas, New Mexico, Oklahoma, and Kansas commends the Senate-House conference committee for its compromise report that when adopted assures the continued progress and prosperity of the Nation's feed grain producers while encouraging expanded marketing and utilization. Our congratulations on your job well done.

GRAIN SORGHUM PRODUCERS ASSOCIATION,
D. G. NELSON,
Executive Vice President.

WASHINGTON, D.C.,
September 19, 1962.

Hon. J. FLOYD BREEDING,
House Office Building, Washington, D.C.:

Rejection of conference report on pending farm bill will result in expiration of emergency programs for wheat and feed grains at year end 1962 and will intensify present turmoil and chaos in rural areas. Conference report leaves much to be desired, most notably absence of vitally needed dairy program, but National Farmers Union believes strongly that the interests of farmers, consumers and taxpayers will best be served by adoption of this conference report. We respectfully urge you to vote "yes."

NATIONAL FARMERS UNION,
GLENN J. TALBOTT,
Acting President.

BOISE, IDAHO,
September 14, 1962.

Congressman FLOYD BREEDING,
Old House Office Building,
Washington, D.C.:

We urge you to give favorable consideration to the compromise proposal including certificate wheat plan.

IDAHO WHEAT COMMISSION,
A. G. CONDIE.

BOISE, IDAHO,
September 14, 1962.

Congressman FLOYD BREEDING,
Old House Office Building,
Washington, D.C.:

We urge you to give favorable consideration to the compromise proposal including certificate wheat plan.

IDAHO STATE WHEAT GROWERS ASSOCIATION,
ORVILL THOMPSON, *President.*

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. BREEDING. I yield to the gentleman from North Carolina.

Mr. COOLEY. I take it the Farmers Union likewise is in favor of it?

Mr. BREEDING. Yes. I have a wire in my hand here to that effect.

Mr. COOLEY. The National Grange?

Mr. BREEDING. Yes, I have one here from the Kansas State Grange and the National Grange.

Mr. COOLEY. And the wheat farmers are in favor of it?

Mr. BREEDING. The wheat farmers are in favor of it, including the Idaho Wheat Commission and the Feed Grain organization of Amarillo, Tex.

Mr. COOLEY. Then the gentleman would say that the farmers in the wheat-growing areas are for this bill?

Mr. BREEDING. Yes. The conference report would continue a voluntary acreage diversion program for wheat in 1963, and would establish a permanent wheat program for 1964 and later years.

There is a long history of support by wheatgrowers for some kind of a two-price plan for wheat. This type of program originated in the 1920's, and was discussed again in the 1950's. Congress approved the domestic parity plan for wheat in 1956, providing marketing certificates on wheat used for food in this country. It was, however, a part of the bill which was vetoed by the President for reasons not connected with the wheat program itself. At that time, the program was proposed primarily by Congressman Hope, of Kansas, and Senator CARLSON, of Kansas; it had substantial bipartisan support and still does.

So the pending wheat bill is not a new and radical program. It has had the support of farm groups for many years. It would use about the same machinery for limiting wheat production which has been in effect for many years, but would make the formula for determining acreage allotments flexible enough so that the Secretary could adjust the allotments to the needs of the wheat market.

A two-price program for wheat is a logical one because the wheat market can be divided into two main parts—domestic use and exports. This domestic food market for wheat has been almost constant at around 500 million bushels per year for many years. All of the various two-price or certificate plans which have been proposed involved a relatively attractive level of price support for the amount of wheat used as food in the United States.

Since wheat does have several potential outlets, and since it can move into these different end uses at different prices, the two-price system continues to be the most sound approach to the problem of supporting incomes of wheat producers.

The marketing certificates provide the mechanism which makes it possible to distinguish between the amount of wheat to be supported at the higher price and that to be supported at the lower price. Under existing permanent law—including the 55-million-acre national wheat allotment—the Government is committed to supporting the price at a level between 75 and 90 percent of parity for "all the farmer can grow on his acreage allotment."

This means that in a year in which there is a large crop, the Government must acquire a large amount of wheat at a support between 75 and 90 percent of parity or between approximately $1.80 and $2.20 per bushel. Under the marketing certificate program, the Government would provide price support between 65 and 90 percent of parity on a specified number of bushels of wheat—probably about 900 to 950 million bushels in 1964.

Earlier certificate programs did not include marketing certificates for wheat to be exported. The present proposal gives the Secretary discretion to issue wheat marketing certificates on wheat to be used as food in this country plus that portion of the exports on which the Secretary determines marketing certificates should be issued in order to achieve the price and income objectives of the program.

The Secretary of Agriculture has indicated in a letter to the chairman of the Wheat Subcommittee of the House Committee on Agriculture that if the wheat marketing certificate program had been put in effect in 1963, he would have issued marketing certificates to producers for about 925 million bushels. This means, in effect, that he would provide a favorable level of price support on 925 million bushels. The remainder of the wheat produced on the national acreage allotment would either be used as feed and seed on the farm, or would be sold by growers for export or for feed at a price related to the world price and the feed value of wheat.

This will not only permit the CCC to reduce its carryover of wheat systematically, but will also reduce the cost of export programs for wheat.

Under the 55-million-acre allotment which is now the permanent law, the Department expects to add 100 to 150 million bushels to the carryover each year. Under the Senate bill, it expects to reduce stocks by around 150 million bushels a year for 2 or 3 more years.

Under the present permanent law, the CCC pays an export subsidy one way or another on every bushel of wheat exported.

Under the pending bill, CCC would pay a subsidy on most export wheat, but not on all of it.

The wheat marketing certificate program would also introduce a new kind of flexibility into the farm operations. There is a provision in the bill which would permit the production of wheat on feed grain allotments or acreages. This wheat would not qualify for marketing certificates, and would be either fed by the farmers, stored, or sold for feed. Wheat produced on feed grain acreage would not be a net addition to the total supply of feed grains, but would be feed grains produced as wheat instead of as grain sorghum or barley. Under this program, therefore, wheatgrowers will have a great deal more flexibility in choosing their crops than they have at the present time. Feed grain producers under the wheat provisions of S. 3225 (H.R. 12391) would also have the option of producing feed grains on their wheat acreage allotment—an option which is now open to any feed grain producer, since there is no mandatory feed grain program in effect.

A lot of wild charges are being made about the wheat program.

First. It has been claimed that it would add to the price of bread and that the marketing certificate is a bread tax on consumers. The facts are that the price support for wheat in 1962 is $2 per bushel and that it would be the same under the marketing certificate program according to the Department of Agriculture. No excuse can be found in the wheat program to raise the price of flour or bread. And it is well known that wheat makes up less than 3 cents of the cost of a 20-cent loaf of bread. The price of wheat would have to go to nearly $3 per bushel before an increase in the price of bread could be linked to the wheat price.

Second. It has been charged "that under the certificate program the Department of Agriculture would pay a subsidy on nearly all exports of wheat." The facts are that at the present time the Department of Agriculture pays a subsidy on every bushel of wheat exported. Under the certificate program the Department has indicated that a small part of the normal production on the national acreage allotment would be marketed by the farmers at or near the world price level. It could be exported, therefore, without any net subsidy cost to the Government.

Third. It has been claimed that the provision which would permit farmers to grow wheat as a feed grain would "flood the feed grain market with cheap wheat."

The facts are that this provision is intended to be used only when some acreage diversion program is in effect for feed grains and that for every acre of wheat grown as feed there would be 1 acre less of sorghum or barley or corn. It is not intended that there would be unlimited production of wheat for feed, but that farmers should have the flexibility to grow wheat as feed in connection with a reasonable feed grain program for 1964.

AN EXAMPLE OF THE 1964 WHEAT MARKETING CERTIFICATE PROGRAM

Here is how the program might work nationally, using one possible method of handling the certificates, and reasonable but assumed price supports and acreage reductions:

(a) Assume total wheat demand to be estimated at 1,250 million bushels.

(b) The Government might decide to reduce stocks by, say, 150 million bushels, with two-thirds of it going into exports, one-third to domestic supplies. This would leave a total market to be filled by farmers of 1,100 million bushels.

(c) At average yields, this would produce an acreage allotment for the 1963 crop of 47 to 48 million acres, including the small-farm acreages.

(d) The domestic food market would be about 500 million bushels, 45 percent of production on the allotment. An additional 100 million bushels would be used for feed and seed.

(e) The export market would take about 45 percent of normal production on the acreage allotment—500 million bushels.

(f) The Secretary would issue marketing certificates on about 925 million bushels in the first year. That is, 925 million of the expected production of 1,100 million bushels on the wheat allotment would get price support at $2. One hundred million would go for feed and seed, and farmers would market the remaining 75 million bushels without marketing certificates at or near the world price level, with little or no subsidy.

(g) The feed wheat price would be around $1.30 to $1.40, depending on the corn program, and domestic food wheat would be around $2 per bushel.

(h) The Government would pay an export subsidy on only slightly less than total exports.

Here is how the program could work on a typical farm, using reasonable but assumed yields. Example:

(a) The farmer's 1961 allotment was 55 acres; his wheat base was 82 acres.

(b) His 1964 allotment becomes about 44 acres. On the 11 acres—a 20-percent reduction—that are retired, he would receive a payment of around $25 per acre. He might be allowed to graze the land in a limited way. If so, he would get a smaller payment.

(c) On his allotted acres, the farmer would be expected to grow 1,100 bushels at average yields. He would get marketing certificates representing 925 bushels which he can market for about $2.05 a bushel, based on a price support around $2 or a total of $1,896. The remainder of the farmers' wheat, 175 bushels, would be worth approximately $1.30 per bushel if corn supports were $1.20, for a value of $228.

(d) The wheat income under this example, plus the diversion payment of $275, give the farmer approximately $2,400. In addition, he would have savings on production costs on the smaller harvested acreage. This is roughly the same as his normal expected return for the 1962 crop with a 10-percent acreage diversion. In 1961 he got around $2,300 from the sale of wheat from 55 acres.

Here is how the farmer would handle it when he took 925 bushels of wheat with marketing certificates to the county elevator to sell and get his money.

He would sell wheat with certificates at the market price—say $2.05—and would get a check for $1,896.

The elevator operator would turn his certificates over to CCC for the face value as announced. The miller would be required to buy certificates for wheat milled for domestic food use, and would generally purchase them from CCC.

Wheat not accompanied by certificates would move in the marketplace at an average price near $1.30 or $1.40, depending upon the support price for corn.

Mr. HOEVEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. BELCHER].

Mr. BELCHER. Mr. Speaker, at the outset I want to say that for 12 years I have served with the chairman of this committee. I have loved, admired, and respected him, and I have defended his position on many occasions. In all of the 12 years today is the first injustice I have ever received at the hands of my chairman, and I think there is nothing that cuts so deep as an injustice you might get from a friend.

Mr. Speaker, if you are confused at this time, you are in no different position than the conferees were or members of the Committee on Agriculture. We had two members of the Department of Agriculture come into the conference room and try to explain to us how the wheat section of the bill would operate.

After they thoroughly disagreed with each other and the House Members disagreed with each other, Senator ELLENDER disagreed with everybody. Finally Senator ELLENDER chased the Department officials out of the room and the question was never answered.

Mr. Speaker, my time has been limited to about 4 or 5 minutes during which to discuss this bill. I will not have time to discuss any of the provisions of the bill. However, let me say that the telegrams read by the gentleman from Kansas representing the district just north of the district that I represent, heretofore there was only a barbed-wire fence that divided us for many years, but now even the barbed-wire fence is gone. So there is nothing between our two districts. Not a telegram did the gentleman read from my district, and not a single telegram from a wheat farmer of Kansas. He did read some telegrams from some various organizations that are purporting to back this wheat bill.

Mr. Speaker, I just want to say that I do not think there is any danger on the part of the chairman of the committee in giving me this time. I will say that I see no reason why the chairman was afraid to give me a few minutes' additional time on the floor, because I have no illusions whatsoever of convincing one single Member on this side of the aisle to vote against this conference report. He has almost a two-thirds majority. I feel that his conference report is completely safe. I want to say to those Members of the House you do not sit in the easy seats if you happen to represent consumers, and because you, for the first time, are assuming the burden for the subsidies that are paid to wheat farmers. Always before subsidies were paid to wheat farmers out of tax money. In the future subsidies will not be paid to wheat farmers on a tax basis, but from the manufacture and production of wheat products. That tax will be anywhere from 60 cents to $1.08 a bushel. They can say it will not cost your children any more to eat this food than it would before, but I want to say if a miller can pay $1.08 per bushel for a certificate and not pass that on to the people who buy those bread products, that that is one of the neatest tricks of economics you have ever read about.

Gentlemen, those of you who represent consumer districts who feel like the gentleman from California said—that you always like to help the farmers. I know that a number of you represent labor, and I know your laborers feel that the farmers should receive a fair wage.

Mr. Speaker, I can only speak for the wheat farmers of my district, some of the finest wheat farmers in the United States. I think I can tell you that they do not want this wheat program, that the consumers do not want the wheat program, that the taxpayers do not want the wheat program, and that your constituents do not want the wheat program. Let us see who does want the wheat program. I will tell you who wants this program and who wants this bill. The Secretary of Agriculture wants the program. The battle is between the Secretary of Agriculture and the American Farm Bureau. You are caught right in the middle. Maybe you will feel enough party loyalty that you are going to have to support your Secretary of Agriculture. I faced that situation for 8 long years. Many times the viewpoint of the Secretary of Agriculture under my administration differed from the viewpoint of my constituents. When that time arrived, I strung along with my constituents who sent me to Congress. I might also have been practical. Those constituents live in my district, and the Secretary of Agriculture did not. Had he lived in my district, he would have had only one vote.

Mr. COOLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Speaker, there is much confusion in the House over this report. This is a most important and very complicated conference report. It is very unfortunate that the rules of this body limit the discussion to 1 hour, much too short a time in which to make the details and the situation clear to Members.

My time has been limited to 3 minutes. Conceding that such may be my share of the time, with so many Members desiring to be heard, I approach this very important, complicated, and far-reaching subject with no illusions that I am going to eliminate that confusion. I do think I can bring one point to your attention that might be enlightening and, I hope, effective.

Many weeks ago we had a very controversial piece of legislation here—the so-called omnibus farm bill—which was defeated. We went back to the committee and brought out a piece of legislation which passed the House without any difficulty. And almost the identical bill passed the Senate in the same fashion. Then we went to conference. The subject of compensatory payments was for the first time raised in conference. Such a program was not in either bill passed by either House. Had there been, the debate would have been as heated and as vigorous as it was over the old omnibus bill which finally went down to defeat.

Some say this report does not contain a program of compensatory payments, some say it does. You can be assured that irrespective of the discussion, the contentions and denials and the talk about payments in kind, we now have before us a farm program which definitely contains a program of compensatory payments.

So, when the respective versions of the new bill went to conference, a program of compensatory payments was not included in either and actually was not an issue. Ordinarily it would not have been considered in the conference because it was not included in either the Senate or the House bill. But the parliamentary situation just happened to be such that most any proposal, whether contained in the House or Senate version, could be considered though not germane. It was never dreamed, at least it was never suggested, that in going to conference a program of compensatory payments would be considered or offered.

So the conferees took the Senate and House versions, which were almost identical in principle, differing slightly and only as to detail, and over which there had been a love feast in both Houses, and tacked on the compensatory payment provision which is fraught with controversy. I repeat, the two bills were similar in principle. The only difference was as to details.

This is an old subject. Time and time again a program of compensatory payments has been rejected by our committee. Only on one occasion has it ever reached the floor of this body. That was a number of years ago and it was resoundingly rejected.

Now, what do we do? We should simply send this report back to conference. If we do the conferees will take it out. Have no doubt about that because this is the one simple issue before us.

Here is the parliamentary situation. I regret that my friend the gentleman from Iowa [Mr. HOEVEN] is going to move that we recommit this with instructions to continue the temporary act. I do not think that is a solution at all. He did not think it was the solution when he and most other members of the committee including myself reported out the bill that we subsequently and so easily passed. My chairman did not feel that a simple extension was the solution. Neither did members of our committee, else we would have brought such to you at that time. It was never even proposed in the committee.

So, if the motion of the gentleman from Iowa [Mr. HOEVEN] is voted down, and if the House votes down the conference report, which I think it should do, the chairman of our committee can then move that the House insist on its disagreements and go back to conference. There and then the House conferees can insist that the highly controversial and explosive compensatory payment factor be dropped from this bill. On so doing, we will then have a bill which agrees in principle with that which our committee recommended and which this House overwhelmingly accepted with hardly a whisper of opposition.

It is with regret that I find myself in disagreement with friends on both sides of the aisle. I feel confident, however, that a majority of the House agrees with my position and my remarks. This report should be returned to the conference committee. I hope you will so vote.

Indeed, no one here—well, I will not say no one—but very few Members understand this controversy. The subject of compensatory payments is one that we did not have when we had the bill before us. It was not before the Senate. With all deference it ought not be here now, especially under circumstances under which time is too limited to explain it.

Mr. COOLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Speaker, with respect to the in-kind payments contained in this conference report referred to by the gentleman from Mississippi, I would like to say that this is not the first time this House and this Congress agreed to a program of payments to farmers. I refer to the wool program, and here is what was said in the Wool Act and I read from that law:

> If payments are used as a means of price supports—

And so on. That was contained in the act of 1954 applying to wool. I would like to call your attention to the Sugar Act. Here is the provision in that act with respect to payments.

> The Secretary is authorized to make payments on the following conditions—

And so on. Both wool and sugar are deficit crops but the payments are made for the identical purpose as that provided in this conference report—to maintain a reasonable and fair price to the farmer.

So it is nothing new that we have payments here today and provide for 18 cents for the emergency program for 1963, for both feed grains and for wheat. It is applicable for the 1963 programs and the farmer can come in or stay out. It is wholly voluntary.

Mr. Speaker, I want to say this to the Members of the House, that a conference report is never what every one of us would like. I recall a few years ago the distinguished and affable gentleman from North Carolina, the Honorable Cameron Morrison, had this to say about a conference report back in the cloakroom in his day. Morrison said this, "that a conference report is a give-and-take matter, it is a compromise." That statement is absolutely valid. This legislation is a compromise. We do not have everything in here that we would like, but all in all, it is a very good conference report.

Why was it necessary to have a bill in the first place? This is the reason it was necessary for the Committee on Agriculture to spend several months' time writing a farm bill. In 1958 here is what was written into the law with respect to corn and feed grains:

> Price support shall be made available to producers for each crop of corn at 90 per centum of the average price received by farmers during the three calendar years immediately preceding the calendar year in which the marketing year for such crop begins.

In 1958 we said also in that act that the level of price supports for any crop of corn shall not be less than 65 percent of parity. The price supports for feed grains were to be determined by the Secretary of Agriculture on the basis of the comparative feed value with corn. That is the reason we had to write a farm bill, because under that law you could grow all the corn and feed grain you wanted to grow and get a price support of 65 percent of parity.

As a result great accumulation of corn and feed grains filled our bins. Program costs have mounted which if not stopped or greatly curbed would gravely affect the whole farm program.

Price supports without keeping supplies in line with demand cannot be justified and should be eliminated.

I hope that the conference report will be agreed to.

Mr. COOLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, the old canard about raising the cost of living has come before us again. In 1948 wheat was supported at $2.48 a bushel. At that time bread sold for 13 cents per pound. The support price was dropped to $1.82 a bushel and today bread is bringing 23 to 24 cents per pound. During that time the price of bread almost doubled. In other words, the support price on wheat seems to have no relation to what you pay for bread. Actually, the higher the support price has been on wheat the lower the price you pay for bread. Surely, no man can seriously contend, as some of the minority have stated, that this is a tax on bread. This bill will have no effect on the price of bread.

Now, I want you to look at the cost of the suggested programs. Let us get a comparison of the cost of this program and the program which the gentleman from Iowa has suggested. Here on this chart we take this farm, the figures the Farm Bureau sent you. Take the same farm of 100 acres. Use the production figures they used.

Now, let us look at the first chart. We will take the Farm Bureau's figures just as they gave them to us. Here they are:

Basic assumptions

Acres corn base	100
Acres diverted	20
Bushels per acre	75
Support	$1.20
Payment in kind	$0.18
Loan	$1.02

We will accept these figures, although, of course, they are for a farm of far greater productivity and consequently involve far more than average payments, but the important thing is to draw a comparison because what we are doing today is trying to decide between the program which the majority of the conferees have brought you and the program which the gentleman from Iowa proposes under his motion to recommit.

Let us turn to the next chart and see what the benefits to the farmer are. Here is the way it looks:

Benefits to farmer under H.R. 12391

20 acres diverted times 75 bushels per acre divided by 2 equals 750 bushels times $1.20 support equals	$900
80 acres planted times 75 bushels per acre equals 6,000 bushels times 18 cents payment in kind equals	1,080
6,000 bushels times $1.02 loan (or sale) equals	6,120
Total	8,100

You will note that these figures are exactly the same as those presented by the Farm Bureau. The only point the Farm Bureau made was that this is an attractive program for farmers. In a letter of September 14, addressed to Hon. HAROLD D. COOLEY from Mr. John C. Lynn, legislative director of the Farm Bureau, referring to the conference report which is presently before you, he stated:

> In my estimation, no farmer with a corn or feed grain base can afford to stay out of this program.

If we want a voluntary program which will reduce surpluses, it must be one that will attract wide participation. Certainly Mr. Lynn indicates that the conference committee's program will do that. If we want a program which will maintain farm income, Mr. Lynn certainly indicates that we have offered such a program.

Now, let us go a little further. As I said before, the really important thing is how this program which the conference committee presents compares with an extension of the 1962 program which the minority urges you to adopt. This chart will show the benefits to the farmer under an extension of the 1962 program. Here is the way it will work out:

Benefits to farmers under extension of 1962 program

20 acres diverted times 75 bushels per acre divided by 2 equals 2,750 bushels times $1.20 support equals	$900
80 acres planted times 75 bushels per acre equals 6,000 bushels times $1.20 support equals	7,200
Total	8,100

You will, of course, readily see that as far as the income of the cooperating farmer is concerned it will work out exactly the same under the conference report and under the proposal of the minority. Of course, this is necessarily so since the support price is the same—$1.20 in either case. The difference is, and it is an important difference to the taxpayer, that under the conference committee's plan, the support on 6,000 bushels of grain is achieved by offering a loan of $1.02—which will in all probability never be used—and a payment of 18 cents per bushel in grain. This gives the farmer the same income that he gets under the proposed extension of the 1962 program, but it does not require the Government to put out nearly as much money. An extension of the 1962 program as proposed by the gentleman from Iowa would require the same payment for diverted acres and would then require the Government to lay out some $7,200 in cash as a price support loan on 6,000 bushels of grain.

Now, let us see what each program would cost the Government. The Farm Bureau figures were, I fear, intended to give you the impression that the whole $8,100 income from the 100 acres was going to be a cost to the Government. The Farm Bureau statisticians know better than that and maybe they did not intend to convey this idea. Maybe they thought everybody was as well informed as they are on these matters. But whether the misconception was accidental or deliberate, I want you to clearly understand that it is a misconception, and I want you to see why it is a misconception.

Let us look at the cost to the Government under the two programs. Here are the costs as they would occur under the conference committee report which we ask you to adopt:

Cost to Government under H.R. 12391

Diversion payment	$900
Payment in kind	1,080
Total	1,980

NOTE.—No loss on loans because, with market at about $1.00 to $1.05 little or no corn would be placed under loan.

I want to emphasize the fact that while the Government guarantees the $1.02 to the cooperator and stands ready to make a loan at that figure, there is no reasonable basis for assuming that any substantial volume of such loans will be made. Certainly, unless the supply of corn becomes far greater than anything we have seen in recent years, the market price is going to be something just under the support price—probably about $1 But if the supply of free corn is reduced, as even the opponents of this program indicate that they expect, then the market price will go somewhere above $1.02.

Indeed, one of the most vigorously presented arguments against the program has been the claim that it would bring many producers into compliance who feed their own corn. Frankly, I think it will, but to the extent that it brings them in, they will be reducing the sum total of surplus grain, and that is exactly what we want. They will, however, simply collect their "in kind" adjustment payment. They will not put their grain in the loan. There will be no cost to the Government except the land diversion payment and the payment in kind.

Now, let us contrast these figures with the cost to the Government under an extension of the 1962 program. Here are the figures:

Cost to Government under extension of 1962 program

Diversion payment	$900
Storage for 1 year (6,000 bushels at 13.5 cents)	810
Handling (2.5 cents rail, 4.25 cents truck) (6,000 times 2.5)	150
Administration (6,000 times ½ cent)	30
Interest ($7,200 at 3 percent)	216
Loss on resale ($1.20 minus $1.05) (6,000 at 15 cents)	900
Total	3,006
Saving to Government by adoption of H.R. 12391	1,026

You will note that the diversion payments are, of course, the same—$900 under the hypothetical case that the Farm Bureau took—but you will note that the Farm Bureau has not told you anything about the inevitable storage costs that are involved in this extension program. You will have a minimum of 1 year's storage on 6,000 bushels. Assuming that costs only 13½ cents a bushel, that will add $810 to the Government's costs. You have no such charges under H.R. 12391.

The Government will have to pay for the handling of the so-called in and out charges. They run 2½ cents per bushel if delivered by rail and 4¼ cents if delivered by truck. Taking the rail charges—the lower—we have $150. You have no such charges under the conference committee report.

If we extend the 1962 program and hold the grain in storage, we must pay administrative charges. We figure these at one-half cent per bushel. That is $30 that you do not have to pay under the conference report.

Clearly, if you are going to loan $7,200 on the 6,000 bushels, the Government is going to have to pay interest on this amount. Figured for 1 year at 3 percent, that is $216. The conference plan involves no such expense.

Finally, there is a loss on the resale of the grain on which the Government makes a loan. Remember, the Government loan is $1.20. For the purpose of this calculation we have assumed that the grain will be sold at only a 15-cent loss, or at $1.05 a bushel. Actually, the grain will probably have to be sold at as much as a 20-cent loss. That is about the average of the losses this year, but taking the lower figure this is a $900 loss.

Thus, we have a total of at least $3,006 cost to the Government for maintaining the program on the type of farm the Farm Bureau used for illustrative purposes. This compares with a total cost of only $1,980 to give the same income to the farmer on the same farm under the conference committee's program. This means a saving to the U.S. Government of $1,026 on this one illustrative farm, if we adopt this conference report as compared with the cost that would be involved if we accept the motion by the gentleman from Iowa.

Mr. COOLEY. Will the gentleman point out the payments in kind?

Mr. POAGE. I will be happy to do so. The payments which the Secretary makes under this bill are made in grain which is already in surplus, whereas under the minority's proposal the Secretary loans the entire amount in money which is pretty short and pretty hard to come by these days. Under their plan he gets a warehouse receipt for grain which he does not need. He has to wait a year and pay the storage before he can take that grain over. Frankly, that storage is going to cost nearly as much as the "in-kind" payments which he makes under the conference report. We are trying to save the Government some money and to use the surplus grain that we have to achieve such a saving.

If you are interested in saving the taxpayers money, you will have to be interested in the conference committee's proposal. If you are interested in reducing the accumulation of unnecesary stocks, you will find it difficult to ignore the proposals of the conference committee. Finally, if you are interested in a program which is admittedly advantageous to farmers, you cannot brush aside the conference recommendations.

Mr. HOEVEN. Mr. Speaker, I yield the remainder of my time to the distinguished minority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. HARVEY of Indiana. I want to associate myself with the great fight that our minority leader has made in behalf of agriculture and I compliment him on his activity.

Mr. HALLECK. I thank my colleague.

Mr. Speaker, I have always felt that the farmer has a right to expect a fair price for his product in the marketplace. I think we should move in that direction. I want to say to you, this conference report completely abandons that very worthy objective. I want to say also that obviously this is the responsibility of the Democratic side of this House of Representatives. I think it has been pretty well demonstrated here that this is the last desperate attempt to write just any kind of a farm bill.

May I say further whether the motion to recommit prevails or the conference report is voted down, that does not mean this is the end of it. We can go on to write good legislation.

Mr. Speaker, the conference report on H.R. 12391 embodies many of the objectionable features of the administration farm bill which the House rejected 215 to 205 just 3 months ago. In fact, this report—signed by the seven majority members of the House-Senate conference and unsigned by the five minority members—gives Secretary of Agriculture Orville L. Freeman not only the authority to impose his supply-management theories on wheat and feed grain producers but also a mandate to invoke the compensatory payment plan—the plan which was urged unsuccessfully for so long, in the face of bitter bipartisan opposition by one of his predecessors, former Secretary of Agriculture Charles Brannan.

The conference report sets a dangerous trap for farmers. It promises substantial cash rewards for feed grain and wheat producers who participate in the 1963 programs on a purely voluntary basis. It is the same old bit the spider used in enticing the fly into his parlor. In 1964—and subsequent years—growers of wheat and feed grains would be clubbed into complying with the toughest mandatory production controls they have ever known. The alternative would be to go it virtually alone in the marketplace, without effective price supports.

The wheat and feed grain programs incorporated in the conference report fall far short of achieving either of the two goals which an acceptable farm bill should meet: First, they would not protect farm income; in fact they would inevitably reduce it in 1964 and thereafter; second, these suggested programs would not protect the freedom of farmers to farm—to make their own management decisions; instead they would place farmers in the tightest control straitjacket they have every worn.

Just 2 years ago the candidates of the majority party were campaigning throughout the Farm Belt on a platform which promised price supports at not less than 90 percent of parity for the basic commodities, including wheat and corn. Today we have before us a conference report, written by the majority, which decrees that price supports for corn—and I quote from the report—shall be set "at such a level between 50 and 90 percent of parity as will not result in increasing Commodity Credit Corporation stocks."

With a billion or more bushels of Government-owned corn overriding the free market, the obvious level of price support designed to prevent CCC from acquiring further corn inventories would be at the low end of the formula—50 percent of parity, or, about 80 cents per bushel. This feed grain price time bomb would not explode until 1964—but explode it would then, with disastrous results to the entire corn-hog-cattle economy of the Midwest. As certainly as night follows day—within the space of a year or two—80-cent corn would be followed by $12 hogs and ruinous prices for cattle, poultry, and eggs. The cash benefits feed grain producers might obtain under the 1963 program could be taken back from them, many times over, in subsequent years, through lower livestock prices. In fact, farmers would be confronted by their own Department of Agriculture with the alternative of accepting harsh and unprecedented mandatory production controls on feed grains after 1963 or an unbearable squeeze on both feed and livestock prices.

Perhaps the most which can be said for the conference report is that it gives farmers 1 year to pack up and get out of agriculture.

The so-called two-price wheat program, which the majority would impose in 1964 and thereafter, would adversely affect both the incomes and the opportunities of growers in every section of the country—the Midwest, the Great Plains States, and the Pacific Northwest. It presents an impossible challenge to effective administration, with its intricate and complicated certificate system. No one within the Department of Agriculture has yet explained exactly what would take place from the time a farmer placed a load of wheat on the scales of a country elevator until he received his Government-computed payment.

The multiple-price plan incorporated in the conference report is a far cry from the old McNary-Haugen bill or the several domestic parity plans which have been offered in the Congress in more recent years. Apparently no one even pretends to understand fully what the multiple-price plan would do or how it would operate. It would clearly force wheatgrowers to reduce their present production by about 20 percent. As a partial offset to this—and it would be only a partial offset for a limited time—wheat utilized for food purposes domestically, or exported for similar purposes, would bring the producer a price of approximately $1.95 to $2 per bushel.

Wheat sold for feed—in competition with corn and other feed grains—would be supported at a level which would relate it to corn, in terms of feed value. Responsible officials of the U.S. Department of Agriculture advised the conferees that if corn were supported at 80 cents a bushel—or 50 percent of parity—feed wheat would be supported at about 92 cents per bushel. This, of course, is far below the $1.35 to $1.40 figure which growers had been led to believe they would be guaranteed for the 15 to 18 percent of their total production which would be marketed as feed wheat. Moreover, this would mean that wheat producers—under the proposed multiple price plan—would receive an actual "blend," or average, price of perhaps no more than $1.75 or $1.80 per bushel. When you couple a reduction in wheat price supports with the mandatory wheat acreage cut of approximately 20 percent, which would become effective for the 1964 crop, the result can only be a drastic income reduction for the producer.

As I have indicated, the proposed program would work to the detriment of every wheatgrower in America, as well as injuring corn producers who would find themselves in competition with feed wheat. The proposal would fall even more heavily upon the backs of the soft red winter wheat growers in such States as Indiana, Ohio, Illinois, and Missouri. This class of wheat is in such short supply that the Department of Agriculture refuses to make it available for export under Public Law 480. There is little or no Soft Red Winter wheat in Government inventory. It is not in surplus. It is in strong demand year in and year out, both from domestic millers and from importing countries which pay dollars for Soft Red Winter wheat. Yet the conference report before us could require the same 20-percent cutback in the production of Soft Red Winter wheat as would be applied to other wheat classes which are in surplus.

This year, the House Committee on Agriculture has held more extensive hearings on farm legislation than at any time within my memory. I am, therefore, deeply disappointed to discover that so much of what is incorporated in the pending conference report consists of untested approaches and fuzzy program changes which were never considered by the House Committee on Agriculture. The report even includes such tired and discredited ideas as a bobtailed version of the Brannan plan. This is wrapped up in the provision for an 18-cent-a-bushel compensatory payment to corn and wheat growers who elect not to grow specified amounts of these commodities.

It seems to me what we are asked to accept here today—under limited debate and without proper committee consideration—is an even more objectionable farm program than the one which we rejected 3 months ago—a program which has been made less, rather than more, acceptable in conference. We are asked to endorse a program which could lead only to increasingly greater regimentation and control of American agriculture.

If we are to have an effective, an acceptable, a workable farm bill, it should be the product not of 7 Members of Congress, but of all 537 Members. The conference report, in the best interests of American agriculture, should either be rejected flatly by the House or it should be returned to the conferees with instructions to develop a revised program which will give farmers an opportunity to breathe and to prosper in a climate of freedom.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have the privilege of extending their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. AVERY. Mr. Speaker, I opposed the original Freeman farm bill both in the Rules Committee and all through the turbulent debate here in the House on June 19 through June 21. My opposition to that bill was not a result of my prejudice against any and all farm legislation. I supported the very reasonable bill that passed the House on July 19 and accepted in good faith the premise that the House conferees would uphold the position of the House in agreeing to a conference report. We are being asked today to approve a conference report that would write into law permanent legislation even more objectionable than was the original Freeman device. This propositon today reminds me a little of the old cliche of feeding a prisoner a hearty breakfast just before he was to be hanged. In other words, I think there has been a deliberate attempt to bait this bill for 1963 hoping that the House Members and the farmers would not discover what was contained in the bill for the crop years to follow until after it had been written into law.

I cannot understand the reasoning behind the majority conferees in regard to this legislation. Their objection to a simple extension of the present feed grain program was that it was too expensive. They recognized that it had been at least partially effective in reducing our surpluses but maintained that a program should be developed that would not place such a burden on the taxpayers. So what do they do? Instead of bringing back to the House a program that would cost about the same or less money, they are now asking the House to approve a program that will cost twice as much for 1963 as did the program for 1962. I repeat, however, that they must be hoping that farmers are not going to peek under the tent, so to speak, to see what is wrapped up for them in 1964. I repeat that this is a baited bill and should not have the support of any Member representing agriculture nor any Member representing a metropolitan area.

Now, just a few words for those Members who do represent metropolitan areas and must justify any vote for a farm program. If Congress approves this conference report, we are thereby authorizing a production payment formula that has been historically called the Brannan plan. This production payment plan supports the theory that a farmer should be paid a direct subsidy from the Federal Treasury for the commodities that he produces. This is a complete departure from any sound and accepted economic theory. It can only result in a further encroachment by the Federal Government on free enterprise and can ultimately have but one result, that of Government-owned agriculture. If we are to have production payments on agricultural commodities, there is no valid argument why there should not be a production payment on automobiles, appliances, or any other manufactured product that is placed on the market.

Mr. Speaker, this conference report contains a baited program for the farmers, it is baited for the taxpayers, and it can only be baited for America. It should be overwhelmingly defeated today so that it will be abundantly clear that the House is not going to accept this program or any other that does violence to our Nation's agriculture.

Mr. SMITH of Iowa. Mr. Speaker, I rise in support of the conference committee's report on the Food and Agriculture Act of 1962. Although it is not fully satisfactory to me nor to many Members of the House, I recognize that it is impossible to write a bill fully satisfactory to all Members, and it is better than several bills we have voted on in this House. It is far better than returning to the 1958 legislation in 1963. Even though I would have liked to have minor improvements incorporated in it, the bill as reported by the conference committee reflects a reasonable compromise of the conflicting views of the Members of Congress.

Anyone who voted for this bill on July 19 when it went to conference would be consistent to vote "yes" today. As far as feed grains are concerned, this bill still provides for an extension of the 1962 feed grains program, but with certain tax-saving provisions. As for 1964, the provisions are as a practical matter about the same. The level of support for feed grains is the same for 1963 and although the formula is different for 1964, there would be only about 2 cents per bushel difference.

The principal difference is a change in procedure for 1963 which will save cost of administration and permit the market to operate more freely. In the bill when it went to conference was a provision for supporting corn in 1963 at $1.20 per bushel. This corn is bringing closer to $1.02 on the market. Also, the world price is closer to $1.02. Instead of making the producer deliver to the Government to get the $1.20, under this bill he could sell it wherever he pleases and be paid directly the 18-cent difference between market price and support price. This makes more orderly marketing and saves the expense of the Government handling most of the grain; it removes interference with the market while preserving some stability with a low price support. It greatly reduces export subsidies that would result if the domestic market were lifted above the world market. It assures a large and stable supply of grain for export at world market prices for cash and will in this way continue to contribute to reduction of the balance-of-payments problem.

The consumers of this country never had it so good so far as food costs are concerned. All tax money spent for these programs amounts to less than 1 percent of consumers' expenditures. All other expenditures of consumers for food amount to 21 percent of their expenditures. Never in the history of any country, including the United States, has nonfarm consumers' food cost a smaller percentage of their dollars. Even though consumers receive a lot more food today, that food costs even less in relation to other expenditures than it did in 1925.

Automation has hit the farms much faster than it has progressed in the nonfarm industries. Farmers are finding that they can increase production faster than demand increases. An approach tried under the 1958 act of low supports for unlimited production failed. Now, in addition to adjusting production for the present, they must cut production temporarily to reduce the excess supplies accumulated under that 1958 act. To go back to that act would be sure to get us into more trouble. We have had 2 years under a program which has adjusted feed-grain production and provided a market for millions of bushels of Government-owned grain. This bill provides a reasonable extension for 1963 as an alternative to that 1958 act. I do not like the alternative for 1964, but it is almost the same as was in the bill when it passed the House before, and in both instances many of us supported the bill hoping a better program can be developed next year. The 1963 provisions in this bill provide a good foundation upon which to build for a better program for 1964 and thereafter.

It is so near the end of the session that the alternatives as a practical matter are probably to vote for this or to go back to the 1958 act. It is common knowledge that the Senate is not in a mood to adopt at this time a different approach for 1964 than we have in this bill. They did yield and make possible improvements for 1963. Those who want a bill this year would be playing loose and reckless with our agricultural economy to assume that defeat of this bill would result in anything better.

The sale of feed grains at cheap world market prices for cash last year increased export sales by over one-third, which is over 100 million bushels. This means a reduction of over $100 million in dollar credits or gold reserves that left our country. Total cash exports climbed to over $400 million and contributed greatly to reducing the balance-of-payments problem.

This approach assures a continued generous supply of feed for feed deficit areas at a low price, a bountiful supply of raw material for processors, a stable low price for feed for meat production, and an even further decrease in storage costs. It permits a livestock feeder to feed his own grain and still cooperate instead of making him deliver his grain to the CCC and buy grain in order to secure the support price. It should increase participation and make a voluntary program more workable and effective. It should help greatly to reduce the demands for a mandatory program.

This bill is basically like the bill passed July 19 in this House except that the changes in procedure embodied in this compromise will reduce involvement by the Government in the market and reduce administration costs to the taxpayers by at least $40 million. It will continue a policy of cheap market prices and stable and plentiful supplies for consumers.

After many years of effort, this bill provides for a new approach in wheat price supports. The long-term wheat provisions of this bill will reduce Government costs while protecting producers' incomes and give them more freedom in their farming operations. They were designed to try to avoid interference with feed-grain producers. I hope and believe these provisions will work as expected. I shall watch their operation very closely, however, to see that they do not have an adverse effect on feed-grain growers in the Midwest. Feed-grain growers must in all fairness acknowledge that but for the wheat program, even more land would be in wheat production and raising wheat for livestock feed.

I am particularly happy with title I which provides for a positive voluntary cropland adjustment program for shifting agricultural lands to recreation and other nonfarm uses.

Some newspaper comment by urban writers has been to the effect that this bill is little more than another palliative which will result in "more of the vast commodity surpluses and more billions for price props and storage fees." Nothing could be further from the truth. Wheat stocks at the close of this marketing year will be 225 million bushels below their peak level 2 years ago. They are being reduced, and Government storage and inventory costs are being lowered by the temporary wheat programs authorized last year and again this year. They will be reduced even more rapidly when the long-term wheat provisions become operative in 1964.

VOLUNTARY FEED GRAIN PROGRAM SUCCESSFUL BEYOND EXPECTATIONS

The voluntary feed-grain program which is extended for another year in this legislation is proving even more effective than expected in reducing Government surplus stocks. Feed grain carryover stocks are being reduced 14 percent in the first year of its operation. They increased more than 30 percent in 2 years under the 1958 act which was suspended by this program.

The voluntary feed-grain program has now been in use long enough to provide convincing evidence of its effectiveness and acceptability. When the decision was made last winter to recommend a mandatory program for feed grains after 1962, there was widespread concern that the voluntary program, if continued several years, would become less effective because of a drop in participation and because of increased plantings by nonparticipants. The experience thus far with the 1962 program is reassuring. More producers are participating in the voluntary program in its second year than in the first year. They are also diverting slightly larger feed-grain acreages to conservation uses.

Official Government reports issued in July indicate that the acreage of corn for grain in 1962 is 2 percent smaller than in 1961, and that "farmers planted about 5 million acres less to feed grains this year than last, bringing total feed grain acreage down to the lowest level in more than 60 years." These official reports indicate that nonparticipants have not increased plantings and offset the reductions made by participants.

Studies also have been completed which indicate that cooperators in the 1961 program did not increase their fertilizers on feed grains as compared with noncooperators. The record yields in 1961 were largely the result of the most favorable growing weather on record.

Furthermore, investigations at Iowa State University which have just recently been completed indicate that unusually favorable growing weather has pushed yields above the trend average in each of the years since 1957. It now appears that the weather in 1962 will be as favorable in most areas as in 1961, but this unusually favorable weather will not continue indefinitely. We must expect average weather over the next few years.

The voluntary feed grain program has been outstandingly successful in cutting Government surplus stocks in spite of bumper yields in 1961. A Government report issued last month indicates that feed grain stocks will be reduced 12 million tons or 14 percent this year. This is almost twice the reduction in stocks expected when the decision was made to recommend a mandatory feed grains program beginning in 1963.

Feed grain utilization has been higher this year than expected, and the Government report of last month projected the reduction of another 12 million tons of surplus Government stocks as a result of the second year of the program. It now appears that in 2 years of unusually favorable weather the voluntary program will achieve a 28-percent reduction in surplus stocks. Its effectiveness would be even greater under average weather conditions.

With the voluntary program extended for another year by the present legislation, we can expect surplus feed grain stocks to be drawn below 50 million tons, or less than a third of a year's supply, at the close of the 1963 marketing year. That will be close to a normal carryover.

We need some carryover to protect against consumer shortage, livestock feeder shortages, and to protect against loss of export markets.

VOLUNTARY PROGRAM COSTS LOWER THAN EXPECTED

This greater than expected reduction in surplus stocks is resulting in lower than expected net Government costs for the voluntary program. Although the value of the acreage diversion payments to producers in 1961 was $782 million, the net cost to the Government of making these payments was substantially less. Since the acreage diversion payments were financed by payments in kind from the sale of CCC surplus stocks—which otherwise would have no outlet—the greater the net reduction in stocks achieved, the lower the net cost of the programs to the Government. In addition to adjusting supply to meet current demand, we needed the diversion program to get rid of some of the abnormal carryover accumulated in Government warehouses as a result of the 1958 act.

VOLUNTARY FEED GRAIN PROGRAM COSTS LOWER THAN THOSE FOR MANDATORY MARKETING QUOTA PROGRAMS

When the proposed mandatory program was under consideration, I secured and distributed statistics showing the Government costs as a percentage of the value of certain basic crops. They showed that the cost of feed grain programs has been less than the cost of most programs on basic crops. Also, Assistant Secretary Duncan, in a letter published in the June 28 CONGRESSIONAL RECORD, submitted USDA estimates of Government costs of continuing the mandatory marketing quota programs for the year 1963 as a percentage of the value of the crops produced. These estimates compare with those for continuing the voluntary feed grains program under H.R. 12391 are as follows:

Estimated Government cost of 1963 price supports as a percentage of the value of production

Wheat:	
Provisions of H.R. 12391:	
No credit for sales from CCC stocks	33.0
After credit for sales from CCC stocks	15.0
Cotton	11.0
Rice	17.0
Peanuts	13.5
Tobacco	1.0
Feed grains:	
Voluntary program, H.R. 12391:	
No credit for sales from CCC stocks	14.0
After credit for sales from CCC stocks	7.0

The 7-percent figure is the important one because we cannot ignore sales made from Government stocks. That is an important part of the program.

These estimates take into account only the additional costs of continuing price supports for 1963 and omit the storage and handling charges on stocks acquired in earlier years. As compared with feed grain price supports, the mandatory marketing quota programs for wheat, cotton, and rice depend to a much greater extent on subsidized exports at below domestic prices and sales for local currencies under title I of Public Law 480, for their success in stabilizing producers incomes. The Government cost of these activities is higher in relation to the value of the crops produced and incomes protected than the cost of the acreage diversion payments under the voluntary feed grains program.

The value of the feed grains produced each year is from $5.5 to $6 billion—more than the combined value of the wheat, cotton, and rice crops and more than $1 billion greater than the value of the wheat and cotton crops. But feed grain price supports also have stabilized and prevented substantial fluctuation in livestock as well as feed grain prices.

Feed crop, livestock, and livestock product sales exceed $20 billion a year. The net Government cost of feed grain price supports under the voluntary program continued by H.R. 12391 will be less than 2 percent of the value of these products sold. No other mandatory price-support program, except tobacco, can equal this record of low costs in relation to the value of the incomes stabilized.

Economic projections by the Joint Economic Committee and the land-grant colleges indicate that if feed grain prices and market supplies are stabilized at approximately current levels, incomes of feed grain and livestock producers can be maintained $3.5 to $4 billion higher than if the current program is discontinued and free market forces take over. This represents a great number of city jobs for producers of the articles farmers purchase. Unfortunately, a great deal of misunderstanding exists regarding the costs and accomplishments of the different commodity programs. I want to emphasize the point that the net Government cost of the voluntary feed grain program, authorized in H.R. 12391 for 1963, is estimated at 7 percent of the value of the feed grains produced, and less than 2 percent of the value of feed crops, livestock, and livestock product sales in 1963. This compares with an estimated net cost for the wheat and cotton programs of 15 and 11 percent, respectively, of the value of the crops produced.

LOOKING FORWARD TO NEXT YEAR

We who have a direct interest in the farm problem want to see long-term programs developed which provide reasonable prices in the marketplace, less direct involvement by the Government, less cost to the taxpayers, and stable, plentiful supplies for consumers at reasonable prices.

I am confident that further improvements in the feed grain program and lower Government costs are possible.

STUDY NEEDED OF UTILIZATION OF DIVERTED ACRES FOR PASTURE

Such studies as have come to my attention indicate that if it were necessary to reduce the Government cost of the feed grain program, this might be achieved by permitting the diverted acres to be pastured. Cattle raisers would not be hurt and the livestock industry would benefit from a program which permitted pasturing on the diverted acres as compared with no program at all. If producers were allowed the option of pasturing their diverted acres with a 35- to 40-percent reduction in diversion payments until carryover is down to normal, the annual cost of the program might be reduced $100 million or more.

After carryover is down to normal, acreage allotments on each farm can be increased and acreage not used for feed grain or other crops can be pastured.

I hope that before another program is recommended to Congress the Department of Agriculture and several of our outstanding land-grant colleges will make a thorough study of the economic aspects of permitting diverted feed grain acres to be pastured.

STUDY OF SIMULTANEOUS MARKETING QUOTA REFERENDUMS NEEDED

As I have pointed out, it is a great mistake to assume that the wheat, cotton, rice, and tobacco marketing quota programs could be applied equally well to feed grains. A successful mandatory feed grain program—if one can be developed—would differ substantially from the wheat and cotton programs. ' It would have to be a program that takes account of the widely varying interests of feed grain growers who are engaged in livestock production in different sections of the country.

I hope that the Department of Agriculture and the land-grant colleges will continue to study the feasibility and acceptability of various possible permanent feed grain supply management programs. One of the important aspects of any such program is its integration with the price support programs for other farm commodities. I think certain aspects of the 1963 program provided in this conference report provide a good foundation for a permanent program.

Feed grains are now being produced on about 13 million acres in the Mississippi Delta, Plains and Western States where wheat and cotton were growing 10 years ago. Feed grains and livestock today are a supplementary source of income for many wheat, cotton, and tobacco farms on acreages diverted from these cash crops. Where feed grains are of secondary importance to other cash crops, the producers, if voting in separate referendums, may vote in favor of marketing quotas for their cash crops and, a few weeks later, vote against marketing quota controls on their feed grains.

Studies should be made of the feasibility of revising the procedures for holding referendums so that the referendums for all crops are held at the same time. Then each producer could be given the option in the referendum of approving or disapproving programs for all the basic crops in surplus supply grown on his farm. In that way it would not be possible, as at present, for producers of a cash crop and feed grains to approve quotas on the cash crop in which they have a major interest, and disapprove a program on the feed grains which are of major interest to specialized feed grain and livestock producers. Thus far, feed grain producers really have not had a referendum that gave them a reasonable choice, but we should study in advance the kind of procedures that should be provided if a referendum is held.

IF FARM PROGRAM COSTS MUST BE REDUCED

There is no denying the fact that farm program costs have increased sharply in recent years. Farm program costs need to be kept in a proper perspective, however. Few consumers realize that today they are spending a smaller proportion of their income for food and for farm program costs than they were spending for food alone 10 years ago. Let me repeat, farm program costs plus food costs today are less than food costs alone in earlier years in terms of consumer incomes. In 1925, 25 percent of consumers' expenditures went for food purchases. This percentage changed very little over the next 20 years, after which it began to drop. In 1961, only 21 percent of consumers' expenditures went for food. And food costs plus the per capita tax cost of the farm program equaled only 22 percent of total consumer expenditures. Consumers today get a wider variety of higher quality food including more meats and animal products than 10 years ago, yet spend a smaller proportion of their income for these foods plus taxes for the farm price support programs than for food alone in the earlier years.

It is recognized, however, that budget pressures may dictate further reductions in farm program costs. One of the ways to lower costs might be a mandatory feed grains program to replace the voluntary program, but another alternative would be to limit supports on all crops to those who stay within their feed grain acreage allotment; after carryover is down to normal, increase allotments and thus reduce acreage diversion costs; allow diverted acres to be pastured, and tighten up on other aspects of the voluntary program. This approach together with reduced cost of administration resulting from replacing indirect payments with direct payments as in this bill could serve the interests of producers, taxpayers, processors, consumers, and distributors alike.

Although we from the Midwest do not ask for unusually favorable treatment, we do not want to be discriminated against. If farm program costs must be reduced further, perhaps the fairest way would be to cut costs proportionately on all commodity programs.

Before any particular commodity program is singled out for budget cuts, a comprehensive study should be made of the relative costs of the individual commodity programs as related to the value of the products, and as related to the price and income improvement achieved. If this is done, I am convinced that it will be found that the feed grain program costs are modest in relation to those for the other commodities.

Mr. ANDERSEN of Minnesota. Mr. Speaker, this farm bill, H.R. 12391, is like so many farm bills that have come before the Congress—extremely controversial. We must decide whether it will do more good than harm. In fact, there are some features about this bill that I do not like.

You will recall that, as a Representative from a great farm State, I said the same thing about the original voluntary feed grain program when it first came before the Congress in 1961. However, I voted for that original voluntary feed grain bill, and I was one of four Republicans in the entire House of Representatives to do so. Those four Republican votes gave the margin of victory for the voluntary feed grain program, and I believe we are better off today because of having that program in effect. At least, we did give it an opportunity to be tried.

This bill, while it leaves much to be desired, is the only farm bill that we farmers can hope to have enacted into law this year. Therefore, Mr. Speaker, I will vote for the bill and I hope that my colleagues will do the same.

Mr. JENSEN. Mr. Speaker, up to this minute every Member who has spoken today in support of the conference report on the farm bill, represents the cotton-, tobacco-, rice-, and peanut-producing districts, and every Member who has spoken against the feed grain provision in the bill represents a feed grain producing district which is not a new situation, but as old as the time since the South has controlled the Committees on Agriculture, both in the House and the Senate.

Facts are that after the South got what they wanted for their farmers, they have cared little, and done less, about the problems of our corn hog farmers, and as proof of that statement we need only to look at the records, for example, since feed grain prices have thus been held down. Records prove that hog prices since 1940 have constantly been much lower when the Democrats are in control of Congress than when the Republicans were in control of Congress, and in his conference report on the farm bill, we see again so very plainly that should this bill become law, the price of corn and all feed grains will take a tumble, hence I must oppose the bill in its present form.

I shall support the Hoeven motion to substitute the feed grain section in the bill. The Hoeven substitute provides for a 1-year extension of the present feed grain program.

Mr. Speaker unless the Hoeven motion prevails, I shall vote no on final passage for I cannot, I will not give my support to legislation that could and no doubt would force corn prices down to 80 cents per bushel and possibly less, and which would in turn reduce even the present price of hogs, cattle, sheep, poultry, and eggs, for the next 2 years at least, as this bill provides.

In conclusion let me say, as the record so clearly proves that, so long as the South is in the saddle in Congress, the feed grain and livestock producers will surely find themselves in a price-cost squeeze even worse than today.

Mr. STRATTON. Mr. Speaker, it was with some reservation, as I pointed out at the time, that I supported the farm bill, H.R. 12391, when it originally passed the House. I supported it because of the section it contained dealing with dairy products. That section would have made it possible for upstate New York dairy farmers, whose income has been drastically cut as a result of the serious drought earlier this summer, to get some form of financial help, since with production reduced as a result of the drought conditions, they would have been eligible for the bonus payments provided under the section.

In fact, as I mentioned at the time, if this dairy section were not adopted then it seemed clear to me that there would be no other relief forthcoming this year to our hard-pressed upstate New York dairy farmers. It was clear to me that even with the additional threat to the stability of the income of our dairy farmers posed by the recent Supreme Court decision on compensatory milk order payments—a decision I have been fighting hard here to override by appropriate corrective legislation—there would be no help to the income of our dairy farmers. Hence I supported the bill.

Mr. Speaker, I am amazed to find that the conference report before us has now eliminated this key dairy section that could have helped our farmers. Under these circumstances I can no longer support the legislation and I have no alternative but to vote against the conference report, as I shall do.

Mr. KASTENMEIER. Mr. Speaker, I rise to insert herewith a letter to me from the Secretary of Agriculture, dated September 19, 1962, which concurs in the response of the gentleman from Texas [Mr. POAGE] to a question I propounded earlier in this debate. The letter and the remarks of the gentleman from Texas [Mr. POAGE] are heartening news to Wisconsin dairy farmers.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 19, 1962.

Hon. ROBERT W. KASTENMEIER,
House of Representatives.

DEAR MR. KASTENMEIER: This is in reply to your request for information regarding the effect on Wisconsin producers of feed grain legislation proposed by the conference committee.

Although feed grain producers benefited materially from the 1961 and 1962 programs, those who feed their crop would benefit even more under the program proposed by the committee. As you know, most Wisconsin grain producers feed the grain they produce.

These producers, under the 1961–62 feed grain programs, were not able to take full advantage of the higher price supports furnished farmers by this administration, since support was provided in the form of loans on grain production. Very little grain was placed under loan in Wisconsin. Of the approximately 120 million bushels of corn produced in 1961 by Wisconsin farmers, only 2.6 million bushels were placed under loan.

On the other hand, the proposed 1963 program would enable each participating producer to obtain 18 cents a bushel for the normal production of his corn acreage, whether harvested for grain or otherwise. The total amount of payment the producers in your district would be eligible to receive would amount to almost $6 million on an estimated normal production of 33 million bushels. With full participation in the State of Wisconsin, payments would be as high as $30 million, on an estimated normal production of about 170 million bushels on the acreage remaining after the 20-percent reduction. In addition, diversion payments would be made on diverted acreage, as was the case under the 1961–62 programs.

This would mean substantially more farm income for these families than was obtained under previous programs—and a total income far in excess of what they could expect if no legislation is passed and we return to the Benson programs of the 1950's.

In addition to cutting the income of your farm constituents, the failure of this bill to pass would result in increasing costs to taxpayers, in increasing Government stocks, and in wiping out gains made by the 1961-62 programs provided by the Congress, which spectacularly reduced surpluses and raised farm income.

Market prices for feed, under the proposed legislation, would be approximately the same as those which prevailed during the last 2 years.

Passage of this bill is vital to the continued economic health of your constituents and to the interests of taxpayers, consumers, and farmers throughout the Nation.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. DOLE. Mr. Speaker, there has been a great deal of speculation in the past week as to what the price of wheat will be in 1964 under the certificate plan proposed in the conference report. I contend it will be 92 cents a bushel. Here is why.

Section 325 of the conference report contains an amendment to the Agricultural Act of 1949, as amended, which states as follows:

> (2) if marketing quotas are in effect for wheat, price support for wheat not accompanied by marketing certificates shall be at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

In other words the 1964 price support of noncertificate wheat is tied to the price support for corn and other feed grains, wheat's relative feeding value in relation to the feed grains, and world wheat prices.

It is of utmost importance then what the 1964 support for corn will be if we are to get any idea of what the 1964 support for wheat will be.

The 1964 corn supports will be set under the formula set forth in section 305 of the conference report which states that the 1964 corn support will be from 50 to 90 percent of parity "as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn."

The conference report does not change existing law which relates oats, rye, barley, and grain sorghum supports to corn.

Now I do not think there is any argument about the legislative intent of these words, "not result in increasing Commodity Credit Corporation stocks." They are specifically tailored to make the Secretary set the 1964 corn support at the floor of 50 percent of parity. Since full parity on corn is now $1.60 per bushel, 50 percent is only 80 cents a bushel.

Therefore, with corn at only 80 cents a bushel the 1964 noncertificate wheat support would be based on 80-cent corn.

During the conference, Department of Agriculture experts told the conferees that at 80 cents a bushel for corn, wheat's relative value would be 92 cents a bushel. I agree with that analysis.

Now, there has up to this point been a great deal of misunderstanding about the noncertificate wheat support. Many people still think that it will be around $1.40 per bushel.

The reason for this view, I feel, is that when the original administration farm proposals were sent to Congress, they included a mandatory corn and feed grain program which anticipated a support price for corn of around $1.30 per bushel.

With corn at $1.30 per bushel it was perfectly logical that wheat could be $1.40 based on relative feeding value, the corn support, and world prices.

Congress, however, altered the results of this formula drastically when it rejected the feed grain control bill. Now that the conferees have legislated 80-cent corn for 1964 there cannot be $1.40 noncertificate wheat under the formula set forth in the bill. It will be only 92 cents a bushel the way the conference report reads.

Look at it this way, if noncertificate wheat which as we all know is supposed to go into feed channels for livestock were $1.40 per bushel, who in the world would feed it with corn available at 80 cents a bushel?

Conversely if corn were raised to $1.30 per bushel in order to maintain the proper relation between wheat and corn feed values, how could the Secretary, to say nothing about the Treasury of the United States, justify a price support program for corn at $1.30 per bushel with unlimited production and no controls whatever?

The relation between corn prices and feed wheat prices is fixed, not only by acts of Congress, but mainly by market conditions.

The way the conference report is now, I can see no other result than 92 cent noncertificate wheat in 1964.

This would, of course, be disastrous for the feed grain-livestock economy of our Nation while at the same time giving consumers no benefit at all since the food and export portions of the wheat crop would have to be accompanied by certificates bringing that price to $2 per bushel.

It is unfair to the corn farmer, the wheat farmer, the consumer, and the taxpayer and is but one more reason why this conference report should be rejected.

Mr. OLSEN. Mr. Speaker, we are confronted with two alternatives, as the House votes on the farm bill, H.R. 12391, and our decision may be the most important we shall make in this Congress. Our votes carry a tremendous impact not only upon farmers but also upon the total economy of our country, particularly upon taxpayers.

I vote to reduce farm surpluses, bring down the costs to taxpayers, and continue to improve farm income.

The choice is as simple as that. It would seem to be a very easy choice. But the choice is not easy, because the legislation is opposed violently by people who profit from piled-up surpluses. You no doubt have been told that the bill inaugurates the Brannan plan compensatory payments. Of course, this is not true. The bill continues the payment-in-kind principle which we have used in the last 2 years. We simply use part of the huge surpluses previously accumulated to pay farmers to reduce their surplus production. We say to the corn or wheat farmer that if he will reduce his production he will be paid something in corn or wheat out of Government stores, to make up his loss of income so that he will not be penalized by cooperating in the surplus reducing program. I cannot think of a better use for the surpluses. Is it not better that they be employed to reduce further surpluses, than to remain in warehouses and rot?

Moreover, you are told that the wheat program in the bill is a bread tax. The bill does not raise by 1 cent the price millers pay for wheat. Distortion of fact is part and parcel of a desperate effort by selfish interests to defeat the bill.

I take my stand for responsibility in farm programs, and end to wasteful expenditures on farm surpluses, and for continued improvement in farm income.

I refuse to vote to reopen the floodgates for new avalanches of surplus production of wheat, corn, and other feed grains, at a cost of many more billions of dollars to taxpayers. I refuse to reactivate the 1958 act—sponsored by then Secretary Benson—under which the Government actually encouraged surplus of corn by providing attractive price supports on unlimited output. I refuse to bring millions of acres of wheatland back into production, piling up new surpluses. Not only would taxpayers be called upon to spend new billions on new surpluses, but farm income again would be lowered.

Mr. ROBISON. Mr. Speaker, after listening to the arguments of those on opposite sides of this conference report on H.R. 12391, I am reminded of the story of the old lady who used to bake two pies a day, one a mince pie and the other an apple pie, and each having a top crust. In order to identify them she used to cut the initials "T.M." into both crusts, and when asked what that stood for replied that this marked the pies as being " 'Tis mince" on the one hand, and " 'Tain't mince" on the other.

In the same fashion, the proponents of this conference report believe and urge that this is now every bit as good a piece of legislation as the opponents thereof believe and urge it to be bad. And, thus, we find the Secretary of Agriculture in one corner and the American Farm Bureau in the other, with the National Grange somewhere in between, not happy with the result but urging that we must now choose—and I quote—"realistically between the alternatives actually available to us at the moment."

All of us, I am sure, conscientiously try to do just that, but with respect to these alternatives the master of the Grange then goes on to also urge us—and again I quote—"to take careful account of the direction established and of the opportunities for further improving that course in our legislative structure in the future."

Now, Mr. Speaker, I do not wish to see this Congress go home without making some progress toward a solution of our vexing farm problem. However, as the master of the Grange suggested, I have taken account of the direction established by this so-called alternative to no farm bill this year, and it is my considered judgment that it once again directs us toward the full regimentation of the American farmer—a course which I, for one, have not been willing to accept and which I do not believe is in the long-range interest of this Nation.

Under the circumstances, then, I have no alternative but to vote against the conference report, even if that should mean I have thus helped to kill farm legislation this session, as the Secretary of Agriculture has warned me. There are times, Mr. Speaker, when no progress is better than questionable so-called progress, and I believe that this is one of those times.

Mr. FOUNTAIN. Mr. Speaker, it is quite obvious that no one Member has time to discuss fully the pros and cons of this conference report on H.R. 12391.

It cannot be emphasized too much that for too long, from year to year, we have been endeavoring to bring out a farm bill that would do justice to the farmers, the consumers, and the too frequently forgotten taxpayers. We must remember also that this conference report is the best that the House and Senate conferees have been able to agree upon. After listening to debate on farm legislation from year to year, particularly as it relates to wheat, corn, and other feed grains, I am satisfied beyond a shadow of a doubt that no Congress will ever be able to come forth with a piece of farm legislation even reasonably satisfactory to all farmers or to all Members of the Congress. While few of us have had time to examine in detail this report and the full impact expected from its enactment, and while it may leave much to be desired, I am confident that it contains far more good for the farmers of this Nation, the taxpayers, the consumers and all others who may be affected by it than it does evil.

From the standpoint of the taxpayers in particular, the situation is desperate. For too long the Congress has ignored the burden which previous farm legislation has placed upon the taxpayers, and I have in mind in particular the 1958 Benson farm program, as amended, which was in effect on feed grains in 1959 and 1960, and those features of it which the Congress has still been unable to completely eliminate.

The emergency feed grain program enacted more than a year ago, while far from perfect, its extension in 1962, and the 1962 wheat program, compared with the previous Benson programs, have been outstanding successes. The 1961 feed grain program alone reduced Government stocks by 400 million bushels of corn and reduced the cost to the taxpayers by over $213 million in storage and interest charges. I think we are justified in concluding that these programs contributed to the net farm income in 1961 of $1 billion more than in any year since 1953.

I understand that a motion will be made to recommit this conference report on H.R. 12391, with instructions which would have the effect of reverting to the 1958 act, as amended, and as sponsored by Secretary Benson.

Our vote on the proposed motion to recommit represents a distinct choice between a reactivation of the Benson program—which will encourage uncontrolled and unlimited production for storage at tremendous cost to the taxpayers—and the program contained in this conference report designed, among other things, to help reduce surplus grain stocks and burdensome storage costs.

If the motion to recommit prevails, the producers of America will again have no alternative except a program calling for price supports without production controls. This kind of program was in effect on feed grains in 1959 and 1960, and it resulted in the largest production of feed grains in all our history. To reactivate this program will reopen the floodgates for new avalanches of surplus production of wheat, corn and other feed grains at a cost of billions more to the taxpayers. Such action also would bring millions of acres of wheatland back into production, piling up new surpluses. Not only would the taxpayers of America have to spend additional billions on new surpluses, but the farmers' income would again be lowered.

I hope that some day all the Members of this House will find the time to read and study carefully two significant reports adopted unanimously by the Committee on Government Operations. One is House Report No. 2219 of the 2d Session of the 86th Congress, entitled "Price Support and Production Adjustment Activities." The other is House Report No. 2220 of the same Congress, entitled "Commodity Credit Corporation Grain Storage Activities." Both of these reports were the consummation of an exhaustive study made by the Subcommittee on Inter-Governmental Relations. Those reports deal with much of the subject matter of our debate today.

It cannot be denied that Secretary Benson consistently refused to impose or support effective measures to keep production in line with demand. Under his policies, feed grain production increased from 108 million tons in 1953 to 155 million tons in 1960. The cost of storing and handling surplus grain rose from less than $75 million in fiscal 1952 to more than $500 million in fiscal 1960. Can anyone rightly deny that a major reason for the tremendous increase in storage costs was the increase in inventories resulting from the Benson administration program of price supports with unlimited production? As I have already pointed out, removal of acreage allotments on corn resulted in the two largest crops in all history. Unfortunately, a bill to permit reduction of wheat acreage was vetoed by President Eisenhower.

The clearest example of the failure of the Benson program, which this motion to recommit would revert the country to, is grain sorghum. Grain sorghum production is concentrated in two States—Kansas and Texas. The Benson program of price supports and no production controls was in effect for grain sorghums throughout the Benson tenure in office. As a result, surplus stocks of grain sorghum increased from less than a million hundredweight in 1952 to nearly 270 million hundredweight in 1959. And get this—storage payments to commercial warehousemen for grain sorghum increased from $138,000 in fiscal 1953 to $94 million in fiscal 1960.

Let me also point out that Government inventories of surplus agriculture commodities were valued at $1.1 billion on December 31, 1952. By December 31, 1959, under the Benson program, which the proposed motion to recommit will return us to, these inventories had increased to $7.5 billion in value. In addition, prices received by farmers, which averaged around 100 percent of parity during 1952, dropped under the Benson philosophy to 80 percent of parity, while retail prices paid by consumers increased. Realized net farm income totaled $105 billion during the 7 years from 1946 through 1952. Realized net farm income was less than $85 million during the 7 years from 1953 through 1959—a loss of more than $20 billion.

Constructive legislation passed and considered by the Congress during the previous administration was blocked with vetoes and threats of vetoes, while legislation calling for low price supports and unlimited production was being advocated.

Under Secretary Freeman, and during this administration, an emergency feed grain program was enacted by this Congress and put into effect in 1961, which program, as has already been pointed out, reduced feed grain production more than 400 million bushels—the first substantial reduction since 1953. And as a result Government inventories of grain have declined and storage costs have been substantially reduced.

The choice, therefore, before this House today is very simple. We can reject the motion to recommit and go on to adopt the conference report on H.R. 12391 and continue programs designed to help the farmers, while at the same time reducing Government storage and handling costs to the taxpayers. Such action will be standing for responsibility in farm programs and calling an end to wasteful expenditures on farm surpluses and for continued improvement in the farm income. Or we can approve the motion to recommit and go back to a shameful program which will inevitably result in larger Government grain inventories, a continued expansion of private and possibly Government storage facilities, and greater storage and handling charges.

As I have stated, the conference report does not make me completely happy. It will not make all of my own constituents, farmers, and others, happy, but it is a tremendous step in the proper direction. In view of all I know about the costs of the Benson programs and the billions of dollars of taxpayers' money which has been spend in the past just to store and handle surplus grains, there is only one choice for me, and that is the choice against the motion to recommit, and in favor of the conference report.

Mr. RHODES of Pennsylvania. Mr. Speaker, the provisions of the farm bill contained in this conference report offer the best possible compromise that could be devised to cope with a growing national problem.

While I am not in complete agreement with every part of this bill, I do feel that it is the best possible compromise that we can agree on in this 87th Congress. Defeat of this measure would mean a reversion to the so-called Benson program which would reopen the floodgates for a new avalanche of surpluses in wheat, corn, and other feed grains, and cost our taxpayers additional billions of dollars.

I was especially pleased to notice that measures restricting the amount of grain farmers could grow for their livestock have been significantly eased in the final conference report. This question was of special concern to Pennsylvania farmers.

The purpose of this bill is to increase farm income, lower the costs of farm programs to the taxpayer, and reduce vast Government surpluses.

I have been impressed by the support of the conference report by Hershel D. Newson, master of the National Grange, and J. Collins McSparren, master of the Pennsylvania Grange. Farm organizations of the State and Nation are divided on the issue.

When the original administration bill was before the House of Representatives last July, I supported committee amendments to ease or remove restrictions, meeting objections raised by many Berks County farmers.

When amendments which I helped to have approved were adopted by the House, I felt obligated to support the amended bill at that time.

Mr. AVERY. Mr. Speaker, to those of us representing the Middle West, it appears there is a conspiracy, conscious or unconscious, to discredit all phases of the wheat-producing industry. There appear to be several reasons for this development, most of them from outside of the industry, and largely from people who do not understand the industry nor the problems related to it.

It is understandable that the general public would develop some resentment against the stocks of wheat that are presently within our warehouses. They are almost daily reminded of these stocks and usually with an accompanying criticism of the cost of retaining such a sizable inventory. I will come back to this point a little later.

Probably a more dramatic criticism of the industry has developed because of the recent scandals involving the Department of Agriculture and now America's most famous farmer, Billie Sol Estes. I have not been able to read every word of testimony taken by the House Committee on Government Operations and the special McClellan investigating committee, but the press coverage clearly indicates the irregularities and fraud connected with the Estes empire did not involve the grain storage segment of his operation. There was an assignment of rental payments to certain of his creditors. This is somewhat unusual, but has never been challenged as being unethical or illegal by the many critics of the Department of Agriculture and of Mr. Estes. The average reader or observer, however, is inclined, and understandably so, to draw an unfavorable conclusion from all of the Estes operations; and since there was a warehouse business as a part of the operation, there has been a tendency to condemn the entire wheat-producing industry along with the Estes favors and other unethical practices.

In order to understand the operation of the warehouse industry and how it became intermingled with our Nation's agriculture, it is necessary to review a few historical developments. The vast warehouse industry, of course, is a spawn of Government control and regulation. As long as there were no price supports and a takeover agreement with cooperators, there was no responsibility on the part of the Department of Agriculture or any other agency of the Federal Government to be concerned with grain storage, other than the normal concern of the Department with all matters relating to farming.

Previous to the price support program, the capacity of the warehouse industry was a matter of judgment within the industry itself. They relied upon historical movements of grain, points of logical concentration, transportation rate differentials, and simple economics as to whether an investment in a terminal warehouse could be justified. After the takeover agreements as a stipulation to price supports became a significant aspect in the production of wheat and feed grains, then of course the Department of Agriculture, through the Commodity Credit Corporation, found it necessary to have such warehouse space available as would accommodate the volume of grain assigned to it by farmers in repayment for the Commodity Credit loans they had taken out on their crops.

In the very early stages of this program, the late 1930's, there was an inclination on the part of the Commodity Credit Corporation to provide its own warehouse space. This subjected the Department of Agriculture to a considerable amount of criticism, and justifiably so. Not only did it represent a further unwarranted intervention of Government into the business community, but it also was construed as unfair competition with existing warehouse space.

There was not a significant amount of Commodity Credit-owned storage until after World War II. After the demand for food, created by virtual absence of agricultural production in Europe during the war, was filled in 1947 and 1948, there began to emerge a need for greater warehouse space to house the production of an agriculture greatly stimulated by the war effort. It should be recalled at this time that there were no controls on agricultural production at all. Quite to the contrary, there was still a chain reaction from the many incentives and augmentations that were offered to agriculture by the Federal Government to provide the necessary food for a war-torn world.

The magnitude of the warehouse industry as we know it today began to appear during the Korean war, in the early 1950's. It was apparent by 1952 that wheat production was reaching a proportion that could not be consumed or longer exported. Since it was an election year, however, Congress was most reluctant to impose any strict production controls that year. The 1953 crop was the first one to really alarm the analysts in the Department of Agriculture and necessitated some immediate planning as to the relationship of the storage industry to agricultural production.

I think most Members will recall at about that time an accelerated depreciation schedule for tax purposes was approved by Congress in order to stimulate private enterprise into quickly providing the necessary supplemental storage. This original authority was passed in 1953 and allowed to expire in 1956. Simultaneously, there was a guarantee by the Federal Government that the warehouses would be fully utilized by the Commodity Credit Corporation on a year-to-year basis. This guarantee was permitted to expire on August 20, 1954.

Since that time, there have been no economic incentives for an expanding warehouse industry, other than the judgment of the individuals who were willing to invest their capital without guarantees as to its utilization. There is one exception to this, in that co-ops are authorized to borrow from a bank of cooperatives at a rate of interest cheaper than the commercial rate.

There has been much written and spoken, particularly on the floor of the House, as to the burdensome surplus of wheat that is owned by the Commodity Credit Corporation. Again, it becomes a matter of definition as to what quantity constitutes a surplus or a reasonable carryover. Previous to the harvest of the 1962 crop, the Commodity Credit Corporation had on hand 1,345 million bushels. This constitutes less than the total disappearance of wheat for the fiscal year of 1962. This disappearance was about equally divided between domestic uses and exports.

It can be logically argued that our exports could be curtailed at any point to preserve this stock of wheat for domestic consumption in the case of a disaster or a poor crop. But under any circumstances, the supply of wheat that has been described as burdensome, costly, unreasonable, and in other disparaging terms, could not supply this country's needs for 2 years.

I am not proposing that a greater stock of wheat should be stored. I am attempting to point out, however, that the supply of wheat in proportion to an established demand is not as disproportionate as has been so frequently alleged. The United States is the only country in the world at this time that has any reserve of wheat stocks. Both Canada and Argentina, our two principal competitors, have diminished their reserves to a minimum that is considered essential for their own stability and security.

The warehouse industry over the country is not without fault. I have, at times, been critical publicly of the industry for their pricing policy, especially in view of the stated cost of storing grain in government-owned bins. In recent years, the annual storage rate has actually declined. The adjustment was certainly in the public interest, as the efficient warehouse operator was still able to realize a reasonable rate of earnings on his investment.

From this point on, which was approximately 1960, the warehouse industry and related associations have worked closely with the Department of Agriculture in improving the sanitary conditions under which grain is stored, as well as to expedite movements at the lowest possible cost to the taxpayer.

It is not the purpose of these remarks to seek any special favors for the warehouse industry, but to point out that in many cases they are businessmen who have risked capital with the expectation of receiving a reasonable return. Only a very few have become financial giants. Some have become successful and others have been failures. As long as there is to be a profit incentive in our business community, this will always be the case. These warehouses are not all multimillion-dollar plants, as has so frequently been inferred. There are many warehouses of modest capacities in some of our Midwestern communities. In many cases, they are owned by cooperative organizations. They serve as a business center for the community, not only to provide warehouse space to farmers in that immediate trade territory, but the same operation also provides a local market for grains produced beyond the need of the farmers in the area. In many cases, it also supplies the basic needs to the farmers as well. In fairness to grain warehousemen, I believe it should be pointed out that grain storage facilities are, for the most part, single purpose structures and as such must be regarded as a high risk investment. Warehousemen could not justify investing in facilities to provide storage space for a large temporary stock of grain while capacity existed for more space than needed for normal crops and carryover unless a better than average return on investment could be expected under favorable conditions.

Some of these warehouses are licensed under Federal authority and some are licensed by a State agency. On the basis of the latest figures that are available, there are approximately 1,109 warehouses in my State of Kansas that are licensed and bonded under State authority. Also in Kansas there are approximately 100 warehouses that are licensed, bonded, and inspected by the Department of Agriculture. It is only natural that the bulk of the warehouse space would be located in the grain-producing States and further at a location within the States that would be most accessible to a railroad connection to a port city or at a location that could be served by water carriers.

Licensed warehouses are further classified as between country elevators and a reconcentration warehouse. The function of the country elevator is pretty well defined by its title. It can perform one or more of three functions. It always provides a cash market for an acceptable quality of grain for the producer, or it may receive and reconsign the grain for storage at a terminal elevator. The terminal elevator is usually one of sizable capacity, some as large as 7 million bushels. The terminal elevator is usually designated as a point of reconcentration, or class 9 by the Department of Agriculture. All grain must pass through a class 9 or reconcentration elevator before it can be officially graded as to weights and standards. In other words, before wheat can be consigned for export or made available to fill an order from a domestic mill, it must have passed through a reconcentration elevator in order to be evaluated according to Government weights and standards that are known and which provide reliable specifications for the grain trade.

From this brief history of the warehouse business and from the recent disclosures of Government warehouse policies that have been brought to light by virtue of the Billie Sol Estes investigation, I think there are several obvious conclusions as to policy matters in conformity to the public interest.

First, it should continue to be the policy of the Department of Agriculture to keep grain owned by the Commodity Credit Corporation stored as close as possible to the source of production. This has proven to be a practical judgment over the years. There are several reasons for this determination. It can be moved to different ports or terminals to the Great Lakes area or to the Gulf ports, depending upon the circumstances accompanying the sale or other transfer. Since Kansas, Oklahoma, Colorado, Nebraska, and Texas raise most of this grain, it is only logical to conclude that the Government-owned grain should largely be stored in this area rather than to move immediately to a warehouse far removed from the point of production.

A further reason is that it affords considerable savings to the Commodity Credit Corporation—Department of Agriculture—as it can then eventually move in the direction of the ultimate sale. If it is prematurely moved away from the point of production, additional handling charges must be paid by the Commodity Credit Corporation as well as a possible adverse charge on freight.

Under the terms of the Uniform Grain Storage Agreement, the Commodity Credit Corporation cannot move grain directly from country warehouses in Kansas, Nebraska, or Colorado to either country or terminal warehouses in an area outside of the jurisdiction of the Kansas City office, without first having it unloaded at a terminal elevator—code 9 elevator—in the Kansas City commodity area for the purpose of obtaining official weights and grades. This costs the Commodity Credit Corporation money in the way of elevation charges—2½ cents per bushel—plus costs of obtaining weights, grades and proteins.

A further conclusion as to permanent policy to govern the warehousing of Government-owned wheat is that there should not be discrimination between the types of facilities for commercial storage. In other words, as long as a warehouse owner has an acceptable record and provides sufficient bond to store Commodity Credit wheat in flat storage, such construction should not be discriminated against in favor of a silo type of elevator. Some warehouse owners of a silo-type facility have not demonstrated their capacity of keeping grain in resalable condition, and therefore it should not be arbitrarily concluded that flat storage is undesirable merely for the reason that it is of that type.

In conclusion, I would like to state again that there is a mistaken impression that all warehouses are operated by big business, and that they have earned vast fortunes for their owners. For instance, of the approximately 1,100 State-licensed warehouses in Kansas, approximately 150 had a capacity of less than 25,000 bushels. This would be less than the amount of wheat raised by many individual farmers. On the other hand, there are only 85 that have a capacity in excess of 1 million bushels. Approximately 100 have a capacity of 250,000 bushels, which I believe would be less than the average size for a Kansas elevator.

It is interesting to note that the largest percentage of increase in the last year has been in the State of Texas, not in the heavy producing area of Kansas. Just in the last year, the Texas capacity has increased 20 percent, and the Kansas capacity only 9.6 percent.

Since Kansas produces more wheat than any other State in the Union, I would hope that the increased storage space, if any, would not occur in other States but in the State that is the largest wheat producer.

As I stated in the beginning, the warehouse industry has developed to its present size in a relatively short period of time. The performance of every individual operator has not been all that is expected of a responsible businessman. On the whole, however, I think that these owners have provided a needed facility for the farmer, which in turn serves every consumer in the United States. Despite the cost of storing this vital food, it does remain always available, not only for every consumer in the United States, but for our friends abroad. The burden of the cost of storing our stocks of wheat and feed grains has been grossly exaggerated. In total number of dollars, it appears to be an expensive operation; but when the cost is viewed from the standpoint of those who directly share the benefits, it is little indeed. For instance, the Grain and Feed Dealers National Association has computed the cost to the average family with an income of $8,000 to be 32 cents a month, or less than $4 a year for the storage cost in commercial warehouses. For a family with an average income of $6,000, the same monthly cost would be about 19½ cents.

As we observe the increasing shortage of food in the Iron Curtain countries, the storage capacity that keeps this food always available to us can become one of the greatest potential weapons in our arsenal.

Mr. MAHON. Mr. Speaker, I want the RECORD to show that I have some reservations in regard to the pending measure. I consider the measure as a compromise stop-gap proposal designed to reduce the vast stocks of Government-held surplus grain. I hope the claims are correct that the bill will be helpful to agriculture and cost the Government less than the alternatives that are possible under the circumstances.

The payment-in-kind provision has been compared to the compensatory payment plan. There is some relationship to the compensatory payment plan, but there are very marked differences between the payment in kind from farm surplus stocks proposal and the compensatory payment plan for agriculture as generally understood. I do not believe the direct compensatory payment plan is practical.

All will agree that the measure before us is far from perfect. Yet we hesitate to take no action in the face of huge surpluses now in storage at Government expense. The stop-gap proposal is by no means the final answer to our feed grain problems. I feel that the next Congress will have to take action toward a more satisfactory long-range program.

I know we would all agree that there are no quick and easy answers to our farm problems and there is ample room for honest differences of opinion among farmers and nonfarmers alike. We must continue to strive to improve the situation.

Mr. BREEDING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BREEDING. Mr. Speaker, in view of the remarks which have been made on the floor today about the effect this proposed wheat certificate program will have on the 15-acre farmer, I believe it is desirable for me to point out the facts in the case to the Members.

The exemption from marketing quota penalty provisions, contained in the present law for these growers planting under 15-acres was first written into the law in 1939. At that time representatives from these so-called 15-acre areas made a strong appeal that these little farmers growing a small patch of wheat should be exempted from quotas in order that they might produce a little feed for their chickens.

From this modest beginning, the 15-acre grower has become one of the principal causes of our present wheat surplus. In 1954 when allotments were first reestablished after the war years, there were approximately 1,200,000 farm operators with wheat history. About 700,000 of these operators were commercial producers and the other 500,000 were those planting 15-acres or less. In spite of a substantial reduction in the total number of farms in the United States brought about by the cost-price squeeze in the past several years, the number of farms with wheat history in 1961 had increased to over 1,800,000 with only about 600,000 commercial producers and more than 1,200,000 so-called 15-acre producers. In other words, over half a million farmers got into the wheat business through the route of this 15-acre exemption.

The effect of this increase in the number of farms planting wheat in excess of the allotment has been progressively worse on the total wheat carryover. In 1954, according to the official figures of the U.S. Department of Agriculture, production of these small farms in excess of the allotment was about 58 million bushels. I want to emphasize that this 58 million bushels of production was in excess of those farmers' fair share of the total production in that year. This excess production increased each year on these 15-acre farms. In 1955 it was 65 million bushels, in 1956 it was 85 million bushels, in 1957 it was 94 million bushels, and in 1958 it was 135 million bushels. Each year since 1958 it has been well over 100 million bushels.

If we had applied the same limitations to these 15-acre farmers when we established allotments that we applied to every other farmer in the country, our carryover instead of being about 1,400 million bushels, would be only 700 million bushels.

It is also an interesting fact that with the imposition of acreage allotments in 1954 and continuing to the present time, the acreage of wheat in those States containing the bulk of the commercial wheat farms has decreased about 35 percent, but the total acreage in the area east of the Mississippi River where the 15-acre farms are concentrated has remained practically constant since 1939.

Now this bill that we are considering today recognizes that the 15-acre growers have been permitted under the law to exceed their allotment and continue to grow the same amount of wheat whether or not allotments were in effect. We are not proposing to cut these growers back to the acreage that would have been their fair share when allotments were first put into effect. What we are doing is to recognize that these farmers have been growing this quantity of wheat and in effect we are saying, "All right, we forgive you for adding this 700 million bushels to our surplus, but we are asking that you cooperate to the same extent that all other wheat growers are being asked to do, if you want to sell your wheat for food or export."

But even so, we are giving the 15-acre grower the option of making their fair share of the required reduction or of continuing to grow the same amount of wheat they have been growing. The only requirement is that if they do not make the reduction they will not get the guaranteed higher price for their product.

We have tried to be as fair with these 15-acre farmers as we possibly can. We have leaned over backwards to help them maintain their farm income even at the expense of the commercial wheat producer.

It has been said that the required reduction on these 15-acre farms would create a shortage of Soft Red Winter wheat. I think a look at the record for 1962 would prove the fallacy of this statement. In this past year when nearly 40 percent of the wheat acres in the Soft Red Winter wheat area were retired in cooperation with the emergency wheat program, we still had a sufficient production of Soft Red Winter wheat to meet all of our domestic and foreign commitments. Under the proposed plan the reduction certainly would not be any greater than we had in this area on a voluntary basis in 1962.

Mr. COOLEY. Mr. Speaker, I yield the remainder of my time to our majority leader, the gentleman from Oklahoma [Mr. ALBERT].

The SPEAKER. The gentleman from Oklahoma is recognized for 2 minutes.

Mr. ALBERT. Mr. Speaker, the issue here, it seems to me, is not altogether what will happen if we adopt this conference report, but what will happen if we do not adopt this conference report.

If we do not adopt this conference report we are coming back next spring just exactly as we have been coming back every spring since I have been a Member of the House with statutes on the books that are outmoded, that are costly, that are unworkable, that pile up millions and billions of bushels of surplus commodities in our Government warehouses at staggering cost to the taxpayers.

The gentleman from Iowa asked what would be the cost of the programs under this bill. One thing is certain, we know it will be less than the cost of the present wheat program and that it will be less than the cost of the present feed grain program. Under the 1958 act the Government must support the price of feed grains at 65 percent of parity based on unlimited production. We have been growing from 250 million to 300 million bushels more feed grains than we can use. You can figure up the cost of that; it is about $300 million a year to the taxpayers as an initial cost. The same is true of the wheat program. The taxpayer as well as the farmer is interested in this program. We cannot have an effective farm program unless the economics of it with respect to producers, consumers, and taxpayers, and everybody concerned makes sense. I hope the conference report will be adopted.

Mr. COOLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. HOEVEN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. HOEVEN. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOEVEN moves to recommit the conference report on the bill, H.R. 12391, to the committee of conference with instructions to the managers on the part of the House:

1. To disagree to the Senate amendment as amended by the committee of conference establishing a certificate wheat program in 1964 and subsequent years as set forth in sections 310 through 325 of the Senate amendment.

2. To disagree to the Senate amendment as amended by the committee of conference establishing a corn and feed grain price support program for 1964 and subsequent years as set forth in section 306 of the Senate amendment.

3. To disagree to sections 310 through 313 of the House bill as amended by the committee of conference establishing a 1963 wheat program.

4. To disagree to sections 301 through 304 of the House bill as amended by the committee of conference establishing a 1963 feed grain program.

5. To disagree to any provisions changing existing law or establishing new programs for wheat and feed grains in 1964 and subsequent years.

6. To agree to such provisions of sections 310 through 313 of the House bill as are appropriate to extend for 1 year a voluntary wheat program consistent with the provisions of the 1962 wheat program set forth in subtitle B of title I of the Agricultural Act of 1961, as amended, and the national marketing quota referendum held pursuant to section 336 of the Agricultural Adjustment Act of 1938, as amended.

7. To agree to such provisions of sections 301 through 304 of the House bill as are appropriate to extend for 1 year without further amendment the 1962 feed grain program set forth in subtitle C of title I of the Agricultural Act of 1961, as amended.

Mr. COOLEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. ABERNETHY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ABERNETHY. Mr. Speaker, is it in order to offer a substitute motion in the form of a simple motion to recommit the conference report?

The SPEAKER. Not after the previous question has been ordered.

Mr. ABERNETHY. Has the previous question been ordered?

The SPEAKER. The previous question has been ordered.

Mr. ABERNETHY. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ABERNETHY. Mr. Speaker, if the motion of the gentleman from Iowa is voted down, would it then be in order for the House conferees to return to conference upon the making of a proper motion?

The SPEAKER. If the motion to recommit is defeated, then the question comes on adoption of the conference report.

Mr. ABERNETHY. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ABERNETHY. If the motion to adopt the conference report is defeated, would it be in order for the conferees to return to conference on an appropriate motion?

The SPEAKER. It would be in order for some Member to offer a motion that the House insist on its position and ask for a further conference.

Mr. ABERNETHY. Could any Member of the House offer that motion?

The SPEAKER. That would depend upon recognition of the Chair.

The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. HOEVEN) there were—ayes 104, noes 165.

So the motion to recommit was rejected.

The SPEAKER. The question is on the conference report.

Mr. HOEVEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 197, not voting 36, as follows:

[Roll No. 235]

YEAS—202

Abbitt
Addabbo
Albert
Alexander
Alford
Andersen, Minn.
Andrews
Anfuso
Ashley
Ashmore
Aspinall
Bailey
Barrett
Bass, Tenn.
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Boykin
Brademas
Breeding
Brooks, Tex.
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Cannon
Carey
Celler
Chelf
Coad
Cohelan
Cook
Cooley
Corman
Daddario
Daniels
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Denton
Dingell
Donohue
Downing
Doyle
Dulski
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Flood
Flynt
Forrester
Fountain
Friedel
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gilbert
Gonzalez
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagan, Ga.
Hansen
Harding
Hardy
Harrison, Va.
Hays
Healey
Hechler
Hemphill
Henderson
Holifield
Holland
Huddleston
Ichord, Mo.
Inouye
Jennings
Joelson
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Kornegay
Kowalski
Landrum
Lane
Lankford
Lennon
Lesinski
Libonati
Loser
McDowell
McFall
McMillan
Macdonald
Madden
Magnuson
Mahon
Marshall
Matthews
Miller, Clem
Miller, George P.
Mills
Montoya
Moorhead, Pa.
Morgan
Morris
Morrison
Moss
Moulder
Multer
Murphy
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Passman
Perkins
Peterson
Pfost
Philbin
Poage
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
Santangelo
Scott
Selden
Shelley
Sheppard
Sisk
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Steed
Stephens
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thornberry
Toll
Trimble
Tuck
Udall, Morris K.
Ullman
Vanik
Walter
Watts
Weaver
Whitener
Wickersham
Willis
Yates
Young
Zablocki
Zelenko

NAYS—197

Abernethy
Adair
Alger
Anderson, Ill.
Arends
Ashbrook
Auchincloss
Avery
Ayres
Baker
Baldwin
Baring
Barry
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Mich.
Berry
Betts
Bolton
Bow
Bray
Brewster
Bromwell
Broomfield
Brown
Broyhill
Bruce
Burleson
Byrnes, Wis.
Cahill
Casey
Cederberg
Chamberlain
Chenoweth
Chiperfield
Church
Clancy
Clark
Collier
Colmer
Conte
Corbett
Cramer
Cunningham
Curtis, Mass.
Curtis, Mo.
Dague
Dent
Derounian
Derwinski
Devine
Dole
Dominick
Dorn
Dowdy
Durno
Dwyer
Ellsworth
Feighan
Fenton
Findley
Fisher
Fogarty
Ford
Frazier
Frelinghuysen
Fulton
Garland
Gavin
Glenn
Goodell
Goodling
Grant
Griffin
Gross
Gubser
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Harris
Harrison, Wyo.
Harsha
Harvey, Ind.
Harvey, Mich.
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Horan
Hosmer
Jarman
Jensen
Johansen
Johnson, Calif.
Jonas
Judd
Kearns
Keith
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lindsay
Lipscomb
McCulloch
McIntire
McVey
MacGregor
Mack
Mailliard
Martin, Nebr.
Mason
Mathias
May
Meader
Merrow
Michel
Miller, N.Y.
Milliken
Minshall
Monagan
Moore
Moorehead, Ohio
Morse
Mosher
Murray
Nelsen
Norblad
Nygaard
Osmers
Ostertag
Pelly
Pike
Pillion
Pirnie
Poff
Quie
Ray
Reece
Reifel
Rhodes, Ariz.
Riehlman
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rousselot
St. George
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scranton
Seely-Brown
Shipley
Short
Shriver
Sibal
Siler
Smith, Calif.
Springer
Stafford
Staggers
Stratton
Taber
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tupper
Utt
Van Pelt
Van Zandt
Waggonner
Wallhauser
Westland
Wharton
Whitten
Widnall
Williams
Wilson, Ind.
Winstead
Wright
Younger

NOT VOTING—36

Bass, N.H.
Blitch
Buckley
Curtin
Davis, James C.
Diggs
Dooley
Edmondson
Finnegan
Fino
Hébert
Hoffman, Mich.
Hull
Johnson, Md.
McDonough
McSween
Martin, Mass.
Moeller
Norrell
O'Brien, Ill.
O'Konski
Patman
Pilcher
Powell
Riley
Rivers, Alaska
Rogers, Colo.
St. Germain
Saund
Sikes
Spence
Tollefson
Vinson
Weis
Whalley
Wilson, Calif.

The Clerk announced the following pairs:

On this vote:

Mr. Hull for, with Mr. Hébert against.

Mr. Moeller for, with Mrs. Riley against.

Mr. Buckley for, with Mr. Martin of Massachusetts against.

Mr. Patman for, with Mrs. Weis against.

Mr. Powell for, with Mr. McDonough against.

Mr. Rivers of Alaska for, with Mr. Hoffman of Michigan against.

Mr. Sikes for, with Mr. Curtin of Pennsylvania against.

Mr. O'Brien of Illinois for, with Mr. Johnson of Maryland against.

Mr. Rogers of Colorado for, with Mr. Wilson of California against.

Mr. Edmondson for, with Mr. Whalley against.

Mr. McSween for, with Mr. Dooley against.

Mr. Diggs for, with Mr. Fino against.

Until further notice:

Mr. St. Germain with Mr. Bass of New Hampshire.

Mr. Pilcher with Mr. O'Konski.

Mr. James C. Davis with Mr. Tollefson.

Mr. MAGNUSON changed his vote from "nay" to "yea."

Mr. HALLECK. Mr. Speaker, Members on the Republican side have not yet been recorded. It seems to me that it would be in order that they be recognized.

The SPEAKER. The Clerk will record the names of the Members who qualify on this vote.

Mr. MERROW changed his vote from "yea" to "nay."

Mr. RUTHERFORD changed his vote from "nay" to "yea."

Mr. PERKINS. Mr. Speaker, how am I recorded?

Mr. HALLECK. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HALLECK. I make the point of order that Members are asking how they are recorded for obvious purposes of delay.

The SPEAKER. The Chair cannot look into the minds of Members and determine their motives.

Mr. CAREY changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 11151) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes."

The message further announced that the Senate agrees to the amendment of the House of Representatives to the Senate amendment numbered 45 to the above entitled bill.

H.R. 7328, A BILL FOR THE RELIEF OF THE ESTATE OF LOUIS J. SIMPSON, DECEASED—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 559)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 7328, for the relief of the estate of Louis J. Simpson, deceased.

Mr. Simpson, a GS–11 supervisory appraiser at the Veterans' Administration regional office, San Antonio, Tex., retired under disability on September 30, 1958, thereupon drawing a civil service annuity. He was rehired on the following day by the same regional office, on a contractual basis, to perform essentially the same duties as he had while a direct employee. However, his annuity payments were not deducted from the amounts payable under the contracts, as required by section 13(b) of the Civil Service Retirement Act in the case of retired employees who are reemployed by the U.S. Government. These amounts were not deducted by the Veterans' Administration regional office because of a belief that Mr. Simpson was providing services as an independent contractor. The General Accounting Office determined, however, that the contract between Mr. Simpson and the Government established an employer-employee relationship and that his compensation should have been reduced by $2,442.16, the amount of his annuity for the period in question. H.R. 7328 would relieve the estate of Mr. Simpson from the liability to repay the United States this sum.

Since provisions of general law bar receipt of full salary and annuity from the Government at the same time, any departure from this general practice should be clearly distinguishable and justifiable if inequity and discrimination are to be avoided. I find no such distinguishing factors in this case.

Both Mr. Simpson and Mrs. Simpson have died. There are no surviving children. The bill would, therefore, benefit only collateral heirs or legatees.

In all the circumstances, I believe disapproval of the bill is warranted.

JOHN F. KENNEDY.

THE WHITE HOUSE, *September 20, 1962.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message together with the accompanying bill is referred to the Committee on the Judiciary and ordered printed.

ACADEMIC FACILITIES AND STUDENT ASSISTANCE ACT

Mrs. GREEN of Oregon. Mr. Speaker, I call up the conference report on the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2435)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'College Academic Facilities and Student Assistance Act'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 2. The Congress hereby finds that the security and welfare of the United States require that this and future generations of American youth be assured ample opportunity for the fullest development of their intellectual capacities, and that this opportunity will be jeopardized unless the Nation's colleges and universities are encouraged and assisted in their efforts to accommodate rapidly growing numbers of youth who aspire to a higher education, and unless steps are taken to encourage promising youth in their pursuit of this goal by holding out to them the assurance that economic obstacles to self-fulfillment can be overcome. The Congress further finds and declares that these needs are so great and these steps so urgent that it is incumbent upon the Nation to take positive and immediate action to meet these needs through assistance to institutions of higher education in providing classrooms and other academic facilities, through undergraduate assistance for young people of demonstrated ability who need such assistance to go to college, and through assistance to the States in constructing certain public community college facilities.

"TITLE I—CONSTRUCTION OF ACADEMIC FACILITIES

"*Part A—Grants for construction of academic facilities*

"Appropriations Authorized

"SEC. 101. (a) In order to enable the Commissioner of Education (hereafter in this Act referred to as the 'Commissioner') to make grants to institutions of higher education for the construction of academic facilities in accordance with the provisions of this part A, there is hereby authorized to be appropriated the sum of $180,000,000 for the fiscal year ending June 30, 1963, and each of the four succeeding fiscal years. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1964, and each of the three succeeding fiscal years, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available for reservation as provided in section 107 until the close of the fiscal year next succeeding the fiscal year for which they were appropriated.

"Allotments to States

"SEC. 102. (a) Of the funds appropriated pursuant to section 101 for any fiscal year (1) one-half shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and (2) the remaining one-half shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such remainder as the number of students enrolled in grades nine to twelve (both inclusive) of schools in such State bears to the total number of students in such grades in schools in all the States. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) of this subsection shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

"(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this part A, for payment of the Federal share (as determined under sections 106(b)(3) and 121(d)) of the development cost of approved projects for the construction of academic facilities within such State by institutions of higher education. Sums allotted to a State for the fiscal year ending June 30, 1963, shall remain available for reservation as provided in section 107 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

"(c) All amounts allotted under this section for the fiscal year ending June 30, 1964, and each of the three succeeding fiscal years, which are not reserved as provided in section 107 by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"State Commissions and Plans

"Sec. 103. (a) Any State desiring to participate in the grant program under this part A shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part A referred to as the 'State commission'), a State plan for such participation. The Commissioner shall approve any such plan which—

"(1) provides that it shall be administered by the State commission;

"(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 105, objective standards and methods (A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State, and (B) for determining the Federal share of the development cost of each such project (unless such plan provides for a uniform Federal share for all such projects);

"(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part A; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the development cost of the project involved;

"(4) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part A, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part A.

"(b) The Commissioner is authorized to expend not exceeding $3,000,000 during each of the first two fiscal years of the program under this part A in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part A, including expenses which he determines were necessary for the preparation of such plans.

"Eligibility for Grants

"Sec. 104. An institution of higher education shall be eligible for a grant for construction of an academic facility under this part A only if such construction is limited to structures, or portions thereof, especially designed, and to be used only, for instruction or research in the natural or physical sciences or engineering or for use as a library, and only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (1) result in an urgently needed substantial expansion of the institution's student enrollment capacity, or (2) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity.

"Basic Criteria for Determining Priorities and Federal Share

"Sec. 105. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this part A while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to expansion of undergraduate enrollment capacity. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

"(b) The Commissioner shall further prescribe by regulation the basic criteria for determining the Federal share of the development cost of any eligible project under this part A within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform in the absence of a uniform statewide Federal share specified in or pursuant to such plan. The Federal share shall in no event exceed 33⅓ per centum of the development cost of a project covered by an application approved under this part A.

"Applications for Grants and Conditions for Approval

"Sec. 106. (a) Institutions of higher education which desire to obtain grants under this part A shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this part A.

"(b) The Commissioner shall approve an application covering a project for construction of an academic facility and meeting the requirements prescribed pursuant to subsection (a) if—

"(1) the project is an eligible project as determined under section 104;

"(2) the project has been approved and recommended by the appropriate State commission;

"(3) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallotment to the State);

"(4) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

"(5) the Commissioner determines that the construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials; and

"(6) the Commissioner determines that (in addition to the assurance required by section 404 and such assurance as to title to the site as he may deem necessary) the application contains or is supported by satisfactory assurances—

"(A) that Federal funds received by the applicant will be used solely for defraying the development cost of the project covered by such application,

"(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

"(C) that the facility will be used as an academic facility during at least the period of the Federal interest therein (as defined in section 108).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

"(d) No institution which is eligible for a grant under title III shall be eligible for a grant under this part A.

"Amount of Grant—Payment

"Sec. 107. Upon his approval of any application for a grant under this part A, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share (ascertained by him under section 106(b) (3)) of the development cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated development cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"Recovery of Payments

"Sec. 108. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under this part A is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal or exceed in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this part A.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under this part A—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility' by section 121(a)(2), unless the Commissioner determines in accordance with regulations that there is good cause for waiving the application of this paragraph to such facility or use,

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants: *Provided*, That the authority to waive the application of paragraph (2) of this subsection shall not apply to any case in which a facility (A) is used for sectarian instruction or as a place for religious worship or (B), although not used for a purpose described in clause (A), is used primarily for any part of a program of a school of divinity (as defined in section 122(a)(2)). Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"Administration of State Plans

"Sec. 109. (a) The Commissioner shall not finally disapprove any State plan submitted under this part A, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this part A, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 103(a), or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this part A until he is satisfied that there is no longer any such failure to comply.

"Part B—Loans for construction of academic facilities

"Lending Authority

"Sec. 111. The Commissioner may, in accordance with the provisions of this part B, make loans to institutions of higher education or to higher education building agencies for construction of academic facilities.

"Loan Limit for Any State

"Sec. 112. Not more than 12½ per centum of the funds provided for in this part B in the form of loans shall be used for loans to institutions of higher education or higher education building agencies within any one State.

"Eligibility Conditions, Amounts, and Terms of Loans

"Sec. 113. (a) No loan pursuant to this part B shall be made unless the Commissioner finds (1) that not less than one-fourth of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part B, and (3) that the construction will be undertaken in an economical manner and that it will not not be of elaborate or extravagant design or materials.

"(b) A loan pursuant to this part B shall be secured in such manner, and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and shall bear interest at a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum.

"(c) In order to enable the Commissioner of Education to make loans to institutions of higher education for the construction of academic facilities in accordance with the provisions of this part B, there is hereby authorized to be appropriated the sum of $120,000,000 for the fiscal year ending June 30, 1963, and each of the four succeeding fiscal years. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1964, and each of the three succeeding fiscal years, for making such loans the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

"General Provisions for Loan Program

"Sec. 114(a) Such financial transactions of the Commissioner as the making of loans and vouchers approved by the Commissioner in connection with such financial transactions, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government.

"(b) The Commissioner is authorized (1) to prescribe a schedule of fees which, in his judgment, would be adequate in the aggregate to cover necessary expenses of making inspections (including audits) and providing representatives at the site of projects in connection with loans under this part B, and (2) to condition the making of such loans on agreement by the applicant to pay such fees. For the purpose of providing such services, the Commissioner may, as authorized by section 402(b), utilize any agency, and such agency may accept reimbursement or payment for such services from such applicant or from the Commissioner, and shall, if a Federal agency, credit such amounts to the appropriation or fund against which expenditures by such agency for such services have been charged.

"(c) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part B, the Commissioner, notwithstanding the provisions of any other law, may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part B;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part B without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part B from the application of sections 507(b) and 2679 of title 28 of the United States Code and of section 367 of the Revised Statutes (5 U.S.C. 316);

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part B; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

"(5) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(6) subject to the specific limitations in this part B, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

"(7) include in any contract or instrument made pursuant to this part B such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part B, for purposes described in section 121(a)(2)) as he may deem necessary to assure that the purposes of this part B will be achieved.

"Part C—General provisions for loan and grant programs

"Definitions

"Sec. 121. As used in this title—

"(a)(1) Except as provided in subparagraph (2) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities.

"(2) The term 'academic facilities' shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, or (B) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (C) any facility used or to be used for sectarian instruction or as a place for religious worship, or (D) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity. For the purposes of this subparagraph, the term 'school or department of divinity' means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"(b)(1) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing.

"(2) The term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books and except items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (1) (A) or (B) of this subsection or, in cases referred to in paragraph (1)(C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment,' 'initial equipment,' and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation.

"(c) The term 'development cost,' with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility, but excluding any cost incurred before, or under a contract entered into before, the enactment of this Act. There shall further be excluded from the development cost—

"(1) in determining the amount of any grant under this title, an amount equal to the sum of (A) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under this title, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(2) in determining the amount of any loan under this title, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under this title.

"(d) The term 'Federal share' means a percentage (as determined under the applicable State plan) not in excess of 33⅓ per centum of the development cost of a project covered by an application for a grant for the construction of an academic facility under part A of this title.

"(e) The term 'higher education building agency' means (1) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (2) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (A) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (B) upon dissolution of which all title to any property purchased or built from the proceeds of any loan made under this title will pass to such institution.

"TITLE II—LOANS FOR COLLEGE STUDENTS

"Appropriations Authorized

"Sec. 201. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1963, the sum of $17,500,000, for the fiscal year ending June 30, 1964, the sum of $26,250,000, and for the fiscal year ending June 30, 1965, and for each of the two succeeding fiscal years the sum of $35,000,000 for loans to persons who have not previously been granted loans under this title and who are selected for award of such loans by the institution of higher education in which they are enrolled or have been accepted for enrollment. In addition, there are authorized to be appropriated for the fiscal year ending June 30, 1964, and for each of the seven succeeding fiscal years such sums as are necessary for making loans to individuals who have been granted loans under this title for previous years.

"Amount of Loans

"Sec. 202. (a) Any person who is determined by the institution of higher education in which he is enrolled or has been accepted for enrollment, in accordance with the provisions of the institution's plan approved under section 205, to need financial assistance to begin or continue his education at such institution may be granted a loan under this title. Such a loan shall be based on the student's financial need for assistance during the academic year, but shall not exceed $1,000 for such year or its equivalent.

"(b) Any institution of higher education administering a loan fund established under this title, may, in any fiscal year, use up to 20 per centum of the Federal payment into such fund for such year, for the purposes of making nonreimbursable loans of not exceeding $1,000 per academic year or its equivalent to any student whom it determines (1) demonstrates ability for successful academic achievement, (2) is exceptionally needy, and (3) would be eligible for a loan from such fund, however, would not, but for the granting of a nonreimbursable loan, pursue a course of study at any institution of higher education.

"Duration of Loans

"Sec. 203. A loan granted under this title shall be for one academic year, or its equivalent. No student may receive a loan for more than four academic years. A loan granted under this title shall entitle the recipient to payments for such period only if he (1) is in regular attendance at an institution of higher education, (2) is maintaining satisfactory progress in the course of study which he is pursuing, according to the regularly prescribed standards and practices of the institution which he is attending, and (3) devotes essentially full time to educational work. Failure to be in attendance for a short period of time where there is good cause in the judgment of the institution for nonattendance shall not disqualify a student from receiving further payments. Failure to be in attendance at an institution during vacation periods, periods of military service, or during other extended periods of time during which there is good cause in the judgment of the institution for nonattendance (during which periods he is receiving no payments) shall not terminate the loan.

"Allotments to States and Institutions

"Sec. 204. (a) From the sums appropriated pursuant to section 201 for any fiscal year ending prior to July 1, 1967, the Commissioner shall set aside an allotment for each State which bears the same ratio to the amount so appropriated as the number of full-time undergraduate students enrolled in institutions of higher education in such State bears to the total number of such students enrolled in institutions of higher education in all of the States. The number of such students enrolled in institutions of higher education for purposes of this section shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(b) Sums appropriated pursuant to section 201 for any fiscal year ending after June 30, 1967, shall be alloted among the States in such manner as the Commissioner determines to be necessary to carry out the purposes for which such amounts are appropriated.

"(c) From each State's allotment under subsection (a) there shall be allotted to each institution of higher education in the State an amount which bears the same ratio to the State's allotment as the number of full-time undergraduate students enrolled in such institution bears to the number of such students enrolled in all institutions of higher education in the State. Sums allotted to institutions of higher education which do not have plans approved under section 205 shall be reallotted among the other institutions of higher education in the State pro rata on the basis of their original allotments under this subsection. Subject to the provisions of the next sentence, the Commissioner shall pay from each State's allotment for each fiscal year into the student loan fund of each institution which has a plan approved under section 205 the amount requested by the institution. Where the total requested by all institutions in a State is less than the State's allotment, the Commissioner may reallot the remaining amount from time to time, on such date or dates as he may fix, among institutions which requested more than the amount allotted to them. Such reallotment shall be made in proportion to the original allotment, but with such adjustments as may be necessary to insure that no payment will be made into a student loan fund in excess of the amount requested by the institution. Any amounts remaining after the Commissioner has carried out such reallotment may be allotted within other States in the discretion of the Commissioner.

"Plans for Participating Institutions

"Sec. 205. (a) Any institution of higher education desiring to participate in the loan program under this title may do so by submitting to the Commissioner a plan for such institution for carrying out the purposes of this title which the Commissioner approves under this section. No divinity school or seminary or similar institution shall be eligible to submit a plan under this title. The Commissioner shall approve any such plan which—

"(1) provides for establishment of a student loan fund by such institution;

"(2) provides for deposit in such fund of (A) the Federal grants, (B) collections of principal and interest on student loans made from such fund, and (C) any other earnings of the fund;

"(3) provides that such student loan fund shall be used only for granting loans (including nonreimbursable loans) to students in accordance with the plan, for capital distributions as provided in this title, and for costs of litigation arising in connection with the collection of any loan from the fund on such loan;

"(4) provides for the selection of students to receive loans, for determination of the amounts of such loans, and for determining the extent of financial need, in accordance with standards, procedures, and criteria which provide reasonable assurance—

"(A) that the individuals selected to receive loans under this title will have the ability to pursue successfully, at the institution of higher education, the course of study he has selected, determined in accordance with the institution's regularly employed measures of aptitude and ability, and that the amount of each such loan for each year will be based solely on his need for financial assistance to continue his education at an institution of higher education, and

"(B) that selection of individuals to receive nonreimbursable loans will be based solely on the factors set forth in section 202(b);

"(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursements of and accounting for Federal funds paid to the State under this title;

"(6) provides that loans from such loan fund (other than nonreimbursable loans) to any student by the institution shall be made on such terms and conditions as the institution may determine; subject, however, to such conditions, limitations, and requirements as the Commissioner may prescribe by regulation with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

"(A) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal annual installments, or, if the borrower so requests, in graduated periodic installments (determined in accordance with such schedules as may be approved by the Commissioner), over a period beginning one year after the date on which the borrower ceases to pursue a full-time course of study at an institution of higher education and ending eleven years after such date, except that (i) interest shall not accrue on any such loan, and periodic installments need not be paid during any period during which the borrower is pursuing a full-time course of study at an institution of higher education, or, not in excess of three years, during which the borrower is a member of the Armed Forces of the United States or a member of the Peace Corps, (ii) any such period shall not be included in determining the ten-year period during which the repayment must be completed, (iii) such ten-year period may be extended for good cause determined in accordance with the regulations of the Commissioner, and (iv) the borrower may at his option accelerate repayment of the whole or any part of such loan;

"(B) such a loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue before the date on which the repayment is to begin;

"(C) such a loan shall be made without security and without endorsement, except that, if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

"(D) the liability to repay any such loan shall be canceled upon the death of the borrower, or if he becomes permanently and totally disabled as determined in accordance with regulations of the Commissioner;

"(E) such a loan shall be paid in such installments as provided in the institution's plan, except that no payments under such a loan shall be made while the borrower is failing to maintain satisfactory standing or attendance pursuant to section 203; and

"(F) no note or other evidence of such a loan may be transferred or assigned by the institution of higher education making the loan;

"(7) provides for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this title.

"(b) The Commissioner shall not finally disapprove any plan submitted under this title, or any modification thereof, without first affording the institution of higher education submitting the plan reasonable notice and opportunity for a hearing.

"(c) In the case of any plan which has been approved by the Commissioner, if the Commissioner finds—

"(1) that the plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(2) that in the administration of the plan there is a failure to comply substantially with such provisions,

the Commissioner shall notify such institution that the institution will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

"Distributions of Assets From Student Loan Funds

"Sec. 206. (a) After June 30, 1971, and not later than September 30, 1971, there shall be a capital distribution to the Commissioner of the balance of each student loan fund established under this title by each institution of higher education.

"(b) After September 30, 1971, each institution with which the Commissioner has made an agreement under this title shall pay to the Commissioner, not less often than quarterly, the amounts received by the institution after June 30, 1971, in payment of student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the loans from the fund and not already reimbursed from the student loan fund or such payments).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1971, that the liquid assets of a student loan fund established pursuant to an agreement under this title exceed the amount required for loans, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution to the Commissioner from such fund.

"Administrative Provisions

"Sec. 207. (a) The Commissioner, in addition to the other powers conferred upon him by this title, shall have power to agree to modifications of agreements or loans made under this title and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this title.

"(b) Financial transactions of the Commissioner pursuant to this title, and vouchers approved by him in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

"TITLE III—PUBLIC COMMUNITY COLLEGE ASSISTANCE

"Authorization of Funds

"Sec. 301. For the purpose of this title there is authorized to be appropriated $50,000,000 for each of the five successive fiscal years beginning with the fiscal year beginning on July 1, 1962.

"Allotments to States

"Sec. 302. (a) The sums appropriated pursuant to section 301 shall be allotted among the States on the basis of the income per person and the number of high school graduates of the respective States. Such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the sums appropriated pursuant to section 301 for such year as the product of—

"(A) the number of high school graduates of the State, and

"(B) the State's allotment ratio (as determined under subsection (c))

bears to the sum of the corresponding products for all the States.

"(b) The allotment to any State under this section for any fiscal year shall be available until the end of the succeeding fiscal year for payment to it of the amounts certified, not later than the end of the fiscal year for which the allotment was made, by the State agency as the Federal share of the cost of constructing public community college facilities under the State plan approved pursuant to section 304.

"(c) For purposes of this title—

"(1) The 'allotment ratio' for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than .25 or more than .75, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be .75, and (iii) the allotment ratio of any State shall be .50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds the median of such costs in all the States by a factor of 2 or more as determined by him on the basis of an index of the average per pupil cost of constructing minimum school facilities in the States as determined for such fiscal year under section 15(6) of the Act of September 23, 1950, as amended (20 U.S.C. 645), or, in the Commissioner's discretion, on the basis of such index and such other statistics and data as the Commissioner shall deem adequate and appropriate; and

"(2) The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"Matching Requirement

"Sec. 303. Payment of the full Federal allotment to a State shall be contingent upon the matching of Federal funds by State or local funds, or both, as follows: Each State shall match the Federal allotment by an amount equal to the product of (1) the number of high school graduates in the State and (2) the difference between the national base and the Federal allotment to the State per high school graduate of the State: *Provided*, That in no case shall the State matching payment be more than twice the Federal allotment. To the extent that a State's matching payment falls short of the matching requirement, its Federal allotment shall be proportionately reduced.

"State Plans

"Sec. 304. (a) Any State desiring to accept the benefits of this title shall submit a State plan for carrying out the purpose of this title. The Commissioner shall approve any such plan which—

"(1) designates the State agency responsible for administering the plan throughout the State;

"(2) contains satisfactory evidence that such State agency will have authority to carry out such plan in conformity with this title;

"(3) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds under this title and to assure proper application of non-Federal funds used in connection therewith;

"(4) provides for the establishment of standards, in accordance with the purpose of this title, for locating, planning, and constructing public community college facilities;

"(5) provides for affording to every applicant, whose application for funds for a construction project under the State plan is denied, an opportunity for a hearing before the State agency; and

"(6) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to carry out the provisions of this title.

"(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State agency submitting the plan reasonable notice and opportunity for a hearing.

"(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State plan submitted by such agency and approved under this section has been so changed that it no longer complies with the provisions of subsection (a); or

"(2) in the administration of such plan there is a failure to comply substantially with any such provision;

the Commissioner shall withhold further payments under section 305 to the State or withhold further payments for any project designated by the Commissioner as being directly affected by such failure, as the Commissioner may determine to be appropriate under the circumstances, until he is satisfied that there is no longer any such failure to comply, or if compliance is impossible, until the State repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended; except that the foregoing provisions of this subsection shall not apply to payment of any amount already reserved under section 305(a) with respect to any public community college facilities project not directly affected by such failure. After notice as provided in this subsection to any State, the Commissioner may suspend the making of further reservations of funds under section 305(a) for projects in such State pending the making of the findings under this subsection.

"Payments to States

"SEC. 305. (a) Upon a certification by a State agency—

"(1) listing a public community college facilities project (or projects) approved by it during a fiscal year under a State plan approved under section 304; and

"(2) setting forth the estimated cost of each such project, the amount of the Federal share of such cost, and such further description of such project as may be required by the Commissioner in order to carry out the provisions of this title,

the Commissioner shall reserve, subject to the requirements of section 303, an amount equal to such Federal share of such cost out of the State's allotment for such fiscal year. Payment of such amount shall be made by the Commissioner to the State, upon request of the State agency, through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office, at such time or times and in such installments (in advance of the incurring of cost or otherwise) as the Commissioner may determine. Such payments shall be used exclusively to meet the cost of construction of the project (or projects) for which such amount has been reserved. The Commissioner shall change any amount so reserved upon request of the State agency and receipt of an amended certification from such agency, but only to the extent such change is not inconsistent with the other provisions of this title.

"(b) If any project with respect to which payments have been made under this section is terminated or abandoned or not completed within such reasonable period as may be determined in accordance with the regulations of the Commissioner, the State which certified such project shall be liable to repay to the United States, for deposit in the Treasury of the United States as miscellaneous receipts, the amount of such payments or such lesser amounts as the Commissioner deems reasonable under the circumstances.

"Definitions

"SEC. 306. As used in this title—

"(1) The term 'public community college' means an educational institution, or branch thereof, in a State, which (1) is under public supervision and control, (2) is organized and administered principally to offer educational programs, of not more than two years' duration, beyond the high school level, (3) has as one of its major purposes the provision of a two-year program which is acceptable for full credit toward a bachelor's degree upon the student's transfer to an institution of higher education, and (4) if a branch of an institution offering four or more years of higher education, is located in a community different from that in which its parent institution is located.

"(2) The terms 'construct,' 'constructing,' and 'construction' include the preparation of drawings and specifications for public community college facilities, erecting, building, acquiring, and expanding public community college facilities, and the inspection and supervision of the construction of such facilities.

"(3) The term 'public community college facilities' means structures, or portions thereof, especially designed, and to be used only, for instruction or research in the natural or physical sciences or engineering or for use as a library, and related facilities, initial equipment, machinery, utilities, and land (including interests in land and land improvements).

"(4) The term 'high school graduate' means a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of schoolwork, or for demonstration of equivalent achievement. For the purposes of this title the number of high school graduates shall be limited to the number who graduated in the most recent school year for which satisfactory data are available from the Department of Health, Education, and Welfare. The interpretation of the definition of 'high school graduate' shall fall within the authority of the Commissioner of Education.

"(5) The term 'national base' means with respect to any fiscal year, an amount equal to three times the quotient of (A) the amount appropriated for such year under the authorization in section 301, divided by (B) the number of high school graduates.

"(6) The term 'State agency' means the agency designated by a State in its State plan in accordance with section 304(1).

"TITLE IV—GENERAL PROVISIONS

"Definitions

"SEC. 401. As used in this Act—

"(a) The term 'institution of higher education' means an educational institution in any State which—

"(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(2) is legally authorized within such State to provide a program of education beyond high school;

"(3) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree;

"(4) is a public or other nonprofit institution; and

"(5) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That the requirements of this paragraph (5) shall be deemed to be satisfied in the case of an institution applying for assistance under this Act, if the Commissioner determines that there is satisfactory assurance that upon completion of the project for which such assistance is requested, or upon completion of that project and others under construction or planned and to be commenced within a reasonable time, the institution will meet such requirements. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

"(b) The term 'high school' does not include any grade beyond grade 12.

"(c) The term 'nonprofit educational institution' means an educational institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(d) The term 'public educational institution' does not include a school or institution of any agency of the United States.

"(e) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"Federal Administration

"SEC. 402. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

"(b) In administering the provisions of this Act for which he is responsible, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"(c) The Commissioner, with the approval of the Secretary of Health, Education, and Welfare, may appoint one or more advisory committees to advise and consult with the Commissioner with respect to the administration of any of his functions under this Act. Members of any such committee, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare but not to exceed $75 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. The provisions of section 1003 of the National Defense Education Act of 1958 shall apply to members of such committees.

"Judicial Review

"SEC. 403. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under part A of title I or under title III or with his final action under section 109(b) or 304(c), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari, or certification as provided in title 28, United States Code, section 1254.

"Labor Standards

"SEC. 404. (a) The Commissioner shall not approve any application for a grant or loan under title I or a grant under title III except upon adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and will receive compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be; but, in the case of any nonprofit educational institution, the Commissioner may waive the application of this subsection in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction and the Commissioner determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"Method of Payment

"SEC. 405. Payments under this Act to any individual or to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant or loan, or pursuant to a scholarship, may be made in installments, and in advance or by way of reimbursement, and with respect to grants or loans with necessary adjustments on account of overpayments or underpayments.

"Administrative Appropriations Authorized

"SEC. 406. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1963, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act.

"Federal Control Not Authorized

"SEC. 407. Nothing contained in this Act shall be construed as authorizing a department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirements or condition with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution."

And the Senate agree to the same.

That the title of the bill be amended to read as follows: "An Act to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, to authorize student assistance for study in such institutions, and to provide financial assistance to the States for the construction of certain public community college facilities."

EDITH GREEN,
JOHN BRADEMAS,
ROBERT N. GIAIMO,
ALBERT H. QUIE,
Managers on the Part of the House.
WAYNE MORSE,
PAT MCNAMARA,
RALPH W. YARBOROUGH,
JOSEPH S. CLARK,
JENNINGS RANDOLPH,
WINSTON L. PROUTY,
J. K. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted in the following discussion, except for incidental changes made necessary by reasons of agreements reached by the conferees and minor and clarifying changes.

TITLE I—CONSTRUCTION OF ACADEMIC FACILITIES

The House bill, in title I, provided a grant program and a loan program for construction of college academic facilities. The Senate bill provided a loan program for the construction of such facilities which was similar to the House provisions for loans. The Senate amendment, however, contained no provisions for grants, except insofar as it provided, in a separate title, for grants to public community colleges.

The agreement reached in conference adopts the provisions of the House bill, except that the type of academic facilities which may be constructed with grants under the act will be limited to structures, or portions thereof, especially designed, and to be used only, for construction or research in the natural or physical sciences or engineering or for use as a library.

It is provided that no institution which is eligible for a grant under title III will be eligible for a grant under this grant program.

The loan provisions of the conference substitute are the same as the House bill, except for technical changes, except that the rate of interest which must be paid on loans has been fixed at a minimum rather than at a maximum so that under the conference substitute the loans will bear interest at a rate not less than a quarter of one percent above the average interest rate on all interest-bearing obligations of the United States forming a part of the public debt, adjusted to the nearest one-eighth of 1 percent.

TITLE II—LOANS FOR COLLEGE STUDENTS

In general

The Senate amendment provided, in title II thereof, a program for scholarships for college students. The House bill contained no provisions for providing financial assistance to college students. The agreement reached in conference provides for student assistance in the form of loans, a portion of which will be nonreimbursable in character.

Appropriations authorized

Section 201 of the conference agreement authorizes the appropriation of $17,500,000 for the fiscal year 1963, $26,250,000 for the fiscal year 1964, $35,000,000 for the fiscal years 1965, 1966, and 1967, for making loans to persons who have not previously received loans under the title. There is also authorized to be appropriated for fiscal year 1964 and each of the seven succeeding fiscal years, whatever sums may be found necessary for making loans to students who have already been granted loans under the title in previous years.

Amount of loans

Subsection (a) of section 202 provides that if a student's college determines, in accordance with the provisions of its plan, that the student is in need of financial assistance to begin or continue his education it may grant him a loan. The loan will be based on his financial need for assistance during the academic year, but may not exceed $1,000 for the year.

Subsection (b) of such section provides that any college participating in the program may use up to 20 percent of the Federal payments into its student loan fund for the fiscal year for making nonreimbursable loans to undergraduate students whom it determines (1) demonstrate ability for successful academic achievement, (2) are exceptionally needy, and (3) would be eligible for loan from such fund, however, would not, but for the granting of such a nonreimbursable loan, pursue a course of study at any institution of higher education. The maximum amount of a nonreimbursable loan shall be $1,000 per academic year. It should be noted that a student may be eligible for a nonreimbursable loan for an academic year whether or not he has also been granted a reimbursable loan for that year.

Duration of loans

Loans granted under the new title will be for 1 academic year, or its equivalent, only. No student will be able to receive a loan for more than 4 academic years. The student may receive payments under the loan only if he is in regular attendance at an institution of higher education, is maintaining satisfactory progress in his course of study according to the institution's regularly prescribed standards and practices, and is devoting essentially full time to educational work. Failure to be in attendance for a short period of time where there is good cause in the judgment of the institution for nonattendance will not disqualify a student from receiving further payments. Similarly, failure to be in attendance during vacation, military service, or other extended periods during which there is good cause in the judgment of the institution for nonattendance will not terminate the loan, but during such periods the student will receive no payments.

Allotments to States and institutions

The sums appropriated for loans under the title for fiscal years ending prior to January 1, 1967, will be allotted among the States on the basis of the relative number of full-time undergraduate students enrolled in institutions of higher education in each State. The Commissioner of Education will make the determination of the number of such students enrolled in institutions of higher education, on the basis of the most recent year for which satisfactory data are available to him.

Sums appropriated for fiscal years after the fiscal year 1967 will be allotted among the States in such a manner as the Commissioner determines to be necessary to carry out the purposes for which such amounts were appropriated.

The money allotted to a State shall be paid by the Commissioner into student loan funds of institutions in the States. Each institution will receive the amount it requests, except that it may not receive an amount greater than an amount which bears the same ratio to the State's allotment as the full-time undergraduate enrollment of the institution bears to such enrollment of all institutions in the State. The title provides for reallotment of money in State allotments where some institutions do not request the full amount to which they are entitled.

Plans for participating institutions

Subsection (a) of section 205 provides that an institution which wants to participate in this loan program shall submit an institution plan. No divinity school or seminary or similar institution shall be eligible to submit a plan under this title. The plan must contain the following provisions:

(1) Provide for establishment of a student loan fund.

(2) Provide that the Federal grants, collections of principal and interest on student loans, and other earnings of the fund will be deposited in the fund.

(3) Provide that the student loan fund will be used only for granting loans (including nonreimbursable loans), for capital distributions, and for certain costs of litigation.

(4) Provide for the selection of students to receive loans, for determination of the amount of loans, and for determining the extent of financial need, in accordance with standards, procedures, and criteria which provide reasonable assurance that the individuals selected to receive loans will have the ability to pursue successfully the course of study selected, determined in accordance with the institution's regularly employed measures of aptitude and ability, and that the amount of each such loan for each year will be based solely on the student's need for financial assistance to continue his education at an institution of higher education, and that selection of individuals to receive nonreimbursable loans will be based solely on the factors set forth in section 202(b).

(5) Provide for certain fiscal control and fund accounting procedures.

(6) Provide that these loans (other than nonreimbursable loans) will be made on such terms and conditions as the institution may determine. However, the loans will be subject to such conditions, limitations, and requirements as the Commissioner may prescribe with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study. It is required that each loan be evidenced by note or other written agreement providing for repayment of the amount thereof with interest thereon in equal annual installments, or, if the borrower so requests, in graduated periodic installments, over a period beginning 1 year after he ceases to pursue a full-time course of study at an institution of higher education and ending 11 years thereafter. Interest will not accrue and periodic installments will not need to be paid during any period during which the borrower is pursuing a full-time course of study at an institution of higher education, or, not in excess of 3 years, during which the borrower is a member of the Armed Forces or of the Peace Corps. Also, such a period shall not be included in determining the 10-year period during which repayment must be completed, and such 10-year period may be extended for good cause as determined in accordance with regulations of the Commissioner. The borrowers are given the option to accelerate repayment of their loans.

These loans will bear interest on the unpaid balance thereof at the rate of 3 percent per annum, except that interest will not begin to accrue before the repayments are to begin.

These loans will be made without security and without endorsement, except that in certain cases involving minors either security or endorsement may be required.

Liability to repay loans will be canceled upon the death of the borrower or if he becomes permanently and totally disabled.

These loans will be repaid in such installments as may be provided in the institution's plan, except that no payments shall be made while the borrower is failing to maintain satisfactory standing or attendance pursuant to section 203.

(7) Provide for making certain reports to the Commissioner of Education.

Subsection (b) requires the Commissioner to afford an opportunity for hearing to institutions of higher education before disapproving of plans.

Subsection (c) provides that where the plan has been changed so that it no longer complies with the requirements herein or that in its administration the title is not being complied with, the institution will not be eligible to participate under the title.

Distribution of assets from student loan funds

Section 206 provides for capital distributions from student loan funds when the program provided for in this title terminates. It also provides that unneeded accumulations in a student loan fund will be returned to the Federal Government.

Administrative provisions

Section 207 gives the Commissioner the power to agree to modifications of agreements or loans made under the title and to compromise or release any right, title, claim, or demand arising under the title. It also makes certain financial transactions of the Commissioner final and conclusive upon all officers of the Government, subject to audit by the General Accounting Office.

In general

The House bill contained no separate grant provisions for construction of public community college facilities, though these facilities would for the most part have been eligible for assistance under title I as other institutions of higher education would have been. The Senate amendment contained a separate title providing grants to assist in the construction of public community college facilities. The substitute agreed upon in conference (and more particularly described hereafter) is substantially the same as the provisions of Senate amendment, except that the purpose for which such grants may be made is limited to the construction of structures, or portions thereof, especially designed, and to be used only for instruction or research in the natural or physical sciences or for engineering or for use as a library, and for facilities, initial equipment, machinery, utilities, and land (including interests in land and land improvements) which are related to the foregoing.

TITLE III—PUBLIC COMMUNITY COLLEGE ASSISTANCE

Authorization of funds

Section 301 authorizes the appropriation of $50 million a year for 5 fiscal years beginning with fiscal year 1963.

Allotments to States

Section 302 provides that funds appropriated for making grants under this title will be allotted among the States on the basis of the relative numbers of their high school graduates, weighted so as to reflect the income per person in the various States. The result so obtained will be adjusted by assuming that the income per person in the State where such income is lowest is at least one-third as high as such income in the State where such income is the highest. Such result will also be adjusted in specified cases to reflect higher construction costs in certain cases. Special provisions are also made for Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Matching requirement

Section 303 requires matching of Federal funds by State or local funds. The extent of the matching required will be determined by the number of high school graduates in the State and the relationship between that number and the amount appropriated, but in no event may the State's matching be more than twice the Federal allotment.

State plans

To receive the benefits of the title, a State must have a State plan approved which contains provisions relating to (1) designation of the State agency, (2) State agency authority to carry out the title, (3) fiscal control and fund accounting procedures, (4) establishment of standards for locating, planning, and constructing the facilities, (5) hearings to applicants, (6) reports by the State agency.

Payment to States

Section 305 contains standard provisions for making payments to States, and for repayments where projects are not completed.

Definitions

"Public community college" is defined in detail in section 306, in general, so as to include educational institutions under public supervision and control and limited to first- and second-year college grade courses.

"Public community college facilities" is defined to mean structures, or portions thereof, especially designed, and to be used only, for instruction or research in the natural or physical sciences or engineering or for use as a library, and related facilities, initial equipment, machinery, utilities, and land (including interests in land and land improvements).

Other items defined in the title are "construct," "high school graduate," "national base," and "State agency."

TITLE IV—GENERAL PROVISIONS

Each of the provisions contained in this title was contained in the House bill in substantially the same form, though not grouped in one title.

EDITH GREEN,
JOHN BRADEMAS,
ROBERT N. GIAIMO,
ALBERT H. QUIE,
Managers on the Part of the House.

The **SPEAKER** pro tempore (Mr. WALTER). The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

Mrs. **GREEN** of Oregon. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

CALL OF THE HOUSE

Mr. **GIAIMO**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. The Chair will count. [After counting.] A quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 236]

Ayres
Bass, N.H.
Blitch
Buckley
Curtin
Davis, James C.
Diggs
Dooley
Edmondson
Finnegan
Fino
Harrison, Va.
Hébert
Hoffman, Mich.
Hull
Landrum
McDonough
McSween
McVey
Martin, Mass.
Mason
Moulder
Norrell
O'Brien, Ill.
Patman
Pilcher
Powell
Reifel
Riley
Rivers, Alaska
Roberts, Tex.
Rogers, Colo.
Saund
Sikes
Smith, Miss.
Spence
Vinson
Weis
Whalley
Wilson, Calif.

The **SPEAKER**. On this rollcall, 390 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ACADEMIC FACILITIES AND STUDENT ASSISTANCE ACT

Mrs. **GREEN** of Oregon. Mr. Speaker, before trying to outline the provisions of the conference report on H.R. 8900, let me make a statement in regard to the signers of the conference report. The official documents, the Journal and the conference report, are accurate. Unfortunately—and I regret this very much—there was a mistake in the Congressional Record today indicating that every one of the conferees on both the House and the Senate side had signed the report. This is not true. I especially regret this as far as Senator Hill is concerned, and as far as Senator Goldwater is concerned. In the other body, these two gentleman did not sign the report. However, seven out of the nine Senate conferees did sign the report.

On the House side the gentleman from Pennsylvania [Mr. Kearns] was the only one who did not wish to sign the report, and again I regret that this mistake was made. I simply want to clarify this for the Record, and at the proper time I shall ask for a correction of the Record in that regard.

Also, before going into the report itself, may I express to members of the staff my very deep gratitude for the tremendous amount of work which they have done in compiling the material, analyzing it, and preparing reports, especially to Betty Pryor, the head of the Special Subcommittee on Education staff, to Wes Barthelmes, and the other members of my own staff, as well as Bill O'Hara and Jack Morse, people who certainly went far beyond the call of duty in working on this legislation over a period of several weeks.

Mr. Speaker, may I say that this conference report does come to the House today with bipartisan support. As I indicated, there was only one of the House conferees who did not want to sign the report. The full report with all three titles is printed in today's Congressional Record.

Mr. Speaker, may I express to Congressman Giaimo, to Congressman Brademas, Congressman Quie and Congressman Goodell my thanks for the wonderful job—the bipartisan job—that I think has been done on this legislation, people who have been extremely hard working and have tried with every ounce of energy to bring to this body a report that would meet the needs, the very urgent needs, of the colleges and universities in this country, our urgent national needs, and at the same time meet the wishes of this House.

Mr. Speaker, I think we have brought to the House a good report. We feel that this bill is a good bill. It is perfectly obvious that concessions had to be made both on the Senate side and on the House side. Permit me to say that I regret with all my heart the telegrams which have been sent to the Members of this body by the National Educational Association opposing this bill on the basis of the religious issue. Never in the history of this country, not once, have we ever treated private colleges differently than we have treated public colleges. This goes back 100 years ago when Brown University, which at that time was a Baptist college, was made a land-grant college and received Federal funds, and has been continuing to receive Federal funds for these 100 years. Not one single piece of legislation can be cited that has been passed by this Congress which draws the line between public and private colleges. It seems to me most unfortunate that at a time when we are trying to beat the Russians to the moon, when they tell us that in that man-on-the-moon project alone we will need 13,000 scientists, that the religious issue is drawn to defeat an educational bill that would provide some funds to colleges who would help train these scientists and engineers so desperately needed.

Mr. Speaker, permit me to say also that last year—and I regret to make this kind of a statement to the House because the members of the teaching profession have been wonderful friends of mine in my State of Oregon—but last year the National Education Association sent over to my office a representative who said to me: "We insist that the school construction and teachers' salary bill come before the higher education bill." I said "Why do you insist on this, and what right do you have to insist upon it?"

His answer: "We feel only one bill on education is going to be passed, and we want it to be the school construction bill."

Mr. Speaker, it does seem strange to me that on last January 30 this House passed this higher education bill by a vote of 319 to 79, with the same loans and grants in it as we have today. The original H.R. 8900 had grants to all educational institutions, public and private, church-related and non-church-related, and the so-called religious issue was not raised at that time. In the conference report—title I has been narrowed—so instead of across-the-board grants—we limit them to buildings for physical and natural science, engineering, and libraries. The issue has been made that we cannot give grants to church-related colleges. I have said that we have been doing it for 100 years. Let me read to the Members of the House a partial list of Baptist colleges which have received both loans and grants.

I could list Presbyterian, Methodist, Catholic, Episcopalian, and all other denominations that received grants from the National Institutes of Health, the Atomic Energy Commission, through the National Science Foundation, through the National Defense Education Act.

The following funds have gone to Baptist-related colleges during a period of recent years.

Alabama—Judson College, Marion, $11,043; Howard College, Birmingham, $2,260,000.

Mr. **CURTIS** of Missouri. Mr. Speaker, will the gentlewoman yield?

Mrs. **GREEN** of Oregon. I yield to the gentleman from Missouri.

Mr. **CURTIS** of Missouri. Are those grants or are they actual contracts for services?

Mrs. **GREEN** of Oregon. There are loans and grants and contracts. There are several areas where there are unrestricted grants. The National Science Foundation has an unrestricted grant to colleges and universities.

Mr. **CURTIS** of Missouri. It is not to deliver certain services?

Mrs. **GREEN** of Oregon. No; it is not for a specific purpose.

In the State of Arkansas, Southern Baptist College, Walnut Ridge, received $20,352; Ouachita Baptist College, Arkadelphia, received $1,263,576.

California—University of Redlands, Redlands, $1,130,966.

Colorado—Colorado Woman's College, Denver, $358,404.

Florida—Stetson University, De Land, $2,594,621.

Georgia—Norman College, Norman Park, $8,842; Mercer University, Macon, $805,165; Tift College, Forsyth, $437,480; Shorter College, Rome, $76,519; Truett-McConnell Junior College, Cleveland, $4,620.

Hawaii—Jackson College, Honolulu, $12,919.

Indiana—Oakland City College, Oakland City, $26,348; Franklin College, Franklin, $955,000.

Kansas—Ottawa University, Ottawa, $794,973.

Kentucky—Bethel College, Hopkinsville, $14,126; Campbellsville College, Campbellsville, $40,547; Georgetown College, Georgetown, $1,024,678; Cumberland College, Williamsburg, $84,514.

Louisiana—Louisiana College, Pineville, $500,000.

Maine — Ricker College, Houlton, $11,903.

Michigan—Kalamazoo College, Kalamazoo, $50,243.

Minnesota—Bethel College and Seminary, St. Paul, $379,187.

Mississippi—Blue Mountain College, Blue Mountain, $8,820; Mississippi College, Clinton, $1,138,810; Clarke Memorial College, Newton, $31,150; William Carey College, Hattiesburg, $271,896.

Missouri—Midwestern Baptist Theological Seminary, Kansas City, $34,725; William Jewell College, Liberty, $1,678,488; Southwest Baptist College, Bolivar, $27,735; Hannibal-La Grange College, Hannibal, $14,168.

New York—Keuka College, Keuka, $1,027,820.

North Carolina — Chowan College, Murfreesboro, $299,866; Mount Olive

Junior College, Mount Olive, $13,286; Meredith College, Raleigh, $45,682; Wake Forest College, Winston-Salem, $5,031,943; Campbell College, Buies Creek, $931,012; Wingate College, Wingate, $247,887; Gardner-Webb Junior College, Boiling Springs, $25,816; Mars Hill College, Mars Hill, $16,200.

Ohio—Denison University, Granville, $1,519,572.

Oklahoma—Bacone College, Bacone, $6,128; Oklahoma Baptist University, Shawnee, $1,538,101.

Oregon—Linfield College, McMinnville, $2,086,409.

Pennsylvania—Eastern Baptist College, St. Davids, $237,158.

South Carolina—Benedict College, Columbia, $466,215; Morris College, Sumter, $47,565; Anderson College, Anderson, $16,890; Furman University, Greenville, $5,200,368; North Greenville Junior College, Taylors, $16,172; Friendship Junior College, Rock Hill, $17,525.

South Dakota—Sioux Falls College, Sioux Falls, $172,555.

Tennessee—Carson-Newman College, Jefferson City, $532,758; Free Will Baptist Bible College, $11,747; Union University, Jackson, $37,329; Owen College, Memphis, $19,662; Belmont College, Nashville, $39,318.

Texas—Baylor University, Waco, $7,911,818; Bishop College, Dallas, $962,366; East Texas Baptist College, Marshall, $80,294; Butler College, Tyler, $8,100; Jacksonville College, Jacksonville, $18,439; Mary Hardin-Baylor College, Belton, $59,017; University of Corpus Christi, Corpus Christi, $354,023; Hardin-Simmons University, Abilene, $1,565,636; Howard Payne College, Brownwood, $1,287,263.

Virginia — University of Richmond, Richmond, $24,161; Virginia Union University, Richmond, $563,496.

West Virginia — Alderson - Broaddus College, Philippi, $845,455.

These Baptist colleges received thousands and thousands of dollars in both loans and grants from the Federal Government.

May I say to my friends in the education profession—and I say this, believe me, with a heavy heart—if they are successful in stirring up enough religious controversy on this, I do not think we will see an education bill in the Congress in the foreseeable future. This is a case of cutting off the nose to spite the face.

The National Defense Education Act itself gives outright grants to private, and to public and church-related and non-church-related colleges.

American University in the District of Columbia is a Methodist university here, and receved $116,000.

Georgetown, a Catholic college, received $107,000.

I could go on and on listing the colleges—church-related and non-church-related—that have received outright grants and unrestricted as far as their use is concerned.

Also, it seems to me, that any individual Member of this Congress or any organization that opposes this legislation on the religious issue should in good faith either introduce a bill or support legislation which would repeal the National Science Foundation, the National Institutes of Health, the National Aeronautics and Space Agency and the National Defense Education Act; yes, and even the Hill-Burton funds.

Because in all of these areas funds have been given to private and public colleges alike.

Mr. Speaker, it seems to me that if we did not today have the private colleges we could not successfully compete with the Russians. In this country there are about 2,000 colleges. Of those 2,000, 703 are public, 1,300 are private, 303 Roman Catholic, 496 Protestant, and 6 Jewish. I do not think that we could win the race to the moon if we did not have the educational programs provided in these great private institutions.

This controversy reminds me of an incident in Oregon—in my good friend, WALT NORBLAD's district. A man came up to me and said, "We have this great Methodist college—Willamette University—and it needs financial help. And we have that fine Baptist college—Linfield College. I want you to give it some help. They cannot get along without it. But I do not want you to get mixed up in any of this parochial business. Stay out of that."

It seems to me that is just how foolish we are being today when we look at this purely on a religious basis.

Let me make one other statement in regard to title 2. This was the tough part of the bill as far as the House conferees were concerned. On the Senate side they had a scholarship provision—a very liberal scholarship program. We reached what I think is a good compromise. I might say I think in this case the Senators receded 80 percent.

We come back to you with a report that makes title 2 not a scholarship title but a loan title. We will give loans to needy students. We have in that program a provision which would say to the individual college or university, "If you have exceptionally needy students, then you can use 20 percent of the funds which you receive as nonreimbursable loans."

We make three requirements before the college can use the money on this basis. We say the student may not just be needy, as he has to be to get the other loan, but he must be exceptionally needy.

He also must show promise of successful academic achievement. We are looking for the very superior student.

The third requirement we make, and it is the toughest requirement of all, is that no student can get any funds under this nonreimbursable 20 percent unless it would not be possible for him to go to any college in the United States.

These, it seems to me, are very, very tough requirements, and I think we make it abundantly clear that these funds are not going to be used for any student who does not need them.

Let me give you some examples. If this bill were passed and became law next year, and 20 percent of the funds were set aside on a nonreimbursable basis, the State of Idaho under the allocation would have the grand total of $11,221 that could be used in all of the colleges and universities in Idaho as nonreimbursable loans. That for the whole State of Idaho is $400 less than it costs for one cadet to go to the West Point Academy for 1 year.

What does it mean to the State of Indiana, this 20 percent set aside for exceptionally needy students? It means that all 45 colleges and universities in the State of Indiana would have $92,105 next year that might be set aside for non-reimbursable loans. We have 11 Representatives in this House from Indiana, and each one of the 11 Representatives from Indiana has the power and the authority to pick out three nominees to be awarded a full scholarship at each one of the military academies. What does this total for the State of Indiana? It totals $339,020, just for the appointees of the Members of the Indiana delegation for scholarships to the service academies.

Are the 11 Representatives from the State of Indiana going to say that they are going to reserve their right to award $339,000 of Federal funds for the 33 boys that they pick for full scholarships but that they will not allow all of the 45 colleges and universities in the entire State of Indiana to have $92,000 for exceptionally needy students who otherwise cannot go to any college?

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentlewoman yield at that point?

Mrs. GREEN of Oregon. Not at this point.

What about the State of Pennsylvania, where there has been so much unemployment and where there must be many, many students who just plain cannot work enough to earn enough money to go to college? Are you 30 Representatives of the State of Pennsylvania going to reserve your right to select your own academy appointees and obligate $924,600 in Federal funds for just 1 year for your scholarship winners that you appoint and yet deny all of the 127 colleges and universities in the State of Pennsylvania the right to have a maximum amount of $185,952 for especially needy students who may be knocking at the doors of those universities?

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentlewoman yield at this point?

Mrs. GREEN of Oregon. If I may finish my statement, then I will be glad to yield to the gentleman.

CALL OF THE HOUSE

Mr. FRELINGHUYSEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 237]

Ayres
Bass, N.H.
Blitch
Boykin
Breeding
Buckley
Celler
Curtin
Davis, James C.
Davis, Tenn.
Dooley
Edmondson
Finnegan
Fino
Glenn
Hardy
Harrison, Va.
Hoffman, Mich.
Hull
Jones, Ala.
Kowalski
Landrum
Lankford
Lindsay
McDonough
McMillan
McSween
Martin, Mass.
Meader
Moulder
Norrell
O'Brien, Ill.
Patman
Pilcher
Powell
Reifel
Riley
Rivers, Alaska

Rogers, Colo.
Saund
Sikes
Smith, Miss.
Teague, Calif.
Thompson, N.J.
Vinson
Waggonner
Weaver
Weiss
Whalley
Wilson, Calif.
Wright

On this rollcall, 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COLLEGE ACADEMIC FACILITIES AND STUDENT ASSISTANCE ACT

The SPEAKER. The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Speaker, for any one year, we in this House have our own little scholarship program to which we cling so tightly—awarding military scholarships to the tune of almost $13,500,000 a year. Can this House not approve of a plan which would set aside 20 percent of the loans as grants to the most needy students? Let me say something about the need: Last year, the national merit scholarship program awarded 1,000 scholarships. How many high school graduates applied? Five hundred seventy-five thousand students.

In mid-May a study was made of the students from the top 35,000 contestants. Of these, 3,000 at that time did not have enough financial aid to go on to college. I am talking here about students in the top 1 to 1½ percent of our Nation's talent—in the 98–99 percentile. When you get down to the 95th percentile, you have many, many more who cannot go to college because the costs are so high.

In the conference report, we are saying allow a university to reserve 20 percent of the loan funds for the exceptionally bright and the exceptionally needy students.

The total amount in title II is just under $600 million, with at least $480 million to be repaid with 3 percent interest. And this is a 5-year program. This next year we would have only $17½ million for loans. Is this too much to invest in our young people? This year, the Federal Government pays in tobacco loan price supports alone $312 million. Are we not willing to loan a fraction of that amount to our students so they can go to college?

Finally, let me say the parliamentary situation is such that a separate vote can be made on title II, thus keeping a commitment which was made to the House. A motion will be made to recommit the bill with instructions to delete title II. I earnestly hope that this motion will be defeated, because, in reality, this would simply mean there would be no education bill this year.

Mr. Speaker, I yield 20 minutes to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, may I ask a question of the gentlewoman from Oregon? Am I to understand that my 20 minutes is the first installment of my 30 minutes, and that I will receive another 10 minutes later?

Mrs. GREEN of Oregon. That is correct.

Mr. KEARNS. Mr. Speaker, I rise in opposition to the conference report on the bill, H.R. 8900. At the appropriate time I intend to move to recommit this report to the conference committee with instructions to the House managers to strike from the bill title II which would establish loans for college students.

As you know, Mr. Speaker, I did not sign the conference report. This refusal to sign was not because I am opposed to Federal aid to higher education. On the contrary, the record will show that I have long advocated this type of assistance. Moreover, in the conference I voted for titles I and III for under these titles both public and private institutions of higher learning, and public community colleges, will be eligible to receive loans and grants for the construction of academic facilities. This is the type of Federal assistance which was embodied in H.R. 8900 when it was overwhelmingly adopted by this body. True, the conference limited the grants to the construction of structures especially designed for instruction or research in the natural or physical sciences or engineering or for use as a library, but this is only a minor modification and it does not do violence to the House intent.

On the other hand, I did not vote for title II and it was the inclusion of this title that made it impossible for me to sign the conference report. As you are all aware, title II would provide loans for college students. It is, in effect, a cleaned-up version of the Senate scholarship provision. The same money is involved—$450 to $600 million—but only 20 percent of this amount may now be used for outright grants or scholarships while the remainder must be parceled out in loans.

As you know, there was no mention of Federal scholarships or a new Federal student loan program in the House bill. Indeed, it was due to the absence of such a provision that this bill received the support that it did. Moreover, many Members, because of their concern that some type of scholarship or student loan provision might be written in in conference, directed their remarks to this particular problem during the course of the House debate. I did this, and so did my fellow conferees.

Finally, in order to make absolutely certain that the will of the House would be followed in this respect, a special objection was made when the bill returned from the Senate. And so, instead of proceeding forthwith to conference, H.R. 8900, as amended, was referred to the Rules Committee.

Thereafter, special assurances were given before the Rules Committee that the House conferees would not recede from the House position on the matter of student assistance.

Then, during the debate over the rule to send H.R. 8900, as amended by the Senate, to a House-Senate conference, the chairman of our committee, the gentleman from New York, ADAM CLAYTON POWELL, made the following statement:

> H.R. 8900 was passed by the House on January 30 by a vote of 4½ to 1. I have given my word privately to the chairman of the Committee on Rules, I have given my word privately to the entire Committee on Rules, and I give my word now to my colleagues, that under no circumstances when we go to conference will we recede from the House position; that we will at all times maintain only those provisions voted by the House.

Now, notwithstanding all of these assurances and promises, we have before us today a conference report which includes a massive student loan provision which in turn authorizes the various institutions to hand out 20 percent of the loan money in what is carefully labeled as "nonreimbursable loans." Unfortunately, no matter how you hold these nonreimbursable loans up to the light they can only be seen for what they really are—outright grants or, if you please, scholarships.

The Education and Labor Committee has not had an opportunity to hold hearings on this student loan matter. There has not been careful committee consideration of a bill followed by the preparation of a detailed report. Most certainly, there has not been any type of House consideration, and this limited period of debate over the acceptance or rejection of the conference report, does not serve as a substitute. In effect we now have the very situation which we all tried so hard to avoid.

In addition to the procedural objections to title II, there are also a number of substantive objections as well. For example, there is, at the present time, a very effective student loan program under the National Defense Education Act. Since this program was launched in February 1959 approximately $221,600,000 has been loaned to some 400,000 students. Certainly, these are impressive figures which indicate that great use has been made on this loan program. However, no consideration has been given to what effect the loan provisions under title II may have on this presently operating loan program. Moreover, under the National Defense Education Act there is one-tenth matching by the institution. This safeguard is not included in title II. Certainly, there are no outright grants or scholarships in the National Defense Education Act. But there is a 50-percent forgiveness clause for those students who go on to serve as full-time teachers.

Next, it must be remembered that under title II the more an institution loans, the more it will have to give away in the form of nonreimbursable loans or scholarships, for 20 percent of the total amount in the loan fund can be reserved for such purposes. This may well lead to institutions making poor loans and perhaps even encouraging certain individuals to take out such a loan when he is not scholastically ready or psychologically suited for college.

Finally, the fact that it is all Federal money may also encourage an institution to make loans that it would not otherwise make. There is nothing like the element of self-interest, which would be afforded if the institution was required to contribute part of the loan money, as it is under National Defense Education Act, to insure that careful judgments are made before a loan is granted.

Under the circumstances, it is highly probable that if this bill is passed in its present form, an institution may abandon the National Defense Education Act type of loan fund for the new and more liberal plan offered under title II. I certainly want to hear a great deal of testimony on this point before I vote for a plan which may have this serious effect.

For the above reasons, I urge that the conference report be recommitted and that the conferees be instructed to strike title II in its entirety. The adoption of my recommital motion will accomplish this important result.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield so that I may ask a question for clarification?

Mr. KEARNS. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Title II as it is before the House is basically a loan provision to provide college students $1,000 a year for 4 years. There is only a 20-percent set-aside which may be used by institutions of higher learning, although it does not have to be used by them, for this specific purpose, to assist exceptionally needy students to obtain a college education which they would not be able to obtain if they had to try to get a loan.

Mr. KEARNS. The gentleman is trying to do some window dressing here that I cannot buy.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. KEARNS. I yield to the gentleman from California.

Mr. ROOSEVELT. I want to say, if I may, out of order, that the Members on this side have long appreciated the privilege of serving on the Committee on Education and Labor with the gentleman from Pennsylvania. While we do not always agree with him, we have enjoyed tremendously the opportunity of knowing him as a fair, conscientious, and very fine public servant.

Therefore, Mr. Speaker, on next Thursday at 5 p.m. we are going to have a reception in the committee room for the retiring gentleman from Pennsylvania, and we hope Members of the House will be able to come to the reception.

Mr. KEARNS. Mr. Speaker, I thank my colleague the gentleman from California very much.

Now, Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. Griffin].

Mr. GRIFFIN. Mr. Speaker, this bill should be sent back to conference to give the conferees another opportunity to bring forth legislation limited to construction assistance for higher education.

Title II of the bill reported by the conferees would set up a new, separate, and an additional Federal program of financial assistance for students in addition to the National Defense Education Act loan program which has been in existence since 1958 and is working well. This bill would set up a new program that neither the House nor Senate, nor any of its committees, has ever considered before.

Mr. Speaker, I should like to point out what we would be doing if we should adopt this bill. Most of the colleges and universities in this country would have two different Federal loan programs to administer. That would not be true for those few colleges which refuse to participate in the NDEA program because it has a loyalty oath provision. Since the new additional loan program proposed in the conference report would not require the loyalty oath, it could be said that, in a sense, we would be passing special legislation for these few colleges.

In addition, let me point out, if the conference report were adopted, a student who applied for a loan under one program could borrow up to $5,000. But if he were to borrow under the other Federal program, he could borrow only $4,000. If he were to borrow under one program and were to teach for 5 years, half of his loan would be forgiven. But if he borrowed out of the other Federal loan fund, and should teach 5 years, he would have to pay it all back.

Under this proposed new program, embodied in the conference report which we would be setting up in addition to the NDEA loan program, colleges and universities would be able to give 20 percent of the money away. Under the proposed new loan program, the college would contribute nothing to the loan fund. Under the NDEA program, 10 percent of the loan fund must be non-Federal funds. This was provided for in the NDEA program to make sure that the colleges and universities would be interested in having the loans repaid. Under the proposed new and additional program, a college loan fund would contain all Federal money so a college could shovel it out as fast as possible without concern as to whether sound loans were being made. Indeed, under such a new and additional program, the more a college could loan, the more it could give away in the form of grants or scholarships because it would be able to make grants up to 20 percent.

We should consider how the present NDEA loan program is doing. I have checked with the Department of Health, Education and Welfare, and the members of the Committee on Appropriations on both sides of the aisle know that these are the facts: In fiscal years 1960, 1961, and 1962 this Congress appropriated all of the money for the NDEA student loan program that the colleges and universities requested except for those large colleges and universities which are subject to the $250,000 limitation. That limitation was written into the law for the very purpose of encouraging the growth of smaller colleges instead of encouraging large universities to grow larger.

Mr. Speaker, the House did not have an opportunity to consider student financial assistance. If amendments to the NDEA loan program are desired and needed, they should be voted upon in the form of appropriate separate legislation after committee hearings and full debate.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. Harris). The Chair will count. [After counting.] One hundred and eighty-eight Members are present, not a quorum.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 238]

Ayres
Bass, N.H.
Blitch
Breeding
Buckley
Curtin
Davis,
  James C.
Diggs
Dooley
Edmondson
Finnegan
Fino
Harsha
Hébert
Hemphill
Hoffman, Mich.
Horan
Hull
Landrum
McDonough
McMillan
McSween
McVey
Martin, Mass.
Mason
Moulder
Norrell
O'Brien, Ill.
Patman
Pilcher
Powell
Riley
Rivers, Alaska
Rogers, Colo.
Saund
Sikes
Steed
Utt
Vinson
Weaver
Weis
Whalley
Wilson, Calif.

The SPEAKER pro tempore (Mr. Harris). On this rollcall, 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COLLEGE ACADEMIC FACILITIES AND STUDENT ASSISTANCE ACT

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Griffin] has 1 minute remaining.

Mr. KEARNS. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GRIFFIN. Mr. Speaker, when the quorum call was made, I was about to make the point that the conference report departs drastically from the House bill by reason of the inclusion of title II, a whole new program for student financial assistance.

When H.R. 8900 was sent to conference, the conferees received explicit instructions. The chairman of the Committee on Education and Labor, the gentleman from New York [Mr. Powell] gave his firm assurances that, under no circumstances, would the conference report include Federal scholarships. I feel very strongly about this breach of faith. Aside from the merits of this proposed new loan-scholarship program, the fact is that neither the House nor the Senate has had the opportunity to adequately consider and work its will with respect to this particular program.

I want to say again that if we adopt this conference report we would be setting up a new and separate student financial assistance program in addition to the NDEA program which we established in 1958.

If we do that, under one program there will be a loyalty oath; under the other program there would not be a loyalty oath. Under one program a student could borrow up to $5,000; under the other program he could borrow only $4,000. Under one program, if he were to teach for 5 years, half of his loan would be forgiven; but under the other program, he would have to fully repay his loan even though he were to teach for 5 years or longer.

One is a true loan program. But under the proposed new program, the colleges could give away 20 percent of the Federal funds allotted to them in the form of scholarship grants.

The conference report contains an open-end authorization so far as the proposed new loan-scholarship program is concerned, running up through the year 1971. According to a Wall Street Journal computation published yesterday, and it is difficult to compute this exactly under the language of the conference report, if enacted, title II, covering scholarships and loans, would cost in the neighborhood of $595 million. That means that 20 percent of it, or over $100 million, could be given away in the form of scholarship grants. Whether we should launch a broad Federal scholarship program is a basic, fundamental policy question which should not be decided hastily without full and careful consideration.

I urge the House to vote for the motion to recommit the bill to the committee on conference.

Mr. KEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, the difficulty of discussing complex and controversial provisions such as we have in this conference report has been amply illustrated already.

I should like to state at the outset that as long ago as February 1959, I introduced legislation which would broaden our College Facilities Act. I feel our colleges need more help and need it now. This bill represents the kind of program which early this year received substantial support, and which has received my support for many years.

Having said this, however, I feel strongly that we would be most unwise to adopt title II, found on page 11 of this conference report. I say this because this title deals not with college facilities but with an unrelated problem, that of student assistance. On this subject there has been no square-cut consideration of this particular program in committee. Because of the unfortunate limitations of time, there is no possibility of discussing this problem squarely and adequately on the floor of the House today. We should, therefore, drop for now the provisions on student aid, and concentrate on providing aid to build college facilities.

I might say that the Secretary of Health, Education, and Welfare himself seems fairly confused about the significance on this student-aid program. I suppose all of you have received his telegram, this 3-foot lobbying effort on the part of our new Secretary. In it he states:

> The proposed program of student financial aid represents a continuation and extension of the widely acclaimed and almost universally accepted student-loan program inaugurated in 1958.

It does no such thing. It positively does not continue or extend the National Defense Education Act. Quite the contrary, it undermines and undercuts that loan program. That is one of the reasons we should reject this proposal. This would be an entirely separate, a competing, and a very unwise supplement at the best, to the present program. The NDEA program in 4 years, I might say, has provided some 400,000 loans and has cost this Government some $220 million since its inception in 1958. The Secretary is 100 percent mistaken when he makes his statement about title II. Of course he is new to his job and must be forgiven for this lapse.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. That individual telegram cost $29.28, and the total cost of sending out this telegram, as given by the Western Union Co., was about $13,000. The telegram contains 526 words.

Mr. FRELINGHUYSEN. I thank the gentleman.

This section 202 would provide these so-called nonreimbursable loans in amounts up to $1,000 a year. Incidentally, a $1,000 nonreimbursable loan, to me at least, looks pretty much like a scholarship or a grant, and not a loan. The 20 percent limitation which has been referred to does not refer to the amount which may be loaned to the student, as some may think from what has been said. This limitation applies only to the use to which an institution can put its allocation. Nor would this nonreimbursable loan be exclusive. In addition, an applicant would be eligible to receive also reimbursable loans of up to $1,000 a year. And he might also get help under the NDEA program.

What are the requirements? I ask you to look at what the requirements are. The student must have the ability for successful academic achievement. He must also be exceptionally needy. I ask, Under what circumstances will he be exceptionally needy if he can qualify to get $1,000 as a reimbursable loan, and if he can also qualify under the National Defense Education Act?

The third requirement is even more interesting. The grammar is faulty, but apparently a student would also be eligible if he would not otherwise pursue his education unless he had a nonreimbursable loan.

The gentlewoman from Oregon has said there must be an inability on the part of the student to pursue his education, in addition to his exceptional ability and exceptional promise. There is nothing that says a student must be unable to attend. It simply says a student cannot qualify if he would not pursue his education. It does not say "could," it says "would."

How does anyone know whether or not a student would stay in college? Might he simply decide he would not stay if he did not receive money from the Federal Government? I say this confusion regarding the requirements for a nonreimbursable loan is proof positive that the conferees are in no position to legislate as a legislative committee should. They cannot act as a committee would. For that reason I ask that the conference report be recommitted. Action can then be taken promptly on the college facilities assistance only.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Florida.

Mr. CRAMER. One of the conditions for the so-called nonreimbursable loan, which is nothing more or less than a grant, is that the man at the time of matriculation is not able to pay it back. What does that have to do with it? It is his ability to pay back at a later date which is supposed to be the criterion, not at the time he is going to school, when he has no obligation.

Under the other programs and loans he has to pay it back while he is in school, does he not? What does that have to do with it?

Mr. FRELINGHUYSEN. The gentleman makes a good point. In conclusion, I would like to call attention to section 104, on page 4 of the conference report. This is with respect to grants that are to be made available to institutions. Our institutions of higher education which are not public can only receive grants for specific purposes, and yet the allocation of funds is on the basis of enrollment capacity. I would like to suggest that this is an inappropriate test if the funds cannot be used to build classrooms. Furthermore, if we give grants to provide funds to build a library, we are certainly not doing anything directly to increase the enrollment capacity of that institution. We are increasing its book capacity.

Also, if we can give grants to our nonpublic colleges only for the physical sciences or engineering, the Federal Government, in effect, is placing specific emphasis on those areas instead of the general academic needs that our colleges face. I would question the wisdom of the so-called categorical limitations that the Secretary of Health, Education, and Welfare refers to in his telegram. I recognize that he sees nothing wrong with this approach, but I would suggest respectfully that he is still new at his job. He might well look twice at the advisability of channeling Federal aid of this particular kind to certain areas in nonpublic schools and in general areas to all public institutions of higher education.

Mr. Speaker, I urge that the motion to recommit be adopted.

Mr. KEARNS. Mr. Speaker, I yield to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Speaker, there was delivered to my office this morning a telegram which I am advised was sent to all Members of this House by the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare, urging approval of the conference report on H.R. 8900—the College Academic Facilities Act.

My first information from Western Union was that this 20-inch, 509-word telegram was sent at a straight message rate—which I further was advised cost $29.28 per telegram, or something over a total of $12,000.

Subsequently, I was advised by the budget officer of the Department of Health, Education, and Welfare that the message was sent at night letter Government rates, at a total cost of $3,562.

Thus far, I have not been able to determine whether this represented a switch from the straight message rate to the night letter rate after Members of Congress began protesting this exorbitant waste of taxpayers' money.

The fact of the matter is, however, that whether the cost was $3,562 or something over $12,000, the action of the Secretary of Health, Education, and Welfare is a clear violation of Federal law. For this reason I have today sent the following letter to Secretary Celebrezze's colleague in the Cabinet of the President, calling attention to this violation:

Hon. Robert F. Kennedy,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: I enclose herewith a photocopy of a telegram I have today received from the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare.

I know of no reason why I would be singled out to receive this communication, and accordingly assume that a similar message was sent to all other Members of the House of Representatives.

I respectfully direct your attention to section 1913, title 18 of the United States Code, which reads as follows:

"No part of money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation."

I further direct your attention to the fact that this statute provides for penalties of not more than $500, or imprisonment for not more than 1 year, or both.

Also, I direct your attention to the fact that the statute quoted above specifically mentions telegrams as one of the types of lobbying activities for which appropriated funds may not be used.

A preliminary inquiry of Western Union on my part indicated that the telegrams were sent on a straight message rate at a cost in excess of $12,000. I have subsequently been advised by the budget officer of the Department of Health, Education, and Welfare that the telegrams were sent at a night letter rate and that the total cost was $3,562. I do not know whether there was a shift from the straight message to the night letter rate after congressional protests began to reach the Department. The truth is that, in fact and in principle, the $3,562 expenditure of taxpayers' money is as much a violation of law as any higher figure might be.

Accordingly, I respectfully request an immediate and full investigation of this matter by the Department of Justice, together with a prompt report to me as to the Department's findings and its plans to institute appropriate criminal proceedings.

Respectfully yours,
August E. Johansen,
Third District of Michigan.

Mr. KEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. Quie].

Mr. QUIE. Mr. Speaker, I support the conference report, because I think the legislation that we bring before you is good for the country and good for higher education. It is for that reason that I affixed by name to the conference report. I am not accusing anyone who is opposing the conference report as being opposed to education and as having anything but the best interest for the students of this country. The Members of this House will, I know, be making their own judgments in what they feel will be the best thing to do when they vote today. In fact, when I come before you I am not saying that I am in agreement with everything that we adopted. I think there are some dangers in the legislation, and I would want to point that up first. They come in title I and title III.

Here again, we are giving aid for specific categories; namely, for natural and physical sciences, engineering, and libraries. This Congress has been prone since World War II to tie its aid to higher education to certain scientific disciplines because of national defense. It is highly possible that this tendency has been accelerated at the very least by the spectacular success of the Soviets in applied science. There exists a grave danger when a nation such as ours directs the vast majority of its educational efforts into a narrow channel. We are afflicted by the national attitude of ad hoc action, of pragmatic planning. It would be a tragedy for the cultural and educational level of the United States if science and technology were to control the curriculum. Education in the United States has suffered in the past from excessive enthusiasm over one aspect. This mistake must not be repeated. We must not let our educational program be detrimentally weighed in utilitarian and income-producing terms rather than in terms of the pursuit of knowledge for its own sake. The basic ideals of American education are to provide every individual with opportunity for maximum development of his abilities and to produce citizens responsive to the political needs of their time. Some of the best minds should be encouraged to achieve excellence in the social sciences, others in the humanities. America has need of a wide variety of human talents, and we must not deprive students of the opportunity to develop these talents.

I am deeply aware of the need for well-trained scientists and technologists in our present age, and I hope to work next year on a good technology bill. However, I have a deep concern for the fact that if we allow all this aid only to the scientific disciplines, the result inadvertently would be stringent Federal controls. I would also like to see title I and III broadened to include any type of academic facility, except for the exclusions that we place in the present bill. I think this ought to be given considerable thought and study.

There is an indispensable relationship between education, as the enlargement of the intellect, and the political needs of a self-governing democracy. The strength of this country has been the development of its Constitution, laws, and its social and cultural way of life. To further this development we have a grave obligation to provide education which will give man a clear, conscious view of his own opinions and judgments, a truth in developing and questioning them, eloquence in expressing them, and a force in urging them. Only if we capture the basic qualities of human freedom and dignity in our educational program, can we hold out our greatest strengths to other countries of the world.

If any person in higher education reads these remarks, I would hope that he would examine closely how he applies for this money and make a very good choice, one that will not jeopardize the program which he feels will best fit the needs of this country.

The greatest controversy in this present legislation is in title II, the student loan program, that is, the 20 percent that we call nonreimbursable loans. We all know that they are grants. I admit it. I do not choose to call them scholarships, because scholarships are considered a reward given to a person either for academic achievement or the promise of great academic achievement. That is not the case here at all. This is a grant to needy students in such extreme need that, without this kind of aid, they would not go to college. There are loan funds available in the bill and in the National Defense Education Act. There are unspent scholarship moneys available in many institutions of higher learning. If there is any of that assistance available for a student, he would not be eligible for these so-called nonreimbursable loans. If a young person could go to a local junior college, he would not be eligible for these same funds either. This boils it down to such a narrow category that we will find out if it is true what people have been saying for some time, that there are students who are not able to go to college for such dire financial reasons that a grant program is necessary for their higher education. With these grants which colleges may utilize they will be encouraged to go out and seek students who have the ability to successively pursue a college course and without this help they would definitely not attend an institution of higher learning. If such students are thus professionally trained, this would be one of the best expenditures of Federal money authorized by this Congress.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield.

Mr. HALLECK. Just how do you go about determining who is neediest and would get a grant, and who is a little less needy and hence would be required to pay back the money.

Mr. QUIE. This is something the colleges have had some experience with through the years. I have a great confidence in the colleges' and universities' ability to determine who is of exceptional need, and I might point out that if no students of this extreme need show up at the college, the money may be utilized for loans. The reason why we drew the criteria so strict is to make certain that all of the grant moneys would justifiably be utilized for that purpose. The results would be a thorough study in which students' needs are met. I was in strong opposition to the Senate-passed scholarships as many of you. Do not forget that I was one of the ones who objected to the sending of H.R. 8900 to conference until an agreement was reached with the House conferees making assurances that such scholarships would not be forced on us and the following is my statement:

H.R. 8900 as passed by the House only called for assistance to institutions of higher education in meeting the urgent need for expansion of their academic facilities. It seeks to accomplish these objectives through a 5-year program of grants and loans for the construction of classrooms, laboratories, libraries, and related academic and service buildings.

A majority of the House Education Committee consisting of both Democrats and Republicans turned down the President's recommendation for scholarships. The committee, after extensive hearings and serious study, came up with recommendations which were completely different than those proposed by the President. Later an advisory group of the committee suggested further improvements. When the House leadership saw that the committee would not go along with the President's recommendations, they should have still permitted the House to consider its student assistance provisions; however, they decided to schedule a bill with only provisions for assistance for academic facilities. The strategy behind this move was based on the knowledge that the Senate would include the President's scholarship provision in its bill and that the conferees would agree to the Senate action. This would bring the bill back to the House with the President's scholarship provisions on a take-it-or-leave-it basis.

My main reason for objecting to this procedure concerned the possibility that the bill with the scholarship provision would not pass the House and, if that occurred, we would not have any favorable action for assistance to higher education such as the original House bill intended.

The reasons why I disapprove of the scholarship provisions in the Senate bill are: First, that they would be administered by State commissions which is an exceedingly expensive operation when compared with college-administered programs; second, these Federal scholarships would tend to supplant many of the scholarships presently given by colleges, individuals, or foundations; third, it would completely separate from the student assistance now given under the National Defense Education Act whereas coordination is needed; and, fourth, the Senate bill does not adequately take the student's need into consideration since no regard will be given to tuition fees and other expenses at the particular institution which he attends.

I believe that the recommendations of the House advisory group of the Education Committee, of which I am a member, provide a better means of financial assistance to students and avoid the above shortcomings. These recommendations would expand and improve the present national defense student loan program. First, the annual appropriation would be increased from $90 million to $200 million; second, the ceiling on the Federal contribution to an institution's loan fund would be increased from $250,000 to $750,000; third, assistance to exceptionally needy students would be provided through grants developed as a coordinated part of the student loan program; and, fourth, incentives for academic achievements would be provided through the use of writeoffs of the student loans.

I want to point out that every one of my objections have been met, and I feel that the student loan arrangement and title I is acceptable.

Mrs. GREEN of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Speaker, I do not have much time in which to present this matter. Let me say first of all that in title I we have offered equality of treatment to all institutions of higher education. As announced by the gentlewoman from Oregon [Mrs. GREEN] both public and and private institutions will receive the same consideration insofar as loans are concerned. Grants will be limited to facilities in the natural and physical sciences, engineering and libraries.

The same limitation exists in title III, which deals with public community colleges, the fastest growing unit in higher education in the Nation. These community colleges are also eligible to receive grants, but the grants are limited, as they are in title I, to the specific category of the sciences, engineering and libraries.

Now we come to title II, provisions for loans to college students. Eighty percent of the money allocated under this title will go for 10-year, low-interest loans to students. In the past, similar loans have been extended under the National Defense Education Act and I understand that 99 percent of these loans have been repaid.

The other 20 percent of the funds under this title is for nonreimbursable loans for exceptionally needy and able students who would not otherwise be able to go to college. The Education and Labor Committee last year appointed an advisory committee on higher education, on which I had the privilege to serve. We studied this and other problems and found that, although many students are helped by NDEA loans, there are able students from needy families who cannot accept the risk and burden of substantial debt in order to continue their education. This is particularly true of girls and members of families where there are other children who must be supported.

These are young people who could undoubtedly contribute a great deal to the economic, social and cultural development of our Nation. But to meet their expenses, these exceptionally needy students require grants-in-aid. We are placing confidence in the universities to see that the plan is properly administered.

Mrs. GREEN of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Speaker, I want to congratulate the distinguished gentlewoman from Oregon, the chairman of this subcommittee [Mrs. GREEN], whose interest and labors are largely responsible for the opportunity the House has today to pass this vitally needed legislation.

I also want to congratulate the gentleman from Connecticut [Mr. GIAIMO], the gentleman from Minnesota [Mr. QUIE], and the gentleman from New York [Mr. GOODELL] for their labors in behalf of this bill. It has been a genuinely bipartisan effort.

I want as well to say that I am pleased that the bill provides for loans and grants for academic facilities to the colleges and universities of the United States, both public and private, including church-related, in accord with the excellent policy of which the gentlewoman from Oregon has spoken.

Mr. Speaker, I want to discuss one of the aspects of title III of the bill, which deals with facilities for the community colleges. I refer to programs of technical education for the production of semi-professional technicians.

I think at the present time it is appropriate that this legislation should give special recognition to these 2-year institutions of higher education which are serving an increasing percentage of college students and are close to their communities and responsive to their needs.

The so-called junior college movement began about a half century ago and for most of the years since then junior and community colleges have been regarded primarily as way stations for students who would finish 2 years and transfer to 4-year institutions.

Especially since World War II, however, the trend to mass higher education and the demand for specialized scientific and technical training has significantly changed the function of the junior college.

I have no time now to do more than say that the studies of our Advisory Committee on Higher Education show an alarming shortage of semi-professional technicians to meet the demands of our space effort and the changing requirements of an increasingly automated economy. The technical institute and the 2-year community college are particularly well suited to helping meet this shortage.

I have been sharply aware of the need for more college trained technicians since I served with four colleagues on the Education and Labor Committee—Mr. GIAIMO, Mr. O'HARA, Mr. QUIE, and Mr. GOODELL—after the close of the last session on an Advisory Group on Higher Education.

Our instructions were to work to identify the unmet needs in higher education in fields which contribute most directly to national security and economic growth.

After consulting with leading members of the scientific and university community we were convinced that the Nation faces a truly alarming shortage of technicians with at least 2 years of college-level preparation in these fields: engineering, mathematics, and the physical and life sciences.

All members of the Advisory Group last February introduced the technical education bill which would encourage the education of more semiprofessional technicians.

The term "technician" is a very popular and commonly used one these days and it has an open end meaning so far as the range of skills it denotes.

But the semiprofessional technicians now being trained in recognized technical institute and community college programs are a very specific breed and I would like to cite an excellent description of the semiprofessional technician supplied by acting Labor Secretary W. Willard Wirtz when he testified on the technical education bill early June 1962:

> There is no one term which can be realistically used to designate the subprofessional engineering, scientific, and medical occupations. There is such a great diversity in their functions, educational requirements, and other characteristics that there is no generally accepted definition. In general, these occupations require scientific and mathematical knowledge and specialized education and training in some aspect of technology or science. Workers in these occupations assist or support professional personnel, and are utilized in research, production, testing, and other activities where technical know-how is required. All of their tasks are functional parts of the work of the professional person.

We need many more of these semiprofessional technicians with 2 years of college-level education to support the work of our scientists and engineers.

To indicate the urgency for action to increase the production of such semiprofessional technicians I would like to cite further the testimony of Secretary Wirtz:

> Studies by the Bureau of Labor Statistics show a projected increase between 1960 and 1970 of over 75 percent for those occupations which support engineers and scientists, and about 20 percent for those supporting physicians and other doctors. Altogether, this means that we will need over 1,450,000 of these workers by 1970, an increase of over 600,000 more than were employed in 1960, or an average annual increase of about 60,000 over the decade. Add to this an estimated need for about 17,500 persons a year to replace those who die, retire, or transfer out of the field, and the average annual need could be about 78,000.

Many of these semiprofessional technicians are educated in what is known as technical education programs. I take this time for the specific purpose of making clear that it is my understanding and the understanding of a majority of my colleagues on the conference committee that funds under title III may be made available to 2-year college level institutions which plan to use these funds to help construct facilities for the education of the semiprofessional technicians of whom I have been speaking. I refer specifically to paragraph 3 of section 306.

I want to be sure it is clear that structures or portions thereof for instruction in related technologies in the natural and physical sciences and engineering are eligible for funds under title III.

I believe I am correct in stating that this is the understanding of my subcommittee colleagues on this side of the aisle and of the gentleman from Minnesota [Mr. Quie], and the gentleman from New York [Mr. Goodell], on the other side. I would like to ask them if my understanding is correct.

Mr. QUIE. That is my understanding.

Mr. GOODELL. Is it the understanding of the gentleman from Minnesota [Mr. Quie] that the language of title III of the bill includes assistance for facilities for instruction or research in the natural and physical sciences, engineering and their related technologies?

Mr. QUIE. That is correct. The Advisory Group on Higher Education of the Committee on Education and Labor, headed by the gentleman from Indiana [Mr. Brademas] pointed out in its report the growing national concern over the lack of subprofessional or semiprofessional engineers. This bill would include assistance for facilities for training such individuals within the meaning of the term "public community college facilities."

Mr. GOODELL. That is my understanding. The bill would provide assistance to those public and other nonprofit educational institutions which provide less than 4 but not less than 2 years of full-time instruction, or its equivalent, in an organized occupational curriculum in engineering, or the physical or biological sciences and is designed to prepare the student for immediate employment at the semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and is properly accredited.

Mr. QUIE. That is correct. For example, community colleges offering curriculums in civil, chemical, electrical, or mechanical technologies would be eligible for assistance under title III as would medical and dental technologies.

Mr. GOODELL. That is my understanding. The need is demonstrated by the fact the Advisory Group learned that the ratio of technicians to scientists and engineers should be approximately 4 to 1. The present proportion is approximately 67 technicians for each 100 scientists or engineers.

Mr. QUIE. That is correct. The proportion of technicians to scientists and engineers must be improved to bring about better utilization of our professionals.

Mr. BRADEMAS. I want to add my agreement to this further explanation which my two colleagues have given.

Mr. GIAIMO. Mr. Speaker, under unanimous consent, I would like to include at this point in the discussion of semiprofessional technicians an editorial concerning the Technical Education Act of 1962, H.R. 10396, of which the gentleman from Indiana [Mr. Brademas], the gentleman from Minnesota [Mr. Quie], the gentleman from New York [Mr. Goodell], and I are all authors.

The editorial, entitled "H.R. 10396 and Mr. Brademas," is from the June 1962 issue of Technical Education News, published by McGraw-Hill Book Co.

The editorial follows:

H.R. 10396 AND MR. BRADEMAS

The April 1959 issue of Technical Education News editorialized strongly on title VIII of the National Defense Education Act of 1958. We were especially, and we still believe properly, critical of the fact that some of its provisions made it impossible to carry out the full intent of Congress in passing the act. While we strongly urged an amendment of the act, no revision has taken place for practical political reasons, and none is apt to.

It is most heartening, therefore, to find on the horizon newly proposed legislation that will amend the deficiencies of title VIII with reference to technical education and at the same time make provision for a new and greatly enlarged program of technical education assistance. We refer to H.R. 10396, a bill submitted in the House of Representatives and referred to the Committee on Education and Labor on February 26, 1962, by Congressman John Brademas, of Indiana.

In Mr. Brademas and his bill technical education has found a new champion, and we strongly urge all those interested in the further development of technical education in this country to give this new bill their close and considered attention and to give Mr. Brademas all the help and support this field can muster.

H.R. 10396 is a bill "to provide Federal assistance for the establishment, expansion, and improvement of programs of technical education at the college level," and it is designed to assist "programs of technical education consisting of organized occupational curriculums in engineering, mathematics, or the physical or biological sciences which require not less than 2 years of full time college-level study, or its equivalent, and are intended to prepare the student for immediate employment at the semiprofessional level."

Title III of the act, covering grants for the establishment, expansion, and improvement of programs in technical education, authorizes the appropriation of $40 million for the fiscal year ending June 30, 1963, and for each of the 4 succeeding fiscal years.

Other commendable features of the bill provide that:

All grants will be distributed through the various States and by law must be partially matched.

Any accredited nonprofit educational institution, which is regularly authorized within a State to provide a program of education beyond high school, can qualify for aid, public or private.

There be established in the Office of Education a Federal Council for Technical Education.

If you don't already have a copy of the bill, we urge you to write Congressman Brademas for one. We have been able only to highlight its more important provisions, and we believe that every technical institute administrator and teacher should familiarize himself with the full contents of the proposed act.

But, we also urge you to give Mr. Brademas your loyal support. He is an intelligent, informed, and dedicated friend of technical education. We cannot remember ever meeting a Federal legislator so fully cognizant of the function of the engineering or scientific technician and his importance to the welfare of our Nation.—E.E.B.

Mr. Speaker, I ask unanimous consent to insert as well an article from the same issue of the "Technical Education News" which contains an analysis of H.R. 10396.

TECHNICAL INSTITUTE DIVISION PROGRAM COVERS MANY ASPECTS OF TECHNICAL EDUCATION

June 18–22, 1962, are the dates of the annual meeting of the Technical Institute Division of the American Society for Engineering Education, to be held at the U.S. Air Force Academy at Colorado Springs, Colo. Highlights of the program will be:

BILL H.R. 10396

The Honorable John Brademas (Democrat, of Indiana), sponsor of bill H.R. 10396 proposing a new program of Federal grants to stimulate technical education, will address the opening session of the meeting on Monday morning, June 18. His topic will be "New Frontiers in Technical Institute Education."

Congressman Brademas is chairman of the Advisory Group on Higher Education to the House Committee on Education and Labor. Working with him are Robert N. Giaimo, Connecticut; James G. O'Hara, Michigan; Albert H. Quie, Minnesota; and Charles E. Goodell, New York. The group's report, "Congressional Action for Higher Education," submitted January 22, 1962, covered technical institutes, academic facilities, supply and quality of teachers at all levels, financial assistance to students, and basic research to improve learning and teaching.

The Brademas bill, H.R. 10396, tentatively called the Technical Education Act of 1962, was introduced February 26 and had the unanimous backing of all members of the advisory group and that of Congressman Adam Clayton Powell, of New York, chairman of the Committee on Education and Labor to which the bill was referred.

H.R. 10396 proposes that Federal assistance be provided through the States for programs of technical education at the college level. The purpose of the proposed act is first to assist the States in making inventories to determine the nature and scope of existing programs consisting of organized occupational curriculums in engineering, mathematics, or the physical and biological sciences which require not less than 2 years of full-time college-level study or its equivalent and are intended to prepare the student for immediate employment at the semiprofessional level; second, to survey the technical manpower requirements for semiprofessional technicians in scientific and technological fields essential to national security and economic growth; and third, to develop plans for the expansion, establishment, and improvement of programs of technical education which will assist in meeting the national needs for technicians in accordance with State plans.

APPROPRIATIONS

Specifically, the bill calls for $2 million to be used as payments to States which want to conduct surveys to determine their needs and to prepare plans to meet those needs. Then it calls for the sum of $40 million to be appropriated for the fiscal year ending June 30, 1963, and annually for each of the 4 succeeding fiscal years—in other words, up to June 30, 1967. This will enable grants to be made to States so that they can provide programs of technical education under public or private nonprofit auspices.

As a special project under the bill, each participating State may set aside an amount equal to 10 percent of the grants received to pay for the cost of research, demonstrations, training and traineeships, and projects for the establishment of special facilities and services designed to meet problems arising in programs of technical education or to develop or evaluate programs of a new, special, or unique nature. Such projects may be carried out by any public or private nonprofit agency or institution.

MATCHING FUNDS

The survey and planning funds would be distributed among the States on the basis of nonagricultural employment and would be matched dollar-for-dollar by the States. The grants for the establishment, expansion, and improvement of technical education would be allocated among the States on the basis of the current number of high school graduates and nonagricultural employment by a State agency on a project basis. The Federal share would in no case exceed two-thirds of the cost of a project.

To be eligible for a grant, "a project must provide for the construction of academic facilities, for acquisition of equipment, or for the strengthening of faculty, for the purpose of creating new or additional programs of technical education." The U.S. Office of Education would set up a Federal Council for Technical Education consisting of the U.S. Commissioner of Education as chairman and 12 persons appointed without regard to civil service laws by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The membership of the council would contain representation from college-level technical education, research and development organizations, engineering and scientific professional societies, and technologically based industry.

SOME DEFINITIONS

As defined in the proposed act, the term "program of technical education" means a program which "admits as regular students only individuals having a certificate of graduation from high school or the recognized equivalent of such a certificate; is conducted at a public or private nonprofit educational institution regularly authorized by a State to provide a program of education beyond the high school; consists of not less than 2 years of full-time instruction or its equivalent; is designed to prepare the student for immediate employment at the semiprofessional level requiring the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and is accredited by a national or regional recognized accrediting agency or association."

The term "high school" as used in H.R. 10396 does not include any grade beyond the 12th, and the term "nonprofit educational institution" means one owned and operated by one or more corporations or associations, no part of the net earnings of which inures to the benefit of any private shareholder or individual. The term "State" as used in the bill is considered to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and American Samoa, in addition to the 50 States.

Mrs. GREEN of Oregon. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. Kearns].

Mr. KEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. Goodell].

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask a question of the chairman of the full committee, the gentleman from New York [Mr. Powell]. Apparently he is not here.

Mr. GOODELL. Mr. Speaker, I think this is a very serious moment with reference to an important piece of legislation. I do not consider myself to be a radical in any respect. I am in favor of this conference report. I would have preferred that we come back for instructions from the House. But I am not involved in the issue as to the procedure we should have followed to give the House a chance to work its will. I regret we did not come back for instructions.

I was against the Senate scholarship bill which the administration recommended, because it was a scholarship program administered through what I consider to be a vast new bureaucracy of commissions set up in every State; because it was going to conflict seriously, in my opinion, with the National Defense Education Act which is administered through the colleges.

The conference report is a compromise. It satisfies none of us entirely. It is not perfect, but I believe it is a sound, constructive piece of legislation. In my responsibility, I cannot find it in my heart to oppose it here today. I know many who feel strongly on some of these individual issues, but who are in favor of assistance to higher education: They are going to vote for the motion to recommit, though they favor other forms of higher education aid. I feel if we agree to the motion to recommit and we send this back to conference, we will have no higher education bill this year. I believe it is imperative that we pass this bill.

I would like to clarify one thing in reference to scholarships, that is, the 20 percent aid. If a college is given $100,000 under this bill, that money is for loans to students. They may use 20 percent or $20,000 for grants, but the grants are only to students that they find otherwise would not go into any college, even their local community college. If they would not go even to a local community college, then they could get money under this bill from the community college or other colleges.

It is a program designed to get the colleges to go out and find the 30 percent of the top one-fourth of high school graduates in this country who do not go on to college. That is wasted brainpower.

Mr. Speaker, we want our college administrators to go to the guidance teachers in high schools and tell them, "look, you must have students here who are impoverished, from poor families, whose mother and father never went to college, who feel no urgency to go to college. Can you help us to get them to come into this program?"

Mr. Speaker, we have some money here set aside in grants that will get such students over this hump and get them into our colleges. There is a limitation on this 20-percent money. After deliberation and investigation—and I want it understood—if the college cannot find students who meet the rigid requirements of exceptional need, then they cannot spend that money on grants. We leave it in the hands of the colleges to administer themselves. They are the people who are competent, who are experienced in administering these things. They combine a work schedule with a loan, and some scholarships today to bring some people into college.

Mr. Speaker, I think it is imperative that we have aid to higher education. I am sorry that the bill is not perfect and does not satisfy all of our colleagues but we should have this conference report approved today.

Mr. KEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. Griffin].

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the conference report completed this week on H.R. 8900 found the majority of the

House conferees voting for discriminatory limitations on the House version of title I of the report which are completely unacceptable because they distort the whole purpose of Federal assistance in constructing college facilities.

Even more important, the conference report to which our colleagues agreed—with one exception—disregards completely the absolute guarantee given to the House on May 9 by the chairman of the Committee on Education and Labor that "we will come back with a bill without scholarships."

I repeat—

Said the chairman—

> that under no circumstance will we accept the scholarship provision in conference with the Senate.

In response to a further question from the gentleman from Kansas [Mr. AVERY] on the floor of the House, "that under no circumstances will he agree to a conference report that would write scholarships into this bill," the chairman of the Committee on Education and Labor replied, "that is absolutely correct."

The conference report which we have received, nevertheless, accepts the exact figures of title II of the Senate version of H.R. 8900 as the basis for Federal subsidies to provide loans for college students from which 20 percent of the funds are authorized to be nonreimbursable loans. This means scholarships and is the more illogical in that our colleagues have agreed to scholarships—albeit through semantic doubletalk—without even requiring that the recipients be scholars. This adds insult to disregard of the guarantees several times repeated on the floor of the House.

Our colleagues have further disregarded the intent of the House by accepting title III of the Senate version and again limiting the purposes of the construction grants therein authorized to the erection of "structures designed, and to be used only, for instruction or research in the natural or physical sciences or engineering or for use as a library." This same distortion of the intention of the House, as earlier noted, was accepted in the conference report for the grants of title I authorized for all other colleges and universities.

This distortion apparently was justified by the belief that the church-state controversy could be avoided by limiting grants to defense subjects, the thesis being that the NDEA had created precedent for such Federal programs. This is not true. The NDEA only established precedent for loans to church schools to buy science equipment—not for grants. Hence the constitutionality of grants for science or engineering buildings is as questionable as for any other facilities.

Whether by grants or loans, this intrusion of the Federal Government into the substantive purposes of higher education was not the intent of the House in passing its version of H.R. 8900. Hence I earnestly encourage my colleagues to reject the conference report and especially to reconfirm their earlier disapproval of Federal scholarships no matter what other name may be given to them.

Let me also remind my colleagues that only last year we extended title II of the National Defense Education Act which already provides an extensive program of Federal loans to college students. At the same time, the Congress should know that increasing amounts of private loan funds are being made available notably under the United Student Aid Funds, Inc., and that this private effort will be undermined if not destroyed by further intervention of the Federal Government into the financing of undergraduates in our colleges. Certainly we must avoid the approval of Federal scholarships for students who have not merited such consideration for scholarship without the scholar is an empty word that smacks of another welfare program without purpose.

Let me further remind you that the administration of the proposed program under title II would be not merely difficult but impossible to honestly administer. If all students now needing Federal loans to pay for their college costs are already screened on the basis on need, how then could administrators give meaning and differentiate between need and exceptional need? Conversely, what justification is there for the assumption that those who need a loan will eventually be able to pay it back, but that those with exceptional need for a loan cannot do so? This requires an anticipation of conditions after graduation and earning powers of the borrowing students which converts administration of this bill into crystal-ball gazing. It would further provide opportunity for utterly unjustified discrimination among the needy, although not on the only basis they might be thought worthy; namely, that of scholarliness. Here there is no difference apparently between the needy and the exceptionally needy. In addition we are setting up a new bureaucratic operation.

If this lack of clear intent as well as disregard of the original intent of the Congress is apparent to the Members of this body, the conclusion that must be reached is that the conference report must be rejected not only on title II but in its entirety. I might add that our new Secretary of Labor has wasted almost $13,000 of taxpayers' money this morning by sending us a lengthy telegram in behalf of this bill. We should vote to send H.R. 8900 back to conference.

Mr. GRIFFIN. Mr. Speaker, I plead with the Members of the House to consider in a calm and deliberate manner what we would be doing here if we were to adopt this conference report. Seriously and in all earnestness, I believe we would be adopting a legislative monstrosity that would set up an administrative jungle for the colleges and universities to administer. There would be two different Federal programs of student assistance to administer.

Are we going to require a college to say to one student who obtains a Federal loan that he must sign a loyalty oath but that another student obtaining a loan under this proposed new program will not have to sign a loyalty oath? Are we going to provide, as we would by adopting this conferee report, that colleges must contribute 10 percent to one Federal loan fund but nothing to the other Federal loan fund? The new and additional loan fund, which would be set up under this conference report, would consist of all Federal money. The more a college could loan out, the more it could give away in the form of grants or scholarships, because 20 percent of all funds allocated to a college can be given away.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. I yield to the distinguished minority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. What I would like to know is simply this: If a needy youngster says "I will go to college if you do not require me to pay the money back, but I will not go if I have to pay it back," would he then qualify under the 20 percent limitation?

Mr. GRIFFIN. I will say to the distinguished minority leader that although there are supposed to be criteria for making grants under the proposed new program, they would not be all enforcible. There is no way of really knowing what a college would do in such a situation as the minority leader describes. But we would be establishing a program which would necessarily descriminate as between American youth.

One student might walk into a college administrator's office to obtain necessary funds and be told, "You do not have to pay it back." But the next student who walks into the same office could be met with this kind of an answer: "You are needy, too, but our 20 percent for grants is gone. Here is the money you need—but you will have to pay it back."

Mr. Speaker, we are not talking here about private scholarship grants; we are talking about the money of the taxpayers. A basic, fundamental decision to embark upon a Federal scholarship program should not be made in this manner. Such a proposal should be considered as other important legislation in the regular manner.

Some say that we will have no legislation if we sent this bill back to the conference. Is the House to be just a rubberstamp so far as the legislative process is concerned? If we send the bill back to conference, the conferees will have another opportunity to come up with legislation limited to construction aid for higher education—legislation for which most of us have already voted.

Mr. Speaker, insofar as the religious strawman raised up by the gentlewoman from Oregon [Mrs. GREEN] in her earlier remarks, most of us crossed that bridge earlier this year when we voted for H.R. 8900 as it passed the House. The only real issue and the major question, I submit, is title II, and whether we are going to legislate in such an irresponsible manner.

Mr. Speaker, I urge the Members to support the motion which will recommit the bill to conference and instruct our conferees to stand by the position of the House with regard to title II.

Mr. KEARNS. Mr. Speaker, I want to be fair, and I yield to the gentlewoman from Oregon [Mrs. GREEN], 2 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Carey].

Mr. CAREY. Mr. Speaker, this is my second trip to the well of the House today. The first time I came was to change my position from negative to positive on the conference report on the farm bill. I pondered that decision because I have had deep misgivings about our approach to the horrendous burden of farm surplus. I have favored a drastic and realistic appraisal of this problem and I was reluctant to settle for anything less. But rather than remain neutral, indifferent or negative I decided that at least the report was a gesture in the right direction and I did not want to adopt a do-nothing attitude.

The sequence of legislation today is significant. In the farm bill we dealt with the problem of superabundance in agriculture. In this conference report we are concerned with the shortage of facilities in higher education. We did not take a do-nothing position on agriculture. I say that this House in its wisdom should not now take a know-nothing attitude on aid to education.

I support this conference report because it is the last chance we have for an aid to higher education bill in this Congress. This is a fair bill. It is for public and private colleges and is impartial and nondiscriminatory. It preserves the spirit and tradition of private enterprise in education. It treats all students alike and is based upon the sound concept of distributive justice which had been identified in higher education legislation since the days of N.Y.A., the GI bill, the National Defense Education Act and all other programs. I believe that the principles of fair and equal distribution of funds for education must be followed. I submit that the student must not be required to surrender his free choice of an educational institution and be compelled to attend a public college as a condition to securing a just share of his father's taxes.

We are engaged with the Soviet Union and the totalitarian system in a battle for the minds of children. Nothing less than our utmost effort will permit us to prevail in this struggle. Are we going to say today that we will pass an aid to education bill and meet the challenge or are we going to retreat, surrender, and default in our obligation to our own children.

Again I refer to the problem of agriculture. We did not default on our obligation to the farmers. We have set aside our little, partial, local differences and cooperated to outproduce the Soviet Union and the Communist system. We have built the greatest agricultural output in all of history.

Now we must demonstrate that we can produce more teachers, better scientists, and finer technicians under a free enterprise school system private and public. We have a chance to join in that effort by adopting the conference report here today.

I dwell on the significance of the sequences of legislation today. By our action are we going to say that we are able to generate a glut of feed and food but are incapable to mounting an effective effort to educate our children? Are we going to say everything for corn and cotton but not one dime for kids and schools? I hold that we need as much growth in the second area as in the first.

I am proud to express my esteem for the gentlewoman from Oregon [Mrs. Green] and to the other conferees who have brought in this report. I urge its adoption.

Mr. KEARNS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. Frelinghuysen].

Mr. FRELINGHUYSEN. Mr. Speaker, in conclusion I should like to say that we surely do not want to jeopardize the possibility of enacting generally acceptable proposals to aid our colleges by incorporating a hastily developed, and wholly unrelated, program of student assistance. This has no relevance to college assistance; indeed, more students may aggravate the problem of inadequate facilities.

The debate clearly has brought out the fact that the program suggested in title II would be in direct competition with, and constitute an overlapping of, a very good ongoing loan program under the National Defense Education Act. I suggest that our committee decide in the next session whether there should be an expansion of that act. By acting then we should not becloud the issue of providing suitable aid to our colleges as would the proposed incorporation of this ill-advised student assistance program.

Mrs. GREEN of Oregon. Mr. Speaker, for the matter of legislative history, I should like to associate myself with the remarks of the gentleman from New York [Mr. Goodell].

At this time, Mr. Speaker, I yield the remainder of the time on this side to the gentleman from Louisiana [Mr. Boggs].

Mr. SANTANGELO. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman for a unanimous-consent request.

Mr. SANTANGELO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SANTANGELO. Mr. Speaker, I commend the gentlewoman for her work in this field of higher education and I wish to associate myself with her remarks. Her lucid and clear remarks expose the slogan of separation of church and state as fuzzy thinking and little or no principle. I shall support this bill as necessary to educate our youth in a scientific world and expanding universe.

The aid which honeycombs our various programs shows that there is little substance to the argument of unconstitutionality. The first amendment of our Constitution provides that Congress shall pass no law establishing a religion. The aid to our students does not establish a religion but permits our youth to receive that higher education which is so necessary for our youth to play their roles in the preservation of our democratic principles and for the growth of our economy.

Title I of the bill provides equality of treatment of all institutions of higher learning. Title II provides for loans and not scholarships; 20 percent of the funds are nonreimbursable loans which are given to those students who are in need and cannot receive an education otherwise.

I support this conference report on H.R. 8900 and trust that we shall rise to the occasion and provide for our own future.

Mr. BOGGS. Mr. Speaker, early this year, on January 30, the House passed a bill for higher education. It was a bipartisan bill. The vote was 319 to 79 which indicated that the vast majority of the Members of this body recognized the fact that one of the grave problems confronting the United States of America is the demand for knowledge in this highly technical era in which all of us are now living; and that that knowledge could best be supplied by using the existing system of American education which, since its inception, has been public, private, and religious. What has happened since then to change anybody's mind?

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Indiana.

Mr. HALLECK. The inclusion of scholarships is a complete departure from the bill that the House passed, for which I voted; and I am ready to vote for that kind of bill again.

Mr. BOGGS. I will be very happy to come to that if the gentleman will permit. I repeat my question, and I shall attempt in a moment to answer the observation made by the distinguished gentleman from Indiana.

With respect to title I, namely, that part of the bill having to do with grants and loans, the loan provision is exactly as it was as it passed the House. The grant provision on the other hand has been narrowed. In January the grants were more or less across the board for certain selected facilities. Now those facilities have been spelled out in this conference report. So that I say, in all due deference to some groups who have injected certain divisive issues into this matter, namely, the religious issue, that this is a false and a fake issue, because if this is an issue now then it was more of an issue in January when my distinguished colleagues, many of whom come from the great Southland, voted for this bill with the broader provisions then prevailing.

All of you know that over the years we have not tried to make these distinctions, in the land-grant colleges, in the GI bill, in the National Defense Education Act, in the great program of research sponsored by the gentleman from Rhode Island having to do with the Institutes of Health, in which all eligible medical institutions participate to the great advantage and advancement of knowledge in the United States of America.

If we attack that principle now we are not standing up for what some people call a constitutional bar in separation of church and State. We are, in effect, attacking the fundamental system of higher education in the United States, and we would end up, if we followed the principle, only with public education supported by taxpayers' money, or very, very rich private institutions which only very rich people could attend, and I do not believe any of us want to do that.

Now, the second consideration about scholarships. It was my understanding, and I think I am right, that there was a fundamental objection to a scholarship program administered on the Federal level. As the distinguished gentleman out about the type of program that was from Ohio, or from New York, pointed proposed in the bill in the other body, this is not the case in this bill. This follows the well-established program of loans. It does make one exception, and I think a very intelligent exception. It says that institution X at its discretion, not at the instruction of any Federal agency, not at the instruction of any Federal bureau, but at the discretion of the institution, if it feels it has ample funds, may use up to 20 percent of those funds for pure scholarship purposes. Is that any great departure? Certainly it is not. Is this any greater administrative Pandora's box? Of course, it is not. Every college in the United States has scholarship procedures, as all of you know. I have only recently had to send three children to college, and I know how difficult it is to get a scholarship and what they have to do to apply for a scholarship. The question about whether or not the college is able to determine need is academic, because they have long since perfected methods by which they determine need, and it is a very fair technique.

I hope the conference report will be adopted.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks at this point in the RECORD on the pending conference report.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. POWELL. Mr. Speaker, I rise in defense of the conference report on H.R. 8900. As you know, this report is the result of many months' labor, having originally passed the House by an overwhelming vote of 319 for and 79 against on January 30. The Senate, however, passed an amended bill on February 6. Not receiving unanimous consent to go to conference, the conference was delayed until a rule was given. There were eight major differences in the versions of the bill passed by the two Houses:

First. The House bill authorizes $180 million annually in grants and $120 million annually in loans to higher education institutions for construction of academic facilities. The Senate bill provides $300 million annually for loans, with no provision for grants.

Second. The House bill provides for State commissions, using existing agencies where available, to determine priorities for grants. It authorizes a maximum of $3 million annually for 2 years to defray State commissions' expenses. The Senate bill has no similar provision.

Third. The House bill provides for direct appropriations for loan funds. The Senate bill authorizes the Commissioner of Education to borrow loan funds from the Treasury.

Fourth. The House bill sets the loan interest rate at not more than 2¾ percent or, apparently one-fourth of 1 percent above the average interest rate on U.S. obligations, whichever is higher. The Senate bill sets the interest rate at not less than one-fourth of 1 percent above the interest rate paid by the Commissioner to the Treasury.

Fifth. The House bill excludes funds for any facility intended primarily for events for which admission is charged, plus any gymnasium or other facility specially designed for physical education, or for athletic or recreational activities. The Senate bill excludes funds for facilities intended primarily for events for which admission is charged.

Sixth. The Senate bill provides for 4-year scholarships, based upon ability and need for financial assistance, with State commissions to select students awarded scholarships. The House bill has no scholarship provision.

Seventh. The Senate bill provides cost of education allowances to institutions attended by scholarship holders in the amount of $350 per scholarship student per year. The House bill contains no similar provision.

Eighth. The Senate bill authorizes $50 million annually for 5 years for construction of public community colleges. The House bill does not have a separate community college provision.

The conference report, therefore, represents a compromise. Title I of the bill as now presented is very similar to the original bill passed by the House with the exception that certain categorical uses are defined. These categories were borrowed largely from the famous NDEA and were based upon the current needs of our great Nation in its current defense of our way of life. No one would question the great need for more adequate facilities for our expanding enrollment in institutions of higher learning, for higher education in the United States faces both a crisis and a challenge in the coming decade. The so-called population explosion will confront the colleges and universities with a 30-percent enrollment increase by 1965. At the same time the demands of the Nation challenge institutions of higher education to produce needed scientists and engineers. Title I has, therefore, been limited to natural and physical sciences, engineering and libraries in the grant provisions.

The loans provisions of the conference substitute are the same as the House bill, except for technical changes and a change in the interest rate.

Committed as we are to a national effort in space technology and defense, I feel that Federal assistance is required now if institutions of higher learning are to meet the goal of expectation.

Title II is addressed to student assistance in the form of loans, a portion the House bill. The agreement reached in conference provides for student assistance in the form of loans, a portion of which will be nonreimbursable in character to provide limited help to very needy, but promising students. In testimony after testimony, college administrators urged the enactment of this legislation in order to fulfill the needs of the college and universities to provide for promising young people in their pursuit of an education that would prepare them to meet the challenges of our ever-changing society. Our experience with the loan program under the National Defense Education Act has demonstrated the need of such a program. In a report from the Office of Education received by my office on September 13 regarding the operation of the national defense student loan program, it was revealed that:

> Of the 1,452 colleges participating in the program last year, the account shows the following: total accounts on which payments or cancellation for teaching has been made, 25,482. Total repayments of principal and interest $2.8 million. In 1,100 colleges, all required repayments were made on time, and in 352 institutions a total of 1,989 payments due as of November 30, 1961, were late. No institution reported an account as uncollectible, and as the figures above show, the 8-percent payments were concentrated in less than 25 percent of the participating colleges.

Such a record is indeed commendable, and I believe that, if enacted, this law will provide the opportunity for many others to share in America's great challenge. Again, title III was not in the original House bill, however, the Senate bill had contained a separate grant provision for construction of public community college facilities. The conference report has altered the original Senate provision by seeing that the same limitations are applied to the public community colleges as were applied in title I to other institutions of higher education, because we believe that the community college will perhaps be the institution with the greatest amount of growth in the next decade. It is important that encouragement and aid be given to them. I urge, therefore, acceptance of this conference report today so that H.R. 8900 may be enacted into law. Such a program will pay back in actual return far more than its cost because we will have at least mounted an initial effort against the growing obsolescence of our present support to higher education, an obsolescence that is a luxury that this country cannot afford.

Mr. TOLL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include certain telegrams.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TOLL. Mr. Speaker, I have received many telegrams in support of the conference report on H.R. 8900. Among these are telegrams from outstanding Pennsylvanians who are working strenuously for the advancement of education. The importance of their views is so great that I have attached the contents of the telegrams from Dr. Millard E. Gladfelter, Dr. Gaylord P. Harnwell, Dr. Eric A. Walker, Dr. Charles H. Boehm, Hon. Richardson Dilworth, Sister Catherine Frances, and Chairman Duane E. Wilder.

I strongly support the conference report and I urge the Members to consider these views contained in the telegrams which I now read:

HARRISBURG, PA., *September 19, 1962.*
Hon. HERMAN TOLL,
House Office Building,
Washington, D.C.:

As cochairman of Governor Lawrence's committee of 100 for better education, I urge your support of higher education bill as reported out by bipartisan conference committee.

DUANE E. WILDER.

PHILADELPHIA, PA., *September 18, 1962.*
Hon. HERMAN TOLL,
House of Representatives,
Washington, D.C.:

The Philadelphia Commission on Higher Education strongly urges your support for conference committee's version of the higher education bill.

MILLARD E. GLADFELTER,
Chairman.

PHILADELPHIA, PA., *September 19, 1962.*
Congressman HERMAN TOLL,
House Office Building,
Washington, D.C.:

Strongly urge you support conference report H.R. 8900 as essential to progress in higher education.

GAYLORD P. HARNWELL,
President, University of Pennsylvania.

UNIVERSITY PARK, PA., *September 19, 1962.*
Congressman HERMAN TOLL,
New House Office Building,
Washington, D.C.:

Conditions in conference report on higher education satisfactory. Urge your support.

ERIC A. WALKER,
President, Pennsylvania State University.

HARRISBURG, PA., *September 18, 1962.*
Representative HERMAN TOLL,
Washington, D.C.:

Urge your support of the House-Senate bipartisan conference bill on higher education.

CHARLES H. BOEHM,
Superintendent, Department of Public Instruction.

PHILADELPHIA, PA., *September 19, 1962.*
Congressman HERMAN TOLL,
House Office Building,
Washington, D.C.:

Strongly urge your support of the conference committee agreement on the college aid bill because of its tremendous importance in helping to finance some of our educational needs in Pennsylvania.

RICHARDSON DILWORTH.

PHILADELPHIA, PA., *September 19, 1962.*
Hon. HERMAN TOLL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TOLL: Your vote for higher education bill agreed by conference committee will be appreciated by us sincerely.

Sister CATHERINE FRANCES,
President, Chestnut Hill College.

Mr. OLSON. Because scholarships are so vitally necessary to properly educate the college-qualified youth of America, I feel compelled to support title II of H.R. 8900. This title proposes a total amount of just under $600 million in scholarships with at least $480 million to be repaid with 3-percent interest. This is a 5-year program. We are allowing a university to reserve 20 percent of the loan funds for the exceptionally bright and the exceptionally needy students. This 20 percent may be grants for the latter group of needy and exceptionally bright students.

Here are the salient facts about college student financial aid:

SHOULD HIGHER EDUCATION BE LIMITED TO THOSE WHO CAN AFFORD IT?

Intelligence is not related to family income, but actual enrollment in college is. Each year a substantial number of qualified students fail to continue their education because they cannot afford the growing costs. Consequently, private education continues to draw 50 percent of its students and public education 25 percent from the top 10 percent of the Nation's income groups.

Education for the medical profession is a prime example of economic discrimination in higher education. Forty percent of our medical students come from families with annual incomes exceeding $10,000, compared to only a fourth of the male students in all other fields. Between 160,000 and 200,000 youths of high ability annually fail to attend college. Of these, 60,000 to 100,000 might be reached if partial scholarship assistance was made available to them.

Studies conducted in major cities, States and nationally, all indicate that a substantial proportion of the top 30 percent of graduating high school seniors do not go on to college, primarily because they cannot afford it.

A Philadelphia study—1957—of 18,000 high school seniors showed that nearly half of the top 25 percent of all high school graduates failed to enter college.

A Wisconsin study—1958—of the top 25 percent of the graduating high school classes revealed that 47 percent did not go on to college. Of this group, one-third to one-half of the students reported lack of money was the major deterrent.

An Ohio study—1960—of high school graduates found that 30 percent of those academically prepared to enter college did not do so, and one-third of this group did not enter because of a lack of financial resources.

Once in college, the dropout problem continues to affect seriously high-ability youth from low-income families. According to the National Science Foundation:

> Among high school graduates in these levels of ability (upper 30 percent and upper 10 percent), the largest single reason for failure to enter college appears to be inadequate financial resources. Inadequate finances are responsible for one-third to one-half of the male dropouts, exclusive of those entering military service, and about one-third of the females.

COLLEGE COSTS HURT FARM YOUTH EVEN MORE THAN URBAN YOUTH

The high costs of college prevent many farm youths from attending college at the very time that they may need advanced education for the transition from farm to urban living. According to the Census Bureau, in October 1959 farm residents comprised only 6 percent of those enrolled in college and only 1 percent of those in graduate or professional schools.

Due to financial inability, rural-farm students are much less likely than either urban- or rural-nonfarm students to attend college. One-third of all families reporting incomes of less than $3,000 were rural-farm families. Of those who did not plan to attend college, the percentage reporting lack of money as the reason was three times as great for those students from families with incomes under $5,000 as for all other students.

WILL ENOUGH FUTURE SCIENTISTS AND ENGINEERS BE ABLE TO PAY FOR THEIR TRAINING?

We shall need 1,485,000 engineers and 550,000 scientists by 1970. This implies an increase in engineering baccalaureates from the 38,000 granted in 1960 to an average of about 80,000 a year for the decade. Yet, the decline in freshman engineering enrollments since 1957 has already fixed the number of engineering baccalaureates at fewer than 40,000 per year through at least 1964.

Requirements for scientists present a similar problem. The 550,000 scientists required by 1970 imply an annual average of more than 30,000 new scientists per year. If no more than 25 percent of them are doctorate holders—the present ratio—doctorates in science should average about 7,500 per year. But currently fewer than 6,000 doctorates a year are granted in all the sciences and engineering combined.

A student's potential as a scientist or engineer is in no way related to his ability to pay for the years of expensive training he needs. Yet, under our present inadequate system of financing the costs of higher education, a substantial proportion of high-ability high school graduates fail to continue their education and others drop out before completion of college because they cannot afford the costs. Scientific and engineering talent are scarce resources that the United States must develop fully to secure its future well-being. There must be incentives sufficient to encourage those capable students who would like to become scientists and engineers to expend the time and effort required for completion of the necessary training. This must not be left to chance. Our human resources in science and engineering must not be limited to those who can pay for the extensive—and expensive—training needed in those professions.

WHY WON'T LOANS ALONE DO THE JOB?

College costs and family income: Higher education costs the average student at the average college about $1,750 a year, including tuition and fees, books, room and board, and incidentals.

Private liberal arts college: $2,350.

Private university in a large city—living at home: $1,650.

Municipal university: $1,100.

These costs have risen almost 90 percent since 1950 and they will continue to rise sharply.

Although family income has risen substantially during the past decade, more than 45 percent of the families in 1959 had incomes below $6,000. Average family income in 1961 was only $7,020 before taxes. College costs necessarily mean a huge burden to the average family.

Available assistance: The average scholarship award—whether from a corporation or a State program—is about

$400 per year—less than one-fourth of the cost of attending college.

Although colleges granted $98 million in scholarships in 1959–60, and over $105 million in 1961–62, 34 percent of these funds are concentrated in 50 of the Nation's 2,000 colleges.

Sixteen States maintain general scholarship programs which provided $23,200,200 this year. However, 94 percent of these funds were granted in 4 of the 50 States—New York, Illinois, California, and New Jersey.

As a rule, available scholarships are too small—three-fourths of all scholarships have a value under $400—to bring into college many students who would not otherwise get there. Moreover, many able students do not bother to apply for scholarships because the average stipend they can expect would not bridge the gap between their financial resources and college costs.

There has been considerable recent progress in the student financial aid field:

	1955–56	1959–60	Percent increase
Average scholarship	$277	$340	23
Average employment compensation	229	289	26
Average institutional loan (non-NDEA)	162	274	60
Average NDEA loan		434	

But even if needy students receive every type of aid available, all aid means together fall short of the costs of going to college. Actually, most colleges ration their student aid in an effort to help as many students as possible.

Loans are becoming more popular, but loans alone are not enough to encourage many able but financially needy students to attend college. In altogether too many instances the prospect of total borrowing is too formidable for a student coming from a family of limited means. We as a nation have too much at stake to take the sanguine view that we shall have only as much education as our young people are willing and able to pay for. Since society benefits from the higher education of our youth, society must find a way to help pay the cost so that no capable student will be forced to sacrifice his potentialities on the altar of financial burden.

THE PROPOSED FEDERAL SCHOLARSHIP PROGRAM

The proposed Federal scholarship program would provide financial assistance, averaging about $700 per year, to 25,000 able but financially needy high school graduates the first year. It is expected that about 2 million students will be graduated from the high schools of the Nation in 1962. The proposed Federal program would increase to 37,500 awards during the second year and 50,000 awards during the next 3 years. In other words, the proposed Federal scholarship program would provide limited financial assistance to only about 212,500 highly able but financially needy students out of the more than 10 million high school graduates of the next 5 years. In almost every instance it would be necessary for the recipients of these scholarship awards to augment the scholarship stipend through a student loan or a job or both. These can scarcely be considered "free rides" for America's professional manpower of the future.

Mr. JOELSON. Mr. Speaker, I am pleased to support the conference report now under consideration. It is of the utmost importance that there be sufficient facilities to provide our youth with higher education in our colleges and universities.

I also support the loan and scholarship features because I believe that every qualified and capable American youth should have the opportunity for advanced education, no matter what his economic status. The loan program under the National Defense Education Act, although most desirable as far as it goes, is inadequate.

I am also satisfied that the conference report does equity and justice to all higher educational institutions.

Mr. ROBISON. Mr. Speaker, I am distressed by the position in which I find myself with respect to this conference report on the college academic facilities bill.

I am fully aware of the relationship between the strength of our colleges and universities and our Nation's own future strength. I am equally aware of the special importance of higher education to the congressional district that I hope to represent in the next Congress—a district that will contain no less than five institutions of higher learning, including my own alma mater Cornell University.

Our colleges and universities now face the challenge of an unprecedented flood of new students desiring and deserving to enroll. It is a challenge which they may be unable to meet alone. Thus it was that, on last January 30, I willingly lent my support to the so-called college academic facilities bill in the form in which it was first presented to this body.

Since its passage, those 8 months ago, I have been disappointed to note that this bill, which represented a positive and immediate step toward assuring the meeting of that challenge, had bogged down in a sea of conflicting positions and philosophies in the other body. One of the regrettable results of this has been the delaying of the initial progress that could have been made—a delay that has quite naturally been intensified by the fact that many institutions most seriously in need of assistance to construct urgently needed classrooms and other academic facilities have postponed all other action on their own pending the decision of this Congress.

Now, however, a majority of the conference committee—in a rather desperate effort to salvage something from all this—have reported back to us a bill that differs markedly from the measure for which I first voted. To mollify those who oppose any assistance to private institutions—although there is ample Federal precedent for this in the field of higher education—the construction grant program has been narrowed so as to cover only those structures which will be used in research in the so-called natural or physical sciences, for engineering instruction, or for use as libraries. I will not quarrel with this limitation, although I do think it is unnecessarily narrow and may well detract from the effectiveness of the program as originally envisioned by the House.

Nor will I quarrel with the other minor changes as recommended by the conferees, but I do object to the price we are being asked to pay for the enactment of the much-needed construction assistance, mainly, a new student so-called loan program. Today, we have all received a most-expensive wire from the new Secretary of the Department of Health, Education, and Welfare, applauding the result of the conference and describing the proposed new program of student financial aid as—and I quote:

> A continuation and extension of the widely acclaimed and almost universally accepted student loan program [under] the National Defense Education Act.

Now, I do not intend to downgrade the material benefits that have been realized by worthy college students under this going program. Some measure of the extent thereof is shown by the fact that, since its inception in 1959, we have poured into it nearly a quarter of a billion dollars and that the current allotment of funds thereto is running at the annual rate of $82 million. Some 1,452 colleges and universities are participating, with upwards of 158,000 college students now receiving benefits.

Thus, this is a program of no mean magnitude, especially when one considers that it supplements countless pre-existing private scholarship and loan funds, as well as some form of student financial assistance as provided by nearly all of the several States—among whom New York is an acknowledged leader.

In addition—as I understand it—Congress has annually been appropriating practically the full amount requested by the higher education community for this program, so that the only institutions that may feel a shortage of funds are those 93 or so that are subject to the annual $250,000 ceiling on their allotment, a limitation that was designed to protect and promote the growth of the smaller institutions. So it is not surprising that—with some exceptions, of course—one does not find a great deal of enthusiasm in the higher education community for a new Federal program of student loans or even for a scholarship program—hidden in the conference report as "nonreimbursable loans," whatever they are.

This is not to say that the NDEA student-loan program is working effectively. Far from it; instead, that program needs a thorough review and perhaps a complete overhaul. This has long been promised by the chairman of the House Committee on Education and Labor—but I guess he has been busy with other matters.

In any event, this proposed new program is not a "continuation and extension" of the NDEA loan program—as the Secretary claims—it is a different program piled helter-skelter on top thereof, having different ground rules and different ambitions.

Mr. Speaker, this simply is just not the way to legislate. Instead of creating new and conflicting programs of Federal aid, we ought to be intent on improving and streamlining those that we already have; we ought to review the areas of true need and we should aim to substitute clarity and equality of treatment for confusion and discrimination.

Mr. Speaker, I want this program of aid for academic facilities for our colleges and universities, but I also want to discharge my duty as a responsible legislator. That is why I shall vote for the anticipated recommital motion to eliminate the loan provisions and, if that fails, I shall feel constrained to vote against the conference report. We have waited 8 months for the original House program; if necessary, we can wait a little longer, regrettable though that may be.

Mr. MAHON. Mr. Speaker, when the House version of this Federal aid to education measure was before the House on January 30 of this year I was among the 79 who voted against it.

I shall vote to recommit the revised version of the House bill which is contained in this conference report and if the opportunity is presented I shall vote against the bill agreed to in conference.

I want the Record to show that I continue to oppose Federal aid to education.

Mrs. HANSEN. Mr. Speaker, I would like to compliment the distinguished lady from Oregon, Congresswoman Green, for her able and capable presentation of the conference report on H.R. 8900 this morning.

I would also like to thank her on behalf of the young people of this Nation for the long hours she has spent on the conference committee working on the legislation before us today.

I am supporting this conference report because I feel it is one more step in the development of educational facilities to meet the tremendous needs of this century in the field of education.

The president of one of my larger junior colleges in the State of Washington at Vancouver, the distinguished Dr. Dwight C. Baird, wired urging support of this conference report. He says:

> This could give some much needed help to the growth and development of the community college program in Washington. I hope you will give it your support.

May I say at this point that the State of Washington is one of the outstanding junior college States in the Nation. These institutions of higher learning have met a genuine need, for our universities and colleges are unbelievably crowded, and the present junior colleges in my district—four of them I may add—have made possible higher education for many young people who otherwise would have no opportunity for it.

The distinguished president of our great University of Washington in Seattle, Dr. Charles E. Odegaard, has also wired and said:

> Urge your support for H.R. 8900 conference report bill since universities desperately need assistance now.

Mr. Logan Wilson, president of the American Council on Education, which has member institutions and organizations of colleges, universities, and junior colleges, both public and private, representing more than 90 percent of the student enrollment in the United States, urged passage of the bill.

In contrast, I was deeply disturbed that the National Education Association and its member State associations found occasion to oppose the conference report. This is a saddening situation, for at this time in American history, education should not be divisive, but positive and approaching the complete problem as unified Americans seeking better solutions to their needs.

I had the privilege of serving as chairman in the education committee in the Washington State Legislature for many years and was a member of the committee through my 22 years of legislative service. I am not a teacher, but a parent, interested citizen and taxpayer and it is from this background in the field of education legislation that I say I am genuinely sorry that education must speak group against group.

Our junior colleges, our universities, and the young people who attend them, genuinely need our assistance in programing now. The vitality of democracy lies in educated citizenship, for the challenge of tomorrow is great. We must waste none of our youth and the resources of youth. Each person, poor or rich, who has the ability to contribute to the understanding and development of America's future, must be given the tools to meet the national challenge.

The distinguished gentlewoman from Oregon has reviewed for you the history of higher education, and she has reviewed for you title II which broadens the opportunity of young people who have no other opportunity to attend a college other than through this title.

I am happy to associate myself with the members of this conference committee who worked long and hard to develop the best possible bill and I am particularly happy to join with the distinguished lady from Oregon in her support.

Mrs. GREEN of Oregon. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. KEARNS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. KEARNS. I am opposed to the conference report, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Kearns moves to recommit the conference report on the bill, H.R. 8900, to the committee of conference with instructions to the managers on the part of the House to insist upon the House position by striking title II of the amendment to H.R. 8900 as reported in the conference report.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. KEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 186, not voting 35, as follows:

[Roll No. 239]

YEAS—214

Abbitt
Abernethy
Adair
Alexander
Alford
Alger
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashmore
Auchincloss
Avery
Baker
Baring
Barry
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Bolton
Bow
Boykin
Bray
Bromwell
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Burleson
Byrnes, Wis.
Cannon
Casey
Cederberg
Chamberlain
Chenoweth
Chiperfield
Church
Clancy
Collier
Colmer
Cramer
Cunningham
Curtis, Mo.
Dague
Davis, John W.
Davis, Tenn.
Derounian
Derwinski
Devine
Dole
Dominick
Dorn
Dowdy
Downing
Durno
Elliott
Ellsworth
Evins
Fascell
Fenton
Findley
Fisher
Flynt
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Garland
Gary
Gathings
Gavin
Glenn
Goodling
Grant
Griffin
Gross
Gubser
Hagan, Ga.
Haley
Hall
Halleck
Harding
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Ind.
Harvey, Mich.
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Horan
Hosmer
Huddleston
Jarman
Jensen
Johansen
Jonas
Jones, Ala.
Jones, Mo.
Kearns
Keith
Kilburn
Kilgore
King, N.Y.
Kitchin
Knox
Kornegay
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
McCulloch
McIntire
McMillan
McVey
MacGregor
Mahon
Mailliard
Martin, Nebr.
Mason
Matthews
May
Meader
Michel
Miller, N.Y.
Mills
Minshall
Moorehead, Ohio
Morris
Mosher
Murray
Nelsen
Norblad
Nygaard
Ostertag
Passman
Pelly
Pfost
Pirnie
Poage
Poff
Purcell
Rains
Ray
Reece
Rhodes, Ariz.
Riehlman
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rousselot
Rutherford
St. George
Schadeberg
Schenck
Scherer
Schwengel
Scott
Selden
Short
Shriver
Siler
Smith, Calif.
Smith, Va.
Springer
Steed
Stephens
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thornberry
Tollefson
Trimble
Tuck
Udall, Morris K.
Utt
Van Pelt
Waggonner
Walter
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Widnall
Williams
Wilson, Ind.
Winstead
Wright
Young
Younger

NAYS—186

Addabbo
Albert
Anfuso
Ashley
Aspinall
Bailey
Baldwin
Barrett
Bass, Tenn.
Bennett, Mich.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brewster
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Cahill
Carey
Celler
Chelf
Clark
Coad
Cohelan
Conte
Cook
Cooley
Corbett
Corman
Curtis, Mass.
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Doyle
Dulski
Dwyer
Edmondson
Everett
Fallon
Farbstein
Feighan
Flood
Fogarty
Friedel
Fulton
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Goodell
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagen, Calif.

Halpern
Hansen
Hays
Healey
Hechler
Hemphill
Holifield
Holland
Ichord, Mo.
Inouye
Jennings
Joelson
Johnson, Calif.
Johnson, Md.
Johnson, Wis.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kowalski
Kunkel
Lane
Lankford
Lesinski
Libonati
Lindsay
Loser
McDowell
McFall
Macdonald
Mack
Madden
Magnuson
Marshall
Mathias
Merrow
Miller, Clem
Miller, George P.
Milliken
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morrison
Morse
Moss
Moulder
Multer
Murphy
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Perkins
Peterson
Philbin
Pike
Powell
Price
Pucinski
Quie
Randall
Reuss
Rhodes, Pa.
Rodino
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roush
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Saylor
Schneebeli
Schweiker
Scranton
Seely-Brown
Shelley
Sheppard
Shipley
Sibal
Sisk
Slack
Smith, Iowa
Smith, Miss.
Spence
Stafford
Staggers
Stratton
Stubblefield
Sullivan
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Tupper
Ullman
Vanik
Van Zandt
Wallhauser
Watts
Willis
Yates
Zablocki
Zelenko

NOT VOTING—35

Ayres
Bass, N.H.
Blitch
Breeding
Buckley
Curtin
Davis, James C.
Dooley
Finnegan
Fino
Hébert
Hoffman, Mich.
Hull
Judd
Kee
Landrum
McDonough
McSween
Martin, Mass.
Norrell
O'Brien, Ill.
Patman
Pilcher
Pillion
Reifel
Riley
Rivers, Alaska
Rogers, Colo.
Saund
Sikes
Thompson, La.
Vinson
Weis
Whalley
Wilson, Calif.

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Judd for, with Mr. Martin of Massachusetts against.

Mr. Reifel for, with Mr. Buckley against.

Mr. Wilson of California for, with Mrs. Riley against.

Mr. Hébert for, with Mr. Finnegan against.

Mr. Pillion for, with Mr. O'Brien of Illinois against.

Mr. Landrum for, with Mr. Thompson of Louisiana against.

Mr. Pilcher for, with Mr. Rivers of Alaska against.

Mrs. Blitch for, with Mr. Rogers of Colorado against.

Mrs. Weis for, with Mrs. Kee against.

Until further notice:

Mr. Breeding with Mr. McDonough.

Mr. Vinson with Mr. Bass of New Hampshire.

Mr. Sikes with Mr. Curtin of Pennsylvania.

Mrs. Norrell with Mr. Fino.

Mr. Hull with Mr. Dooley.

Mr. McSween with Mr. Hoffman of Michigan.

Messrs. **MOELLER** and **BALDWIN** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

Mr. **HALLECK**. Mr. Speaker, I move that the vote just had on the motion to recommit be reconsidered and that that motion be laid on the table.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

AN INVITATION TO MUSKOGEE

Mr. **EDMONDSON**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. **EDMONDSON**. Mr. Speaker, I welcome this opportunity to extend an invitation to all Members of this body to come to Muskogee, Okla., next Saturday, September 22.

On that date, at 8:30 in the morning, the city of Muskogee will break ground for the first port in Oklahoma on the Arkansas River since we began multipurpose development of the river two decades ago.

The Muskogee port, the first of a series scheduled to be built on this great new waterway when navigation once again becomes a reality, will open a rich agricultural, mineral and industrial area to the benefits of water transportation.

Senator ROBERT S. KERR, who has led the congressional fight for navigation of the Arkansas, will be principal speaker at the ground-breaking ceremonies.

Maj. Gen. William Cassidy of the Army Corps of Engineers will also participate, along with a host of State and regional leaders in the drive to develop the Arkansas River.

To all in this body who have helped to make this day possible, I want to extend the warm and heartfelt thanks of the people of Oklahoma. You have indeed in the words of the immortal Webster, helped to "develop the resources of our land" and to "call forth its powers."

I hope that some here today will find it possible to join us in a day of progress and rejoicing in Muskogee next Saturday.

FOREIGN AID PROGRAM

Mr. **RYAN** of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **RYAN** of New York. Mr. Speaker, yesterday the Secretary of State issued a statement concerning the foreign aid appropriations bill which outlined in clear and forceful terms the vital importance of our foreign aid programs. The Secretary's statement indicates that the drastic reductions in our foreign aid programs suggested by the Appropriations Committee would endanger our ability to preserve liberty throughout the world. As we debate this afternoon, I urge my colleagues to consider the statement of the Secretary which I quote in part:

EXCERPT FROM STATEMENT BY THE SECRETARY OF STATE

> I am deeply concerned about the effects which the cuts now proposed in foreign assistance appropriations will have upon our foreign policy and our national security. We are engaged in every continent in a great struggle between the forces of freedom and those who would destroy freedom. The funds we are requesting are only 1 percent more than were actually appropriated for foreign assistance and the Alliance for Progress in the last fiscal year. The sum amounts to about 10 percent of our defense budget—but is a crucial part of our defense. The cuts now being considered—the heaviest ever made by an Appropriations Committee—will represent a significant reduction at a time when a million American men are outside the United States to defend freedom, and when crises such as Berlin and Cuba indicate that we face weeks and months of demanding effort.
>
> It seems to me that we can well afford our investment in foreign assistance to win this struggle for freedom, without war if possible, and to support and reinforce our men in uniform who are standing guard in foreign places. * * *
>
> I strongly urge the House of Representatives not to cripple this bipartisan effort at a time when the cause of freedom requires so much of us.

FOREIGN AID AND RELATED AGENCIES APPROPRIATIONS, 1963

Mr. **PASSMAN**. Mr. Speaker, pursuant to the order of the House on September 12, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13175) making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes, and pending that motion I ask unanimous consent that general debate thereon be limited to 3 hours, one-half to be controlled by the gentleman from New York [Mr. TABER], and one-half by myself.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The **SPEAKER**. The question is on the motion.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13175 with Mr. MILLS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the unanimous-consent agreement, the gentleman from Louisiana [Mr. PASSMAN] will be recognized for 1½ hours, and the gentleman from New York [Mr. TABER], will be recognized for 1½ hours.

The Chair recognizes the gentleman from Louisiana [Mr. PASSMAN].

Mr. **PASSMAN**. Mr. Chairman, we have cut in half the time we intended to use for general debate so that we may complete consideration of this bill today.

The foreign aid appropriation bill now presented for your consideration is the highest in amount of any money bill reported for this complicated, uncontrolled, and uncontrollable worldwide spending program in the 8 years that I have had the privilege of serving as chairman of the Subcommittee on Appropriations.

If I should not be honest with you and the American people on this occasion, I would be branded as a political opportunist and a favor seeker. I hope that I am neither one. This bill still provides funds far in excess of the amount needed to carry out an inflated and exaggerated foreign aid program, much less a reasonable one.

There are no facts whatsoever that would justify increasing the committee's recommendations, and I feel confident that no amendment will be offered to increase the bill, notwithstanding the unjustified claims from "downtown," accompanied by the unprecedented use of the 1600 Pennsylvania Avenue "seven point" formula. That formula is comprised of the application of Prestige, Personality, Propaganda, Persuasion, Power, Pressure, and, maybe, Punishment.

The statements made by the President and the Secretary of State every year when this bill is presented for consideration are what are known as stock items or standard-form statements; and, of course, their predecessors issued the same type of statements. But, each year, without exception, facts have proved their statements inaccurate.

Mr. Chairman, for years we have been giving away billions of dollars of America's wealth through foreign aid. The declared purposes have been to help assure our own security, to strengthen the other nations of the free world, and to keep other countries from going Communist.

The reasons given for foreign aid today are the same as they were 15 years ago. But, our expenditures of more than a hundred billion dollars all over the world since the end of World War II have not stopped, and are not stopping, the spread of communism. It would not appear that these expenditures are bringing security to the free world.

It is now conceded in many quarters that the foreign aid program could, in the end, result in more harm than good, in that we are doing for people things they could and should do for themselves. It is also conceded that we are arresting the initiative of many peoples throughout the world because we are paying their bills, making it unnecessary for them to devise plans and exert efforts to raise their own taxes, or to work out their own problems.

In fact, since the end of World War II we have carried this foreign aid program into 101 of the 113 nations of the world, including those who will receive aid this year. Furthermore, by special permission, we have started aid programs in practically every British possession and territory in the world.

The aid programs are not limited to so-called free nations. We are pouring the American taxpayers' wealth into dictatorships, so-called neutral nations, Communist-influenced and Communist-dominated nations, and into outright Communist countries. We have been giving our wealth and earnings for years to people who tax themselves not at all, or at least at far lower rates than we pay in order to make gifts to them. And many of these nations, which not only accept our gifts, but demand more, are no nearer now to self-support than when we started to pay their bills.

Mr. Chairman, the people of America are moving ahead of their Congress. Doubtless, 95 percent of them recognize that if this overexpanded, worldwide program is not brought under control, it will wreck our own economy and, at the same time, cause us to lose the respect and confidence of other leading nations of the world.

The Gallup poll, carried in the Washington Post for August 19, 1962, placed "too much foreign aid" as the second issue out of six that brought about a tremendous decline in the popularity of one of our highest elected public officials.

If I may be personal for a minute or two, let me say that some have seen fit to label me as being "shortsighted"—and worse—in my views concerning this program. But, I submit that it is not shortsighted to weigh the amount of foreign aid against the needs and our capabilities.

I would be completely unfair to our country, to the Members of Congress, to my constituency, and to my conscience, if I did not pinpoint and discuss at least some of the damaging and almost unbelievable abuses and unbusinesslike methods that are prevalent in the foreign aid program, no matter if they may be unintentional, and the pie-in-the-sky dreaming by many who conceive and administer the plans.

Mr. Chairman, believe me, I possess the facts. Nevertheless, I recognize that there are those who would like to see me out of the position of chairman of the Foreign Aid Appropriations Subcommittee. Therefore, I say to you, if the 9,000 pages of transcript and 3,200 pages of printed hearings of this year do not fortify me sufficiently to protect my position, then you will no longer need to contend with me as chairman of the committee.

Now I want to make the following 11 statements:

First. The appropriations for foreign aid, including interest on the public debt for fiscal 1963 on the money that we have borrowed to give away, and backdoor financing will exceed $12 billion this year.

Second. The foreign aid program is a major factor contributing to the continuing annual increase in our public debt.

Third. Foreign aid is primarily responsible for our annual budget deficits.

Fourth. Foreign aid is almost entirely responsible for our balance-of-payments deficit.

Fifth. Foreign aid is responsible to a very large extent for the flight of our disappearing gold reserves to other nations all over the world.

Sixth. The cost of foreign aid is the major reason for our ever-increasing noncompetitive position in world markets.

Seventh. Foreign aid is rapidly depleting our wealth and resources.

Eighth. The claim to the effect that 80 percent of our foreign aid money is spent in America and thereby creates prosperity is a myth, and a calculated misrepresentation intended to keep the American people supporting the program. Foreign aid contracts are now carefully shuffled out to manufacturers, schools, colleges, universities, workshops and consultants in the 50 States of the Union, so as to attract support and cause it to appear that this giveaway of our wealth is making our Nation prosperous.

Ninth. The foreign aid program as presently operated is uncontrolled and uncontrollable.

Tenth. Many of the nations which are recipients of our aid are rapidly losing faith in America's ability to manage its economic and monetary systems.

Eleventh. We are, in this bill, setting up the machinery by which to borrow money from former and present aid-recipient nations in order to indirectly finance the aid program for this year if other means fail.

Mr. Chairman, we are in agreement that a "budget deficit every year, in good times and bad, is not a policy; it is a failure of policy. It is not a strategy; it is a simple case of fiscal inadequacy."

Here in the United States, our Government is consuming more taxes than at the most expensive period of World War II. Yet, even so, our Government cannot pay its bills, and cannot borrow enough to do so without increasing the public debt almost every year.

But, of course, "nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody."

Last year this country set an alltime high, peace and war alike, for Government spending. Many believed that we had established in the last fiscal year a spending record that would stand for many years as the highest. What are the facts? For the first 2 months of this fiscal year, July and August, we withdrew from the U.S. Treasury approximately $2 billion more to operate the Government and its programs than we did during the corresponding period last year, and for the first 2 months of this year we spent almost $5 billion more than the revenues accruing to the U.S. Treasury.

I shall proceed, Mr. Chairman, to discussion of the foreign aid program and the money bill for fiscal 1963. Before doing so, though, I want to note that if Mr. CANNON were to bring to the House the type of bill for public works appropriations in America that we are considering for foreign aid funds, he would be ridiculed. Justly so, too, I might add, if he did not know in what States or for what projects the money would be spent; if he did not know whether or not the money would go, maybe, for direct budgetary support, or for yachts or racetracks. That observation, though it is a farfetched one with reference to projects and programs in America, is not at all inappropriate with relation to the foreign aid program—through which we are now appropriating funds to country plans, and not to projects. Agency witnesses told our subcommittee that they do not know the projects to which they are going to obligate funds until after they get the money. One witness said, in fact, that the United States kept these matters secret from the recipient countries until after the money had been made available. This is fantastic, of course, but it is true.

Another point that should be noted is that the military phase of the foreign aid program is not military in the sense that we think of our own Defense Establishment. What it is, primarily, is a State Department military program, through which military equipment is being provided to from 65 to 71 nations of the world; and much of it—yes, very much of it—is given to please or appease some potentate, or some ruler of a newly created country. This has been done to such an extent that many nations are now resentful—one of the most-recent instances of this, which is still of a serious nature, being Thailand's protest against our supplying fighter planes to Cambodia.

Mr. Chairman, this is a serious matter. I shall not be personal, but I shall be factual.

So, I say that my criticism of this program could be very well supported by statements made by former Congressman Kennedy, of Massachusetts. May I read from remarks made by the former Congressman when he was a Member of this body, and I do not do so in a discourteous vein:

In volume 97, part 8, page 10265 of the CONGRESSIONAL RECORD:

> Mr. KENNEDY. I do not think that we can afford in this country to raise the standard of living of all the people all over the globe who might be subject to the lure of communism because of a low standard of living.

Continuing:

> Mr. KENNEDY. I say it is impossible for us to think of raising the standard of living of all the low-standard countries of the world. I believe the funds provided in section 203 can well be cut by the amount in my amendment.

I am sure that the gentleman was sincere. We shared a common philosophy back in those days, but he has moved on to a higher position while I am still here fighting some of the battle that he then fought. However, I am fortified in my position by the stand that the former Congressman took when he stood in the well of the House, where I now stand.

Mr. BRUCE. Mr. Chairman, I believe the chairman of the committee is making one of the most important speeches that will be made in this Congress; because of the small number of Members on the floor, reluctantly I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. WILLIS). The Chair will count. [After counting.] One-hundred and seventeen Members are present, a quorum.

Mr. PASSMAN. The bill carries an appropriation of $5,956,852,000, in addition to the limitation of $1,298 million for the Export-Import Bank, for a total in the bill of $7,254,852,000. The recommended amount is $1,378,177,000 below the formal budget estimates considered by the committee and $1,171,677,000 below the authorized amounts considered.

The foreign aid program as presented to the Congress by the President is scattered throughout the budget. The bill attempts to put together all the various readily identifiable sections. In addition to this bill, other segments of the foreign aid program are the use of Public Law 480 commodities, and the use of local currencies generated by the sale of Public Law 480 commodities. An indeterminate but not inconsequential element of the program is the cost to borrow money which is so freely given away. This facet of the program is reflected in the annual appropriation to pay the interest on the public debt.

The balance-of-payments problem and the "outflow of gold" has been a matter of grave concern to the committee.

From time immemorial gold has been the ultimate in financial security to all tongues and to all civilizations. Most sound monetary systems of the past have been based on gold reserves, and as a nation's gold reserves diminished, its currency became increasingly valueless, and as a result the nation lost its importance in world commerce, or as a world power.

Various witnesses before the committee have testified that all nations, both old and new, earn dollars or other convertible currency from their exports. They further testified, after lengthy interrogation, when nations are credited with foreign aid dollars against which they can place their orders for goods and services, the invoices for these goods and services are then sent to the U.S. Treasury for payment from revenues collected from the taxpayers of the United States, rather than to the government which received the shipment.

Stated another way, in normal commercial practice, when the United States sells a nation goods or services the United States receives something in return—dollars, gold, or goods and services.

Under the foreign aid program it is a one-way street. The goods or services go out, the U.S. Treasury pays the bill, and the United States receives nothing of a tangible nature in return. A program such as this can only be a drain on either an individual's or a nation's resources. This statement is borne out by the "outflow of gold" from the United States during the past 10 years.

One of the myths presented to the American taxpayer in justification of the foreign aid program is the statement that 80 percent of the dollars appropriated for the program are spent in the United States.

Testimony presented to the committee finally resolved into the fact that 100 percent of the dollars appropriated for the foreign aid program ultimately will have an effect on the U.S. economy in one of the following three ways:

First. For the payment for goods and services shipped free of charge to foreign countries.

Second. For the purchase of U.S. gold by foreign nations as a result of the free dollars that we have credited to them.

Third. For speculation.

If 80 percent of the foreign-aid dollar is spent in the United States and this expenditure is beneficial to our economy—and one disregards the fact that the expenditure is paid by the U.S. Treasury—or the taxpayer—and not by the recipient nations—would there be more prosperity in the United States if expenditures for the program were doubled or tripled? The answer is that our resources would soon be depleted and when this happened our false prosperity would come to an abrupt end and we would be a bankrupt nation.

It has been stated that the foreign aid program provides employment for approximately 600,000 individuals. Most likely everyone would be enthusiastic supporters of the program if the wages and salaries of these 600,000 individuals were paid by the foreign governments who received the results of their labors, but the fact is their salaries and wages are paid by checks drawn on the U.S. Treasury.

As Congressmen, we should resent the inference that we are getting prosperity by giving our wealth away.

Why these people should attempt to mislead the American people and tell them that this program has created wealth in the United States and brought prosperity to our country I cannot understand.

Mr. CHELF. Mr. Chairman, I make the point of order that a quorum is not present. The gentleman from Louisiana [Mr. PASSMAN], is making a magnificent speech, and I think we ought to have more people on the floor when we are considering a $4 billion bill.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifteen Members are present, a quorum.

The gentleman from Louisiana is recognized.

Mr. PASSMAN. Mr. Chairman, last year the Congress included in the 1962 Foreign Assistance Appropriation Act a portion of the statement of President Kennedy when he signed the 1961 authorization act. The President's statement was incorporated in the appropriation act as follows:

> SEC. 112. It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those nations which share the view of the United States on the world crises.

During the hearings this year the subcommittee inquired into the administration of the above-quoted section of law which appeared to be the policy of the United States in September 1961, to see what effect it had on programs proposed for fiscal 1963 for nations who participated in the Belgrade Conference.

The Conference was a meeting of the so-called neutral nations, all of whom, except Cuba, received grant aid from the United States in fiscal 1962. Final documents of the Conference were critical of the United States and its allies; while Russia received no criticism. To the subcommittee's surprise, the proposed 1963 program—military and economic aid—is $813,500,000, an increase of $142,500,000 about the 1962 program. The committee cannot reconcile the substantial increase of the 1963 program over the 1962 program with last year's statement of the executive branch.

It has been the experience of the subcommittee in charge of this bill that each year when it has reported the bill to the committee and to the House it has been charged with wrecking or seriously jeopardizing the program by not recommending all of the funds requested by the executive branch.

Testimony in each subsequent year indicated that the reductions were not harmful, as the proponents of the program had charged, but, in fact, were helpful.

Last year at the same time the subcommittee was reporting the 1962 bill, which included $3,357,500,000 for the Mutual Security program, to the committee, Secretary Rusk and Secretary McNamara delivered a letter to Chairman Cannon which stated in part:

> In summary, it is our belief that the cuts proposed by the subcommittee would greatly increase existing risks to the political and military position of the free world in the face of the Sino-Soviet threat, and thus clearly and directly to the vital national interests of the United States. The House and Senate have just worked out authorizations that represent in the aggregate an 11-percent reduction from administration requests. A workable program can still be mounted with these amounts. It cannot be done with the cuts proposed by the subcommittee.

Subsequent action by the House and Senate increased the recommended appropriations to $4.2 billion. An appropriation of $3.9 billion was finally approved in the closing hours of the 1st session of this Congress. However, the executive branch was only able to spend $3,198,100,000 during the year. In other words, the Congress appropriated $716,500,000 more than the executive branch spent in fiscal 1962, and they transferred it over to the pipeline.

I say that this is by far the largest bill that this subcommittee has ever brought to the floor of the House for your consideration.

If you include all of the conference reports in the past, after they came back to the House, for all the years of this program, the annual appropriations for this bill average $3,341,932,000. The expenditures now are running at $3,200 million a year. They have increased the pipeline to the point that they have a 2-year supply of money at this time.

Testimony this year, as in prior years, has indicated that numerous projects have been started all over the world without ever having been justified to the Congress. One of the primary reasons for this practice has been the authority—section 101 of the 1962 appropriation act, for example—of the agency to deobligate the funds which had been obligated in a prior fiscal year and reobligate them in a subsequent fiscal year for new projects and programs. As far as the committee can determine millions of dollars have been reobligated for projects and programs that were never justified in any manner whatsoever to the Congress.

Now, development grants: For this program the committee recommends an appropriation of $225 million, a reduction of $75 million below the authorization.

Misleading information as to the actual programs and the funds necessary to carry them out is always presented to the committee.

Mr. CHELF. Mr. Chairman, I make the point of order a quorum is not present.

The CHAIRMAN (Mr. MILLS). The Chair will count. [After counting] One hundred and three Members are present, a quorum.

Mr. PASSMAN. Mr. Chairman, the hour is getting late. Many Members, no doubt, have appointments, so I am going to limit my discussion to the briefest possible summary.

The topic of American hospitals abroad needs a little explanation. This hospital in Poland has already been started. We purchased local currencies for that purpose and are using only Polish currencies for the project.

Investment grants, $180 million.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. ROONEY. The gentleman might explain to the committee that the Polish hospital is an American Children's Hospital over there.

Mr. PASSMAN. Yes, it is an American Children's Hospital. This is a hospital that has already started, and we are utilizing Polish currency to complete it.

They have asked for $180 million for investment guarantees. We will never understand why they made such a request. Legislation is on the books now calling for $199 million to meet any claims that may be filed. In 14 years of experience with investment guarantee accounts there have only been two claims filed; one for $1,732 involving a mixup in currencies, and to make good, in the other case, a loss of profits on a ship bid out in the Far East. They have $199 million, and in addition to that amount some $9 million collected in fees. So, without appropriating any additional money, they have money on hand to carry on for 411 years, provided the future is similar to the past. The committee, however, recommends the appropriation of $30 million.

Our word is still good. We do not have to pyramid hundreds of millions of dollars to take care of claims that may never be filed.

Mr. Chairman, for International Organizations and Programs the request was $148,900,000, and the committee recommends that amount.

For Supporting Assistance, the authorization was $415 million. The committee recommends a reduction of $65 million.

Now, Mr. Chairman, moving to the President's Contingency Fund: The appropriation last year was $275 million. Up until this June they had obligated only $87 million, almost one-third of the fund.

This year we recommend a reduction from the authorization by $75 million.

Next, Mr. Chairman, we come to the Alliance for Progress program. I am for the Alliance for Progress program if we can make it work, and I hope that it will work. The committee recommends the appropriation of $525 million.

Now, the Development Loan category: This, too, is scattered all over the field. It is called a loan, but that is fictitious. For example, they make country X a loan of $300 million. It is a credit for 40 years, with no interest—only three-fourths of 1 percent service charge. They wait 10 years before they start paying anything and then they start paying at the rate of 1 percent a year, and if anything should ever come back in on these credits it goes back into the foreign aid program. The appropriation recommendation is for $775 million.

The military assistance program: The appropriation recommended for the program, which is discussed in some detail in the report accompanying the bill, and which will be printed in the RECORD, is in the amount of $1.3 billion.

The Peace Corps: The recommended appropriation is in the amount of $52 million.

This is the fastest growing agency in the Government. There has never been an agency that has grown as fast as the Peace Corps.

Mr. Chairman, may I repeat: As our time is limited, and as I am going to conclude my remarks by submitting the report to be printed in the RECORD, I shall not go into detail or even a summary of the other categories of the program.

I hope the Members support the committee's bill.

I want to thank my colleagues on the subcommittee and the full Committee on Appropriations. I express particular thanks to the gentleman from Virginia, J. VAUGHAN GARY, and the gentleman from North Carolina, HUGH Q. ALEXANDER, for their special cooperation and counsel and support.

I shall now extend my remarks in the RECORD, to be followed by the report accompanying the bill.

Mr. Chairman, in reviewing my remarks concerning reasons and justifications for the recommended cuts in appropriations for foreign aid during fiscal year 1963, let me say again that the time has come for us to take a realistic look at the total drain such continuing expenditures are causing to our own economy. Our national bankbook shows a red balance—a balance which no prudent nation should countenance.

The recommended cut in foreign aid will at least cut our international deficit in the balance of payments to that extent. I am confident that the membership of this House will support our committee in that laudable objective, especially if we can prove that the foreign aid expenditures are excessive and are not achieving the desired results envisioned when we began the program in 1946.

Let me say that if anybody thinks it is fun to sit for 72 days holding hearings on the most important facets of our aid program then he should apply for membership on our subcommittee. The process of eliciting facts on expenditures, projects, plans, procedures, regional and individual totals, reasons, waste, mismanagement, and so forth, and so forth, has been a most laborious one. In many instances we have literally had to drag the facts from AID and State Department officials.

A national news magazine has called me "OTTO the Terrible." It said AID officials quake when they have to appear before us to justify their requests. I submit to this House that no executive agency representative has to quake when appearing before any appropriations committee if his department's requests are reasonable and can be justified.

Mr. Chairman, foremost among my personal reasons for an aid cut is the fact that the drain on our gold reserves is excessive. We simply cannot afford to lose the amount of gold that is being siphoned away from our gold stock, in many instances by the very nations who are receiving our aid. During the last 11 years the net outflow of gold from the U.S. Treasury has amounted to over $6,305 million. Our gold holdings are currently just above $16 billion. During the same 11 years in which we lost gold, other free world countries increased their holdings by $10,655 million, to just under $24 billion. In addition to this gold increase our free world friends increased their short-term dollar assets to just under $23 billion.

We require $11.6 billion as gold backing for our domestic dollars by law. We have therefore scarcely $5 billion in gold to meet our international obligations. Should there be a sudden call for gold, as could reasonably happen, we would not be able to meet the call. I submit that too many nations who are receiving aid in one form or another from us are also buying gold with dollars from us.

As a businessman and legislator, I am vitally concerned about our Federal budget deficits which are skyrocketing our national debt.

In the 12 fiscal years under President Roosevelt our budget receipts amounted to $160.9 billion; expenditures including World War II were $373.9 billion, leaving us with a deficit of $213 billion.

In the 8 years of the administration of President Truman our budget receipts were $368.2 billion and the expenditures, including the Korean war, amounted to $394.6 billion, leaving us with a deficit of $26.4 billion.

In the 8 years of the administration of President Eisenhower our Federal Government took in $554.9 billion, spent $576.9 billion, leaving us with a deficit of $21.9 billion.

You also know that we had a whopping deficit for fiscal year ending June 30, 1962. I submit that our foreign aid expenditures have accounted for a large portion of these deficits since 1946.

A cut in our aid appropriations will at least cut our forthcoming deficit to that extent.

Mr. Chairman, according to my latest calculations, based on data supplied by the relevant executive agencies, my estimate of unexpended aid funds from prior years' appropriations amounts to $7,001,353,000.

During the last 3 fiscal years, actual expenditures, under our mutual security programs, have averaged around $3.2 billion. I have said it before, and I say it now again, that even if we were not to vote any actual appropriation at this time, the foreign aid program could continue at its present annual volume for the next 25 months before coming to a halt. But we are not set to behead the program, nor to cripple it at all.

I pride myself that each year I have given my colleagues nothing but facts on which to base their decisions. The facts, as shown in the hearings and the report accompanying the appropriation bill, once again prove that the requests are excessive.

Mr. Chairman, several of my colleagues have mentioned to me that the AID has sent them a personal notification of the amount of aid money spent in their districts for the procurement of aid materials. What irritates them intensely is the accompanying statement that about 80 percent of foreign aid appropriations are being spent in the United States. If this is the case, why tell a Congressman that, for example, $7,000 of aid money was spent in his district when on a per capita basis of tax revenue going for oversea aid, his district has contributed over $2,300,000?

We are being told frequently how our overseas procurement in this country provides jobs for some 700,000 employees. This statement begs the question. It forgets to state that the salaries of all these workmen came from the U.S. Treasury or from the taxes paid by our citizens. For all intents and purposes, does AID want to imply that we must give assistance to other countries so as to provide for prosperity at home?

After much probing we have at last elicited the fact that during fiscal year 1963 we shall be giving or have given aid to 101 foreign nations. This is most of the free world, and some Communist and Communist-oriented nations are included.

I am concerned also with the large sums programed for so-called neutralist, or nonalined, nations. I think of the immense sums already committed and set aside for India, Indonesia, and Ghana. Should we not expect that these countries would at least support us on major issues before the United Nations? Yet, preponderantly their votes have been against our proposals.

One ominous new departure from past procedures was evident in the actions of recipient governments. The hearings developed that increasingly foreign countries expect aid from us, but are most unwilling to allow us to assist in the planning for the uses of such aid, do not wish economic surveys to be made, and finally state categorically that if they are not allowed an absolutely free hand in deciding where to spend our aid, they will turn elsewhere. But in the light of the actual facts, I wonder just where they will turn. Russia has not given away so much as a ruble. And, we know how difficult it has been for the chief officials of our AID to get even minimal aid commitments from industrialized Western European nations and Japan. They expect us to do the giving and I am getting convinced that we are simple minded enough to continue doing so—this in spite of the fact that many of the largest recipient nations show scarcely any signs of gratefulness for the aid received from us.

Mr. Chairman, the longer I stay on as chairman of the Subcommittee on Foreign Operations Appropriations, the more convinced I am becoming that we are being widely oversold as to the prospective results to be obtained from our generous intervention. We give food, fuel, fertilizer, seeds, clothing, raw materials, machinery, development grants and loans, technical services, military hardware, and now even the Peace Corps. Are all these things actually bringing old and the newly emerging nations into our camp to offset the encroachments of communism? I think it is obvious that they are not. Or, do many of them accept our aid on the one hand and then look in the other direction to see what Russia can do for them? Our subcommittee is understandably rather ill-convinced as we note the general ineffectiveness, the lack of appreciation, the overplanning, the projects that are out of control, and the programs getting more expensive year after year.

My colleagues will remember how last year we were told that a complete reexamination of the mutual security program would result in a more effective program. We have seen the reshuffling of the so-called talents in the oversea missions, the new braintrusters brought in as planners, but I can assure you that it is still the same old program to which you are being asked to extend for another year.

One of the things that concerned our subcommittee was the large number of unfinished projects that were simply being dropped during fiscal year 1962 without any tangible results. What puzzled us was the fact that the projects were being discontinued, that the contracts were being carried out to no avail now, and yet we were being asked for additional funds to wind up the discontinued projects. Attempts at the recoupment of money for the uncompleted contracts or for goods and machinery were practically nil. Why were these projects begun in the first place? Will the same type of planning obtain for the so-called vital projects to be begun during fiscal year 1963? A total of 792 projects are planned for the development grant sector and 382 from the Alliance for Progress funds. How many of these 1,184 projects to be initiated during fiscal 1963, and for which we are being importuned for funds today, will land on the scrap heap in the near future?

Mr. Chairman, of all the stupid waste of money that we have heard of and investigated during the years, I think we have unearthed the utmost in impractical projects of the never-never land. It is the so-called solar boat or a boat run by a sunlight-powered generator. This was intended for Surinam in South America. Another was a contract for a thousand transistor television sets at a negotiated price. Later we found that if open bids had been asked for, the price could have been cut to less than half. This project has also been dropped.

Another completed project which we want to denounce is the donation of a newly rebuilt air-conditioned yacht for the private use of Emperor Haile Selassi of Ethiopia. But we were told that it would be used also as the flagship of the Ethiopian Navy and for patrolling the 800-mile coastline. The staterooms had gold-leaf wallpaper. The reconditioning of the airplane tender cost $3,100,000. Why this splendor? A large number of the ships in our own Navy do not have air conditioning. The crowning insult was that American taxpayers' money was being used to train 100 Norwegian engineers, officers, and seamen, so that they in turn could train Ethiopian crews. This type of foreign aid bungling must be eliminated.

Mr. Chairman, our subcommittee was also very interested during the hearings in investigating just how funds were being obligated for projects and programs not previously justified to our committee.

There is a rather apparent looseness in the transfer of funds from project to project, from program to program, and from category to category. If a program cannot be slipped in under development grants, then under so-called loans; if not there, then under supporting assistance, and if not there then under funds taken from the President's contingency fund. If the higher-ups want a project or if a little country wants a pet program, a place can usually be found for it. What worries me is how many of these projects are destined to be discarded and how many are asked for by other recipients if they see the first one succeed. I am still wondering just how many other little nations are going to ask for a pleasure yacht when they hear of the Ethiopian flagship.

As a corollary to this loose planning we are concerned about the loose estimates with which we are confronted for large development projects. One should contrast the loose AID end-use justifications and estimates with the utmost precision with which a survey is initiated for some project in this country. After the survey comes the feasibility study, then the review by various boards, and other review by the Bureau of the Budget, then the construction authorization, then the request for funds for advanced planning, then the funds for the construction, then the actual inspection and finally the renegotiation board. Surely if we can be so strict with the taxpayer's money here at home we should be doubly strict overseas where our prestige is at stake. I submit that intelligent and substantial pruning will do good all around; not only for the American taxpayer, but also for AID officials, for us here in Congress, and for the people overseas. Such an approach may help foreign countries to get out of the philosophy concerning gifts: "A kiss on the hand is good, but a diamond bracelet lasts forever." We will not develop good will by merely giving.

Mr. Chairman, the time has come for us to show a new determination to take quite a few nations off the dole. After 15 or so years of aid from us they are beginning to act like it is their due. In many instances our aid has gone into balancing their budgets, paying for past debts, and making up trade deficits. We have to exercise stern restraints here. Even so, if Uncle Sam foots the bill we should demand certain obvious reforms. Such as land reforms and fiscal responsibility in Latin America and South Asia. Aid should be conditional upon proved reforms.

Naturally there is reluctance to institute reforms if the entrenched classes benefit mostly from our aid. This is even true of our military aid such as in Korea where the military establishment has grown with a weedy luxuriance. In such instances the aid should be cut drastically.

Mr. Chairman, we must make a realistic cut in the amounts now devoted to our inflated programs. In essence, I think it is not prudent for this Nation to create payments deficits through wasteful and ineffective aid to other nations. That is why I advocate a cut in so many categories of the foreign aid bill. So, I repeat, if this program is not brought under control, it will cripple us and seriously weaken our economy—while we are losing the respect of the other nations of the free world.

Mr. GROSS. Mr. Chairman, will the gentleman yield at that point?

Mr. PASSMAN. Yes, sir.

Mr GROSS. So that we may keep the record of the Kennedy family straight, I would like to quote from a speech made by the Honorable Joseph P. Kennedy, father of the President, on December 12, 1950. He said at that time:

> For years, I have argued the necessity for not burdening ourselves with unnecessary debts. There is no surer way to destroy the basis of American enterprise than to destroy the initiative of the men who make it. We will, of course, continue to have to pay and to pay heavily for our defense. But what have we now in hand for the billions that we have spent abroad?

Remember, this is 1950.

> We can no longer afford this luxury; we dare not afford its consequences to our own security.

Continuing, the Honorable Joseph P. Kennedy said this:

> Those who recall 1932 know too easily the dangers that can arise from within, when our own economic system fails to function. If we weaken it with lavish spending either on foreign nations or in foreign wars, we run the danger of precipitating another 1932 and of destroying the very system which we are trying to save.

Mr. PASSMAN. Mr. Chairman, if the gentleman will permit, the gentleman to whom he refers never served in the Congress. I was talking about a very wonderful American who served as a Member of this body. I think we should proceed with discussion of the program and the bill. I do not mean to be discourteous to my friend, the gentleman from Iowa.

Mr. MEADER. Mr. Chairman, will the gentleman yield to me?

Mr. PASSMAN. I yield to the gentleman.

Mr. MEADER. With respect to the remarks the gentleman made about the amendment to cut the bill, can the gentleman tell us a little more about the amendment offered by our former colleague and whether or not he was successful in reducing the bill, and whether or not anyone who was in charge of the bill called him irresponsible for offering it?

Mr. PASSMAN. Mr. Chairman, I am not going to indulge in any personalities or to lambaste our President. I wanted to indicate that we shared a common philosophy then, and I am still here trying to carry out those purposes that were advocated by my former colleague. Beyond that, I am not going to comment further.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I would like to say to my friend that I have listened to his presentation on this important issue, and it is as brilliant a presentation as any that I have heard. I know all of us who have listened so attentively to what he has had to say would be derelict in our duty if we did not express to him our gratitude and the gratitude of our country for his unselfish service.

Mr. Chairman, the time has arrived again for the Congress to consider an appropriation for the foreign aid program. With the regularity of the seasons foreign aid bills come to the floor of the House of Representatives. The appropriation measure we have under consideration today is but one of a long line of annual appropriation bills for foreign aid which have cost the American taxpayer over $90 billion since 1946 and in excess of $130 billion since 1940.

Foreign aid spending has come to be an accepted part of the fiscal policy of the United States by many people in the Congress and in the executive departments. The security and economic wellbeing of the United States, in the minds of many people, has become erroneously involved with foreign aid spending.

Mr. Chairman, I am one of those who cannot believe that foreign aid spending is the solution to the problems in our struggle with communism. As a result, I have not voted for the annual appropriation bills for foreign aid expenditures. I shall not vote for the bill we have under consideration today to provide $3,630,400,000 to keep the foreign aid merry-go-round in operation.

Although I am opposed to the expenditure of tremendous sums for oversea aid, I am not one of those who believe that all of our oversea spending has been in vain. The lend-lease program during World War II was successful in promoting the military objectives of the United States.

The Marshall plan, enacted by the Congress in 1948 to assist the countries of Europe in their economic recovery, was a great success. Not only was the European economy given new life, but the spread of communism in several war-ravaged nations was halted.

When the Marshall plan was under consideration in the Congress there were those who predicted that foreign aid spending would eventually become a fixed policy on the part of our Government. Although they were ridiculed at the time they have since proven to be prophets.

Mr. Chairman, since 1946 the American taxpayers' dollars have been spent in every part of the world on nearly every conceivable type of project. Foreign aid funds have been spent without any regard to the political views of the recipient nation. Money has been appropriated for Communist dictatorships, for neutral apologists for the Soviet Union, and for proven allies. It has not been considered proper for its proponents to expect the countries which have been the recipients of our taxpayers' generosity to support the United States in its political, military, and economic objectives.

In fact, excuses have been made for those who have accepted our dollars and supported the Communists. The foreign aid program has been characterized by a humanitarian and idealistic desire to improve the standard of living of nearly every nation in the world. As a byproduct of this policy we have hoped that these people would come to accept our system of government and our concept of the dignity of mankind.

As might be expected by any reasonable person, our dollars have been accepted, but our humanitarian ideals and political concepts have been, for the most part, rejected. In practice our foreign-aid dollars have alienated many of our friends abroad, rewarded neutralism, and disrupted the economies of many countries. At the same time the billions of dollars spent each year have increased our enormous national debt, undermined our international balance-of-payment position, and encouraged oversea competition for our domestic industries.

While the United States has pursued a policy of economic aid without any strings attached, the Soviet Union, on the other hand, has inaugurated a foreign-aid program based on a coldblooded plan to further Communist expansion. Unless a recipient nation of Soviet aid allies itself with Russia or follows a neutralist course with Soviet overtones, Soviet aid is terminated forthwith. Under such a policy Communist aid has been extended to nations such as Ghana, Egypt, and Cuba. All three nations consistently support the Soviet position.

Mr. Chairman, the United States has given $2,279 million to Yugoslavia and over $514 million to Poland since 1946. No one would contend that these are not Communist nations, and that each is oriented to the Soviets rather than to the United States.

During the same period our taxpayers have given Indonesia over $598 million and India over $3,115 million. These two so-called neutral nations are actively within the Soviet camp in the United Nations and in their attitudes.

Likewise, the United States has extended over $26 million in economic aid to the African Republic of Ghana, whose President has set up a tight little dictatorship and whose Parliament just recently considered legislation to elect him President for life.

We have given Egypt and its former partner in the United Arab Republic, Syria, over $384 million since 1946. Egypt is accepting Soviet aid and is not supporting the United States in its struggle with communism.

These are just a few of the inconsistencies in our foreign-aid policy that has made it impossible for me to support foreign-aid appropriation bills.

There is another factor, however, which has caused me to refrain from supporting foreign-aid appropriation bills. The administration of assistance programs overseas has resulted in a tremendous waste of the taxpayers' dollars and has been a prime example of bureaucratic inefficiency.

In 1961 it took 12,856 persons employed by the Federal Government to operate the foreign-aid program; 6,478 of them were Americans, of whom 4,466 were in oversea positions. In addition, the services of 4,600 foreign nationals overseas and 1,778 persons employed by U.S. contractors were used. All of these were paid from American foreign-aid funds.

The House Committee on Government Operations has made many excellent investigations of our oversea spending operations. The startling facts the committee disclosed in those inquiries should convince anyone of the futility of entrusting billions of dollars each year to a worldwide foreign-aid bureaucracy.

The State Department has for some reason had an intense desire to construct highways with the taxpayers' dollars in many parts of the world. This predilection for highway construction has resulted in waste, corruption, and a loss of prestige on the part of the United States.

For example, the aid people in 1956 began construction of a highway between the capital of Cambodia and a port on the Gulf of Siam. This 132-mile road originally carried a cost estimate of approximately $15 million and was to be a demonstration of American know-how. It was completed in 1959 at a cost in excess of $34 million. Immediately thereafter it began to fall apart. The project was bungled so badly that it has damaged our prestige in Cambodia, burdened the American taxpayer with costly repairs, and has furnished the Communists with an effective source of anti-American propaganda.

Speaking of this highway, the American Ambassador to Cambodia said in 1961:

> I am seriously concerned about the deplorable condition of the Khmer-American Friendship Highway * * * the condition of the highway may deal a severe blow to U.S. prestige and good faith. And such is likely to be the case if the Cambodian Government cannot be informed immediately that the United States will undertake to restore the highway to a first-class condition.

It is interesting to note that the construction company which had the contract for the Cambodian highway was awarded two additional highway contracts for projects in Afghanistan. One was a $200,000 cost-plus-fixed-fee contract for highway equipment servicing and the other a $3 million lump-sum contract for highway pavement. The $200,000 contract was subsequently canceled.

In Peru a $2 million road was planned to open isolated areas for agricultural development and colonization. According to the House Committee on Government Operations, the road, as finally constructed, ended in the middle of, to quote the committee, "nowhere." The committee stated that the road terminated "on the side of the mountain" at a point about half-way along the projected route.

Our economic aid dollars also went to construct a $125,000 irrigation project in Peru which the Committee states "does not irrigate." The reason advanced for the failure of the project seems incredible—there is not enough water available to make use of the project.

Mr. Chairman, there is another factor involved in foreign aid which has been of great concern to me. In several instances the Soviet Union has actually made use of American funds to further the Soviet foreign aid program. In a report issued by the House Committee on Government Operations on June 25, 1962, the committee states that U.S. foreign aid has been commingled with Sino-Soviet aid both with and without the knowledge of U.S. aid officials.

As an example, the Russians began construction in 1958 on a 500-bed hospital in Cambodia designed to be a showpiece of Russian foreign aid. It subsequently came to light that U.S. foreign aid was used in the construction of this hospital.

The transformer and cable for the powerplant to operate the hospital were paid for with American dollars. In addition, an investigation disclosed that cement and other construction materials purchased by the United States were used in the construction of the hospital, which the people of Cambodia believed to be a gift of the Soviet Union.

In another instance in Cambodia our American funds were used to construct two radio studios which, when completed, became an adjunct to a Chinese Communist gift to the Cambodian Government of a radio broadcasting complex. According to the Committee on Government Operations, U.S.-financed contractors and Chinese-financed contractors worked side by side in constructing the studios. This gave the impression to the Cambodians that the United States was cooperating with the Chinese Communists, notwithstanding the fact that a basic purpose of our foreign aid program is to combat communism.

Mr. Chairman, these are only a few examples of the inefficiency, waste, and misuse of our taxpayers' dollars which has occurred in the administration of our foreign aid program.

If one will take the time to study the record of foreign-aid spending for the past 16 years, he will find many other instances where the American taxpayer has been the victim of gross waste and misuse of his money.

There is another important area in which the United States has been the victim of nations which have been the recipients of the generosity of our taxpayers. Many of the countries helped with our foreign-aid dollars have had no hesitancy in expropriating U.S. property within their borders.

Yugoslavia, Poland, Bolivia, Guatemala, Egypt, Argentina, Mexico, Brazil, Cuba, and Ceylon have expropriated U.S. property since 1945. Some of these nations have made partial payment for the properties; others have done nothing to pay Americans for the losses they have sustained as a result of the ruthless confiscation of their property.

Within the past 3 years Brazil has expropriated American property totaling approximately $100 million. The American owners of International Telephone & Telegraph Co., Brazilian Traction, Light & Power Co., and the American & Foreign Power Co. have been deprived of their properties. The expropriations have been made in spite of the fact that Brazil has received over 1,535 million American dollars since 1946 with more millions promised under the Alliance for Progress.

A more flagrant example of expropriation recently occurred in Ceylon where the properties of the Standard Oil Co. of New Jersey, Caltex, and Royal Dutch Shell Co., were expropriated despite the fact that these companies had operated in Ceylon for more than 40 years. Prompt payment for the properties has not been assured by Ceylon. To compound their wrongdoing the officials of Ceylon have recently agreed to purchase petroleum products from Russia and Rumania under barter terms which the free world finds impossible to match. This, notwithstanding that Ceylon has received American aid amounting to more than $74 million since 1946.

Mr. Chairman, these are just examples of expropriations that have occurred. Reliable figures indicate that American losses through expropriation since 1945 have totaled more than $1.8 billion while compensation promised or actually paid does not exceed $400 million.

I find it hard to understand how the United States can continue to furnish American tax dollars to nations which do not respect American property rights within their borders. This is another of the glaring inconsistencies that we can find throughout our foreign aid program.

Mr. Chairman, our recent experience in Cuba has been so tragic that I am loath to discuss the unfortunate record with that newly established Communist base in the Western Hemisphere. Since 1946 over $41 million in foreign aid assistance has been given to Cuba. Yet, there has been nearly total expropriation of U.S. property in Cuba and the communization of the island republic.

Mr. Chairman, the public debt of the United States was $298.2 billion at the close of the fiscal year 1962. This debt represents more than the combined public debts of all the civilized nations in the world. A great portion of this gigantic debt can be traced directly and indirectly to foreign aid spending during the past 22 years.

American taxes are at the highest level in our history, and no relief is in sight for our people. It is time for the Congress to do some earnest thinking with respect to our fiscal condition. We not only must make every effort to reduce nonessential oversea spending, but a conscientious effort must be made to curtail domestic spending.

If the United States continues on the road of fiscal irresponsibility it has followed for the past several years the Communists may come close to obtaining their objective of world domination without firing a shot. It has been well said that the United States is the last great bulwark of freedom on earth. We can maintain our position of leadership only so long as we have a sound economy. The time to begin a reduction in Federal spending is now. We can begin by refusing to approve the huge foreign aid appropriation bill we now have under consideration.

I shall vote against this bill which has as its purpose the further expenditure of American dollars in the foreign aid misadventure. This, to my mind, is the only sound action that can be taken if I am to do my duty for the people I am privileged to represent.

The CHAIRMAN. The gentleman from Louisiana has consumed 57 minutes.

Mr. TABER. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. TABER. Mr. Chairman, the foreign relief practice started back in 1947 and 1948, and I was put on that committee. It has continued ever since and become more and more unwieldy as time went on, notwithstanding the cuts that have been made in this bill as it stands here.

On page 3, line 2, there is a contingency item of which $125 million is velvet. On the same page, line 8, $775 million is carried for development loans, for expenses authorized by section 202 (a). That authorization could have perhaps $500 million taken out of it without hurting any useful purpose.

The item for mutual assistance in the bill amounting to $1.3 billion could be cut by $300 million and not hurt anything. That is about the situation with reference to that item. You can go on with it.

The first year the program started, a budget estimate of $5 billion was submitted. We gave them $3.1 billion in committee but before we got through with the Senate and the conference it was increased to $3.9 billion. At the end of the first year of their operation they were able to obligate only $1.8 billion out of the $3.9 billion appropriated. It has been going along in the same style ever since.

Mr. Chairman, we must face the music. The country cannot go along in this fashion and survive. Our national debt in the last 12 months increased by $8 billion. Our governmental expenditures in the last 2 months, the first 2 of this fiscal year, increased by $2 billion. Frankly, I feel a tremendous debt of gratitude to our Founding Fathers and those who have kept the United States of America right side up.

For my own part, I cannot see how I can support this bill. I did not support it last year because of the terrific debt situation that this country was in, and I cannot do it for the same reason this year.

Mr. Chairman, we are in a situation that unless we mend our ways and start to do something to collect money that we have advanced to other countries, unless we do that and save some money, it is going to be absolutely impossible for us to carry on and have the same kind of Government that you and I were born and brought up in. Frankly, unless we do that, unless we get down to the heart of things, it is going to be absolutely impossible for the country to stay right side up. The only way that can be done is to cut down these appropriations. I hope when we come to reading the bill for amendment there will be a disposition to do away with some of the items that are carried in the bill at the present time.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. FORD. I believe it is accurate to say that this will probably be the last appropriation bill the gentleman from New York will handle in his present capacity. The gentleman from New York [Mr. TABER] has served on the Committee on Appropriations longer than anyone in the history of the Congress and no Member has served as effectively.

All of us are cognizant of and familiar with the long, conscientious, dedicated, and constructive service that he has performed in this most important committee.

I speak as one who is deeply indebted to the gentleman from New York [Mr. TABER] for many personal kindnesses, for a great deal of helpful and constructive advice. I can never repay him for his always generous assistance. More importantly I feel this body today should take cognizance of his invaluable contributions over the years which have greatly enhanced the reputation of the legislative branch, and benefited our Nation over the period of his 40 years of service. JOHN TABER will be missed as a true friend, a great legislator, and a superb American.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Missouri.

Mr. CANNON. Mr. Chairman, I have seen many men retire from the House. I have seen many men come and go here on this floor. But of all those who have served here—and especially those who have as members of the Committee on Appropriations, I have never known any man to leave the committee or the House whose retirement I regretted more deeply.

Mr. Chairman, I consider the retirement of the distinguished gentleman from New York [Mr. TABER] as a national misfortune. He has been one of the sanest, soundest financiers it has been our good fortune to have with us and considered national expenditures as carefully and as conscientiously as he administered his own fiscal affairs. I sincerely believe—and I make the statement considerately—that the national debt would be billions of dollars more than it is today but for these 40 years JOHN TABER has been a Member of Congress.

He is one of the Nation's truly great men.

Mr. Chairman, I realize that he is entitled to a vacation. He is entitled to these later years with his family and his friends—and all the freedom and diversion and enterprises he has planned and looked forward to so long.

It is the universal wish of the House that he enjoy the relaxation and health and happiness and contentment which he so richly merits.

Our regard and esteem and warmest affection go with him.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. GARY. Mr. Chairman, I have had the pleasure of serving with the gentleman from New York [Mr. TABER] on this subcommittee since its inception. In the early days of the committee we alternated the chairmanship. When his side of the aisle was in control of the Congress he served as chairman. When our side of the aisle was in control of the Congress, I served as chairman. I have never served with any man with whom I have enjoyed serving more than with the gentleman from New York, JOHN TABER.

Mr. Chairman, the gentleman from Michigan [Mr. FORD], said that he was indebted to the gentleman from New York [Mr. TABER]. I wish to add that his generosity, his assistance and his kindness to young Members and to those who needed his advice was not limited to the other side of the aisle. I confess here today that I am deeply indebted to him for the help that he has given me since I have been on the Committee on Appropriations, and particularly on this subcommittee.

Mr. Chairman, I share the regrets of all of the Members in this body that he is going to retire. I think he has earned a rest. He has worked hard. He has worked exceedingly well, and the country will never know what it owes him for his labors. I am certain that as he retires to the classical shades of private life all who have served with him will say: "Well done, thou good and faithful servant." May he have many years to enjoy the retirement which he has so richly earned.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I should like to associate myself with the statements of those who preceded me. Next to my own distinguished chairman, the gentleman from New York [Mr. TABER], has always been the second man to whom I go for advice. It is only natural that I refer to him as "Mr. Chairman," because he has given me help ever since I have been on the Committee on Appropriations, and particularly so on the Foreign Operations Subcommittee on Appropriations.

The gentleman from New York [Mr. TABER] has been one of the foremost guardians of our Nation's purse strings. I wish we had some way of knowing, not of the billions, but in all probability the tens of billions of dollars that this great modest man has saved the American taxpayer.

I know that my life is a richer one for having known the gentleman from New York [Mr. TABER]. I have always considered him my friend. I have enjoyed being with him and talking with him. I think that, without exception, every Member of this House knows that when the final day comes—and we hope it will yet be many years away—this world will have been a better place in which to live because JOHN TABER lived in it, just as it is a better place today because of his life and works.

History will surely record him as one of the great statesmen, one of the great legislators of the age.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from New York yield?

Mr. TABER. I yield.

Mr. ROONEY. Mr. Chairman, I have had the great privilege of serving with the distinguished gentleman from New York [Mr. TABER] for the past 18 of his 40 years of service. In those 18 years we at first disagreed on many an occasion, but in latter years I found that we were in agreement on many an occasion. I consider the gentleman from New York, JOHN TABER, one of the greatest men of my time in the House of Representatives. He is a fine and true gentleman. I consider him my close personal friend. I love him, I respect him and I am indeed grateful for his faithful and valuable services to our country.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. RHODES of Arizona. Mr. Chairman, it is always difficult to say adequately what we feel at a time like this. For myself, I want to associate myself with the remarks that have already been made. The services of the gentleman from New York [Mr. TABER] in this Congress defy the power of description as far as their excellence and worth are concerned.

The gentleman from New York has been affectionately, and sometimes not so affectionately, called Generous JOHN. The appellation, of course, bears witness to the fact that he has always acted for the best interests of the taxpayers and if he has erred, he has erred on the side of saving money. And, believe me, I know that the national debt would be much higher today if it were not for the gentleman from New York.

In closing, may I say to the gentleman from New York that I understand he may come to Arizona next winter. I hope he does, and he will be welcome as long as he agrees that he will stay out of active politics.

He has my warmest personal regards and my deepest appreciation, not only for the favors I have received at his hands, but for the great service he has rendered our beloved Nation.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. ANDREWS. Mr. Chairman, I have known the gentleman from New York, JOHN TABER, and served on a subcommittee with him since I first came to Congress 19 years ago. I have known no finer man who has served in this House.

As has been said, he has been responsible for the saving of literally billions of dollars to the taxpayers of America. He is a great American. I love him and I shall miss him. I hate to see him go.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MAHON. Mr. Chairman, I wish to join in paying tribute to the character, the life, and record of the gentleman from New York, JOHN TABER. It has been a wonderful experience to serve with him through these years. I know of no man on either side of the aisle who is more dedicated to the public interest. I am happy to join in this salute to a warm personal friend, one of the greatest legislators of our time.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CONTE. Mr. Chairman, I would like to join my colleagues in paying tribute to the gentleman from New York, JOHN TABER. It was through JOHN's help and guidance that I became a member of this very great and powerful Committee on Appropriations. JOHN has been a guiding light to me. Mr. Chairman, he is a man of sterling character, a man of rugged fortitude. It has been a privilege for me to serve with him. I would like to take this opportunity, JOHN, to wish you many, many decades of good health and happiness; so that in the golden years of your life you may harvest the rich dividends and spiritual satisfaction which you have so ably earned in a lifetime of dedicated service to your country, to your family, and to the great State of New York.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I have served 34 years in this body with my distinguished friend from New York [Mr. TABER]. My association with him has been most cordial and friendly. Many years ago a close friendship developed between us which, as the years went by, became stronger and stronger.

JOHN TABER is not only a great man, but more, he is a good man. I know of no finer compliment that can be paid to any person than to say that he is both great and good. As between the two I know the gentleman from New York, JOHN TABER, would rather be characterized as good than great, but in this case he richly justifies the opinion of his colleagues, his friends, and Americans throughout the country, that JOHN TABER is not only a great man but a good man.

The gentleman from New York, JOHN TABER, is one of the greatest legislators that has ever served in the Halls of Congress in our Nation's history. He is one of the great Americans of this trying period of the world's history. When this session is over, and JOHN TABER retires, he will still be with us, for he is still in spirit a Member of the House because he loves the House. JOHN TABER's dedicated service will always be an inspiration to all of us and an example for us to follow, whether long in years of service in the House or as new Members coming into the House.

To my dear and valued friend I wish many years of happiness in retirement, and that God will continue to shower upon him for countless years to come an abundance of His choicest blessings.

Mr. HORAN. Mr. Chairman, it is rare indeed that we divert from the general debate on such an important subject as that before the Committee of the Whole House at this time but in this instance it is natural and it is justified.

John Taber has served his Nation well. With courage and intelligence he has done his level best to protect a sound position for our fiscal affairs. Through the years this has been done without fanfare or any flair for headlines or personal aggrandizement. He has simply followed his sound judgments.

Most subjects are, of course, debatable and we may not always have agreed with John Taber. But we can always respect and appreciate the vital purpose that has been the moving force of his long service to the Nation he loves so much.

Mr. EVINS. Mr. Chairman, I should like to join with my colleagues in paying brief but sincere tribute to our distinguished colleague, the gentleman from New York, Congressman Taber.

It has been my privilege to serve with the gentleman from New York, John Taber, for a number of years as a member of the Committee on Appropriations and in particular on the Subcommittee on Public Works Appropriations—and I have learned to admire and respect him immensely. He is a great American.

Mr. Chairman, the gentleman from New York, John Taber, has served the people of his district, State, and Nation for four decades. He has been a dedicated public servant. He has been firm in his beliefs and strong in the advocacy of his principles. The Nation's budget, as big as it is, would have been even bigger had it not been for the services and effective work of the gentleman from New York, John Taber, who believes in economy and who over the years has practiced what he has preached. His services to our country are immense. He is a patriot. At times we have disagreed on some issues but, there have also been many times when we have agreed. He is one of the most distinguished Members of the House and a great American.

As he seeks his retirement after 40 years of outstanding service, I want to wish for him many years of good health and happiness.

Mr. JENSEN. Mr. Chairman, I join wholeheartedly in all that has been said about our colleague the Honorable John Taber.

Having served with you, John, for the past 20 years has been a great privilege, a great pleasure, as well as a valuable schooling in sound economics, which I have received by my close association with you. Mr. Chairman, as you well know, John Taber is an outstanding patriotic American gentleman of the highest order and that he is honored and esteemed by his colleagues in both parties.

The gentleman from New York [John Taber], by his tireless efforts on the Appropriations Committee, has saved billions upon billions of dollars for the taxpayers of the United States of America.

John, next session, should I step into your place on the committee, I pledge to do my very best to carry on here in a manner pleasing to you, and good for our blessed land.

And so John, I wish you and your wonderful wife, all the pleasures of retirement.

In closing, I say from the bottom of my heart, well done good and faithful servant.

Mr. GROSS. Mr. Chairman, I join with the many other Members of the House in expressing my genuine regret that the gentleman from New York [Mr. Taber], a great American and a splendid legislator, is retiring from active duty. As a conservative, he has been a guiding light to many of us. After his long years of service he deserves a rest but his influence and experience will be sorely missed by his district, his State, and the Nation.

Mr. LINDSAY. Mr. Chairman, I wish to join my colleagues in paying tribute to my friend and colleague and senior, the gentleman from New York, John Taber. For 40 years the gentleman from New York, John Taber, has served the people of his district and his country. He has served them with courage and devotion.

Since the first day that I came here to Congress, 4 years ago as a freshman, the gentleman from New York has gone out of his way to be kind and helpful. I have thanked him for it privately and now I want to thank him publicly. The Congress will miss the gentleman from New York, John Taber, and most of all the New York delegation will miss him. We wish him and Mrs. Taber many rewarding years of happiness and activity in their retirement.

Mr. TABER. I am going to close now. I had hoped that the spirit of responsibility of citizenship will come to bear on all of you, and that we will get rid of this liability that we have been shaping up to. I have to realize that there is no way of stopping it, but I cannot vote for any more of these appropriations. The only way we possibly have of getting rid of them and balancing our budget is to stop the terrific drain for something that we do not need and do not accomplish anything by.

Mr. Chairman, I yield 10 minutes to the gentlemen from Michigan [Mr. Ford].

Mr. FORD. Mr. Chairman, I think my views on this subject matter as a whole because of my past voting record and statements I have made on the floor of the House are well known. From the inception of my service in the House of Representatives I have favored this legislation. I favored it in 1962. In the past on some occasions I have differed with my own subcommittee's recommendations. About a year ago I differed rather substantially with the recommendations of the subcommittee. However, in 1962 I am supporting the subcommittee's recommendations. I am particularly supporting the recommendations inasmuch as we were able to work out in the full committee a reasonably satisfactory figure for military assistance. I intend to oppose any amendments, if offered, for increases, and I intend to oppose any amendments for decreases, if offered.

I would like to make a comment or two as to my own personal views concerning several of the dollar figures. It is my judgment that the amount recommended for military assistance is marginally adequate. Personally I would have preferred a larger figure. However, it is adequate as long as the administration has the availability of section 510 of the basic legislative authority. Under section 510 the executive branch of the Government does have authority to withdraw stocks from our own military supplies to the extent of $300 million. This in effect is a military contingency fund. This safety valve, in my opinion, makes the $1.3 billion recommended for military assistance marginally adequate.

The funds for supporting assistance are somewhat marginal, in my judgment. However, I think if the administration appropriately makes selections between countries and between programs within countries, this amount of money which has been proposed can be adequate in fiscal 1963.

Although I have firmly supported aid for our Latin American friends, it is my own personal conviction that we have, to some limited degree, based on the past performance of the agency, been liberal with the Alliance for Progress. Certainly their record of performance during the first year has not been as good as it ought to be. But it is an important program both materially and psychologically. For these reasons I am supporting the amount that we have recommended for the Alliance for Progress.

All of the other programs are adequately funded. I am a little disturbed at the various responsible authorities in the executive branch of the Government making quite a bit of noise and being quite critical of the substantial cuts made in the Development Loan Fund. Recently it has been my privilege to try to work with some of the officials in the executive branch of the Government trying to arrive at responsible figures, and when I say this I do not think I am telling any secrets out of school.

I know if the agency were given a figure where reductions would have to be made they would pick the Development Loan Fund as the area where the biggest cut would materialize. So the subcommittee and the full Committee on Appropriations are only following their own guidelines. I have to assume that their guidelines are responsible.

I have been a little disturbed also by some other comments by the executive branch of the Government. I have in my hand here from the Department of State a statement by the Secretary of State dated September 19, 1962, press release No. 571. In the first paragraph the last sentence reads as follows:

> The cuts now being considered—the heaviest ever made by an Appropriations Committee—will represent a significant reduction at a time when a million American men are outside the United States to defend freedom, and when crises such as Berlin and Cuba indicate that we face weeks and months of demanding effort.

The Secretary's statement is not absolutely clear. I believe he is talking about the overall cut, but there are certain inferences in the statement which would indicate that he is stating that the committee this year has made the largest cuts in history in the military assistance program. If my interpretation is the correct one, the record ought to be set straight, because the inference is not accurate. In my hand I have a statement prepared by the Department of Defense showing the military assistance appropriations for the fiscal year 1950 through the fiscal year 1963. I will only take one example, but in fiscal year 1956 the executive branch of the Government for military assistance requested $1,442.2 million. The House as a whole reduced that executive request by $432.2 million. In other words, for fiscal year 1956, the Committee on Appropriations and the House made an even larger dollar cut than the cut recommended for fiscal 1963. The cut in military assistance for 1963 is only $200 million. It is a reduction from $1,500 million to $1,300 million.

I also have in my hand here a copy of a letter addressed to our Speaker dated September 19, 1962, from the Secretary of State. As I indicated a few minutes ago, there has been a great deal of complaint because of the reduction in the Development Loan Fund. I think the reduction is $475 million. The executive branch of the Government has made the criticism that by this reduction we are virtually precluding any new commitments to other countries other than those that have been the beneficiaries of prior commitments. Some commitments with reservations can be made under section 202(b). The Secretary of State says in his letter to the Speaker:

> In fact, the action of the committee would make it impossible to extend any significant new loans beyond those already committed in the past.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. FORD. The Secretary of State goes on to say in this communication, and I quote:

> Let me emphasize that underscored statement. You will recall that last year the Congress provided statutory authority to the President to make long-term commitments subject to appropriation.

Apparently the Secretary refers to some commitments to foreign countries such as India in very substantial amounts in the development lending area. He seeks to make the argument that these commitments have a priority over any other proposed development loans to other beneficiaries, to other countries that may have deserving projects. I do not subscribe to that point of view. The commitments that were made to India or to any of the other countries under this long-term commitment program, subject to appropriation, have no higher priority in the next fiscal year than the projects submitted by other countries in the current fiscal year. The commitments made to India, and I use that as one illustration, were made under a contract where we were assured the terms included the phrase "subject to appropriation." I, for one, would strenuously object to whatever funds are made in development loans being put on a priority basis for India just because they have a so-called long-term commitment. Each year, when the funds are made available, the executive branch of the Government should take a clean, fresh look, and pass judgment on every development loan request anew.

So I say, with considerable emphasis, I am not impressed with the Secretary's argument or observation under any circumstances in his letter to the Speaker.

There is one other provision that was inserted in the bill this year, sponsored by the chairman of the committee, and I wholeheartedly supported it. It is on page 2, line 20, and it reads:

> *Provided*, That no part of any other appropriation contained in this Act may be used to augment funds or programs contained in this paragraph.

This is under "Title I, Foreign Aid (Mutual Security)" subheading "International Organizations and Programs."

This language means precisely what it says. We do not want any Philadelphia lawyer in the executive branch misinterpreting the committee's intent. We do not want the executive branch of the Government destroying the obvious purpose of this provision. We can only wait and see what happens with this provision. But I can assure you that in the past, in fiscal 1962, there were many instances of abuses, which abuses precipitated the legislative action which is indicated here on page 2 of the bill.

Mr. Chairman, I will not say any more at this time. I simply want to reiterate and reemphasize my support of the program.

On the other hand, I want to say again I intend to support the bill as it is submitted to us as far as dollar amounts are concerned.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. PASSMAN. Mr. Chairman, I yield the gentleman 1 additional minute. Will the gentleman yield?

Mr. FORD. I yield to the gentleman from Louisiana.

Mr. PASSMAN. So many times when we pay compliments to members of a committee, we do not go far enough. We have 12 members of the subcommittee, each and every one of them working untiredly and completely sincere, and without exception they all make great contributions to this committee. I do not know of a single member of this subcommittee that I would want to see leave the subcommittee, because they are all my personal friends and they have made a great contribution. They have worked long, hard hours. But my old professor, Jerry, who trained me how to handle the bill, I cannot help but single him out because he is also my boss on another committee, and I like him to recognize me occasionally.

Mr. Chairman, I want it understood that this is a great subcommittee, and if I had the right, which I shall never have, I would not dare ask that any of them be removed. They have all served a good, useful purpose.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Chairman, in view of the deep concern of the citizens of the United States with the growing threat of communism to our peace and security, coupled with the fact that foreign aid does not halt the spread of communism and the steady loss of our gold reserve to foreign nations, I would like to take this opportunity to urge my colleagues to further reduce the foreign aid appropriations bill and to stop stockpiling foreign aid funds.

I am pleased that the House Appropriations Committee has already cut $1.1 billion from the President's request for $4.7 billion; however, I urge that further reductions be made, particularly because of the fact that there is already on hand about $7 billion in unexpended funds as of June 30, 1962. At the rate of expenditures for foreign aid over the last 3 years, this is enough to continue the program for over 2 years and, therefore, additional funds are not needed. To grant additional sums now will only be adding to the stockpile of unused funds, and encourage further waste and extravagance at the expense of the taxpayer.

As we are all aware, many of the countries now receiving our aid are contributing to the military buildup of Cuba and a cut in funds could be used to stop this activity. Most certainly, with the deep concern felt by the American people over the Communist move in Cuba, they should not be asked to contribute more of their tax dollars to indirectly aiding this Communist movement.

I want to speak also on another great threat to our Nation and that is the continued loss of our gold reserve. With the drain on our gold reserve, for the first time in 17 years, the United States has had to remove large amounts of bullion from Fort Knox to meet the demands. Many of the countries receiving our aid are using the money to buy up our gold instead of engaging in programs to raise their standard of living. This, obviously, defeats the purpose of our foreign aid program.

Cambodia recently bought $3.1 million of our gold; Lebanon purchased $21 million of our gold; Nigeria bought $20 million; Saudi Arabia, $47 million in bullion, and Spain $156.2 million. These transactions neither enhance our gold reserve situation nor improve the living conditions in these countries. I maintain that if they have the funds to buy our gold, they do not need more U.S. dole. This drain on our gold can lead to only one disastrous result. From time immemorial gold has been the ultimate in financial security to all tongues and to all civilizations. Most sound monetary systems of the past have been based on gold reserves, and as a nation's gold reserves diminished, its currency became increasingly valueless, and as a result the nation lost its importance in world commerce, or as a world power.

I would like to cite another reason for urging a further cut in the foreign aid appropriations—the plans for AID to extend aid to Communist nations. The American taxpayers do not favor granting aid to Communist countries. This action, again, not only defeats the purpose of foreign aid, but is also in direct contrast to the reasons for our huge military and space buildup.

The total money request in the bill is for $7.2 billion. In addition to the $3.6 billion for regular foreign aid, it contains a $2 billion loan to the International Monetary Fund, $1.3 billion for the Export-Import Bank, $326 million for other agencies, including the Peace Corps. These are all forms of foreign aid. In addition to this, Mr. Chairman, there are great sums allocated under Public Law 480 for more foreign aid. The administration has indicated it will commit local currencies for aid programs totaling approximately another $2 billion and there are other sums buried in agency or department budgets for aid programs which bring the total far in excess of the sums in this bill.

In conclusion, Mr. Chairman, I would like to point out that even Russia has slashed her foreign aid program by almost 40 percent.

I respectfully urge my colleagues to give very careful consideration to the precarious situation facing our country, and further reduce the funds provided in this appropriations bill.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I have enjoyed the remarks of the gentleman from Michigan. As usual, he has made a very fine presentation on the foreign aid appropriation bill. However, there are several points that concern me in the presentation of this bill by the committee. These points have to do with the economic aid sections of the bill.

Last year we appropriated $525 million for the Alliance for Progress program, and that was the recommendation which the gentleman from Michigan [Mr. Ford] made, together with the other members of this committee. I supported this bill in the vote here on the floor of the House at that time. However, in going over the hearings, I find that there has been only $87 million obligated of the $525 million appropriated last year. I find that the committee has added another $525 million to this account in this bill. These are "no year" funds. In the defense appropriation bill, the military construction appropriation bill, the HEW appropriation bill on which I work, we would never be quite so free in appropriating in the "no year" funds with so much of an unobligated balance remaining available.

Is the gentleman from Michigan [Mr. Ford] satisfied that the full $525 million in new obligating authority is needed?

Mr. FORD. I said a few minutes ago that if there was an area in this bill which was overfunded, based on the record of performance in fiscal 1962, it was in the area of the Alliance for Progress program. The figures quoted by the gentleman from Wisconsin to some extent are the reasons why I made that statement.

Mr. LAIRD. If the gentleman will yield further, how much does the gentleman think this figure could be cut?

Mr. FORD. I would hesitate to make a specific comment in that regard, because I feel quite strongly that the Alliance for Progress program as a whole, which was started at the conference in Bogotá, in 1960, is one that deserves maximum support.

Mr. LAIRD. I agree with the gentleman and I voted for the $525 million last year. But it seems to me the record of our committee would indicate that it is not being accomplished in the manner in which we thought it would be accomplished at the time we made the $525 million available last year.

Mr. FORD. The program has been slow getting off the ground.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from Michigan yield at that point?

Mr. FORD. Yes, I yield to the gentleman from New York.

Mr. ROONEY. Was it not explained to the committee during the hearings that the program was slow getting off the ground because of the fact that they wanted to make sure that they were entering into the right kind of projects, and to make sure that the recipient countries would make agreements which would be in our national interest?

Mr. FORD. That was one point that we insisted upon last year in the hearings and reaffirmed this year. The fundamental basis of the program is that we are going to enforce land reform, tax reform, and other necessary reforms in order to try and create the proper political and social environment in South America and in Latin America.

The committee was told that some of the delay, some of the tardiness, some of the failure to get moving resulted because our representatives were seeking to enforce these basic requirements. These officials now seem to indicate they can do better in fiscal 1963.

If the Congress made a substantial cut—and anything below $75 million, in my opinion, would be a substantial cut—we would create a bad psychological impact; we would do far more harm than good. I am very willing, therefore, to give the Alliance for Progress officials another 12 months to see if they cannot improve their administration, improve their effectiveness and come up with a solution that will achieve all that we fervently desired.

Mr. LAIRD. Mr. Chairman, I thank the gentleman from Michigan.

Mr. WILLIAMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty Members are present, not a quorum.

Mr. WILLIAMS. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman is too late; the Chair has already announced the absence of a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 240]

Ayres
Bailey
Baring
Bass, N.H.
Blitch
Breeding
Buckley
Celler
Davis,
  James C.
Davis, Tenn.
Diggs
Dooley
Finnegan
Fino
Garland
Hansen
Harrison, Va.
Hébert
Hoffman, Mich.
Hull
Judd
Kearns
Kowalski
Landrum
Loser
McDonough
McSween
McVey
Macdonald
MacGregor
Magnuson
Martin, Mass.
Mason
Moulder, Mo.
Norrell
O'Brien, Ill.
Pilcher
Powell
Reifel
Riley
Rivers, Alaska
Roberts, Ala.
Rogers, Colo.
Saund
Scranton
Shelley
Sikes
Siler
Smith, Miss.
Spence
Sullivan
Tuck
Van Zandt
Vinson
Weis
Whalley
Wilson, Calif.
Zelenko

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Mills, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13175, and finding itself without a quorum, he had directed the roll to be called, when 377 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. Rhodes].

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Chairman, I rise to commend the Committee on Appropriations and its Subcommittee on Foreign Operations for having brought to us a bill which is substantially below the amount which the Congress authorized—I cannot say in its wisdom—for foreign aid programs during the current fiscal year.

I only wish that the circumstances were such that I could commend these committees more highly for having cut more deeply into this annual nightmare of wasteful expenditure of taxpayer moneys. But I am a practical man, and realize that the subcommittee has done its best, in the face of great pressure from the other side, to reduce the size of this deficit-producing monstrosity by $1.2 billion.

I am, of course, in favor of ending this program as soon as possible, and in the meantime of making annual reductions in its outlays until it has dwindled first to manageable size and finally to nothingness.

In this connection, Mr. Chairman, I would like to say as an accountant that I think the gentleman from Louisiana, in his capacity as chairman of the Subcommittee on Foreign Aid Appropriations, has presented us with some figures of great significance, in a letter which he sent to all of us last week. I would hope that each of you has read it and given it much thought—for the figures in this letter demonstrate as clearly and as succinctly as anything I know the fact that the foreign aid program can be cut and cut sharply, not at some time in the future, but at this moment, or next year, or whenever we make up our minds to do this thing that we must eventually do if we are to save our economic solvency.

These figures show that as of the beginning of this fiscal year—the year for which we are being asked today to make new appropriations—the foreign aid program was in possession of a kitty of $6,712 million.

That is about three-quarters of a billion dollars more than the foreign aid surplus a year earlier, nearly $2 billion more than the surplus 2 years earlier. These show then, for one thing, that we overappropriated for this program for fiscal 1961, and again overappropriated for it for fiscal 1962. I am alarmed at the prospect that we are again preparing to appropriate more money for fiscal 1963 than this program needs or can use—even with its wasteful and inefficient practices.

But there is a fact of even more striking significance contained in these figures, Mr. Chairman. These figures which I have just cited show that as of the first day of this fiscal year, there were already on hand in the foreign aid treasury—it is really too vast to be called a kitty—sufficient funds to operate the program, at the same level of expenditure as has prevailed for the past 3 years, for more than 2 years without the appropriation of one single additional penny.

I am fully familiar with all the gobbledygook from downtown about obligations and commitments and programing. But I am not nearly so impressed by these fine words and theories as I am by the stark reality of the facts which these figures represent. In fact, I might say I am totally unimpressed by the words and theories—and vastly impressed by the facts and figures.

I am too much of a realist to hope that we can defeat this bill today, Mr. Chairman. But I am sufficiently dedicated to the proposition that sound fiscal policy is the heart of sound government, that I cannot help but hope that we will be able to find a way to trim from it even more of its fat than the committee has been able to manage.

Mr. RHODES of Arizona. Mr. Chairman, I shall not vote in favor of this bill. I shall vote against this bill for several reasons. Emperor Haile Selassie's yacht is one relatively minor reason for not voting in favor of it. This yacht once was an American submarine chaser. It was given to the Government of Ethiopia. It was refitted, remodeled, and air-conditioned at a cost of $3.1 million of our taxpayers' money, $175,000 of which went for the personal quarters of the Emperor of Ethiopia.

Mr. Chairman, I hope that my remarks will not be taken as being unfriendly to the Emperor of Ethiopia. I do not feel unfriendly toward him; I regret the philosophy of those who operate this program which impels them to bestow such largesse for the purpose of providing luxuries for anyone at the expense of the American taxpayer.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from Arizona yield?

Mr. RHODES of Arizona. I yield to the gentleman from New York.

Mr. ROONEY. I wonder if the distinguished gentleman would advise the House as to the date or time when this Navy project for Emperor Haile Selassie was started?

Mr. RHODES of Arizona. As I recall the transfer of the boat was made in the Eisenhower administration, but the deal for refitting and air-conditioning the boat and adding $175,000 for the Emperor's quarters was made under the Kennedy administration. So, this is not a political statement that I am making.

Mr. Chairman, I also can say that I am going to vote against this bill because there have been funds spent for buying television sets to spread around the Congo because someone downtown thinks that the only way to educate some of the people in deepest, darkest Africa is by television.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Virginia, who knows the instance of which I speak.

Mr. HARDY. I know exactly the instance of which the gentleman is speaking, and I would like to advise the Members of the House, if the gentleman will permit, that our subcommittee report was issued and released this morning dealing with that subject, and there are some copies available at the pages' desk.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Michigan.

Mr. MEADER. Mr. Chairman, the gentleman referred to the purchase of television sets. There were 1,000 23-inch transistorized battery-operated television sets purchased at a cost of $400,000.

It was proposed to use them in areas where there is no electrical power supply.

So how did they propose to charge the batteries? They were going to charge them with a hand crank, or they were going to get a merry-go-round, let the children play on the merry-go-round and charge the batteries by the merry-go-round's operation. The batteries would be charged while the children were playing on the merry-go-round.

But in case they did not have a merry-go-round they were going to get one of these squirrel cages, a treadmill affair where the squirrel runs around, to charge the battery while he was running around, getting nowhere.

The gentleman from Virginia [Mr. HARDY] was quite modest because when that testimony came out in our hearings he made the observation that all the squirrels were not in the cages.

Mr. RHODES of Arizona. I think the further observation could be made that this has cast some doubt on just who needs to be educated. Maybe the Congolese who will receive the sets are better educated than those people who are trying to give the television sets away—at least in the facts of life.

Another reason I am not going to vote for this bill involves the Inter-American Development Bank. The Inter-American Development Bank was to have capital to be paid in three increments. Provisions were made for some of the money to be paid in by an interest-free note instead of cash, at the option of the member nation. Most of the nations decided to pay the money in by interest-free note. But, because we are very generous people, during the Eisenhower administration's last year and the Kennedy administration's first year, we paid in roughly $120 million in cash. This bank had only started to do business. It did not need that money. It did not need to make any loans because there were not any loans to be made. So what did they do with the money? Mr. Chairman, they took the money and bought U.S. Government bonds with it. And last year we paid in interest $2,400,000 on bonds which were purchased by the Inter-American Development Bank with money that we did not have to pay to them in the first place, and which they did not need. It constituted a gratuitous increase in our contribution of capital to this bank of $2,400,000.

So these are some of the relatively minor reasons why I say I am not going to support this bill. There are other and better reasons.

In the first place, the gentleman from Louisiana, the distinguished chairman of this subcommittee, has made the point, very ably, that one of the reasons the gold supply of the United States has gone down is because of the maintenance of this program at the level where it now is. This program is about at the level it has been since the days of the Marshall plan, perhaps a little bit lower. But certainly we are in a different situation vis-a-vis the rest of the world than we were at the time of the Marshall plan.

You will remember that in the days of the Marshall plan, right after World War II, the United States was in a position, as far as the world economy was concerned, where we had all of the goods for sale and there was nobody else in the market. We could sell what we could manufacture, and at a profit and therefore we could well afford to indulge in this rather expensive pastime which we now call foreign aid.

The world economic situation after World War II was made to order for the United States. It is not now this good. There are other people in the market. We do not have the unchallenged possession of the world markets. We have competitors, many of whom we have built up through foreign aid, and we should have because they are our friends. Nevertheless they are now able, tough competitors and we find ourselves now in this situation: Our favorable balance of trade has decreased, our international payments have risen, and we now are in a deficit position as far as our balance of international payments are concerned. So dollar credits in the hands of foreign nations have increased, and gold has been flowing out of the United States. We have lost some $7 billion in gold since the close of World War II.

Last week, the first shipment of gold out of Fort Knox to New York in many years occurred. It occurred because the supplies of gold at the port of New York were not sufficient to take care of the need for physical gold needed for shipments out of the country.

This starts a gold pipeline from Fort Knox. There is also another pipeline. Let me read this from the ticker as of today:

> DENVER.—The Superintendent of the U.S. Mint here said today billions in gold bars have been quietly moved out of Denver, cutting the local mint's gold supply from about $5 billion to $2.5 billion.
>
> The transfer has been taking place since 1958, Mrs. Fern V. Miller, Mint Superintendent, disclosed today.
>
> Marshall M. Reddish, Assistant Superintendent, said the gold, moved by armored caravan, went to the Treasury's New York assay office. He said purpose of the transfer was to keep a ready stock of gold on the east coast to meet foreign demands.

So we are losing gold. Physical gold. It is being shipped out, and we have not yet stemmed the tide. This bill will, in my opinion, cast enough doubt on our resolution to stem it to effect adversely the confidence the free world has in the American dollar. Certain nations which have been the beneficiaries of our aid have turned around immediately and bought our gold. Therefore, our own aid has actually financed the outflow of our gold to many of the nations of this world.

Mr. Chairman, another reason why I shall vote against this bill is the fact that I am convinced that in the development-loan category of mutual assistance we are undertaking a course of action which will undermine, if it continues, several of the pinions of the free world which I think are among the most important which are in existence. As I have mentioned, the economy of the United States is in a different position as far as the rest of the world is concerned than it was after World War II. I submit that the existence of the outflow of credits as a result of foreign aid has been more responsible for the international payments deficit than any other single factor. I also submit that if this continues the free economy of the United States of America may well be threatened—that it may well cause irreparable damage to our economy.

The most important thing to the free world today, tomorrow, and every other day, is the free economy of the United States of America. If this economy of ours is injured irreparably it will make no difference whether we have built a factory in Taiwan, whether we have built a road in Cambodia, it will make no difference whether we have supplied television sets for educational purposes.

All of these things however desirable will be completely irrelevant because the free world depends upon the free American economy. And as long as this program was within the reach of the free American economy to support without damage, I have supported this program. I now have grave doubts as to whether the international position of our economy can be maintained with a program of this size. Recognizing as I do the vital nature of our military assistance program and some parts of our supporting assistance, my decision has required much soul searching. However, on balance, I must oppose the bill.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. ANDREWS. I share the concern that the gentleman has expressed about the condition of our gold supply. If I recall correctly, our committee was told that we have approximately $16 billion in gold at Fort Knox.

Mr. RHODES of Arizona. Yes; $16 billion is the total supply.

Mr. ANDREWS. And we were told it was necessary for us to keep at all times $11.5 billion of that gold to protect the integrity and soundness of our currency.

Mr. RHODES of Arizona. The figure the gentleman has mentioned is approximately correct.

Mr. ANDREWS. And further we were told that the total amount of claims now held by foreign banks and governments or businesses or foreign citizens which can be converted into gold, being claims against the gold on deposit at Fort Knox, is approximately $20 billion. Are those figures approximately correct?

Mr. RHODES of Arizona. Yes, those figures are approximately correct.

Mr. ANDREWS. So if the $11.5 billion is added to the $20 billion figure, you have $31 billion worth of potential claims against $16 billion worth of gold. So, I too, share the fear that the gentleman from Arizona has so far as this situation is concerned. In my opinion, this foreign aid program is responsible, more than any other one thing that you can put your finger on, for the drain against our gold supply that has taken place in the last few years.

Mr. RHODES of Arizona. Now, for another reason I shall vote against the bill. Here in the United States, whenever a State wants the Corps of Engineers or the Bureau of Reclamation to build any kind of project, it is necessary for much action to take place.

It is necessary for an engineering study to be made. A benefit-to-cost ratio is arrived at. Plans and specifications are prepared. Then, it is necessary to have an authorization of the project passed by the Congress. Then the Congress must appropriate the money for it. Then, finally, construction on the project goes ahead. I suppose that many people in the United States think that we operate the same way abroad. Nothing could be further from the truth. As a matter of fact, the Committee on Appropriations has been asked to appropriate for what we call illustrative projects in the AID program. In other words, they give the project a name. They say, roughly here is what it is; here is the way it will be unless we change our minds. What is the benefit-cost ratio? At this stage, no one knows. When will it be built? Quite often, no one knows. Quite often we ask AID, "Does the other country know you want to build this project?" and the answer is "No, we have not told them yet." So, we are asked to appropriate money without having any of the ground rules or any of the criteria established which we require to be established here in the United States for similar projects.

This is the same situation as if the Corps of Engineers were to come to Capitol Hill—to the Public Works Subcommittee of the Appropriations Committee—and say to its distinguished chairman, the gentleman from Missouri [Mr. CANNON], "You are the chairman of the Appropriations Committee, will you please appropriate X billion dollars for projects? We do not know, sir, how many will be built. We do not know what or where they will be built, for certain. We do not know how long it will take. We do not know what the benefit-cost ratio is. But please trust us, Mr. CANNON, because we are nice people."

This is exactly what we are asked to do on a global basis, and this is another reason, Mr. Chairman, why I will not vote for this particular bill today.

There are other reasons that I might give if time allowed, but before I take my seat there is something I must say.

The gentleman from Louisiana [Mr. PASSMAN] has been chairman of this subcommittee for a long time. During that time the taxpayers of the United States have been well served by the gentleman's diligence, by the fact that he has been able to go into the ramifications of this program and to show where some of the fat is and to take it out. The gentleman from Louisiana has served his people well; he has served the taxpayers of the United States well.

I am sorry that there are those who are so much opposed to the point of view of the gentleman from Louisiana, and that they resent the activity of the gentleman from Louisiana to such extent that they resort to invective, innuendo, and equally disagreeable means to try to demean, and blot the escutcheon of the gentleman and obstruct him. The gentleman in my estimation is one of the finest Members of this House and also one of the finest public servants that ever walked into these Halls. He does not deserve anything but praise and approbation from the American people.

Mr. ANDREWS. Mr. Chairman will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. ANDREWS. I concur in what the gentleman from Arizona has said about our chairman. I wish to ask him if in his opinion our chairman, the gentleman from Louisiana [Mr. PASSMAN] did not know more about this program than any witness who appeared before the committee?

Mr. RHODES of Arizona. There is no doubt about that.

Mr. ANDREWS. In many instances the witness did not know the answer to the questions. He would say we will go off the record, would give them the answer, then go back on the record, ask the question, and have the answer given for the record.

Mr. RHODES of Arizona. That is true.

Mr. ANDREWS. And is it not also true that on one occasion our chairman asked for certain information of witnesses. They did not have it but said they would try to get the information. Then last night one of the reference men in the Library of Congress called our chairman for the information and our chairman gave the Library of Congress reference worker the information. He in turn referred it to the aid Agency. And the aid Agency then gave it to our chairman.

Mr. RHODES of Arizona. That is the situation.

Mr. ANDREWS. Our chairman spent a lot of time and a lot of work in an effort to answer his own question.

Mr. RHODES of Arizona. I do not know that there is any other case on record in which the Library of Congress has asked a Member of Congress for information. It is almost always the other way around.

I am sure the gentleman from Alabama will agree with me also that the appellation Poisonous Otto is not deserved by the gentleman from Louisiana. The only time he ever even came close to being slightly disagreeable to witnesses was on those occcasions when witnesses either were trying to disguise the facts from the committee or obviously had not done their own homework.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield further?

Mr. RHODES of Arizona. I yield.

Mr. ANDREWS. And is it not also a fact that in one instance there were two witnesses testifying, two principal witnesses; a question calling for a yes or no answer was asked. One of them answered "Yes" and the other answered "No"?

Mr. RHODES of Arizona. That has occurred, I think, several times, as the gentleman from Alabama well knows.

Mr. PASSMAN. Mr. Chairman, I yield to the gentleman from New York [Mr. Rooney] such time as he may consume.

Mr. ROONEY. Mr. Chairman, I should like to concur in the last statement of the distinguished gentleman from Arizona with reference to the chairman of this subcommittee, the distinguished gentleman from Louisiana [Mr. Passman]. As far as I am concerned, he has always been a gentleman with me, and although he and I have differed with regard to many, many of the items in this bill and in preceding bills, I can never say that he did not act fairly and as a gentleman toward me. I respect his rights to express his ideas with regard to the bill, and he has indicated that he respects mine.

One of the most important, in my estimation, of the items on which we have widely disagreed is that with regard to development lending. I could not concur in the committee's $475 million slash of President Kennedy's request for this fund.

The amount authorized for development lending under the Foreign Assistance Act of 1961, as amended, is $1.5 billion. The President recommended that $1.25 billion be appropriated. The committee in its report recommended that only $775 million be appropriated. This recommendation represents a cut of about 38 percent from the requested amount. If such an amount were finally approved by the Congress, it could have the effect of cutting the heart out of the loan program.

Only 1 year ago, this body endorsed the development loan program as a major instrument of our foreign policy and of the new aid program. The discussions at that time were extensive, but I believe that an excellent program capable of sustaining a long-term approach was approved. In the authorizing legislation the Congress approved a 5-year authorization for long-term, dollar repayable loans. These loans were to be on easy terms—up to 40 years in duration with low or no interest and up to 10 years grace period before repayment would begin. But these terms were made explicit at the time, and I believe that they will be beneficial because they will require repayment of our foreign assistance.

Last year, after the authorizing legislation was passed, the President requested an appropriation of $1.2 billion for development lending. This body approved an appropriation of $1.025 billion; a cut of 15 percent. The action of the House in this case seemed to me to be responsible and prudent.

The appropriation of only $775 million for development loans for fiscal year 1963 seems to me to be just the opposite. The cut of almost 40 percent from the amount requested for appropriation for loans is, I believe, a reversal of the policy which was established last year. This cut would undo all of the work of this House in attempting to shift the aid program from grants to loans. We should not ask the aid agency to shift its emphasis to a loan program and then refuse to appropriate money for those loans. And that is exactly what we would be doing when we appropriate only $775 million for the long-term lending program. The restoration of $200 million to the loan appropriations is the responsible and prudent thing to do. I believe that an appropriation of $975 million will live up to the commitment which this body has made last year in approving the long-term development loan program as a tenet of the foreign economic aid effort.

Under the policy established by the Congress and the executive branch last year, the aid Agency has made a number of long-term commitments. These commitments by the U.S. Government involve India, Pakistan, Nigeria, Tanganyika, the Philippines, and Tunisia. Testimony before the subcommittee indicated that approximately $700 million of fiscal year 1963 funds have been so committed. In addition, AID has continued to operate under the continuing resolution during the first quarter of fiscal year 1963, which is almost over. During this first quarter, I am informed that a little over $40 million in development loans has been committed for other worthwhile projects.

Thus, the total commitments that have been made for development loans out of fiscal year 1963 amount to about $750 million. If only $775 million is finally appropriated, the U.S. Government will have virtually exhausted the entire amount of fiscal year 1963 funds. As a practical matter, therefore, the slash in development lending funds would have an effect far beyond that which such a reduction might be expected to have. It would effectively scuttle the development lending programs for fiscal year 1963 in a large number of countries. These include programs and project needs in countries of the highest importance to the United States—such as Turkey, Taiwan, Thailand, and Iran. It could mean token programs or no programs at all in countries where the United States has a substantial interest in the development momentum already achieved—such as Greece, Israel, and the Sudan.

These commitments are all made subject to the appropriation of funds by the Congress. However, as long as the other countries meet the conditions set forth in those agreements, the United States would be bound, unless it chose to renege on its solemn commitments. To fail to live up to these understandings would almost certainly create a crisis in our relations with those countries and seriously damage the U.S. position internationally.

There is nothing in the committee report nor in the hearings that would justify a cut in the President's reccomendation of almost 40 percent. The report indicates that an appropriation for $425 million for loans under the Alliance for Progress, when added to the $775 million recommended for development lending, results in a total of $1.2 billion for loan assistance on a worldwide basis of about the same as last year. But this analysis ignores the fact that $600 million was appropriated for the Alliance for Progress in May 1961, and that that appropriation was effectively available during fiscal year 1962. That $600 million appropriation contained loan assistance for $494 million—$394 million went to the Inter-American Development Bank for administration on behalf of the United States in a special trust fund and $100 million went to Chile. Thus, the total available in fiscal year 1962 was really much larger than the amount which we are being asked to appropriate today by about $400 million.

Furthermore, the authorizing legislation contemplated that a larger amount would be needed for the development loan program when it got underway. The authorization for fiscal year 1962 was $1.2 billion, but thereafter for fiscal year 1963 to fiscal year 1966 the authorized amount was $1.5 billion. The Alliance for Progress legislation has now been consolidated in the Foreign Assistance Act, so those funds which were formerly appropriated separately must be taken into account if a comparison is to be accurate.

I do not find that the administration of this lending program has been criticized in any way that would justify the very large cut in funds. Objections have been raised that the amounts of committed but unexpended funds have risen. However, the cause of this rise is quite clear when the figures are subjected to a rigorous analysis. This rise is the inevitable result of the shift in emphasis from grant assistance to long-term loans repayable in dollars. Grants can generally be expended fairly quickly. And, in fact, the pipeline in grant assistance has declined. Loans for major capital projects extend over a number of years and can be prudently expended only if spent over a similar time.

There has been a significant increase in the lending program over the past few years. But any program that increases rapidly in size causes a similar increase in unexpended balances. For example, the civilian space program's unexpended balances have tripled in the last 2 years. The aid agency estimates that by the next fiscal year, fiscal year 1964, the new development program will be well underway, and it is estimated that the unexpended balances will level off and begin a downward trend.

But in any event, it appears to me that a policy of emphasizing loans cannot equitably be established, and then, as soon as it has begun, have it cut off because of the inevitable rise in unexpended funds.

I believe that the loan program should be the heart of the foreign economic assistance effort. The only way that it can so remain is to appropriate adequate funds so that it may operate effectively. It is of interest to note that this program has practically no effect upon the Nation's balance-of-payments problem. In the area of the world which has by far the largest amount of development loans—the Near East and south Asia region—testimony before the committee—page 257, volume 3—indicated that 93 percent of the total program for that area would be spent in the United States.

One final point. The development loan program is essential in order to achieve the largest amount of assistance from our industrialized allies. The significant assistance which the United States has rendered to the underdeveloped countries has been instrumental in obtaining a larger amount of assistance from others. The results of our example and efforts to obtain a larger measure of assistance from those whom we have aided in the past are now becoming apparent. In 1961, official assistance by other industrialized free world countries rose by almost 24 percent over 1960, whereas official assistance from the United States rose about 21 percent. Furthermore, the terms of assistance by other countries have been improving: in 1961 aid grants and loans over 20 years in duration rose as fast in the other industrialized nations as they have for the United States. We should attempt to obtain larger contributions for assistance by others, but one of the main ways that this can be achieved is through provision of adequate funds for development lending.

In closing, I would like to state that I believe that the development loans are central to an effective aid program. I trust that the other body will restore at least $200 million in the cut made here in development lending.

I am grateful to the members of the subcommittee as well as to the membership of the full House Committee on Appropriations for having inserted the $2.8 million in foreign currencies for the American research hospital for children in Krakow, Poland.

I am also grateful for their accession to my request to insert section 106 which is now to be found at page 6 of this bill, with regard to discrimination against American citizens because of their race or religion.

I trust that when this bill reaches the other body certain restorations of funds in many of the items will be approved. I fully agree with Secretary of State Dean Rusk's warning that more countries might follow Cuba behind the Iron Curtain if the cuts in this bill were allowed to stand. This is not the time to make drastic cuts in our foreign aid program.

Mr. PASSMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. GARY].

Mr. GARY. Mr. Chairman, I want to concur with the distinguished gentleman from Arizona, a member of our subcommittee, and also to disagree with him.

I agree with him in everything he said concerning our distinguished chairman. I do not believe any Member has ever brought any bill to the floor of this House that has been more thoroughly prepared, or any Member has ever been more familiar with his bill and the subject matter with which it deals than the chairman of this subcommittee.

We have held hearings on this bill for months. He has peered into every avenue of expenditure, he has queried witnesses with great ability, he has brought out facts that this House should have in order to pass intelligently upon the legislation, and he has been eminently fair, in my judgment, in working with the committee in an effort to bring before this House a satisfactory bill.

I disagree with my friend from Arizona, in that I shall support this bill. The reason I shall support it is because I consider foreign aid a very vital part of our national defense.

Mr. Chairman, I have never talked to a military official who did not say that the periphery of islands from Alaska, to Japan to Korea to Okinawa to Formosa and to the Philippines is absolutely essential to the protection of the United States of America. They are essential for two reasons. In the first place, as long as they remain under the control of our allies and friends they can be used as bases from which we can attack the enemy in an emergency. In the hands of the Communists, on the other hand, they could be used as bases for an attack on the United States of America.

Korea has ample manpower, but they do not have the means of equipping their army; consequently, if we want them to protect their own island, we must furnish them the necessary equipment.

The same is true with the forces of Chiang Kai-shek on Formosa. I can tell you it is far cheaper for us to help equip and maintain those armies than it is for us to send our boys over there to protect them, and they must be protected. The amount that the Korean and the Chinese soldier is paid would not buy cigarettes for the members of our Armed Services. By equipping those armies to defend those islands we have saved billions of dollars in the last few years, because had we sent our own troop it would have cost us many billions of dollars more than we have spent on foreign aid.

On the other hand, I recognize there are imperfections—serious imperfections—in our foreign-aid program. I do not like the ship for Haile Selassie, and I do not like many of the other things that have been brought to light on this floor; but let me say if it had not been for the astuteness and the inquisitive nature of our chairman they may not have been brought before us. He has discovered these abuses and he has brought them before the House. I think a great many of them are going to be corrected in the future.

We have unquestionably spent more money on this program than has been required.

Mr. Chairman, as I stated just a short time ago in paying tribute to my good friend, the gentleman from New York [Mr. TABER], I have been associated with this program since its inception, and we have been fighting inefficiency and waste every year. This cut in the foreign-aid program is nothing new. We have cut it every year, and every year we have been told that we were wrecking the program. Well, now, we have wrecked it about 10 or 15 times, but it is still going stronger today than ever before.

Mr. Chairman, permit me to say that we have made some deep cuts. We have done so because we believe that they are justified. We believe that there is waste in the program. But I feel that our subcommittee under the able leadership of our chairman, the gentleman from Louisiana [Mr. PASSMAN] has brought to the House a fair, just, reasonable, and sane bill. I believe that we can carry on an adequate program of foreign aid under it. I believe, Mr. Chairman, for that reason, the bill should be approved by this House. I shall vote for it as a part of the national defense program of the United States.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Chairman, I can well concur with the gentleman from Virginia [Mr. GARY] in his remarks of a few moments ago when he talked about the necessity of military aid. I went along for 7 years with this bill in the interest of defense in the hope that it would get down to the point of just some technical aid and any necessary military aid we needed with some countries such as Formosa, and a few others. I believed we could handle our military obligations abroad much better in that way than putting more men in our own military forces. But unfortunately after 7 long years of going along with this I found that I was getting nowhere. Now we are continuing to appropriate and misspend billions of the taxpayers' dollars. So, 3 years ago I was forced to start voting against this legislation.

Mr. Chairman, I want to pay my compliments to the chairman of the subcommittee, the gentleman from Louisiana [Mr. PASSMAN]. I think the gentleman has done an extraordinary job. As a matter of fact, the gentleman has done such a good job these last 3 years, it was he who practically convinced me to vote against this legislation any more, and I think he is entirely right.

Mr. Chairman, one of the things that we as Members of Congress must come to realize is that we are no longer a separate and equal branch of the Federal Government, but a subsidiary of the executive branch of Government. I resent the fact that the administration is operating as a lobby and has appointed and employed a great propaganda bureau down at the White House, as well as in other branches of the administration. Of course, I admit that this is not entirely new. But it certainly has pyramided to a tremendous extent.

Mr. Chairman, I received a telephone call yesterday afternoon while I was on the floor of the House from the International Development Corporation, one of the recipients of these funds. I would like to know what right the man had representing that Corporation to call me as a Member of Congress and ask me to vote for this legislation. I told him so; that it was none of his business how I was going to vote; that I was going to vote as a responsible Member of Congress, and that he ought to keep his nose out of our affairs.

I might go one step further and say this with respect to how we are operating today. I have some bills and resolutions in committees and when I ask for the promotion of those bills what do you think I am told, as others are told? In one particular committee the answer I get each year is, "The State Department opposes it," so it does not go on the agenda.

Is this a legislative body? Is this Congress responsible and responsive to the citizens of this country? Or are we just again an adjunct of the executive branch of the Government?

Mr. Chairman, I am distressed. I am distressed because we are going through tragic times, and when this body should assume and assert its responsibility we are abrogating our responsibility by bowing to the demands of the executive branch of the Government, which does not know half as much about what is going on in the world today as do Members sitting in this House today.

So I say to you, when we discuss the outflow of gold, it is denied by the executive branch of the Government that this is happening. And yet it is not strange that they are not worried about the outflow of gold. I call the attention of my good friend from Arizona to this, because members of the executive branch of the Government do not believe that a gold supply is necessary to back up the currency of the United States. They have said this and they take this position. So our outflow of gold means little or nothing to them.

Mr. Chairman, I would like to support some military aid in this bill. I would like to support some technical assistance in this bill. But I can no longer vote for $3 or $4 billion a year that must be borrowed at the taxpayers' expense, when there is not a single dime in the Treasury of the United States. I say it is immoral for Congress to vote to give away $3 or $4 or $5 billion to foreign countries when we have to borrow this money and put the debt on the backs of generations 50 or 100 years from now.

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, the gentleman from Arizona [Mr. RHODES] in his remarks a few moments ago pointed out several areas of waste and misuse of taxpayers' dollars in this foreign aid appropriation bill. I would like to comment on other waste in appropriation bills. I am particularly interested in the Labor Department and Health, Education, and Welfare appropriation bill which passed this House just a month ago.

Today every Member of Congress received a 3-foot wire. This wire contained 520 words. It was addressed by the Secretary of Health, Education, and Welfare to every Member of Congress soliciting his support and his vote for the conference committee report on H.R. 8900. This is a direct violation of title 18 of the United States Code, section 1913, which prohibits the use of appropriated funds by departments of the executive branch for influencing legislation. When we go back into the House I shall insert in the RECORD title 18 of the United States Code, section 1913.

In checking earlier today with Western Union it was found that this wire which was delivered to all of our offices last night would cost, at straight Western Union wire rates, $12,800. Western Union stated earlier today that this wire had been sent under regular rates. Evidently a hurried conference was called and negotiations were carried on this morning in which the wire rate has been renegotiated by the Department of Health, Education, and Welfare and Western Union to bill the Department at night letter book rates. The taxpayers are going to pay now $3,562 for this wire. This, it seems to me, is a lot of money to deliver a message a distance of two blocks to our offices here on Capitol Hill.

It amounts to over $1,700 a block. The message could have been delivered by the HEW messenger service at a cost of less than $47.

It just seems to me that the people in charge of the executive branch of our Government, once appropriations are made available by this Congress, should have a higher regard for the taxpayers of the United States. This is indeed another example of waste of tax dollars.

Mr. Chairman, I have served on the Appropriations Committee since the Department of Health, Education, and Welfare was created. I have a sincere interest in the Department's welfare and believe the new Secretary and the Department have let me down as the ranking minority member of their Appropriations Subcommittee. They have abused the trust of our committee, the Congress, and the American taxpayer.

Mr. PASSMAN. Mr. Chairman, I yield such time as he may desire to the distinguished gentleman from North Carolina [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, before I begin my discussion of this bill, I should like to commend every member of this subcommittee on the diligence and great effort they have displayed in preparing this bill for presentation to the House. They have worked many, many hours, particularly the chairman. Before the deliberations on the markup of this bill began, every member of our subcommittee commended our distinguished chairman, the gentleman from Louisiana [Mr. PASSMAN], particularly after certain remarks had come out in certain magazines in regard to him. I just felt that the Members of this House would like to know that the members of the subcommittee feel that our chairman is very fair, and that he did a good job.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Washington.

Mr. HORAN. May I say as a member of the full Committee on Appropriations that that high opinion of the chairman of the subcommittee, the gentleman from Louisiana [Mr. PASSMAN], is not restricted to the members of the subcommittee of which he is chairman.

Mr. ALEXANDER. I thank the gentleman very much.

Mr. Chairman, today's request for a foreign aid appropriation by the 87th Congress comes before us at a time when political instability, social injustice, and economic chaos characterize our disordered world more than ever before. Surely, we, as Members of Congress and as citizens of the wealthiest and most bountiful Nation in the world, fully realize that our actions here today will profoundly, and perhaps lastingly, affect both international order and our own national security. To act in an uninformed and unintelligent manner would not only ill become the Members of the distinguished body but would also stand in the future as a tragic monument to deficient and imperfect collective judgment.

Again this year, as in past years, I have been privileged to serve on the Foreign Operations Subcommittee of the House Committee on Appropriations. This year we held more extensive and far-reaching hearings than ever before on the foreign assistance proposals now before the House. After intently listening to a vast, impressive array of expert witnesses, and after carefully restudying testimony, facts and figures, I am compelled to say that I cannot in good conscience support the exorbitant appropriation presently requested. My decision is based on a past history of waste and inefficiency which has characterized our foreign aid programs. A brief look at the past will, I believe, substantiate my judgments.

Our foreign aid program, as you all know, began after World War II with an attempt to save the economically prostrate countries of Western Europe in order that they might resume trade with us and remain effective allies in the fight against international communism.

The so-called Marshall plan unquestionably saved Western Europe from Communist domination and, in my estimation, represents our most notable and singularly successful foreign aid accomplishment. Other successes of our foreign assistance, though less spectacular, may certainly be cited.

When our total foreign aid efforts are closely scrutinized, however, the overabundance of failure cannot, and should not, be ignored. In view of the billions expended on foreign aid in the last 17 years the dearth of positive and lasting achievement surely furnishes sufficient cause for reflection and reexamination.

Since World War II the United States has invested $101 billion in foreign aid in more than 84 countries. Our total outlay certainly overshadows the comparatively insignificant $3 billion spent by the U.S.S.R. on foreign aid. I cannot candidly say to you or to my constituents, however, that our results have been 34 times as good, or even equally as good as Russia's.

For over 15 years we have pumped American tax dollars into the pockets of the wealthy while the intended recipients of our aid continue to languish in squalor and poverty. Time and time again we have witnessed the expropriation of American citizens' property without adequate and fair compensation by those who so readily partake of our benevolence. Too often our aid has supported and subsidized Communist nations even though their leaders openly state that they will "stand shoulder to shoulder with the Soviet people" in the desire for victory "over the enemies of socialism" and even though international communism remains dedicated to the complete destruction of our way of life. By thus securing Communist control through financial, and even military, assistance, our foreign aid has not really helped freedom-loving peoples but, rather, has enslaved them.

We have allowed over $57 billion of our aid to go to alleged "neutrals" who want our money but who refuse to acknowledge even nominal friendship and who certainly fail to act like friends. Our foreign aid, supported in part by near prohibitive income and profits taxes on American industry, has given much of the world our most modern equipment and know-how, thus destroying our markets and undermining the American enterprise that makes possible much of the big foreign giveaway.

On more than one occasion we have borne witness to the grant of foreign aid only to see it return to our shores almost immediately to purchase a portion of our dwindling national gold supply.

I honestly say to you that I am unable to justify an appropriation of my constituents' hard-earned tax dollars to pay for a luxury ship for the millionaire Emperor Haile Selassie, or to finance a power project and aluminum plant for the ruthless champion of African tyranny, Kwame Nkrumah, or to forward funds to Cuba through the United Nations.

I refuse to be convinced that Iran needs a truck for each 18 men, or that each Cambodian soldier can even carry, much less need, the two U.S. rifles we sent him. Foreign aid spending is seldom adequately justified to the Congress or to its committees, and time and time again funds needed exceed amounts estimated and requested.

In short, we have year after year seen incomprehensible sums of money appropriated for a foreign aid program perpetually characterized by poor planning, faulty management, and meager results.

As any reasonable person would surmise, such maladministration and the resulting gigantic waste have not been without repercussions on the national front. Here, taxes have risen; unemployment remains high; depressed areas require assistance; exports have diminished; the gold plight continues to be dangerous; our balance of payments position remains perilous; and the national debt, already greater than those of all other nations combined, plunges to new depths. All these problems are inextricably bound up in our excessive foreign aid spending and press immediately upon the collective conscience and pocketbook of the people whom we represent.

I fully realize that isolation represents an outdated and inadequate solution to world problems, and I do not advocate abdication of our responsibilities to oversea nations. In fairness to the American taxpayers who elect us, however, I must say that we in the United States have been neither indifferent nor ungenerous toward the unfortunate and oppressed people of the world. I am of the opinion we have been too generous and thereby have promoted fiscal irresponsibility in the donor's domain as well as among the recipients around the globe. The State Department would do well to heed the admonition of Calvin Coolidge. The former President wisely said:

> Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody.

Gentlemen, we in the Congress must take swift and certain steps to halt our dangerous obsession with spending. It is our solemn duty to restore the still-valid but seldom-used words "thrift" and "frugality" to our national vocabulary before America dissipates its entire national wealth and forever dashes mankind's noblest hopes and aspirations on the rocks of economic destruction.

Mr. Chairman, and distinguished colleagues, I implore you to join me in taking two forthright and decisive steps toward meeting our foreign aid dilemma.

First, and foremost, let us realistically cut our foreign assistance appropriation. We must face squarely and practically the fact that the U.S. Treasury is no cornucopia, no bottomless pit of wealth and plenty.

We must acknowledge the fundamental and sobering reality that more money appropriated does not automatically mean more effective foreign assistance. We must realize that much of our appropriated foreign aid funds are spent under conditions for which there is no constitutional mandate. We must not ignore the obvious fact that our allies are not shouldering a fair share of the foreign aid burden.

Let us work toward lessening our balance of payments problem, arresting the gold flight, changing our budget deficit to a surplus, and strengthening confidence in the dollar.

In short, let us willingly accept as our primary goal the restoration and maintenance of a strong U.S. economy; for America can be the salvation of the free world only if America has the necessary strength to save herself. The first step, then, requires us to shift from a policy of limitless aid to one of limited aid.

After making measurable and orderly cuts and after setting our sights on realistic and limited objectives, we must take the second and equally important step of seeing that our limited foreign aid funds are administered properly and in accord with congressional intent. Not only must we be precise in what we seek to do, but we must also realize that mere beneficent intent on our part will not improve the inefficient and often corrupt bureaucratic state of the underdeveloped nations.

Our loans and grants fail as substitutes for internal effort and initiative. If we are to pursue a realistic course of foreign assistance we must make our aid contingent upon swift and adequate internal reform by recipients. We in the Congress must realize that if our foreign aid programs are to be effective in the long run, they must be granted only on the basis of sound planning and fully justified, constructive programs and projects.

The second step, then, requires that we secure a return on our foreign aid investment which is commensurate with the expenditure of our constituents' tax dollar.

In summary, I simply repeat that our past foreign aid record leaves much to be desired and that under the compelling circumstances of our time, we must this day cut the requested appropriation and then concentrate our efforts on effective administration of the smaller sum. Any lesser action would, in my opinion, be a breach of our duty to our people and our country.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I rise in support of the foreign assistance program, administered under the Foreign Assistance Act. This aid program has been a vital tool in our foreign policy kit for a number of years. I do not need to remind this House that the foreign aid program has actually saved Europe from the threat of international communism through the Marshall plan; that it has supported defense forces with both military hardware and economic assistance, from Korea to Norway; that it has shored up free world defenses all along the south flank of the Sino-Soviet bloc; and that it has provided development assistance which has achieved significant economic progress in such countries as India, Pakistan, Israel, Greece, and free China.

Sometimes critics of the program claim that no progress has been made. I should like to point out a few achievements of this bipartisan program which are sometimes forgotten. After World

War II, there was considerable guerrilla activity in the Philippines. This foreign aid program helped stamp out that great danger to the internal security and stability of that stanch ally of the United States. The aid program helped support the peacekeeping activities of the United Nations Emergency Force in the Near East. We tend to forget that an explosive situation existed in the Near East only 4 years ago. The use of the United Nations Emergency Force has been a vital factor in keeping the peace in that area—even though the balance may be a precarious one.

The rapid economic evolution in Spain has been aided tremendously by American aid. The Spanish gross national product has in fact been rising at an annual rate of 10 percent since the beginning of significant U.S. economic assistance.

A number of countries in which we have had major economic programs have made remarkable advances in their industrialization. Even though they have started from a low industrial base, the forward strides made by such countries as Taiwan, India, and Israel have been impressive. In Taiwan and Israel, industrial production over the last half dozen years has increased about 80 percent. In India—that giant in which one-third of the population of the free world lives—industrial production has increased 33 percent in the last 4 years. Each of these countries has received significant amounts of aid from the United States and they have used it effectively.

In terms of statistics, there are many examples of real success that can be cited. For example, in 1957 technicians from Georgetown University began a literacy program among young men in Turkey. Literally hundred of thousands of Turkish men can now read and write as a result of this program. Under the Latin American program—started under the Eisenhower administration and carried forward under the present administration—it is estimated that by the end of fiscal year 1963 direct benefits to some 35 million people will have been given. Mr. Moscoso, the Coordinator of the Alliance for Progress, has estimated that in the 2 years between the beginning of fiscal year 1962 and the end of fiscal year 1963, about 170,000 houses will have been built, 15,000 miles of roads will have been built and maintained, 17,000 classrooms will have been built, 360 hospitals and health centers completed, and 620 potable water supply systems constructed.

These accomplishments of the foreign aid program in real terms often are forgotten. But the question before us is not whether or not we are going to have a foreign aid program—it is whether or not we will have an effective program. The real question is whether we will provide sufficient funds so that the Agency for International Development can pursue the foreign policy objectives of the United States. We should not determine whether the Agency can "live with" the amount recommended for appropriation. It is possible to live without functioning, and even more possible to function without accomplishing anything.

I believe that many of the cuts reported by the House Appropriations Committee were fully warranted by the testimony presented to our subcommittee. In many cases I believe that the funds which are recommended for appropriation will be fully adequate to carry out the purposes of the foreign aid program in an effective manner.

But in several vital categories I believe that the amounts recommended by the Committee on Appropriations are inadequate. It is true that AID will not be put out of business because of the recommended cuts; it will continue to exist. But in at least two categories—and I believe these categories are vital to the entire program and indeed to the foreign policy of the United States—the program will function only partially and can achieve only limited results. In development lending and supporting assistance I believe that the appropriations recommended by the full committee are insufficient to meet the foreign policy requirements of the United States as a leader on the world scene.

To be candid, I am not entirely satisfied with the aid program, even though a number of improvements have been made. At the same time, it is a vital program. In order for it to serve more effectively the historic purposes for which it is designed it needs to be strengthened, not weakened. It needs to be further improved, not cut back.

In the case of development lending and supporting assistance, I believe that the program will be significantly weakened if the cuts are sustained. These are two of the most essential parts of the aid program.

In size and importance, development loans are the heart of the matter. If the recommended cut of almost 40 percent in development loans is sustained, the aid program will be brought virtually to a standstill.

Almost the entire amount allowed by the committee for loans—$775 million—is already committed to long-range projects in India, Pakistan, Nigeria, Tanganyika, and Tunisia. Pending projects in such countries as Turkey, Iran, Formosa, Thailand, Israel, Greece, and the Sudan will have to be postponed or abandoned.

In the case of Greece, Turkey, and Iran, this would undercut the attempt to shift from grants to loans in these countries.

Perhaps even a more basic question arises out of the heavy cut in loan funds from the appropriations requested by the executive branch. Last year the executive branch requested that development lending be financed by back-door financing. I vigorously criticized this request, and I did so on the ground that I believed that the Appropriations Committee would act responsibly in meeting lending requests of the executive branch. Last year's record was, I believe, a good one and bore out that belief. We were requested to appropriate $1,200 million for development lending. The House Appropriations Committee recommended a reduction of 15 percent from the executive branch's request.

I listened to the testimony of the executive branch on the use of these loan funds. Nowhere in the testimony did I discover any misuse of the development lending funds nor failure of AID to do a creditable job. The need for these funds is clear—only a few millions of dollars—less than 1 percent—were uncommitted at the end of fiscal year 1962. The committee's report does not criticize the conduct of the loan program.

The committee report's only possible implied criticism of the loan program stems from the increase of the "pipeline" of funds which have been obligated or committed but not expended.

I have reviewed these "pipeline" figures and it is quite clear that the increase stems from the development lending program. In fact nonlending economic programs—grant assistance—has actually had a decrease in the "pipeline."

The congressional approval of the shift from grants to long-term loans repayable in dollars carries with it the responsibility for an increase in the "pipeline." I would urge the Agency for International Development to keep a close watch upon its committed funds which have not yet been expended. But I do not believe that we can penalize the aid Agency by cutting its funds because of large unexpended balances when the Congress participated in the decision to shift the emphasis of the economic program to long-term development loans.

The large cut in the recommended appropriation for development lending raises a very real question as to whether or not the House is reversing a policy decision to emphasize loans. If we again return to a policy of making large cuts in lending funds requested by the executive branch, I believe that we may lay ourselves open to a charge that last year we applied the lowest cut ever made in loan funds only to avoid back-door financing.

Supposedly, the cuts in loans are being made to save money. It is strange, to say the least, to pick on the one part of the aid program which loans money, rather than giving it away.

All of us want the aid program to encourage others to stand on their own two feet. We want to get our money back in dollars, rather than accumulating vast amounts of soft currencies. We want to keep the aid program from hurting our balance of payments by granting dollars which never come home. These are among the reasons we switched from grants to loans, and from local currency repayment to dollars. These are the reasons why it makes sense to place the main emphasis on development loans.

For these reasons, I believe that a portion of the cut in development lending should be restored.

I would now like to turn to another vital instrument of our foreign policy—supporting assistance. The House Appropriations Committee recommended a cut of $65 million from the authorized amount for supporting assistance of $415 million. I would like to point out that although this cut is only about 15 percent from the amount requested for appropriations for supporting assistance, it is in reality a cut of about 28 percent from the amount requested by the President; $481.5 million was requested for supporting assistance programs for fiscal year 1963. Of this total about three-fourths was programed for use in three countries vital to the security of the United States: Vietnam, Korea, and Turkey. Each of these countries is severely threatened by Sino-Soviet aggression. But these countries also are indispensable to the national security of the United States. They are key countries in our own defense system. Because these three countries used the bulk of supporting assistance, it would appear clear that significant reductions in the supporting assistance category would have to be taken out of their proposed programs. I cannot understand how we can afford to run the risk of providing too little money to countries on the frontlines of our defense. Although I believe that we should cut the amount of grant assistance that we give to other countries, action that is too hasty will turn out to be false economy.

The balance of the funds are proposed for use in other countries which are also vital to the national security of the United States. These funds are used in some countries to support American bases which we have in those countries. In other countries supporting assistance is used to provide an alternative to complete domination by the Communists. Without supporting assistance to a country such as Jordan it is possible that chaos might result. The precarious stability of the near East depends to a large extent upon the supporting assistance given to that country.

The amount of appropriations for supporting assistance needs has been reduced significantly over the past several years. In fiscal year 1961 approximately $800 million have been appropriated for comparable purposes. This amount has been reduced to a request for $415 million for fiscal year 1963, but if this category is reduced too quickly the national security of the United States is in danger. I for one do not wish to run the inestimable risks of losing Vietnam, of inviting Sino-Soviet aggression in Korea or of giving Turkey inadequate support in return for performing a vital military defense function. In supporting assistance there must be a margin of safety. The cut of $61 million in this category eliminates this margin.

In closing I wish to reiterate what I believe to be the accomplishments of the foreign-aid program; it has contributed directly and substantially to the defense of the free world; it has aided greatly in producing real economic progress in many countries; it has provided a significant element of stability in countries all over the globe, and it has started the progress of many countries toward freedom and independence.

A little more than a year ago, during the course of our debate on the Foreign Assistance and Related Agencies Appropriation Act, 1962, I spoke for 15 minutes in support of the need for adequate funds to promote those objectives of the United States which depend for their attainment on implementation of the programs we are again discussing today. I was then, as now, particularly concerned lest the amount appropriated for fiscal year 1962 military assistance program be insufficient to protect our investment and our vital security interest in free world common defense. I pointed out that, in the light of the crises confronting us at that time, I could see no justification whatsoever for the proposed reduction of $400 million; and I urged the restoration of the funds so vitally needed for our allies throughout the world to meet those crises.

Certainly there is nothing in the world situation today to indicate any change for the better which might incline me to change my position as to the immediate and urgent importance of an adequately funded military assistance program for the current fiscal year. What change there has been, has been for the worse; and the Communist threat to the external and internal security of the free world is not only greater than ever, but is taking new and even more insidious forms. The intensification and proliferation of that threat points clearly and directly to the need for continued support by the United States of the self and common defense efforts of beleagured nations in every part of the globe. Such support, in the form of military assistance equipment, training and related services, is absolutely essential not only to the protection of their territorial integrity and/or internal security, but also to our own national interest in the collective security of the free world. The loss of any one of those threatened countries to international communism would represent both a triumphant addition to the total strength of the Sino-Soviet bloc and a dangerous deduction from the morale and the material might of the non-Communist alliance.

Because we cannot afford any such deduction, it follows inevitably that we can no better afford a reduction in appropriations which will, with equal inevitability, prevent optimum use of one of our most effective means of preventing it. That means is the military assistance program—a unique and time-tested instrument of U.S. foreign and strategic policy in the conduct of the cold war. No other instrument available to us makes a greater contribution to the accomplishment of our own forward strategy of keeping the frontline of free world defense as far as possible away from the shores of the United States.

The dulling impact on that instrument of the proposed cut is readily apparent in light of the fact that $962 million or roughly 65 percent of the appropriation requested is for force maintenance—funds necessary to preserve the status quo by maintaining equipment in being and to meet fixed charges. Only the remaining $538 million, plus whatever recoupments can be effected, will be available for force improvement. This is the money which will buy such things as rifles, rocket launchers, missiles and armored vehicles to fill shortages in combat units, and will purchase modern jet fighters to replace existing aircraft of Korean war vintage. Thus a cut of $200 million in the military assistance appropriation would be a significant reduction in funds available for any real improvement in the quantity and quality of allied forces. The Soviets are not content merely to maintain the forces that oppose us, but are engaged in a concerted program of modernization not only for their own forces, but also for those receiving Soviet aid. How can we, on the free world side, take the risk of failing to meet that challenge

Every dollar we appropriate for military assistance will strengthen the capabilities of local forces in allied and friendly countries which are helping us man the frontiers of freedom and bolster the morale of nations willing, in the face of vociferous Communist threats, to make available to us bases and facilities we need for maximum effective deployment of our own military strength. The vital importance of those forces and that cooperation has been testified to repeatedly by all of our most experienced and senior officers in every branch of service. The Joint Chiefs of Staff have unanimously declared that they would not want a single dollar added to the budgets of their own departments if that dollar had to come out of the military assistance program. The Secretary of Defense has stated that he has personally reviewed the proposed fiscal year 1963 program, and that he fully endorses the real need for appropriation of the amount requested by the executive branch.

I, for one, would not dare discount the considered opinions of these men to whom we entrust our national defense—these men whose only motive is to insure the security of our Nation. If, on the basis of their intimate and professional knowledge of the military requirements of free world common defense, they are convinced that inadequate appropriations for military assistance will jeopardize that security, I am willing to take their word for it. In fact, I would consider myself delinquent in my duty if I were to put economy before security—fiscal quibbling before national interest. I shall therefore vote for the appropriation recommended by the committee for the fiscal year 1963 military assistance program, and I urge you to do the same.

I have read with great concern the statements about the Inter-American Development Bank appearing in the report of the Committee on Appropriations on the foreign aid and related agencies appropriation bill, 1963. If left unanswered, these observations would be likely to cause serious misunderstanding on the part of our friends in Latin America, who rightly regard the Bank as a vital element in the Alliance for Progress.

The Bank is a cooperative international agency of which all the countries of Latin America, except Cuba, are members. The monetary contribution of the Latin American countries to the Bank was very substantial, being $139,000,000 in gold or dollars, and an equal amount in local currency, as compared with a total contribution on the part of the United States of $250 million. It is contemplated that substantial additional funds for lending will be raised by the floating of securities in the markets of the United States and other capital exporting countries on the basis of the Bank's callable capital, to which the United States has subscribed $200 million and the other member countries $231,580,000.

In order for the Bank to issue securities successfully, it must enjoy the confidence of the financial community, which I am happy to say has been strongly manifested by two important facts, first, that the Bank has sold, without guarantee, 105 participations, totaling $7,013,142, in its loans to 29 banks in the United States and 7 in Europe, and secondly, that the Bank has already floated an issue of bonds in Italy equivalent to $24,200,000. This reception of the Bank's securities in world financial markets is a striking testimony of the soundness and care with which the Bank is being administered by its management and Board of Executive Directors.

One of the important responsibilities placed on the Bank by the member countries is to stimulate, through contact with sources of private and public capital in Western Europe, an increased interest in Latin American development and to stimulate an increased flow of capital from Europe to Latin America. At the Bogotá Conference in September 1960, the Bank was specially requested to assume this responsibility, which is of course of great interest and benefit to the United States in alleviating some of the need for the outflow of development capital from this country. The request to the Bank was reaffirmed by its Board of Governors at its annual meeting in Rio de Janeiro in April 1961 and the mission to which the committee report refers was thereafter undertaken. The mission visited major financial centers in seven European countries and by reason of intensive advance preparation was able to meet with a very large number of government and private financial authorities. The favorable results of the mission are reflected in the participations and bond issue to which I have referred, and are being further evidenced in negotiations which are actively underway for additional participations and eventual bond issues in Europe. In view of the nature of the mission, its intensive work, and impressive accomplishments, I do not consider that the expenses were at all unreasonable.

Although the Bank has held only two annual meetings of its Board of Governors, they have already become a focal point for the review and implementation of national and international development financing in Latin America. The meeting are attended not only by officials of the member countries but by senior representatives of the major private banking and financial institutions of this hemisphere and of Europe. They have thus become a recognized forum for responsible financial thinking about the development problems of Latin America. With respect to Latin America, the meetings fulfill the same general purpose that the annual meetings of International Bank for Reconstruction and Development serve on a worldwide basis and the arrangements and expenses are comparable, in proportion to the respective sizes of the two institutions.

With regard to the finances of the Inter-American Development Bank in general, it should be borne in mind that the Latin American countries are contributing very heavily to the expenses through the investment of the funds derived from the portion of their subscriptions payable in gold or dollars. With the income from these funds and from the funds contributed by the United States, the Bank, by prudent management of its expenses, has been able to show a modest net profit in each of the 2 years of operation which have been completed. As was stated in the hearings on the appropriation, the decision to make the initial payment of a portion of the U.S. subscription to the Bank in cash rather than to issue noninterest bearing notes was taken after consultation with congressional leaders and was based upon the interest of the United States in placing the Bank's operation on a sound financial basis from the outset, thus laying the groundwork for satisfactory and successful operations in the future. As was also indicated in the hearings, it is clear that the Secretary of the Treasury will in the future utilize non-interest-bearing notes to the extent consistent with this principle, but I think it would have been most unfortunate if the Bank had been forced to operate at a deficit in its early years for lack of funds which could be invested to provide it with operating income.

In short, Mr. Speaker, I believe that the Bank is being soundly and efficiently operated and merits full confidence as a vital agency of the Alliance for Progress.

HOUSE REPORT 2410

On page 25 of House Report 2410, September 18, 1962, there is noted what appear to be examples of extravagant overprograming in MAP. However, there is a perfectly logical explanation for each "1½ rifles per man."

The presentation book did show an active military force of 38,000 men in this country and that a total of 45,548 rifles and carbines had been programed under MAP. What the book did not show—and the detail can never be 100 percent complete—was that in 1961, in response to a special request from this friendly government, 11,000 carbines were furnished under MAP to partially arm two paramilitary groups—a rudimentary national guard and a village militia—for combating Communist guerrillas in outlying areas. These latter forces number approximately 50,000. Because they are not part of the regular military establishment and not normally supported by MAP, they are not included in "active military forces" as shown in the congressional document. Deducting these 11,000 weapons from the total number programed for this country (including those proposed in fiscal year 1963) still will not total one per man. The ratio of weapons to men in the paramilitary units is far less.

TWO RIFLES PER MAN

This accusation is based on an error in the congressional presentation document for the country in question. It showed the total cumulative program included 1,947 rifles, but a MAP supported force of only 1,200 men. This latter figure should have been 2,200 men. This corrected information was provided for the record of March 29, 1962.

SHORTAGE OF PILOTS

Information furnished for the record of the March 28, 1962 hearings before the House Appropriations Committee Subcommittee on Foreign Operations did show a shortage of pilots qualified to fly two types of new jet aircraft for the country in question. This information also indicated the fact that the required number of pilots for these aircraft were engaged in the normal transition training from older, slower type planes. As of June 30 of this year, qualified pilots have completed training and been assigned to all these aircraft except one and this remaining shortage will be more than met from the fiscal year 1963 pilot training program.

UNJUSTIFIED AIRCRAFT FOR IRAN

This requirement developed after the presentation of the fiscal year 1962 military assistance program to Congress. In a program of this nature and magnitude it is unreasonable to expect that every single item as presented to Congress will actually be programed, or that new requirements should not be included after a program has been presented to Congress. Congress would be the first to protest such limitations as unwarranted, unjustified, and unworkable. Many significant program changes are always required after congressional appropriation actions.

Prior to fiscal year 1962, the law required that monthly reports be made to Congress regarding program changes subsequent to the congressional presentation. However, section 634d of the Foreign Assistance Act of 1961 only requires an annual report be made to Congress in January of assistance furnished which was "substantially different" from that included in the presentation to Congress.

Mr. TABER. Mr. Chairman, I yield the balance of the time to the gentleman from Iowa [Mr. GROSS].

Mr. MEADER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. Mr. Chairman, I am glad to yield to the gentleman from Michigan.

Mr. MEADER. Mr. Chairman, in opening the debate on this matter, the gentleman from Louisiana [Mr. PASSMAN] referred to the CONGRESSIONAL RECORD, volume 97, part 8, page 10265, which contained the proceedings relating to an amendment offered by our then colleague, the gentleman from Massachusetts, Mr. Kennedy.

I asked the gentleman to yield, and he did yield but declined to go into the details of the matter and answer certain questions. So I took the trouble to go and get the RECORD. It is very interesting reading. It is not very long. In the middle of the page there appears the following:

> Mr. KENNEDY. Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> "Amendment offered by Mr. Kennedy: 'Page 6, line 12, strike out "$175 million", and insert "$140 million".'"

This was an amendment to reduce the bill by $25 million, which constituted a rather sizable percentage of the item to which it applied.

Mr. Chairman, the debate was quite interesting because of the statements which the gentleman from Massachusetts made, and which were quoted, in part, by the gentleman from Louisiana [Mr. Passman]. But I think it might also be interesting to those of us who served at that time to know that our former colleague, Mr. Javits, now Senator from New York, asked the gentleman from Massachusetts to yield, and Mr. Javits said:

> I do not think the gentleman fully understands the situation. From this $175 million is to be deducted the $100 million which is covered by sections 204, 205.

And so on.

Mr. Kennedy undertook to say that he did understand that that applied to Palestine refugees and so on. Later, Mr. Ribicoff, who at that time was a colleague of ours, undertook to oppose the amendment offered by the gentleman from Massachusetts, and argued strenuously against it. But the amazing thing is that the gentleman from Massachusetts almost was successful in having his amendment adopted. On a division, demanded by Mr. Javits, the ayes were 75 and the noes were 85. Then Mr. Kennedy demanded tellers, and on the teller vote he lost by 101 to 141.

So, Mr. Chairman, I might say as has been said on previous occasions, that sometimes strange things happen when a statesman or a politician journeys from one end of Pennsylvania Avenue to the other.

Mr. CONTE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members are present, a quorum.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman from Iowa yield to me?

Mr. GROSS. Yes, I yield to the gentleman from New York.

Mr. ROONEY. I should like to commend the distinguished gentleman from Michigan [Mr. Meader]. He has certainly proven that the distinguished gentleman from Massachusetts has fully grown in stature, statesmanship and ability. Not all of us have done so.

Mr. GROSS. Mr. Chairman, it also proves that the present President of the United States, a former member of the House, has changed his mind considerably about foreign aid, in view of the outlandish demand he has made that the foreign aid program be increased this year, I will say to the gentleman from New York.

Mr. Chairman, I yield back the balance of my time.

Mr. PASSMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. Rogers].

Mr. ROGERS of Florida. Mr. Chairman, America is vitally concerned about the Soviet buildup in Cuba. We are particularly concerned that merchant ships flying the flags of our allies would transport Communist cargoes to Cuba. Allied participation in the Soviet-Cuban buildup amounts to rank hypocrisy.

It has been reported that as many as 105 allied merchant ships have engaged in running cargo to Cuba. Many of these ships are based in the ports of some of our closest allies, including West Germany, Greece, and Italy. Without the aid these nations have provided the Moscow-to-Havana pipeline might have been crimped.

We have extended preliminary diplomatic inquiries to these nations. Though our efforts to discourage this trade have been thus far limited to diplomatic concern, the reaction we have received illustrates the lack of concern some of these nations hold for the Cuban situation. One nation issued the statement that its flagships were not carrying war materiel to Cuba. It comes as little comfort that this same nation is supplying tankers to carry Soviet petroleum. And petroleum is vital to any type of weapons system, defensive or otherwise.

The policy this Nation pursues in the Cuban situation is not clear to many Americans.

Apparently it is not clear to the Soviet mind either. Have the Soviets received any official protest from the United States? Though there has been outcry against the Soviet buildup in Cuba, it has been largely public, much of it comcoming from the U.S. Congress. To put it simply, no Russian actions are going to be suspended unless clear indication of disapproval is given to them. In this instance, the United States has not given diplomatic notice to Russia that it disapproves of Soviet actions in Cuba be they defensive or otherwise.

And is our policy so misunderstood in other corners of the globe that even our own allies would feel no conscience in capitalizing on Communist traffic?

Mr. Chairman, Cuba has proclaimed its alliance with the Marxist world. Cuba has been transformed into a bona fide Soviet satellite. This fact has registered in the minds of the American people.

Public indignation over the Cuban buildup is reaching an intense crescendo. Recently the National Maritime Union president, Mr. Joseph Curran, publicly urged the dockworkers of all nations to join his 40,000 member organization in boycotting Cuban-bound cargoes. On September 17, it was reported that the crew of one Italian ship which had been engaged in the buildup refused to sail the vessel, stating that contrary to its manifest, the ship's cargo included explosives. The movement to boycott other shipments is taking hold.

The outcry is heightened with the efforts of the courageous columnist, Mr. Victor Riesel. Mr. Riesel, you may recall, was instrumental in exposing the trade with Cuba which existed prior to the embargo which followed unanimous House passage of my bill to ban such trade. Though Mr. Riesel has written several columns on the current buildup, one of his latest describes conditions similar to that which I just mentioned. The article referred to states that ships from free nations not only run goods to Cuba, but then enter U.S. ports for cargo to deliver on a profitable run to another port elsewhere in the world. Thus, we are unwittingly deceived, and the insult is compounded.

I have just been informed that a West German ship intends to dock in a Texas port after making a call in Cuba. That ship is to be loaded with American grain, and its destination is marked Norway. The grain is supposedly intended for delivery there but a transshipment back to Cuba is suspected. The National Maritime Union informs me that its members refuse to work on the cargo, and that they will picket the shipment.

We can take many avenues of action to combat the Cuban situation. In a speech delivered before the House on September 12, I outlined seven specific points which the United States should adopt as initial steps for action against Castro. One of these points is a halt to allied vessels transporting these cargoes.

I strongly urge that the following steps be taken to halt allied borne traffic to Cuba:

Second. Utilize the provision of the Mutual Security Act which bars U.S. aid from any country which aids Castro.

Second. Bar the use of U.S. ports to any shipping interest participating in the Cuban traffic of goods.

Third. Prohibit shipment of American goods in any bottoms owned by shipping interests participating in the Cuban traffic of goods.

Fourth. Instigate a full scale investigation by the Congress in order that the extent of direct or indirect participation of U.S. shipping interests in the Cuban buildup may be properly determined.

The Congress has already established an appropriate committee for such an investigation. That committee is the Select Committee on Export Control, chaired by the distinguished gentleman from North Carolina, Mr. Paul Kitchin. Certainly the Congress and the American people are entitled to know the full facts in this situation. Particular details should be exposed as to exactly who it is that cooperates with Soviet Russia and Communist Cuba contrary to the interests of the United States and the free world.

Mr. Chairman, the conditions I have just outlined should be dealt with quickly and firmly by the Congress. Firm action to stop this shipping of Communist goods to Cuba will be a decisive blow against communism in this hemisphere. It will also serve to clarify our hemispheric policy—Communists stay out.

Mr. PASSMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. Colmer].

Mr. COLMER. I thank the gentleman.

Mr. Chairman, in considering the matter of our foreign policy I want to call the attention of this House to a resolution that I have introduced today.

We are all aware of the fact that the Cuban situation is a very acute one, but we are also aware of the fact that the Berlin situation is also an acute one. But because Mr. Khrushchev is pressing on the Cuban situation for the moment, our State Department seems to reluctantly agree to the demand for a congressional expression of firmness in dealing with Khrushchev and Castro.

If I understand the President's public utterances correctly, he is more concerned about the Berlin situation than he is the Cuban situation. When we had the Berlin situation up during a previous administration, that is, when one of the many crises developed, I introduced a resolution asking the Congress to go on record as backing the then President of the United States, President Dwight Eisenhower, in his determination not to "budge an inch." This year when the threat of a fourth Berlin crisis arose I again introduced that resolution to back up President Kennedy in his determination not to yield and not to appease on the Berlin situation. But as usual some people in the State Department opposed both resolutions and nothing came of them. So today I have introduced a resolution—I am introducing it now—embodying the resolution passed by the other body, and which I understand will be reported today by the House Committee on Foreign Affairs, on the Cuban situation. I am also incorporating my Berlin resolution in and as a part of the Cuban resolution, which I think should be adopted.

I do not have time to read the resolution. I do not have time to discuss it at length. But what I am saying to you here now is that I can think of no better answer to Mr. Khrushchev, who has said that he is not going to do anything about the Berlin situation until after the elections in this country, I can think of no more opportune time for the Congress of the United States, the representatives of the people of the United States, to speak out on the Berlin situation in answer to Mr. Khrushchev's gratuitous statement that he would wait until after the elections in this country.

I think that this House, notwithstanding the fact that the other body has passed a resolution limiting it to the Cuban situation, should go on record for a firm declaration on Berlin as well; and I feel confident that the other body would accept this as an amendment or substitute which would take care of both situations.

Moreover, I feel confident that the President himself, would welcome this endorsement of his stand on Berlin.

Mr. Chairman, the amended or substitute resolution which I propose to offer is as follows:

H.J. RES. ——

Joint resolution expressing the determination of the United States with respect to the situation in Cuba and in Berlin

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence; and

Whereas the primary purpose of the United States in its relations with all other nations is and always has been to develop and sustain a just and enduring peace for all; and

Whereas at the conclusion of hostilities in World War II the United States, the Soviet Republic, the United Kingdom, and the Republic of France entered into a solemn and binding covenant that the city of Berlin, Germany, should be and remain under the jurisdiction of the four parties to said agreement, with the right of ingress and egress thereto, until a final and binding peace treaty should be executed between the said Allies on the one hand and the Government representing the German people on the other; and

Whereas there has been no such final peace treaty signed by the parties; and

Whereas the said solemn and binding agreement for the said rights of the parties to said covenant to ingress and egress in the said city are, therefore, still in existence and binding on all parties thereto; and

Whereas the people of the United States of America feel in duty and honor bound to observe and carry out their obligations as one of the signatories to said covenant; and

Whereas the United States Government also is in duty and honor bound to adhere to its obligations to the German Republic and the other members of the North Atlantic Treaty Organization pact; and

Whereas the said Berlin agreement and the North Atlantic Treaty Organization's obligations are now threatened by one of the signatory members of the said Berlin agreement; and

Whereas such threat gravely endangers the peace and security of not only the peoples of the German Republic, as well as the subscribers to the North Atlantic Treaty Organization pact, but of the peoples of the whole free world; and

Whereas the Congress of the United States, composed of the representatives of and reflecting the will and judgment of the citizens of the United States, are wholeheartedly and unanimously behind the President in his firm declarations of policy to honor the aforesaid commitments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States;

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination; and

(d) to resist to the fullest extend the unilateral proposals of the Soviets to abrogate and nullify the solemn and binding obligations heretofore entered into by the United States, the United Kingdom, the Republic of France, and the Union of Soviet Socialist Republics, to maintain the status quo of the aforesaid city of Berlin pending a final and binding peace treaty.

Mr. PASSMAN. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. BONNER] whatever time he may consume.

Mr. BONNER. Mr. Chairman, with respect to these foreign ships taking cargo to Cuba and then coming into American ports and taking foreign-aid cargoes for transportation that is paid for from moneys in this bill, I have prepared to offer during the reading of the bill for amendment the following amendment:

Page 6, after the comma in line 17, insert "or for any expenses of transportation, directly or indirectly, by merchant marine ships of any nation whose ships are used to transport any military or economic supplies to that regime,".

That refers to Cuba, the Communist Cuban regime. I hope the House will support this amendment. This amendment will cure the trouble that has been spoken of here on the floor by the gentleman from Florida as well as others of our colleagues.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield.

Mr. PELLY. I assure the chairman of the Committee on Merchant Marine and Fisheries that I will support his amendment, and after that I intend to offer an amendment which would affect the carrying of military supplies to Cuba by ships of foreign nations.

Mr. BONNER. This will take care of any foreign-flag ships carrying supplies to Cuba, prohibiting them from taking in return American cargoes purchased under this directly or indirectly with respect to the expenses of the transportation or the cargo itself.

Mr. PELLY. That is correct. And I will put in an amendment which would stop the carrying of Soviet military goods to Cuba on vessels of foreign nations. In this case we would cut off all foreign aid to those countries that allow and permit their ships to carry these military supplies.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield.

Mr. GROSS. Why not cut off any kind of aid to the British, Norwegians, and Italians or any other nation providing ships to transport any kind of material to Cuba?

Mr. BONNER. The gentleman knows my record with respect to this legislation.

Mr. ROBERTS of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky [Mr. SPENCE], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SPENCE. Mr. Chairman, in the report of the Appropriations Committee covering appropriations for foreign aid and related agencies, I am pleased to note that the committee recommends the appropriation of $2 billion to cover the U.S. participation in the special borrowing arrangement of the International

Monetary Fund. This arrangement is calculated to provide particular benefits to the United States. The arrangement will provide up to $4 billion additional resources which may be made available to the United States should the need arise to meet sudden international pressures on the dollar. At the same time, there is little likelihood that the U.S. commitment for which the appropriation is being asked will be called upon, since the Monetary Fund at the present time has an ample supply of dollars to meet requests for drawings by its members and since participants in this arrangement may not be called upon to lend their currencies at times when they are experiencing balance-of-payments problems.

I consider it very unfortunate that the committee recommends limiting the period of availability of the funds to December 31, 1966. All the participating countries understand that the borrowing arrangements are intended to be a continuing part of world payments arrangements. None of them has imposed a time limit on its own participation. These arrangements are strongly in our interest, and imposing a time limit on them might raise doubts—which need not and should not be raised—that the resources will be available to us in the future in case of need.

As chairman of the Banking and Currency Committee, I feel an obligation to inform the House that the subject of a time limitation on these resources was not discussed in the public hearing before our committee. The Secretary of the Treasury informs me that he was not questioned on the subject of a 4-year time limit by the members of the Subcommittee on Foreign Operations of the Appropriations Committee. Therefore, neither the authorizing nor the appropriating committees of the House have explored the harmful implications of this time limit. In my experience in the Congress I have found this to be a dangerous legislative procedure, and I feel that the record should be clear on this point.

However, I am happy to support enactment of the appropriation covering the full $2 billion commitment of the United States which will bring this arrangement into effect. It is a significant part of the overall program of the United States for dealing with its balance of payments and gold problem both in the short-term period and over the longer run. The arrangement might be characterized as a facility that will provide additional protection for the dollar and our gold reserve.

As Secretary Dillon stated yesterday before the annual meeting of the International Monetary Fund, "we are justified in looking back upon the past year as a period of striking progress in strengthening our international monetary system—a system that, in the last analysis, rests firmly on the maintenance of the dollar at its present gold value as a key reserve and trading currency." Secretary Dillon in his statement pointed out that as compared with an overall deficit in our balance of payments of $2½ billion last year and an average of $3.7 billion during the years 1958–60 our deficit for the first 6 months of this year has been running at an annual rate of somewhat over $1½ billion. In his statement which I recommend to the Members for their consideration, Secretary Dillon reviewed the various segments of the administration's program to deal with the balance-of-payments problem and the efforts which will be made looking toward "the early achievement of balance in our international payments."

Mr. WHARTON. Mr. Chairman, once again the exponents of foreign aid are strongly urging against any cut in that program and I have just completed a review of the committee report made available to the membership today. A stronger indictment of its administration and operation has never come to my attention.

I recognize the chairman of the subcommittee in charge as a hard working and dedicated individual, who has spent countless hours in the pursuit of factual information for the enlightenment of his colleagues and he deserves our sincere appreciation and respect.

With our dwindling gold reserves, our unprecedented national debt, and vivid examples of recipient nations who have turned and voted against our democratic principles in our international tribunals, the folly of further profligate spending of this nature should be apparent even to the uninitiated.

To proven friends, I am in favor of sympathetic and necessary assistance at all times and shall support any reasonable program; however, we have but to look 90 miles off our southern coastline to see a prime example of communistic ingratitude. Unfortunately, the record discloses others and the least we can do at this time is to respect our chairman's studied recommendations and practice moderation and commonsense in connection with this program.

Mr. WHITTEN. Mr. Chairman, here again we would prevent American money from helping ships to carry arms to Cuba and we stand by while Russia furnishes what they need. I am for the amendment, but such dealing with the fringes really solves nothing. We merely kid ourselves. Let me repeat what I said a year ago. Twelve months have only further proved what I then said.

I quote:

[From the CONGRESSIONAL RECORD, Sept. 7, 1961]

FOREIGN AID

We are underwriting the incumbent government in countries all over this world, willy-nilly. Human nature is the same the world over. As soon as the incumbent government fails and they stop receiving our aid, they are against us.

As to the South American countries. We know their history. Just as soon as American business grows up there, fully guaranteed against loss, under this bill, it is an open invitation for revolution and for some unfriendly dictator to take over—and like Cuba; I suppose we will sit and take it.

The only question is how soon will it happen.

Oh, I have heard my friends here make speeches that we ought to do something about Cuba. I am not going to give away any of the secrets I hear as a member of the Committee on Defense Appropriations and in other sensitive places.

Remember this, if you think about it, you will be bound to conclude that the reason we have not protected ourselves against Cuba, right off our own coast, is that our commitments are spread out all over the world to the extent there would be retaliation somewhere else. We have made commitments in Asia, Africa, Europe, and every other place, and in the process we have left ourselves vulnerable on our very doorstep. Russia is in Cuba, military construction is going on today in Cuba. Ships from Russia are coming into Cuban ports. Russian planes are in Cuba. Are they building missile pads? Every indication is that they are, and we sit by, afraid that if we protect the threat against us on our own doorstep, we will be hit on a hundred farflung fronts.

CENTRAL AND SOUTH AMERICA

If there is any group of nations which looks to some strong man at home and respects strength abroad, it is the Central and South American countries. To them, with our rush offer of $600 million after Castro's actions in Cuba, now skyrocketed in one speech to $20 billion, we must appear scared to death. Certainly, they cannot believe this is the same nation which announced the Monroe Doctrine and made it stick.

WE PAY PROFITS, PAY TRIBUTE, AND MAKE ENEMIES

We have insisted on granting funds to other countries for buying new material, when many times those nations had usable supplies on hand. By granting such governments dollars for new purchases the ruling powers in some of these countries get a cut, a rakeoff, a handout, and American interests make a profit. In the process we are inflaming many people against us and defeating the very purpose we seek.

Look at what happened in Korea, in Laos, in Vietnam. We see what happened in Japan, and in Cuba. We have granted more than $2 billion to Yugoslavia. For what?

Today we aid Poland, let U.S. industry trade with Cuba and Russia, assist Egypt. However good our intentions, in the eyes of the world we are, in effect, paying tribute. Paying blackmail has never worked, throughout history. It will never work.

It is difficult to get Americans to look at this program objectively. Too many Americans are reaping profits. American and foreign companies have been organized and have gotten rich doing this business for us, frequently without any real investment on their part. We have made competitors out of customers, competitors whose output is now doing real damage to American agriculture and industry and to American workers, thus weakening our overall economy on which our safety depends.

WE MUST REVERSE OUR COURSE

Mr. Speaker, I repeat, through foreign aid we have gotten ourselves deeply and dangerously involved in the internal affairs of every nation which accepts our aid—and we have spent $100 billion doing it. Because of it we have been afraid to protect ourselves against Cuba, just off our shores. We must change our course, show our courage and determination, and demonstrate to the world that we will not continue to pay tribute or attempt to buy friendship. We must regain our ability to defend ourselves from the dangers close by—as it is through foreign aid we show our weakness, and invite disaster.

WE MUST DEVELOP OUR OWN COUNTRY

Recognizing that the greater our debt, the more our problems, and the more imperative it is that we protect our country, I have used my position as chairman of the Appropriations Subcommittee for Agriculture to provide for the protection of our watersheds, our streams, our land, and the natural resources of our Nation, on the basis that we must at least protect our natural resources, on which everything else depends.

In the field of domestic public works, I made the motion which resulted in overriding President Eisenhower's veto of the domestic public works appropriation, thereby protecting the program for the development of our rivers and harbors for flood control. (CONGRESSIONAL RECORD, vol. 105, pt. 14, pp. 18597 and 18603–18604.)

Today, Mr. Speaker, I mention the length of my service and the experience I have had that you may know my belief that we are losing too many beliefs upon which our Government was founded, both as individuals and as a Nation, beliefs which have carried our Nation through the many trials that have beset us in the past, is based on long service and experience with many subjects.

We appear to be on the road where to spend more dollars, with everyone trying to get his share, seems to be the order of the day. These are matters which I have discussed in great detail before the Congress, in dealing with specific programs. If the Nation is to stand—if we believe history—we must reverse our course.

In this connection, Mr. Speaker, under leave to extend my remarks, I would like to quote from a speech which I made on the occasion of Jefferson Davis' birthday, in which I pointed out—in what I trust was a temperate, moderate, and judicious manner—what the use of armed power to force conformity in 1861 has led us to in 1961. Truly, there is such a dangerous similarity between conditions existing in the United States in 1861 and today as to be appalling.

I hope these thoughts and views may have the prayerful study of my colleagues from all sections.

I quote:

"Jefferson Davis was born June 3, 1808, a man destined to lead a lost cause with courage and honor. Long before the outbreak of the Civil War, however, Jeff Davis had served his country well as a U.S. Representative, as Senator, and as Secretary of War. With all his ties to the Union, when the States of the South called him to support their cause, to protect the right of local self-government, he did not hesitate. His service as President of the Confederacy during the tragic war was such as to make us all proud.

"Jefferson Davis possessed the highest principles of integrity, honor, and duty. He faced his problems with determination and energy.

"THE CIVIL WAR OR THE WAR BETWEEN THE STATES

"One hundred years ago, in 1861, the Civil War, or War Between the States began. This centennial year is being marked by ceremonies, memorials, holidays, and reenactments throughout the South, which, except for commemorating the valor of our forefathers, I personally believe could well be used to point out how very similar our situation today is to that tragic situation of 100 years ago. Present conditions are so similar we should pause to remember that heartbreaking conflict, which pitted brother against brother and father against son.

"As we look back upon those troubled times we can see that sound leaders of both sides deplored any effort to settle the issue by armed conflict. Unfortunately, the radicals of that day prevented a peaceful solution. Then, as now, they were not satisfied to run their own local affairs, but insisted that all other sections conform to their pattern.

"In the period leading up to the Civil War, any objective study of history would clearly show that slavery in the South was on its way out. A further study, however, will show that the North, which had contributed greatly to importing the institution of slavery into the United States for economic reasons, had gotten rid of its slaves by 1850, so those who wished could look at the matter in the abstract, without any fear of economic effect in their own area.

"However bad the institution of slavery was, it did provide supervision and care which were essential to the welfare of the Negroes of that day and time. With the end of the war these untrained and uneducated people were turned loose without any type of control, aid, or assistance. The terrible days of reconstruction were very similar to those we see in the Congo now, where all experienced leadership has been forced out, just as happened in the South.

"SEGREGATION NOT LIMITED TO THE SOUTH

"Thus, today, it is very easy for people in other sections of the country to agitate and feel that they are morally right in insisting on forcing integration in the Southern States and the destruction of local laws. Many people adopt a holier than thou attitude, taking the view that they do not have segregation in their own area. However, living here in Washington and having visited most of the major cities of the United States, it is apparent that minority groups live almost entirely among themselves in all areas of the country. Integration is a token matter. Through the practice of economic segregation those who wish to force integration on the South can live in sections where they do not meet the problem. Thus, again, it is easy for them to strike at the matter in the abstract.

"I am sure most of the people of the United States would agree with us who live in the South if they had the same situation and knew all the facts. Unfortunately, the radio and press often write what their readers wish to believe, and the full facts are not presented to the public.

"It is impossible, however, for those who support integration to fully ignore what is happening in their own areas. Appearing this week in the Christian Science Monitor was the following article:

"NEGRO AND THE TEEN CRIME

"'The hidden Negro problem of the North is seen as packing an explosive force more hostile to the stability and welfare of the Nation than the recent race eruptions in the South.

"SOCIAL DYNAMITE

"In practically every instance, it is the teenage Negro who is involved. Police forces have been increased and supplied with trained dogs, but the crime wave continues.

"And this report appeared in a Los Angeles paper:

"LOS ANGELES MOB QUELLED

"'LOS ANGELES, May 31.—An angry throng hurled rocks, bricks, bottles, cans, sticks, and baseball bats at police when a riot broke out * * * started when officers tried to arrest 2 youths—part of a group of youthful Negroes * * * soon a mob of 200 was advancing on the officers. Of the 75 police called out 5 were injured.'

"Instead of forcing integration upon the Southern States, truly it would be well for the rest of the country to learn from the States of the South that the way for peace and harmony is to provide for separate but equal facilities and protect each race in the enjoyment of its own way of life.

"THE SUPREME COURT

"We have a Supreme Court from whose decisions there is no appeal, which has taken unto itself the right to change the Constitution without constitutional amendment. In effect, the Court has said that even though, for the moment, certain other statutes are constitutional, it reserves the right to declare them unconstitutional at a later time, unless they are carried out as the Court desires.

"In the history of the world, those governments have stood which had something solid around which the tides of public opinion could ebb and flow. In our country it was the Constitution, the interpretations of which had become a part of it, had made it fixed and stable, a steadfast rock, around which statutes could be passed and decisions rendered. But when the Court sets aside all prior decisions as to what the Constitution meant, decisions on which the States of the South had relied, it means that from week to week you don't know what the law is. A short time ago, we saw France call General de Gaulle back into power, to a position approaching dictatorship. Why? Because the French Constitution was being subjected to the day-to-day whims of the legislative body, which meant that the nation had no stability in law.

"What does the Supreme Court's recent line of decisions mean? My friends, by way of homely illustration, the accuracy and soundness of the description of the land on which this Capitol is placed depends on the permanency of the marker from which the first survey started. The Supreme Court has moved the constitutional marker from its place. As a result everything which was tied to such post or marker has lost its meaning; and, further, the Court has reserved the right to keep wiggling such marker around to serve the whims of a majority of its members.

"OUR GOVERNMENT'S TACTICS

"You may well ask why the Supreme Court took such action. My friends, I have many reasons and much evidence to support the belief that the threat of a Russian victory was used to bring about the unanimous decision by the Supreme Court in the Brown integration case. It was probably argued that if we don't bring about integration with the colored people in the United States, we will lose the contest with Russia throughout the world; and if we don't do this, Russia will eventually conquer the world. It was said by the press, 'If Russia takes over here, the first thing they will do is set up a dictatorship. If Russia takes over,' they charged, 'they will do away with the right to trial by jury.' 'Yes,' they said, 'if we do not integrate, Russia will force on us a system similar to Hitler's in Germany or Stalin's in Russia.'

"What did they do in Germany and Russia? What was the source of their absolute control of those nations? Why, they had the courts issue decrees, then they used troops and government officers to enforce the decrees.

"Haven't we done that here? We have seen the Supreme Court, unwilling to wait for constitutional amendment in the regular process, change the Constitution by decree. We have seen the President send troops and Federal officials to enforce such decrees. We have seen the President recommend, and the Congress pass, legislation doing away with the right to trial by jury. Our Government, itself, has done much of what we feared Russia might do.

"We are told we have to integrate all the races of the United States or we can't hold the friendship of the people of India, China, Japan, Africa, and all the rest. If that be true, why have China and Japan been at daggers point throughout history? Talk about India—in spite of what you read, we know in many areas people of the same color cannot even touch each other.

"No, the agitation is right here at home, promoted perhaps by the Communist Party, whose purposes it serves. People are using the threat of Russia here in the United States to accomplish their personal desires and actually to impose the Russian system of required conformity upon us. My friends, if this were the real 'McCoy,' if the proponents of this destruction of our American way of life and the pride in our race were sincere, they would look at certain nations around us and wonder why those countries with the same great natural resources as we have, nevertheless, have such a low economic level. They would wonder why elections in those countries are often determined by violent revolutions. If John Marshall had held the same views as the present Chief Justice, and if Thomas Jefferson had been of the same opinion as our recent President, and had brought about integration in their day, perhaps by this time we would be on the same low economic level as some of our neighbors for whom Congress has provided hundreds of millions of dollars—without even a plan—all in the hope it might help our cause.

"My friends, history clearly shows an individual must have pride or he makes no real progress. A family must have pride or it goes down the scale. So it is with countries. So it is with race. Any race, whatever it may be, which feels it must be intermixed with another acknowledges its own lack. Such a race will not serve itself well, nor that with which it wishes to intermix.

"Don't believe my statement simply because I say it. Read history. It is replete with proof. In all history there is no exception.

"Integration, where it has taken place, has only led to great turmoil. We all know that if you go into some sections of almost any northern city where there is a sizable Negro population, you take your life in your hands.

"Rape, murder and robbery are commonplace in some areas of Washington.

"THE FREEDOM 'BUSTERS'

"In recent weeks we have seen agitators deliberately go into areas of the South for the admitted purpose of violating laws of the States, which have never been held to be beyond the power of such States, but rather have been held to be within the power; and then we have seen the Federal Government move its forces in to protect such individuals in their avowed purpose of 'testing' existing laws.

"What if it were the law against murder they wished to test, or rape or robbery? Is there one rule in the Federal Government for laws the Executive or the Judiciary likes and another for the laws they don't like?

"These so-called 'freedom riders,' who might better be called 'freedom busters' could do what they wish in their own areas. They are out really to 'bust' the laws which others have found best for themselves. Here we find them, with the support of Federal officers, attempting to force their views on people, black and white, who have different views and, therefore, different rules and laws for getting along peaceably and with mutual respect—and they do it on the basis of fighting intolerance. Could anything be more intolerant than to push their views on others?

"Ladies and gentlemen, there are those who say if integration were forced into public places, the present controversy would end. Of course, it would not. Each step leads to the next one. Don't the people know that if every family were integrated, if every family were amalgamated, then there would be still a distinction based upon shades of color, upon purity of race? If you want proof, merely look at those countries where the white and black races have amalgamated.

"My friends, power breeds desire for power. No dictator ever stopped short of taking it all. This concentration of supreme power in our Supreme Court, backed up by the Executive, will not stop with school and public facility integration, nor with race. Once seized, this power will be used to control industry, to control agriculture, yes, and eventually even labor.

"In Russia everyone is supposed to own everything. However, for all practical purposes everything may as well belong to the Communist leaders, who control according to their own desires. In our country, if the present trend continues, it won't simply be the Chief Justice, the President, or even the Attorney General who issues orders, it will be every little Tom, Dick, and Harry who speaks in the big chief's name. So it has been in history and so it will continue to be, for the basic traits of human nature do not change.

"OUR FOREIGN POLICY SHOWS THE SAME WEAKNESS

"I was at the opening session of the United Nations last fall. I saw Khrushchev as he virtually ran the length of the floor to embrace Castro, though they had been together all morning. Yes, and I saw the representatives of African nations, such as the African Congo, each with a vote, though many of them represented virtually only a small tribe, recognized and seated there at our instance, another group for whose vote we must bid, not once and for all but on every issue as it arises.

"Today, a hundred years after the Civil War, the United States moved into the local affairs of almost every country which would let us. We have granted funds and goods to foreign governments, which in turn sold such goods to their own people for what the traffic would bear. We extend this foreign aid primarily on the promise, but many times merely in the hope, that incumbent governments would support our wishes. Through this means we have made a few persons rich here and abroad. In many of these nations we have forced them to take on our ways, to the point many countries are virtually defenseless, both from revolution within or from enemy attack from without.

"In many of these nations we have lined ourselves up with the 3 or 4 percent which have almost all the wealth, and left ripe for the picking by Russia the other 96 or 97 percent. Not only does our Government seem unwilling to permit the people of any State of the United States to run their local affairs as suits them, but it has spent more than $60 billion in foreign countries, largely in an effort to keep 'our crowd' in, whether the people of the area want that particular 'crowd' or not. We have made competitors of customers and now wonder why our gold reserves are depleted and our cash markets reduced.

"In view of our foreign entanglements, I flinch each year when Washington's farewell address, warning of the dangers of foreign entanglements, is read in the House of Representatives. I feel it is almost sacrilege.

"My friends, my speech here today is not meant to be an attack upon an individual nor upon any political party. Both parties and many leaders have contributed to our situation, including some in our own Southland.

"We wish for our President the greatest success, not only on his present trip but throughout his tenure of office, for as he goes so goes the country. We are all in this boat. We had hoped, however, for a reassessment of all these matters which I have mentioned to you and, therefore, have been disappointed to see the request for more forced integration, not less; for more foreign aid, not less.

"COURAGE IS REQUIRED TODAY

"We do well to honor that great American, Jefferson Davis; we do well to remember the character and courage shown by him and the hundreds of thousands who stood by him 100 years ago today. I pray we may have the same courage today, not merely to save the South, but the Nation.

"In this centennial year of the beginning of the Civil War, the American people would do well to review and recognize the great similarity between conditions which prevailed on June 3, 1861, and those which prevail today, June 3, 1961. They are so similar as to be frightening. Sometimes we, too, wish we could resolve the issue in some simple, clear-cut way. Such a course is not possible. Any solution will require helpful understanding on the part of many people. We must do our part.

"Not since the Civil War have our people faced a more trying time. Our problems today call for the best within us. The attack on the Constitution and on our way of life is insidious. It comes under the guise of government. It is offered with an appeal to the natural tendency of Americans to be law abiding. It appeals to religion, is presented in the name of world peace, but creates strife, dissension, and disturbance. It is said to be necessary to protect the rights of individuals, but is itself based on usurpation of power. We are told it is necessary in order to maintain our form of government; yet its starting point is the destruction by judicial decree of the rights of the States, of the Congress, and of the people. Yes, it begins with destruction of the Constitution itself. It can only lead to complete ruin.

"History books are written one way for use in the Southern States, another way for the other States. However, one fact is inescapable. Might, for all practical purposes, has the same effect as if it were right.

"It has taken us a hundred years to see just how far such a situation can go—today it is the Supreme Court and the executive department which apply the force. Once again we see what might can do.

"WE MUST CHANGE OUR COURSE

"I sincerely hope that our Supreme Court, our President, and those who would control our newspapers, our radio and our television, will recognize, before it is too late, what the present course leads to. It was not merely the South which lost the Civil War, it was the Nation. It has taken a hundred years for us to fully see that might, when taken to be right, can destroy a nation.

"We must review our domestic and foreign policy and reverse our course. We must realize that any nation such as ours must permit local difference, reflected in local self-government.

"We must realize that the people of other nations are not going to give up their right to change their government as they see fit. We must realize that friendship purchased with cash will fail when the cash is gone—not only that, but we must realize that in most countries those now out of control will, in the course of events, get into control; and then, the United States will be the subject of the greatest hatred. Thus it is that we are in such a precarious situation throughout much of the world.

"In conclusion, may I say, we must permit local self-government in our own Nation to reflect local views and meet local needs. We must return to a foreign policy which permits the peoples of other nations to run their own affairs. If we don't approve such a course in foreign fields, the peoples of foreign countries are going to do it anyway, and we will continue to be the loser.

"If we do not return to such a commonsense course in our own Nation, dictatorship will be followed by dictatorship, and all we hold dear will be gone, for no dictator can force the American people into a common denominator, Russian style, each of an exact shade of brown, each conforming to the dictates of an allpowerful Federal Government. Our people are too independent for that. We must allow for differences. If not, differences will destroy us."

Mr. ALGER. Mr. Chairman, our foreign aid is a terrible mistake in policy and practice. Like a broken record we keep repeating these charges and yet our Government keeps demanding and spending the money anyway. I am opposed to the waste, mismanagement, and inefficiency. More, I am opposed to the policy or underlying philosophy which indicates a reliance on dollars, on gifts, on buying support instead of moral and spiritual concepts and the cooperation of allies through the strength and leadership of the United States. We spend as apologists and defeatists. We seem to lead from weakness. Actually, we do not lead, we follow in a do-as-we-are cowed appearance or do-as-we-must-to-create-an-image conduct. Our policies are self-defeating, if we still treasure and believe in freedom, dignity, and respect for the finest of human values—our moral and religious beliefs. But all these matters we debated during the foreign-aid authorization.

Any proof needed for the foregoing, or my other briefs in the futility of foreign aid can be found in the report accompanying the bill and the criticism of the members of the Appropriations Subcommittee, chairmaned by Mr. PASSMAN, of Louisiana. I compliment him for the views he expressed in his presentation and identify myself with these views. Hence, I must oppose this sorry, sorry bill, this self-defeating and suicidal foreign-aid appropriation.

Mr. PASSMAN. Mr. Chairman, I have no further requests for time and ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> International organizations and programs: For expenses authorized by section 302, $148,900,000: *Provided*, That no part of any other appropriation contained in this Act may be used to augment funds or programs contained in this paragraph.

Mr. PASSMAN (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that the bill be open to points of order and amendments at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

> Alliance for Progress, development loans: For assistance authorized by section 252, $425,000,000, to remain available until expended.

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GONZALEZ: On page 3, line 4, strike "$425,000,000" and substitute "$500,000,000".

Mr. GONZALEZ. Mr. Chairman and fellow Members, the amendment I am proposing merely restores the amount that was originally requested for the Alliance for Progress with respect to development loans. The amendment I have offered is not in anywise a departure from administration policy nor, for that matter, from the proposal that this Congress fully ratified just 6 weeks ago.

I would like to emphasize, Mr. Chairman, that my amendment is fully in line with the proposals and foreign policy proclamations of both the Eisenhower and Kennedy administrations.

In brief, my amendment simply restores those funds to that most vital of programs, the Alliance for Progress, which was ratified as absolutely necessary by the Committee on Foreign Affairs, the Senate Committee on Foreign Relations, and both Houses just a short time ago. We are not dealing here, Mr. Speaker, with a program that should succeed, with a program that would be desirable to succeed, but—and please believe me, Mr. Chairman—we are dealing with a program that absolutely must succeed. On June 1 of this year Fidel Castro said:

> The American economy cannot afford it [the Alliance], they [the Americans] have neither the gold reserves, nor the organization, nor the men to make it work.

If we do not restore these funds the first time that an appropriation is being asked for a program as important as this, and about which every single nation south of us is waiting to see what we do, to see if we keep our word—the thought that is being expressed by many people south of us is this: Russia is willing to go to war to help its friends in the Western Hemisphere; will America keep its promises solemnly entered into in Bogotá, in Rio, and in Punto del Este?

If we do not do this, in my humble opinion, we will have repudiated our own Committee on Foreign Affairs, the same members in whom this House in its sovereign judgment has delegated the basic and substantive responsibility for foreign policy. This would repudiate the Monroe Doctrine, because that famous doctrine not only gave these United States many rights and prerogatives in this hemisphere, but it left us with a most solemn set of obligations and responsibilities as well.

This would also repudiate the previous Eisenhower administration, because that administration most emphatically did pledge this great Nation to wholehearted and generous cooperation with all Latin American signatories at Bogotá in 1959.

For these reasons, and for many others that are patently obvious, Mr. Chairman, I beseech and implore my colleagues to restore this request. In other words, this amendment merely restores the $75 million originally requested the first time that we have such a request on a brandnew program, one that is a hallmark of this administration in its efforts to do that which is long overdue.

We are working against time in the Western Hemisphere. Time is not with us, time is against us. I for one, personally feel, for instance, that we should not have pussyfooted around as long as we have, that we should have gone in and given Castro a good shave and a good dose of castor oil. Nevertheless, with the overall policy that must be developed by this Nation in its position of leadership I think it behooves us to restore this amount at this time in the Alliance for Progress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. GROSS. What do these South American countries think of Castro? I do not see any of them moving in support of those of us who want to reestablish freedom in Cuba.

Mr. GONZALEZ. I feel, on the contrary, that many of these nations have consulted with us; but we, too, have to be firm, sir, in what we stand for. We cannot afford to offend any who have shown a desire to exercise a definite partnership with us in that venture.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one item on which we had almost unanimous agreement in the subcommittee and in the full committee.

The budget estimate of $600 million for the Alliance for Progress was approximately 44 percent of the total of $1,378,500,000 in the bill this year for Latin America.

Funds available for expenditure in Latin America this fiscal year exceed $2.5 billion.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I shall be happy to yield.

Mr. MAHON. I would like to commend my friend, the gentleman from Texas, for his manifestation of interest in the Alliance for Progress. It is a very forward-looking program and I share the interest.

At times it takes years to report and get legislation through the Congress. Progress is rather slow in legislative matters. We will make a great mistake if we pour money into South America faster than it can be advantageously used. So it is going to take time for the countries of South America to make the necessary reforms. If we give them the money without any strings attached it will be largely wasted. At a time when our taxes are high and our own financial house is not in order we should be slow to make commitments that can be avoided or delayed.

The cut already made by the Appropriations Committee was probably not as deep as it ought to be. In my opinion, it certainly is a good compromise figure. It would be a mistake to increase this figure. Let us not lead South America or any other area to believe that we will undertake to send money or provide services to them unless there is indisputable evidence that good will result to this country and to the free world.

Mr. PASSMAN. Especially so since a total of $2½ billion is available to their credit now. With this appropriation, $1,378 million is provided.

The CHAIRMAN (Mr. MILLS). The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The amendment was rejected.

The Clerk read as follows:

> Administrative and other expenses: For expenses authorized by section 637(b) of the Foreign Assistance Act of 1961 and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, $2,700,000.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GROSS of Iowa: On page 3, after line 15, insert the following:
>
> "The foregoing amounts for economic assistance are hereby reduced in the aggregate amount of $250,000,000."

Mr. GROSS. Mr. Chairman, first of all I want to commend the gentleman from Louisiana [Mr. PASSMAN], and those members of his committee who supported him in holding this bill down. It is a bill involving almost $6 billion, and, as the gentleman from Virginia [Mr. GARY], said, the program gets bigger and bigger all the time. I do not know what it would have been if it had not been for the gentleman from Louisiana and those who supported him on the committee.

Up to that point, and only to that point, do I compliment them. With this country having a debt of $301 billion, with the interest on that debt desperately close to $10 billion a year, with this country's public and private debts totaling nearly $1.1 trillion, Congress ought to regain its senses and put a stop to these lavish giveaways. I could not even hold my nose and vote for this bill. I might vote for it if it appropriated a dollar and other considerations. I do not know what the other considerations would be, but that is the only way I could vote for this foreign handout bill.

There is no reason why economic aid in this bill cannot be cut by $250 million. The amendment I have offered was considered in the Appropriations Committee, and it came, I understand, within five votes of being adopted.

I have read some of the hearings, in fact a good part of the voluminous hearings on this bill.

I was astounded by the facts that were produced by the committee. Among other things—and I can only hit a few of them here—if I remember correctly, and I want the chairman of the subcommittee to correct me if I am incorect, this Government is spending $6,000 a year on Iraqi students in this country each school year, $6,000 plus a year; is that about correct?

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. That is true.

Mr. GROSS. I doubt if there are very many Members of the House of Representatives who can afford to spend $6,000 a year on each of his or her children in a university or college in this country. I doubt that they have that kind of money.

Mr. Chairman, the Peace Corps which, as the gentleman from Louisiana said a while ago, started with $10,000 2 years ago; it went up to $63 million last year, and there is $52 million in this bill for that operation. The Peace Corps now is employing social anthropologists, whatever they may be; it is employing junior town planners, whatever junior town planners may be; it is employing psychologists to evaluate the programs in the various countries. The United States Ambassadors and their staffs in the countries in which the Peace Corps operates apparently are not qualified to report to the brass hats in the State Department over in Foggy Bottom how the Peace Corps is performing. So they are employing psychologists at $40,000 and $50,000 a year to go to these countries and evaluate the Peace Corps operation. This makes more highly paid jobs for the Kennedy administration and pushes the taxpayer's nose further down on the grindstone.

Mr. Chairman, the Peace Corps is also reportedly conducting a study of man. I do not know what part of man it is studying, but that makes more jobs and provides more spending.

Now, I understand that last year Congress authorized some $400,000 in military assistance to Italy. Yet, from reading the hearings I gather—I hope I am correct, and I want to be corrected if I am not—that last year Italy was given $63 million worth of military assistance. Is that about right, I will ask the chairman of the subcommittee?

Mr. PASSMAN. I am sorry, but I did not hear the gentleman. Will the gentleman repeat his question?

Mr. GROSS. Did Congress justify $400,000 worth of military aid for Italy only to find the brass hats, without authorization, raided other funds and gave them $63 million worth?

Mr. PASSMAN. If the gentleman will yield, the Defense Department stated to us what they needed, and they made the decision.

Mr. GROSS. Well, did that happen?

Mr. PASSMAN. There have been a lot of things happen in the military assistance program that are difficult to comprehend or explain.

Mr. GROSS. I understand that Israel—just taking one country—was borrowing hard money from this country—was patronizing the hard loan window at one of the numerous international lending agencies.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. COAD. Mr. Chairman, I object.

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman from Iowa offers a preferential motion. The Clerk will report the motion:

The Clerk read as follows:

Mr. GROSS moves that the Committee now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes under his preferential motion.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Alabama [Mr. COAD], for his objection.

Mr. ICHORD of Missouri. Iowa.

Mr. GROSS. I said Alabama.

Mr Chairman, I understand that after the Development Loan Fund became effective Israel went right over to the soft-loan window. Now, I understand that country is dispensing foreign aid in various countries, although they are borrowing money from us at the soft-loan window, for a period of 20 years, at I believe a one-fourth of 1 percent carrying charge, with no payment whatever on the principal in the first 5 years on this money. Apparently we are putting up the money for them to conduct a foreign aid program. Is that about right, I ask some member of the committee?

Mr. PASSMAN. The gentleman has stated the case correctly.

Mr. GROSS. I read the other day the report that in the last quarter for which reports are available—that is, the April, May, and June quarter—the non-farm-property foreclosures in this country increased 16 percent. In other words, those foreclosures were on residences and business properties. Yet billions of dollars will be made available under this bill, plunging this Nation deeper and deeper into debt, a debt that is being handed on for payment to our children and their children. This is the height of irresponsibility.

Someone spoke of the Alliance for Progress, and someone else, I believe the gentleman from Texas [Mr. MAHON], spoke of how difficult it is to get legislation through the House of Representatives. Well, bless your hearts and souls, the original Alliance for Progress legislation went through this House as though it was greased. The commitment to spend billions on that starry-eyed project had been made even before the legislation was approved. The Congress was committed to put up the money before they ever had a meeting in South America; before they could reach any agreements whatever. How foolish can we get in this country to dispense in this year, with the debts that we have, with the foreclosure increases that we have, how utterly foolish can we be to give away another $6 billion in foreign aid?

You can vote for it, if you want to. I want no part of it. I hope you will accept my amendment and cut $250 million.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa [Mr. GROSS].

The preferential motion was rejected.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

The committee has evaluated the facts. We believe that if we can we should meet our commitments until such time as appropriate adjustments are made, to find out what is actually obligated. I think the amendment should be defeated. The committee has gone into the matter very carefully.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The Clerk read as follows:

Page 3, line 16:

"MILITARY ASSISTANCE

"Military assistance: For expenses authorized by section 504(a) of the Foreign Assistance Act of 1961, including administrative expenses authorized by section 636(g)(1) of such Act, which shall not exceed $24,000,000 for the current fiscal year, and purchase of passenger motor vehicles for replacement only for use outside the United States, $1,300,000,000."

Mr. CHAMBERLAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHAMBERLAIN: On page 3, line 23, insert "*Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States."

Mr. CHAMBERLAIN. Mr. Chairman, the amendment which I offer is short and simple.

It has no complex issues which can lead to confusion.

I am prompted to offer this amendment for just two basic reasons:

First, I want to do something positive and constructive to help our economy and help create jobs for our working people.

Secondly, I want to suggest a course of action which will help mitigate the flow of gold from this country.

If you want to help get the country moving—and if you are concerned about the gold problem—then I think you will want to support this amendment.

Just what does it do?

It simply prohibits the purchase of military vehicles under our foreign aid program outside the United States.

Now what is this aimed at and how will it accomplish its purpose?

Let me briefly summarize the situation which I discussed before the House when we considered the authorization bill last July.

Earlier this year I discovered that since 1957 our Government has purchased more than 78,000 military trucks manufactured in Japan.

These were given under our aid program to the military forces of friendly nations in the Far East.

We are told that these trucks have cost our taxpayers $223 million—nearly a quarter of a billion dollars—and this is the unclassified figure. The classified costs are available—and are even greater as you can well imagine.

This money was spent for Japanese made trucks during a period when the American automotive workers were operating at about half speed.

We were spending this money outside the country during these years while our own unemployment was acute in most of our automobile centers.

The continuation of such a policy, I submit, is not good.

The place where these trucks are assembled is not the only area affected.

Trucks and cars are the cornerstone for our entire economy. The purchase of Japanese trucks affects rubber workers in Akron, steelworkers in Pittsburgh, glassworkers in Ohio, and scores of other supply centers.

Thousands of people in dozens of American cities contribute to the making of a car or truck.

This is why I have insisted on numerous occasions that the automotive industry is basic to a healthy economy in America. This is shown by automobile production this year.

The automobile industry has been having a good year.

As a result, the American economy in these areas is in good shape. If you doubt this I say look at what has happened to unemployment in our major automobile producing centers.

Our Government should be encouraging this industry instead of sending our purchase orders abroad.

That is why I propose this amendment.

As far as I can determine, the decision to buy Japanese trucks was based primarily on one major factor—cost.

But if you look at it closely, this is not a valid reason.

I was told that the American military truck costs approximately $10,000. A similar Japanese truck costs about half that.

But, Mr. Chairman, these figures ignore the tax moneys that the American truck generates and sends to the U.S. Treasury.

It is estimated that on a $10,000 truck no less than $4,000 returns to the Treasury in the taxes of all those involved in the manufacture process.

You have had this pointed out before regarding other Government expenditures—by the President of the United States, among others, when he increased his estimate of revenues based upon a recommended increase in spending.

He asked that we spend $2.3 billion, anticipating $900 million increased revenue as a result, a return of 40 percent.

Furthermore, Mr. Chairman, if we weigh in the balance all the money we spend for unemployment compensation, job retraining, and other programs to help unemployed, the cost of buying American trucks is further reduced by keeping our people working.

American workers want jobs rather than a dole.

This amendment is one way to help.

Now, just a word about the gold situation.

The present problem stems largely from the $3 billion our Armed Forces are spending abroad annually—this outlay for Japanese trucks included.

Much of this spending may be essential but buying foreign trucks is not.

I do not propose to deny our allies of trucks or even to make them pay for them. I simply say that we should give them the best trucks in the world because it is in our own self-interest.

Gold has been going out of the country steadily. We all know it. The world knows it.

This is one leak we can easily plug and help the American worker and the American economy by doing so.

I earnestly hope this amendment will be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CHAMBERLAIN].

The question was taken; and on a division (demanded by Mr. ROONEY) there were—ayes 78, noes 69.

So the amendment was agreed to.

The CHAIRMAN. For what purpose does the gentleman from Louisiana rise?

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with, and that the bill be open to points of order and amendments at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any points of order to the remainder of the bill?

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against section 112 on page 8.

The language of that section is as follows:

> SEC. 112. It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those nations which share the view of the United States on the world crisis.

The CHAIRMAN. The gentleman will state the point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, that language is already embodied in the basic act and is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from New Jersey.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 6, line 17, as follows: "unless the President determines that the withholding of such assistance to such country would be contrary to the national interest."

The CHAIRMAN. The gentleman will state the point of order.

Mr. GROSS. Mr. Chairman, I make a point of order against the language I have just read on the ground that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The language referred to by the gentleman from Iowa against which he makes his point of order does impose additional burdens upon the President and is therefore legislation on an appropriation bill.

The point of order is sustained.

Are there further points of order? If not, the Chair will recognize Members to offer amendments.

Mr. BONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BONNER: On page 6, after the comma in line 17, insert the following: "or for any expenses of transportation, directly or indirectly, by merchant marine ships of any nation whose ships are used to transport any military or economic supplies to that regime,".

Mr. BONNER. Mr. Chairman, since World War II the United States has contributed heavily and generously in an effort to rehabilitate the war-torn countries of the world. In order to avoid possible disastrous consequences to the American merchant marine, the Congress has passed the Cargo Preference Act and the 50–50 law.

It has been called to the attention of the House that foreign flag vessels are hauling cargoes of war material as well as material of other kinds, commercial and so forth, to Cuba. The gentleman from Florida and the gentleman from New York [Mr. ROONEY] and others have spoken on this matter.

Mr. Chairman, if the facts I have learned are true and I believe they are—then I say that the consequences of our Government in dealing on this basis is a travesty. As stated in a recent letter to the President by Mr. Harrison, president of the American Maritime Association, the apparent facts indicate that

American-flag aid dollars are used to subsidize Communist shipping. The use of NATO shipping in the carriage of Communist cargo releases Russian ships and permits them to concentrate on more strategic objectives. So-called flags-of-convenience ships and NATO country vessels have completely disregarded U.S. economic and political objectives and are motivated strictly by economic inducements, regardless of their source.

Mr. Chairman, I think that this matter has been thoroughly called to the attention of the House. The amendment I offer will not cripple this bill but will aid the economic condition of the United States and be a benefit to all of us.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield.

Mr. ROGERS of Texas. I have an amendment at the desk, I may state to the gentleman from North Carolina, that I intended to offer and will probably speak on at a little later stage; but there is one question about your amendment that I would like to ask. Does this prohibit the use of foreign aid funds for the payment of transportation? Or does it prevent the use of foreign aid funds to go to any nation that permits its ships to trade with Cuba?

Mr. BONNER. This will prohibit the use—let me read it. I will read it in context with the section, section 107:

> None of the funds in this title shall be available for assistance to any country, the government of which sells arms, ammunition, or implements of war to the Castro regime, or which furnishes, by grant or loan, any military or economic aid to that regime, or for any expenses of transportation directly or indirectly by merchant ships of any nation whose ships are used to transport any military or economic supplies to that regime.

So you can see what this will do and can very well understand it. Any ship that carries war material or economic supplies to Cuba will be prohibited from coming into the U.S. ports, picking up foreign aid cargoes, and carrying them to such recipient countries as they may be directed to, the transportation of such cargoes being paid for from moneys herein appropriated.

Mr. ROGERS of Florida. Mr. Chairman will the gentleman yield?

Mr. BONNER. I yield.

Mr. ROGERS of Florida. I want to commend the gentleman. This amendment is along the lines of the matter about which I spoke earlier, that we ought to start taking some action against this shipping to Cuba. This is a step in the right direction. I commend the gentleman for the amendment he has offered.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield.

Mr. ROONEY. I should like to know what effect, if any, this would have on the NATO organization and NATO countries.

Mr. BONNER. If any NATO country is taking any part in sending military supplies or economic supplies to Cuba, than this will affect NATO.

Now, I am telling the Members of the House, on both sides of the aisle: You want to throw an embargo and close the coast of Cuba. This amendment will do it without sending warships.

Mrs. BOLTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. BOLTON. May I inquire of the Chair whether we have passed the point when points of order can be made against language in the bill?

The CHAIRMAN. We have passed that point.

Mr. PASSMAN. Mr. Chairman, it would be rather difficult for me to oppose an amendment of this type. Frankly, I hesitate as chairman of the subcommittee to presume to accept the amendment for the committee. However, personally I have no objection to the amendment.

Mr. HAYS. Mr. Chairman, I move to strike out the last word, and I take this time for the purpose of asking the author of the amendment a question or two. He made the statement this would put an embargo on shipping to Cuba. If I understand the amendment, all it does is prohibit any ship which engages in the trade which he described from picking up a cargo in the United States and the transportation of that cargo, which will be paid out of foreign aid funds. Is that what it does?

Mr. BONNER. The gentleman is correct, and I want to tell him if foreign-flag ships are so interested in the foreign aid program and the carrying of materials bought for foreign countries under this program, they are not going to take the chance of losing the opportunity of coming into American ports and not being able to pick up this cargo.

Mr. HAYS. The amendment prohibits them from picking up foreign aid cargo?

Mr. BONNER. Yes.

Mr. ROGERS of Texas. Mr. Chairman, I have an amendment pending at the desk. I ask unanimous consent to offer it as a substitute for the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

> Amendment offered by Mr. ROGERS of Texas: On page 6, line 16, after the first comma, insert: "or permits ships under its registry to deliver arms, ammunition, implements of war, or other goods, wares and merchandise to that regime,".

The CHAIRMAN. Is there objection to the request of the gentleman that this amendment be considered as a substitute for the amendment offered by the gentleman from North Carolina?

Mr. BONNER. Mr. Chairman, I think a point of order would hold against this amendment.

The CHAIRMAN. The gentleman can object. It is not necessary to make a point of order. The gentleman from Texas asks unanimous consent that his amendment might be offered as a substitute.

Mr. BONNER. Mr. Chairman, I object.

Mr. ROGERS of Texas. Mr. Chairman, I offer it as an amendment to the amendment offered by the gentleman from North Carolina.

The CHAIRMAN. Will the gentleman alter the amendment slightly in order to do that?

Mr. ROGERS of Texas. Mr. Chairman, I withdraw my request for the time being.

Mr. ICHORD of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from North Carolina.

Mr. Chairman, the distinguished chairman of the Subcommittee on Appropriations this afternoon made a factual and eloquent presentation of the operations of the foreign aid program.

I regret sincerely that there were only 115 members in the Committee of the House to hear the address of the gentleman from Louisiana [Mr. PASSMAN]. I commend the gentleman for his statement. The gentleman from Louisiana this afternoon made sundry serious charges against the foreign aid program to which there have been no answers. Unfortunately, each and every charge was true. I am convinced by the eloquent presentation of the gentleman from Louisiana—I am convinced so well, in fact, that I shall vote for this restrictive amendment and all other reasonable cutting amendments and if the reductions are not in sizable proportion, I shall then vote against the bill.

Mr. ROUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I compliment the gentleman from North Carolina on his amendment. I had hoped to present an amendment which would have denied aid to any nation engaged in trade with the Castro regime. It is my understanding that the gentleman's amendment does essentially the same thing. Now I am glad to join with the gentleman in support of his amendment.

It is my opinion that we should insist that all of our allies cut off all trade to Cuba at once. It is the policy of our Government to "squeeze" Castro economically. While we "squeeze," some of our allies are giving strength and sustenance to Castro by giving him markets for his products and by supplying him with the necessities of a nation's economic life.

By withholding our aid to nations which insist on helping Castro, we not only emphasize our position to those nations but we are telling the world that we are dead serious when we insist that Castro be brought to his knees and there is no welcome for communism in this hemisphere.

I hope the gentleman's amendment passes.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. ROUSH. I yield to the distinguished gentleman from West Virginia.

Mr. HECHLER. Mr. Chairman, I believe we must take all necessary steps to close any loopholes which may exist in the possible use of foreign aid for transshipment to Cuba. I have been assured by AID officials that many rumors of heavy shipments by our allies with the use of American aid are exaggerated. However, even if these rumors are exaggerated, the excellent amendment of the gentleman from North Carolina should make it crystal clear what American policy is and should be.

I hope, Mr. Chairman, that the amendment of the gentleman from North Carolina [Mr. BONNER] is overwhelmingly adopted.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to address myself to the section appearing on page 10 of the bill which deals with the program of assistance to Cuban refugees and to the reasons of the committee noted in its report for taking the action on pages 27 and 28 of the report.

Mr. Chairman, this cut made by the committee amounts to 21 percent. The specific reasons assigned in the report for the cut are that the administration's request for the care of unaccompanied refugee children is too high, and ought to be reexamined, and therefore a cut of $15,110,000 was made on a $70 million request.

The total amount of money in the budget request for care of unaccompanied refugee children was $13.8 million. By no calculation or through any manner of arithmetic, logic, or otherwise, could you in any way justify the cut or save that amount of money unless you did away with the care of refugee children.

Mr. Chairman, 42 percent more funds are allowed in this bill over last year, but we also have 106 percent more Cuban refugees. I think you will pardon a personal reference when I say that I have to live with this problem, because most of the refugees are in the congressional district which it is my honor to represent. I must compliment all the Catholic church groups, the welfare agencies, the citizens, and the public units for having done what I believe can be documented as an outstanding job in dealing with this problem of Cuban refugees. I take great pride in the fact that we have done as well as we have in meeting the problem of Cuban refugees which finally has been recognized as a national problem. The committee's admonition has been noted; the figures have been reexamined, and I will put all of this information into the RECORD, I am sure our logic, judgment, and fair play will do what is right.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Let me say to my distinguished friend, the gentleman from Florida [Mr. FASCELL], that it was not an arbitrary cut. Last year the program cost $38,557,000. We are recommending $55 million, which is $16,443,000 above the amount of last year. We recognize the nature of the problem and the fact that provision will have to be made for dealing with it.

We had meager information, but we objected to one thing in particular, and that is the fact that the care for children in foster homes cost $165 per month. The comparable cost in the District of Columbia is $59 per month.

Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. FASCELL. The $70 million includes more than foster home care for unaccompanied children. It covers the whole gamut of care of Cuban refugees. They are still coming in at the rate of 1,600 to 1,800 a week. Therefore the problem is not going to disappear.

Mr. PASSMAN. I want to say to the distinguished gentleman from Florida [Mr. FASCELL] that the figures have been examined carefully and reexamined.

Mr. FASCELL. I respectfully submit that Washington, D.C., is not the highest place in the country. Those figures will be made available to the committee. I think any fair person will reconsider his position on the question of this amount of money.

For example, the cost for care of Cuban children in foster family homes in Alexandria, La., monthly cost to foster parents is $75; clothing, $25; medical and dental care, $12; education, carfare, and lunch, $10; services of social worker, $23; a total of $145.00.

The above cost does not include travel expenses for the social worker or other administrative cost of the agency.

Board rates for Cuban children are $25 a month in excess of board rates for the agency's own children under care. This is because the Cuban children are adolescents, while the agency's own children are young children. It is always necessary to pay a higher rate of board for adolescents. Also, since these children have no relatives or friends, the agency expects more from the foster parents in the way of providing recreation and other services to the Cuban children. These two factors account for the higher board rate paid foster parents.

The House committee, in acting on the administration's request for $70,100,000 to administer the Cuban refugee program, reduced this figure to $55 million, or by $15,110,000, or 21 percent. The subcommittee report gave no specific reasons for the reduction except to indicate that it felt that the amount requested for the care of unaccompanied children in institutions and in foster family homes was too high and should be reexamined by the officials in charge of the program. The total amount of funds requested for unaccompanied children was $13,800,000.

The subcommittee action would allow only 42 percent more funds during fiscal year 1963 than were available during fiscal year 1962 although it is estimated that there will be 106 percent more Cuban refugees in this country during fiscal year 1963 than in fiscal year 1962 who will be eligible for assistance and service. Even if a review should determine that it is possible to reduce the amounts paid for the care of unaccompanied children, the savings which would result could not possibly come close to making up the $15,110,000 reduction made by the subcommittee since only a total of $13,800,000 was requested in the budget for this purpose.

Accordingly, it would be necessary to reduce the amounts given monthly to needy refugees for food, shelter, and clothing below the current average payment of $75 a month per family unit even though current payments fall far short of meeting the full financial needs of the refugees. It would also be necessary to reduce the amount of money contemplated for reimbursement to the Dade County, Fla., public schools, even though recent statistics indicate that the average number of children to be enrolled in the Dade County elementary and secondary schools during the first semester of this year is about 19,500 rather than the 17,000 included in the estimate. Similarly, reductions would have to be made in the amounts contemplated for reimbursement to Dade County for health and other services furnished on behalf of Cuban refugees. Finally, the reduction proposed by the House subcommittee would seriously jeopardize the carrying out of the program of resettling refugees outside of the Miami area since adequate funds would not be available for this purpose. Inasmuch as practically all facilities of the Miami area are being seriously overtaxed by the weekly influx of from 1,600 to 1,800 Cuban refugees, the importance of the resettlement program cannot be overemphasized.

Mr. Chairman, first, there are currently 3,767 Cuban children in care—2,886 are in group care; 881 are in foster homes; 1,400 of these children are under 12 years of age.

Second. The District of Columbia Junior Village is not the highest in the Nation.

Third. The District of Columbia Junior Village cost figure per diem is $7.02 plus services.

Fourth. The Catholic group care programs for the Cubans range as low as $5.65 at Jacksonville, Fla.

Fifth. While the direct board and room payment for foster home care for Cuban children is higher—$2—than the foster home care payment for American children in Louisiana—$1.70—the Cuban $2 is well below other cities around the Nation for American care.

The current reimbursement rates for the care of Cuban children provided by voluntary child-caring agencies and institutions are $6.50 per diem for children in group care and $5.50 per diem for children in foster home care.

However, the Catholic Welfare Bureau, the Jewish Family Services, and the Children's Service Bureau retain 50 cents per child per day of this amount to cover central administration and service costs.

In effect, then, the actual rate paid out to agencies and institutions is $6 per diem for group care and $5 for foster family care.

Examining the $5.50 per day foster home care figure, we find this totals $38.50—$5.50 times 7—per week.

Board and room	$14.00
Allowance	2.00
School carfare	2.50
Welfare agency	3.50
Administrative and service cost	6.50
Total disbursement per week	38.50

On a per diem basis, this breaks down as $2 to the family; 64 cents allowance to the child—including carfare—50 cents welfare agency; 92-plus cents administrative and service cost, for a total disbursement of $5.50 per diem.

These figures do not include clothing, medical, and school supplies.

The only difference in the amount for Cuban children and American children in foster home care is in the amount for carfare. The Cuban receives $2.50 per week and the American receives $1. This differential is because many of the Cuban children attend both morning and evening classes—thus having to make more school trips.

Examining the $6.50 per day group care figure, we find this totals $45.50—$6.50 times 7—per week.

To the institution	$42.00
To the welfare agency	3.50
Total disbursement per week	45.50

This provides the institution with $6 per diem to provide the full care.

The children's service bureau in 1961 reported actual costs of $6.57 per diem for care of children—both Cuban and American—in their group homes.

Board and care rates paid directly to foster families by public welfare agencies on a per diem basis:

Cuban welfare program	$2.00
Denver, Colo	2.50
Dade County, Fla	2.27
Statewide average, Florida (all children)	2.07
New York City	4.93
State of Louisiana	1.70

Actual reported per diem costs of care by voluntary agencies participating in the Cuban refugee assistance program:

Foster home care:	
Jewish family and children's service	$8.30
Catholic charities of Albuquerque, N. Mex	7.86
Catholic services for children, Portland, Oreg	5.64

Reported costs of public institutions caring for American children in group care homes on a per diem basis:

Junior Village, D.C	$7.02
Dade County, Fla	7.00–9.00
Illinois Soldiers' and Sailors' Children's School, Normal, Ill	13.20
Callegy Hall, New York	17.68
Children's Center, New York	12.96
Hillcrest Center for Children, New York	15.23

Actual reported per diem costs of care for Cuban children under group care by voluntary agencies:

Catholic Welfare Bureau, Miami	$5.70–$8.78
Catholic Charities Bureau, Jacksonville	5.65– 5.95
Catholic Charities, Denver	7.25
Catholic Charities, Illinois	6.00– 6.95
Catholic Charities of New York	6.01– 8.60
Catholic Services for Children, Portland, Oreg	7.59

District of Columbia child welfare foster home program: $70 per month for children up to 6 months of age; $53 per month for all children over 6 months of age.

The House has approved an increase to $57 per month. These figures do not include administrative, clothing, medical, or educational items.

These items, on a yearly average, run:

Clothing	$73.03
Medical	13.74
Drugs	7.65
Optical	2.10
School tuition	216.43
School carfare	36.00
Total	348.95

Averaging this figure out—348.95/12—and adding the monthly cost figure, $29.08, to the $53 payment provides a monthly care cost of $82.08—to which also must be added administrative and service cost.

Group care program—Junior Village—the actual cost in 1961 was $6.81 per child per day. In 1962, this cost figure has risen to $7.02 per day. This figure does not include all administrative and service costs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BONNER].

The amendment was agreed to.

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PELLY: On page 6, line 13, insert "(a)" immediately after "SEC. 107.", and after line 19 on page 6 insert the following:

"(b) None of the funds appropriated in this title shall be available for assistance to any country which permits vessels registered, enrolled, licensed, or otherwise documented under its laws to transport to Cuba, so long as it is governed by the Castro regime, any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies contained on the list (known as the "positive list") maintained by the Secretary of Commerce of commodities with respect to which an export license is required under the Export Control Act of 1949".

Mr. PASSMAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. PELLY. Mr. Chairman, this amendment to H.R. 13175, the foreign aid appropriations bill would provide that none of the funds appropriated would be available for assistance to any country which permits its vessels to transport arms or strategic materials to Cuba so long as Cuba is governed by the Castro regime.

My proposed amendment would dovetail with the provisions of the Military Defense Assistance Control Act of 1951—known as the Battle Act—which makes it mandatory to stop any kind of assistance to any nation which knowingly allows sales of arms to the Soviet bloc. Under this amendment use of a nation's vessels to carry strategic materials would be treated similarly to sale of military goods.

According to press releases 60 cargo vessels are scheduled to deliver military shipments to Cuba. Official information with regard to such ships is classified but from newspaper accounts it is obvious that the vessels of our allies, under NATO, are transporting these shipments. At least one ship from West Germany, Greece, and Italy have already been used to carry military goods to Cuba and also an unspecified number from Great Britain.

That our allies are assisting the Soviet Union to build up the military potential of the Communist-Castro regime in Cuba is unthinkable.

In the Department of Commerce, in connection with the Export Control Act, there is a list known as the "positive" list. This list contains what are known as presumption-for-denial items against exports to the Communist countries.

Validated licenses must be obtained from our Government for export of commodities on this list to all destinations except Canada.

My amendment would limit funds appropriated so that they would not be available for assistance to a country which permits its vessels to transport presumed strategic items for military purposes.

This amendment would implement and encourage our allies to ban the use of their cargo ships for transport of Communist military arms and special military implements of war to Cuba as long as it is under the Communist Castro regime.

I urge adoption of the amendment.

Mr. PASSMAN. Mr. Chairman, I withdraw my point of order, and ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. PELLY].

The amendment was agreed to.

Mr. ROGERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: On page 6, line 16, after the first comma, insert "or permits ships under its registry to deliver arms, ammunition, implements of war, or other goods, wares and merchandise to that regime,".

Mr. PASSMAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. ROGERS of Texas. Mr. Chairman, first may I say I want to commend the gentleman from North Carolina [Mr. BONNER] and others interested in this problem. My effort here is to try to offer an amendment that will prevent the funds of the taxpayers of the United States from going into any country in the world that permits ships under its registry to deliver goods to Cuba.

There are many quirks and terms in this trade situation and it is conceivable that the ships under the registry of one country may deliver goods as the agent of another country and would not be in violation of other amendments that have been offered.

My purpose here is to offer an amendment that will get to the root of the evil and prevent the delivery of any kind of goods whatever to Cuba by any country that is accepting funds from this country.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from Washington.

Mr. PELLY. As I understand the gentleman's amendment, it does exactly what my amendment would do, and which was just adopted, does. In other words it would provide that none of the funds appropriated would be available for assistance to any country that permits vessels registered, enrolled, licensed, or otherwise documented under its laws to transport to Cuba. In other words, I think the gentleman is offering the same amendment as mine, which the House just accepted.

Mr. ROGERS of Texas. Did I understand the gentleman from Washington to refer to goods as "presumed strategic goods"?

Mr. PELLY. I referred to them as "arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies contained on the list—known as the 'positive list' "—maintained by the Secretary of Commerce.

Mr. ROGERS of Texas. My amendment goes just a little further and covers everything. That is the point. I know that there is a faint line of demarcation between implements of war today and implements of war tomorrow. Sometimes those goods or wares or merchandise that might be military hardware today would not be military hardware tomorrow because of a change in the positive list.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from California.

Mr. ROOSEVELT. Does this amendment include such things as food and drugs?

Mr. ROGERS of Texas. My amendment would include such things as food and drugs.

Mr. ROOSEVELT. We are today, as the gentleman knows, sending food and drugs. Under this amendment, any friends of ours that sent food and drugs in conformity with our own policy would be stricken from our list of countries receiving foreign aid.

Mr. ROGERS of Texas. I do not think we ought to be sending anything to Cuba. I do not think any country accepting money and goods from us should deliver goods to Cuba. We did not send food and drugs to Germany, Japan, and Italy, while we were at war. Castro is just as much an enemy.

I think I ought to conclude by saying that I think until we face up to this issue and face it clear across the board we are going to continue to have trouble. You cannot beg the question on Cuba. The day is going to come in the not too distant future when we are going to be faced with the proposition of either invading Cuba or backing off. I think we ought to invoke every economic sanction available to us at this time, including any influence we can have on our friendly countries, especially those countries that are taking aid from us.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his point of order?

Mr. PASSMAN. Mr. Chairman, I withdraw my point of order, but I ask to be recognized in opposition to the amendment.

I wish we might have an opportunity to study these amendments and see how far reaching they may be. I hope the House will vote down this amendment and then, if the gentleman from Texas should give us the opportunity in the future, we would be pleased to discuss the matter with him.

Mr. JOELSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, of course, we all, I am sure, are very exercised about the fact of our allies in any way, directly or indirectly, aiding Cuba. We must be continuously on the alert to stop this outrageous state of affairs. But in order to understand this proposed amendment, I would like to ask the author of this amendment if, for instance, West German ships were being chartered to Russia which was in turn shipping goods to Cuba, would this mean that tomorrow we would have to stop any military assistance to West Germany?

Mr. ROGERS of Texas. Yes.

Mr. JOELSON. Then, I think we ought to be cognizant of that fact when we vote on it.

Mr. TOLLEFSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, one of the most serious problems confronting our Nation in recent days and weeks is the shipment to Cuba of strategic military materiel. Our citizens are most concerned, and are urging our Government to do something to prevent the buildup of a Communist military base 90 miles off our shores. The President and Members of Congress have also expressed concern, and have come forward with suggested courses of action. As a matter of fact, both Houses of Congress will soon act upon a resolution stating the policy of the United States with regard to the situation. It expresses similar views to those advanced by the President. But, my colleagues, the resolution and many of the suggestions advanced are only statements. They offer no real practical solution to the problem which confronts us. The most practical solution to that problem has been offered by the gentleman from Texas [Mr. ROGERS]. It presents a very real method of keeping those nations who accept our aid from permitting the carriage by their ships of materiel which Castro's Cuba needs. Castro will fall in time if he does not receive help from other nations. Mr. Chairman, I supported the other amendments offered which seek to deal with this matter, but in my humble opinion, and desirable as these amendments may be, they do not go far enough. They reach and seek to solve only a small part of the problem.

If the House of Representatives really wants to deal effectively with the Cuban situation it will approve the amendment offered by my distinguished colleague from Texas, Mr. ROGERS.

Mr. ROONEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I suggest that this amendment be withdrawn by my distinguished friend, the gentleman from Texas. It might lead us to world war III and leave us unprepared with allies.

Mr. FULTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, what we must carefully realize is this. Under the Constitution of the United States, and court decisions through the years, the matter of foreign policy is in the hands of the President of the United States. He has the ultimate decision. He has the ultimate responsibility. Secondly, a large body such as this Congress, with 437 Members, cannot deal with the finesse and with the study and the care that is necessary in making these decisions. Thirdly, the Committee on Appropriations has gone over this measure, and the chairman of this particular subcommittee, the gentleman from Louisiana [Mr. PASSMAN], urges the deaft of this particular amendment. Such multiple restrictions added by these amendments will unduly hamper the administration of this act. I feel if we make the bill so restricted that the President does not have an opportunity to exercise his full discretion, then we are not within the spirit of the Constitution and the U.S. Supreme Court decisions.

Finally, may I say this? The House Committee on Foreign Affairs of this great Congress, this great committee, has passed on this legislation. It watches our U.S. foreign policy closely. Just as you do not want anything of strategic value to go to Cuba, neither do I want anything to go to Cuba, that might in any way jeopardize our U.S. security. But certainly we do not want people starving who may later be our friends, and in the free world, our chief asset is freedom of choice for our allies and friends. I feel the people of Cuba have had an imposition made on them. I feel if they are given an opportunity, they will overthrow that Government, which is a dictatorship by military rule. May I say in final conclusion, Mr. Chairman, that this question is one of balance. We must carefully look to see whether by restrictive and demanding amendments, we hurt the North Atlantic Treaty Organization upon which our own security depends. We in Congress must place prime consideration on keeping the North Atlantic Treaty and the Rio Treaty in operation for our U.S. security and the defense of the Atlantic Community of Nations and the free world. These are mutual security treaties voluntarily agreed to by free nations, of the highest importance to our American people.

Simply because some of our allies at this time do not see that the actions proposed in these amendments on Cuba are in the interest of the highest U.S. security they must be reasoned with, argued with, they must be consulted with, and patience must be a friendly and constant virtue. I must say to you that if an arbitrary restrictive position is taken here by the House as against what the House Appropriations Committee has said that they feel should be done, I believe it would be a mistake.

I am a Republican, I am a supporter of the U.S. bipartisan foreign policy. I rejoice that we drop partisan lines in working for the security of our country. President Kennedy is my President, he is your President, and I feel that the passage of such amendments could be taken as some lack of confidence that will be taken advantage of by people who are not friendly to us.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield.

Mr. PASSMAN. We have, of course, already adopted two amendments to this section. I believe they can be lived with, that we can work them out. There is another amendment pending. If you get too many amendments to the same section you may make it unworkable and impossible to live with. But I feel in the case of the two amendments which have been adopted we can work it out, but if you now add a third amendment to the same section it may make it very complicated, too complicated to work out. That is why I ask you to vote down the amendment.

Mr. FULTON. I agree with the gentleman from Louisiana on this point. We are all agreed in principle; the question is, How do we implement the principle? This is not the place to fix rigid limits on U.S. foreign policy. We can express ourselves on general policy direction, we can make our views known to the President, but we must all realize that in the final analysis, the ultimate responsibility is his. He is the Commander in Chief of this country. Under the Constitution of the United States and decisions of the U.S. Supreme Court, the Executive through the U.S. Department of State, and in the case of treaties, and Ambassadors, and so forth, with the advice and consent of the Senate. The Executive takes the responsibility for the foreign policy of this country, and carries it on from day to day in many parts of the world. While I agree with the spirit of the amendment, I for one will not bind the President's hands in derogation of our North Atlantic Treaty Organization and the Rio Treaty simply because some of the individual member states may be wrong. It is a question of whether we should affect this alliance or any other alliance. Our North Atlantic Treaty and Rio Treaty alliances are two of the strongest foundations we have in our U.S. national defense and the security of the free world.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield.

Mr. PILLION. Will the gentleman give me the citation from the Constitution which places the foreign policy solely in the hands of the President?

Mr. FULTON. I cannot cite a specific article and section, but it certainly is clear that under the Constitution and the decisions of the U.S. Supreme Court, the President has that sole power, with the advice and consent of the Senate in certain instances, and of course the money to be supplied by the Congress.

Mr. PILLION. I must disagree with the gentleman.

Mr. FULTON. Secondly, the President under article 2 is the Commander in Chief, and the Executive power is vested in the President by that article.

Mr. PILLION. The gentleman will find that responsibility for the defense of this country rests with the Congress solely and wholly.

Mr. FULTON. Does the gentleman think that this body with nearly 600 Members can decide what the balance of interest is between the North Atlantic Treaty Organization, the Rio Treaty, the Organization of American States, and any hire contracts for transportation by various free-world countries?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent Mr. FULTON was allowed to proceed for 1 additional minute.)

Mr. FULTON. Why try in advance to meet many complicated circumstances of which this is only one, and our Members certainly have not been briefed in secret as a body. This is restricted only to Cuba, but it equally should apply to Communist China, North Vietnam, and North Korea. So it is not a correctly drawn amendment.

Mr. PILLION. This Congress too often assumes that the President has full responsibility for the foreign policy of this country. That is why we are in the desperate situation we are in today, because we have neglected our own responsibility in dealing with world political and foreign policy matters.

Mr. FULTON. Let me ask the gentleman this question: Why should not nations who trade with Communist China be included in this policy as well as Cuba? I say the amendment is deficient, and is not based on a broadly conceived and carefully studied policy.

Mr. CRAMER. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, I have been advocating for a long time that effective action be taken with regard to Cuba, with regard to the Communist conspiracy that exists there 90 miles from our shores which threatens the Western Hemisphere.

One of the most effective things the United States could do would be to encourage the Cuban refugees to form a Cuban government in exile which would be recognized by the United States Government. Then they might organize themselves and win their own freedom in Cuba. This certainly has not as yet been done despite interest expressed in this approach by President Kennedy when running as a candidate for the Presidency.

It has been further recommended by myself and others that the U.S. Government inform Mao Tse-tung and Khrushchev that we do not intend to permit, contrary to the Monroe Doctrine, any shipment in the future of heavy war materiel, contrary to the Monroe Doctrine that was reenunciated at the meeting of the Organization of American States at Punta del Este. Those Communist nations should be advised to the effect that the inshipment of such Communist war materiel is in violation of this doctrine and should be terminated immediately.

I am proud to say this House has finally taken some affirmative action putting into effect a number of those recommendations by amendments to section 107 of H.R. 13175 and an additional one which is now under consideration. That is why I support the amendment now pending to cut off Alliance for Progress funds or other foreign aid money to any country that does business with Fidel Castro and thus the Communists in Cuba. This also means any other foreign aid money for countries that might do business with Cuba, not only as it relates to war materiel shipments but as it relates to giving Castro what he needs to stay in business, which is money, and goods, or economic support through trade channels.

I was in Warsaw over the recess period last year, and I found out something about the half billion dollars in foreign aid and foodstuffs that had been sent to Poland by the United States, which I might add was largely used by the Polish Government to keep itself in power as a Communist regime. At that time Poland was also asking for another $160 million worth of our foodstuffs and the substance of this country, paid for by the American taxpayers, and at that time what was Poland doing? It was buying $18 million worth of sugar from Cuba, which they did not need. It has a surplus of sugar now. This was obviously on orders from the Kremlin to buy $18 million of sugar from Cuba, giving it economic substance which keeps Castro going. They were not at that time providing Cuba with military assistance, but they were providing Cuba with shipyard equipment. Again I say that illustrates why this amendment is needed.

This country has taken action similar to this amendment. This country has cut off the economic substance in dollars from Cuba by putting into effect a sugar embargo. This country has sanctioned exactly on behalf of itself what this amendment calls for on the part of our foreign aid recipients, and that simply is that there shall be no aid to any country that does business with and gives Fidel Castro and the Cuban Communists what they have to have to keep going in Cuba, and that is economic help and economic substance. That is equally as important, as far as keeping the Communist regime in power in Cuba is concerned, as would be military materiel, because Castro cannot keep going much longer if he does not continue to get economic assistance from these countries in the form of goods.

This amendment I think is essential if we are going to close existing loopholes, if we are going to stop Poland from taking our foodstuffs to the tune of a half billion dollars, and at the same time giving economic assistance and substance to Castro and to his regime.

Mr. Chairman, I trust the amendment will be adopted and that it will be followed up by its implementation by the administration. The American people demand action in dealing with Castro and the Communists.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ROGERS].

The amendment was agreed to.

Mr. RHODES of Arizona. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time for the purpose of explaining the motion to recommit which I will offer at the proper time. It will read as follows:

> On page 3, after line 15, insert the following: "Of the foregoing amount under the heading 'Economic Assistance' not to exceed $2,230,400,000 in the aggregate shall be available for such purposes."

Mr. Chairman, the purpose of this amendment is to strike $100 million from the category known as Economic Assistance. It is from the economic assistance at large. If this is adopted, the Executive will be allowed to select where he wants the $100 million to come from, and he can take it from any "spigot" he desires.

Mr. Chairman, lest anyone think that this is a meat-ax approach, let me discuss with the members of the Committee the state of the bill which we have pending before us today. We have heard and read in the various periodicals that this is a bill which has been cut drastically. Let us compare it with some of the other appropriations which we have made over the past few years:

In 1956 we appropriated $2,703 million. In 1957, $3,766 million; in 1958, $2,768 million; in 1959, $3,298 million; in 1960, $3,225 million; in 1961, $3,716 million; in 1962, $3,914 million, and this bill, in titles I and II, is approximately $3,330 million. So, this bill is just about the same size as the other bills which we have acted upon for this purpose during the last 7 years.

Mr. Chairman, lest anyone think that this hamstrings the Executive, permit me to point out this fact: In this same title there is $225 million appropriated for a contingency fund. This fund is available for any purpose for which this act can be utilized. It is as broad as a barn. Parenthetically, this is one of the facets of the bill which many of us feel should be tightened. Also, there is transferability in this bill. Ten percent of practically every cent which we appropriate in title I can be transferred from one category to another, with certain exceptions. You can transfer money out of military assistance, but you cannot transfer it in. There are other exceptions, but it all adds up to the fact that there is about $290 million worth of transferability contained in this bill. So we have flexibility in the hands of the Executive in this bill amounting to some $515 million. This, I submit, is a great amount of flexibility. In fact, perhaps, it is more flexible than the taxpayers of the United States can stand.

Mr. Chairman, permit me to also point out the fact, as the gentleman from Louisiana has said from time to time, the pipeline in this program is not going down; it is going up. The gentleman's letter of September 12 addressed to all the Members of the House, points out that the unexpended funds for this program, as of June 30, 1962, amount to almost $2 billion more than they did on June 30, 1960. So, lest anyone feel that the foreign aid program has been starving to death, I bring these facts and figures to you so that you will realize that we really, instead of being niggardly with this program, have been quite liberal with it. I feel that the interest of the taxpayers, and the interest of the nations we help, alike will be furthered by the cut of an additional $100 million in this way, which allows the Executive to place the cut wherever he desires to do so.

Mr. PASSMAN. Mr. Chairman, will the distinguished gentleman from Arizona yield?

Mr. RHODES of Arizona. I yield to the gentleman from Louisiana.

Mr. PASSMAN. It is, of course, going to be rather difficult to oppose my good friend, the gentleman from Arizona [Mr. Rhodes]. We have worked very long and hard on this bill.

Mr. RHODES of Arizona. The Chairman does not have to oppose me.

Mr. PASSMAN. I mean on the recommittal motion.

In the circumstances, I cannot support the amendment.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. Rhodes] has expired.

Mr. RHODES of Arizona. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. HAYS. Mr. Chairman, I object.

Mr. PASSMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the subcommittee and also in the full committee we have gone over this bill very carefully. Some of us, including myself, have very strong feelings that the bill is still higher than it should be, although we have made some substantial reductions; in fact, the largest dollar cut, percentagewise, that we have ever made. We trust that, in the circumstances, the House will support the subcommittee and the full committee in the recommendations that have been made.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. GROSS. Would not the gentleman like to have just a little bit of elbowroom when he goes over to the other body?

Mr. PASSMAN. I am not sure I understood the gentleman.

Mr. GROSS. Would not the gentleman like to have a little bit more elbowroom, which he would have if we cut this another $100 million?

Mr. PASSMAN. I might say to the gentleman that we try very hard to protect the position of the House in conference. I believe the record is quite clear on that point.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. PASSMAN. I yield.

Mr. GROSS. One year we got this bill back here on the last night of the session, about 3 or 4 o'clock in the morning.

Mr. PASSMAN. We finished at 5:00.

Mr. GROSS. It had then become an omnibus appropriation bill. As I remember there were some 60 amendments, and about 30 of them were not germane to the bill. Can the gentleman give us any assurance tonight that we will not make another omnibus appropriation bill out of this, and get it back here in the bowels of the morning or the bowels of the night?

Mr. PASSMAN. There is a supplemental money bill pending which should include the items that the gentleman is talking about.

Mr. GROSS. I am afraid it will catch too much.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. Mr. Chairman, I want to make it crystal clear that the motion to recommit does not apply to the military assistance program part of the bill.

Mr. PASSMAN. Nevertheless, I hope the House will stay with the recommendations of the subcommittee.

Mr. KITCHIN. I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Kitchin: Add a new section to the title on page 8, after line 4, to read:
>
> "Sec. 113. None of the funds appropriated or made available pursuant to this act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages or dues of any member of the United Nations.

Mr. HAYS. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Ohio [Mr. Hays] makes the point of order that the amendment offered by the gentleman from North Carolina is legislation on an appropriation bill. Does the gentleman from North Carolina desire to be heard on the point of order?

Mr. KITCHIN. Mr. Chairman, only to the extent that I follow the same language that appears in sections 109, 110, and 111 of the bill. It is a limitation on the expenditures of the funds in the title. I do not think it is legislation.

The CHAIRMAN (Mr. Mills). The Chair has had an opportunity to read the language of the amendment offered by the gentleman from North Carolina [Mr. Kitchin] to which the gentleman from Ohio [Mr. Hays] makes a point of order.

The language of the gentleman's amendment is a limitation upon the use of funds contained in the bill and is, therefore, in order as a limitation. The Chair overrules the point of order.

Mr. GALLAGHER. Mr. Chairman, I make the point of order that the amendment is not germane to this bill.

The CHAIRMAN. The gentleman is saying that he makes a point of order to this amendment that it is not germane to this bill?

Mr. GALLAGHER. Yes.

The CHAIRMAN. The amendment says:

> None of the funds appropriated or made available pursuant to this Act—

That is this very bill.

Mr. GALLAGHER. This amendment was covered in the United Nations bond bill last week.

The CHAIRMAN. That may be so, but it is still germane to this bill because it deals with funds contained in this bill. The Chair therefore overrules the point of order.

Mr. KITCHIN. Mr. Chairman, I will not take the entire 5 minutes. I do not think it is needed. I think the matters contained in this amendment were pretty well discussed when the U.N. bond bill was before us a few days ago.

I think the colloquy between the gentleman from North Carolina [Mr. FOUNTAIN] and the chairman of the committee is of record. I think that this amendment is needed. I think the evidence was pretty well before us that there were transfers of funds coming out of contingency funds and other funds that went into the payment of dues and arrearages of assessments of other nations. I feel this is necessary in this title, particularly in view of the fact that in this bill on page 3, beginning in line 1, there are the words, "contingency fund: for expenses authorized by section 451(a), $225 million," together with other items mentioned in this bill. I think probably there have been transfers to effect this type of payment of dues and arrearages of other nations in the United Nations and I think this is one time we can tie down what the chairman of the Committee on Foreign Affairs said the other day was an understanding, but we can certainly tie it down in this bill and make certain that no funds available under this title shall be used to pay any arrearages of assessments or dues of any member of the United Nations.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. SMITH of Virginia. There was so much confusion in the Chamber that I am not sure just what the gentleman's amendment means. Am I correct that what this amendment does is to prohibit the practice of many nations to whom we contribute financial aid of taking our money and paying their dues to the United Nations with it, so that it makes us pay much more than the amount we are now paying?

Mr. KITCHIN. I think it would, and it would go further. It would say that none of the emergency funds utilized by agencies of our Government can be used by transfer or otherwise to pay these assessments of other members of the United Nations.

Mr. SMITH of Virginia. In other words, this is intended to make some of these other nations pay their own way?

Mr. KITCHIN. That is exactly right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. KITCHIN].

The amendment was agreed to.

Mr. MONAGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MONAGAN: On page 8, after line 4, insert the following:
>
> "SEC. 113. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not selected directly the firms to provide engineering, procurement, and construction services on such project."

Mr. MONAGAN. Mr. Chairman, the purpose of this amendment is to retain U.S. control over the contracting and the precontracting procedures of capital projects that are financed through the foreign aid program.

Two months ago a policy was enunciated by the AID Agency under which a capital project, which means a project in excess of $100,000, would no longer be subject insofar as its contracting and precontracting procedures were concerned, that is, the engineering studies, architectural studies, and the actual letting of the contract, to the supervision of the Agency itself.

In other words, as a result of this policy, all these procedures would be left to the grantee or the beneficiary country and the AID Agency would only have a postcontractual supervision over these capital contracts in excess of $100,000.

The policy statement was that AID will administer these projects by controlling and monitoring the use of the funds rather than by direct involvement in the contracting, engineering, procurement, and construction procedures. These arrangements would be made by the borrower or grantee directly with the firm it would select to do the particular work in question.

The thrust of the policy would be to place responsibility upon the recipient country and not to retain it in the U.S. AID Agency.

It seems to me, Mr. Chairman, that we have had sufficient difficulty up to now with capital contracts in which we have retained control, we have seen numerous instances of negligence, of misfeasance, and of criminality and these have occurred under U.S. control. Therefore, I suggest this is not a time to change this policy. And the purpose of my amendment, Mr. Chairman, is to reinstate control by our Government of these vital contracting procedures.

Without this supervision we could have a global fiscal free lunch counter such as we have never seen before.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield.

Mr. HARDY. Unless this amendment is adopted, this Congress would have no way in the world that it could get any information about performance on contracts or projects in any of our AID activities. Is that not correct?

Mr. MONAGAN. Certainly. It would make it extremely difficult to do so.

Mr. HARDY. And if the contract is awarded by the grantee, there will not be any way that we can examine it. Is that not correct?

Mr. MONAGAN. That is correct.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Michigan.

Mr. MEADER. This amendment would stop this policy which, if it goes into effect, would permit these foreign countries, using their somewhat loose procurement practices, to spend our money; and to find out how they did it, we would have to ask the questions of a foreign official, because all the AID people would tell us is, "We do not have anything to do with that any more. We let the recipient take care of the contracts on these projects."

This new policy would defy the Committee on Appropriations, the Foreign Affairs Committee, and the Foreign Operations Subcommittee of Government Operations and deprive them of the opportunity to find out how the money is spent, because our officials would say, "We are no longer responsible for it."

Mr. MONAGAN. The gentleman is correct, except that this policy is in effect at the present time.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield.

Mr. HAYS. All I can say about the gentleman's amendment is that if he thinks this will cure any skulduggery, he is in error, and if he thinks he is going to get any information, then he has not tried to get any from some of the American companies that have been involved in the very thing that he is trying to prevent. They will not give you any information.

Mr. MONAGAN. I have been involved and have been trying to get information for 4 years with the Hardy committee. I know something about the problem, and I believe this amendment would be helpful in this regard.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Michigan.

Mr. FORD. I wholeheartedly concur in the recommendations made by the gentleman from Connecticut. The amendment is necessary if we on our committee and you on the Hardy committee and others on the Committee on Foreign Affairs are to get the information and to have the means of preventing abuses not only after the fact but before the fact. I hope the amendment is approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. MONAGAN].

The amendment was agreed to.

Mr. HARDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HARDY: On page 8, after line 4, insert the following:
>
> "SEC. 113. Of the funds appropriated or made available pursuant to this Act not more than $4,000,000 may be used during the fiscal year ending June 30, 1963, in carrying out section 241 of the Foreign Assistance Act of 1961, as amended."

Mr. HARDY. Mr. Chairman, this morning my subcommittee issued part I of a report based on an extensive examination of the contract operations of AID's Office of Research, Evaluation and Planning Assistance Staff (REPAS). The purpose of my amendment is to correct the serious administrative and procedural deficiencies we found, most of which were caused by too much money at the disposal of REPAS. That office obligated approximately $8½ million during the 6 months of its existence—it was established on December 29, 1961—and 70 percent of this obligation took place in the closing days of the fiscal year to prevent the return of the funds to the Treasury. Of the cross-section of the contracts examined by my subcommittee none could be classified as "research" as intended by Congress when in section 241 of the Foreign Assistance Act of 1961 funds were authorized for research programs. They were merely commodity or service contracts disguised as research. They were not developed in REPAS but "sold" to that office by other sections of AID which did not have a large enough budget to carry them out. One contract was for a solar-powered boat to sail the rivers of Surinam. Another was for 1,000 23-inch transistorized television sets to be used for educational programs in the jungle.

I am in complete agreement with the need for research in connection with our AID program—but what REPAS has been doing bears little resemblance to what we have a right to expect.

By reducing the funds available to it, that office will be compelled to be far more selective in its operations and may pay more attention to its basic function as reflected by the legislative history of section 241. There Congress expressed its intent that the research office should gather together and analyze the material already prepared by the research community and put it in a form which would be useful to AID in getting maximum results with U.S. aid dollars.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from New York.

Mr. ROONEY. Does the gentleman know how much was requested by the President for the purpose of research?

Mr. HARDY. I am not sure whether there was actually a budget item for this Office?

Mr. ROONEY. The President requested $20 million for that purpose. The gentleman would reduce that $20 million to $4 million. I cannot go along with this proposed amendment.

Mr. HARDY. I was aware that this office is hoping to have $20 million for next year but I must say this to my friend that if utilization of research funds is no better in the future than it has been in the past even the $4 million which my amendment would permit will be too much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. ROONEY) there were—ayes 113, noes 86.

So the amendment was agreed to.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. O'HARA of Illinois. Mr. Chairman, the hour is late. It is now 8:30, and I shall seek to set the good example of brevity.

First, I would join in the universal acclaim of the distinguished gentleman from Louisiana [Mr. PASSMAN], with whose praise this Chamber has been ringing. During the long weeks and months that the distinguished gentleman has been working with his subcommittee on the pending bill I have seen him at close range as a fellow guest at the Congressional Hotel. How he has kept up the gruelling pace day after day, 7 days and nights a week, 1 month after another, has been the wonder of his colleagues living at the Congressional. Early breakfast, then to his office. Less than an hour for dinner, then back to his office until midnight at the earliest, usually much later. The same schedule on Saturdays and Sundays as on the other 5 days of the week.

Whether one agrees or disagrees with OTTO PASSMAN on all his conclusions—and, Mr. Chairman, it would be a sorry day for the country if everyone in this Chamber ever was in complete agreement on everything—all his colleagues will admit that he is a dedicated public servant who never spares himself. This is especially true among his colleagues living at the Congressional who have been privileged to observe at close range his working habits.

Now, Mr. Chairman, I would express my concern for the African program if the cut in the Development Loan Fund stands. Africa is tremendously important to us and to the future of the world. This I could not overstress.

The administration requested $1.25 billion in funds for development loans for fiscal year 1963. The House Appropriations Committee reduced this figure to $775 million. At the present time the administration has commitments to Pakistan, India, and Greece totaling $715 million. This would leave a total of only $60 million for the rest of the world excluding Latin America—for which separate funds are provided.

I followed closely the remarks of the able gentleman from Michigan [Mr. FORD] in which he said that the commitments to India and Pakistan were not final. I doubt, however, whether our country would wish to give the appearance to the world of reneging on an arrangement that has had so much of world notice and which has created such tremendous expectation.

Even assuming that the remaining $60 million were to be allotted entirely to Africa—which is highly unlikely—it would be inadequate even to move forward on the long-term commitments we have made to Nigeria, Tanganyika and Tunisia. For these three countries alone, it is estimated that we would need $120 million to $140 million in fiscal year 1963. While we can stretch out our programs somewhat since we have not made commitments that must be met specifically in fiscal year 1963, a cut far below this level would not only cause bitter disappointment but would raise serious questions as to the ability of these countries to continue with the development plans on which their hopes for future viability must rest. The proposed assistance from the United States is essential to the success of their plans, and a drastic cut would also undermine the careful groundwork we have been laying with other friendly countries to secure additional help needed from them.

There are also many important projects in other countries which are well advanced and toward which the countries concerned have had reasonable expectations for U.S. assistance. These include loans for major educational and health facilities in Liberia, roads in the Sudan, a development bank in the Ivory Coast and transport facilities in Ethiopia. In Morocco, where we had proposed cutting back sharply on supporting assistance, it was with the understanding that we would provide development loans. If this should now not be possible, the situation with respect to our bases will force us to seek additional supporting assistance—presumably from the contingency fund.

In a number of countries, including those mentioned above, we had moved items heretofore provided on a grant basis to development loans. These include funds for school and hospital construction, as well as traditional loan purposes. None of this will be able to go forward in any significant amount if the appropriation cut holds.

Mr. Chairman, I am not presenting an amendment to restore to the Development Loan Fund sufficient additional money to take care of the modest African programs that are vital to our national interest. I know how hard and conscientiously the subcommitiee has worked. I know how difficult it is intelligently to work these things out when we are sitting as Committee of the Whole. I trust, Mr. Chairman, that the House conferees, when they meet with those from the other body, will consider an increase to the Development Loan Fund item at least sufficient to maintain our position in the huge and tremendously important continent of Africa. Our stake in Africa is large. That, Mr. Chairman, again I say we cannot overstress.

Mr. PASSMAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13175) making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the bill, and all amendments thereto, to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RHODES of Arizona. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RHODES of Arizona. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. RHODES of Arizona moves to recommit the bill to the Committee on Appropriations, with instructions to report the same forthwith, with the following amendment: On page 3, after line 15, insert the following: "Of the foregoing amount under the heading 'Economic Assistance' not to exceed $2,230,400,000 in the aggregate shall be available for such purposes."

Mr. PASSMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. RHODES of Arizona. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 203, not voting 42, as follows:

[Roll No. 241]

YEAS—190

Abbitt
Abernethy
Adair
Alexander
Alford
Alger
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashmore
Auchincloss
Avery
Ayres
Baker
Baring
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Bow
Boykin
Bray
Bromwell
Brown
Broyhill
Bruce
Burleson
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Church
Clancy
Collier
Colmer
Corbett
Cramer
Cunningham
Curtis, Mo.
Dague
Derounian
Derwinski
Devine
Dole
Dominick
Dorn
Dowdy
Downing
Durno
Ellsworth
Fenton
Findley
Fisher
Flynt
Forrester
Fountain
Frazier
Garland
Gathings
Gavin
Glenn
Goodell
Goodling
Grant
Griffin
Gross
Gubser
Hagan, Ga.
Haley
Hall
Halleck
Harrison, Wyo.
Harsha
Harvey, Mich.
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Hosmer
Huddleston
Ichord, Mo.
Jennings
Jensen
Johansen
Jonas
Jones, Mo.
Kearns
Keith
Kilburn
Kilgore
King, N.Y.
Kitchin
Knox
Kornegay
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
McCulloch
McIntire
McMillan
McVey
Mack
Martin, Nebr.
Matthews
May
Meader
Michel
Miller, N.Y.
Milliken
Minshall
Moore
Moorehead, Ohio
Morris
Mosher
Moulder
Murray
Nelsen
Norblad
Nygaard
O'Konski
Ostertag
Pelly
Pillion
Poage
Poff
Ray
Reece
Rhodes, Ariz.
Riehlman
Rivers, S.C.
Roberts, Ala.
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Rousselot
Rutherford
St. George
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Scott
Selden
Shipley
Short
Shriver
Siler
Smith, Calif.
Smith, Va.
Springer
Steed
Stubblefield
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tollefson
Utt
Van Pelt
Waggonner
Watts
Westland
Wharton
Whitener
Whitten
Williams
Willis
Wilson, Ind.
Winstead
Young
Younger

NAYS—203

Addabbo
Albert
Ashley
Aspinall
Bailey
Baldwin
Barrett
Barry
Bass, Tenn.
Bates
Beckworth
Blatnik
Boggs
Boland
Bolling
Bolton
Bonner
Brademas
Brewster
Brooks, Tex.
Broomfield
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Cahill
Cannon
Carey
Celler
Chiperfield
Clark
Coad
Cohelan
Conte
Cook
Cooley
Corman
Curtin
Curtis, Mass.
Daddario
Daniels
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Dent
Diggs
Dingell
Donohue
Doyle
Dulski
Dwyer
Edmondson
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Flood
Fogarty
Ford
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Gary
Giaimo
Gilbert
Gonzalez
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagen, Calif.
Halpern
Hansen
Harding
Hardy
Harris
Hays
Healey
Hechler
Holifield
Holland
Horan
Inouye
Jarman
Joelson
Johnson, Calif.
Johnson, Md.
Johnson, Wis.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kowalski
Kunkel
Lane
Lankford
Lesinski
Libonati
Lindsay
McDowell
McFall
Macdonald
Madden
Magnuson
Mahon
Mailliard
Marshall
Mathias
Merrow
Miller, Clem
Miller, George P.
Mills
Moeller
Monagan
Montoya
Moorhead, Pa.
Morgan
Morrison
Morse
Moss
Multer
Murphy
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Osmers
Passman
Patman
Perkins
Peterson
Pfost
Philbin
Pike
Pirnie
Powell
Price
Pucinski
Purcell
Quie
Rains
Randall
Reuss
Rhodes, Pa.
Roberts, Tex.
Rodino
Rooney
Roosevelt
Rosenthal
Rostenkowski
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Schwengel
Scranton
Seely-Brown
Shelley
Sheppard
Sibal
Sisk
Slack
Smith, Iowa
Smith, Miss.
Stafford
Staggers
Stephens
Stratton
Sullivan
Thompson, N.J.
Thompson, Tex.
Thornberry
Toll
Trimble
Tupper
Udall, Morris K.
Ullman
Vanik
Wallhauser
Walter
Weaver
Wickersham
Widnall
Wright
Yates
Zablocki
Zelenko

NOT VOTING—42

Anfuso
Bass, N.H.
Blitch
Breeding
Buckley
Davis, James C.
Denton
Dooley
Finnegan
Fino
Harrison, Va.
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Judd
Kee
Landrum
Loser
McDonough
McSween
MacGregor
Martin, Mass.
Mason
Norrell
O'Brien, Ill.
Pilcher
Reifel
Riley
Rivers, Alaska
Rogers, Colo.
Saund
Sikes
Spence
Thomas
Thompson, La.
Tuck
Van Zandt
Vinson
Weis
Whalley
Wilson, Calif.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hull for, with Mr. Anfuso against.

Mr. Hébert for, with Mr. Buckley against.

Mr. Sikes for, with Mr. Rogers of Colorado against.

Mr. Tuck for, with Mr. O'Brien of Illinois against.

Mr. Thompson of Louisiana for, with Mr. Finnegan against.

Mr. Reifel for, with Mr. Rivers of Alaska against.

Mr. Breeding for, with Mr. Judd against.

Mr. Harvey of Indiana for, with Mr. Denton against.

Mr. Wilson of California for, with Mrs. Kee against.

Mr. McDonough for, with Mr. MacGregor against.

Mr. Pilcher for, with Mr. Loser against.

Mr. Landrum for, with Mr. Spence against.

Mr. James C. Davis for, with Mr. Saund against.

Until further notice:

Mr. McSween with Mrs. Weis.

Mrs. Blitch with Mr. Fino.

Mrs. Riley with Mr. Mason.

Mr. Harrison of Virginia with Mr. Hoffman of Michigan.

Mr. Vinson with Mr. Dooley.

Mrs. Norrell with Mr. Bass of New Hampshire.

Mr. HARRISON of Virgina. Mr. Speaker, is it necessary to qualify in order to vote?

The SPEAKER. The gentleman must qualify.

Mr. HARRISON of Virginia. I would vote "yea" if I could qualify. I cannot qualify.

Mr. ROBERTS of Texas changed his vote from "yea" to "nay".

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. PASSMAN. Mr. Speaker, on passage I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 249, nays 144, not voting 42, as follows:

[Roll No. 242]

YEAS—249

Addabbo
Albert
Arends
Ashley
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baldwin
Barrett
Barry
Bass, Tenn.
Bates
Beckworth
Bell
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bolton
Boykin
Brademas
Brewster
Bromwell
Brooks, Tex.
Broomfield
Broyhill
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Celler
Chamberlain
Chelf
Chiperfield
Clark
Coad
Cohelan
Conte
Cook
Cooley
Corbett
Corman
Cramer
Curtin
Curtis, Mass.
Daddario
Dague
Daniels
Davis, Tenn.
Dawson
Delaney
Dent
Derounian
Dingell
Dominick
Donohue
Downing
Doyle
Dulski
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Flood
Fogarty
Ford
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Gary
Giaimo
Gilbert
Glenn
Gonzalez
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagen, Calif.
Halleck
Halpern
Hansen
Harding
Hardy
Hays
Healey
Hechler
Herlong
Holifield
Holland
Horan
Hosmer
Huddleston
Inouye
Joelson
Johnson, Calif.
Johnson, Md.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
King, Calif.
King, Utah
Kirwan
Kluczynski
Kowalski
Kunkel
Kyl
Lane
Langen
Lankford
Lesinski
Libonati
Lindsay
McDowell
McFall
Macdonald
Madden
Magnuson
Mahon
Mailliard
Marshall
Mathias
Matthews
Meader
Merrow
Miller, Clem
Miller, George P.
Miller, N.Y.
Milliken
Mills
Monagan
Montoya
Moorhead, Pa.
Morgan
Morrison
Morse
Mosher
Moss
Multer
Murphy
Natcher

Nedzi
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Peterson
Philbin
Pike
Pirnie
Powell
Price
Pucinski
Purcell
Quie
Rains
Randall
Reuss
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rooney
Roosevelt
Rosenthal
Rostenkowski
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Schneebeli
Schweiker
Schwengel
Scranton
Seely-Brown
Selden
Shelley
Sheppard
Sibal
Sisk
Slack
Smith, Iowa
Smith, Miss.
Springer
Stafford
Staggers
Stratton
Stubblefield
Sullivan
Teague, Calif.
Thompson, N.J.
Thompson, Tex.
Thornberry
Toll
Tollefson
Trimble
Tupper
Udall, Morris K.
Ullman
Vanik
Wallhauser
Walter
Watts
Weaver
Wickersham
Widnall
Wright
Yates
Younger
Zablocki
Zelenko

NAYS—144

Abbitt
Abernethy
Adair
Alexander
Alford
Alger
Andersen, Minn.
Anderson, Ill.
Andrews
Ashbrook
Ashmore
Baker
Baring
Battin
Becker
Beermann
Belcher
Bennett, Mich.
Berry
Betts
Bonner
Bow
Bray
Brown
Bruce
Burleson
Casey
Cederberg
Chenoweth
Church
Clancy
Collier
Colmer
Cunningham
Curtis, Mo.
Davis, John W.
Derwinski
Devine
Diggs
Dorn
Dowdy
Durno
Findley
Fisher
Flynt
Forrester
Fountain
Garland
Gathings
Gavin
Goodell
Goodling
Grant
Gross
Hagan, Ga.
Haley
Hall
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Mich.
Hemphill
Henderson
Hiestand
Hoeven
Hoffman, Ill.
Ichord, Mo.
Jarman
Jennings
Jensen
Johansen
Jonas
Kearns
Kilgore
King, N.Y.
Kitchin
Knox
Kornegay
Laird
Latta
Lennon
Lipscomb
McCulloch
McIntire
McMillan
McVey
Mack
Martin, Nebr.
May
Michel
Minshall
Moeller
Moore
Moorehead, Ohio
Morris
Moulder
Murray
Nygaard
O'Konski
Pfost
Pillion
Poage
Poff
Ray
Reece
Rhodes, Ariz.
Rivers, S.C.
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Rousselot
Rutherford
St. George
Saylor
Schadeberg
Schenck
Scherer
Scott
Shipley
Short
Shriver
Siler
Smith, Calif.
Smith, Va.
Steed
Stephens
Taber
Taylor
Teague, Tex.
Thomson, Wis.
Utt
Van Pelt
Waggonner
Westland
Wharton
Whitener
Whitten
Williams
Willis
Wilson, Ind.
Winstead
Young

NOT VOTING—42

Anfuso
Bass, N.H.
Blitch
Breeding
Buckley
Davis, James C.
Denton
Dole
Dooley
Finnegan
Fino
Harvey, Ind.
Hébert
Hoffman, Mich.
Hull
Judd
Kee
Landrum
Loser
McDonough
McSween
MacGregor
Martin, Mass.
Mason
Norrell
O'Brien, Ill.
Pilcher
Reifel
Riley
Rivers, Alaska
Rogers, Colo.
Saund
Sikes
Spence
Thomas
Thompson, La.
Tuck
Van Zandt
Vinson
Weis
Whalley
Wilson, Calif.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts for, with Mr. Hull against.

Mr. Hébert for, with Mr. Sikes against.

Mr. Breeding for, with Mr. Pilcher against.

Mr. Anfuso for, with Mr. Tuck against.

Mr. Buckley for, with Mr. James C. Davis against.

Mr. O'Brien of Illinois for, with Mr. Thompson of Louisiana against.

Mr. Rivers of Alaska for, with Mr. Landrum against.

Mr. Rogers of Colorado for, with Mrs. Blitch against.

Mr. Judd for, with Mr. Reifel against.

Mr. Denton for, with Mr. Harvey of Indiana against.

Mr. Van Zandt for, with Mr. Mason against.

Mr. MacGregor for, with Mrs. Riley against.

Mr. Loser for, with Mr. McDonough against.

Mrs. Kee for, with Mr. Hoffman of Michigan against.

Until further notice:

Mr. Finnegan with Mr. Dole.

Mr. McSween with Mrs. Weis.

Mr. Thomas with Mr. Fino.

Mr. Spence with Mr. Dooley.

Mrs. Norrell with Mr. Bass of New Hampshire.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTION OF SECTION NUMBERS

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers on the bill just passed.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. RHODES of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record immediately following those of the Speaker of the House on the subject of the retirement of the gentleman from New York [Mr. Taber].

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 11164. An act to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin irrigation districts, and to amend the Columbia Basin Project Act of 1943 (57 Stat. 14), as amended, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 230. Joint resolution expressing the determination of the United States with respect to the situation in Cuba.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3451) entitled "An act to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bible, Mr. Church, Mr. Jackson, Mr. Kuchel, and Mr. Allott to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 10129) entitled "An act to amend the act of September 7, 1957, relating to aircraft loan guarantees," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Monroney, Mr. Smathers, Mr. Thurmond, Mr. Cotton, and Mr. Scott to be the conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. I wish to ask the gentleman from Oklahoma if he can tell us what the program will be for tomorrow, and likewise the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. ALBERT. The distinguished chairman of the Committee on Interior and Insular Affairs has obtained clearance to call up a few bills by unanimous consent this evening and to file two conference reports, if there is no objection.

The program for tomorrow is:

H.R. 8134—conference report—Arizona, sale of lands, Maricopa County.

H.R. 10566—conference report—Arizona, mineral deposits, Pima County.

H.R. 6682—conference report—tariff, exemption of fowling nets.

H.R. 12180—conference report—tariff, suspend duty on personal and household goods.

H.R. 11732, to amend section 305, Communications Act of 1934—1 hour of debate.

Mr. ARENDS. Is the gentleman in a position to tell us anything about next week?

Mr. ALBERT. I am not in position to announce anything definite about next week, but I can state that Monday is District Day, and on that day also we expect the Reserve callup bill will be taken up under 2 hours of general debate.

On Tuesday there will be the conference report on H.R. 10.

On Wednesday the Cuban resolution will be taken up.

There will be other business on Tuesday and Wednesday, but those are the important items.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. PILLION. Do I understand that the Cuban resolution will not be taken up until Wednesday of next week?

Mr. ALBERT. It will be taken up under a rule. It would be premature to make a definite announcement. I am only calling these things to the Members' attention so they may have a general idea of what to expect. It is my understanding that it will not be called up until Wednesday. This is subject to revision, however.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. FULTON. Are the bills to be called up that the gentleman has listed of a controversial nature?

Mr. ALBERT. The gentleman from Arkansas has the only bill, except conference reports. He is present, the distinguished chairman of the Committee on Interstate and Foreign Commerce. I think the gentleman should address his question to the gentleman from Arkansas.

Mr. ARENDS. Would the gentleman from Arkansas care to make a statement?

Mr. HARRIS. If the gentleman will yield, I would assume there would be some objection, though I have a feeling that some of the misunderstanding about the bill when it was called up before has been cleared up and there should not be nearly as much controversy over it as there was a few days ago.

Will the gentleman yield for a question?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. ARENDS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I think it is a very important question and I think I should bring it up at this time. I know what the usual procedure is here with reference to announcing the program of the following week.

I do not know, and neither I suppose does anyone else, at this time about adjournment, but there is a drug bill which our committee is trying to write. We meet in the morning at 9 o'clock to continue marking up the bill and we hope we can get it out of the committee by this weekend. If so, there probably will be an effort made to get it up some time during next week. If because of conditions we are not able to get it up until the first of the week then I would want it to be understood that during the week an effort would be made to try to get it up. I am told by industry, the Government, the administration, and most everybody that this is an important piece of legislation. For 6 weeks we have been virtually prohibited from taking any action in the committee. I want everybody to know as far as I am concerned, as chairman, I have been doing everything I can for the last several weeks to get this legislation out.

Mr. ALBERT. I think the Members of the House understand that from now to the end of the session we will announce programs frequently and will modify our programs. We will bring up important bills as soon as the chairman of a committee is ready to bring them to the floor.

Mr. SCHWENGEL. I would like to ask the majority leader a question, but before I do I would remind him that H.R. 10 passed the House by an overwhelming vote last year. After considerable delay the other body passed it. A conference report has been available since yesterday. Why can we not have consideration of this bill so we can assure its passage and signature by the President and have it become law?

Mr. ALBERT. We have other business tomorrow. After consultation, we have agreed to set consideration of that bill next week.

Mr. SCHWENGEL. I think we are making a mistake. We may run into a pocket veto.

AUTHORIZING SALE OF MINERAL ESTATE IN CERTAIN LANDS

Mr. ASPINALL submitted a conference report and statement on the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands.

PROVIDING FOR WITHDRAWAL AND ORDERLY DISPOSITION OF MINERAL INTERESTS IN CERTAIN PUBLIC LANDS IN PIMA COUNTY, ARIZ.

Mr. ASPINALL submitted a conference report and statement on the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.

AGATE DAM AND RESERVOIR, TALENT DIVISION OF THE ROGUE RIVER BASIN RECLAMATION PROJECT, OREGON

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1023) to amend the act of August 20, 1954 (68 Stat. 752), in order to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the works described in section 1 of the Act of August 20, 1954 (68 Stat. 752), the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain as a part of the Talent division of the Rogue River Basin project, Oregon, the following works: Agate Dam and Reservoir, a diversion dam, feeder canals, and related facilities.

SEC. 2. (a) The Secretary of the Interior is authorized, in connection with the works authorized by this Act, to construct minimum basic public recreation facilities and to arrange for the operation and maintenance of the same by an appropriate State or local agency or organization. The cost of constructing such facilities shall be nonreimbursable and nonreturnable under the reclamation laws.

(b) The Secretary may make such reasonable provision in the works authorized by this Act as he finds to be required for the conservation and development of fish and wildlife in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C., sec. 661, and the following), and the portion of the construction costs allocated to these purposes together with an appropriate share of the operation, maintenance, and replacement costs therefor, shall be nonreimbursable and nonreturnable.

SEC. 3. (a) Section 3 of the Act of August 20, 1954, supra, is amended by inserting after the figure "$22,900,000" the following: ", and for the construction of Agate Dam and Reservoir the sum of $1,802,000 (January 1960 costs), in each case".

(b) Section 2, subsection (c) of said Act is amended by deleting the final period and adding to the last sentence "from the date when each irrigation repayment contract becomes effective."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CROOKED RIVER PROJECT EXTENSION, OREGON

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7811) to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon", approved August 6, 1956 (70 Stat. 1058), as amended, is amended by inserting immediately before the period at the end of the first sentence of such section the following: "and the Crooked River project extension, as described in the report of the Secretary".

SEC. 2. Section 5 of the Act of August 6, 1956 (70 Stat. 1058), as amended, is amended to read as follows:

"SEC. 5. There are hereby authorized to be appropriated such sums for the construction of the Crooked River Federal reclamation project and the Crooked River project extension as may be required to carry out the purposes of this Act."

Sec. 3. Section 2 of the Act entitled "An Act to amend the Act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands", approved September 14, 1959 (73 Stat. 554), is amended by striking out the following: ", in addition to the sum of $6,339,000 authorized to be appropriated for the Crooked River Federal reclamation project in section 5 of the Act of August 6, 1956 (70 Stat. 1058),".

With the following committee amendments:

Page 1, strike out all of lines 9 and 10 and insert in lieu thereof "the Crooked River project extension. The principal new works for the project extension shall include six pumping plants, canals and related distribution and drainage facilities."

Page 2, strike out all of sections 2 and 3 and insert in lieu thereof:

"Sec. 2. There are hereby authorized to be appropriated for construction of the new works involved in the Crooked River Project extension $995,000 (January 1962 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indices and, in addition thereto, such sums as may be required to operate and maintain said extension."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OROVILLE-TONASKET UNIT OF THE OKANOGAN-SIMILKAMEEN DIVISION, CHIEF JOSEPH DAM PROJECT, WASHINGTON

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1060) to authorize the Secretary of Interior to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of furnishing a new and supplemental water supply for the irrigation of approximately eight thousand four hundred and fifty acres of land in Okanogan County, Washington, for the purpose of undertaking the rehabilitation and betterment of existing works serving a major portion of these lands and for conservation and development of fish and wildlife resources, the Secretary of Interior is authorized to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, in accordance with the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of: facilities to permit enlargement and utilization of Palmer Lake storage; related canal, diversion dam, pumping plants, and distribution systems; and necessary works incidental to the rehabilitation of the existing irrigation system.

Sec. 2. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Oroville Tonasket unit of the Okanogan-Similkameen division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

Sec. 3. The Secretary may make such provisions for fish and wildlife conservation, including, but not limited to, the installation, operation, and maintenance of fish screens at the pump plants and diversion dam, and provision for sufficient flows in the rivers below Palmer Lake, as he finds to be required for the mitigation of losses or damages to existing fishery and wildlife resources, and, if he determines that it is practicable and desirable to reestablish anadromous fish runs in the Similkameen River, may make such provisions, including the construction, operation, and maintenance of fish ladders and other control works, and downstream flow releases as he finds to be required to accomplish that purpose. The Secretary is further authorized to make provisions for access to project areas for the general public, including fishermen and hunters. An appropriate portion of the construction costs of the unit shall be allocated as provided in the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661 et seq.), which, together with the portion of the operation, maintenance, and replacement costs allocated to this function or the equivalent capitalized value thereof, shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 2, lines 11 through 19, strike out all of section 2 and insert in lieu thereof the following:

"Sec. 2. The basic period provided in subsection (d), section 9, of the Reclamation Project Act of 1939, as amended (43 U.S.C. 485h), for repayment of the construction cost properly chargeable to any block of lands may be extended to fifty years, exclusive of any development period, from the time water is first delivered to that block. Power and energy required for irrigation pumping for the Oroville-Tonasket unit shall be made available by the Secretary from the Chief Joseph Dam powerplant and other Federal plants interconnected therewith at rates not to exceed the cost of such power and energy from the Chief Joseph Dam, taking into account all costs of the dam, reservoir, and powerplant which are determined by the Secretary under the provisions of the Federal reclamation laws to be properly allocable to such irrigation pumping power and energy."

Page 2, line 21, strike out the words ", but not limited to,"

Page 3, lines 17 through 19, strike out all of section 4 and insert in lieu thereof the following:

"Sec. 4. There are hereby authorized to be appropriated for construction of the works authorized by this Act not to exceed $3,210,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations from January 1961 construction costs as indicated by engineering cost indices applicable to the type of construction involved herein, and not to exceed $400,000 for carrying out the provisions of section 3 of this Act, in addition to the cost of fish screens, when the Secretary finds that conditions justify such expenditures. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HORAN. Mr. Speaker, the Oroville-Tonasket unit of the Chief Joseph Dam Federal reclamation project is a potential irrigation development which is composed of lands on benches and slopes along both sides of the Okanogan River from about 4 miles north of Oroville to approximately 4 miles south of Tonasket. This area is about 25 miles long, 3 miles wide, and contains 8,450 acres of irrigable acres of which 6,700 are now irrigated by the present system.

The project plan calls for the construction of control works and a pumping plant at the outlet of existing Palmer Lake. These would control the level of the lake and would increase its storage capacity for regulation of irrigation water. The water would be released or pumped into a proposed short canal from which it would flow into Palmer Creek, and then into the Similkameen River. The water then would be diverted into the main canal of the Oroville-Tonasket Irrigation District for delivery to the project lands. The plan also provides for the contruction of a new diversion dam on the Similkameen River, a new siphon across the Okanogan River, several pumping plants, and rehabilitation of the 10-mile-long main canal.

Of the total capital cost of $3,216,900, the major portion, or $3,097,500 is allocated to irrigation and is reimbursable. The specific cost of fish screens at the pumping plants and diversion dam is $119,400 for the protection of fish and wildlife, and is nonreimbursable. This project will not require the assistance of payments from the sale of surplus power by the Bonneville system.

Economic analyses of the project demonstrate that with the proposed project in operation, the irrigators would be able to meet annual operation, maintenance, and replacement costs, and would be able to repay all capital costs allocated to irrigation within 50 years after a 10-year development period for the presently undeveloped lands. Unlike the Foster Creek, Greater Wenatchee and Spokane Valley projects, this project will not require any financial assistance from power sold from Chief Joseph Dam. In other words, it will not cost the Federal Government any money.

The project is economically justified as demonstrated by a total benefit-cost ratio of 8.42 to 1 on a 100-year period of analysis, and by a direct benefit-cost ratio on a 50-year period of analysis of 1.98 to 1. The Bureau of the Budget, in their report to the Congress on my bill, termed this project to be unusually meritorious from a financial point of view.

Fruit production, primarily apples, is the most important economic factor in the general project area. About 70 percent of the presently irrigated lands in the Oroville-Tonasket area is now devoted to fruit production, and under project operation even more lands will be used for apple orchards. The project will not produce surplus agricultural crops.

The measure has strong and united local support, and the water users have expressed willingness to enter into a contract with the Federal Government to repay all the costs allocated to irrigation.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days in which to extend his remarks in the Record previous to the passage of any of the bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CROW CREEK SIOUX RESERVATION IN SOUTH DAKOTA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5165) to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, strike out lines 4 to 9, inclusive.

Page 5, line 8, strike out "(a)".

Page 5, line 9, strike out "(a)".

Page 5, line 10, strike out "(a)".

Page 5, line 11, strike out "$4,002,000" and insert "$3,802,500".

Page 5, line 15, strike out all after "plans," down to and including "for" in line 17.

Page 6, line 4, after "programs" insert ": *And Provided further,* That no part of such funds shall be used for per capita payments, or for the purchase of land by the tribe except for the purpose of resale to individual Indians in furtherance of the rehabilitation program authorized by this section, which resale is hereby authorized".

Page 6, strike out lines 5 to 19, inclusive.

Page 7, line 8, strike out all after "Sec. 5." down to and including line 24 and insert "The Secretary of the Army is authorized and directed out of funds appropriated for the Big Bend project other than funds provided by this Act to protect, replace, relocate, or reconstruct any existing essential governmental and agency facilities on the reservation, including schools, hospitals, Public Health Service and Bureau of Indian Affairs offices, facilities, service buildings, and employees' quarters, roads, bridges, and incidental matters or facilities in connection therewith, which the Secretary of the Interior determines will be impaired or required by reason of the Big Bend project: *Provided, however,* That the design criteria employed shall be reasonably comparable to that of the presently existing roads, bridges, and facilities."

Page 8, line 7, strike out "seventy-five" and insert "fifty".

Page 8, lines 7 and 8, strike out "blacktop".

Page 8, line 8, strike out "sidewalks, gutters, curbing".

Page 10, line 3, strike out "Interior." and insert "Interior: *Provided,* That the time for vacating in any event will not extend beyond July 1, 1963."

Page 11, lines 1 and 2, strike out "and the individual members thereof".

Page 11, lines 4 and 5, strike out "for a period of five years".

Page 11, line 7, after "as" insert "the Secretary of the Army determines".

Page 11, line 8, after "uses" insert "and to lease such land for grazing purposes to members or nonmembers of the tribe on such terms and conditions as the Secretary of the Interior may prescribe".

Page 15, line 10, strike out "$125,000" and insert "$75,000".

Page 18, line 6, strike out "thirty" and insert "ninety".

Page 18, line 7, strike out "13(b)" and insert "13(a)".

Page 18, lines 14 and 15, strike out ",including Federal excise taxes on purchases made by the tribe".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, the principal differences between H.R. 5165 as passed by the House and as amended by the Senate are:

First. Reduction of the amount for rehabilitation of the Crow Creek Tribe under section 3 from $4,002,000 to $3,802,500 or a reduction of $199,500. These funds will be expended in accordance with plans and programs approved both by the tribal council and the Secretary of the Interior for improvement of economic and social conditions of the tribe. No distinction is made as to residence on or off the reservation. Section 3(b) of the House-passed bill authorized the Secretary of the Interior to convey to the Crow Creek and to the Lower Brule Tribe, lying directly across the Missouri River, land required for industrial development or tribal housing projects. The Senate deleted this language because there was no evidence that plans for such use were available.

Second. In section 5 the Senate reduced the authorization for replacement of Government facilities from $431,612 to $310,600. The bill now directs the Secretary of the Interior to construct on tribal land selected by the Crow Creek Tribal Council a townsite adequate for 50 homes, including streets, utilities, and a community center with space and facilities for community, tribal, and governmental activities and a combination gymnasium and auditorium. This reduction in the number of housing units was made because several years previously allocations for housing units on the same townsite were made under legislation authorizing the construction of the Fort Randall Dam and Reservoir. For more elaborate construction including access roads the Senate recommends that the Bureau of Indian Affairs request appropriations through the usual channels.

Third. In section 12, the Senate reduced the amount allocated for fees and expenses incurred in connection with the taking of the lands from $125,000 to $75,000.

In summary, the Senate version of the House bill reduces the estimated total appropriations required to carry out the terms of H.R. 5765 from $5,959,414 to $5,032,962, a reduction of $926,452.

LOWER BRULE SIOUX RESERVATION, S. DAK.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5144) to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, strike out lines 8 to 14, inclusive.

Page 4, strike out all after line 22 over to and including line 4 on page 5.

Page 5, line 15, strike out "(a)".

Page 5, line 16, strike out "(a)".

Page 5, line 17, strike out "(a)".

Page 5, line 18, strike out "$2,670,300" and insert "$1,968,750".

Page 5, line 22, strike out all after "plans," down to and including "for" in line 24.

Page 6, line 11, after "programs" insert ": *And provided further,* That no part of such funds shall be used for per capita payments, or for the purchase of land by the tribe except for the purpose of resale to individual Indians in furtherance of the rehabilitation program authorized by this section, which resale is hereby authorized".

Page 6, strike out all after line 11 over to and including line 2 on page 7.

Page 8, line 17, strike out all after "Sec. 5." over to and including line 11 on page 8 and insert: "The Secretary of the Army is authorized and directed out of funds appropriated for the Big Bend project other than funds provided by this Act to protect, replace, relocate, or reconstruct any existing essential governmental and agency facilities on the reservation, including schools, hospitals, Public Health Service and Bureau of Indian Affairs offices, facilities, service buildings, and employees' quarters, roads, bridges, and incidental matters or facilities in connection therewith, which the Secretary of the Interior determines will be impaired or required by reason of the Big Bend project: *Provided, however,* That the design criteria employed shall be reasonably comparable to that of the presently existing roads, bridges, and facilities."

Page 8, line 12, strike out all after "Sec. 6." over to and including "facilities." in line 6 on page 9 and insert: "The Secretary of the Army, under plans approved by the Secretary of the Interior after consultation with the Lower Brule Tribal Council, is authorized and directed, out of funds appropriated for the Big Bend project other than funds provided by this Act, to locate, lay out, and construct on tribal land on a site provided by the Lower Brule Sioux Council with the approval of the Secretary of the Interior a townsite for the new town of Lower Brule, including substitute and replacement streets, utilities, including water, sewerage, and electricity, taking into account the relocation and replacement of the governmental and agency facilities as provided for in section 5 of this Act and the reasonable future growth of the new town: *Provided, however,* That the design criteria employed shall be reasonably comparable to that of the existing town streets, utilities, and facilities."

Page 10, line 13, after "Interior" insert ": *Provided,* That the time for vacating in any event will not extend beyond July 1, 1963".

Page 11, lines 11 and 12, strike out "and the individual members thereof".

Page 11, lines 14 and 15, strike out "for a period of five years".

Page 11, line 17, after "as" insert "the Secretary of the Army determines".

Page 11, line 18, after "uses" insert "and to lease such land for grazing purposes to members or nonmembers of the tribe on such terms and conditions as the Secretary of the Interior may prescribe".

Page 15, line 18, strike out "$125,000" and insert "$75,000".

Page 18, line 14, strike out "thirty" and insert "ninety".

Page 18, line 15, strike out "(13) (b)" and insert "13(a)".

Page 18, lines 22 and 23, strike out ", including Federal excise taxes on purchases made by the tribe".

Mr. ASPINALL. Mr. Speaker, the principal differences between H.R. 5144 as passed by the House and as amended by the Senate are:

First. Deletion of language in section 2(b) relating to payments by the Lower Brule Tribe for improvements constructed under section 6. The House provided that the amounts allocated for tribal improvements to be replaced by the Secretary of the Army under section 6 would be transferred from the tribal account to funds available for the Big Bend project upon the request of the Secretary of the Army. This language has been stricken because section 6, as amended, does not authorize the Secretary of the Army to construct the improvements to the same extent recommended by the House. In sections 5 and 6 the House allocated $2,144,000 for their purposes, whereas the Senate reduced the sum to $595,194. The amount of reduction is $1,548,806.

Second. Reduction of the amount for rehabilitation of the Lower Brule Tribe under section 3 and $2,670,300 to $1,968,750 or a reduction of $701,550. These funds will be expended in accordance with plans and programs approved both by the tribal council and the Secretary of the Interior for the improvement of economic and social conditions of the tribe. No distinction is made as to residence on or off the reservation. Section 3(b) of the House bill authorized the Secretary of the Interior to convey to the Lower Brule Tribe and to the Crow Creek Tribe, lying directly across the Missouri River, land required for industrial development or tribal housing projects. The Senate deleted the language because of the absence of information concerning the land proposed to be used for these purposes.

Third. In section 5 the Senate reduced the authorization for construction of Government facilities so that this bill, H.R. 5144, would be in keeping with somewhat similar legislation enacted in 1958 for the Standing Rock Reservation farther north and also on the Missouri River. The bill now leaves room for the Army to construct additional facilities if the needs of the lower Brule community become urgent. If the Bureau of Indian Affairs wishes to authorize expenditure for more elaborate facilities, it may do so by going through the usual appropriation channels. The Senate also eliminated reference to access roads to Indian homes and the road from the relocated town to the damsite. If these roads are essential, they should be financed through the road construction program of the Bureau of Indian Affairs and not charged as a cost against the Big Bend project.

Fourth. In section 12, the Senate reduced the amount allocated for fees and expenses incurred in connection with the taking of the lands from $125,000 to $75,000.

In summary, the Senate version of the House bill reduces the estimated total appropriations required to carry out the terms of H.R. 5144 from $7,922,165 to $4,635,109, a reduction of $3,287,056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND THE ACT OF MARCH 8, 1922, AS AMENDED, TO EXTEND ITS PROVISIONS TO THE TOWNSITE LAWS APPLICABLE IN THE STATE OF ALASKA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11266) to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert "That section 3 of the Act of March 8, 1922 (42 Stat. 415), as amended (75 Stat. 384; 48 U.S.C. 376, 377, 377a), is further amended to read as follows:

" 'SEC. 3. The Secretary of the Interior may (a) sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, or (b) make disposition under the following townsite laws, as amended: Sections 2380 and 2381 of the Revised Statutes (43 U.S.C. 711, 712); section 11 of the Act of March 3, 1891 (26 Stat. 1009; 48 U.S.C. 355); Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d); and Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 301, 302, 303–308), of any lands in Alaska known to contain workable coal, oil or gas deposits, or that may be valuable for the coal, oil or gas contained therein, and which are otherwise subject to sale or disposition under said section 2455, as amended, or the said townsite laws, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of this Act'. "

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days in which to extend his remarks after the adoption of the Senate amendments in each instance.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERSONAL EXPLANATION

Mr. MOELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to remive and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MOELLER. Mr. Speaker, I was unavoidably detained when the record vote was taken on the conference report on the agricultural bill this noon. I was paired for the conference report. Had I been present I would have voted "no."

PERSONNEL EXPLANATION

Mr. DOLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, I was unavoidably detained on the vote on final passage of H.R. 13175. Had I been present I would have voted "no."

SENATOR JAVITS' SPEECH—"A LEADERSHIP CRISIS IN WASHINGTON—A REPUBLICAN OPPORTUNITY"—POINTS UP NEED FOR MINORITY STAFFING

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, the need for adequate minority staff is a burning one, and thoughtful persons cannot read a major speech about Congress today, and the Republican role in it, without realizing that the time for action draws ever closer. This problem will not crawl away, as some might wish. I pledge you my word for that. While many of our colleagues were away, a former Member of this body, the distinguished Senator from New York, my friend, JACOB JAVITS, gave a most thoughtful address to the annual meeting of the American Political Science Association. Its title was: "A Leadership Crisis in Washington—A Republican Opportunity." Although the Senator's ad lib remarks unfortunately are not available to me now, his outline for his formal address has been given to me by several political scientists, who are Republicans, who attended this meeting.

Now as I read Senator JAVITS' speech outline, and I commend it to my colleagues, Mr. Speaker, I read some things that I want to highlight in these remarks. Senator JAVITS' first point is regarding the "forgotten metropolitan man." It is in the cities, big and medium, that the Republican Party has been murdered in past elections. The Bliss report touched on this matter, but legislative action will speak louder than words. The second point is medical care for the aged. It so happens that I do not agree with Senator JAVITS on this, but at least he has set up a committee of persons active in this field to study it, and report to him. I do not know why we could not have had this happen in this body. I do know, that the respected Member from San Diego, the gentleman from California, BOB WILSON, planned to set up such a committee and it was to be headed by one of the soundest, most constructive, and in this case you could say conservative, members of our party, the gentleman from Missouri, TOM CURTIS. But some people decided that we did not need a House study project on this matter, and so we never got one. But now you can read in any paper, Senator JAVITS has set one up, and you can bet your bottom dollar that in the future, too late for many of us to use this fall, a House study committee on medical care will be organized. Too bad that adequate staffing was not available earlier this year so that the gentleman from California, BOB WILSON's, idea could have been successfully executed. Point No. 3, regarding the economy, I have mentioned previously. Point No. 4, is a special interest to me. I am, as the Members of this body know, a student of President Lincoln, and it just hurts me more than I can say how often our party misses the opportunities before us to be the party of civil rights, the party of the real Lincoln.

Especially in view of the many and serious failures in this area, by the Democrats, a split party, and the Kennedy administration, what opportunities lie before us. I am glad to see though that in the other body, the distinguished Senator from Pennsylvania, HUGH SCOTT, a respected Member of this body some years ago, has been making quite some progress in drawing up a Republican civil rights stand week after week. I would like to quote here three sections of the Javits speech which made a special impression on me, and which have been commented about to me by others who heard the talk.

The Republican Party has a right to expect the electorate this fall to turn to it to bring some order out of the disarray which now characterizes the Democratic administration. I believe it is a great opportunity for Republicans to win a meaningful victory this fall, for our party and the Nation.

I must say frankly that I am not yet confident that my party fully recognizes this opportunity. We cannot win it by imitating ultraconservative southern Demcrats in policies of negativism and obstruction; nor in any quarters by irresponsibly flirting with John Birch-type ideas.

Republicans can win by pursuing a policy of constructive alternatives, founded on progressive Republican principles, geared to developing the maximum use of the dynamic private enterprise system in the public interest and designed to meet the growing needs of our people.

I come from the farm country of the Midwest, and I read with interest that Senator JAVITS here, too, feels we must force the administration and the Congress to develop a sound farm policy. The Kennedy farm programs are a disgrace to our farmers, who are far smarter than the Democatic leaders in Washington ever give them credit for. So, my colleagues, although I do not have to agree with everything in the Javits speech, it is a thoughtful document worthy of our study. Now many of you have asked me, "Why can we not have presentations like this in the House? Why can we not have substance rather than slogans?" I tell you that if you will back House Resolution 570 and help us get some decent minority staff for key committees, we will all be the richer for it. I urge you to read House Resolution 570, so people talk about it without ever having opened its first page. Talk to me about it. Talk to your friends and neighbors in this body about it. One thing I pledge you, we will be having some more action in this matter before too long, so join us now in building a constructive, forward-looking Republican Party, one which meets the problems of today and tomorrow with imagination.

Senator JAVITS' speech follows:

A LEADERSHIP CRISIS IN WASHINGTON—A REPUBLICAN OPPORTUNITY

As the congressional year nears an end, only the negativists can find much to cheer about in the record of Congress this session. For it has been a negative year in the Congress—what was not done is far more impressive than what was done. But the failure of Congress is really a failure of the leadership of the President. We are experiencing today a crisis of leadership in Washington as serious as any in this century.

The President is still a Senator and has not yet developed into a President. He is still more concerned with the next election than he can be and do his job in the great American tradition. It is the duty of officials like myself, who want to see the President more effective so that the Nation may succeed, and who believe in the bipartisan foreign policy to call this situation to the attention of the Nation and to submit our affirmative ideas.

The central point is that Presidential leadership means fighting for what the Nation needs no matter how great the odds in the Congress—even in the President's own party—and no matter if defeat appears likely. The real opposition to the President is the congressional coalition opposed to his policy. He can neither appease it nor fail to join issue with it, because it may reflect on his own party.

The massive public relations machinery hereabouts may not always make this failure of leadership discernible. But as political scientists, you can tell the difference between style and substance; and between activity and accomplishment. All the high-level running around by this administration is no substitute for achievement.

What are some of the great failures of this legislative year, and how do they reflect a lack of leadership?

1. The failure to recognize the forgotten metropolitan man: To meet this problem, the administration backed an effort to establish a Department of Urban Affairs, a measure which I cosponsored. But when the test came in the Senate, did it come in a reasoned, sensible way? On the contrary, it was brought up under the most patently political auspices—after the President himself had injected an irrelevant issue, the designation of Dr. Weaver as Secretary—and then rushed onto the Senate floor through a procedural device guaranteed to lose more votes. Thus, instead of the vote becoming a clear test for or against the city dweller, inept leadership confused the issue with politics, racial controversy and Senate procedure. The backwash is now seen in the failure of the mass transportation bill to advance, though it is on the Senate and House calendars yet it is the one big pending metropolitan areas measure.

2. The failure to enact a program of medical care for our aging citizens: For months, the administration jockeyed with Democratic members of the House Ways and Means Committee, but despite overwhelming Democratic control of that committee, Presidential power was helpless to get a medicare bill out of committee. Following that failure, the President dealt medicare a crushing blow by undertaking a political drive for the Democrats with it as the issue and leading off in a speech at Madison Square Garden, which instead of elucidating the issue, seemed to have roused the opposition in huge numbers. It remained for a small group of Republicans in the Senate to join to revive what appeared to be a dying cause by working out a compromise, featuring universal coverage and private sector participation, with Senator CLINTON ANDERSON, author of the administration bill. That compromise offered the President a great opportunity to recoup lost prestige, and to gain probably the most significant victory of his administration. But was the President up to the opportunity? No, and when the test came in the Senate, the most astonishing aspect of the 48 to 52 outcome was that the President had failed to convince his closest friends, and 11 of his Senate committee chairmen, of the seriousness of the vote, both to the Nation and to the prestige of his administration. Indeed, the only two Democratic Senators who up to that point had received the President's endorsement for reelection voted against him.

3. The failure to get the economy moving: Wobbly leadership was never more apparent than in the recent debate over an incentive tax cut. In the fact of endemic unemployment which the post-recession revival did not budge—and with the business community shaken by the President's unnecessary display of force on the steel price increase—the need for an incentive tax cut was clear. Nearly every economist—and the President's own advisors—so recommended. But instead of decisively leading the Nation and Congress in that direction, the President hemmed and hawed for weeks, and then created the myth that a final determination depended on a new set of economic indicators. When the President finally ended the self-created suspense, every political expert in Washington knew what had happened—instead of telling the Nation what was needed now, he permitted two committee chairmen to decide the issue for him and deferred the whole thing until 1963—an unprecedented transfer of Presidential initiative. Now the whole difficulty is compounded by the pending shreds and tatters tax measure being debated in the Senate.

4. The failure to enact meaningful civil rights legislation: This is the field ironically in which the President—despite campaign pledges to the contrary—has shown the least leadership. Although civil rights is surely the most burning domestic issue of our times, the President—while sponsoring some good appointments and law suits—had virtually

ignored it in his messages and requests to Congress, the source of real power on this issue. And, even in the executive department, he has not yet even in the fall of his second year, made the "stroke of the pen" order to eliminate segregation in federally assisted housing, promised in the 1960 campaign. Presumably, this could represent a sort of strategy—though weak kneed—to appease the Southern Democrats so they will support other parts of the President's program. But someone ought to tell the Southern Democrats about this strategy, for they have consistently led the fight against the other parts of the President's program.

The one effort in the civil rights field this year in Congress was a bill to outlaw literacy tests, which have been used as a means to deprive thousands of Negroes in the South from voting. The usual Southern filibuster resulted—but more significant was the lackadaisical way that filibuster was fought—by holding no overtime sessions or Saturday sessions, and by picturing it sweetly as a harmless "gentleman's filibuster". Contrast that strategy with the vigorous manner in which the leadership fought the filibuster staged by Democratic liberals on the communications satellite bill. I supported the Communications Satellite Act, but no one can tell me that it ranked in urgency and in priority with the effort to secure the voting rights of thousands of our fellow citizens.

There were other failures of leadership—on Federal aid to education, even to higher education—for example, where a stubborn attitude on private school aid has fanned the emotions on this issue, rather than to seek out a solution in the national interest. I have myself worked out alternatives for the most disputed parts of this bill—scholarships as passed by the Senate and grants to private colleges as passed by the House—yet despite passage of a bill in both Houses the conference deadlock is likely to kill both bills. On farm policy, where a stubborn adherence to rigid production controls and support prices has resulted in a law which pleases no one and only temporizes with the problem.

Thus, at the end of the second congressional year of the Kennedy administration the President has been unable to get action on key measures or to restore business confidence in his administration; and he has reached a point where he can no longer count on the support of either the liberals or conservatives in his own party.

The President cannot camouflage failures of leadership, whatever he may or may not do in the political debate on the merits of particular measures, by blaming Republicans for these setbacks. The country knows that the President has lopsided Democratic majorities in Congress, and the country should know, too, that the President's major defeats in Congress have been engineered by seniors in his own party, whose power and influence will only increase if there is a balance of Democratic victories this fall. A Democratic Party at war with itself and without effective Presidential leadership cannot produce effective majority party rule.

In such circumstances, the Republican Party has a right to expect the electorate this fall to turn to it to bring some order out of the disarray which now characterizes the Democratic administration. I believe it is a great opportunity for Republicans to win a meaningful victory this fall, for our party and the Nation.

I must say frankly that I am not yet confident that my party fully recognizes this opportunity. We cannot win it by imitating ultra-conservative southern Democrats in policies of negativism and obstruction; nor in any quarters by irresponsibly flirting with John Birch-type ideas. Republicans can win by pursuing a policy of constructive alternatives, founded on progressive Republican principles, geared to developing the maximum use of the dynamic private enterprise system in the public interest and designed to meet the growing needs of our people.

We should stand for: Establishment of economic goals for our economy and a permanent mechanism—for example, a peace production board—through which the private sector economic decisions and government policies can be coordinated; tax and depreciation schedules which are an incentive to modernization and production; public and private means to deal with the transition to automation and reduce featherbedding without imposing the hardship on working people or small business; revision of outmoded antitrust laws; a program to deal with national emergency strikes; more effective participation by the private economy in foreign aid and technical assistance; the complete overhaul and modernization of U.S. immigration laws; and the expansion of America's trade opportunities.

We—the party of Lincoln—should lead the fight for civil rights. And we must stand for programs on education, housing, welfare, and mass transportation which take into account 20th century needs. We must sustain the bipartisan foreign policy in the spirit of Senator Arthur Vandenberg and lend to it, in tight places like Berlin, Laos, and Cuba, that practical realism in confronting the Soviet Union and Communist China, which distinguished him, Theodore Roosevelt, Elihu Root, Henry Stimson, Robert Patterson and John Foster Dulles.

Moreover, Republicans must reject any contention that Americans are satisfied with things as they are. Leaders of both parties are underestimating the American spirit if they believe that the public is unwilling to undertake new ventures and new experiments. They will support innovation if they have confidence in their leaders, and if their leaders articulate the challenges and opportunities which make innovations a "must" today.

If Republicans pursue such a course, the voters should have no hesitancy in view of the vacuum of leadership left by the Democratic Party to turn over control of the House of Representatives to a vigorous and progressive Republican majority.

STAFFING REFORM—A POLITICAL MUST FOR CONGRESS

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, newspapers all over our country carried recently the latest column by Roscoe Drummond on the need for minority staffing. This thoughtful report published Saturday, September 8, in the Washington Post again lays out the facts before us based on the constructive, hard hitting speech by Senator HUGH SCOTT before the Senate on Thursday, August 23, 1962. Mr. Drummond realizes that mainly by the use of an ad hoc committee of Senators and Congressmen will this project move forward in the manner in which many of us desire and which is best for our Congress. In the September 4, 1962, issue of the Washington World, in the column entitled "Washington Rumor Mill," it is reported that—

> It's 1–5 in favor of all-out Republican action (regardless of the outcome of the elections) to secure top minority investigative staffs on vital House and Senate committees—especially those dealing with foreign aid, un-American affairs, and big city political machines.

I hope the odds are as high as the editors of the World, a sound conservative publication, say they are, but regardless of the exact odds, the approach which I have suggested in H.R. 570, the cry for action which has been heard in the Senate by Senator SCOTT and in the House by the gentleman from Missouri [TOM CURTIS], myself, and others, will be answered some day. It is just a matter of time, of determination, and of drive, before this mess is straightened out. That we will try to correct this grevious injustice, of this you may be sure. The country's welfare demands it.

The article follows:

[From the Washington Post, Sept. 8, 1962]

COMMITTEE STAFFING

(By Roscoe Drummond)

REPUBLICANS STEP UP DRIVE

The Republican crusade to correct the intolerable and crippling imbalance in the professional staffing of the congressional committees is taking on new force and drive. It is at last being taken into the hands of high level and influential party leaders and is now being pressed in a manner in which, in the end, cannot be denied.

Senator HUGH SCOTT, himself a former chairman of the Republican National Committee and the most powerful Republican leader in Pennsylvania, and Representative THOMAS CURTIS, of Missouri, who has been stirring up opinion on this issue almost singlehandedly for a long time, are creating an ad hoc committee of three Senators and three Congressmen to make this crucial reform a national crusade and to enlist the active support of party leaders and independents in every State.

They merit this support. When the facts are widely known, I think they will get it.

The facts are not in dispute. There are eight joint Senate-House committees. They are served by a total professional staff of 72 persons, 70 of whom are controlled by and responsible to the Democratic members and 2 of whom are responsible to the Republicans. The imbalance is 35 to 1.

The comparable professional staff of the 22 House committees is 461 responsible to the Democrats, 42 to the Republicans. The imbalance is 11 to 1. The Senate Democrats have a professional staff of 462 on 16 committees, the Republicans 39. The imbalance is 12 to 1.

These are the facts which justify Senator SCOTT in saying to his Democratic colleagues in Congress—and to the voters across the country—that "the majority party is not playing by the rules of the game, and if the American people knew the full facts of the story, their sense of justice and fairplay would cry out against the same of a loaded legislative procedure."

That's strong language, accusing the Democratic leadership of loading the legislative dice against the minority party. It is a valid and truthful complaint. It will stand as a fair and factual charge until the Democratic Party puts an end to the egregious imbalance in the professional staffing of the congressional committees.

I am convinced that unless the Democratic leadership corrects this injustice before Congress adjourns next month—or gives assurance that it will do so next January—the Republican Party has in its grasp an effective congressional campaign issue. If the Republicans find it necessary to make this an issue at the polls this fall—and I find it hard to believe that the Democratic congressional leaders will make the mistake of leaving their party exposed to this issue—here are the questions which they can properly put to the voters:

Do you wish to endorse a ratio of 12 to 1 between the majority and minority staffs in Congress?

Do you approve of a system that places virtually complete control of the congressional committee staffs under the majority chairman—with the majority chairman free to hire and fire at will, set salaries and determine tenure?

Do you wish to condone the limitations placed upon the minority in terms of inadequate office space, very limited travel, telephone calls, secretarial services, and other essentials of adequate staff work?

The real issue here is not the welfare per se of any particular minority party, whether Republican or Democratic, but the preservation of the two-party system of government and the effective functioning of Congress itself.

At a time when a Democratic President is frequently petitioning Congress to increase his powers, does the Democratic Party in Congress want to go before the country this fall supporting such a one-sided monopoly of congressional staffing that it has every appearance of being, in Senator Scott's words, "an attempt to exterminate the party in opposition?"

ALF LANDON SPEECH STILL OFFERS MUCH WISDOM

Mr. **MILLIKEN**. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **SCHWENGEL**. Mr. Speaker, recently I was rereading some statements made by former Gov. Alf M. Landon, of Kansas. I was struck with the fact that many things he had said over the years had special value for us today, and that his wisdom about matters some time ago are most pertinent now. One such statement by this distinguished American statesman was made on November 19, 1959, before the Junction City, Kans., Chamber of Commerce. I feel that many things Governor Landon pointed out 3 years ago have special meaning to the Members of Congress and the press at this time. The text of his talk follows:

POLITICAL ISSUES

(By Alf M. Landon)

Three problems—the correct solution of which means the life or death of our great Republic—are staring us in the face. Yet none of the presidential candidates are discussing them. If I may say so—I am no Johnny-come-lately in calling all of them to the attention of the American people.

1. The divided command has been the curse of our military in all American wars and has wasted the lives of countless American soldiers and threatened America's security.

The Congress attempted to eliminate that in the so-called Unification Act. But it is a weak law—weakly administered.

A divided command now exists not only within the Pentagon but between the top military command and the Commander in Chief. Three high ranking generals have resigned from the general staff the last 3 years in protest to the administration's military policies. Dr. Werner von Braun, head missile expert, said last Saturday night, "Any Nation second in space in the next decade will have to surrender or be crushed without being able to lift a finger." Despite repeated assurances from our President that he was going to bring order out of confusion in the Pentagon—he has completely failed to do so. The nearest any of the presidential candidates come to discussing this intolerable and dangerous situation is criticizing our President for cutting the military budget.

None of them, Republican or Democrat alike, has said how they propose, if nominated and elected, to end the existing divided command, not only in the Pentagon but even more intolerable, between the Pentagon and the White House. Scandalous, and tragic, confusion and division of command is choking major decisions on how our beloved America can best be defended and saved from the fate of the conquered country. Unity in the Pentagon in peace is as important in defense planning as unity of command on the field of battle.

2. For more than 20 years I have pointed to the folly and the danger to our republican form of government by debasing the value of the American dollar through continuing inflationary Government policies.

Today the American dollar is weaker in the markets of the world than any time since the Civil War and its aftermath.

Don't blame organized labor for that.

The blame rests right "smack-dab" on the soft money policies of the Roosevelt-Truman and first 6 years of the Eisenhower administration. Here again none of the potential presidential candidates are getting down to brass tacks on a sound fiscal policy.

3. Just as soft money has crept up on Americans—so has the totalitarian state. We have reached the point in public thinking that the adopting of Mussolini's labor provisos is being proposed for America.

Mussolini created a bureau of broad and sweeping powers without any appeal from its decisions to the judicial courts.

How did we get to the point that such horrible and un-American legislation can be proposed by a U.S. Senator?

Some 70 years ago Edward Bellamy published a fascinating book called "Looking Backward." The book was a best seller for several years, although today it is virtually forgotten outside of our universities. Nevertheless the book still influences thinking. Bellamy's hero went to sleep in 1887 and awoke in the year 2000 to find that the economic squabbles of his day had led to the development of the 20th century of three big trusts: labor, industry, and government. Because labor and business could not settle their differences and because the American people were getting squeezed in between, the government finally stepped in to eliminate business and labor. In other words, a totalitarian state was established.

Unfortunately, not being a witness to the results of the concentration of power in the hands of government in the 20th century, Bellamy was not aware that totalitarianism tends to destroy rather than preserve.

I tell you this story because it is quite relevant to what has been happening in the United States in our lifetimes. Step after step has been taken in modern America to build the totalitarian state without really solving many of our basic problems. The most recent step in this direction is—as I have said—the proposal to establish a government labor court of last resort that would have broad sweeping and final jurisdiction over all national industries to settle labor disputes without recourse to judicial review—when collective bargaining failed.

While this proposal is horrible in substance, it is even worse when you consider that it is just one more link in a chain of events which can lead to the establishment of a totalitarian state in our America.

Why has this chain of events come about? I suggest that it is due largely to the impoverished thinking of American business and American labor in this century. It is, of course, true that American business and American labor have accomplished much in this century. They have contributed significantly to the increases in our national standard of living. They have been responsible largely for civic improvements. They have been generous in a hundred and one ways. They have been responsible for developing our country into the world's strongest economic power. They have built on the foundation of our unique American political system a national life that is envied by all the world.

Yet, when both business and labor have set their minds to do certain things in the political realm they have revealed a nasty, stubborn, and politically illiterate streak. Business participation in politics and government has too often been shoddy, negative, and all too often opposed not only to the national interests but to those of business as a whole as well. Business politics has time after time forced upon the Government the necessity of taking more and more power.

The same way—labor, focusing its attention on the immediate rather than the longrun result, actually enthusiastically welcomed in the Wagner Act Government-increased power and responsibility for solving the Nation's industrial problems.

Not all of this has been bad, but presidential blanket power has been increased enormously by the Congress because it was carelessly granted without establishing standards within which he must act.

We all know that the coming of the great depression and the inability of business to turn the tide to prosperity led to the development of great governmental powers in the 1930's. Some of these powers were unwisely used and were in part given to the Government willingly by business and in other instances were seized by the Government because of the failure of business leadership to meet the problems of the decade.

Government powers, unwisely exercised and unwisely granted, can perhaps best be seen in the field of labor relations. The Norris-LaGuardia Act of 1932 was the first in a long procession of labor legislation which signified the failure of business to meet its responsibilities or to look at the future. This act outlawed the vicious "yellow dog" contract and at least theoretically established the right of labor to organize. This act would have been unecessary if business had been able to peer beyond the tally sheet of the day's receipts. The famous section 7–A of the National Industrial Recovery Act of 1933 gave legal support to the unhampered organization of labor unions and again represented the failure of business, as did the Wagner Act of 1935, which restated the right of labor to organize and in addition gave the force of law to the prohibition of unfair labor practices. That was the price we Americans are paying by passing the responsibility almost solely to Government in attempting to stabilize the economic front.

The Wagner Act begat the Taft-Hartley Act. The Taft-Hartley Act begat the Landrum-Griffith Act. And along the way some illegimate acts like right-to-work State legislation.

Now the grand finale is the proposal for a Mussolini-type industrial court without right of appeal to the long-established judicial process.

The farmer is getting himself in the same fix with more and more regulation. I said in Detroit in 1936 that America could not be half regimented and half free.

Every succeeding farm aid bill has gone further than the preceding one—step by step—in telling the farmer what he must plant—and how much he can plant.

During World War II, business and labor got a taste of what totalitarianism might be like with the implementation of the National War Labor Board, from which there was no appeal—the Smith-Connally Act—and other wartime control measures. I do not dispute the need for such wartime emergency measures, although they were often capriciously administered.

That kind of emergency legislation is being offered as a permanent solution. But few of us can forget the redtape, the jockeying for favor with big government, the Government decisions which did not settle but only deferred the settlement of disputes.

The question very plainly is what has almost 30 years of this legislation accomplished? True, it has made organized labor a force in the United States, which is all to the good if we mean what we say about the American way of life. But, the Government has not, with all these increments of power, solved our basic economic disputes, but a pattern for solution of these disputes is being established and that is the Fascist state. What has happened is that the President, sometimes despite himself, has gained the power to restrain, interfere, and dominate most of America's economic life. Fortunate are we that our Governments have not used this power to push us to the wall, to eliminate labor and business problems by eliminating free business and free labor.

But we should be warned. Our labor legislation, and legislation in other areas, points out what can happen, if business and labor do not learn and learn soon to solve their problems, either by themselves or with Government aid rather than domination.

Presidential powers have been enormously increased. That can be abused and that totalitarian regime can come to power by lawful measures is obvious. There isn't any "lame duck" President any more.

Yet in the face of all that, it is proposed to repeal the 22d amendment to our Constitution providing that no one can be elected President more than twice. The President's powers are great largely because Congress has—in order to expedite action—granted powers to the President to deal with new and complex problems. In part, those powers are open to abuse because Congress only rarely has established standards to govern the use of the powers granted. Therefore, the courts have no guideposts to follow and have rarely subjected personal acts of the President to judicial inspection—and because the President has had to subdelegate the powers delegated to him to his subordinates, who in turn have often subdelegated and then redelegated those powers to their subordinates. That has led to a tremendous diffusion of responsibility of power without adequate standards being established for the exercise, either of power or of responsibility.

I believe that the overall problem can be more effectively and intelligently dealt with than has heretofore been the case. That requires intelligent political action by the voters in holding the President and the Congress responsible. I believe Congress—and courts—honestly interpreting the intent of the Congress—must give more attention to maintaining the democratic processes by statutory provisions—clarifying just how far the President can proceed against personal rights and property rights. Our unique American democratic processes are not endangered from the military man on horseback—as our Constitution framers feared—but by indifference of too many American citizens and the Congress to their duties and responsibilities.

REPUBLICAN BIG CITY EFFORT NEEDS PUSH, LOUISVILLE STORY GOOD EXAMPLE OF BEGINNING

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, last week during the American Political Science Association convention, I was again impressed how we may try to fool ourselves, but we surely do not fool others watching us. The Republican Party's effort in the big cities needs a big push, and I was reminded of this when I reread a speech given by the mayor of Louisville, William O. Cowger, the first Republican to serve this fine Kentucky city for some time. This talk was given to the citizen leaders gathered at General Eisenhower's farm at Gettysburg, Pa., on June 30, 1962. If we are to be a responsible party in Congress, we must set up better machinery to implement our civil rights objectives. We must make sure that men and women of all races serve on our committees, on their staffs, and as consultants. The day of the lily white committee, be it congressional, political, or economic, is gone. In view of all the emphasis being given by some people in the Republican Party aimed at the South, I think it is very important that we do not forget that we are still the party of Abraham Lincoln, the party for minority groups, and we must not lose this strength of character for any political reasons.

The address follows:

How To Win in the Cities

(By William O. Cowger)

Frankly, I am going to be critical of the course our party has followed in relation to big city elections. Five weeks ago I attended the U.S. mayors' conference in Miami. During our 3-day session there were 20 speakers on the agenda; 19 of them Democrats. Quite honestly, attending the mayors' conference is like attending a Democratic National Convention. The Republican Party has refused to learn a simple political fact; you win the cities and you can win the national and congressional elections.

Last year in Louisville we elected a Republican mayor for the first time since 1927 with no help nor any communication from our State or National committees. The "Louisville Story" began a year ago February when we formed a team of three young men to head our local ticket; Marlow Cook, age 35, for county judge; Bill Cranfill, 34, for sheriff, and I was the oldster at 39. Judge Cook is here with us today and I would like to have him recognized. Incidentally, both Marlow and I moved to Louisville a little over 15 years ago and headed a ticket of 44 local candidates; 42 were elected. After winning a tough primary in May we spent the early summer reevaluating our campaign and completely mapping our plans for the fall. Once we had agreed to a formula for victory we never deviated from this plan of action.

Perhaps it might be well to digress for just a moment to apprise you of the political makeup of Louisville. Within our city boundaries, which is the largest industrial city in the South, we have a population of some 400,000 and the Democrats outregister us by a margin of about 3 to 1. In the county we have an additional population of approximately 350,000 where we are outregistered 2 to 1. Against these odds, our election last fall was not even close; my opponent called and conceded within 30 minutes after the polls had closed. But when we opened our fall campaign in September we faced a Democratic machine that indeed looked almost invincible, for it was the last big city organization with a 30-year success story. This machine had, by and large, given the community honest government with no scandals. The mayors had been leading citizens of the city whose honesty and integrity we could not question. My opponent, who was 30 years my senior, had for the past 8 years been president of the board of aldermen and had served as acting mayor on many occasions. The circumstances confronting us called for a new and different approach to campaigning if we were to win. Because of the large Democratic majority we never once on any occasion spoke in disparaging terms about the Democratic Party or Democrats in general. We centered our attack on the machine itself and the individuals who had controlled the Democratic Party for almost 30 years. Mr. McKay Reed was chairman of their executive committee, Johnny Crimmins was organization chairman, and Mrs. Lennie McLaughlin was secretary to the Democratic organization. Our fight from the very beginning was against Lennie, Johnny, and Mac.

We borrowed an old political trick from Franklin Roosevelt who so ably campaigned in the early 1940's against that infamous trio of Martin, Barton, and Fish; our attack was again Lennie, Johnny, and Mac. This part of our formula worked to perfection and it was not long before the voters realized that we were fighting against the political bosses and not our opponents. We found that perhaps the most important ingredient to victory is the sheer application of hard work. Starting in February we campaigned for 9 long months and during that time our average working day was 18 hours. We, of course, lost the endorsement of the leaders of organized labor, so then concentrated our efforts on the rank-and-file union membership. Every morning for 2½ months we would start our day by visiting the industrial plants in Louisville to shake hands with the workers as they entered the gates at 6 and 7 o'clock in the morning. We actually shook hands with 35,000 working men and women, which for the first time in local Republican history swung the labor vote to our side. No group was ignored, and an honest statement was made by one of the Democratic candidates on election night when he said, "The Republicans captured the Catholic vote, the Protestant vote, the Negro vote, the white vote, both the votes of labor and business, and there was nothing left for us."

I personally think that the real turning point in the campaign was when the Courier-Journal and the Louisville Times came out 2 weeks early endorsing our opponents. These two newspapers have a metropolitan circulation of over 250,000 and have wielded tremendous political influence in past campaigns. We had anticipated their opposition to us many months before and were prepared to link them to the political bosses. We had no scandals to expose and spent very little time on trying to develop issues. We felt that trying to project our personalities was much more important. We never attempted to expound our political philosophies, whether they be liberal or conservative; time was too valuable and the only real product we were trying to sell was ourselves. Once we felt confident that our campaign was geared to winning, we knew from past experience that our next job was to protect our victory. We therefore recruited 250 of our personal friends as special challengers who were well schooled in election laws. Thanks to these challengers, who were placed in our very toughest precincts and wards, we got, for the first time in many years, an honest election.

Well, briefly that was our formula for victory. It worked and that is the reason that I am here before you expounding the importance of winning the cities. Within

3 weeks after taking office we had moved into city hall approximately 1,200 Republican employees. As time goes on we will fuse in several hundred more deserving Republicans to fill all of those jobs that are not covered by civil service. When you win a congressional seat your total patronage can be divided among about 8 people, and when a U.S. Senator is elected the total jobs involved are about 15; but when you win a city you literally have thousands of patronage jobs with which you can build your precinct organization. Almost immediately your financial problems are solved. It had been awfully hard over the past 30 years to keep the doors to Republican headquarters open in Louisville. But now our finance office is receiving approximately $7,000 each month from voluntary contributions. By winning the city we have for the first time a strong financial base to fight future campaigns. Needless to say our organization is stronger today than ever before.

In conclusion allow me to say that in my opinion there is no such thing as an upset in the political arena. In every election you will find that the national trend has been broken; broken by hard work and good political planning. Last year when the Republicans were favored to win a congressional race in Texas and the governorship of New Jersey; and lost those two races; there was an unexpected victory in Louisville. In my opinion political science, if properly applied, comes close to being an exacting science. If an election appears to be an upset, it is because the upsetters have been successful in creating the image they desired. We proved in Louisville that against every conceivable obstacle and disadvantage you can win, if you properly present a campaign keyed for victory. You give me a man who is afraid to slug it out with our opponents in the precincts and wards of the big cities and you will have a sure loser. But you give me a man who will meet the challenge of overwhelming odds and who will fight and scrap for every vote we ordinarily concede and he will be a man who will win with his strength and with his courage.

THE FOREIGN AID BILL

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. JENSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JENSEN. Mr. Speaker, if every citizen of the United States could have heard the speeches made on this floor today on this so-called foreign aid, I am very sure the entire program would be brought to a quick stop.

When one realizes that a hundred billion, in round figures, of the American taxpayers' dollars has been thrown around so recklessly to over a hundred nations, large and small across the seas during the past 15 years, and which has proven a vain effort to make friends and bring peace to the world ought to know by now we have fewer friends abroad, and farther from world peace than we were 15 years ago, the mystery is, why do we yet carry on this lost cause?

I challenge anyone who will read the speeches made on this bill here today, to give even one good reason why I should support the bill.

THE ROLE OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS IN INDIAN AFFAIRS

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address by Mr. ASPINALL.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, I include in the RECORD at this point a speech delivered by the gentleman from Colorado [Mr. ASPINALL] to the 19th Annual Convention, National Council of American Indians, Cherokee Agency, North Carolina, on September 3, 1962:

THE ROLE OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS IN INDIAN AFFAIRS

(By Hon. WAYNE N. ASPINALL, of Colorado)

President Wetzel, members of the National Congress of American Indians, and friends, I appreciate the opportunity to visit the convention this afternoon, in order to become better acquainted with you and problems with which you are wrestling. I see many familiar faces in the audience. I hope to meet many of you personally during my all too short stay. First, let me convey my greetings and those of other Members of the Congress who have direct concern with Indian legislation. It is my hope and trust that this 19th Convention of the National Congress of American Indians will bring new and worthwhile experiences and benefits, both to those who are in attendance today and to the many more whom you represent and who, unfortunately, cannot be here in these beautiful North Carolina mountains. I know that they are with us in the spirit of progress and in the common hope for a better future life of American Indians.

As chairman of the Committee on Interior and Insular Affairs of the House of Representatives, I am fully aware of the responsibility of Congress in connection with the Federal guardianship over Indian property, as well as the welfare of the Indians themselves. I am also well aware of the congressional responsibility for establishing Indian policy through legislation which, in turn, is carried out by the Bureau of Indian Affairs under the direction of the Secretary of the Interior. The duty of Congress is to legislate the broad guidelines under which the affairs of some 400,000 Indians in this country are administered. Congress does not become involved in administrative controversies until all other legal means have been taken to resolve them. I mention this because some of you may have received letters from me which may indicate a seeming lack of concern with your immediate problems. Under our system of government the legislative branch establishes policy and the executive branch implements it. From time to time we have to take the Secretary of the Interior to task for not adapting his procedures to our established policy.

The work of the Committee on Interior and Insular Affairs is carried out through the following six subcommittees: (1) Territorial and Insular Affairs, (2) Irrigation and Reclamation, (3) Public Lands, (4) Indian Affairs, (5) Mines and Mining, and (6) National Parks. You can well see that we have many different matters competing for attention in connection with the consideration of the whole Committee on Interior and Insular Affairs of the 876 bills that have been referred to it.

Our immediate concern for today is the Subcommittee on Indian Affairs, which is so ably chairmanned by Representative JAMES A. HALEY, of Florida. This subcommittee is delegated with legislative responsibility over matters involving Indians, Eskimos, and Aleuts of our Nation. The Indian bills which are referred to our committee go first to this subcommittee where they are considered and, if given approval, are reported to the full committee which, in turn, may report them to the House of Representatives for floor action.

I must remind you that some of the bills involving Indians do not come to our committee. Some, such as those involving Indian health, are referred to the Committee on Interstate and Foreign Commerce. Others, which relate to law and order, are referred to the Committee on the Judiciary. Some bills affecting hunting and fishing may be handled by the Committee on Merchant Marine and Fisheries. In addition, it must be remembered that all appropriation bills, including those for Indians, are referred to the Committee on Appropriations for action. You will find a published statement on these matters on page 2 of our committee print for the 86th Congress entitled "Indirect Services and Expenditures by the Federal Government for the American Indian."

Our Subcommittee on Indian Affairs carries on its functions in several ways. I would like to discuss three of them because they are important and stand out as subcommittee achievements. These three ways are (1) Subcommittee hearings on reservations or at points outside Washington, D.C., (2) hearings held in Washington, D.C., and, (3) research by the Subcommittee on Indian Affairs.

It is now my desire and wish to convey to you some sense of the toil and tribulation that enter into the subcommittee's role in the legislative process. Surely a long discourse on the statistics of the bills and the actions on them will hardly suffice. If I gave you only the bare statistics, such as telling you that at least 50 different Indian tribes and bands are involved in legislation before the 87th Congress, would that necessarily move you? Probably not. If I told you that a hundred hours have been spent on Indian hearings and have resulted in several thousand pages of testimony, would that help to show the importance of our subcommittee? Some bills are of major importance. Others are very simple but are time consuming. I think of one law enacted during this session of Congress that conveyed one-third of an acre to a member of the Potawatomi Tribe in Oklahoma. Need I remind you that each Member of Congress has numerous responsibilities and cannot give the full and immediate attention to the Indian problems which may loom so important in his congressional district.

Field hearings constitute a most important activity. We are well aware that most Indians cannot afford to come to Washington to appear before congressional committees. Therefore it is necessary that the committee members go to the reservations themselves. This is why field hearings are held. In this way our members get close to the actual problems which confront the Indians in their everyday reservation life. Since perhaps half of the Indians have left their reservations but still have an interest in them, it is necessary to hold hearings in large cities where they are residing. We believe it is a very important function of our committee to visit Indians both on and off the reservation. I have been on a number of your reservations and I hope it will be possible for me to visit some again this fall. Our field hearings are usually printed and distributed. At the close of the session we prepare a committee print entitled "Accomplishments of the Committee on Interior and Insular Affairs." Copies of these reports are made available to you upon request.

We turn next to the second major subcommittee activity—namely, its hearings and reports on bills on current legislation at the Washington level. As you are fully aware, rarely do we schedule hearings on bills until we receive favorable reports on them from the Secretary of the Interior. Unless the Secretary and the Bureau of the Budget recommend action on legislation we will probably not take action. I must hasten to add, however, that we are not bound to act on a bill merely because of a favorable report from the executive agencies. Let me summarize in brief what the committee has done at its hearings. Thirty-five public laws and four private laws on Indian Affairs have already been enacted during this 87th Congress. At least another 8 or 10 are awaiting final action. These 39 may be divided into the following categories: (1) Actions concerning termination of Federal services on Indian reservations, 3 public laws; (2) lands and subsurface rights and transfers to Indians, 14 public and private laws; (3) sales or lease of public lands, 6 public laws (4) use of tribal funds, 8 public laws; and miscellaneous legislation dealing with Indian Affairs, 8 public laws. This last classification includes a variety of matters such as loan funds, vocational training, Indian Claims Commission, etc.

We now pass to the subject of committee research, the third major phase of our work. I would like to call to your attention the division of our objectives to short-term and long-term goals. For our short-term objectives we consider the day-to-day work on the various bills that come before our committee. Some of these are recommended by the Department of the Interior and some of them are initiated by individual tribes. We always solicit your assistance in considering these bills. For our long-term objectives we often make extended research studies out of which legislative proposals may evolve. Let me explain the approach we take in long-term legislation. The research must be exhaustive and thorough. Four years ago, for example, we began our study on the Indian heirship land problem. In the course of this project, questionnaires were prepared and sent to 52,000 Indian owners of heirship lands. We asked for information on how the heirship problem affected each person as individual Indian owners of the land. Over 9,000 questionnaires were completed and returned. Over 65 percent of those returning questionnaires stated they wanted to dispose of all or part of their land. The results of this study were published in two volumes as a committee print entitled "Indian Heirship Land Study." On the basis of our study, a second committee print was issued subsequently under the title of "Proposed Indian Heirship Land Legislation," and H.R. 6569 was introduced by Representative BERRY, of South Dakota. That is where we stand presently on this extremely difficult and complicated problem. At present, no acceptable overall solution has been formulated. Our Senate committee counterpart has held hearings on the legislation but we have not. As yet we do not have sufficient facts on the problems that are involved. It is of utmost importance that this controversial issue be considered further early in the 88th Congress.

Perhaps some of you may be surprised at the minute degree in which Congress may get into problems involving Indian affairs. Let me give an example of a current study by our committee which will suffice to illustrate how we operate on such matters.

We all know that unemployment has been a chronic problem on Indian reservations and that this situation is one of the important reasons why reservations were separately identified in the Area Redevelopment Act, which was enacted during the 1st session of the 87th Congress. While reading an Indian newspaper one day, Mr. HALEY and I recognized that a certain advertisement had been running for some months. This advertisement stated that qualified Indian carpenters and blocklayers were needed for positions paying $3.97 and $4.20 per hour, respectively. Obviously, the contractor could not get sufficient Indian craftsmen to fill the need for persons in these well-paying jobs.

Now, this ad set us to thinking why, with all the Federal and State and sometimes tribal employment and training programs, there should be a shortage of skilled Indian labor, with unemployment still a major problem. If these Indian artisans are not available, how can housing projects approved for Indian reservations get underway? Were non-Indians to be employed? If so, was the function of the program to provide employment for non-Indians? This brought to our minds questions concerning the effectiveness of the vocational educational program of the Bureau of Indian Affairs, the program of the Bureau of Apprenticeship and Training of the Labor Department, and the various State employment and training services sponsored through expenditure of Government funds. With all these programs presumably available and in operation, how could there be a shortage of skilled Indian labor to fill these well-paying positions? Answers were not readily available.

Our next move was to call in our committee staff members to ask what should be done toward clarification of the unemployment problems on reservations. They suggested that a survey be made of each Indian reservation industry as to the adequacy of the Indian labor supply, the training of Indian personnel, and similar matters.

Secondly, they suggested that inquiries be directed to the Department of Labor—specifically to its Bureau of Employment Security, its Bureau of Apprenticeship and Training, and Farm Placement Services—to ascertain how many and where these services were reaching the Indian reservations. Thirdly, they recommended that a questionnaire be prepared to be sent to each Indian agency and reservation which would comprehensively cover the problems of unemployment on all Indian reservations.

Now you can see from this extended inquiry that we have a major research project on Indian employment and unemployment underway at the present time. We have reviewed the project with the Bureau of Indian Affairs and the Departments of Labor, and Health, Education, and Welfare. What I am suggesting to you today is your cooperation in getting these unemployment facts out to where they may be made useful in helping Indians develop better and more remunerative lives. I appeal to you as friends to send our committee any and all published information which you may have on employment and unemployment conditions at your respective reservations. I feel that, in this way, you and the Congress can work hand in hand in creating a better environment for the Indians of today and your children of today and tomorrow.

In addition to heirship and unemployment studies, we plan to give serious attention to such other matters as aboriginal claims and possessory rights in Alaska, to termination programs where they are applicable, to the authorization of funds, to pay claims awarded by the Indian Claims Commission, to provision of funds to pay expert and research witnesses to assist in prosecuting claims before the Indian Claims Commission and to the extension of long-term leasing arrangements by individual tribes. A few well-thought-out resolutions from your convention will be helpful in guiding our legislative deliberations.

You will now appreciate why I was happy to accept your invitation to speak to you today. I, of course, desire to become better acquainted with all of you because I am anxious to help improve conditions and to work with you to make Indian life in this country measure up to the full advantages which American citizenship entails.

Ladies and gentlemen, I am convinced that full understanding and cooperation among the Congress, the Bureau of Indian Affairs, the various tribal councils, and the individual Indians are essential if we expect to bring about a satisfactory relationship between our Indians and our Government. We have seen over the years that the appropriation of more and more money and the employment of more and more Bureau of Indian Affairs personnel will not do the job. May we all strive for something better and more workable and may we contribute our thoughts and our efforts to programs which will result in the achievement of our common goals.

CONSERVATION LEGISLATION—THE WILDERNESS BILL

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a table.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, in response to the many inquiries that have been made of me relative to legislation incorporating, among other things, provision for wilderness preservation, I would like to devote just a few minutes to a bill that has not been on the Suspension Calendar as was originally planned and publicized.

I think you will agree that it is a good idea at this point to set the record straight.

The bill approved by the House Committee would designate 6.8 million acres of federally owned lands in the national forests for permanent wilderness preservation. We admit that this, like other provisions of the bill that we approved, was an attempt at a compromise; but the extremists have now demonstrated that they have no desire to compromise and, in their reckless and ruthless demand to rule or ruin, they have created an atmosphere which makes possible the enactment of any wilderness legislation during this Congress.

Mr. Speaker, it is my purpose here today to make clear for the American people where the responsibility lies.

To begin at the beginning: As chairman of the Committee on Interior and Insular Affairs of this body I had an understanding with the committee of the other body that the Senate would act first on wilderness legislation. At the same time I announced that our committee would examine thoroughly the question of congressional-executive relationships in the overall management, use, and disposition of our public lands. In previous Congresses, both the House and Senate committees had held hearings on both of these subjects; and in the 86th Congress, on July 1, 1960, the Senate had passed a bill to require an act of Congress for all public land withdrawals, restrictions, and reservations in excess of 5,000 acres.

I should state at this point that since 1957 your Committee on Interior and Insular Affairs has had a working arrangement with the Secretaries of the Interior and Agriculture Departments under which we are notified and given an opportunity to comment before there are any withdrawals of public lands exceeding 5,000 acres. This arrangement has been fairly satisfactory and one of the bills before the committee was my own proposal to give formal legislative sanction to this informal agreement. But the majority of our Members favored the principle that had been embodied in the Senate-passed bill, to require affirmative action of Congress in connection with any change in use of public lands. So it was that on July 13, 1961, during an open hearing of the Subcommittee on Public Lands, I suggested a compromise under which all proposed actions affecting over 5,000 acres would be submitted to Congress with the committees authorized to approve the routine actions that had no significant effect, and others, as determined by the committees, to be ineffectual until approved by an act of Congress. It is my present feeling that 9 out of 10 proposed actions could be worked out without requiring an act of Congress.

On August 18, 1961, I introduced a bill (H.R. 8783) designed to establish a procedure to carry out my compromise proposal.

On September 6, 1961, the Senate of the United States passed S. 174, an act designed to provide for wilderness preservation alone. The gentlewoman from Idaho [Mrs. Frost] and I immediately announced that before the reconvening of Congress, the Subcommittee on Public Lands would hold hearings in the West in the areas affected by the wilderness bill. We further stated that thereafter, as soon as the final report of the Outdoor Recreation Resources Review Commission was available together with the study report being prepared for it on wilderness, we would schedule further hearings here in Washington and move to consideration of the legislation.

Our field hearings were held in October and November 1961 with proponents as well as opponents given every opportunity to be heard in Idaho, Colorado, and California. And let me state at this point that we were very much impressed then, as we are now, with the argument of the proponents that, if areas set aside for wilderness preservation are to endure under our system of government, the Congress should give statutory status to these set-asides that have been established by administrative action without any legislative base. But, as we listened to the arguments and analyzed the data, we also became more and more convinced that wilderness preservation could not be considered without reference to competing demands for areas for mass recreation as well as possible development.

Our judgment was in large measure confirmed by the report of the Outdoor Recreation Resources Review Commission, which was made available on January 31, 1962. However, the study report was not released until April 16, 1962. Nonetheless, without waiting for this report, on April 6, 1962, based on the promise that the report would be available, I immediately assigned time for the Subcommittee on Public Lands to start its final week of hearings on May 7, 1962. Because of the number of people who wanted to be heard—and the committee's desire to have the broadest base on which to study the legislation—our original hope to conclude testimony in 3 days had to be abandoned; and it was only because of the tireless efforts of the subcommittee chairman, the gentlewoman from Idaho, Representative Frost, that we were able to complete the hearings in 5 days.

Some of the witnesses, who opposed wilderness legislation, indicated that they would not oppose set-asides for wilderness preservation under legislative sanction if all could compete for their own desired uses on an equal footing with the wilderness advocates. We, therefore, prodded the executive agencies for reports on my bill to establish procedures for the use of public lands and announced a further hearing for June 1, 1962, before the Public Lands Subcommittee. My hopes for the H.R. 8783 compromise formula were dampened when the Department of Justice characterized the proposed procedure as "objectionable from the standpoint of infringement of the constitutional powers of the executive branch."

About that time, May 24, 1962, at the White House Conference on Conservation, I pointed to the historic position of Congress and the conservation policy followed by the Congress throughout the years. I noted then, as I note now, that Congress has pursued a policy of multiple-use unless areas are set aside by Congress itself for single-purpose use; and I questioned "when, where, or how, the purist preservationist group assumed the mantle of the conservationists."

Let me take a minute at this point to note, also, that this was not the only conservation measure before our committee. While I think it was and remains the most important overall conservation measure, the fact is that we have had 39 Public Laws enacted this Congress as a result of action by the National Parks Subcommittee alone. We have recommended and the Congress has authorized the establishment of three national seashore areas of world wide significance, each on a par with and having the status equal to that of a national park. Ours is a hard-working committee and we have one of our subcommittees or the full committee scheduled to meet every single day that that the House is in session and on many days when the Congress is in recess.

The legislation dealing with the use of public lands and wilderness preservation took its place on the agenda of items to be considered by the Public Lands Subcommittee in executive session. The subcommittee chairman and the staff worked long and hard to put the hearings in final shape and have them analyzed for committee consideration. A total of 1,762 printed pages of hearings had been recorded and these were printed and analyzed in the weeks following the closing of the record on May 16, 1962. At the expense of assignments to other subcommittees, I assigned added days for the Public Lands Subcommittee to catch up on consideration of bills in connection with which hearings had been concluded earlier. And on June 29 this legislation was reached for consideration. At that meeting I offered, as an amendment to H.R. 776, a substitute combining the overall problem of land use with wilderness preservation. I stated then that I invited members of the subcommittee who espoused the wilderness cause to offer their constructive suggestions for such modification as might be necessary in the terms of my proposal.

In the meetings that followed we hammered out a perfected amendment to H.R. 776 and the subcommittee reported it to the full committe for action. In this connection I am including as part of my remarks an analysis showing the amount of time spent by the subcommittee and the full committee on this legislation together with the attendance records of the chairman of the subcommittee [Mrs. Frost], the ranking minority member of the full committee who is also a member of the subcommittee [Mr. Saylor], and the chairman of the full committee now speaking.

We put in a lot of work on this legislation; much of it on the wilderness aspects alone. We put in many hours of time-consuming effort and during that time the proponents of wilderness legislation both in and out of Congress, including the lobbyists, never once spoke to me or to any member of the committee staff about any amendments to the substitute which had been released to the public on August 9, 1962, when it was reported favorably by the Subcommittee on Public Lands.

It was, therefore, against this background that the full committee, when it ordered the bill reported, on August 30, 1962, adopted a resolution binding the chairman to bring the measure before the House in accordance with the procedures provided by rule XXVII—the suspension of rules procedure. The sponsor of that resolution, the gentleman from Washington [Mr. Westland], recommended this procedure as one to avoid having emotions take over and undo the work of the committee. He foresaw through this procedure the possibility of getting a bill through the House "to get it into conference where the two bills from the Senate and the House can be reconciled and brought back with a conference report that we can pass." The resolution was then adopted on a division by a 10 to 4 vote with 4 others who were present abstaining from voting.

As you know, Mr. Speaker, many pressures were then unleashed by the propagandists for the wilderness preservationists and their newspaper allies in some of our big cities criticizing the committee bill and urging its amendment. A publication entitled "The Living Wilderness," published quarterly by the Wilderness Society, in its issue dated "Spring to Summer 1962" has come to my attention with a listing of 15 proposed amendments to the House committee-approved bill. And they say let us have this matter up on the floor and consider these amendments.

However, not one of these amendments was ever offered in the subcommitttee or full committee and, to my knowledge, not one of them was ever brought to the attention of any member of my committee. There were no recorded votes on the substitute bill in subcommittee or the amended bill in the full committee.

It appears that these people do not believe in the committee system of processing legislation. It appears that they waited, in an effort to now seek to undo all the work of the committee by trying to cause a substitution of the Senate-passed bill for the bill as reported by your Committee on Interior and Insular Affairs. Some of the editorials and statements that have been called to my attention frankly have admitted this.

The fact is that it is the proponents of wilderness preservation who have refused to debate the question of accommodating competing uses, despite recommendations of the Outdoor Recreation Resources Review Commission, despite their own lip service to the principle of multiple use, and despite the long record of Congress in pursuing a path of multiple use.

So they have created an atmosphere charged with emotion, in which Members find it difficult to judge on facts alone. Some of the vicious mail I am receiving shows how some honest, well-meaning people have been misled.

Following the mandate of my committee, and in accordance with the normal procedure, I spoke with you, Mr. Speaker, about the bills that I would recommend for consideration under suspension of the rules on September 17. On September 13, I wrote you my customary letter and referred to our conversation but included additional information that you asked for as to whether or not it was my feeling that we could muster a two-thirds vote for the passage of this bill; and, I confirmed my reply that I was doubtful at that time that we could secure a two-thirds vote. Of course, my doubts had been stirred by the propaganda barrage that had been loosened by the lobbyists who urged, directly and through their publications, that you and other Members be deluged with criticism of our well-considered measure. They made it appear that nobody is in favor of our bill. Now this is not true, for we have some very responsible people and organizations who favor the bill as amended by your House Committee on Interior and Insular Affairs. For your information I am including a partial list in the RECORD so that Members can judge for themselves whether this is as one-sided as it might appear from the other material you have been receiving.

In the circumstances, I feel that your reply of September 13, 1962, was the only one that the leadership could give. In view of the possibility that we could not get a two-thirds vote for passage of the bill, you stated that you "believe the best procedure would be to make application for a hearing before the Rules Committee." The difficulty, as I have advised you, Mr. Speaker, is the committee-adopted resolution limiting the chairman to proceed expeditiously under the suspension of rules procedure.

Although I am disappointed that the proponents of wilderness legislation did not come forward in the subcommittee or the full committee with any proposals that could be voted on, I am very much interested in the arguments that they have since made available.

The committee report on H.R. 776 is shaping up to be one of the constructive documents in conservation history. It will spell out the philosophy of those who voted to order the amended H.R. 776 reported to this body. It is a complex document and we have been compiling it very carefully; I trust that the gentlewoman from Idaho [Mrs. PFOST] will be able to file the report shortly.

I regret deeply that we did not have this legislation on the floor as originally planned. I offer for the RECORD this chronology so that the Members may judge for themselves, Mr. Speaker, who has been diligent and who has not been diligent:

PARTIAL LIST OF ORGANIZATIONS WHO HAVE EXPRESSED SUPPORT OF H.R. 776, AS AMENDED, BY THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Chamber of Commerce of the United States and several State and local affiliates.

National Reclamation Association and several of its State affiliates.

Conservation Federation of Missouri.

Western Lumber Manufacturers.

American National Cattlemen's Association.

Timber Producers Association, Duluth, Mich., and many other similar organizations.

American Mining Congress and its State affiliates.

Western Forestry and Conservation Association.

Inland Empire Multiple Use Committee.

Rocky Mountain Oil and Gas Association and several similar organizations.

Northern Colorado Water Conservancy District.

American Farm Bureau Federation and several State affiliates.

Board of Water Commissioners of the City and County of Denver, Colo.

Colorado State Association of County Commissioners.

Director, Department of Mineral Resources, State of Arizona.

National Association of County Officials.

California Wool Growers Association.

COMMITTEE ACTION RE PUBLIC LAND MANAGEMENT AND WILDERNESS PRESERVATION ATTENDANCE RECORDS OF RANKING MAJORITY AND MINORITY MEMBERS OF PUBLIC LANDS SUBCOMMITTEE

The records show that the Subcommittee on Public Lands spent—

Hearings on wilderness bill, 46 hours, 25 minutes.

Public lands general procedures, hearings, 6 hours, 30 minutes.

Mark up, 6 hours, 15 minutes.

Subtotal, 59 hours, 10 minutes.

The full committee spent: consideration, 3 hours, 25 minutes; grand total, 62 hours, 35 minutes.

Note: The subcommittee met on 23 separate days in connection with this legislation although business could not be conducted on 3 days because of the absence of a quorum; on some days there were morning and afternoon sessions.

At the above-mentioned meetings the following attendance was recorded:

	Subcommittee meetings	Full committee meetings	Total
Mr. Aspinall	24	3	27
Mrs. Pfost	[1] 26	3	29
Mr. Saylor	18	3	21

[1] Morning and afternoon sessions counted separately and total therefore exceeds the total number of days on which the subcommittee met.

Committee on Interior and Insular Affairs

ATTENDANCE AT MEETINGS OF SUBCOMMITTEE RE WILDERNESS

	Hours	Pfost	Aspinall	Saylor
	h. m.			
Oct. 30, 1961 (morning, afternoon, and evening), field hearing, McCall	9 50	X	----------	----------
Oct. 31, 1961, field hearing, McCall	3 10	X	----------	----------
Nov. 1, 1961, field hearing, Montrose	6 15	X	X	----------
Nov. 6, 1961, field hearing, Sacramento	5 20	X	----------	----------
May 7, 1962, morning	2 10	X	X	X
May 7, 1962, afternoon	3 50	X	X	X
May 8, 1962, morning	2 15	X	X	X
May 8, 1962, afternoon	2 25	X	X	X
May 9, 1962	2 05	X	X	X
May 10, 1962, morning	2 00	X	X	X
May 10, 1962, afternoon	2 35	X	X	X
May 11, 1962, morning	2 40	X	X	X
May 11, 1962, afternoon	1 50	X	X	----------
June 29, 1962 (markup)	30	X	X	X
July 2, 1962 (no quorum)	----------	X	X	X
July 3, 1962 (no quorum)	----------	X	X	X
July 27, 1962 (markup)	1 30	X	X	X
July 30, 1962 (markup)	1 35	X	X	X
July 31, 1962 (markup)	1 40	X	X	X
Aug. 2, 1962 (no quorum)	----------	X	X	----------
Aug. 9, 1962 (markup)	1 00	X	X	X
Total	52 40	21	18	15

ATTENDANCE AT MEETINGS OF SUBCOMMITTEE, RE GENERAL PUBLIC LAND PROCEDURES

	Hours	Pfost	Aspinall	Saylor
	h. m.			
June 6, 1961	1 00	X	X	----------
July 13, 1961	1 30	----------	X	X
July 14, 1961	1 30	X	X	X
Aug. 8, 1961	1 00	X	X	----------
June 1, 1962	1 00	X	X	----------
June 29, 1962	30	X	X	X
Total	6 30	5	6	3

FULL COMMITTEE ATTENDANCE

	Hours	Pfost	Aspinall	Saylor
Aug. 28, 1962	1 37	X	X	X
Aug. 29, 1962	43	X	X	X
Aug. 30, 1962	1 05	X	X	X
Total	3 25	3	3	3

UNITED STATES-FRANCE—ATOMIC PUZZLE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, in this century of progress—commingled as it is with complex national and international problems—it is rewarding to note the long and able efforts of one American industrialist that have been directed for the past 23 years toward the attainment of free-world unity.

I am speaking, of course, of the unselfish and bipartisan record of Mr. A. N. Spanel, founder of the International Latex Corp. Since 1939 he has rendered a particularly valuable public service through informative editorials on both domestic and international affairs.

In point, I call your attention to a particularly poignant article that appeared in paid space, as a public service, in the New York Times by Mr. Spanel. I am inserting the editorial at the conclusion of my remarks.

Titled "Our Folly in Isolating France," it is a persuasive appeal to close the nuclear breach between the United States and our traditional ally, France.

Mr. Spanel presents two politic arguments for the United States to extend help to France in producing strategic missiles and nuclear warheads:

(a) France is going to get strategic missiles and warheads anyway.

(b) U.S. refusal to assist will only stimulate French resentment and isolation.

To probe further into this problem, we must first reach a definition of our basic objective in Europe.

Our fundamental objective—as has oft been repeated—is to work for an increasingly closer partnership between the increasingly integrated Europe and the United States in building and defending a free-world community.

Future events in the nuclear field will determine whether this objective will be attained. National nuclear positions in Europe would seem to be politically divisive and greatly reduce or delay the chances of the creation of an integrated Europe.

On the other hand there seems to be strength in the position that a truly multilateral European nuclear effort would tend to be cohesive, militarily and politically. In the light of the nuclear facts of life, if Western Europe is to be effectively safeguarded against aggression or to have an economically achieved but effective nuclear force this might best be done by a central agency of nuclear power and control—not by means of separate national forces.

A vital question, therefore, for the United States is whether aid to the French national program would help or hinder the basic U.S. objective in Western Europe.

Even the French are divided on this vital issue.

There was a sharp difference of opinion recently in the French National Assembly with one parliamentary group urging that the program remain on a national basis—the other arguing for a merger into a multilateral European program.

U.S. nuclear help to France at this time could be used to weaken the argument of the European nuclear capability group and would be taken as a sign that the United States approved the present French national program.

Full consideration of the issues suggests that our basic objective—insuring that Europe's nuclear role is fulfilled multilaterally—would be hindered rather than assisted by direct aid to the French program.

Should the United States reverse its basic objective?

While it is true that France will succeed in producing some nuclear warheads and the aircraft to carry them, it must be remembered that Europe-based aircraft are extremely vulnerable as a delivery system. The obstacles to the development of a strategic missile delivery system during the present French Government's term are formidable. It is indefinite and uncertain whether a successor government would continue such an expensive and uncertain national nuclear program or merge into the cohesive multilateral effort.

This is certainly a multifaceted problem which deserves the fullest examination from all angles.

The American public owes a debt to Mr. Spanel for bringing to its attention a well-considered view of the French nuclear program.

The article follows:

OUR FOLLY IN ISOLATING FRANCE

(By A. N. Spanel)

The American people have watched with deep sympathy the long ordeal of the people of France, climaxed by the continuing bloodshed in Algeria. The traditional friendship between our two peoples is too genuine, too time-tested, to be affected by fluctuations in the climate of official relations between our countries.

It is no secret that the French Government has been more and more disenchanted with Washington. This is a matter of great concern to those of us who have been close observers of Franco-American relations. The time is ripe, we feel, for the United States to acknowledge—in deeds, not words—that France has been reborn as a nation of major rank, and that she can no longer be confined to a secondary role in the free-world coalition and in the Atlantic Community.

Concretely, this demands acceptance of France as a member of the so-called Nuclear Club, and her full participation in free world policy decisions affecting French interests. Only in that way can the weight of the revitalized France be added to the overall political, material, and moral strength of the Western alliance.

In both Asia and Africa, France has fought battles, at a devastating cost in blood and treasure, in which not only her own interests but those of the entire West were at stake. To appreciate the cumulative frustration visited upon the country by her major allies, one must review some key events in recent years:

1. In Indochina, France fought against the local forces led by Moscow-trained Ho Chi Minh and the forces of Red China, without any significant help from the United States and Great Britain. The cruel price of that free world failure is being paid today in Laos and Vietnam, both fragments of the former French Indochina; before long it may have to be paid in Cambodia and the rest of Southeast Asia.

2. In the Suez crisis, in 1956, the United States intervened against the action taken by Britain and France in behalf of the whole free world. The principal beneficiary of that rash intervention, Dictator Nasser, has been repaying the West by atrociously discriminating against its shipping interests, a great gain for Moscow.

3. Because French interests in the Middle East are large and compelling, both Washington and London had given assurances that France would be consulted in advance on all policy decisions during the Lebanon crisis in 1958 . Yet France was demonstratively ignored by the Anglo-American Governments before they acted.

4. In the grueling 7-year war in Algeria, France found neither understanding nor diplomatic help in Washington. On the contrary, she had to contend with ever-mounting American moral support for the rebels.

5. Most important, because it reflected a false and deeply humiliating underestimation of the country, the United States has denied to France the kind of access to the reservoir of American nuclear technology that was wide open to Great Britain. This illogical policy, which persists to this day, has given the ring of hypocrisy to our lip service to French equality in the grand coalition.

LOST FAITH

Any of these events and policies may be explained, or explained away; there is room for argument. But their total impact on the French people, during long years of tragedy and sacrifice, has been to erode faith in the free world alliance. For all the talk of free world unity against international communism, they felt increasingly, France must depend in the long run on its own power and wisdom. Her exclusion from the nuclear elite has been a prime factor in this national sentiment.

As long ago as August 19, 1958, we warned in these columns that France "will continue to react sharply, to its own and the free world's peril, to every maneuver of disparagement or downgrading. And in this connection the atomic problem is crucial. Nuclear energy for both peaceful and military uses has become the symbol and substance of strength in today's world. France has no alternative but to reach out for it."

Reach out for it France did, and successfully. Already she has exploded a number of atom bombs, without a single failure. By any test of reality, France now qualifies for admission to the nuclear club, even as defined under American laws that admitted Britain to full membership. Soviet Russia happens to be right in regarding France as a nuclear power, despite American assumptions to the contrary.

But while Britain was able to draw on American know-how and industrial production in the nuclear area, France has been forced to shoulder the immense burdens of duplicating what was already available in the United States. As we wrote in the past, "France will attain atomic vitality commensurate with her needs and her place in the hierarchy of nations. How much better that this be done with our generous cooperation."

FOLLY UPON FOLLY

A current episode points up the absurdity as well as the injustice of the continued denial of nuclear equality to France. The French Government is seeking to purchase in our country certain equipment related to the production of the delivery system for its atomic bombs. Neither nuclear nor atomic secrets are involved in these machines and machine tools. The American manufacturers are eager to fill the large orders which, incidentally, would be helpful to the United States in its balance-of-payments difficulties.

If Washington turns thumbs down on the purchases—apparently a decision is still pending—France may again be forced to erect her own factories to produce such equipment. She will be put to great expense and frustrating delay in achieving the nuclear force to which she is entitled and which she will attain eventually in any case.

In theory, American nuclear weapons are available to protect French interests against a common enemy. In light of the events summed up above, however, France can scarcely be blamed for refusing to stake its destiny wholly on the judgments of others.

The French people have been deeply hurt and saddened by the international ill winds blowing against them. Now they are torn in soul and flesh by the Algerian tragedy. Though the nation has made an all but miraculous economic recovery, its people are discontented. They feel that they have been crowded into a go-it-alone corner by the uncooperative policies of their main allies.

THE SENSE OF BELONGING

Unless this condition is rapidly cured, unless France becomes a full partner in the alliance, the French position may harden into a species of isolationism, with dire consequences both for herself and the free world. The ambiguity of the French role in NATO may lead to a complete alienation again with disastrous results for the entire free world.

More than ever before, France needs a stabilizing sense of belonging to the Atlantic community. More than ever before, the true unity of the free world must be confirmed and fortified. And the primary responsibility rests with Washington. We have no alternatives in logic, or in terms of rockbottom self-interest, but to recognize that France, by its own efforts and despite American indifference, now ranks as a nuclear power.

We must face up to this reality with deeds which the French people cannot misunderstand. The immediate result would be a great lift to the morale not only of France but of the whole free world coalition in this time of crowding Communist challenge.

FOREIGN AID PROGRAM

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a table.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, I support foreign aid. I subscribe to the principles of our foreign assistance programs and have cast my vote in favor of the administration's recommendations for authority and appropriations in this essential field. But I reserve the privilege, which I would now exercise, of registering disagreement with some of the ways in which our foreign aid programs are administered around the world.

Previously, I criticized the provision in the foreign aid bill expressing our Government's official displeasure with those nations that discriminate against American citizens because of their race, color, or religion. That statutory provision did not achieve the desired end of discrimination by the Arab States and the Arab League against Americans of Jewish faith. The language was therefore strengthened this year to require the President henceforth to report to Congress his progress in requiring the Arab nations that are beneficiaries of our aid to cease their extensive boycotting and blacklisting activities against American citizens and American business firms. For the moment, I am satisfied to wait to see whether this legislative language will produce results.

Currently I am concerned, however, that in allocating aid to various nations the officials of our Government do not appear to take into consideration the extent to which the recipient nations are accepting military aid from the Sino-Soviet bloc. I have communicated my concern to the Department of State, which has furnished me with the following illustrative statistics:

A comparison of U.S. foreign aid to less-developed countries with military aid extended to those countries by the Sino-Soviet bloc

[Millions of U.S. dollars]

Country	U.S. economic and technical assistance commitments mid 1955–December 1961	Estimated Sino-Soviet bloc military aid mid 1955–December 1960
Indonesia	308	506
Iraq	13	188
Syrian Arab Republic	69	128
United Arab Republic	394	315
Yemen	19	17

We should be careful in interpreting the meaning of these statistics. In the words of the Department's spokesman:

"As you are aware, unclassified data concerning Sino-Soviet bloc military aid is very limited and general in nature. The figures for bloc military aid which we have listed in the enclosed table represent only approximate estimates derived from published reports of shipments of Sino-Soviet bloc military equipment, or from announcements of agreements to provide military aid to less-developed free world countries. Estimates of the value of bloc arms shipments are necessarily very tenuous, even when official figures are released by the bloc or the recipient country, because of lack of information on discounts and price reductions on various items and the amount of aid extended in grant form. The difficulty of fixing a true market value, in U.S. dollars, also inhibits precise estimates."

The assumption on which we furnish economic assistance to other nations, it seems to me, is that they lack sufficient capital and other resources to develop their economy to the point at which they can begin developing their own economic surplus which can be applied for further capital formation and economic growth. It is my understanding that, in theory, we analyze the economy of each country in minute detail to be sure that it lacks sufficient resources of its own and to satisfy ourselves that it is making best use of the limited resource that it does possess.

As we make that theoretical country-by-country analysis, we naturally take into consideration the extent to which the recipient nation allocates its limited resources for military purposes. We recognize that support of military forces is a diversion of economic resources from the economic development of the country. It may be required by the Nation's strategic and political exigencies, but allocating scarce resources to military purposes tends to retard rather than hasten economic advance.

What are we to believe, then, when we find nations accepting armaments from the Sino-Soviet nations that are valued at two, three, or a dozen times as much as they receive from us for peaceful purposes? If Syria can absorb and make use of $128 million in Sino-Soviet armaments, are we acting wisely in extending $69 million in economic assistance? How serious is Syria in its professed desire to progress economically and achieve a better life for its people if it takes from behind the Iron Curtain nearly twice as much in arms as it finds itself able to utilize from our bounty for peaceful purposes?

I advance these opinions, Mr. Chairman, because I wish my colleagues and the responsible officials of the executive branch to reflect upon them. Should we not require the administrators of foreign economic assistance to take into consideration the extent to which a recipient nation is diverting its resources to utilize armaments received from the Sino-Soviet bloc? Does not acceptance of such arms in large quantities at least presumptively impugn to some extent the professed ambition of the recipient nation to attain economic development? Should not our considerable influence be exerted wherever possible to persuade the nations of the world that rising per capita incomes are the true measures of national stature, not impressive arrays of military might?

CUBA

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include a resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, on all sides, from all over America, we hear a clamor for a solution to the terrifying situation that confronts us in Cuba. Committees of this Congress are struggling with the problem, attempting to find a solution.

Mr. Speaker, the true solution to this problem lies within the immediate grasp of the House of Representatives. It is incorporated in House Concurrent Resolution 223, which I introduced on April 25, 1961, and which still is pending before the Committee on Foreign Affairs.

This resolution is simplicity itself. It declares that it is the sense of Congress that immediate and effective action is necessary for the protection and the life of our American nations, and for the maintenance of the Monroe Doctrine.

This priceless and historic doctrine has not been abrogated. It stands in full force and effect today just as it did more than a century ago. All that is demanded is that it be enforced.

That Members of the House may be refreshed, I insert this resolution at this point in the RECORD, and I urge its immediate adoption:

H. CON. RES. 223

Whereas the conditions that have long obtained in our near neighbor, Cuba, in recent years, and which are now critically acute, constitute an ever mounting danger and menace to our own and sister countries of the Western Hemisphere at the hands of communistic influence and sanguinary power which, if permitted to continue, will destroy every vestige of free and representative government in these nations, and lead to the complete dominance by the most brutal despotism the world has ever known; and

Whereas these communistic activities are clear-cut and intended violations of the Monroe Doctrine; and of the various declarations and historic policies of these nations on the subject of foreign efforts to penetrate and assume power in this hemisphere: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States of America that immediate and effective action is necessary for the protection and the life of our American nations, and for the maintenance of the Monroe Doctrine;

SEC. 2. That to these ends all our American governments should forthwith unite, in line with their traditional policies and treaty obligations, to repel these monstrous forces of evil, and to employ whatever means may be necessary, military or otherwise; and

SEC. 3. That we fully support the President of the United States of America in his recent statements touching these matters, with the pledge that we shall give him effective cooperation in doing whatever is necessary to be done—in concert with the other affected nations, or by the United States alone, if the emergency so requires—in line with the principles and practices of the Monroe Doctrine.

A CENTURY OF EMANCIPATION

The SPEAKER pro tempore (Mr. BOGGS). Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 3 hours.

Mr. FINDLEY. Mr. Speaker, I have taken this time to commemorate an important anniversary in the history of the Republic—the Emancipation Proclamation, which was issued 100 years ago, Saturday of this week.

Mr. Speaker, I ask unanimous consent that at the conclusion of my remarks, the gentleman from Iowa [Mr. SCHWENGEL] and the gentleman from Illinois [Mr. DERWINSKI] may extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Emancipation Proclamation was the greatest single stroke for liberty in the long history of mankind.

Saturday we will mark the passage of 100 eventful years since that tall, worried, harried man from Illinois set his pen to a document that marked a beginning in the long struggle man has waged in the cause of freedom. Abraham Lincoln had long before determined that when the proper time came, he would indeed strike the chains from a large segment of his fellow men by the exercising of a part of the tremendous power that goes with the office of the President of the United States. He had set that determination on the record for all mankind to see clearly.

Just 4 years before, during that historic series of debates in which he had engaged with Stephen A. Douglas, speaking at Alton, Ill., October 15, 1858, Abraham Lincoln had said in part the following:

> [The right and wrong of slavery.] That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time, and will ever continue to struggle. The one is the common right of humanity, and the other the "divine right of kings." It is the same principle in whatever shape it develops itself. It is the same spirit that says, "You work and toil and earn bread and I'll eat it." No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an excuse for enslaving another race, it is the same tyrannical principle.

Clearly, Mr. Speaker, the mind of Abraham Lincoln was determined even then to strike down this principle, and all he sought was the time and the method to best accomplish this end. Many of Lincoln's leading supporters in the presidential campaign of 1860 expected Lincoln to emancipate the slaves immediately. Lincoln waited. In waiting he subjected himself to constant pressure and much unwarranted abuse from those very supporters for not taking this step.

In the 80-some years separating the American Revolution from the Civil War, the United States had become wedded and tied to, enmeshed with and saturated in the slavery institution. It is true that half the Nation rejected slavery early in our national history. But even that half—the Northern half—had made no move to prevent the existence of slavery in the South, and many northerners had always been sympathetic to the cause of slavery. When Jefferson proposed the ordinance of 1786, forbidding the extension of slavery into any of the Territories, a good number of northern Congressmen combined their votes with those of southern Congressmen to kill the proposal, thereby permitting the spread of slavery as far north as St. Louis and as far west as Texas.

Northern acceptance of slavery in the South permitted the expansion and lengthy existence of two national parties—Whig and Democratic— neither of which had a word of approbation for the slavery institution. There was antislavery sentiment around, of course—but not very much of it was especially vigorous, and that which was vigorous was exceedingly unpopular. Up in Boston, William Lloyd Garrison and Wendell Phillips were hard at work, enlisting a handful of antislavery radicals, opposed to the existence of slavery anywhere in the United States. So extreme was their position, however, that they failed to attract a very large following. Far more numerous were the conservative antislavery partisans, who accepted the existence of slavery in the Southern States, opposing only its extension into the territories.

This was all that was needed, they said, because slavery was self-destructive and in time was certain to die out of its own accord. This they repeated, year in, year out, while slavery was in the process of growing strong and fat.

As late as 1850 no less a figure than Daniel Webster, the great Whig leader, took the Senate floor to assure his followers that the antislavery cause was safe; that slavery was, indeed, on the point of expiration; that there was no need to worry about its further extension into the western territories. By this time, however, the North was already shot through with alarm. Proslavery leaders were threatening national disunion. The slavery issue had divided both major political parties, crippling the Democrats in the national election of 1848—and was about to smash the Whigs, in the national election of 1852. Many who had stood by Daniel Webster for years, hailed him as their honored leader, and lived by his word, now turned on him when he spoke of allowing slavery merely to die out of its own accord. They no longer believed that possible. Laws were needed—stringent laws preventing the further extension of slavery into another foot of American soil. Already extreme proslavery partisans were condemning the free-labor system in the North as impractical, and inferior to the smooth and polished slave-labor system, where nobody worked except the colored people. As conservative antislavery men such as Jefferson had once proposed the gradual suffocation of the slave-labor system, radical proslavery men, such as John C. Calhoun, were now demanding the spread of slavery into California, and threatening disunion if this were not arranged.

In the hope of stopping Calhoun, settling the slavery question once and for all, and restoring the national tranquility, Webster and all the other old nationalist leaders of the period—such as Henry Clay, Thomas Hart Benton, and Sam Houston—joined in supporting the measures embraced in the so-called compromise of 1850. This they hoped would stave off disunion and the threat of civil war. This—the compromise of 1850—would be the cornerstone of peace and lasting national harmony. So they hoped—but their hopes were doomed to disappointment. In 1854 the partisans of slavery and freedom began a shooting war in Kansas, the Whig Party gave up the ghost and a new party—the Republican Party—was born, dedicated from the start to freedom in the territories, and no further extension of slavery.

One of the outstanding western leaders of the Republican Party from an early date was Abraham Lincoln, a former Whig and former Congressman from Illinois. Lincoln was a conservative—or so he said. But he had a very unconservative way of coining a phrase that could set people on fire. While accepting the Republican nomination for

Senator of Illinois in 1858, Lincoln declared:

> A house divided against itself cannot stand. I believe this Government cannot endure permanently, half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided.

Exactly what did this mean? There was a good deal of argument as to what it meant. Proslavery men said that Lincoln wanted to go to war against the South. Conservative antislavery men said it meant no such thing; that he merely wanted to see matters peacefully settled. Radical abolitionists objected, because Lincoln almost seemed to go along with their point of view, but not quite. Everybody had heard him, however, and everybody suspected he meant business.

And so he did. As Webster and his kind had taught the northern antislavery conservatives that slavery was undesirable, but weak and doomed to self-destruction, Lincoln now told them that slavery was not only undesirable, but powerful and dangerous to the cause of freedom, and therefore had to be done away with. He did not say when—but it was presumed he meant some time in the near future. Many who voted both for and against him for President in 1860 did so with this understanding of his intentions.

There was a stumbling block in Lincoln's antislavery path, however—a stumbling block in the form of constitutional provisions protecting the existence of slavery against assault by the Federal authority. Under peaceful conditions it would have been impossible for a President, singlehandedly, to obliterate an institution so heavily protected. But long ago John Quincy Adams had pointed something out: That in wartime, the Federal authorities had the constitutional power to do what they wish about slavery, in the national interest. Should war develop—civil war break out between the proslavery forces and the Federal Government—Lincoln would have his chance to strike down slavery singlehanded. To his astonishment, war was pressed upon him shortly after he assumed office, and at once, antislavery radicals were beseeching him to put his antislavery principles into effect.

Lincoln had, as I have said before, determined in his own mind that he would issue in some form or other a decree or proclamation of emancipation. But still in his meetings with Cabinet officers, in conversations with close personal friends, and in conferences with supporters, he talked out in various forms the shape this proclamation was to take. Should it be a compensated emancipation or uncompensated? Should it include all slaves, or just those in the States then at arms against the Federal authority? But most of all, Lincoln was questioning the time to issue such a proclamation. To Leonard Swett, his old friend from Illinois, he spoke of all these things. One main point he seemed to stress was contained in a letter from a Swiss supporter of the President. Lincoln read the letter to Swett, and it had urged Lincoln to do anything possible in order to prevent the European powers from intervening in the struggle on the side of the Confederacy. His writer had also suggested that these powers might construe a degree of emancipation as an urging of uprising of slaves—an insurrection—and thus be seen or at least used as an excuse for armed intervention on behalf of the Confederacy. This Lincoln considered seriously. Other questions arose when in July Lincoln had first formally broached the subject to the members of his Cabinet. Lincoln called the proposal "a fit and necessary military measure."

Lincoln spoke to F. B. Carpenter, the famed artist who was later to paint the picture of the signing of the proclamation, and told Carpenter about that July 22 Cabinet meeting. Carpenter quoted him as follows:

> Various suggestions were offered. * * * Nothing, however, was offered that I had not already fully anticipated and settled in my own mind, until Secretary Seward spoke. He said in substance: "Mr. President, I approve of the proclamation, but I question the expediency of its issue at this juncture. The depression of the public mind, consequent upon our repeated reverses, is so great that I fear the effect of so important a step. It may be viewed as the last measure of an exhausted Government, a cry for help; the Government stretching forth its hand to Ethiopia, instead of Ethiopia stretching forth its hands to the Government." His idea was that it would be considered our last shriek, on the retreat. "Now," continued Mr. Seward, "while I approve the measure, I suggest, sir, that you postpone its issue, until you can give it to the country, supported by military success, instead of issuing it, as would be the case now, upon the greatest disasters of the war." The wisdom of the view of the Secretary of State struck me with very great force. It was an aspect of the case that, in all my thoughts upon the subject, I had entirely overlooked. The result was that I put the draft of the proclamation aside, as you do your sketch for a picture, waiting for a victory. From time to time I added or changed a line, touching it up here and there, anxiously waiting the progress of events.

Thus spoke Lincoln to the painter, Carpenter. Lincoln was still being pressured, however, to issue such a proclamation. On August 20, Horace Greeley wrote and published an editorial in his New York Tribune which he called "The Prayer of 20 Million." It was two columns, very bitter and with unjust complaints addressed to Lincoln and had accused him of "ignoring, disregarding, and defying" the laws that had already been put on the books concerning slavery.

On August 23 Lincoln issued his answer to the Greeley criticism and in the same action answered all of his other critics on the emancipation question. The answer took the form of a letter published in the Washington, D.C., National Intelligencer. Since Greeley had attacked what he called the policy Lincoln seemed to be pursuing, the President answered in part with these words:

> As to the policy I "seem to be pursuing," as you say, I have not meant to leave anyone in doubt.
>
> I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be "the Union as it was." If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; if I could save the Union by freeing all the slaves, I would do it; if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forebear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors, and I shall adopt new views so fast as they shall appear to be true views.

Clearly Lincoln was still disturbed. Ida M. Tarbell in discussing this period in Lincoln's life says:

> There is every indication indeed that an incessant struggle against violent emancipation went on in his mind through the whole period. He regarded it as the act of a dictator. He feared it might be fruitless. He dreaded the injury that it would do the loyal people of the South. He said once to a friend, that he had prayed to the Almighty to save him from the necessity of it, adopting the very language of Christ, "If it be possible, let this cup pass from me."

But more and more evidence appears that finally Lincoln was determined to issue the proclamation, or at least the preliminary proclamation, and now, following Seward's sage advice, awaited the right moment, in effect, a victory in the fields.

Finally the victory for which he had been waiting came at last on September 17 across a creek in Maryland called Antietam, near the town of Sharpsburg. It was not a great victory, but it was a bloody one. Dr. Bruce Catton, undoubtedly our Nation's greatest Civil War authority, described the battle and the ensuing proclamation in these words:

> [McClellan] had won it, mostly, because he had not lost it. He had won it because, even though the fight itself was not better than a draw, Lee had had to retreat afterward; because of this battle (Lee's) dream of an invasion of the North had come to nothing. And since this dream faded out and was lost in the mist and shadows of time, the companion dream—the great, overriding threat to the continued existence of the American Nation—also became dark and died.
>
> Lee's invasion failed. So England decided not to recognize the Confederacy, and the possibility that Europe would settle the American Civil War went out the window. With England out, France also was out. Even more, Lincoln now had the victory which he had to have. It was a shadowed victory, no victory at all technically, not much of a victory even judged by the long-term pull; but still a victory, a turning back of the Confederate invasion, a triumph over an army which up until that crucial September day had had just about everything its own way.
>
> So Lincoln issued the Emancipation Proclamation, and the course of American history thereafter was different.
>
> The Emancipation Proclamation in many ways was one of the weakest state papers

> ever issued in the United States. It decreed the end of slavery in precisely those areas where the writ of the Federal Government did not run; namely, in those States that, as yet unconquered, were still in rebellion; it left slavery untouched in the "loyal" slave States like Maryland and Kentucky; in many ways it was nothing more than a pious statement of intent.
>
> Yet it had immense power. It finally determined that the Civil War was not merely a war for reunion but also a war to end human slavery; turned it from a family scrap into an incalculable struggle for human freedom, and thus made it a fight in which no civilized outsider could possibly intervene. It harnessed to the Union cause the basic dreams and aspirations of the race, and nailed to the American flagpole, the charter of human rights. Everything in American history—and within reason, in world history—would be different after this. The bloody showdown in the cornfield and along the sunken lane, and over the little stone bridge that spanned the narrow Antietam had enabled the Nation to take a decisive step forward along the road to destiny.

Lincoln issued the proclamation that as of January 1, 1863, in those certain geographic and political areas in the United States, "all persons held as slaves shall then, thenceforward, and forever, be free."

The step was taken, and the die cast. But the war did not end until nearly 3 years later. Lincoln was not to see, of course, the fruits of the struggle, nor add his great heart to attempt to prevent the seeds of hatred from being sown, the harvest of which we are still reaping. The struggle was to continue. But in a longer view what is the deeper meaning of the events of those times? What is the deeper meaning of the Civil War to us in this present day? May I again quote the words of Dr. Bruce Catton on this?

> And the deeper meaning of the war? We find it, I think, in the fact that there were settled two things for us here in America, settled once and for all. It gave us the concept of the destined unity of the family of man for one thing—the understanding that despite all differences we are members one of another, and that the political union which [was] cemented on those bloody fields bespeaks a deeper human unity which gives democracy its power and its enduring significance. Beyond that, we struck down the concept of second-class citizenship, and committed ourselves to an attempt to solve the race problem. The mere fact that we have not yet reached a solution of it is secondary; between slavery and full brotherhood there is no halfway point, and we did take the irrevocable step away from slavery. The problem is still with us, but so is the responsibility for solving it. We can never rest until that responsibility is finally discharged.

Anyone who knows Lincoln's great concern for his fellow man cannot believe the charge of some critics that the Emancipation Proclamation was strictly a military or political action. To millions of Americans and many more peoples throughout the world the Emancipation Proclamation stands as Lincoln's greatest triumph. Because of it he is known the world around as the Great Emancipator. Enslaved peoples of the world have long looked, and still look, to him as the champion of the oppressed.

In preparation of material to commemorate this occasion, I am indebted to the Reverend William Warford, a Lincoln scholar of Quincy, Ill., and James T. Hickey, curator of Lincoln collections, Illinois State Historical Library, Springfield, Ill., for valuable assistance. They are among the uncounted thousands of people around the world who draw inspiration, enjoyment, and personal satisfaction from studying the life and times of the Great Emancipator.

EMANCIPATION PROCLAMATION—A PHENOMENAL DOCUMENT

Mr. SCHWENGEL. Mr. Speaker, the Emancipation Proclamation is outmatched by the Constitution, by the Declaration of Independence, perhaps even by the Gettysburg address, and yet I hold it the most phenomenal document among our title deeds of freedom.

We read in the history books that the whites first came to America for jewels, silver, and gold. They found few jewels and no silver and gold then but later some came and brought the foundations of freedom and began to build on it.

It is a paradox that in this time of our history the blacks were kidnaped in Africa by selfish, mean profiteers, put in irons in the holds of filthy slavers, where any who died in the night were tossed by day in the sea and those who lived to arrive where freedom was, were sold as chattels and put on the taxbooks with cattle and horses. There are those among us who believe that complete atonement for this by the white man will never be.

Fate decreed that the hand and pen of Lincoln would make these slaves free with a proclamation—few will dispute the claim that in American statecraft this act of emancipation has ever been surpassed in justice and mercy.

It is most interesting to note the phenomena of this story. They are more interesting than the stories some tell about the life of Lincoln but they apply in any account of the Emancipation Proclamation.

It must be noted that freeing the Negro was far more than a gift to a race or to a locality. In truth it was a gift to all of mankind the world over and to eternity.

We know that in summer the ivy vines grow over and hide defects. An American poet, comparing Lincoln's traits with nature, states that, "snow hides all scars." But nature failed completely in summer or winter to hide the scars and defects of slavery and the word "phenomenon" describes some events in the exit of slavery which neither nature or theories can account for.

> Slavery—

Lincoln said—

> was, some how, the cause of the war.

There is no logic that can change that premise. Abolitionists claimed slavery was sin, that it could be abolished and, therefore, it should be. This was their conviction and conclusion.

Slaveholders claim that slavery was protected by the Constitution, was approved by cultured people and many religious people actually approved and, therefore, they said it should be permitted in all places. This was the essence of their reasoning.

Lincoln ran on a platform that did not interfere with slavery where it was but did deny its right to spread to new territory and that was his logic. The war came because he was elected and because the slaveholders had met defeat on election day.

Now the phenomena—the first one seems the most remarkable. At the fall of Sumter, almost as by magic, slavery ceased to be uppermost in the minds of northerners. Most of them forgot about that. The North rallied quickly and fought not to free the slaves but to save the Union. This was an extraordinary phenomenon for the North might never have given and expended its countless lives and treasures to set the Negro free but it would and did to save our country. This was an almost unbelievable struggle, as we reflect on it, to save the Union. And the struggle for the Union continued to the end. It won. And proved the Lincoln logic that the Union is indestructible and indissoluble.

Then followed another phenomenon. It was bold, certain, and eternal. When secession with all its determination, might, and power was crushed and gone and the Union saved, emancipation complete and universal came along with it; it seems as if for good measure. It became a victory now for the most rabid abolitionist. An unexpected phenomenon for which not a regiment of the North had fought. So when the South surrendered it was to a victor-power that reunited our country and rid us of slavery at the same time. Could ever a phenomenon be more complete?

Now there is still another event in slavery's last chapter that is phenomenal. Do you recall the terms of the proclamation? By his own handwritten words, approved by most of the Cabinet, it applied only to a limited section which was warring against the Government. And, yet, in some unexpected and mysterious way it grew in force beyond its terms. It gathered unto itself a momentum which bore it and carried it until it freed every Negro within the boundary of the land over which flew once again the stars and stripes. Was this not a phenomenon?

Could it be called a miracle?

Carloads of paper have been used on which to print condemnations of Lincoln's proclamation and his answer, in the proclamation itself, is brief and to the point. Listen to the words, "an act of justice warranted by the Constitution upon military necessity."

This was the answer to every critic of his proclamation. In substance it presents three clear arguments in one sentence—three central thoughts. The slave owners claim slaves as a chattel. Chattels may be taken by the captor in war. Therefore, slaves may be freed even taken as a military right while war is on. A conclusion of law and a fact.

Was this not supreme logic—no wonder no one debates that now. These we claim are most interesting phenomena.

It is phenomenal because it validates and emphasizes the role of Abraham Lincoln in the history of our country and the world. It expresses in perhaps the most concrete form the basic imprint Lincoln—who wrote the document in his own hand—made upon the story of civilization.

It is the Lincoln philosophy in action.

As he held the pen over the large sheet, he turned to the people in the room with the remark:

> I never—

He said—

> in my life, felt more certain that I was doing right, than I do in signing this paper.

Yet the Emancipation Proclamation, as we know, did not free all the slaves in our country, only those after January 1, 1863, in States that were then, as he said, "in rebellion" and that had not meanwhile laid down their arms.

It was in fact more a war measure than a document of freedom.

The first in the Lincoln catalog of importance was the saving of the Union and only after that came the problem of slavery. We all know the famous quotation from his letter to Horace Greeley the same year—1862—that the Emancipation was issued:

> If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that.

The Emancipation document in Lincoln's own words describes itself as a "fit and necessary war measure."

Yet, its impact surpassed its specifications, then, at the moment of its issuance, and will forever down through the corridors of time. Thus, I, regard the Emancipation phenomenal also because its inherent meaning exceeded so infinitely its own wording, and the delimitations which it set for itself. On the advice of Secretary Seward, President Lincoln withheld its issuance until a Union victory made it timely. The bloody Antietam campaign coming to a head on September 22, 1862, provided what may be called the opportune moment after 17 months of war.

Thus the Emancipation Proclamation became the ultimate symbol—short of the 13th amendment—making whole what had until then been a flaw in the immaculate story of American freedom. In Europe and beyond, within the United States itself, the Declaration of Independence, the Constitution, and whole decades of utterances in the halls of Congress, were somehow rendered suspect because the black cloud of slavery belied our protestations. How reconcile men, women, and children, bought and sold like pack animals, with the sublime pronouncement that "all men are created equal," and that "they are endowed, by their Creator, with certain unalienable rights?" Where indeed was the black man's right to "life, liberty, and the pursuit of happiness?"

I hold the Emancipation to be phenomenal because it resolved this contradiction if not in actual terms then in its essential meaning for the world of that time and forever. Here was a statement of policy that at long last, particularly in Britain, gave a kind of glamor to the Union cause, as it did also on the Continent. We have to remember also in this connection that complicating the problem Lincoln confronted was the fact that throughout this period, four of the Northern States were themselves slave States. And Lincoln himself preferred the end of slavery to come not in one fell stroke, but by a process of gradual emancipation, adopted voluntarily by the States with Federal compensation to slaveholders. Moreover, as we all know, slavery on this soil was the joint responsibility of North and South and cannot conveniently be saddled on the South alone.

Yet in the light of the war and all the circumstances surrounding it, and because the freeing of slaves under almost any circumstances comported with Lincoln't profound hate for this institution, Lincoln did what had to be done. His signature on this notable document that historic day—September 22, 1862—had immense moral and military meaning and compelling diplomatic influence. It still more solidified the North. It weakened the South and thus furthered the end of the war. It won British and European opinion behind the Union. It erased from the American escutcheon a stain that marred our history. It invested the personal biography of Abraham Lincoln with another massive building block that would help identify him as the greatest of all Presidents.

Indeed, the Emancipation Proclamation—which we will honor Saturday, September 22—is the most phenomenal document among our title deeds of freedom.

EMANCIPATION PROCLAMATION

Mr. DERWINSKI. Mr. Speaker, I join my colleagues in commemorating the 100th anniversary of the signing of the Emancipation Proclamation. I associate myself with their heartfelt remarks.

As we view the natural progress made by the American Negro in the 100 years since slavery was abolished, we find tremendous personal talents of individual men and women contributing to every phase of American life. In education, entertainment, athletics, government, military defense, and any major field that could be mentioned—the Negro has made a tremendously valuable contribution, and his effectiveness and major role in continuing to develop our Nation's greatness is being evidenced in an ever-increasing fashion.

Our free enterprise economy has been immensely aided by the personal ability and contribution of Negro men and women. Obviously, our Nation would not have achieved its great economic role if it were held back by an oppressive, wasteful, and vicious economic system built on slavery.

As I join my colleagues in commemorating Lincoln's Emancipation Proclamation, I think it most appropriate that we look forward with great confidence to the role that the Negro will continue to play in the perfection of our American way of life.

This day is one of the great days in American history, and will always be so on record, as we continue to move forward with progressive, energetic determination, serving as an example to other lands of the remarkable ingenuity and drive of our system of government and our free enterprise economic system.

H.R. 12815, A BILL TO AMEND AND SUPPLEMENT THE ANTITRUST LAWS WITH RESPECT TO THE MANUFACTURE AND DISTRIBUTION OF DRUGS, AND FOR OTHER PURPOSES

The **SPEAKER** pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, even though the drug bill passed by the Senate on August 23, 1962, is a definite and laudable step toward more effective drug legislation, I feel that a more comprehensive measure would produce greater benefits to our physicians, consumers, and the pharmaceutical firms themselves. The Senate bill is a "watered down" version of the original S. 1552 as introduced by Senator KEFAUVER; this bill contains no provisions for patents and licensure.

I feel that provisions in these two areas are essential to any drug legislation if we are to bring more realistic drug prices and a greater degree of drug safety to the American people. Therefore, I urge my colleagues to consider the more comprehensive measures found in my bill, H.R. 12815.

Both my bill and the Senate bill contain similar provisions aimed at providing a safer and more efficacious drug supply for the consumers, more thorough and comprehensive drug information for the Federal Drug Administration, greater assistance to the drug industry in its efforts to improve the quality and safety of its products, and more honest drug advertisements and useful information concerning the properties and side effects to physicians.

Concerning the approval of antibiotic drugs, both bills realize the necessity of batch-by-batch certification for all antibiotics rather than just the five which are so designated at the present time.

The time of approval of a new drug application by the FDA in the Senate bill is extended to 180 days, plus 120 more if a hearing is required. However, I feel that the efficacy and safety of drugs approved for commercial use should not be hampered in any way by a time limit. H.R. 12815 provides for the Secretary to conduct "such investigation and tests as he may consider necessary" before drug application approval. The protection of good health and avoidance of such tragedies which would result from the approval of any one drug, recently exemplified by the tragic side effects of thalidomide, are too important to put on a time schedule. With the new rapidity of drug production such time limits place unnecessary and dangerous pressure upon the investigators of the FDA.

As for the enforcement of the new drug requirements and standards, the Senate bill relies principally upon the existing form of enforcement—the seizure of drugs as misbranded or adulterated and the burden of truth is left essentially on the Food and Drug Administration.

A process of licensure would go more directly to the core of the problem. Before a person can manufacture drugs, he should be made to do more than simply register with the Government. H.R. 12815 provides that an individual must show "proper qualification" before he will be licensed to manufacture, prepare, or propagate drugs. Such a licensure policy would decrease the possibility of poor drug manufacturing by insuring a greater degree of competency before a concern could begin drug production.

This initial licensure would also act as an effective form of drug standards enforcement by the power of the Secretary to revoke or suspend licenses if the manufacturer failed to maintain the level of drug standards. I feel that license revocation will prove a much more effective method of control than the mere removal of individual products.

The requirement that the generic or official name of the drugs must be printed in type at least as large and prominent as the trade name of the product on drug labels and in all forms of advertisement of the drug, contained in the two bills, promotes the interests of the medical profession and the consumers by simplifying drug terminology and classification. The fantastic growth of the drug industry since 1938 and the public demand for cures for every ache and pain makes such designation direly needed. With one or two new drugs being developed every day, it is impossible for doctors to familiarize themselves with every new name on the market thoroughly or for the consumer to knowledgeably select from the shelves of medicines the actual substance that he needs. The use of the generic name will make such familiarization and selection easier and more effective.

The use of the generic name should also result in some price reduction. At present the general practice—in fact practically the only feasible possibility—is prescribing drugs by brand names. When a doctor prescribes a trade name, the patient—very often a senior member of our population who is living on a very limited and static income—has no choice other than buying the designated product. Drugs are not a luxury that one can take or leave; and therefore, under the present system, the patient is not only forced to buy, but he is also prevented from shopping around for a good price. The use of the generic name will alleviate this situation to some degree, but is it enough?

Drug costs have grown so out of proportion with drug manufacturing costs that simply the use of the generic name is inadequate to realistically balance the two costs. The necessary and laudable research carried on by drug companies can account for a portion of drug prices, but the findings of the Kefauver investigation and recent figures of drug industry profits indicate that research is not the sole cause of exorbitant prices.

The profits, after taxes, for all manufacturing in 1961 was 10.1 percent of investment. The drug and medicine manufacturing industries' profits, 19.7 percent of investment, for the same year were almost double that figure according to reports published by the First National City Bank.

I was appalled to hear figures on drug markup quoted by Ernest Giddings, director of legislation for the National Retired Teachers Association and American Association of Retired Persons, at the drug hearings before the Interstate and Foreign Commerce Committee. According to evidence of these organizations, tetracycline, an antibiotic, costs about 2 cents a pill to produce, costs the druggist about 30 cents, and costs the patient 50 cents.

The Senate bill offers little hope that such unrealistic markups will be stopped. There is no provision for controlling the factor chiefly responsible for the high costs of drugs—the drug patent—contained in the bill. Patent drugs constitute approximately 60 percent of all prescription sales, and the producers of these drugs maintain a 17-year exclusive patent over their products.

Can we ignore the fact that such a patent is completely out of keeping with the concept of competitive business? Can we ignore the fact that no matter how many nor how desperately patients need a drug they are forced to rely on only one producer?

I say we cannot, and I propose in section 154 of my bill that an exclusive patent of 3 years with a 14-year patent, under which the patentee must license qualified applicants to make use of and sell the drug, replace the 17-year monopoly.

I am convinced that we all realize the need for more perceptive drug legislation. I am certain that we all support the direly needed provisions of the bill passed by our sister House. But I urge you to realize the inadequacies of this bill and to support the necessary and additional provisions of H.R. 12815.

ADMINISTERING THE LAWS IMPARTIALLY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, yesterday many Members of the House of Representatives joined in a discussion relative to the function of government. It was the contention of those who took the floor to point out that the function of government is not to "get any one man" but to legislate for posterity.

I join the Members who spoke on this matter. The function of Congress, to be sure, is to legislate for posterity and not to get any one man. Likewise, it is the function of the executive arm to administer the laws impartially and to apply them uniformly.

The tendency to legislate or to administer our laws, for the purpose of getting any one man is a dangerous one; one that threatens the very foundations of law by "due process"—by which the rights of the individual are protected by procedural safeguards.

When government looks the other way and permits a trampling of those rights, we have government by prejudice, by headlines, and by political expediency.

The facts discussed on the floor yesterday portray an all-powerful government dragging a citizen away from his home to a hostile jurisdiction for the purpose of "getting him."

Mr. Speaker, in this regard I submit an editorial below from the Knoxville, Tenn., Journal of August 23, 1962. The editorial follows:

THOSE OVERLOOKED UNIONS

The Justice Department has announced that a grand jury in Chicago will make an investigation of the $180 million Central States Pension Fund of the Teamsters Union. The obvious expectation on the part of the Department is to get at James R. Hoffa, who has been a target of the Kennedy administration. Criminal charges against the Teamster head will be tried in Federal court at Nashville in October. Subsequently another criminal action is planned against the union leader in Miami where he and a Detroit bank official are charged with fraud.

It is apparent that the Justice Department has been working intensively at its self-chosen task of sending Hoffa to the penitentiary, or unseating him from control of the Nation's biggest union, or both. The "war" between Hoffa and U.S. Attorney General Robert F. Kennedy began prior to the election of the former's brother to the Presidency, at a time when the present Attorney General was counsel for the McClellan rackets committee.

We would certainly be the last to object if a case can be made out under the law against the Teamster chief. We would say that bringing him to book for any crimes of which he can be proven guilty is the duty of the Justice Department and that the Attorney General is on sound ground in prosecuting wherever he feels that Hoffa has broken the law.

What we do object to, however, is the studied effort which has been made all along by the Kennedy administration to make the public believe that Hoffa alone, of all the union bosses in the country, is guilty or has been guilty of acts hostile to both their followers and to the country as a whole. The administration's purpose, of course, is to take credit with the public for properly policing national union operations through nailing Hoffa to the cross, while at the same time being very careful to do nothing to alienate the political support of the union bosses come the congressional elections and the presidential contest of 1964.

Students of union operations during the past 30 years recognize that even if Hoffa is guilty of all the crimes with which he has been charged, he is not the only national union boss who does not smell like a lily. Some of us are old enough to recall that Socialist Walter Reuther, who customarily wears a synthetic halo around his head and by the Kennedys is regarded as a "labor statesman," clawed his way to power in the late 1930's by as violent and brutal application of Communist tactics as is recorded in labor's history.

Nor is he the only ruling czar of the union hierarchy who has unhesitatingly substituted force for reason when this was necessary to gain or hold his powers. Furthermore, so far as this country and its institutions are concerned, Reuther is a more dangerous individual by far than is the Teamster Union chief. Hoffa may be proved any of the various things that Bob Kennedy has charged, but he has never, so far as the public has been informed, been enamored of the beauties of socialism.

He has never been in political business with the leftwing Americans for Democratic Action as Reuther has. Nor has Hoffa ever undertaken, as Reuther has, to become a figure in the business of Russian appeasement. We refer here to an ad sponsored by the National Committee for a Sane Nuclear Policy, Inc. Walter Reuther was listed as a sponsor of this organization which advocated giving the Russians what they want in Berlin, while his brother, Victor, was listed as a member of the board of directors. Finally, Hoffa has never advocated a system for having the union take over industry to run it on the approved Socialist basis.

This viewpoint is not advanced as a defense of Hoffa but in the hope of driving home recognition of the fact that the administration's assault on Hoffa and its canonization of Reuther and his crowd constitutes a brazen political operation, steeped in hypocrisy. When a choice has to be made between a suspected larcenist and a Socialist, we will take the accused thief every time.

THE CUBAN BASE OF RUSSIAN OPERATIONS—A CLEAR AND PRESENT DANGER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

Mr. FEIGHAN. Mr. Speaker, in recent weeks the Cuban case has been heated up to crisis status by the imperial Russians. This they have done by a covert invasion of Cuba with thousands of Russian, Czech, and other Communist agents—the exact number yet unknown—and with modern weapons of war, from Russian Migs to ballistic missiles. Cuba today is a Russian base of military, political, and propaganda operations in the Western Hemisphere. No informed person can disagree with this conclusion. There is room for debate on the degree of imminent danger this situation now presents to the United States and all nations of this hemisphere, but there are no longer grounds for the slightest question as to whether Castro's Cuba is a base of Russian operations in this hemisphere.

There is a great deal of discussion and speculation concerning the number of Russian, Czech, Chinese, and other alien Communist personnel in Cuba. There is disagreement as to whether they are Red army units, whether they are in or out of uniform, and whether they are technicians, advisers, security police, doctors, or political agitators. On the matter of military hardware, there is speculation as to how many Russian Mig fighters are available in Cuba, whether the missiles supplied are short, medium, or long range types, how many Russian torpedo boats and submarines have been supplied the Castro regime. Still others speculate on the nature and amount of Russian electronic equipment now in Cuba, and how effective it might be in disruptive actions against our Cape Canaveral operations.

But all this discussion and speculation has led to the point where it now beclouds the stark reality of a Russian base of operations in the Western Hemisphere. A Russian base of operations in this hemisphere, whether it be for military, political, economic, diplomatic, or propaganda purposes is a clear and present danger to the security of the United States. That clear and present danger now exists.

The only question now open to debate by responsible Americans is the method, or methods, to be employed to remove that clear and present danger.

The United States has the technological capability to level Cuba and everybody living there, all within a matter of hours. Such action, aside from the morality involved, would punish the Cuban people who are already being punished by the Russian-controlled Castro regime. This we should not do.

The United States has the classical, orthodox military power to liberate the Cuban people from the tyranny of communism. Such a military operation could be very costly in terms of American lives sacrificed in the effort. But it could be done and completed in a very short period of time. But to so act would subject us to the same charges leveled against the Russian imperialists for their aggression against the East German people in 1953 and against the peoples of Poland and Hungary in 1956. I do not suggest that such charges should deter us from acting on the Cuban crisis or that such charges have any weight or importance in the world of our times. The Russians by their complete disregard of such charges and the failure of the West to make such charges meaningful in international affairs must be taken into account. But I do suggest that Cuba can be liberated without the direct use of our military strike capabilities.

Within the past few days Khrushchev and company made the threat that any U.S. attack on Cuba "will be the beginning of the unleashing of war." Intermingled with this Russian threat were the usual rattlings of nuclear bombs and intercontinental missiles. This bluff and bluster of the Russian despots has frightened no red-blooded Americans. More than anything else it has stiffened the determination of our people to do what must be done to rid the Western Hemisphere of Russian interference in the tranquility of our affairs. President Kennedy has made it clear that such Russian threats will not deter our Nation from doing what must be done in the global struggle between freedom and tyranny. The real irony of the Cuban case is that the Russians are engaging in massive interference in the affairs of the Cuban people, they are providing their stooge Castro with the means to cement his tyranny over the Cuban people, and, they are building for themselves an all-purpose base of operations in Cuba from which they can spread their special brand of terror and tyranny throughout this hemisphere. Bluntly stated, the Russians are now engaged in a massive but covert invasion of Cuba.

The Cuban case presents a classic example of the Russian policy of "liberation" in operation.

It will be recalled that N. Khrushchev, within a period of 10 days after a summit confrontation with President Eisenhower at Camp David, visited Peiping, China, to take part in the 10th anniversary of the Communist takeover of mainland China. When he arrived at the airport in Peiping, he delivered a policy speech in which he defined the Russian doctrine of liberation. He explained that Communist wars of liberation were just wars because they brought communism to peoples whom he claimed were exploited under the system of capitalism. At the same time he explained that any efforts of the free world to resist these Communist wars of liberation would be considered as acts of aggression. In other words, according to Khrushchev, the Communists are free to make war on the free world and the free world has no right to defend itself. This sort of upside down thinking is par for the Russian thought course in international affairs.

The Russian policy of liberation is being applied to Cuba today. Castro was the front man in the initial stages of this operation. The Cuban people were ripe for revolution—a revolution to bring justice to the social-economic order which had existed for too long in Cuba. Castro was built up as the agent of social justice—he announced a program of social and economic reforms which had powerful appeal among the Cuban people. When the handful of Castroites landed in Cuba the people rallied to his cause. There was no real opposition in a popular sense to the Castro liberation efforts. He was hailed as a man of the people. Batista fled the country after a few localized military skirmishes. Castro was soon in control of the country. And he soon put an absolute, Communist control upon the backs of the people he had promised to liberate into social justice.

The second phase of Communist liberation efforts was launched in Cuba by Castro and company. All opposition was subjected to the typical Russian process of liquidation. The press, radio, and television were put under control of the Castro regime and used by them as a tool of promise, terror, and agitation. All opposition political parties were outlawed. Marxism was introduced into the school system. The Catholic Church was persecuted and silenced. The courts were used as tools of persecution and tight control, rather than the promised instruments of justice. Soon the well trained and dedicated Communist agents in the Castro regime came out into the open and soon they made it clear to all that they were the ones who were in control of Cuba.

The people of Cuba were deceived—they were robbed of the just fruits of their revolution by Castro and company. Resentment by the people led to opposition without the support of the United States and other nations of this hemisphere led to a mass exodus of people from Cuba. Today there are hundreds of thousands of freedom loving Cubans in the United States, the Caribbean area, Central and South America. Today these refugees are the seeds of Castro disaffection—tomorrow they must be the seeds of Cuban liberation from Russian despotism.

The third phase of Communist liberation operations then became necessary. A rising tide of opposition to the Castro regime in Cuba and growing resentment throughout this hemisphere confronted the Kremlin with a major tactical decision. To save Castro and company would require all out military support, but would action to satisfy this requirement arouse the United States and plunge the world into war? Action to save the Castro regime would, however, give them a firm base of operations in the Western Hemisphere if such action was successful. This was the Russian dilemma. It is now clear that the Russian ruling class decided to take the risks involved—but the risks should be reduced by covert methods of supply and support. This is precisely the pattern of action the Russians are applying to Cuba today; there can be no reasonable doubts about this.

A few days ago poet Robert Frost had an interview with Khrushchev and reported that Khrushchev told him that the United States was too liberal to fight for its rights. This is a dangerous assumption by Khrushchev no matter what circumstances or experience, past or present, led him to make it. It was that false type of assumption on the part of Hitler which led to World War II and will plunge us into world war III. This false assumption by Khrushchev must be corrected now, before issues on a broader plane get out of hand.

The fourth phase of Communist liberation operations from their Cuban base and bridgehead will follow soon after the covert military buildup now underway is completed. It will involve the use of Communist Cuban frontmen, much like the Russians are now using their German Communist frontmen in Berlin and in East Germany. Let us not forget that the Russians used non-Russian frontmen in the Korean war of Communist aggression and in the war now raging in Vietnam and Laos. They will do the same thing in the Western Hemisphere. This is not a guesswork judgment, it is simply based on a sound knowledge of how the Communist so-called wars of liberation are carried out. To suggest that the Kremlin will not use these tactics in Cuba is to turn our backs on reality. One thing we must credit the Russians with being consistent in—that is, the exercise of their time-proven imperial tactics.

I urge that steps be taken now to break up the well-laid Russian plans for Cuba and the Western Hemisphere. It is not too late to prevent the Russian military buildup in Cuba. If we act now, the cost of victory will be small compared to what it will be if we hesitate, if we wait until the Russians are prepared to launch phase 4 of their war against the nations of the Western Hemisphere.

There can be and no doubt will be honest disagreement as to the methods best suited to breaking up the covert Russian invasion of Cuba. There is no room for disagreement on the need for action now.

I propose the following courses of action by our Government, calculated to remove the clear and present danger of communism in the Western Hemisphere and to relieve Khrushchev of the serious miscalculation he has made concerning our will to fight in defense of our rights:

First, The regime of Fidel Castro be declared by our Government to be an agent of a foreign power, that is, imperial Russia, and as such charged with interferring in the internal affairs of the Cuban people.

Second. The Cuban exiles from Russian tyranny in their homeland be authorized by democratic process to establish a government-in-exile, such government to be accorded diplomatic recognition by the United States. This action will give practical support to the principle of self-determination, a right now denied the Cuban people in their homeland.

Third. A complete naval and air blockade be established around Cuba by the United States, for the declared purpose of excluding the entry into that occupied country of all persons residing in or citizens of any country or area behind the Iron or Bamboo Curtains and to confiscate all manner of arms, weapons, instruments, implements, and other supplies of war. A quarantine against the seeds of war and imperialism in the peaceful area of the Western Hemisphere accords with both the historic ideals of all the nations in this region and the realities of contemporary international affairs.

Fourth. A public declaration by our Government recognizing the right of the Cuban people to liberate themselves from the tyranny of imperial Russian communism and the coequal right of Cubans in exile to advocate, assist and by other means to further the liberation of their homeland from the present alien regime which now controls and exploits it. A declaration of this character will, like the Declaration of Independence issued by our Founding Fathers, resound throughout the world as an announcement of our return as a nation to the active role of political leadership of freedom's cause.

Fifth. An invitation should be issued to all the nations in the Western Hemisphere to join with our Government in support of these courses of action, prior to their public promulgation but with a request for decision within a set period not to exceed 48 hours. This procedure will determine the dependability of our treaty allies in the Western Hemisphere and at the same time should establish a reliable priority index for the purposeful administration of our Alliance for Progress program. Those nations which subscribe to and agree to support the courses of action herein outlined should be guaranteed that the mountains of redtape about which they complain in connection with the Alliance, will be cut, those nations which do not subscribe to and agree to support this action program should be reminded that we have an abundance of redtape artists in our Government anxious to review their plans for progress.

Sixth. An invitation should be extended to the United Nations to act as custodians for the people detained and for all weapons and supplies of war confiscated through the naval and air blockade established by the leadership of the United States. As to the people detained, the full provisions of the Geneva Convention pertaining to custody, care, and repatriation of prisoners of war and civilian internees should apply. As to weapons and supplies of war confiscated, the United Nations should be requested to establish an exhibit of same, open to the general public but with particular reference to the respective delegations accredited to that body.

Mr. Speaker, the political action program which I have proposed is by no means a new or novel one. All its elements are well known to students of the Russian problem and will surely merit the support of American scholars on the plague of imperialism and colonialism.

For too long the policies of our Government have been formulated and guided by that small but entrenched group of Sovietologists, sometimes called the Kremlinologists. That group has demonstrated an expertness in following the mythology of Marxism and that expertness has drenched our national security policies with such fantasies as the evolution theory, the escalation into nuclear war theory, and the delusion that time is on our side in the global struggle with the Russian despots. That same group has argued there is a finality to events which have taken place in that vast area of the world occupied by the Russian Communists, that there is nothing we can do to change the conditions of evil imposed upon one-third of the human family. Moreover, that group of entrenched Sovietologists has resisted and defeated all efforts within our Government to develop plans whereby the political exiles from the nations now occupied by the Russian Communists could take an active role in restoring freedom to their homelands. Twelve years ago Congress authorized such action by the President and provided up to $100 million in support of it through the Mutual Security Act. Two Presidents made strong efforts to implement this intent of Congress, but the internal resistance of American Sovietologists thwarted their efforts. That negativism, that defeatism has infected our policy on Cuba and it is spreading rapidly to the conduct of our affairs with all our Latin neighbors.

Ten short years ago our Nation was preoccupied with the challenge of liberating the once free and independent nations of central-east Europe from the yoke of Russian Communist imperialism. The initiative, the opportunity to act was placed in our hands. We talked much but we did not act. Time and the tide of human events would not await our consensus forming processes. In June of 1953 the East Germans rose in revolt against Communist occupation. As a nation we stood aghast, politically paralyzed and the Russians seized the initiative by putting down this freedom revolt by brute force. Then in the spring of 1956 the Poles at Poznan revolted against their Russian occupier. Here again we stood aghast and politically paralyzed as Russian tanks restored their terrorizing peace of communism. In October of 1956 the Hungarian people rose as one against the Russian occupier, to rout the vaunted Red army and to restore their national independence for

4 historic days. Here again we stood aghast, politically paralyzed. Our policymakers—the Sovietologists and Kremlinologists—were shocked at this unexpected reversal of their theories of evolution and finality. So shocked in fact that they allowed the victory of the Hungarian freedom fighters to escalate into a terrible defeat for freedom's cause.

At the time those world shaking events seemed a long way away from our tranquil life in the United States. A false sense of security was built upon the mirage of distance. Liberty-loving Americans were shocked at our failure to respond to freedom's call. But the soothing and false mirage of distance was applied in quantity to the moral revulsion which gripped our people. A belief that "it can't happen here" was nurtured in the public mind.

Mr. Speaker, how different things are these 10 years later. One hears little or no talk about liberating the nations of central-east Europe from the yoke of imperial Russian communism. In fact, such talk has been branded as warmongering and the brand has burned so deep on the official life of Washington that only the most courageous dares to raise his voice in support of the cause of the captive nations. And worse, the Department of State has vetoed the establishment of a Select Commitee on the Captive Nations by the House on the grounds that such action would be prejudical to delicate negotiations now underway with the Russian despots.

The battle of the cold war is no longer primarily in Europe. Today it is primarily in the Western Hemisphere—some 90 miles off the shorelines of Florida. Now, the American people are deprived of the soothing mirage of distance; for 90 miles is but a stone's throw away as distance and time are measured today. The clear and the present danger of Russian Communism is now in Cuba, 90 miles off the shorelines of Florida.

Mr. Speaker, it is not pleasant to think about what Americans 10 years from now will be faced with if the longstanding national security policies with regard to imperial Russia are allowed to continue in force. Those 10 years will fade into minutes if we stand by and allow the Russians to establish a secure and all-purpose base of operations in Cuba.

The clear and present danger in Cuba tells us that we must quickly assume any risks, pay any price, bear any burden, meet any hardships and accept any sacrifices demanded of us to eliminate that threat to our security and to the tranquillity of the Western Hemisphere.

The action program which I have proposed is the least we can do for ourselves and for future generations of Americans.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield to my good friend, the very able gentleman from New York.

Mr. DULSKI. I congratulate the gentleman for a forthright examination of the Cuban crisis and for the realistic program of action which he has proposed. I agree the time is now for action to remove the clear and present danger to our security presented by the Russian base of operations in Cuba. My question is, Would action by our Government to establish a naval and air blockade of Cuba be regarded in law as an act of war?

Mr. FEIGHAN. Let me read you a definition of a blockade under international law. I quote:

> An act of war carried out by the warships of a belligerent, detailed to prevent access to or departure from a defined part of the enemy's coast.

This definition appeared in an article by James Reston in the New York Times of September 16, 1962. There has been much talk about it since, particularly the "act of war" aspect. It is time we took an honest look at this definition. We are not in a court of law as Mr. Reston seems to suggest; we are confronted with a clear and present danger.

The facts are these, in the Cuban situation:

First. A war is already underway in the entire Caribbean area; an advanced phase of the cold war with the Russian engaged in a massive but covert invasion of Cuba. The hot phase of this war, like that in Korea and Vietnam, will follow unless this Russian invasion is stopped and the Russian base of operations isolated.

Second. No formal declaration of war was declared by the Russians, they never resort to such legal niceties. Law, whether international or any other kind, has no meaning to the Russians.

Third. The physical presence of Russian personnel and Russian military equipment anywhere in the Western Hemisphere is more than sufficient evidence to conclude that a state of war already exists. Castro and the Castroites are not a factor precedent to this conclusion—they are an accidental factor since they have publicly stated their attachment and allegiance to the global objectives of communism. Every American schoolboy knows what those objectives are.

Fourth. To suggest that the legalities of war, as observed by civilized nations, should apply to Castro's Cuba is to accept the Khrushchev definition of the Russian policy of liberation. That definition holds that Communists are free to undertake any and all actions to liberate the still free countries into communism, but the free world is prohibited from taking any actions to defend itself. This double standard of international behavior is a fixed and unchangeable part of the Russian Communist conspiracy.

Fifth. The United States is a belligerent in the Cuban crisis whether we like it or not. The Russians have forced us into this position. We are marked out as the target of the Russian buildup in Cuba and no niceties of law can remove this reality from our predicament.

Mr. DULSKI. Mr. Speaker, will the gentleman yield for a question?

Mr. FEIGHAN. I yield to my distinguished colleague.

Mr. DULSKI. I agree with the gentleman when he says we are not in a court of law when dealing with the problem of imperial Russian communism. Speaking of legal agreements made with the Russians, former President Truman has time and again pointed out that the Russians broke every agreement with us as soon as it served their imperial purposes. It is dangerous for us to assume that precedents or opinions on international law would carry any weight with the Russians. We are, as the gentleman has so clearly pointed out, belligerents in the Cuban crisis because Russian actions there have forced us to that position.

I have this further question. Our colleague from Ohio is a recognized expert on the matter of captive nations and as an expert, does he regard Cuba as a captive nation under the terms of Public Law 86–90?

Mr. FEIGHAN. I most certainly do regard Cuba as a captive nation under the terms of Public Law 86–90. Cuba was once a free and independent nation. Cuba is no longer a free and independent nation. The people of Cuba have been robbed of their national independence by the intrigue, subversion, and terroristic regime of Fidel Castro, which regime is just as much a stooge of Moscow as is the Communist regime in Warsaw, Budapest, or any other country listed in Public Law 86–90. Similarly the people of Cuba aspire to regain their freedom and national independence. Those aspirations serve as a brake on the activities of Moscow's regime in Havana. Cuba is today nothing more than a colony of the Russian imperialists, and an exploited colony, to be sure.

Mr. DULSKI. Mr. Speaker, will the gentleman yield further?

Mr. FEIGHAN. I yield.

Mr. DULSKI. In keeping with the spirit of international law I imagine that I could submit an amendment to Public Law 86–90 defining Cuba as a captive nation.

Mr. FEIGHAN. I concur in your astute observations and I hope the gentleman will do it.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield.

Mr. PUCINSKI. The gentleman has made a very fine statement here, and it certainly describes the full ugliness of the Communist takeover of Cuba. I agree with him. I think it is a problem of profound interest to all Americans. I wonder if the gentleman would be good enough to elaborate what he means when he says that the United States is a belligerent. Mr. Castro has been making this statement. As a matter of fact he has covered up the complete substitution of Communist economy in Cuba which has immobilized the Cuban people; he has them in a constant state of fear and literally hysteria, but he is trying to appease the Cuban people by saying that the United States is preparing an aggression against Cuba.

This afternoon in the United Nations the Communist puppet representative of Cuba challenged the statement of our own American Ambassador, Adlai Stevenson, when Adlai Stevenson tried to assure the Cubans that no aggression or invasion was planned. So in the light of this I wonder if the gentleman cares to explain what he means when he describes the United States as a belligerent vis-a-vis the Cuban Republic.

Mr. FEIGHAN. We are a belligerent against the imperialism of Moscow. The Government of Cuba is the stooge government of Moscow. I am taking a very realistic approach to this situation. We certainly are in a cold war. The activities of this cold war in Cuba have placed us in the position which I consider to be one of belligerence. The purpose of my proposals is to avoid a hot war, Korean style, in the Western Hemisphere.

Mr. PUCINSKI. If the gentleman will permit an observation, I think perhaps the gentleman and I understand each other. The gentleman is correct that we are a belligerent against any kind of tyranny anywhere in the world, but he is speaking of a basic technicality that outsiders might misinterpret. I would not want the gentleman's perfectly sincere and proper words to be twisted around by the totally controlled Communist press in Cuba and have Mr. Castro's controlled press come out with headlines tomorrow that a Member of the American Congress admits that the United States is a belligerent. I am sure that is not what the gentleman means.

Mr. FEIGHAN. Yes, I stand by what I said. If the Communists want to use that, let them do it. But I want to thank the gentleman very much for his interest.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield.

Mr. PILLION. Did Mr. Reston in his article in the New York Times suggest that we refrain from the blockade against Cuba because it would constitute a violation of international law? Is that my understanding?

Mr. FEIGHAN. Yes, as I read the Reston article that was his intent.

Mr. PILLION. Did Mr. Reston also state in his newspaper article that the Soviet Government and all satellite or bloc nations have never adhered to any part of international law as we know it? Did he state that in his article, I ask the gentleman from Ohio?

Mr. FEIGHAN. I do not recall exactly, but if he did he would be correct.

Mr. PILLION. That is right. And is it Mr. Reston's attitude or position that we abide by international law, the comity of nations, in spite of the fact that the Soviet and all Communist satellite nations have nothing but contempt for international law?

Mr. FEIGHAN. Mr. Reston, in his article, made no mention whatever of the miserable Russian record on performance to the precedents of international law. In fact, his article expressed a complete lack of knowledge on this all-important consideration.

I disagree with Mr. Reston.

Mr. PILLION. I too disagree with him when the future of this Nation is at stake, when he would suggest resorting to refinements and technicalities of international law.

I might say I cannot help but recall it was Mr. Matthews, of the New York Times, and there were other writers of the New York Times, who created a great deal of the atmosphere in this country that encouraged, if it was not actually the principal cause of Castro becoming the dictator of Cuba and in turn Khrushchev taking over Castro and Cuba. I wonder about the advice that the New York Times keeps giving to the people of this country in the field of foreign policy and foreign relations. The Reston article reminds me of the job they did in seeing that Castro became the dictator of Cuba.

Mr. FEIGHAN. The gentleman's observations concur with the findings of the long and careful inquiry conducted by the Senate on the Communist takeover of Cuba.

Mr. PILLION. Was it Matthews on foreign policy that created the crisis we are facing, this desperate crisis we are facing in Cuba today? I think the dishonor and discredit for that can in substantial measure be given, allocated, and pinpointed with the New York Times.

I would like to say to the gentleman that his perceptive presentation is proof of his full comprehension of the Soviet Communist complete war. I give my unqualified support for the positive actions recommended by the gentleman from Ohio. This Nation cannot afford to continue to deal with Cuba or the threat of Soviet Communist world civil war in pious platitudes or vague generalities. Positive, effective, courageous action must be taken now by the United States. We can no longer temporize or postpone the difficult decisions necessary to abruptly and finally end the blackmailing Soviet aggressiveness everywhere in the world, including Cuba.

I wish to commend the gentleman for everything he has said and for the work he has done in the past in trying to awaken this country to the dangers that this country is undergoing at the hands of the Soviet and its satellites, including Cuba and Castro.

Mr. FEIGHAN. I thank the gentleman very much. I am also mindful of and appreciative of the tremendous work the gentleman has done to alert the American people and Members of Congress on the imminent danger we are in at the present perilous time in our history.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I have heard this colloquy between the gentleman in the well and the previous speaker. We hear about editorials and discussions on the whole subject. I thought I had been listening very attentively to the debate, but I have not heard from either of the two previous speakers any concrete, precise suggestions as to what we should do. People say that we ought to take action. What does the gentleman mean? What is meant by the people who want to engage in this discussion? Certainly no one can minimize the extent of the problem, and I think we ought to narrow our views as to what exactly can be done.

Mr. FEIGHAN. I say to my colleague from Illinois, that the program which I have presented could not be more definitive, more complete, or more realistic. What I have proposed is for the consideration of those who have responsibility for defending our policy on Cuba. The program I have proposed speaks for itself.

Mr. PILLION. Had the gentleman from Illinois [Mr. PUCINSKI], been present last night, I talked about this question for about an hour. I gave a listing of positive actions which we could take, and not generalities. I propose, when the Cuban resolution is presented to the House, to present amendments to the resolution which will provide for positive action on the part of this Government, everything short of nuclear war, to see that the blackmail Soviet missile-based threat in Cuba is not completed, because this Nation cannot live under the blackmail threats of missiles 90 miles away.

I thank the gentleman.

Mr. FEIGHAN. Mr. Speaker, I yield back the balance of my time.

THE ENEMY AT OUR GATE

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD], is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, on many previous occasions, I have addressed this body concerning significant aspects of the mounting crisis in the crucial Caribbean, long ago recognized by our celebrated naval historian, Admiral Mahan, as "the Mediterranean of the Americas."

It gives me no satisfaction to state that, with the current landings in Cuba, of Soviet ships, personnel, and munitions of war, my verified predictions have been realized, probably in a greater degree than is now apparent. But it is, indeed, gratifying to note in the RECORDS of September 6 and 7 that the danger is being realized in both Houses of Congress, and that there are strong demands from widely separated sections of the Nation for action necessary for full protection of the national interests and the security of the Western Hemisphere.

At this point, Mr. Speaker, I would commend the gentlemen in this body from California [Mr. HOSMER], Alabama [Mr. SELDEN], California [Mr. LIPSCOMB], Michigan [Mr. CHAMBERLAIN], and Florida [Mr. FASCELL] for their illuminating statements in the RECORD of September 6. Furthermore, I urge that they be read by every Member of the Congress. I would also urge the careful study of my address, "Khrushchev Doctrine Versus Monroe Doctrine," in the RECORD of April 12, 1962, which supplies a plan of action in the way of a definite program for the United States that has deep roots in American history, which need not be traced here.

When examining the geopolitical events since 1945, one matter that stands out in crystal clarity is that the world revolutionary movement, known as the international Communist conspiracy, has operated with well-designed plans for securing control of strategic areas of the world.

In the Far East, this fact is illustrated by the takeover of Indonesia with its island barrier dominating the communications between the Pacific and Indian Oceans and forming an avenue from Asia to Australia. In the Mediterranean, it is shown by the indirect control of the Suez Canal and present threats to the Strait of Gibraltar. In the Caribbean, the same process has resulted in making Cuba a Soviet satellite and in the establishment of revolutionary beachheads in British Guiana and Venezuela, areas which cover both flanks of the Atlantic approaches to the key target for the conquest of that strategic area—the Panama Canal.

The steady, systematic acquisitions of these objectives without open warfare is one of the most brilliant achievements in military and naval history, which simply could not be accidental. Instead, such conquests reflect the guiding hand of a directing general staff of transcendent ability, rendered more effective by its conspiratorial and secret apparatus and operations that are linked with known international socialistic elements within our own governmental circles.

The problem of meeting the threat in the Caribbean, therefore, rises above personal, party, group, or any other special considerations and must be handled on the highest plane of statesmanship with but one end in view—the security of the United States and protection of the Western World.

Already, we have delayed too long for our safety. Daily we receive alarming reports of the strengthening of communistic revolutionary power at our back door, conveniently located for firing missiles with atomic warheads into key areas in our country.

Nor should it be overlooked that for many months Soviet trawlers have been "fishing" along our coasts—quite a fishy story. If they are seeking fish in Western waters, they would be where the fish are, that is to say, such spots as the Grand Banks off Newfoundland. Instead, these vessels have undoubtedly been engaged in extensive reconnaissance for the operation of nuclear submarines against our seaboard States.

In speaking so strongly, Mr. Speaker, I would emphasize that I, like other Americans, am no enemy of the Russian people, but their friend. They have long been unfortunate victims of alien invaders who, in the most brutal fashion, have not hesitated to use them in conflicts with our own and other countries. Let us not wait until the trap is sprung and our coastal cities destroyed, but let us take adequate precautionary measures now before the situation becomes more critical and altogether out of hand.

As to the necessity for such action, there can be no doubt, for Communists have traditionally disdained to conceal their aims and have openly declared their purposes of world revolution. Their ultimate objective is the United States.

I fully realize that there are many, some of them in high positions, who would not take the necessary precautionary measures until some so-called overt act occurs. What could be more overt than the military buildup now taking place in Cuba? Do Miami and Cape Canaveral have to be destroyed before we realize that our country is marked for destruction? Under the vastly increased power of modern weapons of war, the overt act is constantly receding into the background and, in this regard, we must be realistic or we shall be doomed for destruction.

Since the proper precautionary measures, if taken now, would serve to avert the threatening dangers and world war III, I urge the following program:

(a) Make definite and reaffirm by resolution of the Congress the Monroe Doctrine as applying to intervention through infiltration and subversion with greater emphasis on the need for maintenance of this most vital policy for the salvation of the Western World; and

(b) Make definite and reaffirm our historic, indispensable, and time-proven policies for exclusive control in perpetuity over the Panama Canal and Canal Zone; and

(c) Liberate the people of Cuba from alien revolutionary dictatorship and assist them in the restoration of constitutional government through free elections; and

(d) Reactivate the special service squadron, augmented as may be necessary during emergencies, on a permanent basis to serve as a symbol of liberty and as an assurance of security.

The program for the liberation of Cuba, Mr. Speaker, should be taken by any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance in the exercise of individual or collective self-defense, to forestall or combat intervention, domination, control, or colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

Such actions, as comprehended in this program, Mr. Speaker, will supply a foundation of strength, so essential for the formulation of policies derived from a reasoned line of thought that aim to improve conditions as seen and understood. Besides, it would enable us to avoid the tragedies that always follow from crisis decisions.

Mr. Speaker, and fellow Members, I have given these subjects my most earnest study through the years of my service here and have sought to act and speak in an objective manner. I have sensed these perils coming and, on various occasions, have ventured the judgment which might avert them. All we need is leadership of positive character which will prove inspirational to our people.

The hour has now arrived when we must act, and act quickly in full force and effect, if we are to survive. While we temporize and hesitate, the enemy is at our gates probing for spots of weakness through which to enter. Ghengis Khan and Tamerlane, in all their ruthless actions, were never more cruel, more savage, and relentless than are the bloody monsters of the Kremlin, who are fanatically and avowedly committed to the complete destruction of our country, the great citadel of freedom.

All of this, Mr. Speaker, the people of our country know, and they are deeply agitated and concerned. They wish not for war and renewed sacrifice of the priceless youth of our land. On the other hand, they desire avoidance of such dreadful result, and are ready to support all immediate action required for its prevention.

Today, they are far ahead of the legislative and executive agencies of our Government in appraising the peril confronting us and what should be done to combat it. We must not dally, we must not hesitate; but in the face of impending disaster, we must act in clear, direct, and positive manner to drive from Western shores the greatest, most powerful, and most cruel foe of liberty that the world has ever known.

Why stand we idle while that enemy is knocking at our gates? Mr. President of the United States and fellow Members of the Congress, let us unite, in the spirit of our great, historic past to repel this great threat. Our cause is just and clothed with moral might. With prompt, united action we shall succeed.

Let others do as they may; as for me, I am ready to perform my duty to the utmost to stay the march of despotism throughout the stricken world.

As supplementary to the above, I quote the full text of my address to the House on April 12, 1962, together with its documentation, and urge that it be read by all concerned with the subject of hemispheric security.

The indicated address and documentation follows:

MONROE DOCTRINE OR KHRUSHCHEV DOCTRINE?

Mr. FLOOD. Mr. Speaker, over a period of years I have made many statements in the Congress concerning various aspects of U.S. policies in the Caribbean area. These have included discussions of the world revolutionary program for conquest of that hemispheric crossroads in which the Panama Canal has long been a key target.

Certainly, a matter so charged with serious implications as the control of the approaches to the Panama Canal, which are essential for its successful operation and protection, cannot remain unchallenged. The perspective afforded by prolonged study and close observation has enabled me to predict important events in the Caribbean and to give timely warnings of them to the Congress and the executive branch, including the introduction of measures to reaffirm and make definite our policies. It is indeed regrettable that those warnings were not heeded and measures not adopted, but any satisfaction that might be derived by me from having been right is a barren one, for my foremost concern is the security of my country at this time of peril.

As much of what will follow relates to the Republic of Panama, I wish to stress at the outset that I am in no sense an enemy of that country, or of its people. On the contrary, I am devoted to the best interests of both and believe that those interests can be served only by the unhampered control of our Government of the maintenance, operation, sanitation, and protection of the Panama Canal in accordance with our historic and tested Isthmian policies as embodied in basic canal treaties.

To the task of clarification of what is an explosive situation in our own backyard, I now address myself, with the request not to be interrupted by questions until my statement is completed.

PANAMA REACTS TO CUBAN INSULTS

In the crisis now mounting in the Caribbean, significant events requiring decisive measures have thronged upon us.

But, as so often happens in a storm, a rift in the clouds shows some blue sky. This appeared in Panama on December 14, 1961, when the Government of that country under the leadership of President Roberto F. Chiari reacted to studied insults from Fidel Castro and broke diplomatic relations with Soviet Cuba, retroactive to December 9. Thus, once again world attention, despite preoccupations with Berlin, the Congo, Goa, Indonesia, Laos, and other distant trouble spots, has focused on the crucial Caribbean, long ago recognized by Admiral Mahan as the Mediterranean of the Americas.

UNITED STATES—ULTIMATE OBJECTIVE

What is the nature of the sinister force which, through expertly conducted centralized direction, is exerting its pressures in so many strategic points in the world today? It is not a political party in the generally understood sense but pervasive action and intelligence arms of communistic revolutionary imperialism, which constitute conspiratorial fifth columns in every key spot, some government agencies, and influential sections of the mass news media. Its objective in warfare is destruction of the will to resist in advance of possible hostilities.

Emboldened by a long train of successes resulting from its calculated aggressiveness and encouraged by Western policies of placation and vacillation, this destructive force has taken over tremendous areas and great masses of population and imposed despotic governments of the most violent communistic character. These successes have indeed fed the fires of communistic revolutionary fanaticism and immeasurably strengthened the zeal and effort to bring the entire world under the yoke of despotism.

As has been aptly stated by an eminent theologian, "its cure for poverty is to increase it. Its cure for oppression is to universalize it. Its cure for injustice is to legalize it. Its cure for evil is to systematize it."

In every way, Mr. Speaker, Communist parties all over the world serve as Trojan horses, filled with trained and disciplined revolutionaries dedicated to the overthrow of all constitutional governments by force and violence, with the United States as its chief and ultimate objective.

For this aim, the conquest of the Caribbean is but the first stage in the long-range program for encirclement of our country—the bastion of constitutional liberty.

CRISIS IN THE CARIBBEAN

What is the record of the mounting crisis in the Caribbean? Some of its factors will be enumerated:

1. Failure and refusal by the Organization of American States to castigate Soviet Cuba for its lawless and violent actions against life and property.

2. Display, under Executive order of September 17, 1960, by the United States, of the Panama flag over the Canal Zone territory, against the overwhelming opposition of the House of Representatives, formally expressed.

3. Withdrawal by the United States of recognition of Communist Cuba.

4. Removal by the United States of restrictions on the importation and distribution of subversive literature in our country.

5. Issue in April 1961 by the Department of State of a white paper indicating U.S. support of "authentic and autonomous revolution" throughout the Americas, which action is certainly not a valid function of our Government.

6. Failure on April 19, 1961, of the attempted liberation of Soviet Cuba under circumstances indicating subversive penetration of the U.S. security agencies.

7. Declaration on May 1, 1961, by Premier Castro, following capture of the liberators, that Cuba is a Soviet satellite and his later admission that he has long been a secret Marxist-Leninist and that he had deliberately concealed this fact from the Cuban people during the course of the recent Cuban revolution.

8. Establishment of a Communist beachhead in British Guiana by Cheddi Jagan, the newly elected Communist premier.

9. Assent on November 2, 1961, to Communist-stimulated demands of Panama for new treaty negotiations, despite our generous concessions in 1936, 1942, and 1955.

From this cursory summary, Mr. Speaker, it is clear that the Caribbean is well on its way to becoming a Red lake, with Cuba and British Guiana, now admittedly Soviet satellites, covering both flanks of the Atlantic approaches to the Panama Canal, itself under Bolshevist-inspired juridical attack.

PANAMA FLAG ENDANGERS CANAL ZONE SOVEREIGNTY

Of the long series of events contributing toward the present crisis in the Caribbean, the precedent set by Executive order on Septemper 17, 1960, directing display of the Panama flag over the Canal Zone territory, is transcendent.

In Panama, this action was taken as a complete reversal of the U.S. position on the question of sovereignty and as formal recognition of basic sovereignty of Panama over the Canal Zone, as well as a lever for wringing future concessions, including setting a time for the transfer by the United States to Panama of the canal as a gift, pure and simple. Imagine, Mr. Speaker, the implications of this demand from a country whose very creation grew out of the movement to construct the Panama Canal.

In other countries, the action of the President made the United States a diplomatic laughing stock and it encouraged an extraordinary display of arrogance by Premier Castro in Cuba and alarmed shipping interests that have to pay tolls.

In our own country, it raised questions as the identity of the influences in the Department of State that led to signing the ill-advised order and to constitutional issues of the highest importance for the future conduct of our foreign policy. Certainly, every realistic consideration demands that the order to raise the Panama flag over the Cana Zone must be disavowed.

For such disavowal, Mr. Speaker, recent studies by the House Committee on Foreign Affairs (H. Rept. 2218, 86th Congress, Aug. 31, 1960) supply ample justification. Further reasons of more impelling character will be found in our diplomatic history in the period immediately following World War II, when Alger Hiss was in charge of the Office of Special Political Affairs, in the Department of State.

Transmitting a 1946 report of the Governor of the Panama Canal to the United Nations, this office, which is to say, Alger Hiss, erroneously described the Canal Zone as "occupied territory." (Senate Int. Sec. Subcom. hearings on "Interlocking Subversion in Government Departments," pt. 19, Mar. 25 and Apr. 6, 1954, p. 1365.)

Enraging patriotic Panamanians, who oppose any move toward "Internationalization" of the Panama Canal, this strange action gave the chairman of the Panamanian delegation to the United Nations an unexpected opportunity to declare in an address to the Political Commission of the General Assembly that Panama retains its sovereignty over the Canal Zone. More important, however, is the fact that the official listing of the zone by our Department of State as "occupied territory" played into the hands of the Communist revolutionaries whose ultimate aim since 1917 has been "internationalization."

RADICAL DEMANDS ADVANCE COLOMBIAN OCCUPATION OR INTERNATIONALIZATION

If there is any force whatsoever in the argument for Panamanian soverignty over the Canal Zone, it must relate back to the parent country, Colombia, from which Panama seceded in the political developments preceding the actual building of the canal. It may be safely predicted that if the United States should ever be so unmindful and recreant of its solemn treaty obligations for the maintenance and operation of the canal for the entire world as to attempt to transfer the canal to Panama as a gift, Colombia will promptly follow such action with a reassertion of its complete sovereignty over the entire territory of Panama and claim the canal as its own. Nor should it be overlooked that Colombia has important treaty rights with respect to the Panama Canal and Railroad, as well as Panama.

As I have often stated and emphasized, Panama, in its ever increasing effort to wrest control of the canal from the United States is not serving its own best interests, but, on the contrary, strengthens Soviet policy and advances the movement for the internationalization of the canal. Even the advocates of these excessive Panamanian demands declare that it would be far better for Panama to deal with the United States as regards the operations of the canal than with an international organization. This undoubtedly is true.

It is strange indeed that, though our Government during recent years has made many important concessions to the Panamanian demands, it has never required any compensating Panamanian concessions. On the other hand, Panama has accepted the great benefits as signals for making new and greater demands. The latest are listed in a resolution of the Panamanian Assembly on November 16, 1961, which is quoted in documentation appended to my address.

Certainly, Mr. Speaker, no revolutionary influence in our Government, determined on a piecemeal liquidation of our sovereign rights, power, and authority on the Isthmus, could have done a better job than has been accomplished over a long period of years.

CHARLES EVANS HUGHES AND ISTHMIAN CANAL POLICY

In this general connection, Mr. Speaker, it is highly pertinent to consider what one of our country's ablest and most forthright Secretaries of State, Charles Evans Hughes, once stated.

In a conversation with the then Minister of Panama to the United States on December 15, 1923, in response to formal demands by Panama for increased sovereignty and increased sovereignty attributes over the Canal Zone, Mr. Hughes spoke with a refreshing degree of candor and vigor. He declared that our country "would never recede from the position which it had taken in the note of Secretary Hay in 1904. This Government could not, and would not, enter into any discussion affecting its full right to deal with the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama." ("Foreign Relations," 1923, vol. III, p. 684.)

To this Secretary Hughes added that "It was an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903." That is the type of statement that should be forthcoming from our statesmen today, especially from those in executive authority over the canal.

On another occasion, Mr. Speaker, when writing about the Monroe Doctrine, Mr.

Hughes made this telling statement about Isthmian canal policies, namely:

"The construction of the Panama Canal has not only established a new and convenient highway of commerce but has created new exigencies and new conditions of strategy and defense. It is part of American policy not to yield to any foreign power the control of the Panama Canal, or the approaches to it, or the obtaining of any position which would interfere with the right of protection on the part of the United States or would menace the freedom of its communications." (Encyclopaedia Britannica, 1957, vol. 15, p. 738).

All the exigencies foreseen by former Secretary Hughes, in clear violation of the Monroe Doctrine and our solemn treaty obligations with respect to the canal, have now come to pass. The questions that now face us are what steps should be taken to protect our country against the loss of its undoubted rights in the Caribbean and against the chaos that will inevitably follow if the United States ever abandons its operation and control of the Panama Canal.

JOHN F. STEVENS ALERTED US TO MARXIST DANGERS

At this point, Mr. Speaker, it is appropriate to examine some important historical antecedents of the world crisis, which show that current problems are not new, but old.

It was John F. Stevens, famed "Basic Architect of the Panama Canal," who, while serving as head of our railroad missions in Russia and Siberia, 1917–23 (CONGRESSIONAL RECORD, vol. 102, pt. 7, p. 9285) had a unique opportunity to observe the early years of the Russian Bolshevik revolution. He was thus able, in his reports and during periodic visits to Washington, to alert important leaders in our country, among them Ira E. Bennett, great editor of the Washington Post, to its internationally organized conspiratorial nature and the dangers thereby involved.

Ideas about communistic subversion that Stevens started through Editor Bennett still reverberate.

KARL MARX FORESAW SOVIET IMPERIALISM

Before Stevens there was Karl Marx who, from 1853 to 1856, was European correspondent of the New York Daily Tribune. Among his perceptive writings are found these startling statements:

"* * * Russian imperialism * * * is not a movement that strives for national independence, but a movement which, directed against Europe, would destroy all cultural values that history has created through thousands of years. This could not be achieved without eradicating Austria, Hungary, Turkey, and a major part of Germany from the (political) map."

"There is only one way of dealing with absolute power like Russia and that is by absolute fearlessness."

These telling words give the key to withstand aggressiveness: absolute fearlessness must confront absolute power.

COMMODORE PERRY FORESAW EAST-WEST CONFLICT

Mr. Speaker, by far the most revealing of all the prophetic statements on the question of East-West conflict is that of Commodore Matthew C. Perry, after return from his famous voyage to Japan.

Speaking before the American Geographical and Statistical Society on March 6, 1856, he expressed views that should ring through the centuries and I quote:

"It requires no sage to predict events so strongly foreshadowed to us all; still 'Westward' will 'the course of empire take its way.' But the last act of the drama is yet to be unfolded; and notwithstanding the reasoning of political empirics, westward, northward, and southward, to me it seems that the people of America will, in some form or other extend their dominion and their power, until they shall have brought within their mighty embrace multitudes of the islands of the great Pacific, and placed the Saxon race upon the eastern shores of Asia. And I think too, that eastward and southward will her great rival in future aggrandizement (Russia) stretch forth her power to the coasts of China and Siam; and thus the Saxon and the Cossack will meet once more, in strife or in friendship, or another field. Will it be in friendship? I fear not. The antagonistic exponents of freedom and absolutism must thus meet at last, and then will be fought that mighty battle on which the world will look with breathless interest; for on its issue will depend the freedom or the slavery of the world—despotism or rational liberty must be the fate of civilized man. I think I see in the distance the giants that are growing up for that fierce and final encounter; in the progress of events that battle must sooner or later inevitably be fought."

These words, Mr. Speaker, so meaningful today, were uttered more than a century ago. Surely no one who has studied world history should be surprised at what has happened in eastern Asia, the Southwest Pacific, Africa, or in Cuba.

The last, being closest to our shores and located near one of the historic invasion routes of North America, the valley of the Mississippi, and in a position to menace the communications of the Panama Canal, is of prime importance.

The domination of Cuba by a fanatical Communist power is a clear violation of the Monroe Doctrine and cannot be safely ignored or tolerated. Cuba can serve not only as a base from which to launch atomic missiles against vital points in the continental United States, but also as a beachhead from which to conduct further conquests through subversion. Such conquests would occur first in remaining Caribbean countries and later throughout Latin lands.

In this connection, Mr. Speaker, it should ever be borne in mind that Premier Khrushchev declared with exultation that the Monroe Doctrine is dead. The failure to make an adequate reaffirmation of this historic policy and the succession of recent Communist victories in the Caribbean can only mean that the transcendent issue on our fourth front has become the Monroe Doctrine versus the Khrushchev doctrine.

SUBVERSIVE PERSONNEL MUST BE REMOVED

What are the explanations for the collapse of our Caribbean policies? Of course, there are many but basic to any sustained deterioration in policy matters there is always the question of the character of the personnel conducting these policies. Who were they?

Among them were William A. Wieland, formerly in charge of the Caribbean area in the Department of State; Phillip Bonsal, former U.S. Ambassador to Cuba; Herbert L. Matthews, correspondent of the New York Times, who was used to indoctrinate U.S. officials on their way to Cuba and has been widely identified as the principal architect of the "Castro image" that enabled him to seize power; and Roy R. Rubottom, Jr., former Assistant Secretary of State for Latin American affairs.

Where are they now? Wieland is still being paid by the taxpayers' money and is now in training for a new State Department assignment; Bonsal is Ambassador to Morocco; Matthews is still with the New York Times; and, believe it or not, Rubottom is on the staff of the Naval War College at Newport as the State Department's representative in the great insitution that trains our naval officers in the art and science of war. I wonder if he also undertakes to indoctrinate these officers with his own views on Castroism.

Clearly, Mr. Speaker, so long as men of this character are in positions of power or influence with respect to the conduct of our foreign policies, we may expect continued retrogression. The personnel situation presented is not one that can be corrected by a mere shifting of personnel or changing of official titles under procedures known as reorganizations. It is one that calls for the identification by investigating committees of the Congress, of the individuals in the Department of State, and the mass media who are responsible for our tragic failures in policy and their removal from positions of power.

Regardless of whether those responsible for these tragic failures in American foreign policy have been well-meaning but stupid or definitely subversive, the results are the same and our Nation has suffered accordingly. Such individuals should be absolutely eliminated from any position of power in our Government and public opinion should prevent their employment in mass media operations.

PARALYSIS AND CONTRIVED CONFUSION MUST BE OVERCOME

In considering the ways to meet the challenge in the Caribbean, can we rely on the Organization of American States for remedial action? The answer is "No."

That agency, I regret to say, is nothing but an instrument for paralysis. Moreover, we should not delude our people by pretending to rely on an organization for the performance of tasks that we know are beyond its desires, intentions, or powers.

GUATEMALA OVERCOMES THREAT

Mr. Speaker, in viewing the problems now facing our country, it should be borne in mind that everywhere in Latin countries where, under a false notion of liberty, communism has been permitted to infiltrate, trained, and disciplined Soviet agents have meddled in the affairs of those countries and plotted for the overthrow of all legally constituted authority.

In executing their designs for conquest, these agents have constantly resorted to bloody violences to attain their ends. The governments involved too often seem to have become unnerved and paralyzed when faced with the deadly peril.

A recent example of the Communist policy of violent overthrow of constitutional government was the effort on June 11, 1961, in Guatemala to drive the administration of President Miguel Ydigoras from power and to supplant it with one like that in Cuba, which is completely subservient to orders from its Kremlin overlords.

In contrast to what has taken place in some other Latin countries, the effective reaction of the Guatemalan Government to that threat was highly commendable and encouraging.

Mr. Speaker, I think that I voice the view of all patriotic Americans, north, central, and south, when I publicly praise, on the floor of the House, President Ydigoras and his administration for their alertness to the danger and for their success in surmounting that threat. They contributed to the security of all the Americas.

OUR PEOPLE DEMAND ACTION

Unfortunately, too much time has passed without our own Government taking proper action. Subversive forces in Cuba are becoming consolidated in their beachhead and preparing for their next moves. The well-publicized moves of our Department of State in Dominican affairs and the Congo stands out in stark contrast to its silence about Cuba, which is a storm center for American subversion. In this connection, the Organization of American States has been proved absolutely impotent.

Indeed it is fortunate that the people of our country are far ahead of our agencies of

Government, both legislative and executive. They perceive the hazards of neglect and are demanding immediate remedial action. This I know, not only from observations and discussions during my travels, but also from numerous letters from thoughtful men and women in various parts of the Nation.

They are also demanding remedies in line with our historic policies and the inherent right of self-defense. They will not tolerate supplanting the Monroe Doctrine with the Khrushchev Doctrine in any part of the Americas.

MONROE DOCTRINE MUST BE REAFFIRMED

World War II ended more than 15 years ago with the peoples of all lands, including the Soviet, yearning for a "lasting peace." But instead of peace, the two strongest nations in the world today face each other in undisguised hostility. This makes it imperative that our country look first to its own vital interests, for it is the only hope of the free world to remain free.

In the first quarter of the 19th century, when our country was weak, it faced a crisis of the gravest character. Not only was the United States threatened by European imperialism from across the Atlantic, but also by Russian penetration from the Pacific Northwest, which had reached as far south as Fort Ross just north of San Francisco.

American statesmen rose to the occasion and, on December 2, 1823, President Monroe, in a message to the Congress, issued a diplomatic warning to all nations that our country would resist any further conquests in the Western Hemisphere. Monroe did not wait until strategic spots in the Caribbean had been occupied, but, by a forthright declaration, made our position unmistakably and effectively clear. Such realistic treatment is sorely needed today.

To this end, I urge the Congress to take immediate steps to correct the dangerous legislative and executive delinquencies which have diverted the conduct of our foreign policies from their destined course. In 1823 we were weak; today we are strong, but losing in relative strength. Why wait until the strength ratio is further reduced? Why wait for another Goa to demonstrate more dramatically the futility of relying for protection on nations which proclaim peace, but practice aggression, or on an international organization dominated by Soviet controlled vetoes or votes? We must act now!

FUNDAMENTAL QUESTION IS SOVEREIGNTY

Mr. Speaker, underlying the Panama Canal sovereignty question is a fundamental principle. Our country is in the Canal Zone properly and lawfully, as of right, fully, and explicitly defined in basic treaty agreements between two sovereign states, or else it is occupying territory to which it has no flawless title, territory upon which its armed forces and civil employees have been squatting since 1904, territory for which it pays a mere rental, so that it might be permitted to maintain, operate, and protect the interoceanic waterway.

If time permitted going into the early history of the negotiations which led to the acquisition of the Canal Zone, it could be shown that the United States could have rented the required strip across the Isthmus from Colombia for construction of the canal, if mere leasing of the territory from another sovereign state was what our Government had intended nearly 60 years ago.

It cannot be too strongly emphasized, Mr. Speaker, that the idea of sovereign jurisdiction over the Canal Zone, subject to no limitation in time or substance, was the prime objective of our Government.

The reason for this is the basic fact that the United States could not afford, and was therefore, unwilling to undertake the great obligation to build the Panama Canal at the expense of the American taxpayers and to maintain and operate it in a land of endemic revolution and political instability except on the basis of exclusive sovereignty in perpetuity. This consideration was fully recognized by both Panama and the United States in the formulation of the 1903 treaty and any other judgment is absolutely naive except to the extent that it may be influenced by communistic revolutionary forces.

Our obligations to the other countries involved and with which we had to deal in regards to the canal enterprise require that our country have untrammeled sovereignty and authority. A divided sovereignty would make fulfillment of our treaty obligations to operate the canal for world shipping on terms of equality utterly impossible. Our country is not a mere tenant on the isthmus nor a squatter, but a grantee of sovereignty in perpetuity for the perpetual maintenance, operation and protection of the Panama Canal.

CANAL ZONE—TARGET OF REVOLUTIONARY AGGRESSION

In the perspective that is now possible, the argument of Alger Hiss that under article 73 of the United Nations Charter, the United States should file administrative reports with the Secretary General of that organization, because the Canal Zone is an "occupied area," was a monstrous aggression of Communistic revolutionary conspiracy upon our valid and unblemished title to that part of the constitutionally acquired domain of the United States.

As was clearly foreseen by competent students, for more than 15 years our Nation and its Government have been harassed by those who aim to make the flag of the United States a symbol of imperialistic exploitation. Some of them, unfortunately, enjoy the status and heritage of citizenship in our Republic.

At this point, Mr. Speaker, many have wondered whether the 1960 Executive order to hoist the Panama flag over the Canal Zone was a cleverly planned move to validate the 1946 declaration by Alger Hiss of the zone as "occupied territory." To this question the only answer is that, regardless of the intent of its signer, the result was to that effect, and our sovereign status has been clouded.

At last, Mr. Speaker, the time has come for our country to settle once and for all how it intends that its tenure in the Canal Zone is to be regarded by our own people, by Panama, by our other America Republic, and by the world at large, including the Soviet empire and its satellites. No bland generalities will suffice: a categorical and unequivocal reaffirmation that our exclusive sovereign rights, power, and authority over the Canal Zone and Panama Canal are not open to challenge, and nothing less, must be proclaimed. For the Congress to fail in this would be tantamount to adopting the Khrushchev doctrine by default.

PLAN FOR ACTION

Mr. Speaker, as previously stated to this body on many occasions, the conduct of our Caribbean and Isthmian policies over a long period of time has been indecisive and lacking in consistency. Our innate courtesy and self-restraint have been mistaken for weakness and the forces of subversion have been advanced into the vacuum created by our own fumbling.

To meet this situation where we face absolute power, we must show absolute fearlessness as the only way to meet this power.

Accordingly, I urge the following program:

(a) Make definite and reaffirm the Monroe Doctrine as applying to intervention through infiltration and subversion;

(b) Make definite and reaffirm our historic policies for exclusive sovereign control in perpetuity over the Panama Canal and Canal Zone;

(c) Liberate the people of Cuba from alien dictatorship and assist them in the restoration of constitutional government through free elections; and

(d) Reactivate the special service squadron on a permanent basis to serve as a symbol of liberty.

Mr. Speaker, only by such a forthright line of action by our Government—prompt, courageous, and effective—can the sadly impaired prestige of our great country and its leadership be restored and the cause of Western freedom be strengthened.

To these ends, I would appeal to the President of the United States when dealing with hemispheric crises to act in the spirit of Cleveland and Theodore Roosevelt, when they were faced with foreign attempts to destroy the authority and integrity of our Latin neighbors in disregard of the Monroe Doctrine.

A decision thus to act may be difficult to make; but it must be made if the cause of Western civilization is to be sustained. In no finer way can our President in his own right establish a profile of courage.

As partial documentation for this address and commended for study, resolutions on these matters previously introduced by me follow; also the recent exchange of letters between the Presidents of Panama and the United States with attendant publicity from the Isthmian press, which lists Panamanian aspirations.

HOUSE CONCURRENT RESOLUTION 225

(In the House of Representatives, 87th Cong., 1st sess., April 26, 1961)

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American continents, by the free and independent position which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, or however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) That in any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

HOUSE CONCURRENT RESOLUTION 33

(In the House of Representatives, 86th Cong., 1st sess., January 9, 1959)

Whereas there is now being strongly urged in certain quarters of the world the surrender, by the United States, without reimbursement, of the Panama Canal, to the United Nations or to some other international organization for the ownership and operation of the canal; and

Whereas the United States, at the expense of its taxpayers and under, and fully relying on, treaty agreements, constructed the canal, and since its completion, at large expenditure, has maintained and operated it and provided for its protection and defense; and

Whereas the United States, following the construction of the canal, has since maintained, operated, and protected it in strict conformity with treaty requirements and agreements, and has thus made it free, without restriction or qualification, for the shipping of the entire world; and, in consequence of which, with respect to the canal and the Canal Zone, every just and equitable consideration favors the continuance of the United States in the exercise of all the rights and authority by treaty provided, and in the discharge of the duties by treaty imposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense and judgment of the Congress that the United States should not, in any wise, surrender to any other government or authority its jurisdiction over, and control of, the Canal Zone, and its ownership, control, management, maintenance, operation, and protection of the Panama Canal, in accordance with existing treaty provisions; and that (2) it is to the best interests—not only of the United States, but, as well, of all nations and peoples—that all the powers, duties, authority, and obligations of the United States in the premises be continued in accordance with existing treaty provisions.

House Concurrent Resolution 450

(In the House of Representatives, 86th Cong., Jan. 11, 1960)

Whereas, the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange of ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Pamana Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprises; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That the United States, under treaty provisions, constitutionally acquired, and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and would lead to confusion and chaos in the administration of the Panama Canal enterprise.

[From the Star & Herald, Panama, Republic of Panama, Nov. 16, 1961]

Texts of Letters

CHIARI'S

Panama, *September 8, 1961.*

To His Excellency, John F. Kennedy,
President of the United States of America,
The White House, Washington, D.C.

Your Excellency: Relations between the Republic of Panama and the United States of America have been governed, basically, since 1903, by the Isthmian Canal Convention, signed in Washington on November 18 of that year, by the Secretary of State, Mr. John Hay, and the French citizen, Phillippe Bunau Varilla who was acting temporarily as Envoy Extraordinary and Minister Plenipotentiary of Panama.

The provisions of that Convention have been, from the moment of its signature, and will continue to be, as long as they remain in force, a source of constant frictions, disagreements and conflicts between the two Governments and between the Panamanian people and the North American population residing in the Canal Zone.

In 1936, thanks to the dedicated efforts of the then President of Panama, Dr. Harmodio Arias, and his advisers, Drs. Ricardo J. Alfaro and Narciso Garay and thanks also to the clear understanding, ample spirit of fairness and the great kindness of President Franklin D. Roosevelt, Panama succeeded in abolishing three rights which the 1903 Convention granted to the Government of the United States, namely: (a) The right of intervention in the internal affairs of the Republic of Panama when in the judgment of the United States this became necessary to maintain order; (b) the right to occupy any Panamanian lands or waters which in the judgment of the United States were necessary for the construction, maintenance, operation, sanitation, and defense of the canal; (c) the right of "construction" of a canal through the Isthmus of Panama.

In 1936, and again in 1942 and 1955, Panama obtained other amendments as to detail in the interpretation and implementation of certain provisions of the 1903 Convention.

But there still remain in full force the provisions of that Convention which in practice have had and still have the effect of having divided the Republic of Panama in two parts separated by the interpolation, between them, of a zone in which the Government of the United States considers that it has the right of exercising full sovereign authority and jurisdiction, notwithstanding that all of the rights which were granted it by Panama are limited to the purposes, expressly agreed upon, of the "maintenance, operation, sanitation, and defense of the canal."

The real cause of all the vices and errors of the 1903 convention lies in that such convention was never negotiated. When, immediately following the proclamation of Panama's independence, the Panamanian representatives who were sent to negotiate the treaty arrived in Washington they faced the tragic surprise that on the previous day, just as they landed in the port of New York, Secretary of State John Hay and the Frenchman Bunau Varilla had hurriedly signed the Isthmian Canal Convention, with no previous negotiation, but after a quick confabulation between them both, handing over the new Republic of Panama, bound hand and feet, to the mercy of the Government of the United States, in perpetuity, as if there could be perpetual human things.

For these reasons, the Isthmian Convention of 1903 carries within it the causes of its own extinction.

It is not necessary for me to go into details on the manner in which that wholly unfair convention was drafted and signed, because the turn of this century saw the peak of the colonialist expansion of strong states to the detriment of nations rendered weak by the ignorance and submission of the popular masses. At that time, no voice was raised in support of countries subjected by brute force or by unsurmountable causes to the domination of a powerful state.

After half a century and two world wars, the panorama is wholly different: Colonies are on their way out, respect for the personality of each state is now an axiom in international law, the principle of nonintervention in the internal affairs of another state has victoriously surged forward, and the structure of the world organization of nations is showing ever more effectively, the influence of united small nations on international problems and conflicts.

There is no place in the mentality of man in this second half of the 20th century for the proposition that a state, no matter how strong, can exert sovereign rights over any part of the territory of another state, no matter how small or weak.

This does not mean, however, that two sovereign and independent states having common interests cannot reach understandings which, without being detrimental to the sovereignty and the dignity of either one, enable both to defend and protect their fair interest and rights without disregarding or damaging the fair interests and rights of the other.

It was for these reasons that, in the face of the indissoluble community of interests between Panama and the United States; in the face of the increasingly urgent need for establishing and maintaining reciprocal relations on a basis of sincere friendship, mutual respect, and well-reciprocated consideration; and in the face of the permanent source of discord which is the 1903 convention, that I took the liberty of forwarding to you, through your personal representative at the Conference of Foreign Ministers and Economy held in Tegucigalpa in July of this year, my personal message suggesting how convenient and necessary it is for Panama and the United States to converse without prejudice, without resentment, setting aside past problems and offenses, as nations sincerely friendly and sincerely determined to search for fair solutions, to analyze and discuss their present-day relations in the light of the doctrines which now govern the world, with a view to attaining permanent understandings, on just bases, which will assure to each party the attainment and enjoyment of what in justice and fairness is due each one, without a prior agenda, so that each may openly place the cards it wants on the table.

I have the deep personal conviction that if Panama and the United States were to cast aside the interminable and up to now almost fruitless discussions on what should be the correct interpretation of existing treaties, and disposed themselves to undertake the analysis of existing relations between both with a realistic approach and in the light of the principles and norms of international law, already universally recognized, they will find adequate formulas to resolve, once and for all and for all time, a stable and lasting association which will enable them to carry out harmoniously the common destiny set out for them by the Panama Canal. The bias—whether justified or unjustified—that such results are either difficult or impossible of attainment, should not be an obstacle for the attempt.

The Alliance for Progress you have so wisely proposed, which was set in motion in Montevideo with the cooperation of all the American nations, could find no better realization in the relations between Panama and the United States through a formula that will place these relations on a level of clear and just understandings permitting Panama a fuller use of its economic potential, without diminishing the consideration that is due to the interests of the United States by reason of the canal enterprise made possible by both countries and in whose operation both have a common interest.

It is a source of real pleasure for me to reiterate on this occasion the sentiments of my highest consideration and great appreciation.

ROBERTO F. CHIARI,
President of the Republic of Panama.

KENNEDY'S

THE WHITE HOUSE,
November 2, 1961.

DEAR MR. PRESIDENT: I have read with great interest your letter of September 8, 1961, which your brother delivered to me on September 15. I am also very pleased to have had a personal conversation with your brother at that time.

I agree with you that an unusual community of interests exists between the Republic of Panama and the United States. Our respective Governments and peoples have been closely associated since the very beginning of your nation. The Panama Canal has been an important element in the development and growth of the relationship between our two countries, and has also contributed to the bonds of unity which link all the American Republics.

The Government of the United States hopes to maintain and strengthen the relations between our two nations on the basis of mutual respect and sincere friendship. I feel sure that the Government of Panama shares this objective.

Once again on behalf of the Government of the United States, I reaffirm our willingness to cooperate wholeheartedly with the Government of Panama to insure the full enjoyment of the various benefits which the canal should afford to the two nations that made possible its construction. We also wish to make these benefits available to all nations interested in international trade.

As I pointed out to your brother on September 15, I realize that the historic friendship and cooperation between our two countries has sometimes been marred by differences concerning the interpretation of the rights granted to the United States by the Republic of Panama. In past years these problems have been resolved in various ways—sometimes through formal treaty negotiations and sometimes through friendly discussions and the subsequent implementation of specific measures agreed upon by representatives of the two Governments.

My Government recognizes that differences will inevitably arise between even the friendliest nations, and believes that these differences must be discussed thoroughly and frankly, in order to clarify the interests and attitudes of both parties. It seems clear therefore, that when two friendly nations are bound by treaty provisions which are not fully satisfactory to one of the parties, arrangements should be made to permit qualified representatives of both nations to discuss these points of dissatisfaction with a view to their resolution.

I have instructed the various responsible departments and agencies of the U.S. Government to make a complete reexamination of our current and future needs with respect to Isthmian Canal facilities. I expect this study to be completed within a very few months, at which time my Government will communicate promptly with the Government of Panama. I am confident that representatives of our two Governments, after a frank exchange of views and a careful assessment of our mutual needs and interests, can reach fruitful conclusions which will promote the mutual welfare of both countries.

With cordial good wishes,

Sincerely,

JOHN F. KENNEDY.

[From the Panama Star & Herald, Nov. 16, 1961]

KENNEDY AGREES ON NEED FOR RP TALKS—NEGOTIATIONS APPEAR ASSURED DURING 1962

President John F. Kennedy has agreed with President Roberto F. Chiari that differences between their two nations must be discussed thoroughly and frankly. In a reply to the Panamanian Chief Executive, Kennedy announced he has called for a complete reexamination of U.S. current and future needs with respect to Isthmian Canal facilities prior to entering into negotiations with Panama.

"I expect this study to be completed within a very few months, at which time my Government will communicate promptly with the Government of Panama," Kennedy wrote Chiari. "I am confident that representatives of our two Governments after a frank exchange of views and a careful assessment of our mutual needs and interests, can reach fruitful conclusions which will promote the mutual welfare of both countries."

Thus, new negotiations over U.S. rights in the Canal Zone and Panamanian benefits from the Isthmian Waterway appeared assured for 1962.

President Kennedy answered the Panamanian President's letter of September 8, calling, in effect, for negotiations from scratch.

"I have the deep personal conviction," Chiari had written Kennedy, that if Panama and the United States were to cast aside the interminable and up-to-now almost fruitless discussions on what should be the correct interpretation of existing treaties, and disposed themselves to undertake the analysis of existing relations between both with a realistic approach and in the light of the principles and norms of international law, already universally recognized, they will find adequate formulate to resolve, once and for all for all time, a stable and lasting association which will enable them to carry out harmoniously the common destiny set out for them by the Panama Canal."

And he added: "The bias—whether justified or unjustified—that such results are either difficult or impossible of attainment, should not be an obstacle for the attempt."

Chiari's letter was hand delivered to President Kennedy at the White House on September 15 by his brother, Richardo Chiari. Kennedy's letter was hand delivered to President Chiari at the Presidencia by Philip Clock, Acting Chargé d'Affairs of the United States in Panama, Tuesday afternoon.

Announcement of the text of the Presidential correspondence was made simultaneously yesterday afternoon in Washington and Panama City.

Press Secretary Fabian Velarde, Jr., distributed copies of both letters to newsmen at 4:30 p.m., at the Presidencia. In answer to a question, he said President Chiari is pleased by the answer he has received from President Kennedy. He declared that Panama most likely will continue the appraisal of its position during the time that the United States takes for the study of its current and future canal needs.

Velarde also said that the Panama Government will appoint its negotiators soon and they will work closely with the National Council of Foreign Relations in the presentation of Panama's claims.

When a newsman raised the point that the time mentioned in President Kennedy's letter for the U.S. study of its canal needs might be 1 or 2 years, Velarde pointed to the phrase "within a very few months" and added that while every one was entitled to his own interpretation, he thought this means less than 6 months.

Chiari's letter revealed that the Panamanian President made his first approach to Kennedy on the subject of new negotiations as far back as July. At that time an emissary of President Chiari met with the personal representative of President Kennedy at a meeting of Central American Foreign Ministers held in Tegucipalga, Honduras. This was followed by the September letter.

The Panamanian Chief Executive made one major point in his personal letter to Kennedy—that the 1903 treaty, which has governed basically, relations between the two countries since Panama became independent was not negotiated by Panamanian representatives, but was hurriedly signed (by a quick confabulation) between the Secretary of State of the United States John Hay, and Philippe Bunar Varilla, a Frenchman, temporarily acting as Panama's envoy. Chiari pointed out that this was done at the "peak of the colonialist expansion of strong states."

But times have changed, Chiari said, in effect.

"After a half century and two World Wars," he wrote President Kennedy, "the panorama is wholly different: Colonies are on their way out, respect for the personality of each state is now an axiom in international law; the principle of nonintervention in the internal affairs of another state has victoriously surged forward, and the structure of the world organization of nations is showing, ever more effectively, the influence of united small nations on international problems and conflicts."

And with a pointed reference to the key question between Panama and the United States—sovereignty over the Canal Zone—the President of Panama added:

"There's no place in the mentality of man in this second half of the 20th century for the proposition that a state, no matter how strong, can exert sovereign rights over any part of the territory of another state, no matter how small or weak."

But, he went on, there is nothing to prevent two sovereign and independent states from reaching understandings providing acceptable arrangement for the fair interests and rights of each.

President Kennedy's letter matched the cordial tone of President Chiari's approach.

"Once again," Kennedy wrote, "on behalf of the Government of the United States, I reaffirm our willingness to cooperate wholeheartedly with the Government of Panama to insure the full enjoyment of the various benefits which the canal should afford to the two nations that made possible its construction. We also wish to make these benefits available to all nations interested in international trade."

He added: "My Government recognizes that differences will inevitably arise between even the friendliest nations and believes that these differences must be discussed thoroughly and frankly in order to clarify the interests and attitudes of both parties. It seems clear, therefore, that when two friendly nations are bound by treaty provisions which are not fully satisfactory to one of the parties, arrangements should be made to permit qualified representatives of both nations to discuss these points of dissatisfaction with a view to their resolution."

There has been no official announcement by Panama of what specific issues it proposes to raise when normal negotiations are undertaken. But an official listing of unfulfilled Panamanian demands in previous negotiations carried in the Foreign Office's 1961 report to the National Assembly included these major points:

1. The display of the Panamanian flag in the Canal Zone.

2. Implementation of the principle of equality of wages, of treatment, and of opportunity for employment among Panamanian and North American citizens in the Canal Zone.

3. Increase of the canal annuity to 20 percent of the gross revenue with a guaranteed minimum of $5 million. The present annuity is $1,930,000.

4. Cessation of grant in perpetuity.

5. Mixed courts in the Canal Zone.

[From the Panama (Republic of Panama) Star & Herald, Nov. 17, 1961]

Republic of Panama Assembly Calls for Brandnew Treaty—Deputies Favor Scrapping of Previous Pacts—Resolution, Approved Unanimously, Advocates Treaty Reaffirming Republic of Panama Sovereignty in Zone

The Panama National Assembly went on record yesterday for the scrapping of all previous treaties with the United States and for a new treaty reaffirming Panamanian sovereignty in the Canal Zone.

The resolution, introduced by nationalist leader, Aquilino Boyd, in behalf of himself and 11 other assembly deputies, was approved unanimously after a brief discussion.

In addition to the sovereignty demand, the assembly listed 13 other points as minimum aspirations of the Panamanian people. These points are almost identical to the list of Panamanian demands not met by the United States in previous negotiations, issued earlier this month by the Foreign Office.

The assembly acted within 24 hours of the release of the text of the correspondence between Presidents Roberto Chiari and John F. Kennedy on the subject of new treaty negotiations. President Chiari, in a letter dated September 8, told President Kennedy that the two countries should make another attempt at resolving their longstanding differences, starting this time from scratch. President Kennedy, in a letter dated November 2, agreed that such differences must be discussed thoroughly and frankly, and indicated that the United States will be ready to enter into talks in 1962 after a reexamination of its current and future needs with respect to Isthmian Canal facilities.

The assembly said yesterday that Kennedy's letter "evidences the good will of his Government to arrive at satisfactory agreements on the questions deriving from the Interoceanic Canal embedded in our territory."

The resolution also pointed out: That the 1903, 1936, and 1955 treaties have not succeeded in "cementing the relations between the two countries in a satisfactory manner."

That the 1903 treaty is manifestly unfair and that the grant is made to the United States in perpetuity is not in keeping with the principles of international law.

That Panama is not deriving fair benefits from the Panama Canal.

The resolution provides as follows:

"Be it resolved—

"1. That (the assembly) express its most fervent desire that the 1903 Treaty on the Interoceanic Canal and the treaties subsequently entered into in 1936 and 1935 be totally replaced and that a new treaty be drawn up which will reaffirm Panamanian sovereignty in the Canal Zone and satisfy the minimum aspirations of the Panamanian people.

"2. That the following are recognized as the minimum aspirations of the Panamanian people:

"(a) Elimination of the in-perpetuity clause and reversion to Panama of the canal installations on a fixed term.

"(b) Fair sharing of the canal revenues (the Foreign Office had listed increasing the canal annuity from the present $1,930,000 to 20 percent of the gross revenue, with a guaranteed minimum of $5 million).

"(c) Establishment of mixed courts and revision of the present legislation in the Canal Zone.

"(d) Recognition of Spanish as an official language in the Canal Zone.

"(e) Cooperation by Canal Zone authorities to enforce Panamanian laws in the Canal Zone.

"(f) Establishment of Panamanian jurisdiction over the ports of Balboa and Cristobal.

"(g) Raising of the Panamanian flag on all public buildings and on all ships transiting the canal.

"(h) Use of Panamanian postage stamps in the Canal Zone.

"(i) Elimination of the issuance of exequaturs (written official recognition) by the Canal Zone to foreign consuls.

"(j) Effective equality of opportunity and treatment for Panamanian and North American workers in the Canal Zone.

"(k) Inclusion of a clause on arbitration as the means of resolving controversies. (The Foreign Office has listed acceptance of the mandatory jurisdiction of the World Court over controversies between the two countries.)

"(l) Cooperation by the U.S. Government for the defense of the Panamanian civil population against possible nuclear attacks.

"(m) Regulation of commercial activities in the Canal Zone through a treaty of commerce, bearing in mind at all times the objective of insuring for Panama the full enjoyment of all types of benefits deriving from the operation of the canal."

Cosignators of the resolution with Boyd were Deputies Azael Vargas, Thelma King, José Agustin Arango, Enrique Jiménez, Jr., Jacinto Lopez y León, Jorge Fernándes, Sidney Wise Arias, Rafael Grajales, Juan B. Arias, Raúl Arango, Jr., and Demetrio Oecerega.

Interlocking Subversion in Government Departments

U.S. Senate, Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, of the Committee on the Judiciary,

Washington, D.C., March 25, 1954.

The subcommittee met at 10 a.m., pursuant to call, in room 324, Senate Office Building, Senator William E. Jenner (chairman) presiding.

Present: Senators Jenner, Watkins, Welker, and Butler.

Also present: Charles P. Grimes, chief counsel; J. G. Sourwine, associate counsel; Benjamin Mandel, director of research; Dr. Edna R. Fluegel and Robert C. McManus, professional staff members.

The Chairman. The committee will come to order.

Let the record show this is a continuation of a hearing with Ambassador Braden that was started December 22, 1953, in New York, and I will ask Mr. Grimes to connect the two and to clarify the record.

Mr. Grimes. Thank you. I think that would make a more orderly record.

There will be some repetition, but simply by way of amplification.

The Chairman. Mr. Witness, do you swear the testimony you will give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Braden. So help me God, I do.

TESTIMONY OF SPRUILLE BRADEN, NEW YORK, N.Y.

The Chairman. State your full name.

Mr. Braden. Spruille Braden, and I live in New York, 320 East 72d Street.

The Chairman. What is your business or profession?

Mr. Braden. Presently as a consultant to various firms mostly on foreign investments and particularly in Latin America.

The Chairman. When were you with the Government of the United States?

Mr. Braden. I was with the Government of the United States more or less continuously—there were in the first couple of years a few intermissions—from the end of 1933 until June 28, 1947.

The Chairman. In what capacities did you serve?

Mr. Braden. I began first as a delegate in charge of all the economic and financial discussions of the Seventh International Conference.

Yes. Going back to 1941, when I was in Colombia, I began sounding warnings to the State Department about the menace of communism in this hemisphere and during the war—1943 and 1944—there were repeated dispatches in which I said that this is the gravest peril we face and that after the war it is going to be most serious.

The Chairman. That was in your written reports?

Mr. Braden. Written reports and telegrams, all kinds of things.

Mr. Grimes. What was the Russian Communist Party line at that time?

Mr. Braden. More or less simultaneously with that, we had the opening that fall of the first United Nations Assembly meeting in New York. They had a San Francisco meeting and a London meeting, but here the Assembly met in New York for the first time.

Mr. Grimes. They were about to meet at the time this took place?

Mr. Braden. This all took place after V-J Day, August 6 or August 7.

Mr. Grimes. The agitation began?

Mr. Braden. It began promptly and it grew rapidly in volume.

Mr. Grimes. You knew this through reports that reached you?

Mr. Braden. I had all kinds of reports and telegrams, everything coming in from Panama. The Army had the same thing. The newspapers carried it.

Mr. Grimes. But your knowledge is based on the official reports made to you as Assistant Secretary of State in charge of Latin American affairs; is that correct?

Mr. Braden. Exactly.

Mr. Grimes. That is the position you occupied, then?

Mr. Braden. That is the position.

Mr. Grimes. Will you state, please, what the Russian Communist Party line was? I think I interrupted you.

Mr. Braden. I was going to say that for the first time the Russians at that time at that Assembly in New York, made the attack on us that we had aggressive intentions—that we were aggressive and the proof of the aggressive intentions we had was our establishing bases all over the world.

Mr. Grimes. Did they at that time mention Panama bases?

Mr. Braden. Subsequently during the discussions in the Assembly they did, not at the beginning, as I recall.

Mr. Grimes. So they used the Panama bases as proof of our aggressive intentions?

Mr. Braden. Well, you say they used it. We gave them the ammunition.

Mr. Grimes. Let's get to that later, but that was the party line?

Mr. Braden. Sure.

Mr. Grimes. We were the aggressors. The proof is we have the bases, the military bases, all over the world, including Panama; is that right?

Mr. Braden. As I recall, the Russians made the point specifying Panama later.

The Chairman. They were not referring to the Canal Zone, they were referring to the Republic of Panama, 134 bases?

Mr. Braden. Yes, the 134 bases I am talking about. But the Canal Zone was brought in implicitly.

Mr. Grimes. Did you have an experience in connection with the agitation in Panama and the Communist Party line with Alger Hiss?

Mr. Braden. Yes.

Mr. Grimes. What was it?

Mr. Braden. There were two instances.

Mr. Grimes. What was Hiss doing at that time?

Mr. Braden. Hiss was in charge of the Office of Special Political Affairs.

Mr. Grimes. In the State Department?

Mr. Braden. In the State Department. That office today is headed by an Assistant Secretary of State. It is the office for United Nations affairs. He was the head of that office, although he did not have the rank of Assistant Secretary of State.

The first thing that happened was that, in the routine performance of his duties, the Governor of the Canal Zone submitted his annual report.

Mr. Grimes. To whom?

Mr. Braden. On the operations of the Canal Zone. I think that is submitted to the War Department. I am not sure of that, but in any case, it was published, as it usually is.

Mr. Grimes. You say routine operations. Would you describe it, briefly, please?

Mr. Braden. I can't do a good job of describing it. I don't think I read it.

Mr. Grimes. What sort of report was it?

Mr. Braden. How many boats are going through the canal in different directions, the tonnage, et cetera; what were the operations of the stores in the canal, what was the labor operation, everything.

Mr. Grimes. Population, matters of that sort?

Mr. Braden. I think population was probably in it. I don't recall.

Mr. Grimes. This is a report by our Governor down there on operations in the Canal Zone and a report which he submits annually; is that correct?

Mr. Braden. Exactly.

Mr. Grimes. He had been submitting it to the American Government; is that right?

Mr. Braden. Since 1903, I assume.

Mr. Grimes. Go ahead, please. What happened in connection with that report?

Mr. Braden. My office, represented by Mr. Cochran, Mr. William Cochran, who was in charge of that whole area in the Caribbean, and Mr. Wise, who was on the Panama desk, became involved in an argument with the Office of Political Affairs, because the latter wished to submit this report by the Governor of the Canal Zone to the United Nations.

My officers immediately got in touch with the legal adviser's office where Miss Ann O'Neill, a very competent lawyer, and a very sturdy soul, I may say—I have a great admiration for her—supported the thesis of my officers that under no circumstances should this report of the Governor of the Canal Zone be submitted to the United Nations.

Finally, Mr. Hiss himself——

Mr. Grimes. What was your reason for that?

Mr. Braden. I was going to say what Hiss' reason was first, because I think that makes it clearer.

Alger Hiss and his office claimed under article 73(e) of the United Nations Charter, it was our obligation to submit that report. I don't know whether you would like to have article 73 reviewed now, or not.

The Chairman. Let it go into the record and become a part of the record, without reading.

(The material referred to was marked "Exhibit No. 357" and is as follows:)

"EXHIBIT NO. 357—CHARTER OF THE UNITED NATIONS—CHAPTER XI, DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

"Article 73

"Members of the United Nations which have or assume responsibilities for the administration of territories whose people have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

"a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses:

"b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

"c. to further international peace and security;

"d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this article; and

"e. to transmit regularly to the Secretary General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which chapters XII and XIII apply."

Mr. Braden. My officers maintained that was perfectly ridiculous; that article 73(e) anticipated self-government. That was the phraseology used in it.

The Canal Zone, so far as the Republic of Panama is concerned, is self-governing.

We had a special agreement as to the operation of the Canal Zone. There was no rhyme or reason, in my opinion, nor in the opinion of my officers, why that should be presented to the United Nations.

Moreover, we knew that if it were presented that it was just going to enrage the Panamanians. It was going to play into the hands of the Russians with their allegations about our bases scattered all over the world, and particularly in Panama.

It was going to alienate a lot of the other Latin Americans, who would say, "See what the United States is doing in the Canal Zone?"

It was a thoroughly bad move to make and particularly with the Assembly starting up in New York.

I knew that Mr. Alfaro, the former President of Panama, and Minister of Foreign Relations, a leading politician, already faced this terrific problem about the bases outside of the zone, and would be terrifically annoyed by this report being presented.

Mr. Grimes. In addition, would it complicate our relations insofar as operation is concerned by giving the United Nations a voice?

Mr. Braden. It would complicate us with the Republic of Panama. It brought the United Nations into something where they had no right to be.

Mr. Grimes. It might give them a claim to some stake in the operation of the Panama Canal?

Mr. Braden. Exactly.

Mr. Grimes. Was that part of the argument?

Mr. Braden. Absolutely.

The Chairman. Senator Watkins.

Senator Watkins. Is it not true we also made reports on Alaska?

Mr. Braden. That was not in my sphere, so I haven't any idea about that. I think we did. I don't know whether we did on Hawaii or not, but I think we did, now that you mention it. But I wasn't concerned about that. I had enough troubles of my own with Panama.

Senator Watkins. The reason I call your attention to it was the fact I entered a protest about reporting from Alaska.

Mr. Braden. I vaguely remember that was true.

Senator Welker. Mr. Chairman, may I have a question?

The Chairman. Senator Welker.

Senator Welker. Mr. Ambassador, you were fortified by your counsel's opinion and the opinion of yourself and others, that you were permitted not to submit this information as requested by Mr. Hiss under the limitation of security; is that correct? That is subsection (e) of article 73.

Mr. Braden. That I can't give you an opinion on as a lawyer. I know that the procedure was totally out of order. There was no justification for that; aside from all of the issues that counsel has brought up in regard to our relations.

Senator Welker. Not withstanding the fact that you did have the security defense in mind, it was still insisted by Mr. Hiss?

Mr. Braden. It was still insisted by Mr. Hiss that it had to be submitted to the United Nations.

Finally, Mr. Cochran and Mr. Murray Wise, my assistants on this matter, came to me and said, "You have got to enter this fight. We can't get any further on it."

At that point we got Mr. Hackworth, the legal adviser to the State Department, in on it.

My boys reported to me they were quite concerned. They feared Mr. Hackworth was veering over to the side of Alger Hiss, but I stormed around quite a bit on this problem and finally Mr. Hackworth would not give a decision.

At that point it was appealed to the Under Secretary of State.

The Chairman. Who was that?

Mr. Braden. Mr. Acheson.

I remember very vividly that I went in to see Mr. Acheson. I think Mr. Hiss had already been there for some time.

This was all 7 years ago, so my memory may be a bit off, but I think it is substantially accurate.

When I tried to state my case, Mr. Acheson, as a lawyer, agreed with Mr. Hiss, and I didn't even have a chance to state my case. I remember that I came out of that meeting boiling with rage at what happened.

Senator Welker. Mr. Hiss was present there?

Mr. Braden. Oh, yes. The only thing we got out of Mr. Hiss' office was an expression which today I don't understand very clearly. and he said this—he put in a phrase that this was submitted to the United Nations, this report of the Governor, on a pragmatic basis for this year, for the year 1946. What that means, I don't know, but that was supposed to take care of our objections, which needless to say, it did not.

As we predicted, the Panamanian Foreign Minister made a speeech in the United Nations. I have a copy of this if you wish to have it in the record.

The CHAIRMAN. I think it should go into the record and become a part of the record.

(The material referred to was marked "Exhibit No. 358" and is as follows:)

"EXHIBIT NO. 358—PANAMA CANAL ZONE IS NOT LEASED TERRITORY

"(Dr. Ricardo J. Alfaro Explains Payment of $430,000 Annuity by the U.S. Government)

"(Speech by the president of the Panamanian delegation, Dr. Ricardo J. Alfaro, during the session of the Political Commission of the General Assembly of the United Nations on November 14, 1946, in respect to the international status of the Panama Canal Zone.)

"The Panamanian Delegation has been informed that by virtue of a resolution adopted on February 9, 1946, by the United Nations Assembly, the United States has presented a report concerning the territories under its administration and has included the Panama Canal Zone among those about which it had to report to the General Secretariat, in accordance with article 73(e) of the United Nations Charter."

* * * * *

Mr. GRIMES. Would you state what his points were?

Mr. BRADEN. The substance was that here we were talking about the canal as if we had it under lease, and we did not; that it was a special agreement beginning in 1903 between Panama and the United States; that Panama had given the United States certain facilities and we had in return made certain payments in regard to—I think it was $10 million to Panama, plus an annual rental of $250,000 a year.

Subsequently we went off gold, raised it to $430,000 a year.

There were the various quid pro quos back and forth that the submission of this to the United Nations was an outrage both to Panama and to the agreement.

Mr. GRIMES. In other words, it was none of the business of the United Nations that he came out very much on the side of the United States on this?

Mr. BRADEN. He came out very much on the side of my office, not of the United States, because we had submitted it.

Mr. GRIMES. That depends on what the U.S. interest is.

Mr. BRADEN. Of the true interest of the United States, yes.

Mr. GRIMES. The report was then submitted to the United Nations?

Mr. BRADEN. Yes.

Mr. GRIMES. Did another incident take place in regard to Panama?

Mr. BRADEN. Yes.

Mr. GRIMES. What was that?

Mr. BRADEN. At that time, and you have to get the picture of the United Nations, the Russians making their speeches about our being aggressors, and the proof being the bases, the Panama bases, 134 outside of Panama Canal Zone, being brought in as proof positive of our aggressive intentions, and I desperately trying and praying that I would be able to keep the lid on everything until the Assembly was over in New York.

And that we could get Mr. Alfaro down to Washington, and quietly and calmly, in luncheons, and in our offices, work out an agreement with him about these 134 bases which the military informed me were vitally necessary for the security of the Panama Canal—therefore, of the United States.

You can, therefore, imagine my utter astonishment when one morning I picked up the Washington Post at my apartment and here on the front page was an announcement that we had reported to the United Nations on the Canal Zone as an occupied territory. When I read that, I realized that was really putting the "fat in the fire" in our relations with Panama, in the substantiation of the Russian allegations, and in our relations with all of the American Republics; it was such a nasty situation.

Mr. GRIMES. In other words, our State Department had officially reported it to the U.N., that Panama was one of our occupied territories?

Mr. BRADEN. Yes. The only thing, my memory is a little hazy on whether that came along at about the same time as the submission of the report by the Governor, or whether it came subsequently, but my best recollection is it came subsequently.

Mr. GRIMES. This was a matter under your jurisdiction as Assistant Secretary of State for Latin American Affairs?

Mr. BRADEN. Exactly.

Mr. GRIMES. You learned about it for the first time in the newspapers?

Mr. BRADEN. I learned about it for the first time in the newspapers.

Mr. GRIMES. What did you do?

Mr. BRADEN. I dropped the newspaper, and I tore down to the State Department. I called in the Director of the Office of American Republics Affairs, Mr. Briggs, who presently is our American Ambassador in Korea; and my first special assistant, Mr. Wright; and Mr. Murray Wise was then called in as the officer on the Panamanian desk.

I may say I was using some pretty strong language around the place at this outrage. None of them knew any more about it than I.

They also had read it in the newspapers.

We then tried to run it down, and we found that this report had been submitted and the employment of the words "occupied territory" by the Office of Special Political Affairs, that is to say, Mr. Alger Hiss.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. ROBERTS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until midnight Friday to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CARIBBEAN AND ISTHMIAN POLICIES—SEQUEL

Mr. ROBERTS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection?

Mr. FLOOD. Mr. Speaker, in a statement to the House in the RECORD of September 14, 1962, pages 19522–19523, I outlined a three-point program of action for the Congress with respect to the mounting crisis in the Caribbean and mentioned that I had introduced three resolutions to support the program.

The first of these resolutions, House Concurrent Resolution 225 to reaffirm the Monroe Doctrine, was quoted in the September 14 statement along with my testimony on that subject in hearings on January 12, 1960, before the Committee on Foreign Affairs.

The other two resolutions, House Concurrent Resolution 525, which relates to the sovereignty and jurisdiction of the Canal Zone, and House Concurrent Resolution 526, which relates to the surrender by the United States to any other authority of its ownership, control, and jurisdiction over the Panama Canal enterprise, follow:

H. CON. RES. 525

Whereas the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange of ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That the United States, under treaty provisions, constitutionally acquired, and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and would lead to confusion and chaos in the administration of the Panama Canal enterprise.

H. CON. RES. 526

Whereas there is now being strongly urged in certain quarters of the world the surrender, by the United States, without reimbursement, of the Panama Canal, to the United

Nations or to some other international organization for the ownership and operation of the canal; and

Whereas the United States, at the expense of its taxpayers and under, and fully relying on, treaty agreements, constructed the canal, and since its completion, at large expenditure, has maintained and operated it and provided for its protection and defense; and

Whereas the United States, following the construction of the canal, has since maintained, operated, and protected it in strict conformity with treaty requirements and agreements, and has thus made it free, without restriction or qualification, for the shipping of the entire world; and, in consequence of which, with respect to the canal and the Canal Zone, every just and equitable consideration favors the continuance of the United States in the exercise of all the rights and authority by treaty provided, and in the discharge of the duties by treaty imposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense and judgment of the Congress that the United States should not, in anywise, surrender to any other government or authority its jurisdiction over, and control of, the Canal Zone, and its ownership, control, management, maintenance, operation, and protection of the Panama Canal, in accordance with existing treaty provisions; and that (2) it is to the best interests—not only of the United States, but, as well, of all nations and peoples—that all the powers, duties, authority, and obligations of the United States in the premises be continued in accordance with existing treaty provisions.

SMALL BUSINESS INVESTMENT COMPANIES

Mr. ROBERTS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection?

Mr. PATMAN. Mr. Speaker, I have today introduced two bills designed to further strengthen the program so successfully being carried on by the small business investment companies of America. It is my understanding that similar bills are being introduced today by the distinguished chairman of the Senate Small Business Committee, Senator JOHN J. SPARKMAN. I am proud to be associated in this way with Senator SPARKMAN, who has been such an able and effective champion of the small businessman.

Small business investment companies have compiled an impressive record during the relatively short time that they have been in existence. They have grown in number until today there are over 600 small business investment companies. The vitality of their program gives proof that the American free enterprise system can respond to the financing needs of its small businessmen. This means of stimulating private investment in small businesses has already achieved great success. It has a potential for even greater success in the future.

These two bills are designed to help small business investment companies more adequately and effectively meet the financial needs of small businessmen. In so doing, these bills can indirectly strengthen the fabric of our entire national economy.

One bill offers amendments to the Small Business Investment Act of 1958. The bill makes certain technical amendments which in general enlarge the amounts which may be loaned by SBIC's and, in some instances, increases the period of time for which funds may be available to them.

The other bill offers amendments to the Internal Revenue Code with respect to the income tax treatment of SBIC's. It authorizes a 20-percent loss reserve on all loans and investments. The bill also permits all SBIC's to elect to be taxed as regulated investment companies and exempts them from investment limitations governing regulated investment companies. Additionally, the bill removes the attribution rule from applying to SBIC's transactions with small business firms and allows ordinary loss treatment for all types of equity securities and empowers SBIC's to hold stock in certain corporations.

I realize that it is too late in the present Congress for these bills to be given serious consideration at this time. However, it is my intention to reintroduce them upon the convening of the 88th Congress. It is my hope that, in the meantime, my colleagues will be able to study their provisions, consider their merits, and possibly discuss the bills with officers of the small business investment companies in their districts.

DANGERS OF REDUCTIONS IN FUNDS FOR THE FOREIGN ASSISTANCE ACT

Mr. ROBERTS of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. NIX] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection?

Mr. NIX. Mr. Speaker, I rise to point out certain dangers in the proposed reduction in funds under the Foreign Assistance Act that Members of the House may not fully appreciate. As a member of the African Subcommittee of the House Foreign Affairs Committee, I am shocked at the violence that these cuts would do to our foreign policy interests in Africa.

What are these interests? They can be identified, I believe, as follows: First, the orderly evolution of African territories into independent nations; second, the peaceful and cooperative resolution of intra-African issues; third, the development and strengthening of institutions and attitudes compatible with United States, and Western international objectives and democratic political philosophy; and fourth, the growth of prosperous and stable African economies which will encourage free enterprise and attract foreign private investment.

The basic problem before us is that the pattern of the appropriations in the bill before us in effect singles out the African programs and penalizes them more than all others, thus jeopardizing the attainment of those objectives.

Take, for example, the development grant fund. Since the African programs were to be the principal recipients of these funds, the $475 million reduction recommended by the committee would fall mostly in this area.

How, then, can we manifest the U.S. interest in helping these young and inexperienced nations to attain economic growth and overcome some of their crippling problems?

Let us look at what will happen if the cut in development grants category should hold. Last year, $102 million was obligated in Africa. Considering the large number of new nations in Africa and the tremendous needs, an increase was proposed for Africa that many of us who know the problems felt was perhaps too modest for fiscal year 1963. Yet the bill before the House would bring the level of AID assistance in Africa down to $70 to $75 million.

Looking behind those statistics, what effect would this cut have? I can visualize some of the effects.

One effect would be to undermine the efforts of the 192 American colleges and universities and several private U.S. foundations who have graciously provided 481 scholarships for African students during the past 2 years. These young men are select and eager to learn. They also provide a valuable stimulus and rich cultural association for their American fellow students. The U.S. Government contribution to this program—a program developed by those colleges and foundations—is solely to assist to maintain the students. But without that help the program as a whole will fail.

A second effect concerns the greatest part of development grant assistance to Africa, which is for education. All studies of Africa confirm that the crippling lack of skilled persons is of fundamental importance if these peoples are to achieve some degree of political and economic viability.

The AID programs in the area of education clearly reflect the will of the Congress, as expressed in section 211b of last year's legislation:

> In countries and areas which are in the earlier stages of economic development, programs of development of education and human resources through such means as technical cooperation shall be emphasized, and the furnishing of capital facilities for purposes other than the development of education and human resources shall be given a lower priority until the requisite knowledge and skills have been developed.

The subcommittee on which I sit examined the proposed program and was impressed with the improvements in it which had been made. It does not consist of the construction of elaborate campuses, plush buildings, or educational monuments. Further, the new policy of providing for loan financing of any major construction, even for educational purposes, seemed to us to assure a more careful administration of the program than in the past.

But the largest part of the educational program consists of services, principally from American universities under contract arrangements. These universities are assisting and advising Africans who engage in teacher training, vocational education, and education in agriculture, health, public administration, and other secondary-level systems and schools. This program is firmly established on the concepts of training Africans largely in their own continent, of establishing good educational institutions in Africa and of helping to train the electricians, farm agents, healthworkers, teachers, and so forth, needed for modern economic life.

The amount of the proposed reduction is almost exactly equal to the level of this educational effort. Can we renege on these programs, abandon technical assistance after just 1 or 2 years, and tell the United States and African universities that our plan and intentions were not firm? I think you will agree we cannot.

Let me give you one further illustration of what this cutback in development grant funds would mean. The second largest area in the allocation of AID programs in this appropriation is agriculture. Last year some $27 million was obligated in these programs, bringing the fruits of the unique American experience in agriculture extension to the enrichment of African farming. Former farm agents were sharing their knowledge. American institutions like Oklahoma State University, the University of Illinois, and Tuskegee Institute were undertaking key roles. American techniques of farm research and experimentation were adapted to help Africans to make better use of their resources. In sub-Saharan countries which face almost every year the fearful alternative of droughts or floods, our people have begun to guide Africans in water conservation and well-drilling techniques.

By what logic do we cut back a program just as it is getting well underway?

I am equally distressed at what the proposed cut will do to the loan program for Africa. If the figure proposed by the Appropriations Committee is sustained, only $775 million would be available for development lending for all the countries of the world other than Latin America. It is my understanding that over $650 million of this is required to meet firm U.S. commitments in India and Pakistan alone. It is obvious that the balance remaining would be so small that it would be virtually impossible to respond to requests from the emerging African nations which require this assistance so badly.

The United States has agreed to assist the African nations in their development efforts, and it has made long-range commitments to Nigeria, Tunisia, and Tanganyika. The United States took this action in order to encourage other free world nations to increase their aid. If we now say that we cannot respond on a loan basis to requests for even the most well-conceived capital projects, the development efforts of these nations—which we have been encouraging—will be seriously impaired even before they have well begun.

In recent years African nations have made great strides in directing their own limited resources to long-range development. We have said that we would help finance well-planned programs and projects. As a result, a great deal of effort and study have gone into determining the economic and technical feasibility of a wide variety of proposals. Is it responsible to say that we are no longer interested?

The United States does not need to be the majority partner in the effort to help these countries. It has not been, nor is it so proposed. Aid to Africa from other countries of the free world far exceeds that of the United States. I know of no part of the world where we get more leverage in the use of our aid than in Africa.

Just a few months ago, we approved an amendment to the basic statement of policy for this program. It read:

> It is the sense of Congress that, where feasible, the U.S. Government invite friendly nations to join in missions to consult with countries which are recipients of assistance under this part on the possibilities for joint action to assure the effective development of plans for the economic development of such recipient countries and the effective use of assistance provided them; and that the President may request the assistance of international financial institutions in bringing about the establishment of such missions.

This significant amendment adds to the precedent established last year when this Congress enacted still another cardinal principle:

> The Congress hereby affirms it to be the policy of the United States to make assistance available, upon request, under this part in scope and on a basis of long-range continuity essential to the creation of an environment in which the energies of the peoples of the world can be devoted to constructive purposes, free of pressure and erosion by the adversaries of freedom.

The drastic cut in foreign aid funds threatens to nullify those policies. We must prove today that we meant what we said.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Roosevelt, for Monday and Tuesday of next week, on account of business in home district.

To Mrs. Riley (at the request of Mr. Albert), for Wednesday, September 19, and for an indefinite period on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(At the request of Mr. Milliken:)

Mr. Halpern, today, for 15 minutes.

Mr. Halpern, on September 21, for 15 minutes.

Mr. Cunningham, today, for 5 minutes.

Mr. Cramer, for 30 minutes, on Monday, September 24, 1962, vacating his special order of today.

Mr. Dulski (at the request of Mr. Roberts of Texas), for 30 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Giaimo (at the request of Mr. Roberts of Texas) and to include extraneous matter on the conference report on H.R. 8900.

Mr. Philbin in three instances and to include extraneous matter.

Mr. Fulton.

Mr. Michel to revise and extend his remarks and include extraneous material in the remarks he made during the consideration of the agriculture conference report.

Mr. Laird to revise and extend the remarks he made in the Committee of the Whole today and include extraneous matter.

(The following Members (at the request of Mr. Milliken) and to include extraneous matter:)

Mr. Van Zandt.

Mr. Brown.

Mr. Curtis of Missouri.

(The following Members (at the request of Mr. Roberts of Texas) and to include extraneous matter:)

Mr. Fogarty.

Mr. Monagan.

Mr. Whitener.

Mr. Holland.

Mr. Burke of Massachusetts.

Mr. Blatnik.

Mr. Moss in two instances.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1171. An act to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes;

H.R. 7431. An act to provide for the free entry of certain stained glass for St. Joseph's Cathedral, Hartford, Conn., and for other purposes;

H.R. 7796. An act to amend certain lending limitations on real estate and construction loans applicable to national banks;

H.R. 8520. An act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands;

H.R. 9280. An act to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes;

H.R. 9593. An act to provide for the conveyance of certain phosphate rights to the Dr. P. Phillips Foundation of Orlando, Fla.;

H.R. 9954. An act to amend the act of June 6, 1924, chapter 270 (43 Stat. 463), relating to the National Capital Park and Planning Commission, as amended by the National Capital Planning Act of 1952 (66 Stat. 781; 40 U.S.C. 71);

H.R. 10540. An act to exclude deposits of petrified wood from appropriation under the U.S. mining laws;

H.R. 11019. An act to provide that the Uniform Limited Partnership Act shall apply in the District of Columbia;

H.R. 11151. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes;

H.R. 12577. An act to place authority over the trust powers of national banks in the Comptroller of the Currency;

H.R. 12628. An act to provide additional funds under section 202(a)(4) of the Housing Act of 1959, and to amend title V of the Housing Act of 1949, in order to provide low and moderate cost housing, both urban and rural, for the elderly;

H.R. 12675. An act to provide for the formation of partnerships in the District of Columbia and to make uniform the law with respect thereto;

H.R. 12689. An act to repeal section 557 and to amend section 559 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901;

H.R. 12727. An act to amend the Act of February 28, 1901, to insure that policemen and firemen in the District of Columbia will receive medical care for all injuries and diseases;

H.R. 12762. An act to amend the District of Columbia Unemployment Compensation Act, as amended; and

H.R. 12899. An act to amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 273. An act for the relief of Hratch Samuel Arukian;

S. 2184. An act for the relief of Mrs. Heghine Tomassian;

S. 2208. An act for the relief of Su-Fen Chen;

S. 2760. An act for the relief of Yuj-Kan Cheuk;

S. 2768. An act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds therefor;

S. 3026. An act for the relief of Jeno Nagy;

S. 3475. An act to provide further for cooperation with States in administration and enforcement of certain Federal laws; and

S. 3529. An act to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2292. An act to authorize the Secretary of the Treasury to issue certificates of honorable service in lieu of certificates of disenrollment to certain persons who served as temporary members of the U.S. Coast Guard Reserve during World War II;

H.R. 7431. An act to provide for the free entry of certain stained glass for St. Joseph's Cathedral, Hartford, Conn., and for other purposes;

H.R. 7796. An act to amend certain lending limitations on real estate and construction loans applicable to national banks;

H.R. 8520. An act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands;

H.R. 9280. An act to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes;

H.R. 9593. An act to provide for the conveyance of certain phosphate rights to the Dr. P. Phillips Foundation, of Orlando, Fla.;

H.R. 9914. An act for the relief of San-Man Inn of Manning, Inc.;

H.R. 9954. An act to amend the act of June 6, 1924, chapter 270 (43 Stat. 463), relating to the National Capital Park and Planning Commission, as amended by the National Capital Planning Act of 1952 (66 Stat. 781; 40 U.S.C. 71);

H.R. 10540. An act to exclude deposits of petrified wood from appropriation under the U.S. mining laws;

H.R. 11974. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 12577. An act to place authority over the trust powers of national banks in the Comptroller of the Currency;

H.R. 12628. An act to provide additional funds under section 202(a)(4) of the Housing Act of 1959, and to amend title V on the Housing Act of 1949, in order to provide low and moderate cost housing, both urban and rural, for the elderly;

H.R. 12675. An act to provide for the formation of partnerships in the District of Columbia and to make uniform the law with respect thereto;

H.R. 12689. An act to repeal section 557 and to amend section 559 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901;

H.R. 12727. An act to amend the act of February 28, 1901, to insure that policemen and firemen in the District of Columbia will receive medical care for all injuries and diseases;

H.R. 12762. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 12870. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1963, and for other purposes; and

H.R. 12899. An act to amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger.

ADJOURNMENT

Mr. ROBERTS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, September 21, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

2543. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims and judgments rendered against the United States in the amount of $10,705,980, together with such amounts as may be necessary to pay indefinite interest and costs (H. Doc. No. 558); to the Committee on Appropriations and ordered to be printed.

2544. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of facilities projects proposed to be undertaken for the respective Reserve components of the Armed Forces within the authorizations contained in section 702, Public Law 87-554, pursuant to provisions of 10 U.S.C. 2233a(1), as amended by section 701, Public Law 87-554; to the Committee on Armed Services.

2545. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill, to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes"; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee of conference. S. 320. An act to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State (Rept. No. 2439). Ordered to be printed.

Mr. DAWSON: Committee on Government Operations. Twenty-fourth report of the Committee on Government Operations (Rept. No. 2440). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. House Joint Resolution 886. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; without amendment (Rept. No. 2441). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 8151. A bill to amend title 14, United States Code, to require authorization for certain appropriations; with amendment (Rept. No. 2442). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9981. A bill to amend the act of August 6, 1947, to extend the functions of the Coast and Geodetic Survey, and for other purposes; with amendment (Rept. No. 2443). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2793. An act to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof; without amendment (Rept. No. 2444). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. House Resolution 799. Resolution making provisions for a statue to "The Maine Lobsterman" in the "New Southwest," Washington; without amendment (Rept. No. 2445). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 12964. A bill to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended, with respect to the minimum age limitation for registration; without amendment (Rept. No. 2446). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 914. An act to provide for more effective administration of public assistance in the District of Columba; to make certain relatives responsible for support of needy persons, and for other purposes; with an amendment (Rept. No. 2447). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. House Joint Resolution 854. Joint resolution to amend the act of April 29, 1942, establishing the District of Columbia Recreation Board, to provide for the restoration and use of the Belasco Theater on Lafayette Square in the Nation's Capital as a municipal theater as proposed by President Kennedy in 1960, to provide that such theater shall be used solely as a children's theater and art center so as to provide cultural fare superior to many of the movies and television programs seen by millions of children today, and to provide that such theater shall be known as the National Children's Theater and Art Center; with an amendment (Rept. No. 2448). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10319. A bill to adjust the retirement and relief compensation of certain Police and Fire Department personnel of the District of Columbia, and for other purposes; without amendment (Rept. No. 2449). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 11903. A bill to amend the act of August 1, 1939, chapter 409, as amended, to provide for the registration of professional nurses as staff officers in the U.S. merchant marine; with an amendment (Rept. No. 2450). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDMONDSON: Committee of conference. H.R. 8134. A bill to authorize the sale of the mineral estate in certain lands (Rept. No. 2451). Ordered to be printed.

Mr. EDMONDSON: Committee of conference. H.R. 10566. A bill to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz. (Rept. No. 2452). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY:

H.R. 13182. A bill to permit the burial in national cemeteries of parents of deceased servicemen or veterans who died leaving no spouse or minor child entitled to be buried in a national cemetery; to the Committee on Interior and Insular Affairs.

By Mr. CLEM MILLER:

H.R. 13183. A bill to amend the Agricultural Adjustment Act of 1933 as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended; to the Committee on Agriculture.

By Mr. SISK:

H.R. 13184. A bill to provide for the payment of compensation, including severance damages, for rights of way acquired by the United States in connection with reclamation projects the construction of which commenced after January 1, 1961; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Mississippi:

H.R. 13185. A bill authorizing the naming of the lower auxiliary channel, Yazoo River Basin, Miss., in honor of the late Will M. Whittington; to the Committee on Public Works.

By Mr. BLATNIK:

H.R. 13186. A bill to amend the Federal Water Pollution Control Act to provide financial assistance to municipalities and others for the separation of combined sewers and for other purposes; to the Committee on Public Works.

By Mr. ELLSWORTH:

H.R. 13187. A bill to provide for the issuance of a special postage stamp to commemorate the 100th anniversary of the founding of the University of Kansas; to the Committee on Post Office and Civil Service.

By Mr. HARDING:

H.R. 13188. A bill to amend the 1963 wheat provisions of the Food and Agriculture Act of 1962 to provide for adjustments in yields resulting from irrigation; to the Committee on Agriculture.

By Mr. PATMAN:

H.R. 13189. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

H.R. 13190. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies; to the Committee on Ways and Means.

By Mr. TOLLEFSON:

H.R. 13191. A bill to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds; to the Committee on Merchant Marine and Fisheries.

By Mr. CAHILL:

H.R. 13192. A bill to amend the Internal Revenue Code of 1954 to permit the wholesale sale of liquors by retail dealers to certain organizations without the payment of the special tax on wholesale dealers in liquors; to the Committee on Ways and Means.

By Mr. CAREY:

H.R. 13193. A bill to authorize the Secretary of the Army to conduct a survey on the engineering and economic feasibility of a land-fill project off Staten Island, N.Y.; to the Committee on Public Works.

By Mr. LANE:

H.R. 13194. A bill to provide for a survey of a channel between Point Shirley and Deer Island, Mass.; to the Committee on Public Works.

By Mr. ROGERS of Texas:

H.J. Res. 887. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 888. Joint resolution proposing an amendment to the Constitution of the United States permitting nonsectarian prayer in public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

By Mr. COLMER:

H.J. Res. 889. Joint resolution expressing the determination of the United States with respect to the situation in Cuba and in Berlin; to the Committee on Foreign Affairs.

By Mr. LESINSKI:

H. Con. Res. 565. Concurrent resolution providing that certain violations of human rights by the Government of Poland shall be brought to the attention of the General Assembly of the United Nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 13195. A bill for the relief of Leonid Stankiewicz; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 13196. A bill for the relief of Ulf Heinrich Goebel; to the Committee on the Judiciary.

By Mr. BROYHILL (by request):

H.R. 13197. A bill for the relief of Mrs. Clorinda (Frattini) Iacangelo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 13198. A bill for the relief of Chu Kin Ping; to the Committee on the Judiciary.

By Mr. SEELY-BROWN:

H.R. 13199. A bill to authorize the Secretary of the Air Force to provide transportation and travel allowances for the wife and children of A1c. Joseph E. R. Fortin, U.S. Air Force; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

The Van Zandt Amendment in the Atomic Energy Commission Appropriation Bill

EXTENSION OF REMARKS
OF
HON. CLARENCE J. BROWN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 20, 1962

Mr. BROWN. Mr. Speaker, I commend the gentleman from Pennsylvania [Mr. VAN ZANDT] for his diligent and dedicated efforts that culminated in amending the Atomic Energy Commission authorization bill. Without that amendment, the Federal Treasury would have been liable for any losses resulting from the operation of the proposed generating facilities at the Hanford, Wash., new production reactor.

Congressman VAN ZANDT has compiled an outstanding record in his years in the Congress of the United States, but his vigorous leadership throughout the numerous skirmishes on the Hanford issue was an inspiration to his colleagues. Recognizing the threat of the Government-sponsored electric generating station proposed for Hanford last year, he immediately undertook aggressive action against it. He took the floor time and again to call attention to the inefficiency of such a facility, to the fact that its construction would provide a key link in the nationwide transportation grid envisioned by public power proponents, to coal markets it would usurp, and to the unfair advantages this subsidized project would bring to the Pacific Northwest in its competition for new and expanded industry with other areas interested in redevelopment programs.

The 1961 battle of Hanford proved to be a long struggle. Congressman VAN ZANDT successfully mustered his forces on four different occasions before supporters of the project finally surrendered. When the program was presented under an entirely new guise in this session, Congressman VAN ZANDT recognized that, as presented, the project would still not relieve the Federal Government of losses that were certain to result. Once again he led the House to an overwhelming victory.

Sensing the futility of continuing the struggle for Government liability, the conferees finally succumbed to the Van Zandt demands and accepted the amendment originally proposed by the distinguished gentleman from Pennsylvania. Here is the final result of Congressman VAN ZANDT's effort, as explained by the chairman of the conference committee when H.R. 11974 reached the House for final action last week:

> Mr. Speaker, in the argument which I made on the Van Zandt motion to instruct the conferees on their first conference I made a pledge. I said, "I guarantee you that we, the conferees, will bring back for a vote the issue which is involved in this matter."
>
> This we, the conferees, have done. We have brought back language which not only contains the Van Zandt amendment, but we have also gone further than the prohibition against the Atomic Energy Commission's entering into contractual arrangements for the construction and operation of generating and transmitting facilities; we have inserted another prohibition against the sale of steam from these facilities, and we have directed—and listen, please, to this—we have directed the Atomic Energy Commission to withhold from beneficial use and waste this 800,000 kilowatts of steam unless the Atomic Energy Commission could make three important determinations in the public interest. If they could make such administrative determinations, and if they could impose upon the contracting entities terms and conditions which would: First, guarantee that all of the fears of additional Federal expenditures were groundless; second, that any losses which might occur in the future as a result of these contractual arrangements would be borne not by the Federal Government but by the Bonneville Power Administration system's customers through rate adjustments in their electricity—and this is written into the statute that is offered in the conference report.

Mr. Speaker, I am hopeful that, in these concessions and pledges incorporated into the bill which passed the House last week, Congress will find a precedent on which to base its decisions when similar proposals arise. By including the Van Zandt principle when assorted power projects are drawn up, Congress can protect the public from underwriting inefficient and wasteful programs that have no place in America's industrial complex.

New Spencer Post Office

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. PHILBIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of my remarks at the dedication of the Spencer, Mass., Post Office on August 25, 1962.

The material follows:

NEW SPENCER POST OFFICE

> Reverend clergy, distinguished guests, and friends, it is a special pleasure and privilege for me to join you today in this historic, meaningful dedication of this beautiful new post office.
>
> Your town and its loyal people are very close to my heart, and I rejoice with your distinguished Representative and Senator, town and post office officials and all your people upon the completion of this useful, post office facility.
>
> I compliment and congratulate the Post Office Department, the builders, and all those who have had anything to do with the completion of this building, which will fill an important need in this community for years to come.
>
> Our great Post Office Department with its farflung organization and innumerable units spread over our great country is the largest and most efficient communication and mailing system in the whole world.
>
> It enjoys outstanding leadership and outstanding personnel whose painstaking devotion to duty and efficient service is unmatched in any nation.
>
> These faithful postal workers in Spencer and elsewhere throughout our great postal system give us daily proof of their unswerving purpose to serve us with complete dedication. This facility we dedicate today with such satisfaction, pride and gratitude is but another instance of the determination of our Government, the Department and Congress to support and improve our postal service in every way we possibly can to keep pace with every modern development. So this, my friends, is an occasion which we may all well appreciate and cherish, since it marks a distinct improvement in the postal facilities of this beautiful town.
>
> There is a broader significance that we all are mindful of today and that is is that facilities like this one are the product of free, democratic government. The loyal spirit which the people of Spencer have always manifested, and particularly your devotion in war and peace to the cause of freedom is greatly needed in the Nation and the world today.
>
> We must constantly have in mind that those who would destroy freedom and democracy, not only here, but throughout the world, are working unceasingly with skill and vigor to achieve their evil purpose of destroying freedom in the world and enslaving mankind.
>
> While our great Nation is dedicated to peace based upon freedom and security, our people are resolutely determined to preserve our birthright and our heritage, and we do not propose to allow any other nation, or group of nations, to steal away our hard-won liberties or to challenge the safety of our shores and the security of our homes.
>
> As we carry out our high purpose for peace, and earnestly work to bring about a better world, organized under the rule of law, let it be well understood by those who conspire against us, that we are unalterably pledged to the perpetuation of free government, just as we are resolutely committed to the cause of world peace.
>
> It is for us to try to build and shape a greater, stronger and more prosperous nation, and to hold out the hand of friendship and assistance to other nations who earnestly seek peace, and who wish to live and develop under free institutions.
>
> It is for us to maintain our strength at every level, military, economic and spiritual, and to uphold at all times the moral precepts and spiritual truths upon which our great Nation was founded.
>
> If we pursue these ends, tomorrow may be a brighter day for all humanity, and we and other nations pledged to freedom may well be able to persuade the leaders of the Communist conspiracy to outlaw war, effectively control nuclear weapons and substances, agree to universal disarmament and adopt world, legal institutions to promote world cooperation, unity of the human family, and order and justice for mankind.
>
> In that way, tyranny will cease and peace with justice will prevail.
>
> In the presence of this distinguished group of officials, dignitaries and honored guests, and so many people of this great community, I am happy to express the hope that this new postal facility will serve your beautiful town and its devoted people for many years to come. It will do much to strengthen your municipal posture and provide for the convenience of your people.
>
> Not only this generation, but future generations, will have reason to be grateful for the place it will have in the affairs of the people of Spencer. May your beautiful community continue to grow in strength, unity, prosperity and the ways of freedom.
>
> Let me thank you warmly for the privilege of being with you, today.

Another Restriction on Information Removed

EXTENSION OF REMARKS

OF

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. MOSS. Mr. Speaker, it is my firmly held conviction that one of the great sources of strength of our free society is the fact that we conduct the business of government in the open. For the past 7 years the Special Subcommittee on Government Information has actively examined restrictions on the availability of Government information. From time to time we have been able to report marked improvements. Today I am pleased to inform the Members that one of the few remaining restrictions on information about our civilian space program has been ordered eliminated in time for the scheduled orbital attempt this week.

Perhaps nowhere is the philosophy of freedom of information more important than in space probes. Our scientific exploration of space is part of a fierce international competition for prestige and discovery. We have confidence that our free society can match and exceed the accomplishments of other societies, but the truth of our accomplishments will be widely known only if we are careful to make available all the facts to the entire world.

From the outset the subcommittee has urged that our space experiments be conducted in the open. The decision of Congress to transfer our scientific space activities from military to civilian control was accompanied by a firm statement that the people had a need and a right to know about our space program, its successes and its failures. With growth of the civilian program, more and more information about our accomplishments in space has been made available to the American people, and to the entire world.

As manned exploration of space assumed a significant role in our program, a critical decision had to be made. When the time came for the dangerous flights of the astronauts, would the American people be permitted to share in the anxiety as well as the triumphs? We answered that question by inviting the people of the world to witness our flights. The result was a worldwide triumph for our open society; without a doubt, the United States actually was performing feats others bragged of but cloaked in secrecy. President Kennedy eloquently stated the issue in an address before the National Association of Broadcasters on May 8, 1961, shortly after Commander Shepard's flight:

> The great inner resource of freedom, the resource which has kept the world's oldest democracy continuously young and vital, the resource which has always brought us our greatest exploits in time of our greatest need, is the very fact of the open society.
>
> Thus if we are once again to preserve our civilization, it will be because of our freedom, and not in spite of it.
>
> The essence of free communication must be that our failures as well as our successes will be broadcast around the world. And therefore we take double pride in our successes.

As the manned space program progressed, increasing freedom was won by the press, radio, and television to report the news to the American people. I am pleased to announce today that, as a result of the Information Subcommittee's investigation, the last remaining barrier to instantaneous reporting of the events prior to launch have now been removed by the National Aeronautics and Space Administration.

NASA officials have informed me that, effective immediately, press representatives assembled at Cape Canaveral in the early hours before launch will be able to report prelaunch developments to the American people—and the world—as they happen. Until this latest improvement, all prelaunch news was withheld overnight until approximately 30 minutes before the scheduled launch. Thus, when our next astronaut strides from the ready hangar and heads for his space capsule early one morning this week, the American people will be there with him via our free press, radio, and television.

Outmoded Waste Collection Systems Polluting Our Waters

EXTENSION OF REMARKS

OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. BLATNIK. Mr. Speaker, the Nation is presently embarked on a determined and serious effort to bring about effective prevention and control of the pollution that menaces our precious water resource. Municipal and industrial wastes are admittedly the major contributory sources of this pollution. Accordingly, the predominant share of the current effort is focused on these two major contributors.

The stimulatory grants-in-aid to municipalities for construction of waste treatment works provided by the Federal Water Pollution Control Act have been greatly successful in this respect, so much so that the Congress has authorized a continuation of this program at twice its previous rate.

And yet little or no regard has been given to the outmoded waste collection systems in many of our older cities that in themselves serve to greatly reduce the benefits to be expected from the installation of new treatment plants. This is because, on an annual average, 10 percent of the municipality's sanitary sewage never reaches the treatment plant. This amount of the city's raw wastes is carried off by storm overflow directly into the nearest waters. Adding to the gravity of this situation is the fact that many cities collect the wastes from their industries in their municipal sewers to receive treatment at the central plant.

At the turn of the century, many municipalities constructed a system of combined sewers to carry their sanitary wastes and to collect the runoff from their streets after a rainfall. At that time, this was an economic course for the cities to take. The sanitary wastes from their smaller populations used only a small portion of the combined sewer capacity. The portion of this sanitary sewage that was carried off by storm overflows into the receiving wastes was readily diluted by the proportionately larger street runoff collected by the sewers.

Now the populations of these cities have increased at an unforseen rate. The continuation of this growth rate is expected at an even higher level. Already the huge population centers like New York, Chicago, Detroit, Philadelphia, Washington, D.C., and others find that their combined sewers are sufficient only to handle the sanitary sewage with little or no capacity remaining to cope with storm runoff. Thus, with these combined sewers filled to capacity with sanitary wastes, the runoff resulting even from a short summer afternoon rainfall causes the sewers to overflow at spillways necessarily provided for this purpose directly to the stream. It is conservatively estimated that as much as 35 percent of the sanitary sewage bypasses the treatment plant and is carried directly into the watercourse after a heavy rainfall fills the sewers and pours out of the convenient spillways.

It is this factor, which in the opinion of experts, is directly responsible for the serious interference with recreational and other legitimate uses of the waters that are adjacent to our larger communities. For example, the city of New York administers conscientious treatment of its sanitary waste discharges. Its bathing beaches, however, are to a great extent posted as unsafe due to the unusually high coliform count samples obtained there. This situation is attributed in large degree to the storm overflow from its combined sewers, carrying a large amount of raw sanitary sewage. Similarly, the closed beaches at Milwaukee, now an annual affair, are also traceable to storm overflow. The pollution of the Potomac River caused by storm overflow from the combined sewers in the Nation's Capital was recognized and cited as a principal cause of the shameful condition of this stream in the Federal enforcement action begun in 1957 to restore the quality of these waters. The conferees recommended as one of the absolutely necessary remedial measures that pollution from storm sewer overflows be substantially alleviated by the end of 1966.

It can well be understood, therefore, that our programs of municipal treatment works construction should be accompanied by the construction of separate storm and sanitary sewers in our metropolitan areas. This is necessary and imperative to assure the efficiency of the treatment plants themselves, which are designed to handle sanitary sewage without the complicating factor of intermixture with storm runoff. And, more importantly, the deleterious discharge of raw sewage will be effectively halted—allowing our streams to recover without the necessity of experiencing periodic heavy doses of the pollutants that have so long plagued them.

To alleviate this problem, I am introducing a bill which should provide for the orderly conversion of these outmoded systems.

The bill is as follows:

A bill to amend the Federal Water Pollution Control Act to provide financial assistance to municipalities and others for the separation of combined sewers and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Water Pollution Control Act (33 U.S.C. 466e) is amended by adding at the end thereof the following:

"(g) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for separation of combined sewers which carry both storm water and sewage or other wastes on the date of enactment of this subsection to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

"Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this subsection unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made for any project under this subsection until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the separated sewers after completion of the construction thereof; (4) no grant shall be made for any project under this subsection unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

"In determining the desirability of projects for separating combined sewers and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the separated sewers to the public interest and to the public necessity for the separated sewers, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the separated sewers after completion of the construction thereof. The sums appropriated pursuant to this subsection for any fiscal year shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. Sums allotted to a State under the preceding sentence which are not obligated within six months after they were allotted because of a lack of projects which have been approved by the State water pollution control agency and certified as entitled to priority, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds. The allotments of a State under the immediate preceding two sentences of this subsection shall be available, in accordance with the provisions of this subsection, for payments with respect to projects in such State which have been approved under this subsection. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. For purposes of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1967, the sum of $70,000,000 per fiscal year for the purpose of making grants under this subsection. Sums so appropriated shall remain available until expended.

"The Secretary shall make payments under this subsection through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of separation of combined sewers, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of such separated sewers; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of such separated sewers; and the inspection and supervision of the construction of such separated sewers.

"The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the act of March 3, 1931, as amended, known as the Davis Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5)."

Public Access to Commission Dissents

EXTENSION OF REMARKS

OF

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. MOSS. Mr. Speaker, on July 26, 1962, I brought to the attention of the Members of this House the fact that the Federal Trade Commission was attempting to suppress information about dissenting opinions of its minority members. This fact was uncovered by the Special Subcommittee on Government Information shortly after the same practice by the Federal Power Commission had been discovered and corrected. When I last informed the House on this subject I provided the text of a letter sent to the Federal Trade Commission urging it to reverse the policy of secrecy and to adopt a positive policy assuring that majority and minority decisions and opinions would be made available to the public.

I have been informed by the Federal Trade Commission that it has adopted a new policy that follows, generally, the suggestion made by the subcommittee. The new policy declares that a dissenting Commissioner "shall have the right to have his dissent and reasons therefor shown on the document or accompanying papers evidencing such action." The new policy does not apply to actions of the Commission that are not made public, such as a decision to drop a matter or a decision on some nonpublic procedural matter. The language of the FTC letter could be interpreted to hold that, in such a case, a dissenting member has no right to make known his objection to the decision of the majority. There is no valid basis upon which the majority of the Commission—or two Commissioners constituting a majority of a three-man quorum—may muzzle or delay the issuance of the views of dissenting Commissioners with regard to any Commission actions. The subcommittee has asked the Commission to state whether the new policy prevents a nonconcurring Commissioner from expressing views on any Commission action which is not made public. The pertinent letters follow:

FEDERAL TRADE COMMISSION,
Washington, D.C., September 6, 1962.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee of the Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reference to your letter dated July 23, 1962, in which you requested me to advise the subcommittee subsequent to the Commission meeting the first week in September as to the action taken by the Commission in regard to any procedure adopted by the Commission for noting dissents and issuing dissenting opinions.

At the Commission meeting on Tuesday, September 4, 1962, the following action was unanimously adopted by the Commission:

"When the Commission takes any action which it makes public, and a member of the Commission does not concur in such action, such member shall have the right to have his dissent and reasons therefor shown on the document or accompanying papers evidencing such action."

Sincerely yours,

PAUL RAND DIXON,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., September 18, 1962.

Mr. PAUL RAND DIXON,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. DIXON: Thank you for your letter of September 6, 1962, advising that the Federal Trade Commission on September 4, 1962, unanimously adopted a resolution recognizing that any Commissioner who does not concur with any action with the Commission makes public is entitled to have his dissent and the reasons therefore shown on the document or other accompanying papers evidencing such action.

The Commission's new policy is excellent, as far as it goes; however, it does not cover actions which the Commission fails to make public. The language of the Commission's new policy, as quoted in your letter, could thus be interpreted as denying the right of a Commissioner to make known his objections to a Commission action such as a decision to drop a matter, or a decision concerning Commission procedure, or any other Commission matter, if the Commission does not make the action public.

There is no apparent basis upon which the majority of the Commission (or two Commissioners constituting a majority of a three-man quorum) may muzzle or delay the issuance of the views of dissenting Commissioners with regard to any Commission actions. Please, therefore, clarify whether the policy statement of September 4, 1962, is intended to prevent a nonconcurring Commissioner from expressing views on any Commission action which is not made public.

Sincerely,

JOHN E. MOSS,
Chairman.

Congressional Franked Mail—A Public Service

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. PHILBIN. Mr. Speaker, Senate amendment No. 44 to the legislative appropriations bill denies the use of any simplified form of address on congressional franked mail.

As pointed out by able members of the committee, the House, by record vote, rejected this identical proposition last April. There is no reason, in my opinion, for the House to change its opinion on the vital matter simply because election time is at hand.

Henceforth, all franked mail—rural and star route mail as well as city and town mail—has to include the full name and address even for such mailings as ordinary lists of publications, farm bulletins, and other informative Government pamphlets and reports that were previously distributed and still are widely sought by a great many people in our respective districts all over the country.

Franked mail sent out by Members of Congress to their constituents now does not even have parity with private mailers on either rural, star, or city routes of boxes since private mailers can send rural mail addressed to "Postal patron, local" and city mail without a name.

Present simplified addressing procedure reduced the cost in congressional offices and in the post office. The Post Office Department states:

> The per piece handling cost of congressional mail, addressed to "Postal Patron" without street address on city carrier routes and post office boxes, will be less than the same mail fully addressed to each householder.

Of course, the same held true for rural mail.

The House Doorkeeper testified at the March hearings in this matter that—

> This patron mail, so-called, has not affected the workload of the House folding room whatsoever.

I share the view that Congress should protect the use of the frank as a practical means of effectively and economically getting Government publications and other information to the people and if any isolated abuses are deemed to be present regarding these matters, they should be considered and acted upon by appropriate legislative committees.

One of the great services we render our constituents is to provide them with valuable informational services available in the Government and I believe it is definitely against the public interest and the welfare and interest of our people to curtail or restrict these privileges in anyway. That is why I voted against adoption of Senate amendment No. 44.

Let me make it clear that I have not made use of the simplified patron mail provision authorized last year. However, I see no reason why Members of Congress should be denied the right of the franking privilege in serving their people through less costly simplified patron mailings.

Anthony J. Celebrezze: An Excellent Appointment

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. BURKE of Massachusetts. Mr. Speaker, in selecting Anthony J. Celebrezze as Secretary of the Department of Health, Education, and Welfare, President Kennedy has added another truly outstanding member to his official family.

Mr. Celebrezze brings to his new position the sort of proven talent and character that are at once so difficult to find and so absolutely essential for the direction of one of the Government's most complex and important Departments.

Rarely has an appointment been greeted with such universal applause—and deservedly so. Members of both parties and news mediums espousing many shades of political opinion have been united in their enthusiastic support of this choice.

Mr. Celebrezze comes to the Federal Government from the position of mayor of Cleveland. Five times the people of this great city elected him as their chief executive, and his popularity seemed to increase the longer he stayed in office. For example, the last time he was elected, in 1961, he received almost three-fourths of the total votes and carried every ward in the city.

This overwhelming endorsement was thoroughly deserved. He brought tremendous energy, skill, and dedication to duty to city government.

One of his chief sources of pride lies in the accomplishments under his administration in the fields of slum clearance and urban renewal. This, however, is only the beginning of the rich heritage he has left to the people of Cleveland. His terms also showed great gains in the construction of streets and roads, airports, and seaway facilities. His long-range program to revitalize the central city is well under way.

His interest in education dates at least as far back as his service in the Ohio State Senate where he introduced legislation on this subject, and both welfare and health problems have long engaged his attention and concern as mayor.

He has always been an outspoken supporter of civil rights. When some "reverse freedom riders" were sent from their homes in Alabama to Cleveland, he declared that no action would be taken to bar other Negroes from coming to this city. "They're Americans," he said, and "have a right to free movement."

Mr. Celebrezze has a reputation for frank talk and full discussion about public problems under his jurisdiction. He is soft spoken and blessed with a lively sense of humor. But he cannot be pushed around, as some of his opponents have found out.

He is a former president of the American Municipal Association, a member of the Advisory Commission on Intergovernmental Relations, and, at the time President Kennedy appointed him, he was president of the United States Conference of Mayors. These are positions of honor and distinction, as well as being demanding in terms of hard work. They are additional measures of his capacities and of the esteem in which he is held by his colleagues.

The new Secretary was born in 1910 in Anzi, Italy. His parents were naturalized American citizens who were visiting in Italy when young Anthony arrived. He is, incidentally, the first Cabinet member of Italian descent in American history.

His career in the public service has been, in the words of the Christian Science Monitor, "something akin to Horatio Alger." One of 13 children, young Anthony started working as a newsboy and at other odd jobs when he was only 6 years old, and he has been working hard ever since.

After receiving his law degree from Ohio Northern University, he practiced law, served in the Navy in World War II, and entered public life through election to the Ohio Senate. In 1953 he began his remarkably successful administration as mayor of Cleveland.

As head of a Federal department administering more than 100 programs, employing almost 80,000 people, and spending annually several billion dollars, Anthony Celebrezze will have his hands full. We cannot, of course, know now what sort of Secretary he will be, but surely the evidence indicates forcefully that he could be a great one.

We know about his character, his courage, his integrity, and his great administrative ability.

We know that when he accepted President Kennedy's appointment he said: "I took the job because I like to help people and am interested in what happens to them."

What more practical and more meaningful philosophy could we hope for in the man upon whom millions of Americans depend for their health, security, and well-being.

The Integral Train Brings New Hopes to Pennsylvania's Coal and Railroad Communities

EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. VAN ZANDT. Mr. Speaker, on April 26, my good friend and colleague from Pennsylvania [Mr. SAYLOR] issued a joint statement to call attention to the development of the new high-speed shuttle freight train developed for lowering costs of transporting coal between mine and market. At that time we promised to arrange for interested friends here on the Hill to accompany us on a trip from a western Pennsylvania coal mine to an electric utility on the east coast.

Because of the uncertainty as to adjournment date, Members of Congress cannot be certain that it will be possible to leave the Capital at any specified time between now and the end of the session. For this reason we have decided to wait until some time in the future to ask our colleagues to join with us on a trip featuring the new concept in coal transportation. Because, however, it is so important that large scale industrial consumers recognize the potential of the integral train, the gentleman from Pennsylvania's 22d District and I have accepted the invitation of the New

York Central Railroad, with which we have been in communication since shortly after our April 26 statement, to take part in ceremonies planned with the departure of an experimental unit coal train from Clymer, Indiana County, Pa., on Friday of this week. We look to this event with eager anticipation because the advent of the coal flyer is going to make 1962 one of the most important years in the history of the coal and railroad industries.

Although specially designed shuttle trains that will provide even greater efficiency are now on the drawing boards, the railroad industry is not content to stand by for the fruition of long-range plans. The New York Central's coal special will be made up of equipment heretofore used in conventional freight trains, yet it will demonstrate through special delivery and quick car turn around that the price of coal at the plant site can come down substantially and make this fuel an even better bargain than it is today.

Large consumers now on other fuel but equipped with standby coal boilers must take notice of this prospect in planning for future operations. More important, industries planning new or expanded operations should look into the price of coal to be delivered by the unit train before considering use of another fuel.

Mr. Speaker, in view of the coal industry's experience in markets where advantages have long been on the side of competitors, the coal industry recognizes that the integral train is not the complete answer to its problems. Despite the general inflationary trend, coal is sold at the mine today for less than its price of 1948. The lowering of transportation costs that will be made possible through the new train will make coal an even greater attraction in areas remote from producing fields.

Congress and the executive branch should make two indelible notations in their official records of September 21: the average selling prices of coal and foreign residual oil in east coast markets. This record is most important in view of the fact that, when the integral train goes into regular operation, foreign oil is going to take a beating at a great many points of consumption unless shippers continue their jackknifing prices. Over the years, whenever railroads and coal were able to negotiate substantial cost reductions as a means of meeting foreign competition, the international oil companies invariably dropped rates to whatever levels were necessary to undersell coal, with business economics having no place in the maneuver. Opponents of excessive residual oil imports have contended that rate adjustments are always possible because first, the selling price of other products of the crude can always be raised as a means of absorbing losses incurred in reductions on residual oil; and, second, ocean shipping rates can be shifted from residual oil to other products whenever it is desirable.

Under the circumstances, coal suppliers to heavy industrial consumers on the east coast will be at the mercy of importers unless the Federal Government takes steps to prevent continued unfair and unrealistic price-fixing practices.

While a complete review of the importers' pricing tactics over the past 15 years is in order, holding the line on foreign residual oil at this week's price levels would at least give domestic producers a mark to shoot at with the assurance that there will be no more of the mysterious manipulations that would not be tolerated on the part of any domestic producer, manufacturer, or processer, or distributor.

The experimental integral train is on the move. When coal begins its ride on a regular schedule under a new rate structure, Pennsylvania's mining and rail centers will enjoy a welcome robust economic upturn. This program must be encouraged and—if necessary—Congress will have to clear the way to make certain that the advance continues in the years ahead.

Attorney Fees in Connection With the Litigation of Social Security Cases Before the Courts

EXTENSION OF REMARKS

OF

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. WHITENER. Mr. Speaker, for some time I have been concerned as to the rights of applicants for social security benefits in proceedings before the district courts of the United States. This concern comes from a generally expressed opinion by members of the legal profession with reference to adequacy of compensation allowable to counsel for these applicants which has resulted in attorneys avoiding such cases. The inescapable result of this attitude of the profession has been to deny to many worthy people an opportunity to have their cases adjudicated once the Appeals Council of the Social Security Administration has denied the claim.

Every applicant who is dissatisfied with the administrative decision in his case has a right to take his case to the district court for determination. At that stage of the proceedings it is absolutely necessary that he have competent legal counsel. Under our system of jurisprudence these are deemed to be elemental propositions.

Due to my concern for the many social security applicants I wrote to former Secretary of Health, Education, and Welfare, Hon. Abraham A. Ribicoff, on July 9, 1962, requesting a formal opinion on this important subject. Due to the retirement of Secretary Ribicoff an answer was not forthcoming. On August 29, 1962, I addressed the same request to the present Secretary of Health, Education, and Welfare, Hon. Anthony J. Celebrezze. Under date of September 19, 1962, Secretary Celebrezze, gave me his reply, together with a written report on the subject prepared by Hon. Robert M. Ball, Commissioner of Social Security, and a copy of Bulletin OASI 856, dated March 1962.

It is apparent from data provided by Secretary Celebrezze and his associates that the opinion generally held that attorneys in social security cases before the Federal Courts are limited to a fee of $10 per case is completely in error. I believe that the dissemination of the correct information on this subject will be of tremendous value to many hundreds of social security claimants who may lose their benefits by reason of their difficulty in employing competent legal counsel if the misapprehension as to the law is not removed. I, therefore, insert under unanimous consent, my letter of July 9, 1962, to Secretary Ribicoff, the replying letter of Secretary Celebrezze, the report of Commissioner Ball, and Bulletin OASI 856 be made a part of the RECORD of today.

In my judgment, Mr. Speaker, these data will be of great interest to many of our citizens. I express the hope that the public interest will be served through this interest.

The letters, report, and bulletin follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 9, 1962.
Hon. ABRAHAM A. RIBICOFF,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: I have been quite concerned for some time about the inability of claimants for social security benefits under the disability provisions of the law being able to litigate their claims before the Federal district courts.

This concern arises out of my observation that members of the bar are reluctant to represent claimants in the courts because of what they believe to be drastic limitations upon the compensation available to attorneys in such cases. Just last week in discussing it with one lawyer in my district he expressed the view that an attorney was limited to a $10 fee in an action brought to recover such benefits under the Social Security Act.

Since this is a matter of great concern to me and to many of our people who have claims under the Social Security Act, I would appreciate your advising me as to whether you know of any limitation upon compensation available to attorneys in such cases.

I am aware of the statutory authority of the Secretary to limit fees paid to attorneys for appearances in such cases at the departmental level, and this inquiry is, therefore, confined to the question of attorneys' compensation in judicial proceedings before the courts.

I will greatly appreciate a prompt relpy to this communication.

Sincerely yours,
BASIL L. WHITENER,
Member of Congress.

SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, September 19, 1962.
Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR MR. WHITENER: This is in reply to your letter of July 9 to Mr. Abraham A. Ribicoff and your letter to me of August 29, concerning attorney fees in connection with the litigation of social security cases before the courts.

Your letters were referred to Mr. Robert M. Ball, Commissioner of Social Security. Enclosed are two copies of his report on this matter.

Sincerely yours,
ANTHONY J. CELEBREZZE,
Secretary.

REPORT OF THE SOCIAL SECURITY ADMINISTRATION REGARDING THE INQUIRY FROM REPRESENTATIVE BASIL L. WHITENER

Mr. WHITENER expresses concern about the inability of claimants for social security benefits under the disability provisions of the law to litigate their claims before the Federal district courts. This concern arises out of his observation that members of the bar are reluctant to represent claimants before the courts because of what they believe to be drastic limitations upon the compensation available to attorneys in such cases. In a recent discussion one lawyer expressed to him the view that an attorney was limited to a $10 fee in an action brought to recover such benefits under the Social Security Act.

Mr. WHITENER mentions that he is aware of the statutory authority of the Secretary to prescribe the maximum fee which an attorney may charge for services performed in connection with a claim before the Social Security Administration. His inquiry, therefore, concerns principally the question of whether or not the Secretary also may prescribe the maximum fee which an attorney may charge for services performed in a court case.

When the Social Security Administration regulations on representation of parties were amended, effective April 26, 1960, there was included section 404.974 (20 C.F.R. 404.974) which clearly provides that services rendered by any representative in connection with any State or Federal court proceeding are not services before the Social Security Administration. Therefore, the Social Security Administration regulations governing fees for services in a social security matter do not apply to fees charged by attorneys for services rendered in a court proceeding.

With respect to the attorney's view that the fee was limited to $10 in an action brought to recover social security benefits, it is possible that he gained that impression from the amount set out in the regulations, prior to their amendment, as the amount any attorney could charge without prior approval. This $10 figure was never, however, an absolute limitation on the amount of the fee an attorney could charge his client for services before the Administration on a claim for benefits. The regulations of the Administration, even prior to their amendment, allowed an attorney, as they do now, upon petition therefor to the Administration and good cause shown, to charge and receive fees in keeping with the nature and value of his services on a claim, and our records indicate that in many instances attorneys have been allowed substantial fees for their services on claims for benefits. Moreover, the $10 figure to which the attorney referred is no longer in effect. Section 404.976 of Regulations No. 4, 20 C.F.R. 404.976, provides that an attorney may charge, without obtaining prior approval therefor, $20 for services before the Bureau of Old-Age and Survivors Insurance; $30 before a hearing examiner, and/or the Appeals Council only; or $50 before the Bureau and a hearing examiner and/or the Appeals Council.

Over the years we have, through various mediums, disseminated information with respect to the right to representation and the charging of fees under the law and regulations. The Social Security Administration pamphlet, "Right to Representation," is furnished a claimant, and his attorney, or other representative, by the local social security district office when it is learned that the claimant has, plans to have, or inquires about having, a representative to assist in the prosecution of his claim. This pamphlet mentions that a representative's services performed before a State or Federal court are not subject to the fee provision in the Social Security Administration regulations. It also sets forth the requirements for approval of a representative's fee for services performed in a social security matter before the Social Security Administration.

ROBERT M. BALL,
Commissioner.

RIGHT TO REPRESENTATION

You have the right to be represented by a person of your choice in any business you might have with the Bureau of Old-Age and Survivors Insurance or the Office of Hearings and Appeals.

This does not mean that you will need a representative. Most people handle their social security affairs with the help of the people in the social security office.

If you wish to be represented, the people in your social security office will be glad to work with your representative just as they would work with you.

This leaflet explains your right to be represented and gives additional information which might be helpful to you and your representative.

Who may represent you? You may be represented by an attorney or other qualified person of your choice. A corporation or organization cannot be recognized as your representative, but an employee of one may if he acts in an individual capacity.

How do you designate a representative? An attorney may act as your representative without written appointment, although a written statement may be requested to make the record complete. If you want to be represented by someone who is not an attorney, his appointment and acceptance must be in writing. A form for this purpose may be obtained at your local social security office.

What can your representative do? When you appoint a representative, he may act for you generally on social security matters except for signing the claims application. He may request a reconsideration, hearing, or Appeals Council review. Any notice or request sent to your representative has the same effect as if sent to you. A copy of any determination or decision made in your case will be sent to your representative.

A representative's authority generally ends when final action is taken in your case or when you request it.

How much can a representative charge you? Under regulations established by the Secretary of Health, Education, and Welfare, an attorney without prior approval of the Social Security Administration may charge you a fee which may be no more than: (1) $20 for representation before the Bureau of Old-Age and Survivors Insurance only; (2) $30 for representation before a hearing examiner or the Appeals Council of the Social Security Administration or both, and; (3) $50 for representation before the Bureau and a hearing examiner and/or the Appeals Council.

An attorney who wishes to charge a higher fee must secure the approval of the Social Security Administration.

A representative who is not an attorney may not charge or receive any fee for his services in a social security matter without prior approval of the Bureau of Old-Age and Survivors Insurance, a hearing examiner, or the Appeals Council.

The Social Security Administration, when asked, may approve the charging of a fee. Any fee approved will compensate the representative for his services and yet be consistent with the purposes of the social security program—one of which is to give a measure of security to the aged, the disabled and widows and children.

The fee provision applies to any services performed regarding social security matters, including the advising and assisting of claimants in the representative's office, home, etc., even though the representative does not personally contact a social security office or employee. A representative's services performed in a proceeding before a State or Federal court are not subject to the fee provisions.

What is required for approval of a fee? To secure any needed approval of the amount of a fee for services performed in connection with a social security matter, the representative should submit a written request to the Bureau of Old-Age and Survivors Insurance, the hearing examiner or the Appeals Council, whichever last handled the claim. The request should show the services performed, the date his services began and ended (if ended), the nature of the services, the type of each service, the time spent on each, and the amount of the fee he wishes to charge. If the representative is asking reimbursement for expenses, his request should list and describe each item of expense. When the fee applies both to services in a social security and a nonsocial security matter, the request should explain and state the amount of the fee that is for each of those services.

Who cannot act as a representative? A person may not act as a representative if he has been disqualified or suspended from representing claimants before the Social Security Administration. Such action may be taken where a representative has participated in a fraud against the Social Security Administration, charged an unauthorized fee, or violated any other penal provision of the Social Security Act. Also sections 281, 283, and 284 of title 18 of the United States Code make it a criminal offense for certain employees and former employees of the United States to render the Government or to aid or assist in the prosecution of claims against the United States.

Criminal prosecution: A representative who charges or collects an unauthorized fee may be subject to prosecution under the penal provision of section 206 of the Social Security Act (42 U.S.C. 406), which provides that such individual, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both.

Newburgh: The Record Continued

EXTENSION OF REMARKS
OF

HON. THOMAS B. CURTIS

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 20, 1962

Mr. CURTIS of Missouri. Mr. Speaker, earlier this month I placed in the CONGRESSIONAL RECORD a file of correspondence which I had dealing with the NBC white paper on Newburgh, N.Y.—CONGRESSIONAL RECORD, September 11, 1962, pages 19111 to 19127. I have since received a letter from the Federal Communications Commission and, to bring the record of this matter up to date, I am placing this letter and my response to it, in the RECORD at this point:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., September 13, 1962.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CURTIS: This is with further reference to your letter of August 13, 1962, and enclosures, to the Chairman concerning the NBC program, "White Paper No. 9, The Battle of Newburgh." In your letter, you refer to the Commission's letter of July 18, 1962, to Mr. Joseph McD. Mitchell, city manager of Newburgh, N.Y. Your letter was acknowledged by the Acting Chairman, Commissioner Lee, on August 17, 1962.

You refer to a previous letter of April 2, 1962, sent by you to Mr. Robert Sarnoff, chairman of the board of directors of the National Broadcasting Co., a copy of which you furnished to the Commission. In your present letter, you reiterate two questions which you asked of Mr. Sarnoff and you ask for the Chairman's views with respect to: (1) Whether it is fair for the moderator, commentator, or editor to speak as a partisan on a program billed as a fair and objective presentation of a controversial issue without disclosing that said person is a partisan; and (2) if said person is a partisan, whether those who disagree with his position should be given an opportunity for replication. Because of the nature of your inquiry, and since it concerns a matter which the full Commission previously considered, we feel it more appropriate that your letter be answered by the full Commission.

Before discussing the questions you pose, we wish to indicate that we, of course, recognize that in programs such as these, where the issues and the merits are sharply debated and highly controversial, it would be unusual to find everyone satisfied with any single presentation of the subject matter. Almost as a matter of course, criticism of programs of this kind can be anticipated. We find it difficult to conceive of a program format better designed for an exactly equal division of opportunity to express conflicting views than the debate type. However, such a restriction on choice of format, was, we feel, neither contemplated by you, nor is it desirable.

As to your first question, commentary and analysis, as contrasted to straight reporting, should be clearly identified as such in the treatment of news. The program in question, however, appears to have been billed as an examination of Newburgh's controversial public welfare practices rather than as a straight news program. We agree that a serious public interest question would exist if the program had been described in a manner completely inconsistent with its actual content. From a comparison of the program itself with the description of the program given in enclosed copies of press releases issued by NBC prior to the broadcast of the program, we believe that the description therein was accurate—a view which we expressed in our letter of July 18, 1962, to Mr. Mitchell.

With respect to your second question, we wish to point out that neither the Communications Act nor the Commission's rules or policies prohibit the narrator of a program such as the one under discussion from expressing a point of view on a controversial issue of public importance. If he does, our sole concern is to determine whether there has been compliance with the Commission's "fairness doctrine."

The fairness doctrine, enunciated in the Commission's "Report on Editorializing by Broadcast Licensees," requires licensees to maintain a standard of fairness in the allocation of time to differing viewpoints. Thus, where a licensee has allowed the use of its facilities for the expression of one viewpoint on a controversial issue of public importance, it is under an obligation to afford reasonable opportunities for the presentation of opposing views. In our letter of July 18, 1962, to Mr. Mitchell we concluded that there was no "evidence of an effort by NBC to present a documentary which would deliberately favor one side over the other" and that in applying the fairness doctrine to all of the information before us, we were "unable to conclude that there was a lack of 'reasonable opportunity' for the presentation of opposing views on the subject program."

Accordingly, in the absence of further evidence to the contrary, and in light of the policies set forth above and in our letter to Mitchell, we hereby affirm our action of July 18, 1962.

We appreciate your deep interest in this matter and trust that the views set forth above are responsive to the questions you raise.

By direction of the Commission:

NEWTON N. MINOW,
Chairman.

SEPTEMBER 18, 1962.

Hon. NEWTON N. MINOW,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. MINOW: Thank you for your letter of September 13, 1962, which you have written to me by direction of the Commission in answer to my inquiries in respect to the NBC-TV program "White Paper No. 9, The Battle of Newburgh."

In view of the documentation of unfairness which I have set out in my previous letters I can only conclude that the Commission has a different concept of fairness than the one I possess. I am hopeful that the American public does not share the Commission's standard of ethics in this matter.

In my judgment it becomes necessary to make the law very clear as to what constitutes proper standards of fairness in TV and radio broadcasts of controversial issues. As a legislator I shall endeavor to bring this about. It is a sad day for our country when cleverly disguised propaganda can be formally adjudged "fair presentation" by a public tribunal, as has very obviously been done in the instant case. To say that I am highly disappointed in the Commission's judgment is putting it mildly. That too becomes a matter of a proper political issue.

I am placing your letter and my answer in the CONGRESSIONAL RECORD to complete the public record I have made of this case and the important public issues it raises.

Sincerely,

THOMAS B. CURTIS.

Remarks of U.S. Representative John E. Fogarty, Second Congressional District, of Rhode Island, at the Providence Association of Medical Assistants, Providence, R.I., September 19, 1962

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 20, 1962

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include an address which I delivered at a meeting of the Association of Medical Assistants in Providence, R.I., on September 19, 1962:

There is a special satisfaction in addressing the members of a young organization such as this. And when the spirit, the energy, and the planning of the members are directed toward the twin goals of better medical practice and of educational self-improvement, I feel that we have much in common.

When the people of Rhode Island sent me to Congress in 1941, I went with a determination to serve the people of my State and of this country, but I had no idea at that time that circumstances would enable me to become familiar with the financing of medical research for a healthier America. But I can assure you that since 1949, when I became chairman of the subcommittee of the House of Representatives directly concerned with the levels of Federal programs attacking health and research problems, I have had an extensive and intensive education in these fields. This day-to-day, firsthand education has convinced me that we share enormous but conquerable health problems. Though I have the privilege of participating in health programs that affect every community in the Nation, you are privileged to advance our Nation's health on perhaps the most rewarding level—on a person-to-person basis.

You who work in doctors' offices as medical secretaries and receptionists are brought directly into contact day by day with disease and suffering. Your knowledge of human relations, law and economics in medicine, medical ethics and etiquette is vital to the physicians for whom you work, and even more important to the patients with whom you work. You—and the physician—are, together, in the minds of the patients you see, that concept we call modern medicine.

To do your jobs most effectively you must know medical terminology, some anatomy and physiology, and office management practices. Or, if you specialize in assisting the physician, you have to know examination room techniques, sterilization procedures, and have an orientation to bacteriology and hematology, and to laboratory techniques.

It is, I think, particularly creditable to you that you have organized—here in Rhode Island, and through your national group, in more than 30 States. You have been encouraged in this by the physicians—the American Medical Association has supported the American Association of Medical Assistants, just as the Rhode Island Medical Society has supported your efforts. And I am much in sympathy with your certification plans through medical assistant examinations. I understand that next week, at this year's national convention in Detroit, pilot examinations will be given. Such self-examination is mutually advantageous—it advances the cause of medical practice, because it would enable a physician to more easily select qualified office assistants, and it advances the cause of the members of this group seriously dedicated to the alleviation of the suffering of those among us who are victims of disease.

I have long been impressed with the vital role voluntary associations have played in American life. Groups of citizens get together to achieve something—frequently this is something in the health field, where the authorities—local, county, State or Federal—have failed to act or were powerless to do so. Seldom has an aroused citizenry failed to achieve the action it sought.

Organizing for action is, of course, the story of American politics. Long ago someone said that in no country in the world had the principle of association been more successfully used or applied to more causes than in America. But organizing for causes has served ends other than politics. Your organization, for example, serves to raise the standards of medical practice and is as valid a contribution to health as was the organization of the American Cancer Society in 1913 or the March of Dimes in 1938. The only difference is one of degree.

Let me return to the subject of cancer. In 1937 cancer was generally considered a hopeless disease by the public and by the physicians. Only seven States had cancer control programs and young scientists were hesitant to enter upon research careers investigating this disease. Today, all that is changed.

In 1937, when the Congress passed legislation creating the National Cancer Institute, cancer research was so inadequately supported that even the meager supply of trained manpower could not be utilized. Today research is being conducted on cancer by more than 6,000 scientists, successful treatment is common, and thousands of practicing physicians—as no doubt some of you know—have received postgraduate instructions in the early detection and treatment of cancer and all the States have active cancer control programs.

Twenty-five years ago only 1 in every 7 Americans stricken by cancer was saved; today 1 in every 3 is saved. Twenty-five years ago cancer of the uterus was the leading cause of cancer death among women; today, 60 percent of the 40,000 women who develop uterine cancer are being saved—and almost all deaths from this cause could be prevented if the American woman would take a simple test for the early detection of this type of cancer.

Twenty-five years ago, surgical techniques in the field of cancer hardly existed. Today surgery—combined with newly developed radiation techniques or with some of the newer chemical compounds—is saving thousands of lives. But this record of progress gives us little cause for complacency. We cannot afford to be complacent in light of the fact that each year there are 500,000 newly diagnosed cases of cancer. We cannot shrug off the fact that half of this number—a quarter of a million people—will die this year of cancer. And, it is even more sobering to consider that 16 in every 100 people born are destined—according to our current rates—to die of some form of cancer.

For these reasons—and others—I introduced legislation which was enacted to make 1962 "Cancer Progress Year." The National Cancer Institute and the American Cancer Society have cooperated in this enterprise which looks both forward and backward—noting progress, noting future needs—and encourages support of cancer research in this country.

I want to emphasize two things, here tonight, in connection with cancer research. I want to point out that the Cancer Act of 1937 was a milestone on the road to man's conquest of disease because for the first time the resources of the Federal Government were brought to focus on a particular disease, and I want to point out that the progress we have seen against this disease is a tribute to both Federal and non-Federal support and effort.

This should never be forgotten. Those in Congress in the late 1930's well remember that the creation of a National Cancer Institute, and the demand for Federal support of its research activities, was urged most strongly by the American Cancer Society and the Women's Field Army of the American Society for the Control of Cancer. There was no stronger support anywhere for Federal assistance in combating cancer than from these most knowledgeable private citizens who were fighting the battle with inadequate support. This cooperation has continued, and will continue, as has been publicly stated by such men as Dr. John R. Heller—former Director of the National Cancer Institute and new president of the Memorial Sloan-Kettering Cancer Center.

The National Cancer Institute was the first disease-oriented unit of our medical research center at the National Institutes of Health in Bethesda, Md. This has now become the greatest medical research center in the world. The Cancer Institute—and the other Institutes set up to concentrate on other diseases—represents a new concept of Federal responsibility for the conduct and support of medical research to supplement the resources of philanthropy, contributions, or commercial enterprise.

This new concept has given this Nation world leadership in medical research. I am proud of having had the great good fortune to be in a position—as chairman of the Subcommittee on Appropriations for the Department of Health, Education, and Welfare for almost 15 years—to do everything I could to advance this concept. And I am even prouder of the public awareness and spirit that has backed the steady expansion and growth of Federal support in all areas of public health, especially that of research.

And I would like at this point to remark upon one little-appreciated aspect of the Federal growth of support for medical research: the fact that Federal aid, far from stifling private enterprise, actually stimulates local non-Federal activities. For while Federal support of research has grown from $45 million in 1940 to $800 million today, this growth has been paralleled by a remarkable increase in non-Federal expenditures for medical research—from $42 million in 1940 to more than $300 million, today.

Those of us in Congress—responding to the will of the people for a healthier, happier life for each and all of our citizens—can and must make certain that adequate funds are provided to continue to stimulate our progress against the major diseases that still plague us until they are ultimately vanquished.

Through my committee assignments, through a keen personal interest in the need for medical research programs, I have become pretty well acquainted with the health needs of our people and also with the people who do the research and with those who plan and administer our Nation's research programs. I have been privileged to talk with scientists in their laboratories and have discussed their problems and their accomplishments in the hearings before my committee on annual appropriations requests. It is a fascinating glimpse into the future.

Just now an all-out effort is being made to develop vaccines against the widespread respiratory infections—that is, the common cold. This is the largest single disease problem of man—it causes more time lost from work than any other disease, and cost us about $3 billion, last year. Big as the problem is for adults, you who are mothers know that respiratory illnesses are even more pervasive in children, and the first vaccines will be developed to combat the viruses known to cause about 60 percent of the serious respiratory illnesses of hospitalized children.

And while cardiovascular diseases are still the Nation's No. 1 killer, testimony before my committee indicates that more progress has been made in the past decade against heart disease than in all the preceding history of medicine. Damaged heart valves can be replaced; holes in the wall that separates the auricles of the heart can be closed; new anticogulants have been developed to help prevent recurrence of heart attacks.

Many of our research accomplishments are only signposts toward the future—hopeful signposts toward a better world. New drugs have been developed to combat hypertension—no doubt many of your own practitioners are using them—but still hypertension kills more than 100,000 a year and disables some 5 million. We must support more research in this area.

We live in an age of medical miracles beyond that dreamed of by any previous generation of men. Toward the end of the 19th century a great surgeon warned that any of his colleagues who would attempt to repair a wound in the heart could count upon it: he would lose the respect of his colleagues. But medical miracles trip over each other, in our time. An artificial kidney has been developed as a permanent replacement for patients with seriously damaged kidney function, and a handful of men and women are now alive, thanks to this device. This device, by the way, was developed by your and my tax money—appropriated by the Congress and administered by the National Institutes of Health. But the end is not in sight: it costs about $10,000 a year to treat one patient—what is needed is a way to simplify the treatment and reduce its cost, so that many more may live.

Because I am so vitally concerned with Federal support of medical research and so often identified with it, I want to emphasize once more that the Federal Government alone could not, has not, and does not pretend to have singlehandedly produced today's medical miracles. Perhaps the most striking conquest of our generation, that over polio, was a triumph of the people at first hand: the mothers who participated in the March of Dimes raised most of the funds for the research that resulted in the Salk vaccine.

That was a triumph of the people at first hand. What I want to make clear to you here tonight is that the Federal support of research has made possible many triumphs—less heralded than that over polio—at second hand.

Those of you here tonight—and the almost 10,000 members of your national organization—know clearly enough of one contribution you are making to modern medicine. You know that, through the performance of your various duties, you are helping to improve the practice of medicine. But you are making another contribution to modern medicine which is as important—perhaps more important, in the long run.

Through your tax dollars you are now supporting more than one-half of the medical research of this country.

These are the funds which it is the responsibility of your Representatives to invest wisely in the health of your children and their children. Your taxes are helping to support the development of better and cheaper artificial kidneys, a better anticoagulant, the eradication of the common cold, cures for the various kinds of cancer. The task cannot be done without those tax dollars; with them, it can, and will be done.

The Federal Government must concern itself with the interrelation of the resources for the desired ends. This means, in modern medicine, three inseparable tasks must be attended to: there must be more medical and medical-support personnel, more and better training for the personnel we need, and more and better physical facilities. Early in this session I introduced into the House bills intended to meet these problems, and my colleague, Mr. HARRIS, of Arkansas, consolidated these measures into one bill, H.R. 4999, now in the House Rules Committee.

This bill proposes a 10-year program designed to alleviate critical shortages of professional health personnel, provides for a 10-year program of matching grants for the construction of teaching facilities for medical, dental, and other public health personnel, and provides a student loan program. I hope that the House Rules Committee will report this bill out, so that this Congress may take action on this worthwhile legislation.

The kind of long-range planning reflected in H.R. 4999 is not to be forthcoming from any local, State, or private agency, but must come from Congress. Such planning is inescapable, if we are to avoid a slowdown in our medical research efforts and a deterioration of our health standards in this country due to a shortage of physicians and other medical support personnel.

I have talked to you at some length about the role of Congress, and of your tax dollars, in support of modern medicine. In summary, let me stress the importance of the conquest of disease—a problem so pressing and of such magnitude that all of us must do everything within our individual capacities to serve in that conquest. Some of us will serve in Congress, some of us will serve as physicians, some of us will serve—as you are serving—as supporting personnel in this great onslaught on disease and suffering. Our collective strength and our eventual success lies in our diversity. The Providence Association of Medical Assistants is to be congratulated for adding the diverse talents and skills represented by its members to the total effort. You are also to be congratulated for the contributions you are making directly to the patients you serve. I am confident that as the association continues to push for and achieve its goals, your contributions to an improvement of health and conquest of disease will be even greater.

Problems of the Nation

EXTENSION OF REMARKS

OF

HON. ELMER J. HOLLAND

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. HOLLAND. Mr. Speaker, this session of Congress—as you know—has been exceptionally long and the almost continuous activity of the Education and Labor Committee, of which I am a member, has made it impossible for me to return to the district as frequently as I did in previous years.

Last week I was able to address the residents of the 20th District by means of television, channel 4—WTAE—in Pittsburgh, and give them my views on the major issues confronting us on the national level.

With the thought that you may not have known of this program and had not heard it, I am taking this means of letting you know my position and my proposals on health care for the aged, retraining for our unemployed, and additional public works projects.

The address follows:

I am happy to have this opportunity to discuss with you what I believe to be the main issues of this election, especially in this section of our Nation.

The major problem for which we are trying to find a solution is the constant unemployment rate. Pennsylvania has the dubious honor of ranking second, among the States, for having the highest number of jobless workers—New York is first.

This condition has developed during the past 8 or 9 years—for it is a matter of record that with each recession—and we have had three of them—the ranks of the unemployed increased. It is also a matter of record that with each period of recovery, which followed the recession, less people were recalled to work and we slowly but surely developed what is now known as the hard-core unemployed or a group of workers whose jobs had been eliminated and whose skills were no longer needed, for machines had replaced them.

Automation in our mines, our mills, and our factories had made the production worker's job obsolete. Unless the worker learned another skill or trade, the future held nothing for him but to wait for his relief checks.

For quite a few years I tried to get a program started—on a national basis—but not until President Kennedy took office could I find anyone in the executive branch of Government who realized the seriousness of this situation and recognized action was needed if we hoped to stop the rising unemployment rate.

I served as chairman of the Subcommittee on Unemployment and the Impact of Automation and, after numerous public hearings—at which representatives of management, labor, education, and government testified, we secured proof that production in the United States had grown by leaps and bounds; but jobs for production workers were steadily being eliminated.

We found out that we would have approximately 2 million or more young men and women graduate from high school each year—hoping to enter the labor market and start to work. However, we also found that jobs, once available to this group were also disappearing as technological advancement had eliminated clerical jobs, sales jobs, and numerous other jobs in the service field. Computers were replacing people.

There would be employment opportunities in the technical field, but our young people are not trained for this work in our high schools. If these young unemployed people cannot secure additional education and training, their future will be bleak.

Actually, we found there was much to be done if we were to get our people back to work and keep our economy expanding.

We had to start somewhere, and 6 years after I first tried to get a program organized, I witnessed President Kennedy signing into law the Clark-Holland Manpower Development and Training Act of 1962.

This month we have seen the first courses started to retrain our unemployed and, during the first year which will end next July, the Department of Labor expects to be able to have 70,000 of our unemployed back in schools or in on-the-job training projects learning new skills. This will enable them to become an active member of our economy and secure work rather than remain stagnant and collect relief checks.

We know, of course, this program in its present form will not provide the full solution for our unemployment problem. It is the Nation's first major attempt at broad manpower planning and, as one of our prominent newspapers stated last Sunday, "it is regarded as probably the most significant piece of manpower legislation in the Nation's history." The paper went on to point out that this is just the beginning, for the time has passed when a man can reasonably expect to work at one occupation or craft all his life. It continued, "the swift advance of science and technology make it imperative to provide effective ways to retrain workers whose skills are no longer in demand."

I am glad that I persevered and fought for this program over the last 6 years. However, the program must be continued, the coverage broadened, and the opportunities increased for our underemployed workers and our inadequately trained youth.

Another approach was made, during this session, to help those of our unemployed who cannot take advantage of the Clark-Holland Manpower Training Act. We passed the accelerated public works bill which will permit communities to initiate programs that are for the benefit of the people.

This act will permit the Federal Government to give up to 75 percent of the cost of a project if necessary; however, the State or local government requesting this aid must prove it does not have economic and financial capacity to assume the normal 50-percent share of the cost.

Since this act was passed primarily to ease the unemployment problem, those projects which will require the greatest amount of employment will be given priority. Our State of Pennsylvania will be eligible for $90 million in aid.

There are several other measures which have been introduced that would help our unemployed—but, as yet, they have not been reported to the floor by the Rules Committee.

Legislation providing funds for a program for adult education is one of these. This is necessary, for we have found that a high school diploma is a must today in order to get employment. Accelerated programs would be provided permitting adults to make up lost schooling and secure either their diploma or a certificate of accomplishment.

The Youth Opportunities Act is a similar program for those of our young people who dropped out of school before graduation and who cannot find employment because of insufficient education.

As I said earlier, the amount of information we secured from the hearings of my Subcommittee on Unemployment and Automation was both startling and somewhat frightening. We have so much to do to correct the present unemployment situation and prevent a recurrence in the future that it was difficult to find a way to start.

I can assure you a solution must be—and will be—found, and I firmly believe we are on the right road with the Clark-Holland Manpower Development and Training Act.

Now, another important issue should be discussed—that of proper health care for our elder citizens.

In the State of Pennsylvania over 10 percent of our population has reached or passed the age of 65. In the congressional district which I have the honor of representing, almost 15 percent of the residents are 65 years of age or older.

I am well aware, therefore, of the need of these older people for help with their health expenses.

I think we all will admit, the older you get—the greater is the need for health insurance. I might add, the harder it is to get—or keep—at a nominal fee.

Those of our older citizens, who have no income and own no property, can—if it is proven their sons or daughters cannot afford to pay—receive both medical care and hospitalization under the much talked about Kerr-Mills bill. This program is conducted under the supervision of the Department of Welfare and, even before the Kerr-Mills Act was in effect, this care was provided for our people in Pennsylvania.

However, for our older citizens who are living on social security pensions or railroad pensions—very, very few can qualify for care under this program.

To get aid, they must pass a means test showing their income, their property, their insurance—then, if they should happen to meet the requirements they must show the incomes and expenses of their married sons and daughters to prove they cannot pay for the needed care of their parents. If this is proven, and care is given then the costs will be paid by the State. But a lien will be placed against the property our elder citizen owns, and either upon his death or his desire to sell his property, the State will collect the amount it had paid for the medical care and hospitalization the patient had received.

I know, as I am sure you do too, that the majority of our senior citizens, who are receiving pensions, are proud and have worked hard all their lives in order to be able to have dignity and respect during their retirement. They will do without care—no matter how greatly needed—before they will accept "relief" or even ask for it.

Under President Kennedy's health program for our senior citizens, the King-Anderson bill as we know it, these senior citizens could receive hospital care, nursing home care, diagnostic services, and home nursing care and therapy when needed.

There would be a small charge of $10 a day for hospital care for the first 9 days, but they would then be eligible for 81 days at no charge.

In regard to the diagnostic services, an initial charge of $20 is required, but everything over and above that amount would be provided free.

Care in a nursing home would be provided for 180 days at no cost—and home nursing care and therapy treatments would be provided at no cost.

This is President Kennedy's program for our pensioners receiving social security benefits or railroad retirment benefits.

These older people now getting aid from the Department of Welfare will continue to receive this care under the Kerr-Mills bill as no mention has been made of discontinuing this service—and, as I pointed out previously, our people in Pennsylvania received this care before the Kerr-Mills Act went into effect.

There have been so many conflicting stories regarding the financing of this program, I should like to have you know the correct one.

Those now receiving pensions will not be taxed in any way.

Those now employed and participating in the social security program will be asked to contribute an additional one-fourth percent, or approximately $1 a month—$12 a year. However, when you reach the age of retirement, you will have this care at no additional cost. It is a prepaid hospital insurance plan.

You know the familiar expressions, "Fly now—pay later," "buy now—pay later." Well, this is the reverse, actually—"Pay now—use later."

Not only will you benefit yourself eventually but the average young married couple, raising their own children and meeting their own expenses, will benefit now as their parents will be able to receive proper and necessary care without depriving their grandchildren of the necessities of life.

These are the important problems facing the Nation.

These problems deal with people.

With—how government, your Federal Government, can help people, with—what government, your Government, can do to help people, and, with—why government, our Government, should help people.

I am proud to be a member of the Kennedy administration in Washington, for this administration has dedicated itself to work for the best interests of the people of the Nation.

President Kennedy has said many times, "There are sufficient lobbyists here in Washington looking out for the interests of specialized groups, I feel, as did President Truman, that the office of the President must act as the lobbyist for the people of the country."

I agree with both—however, I will go even further and say this, too, is the duty of a Congressman.

Cheap Imports: A Great Threat to Labor and Industry

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. PHILBIN. Mr. Speaker, the United States is a great trading nation. We desire and seek trade with all nations of good will and peaceful intentions. We have done much in our own Congress and Government and in international councils to foster and promote mutually beneficial foreign trade that would be of benefit to this country and all well-motivated trading nations.

The United States today is one of the least protected industrial nations in the world. This cannot be said for the Common Market which has already shut out goods from Japan. But it should be kept in mind that tariffs here have been reduced by more than 75 percent since 1934, notwithstanding the fact that tariff barriers to American imports to countries to whom we made important tariff concessions have been increased. In effect, our concessions amounted to additional foreign aid.

At stake in this picture are not only the prosperity of many basic American industries and investments, but of great moment to us, the jobs and skills in these industries—electronics, textiles, plastics, woodworking, steel and its fabrication, chemicals, sewing machines, boots and shoes, rubber goods, watchmaking, typewriters, machine tools and many other industries—skills that are desperately needed in our arsenal of democracy.

Absolute free trade, or anything approaching it, such as proposed by some, would undoubtedly greatly impair or even destroy our mobilization potential as well as our domestic economy and job-producing potential, and could be the difference between victory and defeat if we were ever attacked.

As has been so well stated, it is a myth that greater productivity in the United States offsets the low-wage rates in Europe and the Orient. American jobs are now being exported to plants overseas set up by American management and capital and, in many instances through the use of American foreign aid funds. Trends are undoubtedly increasing to supply the American market from overseas. These trends are extremely ominous and should be noted and acted upon, if we are to preserve the strength, vitality, and prosperity of this Nation and the jobs, well-being, and personal and family security of millions and millions of American workers and their families.

It would be interesting in that connection for us to note and keep in our minds the warnings in this regard of some of our great national leaders, past and present.

For example, President Roosevelt said in 1934:

> I have advocated a lowering of tariffs by negotiations with foreign countries. But I have not advocated, and I will never advocate, a tariff policy which will withdraw protection from American workers against those countries which employ cheap labor and operate under a standard of living that is lower than our own great laboring groups.

President Truman said in 1945:

> I have had drawn to my attention statements to the effect that this increased authority might be used in such a way as to endanger or trade out segments of the American industry, American agriculture, or American labor. No such action was taken under President Roosevelt and Cordell Hull and no such action will take place under my Presidency.

President Eisenhower said in 1955:

> Obviously, it would ill serve our Nation's interest to undermine American industry or take steps which would lower the high wages received by our working men and women. Repeatedly, I have emphasized that our own country's economic strength is a pillar of freedom everywhere in the world. This program, therefore, must be and will be administered to the benefit of the Nation's economic strength and not to its detriment. No American industry will be placed in jeopardy by the administration of this measure. Were we to do so, we would undermine the ideal for which we have made so many sacrifices and are doing so much throughout the world to preserve.

I am sure that our great President Kennedy also shares the basic views expressed in these three impressive statements.

In any event, if we are to retain and strengthen our great free American economy, we would do well to pause and ponder before we plunge into international arrangements and agreements that would permit this Nation to be flooded by huge quantities of cheaply produced foreign goods and products from all over the world. This policy, if pursued to its ultimate logical end, would bring ruin and destruction to our great free system and leave most of it in shambles; it would leave our faithful workers and their families on the relief rolls; and our country a wasteland of human misery.

Personal Explanation

EXTENSION OF REMARKS

OF

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. FULTON. Mr. Speaker, on certain rollcalls during the 2d session of the 87th Congress, it was necessary for me to be absent on official business. On my committee assignments on the important House Science and Astronautics Committee and the highly respected House Veterans' Affairs Committee, as well as my congressional duties and responsibilities to my home people in my congressional district, I was required to be out of the city of Washington on certain few occasions as follows:

On February 5, 1962, on rollcall No. 11 on the vote for suspension and passage of S. 383, which provided for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park I would have voted "nay."

On April 10, 1962, on rollcall No. 65 I would have voted "yea" on the adoption of the rule on H.R. 10788, to amend section 204 of the Agricultural Act of 1956 regarding the regulation of textile imports.

On May 3, 1962, on rollcall No. 82 I would have voted "yea" on the passage of H.R. 11040, a bill to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system.

On July 20, 1962, on rollcall No. 169 I would have voted "yea" on the passage of H.R. 12580, the appropriations bill for the Departments of State, Justice, and Commerce, the Judiciary, and so forth, for the fiscal year ending June 30, 1963.

On September 18, 1962, on rollcall No. 244 I would have voted "yea" on rule on S. 2429 the bill for enlarging Virgin Islands National Park.

Address of the Honorable Robert N. Giaimo Before the 65th Annual Convention of the American Federation of Musicians, Pittsburgh, Pa., Tuesday, June 12, 1962

EXTENSION OF REMARKS

OF

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 1962

Mr. MONAGAN. Mr. Speaker, the advancements of science invariably produce both social and economic consequences which must be dealt with by our political institutions. We have only begun to come to grips with the novel problems inherent in the development of Telstar—others will arise in the very near future to command the attention of Congress.

In an address before the 1962 convention of the American Federation of Musicians, my good friend and colleague from Connecticut, Representative Robert N. Giaimo, directed the attention of his audience to some of the new issues raised by Telstar. Inasmuch as these issues will, in some form, be before this body in the near future, I wish to call the attention of this House to Representative Giaimo's remarks, and I ask that they be included at this point in the Record:

ADDRESS OF THE HONORABLE ROBERT N. GIAIMO BEFORE THE 65TH ANNUAL CONVENTION OF THE AMERICAN FEDERATION OF MUSICIANS, PITTSBURGH, PA., TUESDAY, JUNE 12, 1962

It is with great pleasure that I extend my greetings and best wishes to you at your 65th annual convention. I am happy to have this opportunity to meet with you and share with you reports of the fight in which you and I are engaged. I refer, of course, to the struggle to improve the status of the American performer and to achieve for the arts of America their proper place among the more cherished activities of a mature nation.

Too often, in the past, your union and its sister organizations devoted to the performing arts have fought a lonely battle against powerful odds. The musician knew in the early thirties that bad times for him would last longer than the depression. The sound movie drove him from the theater pit, and he learned that progress is not an altogether unmixed blessing. In the early 1940's, your president, James Petrillo, saw a storm gathering. He knew that the promiscuous use of recorded music would drive not only the musician from radio and TV but all live performers as well. His warnings were unheeded. Congress preferred to take its cue from the broadcasters, and the Lea Act was passed—paving the way for broadcasters to convert their franchises into glorified jukeboxes.

More recently, however, the strong solo horn of the American Federation of Musicians is being joined by a growing number of "sidemen." In Congress, in the White House, in many State capitals and cities the values of living art are being extolled, and there are definite signs that concern for the plight of the performing artist in America may well rival that demonstrated for the whooping crane in the halls of government.

During the past half year, a series of significant congressional hearings have been held. Pursuant to the authority granted by House Resolution 141, which I introduced in the first session of the current Congress, the Select Subcommittee on Education of the House Committee on Education and Labor heard testimony in New York, San Francisco, and Washington on conditions affecting the income and employment of America's performing artists. The records of those sessions make interesting, if alarming, reading. The committee, in extending its invitations, tried to collect the most authoritative and articulate representatives available from all the fields directly or indirectly concerned with the financing, production, and performance of works of art. The roster of witnesses included actors, dancers, and musicians, as well as producers, impresarios, critics, record manufacturers, legislators, educators, and spokesmen for the country's major institutions devoted to the performing arts.

To my knowledge, these hearings represented the first major attempt by Congress to compile, in one place, the pertinent facts and attitudes relating to the problems faced by the performing arts in this country. This is an accomplishment in itself; but it should be, and is, only a beginning.

Those of us who were alarmed before at the situation in which the arts today find themselves had our worst fears confirmed. In addition, however, the testimony brought home the fact that the problems are extremely complicated ones and there are no simple solutions.

It is precisely for the reason that we are aware of the complexities that I and my interested colleagues have pushed legislation which would establish a Federal Advisory Council on the Arts. The bill proposing this, introduced by Representative Frank Thompson of New Jersey with bipartisan support, last year, is threatened with a slow death on the shelves of the House Rules Committee.

Frankly, it is amazing that any proposal could meet with such an extraordinary amount of misunderstanding. Unfortunately, many of my fellow Representatives have no interest in any legislation pertaining to the arts. But even among those who count themselves as friends to the arts, many have insisted on viewing the idea of the Council as either "visionary," or vague to the point of meaninglessness, or as an attempt to establish just one more bit of self-perpetuating bureaucracy.

How can we ever hope to make an intelligent and comprehensive appraisal of so complex and delicate a problem without providing for some central and representative panel which is qualified to consider the mass of facts involved and offer guidance to those who have the power to take action? The Federal Advisory Council is not meant by its supporters to be merely a group of bureaucrats collecting information. It is intended that the appointments will be limited to the country's most outstanding and authoritative people, as far as the arts are concerned. It is simply beyond the power of a congressional committee to do the kind of job these people would be qualified to do. We will, in all likelihood, have difficulty enough in evaluating the ultimate proposals of such a Council, but that at least can be done. It is, however, those who have spent a good part of their lives dealing with the issues in question who should do the spadework and thus offer the Congress and the administration the necessary guidelines for action.

There is no obligation that the recommendations of the Federal Council, as proposed, be followed. The bill reflects only a desire that we have the best possible guidance for the decisions we may eventually have to make.

A Federal Council on the Arts would be a first step toward the clarification and then—we trust—solution of those knotty problems which underlie the discussion that has raged for many years on the proper and desirable relationship of the arts and government.

However, in the meantime, there are some very immediate problems which we can deal with—matters which have a direct bearing on the economic plight of the musician.

Those of us who have studied the situation have been struck by one great paradox. More Americans like and listen to music, of all kinds, than ever before. Why, then, are performing musicians in such difficulties?

The answer is that their products are being consumed but are not being paid for.

As I see it, our first concern lies here. We must do something to diminish these inequities.

The development of recording techniques has proved to be the greatest imaginable boon to music lovers. Comfortably established in my living room armchair, I can hear a complete and superb performance of a favorite symphony. The production of long-playing records and playing equipment means that I can do this with minimal interruption—either on my own set or on radio. Not only have these developments affected the individual consumer, they have also had a tremendous impact on the broadcasting industry. First, live performances were no longer necessary for good radio programs. Then, the LP's simplified matters even further. Technical quality and ease of handling meant that a full schedule of excellent entertainment could be offered by a station with even a very small staff.

With proper care, a record can be played over and over again. Even if the broadcasters paid for their records—and they don't; the recording companies send them gratis—the cost would be infinitesimal when contrasted to the mileage they get from them.

I have been informed by the Library of Congress that 80 percent of air time is consumed by music. But what do the people who made the product that is being used to such an extraordinary degree get out of it? Absolutely nothing.

The same holds true for the tremendous exploitation of records by the jukebox industry. They can make fortunes, with minimal expenditure, through one record, which represents the combined efforts of composer and musicians. Not one penny does either get, however, except for the sale of the record, if it was indeed sold, to the jukebox concern. Even then, the musicians benefit only, as you know, indirectly, through the recording industries' music performance trust funds. The establishment of the fund was certainly a constructive step through collective bargaining, but it has by no means supplied a final answer to the vexing question of how the specific individual performer is to share in the profits made through his own efforts. The answer to this problem can only be supplied by Government.

I would like to see a revision of our antiquated laws of copyright. There is no reason at all for the all but complete exclusion of the performing artists from the profits which are made from the continued and widespread use of his unique effort. The performance itself is a creation; this the copyright laws must be made to take into account.

The U.S. Government is presently considering the question of whether or not we should endorse an international convention, drafted last fall in Rome, which among other things, concerns the protection of the performing artist from just such exploitation as I have described. Your own president, Mr. Kenin, was one of the advisers to the American delegation at the conference which drew up the convention. The problems touched on in the convention are very complex; the final draft was the end result of a continuing effort which reaches back nearly 40 years.

Although our ratification of the convention does not necessarily mean that Congress will pass new domestic copyright laws, at least it will have the force, for the administration, of a moral obligation to press for such passage.

In the case of records and transcriptions, then, there are two very important steps that should be taken. First is adoption of the Rome Convention. The second step, of course, is to guarantee to the performer an interest in the use made of his recordings and thus put an end to the exploitation being made of his talent through the use of records and transcriptions by the broadcasting and jukebox and other commercial industries. This would also require a change in our present copyright laws.

I wish to bring up one other matter. Although "subsidy" is not the dirty word for me that it is for some, I nevertheless think it makes sense to use all possible existing channels for relieving the plight of the performing arts before we think about creating new ones. For example, are there any revisions in the Internal Revenue Code which would help?

The cabaret tax was reduced, in 1960, from 20 to 10 percent. I think this tax should be eliminated entirely. From the time of its reduction to the date of our December hearings in San Francisco—the Select Committee on Education was informed—the 10-percent drop had resulted in the employment of 500 additional musicians in that city alone.

I am also interested in the repeal of taxes on admissions to all musical performances, whether or not they are produced by groups which can qualify as civic or community membership associations. It is possible that these latter may be made the beneficiaries of further liberalizations in the tax laws; but, regardless—for the sake of the general economic health of the musical arts in this country—I feel that we can well afford to include the presently nonexempted concerts in the favored category.

I believe that if we put our minds to it, we can get results in the areas I have emphasized. This administration has a noticeably friendly attitude toward the arts. It has created an atmosphere in Washington, reflecting that attitude, which may yet drift up into the corridors and cloakrooms of Capitol Hill. At any rate, my colleagues are impressed by specific, well-planned programs which take advantage of existing structures. May I suggest that you all try to promote such efforts as these?

In a recent article, Mr. Richard Coe, drama critic for the Washington Post, stressed the gap between promise and performance regarding arts legislation today. "The differences must be faced," he wrote, "by those who presume to think that a new era is here and spout enthusiastically of ideas as though they are facts. Representatives of the performing arts must inspire the grassroots to speak up. Dilettantism, an inherited disease of the arts, can all too easily waste this richly promising atmosphere."

The American Federation of Musicians has been a valiant fighter for arts legislation in the Nation's Capital. You can be proud of the work done in your behalf by your national officers and representatives. But I have told them, and I now tell you. The battle lines drawn at the White House gate and the Capitol steps have their beginnings on Main Street of your own hometown.

I have little patience with those who denigrate Congress and dismiss those who oppose the program I have outlined as uncultured persons. Congress, by and large, reflects the will of the people as it is expressed. I believe the people of this Nation do perceive the value of a living culture; they do want to enhance the status of the performing arts—for confirmation I refer you to the great concern recently demonstrated for the Metropolitan Opera. This interest was found in all corners of our land. But this interest, this concern, this appreciation for the talents of the American musician and performing artist must be communicated to Washington.

The job of doing this rests with you people who will soon return to your local organizations. Are you going to report to your membership and exhort them to write their Congressmen and then rest content? You cannot. You must not be satisfied with talk among your own group. Get out and talk to the chamber of commerce in your hometown and explain to them how the arts in America are suffering a slow death. Talk to the Kiwanis and the American Legion and explain to them how good theater, good professional concerts and live performances not only bring tourist dollars to their town but also makes their town a better place in which to live. Talk to the Lions and Elks and the League of Women Voters. Tell them how mechanized music is destroying the training grounds for tomorrow's musicians. Explain to them the gross inequities of our present copyright laws.

And to all of them, bring this message. They must tell their Congressmen that they are truly as concerned with America's cultural life as with their material well-being.

The production of wealth is a technique. And we in America have mastered it well. But the use of wealth is an art.

The American musician converts wealth into art. He must be encouraged. He must be supported in his endeavor.

I know it is not easy to sell such a message to audiences that may not perceive the problems as requiring immediate attention. But as a Congressman, as an elected leader in my community, I must do this nearly every week. A major portion of my work must be in educating the people I serve to the problems—national, international, and local—which they face today or will face tomorrow. So, certainly I know that what you must do is hard work. But only you who know the score the musician is forced to play from—only you can see the trends—only you can bring the cause of music and musicians to America's Main Street.

I can promise you that my own efforts in his behalf and in behalf of all of America's artists will continue, on all levels, until they achieve their rightful place in this Nation—a place of honor and reward.

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 21, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 19: 14: *Let the words of my mouth and the meditations of my heart be acceptable in Thy sight, O Lord, my strength and my redeemer.*

Most merciful and gracious God, in this fellowship of prayer with our colleagues and comrades, we are renewing and reaffirming our faith that Thou art our companion and counselor in all the duties and responsibilities of each new day.

As Thou dost look into the chambers and corners of our minds and hearts, Thou seest so much that is bleak and barren, dim and dismal, and which fills us with sorrow and shame.

Grant that Thy spirit of light and loveliness may take complete possession of our inner life, emancipating it from all darkness and lifting it to its own radiant and luminous level.

Endue us with a dynamism that will inspire us to be courageous enough to pursue the true spiritual values and equal to the high vocation of making them regnant in the life of all mankind.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, without amendment, bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 575. An act to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes;

H.R. 1304. An act for the relief of Jung Hae;

H.R. 2604. An act for the relief of Pietro Dattoli;

H.R. 5312. An act for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942;

H.R. 5320. An act for the relief of Robert Knobbe;

H.R. 6016. An act for the relief of William Thomas Dendy;

H.R. 6998. An act for the relief of Anthony Pirotta;

H.R. 6999. An act for the relief of Henry Massari;

H.R. 7123. An act for the relief of Mrs. Takako Coughlin;

H.R. 7438. An act for the relief of Anna Caporossi Crisconi;

H.R. 7704. An act for the relief of Chyung Sang Bak;

H.R. 8626. An act for the relief of Wilfrid M. Cheshire;

H.R. 9578. An act for the relief of Annie Yasuko Bower;

H.R. 9587. An act for relief of Anthony E. O'Sorio;

H.R. 9603. An act for relief of Lt. Comdr. Joseph P. Mannix;

H.R. 9893. An act for the relief of Tadeusz Sochacki;

H.R. 9995. An act for the relief of Dwight W. Clarahan;

H.R. 10678. An act for the relief of Angelo A. Russo;

H.R. 10720. An act for the relief of Rexford R. Cherryman, of Williamsburg, Va.;

H.R. 12416. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.J. Res. 730. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week; and

H. Con. Res. 509. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter; and

H.R. 12708. An act to increase the jurisdiction of the municipal court of the District of Columbia in civil actions, to change the names of the court, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2949. An act to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowance of witnesses, and for other purposes;

S. 3227. An act for the relief of Young Wai;

S. 3455. An act for the relief of Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im);

S. 3502. An act for the relief of Mrs. Maria Nowakowski Chandler;

S. 3557. An act for the relief of Betty Sandra Fagann; and

S.J. Res. 223. Joint resolution designating the period January 13, 1963, to January 19, 1963, as International Printing Week.

The message also announced that the Senate concurs in the amendment of the House to the amendment of the Senate No. 1 to the bill (H.R. 1960) entitled "An act to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes."

H.R. 12391

Mr. DOLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record immediately following the reading of the Journal today.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, on yesterday, September 20, in an effort to clarify important points during debate on the conference report on H.R. 12391, I repeatedly requested recognition from the gentleman from Kansas [Mr. Breeding] while he had the floor. After requesting my colleague from Kansas to yield five successive times he finally recognized me, but would not answer questions.

It is regrettable the Wheat Subcommittee chairman of the House Committee on Agriculture would not permit an exchange of questions and answers. Wheat producers in Kansas and elsewhere are concerned about certain provisions of the 1964 wheat program as contained in the conference report. It was surprising in reading the printed Record of proceedings for September 20 that my colleague, the gentleman from Kansas [Mr. Breeding], had deleted all references to my requests as well as his statement when he refused to yield to me.

A question of great concern is the price the farmers would receive for that portion of wheat sold for feed under the multiple-price wheat plan for 1964 if price support for corn is 80 cents per bushel in 1964 as it almost certainly must be under the formula printed in section 305 of the bill.

In absence of an answer from the gentleman from Kansas [Mr. Breeding] I referred the question to the gentleman from Iowa [Mr. Hoeven], ranking minority member of the House Committee on Agriculture, and one of the House conferees. His response was based on 80-cent corn in 1964, noncertificate or feed wheat would be 92 cents per bushel. Now I do not think there is any argument about the legislative intent of these words, "not result in increasing Commodity Credit Corporation stocks." They are specifically tailored to make the Secretary set the 1964 corn supports at the floor of 50 percent of parity. Since full parity on corn is now $1.60 per bushel, 50 percent is only 80 cents a bushel.

The answers of the gentleman from Iowa [Mr. Hoeven] were confirmed three times by the gentleman from Kansas [Mr. Breeding] himself in remarks he inserted in the Congressional Record. On page 20116 he stated:

> (g) The feed wheat price would be around $1.30 to $1.40, depending on the corn program, and domestic food wheat would be around $2 per bushel.

On the same page he said:

> The remainder of the farmers' wheat, 175 bushels, would be worth approximately $1.30 per bushel if corn supports were $1.20, for a value of $228.

And—

> Wheat not accompanied by certificates would move in the marketplace at an average price near $1.30 or $1.40, depending upon the support price for corn.

Up to this point it would seem everyone is agreed that the value of feed wheat under the 1964 program would be related to the price supports for corn, but to add to the confusion the gentleman from Kansas [Mr. Breeding] in a news release makes the following unusual statement:

> Even if corn should be supported at the minimum level of 80 cents a bushel, the price support for feed wheat would remain at this $1.30 a bushel figure because the support price would be tied to the world price, and not to the feed grain market.

Now I submit that with so many conflicting statements it is difficult to know just what type legislation we enacted yesterday, though if one reads the bill he could quickly learn that the price of feed wheat in 1964 is related to the price support for corn and that with corn at only 80 cents a bushel, wheat's relative value would be 92 cents a bushel.

To have feed wheat under the 1964 program bring $1.30 or $1.40 it would be necessary that corn supports be $1.20 or more and certainly no one has advocated unrestricted production of corn supported at $1.20 per bushel.

MOBILE TRADE FAIRS

Mr. BONNER. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on the bill S. 3389, to promote the foreign commerce of the United States through the use of mobile trade fairs.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MORE ACTION NEEDED

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, last week the newspapers carried two very significant headlines that amazed me and made me wonder just where we are going. Dean Rusk, Secretary of State, in big headlines said to the Soviets, "You don't scare us." I think that is wonderful. Then in another big headline J.F.K. said, "We will be first in space." I think that is wonderful, too.

We have come to the time when our leaders are just boasting and talking, but I think the American people would like to see more results and more action than this kind of front-page publicity.

Mr. DEROUNIAN. Mr. Speaker, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from New York.

Mr. DEROUNIAN. Would not the gentleman say also that the people would like to see a little more courage and a little less profile?

Mr. BECKER. A little more courage would be attractive to the people and would impress the people of the world a lot more than empty boasts as well as to raise the prestige of the United States. It is pretty low right now.

CHICAGO & NORTH WESTERN RAILROAD STRIKE

Mr. BERRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, I have sent the following letter to the White House this morning:

> Please, Mr. Kennedy, come home. I don't ask you to stay in this old town too long—just long enough to settle the Chicago & North Western railroad strike.
>
> A $3 million sugarbeet crop in South Dakota is facing complete destruction unless the freight trains are started this week. I know $3 million doesn't sound like much to you, but it is everything to many farm families who had their crops ruined by drought last year and face losing it by a rail strike this year.
>
> This is bread and butter to several hundred farmers who do not carry strike insurance and who cannot depend upon unemployment compensation. These farmers

have thousands of dollars and thousands of man-hours of work tied up in this crop. Are you going to take action before it is too late?

When the shoe was on the other foot a week ago, you served notice on industry in the aerospace dispute that they must accept the board's finding or else. Can you not now show the same firmness toward a thousand members of the Telegraphers' Union that you demonstrated against four contractors?

This is serious, Mr. President. Not only is it a great inconvenience and expense to the public generally, but many, many farmers face the loss of their entire income, and a sugar mill, which is an important industry in that State cannot start its annual run which will mean that many more people will be out of jobs and work and income.

Please, Mr. President—come home and take action at once. They can operate the yacht races 1 day without you.

IMPORTATION OF HOUSEHOLD EFFECTS

Mr. **MILLS**. Mr. Speaker, I call up the conference report on the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 2413)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: On page 1, line 5, of the Senate engrossed amendments, strike out "1828" and insert "1829"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 3. (a) Section 809(d)(6) of the Internal Revenue Code of 1954 (relating to deduction for group life, accident, and health insurance) is amended—

"(1) by striking out 'group life insurance contracts and group accident and health insurance contracts' and inserting in lieu thereof 'accident and health insurance contracts (other than those to which paragraph (5) applies) and group life insurance contracts'; and

"(2) by striking out the heading and inserting in lieu thereof '(6) Certain accident and health insurance and group life insurance.—'.

"(b) Section 815(c)(2)(C) of such Code (relating to policyholders surplus account) is amended by striking out 'group life and group accident and health insurance contracts' and inserting in lieu thereof 'accident and health insurance and group life insurance contracts'.

"(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1962."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Wilbur D. Mills,
Cecil R. King,
Thomas J. O'Brien,
John W. Byrnes,
Howard H. Baker,
Managers of the Part of the House.

Harry Flood Byrd,
Robert S. Kerr,
Russell B. Long,
John J. Williams,
Frank Carlson,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment adds a new section to the bill to permit duty-free entry of monofilament gill nets for use in fish sampling, under such rules and regulations as the Secretary of the Treasury may prescribe. The amendment is to apply to articles entered or withdrawn from warehouse for consumption on and after the day following the date of the enactment of the bill. The House recedes with a clerical amendment.

Amendment No. 2: This amendment adds a new section to the bill relating to accident and health insurance contract premiums. Under existing law, in computing gain or loss from operations life insurance companies are entitled to a special deduction of 2 percent of the premiums for the taxable year attributable to group accident and health insurance contracts. Senate amendment No. 2 extended the deduction to premiums attributable to individual accident and health insurance contracts (other than individual nonparticipating contracts which are issued or renewed for periods of 5 years or more or which are noncancellable contracts for which there are life insurance reserves). The amendment also provided a special 2-percent deduction with respect to both group and individual accident and health insurance contracts for computing underwriting income of casualty insurance companies.

Under the conference agreement, the House recedes with an amendment which (in effect) retains the provisions of the Senate amendment relating to life insurance companies and omits the provisions relating to casualty insurance companies. The extension of the 2-percent deduction to the individual accident and health contracts of life insurance companies was agreed to by the committee of conference in recognition of the competitive situation existing in the case of those companies not in a position to write group contracts. It recognizes, however, that the problem of how broad the application of this deduction should be is a matter which requires further review and consideration. On the one hand, questions have been raised as to whether a deduction for accident and health contracts is desirable in the case of life insurance companies, whether the contracts are group contracts or individual contracts. On the other hand, it is recognized that if this deduction is retained in the case of life insurance companies, the Congress may want to consider the desirability of making a similar allowance in the case of casualty insurance companies. The committee of conference has requested the Treasury Department to report to the Ways and Means and Finance Committees on these problems at the next session of the Congress.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

Wilbur D. Mills,
Cecil R. King,
Thomas J. O'Brien,
John W. Byrnes,
Howard H. Baker,
Managers on the Part of the House.

Mr. **MILLS**. Mr. Speaker, your House conferees reached agreement with the conferees of the other body on the bill, H.R. 12180, to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects which are brought into the United States under Government order.

The other body made no change in the basic provisions of the bill as passed by the House. However, the other body added two amendments to the House bill.

The first amendment would permit the duty-free entry of monofilament gill nets for use in fish sampling under regulations to be prescribed by the Secretary of the Treasury. Under the conference agreement, this provision was retained. The Department of the Interior favors the enactment of this provision and the Tariff Commission reports that these articles are not produced in the United States. It is understood these nets are basically for research purposes.

The other body also amended the bill to provide that effective for taxable years beginning after December 31, 1962, the deduction allowed under present law to life insurance companies of 2 percent of premiums on group life, accident, and health insurance contracts would be expanded to apply to individual accident and health insurance contracts. In addition under this amendment, this deduction would also have been made available to stock casualty insurance companies and, under H.R. 10650, the proposed Revenue Act of 1962, which is now in conference, this deduction would also be made available to mutual casualty insurance.

Mr. Speaker, evidence presented indicated that the extension of the present 2 percent of premiums deduction to apply to individual accident and health insurance contracts issued by life insurance companies would result in a revenue loss of some $5 million annually. The extension of this deduction to apply to individual accident and health insurance contracts issued by stock casualty companies would reduce Federal revenues by some $10 million and would reduce Federal revenues by an additional $5 million through the extension of this deduction to mutual casualty insurance companies in the event that H.R. 10650 is enacted. Under the conference agreement the deduction of 2 percent premiums would only be applicable to individual accident and health insurance contracts that are issued by life insurance companies. This deduction would not be made available to stock casualty or mutual casualty insurance companies.

Mr. Speaker, the extension of the 2-percent deduction to the individual accident and health contracts issued by life insurance companies was agreed to by the committee of conference in recognition of the competitive situation that exists in the case of those companies who are not in a position to write group accident and health contracts. The conference action recognizes that the problem of how broad this deduction should be in application is a matter which should be further studied. Accordingly, the committee on conference has requested the Treasury Department to report to the Committee on Ways and Means and the Committee on Finance of the other body on this subject during the next session of the Congress.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me whether all amendments, as a result of the conference between the House and the other body, are germane to the subject matter of the bill, as passed by the House?

Mr. MILLS. It depends upon what the gentleman is using as a rule of germaneness. If this bill had been considered under the rules of the House, perhaps, the second amendment which I have described would not have been considered germane. But, under the rules of the other body, it was germane and it was included—not on the floor of the other body, but in the Finance Committee of that body.

Mr. GROSS. Is there a rule of germaneness in the other body?

Mr. MILLS. I am not advised of the rules of the other body to the extent that I am acquainted with the rules of this body, but I understand there is a difference in the rules of the two bodies on this subject.

Mr. GROSS. It will be my purpose on all conference reports, having had some experience, as I am sure the gentleman has had, with bills coming back from the other body as a result of conferences at this stage of the session, some of them becoming almost omnibus appropriation bills or omnibus bills carrying all kinds of amendments, some of which are wholly unrelated to the subject matter of the bills—as I say, it will be my purpose, if it is not the purpose of anyone else in the House of Representatives, for the remainder of this session to ascertain definitely what amendments have been put on bills as the result of conferences between the two bodies that are not germane to the legislation at hand.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I have just been advised that the Senate has amended some private bills by adding bills that the subcommittee on immigration tabled because they are very bad bills. The Senate has taken these bills and added them to the bills that we passed, and has sent them back here. I just want the Members to know that we will not accept the Senate amendments, and it seems to me what we ought to do is to make the Senate understand that we have a rule of germaneness and we are going to insist that they comply with the rule of germaneness.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. I want to thank the gentleman from Pennsylvania who has made the point much more lucidly than I could make it. The time has come to insist upon legislation in the House of Representatives where the rule of germaneness applies.

Mr. MILLS. I would call the attention of the gentleman from Iowa to the fact that it is within the discretion always of conferees representing the House as to whether or not they would agree to any matter that is added to the House bill when that bill is in the other body. In this particular instance the conferees on the part of the House exercising that discretion have unanimously agreed—five conferees representing this body—to these amendments.

I would call the gentleman's attention to the fact that those conferees are the gentleman from Arkansas, the gentleman from California [Mr. King], the gentleman from Illinois [Mr. O'Brien], the gentleman from Wisconsin [Mr. Byrnes], and the gentleman from Tennessee [Mr. Baker]. We have agreed unanimously on these two amendments.

I pointed out to the gentleman that one of these amendments might not have been germane to the bill as it passed the House. Had we not wanted this amendment we could have insisted upon our disagreement with the Senate, and perhaps the amendment would have been deleted. The conferees on the part of the House are perfectly willing to accept th amendment, because this amendment was familiar to us. It has been discussed by conferees on the part of the House and members of the Ways and Means Committee on other occasions when it was appended to a bill once before. At that time the Senate receded until we could have an opportunity to look at it and see whether or not we wanted to take this action. On this occasion the House conferees decided that we would take this amendment, and we are pleased to do so.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I do not think the impression should be given that there was not any disagreement with respect to amendment No. 2. I had serious reservations with respect to it. I still have a serious question. But with the understanding that this matter would be thoroughly gone into by the staff and the Treasury, I agreed to the amendment.

Mr. MILLS. The gentleman has recorded his position as I understand it; and it was understood that this matter would be looked into further to see not whether or not this was an advisable step, but whether a second step should also be taken, finally, with respect to the sale of these health and accident policies by casualty companies as well as life insurance companies, and whether or not they should be accorded some degree of treatment comparable in some respect to that which we are extending to life insurance companies with respect to individual health and accident policies.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. CURTIS of Missouri. I had not intended to get into this discussion, but in view of the fact it has developed I will express my concern. I want to support the position of the gentleman from Iowa [Mr. Gross]. Also, I would stress the fact that I feel there is a growing tendency since I have been in Congress for committees to take the position that they are the ones to make the decisions for the House, as opposed to the proper function of a committee which is to bring out information and make recommendations to the House so it can act with intelligence. I think the same theory applies to conferees. They are servants of the House. They should follow the position of the House. Certainly we expect the conferees to use judgment, but it is for the House to decide, to approve, and to legislate.

A second consideration really prompted me to make these remarks. The Ways and Means Committee is in a peculiar position, different from any other committee in the House of Representatives in regard to nongermane matters coming over from the Senate. Under the Constitution, revenue measures must originate in the House. If we do not apply a rule on germaneness in reference to bills that go over to the Senate, approving an amendment to a House revenue measure which is not germane actually enables the Senate to originate matters unconstitutionally on revenue measures.

It strikes me in this particularly instance we have what I would regard as a constitutional violation. I think it is very important that the Committee on Ways and Means, and any other committee in conferences of this nature, apply some reasonable standard of germaneness. I appreciate the Senate has a different rule of germaneness than we do, and I do not want to impose our rule necessarily, but the rule of germaneness should obtain under this constitutional provision, and I think the conferees on the part of the Committee on Ways and Means on revenue matters should be extremely careful in what they permit to go on bills that would be nongermane and unconstitutional.

Mr. MILLS. I always appreciate the advice I get from my colleagues in these matters, and most times I find myself in complete agreement with the advice I have received. I want to assure my friend from Missouri that the acceptance by the House conferees of this amendment does not violate the constitutional provision that these matters must originate in the House, for the reason that the bill we have before us is a House bill, H.R. 12180, that came out of the Committee on Ways and Means and passed the House some time ago by unanimous consent. I am satisfied that had our committee had the time available to it to take this up, the gentleman from Missouri would have gone along with us completely on a unanimous basis in respect to both of these amendments that we have accepted in the conference committee, for the reason that the gentleman from Missouri [Mr. CURTIS] is very much interested in this matter of the medical care of the people of the United States. I know he is from the many conversations I have had with him.

What we are trying to do here in this provision is to extend a provision of law that originated within the Committee on Ways and Means some years ago in connection with the taxation of life insurance companies providing a 2-percent deduction from income for group health and accident insurance premiums. As I say, we are extending that philosophy to the individual health and accident policies in the hope that we can enable these insurance companies to extend their operations and provide the kinds of health and accident policies that the American people really need, and on the basis of premiums that they can pay.

I am confident the gentleman from Missouri is so interested in this subject he would not raise a procedural question to prevent the adoption of such a worthwhile objective, and will not stand on procedure when a matter of this sort is involved. I think I know him that well.

Mr. CURTIS of Missouri. I must say the gentleman is in error. Much as I approve this bill, and indeed I do, I certainly feel procedural matters are important, and I think it is time we begin to pay attention to that in this body. Otherwise, we are going to go down the drain of government by man and not our form of government by law. Indeed, that is the point. The gentleman from Arkansas has not answered the question. Was this particular amendment germane to this particular bill?

Mr. MILLS. I answered the question, if the gentleman had been listening——

Mr. CURTIS of Missouri. I was listening.

Mr. MILLS. To my response to the question that the gentleman from Iowa raised—I stated it depended on the meaning of the rules of germaneness he was asking about.

Mr. CURTIS of Missouri. Exactly.

Mr. MILLS. I have told the gentleman the reason for the germaneness of it, and I say it is my judgment that under the rules of germaneness in the House this amendment might not be in order. But this matter is not new to the Committee on Ways and Means, and it is not new to the House conferees. I certainly think it involves too much for us to hesitate about it because it happens to be an amendment appended in the other body. The purposes it would accomplish, through the acceptance by the House of this amendment, I can assure the gentleman, are good, and there was no objection within the conference to the amendment itself, except that perhaps the thing that we were doing here should have been extended somewhat to include the sale of individual health and accident policies by the so-called casualty companies as well as life insurance companies. That is what we are having the Treasury and the staff look further into.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield further?

Mr. MILLS. Yes; I would be glad to yield further.

Mr. CURTIS of Missouri. The gentleman has suggested that I have not been listening to what he said. I tried to listen very carefully to the gentleman, and may I say to the gentleman that apparently my point has been missed and I have not been very clear. This is an issue of germaneness. It is an issue of whether or not the Senate rule of germaneness or the House rule of germaneness applies. What I am trying to point out in this instance is that we have a constitutional problem involved here and, therefore, it behooves us in the Committee on Ways and Means to be concerned. This bill does not bother me because I happen to favor it, but the procedural question bothers me deeply. So much so that I shall remind the gentleman from Arkansas of this fact: I voted against the conference report on the extension of Korean excise taxes where it included a Senate amendment that I have been seeking to accomplish for years. I made a speech on the floor of the House that the principle involved here was too much to be ignored, because it might be something of momentary advantage or something that was momentarily desirable by all of us. I urge the chairman to review this point carefully because it does involve a relationship which we are going to continue to have with the other body and if we do not agree on some intelligent rule of germaneness, this basic prerogative of the House of Representatives and the Constitution that revenue measures must originate here will become meaningless. If the Senate rule of germaneness is to prevail, they can introduce any original measure and, in fact, I think they do, and tack it onto any simple bill which we might send over. I think it does behoove our conferees to stand firm on this as a matter of principle.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would like to discuss for just a moment the substance of the changes that were made.

Mr. Speaker, H.R. 12180 in its original form would have extended for another temporary period the existing provisions in the law permitting the free importation of personal and household effects brought into the country under Government orders.

The first amendment, to which the House managers agreed, permits the free entry of monofilament fish nets. These nets are used by the conservation agencies for sampling, and are not produced in the United States.

The second Senate amendment extended the deduction of 2 percent of premiums applied in computing underwriting income on group health and accident insurance policies to individual health and accident policies written both by life insurance companies and by casualty insurance companies. When coupled with H.R. 10650, the deduction would also have been available to the mutual casualty companies. Your conferees restricted the amendment to apply solely to life insurance companies writing individual health and accident policies.

It seems to me that equity demands that if the deduction is to be allowed to one form of business engaged in selling health and accident policies, it should be allowed to other forms. In other words, if life companies are to get this additional deduction, the casualty companies, both stock and mutual, should also have the deduction. After all, they are all competitive one with the other. However, it was claimed that the need for relief was particularly acute in the case of the life insurance companies, who were writing individual health and accident contracts in competition wth nonprofit organizations.

Because of my objections, it was agreed that the matter would be reconsidered in the next Congress, and the staff was directed to make a study of the tax burden on the writing of health and accident insurance policies by life insurance companies and casualty insurance companies, both stock and mutual. Because of these assurances, I agreed to the conference report.

Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. BYRNES] for his assurance. Without his assurance I could not support this conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 8, not voting 103, as follows:

[Roll No. 243]

YEAS—324

Abbitt
Abernethy
Addabbo
Albert
Alexander
Alford
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashley
Ashmore
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Baring
Barry
Bates
Becker

Beckworth
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Boykin
Brademas
Bray
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Collier
Colmer
Conte
Cook
Corbett
Corman
Cramer
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, John W.
Davis, Tenn.
Delaney
Dent
Derounian
Devine
Dingell
Dole
Dominick
Donohue
Dowdy
Downing
Doyle
Dulski
Durno
Dwyer
Elliott
Ellsworth
Everett
Evins
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Flynt
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Gary
Gathings
Gavin
Gilbert
Glenn
Gonzalez
Goodell
Goodling
Granahan
Grant
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagen, Calif.
Haley
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison, Wyo.
Harsha
Harvey, Mich.
Healey
Hechler
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Holifield
Holland
Horan
Hosmer
Huddleston
Ichord, Mo.
Inouye
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Md.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kearns
Keith
Kilburn
Kilgore
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Lane
Langen
Lankford
Lennon
Lesinski
Libonati
Lipscomb
McCulloch
McDowell
McFall
McMillan
Macdonald
Mack
Madden
Mahon
Mailliard
Marshall
Mason
Matthews
Michel
Miller, George P.
Miller, N.Y.
Milliken
Mills
Moeller
Monagan
Moorehead, Ohio
Moorhead, Pa.
Morgan
Morrison
Mosher
Moss
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Peterson
Pfost
Philbin
Pike
Pillion
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Randall
Ray
Reece
Rhodes, Ariz
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rousselot
Ryan, N.Y.
St. George
St. Germain
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Scott
Selden
Sheppard
Shipley
Short
Shriver
Sibal
Siler
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Spence
Springer
Stafford
Staggers
Steed
Stephens
Stubblefield
Sullivan
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tupper
Udall, Morris K.
Ullman
Utt
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitten
Widnall
Williams
Willis
Wilson, Calif.
Winstead
Young
Younger
Zablocki

NAYS—8

Alger
Ashbrook
Curtis, Mo.
Garland
Gross
Hall
Mathias
Saylor

NOT VOTING—103

Adair
Anfuso
Barrett
Bass, N.H.
Bass, Tenn.
Battin
Beermann
Blatnik
Blitch
Breeding
Brewster
Bromwell
Buckley
Carey
Celler
Cohelan
Cooley
Curtis, Mass.
Davis, James C.
Dawson
Denton
Derwinski
Diggs
Dooley
Dorn
Edmondson
Farbstein
Fenton
Finnegan
Fino
Fogarty
Garmatz
Giaimo
Gray
Hagan, Ga.
Harrison, Va.
Harvey, Ind.
Hays
Hébert
Hoffman, Mich.
Hull
Johnson, Wis.
Judd
Kee
Kelly
Keogh
Landrum
Latta
Lindsay
Loser
McDonough
McIntire
McSween
McVey
MacGregor
Magnuson
Martin, Mass.
Martin, Nebr.
May
Meader
Merrow
Miller, Clem
Minshall
Montoya
Moore
Morris
Morse
Moulder
Multer
Norblad
Norrell
O'Brien, Ill.
Pilcher
Rains
Reifel
Reuss
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Colo.
Rutherford
Ryan, Mich.
Santangelo
Saund
Scherer
Scranton
Seely-Brown
Shelley
Sikes
Smith, Miss.
Stratton
Thomas
Thompson, La.
Tuck
Van Zandt
Weis
Whalley
Whitener
Wickersham
Wilson, Ind.
Wright
Yates
Zelenko

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rutherford with Mr. Reifel.
Mr. Thomas with Mr. McIntire.
Mr. Brewster with Mr. Judd.
Mr. Hébert with Mr. Harvey of Indiana.
Mr. Breeding with Mr. Fino.
Mr. Hull with Mr. Derwinski.
Mr. Thompson of Louisiana with Mr. Bromwell.
Mr. Tuck with Mr. Scranton.
Mr. Loser with Mr. Norblad.
Mr. Montoya with Mr. Beermann.
Mr. Morris with Mr. Meader.
Mr. Rivers of Alaska with Mr. Lindsay.
Mr. Hagan of Georgia with Mr. Van Pelt.
Mr. Giaimo with Mr. Battin.
Mr. Garmatz with Mr. Fenton.
Mr. Fogarty with Mr. Morse.
Mr. Santangelo with Mr. Adair.
Mr. Shelley with Mr. Minshall.
Mr. Rogers of Colorado with Mr. Wilson of Indiana.
Mr. Rains with Mr. Martin of Massachusetts.
Mr. O'Brien of Illinois with Mr. MacGregor.
Mr. Barrett with Mr. Seely-Brown.
Mr. McSween with Mrs. May.
Mr. Clem Miller with Mr. Scherer.
Mr. Sikes with Mr. McDonough.
Mr. Johnson of Wisconsin with Mr. Latta.
Mr. Dorn with Mr. Curtis of Massachusetts.
Mr. Gray with Mr. Martin of Nebraska.
Mr. Cohelan with Mrs. Weis.
Mr. Pilcher with Mr. Moore.
Mr. Landrum with Mr. Bass of New Hampshire.
Mr. James C. Davis with Mr. Merrow.
Mrs. Riley with Mr. Hoffman of Michigan.
Mr. Finnegan with Mr. McVey.
Mr. Dorn with Mr. Dooley.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FOWLING NETS—EXCISE TAX ON CERTAIN TELEVISION TUBES—LOCAL ADVERTISING

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 6682) to provide for the exemption of fowling nets from duty, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 12, insert:

"Sec. 2. For the purpose of applying the provisions of sections 4218, 4220, and 6416(b)(3) of the Internal Revenue Code of 1954, during the period beginning on January 1, 1955, and ending at the close of August 31, 1955, and for the purpose of applying the corresponding provisions of the Internal Revenue Code of 1939 for the period beginning on October 1, 1952, and ending at the close of December 31, 1954, with respect to the sale of a tube taxable under section 4141 of the Internal Revenue Code of 1954 or section 3404(b) of the Internal Revenue Code of 1939, as the case may be, to the manufacturer or producer of an article which

"(1) was primarily adapted for use as a component part of a television receiving set;

"(2) was not a radio and television component taxable under section 4141 of the Internal Revenue Code of 1954 or a chassis taxable under section 3404(b) of the Internal Revenue Code of 1939, as the case may be; and

"(3) was sold to a manufacturer or producer of television receiving sets taxable under section 4141 of the Internal Revenue Code of 1954 or section 3404(a) of the Internal Revenue Code of 1939, as the case may be;

such article shall be treated as having been taxable under section 4141 of the Internal Revenue Code of 1954 or section 3404(b) of the Internal Revenue Code of 1939, as the case may be."

After line 12, insert:

"Sec. 3. (a) Section 4216(f)(4)(C) of the Internal Revenue Code of 1954 (relating to the definition of local advertising) is amended by striking out 'or appears in a newspaper' and inserting in lieu thereof ', appears in a newspaper or magazine, or is displayed by means of an outdoor advertising sign or poster'.

"(b) The amendment made by subsection (a) shall apply with respect to articles sold on or after the first day of the first calendar quarter beginning more than 20 days after the date of the enactment of this Act."

Amend the title so as to read: "An Act to provide for the exemption of fowling nets from duty, and for other purposes."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 2412)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6682) to provide for the exemption of fowling nets from duty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Page 2, line 15, of the Senate engrossed amendments, strike out "Sec. 3." and insert: "Sec. 2."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Wilbur D. Mills,
Cecil R. King,
Thomas J. O'Brien,
Noah M. Mason,
John W. Byrnes,
Managers on the Part of the House.

Harry Flood Byrd,
Robert S. Kerr,
Russell B. Long,
John J. Williams,
Frank Carlson,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6682) to provide for the exemption of fowling nets from duty, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment added a new section to the bill relating to the application of the manufacturers excise tax on radio and television components to certain tubes sold during the period beginning October 1, 1952, and ending August 31, 1955. The effect of the amendment would be to exempt the tubes from tax if sold to the manufacturer or producer of an article which (1) was primarily adapted for use as a component part of a television receiving set, (2) was not a taxable chassis or radio and television component, and (3) was sold to a manufacturer or producer of taxable television receiving sets. The Senate recedes.

Amendment No. 2: This amendment added a new section to the bill relating to the definition of the term "local advertising" for purposes of determining the amount excluded from the selling price on which the manufacturers excise tax is based. Under existing law, the term "local advertising" means only advertising which—

(A) is initiated or obtained by the purchaser or any subsequent vendee,

(B) names the article for which the price is determinable under this section and states the location at which such article may be purchased at retail, and

(C) is broadcast over a radio station or television station or appears in a newspaper.

Under the Senate amendment, the term includes advertising which appears in a magazine or is displayed by means of an outdoor advertising sign or poster as well as advertising which appears in a newspaper or is broadcast over a radio station or television station. The House recedes with a clerical amendment.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

Wilbur D. Mills,
Cecil R. King,
Thomas J. O'Brien,
Noah M. Mason,
John W. Byrnes,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, it will be recalled that some weeks ago the House passed by unanimous consent the bill introduced by our colleague, the gentleman from New Jersey [Mr. Widnall], H.R. 6682.

Mr. Speaker, the amendments made by the other body to this bill made no change in the provisions passed by the House. However, two amendments added additional provisions to the House version of the bill, one of which would, in effect, have retroactively validated the tax-free purchase of certain tubes purchased by manufacturers of television tuners during the period October 1, 1952, to August 31, 1955, for incorporation in such tuners. Under the conference agreement, this amendment was deleted from the bill.

The second amendment made by the other body dealt with the provision of present law under which certain local advertising charges may be excluded from the sales price of articles to which the manufacturers excise tax applies. Under present law, only advertising that is broadcast over a radio or television station or appears in a newspaper qualifies for this exclusion from the tax base. As amended by the other body, the type of local advertising media that would qualify for this special treatment would be expanded to include magazine advertising and outdoor advertising signs or posters. Under the conference agreement, this provision would be retained.

Mr. Speaker, I might add that in the process of doing this initially, I think it was inadvertence that limited the application of this treatment in this respect: In order to correct what I am sure was unintended by both branches of the Congress, the other body has added to this bill the type of local advertising media that involves magazine advertising, outdoor advertising, signs, or posters.

Mr. Speaker, that should be done, and I would suggest that this unanimous consent conference report should be unanimously adopted by the House.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I would be glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, the bill, H.R. 6682, as passed the House provided for the exemption of fowling nets from duty. The Senate then amended the bill to exempt certain radio and television tubes from the manufacturers excise tax during a specified period. The House managers disagreed to this and the Senate receded.

A further amendment, to which the House managers did agree, provides for the broadening of the definition of the term "local advertising" for the purposes of determining exclusions from selling price in the computation of the manufacturers excise tax. It is broadened to include magazine and outdoor display-sign advertising. Mr. Speaker, I have no objection to this amendment and, therefore, favor adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. First permit me to supplement my remarks by pointing out that this language of this amendment is along the lines of the bill which is now pending in the Committee on Ways and Means, introduced by our colleague, the gentleman from Florida [Mr. Herlong]. The gentleman from Florida [Mr. Herlong] has been very interested in bringing about a correction of this situation that I described earlier and which I am sure resulted from an oversight.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I would be glad to yield to the gentleman from Iowa.

Mr. GROSS. The amendments that have been worked out in conference are germane to this general subject of tax revision, are they not?

Mr. MILLS. We thought that the amendment was certainly one that justified correction but, here again, I must point out to the gentleman from Iowa in all frankness that the bill which the gentleman from New Jersey [Mr. Widnall] introduced and which we passed dealt with the free importation of so-called fowling nets, a tariff matter. This amendment of the Senate refers to section 4216(f)(4) of the Internal Revenue Code of 1954, and is a tax matter. It might be held not to be germane under the rules of the House. But, here again, I am sure my friend, the gentleman from Iowa [Mr. Gross], recognizes that these are matters that are clearly within the jurisdiction of the Committee on Ways and Means.

They are clearly within the jurisdiction of the Finance Committee of the Senate. It is not like taking up an agriculture bill and adding some amendment involving the monetary fund, or something of that sort. These do conform to the jurisdictions of both of these committees clearly.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation.

Mr. MILLS. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. Walter). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks in further reference to the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE LATE HONORABLE EFFEGENE WINGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas [Mr. Harris].

Mr. HARRIS. Mr. Speaker, it is with deep sorrow that I announce to the House the passing of Mrs. Effegene (Locke) Wingo, a former Member of the House of Representatives, who represented the district which I now have the privilege and honor of representing.

Mrs. Wingo was born in Lockesburg, Sevier County, on April 13, 1883. She attended public and private schools and Union Female College, Oxford, Miss. She was graduated from Maddox Seminary, Little Rock, Ark., in 1901, and moved to Texarkana, Ark., in 1895, and to DeQueen, Ark., in 1897. She was elected as a Democrat on November 4, 1930, to the 71st Congress. Her husband before her had served in the House, representing this district for several terms. She was elected to fill the vacancy caused by the untimely death of her husband, Otis Theodore Wingo. Some of the older Members who were here at that time, I am sure, remember Otis Wingo and also his lovely wife, Mrs. Wingo.

On the same day that she was elected to succeed her husband in the House, she was elected to the 72d Congress and served from November 4, 1930, to March 3, 1933. She was not a candidate for renomination in 1932.

Mrs. Wingo wrote me a letter about a year ago in which she inquired about the consideration which the House and the Congress had given to a program that she, herself, had sponsored when she was in the Congress. She was the cofounder in 1934 of the National Institute of Public Affairs here in Washington, D.C., engaged in educational and research work.

Mrs. Wingo passed away September 20, in Brent Memorial Hospital, Burlington, Ontario, where she was living with her son at the time, Otis T. Wingo, and where he now lives.

Funeral services will be held this afternoon at 3 o'clock at St. Albans Church, interment in Rock Creek Cemetery.

Mrs. Wingo is survived by a daughter, Mrs. L. L. Sawyer, who lives here in Washington, D.C., and by her son, Otis T. Wingo, Jr. I know I express the sentiments of every Member of this House when we extend to them and all the family our deepest sympathy in the loss of their mother.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. GRANT. Mr. Speaker, I call up the conference report on the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 2408)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037), to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That paragraphs (6) and (7) of the first section of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a), are amended to read as follows:

" '(6) The term "dealer" means any person engaged in the business of buying or selling in wholesale or jobbing quantities, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect to sales of any commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" until the invoice cost of his purchases of perishable agricultural commodities in any calendar year are in excess of $90,000; and (C) no person buying any commodity for canning and/or processing within the State where grown shall be considered a "dealer" whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine, within the meaning of paragraph (4) of this section. Any person not considered as a "dealer" under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer";

" '(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively, except that no person shall be deemed to be a "broker" if such person is an independent agent negotiating sales for and on behalf of the vendor and if the only sales of such commodities negotiated by such person are sales of frozen fruits and vegetables having an invoice value not in excess of $90,000 in any calendar year.'

"SEC. 2. The first section of such Act (7 U.S.C. 499a) is further amended by adding at the end thereof the following new paragraphs:

" '(9) The term "responsibly connected" means affiliated or connected with a commission merchant, dealer, or broker as (A) partner in a partnership, or (B) officer, director, or holder of more than 10 per centum of the outstanding stock of a corporation or association;

" '(10) The terms "employ" and "employment" mean any affiliation of any person with the business operations of a licensee, with or without compensation, including ownership or self-employment.' "

And the House agree to the same.

GEORGE M. GRANT,
HARLAN HAGEN,
W. PAT JENNINGS,
CHARLES M. TEAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
OLIN D. JOHNSTON,
SPESSARD L. HOLLAND,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The only matter in disagreement between the Senate bill and the House amendments was the treatment to be accorded persons subject to the act solely by reason of their activities as retail dealers or frozen food brokers. The Senate limited the license fee which could be charged retail dealers and frozen food brokers to $25 a year. The House permitted the license fee for retail dealers to be increased to a maximum of $50, as provided by the bill for other licensees; but excluded retail dealers whose purchases of perishable agricultural commodities did not exceed $100,000 a year from the requirements of the act, and excluded all frozen food brokers who represent sellers only. At present a retail dealer is subject to licensing if he buys as much as a ton of perishable agricultural commodities on each of 21 days during any calendar year, and a frozen food broker is subject to licensing if he negotiates the purchase or sale of any frozen fruits or vegetables. The committee of conference recommends that retail dealers purchasing less than $90,000 a year worth of perishable agricultural commodities, and frozen food brokers representing sellers only and negotiating sales of less than $90,000 a year worth of frozen fruits and vegetables, be excluded from the requirements of the act.

The number of retailers and frozen food brokers now subject to license and the number which the Department of Agriculture estimates would be subject to license under House amendment No. 1 and the conference substitute therefor are as follows:

RETAILERS

At present 3,528 retailers out of more than 230,000 are licensed. With a $90,000 standard, about 1,200 would be licensed. With a $100,000 standard, about 1,125 would have been licensed.

FROZEN FOOD BROKERS

At present 475 such brokers are licensed. With a $90,000 standard, about 260 would be licensed.

The House made 12 amendments to the Senate bill. The committee of conference recommends that the Senate recede from its disagreement to the House amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 and that the Senate recede from its disagreement to House amendment No. 1 and agree to the same with an amendment.

House amendment No. 1 excluded retail dealers purchasing not more than $100,000 worth of perishable agricultural commodities a year, and all frozen food brokers representing sellers only from the requirement of the act. The conference substitute would exclude retail dealers purchasing not more than $90,000 worth of perishable agricultural commodities a year, and frozen food brokers representing sellers only and negotiating not more than $90,000 worth of frozen fruits and vegetables a year.

House amendment No. 3 struck out the Senate provision limiting the license fee for retail dealers and frozen food brokers to $25 a year. In view of the recommendation of the conference committee with respect to the exclusion of the smaller retail dealers and frozen food brokers, those that would remain subject to the act should be required to pay the same fee as other licensees, and the committee of conference therefore recommends that the Senate recede from its disagreement to amendment No. 3. The present maximum license fee under the act is $25. The bill would raise the maximum license fee to $50. During the hearings on the bill the Department indicated that for the first year it was not anticipated that the license fee would be more than $36. The conferees would expect the Department to exert every effort to keep the fee within this figure and that the exclusion of the smaller retailers and frozen food brokers would not require an increase above this figure.

Amendments numbered 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 merely change section numbers to reflect the insertion of a new section 1 in the bill by House amendment No. 1. In view of the conference committee recommendation with respect to amendment No. 1, it recommends that the Senate recede from its disagreement to these technical amendments.

George M. Grant,
Harlan Hagen,
W. Pat Jennings,
Charles M. Teague,
Clifford G. McIntire,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRANT. I yield to the gentleman from Iowa?

Mr. GROSS. Are all of the amendments put into the bill in conference germane to the general subject matter of the bill?

Mr. GRANT. They are absolutely germane to the bill.

Mr. GROSS. I thank the gentleman.

Mr. GRANT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GRANT. Mr. Speaker, the bill before us is a very important piece of legislation. It contains numerous improvements to the Perishable Agricultural Commodities Act and a provision for the increase in fees under that act which will permit it to continue to be self-supporting. The Perishable Agricultural Commodities Act is one of the oldest and most successful regulatory programs operated by the Department of Agriculture. Its basic purpose is to assure producers of fresh fruits and vegetables that they will receive fair treatment and fair payment when their commodities are shipped to buyers in other States, and to assure those buyers and all of the handlers along the route that they will receive the kind of commodities they are paying for and that they, too, will receive equitable treatment.

The act has been entirely self-supporting and has paid its way by collection of annual fees, presently set at the maximum of $25 permitted under the act, collected from those who are licensed under the act. The Department has reached the point where it is no longer able to operate its program within this $1.25 limitation and one of the purposes of this bill is to increase the amount of the license fee which may be charged in order to continue to have this program entirely self-sustaining. The bill permits an ultimate increase in the license fees to $50 per year, if this should become necessary. No such increase is needed or contemplated at the present time, however, and the Department has stated, and the committee of conference so understands, that the immediate increase in license fees will be to a figure not in excess of $36. If, in later years, an additional increase is found to be necessary, this is to be announced well in advance and subject to discussion by the trade and by the appropriate committees of Congress before it is placed into effect.

In the form in which this bill was introduced in both the House and the Senate, Mr. Speaker, it contained no element of controversy.

During the hearings, however, amendments to the bill were suggested by representatives of food retailers and of frozen-food brokers, both of whom are licensed under the act—the retailers only if they do an annual business in fresh and frozen fruits and vegetables exceeding approximately $30,000 worth per year. During the hearings, representatives of both these groups asked for further exemptions for their particular group from the operations of the act.

The Senate responded to this request by retaining the basic requirements for licensing of retailers and frozen-food brokers exactly where they were in the act but providing that the increase in license fee should not apply to these two groups.

The House went further in acceding to the request of these groups and provided that all retailers doing an annual business in fresh and frozen fruits and vegetables of less than $100,000 per year, and all frozen-food brokers representing vendors should be eliminated from registration under the act. These provisions were the only items of the bill in controversy between the House and the Senate. While I was very much in favor of retaining the House version, this was found impossible.

The conferees have reached what I believe to be an equitable compromise on this matter as set out in the conference report. The conference report will provide that this act will not cover any retailer who does an annual business of less than $90,000 per year in fresh and frozen fruits and vegetables, and will apply the same minimum figure, $90,000, to brokers of frozen fruits and vegetables. No broker of frozen fruits and vegetables will be required to register under the act if he does a business of less than $90,000 per year in these commodities.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GIFTS TO MINORS IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11018) to amend the act concerning gifts to minors in the District of Columbia, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 10, strike out all after line 12 over to and including line 14 on page 11, and insert:

"Sec. 5. (a) A custodian shall be entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties: *Provided*, That a custodian may act without compensation for his services.

"(b) Compensation shall be according to:

"(1) Any statute of the District of Columbia applicable to custodians;

"(2) Any statute of the District of Columbia applicable to guardians;

"(3) An order of the court.

"(c) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

"(d) A custodian not compensated for his services shall not be liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act."

Page 15, after line 7, insert:

"(c) Nothing here shall be deemed to repeal or modify the Internal Revenue Code of 1954, as amended, and the District of Columbia Income and Franchise Tax Act of 1947, as amended."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Reserving the right to object, Mr. Speaker, is a copy of this bill available? I have asked for copies of all bills coming up today.

Mr. McMILLAN. Mr. Speaker, this bill passed the House some time ago. The other body amended this proposed legislation and returned it to the House. I imagine copies of the bill are available.

Mr. GROSS. There is no report nor is there a copy of the bill at the desk.

Mr. McMILLAN. I have just stated the bill passed the House some time ago and was amended by the Senate, the report and bill should be available.

Mr. GROSS. I have no doubt it passed the House some time ago, I will say to my friend from South Carolina. It, obviously, had to. But I have nothing here to go on. Will the gentleman please explain the bill and the amendments?

Mr. McMILLAN. The Senate added an amendment to the bill which has to do with gifts to minors in the District of Columbia. We are amending the Senate amendment so as to make certain that the person who is making the gift can set the fee for the person who administers his estate.

Mr. GROSS. You say this bill was amended?

Mr. McMILLAN. It was amended in the Senate and was returned. My committee proposes to amend the Senate amendment by inserting language to protect the donor.

Mr. GROSS. Are all the amendments in this bill, as it is presently before us, germane to the subject matter of the bill?

Mr. McMILLAN. Absolutely, yes. If the gentleman from Iowa would care to see a copy of the bill, he may have my copy.

Mr. GROSS. I would not be able to do very much with it in this short space of time.

The SPEAKER pro tempore [Mr. WALTER]. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the first Senate amendment.

The Clerk read as follows:

Page 10, strike out all after line 12 over to and including line 14 on page 11, and insert:

"SEC. 5. (a) A custodian shall be entitled to reasonable compensation for his services and to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties: *Provided*, That a custodian may act without compensation for his services.

"(b) Compensation shall be according to:

"(1) Any statute of the District of Columbia applicable to custodians;

"(2) Any statute of the District of Columbia applicable to guardians;

"(3) An order of the court.

"(c) Except as otherwise provided in this Act, a custodian shall not be required to give a bond for the performance of his duties.

"(d) A custodian not compensated for his services shall not be liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing, or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Act."

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCMILLAN moves that the House concur in Senate amendment 1 with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment in subsection (b) and subparagraphs (1), (2), and (3) thereof, of section 5, insert the following:

"(b) Compensation for the guardian or custodian shall be according to:

"(1) Any direction of the donor when the gift is made, provided that it is not in excess of any statutory limitation of the District of Columbia for guardians or custodians;

"(2) Any statute of the District of Columbia applicable to custodians or guardians;

"(3) Any order of the court."

Mr. McMILLAN. Mr. Speaker, the purpose of my amendment to the Senate amendment is to assure and provide that any donor of a gift may fix the compensation for the guardian or custodian—which the House bill originally provided and which the Senate struck out—but with the proviso that such compensation will not be in excess of that allowed by District of Columbia law for guardians or custodians.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. MCMILLAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 15, after line 7, insert:

"(c) Nothing here shall be deemed to repeal or modify the Internal Revenue Code of 1954, as amended, and the District of Columbia Income and Franchise Tax Act of 1947, as amended."

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCMILLAN moves that the House concur in the Senate amendment No. 2.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

AMENDING SECTION 305, COMMUNICATIONS ACT OF 1934

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 779, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and pending that I yield myself such time as I may consume.

The SPEAKER. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, House Resolution 779 makes in order the consideration of the bill H.R. 11732 to amend section 305 of the Communications Act of 1934, as amended. It provides for 1 hour of debate and is an open rule.

The purpose of the legislation, Mr. Speaker, is to amend the Communications Act of 1934 to authorize the President to license foreign governments to operate low-power point-to-point radio stations, as distinguished from broadcasting stations, in the District of Columbia, for transmission of messages to points outside the United States. This legislation is needed in order to enable the U.S. Government to offer reciprocity when attempting to secure permission from foreign governments for the establishment by the United States of radio stations in foreign countries. At present, the Communications Act prohibits the granting of such authority to noncitizens.

Mr. Speaker, it is felt that with this permission which would be on a very limited basis and very tightly controlled, that the reciprocity that the United States could get by being permitted to establish radio stations in foreign countries would be a substantial gain. Therefore, Mr. Speaker, I urge the adoption of House Resolution 779.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, House Resolution 779 is an open rule providing for the consideration of H.R. 11732, which is a measure known as the Amendment to the Communications Act of 1934. It will permit the President under reciprocal agreement with other countries to permit the operation of a radio station at the Embassy of a foreign country in Washington, D.C., providing we are allowed to have a radio station at our Embassy in the country with which the agreement is worked out.

I was opposed to the bill as originally reported but in the meantime it has been possible to work out an amendment which the chairman told me he would accept and which I believe would help the bill and take care, at least in part, of my objections, at least to the point where if my amendment is adopted I can then support the legislation. I do feel, however, Mr. Speaker, that we should make a record here today, so that the President, whether it be President Kennedy or some future President, and the State Department, the Secretary of State and others, may know our intent and views in the matter. I for one feel this is a very dangerous precedent to allow a foreign country to establish a radio station in this country. It must be used with the utmost discretion. I would hate to have the Soviet Embassy on 16th Street have a legitimate radio station which could operate between here and Moscow.

Mr. Speaker, I am making my statement based on the fact that I have been in the past with the FBI. I supervised all the national defense activities in the Los Angeles office of the FBI prior to and during the period of the last war. That had to do with espionage, sabotage, un-American activities, communism, internal security measures, plant protection and others.

In that capacity, where I was in a supervisory capacity, I knew of the important cases throughout the United States because we, of course, exchanged reports.

I can assure you that activities involving espionage against the United States were operated out of the German Embassy and Consuls continuously prior to the war, and it was an extremely difficult problem.

Japanese boats, for instance, would bring spies to the Pacific Coast almost every week. On every ship that came over here there were a certain number of these people who immediately would report to the consul, leave their papers there, and go on. Of course the Director of the Bureau and the agents were keenly interested in not having any foreign-inspired sabotage such as took place during the First World War when the Black Tom explosion occurred. It involved some $63 million. I am pleased to state at this time we did not have any foreign-inspired sabotage during World War II.

I do not take complete credit for this on behalf of the Bureau. We had tremendous help from Military Intelligence, G–2, Naval Intelligence, all of the local sheriffs' offices, and other police officers throughout the United States, which made it possible for us to keep sabotage to a minimum. Most of the espionage agents were identified and apprehended.

Furthermore, Mr. Speaker, I want the RECORD to show I am not in any way attempting to speak for Mr. Hoover, Director of the FBI. I am speaking only for myself. It has always been the policy of the Director to not comment on matters which have to do with policies outside the operation of the FBI.

Mr. Speaker, I would like to state for the record the specific objections which I have to the original bill, so that they will be there as a part of the permanent RECORD.

First. It is extremely difficult to monitor burst types of transmission. While the United States might well monitor the broadcast over a period of time during which the broadcast would not pose a security threat to our Nation, the fact remains the Soviet, particularly, could suddenly change frequency, get their message across, and then go off the air.

Second. Establishment of stations in the United States by the Soviet and their bloc nations obviously puts the Soviet in a position to pose questions to their installations here and get immediate answers. The proposed setup would give the Soviet an almost immediate means of communication and thus puts them in a position to relay information and take action thereon more rapidly.

Third. It is well known that Soviet espionage operations are tightly controlled from Moscow. The new system of radio contact would permit them instantaneous control rather than waiting for diplomatic pouch replies, a relatively slow method of sending and receiving messages. The new system would, therefore, obtain for the Soviet immediate control and constant control.

Fourth. Enactment of this bill would make possible establishment by foreign governments—potentially hostile to the United States—of instantaneous communications facilities which might be used to the great detriment of security of this country. Such facilities might even be used to indicate the exact moment an attack on the United States would be most successful.

Fifth. Once radio transmitters are installed by foreign governments, there is no way to effectively assure that the foreign government radio operations are within its authorization. Even the best monitoring installations and equipment could not assure that the foreign government would not take advantage of the authorized installations to sneak use of higher powered equipment, high speed radio transmissions, or different radio frequencies in handling communications adverse to the interests of the United States.

It would appear that the United States could not allow the authorized operation without making some attempts to police it. This would require a considerable expenditure in manpower and facilities, even though there could be no assurance that the policing operation would be completely successful.

Sixth. The rapidly expanding use of radio equipment within the United States and throughout the world has already created a problem in connection with the assignment of radio communications frequencies. Allowing foreign governments to establish radio transmitters within this country would further increase this problem and might result in action detrimental to the interests of U.S. commercial radio companies.

Seventh. Foreign government embassies are usually located in residential neighborhoods. Operation of radio transmitters in such neighborhoods might cause considerable interference to the television and radio sets of citizens in the area. In such cases, the diplomatic immunity of the establishment would leave no recourse for the citizen and voter.

Eighth. According to Acting Secretary of State Ball's testimony before the Senate Foreign Relations Committee on June 21, 1962, in support of S. 3252—same as H.R. 11732—the reason for this bill is to provide the State Department with a rapid means of communication with its "newer posts throughout the world—in Africa, Asia, and Latin America." He said, "Problem before us is not communication with such major capitals as London and Paris or Bonn."

Mr. Speaker, as to the history of this bill, 2 weeks ago we had a rather hurried meeting of the Committee on Rules in order to try to get out some noncontroversial bills in order to have some fillers last week. We considered some eight bills and seven of them were reported. Five passed, I believe, on an oral vote. I think only one of them required a record vote. This was the other bill, with the exception of the freight forwarders' bill, which was continued over, and it was tabled yesterday. We did not have too much time to read and study the bills, the meeting being called rather rapidly in order to try and cooperate. I did not have an opportunity to thoroughly read and study the report on the bill until after it was sent out under the 1-hour rule. I then spoke with our distinguished Speaker, the gentleman from Massachusetts [Mr. McCORMACK], and told the Speaker my problem. He told the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], not to set this bill up for consideration until I had had an opportunity to study and make appropriate inquiries.

Mr. Speaker, I would like to say to you and our distinguished majority leader that I appreciate the cooperation which has been extended to me not only on this bill but on each and every other request I have made of both of you during the time you were majority leader, as well as Speaker of the House.

Mr. Speaker, I discussed this matter with four men in the Department of State. I learned that the representatives of the Department of State do not share the concern which I have in regard to this measure, as much as I have indicated on my part. They indicated to me they did not think it would be as I feel it could be. In any event, after several discussions, certain language was worked out as an amendment, which the State Department agreed to accept. The language would be to this effect: It provides that the President may authorize a foreign government under such terms and conditions as he may prescribe to construct and operate at the seat of the Government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States.

Mr. Speaker, this is reciprocal. It has to be worked out so that we may have such transmission station located in the foreign countries, and they may have one here.

Mr. Speaker, the language which I am suggesting will change the purport of the bill in this way where in section (d) it states: "The President may," I intend to offer an amendment to this effect: "provided he determines it to be consistent with and in the interest of national security."

Maybe you will say to me that this language is like being against sin, or something of that kind. But at least this calls it to the attention of the President of the United States. There will have to be some definite finding, in my opinion, that it is consistent with and in the interest of our national security. I hope that it will be determined on a top level, by the President, himself, and not by some career individual in the State Department. That due and deep consideration will be given so that the matter is handled in a way that the national security of the United States of America is not in any way injured in extending the privileges under this particular legislation.

If this is agreed upon, I told the State Department I would support the bill and I told the very able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS]. He agreed to accept the amendment and in turn, in view of the fact that both of us had engagements Tuesday on other official business, which we had had for some considerable period of time, we specifically asked the leadership to place this bill on the suspension calendar last Monday. It was No. 13, and when we reached it we were about ready to adjourn, and some other problem arose. So it was decided to consider the bill today under the rule which had been previously granted.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I simply want to concur in what the gentleman has said. I would like to compliment him on the fine way in which he has gone into the problem, and for having obtained information justifying this action. His understanding is the same as that which I had. I agreed to the amendment. I feel it does offer greater protection. I agreed also with the purposes and intent of the legislation and that the President should have that authority. This language strengthens it, and again I compliment the gentleman for his assistance to us in that regard.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman. I should like to make one more statement. Some of my friends have said that in view of the farm bill and the higher education bill, my amended language might be taken out in the Senate. I personally have no fear of that. I have not tried to clear that with the State Department or with the gentleman from Arkansas [Mr. HARRIS]. I think the State Department desires this bill, even with the amendment in it and I think the Senate will probably pass the House bill. I doubt very much that we will have any conference report coming back with this language deleted. If it does happen, I will have to acknowledge simply that I was naive, and I will have to apologize.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I wish to compliment the gentleman on his statement. I think we are fortunate, indeed, to have a man of the caliber of the gentleman from California in the House; a man who has had vast experience in the intelligence field, and in his supervisory capacity as a special agent for the Federal Bureau of Investigation for quite a number of years.

I, too, share his concern, having been exposed to the same type of background and training.

I am a member of the Interstate and Foreign Commerce Committee and during the course of our hearings I attempted to question Mr. Ball of the State Department concerning the possibility that these messages could be intercepted or jammed in one way or another. The indication was that they could. We should point out, however, that we are not dealing with a broadcasting station; we are dealing with what they call a low-power point-to-point radio station. I asked Mr. Ball also, as did other members of the committee, whether or not this legislation had been—I will not use the word "cleared"—but discussed with the present intelligence agencies such as the Federal Bureau of Investigation and the CIA. The indication was that it had been discussed with them and that they approved this legislation, as set forth on page 2 of the report.

As I indicated, I do share the concern of the gentleman from California relative to the wisdom of legislation of this nature. It was pointed out by the representatives of the State Department that there is a great need as far as U.S. agencies overseas are concerned to have communication with Washington through this means. However, some of the foreign countries are reluctant to grant this privilege to us unless they have what they call reciprocity; that is, the same right to set up similar stations here in the District of Columbia.

I look upon this bill with a great deal of reluctance, having had experience, knowing of the case of a radio station on Long Island during the war which was used to have communication with the Nazis when they were our enemies. The gentleman in the well knows better than I the dangers involved.

Mr. SMITH of California. I thank the gentleman from Ohio. I know of his long experience in the Bureau and his wonderful service there. I do appreciate his comments.

Mr. Speaker, I know of no objection to the rule, and I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11732, with Mr. BAILEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the distinguished gentleman from California [Mr. SMITH], a member of the Committee on Rules, has given to the House a very detailed report and explanation of the background of this legislation since it reached the Committee on Rules. At the time when I appeared seeking a rule—and the rule was granted—the questions which the gentleman from California [Mr. SMITH] asked helped to clear up some of the thinking on this important matter. I want to express my thanks again to the gentleman from California for his diligence and his efforts and wholehearted assistance with reference to this highly important and, I may say, somewhat sensitive problem.

I also want to comment on the fact that the gentlelady from Illinois [Mrs. CHURCH] expressed some interest in this proposal a few days ago. She is always diligent in matters before this Congress, and we appreciate the enlightenment she has given us from her discussions and consideration, having been such a valuable member of the Committee on Foreign Affairs over such a long period of time and having contributed so much.

The interest she has shown in this matter has, in my judgment, contributed a great deal.

Mr. Chairman, this is a highly important piece of legislation. Although it appears to be simple, being a very short bill, and has for its purpose a delegation of authority to the President of the United States, in this particular limited field regarding communications, it is, in my judgment, one of the most important pieces of legislation we have had in the field of our foreign relations and, particularly, the procedures we have with reference to communications and the carrying out of our foreign programs and our policies.

Mr. Chairman, our committee held hearings on this legislation which would amend section 305 of the Communications Act of 1934. It is recommended by the administration through the Department of State.

We have the usual reports which are included in the hearings that are available, reports from the Executive Office of the President, the General Counsel of the Department of Defense, a rather lengthy report from the Federal Communications Commission which is included in the report, another one from the Department of Justice and then, of course, the usual report from the Department of State. They are all included in the hearings.

In addition to that, the Under Secretary of State, the Honorable George W. Ball, appeared and testified before the committee on this matter and on its importance and why this legislation was needed. That, of course, is in the hearings that are available as well.

Following public hearings, there were certain questions that members of the committee had. We then went into executive session at which, in an off-the-record session, Mr. Ball indicated to us certain other information that would give a better understanding about the reasons for this program and its purposes.

From these hearings and reports and from the consideration the committee gave to it, the committee was thoroughly convinced of the need for this legislation and, therefore, reported the bill. It was not unanimously reported at the time. There were one or two members of the committee who were not altogether satisfied because of the sensitiveness of it and because of some of the possibilities that probably could develop. They had in their minds some of the same questions which were in the mind of the gentleman from California [Mr. SMITH], of the Committee on Rules. It was because of these feelings that I, together with others, agreed with the gentleman from California [Mr. SMITH] on the amendment which he explained to you a moment ago, in an effort to be doubly sure that at least the Congress intends this to be used in the interest of the United States and for the security of the United States.

Mr. Chairman, the U.S. Government, and specifically the Department of State, has been hampered in the conduct of its foreign relations over the years by deficiencies in the available commercial telegraph channels between Washington and many areas of the world. In today's tempo of international developments, it is imperative that the President, through the Secretary of State, have available to him immediate on the spot reports from widely dispersed areas. Neither commercial enterprise nor diplomatic demands have stimulated many foreign communications administrations to equip themselves to provide the dependable around-the-clock telegraph service which the U.S. Government now requires.

From most European countries and certain other selected areas the commercial service is good and dependable. From a limited number of countries we have high quality, high volume, U.S. military operated services. In the remaining areas the Department of State has endeavored to install and operate its own radio communications channels. These efforts have been impeded primarily by the fact that existing U.S. law prohibits the operation of similar facilities by foreign nationals in the United States.

After weighing very carefully the considerations of national security, the impact on the American commercial carriers, and the possible problems of frequency assignment, international registration and so forth, the Department of State has concluded that it is imperative in the national interest that steps be taken to facilitate the establishment of operating radio stations in many of our missions abroad and that the only reasonable avenue toward this end lies in the creation of means to grant foreign missions in Washington similar privilege. The proposed amendment to the Communications Act would give the President power to authorize negotiation of selected bilateral agreements under which such foreign missions could on a reciprocal basis operate radio transmitters from their Washington chanceries.

The committee is convinced that agreements will contain sufficient controls to preclude harmful interference with other U.S. radio operations and that the balance of advantage would be in favor of the U.S. Government. It therefore recommends passage of the proposed amendment.

In the course of examination of the proposed bill the committee satisfied itself that the Department of State has based its proposal to regularize and expand its radio-telegraph operations, not on conjectural future possibilities but on recorded instances of serious delays in the past. One such delay played a part in the loss of the life of a Foreign Service officer.

In the first delicate days of the crisis in the Congo, in a situation of civil strife in Algeria, in the chaotic period following the assassination of Trujillo and in many similar situations, our posts abroad have been denied access to international telegraph facilities and thus lost entirely their effectiveness in reporting to Washington. In every case it would have been practical to have had radio equipment at the post, regularly operated or held in reserve for such emergencies, to fill the gap.

The committee has further satisfied itself that the course of action proposed is in conformity with the normal diplomatic practice of most other nations. Many of our principal allies freely grant the right of diplomatic radio operation on a reciprocal basis. It is clearly apparent that the Department of State has investigated the reasonable alternative actions without uncovering any other satisfactory solution.

In summary the need for assured, rapid and secure communications between the Department and our posts abroad is patent. Existing commercial capabilities in many areas do not now and cannot be expected in the near future to satisfy this need. The U.S. Government cannot usurp the privilege of operating radio transmitters abroad without extending similar privilege to foreign diplomatic missions in Washington.

The Committee on Interstate and Foreign Commerce therefore recommends to the Congress passage of H.R. 11732.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman brought in the subject of the Congo. Are the United Nations mercenaries or any of the United Nations headquarters equipped with radio transmitting facilities in the Congo?

Mr. HARRIS. We have no information to that effect, and I do not know.

Mr. GROSS. This was not developed in your hearings?

Mr. HARRIS. No, it was not discussed because this is a bilateral thing we have here in which we are interested for our own purposes and our own security. This is not a matter about which the United Nations is concerned. We do this for our own protection.

Mr. GROSS. Let me ask the gentleman this question: There is nothing in the bill as to the limitation of wattage, is there?

Mr. HARRIS. Nothing specifically in the bill, but in the course of the hearings it was stated and it is stated in the report that these must be low-powered stations not to exceed 400 watts.

Mr. GROSS. What frequency or frequencies are suggested?

Mr. HARRIS. I do not believe we have set out any specific frequencies in the bill. That is a matter which the President would decide after consultation with the Federal Communications Commission.

Mr. GROSS. Was there a determination of the effective range of the transmitters, we will say those located in Washington?

Mr. HARRIS. Yes. That matter was discussed during the course of the hearings, and in the committee in executive session. It is very clear that in order to effectively utilize this procedure it would be necessary to have relay stations. We have such relay stations ourselves.

Mr. GROSS. The gentleman is speaking now, if the gentleman will permit an interruption, of the U.S. global communications system otherwise known as Globecom?

Mr. HARRIS. No. I am talking about relay stations we have in certain places, which could be used. Such low-power facilities together with relay stations would be effective. Other nations may not have such relay stations. For that reason, I am not so sure we are going to have too many requests for authority under this legislation at the present time. Maybe later on, but not now.

Mr. GROSS. What would be the effective range of one of these transmitters located in an embassy in Washington?

Mr. HARRIS. May I say this varies according to conditions. Under ordinary circumstances, I would say 400 miles but under ideal conditions it could be more.

Mr. GROSS. You say it would be impossible to reach the Middle East with a 400-watt transmitter in a foreign embassy in Washington.

Mr. HARRIS. Not directly, but with a relay station, yes.

Mr. GROSS. For this purpose. If there was one in the Russian Embassy, it would be possible to reach a submarine between Washington and the Middle East?

Mr. HARRIS. Yes, the gentleman is correct. That is true.

We have an amendment that we intend to offer here, and the intention of the committee is that this will be applicable, and the President will use it only where we have an understanding with friendly countries and where our security is involved. It is not anticipated that such agreements will be reached as the gentleman might have indicated.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Indiana.

Mr. BRAY. How prevalent is allowing another country to place a radio station in an embassy? For instance, we have in the United States today how many, or in England, where they have an agreement where other countries have radio transmission stations?

Mr. HARRIS. I may say to the gentleman, as I stated in my previous statement here, as far as England is concerned we have commercial facilities available and we do not need it.

The British Government, however, has always permitted foreign embassies to operate their own radio stations as an extension of the diplomatic pouch.

Mr. BRAY. How general is that? Let us take France. Is she one of the countries that has transmitting stations—or Russia? How general is what we are contemplating doing, how general has that been?

Mr. HARRIS. I may say in certain areas it has not been done as far as we are concerned at all because there is no authority in the law at the present time. In other countries, as in the case of Great Britain, this has been done.

Mr. BRAY. I mean with reference to other countries is this a general idea in which we are behind—I do not think we are behind—but different from other countries, or are we starting something new?

Mr. HARRIS. I do not know what the law is and do not know the procedure in other countries as to what arrangements they have with reference to communications with other countries.

Mr. BRAY. If the gentleman will yield further, the gentleman does not know whether any other country in the world has such an agreement as this legislation proposes?

Mr. HARRIS. I do not know which other countries have or not. I assume that they have tried to arrange their own programs as we do, programs which in our opinion would be in the best interest of our own country.

Mr. CORMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALTER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALTER. Mr. Chairman, there has been some suggestion that passage of H.R. 11732, which would make possible the authorization of diplomatic radio transmitting stations in foreign embassies in Washington, would be inimical to the internal security of the United States.

After careful consideration of all factors involved I have concluded that such stations, operated under the specified controls, would represent no threat to the national security.

There is a great need to have efficient and rapid communications with our posts abroad. The United States is one of the few remaining nations not affording to foreign diplomatic representatives the right of communication by diplomatic radio. However, we cannot avail ourselves of the opportunity to establish such communications because by existing law we cannot provide a reciprocal right in this country. H.R. 11732 will correct this situation. Accordingly, I support this measure and urge its adoption.

Mr. YOUNGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure comes from our committee without record opposition. In my opinion an adequate legislative history has been made so that there will be no question as to the intent of Congress in connection with this legislation and the use of these stations.

Mr. Chairman, I learned of a case the other day where even in one of the South American countries there was a situation on which our Embassy was trying to reach Washington, it took them 2 days in order to get a message back to our own country in connection with that affair down there. There certainly is a need for this. I think most of the concern can be obviated because, certainly, the power of any of these stations or any of the embassies could be cut off at any time. So I do not anticipate that there will be any use by unfriendly countries in connection with the stations.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. Yes, I yield to the gentleman from Virginia.

Mr. POFF. The committee report differentiates between point-to-point radio stations, which are contemplated in this legislation, and so-called broadcasting stations. Does that language in the committee report intend to convey that the broadcasts made by these stations could be received only at a specific point, and with specialized receiving equipment?

Mr. YOUNGER. It is supposed to be used only between embassies.

Mr. POFF. If the gentleman will yield further, as a practical matter would it be possible for a receiving set near the location of the broadcasting station to receive the transmission from that station?

Mr. YOUNGER. I could not answer the gentleman on that question. That is a technical matter, and I have no information on that.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to me at that point?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. As I understand it, this type station has a directional antenna, and that directional antenna points to only a certain point where reception can be obtained.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Illinois.

Mr. COLLIER. I am certainly not opposed to the purpose nor the intent of this legislation. But I think we should explore some of the possibilities and probabilities that go hand in hand with a new program of this nature. One is the fact that the probability of the destruction of a U.S. transmitting station in a foreign Embassy in some areas of the world is far more likely, of course, in time of bitter civil strife in those countries than it would be here in the United States. I would hope that there would be some means by which we could insist that the executive withdraw a reciprocal agreement at least where it appeared that the situation, conditions, or circumstances in a given country were such that we might risk the destruction of a facility where there is deep internal strife.

We know from the record that on occasion there have been instances of attack against American Embassies abroad. Of course, this has never happened here in the United States. Since we cannot write this into the bill, I again say that I hope if such a situation does occur that the executive, using the powers granted to it in this bill, would be able to cancel any reciprocal agreement where it appeared in good judgment to be in the best interest and welfare of this country.

Mr. YOUNGER. Mr. Chairman, in answer to the gentleman's question I think it is covered in the bill. He has the right to revoke. I am glad the gentleman brought up the point, because it makes the legislative history indelibly clear on that point.

Mr. COLLIER. I understood that he had the right to revoke; although this is permissive, it is not something that is written into the bill in a manner that would make it incumbent on the executive to do that.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I notice on page 2 of the bill the conditions under which these permits are to be granted. The first is "where he determines that the authorization would be consistent with the national interest of the United States" and second, "where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction."

Does that second clause eliminate or include Soviet Russia and Red China?

Mr. YOUNGER. In the first place we have no embassy in Red China. But it would include Russia.

Mr. CRAMER. In other words, Russia gives the United States reciprocal privileges and therefore they would have reciprocal privileges?

Mr. YOUNGER. If they gave us the right to establish a station in our Embassy in Moscow then we could give them the right to establish a station in their Embassy in Washington. But it is not mandatory that we negotiate such a deal.

Mr. CRAMER. And if such a station were established through reciprocity, in Washington, that same shortwave radio could be used for transmitting messages to Havana, Cuba, could it not?

Mr. YOUNGER. Not necessarily, according to the bill. And if that were done we could revoke the license for that station.

Mr. CRAMER. How could it be prevented or avoided? If you gave them a license to establish a station or permitted them to have a low-power point-to-point radio station, how could you prevent the people in Cuba setting up a receiving station and getting direct information from the Russian Embassy in Washington?

Mr. HARRIS. Mr. Chairman, will the gentleman yield to me?

Mr. YOUNGER. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, I think before we go too far with this kind of discussion it should be made abundantly clear that I cannot conceive of any agreement that would be reached that would be applicable to the Soviet Union or Red China. In the first place, there has got to be an agreement, a reciprocal arrangement, between two countries. Let us not kid ourselves, we are not going to agree to it ourselves, and let us not think for one moment that Russia would ever agree to such an agreement. And we know certainly that Red China would not. Besides, we do not have diplomatic relations with Red China; therefore, there could not be an agreement.

In the second place, it would be unnecessary, because there are plenty of commercial facilities available in Russia which we use and which they use in this country. This bill is not for that kind of situation at all. We would not have that kind of problem and it is not anticipated that we would. I do not think we should give the impression that that is what might happen.

Mr. YOUNGER. I answered the question and said that it was possible under the bill, and I think it is possible under the bill; not that it is going to be done, but there is no prohibition here against granting such permission to Russia.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further to me?

Mr. YOUNGER. I yield.

Mr. HARRIS. The gentleman is correct; the President would have the authority.

Mr. YOUNGER. That is right.

Mr. HARRIS. But we have got to make the record clear that under the circumstances and conditions it would not be expected to happen and it is not so intended.

Mr. YOUNGER. That is correct.

Mr. HARRIS. And the amendment that is going to be offered by the gentleman from California [Mr. SMITH] makes it even more abundantly clear that it will not be.

Mr. YOUNGER. That is correct.

Mr. CRAMER. The point the gentleman has brought out is exactly the point I was trying to get at based on the language of the bill itself. There is no prohibition against the United States giving such a right to the Soviet Union. The further question I asked was: Is there any prohibition against or any way we could control, if that permission were given, the setting up of a receiving station in Havana, Cuba, so that this radio station at the Embassy in Washington could be used to contact Havana, Cuba?

Mr. YOUNGER. May I answer that question by saying that there is communication between the United States and Havana, Cuba, now, and undoubtedly Russia is using that with their code messages. That cannot be stopped.

Mr. CRAMER. I understood the purpose of the legislation was to provide for the transmission of messages to points outside the United States, and that it is needed in order to enable the U.S. Government to offer reciprocity when attempting to secure permission from foreign governments for the establishment by the United States of radio stations in their countries. So I assume the objective is to give the United States, as the report indicates, communication media that will better serve their purposes than is presently available.

Mr. YOUNGER. That is correct.

Mr. CRAMER. Therefore, if the same permission were given to the Soviet Union by reciprocity, that better communications system, which I assume is more secret as well, could be made available between the Russian Embassy in the United States and Cuba. Is that right or wrong?

Mr. YOUNGER. I think it may be technically correct, but I do not believe that it would be used for that purpose. As the gentleman from Mississippi points out, with the directional antenna I doubt if they could use that and at the same time communicate with Cuba.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. According to what the gentleman from Florida has said, it is my understanding these agreements are based on point-to-point broadcasts. The point-to-point broadcasts are made by directional antennas. Unless we entered into some kind of an agreement with Cuba or with the Soviet Government to permit them to broadcast to Cuba, they would not be able to do so. That is my understanding of the legislation.

Mr. CRAMER. I understand that is the objective. The last thing I would suggest would be that the committee would knowingly, intentionally, or purposely bring to the floor of the House a bill that would permit such a thing to happen. But I say that in writing the language of the bill, I wonder if perhaps by oversight or otherwise such a thing is not actually being done. What would prevent the Soviet Embassy in Washington, D.C., if they get a broadcasting license, from turning that antenna at midnight to Cuba when it is a station-to-station setup? You might say that if we find that out we can revoke it, but that is not the point.

Mr. YOUNGER. I did not say that. I did not say anything about revoking it. I say you are setting up certain conditions that I do not believe are going to exist. They would not need that. They have plenty of clandestine radio stations now. We are not naive enough to think that they do not have ample communication. This is supposed to be between our country and our representatives in other countries, and for our benefit. It is for those countries where we do not now have communication. We have plenty of communication systems between here and Moscow.

Mr. CRAMER. I agree wholeheartedly with the objective of the legislation, let me say, but I have considerable reservations about not writing into the legislation itself stronger language that would prevent the misuse of these channels and of these licenses which are being provided for specifically through this legislation that do not now exist.

Mr. YOUNGER. I think the gentleman from Florida is a very competent and able attorney. If he knows how to write into a law language to prevent people from breaking that law, he will have something that we need very badly here in Washington, especially with the Criminal Code.

Mr. CRAMER. I think it would be a very simple matter to provide specifically in this proviso, as an amendment to it, that they would not give permission to any country, and specifically the Soviet Union, to be used in any manner to set up communications with Havana, Cuba.

Mr. YOUNGER. Were you here, and did you hear the gentleman from California's amendment? I think it places the responsibility where it actually belongs. I doubt that there is going to be any violation of that.

Mr. HARRIS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I want to face some facts here, and some of the things I am going to say are not going to be very nice. Before I do, let me thank the distinguished gentleman from California whose experience as an FBI agent and his character and integrity in the House reflect honor upon his country. He is interested in this legislation and I want to thank him for the assistance he gave to me and to the Congress and to the country in his efforts in connection with this legislation.

I am under no illusion about world conditions. I am one of those people who still recognizes the fact that this is a Christian nation and since the Communists seek to destroy it, they seek to destroy not only Christianity but our Nation and our way of life; I am under no illusion about it. When people talk to me about reciprocal agreements with Communist countries or neutral countries, I recognize in the history of the foreign affairs of this country in the last two decades a pattern in which no agreement that we have entered into, so far as I can determine, with any country of that character has been for our best interests primarily. The Communists do not enter into agreements, and the neutrals do not enter into agreements, unless they can gain far more than we hope to gain, and they have taken advantage time after time of the largess and the Christianity of our people and our taxpayers' dollars. So when this legislation came up, knowing a little bit about radio transmission although not a whole lot, I saw the danger in this.

Now suppose we make an agreement with the Indian Embassy uptown to the effect that we will put a radio transmission station in New Delhi and that they will put one up in Washington. Then Mennon, the man who took our money to buy Russian planes, as I understand, will immediately effectuate some sort of an agreement under which there will be transmitted from Washington anything that the Communists wish, because India wishes to remain neutral and has its hand out to Russia as well as to the United States.

Now that may be a naive approach, but I would rather be naive because I have a feeling that world conditions are closing in on us, and I have a feeling that we are coming to a place in history where as a nation we must determine whether the future of this sphere we call the earth shall be Christian or slave. I do not want to further the effort of the Communists in any way. When I put in the additional views on the legislation I had ample reason. We had one day's hearings on this and at about 11:55 a.m. a Mr. Craven, of the Federal Communications Commission, came to the witness stand. He did not have time to finish. He put in a statement. I would like just to quote some of the things that are in that statement. He says:

> At the outset I wish to make clear that the Commission is not in a position to evaluate the need of the Department of State for this legislation. Nor is the Commission in a position to assess the extent of the security problem—an area in which we have no experience or expertness.

So in effect what was happening was that the Federal Communications for some reason was passing the buck. He went on to say:

> There are several problems which arise with respect to matters within the Commission's jurisdiction, and I would like to refer to briefly: First, the scarcity of frequencies in the 4 to 27.5 megacycles frequency range used for most long-distance communications and in which the proposed stations would be expected to operate.

Here is what has happened: We are becoming involved on a reciprocal basis in an area of the radio transmitting spectrum in which there is not a great deal of room. We are enabling some of these foreign countries to take places in the transmitting field which could well be reserved for the education of Americans or for other good purposes.

He goes on to say further:

> Second, the potential interference to U.S. radio stations which could result.

If this Cuba thing erupts, you are not going to smile at the breakfast table and enjoy life as you have been. People are going to die and we people here in Washington, D.C., those presently enjoying diplomatic privileges, Members of Congress, and others are going to feel very severe results. It could result in the jamming of civil defense channels in the spectrum from 4 to 27.5 megacycles.

Aviation experience in the war teaches us that a transmitter can be changed in 10 seconds and the direction of a directional antenna can be changed in 30 seconds.

Then, again, directional radio is not narrowly confined or nearly as directional as might be supposed. For instance, a directional radio beam from Richmond, Va., would be an estimated 45 miles wide right here in Washington, D.C. Not only is that true, but the territorial waters do not extend too far beyond Washington, D.C. There is a possibility of the potential setting up of a spy network. If I thought we were going to set up a good spy network, I would be for it, but experience dims my thinking in this regard.

Next, Mr. Craven said, is the problem of enforcement and surveillance. Here is what we are doing. We are giving these foreigners on a reciprocal basis certain things which we do not give our own people, the taxpaying people of the United States.

The fourth point Mr. Craven brings up is possible loss of revenue by U.S. communications common carriers as a result of traffic being diverted to the proposed embassy radio stations.

I asked who was going to make the decisions, and the Under Secretary of State said the State Department was. That concerned me considerably as I thought about the safety and security of the American people for the future.

One other thing. I asked why some country should take millions of dollars of our money and not give us a radio station, and they said they wanted to be dignified about it. Yes; they want to be dignified. They want one hand in your pocket and a transmitter at your ear, but they do not want to give us anything for it. They have no friendship for us, and they do not want to do it reciprocally. That is no basis for any kind of dealing at all.

I have every confidence in the President, no matter who is President, while in the State Department I do not have that confidence. They could make an agreement with a foreign country, and he could say: "You can transmit on such and such a frequency, and we will transmit on such and such a frequency in your country."

They will have a station set up in 10 days. We will find all sorts of trouble setting our stations up. We are so honest in this country, we would not jam these frequencies, but they would jam ours. That is the situation which could exist.

The gentleman from California said the thing would be tightly controlled. The legislation does not say that, the report does not say that, and the testimony does not say that. He was speaking his and my hope that it will be tightly controlled.

This is just a little thing. I do not think the passage or the lack of passage of this legislation is going to make or break the Nation. It is just a part of the pattern—one of the dangers, one of the loopholes, one of the places where we are reciprocating, one of the places where we use the word "reciprocate" when we have been reciprocating a long time.

This is dangerous legislation.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of the Communications Act of 1934, as amended, is further amended by addition of a new section as follows:

"(d) The provisions of section 301 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

With the following committee amendments:

Page 1, line 4, strike out "section" and insert in lieu thereof "subsection".

Page 2, line 2, after "United States,", insert "but only (1)".

Page 2, line 4, after "and", insert "(2)".

Page 2, line 5, strike out "substantial".

The committee amendments were agreed to.

Mr. SMITH of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of California: On page 1, line 7, after the word "may" insert "provided he determines it to be consistent with and in the interest of national security".

Mr. SMITH of California. Mr. Chairman, I attempted to explain the purpose of this amendment in the presentation of the rule, and I do not believe it is necessary for me to repeat any of the information at this time. The basic purpose of it is this: It is my hope under this language that the President will use his best judgment and advice so that this legislation will not in any way jeopardize the national security of the United States of America.

I commend the gentleman from South Carolina [Mr. HEMPHILL] for the excellent statement he made. It was his statements in the minority views that brought this subject to my mind. I am concerned with the same worries which the gentleman has. However, I have proposed this language with the hope that it will satisfy what I have in mind and that it will not harm the national security. I cannot assure anyone what its ultimate result will be, and I may be all wrong. However, it is the best I can do, and I have agreed to support the bill with this language in it, which language has been accepted by the State Department and by the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS].

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from California.

Mr. LIPSCOMB. Could the gentleman say whether under this legislation as it is now written, giving the authority to the President to prescribe rules and regulations and other determinations, the President could delegate the authority which he has to any other persons such as the Secretary of State or the Secretary of Commerce, or to any other person in the executive branch of the Government?

Mr. SMITH of California. There would not be any question in my own mind but that the President could delegate the authority, if he so desired. However, we use such a phrase as this in other legislation where such authority is given to the President of the United States, or to other Departments. Some suggestion was made that in this matter the President personally be required to make the decision. That would be going a little bit too far, to ask the President of the United States to accept language such as that, regardless as to whether it was President Eisenhower or President Kennedy, or some future President of the United States. But to answer the gentleman's question, yes, I think he can delegate such authority, but I hope he will not. I hope through the information he has through the CIA, through the State Department and through all the other sources that he should have at his command, and the President is the only individual in the United States of America where all of these organizations can funnel information to him, I certainly hope he would use his every personal effort to make certain that all of these reciprocal agreements will not be detrimental in any way to our national security.

Mr. LIPSCOMB. If the gentleman will yield further, is there any way we can determine whether or not the President will know what is involved in these rules and regulations and the terms and conditions that are prescribed in this legislation? Is someone in the State Department going to make the decisions without the President really knowing what the reciprocal arrangement would be?

Mr. SMITH of California. I hope not, but I cannot answer that question, of course. I cannot answer the gentleman's question in that respect at this time.

Mrs. CHURCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the chairman of the full committee, the gentleman from Arkansas [Mr. HARRIS], has during the debate made very kind remarks about my efforts on Monday to halt action on this bill in order that the Members of the House might have additional information. I spent the major part of the next 2 days seeking that information. I would like to say that from every agency of the Government to which I made inquiry, I received full answer to every question asked.

Mr. Chairman, as a member of the House Committee on Foreign Affairs, I have access to material, which cannot be divulged here today, nor put later in the RECORD. I would say, Mr. Chairman, that I am thoroughly convinced of the sincerity of the request for this power to give and receive reciprocal transmitting privileges. I am thoroughly convinced, moreover, on the basis of what I have learned, that it would be to our advantage to be able to establish transmitting stations in certain portions of the world in which we do not now have them. The evidence placed in my hands give the names of those nations which have to date refused us the privilege of setting up such transmitting systems in our embassies in their countries. I would put all that information in the RECORD and I would tell it to the Committee if I were at liberty to do so. I repeat that the State Department and other agencies have supplied all the information requested, and I acknowledge their cooperation gratefully.

What bothers me, Mr. Chairman, is the "quid" that we may be forced to pay, in return for the "quo." I have sat on the floor today earnestly wishing that I could quiet my own concern—that I could answer the very sensible, practical questions that have been asked. Frankly, I have come to the conclusion that when so many questions arise, there may be a danger that this committee today may later find that it has taken very hasty action. It is a question to be considered most carefully; this question as to whether we are, in order to get something which we need, giving up protection which we now have and certainly also need. It is one of the most "iffy" questions that I have faced since becoming a Member of Congress. It is one that every Member of the House must answer for himself.

I am inclined to think, Mr. Chairman, that the practical commonsense which characterizes the House of Representatives will, if time is extended, enable it to cope with this problem. But I am not happy to rush into action on this proposal. I would support a motion to recommit which would permit us to have a little more time to consider the problem, in all its implications—implications that have been forcefully brought out in this debate.

Mr. DEVINE. Mr. Chairman, will the gentlewoman yield?

Mrs. CHURCH. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Chairman, I thank the gentlewoman for yielding.

I should like to ask a question or two of the gentlewoman because I have the highest respect for her and I know of the devoted service she has performed in trying to get the right answer in connection with this legislation. The gentlelady mentioned the quid pro quo. Is not the gentlelady convinced that if the Russians—and our chairman said there is no use fooling anybody, the Russians are not going to grant us this reciprocal right; I am not too sure they will not, because if they feel it would be to their advantage to install these facilities in Washington perhaps they would grant us the so-called "reciprocal"—and I use the word in quotes—rights and then jam our frequency. But the specific question I would like to ask is this. Assuming the Smith amendment is adopted—and I intend to support it—does the gentlelady feel secure that there is no longer any risk that these facilities might be misused by the "pro" of the quid pro quo?

Mrs. CHURCH. I thank the gentleman for reminding me that I rose specifically to support the amendment. The amendment eliminates some of the danger, and should be adopted.

The CHAIRMAN. The time of the gentlewoman from Illinois has expired.

Mr. COLLIER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from Illinois.

Mrs. CHURCH. Mr. Chairman, I thank the gentleman. The gentleman is right in being very cautious in this matter. No one can guarantee against possible misuse of the privilege sought to be granted. I hope the amendment will do what we seek to have it do. Without it the legislation should not be passed. But I could not guarantee that the inclusion of the amendment, although I urge the House to adopt it, would remove the reasons for the fear in the minds of the House as to what might happen.

Mr. BOW. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to address a question to the distinguished chairman of the committee. It is a question that disturbs me although I have not heard it discussed. I believe that a radio station can be used as a homing beacon for aircraft. That is the reason we have Conelrad, so that we take our broadcast stations off the air in order that we will not have a beacon by which enemy aircraft could find their way into an area.

My question is this: If we grant the reciprocal right to some 92 nations, or whatever it may be, is there not a danger that event though we take our radio stations off the air under the control, one of these radio stations in some embassy could be used as a homing beacon for attack aircraft coming in against us?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be delighted to yield to the gentleman.

Mr. HARRIS. I cannot conceive of approval being given under a reciprocal arrangement here for a channel that would be available for this particular use. I suppose, as the gentleman very well knows, that when you have a facility that uses a particular channel and that facility is geared to that channel, the gentleman knows the practical situation that certain other things can be used in that particular channel other than just sending mere words. From that standpoint, I would say that possibly it could be so used, but I do not think it is possible that it could be under the very strict monitoring provisions that we have and have constantly utilized in this country. There is a lot of concern about this, and I can very well understand it.

Mr. BOW. This is my only concern. I know there is some need for these facilities because I know the situation, having served on the Subcommittee on Appropriations for the State Department. But this does indicate concern that if these facilities could be used as a homing beacon in case of enemy attack they could find their way directly, set their instruments to get directly on target. This question is a very serious situation.

Mr. HARRIS. If that is the only thing that concerns the gentleman about this, I would suggest that he really, the way I see it, has no need for concern, because if that is going to happen they are going to set them up legally or illegally for that purpose, and they are going to have them in this country anyway. We know that is going to be a fact.

Mr. BOW. Do I understand the gentleman to say he feels there could be illegal stations set up that we would know about, and that we could get rid of them?

Mr. HARRIS. Yes.

Mr. BOW. I thank the gentleman.

Mr. HARRIS. I do not think I want to comment any further on that.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to ask a question or two, for I have very serious doubts about this legislation. Like the gentleman from Ohio [Mr. BOW] I have no doubt that we need to improve our communications system throughout the world, but I question how far we should go, if I may put it this way, in legalizing the operation of any kind of foreign radio transmitters in Washington, D.C., or anywhere else in the country. The gentleman says that this permission will not be given to unfriendly countries, that it will go only to friendly countries. I believe that was the gentleman's statement earlier today in this debate. Is that correct?

Mr. HARRIS. That is not so stated in the language of the bill, but with the amendment the gentleman has here and with the language of the bill on page 2 about the national interest it could have no other interpretation.

Mr. GROSS. But we have unfriendly embassies in this country. They are still here despite the fact that we sometimes question whether or not it is in the national security and interest to have them here.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WILLIAMS. Of course, I would agree with the gentleman on that and I recognize that fact. But at the same time, we need a listening post in these other countries as much as we need one in ours, and this is the only way we are going to get it.

Mr. HARRIS. The important point I want to make is that this is on a reciprocal basis.

Mr. WILLIAMS. That is correct.

Mr. GROSS. We are told, using this designation of "friendly" and "unfriendly," and on a basis of reciprocity that, for example, the Soviets will not have a transmitter nor do I assume will any of the satellite countries have transmitters in this country. Neither will we have transmitters in those countries. Yet, it seems to me the place where we need transmitters most is in the unfriendly capitals where we maintain embassies. Now how are we curing our lack of communications in those countries where we need the communications the most, on the basis of this legislation?

Mr. WILLIAMS. This is predicated on the idea that if we are to get something, we have to yield something and we break even with them when we permit them to put their radio transmitter here in return for our radio being put up in their country.

Mr. GROSS. But you say they will not be permitted to have transmitters in their embassies here?

Mr. WILLIAMS. No; I did not say that.

Mr. HARRIS. No; we were talking about two countries here, and they were Red China and Russia, and I was explaining why I did not think it would be applicable insofar as those two countries are concerned.

Mr. GROSS. Where does this Government need them any worse than in the Soviet-dominated countries and their satellites?

Mr. HARRIS. I do not suppose I can say where we need them any worse, but there is some limit to what we can give up here in order to get that kind of reciprocity.

Mr. GROSS. As I say, you are not curing the communications problem that you say you have.

Mr. HARRIS. But we could get through to a good many places or a number of places at least that we are not getting through to today, which we could get to by this arrangement.

Mr. GROSS. We have not yet been given the price tag for this bill, but I suspect that if a transmitter is located in Ouagadougou, where they now have 8 people who seem to have little else to do but decode and encode two or three message a day, there will probably be 8 plus 8, or 16 or more employees. But that is somewhat beside the point. I am much more interested in the security of the United States. That is the important consideration.

Mr. HARRIS. There is a comment on page 2 of the report. The Department of State has developed a program contemplating the installation over a period of 10 years of facilities in as many as 92 countries at a cost of from $5,000 to $200,000 per station. The estimated total expenditure during this 10-year period for these facilities, including the first-year cost of operation, is estimated to be approximately $23 million.

Mr. GROSS. In other words, the total bill is estimated to be $23 million.

Mr. HARRIS. Yes.

Mr. GROSS. I wonder too, what we are doing here authorizing the spending of that kind of money when we are going to have communication satellites, and not just Telstar but other communication satellites, as I am sure the gentleman well knows.

Mr. HARRIS. It would be a private corporation if it is set up. And if they set up facilities where we have commercial facilities available, then this will not be required or needed.

Mr. GROSS. We are going to have military communications satellites, the gentleman knows that; does he not?

Mr. HARRIS. Yes.

Mr. GROSS. And we are going to have them in the not too distant future.

Mr. HARRIS. We will not need this kind of arrangement where military communications are available.

Mr. GROSS. Is there any reason why we cannot use the same military facilities for coded messages from the embassies?

Mr. HARRIS. That is being done in certain instances today.

Mr. HOEVEN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it is quite evident to me from the many questions asked by Members that there is deep concern among the membership as to this legislation. It seems to me that in a sense, we may be legalizing espionage. The gentleman from South Carolina [Mr. Hemphill], in his additional views as set out in the committee reports, says that a low frequency station in Washington, D.C., could well communicate with a spy ship just off the coast.

In spite of all the amendments and restrictions we may adopt, how in the world is our Government going to supervise or know what is going on between an Embassy in Washington and a spy ship in the Atlantic? We might find out to our regret what was going on after it was too late. I do not know how we can make this bill absolutely foolproof. It seems to me we are taking some risk here and that the bill deserves more careful consideration. Personally, I think the bill should be recommitted.

Mr. HARRIS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I merely want to say that the committee has done everything it could to bring this matter to the attention of the House and give the membership as full and complete information as we could.

The committee, with the exception of one or two members, is very convinced as to the need for this legislation.

I support the amendment offered by the gentleman from California. I believe that the amendment itself together with the record make it very clear that this responsibility lies not only with the President himself, but that it is to be invoked only when it is in the best interest of our country. If we cannot depend upon the President to take action in the best interest of the country, I do not know how to suggest you go about it.

I believe there is ample protection of our own security, and even though it is a sensitive matter I think it behooves us to not try to read something into it that does not exist, but to recognize our responsibility to ourselves in an effort to do what is best for our country by approving the amendment and adopting the bill.

Mr. BRAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think there is no question but what this legislation could work to the benefit of our country if you could rely on the honor and word of the Communist nations, but you cannot do that. But, Mr. Chairman, the fact is that not one single agreement we have ever made with Russia or the Communists has ever worked in our favor. The reason for this is that we Americans play the game by one set of rules, honesty, and straightforwardness; the Communists play it by another set of rules entirely. To the Communist lies and chicanery are ways of life. The result is that no matter how hard we stick by our accepted principles the Russians will not. That has been proven over the many years ever since the first time we recognized Communist Russia in 1933. Will we ever learn?

I well remember in Korea at the end of the war when we were directed by the State Department to turn the Chickisua building over to the Communists as a political headquarters. That building had one the finest printing presses in all Korea. Immediately they started making counterfeit money and did a great deal toward destroying the value of the currency of that country. Such actions have gone on over the years. This legislation if it becomes law could play into the hands of the Communists. I realize that this legislation is intended to be reciprocal but there can be no fair outcome for us when you play the game by one set of rules and the Communists play the game by an entirely different set of rules. Apparently our State Department continues to trust the Russians. I do not. I do not want Moscow or other such countries to be able to set up a radio station in Washington, even though our State Department believes that they can properly protect our interests in such a station and that we can benefit by having a station in Moscow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. Smith].

The amendment was agreed to.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cramer: Page 2, line 16, after the word "Act", strike out the period and quotation marks and insert "*Provided, however,* That when such authority involves a Communist nation or a nation under Communist domination, such authorization shall be subject to the specific approval of the Foreign Affairs and Foreign Relations Committees and the Interstate and Foreign Commerce Committees of the House and Senate, respectively."

Mr. CRAMER. Mr. Chairman, I think the same problem is of concern to all of us that has been expressed by those who have some reservations as to this legislation.

I was very much impressed with the remarks made by someone in whom I have a great deal of confidence, who has considerable knowledge of our foreign affairs that is not available to each Member of the House. I refer to the distinguished gentlewoman from Illinois, [Mrs. CHURCH], when she observed that the problem involved is what is quid and what is quo. That is what I have attempted to express in regard to this legislation. It is the duty and the responsibility of the Congress to retain a review over the authorization and the licenses issued to these foreign governments that have embassies in this country. They involve Communist-dominated nations, including the Soviet Union, that have embassies in this country, and if they ask for transmitters, the Congress of the United States should reserve the right to review what is quid and what is quo, and what the Soviet-dominated nations and the Soviet itself has agreed to do in exchange, and what assurances we will have that they are going to reciprocate.

I think the issue that has concerned all of us involves the unfriendly nations, Communist nations, Communist-dominated nations. Can these transmitters be used for the purpose of espionage? We are concerned about making certain no Communist message could be communicated between Washington, D.C., and Castro's government in Havana, Cuba.

I have listened to the answers to these questions, but I personally am not satisfied it could be used by a government that has shown it does not intend to live up to its agreements, meaning Soviet Russia. It has not lived up to its agreements in the past. Berlin is a perfect example of this. I think it is essential in connection with any arrangement between Soviet-dominated countries and the Soviet Union in this country, giving their embassies in Washington the right to transmit on a license given by this Government, the Congress should retain the power and right to review what agreements have been entered into and what assurance we have that our best interests are going to be served.

I am concerned about this bill. I have given some thought as to how the Congress can be sure that in administratively carrying this out, it is and will be in the best interests of the United States. I am not convinced if the administration of it lies exclusively in the State Department, knowing its record of failures and inadequacies in Cuba, that their decisions will be in the best interests of the United States or, for that matter, for the best interest of the free world.

In my opinion, this amendment would do much to remove some of the questions raised with regard to this by satisfying and assuring us that in connection with any such agreements entered into those agreements will be in the best interests of the free world.

I hope a quo will result from our permitting a quid in the first place.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. HARRIS. Mr. Chairman, I am perfectly aware of the good intentions of the gentleman from Florida [Mr. CRAMER]. We all know of his intense interest in matters of national security. We all know how intensely interested every Member of this House is in our security. I do not think any one of us can say that we hold any particular claim to the interest of our country more so than anyone else. I am not an expert on foreign affairs, I must acknowledge that fact. I wish I knew more about our foreign affairs. I wish I had the answer to many of these questions with reference to Cuba, Berlin, Russia, and the Communists. However, the Constitution of the United States says the President of the United States has that responsibility. For 8 years prior to 1961 we had a man as President who should have been, because of his experience as President of the United States, who should have known since he was involved and experienced with communism, with Berlin and with the foreign relations of this country. He gave 8 years of his life and we had a lot of confidence in him. That was President Eisenhower. During the time he was President he would do the best he could.

Mr. Chairman, we have got to depend upon the President of the United States to lead and direct these affairs. I am as interested as the gentleman from Florida [Mr. CRAMER], and all of us in this House are interested, in the President and anyone else giving us as great assurance as he or they can as to what is best for us. We want to contribute to it in the best way we can, and we want and strive for it as an objective.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the distinguished Speaker.

Mr. McCORMACK. I want to call attention of my colleagues to the fact that the amendment says "the approval of two committees of Congress." We pass a law, and we say that it cannot be operable unless two committees of Congress approve it. My friend, the gentleman from Florida [Mr. CRAMER] talks about a review. A review is different than approval. There is a serious constitutional question involved here, but outside of that, after the amendment is adopted, then there has to be not a review but approval. If the gentleman provided for 30 days' consideration, as is provided in other matters as, for instance, the armed services in the selling of real estate, and so forth, that is an entirely different proposition. This bypasses the House and the Senate, and bypasses the Speaker. I am not expressing any pride. A review is one thing, but vesting in a committee the power to disapprove, why, that is an entirely different thing and is an unwise precedent, in my opinion, for the Congress to institute.

Mr. HARRIS. The Speaker is eminently correct, and I was going to come to that. That is precisely what I was leading up to. I thank the Speaker for calling it to the attention of the Members of the House much better than I.

I do think it is a dangerous precedent to give committees of the House the power and authority to override a decision of the President of the United States.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida.

Mr. CRAMER. I would suggest to the distinguished Speaker, with whom I do not particularly relish taking issue, that in the first place the amendment is limited to Communists and Communist-dominated nations insofar as congressional approval through committees of specific licenses is concerned. Much of this information has to be confidential in nature and could not be made available to the House in the first place. The committee is the best place to make the decision without dealing in this area with confidential information. May I say, in the second place, that I am sure the distinguished Speaker is fully familiar with precedent with respect to committee approval and I specifically cite to the distinguished Speaker the Jones-Cramer Public Buildings Act in which the Public Works Committee of the House and the Senate were given specific authorization and authority with regard to public buildings, without the Congress acting in any of them. There is precedent for it. As a matter of fact, I understand there is precedent in the trade bill for exactly the same thing.

Mr. HARRIS. Mr. Chairman, I insist that it would be a very bad thing to do. I hope the Committee will not approve the amendment.

Mr. YOUNGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am rather impressed with all of these amendments that spring from lack of confidence. There is nothing that I know of that we can put in legislation that is going to instill confidence in anybody. I was quite impressed with the gentleman from South Carolina, who was very honest and confessed that if it were left in the hands of the President he would not complain too much about it, but he had the idea that it would be handled by the State Department and he had no confidence in the State Department. In legislation we cannot put confidence in the hearts of anybody. It cannot be done.

The objection that I have to this amendment is that it brings something entirely new into our foreign relations. So far as I know, there is no precedent at all for the Members of the House, certainly not our committee, to have anything to do with foreign relations. If it were limited to approval by the Senate, considering that this relationship between the two countries was in the form of a treaty and should have to be approved by the Senate then I would say there was certainly some precedent, some reason for it. But in its present form I certainly could not approve the amendment, and I hope the House turns it down.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Florida.

Mr. CRAMER. On the latter point—and I, of course, have great confidence in the gentleman's opinion—the gentleman takes the position that the bill under consideration, involving foreign affairs, but coming out of the Committee on Interstate and Foreign Commerce, should not have been here in the first place. All I am asking is that the gentleman's committee and the Committee on Foreign Affairs of the House and the Foreign Relations Committee of the Senate be given a chance to look at what was done for the very reason the gentleman indicates; and that is that this involves foreign affairs and the Foreign Affairs Committee should have the opportunity to consider it. That is the very purpose of the amendment. It amends the action of the Committee on Interstate and Foreign Commerce in bringing it out in the first place.

Mr. YOUNGER. The gentleman also realizes that even on the matter of treaties the House Committee on Foreign Affairs does not approve. It is the Senate that has that power of approval. These reciprocal agreements might very well be considered in the form of treaties. I did not have the assignment of this bill to our committee. As it develops, perhaps it would have been better if it had not been given to our committee. Nevertheless it came to our committee and we did the best we could with it. It is something that the administration needs, something they are very anxious to have, and so far as I am concerned I am perfectly willing to give it to them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield gladly to the gentleman from Iowa.

Mr. GROSS. The gentleman seems to indicate that the House has nothing whatever to do with foreign policy, or at least very little. I am under the impression that we will be called on next week to pass a resolution dealing with Cuba. That certainly puts the House of Representatives very deeply into the matter of foreign policy and foreign affairs.

Mr. YOUNGER. That is a guideline and this bill is a guideline. In this bill we have definitely set forth guidelines and instructions and legislative history as to what we believe the President ought to do.

Mr. GROSS. If the gentleman will yield further, only yesterday we did something more than set up guidelines and yardsticks, in the foreign giveaway bill. We dealt with transportation of various materials to Cuba, did we not, and we put definite prohibitions and restrictions into the bill.

Mr. YOUNGER. That is correct; and we can do that. But it has to be approved by the Senate, also.

Mr. COLLIER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take just a moment to say that I think perhaps we may, in the emotional feeling of our discussion here, be losing sight of the fact that this legislation is in fact an amendment to the Federal Communications Act.

In reality it is necessary only because we have an established act to cover licensing communications and because it is a wholly new concept. What is further involved is nothing more than an authority within the realm of this new concept to enter into international negotiations. What would undoubtedly happen in the performance, if this legislation is passed, is the same thing that takes place in other types of international negotiations wherein we negotiate country by country to establish these communications facilities. If it were not necessary for us to do this within the concepts of the existing Federal Communications Commission laws we would not even be dealing with this legislation today. The authority and the power to engage in international negotiations is already vested in the Executive subject to ratification by the Senate.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. With respect to the amendment that is before the House, I would call the attention of the membership to page 17 of the hearings in which the gentleman from California [Mr. YOUNGER] asked Mr. Ball, the Under Secretary of State, the following question:

> Mr. YOUNGER. Are you willing to limit this to friendly nations?
>
> Mr. BALL. I would say we are willing to limit this to the situation where our own need for facilities is the overriding consideration, and where there would be a judgment by the President that it was in the national interest for us to have these facilities in spite of any disadvantages there might be for that country to have facilities here. Those disadvantages, as appears from an examination of the problem—a very careful one—are very slight indeed.

I think that in our discussion we are possibly losing sight of the purpose of the legislation. The problem is outlined on page 2 of the committee report, as the gentleman from Arkansas [Mr. HARRIS] mentioned a moment ago, where it says:

> The problem of establishing such communications exists primarily in some of the countries in Africa, Asia, and Latin America. It does not exist in Western Europe or other areas where up-to-date commercial communication systems are available.

It further points out:

> This legislation will not create any security problems, since the use of these facilities by foreign governments will not materially enhance their opportunity for transmitting secret information as compared to currently available commercial facilities and pouch services.

In other words, for instance, Russia already has ample means of transmitting information outside of the United States. Certainly the setting up of a low-power radio station under this program under a reciprocal agreement would not enhance their opportunity for transmitting any secret information.

Permit me to say as should be evident from my votes in this body, that I take a back seat to no one in my lack of confidence in the State Department, and I certainly have never been a rubber stamp for the New Frontier. But here they are asking for something, as I am sure the gentleman will agree, that is definitely in the interest of the United States of America. For that reason I support it, notwithstanding the fact that it may be advocated by the State Department.

Mr. COLLIER. I thank the gentleman for his contribution.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to the amendment and support the bill, but I take this time to establish two factors of legislative history here. In view of the statement of the gentleman from Mississippi, are we then to understand that it is the intent of this legislation that the Government of the United States will not permit or authorize the installation of any such radio facility in a foreign embassy unless and until a reciprocal agreement has been reached and we are permitted to install similar American facilities in our own Embassy located in the country receiving this privilege from the United States? I want to find out if this legislation means that no such authority shall be given to a foreign country until that country has unequivocally given us similar authority?

Mr. WILLIAMS. That is absolutely correct; as is provided by the condition No. 2 which is imposed on the setting up of these stations or these agreements shown on page 2, line 5.

Mr. PUCINSKI. Therefore, it is not the intention of this legislation, for instance, to permit the Soviet Union to establish a station here in their embassy and then dangle us like a yo-yo for 3 or 4 years while they are debating and studying whether or not they should give us the same opportunity in Moscow? In other words, I understand this legislation to mean that nothing gets moving in this country in a foreign embassy until the agreement has been nailed down with the foreign country to permit us to do the same thing in that foreign country. Do I understand the situation correctly?

Mr. WILLIAMS. I think you do. The language of the bill says, and one of the conditions is, "where such foreign government has provided reciprocal privileges"—it does not say "agrees to provide"—it says "has provided reciprocal privileges to the United States to construct and operate radio stations," and so forth.

Mr. PUCINSKI. On that point also, with reference to that very language "where such foreign government has provided reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction." Do I understand the language "within territories subject to its jurisdiction" to mean territories subject to the jurisdiction of the host country and not to refer to the immediate area of our own American embassy in a foreign country?

Mr. WILLIAMS. I would think that would be subject to the terms of the agreement.

Mr. PUCINSKI. Do we understand then that in the language "within territories subject to its" that the word "its" here refers back to the host country's jurisdiction and not our own U.S. jurisdiction in a foreign country? Do we understand that correctly?

Mr. WILLIAMS. Yes, that is correct as to the use of the word "its" on page 2, line 8.

Mr. PUCINSKI. I thank the gentleman for his explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The amendment was rejected.

Mr. SCHADEBERG. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHADEBERG. Mr. Chairman, I have profound respect for the judgment of my colleague, Mrs. CHURCH from Illinois. She has with complete frankness suggested that we might well delay a decision.

I have faith in my colleagues on the Committee on Interstate and Foreign Commerce. I have no doubt that we all have an interest in our security and the preservation of our great Nation. In the motion to recommit which I shall offer, I certainly do not question the loyalty or integrity of any one Member of this House, the administration, or the State Department. Loyalty or integrity is not the question.

We are dealing here with a very, very serious matter. We are not dealing with a mere toy. It is the future of people I desire to protect and this desire demands more than a mere hope that this legislation is not damaging to our defense or security.

Unless we here can be given complete assurance that immediate action on this matter is absolutely essential to our national security and delay would present unreasonable risks to our security it is our responsibility as representatives of our people to delay action until the convening of the 88th Congress.

Mr. HARRIS. Mr. Chairman, I move that the Committee now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BAILEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended, pursuant to House Resolution 779, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHADEBERG. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHADEBERG. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. SCHADEBERG moves to recommit the bill H.R. 11732 to the House Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Chair announced that the noes appeared to have it.

Mr. SCHADEBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. Is this a vote on the motion to recommit or on passage?

The SPEAKER. This is a vote on the motion to recommit.

Mr. HARRIS. I did not so understand it. I understood the Chair to say the motion had been rejected.

The SPEAKER. The vote is on the motion of the gentleman from Wisconsin to recommit the bill.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 95, nays 208, not voting 132, as follows:

[Roll No. 244]

YEAS—95

Alger
Andersen, Minn.
Anderson, Ill.
Ashbrook
Ayres
Baker
Baldwin
Baring
Bell
Bennett, Fla.
Berry
Betts
Bolton
Bow
Bray
Brown
Bruce
Byrnes, Wis.
Cederberg
Chiperfield
Church
Clancy
Corbett
Cramer
Cunningham
Curtis, Mo.
Dague
Devine
Dole
Durno
Ellsworth
Feighan
Findley
Ford
Garland
Gavin
Goodell
Goodling
Griffin
Gross
Gubser
Hall
Harrison, Wyo.
Harsha
Harvey, Mich.
Hemphill
Hiestand
Hoeven
Hoffman, Ill.
Horan
Hosmer
Jensen
Johansen
Jonas
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Lesinski
Lipscomb
McCulloch
Matthews
May
Michel
Miller, N.Y.
Milliken
Mosher
Nygaard
O'Konski
Pelly
Pillion
Ray
Reece
Rogers, Fla.
Roudebush
Rousselot
St. George
Saylor
Schadeberg
Schenck
Schneebeli
Schwengel
Shriver
Siler
Teague, Calif.
Thomson, Wis.
Utt
Van Pelt
Waggonner
Westland
Wharton
Wilson, Calif.

NAYS—208

Abbitt
Abernethy
Addabbo
Alford
Andrews
Ashley
Aspinall
Avery
Bailey
Barry
Bates
Beckworth
Belcher
Boggs
Boland
Bonner
Boykin
Brademas
Brewster
Brooks, Tex.
Broomfield
Broyhill
Burke, Mass.
Burleson
Byrne, Pa.
Cahill
Cannon
Casey
Chamberlain
Chelf
Chenoweth
Clark
Coad
Collier
Colmer
Conte
Corman
Curtin
Daddario
Daniels
Davis, John W.
Davis, Tenn.
Delaney
Dent
Dingell
Donohue
Dowdy
Downing
Doyle
Dulski
Dwyer
Elliott
Everett
Evins
Fallon
Fascell
Fisher
Flood
Flynt
Forrester
Fountain
Frazier
Friedel
Fulton
Gallagher
Gary
Gathings
Giaimo
Glenn
Gonzalez
Granahan
Grant
Gray
Green, Oreg.
Griffiths
Hagen, Calif.
Haley
Halpern
Harding
Hardy
Harris
Healey
Hechler
Herlong
Holifield
Holland
Huddleston
Ichord, Mo.
Inouye
Jennings
Joelson
Johnson, Calif.
Johnson, Md.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kornegay
Lane
Lankford
Lennon
Libonati
McDowell
McFall
McMillan
Macdonald
Mack
Madden
Mahon
Mailliard
Marshall
Mathias
Merrow
Miller, George P.
Mills
Moeller
Monagan
Moorhead, Pa.
Morgan
Morrison
Moss
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Osmers
Ostertag
Passman
Patman
Perkins
Peterson
Pfost
Philbin
Pike
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Rains
Randall
Reuss
Rhodes, Ariz
Rhodes, Pa.
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Tex.
Rooney
Rosenthal
Rostenkowski
Roush
Ryan, N.Y.
St. Germain
Schweiker
Scott
Selden
Sheppard
Shipley
Sisk
Slack
Smith, Calif.
Smith, Iowa
Stafford
Staggers
Stephens
Sullivan
Taylor
Teague, Tex.
Thompson, Tex.
Toll
Tollefson
Trimble
Tupper
Udall, Morris K.
Ullman
Vanik
Van Zandt
Vinson
Wallhauser
Walter
Weaver
Whitten
Widnall
Williams
Willis
Winstead
Young
Younger
Zablocki

NOT VOTING—132

Adair
Albert
Alexander
Anfuso
Arends
Ashmore
Auchincloss
Barrett
Bass, N.H.
Bass, Tenn.
Battin
Becker
Beermann
Bennett, Mich.
Blatnik
Blitch
Bolling
Breeding
Bromwell
Buckley
Burke, Ky.
Carey
Celler
Cohelan
Cook
Cooley
Curtis, Mass.
Davis, James C.
Dawson
Denton
Derounian
Derwinski
Diggs
Dominick
Dooley
Dorn
Edmondson
Farbstein
Fenton
Finnegan
Fino
Fogarty
Frelinghuysen
Garmatz
Gilbert
Green, Pa.
Hagan, Ga.
Halleck
Hansen
Harrison, Va.
Harvey, Ind.
Hays
Hébert
Henderson
Hoffman, Mich.
Hull
Jarman
Johnson, Wis.
Judd
Kearns
Kee
Kelly
Keogh
Kluczynski
Kowalski
Landrum
Latta
Lindsay
Loser
McDonough
McIntire
McSween
McVey
MacGregor
Magnuson
Martin, Mass.
Martin, Nebr.
Mason
Meader
Miller, Clem
Minshall
Montoya
Moore
Moorehead, Ohio
Morris
Morse
Moulder
Multer
Norblad
Norrell
O'Brien, Ill.
Pilcher
Pirnie
Reifel
Riley
Rivers, Alaska
Rivers, S.C.
Rogers, Colo.
Roosevelt
Rutherford
Ryan, Mich.
Santangelo
Saund
Scherer
Scranton
Seely-Brown
Shelley
Short
Sibal
Sikes
Smith, Miss.
Smith, Va.
Spence
Springer
Steed
Stratton
Stubblefield
Taber
Thomas
Thompson, La.
Thompson, N.J.

Thornberry
Tuck
Watts
Weis
Whalley
Whitener
Wickersham
Wilson, Ind.
Wright
Yates
Zelenko

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Moorehead of Ohio for, with Mr. Hébert against.

Mr. Bromwell for, with Mr. Derounian against.

Mr. Beermann for, with Mr. Becker against.

Mr. Hoffman of Michigan for, with Mr. Frelinghuysen against.

Mr. Taber for, with Mr. Morse against.

Mr. Mason for, with Mr. Auchincloss against.

Mr. Short for, with Mr. Keogh against.

Mr. Reifel for, with Mr. Rivers of Alaska against.

Mr. Adair for, with Mr. Garmatz against.

Mr. Harvey of Indiana for, with Mr. Thompson of Louisiana against.

Mr. Martin of Nebraska for, with Mr. Sikes against.

Mr. Latta for, with Mr. Spence against.

Mr. Scherer for, with Mr. Blatnik against.

Until further notice:

Mr. Rutherford with Mrs. Weiss.

Mr. Rogers of Colorado with Mr. Springer.

Mr. Roosevelt with Mr. Fino.

Mr. Hagan of Georgia with Mr. Dominick.

Mr. O'Brien of Illinois with Mr. Curtis of Massachusetts.

Mr. Clem Miller with Mr. Bennett of Michigan.

Mr. Tuck with Mr. MacGregor.

Mr. Johnson of Wisconsin with Mr. Pirnie.

Mr. Ashmore with Mr. Judd.

Mr. Alexander with Mr. Martin of Massachusetts.

Mr. Kluczynski with Mr. Battin.

Mr. Breeding with Mr. McIntire.

Mr. Loser with Mr. Wilson of Indiana.

Mr. Burke of Kentucky with Mr. McDonough.

Mr. Cohelan with Mr. Lindsay.

Mr. Montoya with Mr. Meader.

Mr. Morris with Mr. Scranton.

Mr. Dorn with Mr. Norblad.

Mr. Pilcher with Mr. Minshall.

Mr. Fogarty with Mr. Sibal.

Mr. Ryan of Michigan with Mr. Derwinski.

Mr. Green of Pennsylvania with Mr. Moore.

Mr. Barrett with Mr. Kearns.

Mr. Henderson with Mr. Bass of New Hampshire.

. Mr. Shelley with Mr. Fenton.

Mr. Santangelo with Mr. Dooley.

Mr. Thompson of New Jersey with Mr. Seely-Brown.

Mr. Hull with Mr. McVey.

Mr. FASCELL changed his vote from "yea" to "nay."

Mr. POWELL changed his vote from "yea" to nay."

Mr. HARDY changed his vote from "yea" to "nay."

Mr. GLENN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow to file a report on H.R. 11581.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) entitled "An act to authorize the sale of the mineral estate in certain lands."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) entitled "An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz."

The message also announced that the Senate agrees to the amendment of the House to the text of the bill (S. 507) entitled "An act to set aside certain lands in Washington for Indians of the Quinaielt Tribe," with an amendment as follows: In the House engrossed amendment, strike out section 2 and insert in lieu thereof the following:

> SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

The message further announced that the Senate agrees to the amendment of the House to the title of the foregoing bill.

COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have permission during the remaining days of the session to include the customary tabulations showing the up-to-date status of the appropriation bills as they are processed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 24

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the majority whip if he can announce the program for next week.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOGGS. Mr. Speaker; Monday the first order of business will be House Joint Resolution 224, active duty for certain Armed Forces Reserves, with 2 hours of debate.

That will be followed by District Day, and there are 15 bills on the District Calendar, as follows:

S. 2795: Insignia of detective and collection agencies.

S. 1651: Contracts approval.

S. 2977: Policies of group life insurance, credit unions.

H.R. 12417: Small claims court.

H.R. 12690: Insurance companies, investments of funds.

H. Res. 799: Provide for a statue, "the Maine Lobsterman."

H.R. 12964: Registered nurse, minimum-age limitation.

S. 2793: Restoration operators' permits, assess reasonable fees.

H.R. 10319: Compensation adjustments, certain police and firemen.

S. 914: Public Assistance Act of 1961.

H.J. Res. 854: Restoration of Belasco Theater as a Municipal Theater.

H.J. Res. 865: Theaters, antidemolition bill.

H.R. 13163: Redevelopment Act amendments of 1962.

S. 1291: Increase the fees of learners' permits.

H.R. 8738: Amend Life Insurance Act. Concur in Senate amendments.

For Tuesday and the balance of the week, the conference report on the bill H.R. 10, Self-Employed Individuals Tax Retirement Act of 1961.

S. 320: Conference report—Registration of State certificates, Interstate Commerce Act.

House Resolution 801: To take H.R. 7283, War Claims Act of 1948, as amended, from the Speaker's table and send to conference.

House Joint Resolution 886: Expressing the concern of the United States relative to Cuba. Three hours of debate.

S. 1123: Child labor provisions, Fair Labor Standards Act. One hour of debate.

Conference reports, of course, may be brought up at any time and any further program will be announced later.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. AVERY. I wondered if the distinguished majority whip could make any announcement as to the expectation of the leadership as to our being able to finish congressional business next week.

Mr. BOGGS. I presume I can speak only for myself, but I would be surprised if we finished next week. We will try to do so.

Mr. AVERY. If the gentleman will yield further, I do not want to place words in his mouth, but is he saying that it appears we are not going to finish next week?

Mr. BOGGS. Let us put it that way.

Mr. AVERY. I appreciate the gentleman's expression.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. GAVIN. What time are we expected to come in on Monday?

Mr. BOGGS. At 12 o'clock.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to dispense with business in order on Calendar Wednesday next week.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. WILLIAMS. As the gentleman knows, the Committee on Interstate and Foreign Commerce is favorably considering a rather complicated drug bill which is in line, I believe, with the President's program. In all probability the committee will report that bill within the next 3 or 4 days. Can the gentleman give us some indication of when that bill might be scheduled for consideration in the House? I realize the gentleman cannot be specific, but can he give me an educated guess?

Mr. BOGGS. I would think first it would depend on when the distinguished gentleman's committee reports the bill. If it is reported in time and the committee gets a rule in time we may be able to consider it next week.

Mr. WILLIAMS. I thank the gentleman.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next. Is there objection?

There was no objection.

RELIEF FOR RESIDENTIAL OCCUPANTS OF UNPATENTED MINING CLAIMS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Michigan [Mr. DINGELL] has removed his objection to this bill.

Mr. ASPINALL. The gentleman from Colorado now states that after consultation with the gentleman from Michigan [Mr. DINGELL], within 30 minutes, at which time I asked the gentleman from Michigan [Mr. DINGELL] to be on the floor. The gentleman from Michigan [Mr. DINGELL] said he had no further opposition to the appointment of conferees.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees: Mrs. FROST and Messers. BARING, JOHNSON of California, SAYLOR, and CUNNINGHAM.

AUTHORIZING THE SALE OF THE MINERAL ESTATE IN CERTAIN LANDS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2451)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following: "That (a) subject to valid existing rights, the mineral interests of the United States, which have been reserved in patents or other conveyances, heretofore issued under the public land laws, in the lands more fully described herein are hereby withdrawn from all forms of location and appropriation and the lands involved are withdrawn from entry, for prospecting or other purposes under the public land laws, including the mining and mineral leasing laws, and from disposal under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604).

"(b) The withdrawals effected by this Act shall not be modified or revoked except by Act of Congress. This Act shall be applicable only to the lands which are situated in:".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
THOMAS H. KUCHEL
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 8134, to provide for the sale of mineral interests in certain lands in Maricopa County, Ariz., submitted the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

H.R. 8134, as passed by the House, would have provided for the sale of mineral interests in certain lands at market value but not less than $5.00 per acre, plus the cost of appraisal. The lands involved had been public lands of the United States and were transferred into private ownership with the reservation of minerals to the United States. At the present time the highest and best use of the lands is for residential development with which the reserved mineral interest interferes.

The Senate amended the bill to provide for a withdrawal of the minerals from appropriation under the public land laws, including the mining and mineral leasing laws, and from disposal under the Materials Act of July 31, 1947 (30 U.S.C. 601–604).

The House conferees believe that the principal objective of the House can be attained through further amendment of H.R. 8134 without a sale of the mineral estate. Enactment of the legislation is designed to permit lending institutions and developers to proceed with construction without fear that the reserved mineral estate will invite prospecting and development under the mining laws that might destroy or lessen the security for a mortgage loan.

The amendments agreed upon by the conferees clearly set forth that in addition to the withdrawal of the minerals from appropriation they are withdrawn from location and the lands are completely withdrawn from entry for prospecting or otherwise. Then, by adding a new subsection, provision is made to assure that the lands and minerals cannot be restored to entry or appropriation by administrative action by specifying that the withdrawals may be modified or revoked only by act of Congress.

Since it is intended to protect residential properties, the conferees submit that the Congress will not restore the lands for mineral development if they are developed for residential use.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR WITHDRAWAL AND ORDERLY DISPOSITION OF MINERAL INTERESTS IN CERTAIN PUBLIC LANDS IN PIMA COUNTY, ARIZ.

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz., and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2452)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out page 2 and lines 1 to 9, inclusive, on page 3, and insert in lieu thereof the following:

"(b) The withdrawal effected by this Act—

"(1) precludes location of claims, or entry for prospecting or other purposes, under the mining laws.

"(2) shall not be modified or revoked except by Act of Congress."

And the Senate agree to the same.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.
HENRY M. JACKSON,
ALAN BIBLE,
THOMAS H. KUCHEL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz., submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

H.R. 10566, as passed by the House, would have effected the withdrawal of minerals in certain lands in and around Tucson, Ariz., and established a procedure for the disposal of any minerals that might, in fact, be beneath the surface.

The Senate amended the bill to eliminate the provisions of the House bill under which the mineral interests could be purchased and developed by the surface owner. This left the bill in the form of a statutory withdrawal of the minerals from appropriation under the public land laws, including the mining and mineral leasing laws and from disposal under the Materials Act of July 31, 1947 (30 U.S.C. 601–604).

The House conferees believe that the principal objective of the House can be attained through further amendment of H.R. 10566 without setting up any procedure for future prospecting and development of materials.

Enactment of this legislation is designed to (1) permit present surface owners who have residences on lands on which minerals have been reserved to the United States to be relieved from harassment by locators who stake claims under the mining laws and (2) reassure lending institutions and homebuilders that it is safe to proceed with new developments without fear of future harassment that will destroy or lessen the security for a mortgage loan.

The amendments agreed upon by the conferees clearly set forth that in addition to the withdrawal of the minerals from appropriation they are withdrawn from location and the lands are completely withdrawn from entry for prospecting or otherwise. Then, by adding a new subsection, provision is made to assure that the lands and minerals cannot be restored to entry or appropriation by administrative action by specifying that the withdrawals may be modified or revoked only by act of Congress.

Since it is intended to protect residential properties, the conferees submit that the Congress will not restore for minerals development any lands intensely developed for residential use.

ED EDMONDSON,
JOHN P. SAYLOR,
J. ERNEST WHARTON,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I shall be glad to yield to my friend the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I do not have a copy of the bill as it came back from conference. Will the gentleman state that there are no amendments or agreements that were entered into in conference that are not germane to the bill?

Mr. ASPINALL. The gentleman from Colorado will assure the gentleman from Iowa that his statement is true, and that there are no such additional materials which were put in the provisions of the legislation.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COTTON SUBSIDY PROGRAM

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, now that we have passed a farm bill embodying further controls over the American farmer, higher costs to the taxpayer for our farm program, higher costs to the consumer of farm products, and also adding to the confusion and contradiction that the farmer must cope with in farm programs, I feel that it is educational for us to review the effect of Government manipulation of cotton. The cost, the confusion, the inconsistency, and the hardships that have become associated with farm programs are tragically repeated in the case of cotton.

As I analyze the situation, several years ago when cotton farmers were struggling with low profits and in many instances individuals were on the brink of losing their farms due to the depressed condition of the cotton market, the Federal Government decided to move to their aid. At that point, the Government set up the cotton subsidy program as we now know it.

After subsidizing the cotton farmer over a period of time, Government officials found that they had accumulated huge quantities of the commodity. Then they made the fascinating discovery that this cotton could be sold in foreign markets, at a price lower than the artificially high, subsidized U.S. domestic price.

Then they developed a program of selling this cotton at 8½ cents per pound lower to foreign manufacturers than the price that the U.S. manufacturers were forced to pay in the domestic market.

This 8½-cent differential, which we gave the foreign textile industry by dumping surplus cotton in their hands, was combined with their own economic advantage of lower wage scales and lower shipping costs.

Armed with these tremendous competitive advantages, foreign textile manufacturers were then able to enter the U.S. market considerably below the manufacturers' cost to U.S. textile factories, immediately seizing a considerable segment of the market, thus creating unemployment in textile areas.

If one were to attempt to justify the harm inflicted on the American taxpayer by this program, it would have to be done by equating it with the success of the program as it related to cotton farmers. At that point, some clever rationalization would ordinarily be attempted.

However, we find the real tragedy lies in the fact that the average cotton farmer is little or no better off than he was when the original subsidy program was developed, while the American textile industry, its employees, and to complete the compound mess, the Federal Government, are in worse shape because of the program.

Since the Federal Government keeps the price of cotton at artificially high levels, it is responsible for the growth of synthetic fiber manufacturers who, through technical improvement, develop their products and offer them at considerably lower prices. Since the price of cotton is, in effect, frozen at artificially high levels, cotton as a commodity has lost a great portion of its normal market.

Therefore, Mr. Speaker, the 8½-cent-per-pound subsidy has, for practical purposes, caused great damage to the American textile industry, imposed great hardships on its employees, without at all helping the cotton farmer. In effect, it has made the cotton farmers dependent on the Government, since they cannot support themselves from an economical standpoint without the subsidy. Then, of course, the real burden falls on the American taxpayer who has to pay for the subsidy.

Certainly, I appreciate and sympathize with the lot of the small cotton farmer. I do not feel, however, that the small advantage to him of the present program in any way compensates for the tremendous injustice and financial loss that, as I have indicated, the textile employees, the textile industry, and the American taxpayer have to bear.

It is my understanding that President Kennedy has instructed the Agriculture Department to develop a program to eliminate this two-price system, and I believe that this is a practical, necessary, and overdue step if it is carried out.

In effect, what the Agriculture Department should do is to develop a program in which at least a methodical, gradual fashion, the Government would get out of the cotton business and restore that commodity to a free market. Such a step would be of material benefit to our sorely depressed textile industry, its employees, and the American taxpayer. In addition, it would not be necessary for us to juggle tariff rates against the nations which are flooding our markets with lower priced products, aided by our original lavishness in dumping our own cotton on the market at less than cost.

In this way, we would have legitimate trade, legitimate competition, legitimate opportunity for American free enterprise to master its competitive problems and last, but certainly not least, a legitimate service to the taxpayer by terminating the inconsistent, costly mess that has developed due to the Federal Government's role in the cotton market.

HILLSBOROUGH COUNTY, FLA., GRAND JURY PRODS ATTORNEY GENERAL IN CARRYING OUT FIGHT AGAINST ORGANIZED CRIME PURSUANT TO CONGRESSIONAL MANDATE AS EVIDENCED BY PASSAGE OF FIVE ANTICRIME BILLS THIS SESSION

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMER. Mr. Speaker, as the RECORD shows, I have been vitally interested in getting a drive underway to rid this country of the $22 billion take of syndicated and organized crime which is involved in all forms of vice—prostitution, narcotics trafficking, bolita, numbers games and gambling as examples.

During this session some five bills which I introduced along with others—and which to a large extent were a repeat of bills I introduced in the 86th Congress in 1960—to fight organized crime have become law.

Those bills involve, generally:

First. Making the travel in interstate commerce to commit one of the racketeering crimes a Federal offense.

Second. Making it a crime to transmit gambling paraphernalia in interstate commerce.

Third. Making it a crime to transmit gambling information in interstate commerce.

Fourth. Making it a crime to ship gambling devices in interstate commerce.

Fifth. Broadening the Fugitive Felon Act to include organized crime activities.

All of these bills I introduced, helped pilot through the Committee on the Judiciary, on which I serve, and the Interstate Commerce Committee, and argued for on the floor of the House.

Recently, I received a letter from the State attorney of Hillsborough County, Paul B. Johnson, acknowledging my interest in this fight against organized crime and advising that the grand jury of Hillsborough County, which has been looking into the vice and crime problems in that county, is dissatisfied over the inaction by the Attorney General.

Mr. Johnson's letter and a copy of the grand jury report follow hereafter. I have written Attorney General Robert Kennedy and Secretary of the Treasury Douglas Dillon, calling their attention to the grand jury's findings in paragraph 4 to the effect that it "found little evidence that the Federal authorities have been fighting organized commercial vice in Hillsborough County" and urging them "to use their best efforts to enforce the Federal laws applicable to organized commercial gambling and other vice rackets." I joined in this plea because it is a tragedy if, after the Congress has given the tools to the Federal law-enforcement authorities to root out organized crime, they are not being fully used for this purpose.

A copy of these documents follows:

SEPTEMBER 20, 1962.

The Honorable the ATTORNEY GENERAL,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Enclosed you will find a copy of the final report of the Hillsborough County grand jury in the circuit court of the 13th judicial circuit of the State of Florida.

As you will note in paragraph 4, the grand jury indicated "We have found little evidence that the Federal authorities have been fighting organized commercial vice in Hillsborough County. We feel that attacks on all fronts are vital to successful law enforcement in the vice area. For this reason, we urge the U.S. Attorney General and the U.S. Secretary of the Treasury to use their best efforts to enforce the Federal laws applicable to organized commercial gambling and other vice rackets."

As a sponsor of the anticrime bills which have passed the House and others that are pending, and realizing that Congress has given the Federal law enforcement authorities substantial additional tools with which to work in stamping out organized crime, I feel it my duty to call this recommendation to your attention and join the county grand jury in urging that your office do all in its power to assist the local community in stamping out organized racketeering and other vice rackets.

I trust you will give this matter your immediate attention.

With best wishes, I am,
Sincerely,
WILLIAM C. CRAMER,
Member of Congress.

TAMPA, FLA., *September 6, 1692.*

Hon. WILLIAM C. CRAMER,
U.S. Congressman,
House Office Building,
Washington, D.C.

DEAR BILL: Although we know that you will not be serving this county as Congressman much longer, the grand jury is well aware of your interest in the fight against organized vice. They, therefore, directed me to send you a copy of their final report entered September 4, 1962, relating to organized vice.

Sincerely yours,
PAUL B. JOHNSON,
State Attorney.

FINAL REPORT OF THE HILLSBOROUGH COUNTY GRAND JURY, SPRING TERM, SEPTEMBER 4, 1962

This grand jury has been deeply concerned with the effect of organized commercial vice on our community. We have heard much testimony and examined numerous reports and records on this problem, and on July 10, 1962, we rendered an interim report on this area of law enforcement. We have continued to study these matters and wish to make the following report:

1. The reports by the vice squads of the Tampa Police Department and the Hillsborough County sheriff's office on organized commercial vice enforcement as delineated by our interim report of July 10, 1962, should be continued, with a report to be entered in January 1963 covering the period of July 1, 1962, to December 31, 1962.

2. Our interim report of July 10, 1962, noted that the sheriff's office reports included areas that were not correlated to the picture of the fight against organized commercial vice. The sheriff's office, however, listed and labeled the organized commercial vice activities separately and distinctly from the other vice squad activities. In light of this separation and distinction, the sheriff's office report cannot be interpreted to have been padded.

3. Some quarters have indicated they did not understand our statement in the interim report of July 10, 1962, that jail sentences should be imposed in appropriate organized commercial vice cases. We are firmly convinced and reiterate that organized commercial vice cannot be deterred by mere fines or bond estreatures. We, therefore, recommend that in the absence of serious danger to health or the like, all persons convicted of illegal activities relating to organized commercial vice (particularly lottery) should receive jail sentences.

4. We have found little evidence that the Federal authorities have been fighting organized commercial vice in Hillsborough County. We feel that attacks on all fronts are vital to successful law enforcement in the vice area. For this reason, we urge the U.S. Attorney General and the U.S. Secretary of the Treasury to use their best efforts to enforce the Federal laws applicable to organized commercial gambling and other vice rackets.

5. The grand jury commends the State attorney and his staff for their tenacious efforts toward controlling and reducing organized vice activities in Hillsborough County.

It is the grand jury's desire that the public be aware of Paul Johnson's continued vigilance in this area of crime, and it is hoped that the grand jury's report will stimulate the citizens support of his office.

6. We request that copies of this be forwarded to U.S. Senators Hon. Spessard Holland and Hon. George Smathers; and Hon. Robert Kennedy, Attorney General of the United States, and Hon. Douglas Dillon, Secretary of the Treasury; and the Congressman from this district, Hon. William C. Cramer.

CONTINENT OF CRISIS: SOUTH AMERICA

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, anyone who has visited Latin America as did our Subcommittee on Inter-American Economic Relationships of the Joint Economic Committee last fall, or listen to hearings as we did this summer, cannot fail to be impressed by the enormity and complexity of the problems presented in this crisis area, our nearest neighbors.

The needs of South America fall roughly into three classes, each of them urgent, and each of them taxing to the utmost the self-help capacity of the South Americans themselves and challenging our neighborly assistance. Most people who think about it recognize these needs although they may differ as to the priorities, since they all seem to call for simultaneous action, would classify the problems as first, political; second, social welfare; and third, economic development.

In the political area is the necessity of achieving a greater stability of government than has characterized this part of the world in the past, while turning away from a heritage of dictatorships and aristocracy.

In the area of social welfare the primary need is probably to reduce the overwhelming high levels of illiteracy while improving the housing and health standards of the large masses.

In the area of economic development these countries are confronted by the problems which arise from their dependence upon one or two export commodities and a persistent dependence upon inflation as a way of life.

All of these problems are difficult. To end inflation, to cure illiteracy, and to establish democratic processes, will call for every energy on the part of the people themselves with the help of the United States through the Alliance for Progress.

A recent series of articles appearing in the St. Louis Globe-Democrat, the Washington Post, and the New York Herald Tribune written by Columnist Roscoe Drummond are well worth study in the interest of our better understanding the urgencies and complexities of the issues. They are: First, "Continent of Crisis"; second "Everything Has To Be Done Now"; third, "Latin American Dictators"; fourth "Alliance Alarm—Not Quite Too Late"; fifth "Military and Power—the Alliance and the Generals"; and sixth, "Frantic Immobility Grips Brazil."

In this connection, I would like to call attention also to the report of our subcommittee based on some recent hearings, by referring to the highlights of the subcommittee's observations supplementing its earlier report on the economic conferences held in South America. The highlights of the recent report follow:

First. The testimony brought disturbing evidence of a reluctance on the part of some wealthy Latin American investors to risk private investment in their own countries. This reluctance is, indeed, reported to have taken the form of a substantial flight of local capital to Europe or the United States.

Second. The hearings brought out again the general absence of effective local government instrumentalities in most of the South American countries. We were impressed on our visit to South America, and again from the testimony at these hearings, that the traditionally minor role assigned to local governments has been a dampening force on economic and social development.

Third. The technique of the public authority with mixed public and private attributes such as our port authorities, turnpike authorities, and multipurpose valley authorities, or the Port of London Authority, was suggested as a potentially useful device for the kinds of development called for in Latin America.

Fourth. The meaning and objectives of agrarian reform in the context of the Alliance for Progress, especially the interest and role of the U.S. Government as a participant in the Alliance, has tended to become confused as simply a tenure problem, but properly conceived, should have as its primary objective increased agricultural productivity by a variety of means.

Fifth. Economic progress in Latin America needs a great deal more than capital loans and grants. The objectives of the Alliance may, indeed, be equally well advanced by the free importation from the industrial countries of capital saving and efficiency-improving techniques and managerial know-how which, coupled with private investment, have made the flow of products from our enterprise system the envy of the world.

Sixth. Since the capital for meeting housing needs alone could use up several times the total amount of funds contemplated under the Alliance for Progress for all purposes, it is obvious that the great bulk of the additional capital required for new housing will have to come from savings within the countries.

Seventh. General price inflation is the lot of almost any country with a measure of monetary or fiscal mismanagement but the fate of a country dependent, as most of the Latin American countries are, upon one or two export commodities, is subject to an ever-present added complication. For them, changes in one or two specific prices may mean economic difficulties, political unrest, and thwart economic development.

Eighth. One of the considerations to be taken into account in judging the speed and momentum of the Alliance for Progress is the fact that very few Latin American countries have a true civil service.

Mr. Speaker, the newspaper articles referred to follow:

[From the Washington (D.C.) Post, Aug 11, 1962]

Continent of Crisis—The Alliance's Role

(By Roscoe Drummond)

Buenos Aires.—At the very moment when the Alliance for Progress holds some flickering hope that things can be better, a deepening crisis is being written across the whole face of the Western Hemisphere.

The "crisis continent" is not somewhere else; it is the American continent here at home, from the Rio Grande border to the tip of Argentina and Peru. The greatest source of danger to the free world is not in Africa or in Asia, however doubtful these areas may be; it is in the Western Hemisphere.

The United States is wrapped up inescapably—for better or for worse—in its dangers and in its potentials through the heroic, tardy, prudent, and uncertain effort called the Alliance for Progress.

Its purpose: to turn economic despair into hope before economic despair turns Latin America into nearly total turmoil.

In trying to look at the whole face of the Hemisphere as it slowly, hopefully begins this effort, here's the sum of the forces that makes its success so imperative, its failure so tragic:

Asset: The past decade has brought a steady disappearance of the old-style dynastic and military dictatorships. Only three remain—Paraguay, Haiti, Nicaragua. Added to them is the repressive out-thrusting Soviet-orientated Communist dictatorship of Fidel Castro. There are many shortcomings in the new regimes, but this victory over most of the Latin American dictatorships is a significant step forward and proof of the passion for freedom of all Latin American peoples.

Obstacle: The new Latin American democracies are the targets of terrific social tensions and political stress before they're ready. In Argentina and Brazil the military have asserted substantial power and in Peru the new junta is dominant.

The liberal Betancourt government in Venezuela is being battered from left and right. The conservative Alessandri government in Chile is fighting for its life against the growing power of the extreme left. None of the new democracies is secure.

Obstacle: Weak and embattled governments, seeking to make democracy work, face most formidable economic and social problems—mounting inflation, rising prices, declining export income. Conditions are getting worse, not better.

Obstacle: If the Alliance for Progress is not merely going to enrich further the already wealthy, then great social reforms are widely needed. Those who want to maintain completely the status quo will resist these reforms and often the governments are largely controlled by those who want little change.

In the face of these fantastically formidable obstacles, can the alliance succeed adequately and in time? Candidly, no one really knows.

One thing is clear: this is a momentous struggle against poverty and dictatorship. If the underprivileged, underpaid, long-harassed people of Latin America cannot find a way to achieve economic hope by democratic means, they will demand it at any political cost and accept any political system they think will benefit their lot.

[From the Washington (D.C.) Post, Aug. 12, 1962]

Everything Has To Be Done Now

(By Roscoe Drummond)

Buenos Aires.—The reason Latin America is the "crisis continent," whose fate is a crucial concern to us and to the whole free world, is that so much has been so long delayed that everything has to done at once—or else.

By everything I mean faster economic development, better living standards for millions of its underprivileged people and a maturing-under-fire of the widely emerging South American democracies.

An urgent, tardy, uncertain, heroic beginning is being made through self-help and through U.S. help in the Alliance for Progress.

Massive roadblocks loom in the way at every turn. The symbolic road signs read in effect: "Stop, Look, and Detour," "Better Turn Back," "Proceed at Your Peril."

The perils are inordinately large because:

Despite the progress which has been made during the last decade in throwing off the old-style Latin American dictatorships, not one of the newly emergent democracies has the political stability to tackle securely and effectively the problems of rapid economic growth.

These fragile democratic institutions—as events in Peru, Argentina and Brazil clearly show—need a period of testing and tempering. But such a period of relative calm and consolidation is not in sight. These nascent democracies and semidemocracies must immediately confront all the political tensions inescapably involved in achieving both widespread social reform and accelerated economic development.

On the basis of even my limited observation, it is clear that if the elected and semielected governments of South America do not overtake these pressing social and economic problems, these problems will overtake them—with disastrous political results.

Finally, everywhere in the hemisphere the Communists and that part of the extreme left willing to work with them are practicing crafty, cynical and ruthless strategy. The Communists do not hesitate to aline themselves with the extreme right—whether it be the military junta in Peru or the Peronists in Argentina. Their purpose is to undermine the liberal democratic parties and keep them from power.

The Communists can come to power if the Latin American nations fail to move ahead economically, or they can come to power by deception—as in Cuba. To the Communists, chaos is the road to power. Chaos is what they seek. That is what they will get if the Alliance for Progress falters and fails.

The road to a stable democracy is hard to negotiate, as the Germans found under the Weimar Republic, as the French found before De Gaulle, as all Latin Americans are finding after having progressed so far as to rid themselves of Peron in Argentina, Vargas in Brazil, Odrea in Peru, Rojas in Colombia, Jiminez in Venezuela, Trujillo in the Dominican Republic and Batista in Cuba.

These victories over dictatorial regimes show how much Latin American people are determined to win democratic institutions. Today there are some setbacks in Peru, where the military is momentarily dominant, and in Argentina and Brazil, where military influence is great but not always decisive.

The crucial test is still ahead—the test of using Alliance for Progress funds imaginatively, effectively and in a way that more Latin American people may share in the fruits of economic growth.

[From the Washington (D.C.) Post, Aug. 13, 1962]

LATIN AMERICAN DICTATORS—THE U.S. ROLE

(By Roscoe Drummond)

LIMA, PERU.—If the United States is going to be true to itself and become the active ally of Democratic governments for the people of all Latin America, we'll have to resist dictatorships of the right as well as dictatorships of the left—and take whatever onus may come.

Obviously we're not being wildly cheered here in Peru because of our stand against the coup d'etat by the military last month. But this is no quick popularity contest. By many we'll continue to be accused of interference in internal affairs whenever we act to support elected governments attacked from the left or overrun by the right. After seeing something of the play of political forces in the largest countries of South America, I am convinced that the United States is headed in the right direction in taking the most reserved attitude toward seizure of power by the Peruvian military and in holding back Alliance aid at last until it is clearer whether the promise of free elections is reliable.

I am not suggesting that every elected government in Latin America is a jewel of integrity, far from it. I am not arguing that every Latin American military chief is an ogre eager to crush democracy. Some of the military are high-minded and, to their own best lights, want to preserve democracy.

But the evidence is indisputable that the recent coup violated Peru's constitutional processes at every central point. President Prado was deposed by force before he could finish the last days of his term. The results of the July elections, which the military itself helped supervise, were canceled. Congress was prevented from fulfilling its legal role of choosing the president when none of the candidates received a third of the total vote.

Probably the Peruvian political leaders will themselves accept the assurances of the junta that new elections will be held and will soon begin to ready themselves for a new campaign. If so, the United States can hardly be more Peruvian than the Peruvians and withhold diplomatic recognition indefinitely.

Though it is by no means certain, we might have forestalled the Peruvian coup by taking a tougher line when the armed forces of Argentina ousted President Arturo Frondizi earlier this year, threw out the wide-ranging Peronist victories in the house of representatives (45 seats plus numerous governorships), and reluctantly accepted the Presidency of Jose Guido, formerly president of the Senate.

On the main issue the actions of the Peruvian and Argentine military were the same. In each the constitutional president was deposed and the election results annulled.

There are also differences. In Peru the junta vetoed as next President the candidate who won the most votes. The junta leaders hold all the principal Cabinet posts. In Argentina, though Frondizi was removed by force, he was replaced by a civilian political leader through the constitutional process. Mr. Guido, then president protem of the Senate, was hurriedly sworn into office before the military could act. His succession to the Presidency was ratified by the Supreme Court. The Cabinet is predominantly civilian, and while the Argentine military is a powerful force, it exerts its influence through a civilian government.

In both Peru and Argentina there is a free press and an independent judiciary, which means that neither regime is, in the modern sense a police state.

It is evident that the United States cannot effectively help resist the rise of new military dictatorships if the other Latin American nations are unwilling to join and do it together. Only the tiniest handful is doing so today. Most of them are holding back in part because of the historic fear of U.S. intervention.

But I am convinced that the United States will do more to win long-term support and respect by remaining true to itself and actively standing against dictatorships in any form or guise. Many so-called liberal Latin American politicians will rant against us, but in the end most South American people will say, "thank God"—at first under their breath and later openly and with heartfelt relief.

[From the Washington (D.C.) Post, Aug. 15, 1962]

ALLIANCE ALARM—NOT QUITE TOO LATE

SALVADOR, BRAZIL.—When the United States entered World War I and World War II, the question everybody asked was not whether we were going to win, but when.

Now the United States has entered another kind of war; the theater of struggle is the Western Hemisphere. The question everybody's asking today is not when we are going to win—but whether.

The reason this question is so fateful is that failure of the Alliance for Progress—this massive common effort to rescue Latin America from economic stagnation—would certainly bring on a wave of military dictatorships, and military dictatorship is itself the seedbed for communism.

For 6 days here in Salvador at a conference on economic tensions, I have had the opportunity to hear, question, and exchange information with more than 70 economists, political leaders, professors, and industrialists from every Latin American country except Cuba.

How does the Alliance look a year after it was signed at Punta del Este?

I base my report on both Latin American and North American judgments. It is a very mixed picture with dark and ominous hues. There is no unanimous opinion. It ranges from hope to hopelessness.

The technicians, mostly the economists, know that accelerated economic growth is possible and believe it can be achieved.

The nonspecialized intellectuals from the universities are cautiously hopeful but very uncertain.

Many of the Latin American politicians are deep in pessimism. Some are already convinced that economic progress will be slow; that extreme nationalism and military dictatorship, already evident in Peru, Argentina, and Brazil, will engulf most of the continent.

After 1 year of experience, what are the shortcomings of the Alliance which aims at infusing new development capital into Latin American economies and simultaneously promoting needed social reforms? The dominant views of those willing to speak with candor—views I believe Washington and friends of the Alliance in Latin America ought to ponder responsibly—are these:

1. The Alliance has provided the plan for economic development without yet providing the machinery, either in Washington or in Latin American nations themselves, for carrying it out. In a word, we have a sound strategy for an economic war against stagnation and poverty but the troops are not in place anywhere.

2. While the Alliance is rightly focused on a long-range, 10-year concept to build the structure of an expanding economy, it is not yet realized adequately how essential it is now at the very beginning to invest appreciably in major, visible, socially useful projects such as schools, housing, and health services before mass frustration overruns the whole effort.

Most of the technicians in Washington tend to shun these projects, seeing them as the later fruit of economic growth. But because of the long delays in providing basic social improvements for most of the population, they are now an absolutely necessary precondition of successful economic development.

3. The Alliance for Progress hasn't yet begun to win active allegiance, genuine support of the masses of the Latin American people. The Alliance has not been made credible to them and thus far has created no means of becoming so. It is smeared by the Communist left and resisted by the ultraconservative right and millions of underprivileged are understandably cynical because they have listened to empty promises so long.

This is why Roberto Campos, Brazilian Ambassador to the United States, speaking for himself, says the Alliance cannot succeed until it instills in the masses of Latin America "a personal involvement" as well as "a national commitment."

This is why Lincoln Gordon, the economist-diplomat who is U.S. Ambassador to Brazil, says that unless the Alliance can create a "political mystique" and identify itself with the loyalties of the great majority of the people, the precondition for success is absent.

Nothing remotely adequate to the development of this personal involvement, this political mystique, behind the Alliance is being done today. There is yet no mechanism for doing it, nothing like the Monnet Action Committee for a United States of Europe, which gives such drive to the European Common Market.

It is almost too late but not quite. It is never too late to win a war—even an economic war—if we view winning it with enough urgency.

[From the Washington (D.C.) Post, Aug. 18, 1962]

MILITIA IN POWER—THE ALLIANCE AND THE GENERALS

(By Roscoe Drummond)

SALVADOR, BRAZIL.—However soon the United States may recognize and resume economic aid to Peru under its military junta, this question of dealing with Latin American dictatorships will arise again and again in various forms in the coming months. It is in the making again in Argentina right now.

It is easy to argue that for economic, financial, and strategic reasons we ought to work with any stable Latin American regime, military or not. It is easy to argue that the United States cannot impose democracy on any country and that on the basis of practical politics we should make any government that is securely in power a working partner in the Alliance for Progress.

But there are strong counterarguments. In the first place, all Latin American countries together with the United States are now explicitly committed to using the Alliance for Progress to strengthen "democratic institutions." I am convinced that long-term economic development and needed social reform can be achieved only through a developing Latin American democracy.

Here in Salvador, the Conference on Tensions in Development, attended by political leaders and economic experts from the whole hemisphere, examined the role of the military in the life of Latin American countries and especially in the task of economic growth and social improvement. Although much of the report was off-the-record, I can report there was wide agreement on these five points:

1. Military governments are usually a serious deterrent to economic growth.

2. The oligarchical right wing in many countries does not hesitate to use the army as a weapon of survival through so-called preventive coups.

3. The armaments race in Latin America, encouraged by a supposed need for hemisphere defense, extravagantly increases military budgets at the expense of social and economic needs.

4. Swollen military budgets can and should be cut in order to build schools and provide teachers for millions of illiterate people and thus create the skills for a better industrial and farm economy.

5. At times the generals may be a moderating power, preventing national chaos and for a time producing surface stability. But military dictatorships offer no durable solution to social problems and unwittingly prepare the ground for the advent of communism, by conditioning the public to accept repressions.

This latter point is well expounded by Salvador de Madariaga, Spanish historian and philosopher, in his new book, "Latin America Between the Eagle and the Bear," in which he says:

"The dictator and his country's Communist Party collaborate in opposition to grind out of existence the middle-way parties.

"The longer the dictator lasts, the stronger grows the Communist Party of his country and the brighter its chances of success when the dictator falls.

"The ease with which Castro veered from a revolution which he presented as democratic to one the Communist character of which is now undeniable was due to the long apprenticeship in totalitarianism inflicted on the Cuban people by Batista."

Most of the participants at the Salvador conference, including influential political and intellectual Latin American leaders, privately approved the U.S. action in suspending economic aid to the junta in Peru. Further, the seminar which dealt with the role of the military, put this conclusion on the record: "The United States must understand, and Latin American countries realize, that to continue to support military development is contrary to each nation's welfare."

Diplomatic relations with a military regime is one thing. But making a military dictatorship a working partner with the Alliance for Progress is like trying to make a creek run uphill and is paving the way for communism.

[From the Washington (D.C.) Post, Aug. 19, 1962]

FRANTIC IMMOBILITY GRIPS BRAZIL—GOULART VERSUS CONGRESS

(By Roscoe Drummond)

RIO DE JANEIRO.—Brazil is a grim example of the difficulty this country's fragile democracy has in putting its roots down in the quicksand of economic distress.

A newspaper correspondent, recently returned from Spain, put it graphically: "In Madrid you can't get away from the government and in Rio de Janeiro you can't find the government."

The reason is that right now Brazil is politically a swirling vacuum. Its leaders, its political parties, its makeshift presidency, and its expiring Congress are ominously chasing each other in circles.

The result: Frantic immobility. The Brazilian "government" is nearly invisible because it isn't governing.

President João Goulart isn't governing because he's devoting himself to a campaign to recapture the powers that were taken from him as the only condition under which the military would allow him to become President after Quadros resigned a year ago.

The Brazilian Congress isn't governing because it is at the tail end of its term. It refuses to cooperate with the Goulart government which it distrusts or to yield the powers it fears he will abuse.

This means that Brazil is at a perilous stalemate at a time when its economy is going down and inflation is going up.

How did this mess come about?

Well, in Brazil vice presidential candidates run separately from presidential candidates and the candidate with the highest vote, however small, wins. Goulart got about one-third of the total vote. His election was roughly what it would be like if Senator WAYNE MORSE, running against LYNDON B. JOHNSON on a Kennedy-reactionary ticket, became Mr. Kennedy's Vice President. Then how would the U.S. Congress like it if Mr. Kennedy resigned and MORSE became President?

Thus Goulart was a minority vice president whom the military reluctantly accepted as Quadros' successor rather than violate the constitution. They accepted only after Congress hastily created a parliamentary form of government.

On the surface Goulart acquiesced in his diminished role but soon proclaimed he wasn't going to stand still long and function "like the Queen of England."

He has been devoting every waking moment to making it impossible for the new parliamentary system to work. It is evident he doesn't want it to work.

Goulart has been so busy arguing that he hasn't sufficient powers to govern, that he has neglected to use the large powers he still possesses to deal seriously with the nation's economic, financial, and social problems.

What we are witnessing is a cold war conducted by an aspiring President against an expiring Congress.

Goulart has been demanding that Congress give him exceptional powers for 6 months and an early plebiscite. From this plebiscite he expects to get popular support to compel Congress to restore his powers.

Congress doesn't want a plebiscite until after the congressional elections in October and isn't disposed to give blank-check powers to a President it doesn't trust.

Thus Brazil's political picture comes full-circle back to its swirling vacuum. Everything's in motion and getting nowhere—unless it be nearer combustion. Combustion can't be ruled out since the menace of a general strike is now threatened unless Congress yields to Goulart. The unions are pretty much in the pocket of Goulart, who was a longtime secretary of labor.

Goulart is trying to make a scapegoat out of Congress for whatever goes wrong and Congress is trying to make a scapegoat out of Goulart.

Until the new elections this fall, the least bad thing that can happen here is nothing.

STANDBY AUTHORITY TO PRESIDENT TO CALL UP RESERVISTS

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, due to a commitment made some months ago, I regret that I find it impossible to be present for the vote Monday, September 24, on Senate Joint Resolution 224, to give standby authority to the President to call up 150,000 reservists. However, I should like to add my support to the bipartisan effort to give the President the power to act if an emergency should arise when the Congress is not in session. This resolution should be another reminder to those hostile to us that we are united, and are determined to protect our interests, and that the President will be fully supported in the actions he takes as our Commander in Chief.

WILDERNESS BILL

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, yesterday, the chairman of the Committee on Interior and Insular Affairs addressed the House on why there would be no wilderness bill this year. His comments were not reflective of the chairman I have come to know over this last decade. Usually the chairman candidly states the actions he has taken, the reason for them, and above all takes the responsibility for them whether this means accolade or criticism. Alas, I cannot so construe his remarks of yesterday. The chairman has sought to blame almost everyone who supports a wilderness bill, with appropriate safeguards, for the failure of this Congress to consider the measure.

If the gentleman from Colorado is still interested in obtaining a wilderness bill, he has it in his power to do so. The contention that, if the bill should come to the floor of the House the debate would be too emotional, appears ludicrous. In other words, the committee chairman, who made much of the prerogatives of his committee, is now contending that the House is not competent or should be protected from making decisions in which emotions might be involved. If this becomes precedent, the House floor action will be relegated a very narrow role in the future.

Mr. Speaker, no one is being kidded by this extensive apology by the chairman for the action of the committee—for it was an apology. Everyone knows the real reason for avoiding full House consideration. The proponents of the

Aspinall amendment do not have the votes of the full House to pass the measure without serious modification.

The obvious prejudice of the chairman in mentioning all the outside groups supporting the original wilderness bill, before the committee amendment, as lobbyists, and those supporting the amendment as responsible citizens and organizations can be judged by the House itself. Here is a partial list of some of the organizations supporting S. 174, similar to the original H.R. 776:

AFL-CIO, Adirondack Mountain Club, American Bowhunters Association, American Nature Association, American Planning & Civic Association, American Society of Mammalogists, American White Water Affiliation, American Youth Hostels, Appalachian Mountain Club, Citizens Committee on Natural Resources, Council of Conservationists, Defenders of Wildlife, Federation of Western Outdoor Clubs, Friends of the Wilderness, Garden Club of America, General Federation of Women's Clubs, Hawk Mountain Sanctuary Association, Independent Timberman's Committee, Izaak Walton League of America, the Mountaineers, National Audubon Society, National Council of State Garden Clubs, National Grange, National Parks Association, National Wildlife Federation, Nature Conservancy, Obsidians, President's Quetico-Superior Committee, Sierra Club, Trustees for Conservation, the Wilderness Society, Wildlife Management Institute, and many others, as well as many, many individuals.

Now compare these groups with those names placed in the record by the chairman. Which organizations stand to profit directly from the measures just mentioned?

The chairman made much of 15 amendments offered in the living wilderness, which were never brought before the subcommittee or the full committee. What the chairman did not tell the House was why they were not brought forward. First, the subcommittee reported out a bill so different from the original in major purpose and design, that most outside organizations saw its contents for the first time. The Citizens Committee on Natural Resources issued a release on August 16, 1962, 1 week after the subcommittee's report, entitled "Amendments for Substitute Wilderness Bill Advocated." A copy of this release, the comments at that time by the chairman and vice chairman of the Citizens Committee on Natural Resources, and the proposed amendments will be found hereafter as a part of my extension of remarks.

One week, Mr. Speaker, after the subcommittee brought forth a bill—that was never before the subcommittee at the time of the public hearings—all members of the committee received copies of these proposed amendments. Were it the desire of the chairman to consider them, he was at liberty to do so.

The proponents of the Aspinall amendment insisted on complete secrecy during the deliberations of the subcommittee in executive session, and those of us favoring the original bill were precluded from discussing the matter with the outside proponents.

The 15 amendments were not brought before the full committee by myself for two reasons: First, the amendments, in substance, restored the original bill, which the subcommittee had just amended; second, the vote by which the Aspinall amendment passed indicated the outcome, and I did not want any further excuses for delay.

The chairman, in his effort to commend the diligence of the committee, found the going difficult to explain why public hearings were not scheduled until May 7 on a measure passed by the Senate on September 6, 1961. In addition, field hearings were held by the committee prior to the convening of the 2d session of the 87th Congress. No delay for other reports were necessary prior to scheduling hearings, yet such hearings were delayed from January 10 until May 7—almost 4 months.

No, Mr. Speaker, the chairman's explanation of the House Interior Committee action just would not wash. The failure to bring the wilderness bill to the floor for full consideration is the responsibility of the committee leadership. Their refusal is due to the fear, that when the House has the opportunity to work its will, the result will not be of their choosing.

Mr. Speaker, as a part of my remarks, I wish to include the release, comments, and proposed amendments for a substitute wilderness bill as advocated by the Citizens Committee on Natural Resources on the 16th of August 1962, 1 week after the Subcommittee on Public Lands, of the House Committee on Interior and Insular Affairs, had reported out the Aspinall amendment.

The release follows:

AMENDMENTS FOR SUBSTITUTE WILDERNESS BILL ADVOCATED

Some 15 amendments are being advocated by the Citizens Committee on Natural Resources to make a sound preservation measure out of the substitute wilderness bill approved on August 9 by the House of Representatives Public Lands Subcommittee.

The measure, now before the full Committee on Interior and Insular Affairs and expected soon to be reported to the House, would without amendment, according to Ira N. Gabrielson, chairman of the citizens committee, hamper the wilderness designation even of areas now being handled as wilderness. It would also, he said, make difficult the preservation as wilderness of areas that would be designated.

Pointedly criticized was inclusion, as a special title I in the substitute wilderness bill, of a separate measure dealing with land withdrawals in general. This, said Gabrielson, should be considered separately and not be attached to the wilderness bill.

The substitute wilderness bill in its present form Gabrielson described as a massive crippling amendment.

The Public Lands Subcommittee, it was explained, replaced the Wilderness Act which had been passed 78-8 by the Senate with a House bill that had been introduced by Representative JOHN P. SAYLOR, of Pensylvania. The subcommittee then struck out all of the Saylor bill after the enacting clause to make way for the substitute proposal.

Both the Senate act and the Saylor bill are supported by wilderness bill advocates.

"Their purpose," said Gabrielson, "is to provide for the establishment of wilderness for the benefit of the whole people. The purpose of the substitute seems to be to preserve for a minority of commercial interests an opportunity to exploit any area of the public's land that may attract them."

The amendments now being advocated by the citizens committee are intended principally (1) to restore essential features of the Saylor measure that have been omitted, and (2) to eliminate subcommittee additions that would be contrary to wilderness preservation purposes.

Especially criticized were provisions permitting mining to continue in wilderness areas and a proposed requirement that wilderness areas be subjected to reconsideration every 25 years.

Joining Gabrielson in his criticisms and proposals was also Howard Zahniser, committee vice chairman and a prominent advocate of wilderness legislation. He was especially critical of the proposal to make the wilderness areas run a gantlet of opponents every 25 years.

"The nature of our civilization," said Zahniser, "is such as to make wilderness preservation difficult at the best. That is the reason for wilderness legislation. To make it tentative and to provide for the mobilization of forces working against it every 25 years—four times each century—is to be as dubious in a Wilderness Act as in a marriage vow would be inclusion of a similar periodic review."

Gabrielson is president of the Wildlife Management Institute and Zahniser is executive secretary of the Wilderness Society, but both spoke on the wilderness legislation as officers of the Citizens Committee on Natural Resources, a task force organized by individual conservationists to advance conservation and sound management of natural resources in the public interest, especially concerned with legislation affecting natural resources. Secretary and full-time employee of the committee is Spencer M. Smith with headquarters at 1346 Connecticut Avenue NW., Washington, D.C.

The citizens committee statement including specific amendments proposed is as follows:

"HOUSE PUBLIC LANDS SUBCOMMITTEE SUBSTITUTE WILDERNESS BILL

"(A comment with proposed amendments by Ira N. Gabrielson and Howard Zahniser, chairman and vice chairman, Citizens Committee on Natural Resources)

"The substitute wilderness bill approved by the House of Representatives Public Lands Subcommittee on August 9, 1962, and incorporated in committee print No. 23 of the Committee on Interior and Insular Affairs is immediately recognized as the sort of proposal referred to as crippling amendment by advocates of the wilderness legislation as passed by the Senate or sponsored by Representative JOHN SAYLOR and others in the House. Unless further amended, it would be a massive crippling amendment.

"The purpose of the Wilderness Act is to provide for the establishment of wilderness for the benefit of the whole people; the purpose of the substitute seems to be to preserve for a minority of commercial interests an opportunity to exploit any area that may attract them.

"The effect of the substitute would be (1) to hamper the wilderness designation of even areas now being handled as wilderness, and (2) to hamper the preservation as wilderness of any areas that would be designated.

"The substitute as a whole is not only apparently proposed legislation to prevent true preservation of wilderness and to promote and encourage continued exploitation of remaining areas of wilderness; it also includes provisions that are inimical to wilderness preservation.

"Detailed comments

"At its outset the substitute bill includes as a title I a piece of proposed legislation that incorporates the substance of other bills than the wilderness bill, proposals that deal with the broad public-land policies of Congress, especially with withdrawals.

"This title has not been discussed on the Senate side in connection with the wilderness legislation, nor was it a part of the hearings held on the Wilderness Act by the House public lands subcommittee.

"The wilderness legislation at this late time in the closing session of the Congress should not be used for such an extensive rider as this.

"Title I should be removed from the wilderness bill and considered on its own merits.

"Substitute bill contrary to Wilderness Act

"Confining comments to title II then, which it is provided 'is to be cited as the Wilderness Act', we can see apparent a purpose contrary to that of the Wilderness Act as passed by the Senate and advocated by Representative JOHN P. SAYLOR and other sponsors in the House and by its proponents throughout the Nation.

"The purpose of the Senate's act and similar House proposals is to preserve wilderness for the benefit of the whole people. A particular purpose is (1) to designate, as wilderness, areas that are within parks, refuges, and the specially classified wilderness portions of the national forests. These areas are thus susceptible to wilderness preservation without interference with other programs. A further particular purpose is (2) to provide for the accommodation of this wilderness policy and program to other interests.

"A central statement, for example, in the Senate act is in the first sentence of section 6 which says that nothing is to interfere with the purposes now being served by the park, refuge, and forest lands involved except that they are to be administered for these purposes in such a way as to continue to preserve their wilderness character. (The same statement is in the first sentence of sec. 3 in Congressman SAYLOR's H.R. 776, p. 12, lines 5 to 13.)

"The proposed substitute states no such purpose of accomplishing wilderness preservation for the common good as something that is compatible with other purposes of land administration and that is readily feasible.

"On the contrary, the substitute wilderness bill requires the wilderness areas to run the gantlet of opponents every 25 years in a review that has been advocated by opponents of wilderness legislation.

"It is of the nature of wilderness preservation to provide, if possible, for preserving forever something that has always so far been that way, although of course future Congresses can alter any such preservation.

"The nature of our civilization is such as to make wilderness preservation difficult at the best. That is the reason for wilderness legislation. To make it tentative and to provide for the mobilization of forces working against it every 25 years—four times each century—is to be as dubious in a Wilderness Act as in a marriage vow would be the inclusion of periodic review.

"The substitute is an act to protect miners

"To read the Senate act is to see that preserving any areas as wilderness is difficult in our civilization, with its increasing mechanization and growing population, and, therefore, because it seems desirable to so many people, wilderness preservation is something to be provided for by the Congress.

"To read this substitute is to feel ironically that there is a grave danger that wilderness preservation will threaten our civilization and its dependence on commercial activities to such an extent that the Congress of the United States must protect the embattled miners, grazers, and others against a rampant wilderness preservation movement about to take over the whole Federal estate.

"For commercial interests to succeed in combating a program that would preserve only a few areas unspoiled and succeed to such an extent as to bring about this kind of legislative proposal to restrict and control the preservers would be a gross perversion of a very good purpose.

"Substitute bill serves wilderness opponents

"The apparent effect of the provisions of the substitute would be to serve the interests of those who have opposed the wilderness program. Instead of ratifying sound wilderness-preservation accomplishments of administrative agencies to date and making these more orderly and more secure in accordance with the national purpose, this proposed substitute puts in jeopardy some of the areas and administrative policies now established. It would hamper the secure wilderness classification even of areas now being handled as wilderness.

"Even with regard to the very small remnants of our once vast wilderness that are now protected as wilderness, this substitute for the Wilderness Act mobilizes the forces that represent the developments in our civilization which make wilderness preservation difficult.

"Areas to run a gantlet

"Even our protected remnants of wilderness (with few exceptions) would be given congressional protection by the substitute only after running a gantlet and surviving the representations to be made after examination by county boards, State agencies, Bureau of Reclamation, Corps of Engineers, Bureau of Mines, and other Federal agencies (10 in all) who are to bring out every possible alternative to preserving even these comparatively few protected remnants. Many of these primarily represent user interests.

"Finally, as to the effects of this substitute, its section on 'Use of Wilderness Areas' actually takes care to provide for maximum possible nonconforming use of a wilderness. The Senate act already includes liberal special provisions to avoid unnecessary interferences. This substitute even would allow mining to continue in the wilderness areas of the national forest for another 10 years, and even thereafter the areas would continue to be examined for minerals.

"Thus the proposed substitute goes so far in providing for nonconforming uses as to threaten to frustrate the preservation as wilderness of even the areas that would survive the gantlet through which the substitute would require all proposed areas to be carried.

"Amendments proposed

"Study of the measure, however, shows that a series of amendments to restore provisions of the Saylor bill thrown aside by the subcommittee, and to remove damaging additions, can make of this proposed bill a sound measure to serve the public interest in wilderness preservation.

"These amendments are as follows, approximately in the order in which they occur in committee print No. 23:

"Proposed amendment No. 1: Take out 'Title I', drop the heading "Title II', and drop the '200' series in numbering sections: The separate legislation included as a title I rider for the wilderness legislation should be considered on its own merits. Wherever reference is made to 'Title I' the bill should be corrected. Thus on page 28 in line 6, the word 'title' should be changed to 'act.' On page 32 in lines 6 and 7, the words 'and notice, if any, required under title I of this act' should be removed. On page 33 in lines 11 to 13 the words 'which shall include, in addition to other pertinent data, the information required by section 103 of this act' should be removed.

"Proposed amendment No. II: Remove 5,000-acre limitation from the definition: In section 202(a), in item (3) of the second sentence of the definition the words 'has at least 5,000 acres of land and * * * therefore' have been added (p. 28, lines 22 to 25). The Senate act requires simply that the area be 'of sufficient size as to make practicable its preservation and use in an unimpaired condition.'

"This act does elsewhere use the 5,000-acre size as a criterion for a minimum national park system roadless area to be considered, and 5,000 acres has been the Forest Service minimum for wilderness classification (such areas being called 'wild areas'); but the addition of this formal requirement in a definition is questionable, for it seems to indicate that 5,000 acres is a large enough area or, on the other hand, that it is always a minimum. Some islands might be smaller but suitable. Some areas of 5,000 acres because of their surroundings might not qualify.

"It would be better to omit this addition or at least to delete the word 'therefore.' Requirement (3) of the definition (lines 22 to 25 on p. 28) should read as follows:

"'(3) is of sufficient size to make practicable its preservation and use in an unimpaired condition;'.

"Proposed amendment No. III: Clarify the definition by adding the omitted last sentence of the definition in Representative SAYLOR's H.R. 776: H.R. 776 has the following last sentence in its definition (sec. 1(d)), which is omitted in the proposed substitute: 'For the purposes of this act wilderness shall include the areas provided for in section 2 of this act and such other areas as shall be designated for inclusion in the National Wilderness Preservation System in accordance with the provisions of this act.'

"Without this sentence in the act's definition, in the absence also of definite declarations as to areas later, the phraseology in the proposed substitute's section 203(b) could be obstructive later.

"This is true because certain existing intrusions that literally or by nature do not conform to the first two sentences of the definition can be tolerated for practical purposes, and indeed are so tolerated in establishing the system in accordance with S. 174. Yet under the substitute bill's provisions such existing nonconformities could be used to frustrate inclusion of an area later.

"Accordingly, the following should be added (on p. 29, line 2) to section 202(a): 'For the purposes of this act, wilderness shall include the areas provided for in section 203 of this act and such other areas as shall be designated for inclusion in the national wilderness preservation system in accordance with the provisions of this act.'

"Proposed amendment No. IV: Provide for establishment of the wilderness system: In section 202(b) there is no establishment of the national wilderness preservation system, although the title does state the purpose of establishing such a system. Accordingly, on page 29, in line 6, following the comma and quotation marks after the word 'areas,' there should be inserted the words: 'shall comprise the National Wilderness Preservation System and.'

"Proposed amendment No. V: Limit provisions to Federal lands: In the last clause of section 202(b) the word 'lands' should be qualified to refer only to Federal lands (p. 29, line 12).

"Proposed amendment No. VI: Provide for immediate designation of areas as wilderness to be followed by review: Section 203(b) should be revised to provide for the immediate designation of the areas it refers to, with a provision for review over a 10-year period. As it is, this proposed substitute makes the same provision that was decisively defeated in the Senate for requiring separate action on each of all these areas that are now in fact protected as wilderness. They should be given legal status at once so as to continue to be protected until Congress determines otherwise.

"Section 203(b) should be changed to read as follows:

" '(b) The following federally-owned areas are hereby designated as wilderness areas subject to review as provided in section 204 of this act:'.

"In accordance with this amendment, the words 'section 203(a)' should be removed in lines 21–22 on page 36 and 8–9 on page 37 and in place thereof in each place there should be inserted the words 'or under the provisions.' The words 'or under the provisions of' should also be inserted after the word 'by' in line 10 on page 41.

"Subsections (2) and (3) of section 203(b) should also be changed to provide for the 5,000-acre criterion of roadless areas in refuge and park system units, by making the subsections read as follows, the added words being in black brackets:

" '(2) Roadless portions [comprising 5,000 acres or more] of parks, monuments, and other units of the national park system; and

" '(3) Roadless portions [comprising 5,000 acres or more, or islands,] within wildlife refuges and game ranges under the jurisdiction of the Secretary of the Interior on the effective date of this Act.'

"Proposed amendment No. VII: Provide for protection of areas under review until Congress determines otherwise: The areas involved in this legislation, there provided for in section 203 (a) and (b) of the substitute bill, are relatively few and all are within what is at present viewed as the Nation's wilderness preservation resource. These areas all should be protected as wilderness till Congress says otherwise.

"Section 204(a) should be revised to provide for continuing protection of each area until such time as Congress has determined otherwise. It might then read as follows (the added words being in black brackets):

" 'SEC. 204(a) To assist Congress in determining which of the areas described in section 203(b) shall [continue] to be designated at wilderness areas, the Secretary of the Department having jurisdiction of the lands involved shall, within 10 years after the effective date of this Act review the suitability of said areas for continued protection as wilderness and report annually his recommendations to the President and Congress, together with a map of each area and a definition of its boundaries. [The areas shall continue to be preserved as wilderness in accordance with the provisions of this Act until Congress, following the review hereby required, shall have determined otherwise.]'

"The word 'continued' should be inserted as the second word in line 25 on page 32. The words 'continue to' should be inserted after the word 'should' in line 7 on page 33. The words 'to continue' should be inserted at the beginning of line 1 on page 34.

"Proposed amendment No. VIII: Remove the requirement for reconsidering wilderness designations every 25 years: Section 205 on pages 34 and 35 should be removed in its entirety. A review every 25 years of wilderness areas, can only unreasonably subject to the pressures that make wilderness preservation difficult in our culture, the few areas established as wilderness for preservation. The Congress, of course, at any time in the future may change the designation of any area and can be expected to do so if this is desirable in the public interest.

"Proposed amendment No. IX: Make plain that the wilderness character of areas is to be preserved and that this is in accord with the purposes of the areas. Section 206 on 'Use of Wilderness Areas' should make plain that the areas involved must be so administered as to preserve their wilderness character. It should also make plain that such preservation is consistent with other purposes of the lands involved. This could be accomplished by including the first sentence in section 6 of Representative SAYLOR'S H.R. 776—the sentence already referred to in this statement.

"This would be accomplished by inserting at the end of line 7 on page 35, at the end of the first sentence in section 206(a), the following:

" 'Nothing in this act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the Wilderness System shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purpose as also to preserve its wilderness character.'

"Proposed amendment No. X: Correct mistake in providing for accommodations and installations in wilderness. In the second sentence of section 206(a)(3) a change in phraseology from what is substantially otherwise the same sentence in the Senate act makes a drastic and undesirable change. The accommodations and installations referred to would not be permissible 'in wilderness areas' as stated in this sentence in the proposed substitute. Instead of the phrase, 'in wilderness areas,' the sentence should have the words, 'in such designated areas,' referring to the designation of an area (as referred to in the preceding sentence) for roads, etc., as provided in H.R. 776. Accordingly, in line 3 on page 36 the word 'wilderness' should be removed and in its place inserted the words 'such designated.'

"Proposed amendment No. XI: Remove permission for mining but provide for mining and prospecting when in the national interest: Section 206(c)(2) with its proposed damaging permission of mining should be eliminated except that: (1) mining could be included in the possible authorizations set forth in section 206(d); and (2) the provision in the last sentence of section 206 (c)(2) providing for studies by the Geological Survey and Bureau of Mines would seem consistent with wilderness preservation and thus might be retained.

"This would be accomplished by the following amendment: Strike out in section 206(c)(2) all beginning on page 37, line 16, and ending on page 39, line 13, to the word 'designated' and all beginning in line 19 on page 39 with the word 'with' and continuing to the end. This would make the subsection read as follows:

" '(2) Designated and proposed wilderness areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.'

"Proposed amendment No. XII: Correct provisions for exceptions to be made in the national interest: Section 206(d) should be amended so as (1) to limit the wilderness areas involved to national forest areas, (2) to entrust to the President rather than the Secretary the authorizations, as the Senate determined after the change to a Secretary had been proposed in an amendment on the floor, and (3) to include provision for authorized mining when in the public interest. The first four lines would then read as follows, the added words in black brackets:

" '(d) Within [national forest] wilderness areas designated by this Act, (1) the [President] may, within a specific area and in accordance with such regulations as he may deem desirable, authorize [mining, prospecting,] prospecting for water resources," etc.

"Proposed amendment No. XIII: Bring grazing provision in line with Forest Service and Department of Agriculture established policy: In accordance with Forest Service and Department of Agriculture policy, the grazing proviso at the end of section 206(d), in lines 11 and 12 of page 40, should be removed; the word 'well' should be inserted before 'established' in line 8; and the words 'restrictions and' should be inserted after the word 'reasonable' in line 10. This would make the provision read as follows, the added words in black brackets:

" '(2) the grazing of livestock, where [well] established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable [restrictions and] regulations as are deemed necessary by the Secretary of Agriculture.'

"Proposed amendment No. XIV: Limit hunting provision to national forest areas: The special provision regarding hunting in section 206(h) should be limited to national forest areas, by inserting the words 'national forest' before the word 'wilderness' in line 10.

"Proposed amendment No. XV: Include provision for gifts: In the final subsection (section 207(d)) relating to acceptance of gifts, the Secretary of the Interior should be included as the Secretary of Agriculture, and the Senate provision for accepting contributions and gifts should also be included. This can be accomplished by inserting in line 15 on page 42 after 'Agriculture' the phrase 'and the Secretary of the Interior' and at the end of line 23 adding the following:

" 'The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept private contributions and gifts to be used to further the purposes of this act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein.' "

CONGRESS BACKS PRESIDENT'S WARNING TO COMMUNIST-DOMINATED CUBA, AND ITS MASTER, THE SOVIET UNION

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the betrayal of the Cuban revolution, and the transformation of Cuba into a Communist fortress and as a base for subversion and aggression against the countries of North, Central, and South America, is a threat that worries the American people.

If Khrushchev gets away with this, he will have scored a major psychological victory in the eyes of the world, and will be in a position to exert stronger pressures against the United States and all the other nations of the New World. By moving in Communist military forces that are cynically described as technicians, he is demonstrating his contempt for our lack of resolution, and is extending his initiative in the cold war. If he succeeds in consolidating his takeover of Cuba under the guise of "military assistance" he will be emboldened to miscalculate our weak and confused response as evidence that we will not stand up to him in Berlin or in other crucial areas of the world.

To avoid miscalculation that could lead to war, he must be served notice that he can go so far, but no further, in Cuba. The House of Representatives, in cooperation with the Senate, will pass a concurrent resolution in support of our President, to prove the unity of our Nation in opposition to this encroachment.

I speak for House Congressional Resolution 538, which I have submitted for consideration by the Committee on Foreign Affairs, aware that it reflects the purpose and meaning of many similar resolutions in the Congress to support the President in meeting this issue.

From the Monroe Doctrine of 1823, through the Rio Treaty of 1947, to the declaration by the Foreign Ministers of the Organization of American States at Punta del Este in 1962, we have progressed from a national to a hemispheric program to defend the Americas against any attempt on the part of extracontinental powers to extend their system to any of the American States, because we believe such atttempts to be dangerous to our peace and safety. We prefer to meet such threats only in consultation and agreement with the 21 Latin American Republics, and consistent with article 51 of the Charter of the United Nations which recognizes the inherent right of individual or collective self-defense.

But if the Communist military buildup in Cuba should threaten the United States or any Latin American Republic, and if the Organization of American States should fail to take effective counteraction, the United States must be prepared to eliminate this menace to our security and our freedoms. We shall, under these circumstances, and as President Kennedy says, use whatever force is required to defeat or overthrow Castro, the tool of Communist imperialism. The resolution follows:

Be it resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States is supported in his determination and possesses all necessary authority—

(a) to prevent by whatever means may be necessary, including the use of arms, the Castro regime from exporting its aggressive purposes to any part of this hemisphere by force or threat of force;

(b) to prevent in Cuba the creation or use of an externally supported offensive military base capable of endangering the U.S. naval base at Guantanamo, free passage to the Panama Canal, U.S. missile and space preparations or the security of this Nation and its citizens; and

(c) to work with other free citizens of this hemisphere and with freedom-loving Cuban refugees to support the legitimate aspirations of the people of Cuba for a return to self-determination.

A TAX BREAK FOR HOMEOWNERS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, I rise today to appeal for the support of my colleagues in urging that any tax revisions being considered by the administration and by the Ways and Means Committee of this House include a break for the homeowner who is solely neglected, taxwise.

I have introduced several bills aimed at a more realistic and equitable revision of existing tax laws covering many facets of our tax structure. Three in particular, which I stress today, call for direct tax benefits for homeowners.

This legislation, H.R. 12174, H.R. 5709, and H.R. 11775, would, first, allow for a reasonable deduction for the normal wear and tear on a taxpayer's residence; second, permit the homeowner a deduction of up to $750 for necessary home repairs and improvements; and, third, exclude from taxation any profit made by a homeowner over 60 years of age on the sale of his residence.

Mr. Speaker, it is high time that homeowners were given this sorely needed, long overdue consideration. A depreciation allowance would provide the incentive for a homeowner to keep his residence from deteriorating and would encourage him to remodel and restore. Such an allowance would permit an owner to depreciate his residence over a period of years, based on its reasonable value and estimated life. It would also help maintain the high standards of our neighborhoods.

The present law permits a depreciation deduction only for property used in a trade or business, or held for the production of income. My legislation would not change these present provisions, but would extend them to cover residences as well. For some time now there has been a need for the tax laws to recognize the wear, tear, and obsolescence of homes.

My second bill offers another approach to alleviate this burden of the homeowners and at the same time help to spur the economy. This bill would permit a deduction of up to $750 per tax year for special expenses incurred for home repairs and improvements. Such needs as painting, papering, carpentry, plumbing and electrical work, and roofing and glazing would be included. Under this proposal, the homeowner would be able to itemize on his tax return his cost for repairs and improvements—up to $750—in the same way he now deducts the interest paid on his mortgage.

The use of a homeowner's income for the improvement of his residence not only betters his family's own living, but helps maintain the neighborhood in which he lives. This constitutes a direct personal contribution by the taxpayer to the community, and reduces the need for public expenditures to rehabilitate rundown areas. I think that in thus performing a service for himself and his community, the homeowner should be granted a tax break.

Approval of my third tax-reform bill would be in the interest of equity, fairness, and commonsense. This measure would exempt a person 60 years or older from payment of a capital gains tax on the sale of a residence which he has held for at least 5 years. Under present law, such a sale requires payment of capital gains on the difference between what the owner paid for the house and the sale price—unless he buys another home within a limited period of time. The levy is one-half the regular income tax rate, up to a maximum of 25 percent.

The typical family buys a large house while the children are young and living at home, but then the parents find it a burden as the children marry and retirement nears. Many such couples would like to move, but the capital gains levy takes such a big chunk out of their funds that these plans are often thwarted.

These tax considerations could stimulate new activity in home building, and in home repairs and improvement. Moreover, any direct revenue loss to the Government will be more than restored in one way or another. Maintaining a home at its best level will spur business and boost the economy. In turn, the community, the city, and the Nation will benefit. Such tax considerations will also provide a boom in homeownership and contribute greatly to strong, vital communities which are the very best roots of a strong America.

There is considerable talk about tax cuts to stimulate spending and restore a healthy economy. If any segment of the American population is entiled to consideration, it is those who assume the responsibilities of ownership. Their risks are great, and their expenses are ever mounting.

My legislation would help relieve them of some of this burden and would at the same time, help maintain and increase home and neighborhood values, as well as act as a spur to the economy through increased spending.

Mr. Speaker, I call upon my colleagues in this House to back my efforts and to urge the House Ways and Means Committee to act favorably on these proposals.

STATUS OF THE APPROPRIATION BILLS OF THE 2D SESSION, 87TH CONGRESS

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a table.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, for the information of Members and others who may be interested, I include a down-to-date résumé of the appropriation bills of the session processed through the Committee on Appropriations. Only the customary closing supplemental bill remains to be reported to the House.

The tabulation discloses the current status of each bill.

We should note that permanent appropriations which recur without annual action by the Congress are not included. And in this session, back-door appropriation bills have diminished substantially as compared to last year.

Table of appropriation bills, 87th Cong., 2d sess., as of Sept. 21, 1962

[Does not include any back-door appropriation bills. Also excludes permanent appropriations]

Bill No.	Title	House						Senate				Final action—Amount as approved	Increase or decrease compared to budget estimates to date
		Budget estimates to House	Amount as reported	Amount reported compared with budget estimates	Amount as passed	House action compared with—		Budget estimates to Senate	Amount as passed	Senate action compared with—			
						Budget estimates	Amount reported			Budget estimates	House action		
	1962 SUPPLEMENTALS												
H.J. Res. 612	Veterans' Administration	$151,200,000	$55,000,000	−$96,200,000	$55,000,000	−$96,200,000		$151,200,000	$55,000,000	−$96,200,000		$55,000,000	−$96,200,000
H.R. 11038	2d supplemental	[1] 503,265,000	431,807,000	−71,458,000	447,514,000	−55,751,000	+$15,707,000	[1] 522,231,929	560,008,344	+37,776,415	+$112,494,344	373,550,689	[2] −148,681,240
H.J. Res. 745	Supplemental [3]		(133,259,929)		(133,259,929)				(277,222,429)				
	Total, 1962 supplementals	654,465,000	486,807,000	−167,658,000	502,514,000	−151,951,000	+15,707,000	673,431,929	615,008,344	−58,423,585	+112,494,344	428,550,689	−244,881,240
	1963 APPROPRIATIONS												
H.R. 10526	Treasury-Post Office	5,575,386,000	5,461,671,000	−113,715,000	5,461,671,000	−113,715,000		5,575,386,000	5,526,558,000	−48,828,000	+64,887,000	5,489,781,000	−85,605,000
H.R. 10802	Interior [4]	930,674,000	868,595,000	−62,079,000	868,595,000	−62,079,000		932,674,000	922,560,820	−10,113,180	+53,965,820	885,362,000	−47,312,000
H.R. 10904	Labor-HEW	5,284,831,000	5,170,788,000	−114,043,000	5,170,788,000	−114,043,000		5,386,363,100	5,380,958,000	−5,405,100	+210,170,000	5,334,609,500	−51,753,600
H.R. 11151	Legislative	114,078,425	113,733,890	−344,535	113,733,890	−344,535		146,913,210	146,690,690	−222,520	[8] +32,956,800	146,477,270	−435,940
H.R. 11289	Defense	47,907,000,000	47,839,491,000	−67,509,000	47,839,491,000	−67,509,000		47,907,000,000	48,429,221,000	[5] +522,221,000	+589,730,000	48,136,247,000	+229,247,000
H.R. 12276	District of Columbia	(299,134,478)	(290,059,000)	(−9,075,478)	(290,059,000)	(−9,075,478)							
	Federal payment	35,199,000	33,199,000	−2,000,000	33,199,000	−2,000,000							
	Loan authorizations	(26,042,000)	(26,042,000)		(26,042,000)								
H.R. 12580	State, Justice, Commerce, Judiciary [6]	2,004,178,000	1,902,065,700	−102,112,300	1,901,215,700	−102,962,300	−850,000						
H.R. 12648	Agriculture	6,354,783,000	5,477,092,500	−877,690,500	5,475,842,500	−878,940,500	−1,250,000	6,354,783,000	4,774,983,000	−1,579,800,000	−700,859,500		
	Loan authorizations	(805,000,000)	(805,000,000)		(805,000,000)			(805,000,000)	(820,000,000)	(+15,000,000)	(+15,000,000)		
H.R. 12711	Independent offices [7]	12,560,063,500	11,501,141,000	−1,058,922,500	11,501,141,000	−1,058,922,500		12,580,269,500	11,801,590,000	−778,679,500	+300,449,000		
H.R. 12870	Military construction	1,594,729,500	1,369,741,000	−224,988,500	1,369,741,000	−224,988,500		1,594,729,500	1,350,501,000	−244,228,500	−19,240,000	1,319,114,500	−275,615,000
H.R. 12900	Public works	4,745,332,000	4,613,807,900	−131,524,100	4,613,807,900	−131,524,100							
H.R. 13175	Foreign assistance	7,335,029,000	5,956,852,000	−1,378,177,000	5,956,852,000	−1,378,177,000							
	Supplemental												
	Total, 1963 appropriations	94,441,283,425	90,308,177,990	−4,133,105,435	90,306,077,990	−4,135,205,435	−2,100,000	80,478,118,310	78,330,062,510	−2,145,055,800	+532,059,120	61,311,591,270	−231,474,540
	Total, all appropriations	95,095,748,425	90,794,984,990	−4,300,763,435	90,808,591,990	−4,287,156,435	+13,607,000	81,151,550,239	78,948,070,854	−2,203,479,385	+644,553,464	61,740,141,959	−476,355,780
	Total, loan authorizations	(831,042,000)	(831,042,000)		(831,042,000)			(805,000,000)	(820,000,000)	(+15,000,000)	(+15,000,000)		

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[1] Adjusted to reflect rescission of $44,637,000 for Civil Service Commission proposed in H. Doc. 333 but not acted upon by Congress.

[2] Of this amount, $117,457,000 which was originally provided for fiscal year 1962 costs eliminated by H. Con. Res. 505 as no longer required.

[3] Included primarily deficiency items contained in 2d supplemental, 1962 (H.R. 11038) considered necessary to enable certain agencies to finish out fiscal year. Not sent to conference or enacted into law.

[4] Includes borrowing authority as follows: Budget estimate, $20,000,000; House reported and passed, $6,000,000; Senate reported and passed, $20,000,000.

[5] Includes $514,500,000 in new obligational authority in lieu of utilizing the sum of $514,500,000 appropriated for the current year for the procurement of long-range bombers, as proposed in the President's budget.

[6] Includes comparability adjustment of $115,480,000 for borrowing authority replaced by appropriation.

[7] Includes comparability adjustments of $34,427,500 for contract authorization and borrowing authority replaced by appropriations.

[8] Consists largely of Senate items not included in bill as passed House.

NOTE.—Indefinite appropriations in the bills are included in this table.

REPORT ON DEFENSE SUPPLY AGENCY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I wish to call to the attention of the Members House Report No. 2440, entitled "Defense Supply Agency," which was adopted unanimously by the Committee on Government Operations on September 19, 1962.

This report, prepared by the Military Operations Subcommittee, of which I am chairman, discusses the background, establishment, and operations of the Defense Supply Agency of the Department of Defense. The committee takes the position that Secretary of Defense McNamara has authority under existing law to establish such a supply agency, and also that Congress favors strong leadership and positive action for improved supply management.

House Report No. 2440 describes the operation and organization of the new Defense Supply Agency for handling procurement and distribution of common supplies and services. Since January 1962 the Agency has taken over nine single manager-type agencies and other newly centralized functions.

The Defense Supply Agency now manages wholesale procurement and distribution of food, clothing, medical, petroleum, general, industrial, automotive, construction, and electronics supplies. It also performs such common service functions as traffic management, cataloging, standardization, materiel utilization, and surplus property disposal.

The report discusses savings estimates and benefits expected to flow from the establishment of the DSA. It recommends a number of steps to be taken by the Department of Defense to assure the achievement of greater savings and efficiency. Among other things, it underlines the need for increased efforts on standardization and the utilization of long supply, excess, and surplus stocks of materiel in lieu of new procurement.

The report discusses the future of DSA in these terms:

> The future of DSA is tied to the evolution of the Defense Establishment as a whole in adjusting to new and ever-changing weapon technologies. For the foreseeable future, its status and role are as certain as those of the military departments, and its particular interest and concern are to manage well those supply and service functions which lend themselves to central management.

Among the areas which have been suggested and studied for inclusion in DSA central management are industrial production equipment, chemical supplies, and aeronautical supplies. I hope that our report will have some weight in urging any military departmental representatives who may oppose the DSA merely for the sake of habit and inertia to get down to work on careful study of these problems. The report affirms that long-standing military specialties should not be casually reshuffled without the most serious consideration and study. But after such consideration and study is completed, better management methods must be undertaken where they are beneficial to the Department of Defense and the Nation in the interest of economy and efficiency.

House Report No. 2440 is the fourth of a recent series of reports on military supply management that have been prepared by the Military Operations Subcommittee, in which we have supported the development of the single manager plan into what has become the Defense Supply Agency and other defense components.

In 1959 the subcommittee held hearings on the single manager agencies, and published House Report No. 674, 86th Congress, 1st session. At that time, there were only four single manager operating agencies, the ones for food and clothing supplies in the Army, and the ones for medical and petroleum supplies in the Navy, and the petroleum agency was really only a procurement office rather than a single manager agency with broader functions in distribution and supply.

A number of recommendations were contained in House Report No. 674, intended to encourage further study and extension of the single manager plan for other commodities, areas, and uses.

In 1960 the subcommittee held further hearings and issued House Report No. 2042, 86th Congress, 2d session. By that time, decisions had been made on four new single manager assignments—to the Army for general, automotive, and construction supplies, and to the Navy for industrial supplies. In addition, other smaller commodities were added to the original assignments in these areas.

In its concluding observations, the report said that a key attribute of the single manager plan was the delegation of tasks to one military officer to carry out for the benefit of all the services. While not advocating a fourth service of supply, it pointed to the need for uniform agency procedures and for a uniform distribution system in light of the growing proportion of items and dollars coming under single management and the growing complexity of even eight separate single manager supply systems.

The report also said that the single manager approach was a short cut to bigger tasks. The future supply organization should be based on the needs of the military command organization of the decade ahead.

In 1961, the Military Operations Subcommittee held further hearings and issued House Report No. 1214, 87th Congress, 1st session. That report was concerned with the programs through which the military services exchange assets which may be in long supply, excess or surplus in one, but badly needed in another service. The report said that there should be increasing effort toward getting the most out of the public dollar already spent, and called for aggressive planning and direction to achieve better results. At that time, the subcommittee stated that it would give continuing attention to the newly announced Defense Supply Agency and hold further hearings after the Agency was organized and in operation.

That intention has been carried out now with the adoption of House Report No. 2440. The subcommittee will continue to examine all aspects of military supply management that require attention and improvement.

THE STATE OF OHIO HAS ACCEPTED THE CHALLENGE OF EDUCATING ITS OWN YOUTH ON THE HIGHER LEVELS OF LEARNING

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, the several States have long recognized the need, and accepted the responsibility, for aiding the worthy student to obtain a college education. One such means of fulfilling this obligation has been for States to create State universities which are open to students at nominal rates of tuition. In some States, every accredited high school graduate has the right to matriculate. In others, those graduates possessing a prescribed scholastic rating are admitted. In addition, there is a growing trend in a number of States toward establishing junior colleges, either on the State or municipal level, to meet the educational needs of their student populations. These institutions, in turn, generally offer instruction at modest rates of tuition. Finally, many States have initiated programs to financially aid students who, for one reason or another, are in need of financial assistance in order to meet their educational expenses.

The State of Ohio has been a pioneer in assisting worthy students with grants of aid and liberal guaranteed loans at low interest rates. These programs have developed from a recognition by the people of Ohio and their elected representatives that the intelligent student, in particular, is a major asset to our advanced civilization, and should not be denied a higher education for lack of financial resources. By the same token, the people of Ohio and their elected representatives recognize that education is a function of society which is best supported and managed by and within the local communities—whether on the city, county, or State level. For, if local communities themselves will not properly bear this burden, education will gravitate to the Federal level where variety, experimentation, and a free range of thought are likely to be eliminated.

In meeting this burden, the Legislature of the State of Ohio has enacted at least two progressive programs which have gone far toward aiding the college student on the State level, and with State or private funds.

The last of such programs may be popularly called the Student Loan Guarantee Act of 1961—title 33, sections 3351.05 to 3351.13 of Ohio's Revised Code. Through this legislation, there was created an Ohio Higher Education Assistance Commission. The purpose of this commission, as stated in the act, "is to make available to residents (of Ohio) improved opportunities for higher education and to improve the general health and welfare by raising the educational levels of such residents."

The commission is charged with the duty of administering a fund which is financed through State appropriations and private donations. By means of this fund the commission is authorized to guarantee loans made by banks located in Ohio to students who are attending or plan to attend institutions of higher learning. For each dollar contained in the loan guarantee fund, the commission is authorized to guarantee loans equaling 15 times the total value of funds, investments, properties, and other assets entrusted to the commission. Although the program was not enacted until late October of 1961 and the administrative machinery was not fully set up until the summer of this year, the commission has already converted the initial $100,000 State appropriation into guaranteed loans of $500,000. Over 216 banks located in Ohio are presently participating in the program encompassing 84 of the State's 88 counties. Additional banks are expected to rapidly join in the participation, while the commission expects to fully pledge its $1,500,000 loan guarantee fund by the spring of 1963. As additional State appropriations are made and as private businesses, trusts and individuals submit contributions, the commission is expected to have outstanding loan guarantees extending into millions of dollars and to be assisting the education of thousands upon thousands of Ohio youths.

Under this legislation, any student who is a resident of Ohio and is enrolled or has applied for enrollment in an accredited college or university located in Ohio may obtain a loan to meet his higher educational expenses so long as the student meets "minimum academic standards established by the commission" which give reasonable assurance that the student is "able to complete satisfactorily a course of study in higher education." Each student who so qualifies shall be entitled to a loan guarantee of 80 percent of the unpaid principal and interest on the loan and loan guarantees may accrue to $1,000 per year and $5,000 in outstanding balance. The interest to be charged by a bank may not exceed 5½ percent per year and from this charge the lending institution must pay over to the commission 0.5 percent per year to assist in meeting the expenses of the commission. Finally, age is specifically excluded as a condition for a loan whether a person be under 21 years of age or otherwise.

From this it may be seen that the people of the State of Ohio are willing and able to meet the burden of educating their own children and to accept today's need, as responsible citizens, to provide trained and self-reliant youths for tomorrow's challenge. These citizens have not sat idly by to await Federal handouts. In a like manner, most if not all of the other States of the Union are equally willing and desirous of shouldering the same responsibility. For, if there is one thing certain, it is that the strength and preservation of our Nation is best maintained when its people are free of the deadening effect of centralized education.

I commend the analysis of Ohio's Student Loan Guarantee Act to everyone who is interested in promoting higher education through State and local action. The act is as follows:

3351.05. Ohio higher education assistance commission.

There is hereby created a commission to be known as the "Ohio Higher Education Assistance Commission." The purpose of such commission is to make available to residents of this State improved opportunities for higher education and to improve the general health and welfare by raising the educational levels of such residents by guaranteeing loans made to persons who are attending or plan to attend institutions of higher education, when such loans are made to assist such persons in meeting their expenses of higher education in accordance with the provisions of sections 3351.05 to 3351.13, inclusive, of the revised code (129 v H 618. Eff. 10–27–61).

3351.06. Membership and organization.

The Ohio Higher Education Assistance Commission shall be composed of nine members, to be appointed by the Governor with the advice and consent of the senate for terms of 3 years, except that of the members first appointed three members shall serve for a term ending on the second Monday in February 1962, three for a term ending on the second Monday in February 1963, and three for a term ending on the second Monday in February 1964. Two members of the commission shall be representatives of institutions of higher education, one member shall be a representative of secondary schools, and three members shall be representatives of banks. Upon the expiration of the term of office of a member of the commission, his successors shall be appointed by the Governor, with the advice and consent of the senate, for a term of 3 years. Vacancies shall be filled by appointment to the unexpired terms.

The Governor shall designate the chairman of the commission. The commission shall elect, from its own members each year, a vice chairman and such other officers as it deems necessary. Members of the commission shall receive no compensation for their services but shall be reimbursed for their necessary expenses actually incurred in the conduct of the business of the commission.

The commission shall provide for the holding of regular and special meetings. A majority of the commissioners shall constitute a quorum for the transaction of any business and, unless a greater number is required by the rules of the commission, the act of a majority of the commissioners present at any meeting shall be the act of the commission.

The commission shall adopt rules for the conduct of the commission and may appoint such officers and employees as necessary and may fix their compensation and prescribe their duties (129 v H 618. Eff. 10–27–61).

3351.07. Powers and duties.

(A) The Ohio Higher Education Assistance Commission may:

(1) Guarantee the loan of money, subject to the requirements of section 3351.06 of the revised code and upon such other terms and conditions as the commission may prescribe, to persons attending or planning to attend institutions of higher education to assist them in meeting their expenses of higher education including graduate education;

(2) Reject or take, hold, and administer, on behalf of the commission and for any of its purposes, real property, personal property, and moneys, or any interest therein, and the income therefrom, either absolutely or in trust, for any purpose of the commission. The commission may invest its funds in any investments in which funds of the public employees' retirement system may be invested pursuant to section 145.11 of the revised code. The commission may acquire property or moneys for its purposes by the acceptance of gifts, grants, bequests, devices or loans: *Provided, however,* That no obligation of the commission shall be a debt of the State, and the commission shall have no power to make its debts payable out of moneys except those of the commission;

(3) Enter into such contracts as may be desirable with institutions of higher education, upon such terms as may be agreed upon between the commission and the institution, to provide for the administration by such institution of any loan or loan plan guaranteed by the commission, including applications therefor and repayment thereof;

(4) Enter into contracts with any bank as defined in section 1101.01 of the revised code, upon such terms as may be agreed upon between the commission and the bank, to provide for the administration by such bank of any loan or loan plan guaranteed by the commission including applications therefor and terms and repayment thereof, and to establish the conditions for payment by the commission to the bank of the guarantee on any loan. A loan shall be defaulted when the bank makes application to the commission for payment on the loan stating that such loan is in default in accordance with the terms of a contract executed under this paragraph;

(5) Sue and be sued in the name of the commission;

(6) Collect loans guaranteed by the commission on which the commission has met its guarantee obligations;

(7) Adopt rules and regulations, not inconsistent with the provisions of sections 3351.05 to 3351.13, inclusive, of the revised code, governing the guarantee of loans made by the commission, and governing any other matters relating to the activities of the commission;

(8) Perform such other acts as may be necessary or appropriate to carry out effectively the objects and purposes of the commission.

(B) The Ohio Higher Education Assistance Commission for the purposes of sections 3351.05 to 3351.13, inclusive, of the revised code, shall:

(1) Establish standards to determine minimum academic capacity of students to satisfactorily complete a course of study;

(2) Approve institutions of higher education in which students must be enrolled or apply for enrollment in order to be eligible for guaranteed loans (129 v H 618. Eff. 10–27–61).

3351.06. Student loan guarantees.

The Ohio Higher Education Assistance Commission is empowered to guarantee loans made to students of institutions of higher education subject to the following conditions and limitations:

(A) A person may be eligible for a loan guaranteed by the commission if:

(1) He is a resident of Ohio;

(2) He is determined by the commission, in accordance with the minimum academic standards established by the commission, to be able to complete satisfactorily a course of study in higher education;

(3) He is enrolled or has applied for enrollment at an institution of higher education of his choice which is approved by the commission.

(B) The aggregate value of all loans guaranteed and outstanding at any one time shall not exceed 15 times the total value of funds, investments, properties, and other assets of the commission.

(C) No loan to any person shall be guaranteed to an amount in excess of $1,000 for any school year nor shall the total outstanding guarantees of loans to any person exceed $5,000 at any one time.

(D) The guarantee shall be for 80 percent of the unpaid principal and interest on each loan.

(E) The interest charged on any guaranteed loan including the charge required by paragraph (F) of this section shall not exceed 5½ percent per year.

(F) Each guaranteed loan shall carry a special interest charge of one-half of 1 percent per year which shall be paid to the commission by the institution or bank making the loan. The special interest charge shall be for the purpose of meeting the expenses of the commission and maintaining the funds available to the commission to guarantee loans. Whenever, after October 1, 1966, the aggregate value of all loans guaranteed and outstanding at one time is less than 10 times the total value of funds, investments, properties, and other assets of the commission, the commission shall pay to the general revenue fund of the State not less than $25,000 nor more than a sum equal to one-fourth of the commission's assets, but the cumulative total of all such payments shall, in no instance, exceed the total amount of appropriations made by the State to the commission.

Provided, guarantees made in violation of these conditions and limitations shall not be invalid by reason of such violation (129 v H 618. Eff. 10-27-61).

3351.09. Age does not bar loan.

Any person otherwise qualifying for a loan guaranteed by the Ohio Higher Education Assistance Commission shall not be disqualified by reason of his being under the age of 21 years, and for the purpose of applying for, receiving, and repaying such a loan any such person, notwithstanding the provisions of section 3109.01 of the revised code, shall be deemed to have full legal capacity to act and shall have all the rights, powers, privileges, and obligations of a person of full age with respect thereto (129 v H 618. Eff. 10-27-61).

3351.10 Tax exemption.

All property and income of the Ohio Higher Education Assistance Commission used exclusively for the purposes of sections 3351.05 to 3351.13, inclusive, of the revised code shall be exempt from all taxes and assessments (129 v H 618. Eff. 10-27-61).

3351.11 Examination by superintendent of banks.

The Ohio Higher Education Assistance Commission shall be subject to examination by the superintendent of banks, but shall not be deemed to be a banking organization nor required to pay a fee for any such supervision or examination. The commission shall make an annual report of its condition to the Governor, the general assembly and the superintendent of banks on or before the first day of March (129 v H 618. Eff. 10-27-61).

3351.12 Dissolution.

The Ohio Higher Education Assistance Commission shall not be dissolved until all loans guaranteed have been paid by the borrower, or if in default, by the commission. Thereafter, upon dissolution of the Ohio Higher Education Assistance Commission, or the cessation of its activities, all the property and moneys of such commission shall be vested in the State of Ohio and credited to the general revenue fund (129 v H 618. Eff. 10-27-61).

3351.13 Acceptance and use of funds.

The Ohio Higher Education Assistance Commission shall accept any contributions or subsidies made to it from State funds and shall use the funds to meet administrative expenses and provide a reserve fund to guarantee loans made pursuant to sections 3351.05 to 3351.13, inclusive, of the revised code (129 v H 618. Eff. 10-27-61).

DENIAL OF FEDERAL FUNDS TO CERTAIN EDUCATIONAL INSTITUTIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 10 minutes.

Mr. RYAN of New York. Mr. Speaker, our Nation was founded on the bold principle that every individual regardless of his race, creed or color should have an equal opportunity to develop his capacities to the fullest extent possible. The philosophy of education in America has reflected this principle. Our educational system incorporates the idea that every individual has a right to develop his potentialities. Education is vital to the safeguard and progress of our free and democratic society. We have won worldwide respect for our dedication to the principle of human dignity and development and for our educational system.

It is most distressing to note, however, that 100 years after the Emancipation Proclamation, the bold and dynamic philosophy of education in this Nation is still challenged by some educational institutions which restrict admissions because of race, creed, color, and national origin. It is even more distressing to note that the Federal Government through various programs of assistance has made substantial contributions to institutions which, even since the historic 1954 Supreme Court decision, have refused to eliminate their racial admission practices.

Mr. Speaker, today I have introduced a bill which provides that no Federal funds shall be awarded to any educational institution "which refuses to admit any individual as a student, or to permit any individual to continue in attendance as a student, on account of such individual's race, religion, color, ancestry, or national origin." It is regrettable that the unyielding and irrational actions of some institutions necessitate such action. Yet, I do not think that Federal tax revenues received from all citizens should be awarded to a school which is not only in open defiance of the Supreme Court but is flouting the basic tenets upon which this Nation was founded. It is not the purpose of this proposal to impose a penalty, although in some instances it will no doubt result in financial loss for some schools. I am basically concerned, however, that national support in the form of Federal funds not be given to an institution which does not comply with our laws and with our basic principles.

We are all very much aware of recent events which have served to underscore the need for this legislation. The Governor of Mississippi has directed the Mississippi Board of Trustees of State Institutions of Higher Learnings not to obey a Federal court order to register a Negro student at the University of Mississippi. At the same time, the university is receiving Federal funds for its educational program. I do not understand how the Governor can rationalize his action. He is unwilling to acknowledge the law of the land as declared by the Supreme Court; and he is urging State education officials to ignore a Federal court order, but the university continues to receive Federal funds. These funds have been substantial.

In response to a questionnaire from the House Committee on Education and Labor, the University of Mississippi reported receiving Federal funds in the amount of $73,688 between the summer of 1959 through the academic year 1961-62 for counseling and guidance training institutes under the National Defense Education Act. It is interesting to note that in replying to the questionnaire the university reported the status of desegregation as nonrestricted. The university also reported to have received $95,000 in Federal funds for national defense graduate fellowships between 1959-63. In response to the questionnaire about the graduate fellowship program the university made no reply about the status of desegregation. In addition, $67,686 of Federal funds went to the university for the NDEA language institute program from the summer of 1959 through the academic year 1961-62, and again the university reported the status of desegration as nonrestrictive. The Federal funds from these programs total $236,374.

The fact that the public supports the University of Mississippi by large Federal expenditures points out the need for the proposed legislation. The University of Mississippi, however, is but one example, for, as we all know, there are other educational institutions receiving public support while flouting public law. The enactment of this legislation would clearly tell these institutions that the citizens of the United States will not tolerate segregation.

Mr. Speaker, we cannot expect to make continued progress in the accomplishment of our basic goals unless we are willing to take positive action to carry cut our convictions. The bill I have introduced today represents such action.

THE STATE DEPARTMENT'S CULTURAL EXCHANGE PROGRAM MUST BE OVERHAULED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. Widnall] is recognized for 20 minutes.

Mr. WIDNALL. Mr. Speaker, should a comedian sent abroad under the Cultural Exchange Act get a bigger salary than the Vice President of the United States, generals, admirals, Federal judges, and Cabinet officers?

Some performing artists and comedians participating in these cultural exchanges under the Mutual Educational and Cultural Exchange Act of 1961 have been paid by the United States at weekly rates approximately twice the weekly rates of the aforementioned persons.

Internal wrangling in at least one group of comedians sent abroad under this program, in which the star of the show was paid $1,200 a week for the duration of the tour, reached such proportions as to reflect adversely on the United States.

It is important to note that many top stars of our country are not subsidized by the Federal Government under this program, only some stars receive $1,500 a week. There does not seem to be any reason why some stars are subsidized and some are not.

Danny Kaye, Bob Hope, Ed Sullivan, and other top performers, as well as famous cartoonists, have contributed their services through the USO—United Service Organizations—and through the Department of Defense. College and university drama and music groups at Princeton University, the Catholic University of America, the University of Delaware, George Washington University, and so on, contribute their services, and entertain, free of charge, U.S. troops stationed overseas through arrangements with the Department of Defense.

Famous authors, composers, painters, sculptors, and creative artists generally, are excluded from the cultural exchange program and are not among those artists favored with this $1,500-a-week Federal subsidy which is reserved for those artists fortunate enough to be in the performing arts category.

The fact that a star may be paid $5,000 and up for a cigarette commercial, $10,000 a week at Las Vegas, $50,000 to $100,000 for one TV show, or $1 million and more for work in a motion picture in no way justifies a Federal salary of $1,500 a week.

While $1,500 a week may appear to be modest to upper-bracket performers, it does not seem reasonable to farm families and other Americans who are called upon to pay these fantastic Federal salaries with tax dollars they could much better use to feed, clothe, and educate their children.

Most people I have talked to about this feel that $1,500-a-week Federal subsidies which the State Department pays a few favored artists is carrying President Kennedy's concern for the arts to ridiculous lengths. This is, indeed, Federal subsidy for the arts with a vengeance. Unless a ceiling is put on Federal salaries paid under the authority of the Mutual Educational and Cultural Exchange Act of 1961, it will only be a matter of time until we will find ourselves paying some artists $1 million a year.

All Americans know that General Eisenhower, General Marshall, General MacArthur, Admiral Halsey, and other top officers were paid at the rate of $20,000 a year while developing the plans and leading the campaigns which won World War II.

This New Frontier art subsidy program favors some artists, while excluding others. In any event, it has gone too far.

I have recently introduced House Joint Resolution 858 to amend the Mutual Educational and Cultural Exchange Act of 1961 to limit the rate of compensation for performing artists and comedians participating in educational and cultural exchange programs to rates of pay of members of the President's Cabinet, generals and admirals of the Armed Forces, Federal judges, and the Vice President of the United States.

I have been receiving letters, editorials, and news items from around the country which indicate that my position has broad general support throughout the country.

I invite those of my colleagues who are interested in this matter to join with me trying to bring some reason to bear in the management of this cultural exchange program.

I include herewith for the information of my colleagues two letters which will serve to shed further light on this subject which so badly needs to have some light shed on it.

Also included as part of my remarks is an editorial just handed me by our colleague the gentleman from Oregon [Mr. Norblad] and an article distributed by United Press International which was published in the Paterson, N.J., Evening News on August 18, 1962.

In addition I have included the text of my House Joint Resolution 858.

American National Theater
and Academy,
New York, N.Y., September 4, 1962.

The Honorable William B. Widnall,
House of Representatives, Congress of the United States, Washington, D.C.

My Dear Congressman Widnall: Thank you for sending me a copy of your proposed measure, House Joint Resolution 858, regarding the rate of compensation for performing artists who participate in our cultural exchange program. I have read it with interest and although I approve of it in principle for the average artist, I believe it is entirely unreasonable for a top stellar name celebrity.

I am sure you are aware that the State Department, in order to amortize the large transportation costs involved, theorizes that it is necessary for a company to perform a minimum of 12 weeks—preferably more—in order to earn mileage and reduce the per performance costs. No actor or musician can ever count on 52 weeks of work in any 1 calendar year due to the instability of theatrical business and the limitations of concert seasons. A 30-week annual earning period is considered better than average.

Therefore a top performing star who has acquired a career involving its attendant expenses, could not be expected to make himself or herself available for 20 weeks for an income of only $8,500. You are aware, of course, that the artists on all of our State Department tours pay all of their own living expenses (i.e., board and lodging). In many countries the cost of hotels, etc., have reached astronomical heights (e.g., the new countries in Africa, and in South America and some countries in the Far East). Also, their home responsibilities—apartments, families, etc.—cannot be waived.

It is not unusual for a musical comedy star to be paid $10,000 a week in Las Vegas. A dramatic star will be paid between $50,000 and $100,000 for one appearance on television. These stars would have to forfeit these very high salaries at the peak of what are necessarily short-lived careers if they accepted a President's program tour.

If it were possible to send out a company for 2 or 3 (or even 4) weeks, I believe we could persuade the top artists to make that much of a contribution. The $425 you propose would take care of their living expenses on tour, and there would remain enough time during the rest of the year to take care of their stateside responsibilities. This has been the case with stars like Danny Kaye, Bob Hope, etc., who have gone out under the USO for 10 days or 2 weeks. Did you realize that Helen Hayes toured for the State Department for 39 weeks in 1 fiscal year? It is conservative to believe that she forfeited a minimum of $50,000 in so doing.

The very valuable angle of your resolution is wherein it applies to the middle-bracket earners. Artists who make between $500 and $1,000 per week at home should evaluate the prestige and patriotic contribution and agree to accept your proposed weekly compensation of $425. Any in this category who cannot agree would be replaceable.

Therefore, my overall comment on the measure is that it should exclude those very top caliber, one-of-a-kind performing artists who can surely prove that their weekly compensation is no more than one-half of their average annual weekly earning power. In the light of the Government's reasons for wanting these tours, we must regard artists as any other commodity in the cold war or foreign-aid program for which the Government must expect to pay.

Indeed, I agree that all possible care should be exercised in the selection of performing individuals or groups, just as it should be in all Government employees and Foreign Service officers. This involves a problem, in that the very quality that produces a creative talent is unique, and a departure from the characteristics of the average individual.

I appreciate your interest in soliciting the point of view of the International Cultural Exchange Service of ANTA which administers this performing arts program for the State Department.

Very sincerely yours,

Gertrude Macy,
Director, International Cultural Exchange Service of the American National Theater and Academy.

September 6, 1962.

Miss Gertrude Macy,
Director, International Cultural Exchange Service, American National Theater and Academy, New York, N.Y.

Dear Miss Macy: I am in receipt of your letter of August 30, 1962, commenting on my House Joint Resolution 858 and am pleased to note your statement that "The very valuable angle of your resolution is wherein it applies to the middle bracket earners."

There are a number of very troublesome problems in the present situation. For instance, when Mr. Isenbergh appeared for the State Department before the House Subcommittee on Appropriations he said the Joey Adams troupe was paid $10,000 a week and that "The show was full of headliners who had played Las Vegas and like spots and their original demand was for exactly three times the final figure. The average pay per performer comes out at $450 a week."

Congressman Frank T. Bow, at another point in Mr. Isenbergh's testimony, broke in to make this comment: "If we have people of the character of Helen Hayes in an area (Trinidad) where a theater of this kind seldom plays, and you are selling tickets for * * * 59 cents to $1.76—to make sure the top people of these countries would attend, you have to give them passes to get them there? Is this not rather a remarkable thing? How much good is this if we cannot get the elite to attend a Helen Hayes production in Trinidad, and have to give them passes to get them there?" It was brought out in the hearings that the American Repertory Co.'s tour of 11 countries, Trinidad, Colombia, Chile, Peru, Argentina, Uruguay, Brazil, Venezuela, Guatemala, Mexico, and Costa Rica cost $486,765. Mr. Bow questioned Mr. Isenbergh closely, and asked, "Just what do you think that is going to do for this country of ours?" Mr. Isenbergh replied that if the people in those countries understood English they would get the optimistic and hopeful message that mankind can confront and surmount the great catastrophes of life. Congressman Bow made the only reply possible: "You know, my comment there is that you would have some difficulty in convincing a number of Members of Congress of that, let alone a Trinidad labor leader."

Another point that interested me in these hearings was that Miss Havoc was paid $1,300 a week, apparently for no other reason than that Helen Hayes was paid $1,500 a week.

You will be interested in knowing that the Department of State has been requested by the chairman of the House Foreign Affairs Committee to furnish a report on my House Joint Resolution 858. This is the first step in an effort to establish a realistic policy with regard to the fees paid artists under the Mutual Educational and Cultural Exchange Act of 1961 which makes our cultural exchange program permanent. In view of the permanent role this cultural exchange program will have from now on in our Nation's foreign policy it is high time that a sensible policy be worked out regarding artists' fees, one which can be defended before the country at large.

It seems clear that when ANTA supports a policy which leads to the expenditure of $486,765 on a tour of the American Repertory Co. in 11 South American nations, and a 39-week tour in one fiscal year of Helen Hayes at $1,500 a week, it is impossible to send equally important groups, such as the Schola Cantorum of the University of Arkansas which performed for President Kennedy after its prize-winning stint at Italy's international competition, simply because there aren't enough funds. It is unlikely that the denial of funds for its tour won any friends for the ANTA-State Department program among the Arkansas congressional delegation.

Part of the strong opposition in and out of Congress to the cultural exchange program, and even to a national arts program, such as ANTA and the National Music Council were chartered by the Congress to provide what they promised so to do, has arisen out of these fees paid under the ANTA program. The fact that a star will be paid $50,000 to $100,000 for one TV appearance, $5,000 for a cigarette commercial, or $1 million and up for motion picture work, or $10,000 a week at Las Vegas in no way justifies a Federal weekly salary scale of $1,500 a week. While $1,500 a week may appear to be extremely modest to upper bracket Broadwayites, it does not seem reasonable to farm families who have to pay such salaries out of taxes, especially when all Americans know that General Eisenhower, General Marshall, Admiral Halsey, and other World War II heroes were paid $20,000 a year while winning the war.

I am glad you mentioned the work of Danny Kaye and Bob Hope who have contributed their services through the USO. These stars consider it a great honor and privilege to so serve their country. Certainly stars like Helen Hayes are equally patriotic, and the present ANTA program does its stars a disservice by making them appear less willing to make sacrifices and contribute their services than the Bop Hopes, Ed Sullivans, and Danny Kayes. The ANTA program has managed to put stars who work in it in a less favorable light than the stars who work with the USO programs.

To sum up, it seems clear that the present ANTA arrangements are in need of a drastic overhauling, and equally clear that ANTA should be willing and able to do at least as well as the USO. Since ANTA receives for its management fees $10C,000 annually it may have a vested interest in the present situation, and doubtless this too should be critically examined.

Sincerely yours,

WILLIAM B. WIDNALL,
Member of Congress.

[From the Paterson Evening News, Aug. 18, 1962]

WIDNALL SEEKS TO LIMIT PAY OF ENTERTAINERS

WASHINGTON.—An irate Congressman doesn't believe entertainers sent overseas at taxpayers' expense rate more pay than generals, admirals, Cabinet members, and the Vice President of the United States.

To correct what he considered a highly improper situation, Representative WILLIAM B. WIDNALL, Republican of New Jersey, introduced a bill Friday to restrict the pay of entertainers in U.S. cultural shows abroad. The maximum would be $425 a week.

WIDNALL said that Comedian Joey Adams got $1,200 a week, about twice the salary of many Government officials—for a Government-sponsored tour of southeast Asia last fall which the State Department said was an onstage success, but an offstage flop.

Congressional investigators last month charged that Adams and his troupe left a trail of derogatory reports about their personal conduct during the tour.

A House appropriations subcommittee, led by Representative JOHN J. ROONEY, Democrat of New York, also took exception to a series of newspaper columns sent back home by Adams' wife, Cindy, during the tour.

She told how she called a Prime Minister "honey" and about one member of the troupe slapping a crown prince on the back after a poorly received joke and said to him: "Don't cha get it, Mac?"

WIDNALL said he thought it was highly improper to pay entertainers so much money when they are engaged in the public service.

"The services performed for the United States by performing artists and comedians participating in cultural exchanges may be of value to and in the interest of the United States," he said, "but they definitely are not more valuable than the services performed * * * by the Vice President, judges of the U.S. courts, members of the President's Cabinet and generals and admirals of the Armed Forces."

WAGES

Something's wrong.

Joey Adams, a comedian, was the star of a 25-member entertainment troupe that toured southeast Asia recently. He was paid, by the Government, $1,250 a week to bring laughs to those southeast Asians who can understand English.

LYNDON JOHNSON, Vice President of the United States, has been in Turkey. He was paid $846.23 a week, and that counts his expense allowance.

Maj. Gen. Albert Watson II, who is in charge of the powder kegs along the Berlin wall, is paid $300 a week.

To Representative WILLIAM B. WINDALL, Republican, of New Jersey, this sounds as if we have a distorted sense of values. He has a bill which would put a $425-a-week ceiling on the pay of people like Joey Adams. He would still be making half again as much as the man who holds the key to war or peace in Berlin.

H.J. RES. 858

(In the House of Representatives, 87th Cong., 2d sess., August 16, 1962; Mr. WIDNALL introduced the following joint resolution; which was referred to the Committee on Foreign Affairs)

Joint resolution to amend the Mutual Educational and Cultural Exchange Act of 1961 to limit the rate of compensation for performing artists and comedians participating in educational and cultural exchange programs to rates of pay of members of the President's Cabinet, generals and admirals of the Armed Forces, judges of the United States courts, and the Vice President of the United States

Whereas the services performed for the United States by performing artists and comedians participating in cultural exchanges may be of value to and in the interest of the United States but definitely are not more valuable than the services performed for the United States by the Vice President, judges of the United States courts, members of the President's Cabinet, and generals and admirals of the Armed Forces of the United States; and

Whereas some performing artists and comedians participating in cultural exchanges under the Mutual Educational and Cultural Exchange Act of 1961 have been paid by the United States at weekly rates of pay approximately twice the weekly rates of pay of the aforementioned persons; and

Whereas such rates of pay for performing artists and comedians are highly improper when they are engaged in the public service; and

Whereas internal wrangling in at least one group of comedians sent abroad under the Mutual Educational and Cultural Exchange Act of 1961, in which the star of the show was paid $1,200 a week for the duration of the tour, reached such proportions as to reflect adversely on the United States; and

Whereas the Committee on Appropriations of the House of Representatives stated in House Report Numbered 1996, Eighty-seventh Congress, second session: "Some of the unfortunate incidents which have occurred abroad in connection with cultural presentations indicate that lack of mature judgment has been used in the selection of certain performing individuals and groups. More care in their selection must be exercised in the future." ; and

Whereas the present high rates of pay for performing artists and comedians, as well as lack of mature judgment led to an inflation of the budget of the program authorized by the Mutual Educational and Cultural Exchange Act of 1961 from a promised $40,000,000 to $91,657,000 requested of the Bureau of the Budget by the Department of State, a sum which, fortunately for all taxpayers, the Committee on Appropriations of the House of Representatives was able to reduce to $40,000,000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of the Mutual Educational and Cultural Exchange Act of 1961 is amended by adding at the end thereof the following:

"(g) No individual not regularly employed by the United States performing services in connection with any program or activity under this Act may receive compensation from the United States at a weekly rate in excess of $425."

THE SUPREME COURT: CORRUPTERS OF THE CONSTITUTION

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 30 minutes.

Mr. WILLIAMS. Mr. Speaker, many thoughtful Americans have become increasingly concerned over the trend toward judicial tyranny in this country. The Supreme Court has invaded fields of jurisdiction reserved to the States and to the people under our Constitution.

Unlawful decrees of the Supreme Court must be resisted if we are to remain free. Thomas Jefferson said:

> To consider judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. The Constitution has erected no such tribunal.

Mr. Speaker, if the American people continue to sanction judicial usurpation of power, a Federal judge soon may perform those functions now performed by local officials in the areas of zoning, taxation, public health and safety, transportation, and so on. To the doubters, I would remind them that Federal judges now perform functions of school boards and legislatures—the latter on the subject of legislative apportionment.

At this point in the RECORD, I am inserting a soliloquy on the U.S. Supreme Court written by Mr. Clarence O. Amonette, of Berkeley, Calif.:

A U.S. SUPREME COURT SOLILOQUY AS ENVISIONED BY THE SCRIBBLER, CLARENCE O. AMONETTE

THE CONSTITUTION

Of the United States we are the Supreme Court.
Remaking the Constitution is our forte.
Our present Constitution is but a relic of a former day,
And we have dedicated ourselves to putting it safely away.
We have assumed the power of constitutional amendment,
Though this indeed is not within the Constitution's intendment.
We care not what the makers of the Constitution meant;
In accomplishing our purpose we provide the intent.
According to our predilections cases we decide,
And all the people by our decisions have to abide.
With a complacent and somnolent American Bar,
To achieve our set purpose we have already gone quite far.
The Court by the restrictive covenant decision
Made an important constitutional revision.
As a result of this constitutional defection,
Our purpose and course were given definite direction.
In the segregation cases we dealt a heavy blow,
As out of the window the Constitution we did throw.
We blasted the doctrine of "separate but equal,"
And are enforcing integration as the sequel.
The views of writers on social science we did enforce,
To accomplish our purpose there was no other recourse.
In the Girard College case we took another stride,
In which case to rape an orphans' trust we did decide.
For colored male orphans Girard's will made no provision,
But we included them by our historic decision.
Thus the law of charitable trusts we did rewrite,
A notable example of our judicial might.
Under the Constitution these decisions may be bad to an extreme,
But under that Constitution we are both all-powerful and supreme.

THE CONGRESS

The Constitution does all legislative powers in Congress vest,
And no legislative powers does it in the Supreme Court rest.
These powers of Congress under the Constitution we do not overlook,
But in consummating our firm purpose opposition we will not brook.
Designed to be with the judiciary a branch coordinate,
But it is our set purpose to make Congress to us subordinate.
Nor do we feel bound by what Congress in its Acts has meant;
In construing those Acts we give effect to our intent.
The Court had held the Anti-Trust Act inapplicable to professional baseball,
But soon thereafter we held that Act applicable to professional football.
If anyone between the two any legal difference can see,
Surely he is wiser and more astute indeed than are we.
Of the Clayton Anti-Trust Act the scope and effect we did much extend,
Since the purchase by Du Pont of General Motors stock did us offend.
Some of its products to General Motors it did sell,
By reason whereof Du Pont under our displeasure fell.
The Court had held that the Congress granted certain rights-of-way as a limited fee,
But in a later case involving a like grant with that holding we did not agree.
We held that Congress to the railroad granted the use of the soil,
And from the Union Pacific we took the underlying oil.
Congress has depended much on its power of investigation,
But upon this power we have imposed a severe limitation.
Legislative discretion which the Court had previously upheld,
By our recent decisions we have now quite substantially quelled.
To the set fifth amendment refusal to answer excuse,
Other grounds of refusal we have added for ready use.
For committees this decision has created a blight,
But for the Communists it is a source of great delight.
Of Congress witnesses may now often sit in silent contempt,
And by our decision from prosecution they are held exempt.
Congress and committees this has left in a daze,
But from the Communists this has evoked high praise.
The efficacy of the Smith Act we did largely kill,
Thereby thwarting the congressional intention and will.
Reds may now advocate by force and violence our Government to overthrow,
When advocacy is unaccompanied by instigation to the blow.
Here indeed our reasoning is obviously quite a contradiction.
"Advocacy" without instigation to action is but a fiction.
While from our present decision we are making no retraction,
We must admit that "advocacy" is incitement to action.
Ill would it become us upon such Communist advocacy to frown,
When we by judicial fiats would our present Government strike down.
Whether or not our purpose and decisions are bad to an extreme,
Under the Constitution we are both all-powerful and supreme.

THE EXECUTIVE BRANCH

In pursuance of our purpose our power to expand,
We are keeping the executive branch quite well in hand.
Congress authorized the Secretary of State in his "absolute discretion,"
The congressional act contained no words of limitation on this expression,
To bring the employment of a Foreign Service officer to final termination,
When deemed by him necessary or desirable in the interest of the Nation.
Regulations were made saying how this the Secretary would do,
And these regulations were brought to the attention of Congress too.
The Secretary of State discharged such officer as the act does provide,
And in the case of Service versus Dulles that action we set aside,
For failure to comply with these regulations of the Department of State,
And for this reason the Service Office we required him to reinstate.
Thus we held that the Secretary did by regulations surrender.
The "absolute discretion" which Congress to him by its act did render.
Congress by an act did the Attorney General authorize
Aliens finally ordered to be deported to catechize,
Under regulations by the Attorney General prescribed,
The nature of which was in the act by Congress fully described.
Under the regulations the Attorney General of the deportees could inquire
About their associations and activities in the event he should so desire.
Notwithstanding the intention of Congress so clearly expressed,
In the Witkovich case that intention we so clearly repressed.
Information as to their availability for deportation only can he require,
And about associations and activities under our holding he cannot inquire.
Not only have we the legislative intention disregarded,
But at the same time the executive functions we have retarded.
In the enforcement of criminal laws this Branch we have dealt quite a blow,
By requiring the Government certain reports to the defendant to show.
When Government witnesses have made reports to the FBI
And testify with reference to the events covered thereby,
The accused is entitled to a court decree,
By which he is those reports permitted to see.
The court is not first permitted the reports to inspect,
To determine whether relevant facts they do reflect.
If for privilege the Government in producing the reports be remiss,
The criminal proceeding against the accused the Government must dismiss.
All this we held in the recent and celebrated Jencks case,
As the drive of the Government against crime we did debase.
No longer held inviolate are the files of the FBI.
And informers may now be expected from the Bureau to shy.
By our decision many criminals may go free,
But we have made our decision and so let it be.
These decisions have been criticized by many as bad to an extreme,
But under the Constitution we are both all-powerful and supreme.

THE STATES

There is much prating about the rights of a State,
But it is our set purpose those rights to abate.
We care not what rights to the States have been reserved;
Against our onslaughts those rights cannot be preserved.
The Court hesitated not to rape the tidelands,
Forcibly taking from certain States their oil sands.
The rights of the States in the public education field,
In the Segregation cases we forced the States to yield.
We expanded the scope of the 14th amendment,

Ignoring the evidence of the makers' intendment.
The views of writers on social science we did fully explore,
And the precedents for over 80 years we did fully ignore.
We have limited States' rights as to teacher fitness,
As the Slochower case does so forcibly witness.
In that case a professor asserted the privilege against self-incrimination.
And the New York court held this claim of privilege equivalent to a resignation.
We refused to accept this construction of the New York law,
And held that the professor's discharge had the due process flaw.
In the Nelson case we consigned certain State statutes to perdition,
To the extent they sought to protect the Nation against sedition.
We held that Congress by certain acts had occupied the field,
And therefore the statutes of the States to those acts had to yield.
No provision of the Constitution does such statutes preclude,
And Congress by its acts does not such State statutes clearly exclude.
With knowledge of such statutes in a number of States Congress did not so provide,
But despite the Constitution and the silence of Congress we did so decide.
We have limited the right of a State to license the practice of law,
As in the Konigsberg case we forced the State its objections to withdraw.
An applicant refused to answer questions designed his fitness to show;
To his application the State of California responded "No."
We reversed the California decision under the due-process clause,
Thus making ready use of this provision to create nonexistent flaws.
Griffin versus Illinois also shows our purpose to be real,
In requiring for certain indigents free transcripts on appeal.
Here we molded both an equal protection and a due process flaw,
And one Justice did our decision call a "new pronouncement of law."
He was not one of the Justices who did dissent;
In an opinion he did to the judgment assent.
We have limited the power of the States to investigate,
In pursuance of our purpose the rights of the States to abate.
We denied a State the right to investigate subversive activities within its bounds,
And to so hold we had great difficulty in finding even plausible supporting grounds.
But this we did in the New Hampshire case of Sweezy,
And we must admit that our reasoning is sleazy.
Four Justices the 14th amendment and two the 1st applied,
And two Justices dissented and our decision they decried.
As in many of these cases our reasoning is not profound,
And calculated not to clarify but rather to confound.
In our abatement of the rights of the States we have indeed been extreme,
But under the Constitution we are both all-powerful and supreme.

CONCLUSION

In the exercise of our great judicial power,
We endeavor to meet the needs of a changing hour.
To attain this end the executive branch we have often circumscribed,
Permitting it to function in instances only as we have prescribed.
In this changing Nation the States have become obsolete,
And we have undertaken the burden their rights to delete.
Congressional legislation we have remolded to meet our will,
The congressional intention we have not hesitated to kill.
But what we today in our great wisdom may decide,
Tomorrow in that great wisdom we may override.
The light of our once great Constitution now grows dim,
As we snuff it according to our judicial whim.
For our once boasted constitutional democracy,
We are substituting a judicial autocracy.
However long our aim may be deferred,
From our purpose we cannot be deterred.
For ensconced for life in our judicial tower,
We wield as we see fit our judicial power.
Our purpose and methods are indeed quite extreme,
But under the Constitution we are supreme.

Also Mr. Speaker, I am including an article prepared by Hon. Lucas D. Phillips, LL. B., a member of the House of Delegates of the Virginia General Assembly, entitled "U.S. Supreme Court: American Counterpart of Soviet Politburo?" It follows:

U.S. SUPREME COURT: AMERICAN COUNTERPART OF SOVIET POLITBURO?

(By Hon. Lucas D. Phillips, LL. B.)

The fact that the Members of Congress, Governors, members of legislatures, and other public officials as well as private citizens are willing to accept and treat as decisions of the Court the illegal acts by the members of the Court, beyond the limits of the Court's authority, is an ominous sign that the big majority of the people of this Nation recognize the Supreme Court as the arbiter of our destiny with power to make law.

It has been long understood and recognized that the Federal agencies which were created by the States have only such authority as was specifically granted them by the States as recorded in the Constitution and the States reserved all powers not granted. The 10th amendment expresses this fundamental in clear and unambiguous terms.

No principle of law is more firmly established than the one that under our constitutional system of limited powers for a branch of the Federal Government to act it must act within the limits of its authority. Until we understand this fundamental principle of government of limited powers we shall continue to flounder in confusion.

The States not only failed to grant the Supreme Court any authority to interfere with religion but in the first amendment they specifically prohibited Congress from passing any "law respecting the establishment of religion, or prohibiting the free exercise thereof." It should be borne in mind that this was not a grant of power but a denial of power. The denial relates to Congress, and the Court and Federal judiciary were never granted any power to deal with religion. This power was reserved to the States and to the people. From reading speeches and writings on the so-called prayer decision one is forced to wonder if people read the Constitution.

The illegal action of the members of the Court was startling; but the reaction of the public to the unlawful act of the members of the Court is frightening.

Without exception, as far as I have seen, every person who has referred to the illegal act of the members of the Court has referred to it as a "decision of the Court" or in similar terms.

The thing that makes the reaction to the illegal act of the justices frightening is the fact that it is referred to as a "decision of the Court." Under our constitutional system the members of Court have to act within the limits of the Court's authority for their act to be a "decision of the Court."

The members of the Court are operating illegally and unlawfully for and in the name of the Court without authority and in defiance of constitutional prohibitions.

The reaction of the people of this Nation to the illegal acts of the Justices of the Court is frightening simply because they have arrived at a time when they recognize the Court to be the American counterpart of the Russian Politburo.

The people, including Members of Congress, Governors, and members of legislatures, refer to illegal acts of the Justices of the Court as a "decision of the Court."

The apathy of many public officials, including some Members of Congress, Governors, and legislators, toward our constitutional system of government of limited powers is an invitation to the Communists to take over by the Fabian process of gradualism the powers of government never delegated to Federal agencies.

Whether the so-called decision of the Court was right or wrong is not the real issue. The real issue is whether the Court had authority to make such a decision.

The authority of the Court, which was granted by the States, as recorded in the Constitution, is limited to "judicial power." Briefly stated, "judicial power" limits the authority of the Court to applying existing law as made by lawmaking agencies of Government to the facts before it for judicial decision.

Let us take a further look at the Constitution to see what authority the States granted the Federal agencies to deal with religion. The fact is the States granted the Court no authority to deal with religion. The States, which created the Court and granted and limited its authority, ratified the first amendment to the Constitution which provides: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."

Was there any act of Congress involved in the so-called prayer decision?

Did the States, in creating the three Federal agencies of government, create a prohibition against the free exercise of religion? Did the States leave this matter to the wisdom or lack of wisdom of the people or did they create a prohibition against it?

If plain English means anything, did the States do anything more than prohibit Congress from establishing a particular religion or prohibiting the free exercise thereof?

Clearly, if plain English means anything, the only thing the States did regarding religion was to prohibit Congress from making a "law respecting the establishment of religion, or prohibiting the free exercise thereof."

If the members of the Court had abided by the oath which the States required them to take before they are eligible to act as Justices, they would never have asserted jurisdiction over the case involving prayer in a public school. The States required that the members of the Court "be bound by oath, or affirmation, to support this Constitution."

Since the States reserved to the States and to the people all powers not granted, and they granted the Court no authority to exercise power over religion except to see that Congress should make no "law respecting the establishment of religion or prohibiting the free exercise thereof" it is obvious that the Court had no authority to assert jurisdiction over the so-called prayer case.

A barrage of discussion has resulted on the question, "What did the Court do?"

The answer is the Court did nothing; the Justices or members of the Court issued an illegal ruling for and in the name of the Court beyond the limits of the Court's authority.

REACTION TO THE ILLEGAL ACTION OF THE JUSTICES OF THE COURT

The amazing thing about the illegal act of six of the seven members of the Court who expressed themselves is not whether you agree or disagree with the so-called decision but the fact that practically all Americans recognize the unlawful and void act as "a decision of the Court" when the Court lacked constitutional authority to make such a decision.

Some have asserted that the "decision of the Court" should be respected regardless of whether we agree with it. If it were a "decision of the Court" one could easily agree with this line of thought. The fact is, there was no decision of the Court to respect. It was a bold attempt by the members of the Court to exercise power the States never granted the Court.

The heart of the issue is, Was it a decision of the Court? The answer is plain. It was not a "decision of the Court" because the States, which created the Court, gave it no power to make such a decision.

They denied the Court this authority by not granting it. Hence, the unlawful action of the Justices issued in the name of the Court was not a decision of the Court but an illegal act of the members of the Court.

Should we continue to respect occupants of an office of limited powers when they attempt to act beyond the powers of the agency of government they occupy? Should we have respect for illegal acts of Justices of a Court who refuse to be bound by their oaths of office? Should we respect those who disregard the limits of the authority of the governmental agency they occupy and use the power of the agency to destroy the form of government they are obligated to protect?

At what stage in America did it become necessary for one to show respect to the members of a tribunal after they have forfeited any right to be respected?

When did it become necessary to have respect for a group of men who have displayed a preference for communism to Americanism, for atheism to Christianity, government by men instead of government by law, and for joining the movement to overthrow the whole Christian movement and substituting communism in its place and stead?

WHY THE ACTION BY THE MEMBERS OF THE COURT IS FRIGHTENING

1. The disregard of the Justices for their oath of office required of them by the States as recorded in the Constitution.

2. It was an attempt by the members of oaths of office required of them by the States granted the Court.

3. It was an attempt by the members of the Court to arrogate to the Court a power the States reserved to States and to the people.

4. If accepted, it means the members of the Court will henceforth say what, if any, prayer can or cannot be made in public and perhaps elsewhere.

5. It sets the stage for the members of the Court to finally do what the atheists intend to use them to do—completely abolish prayer in a public place.

6. The reaction of the people to the decision shows a complete lack of understanding of our constitutional system of government of limited powers. The three Federal agencies; namely, the Congress, the Presidency, and the judiciary, which the States created as recorded in the Constitution, have only such powers as the States granted them. Yet the members of the Court relied on the first amendment for their authority for their illegal act. Instead of granting either of the Federal agencies authority to establish, regulate, or abolish prayer or religion, the only thing this amendment does so far as religion is concerned is to prohibit Congress from establishing a religion, or prohibiting the free exercise thereof.

Under our constitutional system the members of the Court have to act within the limits of their authority for their act to be an act of the Court. Hence the question: Was what the Justices did an act of the Court or was it an illegal and void act by the members of the Court? Unless our constitutional system of limited powers already has been overthrown, what the Justices did was clearly not an act of the Court but a void act by them in their individual capacities beyond the authority of the Court.

The heart of the controversy is this: Was the so-called decision a decision of the Court? If it was, where did the Court get authority to make such a decision?

Has the Court any power beyond what the States granted it?

When and where did the States grant the Court authority to make such a decision?

The fact is the Court was never granted authority to make such a decision.

When the foregoing constitutional provisions are understood it becomes clear that the Court did not act in what is referred to as the Prayer case. It had no authority to act. Under our constitutional system of government no agency can act unless it acts within the limits of its authority. Since no act of Congress was involved and the authority of the Court is limited to the exercise of "judicial power" the Court was powerless to act.

The fact that the Court was powerless to act was no deterrent to the members of the Court who are determined to overthrow the Constitution by issuing illegal, unlawful and void rulings prohibited by the provisions of the Constitution. Thus it becomes crystal clear that the Constitution is no longer a restraint upon the Fabian members of the Court who are determined to overthrow our form of government and the whole Christian movement.

In a veiled attempt to justify the illegal action of the members of the Court, some writers take particular pains to point out that Black stressed that the prayer was composed by State officials. In view of the past behavior of the occupants of the Court it is hard to believe that there should be anyone left who is naive enough to believe that the Prayer case is anything less than the beginning of the end of a plot to wipe out religion in America. Does anyone believe this is as far as the Fabian members of the Court will go when it is obvious that they are hostile to both our form of government and the Christian principles upon which this Nation was founded? It should be clear to anyone that this is the beginning of the end of prayer in any public place. If the people and the States are stupid enough to accept this attempted unlawful encroachment by the members of the Court, beyond the power of the Court, the members of the Court will eventually declare religion to be an opiate and inimical to the new order and deny everyone the right to exercise his religious beliefs.

It has been apparent to everyone who has observed the Fabian process of gradualism by the members of the Court that they would attempt exactly what they did in the Prayer case. They are depending on the constitutional illiteracy of the people to assist them in putting across their scheme to overthrow our system of government and to wreck the Christian movement. They are also depending on the big majority to abandon their rights and privileges in deference to the Satanic movement, which is always present and active, to sidetrack and wipe out Christianity.

As previously pointed out, the Constitution requires the Justices of the Court to be "bound by oath or affirmation to support" the Constitution. Have they obeyed this oath?

While I have respect for the Court when the members operate it as a Court, I have absolutely no respect for the members of the Court who refuse to be bound by an oath required of them by issuing illegal and unlawful rulings in the name of the Court beyond its authority. I respect any public official who acts within the limits of his authority, but I respect no public official who attempts to act beyond the limits of his authority; and I detest the occupant of a governmental agency who acts beyond the authority of the agency and uses the power and influence of the agency to carry into effect illegal acts.

It is asinine and absurd for anyone, except those who want to overthrow our form of government and the Christian movement by lawless means, to say he respects the decision of the Court when it was not a decision of the Court but merely an illegal and lawless act of the members of the Court in their individual capacities.

There is no use saying the members of the Court simply erred. They did not make any mistake. They know what they are doing. The same group of men do not make the same mistake every Monday. They are merely carrying out the conspiracy to overthrow the Constitution.

Like the Fabians in the other branches of the Government, the members of the Court know and thoroughly understand what they are doing.

Shall we accept the members of the Court as the American counterpart of the Russian Politburo? Shall we accept the illegal and lawless rulings of these men as the law of the land? Shall we permit them to act as a lawmaking body when the Constitution limits their authority to judicial power?

Shall we continue the futile and dastardly course of urging respect for a Court when its occupants are using it to wipe out the foundation upon which this Republic was founded? The sands of time are running out. Failure to rebel against this conspiracy will lead this Nation into despotic slavery.

Shall we arise and serve the Lord or shall we lie down and serve the Satanic forces bent on delivering this Nation to the tyrant?

How long shall we continue to accept and follow illegal, unlawful, and void rulings of men engaged in a conspiracy to overthrow our Government and the Christian movement in the name of respect for the Court? How long shall we continue to respect a conspiracy? How long shall we ignore it?

Are we so blind that we prefer suicide to recognizing unpleasant facts staring us in the face? Shall we continue to believe in the integrity of a Court long after its occupants have perverted it into an instrumentality to promote the conspiracy to overthrow our form of government? Shall we continue to respect those who are no longer deserving of our respect? Are we willing to acquiesce in a conspiracy to destroy freedom under the guise of respect for those who have forfeited all rights to be respected?

CHICKENS COMING HOME TO ROOST

Soon after May 17, 1954, when the members of the Supreme Court attempted to arrogate unto themselves the authority to make law and defy the constitutional limitations placed upon their authority, a big majority of the ministers enthusiastically endorsed and called for strict compliance with the illegal and unlawful ruling by the members of the Court. Little did they realize that they were joining and supporting a conspiratorial movement which would inevitably lead to the Black decision on Monday, June 25, 1962.

In 1954 a large segment of the people joined in a movement to overthrow the Constitution. On June 25, 1962, they were stunned by an illegal ruling by the members of the Court in defiance of the Constitution. In 1954 they were not content to amend the Constitution. In 1962 they were stunned by another illegal ruling by the members of the Court directed at what they pretend to stand for, namely, prayer. Are they now willing to join in and proclaim the recent illegal ruling by the members of the Court "the law of the land" and call for strict compliance with it? Are they willing to continue with the conspiracy to annihilate the whole Christian movement?

It is one thing to be for integration; it is quite another thing to use the movement to bring it about as a means to overthrow the Constitution and the Christian movement.

THE LEGAL PROFESSION JOINS THE CONSPIRACY BY SILENCE

Since I am a member of the legal profession, I want to point out that while a majority of the ministers joined the conspiracy by being vocal in its support, a big majority of the legal profession have joined the conspiracy by remaining silent when they should have been vocal against it. I believe there have been as many ministers as lawyers who have been vocal against the conspiracy to overthrow the Constitution and the Christian movement.

A large majority of both ministers and lawyers have been oblivious to the fact that they have by being vocal or silent supported the Satanic movement to overthrow the flag and the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

ROLE OF THE MILITARY PERSONNEL IN DEFENDING THE CONSTITUTION

Retired and active military and naval personnel have been far more concerned with and active in trying to defend the Constitution than either the ministers or members of the legal profession. This is no criticism of the hopeless minority of ministers and lawyers who have spoken out against the conspiracy to overthrow the Constitution, our form of government, and the Christian movement. The point is, only a hopeless minority of the ministers and lawyers have actually resisted the conspiracy.

The military and naval personnel seem to understand one law of the Lord more clearly than ministers and lawyers: A nation cannot survive by deliberately committing suicide; and that the Lord is with those who seek to be right and do right and against those who are wrong and compromise with wrong.

What has happened should have been obvious to all who have constantly observed the trend of the members of the Court that they intend to take over, direct and outlaw religion. The only question has been for at least 8 years merely when they would take the initial step. Therefore, the fact that the members of the Court took the initial step should have surprised no informed person. The stage was prepared and the kind of case that would divide the people was the first case presented.

Consequently, the illegal, unlawful and void action by the members of the Court should have surprised nobody; but the fact the Members of Congress, Governors, members of legislatures and practically 100 percent of the people were willing to classify and accept this void act of the members of the Court, beyond the limits of the authority of the Court, as a decision of the Court, should frighten everyone who is slightly acquainted with the rudimentary principles of our constitutional system of government of limited powers.

The fact that the Members of Congress, Governors, members of legislatures, the President and practically all of the people now recognize and are willing to accept and openly acknowledge the Supreme Court as the American counterpart of the Russian Politburo with authority to abrogate existing law and proclaim a new law should frighten everyone.

Truly, the Court has arrived when practically all the people acknowledge and accept rulings by the members of the Court, beyond the power granted the Court by the States, as a decision of the Court and the law of the land. Has the Russian Politburo any more power?

The Constitution is no longer a bar or deterrent to the members of the Court. They are no longer interested in defending it. Instead they are determined to overthrow it.

This is the dilemma in which this Nation finds itself.

What has happened to the capacity and morality of a people who pretend to be for government by law and follow a course of government by men?

What has happened to public officials who take an oath to support the Constitution and then connive to overthrow it?

What has happened to the ministers when some of them are startled and most of the others are confused in 1962 as the result of their having joined a movement in 1954 to overthrow the Constitution and wipe out Christianity?

They were not able to perceive in 1954 that the integration movement they joined was a smokescreen and prelude to the so-called prayer decision.

What has happened to the lawyers that they no longer understand and make no effort to under our constitutional system of government of limited powers? Why do they remain silent?

Why can our economists not see that our economic system cannot survive under burdens designed to destroy it? How can anyone believe this Nation with a debt of $100 billion more than all the combined debts of all the other nations on earth can survive by continuing to play Santa Claus to the rest of the world?

How can anyone be so stupid as to believe that freedom can survive when our Government tries to defend itself against communism by financing and supporting communism? How can anyone believe we can promote freedom by supporting the communistic movement bent on its destruction? How can anyone believe that a nation will receive the blessings of God by trying to ignore Him and His laws?

SUMMARY

First. The Court construed no part of the Constitution in the so-called prayer case. Instead, the members of the Court defied every provision of the Constitution.

Second. An overwhelming majority of the people have accepted the Supreme Court as the final arbiter of this Nation's destiny.

Third. The States, which created the Court, granted and limited its power and retained all powers not granted, have failed and refused to take a legal position against the illegal actions of the members of the Court beyond the limits of its authority.

Fourth. Unless the States act in their highest sovereign capacity to protect their reserved powers from being exercised unlawfully by the members of the Court, it will be only a matter of time until their reserved powers will be liquidated by usurpation; namely, by the members of the Court illegally exercising powers beyond the authority of the Court and the States ratifying these acts by acquiescence or by affirmative action.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Williams, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Ryan of New York, for 10 minutes, today.

Mr. Dulski (at the request of Mr. Feighan), for 15 minutes, on Monday next, September 24, 1962.

The following Members (at the request of Mr. Milliken):

Mr. Widnall, for 20 minutes, today, to revise and extend his remarks, and include extraneous matter.

Mr. Halpern, for 15 minutes, on Monday, September 24, 1962.

Mr. Halpern, for 20 minutes, on September 25, 1962.

Mr. Cunningham, for 60 minutes, on September 26, 1962.

Mr. Cunningham, for 60 minutes, on September 27, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. Milliken) and to include extraneous matter:)

Mr. Jensen.

Mr. Wilson of California.

(The following Members (at the request of Mr. Corman) and to include extraneous matter:)

Mrs. Kelly.

Mr. Powell.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2949. An act to amend sections 1821 and 1825 of title 28, United States Code, to increase the per diem, mileage, and subsistence allowance of witnesses, and for other purposes; to the Committee on the Judiciary.

S. 3227. An act for the relief of Young Wai; to the Committee on the Judiciary.

S. 3455. An act for the relief of Melynda Kim Zehr (Chun Yoon Nyu) and Michelle Su Zehr (Lim Myung Im); to the Committee on the Judiciary.

S. 3502. An act for the relief of Mrs. Maria Nowakowski Chandler; to the Committee on the Judiciary.

S. 3557. An act for the relief of Betty Sandra Fagann; to the Committee on the Judiciary.

S. J. Res. 223. Joint resolution designating the period January 13, 1963, to January 19, 1963, as International Printing Week, to the Committee on the Judiciary.

ADJOURNMENT

Mr. CORMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, September 24, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2546. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 31, 1962, submitting a report, together with accompanying papers and an illustration, on a review of the reports on the Pascagoula Harbor, Miss., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 21, 1961, and August 24, 1961 (H. Doc. No. 560); to the Committee on Public Works and ordered to be printed with one illustration.

2547. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 15, 1962, submitting a report, together with accompanying papers and illustrations, on a cooperative beach erosion control study of Virginia and Biscayne Keys, Fla., authorized by the River and Harbor Act, approved July 3, 1930, as amended and supplemented (H. Doc. No. 561); to the Committee on Public Works and ordered to be printed with three illustrations.

2548. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on the Ririe Dam and Reservoir, Willow Creek, Idaho, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 4, 1952, March 19, 1954, and June 2, 1953 (H. Doc. No. 562); to the Committee on Public Works and ordered to be printed with one illustration.

2549. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 30, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the reports on, and a survey of the Verdigris River and tributaries, Oklahoma and Kansas, requested by resolutions of the Committee on Public Works, U.S. Senate, and the Committee on Flood Control, House of Representatives, adopted May 25, 1960, and April 23, 1942, and authorized by the Flood Control Act, approved July 3, 1958 (H. Doc. No. 563); to the Committee on Public Works and ordered to be printed with four illustrations.

2550. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated August 16, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on the Mississippi River, urban areas from Hampton, Ill., to mile 300, requested by resolutions of the Committee on Flood Control, House of Representatives, adopted September 18, 1944 (H. Doc. No. 564); to the Committee on Public Works and ordered to be printed with one illustration.

2551. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 27, 1962, submitting a report, together with accompanying papers and illustrations, on a survey of the Juniata River and tributaries, Pennsylvania, authorized by the Flood Control Act, approved December 22, 1944 and September 3, 1954 (H. Doc. No. 565); to the Committee on Public Works and ordered to be printed with illustrations.

2552. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 13, 1962, submitting a report, together with accompanying papers and illustrations, on a survey of the Rogue River Basin, Oreg. and Calif., authorized by Public Law 183, 74th Congress, approved July 1, 1935, and the Flood Control Acts, approved June 22, 1936 and July 3, 1958 (H. Doc. No. 566); to the Committee on Public Works and ordered to be printed with six illustrations.

2553. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 31, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the report on, and a survey of the Flint River, Ga., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted June 1, 1948, and authorized by the River and Harbor Act, approved July 24, 1946 (H. Doc. No. 567); to the Committee on Public Works and ordered to be printed with illustrations.

2554. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1962, submitting a report, together with accompanying papers and illustrations, on an interim report on the Blackfoot Dam and Reservoir, Blackfoot River, Idaho, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted March 19, 1954. It is in final response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 4, 1952, and June 2, 1953, also (H. Doc. No. 568); to the Committee on Public Works and ordered to be printed with two illustrations.

2555. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 2, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the report on the Guyandot River and tributaries, West Virginia, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted February 16, 1957 and July 1, 1958 (H. Doc. No. 569); to the Committee on Public Works and ordered to be printed with four illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3504. An act to provide for alternate representation of secretarial officers on the Migratory Bird Conservation Commission, and for other purposes; with amendment (Rept. No. 2453). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3431. An act to consent to the amendment of the Pacific marine fisheries compact and to the participation of certain additional States in such compact in accordance with the terms of such amendment; without amendment (Rept. No. 2454). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13163. A bill to amend the District of Columbia Redevelopment Act of 1945; with amendment (Rept. No. 2455). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-fifth report pertaining to safeguarding of official information; without amendment (Rept. No. 2456). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. House Joint Resolution 865. Joint resolution requiring a public hearing before any theater in the District of Columbia which is suitable, and has been used, for the presentation of live drama, ballet, or opera productions may be demolished; with amendment (Rept. No. 2457). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 801. Resolution providing that H.R. 7283 be taken from the Speaker's table and sent to conference; without amendment (Rept. No. 2458). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 802. Resolution for consideration of House Joint Resolution 712. Joint resolution to authorize and direct the Franklin Delano Roosevelt Memorial Commission to raise funds for the construction of a memorial; without amendment (Rept. No. 2459). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 803. Resolution for consideration of S. 1123, an act to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; without amendment (Rept. No. 2460). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 804. Resolution for consideration of House Joint Resolution 224. Joint resolution to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes; without amendment (Rept. No. 2461). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 805. Resolution for consideration of Senate Joint Resolution 230. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; without amendment (Rept. No. 2462). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3389. An act to promote the foreign commerce of the United States through the use of mobile trade fairs; with amendment (Rept. No. 2463). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KYL:

H.R. 13200. A bill relating to the acquisition of real property by the Secretary of the Army and the Chief of Engineers for public works projects; to the Committee on Public Works.

By Mr. MULTER:

H.R. 13201. A bill to revise the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

By Mr. RYAN of New York:

H.R. 13202. A bill to provide that no Federal financial or other assistance may be extended to any educational institution which discriminates against students or prospective students on account of race, religion, color, ancestry, or national origin; to the Committee on Education and Labor.

By Mrs. HANSEN:

H.R. 13203. A bill to exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. BAILEY:

H.R. 13204. A bill to amend the National Defense Education Act of 1958 to raise the limit on Federal payments into student loan funds, to broaden the types of equipment which may be acquired with Federal grants and loans under title III thereof, and for other purposes; to the Committee on Education and Labor.

By Mrs. MAY:

H.R. 13205. A bill to approve an order of the Secretary of the Interior canceling and deferring certain irrigation charges, eliminating certain tracts of non-Indian owned land under the Wapato Indian irrigation project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 13206. A bill to amend the Federal Aviation Act of 1958 in order to provide for research to determine criteria and means for abating objectionable aircraft noise; to the Committee on Interstate and Foreign Commerce.

H.R. 13207. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer for repairs and improvements which are necessary to maintain and preserve the value of his residence; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.J. Res. 890. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; to the Committee on Foreign Affairs.

By Mr. WIDNALL:

H.J. Res. 891. Joint resolution to provide for three civilian Commissioners for the District of Columbia; to the Committee on the District of Columbia.

By Mr. ADDABBO:

H. Con. Res. 586. Concurrent resolution expressing the sense of Congress in protecting the freedom of the countries of the Western Hemisphere; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H.R. 13208. A bill for the relief of Jasper E. Tate; to the Committee on the Judiciary.

By Mr. BENNETT of Florida:

H.R. 13209. A bill for the relief of Victor L. Ashley; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 13210. A bill for the relief of Mrs. Marie Meneshian; to thhe Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 13211. A bill for the relief of Dr. Jamshid Payman; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

410. By the SPEAKER: Petition of Steve Tandarich, commander, American Legion, Post 753, New Salem, Pa., petitioning consideration of their resolution with reference to registering a complaint on the passage of H.R. 12333, relative to reopening national service life insurance, without a rollcall vote; to the Committee on Veterans' Affairs.

411. Also, petition of R. E. Bencini, Jr., president,, High Point Bar Association, High Point, N.C., petitioning consideration of their resolution with reference to H.R. 10, Self-Employed Individuals Tax Retirement Act of 1961, and requesting that a bill be passed to treat all citizens alike in this matter and to afford self-employed persons the same rights and privileges which are given to corporate organizations; to the Committee on Ways and Means.

SENATE

Friday, September 21, 1962

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Rev. J. J. Murphy, of the Catholic Seamen's Club, Seattle, Wash., offered the following prayer:

May the good God bless our great and glorious country; its Chief Executive, the President of the United States; the President and all the Members of this august body.

May the Lord bless their minds, that they may rightly discern truth and justice; their wills, that they may do what is pleasing in Thy sight and beneficial to their fellow man; their hearts, that they may love one another.

May He bless them as each day they renew and rededicate themselves to the high ideals of our beloved country, under God—ideals so nobly advanced and defended within these hallowed walls by so many great and learned patriots and legislators down the years. Give them the strength to fight the good fight of democracy; the courage to keep faith with Thee and Thy people; the high resolve to walk humbly with Thee, their God and Lord; that their accomplishments may be such as to bring glory to Thee and peace and prosperity to all men. Amen.

THE JOURNAL

On request of Mr. Magnuson, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 20, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 20, 1962, the President had approved and signed the joint resolution (S.J. Res. 222) providing for the designation of the period October 1962 through October 1963 as "National Safety Council 50th Anniversary Year."

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1060. An act to authorize the Secretary of Interior to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes; and

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, Saint John, V.I., and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7811. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands; and

H.R. 13175. An act making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 273. An act for the relief of Hratch Samuel Arukian;

S. 2184. An act for the relief of Mrs. Heghine Tomassian;

S. 2208. An act for the relief of Su-Fen Chen;

S. 2760. An act for the relief of Yuj-Kan Cheuk;

S. 2768. An act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds thereof;

S. 3026. An act for the relief of Jeno Nagy;

S. 3475. An act to provide further for cooperation with States in administration and enforcement of certain Federal laws;

S. 3529. An act to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account;

H.R. 1171. An act to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes;

H.R. 11019. An act to provide that the Uniform Limited Partnership Act shall apply in the District of Columbia; and

H.R. 11151. An act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1963, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 7811. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands; to the Committee on Interior and Insular Affairs.

H.R. 13175. An act making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes; to the Committee on Appropriations.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Magnuson, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Magnuson, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today:

The Committee on Post Office and Civil Service.

The Flood Control and Rivers and Harbors Subcommittee of the Committee on Public Works.

The Arts Subcommittee of the Committee on Labor and Public Welfare.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letter, which were referred as indicated:

Proposed Amendment to the Budget, 1963, for Corps of Engineers—Civil, Department of the Army (S. Doc. No. 135)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1963, in the amount of $3 million, for the Corps of Engineers—Civil, Department of the Army (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Amendment to the Budget, 1963, for Department of the Interior (S. Doc. No. 134)

A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1963, in the amount of $2,344,000, for the Department of the Interior (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Amendment to the Budget, 1963, for Department of State (S. Doc. No. 133)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1963, in the amount of $100 million, for the Department of State (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Donations of Land in North Carolina for Construction of Entrance Road at Great Smoky Mountains National Park

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency, without amendment:

S.J. Res. 228. Joint resolution authorizing the issuance of a gold medal to General of the Army Douglas MacArthur (Rept. No. 2116).

By Mr. MORSE, from the Committee on Labor and Public Welfare, with amendments:

H.R. 8556. An act to amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and for other purposes (Rept. No. 2117).

ADDITIONAL FUNDS FOR COMMITTEE ON APPROPRIATIONS—REPORT OF A COMMITTEE

Mr. MANSFIELD. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the resolution (S. Res. 383) authorizing additional funds for the Committee on Appropriations. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be stated for the information of the Senate.

The legislative clerk reads as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $6,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946; S. Res. 180, agreed to July 27, 1961; S. Res. 211, agreed to September 21, 1961; and S. Res. 337, agreed to May 29, 1962.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 383) was considered and agreed to.

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. MANSFIELD. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the resolution (S. Res. 397) to provide additional funds for the Committee on Armed Services, and I submit a report (No. 2118) thereon. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That S. Res. 295, agreed to February 22, 1962, authorizing a study by the Committee on Armed Services on strategic and critical stockpiling, as amended by S. Res. 345, agreed to June 14, 1962, is further amended on page 2, line 14, by striking "$80,000" and inserting in lieu thereof "$115,000."

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record at this point a memorandum prepared for the Senator from Missouri [Mr. Symington], the chairman of the Subcommittee on the National Stockpile and Naval Petroleum Reserves, by Mr. Richmond C. Coburn, the chief counsel for the subcommittee.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Armed Services,
September 21, 1962.

Memorandum for Chairman Symington.

Subject: Supplemental appropriation, Subcommittee on the National Stockpile and Naval Petroleum Reserves.

In order to complete our investigation of the Government stockpiles, it is now apparent that a request must be made for an additional appropriation.

During the greater part of the summer our staff consisted of 8 lawyers, 1 investigator, 1 clerk, and 5 secretaries, or a total of 15. We have recently reduced the staff to 10 and expect to maintain a staff of approximately this size as long as we are conducting hearings. Present plans are to conclude all hearings by the end of this calendar year, but the report will probably not be prepared until January 1963. We intend to reduce the staff to a minimum as soon as the hearings are concluded.

As of this date we have an unexpended balance on hand of $19,111.58. I estimate that the expenditures to be incurred during the final months of this calendar year and the filing of the committee report in January 1963 are as follows:

Salaries	$41, 600. 00
Communications	700. 00
Travel (staff)	4, 000. 00
Reporting (Ward & Paul)	4, 500. 00
Other (interdepartmental transportation, stationary supplies, miscellaneous expenses)	1, 000. 00
Witness fees and travel	1, 500. 00
Total	53, 300. 00
Balance on hand	19, 111. 58
	34, 188. 42
Supplemental requested	35, 000. 00

Richmond C. Coburn,
Chief Counsel, Subcommittee on the National Stockpile and Naval Petroleum Reserves.

Mr. MANSFIELD. Mr. President, the resolution was reported unanimously by the Committee on Armed Services.

The VICE PRESIDENT. The resolution is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the resolution.

The resolution (S. Res. 397) was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 3739. A bill for the relief of Carlitos D. Lazo; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 3740. A bill for the relief of Chin Wa Sui, also known as James Quai or Jimmy Yung; to the Committee on the Judiciary.

By Mr. PELL:

S. 3741. A bill to amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Pell when he introduced the above bill, which appear under a separate heading.)

By Mr. JORDAN of North Carolina:

S. 3742. A bill for the relief of Dr. Vartan Vartanian; to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 3743. A bill to authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Relations.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

LIBRARY SERVICES ACT

Mr. PELL. Mr. President, I am most interested in the welfare of the libraries of our Nation and I have observed with growing concern the great need to expand our resources in this area. In this connection, I am pleased to introduce a bill which would amend the Library Services Act in order to provide additional Federal assistance not only for rural libraries, but for urban libraries, public school libraries, certain college and university libraries, and for training institutes to improve the qualifications of librarians and individuals preparing to engage in library work.

This bill has been introduced in the House of Representatives by our distinguished colleague, Representative CLEVELAND BAILEY, and identical bills have been offered by other Members of the House, including Representative FOGARTY, who over the years has been an exceptionally strong supporter and friend of our libraries in my State of Rhode Island.

Although this measure provides that annual authorizations would be substantially increased, I want to emphasize that the bill's underlying principle is one of matching grants which I am confident would provide the necessary incentive and encouragement to develop in our country better library services for our citizens.

I know I do not need to emphasize the very important role libraries play in our country. Our libraries not only enrich our cultural life, but assist many industrious citizens to achieve professional advancement in their chosen field of endeavor.

Mr. President, the ability of our Nation to meet the challenges which face us today in the world very much depends on an educated citizenry. America has pioneered in the public library field. The bill I introduce today is in the highest tradition of our Nation's accent on making books a vital and valued part of our lives.

I ask unanimous consent to have printed in the RECORD at this point a summary of this bill and request unanimous consent that this bill be referred to the appropriate committee for consideration.

And, while it is very late in our session to expect passage of this bill, I intend to reintroduce it at the beginning of the coming Congress in the hope that this body may take more immediate action on it. This, in turn, might help support the efforts of its sponsors in the House of Representatives to secure its passage in their body.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 3741) to amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes, introduced by Mr. PELL, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The summary presented by Mr. PELL is as follows:

SUMMARY OF LIBRARY SERVICES ACT

To amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes.

Short title: "Library Services Act."

APPROPRIATIONS AUTHORIZED

Authorization would be for fiscal years 1963–67. Total cost of amendments in first year, $60 million; for 5 years, $310 million. (Existing Library Services Act authorizes appropriations of $7.5 million per year.)

TITLE I—PUBLIC LIBRARIES

1. Removal of the present Library Services Act population limitation of 10,000 or less.

2 Increase in authorizations from $7.5 to $20 million annually, allotted on a matching basis to the States for the extension of public library services to areas without adequate services.

3. Allotments to States on a population ratio basis.

4. Matching by each State on a per capita income basis.

TITLE II—PUBLIC SCHOOL LIBRARIES

1. Authorization of $30 million annually for grants to State educational agencies to assist them in establishing and maintaining programs of library service in public elementary and secondary schools.

2. Allotments to the States primarily on basis of the ratio of school-age population of the United States. No State would receive less than $50,000 annually.

3. Matching by each State after the first year on a per capita income basis.

TITLE III—INSTITUTIONS OF HIGHER EDUCATION

1. Authorization of $10 million annually for matching grants to institutions of higher education to assist and encourage such institutions in the acquisition for library purposes of books (not including textbooks), periodicals, documents, audiovisual, and other library materials.

2. Distribution to the colleges and universities in an amount not exceeding 25 percentum of the sum expended for library materials by such institution during the fiscal year ending June 30, 1962. Minimums are set for various types of colleges and universities.

3. Institutions match Federal grants dollar for dollar, at least 50 percent of such expenditures to be reserved for books and related library materials.

TITLE IV—LIBRARY TRAINING INSTITUTES

1. Authorization of $7,500,000 for fiscal year 1963, and $10 million for each of the 4 succeeding fiscal years to enable institutions of higher education to operate short-term or regular session institutes to improve the qualifications of librarians and individuals preparing to engage in library work.

2. Each individual selected to attend an institute would receive a weekly stipend of $75 per week for the period of his attendance at the institute plus allowances for dependents.

Estimated allotments and matching expenditures under title I

[Maximum appropriation of $20,000,000—fiscal year 1963]

State	Federal allotment	Matching expenditure
Alabama	$363,136	$187,070
Alaska	99,602	145,120
Arizona	192,861	162,316
Arkansas	234,821	120,968
California	1,442,249	2,230,399
Colorado	232,019	220,172
Connecticut	299,735	594,729
Delaware	118,681	240,958
District of Columbia	146,214	295,387
Florida	509,164	428,005
Georgia	421,759	231,119
Hawaii	134,844	126,330
Idaho	137,827	96,294
Illinois	953,759	1,488,646
Indiana	484,110	466,430
Iowa	319,002	267,938
Kansas	268,826	230,665
Kentucky	343,324	184,948
Louisiana	362,294	213,873
Maine	164,009	113,690
Maryland	348,744	411,544
Massachusetts	526,240	682,118
Michigan	758,055	856,890
Minnesota	375,888	319,428
Mississippi	268,785	138,465
Missouri	454,409	429,827
Montana	138,484	123,449
Nebraska	$202,323	$176,063
Nevada	104,726	173,801
New Hampshire	132,603	112,142
New Jersey	605,823	941,618
New Mexico	162,427	116,561
New York	1,534,564	2,583,965
North Carolina	474,893	244,642
North Dakota	134,816	79,825
Ohio	921,277	1,108,415
Oklahoma	281,798	195,745
Oregon	233,296	223,073
Pennsylvania	1,061,077	1,150,883
Rhode Island	154,494	151,738
South Carolina	286,505	147,593
South Dakota	138,982	82,963
Tennessee	389,168	207,715
Texas	910,294	725,748
Utah	157,193	116,949
Vermont	113,792	77,938
Virginia	423,825	306,530
Washington	327,295	362,618
West Virginia	241,247	151,663
Wisconsin	422,510	398,216
Wyoming	108,608	107,184
American Samoa	1,738	11,198
Canal Zone	23,651	12,184
Guam	25,811	13,297
Puerto Rico	283,641	146,118
Virgin Islands	22,782	11,736
Total	20,000,000	21,144,899

Estimated allotments and matching expenditures (beginning in fiscal year 1964)[1] *under title II*

[Maximum appropriation of $30,000,000.

State	Federal allotment	Matching expenditure
Alabama	$605,073	$311,704
Alaska	50,000	72,850
Arizona	235,306	198,038
Arkansas	318,672	164,164
California	2,490,212	3,851,046
Colorado	295,814	280,709
Connecticut	391,281	776,373
Delaware	72,609	147,418
District of Columbia	95,467	192,866
Florida	766,426	644,260
Georgia	713,314	390,887
Hawaii	114,292	107,075
Idaho	125,048	87,366
Illinois	1,552,349	2,422,937
Indiana	777,183	748,800
Iowa	457,166	383,986
Kansas	352,959	302,855
Kentucky	536,498	289,011
Louisiana	600,367	354,415
Maine	161,353	111,849
Maryland	517,674	610,894
Massachusetts	779,872	1,010,879
Michigan	1,337,884	1,512,315
Minnesota	582,887	495,335
Mississippi	420,862	216,808
Missouri	667,597	631,483
Montana	118,998	106,079
Nebraska	228,583	198,915
Nevada	50,000	82,979
New Hampshire	96,812	81,874
New Jersey	919,711	1,429,487
New Mexico	183,539	131,712
New York	2,450,546	4,126,335
North Carolina	839,035	432,230
North Dakota	115,636	68,468
Ohio	1,592,687	1,916,207
Oklahoma	384,558	267,125
Oregon	299,175	286,066
Pennsylvania	1,766,141	1,915,621
Rhode Island	129,082	126,779
South Carolina	469,268	241,744
South Dakota	120,342	71,836
Tennessee	619,191	330,488
Texas	1,665,295	1,327,687
Utah	172,110	128,047
Vermont	65,886	45,127
Virginia	676,337	489,158
Washington	478,680	530,342
West Virginia	340,186	213,863
Wisconsin	661,547	623,509
Wyoming	58,490	57,723
American Samoa	30,000	15,455
Canal Zone	30,000	15,455
Guam	30,000	15,455
Puerto Rico	360,000	185,455
Virgin Islands	30,000	15,455
Total	30,000,000	31,792,999

[1] Variable matching requirement not effective until fiscal year 1964.

Estimated grants to higher educational institutions under provisions of title III

[1st year of operation with maximum appropriation]

States and outlying areas (1)	Junior colleges (2)	Higher educational institutions granting either a bachelor of arts or advanced degrees, but not both (3)	Higher educational institutions granting both bachelor of arts and advanced degrees (4)	Total estimated grants to higher educational institutions within State (5)
Total	$618,827	$1,777,366	$7,603,807	$10,000,000
Alabama	5,000	25,000	83,856	113,856
Alaska	4,000		5,530	9,530
Arizona	2,544	2,500	67,327	72,371
Arkansas	2,000	25,000	35,860	62,860
California	138,876	89,457	850,044	1,078,377
Colorado	7,000	15,000	93,597	115,597
Connecticut	3,000	17,500	225,091	245,591
Delaware	1,000	2,500	24,793	28,293
Florida	20,967	44,972	145,346	211,285
Georgia	16,000	37,500	116,021	169,521
Hawaii		7,500	35,340	42,840
Idaho	5,234	2,500	24,249	31,983
Illinois	24,000	75,000	483,154	582,154
Indiana	1,000	52,390	227,823	281,213
Iowa	21,000	57,500	113,906	192,406
Kansas	18,000	42,500	139,000	199,500
Kentucky	10,000	37,500	93,740	141,240
Louisiana	1,000	28,073	174,368	203,441
Maine	3,000	25,000	10,416	38,416
Maryland	12,578	35,000	62,832	110,410
Massachusetts	13,000	62,500	411,371	486,871
Michigan	27,115	55,000	306,078	388,193
Minnesota	11,000	40,719	126,498	178,217
Mississippi	26,000	32,500	48,970	107,470
Missouri	17,000	60,000	153,646	230,646
Montana	2,000	10,000	38,171	50,171
Nebraska	6,000	25,000	56,685	87,685
Nevada			20,016	20,016
New Hampshire		10,000	40,119	50,119
New Jersey	10,000	27,500	197,325	234,825
New Mexico	1,958	5,000	48,616	55,574
New York	30,076	100,000	690,202	820,278
North Carolina	22,000	57,500	246,026	325,526
North Dakota	4,000	15,000	21,314	40,314
Ohio	2,000	92,500	279,552	374,052
Oklahoma	14,000	20,000	97,998	131,998
Oregon	3,000	18,233	87,592	108,825
Pennsylvania	9,000	149,498	381,104	539,602
Rhode Island	1,000	10,000	65,518	76,518
South Carolina	5,000	37,500	51,010	93,510
South Dakota	3,000	20,000	25,000	48,000
Tennessee	6,000	62,500	138,120	206,620
Texas	38,000	61,331	473,004	572,335
Utah	4,556	2,500	80,832	87,888
Vermont	2,000	20,000	20,204	42,204
Virginia	9,000	45,000	98,680	152,680
Washington	14,128	7,500	178,222	199,850
West Virginia	3,000	37,500	5,092	45,592
Wisconsin	25,000	57,500	118,749	201,249
Wyoming	5,000		10,777	15,777
District of Columbia	5,000	5,193	72,553	82,746
Canal Zone	1,000			1,000
Guam	1,795			1,795
Puerto Rico	1,000	7,500	23,452	31,952

Sources: (1) Unpublished data, "Library Statistics of Colleges and Universities, 1960-61, Pt. 2." (2) "Education Directory, 1961-62, Pt. 3, Higher Education (OE-50000-61)." (3) Machine tabulations of institutions of higher education, 1960-61.

PAYMENT OF CLAIM TO GREAT BRITAIN AND NORTHERN IRELAND

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland.

The purpose of this legislation is to authorize payment for supplies and services furnished by the British Navy to the United States Navy in 1946.

The proposed legislation has been requested by the Under Secretary of the Navy and I introduce it now so that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Under Secretary of the Navy, dated August 31, 1962, in regard to it.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3743) to authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland, introduced by Mr. SPARKMAN (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the limitations contained in the Act of October 9, 1940 (54 Stat. 1061), or in any other provision of law, the claim of the United Kingdom of Great Britain and Northern Ireland for various supplies and services furnished by the British Navy in 1946 to the United States Navy in the sum of 3,336 pounds, 16 shillings, and 5 pence shall be held and considered to have been timely filed. The Secretary of the Navy is hereby authorized to pay this claim out of Navy appropriations otherwise available for the payment of such claims.

The letter presented by Mr. SPARKMAN is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., August 31, 1962.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is enclosed a draft of proposed legislation "To authorize payment of a claim made by the Government of the United Kingdom of Great Britain and Northern Ireland."

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to authorize payment for supplies and services furnished by the British Navy to the U.S. Navy in 1946 in the amount of 3,336 pounds, 16 shillings, and 5 pence. This claim was forwarded by the British Navy to the U.S. Navy Regional Accounting Office, Washington, D.C., in July 1951, well within the time prescribed by the statute of limitations. Additional substantiation was required and further correspondence took place between the British Admiralty and the U.S. Navy Regional Accounting Office. It was not until December 17, 1959, that the U.S. Navy Regional Accounting Office administratively approved the claim and forwarded it for payment to the General Accounting Office.

On February 19, 1960, the General Accounting Office denied the claim on the ground that it had not been received in that office within the 10-year statute of limitations contained in the act of October 9, 1940 (54 Stat. 106). The authority which this proposal would provide is needed to permit payment of a just obligation on the part of the United States to the United Kingdom.

COST AND BUDGET DATA

The cost to the Government of this legislation at the official rate of exchange will be $9,343.10 which would be charged to appropriation 17M804, maintenance and operation Navy successor account, therefore current appropriations will not be used. The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress.

Sincerely yours,
PAUL B. FAY, Jr.,
Under Secretary of the Navy.

Mr. MORSE. Madam President, reserving the right to object, and I shall not object at this point, I should like to know something about the bill before it is voted upon. I do not assume that the unanimous-consent request is more than a request to print the bill in the RECORD, is it?

Mr. SPARKMAN. I am introducing a bill and asking that it be printed in the RECORD. I do not anticipate that action will be taken on it at this session of Congress.

ADJUSTMENTS IN CERTAIN ANNUITIES UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM—AMENDMENTS

Mr. SPARKMAN. Mr. President, I submit, for appropriate reference, amendments in the nature of substitutes, to the bill (S. 1010) to provide for adjustments in certain widows' annuities under the Foreign Service retirement and disability system, and for other purposes, and to the bill (S. 1011) to provide for adjustments in annuities under the Foreign Service retirement and disability system.

Both of these amendments are designed to provide for increases in annuities currently payable under the Foreign Service Retirement System to retired Foreign Service officers and their survivors.

In my opinion, the retired Foreign Service officers and their survivors are entitled to increases in their annuities, and I hope that the amendments which I am introducing today will receive sympathetic consideration from the executive branch.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Foreign Relations.

INCLUSION OF A DISTRICT JUDGE OR JUDGES ON JUDICIAL COUNCIL OF EACH CIRCUIT—AMENDMENT

Mr. KEATING submitted an amendments, intended to be proposed by him, to the bill (H.R. 6690) to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit, which was ordered to lie on the table and to be printed.

AUTHORIZATION FOR CERTAIN BANKS TO INVEST IN CORPORATIONS WHOSE PURPOSE IS TO PROVIDE CLERICAL SERVICES FOR THEM—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 8874) to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes, which were ordered to lie on the table and to be printed.

FOREIGN AID AND RELATED AGENCIES APPROPRIATION BILL, 1963—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 13175) making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes, which were referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF INTERIM REPORT ON SANDUSKY RIVER, OHIO (S. DOC. NO. 136)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. Chavez], I present a letter from the Secretary of the Army, transmitting a report dated August 29, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the Sandusky River, Ohio, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted February 24, 1948. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The VICE PRESIDENT. Without objection, it is so ordered.

PRINTING OF INTERIM REPORT ON BROKEN BOW RESERVOIR, MOUNTAIN FORK RIVER, OKLA. (S. DOC. NO. 137)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. Chavez], I present a letter from the Secretary of the Army, transmitting a report dated August 7, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the Broken Bow Reservoir, Mountain Fork River, Okla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted January 6, 1961. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The VICE PRESIDENT. Without objection, it is so ordered.

PRINTING OF INTERIM REPORT ON CENTRAL AND SOUTHERN FLORIDA PROJECT, SOUTH DADE COUNTY, FLA. (S. DOC. NO. 138)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. Chavez], I present a letter from the Secretary of the Army, transmitting a report dated August 24, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the central and southern Florida project, South Dade County, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted November 15, 1954. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. HARTKE:

Address delivered by Vice President Lyndon B. Johnson, at the United Steelworkers Convention, Miami, Fla., on September 18, 1962.

AMBASSADOR STEVENSON POINTS THE WAY TO PEACE THROUGH A STRONGER UNITED NATIONS

Mr. PROXMIRE. Mr. President, yesterday at the United Nations our Ambassador, Adlai Stevenson, made a brilliant and eloquent speech pleading for a stronger United Nations. He outlined the progress made under the United Nations in past years, and pointed out that in many areas it has succeeded in solving great problems. That is true in southeast Asia, in Laos, and in connection with the struggle between the Indonesians and the Dutch. It is clear that in many areas the United Nations has been an invaluable agency for achieving peace in the world.

At the same time, as Ambassador Stevenson pointed out so well, the dangers remaining in the world are great, and are growing.

It seems to me that Ambassador Stevenson's plea to strengthen the United Nations, both financially and in terms of organization, should be carefully considered by Members of the Senate, since so frequently we pass on legislation directly affecting the United Nations.

With this in mind, I ask unanimous consent that excerpts from Ambassador Stevenson's opening address to the United Nations be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 21, 1962]

EXCERPTS FROM STEVENSON'S OPENING ADDRESS TO U.N. GENERAL ASSEMBLY

I should like to begin by reaffirming, as emphatically as I can, the high significance which the Government of the United States attaches to the work of the United Nations. My Government is more than ever convinced that the success or the failure of this organization could well mean the difference between world order and world anarchy. We believe that the work that lies before this 17th General Assembly is serious—and that it is also urgent.

A year ago we met at a time of doubt and of danger. In the 12 months since, much has taken place to justify a measure of fresh hope for the future.

A long, bitter war in Algeria has come to a close.

A threatened conflict between two of our members in the Southwest Pacific has yielded to peaceful settlement—through statesmanship on their part and skillful conciliation by the United Nations.

CEASE-FIRE IN LAOS

In Laos, civil war, abetted by foreign intervention, has been replaced by a cease-fire and an independent government under international guarantees.

In the Congo—where the United Nations has played such a decisive part—war and the threat of war seem to be yielding to new hopes for the peaceful reintegration of Katanga into the Congo state. And to the Secretary General's vigorous efforts, with our support and that of the great majority of the members, to get early implementation of the United Nations reconciliation plan.

Disarmament negotiations, with the encouragement of the General Assembly, have resumed in a new forum with nonnuclear powers playing a useful and a constructive role.

We have begun under United Nations auspices, a search for cooperation in the development of outer space in the interests, not of any one nation, but of humanity.

We have begun, too, an intensification of the drive against poverty under the United Nations Decade of Development.

These are all legitimate sources of gratification and there are others. But we would be deceiving ourselves if we looked on the bright side alone. We still—all of us—continue to live in a dark and a precarious world.

THREAT IN BERLIN

The crisis in Berlin has not exploded into war; but the pressures and harassments against West Berlin continue to rank as a most ominous threat to the peace of the world:

The Government of Cuba, with moral and material support from outside, carries on a campaign of subversion and vituperation against its neighbors in the Western Hemisphere.

Unprovoked aggression from North Vietnam continues to threaten the freedom and independence of the Republic of Vietnam and to menace the peace in southeast Asia.

The Chinese Communists continue their policy of provocation, their acts of force and of subversion.

The threat of conflict still smolders in the Middle East, damped down but not quenched by the peacekeeping machinery of the United Nations.

Disputes involving members of our organization continue unresolved on every continent.

The continued repression of the peoples of Eastern Europe remains an underlying danger to peace.

CALL FOR COOL HEADS

The concluding stage of the worldwide movement toward national independence elsewhere is complicated by issues which, though transient and manageable, could become explosive if cool heads do not prevail over hot tempers.

The prevalence of poverty in great areas of the world remains a source of moral frustration and of political danger.

And, most ominous of all, the suicidal arms race continues unabated.

Now these situations raise serious dangers to the peace of the world.

It was to deal with such dangers to the peace that half of the states in this assembly hall established the United Nations 17 years ago—and that the other half have adhered to the charter in the years since.

The charter issued a lofty challenge to mankind. It cannot be claimed that in these 17 years the United Nations has established a reign of peace on earth. But the record of our organization in meeting specific challenges to the peace is nonetheless impressive. In these years the United Nations, whether through the Security Council or the General Assembly, through conciliation or cease-fire, through peace observation or truce supervision, or direct military action, has helped avert or end hostilities in Iran, in Greece, in the Middle East, in Kashmir, in Indonesia, in Korea, at Suez, in Lebanon, in the Congo and now in West New Guinea.

The record of accomplishment is formidable, but the movement of history is more preemptory than ever, and today's challenges of peace and of progress are therefore more urgent than ever. To meet these challenges we need not just a strong but a still stronger United Nations. The most important general issue before this Assembly is to get on with the business of steadily improving our organization so that it can deal ever more energetically, more efficiently, more promptly with the danger to peace and the obstacles to progress.

TWO FACTORS INVOLVED

Strengthening the United Nations involves questions both of structure and of strategy.

So far as structure is concerned, a first necessity is to set the United Nations on a sound financial basis. Our organization has today a deficit of more than $150 million—brought about largely by defaults or delays in payments for peacekeeping operations which have proved as expensive as they were necessary.

The emergency plan to meet this deficit to the sale of bonds is good as a stopgap. As the result of action by our Congress, the U.S. Government will be in a position to lend the United Nations half of what it will borrow under this plan. Other nations have already pledged $73 million. We hope—and that's a mild word for it—that these states, along with the nations still unpledged, will bring the total pledged to match that sum.

But this, Mr. President, is only a palliative; it is not a solution. The current deficit is a symptom of a deeper problem—a problem created by the inaction of too many of the governments in this Assembly hall. One can understand past reasons for reluctance to accept collective financial responsibility for United Nations actions. Some states, for example, doubted whether the General Assembly could legally make a binding assessment for the United Nations peacekeeping expenses. But any legal uncertainties have now been cleared up by the recent opinion of the International Court of Justice.

This Assembly now faces the compelling obligation of affirming a policy of collective financial responsibility for the actions of the United Nations. I believe that this session of the Assembly should accept and act upon the advisory opinion of the International Court as past accepted and acted upon other advisory opinions. The financial integrity and independence of the U.N. are at stake. And something even more important is at stake—the rule of law. The Court has ruled on the law; it remains to this Assembly to manifest at once its respect and its compliance by converting the law into policy.

AFFIRMATION URGED

I believe that this Assembly must also devise a financing plan for future peacekeeping operations to take effect when the proceeds from the bond issue are exhausted. The details of such a plan are open to discussion. But whatever the character of the plan, it should require that every member meet its obligations when an assessment is duly voted.

We hope this Assembly will work out a program which will finance operations authorized by itself or by the Security Council. Otherwise we doom our organization to impotence. We cannot expect the United Nations to survive from day to day by passing a cup like a beggar in the street.

We also must elect unconditionally a Secretary General for a full term of office. After the tragic death of Dag Hammarskjold last year, the Assembly went through a protracted but instructive constitutional crisis. We resolved this crisis by vindicating—overwhelmingly and I trust permanently—the integrity of the Office of the Secretary General as established by the charter. We then selected unanimously a diplomat of extraordinary personal qualities, who has served this organization well in a time of transition and uncertainty.

I am well aware of the frustration, the temptations, and conflicts of any parliamentary democracy, but it happens to be the best system ever invented to protect and to reconcile all interests in the conduct of public affairs. Given the inherent complexities of this form of organization—given the gravity of the matters with which we deal—given the youth of the United Nations—given its rapid growth—it must be said that the General Assembly, with few exceptions, has conducted itself with surprising responsibility and maturity.

It's clear that the business of this Assembly cannot be conducted effectively in the manner of a protest demonstration in a public square. It is clear that the influence of this Assembly cannot grow if the quality of its debate is debased by propaganda or by speeches designed not to further the business before the house but to gratify emotions back home.

Indignation and outrage have been powerful enemies of injustice since the beginning of history. It would be surprising if they had no place in the proceedings of the United Nations. But the test of resolutions presented to this Assembly must surely be whether they promise to bring us closer to rational solutions of real problems and thereby closer to justice.

In the United Nations, all members, large and small, are juridically equal. This is why it is so often called the hope of the world. This is why it is the great guardian of the interests of the smaller states. This is also why, as the Assembly grows in numbers, we must match its size by its sense of relevance and its sense of responsibility.

PLANET A POWDER KEG

Nothing is more important to all of us than a sustained and systematic attack on the conflicts which threaten the peace. Our world is now a crowded house; our planet a single powder keg, and we believe that all nations must stay their hands in pursuit of national ambitions involving conflict with others until the world community has had a chance to find solutions through patient, through quiet, diplomatic effort.

The path to peace lies through thickets of conflict and the biggest obstacle in the path—the most overwhelming danger of all—is the onrushing arms race. Every day it gathers momentum as the nuclear powers and others, large and small, enlarge their arsenals. Some of us continue to invent and test frightful new weapons. We feel obligated to do this for the sake of our separate national interests—at a time in history when the national interests of all nations—those with nuclear weapons and those without—demands not the expansion but the abolition of the power to wage war.

Let me be as clear, as simple as I can: this prodigal arms race is dangerous and deadly folly. Here in the United States we want to save not destroy, our fellow man. We want to devote the resources now swallowed up by this insatiable monster to the unfinished tasks of our own society. And we want to devote these resources to giving every soul on earth a chance for a better life.

AGREEMENT ON PRINCIPLES

Yet the arms race goes on. It goes on because no nation, confronted by hostile nations, can neglect its defenses. No great power can risk unilateral disarmament. There is a system of complete and general disarmament under which all nations progressively tear down—in plain view of the international community and with suitable safeguards—their own capacity to wage war.

A great achievement of our last session was to endorse an agreement on a set of principles for general and complete disarmament in a peaceful world. But we—while we have made some progress, we have not made enough toward translating these agreed principles into an agreed plan—to move by mutual actions in rapid stages toward total disarmament and effective international peacekeeping.

The United States has proposed such a plan. It has submitted its proposals to this Assembly and to the 18-nation Disarmament Conference at Geneva.

But, just as it takes at least two to make an arms race, it takes at least two to stop an arms race. No one in his senses would expect one side to abandon the means of self-defense unless it knew for sure that the other side was giving up its arms as well. This means that practical verification is the essence of any workable agreement for general disarmament.

It need not be total verification. We have demonstrated again and again during long negotiations that we are prepared to take certain risks to lessen the chance of an intensified arms race. But we are not prepared to risk our survival. If other nations permit, as we have agreed to do, the degree of international inspection technically required for mutual security, we can end the arms race. But we cannot stake our national existence on blind trust—especially on blind trust in a great and powerful nation which repeatedly declares its fundamental hostility to the basic values of our free society.

The issue is plain. The price of general disarmament is mutual security within the framework of the United Nations. Because such security would be by international inspection, it could have no conceivable connection with espionage. Is inspection by a United Nations agency too high a price to pay for the safety, perhaps the survival, of mankind? Can any society value its secrecy more than everyone's safety—especially a society which avows itself the model toward which all other societies must irresistibly evolve?

Mr. President, I put this issue in all gravity. I ask the members of this Assembly to join the peoples of the world in demanding a program of general disarmament which stands a chance of ending the arms race.

Here in New York, the Assembly can insist on the indispensable condition of world disarmament: the assurance that agreements made are agreements kept.

HOPE HELD FOR TEST BAN

But there is a situation even more immediate and happily more hopeful than general disarmament. I refer to the testing of nuclear weapons. If we see in this a more acute problem, let me suggest that it is also more manageable—and therefore offers brighter hopes for early progress.

As is plain from the draft treaties tabled in Geneva, the U.S. Government is prepared to stop the testing of all nuclear weapons, provided only that others are prepared to assume the obligations to do the same. Testing in the atmosphere, in the oceans and in space causes radiation. Testing underground does not. We are prepared to stop testing even without any international verification, provided an international system is created to assure that others are doing the same.

It may be interesting to you to know that since 1945 when it began, the United States has exploded nuclear devices with a total yield of about 140 megatons. Since 1949, when it began, the Soviet Union, so far as we can tell by distant instrumentation, has exploded devices with a total yield of approximately 250 megatons.

EXPLOSIONS COMPARED

Since the U.S.S.R. broke the moratorium last fall, its explosions have yielded 200 megatons. Those which the United States was then compelled to undertake have yielded 25 megatons. I repeat, that we in this country wanted tests—want to cease testing nuclear weapons.

If other nuclear powers are also willing to make an agreement to cease, the testing will cease. But let there be no doubt about it: United States prefers a comprehensive treaty banning all tests in all environments and for all time.

The objective of peace is inseparably intertwined with the objective of progress. As we improve our organization's capacity to keep the peace, we also strengthen the United Nations for its other essential tasks: to help build nations in dignity and freedom; to help liberate humanity from centuries-old bonds of want and squalor.

And, as we build healthy modern societies, we knit stronger the fabric of peace; we reduce the chance that misery and failure will explode into conflict. Thus are peacekeeping and nation-building two sides of the United Nations coin.

HISTORIC TRANSFORMATION

We who have attended these General Assemblies of the United Nations have been witnesses to a great historic transformation. In the years since 1945—and with the support of this Assembly—we have seen the age of classical colonialism move toward an end. In these years 46 nations nearly half of the present membership of this organization, have gained their independence. This has represented a revolutionary change in the structure of international relations and of international power.

It has been a change, I need hardly say, which has been enthusiastically welcomed in the United States. As the first modern state to win freedom from colonialism, we have been proud to help other states begin that most precious, that most difficult of adventures—the adventure in self-government. We found no task more important than assisting those everywhere, in the older colonial areas and elsewhere, to self-determination.

ONLY A BEGINNING

For a nation is not created by a stroke of the pen. A declaration of political independence is a beginning. It is not a conclusion. Nothing more discredits the great historic transformation of our epoch than for newly independent states to fall into chaos and become an international problem or an international danger. The long labor of nationhood requires reality as well as the rhetoric of independence; it requires an emerging national will be capable of the political wisdom, the administration vigor, the economic energy, the moral discipline necessary to convert the promise of national independence into a free and productive life for its people. The interest, I dare say, of most of the members here present, lies not in the mere multiplication of nations—but in the multiplication of nations where people have the strength to survive, and to grow, and to contribute to the vitality of the international order—the world community.

Over the years, the United Nations itself has established an impressive range of technical institutions geared to the job of helping the less developed nations to modernize their economies. The United Nations family of agencies is the source of new and exciting projects: a world food program is just getting underway. The Board of Governors of the World Bank is at this moment calling for recommendations for the expansion of the capital for—for international—of the International Development Association. An unprecedented conference on the application of science and technology to the problems of development will be held.

Other projects, other programs attest to the growing maturity, the expanding hope, the rising operational capacity of the United Nations family of agencies—and this is all to the good.

CHALLENGE TO MEMBERS

The challenge before us now is to make our United Nations agencies better with each passing year—to endow them with sound procedures and adequate resources—to staff them with disinterested and expert talent—to improve their planning and programing and administration and coordination—to see that they meet the needs of realistic development in the new nations—to integrate them with the other forms of development assistance, national, regional and international, presently going to the emerging nations—and thereby to insure that development aid will be applied everywhere on a cooperative rather than on a competitive basis.

Now the full problem of development cannot be achieved within national boundaries. To stimulate general prosperity, we must remove the barriers which block the free flow of money and goods across national frontiers.

SOCIAL PROGRESS IS KEY

An expanding world trade, built on the scaffolding of the General Agreement on Tariffs and Trade, rests in turn on that further social progress, that larger freedom, that broader structures of international peace which it is the purpose of the United Nations to secure.

That is why the United States was pleased to join with its fellow members of the Economic and Social Council in the unanimous call for a United Nations Conference on Trade and Development. We will do everything we can to help this Conference succeed.

We need to move—under the challenge of the defense of development—toward a clearer strategy of development—toward a better sense of priorities—toward a sharper division of labor among the various institutions—and toward a keener appreciation that the economic and social development of a country is not the result only of outside capital and assistance, but of the political leadership, of institutional growth, of economic and social reform and of national will.

Here, then, Mr. President, are our twin tasks as we see them: to replace strident policies with quiet and determined diplomacy; to replace the arms race, as the President said last year, with a peace race; with a creative race in the production and exchange of goods and the elevation of living standards.

These tasks are not new—nor will they be finished before we adjourn. But before we adjourn I trust that the 17th General Assembly will energetically get on with the job of peaceful settlement, of nonviolent change, and of war against human want.

As the custodians of the history of our times, we can do no less. To the discharge of these responsibilities, my own Government pledges its firm and unswerving support. Animated by the ideals of the charter and by our obligations to our fellow men we, the members of this Assembly, cannot adjourn our deliberations without providing the world tangible evidence of our devotion to peace and to justice. And this tangible evidence, Mr. President, can lie only in our decisions and our deeds in the months ahead.

Mr. PROXMIRE. The New York Times, in commenting on Ambassador Stevenson's address, emphasized the excellent points he made in regard to disarmament, and pointed out that in his speech he said:

(1) We regard "this prodigal arms race as dangerous and deadly folly"; (2) "practical verification is the essence of any workable agreement for general disarmament" and "it need not be total verification"; (3) we cannot "stake our national existence on blind trust."

I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Stevenson Defines Our Policy

Ambassador Stevenson took advantage yesterday of the "general debate" at the United Nations Assembly to explain what the foreign policy of the United States actually is.

Naturally, the most critical part was that which dealt with disarmament and with atomic testing. Mr. Stevenson made these points: (1) We regard "this prodigal arms race as dangerous and deadly folly"; (2) "practical verification is the essence of any workable agreement for general disarmament" and "it need not be total verification"; (3) we cannot "stake our national existence on blind trust." He said that since 1945 the United States has exploded nuclear devices with a total yield of about 140 megatons, but since 1949 the Soviet Union "has exploded devices with a total yield of approximately 250 megatons." Two hundred of these apparently were fired by the U.S.S.R. after it broke the moratorium last fall, whereas the United States has set off 25 megatons during this same period.

We wish to stop testing, Mr. Stevenson reiterated. We want, as President Kennedy said last year, to replace the arms race with a peace race. "The price of general disarmament," Mr. Stevenson said, "is mutual security within the framework of the United Nations." Is inspection by a United Nations agency "too high a price to pay for the safety, perhaps the survival, of mankind?" Here is the essence of the American argument with the Soviet Union. The United States has yielded ground since a tight system of inspections was first proposed to prevent preparations for nuclear warfare. What is now proposed by the United States is something as far from espionage as any system could be.

If this issue could be abated, the other questions with which the United Nations has to deal might become simple. Already, as Mr. Stevenson pointed out, there have been improvements in some critical areas since last year, although other areas, such as Berlin, Cuba, and North Vietnam, are still dangerous, and there is still pitiful poverty "in great areas of the world." Nobody can read this passage without lamenting that so much money, energy, and ingenuity is diverted to weapons and so little left, comparatively, for the war against want and disease.

The United States does not plan to impose democracy on people who do not want it. This country is willing to coexist peacefully with the Communist empire if the latter remains within its borders. We are against suicide—individual, national, or universal. On those principles all of us can stand with Adlai Stevenson and the administration for which he speaks.

MILWAUKEE OPENS WORLD SHOWING OF U.S. ART

Mr. PROXMIRE. Mr. President, the S. C. Johnson Co., of Racine, Wis. is a remarkable company. Over the years it has demonstrated in many unique ways its sense of responsibility toward Racine, the State of Wisconsin, and the Nation.

Today, under the sponsorship of the Johnson Co., a collection of 102 contemporary American paintings goes on exhibition at the Milwaukee Art Center. This is believed to be the largest financial investment in contemporary art ever made by a private organization. Its value is about $750,000. The collection will be given a world tour, including Europe and Asia, to bring to the peoples of the world a vital demonstration of our culture.

Mr. H. F. Johnson, of the Johnson Co., has eloquently described the endeavor of his company as "an act of faith in American art and, at the same time, an experiment by a business firm in international relations on a people-to-people level."

I ask unanimous consent that an article in today's New York Times describing the Milwaukee opening of "Art, U.S.A., Now" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Art: Contemporary American Works—Art, U.S.A. Now To Open in Milwaukee

(By Stuart Preston)

Milwaukee, September 19.—Art, U.S.A., Now, a collection of 102 contemporary American paintings that goes on exhibition Friday at the Milwaukee Art Center and will later be given a 5-year world tour, will take a major step in the presentation to Europe and Asia of a particularly vital aspect of modern American culture.

Purchased by S. C. Johnson & Son, of Racine, Wis., a company that will also underwrite its oversea tour, the collection is believed to be the largest financial investment in contemporary art ever made by a private organization; its value is about $750,000.

"Our interest in this project," said H. F. Johnson, chairman of the company, "might be described as a sort of act of faith in American art and, at the same time, an experiment by a business firm in international relations on a people-to-people level."

This practical and idealistic purpose has been well served by the quality and comprehensiveness of the collection itself, assembled for Johnson's by Lee Nordness, head of the Nordness Gallery, 831 Madison Avenue, near 69th Street, New York.

Bringing together such a collection in a comparatively short time can have been no easy task. The artists represented are among those most avidly sought by museums and private buyers. Thus certain pictures have a way of becoming unavailable when most wanted. Still, considering this primary difficulty, it can be fairly stated that Mr. Nordness has largely triumphed in making this selection.

Admittedly some weaknesses exist. Certain painters, Karl Knaths for one, are not seen at their best, while the wisdom of including some of the fringe abstract expressionists can be doubted. But this is a personal choice, and against all reservations one must recognize that a large number of painters make exemplary appearances.

They include Hans Hoffmann, Larry Rivers, Paul Jenkins, Josef Albers, Milton Avery, Ben Shahn, Kenzo Okada, Jack Levine, Conrad Marca-Relli, John Hultberg, Sam Francis, Ellsworth Kelly, Nathan Olveira, Bernard Perlin, Hiram Williams, Milton Resnick, Lawrence Calcagno, Joan Mitchell, Richard Lytle, and Andrew Wyeth.

The pictures can be roughly divided into one-third abstract, one-third representational, and one-third (for lack of a better word) miscellaneous. To this last category belongs the magic realism of George Tooker, the neo-Dada antics of Robert Rauschenberg, and the strong, if distinctly unpleasant, satire of Paul Cadmus' "Bus Italia."

If chronologically the collection extends from Hans Hofmann (born 1889) to Richard Lytle (born 1935), a proper insistence, for a show of this contemporary character, is made on including very latest work. In almost every case the pictures date from the last 2 years. This is a particularly important point to be made when considering the collection's specific purpose of reflecting, primarily for the benefit of spectators abroad, the leading American tendencies of the moment. Being up to the minute, it will be interesting to have a look at it 25 years from now and see how many, or how few, have subsided into period pieces, and which are stayers.

"Art, U.S.A. Now" will remain in Milwaukee until October 21. Then it begins its travels, first to nine major European cities, beginning with Vienna, on an 18-month tour. Accompanying it will be Joseph B. Messing, its permanent curator. There is a possibility of further journeys, to Japan and to South America, and the fact that a section of the catalog is printed in Russian indicates hopes to penetrate the Iron Curtain.

MANITOWOC CLAIMS AND DESERVES SPUTNIK PIECE

Mr. PROXMIRE. Mr. President, on September 5, a sputnik piece fell on Manitowoc, Wis.; and the city promptly turned it over to proper authorities, for examination and disposition. The sputnik piece is now in the hands of our United Nations delegates, who have offered it to the Russians.

The Russians have disclaimed it, saying it is not theirs. The Smithsonian Institute has declined to receive it, for display purposes. There remains the city of Manitowoc, which will neither disclaim nor decline the sputnik piece.

I have received from the Common Council of the City of Manitowoc a resolution calling for the return of the sputnik piece to Manitowoc, so it can be displayed in the Rahr Civic Center and Museum. I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas on September 5, 1962, a fragment of the Russian satellite, Sputnik IV, fell in the city of Manitowoc on North Eighth Street, 53 feet north of the intersection of Park Street, coincidentally in the immediate vicinity of the Rahr Civic Center and Museum; and

Whereas this fragment is presently being examined by the Smithsonian Institute and the National Aeronautics and Space Administration; and

Whereas this fragment, the first to be found in this country, is an object of major interest to the people of Manitowoc and its youth, as well as to tourists: Now, therefore, be it

Resolved by the mayor and common council, That we request that the fragment, to be known as the Manitowoc Fragment, be returned to this city, as soon as necessary tests and inspection are completed, to be permanently displayed at the Rahr Civic Center and Museum; be it further

Resolved, That this resolution be kept in the archives of the city clerk and copies thereof directed immediately to President John F. Kennedy; U.S. Senator Alexander Wiley; U.S. Senator E. William Proxmire; U.S. Representative John W. Byrnes; the National Aeronautics and Space Administration; the Smithsonian Institute; the U.S. Department of State; the Rahr Civic Center and Museum; and the Manitowoc Chamber of Commerce.

Chester W. Oudinot,
Robert J. Rand,
Mayor.

RETIREMENT OF EUGENE R. BLACK

Mr. BUSH. Mr. President, yesterday Mr. Eugene R. Black, president of the Board of Governors of the World Bank, the International Finance Corporation, and the International Development Association, delivered his final address before the annual convention of these organizations, here in Washington. Shortly, Mr. Black will leave the service of the World Bank.

It is said that a prophet is not without honor, save in his own country. But that would not apply to Mr. Black, because he is honored in his own country. However, the interesting thing is that during his tenure as President of the World Bank and its affiliated organizations he has acquired honor throughout the world.

Mr. Black has acquired a degree of international respect and admiration which few other Americans have ever acquired in the history of this country.

So fine is his character, so well recognized are these elements of fineness in Mr. Black's character, and so great is his ability as a banker and a businessman, that he has acquired the confidence of leaders of governments and financial institutions all over the globe.

An illustration of this lies in the fact that some years ago the Governments of Pakistan and India submitted to Mr. Black the great problem, which so seriously divided them, concerning the Indus Basin. Mr. Black worked out an agreement—taking many months and, indeed, years to do so—which solved that problem and, one might say, dissolved the very dangerous feeling which had developed between those countries over that great issue.

Mr. Black has enjoyed the confidence of Premier Nasser, of Egypt; he has enjoyed the confidence of the leaders of Western Europe. Indeed, it is difficult to think of a government with which he has come in contact whose leaders have not had and do not have great confidence in Eugene Black. So on the eve of his retirement—which may not, indeed, be before next spring—I take this opportunity of paying an inadequate tribute to Eugene Black. He is a Georgian by birth, a graduate of the University of Georgia, and before he came to the World Bank he had a very distinguished record in the investment business in New York. But New York was only his headquarters. He was known all over the United States as one of the most expert, trusted, and respected bondmen that the financial community ever produced.

I take this opportunity of paying tribute to him because of my great admiration for him and my gratitude for his great services and accomplishments. I also express the hope that in whatever endeavor he engages himself in the remaining years of a life that has already been overcrowded with success, he may enjoy the further success and the happiness that he so richly deserves because of his long service to his country, and to other countries of the world who are members of the World Bank organization.

Americans can be very proud that in this great man we have furnished the World Bank with a leadership that has never been questioned, has always been endorsed, has always been admired and approved. This indeed is a tremendous recognition.

I ask unanimous consent that the address delivered by Mr. Black yesterday before the World Bank organizations be printed in the RECORD following these remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF EUGENE R. BLACK, PRESIDENT, TO THE BOARDS OF GOVERNORS OF THE WORLD BANK, THE INTERNATIONAL FINANCE CORPORATION, AND THE INTERNATIONAL DEVELOPMENT ASSOCIATION, IN WASHINGTON, D.C., SEPTEMBER 18, 1962

Once more, it is a pleasure to greet you at this annual meeting.

In the earlier years of the Bank's existence, these gatherings may have been somewhat ceremonial and pro forma occasions. But when you meet now, you meet as shareholders representing most of mankind and its hopes for lives of greater security and well-being.

For us in the Bank, this event crowns the year's business. It is a time both of retrospect and prospect. We have a chance not only to evaluate what has been done since we last met, but also to set ourselves in new directions. More and more often, the governors have been asked to take decisions that in the end have strongly affected the character of our institutions and their value to their member countries, and this present meeting will, I am sure, be no exception in this regard.

The operations of the Bank and its affiliates, the International Finance Corporation and the International Development Association, are proceeding at a faster pace than ever before.

As the reports before you show, the Bank and IDA during the year committed over $1 billion for economic development projects. The Bank figure, some $882 million, was by a considerable margin the highest in our history. More than four-fifths of this amount was lent in support of power and transportation—traditionally the most frequent objects of Bank lending. Two other facts are worth pointing out: for the fifth year, Bank lending for large-scale industrial projects exceeded $100 million; and the cumulative total of Bank loans to industry passed $1 billion.

The Bank's operations continue to have the confidence of the world financial community. Within the past few days, we have arranged the sale of $100 million of U.S. dollar bonds to purchasers entirely outside the United States. This is our seventh such issue; it is for 2 years, and carries interest at 3¾ percent. It was sold to purchasers in 25 countries; the demand was so great that the issue was oversubscribed 100 percent.

During the fiscal year itself, we were able to sell, without our guarantee, parts of our loans amounting to over $300 million. In addition, we raised $270 million in five new borrowing transactions. One transaction, as I was able to mention 12 months ago, was the first Bank borrowing in the Italian market. Three other issues were sold outside the United States. Our last borrowing of the year was our first issue in the U.S. market since February 1960. Conditions in the private market continue good. They enable me, in fact, to have the pleasure of telling you that our interest rate to borrowers has just been reduced to 5½ percent—the lowest rate we have been able to offer since 1958.

Since the closing of our annual reports, the volume of new lending has continued high. The total for IDA and the Bank amounts to nearly $200 million, and IDA accounts for the larger share. Since the opening of the new fiscal year, the Association already has extended some $110 million of new credits—an amount nearly as much as in the previous 12 months.

IDA has continued to lend for purposes new to the Bretton Woods institutions. When we met last year in Vienna, the Association had just agreed to its first financing of a municipal water supply project. Now I can report to you that IDA has just signed its first agreement to finance a project in the field of education. I refer to a $5-million credit which will help to finance the construction of secondary schools in Tunisia. We take particular pride in this inaugural effort; and this is a subject on which I shall have more to say in a few minutes.

The faster tempo of financial commitments by the Bank has not outstripped the Bank's activities in technical assistance to members. Almost from the beginning of our operations, we have found ourselves giving technical advice of one kind or another in the preparation of development projects. This work is now recognized to be a special branch of Bank activity, administered under special staff arrangements and with its own allocation of funds. Since the governors met in Vienna, we have agreed to share the cost of hiring and maintaining the best outside talent available to carry out some 10 studies in fields of interest to the Bank or IDA. And we have organized four additional studies as executing agent of the United Nations special fund. The scope of this work ranges from technical and economic feasibility studies of individual projects to complete surveys of transportation, water resources development, and the like.

Our new development advisory service has now come into operation. We have recruited a small corps of highly experienced professionals to assist the member governments of less-developed countries to take up urgent development tasks. They are available to serve as economic and financial advisers, particularly in the preparation and execution of economic development programs. Some of these experts already are serving abroad—in Chile, Ghana, Pakistan, and Thailand, for example—while others are taking up interim assignments at the Bank's headquarters in Washington.

Our Economic Development Institute completed its seventh regular course this year, and has now returned over 140 fellows to senior economic posts in their governments. This year the Institute also conducted a special course in French for officials drawn mostly from the newly independent countries of Africa. More than 100 of the Institute's English-language libraries in economic development have been distributed to selected institutions in our member countries. The preparation of a French library is well advanced.

Nothing, I believe, is more vital to the economic progress of the underdeveloped countries than a well-rounded spread of education, and the executive directors as well as I myself have become convinced that here is a field in which the Bank might make a useful contribution. We have in mind making grants from our accruing profits to assist, in member countries, economic, technical, or vocational education of a sort closely related to the objectives of the lending activities of the Bank and IDA. It is difficult at this stage to estimate precisely the amount to be devoted to this purpose, but it could be as much as $10 million a year. A distinguished American educator, Dr. Harvie Branscomb, former chancellor of Vanderbilt University, has joined our staff to advise us on the formulation of the program.

The Bank staff has carried forward two special projects which I mentioned in Vienna. It has finished and made public a study of various proposals for setting up some kind of multilateral scheme for insuring international investments. It was not the purpose of the study to reach conclusions with respect to any such scheme, but rather to illuminate the issues involved. It has been given to governments and to the Development Assistance committee of the OECD, which asked the Bank to undertake it.

For some time, the executive directors of the Bank have been studying a second idea that also is aimed at increasing confidence in international private investment, namely, the establishment, under the sponsorship of the Bank, of some kind of machinery for the conciliation or arbitration of international disputes arising between governments and private parties. A working paper on the subject has been circulated, and we are now receiving comments from governments. I hope that you will agree with me that this approach is an interesting and promising one, and that you will approve the resolution on your agenda specifically authorizing the directors to study the matter.

I would like to turn now to the Bank's industrial-financing affiliate, the International Finance Corporation.

This is my first address as President of IFC and I am presenting the Corporation's report to you this year more convinced than ever that our member countries' interests are well served by having an institution in the World Bank family devoted to the promotion of the private industrial sector. During the past year the Corporation made nine investment commitments totaling something over $18 million and organized an underwritng in which it took an initial commitment of some $3 million more. The money total of these transactions was considerably more than the previous year's investment total; but what was more notable was the variety and importance of what was done.

IFC has three major functions to perform: first, to contribute to financing new or expanded ventures, in association with private investors, which are of high developmental priority to the economies of the countries where they are located; second, to contribute to the establishment or the development of capital markets in our member countries; and third, to stimulate the international flow of private foreign capital.

IFC has been able to operate this year with greater flexibility than previously because of the change in the charter which the Governors approved last year to allow the Corporation to invest in equity. An IFC investment in a Spanish manufacturing company this year is an example. IFC not only was able to make an appropriate loan but also, for the first time, to strengthen a company's financial structure by purchasing its capital shares. This was the first time that IFC acquired an equity interest as part of the original investment commitment. Private capital from two financial institutions, one in the United States and one in Germany, was attracted to the Spanish investment and participated with IFC.

IFC also went into the underwriting business for the first time. It formed a syndicate with a Mexican investment house to underwrite an issue of capital shares of the largest private steel company in Mexico. As I mentioned, IFC's total initial commitment for the underwriting was some $3 million, but three well-known United States and European investment institutions joined with IFC to take over about $1 million of the underwriting commitment. The offering was considerably more successful than had been anticipated, perhaps in part because of the strength of the underwriting syndicate, and IFC had to take up only about $800,000 of its initial commitment.

Since the close of the fiscal year IFC has made another interesting investment, a loan to a large textile company in Colombia. Partly because of the state of the capital market in Colombia, this company had been unable to raise funds from its customary sources at home, and therefore turned to IFC. IFC was able to arrange for the participation of four banks in the United States, one in Germany and one in Switzerland. When the investment agreement was signed, nearly seven-eighths of IFC's $2 million commitment was taken up by the six private banks. This transaction linked with the company leading banking houses on two continents and enabled the company to avoid interrupting an expansion program it had long planned and already begun.

These three recent transactions well illustrate the three principal functions of IFC: financing high priority industrial undertakings, developing capital markets, and promoting the international flow of capital.

IFC's pipeline is now filling up. Since the end of the fiscal year the executive directors already have approved new investments of more than $6 million in countries of Latin America, Africa, and Asia. The preparation of other investments is well underway, and I am confident that this will be the Corporation's most active year since its founding. I want to add that Mr. Martin Rosen, in the new position of Executive Vice President, has displayed the leadership that I expected of him.

Mr. Chairman, I want now to turn to some long-range considerations that affect the prospects for economic growth in the less developed countries.

Since all of you are here today because of a concern or interest in the work of the Bank, IFC, and IDA, I do not need to convince you of the general case for providing a continuing flow of development aid. In 1948, when the Bank made its first development loans, the belief was widely held that if enough money could be found and channeled into the financing of the more obviously productive projects in a country, economic development would be almost sure to follow. Experience since then has shown both that there are usually internal obstacles to development that no amount of finance alone can overcome, and that the developing countries also face external economic difficulties—namely, adverse factors in their international trade—that affect the amount and kind of aid they need.

One such difficulty is sometimes created by the trade policies of the industrialized countries themselves. Generally speaking, tariffs or quotas do not at present unduly restrict the exports of primary products from the developing countries, but there are manufactured products—notably cotton textiles—where discrimination is an important factor. I feel considerable more anxiety about the effects of trade restrictions in the future, when we ought to be able to hope for rising exports from the developing countries, and especially of the products of their growing manufacturing industries. The new regional economic groupings of countries in Europe and elsewhere are obviously one source of concern to the developing countries. The possibility that the nations within these groupings may surround themselves with high protective barriers, offering discriminatory concessions only to countries with whom they feel special ties, clouds the economic prospects of those who feel they may be excluded. If, however, these groupings adopt liberal trade policies, the underdeveloped countries will have nothing to fear: on the contrary, they can be certain of sharing in the prosperity of the group's members.

A more serious situation arises from unfavorable movement in the terms of trade of most of the underdeveloped countries. In recent years the prices of what they buy from the developed countries have continued to rise, while with very few exceptions there has been a fall in the prices of what they sell. Clearly there is no easy way out, since in almost every case the recent decline in price reflects a fundamental tendency for production of the commodity concerned to run ahead of world demand for it. Nevertheless, it does seem to me that the industrialized countries ought to recognize that their own balances of payments have benefited from the swing of the terms of trade in their favor. To give you an instance, in one European country whose experience is reasonably typical, this swing was sufficient to make the nation's total import bill in 1961 about 8 percent less than it would have been had 1956 prices still prevailed. This is one reason—and there are many others—why most of the industrialized countries are today in a much better position to increase their contributions to the international development effort than they were a few years ago.

What with the continuing need for technical assistance, the implications of international trade policies, and the performance of the prices of internationally traded commodities, quite sufficient complications have been introduced into that former simple vision which saw an inflow of external capital as the sole prerequisite of economic progress. But one has to go a stage further. Not only must there be more aid, if development is to continue: the aid must often be different in kind as well as greater in amount.

Many countries are finding that their capacity to make effective use of aid is growing faster than their capacity to repay. During the early 1950's, when external debt was still comparatively small and well-prepared projects were few, most less developed countries could still prudently accept loans at conventional rates of interest and repayable over the conventional period of time. But today, in many cases, a dangerously high proportion of export earnings (the prospects for which are themselves clouded) are mortgaged to future debt service. Our own figures show that between 1955 and 1961, a group of 34 countries, accounting for some 70 percent of the population of the underdeveloped world, more than doubled its total external public debt. Yet over the same period, the export earnings of the same group increased by little more than 15 percent.

If the momentum of development is to be maintained, it can only be by grants or by loans largely at very long term and at very low interest. This is why the International Development Association was brought into existence.

The needs of the poorer countries are great, and they certainly are not likely to diminish over the next few years. At the same time, if foreign aid is to be a real help to the recipient countries, and is not to become an intolerable burden upon the lenders, it must be offered and applied as economically and effectively as possible. I should like to discuss one factor in particular which, I believe, has a great influence on the effectiveness of aid; this is the choice of the channels through which the aid is made available.

An important part of the capital needs of the less-developed countries can and should be met from foreign private sources. But, for reasons that are well known, private capital is not willing to venture into these countries on the scale needed. In particular, capital for direct investment in roads, railroads, and other basic services, or for social investments such as schools or hospitals, is almost unobtainable from private sources on any basis.

This means that private capital investment must be supplemented, on a large scale, by funds from public sources. The question remains: Are we likely to get the best results if these funds are supplied on a bilateral basis—direct from one government to another—or should they be channeled through, and administered by a multilateral agency?

Realistically, this cannot be a stark choice between two extreme positions—all aid bilateral or all aid multilateral. It is a question of emphasis. Like it or not, bilateral aid is an instrument of foreign policy, and mixed up with cultural ties, regional loyalties, and other circumstances extraneous to purely economic considerations. The aid-giving countries are naturally disposed to direct their help especially to those countries whose friendship or stability they particularly value. Nor do I expect them to stop stinting aid to countries they hold in less regard.

But I do believe that the emphasis should and can be changed, away from bilateral and toward multilateral aid. Bilateral aid is usually—and unfortunately, increasingly—tied to purchases of the giver's products. However well intentioned a lending government, it is vulnerable to pressure from its own commercial interests to help finance the sale of particular goods for projects abroad, whether the projects themselves are well justified or not. And, however sensible the government of the recipient country, it may have difficulty in resisting offers of finance, even for low-priority projects and on terms that often are not suited either to the circumstances of the country or the requirements of the project.

My most serious criticism of bilateral aid programs, however, is their susceptibility to political influences, whether overt or otherwise. At its worst, aid is offered or exacted as a price in political bargaining that takes no account of the actual economic requirements of the recipients. But even at best, there is always the risk that political influences may misdirect development aid, since they may bring in considerations that are irrelevant to the real needs. I have known cases where, as a result, a splendid new sports stadium has been built, while the highway system remains primitive; or where the national airport has acquired a strikingly modern terminal building, while parched but fertile land is left without irrigation. Economic priorities are inevitably confused when economc objectivity is lost—and economic objectivity is not easy when aid is influenced by political ends. Moreover, the problem goes deeper than the simple waste of a given amount of money. Aid directed to a government that is unwilling to meet the real needs of a country has one consequence that is pernicious. The most obvious result of some of the bilateral lending of the past decade has been to make it possible for countries to put off undertaking needed reforms; because well-meant but ill-judged offers of aid have been forthcoming, governments have been able to postpone such essential but disagreeable tasks as the overhaul of systems of taxation or essential currency reforms.

I doubt, moreover, whether bilateral aid is any more efficient as a method of achieving political ends than as a means of furthering development. My own acquaintance among leaders of the less developed countries does not suggest to me that they are persons who would be easily bent to any foreigner's purposes: they value their own and their countries' independence too highly. In any case it is clear that aid which is at the mercy of the variable winds of diplomacy offers a poor basis for the rational programing of economic development.

Admittedly, bilateral programs have been known to work well, avoiding friction, furthering development, and even garnering some political returns as well. And development aid on a multilateral basis has not always been a success. Having said this, however, I would still assert that multilateral aid, when it is professionally equipped and independent of political pressures, offers advantages that bilateral assistance cannot equal.

The international aid organizations are objective, and are known to be so. They enable a developing country to draw on the experience of all nations; to buy in the cheapest market; and to avoid compromising its sovereignty by regulating its internal affairs at the behest of other countries. An international organisation will make aid available with the sole purpose of helping the country receiving that aid. The Bank, and IDA, for example, can apply what should be the real criterion—the practical merits of the particular case. Because they are known to have no ulterior motive, they can exert more influence over the use of a loan than is possible for a bilateral lender: they can insist that the projects for which they lend are established on a sound basis, and—most important—they can make their lending conditional upon commensurate efforts being made by the recipient country itself.

This objectivity provides the chief reason for expecting that aid can be most effective if channeled through an international agency—but there are other reasons. Countries receiving aid from a multilateral organization to which many nations have contributed, and under international administrations, will be likely to take a more responsible attitude toward the use and repayment of that aid than toward aid received bilaterally. An international organization can also spread its net more widely than any single country. It can provide advice on all aspects of development planning, based on experience drawn from many nations, including the underdeveloped countries themselves. It offers a framework within which can be put to good use the resources and knowledge of industrialized countries too small to be able to justify the administrative effort needed to mount effective aid programs of their own. It may, like the Bank, be able to raise development funds on a worldwide scale in the private market. And in the long run, I am convinced, multilateral aid programs must exert a much healthier influence than bilateral lending upon international relations as a whole.

I have advanced a number of arguments whose relation to one another may not have seemed very clear. But in fact they are all relevant to a single and urgent issue—the future of the International Development Association.

I have argued that more aid is needed; that in particular, more aid is needed on comparatively easy terms of repayment; and that there are cogent reasons for preferring that such aid be made available on a multilateral basis. IDA is a major source of development aid, and the principal international instrument for the provision of aid on lenient terms of repayment. But IDA faces the imminent full commitment of its initial funds.

The facts are set out in the report of the executive directors regarding the replenishment of IDA's resources. IDA now has about $765 million in usable funds, including the very welcome supplementary contribution recently made by Sweden. We estimate that by mid-1963 most or all of these funds are likely to have been committed. This does not, of course, mean that all of IDA's funds will actually have been disbursed by then: It is quite certain that they will not; we would not expect to pay out the last of our usable funds until 1965. But unless we can be assured—very soon—that further funds will be available from 1965 onward, IDA will not be able to enter into any new lending commitment after about the middle of next year. This is not a situation that can be ignored and allowed to drift. To do nothing would in itself constitute a decision to bring IDA's operations to a halt.

If IDA continues to operate at its normal pace, it seems probable that it will during the current fiscal year commit something like $500 million. This money will be directed only to high priority developmental purposes, in countries whose capacity to attract and repay loans from conventional sources is limited or nonexistent. There is no reason, that I can see, to suppose that the demand for worthwhile credits will be any lower in subsequent years. On the contrary, it is my conviction that the demand will continue to increase, and to increase greatly. Experience has already demonstrated, I believe, that IDA is capable of meeting a very real and important need and, in relation to this need, the original capital of IDA was obviously inadequate. But if it is to meet this need—if it is to become a principal instrument for the development of the poorer countries, and not just a minor gesture of good will toward them—it will clearly require a very substantial addition to its resources.

There is one point that I feel should be made clear. The total amount lent by the Bank this year was much greater than in any previous year. But we cannot expect the rate of lending by the Bank to continue to expand in future years. Indeed, it may prove difficult to maintain the Bank's operations at their recent level. Many of the Banks' present member countries cannot prudently assume further hard debt without jeopardizing their future, and of about 20 new members expected to join the Bank within the next year, or 2, few will be in a position to service loans from the Bank. It is to IDA, not to the Bank, that most of them will have to look for help. The future of IDA is therefore the most important issue that I commend to your sympathetic consideration during this week's meetings.

Over the years, the governors have made a series of crucial decisions that have shaped the international aid effort, and permitted it to meet the growing and changing needs of the less developed countries. I think particularly of your authorization of the creation of the International Finance Corp., of the doubling of the authorized capital of the Bank, and of the creation of the International Development Association itself. I believe that your approval of the resolution directing urgent attention to the problem of the enlargement of IDA's resources could well prove to be the most important and fruitful of all these decisions.

Mr. Chairman, as many of the governors know, this is the last of these meetings in which I shall be an active participant. Before the next one, I shall have retired as President of the Bank. The time has come for me to heed the advice of that wise poet, Horace, who said long ago: "Solve senescentem mature sanus equum, ne peccet ad extremem ridendus." Which I translate freely thus: "When your horse is getting old, be wise: turn him out to grass in good time, lest in the end he stumble and people begin to make fun of him."

At a moment like this, all sorts of thoughts come pressing in. One is about this meeting, and the significance it has assumed in our lives and in the conduct of the world's affairs.

I shall greatly miss the view from this platform. Before I leave it, let me give the Governor my deeply felt thanks for the support that the Board through the years has given to the Bank and its President. I am sorry that the Bank's accomplishments could not have been greater; what we have been able to do still leaves much undone. But the Board itself, as a group and as individuals, has been a great source of strength to the executive directors and to the management. Nor can the Board in its turn, I think, feel any discontent, or indeed anything but pride, about the men and women who serve it on the staff of the Bank and its affiliates. They are the foundation on which the value of our institutions rests; for capability and sense of purpose, I dare to say that they are the equal of any group of comparable size or mission anywhere.

Much as I shall personally regret parting from the Bank, I think my leaving will be a good thing. Orderly change of any sort is likely to be good—not because it casts away the old, but because it lets in the new. Letting in the new is important if the Bank is to avoid becoming a fossil and to remain a living institution. I look on my retirement as one more contribution I can make to the future of the Bank. I believe my successor will be selected in the near future, and I shall step down soon after that.

As you know, some changes already are being effected in the management of the Bank. Next month, Sir William Iliff will retire. He is one of my oldest associates in the Bank and, through the years, one of those on whom I have come to rely the most as friend, critic, and adviser. He is one of the principal architects of the Bank as it is now organized and operating; his judgment in policy matters, his skill and perseverance as a negotiator, and his talent for both official and personal relationships has made him of enormous value to us. He has our fervent good wishes for many happy years ahead.

It is a pleasure to assure you that Mr. Burke Knapp will continue to serve as Vice President, and will go on giving us the benefit of his extraordinary versatility and exceptional energies in that post. As you know, Mr. Geoffrey Wilson has joined Mr. Knapp as a Vice President. Mr. Wilson's first association with the Bank was with its Board of Directors; and, following this experience with him, I was very happy early this year to be able to persuade him to join the staff. I am glad now that he will be working in a position of wider responsibility.

This is a time when there is a changing of the guard in the Bank. But it is not a time of slackening—quite the reverse. The accomplishments of the Bank may not yet loom very large compared with what remains to be done. I do not mean this as belittlement; what I mean is that neither the Bank nor the work in which it is engaged is complete, or ever should be. What the Bank has been able to do is by no means inconsiderable; in fact, the volume of sheer physical creation—the scores of factories, the millions of acres of land, the millions of kilowatts of electric power capacity, the tens of thousands of miles of roads and railroads—can only be called impressive. But the Bank's work is not to be assessed in terms of the building of cold monuments of stone and steel and concrete; it has had a deeper purpose—to enlarge the riches of the earth, to give men light and warmth, to lift them out of drudgery and despair, to interest them in the stirring of ideas, in the grasp of organization and techniques toward the realization of a day in which plenty will be a real possibility and not a distant dream.

I think I can say with some objectivity that the Bank has made its mark. It is showing how an instrument of international cooperation can bring the world's resources to bear on the problems that are of concern to most of mankind—a kind of burning glass that can kindle the fire of hope even in the most remote and forsaken corners of the earth. Above all, the work is still in progress, and it is work in which we can all take pride. I wish you all success in your endeavors that lie ahead, in this meeting, and in many meetings to come.

RETIREMENT OF W. D. JOHNSON

Mr. MAGNUSON. Mr. President, I arise to pay tribute to a fine gentleman and worthy citizen who retired just a short time ago after 31 years of outstanding service as a legislative representative on Capitol Hill.

The gentleman in question, Mr. W. D. Johnson—better and most affectionately known to many of us simply as "W. D."—was vice president and national legislative representative of the Order of Railway Conductors & Brakemen. The two high posts he held were a deserved recognition of his 57 years of service to his railway group.

W. D. Johnson was born in Brookfield, Mo., on October 18, 1881. He married Myrtle Maude Fisher on October 7, 1908. "W. D." received his formal education in the public schools of Brookfield, and at the age of 12 years accepted his first employment with a Brookfield steam woodsaw firm. For his services, he received the magnificent sum of $1 per day with no limitation on the number of hours worked.

On October 18, 1898, his 17th birthday, he went to work for the Hannibal & St. Joseph Railroad (now a part of the Burlington system) as a freight brakeman. In 1904 he shifted to the Santa Fe, working as a conductor out of Silsbee, Tex.

Mr. Johnson joined the Order of Railway Conductors & Brakemen in 1904 at Temple, Tex. He held local offices, rose to the chairmanship of the Order's State legislative committee, and in 1931 was elected vice president and national legislative representative. W.D., now 81 years of age, served the conductors continuously in some capacity, local or national, from 1905 until his retirement last month. This 57 years of continuous service established a record unequaled in the history of his union.

W.D. was the dean of the Washington representatives of the various railway labor organizations. Most fitting it was that a number of his associates in the railway labor field paid their respects to him at a luncheon given in his honor recently, and presented him with a token of their high regard.

I wish to add my tribute to him today because, at least to me, he was just about everything that his occupation required. W.D. is one of those rare individuals who dignifies every duty assigned to him by the zeal, courage, and determination he displays in its execution. Always thoroughly informed as to the objectives, and the particular problems, of his union, he had a way of presenting his views that made you entirely willing to discuss them with him. Even more importantly, he always left one with a feeling that he could rely fully upon his every statement.

I am truly sorry to see him leave his important duties here. My sincere wishes go with him in whatever paths his future may lead him.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL CONGRESS OF AMERICAN INDIANS—NINETEENTH ANNUAL CONVENTION AT CHEROKEE, N.C.

Mr. ERVIN. Mr. President, early this month the Eastern Band of Cherokee Indians played host to their Indian brothers from all across the Nation. The occasion was the 19th annual convention of the National Congress of American Indians which assembled September 2–7 in Cherokee, N.C. Our State is proud that this village in the beautiful Smoky Mountains was the site of the only all-Indian national organization's first convention east of the Mississippi.

North Carolina is proud of the Cherokee Indians and their accomplishments. They have contributed much to the greatness of our State and this Nation. Residing on the Qualla Boundary Reservation are the descendants of the Cherokees who hid in the mountains rather than leave their ancestral homelands for the long trip to Indian Territory during the 1830's. The path of those who left the East is known today as "The Trail of Tears," an appropriate name for one of the most shameful incidents in American history. The story of this tragic event is movingly portrayed in Kermit Hunter's outdoor drama, "Unto These Hills," which is presented each summer at Cherokee.

Mr. President, the present-day Cherokees have made remarkable strides as a people. They have carried on the noble tradition of Sequoyah, Junalaska, Tasli, and Drowning Bear—all great Cherokee leaders; they have retained in the village of Cherokee and the hills of the Great Smokies, a unique Indian culture; and their 56,000 acre reservation has become a showplace of Indian progress through economic development. I wish to commend Chief O. B. Saunooke, vice-chief Neuman Arneach, and the tribal council; Superintendent of the Indian Agency, Darrell Fleming, and the members of the Cherokee Historical Association for their dedication and untiring efforts on behalf of all the Eastern Band of Cherokees. I feel certain that the four hundred Indians participating in the National Congress of American Indians annual convention accomplished many things during their meetings and returned home inspired by the outstanding achievements of the Cherokees.

The purpose of the Indian Congress is to safeguard the rights and improve the status of all American Indians. Representatives from 78 member tribes, individual Indians, and their friends gather each year in convention to define the various goals which they will seek to accomplish. The theme of the Cherokee convention was "Unity Through Organization." NCAI's President Walter S. Wetzel, and Executive Director Robert Burnette, invited many outstanding speakers and panelists to present to the delegates ways in which they might achieve unity of purpose. Among the guest speakers were Congressman Wayne Aspinall, Democrat, of Colorado, chairman of the House Interior and Insular Affairs Committee; Congressman Roy Taylor, Democrat, of North Carolina, member of the House Subcommittee on Indian Affairs; Assistant Secretary of Interior John Carver; and Commissioner of Indian Affairs Philleo Nash. Many Indian leaders also expressed their views on Indian unity.

I was deeply honored, Mr. President, to be invited to address the banquet of this distinguished gathering. Unfortunately, pressing Senate business made it impossible for me to appear personally, but I did have an opportunity to deliver my address by direct telephone connection. This was a particular honor for me, since, in addition to my longstanding interest in the American Indian, the Subcommittee on Constitutional Rights, of which I am chairman, is conducting a nationwide investigation of the rights of our Indian citizens. This study is the first such inquiry by Congress in a too long neglected area of the law.

I ask unanimous consent to have printed in the Record at this point the following items: My speech prepared for the NCAI Cherokee Convention; an address delivered by Judge Lacy W. Maynor, an outstanding Lumbee Indian from Pembroke, N.C.; the official resolutions of the 19th annual convention; and various newspaper articles describing the weeklong activities at Cherokee.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks of Senator Sam J. Ervin, Jr., to National Congress of American Indians

President Wetzel, my friend and host, Chief Saunooke, Indian delegates, fellow North Carolinians, other distinguished visitors, I am deeply honored to be invited to address this great national Indian convention. Being an adopted son of the Eastern Band of Cherokees who have given me a name which means lawgiver, I am especially happy to be again in the hospitable village of Cherokee to participate in this organization's first annual convention east of the Mississippi.

It is fitting that such a distinguished group as the delegates gathered here should hold their annual meeting among the Cherokee Indians. For the Cherokees have made many fine contributions to our national life and have produced a number of prominent Americans. Sequoyah is one of the 12 cultural heroes in world history whose figure is emblazoned on the bronze doors of the Library of Congress in our Nation's Capital as a lasting monument to this great Cherokee and the alphabet which he devised. The significance of Sequoyah's success is especially notable when we realize that only 6 years elapsed between his inventing the new system of writing and its first appearance in printed form—a process which took several thousand years in the Old World.

President Kennedy in his inaugural address said, "Ask not what your country can do for you—ask what you can do for your country." Sequoyah symbolizes what Indians can do and have done for themselves and our country. Other contributions of the Indian to our society include such diverse items as: tobacco, cotton, chewing gum, popcorn, and even the simple pipe, as well as many of our daily foodstuffs. We would have to devise new names for more than half of our States, not to mention the countless cities, lakes, mountains, and rivers, which have names of Indian derivation.

In war as in peace the Indian has made an outstanding contribution to the Nation. Although, at the time of World War I many Indians were not yet citizens, the ratio of Indian volunteers in our armed services was unsurpassed by that of any other group in America. And, during World War II, of the 24,000 Indians engaged in the service of their country, two received the Congressional Medal of Honor, 51 the Silver Star, 70 the Air Medal, 34 the Distinguished Flying Cross, and 30 the Bronze Star.

The Indian's longstanding devotion to good government led to another contribution which is little known, even to many American Indians. This contribution is one of particular interest to me; it is the constitutional form of government under which a number of our Indians lived. I am referring specifically to the separate constitutions of the Iroquois and the Cherokee which were based upon democratic concepts. The Iroquois of history comprised the Mohawk, Oneida, Onondaga, Cayuga, and Seneca, living in central New York. They were independent bodies with similar dialects and similar customs but with no political coherence. Their constant peril from warring among themselves fostered diplomacy and produced great leaders and lawgivers, who sought to bring about peace and unity. Tradition states that Deganawidah, a Huron, and Hiawatha, a Mohawk, induced the five tribes to form a league which preserved the integrity and individual nature of each, but united them in common council and ceremonies with a fixed number of chieftain delegates from each tribe. To the Indians this confederacy was known as the Great Peace—to the white man it was the Iroquois Confederacy. This was also the first step by American Indians toward a unification for their common good.

Absolute unanimity was the law. All the work of the council was performed without an executive head, save a temporary speaker appointed by acclamation. These civil chiefs were nominated by women in whose families the titles were hereditary and were confirmed by popular councils both of men and women. Another group of leaders existed within the council, to which Iroquois men could aspire on the basis of merit. These positions were filled by men who displayed great interest in the affairs of the nation and demonstrated outstanding ability in its behalf. They formed a subcouncil within the confederation council similar to a house of representatives as against the senate of the hereditary chiefs. In addition to the organization procedure of the council and the qualifications of their leaders, the Iroquois constitution protected the rights of the people, set out the rights of tribes and foreign nations within their territory, and defined the laws of adoption and emigration.

Other interesting aspects of the Iroquois constitution, a document which antedated the U.S. Constitution by some 200 years, were the right of popular nomination, the right of recall, and women suffrage. Women had great power in Iroquois society, for they not only could nominate and elect their rulers but remove them for incompetency in office. This right of women suffrage flourished in the old America of the red man—450 years before it became a reality in the new America.

While it is difficult to assess the influence of the league on the future governmental organization of the Original Thirteen Colonies, it is reasonable to assume there was an influence. No less an extraordinary American than Benjamin Franklin challenged the Colonies with the example of the six-nation league in the following words:

"It would be a very strange thing if six nations * * * should be capable of forming a scheme for such a union, and be able to execute it in such a manner as that it has subsisted ages and appears indissoluble; and yet that a like union should be impracticable for 10 or a dozen English colonies, to whom it is more necessary, and must be more advantageous; and who cannot be supposed to want an equal understanding of their interests."

The history of Indian constitutions began with that of the Six Nations and later reached its pinnacle in the documents of the Five Civilized Tribes. For example, in 1820, the Cherokee Nation established a formal government of laws. Its form divided the nation into eight districts, each entitled to send four representatives to New Echota, the national capital. There was an upper and a lower house, known respectively as the national committee and the national council, whose members were chosen by popular election. The principal chief was the designated officer of the national council and each district had a judge, a marshal, and a council house where meetings were held twice a year. Men under the age of 60 were subject to the poll tax, and various laws were passed concerning the collection of taxes, debts, road repairs, and school support.

Later in 1827, the Eastern Cherokees met in general council and established a constitution patterned after that of the United States, which provided for courts, legal representation, and jury trials. In many respects, this Cherokee constitution anticipated some of the future debates in Congress on the need for various constitutional amendments. For example, article 3, section 7 of the Eastern Cherokee constitution, provided for the right of suffrage for 18-year-olds and article 4, section 1, set out the procedures for removal and replacement of their chief executive in event of disability. Both of these areas have been the subject of long congressional debate within recent years and amendments are pending on these subjects within this session of Congress.

This evening, I shall not attempt to trace all the extensive changes in congressional policy toward Indians, but I would like to touch briefly upon three acts passed by Congress which are especially significant. These are the Indian Claims Commission Act, and the Citizenship, and the Indian Reorganization Acts.

Historically, the question of land rights fostered the major source of friction between the Indians and the Federal Government. Many tribes felt the Government had not paid adequate prices for Indian land. When an Indian tribe wanted its day in court to litigate this question, a bill had to be introduced giving the tribe authority to apply to the courts for redress. Sometimes years passed before the bill received approval and much of Congress' time was spent in considering this legislation.

In 1946, the Indian Claims Commission was organized to "hear and determine claims against the United States on behalf of any Indian tribe, band, or identifiable group of American Indians residing within the United States." This legislation was unique in that the United States, a major power, provided its native population with blanket authority to sue where they felt just compensation had not been received.

Although many Indians became citizens before 1924 by various special measures, it was in that year that all Indians born within the territorial limits of the United States were given citizenship by virtue of the Citizenship Act. This act also stated that the "granting of such citizenship shall not in any manner or otherwise affect the right of an Indian to tribal or other property." Thus the Indians were granted citizenship within the meaning of the U.S. Constitution, and consequently the same rights under it that are guaranteed to all other citizens.

The Indian Reorganization Act (IRA) approved by President Franklin Roosevelt, June 18, 1934, was another important and farseeing measure. This act deals with a wide range of subjects. Among other things, it defines the activities and powers of Indian tribal government and prescribes the Secretary of Interior's role in tribal affairs with specific limitations on his actions. Land, credit, education, Indian employment, and tribal organizations were covered by the IRA.

Tribes were assisted and encouraged to develop representative governments under constitutions. The act provided specifically for a method of adopting a written constitution, namely, "by a majority vote of the adult members of the tribe." The constitutions add to, but do not detract from the powers of an Indian tribe. The laws, customs, and decisions of tribal governments control large areas of civil and criminal law. These areas include questions of tribal membership, property, taxation, social welfare, domestic relations, and the form of tribal government. The sovereignty of Indian tribal governments consistently have been upheld by our Federal and State courts. The passage of the Indian Reorganization Act was another reaffirmation by Congress of the inherent right of tribes to operate through governments of their own creation and to revitalize and stabilize the powers of such governments.

These laws indicated a new trend in governmental thinking—one which makes the Indians American citizens, despite trust status of their Indian land. The three measures reaffirm the Indians' right to self-government under tribal jurisdiction, and restrict the relations of the Interior Department in the tribal governments' activities. Furthermore this gives the Indian groups the right to sue the Federal Government for alleged grievances.

Presently the Subcommittee on Constitutional Rights is attempting to determine if further congressional legislation is needed. For several years, the subcommittee has been receiving complaints that Indian citizens are being deprived of their basic constitutional rights by Federal, State, local, and tribal governments. The subcommittee's investigation into the constitutional rights of the American Indian is the first congressional inquiry into this neglected area. In January of 1961, the subcommittee began compiling preliminary research on the background and present-day legal status of the American Indian under the Federal Constitution. In order to determine if their constitutional rights were violated, it was necessary for the subcommittee to learn what constitutional guarantees were applicable to Indians.

A study of administrative regulations and court decisions was a part of our preliminary investigation. In addition to this research concerning the Indian and his rights as a citizen, two important studies in 1961 disclosed the need for clarification of the American Indians' constitutional rights.

These two major reports, coupled with our background research, and the complaints we received from Indian citizens, confirmed the necessity for an investigation of their rights with a view to possible legislative clarification, definition, and a means for safeguarding these rights.

Because of the diversity and uniqueness of American Indians, and their problems, our nationwide investigation has been divided into a study of the rights of Indians living on a reservation, those relocated by the Federal Government or living off the reservation, and nonreservation Indians. Each group's problems are being studied separately.

The subcommittee has held hearings and staff investigations in southern California and Nevada, Arizona, New Mexico, Colorado, North and South Dakota, and Washington, D.C. In the course of these field investigations and the Washington, D.C., hearings, we have heard the views of hundreds of tribal representatives, some 20 Department of the Interior officials, representatives of several organizations active in Indian affairs, the present and past executive directors of your organization, and many individual Indians throughout the country.

In this regard I am reminded of a story which I would like to share with you. A questionnaire was sent by a congressional committee to an individual Indian. Unfortunately, instead of enclosing a return envelope and a questionnaire, one of the secretaries made a mistake and forgot to enclose the questionnaire. You can imagine the consternation of this man when he received an official envelope from the Congress and opened it, find only a return envelope inside. He wrote back and said:

"So you send me two envelope and so there was no letter too. And so what want me to do with two envelope no letter too and what all 'bout. And so I don't know what about too well, so write to you, answer me sometime about that envelope only and so have nothing to do with two envelopes to."

As many of you know, preliminary to our initial hearings the subcommittee sent out some 2,500 questionnaires to the following: Tribal leaders—their chairmen and councilmen, or their governors and spokesmen; judges of the tribal and Indian offenses courts; attorneys representing Indian tribes; area directors and superintendents on Indian reservations; private and church groups interested in Indian affairs; historians and anthropologists; U.S. attorneys, State attorneys general, and prosecuting attorneys; local law enforcement officials, and other Federal and State agency officials concerned with Indian affairs. In addition, we sought to reach individual Indians, and groups both on and off the reservations by utilizing the American Indian Chicago Conference's mailing list. Luckily in each instance, we avoided enclosing an envelope within an envelope.

It is important that the subcommittee receive current data regarding the status of Indian rights from as wide a cross-section as possible. While our questionnaires were directed toward receiving a variety of opinions, our primary concern was to establish direct contact with Indian people and their leaders in order to learn the situation in their communities.

The replies to the questionnaires were very helpful in revealing the most pressing constitutional problems and aided the subcommittee in establishing geographical areas for field investigations. Some replies to the questionnaire indicated complete lack of understanding of constitutional rights. One judge of the Court of Indian Offenses said he had asked that a person be provided to counsel the Indians regarding their rights in the Indian court. The judge explained that even though many Indians are not guilty, they plead guilty because they do not understand how to proceed to defend themselves.

Another Indian judge described as chaotic the situation on his reservation, located in two States. He said, "To make the confusion more complete on our reservation, we find some laws are being enforced by one of the States but not by the law enforcement authorities of the other State. How do you like your laws? Well done, over easy, or sunnyside up? It will be prepared to your taste but for the most part, you can do as you please. How would you like to live on a reservation in a free country where no one knows what the laws mean or who has jurisdiction over them?" I am happy to say that on that particular reservation the tribe recently revised the entire tribal law and order code and court system to meet their present needs and have provided for the safeguards of the Bill of Rights.

From this survey, it was apparent that many of our Indian citizens living on reservations do not know their basic rights under the Federal Constitution and therefore are not able to protect themselves from violations by Federal, State, or tribal governments. For instance, many Indians do not realize that they have the right to counsel in criminal cases or to a fair and speedy trial. It has been only a little more than a year since the Secretary of Interior rescinded a regulation which precluded an Indian's having legally trained counsel to represent him in criminal cases in the Courts of Indian Offenses; this, notwithstanding the provisions of the sixth amendment. Jurisdictional disputes and unwillingness by governmental officials to assume responsibility for law and order were also evident from the answers contained in the questionnaires.

Let me discuss for a moment, two other concerns of our study. Public Law 280, of the 83d Congress, conferred all civil and criminal jurisdiction over reservation Indians to certain States.

In the various Public Law 280 States, it has been alleged that there is often unwillingness by such States to assume jurisdiction and an attitude of hostility toward Indian groups exists. Your organization, NCAI, and many other tribal groups in the country have consistently gone on record seeking an amendment to this act since its passage.

In those Public Law 280 States, where problems exist, we have found cases in which crimes have been committed on the reservations and State officials have made no attempts to bring the criminals to justice. On the other hand, we have found that in some States which have not assumed jurisdiction, State officers are arresting Indians on the reservation and prosecuting them for crimes over which the Federal authorities have exclusive jurisdiction. My colleagues, the distinguished majority leader, Senator MIKE MANSFIELD, and Senator LEE METCALF, have introduced a bill, at this and previous sessions of the Congress, which would provide that the Indian tribes be given the right of consent before State jurisdiction is extended over their reservations.

The administration of law and order in Indian communities is of great concern to the subcommittee. Hand in glove with the lack of understanding of constitutional rights by Indian citizens, there appears to be a lack of constitutional safeguards within the tribal governments and the Indian court systems. In addition to these handicaps, a total lack of training for the judges and personnel of these courts is indicated. Training for Bureau and tribal police officers in arrest procedures and rights of Indian citizens are innovations of recent vintage.

Let me state that the subcommittee is not atacking the Indian system of justice, but rather, we are suggesting that their need is for more adequate safeguards, which can only work to the advantage of the Indian people.

At this point I think it is appropriate to sketch briefly the development of Indian law and order. In early relations between the Federal Government and the Indians the traditional customs of each tribe for maintaining justice were to continue. Later tribal custom and the Army commander determined law, justice, and punishment. Next, the Indian agent or local superintendent succeeded the army commander. In the early 1880's, rudimentary codes of law were drafted. The Commissioner of Indian Affairs Annual Report of 1883 stated that the Secretary of Interior gave official approval to certain rules governing the Courts of Indian Offenses. These rules prohibit the sun dance, scalp dance, and war dance, and provide for organization at each agency of a tribunal composed of Indians empowered to try all cases of infraction of the rules. The Commissioner said that he was of the opinion that the Court of Indian Offenses with some modifications, could be placed in successful operation at various agencies, and thereby many of the barbarous customs now existing among the Indians would be entirely abolished. It is disturbing to me that the first courts established by the Federal Government were for the purpose of protecting the Indian from his own culture.

Earlier I spoke of the Indian Reorganization Act which reaffirmed and formalized tribal governments. It was also during this period that the Federal Government reevaluated (with Indian participation) law and order and the court systems.

As a result of this review the present day Court of Indian Offenses and tribal courts evolved. The earlier Court of Indian Offenses, as established by the Secretary of Interior in 1883, was improved upon and regulations were written as they appear in title 25 of the Code of Federal Regulations. The tribal courts were established by tribal law and order codes which were subject to the approval of the Secretary of Interior. In both cases, only a few of the safeguards guaranteed in the Federal Constitution were incorporated. They contain only the trappings of constitutional safeguards which in practice are alleged to be of little value.

"A Program for Indian Citizens," published by the Fund for the Republic, and Secretary of Interior Stewart Udall's "Task Force on Indian Affairs," illustrate some of the problem areas of law and order.

"A Program for Indian Citizens" stated, "Neither Congress or the States could infringe upon the basic constitutional rights of Indians. * * * But the Federal judiciary has determined that the guarantees of freedom of worship, speech, and the press, the right to assemble and petition the Government, and due process do not restrict tribal action."

The Secretary's task force recommended that the Secretary of the Interior insist that constitutional guarantees be observed in the courts of Indian offenses which are bound by the Secretary's own regulations, and that tribal governments provide for protection of these rights by their own ordinances.

I have commented this evening on a few aspects of Indian affairs in which I am interested. In closing let me say, I share an interest in American Indians common with the majority of the citizens of this country. It would be an ungrateful country, indeed, which did not recognize the benefits it inherited from its original inhabitants.

Our subcommittee also is interested in your future as American citizens and as American Indians. Let me urge you as leaders to encourage your Indian people to learn their rights under the Constitution and how to derive full benefits from them. Inform us of any problems you may have of a constitutional nature and give us the benefit of your thinking on ways to safeguard your rights. By exercising your rights as citizens within your own communities, you will find an effective tool for protecting your special rights as Indians. By joining together nationally as you have in this organization, you will find the tools for informing Congress and the rest of the country of your special problems. We must not forget that the strength of the American Indian does indeed lie in unity.

This great nation of ours was founded and exists on the principle of a government of laws which respects and protects the rights of men no matter how few in number or insignificant in power. The Founding Fathers borrowed many ideas from your ancestors in forming this union of States. However, we have been slow in relinquishing to the Indian, the right to control his own destiny.

The fault is held in joint tenure by red and white men. While the attempt has been made for years to model the Indian after the white man, the Indian has made few attempts to express his own desires for the future.

Under the present Democratic administration, President John F. Kennedy has pledged a New Frontier for all Americans. Through Secretary Udall and Commissioner Nash, both keenly interested in your problems, the New Frontier is making it possible for Indians to forge ahead by special programs designed for their needs.

I hope that you, as Indian leaders, through this fine organization will unite for the purpose of informing the administration, the Congress, and the American people, as to how we can help you obtain your rightful place in the mainstream of American life. In my view it is imperative that you stimulate your people to seize the initiative in establishing guidelines for working with others to take control of your own destiny.

The success of the National Congress of American Indians portends a bright future for the unity of the American Indian.

"I do not know beneath what sky
Nor on what seas shall be thy fate;
I only know it shall be high,
I only know it shall be great."
—Richard Hovey "Unmanifest Destiny" 1864.

Thank you.

Speech to the National Congress of American Indians by Judge Lacy W. Maynor

President Wetzel, my good friend and host, Chief Saunooke, regional vice presidents and other elected officers, members of the executive council, delegates to this convention, visitors, my friends, when I last spoke to you at the 1958 convention in Missoula, Mont., I told you that I felt that my having a part in the program of the only national, all-Indian organization was one of the greatest pleasures of my life. I further stated that it meant all the more to me to be with you then, because my people had been geographically isolated from close association with you for so long.

May I reiterate today how wonderful it is that you have managed to break the geographic isolation between the eastern and western Indians by convening in annual convention at Cherokee, N.C., thereby providing a historic first. Truly you are welcome to our State of North Carolina and here at Cherokee. I wish that it were possible for each of you not only to see Cherokee but to visit my people, the Lumbee Indians.

As most of you are aware, the Lumbees have never been reservated but rather live in their own separate and distinct Indian communities. We are proud of our Indian descent and are proud of the progress we have made as Indians. Our people have enriched our State and our Nation. We have our own fine schools, Indian teachers come out of our college and provide educators in many States of the Union. Other Lumbees have become physicians, lawyers, churchmen, and skilled workmen. We are an agricultural people, too, growers of cotton, tobacco, and food crops.

The Lumbees have used a municipal form of government with a mayor and council for years. We are a politically minded people and deeply aware of our responsibilities in the democratic form of government enjoyed in this country. Our Indian leaders are running for elective positions of responsibility in our county and State. I am proud to serve as the second Lumbee Indian judge of the Maxton recorder's court which court hears cases involving Indians, white, and Negro Americans. If any of you have free time after the convention, I invite you to visit us in Lumbeeland.

My friends, I would like to talk today about something of concern to all Indians, whether living on or off an Indian reservation, in a small village or in a large city; whether educated or having a fortune or drawing a relief check. I was asked to talk about civil or human rights. However, I feel that it is necessary to look behind these terms so that we might understand fully their meanings. The concept which motivated the struggle for human rights is man's fight for human dignity.

I have sat in many gatherings of Indians over the years and listened to a multitude of fine words uttered about the goals and ambitions of Indian people. I have heard cries of outrage and murmurs of discontent against the Government when we were concerned, and indignation poured out in well-chosen words at the discriminating, dictatorial action, and lack of understanding of the administrators of the policies.

I have picked up newspapers and magazines countless times, only to read the story of the shiftless, drunken, lawbreaking, ill-educated Redman. I have turned on the radio or the television in my home and heard and watched our ancestors portrayed as conniving, savage, untrustworthy, sneaky people incapable of honest or humane action.

I have been in public meetings where the topic of the day concerned human relations and human rights, and when the smoke had cleared, I realized that statements comparable to those I had heard against Indians were uttered against almost every racial minority or religious group in existence. And, my friends, some of our Indian people have been as guilty as anyone in allowing, abetting, and encouraging the dreadful images created. But you and I are guiltier yet, for we know that these mutterings are not true likenesses of the American Indian—nor of other people, and we have sat silent knowing full well our very muteness lent a silent acknowledgment to untruths.

The theme of this convention is "Unity Through Organization." It is a good and worthy theme indeed. However, in order to unify, it is necessary to have an ideal or a goal to serve as a rallying point. This goal must be something desired wholeheartedly; it must be worthy; and it must be dynamic enough to inspire. Next, it is mandatory that a set of standards—a guideline, if you will, must be drawn up which will serve as the blueprint toward accomplishing this aspiration. Let us pause for a moment to consider, what kind of cause is worthy enough to inspire the members of this convention to work in unity, forgetful of internal frictions and jealousies for the betterment of all Indians? Is there a true Indian need worth sacrificing for? Or are we in this convention merely to renew old acquaintances and to have a good time? Or are we here to let each other know of our growing concerns with the common Indian problem? I hope that we are here for the express purpose of taking unified action to correct some of the shameful conditions, existing in our communities. To do this, we must lay siege to, alter, squeeze, and create a situation which is to our liking. We must move forward, objectively and with speed, now.

I would like to propose one simple goal for the leaders in this convention. If we achieve it, we can conquer all our other difficulties with comparative ease. Let it be our focal point of effort for the rest of this year and for all of 1963. Let us strive as Indians, to regain the commanding position held by our forefathers. We must let each other know that we are somebody. We must let the Nation know we exist as strong and united citizens.

I need not digress at this point to cite specific contributions of our fathers to the American society. No one knows better than you and I that we surrendered a continent, gave the early American pioneers clues for survival, provided most of the present food staples, bestowed many of the place-names in American geography, and even contributed to this country's philosophy of self-government.

Then, somehow in our fight for survival against the encroaching newcomers, Indian cultures, with their adaptability, came to a standstill. Oh, yes, we adopted the firearms and the firewater and the radio and the pickup truck. But in many other aspects of Indian life, confusion and frustration dominated.

What caused this? Why did we, as some people say, "let the parade of progress" pass us by? For many years, we have let administrators, pseudo-historians, and other prophets of gloom beat drums of fear which told us that Indians cannot do this or forge ahead here, but rather, that Indians must make themselves model farmers or model craftsmen. We have become citizens with a complex, whose initiative and creativeness have been stifled.

My friends, I want to say to you that we can accomplish anything we set our hearts and minds to. For the remainder of this convention, let us devote ourselves to reestablishing our human rights, our dignity as Indians and as men and women.

Let us draw a blueprint for today in our communities. With this blueprint in hand, let us tell the New Frontier how we want them to help us—not what we want them to do for us. In joint effort, we as Indians should take the lead and point the way. How can we do this? How can we assert our human rights?

The theme of this great convention is "Indian Unity Through Organization." How can this be—for we are a widely different and diverse people?

Can there be unity in diversity? Think a moment, the people who recently settled these United States were an admixture of all origins, races, creeds, and religions. Yet today, they are unified, have basic characteristics and common interests, and have retained strong traits of their ancestors.

As an individual from an Indian community whose 35,000 people have never lived on a reservation, I am concerned about a more diversified economy and higher standard of living for our people, a better education for our children, and improved health conditions.

What are areas of concern in your communities? Are not the preceding concerns common problems which all Indians share? How can we best solve these problems which are not unique but pertain to each of us—for they relate to our enjoyment of full human rights.

My friends, since I last talked with you, I have observed and pondered upon many things regarding our struggle as Indians. Consequently, my remaining comments will suggest what I hope to be a way to lend strength to our struggle.

We must unify all Indians from the North, the South, the East and West into a stronger organization. True, we have the beginning of such a union in the National Congress of American Indians. But, we must extend this union and bring in all our brothers and friends. As leaders, our first concern should be full representation of all Indian groups, so that the NCAI may truly become the spokesman for all Indian people.

Then, we must find effective ways to communicate through our organization and with each other. Because of long distances and different geographic locations many of us meet each other and talk about our situations only in the annual convention or talk with our executive director, when we are in Washington. It is essential that we take time to communicate with each other though the NCAI Sentinel, newsletters, and correspondence. In this way, we can become more aware of our similar conditions and see common grounds for fighting our cause together.

Again, let us think about what we must do to make this a truly national organization. I have stressed making our congress more representative and establishing better communication between Indian leaders and Indian people. What else must be done? There must be sacrifice by the Indian leaders and people. Leaders must be willing to give time and energy, and obtain money to support the organization. We must actively take the case of what is the National Congress of American Indians to the Indian people and show why there is need for such an organization. Indian tribes and their people as individuals, must contribute money to their case.

Our executive director must have a staff to assist our cause, who will keep informed and then inform Indians of the problems arising throughout the country, thereby enabling us to present a clearer picture of our needs. We must also look beyond the people of our tribe and find a way to effectively channel and amplify the good will and sympathy of the American public for the Indian. This will take study and planning by Indians as to how to best interpret our problems in terms which can be easily grasped and clearly understood.

It seems as though I have gone astray from the subject assigned to me, by my good friend Chief Saunooke, for I have asked many questions which on the surface possibly do not appear to have any connection with human rights.

What I believe does have such a connection is this. We as Indians, and as leaders of our people, must become so concerned about our people and our future, that we will work to tell the Indian story to each other, sacrifice so that our national organization can tell our story to all Indians and to all other people. But most of all, we must instill within ourselves and our people a belief in themselves as a people with a future.

I sincerely hope that we can go on record at this convention by drawing a common blueprint for today in our communities; honestly appraising how we as leaders of our people can put the true image of the American Indians' past and future in its proper perspective; honestly inform and unite our people regarding their common goals, and then join hands with all Indians to make a more effective and representative organization.

This will take great sacrifice and dedication which infuses tolerance, patience, understanding, truthfulness, simple and clear expression of the facts and financial support. When we do this, and I hope we shall during this Cherokee convention, then we will have taken a giant stride toward establishing in our own minds Indian dignity. This will be the first real step toward attaining our human rights.

In closing, may I say that one of the things which has sustained the red man through the years has been the concept of the Great Spirit. May he give us the guidance and strength of purpose to find our way as Indians in the society of today.

RESOLUTIONS ADOPTED BY THE 19TH ANNUAL CONVENTION OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION NO. I—STATEMENT OF POLICY OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

Be it resolved, By the National Congress of American Indians in the 19th Annual Convention assembled September 2–7, 1962 at Cherokee, N.C. that the following statement of policy be and the same is hereby adopted:

The policy of the Congress (NCAI) is to support all action, executive and legislative, for the improvement of the economic, educational and social status of the American Indian; to take all appropriate measures available for the preservation, protection and economic development of Indian trust property, tribal and individual; to maintain and protect the constitutional and civil rights of American Indians and the rights of tribes and their members under treaties and laws.

In aid of this policy the Congress (NCAI) declares as follows:

1. Jobs for Indians: Employment to make Indians economically independent is of paramount importance. The efforts of the Bureau of Indian Affairs in this field are highly commended. The Congress (NCAI) recommends the establishment of an independent division of Economic Development in the Bureau of Indian Affairs under a separate Assistant Commissioner of Indian Affairs and the expansion of present efforts to bring industry to or near Indian reservations and communities with a preference right of employment for Indians and enlargement of the vocational and on-the-job training programs.

2. Improved housing for Indians: Decent housing should be provided for Indians residing on and near reservations and in Indian communities. The Congress (NCAI) is pleased with the long strides taken in making public housing available on Indian reservations. This program deserves further intensive work to make Indian tribes aware of the possibilities of the program and to render assistance in bringing the construction of housing to fruition. Modification of existing law is suggested to extend the benefits to Indians whose income is so low that they are not eligible to occupy low rental public housing units under present law.

3. Education: The Congress (NCAI) urges acceleration in the current effort to insure that there are schools and teachers for these Indian children for whom such educational facilities are now denied. In view of the new demands of current technology and industry, the Congress (NCAI) points to the need for expanding school curriculums to include courses in mathematics, science and foreign languages in order that Indian graduates may compete for entrance into major schools of higher learning in the United States.

4. Administration of Indian affairs: Steps should be taken to remedy the imbalance between Federal personnel devoted to property management and those devoted to the people themselves. If funds for both purposes are not available from the U.S. Congress, some shift in allocation should be made to favor an increased number of employees who work with the people at the expense of decreasing the number of property-management employees.

5. Development and use of natural resources: Indian land, minerals and resources should be developed and managed to encourage the Indian use of land on the reservation for agricultural and grazing purposes. The highest possible income should be obtained for Indian owners from trust minerals, including oil and gas, and timber. The Bureau should apply the same principles of business, negotiation and bargaining to trust resources which an informed non-Indian landowner would employ to obtain the highest possible price for his property.

RESOLUTION NO. II—SUBMARGINAL LAND BE TRANSFERRED TO INDIAN TRIBES

Whereas the Secretary of the Interior in January 1961 recommended to Congress that the United States transfer in trust to 18 American Indian Tribes the submarginal land located on their respective reservations; and

Whereas these lands have been administered and treated substantially as Indian lands; and

Whereas in many instances the tribes have been proceeding on the understanding that the lands ultimately would be transferred to them and in reliance on such understanding improvements were made at tribal expense on the submarginal lands in water development, dams, fencing and structures and the tribes have borrowed substantial sums of money from the United States to purchase land adjacent to submarginal land pursuant to land purchase and land consolidation plans approved by the Secretary of the Interior, and

Whereas the submarginal lands are needed by the Indians to obtain maximum utilization of their tribal land and to augment their income; and

Whereas S. 2183, H.R. 3534 and S. 1925, bills to accomplish the transfer of submarginal lands to the 18 tribes and now pending in Congress: Now, therefore, be it

Resolved, By the National Congress of American Indians in the 19th Annual Convention assembled at Cherokee, N.C., September 2–7, 1962, that Congress is petitioned to transfer the submarginal lands to the tribes and to act on S. 2183, H.R. 3534, and S. 1925 now before it.

RESOLUTION NO. III—REAFFIRMING RESOLUTION NO. 6, 17TH ANNUAL CONVENTION OPPOSING ACQUISITION OF TRIBAL PROPERTY WITHOUT TRIBAL CONSENT

Whereas by Resolution No. 6 adopted by the National Congress of American Indians at its 17th annual convention in Denver, the National Congress opposed any acquisition of tribal property without the consent of the tribes in connection with the proposal of the United States to acquire by eminent domain tribal property of the Confederated Saliah and Kootenai Tribes of the Flathead Reservation, Mont., for the construction of Federal dam projects; and

Whereas the National Congress has been advised that the U.S. Corps of Engineers persists in its policy of taking tribal property for river control purposes without regard to treaty commitments of the United States: Now, therefore, be it

Resolved, That the National Congress of American Indians assembled in its 19th annual convention in Cherokee, N.C., reaffirms its Resolution No. 6 adopted in Denver and reaffirms its opposition to the acquisition by the United States of tribal property in violation of treaty agreements and without the consent of the tribe concerned.

RESOLUTION NO. IV—PUBLIC LAW 280, 83D CONGRESS BE AMENDED TO REQUIRE INDIAN CONSENT

Whereas at the time he signed Public Law 83-280, President Eisenhower characterized it as "a most unchristianlike approach" because the law would permit State jurisdiction to be extended without the consent of the Indian people affected; and

Whereas it is contrary to American principles of democracy and self-determination to impose jurisdiction on any people without their consent; and

Whereas there is now pending in Congress S. 1479 introduced by Senator MIKE MANSFIELD and Senator LEE METCALF of Montana and H.R. 4756 introduced by Representative ARNOLD OLSEN of Montana which would accomplish these purposes: Now, therefore, be it

Resolved, That Congress amend Public Law 280, 83d Congress, to require by referendum, the consent of the Indian people residing on the reservation, as a condition to extending State civil and criminal jurisdiction over Indian people on Indian reservations; and be it further

Resolved, That the Congress adopt S. 1479 or H.R. 4756 before adjournment.

RESOLUTION NO. V—CONSERVATION VERSUS TERMINATION

Whereas the U.S. Congress and the Secretary of the Interior are taking action, by legislation and administrative measures, to carry out the President's program for the conservation and development of natural resources and recreational areas on land and water, and

Whereas this program takes cognizance of diminishing natural resources and recreational assets in face of the explosive growth of population, and

Whereas Indian reservations are subject not only to the same forces of erosion in priceless possessions but also to such moves in the Congress as House Concurrent Resolution 108, 83d Congress, for termination of Federal supervision, which would open them to ruinous exploitation under unrestricted private ownership, and

Whereas in his annual report for 1961 the Secretary of the Interior acknowledged the significance of Indian reservations to the Government in relation to the President's program without bringing out the contradictory pose of the termination policy, and

Whereas the application of the President's policy with full force to Indian reservations will not impair Indian rights and usage now enjoyed and in fact will afford an increased income through the multiple use of assets under the stepped-up program of the Government in the conservation and recreational fields for the benefit of future generations: Now, therefore be it

Resolved, By the National Congress of American Indians in convention assembled that the executive director is hereby instructed to bring this resolution promptly to the attention of the President, calling upon him to include Indian reservations in the program by specific action, through administrative dispositions or through recommendations to the U.S. Congress for appropriate legislation, for the benefit of all America and so that, as the perpetuation of an historic asset distinctively American, there will always be Indian reservations and there will always be Indians.

RESOLUTION NO. VI—RESOLUTION ENDORSING LEGISLATION TO PROVIDE FOR LOANS TO TRIBAL CLAIMANTS BEFORE THE INDIAN CLAIMS COMMISSION

Whereas Indian tribal claimants before the Indian Claims Commission without funds to employ and pay expert witnesses are at a serious disadvantage in presenting their claims against the United States, in opposition to the Department of Justice with unlimited funds and facilities to present the defense of the United States; and

Whereas the Attorney General of the United States has recognized the injustice of handicapping Indian tribes in the prosecution of their claims and has urged that loan funds be made available to such tribes through the Department of the Interior: Now, therefore, be it

Resolved, By the National Congress of American Indians in the 19th annual convention assembled at Cherokee, N.C., September 2-7, 1962, that in order that tribal claimants may have the same opportunity to present their claims as is available to the United States to defend them, that H.R. 11263 or S. 3178 be adopted by Congress before adjournment.

RESOLUTION NO. VII—INDIAN CRAFT STANDARD RESOLUTION

Whereas due to the influx of foreign-made craft resembling American Indian-made craft flooding the market; and

Whereas it is the wishes of the American Indian to maintain those identities of their own handicraft work; and

Whereas the general public is not able to distinguish between the two crafts: Now, therefore, be it

Resolved, That the National Congress of American Indians recommends and encourages the different tribal groups to authenticate their arts and crafts in a manner of their own choice.

RESOLUTION NO. VIII—HEALTH RESOLUTION

Whereas the health problems of American Indians and Alaskan natives contrast sharply with those of the general population, and

Whereas these problems are compounded by the geographic and cultural isolation of Indians which create major obstacles to reaching them with effective curative and preventive health services, and

Whereas the Division of Indian Health, U.S. Public Health Service, has demonstrated steady progress in improving the health of recipients of services during the last 7 years; such service being made possible by budget increases voted by the Congress, and by additional authority through amendments of the transfer legislation (Public Law 568, 83d Cong.), and

Whereas this progress, though encouraging, still falls far short of the objective to raise the level of Indian health to that of the general population of the United States of America; such shortcomings emphasizing the need for still further efforts: Now, therefore, be it

Resolved by the National Congress of American Indians, assembled in convention at Cherokee, N.C., September 2-7, 1962, That this organization strongly urge upon the Congress of the United States the inclusion in the 1964 budget of the Division of Indian Health of the U.S. Public Health Service the following items:

1. Indian health activities: $62,400,000 for the curative and preventive health services in amounts which will lead to further improvement of the health of Indians.

2. Indian health facilities: $14,800,000 for the construction of hospitals and clinics; health centers and stations; sanitation facilities; and essential personnel quarters; and modernization of existing buildings. The National Congress of American Indians strongly urges that a minimum of $6 million of the total expenditure proposed for construction be allocated for sanitation construction projects. It is further suggested that the Congress provide for additional technical positions on the sanitation staff which will enable the Division of Indian Health, U.S. Public Health Service, to achieve a more rapid implementation of this basic health service.

RESOLUTION NO. IX—ARTS AND CRAFTS RESOLUTION (EDUCATION)

Whereas the Bureau of Indian Affairs has completed plans for opening the Institute of American Indian Arts in the former Santa Fe Indian School on October 1, 1962, for the benefit of Indian high school students and post-high-school students from all recognized tribes in the United States; and

Whereas the program to be offered at the Institute of American Indian Arts is designed to provide Indian students with a high quality basic education plus training in the fine and applied arts that will open many new employment opportunities to them; and

Whereas increased emphasis on Indian arts and crafts is an important objective of the National Congress of American Indians: Now, therefore, be it

Resolved by the National Congress of American Indians in the 19th annual convention assembled at Cherokee, N.C., September 1962, That we endorse the program of the Institute of American Indian Arts and encourage interested students to enroll in the Institute.

RESOLUTION NO. X—RESOLUTION APPRECIATION

Be it resolved by the National Congress of American Indians, meeting in annual convention in the beautiful Eastern Cherokee Reservation, Cherokee, N.C., That there be extended to the following arms of government, civic associations, business firms and others listed, our deep appreciation and hearty thanks for hospitality at this convention;

First, the city of Cherokee, Chief Osley Saunooke, the Eastern Band of Cherokees, chief of police and staff, the Bureau of Indian Affairs, Cherokee Indian Agency, the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, the House Committee on Interior and Insular Affairs and the Department of Health, Education, and Welfare, Indian Health Branch.

Second, John Parris and Bob Terrell of the Asheville Citizen, Bruce Roberts of the National Observer Weekly of Washington, D.C., Donald Jansen, staff reporter of the New York Times, station FWBC-TV, Greenville, S.C., and all the national networks for coverage, and all advance publicity accorded this organization.

Third, Hon. Philleo Nash, Hon. John C. Carver, Jr., Hon. Wayne N. Aspinall, Hon. Roy A. Taylor and Hon. Sam J. Ervin for their fine contribution to this convention.

RESOLUTION NO. XI—PHOENIX MEDICAL CENTER

Whereas the Indians maintain a special and unique fiduciary relationship with the

Federal Government through which progress is largely dependent upon cooperation, patience and mutual understanding and respect; and

Whereas there has developed between the U.S. Public Health Service and the Indians of Arizona a relationship which has clearly demonstrated this mutual respect and understanding; and

Whereas the Indians of Arizona have noted a remarkable rate of progress in the Indian health program on the various reservations throughout Arizona; and

Whereas the Indians of Arizona are now beginning to recognize that preventive health programs and adequate followup care are essential and integral supplements to direct medical care in the establishment of a complete medical care program upon which further progress is dependent; and

Whereas there exists between many of the Indians of Arizona basic cultural differences and mental attitudes toward both curative and preventive health programs normally accepted by non-Indians which are generally recognized and appreciated by the staff of the U.S. Public Health Service; and

Whereas the general attitude of the Indians of Arizona is that they are not ready to accept services in a community hospital and they prefer and will enter Indian hospitals where they can feel more comfortable in a familiar and understanding atmosphere; and

Whereas any change in the foreseeable future to enforce the Indians of Arizona to accept services in community hospitals which are not tailored to fit specific needs and in which there is limited or no understanding of the Indians' basic culture, social, environmental, and economic backgrounds which are essential and integral parts of a complete medical care program would be detrimental to the future health status of the individual Indian as well as to the continued progress of the overall Indian health program in Arizona: Be it therefore

Resolved, That the National Congress of American Indians, assembled in convention at Cherokee, N.C., September 2–7, 1962, concurs with the expressed views of the various tribal councils of Arizona Indians that the most desirable and effective method of providing the health services needed by the Indians in the Southwest requires a medical center in Phoenix, Ariz., staffed and operated by the Public Health Service, which would coordinate and cooperate with the individual reservation hospitals. The National Congress of American Indians urges the U.S. Congress for early authorization and appropriation of actual construction funds for the construction of a Phoenix Indian hospital.

RESOLUTION NO. XII—COMMEMORATION

Whereas Dr. Laverne Madigan, executive director of the Association on American Indian Affairs, passed away in a tragic accident last month; and

Whereas Dr. Madigan was a true friend of American Indians and worked long and hard for them and their interests in the social and economic fields devoting her talents and time unstintingly in and out of the associations; and

Whereas through her efforts and the programs of the association the Indians, particularly in the Middle West are making appreciable progress in community relationships: Now, therefore, be it

Resolved, By the National Congress of American Indians in the 19th convention assembled September 2–7, 1962, that it expresses its deep regrets for the untimely passing of Dr. Madigan and the loss of a true and sympathetic friend of the American Indian who approached their problems with a warm and understanding heart.

RESOLUTION NO. XIII—TO REPRODUCE COPIES OF THE MANUAL OF OPERATIONS

Whereas various tribes and individual members of National Congress of American Indians have made inquiries with reference to duties and functions of our organization and its officers; and

Whereas a manual of operations was adopted, by resolution No. 33, at the 16th annual convention at Phoenix, Ariz., and

Whereas it appears that many of our tribes and members are not aware of this document: Now, therefore, be it

Resolved, That the National Congress of American Indians in convention assembled at the 19th annual convention, September 2–7, 1962, at Cherokee, N.C., hereby instruct the executive director to reproduce copies of the Manual of Operations and make available to all National Congress of American Indians officials and to all tribes.

RESLUTION NO. XIV—COMMEMORATION OF INDIAN LEADERS

Whereas the National Chairman of Programs honoring the 200th anniversary of the birth of Sequoyah; and

Whereas it is the desire to have a memorial postage stamp issued honoring this great Indian, inventor of the Cherokee alphabet; and

Whereas this is one means to commemorate our great Indian leaders through the times: Now, therefore, be it.

Resolved by the National Congress of American Indians in the 19th annual convention assembled, September 2–7, 1962, approach the Postmaster General to issue a postage stamp honoring the great Sequoyah; and be it further

Resolved, The executive director of the National Congress of American Indians be directed to accomplish this intent.

[From the Asheville (N.C.) Citizen Times, Sept. 3, 1962]

Indians Arrive in Cherokee for Big Convention

(By John Parris)

Cherokee.—The greatest representation of Indian tribes ever to congregate east of the Mississippi poured into Cherokee Sunday.

They came by air and by car, from every section of the country for the 19th annual convention of the National Congress of American Indians.

The convention gets underway at 10 a.m. Monday with a parade of tribes through the streets of this smallest capital city in America.

Thousands of paleface visitors to the Cherokee reservation clogged the highway and streets with bumper-to-bumper traffic throughout the day and into the night Sunday, presenting a phenomenon to the visiting Indians from across the country, who admitted they had never seen anything like it.

Hundreds of early arrivals—representing a third of the 75 tribes expected for the 6-day gathering—congregated in little groups throughout Sunday to do some Indian politicking.

The office of vice president of the organization is up for election and it carries with it high prestige among the tribes.

Three candidates were reported Sunday night in the running: incumbent Nelson Jose, Pima Indian of Sacaton, Ariz.; John Shaw, an Oklahoma Osage of Burbank, Okla.; and Chief Osley Bird Saunooke of the Eastern Band of Cherokees.

Robert Burnette, NCAI executive director, said the candidates would be in the parade Monday morning dressed in tribal costume. However, Saunooke is not expected to be walking in the parade since he recently injured his foot and has been forced to use a cane.

Burnette said that Indian politics is no different from any other politics—"except Indian politics is rough."

Several prominent government officials and political leaders will participate in the week-long convention.

Among the early arrivals was Assistant Secretary of the Interior, John A. Carver, Jr., who is scheduled to deliver a major address at 12:45 p.m. Monday. Carver spent most of Sunday afternoon on an inspection tour of the Great Smoky Mountains National Park, going over the sections of the Bryson City-Fontana Road now under construction.

Carver, who visited the Smokemont and Deep Creek campgrounds, was astounded by the tremendous congestion of traffic, not only on the park roads but other highways in western North Carolina. He said something should be done to alleviate this problem, particularly as it applies to the park and the village of Cherokee, which has become a bottleneck.

Philleo Nash, Commissioner of Indian Affairs, arrived late Sunday night. He is scheduled to address the convention at 1:30 p.m. Tuesday.

Also among the early arrivals was Congressman Roy A. Taylor of the 12th District, a member of the Indian Affairs Subcommittee of the House, who will speak at 10 a.m. Tuesday.

Representative Wayne N. Aspinall, Democrat, of Colorado, Chairman of the Indian Affairs Subcommittee, was expected to fly into Asheville Monday morning and address the convention at 2:15 p.m.

Delegates and official guests attended the final performance of "Unto These Hills," the Cherokee Indian drama as guests of the Cherokee Historical Association Sunday night.

Carol White, general manager of the Cherokee Historical Association, said that with the final performance, attendance for the 1962 season would run approximately 130,000 paid admissions. This would compare with 116,627 last year.

[From the Asheville (N.C.) Citizen Times, Sept. 4, 1962]

Carver Heard at Cherokee—Indian Policy Is Discussed

(By John Parris)

Cherokee.—The prime emphasis of the Kennedy administration in Indian affairs is being put on economic development.

This expression of policy was made by Assistant Secretary of the Interior John A. Carver here Monday at the opening session of the 19th Annual Convention of the National Congress of American Indians.

He said that the economic future of the Nation's 600,000 Indians is of prime concern to the Kennedy administration and that it is working to bring about maximum Indian economic self-sufficiency.

Two other goals, Carver said, round out a trinity of major objectives which has NCAI backing: full participation of Indians in American life, and equal citizenship rights and responsibilities for Indians.

He raised the question of termination of Federal services on Indian reservations, an issue raised during the Eisenhower administration.

"Termination implies abruptness," he said, pointing out that Congress has the power to specify termination as an objective, and then added:

"We ought to be more concerned with the dynamics or movement of our policy rather than with ethically unsatisfactory or politically impossible termination of Federal programs."

A few minutes later, Congressman Wayne N. Aspinall, Democrat, of Colorado, chairman of the House Committee on Interior and Insular Affairs, set the delegates cheering when he announced during an address from the same platform:

"As long as I am chairman of the committee no Indian tribe in the United States will be terminated until it is ready for termination."

Carver, in speaking to delegates of some 30 Indian tribes gathered here for their first meeting east of the Mississippi, compared Interior Department statements on Indian policy in 1961 and 1962 with those issued three-quarters of a century ago.

"Plans of our Indian policy in the 1870's were frankly materialistic," he said. "We wanted to push the Indians aside so that the railroads could be built, the settlers could move in and the mineral wealth of the Black Hills could be opened up.

"The ethical orientation of policy found its place in the subordinate aspects—the determination that coercion should be applied humanely, that administration should be civil rather than military, and that presumably ethically oriented Christian churches could have the authority of selecting our agency superintendents.

"Today," Carver said, "the ethical considerations have achieved primacy so that we have real governmental difficulties permitting the development of hydroelectric, flood control or reclamation projects which will have the effect of flooding land owned by the Indians."

He said that he was struck by the comparison between progress made by the Indians themselves in the interim with the progress "which the Government has failed to make in treating with what is called the Indian problem." In 1875, he said, the ancestors of the delegates to the convention were largely without competence in the English language. They were in places still at war with the United States. They were herded like animals and were as a matter of Government policy subjected to soup-kitchen subsistence to wean them away from their nomadic life.

Today, Carver said, there is universality of education among the Indians. They are citizens of the United States, they have attained prominence in the arts, in business, in government and in politics.

Yet, Government policy until the present remained static and continued to treat the problem in the same terms after all these changes had taken place, he said.

Carver blamed it on "the inertia of Government itself, the vested interests in Indianness, the national conscience—the hangover from the absence of an ethical basis for our original policies and the tendency or temptation to equate the conditions of all Indians with some specific group."

Aspinall outlined for the delegates the role of the Committee on Interior and Insular Affairs in Indian affairs.

He told them he was anxious to help improve conditions "and to work with you to make Indian life in this country measure up to the full advantages which American citizenship entails."

"Not," **Aspinall** said, "simply because you are a minority group. Not because you are descendants of the first inhabitants of this country, but because you are citizens of the United States and your children deserve what my children and my neighbor's children deserve."

He said he was convinced that "full understanding and cooperation among Congress, the Bureau of Indian Affairs, the various tribal councils and the individual Indian are essential if we expect to bring about a satisfactory relationship between our Indians and our Government."

Then, Chief Osley Bird Saunooke of the Eastern Band of Cherokees officially welcomed the delegates to Cherokee.

The next speaker was Dr. Caruth J. Wagner, Chief of the Division of Indian Health of the Department of Health, Education, and Welfare, who made these promises to the NCAL.

1. The Public Health Service will do everything within its capabilities to continue to implement a program that will raise the health status of the American Indian to the highest possible level in the shortest possible time.

2. Specific health programs will be planned with the active participation of the tribal councils and their health committees.

3. "We will actively solicit continuous appraisal and evaluation of our programs," he added, "by each tribal group and make every effort within the limits of good health practice and available resources to provide services that are to the best interest of the Indian in respect to his culture, his personal goals and personal needs."

He said he came into the program firmly convinced that in spite of the giant strides made in the past, "there remains a tremendous amount of work to be done before we can state the Indian is receiving comprehensive health service and that our ultimate goal is in sight."

[From the Knoxville (Tenn.) News Sentinel, Sept. 5, 1962]

Indians Develop Resources, Skills—Goals Outlined at Convention

Cherokee, N.C., September 5.—The U.S. Commissioner of Indian Affairs says a great deal of progress has been made recently toward fuller development of Indian-owned physical resources, skills, and capacities.

Philleo Nash told delegates to the 19th convention of the National Congress of American Indians here yesterday that "we have made a good beginning in our march along the new trail" and the way is now clear for heightening development activity on the reservations.

"The touchstone of our administration," he said, "is economic development among Indians on the reservations. One of our long-range goals is maximum Indian economic self-sufficiency."

Two additional goals, he added, are full participation of Indians in American life and equal citizenship privileges and responsibilities for Indians.

TAKES HARD WORK

"In one form or another, these are goals that have been set for the Bureau of Indian Affairs and the Indians time and time again," Nash said.

"But for over 150 years," he added, "nobody has yet apparently been able to meet them. I do not claim to know the reason why. They are challenging but they are also attainable. I think they just take some hard work, not only on the part of the Bureau but on the part of Indians as well."

Nash announced plans for recruiting economic development specialists this year and placing them at the various Indian agencies across the country in the area offices and in Washington.

APPROPRIATIONS UP

Nash said one of the most gratifying developments during the past year was the increase in the appropriation authorization for the Bureau's credit program—from $17 million to $27 million.

Nash said there now are 20 industrial plants on or near Indian reservations as a result of coordinated efforts of Indian tribes, local communities, various other Government agencies, and the Bureau of Indian Affairs.

Furthermore, he said, there is every reason to expect that job-providing industrial operations in the reservation areas will increase in the years ahead.

Earlier, a similar note was sounded by Representative **Roy A. Taylor**, Democrat of North Carolina, who said, "We are anxious to assist Indian citizens in advancing economically, socially, and politically."

[From the Knoxville (Tenn.) Journal, Sept. 8, 1962]

Resource Fight Seen by Indian

Cherokee, N.C., September 7.—The high chief of American Indians said last night the red men are going to have to unite and fight to keep the resources of Indian land for the benefit of Indians.

Walter Wetzel, chief of the Blackfoot Tribe in Montana and president of the congress, was the final major speaker at the convention.

"We Indians are struggling unsuccessfully with the problems of maintaining home and family and Indian ownership of Indian land," said Wetzel. "We must strike. We must seek a new policy. We must join together and fight with determination to keep the God-given resources of Indian lands for the Indians' own benefit."

These, he said, have been owned by the Indians for centuries and are a vital part of the red man's American heritage.

He suggested that the tribes join together under the banner of the Indian congress and adopt what he called a new perception—that of concentrating on the development of Indian human and natural resources at home on the reservation.

Wetzel in public life is a consultant to Interior Secretary Stewart Udall on Indian affairs.

"It is essential that the Federal agencies dealing with Indian affairs work in close cooperation," he said, "and that responsibilities placed on these agencies be in accordance with the aims and goals of President Kennedy.

"If the superintendents," he added, "will sit down with the governing body or the councils and take a realistic look at the conditions and morals of the Indian people, much benefit would emanate from such meetings and definite results would no doubt be forthcoming."

Wetzel said he and other consultants to Udall feel that the Bureau of Indian Affairs represents a third party which can bring together Indians and others in such a way as to promote Indian self-sufficiency and increase the extent of Indian participation in the affairs of the communities surrounding the reservations.

[From the New York Times, Sept. 6, 1962]

Rights Drive Set by Indian Tribes—United States Said To Support Action in Court and Education

(By Donald Janson)

Cherokee, N.C., September 5.—The National Congress of American Indians is planning a two-pronged attack on discrimination against Indians.

Under the plan, called Operation Constitution, lawyers would be hired to defend Indians in test cases throughout the country.

Simultaneously, an educational campaign would be conducted on the reservations to make sure that Indians understood their rights.

Numerous instances of discrimination were alleged at recent hearings in the Dakotas and in the southwest conducted by the Constitutional Rights Subcommittee of the Senate Judiciary Committee.

The subcommittee heard Indian charges of brutality at the hands of white policemen, false arrest, discrimination in the administration of State welfare programs and in admission to hospitals and public schools, and inadequate law enforcement on reservations.

MANY UNAWARE OF RIGHTS

Testimony indicated that many Indians were unaware of their rights to counsel, jury trial, equal protection of the laws and due process of law. Many had never heard of change of venue. Many could not afford a lawyer in any case.

"Even members of the tribal councils, the Indian leaders on the reservations, often know little about this," Robert Burnette, executive director of the National Congress of American Indians, said today.

Mr. Burnette said private foundations would be asked to help finance Operation Constitution.

He reported that Attorney General Robert F. Kennedy had pledged full cooperation and that "all efforts will be coordinated and cleared through the Department of Justice."

"There are hundreds of cases that need attention," Mr. Burnette said in an interview between sessions of the congress' annual convention here.

A start on prosecuting these cases, Mr. Burnette said, would serve as a warning that Indians were no longer passively accepting injustice. He said it was possible that "a great deal of the maltreatment and violations of civil rights will cease immediately."

Senator Sam J. Ervin, Jr., Democrat, of North Carolina, the chairman of the subcommittee, has called his panel's investigation "the first such congressional inquiry into this most important and all-too-long-neglected area of law.

The subcommitte plans to draft corrective legislation for consideration by the next session of Congress.

Operation Constitution would provide legal aid not only in cases of alleged violation of individual rights, but also to challenge the constitutionality of certain Federal, State, and local laws and ordinances.

The National Congress of American Indians is holding its 19th annual convention in this reservation of the Eastern Band of the Cherokee Tribe in the Great Smoky Mountains.

The congress is the country's only all-Indian national association. It represents 75 of the Nation's 250 tribes and bands, and more than half the nearly 600,000 Indians in the country. About 50 tribes are represented by some 200 Indians at this convention.

[From the New York Times, Sept. 8, 1962]

Anti-Indian Bias Is Laid to States—Tribal Convention Told of Senate Inquiry Findings

(By Donald Janson)

Cherokee, N.C., September 7.—A Senate investigation has found that some States, having assumed civil and criminal jurisdiction over Indian reservations in recent years, are failing to provide equal protection of the law there.

"We have found cases in which crimes have been committed on the reservations and State officials have made no attempts to bring the criminals to justice," Senator Sam J. Ervin, Jr. said tonight.

Mr. Ervin, Democrat, of North Carolina, is chairman of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. His unit is conducting a nationwide investigation into complaints by Indians.

In a speech to the final session of the annual convention of the National Congress of American Indians, he also reported that "in some States which have not assumed jurisdiction, State officers are arresting Indians on the reservations and prosecuting them for crimes over which the Federal authorities have exclusive jurisdiction."

Mr. Ervin, unable to leave the Senate in time to attend the convention dinner as planned, addressed the Indians by a connection from Washington to the Boundary Tree Lodge here.

The jurisdictional tangle, he said, is complicated by allegations of hostility toward Indians on the part of law enforcement officials.

A law in 1953 conferred civil and criminal jurisdiction over reservation Indians to Wisconsin, Minnesota, Nebraska, California, and Oregon. Alaska was added later.

INDIANS CHARGE PREJUDICE

The legislation also allowed other States to assume jurisdiction. Few have, however, partly because of strong Indian opposition. Indians contend that in many States prejudice against them is too strong to permit fair treatment.

Today the Indians here, representing about 50 tribes throughout the country, adopted a resolution urging that the law be amended to require the consent of the Indians on a reservation before State law could supplant Federal jurisdiction there.

The law was passed at a time when termination of Federal responsibility for Indian affairs was the expressed policy of Congress and the Eisenhower administration.

The present administration does not favor termination unless individual tribes ask to be shifted to State jurisdiction and are found ready, educationally and otherwise to fend for themselves.

CHAOTIC SITUATION CITED

Mr. Ervin said that the law had resulted in some "chaotic" situations.

He quoted an Indian judge whose reservation is situated in two States as saying: "To make the confusion more complete, we find some laws are being enforced by one of the States but not by the law-enforcement authorities of the other State."

A member of the committee that drafted the convention's resolution, Mrs. Pauline Tyndall, secretary of the Omaha Tribe of Nebraska, said in an interview that her State "has failed to provide proper law enforcement" on her reservation since being given jurisdiction in 1953.

Until this year, she said, the closest policeman was in the county seat of Pender 27 miles away and he refused to respond to calls. The result, she said, was brawling, deaths, and vandalism.

This year, she said, a policeman has been stationed 8 miles away but not near enough to forestall continuing vandalism.

Policemen now respond to calls, she said, but sometimes resort to "brutal beatings" of Indians they arrest.

She said that as a result of prejudice Indians were treated more harshly than whites by law-enforcement officers and received more severe sentences.

About 200 Indians, some from as far away as the State of Washington, attended the 5-day convention here on the reservation of the Eastern Band of the Cherokee Tribe.

[From the New York Times, Sept. 8, 1962]

The Oldest Settlers

The Indians were here first—probably many thousands of years before Columbus arrived, but they are still having trouble getting and maintaining all the rights that were theirs nearly five centuries ago. The National Congress of American Indians, in session at Cherokee, N.C., has been organizing a campaign to help them defend themselves.

Their rights are threatened in two main ways. One is discrimination by white men who believe that they are the superior race and need not bother too much about doing justice to individual Indians. The other threat is Government policy. This policy, if one takes the reports of the Bureau of Indian Affairs literally, is often genial. We are trying to educate the Indians, especially every one of the little Indians. We are doing something to help them irrigate their lands, improve their stock, develop their resources and even bring in industries on the old reservations.

But the policy of Congress, as set forth nearly a decade ago, is "to make the Indians * * * subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States." This policy, which may be theoretically sound but has broad and extremely serious implications for the Indians, calls for termination of Government aid and supervision as soon as possible. However, it has been misinterpreted, distorted, and exploited, to the Indians' cost.

A subcommittee of the Senate Judiciary Committee has recently heard shocking testimony of discrimination against individual Indians, including false arrest, illegal withholding of State welfare aid, and inadequate protection against white offenders on reservations. At most the Indian is a small minority group, but each individual Indian has as many rights as any white person. Furthermore, he must be protected in his old traditions and ways of life if he wishes to retain them.

DISAPPEARING DUNES

Mrs. NEUBERGER. Mr. President, nature is buffeted repeatedly by man's attempts to shape and change his environment. The conservation movement in the United States was born out of the necessity for preventing excesses in that direction.

A recent article in the New York Times related some activities in my own State of Oregon where efforts to control natural forces have created new controversy over natural resource management policies. The article tells of the dunes planting program conducted by the U.S. Forest Service to prevent the shifting of sand along a section of the Oregon coast—once described by authorities as "the most magnificent dunes on the North American continent."

As sponsor of legislation to give this uniquely beautiful seacoast area the protection of national park status, I am particularly disturbed by the Times story. It should serve as a warning to those officials who have opposed my proposal for the Oregon Dunes National Seashore that time is running out on our opportunities to safeguard this great natural scenic asset and tourist attraction. Unless protective action is taken soon, a large section of the awe-inspiring dunes could be reduced to mediocrity unworthy of recognition as a national park unit.

I ask unanimous consent to have printed in the Record, the New York Times article of September 2, 1962, entitled "Dispute Centers on Oregon Dunes."

There being no objection, the article was ordered to be printed in the Record, as follows:

Dispute Centers on Oregon Dunes—Stabilization Plan Raises Fears of Conservationists

Florence, Oreg., September 1.—A political storm has been raging over the proposed Oregon Dunes National Seashore here for 3 years.

Now local conservationists are increasingly alarmed over a dunes stabilization program they fear is destroying the scenic and recreational values of the area. At the same time they deplore expansion of carnival-type businesses and private housing developments.

If these activities continue unchecked, they believe, the national seashore idea will become a fading dream.

Planting of beach grass by the U.S. Forest Service has focused new attention on the attempts of Senator Maurine Newberger and her late husband, Senator Richard Neuberger, to preserve the dunes under the National Park Service.

The area has been leveled off into what appears to be something quite different from the shifting and gentle curves of the dunes that were there previously. A bulldozer is used to level the sand before planting.

TREATMENT OF CRITICAL AREAS

The Forest Service, which now manages most of the 35,000-acre dunes area, asserts the planting of beach grass, followed by scotch broom and lodgepole or shore pine, is only being done in critical areas where the moving sand threatens campsites, roads, and river and lake outlets. Their published plan calls for the stabilizing of 6,622 acres by this method over the next few years.

While Forest Service officials deny any plan to stabilize the entire dunes area, conservationists point to an article in a recent timber journal that describes just such a plan. The author of the article is on the Forest Service staff.

Nevertheless, the Service recognizes the dunes as a "key area for recreation," and all other possible use of the land is said to be "subordinated to recreation and scenery."

Local opponents of the Park Service's taking over the dunes point out that the sand, if allowed to shift in its natural course, would have closed up the outlet of Cleawox Lake. They maintain that the stoppage would result in the lake's inundating Honeyman State Park, one of the State's most popular tourist centers.

But conservationists contend there are other ways to protect the Cleawox Lake outlet, such as dynamiting or bulldozing, which the Forest Service has used elsewhere.

The dunes are adjacent to three other large fresh-water lakes—Woahink, Siltcoos and Tahkenitch—46 miles of Pacific Ocean beach from Florence south to Coos Bay; forested land, and the Sea Lion Caves, the only mainland rookery on the Pacific. It is the unique combination of these recreational resources in one area that prompted the Pacific Coast Recreation Survey staff in 1959 to suggest that the National Park Service establish the national seashore in Oregon.

Because of pressures from local property holders who don't want to sell their land—and who fought Senator Neuberger's plan—the Senator is drafting a compromise measure that would confine the national seashore area west of Highway 101. But local opponents are skeptical and agree with supporters who believe the National Park Service would not accept this plan because it excludes the lakes. It is the combination of dunes and lakes that makes the area unusual.

To the surprise and disappointment of dunes backers, President Kennedy's conservation message to Congress earlier this year did not include the Oregon dunes as one of the areas he recommended to be preserved under the National Park Service.

Nevertheless, the Interior Department, which has jurisdiction over the Park Service, has continually supported the Neuberger plan, and still supports it in principle, according to Assistant Secretary of the Interior John A. Carver.

If there is no action soon, thousands of acres of dunes will be covered over, their hauntingly beautiful contours buried by dense growth. More and more commercialization of the area will occur. And if the conservationists are right, the National Park Services interest in the Oregon dunes will disappear.

CBS REPORTS ON SMOKING AND HEALTH

Mrs. NEUBERGER. Mr. President, courage and conviction were displayed by "CBS Reports" in Wednesday night's television essay entitled "The Teenage Smoker."

Jack Gould, of the New York Times, in a perceptive, commendatory review of the program, published in yesterday's Times, appropriately commented:

> If in the future charges are made that commercial television is beholden to its advertisers, last night's edition of "CBS Reports" will be a major exhibit in contradiction.

If any evidence is needed of the extreme pressures militating against forthright public discussion of smoking and health, such evidence can be found in the instantaneous howls of the tobacco industry, protesting that the program did not adequately portray the position of tobacco's defenders.

I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

TV: A Burning Issue—"CBS Reports" Examines Relationship Between Smoking and Cancer

(By Jack Gould)

If in the future charges are made that commercial television is beholden to its advertisers, last night's addition of "CBS Reports" will be a major exhibit in contradiction.

The documentary unit of the Columbia Broadcasting System, under the direction of Fred W. Friendly, addressed itself boldly and uncompromisingly to the issue of the relationship between cigarette smoking and lung cancer.

Included in the filmed analysis of the controversy over health and smoking was the part played by tobacco advertising, including the familiar commercials that are such an integral part of the American TV scene. The tobacco industry spends at least $70 million a year in television advertising, according to Variety.

There were repercussions before the program reached the air. George V. Allen, Jr., president of the Tobacco Research Institute, Inc., said that the documentary was "a one-sided presentation against tobacco," that he had been quoted out of context and that CBS had inadequately stressed the view in some quarters that the primary causes of lung cancer were unknown.

CBS had no comment on the protest, merely observing that the competency of the men working on "CBS Reports" was common knowledge.

In what was its first program of the new season, bearing the title of "The Teenage Smoker," the CBS unit relied largely on information that had been reported earlier. Its contribution was to pull together the loose ends in a major TV special document designed to stimulate national discussion of the subject of physical well-being and smoking.

The program's overwhelming force lay in the testimony of the Royal College of Physicians in Great Britain and officials of the U.S. Public Health Service that there was a statistical correlation between smoking and the incidence of lung cancer.

"The Teenager Smoker," narrated by Harry Reasoner, showed slides prepared by the American Cancer Society. The destruction of lung sacs and clogging of arterial vessels was attributed to excessive smoking.

In rebuttal the viewer heard Dr. Clarence Cook Little, scientific director of the Tobacco Research Center, and Dr. Harry S. N. Greene, chairman of the department of pathology at the Yale University School of Medicine, maintain that it was not clearly established that a cigarette caused cancer in man.

Stephen Fleischman, producer of the program, obviously set aside time for the anticancer theory but neither Dr. Little nor Dr. Greene responded very directly to the data supporting a correlation between the disease and heavy use of cigarettes.

The British Government's campaign to implement the Royal College's findings against cigarette smoking were especially interesting. The British cigarette companies have been persuaded not to advertise their wares on TV before 9 p.m., a move designed to curb appeals to young people to take up smoking.

The content of American cigarette advertising, including the highly romanticized appeals on TV, were cited in connection with the issue of introducing young people in the United States to the cigarette habit.

Mr. Reasoner concluded that there was little likelihood of any grand decision on cigarette smoking but maintained that Government, the tobacco industry, the medical profession, and the journalistic media had continuing roles to play in helping the individual make his own decision.

"CBS Reports," which was edited with the crispness for which the series is noted admirably did its share last night.

ONLY BRAVE U.S. STAND WILL PREVENT BIG WAR

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the Record an excellent news column by the distinguished columnist Mr. Henry J. Taylor. The column is entitled "Only Brave U.S. Stand Will Prevent Big War: Lessons of History Are Clear," and was printed in the September 18, 1962, issue of the State, of Columbia, S.C.

There being no objection, the column was ordered to be printed in the Record, as follows:

Only Brave U.S. Stand Will Prevent Big War: Lessons of History Are Clear

(By Henry J. Taylor)

Khrushchev wants us to dwell on the horrors to the United States of atomic attack if we upset his Cuba position and forget the horrors to the Soviet Union.

It is an ancient trick. The best—and only—counteroffensive to this is our own bravery. With it, praise God, there will be no war.

Deep in our national heart we live by our fine old American saying, "Don't tread on me." We must live by it now and have security, or soon we will not live at all. For if we are afraid to fight, you and I will do nothing but die in a war that need not be.

STUPID CUNNING

In Geneva and elsewhere, I have experienced countless meetings officially with the Kremlin regime. For 4 years I encountered them all. You are lost in dealing with the Communists until you realize that great stupidity and great cunning can go together.

We are merely rationing Khrushchev as, piece by piece, he eats Berlin.

Similarily he eats Laos, eats Cuba, even eats the shoreline of the United States. It is too late for half measures in Cuba, and certainly too late for no measures.

CRIES FOR PEACE

The choice is no longer ours. Humanity cries out for peace and the assurance of peace. But we cannot avoid war if we refuse to risk it, as we did in the Berlin airlift, the Quemoy intervention by the 7th Fleet, the Lebanon landings.

This much we know. In fact, forgetting this is what caused us our agony today in Cuba.

Al Capone used to say, "We don't want no trouble." Neither does Khrushchev. These Kremlin khans are not going to knock the world into radioactive rubble, including Mother Russia. They have a better idea.

DO IT OURSELVES

They expect us to knock ourselves out, by appeasing them. For aggressor nations choose their victims among the bluffers, not among those of sober strength; among the craven, not among those with stout hearts, great productivity and an absolute determination to fight if they are trod upon. This is the key to our security. We have no other.

The Russian expression for someone who has very little power, is "short hands." Communists say, "Promises are words which inferior people exact from each other when they are not sure of their own strength." We must not be unsure of ourselves or have "short hands" in nearby Cuba.

WORDS NOR DOLLARS

We cannot do with words, we cannot do with dollars, what we fail to do with guts. A nation that doubts itself enlists in the ranks of the enemy and bears arms against itself, guaranteeing its own defeat by being the first to be convinced of it.

Accordingly, Khrushchev told Poet Robert Frost we would not fight. "Khrushchev thinks," said Frost, "we will sit on one hand and then the other." Well, if we will not fight in Cuba, where will we fight? And what will Khrushchev demand next?

HIS WORDS

On April 20, 1961, 3 days after the Bay of Pigs debacle, President Kennedy stated that "if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration, then I want it clearly understood that this Government will not hesitate in meeting its primary obligations, which are the security of our Nation * * * Should that time ever come, we do not intend to be lectured on intervention by those whose character was stamped for all time in the bloody streets of Budapest."

What we must face are present realities. In effect, Cuba has been invaded. A great U.S. naval base (Guantanamo) in the shade of the Panama Canal stands surrounded now by a solid ring of enemy artillery.

FACE REALITIES

The U.S. Navy, Marines, and Air Force either enter Cuba to relieve this intolerable danger, with all that it implies, or the Soviet Union will hereafter control the entire Western Hemisphere, including the United States.

We are the greatest nation on the face of the earth and in the history of the world. A land of wonderful people—good people, dear people, warmhearted, courageous, energetic, fun-loving people—but a people ready to give their all when the need arises.

HAVE MEANING

Those three hallowed words—duty, honor, country—mean something to Americans. We should say a proud word for our history.

Civis Romanus erat—we are citizens of no mean state. The peace of the world rests on our courage, and on that alone.

Let our contempt of fear live up to our heritage. It must be no less, and it need be no more. It will not fail us.

ONE HUNDREDTH ANNIVERSARY OF EMANCIPATION PROCLAMATION

Mr. JAVITS. Mr. President, tomorrow will be 100 years after President Lincoln read his final draft of the Emancipation Proclamation to the members of his Cabinet and, for all practical purposes, promulgated it. I refer to that fact in connection with the events taking place almost daily at the State college in Oxford, Miss., on the sidewalks of Albany, Ga., and at the burned-out churches of Terrell County, Ga. I note with great interest that three residents of that State pleaded guilty to the burning, so we are no longer left in doubt as to what happened there or who did it. I refer to what is taking place in the schoolrooms of Prince Edward County, Va., and wherever Americans are being denied their sacred rights as Americans because of their color.

In many cities throughout the land, as here in Washington, commemorative exercises will be held in observance of that great document of freedom. Across the Nation, too, citizens will be waiting patiently to see what the United States does with respect to this commemoration.

I begin with affirmative facts. I compliment the President and the Department of Justice for their apparent determination to follow through in the matter of the denial of equal opportunity in higher education to a student who was personally refused admission to the State college by the Governor of Mississippi on the doctrine of interposition, which predates the Civil War and is completely invalid in constitutional and legal terms.

I think the Department of Justice, which now states it will move vigorously in that situation, is doing precisely what the Nation expects.

I call upon the United States also to honor this great anniversary by fulfilling a pledge made over and over again during the successful campaign waged for the Presidency in 1960, through issuance of an Executive order to bar discrimination in housing. This pledge was contained also in the Democratic Party platform. It is a pledge which the President himself said he could redeem by the stroke of a pen.

This centennial celebration can be made doubly memorable by the President, therefore, if he will use this occasion to sign an Executive order barring discrimination and segregation in all federally assisted housing. We were told as far back as November 1961, that the text of such an order was on the President's desk, awaiting signature. The country is still waiting.

We were advised by press reports that the order would have directed all Federal agencies concerned in any manner whatsoever with housing or home mortgage financing to see to it that Federal credit or funds would not be used for segregated housing in any such operations. Yet this evil continues to exist.

In connection with public housing, urban renewal, homes financed by federally insured or guaranteed loans, and houses for the elderly, as well as in the operations of federally supported mortgage lending institutions such as Federal savings and loans associations, discrimination could be barred by an Executive order on housing.

Over the past 10 years every important investigation into this deplorable situation—and that includes the U.S. Commission on Civil Rights—has reached the same conclusion; namely, that Presidential action is essential.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for 3 additional minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from New York may proceed for 3 additional minutes.

Mr. JAVITS. The U.S. Civil Rights Commission said:

> Federal programs, Federal benefits, Federal resources have been widely, if indirectly, used in a discriminatory manner—and the Federal Government has done virtually nothing to prevent it.

When Dr. Robert C. Weaver was appointed Housing and Home Finance Administrator, hopes ran high that such an order would be made.

Recently it has been said the order has been delayed because of the impact it might have on the economy and on the housing construction industry.

A study submitted to the President by the National Committee Against Discrimination in Housing, which I ask unanimous consent to have printed in the Record as a part of my remarks, shows that this is not a proper objection, and that a fair housing order is not only morally right, but feasible as well.

There being no objection, the study was ordered to be printed in the Record, as follows:

National Committee Against
Discrimination in Housing,
New York, N.Y., July 16, 1962.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The National Association of Home Builders recently sent you what purported to be an objective and scientific study of the probable effects of an Executive order to end racial discrimination in federally aided housing. The document, however, is neither objective nor scientific, and is in fact misleading in its statements and unfounded in its conclusions.

The association is a declared opponent of the Executive order. It was hardly surprising that a survey of its own membership indicated opposition to the order. The amazing fact is that 59.3 percent of those who responded said their building plans would not be affected, would be increased, or had no opinion. Moreover, 62 percent of the membership of the NAHB did not even bother to answer.

That the answers to a questionnaire prepared and distributed by NAHB were put through a tabulating machine by a private processing firm does not authenticate the results. In fact, this firm itself raised serious questions concerning the basic validity of the survey, including the questionnaire, the sample, and the reliability of the conclusions.

Some of the glaring weaknesses are the following:

1. A definite southern bias in the responses. Despite two appeals by the NAHB to its members, only 38 percent returned the questionnaire. Thirty-five percent of these were from the South, the largest response from any of the four national regions. More than one-half of the respondents who said their plans would be adversely affected were from the South.

2. The press release accompanying the report points out that 10 percent of the builders in San Francisco, 38 percent in Los Angeles, 14.5 percent in New York, 36.7 percent in Pittsburgh, and 64 percent in Phoenix would cut back production if the Executive

order were issued. With the exception of Phoenix, all these localities are presently covered by State and local legislation barring discrimination in housing. Such legislation is far broader in coverage than any proposed Executive order. In none of these localities have building starts or general real estate activity diminished following the fair housing statutes. These same builders, who presumably would not operate under an Executive order covering federally aided housing, are currently operating and prospering under more stringent anti-bias legislation.

3. Predictions of cutbacks under an order covering FHA and VA housing exceeded the use these same builders made of FHA and VA financing.

4. Respondents predicted greater cutbacks by other builders than by themselves—a typical emotion-based response.

5. Extremely sharp variations in opinion even in the same locality. For example, while 38 percent of Los Angeles builders said they would cut back production, only 10 percent of the builders in San Francisco said they would do so. The same extremes show up in every region.

6. Conclusions are drawn on the basis of small, spotty returns. For example, 29 builders responded in Los Angeles; 55 in New York; 89 in St. Louis; 52 in Oklahoma City; 7 in Providence. Conclusions based on such a haphazard sample are statistically invalid.

As pointed out in NAHB President Leonard L. Frank's covering letter, the survey unquestionably reflects "emotional attitudes." A particular group of builders wants to prevent the issuance of the order. Their replies are no guide to what actions they will or will not take, should the promised Executive order be issued. Competent studies have repeatedly demonstrated that what people say they will do in the future bears little relation to their actual behavior when confronted by the actual situation. Wherever civil rights legislation has been enacted, actions of the objectors have contradicted their predictions.

Seventeen years ago, when the first fair employment practices law was considered in New York, businessmen said the legislation would drive business out of the State. An executive of Associated Industries of New York said:

"Such restrictions will eventually lose for New York State a very substantial portion of the 5 to 6 million jobs now available and a very substantial portion of the $8 to $10 billion annual payroll that goes with these jobs. Certainly, it will prevent expansion in New York State of existing business that can be moved elsewhere."

Today, industry in the State is the first to express admiration for the fair employment practices law and for the healthy effects it has had on the State's economy. Twenty States have fair employment practices laws today, and in none has business been adversely affected.

Twenty years ago, the board chairman of the Metropolitan Life Insurance Co., said that Stuyvesant Town, its large housing development in New York City, would be threatened by a nondiscrimination law. "Negroes and whites do not mix—a hundred years from now maybe they will," he said. Subsequently, the Metropolitan vice president in charge of housing told the U.S. Civil Rights Commission in New York:

"To conclude, Metropolitan, in the selection of tenants for our apartment communities, does not discriminate because of race, color, creed, national origin, or ancestry. We have residents of many faiths and nationalities, both white and nonwhite. On the basis of our experience to date, this policy of nondiscrimination has created no unusual problems, tensions, or difficulties."

The Levittowns of Long Island, Pennsylvania, and New Jersey were built originally for all-white tenants because of "business considerations." They are now integrated, thanks to law and community action. Prices remain high and sales active. In Levittown, Long Island, houses originally selling at $9,000 are today going for as much as $18,000. Levittown, N.J., became open occupancy in March 1960 after the New Jersey fair housing law was upheld by the courts. Construction and sales continued unaffected by this new policy. Thirty to forty Negro families now live in this development. Subsequently, Levitt & Sons did not hesitate to undertake another vast development in New Jersey, also subject to the law. In May 1962, President William J. Levitt announced that sales for the company were about $30 million for the year ending February 28, 1962, nearly doubling the year before. The company's two largest operations in 1962 were the open occupancy developments in New Jersey.

Five years ago, when bids were opened for sponsors in Washington, D.C.'s southwest renewal project, there was little competition among builders. Redeveloper James Scheuer obtained the bid and voluntarily announced an open occupancy policy. The real estate industry in Washington was convinced the project would fail.

Today, Scheuer's Capitol Park project is integrated, occupied, and successful. Webb & Knapp followed Scheuer, also on an open occupancy basis. Reynolds Metal Co. is following the example. When bids were opened for the last parcel subject to a requirement by the District of Columbia Redevelopment Land Agency that discrimination be banned, competition was keener than ever.

Testifying a few weeks ago before the U.S. Civil Rights Commission in Washington, W. B. Reynolds, consultant to Webb & Knapp, stated:

"The company looked upon this (open occupancy) not as a deterrent to a successful rental and sales program, but as an opportunity to help create a new balanced community in what will soon be one of Washington's most desirable neighborhoods. The results to date have fully confirmed this opinion. Others now have reached the same conclusion, since there are several other large development firms involved in the overall project after spirited competition for the various sites offered."

The same opinion is echoed by other large builders throughout the country.

There are now 11 States and 3 cities with fair housing laws applicable to the private housing market. In order of passage, they are: New York City, Pittsburgh, Colorado, Massachusetts, Connecticut, Oregon, California, Pennsylvania, New York State, Minnesota, New Hampshire, New Jersey, Toledo, and Alaska.

These statutes are broader in scope than any of the proposed Executive orders. A check shows that in not one of these jurisdictions were building starts of real estate activity reduced. Increases or decreases in building have conformed to general business conditions, as they have elsewhere.

In New York City, where bias has been banned in private housing since December 1957, 70 percent of the real estate operators queried by the City Commission on Human Rights (formerly Commission on Intergroup Relations) replied that the law has had no adverse effect on their operations. Following the passage of the law, there has been a record building boom, with 1951 the only post-World War II year with a construction rate higher than the years 1959, 1960, and 1961.

At the hearings held by the Civil Rights Commission in Washington, D.C., on April 12 and 13, the director of the Washington FHA insuring office presented data op the number of housing units insured by FHA from 1951 to 1961 in the States of New York and New Jersey (which passed fair housing laws in 1954 and 1955) as compared to the States of Maryland and Virginia (which have no antidiscrimination laws). He stated:

"None of the dire predictions that were made in neighboring States where fair housing laws were being considered were ever realized after the laws were enacted.

"In all of these States, the volume of business done by FHA was considerable throughout the period. The fluctuations from year to year within the particular States were not significantly dissimilar and seemed to coincide with the national trend."

It is manifest that the Home Builders' survey is propaganda, not fact. An Executive order barring discrimination in federally-assisted housing is not only morally right, but feasible as well.

The 37 national civic and civil rights agencies that are associated with the National Committee Against Discrimination in Housing trust you will not give weight to a document that deserves none. We respectfully request that the order be signed at the earliest possible date.

Respectfully,

CHARLES ABRAMS,
President.

Mr. JAVITS. The experience of States like my own State of New York, the State of New Jersey, and cities like New York City, where there are now fair housing laws, bears this out.

In conclusion, at a time when American democracy is being tested by the Communist challenge among the developing nations of Africa and Asia, when two-thirds of the people of the world are yellow or black, the United States must use every opportunity to truly commemorate the 100th anniversary of the Emancipation Proclamation by action. I know of no single act which the President could take which would more clearly refute the charges made against our country, and the concerns expressed within our country with respect to equal opportunity and with respect to our determination to proceed—whether it be in Mississippi, or Georgia, or throughout the Nation—with an even hand in giving our people their sacred constitutional rights, than the issuance of an executive order eliminating discrimination in housing. I urge the President to do that on the 100th anniversary of the Emancipation Proclamation.

ACADEMIC FACILITIES AND STUDENTS ASSISTANCE ACT

Mr. JAVITS. Mr. President, I note the presence in the Chamber of the senior Senator from Oregon. I telephoned to him this morning. What I wish to say to him is as public as it is private.

I accord to the Senator the highest of credentials for his leadership in the effort to have enacted a higher education bill. I know that the rebuff in the other body must have been very disheartening to him and to many other members of the conference committee, yet I hope very much that the Senator may yet feel it possible again to bring the conferees together in the effort to salvage something from the bill. I only express it as a hope.

I have the greatest of confidence in the Senator's zeal and desire, which are fully equal to mine or to those of anybody else, to do what is possible in this situation.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

The **VICE PRESIDENT.** The time of the Senator from New York has expired. Does the Senator from Oregon desire recognition?

Mr. MORSE. Mr. President, I ask unanimous consent, since this is a subject of such importance, that the Senator from New York be granted about 5 minutes more to discuss this matter.

The **VICE PRESIDENT.** The Senator from Oregon asks unanimous consent that the Senator from New York may be recognized for an additional 5 minutes. Is there objection to the request by the Senator from Oregon? The Chair hears none, and it is so ordered.

Mr. MORSE. I hand to the Senator from New York a Republican document which I received from three Republican members of the conference committee this morning, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES,
Washington D.C., September 20, 1962.

Hon. WAYNE L. MORSE,
Chairman, Conference Committee on Higher Education, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Aid for construction of college facilities has overwhelming bipartisan support in the House, as illustrated by the 319 to 79 vote on January 30, 1962. Moreover, the most critical need of our colleges is in the field of construction of new facilities.

The House has spoken unmistakably against scholarship aid to students at this time. We urge that the conference committee now meet and report out a higher education bill which will contain titles I and III for academic construction as already agreed upon.

Any delay on the part of the Democratic leadership in calling the conference committee into session must be interpreted as a decision not to have a college facilities bill this session.

With virtually unanimous agreement as to its critical importance and a workable compromise already at hand, the Democratic leadership should not fail its obligations in this respect. Certainly the House stands ready and willing, on a bipartisan basis, to grant immediate assistance for construction of academic facilities.

Sincerely yours,

CARROLL D. KEARNS,
ALBERT H. QUIE,
CHARLES E. GOODELL,
Republican Managers on the Part of the House.

Mr. MORSE. It is an interesting document as to the Republican strategy on the bill. The fact is that the Republicans have done everything they could to prevent the higher education bill from being enacted in this Congress. I am perfectly willing to call the conferees together, if the Republicans will agree to title III of the bill. Title III of the bill would provide for the construction of junior and community colleges in this country. We all know what happened in the House yesterday. We all know what the coalition did yesterday. We all know why the bill was sent back to conference. We all know that the religious issue was basic to the action taken by the House of Representatives yesterday, and the Senator from Oregon is not afraid to say so publicly.

We can negotiate on this question until doomsday, but we are not going to pass a higher education bill unless we can obtain an agreement as to whether or not there can be a categorical use provision adopted for religious colleges in this country.

The senior Senator from Oregon, as the Senator from New York knows, did everything he could to lead the conference committee into a compromise in respect to the religious issue.

We have available a compromise which I think squares with the Constitution and which, in my opinion, ought to be adopted.

I think the Senator from New York knows that this issue is central to what really is wrong. That is really the problem which confronts us as conferees in respect to passing a higher education bill.

If the Senator from New York can give the chairman of the conference committee assurance that we could accept title III of the bill and could have it passed—for it is a school construction bill—and that we could leave until next year the other portions, which would enable us to come to grips once more with this religious issue, I will go along with that. But I do not know of any greater disservice that we could do to our country in the dying hours of this session of the Congress than to enter into a great hassle over the religious issue. That is what underlies the whole problem.

We are not going to pass a bill, in my judgment, in this session of the Congress, involving any grants to religious schools, although I think they ought to get grants on a categorical use basis.

But I am not going to fall for the "bait" in that Republican document. I am satisfied that the reason we are not going to be able to get a bill through the House of Representatives is that there is the great religious issue bound up in any education bill.

What should we do? I think we should say, in the closing hours of the session, "Let us pass title III of the Senate bill." That would provide funds for the construction of community colleges. Community colleges represent the great emergent movement in American higher education. In 10 years there will be more students in this country going to school in community colleges than in all the so-called standard colleges combined. The crying need in higher education, so far as facilities are concerned, is in respect to community and junior colleges.

Will the Senator from New York join me now in urging the Congress to pass title III of the bill this session, and will he join me next January in introducing a bill which would again come to grips with the religious issue, which would provide for categorical use grants to religious as well as public colleges?

I say to my friend—and he knows the great regard I have for him—that we could not have gotten the bill through the conference if it had not been for the great assistance by the Senator from New York. But I plead with the Senator from New York to help me get through a bill for construction of public community colleges and, in January, to join forces with me on another bill. Then we will fight it out, when we have the time to fight it out, on the great religious issue, on a bill to provide grants, on a categorical use basis, to both public and religious schools.

Mr. JAVITS. Mr. President, I had not seen the letter referred to. I see it for the first time now.

I took some pains yesterday to try to ascertain the reason for the defeat in the other body. I learned, from what I believe to be entirely viable and proper information, that it consisted not of one, but of two compounded parts.

Let us remember that the margin of defeat, considering the size of the other body, was not too great. The vote, as I recall, was 214 to 186. There was a difference of 28 votes. Therefore, a change of 15 votes would make a difference in the result.

I learned that many Members of the House who voted against the measure did so because of the 20 percent forgiveness in the student loans, and most of the others voted on the very issue mentioned. I read the same thing into it that the Senator reads into it—the so-called religious issue.

It seems to me that before we give up trying, even at this session of the Congress, we ought to see if we could at least win back to our side those who objected to the scholarship forgiveness loan package. That, as I see it, is what my three colleagues from the House of Representatives have suggested. They urge a bill containing titles I and III.

Mr. MORSE. Yes. But they do not say that they would go along with title II, the forgiveness section, eliminated. If the Senator from New York could obtain some assurance for us, before we go back into a conference, that we could get support from the House with the 20 percent forgiveness section eliminated, difficult as it would be for me to accept that compromise, I would accept a 100 percent loan program for students, if I had to do so in order to get a bill. But I am not going to accept a bill with all of title II eliminated from it.

Mr. JAVITS. Would the Senator accept a 100 percent loan program, with some forgiveness for excellence in scholarship, which was my proposal?

Mr. MORSE. I would go further than that. I would accept a 100-percent loan provision with no forgiveness at all, if that were what I had to do in order to get a bill passed. I do not think there would be a snowball's chance even in a cool oven of getting that kind of bill through the Congress in these dying days of this session but I would accept the bill if title II were kept in it and if it contained a 100-percent loan provision with no forgiveness at all.

The Senator knows how difficult that is for me.

Mr. JAVITS. I do.

Mr. MORSE. I led the fight on the floor of the Senate for an out-and-out scholarship provision. I am not going to be caught in the Republican trap of trying to put the blame on the Democratic Party for having no higher education bill because of title II, when I know that the real reason for having no bill is the religious issue.

I have stood up—and, let me say, it has not been politic for me to stand up—on the religious issue. I believe that loans to private religious schools are constitutional. I believe that categorical use grants to religious schools to be constitutional. I believe that across-the-board unrestricted grants to religious schools are unconstitutional for reasons I have stated in great detail.

I am open for an agreement on a higher education bill if we can get some commitments in advance. But the Senator knows that we had to withhold some conferences for several weeks until we could get the House to offer us a package of proposals with which we could go along.

It is up to the House. I say to the Members of the House, "Come to the senior Senator from Oregon with a proposal to keep title I, title II, and title III in the bill, modifying title II by providing a 100-percent loan provision.

Given this, the senior Senator from Oregon, chairman of the conference, will agree to go along with the bill. I do not know whether I can take the majority with me or not. But the Senator knows that I cannot take a majority of that conference with title II completely eliminated from the bill. I think there is a good possibility that the Senate conferees could also accept a bill stripped to title III.

But so far as the proposal in the letter is concerned, why ask me to put my head into that kind of political guillotine? I hope I am too smart for that. I hope I do not suffer any lapse of good judgment to fall into that kind of a trap. Get me the kind of commitment from the House which I have described, and we can have a bill from the Senate conferees by 5 o'clock tonight.

Mr. JAVITS. Mr. President, the Senator has mentioned a Republican trap.

Mr. MORSE. Read the letter.

Mr. JAVITS. I have read the letter. It seems to me that what those gentlemen propose is what they honestly believe in. I do not think it is any more of a Republican trap than what might be called a Democratic trap, in the proposal of the Senator from Oregon. He does not want anything but title III if he can get it.

Mr. MORSE. They know that no one but Houdini could get what they have asked for.

Mr. JAVITS. They know also that they could not get something through the House other than the kind of proposal which has been offered.

Mr. MORSE. I thought the Senator said that the reason the House voted as it did was the 20 percent nonrepayable loan provision. I say that we should strike the 20 percent provision and then see if we can get the necessary votes to agree to the conference report.

Mr. JAVITS. The other point, which I think is not unfair, is that the conferees signed the report notwithstanding the grants that could have gone to religious institutions. I do not think their good faith should be impugned.

Mr. MORSE. I am not impugning the good faith of the conferees on the religious issue. The reason 214 Members of the House voted against the report was basically the religious issue.

Mr. JAVITS. If I may be so bold as to suggest to my colleague, we are trying to get an agreement. I do not believe that descriptions of Republican or Democratic traps will lead to an agreement. I know the strong views of the Senator from Oregon on many subjects, and he knows mine. So I wondered if I could confine the discussion to the substantive questions involved. I have presented the Senator's suggestions. I will do my utmost to see if I can produce some kind of assurance as to the available votes, at least on the Republican side. I cannot say anything about the Democratic side. Let us remember that approximately 80 Democrats voted against the conference report.

Mr. MORSE. Basically on the religious issue, too.

Mr. JAVITS. Whatever may be the reason, it is no great Democratic victory. No matter what the Senator says about it or how he dresses it up, it cannot be made into a Democratic victory.

We know the objective. It will require both Republican and Democratic votes to get anything. I do not think we can woo votes by talking about traps. Nonetheless, I shall try. I appreciate the disposition and frankness of the Senator in saying what he will and will not do. I will do my utmost to see if we can put together the blocks of the wall. I think we are within reach of it. That is my impression from trying to ascertain the facts in the House. I shall do what I can and return to the Senate and state what I have been able to accomplish.

Mr. MORSE. If it will not be a handicap to the Senator, I shall appoint him my ambassador of good will to go to the House and see if he can get the necessary votes if we agree to strike the nonreimbursable loan clause of title II of the bill.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. In the conference I offered the 20-percent forgiveness provision, and it was agreed to. That proposal was an attempt more clearly to coincide with the earlier action taken by the Senate.

Now that the House in its judgment—and I think a very faulty judgment—has turned down the conference report, I would desire to lean again, as I have been leaning in conference, in an effort not to take polarized positions. We should do the opposite on the measure, since the need is so great, and the issue is not black or white. It is an issue concerning which there can be a blending so that Senators can square the subject matter with their consciences. The Senator from Oregon and others of us have done so. As a conferee I would not indicate that I am now in a position in which I want to do nothing more. I want to do something more if possible. I hope there will be an attitude of effort in the next few hours or days to bring about a bill which will reflect not only the judgment of the Senate and the House, but also will be a response to the need.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have an additional 2 minutes.

The VICE PRESIDENT. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. The program should be responsive to the need which exists throughout the Nation. Not all the young men of our Nation can go to Harvard. There are small colleges in the State of West Virginia with dedicated faculties, facilities, and degrees which are conducive to the pursuit of excellence and for the exercise of the inquiring mind. It is my desire to do everything I can. In a degree a tragic situation has arisen. But we must press on. We can do no less. I join the Senator from New York in attempting to arrive at a further agreement.

Mr. JAVITS. Mr. President, I am grateful to the distinguished Senator from West Virginia, and I shall certainly try.

Mr. ERVIN. Mr. President, in relation to the question which has been discussed by the Senator from Oregon [Mr. MORSE], the Senator from New York [Mr. JAVITS] and the Senator from West Virginia [Mr. RANDOLPH], I should like to say that I anticipated what would happen to the education bill which undertook to extend Federal financial aid to church-owned and church-controlled institutions when the bill was before the Senate in February, I believe. It was for that reason at that time that I offered an amendment to strike from the bill all provisions which undertook to extend Federal financial aid of any character to church-owned and church-controlled institutions. It is my solemn conviction that the establishment of religion clause of the first amendment prohibits aid of a financial nature from the Federal Treasury to any church-owned or church-controlled institution of any character whatsoever.

When the Legislature of Virginia enacted the statute of Virginia for religious freedom, it declared that to compel a man to make contributions of money for the dissemination of doctrines which he disbelieves is sinful and tyrannical.

In my judgment, it would be just as sinful and tyrannical today to compel Protestants and Jews to make contributions of money in the form of taxes to Catholic institutions, or to compel Catholics and Jews to make contributions of money in the form of taxes to Protestant institutions or to compel Protestants and Catholics to make contributions of money in the form of taxes to Jewish institutions.

It is a salutary action when the House defeats a proposition of that kind, because the America we have known and loved would be destroyed should we depart from the principle that tax moneys are not to be used to support religious institutions in any form or in any guise.

Mr. MORSE. Mr. President, I hope my majority leader will not misunderstand my motivation or think that any comment I am about to make is in any way meant as a personal criticism. It involves a comment I wish to make with respect to the procedural situation that confronts us in the Senate, a policy which is being followed by the leadership in the Senate with which I find myself in complete disagreement, in the closing days of the session.

There was adopted yesterday a unanimous-consent agreement, when I was not in the Chamber—and of course that is no one's fault but my own, although I was engaged in another place on Senate business when I was absent from the Chamber—which limits to 3 hours of debate today H.R. 8181, to provide a very expensive aquarium for the District of Columbia.

Had I been present, I would have objected to any such unanimous-consent agreement, because that bill should be talked to death in the remaining days of this session of Congress. If I had been present I would have objected. There are some other bills also with respect to which an attempt will be made to obtain unanimous-consent agreements. I will freeze myself to my chair in the Chamber or have another Senator protect me when I am off the floor, and object to any unanimous consent to limit debate on them, because I believe they ought to be killed until we have an opportunity, in the next session of Congress, to give adequate and full consideration to them.

So far as the aquarium bill is concerned, the District of Columbia needs a new aquarium just about as much as I need a whale on my farm to put in the fall crop.

If there ever was a shocking waste of taxpayers' money—and I shall show that later in the discussion on the demerits of the bill—this is it. Hundreds of little children in the District of Columbia are living in hovels which are not even up to the standard of pigpens. We talk about building a $10 million aquarium and we talk about adding facilities in the zoo to take care of bears and elephants. When are we going to put first things first in the Senate? When are we going to stop this shocking misuse of taxpayers' money?

I am now talking about the procedural matter. I want my leadership in the Senate to know that it has had its last unanimous-consent agreement from the senior Senator from Oregon, from now until the Senate adjourns, to limit debate on anything.

I am going to stay here and perform the job of a liberal, which in the closing days of the session is the job of a watchdog, in protecting the public interest from this kind of waste.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MORSE. I think that is time enough, anyway.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes for the purpose of making comments on what the Senator from Oregon has said, and also to call up a bill which I believe can be disposed of expeditiously.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

CASH ASSISTANCE UNDER NATIONAL SCHOOL LUNCH ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1977, H.R. 11665.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments on page 3, line 6, after "1962", to strike out "one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2)" and insert "three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (2) for the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4)"; and on page 7, after line 14, to strike out:

Sec. 11. (a) There is hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools, participating in the program under this Act in such places, (2) the need of students in such places for free or reduced price lunches and (3) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced price lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of such free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld; on the basis of the same factors set forth in subsection (b).

And, in lieu thereof, to insert:

Sec. 11. (a) There is hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided,* That for the fiscal year ending June 30, 1963, $5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

"(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purposes of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within maximum per lunch amounts established by the Secretary) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The VICE PRESIDENT. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. JAVITS. Mr. President, I have an amendment to the bill which is at the desk.

The VICE PRESIDENT. The amendment will be stated.

Mr. JAVITS. I am not calling up the amendment. I should like to question the Senator from Montana, with whom I have conferred about this proposal, and the reason for it. However, I should first like to state my point on the RECORD, so that it may be clear that our colloquy refers to this amendment.

It is my desire, by the amendment, to provide nonprofit summer camps, which now receive limited food aid from the Department of Agriculture, with the full range of assistance which is given under the National School Lunch Act.

This proposal has received strong support from religious and lay organizations alike engaged in the development of youth. I believe that every Senator is familiar with the great work which is carried on by organizations such as the Community Council of Greater New York, the Boy Scouts, the Salvation Army, 4-H Clubs, the Herald Tribune Fresh Air Fund, and literally hundreds of other organizations across the country, in bringing children out of slums and sending them to summer camps. We all know the difficulty these organizations encounter in raising money for these camps and maintaining them, and the great humanitarian interest that is involved, which is so deserving of Federal help in the form of food aid—in this case for the most deserving of all; namely, children, who would then be able to receive during the summer the same foods they receive during the school year under the School Lunch Act. I should like to get the Senator's disposition on that subject.

Mr. MANSFIELD. Speaking for the Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry and also the Senator from North Carolina [Mr. JORDAN], who reported the bill from the committee, I wish to state for the RECORD that it is my understanding that the Department of Agriculture was opposed to S. 2821 because it contemplated extending the school lunch program in its entirety to nonprofit summer camps for children. They point, for example, to the different type of food service operated in summer camps, that many State educational agencies probably would not be authorized to make agreements with summer camps, and the difficulty of insuring that nutritional standards would be met because of the short duration of many such camps.

I have, however, discussed with Department officials the possibility of a further study of the current program under which summer camps received donated foods from the Department. They have informed me that they will undertake a review of summer camp operations for the committee to determine how much assistance is currently being provided to camps under the donated foods and special milk program and the desirability and feasibility of increasing such assistance.

I feel such a review would be most worthwhile and would be very helpful to the committee in acting on any legislation affecting summer camps.

Mr. JAVITS. Mr. President, will the Senator from Montana further yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The bill S. 2821 to which the Senator referred in his statement contains the substance of the amendment which I had proposed with respect to the pending bill.

Mr. MANSFIELD. I understand.

Mr. JAVITS. I shall not press the amendment. Obviously, it could not be adopted without the concurrence of the Department and the committee. I believe a study will show such a desirability for help as to deserve it and get it. So I shall not press the amendment.

Mr. HART. Mr. President, the chairman of the Agriculture Committee and my fellow members kindly incorporated in the committee report at my request a special section directed to the school lunch problems of our large metropolitan centers.

The big cities of the Nation, such as Detroit, have at one and the same time the largest number of needy children and the highest proportion of older schools built without facilities for serving meals. This means that new techniques and new equipment must be developed in order to have this program reach the hundreds of thousands of children having the greatest nutritional requirement.

The committee report directs the Secretary of Agriculture to look into this key problem and report as promptly as possible after January 1, 1963.

With this kind of concentrated attention it should be possible for Detroit youngsters and those of the other big cities to benefit more fully from this program. Given the 3-year transition period provided in the Senate bill, participation should be stepped up so that Michigan and the many other States similarly situated will not lose by the passage of this bill; indeed, along with the rest of the country we will gain by having the program operated under a formula which provides equal Federal contribution to all who participate.

The VICE PRESIDENT. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill read a third time.

The bill (H.R. 11665) was passed.

OPPOSITION TO UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, a few moments ago, the Senator from

Oregon stated, in effect, that the leadership had asked for unanimous consent with respect to certain measures to which, had he been present, he would have objected. Speaking only for myself, I have followed assiduously over the past several weeks the practice of not asking for unanimous-consent agreements unless the Senator from Oregon was fully aware of my intention and gave his concurrence. It is my understanding that he was on the floor of the Senate yesterday, for example, when an agreement was reached to meet at a time certain on Tuesday next and to vote at a time certain on the conference report on the farm bill. It is my further understanding that on occasion he has been in the Chamber and has indicated he was not averse to unanimous consent being given for the consideration of an amendment.

I assure the Senator from Oregon that I did not ask for unanimous consent with respect to the aquarium bill, although I will take full responsibility for it. I have tried to cooperate with the Senator from Oregon and to accommodate him, as I have with all Senators, in what I have thought he wanted done concerning what the leadership has tried to do in scheduling proposed legislation. I say this not in the form of an apology, but only as an explanation.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The Senator from Montana, my majority leader, need make no statement at all. That was not the desire of the senior Senator from Oregon. The Senator from Montana knows that I agreed to a unanimous-consent request with respect to the conference report on the farm bill. I knew nothing about a proposal for a unanimous-consent agreement on the aquarium bill. I have long opposed the proposed authorization for an aquarium until more important needs have first been taken care of. I was not told that there would be a request for unanimous consent to limit debate on the aquarium bill.

I do not say that I have a right to be notified. I do not even ask for that. I have a duty to perform, as does every other Senator, to be present on the floor of the Senate, or to have another Senator representing me. I stepped outside the Chamber momentarily, and the Senator from Wisconsin [Mr. PROXMIRE] agreed to represent me in case any unanimous-consent requests were made.

I desire the Senator from Montana to know that I am perfectly willing to stand on my record of cooperation with him, just as the Senator from Montana has a right to stand on his record of cooperation with the Senator from Oregon. I think we have had a very fine record of cooperation on procedural matters. I do not know who was responsible for the unanimous-consent agreement on the aquarium bill. Whoever it was had the right to ask for unanimous consent, and if I was not present, that was my fault.

I serve notice that I shall object to unanimous-consent agreements in doubtful cases. If unanimous-consent proposals are made with respect to important measures, such as the farm bill, which is one of the major pieces of proposed legislation that we know we must pass in connection with commitments we have made, I will agree to unanimous consent. But I will not give unanimous consent on doubtful, controversial issues, and certainly not with respect to measures which cannot be considered to be on the "must" list for passage before sine die adjournment, because many such bills are bad. For example, I will not give unanimous consent to limit debate on the so-called Embassy construction bill, unless there can be some consideration of amendments which I desire to offer, which, in my judgment, would remove the bad features of the bill.

That is the position of the Senator from Oregon. I believe the Senator from West Virginia desires to speak, so I shall let him obtain the floor in his own right.

Mr. RANDOLPH. Mr. President, I shall not speak now, but will discuss the subject a little later.

Mr. MANSFIELD. Mr. President, I assure the Senator from Oregon and all other Senators that there will be no subterfuges, no under-the-table deals. If any requests are made, they will be made with the thought in mind that all Senators who are interested in one way or the other will be notified, so that, if possible, their assent may be given beforehand. I realize that many things can happen toward the end of a session; but I assure the Senate that so far as the Senator from Montana is concerned, if he has any control over certain events which sometimes happen, they will not happen.

Mr. LAUSCHE. Mr. President, I shall assume a part of the responsibility for the unanimous-consent agreement which was entered into with respect to the aquarium bill. I vigorously oppose the aquarium bill. I concur in the statement of the Senator from Oregon that there are thousands of places in which $20 million, $15 million, or $10 million could be more intelligently and humanely spent than on the project contemplated by the aquarium bill. I think the leadership and the President ought to tell the Senate to lay this bill aside.

I wish to relate my experience with respect to this subject, and I desire to have the Senator from California [Mr. ENGLE], especially, listen to it. There was a meeting about 2 months ago at which about 30 persons were present. Those 30 persons comprised Representatives, both Republican and Democratic. The one who presided is a Member of the House of Representatives. The implication was made that the Senator from Ohio—I was not identified, but I was the person in contemplation—believed he had achieved something by having the amount reduced from $20 million to $10 million. I was astounded by the remarks which were made. To those 30 people, the statement was made: "The Senate will approve $10 million. The House approved $20 million. He might as well understand now that the amount which will be agreed upon in conference will be $15 million." I repeat: That statement was made in the presence of, I should say, 30 Representatives, and was directed at me, because I made a fight against the bill.

Mr. President, the aquarium bill is nothing but a political operation. Why should a $15 million aquarium be built in Washington merely to invite visitors, of whom 8 million are already coming into the city each year? To build such an aquarium would be imprudent. It is unjustified. It is an insult to the people of the country, who are struggling to pay taxes. If ever a measure came before this body as to which the President ought to put thumbs down, this is it.

We are worrying over the flight of gold, worrying about lifting the debt ceiling, worrying about the depreciation of the dollar. Yet this scandalous bill is presented to us, a bill which contemplates the building of this aquarium at an expenditure of $15 million.

Mr. President, I hold the Senator from West Virginia [Mr. RANDOLPH] in the highest esteem, and I know he is not at all familiar with what transpired at the meeting referred to. He is a decent, honest man; and I know he honestly believes in the legitimacy of this project.

Mr. MORSE. Furthermore, Mr. President, the Senator from West Virginia [Mr. RANDOLPH] has a parliamentary responsibility, as a member of the Committee on Public Works, once this bill has been made the business of the Senate, to take the bill through the Senate. That is his job.

I join the Senator from Ohio in paying the highest respects to the ideals and the high principles of the distinguished Senator from West Virginia. Certainly he would not be a party to a subterfuge.

We found, that under a unanimous-consent agreement, a bill which shocked us was to be before the Senate. We intend to do all we can to have the bill defeated. If it were not for the unanimous-consent agreement, I assure the Senate that the bill would be defeated.

Mr. MANSFIELD. Mr. President, I join the Senators who have spoken in their remarks of commendation and praise of the distinguished Senator from West Virginia [Mr. RANDOLPH]. I have served for many years with him, and I have the highest respect and admiration for him.

BLOCKADE OF CUBA

Mr. MILLER. Mr. President, during the debate on the so-called Cuban resolution yesterday, in some of the statements made after the debate, and in all too many writings by some columnists, there has appeared the view that the imposition of a blockade with respect to war materiel destined for Cuba would be an act of war.

I had hoped that in my lengthy statement on this floor on September 6, I might have encouraged a little more thinking and research on this subject and a little less snap judgment on it than has occurred since then. But apparently my hopes have not been fulfilled.

In the September 21 issue of Life magazine, the lead editorial, entitled "What Should Monroe Doctrine Mean? Blockade," again goes into this subject, and, I suggest, reaffirms my view on it, and makes very clear that a snap judgment on it, without thought to the fine points of this matter, might well be wrong. I ask unanimous consent that this excellent editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Life magazine, Sept. 21, 1961]

WHAT SHOULD MONROE DOCTRINE MEAN? BLOCKADE

Khrushchev's arms buildup in Cuba is an insolent challenge to the Western Hemisphere which has so far drawn no adequate response from the President of the United States. The White House is wrapped in what appears to be indecision. A measure of indecision is understandable, for we have been skillfully ambushed by Khrushchev. But the President must act, and we urge him to invoke the Monroe Doctrine, a foundation stone of U.S. foreign policy, to prevent Castro's further import of Communist arms.

What has happened to the Monroe Doctrine? When Khrushchev pronounced it dead 2 years ago Eisenhower denied it, and so has Kennedy. But Khrushchev is evidently trying to prove it dead or to find out what it means. Being unilateral, the doctrine has always meant just what the United States says it means, including what kind of colonization it is intended to forbid. But to mean anything to Khrushchev, the doctrine needs a fresh definition of the kind the United States will risk a fight for. Kennedy owes the world that clarification.

In his statement admitting the Cuban buildup, Kennedy said it is not yet a serious military threat to the United States. He made a distinction (hardly tenable) between offensive and defensive weapons, implying that a continued buildup will raise the "gravest issues"—i.e., issues of U.S. preventive action. We suggest that the issue is sufficiently grave already; that the presence of massive Soviet arms and soldiers in this hemisphere is hostile to the Monroe Doctrine, and that it should be specifically defined to exclude them. Russian arms have turned Cuba into a Russian colony as abject as East Germany. If not yet a threat to the continental United States, they are such to the harassed governments of Venezuela, Guatemala, Honduras, and several other members of our hemisphere security system, not to mention our Marine base at Guantanamo or the Panama Canal. And they are a political threat to the U.S. position as a world power.

How then can Kennedy stop further Communist arms to Cuba and make an updated Monroe Doctrine stick? He has taken some first steps. He is bringing pressure on our NATO allies not to let their ships be chartered for this traffic. Dean Rusk has proposed an informal meeting of Western Hemisphere foreign ministers to discuss possible OAS action. Moreover, Kennedy has promised to continue helping Caribbean nations patrol their shores against arms smuggled from Cuba.

These steps are not enough. The next one, we suggest, is that the U.S. Navy, with whatever Latin American support we can muster, stop and search all vessels, especially Soviet vessels, entering Cuban waters and suspected of carrying more Soviet arms or men. The men would be sent home, the arms dumped in the sea.

Rusk has discouraged blockade talk on the ground that it would be "an act of war." But a blockade against armaments is less warlike than Khrushchev's massive arming of Castro. It is less bellicose than Khrushchev's irresponsible rodomontade of last week, in which he accused the United States of plotting an invasion of Cuba and threatened nuclear war. An arms blockade—although it may mean war—is not necessarily a formal act of war, especially if the 139-year-old Monroe Doctrine is interpreted to require it.

In so interpreting it, we must of course seek assent from our Latin allies, with whom we have increasingly shared responsibility for the doctrine's definition since 1933. But we have not surrendered this responsibility; the Latins are inclined to evade it; and our whole hemisphere security system depends in the last analysis on U.S. power. Said Kennedy last year: "If the nations of this hemisphere should fail to meet their commitments against outside Communist penetration * * * this Government will not hesitate in meeting its primary obligations which are to the security of our Nation."

It is true that U.S. interests and security are now global, not merely hemispheric. Kennedy himself seems unduly impressed with Khrushchev's argument that if we support NATO bases near Russia's Turkish border, why can't Russia have bases in our backyard? Though our interests are global, we have a prior commitment to this hemisphere; and there is no law telling us we must not resist aggression until our declared enemy is as worldwide as we.

The Soviet buildup near Florida is the most direct challenge to the Monroe Doctrine since Maximilian invaded Mexico. The reassertion of the doctrine against this threat will reassure our uneasy allies and put spine in the inter-American system. Above all, it will let Khrushchev know that Kennedy, who once said, "Our restraint is not inexhaustible," is not the victim of permanent indecision. A blockade has its dangers, including that of physical sailor-to-sailor contact with the enemy, though the conflict will remain as limited as Khrushchev desires. There is far greater danger in continued piecemeal acceptance of the worldwide Communist advance.

TRIBUTE TO MRS. VIRGINIA WELDON KELLY

Mr. STENNIS. Mr. President, I have dealt with our military construction authorization and appropriations bills for almost 10 years.

During that time, I have never found an individual more alert or more interested in certain items in these bills, or more concerned about the welfare of our entire military personnel than Mrs. Virginia Weldon Kelly. She has shown a particular concern for military hospitals, including the Naval Hospital at Long Beach, Calif.

Mrs. Kelly is a capable and courageous member of the fourth estate.

Mrs. Kelly has been especially interested in the Long Beach Naval Hospital, because she had personal knowledge of the great need for such a hospital in that busy west coast area.

Many, many times I have heard her express her humanitarian interest in the welfare of our military personnel, both enlisted and officer. I know this interest is genuine as her very warm heart has reflected for many years.

In view of my observations of Mrs. Kelly and her generous interest and concern for the welfare of military personnel and their families, I have made special inquiry to learn more about her activities.

On inquiry, I have learned the following facts:

Mrs. Kelly, wife of retired Rear Adm. Thomas J. Kelly, has devoted much of her spare time as a Navy relief volunteer and Red Cross volunteer, on duty in military hospitals helping to care for the sick and wounded members of our armed services and their wives and children.

During World War II, when her husband was then at sea, Mrs. Kelly lived in Long Beach. Since 1946 Admiral and Mrs. Kelly have lived in Washington where she has been a member of the Congressional press corps for 15 years.

Long Beach did have a naval hospital during World War II, but it was later turned over to the Veterans' Administration, which continues to operate it.

Throughout the years hundreds of servicemen have written Mrs. Kelly, urging her to assist in getting a new hospital for Long Beach.

Before the Korean war, the Long Beach Naval Shipyard closed, causing much unemployment in that area.

Mrs. Kelly took up her pen and wrote newspaper editorials urging the shipyard be reopened. In 1951, it did open again and is still operating.

Other activities in the busy life of Mrs. Virginia Kelly include:

Assistance in organizing the first Navy Wives Club in Seattle during World War II.

Service as a sponsor of a class of reserve midshipmen at the U.S. Naval Academy. She spent a year of her spare time repairing 3,000 hymnals at the academy chapel.

Ever mindful of the needs for military servicemen, she has spent hours as a volunteer worker at Walter Reed Hospital in Washington, and has pushed for a new naval home in Philadelphia similar to the Old Soldiers Home in Washington.

Mrs. Kelly, one of the first writers to envisage nuclear-powered surface ships for the Navy, is proud to acknowledge the nuclear powered cruiser, the U.S.S. *Long Beach*.

Her life of unselfish service is an inspiration to thousands of servicemen.

I mention these facts as an outstanding illustration of the unselfish service rendered by many wives of men in the military services. Too often their contributions are not fully recognized. It is my privilege to record here some of the activities of Mrs. Kelly. Further, it is both a privilege and a reward to those of us who do such work in the Armed Services Committee to come in contact with her efforts and achievements. I feel that the many years of the sincere and devoted work of Mrs. Kelly are appreciated greatly by the Department of the Navy and by the countless thousands who have directly benefited by her endeavors.

Mr. RUSSELL. Mr. President, as one who has been privileged to enjoy the friendship of Mrs. Kelly over a period of years, I appreciate the fact that the Senator from Mississippi has made this statement, and I wish to associate myself with the comments he has made about her. She not only is interested in matters having to do with service personnel and retired personnel of our military services, but she is a most effective advocate of causes that she espouses—almost as effective as anyone I have ever met.

At the time that I had almost fully decided that a certain hospital on the west coast was not at all necessary, unless it were to be used by retired personnel, Mrs. Kelly finally convinced me that it was absolutely essential that the hospital be constructed. I understand that the bill which the Senator from Mississippi sponsored on the floor of the Senate for military construction purposes carried the hospital item, and that its construction will soon be under way. Mrs. Kelly is a remarkable person. We live in a changing world, but she possesses fine attributes of character which are not subject to change, and which are the stamp of loyalty in any age and in any period. Although she is a relatively young woman, she has all the characteristics of one of the grand ladies of an era that is past.

Mr. STENNIS. I thank the Senator from Georgia very much for his fine remarks. In addition to the other fine qualities of Mrs. Kelly, she has persistence that prevails.

Mr. ENGLE. Mr. President, I am delighted to join in the tribute paid by the Senator from Georgia and the Senator from Mississippi to Mrs. Kelly, whose friendship I have the privilege of sharing also. All the things that have been said about her in these tributes are 100 percent correct, including the statement with respect to her persistence. I believe the hospital referred to is the hospital at Long Beach, Calif.

Mr. STENNIS. That is correct.

Mr. ENGLE. I believe I am correct in saying that she worked for that hospital for a period of some 12 years. She showed a great deal of persistence. I am convinced also, because I was a chief advocate of that hospital in my own State, that in the absence of her friendship and her influence, together with the distinguished Senator from Mississippi and the distinguished Senator from Georgia, we probably would not have gotten the hospital built.

It is a pleasure to happen to be on the floor of the Senate at the time that my distinguished friends undertook to pay these personal tributes to her and to join with him in his remarks, and also with the remarks of the senior Senator from Georgia.

Mr. STENNIS. I thank the Senator very much.

U.S. FREELOADING AT AIRPORTS

Mr. MONRONEY. Mr. President, you will recall that, when Congress passed the Federal Airport Act, last year, we provided authorization for the various Federal inspection agencies—such as Customs, Immigration, and so forth—to pay rent for the space they occupy at our gateway airports.

The purpose of this action was clear. In the report on the bill, the committee stated that "it is a matter of simple equity for the Federal Government to bear the responsibility for assuming the costs it incurs in the execution of its duties."

The importance of this policy becomes all the more urgent in view of recent settlement of the airways user issue by imposition of a 5-percent airways tax which becomes effective November 15.

Today—a year after passage of the Federal Airport Act—we find that the authorization, and the congressional intent that the agencies should pay their own way, continues unheeded.

In this connection I commend to your attention an article in the latest issue of Airport Services Management magazine by Kendall Hoyt, their Washington editor, which discloses the failure to face this obligation which Congress saw clearly and for which we enacted the legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Airport Services Management magazine, August 1962]

U.S. FREELOADING AT AIRPORTS—INSPECTION AGENCIES SHOULD PAY FOR SPACE

(By Kendall K. Hoyt, Washington editor)

User charges for airports and airways are urged year after year in Government reports, beyond the gasoline taxes, transportation taxes, and other levies on everyone who flies.

All this time, the Federal inspection agencies have not been paying their way, and are stubbornly resisting the idea that they should. The free space they demand at airports to inspect international arrivals could be rented for at least $3 million and perhaps $5 million per year.

By the rule-of-thumb ratio of 10 times the annual rent as a measure of value, here is well over $30 million worth of terminal space, rent free.

The fact that the airports concerned get something approaching this sum per year in Federal aid is quite another matter. The aid, mainly for runways and taxiways, may not be used for terminal buildings except as concerns air safety.

Inspection of passengers, baggage, mail, and freight at points of entry has nothing to do with air safety or even with aviation, any more than does the inspection of incoming highway and seaborne traffic.

ONE HUNDRED AND FORTY-FIVE AIRPORTS AFFECTED

In the 50 States, District of Columbia, Puerto Rico, and Virgin Islands are 56 airports of entry and 89 landing rights airports; a total of 145 where flights from foreign countries may be cleared. (See table in this issue of A/SM for the State-by-State count.)

Elaborate facilities, of course, are not needed at the many points where international traffic is light. The main problem is at some 25 major terminals, inland as well as coastal, since long-range jets bring all points within reach of other nations. And the number of jetports is expected to double in 5 years.

Four Government departments are involved:

The Bureau of Customs, Department of the Treasury, inspects to see that full duties are paid on every taxable import, a service that can pay its way.

The Immigration and Naturalization Service, Department of Justice, prevents illegal admission of aliens.

The quarantine services of the Department of Agriculture prevent introduction of plant pests and animal diseases.

The Public Health Service, Department of Health, Education, and Welfare, prevents importation of human diseases.

Obviously, these inspection activities have nothing to do with aviation. The Treasury can designate an "airport of entry" without the foreknowledge or consent of the airport management.

The Government is encouraging foreign travel to promote international good will and, in the case of visitors here, to improve the gold balance.

As travel increases, more and more space and personnel time must be donated by airports and airlines.

LAW AUTHORIZES PAYMENT

In the amendments to the Federal Airport Act last year, section 9(e) authorizes appropriations "to enable the head of any department or agency of the Federal Government charged with the duty of inspection, clearance, collection of taxes or duties, or other similar functions, with respect to persons and property moving in air commerce, to acquire such space at public airports * * * as he determines * * * to be necessary" in consultation with the Federal Aviation Agency.

The Senate report on the bill made the purpose clear as follows:

"Since these duties are strictly governmental and generally of no direct benefit to the users, your committee is of the view that it is a matter of simple equity for the Federal Government to bear the responsibility for assuming the costs it incurs in the execution of its duties."

After the law was signed on September 20, 1961, the Airport Operators Council, international association of the larger air terminals, promptly wrote the departments concerned, to explain the urgency of this matter of simple equity, saying:

"We earnestly request that you give immediate attention to the implementation of this law by including in your budget requests * * * the necessary amounts to cover the space occupied by the employees of your agency at U.S. airports where passengers, baggage, mail, and cargo are cleared for entrance.

"Estimates indicate that the value of the space currently occupied by these four agencies of the Federal Government * * * would probably not exceed $3 to $5 million per year.

"As national budgets go, these are relatively small amounts. But the thousands and hundreds of thousands of dollars that these facilities cost local communities and air carriers is a significant item to them."

DEPARTMENTS ARE EVASIVE

The Departments made no apparent effort to include such payments in their budgets for the current 1963 fiscal year, nor do they seem to be doing so for the next year.

The Commissioner of Customs told the Airport Operators Council that the law is permissive rather than mandatory.

"In view of the advantages to the airport through the performance of these services," he said, "it did not appear that a substantially sudden departure from arrangements previously worked out should result."

Early this year, Senator MIKE MONRONEY, aviation chairman of the Senate Committee on Commerce, and sponsor of last year's legislation, wrote the Director of the Budget.

The latter replied that payments for space should wait until aviation pays more user charges in return for the Federal aid to airports and airways. He said that where any special arrangements must be made, the costs should be absorbed out of present appropriations.

Aviation interests hurt by this think that before there is further talk of user charges, Uncle Sam should set the example as authorized by law and demanded by the clear intent of Congress.

If the agencies have to pay, they will quite possibly find that they can work with less space than they are now using free, so the overcrowding in major terminals can be eased to the good of the airports, the airlines, and the traveling public, observers feel.

Some of the airport commissioners affected have passed resolutions, including Los Angeles, where the cost of free space is valued at $200,000, and also San Francisco.

Similar petitions, letters, and statements may also be made from other airports of entry and landing rights airports. For the airport manager putting his airport on record, it will be helpful to state just how much space is being used, what percentage of the time, how much it is worth, and what the traffic load is, so the pertinent facts will be available to the Federal Government.

CUNNINGHAM AMENDMENT AND ITS MISCHIEFS

Mr. PELL. Mr. President, today's New York Times has an article entitled "Cunningham Amendment and Its Mischiefs" written by their very distinguished Arthur Krock.

In my view, Mr. Krock highlights in a most cogent manner the principal drawbacks of the Cunningham amendment and I ask unanimous consent that Mr. Krock's column be printed in the RECORD.

I was particularly interested in Mr. Krock's comments since last month I appeared before the Senate Post Office and Civil Service Committee to oppose the amendment. It is my earnest hope that the Post Office and Civil Service Committee in their wisdom will delete the Cunningham amendment which I firmly believe would be against the best interests of our country.

There being no objection, the article and summary were ordered to be printed in the RECORD, as follows:

CUNNINGHAM AMENDMENT AND ITS MISCHIEFS

(By Arthur Krock)

WASHINGTON, September 20.—The Senate committee in charge of the postal rate increase bill was still wrestling today with a problem inherent in current American politics. It is, how Members of Congress can avoid charges, by challengers of their seats in the November elections, of being "soft on communism" without denying U.S. citizens their right to have their mail delivered to them by the Post Office Department.

The problem was created by approval by the House of an amendment to the postal bill proposed by Representative GLENN CUNNINGHAM, of Nebraska. It provides that no international mail which the Attorney General classifies as "Communist political propaganda" may be handled by the Post Office Department; also, that no material so classified, originating in this country, may be sent under the first-, second-, and third-class postal rates established in the pending bill. Domestic mail of this character could still be sent at fourth-class rates. But the law requires that these rates must cover the cost of handling: hence, Representative CUNNINGHAM told the House, his amendment would put an end to the "subsidizing" by this Government of Communist political propaganda.

PRESERVING THE PRIVILEGES

But a growing awareness of the consequences of his method has impelled the Senate committee to try to serve its objective and at the same time preserve the several rights and privileges the Cunningham amendment would infringe or demolish. These include the aforesaid right of American citizens to get delivery of their mail, and the privilege this Government now enjoys in Iron Curtain countries of getting delivery there of at least part of the 16 million pounds of mail annually sent from the United States.

Among the substitutes for the Cunningham amendment that are under consideration by the Senate committee are these:

(1) By Chairman WALTER of the House Un-American Activities Committee, directing the Post Office Department to place notices in post offices warning recipients to look for Communist political propaganda in their mail. The House approved this (H.R. 5751), but it has been held up in the Senate on the point that it covers people who never receive this type of mail.

(2) By Senator BUSH, of Connecticut, directing the Postmaster General, when he has determined that mail is of this character, to notify the addressees of this determination but inform them they can have delivery, if they so request, of the material he is withholding.

(3) By the Department of Justice, recommending that if the Senate wants to take some checking action it should join the House in adopting Representative WALTER's warning notice bill. To approve the Cunningham amendment, said the Department, would deprive serious students of Soviet political propaganda of their right of delivery; impose on the Attorney General the impossible task of deciding who these persons are, and what is Communist political propaganda with a harmful potential; break a great American tradition; injure the projection of itself by the United States abroad as "a democratic society in which ideas and information flow freely," and institute political censorship of the mails.

PORTRAIT OF UNCLE SAM AS A BOOB

Representative WALTER, opposing the Cunningham amendment in the House, attacked the proposal at another vulnerable point. "It would create," he said, "the false impression that the American people are so naive and gullible that they cannot be exposed to Communist propaganda without the danger of their being adversely influenced or corrupted." He did not add that the right to be gullible is fundamental in a free society. This is the kind of calculated risk which the author of the first amendment rejected as a reason for abridging the guarantees of personal and political freedom this amendment confers. Any of the American people are free to be beguiled, if they have no better sense, so long as they refrain from trying to force or subvert others into attempts to implement their delusion by sabotaging the Constitution.

And, as President Kennedy said in opposing the Cunningham amendment, the American people "are used to hearing both sides, and I don't think they are particularly impressed by * * * what I've seen of (this) propaganda."

THE 40TH ANNIVERSARY OF RADIO STATION WJAR

Mr. PELL. Mr. President, on September 6, radio station WJAR, a service of the Outlet Co., in Providence, R.I., celebrated its 40th anniversary.

This distinguished station has an impressive list of firsts that it has presented to the people of Rhode Island: In 1923 WJAR joined with station WEAF in New York City, and station WCAP in Washington, D.C. to form the first radio network in America, the Red Network, which later became the National Broadcasting Co.

Rudolph Valentino made his first radio broadcast from station WJAR.

The first phonograph recording ever presented on radio was tested in 1925 on WJAR.

In 1960, WJAR radio, together with its sister television station, staged not the world's first, but the world's largest polio inoculation program when 11,400 Salk vaccine shots were given to the people of Rhode Island as a public service.

From its early beginnings as a station of 200 watts, station WJAR was heard as far away as Puerto Rico and Texas, first with the news, carrying the World Series in 1923, covering Lindbergh's flight across the Atlantic and President Roosevelt's fireside chats. It has excelled in times of emergency, giving on the spot coverage to hurricanes and other critical situations on a 24-hour basis.

I would like to congratulate Outlet President Joseph Sinclair and Radio Manager James Gleason for the fine standards they have set and maintained in making radio station WJAR an outstanding leader in the field of news, entertainment, and public service.

EQUAL EARNINGS

Mr. McCARTHY. Mr. President, the bill to guarantee women equal pay for equal work has been approved by the House and is now before the Senate Committee on Labor and Public Welfare. The Minneapolis Star recently took an editorial stand against discrimination in pay, and I ask unanimous consent that the editorial, which appeared in the Star on August 18, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EQUAL EARNINGS

Legislation which would guarantee that women be paid the same as men doing equal work is nearer reality than ever before. A bill has been passed by the House and now awaits Senate approval. But there is a flurry of controversy as business leaders, including the U.S. Chamber of Commerce, worry about implications.

Although steady improvement has been made in achieving equitable pay for working women, glaring examples of inequities are still to be found. Antagonists of an equal-pay law are conjuring up the bogey of Federal control and interference in business policies. In franker discussion they might admit that equalizing pay not only will cost some businesses more money but also damage male pride.

It also is likely, however, that leveling off pay scales in jobs where there has been notable discrimination may add to the satisfaction and effectiveness of women employees, and in certain fields it may attract job applicants of more training and ability than were willing to do the work previously. Extension of the equal-pay principle may even have the effect of opening up more jobs for men.

There is some fear among male workers that equal pay might mean standardizing wages at the lower rates now paid women in some places, but the pressures for higher wages being what they are, it seems unlikely that this would happen to any large extent.

The basic idea—that pay is for satisfactory production on the job, whoever the employee may be—remains sound. Efficient women employees should earn as much as efficient men employees, law or no law.

THE 100TH ANNIVERSARY OF EMANCIPATION PROCLAMATION

Mr. WILEY. Mr. President, the 100th anniversary of Abraham Lincoln's Emancipation Proclamation, September 22, offers the Nation new opportunity to rededicate itself to the letter and spirit of the proclamation, and to crystallize new American freedoms.

In 1862, Abraham Lincoln—"invoking the considered judgment of mankind and the gracious favor of Almighty God"—proclaimed that the slaves should be forever free.

During the intervening years the Nation—justly and rightly—has attempted to assure that all individuals, qualifying as citizens, should enjoy equal rights, and protections under our laws.

EMANCIPATION, 1962

In 1962, however, challenges still remain, including—

Fundamentally protecting—and providing opportunity to freely exercise—constitutional rights, including voting, by all citizens.

Emancipating individuals from still-existing bondages: Economically, of poverty, intellectually, spiritually, of ignorance, illiteracy, hate, prejudice, and intolerance.

Environmentally creating a better climate of respect and dignity for all individuals, regardless of race, creed, and nationality.

Expanding opportunity for education, advancement in vocational life, improvement of economic status, and general enjoyment of the freedoms of our way of life.

CIVIL RIGHTS

As a member and former chairman of the Senate Judiciary Committee, I have had special responsibility and opportunity for service in this field. These efforts have included—

Supporting effective civil rights laws—including creating and extending the life of the Civil Rights Commission, to protect the constitutional rights of all citizens;

Strengthening our judicial system, particularly by providing more Federal judges to provide fair and timely justice to all citizens to protect not only constitutional rights but also property and life; and

Other efforts to preserve, protect, and perpetuate liberty and justice for all.

For the future, the faith of our system—and dedication of our citizens—will be determined to a large degree by the fairness and justice with which each individual is treated under the law.

HUMAN PROGRESS

As envisioned by our forefathers and symbolized in the Emancipation Proclamation, the ideal of freedom can be further strengthened by improving all aspects of human life and progress.

Consequently, I have also felt it especially important, as a Senator of Wisconsin and the Nation, to support programs not only in civil rights, but in such fields as: full employment, at good wage rates, for American workers, including a realistic program of unemployment compensation for the jobless; to enable workers to participate proportionately in the abundance of our way of life; improve homebuilding program to provide better homes for more Americans; improving and expanding our educational system, including lifting the status and wages of teachers, to provide better educational opportunities for the youth of America; creating a bright outlook for our more than 17 million senior citizens, including over 400,000 in Wisconsin, through liberalized social security benefits, realistic medical care, better housing, and greater efforts to enable these folks to continue to participate in and enjoy a life of dignity in their respective communities; improving youth programs—not just to combat delinquency but for channeling this great reservoir of energies, talents, and imagination toward useful purposes; strengthening our job-creating, progress-promoting, free-enterprise system; and generally improve our free way of life.

In a world threatened by totalitarian communism, enslaving all people under its domination, the 100th anniversary of the wiping away of the vestige of slavery has special significance.

As the citadel of global freedom—for the future, as the past—the United States has the great responsibility of holding aloft the light of freedom as a beacon for all humanity.

MEDICAL CARE FOR THE AGED

Mr. McGEE. Mr. President, some of the issues we debate in this body are somewhat abstract to many of us because we have little direct connection with the problem concerned. Recently two events occurred in my State that brought home—all too graphically—a problem that we have not yet been able to master.

The first event was a tragedy that took place in my hometown, Laramie, Wyo. There in that city, on an early fall afternoon neighbors found a man and woman—husband and wife—shot to death. It was apparent that the husband had shot his wife while she slept and then used the same weapon to end his own life.

The cause of this tragedy also was readily apparent. The husband was 71 years old. His wife was 70. In one of his last conversations with a neighbor the husband had said that his wife had been chronically ill for years and he was worried about medical expenses and her continued illness. "We're just getting older and older," he said. "There's no way out."

There was a way out, and he took it. And we who are the survivors of this little tragedy can say that "he really should not have done that; he could have found assistance somewhere from somebody, and perhaps he was not thinking right anyway," and in time we can forget about the whole thing.

Perhaps we do not feel any pangs of guilt as citizens of the most prosperous Nation on earth, where there is too much food, too many automobiles, two televisions sets in many homes, when we can let a man who should be receiving the reward for a life of productive work worry himself into a tragedy because he cannot provide medical care for a loved one.

Mr. President, there may be those who can convince themselves that we had done all we could for this couple, but I am not one of them.

The second event was recorded in a newspaper article that pointed out that Big Horn County, Wyo., as of September 1962, has absolutely no funds with which to pay doctors and hospitals for the care of welfare cases. County officials said that any further care would have to be done without charge by the doctors and hospitals concerned.

Perhaps the citizens of Big Horn County would have paid more taxes for this purpose except that State law sets a maximum mill levy for health purposes and the county had already assessed to that limit. And county officials noted that the situation would be worse in 1963 since the assessed valuation of the county had dropped by $2 million.

Among the expenses that had exhausted the county medical funds was $28,300 for hospitalization. I do not know what portion of the Big Horn County welfare caseload is composed of elderly persons but I suspect it is substantial. And I do know that this body, this year, turned down a proposal that would have been of significant assistance in both instances I have mentioned.

That proposal, of course, is for financing hospital and health care for the aged through social security. Mr. President, I believe now, as I did before the vote, that this is an equitable means of giving our elderly citizens the dignity of a financially independent old age by eliminating one of the heaviest drains upon their income—the cost of medical care.

Before the vote on this issue I received a heavy volume of mail protesting the medicare plan. And along with this mail came statements from some citizens of my State who believed that their opinions were identical to the vast majority of the State's citizens that were equally critical of the social security approach to this problem.

But, Mr. President, after the vote a curious thing happened. The heavy volume of mail on medicare continued—but now it was from those people who supported my stand. The mail and telegrams now came from the people who had no lobby to represent them—people who believed the bill would pass, who believed it unnecessary to write their Senator to reinforce what to them was an obvious solution to an obvious need.

It might be well for those who were so quick to say what the people of Wyoming wanted without bothering to consult the people themselves to reexamine their self-assumed credentials as reflectors of the public's opinion. For the ratio of my mail indicates that there is more support for medicare at the grassroots than many of its opponents would like to admit. It is now running at 20 to 1 in support of that proposal.

It is also obvious from my mail that much of the opposition to this measure came from people who did not understand the proposal and too readily believed some of the exaggerated ills attributed to it by its enemies. For example, many incorrectly believed it would affect their doctor-patient relationship or their choice of hospital. I note that the Gallup poll which appeared in late August showed that only one-half of the public understands how the plan would be financed and only 11 percent are sure who would receive benefits.

Mr. President, I still think that this is a good idea. And I am sure the many voices that were not heard last time on this issue, the lobbyless millions who would be so vitally affected by this legislation, will make their wishes known to the people who represent them in Washington. These people have come to realize that they cannot afford to be silent, that they must contribute to the public debate in order that they not be overrun by the high pressure campaign of those who wrongly believe that this bill is inimical to their well-being.

INTERPLANETARY FLIGHT RECOVERY AND LANDING AREA

Mr. ALLOTT. Mr. President, it has come to my attention that, within the past few days, NASA has announced publicly that they are actively searching for areas that might be feasible for location of an interplanetary flight recovery and landing area.

For this long-range planning, this organization is to be commended. It is this type and degree of planning that will allow us, in the years ahead to forge ahead in the race into space and take our rightful place, not in the sun, but in the galaxies.

In connection with the search for plausible and feasible sites, I respectfully suggest to NASA that they would be well-advised to consider areas in the great State of Colorado, where climatic conditions and topography were of such an ideal nature that this Nation saw fit to locate its Air Academy there. I realize, of course, that many other factors must be taken into consideration for the establishment of such a project as a recovery site for interplanetary craft, but foremost among those considerations, I would assume, would be the factor of ground space. I submit that nowhere in this great country of ours, is there more available space, of a more appropriate or suitable nature for such an installation than in the great eastern plains area of the State of Colorado, where there are now thousands upon thousands of acres of flat, prairie-like lands, ideally suited for such consideration. Where else, Mr. President, in this great Nation of ours is there so much land available, centrally located in the heart of the Nation, with such ideal weather conditions for such a project?

Where else, centrally located, is there an area where the population is even now small enough to locate such an installation without inconveniencing and perhaps even transplanting thousands of people?

Because of these ideal weather conditions, because of the topographical advantages of the land in the area, because of the central location of the general area, Mr. President, I submit that NASA could look far and wide and not find a more ideal spot for such an installation than the prairie lands of eastern Colorado. In addition, they would, I am sure, find a most hospitable and receptive people, and a spirit of cooperation and progressiveness unsurpassed anywhere else in the land.

Mr. President, the people of Colorado invite NASA to come into our State and see for themselves what our land and our people have to offer to our Nation in the way of facilities and desire to be a part of the great plans this Nation has for our progress into space.

HARTKE REITERATES NEED FOR HIGHER EDUCATION LEGISLATION

Mr. HARTKE. Mr. President, on January 26, 1961, I introduced two bills, which I felt would give assistance to those young people who desire a higher education. They were S. 602 and S. 611. S. 602 would have amended the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for an individual who is a full-time student at an institution of higher education. Basically, the bill would have provided an extra $600 exemption for taxpayers with children who were enrolled in colleges and universities.

S. 611 is a loan insurance program modeled after the Federal Housing Administration mortgage insurance program. The Government would not provide money for the loan, but it would guarantee repayment. The moneys would be provided to students by the institution of higher education, and to colleges and universities by financial institutions.

Mr. President, I merely point out that these two bills were an effort on the part of the junior Senator from Indiana to do something to assist our young people, America's most valuable natural resource, in acquiring the higher education they so justly deserve.

I regret, therefore, Mr. President, that yesterday, the House of Representatives sent back to committee, H.R. 8900, which had been passed in the Senate as S. 1241 and for which I proudly voted.

Congresswoman EDITH GREEN, of Oregon, and the House-Senate conference committee are to be congratulated for reporting such important legislation to the House for consideration.

And, at this time, Mr. President, I should like to point out to my able colleagues of the Senate that they should read the CONGRESSIONAL RECORD of Thursday, September 20, 1962, pages 20138–20153, inclusive, if they want a real insight into why our younger people and particularly those needy students, will have to wait for the possibility of a higher education.

To me, Mr. President, the defeat of this legislation is a travesty on human justice. How can we expect America to be a nation in motion, if our young people do not have the opportunity to learn, even though they have the ability and talent, but not the wherewithal to finance a higher education?

Are we to expect our young people to forget about a higher education? Are we to say to the rest of the world that America cannot afford to develop her most valuable natural resource: her young people?

Recently, Columnist Sylvia Porter wrote in her column, "Your Money's Worth," an article headlined: "Return to School—For What?" that possibly our young people are dooming themselves to the job underworld. She admonished young Americans, "You'll be in a self-made minority, handicapped group."

Yesterday, Mr. President, this Nation added more of our young people in becoming part of this self-made minority and handicapped group by recommitting H.R. 8900.

The President of the United States, Mr. President, in his Labor Day message to America's youngsters, quoted the shocking projection that "7.5 million boys and girls will fail to complete high school during the decade of the 1960's unless we, as a nation, take positive steps to prevent it." Further, Mr. President, the Department of Labor states that 2.5 million of these 7.5 million will not even complete elementary school.

These statistics are devastating. They are, if they become a reality, going to set America back several years. Personally, I am concerned about this problem more than I am able to adequately express. And I am just as deeply concerned over the fact that those who do complete high school, who do want a higher education, but who do not have the finances, are doomed to forget about it. They are doomed to finding a job. And if they do not find a job, they are doomed to becoming one of the unemployed Americans.

It is our responsibility, Mr. President, to cut the unemployment rolls of America. How can we expect a further decline in our unemployment, if we sit idly by and do not make some legislative effort to correct an ill?

On September 18, 1962, Mr. President, our distinguished Vice President LYNDON B. JOHNSON addressed the convention of the United Steelworkers of America at Miami, Fla. In his remarks to the delegates and honored guests at the convention, he pointed out that one of six trends at work in this great Nation of ours was "our rate of economic growth has been inadequate to ward off long-term unemployment."

I should like to suggest, Mr. President, that perhaps one of the reasons our rate of economic growth has been inadequate is because America has failed in providing assistance for a higher education to those young people in whom we shall entrust the future of America.

Not so long ago, Mr. President, the Secretary of Defense remarked that there were not too many brains in the Midwest. This, to put it mildly, upset me, since I represent Indiana, the heartland of not alone the Midwest, but all America.

I should like to point out that some of the brains of the Midwest include two natives of Indiana, who are astronauts, and a third astronaut who was graduated from Purdue University, one of the most famous land-grant colleges in America, which each year graduates plenty of brains not just for the Midwest, but again, for all America.

Mr. President, I should also like to point out that Dr. Frederick L. Hovde, president of Purdue University, Dr. Herman B. Wells, chancellor of Indiana University, and many other distinguished educators, including former Secretary of the Army Elvis Stahr, who is now president of Indiana University, wrote me expressing their support and hope that S. 1241 would become law. I am sure that today they share my disappointment to the action of the House of Representatives yesterday, to recommit the measure.

Congresswoman Edith Green yesterday pointed out that should H.R. 8900 have become a reality, all 45 colleges and universities in Indiana would have $92,105 next year that might be set aside for nonreimbursable loans for needy students desiring a higher education.

It seems to me then, that Indiana should not be too dismayed or hesitant about spending a little over $92,000 for 45 colleges and universities to loan our needy students. After all, the money will come back. It is not like throwing it to the four winds. And, Mr. President, I hasten to remind everyone that this money comes back not just as a material thing alone, but the return of interest on this loan comes back in brainpower, which I repeat, is this Nation's most valuable natural resource. This is the resource we can least do without if we are to continue to be a nation of action—not reaction—if we are to be a nation determined to maintain our world leadership as we said yesterday that we are.

CONSTITUTION WEEK: THE 175TH ANNIVERSARY OF THE CONSTITUTION OF THE UNITED STATES

Mr. YARBOROUGH. Mr. President, September 17, 1962, was the 175th anniversary of the signing of the Constitution by the delegates gathered in convention at Philadelphia. The document which was to become the rockbed of the world's greatest fountain of liberty, was heralded across a vibrant young nation to be.

After the signing, "the most wonderful work ever struck off at a given time by the brain and purpose of man" was swiftly submitted to the Congress and transmitted by that body to the States for ratification. With the ratification by the ninth State, New Hampshire, on June 21, 1788, the necessary correlative step to the Revolutionary impulse of 1776 had been taken; a sound framework of government was established. The call of Dr. Benjamin Rush in 1787—"the American War is over; but this is far from being the case with the American Revolution. On the contrary nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government"—had been heeded.

The Declaration of Independence of 1776, had emphasized individual rights and the concept of the people as the final and rightful source of authority. The ratification of the Constitution brought strength and order to government and the creation of a balance of power both between the levels of government and among its various organs. Essential authority, however, still rested with the people, but it was now enclosed within a structure of law.

The ratification was the formulation of the remaining part of "one consistent whole," a system of liberty within an ordered society, the essential essence of free government; a system reflected in combination by the Declaration and the Constitution.

Mr. President, though the Constitution of the United States has proven to be the most permanent written National Constitution of the 18th, 19th, and 20th centuries, many of its ablest framers were discouraged at the time. In his informative diary, kept during his service in the U.S. Senate from 1803 to 1807, Senator William Plumer wrote:

> In a conversation this day with Abraham Baldwin, a Senator from Georgia and a member of the convention who formed the Constitution of the United States, he said that General Washington at that time, in a morning's walk, told him he did not expect the Constitution would exist more than 20 years.
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> He said that the convention was more than once upon the point of dissolving without agreeing upon any system. Many believed they had no authority to report a new system, but only propose amendments to the old Articles of Confederation. Some were for a government of energy embracing many objects of legislation—but others to have a more limited authority and to extend to fewer objects. All were better pleased with it when the propositions were reduced to form and connected together than they expected. All the members present, except three signed it—these were Elbridge Gerry, of Massachusetts, George Mason and Edmund Randolph, of Virginia.
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> Mr. Baldwin observed that after the instrument was engrossed and ready to be signed, General Washington, then President of the Convention rose, with his pen in his hand, and observed that his duty as Presiding Officer, and his inclination had united in preventing him from taking an active part in the interesting debates of that body, that doubts might exist whether he approved of the instrument, or only signed it by order of the Convention—he thought it his duty to remove these doubts by explicitly declaring that though he did not consider it a perfect system, yet he approved of it as a man, and as a delegate from Virginia.

Mr. President, great men are nearly always modest men. Washington, Jefferson, and Lincoln are true and typical examples of the modesty of true greatness. With a modest characteristic of greatness, the noble Washington worried over whether their work in the Constitutional Convention was for a day, or 20 years, or whether the Convention could really bring out a workable Constitution at all or not.

Great efforts brought forth a document of marvelous adaptability to changing times, and the experience of generations has proven that the framers of the Constitution wrote a document of government, not for decades, but for the centuries.

Now at the 175-year mark, with 1¾ centuries of experience behind us, the Constitution is more vital today than ever before, and means more security of life, liberty, property and the pursuit of happiness now than ever before in our country's history.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial from the Abilene Reporter-News of Abilene, Tex., of September 17, 1962, entitled "Constitution Week" and an editorial from the Houston Chronicle of Houston, Tex., of September 17, 1962, entitled "The 175th Anniversary of Constitution."

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Abilene Reporter-News, Sept. 17, 1962]

Constitution Week

Today is Citizenship Day and this is Constitution Week.

The dual observance marks the 175th anniversary of the signing of the U.S. Constitution on September 17, 1787, at Philadelphia.

Months of meetings and debates preceded the signing of the Constitution. Many times the Convention seemed at the point of breaking up in noisy disagreement, but it held together until the instrument was completed and signed.

The U.S. Constitution, by any measure, is a remarkable document. The delegates who drafted it must, in truth, have had divine guidance to have brought forth a Constitution that could form the bedrock of this Nation from the postrevolutionary days to the nuclear space age.

Citizenship Day today honors those who become of voting age for the first time this year and those who have become naturalized citizens.

Constitution Week seeks to focus citizen attention on the Constitution. It is a good time for emphasis on the Constitution in schools and for the average citizen to find a copy and reread it. He will then be in a better position to appreciate it as a vital historical document and to understand and place his own interpretation of events in relation to it.

[From the Houston Chronicle, Sept. 17, 1962]

The 175th Anniversary of Constitution

This is Constitution Day, the 175th anniversary of the signing of the American Constitution.

We who enjoy the blessings of living under a democratic republic with a Constitution which has met the test of time so admirably are perhaps too prone to forget that just as winning our freedom was a long, bloody, and often discouraging process, neither did the birth of our Government come about without hard labor and much anxiety.

The original union of the Thirteen Colonies under the Articles of Confederation had proven too weak to meet the new Nation's needs and demands. So, on May 14, 1787, delegates from 12 of the States—Rhode Island abstaining—met to draft a stronger Constitution.

There was wide disparity between the views of the delegates and the interests of the States they represented. Believers in a strong Central Government clashed with adherents of the widest practicable State sovereignty. Large States wanted representation in the Congress based on population, small States sought equal representation. The issue of slavery divided the States.

For 4 months the delegates labored and sweated in the summer heat before they reached all the great and small compromises that were found necessary.

Even then only 39 of the 55 delegates signed it on September 17, 1787.

And it was not until June 21, 1788—9 months later—that ratification by the ninth State, which happened to be New Hampshire, insured the operation of the new Constitution, and not until March 4 of the succeeding year that it formally went into effect. It was a full 3 years after the Constitutional Convention met before Rhode Island finally ratified to make the action of the States unanimous.

There were anxious moments during those first 9 months, particularly when Massachusetts ratified by the close vote of 187 to 168 in the legislature. Subsequently, Virginia gave approval by only 89 to 79, New York by 30 to 29, and New Hampshire by 57 to 46, all uncomfortably close margins.

Appreciation of the fact that the birth of our Nation and its form of government did not come easy should encourage us in our resolution to maintain and defend both.

ELKINS, W. VA., ARMORY NAMED FOR GOV. W. W. BARRON; ROLE OF NATIONAL GUARD IN COLD WAR STRESSED BY SENATOR RANDOLPH IN DEDICATION SPEECH

Mr. RANDOLPH. Mr. President, events of recent weeks, both in Berlin and in Cuba, have served to heighten the existing tensions between nations caught up in the contentions of the cold war.

There have been brutal shootings and other hostile acts by Communist border guards at the Berlin wall, and feelings continue to run strong on both sides of that barrier to freedom.

To the south, the Russian buildup of Cuban forces has, in the eyes of many Americans, transformed Castro's economically faltering government into a potential threat to the Western Hemisphere.

It is reassuring, therefore, to know that this Nation has an alert and highly trained system of National Guard and Reserve units which, if called upon, can provide an instant and authoritative response to any emergency.

Today, as in the Berlin crisis of 1961, the National Guard is an efficient and highly mobile organization capable of supplying effective influence far beyond its recognized and considerable capacity for military action. As a useful implement in the international arena, our National Guard is a tangible embodiment of this Nation's determination to take whatever action required to support our worldwide commitments.

On September 14, 1962, it was my pleasure to participate in the dedication ceremonies of the W. W. Barron National Guard Armory, in my hometown of Elkins, W. Va. Named in honor of West Virginia's 26th Governor, who is also an Elkins resident, this new armory will contribute significantly to the overall effectiveness of National Guard activities, both in West Virginia and elsewhere.

And, it is entirely fitting that this modern facility for national defense should be named for a native of Elkins, and one who has been chosen to fill a position of sensitive leadership and challenging responsibility. Governor Barron has reflected credit to his community through his service as a member of the legal profession, as an active civic worker, as mayor of Elkins, State attorney general, and now as Governor of the Mountain State.

The dedication proceedings were capably conducted by master of ceremonies, Bonn Brown, an Elkins attorney, with the invocation being offered by the Reverend Duard H. Estep, pastor of the Elkins Baptist Church. The Honorable C. H. Siedoff, mayor of our city, gave welcome to those assembled, after which the national colors were presented to local Guard unit commander Capt. Peter E. Zurbuch by Edward White, commander of the H. W. Daniels Post 29, the American Legion.

The name of the new armory was then announced by West Virginia secretary of state the Honorable Joe F. Burdett. Brig. Gen. Gene H. Williams, State adjutant general, followed with the presentation of the armory keys to Captain Zurbuch.

A message was read from Hon. HARLEY O. STAGGERS, Representative of the Second Congressional District of West Virginia, in which he expressed regret that official duties in Washington, D.C., prevented him from being in attendance. He extended best wishes to those present. Governor Barron then offered informed comment on the rapid strides being made by West Virginia in the training and maintenance of its Reserve and National Guard units, and declared that capabilities would "keep in tune with the times to support the ever-improving records of our officers and men."

It was my privilege on this meaningful occasion to address an attentive and understanding audience on the subject of the importance of the National Guard and Organized Reserve units to national security.

Benediction was offered by the Reverend Fr. Charles Doyle, St. Brendan's Catholic Church, Elkins, following which visitors toured the impressive new facilities of the armory, and were entertained by music of the Highlanders Bagpipe Band, of American Legion Post 29, under the direction of Chester Phillips.

I ask unanimous consent that my remarks at the dedication be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR JENNINGS RANDOLPH AT THE DEDICATION CEREMONIES OF THE W. W. BARRON NATIONAL GUARD ARMORY, ELKINS, W. VA., SEPTEMBER 14, 1962

It is a particular privilege for me to be in Elkins tonight to take part in the dedication ceremonies of the William Wallace Barron National Guard Armory, and to once again greet valued friends and neighbors. Because this is my hometown, I am extremely gratified that this modern facility for national defense has been erected here. In future years it will contribute to the overall effectiveness of National Guard activities, both in West Virginia and elsewhere.

Today, as at few other times, the National Guard and its contributions to American security are primary considerations to all citizens. We have seen ominous events of recent weeks cause the Congress to grant President Kennedy authority to mobilize a portion of our reserve military strength should international developments force such a move. This is a strong demonstration of America's determination to meet aggression with resolve, and a further acknowledgement of the National Guard's value as a vital weapon in our cold war arsenal.

Late happenings in Berlin have brought increasingly strained relations between the forces of East and West. Refugees fleeing the Communist sector have frequently met violence, and on occasion border guards have exchanged tear-gas fusillades. With feelings running strong on both sides of the wall, predictions for the future hold little hope of any immediate lessening of tensions.

In Cuba concerns of a similar nature are building, and people the world over uneasily watch as the Communist bloc filters support into Castro's stronghold. Here is yet another crisis of diplomatic and military import which must be faced by the United States. It is patently certain that this Soviet-controlled buildup of Cuban military capability poses a series of knotty and far-reaching problems for the West—problems which are even now undergoing intense examination of a systematic and efficient nature. Our Secretary of State is active, both officially and behind the scenes, and creative efforts are being set forth to achieve concerted action from the combined membership of the Organization of American States. Behind this activity stands President Kennedy's affirmation that this Nation's patience is not inexhaustible and that we would not hesitate to use unilateral strength in the interest of security.

We ask ourselves, "What has been our defense in sudden crises of the past; what has been our bulwark of strength?" In answer, we look to the men of the National Guard and the Reserve who fulfilled their missions so affirmatively in the callup of August 1961. These men may actually have altered the course of history with their quick and efficient response to the call to arms.

We cannot in all conscience say that the Guard and Reserve forces who were called to active duty last year altered the balance of power in a military sense. They did not. What they did accomplish, however, was equally effective and important. They imprinted in the minds of observers everywhere, friend and foe alike, the determination, the strength and the readiness of this Republic to mobilize its forces in support of its worldwide commitments. We asserted at that time, and stand ready to demonstrate again today, the singleness of purpose with which the free nations of the earth will meet the overt aggression and encroachments of atheistic communism.

In simplest terms the National Guard reflects a posture of American resolve. With our Reserve ready to act, no realistic foreign power can mistake our conviction, and no ally doubt our integrity. It becomes increasingly obvious that the forces opposed to us in this cold war are willing to create world crises whenever and wherever they deem it advantageous. National Guard and Reserve units provide an instant and authoritative response to such dangers, at the same time making unnecessary the maintenance of a large regular military force.

Here in West Virginia, and particularly in Elkins, the National Guard has become an honored tradition of fidelity and devotion to duty. The battery which will have as its new home the Barron Armory has evolved from an old infantry unit founded prior to the Revolutionary War, and has served faithfully and well since that time. These men are living proof that our State stands second to none in supporting this Nation's defense effort.

Capt. Peter E. Zurbuch and the men of Battery A, 1st Howitzer Battalion, 201st Artillery are proud of this imposing structure and the principles which we honor tonight. Elkins' new armory will be one of more than 4,000 such installations in the United States acting as nerve centers for our armies of readiness, and training grounds for forces which today form a bulwark in the world.

The armory itself is a fitting monument to the purpose and preparedness of Americans. It represents the meaningful efforts of Federal, State, and local governments, and civic organizations which are aware that maintenance and training of an effective reserve force is vital to the security of all men and women who believe in freedom and faith.

And, how appropriate that this armory should be named after a native of Elkins, and the 26th Governor of the State of West Virginia, William Wallace Barron. His life has been closely linked with the changes of our city of Elkins itself. We are gratified that the citizens of West Virginia have recognized the qualities of leadership which were first indicated here, and have called him to a position of sensitive responsibility.

As a member of the legal profession, as an active worker in civic organizations, as mayor of Elkins, State attorney general, and finally as our Governor, Wallace Barron has reflected credit to the residents of this community. Our honoree has devoted himself to positive programs for advancement of West Virginia and the betterment of its citizens. Throughout his youth and manhood he has been a stanch advocate and consistent supporter of National Guard and Reserve activities. As a member of the U.S. Army during World War II he is cognizant of the strategic necessity of maintaining a force capable of immediate and flexible action in these times of extreme danger.

We salute William Wallace Barron tonight, and dedicate in his name this new structure for national defense which stands here—and in so doing we proclaim to all nations that American citizens are mindful of their tradition in a country of peace where men are fathers first, and fighters only if the necessity is forced upon them.

We have looked to the citizen-soldier in the past and have not been disappointed. He has been tested at the battles of Lexington and Concord, in the hills around Gettysburg, and in the trenches of France. He has served his country well on the beaches of Normandy and Anzio, in the jungles of Guadalcanal and the snows of Korean winter—and now he is again ready to meet the challenge. He is the National Guardsman and reservist—the citizen-soldier who carries with him the hope that wars will cease and that soon, in God's divine plan, he will live with his fellow-man in understanding and peace.

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

The VICE PRESIDENT. During the further consideration of the bill there is, by unanimous consent, a limitation on debate of 3 hours.

Mr. MANSFIELD. Mr. President, under the unanimous-consent agreement, the time is to be divided equally, and is to be controlled, respectively, by the majority leader and the minority leader.

With the consent of my Republican colleagues, I ask that, instead, the time be controlled by the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Wisconsin [Mr. PROXMIRE].

The VICE PRESIDENT. Is there objection? The Chair hears none; and it is so ordered.

The Senator from West Virginia [Mr. RANDOLPH] is recognized for 1½ hours and the Senator from Wisconsin [Mr. PROXMIRE] will have 1½ hours under his control.

Mr. RANDOLPH. Mr. President, the purpose of H.R. 8181, as amended, is to authorize the Administrator of General Services to plan, construct, and maintain a National Fisheries Center and Aquarium in the District of Columbia or its vicinity, for the display of fresh-water, marine, and shell fishes and other aquatic resources for educational, recreational, cultural, and scientific purposes. The facility would be operated by the Secretary of the Interior, who would assign such responsibility to the branch of the Bureau of Sport Fisheries and Wildlife having as its major activity the rearing and holding of living fishes, including the operation of acquariums. A nonpartisan advisory board would be established, to render advice and to submit to the Secretary of the Interior recommendations concerning the management and operation of the Center and Aquarium. The cost would not exceed $10 million, under the provisions of the bill now before the Senate; and the Secretary will establish charges for visits to the Center and Aquarium, and for other uses, at rates which will produce sufficient revenues to cover an appropriate share of its annual operation and maintenance costs.

Mr. President, the fishing industry was our first and, for a long time, our principal industry. It is now laboring under serious handicaps, operating with obsolete equipment, and our fisheries and the food from the sea are not obtaining the adequate support to which they are entitled. The sources of such food are great, but have been sadly neglected. I think it important to state to the Senate that almost half the fish consumed in the United States is imported from other nations. Our fishing fleet has decreased in numbers; the vessels are old and obsolete; and most of the fishermen are advanced in age. Modern vessels of other nations, including the Soviet Union, are fishing adjacent to our shores. In many cases the fish caught are processed overseas, and are reshipped back to us.

Fish provide a major source of food for the world's population. On a per capita basis, Americans consume less of this food than do the people of most other countries. It is believed that fish will be required to supply a greater proportion of the world's protein needs as populations increase, and that will increase the demands in the United States as our population increases over the next few decades.

Sport fishing provides large recreational benefits, as well as a considerable source of food. As our population becomes more urban, as people move from the rural areas into the cities, additional educational services will be necessary in order to promote a better understanding of our Nation's heritage, of the recreational possibilities our fisheries afford, and of the need for conservation of the natural resources of this Republic. The improved management practices and effective conservation measures will prove more profitable for industry, consumer, and sportsmen. As the population of our Nation expands, larger numbers of persons are turning to water resources for outdoor recreation. This includes sport fishing, camping, boating, swimming, and studies of aquatic life.

To achieve our goals in educating our population—our younger people especially—with respect to the present condition of the fisheries industry in the United States, our fresh-water and marine resources and the need for their conservation, it is believed that establishment of a National Fisheries Center and Aquarium will go a long way toward this accomplishment. Such a center would be a focal point for pertinent national research activities, and would stimulate public interest in our fisheries resources, thus making an important contribution to the public welfare, education, and scientific knowledge. It would provide a means for coordination and joint training for Federal, State, and other fisheries scientists responsible for an intelligent and orderly management of our fishery resources. Services could also be supplied to colleges, universities, and other educational institutions and groups by providing training in many specialized fields of aquatic biology.

The existing small aquarium—and it is a small aquarium; it is not as large as fishponds which many persons have in their back yards—is in the basement of the Commerce Building. It is inadequate to meet the needs and demands of the public at the present time, is frequently crowded by visitors, and is not satisfactory to carry on desired research activities.

I hope Senators may find time, during the adjournment, or at some other period, to see the aquarium in the basement of the Commerce Building, where people are unable actually to see the fish in the water. Certainly we cannot carry on any research activities at the present time under such an inadequate program as is now in being.

It is believed that the proposed installation will attract at least 3 million visitors annually, including schoolchildren, college students, scientists—we emphasize the younger people in that group—and others interested in fisheries and our fishery programs.

For a long time this industry was one of the principal industries of the United States. Today more than 50 percent of the fish consumed in the United States come to us from foreign sources.

It is also believed that Washington, D.C., is the logical location for the National Fisheries Center and Aquarium because of the inadequacy of the existing aquarium; the existence of a large manpower pool and good supply of fresh, brackish, and salt water; the availability of the Potomac River and the Chesapeake Bay with living specimens native to those waters; existing collections of preserved specimens in museums; the existence of splendid library facilities in the area; and the air, rail, and water transportation which will facilitate shipment of specimens.

Mr. LAUSCHE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator yield?

Mr. RANDOLPH. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Directing the Senator's attention to page 7 of the bill, under "Appropriation" I now read from line 20, section 8:

> Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided*, that the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment—

What I shall now read is the important material—

> will produce revenues to cover an appropriate share of the annual operation and maintenance costs thereof.

My question is, If the bill is to be passed, why ought we not make charges that will amortize the cost of the building and will provide sufficient funds for operating and maintenance expenses each year?

Mr. RANDOLPH. I think the point raised by my friend from Ohio should be discussed on the Senate floor. This question was considered in the Subcommittee on Public Buildings and Grounds of the Committee on Public Works. It was equally a matter for discussion in the full committee during consideration of the measure, prior to being reported to this body.

The House bill contained no such provision. This is a Senate committee amendment, as my colleague indicated by reading the language. We felt it was necessary to make a reasonable charge, but to use such language as would indicate that prohibitive charges which might actually stop people from coming into the center or visiting the aquarium should not be assessed. In other words, we felt that from the standpoint of a person thinking of coming, the charge should not be a deterrent to the visitation. That was why we used the language quoted.

Mr. LAUSCHE. I was thinking that to amortize the cost of the building in 20 years the charge would be negligible; and that could be done.

Mr. MILLER. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. The Senator from West Virginia has the floor.

Mr. MILLER. Will the Senator from West Virginia permit the Senator from Iowa to respond briefly?

Mr. RANDOLPH. I will yield to the Senator in a moment. I want to clear up the point.

In the hearings held June 15, 1962, the Senator from Ohio made a very urgent plea against passage of the bill. Believing as he does, and being against passage of the bill, his statement doubtless was based on his conviction.

On page 8 a discussion on this point is reflected.

The Senator from Ohio [Mr. LAUSCHE] said:

> Senator YOUNG, the passage is highly desirable—

That is, the passage of the bill—

> but it is inopportune at this time to do it.

The Senator from Alaska [Mr. GRUENING] said:

> Senator LAUSCHE, I wonder whether an amendment along these lines would perhaps meet the objections that you stated very clearly. This would be the approximate language:
>
> "It is the purpose of the Congress that this project be self-supported, and the Secretary of the Interior is directed to provide a system of projected admission fees which will, over a period of years, repay amortization and interest charges of the original cost."

The Senator from Ohio [Mr. LAUSCHE] responded:

> That would be a very excellent improvement of the bill.

The Senator from Alaska [Mr. GRUENING] continued:

> Well, I think that it is very clear from your testimony, I think we are very sympathetic to the fact that if we could make this thing self-sustaining, so that the cost to the Government could be repaid over the years, that would remove a major part of your objection, would it not?

The Senator from Ohio [Mr. LAUSCHE] then said:

> You still have the matter of the time being opportune to go into the project at this time.

Mr. ENGLE. Mr. President, will the Senator yield to me?

Mr. LAUSCHE. I suggest that what is now in the bill does not conform to what the Senator from Alaska [Mr. GRUENING] said at the hearing. The Senator mentioned amortization of the capital investment. The language of the bill now provides for recouping a part of the operating and maintenance costs.

Mr. RANDOLPH. Yes. I read this so that the RECORD might reflect what the Senator was saying today is something he said in the committee. It was appropriate for him today to speak in terms of amortization, rather than an appropriate share of the cost, as we have indicated by the language.

Mr. President, I yield first to my colleague on the committee, the Senator from Iowa [Mr. MILLER].

Mr. MILLER. Mr. President, I wish to inform the Senator from Ohio that I have an amendment prepared, which I have not had an opportunity to discuss with the distinguished Senator from West Virginia, but which I think would probably satisfy the Senator on this point, in that it would provide for amortization over a period of not in excess of 30 years, and would further provide for defraying the operation and maintenance charges. I thought the Senator might like to know that such an amendment is on my desk and that I propose, as soon as the opportunity presents itself, to discuss it with the Senator from West Virginia.

I thank the Senator.

Mr. RANDOLPH. I am grateful to my colleague for calling attention to his proposal.

I now yield to the Senator from California.

Mr. ENGLE. Mr. President, I have noted the language used by the Senator from Ohio [Mr. LAUSCHE], which is that the passage of the bill is highly desirable but that it is inopportune at this time. I am glad the Senator from Ohio has indicated that an aquarium of this nature is desirable. However, the Senator protests the timing of the measure. On that point I wish to observe that this is an authorization bill. The matter of priority is one which will necessarily be established when the Appropriations Committees in the two Houses of Congress undertake to provide appropriations for it.

I have listened to some of the statements made today. I recognize the problems in the District of Columbia which, on their face, appear to have a priority higher—and certainly have a priority higher—than the building of an aquarium, provided we could do something about those problems. In my view, we cannot stop doing everything which would be beneficial to the people of the country—whether it be an aquarium, a park, or something else—merely because we have not taken care of the housing needs or educational needs of all the people of the Nation. That is a matter of balance and of some intelligence.

In comment upon the particular observation made by the Senator from Ohio [Mr. LAUSCHE], the timing and the priority would be in the hands of Congress hereafter. This is an authorization bill. At such time as the Congress sees fit to appropriate for the particular construction involved it will go forward.

I would hope also that the aquarium would be self-supporting. I think it would be. There are aquariums in California, and they are self-sustaining.

I think over the long haul it would be possible to make the aquarium self-sustaining on the basis of the visitation of people, as has been demonstrated throughout the country in other places.

Mr. President, I would like to say further in a brief statement in support of H.R. 8181, authorizing the construction of a National Fisheries Center and Aquarium in the District of Columbia, this bill, introduced in the House by Representative MICHAEL KIRWAN, has as its companion in the Senate my bill S. 2296.

At the outset, I want to say that I support the amendments to the bill adopted by the Senate Public Works Committee. I have in mind particularly the amendment limiting the authorization of funds for the construction of the project to $10 million, and authorizing the Secretary of the Interior to set charges for visits and other uses to cover operation and maintenance costs.

It is my understanding that 6½ million tourists come to this city every year and that they leave approximately $375 million here. I am confident that the proposed Aquarium and Fisheries Center will have great tourist appeal and that it will soon be paying for itself. There is every reason to expect that the charges collected will pay not only for its operation and maintenance but eventually will return to the U.S. Treasury the initial $10 million for construction of the project.

There is no need, I am sure, to elaborate on the recreational, educational, and entertainment values of a national aquarium. Aquariums throughout the capitals of the world are unrivaled in popularity.

The proposal has a much larger purpose than to house a display of fish.

The National Fisheries Center and Aquarium would serve as a world center of specialized fishery research. It would serve to emphasize the important part played by fish and fishery products in everyday life. It would serve as an educational center for the Nation's schools. It would serve to stimulate an interest in our youth in the science of oceanography.

The research that will be made possible by the kind of center envisioned in the proposal would help to answer two great needs: First, the need to increase the world's food supply. Second, the need to make greater progress in medical research of benefit to humans.

Last year the President, in his natural resources message to Congress, stressed the importance of oceanographic research if we are to meet the need of an additional three billion pounds of fish and shellfish by the year 1980.

With hunger and malnutrition among the world's most pressing problems, we cannot afford not to turn to the untapped resources of the sea and other waters for additional supplies of animal protein. A fish protein concentrate, cheaply made from now underutilized species, that can be easily transported and stored, may well be the answer to the world's hunger problems. The kind and extent of research that the center could accommodate will help tremendously in the achievement of that objective.

Finally, the proposed center will be in a position to lend an invaluable hand to medical science. A report I received from the Director of the National Institutes of Health points out that the use of marine biology in medical research has dramatic possibilities. For example, the NIH reports that the retina of the squid is proving to be very useful in the study of intimate details of the visual process. This research may provide important answers to the problems of blindness in human beings. Only a fisheries center of national stature can provide the facilities and the variety of rare marine species to carry out medical research of this kind on a broad scale.

We are long overdue in this country in establishing a National Aquarium and Fisheries Center. Aside from the recreational, educational, practical, and scientific values, such a center would do much for our country's prestige abroad.

I earnestly hope that the Senate will act favorably on the proposal.

Appropriation is a matter for subsequent decision.

Mr. MILLER. Mr. President, would the Senator from West Virginia permit me to ask a question of the Senator from California?

Mr. RANDOLPH. I yield for that purpose.

Mr. MILLER. I should like to ask my friend from California whether the point he is making is that regardless of the degree of desirability or priority of an authorization bill, the bill ought to be passed.

Mr. ENGLE. I think it is desirable, as the Senator from Ohio said, to pass the bill. I am not passing upon the question as to when it should be constructed, as distinguished from doing something else. This is a good project. As the Senator from West Virginia has pointed out, it is a matter of some importance to the people of this country. I expect to address myself to that question at some length later.

Mr. MILLER. Does the Senator contend that the matter of priorities is none of the affairs of other committees, and only the affair of the Appropriations Committee?

Mr. ENGLE. I do not. Appropriations must be passed upon in this body, as well as in the other body.

Mr. MILLER. There must be priorities in authorizations as well as in appropriations.

Mr. ENGLE. I agree 100 percent. Both must be acted upon in this body, as in the other body. The committees are only implements of this body, as they are in the other body.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my colleague from Ohio.

Mr. LAUSCHE. Mr. President, I call to the attention of Senators the words of the President in one of his early messages. When he uttered the words, he was applauded vigorously. He asked the Congress to forgo desirable but not essential projects, and the promotion of other such functions. The proposed project falls completely within the spirit and the letter of that request. It is desirable, but it is not essential. For that reason I made the statement which I did before the committee. I thank the Senator.

RESERVATION OF CERTAIN LANDS IN WASHINGTON FOR INDIANS OF THE QUINAIELT TRIBE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 507) to set aside certain lands in Washington for Indians of the Quinaielt Tribe, which were, to strike out all after the enacting clause and insert:

> That lands heretofore set aside under the provisions of the Act of August 22, 1914 (38 Stat. 704), for lighthouse purposes at or near Cape Elizabeth on the Quinault Indian Reservation, State of Washington, and consisting of eighty-five and five one-hundredths acres, more or less, in lots, 1, 2, and 3 in section 34, township 22 north, range 13 west, Willamette meridian, which lands are excess to the needs of the Treasury Department, shall be, and the same are hereby, set aside in trust for the Quinault Tribe of Indians, in the same manner and to the same extent as other real property held in trust by the United States for said tribe.
>
> Sec. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission, provided that said setoff shall not exceed the sum of $581.12.

And to amend the title so as to read: "An Act to set aside certain lands in Washington for Indians of the Quinault Tribe."

Mr. ANDERSON. Mr. President, I move that the Senate concur in the amendments of the House of Representatives with an amendment. I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from New Mexico will be stated.

The LEGISLATIVE CLERK. On page 2 it is proposed to strike all of section 2 and insert a new section 2 as follows:

> Sec. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ANDERSON. Mr. President, by way of explanation, S. 507 passed the Senate on May 11, 1961. The purpose of the legislation is to convey 85 acres of surplus Federal land on the Quinaielt Indian Reservation to those Indians. When the Senate passed the bill, it included in section 2, as it has in all other bills conveying surplus Federal lands to Indians, a provision authorizing the Indian Claims Commission to set off against the claims this tribe may have against the Federal Government the value of the land conveyed under the bill. The House amended the bill by setting a dollar limitation that might be set off against any recovery, and it is our understanding that the House is prepared to recede from its amendment and agree to the original proposal passed by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico, to concur in the amendments of the House, with an amendment.

The motion was agreed to.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. RANDOLPH. Mr. President, various possible sites in the area have been suggested, such as one on Hains Point. The site should be readily accessible by water and highways, and of appropriate size to provide necessary parking areas. The amendment to the bill adopted by the committee authorizes the use of Federal land for the site if available. It is believed that a suitable site can be found on Federal land, with the necessary requisites to accomplish the purposes of the project.

Facilities at such a center would stress the acknowledged importance of the oceans and the fresh waters of the world as a potential basic food reservoir for the earth's expanding populations; that our research and public education on aquatic resources must keep pace with such population; and the need for a national center which symbolizes research, development, and display leading to public education in all phases of aquatic life.

It is not the intention of the Public Works Committee that the National Fisheries Center and Aquarium enter into competition with any private aquarium. It is realized that many of the existing aquariums are public facilities and that, at a cost of $10 million, the center would exceed the cost of any private commercial aquarium now in existence. It should be emphasized that the main function of the center is for study and research, rather than for display purposes, although research on fish and other aquatic animals is intimately connected with an aquarium and in connection with the fisheries center, is considered a prerequisite to much research that is believed essential. It is felt that an aquarium in Washington would increase the interest of our citizens in the fishery resources and further desires to visit aquariums in other sections of the country.

I believe that establishment of a National Fisheries Center and Aquarium in our Nation's Capital will provide great assistance to our citizens and the fishing industry in meeting the problem of understanding conservation and prudent management of an important natural resource, our fisheries. It will also present outstanding opportunities for coordinated scientific research and advancement of public understanding of fresh water and marine resources. The many thousands of adults and youngsters who will view the live displays of fish and other aquatic animals and examine the exhibits will learn much about the relationship between these resources, our national health, and economic and recreational well-being.

Mr. YOUNG of North Dakota. Mr. President, I commend the distinguished Senator from West Virginia for the case he is making in behalf of the proposed legislation. Fish provide a very important source of food for this Nation and, indeed, the entire world. Fishing also is a good sport, which millions of people enjoy.

We in this country have been doing a great deal of research in almost every field, but very little in the fishing industry. I think it is high time that we engage in more research in this highly important industry. I commend the Senator for the position he has taken. I support this legislation.

Mr. RANDOLPH. I thank my friend from North Dakota. It is easy to attempt to place the project alongside a project to help schoolchildren through an education bill, and to say that because we have not undertaken a given project with the use of Federal funds for our youth, we, therefore, should not proceed in an orderly, reasonable, and realistic fashion to consider proposed legislation of the type now under discussion. I am sure that the Senator from North Dakota, as well as the Senator from West Virginia, have been intensely interested in educational programs for the strengthening of our Nation.

I am sure that argument does not worry some of us in the Senate, because we are sincerely desirous of meeting these situations as they arise and considering bills upon their merits, not in relationship to some other bill that failed or seemed to have support which was not developed successfully enough to accomplish passage.

Mr. YOUNG of North Dakota. I am for economy, but not for this kind of economy.

Mr. RANDOLPH. I thank the Senator. The committee believes that such a national center will become a feature for attracting tourists that visit Washington from other sections of our Nation, and our foreign visitors, and that this type of science and cultural center will become a source of national pride. In consideration of the many benefits that will accrue from the proposed National Fisheries Center and Aquarium, the committee recommends enactment of H.R. 8181, as amended.

I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as amended, be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments, agreed to en bloc, are as follows:

On page 2, after line 2, strike out:

"(b) The Administrator is further authorized to purchase, lease, or otherwise acquire such lands, waters, and interests therein, as he may deem necessary to carry out the provisions of subsection (a) of this section.

"(c) In addition to an aquarium, the National Fisheries Center and Aquarium shall include, but not be limited to, a fisheries museum and a sporting goods shop specializing in fishing equipment."

And, in lieu thereof, to insert:

"(b) The Administrator is further authorized to use Federal land and property for purposes of this Act with the consent of the particular agency having administrative jurisdiction thereover, and, if said property is unavailable for purposes hereof, he may purchase, lease, or otherwise acquire such lands, waters, and interests therein, as he may deem necessary to carry out the provisions of subsection (a) of this section."

On page 4, line 1, after the word "Aquarium", strike out the comma and "and to present educational lectures and materials; in line 3, after the word "permit", to strike out "free" and insert "on such terms and conditions as he shall consider to be in the public interest the"; on page 5, line 5, after the word "The", to strike out "Director of the National Fisheries Center and Aquarium shall" and insert "Secretary may designate an employee of the Department to"; on page 6, line 24, after the word "section", to strike out "4" and insert "5"; on page 7, line 5, after the word "section", where it appears the second time, strike out "4" and insert "5"; and after line 15, strike out:

"SEC. 8. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act."

And, in lieu thereof, insert:

"SEC. 8. Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided*, That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment will produce revenues to cover an appropriate share of the annual operation and maintenance costs thereof."

Mr. PROXMIRE. Mr. President, the bill before the Senate would authorize the expenditure of $10 million to build a national aquarium in the District of Columbia. As the Senator from Ohio [Mr. LAUSCHE] has indicated, no doubt it would finally cost more than $15 million. It is the most extravagant gold-plated fish bowl in world history.

One of the most sobering aspects of this proposal to throw away taxpayers' money on the proposed fish emporium is the intent to establish an unnecessary ornament in a city which badly needs funds for basic necessities.

DISTRICT REAL NEEDS NEGLECTED

The total Federal contribution to the District of Columbia for 1962 was $32.7 million. We are now considering the spending of almost one-third that amount for a single promotional venture.

Another name for Washington might be the Paradox on the Potomac. Grandiose plans move forward to build extravagant libraries to house Presidential papers, to set up great monuments, statues, fish aquariums—and vast sums are spent to decorate the White House. At the same time, thousands of the city's people live in overcrowded slums, ridden with crime and juvenile delinquency because of the lack of youth employment opportunities and adequate youth programs.

Junior Village, the District's home for indigent children, has facilities for 320 children. As of yesterday, September 20, there were 659 children at Junior Village.

Much stress has been laid on the value and importance of promoting education about fish. To spend $10 million to educate people about fish in a city where children are taught from shabby, dog-eared, out-of-date textbooks, in shabby, dog-eared schools, would be the height of folly—in fact, the fish follies of 1962.

I suggest that to spend $10 million for a place to house and feed fish in a city where children go hungry is more than extravagant, more than wasteful; it is inhumane.

DISTRICT OF COLUMBIA PARENT-TEACHERS OPPOSE AQUARIUM

Mr. President, this sentiment is one which seems to be widely shared by the people of the District of Columbia themselves. Mr. Ellis Haworth, chairman of the legislative committee of the District of Columbia Congress of Parents and Teachers, appeared before the Committee on Public Works in opposition to the bill. In the course of his remarks, Mr. Haworth said:

> So long as our children are given an inadequate schooling, so long as we are unable to provide our youth with the type of training needed to help them get jobs, so long as the Congress refuses to recognize its just obligations to the District, then so long will our organization raise its voice in protest over the expenditure of Federal funds for something in our community which can only be characterized as a luxury that we can ill afford.

To spend money on such a luxury, where there is an enormous budget deficit and critical national needs, as well as critical local needs, is about as foolish as Marie Antoinette saying that her subjects should eat cake when she was told they had no bread.

The spending of $10 million on the proposed aquarium is a double-feature extravaganza since, first, no significant need for this aquarium has been established, and second, there is no excuse for building it at this fantastic cost.

WORLD'S COSTLIEST FISH BOWL

The Senate Public Works Committee, in its report on the aquarium bill, stated: "At a cost of $10 million the Center would exceed the cost of any private commercial aquarium now in existence."

To the best of my knowledge, this statement applies to public as well as private aquariums and the cost would exceed any other by several million dollars. Among the major public aquariums in the United States are—

First. Steinhart Aquarium, San Francisco, built in 1923 at a cost of $300,000, according to figures supplied to the Senate Public Works Committee by Steinhart's superintendent-curator. This sum was donated by Ignatz and Sigmund Steinhart. The aquarium is now being entirely reconstructed at a cost of only $750,000.

Second. John G. Shedd Aquarium in Chicago, described by its assistant director as "the largest building in the world devoted exclusively to aquarium purposes," built in 1929 at a cost of $4 million, $3 million of which was donated by John G. Shedd, former president and chairman of the board of Marshall Field & Co.

Third. The New York Aquarium at Coney Island, built in 1957 by the New York Zoological Society and the city of New York at an initial cost of $1,500,000. Its total cost is estimated to be $6–$7 million when all construction is completed.

Among the private aquariums are—

First, Marine Studios at Marineland, Fla., built in 1937 at a cost of $1,500,000; second, Marineland of the Pacific, Los Angeles, built in 1954 at a cost of $3,500,000; third, the Seaquarium, Miami, built in 1955 at a cost of $3,250,000.

In comparison with these figures the proposed Washington aquarium would be the costliest fish bath in the country. Apparently the Washington fish will enjoy every advantage of a Fifth Avenue salon except Swedish masseurs.

The estimated annual operating costs and income of this gold-plated aquarium are equally out of proportion to other existing aquariums. Figures supplied by the Department of the Interior show the Washington aquarium would cost $800,000 to operate a year. By comparison, Steinhart costs $300,000; Shedd, the biggest aquarium in the world, a magnificent aquarium, which serves the city of Chicago and the whole Middle West, costs $250,000; and the New York aquarium, which serves the greatest metropolis in the Nation, $200,000. No operating costs were available for the private aquariums.

I shall discuss the Miller amendment later. Although it is worth while, it closes its eyes to reality, because it is absolutely impossible to amortize an aquarium this costly in Washington, D.C., in any period of years.

OPERATIONS COST INCREDIBLE

The cost of operating the New York aquarium is $200,000 a year.

No operating costs were available for the private aquariums.

The prediction for the annual income for the Washington Aquarium has been padded beyond all reality. It is predicted to be $1 million, with a proposed admission fee of 50 cents for adults and 25 cents for children. Steinhart Aquarium is free and has no income; Shedd charges 25 cents on Thursdays, Saturdays, and Sundays and makes about $75,000 a year; New York charges 90 cents for adults and 45 cents for children, and grosses an estimated $120,000, although New York has twice as many visitors as Washington—14 million in 1960, compared with 7 million for Washington; and New York is a metropolis almost ten times the size of Washington.

Marine Studios, of Florida, charges adults $2.20, children $1.10 and makes about $1,500,000; Marineland of the Pacific charges adults $2.20, children 70 cents and has an income of about $1,200,000; the Seaquarium, also of Florida charges adults $2.20, children, $1.10, and grosses about $1 million.

ONLY PRIVATE AQUARIUMS HEAVILY PROMOTED DRAW BIG GROSS

Why are these aquariums able to gross such large amounts?

Anyone who has visited these beautiful aquariums realizes that they are really promotional affairs. Some of these promotions would make Tex Rickard look like a novice.

These aquariums advertise extensively and produce spectacular shows, shows in which trained porpoises perform and go through all kinds of routines. Also, these aquariums provide automobile bumper stickers which can be seen in almost every city of the country. They are really promotional entertainment by private enterprise. They are operated in such a way that no public body is likely to duplicate. The only reason they operate is to afford people an opportunity to see a show; not merely to see fish or to study scientific exhibits or to conduct scientific studies; but simply to see a show. They provide entertainment—pure entertainment—and do not pretend to do anything else.

The Department of the Interior has ballooned its estimate of revenue by assuming a fantastic attendance of 3 million.

Last year 8 million visitors came to the District of Columbia. I am sure they did not come here to see fish—at least, not the kind of fish that swim under water. They came to the District to see their Government in operation. They came to visit the Capitol, the White House, the Lincoln Memorial, the Jefferson Memorial, and other sights, all of which are free. There is no question that none of these majestic edifices, all of them free, had anything like 3 million visitors, when the entire city had only 8 million visitors.

To assume that money could be charged and people expected to visit an aquarium in far greater numbers than visit other public aquariums in the country is completely impractical and utterly naive. I feel certain that no private financier who had money to invest would put money into this kind of operation, on the basis of the figures and statistics I have just presented.

The top attendance among the other aquariums is 2,300,000 at Steinhart, which charges no admission; it is free. Of the other aquariums which charge admission, the top attendance is 1 million, with a low of 200,000 at the New York aquarium, and 700,000 at the Shedd Aquarium in Chicago, those cities having populations, respectively, 8 and 4 times that of Washington.

I ask unanimous consent to have printed at this point in the RECORD a table I have prepared showing the comparative data with respect to public and private aquariums, and comparing the aquariums in other cities with the proposed National Fisheries Center in Washington.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparative data on public and private aquariums

Name	City and date completed	Original cost	Attendance		Fees	Annual operating costs	Annual gross income
			Annual	High day			
Steinhart Aquarium	San Francisco, Calif., 1923	$1,800,000 ([1] 300,000)	2,300,000	18,000	Free	$300,000	None
J. G. Shedd Aquarium	Chicago, Ill., 1929	4,000,000	700,000	78,000	[2] $0.25	250,000	$75,000
New York Aquarium	Coney Island, N.Y., 1957	[3] 1,500,000	200,000		A- $0.90 C- .45	200,000	120,000
Marine Studios [4]	Marineland, Fla., 1937	1,500,000	1,000,000		A- 2.20 C- 1.10	(5)	[6] 1,500,000
Marineland of the Pacific [4]	Los Angeles, Calif., 1954	3,500,000	1,000,000	14,800	A- 2.20 C- .70	(5)	[6] 1,200,000
Seaquarium [4]	Miami, Fla., 1955	3,250,000	700,000	10,000	A- 2.20 C- 1.10	(5)	[6] 1,000,000
Proposed National Fisheries Center and Aquarium	Washington, D.C	10,000,000	[6] 3,000,000	[6] 85,000	[6] A- .50 [6] C- .25	[6] 800,000	[6] 1,000,000

[1] Earl Herald, superintendent-curator of the Steinhart Aquarium, testified at hearings before the Senate Public Works Committee on June 15, 1962, that the aquarium was built at a cost of $300,000 and that the present time $750,000 was being spent to reconstruct the entire installation.

[2] MTWF-free.

[3] Construction still going on, $6,000,000 to $7,000,000 before completion.

[4] Private aquariums.

[5] No figures available.

[6] Estimated.

Chart source: Bureau of Sport Fisheries and Wildlife, Department of Interior.

BILL AND COMMITTEE REPORT FAIL TO INDICATE ANY SERIOUS RESEARCH

Mr. PROXMIRE. Mr. President, much has been made of the argument that this is not to be merely an aquarium for people to visit, but an aquarium for research; that it will be an opportunity to conduct research which should have been engaged in and sponsored by our Government and conducted in a substantial way.

Anyone who reads the bill will see that that cannot be so. Who is to be on the Advisory Committee, under the bill? On page 5, lines 16 and following, we read that there are to be "two Members of the Senate, appointed by the President of the Senate."

Mr. President, I have great respect for the Members of the Senate, but I do not believe any Members of the Senate are ichthyologists or fish scientists or experts in any kind of fish research or fish conditions. Perhaps there are some, but I doubt it.

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. I suggest that if there be any Member of the Senate who might fall within that category, the distinguished Senator from Wisconsin, whose State is noted for its fish, would qualify.

Mr. PROXMIRE. I appreciate the flattering comment of the Senator from Iowa. Wisconsin is a great fish State. We are proud of our fish. I am sure that many people who come to Washington from Wisconsin would be happy to visit the aquarium; but I still cannot justify such an aquarium on that basis.

Furthermore, the bill provides that there shall be on the Advisory Committee "two Members of the House of Representatives, appointed by the Speaker of the House of Representatives."

Obviously, they do not have the background which would qualify them as researchers. Who else is to be on the Advisory Board?

The bill further provides, in dealing with the membership of the Advisory Board—

(3) two individuals appointed by the Secretary, one of whom shall be engaged in or closely associated with, sport fishing, and one of whom shall be engaged in, or closely associated with, commercial fishing.

Obviously, if they are engaged in or closely associated with sport fishing and with commercial fishing, they will be interested in many aspects of fishing; but it is doubtful that they will be expert ichthyologists or researchers.

Then the bill provides that the remaining members of the Advisory Board shall be—

(4) two individuals appointed by the Secretary from the public at large.

But there is no indication that any research worker or scientist or person with that sort of background would be appointed to the Advisory Board. It is apparent that at the time when the bill was drafted, no consideration was given to the appointment of such experts.

NO PROVISION IN REPORT FOR RESOURCES

On page 11 of the report we find listed the personnel who would be employed by the aquarium. But are research workers or scientists or persons who could possibly qualify as such listed in the report? I point out that the report lists, first, an "executive;" but there is no indication whatever that he would have the background of a scientist or research worker.

Then it lists "stenographic," for one-half a year. I assume that means a stenographic worker would be employed for half a day, each day.

Then we find listed an expert on aquariums; but there is no indication that he would be a scientist.

Also listed is one engineer—no doubt to be used to operate the aquarium; but there is no indication that he would be qualified as an expert on fisheries or the scientific aspect of fisheries.

Then we find that one architect is included in the list. I suppose it is conceivable that he might be an authority on the anatomy of fish, but I doubt it. Obviously, judging from the list on page 11 of the report, the architect would be employed during the years 1964 and 1965, in connection with construction of the building.

In addition, we find in the report an estimate of "additional expenditures—personal services." The total for 1964 is $47,000. The same amount is included for 1965. For 1966 through 1968, the estimate is $38,000. But, again, there is no indication that those funds will be expended to employ research workers. In fact, even if those funds were used for research purposes, the amount of research which could be conducted, in comparison with the amount of research work done in other areas of the country, as I shall point out in a minute—would be paltry and insignificant.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The 15 minutes the Senator from Wisconsin has yielded to himself have expired.

Mr. PROXMIRE. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional 10 minutes.

Mr. PROXMIRE. Mr. President, it was argued by the Senator in charge of the bill, and it was argued again and again at the hearings, that those who propose the enactment of the bill believe that the proposed aquarium would offer great opportunities for research. But I submit that anyone who reads the hearings—and I have read them all the way through—would be hard put to find in them any documentation of the kind of research to be done, who would conduct it, what would be done, why it is needed, or what benefits the research to be done would provide. All that is dealt with in very vague and general terms.

The fact is that we now have some excellent research centers, conducting research under the Fish and Wildlife Service. Research is undertaken by the U.S. Fish and Wildlife Service, the Scripps Institute of Oceanography, at La Jolla, Calif.; at the Woods Hole Oceanography Laboratory, at Woods Hole, Mass.; and at the Solomons Island station, in Maryland. To the best of my knowledge, this is the first time anyone has seriously attempted to justify the construction of a major city display aquarium on the ground that it would assist in research. Research is conducted in establishments specifically designed for that purpose, and experts are employed to conduct it there. But research is not conducted in an aquarium of this kind. Any attempt to conduct research in an aquarium would remind one of a distinguished Member of Congress who was reported to have recently traveled in Europe, for the purpose of studying the equality of opportunity for women at Parisian striptease joints. Obviously, the place to engage in research is an establishment designed for that specific purpose.

EFFECTIVE RESEARCH DONE IN FIELD

Furthermore, Mr. President, we should note that the Fish and Wildlife Service is comprised of two bureaus. One of them is the Bureau of Sport Fisheries and Wildlife. It studies fish husbandry, and the research done there is concerned primarily with fish husbandry, which comprises the study of nutrition and diseases of fish, and attempts to show the rice farmers in Arkansas and neighboring States methods of alternating the production of rice with the production of fish.

This Bureau also engages in pesticide studies on the effect of sprays, and so forth, on fishes and the organisms in the waters.

The Bureau also engages in reservoir research concerned with research for the management of fisheries in reservoirs constructed by the Federal Government; it also engages in marine sport fishery research, a new program, just getting underway, to assess the extent of the sport fishery for marine species.

These studies are being developed at the present time or are underway in establishments subsidized and paid for by the Federal Government.

In the second place, the Fish and Wildlife Service maintains a Bureau of Commercial Fisheries, which is concerned primarily with exploratory fishing—in other words, the finding of new fishing grounds for the industry; and this Bureau is also concerned with gear development, which comprises the development of new fishing techniques and methods, and so forth; it is also concerned with market promotion and the determination of new methods of preservation of fish for marketing; and it also studies the passage of fish at dams, primarily on the west coast, in relation to the passage of salmon at dams.

SERIOUS RESEARCH IN CALIFORNIA, MASSACHUSETTS, MARYLAND

Research is also conducted at the Scripps Institute of Oceanography, in California, and at the Woods Hole Oceanography Laboratory, in Massachusetts. At both these laboratories approximately 95 percent of the research work is under contract with the Office of Naval Research, and concerns studies of oceanography, including ocean currents, depths, temperatures, salinities, and stocks of fish. The Office of Naval Research not only finances the research at these two laboratories, but also has provided much of the money for construction of facilities and purchase of equipment.

Research is also done at the Solomons Island, Md., station, which is operated by the State of Maryland. This laboratory is concerned primarily with the management of the shellfish and fish of Chesapeake Bay. The University of Maryland participates in the activities at the Solomons Island station, for studies of water resources. At the Solomons Island station there is a Natural Resources Institute, operated in conjunction with the University of Maryland.

Mr. President, if the sponsors of the bill are interested in research, it seems to me that some indications that research work would be done at the proposed National Fisheries Center and Aquarium would have been evident at the hearings. But, as I have said, although I have studied the hearings very carefully, I was not able to find any documentation or any support or any evidence in regard to the kind of research which would be conducted.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. To corroborate the argument made by the Senator from Wisconsin, I should like to read from section 1 of the bill.

AUTHORIZATION FOR NATIONAL FISHERIES CENTER AND AQUARIUM

SECTION 1. (a) The Administrator of General Services (hereinafter referred to as the "Administrator") is hereby authorized to plan, construct, and maintain a National Fisheries Center and Aquarium in the District of Columbia or its vicinity for the display of fresh water and marine fishes and other aquatic resources for educational, recreational, cultural, and scientific purposes.

Fish would be displayed, but there would be no installation of research facilities in the building, if the provisions of the bill are followed.

That is section 1 of the bill.

Mr. PROXMIRE. Mr. President, the Senator from Ohio is absolutely correct. An analysis of the bill line by line, as the Senator from Ohio is doing, shows that the bill is not designed for research.

Mr. LAUSCHE. It is for the display of fresh water and marine fishes.

Mr. PROXMIRE. Yes. That is a perfectly proper objective; but let us debate the bill on the basis of what it actually provides.

Mr. LAUSCHE. And in section 2, which deals with the operation of the proposed Center and Aquarium, there is no indicate that research work will be done in this institution. It is intended to be visited by people who, by looking at the fish to be displayed there would gain in education. But if that amounts to research, I simply do not understand the meaning of the term. I think a reading of the testimony taken at the hearings will disclose that the proposed Center and Aquarium are intended primarily for the entertainment of visitors who come to Washington.

Incidentally, they will acquire education by seeing the various species of fish, but it will not be through research, as the Senator from Wisconsin has so clearly pointed out.

Mr. PROXMIRE. Yes, indeed. I thank the Senator from Ohio.

The distinguished Senator from Iowa [Mr. MILLER] has submitted an amendment which I think has a great deal of appeal. I would be very interested in supporting it, but I suggest to the Senator from Iowa that, in view of the record I have just discussed and the experience of other aquariums, he give real consideration, in offering the amendment, to supporting a motion that the bill be recommitted for the purpose of studying whether it would be practical or feasible to require the Interior Department to try to raise $10 million, pay the interest, and cover all maintenance costs in a period of 30 years. It may be possible, but I submit, based on all the experience of the aquariums in this country, that it could not be done.

Other public aquariums do not draw big enough crowds to cover maintenance costs, let alone amortization costs.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Florida.

Mr. HOLLAND. First, I commend the Senator on the position he has taken. Second, I ask him if there has been any showing as to how much it would cost to continue to provide a supply of usable salt water at the so-called Aquarium for the display of fish. There is no water at the site except the polluted and murky waters of the Potomac, which are at most merely brackish. Has it been estimated how much it would cost to provide clear, constantly usable salt water for this project?

Mr. PROXMIRE. I thank the distinguished Senator from Florida. I think he raises a fascinating point. It had not occurred to this Senator before. It is an excellent point from the standpoint of engineering. It is quite a different problem to provide salt water at New York City or along the coasts of California or Florida, where the aquariums are located on the coasts, but when an aquarium is to be located many miles from a supply of salt water, as in this case, it seems to me the cost would be immense. I think this is an excellent point and a real basis for further study. Unless the proponents of the bill have an answer, it seems to me further study and recommittal for that purpose should be required.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The additional time of the Senator from Wisconsin has expired.

Mr. RANDOLPH. Mr. President, I yield myself 1 minute.

With respect to the colloquy between the Senator from Florida and the Senator from Wisconsin as to the availability of salt water, the Shedd Aquarium which displays both fresh and salt water specimens at Chicago has no difficulty with that problem. The aquarium in Chicago is not located on the east or west coast, but is almost a thousand miles from any ocean. Salt water is delivered to it by tank car. Its original supply of salt water was collected off Key West and hauled to the aquarium in the Chicago lakefront before the tracks were removed following construction of this beautiful building. Sea water was stored in huge concrete pools more than 30 years ago. That water has been used over and over, and is being supplemented only when new salt water fish specimens are brought in from Florida. That problem was considered by the Senate committee and by the House in its debate. Brackish water is not exactly salt water, but there is the Chesapeake Bay, near the District of Columbia, in the vicinity of where the aquarium would be constructed. The point is one that was not overlooked in the committee or in the debate in the House.

Mr. HOLLAND. I thank the Senator. I notice he has not said anything about the cost. I have communications from the operators of aquariums in my own State who tell me that it is quite a task to keep available the necessary supply of clear salt water for aquariums that are on the shore there. It costs a great deal of money to do it. They think the cost involved would be very great. They know the waters of the Potomac would not be suitable, because they are highly polluted and murky.

I think, unless there is something in the report indicating what the cost for that item would be, which would be a constant, day-to-day cost throughout the life of the aquarium, that is one feature which deserves and requires study and report as to the cost that would be involved.

I thank the Senator for yielding.

Mr. PROXMIRE. I thank the Senator from Florida.

It will be a few more minutes before I yield the floor.

The Senator from Iowa has put his finger on a very crucial part of the bill in referring to section 8. The Senator from Ohio has discussed it. I want to discuss it again. I want to emphasize how flimsy it is with respect to an assurance that any substantial cost is going to be covered in the bill. The section reads:

> Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided*, That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment will produce revenues to cover an appropriate—

I emphasize these words "an appropriate"—

> share of the annual operation and maintenance costs thereof.

It does not say a full share. It says "an appropriate share." If it cost $800,000, an appropriate share, in his judgment, might be $50,000 or $100,000. There is nothing in the bill that provides that it is to be one-half or one-third of the maintenance cost. Whatever he chooses to cover he can cover.

It is true that estimates in the report show that he may provide for the charging of fees that will bring in $1 million, but, as I pointed out, this estimate is based on a most optimistic and unrealistic notion in view of the record of public aquariums. The figures show they do not come within a mile of covering the costs, if adults are to be charged 50 cents and children 25 cents, unless a super promotion and a fancy aquarium show is put on, and nobody has proposed that.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. LAUSCHE. The section to which the Senator has just referred does not say that the charges collected for admission shall help amortize the cost of the capital investment.

Mr. PROXMIRE. That is an excellent point. It does not come close to it.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. MILLER. Mr. President, will the Senator yield me 3 minutes?

Mr. RANDOLPH. On my time?

Mr. MILLER. Yes.

Mr. RANDOLPH. I yield the Senator from Iowa 3 minutes on my time.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. It is proposed on page 8, to strike out all of lines 1 through 5, and insert in lieu thereof the following:

> Charges relating to visitation to and uses of the National Fisheries Center and Aquarium at such rates as in the Secretary's judgment will produce revenues to (a) liquidate the costs of construction within a period of not to exceed 30 years and (b) pay for the annual operation and maintenance costs thereof.

Mr. MILLER. Mr. President, the amendment is self-explanatory. It is designed to conform with the policy which was recommended by the Outdoor Recreation Resources Review Commission, of which I had the honor of being a member, and which rendered a report to the President this year. That Commission recommends very strongly that there be an increased use of user fees for the purpose of defraying the cost of recreational facilities.

Regardless of how one feels about the timeliness of this bill, it seems to me our policy ought to be to have this a self-liquidating, self-maintaining operation.

I understand informally from one of the members of the staff that approximately $500,000 a year is estimated for the cost of maintenance, operation, and amortization involved.

If there were 2 million visitors, at the rate of 25 cents a person, the $500,000 would be taken care of. This is not to suggest a flat fee of 25 cents. The fee might be $1 for adults and 10 cents for schoolchildren.

In addition, it is contemplated that auditorium facilities would be furnished, occasionally at no charge and on other occasions at a charge, and charges would be made for uses of the facilities by scientific and commercial interests.

It seems to me my amendment is not a grasping in the dark. I think it has real possibilities for fulfillment. I hope my amendment will be agreed to. I think it would improve the bill.

Mr. MAGNUSON. Mr. President, will the Senator from West Virginia yield me a few minutes of time, so that I may speak on another matter which is quite important?

Mr. RANDOLPH. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 48 minutes remaining.

Mr. LAUSCHE. Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. Fifty-five minutes.

Mr. RANDOLPH. I yield 3 minutes to my colleague from Washington.

SHIPPING EMBARGO OF CUBA

Mr. MAGNUSON. Mr. President, on yesterday, prior to the passage of the joint resolution with respect to Cuba, I commented upon the fact that certain Italian seamen refused to sail two struck supply ships which were going to Cuba and to Castro. I commended them on that action, and suggested that the State Department should do what it could in that regard, along with action by our Government, including the passage of the joint resolution by the Senate. I suggested that we try to encourage other NATO maritime countries to follow the same practice.

The American Merchant Marine Institute has called on maritime lines throughout the free world to ban the carrying of Russian cargoes to Havana, and has urged President Kennedy to support this embargo.

Joseph Curran, president of the National Maritime Union, and Capt. William Bradley, president of the International Longshoremen's Association, have joined in a demand for a world boycott of arms shipments to Cuba.

I ask unanimous consent to have printed in the RECORD an editorial from the Seattle Post Intelligencer which salutes these men on their patriotism. The editorial states, in conclusion:

> Obviously, the American people are ahead of the administration in taking action to cripple the buildup of a Communist stronghold 90 miles from our shores.

I commend these people for their efforts.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEN OF ACTION

> While official Washington marks time, management and labor in the maritime industry are doing something about the buildup of Communist power in Castro's Cuba.
>
> The American Merchant Marine Institute, representing the shipowners, has called on maritime lines throughout the free world to ban the carrying of Russian cargoes to Havana. It has urged President Kennedy to support this embargo.
>
> Joseph Curran, president of the National Maritime Union, and Capt. William Bradley,

> president of the International Longshoremen's Association, have joined in a demand for a world boycott of arms shipments to Cuba.
>
> And Captain Bradley has warned that his longshoremen will refuse to handle shipments by any American companies that are known to be supplying Castro by sending goods through such ports at Antwerp.
>
> We salute these men for their patriotism. Obviously, the American people are ahead of the administration in taking action to cripple the buildup of a Communist stronghold 90 miles from our shores.

Mr. MAGNUSON. Mr. President, I read today in the first edition of the Washington Daily News that a U.S. labor attaché in Rome is encouraging the Italian Government to force the Italian seamen to sail on these two ships. The report comes from Mr. Curran himself.

> "We have had a call for help from the Italian union who says that their government is threatening to lift the seamen's cards if they don't sail the ships," said a spokesman for NMU President Joseph Curran. "And they say that the U.S. labor attaché at Rome is into it."
>
> The State Department lists Mr. John C. Fuess as American labor attaché in the Italian capital.
>
> "Last winter the State Department stopped the boycott against Castro shipping out of U.S. ports," said the NMU official. "But we don't mean to give in this time."

It was also pointed out that:

> They expect the International Federation of Transport Workers, which has 6.5 million members in 100 countries, to declare an official boycott at a meeting to be held in London during the first week in October.

I commend Mr. Curran, Captain Bradley, and the American Merchant Marine Institute for what they are doing. It is what I suggested about a month ago. This could have a great effect in respect to our struggle with the Cuban problem, along with the joint resolution which has been passed.

I suggest to the American labor attaché in the Italian capital, whether his name be "Mr. Fuess" or something else, that he cease and desist from interfering with the free rights of these seamen, who believe that they should not participate in any aid to the Castro government. He should cease and desist from interfering with their free rights.

I thank the Senator from West Virginia.

Mr. RANDOLPH. I am delighted to accommodate my friend.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. RANDOLPH. Mr. President, the amendment offered by my colleague from Iowa, who is a member of the Committee on Public Works, has been discussed informally by several members of the committee, and by several Members of the Senate who are not members of the committee. It is my feeling that the request made by the Senator from Iowa [Mr. MILLER] is not an unreasonable one. We are willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. MORSE. Mr. President, I yield myself 3 minutes from the time in opposition.

I am opposed to the amendment, because there ought to be hearings on it. We do not have the slightest idea that we can work out an amortization program on the basis of any such fee paying principle as has been proposed. I think the amendment proves the soundness of a motion which I shall make, that the entire bill be recommitted to the committee, so that there can be further hearings not only in regard to the amortization program, but also in regard to some other issues which I wish to raise in my speech in opposition to the bill.

I have gone through the transcript of the hearings. There is nothing in the hearings which gives the Senate any evidence on which to pass judgment on the wisdom or lack of wisdom of the Miller amendment. This raises the entire question, also, as to whether or not entrance fees ought to be charged by the Federal Government for a National Fisheries Center and Aquarium. I shall have something to say about fees later.

If we have reached the point where the amendment is before the Senate and action is about to be taken on it, I think the time has come to take action on a motion to recommit the entire bill to the committee for further hearings. The committee should carefully consider the issue raised by the Senator from Iowa [Mr. MILLER], the question as to how best to amortize the cost of the aquarium, wherever it may be built.

About the last place in America where it ought to be built is on Hains Point, adjacent to the Potomac River, which is the filthiest river of its size in the world, the shores of which are now lined with tons of dead fish, according to newspaper accounts. Those fish are dead because they cannot live in the densely filthy Potomac River, yet it is proposed to spend $10 million to build an aquarium adjacent to that river.

I will tell Senators what we ought to do with the $10 million. We ought to clean up the Potomac River so that fish can live in it, so that little boys and girls and adults can swim in it, so that people can go boating on it, so that it will be a sanitary river rather than a constant flowing threat to the health of the people of the District of Columbia, of Maryland and of Virginia.

It is beyond my power of comprehension why there is even any talk about building a fisheries center and a fisheries research center on the dirtiest, stinkingest river in the world for its size.

At least we ought to put the aquarium on some clean river.

Furthermore, the talk about wishing to do something so that the people will have something to see when they come to Washington, D.C., is rather silly. There is so much for the people to see now in this city that they would have to stay here, most tourists would tell us, a month to even begin to see the things they would like to see—the Smithsonian Institution, the Library of Congress, the Capitol, the White House, the great art museums and all the rest.

This city is not lacking in tourist attractions, Mr. President. A lot of other areas of this country are.

I will tell Senators what I would be willing to consider, should the bill go back to the committee. I would be willing to consider some evidence as to whether the aquarium ought not to be located in Ohio, on the Great Lakes, and named the Kirwan Aquarium, in honor of that great Representative in the House of Representatives who is so much interested in the bill. I should like to honor him, too, but I am not going to honor him, in my judgment, by voting for an aquarium to be built at Hains Point, or any other area in the Washington area on the polluted, dirty, stinking Potomac River. We in the Congress ought to be ashamed of ourselves because we have not cleaned it up.

We ought to take the $10 million and use it for cleansing the Potomac River of pollution.

Mr. President, I do not wish to encroach further on the prerogative of the Senator from Wisconsin [Mr. PROXMIRE]. I did not see him; he was not in the Chamber when I started to speak, and I assumed the authority, as his colleague in opposition to the bill, to yield myself 3 minutes.

Mr. President, I raise a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Am I correct in my understanding that this is an appropriate time, prior to action on the Miller amendment, to move to recommit the bill to the Committee on Public Works, so that further hearings may be held on the bill and on the Miller amendment? There have been no hearings on the Miller amendment. A very complicated subject of amortization is raised by the amendment. We ought to have some evidence submitted on that subject as well as on many other questions to which I shall direct my attention later, if necessary. The Fish and Wildlife Service has not given us sufficient evidence to pass a sound value judgment on the bill.

My first parliamentary inquiry is as follows: Would it be in order at this time to move to recommit the entire bill? Second, since a motion to recommit is debatable, would the time for the debate upon that motion have to be taken out of the 3 hours under the unfortunate unanimous-consent agreement that was entered into yesterday, when I was attending to Senate business off the floor of the Senate, and which never would have been entered into had I been present?

The PRESIDING OFFICER. The motion is in order and is debatable under the time limitation.

Mr. MORSE. Mr. President, I move that the bill be recommitted to the Committee on Public Works.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

Mr. PROXMIRE. Mr. President, will the Senator withhold his suggestion? We are operating under a time limitation.

Mr. DIRKSEN. I shall withhold my request, provided I do not lose my right to make it.

Mr. MORSE. Mr. President, I ask the Senator from Illinois if he would consent that the time necessary for the quorum call be taken from neither side.

Mr. DIRKSEN. I am agreeable.

Mr. MORSE. Mr. President, I make that request.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 273 Leg.]

Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Burdick
Bush
Byrd, Va.
Byrd, W. Va.
Carlson
Carroll
Case
Chavez
Church
Clark
Cooper
Cotton
Dirksen
Douglas
Ellender
Engle
Ervin
Fong
Hart
Hartke
Hayden
Hill
Holland
Humphrey
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kefauver
Kerr
Lausche
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Neuberger
Pearson
Pell
Proxmire
Randolph
Russell
Saltonstall
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Connecticut [Mr. Dodd], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Magnuson], the Senator from Rhode Island [Mr. Pastore], the Senator from Virginia [Mr. Robertson], the Senator from Florida [Mr. Smathers], and the Senator from Ohio [Mr. Young] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senators from Maryland [Mr. Beall and Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Hickenlooper], the Senator from New York [Mr. Javits], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from New Hampshire [Mr. Murphy], the Senator from Vermont [Mr. Prouty], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent.

The **PRESIDING OFFICER.** A quorum is present.

Mr. MORSE. Mr. President, on the motion to recommit, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The Senator from Iowa [Mr. Miller] has offered an amendment which I think, after a cursory examination of it, has great merit; but it is an amendment which I believe calls for hearings. It deals with the whole question of how to amortize the $10 million aquarium, if the Senate should make the unfortunate judgment of deciding to build it. I think the committee should take testimony with respect to the entire amortization program. But the bill ought to be recommitted to the Committee on Public Works anyway, for further consideration with respect to the question of the situs of the aquarium. I believe that probably the worst possible place to build an aquarium, of all places to be made available, is Hains Point in Washington, D.C. As I said a few minutes ago, the Potomac River is the filthiest river of its size in the world, a river which, as I speak, has its shores lined with tons of dead fish, dead because they could not live in the pollution of the stream. In fact, I believe the $10 million ought to be used to clean up the river rather than to build an aquarium on its shores.

Furthermore, the supply of land in this city for public use is very limited; and, in my judgment, Hains Point is not the place for an aquarium. I believe that once the river has been cleaned up, it ought to be an important center for recreational use—an attractive center for swimming, boating, and fishing.

I also think we ought to have more information. I have examined the hearings carefully, and there is a notable absence of data which should be obtained from the Fish and Wildlife Service. I have some data which I shall use later this afternoon with respect to the question of situs.

The Government already has a large sum of money invested in Federal fisheries throughout the country, any of which could be expanded in order to be an appropriate site for an aquarium.

A strong plea has been made for tourism. It is said that an aquarium would be an attraction for tourists to Washington, D.C. There are so many attractions in Washington, D.C., that tourists would have to spend a month or more really to make a start at seeing them. We could talk about the Smithsonian, the art galleries, the Library of Congress. We could talk about the multitude of facilities which are appealing to tourists. This is one city in the United States which does not need to provide more attractions for tourists to visit. There are many other places in the country where Federal dollars ought to be spent to attract tourists, if Federal dollars are to be used for that purpose.

A strong case could be made for building the aquarium on the Great Lakes, on the shores of the State of Ohio. It might be named the Kirwan Aquarium. I think that would be a very fine tribute to a great Representative from Ohio; although I believe there are many other things which might better be named for him in honor of his great record in Congress.

I do not believe the Senate has all the information it needs to justify the authorization or appropriation of $10 million for the construction of an aquarium in the vicinity of Washington, D.C.

I say again that this sum of money ought to be used to supply some of the urgent needs of the District of Columbia, if the money is to be spent here. Hundreds and hundreds of little boys and girls and adults in the District of Columbia live in hovels that are not as good as pigpens on the most modern farms.

Consider the slum clearance program, the local school construction program, and the housing program, on which $10 million could better be spent.

We have a great need for an improved educational program in this city and this country. Early next week we shall have a discussion in the Senate with respect to making loans to the school system of this city. This money is needed to tear down firetraps which, as I speak, are housing hundreds of young students of the District of Columbia and are endangering their lives by fire every hour of the schoolday. The $10 million ought to be spent for that purpose if it is to be spent in the District of Columbia.

Also, 73 military installations in this country have been closed, many of which are located at sites most appropriate for an aquarium. Do not forget that the aquarium that we are talking about is to be an aquarium which will not only be a hotel for fish but also will be a center for fisheries research.

The **PRESIDING OFFICER.** The time of the Senator from Oregon has expired.

Mr. MORSE. I yield myself another minute.

Mr. President, this is not the time to rush this bill through the Senate with no more consideration than it has received, and with a limitation of time for debate under a unanimous-consent agreement which was entered into in the absence of some of us who would not have agreed to it had we been present.

Although I gave first preference to the Representative from Ohio [Mr. Kirwan] for the location of the aquarium to be in his State, I say to the President of the United States, who has been very much concerned and interested in trying to find some use for a great naval institution at Tongue Point in Astoria, Oreg., which he closed during his administration, that the institution is available both for a salt water and fresh water fisheries center and aquarium.

The **PRESIDING OFFICER.** The time of the Senator from Oregon has again expired.

Mr. MORSE. I yield myself another minute.

Mr. President, I say to the President of the United States that if he has any doubt as to the use to which Tongue Point can be made, let us see if it cannot be put to use as a great Federal fisheries aquarium and research center, close to the great research centers in Oregon and Washington; close to the great centers of research in the State of the distinguished junior Senator from California [Mr. ENGLE], who seems to be an advocate of the bill.

All of these great research centers serve useful purposes on the west coast.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. I yield myself another minute.

Mr. President, I even believe that a research center would be of far greater use in the State of the two Senators from Massachusetts than it would be at Hains Point in Washington, D.C., where the dirty, polluted, stinking waters of the Potomac River will wash the foundations of such an aquarium.

If ever I saw an example of a paradox, an example of inconsistency, it is a proposal to place an aquarium, a fish hotel called an aquarium, at Hains Point on the Potomac River. All these facts should be considered further by the Committee on Public Works. Therefore, I have made a motion to recommit the bill to the Committee on Public Works.

Mr. RANDOLPH. I would not want West Virginia to be denied proper consideration for such an installation. We have, of course, no salt water fishing, but we do have an abundance of trout and bass streams.

When I was fishing as a boy in Middle Island Creek, very late one afternoon, almost twilight, the day had shown little success. A farmer came by fishing, and he was catching where I was just trying. And he told me that if I would follow what he was doing, I would catch some yellow catfish—and that is a very edible fish in our section—if I would bait liver, a little touch of liver and sprinkle a little citronella on it, I would do well. Result—I caught at least a dozen yellow catfish there inside of an hour.

Mr. President, I wish to inquire if other Senators will wish to speak on the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to recommit the bill to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, the bill should not be recommitted to the Committee on Public Works. It is very easy to be facetious on the floor of the Senate. I hope I will not be misunderstood when I indicate that the force of the arguments of Senators who have spoken today of "gold-plated fishbowls" will look good in the press. It will attract headlines. But very frankly, this is a basic matter.

Mr. President, this bill has not come from the Senate Committee on Public Works merely because that committee desired to report another measure to the Senate. It was passed by the House of Representatives. The House version of the bill authorized expenditures of not to exceed $20 million. It is not correct to charge the Senate Committee on Public Works with failure to give proper consideration to this legislation. Even though the bill had been passed by the House, the Senate Committee on Public Works held an adequate hearing on the bill. In our judgment, the amount of the authorization provided by the House version was excessive, so our committee voted to reduce it by $10 million. Our committee voted to add four safeguarding amendments—amendments which should appeal to the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], and the Senator from Wisconsin [Mr. PROXMIRE]. Those amendments will tend to have the costs of the National Fisheries Center and Aquarium amortized over a period of years. The word "amortization" is not specifically set forth in the Senate committee amendment, but the phraseology of the amendment is as follows:

> *Provided*, That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to the National Fisheries Center and Aquarium and he may establish charges for other uses at such rates as in the Secretary's judgment will produce revenues to cover an appropriate share of the annual operation and maintenance costs thereof.

That amendment was predicated on discussions at the hearings with several Senators, including the Senator from Ohio [Mr. LAUSCHE]. So the amendments which were added by the Senate committee were directed at the objections which were lodged against the bill.

Frankly, Mr. President, it is easy—but it is unfair—to indicate that the Senate Committee on Public Works, in reporting unanimously to the Senate a measure of this type, acted without giving consideration to the matters at issue. Of course, one can speak of Hains Point, but that site was not designated. I mentioned it merely as one of the sites which had been discussed.

However, the pollution of the Potomac River has had my attention, as well as the attention of other Members of the Senate, for a long time. Over a period of years I have worked diligently, both while serving as a Member of the House of Representatives and while serving as a Member of the Senate, to have the pollution of the Potomac River decreased. That river rises, not in Oregon, but in West Virginia. When its waters leave West Virginia, they are relatively clean. What happens to them when they are in the vicinity of Washington, D.C., is the responsibility of many persons, including all the Members of Congress.

The PRESIDING OFFICER. The time the Senator of West Virginia has yielded to himself has expired.

Mr. RANDOLPH. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 5 more minutes.

Mr. RANDOLPH. Mr. President, I have always been taught to consider a proposal on its own merits, and not to attempt to confuse it with other issues or matters which may or may not have been adequately dealt with during the 87th Congress in either the House or the Senate.

I repeat that Senators should realize that the bill was studied by the House Committee on Public Works. However, to judge from some of the remarks which have been made here, one would think the bill had been brought out under the cloak of darkness. But the facts show that the bill also was debated in the House Committee on the District of Columbia, and subsequently was passed by the House of Representatives. No attempt has been made by the Senate Committee on Public Works to bring the bill to the floor of the Senate without an adequate hearing. Some 25 persons testified at the hearing held by the Subcommittee on Public Buildings and Grounds of the Senate Committee on Public Works. With the exception of three, all the witnesses who testified were in favor of this proposal. Adequate notice of the hearing was given. The Senator from Ohio [Mr. LAUSCHE] attended the hearing, and appeared in opposition to the bill. Of course, I accord to him the right to have his own conviction in regard to this matter. He believed that the proposed expenditures for the Fisheries Center constitute a very important matter. He also believed this might be an inopportune time, but he rather indicated that the objectives sought were worthy ones.

The Senator from Oregon [Mr. MORSE] did not ask to testify at the hearing. He has made his position known here on the floor of the Senate, today; but I point out that he did not join the Senator from Ohio [Mr. LAUSCHE] in testifying at the hearing.

Mr. MORSE. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. I did not have the slightest idea that this bad bill was before the Public Works Committee—just as the Senator from West Virginia does not have the slightest idea, as I am sure he will admit, about scores of bills which are before Senate committees, and on which testimony will be taken, and he cannot be charged with responsibility for something which was not called to his attention.

But when this bill was called to my attention on the floor of the Senate, I opposed it.

Mr. RANDOLPH. I do not attribute any lack of attention of duty to the Senator from Oregon because he did not testify at the hearing. However, I have stated the fact that he did not testify there. No doubt he was not aware of the fact that the House committee had held hearings on the bill and that the bill had been passed by the House of Representatives; perhaps it was for that reason that he did not attend the hearing which was held by the Senate committee.

Mr. President, this bill is not confined to the display of fish. The bill contains provisions which can result in scientific research of great importance to the country. At one time, and over a long period, the fishing industry was one of the most important industries of this Nation. But today, more than half the fish consumed by the American people are obtained from other countries. So certainly there is a need for research. That need has not been met in the State of Oregon or in the State of Ohio or in the State of Wisconsin. This work can be done in the Nation's Capital. And it is estimated that approximately 3 million persons will, as a result of the construction of the proposed center and aquarium, thus be able to have a sense of the national heritage in the natural resources of the country, including the fish of the sea.

The PRESIDING OFFICER. The additional time the Senator from West Virginia has yielded to himself has expired.

Mr. RANDOLPH. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 more minutes.

Mr. RANDOLPH. Mr. President, I am in good humor about this matter. I wish that understood.

I have done some fresh water fishing, although not a great deal. However, I do know the streams in West Virginia.

I told a story earlier today to indicate that it is necessary sometimes, to readjust our thinking. It is necessary, sometimes, to compromise. Merely to take a position today that this is a black or white matter is not enough. Merely to polarize one's position as being for or against this bill is not enough. There is an attempt to have the Senate, in a degree, accommodate itself to the House, where the measure has been passed, with a $20 million anticipated cost.

I compliment the Senator from Iowa, a member of the Public Works Committee. I have found, by and large, that when he offers an amendment it is worthy of the consideration of the Senator from West Virginia. I have never taken lightly any proposals which he has offered in committee. He did not offer the amortization amendment within the committee, but he has offered the amortization amendment in the Senate. It provides that there would be an amortization of the cost of the proposed project over a period not to exceed 30 years. I accepted the amendment. I believe it can be done over a period of 30 years. As I have calculated mathematically rather quickly, it would result in the levying of an admission charge of 25 cents a person. Schoolchildren in groups might possibly be admitted at a lesser charge.

I believe the amendment has merit. I do not believe it was an amendment offered to defeat the bill. It was an amendment, which, in the judgment of the Senator from Iowa, would improve the measure, and which would cause Members of the Senate to realize that we were attempting to work the will of this body in an affirmative manner.

I hope the Members of the Senate will reject the motion of my esteemed colleague from Oregon that the bill be recommitted. Why? I ask Senators to vote the bill up or down.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The time of the Senator has expired.

Mr. RANDOLPH. I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. RANDOLPH. This bill has been reported unanimously by the Public Works Committee. It is now on the floor for consideration. I ask Senators not to recommit the bill to the committee. Vote it up or down.

The charge which has been made that full consideration was not given to it by the Public Works Committee is not true. It is said that the bill should go back to the committee for further consideration. It is not necessary. The bill has been adequately considered.

I have a sense of my responsibilities in this body. Other Senators have a sense of responsibility. Frankly, sometimes I become profoundly weary of attempts to gloss over exact reasons why a bill is brought before the Senate and why Senators should or should not exercise their will over it. We ask Senators to vote either for or against the bill.

I have faith that the Senate will not recommit the bill, but will allow it to proceed through the stages of debate, if there is to be further debate, and then permit Senators to vote for the bill either favorably or unfavorably.

I ask for a rollcall.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

If ever a bill before the Senate should be recommended, it is this one. The Senator from West Virginia has said he will accept the Miller amendment. What does the Miller amendment provide? It provides that the cost of constructing the building and the maintenance cost will be repaid through admission charges to the aquarium. The fact is that there is not a public aquarium in the United States that comes close to covering its maintenance cost and any advance charge for amortization. Indeed, most were built largely with private donations.

The Senator from Iowa estimated that the maintenance cost and the amortization cost will be something like $500,000. My staff has talked with Mr. Hagen, of the Bureau of Sport Fisheries and Wildlife. He told our staff that the maintenance cost alone would be $800,000.

The Senator from West Virginia has just said that by charging an admission of 25 cents for adults and a lesser amount for children, the cost will be repaid. Even if 3 million a year did visit the aquarium, and we will not come within a mile of that, and were charged 25 cents, it would amount to only $750,000. The probability is, that nothing like 3 million people would visit the aquarium. There is not a public aquarium that draws 1 million a year. The one in New York, where there are 14 million people in the area, which is 10 times the size of Washington, draws how many? Two hundred thousand people.

I think the amendment of the Senator from Iowa is excellent, but certainly the Public Works Committee owes it to the Senate to tell us how the funds are going to be raised, so that the Secretary of the Interior will not be put in the position of being saddled with an impossible burden.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield myself 1 minute.

The Secretary will have to assume such a burden as a condition for building the aquarium when, on the basis of experience of public aquariums all over the country, that construction cost and maintenance cannot possibly be covered.

The Senator from Oregon and the Senator from Ohio both wish to speak, and I yield first to the Senator from Oregon.

Mr. MORSE. Let me say to my good friend from West Virginia—and I know he knows I do not use the term "good friend" only as a verbal gesture, because he is a dear friend of mine—that 16,742 bills have been introduced and of that number 3,738 bills have been in the Senate so far in this session of Congress. As individual Senators, we could not begin to be informed as to which bills are before committees, or when. When I learned about this bill and studied it, I decided to oppose it.

Hearings were held before the Senate Public Works Committee. I hold the hearings in my hand. The Senator from West Virginia talks about 30 witnesses. It will be found that a good part of the hearings was taken up by letters and reports from departments. I would not call the hearing pamphlet that I hold in my hand, of some 56 pages, a very lengthy or substantial or detailed hearing on this bill, and the record shows the hearings required only 1 day. That was on June 15, 1962.

On the House side, the hearings were not before the Committee on Public Works, but, I am advised, before the District of Columbia Committee; and they lasted only a part of a day.

There is before the Senate a very important amendment on amortization. It is a detailed, complicated amendment.

The Senator from Wisconsin pointed out that a great many problems are created when one is talking about getting 3 million people through an aquarium anywhere in the United States in 1 year, to pay for the amortization of the cost of the building.

We have already pointed out that we think the question of situs of the aquarium should be gone into thoroughly. The hearings are completely inadequate on the question of situs. I think there should be a body of evidence, information, and testimony as to the best place to locate such an aquarium. The hearings are most inadequate on that question.

I think we ought to take a look at the question of whether this would be the best expenditure of Federal funds.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I yield myself another minute.

Yesterday the Senate passed a joint resolution with respect to Cuba. I think it is rather interesting to note that today we are talking about building an aquarium. At a time when we realize how critical is the whole matter of foreign policy and the expenditures of this country in the very near future, I do not think we ought to be spending this $10 million now. We had better send the bill back to the Public Works Committee, and look into the questions: First, as to how best to pay for the building; second, as to where we should put it; third, as to whether or not it is necessary at all in the District of Columbia, or could be built as an expansion of existing Federal research centers in the field of fisheries.

I close with the statement that I would have Senators take note of what the Bureau of the Budget recommends, as shown on page 14 of the committee report:

> The Bureau of the Budget has advised that there would be no objection to the submission of this report from the standpoint of the administration's program. The Bureau further advises that it believes that at the present time there may be higher priority needs for the funds essential to this project.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. MORSE. I yield myself an additional half minute.

I agree with the Budget Bureau statement. Certainly there are many other priority needs which ought to be given consideration before we spend this $10 million. If we are going to spend it at all, let us spend it to clean up the pollution of the Potomac River, rather than to build an aquarium at Hains Point or anywhere else on the Potomac River.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Ohio [Mr. Lausche].

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. LAUSCHE. Mr. President, I do not believe that proper consideration can be given to the measure before us unless we also take a look at some other projects which have been developed in Washington, D.C. I wish to discuss in this connection what has been labeled in the Washington newspapers as the "white elephant" of the District of Columbia.

Nineteen and one-half million dollars was spent to build a stadium. It is "gold plated," "copper riveted," embellished so as to be the monument of the United States so far as stadiums are concerned.

The citizens of this District wanted a stadium. The Congress cooperated with them in procuring it. They built a $19½ million stadium, on a sale of bonds which brought $19½ million. The bond buyers would not have bought the bonds unless the U.S. Government had guaranteed the payment of the bonds. All Washington rejoiced because of this monumental building.

The interest to be paid on the $19½ million of bonds amounted to $429,000 each 6 months.

I believe the building has been open for about a year. Mr. Tobriner, the chairman of the board managing the stadium, has publicly stated that the U.S. Government should take over the management and ownership of the stadium. What else could have been expected when the project was executed? There was not a chance in the world that it would be selfsustaining.

I have some knowledge of that problem, because there is such a stadium in Cleveland, Ohio. Ours cost us about $4½ million. This one cost $19½ million and more, for the capital investment is $24 million.

This has been labeled a "white elephant." An article which I have read specifically states that when the decision was made to build it and for $24 million to be invested in it, it was an established fact that the project could not succeed.

I respectfully submit to the proponents of the bill that when we approved the building of a stadium and agreed to guarantee the payment of the bonds, the Congress did not adequately study that subject. Congress did not study it, because if it had it would have come to the conclusion now contained in the statement that at the very birth of the project it was bound to die so far as the ability to sustain itself fiscally on the income it would derive was concerned.

Where are we today? Mr. Tobriner has come to the Treasury of the United States to borrow $429,000 to pay the installment of the interest due today.

Members of the Senate cannot continue on the course we have been pursuing. How can we go to our home States and tell the people the Federal Government guaranteed payment of the bonds, $19½ million worth, and that we are now loaning money to pay the interest due on the principal? How can we go home to tell the people we now plan to build an aquarium on the Potomac River so that the good men, women, and children who come to this city will have the opportunity to look at live fish?

I cannot see how we can do that, when there are so many other places in which our money could be more intelligently and more humanely invested.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. RANDOLPH. I yield 1 minute, Mr. President.

If the Congress committed an error in the construction of the stadium in the National Capital, it was not because Congress had not given consideration to the stadium proposal. The stadium proposal was before the Congress of the United States for a period of more than 20 years.

Mr. LAUSCHE. That is correct.

Mr. RANDOLPH. The Commission studied the need for a stadium. Committees held exhaustive hearings. I would not wish to have the Record indicate that the question of the construction of the stadium was inadequately considered by Members of the Senate and of the House of Representatives.

If an error was made that is one thing, but if made, the error was made after full consideration of the situation.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to the motion of the Senator from Oregon.

Mr. RANDOLPH. I yield 1 more minute, Mr. President.

Mr. LAUSCHE. I think what the Senator has said merely aggravates the position occupied by the promoters of the stadium. Either there was made or there was not made an adequate study. If an adequate study was not made, I believe that would be forgivable in a higher degree than if, instead, after having made an adequate study—in the face of the study which indicated absolute failure—we approved the guaranteeing of the bonds. That is how it looks to me. The Senator from Wisconsin [Mr. Proxmire] has pointed out that if we——

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. RANDOLPH. Mr. President, I yield 2 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I appreciate the fact that the Senator from West Virginia is willing to accept the amendment sponsored by the Senator from Iowa [Mr. Miller]. The Senator knows that in the committee I suggested that a fee be charged which would be adequate to cover the capital investment in the course of 20 years and the operation charge.

Mr. RANDOLPH. The Senator is correct.

Mr. LAUSCHE. But I must concur with what the Senator from Wisconsin has said. We may order the charging of the fee, but facts will demonstrate that we would have to charge a fee so high that it would destroy the very purpose of the aquarium.

I should like to speak further in respect to the Madison memorial. It is proposed to spend $39 million, $20 million of which would go for a structure that would have utility, and $15 to $19 million for a monument.

There are costly monuments everywhere in Washington. We are building more and more of them. It is argued that there are not enough attractions to bring visitors to Washington. Mr. President, this year 8 million visitors will have come to the Capital. Wherever they look they will see a monument. There will be more monuments than buildings of utility if we continue the way we are going.

The time is at hand to remember that we are cheapening the dollar. We have lifted the debt ceiling to $308 billion. We are compelling foreign creditors not to take our currency but to demand gold. We have deficits in the sum of $6 or $7 billion. That trend cannot go on unendingly. The whole structure will topple unless we are careful.

Mr. RANDOLPH. Mr. President, I yield 3 minutes to a member of the Committee on Public Works, the distinguished Senator from Michigan [Mr. McNamara].

Mr. McNAMARA. Mr. President, I speak in opposition to the motion to recommit the bill. I support the position of the chairman of the subcommittee, the distinguished Senator from West Virginia [Mr. Randolph]. It would be useless to send the bill back to the committee.

No useful purpose would be served. We have a report. Hearings were held. I believe the hearings are complete enough so that each Senator can work his will on the proposal. The subject is before us in the proper manner. I support the position of the Senator from West Virginia that the bill should not go back to the committee, but it should be voted up or down, as the Senate wishes.

Mr. RANDOLPH. Mr. President, I shall take only 60 seconds. I do so for the purpose of clarification. The bill was sponsored in the House by the energetic Representative from Ohio [Mr. Kirwan], with whom I was privileged to serve in that body for many years. But the vote will not be one to recommit the so-called Kirwan bill to the Public Works Committee. The Kirwan bill, H.R. 8181, which passed the House, was a measure that would authorize the acquisition of an aquarium center at a cost of $20 million. The bill before the Senate is the measure introduced by the distinguished Senator from California [Mr. Engle], as amended in the Public Works Committee. I am sure that Senators will not in effect take a negative action on the measure. If later they wish to vote against the bill on its merits, let them do so.

Mr. President, let us vote.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. Morse] to recommit the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCARTHY (after having voted in the affirmative). On this vote I have a pair with the Senator from Rhode Island [Mr. Pastore]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Connecticut [Mr. Dodd], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Magnuson], the Senator from Rhode Island [Mr. Pastore], the Senator from Virginia [Mr. Robertson], the Senator from Florida [Mr. Smathers], and the Senator from Ohio [Mr. Young] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dodd], the Senator from Alaska [Mr. Gruening], and the Senator from Ohio [Mr. Young] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senators from Maryland [Mr. Beall and Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Hickenlooper], the Senator from New York [Mr. Javits], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from New Hampshire [Mr. Murphy], the Senator from Vermont [Mr. Prouty], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent.

If present and voting the Senators from Nebraska [Mr. Hruska and Mr. Curtis], the Senator from New York [Mr. Javits], and the Senator from Pennsylvania [Mr. Scott] would each vote "yea."

On this vote, the Senator from Arizona [Mr. Goldwater] is paired with the Senator from South Dakota [Mr. Bottum]. If present and voting, the Senator from Arizona would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 28, nays 43, as follows:

[No. 274 Leg.]

YEAS—28

Bennett
Bush
Byrd, Va.
Case
Clark
Cotton
Dirksen
Douglas
Ellender
Ervin
Hart
Holland
Johnston
Jordan, Idaho
Keating
Kefauver
Lausche
McClellan
Miller
Morse
Proxmire
Saltonstall
Smith, Maine
Talmadge
Thurmond
Tower
Wiley
Williams, Del.

NAYS—43

Allott
Anderson
Bartlett
Bible
Boggs
Burdick
Byrd, W. Va.
Carlson
Carroll
Chavez
Church
Cooper
Engle
Fong
Hartke
Hayden
Hill
Humphrey
Jackson
Jordan, N.C.
Kerr
Long, Hawaii
Long, La.
Mansfield
McGee
McNamara
Metcalf
Monroney
Moss
Mundt
Muskie
Neuberger
Pearson
Pell
Randolph
Russell
Smith, Mass.
Sparkman
Stennis
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—29

Aiken
Beall
Bottum
Butler
Cannon
Capehart
Curtis
Dodd
Eastland
Fulbright
Goldwater
Gore
Gruening
Hickenlooper
Hickey
Hruska
Javits
Kuchel
Long, Mo.
Magnuson
McCarthy
Morton
Murphy
Pastore
Prouty
Robertson
Scott
Smathers
Young, Ohio

So Mr. Morse's motion to recommit was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the motion to commit was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1023) to amend the act of August 20, 1954 (68 Stat. 752), in order to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Oregon.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 5144. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes; and

H.R. 5165. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11266) to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6682) to provide for the exemption of fowling nets from duty.

The message also announced that the House had concurred in the amendment of the Senate numbered 1 to the bill (H.R. 11018) to amend the act concerning gifts to minors in the District of Columbia, with an amendment, in which it requested the concurrence of the Senate, and that the House had concurred in the amendment of the Senate numbered 2 to the bill.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12180) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize a construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. Miller].

The amendment was agreed to.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be read.

The **PRESIDING OFFICER.** The amendment will be stated.

The Legislative Clerk. On page 4, line 10, strike the period and insert in lieu thereof the following: "with which the United States maintains diplomatic relations and which extends similar use of its educational and scientific facilities and equipment to citizens of the United States."

Mr. RANDOLPH. Madam President, what is the situation with respect to the time?

The **PRESIDING OFFICER** (Mrs. Neuberger in the chair). The Senator from West Virginia has 18 minutes remaining.

Mr. RANDOLPH. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Madam President, on page 4 of the bill it is provided that the Secretary of the Interior shall "encourage the use of the educational and scientific facilities and equipment at the National Fisheries Center and Aquarium by individuals of any nation."

It seems to me that the phrase "any nation" is a little too broad. My amendment seeks to restrict it by providing that it shall be any nation "with which the United States maintains diplomatic relations and which extends similar use of its educational and scientific facilities to citizens of the United States."

I believe the amendment conforms to the policy previously adopted in our cultural exchange programs. I have discussed the amendment with the Senator from West Virginia. I understand it is acceptable to him, and I hope that the amendment will be adopted.

Mr. RANDOLPH. Madam President, the Senator from Iowa has spoken in the interest of improving the bill. The amendment is in the public interest. I accept it.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Iowa [Mr. Miller].

The amendment was agreed to.

Mr. PROXMIRE. Madam President, may I ask the Senator from West Virginia if he has accepted the amendment of the Senator from Iowa? Has that been accomplished? Has the Senator accepted the amendment? The amendment I am referring to is the amendment which provides that the Secretary shall charge fees which, in his judgment, will be sufficient to cover the cost of operation and amortization of building cost.

The **PRESIDING OFFICER.** The Senate has agreed to the amendment of the Senator from Iowa.

Mr. PROXMIRE. I thank the Senator from West Virginia. I shall speak on that change in the bill a little later.

I now yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Madam President, I desire to speak against the passage of the bill. I think there is no Senator who does not advocate a program of economy and who does not have a desire to serve the cause of economy. We have an opportunity to serve in that cause, by defeating the bill.

The bill proposes to spend between $10 million and $20 million—perhaps more; the bill is an open-ended authorization—for the building of the proposed aquarium.

The very location of the proposed aquarium is one that will further crowd and further congest an already congested District of Columbia. I have been on Hains Point from time to time when there were sailboat races and events of that kind when the limited walk area endangered the number of people who tried to reach that area. I do not know how many times other Senators have read, but I have read several instances of people drowning by reason of being pushed off the bulkheads. There is hardly an occasion, when crowds attend, when someone is not pushed off into the water. Yet it is proposed to place a huge new building at that already congested spot, which is one of the preferred recreational areas of the District of Columbia; where the public tourist camp is located, as well as other activities with which Senators are familiar.

The proposal is to build an aquarium, which would be desirable, but not necessary; it is proposed to build it at a most difficult place so far as concerns obtaining good fresh water for the fresh water fish and good salt water, for the salt water fish, in order to maintain a national aquarium at a congested place, at the end of Hains Point, and at Federal expense, merely to add one additional attraction to an already overcrowded Washington, D.C.

This is one institution which, in the present condition of our Nation and its fiscal affairs, with our bond limitation going up, with our appropriations exceeding income, we can do without for a while. So far as the senior Senator from Florida is concerned, he is against it.

I remember that only a little while ago Congress approved the construction of a great stadium in the District of Columbia. We were told it would be self-supporting. We who have been reading the newspapers lately realize that, instead, it has become a "white elephant" on the hands of the District of Columbia or the trustees who are charged with operating the stadium. The proposed aquarium would be a "white elephant" on the hands of the Nation.

I sincerely hope that the Senate, in its judgment, will reject the proposed legislation.

Mr. RANDOLPH. Madam President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. RANDOLPH. The Senator from Florida has made two principal points in opposition to the bill. He has indicated that it authorizes an open-end appropriation and that this is anticipated. I fail to read that into the bill. I call the attention of the Senate to section 8, the amendment which was placed in the bill by the Senate Committee on Public Works:

> Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10 million.

Mr. HOLLAND. I am glad that the Senator from West Virginia has at least placed that amendment in the bill, if it is there. It is not in the copy of the printed bill which is before the Senator from Florida, on his desk. To the contrary, neither the House bill, which is printed in the report, nor the Senate bill, apparently as it was originally introduced, had any such limitation. The evidence shows the reference to the item as $20 million or approximating $20 million, and shows also a recent reduction to $10 million.

I congratulate the Senator from West Virginia on having inserted in the bill the figure of $10 million. This is for the construction cost; it has nothing to do with the operation of the facility, nothing to do with congestion, nothing to do with crowding, nothing to do with the fact that a large annual additional Federal appropriation is required. But I congratulate the Senator on having come a small way toward the economy which I think the Senate ought to practice in this situation.

Mr. RANDOLPH. I came 100 percent of the distance, not a small way.

Mr. HOLLAND. The Senator came 50 percent of the way, if I read the figures correctly, from $20 million to $10 million. The Senator's ideas of percentage are of the kind which the Senate has too frequently used in matters of economy. But I suggest to him that it is only 50 percent economy.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. RANDOLPH. Madam President, I yield myself 2 minutes.

I was about to go further. We have clarified the situation with respect to going 100 percent of the way toward economy. But for the moment, I should like to relate my remembrance of two football players who were talking to a third football player on a professional team bench. All of them had been to college.

One of them said to another, "You know, I was doing well in the University of Oregon until they gave me calculus. I couldn't make heads or tails of it, and out I went."

The second boy said, "I was doing well also, at the University of Wisconsin, until they gave me trigonometry. I was a complete dud, and out I went."

Then the boy who had attended West Virginia University, where we get down to fundamentals, looked at the other two and said, "Say, fellows, did you ever hear of a subject called long division?"

So what may be meat for one person may be poison for another.

I remember reading about counterfeiters in New York who produced spurious $10 bills. A digit in the machine slipped, and up came the figure "8" instead of the "0." The counterfeiters looked at the bills. They were exquisitely printed. But they knew there was no bill of an $18 denomination, and they were about to destroy them.

But one of the counterfeiters said, "Let's take them down to Florida; they will accept any kind of money down there."

So that was decided, and they took the bills to Florida. They presented one to a merchant, who looked at it and said, "Sure, I'll change it. How do you want it? In two nines or three sixes?"

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. RANDOLPH. I yield myself an additional minute.

I should like to move to the discussion of Hains Point. Nothing in the bill designates Hains Point as a site for the Fisheries Center. The Senator from Florida has indicated that is to be the site of the fishery center.

Mr. HOLLAND. So it has been stated in the press.

Mr. RANDOLPH. I cannot be responsible for the press; I can be held responsible for accurately reflecting the action of the committee which has reported the bill to the Senate.

So on both counts, the count of an open-end authorization for appropriation, and the count with respect to the site at Hains Point, I submit to the Senate that the Senator from Florida is in error.

Mr. HOLLAND. Madam President, I am willing to admit some things, but I should like to claim some things. I have studied calculus and passed. I have studied trigonometry and passed it. I have studied long division and passed it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. I yield 1 additional minute to the Senator from Florida.

Mr. HOLLAND. Without having studied any of those subjects, I think I would have known that even a $10 million appropriation at this time, when our budget is not balanced, together with any operating expense such as is proposed to be added to it, is out of reason.

I am told by my distinguished seat mate that the Senator from West Virginia himself has mentioned Hains Point as a proposed site for the location of the aquarium. Certainly the press has mentioned Hains Point.

The main point I am making is that we are tying and committing ourselves to this kind of proposal. I understand how a distinguished Senator from up in the high mountains of West Virginia would want to have a place nearby, where he could see fish from the saltwater, and that is quite all right. But when it comes to putting up a national aquarium at huge cost, at a time like this, when there are so many other aquariums located all over the country, where good, pure water is available, so far as the Senator from Florida is concerned, he does not believe that the cost of construction of an aquarium in Washington, D.C., is a necessary expense. He opposes it and offers to his colleagues an opportunity to vote for economy, which he believes is wise, and against extravagance, which he thinks is unjustified under the present conditions.

Mr. RANDOLPH. Madam President, I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Madam President, I feel that I should say something about the bill, because I am a member of the Committee on Public Works, and I am on the opposite side.

I enjoyed the story about football; and knowing that the Senator from Florida is a former football player, I am encouraged to tell of my own experience. I do so without any prejudice to football players. Years ago I, too, played college football, and I have a great interest in it. I remember the story of the boy who was in college on one of the football scholarships; and when graduation day came, the coach saw him crying on the steps of one of the large buildings. He asked him why he was crying. He said to him, "You have been captain of the team, and all-American. Why are you unhappy on commencement day?"

The reply was, "Oh, coach, if I had only learned to write my name."

At any rate, Madam President, it seems that some regard this National Fisheries Center and Aquarium bill as a frivolous one. I must admit that when I first noticed the bill, I wondered why the expenditure of $10 million was proposed for such a purpose. However, on studying the bill and on considering the matter further, we find that the purpose is, first, to promote the fishery industry in the United States, one of our great industries; second, to promote the use of fish as food, not only in this country, but also in underdeveloped countries, in order to help feed the people of the world; third, to encourage the conservation of our streams. All of these are very important and worthy purposes.

If, in addition, the bill has some educational purposes—in helping the millions of people who come to Washington, D.C., to understand more about fish and the fishing industry—that, too, will be worth while.

I think the opposition to the bill on grounds of economy may be termed popgun opposition. From time to time, a number of Senators have submitted amendments which called for reductions in the amount of spending. I have offered such amendments on more than one occasion, both in previous years and this year, in connection with a number of important bills. But, almost invariably, such economy amendments are rejected.

The PRESIDING OFFICER. The time yielded to the Senator from Kentucky has expired.

Mr. RANDOLPH. Madam President, I yield 2 more minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 more minutes.

Mr. COOPER. I thank the Senator from West Virginia.

Madam President, I say that such opposition on grounds of economy is, one might say, popgun opposition.

Furthermore, when arguments are made in opposition to such developments in the District of Columbia, one is forced to admit that such arguments are based on a double standard—one of favoring developments in the States, but opposing developments in the District of Columbia. Certainly, that is not fair or proper.

Some of the opposition to the bill is based on the ground that the bill is, at least in part, for educational purposes. But, Madam President, what is wrong with having educational institutions of various kinds developed in the Nation's Capital? Already there are in the Nation's Capital the Congressional Library, a great educational facility, and the Smithsonian Institution, with all of its branches. Recently Congress appropriated funds for a new Museum of Natural History.

There is also to be a great cultural center in the city of Washington. Congress has refused to appropriate funds for it; so the funds had to be obtained from private sources. In short, Congress has refused to provide funds for the cultural center, evidently because Congress does not believe in culture.

However, Madam President, in this city there are many developments for educational purposes, as well as scientific purposes.

So I considered the bill, and found that it has most serious and worthwhile purposes.

I also point out that even if the only purpose of the bill were educational, there is nothing wrong with that.

Next, I point out that the economy argument is only a popgun argument, because almost every day Congress appropriates hundreds of millions of dollars; and attempts to reduce the proposed expenditures generally fail.

In addition, I oppose the double-standard argument against the bill—the argument based on the belief that appropriations should be made for developments in other cities, but not for developments in the Nation's Capital.

Madam President, for all these reasons, I support the bill.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930—CONFERENCE REPORT

Mr. HOLLAND. Madam President, will the Senator from Wisconsin yield 2 minutes to me, in order that I may submit a conference report?

Mr. PROXMIRE. I yield 2 minutes for that purpose.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. HOLLAND. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, pp. 20246–20247, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Madam President, the conference report is on Senate bill 1037, to amend the Perishable Agricultural Commodities Act of 1930. The conference report is signed by all the Senate conferees and all the House conferees.

All of the administrative corrective provisions which were in the original bill, as requested by the fruit and vegetable interests of the Nation and by the U.S. Department of Agriculture, were included in both versions of the bill, and thus were not in conference.

The only matters in conference were presented by House amendments by which it was proposed to limit the coverage in the field of retail dealers and in the field of frozen food brokers. The conference amendments on that subject were a compromise as between the House position and the Senate position; and I know of no opposition at all to the conference report, which recently has been adopted by the House of Representatives.

Madam President, I ask for approval of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CHICAGO INTERNATIONAL TRADE FAIR

Mr. DIRKSEN. Madam President, will the Senator from Wisconsin yield briefly to me?

Mr. PROXMIRE. I yield 1 minute to the Senator from Illinois.

Mr. DIRKSEN. Madam President, in the last 4 years, the Chicago International Trade Fair has become the leading annual international business, cultural, and entertainment event in the Western Hemisphere. No other American trade fair attracts as many foreign exhibitors to our shores and as many buyers and sellers and general public from as wide an area. We in the Midwest are very proud of the stature of the Chicago Fair and the great amount of business it generates. The World Marketing and Economic Development Conference held in conjunction with the exposition is one of the Nation's outstanding forums for the discussion of current problems in foreign trade. The fair was developed by the Chicago Association of Commerce and Industry as a promotion effort for the St. Lawrence Seaway. Increased use of the seaway has meant more jobs for midwesterners and has peaked an interest in exporting among businessmen in the Nation's heartland. Examples of the interest generated by the fair are illustrated in editorials from the Chicago Sunday Tribune, July 22 and July 29, 1962, and the Chicago Sun-Times, July 22, 1962. I ask unanimous consent that the articles be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Chicago Sunday Tribune, July 22, 1962]

Come to the Fair

For the fourth year in succession, the city's lakefront becomes a showcase for the world with the opening July 25 of the annual Chicago international fair in McCormick Place.

By the time its doors close on August 12, its sponsor, the Chicago Association of Commerce and Industry, expects that 750,000 visitors will have entered the air-conditioned fairgrounds, including 30,000 professional buyers. All this despite the competition of Seattle's World Fair and New York's trade exposition.

Exhibitors are coming from 25 nations on five continents and from every State in the Union to display their wares in Chicago, key to the richest international market in the world. A doubting Thomas doubts that statement at his peril, for Illinois, which shipped $1,727,900,000 worth of goods abroad in 1960 alone, tops its 49 sisters as the Nation's leading export State.

This year, the fair is the focal point of the city's international open-house program. It is being held simultaneously with the World Marketing and Economic Development Conference and the Unity of Americas Conference. With a record tide of oversea visitors expected, this becomes an opportunity for Chicagoans to display their traditional hospitality to the city's guests, and to sample the commercial wonders of the world on their own lakefront.

[From the Chicago Sunday Tribune, July 29, 1962]

Around the World

In McCormick Place we overheard a mother telling her husband: "We'll meet you in Greece in half an hour. You take Wilma to Japan. If she gets tired, let her sit down in that Finnish sauna. I'm taking Peter to Brazil." And she did.

Three hours, at a leisurely stop-look-and-listen pace, carries any visitor at Chicago's fourth annual International Fair into large areas of the far, middle, and near east, Latin America, Africa, Europe, and North America. For the armchair traveler unable to jet around the world at a moment's notice, 25 foreign nations and a host of American exhibitors have set out their best wares on his own lakefront doorstep. Here, in capsule form, is the world, or a good portion of it.

Milling machines and locomotives, backscratchers and tiny Japanese transistor radios, Spanish guitars and magnificent Mexican silver ornaments, sugar hammers from Chad and Egyptian tennis rackets, potent liquors and delectable European wines, Austrian costume jewelry and Greek pottery, Italian and Israeli textiles, and Polish beer and hams.

Even to an experienced world traveler, Chicago's lakefront fair is a surprising world, peopled with flashing water skiers, circus clowns, sword dancers, daring acrobats, celestial singers, horses, dogs, a baby elephant, and the most gorgeous red and gold dragon that ever undulated across a stage outside of China.

However, we found ourselves returning, along with thousands of other visitors, to the world market at the north end of the fairgrounds. The great national pavilions stand as a tribute to their architects and designers, but the world market, set apart in half a city block, is a shopper's treasure house, filled with a million dollars worth of imported merchandise, all for sale.

Buyers clustered about Danish handbags, Austrian hats, Bavarian china, Egyptian cotton and Israeli lace, Kenya wood carvings and Spanish furniture, Philippine shirts and sheep-lined Polish parkas, Japanese gardens, Italian coffeemakers and Colombian coffee. And in the international food supermarket, what shopper could resist French gourmet vegetables, distilled lime oil, celery flavored biscuits, whole ginger, kangaroo steaks, fried grasshoppers or smoked sparrows? Well, maybe not sparrows. We never have been able to develop a taste for sparrows.

[From the Chicago Sun-Times, July 22, 1962]

Chicago's Global Supermarket

The Chicago International Trade Fair has become renowned in the 3 years of its existence as a world marketplace. Last year it took on greater dimensions and new grandeur when it was held in McCormick Place.

On Wednesday, McCormick Place doors will open on the city's fourth annual international fair and, as has been the case each year in the past, this one promises to outdo the others that have been held before. There will be entertainment and fireworks, and exotic as well as practical exhibits to see. Twenty-five nations have registered to show their wares this year.

National exhibits of goods and artifacts will come from five continents—even more than can be seen at the Seattle World's Fair. Until August 12, Chicagoans and their guests will have an unrivaled opportunity to become acquainted under one roof with the newest products from storied, faraway places which ordinarily they might never have a chance to see.

But there is a deeper and more significant meaning to the fair. It demonstrates that people of many nationalities can compete peaceably in a central marketplace for customers, as they will be doing in McCormick Place for the next 2½ weeks, and profit as their specialties gain acceptance. There will be no Iron or Bamboo Curtains to disturb human relationships on the lakefront between now and next month.

For Chicagoans, the fair is a reminder that they are now residents of a great seaport, thanks to the St. Lawrence Seaway, and that 500,000 persons in this area are dependent on U.S. export trade. To sell abroad, Americans must buy abroad, and this is exactly the type of two-way traffic the fair is designed to promote.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. PROXMIRE. Madam President, the Senator from Kentucky [Mr. Cooper], who is a very distinguished and very able Member of this body, has said he supports the bill because it provides for research and for improving our production of food by means of fisheries and conservation.

I have read the bill very carefully, and one cannot find in it or in the committee report—except in the vaguest generalities in the committee report—any indication that even 1 nickel would be spent for research.

It is proposed to set up an advisory board to counsel with the Secretary of Agriculture in regard to the operations of the proposed aquarium. The bill provides that the advisory board shall be composed of two Members of the Senate, two Members of the House, one person closely associated with sport fishing, one person closely associated with commercial fishing, and two members at large from the general public. But no provision is made that even one member of the advisory board shall have any kind of scientific background or research background or ichthyologist background, or anything of the sort.

Furthermore, on page 11 of the report there is a list of the estimated employment in connection with the proposed aquarium, including the employees to operate the aquarium. We find listed an architect, an aquarist, an engineer, an executive, and a stenographer. But none of them is listed as doing any research work. Madam President, although the bill masquerades as a research bill, unquestionably the purpose is to provide another scenic object and recreational object and, to some extent, an object for the education of visitors to the city of Washington.

Mr. RANDOLPH. Madam President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. RANDOLPH. I understand that the office of the Senator from Wisconsin is operated by a competent staff. I do not see on the published lists that any member of his staff is listed as a research assistant or a scientific assistant; generally, a Senator's employees are listed as clerks. Yet no doubt one or more of them functions as a research assistant to the Senator. Is not that true?

Mr. PROXMIRE. But is the Senator from West Virginia implying that the architect or the engineer or the stenographer listed on page 11 of the committee report will do 1 minute of research or could do it or will be an expert in ichthyology?

Mr. RANDOLPH. I do not even know how to spell "ichthyology."

Mr. PROXMIRE. Very well; the study of fish biology, disease, or research. Does the Senator imply that?

Mr. RANDOLPH. The Senator from West Virginia merely made the statement that a person can discharge certain obligations and assignments even though he may be listed on a payroll in other categories.

Mr. PROXMIRE. I accept that statement completely, but I think we all know, as Members of the Senate, that we do not hire a man who is classified as an architect, an engineer, an aquarist, an executive, or a stenographer to engage in research on fish. It is true that at the bottom of the list there is an item "personal services" category, including some $38,000.

As I said earlier, it is possible that persons may be hired for some research in this case, but there is no indication in the report or in the bill that they would be hired for such service.

Mr. RANDOLPH. Madam President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. RANDOLPH. Mention has been made of the hiring of an architect. The architect is to be hired only for 2 years, during the time of construction. The entire group of people listed in the report are for the construction period only.

Mr. PROXMIRE. That is true of the architect only. Others will be hired for 5 or 6 years.

Mr. RANDOLPH. I wanted to make sure.

Mr. PROXMIRE. The bill before the Senate has been improved by adding the Miller amendment, but if any Member of the Senate feels that by adding the Miller amendment we have now provided that the cost of construction will be borne by the members of the general public who go to the aquarium, he is deceiving himself. The Miller amendment provides:

> That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to and uses of the National Fisheries Center and Aquarium as in the Secretary's judgment will produce revenue to (a) liquidate the costs of construction within a period of not to exceed thirty years and (b) pay for the annual operation and maintenance costs thereof.

There is no question that, on the basis of experience throughout the country for years and years, it will be impossible to provide charges which will be adequate to cover the $800,000 maintenance costs which Mr. Hagen, of the Bureau of Sport Fisheries and Wildlife, has told me will be the maintenance cost, plus the $400,000 or $500,000 amortization and interest cost which will be required. No public aquarium raises anything like that amount, and private aquariums gross the money only because they provide ornate, attractive shows, which are vigorously promoted at considerable cost, and undoubtedly net far less. This aquarium would have no such promotion.

While the bill has been improved, we deceive ourselves if we think the Miller amendment will result in a substantial diminution of cost to the taxpayers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield myself 1 more minute.

Mr. BIBLE. Madam President, will the Senator yield me 1 minute for the purpose of calling up a conference report?

Mr. PROXMIRE. I yield 1 minute to the Senator from Nevada for the purpose of calling up a conference report.

SALE OF MINERAL ESTATE IN CERTAIN LANDS—CONFERENCE REPORT

Mr. BIBLE. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of mineral estate in certain lands. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 20261, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BIBLE. I thank the Presiding Officer. The conference report was signed by all members of the conference on both the House and Senate side.

WITHDRAWAL AND ORDERLY DISPOSITION OF MINERAL INTERESTS IN CERTAIN PUBLIC LANDS, PIMA COUNTY, ARIZ.—CONFERENCE REPORT

Mr. BIBLE. Madam President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 20261, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. The conference report has been unanimously agreed to.

Mr. MORSE. Madam President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from Oregon.

Mr. MORSE. Does either of the conference reports violate the Morse formula?

Mr. BIBLE. No; they do not. I am happy to say to the Senator from Oregon that they both conform to the Morse formula.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CONSTRUCTION AND OPERATION OF NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (H.R. 8181) to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation.

Mr. PROXMIRE. Madam President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes remaining.

Mr. PROXMIRE. I yield 7 minutes to the Senator from Oregon.

Mr. MORSE. Madam President, I wish to speak for a moment about the alleged research factors in the bill in reply to what the Senator from Kentucky [Mr. COOPER] said. I am sorry he is not present, because I would like to have him hear my reply to what I think was an unsound speech, in which he sought to rationalize the passage of the bill on the basis of the research features. That is the fish bait in this bill to induce people to take the hook, because the research provided by the bill is noticeable by its absence with reference to any particularization in the bill, as the Senator from Wisconsin has pointed out.

There is no land available in the District of Columbia to establish a research center in the field of fishery research if the job is to be done adequately; and the $10 million would be but a drop in the bucket for that kind of program.

What some Senators who are advocating the bill are taking advantage of is that apparently many Members of the Senate do not know enough about establishing a research center in regard to fish. There is no research on dead carcasses, to any great extent, in fish research, and it takes a substantial amount of land to build the necessary pools and physical facilities for a real fish research center.

Where is the land to be made available in the District of Columbia? It would be shocking if we took what little land is available in the District of Columbia for public use to establish an adequate fish research center. What is being done is to build a fish hotel. That is what it amounts to. There is to be an aquarium where people can see some fish in glass encased pools. The research center factor in the bill is de minimis. I think that aspect should be nailed to the floor.

There are great areas in this country where that can be done. I am surprised that the Senators from Massachusetts are not battling for a fish research center in their State.

There are great areas available in New York for such a purpose. I am surprised that the Senators from New York are not battling for the maritime fish industry, to have a research center established in their State.

There are fish areas up and down the Atlantic coast, any one of which would be preferable, a research center in connection with fisheries, to the limited area of land in the District of Columbia.

We need a fish research center in the District of Columbia about as much as I need the Washington Monument in my front yard.

I say to the Senator from Kentucky that there is no need for a fish research center in the District of Columbia. I have such great respect for the intellect of the Senator from Kentucky that I am sure if he would put that intellect to use he would see the logic of this argument. Where are the land resources for a fish research center in the District of Columbia? Where would we build the pools, reservoirs, and facilities necessary for a fisheries center into the District of Columbia?

I do not know why the Senators from Washington are not opposing the bill and fighting for a research center which could wisely be established in the State of Washington.

As my colleague who is in the Presiding Officer's chair knows, we also have great resources in our State of Oregon for the establishment of a research center in fisheries, if that is what Senators wish to do under the terms of the bill before the Senate. We in Oregon could also provide facilities for an aquarium.

Where are the two Senators from California, a State which has many latent potential facilities available for the building of a great fisheries research center in California, which would be of great benefit to the American taxpayers, instead of, to all intents and purposes, in my judgment, sending most of $10 million down the drain this afternoon, as will be the result when the bill passes the Senate?

Mr. KEATING. Madam President, will the Senator yield?

Mr. MORSE. We only start to pay the fiddler with this $10 million.

I am sorry, I do not have time to yield to the Senator. I am sure the Senator from West Virginia will give the Senator some time in a moment.

Madam President, we only start to pay the fiddler with this $10 million. If Senators really wish to build a fish research center in the District of Columbia, and to take for public use the limited, precious land which ought to be reserved for future generations of citizens of this District—which uses we cannot even yet contemplate—they cannot find the evidence to support it in the record of hearings on the bill.

There has been much talk about hearings on the bill. There was only 1 day of hearing in the Senate committee, and less than a 1-day hearing in the House, and that before the Committee on the District of Columbia. Those hearings are most inadequate with respect to the passage of the bill this afternoon. All Senators have to do is to read the record of the hearings to verify what I say. They will not find in the hearings information such as we need.

I have received a memorandum from Mr. Tunison, Assistant Director of the Bureau of Sport Fisheries and Wildlife, in response to a request for information I made this morning. I told him I wished to know something about the fisheries we have, about the facilities available, because I was interested in seeing which one or ones could be expanded in order to meet the objectives of the bill without wasting the taxpayer's money, which, in my judgment, the pending bill would do.

Mr. Tunison reports that the Bureau of Sports Fisheries and Wildlife has fisheries research stations in 13 States of the country.

There are none in my State.

Alabama has one. Arkansas has two. California has one. Colorado has one. Georgia has one. New Jersey has one. New York has one. Nevada has one. South Dakota has one. Utah has one. Washington has three. West Virginia has one. And Wisconsin has one.

I have also received a memorandum from Dr. J. L. McHugh, of the Division of Biological Research, Bureau of Commercial Fisheries, dealing with commercial fisheries research centers.

Mr. McHugh reports that the Bureau of Commercial Fisheries has 19 biological research laboratories in association with 26 field stations. The biological research laboratories are located in Seattle, Wash.; Beaufort, N.C.; Brunswick, Ga.; Galveston, Tex.; Gulf Breeze, Fla.; Oxford, Md.; Booth Bay Harbor, Maine; Milford, Conn.; Woods Hole, Mass.; Washington, D.C.; Ann Arbor, Mich.; Auke Bay, Alaska; Honolulu, Hawaii; Stanford Calif.; La Jolla, Calif.; and San Diego, Calif.

The biological field stations are situated at the following locations: St. Paul Island—Pribilof Island, Bering Sea; North Bonneville, Wash.; Mill Creek. Calif.; Decatur, Ala.; Miami, Fla.; Pascagoula, Miss.; St. Petersburg Beach. Fla.; Boston, Mass.; Eastport, Miss.: Franklin Station, Va.; Gloucester, Mass.; New Bedford, Mass.; Point Judith, R.I.; Portland, Maine; Rockland, Maine; Vineyard Haven, Mass.; Ashland, Wis.: Ludington, Mich.; Marquette, Mich.; Northville, Mich.; Hammond Bay, Mich.; Sandusky, Ohio; Brooks Lake, Alaska; Karluk Lake, Alaska; Kasitsna Bay, Alaska; and Little Port Walter, Alaska.

There are five laboratories devoted to technological research. These are located in Gloucester, Mass.; College Park, Md.; Seattle, Wash.; Ketchikan, Alaska; and Pascagoula, Miss.

I should like to see a hearing conducted in regard to what these research centers are now doing and to what extent they could stand some expansion of their facilities, rather than to spend $10 million for an aquarium in Washington, D.C., where very little research can be conducted of the type which needs to be conducted.

How much better it would be to select one or more of these facilities in use for research and to provide money for the expansion necessary to conduct the research desired and necessary.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Is that all the time I have?

The PRESIDING OFFICER. Yes.

Mr. RANDOLPH. Madam President, I shall be happy to yield 1 minute of my remaining time to the Senator from Oregon. He may wish to make a point, and I should like to accommodate him.

Mr. KEATING. Madam President, since the Senator mentioned my name, will he yield to me?

Mr. MORSE. I am glad to yield to the Senator. I did not specifically mention the Senator's name, but I mentioned the Senators from New York, and that is the same thing.

Mr. KEATING. I share the Senator's view completely. If we are to have a research center—which the bill would not provide, since it would provide for an aquarium—it should be at some other place. There is a large and beautiful aquarium in New York City. If we are to have a research center there is no reason on earth why it should be placed in the District of Columbia.

Mr. MORSE. I wish my arm were long enough to reach across the Senate Chamber, so that we could shake hands.

Mr. KEATING. I will come over to the Senator's side of the aisle, so that the Senator can shake hands even while he is talking. I want the Senator to understand that I stand with him.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. The Senator from Oregon does not have more time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Madam President, I offer the amendment which I send to the desk and ask to have stated; and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 1, line 9, after the word "for" it is proposed to insert the language "research and fisheries and for".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes remaining.

Mr. MORSE. Madam President, if the Senator from West Virginia has time remaining, would he be willing to yield to me to answer a question or two?

Mr. RANDOLPH. Madam President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 6 minutes remaining.

Mr. RANDOLPH. I wish to work with my friend, even though we are on opposite sides. I yield 1 minute.

Mr. MORSE. The National Fisheries Institute is very much interested in the pending bill. They seek to have some information from the Senator. I had temporarily overlooked it.

Would the bill provide for displays on commercial fishing as well as for exhibits on sport fishing?

Mr. RANDOLPH. It would provide for such facilities.

Mr. MORSE. The displays could include different kinds of commercial fishing gear and demonstrations of how they operate. Would those be on display?

Mr. RANDOLPH. They would.

Mr. MORSE. They might also show specimens of leading commercial fish species. Would those be on display?

Mr. RANDOLPH. Yes.

Mr. MORSE. The Bureau of Commercial Fisheries could give valuable assistance in setting up the displays.

Mr. RANDOLPH. We would use their valuable assistance.

Mr. MORSE. The project begins to take on some of the features of a museum; does it not?

Mr. RANDOLPH. I would not say so.

Mr. MORSE. I thought the answers to the questions would indicate that.

I have one more question and I shall be through.

I hope the subcommittee had this in mind when it discussed the bill. I understand that the Russians have a permanent commercial fisheries display of this kind in Moscow, to tell the Soviet people of their fisheries work. That can be seen as one goes through Moscow. That particular display is limited to a display, not being a research center.

I close by asking the Senator the question: How much of the initial appropriation and of the annual appropriation would the Senator expect to be devoted to research in the fishery in the District of Columbia, somewhere on the shore of the Potomac River, within the boundaries of the District?

The PRESIDING OFFICER. The time yielded by the Senator has expired.

Mr. RANDOLPH. Madam President, I yield myself 1 more minute.

Would it satisfy my colleague if I were to tell him that approximately 75 cents of every dollar would be used for research.

Mr. MORSE. Considering the lack of natural facilities, that would be an additional waste of the taxpayers' money.

Mr. RANDOLPH. I find that I cannot satisfy my colleague.

Madam President, I yield 3 minutes to my colleague, the Senator from Hawaii [Mr. FONG], who is a member of the committee.

Mr. FONG. Madam President, I am a member of the committee which considered the bill.

I think the project can be one of the greatest educational projects ever developed in the District of Columbia.

There are approximately 18 million tourists a year who come to visit our Capital. Approximately 9 million of those people walk through the halls of this Capitol. On some days approximately 20,000 people go through the White House.

It has been estimated that by the year 2000 there will be approximately 5 million people living in the metropolitan area of Washington, D.C. At present the population is approximately 2 million people.

By the year 2000 it is estimated there will be approximately 35 million tourists who will visit the city of Washington, D.C., annually.

If this project is completed, many of those people will wish to see it. It can be built under a plan which will make it educational as well as a tourist attraction. We should be able to convince at least one-fourth of the visitors who come to the city of Washington, D.C., to go through it. With 18 million tourists visiting this Capital City each year, if one-fourth of them were attracted to the aquarium, there would be a minimum of 4 million visitors at the aquarium annually.

The project involves a cost in the neighborhood of $10 million. The money can be borrowed for approximately 3¾ percent interest. That means we would spend approximately $375,000 annually for interest.

The project is contemplated to be amortized in 30 years. That would be 3⅓ percent a year, which would mean that it would be necessary to raise the sum involved to approximately $700,000 a year to pay for the interest and to amortize the cost of the building.

If 50 cents for each admittance were charged of the approximately 4 million visitors to the aquarium, there would be raised $2 million.

I believe the project would make money and would be self-supporting. The project would be a great educational attraction for the people who come to visit the Capital as well as for those who live in this vicinity.

The PRESIDING OFFICER. The time of the Senator has expired. Each Senator has 2 minutes remaining.

The bill is open to further amendment.

Mr. HOLLAND. Madam President, may I address one question to the distinguished Senator from West Virginia? I knew that I had not plucked the thought out of thin air.

Mr. RANDOLPH. I must be careful because I have only 2 minutes remaining.

Mr. HOLLAND. Is it not true that in the report of the committee, which the Senator is representing in handling the bill, the following words appear:

> Various possible sites in the area have been suggested, such as one on Hains Point.

Mr. RANDOLPH. That statement is in the report. That is correct.

Mr. HOLLAND. I thank the Senator.

Mr. RANDOLPH. The Senator from Florida had said it was proposed to build the aquarium at Hains Point. We have merely indicated that that is one of the sites discussed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Madam President, I believe we have spent enough time on this subject. I yield myself 2 minutes. I shall be very brief.

I call to the attention of my friend, the Senator from Hawaii, that in all due respect, that the figures I got from the Tourist Bureau indicate 8 million visitors to Washington, D.C., last year and not 18 million.

Furthermore, on the basis of the experience of all aquaria in the country, we cannot possibly get more than a million people to come to an aquarium if there is a charge.

Perhaps there would be something new which would not be in any other aquarium. But that has been the experience. On the basis of the record, this aquarium could not possibly operate with an amortized cost of $700,000, which the Senator from Hawaii mentioned, plus the $800,000 which the Bureau of Fisheries said it would cost to maintain the aquarium. I submit the project is as financially unsound as it could be. No banker or businessman would put a nickel into that kind of private proposal.

In conclusion, in the event the conferees come back with a request for a penny more than the $10 million provided in the bill, and in the event the Miller amendment is discarded so that fees will not have to cover construction costs, I serve notice that the Senator from Wisconsin will join the Senator from Oregon in talking at great length on the bill should it return from conference. Knowing the Senator from Oregon, I think between us we can talk a long, long, long time. I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. Madam President, in the next 60 seconds I should like to say only that the 3 million visitors mentioned is the number set forth in a letter to the chairman of the committee from Secretary Udall supporting the bill. In his letter Mr. Udall stated:

> We believe that an adequate facility would attract 3 million or more visitors each year.

I believe that the bill, as perfected by the three amendments which have been agreed to, is an equitable measure. I ask the support of the Senate, regardless of political preferment, in behalf of the measure.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, "Shall the bill pass?" On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the senior Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. McCARTHY (when his name was called). On this vote I have a pair with the senior Senator from Oklahoma [Mr. KERR]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. TALMADGE (when his name was called). On this vote I have a pair with the distinguished senior Senator from Rhode Island [Mr. PASTORE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Oklahoma [Mr. MONRONEY] is paired with the Senator from Wisconsin [Mr. WILEY]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Wisconsin would vote "nay."

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Ohio [Mr. YOUNG] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from Nebraska would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. MURPHY], the Senator from Vermont [Mr. PROUTY], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Utah [Mr. BENNETT] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

On this vote, the Senator from Wisconsin [Mr. WILEY] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Wisconsin would vote "nay," and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from South Dakota [Mr. BOTTUM]. If present and voting, the Senator from Utah would vote "nay," and the Senator from South Dakota would vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Rhode Island [Mr. PELL]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Rhode Island would vote "yea."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Ohio would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from Connecticut would vote "yea."

The result was announced—yeas 42, nays 20, as follows:

[No. 275 Leg.]

YEAS—42

Allott
Anderson
Bartlett
Bible
Boggs
Burdick
Byrd, W. Va.
Carlson
Carroll
Chavez
Clark
Cooper
Dirksen
Engle
Fong
Hart
Hartke
Hayden
Hill
Jackson
Jordan, N.C.
Kefauver
Long, Hawaii
Long, La.
Mansfield
McClellan
McGee
McNamara
Metcalf
Moss
Mundt
Muskie
Pearson
Randolph
Russell
Smith, Mass.
Sparkman
Stennis
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—20

Bush
Case
Church
Cotton
Douglas
Ellender
Ervin
Holland
Jordan, Idaho
Keating
Lausche
Miller
Morse
Neuberger
Proxmire
Saltonstall
Smith, Maine
Thurmond
Tower
Williams, Del.

NOT VOTING—38

Aiken
Beall
Bennett
Bottum
Butler
Byrd, Va.
Cannon
Capehart
Curtis
Dodd
Eastland
Fulbright
Goldwater
Gore
Gruening
Hickenlooper
Hickey
Hruska
Humphrey
Javits
Johnston
Kerr
Kuchel
Long, Mo.
Magnuson
McCarthy
Monroney
Morton
Murphy
Pastore
Pell
Prouty
Robertson
Scott
Smathers
Talmadge
Wiley
Young, Ohio

So the bill (H.R. 8181) was passed.

Mr. RANDOLPH. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. SMITH of Maine obtained the floor.

Mr. MANSFIELD. Madam President, will the Senator from Maine yield without losing her right to the floor?

Mrs. SMITH of Maine. I yield.

Mr. MANSFIELD. I should like to bring up some items on the calendar to which there is no objection, and to make some requests.

Mr. CLARK. Madam President, will the Senator from Montana yield to me for 15 seconds?

Mr. MANSFIELD. I yield.

POSITION OF SENATOR CLARK ON MILLER AMENDMENT TO H.R. 11164, DEALING WITH THE QUINCY PROJECT

Mr. CLARK. Madam President, yesterday H.R. 11164 was passed after an amendment proposed by the Senator from Iowa [Mr. MILLER] was defeated. I was necessarily absent, and my position on the Miller amendment was not announced. Since I always make my position known and publicly announce it in the CONGRESSIONAL RECORD, I wish to state for the RECORD that had I been here I would have voted against the Miller amendment.

THE CALENDAR

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Senate proceed to the consideration of items on the calendar to which there is no objection, before the Senate proceeds to the consideration of the Foreign Service building bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ECONOMIC AND SOCIAL DEVELOPMENT IN THE RYUKYU ISLANDS

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2069, H.R. 10937.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10937) to amend the act providing for the economic and social development in the Ryukyu Islands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment, in line 5, after the word "figure", where it appears the second time, to strike out "$25,000,000" and insert "$12,000,000".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MORSE. Madam President, may we have an explanation of the bill?

Mr. SALTONSTALL. The bill permits an increase in the authorization for the purpose of improving the economy of the Ryukyu Islands. The original request was for $25 million. The committee reduced the amount to $12 million. Last year the amount was increased to $6 million; and this year $6 million more has been asked for.

The committee has increased the authorization to $12 million for another year. Then it will be necessary to make another request for additional funds. The committee has authorized all the money which was asked for this year. The amount does not include administrative expenses. It includes aid to the Ryukyu economy, as shown on page 3 of the committee report.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment, and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10937) was read the third time and passed.

Mr. SALTONSTALL. Madam President, I ask unanimous consent to have printed at this point in the RECORD so much of the committee report as adequately explains the purpose of the bill.

There being no objection, the excerpt from the report (No. 2103), was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE AMENDMENT

The amendment limits to $12 million the amount authorized to be appropriated in any fiscal year for programs within the Ryukyu Islands that are approved by the President.

PURPOSE

The bill as amended would increase from $6 million to $12 million the amount authorized to be appropriated in any fiscal year for programs within the Ryukyu Islands that are approved by the President.

BACKGROUND

Since the end of World War II the United States has exercised full powers over the Ryukyu Islands of which Okinawa is the largest. Before the war these islands were an integral part of Japan. Following Japan's surrender they were treated as a separate and distinct territory for the purpose of occupation. Unlike Japan, where occupation was carried out nominally under Allied authority, the occupation of the Ryukyus proceeded exclusively under American control.

The treaty of peace with Japan, ratified by the Senate on April 28, 1952, provided for the administrative separation of the Ryukyus from Japan and the continued exercise of all powers over the Ryukyus by the United States. Under the terms of article III of the treaty Japan agreed that it would concur in any proposal of the United States to the United Nations to place these islands as well as certain others under its trusteeship with the United States as sole administrating authority and that pending such disposition "the United States shall have the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of these islands."

In Executive Order 10713, dated June 5, 1957, the President assigned to the Secretary of Defense the exercise of U.S. powers subject to the approval and direction of the President. This Executive order charged the Secretary of Defense with the "development of an effective and responsible Ryukyuan government based on democratic principles and supported by a sound financial structure" and with making "every effort to improve the welfare and well-being of the inhabitants."

In a sense there are two governments in the Ryukyun Islands. One is the local government of the Ryukyuans themselves. This is called the government of the Ryukyu Islands. The other government could be considered an extension of our own Government to the Ryukyu Islands. This is called the U.S. civil administration of the Ryukyus.

LEGISLATIVE HISTORY

Public Law 86–629, the text of which appears in its entirety at the end of this report, provided a legal basis for U.S. programs designed to promote the development of the Ryukyu Islands. Among other things that law provided the following authorities:

"(1) All fines, fees, forfeitures, taxes, assessments, and any other revenues received by the government of the Ryukyu Islands shall be covered into the treasury of the Ryukyu Islands and shall be available for expenditure by that government;

"(2) Revenues derived by the U.S. civil administration of the Ryukyu Islands from certain designated sources shall be deposited in separate funds and shall be available for obligation and expenditure in accordance with the annual budget programs approved by the President; and

"(3) That not to exceed $6 million is authorized to be appropriated in any fiscal year for obligation and expenditure in accordance with programs approved by the President for purposes specifically set out in the law."

Public Law 86–629 did not substantially change the situation that then existed in the Ryukyus, but it gave legal sanction to a de facto situation. It did, however, provide specific statutory authorization for appropriations made previously on the basis of treaty authority.

REASON FOR INCREASE IN AUTHORIZATION OF AID

In August 1961 the President appointed an interdepartmental task force to determine what steps were necessary to improve the position of the United States in the Ryukyu Islands. Among the recommendations of this task force was that there is a need to increase economic assistance to the islands. Although the task force indicated that economic assistance of as much as $25 million annually might be sought, the additional amount recommended for fiscal year 1963 is $6 million.

COMMITTEE ACTION

The committee has limited the increase in the amount of aid authorized to only that amount involved in the 1963 program. This limitation will afford the Congress an opportunity to review the justification for any aid that is proposed beyond the total of $12 million annually.

A tabulation that appears earlier in this report shows that the amount of assistance has been increasing steadily since fiscal year 1959. The committee is inclined to believe that the level of assistance is being accelerated too rapidly. The committee hopes there will be no proposal to increase the authorization ceiling next year, and it anticipates that the Committees on Appropriations will carefully scrutinize the funding request based on the increased authorization contained in this measure.

ADDITIONAL TOLL BRIDGES ACROSS THE DELAWARE RIVER AND BAY

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 2078, H.R. 12818.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12818) to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

The bill (H.R. 12818) was ordered to a third reading, read the third time, and passed.

PROTECTION FOR THE GOLDEN EAGLE

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of Calendar No. 1947, House Joint Resolution 489.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 489) to provide protection for the golden eagle.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, with amendments.

The PRESIDING OFFICER. The first committee amendment will be stated.

The LEGISLATIVE CLERK. On page 2, at the beginning of line 9, it is proposed to insert "thereof".

The amendment was agreed to.

The next amendment was, on page 3, at the beginning of line 5, to insert "on request of the Governor of any State, the Secretary of the Interior may authorize the taking of golden eagles for the purpose of seasonally protecting domesticated flocks and herds in such State, in accordance with regulations established under the provisions of this section, in such part or parts of such State and for such periods as the Secretary determines to be necessary to protect such interests:".

Mr. TOWER. Madam President, I offer an amendment to the committee amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 6, in the committee amendment it is proposed to strike "may" and insert in lieu thereof "shall."

Mr. YARBOROUGH. Madam President, I am willing to accept the amendment to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. TOWER] to the committee amendment.

Mr. KEATING. Madam President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. KEATING. Madam President, there has been much talk about accepting amendments. I have not heard any talk about accepting amendments. This is a measure which I introduced along with the senior Senator from Texas. I am very much interested in it. All the conservation groups in the country are interested in it. I should like to have an explanation of exactly what the amendment proposes to do before I will be willing to accept a proposal which might vitiate the beneficial effects of the bill.

Mr. TOWER. Madam President, the effect of the amendment would be merely to change one word.

Mr. KEATING. What word?

Mr. TOWER. To make it mandatory upon the Secretary of the Interior to allow the taking of the golden eagle in specified areas when requested by the Governors of States in which the golden eagle is killing lambs and goat kids.

The amendment has been discussed with the sponsors of the bill in the House. The senior Senator from Texas [Mr. YARBOROUGH] and I have discussed it. It seems to be a generally satisfactory arrangement. That is the only alteration in the bill. It would affect the golden eagle in only a few areas.

Mr. KEATING. Madam President, this entire question was discussed in the committee. An effort was made there to make the language mandatory. The committee rejected that proposal and accepted the bill in the wording as it is now stated.

The amendment of the junior Senator from Texas would completely change the effect of the bill. I agree with the distinguished Senator from Texas that only one word is involved, but it is a very important word. It changes the permissive authorization to the Secretary of the Interior to a mandatory requirement.

It will be necessary for me vigorously to oppose the bill. Nothing has been said to me about the proposed change. A transaction may be taking place, which I shall not call a deal, among Senators from other States; but the junior Senator from New York, who is a cosponsor of the proposed legislation, has never been consulted with respect to it. I am opposed to the amendment. Every conservationist in America would be opposed to it. I intend to oppose the amendment now.

I shall be glad to defer my remarks until the Senator from Texas has stated his case.

Mr. MANSFIELD. Madam President, I sought to call up these bills under the illusion that they were noncontroversial and that the differences had been settled. I have the floor only upon the sufferance of the distinguished senior Senator from Maine [Mrs. SMITH]. Under no circumstances would I wish to take up bills which might now be controversial, because the Senator from Maine has been courteous to me, and I should like to return the favor in some degree.

May I ask that the bill be withdrawn temporarily, so that the three Senators concerned might consult to see if some satisfactory disposition can be made of the bill?

Mr. YARBOROUGH. Madam President, I should like to speak to a point of personal privilege. Lest the junior Senator from New York think he has been bypassed on this subject, since he is one of the authors of the joint resolution, it has been called up on rather short notice. When I learned that it might be reached this afternoon, I sent to two different places for a copy of the hearings. I have not been able to obtain a copy of the hearings yet, but I have been working diligently toward that end.

This measure is a House joint resolution. We have been in contact with the author of the joint resolution, who says he will accept the amendment. He is an outstanding conservationist. I have said I would accept the amendment on the understanding that it was acceptable to the conservationists of the country. Certainly I had no intention of agreeing to the amendment if the conservationists of the country were opposed to it. But that was not my understanding of the situation. My understanding comes through communications from the House sponsors of the measure. I am a cosponsor of the Senate resolution to save the eagle from extinction. We have not had an opportunity to confer with the junior Senator from New York. It was our understanding that the Senators on the other side of the aisle were in harmony concerning the proposed amendment, which requires a finding by the Secretary of the Interior before the mandatory language becomes operative.

Mrs. SMITH of Maine. Madam President, I have the floor. I yielded the floor only for the consideration of bills to which there was no objection. I am most desirous to proceed with my subject.

Mr. MANSFIELD. Madam President, I shall ask the three Senators concerned to consult, so that some accommodation may be reached. I ask that the bill be withdrawn from consideration.

The PRESIDING OFFICER. Without objection, the further consideration of House Joint Resolution 489 will be postponed.

THE CALENDAR

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Calendar No. 2056.

The motion was agreed to.

The PRESIDING OFFICER. The Senate will proceed to the consideration of bills on the calendar beginning with Calendar No. 2056.

HO KOON CHEW

The Senate proceeded to consider the bill (S. 3274) for the relief of Ho Koon Chew which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 7, after the word "Act", to strike out "Ho Koon Chew" and insert "Koon Chew Ho", and in line 11, after the word "said", to strike out "Ho Koon Chew" and insert "Koon Chew Ho"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ho Yee, a deceased United States citizen, shall be deemed to have resided in the United States prior to July 9, 1913, within the meaning of section 1993 of the Act of February 10, 1855 (Rev. Stat. 1878).

SEC. 2. For the purposes of the said Act, Koon Chew Ho shall be held and considered to be the natural-born son of the said Ho Yee, and shall be further held and considered to have been a United States citizen at all times since July 9, 1913: *Provided,* That the said Koon Chew Ho enters the United States for permanent residence within one year after the date of the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Koon Chew Ho."

CLARA G. MAGGIORA

The Senate proceeded to consider the bill (H.R. 1488) for the relief of Clara G. Maggiora which had been reported from the Committee on the Judiciary, with an amendment, on page 2, after line 7, to insert a new section, as follows:

SEC. 2. That, notwithstanding the provisions of section 212(a) (4) of the Immigration and Nationality Act, Chiara Palumbo Vacirca may be issued an immigrant visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Clara G. Maggiora and Chiara Palumbo Vacirca."

PASQUALE MARRELLA

The Senate proceeded to consider the bill (H.R. 1599) for the relief of Pasquale Marrella which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 10, after the word "Act", to strike out the colon and "*Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act"; on page 2, after line 2, to insert a new section, as follows:

Sec. 2. That, notwithstanding the provisions of section 212(a)(4) of the Immigration and Nationality Act, Ruth Cliver may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That if the said Ruth Cliver is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

And, after line 12, to insert a new section, as follows:

Sec. 3. This Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Pasquale Marrella and Ruth Cliver."

GABRIEL CHEHEBAR

The Senate proceeded to consider the bill (H.R. 1681) for the relief of Gabriel Chehebar, his wife, Marcelle Levy Chehebar, and their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar which has been reported from the Committee on the Judiciary, with amendments, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Gabriel Chehebar, his wife, Marcelle Levy Chehebar, their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar, Aniela Wojtowicz, Jozef Budny, and Maria Huszty Boros shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the enactment of this Act, the Attorney General shall reduce by ten numbers the number of refugees who may be paroled into the United States pursuant to sections 1 and 2(a) of the Act of July 14, 1960 (74 Stat. 504), during the fiscal year ending June 30, 1963.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALI KHOSROWKHAH

The Senate proceeded to consider the bill (H.R. 2371) for the relief of Ali Khosrowkhah which had been reported from the Committee on the Judiciary, with amendments on page 1, after line 6, to insert a new section, as follows:

Sec. 2. For the purposes of the Immigration and Nationality Act Alexander Vedeler shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 25, 1953, and the time he has resided and has been physically present in the United States since July 25, 1953, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

And, on page 2, after line 3, to insert a new section, as follows:

Sec. 3. For the purposes of the Immigration and Nationality Act Fong Yee Hin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 25, 1940, upon payment of the required visa fee and head tax. Upon granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act for the relief of Ali Khosrowkhah, Alexander Vedeler, and Fong Yee Hin".

KYOKO STANTON

The Senate proceeded to consider the bill (H.R. 2977) for the relief of Kyoko Stanton which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 1, after the word "under", to strike out "chapter 55, title 10, United States Code" and insert "the Dependents' Medical Care Act (70 Stat. 250)"; in line 5, after the word "Act", to strike out the colon and "*Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act"; after line 9, to insert a new section, as follows:

Sec. 2. Notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Joseph Anthony Vettiger may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

And, after line 17, to insert a new section, as follows:

Sec. 3. The exemptions granted in this Act shall apply only to grounds for exclusion in the cases of Kyoko Stanton and Joseph Anthony Vettiger of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALDO FRANCESCO CARBONE

The Senate proceeded to consider the bill (H.R. 4478) for the relief of Aldo Francesco Carbone which had been reported from the Committee on the Judiciary, with amendments, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212(a)(1) of the Immigration and Nationality Act, Aldo Francesco Carbone and Elvira Ciccotelli may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited in the cases of the said Aldo Francesco Carbone and Elvira Ciccotelli as prescribed by section 213 of the Immigration and Nationality Act.

Sec. 2. Notwithstanding the provisions of sections 212(a) (1) and (4) of the Immigration and Nationality Act, Erich Hoffinger may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That if the said Erich Hoffinger is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

Sec. 3. This Act shall apply only to grounds for exclusion in the cases of the said Aldo Francesco Carbone, Elvira Ciccotelli, and Erich Hoffinger of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Aldo Francesco Carbone, Erich Hoffinger, and Elvira Ciccotelli."

HANS-DIETER SIEMONEIT

The Senate proceeded to consider the bill (H.R. 5057) for the relief of Hans-Dieter Siemoneit which had been reported from the Committee on the Judiciary, with amendments, on page 2, line

2, after the word "under", to strike out "chapter 55, title 10, United States Code" and insert "the Dependents' Medical Care Act (70 Stat. 20)"; in line 6, after the word "Act", to strike out the colon and "*Provided further*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act"; after line 9, to insert a new section as follows:

SEC. 2. Notwithstanding the provisions of section 212(a)(1) of the Immigration and Nationality Act, Sonja Dolata and Izabel Loretta Allen may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of such Act: *Provided*, That unless the said Sonja Dolata and Izabel Loretta Allen are entitled to care under the Dependents' Medical Care Act (70 Stat. 250), suitable and proper bounds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

And, after line 20, to insert a new section, as follows:

SEC. 3. The exemptions granted in this Act shall apply only to grounds for exclusion in the cases of the said Hans-Dieter Siemoneit, Sonja Dolata, and Izabel Loretta Allen of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Hans-Dieter Siemoneit, Snja Dolata, and Izabel Loretta Allen."

JANINA TEKLA GRUSZKOS

The Senate proceeded to consider the bill (H.R. 9472) for the relief of Janina Tekla Gruszkos which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the following aliens may be classified as eligible orphans within the meaning of section 101(b)(1)(F), and a petition may be filed in behalf of each alien named in this Act pursuant to section 205(b) of the Immigration and Nationality Act by the petitioner specified in each case subject to all the conditions in that section relating to eligible orphans:

Janina Tekla Gruszkos; Veronica Gruszkos.

Robert Rabin (Kazuo Inoue); Stanford Rabin.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Janina Takla Gruskos and Robert Rabin (Kazuo Inoue)".

MOLLY KWAUK

The Senate proceeded to consider the bill (H.R. 9669) for the relief of Molly Kwauk, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, after line 2, to insert a new section, as follows:

SEC. 2. Notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Yom Tov Yeshayahu Briszk may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *And provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Molly Kwauk and Yom Tov Yeshayahu Briszk."

KAZIMIERZ KRUPINSKI

The Senate proceeded to consider the bill (H.R. 10796) for the relief of Kazimierz Krupinski, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Kazimierz Krupinski and Domenico Martino may be issued visas and be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion in the cases of the said Kazimierz Krupinski and Domenico Martino of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *And provided further*, That the provisions of section 24(a)(7) of the Act of September 26, 1961 (75 Stat. 657), shall not be applicable in the case of Domenico Martino.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Kazimierz Krupinski and Domenico Martino".

BILLS PASSED OVER

The bill (H.R. 12907) for the relief of Dr. Mehmet Vecihi Kalaycioglu was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 5260) to make permanent the existing suspensions of the tax on the first domestic processing coconut oil, palm oil, palm kernel oil, and fatty acids, salts, and combinations or mixtures thereof, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 13044) to amend the Home Owners Loan Bank Act was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8874) to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8074) to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the succeeding bills on the calendar, up to Calendar No. 2076 be passed over.

The PRESIDING OFFICER. These bills will be passed over.

The bills passed over are as follows:

H.R. 4333, to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended.

H.R. 5700, to amend the Tariff Act of 1930 to permit the designation of certain contract carrier as carriers of bonded merchandise.

H.R. 8952, to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special construction sale price rule is to apply for purposes of certain manufacturers excise taxes.

H.R. 7708, for the relief of Mr. and Mrs. Gerald Beaver.

The PRESIDING OFFICER. The clerk will state the next item on the calendar.

MR. AND MRS. GERALD BEAVER

The Senate proceeded to consider the bill (H.R. 7708) for the relief of Mr. and Mrs. Gerald Beaver, which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 1, after the word "this", to strike out "Act" and insert "section", and after line 8, to insert a new section, as follows:

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant and Mrs. Cecil P. Fisher of Fort Bliss, Texas, jointly, the sum of $10,000. The payment of such sum shall be in full settlement of all claims of the said Sergeant and Mrs. Cecil P. Fisher against the United States arising out of the accidental death of their infant child during May 1950, in the Fifteenth Evacuation Hospital in Nurnberg, Germany: *Provided*, That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Mr. and Mrs. Gerald Beaver and Sergeant and Mrs. Cecil P. Fisher."

Mr. MANSFIELD. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2110), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to pay to Mr. and Mrs. Gerald Beaver, of Queen City, Tex., $10,000 for the death of their infant child, and to pay to Sgt. and Mrs. Cecil P. Fisher, of Fort Bliss, Tex., the sum of $10,000 for the death of their infant child, both deaths occurring in the 15th Evacuation Hospital in Nürnberg, Germany, which a subsequent investigation disclosed were the result of the use of a boric acid solution in the feeding formula given the infants.

STATEMENT

The deaths which are basis of this claim grew out of the same incident at the 15th Evacuation Hospital, Nürnberg, Germany, from which arose the claim of Christine Fahrenbruch approved by this committee in March 1962 which became Private Law 335.

The Department of the Army has reported to the committee in regard to the bill as introduced for the relief of Mr. and Mrs. Gerald Beaver that—

"Records of the Department of the Army show that on April 27, 1950, at the 15th Evacuation Hospital, Nürnberg, Germany (an Army hospital), there was born to then Capt. and Mrs. Gerald A. Beaver a mature, live, female infant. Within several days after this infant's birth what was thought to be an epidemic was detected from a similar disease syndrome (a set of symptoms which occur together) which showed up in the progress of some infants in the nursery. When this was realized, admissions to the obstetrical service were discontinued and complete renovation of all facilities was initiated.

"The infant of Captain and Mrs. Beaver was one of six newborn infants affected. Their illness was diagnosed at the time (May 1950) as acute, severe gastroenteritis from an unknown organism. Vigorous treatments were administered to the babies consisting of massive chemotherapy (penicillin, streptomycin, and intravenous aureomycin), restoration of fluid balance and various types of supportive therapy. Notwithstanding these efforts, three of the six infants died within 3 days of the onset of their illness. The Beaver infant died on May 2, 1950."

"The diagnosis of gastroenteritis (inflammation of the stomach and intestines) from an unknown organism was considered the cause of the epidemic until 1960. An official investigation of this matter, conducted during the period of April 29–July 30, 1960, disclosed that the disease with which the children were stricken was caused by the absorption of boric acid. It was indicated further that the incident was caused by a mistake or mislabeling which resulted in the use of a boric acid solution in the feeding formulas. The solution appears to have been mistaken for sterile water.

"The Department views with extreme regret the death in this case. Reasonable men may differ on the amount of the award, $10,000, mentioned in the bill; however, in view of the facts and circumstances of this case, the Department defers in its views to those of the Congress and has no objection to the enactment of the bill."

Subsequent to the passage of the bill by the House of Representatives, the committee received a request from the Honorable RALPH YARBOROUGH, U.S. Senator from the State of Texas, to amend the bill to provide similar relief for Sgt. and Mrs. Cecil P. Fisher.

The committee believes that the bill, as amended, is meritorious and recommends it favorably.

Attached and made a part of this report is a letter dated October 10, 1961, from the Department of the Army in regard to the bill as introduced for the relief of Mr. and Mrs. Gerald Beaver; a letter dated March 28, 1962, to the Honorable RALPH YARBOROUGH in regard to Sgt. and Mrs. Cecil P. Fisher, enclosing a letter to Sergeant and Mrs. Fisher from the Deputy Assistant Secretary of the Army.

C. W. JONES

Mr. MANSFIELD. Madam President, before leaving the calendar, I move that the Senate proceed to the consideration of Calendar No. 1916, House bill 6649.

The motion was agreed to; and the bill (H.R. 6649) for the relief of C. W. Jones was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Madam President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1955), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill as passed by the House of Representatives is to pay to C. W. Jones, of Bishop, Calif., the sum of $39,810.35, as reimbursement of losses on sales of tungsten concentrates to the General Services Administration resulting from the rejection by the administration of portions of the concentrates as being of foreign origin.

STATEMENT

The General Services Administration has reported to the Congress that in its opinion the facts in the case do not provide a basis for granting the relief which the bill would confer.

The Treasury Department has reported to the Congress that, since the bill relates to a matter not primarily within the jurisdiction of the Treasury Department, it has no recommendation to make on the merits of the bill, but the Department has supplied a memorandum outlining the facts and stating the disposition of four closed customs cases involving Mr. Jones.

The facts in the case as set forth in the report, dated June 6, 1961, from the General Services Administration to the Congress are as follows:

"During the years 1954, 1955, and 1956, GSA was purchasing tungsten concentrates of domestic origin under the domestic tungsten purchase program established by a GSA regulation issued pursuant to the authority of the Defense Production Act of 1950. This regulation provided that persons desiring to participate in the program could do so by giving notice of their intention to the appropriate GSA regional office and that such persons would be issued certificates authorizing them to deliver tungsten concentrates of domestic origin and otherwise meeting the specifications set forth in the regulation.

"Mr. C. W. Jones, of Bishop, Calif., having given notice of his desire to participate in the program, was issued certificate No. 9–1793. As owner of a tungsten concentrating plant, Mr. Jones purchased concentrates from small miners and producers, upgraded and blended them to meet specifications, and in turn sold such concentrates to GSA under his certificate. Each lot of tungsten concentrates sold and delivered to GSA by Mr. Jones was certified by him to be of domestic origin. In his certificate of origin Mr. Jones gave an itemized, detailed list of each sublot making up the lot, showing the name and location of the mine from which each sublot was produced and the name and address of the producer. During the years 1954 and 1955 Mr. Jones sold and delivered to GSA tungsten concentrates for which he was paid in excess of $2,250,000.

"Based on information that some of the tungsten sold by Mr. Jones to GSA was not of domestic origin, and therefore not eligible for purchase under the program, his right to make further shipments to GSA was suspended in January 1956. Our investigation revealed that a total of 1,022.96 short ton units of tungsten contained in the tungsten concentrates which Mr. Jones had sold and delivered to GSA were not from the source certified by Mr. Jones and were ineligible for purchase. These ineligible concentrates had a value under the program of $64,207.66.

"At the time of the suspension of Mr. Jones' right to make further shipments, he had delivered tungsten concentrates, having a value in excess of $150,000, for which payment had not yet been made. Upon completion of the investigation, Mr. Jones was paid all moneys due after deducting $64,207.66, representing the purchase price paid him for the ineligible material, plus $1,086.15 expenses in connection therewith, or a total of $65,293.81.

"Mr. Jones appealed to the GSA Board of Review, claiming that such withholding was improper. The Board of Review, after a full hearing and consideration of all the facts and arguments of the parties, denied the appeal by decision dated December 28, 1959. A copy of the findings and decision of the Board of Review, docket No. 400, appeal of C. W. Jones, was forwarded to your committee with our report on H.R. 11692, 86th Congress, 2d session, under date of August 12, 1960.

"Immediately following receipt of the decision of the GSA Board of Review, Mr. Jones accepted return of the ineligible tungsten which was involved in the appeal. Earlier, the Bureau of Customs had seized this tungsten but had granted a remission of forfeiture and release from seizure upon Mr. Jones' payment of customs duties thereon. This action was based on evidence that, at the time of purchase and sale thereof to GSA as domestic material, he was not aware of the fact that such material had been smuggled into the United States.

"Part of the material involved in Mr. Jones' case was purchased by him from persons who were later convicted of issuing false certificates of origin covering such concentrates. Although Mr. Jones cooperated with the Government in its investigation of the smuggling of the concentrates into the United States from Mexico during the domestic tungsten program and assisted in securing certain convictions, we do not believe that this provides a basis for the relief proposed by this bill. The responsibility was on Mr. Jones, as a participant in the program, to be certain that the tungsten offered to GSA was of domestic origin, and that his certification as to the origin of such material was correct.

"In our opinion, the facts in this case do not provide a basis for granting the relief H.R. 6649 would provide."

The bill was the subject of a hearing by a subcommittee of the Committee on the

Judiciary of the House of Representatives. In its favorable report on the bill the Committee on the Judiciary of the House of Representatives set forth the facts in the case and its recommendations as follows:

"The claimant is a chemical engineer who bought and sold tungsten concentrates since World War II, and in 1952 he received a certificate from the General Services Administration, which administered the Defense Production Act of 1950, to participate in the domestic tungsten program. He then proceeded to purchase lots of tungsten concentrates, blended them, and, when he accumulated a large lot, sold them to the GSA.

"Under the prevailing rules and regulations the GSA would not accept lots less than 1 ton and paid therefore $63 a unit (a unit consisted of 20 pounds). Therefore, small miners were at a disadvantage and depended on the service afforded them by the claimant, who would buy as little as 40 pounds and pay the producer, immediately, 80 percent of the amount he was to receive. Mr. Jones, in turn, would blend the concentrates and when he had a 10½- or 11-ton lot would sell the tungsten to the Government. He would gross about 5 percent on the transaction as he would pay about $60 a unit to the producer and receive from the Government $63. This procedure was known to the GSA and in fact participation in the program by miners who did not operate concentrating plants was provided by regulation.

"The GSA required a certificate from its sellers that materials presented under the program were of domestic origin; it did not require a similar certificate from the miners or producers who sold to the operators of the concentrating plants until December 30, 1955. Mr. Jones, however, as early as 1952 and consistently thereafter, required from his producers and miners an affidavit, from each of them and for every unit he bought from them, declaring that the material was of domestic origin.

"On January 16, 1956, the assistant regional director, Emergency Procurement Service, region 9, GSA, at San Francisco, Calif., notified the claimant not to ship any more material, and this notice was later confirmed by letter on January 23, 1956. The reason given for the notice was that Mexican tungsten was being represented as domestic material and thus improperly sold to the Government, and that the entire matter was being investigated.

"Several lots shipped by the claimant were suspected as containing units of foreign tungsten and the GSA contended that Mr. Jones must furnish satisfactory proof that the material was not of foreign origin. The GSA then proceeded to offset $65,293.81 (the value of the material plus $1,086.15 handling charge) due on a "clean" shipment against the amount paid Mr. Jones on the suspected shipments.

"The offset was determined on March 20, 1957, and on March 22 the claimant was notified that his claim in the amount of $92,776.87 was offset by the aforesaid $65,293.81. On April 10, 1957, he was requested to furnish shipping instructions for the return of the disallowed material. On May 6, 1957, Mr. Jones offered to replace said material with an equal quantity of acceptable material, the price of tungsten having dropped in the meantime to $14 per ton and the program having terminated in June 1956. This offer was rejected on November 29, 1957, whereupon he appealed on December 6, 1957, and the appeal was heard February 27, 1958, by the Board of Review, GSA, which rendered its decision denying the appeal on December 28, 1959. The decision of the Board of Review, with supporting data, was submitted as evidence to the subcommittee that heard the parties and considered the evidence.

"The rejection and the denial of the appeal were based on the premises that the tungsten sold to the GSA by Mr. Jones was not of domestic production; that the Government had the right of setoff; and the refusal to accept substituted material was proper. It was charged that the material not of domestic origin was smuggled into this country. The offenders were named as a Dr. Shirley J. Carter (alias Martin Rausch), a Charles Warfield, and two others, one of whom was described as of the Arizona Mining & Tungsten Sales Corp.

"Carter (Rausch) and Warfield confessed to the illegal entry of the material they sold to Mr. Jones and of having issued false certificates of origin for the material so sold. They were convicted. Carter (Rausch) paid a fine of $14,500 and was ordered by the Federal district court in San Francisco to make restitution. He paid $1,200 in court and, over the objection of the Government, the money was paid over to the claimant. The claimant was permitted to pay the duties on the material and so retain possession of it, which he did, under protest, in order to protect his investment.

"Neither of the other two men was indicted or tried by the Government for violation of a Federal law, nor was the material seized as foreign material by the Bureau of Customs. One of those named was never indicted or tried inasmuch as Federal agents were never able to locate any such person or to determine that any such person actually existed. The other was not indicted inasmuch as he had not made any certification that the tungsten which he sold to the claimant was of domestic origin.

"The Board of Review determined that the claimant's appeal cannot be sustained because the claimant's certificates of origin were false in that the materials were not mined from the properties at the locations listed on the certificate of origin. On the same page of its decision (p. 15) the Board further observed that "there has been no evidence presented, nor has any allegation been made. that the appellant (claimant) knowingly submitted false certificates of origin with the tungsten materials which he delivered to the Government. On the contrary, the testimony and the evidence clearly showed that the appellant was the innocent victim of circumstances and that the certificates of origin were issued by him in the belief that they contained true statements as to the origins of the tungsten materials," and on page 20 of its decision it reasserted the good faith of the claimant.

"Further evidence of Mr. Jones' innocence is attested in reports from the General Services Administration and the General Counsel of the Treasury, with memorandum attached, both of which are made a part hereof, in which it is stated that Mr. Jones cooperated with the Government in its investigation of the smuggling of the concentrates into the United States and assisted in securing certain convictions.

"It should also be noted that testimony was received, in behalf of the claimant, that in 1953, long before the incidents that gave rise to this matter, Mr. Jones advised the GSA of his suspicion relative to possible smuggled material and on that information a conviction was procured (Madison Development Co.).

"The subcommittee heard the witnesses and received the testimony, at length and in detail, and carefully considered the facts in this case. Although the claimant, as a strict matter of law, could not prevail in seeking administrative remedies or through recourse to the courts, the committee is of the opinion there is an equitable basis for redress.

"The domestic tungsten program anticipated that there would be small producers and miners who would be required to process their yields through such methods as used by Mr. Jones, yet it cast the entire burden of responsibility of certifying the true origin of the material, not on them, but on the processors and continued that responsibility from the commencement of the program until December 30, 1955 (about 6 months before the program expired), at which time it required the producer to also certify that the materials were of domestic origin. Mr. Jones required such affidavits, from the miners he dealt with, from the very beginning of his operations.

"The committee also considered the testimony that the properties of tungsten, whether of domestic origin or from out of this country, are identical in every material respect and thus cannot be distinguished from each other. Therefore, in consideration of all the factors and facets of this case, the committee concludes that equity will be done and a sense of fairness established by enacting this legislation with the amendment. The amendment is suggested by deducting from the aforesaid $65,293.81, the amount of $21,608.06 (recovered by the claimant on the resale of the tungsten), $2,675.50 (charged to profit and expenses), and $1,200 (received in restitution through the Federal district court in San Francisco), leaving the amount of $39,810.25, which is the amount to which this bill is reduced.

"The committee recommends that this legislation, as amended, be considered favorably.

"An attorney having rendered service in this manner, the proviso in the bill relative to attorney's fee is retained."

The bill was the subject of a hearing by a subcommittee of the Committee on the Judiciary which reported it favorably.

The committee believes that the bill is meritorious and reports it favorably.

Attached and made a part of this report are (I) a letter dated June 6, 1961, from the General Services Administration, (II) a letter dated July 10, 1961, from the Department of the Treasury, and (III) a memorandum in regard to the bill by the Honorable HAROLD T. (BIZZ) JOHNSON, Member of Congress from the Second District of California.

AMENDMENT OF FOREIGN SERVICE BUILDINGS ACT, 1926, AUTHORIZING ADDITIONAL APPROPRIATIONS

Mr. MANSFIELD. Madam President, if the Senator from Maine [Mrs. SMITH] will permit me to call up one more bill, I move that the Senate proceed to the consideration of Calendar No. 1887, House bill 11880, in order to have the bill laid before the Senate and made the pending business.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 11880) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Foreign Relations with an amendment, on page 5, after line 12, to insert a new section, as follows:

SEC. 3. The Congress hereby finds that since the United States is generally required, in locating its chanceries abroad, to observe the laws and zoning regulations applicable to business-type buildings in the capital cities of those nations with which diplomatic relations are maintained, it is appropriate to require that chanceries constructed by such nations in the District of Columbia be located in business areas rather than in residential areas. Accordingly, the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938, as amended is amended by inserting "(a)" after the section number in section 6 and by adding at the end of such section the following new subsection:

"(b) After the date of enactment of this subsection, no foreign government shall construct, alter, repair, convert, or occupy any building for use as a chancery, chancery annex, or other business office of such foreign government on any land, regardless of the date of acquisition thereof, within a one-family detached dwelling residence district established pursuant to this Act, except on the same basis as in the case of the construction, alteration, repair, conversion, or occupancy of a similar building by a United States citizen or entity. Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection, or to prohibit the making of ordinary repairs to any such building."

Mr. MANSFIELD. Madam President, I thank the Senator from Maine [Mrs. SMITH] for her usual courtesy and kindness.

Mrs. SMITH of Maine. The Senator from Montana is entirely welcome.

Mr. DOUGLAS. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. I should like to ask whether the committee amendment to this bill has been adopted.

The PRESIDING OFFICER. It has not.

Mr. MANSFIELD. The bill has merely been taken up; no further action on it has been taken.

Mr. DOUGLAS. Very well.

WHEN WILL WE START WINNING?

Mrs. SMITH of Maine. Madam President, 1 year ago on this day—impelled by concern over the fact that everywhere the Communists were pressing forward stronger—I stood in this Chamber and posed to my colleagues, to the American people, and particularly to the President of the United States, several questions which I considered to be of the utmost importance.

I asked, "How much longer can we afford to lose?"

I asked, "What have we done—or failed to do—that permits Khrushchev to act as he does?"

And, "Why is it that the Communists so often have the initiative and we are satisfied to react?"

And, "When will we start winning?"

In the year that separates us from the occasion of those remarks, the course of events has been, to say the least, an unpromising one for us. The Communists, far from exploring new frontiers of friendship and cooperation, have continued the pressures of their attacks against liberty.

Not only that, but more.

Indeed, they have increased their efforts. And there is little in their attitude toward any problem anywhere to indicate that they intend to change for the better.

Not in the U.N.; not in Berlin; not at Geneva; not in Cuba; not in Southeast Asia; not anywhere.

And why should they change? Why should they, as long as they are making progress toward their goals?

The NATO Alliance, protecting an area of the non-Communist world which is of great and immediate importance to the United States, is plagued by troubles, doubts, criticisms, and uncertainties.

More and more there is danger that Khrushchev, casting an acquisitive eye toward the Western doorstep of the Soviet Empire, will be tempted toward new challenges by military vulnerabilities that he believes exist there, or by his assessment that the free world's will is so low as to negate its power.

A prominent, highly respected American—and very good friend of President Kennedy—recently talked at length with Khrushchev and what he reported on Khrushchev's assessment of our will made headlines on the front pages of our newspapers, on television and radio throughout the country. He reported that Khrushchev had stated that he believes that the United States will not fight to protect itself.

Certainly one of the realities that faces us today is in the form of a challenge to adopt policies and take actions which will build the confidence of NATO Europe.

Could we possibly hope to build this confidence by demanding acceptance of U.S. policies that are not palatable to them? Would not this course be more likely to destroy their confidence than to build it?

Let us not forget that for 12 years NATO was a solid and cohesive force against communism. In the last 1½ years, difficulty has piled upon difficulty. De Gaulle was President of France prior to this troubled period. Macmillan spoke for Great Britain; Adenauer, for West Germany.

What has changed?

In Laos, our objective of a truly neutral and independent country is stalled by the refusal of the pro-Communist elements to comply with the peace agreement that was signed only a short time ago at Geneva.

It makes one wonder if we based our own agreement on a concept that the Communists are becoming more friendly and cooperative.

Do we really believe that such agreements with the Soviets will accrue to the benefit of anyone but themselves?

And do we have a basis for our actions which does assume an accommodation with the Soviets?

In Cuba, the Bloc countries and Castro blatantly defy the principles of the Monroe Doctrine, and proceed with the communization of that island—and in recent weeks an acceleration of transforming Cuba into a Communist arsenal.

Madam President, I ask you: Are we better off here than we were a year ago?

In Vietnam we are committing ourselves, bit by bit, to a more involved war, as the result of fashioning our responses to the patterns chosen by the enemy.

And in the realm of space, the Soviets' new achievements cast across the whole free world the shadow of a tremendous new military potential.

Our spokesmen, calm almost to the point of placid satisfaction, enjoin us not to worry. "We are far behind. But we will catch up. And meanwhile, there's no great military significance in the Soviets' feat. And Cuba really presents no threat."

Words and more words.

About the only tangible action we get is the callup of the Reserves in which Khrushchev, in his alternating policy of first blowing hot and then blowing cold, psychologically dangles our reservists on the end of an on-again-off-again line in a war of nerves—in which we react as he anticipates our reaction.

But who is really so blind as not to see that under the pressures of the last year the outlook for us has deteriorated steadily? And now it has reached such a disturbingly low level that its effects surely must be to banish the last vestige of complacency from our national attitude and to require each of us—whatever his position, whatever his responsibilities, and whatever his affiliations—to face the truth.

It is inconceivable that any amount of polished phrases—no matter how expertly put together and how adroitly presented—could longer conceal the hard facts from the American people.

We are simply not breathing the air of success.

In more ways than ever before within the memory of most of us our beloved country is rapidly becoming a second-rater.

No amount of contrived doubletalk can longer divert the impacts of reality.

In the eyes of the world our flag does not fly high and proudly as it once did.

And so today—impelled by the same concern that caused me to address the subject of our security and welfare a year ago—I ask again, "When will we start winning? How much longer can we risk waiting? What can we do to turn the tide more surely in our direction?"

Madam President, it would be unwise as well as incorrect to imply that there is a short route back to the position of eminence, influence, and well-being that our country enjoyed in better days. But I have no hesitancy in asserting that there is a route back and that we had best get our feet on it, and follow it, before we lose the chance to do so.

I would not be so presumptuous as to say that I am able to see every straightaway and turning of this route all the way to its ultimate destination (which, I hope, would be a secure and peaceful community of nations) but, once again, I have no hesitancy in asserting that I can see where our starting point should be.

We must start, and fashion our future progress toward an improved position, on a basis of military advantage—of this I am certain.

Not a fancied or limited advantage in a single technique, or in a particular locale, or to react to one specific situation, but a realistic overall military advantage reposing in a capability to win our objectives at any level of conflict, from the lowest to the highest.

If we are determined to have and hold the benefits of this advantage, it would be the height of folly not to take new warning from the Soviets' recent two-man orbit.

It was a remarkable accomplishment. We would have been proud to claim it. It is unfortunate for the free world that we could not claim it.

I deem it unfortunate because it portends physical power of indescribably greater dimensions—and I know of nothing in the long record of aggression under the Communists to indicate that they do not intend to exploit, either overtly or by blackmail, any element of physical power within their reach, if given sufficient opportunity to do so.

Knowing how Khrushchev, Malinovsky, and others boasted of their new power after the recent space flights, who can close his eyes so tightly against the light of reality as to believe the Soviets do not intend to develop military power in space as fast as they are able?

Or looking toward NATO Europe, knowing that the Soviets have nuclear-armed forces available, who can stray so far from the path of reality as to believe that they do not intend to exploit these forces if they should consider it to their advantage to do so?

And I also ask, Madam President, Are we trying to increase our conventional forces in NATO at the expense of our tactical nuclear forces? Are we trying to convince the people that we are conjuring up a less dangerous kind of war for them to fight?

Or looking toward the jungle areas and underdeveloped regions; knowing that Khrushchev has espoused "wars of liberation," who can cite valid evidence that the Communists do not intend to exploit the physical power and emotions of human beings in insurgency operations and other disruptive activities, whenever it suits their purpose to do so and they have sufficient opportunity.

My thesis—my reason for addressing you today—is, I feel sure, clearly evident by now; but let us accord it the emphasis that will come from additional discussion.

The President and some of his principal policy and strategy advisors have been deeply occupied with the subject of risks.

We have been cautioned on more than one occasion that we cannot do thus and so because it would risk provoking the Communists; that, for example, we must urge NATO Europe to be satisfied with trying to defend itself by conventional means because of the stated conviction that even the highly selective use of tactical nuclear capabilities against military targets would escalate the conflict toward general war proportions.

The whole country has heard much about the inhibiting effects that these risks, and other similar ones, impose upon our national policy and strategy.

It is well to be aware of these circumstances and to evaluate them carefully. But I regret to say that from the same sources I have heard comparatively little about the risks of adopting wishful thinking as a substitute for hardheaded realism in overcoming the Communists' drive for power and keeping the balance on our side.

Can we risk the survival of our country on anyone's "opinions" as to what the Communists intentions are? I say no. It is unthinkable.

Surely there is something better for us than gambling on a guess that the Communists do not intend to use every part of the military capabilities that they now have or may develop later on, if and when it suits their interests to do so. Or to put it another way, could we possibly risk gambling on the dangerous assumption that their intentions will be good? Of course not.

Therefore, we must clearly see and clearly understand what is required of us to hold the military advantage.

What we must be prepared to do is counter the military capabilities that constitute a threat to us.

We must protect ourselves against that which we know the Communists are capable of doing.

As Senators know, the concept of being prepared to counter the military capabilities of the Communists is generally referred to as counterforce.

The world being what it is today, you would think that no one in this country would even remotely consider taking issue with this concept. Who could possibly quarrel with the purpose of winning our objectives in defense of our country?

But it has become increasingly clear that there are some who, obviously failing to understand the concept, take sharp issue with it. For example, when the Secretary of Defense referred to it in a speech at Ann Arbor, Mich., on June 16, there followed a flood of negative reaction that is still running, and there has even been a deep silence from the Secretary's colleagues.

I have waited for just one of them to speak out directly in support of the view he expressed. But none has—and to break his lonely position I speak out today in support of his Ann Arbor speech and say that it was the most encouraging expression to come from the Kennedy administration since the time of my speech a year ago.

Typical of the opposition was a three-column "anticounterforce" advertisement that ran in the New York Times of August 21. The signers are 175 most highly respected and patriotic faculty members of a dozen universities and colleges of recognized standing. They urged abandonment of our counterforce posture.

Why? Because, in their view, it is provocative to the Communists; and it tends to promote an arms race; and it increases the likelihood of war.

The solution which they, in all sincerity and seriousness, recommend is to reduce our arms—even disproportionately, if necessary—for the purpose of seeking a closer approach to equality with the U.S.S.R.

With this example in mind, let us see clearly and understand fully what the most vocal and influential of the well-intentioned critics are saying. Reduced to simple terms, it is this:

We are largely to blame for the Soviets' continued intransigence. Because we maintain the strength to counter their military capability, we give the Soviets reason to fear that we are preparing to attack them. They are driven to excessive secrecy and distrust by their apprehension of our strength.

In substance, these critics contend that the Soviets are bad because we make them bad. Hence, if we reduce our military strength, their attitude will improve, and they will become more tractable.

Do these good and sincere people who are so critical really believe that we would be better off without a margin of military advantage across the board? Are they really willing to risk the survival of our country on their opinion of the Soviets' intentions?

Is it conceivable that, in the present atmosphere, we would deliberately plan not to have more than the Soviets have? Is there any worthwhile evidence to cause us to see that way as the path toward more effective deterrence and greater security?

There are some who seem to think that deterrence is, in a manner of speaking, old fashioned; that it has been overtaken by events in the forward rush of technology; that deterrence, as we know it today, has no future. I disagree.

We have had effective deterrence for the majority of time over the last 15 years. We have effective deterrence now. And I believe we can continue to have effective deterrence in the future. And in the future, as in the past, there is no doubt that effective deterrence will stem fundamentally from our counterforce capability; from our capability to win over the enemy's military forces.

With those who favor placating the Soviets at the terrible cost of deliberately downgrading our own military advantage and settling for parity or near parity, it is unpopular to say that we can win. With dangerous positiveness and shallow reasoning they say that in nuclear war there could be no winner. With all the emphasis at my command, I disagree. We can win.

I do not mean to imply that we could win cheaply. But neither do we have to manipulate ourselves into a position where we would be absolutely dead. It would not have to be a Pyrrhic victory. Winning and losing are not fundamentally questions of the intrinsic costs of damage suffered in a war. We could lose by eroded resolve and ultimate capitulation without suffering any physical damage at all from the enemy who defeated us. But if we are attacked, I hold with the concept that our "second-strike" force must be stronger than the force remaining to the enemy after his initial strike. If we retained this advantage we would be in a winning position.

And what kind of reasoning, may I ask, is behind the accusation that by keeping ourselves strong in the face of a determined and capable nation, whose leaders are our avowed enemies, we are promoting an arms race? Let us not surrender to this kind of self-incrimination any longer but instead set the facts straight. We are not promoting an arms race; not through counterforce or any other means.

The forces that we have and expect to have are not just someone's "idea." We do not get them like numbers pulled out of a hat. Far from that, our requirements are based on the most careful and complete information regarding the Communists' capabilities that it is possible for us to have. And that is the way we must continue to do it, no matter what the prophets of fear and doom say.

For I repeat, it would be folly for us, in the present climate of relations with the U.S.S.R., not to be able to counter those capabilities.

So if we are engaged in anything that resembles an arms race, let there be no mistake about who is at the bottom of the trouble: The Communists are to blame; not our concepts and strategy. And while we are at it, let us get rid of the fiction that our military posture indicates an intention on our part to initiate war against the Soviets by striking first. If this were our intention, would we not be stupid indeed to burden ourselves with the expense of an aerospace defense system, our ballistic missile early warning facilities, the Strategic Air Command alert, and other precautions of that sort? If we intended to strike first, could we not forego these things and put all of our effort and resources into offensive means?

Our policy leaders stress repeatedly that we must have flexibility, a choice among alternatives. I agree. Certainly we want to have several alternatives available if we are attacked. Counterforce response against military targets is only one of them; but a very desirable one.

Do we not want to do everything within reason to avoid needless destruction? Of course we do. Do we not want to provide the enemy with every possible incentive not to attack our cities? Of course we do. Do we want to subscribe to or be limited to a policy of indiscriminate devastation, which would provide an enemy with a strong incentive to attack our own cities? Of course we do not.

I do not comprehend the reasoning of those who cry for the abandonment of our counterforce posture. I do not understand how they believe that we can find greater safety in greater weakness.

But I am sure of this: If we do believe that counterforce is essential—if we do want to preserve it—the time has arrived for all of us—those of us here today; the American people everywhere; the President of the United States; not just a lonely Secretary of Defense; indeed, all of us, to do more to make the concept of countering the enemy's capabilities better understood and more widely accepted; to protect it from even those well-intentioned patriots, who, through fear of imagined or real risks, or through ignorance of the facts, would destroy it and cast us adrift on the stormy seas of far greater uncertainty.

I do not intend to imply that counterforce is the answer to everything. It is not. But even in the very worst context that can be contrived without going to impossible extremes, we are still vastly better off with it than we could possibly be without it.

No one claims that it is a panacea. No one could say for certain that because we have a counterforce capability the future will be easier. But there is every reason to believe that if we resolutely maintain a counterforce capability the future will be less difficult than it might be otherwise. And that is a goal which, although not spectacular, we must not ignore.

Mr. KEATING. Madam President, will the Senator yield?

Mr. SYMINGTON. Madam President, will the Senator yield?

Mrs. SMITH of Maine. I am glad to yield to the Senator from New York, and then to the Senator from Missouri.

Mr. KEATING. I wish to express my gratitude to the distinguished Senator from Maine for her fine address, which it was my privilege to hear. We need more who speak so forthrightly. After deep study of our military capabilities and our military posture, she has given us a simple analysis. There are those in this country, sincere people—not Communists, but sincere, dedicated Americans—who believe that the way to deal with the Russians is to reduce our military might down to about the equivalent of others. Then we would be able to get along better together.

The Senator from Maine has certainly devastated any such position. The best way—indeed, the only way—to keep the peace is to be strong and to remain strong.

Our military posture is far in advance of that of the Soviet Union at this time. We must not let down in that respect. Military weakness is vastly more dangerous than is strength. Inaction is vastly more dangerous than action. Everyone in the world—particularly the leader of every nation—knows that it is not the intention of our country to provoke anything in the way of military action. But the way to prevent such action being provoked is for us to demonstrate, and to continue to demonstrate that it would be a devastating mistake on the part of any other power to start anything of the kind.

I compliment the distinguished Senator from Maine on her fine speech. As one American, I am very happy that she is serving in the Senate on the particular committees to which she gives her great ability.

Mrs. SMITH of Maine. Madam President, I thank the distinguished Senator from New York. He has contributed greatly both in the military aspects of our country's welfare, and in his other public service throughout his career.

I am glad to yield to my colleague on the committee, the distinguished Senator from Missouri [Mr. SYMINGTON].

Mr. SYMINGTON. Madam President, I have listened to the Senator's speech in its entirety with great interest, and congratulate the senior Senator from Maine for one of the most thought-provoking addresses on our military status and posture it has been my privilege to listen to in the Senate.

As we all know, the distinguished Senator from Maine is one of the foremost military authorities in this body. For nearly 15 years she has been a member of the Senate Committee on the Armed Services. Before that she was a member of the House Committee on Naval Affairs. Whenever she rises to address the American people on the subject of national security, it is in their interest to listen.

I was especially interested in the devastating logic of her reply to those who, in effect, follow the theory of overkill and massive retaliation. I was also interested in her backing up the Secretary of Defense, that great speech he made at Ann Arbor about the importance of "counterforce" as national policy. I hope every Senator and Representative will take the time to read this penetrating analysis of the basic problem incident to our national security. More than that, I would hope that, in some way, every American could have the opportunity to ponder the thoughts presented by one of the most able, experienced, and conscientious Members of this body.

Mrs. SMITH of Maine. Madam President, I appreciate the very generous words of my able colleague on the Armed Services Committee. He has contributed greatly in industry and public service. As a former Secretary of the Air Force, he knows a great deal about what is required to keep the strength that we have had and want to continue.

Mr. PEARSON. Madam President, I join the distinguished Senator from New York and the distinguished Senator from Missouri in commending the distinguished Senator from Maine on the very thoughtful and constructive statement concerning one of the most important subjects and important matters in the world today.

Mrs. SMITH of Maine. I thank the Senator from Kansas for his kind remarks.

THE 1962 FARM BILL

Mr. PEARSON. Madam President, I address myself, for a very few minutes, to the so-called farm bill to be considered by the Senate next Tuesday. The conference report on H.R. 12391 combines not only the Freeman-Cochran theories of acreage limitations and marketing controls, but also invokes the old Brannan compensatory payment plan—so bitterly fought before by all of those who sought freedom for the farmers.

An unsatisfactory administration farm plan, once defeated, now returns with its objectionable features hiding behind the skirts of the relatively acceptable elements of the 1963 program. But I say once the trap is sprung, once the 1963 program is continued as law the growers of wheat and feed grains in 1964 will face the ultimate dilemma of choosing between the toughest mandatory production controls they have ever known or accepting the alternative of being dropped into an open market which has been unbalanced and confused by Government action.

The American farmer—provider of plenty in a world of want; creator, by industry and ingenuity, of the greatest agricultural revolution witnessed by the world to date—deserves a better fate.

The wheat and feed grain programs incorporated in this conference report will neither increase farm income nor protect the freedom of the farmers.

Even a brief study of the agricultural economy points up the close interrelationship of its various elements.

In the feed grain provisions, supports are to be set in relation to corn and will be "at such a level between 50 and 90 percent of parity as will not result in increasing Commodity Credit Corporation stocks." With over a billion bushels of Government-owned corn hanging over the market, the obvious support price of corn and all other feed grains will be at the low end of the formula—50 percent of parity or about 80 cents per bushel. The downward plunge of prices for the feed grain growers will immediately be reflected in the livestock economy of the entire Midwest; the cash benefits feed grain growers might obtain under the 1963 program could be taken back from them many times over in subsequent years through lower livestock prices.

But the cause and effect reaction continues and wheat sold for feed—in competition with corn and other feed grains—would be supported at a level which would relate it to corn. By the U.S. Department of Agriculture's own figures, feed wheat could be supported at about 92 cents per bushel. This, of course, is far below the average of $1.40 which wheatgrowers had been led to believe they would receive for the 15 or 18 percent of their total production which would be marketed for feed purposes. The wheat program with its present intricate and complicated certificate system will indeed be a challenge to understand or to administer. The farmer's life, always dependent upon the uncertainties of nature, now faces further confusion, doubt, and uncertainty as to Government regulations.

This much we know. Wheatgrowers will be forced to reduce their present production by 20 percent. As an offset—which is only partial—wheat for domestic use or for export utilized as food would be supported on an average of $2 per bushel. I have already spoken of the fate of wheat used for feed purposes. Thus, under the proposed plan, the wheat producer may expect an overall average support of about $1.80 per bushel. Couple this with the mandatory acreage cut and the result can only be, it seems to me, a drastic income reduction for the producer. But I venture to say that the loss of income will never be received by the farmer with the sense of disappointment as the accompanying loss of freedom.

Madam President, when the 1962 farm bill was first reported from the Senate Agriculture Committee omitting the mandatory feed grain provisions and offering a choice of plans to the wheat farmers, some evidence was then produced that our Senate committee, in its diligent efforts, sought to move the farmers to an area of greater freedom.

Many amendments, however, transformed this bill into the administration plan with the strictest production and marketing controls ever imposed upon American agriculture. My vote on that measure was with the minority in this body and in agreement with the majority of the House.

Several days ago, as one of four members of the Republican Party, I voted, in effect, for the extension of the present farm program. It seemed to me that the extension of the present program for 1963, with some modifications, was the best program that could be achieved at this late hour. My reservations concerning the wheat and feed grain provisions for 1964 were strong, but as the distinguished Senator from North Dakota [Mr. YOUNG] stated, it was hoped that a better plan could be devised in conference. That conference report now before us represents a bill absent of compromise and almost punitive in nature.

The saddest and most disappointing feature of this conference report is that cruel part of the plan which promises the farmer a reward in 1963 if he will proceed down into the dark valley of regimentation in 1964. I repeat, this bill presents a trap wherein the grower of wheat and feed grains will soon be forced into the ultimate decision of accepting the toughest mandatory controls ever known or being dropped into an open market, uncertain and troubled by the unnatural manipulations of Government interference.

The distinguished minority leader of the House, Mr. HALLECK, may have been correct when he stated:

> Perhaps the most that can be said for this conference report is that it gives farmers 1 year to pack up and get out of agriculture.

Mr. MUNDT. Madam President, I congratulate the distinguished Senator from Kansas on his review of the action taken by the conference committee dealing with basic agricultural legislation. He has reiterated in part some of the arguments which I made on the floor at the time the Senate voted on the legislation initially.

It seems to me that this legislation, as it comes to us from conference, heralds the collapse of the whole price support concept in agriculture, and provides, in lieu of a fairly satisfactory and rewarding system of price supports, a system of fluctuating flexible price supports, worse by far in their impact on farmers than anything that has ever been presented to us by Secretary Benson or the Department of Agriculture. As is well known, Secretary Benson himself was an advocate of flexible price supports. This proposal goes further than the Benson flexible price philosophy, because it not only provides a further flexing of prices downward, but it is tied to an anchor instead of to a star. It is tied to existing surpluses in the Commodity Credit Corporation, which by no stretch of the imagination can be eliminated by a wave of the wand, and it means that for several harvests to come the Secretary of Agriculture will necessarily be forced by law to fix price supports on feed grains so as to make them extremely ruinous.

THE PLIGHT OF THE TIMBER INDUSTRY

Mr. MUNDT. Madam President, I wish to mention something about the plight which confronts the timber industry of America today. Over the past several months we have heard a great deal of discussion by Members of this body about the plight of our various American industries which are in economic difficulties because of imports from foreign producers. Just today the Senate completed consideration of legislation on expansion of the Trade Agreements Act granting broad authorities to the executive branch in negotiations for promoting trade with other countries.

Some time ago, back on May 15, 16, and 17 of this year we discussed on the floor of the Senate, Madam President, legislation dealing with the amendment to section 204 of the Agriculture Act of 1956. This bill was known as H.R. 10788 to permit and implement the negotiated agreements between this nation and 19 other nations relative to the protection of the cotton and cotton textile industries. At that time I offered an amendment to H.R. 10788 which would have provided that this agreement could not go into effect until such agreements had been negotiated for other designated agriculture products. One of those products is lumber and the timber industry which is in a very depressed condition in the United States today.

I was disappointed that some Senators who come from timber-producing States voted against my amendment at that time to bring timber under the mantle of this type of protection.

I am happy, however, that most Senators who have large timber interests in their areas and who have timber producers in their States, voted in support of my amendment, which would have provided for timber, lumber, and the lumbering industry the identical protection which it was hoped would be provided for textiles by the action which was taken.

I wish I could believe that the bill which the Senate passed this week—the Trade Expansion Act of 1962—contains provisions which will provide for protective measures for this great segment of our agriculture industry. I fear that it does not. I fear that agriculture and my great area of our Nation may be in for some increasingly difficult times because of the action of the Senate.

I have noted with increasing alarm in recent months that the Nation's forests, the people who work in them, the people who are dependent on them, and the communities whose economy stems from their bounteous gifts, have expended a great deal of effort in trying to improve the economic status of forest-based enterprises. Last week I was reminded of a statement made by President Kennedy in Salem, Oreg., on September 7, 1960, in which he said to a timber-based community:

> It is time for a fresh and imaginative program to resolve the problem of our Nation's timber industry and in 1961 we are going to put such a program into action.

This was an excellent statement of intention. It is unfortunate that the anticipation of its implementation has been so unrewarding. Here we are in late 1962 and as yet no definitive action which will bring economic relief to the timber industry has been taken in any fashion whatsoever.

Before discussing further the immediate and serious obstacles in the path of a healthy forest economy of our country today I believe it would be most helpful to put in context just how important this activity is to our Nation. Over the years, since the founding of our country, the lumber industry has been the backbone of the forest economy. Lumber has made the most significant contributions to our American way of life of any of the forest products, although nature's gift to us through the forest includes much more than lumber. The list of specific products could be endless; the poles that support our lines of communication across the continent, the books we read, the magazines that supply us with current information and the daily newspapers that keep us so well informed on the many subjects of current interest to you and me, the furniture we sit upon, the cellulose in the garments we wear, the rosins and the resins and the glue and the paint that we depend upon, the pencils that I use to jot down my thoughts on this subject and, if one might use the term, the handles for the tools that torment those who are gardeners on the weekend. And—probably most important of all—the homes that provide shelter for millions of Americans today.

However, I believe I can document the case I advocate today for protection of the great lumber industry of America and it can be most accurately portrayed, if I confine my observations to the lumber manufacturing industry—for in this single basic industry are illustrated all the heartaches and the perils which beset the forest industry as a whole.

The lumber industry is America's oldest industry. The original forests of the United States covered 822 million acres or more than 40 percent of our land area. There obviously is no record of the original volume of timber but it has been estimated as being between 5 and 8 trillion board feet. Vast forests provided lumber for the very first needs of the Virginia and Massachusetts colonists—shelter against the elements and stockades for protection against the hostile savages. Within a few years after the first settlements, sawmills began to appear up and down the Atlantic seaboard. Even before the first reported sawmill was built at Berwick, Maine, in 1631, the settlers in this new land began to clear areas for farms—for the sites of their barns and of their homes. Timbers for bridges and roads were hewn from the virgin forests. Frequently, in the colonial days, the objectives of the woodcutter were first to clear the land and only secondarily to obtain fuel and building materials. The lumber industry developed hand in hand with agriculture, furnishing the first crude instruments basic to cultivation of the virgin land. Lumber manufacture was primarily—even as it remains today in large measure—local industry. The lumberman and the pioneering settler were one and the same.

As the centers of population and commerce and industry moved westward, so did the lumber industry. New York timber succeeded the seacoast stands as the center of production. Then to Pennsylvania, along the Susquehanna and Ohio Rivers, and up into Michigan, Wisconsin, and Minnesota and South Dakota. From the Lake States the westward migration of the lumber industry split around the last decade of the 19th century, a part moving into my home State, into the Rocky Mountain area and the Pacific Northwest, but the greater part moving toward the vast virgin stands of the Southern States.

It was inevitable that the early lumber industry was exploitive in character. As fast as land was cut over, settlers moved—clearing, cultivating, and building. The order of the day was for the lumberman to harvest the timber and to get out of the way of the advancing tide of settlers. Present-day critics of the history of the lumber industry give relatively little consideration to the contributions it made to the rapid growth and settlement of America. Forests, even as soil, game, and water, were exploited. Fortunately, trees are a renewable resource. In fact, our forests are America's greatest and only renewable resource. There has been a great awakening to this fact, which began at the turn of this century under the farsighted leadership of men such as Gifford Pinchot and President Theodore Roosevelt. The American lumber industry has played a dominant role in assuring the future of our Nation's timber resources. Economic facts of life have necessitated the replacement of trees as they are cut in order to assure a continued operation. The privately owned forest products industries are in virtually every State of our Union.

We sometimes get a distorted view of an industry because of our lack of closeness to it. The forest industries, operating as they do, in isolated areas, suffer more from this distortion perhaps than most industries. This is an industry of very small units. It is probably impossible to count all of the sawmills operating in this country at any given time. However, it is estimated that there may be as many as 65,000 sawmills producing lumber for the multitudinous needs of the American consumer. As distinguished from highly concentrated industries which are the major source of competition to lumber, the index of concentration in the lumber industry is the lowest of any major industry. The three largest lumber companies account for less than 7 percent of the Nation's total lumber product.

The lumber industry is a highly competitive industry. There is strong competition not only between different species of wood and different producing regions, but also between similar operations in the same area. Because of the necessity of operating close to the source of its raw material, segments of the lumber industry are found in virtually every State, and lumber manufacturing is a major industry in at least two-thirds of the States. Although the industry as a whole ranks fourth in numbers of manufacturing employees, the average sawmill is much smaller in terms of number of employees than most other manufacturing establishments. For example, the most recent figures available to me are that among all manufacturing industries the number of employees average 56 per establishment. For sawmills, the national average is only 16 employees.

Another characteristic of the lumber industry has been its need to adapt itself to the forest and woodlands in the various parts of the country, which vary in the extreme as to species, accessibility and climate. The lumber industry is far more subject to weather difficulties than are most other industrial activities.

There are today 4,510,213 owners of timberland in the United States, and the largest single owner is the Federal Government.

Mr. President, you will note this is the first time I have made reference to the Federal Government, but I will mention it often today because I suppose if I were to adopt a theme for these remarks it would be "Government and the American Lumber Industry."

The United States depends upon trees. Few natural resources have contributed as much to our growth and prosperity as have the forests during the past 350 years. Our forests are being made increasingly productive by intensive management as wild timber stands are converted to growing stands.

We have over 486 million acres of commercial forest land in the United States. About one-fourth of this is owned by the Federal Government. Most of the rest is privately owned. We have a standing timber volume of over 507 billion cubic feet and a sawtimber volume of over 2 trillion board feet. This volume is increasing annually.

Nationwide we are harvesting less than our annual growth. Our forest reserve is increasing at the rate of 25 percent of the cut.

Growing trees is a profitable venture. More than 20,000 private landowners throughout the country are certified tree farm owners—dedicated to practicing sound forest management on more than 55 million acres. Our citizens know it is good business to "keep America green."

Forestry in the United States means growing trees as a crop. The practice of forestry dates from 1892 on private land. One of the country's first native foresters, trained in Europe, was employed as forest manager in North Carolina in that year.

The real reason why forestry was delayed in getting a foothold until after 1900 is that our country was blessed with more abundant, accessible and varied forests than any nation on earth—over 800 million acres when the colonists arrived.

Although timber is the primary products of our forests, the forest manager gives consideration to all other land values, such as soil conservation, pure water yield and storage, wildlife food and habitat, forage for domestic livestock, and outdoor recreation.

For example, one company which harvests timber from its tree farms for paper, plywood and lumber, in 1960 welcomed over 25,000 hunters onto the same lands.

The tree farms also serve as vital watersheds by retaining water from rain and melted snow, thus helping to maintain steady stream flow.

The degree of utilization in the woods has increased steadily over the years. In 1900 an estimated 30 percent of the sound wood in each tree was converted into useful products. In 1961 the estimate lies between 50 and 80 percent. Utilization depends upon many variables, but largely upon technology and ultimately upon markets. It is physically possible to put an entire tree, including bark and branches to good use. But it is not economically feasible to do so because the costs of handling, transporting, and converting all the parts are prohibitive.

Tree planting more than doubled between 1956 and 1960. It has tripled since 1953. In the 1960 planting season 2,135,287 acres were planted, and private landowners planted 1,835,400 acres or 87 percent of all forest planting. Growing forests from direct sowing of seed has proved successful on a large scale in some regions, for certain species, and is expected to make tree growing economical on vast additional acreage.

Since 1900, over 30,000 undergraduate degrees were awarded in U.S. forestry schools. Graduate degrees during the same period totaled 5,344 master and 575 doctors for a grand total of more than 36,000. We have 28 schools granting forestry degrees.

Some of our Nation's worriers and planners have been periodically predicting a timber famine over the past century. In fact every 10 years they looked at our standing timber volume and fabulous per capita consumption of wood and predicted that we would run out of timber within the next few years.

Unfortunately, they neglected to remember that under our profit oriented capitalistic system, private individuals, if left unrestrained, will produce to meet the demands of the day. They also did not remember that productivity of our land under management is greater than its productivity in its wild state. Capitalism offers an unlimited incentive to make the land increasingly productive.

Private owners have the freedom and incentive to use their best judgment to take advantage of expected market opportunities which means that the United States will have an increasing supply of quality lumber.

Today that great industry is in economic difficulty. Part of it stems from the regulations and administrative rulings which have been handed down by the Forest Service in connection with the cutting of timber from Government-owned forests. Much of it comes from the fact that the competition with other materials and imports has depressed the price. In fact, on June 15 in a statement by Mr. Edward P. Cliff, the Chief of the Forest Service of the U.S. Department of Agriculture, before the Senate Commerce Committee, stated:

> The major problem of the industry is a drop in a lumber selling prices. Lumber has numerous problems of competition with other materials and lately with increased imports of lumber from Canada.

The soft lumber market since the middle of 1960 and the concern of the industry over the increased volume of Canadian timber flowing into the U.S. markets demonstrates that a major problem of the industry is in oversupply in comparison to demand. In that same hearing Mr. Cliff also stated:

> It is generally agreed that the lumber industry is caught in a price-cost squeeze. Costs of lumber production during the last few years have not increased markedly. Rather the inability of the industry to reduce costs in step with the climbing lumber price is a major cause of the difficulty.

In another Senate Commerce hearing on June 18, Mr. Cliff was asked if the Forest Service still agreed with testimony which was given by its spokesman before the House Appropriations Committee in February 1959:

> The Forest Service is by far the largest single supplier of raw material for the Nation's forest products industry. Many mills both large and small are primarily or wholly dependent on continuing or increasing purchases of national forest timber. Alternate sources for purchase of timber from major segments of the lumber and plywood industry, especially in the Northwest, have now been exhausted. This almost complete dependence on purchase of national forest timber for continued operations makes the products of the national forest timber sales program more significant than ever. Many mills must purchase timber to keep operating. The national forests are the one place where they can buy it. The job of selling it must be done by the Forest Service. This will keep mills going, provide jobs, and stimulate the general economy.

Mr. Cliff acknowledged that this statement to Congress today was still the position of the Forest Service.

In view of these statements it seems to me that since the Forest Service recognizes the need or dependence of the forest products industry on them as their single supplier and since this industry is made up of so many small units which has much to learn about the efficient operation of manufacturing facilities, it is unfortunate that a statement would be made that industry is caught in a cost-price squeeze because of its inability to reduce costs in steps with reclining lumber prices.

I am sure that Members of the Senate know very well that no grouping of human beings has achieved perfection in its economic activities. I applaud, however, the efforts of the American lumber industry in the efforts which it has made as small private entrepreneurs to make its products more competitive with imported specified products in the marketplace; to make it simpler for specifiers and users of lumber to distinguish the particular kind of lumber necessary to do a specific task. I applaud the American industry for its highly developed and highly responsible citizenship program in the field of conservation; its "Keep America Green" program. Its tree farm programs should gladden the hearts of every citizen interested in sound conservation practices in our forests. I applaud the American industry for its efforts to promote the highest use of wood and wood products. Its advertising and merchandising programs are exemplary. These are efforts that deserve recognition.

There is a vast area of activity over which the American industry has absolutely no control and virtually no influence and thus this is my theme, the Government and the American industry. I want to tell the story—to paint a picture—to tell some history—of American industry dogged, restrained, restricted, exploited, maligned, and often ignored by a government—our Government. It is not a pleasant nor an attractive picture. It is certainly not a partisan story, and I believe that it is a story that was not written—just developed or evolved, like Topsy. It was not planned; it just happened.

Madam President, there are many problems confronting the timber industry, some of which could be solved by a change in the administration of the forest logging program or in the cost in the administration of the road construction program which is imposed upon small lumber mills or changes in other Government regulations which those engaged in selling must abide by.

However, Madam President, in my opinion one of the major problems confronting the timber industry today was aptly stated when Mr. Cliff said, "Lumber has numerous problems of competition with other materials and lately with increased imports from Canada."

In order to meet this situation last May, I offered an amendment to H.R. 10788, the so-called legislation to amend section 204 of the Agriculture Act of 1956, which would have provided protection for the cotton-textile industries. My amendment would have extended to the beef and beef products, pork and pork products, fresh frozen lambs, poultry and poultry products, timber and timber products, and dairy products, the same type of negotiated agreements that the cotton and cotton textile people enjoy today. Unhappily, that amendment was rejected.

Since it was rejected, the representatives of the timber industry have been clamoring for some kind of assistance. It is unfortunate that those who seek protection now did not seek protection then for the great timber industry of the Nation, because, as I have pointed out, it is necessary to move in with one's amendment in the Senate when there is legislation which can logically carry the amendment to the proper end—legislation which will secure the approval of the White House as well as of Congress.

However, during the debate on the amendment many Senators indicated that at the proper time they would be happy to support whatever legislation was needed to provide the protection to these various agricultural products. During the debate on the amendment I pointed out that in the great West some of the best timber ever to grow in outdoors is raised. In that country is located the Simpson Timber Co. with which my office has had considerable correspondence. The Simpson Timber Co. is one of the more forward looking companies in these United States and consider forestry a system of cropping. Great Douglas-firs are planted many, many years before finally maturing. As some of the trees are cut down in one part of the forest they repopulate that forest so that never again will we have a denuded area in such places. That is enlightened, progressive, and successful timber country.

At one time I had the privilege of going through some of the lumber mills. I spent a day in a logging camp. I contemplated the manner in which a great timber crop is produced. As a consequence I have had continued correspondence with that company on the very subject we are discussing—namely, competition from outside the United States. They advised me in one report:

> The Pacific Lumber Bureau in January 1962 reports waterborne lumber shipments to the Atlantic seaboard from British Columbia in Canada, and west coast mills reveal that Canadians set a new alltime high by taking 71.4 percent of the market which until 1961 always had been held by west coast mills.

That letter of February 28 pointed out that British Columbia shipped to the Atlantic seaboard market 101 million-plus board feet, while Washington and Oregon shipped only 40 million-plus board feet of lumber. The portion shipped by British Columbia was 71.4 percent and the percentage shipped by Washington and Oregon, 26.6. Further, Mr. President, the American lumber industry has conscientiously persisted in attempts to win attention and action by responsible public officials to alleviate these serious threats to the continued existence of the industry which has been basic to the economic well-being of our Nation throughout its existence.

In seeking reasonable solutions to unemployment and operating problems imposed on the lumber industry by the unchecked flood of Canadian softwood lumber into American markets in competition with that which we produce, the industry leaders of the lumber industry have solicited the interest and action of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of State, and the White House.

In each instance the overtures which have been made have been met with little interest or have not been taken seriously. I have been happy to note that just recently the White House has indicated that a survey will be made to determine whether negotiations should take place for some type of protection for our industry.

In my opinion, this is long overdue, since 200,000 workers formerly employed in the forest industries are now jobless, and can no longer be ignored. Three million Americans are employed in forest products manufacturing and occupations directly related to the distribution of forest products. We cannot in any way, through permitting the continued importation of lumber, in competition with that produced in America, take a chance on jeopardizing the futures and the jobs of those employed Americans.

In 1961 our country imported over 4 billion board feet of lumber. By the end of 1961, 1 out of every 7 board feet of lumber consumed in the United States came from Canada. Seven out of every ten board feet of softwood lumber shipped into the Atlantic coast markets by water came from Canada. Reports on the shipment of lumber during the first 5 months of 1962 indicate a steady upward trend of shipments from Canadian lumber producers into U.S. markets. At the present rate, we anticipate that Canadians will take 20 percent of the U.S. lumber markets over the next 18 months. This compares with the Canadian share of the U.S. softwood lumber market to the extent of 5.2 percent, as recently as 1949.

In April of this year the Department of Labor, through its Bureau of Labor Statistics, reported that over 200,000 men and women, formerly employed in the lumber and wood products industry, were drawing unemployment compensation; and that figure did not include unemployment in the retail and wholesale trade in these products. The American lumber industry has always been able to compete successfully with competition unless the conditions were inequitable. I hope we continue to keep that industry strong and progressive.

During the debate on the Senate floor on my amendment to House bill 10788, the Senator from Washington [Mr. MAGNUSON] also pointed out one other difficulty which the lumber industry finds in trying to meet the Canadian competition; namely, the fact that the Canadian Government has again reduced the par value of its dollar. This time the arbitrary rate of 92.5 cents, as compared to the U.S. dollar, or approximately 2.5 cents below its previous par value, has had the immediate effect of reducing the price to U.S. purchasers of Canadian lumber an additional 2½ percent, or a new total reduction of 7½ percent. Stated differently, this increased the advantage which Canadians have in the U.S. market from 5 to 7½ percent. This not only increased the cost to American producers in their own markets, but also placed them at a further disadvantage in competing for international markets.

Despite the fact that American lumbermen have for many months protested the manipulation of Canadian currency as a decisive factor in placing them at a competitive disadvantage, the Canadian Government took this step. Also the Canadian Government gives to its lumber industry other cost advantages which we in the United States do not enjoy, and which add dollars to the cost burden on those engaged in this industry, which must meet the competition from our neighbor to the north. There are the low stumpage rates enjoyed by the Canadian industry; there is the Government-granted transportation advantage enjoyed by the Canadian lumber producers; there is the tariff differential which favors Canadian lumbermen; and their Government assistance in trade-mission and export-development activities in the lumber industry is, of course, a major aid to the Canadian producers.

For many years, we have had on the books, of course, the provisions in regard to the Tariff Commission, which has been set up as a group of experts in the field for the protection of local industries which are in trouble from imports. This Commission has, since 1948, taken formal action on 133 escape-clause cases, under the provisions of the Trade Agreements Act.

I regret exceedingly that the Trade Expansion Act, which the Senate passed this week, did not include the same kind of peril-point procedure provisions and escape-clause provisions which have served our industries well in the past. That was one of the major reasons why I voted against that bill.

The Tariff Commission has recommended against relief in 92 such cases; and in the 41 cases sent to the President, relief was denied by the President in 26, and was granted in only 15. In nearly all the cases in which the President has accepted the Commission's findings of injury, he has modified the recommendations for relief and has diluted the Tariff Commission's recommendations for assistance. I think the best evidence of why the American lumber industry has not pursued the escape-clause route is to be found in the experience of one of its important segments—the hardwood plywood industry. A spokesman for that industry last year reported on the lack of progress made in pursuing the escape-clause route. In 1955 the industry filed an escape-clause application, relying on the statements on the administration then in office that no injury would be permitted to American industry, and that an injured industry would have relief under the escape clause. An investigation was made. Hearings were held, and in June 1955, the Tariff Commission issued its report. The Commission denied relief, found that imported hardwood was like and directly competitive with the domestic hardwood plywood, but that the injury had not existed for a sufficient length of time to determine a trend.

That decision by the Tariff Commission in 1955 was a blanket invitation for foreign producers to increase their production for shipment to the United States. Imports soared from 425 million square feet in 1954 to over 800 million square feet in 1958, and thus absorbed in 1958, 50 percent of the domestic sales. Prices of the domestic hardwood plywood in the interval between 1954 and 1955 had been steadily forced down by the low-price imports, and many of the companies were operating "in the red." In 1959, the hardwood plywood producers, believing that their continued injury had clearly established a trend sufficient to satisfy the Tariff Commission, filed a second application for relief under the escape-clause; and investigations and hearings were held. The Commission, on the basis of a 4-to-1 decision, again denied relief to the hardwood plywood industry, and made what appeared to be a finding that imported hardwood plywood was not like or directly competitive with domestic hardwood. This was, of course, in direct conflict with the unanimous finding of the Commission on this issue in 1955. This, of course, places businessmen in a confused state.

I ask unanimous consent to have printed at this point in the RECORD an article in regard to the matter I have been discussing.

The **PRESIDING OFFICER** (Mr. PROXMIRE in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COTTON GOODS DUTY RISE REJECTED BY COMMISSION

(By Steven Gerstel)

The Tariff Commission, incurring the displeasure of President Kennedy, rejected yesterday a proposed increase in duties on foreign-made cotton textiles.

The President immediately issued a statement that he would seek congressional action next year to clear up inequities in the Nation's cotton program. Under the program, American producers pay more for cotton than their oversea competitors.

On a 3 to 2 vote, the Commission turned down the Agriculture Department's proposal to increase the levy on imported cotton textiles by 8½ cents a pound. This would have exactly offset the price break that oversea manufacturers now get on cotton purchased from the United States.

The U.S. Government pays the 8½-cent subsidy to foreign mills under a program designed to encourage sales of American cotton abroad.

The majority of the Tariff Commission held that the cotton textile imports were not hurting operations of the Agriculture Department program for cotton and cotton products. It held that it would be inappropriate to consider the effect on domestic textile producers.

"The application of an import fee would necessarily operate not only to restrict the volume of imports of cotton articles," the majority said, "but also to raise the sales prices of both the imported and the domestic cotton articles that compete with one another."

The three commissioners said this would certainly result in reduced sales of both domestic and imported articles.

The action brought quick criticism from textile producers—one of the industries the administration has promised to protect from damaging foreign competition that might result from its liberal trade plan.

The White House said the President, while disagreeing with the Commission's findings, had no authority under the Agricultural Adjustment Act to overrule it.

In his statement, the President said he was instructing the Agriculture Department to start drafting a plan to correct the situation. He noted that this would require new legislation.

Between now and January, he said, administration officials would confer with congressional leaders and representatives of the cotton industry. The President said he would then recommend corrective legislation early in the next session of Congress.

Commerce Secretary Luther H. Hodges also issued a statement expressing disappointment with the Commission's decision and praising the President's stand.

Other criticism came from some members of Congress. Senator RICHARD B. RUSSELL, Democrat, of Georgia, called the ruling incomprehensible. He said the Commission showed a callous disregard for the well-being and future health of the textile industry.

Mrs. NEUBERGER. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I am happy to yield.

Mrs. NEUBERGER. I have listened with a great deal of interest to the remarks of the Senator from South Dakota, who represents one of the great wheat-producing States of the Nation. When he speaks of the lumber industry, of course I am vitally interested, because ever since I became a Senator, the plight of the lumber industry has been one of the prime things with which I have been concerned. So I was rather surprised to hear the Senator from South Dakota speak of an interest so vital to my State.

Mr. MUNDT. Let me say that although South Dakota is a great agricultural State, in terms of the production of cattle, small grains, and wheat, South Dakota also has a very large lumber industry in the western part of the State, where the great Black Hills of South Dakota, through their very rich soil, have given birth to a great growth of timber. If course I realize that, dollarwise, Oregon produces more lumber than does South Dakota.

Mrs. NEUBERGER. I do not mean to imply that a Senator from one State is not interested in the problems of another State; but I rise to bring the Senator from South Dakota a little more up to date than his remarks seem to imply he is, regarding what the Federal Government has done for the lumber industry.

Last week the Secretary of Agriculture, Mr. Freeman, spoke to the Western Pine Association, in Portland. The newspaper headlines there have been very interesting. I remember that one of them was: "Secretary Pleases Lumber People."

The articles stated that the lumber people gathered there, prepared to find themselves in disagreement with the Secretary of Agriculture and to challenge his handling of the forest-products industry. They went there expecting to criticize him; but they came away applauding him, because he gave them assurance of a change in the policy of the Forest Service which will allow more cutting and will shorten the cycle.

When the industry and the National Lumber Manufacturers' Association and the Western Pine Association and all the other representatives of the lumber industry applaud the Secretary of Agriculture, I think that indicates that great progress is being made.

I should like to comment especially on the Senator's remarks about competition between the U.S. lumber industry and the Canadian lumber industry. I shall offer a solution which I believe would help with one phase of this competition. I have had before the Senate Commerce Committee a bill to repeal the Jones Act, which has been the greatest hazard to our ability to compete with Canada in the shipment of lumber.

As Senators know, the maritime bill will again be before the Senate next week; and perhaps the Senator from South Dakota would like to join me in offering to that bill an amendment to repeal the Jones Act. That would help our lumbermen compete with Canada, in the shipment of lumber to the east coast market. I did not support the Senator's amendment, to which he has referred so explicitly today, and which I suspect was for the purpose of doing little more than help the beef industry, rather than the lumber industry. I did not support it, for the reason that I wholeheartedly support the trade bill, which Congress has passed. I do not understand how we can have an effective trade bill if we are to nibble away at it, product by product. Even though to take such a stand might seem to be in opposition to a major industry in my State, I think there is a better way to compete with Canada than, one by one, to impose quotas on imports from Canada.

I believe our country can compete with Canada on the basis of out-and-out production, provided some of the handicaps, such as the Jones Act, are removed.

There is now before the Tariff Commission a petition seeking relief in this connection. Of course, we shall have to await the decision of the Tariff Commission. But I really think we must consider the products of an industry or the investment of an industry in terms of the overall effect, as we deal with Canada—one of our good neighbors, who purchases a great deal from us. Even though it may be hazardous for me, in my own State, to take this approach, I really think I have tried to consider this matter from the overall effect standpoint.

I appreciate this opportunity to discuss the lumber problem with the Senator from South Dakota.

Mr. MUNDT. The Senator from Oregon has made her position quite clear. While I cannot agree with her, I am glad she has placed her position squarely on the record while we are discussing this basic industry. I cannot agree with her reaction as to the speech the Secretary of Agriculture made in Portland, when he brought the timber producers out there together and said he had plans to meet the problem. I am glad that, so far as the timber producers of the Northwest are concerned, they are satisfied. The timber people of the State of South Dakota are not satisfied. Perhaps we in South Dakota are harder to satisfy than are the people of the Northwest, or perhaps it was because our timbermen were denied the opportunity of listening to the Secretary personally, and so they were not persuaded.

Nevertheless, if the timber people of the Northwest are satisfied, I will leave out reference to the Northwest and relate my remarks to the timber industry which I know best, that of western South Dakota.

I wish, however, to make one correction of the Senator's interpretation of my amendment to the House bill. It did not place any more emphasis on pork than it did on timber. They were on the same basis. Reasonable persons can disagree, as the Senator from Oregon disagrees with the Senator from South Dakota, as to whether or not our great country should exercise any control over ruinous imports from Canada. I believe we should, and the Senator from Oregon believes we should not. So we disagree. But when Canada devalues her currency to the point where trying to compete with her imports is futile, I think it is incumbent upon our Government to give protection to the lumber producers of the United States.

Mr. SPARKMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator yield?

Mr. MUNDT. I yield to the Senator from Alabama.

Mr. SPARKMAN. I call attention to the fact that the Southeast is a great timber producer. Southern pine is one of the great segments of the timber industry.

Mr. MUNDT. We are all having the benefit of a geography lesson. The Senator from Oregon thought of my State mostly as a wheat producer. I thought of the State of Alabama mostly as a cotton producer.

Mr. SPARKMAN. The Senator from South Dakota may be surprised to learn that Alabama leads in pine production and is near the top in overall timber production. My people have expressed great interest in the very problem that the Senators from South Dakota and Oregon have been discussing. I have given considerable thought to the procedures we ought to take.

First of all, I should like to make a suggestion. I make it, not as an answer to the present problem, but for the future. The time is coming, before this century is over, when there will not be enough timber available to take care of the housing and general construction requirements throughout the country.

The distinguished junior Senator from Oregon [Mrs. NEUBERGER] is a member of the Banking and Currency Committee, and she knows that studies have been made by the Housing Subcommittee. In future years it will be a problem to have a sufficient lumber production to supply the needs. Of course, that is no solution to the present problem.

Mr. MUNDT. I interpolate at that point to say that I do not believe the future is quite as optimistic as the Senator from Alabama states. In the Northwest, in western South Dakota, and I presume in Alabama, there has been put into practice a program of tree cropping or planting, so that the stock is restored when it is cut. It is not like the old days of the timber barons who left nothing but naked earth behind.

Mr. SPARKMAN. The Senator is correct. One reason why Alabama has such a commanding position in the industry is that it was one of the earliest in the country to adopt such a policy. However, I call attention to the testimony of some of the leaders of the industry from the Northwest before our committee on this very problem. I make the suggestion with a clear understanding that it is in no sense a palliative for the present conditions.

Mr. MUNDT. Obviously, it does not help now.

Mr. SPARKMAN. I feel that in the trade bill which was passed late last week or the first part of this week there are provisions that give ample room for the handling of this situation. I believe it can be done through negotiations. I certainly hope it will be, and I am rather confident it will be.

In the course of the debate on the trade bill, the senior Senator from Oregon [Mr. MORSE] called attention to the fact that the present administration had shown a great deal of sympathy in regard to this problem, and particularly the problem as it affected the Pacific Northwest. I am confident that sympathetic understanding will continue. I believe we can look for adequate safeguards to be provided under the trade bill.

Mr. MUNDT. I appreciate the contribution of the Senator from Alabama. I hope his rosy predictions will come true. However, the record of inaction thus far does not augur very eloquently for the prospect of action in the future.

I agree that under the terms of the trade bill vast power is concentrated in the hands of whoever may be in the White House which give him the right, in effect, to reduce, increase, or negotiate tariffs. I hope that such powers will be utilized to protect an industry which is in serious economic straits, at least insofar as western South Dakota and the timber producers of my State are concerned. Why people should write to me from other timber areas saying they are in trouble is difficult for me to understand if they are not in trouble; but I know, from personal inspection, something about the economic problems in my area.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. SPARKMAN. I do not want to be understood as saying that they do not have their troubles, because they have. My people has consulted me, as have the people of the Pacific Northwest. I assume that both Senators from Oregon have dealt with this problem on many different occasions. We have had problems, and still have them, but I believe there is room for solution. I look forward with a great deal of hope and confidence to the proper handling of the problem.

Mr. MUNDT. I am glad to have those reassuring words, because in South Dakota for a long while we have been living in hopes and expectations and on the basis of promises, but the situation is growing desperate. I cannot even express our situation in the happy phraseology of the Senator from Alabama, who says, "We have had our problems." We have them now. They are serious, and are becoming worse. I chose this particular occasion, the week in which we passed the trade bill, to talk about it because it will be a problem which will be aggravated if the Trade Expansion Act is not properly administered. The problem can be alleviated if it is promptly acted upon, but as time marches on, serious economic consequences are catching up with the timber producers of the area I represent.

Over the past year, no Government action has been taken which has brought concrete assistance to the lumber producer. The administration has proposed a study.

We have heard encouraging statements. I shall read with diligence what the Secretary of Agriculture said in Portland. I made a futile attempt on the floor to do something about it when we were taking care of the textile industry, but we were argued down, because Senators said—and we understood their reason—that they did not want to muddy the textile bill with a lumber solution. We were voted down.

The industry and its employees have, on the other hand, proposed that immediate necessary action be taken pending the outcome of the study of the problem to keep lumbermen in business. Incidentally, we have one lumber mill in South Dakota in the Black Hills which has ceased to exist because it could not meet the competition of the day. Until such time as it would take to complete a study by the Government it is urged that a temporary quarterly quota be established for the softwood imports, based on 10 percent of the U.S. domestic softwood consumption. Over 95 percent of our total lumber imports come from our neighbor to the north—Canada. The lumber industry has expended much effort in recent months, seeking relief from the excessive and detrimental softwood lumber imports. Regrettably, the solution to his problem does not lie in the hands of the lumber industry or its employees or the communities dependent on it. To control the unchecked flood of Canadian softwood lumber it has become necessary to ask that our Government take action. Yes, that Congress itself take action. A temporary quarterly quota as proposed by the industry is the only solution that will meet the immediate needs. Decisive action by our Government to resolve the problem of excessive lumber imports is long overdue. I sincerely hope that immediate measures will be taken and that action will be taken when the Trade Expansion Act is finally approved to utilize its provision to protect this industry.

Why is immediate action needed? I think these figures very well tell the story. U.S. imports of Canadian softwood were up 29.3 in April of 1962 over April of 1961. I submit that that kind of increase cannot be permitted without destroying the lumber industry of America—at least so far as the Midwest is concerned. They were up 18.4 percent for the first quarter of 1962 over the first quarter of 1961, and were up 21.5 percent for the first 4 months of 1962 over the related period for 1961.

That gives us some sense of the dimensions of the immediate problem—the reason why the solution cannot wait, the reason why pretty phrases and pious speeches will not provide a solution. We need action. We need the kind of action which will bring some kind of economic protection to the timber producers of America.

I hope that in passing the trade expansion legislation we have taken a step which will give the corrective results which are obtainable provided the President injects himself into the solution of the problem. He has the power. At least, it can now be said that the President of the United States has no place to duck, because the problem is on his footstool. We have given him more power than I think Congress should delegate to any executive official, but the bill has been passed, and now we must face up to the situation.

Thus, it is significant that the discussion of the import problem of the American lumber industry occurs at a time when our Nation is embarked on a new foreign-trade policy. Because of my interest in this subject, I proposed the amendment to H.R. 10788 last May, which many Senators from cotton and cotton-textile areas expressed an interest in, but at that time said they could not support because they did not feel that they should upset those negotiations which they had achieved by the benefit of their own cotton industry.

Mr. President, I presume that all of us have noted in the newspapers for September 7 that the Tariff Commission had rejected a proposed increase in duties on foreign-made cotton textiles and at that time the President indicated that he was going to request legislation to correct this situation. I was disappointed that the White House, when it made its statement, said that while disagreeing with the Commission's finding, it had no authority under the Agriculture Adjustment Act to overrule it, but that the White House was instructing the Agriculture Department to start drafting a plan to correct the situation. The statement further went on that between September 7 and January the administration officials would confer with congressional leaders and representatives of the cotton industry. The President said that he would then recommend corrective legislation "in the next session of Congress."

Mr. President, I hope that in passing the trade-expansion-agreements legislation that we have taken the necessary corrective action to give to the President the needed tools to provide protection not only for the cotton industry, which is in a depressed state because of imports from other countries, but that we have also given him the tools and the incentive to take action to protect other segments of the great agriculture industry which are in similar depressed conditions, and I speak specifically of the timber industry. If we have, I certainly hope these tools are used both vigorously and immediately.

I do not believe that it is a wise policy that Congress should ever enact legislation for one segment of the agriculture society. I hope that the corrective legislation to which the President refers in the tariff area is provided in the trade agreements expansion legislation. Certainly it must contain provisions which permit him to impose the same protective mantle around cotton, timber, and any other products. In my opinion, we must have uniformity in our tariff program or it will break down. Congress has followed a wise policy over the years in not pyramiding privileges enjoyed by one segment of the agriculture industry over the other. The President should now take action for the lumber industry which he proposes for the cotton industry. No President, and no act of Congress in my opinion, should recommend protection for cotton and tell the other segments of the agriculture industry "you wait outside" until that product's problems have been met.

I do not believe that it is a wise policy for Congress ever to enact legislation for one segment of the agricultural society. That is why I said, in connection with H.R. 10788, "since we are dealing with the cotton textile segment we should deal also with the livestock industry and with timber."

I hope that the corrective legislation to which the President refers in the tariff area will be provided in the action which will be forthcoming from the White House. The President should now take this action for the timber industry. He should at least do as much as that which has been proposed for the cotton and textile industry. In my opinion, the President should recommend protection for cotton and deal with the other segments of the agricultural industry by saying, "You will be protected under the same umbrella, treated under the same rule, given the same protection as the cotton industry."

I think we should treat all segments of agriculture alike in this regard.

One of the difficulties which has confronted the lumber industry in the past years has been that it has not had a sympathetic ear from Government bureaucrats relative to their problems not only in the import area but in the sale of timber from Government forests to the individual entrepreneurs. I hope that when the Trade Expansion Act becomes law that the administration will investigate the dilemma in which the timber industry finds itself, that it will have a sympathetic ear, and that steps will be taken to improve the economic status of the timber industry which has done so much for the growth of America in the years past and will continue to do so in the years ahead.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. MANSFIELD. Mr. President, I was interested in the speech made by the Senator from South Dakota, and the implication, at least, that he made, that lumber was not being given the consideration that other agricultural products are being given.

Mr. MUNDT. Only the cotton and textile industries.

Mr. MANSFIELD. I think the Senator used the term "agricultural products."

Mr. MUNDT. I want them all to be treated alike.

Mr. MANSFIELD. I invite the attention of the Senator to the fact that the able senior Senator from Oregon, in the last day of full debate on the bill, brought out that under the pertinent section of the bill the term "agricultural products" applied not only to poultry, but also to lumber. It is my belief, so far as the Trade Expansion Act which was passed by the Senate earlier this week is concerned—which is now in conference or shortly will be in conference—that the Congress, and especially the Senate, has done as much as it possibly can do to see to it that under the new trade organization, which will be the responsibility of the President, this protection will be given to lumber, and that lumber will be given a far better deal under the Trade Expansion Act than it has been given up to this time.

Mr. MUNDT. There have been many discussions in the Senate Committee on Agriculture and Forestry, where the subject comes up repeatedly, as to whether or not timber is in reality an agricultural product. I share the conviction of the Senator from Montana that it is.

Mr. MANSFIELD. That it is.

Mr. MUNDT. That it is. We have had disputes and we have had arguments. I would feel much more comfortable if it were spelled out in the bill, so that we might know exactly what we are talking about.

What I was discussing earlier did not relate to the Trade Expansion Act so much as the Cotton Textile Relief Act which was passed by the Senate, and to which I attempted to add my amendment, which attempt was unsuccessful.

Mr. President, I yield the floor.

NOMINATION OF ARTHUR J. GOLDBERG TO BE A JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. DOUGLAS. Mr. President, about 3 weeks ago the President of the United States transmitted to the Senate the nomination of Arthur J. Goldberg to be a member of the Supreme Court of the United States. I think that never in the history of the country has any appointment been so universally and widely approved.

I have collected favorable editorials from a wide variety of newspapers from all sections of the country, of all shades of political opinion. I now ask unanimous consent that 110 of these editorials and articles be printed in the body of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Illinois? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, it is interesting to note that these 110 articles come from 30 different States and the District of Columbia.

There are 2 from Alabama, 4 from California, 1 from Colorado, 3 from Connecticut, 1 from Delaware, 6 from Illinois, 5 from Indiana, 3 from Iowa, 2 from Kansas, 4 from Kentucky, 2 from Maine, 2 from Maryland, 5 from Massachusetts, 1 from Michigan, 4 from Minnesota, 4 from Missouri, 2 from Nebraska, 2 from New Jersey, 10 from New York, 6 from North Carolina, 3 from Ohio, 3 from Oregon, 9 from Pennsylvania, 1 from Rhode Island, 1 from South Carolina, 1 from Tennessee, 8 from Texas, 1 from Washington, 2 from West Virginia, 2 from Wisconsin, and 7 from the District of Columbia; plus 2 from national weeklies.

These editorials were published in the first few days—generally the second or third day—following the announcement of the nomination, and by no means represent a complete count. If we were to take into consideration all newspapers of the country, the total number of favorable editorials and articles undoubtedly would be much larger.

I think this should furnish convincing evidence to the Committee on the Judiciary of the wide public approval which this appointment has called forth.

Exhibit 1

[From the Washington Post, Aug. 30, 1962]

Mr. Justice Goldberg

The most surprising fact about the President's nomination of Secretary of Labor Arthur J. Goldberg to succeed Justice Felix Frankfurter on the Supreme Court of the United States is the willingness of the President to lose Mr. Goldberg as a member of the Cabinet. As head of the Department of Labor, Mr. Goldberg has been a dynamo of enormous usefulness to the President and to the country. Many of his efforts to settle labor-management disputes have been successful. While he has functioned as a champion of labor in the Cabinet, he has done his job with a keen sense of obligation to the country as a whole.

For many years Mr. Goldberg was counsel for the United Steelworkers and the CIO. He came to be recognized as one of the country's ablest lawyers. In 1959 he represented the Steelworkers in their fight against the Taft-Hartley injunction which ended the 116-day steel strike. Though he lost the case, his oral argument before the Supreme Court earned him high respect from its members and a sincere compliment from the Justices for his efforts.

Mr. Goldberg has made a practice of knowing everything about any case with which he has associated himself, and he has an extraordinary capacity to convey his views to others in an impressive way. On the Supreme Bench it may be taken for granted that he will be one of its most energetic and conscientious members. Mr. Goldberg has also shown a remarkable capacity for adjustment to new situations. When he became Secretary of Labor, for example, he considered his career as a labor lawyer to be closed forever. He addressed himself to his new job with a measure of objectivity that was greatly to his credit. Instead of acting as a partisan of organized labor, he has functioned as a dedicated public servant with a keen interest in the success of industry and government in general as well as in the welfare of labor.

Another index to his type of public service may be found in his renunciation of a $25,000 steel union pension when he became Secretary of Labor. He did not want anyone to suppose that his judgment might be swayed by a pension in his favor. On the Bench we surmise that he will perform in the traditional spirit of objectivity, without any relinquishment of his keen interest in human problems.

From the long-range viewpoint, therefore, the appointment of Mr. Goldberg will doubtless merit high praise. From the short-range view, the loss of his dynamism in the Department of Labor will be keenly regretted. But this is the way of government. It is especially important that the successor to Justice Frankfurter be a man of great energy, capacity in the law and force of personality, for the retiring Justice has been for many years a powerful influence on American law. We shall devote a later editorial to his notable career on the Bench. At the moment it is sufficient to say that if Mr. Goldberg succeeds in following the Frankfurter footsteps, his name will be written large in the future legal annals of the United States.

[From the Baltimore (Md.) Sun, Aug. 30, 1962]

Two Justices

Felix Frankfurter's service to his country can be measured in many ways. As he leaves the Supreme Court we are reminded that as long ago as the early thirties he could be, and was, described as "the most influential individual in the United States." Whether he was quite that or not, he powerfully influenced the course of our affairs during those revolutionary days of the great depression. His weight in the drafting of legislation, and no less in the suggesting of appointments, was tremendous. And the pervasive extent to which he affected the tone of Washington through the young men he sent down from Harvard Law School is part of the story of the American Government in our time.

As a member of the Supreme Court, Frankfurter drew so straight and strict a line that he was impossible to categorize. Early called—and attacked as—a "liberal," he had in later years been oftener called "conservative." It is not that he has been neither, or that he has been first one and then the other. He has consistently been both, in the best sense of each term, believing on the one hand that the Supreme Court should confine itself as much as possible to minimum, specific questions, yet at the same time seeing in the Constitution "not a literary composition but a way of ordering society, adequate for imaginative statesmanship, if judges have imagination for statesmanship." If this seems a subtle and complex position, Frankfurter has a subtle and complex—and a comprehensive—mind. He will be remembered among the Court's finest figures.

To fill the vacancy left by Frankfurter's retirement the President has named Arthur J. Goldberg, who leaves the post of Secretary of Labor. Mr. Goldberg, already highly respected for his legal abilities before he entered the Cabinet, has grown steadily in public esteem. Early fears that as a former lawyer for labor he would in high office act as an advocate of labor above other interests have been dispelled. He has proved his statement that as a Cabinet member he considered himself "counsel for the public interest." As a Justice of the Supreme Court the public interest, within the terms of the Constitution, will be his sole concern.

[From the New York Times, Aug. 30, 1962]

Mr. Justice Goldberg

The appointment of Arthur J. Goldberg brings to the Supreme Court a strong believer in the necessity for expanding Government activities to meet the complex requirements of our industrial society. His record as Secretary of Labor has demonstrated the astonishing diversity of his talents. He was by all odds the most activist head that the Labor Department ever had; yet he found time to counsel the President on Federal aid for the arts, mental illness, juvenile delinquency, psychological warfare, race relations, African affairs and even a plan to beautify Federal buildings.

Despite fears that his long association with organized labor might make him too pro-union, he stood unflinchingly for the primacy of the national interest in labor-management relations. Indeed, his vigor on this score has been so intense that leaders in both camps have voiced concern lest Government become excessively powerful in the economy.

Perhaps his most difficult adjustment now will be to chain his restless energy to the reflective life of a judge exercising the fateful and timeless responsibilities of the high Court. Undoubtedly the President could have found a legal scholar of greater distinction, but scholarly attainment is not always the measure of a great judge. We must add that we do not like the implication in Mr. Goldberg's appointment to succeed Mr. Frankfurter that some kind of religious "balance" has to be maintained on the Court.

But Mr. Goldberg is possessed of intellect, compassion, and a capacity for articulating abstract and abstruse issues in terms of human understanding. If he can add to these qualities the detachment and restraint a jurist must have, he will have vindicated the President's choice.

[From the Philadelphia (Pa.) News, Aug. 31, 1962]

Change in the Court

Retiring Associate Justice Felix Frankfurter has left his mark on the Supreme Court.

Now almost 80, he has seen, during his 23 years of service, sweeping changes in the public's opinion.

When appointed by F.D.R., he was considered a dangerous radical. There were sneering jokes about "Frankfurter's hotdogs." Then he was accused of being a crusty old conservative. His final ruling, on the question of the imbalance between city and rural representation in State legislatures, found him in the recently familiar role of dissent.

As his successor, President Kennedy has named Arthur J. Goldberg. Like Justice Frankfurter, he is a scholar and was a nationally known lawyer before being named Secretary of Labor.

He proved to be the most active and probably the most effective Secretary of Labor in recent times.

We hope he brings to the Supreme Court the abilities he has shown in other fields. Whether he will be listed as a conservative or liberal is anybody's guess. Men often change after being named to the High Court.

Goldberg's successor as Secretary of Labor, W. Willard Wirtz, was his right-hand man in many negotiations.

The changes in Washington look promising.

[From the Baltimore (Md.) Sun, Aug. 30, 1962]

Supreme Court Changes

With Justice Frankfurter's retirement and Secretary Goldberg's appointment to succeed him, the Supreme Court loses one good man and gains another. Justice Frankfurter was an ornament to the Court. He was cantankerous at times and not always easy in his relations with his colleagues. But he was an ornament of the Court. He was learned in the law, he had a cultural background far wider than most members of that tribunal, he had enjoyed an intimate contact with public affairs and public men from the time of Theodore Roosevelt, with whom he was on terms of friendship, on down through Franklin D. Roosevelt, who appointed him a Justice in 1939.

In addition to these obvious advantages, Justice Frankfurter could write, a qualification which not all judges possess. His opinions were not always concise but they were clear. Although he had been an advocate of progressive measures throughout his career as a member of the Harvard Law School faculty, he became during his service on the bench rather conservative. His conservatism was not, however, of the standpat variety but was rather the result of a reasoned philosophy of the law in which a central principle was that courts should be cautious about intruding themselves into areas primarily reserved by the Constitution for the executive or legislative arms of the Government.

Secretary Goldberg is a man of different temperament and different experience. He is not the accomplished writer Justice Frankfurter is, and he lacks the wide cultural background of the man he succeeds, but he has a far more intimate acquaintance with practical affairs. Mr. Frankfurter had little experience in the practice of law, while Mr. Goldberg has been arguing important labor cases before the courts almost from the beginning of his professional career. He has appeared in some of these cases before the U.S. Supreme Court and has won them. Yet his record since he became Secretary of Labor under President Kennedy shows that he can be impartial. One of his chief accomplishments as the head of his Department has been in the negotiation of stubborn labor disputes which threaten to affect the economy in an adverse way or that impeded the production of needed articles for defense. Among others he helped to negotiate the steel wage settlement earlier this year which prevented a strike and which was generally noninflationary.

Indeed, the only regret about Mr. Goldberg's elevation to the Supreme Court is the fact that his talents in dealing with labor controversies will no longer be at the disposal of the administration. The President will have difficulty in finding for the Labor Department a new head as likable and as effective in his dealings with the public as the man whose nomination to the Supreme Court will soon go to the Senate.

[From the Chicago Sun-Times, Aug. 31, 1962]

A MAN GROWS IN CHICAGO—GOLDBERG, A GOOD APPOINTMENT

President Kennedy's nomination of Labor Secretary Arthur J. Goldberg to succeed Justice Felix Frankfurter on the U.S. Supreme Court will meet with widespread approval. As a member of the Cabinet, Goldberg, a Chicago attorney who specialized in the labor field, achieved a stature few who have headed the Labor Department ever reached.

Predictions as to the course a new Justice will take are usually meaningless. Justice Frankfurter, widely regarded as an ultraconservative for the past decade, was known as a New Dealer when Franklin D. Roosevelt put him on the bench. Justice Hugo L. Black was widely assailed for his one-time Ku Klux Klan membership. Today, he is widely assailed—even more so—for his liberal decisions, especially in the area of civil rights.

As a member of the court, Goldberg, at the outset, will probably reflect the philosophy of the New Frontier, adding, in so doing, to the Court's liberal viewpoint.

His outstanding characteristic is that of a pragmatist, however. Anyone who attempts to categorize Goldberg philosophically today is apt to be wrong tomorrow, as were those who labeled Justice Frankfurter a New Dealer in his early days.

Goldberg's career as Labor Secretary has been distinguished by the impartiality with which he served. When he was first appointed some thought he would be a spokesman for organized labor only. For he was then attorney for the United Steelworkers of the AFL–CIO. He quickly dispelled that notion, however. His Cabinet career has been characterized by impartiality in conflicts between labor and management. He has served the public well.

His understanding of organized labor, coupled with his proper appreciation of his role as Secretary, made him exceedingly effective in resolving labor controversies. Undoubtedly, he will take to the Court the same fine sense of objectivity he displayed in the post he is now leaving.

Typically, the Secretary was engaged in efforts to settle a labor dispute at the moment the President announced his Court appointment. This able Chicagoan has a fine legal mind and a high sense of public duty.

He has the opportunity in the many years ahead—he is 54 years old—to be one of the really great judges of the land.

A native of Chicago—the son of immigrant parents—and a graduate of Northwestern University, Goldberg's career should be an inspiration to American youth. For it illustrates that this is still a land of opportunity.

Justice Frankfurter has had an illustrious career, as Mr. Kennedy said in announcing the retirement. Few Justices, the President said, have made as great or lasting impact upon the law as has he.

[From the New York Times, Aug. 30, 1962]

MR. FRANKFURTER RETIRES

"It would be impossible," said the great Learned Hand a few years ago, "for me to think of any other judge whose continuance in his duties I welcome more unreservedly." He was speaking of Felix Frankfurter, whose retirement as Associate Justice of the Supreme Court of the United States was regretfully announced yesterday by President Kennedy.

It is, in fact, difficult to think of the Supreme Court without Felix Frankfurter, who has served on it with extraordinary vitality, perception and effectiveness for nearly a quarter of a century. Now almost 80 years old, Justice Frankfurter has felt it necessary to retire for reasons of health. He will be acutely missed, this former law professor with the sharply inquiring eyes, the unquenchable curiosity, boundless energy and profound devotion to the sanctity of the Court as a cornerstone of American liberty. Assailed in this earlier days as a dangerous radical—his appointment by President Roosevelt aroused a furor from the right—and criticized in his latter days as an encrusted conservative, Felix Frankfurter's own philosophy rejects such labels as irrelevant in the formulation of his judicial opinions.

Justice Frankfurter has been called "a man of contradictions," and indeed in many ways he is; but he has been consistent in his belief that the Court is a court and not a legislature. In one of his most famous opinions he wrote: "As judges we are neither Jew nor gentile, neither Catholic nor agnostic. * * * As a member of this Court I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard."

Justice Frankfurter's view of the role of the Court is, of course, not universally accepted, and many serious students of constitutional law believe it to be too restrictive. But no one would dispute the keenness and vigor of his mind, and, whether or not one agreed with him, no one could fail to appreciate, right up to the last day he sat on the Bench, the high intellect and complete integrity that permeated his opinions.

[From the New York Times, August 30, 1962]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg brings to the Supreme Court a strong believer in the necessity for expanding Government activities to meet the complex requirements of our industrial society. His record as Secretary of Labor has demonstrated the astonishing diversity of his talents. He was by all odds the most activist head that the Labor Department ever had; yet he found time to counsel the President on Federal aid for the arts, mental illness, juvenile delinquency, psychological warfare, race relations, African affairs and even a plan to beautify Federal buildings.

Despite fears that his long association with organized labor might make him too prounion, he stood unflinchingly for the primacy of the national interest in labor-management relations. Indeed, his vigor on this score has been so intense that leaders in both camps have voiced concern lest Government become excessively powerful in the economy.

Perhaps his most difficult adjustment now will be to chain his restless energy to the reflective life of a judge exercising the fateful and timeless responsibilities of the High Court. Undoubtedly the President could have found a legal scholar of greater distinction, but scholarly attainment is not always the measure of a great judge. We must add that we do not like the implication in Mr. Goldberg's appointment to succeed Mr. Frankfurter that some kind of religious "balance" has to be maintained on the Court.

But Mr. Goldberg is possessed of intellect, compassion and a capacity for articulating abstract and abstruse issues in terms of human understanding. If he can add to these qualities the detachment and restraint a jurist must have, he will have vindicated the President's choice.

[From the Denver (Colo.) Post, Aug. 30, 1962]

FRANKFURTER HARD TO REPLACE

The departure of Felix Frankfurter from the Supreme Court of the United States is a major event in the history of the American judiciary, comparable, in its way, to the departures of Holmes, Cardozo and Brandeis.

For 22 years, this small, spry man with a massive and lively intellect has helped to shape the constitutional philosophy of the Nation with a dedication, diligence and scholarship that have rarely been equaled on the Bench.

More than any of his contemporaries, he has elevated and championed the principle of judicial restraint, the doctrine that courts should use their powers sparingly and hesitate to overturn the democratic decisions of popularly elected legislatures.

As a law professor during the 1930's, Frankfurter argued in the law journals that the Court should use judicial restraint in dealing with the social legislation of the New Deal.

Later, as a member of the Court, he used judicial restraint himself to uphold more conservative legislation which conflicted with his own political philosophy.

In the first period, he was called a liberal, in the second, a conservative. But in both periods he was true to his conviction that judges should not set their private judgments above the judgments of lawmakers, in the absence of clear constitutional violation.

In close constitutional questions, he believed in giving the lawmakers the benefit of the doubt.

Frankfurter also brought to the Bench a high sense of judicial ethics. He believed that judges should deliver their opinions from the Bench, and not in public speeches or at cocktail parties.

Even in private discussions, he invariably refused to take up topics that might come to his attention officially later on in cases brought before the Court.

His Court opinions—majority, concurring, and dissenting—constitute a major contribution to the structure of American constitutional law. Wrong or right, Frankfurter always shed valuable light on the issue before the Bench and always wrote with vigor and good style.

Arthur J. Goldberg, the man President Kennedy has chosen to fill Frankfurter's place, will have a difficult time measuring up to Frankfurter's standards of excellence.

Goldberg is a bright and fairminded lawyer who has been an active and effective Secretary of Labor. In his busy and partisan life as a champion of labor, he has not had occasion to display the judicious temperament and extensive legal scholarship that are sometimes associated with the High Bench.

But no one can predict how a Justice will behave until he is tested. When called on to perform the high task of interpreting the Constitution, Justices often manage to transcend their political and economic predilections and the commitments of their pre-judicial lives. Many Justices have surprised both their critics and their friends by their development on the Bench.

Goldberg is a man of intelligence and integrity. He is capable of bringing new wisdom and honor to the highest Court in the land.

[From the Kansas City (Kans.) Kansan, Sept. 4, 1962]

IMMIGRANTS' BOY

President Kennedy has proved to be ready to fill vacancies when they occur. So he was quick to announce a successor on the

Supreme Court for retiring Felix Frankfurter. He was ready with the name of Secretary of Labor Arthur Joseph Goldberg. The appointment has been widely approved.

The Republican leader, Senator EVERETT DIRKSEN, said he "measures up to every standard required for a place on the Supreme Court."

His wife Dorothy said: "He has a judicial temperament if anyone has."

After this it was a foregone conclusion that the Senate would ratify his appointment.

What caused some raised eyebrows was the selection of a lawyer whose identification had been chiefly with labor. It is significant, however, that he was not a labor leader but a specialist in labor law, with unions as his clients.

Goldberg has been an indefatigable settler of strikes during his tenure as Secretary of Labor. This ability to seek and arrange compromise will not be lost in the High Court.

Goldberg is the son of immigrant parents, one of 11 children who worked his way through law school to get his start in life. The story of Arthur Goldberg is truly an American saga.

[From the Washington (D.C.) Evening Star, Sept. 8, 1962]

AMERICA SINGS IN GOLDBERG STORY—RISE OF IMMIGRANT'S SON TO HIGH COURT MIRRORS U.S. PRINCIPLE OF OPPORTUNITY

(By Ralph McGill)

A newspaper reader looked up from the story of Arthur Joseph Goldberg's appointment to the U.S. Supreme Court and said: "You can hear America singing in this."

One can. There is the singing of America in the story of the son of devout immigrant Russian Jews whose life story mirrors the deep and abiding principles of this country—of opportunity. We too often forget (and, indeed, some no longer know) that there is written on the base of our Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me!
I lift my lamp beside the golden door!"

Arthur Goldberg, who will resign as Secretary of Labor to become an Associate Justice of the great tribunal, is an inspiration to all who know him. The story of his life is as American as Indian corn. Joseph and Rebecca Goldberg came from Russia's persecutions and ghettos to America. They landed at San Francisco. Joseph Goldberg worked his way, with his family, to Texas. He was a peddler, talking but a few words of English. A year and a half later he moved to Chicago. Out of his meager savings he acquired an old blind horse. He would go to the markets before dawn and buy fruit and vegetables. These he would sell to hotels and restaurants.

Arthur Goldberg was born August 8, 1908. The newly appointed Associate Justice of the U.S. Supreme Court remembers rides with his father in that wagon, behind the patient, blind horse. He recalls bringing home some of the unsalable, half-spoiled fruit and sharing it with other boys in the tenement slum where they lived. Those were the days when the Irish immigrants were also a despised, discriminated-against minority. They, too, were crowded in that slum. Now and then Arthur Goldberg meets with successful Irish-Americans out of the slums. They laugh together about the fights between the rival groups of Jewish and Irish boys. (We do ourselves an injustice if we forget how this Nation has been enriched by the products of the melting pot.)

The young Goldberg grew up with a passion for books and education. His father could never get over the wonders of America—a country that provided free books and schools for everyone. The boy had many jobs. He worked his way through Northwestern University Law School. He was at the top of his class that graduated in 1929. A law office hired him to write briefs. The pay was $20 a week. The depression came on. Another law firm hired the brilliant young man to work on mortgage foreclosures. He took it—but soon quit. The work was distasteful to him. Too many people were losing all they had in those cruel years. He opened a law office. His first clients were from labor. He became a specialist in labor law.

He is a profound student, a scholar and a lover of truth. His wife is a fine artist. The family shares a liking for art and music. He has enormous patience. He possesses unusual energy and he does not spare himself.

As Secretary of Labor he has labored hard to develop the philosophy wrapped up in a question which grows out of any head-on dispute—"What is the alternative?" He has insisted that, in all clashes between management and labor, the national interest be given priority.

The President's telephone call notifying him that his name would be placed in nomination for the highest judicial appointment, found him trying to prevent a railroad strike. One who was privy to the long, fruitless sessions, said the Secretary asked over and over, when there was no meeting of minds, "What alternative do you suggest?" There was none. This puzzles him—as it does many other men—that intelligent men can offer no alternative to a work stoppage which will adversely affect the national economy and welfare.

Quiet, positive, dedicated to the basic, mighty principles of this country, his appointment to the Supreme Court does cause us to hear America singing.

[From the St. Louis (Mo.) Globe-Democrat, Aug. 30, 1962]

GOLDBERG TO SUPREME COURT

The Nation's Supreme Court will lose one good member and get another. The President announced yesterday Justice Felix Frankfurter, 79, is retiring because of bad health and Labor Secretary Arthur Goldberg, 54 will be nominated to take his place.

Both are Jewish. It is bad precedent that influences a President to put men on the court or in his Cabinet because of religion, race or politics. Merit should be the sole criterion.

The fact that most administrations go along with the practice—including the Eisenhower regime—is no excuse. No doubt Mr. Kennedy deliberately replaced a Jew with a Jew.

But there was more to this decision than playing political chairs with minorities. Mr. Goldberg has a thoroughly sound reputation and should develop into as illustrious a member of the Supreme bench as Mr. Frankfurter.

The Labor Secretary is an excellent lawyer, a successful one. He has no judicial experience, which is unfortunate. But neither did Justice Frankfurter, or Chief Justice Earl Warren and many others.

Mr. Goldberg has been one of the more outstanding members of the Kennedy Cabinet, a tremendously hard worker, an official loyal to the administration and loyal to his public trust.

A certain amount of doubt greeted his selection for the Labor job. He had been general counsel for the CIO, then for the AFL–CIO. But when he became Secretary of Labor, he was no longer a professional advocate of labor. He was concerned with workers' welfare, as the position demanded. But his highest concern was with the overall welfare of the Nation. He proved this by hard work as mediator and tough criticism of evil labor policies.

There is every reason to expect Mr. Goldberg will prove an able Justice of the Supreme Court. The Senate should ratify this appointment.

[From the Pittsburgh (Pa.) Post-Gazette, Aug. 31, 1962]

JUSTICE GOLDBERG

In naming Arthur J. Goldberg to the Supreme Court vacancy caused by Justice Felix Frankfurter's resignation, President Kennedy has chosen a man who has in less than 3 years piled up a fine record as a public servant. To the secretaryship of Labor Mr. Goldberg brought a remarkable intelligence and a devotion to duty that made him one of the two or three outstanding members of the Cabinet.

It was a tribute to his intelligence and fairmindedness that his appointment to the Cabinet, after his service as general counsel to the steelworkers, was generally accepted with favor even by those to whom his close affiliation with organized labor might have been disquieting.

In the Cabinet he has displayed unusual vigor along with great restraint. There have been no complaints that he was predisposed to judge every labor dispute from the viewpoint of a labor sympathizer. On the contrary, some labor elements have expressed the view that they found his judicial fairness a little trying.

Some of the comments on Mr. Goldberg's appointment to the High Court have mentioned his lack of experience as a judge but balancing that lack are his keen mind, his experience in fields affecting human interests and his vigor. Although he is reckoned a liberal, it would be well not to assign him to this or that category on the Bench. Supreme Court Justices have a way of sometimes developing unexpected habits of thought once they take a seat so far above the ordinary political concerns.

Mr. Goldberg takes the place of an illustrious predecessor. An ultra-New Dealer when he was appointed, Justice Frankfurter has been seen in recent years as a member of the more conservative group in the Court. We regret that the state of his health did not permit him to stay in his post and, indeed, Mr. Kennedy has indicated that he regrets that the appointment of Mr. Goldberg was necessary at this time. He had intended Mr. Goldberg for the Supreme Court all along, apparently, but might have preferred to make the appointment at a later date, to give his Secretary of Labor further scope for his abilities in the labor post.

In naming W. Willard Wirtz, Under Secretary of Labor, to Mr. Goldberg's vacated position, Mr. Kennedy clearly indicates his confidence in the training Mr. Wirtz has had under the former Secretary and in his ability to carry forward Mr. Goldberg's plans and program.

[From the Chicago Daily Tribune]

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg to the Supreme Court has been received with general approval throughout the United States. It has been particularly well received in Chicago where Mr. Goldberg is known most intimately, for here he was born, went to school and college, studied law, and first distinguished himself as a practicing lawyer.

We are not among those who will undertake to predict how Mr. Goldberg will vote on the important cases that are about to come to the Court's attention. We will venture to predict that he is too good a lawyer to accept specious defenses even of causes which he favors, and he is too independent a man to allow former associations with clients or Government to dominate his thinking on the Bench.

Mr. Goldberg showed great promise when he was graduated from Northwestern University's Law School at the head of his class.

He has been an able, disinterested, and tireless public servant since he became Secretary of Labor. There is every reason to hope that as a Justice of the Supreme Court he will make an important contribution to the law of this country.

Those who think that Mr. Goldberg will be a radical judge because he represented great trade unions as a lawyer may be fooled as others were fooled when Justice Frankfurter was appointed to the Court. They were certain that Mr. Frankfurter would be the least conservative man on the Bench and that his agile mind would be at the service of every leftist cause that came to the Court's attention.

In fact, Mr. Justice Frankfurter retires from the Court amid the sighs of conservatives who have come to regard him as their strongest friend on the Bench. We doubt that this reputation is wholly deserved, but Mr. Frankfurter has been, indeed, the chief spokesman for judicial restraint, meaning that he doesn't want the Supreme Court to invade the territory that he thinks the Constitution gives to the various State legislatures, State courts and the State and Federal regulatory commissions. This attitude of his has made him a radical when these bodies have gone that way and a conservative when they have moved in the other direction.

Mr. Frankfurter will be missed from the Court. We may be sure that the new man will be very different but he, too, is a man of outstanding talents and in the long run may prove to be no less influential in setting the Court's direction.

[From the New Republic, Sept. 10, 1962]

MR. JUSTICE GOLDBERG

Not a dozen of the nearly 100 men who have been Justices of the Supreme Court have left a creative mark on our constitutional history. Among the moderns—excluding any still sitting—one counts Brandeis, Holmes, perhaps Hughes, perhaps Stone, possibly Cardozo, and certainly Mr. Justice Frankfurter. Such a retirement as his has its impact not merely on the balance of votes but on the entire judicial landscape. To use a more suggestive figure, it is the magnetic field within which the Justices operate that has been altered. The removal of a creative influence which has radiated powerfully for over 20 years necessarily implies a rearrangement of past patterns in what is a continuing process of action and reaction within the Court.

Some make the facile assumption that the contours of the new arrangement can be readily predicted. But if this will no doubt prove to be the case on many important issues (the new Justice would not have been likely to join the Frankfurter dissent in the Baker versus Carr reapportionment decision). Mr. Goldberg's legal thought, as it might affect the issues likely to face the Court in the near future, has not been so clearly delineated as one might imagine. He shares the very broad consensus on the relative weight of property and individual rights which Justice Frankfurter—with Justices Black and Douglas among those still living—established in the decade following the upheaval of the Courtpacking fight of 1937. But the issues currently before the Court arise within rather than about that consensus. Moreover, the history of the Court is replete with examples of a rather surprising intellectual sea change following appointment to the Court. Who would have expected that exprosecutor Earl Warren would make his notable about-face in criminal cases after several years on the bench and prove so consistently a partisan of defendants' rights? Or that Hugo Black, an Alabamian, would rub out all trace of his youthful political colors while Indiana New Dealer Sherman Minton was revealing himself as inhospitable to the claims of civil liberties.

It can be said in welcoming the appointment of the new Justice with the greatest satisfaction that he is a man of first-rate intellectual capacity, and that as an experienced practitioner before the Court he has a sophisticated understanding of its function and its ways. His contribution to the Kennedy administration has been notable for his forthright disregard of old ties with organized labor in shaping a new doctrine of the national interest in labor-management disputes. Mr. Kennedy is said to have felt a sense of obligation to Mr. Goldberg for his early support of the Kennedy candidacy and for his willingness to burn his bridges in the cause of the administration despite the fact that on such major matters as the tax cut his pleas have been overruled. The President is also reported to have remarked that the designation of a Jewish appointee in this instance need not forever doom the chances of the also-ran who was passed over in favor of Mr. Goldberg—Harvard Law School Professor Paul Freund.

[From the New York Mirror, Aug. 31, 1962]

MR. JUSTICE GOLDBERG

The Nation and the administration lose a good Secretary of Labor in the appointment of Arthur Goldberg to the Supreme Court. He succeeds retiring Justice Felix Frankfurter.

It is as futile to speculate on Goldberg's future place in the High Court as it might have been to speculate on Frankfurter's at the time of his appointment in 1939. Many considered him a wildeyed radical then. He retires a conservative, a bulwark of constitutional law.

Goldberg formerly was chief counsel of the AFL–CIO, but as Labor Secretary he was not a partisan.

A "let's-get-the-facts" man, he has worked diligently and often successfully to compromise opposing viewpoints. He has a keen legal mind, though no judicial experience. We wish him, on the Bench, a continuation of the success he has steadily achieved over the years.

[From the St. Louis Post-Dispatch, Aug. 30, 1962]

SHIFTING THE BALANCE?

President Kennedy's second appointment to the Supreme Court suggests the possibility of a change in the Court's attitude toward its own role and toward the Constitution.

Certainly Secretary of Labor Goldberg is well qualified to sit on the Bench in place of the veteran Justice Frankfurter, who is retiring on account of ill health as he approaches the age of 80. Mr. Goldberg is a veteran lawyer and is generally acknowledged to be one of the most effective men in the Kennedy administration.

Mr. Goldberg was known to be high on the list of potential court appointees, but some officials thought the President might not want to let him go from the Cabinet at a crucial time. As Secretary of Labor, Mr. Goldberg has the delicate task of mediating strikes and holding the line against wage inflation while maintaining the administration's relations with labor.

The fact that the President was nevertheless willing to nominate Mr. Goldberg indicates the importance which Mr. Kennedy now attaches to the third branch. His first appointment, that of Justice White last April, almost seemed designed to avoid a Senate conflict over confirmation or the Court or its ideas. In any event the White appointment brought almost automatic support from conservatives and liberals alike.

Mr. Goldberg offers a different prospect. His labor background and his long public record illustrate a commitment to liberalism, though not a doctrinaire one. Would he agree with Justice Frankfurter, for example, that the courts ought to keep hands off reapportionment issues? Would he agree with the thin majority led by his predecessor that individual rights should so often be governed by the powers and assumed requirements of the executive and legislative branches? Would he, in short, agree with Justice Frankfurter's long insistence on a narrow interpretation of judicial restraint?

If Mr. Goldberg did not agree on these matters, he would then find himself on the side of Chief Justice Warren and Justices Black, Douglas, and Brennan. His appointment would turn a minority into a majority. It would, in effect, remake the Court.

No one can predict, of course, exactly how a man will develop on the Nation's Highest Bench, when faced with complex issues of national substance. Indeed, this second appointment to the Court may not be Mr. Kennedy's last. But at this point the Goldberg nomination appears to represent a firm presidential effort to shift the balance on the Supreme Court.

[From the Louisville Courier-Journal, Aug. 31, 1962]

ARTHUR GOLDBERG, ABLE SUCCESSOR TO JUSTICE FELIX FRANKFURTER

Supreme Court Justice Felix Frankfurter is said to have taken the late Justice Oliver Wendell Holmes as his model. Justice Holmes, who had possessed one of the great legal minds of his time, persisted on the bench after he was 90 years old and he was too enfeebled to meet his responsibilities. At the request of other members of the Court, Chief Justice Charles Evans Hughes undertook the unpleasant duty of asking Justice Holmes to retire. Justice Holmes yielded gracefully.

Justice Frankfurter, at 79, had suffered a severe stroke and reached a point like that which dictated the retirement of Justice Holmes. We don't know, of course, whether anybody suggested to Justice Frankfurter that he ought to put his judicial robes aside. At any rate, he has done so with natural sorrow and also with dignity.

He was appointed to the bench by President Roosevelt in 1939. Since he had been one of the architects of the New Deal, it was feared by many conservatives that he would become a juristic radical. As the years passed, this fear became increasingly ridiculous. As a matter of fact, he came to be usually on the side opposite to that of another old New Dealer, Justice Hugo L. Black, when the Court divided on conservative-liberal lines.

President Hoover chose a good man, Benjamin Cardozo of New York, to succeed Justice Holmes. And President Kennedy is fortunate in having available another good man, Labor Secretary Arthur Goldberg, to succeed Justice Frankfurter, who, incidentally, was the successor of Justice Cardozo. It may be argued that Mr. Goldberg, having won his legal celebrity in labor cases, will be a biased judge. His high character argues against this.

We heartily agree with President Kennedy that Mr. Goldberg's "scholarly approach to the law, combined with his deep understanding of our economic and political systems, will make him a valuable member of the Court." Mr. Goldberg's ambition from his youth to become a Supreme Court Justice indicates a veneration for that office which would not tolerate prejudgment of cases.

To take Mr. Goldberg's place in the Department of Labor, the President has promoted Under Secretary W. Willard Wirtz, whose experience and integrity well suit him for the office.

[From the Boston (Mass.) Record American, Sept. 1, 1962]

The Supreme Court

Virtually the entire spectrum of national opinion has welcomed President Kennedy's choice of Arthur S. Goldberg as a Supreme Court Judge. This in itself is a tribute to Mr. Goldberg, a man and lawyer of singular ability and intellect.

The former Secretary of Labor came to the Kennedy administration after a distinguished career as the country's leading labor lawyer. As such he was greeted in Washington with the expectation that he would be frankly partisan toward labor in his new post.

But Mr. Goldberg became Secretary of Labor for all the people, not for any particular interest. He proved this in his tireless application toward the settlement of industrial disputes, gaining the same respect from industry he had earned from labor. He pursued his duties with a single motivation: The national interest. As a Supreme Court Justice he can be expected to prove the same pillar of objectivity on the Bench as in the Cabinet.

The President's selection of Mr. Goldberg is to be applauded; the new Justice will no doubt continue the historic tradition of our highest Court.

He will be replacing one of the greatest Jurists in the history of the legislative branch, Felix Frankfurter. Brilliant, inquisitive, dedicated and controversial, Mr. Justice Frankfurter's departure from the Bench for reasons of health at an advanced age can only be viewed with deep regret. He made history during his tenure and enriched the heritage of his Nation.

[From the Washington Afro American, Sept. 8, 1962]

Mr. Justice Goldberg

Two days after Secretary of Labor Arthur J. Goldberg was appointed to the U.S. Supreme Court, a colored lady called our office and said: "I feel so good about his appointment, it's almost as if I had been appointed."

This exultant expression which swept most Americans fairly well sums up a universal reaction.

For if any one man in the Kennedy administration has become a symbol of all the good and the honesty in humanity, it has been Arthur J. Goldberg.

If there has been one man with whom large numbers of Americans, particularly 18 million colored citizens who must still travel the rocky road to equality can identify, it's Arthur J. Goldberg.

Last year, after the first 6 months of the Kennedy administration, the Washington Afro rated the 10 Cabinet Secretaries on the basis of performance and publicly expressed attitudes on civil rights.

Arthur J. Goldberg was a mighty "first." Nobody remotely touched him.

Six months later, we rated them again. He had outdistanced the other nine Cabinet Secretaries by greater lengths in accomplishment in a most sensitive field.

The most valuable and dramatic lesson of Mr. Goldberg's appointment—above and beyond the fact that he was the son of poor Jewish immigrants—is that an honest, dedicated liberal who feels his convictions in the pit of his stomach can succeed masterfully in public life.

While the overwhelming majority of officials in the Kennedy administration have been content to preserve the Eisenhower status quo on civil rights, Mr. Goldberg has moved forthrightly to alter a Federal pattern of bigotry.

Suffice it to say his appointment to the Supreme Court is one of the finest deeds in nearly 2 years of President Kennedy's administration.

The Washington Afro proudly congratulates the President and extends our warmest and fondest best wishes to Mr. and Mrs. Goldberg and their family on this very happy occasion. We know he will serve with highest judicial distinction.

[From the Washington Post, Sept. 5, 1962]

Mr. Justice Goldberg

(By George E. Sokolsky)

As President Kennedy had to appoint a successor to Justice Felix Frankfurter on the U.S. Supreme Court, it is only fitting that he should have found a moderate liberal, one who believes in a humanitarian capitalism and who respects the law. It is always to be presumed that when a President makes a principal appointment, he is likely to follow his own ideas and his own conscience. President Kennedy is developing into a moderate liberal.

When Justice Frankfurter was appointed to the Supreme Court, he was attacked as an excessive liberal, as a Socialist, as an enemy of our way of life. During the whole of his career, Frankfurter had been a Jeffersonian Democrat, a firm believer in our law, based on the Constitution. When his ideas conflicted with those of some of his colleagues, many conservatives took him to their hearts as the leader of the conservatives on the bench. Actually, Frankfurter was motivated neither by the excesses of doctrinaire liberalism nor by the excesses of doctrinaire conservatism.

He believed in the law—in the law as an instrument to safeguard the individual human being from the brutality of tyranny, any kind of tyranny. And there can be a tyranny of the majority, of minorities or of individuals. This is a Jeffersonian concept of Americanism and is incorporated in the Declaration of Independence as well as in the Constitution of the United States.

In Arthur Goldberg, Frankfurter's successor to the Supreme Court Bench, the country will find a jurist of the same cast of mind. Goldberg emerged to prominence out of the big labor unions just as Frankfurter reached prominence as a professor in the Harvard Law School who was deeply concerned with the problems of labor. But wherever Goldberg served labor, he was a stabilizing personality because he believed in the law and in the sanctity of a contract and in the need for establishing a system in industry which would keep up the productivity of the United States by a labor-management relationship based on binding contracts. The Communists want no contracts because, contracts in effect, are a limitation on revolutionary tactics.

Goldberg has undoubtedly been the most active and most effective Secretary of Labor in the history of that office. He brought to his work a new concept; namely, that in every industrial dispute a third party, the people of the United States, sits at the table. The people have rights, too. When the engineers strike on aircraft, depriving the people of an essential service and wasting capital investment, the people as customers, as investors, have rights which must be represented.

He has not taken the position that labor is always right or that management and the investor are always wrong. But he has taken the position that the welfare of the United States must come first. We cannot afford the luxury of labor laissez faire any more than we can afford the luxury of capitalist laissez faire. We are in trouble and we must face our troubles courageously. The time when the individual can sacrifice the general welfare and the survival of his country to satisfy personal whim or even personal purposes is gone and is not likely to return.

Arthur Goldberg will be a worthy successor to Felix Frankfurter as a moderate jurist who probably will oppose making the Supreme Court a third legislative body. Frankfurter opposed that because it is essentially unconstitutional. The Court has to do with interpreting law, not with making law. The temptation for a Supreme Court Justice or any justice to pursue obiter dicta rather than the law is not unusual. Enormous restraint is required to remember that even Solomon had to think twice before rendering a final decision. On the other hand, were it not for the courage of Chief Justice John Marshall we should not today be a Nation. His decisions bound the 13 sovereign States into one lasting United States.

It is sad to see Justice Frankfurter go. It is unfortunate that Goldberg will not be able to complete his term as Secretary of Labor. It is fortunate that President Kennedy resisted all the politics of any judicial appointment, the pulling and bargaining, the employment of powerful friends, and selected one who is by experience and temperament worthy to sit on the Supreme Court Bench in these trying times of transition.

[From the Kansas City Star]

Fine Choice To Succeed a Fine Justice

If Arthur Goldberg takes to the Supreme Court the great sense of public responsibility that he took to the Labor Department, he will be an excellent Justice.

Certainly we hate to see the brilliant Felix Frankfurter step down from the Nation's highest tribunal. What a quick-trigger mind he possesses. He has contributed greatly to the jurisprudence of our times and the United States will miss his voice from the Bench.

We recall that when President Franklin D. Roosevelt appointed Justice Frankfurter, he was labeled as the flaming liberal who would upset everything. He retires now as the bulwark of the Court's conservative wing.

When Arthur Goldberg, a labor lawyer, was appointed Secretary of Labor, many people were afraid that he would lead a militant labor crusade. But he proved to be a man who wore the hat of no single group. He was able to thrust behind him his long record as a servant of organized labor and become a servant of the public.

We have heard it said—by management and union men alike—that Goldberg has been the finest Secretary of Labor in history. We do not hesitate to suggest that, with the possible exception of Defense Secretary McNamara, Goldberg has been the outstanding member of President Kennedy's Cabinet.

To be sure, the new Justice is a liberal by reputation and certainly we don't accept intact the philosophy of Goldberg or anyone else. But, such labels as "conservatism" and "liberalism" in themselves are not accurate measurements of a man's capability as a jurist. No one can fully appraise a judge's fundamental thinking until it has been applied from the bench in many cases.

But we do know that Arthur Goldberg is skilled in the law, experienced in the courts and sharp and analytical in his thinking. We have seen, throughout his service in the Department of Labor, that he has a finely developed sense of public responsibility.

In all frankness, you have to recognize that a court which has lost a man of Justice Frankfurter's caliber has been weakened, at least temporarily. Similarly, you have to recognize that the new Secretary of Labor, W. Willard Wirtz, has a difficult job to fill. We are glad to see Goldberg move up. But we have mixed feelings about his departure from the highly important Cabinet post.

Without reservation, however, we join the many who recognize Justice Frankfurter's fine service to the law and to the Nation. We wish him well in his retirement. We are confident that in due time, Justice Goldberg will prove to be a worthy successor.

[From the St. Paul (Minn.) Dispatch, Aug. 30, 1962]

THE NEW JUSTICE

Retirement of Justice Felix Frankfurter from the Supreme Court and his replacement by Labor Secretary Arthur Goldberg seems sure to strengthen liberal, activist philosophies in the Court. However, Goldberg is a man of undoubted intellectual honesty and ability who by no means holds to a narrow, one-sided viewpoint. He is respected in the business world as well as in organized labor.

Conservatives who fear that the Supreme Court has not exercised sufficient caution in some of its decisions will regret the loss of Justice Frankfurter. When Franklin D. Roosevelt appointed him to the Bench in 1939 he was criticized in the Senate as a "New Deal radical." He was a firm supporter of the New Deal, but gradually became an outstanding advocate of the conservative approach in Court decisions.

Unable to carry on his duties since last April, and nearing the age of 80, Justice Frankfurter retired reluctantly but with the realization that his health would no longer permit him to give full service to the Court. Goldberg, at 54, will bring to the tribunal both physical and intellectual vigor. Judging by his past record, he will carry a heavy workload and will follow the independent dictates of his conscience in each case. His wide experience in law and government should make him a valuable member of the Court.

One field in which the replacement of Justice Frankfurter by Secretary Goldberg may make a particular difference in Court attitudes is that involving the constitutionality of legislative apportionments and representation. Frankfurter's last major opinion was his dissent from the six to two decision of last March which opened the apportionment practices of State legislatures to Federal court review. He felt this was too political a subject for the Supreme Court to judge.

There are numerous complicated questions arising from this decision which the Court will have to consider in future cases. It cannot be said in advance what attitude Goldberg will take in such decisions, but it is probable he will tend toward a more active role for the Court than Frankfurter would espouse.

[From the Brooklyn (N.Y.) Daily, Aug. 30, 1962]

A COMMENDABLE APPOINTMENT

We have just learned of the appointment of Labor Secretary Arthur Goldberg to the Bench of the Supreme Court. President Kennedy is certainly to be commended on his choice.

Mr. Goldberg has been one of the most active and efficient members of the New Frontier Cabinet. He has been instrumental in settling several strikes and preventing several others.

Previous to becoming a member of the Cabinet, Mr. Goldberg was a renowned lawyer for labor. His vast experience in this field and in the Cabinet fully qualifies him for the high position he will now occupy.

We have the utmost respect for Justice Felix Frankfurter. His loss will be a great one.

But his successor is as able a man as can be found. He will minimize the loss of Mr. Frankfurter to as great an extent as possible.

[From the Philadelphia Inquirer, Aug. 31, 1962]

APPOINTMENTS AT THE TOP

With the naming of Secretary of Labor Goldberg to the Supreme Court, replacing the retired Mr. Justice Frankfurter, and the appointment of Under Secretary Willard Wirtz to replace Mr. Goldberg in the Labor Department, both the Court and the Department have undergone perceptible changes.

Both Mr. Goldberg and Mr. Wirtz will, undoubtedly, be confirmed in their new posts by the Senate. Both are outstanding men, well qualified for their new work. President Kennedy has chosen wisely.

Yet, as Mr. Goldberg was prompt to note, Justice Frankfurter's unique place will be almost impossible to fill. He carried in his head and heart a burning ideal of what American justice should be and could be. The world changed around Frankfurter, but Frankfurter's ideal has remained steadfast. In his pre-Court years this made him a "dangerous radical" who daringly upheld the statutory rights of Sacco and Vanzetti.. In recent years this made him a "conservative" who time after time upheld the law as written, regardless of personal emotional reactions to it.

Through all his nearly 25 years on the Supreme Court, Justice Frankfurter clung to his concept that the function of the Bench is to interpret statutes, not write them.

While Mr. Goldberg may not be endowed with quite the same kind of objectivity as the jurist whose place he takes, he is no less alert, full-hearted and sincere as a private individual. It is a truism, proved often within our own times, that the Court changes the man; donning the somber robes of a Supreme Court Justice cannot fail to impress anyone with his responsibilities.

And so it may be with Mr. Goldberg, who did not fail to cite the most crucial words of the oath of office immediately upon being informed of his selection: "I shall do my best to carry on the Court's great tradition of supporting and defending the Constitution." This, we believe, is a good augury.

Mr. Wirtz will have a man-sized job running the Labor Department as it has been run in the last year and a half. Mr. Goldberg has been called the "most activist" Labor Secretary in history. But Wirtz has been thoroughly schooled in the "Goldberg method" and the Nation can expect continued active Government intervention in serious labor-management disputes.

We believe there is one aspect of the Supreme Court change which should get worldwide attention—both the retiring Justice and his successor are of immigrant origin. Mr. Frankfurter himself was a "greenhorn" from Austria, Mr. Goldberg the son of newcomer parents. Both advanced by hard work and sheer merit. This is the real story of America, lest detractors forget.

[From the Charleston (W. Va.) Gazette, Sept. 3, 1962]

GOLDBERG, WIRTZ BEST POSSIBLE SELECTIONS

Seldom has there been an appointment to the U.S. Supreme Court more logical and natural—or more conducive to widespread acceptance—than President Kennedy's selection of Arthur J. Goldberg to succeed the ailing Justice Felix Frankfurter.

If ever it could be said that a man earned the right to serve on the Nation's highest court, that attribute can be applied to Goldberg—a man who has proved himself by character, temperament, and training to be eminently qualified for the post.

Arthur Joseph Goldberg made a success of his life—and a contribution to his fellow man—in the finest American tradition. Born on Chicago's West Side, the youngest of eight children of Russian emigrant parents, the decision to make something of his life was his alone.

His father died when he was a child, and the easier course for him would have been to drift in mediocrity or worse. But he chose to work his own way through high school and college, and to win his law degree in Northwestern University.

In the course of it he gained character and an understanding of human nature to a degree that he probably could not have acquired through an education handed him on a silver platter. He developed a warmth of personality that, upon first meeting, gives one the impression that he is a friend and neighbor of long standing.

These characteristics, together with his knowledge and devotion to the law and his deep understanding of our economic and political systems, make Arthur Goldberg unusually fitted for the high position to which he has been appointed.

Also, his accomplishments in the face of adversity establish him as a living lesson to the youth of today, especially those in distressed areas such as exist in West Virginia where economic factors contribute so heavily to school dropouts. Who knows how many youngsters may be inspired to greatness by the example of what this son of a poor emigrant achieved out of hardship?

The mark of the man, and the quality of fairness and impartiality so necessary in a high judicial position, was perhaps best demonstrated by his service as Secretary of Labor in the Kennedy administration.

One might expect, considering his background as a leading Chicago labor lawyer and chief counsel for the CIO and the United Steelworkers, that Goldberg would have been prejudiced in favor of organized labor. But his record as Labor Secretary—his success in settling disputes and bringing about labor-management harmony—is one that could have been achieved only through fairness.

The one drawback to Goldberg's appointment to the Supreme Court is that it removes his capable services from the important fields covered by the Department of Labor.

However, this void seems to be well filled by President Kennedy's appointment of William W. Wirtz as Secretary of Labor. As Undersecretary of Labor, Wirtz worked closely with Goldberg and also is widely experienced in his own right in labor-management relations.

We like Wirtz' expressed philosophy * * * that "capitalism means today economic democracy, and the essential characteristic of democracy is voluntary respect for someone else's interests" * * * also that "Government's growing intervention in critical labor-management disputes * * * is not a movement toward centralization of decisionmaking * * * [but] is a movement toward the exercise of all responsibility in terms broader than the service of a particular set of interests."

We can feel fortunate that men of the caliber of Arthur Goldberg and William Wirtz were available when Justice Frankfurter's resignation necessitated shifts in governmental responsibility.

[From the Washington (D.C.) Star, Aug. 30, 1962]

SUPREME COURT CHANGE

While not unexpected, the retirement from the Supreme Court of Mr. Justice Frankfurter will be widely received with a mingled sense of regret and disappointment. It is disappointing because, despite the doubts, it had been hoped he would be able to resume his place on the Bench this fall. And it is an occasion for regret because the influence exerted by his intellect and his personality will be greatly missed. It is quite in keeping with the Frankfurter character, however, for him to write: "To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the Court."

For what labels are worth, which is not much, Justice Frankfurter was the leader of the conservative wing of a closely divided Court. The Justices, of course, did not divide according to any fixed pattern in all or perhaps even in most cases. But on certain fundamental principles, involving generally the proper role or function of the Court, a 5-to-4 division, with Justice Frankfurter in the majority, was reasonably predictable. He believed that the duty of the Court was to apply the law, not to make it. He felt strongly that the judiciary should not invade areas reserved by the Constitution to the legislative and executive branches. He deplored what he regarded as an excessive tendency of the Court to overturn precedent and to accept too many cases for review.

These statements, of course, are generalities. There is no pretense that they describe Justice Frankfurter's viewpoints comprehensively or with precision. They convey some indication, however, of what Judge Learned Hand meant when he said: "I regard him as the most important single figure in our whole judicial system." The Justice had his detractors, and they will dissent from this evaluation. But we have no doubt that his retirement is a serious loss to the Court and to the country.

Secretary Goldberg, the President's choice as a successor, comes to the Court with a background that is quite different from that of the retiring Justice. Most of Mr. Frankfurter's adult life was spent teaching law at Harvard, in various aspects of Government service, and, for the past 23 years, on the Supreme Court. Mr. Goldberg, until joining the Kennedy Cabinet, had been essentially a labor lawyer—an ardent, aggressive but always intelligent partisan. As counsel for the CIO and for the United Steel Workers, he has been in the thick of labor's battles—so much so that his capacity for detachment and objectivity after becoming Secretary of Labor was truly remarkable.

There will be those in the business and industrial community who probably will look with apprehension on Mr. Goldberg's accession to the High Court. But we suspect that they do not know their man. It is hazardous, perhaps even foolhardy, to try to predict the course a man will follow when he dons the robes of a Supreme Court Justice—when there no longer is any real restraint upon him except that which may be imposed by his conscience and his sense of duty. Our guess, however, is that Mr. Goldberg, as a member of the Court, will turn out to be a conservative in the true and meaningful sense of the word. For the benefit of those who may doubt this, we recall the dismay with which so many received the word of Justice Frankfurter's appointment back in 1939.

[From the Philadelphia Daily News, Aug. 31, 1962]

Change in the Court

Retiring Associate Justice Felix Frankfurter has left his mark on the Supreme Court.

Now almost 80, he has seen during his 23 years of service sweeping changes in the public's opinion.

When appointed by F.D.R., he was considered a dangerous radical. There were sneering jokes about "Frankfurter's hot dogs." Then he was accused of being a crusty old conservative. His final ruling, on the question of the imbalance between city and rural representation in State legislatures, found him in the recently familiar role of dissent.

As his successor, President Kennedy has named Arthur J. Goldberg. Like Justice Frankfurter, he is a scholar and was a nationally known lawyer before being named Secretary of Labor.

He proved to be the most active and probably the most effective Secretary of Labor in recent times.

We hope he brings to the Supreme Court the abilities he has shown in other fields. Whether he will be listed as a conservative or liberal is anybody's guess. Men often change after being named to the High Court.

Goldberg's successor as Secretary of Labor, W. Willard Wirtz, was his right-hand man in many negotiations.

The changes in Washington look promising.

[From the Houston (Tex.) Chronicle, Aug. 31, 1962]

Goldberg's a Good Choice

Comment on the resignation of Felix Frankfurter and the appointment of Arthur Goldberg as Associate Justice of the U.S. Supreme Court might well begin with the words "fair exchange."

There are superficial similarities.

Both are Jewish; both extraordinarily learned in the law; both devoted to American traditions and ideals.

But we don't envy Mr. Goldberg. He has tremendously large shoes to fill.

Justice Frankfurter has one of the most acute legal minds ever to grace the Supreme Court. Yet he is more than a learned lawyer. He is a civilized man. His detractors were fond of picking holes in the detail of his learning—perhaps, for instance, he is not an economist. But he understands economics, and for a judge, this understanding is much more important than mere expertise.

At a time when many covet the distinction. Justice Frankfurter, by any standard, is a great man. Great men aren't replaced.

Mr. Goldberg may in time find his own path to greatness. He has many of the qualifications. Above all, he is a man of these times: Alert to the changes that tug at our society, aware of the Government's necessary role in guiding and promoting them, and intelligent enough to distinguish between the practical and the impossible.

A President can serve only 8 years. Then, he must trust his policies to others. Only in narrow areas—judicial appointments are a prime example—can a President's influence truly be felt after his time.

Measured this way, President Kennedy promises to do well. Byron White, his first appointment to the Supreme Court, was an excellent choice. So is Mr. Goldberg.

The present Supreme Court is a good one. Mr. Goldberg should feel at home with it, and it with him.

[From the Philadelphia (Pa.) Bulletin, Aug. 30, 1962]

The Changing of the Robes

Justice Felix Frankfurter enjoyed—and that is the exact word—the distinction of being revered and condemned as few Justices on the Supreme Court have ever been.

Through much of his 23 years on the Court he was damned by conservatives as a dangerous radical, "the Rasputin of the New Deal," a perverse ideologist. He now leaves the Court amid lamentations of the same conservatives—or their sons—who had come to think of him as one of their own.

Yet through all the excoriations and the lavish praise, first from one side, then from the other, Justice Frankfurter held the respect of both sides as a scholar par excellence and, among those who followed his opinions closely, was credited with a consistency in his philosophy which escaped those who are quick to affix superficial labels.

In two areas Justice Frankfurter's underlying thought did not vary. He was stanch in his support of civil rights, as guaranteed by the Constitution. And he was firm in his belief that Congress, not the Supreme Court, should write the laws of the Nation.

It was this principle that led him to cast his vote, through many of his years of service on the Court, on the side of New Deal legislation; and to support these votes with carefully written opinions that won him his first label as "a radical." The same principle led him, in more recent years, to reject attempts to legislate from the bench. His unique gifts of scholarship and penetrating analysis will be greatly missed.

Mr. Arthur Goldberg, his successor, brings to the Court great qualities. He, too, is a scholar and a lawyer of great ability. And he, like Justice Frankfurter, has confounded people who attempted to label him. As Secretary of Labor he has proved himself no blind partisan of the unions he used to represent. There is good reason to expect that he will make his presence felt in his new post.

[From the San Antonio (Tex.) Express, Aug. 31, 1962]

What the Record Shows Goldberg Will Do as Supreme Court Judge

In some circles, President Kennedy's selection of Arthur J. Goldberg to succeed retiring Felix Frankfurter as a Justice on the U.S. Supreme Court is likely to bring misgivings.

Goldberg is an admitted liberal. And for years he was organized labor's advocate before the bar. Does this, then, mean that the Court is to be more heavily weighted on the side of ultraliberalism?

That the President would fill any vacancy on the Court with a man who seemed to share his own liberal views was a certainty. It would be a betrayal of his own principles if he did not.

What citizens of all shades of political belief have a right to expect is that a Supreme Court appointee will not let his past allegiances prejudice his duty to uphold the Constitution, and to interpret the law in the light of its provisions.

Let us examine Goldberg's record on such a basis. He became a labor attorney in the thirties just out of law school. He became counsel for the CIO, and won in the courts the right for unions to include pensions in their collective bargaining. He represented the steelworkers in their negotiations with industry, and his legal counsel helped bring about merger of the CIO and the AFL.

When President Kennedy named him as his Labor Secretary, businessmen were apprehensive. They suspected that this vital Cabinet post now was held by an agent of labor.

Goldberg's character, judgment, and principles were subjected to severe tests in the labor problems which were to confront him. They ranged from the Metropolitan Opera musicians' strike threat, through the long and bitter steel wage negotiations to the recent airline flight engineer dispute.

In all of them, the Labor Secretary took an approach from which bias appeared to be absent. His intent was to attempt to bring about settlements which were in the public interest. His motives were seldom questioned, except by the extreme diehards on each side.

If Goldberg's appointment is ratified by the Senate, he will succeed a man who was himself regarded as an extreme liberal when he was named to the Bench. At the time he was selected by Franklin Roosevelt, Felix Frankfurter was identified as one of the guiding minds behind the New Deal. Yet now he is looked up as a member of the Court's conservative wing, often a dissenter against progressive interpretations of the Constitution.

Goldberg, when informed of his selection, promised that he would "devote myself with all humility to this high calling." We believe that this was the sincere pledge of a man who will strive to be a fair and impartial Justice.

[From the Portland Oregon Journal, Sept. 1, 1962]

Goldberg Good Court Choice

Arthur J. Goldberg appears to be an excellent choice to fill the vacancy on the U.S. Supreme Court left by the retirement of Associate Justice Felix Frankfurter.

He has had 25 years of experience as a lawyer, including practice before the Supreme Court. Self-evident though it may seem that a Justice on the highest Court should be experienced in the law, this requirement has not always been closely observed by our Presidents when they made their choices for the Court.

Also, Goldberg has shown that he possesses a judicial temperment. In his 19 months as Secretary of Labor he has dealt impartially with both management and labor, despite his former deep involvement with the union movement as general counsel for the CIO and the United Steelworkers, and earlier as attorney for other unions.

He has shown particular skill in bringing about agreements between contesting parties who seemed far apart. This skill may well be useful within the Court, where the nine Justices have often displayed, by their split decisions, divisions of opinion as deep as any that appear at a labor-management bargaining table.

He has the appetite for hard work that any Supreme Court Justice needs. And his self-propelled rise from his humble beginning as the son of a poor immigrant family has given him a valuable understanding of life.

If his policy as Secretary of Labor can be taken as a guide, he probably will lean as a Justice toward favoring active intervention by the Federal Government in economic and political affairs when the public interest requires it.

The Journal believes that at times both the Supreme Court and the Kennedy administration have gone too far in this direction. But since President Kennedy himself favors a strong and active Central Government, he could hardly have been expected to appoint a Justice who held different views on such a fundamental question.

On balance, therefore, we believe Goldberg's nomination is a good one.

[From the Danville (Ill.) Commercial-News, Aug. 31, 1962]

EXCELLENT CHOICE

Appointment of Arthur Goldberg to the U.S. Supreme Court should meet with universal approval and commendation.

Most observers agree that the Secretary of Labor has been one of the ablest members of the Cabinet. He achieved international recognition as the legal brains of the AFL-CIO. Yet he put aside this partisanship when he entered the administration. His record shows that he has devoted himself conscientiously to the larger national interest.

Goldberg is no darling of fortune. He pulled himself up by his bootstraps. He has earned, and deserves, the rewards of his efforts.

And he succeeds one of the great judicial minds of our times, Justice Felix Frankfurter.

Our highest Court will continue strong and respected so long as it numbers among its members men of such caliber and patriotism.

[From the Washington (D.C.) Post and Times-Herald, Aug. 30, 1962]

MR. JUSTICE GOLDBERG

The most surprising fact about the President's nomination of Secretary of Labor Arthur J. Goldberg to succeed Justice Felix Frankfurter on the Supreme Court of the United States is the willingness of the President to lose Mr. Goldberg as a member of the Cabinet. As head of the Department of Labor, Mr. Goldberg has been a dynamo of enormous usefulness to the President and to the country. Many of his efforts to settle labor-management disputes have been successful. While he has functioned as a champion of labor in the Cabinet, he has done his job with a keen sense of obligation to the country as a whole.

For many years Mr. Goldberg was counsel for the United Steelworkers and the CIO. He came to be recognized as one of the country's ablest lawyers. In 1959 he represented the steelworkers in their fight against the Taft-Hartley injunction which ended the 116-day steel strike. Though he lost the case, his oral argument before the Supreme Court earned him high respect from its members and a sincere compliment from the Justices for his efforts.

Mr. Goldberg has made a practice of knowing everything about any case with which he has associated himself, and he has an extraordinary capacity to convey his views to others in an impressive way. On the Supreme Bench it may be taken for granted that he will be one of its most energetic and conscientious members. Mr. Goldberg has also shown a remarkable capacity for adjustment to new situations. When he became Secretary of Labor, for example, he considered his career as a labor lawyer to be closed forever. He addressed himself to his new job with a measure of objectivity that was greatly to his credit. Instead of acting as a partisan of organized labor, he has functioned as a dedicated public servant with a keen interest in the success of industry and government in general as well as in the welfare of labor.

Another index to his type of public service may be found in his renunciation of a $25,000 steel union pension when he became Secretary of Labor. He did not want anyone to suppose that his judgment might be swayed by a pension in his favor. On the Bench we surmise that he will perform in the traditional spirit of objectivity, without any relinquishment of his keen interest in human problems.

From the long-range viewpoint, therefore, the appointment of Mr. Goldberg will doubtless merit high praise. From the short-range view, the loss of his dynamism in the Department of Labor will be keenly regretted. But this is the way of government. It is especially important that the successor to Justice Frankfurter be a man of great energy, capacity in the law and force of personality, for the retiring Justice has been for many years a powerful influence on American law. We shall devote a later editorial to his notable career on the Bench. At the moment it is sufficient to say that if Mr. Goldberg succeeds in following the Frankfurter footsteps, his name will be written large in the future legal annals of the United States.

[From the Nashville Tennessean, Aug. 30, 1962]

FINE CHOICE FOR THE BENCH

President Kennedy's selection of Labor Secretary Arthur Goldberg to succeed Supreme Court Justice Felix Frankfurter is a fine choice although it is a matter of some regret that the abilities of Mr. Goldberg are lost to the Department of Labor.

Illness has forced Justice Frankfurter's retirement, and the Nation can only echo Mr. Kennedy's tribute to him for his long and distinguished service and wish him well. The former law professor at Harvard has made an indelible mark on history and the law, before and after his elevation to the High Bench.

A practicing attorney for more than three decades before he became Labor Secretary, Mr. Goldberg has also been a law professor. He is no stranger to the High Tribunal having argued many, many cases before it. More than once, the Justices have commented on his brilliant arguments.

Mr. Goldberg is one of the Nation's leading experts in labor-management relations and in labor law. His special knowledge in these areas will prove valuable to the Court. Assuredly he has the judicial qualities which the responsibility of the High Tribunal requires.

Most interesting will be speculation on whether and how much Mr. Goldberg will shift the delicate balance of the Court. One immediately presupposes a liberal viewpoint on the part of the Labor Secretary, but it is one of the ironies of history that a President does not always know the outcome when he names a man to the High Court.

President Eisenhower, a conservative, named men who have tipped the balance to the liberal side, while President Truman's four appointees have tended to be conservative.

Justice Frankfurter was an appointee of President Roosevelt, and was considered by many to be too liberal for the Court. Over the years, however, he has swung more to a center position in philosophy.

In any event, Mr. Goldberg's ability as counsel, professor, and Cabinet member has been outstanding. His patience as an arbitrator, and his grasp of the complexities and ramifications of legal issues has been remarkable.

President Kennedy will be lucky indeed to find as capable a successor to Mr. Goldberg as he found for Justice Frankfurter.

[From the Staten Island (N.Y.) Advance, Sept. 1, 1962]

GOOD MAN FOR KEY POST

President Kennedy has made two appointments that will have a far-reaching effect long after his administration has left the Washington scene.

On Wednesday, the President chose Secretary of Labor Arthur Goldberg to succeed the ailing and retiring Supreme Court Justice Felix Frankfurter. Earlier in his term he had selected Byron "Whizzer" White for another vacancy on the Nation's top Court.

Sometimes Presidential nominations for the Court are received somewhat gingerly in the Senate. Mr. Goldberg's isn't likely to face such a fate. The initial appraisal by Senators was described as generous. Confirmation is likely to be swift.

We, too, applaud Mr. Goldberg's selection. Before he entered Government service, he showed himself to be a man of intelligence who had an excellent knowledge of the law. As a leading member of the Cabinet, his charm and ability for settling disputes have been made clear to millions.

It's worth noting that both of Mr. Kennedy's selections have been young men. Mr. Goldberg is 54 and Mr. White is in his mid-forties. Both are likely to have long careers on the Bench.

Thus, the fate of proposals by Mr. Kennedy's successors in the White House may well hinge on the decisions by these two men. It is ever thus, except that the trend today is toward younger appointees who will serve longer.

[From the Racine (Wis.) Journal-Times, Aug. 31, 1962]

PRESIDENT CHOOSES WELL

Elevation of Arthur Goldberg to the U.S. Supreme Court is a credit to President Kennedy and could be an embellishment to the Court itself. Goldberg is a keen legal mind who comes from a background (unusual to Supreme Court Justices) of labor law, an important part of the three-way relationship between labor, management and government in our economy.

If the appointment of Goldberg is surprising, it is because it was not expected that the President would so quickly remove his Secretary of Labor from the firing line of American economic affairs to the quieter elevation of the Supreme Court. Indeed, while Kennedy was announcing Goldberg's appointment in Washington, Goldberg was in Chicago trying to head off a strike on the

Chicago & North Western Railway. His record, as a peacemaker respected by management and trusted by labor, has been outstanding during his short term as Labor Secretary.

President Kennedy's appointment technique in this case might well be followed by all governmental executives charged with making appointments to public office. The President announced Justice Felix Frankfurter's resignation from the Court (long expected) and announced Goldberg's appointment simultaneously, thus avoiding all the pull, haul and political pressure that is exerted when a period of time is allowed to elapse between vacating an office and filling it by appointment.

Finally, Justice Frankfurter cannot be permitted to leave public life without the expression of admiration and gratitude on the part of the American people. Frankfurter has been a man often misunderstood, possibly because he is a very complex person. His career, from long before he joined Franklin Roosevelt as one of the architects of the New Deal, has been that of an outstanding liberal. However, in his recent years on the Supreme Court, he has been considered the leader of its "conservative bloc."

Whatever this glib talk about "blocs" on the Supreme Court adds up to, we believe that this paradox in Frankfurter's career refutes most of it. If Frankfurter became "conservative," it was because times change, and his views of the scope of law and the Constitution remained steadfast.

Felix Frankfurter will be remembered for many aspects of his unique personality—his wit, his gift for words (and lots of them. In one opinion he wrote that he wished to say "one more word," and then wrote another 10,000), his razor-sharp questioning to the heart of the matter before the Court. But he should be remembered best as a great teacher, who influenced hundreds of young lawyers when he taught at Harvard Law, and continued to influence lawyers in the larger sense when he sat on the Supreme Court.

Felix Frankfurter is too big a man for labels like "liberal" or "conservative." As he leaves the Supreme Court, he wears only two, and proudly: American and lawyer.

[From the Quincy (Mass.) Patriot-Ledger]

Mr. Goldberg

But in regretting the resignation of Justice Frankfurter, we must also look with great expectation to the work of his successor, Arthur J. Goldberg.

The new Justice has been a rising star on the national scene since his prominence in the steel negotiations of 1960. His familiarity with labor and labor laws made him the logical choice for President Kennedy as he named his Cabinet before his inauguration.

And so in less than 3 years, Mr. Goldberg has been a labor lawyer, a Cabinet member, and finally an Associate Justice of the Supreme Court.

As a Cabinet officer, Mr. Goldberg held the President's regard and the public's enthusiasm for his vigor in getting action on labor problem solutions. He received personal credit for settling swiftly and peacefully strikes in various industries throughout the country. Even as his appointment was announced he was seeking to find a solution to the railroad telegraphers' strike on the Chicago & North Western Railway.

But Mr. Goldberg has the trait admired in Justice Frankfurter: independence. Some saw in his appointment to the Labor Department post a complete capitulation to labor in the labor-management picture. The lament has not been justified.

[From the New York Times, Aug. 30, 1962]

Mr. Justice Goldberg

The appointment of Arthur J. Goldberg brings to the Supreme Court a strong believer in the necessity for expanding Government activities to meet the complex requirements of our industrial society. His record as Secretary of Labor has demonstrated the astonishing diversity of his talents. He was by all odds the most activist head that the Labor Department ever had; yet he found time to counsel the President on Federal aid for the arts, mental illness, juvenile delinquency, psychological warfare, race relations, African affairs and even a plan to beautify Federal buildings.

Despite fears that his long association with organized labor might make him too prounion, he stood unflinchingly for the primacy of the national interest in labor-management relations. Indeed, his vigor on this score has been so intense that leaders in both camps have voiced concern lest Government become excessively powerful in the economy.

Perhaps his most difficult adjustment now will be to chain his restless energy to the reflective life of a judge exercising the fateful and timeless responsibilities of the High Court. Undoubtedly the President could have found a legal scholar of greater distinction, but scholarly attainment is not always the measure of a great judge. We must add that we do not like the implication in Mr. Goldberg's appointment to succeed Mr. Frankfurter that some kind of religious balance has to be maintained on the Court.

But Mr. Goldberg is possessed of intellect, compassion and a capacity for articulating abstract and abstruse issues in terms of human understanding. If he can add to these qualities the detachment and restraint a jurist must have, he will have vindicated the President's choice.

[From the San Antonio (Tex.) Light, Sept. 2, 1962]

The Supreme Court

Virtually the entire spectrum of national opinion has welcomed President Kennedy's choice of Arthur S. Goldberg as a Supreme Court Judge. This in itself is a tribute to Mr. Goldberg, a man and lawyer of singular ability and intellect.

The former Secretary of Labor came to the Kennedy administration after a distinguished career as the country's leading labor lawyer. As such he was greeted in Washington with the expectation that he would be frankly partisan toward labor in his new post.

But Mr. Goldberg became Secretary of Labor for all the people, not for any particular interest. He proved this in his tireless application toward the settlement of industrial disputes, gaining the same respect from industry he had earned from labor.

He pursued his duties with a single motivation: the national interest.

As a Supreme Court Justice he can be expected to prove the same pillar of objectivity on the bench as in the Cabinet. The President's selection of Mr. Goldberg is to be applauded; the new Justice will no doubt continue the historic tradition of our highest Court.

He will be replacing one of the greatest jurists in the history of the judicial branch, Felix Frankfurter. Brilliant, inquisitive, dedicated, and controversial, Mr. Justice Frankfurter's departure from the bench for reasons of health at an advanced age can only be viewed with deep regret. He made history during his tenure and enriched the heritage of his nation.

[From the Philadelphia (Pa.) Inquirer, Aug. 31, 1962]

Appointments at the Top

With the naming of Secretary of Labor Goldberg to the Supreme Court, replacing the retired Mr. Justice Frankfurter, and the appointment of Undersecretary Willard Wirtz to replace Mr. Goldberg in the Labor Department, both the Court and the Department have undergone perceptible changes.

Both Mr. Goldberg and Mr. Wirtz will, undoubtedly, be confirmed in their new posts by the Senate. Both are outstanding men, well qualified for their new work. President Kennedy has chosen wisely.

Yet, as Mr. Goldberg was prompt to note, Justice Frankfurter's unique place will be almost impossible to fill. He carried in his head and heart a burning ideal of what American justice should be and could be. The world changed around Frankfurter, but Frankfurter's ideal has remained steadfast. In his precourt years this made him a dangerous radical who daringly upheld the statutory rights of Sacco and Vanzetti. In recent years this made him a conservative who time after time upheld the law as written, regardless of personal emotional reactions to it.

Through all his nearly 25 years on the Supreme Court, Justice Frankfurter clung to his concept that the function of the bench is to interpret statutes, not write them.

While Mr. Goldberg may not be endowed with quite the same kind of objectivity as the jurist whose place he takes, he is no less alert, fullhearted, and sincere as a private individual. It is a truism, proved often within our own times, that the Court changes the man; donning the somber robes of a Supreme Court Justice cannot fail to impress anyone with his responsibilities.

And so it may be with Mr. Goldberg, who did not fail to cite the most crucial words of the oath of office immediately upon being informed of his selection: "I shall do my best * * * to carry on the Court's great tradition of supporting and defending the Constitution." This, we believe, is a good augury.

Mr. Wirtz will have a man-sized job running the Labor Department as it has been run in the last year and a half. Mr. Goldberg has been called the most activist Labor Secretary in history. But Wirtz has been thoroughly schooled in the Goldberg method and the Nation can expect continued active Government intervention in serious labor-management disputes.

We believe there is one aspect of the Supreme Court change which should get worldwide attention—both the retiring Justice and his successor are of immigrant origin. Mr. Frankfurter himself was a "greenhorn" from Austria, Mr. Goldberg the son of newcomer parents. Both advanced by hard work and sheer merit. This is the real story of America, lest detractors forget.

[From the Portland (Maine) Express, Sept. 1, 1962]

Pariah and Prophet

No great risk is taken in predicting that Labor Secretary Arthur Goldberg will make a good Justice of the U.S. Supreme Court. Few men nominated to the bench of that Court possess qualifications of a nature to warrant any other expectation.

For a great many years of his career, which has not been undistinguished, Mr. Goldberg represented labor. Yet in the Labor post in President Kennedy's Cabinet he has shown no inclination toward partiality for the unions he once represented. A man of recognized ability as a lawyer, and like his predecessor, a scholar, his name will not be lost to public recognition in his new role.

But more than the Nation contemplates on the future of its highest Court with Mr. Goldberg as one of its helmsmen, it reflects sadly upon the ending of the long and brilliant Court career of Justice Felix Frankfurter. While his ill health was no secret and would have been regarded as automatic cause for retirement for most men of his age, Justice Frankfurter's zeal and dedication were such as to encourage the supposition that he somehow would return again to the bench.

Mr. Frankfurter was a prophet and a pariah without ever changing his basic philosophy. For many of his more than 20 years in the High Court he was roundly condemned by conservatives for his radicalism. Yet he remained to be hailed by the sons of those critics. And by both generations he was respected as a scholar.

However well Secretary Goldberg serves the Court, Justice Frankfurter will be missed.

[From the South Bend (Ind.) Tribune, Aug. 31, 1962]

Unpigeonholed Justice

We have not always agreed with Arthur Goldberg in the year and a half he has served as Secretary of Labor, but we have come to admire and respect him for his energy, integrity, and ability.

We are glad for him, therefore, because he has been selected to replace Felix Frankfurter in the Supreme Court. It is no secret that the appointment fulfills a long-cherished ambition of his.

We are sorry, as well, because he is leaving the Kennedy Cabinet. Along with the Defense Secretary McNamara, Mr. Goldberg has been one of the two standout members of that unspectacular group.

Already there is much speculation about how Mr. Goldberg's presence on the High Court Bench might alter the Court's complexion. The Labor Secretary is a liberal insofar as his political philosophy leans toward more rather than less government. He is also a man long identified with the cause of labor, a fact that disturbs those who feel that the scales of economic power in this country have tilted too far toward labor.

Yet Mr. Goldberg is also his own man and we, at least, would hesitate to try to force him into any pigeonhole, whether it's labeled "liberal" or "prolabor" or anything else.

As Labor Secretary, he made a lot of businessmen unhappy by injecting his Department into collective bargaining and strike situations. But he made many labor leaders unhappy at the same time.

Despite his pre-Cabinet labor connections, he has been outspoken against irresponsibility in the labor camp. He has disagreed noisily with organized labor's drive for a shorter workweek. He has asked for moderation in labor demands for higher pay.

No, Mr. Goldberg is not a man to be pigeonholed. We are content to wait and see how he will perform as a Supreme Court Justice.

Meanwhile, we salute Mr. Kennedy for the choice.

[From the Dayton (Ohio) News, Aug. 30, 1962]

Goldberg Has Disciplined Mind

Comparisons of Justice Felix Frankfurter's reputation when he went on the Supreme Court with the judicial opinions he uttered there suggests how dangerous it is to predict an appointee's course.

As a law professor, Judge Frankfurter held liberal economic and social views; so much so that his appointment was protested bitterly by many conservatives. As a Justice, however, he soon swung to a legalistic rigidity that, in effect, put him on the conservative side of the Court. He has been a meticulous legal scholar and a conscientious stickler for what he regarded as a faithful construction of the Constitution.

President Kennedy's nomination of Labor Secretary Arthur Goldberg to succeed the retiring Justice suggests that the balance of the Court may fall now on the liberal side. Secretary Goldberg, in position to be the swingman, holds progressive social views, but he has shown an ability to discipline his thinking in his present post. Once counsel for the United Steelworkers Union, he has served with rugged impartiality as Secretary of Labor. A man of this stamp is not likely to show a lack of judicial temperament or an unawareness of the nature of his new responsibilities.

On the Supreme Bench there is still a relative scarcity of men promoted through the lower ranks of the judiciary. From this point of view, the Goldberg nomination leaves something to be desired. However, Mr. Goldberg knows the law and has demonstrated a high order of integrity. He merits quick confirmation and holds the promise of years of effective service on the Court.

[From the San Jose (Calif.) News, Aug. 31, 1962]

Frankfurter Out and Goldberg In

When illness forced the retirement of Justice Felix Frankfurter the Supreme Court probably lost the keenest mind in the small band that defends the legalistic as opposed to the activist approach to the U.S. Constitution.

A Harvard professor and intellectual force in the liberal movement at the time of his appointment to the Court 23 years ago, Frankfurter amazed both friends and critics with his meticulous concern for the letter of the law. Whatever his personal political convictions, Frankfurter soon found himself voting frequently with the more conservative members of the Court on interpreting the Constitution.

To replace the 79-year-old Justice, President Kennedy has selected his Secretary of Labor, Arthur Goldberg.

He is a brilliant lawyer and one of the more dynamic members of the administration. His appointment promptly drew praise from leaders of both parties in Congress.

[From the Quincy (Mass.) Patriot-Ledger, Aug. 31, 1962]

Court Appointment

President Kennedy's choice of his Labor Secretary to replace Supreme Court Justice Felix Frankfurter is outstanding. The appointment illustrates the President's desire to name men to the Supreme Court who command the respect of the Nation.

The change of guard in the Court will be watched with more than routine interest by a country split more along liberal-conservative lines than by party lines.

Many commentators have already hailed the appointment of Arthur J. Goldberg to the High Court as a victory for liberal elements who see the Court as a force for leadership in social advance. They see in the resignation of Justice Frankfurter a chance for the Court to increase its role as a leading liberal force in such areas as civil rights, congressional districting, and the whole difficult question of States rights in the Federal system.

Such predictions seem premature. Justice Goldberg comes to the Bench without previous experience as a judge. There is no volume of his court decisions on which to base predictions of his future course. It may develop, as it did with Justice Frankfurter, the man he replaces, that a reverence for the laws he must interpret could lead him into conservative thought and action.

Justice Frankfurter steps down from a career spanning 23 years on the Supreme Court Bench, and public service totaling almost 60 years.

His adult life was spent in the service of the law, first as an assistant U.S. attorney in New York and later as a leading member of the faculty at Harvard's Law School.

As Associate Justice on the Nation's highest Court, he was a brilliant example of the judicial ideal: he was able to divorce his personal beliefs from the legal questions he was called upon to decide.

Because of this, he was something of a disappointment to many persons when President Franklin D. Roosevelt named him to the post. He was looked on as almost a flaming liberal and a supporter of the New Deal. But when he put on the robes of the Justice his decision reflected less of his personal liberalism than many had expected. He became the Court's most outspoken champion of judicial restraint. He asked caution in tampering with States rights and with the wishes of Congress.

He was a fiercely independent thinker. Few men on the Court have filed as many dissents or separate concurring opinions. Sometimes his dissent gained as much attention as the majority opinion.

In his letter of resignation, Justice Frankfurter sadly speaks of his reluctance to "leave the institution whose concern has been the absorbing interest of my life." We share his reluctance to see him go, but must find consolation in the solidity of his service to the law and the Constitution he loved.

[From the Durham (N.C.) Herald, Aug. 31, 1962]

Goldberg's Appointment Is Fitting

Labor Secretary Arthur Goldberg went into the Kennedy Cabinet less than 2 years ago amid complaints that he was too close to labor to do a good job.

He comes out of the Cabinet now as President Kennedy's nominee to replace Justice Felix Frankfurter with fewer complaints over his performance than any other member. One of the most active Kennedy Cabinet members, Mr. Goldberg has long since discredited the notion he would simply be a mouthpiece for the national labor movement.

His active mediation efforts in work stoppages involving everything from the Metropolitan Opera to Eastern Air Lines earned him a reputation for fairness and ability. So far from being too close to labor, he has strongly opposed the national labor movement on key matters such as the proposal to cut the workweek back to 35 hours with no cut in pay.

The reputation earned by Mr. Goldberg during the Kennedy administration's first 20 months probably won't save him from opposition when his appointment goes to the Senate for confirmation. As a replacement for Justice Frankfurter, who has been figured as part of the Supreme Court's conservative bloc, Mr. Goldberg will be opposed by those who feel the High Court is already too liberal.

There will also be questions raised about his lack of judicial experience and the limited nature of his practice as a labor union lawyer. Mr. Goldberg is vulnerable on these counts.

But that vulnerability shouldn't delay his nomination long. He is neither so stridently liberal nor so lacking in experience to offset the fact he is a man of great ability and intelligence—a man who will serve as no one's errand boy.

Confirmation of his appointment, when it comes, will be fitting.

[From the Youngstown (Ohio) Vindicator, Aug. 30, 1962]

Justice Arthur J. Goldberg

President Kennedy's appointment of Secretary of Labor Arthur J. Goldberg as a Justice of the U.S. Supreme Court to succeed ailing Felix Frankfurter apparently has produced little disagreement, if any, among either friends or foes of the administration, as to the fitness of the new appointee. The President's announcement was not really a surprise because Mr. Goldberg's name has frequently been mentioned in connection with a Supreme Court seat. To some observers the only surprising phase of the President's action involved his willingness to part with a Secretary of Labor who has distinguished himself in his role as peacemaker between warring factions of labor and management.

Ordinarily it might appear that the addition of the former labor lawyer to the High Court Bench would strengthen the Tribunal's liberal wing. But this cannot be regarded as a foregone conclusion. In his days as a spokesman for labor, Mr. Goldberg undoubtedly exhibited many liberalist traits. It must be noted that at the time he was working as a $100,000-a-year labor lawyer although he won praise for his fairness.

It was a somewhat different Mr. Goldberg who took over the duties of the Secretary of Labor. Accepting that post, he announced that he would be guided only by the public interest as chief mediator for the country. He served notice that Government mediators would handle labor disputes with an eye to the public welfare and not concern themselves with immediate issues.

It can be recalled that Justice Frankfurter was regarded as something of a radical when he was named to the Supreme Court in 1939, yet his opinions as a jurist have been far from radical and by the time he had served on the High Court for 2 years he was adjudged the leader of the conservative group.

Probably more than any other living American, Justice Frankfurter had symbolized the New Deal whose policies he helped shape as a key adviser to former President Roosevelt. However, the "raging liberal," as many called him at first, changed into a traditionalist and conservative. He was not one to avoid a scrap and he dissented frequently with his associates. Like Holmes, he became known as "the Great Dissenter." His last notable opinion—in which he dissented—was delivered March 26 when he took issue with the majority giving Federal courts power over apportionment of State legislatures.

The Supreme Court has gained an able Justice but President Kennedy has lost a vigorous, capable labor mediator. The vacancy will be hard to fill.

[From the Los Angeles Herald Examiner, Sept. 1, 1962]

THE SUPREME COURT

Virtually the entire spectrum of national opinion has welcomed President Kennedy's choice of Arthur S. Goldberg as a Supreme Court judge. This, in itself, is a tribute to Mr. Goldberg, a man and lawyer of singular ability and intellect.

The former Secretary of Labor came to the Kennedy administration after a distinguished career as the country's leading labor lawyer. As such he was greeted in Washington with the expectation that he would be frankly partisan toward labor in his new post.

But Mr. Goldberg became Secretary of Labor for all the people, not for any particular interest. He proved this in his tireless application toward the settlement of industrial disputes, gaining the same respect from industry he had earned from labor.

He pursued his duties with a single motivation: the national interest.

As a Supreme Court Justice he can be expected to prove the same pillar of objectivity on the Bench as in the Cabinet. The President's selection of Mr. Goldberg is to be applauded; the new Justice will no doubt continue the historic tradition of our highest Court.

He will be replacing one of the greatest jurists in the history of the judicial branch, Felix Frankfurter. Brilliant, inquisitive, dedicated, and controversial, Mr. Justice Frankfurter's departure from the Bench for reasons of health at an advanced age can only be viewed with deep regret. He made history during his tenure and enriched the heritage of his Nation.

[From the Grand Rapids (Mich.) Press, Aug. 31, 1962]

GOLDBERG FOR FRANKFURTER

Of the many new figures President Kennedy has brought into Government the two that have impressed the public the most with their intelligence and effectiveness are Defense Secretary Robert S. McNamara and Labor Secretary Arthur J. Goldberg. And now Goldberg is moving up to the U.S. Supreme Court.

Goldberg had been known for years as a brilliant attorney, chiefly for the United Steelworkers, before he became Secretary. In fact his legal triumphs on behalf of organized labor led some to doubt his ability to function impartially as Secretary of Labor. But those doubts have been dispelled in the 18 months he has held the office. He has been an outstanding Secretary, one who, to the surprise of many, has been able to see management's as well as labor's side of a dispute. Although he never has served as a judge he has demonstrated that he has the judicial temperament. We expect him to exercise a real independence of mind and judgment on the High Court.

Whether Goldberg's appointment to replace the retiring Justice Felix Frankfurter will change the lineup on the Court materially only time will tell. But certainly Frankfurter will be missed. Although he joined the Court almost 24 years ago as something of a flaming liberal he remained to become the Court's most effective spokesman for the conservative viewpoint. He became, in fact, what used to be known by the old-fashioned term "constitutionalist." And it was almost with horror that Frankfurter regarded the Court's decision this year that Federal courts might interest themselves in such purely State problems as the apportioning of legislative seats. For Frankfurter this represented an unwarranted break with the worthy past.

Frankfurter was something of a terror when ill-prepared lawyers found themselves facing him; and he always was meticulous in bringing out fine details—a habit that perhaps harked back to his past as a professor of law at Harvard. But he was also a man of some humor, and the irony that often tinged his written opinions made them a delight to read.

Frankfurter is Jewish, and so is Goldberg; so the Jewish faith will continue to be represented on the Supreme Court. But we do not believe that Goldberg was selected for this reason. Justice William J. Brennan is a Catholic, but Mr. Eisenhower did not appoint him for that reason; he appointed Brennan because of his distinguished record as a jurist. Harry S. Truman routed the belief that men should be appointed to the Court on the basis of their religious beliefs when he refused to appoint a Catholic to succeed the deceased Justice Frank Murphy in 1949. Frankfurter never ruled as a Jew; he ruled as an American. We can expect the same detached viewpoint from Goldberg.

[From the Modesto (Calif.) Bee, Aug. 31, 1962]

GOLDBERG WILL SERVE U.S. COURT WITH DEDICATION

Secretary of Labor Arthur J. Goldberg characteristically said, "I will do my best" in accepting the appointment by President John F. Kennedy to the U.S. Supreme Court, replacing Associate Justice Felix Frankfurter.

His public service, his brilliant record in law, his simple devotion to precepts and principles advocating the case for free men recommend him highly. If he serves the Court as well as he served his office as a Cabinet member, and there is every reason to believe he will, he will strengthen the Court immeasurably.

The respect in which he is held in Washington is indicated by the approval voiced on both the Republican and Democratic sides of the aisles in Congress. So far as the public is concerned his reputation is something to behold, considering the sensitive character of his office.

The public should not confuse the Goldberg record. He is identified with labor and often has been referred to as the most knowledgeable man in American life on labor-management, but he is not, strictly speaking, a labor lawyer.

Let us go to his beginning to understand this better.

Born of Russian immigrant parents on Chicago's South Side, one of eight children, he knew bitter poverty as a child. With quiet determination he worked his way through high school, the City College of Chicago and Northwestern University Law School. His promise was so remarkable he won the cherished Charles B. Elder Award at Northwestern as the top student in his class and was editor of the Illinois Law Review during his final year. He passed his bar examination before he reached his 21st birthday. Illinois waiving the age requirement because of his exceptional record.

Then followed 19 years in private practice, with various firms and as head of his own firm. Before he accepted the invitation of the late Philip Murray in 1948 to become general counsel for the CIO, his reputation in general law already was established.

Sir Edward Coke said in his first institute that reason is the life of the law, that law is reason. Goldberg is blessed with great reason. We know from our history and our experiences that law demands compassion and fixed dedications. Goldberg has both. Law gives strength, substance to the lives of free men and order to their pursuits. The Goldberg record, and the man Goldberg, suggest we can safely trust him with this new and precious responsibility.

[From the Allentown (Pa.) Chronicle, Aug. 30, 1962]

GOLDBERG FOR FRANKFURTER

Felix Frankfurter has 23 years of service behind him as an Associate Justice of the Supreme Court.

Those 23 years have been important to him because nothing he ever did gave him more pride and satisfaction than this.

He loved the Court so much it was said of him when he was stricken ill "He'll be back—even if he has to crawl."

But Felix Frankfurter is not coming back. He has resigned his seat, recognizing his inability to cope physically with the job he has loved so much.

The departure of Justice Frankfurter will be met with mixed emotions on both sides of the High Court Bench.

Some of his associates have not been on the best of terms with him and lawyers frequently have been nettled by his penchant for long and thorough questioning.

Nevertheless he will be missed. He has been one of the great legal minds, devoted during his active years to teaching at Harvard Law School, whence he came to the Supreme Court, and during the past 23 years to the consideration of countless epochal legal issues.

Although some have said no one could really succeed Felix Frankfurter, the man selected to take his place on the Bench can probably come as close as any man could to doing that.

He is Arthur J. Goldberg, President Kennedy's Secretary of Labor and before that the legal brains behind the AFL-CIO and the United Steelworkers of America.

Although he has specialized in labor law, Goldberg is recognized as a major legal light.

He is considered to have the objectivity, the intelligence, and temperament required for Supreme Court service, where past loyalties and associations must be subordinated to the greater task of interpreting the law and its intent within the framework of the Constitution, not in the special interest of a select group or individual.

Although some of the decisions reached by Felix Frankfurter aroused anger and created controversy, none could ever truthfully say he reached such decisions in anything but good faith.

And when Arthur Goldberg takes his place on the Bench his approach to the law and its application certainly will be on the same high plane.

[From the Boston Herald, Aug. 31, 1962]

Mr. Justice-Designate Goldberg

The appointment of Arthur Joseph Goldberg to the Supreme Court will stand as one of the great acts of this administration.

We say this because of the man's brilliant mind, the judicial quality of his thinking, and his far-ranging perceptiveness.

Yet (why must there always be a "yet" to every word of praise?) Mr. Goldberg is not a mind detached from 58 years of living. He cannot bring to the Supreme Court, any more than any other man could, a total impersonality, to work on the law and the Constitution with total objectivity. He will do far better than most, but the Constitution, which men made, must be interpreted by men. We have no disembodied intellects to call on.

Predictions about Supreme Court Justices have been notoriously inaccurate. But we expect that Justice Goldberg will occasionally disturb us by what we shall probably label adventurism in government—the disposition to concede to States and the United States the power to ride freely in all directions in promotion of the public welfare. We would guess that legislation setting up wage and price controls might win his constitutional consent. If we read his inclination aright—and probably, we don't—he will lean with the Court's majority, rather than with Justice Frankfurter's dissent, in supporting judicial interference with State legislative apportionments.

But in another field, that of civil liberties, we look most hopefully to Justice Goldberg to protect the little people, the poor people, the often obnoxious and dangerous people in those human rights which are at once the pride and the worry of this democracy. We believe that he will be bold and liberal in support of the Bill of Rights, and that not Congress or the clergy or the outraged sensibilities of the citizenry will drive him from his civil libertarianism. If he has to take a stand respecting an establishment of religion, he will do it with courage.

Justice Goldberg will bring luster and vitality to the Court. And for us he will be a joy, as much when we disagree as when we endorse.

[From the Wilmington (Del.) News, Aug. 31, 1962]

Filling Frankfurter's Shoes

The Supreme Court of the United States will not seem the same without Mr. Justice Frankfurter. The former dean of the Harvard Law School has been a steadying influence on the Court for the last 23 years. He now retires at 79 in consequence of a mild stroke he suffered in April.

During all this period he held steadily to the philosophy that the Court must keep its place, defer when possible to Congress, and avoid attempting too much. "There is not under our Constitution a judicial remedy for every political mischief," he wrote in a dissenting opinion this year.

It is a curious fact that on his appointment by President Roosevelt in 1939, most people saw him an ultraliberal jurist, and some went so far as to say that they suspected him of being a Communist. But just as Justice Black, a former klansman, became one of the Court's ultraliberals, so Mr. Frankfurter, who was decidedly a liberal, became its middle-of-the-road bastion.

We mention this because it suggests the virtual impossibility of pinpointing the political position of any new Supreme Court appointee. Liberal Attorney Arthur J. Goldberg, named by President Kennedy to fill the Frankfurter vacancy, is a former labor lawyer who gave up his $25,000-a-year pension rights with the United Steelworkers to avoid any suspicion of prolabor bias as Secretary of Labor. That fact is important, for a man's character changes less than his political orientation when he becomes a Supreme Court Justice.

Mr. Goldberg won't find it easy to fill Frankfurter's shoes—no man would. (And Under Secretary Wirtz, succeeding Goldberg, will have no easy time filling him.) But both are men of positive character and high integrity.

[From the Asbury Park (N.J.) Press, Sept. 1, 1962]

A New Justice

When President Franklin D. Roosevelt appointed Felix Frankfurter to the U.S. Supreme Court 23 years ago there was widespread resentment. None questioned Mr. Frankfurter's legal attainments but his reputation as an ultraliberal provoked fear that as a Justice he would lean far to the left. Wednesday when President Kennedy regretfully announced his retirement for reasons of health, Justice Frankfurter was regarded as a conservative. In this contrast lies the measure of Justice Frankfurter as a jurist. Whatever his political philosophy may have been, he did not carry it to the bench. Invariably his opinions were grounded in detached devotion to the Constitution as he interpreted it. Thus he rose above whatever criticism greeted his appointment to the Supreme Court in 1939 and assumed a high place in the illustrious company that have sat on the Nation's highest Tribunal.

President Kennedy promptly appointed Secretary of Labor Arthur J. Goldberg to succeed Justice Frankfurter. Mr. Goldberg, too, had been criticized as being too liberal, presumably because he had served as attorney for labor organizations. But as a member of the Cabinet he has demonstrated a sense of fairness and a disposition to place the national interest above other considerations. This attribute combines with Mr. Goldberg's demonstrated ability as a lawyer and as a leader in diversified fields to confirm President Kennedy's estimate that he is "superbly" qualified for service on the Supreme Court. Indeed, Mr. Goldberg ascends the Bench under circumstances far more auspicious than those that greeted Justice Frankfurter's appointment. There is every hope that he will perform with similar distinction.

[From the Gary (Ind.) Post-Tribune, Aug. 31, 1962]

Goldberg to the Top Court

The American success story retains its essence despite changes in setting. It is currently typified in the elevation of Arthur J. Goldberg to the U.S. Supreme Court.

That Goldberg came from the ranks of relatively poor immigrant parents in a big city is not new though the more accepted formula was the rise from a poor farm home. That the route of his climb was through the field of labor law rather than through one of the more orthodox fields of commerce or industry is a departure. However, it is a departure primarily because only comparatively recently has there been any field of labor law.

If there should be any tendency to challenge his fitness for the Court—and there will be, whether it comes into the open or not—because of his association with the labor side of some of our most controversial legal questions, at least three counterbalancing factors should be considered.

First, one could cite several examples of corporation lawyers who have gone onto the Court and shown the ability to consider both sides of questions despite their previous experience. There is no reason why the same cannot be true of a man whose principal clients have been labor unions. As a matter of fact, unless we are to recruit our judiciary from the academic field, it is necessary to draw men whose experience has been primarily with one side or the other of controversy.

Second, it should be pointed out that in his 13 years as counsel for the United Steelworkers and 7 years as chief counsel for the Congress of Industrial Organizations he insisted on operating as a fee attorney rather than as a paid—even if a well-paid—employee. In other words, he showed a determination to maintain a certain freedom of thought and action.

Finally, it should be remarked that while Secretary of Labor, Goldberg did not always act in strict accord with the wishes of labor leaders, but rather sought to influence settlements designed to reduce open conflict and to serve the public interest as he saw it. His part in reading Communist elements and Jimmy Hoffa-type hoodlum elements out of the AFL–CIO can be cited to demonstrate his willingness to offend those labor leaders he believes deserve to be offended.

In passing, it should be noted that Felix Frankfurter, whom Goldberg will succeed, came to the bench from Harvard denounced by many as a radical, yet stayed on to be denounced by others as a conservative but to be praised by most as an impartial jurist. While Goldberg does not match Frankfurter's erudition, his own academic success in leading his Northwestern University class while working his way through school and graduating at 21, shows that he has the makings of a legal scholar.

Because of the life tenures of those appointed, one cannot be sure just what direction a Justice may turn after his appointment. It is impossible to know, therefore, in just what direction Kennedy appointments will influence the Court. The influence, however, should be relatively prolonged. Echoing his own youth, Kennedy's first appointee, Byron White, was only 45. His second, Arthur J. Goldberg, is a comparatively young 54.

[From the Lubbock (Tex.) Avalanche-Journal, Aug. 31, 1962]

Goldberg Is Good Choice

When President Kennedy announced that his Secretary of Labor would be Arthur J. Goldberg, we, along with many other citizens, took a dim view of future operations of the Department and the Government's part in them.

After all, Mr. Goldberg, a Chicago lawyer, had been a professional in the field of union labor. The feeling was widespread that making a man of his background the Secretary of Labor was comparable to sending a hungry bulldog to the butcher shop for a pound of steak.

However, our fears and those of others have been completely stilled during the 18 months or so of Mr. Goldberg's service in the Cabinet. Not only has he been extremely energetic and responsible to his duties, he also has been meticulously fair. He has been, consistently, on the side of the public in his official labors and has earned the confidence and admiration of fair-minded men, no matter how they may make their living. It is no exaggeration to say that Arthur Goldberg has been the most effective—or, perhaps better stated, the best—Secretary of Labor in the Nation's history.

Now, the President has nominated Mr. Goldberg to the U.S. Supreme Court, to replace Mr. Justice Felix Frankfurter, forced into retirement by ill health at age 79. Since the days of Woodrow Wilson, it has been public policy for the Supreme Court to include at least one member of the Jewish faith and while Mr. Goldberg long has been noted in Washington as the logical successor to his coreligionist Mr. Justice Frankfurter, there was some feeling—and accompanying regret—that he probably wouldn't get the appointment because he was too valuable where he was, in Labor. That this proved not to be the case unquestionably is a matter of satisfaction to many citizens in all walks of life and of all religious persuasions.

At times, Mr. Justice Frankfurter has been one of the more controversial figures ever on the High Court. He was considered a radical when appointed by President Roosevelt, back in the 1930's. Later, he became more and more conservative in his views. At the time of his retirement, he was looked upon as the leader of the "sound minority" group of the Court. On the record, he was a good judge.

Secretary Goldberg's actions since joining the Cabinet indicate that he is a middle-of-the-roader. He probably leans more to the liberal side than to the conservative, but certainly no one would call him a far left-winger. The fact that even conservative Republicans in the Senate are backing him for the judicial post attests to his personal popularity and to the respect in which he is held.

How Mr. Goldberg will stack up as a Supreme Court Justice, only time will tell. But he has a good record as a public official, is a man of keen mind and astute judgment. The American people have reasons to believe that he will perform equally as well as a member of the judiciary as he has as Secretary of Labor. If he does, he'll do all right.

[From the Cedar Rapids (Iowa) Gazette, Aug. 30, 1962]

Goldberg for Frankfurter

It is ironic that many citizens who had very little use for Justice Felix Frankfurter a generation ago probably will be sorry to see him leave the Supreme Court. Then he was regarded as one of the arch-liberals whose bright young Harvard proteges were infiltrating the Government at Washington and helping build up a head of steam behind the socialistic enterprises of the Roosevelt New Deal. Of late he has been looked upon, oftener than not, as the rallying force behind the conservative group on the Court which has served as a check on the kind of liberalism espoused by Chief Justice Warren.

From any viewpoint, President Kennedy undoubtedly is right in his opinion that "few persons have made so important a contribution to our legal traditions and literature" as Justice Frankfurter. And the impact of his views has been heavy also on the political philosophy and evolution of the Federal Government.

The nomination of Secretary of Labor Arthur Goldberg to succeed Justice Frankfurter doubtless will meet with general approval. Goldberg is widely respected as a lawyer and should have a broad understanding of some of the knottier problems with which the Supreme Court will be dealing in the next few years, if anybody does.

What will be watched with keen interest is the effect Goldberg's appointment has on the philosophical trend of the Court's decisions. He long was known as a labor lawyer, but as Secretary of Labor has not always performed exactly as it might have been expected a man with that background would. Although the assumption now is that he will tend to aline himself with the Warren wing of the Court, he may provide some surprises on that score, too. Like Mr. Frankfurter, Mr. Goldberg has a mind of his own.

[From the Portland Oregonian, Aug. 31, 1962]

New Justice

With his appointment to the Court only hours old, there have already been public predictions that, as an Associate Justice, Arthur Goldberg will swing the balance more decisively to the liberal bloc on the U.S. Supreme Court. This is a natural, but superficial, view of the matter.

Arthur Goldberg, throughout his active life, has been associated with what might be styled liberal causes. As an advocate, he was an effective spokesman for organized labor before the Supreme Court. But, in his brief service as Secretary of Labor, he has demonstrated an ability to take a judicial stance, as distinguished from that of an advocate. He has earned the respect of management to add to that he already held in the eyes of labor.

If his Cabinet service is any guide to what may be expected to be his attitude on the Bench, he may very well become a conservative in Supreme Court terms. That was the case with the man he succeeds, Felix Frankfurter. When he was named to the Court in 1939, Mr. Frankfurter was generally classed at a liberal, by some as a radical. He had, extracurricularly, been involved in a number of public issues, including the Sacco-Vanzetti case, in which he wrote a widely discussed article charging that the two anarchists were being railroaded by public opinion in their trial for murder in a payroll robbery. But, in recent years, Justice Frankfurter has been recognized as the leader of the Court's conservative bloc.

Some of his associates say that he had never changed his approach to legal questions, that he always viewed a case from a sternly legal viewpoint dissociated from his personal views on the social, economic or political issues concerned.

It may help to abandon the overused liberal and conservative tags in this instance and substitute, respectively, subjective and objective or activist and literalist.

Justice Frankfurter earned his conservative label over a period of more than two decades in which his fussily written opinions, whether for the majority of the Court or in dissent, consistently upheld a literal and limited view of the Court's powers. A good example was his dissenting opinion on the occasion, in March of this year, when the activists on the Court, led by Justices Black and Douglas, reversed an earlier Frankfurter opinion and marched the Court into what Justice Frankfurter had called the political thicket of legislative reapportionment in the States.

If one is to view the split on the Court as suggested above, then it is very possible that Mr. Goldberg will not disturb the balance. But speculation on the point is not profitable. The prestige and security of the lifetime appointment to the Supreme Court has altered immeasurably the public image of many a man. An example: Justice Black, once a member of the Ku Klux Klan, is now the leader of that group among the Justices most avid to use the Court's authority in securing the civil rights of minorities.

What the Supreme Court needs is not more liberals or more conservatives but Justices who will hold the law, which they are sworn to sustain, above their own personal convictions and prejudices. There is reason to believe Arthur Goldberg has the capacity to meet that standard.

[From the Rochester (N.Y.) Democrat & Chronicle, Aug. 31, 1962]

Goldberg Steps Up

It would not be fair to say that one known quantity is leaving the Supreme Court Bench and an unknown quantity is taking his place. Retiring Justice Felix Frankfurter was hardly a known quantity. Sometimes called the man of contradictions, he came to the Court to the tune of a fanfare from happy liberals (he had been F.D.R.'s adviser), and stayed to disappoint them by being a leader in many conservative opinions. But liberal or conservative, and always unpredictable, he dedicated his life to American constitutional and democratic processes, and his legacy includes such clear statements as:

"Civil liberties mean liberties for those we like and those we don't like, or even detest."

This almost Olympian announcement is—and should be—crushing to those who constantly try to redefine civil liberties in such a way as to curtail liberties.

Arthur J. Goldberg, one of President Kennedy's successful appointments (as Secretary of Labor), now named to take Justice Frankfurter's place on the Bench, is not an unknown quantity.

Few men in the history of Presidential Cabinets won such respect in such a short time as Secretary Goldberg, the son of Russian immigrants, who began work at the age of 12 delivering shoes for $3.80 a week. He has masterminded most of the compromise labor-management agreements; his persuasiveness has become the talk of the business world; instead of bending over to please labor, as so many feared he would as a former labor lawyer, he became painfully fair as Secretary of Labor. He has spoken clearly when it could have built vast enmities. He played a major role in bouncing the Teamsters from the AFL–CIO, and he openly disputed labor's argument that shorter working hours would open up new jobs.

On the record of what he has said in occasional speeches, the Justice-designee believes in the expansion of governmental activities. But at the same time he speaks for an American economy which includes "a competitive posture that insures the success of American products in any markets; a sound currency of unquestioned integrity; a labor-management relationship that generates material progress in an atmosphere of responsibility."

At the moment, Mr. Goldberg looks like about as noncontroversial an appointee as any in recent history.

[From the Houston Chronicle, August 1962]

Goldberg's a Good Choice

Comment on the resignation of Felix Frankfurter and the appointment of Arthur Goldberg as Associate Justice of the U.S. Supreme Court might well begin with the words "fair exchange."

There are superficial similarities.

Both are Jewish; both extraordinarily learned in the law; both devoted to American traditions and ideals.

But we don't envy Mr. Goldberg. He has tremendously large shoes to fill.

Justice Frankfurter has one of the most acute legal minds ever to grace the Supreme Court. Yet he is more than a learned lawyer. He is a civilized man. His detractors were fond of picking holes in the detail of his learning—perhaps, for instance, he is not an economist. But he understands economics, and for a judge, this understanding is much more important than mere expertise.

At a time when many covet the distinction, Justice Frankfurter, by any standard, is a great man. Great men aren't replaced.

Mr. Goldberg may in time find his own path to greatness. He has many of the qualifications. Above all, he is a man of these times: Alert to the changes that tug at our society, aware of the Government's necessary role in guiding and promoting them, and intelligent enough to distinguish between the practical and the impossible.

A President can serve only 8 years. Then, he must trust his policies to others. Only in narrow areas—judicial appointments are a prime example—can a President's influence truly be felt after his time.

Measured this way, President Kennedy promises to do well. Byron White, his first appointment to the Supreme Court, was an excellent choice. So is Mr. Goldberg.

The present Supreme Court is a good one. Mr. Goldberg should feel at home with it, and it with him.

[From the Durham (N.C.) Sun,
Aug. 31, 1962]

MR. JUSTICE GOLDBERG

Arthur Goldberg, 54, Secretary of Labor, has been nominated to the Supreme Court of the United States. If confirmed by the Senate, he will succeed Associate Justice Felix Frankfurter, 79 years old and ill, who has retired.

It is interesting to note that the immediate reaction among leading Senators is favorable. Complimentary observations came promptly from both the Republican and Democratic Senate membership.

There is every reason to believe, therefore, that confirmation will occur at once, Mr. Goldberg, as a public official, apparently having agreeably impressed top Americans regardless of party or of their individual attitudes on labor relations problems.

The degree of confidence already expressed by the Senate undoubtedly will lead most Americans to conclude that President Kennedy has chosen a man well qualified and competent.

[From the Portland (Maine) Express,
Aug. 30, 1962]

GOLDBERG FOR FRANKFURTER

The Supreme Court has lost its chief conservative and will get a labor specialist whose judicial philosophy has yet to reveal itself. At 79, on the advice of his doctors, Felix Frankfurter is retiring after nearly 24 years on the High Court. President Kennedy named as his replacement, Labor Secretary Arthur Goldberg, a 54-year-old lawyer whose public service began on the New Frontier. Hardly a dissenting voice was raised in the political arena after the President announced the selection. It appeared the necessary Senate approval of Goldberg's nomination would be a matter of quick course.

[From the Fresno (Calif.) Bee, Aug. 31, 1962]

GOLDBERG WILL SERVE U.S. COURT WITH DEDICATION

Secretary of Labor Arthur J. Goldberg characteristically said "I will do my best" in accepting the appointment by President John F. Kennedy to the U.S. Supreme Court, replacing Associate Justice Felix Frankfurter.

His public service, his brilliant record in law, his simple devotion to precepts and principles advocating the case for freemen recommend him highly. If he serves the Court as well as he served his office as a Cabinet member, and there is every reason to believe he will, he will strengthen the Court immeasurably.

The respect in which he is held in Washington is indicated by the approval voiced on both the Republican and Democrat sides of the aisles in Congress. So far as the public is concerned his reputation is something to behold, considering the sensitive character of his office.

The public should not confuse the Goldberg record. He is identified with labor and often has been referred to as the most knowledgeable man in American life on labor-management, but he is not, strictly speaking, a "labor lawyer."

Let us go to his beginnings to understand this better.

Born of Russian immigrant parents on Chicago's South Side, one of eight children, he knew bitter poverty as a child. With quiet determination he worked his way through high school, the City College of Chicago and Northwestern University Law School. His promise was so remarkable he won the cherished Charles B. Elder award at Northwestern as the top student in his class and was editor of the Illinois Law Review during his final year. He passed his bar examination before he reached his 21st birthday, Illinois waving the age requirement because of his exceptional record.

Then followed 19 years in private law practice, with various firms and as head of his own firm. Before he accepted the invitation of the late Philip Murray in 1948 to become general counsel for the CIO, his reputation in general law already was established.

Sir Edward Coke said in his First Institute that reason is the life of the law, that law is reason. Goldberg is blessed with great reason. We know from our history and our experiences that law demands compassion and fixed dedications. Goldberg has both. Law gives strength, substance to the lives of freemen and order to their pursuits. The Goldberg record, and the man Goldberg, suggest we can safely trust him with this new and precious responsibility.

[From the Gastonia (N.C.) Gazette, Aug. 31, 1962]

TWO MEN DEDICATED TO PUBLIC SERVICE

Justice Felix Frankfurter would have to be classed with those rugged, fearless men who are called "individuals."

Always, his tireless pen put down his thoughts—whether he was voting with the majority or whether he was voting with the minority.

Especially did he write lengthy opinions when he was voting against the majority. These opinions often were tough to read and full of hairsplittings.

His entire life was dedicated to American constitutional and democratic processes.

But, how he could be painful.

Lawyer after lawyer, he lectured before the court, picking and pruning his way through their arguments.

When Justice Frankfurter was appointed to the high bench in 1939, the Senate Judiciary Committee held hearings on the nomination. Extreme rightwingers tried to pin a "red" label on him.

It didn't stick. Although he was considered somewhat "liberal" when he took the oath, his thoughts and actions took a conservative turn later in life.

Now, President Kennedy has appointed Arthur Goldberg as Frankfurter's successor.

This, no doubt, is an appointment which the President has given considerable thought.

The absence of Mr. Frankfurter from the Supreme Court will be quickly noticed. He leaves a tremendous void.

It is possible that Mr. Goldberg will fill this void well. We shall have to wait and see.

Certainly, he has performed well as Secretary of Labor in Mr. Kennedy's Cabinet. Although he had many years of close association with labor unions, he seemed to go the last mile in not showing favoritism.

Without a doubt, Goldberg is a man of great integrity, character, and courage. He has waded into the problems of labor with both sleeves rolled up, and he has solved many of them. He has done much good.

But, just as Mr. Frankfurter took his seat on the high bench with more liberal than conservative leanings, so it is also with Mr. Goldberg.

His appointment gives the Court a more liberal flavor.

We are convinced, however, that honesty and fairness shall ride with his opinions just as they have with the retiring Mr. Frankfurter.

The Gazette has nothing but thanks for a job well done by the one who steps down and nothing but confidence in the one who steps up.

[From the Newark News, Sept. 1, 1962]

HIS CREDENTIALS

Labor Secretary Goldberg brings to the Nation's highest court a first-rate mind, a reputation for objectivity, and more energy than is allocated most men. It would be folly to predict his philosophic course as a Supreme Court Justice, for history has shown that past professional ties seldom accompany a man to that High Bench.

In Mr. Goldberg's case one set of ties was demonstrably severed with his move from labor lawyer into the Cabinet post. Predictions that he would be labor's man proved incorrect.

Although the new Justice obviously shares President Kennedy's philosophy of what Government should do, so did his predecessor on the Court, Justice Felix Frankfurter, once share the New Deal philosophy of Franklin Roosevelt. Yet two decades later Mr. Frankfurter had swung to conservatism and become the High Court's chief advocate of judicial restraint. Justice Hugo Black, on the other hand, assailed as a former Ku Klux Klanner, has become a stanch advocate of civil liberties.

Mr. Goldberg, therefore, must for the time being remain a question mark so far as his future action on the Bench is concerned. But as a lawyer, executive, mediator, and self-made man, his credentials are very much in order.

And by his swift replacement of Labor Secretary Goldberg, President Kennedy saved a lot of wear and tear on the White House lawn. Mr. Kennedy cannot have forgotten the lineup of candidates for the labor Cabinet post first time around, and the grumbling when he finally settled on Mr. Goldberg instead of a union leader.

This time, even before labor's nominating committee could go into action, Mr. Kennedy promoted Mr. Goldberg's chief assistant, Labor Under Secretary W. Willard Wirtz to the vacancy created by Mr. Goldberg's move to the Supreme Court.

An able executive and articulate student of labor affairs, and a former law partner of Adlai Stevenson, Mr. Wirtz is the man who has been minding the store while Secretary Goldberg has been out troubleshooting all over the country. He will have plenty to keep him busy, for he moves into the secretaryship just as the administration enters its first conflict with organized labor. In defiance of the President and Mr. Goldberg, labor's chiefs have launched a drive for a 35-hour workweek. Also the President's labor-industry council appears to have bogged down. In short, the Labor Department is about the hottest seat around the Cabinet table.

[From the Lowell (Mass.) Sun, Aug. 31, 1962]

THE OLD AND NEW

As Mr. Justice Frankfurter leaves the Supreme Court of the United States after a quarter-century of service, the words of President Kennedy probably sum up the attitude and thinking of the bench, the bar, and the American people.

In his letter acknowledging the resignation that was forced by poor health, the Chief Executive said:

"For myself and all Americans, I should like to offer our respectful gratitude for the character, courage, learning, and judicial dedication with which you have served your country over the last 23 years."

Recognized as a liberal almost a quarter of a century ago when he was appointed by President Roosevelt, his philosophy and judicial thinking changed considerably as the years went by. Or possibly that is not true; it could well have been that the appointment of so many superliberals in the past two decades has made Judge Frankfurter seem moderate and almost conservative by comparison.

Although a controversial figure from time to time, Judge Frankfurter's service will be long remembered, and time may some day accord him the honor of having his name etched on the walls of the Supreme Court beside such distinguished names as Holmes and Brandeis.

It is expected the liberal wing of the Court will be reinforced by the addition of Labor Secretary Goldberg, who has been tabbed by the President for promotion. As a labor lawyer he won enough notice and prestige to qualify for the President's Cabinet.

As head of this very vital branch of the Government, he has demonstrated a capacity for work, a willingness to intervene in labor-management disputes with courage and fairness and a deep insight into the law.

His acceptance by both Democratic and Republican Members of the Senate indicates the high esteem in which he is held in the official circles in Washington.

[From the Williamsport (Pa.) Sun-Gazette, Sept. 4, 1962]

Goldberg's Opportunity for Service Broadens

A generally favorable reaction has greeted the appointment of Labor Secretary Arthur Goldberg to the U.S. Supreme Court. Admittedly a capable man, he has shown abilities that promise to make him a good justice of our highest tribunal.

Without begrudging him his elevation, there are many persons who wish he could have remained in the Labor Department long enough to settle the crucial problems unsolved in his special field of labor-management relations. The handling of these are likely to be delayed while his successor gets acquainted with the job.

Couldn't the President have waited, some are asking, for a later vacancy to give Secretary Goldberg his reward?

The answer probably is that no future time would be any easier to part with him. If the Labor Department is destined to face one crisis after another during the Kennedy administration, there is no real profit in deferring judicial preferment due Mr. Goldberg.

However, we hope he grows in stature in his new and responsible position even as did the respected justice whom he is to succeed, Felix Frankfurter.

When President Franklin Roosevelt named Justice Frankfurter in 1939, the Harvard law professor was described as carrying a liberal torch. Yet his 23-year record on the bench has been broad and constructive.

Secretary Goldberg ascends to the highest tribunal in somewhat the same light. He has been Mr. Labor in the Kennedy Cabinet.

His lot has heretofore been cast with unionism—one segment of our national life. Now he gains an opportunity for broader service. On the Supreme Court, he will have a view of the whole pattern of American life; and a responsibility for the welfare of the whole American economy.

How he meets this challenge and discharges these larger obligations will in the end determine his stature as a Supreme Court Justice.

[From the Tyler (Tex.) Courier-Times, Aug. 31, 1962]

The Goldberg Appointment

There was little surprise in President Kennedy's appointment of Secretary of Labor Arthur Goldberg to the U.S. Supreme Court to replace Justice Felix Frankfurter, whose retirement was announced simultaneously.

Justice Frankfurter, who will be 80 in November, has been ill and off the bench since he suffered a stroke in early April. A distinguished jurist and student of the law, he was named to the Court in 1939 by the late President Franklin D. Roosevelt as a rather extreme liberal. He retires as the outstanding conservative member of the present Court.

Mr. Goldberg's appointment has been rumored since talk of the possible retirement of Justice Frankfurter began earlier during his illness. The President's selection was hailed widely by both Democrats and Republicans.

Mr. Goldberg's experience as a jurist has been absolutely none, a fact which eminently qualifies him for the Supreme Court on the basis of selection criteria apparently employed in recent decades. It used to be that service as a judge was considered quite desirable for Supreme Court aspirants, but such has been the case in few instances since the thirties.

Mr. Goldberg as an attorney, though, leaves nothing to be desired in his qualifications.

His 30 years of law practice were spent almost entirely as a labor attorney, and he was instrumental in the merger of the American Federation of Labor and the Congress of Industrial Organizations.

But he has proved time and again since he took over as Secretary of Labor that he is quite unconcerned about disagreeing with his old labor friends when he feels them wrong.

His energy, his devotion to his duties, and his strict adherence to established law and principles plus a judicious temperament, have made him one of the outstanding members of the Kennedy Cabinet.

That is why praise for Mr. Goldberg and his selection as a Supreme Court Justice has come from all sides. What his judicial philosophy may be remains to be seen. But he is an outstanding lawyer and has proved his dedication to the public good.

[From the Providence (R.I.) Journal, Aug. 31, 1962]

An Able Successor to a Truly Outstanding Justice

The resignation of Justice Felix Frankfurter from the U.S. Supreme Court closes the public career of a man who served with distinction and honor for 23 years on the Nation's top court. Secretary of Labor Arthur Goldberg, his successor, will bring to the Court the same intellectual integrity which marked Justice Frankfurter.

As a teacher at the Harvard Law School, Justice Frankfurter inspired a generation of lawyers, many of whom went into public life. As a human being, the justice was known for the warmth of his personality, the range of his intellectual interests, and the vigor of his mind.

On the Bench, Justice Frankfurter demonstrated sharp wit, a questioning mind, and sternness of principle. Possessor of a record of liberalism before appointment to the Court, he became a conservative in his court opinions pleading for judicial restraint, caution, and deference to the wishes of Congress and the States.

Mr. Goldberg, named to succeed Justice Frankfurter by President Kennedy and apparently assured of speedy approval by the Senate, has had a long career as a labor lawyer. He became known for the skill of his presentations of briefs, his thorough knowledge of the law, and the force of his intellect.

His background as a lawyer for labor did not interfere with his duties as Secretary of Labor: he tempered his own liberal feelings on social and political issues with concern for the law and the practical issues swirling about the law. The same concern is expected to inform his work on the bench.

Seldom has a resignation from the High Court and the appointment of a successor been greeted so uniformly—with regret for the departure of a great figure in the Court's history and with pleasure at the accession of an able man of high integrity.

[From the Buffalo, (N.Y.) Courier-Express, Sept. 2, 1962]

Frankfurter Stepping Down, Goldberg Up

When Felix Frankfurter suffered a mild stroke last April, it was, although he may not have known it at the time, the beginning of the end of his 23-year career as Associate Justice of the Supreme Court. Now 79, he has decided that his physical condition precludes any attempt to continue his duties at a normal pace and has chosen to resign. He wrote President Kennedy:

"To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the Court. I am thus left with no choice but to regard my period of active service on the Court as having run its course."

It was characteristic of Justice Frankfurter that he refused to continue service on anything but a full work basis. If anybody believed in carrying out to the utmost his responsibilities as an Associate Justice, it was he. He wrote opinions, lengthy and detailed, on the slightest provocation. Even when he concurred in a majority decision, he often wrote an opinion stating his own particular reasons for concurrence. A former professor of law at Harvard, Justice Frankfurter took much of the classroom with him to the courtroom. Many a lawyer has had to bear up under his particular probing brand of questioning. Whether regarded as liberal by conservatives or as conservative by liberals, he contributed complete integrity and intellect of a high order to deliberations of the Court for nearly a quarter of a century.

President Kennedy's nomination of Secretary of Labor Arthur J. Goldberg to succeed Justice Frankfurter came as no surprise. The possibility of just such a development has been widely discussed. Secretary Goldberg has been a particularly active and go-getting member of the Kennedy Cabinet and even before joining the Government had been in close association with the present occupant of the White House. Although much of his experience has been in union-labor activities, his Cabinet record is one of scrupulous regard for the national interest above all other considerations. He has displayed great energy and brilliance as a lawyer. As a judge he has challenging shoes to fill. But to Arthur Goldberg challenges are nothing new.

[From the Quincy (Ill.) Herald-Whig, Aug. 31, 1962]

Mr. Justice Goldberg

Arthur Goldberg joins the highest court in the Nation with prospects for a brilliant career. At 54, he is one of the most energetic officials in the Capital. Appointed to the Supreme Court to replace ill and aged Mr. Justice Felix Frankfurter, he carries to the new job the good will of leaders in both political parties.

Arthur Goldberg has made a reputation as a good lawyer and a hard worker. He will have need for both qualities on the Bench.

He will take the seat of a legal giant. Felix Frankfurter, an immigrant, demonstrated how far a man can go in this country and how much he can contribute to his adopted land. For a quarter century Frankfurter was a Harvard Law School professor. But he served his country in many fields, dating back to World War I. Perhaps his greatest contribution was the training he gave hundreds of young lawyers.

Goldberg is strictly a product of Illinois. Much of his private legal career was spent as counsel for labor organizations, CIO, AFL–CIO and the Steelworkers Union. But as Secretary of Labor in the last 20 months, he has demonstrated fairness, understanding and ability. As a mediator, he has been especially effective.

Although generally regarded as a liberal, his role on the Bench cannot be accurately predicted. Frankfurther was labeled liberal at his appointment, yet he became the leader of the conservative group. The history of the Court has shown many times that good lawyers cannot be classified by political groups. Goldberg has been an earnest, capable lawyer, and the odds are that he will make his decisions in the light of law and justice, the needs of the times and the good of the country.

[From the Louisville (Ky.) Times, Aug. 31, 1962]

A NEW CHALLENGE FOR GOLDBERG

It is very dangerous to presume to predict on the basis of past performances what either racehorses or men will do in the future. Still, if the past is any guide at all to the future, Arthur J. Goldberg ought to make an effective and influential Supreme Court Justice.

That the past is no certain guide is amply demonstrated by the man Goldberg has been selected to replace, Felix Frankfurter. As every story commenting on his resignation has pointed out, Frankfurter went to the Court with the reputation of being an extreme liberal; when ill health forced him to resign this week, he had the reputation of being the spokesman for the conservatives on the Court. As one commentator has noted: "Conservatives will mourn his departure as fervently as they denounced his arrival."

But whether liberal or conservative, Frankfurter was an influential member of the Court. Without trying to be omniscient about whether Goldberg will always be liberal or conservative, we venture the prediction that he, too, will be influential.

For one thing, as all who know him agree, Goldberg is a man of great intellectual power and tireless energy. Although his legal background is restricted almost entirely to the labor field, his record is so brilliant it is conceded he would have been successful in any field.

Beyond these qualities of intellect and energy, however, Goldberg has a characteristic that should serve him well in the give and take of battle in and before the Supreme Court. He is pragmatic; he is not doctrinaire. Considering his long career as lawyer for various segments of organized labor, it might have been logical to assume that as Secretary of Labor he would be primarily an advocate for labor. He was not. He sought to compromise labor-management differences, not to solve disputes simply on labor's terms. And when organized labor came out with a program calling for a shorter workweek as a solution for unemployment, Goldberg flatly opposed it.

It may be objected that the law ought to be the law, immutable, so that a man could always know what it was and where he stood in relation to it. In theory, the kind of adaptability Goldberg has demonstrated might be interpreted as mere expediency, a bowing to transitory pressures.

But society changes and law, if it is to have any relevancy, must change with it. The law is dynamic, not static. It adapts itself—or is adapted—to the needs of the people.

This quality of adaptability helped to make Goldberg extraordinarily useful as Secretary of Labor. He has been so useful—and busy, if not always successful—that Washington columnist Doris Fleeson writes "the only surprise attaching" to his selection as Frankfurter's successor is President Kennedy's "willingness to part with him."

W. Willard Wirtz, who has been named by Kennedy to take Goldberg's place as Secretary of Labor, clearly has some big and busy shoes to fill. He has many qualifications, not the least of which is the experience he gained working as Under Secretary with Goldberg. He has served as arbitrator in many labor disputes, he has taught and practiced law, and at one time was Chairman of the Wage Stabilization Board.

[From the Evansville (Ind.) Courier, Sept. 1, 1962]

GOLDBERG NOMINATION NONCONTROVERSIAL

Surprisingly, President Kennedy's second appointment to the Supreme Court seems less likely to cause adverse criticism than the first.

The appointments of Byron White and Arthur Goldberg have one weakness in common: Neither has prior judicial experience. But Goldberg is unlikely to suffer from other criticisms leveled at White, such as his relative youth, an Ivy League background, like many Kennedy appointees, and the fact that he was best known as a star football player. (One editor irreverently headlined news of his nomination "JFK Benches Whizzer.")

Nor are there likely to be any widespread objections to Goldberg's labor background. This is due in part to his own conduct in office, in part to the record of his predecessor, Felix Frankfurter.

As attorney for the United Steelworkers, author of the AFL–CIO constitution, and an architect of the supplementary unemployment benefit plan, Goldberg was expected to serve primarily as labor's spokesman in the Administration. Instead, he announced he would consider himself a "counsel for the public interest." He has devoted the major share of his attention to setting wage "guidelines" to halt inflation and to personal arbitration of major disputes. At one point he found himself embroiled in a wage disagreement involving the Nation's most temperamental labor-management combination, the Metropolitan Opera.

The originality of many Goldberg approaches combine with the record of his predecessor to allay fears that he will be biased in his Supreme Court judgments.

Anyone tempted to make the charge will have to recall how Frankfurter came to the Court after a controversial career as a lawyer, professor, and New Deal brain truster. He was embroiled in the Sacco-Vanzetti murder controversy of the 1920's. He brought many bright young men into Government service, among them one Alger Hiss. He is credited with doing most of the work on drafting the Securities and Exchange Act and the public utility law.

Yet Frankfurter became the spokesman for the Court's "conservative" faction, though he disliked the idea that judicial decisions had anything to do with liberalism or conservatism. He was always reluctant to enlarge the role of the Supreme Court by upsetting legislative acts. He was the man who asserted that the Court had no business in the "political thicket" of reapportionment.

This precedent of independent thinking is a powerful argument against the belief that Goldberg will be a Court advocate for the special interests with which he has been associated. On the other hand, his tremendous display of energy indicates a real capacity for applying American law and history to present-day disputes.

[From the Lincoln (Nebr.) Journal, Aug. 30, 1962]

GOLDBERG TO THE SUPREME COURT

First reaction to the appointment of Arthur J. Goldberg to the Supreme Court is that the administration suffers the loss of a strong Secretary of Labor. As Secretary, Goldberg has been successful in keeping labor-management disputes out of prolonged and bitter strikes.

Goldberg has not hesitated to throw his influence back of the President whenever there was disagreement between labor and the President. The 35-hour workweek is such a case.

There is little doubt that Goldberg takes to the Court a brilliant legal mind. He had a successful career as a lawyer before joining Kennedy's Cabinet. He was best known as counsel for the United Steelworkers and other labor groups. This experience should add to the broad representation on the Court.

Goldberg replaces Justice Felix Frankfurter who joined the Court in Franklin Roosevelt's time as a liberal but in later years has been one of the conservative members.

Goldberg is considered a liberal but his performance as Secretary of Labor has been objective. He has placed the national interest above other considerations. There is every reason to have confidence that he will take this same objectivity to the Supreme Court.

The resignation of Justice Frankfurter was to be expected. But the end of a brilliant and patriotic career is always accompanied by sadness. Frankfurter has left his stamp on the United States which has been made a better place in which to live because he has given of himself.

[From the Spokane (Wash.) Spokesman-Review, Aug. 31, 1962]

ABLE UNION LAWYER SELECTED FOR COURT

The appointment of Secretary of Labor Arthur J. Goldberg as an Associate Justice of the U.S. Supreme Court brings to the High Bench an able and energetic lawyer whose professional career has been devoted largely to the interests of American labor unions.

President Kennedy has sacrificed a competent and loyal Cabinet officer in this switch of responsibilities owing to the retirement of Justice Felix Frankfurter.

There is no question of Mr. Goldberg's confirmation by the Senate for he is respected as a man of integrity. There is some question as to what kind of judge he will develop into. But that is always a question in the case of any appointment to the Supreme Court.

In recent history there have been numerous examples of Justices who have maintained positions consistent with their earlier personal careers. And there have been others who have surprised the Nation by their shifts in philosophy in their interpretations of the Constitution in light of the cases brought before the Court.

Mr. Goldberg is young enough and experienced enough in our contemporary way of life to serve long and effectively on our highest tribunal. He seems to have a sense of public duty that should motivate his consideration of the complex issues that will confront him. He should have ample opportunity to prove that he has the judicial temperament that a position on the Supreme Court should always require.

[From the Asheville (N.C.) Times, Sept. 1, 1962]

A MAN DEFIES A LABEL

Those who are given to classifying members of the U.S. Supreme Court as liberals, conservatives, or swingmen are dropping

President Kennedy's latest appointee into the liberal slot.

Justice Felix Frankfurter, who is retiring because of ill health after a long and distinguished career, was considered by many as a dangerous radical when appointed to the Bench by President Franklin D. Roosevelt.

In his latter years he was criticized as an encrusted conservative, and the liberals grew disenchanted with this man who felt his private beliefs should not enter into his legal opinions.

Now, as Arthur Goldberg, a recognized liberal on political and social issues just as Justice Frankfurter is in his private views, approaches the Bench there is speculation that he will incline away from the Frankfurter position that the Court is a court and not a legislature, toward the philosophy of Justice Hugo L. Black, that it is the Court's duty to take a more assertive role in protecting individual liberties.

How Mr. Goldberg will behave once he is on the Bench is something that defies even the most erudite of the analysts. He has demonstrated as Secretary of Labor, however, that he is a man of many talents and that despite his long association with organized labor he puts the national interest first in labor-management relations as in other matters.

There is good evidence that Mr. Goldberg will bring to the Bench the same high intellect and unquestioned integrity that contributed to the stature of Justice Frankfurter. How he applies his legal philosophy to the cases at hand must wait his seating.

[From the Peoria (Ill.) Journal-Star,
Sept. 2, 1962]

A Busy Week in Nation's Capital

"America is a country," a comedian said recently, "where anybody can be President—except Adlai Stevenson."

And it almost looked this week in Washington as if even that were possible. A son of a poor immigrant family was named to the U.S. Supreme Court. And if that wasn't enough, a former partner of Mr. Stevenson's was named to the President's Cabinet.

These two developments highlight a busy week in Washington. Secretary of Labor Arthur J. Goldberg was named to succeed retiring Supreme Court Justice Felix Frankfurter. W. Willard Wirtz, Labor Under Secretary and former Stevenson partner, was named to Goldberg's post.

Meanwhile Congress passed a public works program which would have a sizable impact on the Nation's economy. Also Congress came closer to agreement on a new tax bill.

It was indeed a busy week in Washington, one which taken all in all, from taxes to Goldberg, was a significant step forward.

[From the New York Journal American,
Aug. 30, 1962]

Worthy Successor

With characteristic modesty, Labor Secretary Arthur Goldberg said that he could not hope completely to fill the place of Felix Frankfurter on the U.S. Supreme Court.

But he said he would do his best and that is all President Kennedy—who dramatically announced Mr. Goldberg's appointment yesterday—and the Nation can ask of a man.

For our part, we are confident that Mr. Goldberg has all the qualifications, plus the dedication, to make him a worthy successor to Mr. Justice Frankfurter.

Our chief concern is how the President will be able to fill the void in his Cabinet when Mr. Goldberg ascends to the highest Bench of the land.

We wish Mr. Goldberg every success in this vital post. To Mr. Justice Frankfurter we say "well done" and extend to him our hopes for many years of healthy, happy retirement.

[From the Davenport (Iowa) Democrat, Aug.
30, 1962]

Goldberg Succeeds Frankfurter

President Kennedy made a second quick appointment to the U.S. Supreme Court Wednesday when he announced simultaneously the retirement of Justice Felix Frankfurter and the appointment of Secretary of Labor Arthur J. Goldberg as his successor.

The situation can be summed up briefly. One good man is succeeding another.

Frankfurter, a friend and adviser of President Franklin D. Roosevelt, drew many brainy young men into the Government in New Deal days. Most of them were liberals; some conservatives referred to a few of them as "radicals." They were known in Washington both as "braintrusters" and as "hot dogs," the latter name being a play on the name of their Harvard Law School sponsor.

While Frankfurter was a New Deal liberal he became more conservative with the passing years. In recent years his votes have mostly been with the conservative minority.

Age and ill health made it obvious for some time the retirement of Frankfurter was impending. While President Kennedy acted quickly in naming a successor—as in the case of Justice Byron "Whizzer" White—he had had time to mull the matter over thoroughly. In both appointments he had the matter thoroughly thought through and announced his choice of a new Justice immediately to head off fruitless speculation by Washington columnists.

Goldberg, a brilliant labor lawyer, showed as Labor Secretary he could see both sides of a question. His keen mind, his knowledge of labor problems and his willingness to work hours without end brought about settlement of many labor disputes for President Kennedy.

He would appear to be eminently well qualified for the High Court—and he'll be missed in the Cabinet, where he has been the hardest working member.

[From the Portland (Oreg.) Journal, Sept. 1,
1962]

Goldberg Good Court Choice

Arthur J. Goldberg appears to be an excellent choice to fill the vacancy on the U.S. Supreme Court left by the retirement of Associate Justice Felix Frankfurter.

He has had 25 years of experience as a lawyer, including practice before the Supreme Court. Self-evident though it may seem that a Justice on the highest Court should be experienced in the law, this requirement has not always been closely observed by our Presidents when they made their choices for the Court.

Also, Goldberg has shown that he possesses a judicial temperament. In his 19 months as Secretary of Labor he has dealt impartially with both management and labor, despite his former deep involvement with the union movement as general counsel for the CIO and the United Steelworkers, and earlier as attorney for other unions.

He has shown particular skill in bringing about agreements between contesting parties who seemed far apart. This skill may well be useful within the Court, where the nine Justices have often displayed, by their split decisions, divisions of opinion as deep as any that appear at a labor-management bargaining table.

He has the appetite for hard work that any Supreme Court Justice needs. And his self-propelled rise from his humble beginning as the son of a poor immigrant family has given him a valuable understanding of life.

If his policy as Secretary of Labor can be taken as a guide, he probably will lean as a Justice toward favoring active intervention by the Federal Government in economic and political affairs when the "public interest" requires it.

The Journal believes that at times both the Supreme Court and the Kennedy administration have gone too far in this direction. But since President Kennedy himself favors a strong and active Central Government, he could hardly have been expected to appoint a Justice who held different views on such a fundamental question.

On balance, therefore, we believe Goldberg's nomination is a good one.

[From the Birmingham (Ala.) Post-Herald,
Aug. 31, 1962]

Goldberg to the High Court

The new U.S. Secretary of Labor will have a man-sized job on his hands.

His predecessor, Arthur Goldberg, from his first day in office was personally active in trying to settle labor disputes, including the New York Harbor strike, steel, missiles, and as fairly steady work, airlines. Mr. Goldberg was in Chicago trying to avert a railroad strike when told of the President's announcement.

Our main reservation to the elevation of Mr. Goldberg to the Supreme Court has to do with his lack of judicial experience. Even his legal experience mainly has been limited to one type of client, the labor unions.

This labor background occasioned some doubts when he was appointed to the Cabinet, but he has administered that office impartially, vigorously and ably, largely holding the respect of employers as well as unions.

The lack of prior experience on the bench is a handicap to him—as it has been to too many others appointed to the Supreme Court without earlier service on a lower court.

However, he is a man of obviously superior intelligence and unquestioned integrity. He has our best wishes for a distinguished judicial career.

The difficulty in predicting the future conduct of a Supreme Court justice is well illustrated by the record of Felix Frankfurter, retiring after 23 years of service because of persistent trouble with his heart.

As a close associate of Franklin D. Roosevelt and reputed architect of much of the New Deal, he was feared as a radical. As he ends his career he is viewed a part of the Court's conservative wing, advocating severely limited interference by the Court with the acts of Congress and the State legislatures.

Though controversy often swirled around him, some of it invited by his own mannerisms, he rates, in our opinion, an honorable position among his distinguished predecessors.

[From the Florence (S.C.) News,
Sept. 1, 1962]

Goldberg Choice

President Kennedy's appointment of Arthur J. Goldberg as U.S. Supreme Court Justice to succeed Justice Felix Frankfurter is in the Kennedy pattern. One could hardly expect him to appoint a practicing conservative. Neither could conservatives expect to be happy about the appointment.

Whether Mr. Goldberg will be able to deal objectively with cases brought before the High Court bench remains to be seen. We have been impressed with the degree of objectivity he has shown as Secretary of Labor despite his labor background.

As Secretary of Labor, Mr. Goldberg overcame at least partially, public fear that his 25-year career as a labor lawyer would render him incapable of perspective in labor-management negotiations.

If he follows the pattern of Justice Frankfurter, his decisions will be more conservative than his liberal philosophy. Like Mr. Frankfurter, whose original New Deal emphasis upon individual rights was never sacrificed despite his affiliation during recent years with the Court's conservative bloc, Mr. Goldberg will likely take a strong stand for individual liberties in the tradition of Justices Holmes and Brandeis.

[From the Winston-Salem (N.C.) Journal, Aug. 31, 1962]

Exit Justice Frankfurter

The Nation has known for some time now that Justice Felix Frankfurter's retirement from the U.S. Supreme Court was imminent. But it still comes as a shock to learn from Mr. Justice Frankfurter himself that his health no longer permits him to sit on the Bench which he distinguished by his presence for 23 years.

Justice Frankfurter, who had perhaps the most perceptive legal mind of any member of the Court in recent years, was regarded as a strong New Deal liberal when President Franklin D. Roosevelt appointed him during his second term. And he was a liberal throughout his career on matters relating specifically to the rights of the individual. Nevertheless on many questions of constitutional law that involved the Supreme Court's jurisdictional powers he became noted as an advocate of judicial restraint. As he said in one opinion: "Especially ought the Court not needlessly reenforce the instabilities of our day by giving fair ground for the belief that law is the expression of chance—for instance, of unexpected changes in the Court's composition and contingencies in the choice of successors."

Labor Secretary Arthur Goldberg, President Kennedy's choice as Justice Frankfurter's successor, has been identified with organized labor as a lawyer for 25 years. His appointment will be popular with labor groups. But his fairminded attitude in dealing with labor-management disputes as a Cabinet member, and his concern for the protection of the public interest in these disputes indicate that conservative elements in the Nation need not fear him as a wild radical who will lean farther to the left than Justice Frankfurter sometimes seemed to lean toward the right.

Mr. Goldberg will not be another Frankfurter. His background suggests that he will bring to the Court a viewpoint more akin to that of the more liberal—or broad construction—Justices Douglas and Black. At the same time, he will be, like Justice Frankfurter, a strong champion of individual liberties.

The same criticism that was directed against Chief Justice Warren and Byron White also can be raised against Mr. Goldberg—lack of judicial experience. But while it may be highly desirable, judicial experience has never been a prerequisite for service on the Supreme Court. In fact, John Marshall, the man still regarded by many lawyers and laymen as our greatest Chief Justice, had no judicial experience before he went on the High Court Bench. And Justice Frankfurter, who lacked such experience, came to the Bench from the Harvard Law School.

Mr. Goldberg (upon confirmation, which seems quite likely), will become the fourth eminent Jew to serve as a member of the Supreme Court in this century, the others being Justices Frankfurter, Louis D. Brandeis, and Benjamin N. Cardozo. The brilliant records of these three predecessors should be for him an inspiration and a challenge. If so, Arthur Goldberg may become one of our finest Supreme Court Justices.

[From the Sharon (Pa.) Herald, Aug. 30, 1962]

The Goldberg Appointment

The President's appointment of Labor Secretary Arthur J. Goldberg appears to meet the high standards which should be demanded of Justices. As a lawyer in private practice, as general counsel for the U.S.W. and as a key member of Mr. Kennedy's Cabinet, Mr. Goldberg has performed with singular competency and devotion to duty.

It is significant that the appointment, which caught much of official Washington by surprise, has been greeted by almost universal approbation, from Republicans as well as Democrats. We hope this means he will be speedily confirmed by the Senate. To leave the High Court with a vacancy in its ranks as the fall term nears would be unwise.

[From the Chicago Daily Tribune, Aug. 31, 1962]

Mr. Justice Goldberg

The appointment of Arthur J. Goldberg to the Supreme Court has been received with general approval throughout the United States. It has been particularly well received in Chicago where Mr. Goldberg is known most intimately, for here he was born, went to school and college, studied law, and first distinguished himself as a practicing lawyer.

We are not among those who will undertake to predict how Mr. Goldberg will vote on the important cases that are about to come to the Court's attention. We will venture to predict that he is too good a lawyer to accept specious defenses even of causes which he favors, and he is too independent a man to allow former associations with clients or Government to dominate his thinking on the bench.

Mr. Goldberg showed great promise when he was graduated from Northwestern University's law school at the head of his class. He has been an able, disinterested, and tireless public servant since he became Secretary of Labor. There is every reason to hope that as a Justice of the Supreme Court he will make an important contribution to the law of this country.

Those who think that Mr. Goldberg will be a radical judge because he represented great trade unions as a lawyer may be fooled as others were fooled when Justice Frankfurter was appointed to the Court. They were certain that Mr. Frankfurter would be the least conservative man on the Bench and that his agile mind would be at the service of every leftist cause that came to the Court's attention.

In fact, Mr. Justice Frankfurter retires from the Court amid the sighs of conservatives who have come to regard him as their strongest friend on the bench. We doubt that this reputation is wholly deserved, but Mr. Frankfurter has been indeed, the chief spokesman for judicial restraint, meaning that he doesn't want the Supreme Court to invade the territory that he thinks the Constitution gives to the various State legislatures, State courts and the State and Federal regulatory commissions. This attitude of his has made him a radical when these bodies have gone that way and a conservative when they have moved in the other direction.

Mr. Frankfurter will be missed from the Court. We may be sure that the new man will be very different but he, too, is a man of outstanding talents and in the long run may prove to be no less influential in setting the Court's direction.

[From the Des Moines Register, Aug. 31, 1962]

Goldberg on the Court

Arthur Joseph Goldberg should be an asset to the Supreme Court of the United States, as he has been to President Kennedy's Cabinet and to the private practice of law.

Goldberg is a man of great energy and ability. He has never been a judge, but he has been a lawyer since 1930. From 1948 until he became Secretary of Labor in 1961, he was general counsel to the United Steelworkers of America and latterly to the industrial union department of the AFL–CIO. This should bring into the High Court a set of experiences and feelings not often represented there.

Yet Goldberg is far more than an advocate of a point of view. He surprised the unions by his vigor in the public interest as Secretary of Labor, and he surprised everybody with his skill at understanding opposing points of view as mediator in several vexed labor disputes.

The nomination is a political one in two senses. President Kennedy is rewarding a political henchman who served him well, as Kennedy did in his earlier appointment to the Supreme Court of Byron White, then his Deputy Attorney General. Kennedy is also naming to this key liftetime job a man who has demonstrated over the years a strong sympathy with Kennedy's own point of view: liberal, friendly toward honest labor organizations, activist in using the power of government to get all sorts of results, pragmatic in being willing to try new means and shift tactics according to circumstances.

When President Kennedy took office, the Supreme Court was often dividing 5–4, sometimes one way, sometimes the other, on questions pitting the power of Government against the rights of individuals. Justice Felix Frankfurter was more reluctant than several of his colleagues to declare governmental acts unconstitutional. Replacing Frankfurter with Goldberg is likely to shift the balance somewhat in some types of cases.

Yet predictions of this sort are most hazardous. Frankfurter, named to the Court as a flaming liberal, came to lead the conservative wing of the Justices. Hugo Black, whose confirmation was threatened by discovery he had once been a member of the Ku Klux Klan, proved to be a consistent libertarian on the Court. The law is much more complex than partisan or factional labels, and men appointed to the Federal judiciary tend to grow and change.

The things that count about Goldberg are not the opinions he has expressed in briefs prepared for clients or the acts he has performed for the administration, but the breadth and penetration of his mind and the integrity of his character. These are outstanding.

[From the Mankato (Minn.) Free Press, Aug. 31, 1962]

Justice Goldberg

The appointment of Arthur Goldberg to the U.S. Supreme Court, replacing retiring Justice Felix Frankfurter has been hailed by representatives of both political parties as a wise choice. Mr. Goldberg is known as an intellectually superior student of law.

Yet there seems to be nobody who will say for sure whether he will be a liberal or a conservative when he takes up his duties on the Bench. The career of Justice Frankfurter himself is evidence that it is difficult to guess what the philosophy of a Justice will be once he gets to making decisions on the highest Court in the land. Frankfurter began as a flaming liberal but became more conservative as the years passed.

It is generally agreed that Goldberg is fair and impartial. His decisions are based on his personal philosophy. Whether this philosophy is that of a liberal or a conservative appears to be something of a question.

The only thing that can be said for sure at the present time, is that the new Justice will be his own man. Presumably this was a political appointment since Goldberg has associated with the Democratic Party. Yet the most important thing as far as justice is concerned is that he make his judgments with logic and impartiality. And there appears to be general agreement that he will do just that. For this reason his appointment stands as a good one and may become recognized as one of the best as the years pass.

[From the Allentown (Pa.) Call, Aug. 31, 1962]

No Private Notions

The resignation of a Justice of the Supreme Court of the United States and appointment of his successor are always events of major interest.

This is especially true when the resignee is a man of such stature as Justice Felix Frankfurter in a time when there has been such violent public reaction to some of the Court's decisions—the school desegregation and the school prayers decisions to mention only two.

Justice Frankfurter came to the Court with the reputation of being a liberal, if not actually a radical as many called him. He leaves his exalted position after 23 years of service at the age of 79 with the reputation of being a real conservative.

It is more than likely that the former description more adequately fits the retired Justice even now insofar as his personal feelings are concerned. Mr. Frankfurter is probably as dissatisfied with many things as he was a quarter of a century ago.

But during his term of office he was motivated not by personal opinion nearly so much as he was by his profound convictions as to what the duties of a Justice are.

These he once summed up like this: "As judges we are neither Jew nor gentile, neither Catholic nor agnostic. * * * As a member of this Court I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I cherish them or how mischievous I may deem their disregard."

This philosophy accounts for the fact that he so often found himself in disagreement with his Court colleagues, many of whom often acted more like legislators than Justices. In so doing, the latter frequently have given the impression that they are trying to bend the Constitution to their personal notions rather than to interpret what it says.

Secretary of Labor Arthur Goldberg, who has been nominated by the President to succeed Justice Frankfurter, has a brilliant record as a lawyer. Comments on Mr. Kennedy's choice have been uniformly favorable. Like Justice Frankfurter he comes to his new office as a known liberal and one who has at times been extremely impatient with things as they are in the economic and social elements of our society.

It is natural to expect that a man with Mr. Goldberg's qualifications will bring a new outlook with him. But he will be well advised to remember his predecessor's creed which restrained him from writing his own personal notions into the Constitution. We have already had too much of that.

[From the Marion, (Ind.) Leader-Tribune, Sept. 1, 1962]

The Goldberg Appointment

President Kennedy's selection of Arthur Goldberg to suceed Felix Frankfurter on the Supreme Court was somewhat surprising. However, in the absence of any hue and cry over Mr. Goldberg's labor background, we can only assume that most Republicans as well as Democrats are satisfied that the former Secretary of Labor will do a conscientious job on the High Court Bench.

Nevertheless, we welcome Mr. Goldberg's pronouncement that he will disqualify himself from any cases which might raise a possible conflict of interest with his former duties as union attorney and Labor Secretary. And we also welcome Mr. Goldberg's affirmation that he will seek to serve the tribunal "with fidelity to the principles of the Constitution and fidelity to the high tradition of the Court."

That, of course, is the way it should be. The Supreme Court has been subjected to considerable criticism in recent years and an attitude of lesser resolve than that expressed by Mr. Goldberg would only cause it further injury.

[From the St. Petersburg (Fla.) Times, Aug. 31, 1962]

Two Extraordinary Men

Conservatives will mourn the departure of Justice Felix Frankfurter from the Supreme Court as greatly as they deplored his appointment by Franklin D. Roosevelt 23 years ago.

In retrospect, considering the repute Mr. Justice Frankfurter has acquired in recent years, the savage attacks on the "happy hot dogs"—his New Deal proteges—seem almost incredible.

And yet, although less than 2 years ago Arthur J. Goldberg, named to succeed to the Frankfurter post, was anathema to the conservative community as the leading AFL–CIO lawyer, apparently there is going to be little protest against his appointment. Among the first to come out with a stout Goldberg endorsement was Senator EVERETT DIRKSEN, the articulate Republican leader in the Senate.

This is a real tribute to the quality and caliber of Secretary Goldberg. Upon entering the Cabinet, Mr. Goldberg instantly shed his partisanship and turned his fine mind and inexhaustible energy to full-time service to the whole Nation.

Moreover, while unquestionably Mr. Goldberg will swing the balance of the Court more firmly to the liberal side, by no means is this such a drastic change as when Justices Van Devanter, Sutherland, McReynolds and Butler were replaced by Roosevelt appointees.

If one were to add up all of Justice Frankfurter's opinions and votes in his years on the High Bench, the net would be on the progressive, if not liberal, side. Conspicuous was his leadership in the school desegregation opinion, commonly credited with being responsible for the unanimous decision in that case.

Probably there are more similarities than dissimilarities between Justice Frankfurter and his successor. Both are the sons of immigrant Jewish parents. Both started life in the most humble circumstances. Both are noted for an amazing capacity for hard work. And both are learned men, in the fullest sense of that word, not merely in the law.

Mr. Goldberg will be the fourth Jewish Justice of the Supreme Court. Besides Mr. Frankfurter, his predecessors were Justices Brandeis and Cardozo. It is an illustrious tradition the new Justice has to uphold. The Nation will pray that he does so well.

[From the Pensacola (Fla.) News-Journal, Sept. 2, 1962]

Goldberg Well Qualified for Post on High Court

By appointing Arthur J. Goldberg, his Secretary of Labor, to the vacancy on the U.S. Supreme Court caused by the resignation of 79-year-old, ailing Justice Felix Frankfurter, President Kennedy has honored and promoted one of the most active and strongest members of his Cabinet, one well qualified for his new high post.

Relinquishing his legal work as special counsel for AFL–CIO and general counsel for the Steelworkers, Goldberg quickly put his knowledge of unions and their leaders to work in settling disputes and in heading off others. The result has been fewer strikes and less loss of man-hours. He also helped hold down pay increase demands of the President's program to halt the upward spiral.

Justice Frankfurter has a great legal mind, trained through years as a law professor at Harvard and 23 years on the Court. Goldberg has great talents also. Both are Jews.

Frankfurter once said: "* * * As judges we are neither Jew nor gentile, neither Catholic nor agnostic."

Goldberg once said: "We cannot be impartial. We can only be intellectually honest * * * aware of our own passions, on guard against them. Impartiality is a dream, and honesty, a duty."

The new justice was the top man in his 1929 law class at Northwestern, became doctor of jurisprudence in 1930. After practicing in Chicago, 1933–42, he went overseas with Office of Strategic Services, rose from captain to major, U.S. Army, returned to private practice in 1945. For 3 years he was professor of law at John Marshall Law School and lecturer at University of Chicago School of Industrial Relations. In 1948 he became general counsel of CIO and helped it to merge with AFL in 1955, writing the federation's constitution and code of ethical practices.

[From Business Week, Sept. 8, 1962]

Two Good Choices

President Kennedy made two excellent appointments last week when he named Labor Secretary Arthur J. Goldberg to the Supreme Court and moved up Under Secretary W. Willard Wirtz to Cabinet rank.

In the past 18 months, Goldberg has emerged as one of the outstanding men of the Kennedy administration. Again and again, he has demonstrated a clear and incisive mind, and with it a truly judicial temperament. His long connection with the labor movement undoubtedly will arouse concern in some quarters, but in his term as Secretary of Labor he has proved that he is anything but the docile captive of the unions. He has demonstrated the capacity to see both sides of complex questions, and on such issues as the shorter workweek he has held out stanchly against much that labor wanted.

As second man in the Labor Department, Wirtz has made a record as a prodigious worker and a skillful administrator. He is thoroughly qualified, and by any standard he has earned the top job.

[From the Sheyboygan (Wis.) Press, Aug. 31, 1962]

An Excellent Appointment

While the enforced retirement of Associate Justice Felix Frankfurter because of illness and old age is a great loss to the U.S. Supreme Court, the appointment of Labor Secretary Arthur J. Goldberg to succeed him is an excellent one.

President Kennedy made the public announcement of the appointment at his Wednesday news conference. Secretary Goldberg, who was in Chicago meeting with representatives of the railroad and the union in an effort to avert a strike of the Chicago & North Western railroad, had previously learned the news in a telephone call from the President.

Mr. Goldberg, who became 54 years of age August 8, has had a wide working experience with the law, both in general practice and as a labor attorney. Before joining the Kennedy Cabinet in 1961, he was legal counsel to the United Steelworkrs and other labor groups.

A native of Chicago, Mr. Goldberg was graduated from Northwestern University at the top of his class. During World War II he served as chief of the Labor Division of the Office of Strategic Services with the rank of major.

When Mr. Goldberg was appointed Secretary of Labor there were fears expressed by some that, because of his previous union associations, Secretary Goldberg might be favorable to the unions and prejudiced against management. However, after he assumed his duties, his sense of fairmindedness was soon apparent, and he won the respect and admiration of Democrats and Republicans alike.

Among his early accomplishments as a Cabinet member were averting the steel strike and the communication workers' strike. He also was instrumental in settling several strikes that were already underway.

In announcing his appointment of Mr. Goldberg to the Supreme Court, President Kennedy said that he is "superbly qualified" for the position. The appointment drew immediate warm praise from members of both parties on Capitol Hill.

Senate Democratic Whip HUBERT H. HUMPHREY, describing Mr. Goldberg as "a man of reason and commonsense" predicted prompt Senate approval of the appointment.

[From the Wheeling (W. Va.) News-Register, Sept. 4, 1962]

POLITICAL PHILOSOPHY

News releases by the wire services announcing the appointment of Arthur J. Goldberg to the Supreme Court point out that this Nation's Highest Court has lost its chief conservative with the retirement of Felix Frankfurter and will be gaining a labor specialist whose judicial philosophy has yet to reveal itself.

Goldberg's fairness and impartiality has been more than demonstrated during his service as Labor Secretary as he won the respect of both labor and management.

What is puzzling to the layman is if the Supreme Court is to deal with the interpretation of the Constitution and various laws in relation to it, why a Judge's political philosophy should be of major concern or interest.

If the Supreme Court is considering matters of a technical nature, it is difficult to see why a man is conservative or liberal. Republican or Democratic, political leanings should not influence his decision.

Similarly two mathematicians should arrive at the same answer to a mathematical problem regardless of their political affiliation or leanings.

While unanimity may not be possible, the continued 5 to 4 votes recorded by the Supreme Court on specific matters of technical interpretation of various laws indicates that perhaps more is involved than simply a legal decision.

It is generally true that where there is smoke, fire will be found.

The concern about the political philosophy of our new Supreme Court Justice indicates that the layman's understanding of the Court may be mistaken and that political and economic philosophy plays a much greater role than we like to think should be the case in the Highest Court of the land.

[From the New Haven (Conn.) Register, Aug. 29, 1962]

MR. JUSTICE GOLDBERG FOR MR. JUSTICE FRANKFURTER

The retirement of Felix Frankfurter from the seat he has held since 1939 on the U.S. Supreme Court was anticipated many months ago.

His replacement by Labor Secretary Goldberg was an almost equally foregone conclusion.

Yet now that both actions have come it is clear that anticipation does not end and that far-reaching new processes have been set in motion through the shifting of balances on the High Court.

Justice Frankfurter retires wearing the laurels of a great Justice. He came to the Court under attack as a radical and leaves it as the Justice who has recently been most adamant and conservative in his interpretation of constitutional meanings.

His record is one of almost feverishly insistent, scholarly, and brilliantly expounded concern for the legal issues brought before the Supreme Court. He pretty firmly rejected the idea that changing social pressures might be a proper key to constitutional interpretation. He was scrupulous—in the face of opposing convictions among his colleagues—about encroaching upon the prerogatives of the Nation's lawmakers through the processes of judicial decision.

Justice Frankfurter functioned in the highest traditions of our highest tribunal—and his retirement is necessarily a loss to the Nation as well as to the Court itself.

Justice-designate Goldberg is, beyond question, a distinguished choice as successor to Justice Frankfurter. But he is, indeed, a different kind of man—and he is most likely to be a much different kind of jurist. Endlessly active, and articulate, constantly prepared to define, to defend, and to enforce his own viewpoint, he has been the most energetic Labor Secretary in our history.

Where his appointment gives pause is, first, in the genuinely narrow legal field, labor union activity, in which he has gained such expertise, and second—and more importantly—in his repeatedly stated conviction that the Federal Government must, and should, play a steadily larger role in the unfolding American society. This basic conviction, so vigorously upheld at every opportunity by Mr. Goldberg, is what establishes him as a likely new storm center for the Court—and as a protagonist of new problems as much as of new judicial solutions for the Nation.

It is proper, of course, that a new U.S. Supreme Court Justice should be most carefully appraised. Mr. Goldberg seems certain to be confirmed without great problems. Thereafter will come the test, for him and for us, of matching political fervor with judicial precision, of balancing a thirst for change against an understanding of national continuity. He faces a big challenge.

[From the Hartford (Conn.) Times, Aug. 31, 1962]

THE UNTOUCHABLES

An appointment to the Supreme Court of the United States can work mysterious chemistry in a man.

Nobody can tell in advance what kind of Justice an appointee will make. His attitudes, philosophy, creeds and principles have been well examined, for to attain to that level he must have been in public life for a long time. But will he change?

Take Justice Frankfurter, for instance, whose retirement has made room for Arthur J. Goldberg to leave the Cabinet and join the Court. Frankfurter was appointed by President Franklin D. Roosevelt in 1939. Nearly everybody thought of him as something of a radical—and that was a bad word in 1939. He had recently published a scholarly study of the Sacco-Vanzetti trial and called it "one of the most glaring cases of a prejudiced trial in American history."

But it turned out that Frankfurter was far from being radical. He was a nonconformist conservative. His acquaintances had confused his nonconformity with liberalism.

Another example is Justice Hugo L. Black, an Alabamian appointed in 1937. He had been a member of the Ku Klux Klan. To most liberals, that tagged him as an ultraconservative. It was feared that his appointment was a blow to the cause of civil rights and individual liberty.

But it didn't work out that way. Justice Black has had a fine record on the Nation's Highest Bench. His Ku Klux Klan membership was only an episode in the career of a southern politician.

Close friends of these two men might have predicted what their attitudes on the Bench would be. But it was the security of membership in the Court, where a man can have more intellectual freedom than in any other post of Government, that made the Justices expose their minds in the fierce glare of publicity that spotlights every decision of the Court.

A Supreme Court Justice is as nearly immune to pressure as it is possible for a civil servant to be. Unless he becomes insane or otherwise incompetent or commits a serious crime, he can stay on the Court as long as he wishes.

Even incompetency may not cause his removal. There are many examples of judges serving far beyond their useful years, long after senility robbed them of good judgment. The other Justices, in these cases, cooperate to protect the Nation and guard the reputation of the Court and of the Justice involved. This is true in State courts, too, where there is no provision for mandatory retirement because of age.

Being immune, a Supreme Court Justice can be dispassionate, objective, uninvolved. He is concerned not with individuals but with the law, which is another way of saying that all men in our country are his concern.

When the Constitution begins to creak at the seams, he must patch it up. Where it fails to cover something that needs covering, he must find a way to stretch it to meet the exigencies of the times. And because he is so secure, he can work for posterity, not feeling pushed or urged or influenced.

It will be interesting to watch Justice Goldberg's Court career. He is the first man to make his way to the Supreme Court through a career in labor organizations. While he was Secretary of Labor he proved many times that he considered the national good above the aims of labor and management. He wears nobody's badge; he is his own man.

As for Justice Frankfurter, there is no lack of expressions of appreciation for his long public career. The President has spoken for the people. But it was high time for him to step down. The several examples of friction with the Chief Justice and other Justices—some of which took place during open court—are considered to have been caused by an old man's stubborness and his impatience with the contrary opinions of others.

[From the Binghamton (N.Y.) Sun-Bulletin, Aug. 31, 1962]

JUSTICES OLD AND NEW

Justice Felix Frankfurter's retirement was not altogether unexpected. He suffered a stroke last spring, and at the age of 79 the chances of full recovery are not great. Everyone will wish for him a long and fruitful retirement.

Justice Frankfurter was a surprise to many who thought they knew him well before his appointment to the Supreme Court 23 years ago. From his sanctum at Harvard, he had been an intellectual busybody, disseminating his ideas in a steady stream of articles, letters, personal conversations, and lectures. His students included many young men who were later to achieve eminence themselves, and through them Mr. Frankfurter's influence continued to expand. He was articulate, witty, occasionally sharp tongued, sometimes profound, and always stimulating. He was regarded as an ardent liberal.

So President Roosevelt believed he was liberalizing the Supreme Court when he nominated Felix Frankfurter. But Justice Frankfurter turned out to be different from Professor Frankfurter. He was not the dogmatic liberal at all. He sought instead to follow the logic of the law and of his own mind, and let this logic lead him to his conclusions. In his case, this brought him toward a moderate conservatism as an interpreter of the Constitution. And he often found himself siding against such liberal Justices as Warren, Black, and Douglas.

Indeed, many of his admirers felt that he was too conservative as a judge, just as some had felt he was too liberal as a law professor. But the Justice himself marched along his busy, provocative way, following his ideas wherever they led him.

His successor is also a man who, in his own way, has surprised everyone. Arthur J. Goldberg had earned a high reputation as a lawyer representing organized labor with a skill and persistence that won him universal respect. When President Kennedy chose him to be Secretary of Labor, Mr. Goldberg was expected by many to be, in effect, the unions' special pleader within the Cabinet. Instead, he revealed from the outset that he took his new responsibility very seriously and that his obligation was neither to labor nor to management but to the public interest.

Mr. Goldberg has raced from one labor-management crisis to another, wending his way skillfully through the morass of suspicion, antagonism, and conflicting interests. He devoted himself to the settling of major labor disputes before they got too far. And, throughout, he has retained the respect not only of the unions but of management as well. It is no exaggeration to say that Mr. Goldberg has been the best Secretary of Labor in history.

This record is what makes his appointment to the Supreme Court so acceptable. no one quite knows, ahead of time, what the cerebral climate of the Supreme Court will do to a man—any more than we can predict what accession to the Presidency will do to a man. But Mr. Goldberg's past record suggests that, in his own way, he too will follow the dictates of his mind and the demands of the public interest, rather than make his decisions on the basis of past loyalties or associations.

[From the Tyler (Tex.) Courier-Times, Aug. 31, 1962]

THE GOLDBERG APPOINTMENT

There was little surprise in President Kennedy's appointment of Secretary of Labor Arthur Goldberg to the U.S. Supreme Court to replace Justice Felix Frankfurter, whose retirement was announced simultaneously.

Justice Frankfurter, who will be 80 in November, has been ill and off the Bench since he suffered a stroke in early April. A distinguished jurist and student of the law, he was named to the Court in 1939 by the late President Franklin D. Roosevelt as a rather extreme liberal. He retires as the outstanding conservative member of the present Court.

Mr. Goldberg's appointment has been rumored since talk of the possible retirement 'of Justice Frankfurter began earlier during his illness. The President's selection was hailed widely by both Democrats and Republicans.

Mr. Goldberg's experience as a jurist has been absolutely none, a fact which eminently qualifies him for the Supreme Court on the basis of selection criteria apparently employed in recent decades. It used to be that service as a judge was considered quite desirable for Supreme Court aspirants, but such has been the case in few instances since the 1930's.

Mr. Goldberg as an attorney, though, leaves nothing to be desired in his qualifications.

His 30 years of law practice were spent almost entirely as a labor attorney, and he was instrumental in the merger of the American Federation of Labor and the Congress of Industrial Organizations.

But he has proved time and again since he took over as Secretary of Labor that he is quite unconcerned about disagreeing with his old labor friends when he feels them wrong.

His energy, his devotion to his duties, and his strict adherence to established law and principles plus a judicious tempermament, have made him one of the outstanding members of the Kennedy Cabinet.

That is why praise for Mr. Goldberg and his selection as a Supreme Court Justice has come from all sides. What his judicial philosophy may be remains to be seen. But he is an outstanding lawyer and has proved his dedication to the public good.

[From the Wilkes-Barre (Pa.) Record, Aug. 30, 1962]

HIGHEST COURT CHANGES

In giving consideration to the retirement of Justice Felix Frankfurter and the appointment of Secretary of Labor Arthur J. Goldberg as successor on the U.S. Supreme Court, there is ample material for extensive discussion. Both have had long careers, both are intellectually accomplished, and both are men of achievements sufficient for a broad gage of their abilities and in the turns their views are likely to take.

It is a striking commentary on American opportunity that both are sons of immigrants.

In his appraisal of retiring Justice Frankfurter, now nearing 80, Paul M. Yost, Associated Press writer said, "Felix Frankfurter in retirement remains an enigma among America's great public figures. To nervous lawyers who made fuzzy points in arguments before the Supreme Court, the retired Justice is remembered as the jurist whose iron legal grip left them quaking.

"To puzzled courtroom spectators who heard him rattle off 500-word questions that seemed to melt attorneys down to stupid law clerks, he is recalled as a fearsome but colorful character. To fellow Justices, he is known as that peppery little man who perched on the edge of his chair, always ready to throw a verbal dart to prove once again that Frankfurter is the great Harvard law professor."

As to the incoming Justice, another press dispatch carried a comment by Jerry T. Baulch, in part as follows: "Arthur J. Goldberg has ever been a man on the move—leaping into controversy as a peacemaker, a vigorous advocate of his convictions. Just as he did in nearly 30 years as a lawyer he depends on personal persuasion to get things done—the key facet of the administration's approach to labor-management problems.

"But his official way of life will be changed drastically if his nomination to succeed Justice Felix Frankfurter on the Supreme Court is confirmed by the Senate, as expected.

"Goldberg's past offers many clues as to his views on some of the issues he will face. But he has proved himself especially adaptable, changing with the times and assignments. And he has a favorite quotation from the Italian Historian Gaetano Salvemini: 'We cannot be impartial. We can only be intellectually honest * * * aware of our passions and on guard against them. Impartiality is a dream, and honesty, a duty.' "

The foregoing are but glimpses of these two jurists, but within the limitations of a few paragraphs they are revealing.

[From the Asheville (N.C.) Citizen, Aug. 31, 1962]

THE HIGH COURT LOSES A DISPUTANT

The retirement of Supreme Court Justice Felix Frankfurter has been expected so long and postponed so often it comes almost as a surprise.

It's hard to pin a label on this 79-year-old jurist who has been a sort of Peck's Bad Boy on the Bench since his appointment by Franklin D. Roosevelt in 1939.. Regarded variously as a socialistic liberal and a constitutional conservative, Frankfurter, in his time, was probably both and possibly neither. He was strong on the preservation of individual liberties, but just as strong on the sanctity of constitutional principles and the binding force of congressional law.

He made a colorful, unpredictable, somewhat irascible judge, who refused to be swayed by the opinions of his colleagues.

His successor, Arthur J. Goldberg (whom he may have helped pick), is less well-known, more clearly liberal, more outwardly pragmatic. In his role as Secretary of Labor, he has performed with distinction. Like Frankfurter, this will be his first experience at the judicial level and, like several other members of the Court, he starts at the top.

This will be called a political appointment and will draw, we suspect, severe criticism. Yet Senator PAUL H. DOUGLAS, among others, calls it magnificent, adding, "it does the administration great credit."

Time will tell.

[From the East Liverpool (Ohio) Review, Aug. 31, 1962]

THE POTENTIAL OF JUSTICE GOLDBERG

The U.S. Senate is in a mood to rubber-stamp the appointment of Arthur J. Goldberg to the U.S. Supreme Court.

It will be surprising if this coveted honor for the former union counsel who rose to Secretary of Labor in John F. Kennedy's Cabinet is tarnished by senatorial skepticism. The appointee has everything in his favor.

Even diehard Democrats of the Deep South, churlishly blocking appointment of Thurgood Marshall to the Federal bench, will not vent their spite against the minority symbolized by Arthur Goldberg. It wouldn't be worth the damage it would do.

But even more restraining than the political exigencies is the emergence in recent years of a staggering truth about Supreme Court appointees. There is no way to foretell their judicial inclination. It can't be done.

The ill Felix Frankfurter, whose resignation opened the way for the Goldberg appointment, was reviled and feared when Franklin D. Roosevelt appointed him. He was a sociological wild man whose ideas about constitutional law seemingly had been pieced together while the Harvardian professor was being wafted in the air over Cambridge. Justice Frankfurter turned out to be a high priest of rational conservatism when he put on his judicial robe.

Some claim it's the robe that sobers Supreme Court appointees. Some believe it's the stark, chill discipline of the law. And some feel sure it's the rational thought that members of the Highest Court strive to attain; that the inevitable consequence of rational thought is a cautious approach to the Nation's fundamental law.

How could it be otherwise? That's what a written constitution is—an attempt to preserve what is worth preserving by putting it in writing, safe from the brain flashes of legal pyrotechnicians.

Arthur Goldberg has the potentiality of a first-rate jurist. His countrymen will hope for the best. It's all they can do.

[From the Bardstown (Ky.) Standard, Sept. 6, 1962]

ANOTHER PROOF OF OUR GREATNESS

Another dramatization of this country's greatness:

Secretary of Labor Arthur Goldberg is soon to become a Supreme Court Justice.

He was the son of poor Jewish immigrants from Russia. His father drove a produce truck in Chicago. He has served in the Cabinet of a President of the United States and is now to sit on the Highest Court in the land. In no other nation of the world could this have happened.

[From the Omaha (Nebr.) World-Herald, Aug. 31, 1962]

Justice Goldberg

President Kennedy's second appointment to the U.S. Supreme Court, like that of Byron White earlier this year, elevates a member of his administrative team.

Arthur Goldberg is a man of awesome energies, considerable skill as a negotiator, long experience as a union lawyer. He has been an articulate man of action for the Kennedy administration, and has surprised many observers by taking a pragmatic approach, rather than a doctrinaire liberal one, to labor disputes, to the administration's labor policies and to administration problems outside the labor field.

His overriding concern for getting things done, for finding solutions that work—or appear to work—has won him more public approval than seemed likely when he was appointed Labor Secretary 18 months ago. At the same time his zeal for settlements at any price—and by Government intervention—has bothered some who wondered whether Mr. Goldberg's actions always are guided by clearly defined principles.

Among Mr. Goldberg's surprising talents is his ability to get along with Congress, a fact which most observers believe will make his confirmation by the Senate a relatively easy matter.

If so, that will be a sharp contrast to the circumstances which accompanied the appointment of the man he is replacing, the colorful and controversial Justice Felix Frankfurter. President Roosevelt bulled Mr. Frankfurter's nomination through the Senate but feelings were high over the selection of an extreme New Dealer who had helped shape Roosevelt policies from behind the ivied walls of Harvard Law School.

Mr. Frankfurter went on to be one of the storm centers of the Supreme Court, as might have been predicted, and then to become the most conservative member of the not-so-conservative Court—a development few would have anticipated when he was named in 1939.

The fact that a Justice can change attitudes over the years—the possibility that he may do so merely by donning judicial robes—should inhibit those who may be tempted to speculate on what manner of Supreme Court Justice Mr. Goldberg will be.

Nevertheless, it is fair to say that Mr. Kennedy selected a man who shares his own liberal views, and whose eminence derives from his political activity.

In that connection we confess to some concern over the President's apparent bent for making political appointments to the Supreme Court. The last three Eisenhower appointees—Brennan, Whittaker, and Stewart—were men of judicial experience. Perhaps they were not the most talented judges in the land, but nevertheless, Mr. Eisenhower was on the right track. The ablest men on the Federal bench deserve promotion to the Supreme Court when opportunities present themselves. Mr. Kennedy could add luster to his name by choosing such men in the years to come.

[From the Lafayette (Ind.) Journal & Courier, Aug. 31, 1962]

Mr. Justice Goldberg

The appointment of Arthur Goldberg to the Supreme Court merits immediate applause. He is a gifted lawyer and he has been an excellent Secretary of Labor. With his education, his record, and his willingness to serve his country, he should be able to adorn the judicial branch with dignity and ability.

Moreover, Mr. Goldberg's personal life is the kind we automatically admire in America. A poor boy and a member of a minority group against which there were many prejudices in his youth, Goldberg fought his way up from obscurity to fame.

He joins a Supreme Court that has just lost its most distinguished member, Justice Frankfurter. Although it is too early to judge Justices Harlan, Stewart, and Brennan, the present Supreme Court appears to be one that is characterized by mediocrity and a preoccupation with stretching the words of the Constiution.

Of the present Court, only Harlan, Stewart, and Brennan had previous judicial experience. Chief Justice Warren and Justices Clark, White, and Black were blatant political appointments.

It seems a long time since we have had a Holmes or a Hughes or a Taft or a Cardozo or a Marshall or a Brandeis to grace our Highest Bench.

Mr. Goldberg has indicated considerable qualities of statesmanship and with his legal talent he has the opportunity to become a dominant judicial figure in this generation. Although he owes his appointment to the Kennedy administration, Mr. Justice Goldberg is now challenged to make it absolutely clear that this administration did not "buy a vote on the Highest Bench" or "take the judge to court." He is now free of all political obligations and immune from pressure. He can exercise his own best judgment and we dare to expect that his judgment will be good for America.

[From the Ashland (Kv.) Independent, Sept. 4, 1962]

Supreme Court Shift

An able old man has stepped down from the U.S. Supreme Court. An able man 25 years his junior has been appointed to take his place. The stature of the Court, though diminished by the departure of one of its great members, is thus maintained at a high level.

It will not be easy to become accustomed to Justice Frankfurter's absence from the deliberations of the Supreme Court. He has long been a familiar figure to the American people, first as a key adviser to President Roosevelt and during more than two decades as the writer of penetrating decisions on some of the great questions of the day. He will be missed.

Arthur J. Goldberg, taken from the Cabinet where he has served brilliantly as President Kennedy's Secretary of Labor, cannot be expected to fill Frankfurter's shoes immediately. Goldberg himself has modestly acknowledged that he cannot do that, and he is right. But his frequently demonstrated abilities are such that he can be expected to serve most ably, and perhaps in the end with great distinction.

As always when a new man is appointed to the Court, there is speculation as to how Goldberg's voice will weigh in its counsels. The common assumption is that he will be inclined to lean somewhat toward the liberal side of the spectrum.

Possibly so, but one cannot be sure. Justice Frankfurter, who played a key role in the shaping of the New Deal and yet became leader of the conservative wing of the Court, illustrates the point that one cannot confidently predict the course a man will take once he has ascended to the Bench. All that can be said now with certainty is that Goldberg is a most creditable addition to the Court.

[From the Durham (N.C.) Herald, Sept. 4, 1962]

New Justice and Decision Trend

The appointment of a new Justice of the Supreme Court always stimulates speculation on what contribution he will make toward the trend of decisions by the Court. In recent years, a narrow and shifting balance between two factions of sharply differing views intensifies this speculation.

President Kennedy has in less than 2 years in the White House had the opportunity to name two Justices, Byron White to succeed Justice Charles E. Whittaker and Arthur J. Goldberg to succeed Justice Felix Frankfurter. Both the Justices who have retired from the Bench are labeled "conservatives," though Justice Frankfurter was regarded as a foremost liberal when President Roosevelt appointed him in 1939.

What the labels suggest as a shift in stand and viewpoint on the part of Justice Frankfurter adds zest to speculation on how any new Justice appointee may turn out. How much Justice Frankfurter shifted is another topic for speculation. As the Wall Street Journal commented, "part of the irony of the liberal Frankfurter becoming the conservative Frankfurter is that Felix Frankfurter himself stayed pretty well anchored." It then points out that the retiring Justice has held consistently to the point that "judges ought not to substitute their political view of the issues for that of the lawmaking bodies but confine themselves to the question whether the law is clear, consistent and a valid exercise of legislative power."

The natural expectation is that Mr. White and Mr. Goldberg, as Justices, will reflect the political philosophy of the New Frontier, which is essentially liberal. Mr. White's public career has been too brief to give clear indication of what may be expected of him. On the other hand, Mr. Goldberg as Secretary of Labor demonstrated that he was not, as some critics feared on his appointment to the post, labor's man.

Men of ability and integrity have a way of measuring up to the requirements of the office to which they are appointed. If that were not true, the republican form of government would long since have disappeared in this country.

[From the Waterbury (Conn.), American, Sept. 1, 1962]

Mr. Justice Goldberg

Arthur Joseph Goldberg, Secretary of Labor in the first Kennedy Cabinet, has had a reputation of being a hard-working, hard-driving individual since he took his first job in Chicago at the age of 12.

Member of a large family of poor Russian immigrants, he began to make his mark early in life. Graduating from Northwestern University Law School at the age of 20, he persuaded the Illinois Supreme Court to waive the regulations and permit him to take his bar exams a year before the legal age of 21.

From that point on his career was a soaring one, taking him to the Cabinet of the United States and now to the Bench of the U.S. Supreme Court.

As Secretary of Labor, he has established a reputation for impartiality and fairness in his dealings with both labor and management—although he was for many years a labor lawyer and fought labor's cause alone. There were many who decried his appointment to the Labor Department post on the premise that he would inevitably be biased. He shortly proved his detractors to be entirely wrong.

Now, however, Mr. Goldberg faces an entirely different situation than anything he has confronted in his long and meteoric career. It will be a distinct change and a challenge.

Furthermore, he will be stepping into a big pair of shoes in succeeding Justice Felix Frankfurter, for no man in modern history has so influenced the Nation's Highest Court as has Mr. Frankfurter.

There is no doubt that Mr. Goldberg's appointment will be quickly approved by the Senate. Initial reactions from both sides of the political fence on Capitol Hill have been favorable.

On the basis of Mr. Goldberg's past record as a man, a lawyer, a negotiator, and a Cabinet member, we believe that he will take his new assignment in stride, with devotion to the ideals of democracy which he has always espoused. Mr. Kennedy, we think, has made a good choice.

[From the Parsons (Kans.) Sun, Aug. 30, 1962]

To the Court

Secretary of Labor Arthur J. Goldberg becomes the newest member of the U.S. Supreme Court with his appointment to succeed the aging and ailing Felix Frankfurter, a Justice since the New Deal days.

Reaction to the choice of President Kennedy for the Highest Court should be excellent for in Goldberg he has selected an able man with a fine legal mind.

Goldberg has shown a devotion to the national interest as Secretary of Labor and has not permitted prior affiliations to sway either his actions or his judgment in compiling an unusually energetic and generally effective record.

Indeed the chief criticism, if any, of the Goldberg appointment is that it removes him from a sensitive position in Government at a critical period. Labor-management disputes have grown in number and seriousness, and Goldberg was the administration's key figure in seeking to resolve them in a satisfactory manner.

Frankfurter has had a long and colorful career on the Court. It is ironical that he was regarded as a flaming liberal, fresh from Harvard, when he was appointed in 1939 by Franklin D. Roosevelt and now, upon his retirement, is looked upon as one of the conservatives of the Court.

The source of the irony could arise either from a change in Frankfurter's views or a change in those of the Court. Possibly it is a combination of both, but bears out the old observation that today's liberal is often tomorrow's conservative.

Frankfurter had come to win universal respect as a justice who spoke clearly and forcefully. Goldberg is well equipped to follow in his steps in rendering similar service to the Court and the Nation.

[From the Birmingham (Ala.) News, Aug. 30, 1962]

Change on the Court

The obvious thing to say of President Kennedy's appointment of Arthur J. Goldberg to the Supreme Court is that here is another case of political reward. Mr. Goldberg has no previous juridical experience. He is known exclusively as an attorney dealing with labor union matters.

Yet if this yardstick is to be the major criterion in measuring capacities or promise of judges, one could conclude only that the American judicial system is rife with incompetency. The opposite is the case. Most men on Federal benches may have gone there with no previous experience as judges.

Presidents, of either party, do name on basis of politics. But they also have shown a considerable feeling for what lies within a man. There are exceptions, but agree or disagree with judicial histories or opinions, the overwhelming majority of Supreme Court Justices have been men who served well, thoughtfully, and contributed to creation of a spirit of justice.

It is essential that the citizen however disgruntled over Court rulings now, past, or future, keep in mind that out of the heritage of English common law the United States has developed a mass of judicial opinion which in many opinions is the finest example on earth of preservation of the individual's liberty, and application of justice to parties human, corporate, or government. It is a proud record. Those who slur do so pitiably.

Mr. Goldberg is son of a Russian immigrant. He worked from age 12. He put himself through college and won his law degree from Northwestern with high honors. If he has been since 1938 wholly involved with labor law, since elevation to Cabinet as Secretary of Labor he has shown a remarkable catholicity of interests. His skills are manifest; within 72 hours after taking office as Secretary he had to settle, and did settle, a strike. His subsequent negotiation of disputes has been admirable. As a CIO attorney, his record was constructive, in merging major unions, in early detecting Communist dangers and expelling contaminated unions. Before joining Government he was earning $100,000 a year. This is a man of varied capacity.

Losing Justice Felix Frankfurter will wrench. Early labeled liberal, he had come to be accepted as foremost conservative on the Bench. Some say times changed, not Frankfurter. He was at times professorially theatrical, but his incisiveness was pronounced. If it is said he will be but a footnote in history that is not the judgment here.

Mr. Goldberg is due America's congratulations. Do not count him automatically a liberal Justice. The High Court does things to people. Goldberg has the stuff of a competent Justice however limited his range heretofore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3451) to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. Pfost, Mr. Baring, Mr. Johnson of California, Mr. Saylor, and Mr. Cunningham were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations tonight it stand in adjournment to meet at 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNOFFICIAL BOYCOTT OF CUBA

Mr. THURMOND. Mr. President, the Washington Daily News carried an article this afternoon entitled "U.S. Aid Pressing Italian Government To Force Striking Seamen To Sail Supply Ships to Castro, Is Report," written by Virginia Prewett.

The article reads as follows:

New York, September 21.—The U.S. labor attaché at Rome is encouraging the Italian Government to force Italian seamen to sail two struck supply ships to Fidel Castro, a National Maritime Union official charged here today.

The two ships, the *Aerone* and the *Nazzareno*, loaded with Russian and Italian supplies to Cuba, have been tied up at the Calabrian port of Reggio since September 15 because 12 Italian seamen refused to operate them.

"We have had a call for help from the Italian union who says that their Government is threatening to lift the seamen's cards if they don't sail the ships," said a spokesman for NMU, President Joseph Curran. "And they say that the U.S. labor attaché at Rome is into it."

The State Department lists Mr. John C. Fuess as American labor attaché in the Italian capital.

DETERMINED

"Last winter the State Department stopped the boycott against Castro shipping out of U.S. ports," said the NMU official. "But we don't mean to give in this time."

When the State Department stopped the boycott, he said, the union was told to "mind union business, and let the State Department run foreign policy."

The Italian strike, start of unofficial boycott tryouts against Castro shipping, has already been followed by action by U.S. union groups in New York and Texas. On September 19, NMU seamen began to picket a West German flagship, the SS *Olendorf* at Corpus Christi, Tex.

"The NMU protests ships of countries receiving American aid carrying cargoes to Cuba," says placards carried by the pickets. NMU officials charge that the ship, although it has the "paper destination" of West Germany, actually would carry grain to Fidel Castro.

REFUSAL

Yesterday, a New York International Longshoremen's Association union refused to load a Russia-bound Belgian freighter with drums of chemicals because they said it "might be used to make gunpowder for Fidel Castro."

When NMU Chief Joe Curran on September 12 called for a world boycott of Castro's supply line, labor circles expressed fears that U.S. officials might try to interfere with the strike.

This was true even though the U.S. Government is supposedly pressuring its NATO allies to stop their ships from carrying Russian supplies to Castro.

The NMU told the Washington Daily News on September 19 that Maritime Union leaders of the United States, Britain, West Germany, Italy and other countries have already unofficially agreed that, "something must be done" about Fidel Castro's regime. They expect the International Federation of Transport Workers, which has 6.5 million members in 100 countries, to declare an official boycott at a meeting to be held in London during the first week in October.

Mr. President, I just read this article in the afternoon edition of the Washington Daily News. I see the ranking member of the Committee on Foreign Relations, the distinguished Senator from Alabama [Mr. Sparkman] in the Chamber. I wonder if he has any information on this subject.

Mr. SPARKMAN. Mr. President, I have nothing more than what the Senator from South Carolina has. I read the article with considerable misgiving. Certainly I would be very much concerned if the report should be true.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr THURMOND. I am pleased to yield to the distinguished Senator from South Dakota.

Mr. MUNDT. In the presentation of Secretary of State Dean Rusk before the Senate Committee on Appropriations, he confirmed the fact that the State Department is working with the NATO countries in trying to discourage participation in shipments to Cuba. Consequently, it was with real shocking astonishment that I also read the same story on the front page of the Washington Daily News today.

Obviously I have had no opportunity to confirm the situation portrayed in the story. But if the reports are factual, it seems to me that it becomes mandatory for someone in Government—presumably the State Department or the Department of Labor—to call home the American official who evidently is working at direct odds with the State Department in encouraging seamen abroad to do the very type of thing that the Secretary of State is discouraging countries from permitting.

I noticed in the article that a congressional committee was called upon for an immediate investigation. I hope that the Senator from South Carolina, with his customary diligence and energy, will follow through on this point, because it is one which we should know about with absolute definiteness before we start marking up the foreign aid bill. Senators may recall that the House has inserted in the foreign aid appropriation bill a great deal of prohibitory language, one paragraph of which is related to the fact that all economic aid would be suspended from any country which is participating in trade with Cuba. It was in relationship to the desire of the State Department to have that paragraph stricken, or at least modified, that the presentation was made that this was being done by negotiations through diplomatic channels instead of by some kind of coercive step.

I am sure that the State Department representatives spoke accurately about their plans and program. But if, while they are doing that and while we are considering in proposed legislation whether or not Congress must act by means of a coercive paragraph, other officials of the Government in Italy are literally thumbing their noses at the State Department policy, we had better find out about it before we vote on foreign aid, because we have the remedy available. We can insert prohibitions, if necessary. Certainly if the story is correct, we had better be sure we write in legislative language to insure that the Government will be able to control the attitudes and actions of its own employees abroad whenever they do definite violence to the announced policies of the Government at home.

I was very happy when Joe Curran and the NMU took this patriotic step to establish a sort of voluntary prohibition on themselves against loading shipments for Communist countries. I was glad when they induced associated unions abroad to join them. It was not a governmental policy. It involved the right of free men freely to decide not to help Communists conquer other free men. I salute the union for its salutary action. I hope the Senator from South Carolina can report to us on Monday that either the story is false—which seems dubious—or that the necessary corrective actions have been taken and the offending officer abroad called home.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from South Dakota. If the news article is true, this is a shocking incident. It will be shocking to the American people to know that an official of our Government, the U.S. Labor Attaché at Rome, should be encouraging the Italian Government to force Italian seamen to sail two supply ships to Fidel Castro in Cuba.

Mr. President, it is well acknowledged now that Castro is a Communist. It is asknowledged that thousands of Russian and Chinese troops are now in Cuba.

It has been acknowledged that there are missiles in Cuba. It is well known that Cuba is being built up as a strong Communist military base. It is well known that Cuba is being used as a distribution point for literature and propaganda of the Communists throughout Central and South America.

It is my judgment that this matter should be looked into very carefully, and that action should be taken if the report is true.

I feel very deeply about this question because, as the distinguished Senator from South Dakota has said, according to our highest officials, our Government is now pressuring our NATO allies to stop their ships from carrying supplies to Castro.

The National Maritime Union does not want these supplies to go to Cuba. Yet this labor attaché, according to the news item, is encouraging the Italian Government to force Italian seamen to sail the two struck ships anyway. The only purpose would be to carry supplies to our enemy, international communism.

The only regret I had about the resolution that was passed yesterday, and which I supported, and was pleased to support, was that it did not go further than it did and say that Khrushchev should get out of Cuba, because we know full well that the Communists are in Cuba. I do not believe the resolution went far enough in the provisions it contained.

It seems to me that we must take a stronger stand than we are at the present time. Either we are going to enforce the Monroe Doctrine, or we are going to reinterpret the Monroe Doctrine and let it go by the board. We ought to enforce the Monroe Doctrine. This reported action, if it is true, by an official of our Government, is reprehensible, and I am sure will not meet with the approval of the American people. I believe it is a step which jeopardizes the security of this Nation and the entire free world.

Mr. MUNDT. Mr. President, will the Senator yield further?

Mr. THURMOND. I am pleased to yield to the Senator from South Dakota.

Mr. MUNDT. I read the story a few minutes ago in the cloakroom, before I addressed the Senate on the subject of timber. I do not recall whether it mentions the name of the labor attaché.

Mr. SPARKMAN. Yes.

Mr. MUNDT. Therefore it should be easy for us to verify the accuracy or inaccuracy of the story. Certainly Congress and the country have a right to expect summary action by bringing this attaché home if the story is correct. It will not take very long to determine the accuracy of it

Mr. THURMOND. The news item states:

> The State Department lists Mr. John C. Fuess as the American labor attaché in the Italian capital.

I do not know whether he is the gentleman who is serving in this post at this time.

Mr. MUNDT. I am sure, for example, that the Subcommittee on Appropriations now dealing with the foreign aid bill will welcome the opportunity to ask Mr. Fuess whether he was acting on his own initiative or whether someone higher up in the echelon of his superiors ordered him to do this, because it is about time to determine whether one branch of the Government knows what the other branch is doing toward Cuba and toward communism. If they are fighting each other, no wonder we are making such small progress in our resistance to communism abroad.

I congratulate the Italian seamen, who are working with Joe Curran and the International Maritime Union in this country, and who voluntarily have declined to load the ships which carry merchandise to Cuba.

I only wish that the statesmen of Europe would catch up with the seamen of Europe in their foresightedness and in their realism in recognizing the dangers which will occur to the whole free world if we continue to feed and arm and equip and provide troops for a great Red fortress a few miles from Florida.

I congratulate the Senator from South Carolina in bringing this matter to the attention of the country as emphatically and as promptly as he has.

Mr. THURMOND. I thank the distinguished Senator from South Dakota. Further, the article states, as I read a few moments ago:

> "Last winter the State Department stopped the boycott against Castro shipping out of U.S. ports," said the NMU official. "But we don't mean to give in this time."

I hope he will stand his ground. I hope he will have the fortitude and courage to stand on the statement he has made and not give in to the State Department in this instance, if the State Department should condone such an act by the labor attaché in Rome.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. MUNDT. I believe there is a better prospect now that the State Department will support this voluntary action by the union in this country headed by Joe Curran, and that they will take action against this official who has gone contrary to the expressed public policy of the State Department, because the State Department is now confronted by the situation, under the leadership of Mr. OTTO PASSMAN, a Representative from the State of Louisiana, that the House has written into the foreign aid bill a number of salutary amendments to the foreign aid bill. Some of them may be too severe. Some of them may need to be modified. Some may need to be strengthened.

The Secretary of State properly came before our committee to discuss the bill this morning, and among other things he said he wished we would modify what he considers to be a too summary action against NATO countries when the Department is now told under the act, under the leadership of OTTO PASSMAN and the Foreign Affairs Committee of the House and the vast majority of the Members of the House, when they passed the aid bill, "No more aid at all to any country which is shipping supplies and arms and guns to an enemy of the United States in Cuba, right off our very shores."

He said, "That is pretty rough. That is not very diplomatic language."

Let us be diplomatic about it. There may be merit to his request. Perhaps it can be done the diplomatic way. I express the hope, because the State Department now faces an undiplomatic manuever by the House, that it will be active in seeing if it can encourage rather than discourage the efforts of seamen around the world who voluntarily and freely refrain from supplying ships carrying arms to the Communist enemy in Cuba.

Mr. THURMOND. I read further from the article:

> When the State Department stopped the boycott, he said, the union was told to "mind union business, and let the State Department run foreign policy."

I hope that this time the State Department's eyes are being opened to some extent, and that they will not try to cast aside this incident and tell the union to mind its business and let the State Department conduct foreign policy.

Mr. MUNDT. I believe there is hope in the picture, because I believe the State Department has learned that when it conducts foreign policy in such a way that the House of Representatives, at least, is shocked by what is happening, the House demonstrates its capacity to indicate to the State Department how it should be conducted.

Obviously the State Department does not want to relinquish its diplomatic rates. The House of Representatives was within its rights when it wrote in that restriction. I hope the Senate will insist on having a concerted and consistent stand taken against communism in the Western Hemisphere, and not have our representative here saying one thing and our representative abroad saying something else.

Mr. THURMOND. If this incident is correctly reported, it is truly amazing. However, I would not be surprised if it turns out to be true, after having heard evidence about the muzzling of the military in our investigation during the past year, when we learned of the policy of the State Department, which I have characterized as the "no win" policy.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the Senator from Alabama.

Mr. SPARKMAN. I have had the staff director of the Foreign Relations Committee check this incident, with the State Department, and I am pleased to make this report. It is from the State Department. The Rome Embassy denies the story. The State Department says there is nothing to it. It is my information that the Washington Daily News killed the story in its later editions.

Mr. MUNDT. It is indeed gratifying news, if it is correct. As I said a few moments ago, since the name of the attaché has been mentioned, we now have the capacity freely to find out whether or not the story is correct.

Mr. SPARKMAN. I have had very little to say during this discussion, because I learned long ago that when rumors of this kind come out, the wise thing to do is to run them down as quickly as possible. If Senators will read the story carefully, they will see that it is really third or fourth-hand reporting. As I said a few moments ago, if it were true, I would be greatly concerned and greatly shocked. I am delighted to have this report, that the Rome Embassy promptly denied the story.

It is my information that our representatives in Rome, instead of asking the labor people to go ahead and load the ship, went to the ship owners—the shipping line—and inquired what they were doing, what the cargo was, and questions of that kind.

Mr. MUNDT. Did our representatives try to persuade the ship operators not to ship the supplies to Cuba?

Mr. SPARKMAN. I wish I knew; but in the short time that was available, that was all the information I could obtain.

Mr. THURMOND. I thank the distinguished Senator from Alabama. I hope the information which has been furnished by the staff, and which was furnished them by the Embassy in Rome, is true. I hope it is true, although I am not altogether convinced that it is, because I myself had a disgusting experience with the State Department only last year.

I delivered an address in Little Rock, Ark., last year, in which I charged that the State Department had prepared a document relating to disarmament. The Department categorically denied that statement and issued the denial to the press throughout the Nation.

Several days later I delivered an address in which I cited the number of the document, No. 7277, and the State Department never retracted its denial, although it knew, or should have known, when it made the statement that there was no such paper, it was telling an untruth.

In this instance, I am not convinced that the information we have received is the truth. I hope it is the truth. I expect to look further into the question, because, unless Miss Virginia Prewitt is completely incorrect, the statement is a direct quotation of President Joseph Curran, of the National Maritime Union.

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The pending business is H.R. 11880.

Mr. DOUGLAS. Madam President, what was the motion?

Mr. SPARKMAN. I had not made a motion. I was about to ask that the pending business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 13067.

Mr. DOUGLAS. Very well.

AMENDMENT OF NATIONAL HOUSING ACT RELATING TO PAYMENTS IN LIEU OF TAXES

Mr. SPARKMAN. Madam President, I move that the pending business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 13067.

The PRESIDING OFFICER. The bill will be stated by title.

The bill (H.R. 13067) to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes was read twice by its title.

Mr. SPARKMAN. Madam President, this is a House bill which came to the Senate. At the request of the chairman of the Committee on Banking and Currency, the distinguished Senator from Virginia [Mr. ROBERTSON], the bill was held at the desk and the entire committee polled. The bill was unanimously approved by the members of the Committee. The bill relates to an FHA project at Forest Hills, near Paducah, Ky. It was a Wherry housing project.

Unlike most Wherry projects, this one was located on property which was privately owned, and real property taxes were paid before foreclosure. The FHA foreclosed the property and for 3 years paid taxes, then ceased, believing that it had no authority to continue to pay taxes.

The purpose of the bill is to authorize the FHA to make such tax payments. The bill has the approval of the Housing and Home Finance Agency and has received clearance from the Bureau of the Budget. It was passed by the House and received unanimous approval by all members of the Senate Committee on Banking and Currency.

The PRESIDING OFFICER. The Chair is informed that the bill was not referred to committee.

Mr. SPARKMAN. That is correct. I move that the bill be taken from the desk for consideration.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SPARKMAN. Madam President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the House committee report (No. 2373) outlining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would give the Federal Housing Administration the same authority to pay taxes on certain acquired military housing projects which is provided in existing law for other FHA programs.

Property of the United States is not subject to taxation by a State or any subdivision thereof unless such taxation is specifically authorized by Federal law. In the case of the Federal Housing Administration's program of mortgage and loan insurance on residential real property, the Congress has provided express authority for the Federal Housing Commissioner, as a general rule, to make taxpayments with respect to property acquired by him after foreclosure or after transfers in lieu of foreclosures. In authorizing these taxpayments, the Congress recognized that the property acquired by FHA would normally be returned to private ownership through sale as soon as it was feasible for the FHA to do so, and that in the interim it was desirable that such property not be removed from the tax base of the local community by reason of its acquisition by the FHA.

This bill would authorize the Federal Housing Commissioner to make payments in lieu of taxes on any real property, title to which has been or is acquired by him in fee as a result of insurance operations conducted under the old section 803 (Wherry Act) on which taxes were being paid prior to acquisition. In addition, it would authorize the Federal Housing Commissioner to pay real property taxes on property which has been or is acquired and held by the Commissioner as a result of insurance operations under sections 809 and 810 of the National Housing Act.

This bill was considered in executive session by the Subcommittee on Housing on September 12 and by the full Committee on Banking and Currency on September 13 and was approved without a dissenting vote. The bill has the endorsement of the administration as shown in the following letter.

Mr. COOPER. Mr. President, H.R. 13067 was passed on the House Consent Calendar. The bill passed by the House was introduced by Congressman STUBBLEFIELD. I introduced the bill in the Senate, but it was modified to incorporate suggestions approved by the Housing and Home Finance Agency.

The problem concerns the Forest Hills housing project in Paducah, Ky., in Congressman STUBBLEFIELD's district. This project, built in 1954 at the insistence of the Atomic Energy Commission as a Wherry project, was repossessed by the Federal Housing Administration in 1956. FHA paid property taxes to the city in 1957, 1958, and 1959, but discontinued these payments in 1960 on the advice of their counsel, although the city is still supplying services.

While most Wherry projects are military housing located on Government property, and the problem of payments in lieu of taxes does not arise therefor, this Wherry project is not located on Government property. And, while there is provision in law for payment of taxes, or payments in lieu of taxes, on property repossessed or acquired by the Commissioner of FHA under other programs, there is no specific provision for this type of payment on repossessed housing projects built under the Wherry program.

House bill 13067 would extend to the Wherry projects the same authority to pay local property taxes as is now authorized for repossessions under the other housing insurance programs if payments were made prior to repossession. Not aware of any objections to the bill, I have been working for several years with city officials, the Housing and Home Finance Agency, and local citizens who have been trying to obtain a solution of the Forest Hills problem. Difficult as it is, it is further complicated by the unpaid taxes. I urge that the bill be passed by the Senate.

The **PRESIDING OFFICER.** The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 13067) was ordered to a third reading, read the third time, and passed.

OATH PRESCRIBED FOR INDIVIDUALS ENLISTED INTO THE ARMED FORCES OF THE UNITED STATES

Mr. SPARKMAN. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2029, H.R. 218.

The **PRESIDING OFFICER.** The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 218) to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SPARKMAN. Madam President, before the bill is passed, I desire to propound certain questions to the distinguished Senator from South Carolina, who is handling the bill on behalf of the Committee on Armed Services.

Will the Senator from South Carolina give a brief explanation of the purpose of the bill?

Mr. THURMOND. The intention of the Armed Services Committee in favorably reporting this bill is to conform the oath which enlisted men take to that which is administered to persons appointed or elected to civil or military office. The oath which is prescribed in section 16 of title 5 of the United States Code for all persons elected or appointed to any office of honor or profit, either in the civil, military, or naval service, and this, of course, covers Senators, includes an obligation to support and defend the Constitution and has at the end the words, "so help me God." In contrast to this, the oath which is presently administered to enlisted personnel in the armed services which can be found in section 501 of title 10 of the United States Code, does not contain an obligation to support and defend the Constitution, nor does it have the words "so help me God," at the conclusion. The committee can find no valid reason for having this difference in the oaths and therefore has reported favorably this bill which, incidentally, has already been passed by the House of Representatives.

Mr. SPARKMAN. Does the bill in any way affect, alter, or amend either the law or the practice with regard to the choice which any individual now has to affirm or take an oath?

Mr. THURMOND. I should say it does not.

On pages 2 and 3 of the report under the heading "Constitutional Question" the Senator will find this point discussed. In the committee's opinion, the present status of the law amply provides for this choice. There was testimony before the subcommittee concerning the option to drop the words "so help me God" when a person chose, for valid reasons, to affirm rather than swear. The only logical distinction which can be drawn between "oath" and "affirmation" is that in an oath there is an imprecation. The Deity is called upon to witness the verity of the statement made, while in an affirmation a person does not call upon the Deity, but only upon his own conscience. Title 1 of section 1 of the United States Code, which says in part, "in determining the meaning of any act of Congress, unless the context indicates otherwise 'oath' includes affirmation and 'swear' includes affirmed." Also, the first section of the oath provided for in the bill is in the alternative, "swear" or "affirm." The report points out that a Federal circuit court decision has upheld the right of a person to drop the words "So help me God" when he chooses to affirm, rather than swear.

The committee is of the opinion that this adequately covers any problem which might exist in this area; but we further feel that should any change in the law be necessary, it should be accomplished uniformly as to all presently existing sections of law which prescribe oaths, rather than by making an exception in this one case.

Mr. SPARKMAN. I thank the Senator from South Carolina for giving that explanation.

Mr. THURMOND. I thank the distinguished Senator from Alabama.

I shall be glad to respond to any other questions which Senators may wish to ask.

The **PRESIDING OFFICER** (Mr. METCALF in the chair). The bill is open to amendment.

Mr. MORSE. Mr. President, I wish to ask a question.

I think the report to which the Senator from South Carolina has referred, in regard to the matter of dealing with military personnel who because of religious convictions refuse to swear, but prefer to affirm, is excellent. As one who believes in God, I find it difficult to appreciate fully the attitude of those who might object to the reference, at the end of the oath, to the Almighty. But without having the affirmation set out in the bill, and with only the oath set out in the bill, are we not likely to find that some administrative difficulties will arise?

It has been my experience and observation that there are at least two groups of such persons. There are those who refuse to swear at all, and insist only on affirmation. Then there are those who refuse to swear at all, and insist upon affirmation, but also insist that the affirmation not contain any reference to the Deity.

The bill now provides for swearing or affirming, but the form set out in the bill, both in line 5, on page 2, and in line 2, on page 3, retains the words "so help me God." That is bound, it seems to me, in the administration of the bill to put such a person in a position in which he has to protest—which may cause him embarrassment. He should be allowed to make a choice as to the form; he should be allowed to say, "I choose the oath" or "I choose the affirmation, and I choose the affirmation form that does not contain the language 'so help me God.'"

I do not think the bill is clear on that point. As the Senator from South Carolina has pointed out, the report is clear on it; but the military personnel will not have the report before them.

So my question is this: What is wrong with adding to the bill, in addition to the oath with the reference to the Deity in it, and in addition to the affirmation with the reference to the Deity in it, also an affirmation without any reference to the Deity in it? After all, when dealing with such an individual—difficult to understand though he is, but nevertheless under our Constitution he certainly has the right of freedom of religion, and also the right to be free of belief in any religion at all, which is a precious constitutional right from his standpoint—why do we not put in the bill the three forms—the oath, the affirmation which makes reference to the Deity, and the affirmation which does not make reference to the Deity. Then the individual can choose the form he prefers.

Mr. THURMOND. If such a change is desired or deemed desirable by Congress, it could be made, of course; but it should be made to apply to all such oaths or affirmations uniformly. This could be accomplished best by amending section 1 of title 1 of the United States Code. The oath prescribed in section 16 of title V of the United States Code, applies to all persons elected or appointed to any office of honor or profit, either in the civil, the military, or the naval service. Of course this covers Senators. It includes an obligation to support and defend the Constitution, and has at the end the words "so help me God."

So what is being done here is merely to provide for enlisted personnel an oath similar to that now provided for officers, and the same oath that is provided for civilian officials as well.

An amendment could be adopted; but, if so, I believe it should apply to all, not only to those in one particular category.

Mr. MORSE. I have no objection to having it apply uniformly, if what the Senator says is true. I have no deep feeling about this matter. However, I think we should point out the administrative problems which I believe the bill in its present form would create.

For some reason—I do not know why—a strange attitude seems to be developing in certain parts of our society. For some reason, there seems to be an increasing number of persons who are very sensitive about being asked to take an oath which refers to the Deity or to participate in a situation in which they can claim that some form of governmental prayer is involved in the carrying on of the functions of a governmental agency. I do not understand them, for the life of me; but they have their rights.

So I wonder whether it is necessary in this bill to include an affirmation which makes no reference to the Deity.

Mr. THURMOND. We are merely trying to make the oath for enlisted men the same as the oath for officers and the same as the oath for civilian officials, including Senators and others. Then if it is desired by Congress to adopt an amendment which will apply it to all of them, such an amendment could be introduced and adopted later on. But in this bill we are merely trying to make the requirement uniform.

Mr. MORSE. Suppose that after the bill is passed, a constituent writes to me and informs me that he offered to enlist in the Air Force, and was accepted, and that when the time came for him to be fully recruited, he was asked to raise his right hand and swear; but he refused, and said, "I will affirm;" and then they allowed him to affirm, but the affirmation ended with the words "so help me God" and he said, "I can't accept that, because I don't believe in God."

My question is this: Will it then be possible to fall back on the committee report and to offer such a person a third form, namely, an affirmation which stops before reaching the words "so help me God"?

Mr. THURMOND. I would say that the policy in the armed services, as I understand it, has been not to require the addition of the words "so help me God"; and thus far there has been no difficulty. Of course, if difficulty were to arise, the matter could be tested in court. I would welcome a test case on this point.

I thank the Senator from Oregon for his questions, which have been very helpful.

Mr. MORSE. I wish to point out that the administrative problems I have raised have not been resolved by the Senator from South Carolina [Mr. THURMOND]. However he and I have succeeded in making a clean legislative history as to the content of the bill. I conclude from our exchange that if a person not believing in God refuses to take an oath using the phrase "so help me God" but is willing to take an affirmation without those words in it he still will be eligible for military service and qualified for being inducted into the military service.

The PRESIDING OFICER. The question is on the third reading of the bill.

The bill (H.R. 218) was ordered to a third reading, was read the third time, and passed.

Mr. THURMOND. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, a parliamentary inquiry. What are we voting on?

The PRESIDING OFFICER. A motion to table the motion to reconsider the vote by which the bill was passed.

Mr. MORSE. I thank the Chair. I did not hear the motion that was made.

Mr. SPARKMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPARKMAN. I ask unanimous consent that I may yield to the Senator from Minnesota without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Minnesota is recognized.

THE 100TH ANNIVERSARY OF ESTABLISHMENT OF U.S. DEPARTMENT OF AGRICULTURE

Mr. HUMPHREY. Mr. President, this year the U.S. Department of Agriculture is celebrating its 100th anniversary. On May 15, 1862, President Abraham Lincoln signed into law the act establishing the Department, and I quote from that act:

> The general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

In the 100 years intervening, American agriculture has come a long way. When President Lincoln signed the act creating the Department, one American farm worker was producing enough food and fiber for five people. Today, one farm worker grows enough food and fiber for 26 people and food costs are only one-fifth of our take-home pay.

In connection with the Department of Agriculture's century of service, I commend to the Senate two articles. The September 1962, edition of the Retail Clerks Advocate contains a story entitled "A Revolution in Progress: U.S. Department of Agriculture Celebrates 100th Anniversary." While pointing out the phenomenal success story of American agriculture, the article notes that, despite its efficiency, its productivity, its great assets, its fulfilments of a civilization's needs for food and fiber for a remarkably small share of consumer income, its vital role in the national economy and defense, agriculture has not achieved economic well-being generally for its own members.

I would add that as it enters its second 100 years, the Department of Agriculture has reshaped existing programs and has new programs authorized by Congress to attack the problems of unmanaged price depressing supplies, low income, shortage of credit, under employment and under development of rural areas. Net farm income is already increasing and was about one billion dollars greater in 1961 than it was in 1960.

The August 20, 1962, edition of Chemical and Engineering News contains a review of the "1962 Yearbook of Agriculture" entitled "After a Hundred Years," by Francis Joseph Weiss, science specialist at the Library of Congress. Ten years ago, Dr. Weiss prepared for me a Senate document entitled "Manpower, Chemistry, and Agriculture," which was published as a public document.

It was really a remarkable publication, and we are deeply indebted to Dr. Weiss for his contribution.

In his review in the Chemical and Engineering News, Dr. Weiss very ably illustrates the important relationship between agriculture and chemistry, not only in a scientific, but in an economic sense. I point with pride to the fact that the editor of the "1962 Yearbook of Agriculture," Alfred Stefferud, is a Minnesotan.

Mr. President, I ask unanimous consent that both of these excellent articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A REVOLUTION IN PROGRESS: U.S. DEPARTMENT OF AGRICULTURE CELEBRATES 100TH ANNIVERSARY

The contrast between today's supermarkets and the country store of 100 years ago is the contrast between the farms of then and now. During this period a revolution in agriculture and in distribution has brought an unparalleled abundance to the American housewife. The transformation in farming has been largely the work of the U.S. Department of Agriculture, which celebrates its 100th anniversary this year.

Government interest in and assistance to farmers dates back to 1796 when George Washington asked for an agricultural board charged with collecting and diffusing information "drawing to a common center the results everywhere of individual skill and observation, and spreading them thence to the whole Nation."

But the Department was not born until 1862 when President Lincoln named a commissioner of agriculture. There were fewer than 32 million Americans then, and about 7 million farmers produced the food for themselves and the rest of the country, a ratio of less than 1 to 5. Now, a century later, the population has grown to more than 180 million, and the productivity of farmers has increased so much that one feeds 26 other persons in addition to himself.

When the Department of Agriculture was born, food was mostly grown and preserved at home. Much of the clothing was homespun. Homemade candles and the flicker of the fireplace provided light. Animals and men were the power that tilled the soil. Buildings were erected from home-sawn trees or from the sod of the prairie.

Today, American farm products are valued at about $5 billion annually, U.S. crops are sent around the globe, and are one of our largest export items.

To help achieve this record, the Department has worked to remove the hindrances afflicting farmers—pests, diseases, economic maladjustments, inadequate experimentation, or lack of communication of knowledge, or whatever. Many of our basic foods—wheat, corn, potatoes—have been almost remade. Better animals have been perfected, and fibers improved or made in the laboratory.

Mountains have been moved, mammoth artificial lakes made, water taken vast distances to make deserts bloom. Weather forecasting has been brought to a high degree of perfection, and a start has been made even in changing the weather.

Hand in hand with this the Department has developed an increasing responsibility toward the consumer. This has brought research in nutrition and home economics, pure food and drug laws, meat inspection and grading, the development of medicines and blood plasma extenders, and the elimination of both animal and human diseases.

Another of the Department's important functions is that of conservation, so that our farms and forests will continue to produce in the future and our precious soil and water resources will not be lost to the generations who follow us.

The achievements of the Department of Agriculture are almost too lengthy to list. Some idea of its accomplishments can be drawn by the transformation wrought with such everyday commodities as corn and chickens.

Corn is a New World plant that was introduced to the Pilgrims by the Indians. For 250 years farmers tried to improve their corn crops by keeping their best ears for seed. But it didn't seem to do much good. The seed never seemed to be better than the parent plants, and there was no substantial improvements in yields or quality. Then in 1906 a geneticist began experiments on inheritance in maize that provided the basis for our present hybrids. Many persons worked on perfecting the new plants, and the first commercial "double cross" hybrid was released in 1921. Farmers at first were reluctant to use the seed, but demonstration plantings and field observations proved their worth. The demand for hybrid seed in 1935 in the Corn Belt exceeded production and the hybrid seed industry developed rapidly.

About 95 percent of our corn acreage is now planted to hybrid seed. As a result, corn acreage has been reduced by 25 percent since 1930. But farmers produce 20 percent more corn than they did 30 years ago.

Besides an increase in production, other benefits have been achieved by the use of hybrid corn. Hybrids make more effective use of applied fertilizer, and are more resistant to some insects and diseases. The result is a product of higher quality and more stable yearly production. Because of their greater uniformity in maturity and stiffer stalks, the hybrids have helped make large-scale mechanization possible in farming.

"A chicken in the pot every Sunday" used to be a slogan symbolizing prosperity. But now assembly-line methods hatch millions of baby chicks, feeding and watering the growing flocks and speeding the broilers through the processing plants to the consumer. Chicken every day, as a result, has become a commonplace.

Just a few years ago the producer of broilers expected to take 13 weeks to grow a 3-pound bird. Now he can market his flock at 3.5 pounds in only 9 weeks, plus 2 or 3 days. Instead of requiring 4.5 pounds of feed per pound of broiler produced, less than 2.5 pounds is now needed. Many commercial flocks average more than 250 eggs per hen on little more than 4 pounds of feed per dozen eggs.

Making all this possible was the invention of the forced-draft incubator, the large models of which can incubate more than 50,000 eggs at a time. To these have been added electronic data-processing methods, made necessary by the size and complexity of today's breeding programs. Nearly all commercial chicken-producers take advantage of hybrid vigor, similar to its utilization in the production of hybrid corn.

Just one example will illustrate how soil conservation methods have brought into production lands that were hopelessly lost under old methods of cultivation. Fifteen years ago Smith County in the rolling hills of Tennessee was a gullied, washed-away countryside that had been corned to death. Farm income was barely at the subsistence level. Today this country has been transformed into a thriving and beautiful area of grassland and livestock, with farm homes 90 percent electrified and good farm equipment. Conservation practices have healed the eroded farms, and the area can support its new type of agriculture indefinitely.

In the important area of irrigation, the department has stimulated an investment that has exceeded $1 billion since 1945. Technicians of the Department have surveyed millions of acres and have provided the technical knowledge necessary to level the land to the proper grade and to design the irrigation systems to fit the land. Exclusive research has been conducted to reduce the loss of water through evaporation and seepage to conserve the life-giving liquid that is nearly as valuable as gold west of the 100th meridian.

After a century of progress and achievement agriculture still faces a major challenge. Despite its efficiency, its productivity, its great assets, its fulfillment of a civilization's needs for food and fiber for a remarkably small share of consumer income, and its vital role in the national economy and defense, agriculture has not achieved economic well-being generally for its own members.

This was the paradox of agriculture as it entered the 1960's—increasing efficiency, yet declining income. Net farm income dropped 26 percent from the 1947–49 average, while farm production per man-hour has soared 108 percent.

As the Department of Agriculture starts its second 100 years its attention is focused on these problems. Its success in finding solutions will affect farmers and consumers alike.

THE GIANT AGRICULTURE

(NOTE.—"After a Hundred Years," "The Yearbook of Agriculture, 1962," Alfred Stefferud, editor. U.S. Department of Agriculture, xiii plus 688 pages. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., 1962; $3. Reviewed by Dr. Francis Joseph Weiss. Dr. Weiss is science specialist at the Library of Congress.)

In the past 100 years American agriculture has become the country's largest industry, outranking with an annual production value of $35 billion such giants as the food, transportation, oil, and metal industries. It is basically a chemical industry in the sense that human resourcefulness and ingenuity control, with the help of numerous chemicals—fertilizers, growth promoters, weed killers, insecticides, etc.—untold autocatalytic processes. By these processes, plants and animals convert inorganic matter into organic substances serving as food and fibers as well as for other purposes, not the least of which is the supply of raw materials for the chemical manufacturing industry.

Since President Abraham Lincoln on May 15, 1962, signed the bill establishing the Department of Agriculture and Isaac Newton took the oath of office as the first Commissioner of Agriculture on July 1 of the same year, the efficiency of agricultural production has reached an overall increase of about 500 percent. While in 1862 the average farm worker could hardly support five persons, in 1962 he supplies the needs of about 26 people with more and better products than his predecessor of 100 years ago. This is an achievement of the American farmer, and also the American chemist, since the driving force of this progress originated in his brain and in his laboratory.

Such development would not have been possible without the exploration of the biochemical processes involved in plant and animal growth and reproduction, without a better understanding of metabolism and a more rational supply of plants and animals with needed foodstuffs, or without the application of many chemical products for the control and eradication of weeds, insects, fungi, bacteria, and viruses. How this remarkable progress was achieved can be learned by perusal of the beautifully illustrated "63d Yearbook of Agriculture" which, in honor of the USDA Centenary, appears in a particularly festive form. It is written by 148 eminent contributors and splendidly edited by Alfred Stefferud, who has been the guiding spirit of the yearbooks since 1945.

Although the reading of the entire book is recommended, especially to those chemists who have not had much contact with agriculture, those who wish to concentrate only on matters purely chemical will find a wealth of information in chapters written by chemists and biochemists. The physiologically inclined chemist will be fascinated by Harry A. Borthwick's account of the discovery of minute but powerful chemical messengers which regulate the plant's response to the length of day; or they will find most intriguing the discussion by John W. Mitchell and Paul C. Marth of the process by which chemicals, many of which are produced synthetically, regulate the growth of plants and the ripening of fruits. We know already more than 1,000 chemical growth regulators, and many new ones are discovered every year.

The practically minded chemist will find food for thought in the chapters dealing with fertilizers, pest control, and processing of farm products. He will be amazed to learn that the chemical manufacturing industry uses more than $1 billion worth of all kinds of farm products in almost every line of chemical production, such as the manufacture of synthetic fibers, plastics, pigments, dyes, rubbers, explosives, refrigerants, pharmaceuticals, and photographic products. This shows that agriculture and chemistry are not only in a scientific but also in an economic sense closely interrelated. Thus further progress in agriculture and corresponding advances in chemical industry may depend on the measure of chemistry's contribution to the prevailing trend in agriculture in substituting human supervision by automatic production control through electric circuits and chemical mechanisms.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. Is the Senator from Minnesota at the present time the acting majority leader of the Senate?

Mr. HUMPHREY. It is rather difficult to know, sometimes.

Mr. MORSE. I wanted to know whether it was the Senator from Minnesota or the Senator from Alabama because I wished to know to whom I should address my question.

Mr. HUMPHREY. The Senator may take his choice. The Senator from Alabama is in charge of the Foreign Service buildings bill.

Mr. MORSE. I am a very impartial person. I like the Senators so much that I will make my choice.

With a flip of the coin, I make my choice—the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator. He is a man of good choice and good fortune.

Mr. MORSE. I ask the Senator from Minnesota if the leadership will look with favor upon postponing until Monday any further consideration of the so-called Embassy bill.

Mr. HUMPHREY. I will defer to the Senator in charge of that bill. I myself have a point of view on it, but I would first like to defer to the Senator from Alabama.

Mr. MORSE. I would like to hear from the acting majority leader.

Mr. SPARKMAN. Mr. President, I should like to say that just as soon as the Senator from Minnesota completes his statements for the RECORD it is my intention to ask that the bill be laid down as the pending business and then that the Senate adjourn under the order previously entered.

The acting majority leader [Mr. HUMPHREY] has promised me that he will attend to that chore, and that I may be on my way. If that is agreeable, Mr. President, I shall accept his kind offer.

Mr. HUMPHREY. The Senator can rest assured. May I say to my good friend from Oregon, who looks so sprightly and so full of vim and vigor, my casual observation of the situation indicates that it may not be a bad idea to discuss the bill on Monday.

Mr. MORSE. And Tuesday and Wednesday.

Mr. HUMPHREY. And possibly Tuesday, Wednesday, and Thursday, but the Senator can rest assured that no action will be taken on the bill at this time except to lay it down and make it the unfinished business.

FOREIGN AID REDUCTIONS

Mr. HUMPHREY. Mr. President, yesterday the cut of $1,124 million below the President's request for his foreign aid program was upheld in the other body. At the same time the President was addressing the annual meeting of the International Monetary Fund and International Bank for Reconstruction and Development to appeal directly to the finance ministers of 82 nations for greater assistance on foreign aid, defense, and international monetary problems.

The contrast between these two events is shocking and very revealing. We ask others to do what we are not prepared to do ourselves. At precisely the time the Nation should be demonstrating its determination to continue the long, difficult, and I will admit, often frustrating cold war against communism through a vigorous program of foreign aid, we find the program being destroyed by legislative action.

As the President forcefully stated yesterday, other prospering nations in the world are now in a financial position to bear an ever-increasing responsibility for assisting the less-developed areas of the world. The United States is making a determined effort to see that the newly prosperous nations of Western Europe and Japan recognize their responsibility and act decisively to meet it.

We are indebted to the President for his frank talk to the conference on yesterday.

Let me quote to the Senate the forceful words the President used yesterday in making this point before the International Monetary Fund and the International Bank for Reconstruction and Development:

> No other country or currency has borne so many burdens. But we cannot and should not bear them all alone. I know that other countries do not expect us to bear indefinitely both the responsibility of maintaining an international currency and, in addition, a disproportionate share of the costs of defending the free world and fostering social and economic progress in the less developed parts of the world. * * * In short, our balance-of-payments deficit is not the result of any monetary or economic mismanagement but the result of expenditures our people have made on behalf of the people of the free world.

The President then went on to specify the difficult and demanding—but I must emphasize, the only possible course of action for the United States and the free community of nations to follow:

> All of us here are determined to follow the only other feasible course—not the unacceptable course of restriction and isolation or deflation, but the course of true cooperation—of liberal payments and trade, of sharing the cost of our NATO and Pacific defenses, of sharing the cost of the free world's development aid, and of working together on steps to greater international stability, with other currencies in addition to the dollar bearing an increasing share of its central responsibilities.

Mr. President, it is completely obvious to me that a drastic reduction in our own contributions is just about the worst way to achieve this multilateral cooperation. These are the plain facts, and it is about time everyone in Washington recognized them.

Today the world needs greater contributions for economic assistance from the more prosperous and industrialized nations of Western Europe and other areas, and also needs the full measure of contributions from the United States.

Mr. President, there are times when I practically despair over this situation. How can we talk of "total victory over communism" out of one side of our mouths and attack the most effective weapon we have against communism out of the other? As the New York Times noted in a highly perceptive and hard-hitting editorial this morning, "Today Moscow is rejoicing." Of course the Russians are rejoicing. They are able to appreciate the great victory the cause of world communism sustained yesterday.

I do not believe many people have ever accused the Communists in Moscow of being stupid people. We know they are smart and they know it. We know they are crafty. We know they are skilled political operators.

Moscow has good reason to rejoice. The cuts made yesterday give Moscow real hope that the Alliance for Progress will flounder. The Russians rejoice with the possibility that the Peace Corps will have to cut back its operations. They see a major retrenchment in the long-term development loan program. They see the possibility for continued independent U.S. initiative in Eastern Europe stifled. All of these possibilities are seen by Moscow and the Russians rejoice at the prospect. And well they might.

It is interesting to me, Mr. President, that, on the one hand, voices can be raised in the Congress to say, "we should get tough with Castro," or "we should call Khrushchev's bluff"; while, on the other hand, voices seek to reduce sharply and drastically a vital part of our total national security system; namely, the foreign-aid program, which includes military assistance to our allies, economic assistance to friendly countries, and technical assistance to underdeveloped countries.

We are told we cannot afford the foreign-aid program at the levels proposed by the President. What are these levels? How much are we asked to invest in foreign aid? We are asked to contribute less than 1 percent of the country's total annual production. We are asked to contribute less than one-tenth of the sum appropriated for strictly military spending. This amount is even less than the total quickly agreed upon by both Houses for the space program.

I am not proposing we should have appropriated less money for either military security or an adequate space program. But I am saying that we must recognize, on the basis of the most obvious criteria, that our foreign-aid program is part and parcel of the same great effort: the long and bitter struggle against the forces of Communist tyranny.

I am of the opinion, that too few of us seem to be willing to openly acknowledge that the struggle against the Communist forces and the other forces of disorder and chaos may last for many years. If we weary of this task, if we reduce our efforts, if we retreat from the responsibility, we will soon find that we have built a garrison America—pouring in billions and billions and billions of dollars' worth of our resources, building a huge military power in America—only to find the world a desert of Communist tyranny and Communist oppression. It seems that we ought to recognize that technical assistance, economic assistance, and military assistance are vital and integral parts of the total overall foreign policy, national defense policy, and national security policy.

Mr. President, much more will be said about the foreign-aid expenditures in the coming days. This is only my first statement. I personally will have much more to say. But I thought it was incumbent upon me to give clear notice that these foreign-aid reductions are not going to remain uncorrected, if I can have any influence or effect on them. We are not going to hand the world to Moscow in this fashion. We have been in this fight for 15 years and we intend to stay in its for 50 more, if that is what it takes to win.

For those who want a victory policy, may I suggest that victory oftentimes does not come readily, quickly, or easily. It comes to those with perseverance, patience, and courage; to those who are persistent, to those who do not relax or relent.

I appeal to my colleagues in the Congress to maintain the program we have initiated, and not to relax one bit. I appeal to my colleagues to show the kind of firmness and steadiness the world needs from a responsible leader, the kind which Mr. Khrushchev and other despots respect.

Mr. President, I ask unanimous consent that the full text of President Kennedy's remarks before the International Monetary Fund be printed in the RECORD at this point. I also ask that the New York Times editorial, deploring the reductions in foreign aid sustained by the other body, be printed in the RECORD at this point.

There being no objection, the address and editorial were ordered to be printed in the RECORD, as follows:

TEXT OF PRESIDENT KENNEDY'S SPEECH TO WORLD BANK AND FUND

This is my first opportunity to take part in your annual meetings and to welcome you here to Washington—and I do so with the greatest of pleasure. For you are concerned with the problems which have been among my primary concerns since the day I took office exactly 20 months ago; and in that time I have come to appreciate how vital a role is played by the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions.

The work of the International Development Association is particularly important—and this country fully supports the proposal that the executive directors develop a program to increase its resources.

The pioneering practices of the Bank—which have set a standard for others to follow—will sorely miss the services of Eugene Black.

I hope he will permit us to call upon his wise counsel in the future—and that the rest of us, in pursuing the goals which he set, will increase our own efforts—including efforts in the industrialized countries to provide greater capital assistance to the less-developed areas—efforts also in the industrialized countries to maintain at home prosperous and easily accessible markets for the the products of the growing nations—efforts to reach commodity agreements and other arrangements which will help stabilize the export earnings of those nations—and, finally and most importantly, greater efforts in the developing nations themselves to mobilize effectively their own people and their financial resources, and to make certain that the benefits of increased output are shared by the many and not by the few.

In addition to these discussions on the role of the Bank, your meetings this year, as was true last year, are giving top attention to the state of the dollar—and that has been at or near the top of my own agenda for the last year and a half.

DOLLAR TERMED GLOBAL

We in the United States feel no need to be self-conscious in discussing the dollar. It is not only our national currency—it is an international currency. It plays a key role in the day-to-day functioning of the free world's financial framework. It is the most effective substitute for gold in the international payments system.

If the dollar did not exist, as a reserve currency, it would have to be "invented"—for a volume of foreign trade already reaching $130 billion a year and growing rapidly, accompanied by large international capital movements, cannot rest solely on a slowly growing stock of gold which now totals only $40 billion.

The security of the dollar, therefore, is and ought to be of major concern to every nation here. To undermine the strength of the dollar would undermine the strength of the free world. To compete for national financial security in its narrowest sense by taking individual actions inconsistent with our common goals would in the end only impair the security of us all.

I recognize that this Nation has special responsibilities—as one of the leaders of the free world, as its richest and most powerful nation, as possessor of its most important currency, and as the chief banker for international trade. We did not seek all of these burdens—but neither do we shrink from them. We are taking every prudent step to maintain the strength of the dollar, to improve our balance of payments, to back up the dollar, by expanding the growth of our economy.

We are pledged to keep the dollar fully convertible into gold—and to back that pledge with all our resources of gold and credit. We have not impaired the value of the dollar by imposing restrictions on its use. We have not imposed upon our citizens in peacetime any limitations on the amount of dollars they may wish to take or send abroad. We have followed a liberal policy on trade. And we have continued to supply our friends and allies with dollars and gold to rebuild their economies and defend their freedom.

WILLINGLY DONE

All this we have willingly done. No other country or currency has borne so many burdens. But we cannot and should not bear them all alone. I know that other countries do not expect us to bear indefinitely both the responsibilities of maintaining an international currency and, in addition, a disproportionate share of the costs of defending the free world and fostering social and economic progress in the less-developed parts of the world.

Concern over our imbalance of payments is not our concern alone—for it is not caused by our own narrow self-interest. Our deficit this year is expected to approximate $1,500 million, a considerable improvement over last year's $2,500 million and even higher deficits in the years before. But our total gross military expenditures abroad are $3 billion alone. Our dollar aid expenditures abroad are $1,300 million. The dollar itself is strong—and our commercial trade, excluding exports financed by aid, produces a surplus of nearly $3 billion.

In short, our balance-of-payments deficit is not the result or any monetary or economic mismanagement, but the result of expenditures our people have made on behalf of the people of the free world.

In 1946 the United States held over 60 percent of the world's supply of gold. Now we are down to 40 percent. And during that time we have spent some $88 billion overseas for the defense and the aid of others. The European nations alone received some $26 billion in economic aid. The United States as a result no longer has a disproportionate share of the free world's gold, economic strength—or economic responsibility.

That is why I emphasize once again: These are not American problems, they are free world problems. They are problems which cannot be met by one nation in isolation or by many nations in disarray. They are not the sole concern of either the rich or the poor, of either deficit or surplus nations alone. When burdens are shared, there is no undue burden on any nation. When risk is shared, there is less risk for all. And cooperative efforts to defend the international currency system based primarily on the dollar, and to share other responsibilities, are not, therefore, based on appeals to gratitude or even friendship, but on the hard and factual grounds of self-interest and commonsense.

EASY WAY OUT DEFINED

Of course, the United States could bring its international payments into balance overnight if that were the only goal we sought. We could withdraw our forces, reduce our aid, tie it wholly to purchases in this country, raise high tariff barriers and restrict the foreign investment or other use of American dollars. Such a policy, it is true, would give rise to a new era of dollar shortages, free world insecurity and American isolation—but we would have "solved" the balance-of-payments problem.

But the basic strength of the dollar makes such actions as unnecessary as they are unwise. They would not only be inconsistent with the responsibility and the role of the United States in the world today; they would—because of the crucial role of the dollar—be utterly self-defeating. All of us here are determined to follow the only other feasible course—not the unacceptable course of restriction and isolation or deflation, but the course of true cooperation—of liberal payments and trade, of sharing the cost of our NATO and Pacific defenses, of sharing the cost of the free world's development aid, and of working together on steps to greater international stability, with other currencies in addition to the dollar bearing an increasing share of its central responsibilities.

We in the United States recognize that our own obligation in this regard includes, as a matter of first priority, taking action to eliminate the deficit in our balance of payments, and to do so without resorting to deflation or retreating to isolation.

I have spoken frankly at this meeting because these two successful institutions, the Bank and the Fund, have long flourished in a spirit of candor, and have consistently shown a reliable capacity to respond both flexibly and effectively to new needs and new challenges. This spirit of cooperation and candor and initiative will, I know, continue in the future. For only in this spirit can we hope to maintain a sturdy free-world financial system, with stable exchange rates, capable of supporting a growing flow of trade and foreign investment, free from discriminations and restrictions.

I HAVE SPOKEN FRANKLY

I have spoken frankly, moreover, because I believe the current strength of the dollar enables us to speak frankly and with confidence. Some sharing of responsibilities has already been achieved.

Considerable progress in the balance of our international accounts has been made.

A new agreement among 10 industrialized countries to supplement the resources of the Fund, with special borrowing arrangements of up to $6 billion, has been concluded, and implementing action will be completed by the U.S. Congress within the next few days or weeks.

Less formal arrangements between the major trading countries have also been evolved to cope with any potential strains or shocks that might arise from a sudden movement of capital. These arrangements, I should add, contain within themselves the possibility of wider and more general application—and this country will always be receptive to suggestions for expanding these arrangements or otherwise improving the operation and efficiency of the international payments system.

All of this is ground for confidence, for making it increasingly clear that no extreme or restrictive measures are needed, that speculation against the dollar is losing its allure and that the economy of the United States can continue to expand in a framework based on the maintenance of free exchange and the early achievement of equilibrium. The expansion in our domestic economy, while not all that we had hoped, has been substantial—and, of equal importance, it has been accompanied by price stability. Wholesale prices for industrial goods are actually lower today than they were during the recession months of 1961.

Nevertheless, I do not underestimate the continuing challenge which faces us all together. The very success of our efforts—the very prosperity of those who have prospered—imposes upon us special obligations and special burdens. Centuries ago the essayist, Burton referred with scorn to those who were "possessed by their money" rather than possessors of it. We who are meeting here today do not intend to be mastered by our money or by our monetary problems. We intend to master them, with unity and generosity—and we shall do so in the name of freedom.

[From the New York Times, Sept. 21, 1962]

The Battle for Foreign Aid

President Kennedy has properly declared that it makes no sense at all for Congressmen to oppose communism with oratory and then to approve crippling cuts in the foreign aid program, which is a central weapon in the fight to preserve freedom. But last night the House of Representatives ignored the President's good advice and approved the completely inadequate foreign aid funds recommended by its Appropriations Committee. Today Moscow is rejoicing; and we can only look to the Senate to prevent the damage which would result if this irresponsible action of the House were to be confirmed.

The chief argument advanced against the foreign aid program is usually some variant of the idea that we cannot afford it. The President's request for $4,752 million is, however, less than 1 percent of the country's total annual production. This is true even now when we have substantial unemployed human and material resources. The United States is spending more than 10 times as much money for military strength, and there has been congressional pressure for spending even more in this area than the administration believes is wise. President Kennedy pointed out last week that this year's space budget is $5,400 million, almost a billion dollars more than he asked for foreign aid.

But neither nuclear weapons nor spaceships affect the poverty which is the chief source of world instability and the chief breeding ground of communism. It is incomprehensible that this Nation can afford what it is spending for arms and for space research purposes and cannot afford the modest foreign aid request. In respect to the alleged drain of the foreign aid program on our balance of payments, the fact is that almost 80 percent of economic aid funds are spent in this country. The great outflow of American tourists abroad each year is a far larger burden on the U.S. balance-of-payments position than is foreign aid.

The United States alone cannot meet the entire problem posed by the underdeveloped nations, nor should it. Bilateral aid is actually in many ways less desirable than multilateral aid, and certainly the newly prosperous nations of Western Europe and Japan can and should contribute more to meeting the need. But a drastic reduction in our contributions to this purpose is not the way to persuade these nations to be more generous on their own account.

The President's statement on the cuts by the House Appropriations Committee was so much to the point that we reproduce it here:

"The drastic cut in foreign aid funds recommended by the House Appropriations Committee poses a threat to free world security.

It makes no sense at all to make speeches against the spread of Communism, to deplore instability in Latin America and Asia, to call for an increase in American prestige and an initiative in Eastern Europe—and then vote to cut back the Alliance for Progress, to hamper the Peace Corps, to cut off surplus food shipments to hungry Poles, to repudiate our long-term commitments of last year and to undermine the efforts of those who are seeking to stave off chaos and Communism in the most vital areas of the world. Foreign aid has increasingly meant trade, sales and jobs in this country, and reform, progress and new hope in the developing countries.

"The aid program is just as important as any military spending we do abroad. You cannot separate guns from roads and schools when it comes to resisting Communist subversion in underdeveloped countries. This is a lesson we have learned clearly in South Vietnam and elsewhere in southeast Asia. To mutilate the aid program in this massive fashion would be to damage the national security of the United States.

"I cannot believe that those in both parties who have consistently voted in the course of three Administrations to fulfill this Nation's obligations of leadership will permit this irresponsible action to go uncorrected."

PERSON-TO-PERSON FOREIGN AID

Mrs. NEUBERGER. Mr. President, I was interested in the remarks made by the Senator from Minnesota with respect to the foreign aid program, which the Congress is considering. It is apropos at this time that I comment on a letter I received recently, because it shows a form of foreign aid in which many of us can participate, not in the realm of billions of dollars.

A young man named Jay Jacobson, formerly on my office staff, became interested in working for the Government of Nyasaland. He and his wife Pat recently went to that emerging country, where Mr. Jacobson is helping to write a constitution. He and Pat saw the need for a real person-to-person aid for the people of Nyasaland, and, as an extracurricular activity, they have been teaching English to any who wanted to learn and were interested. He wrote me in desperation and said, "We have no teaching material. We have no books."

My office got busy. We went to the Library of Congress and got some of the books which that institution gives out every so often. We gathered books up from here and there, from near and far, and those books finally have arrived in Nyasaland.

I think it is of interest to all of us who are concerned about our brothers and sisters in other countries to read some remarks from this remarkable letter, as to what a little bit of foreign aid did in Nyasaland.

> You could have pushed me over with the well-known feather when the messenger from the American consulate in Blantyre strolled through my door in Zomba on Friday with the package of books that you sent on the 5th of July. Other than the fact that it appears that diplomatic pouch crosses the Atlantic in much the same manner as Francis Chichester, the books were a splendid surprise. I took them down to the school that evening, and the students were ecstatic. Many of them had never seen a hard-cover book before, and the Agricultural Yearbooks that you and Walt must have found up in the attic were a particular curiosity and delight.

I add that when they were putting these old yearbooks in the packet I demurred somewhat, but this statement shows how desperate the people of Nyasaland were for reading material.

> The school was disrupted for about half an hour while all the students came to see the books. They couldn't believe that the books were for them and I must have told them a dozen times that these were gifts from friends in the United States. Then, as they crowded around and flipped the pages of the books and pamphlets and maps, I was cross-examined on the contents and the meaning of many words that they didn't understand. Is Oregon like Nyasaland? Can people really read books like this whenever they want to in the United States?
>
> Even after the classes finally did get underway, I would be teaching about participles, and a student would put up his hand and ask "Can one read these books for free?" There is currently a hot debate raging in the school as to whether the president of the school should thank you in one letter or whether each student should thank you in his own letter (trouble here is many can't afford the postage) or whether the president and the secretary of the school should write one letter and then all hundred-and-some-odd students should sign it. This particular protocol problem is one in which I have not the heart to interfere, but it may delay the letter of thanks that will shortly be issued.

Since receiving that letter, written in August, I have received another letter, and the interest in the books continues.

The point I wish to make by telling the story and reading the portion of the letter is that perhaps some of these simple things can be as effective as a great outlay of money.

I have encountered a very peculiar situation. Other people have heard this story and have wanted to send books to Nyasaland, Laos, or some other country. The difficulty we are having in arranging for the shipments of the books is beyond my understanding. I am now working on a project to try to get the Navy to carry over some of the books, or in some way to render a simple service in connection with a project which has met with such success in this instance.

PACIFIC-AMERICAN STEAMSHIP ASSOCIATION POSITION ON TRADING WITH CUBA

Mrs. NEUBERGER. Mr. President, a telegram to the President from the Pacific-American Steamship Association offers the provocative suggestion that the administration block the carriage of foreign aid or surplus cargo by vessels engaged in the Cuban traffic.

It is only reasonable that we demand that the privilege granted to foreign-flag vessels to carry our foreign aid cargoes not be abused.

I ask unanimous consent that the text of the association's telegram appear at the conclusion of my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

> PACIFIC AMERICAN
> STEAMSHIP ASSOCIATION,
> *San Francisco, Calif., September 18, 1962.*
>
> THE PRESIDENT,
> *The White House,*
> *Washington, D.C.:*
>
> Respectfully suggest an unprovocative method available to you to discipline foreign-flag merchant ships which persist in trading with Cuba.
>
> Suggest Presidential instructions to responsible Government agencies to resume control over ocean transporation of Public Law 480 and other similar cargoes which are lifted on foreign-flag vessels for the purpose of stopping bookings on any foreign vessels which have recently traded with Cuba or Red China. No such authority or control new exists. Responsible agencies should be required to be furnished with names of vessels recently trading with Cuba and be given authority to disapprove charters or use of such vessels for carrying foreign aid or surplus cargoes.
>
> This would at least bring to a halt our Government's aiding and abetting those shipowners abroad who refuse to stop their profiteering with our declared enemies.
>
> We fully support efforts of State Department to seek voluntary prohibitions by negotiation with NATO countries. As constituent member of international chamber of shipping, we join with our east coast colleagues in trying to get voluntary withdrawal of free world shipowners from these nefarious trades. Also, we are asking American shipbrokers to stop acting as agents for vesseles which trade with countries such as Cuba and Red China.
>
> But, we are skeptical of early voluntary results and the situation calls for use now of governmental authority already available.
>
> Action your part to stop American largess to these profiteers will deter many foreign owners from further Cuba and Red China trade, since U.S. surplus cargoes too good to give up. It will also serve notice to all maritime nations that the 50 percent carriage of our foreign aid cargoes which foreign-flag vessels now enjoy by statute is a congressionally sanctioned privilege, not a vested international right. Also, this privilege has a price in terms of keeping the peace which is at least equal to that which American shipowners are paying.
>
> It is paradox that Treasury ruling T–1 and T–2 of December 1950, should prohibit U.S.-flag vessels from ever again calling at U.S. ports if they trade with Red China and Cuba, and, at the same time, it permits foreign-flag vessels to call here under same circumstances. Would ask that T–1 and T–2 be amended to stop any vessels of a foreign owner who allows any of his ships to trade with Cuba and Red China from calling at U.S. ports to lift any cargo—commercial or governmental. At the very least, however, such vessels should not be allowed to carry Government-sponsored grain or other cargo.
>
> When you were member of Senate Investigations Subcommittee, the records in the 1955 hearings on China trade showed several hundred European-flag vessels were concurrently enjoying both China trade and the lucrative U.S. aid cargoes. No success in calling halt then but the power to do so is now in your hands.
>
> Am taking liberty of furnishing copies of this communication to Secretaries of State, Defense, Treasury, Commerce, and Agriculture.
>
> RALPH B. DEWEY,
> *President.*

CONGRESS, THE PUBLIC, AND THE STATE DEPARTMENT

Mr. HUMPHREY. Mr. President, every Member of this body is concerned about the need for public understanding and support of U.S. foreign policy. Among the many articles and studies on this subject, few have impressed me so favorably as did an article in the July 26 issue of the Wall Street Journal by Staff Reporter Alan L. Otten. Mr. Otten illuminates the difficulties of the State Department in winning the confidence of the American people in general and the U.S. Congress in particular. The article is both a record of progress and an index of the vast amount that remains to be done. I ask unanimous consent that Mr. Otten's feature article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, the State Department is making a determined effort, within the limits of its present resources, to improve its liaison with Congress and the public. Secretary of State Rusk, AID Administrator Fowler Hamilton, and Assistant Secretary of State for Congressional Relations Fred Dutton all are to be commended for trying to keep the Congress informed on critical and controversial issues in foreign policy, for improving the quality and responsiveness of State Department mail, for working hard for the adoption of President Kennedy's foreign policy legislation, and finally, for realizing after years of neglect that ordinary American citizens have just as great a stake in our foreign policy as does anyone else in this country or abroad. Alan Otten has performed a valuable service by pointing out the unfortunate gulf between the inbred, "elite" career diplomat and the Representative and Senator who face reelection at stated intervals. Deputy AID Administrator Frank Coffin, himself a former Representative, is quoted by the Wall Street Journal as saying to the AID executive staff:

> Congressmen are not boobs. They can tell if someone is being contemptuous, and they're going to hit back. Unless you have the attitude that these men are intelligent and responsible, you're going to be in deep trouble.

I always thought Frank Coffin was a wise and sensitive man; now I am convinced of it. Representatives are keenly attuned both to the concerns and anxieties of the American people as well as to the foreign policy requirements and objectives of the United States of America. If outside pressures sometimes cause Representatives to act recklessly, they at least avoid the pressures for conformity and inaction that so often paralyze the career bureaucrat. Congress may rock the boat from time to time—although a responsible Representative or Senator never opposes the administration for the sake of opposition—but Congress at least wants the ship of state to sail the high seas and not just stay tied at the wharf. I make these remarks with due respect for the traditions and accomplishments of those two great branches of our Government, the legislative and the executive.

Mr. President, we are fortunate that few Representatives seek the headlines that come from attacking the administration on each and every foreign policy issue. On several occasions in the past I have expressed concern about the difficulty of identifying the State Department with the aspirations of the American people. It is wrong, Mr. President, for those who formulate and execute our policies to be constantly warring either with the increasingly articulate public or with an increasingly cantankerous and exasperated Congress. Not too long ago I spoke to separate audiences consisting of senior officials of the State Department, junior Foreign Service officers, and officials of the Agency for International Development. I told each of these groups, in effect, that it was imperative that they develop a better understanding of the legislative process, that they acquire a thorough command of their materials before testifying to congressional committees, that they never try to hoodwink the Congress as to their progress or lack of progress, and that they carry out to the best of their ability the sense of Congress as expressed in adopted legislation and legislative histories.

At the same time, I am keenly aware of the manifold pressures on every high administration official—pressures which make intolerable the burden of testifying for hours on end to different committees and subcommittees about basically similar pieces of legislation. Each committee has a natural desire to hear the views of the most authoritative Cabinet or sub-Cabinet officer concerning bills of immense complexity and importance. Yet in practice this means that Secretary of State Rusk, Secretary of Defense McNamara, Secretary of Commerce Hodges, and other outstanding Cabinet members in many instances have to give more time to Congress than they give to their own Departments.

As one means of improving this inefficient procedure, I have informally suggested that the Senate adopt the practice of inviting senior Cabinet officials to appear before it and answer questions from the floor concerning specific legislation, general problems of policy and administration, and the operation of their Departments. Such a "question period" would give the whole Senate an opportunity to direct questions at individual Cabinet members without haling them before one committee after another to the detriment to their health and efficiency. A question period—say, once a week during the session of Congress—would improve relations and mutual understanding between Congress and the executive branch. It would have a marked beneficial effect upon the conduct of our foreign relations.

Naturally any idea of this kind has to be investigated thoroughly. Cogent objections to a question period in the Senate have appeared in the daily press. Most objections center around the incompatibility of the parliamentary system with the Presidential system as we practice it here in the United States. The purpose of a question period would be not defeated even if it did not result in a substantial reduction of required committee appearances for Cabinet officers.

It could and would provide for the separate Houses of the Congress a vital and needed contact with the senior officers of the Government.

I am giving considerable thought to the mechanics of implementing this suggestion, however, and if certain problems can be resolved to my satisfaction, I shall introduce a resolution enabling members of the administration to appear before the Senate, which would sit as a Committee of the Whole for the purpose of interrogation.

A question period, however, only partially disposes of the problem of improving liaison between the State Department and the general public. Alan Otten puts his finger on the problem when he states that the State Department "lacks a readily identifiable, politically powerful constituency in the United States." Perhaps such a constituency cannot be created under existing conditions, but much more could be done to marshal the support of U.S. citizens for the basic objectives of our foreign policy. Much more should be done simply to inform the American public. Too many people honestly believe, I regret to say, that the President of the United States has shown weakness by submitting a plan for disarmament and arms control to an international conference. I wish that the American public had a change to see for themselves that U.S. foreign policy is deeply patriotic and is keyed to the ultimate interests of the United States.

To a heartening extent the State Department has recognized its responsibility to the American public. Its officials no longer hesitate to leave Foggy Bottom for speeches to regional foreign policy conferences, schools, civic groups, and other organizations. Editors, broadcasters, newsmen, and educators attend background seminars conducted by the Department in Washington and elsewhere. The Department has a lengthening mailing list of speeches and pamphlets to organizations and individuals around the country.

Progress of this sort is encouraging. It is limited, however, by lack of funds and by the resistance of certain powerful figures on Capitol Hill who are stubbornly opposed to activities designed to improve its image with the public and enhance its effectiveness in the Federal system.

Mr. President, I have had the privilege of corresponding with several prominent and respected members of this administration concerning the absence of grassroots support for the State Department. I wish to give full credit to Mr. Pierce Butler III, of St. Paul, Minn., for again stimulating my interest in this problem. Pierce Butler, incidentally a lifelong Republican, suggests that small towns and rural areas, as well as the larger urban centers, be given an opportunity for the broadest possible discussion of foreign policy problems. In these outlying areas there is undoubtedly much untapped interest in American foreign policy. What is needed is a concentrated effort to stimulate informed discussion of our country's role in the world of today. One excellent suggestion for better informing the American public would be to hold organized foreign affairs discussions—say, on the campus of State teachers' colleges or at a centrally located county seat—which would be attended by Washington officials at the highest possible level. The thought behind this suggestion is welcomed by the State Department and other key administration officials. It deserves the specific approval of Congress. One thing is clear; we need a "foreign affairs constituency" and we need to create it in the very areas which breed the most destructive criticism of our foreign policy. An initiative in this direction would help forge a new frontier of understanding and enlightenment for all Americans.

EXHIBIT 1

[From the Wall Street Journal]

WOOING CONGRESS—THE STATE DEPARTMENT DRIVES TO OVERCOME LAWMAKERS' HOSTILITY—OFFICIALS STEP UP CONTACTS TO EXPLAIN POLICIES, SEEK TO CURB DIPLOMATS' DISDAIN—CONGRESSMEN ARE NOT BOOBS

(By Alan L. Otten)

WASHINGTON.—The Kennedy State Department is out to woo an important but frequently hostile power: The U.S. Congress.

While other Federal Departments face occasional trouble on Capitol Hill, the State Department is in chronic difficulties; it's a perennial target, a favorite whipping boy. Of late, the relationship has seemed even icier than usual.

Half a dozen bitter battles had to be fought before the foreign aid authorization bill could become law; the actual appropriation, still to come, will certainly be cut deeply below the President's request. The United Nations bond purchase plan, after a stormy Senate passage, has House Democratic leaders worried and on edge. The State Department's own appropriations request has just been sliced better than 15 percent in the House, amid thunderous criticism. Almost daily the Senate and House Chambers resound with attacks on the Department's policies and actions in Berlin, Laos, Latin America, the Middle East, and other world trouble spots.

To repair the damage, Department officials from Secretary Rusk on down are resorting to an unlikely mixture of diplomatic wiles and domestic political techniques.

CHANGING STEREOTYPED THINKING

"Our problem," says a top State Department official, "is to change attitudes and stereotyped thinking on both sides of the relationship. We must make Congress think better of the Department, and we must make the Department think better of Congress."

Secretary Rusk, having devoted most of last year to getting better acquainted with his foreign counterparts, is now cultivating Congress. So far this year over 40 Senators and 100 House Members of both parties have come in groups of 8 or 9 for breakfast or lunch at the State Department; Mr. Rusk usually hits the high spots of U.S. foreign policy problems and then answers questions. Though the soft-spoken Secretary usually comes through poorly in formal speeches or TV appearances, Congressmen agree that he seems well-informed, frank, and firm in these private sessions.

About once a week, Mr. Rusk takes small groups of Congressmen out for an evening sail on the President's yacht, and here social small talk prevails unless some Congressman switches to a weightier topic. Under Secretaries Ball and McGhee have also done some mealtime proselyting at the State Department, while Fowler Hamilton, boss of the Agency for International Development (AID), has had key lawmakers at his home for small breakfast or dinner gatherings. Mr. Hamilton has personally called so far this session on about 150 House Members and 50 Senators in their Capitol Hill offices for 30- to 45-minute chats on his plans and problems in foreign aid; the day before the House voted on the foreign aid bill, Mr. Hamilton got around to chat with 26 Members.

MORE BRIEFING SESSIONS

In August the Department plans to resume once-a-week briefing sessions on Capitol Hill for Members generally. In April, the Department tried to attract Congressmen each Wednesday at 5 p.m. to hear one or another assistant secretary discuss current problems in his geographic area—Averell Harriman on the Far East, G. Mennen Williams on Africa, Foy Kohler on Europe, and so on. But turnout was tiny, with absent Members citing the need to be on the floor or in their offices signing mail at that hour. The August series will be at 9 in the morning, and the Department hopes for a better response.

The Department has also held one general briefing session on the Hill for committee officials and administrative assistants of Senators and Congressmen, and hopes for another one or two before adjournment. Mass mailings now provide lawmakers with key speeches of State Department officials, background material on such topics as the "Sino-Soviet Rift" or "The U.N. Bond Issue," and even some secret administration studies in the foreign policy field.

State Department men are trying to give lawmakers faster and more informative answers to their written questions on foreign policy. Assistant Secretary of State Frederick Dutton, former White House aid now in charge of the Department's congressional liaison, reports he now sends back for better answers over one-third of all Department replies of congressional mail queries.

Officials are trying to make public many arguments previously advanced only in private. During the House foreign aid debate the Department did not rely just on its old line that aid to Communist Yugoslavia and Poland "encourages them to pursue their national interest." Instead, its friends in the House were permitted to point out that Poland and Yugoslavia do not jam Voice of America broadcasts, that American and West European papers and magazines are sold there, that English has replaced Russian as the most widely taught foreign language in Yugoslavia, that 72 percent of Yugoslav trade is now tied to the West. Before, the Department had tried to soft-pedal these ideas for fear public mention would provoke the Polish and Yugoslav Governments into reversing the situation.

DISSIPATING DISTRUST

Within the Department, officials are trying to dissipate career diplomats' longstanding distrust and even disdain for Congress, an attitude that causes or aggravates many of the Department's difficulties on Capitol Hill.

"The average Foreign Service officer regards us as the great unwashed, a bunch of clowns," says a Democratic Senator who strongly supports the Department on almost every issue. Partly this distrust seems to be almost inbred; partly it reflected the habits of speaking the indirect language of diplomacy. "We're taught from the beginning to keep things quiet while people can work on them behind the scenes," a Foreign Service officer explains.

President Kennedy, in a recent talk to Foreign Service officers, reminded them that "every Member of Congress who subjects you to abuse is being subjected himself, every 2 years, to the possibility that his career will come to an end * * * you have to remember that the hot breath is on him also."

CONGRESSMEN ARE NOT BOOBS

Deputy AID Administrator Frank Coffin, a former Democratic House Member, last week read a stern lecture to a private meeting of the AID executive staff. "Congressmen are not boobs," he declared. "They can tell if someone is being contemptuous, and they're going to hit back. Unless you have the attitude that these men are intelligent and responsible, you're going to be in deep trouble."

Mr. Dutton last month arranged to have Democratic Senators HUMPHREY, of Minnesota, and PELL, of Rhode Island, plus Republican Senator HICKENLOOPER, of Iowa, speak to senior Foreign Service officers on their complaints against the Department and suggestions for doing better; Mr. HICKENLOOPER, for example, complained that Department witnesses before Congress were frequently ill-informed and unable to explain policies in commonsense terms. Mr. Dutton has another session set up in August for junior Foreign Service officers, where Members of Congress and staff aids will try to convey some feeling of the political problems facing Congress in the foreign policy field.

Obviously some of the Department's most vexing vicissitudes stem from its policies, not its presentation of them. Lots of Congressmen and lots of citizens at large just don't like areas, and don't hesitate to say so. But the Department's whipping-boy role has persisted under Democrats and Republicans alike, under Secretaries reckoned "soft on communism" and under Secretaries reckoned "tough."

Other troubles are inherent in the department's position in the governmental scheme. It lacks a readily identifiable, politically powerful constituency in the United States. No large, vocal organizations take arms against its foes the way certain farm organizations battle for the Agriculture Department. The State Department lacks the patronage and other political favors other departments can muster to reward or penalize lawmakers. It has few jobs and contracts to hand out.

PLEADING FOREIGNERS' CAUSES

By its very function, the Department must advance the interests of foreigners. To maintain friends abroad, officials feel they must often speak out for the French business firm against the Illinois firm, for the Australian farmer against the Kansas farmer. "Considering how unpopular many of its positions are on the surface, it's amazing the Department ever gets anything at all through Congress," asserts a friendly Democratic Senator from the Midwest.

"When a Senator's mail is giving him hell for everything he's been doing, and he feels he's in trouble back home, he comes to the floor and lets fly at the State Department," an internationalist-minded Republican Senator observes. "It's the safest way to let off steam."

Declares a northern Democratic House Member who works for many department bills: "Every guy up here feels he owes himself one or two demogogic stands a year, for back-home consumption. The State Department just happens to be the safest thing to demagog against."

Mr. Rusk, his top lieutenants, and their congressional cohorts see only one way to overcome the most basic handicaps: Long-term and constant "education" of the public on the hows and whys of U.S. foreign policy. "The entire administration," says one southern Democratic Congressman, "must do more to sell foreign policy in general and particular bills, too, until Members no longer feel they have to prove their anticommunism by automatically voting against the State Department."

PRESIDENTIAL LEADERSHIP

Many believe the selling job must be led by the President himself, with frequent radio-television addresses, and with the support of other administration speakers and private organizations. "This year's tariff bill was a classic job of a long, careful education campaign paying off," a White House official asserts. "Many other foreign policy bills should be handled the same way." Declares a Democratic Senator from the Midwest: "The infantry up here can fight the battles on medicare and farm legislation and public works, the ones that have clear political impact back home. Where we need Presidential air cover is on those foreign policy votes—those are the ones we get flailed on."

Department officials already are making more and more speeches to schools, civic groups, and other organizations all across the land. They've held special "background" seminars for editors and broadcasters in Washington and for newsmen and educators in other cities. There's an ever-lengthening mailing list of organizations and individuals receiving copies of the Department's speeches and pamphlets.

Recently a daily "orientation" lecture was begun for out-of-town tourists in Washington. Top officials often make themselves available for interviews by lawmakers taping radio or TV shows for hometown consumption. Mr. Dutton's office now supplies close to 200 Congressmen with a monthly collection of "human interest" jottings that can be worked into newsletters going back home. The squibs range from a chatty report on Fourth of July festivities at oversea embassies to a rundown of stamps issued in honor of the World Health Organization's fight against malaria.

Press releases now emphasize the domestic business that will result from U.S. foreign aid. "Eighty-seven million will be spent by Pakistan for American industrial products under terms of two loans authorized today by the Agency for International Development," the AID recently announced.

But there are real limits on how much "education" the Department can do. While some of its friends on Capitol Hill urge more, many other lawmakers urge much less. The Department's public affairs division has been a favorite target of the House Appropriations Committee's economy ax.

"The job of the State Department is to carry on foreign relations, not to get in the newspapers," declares Representative ROONEY, the Brooklyn Democrat who heads the Appropriations Subcommittee handling State Department funds. Adds Representative Bow, of Ohio, top Republican on the subcommittee, "the way for the Department to improve its relations with Congress is to cut out all its propaganda and lobbying."

RESOLUTION TO ESTABLISH A CENTURY OF FREEDOM COMMISSION

Mr. HUMPHREY. Mr. President, if I am not mistaken, tomorrow is Emancipation Day. It is the 100th anniversary of the Emancipation Proclamation. On June 14 I introduced a Senate joint resolution (S.J. Res. 200) to establish a Century of Freedom Commission to develop plans for commemorating this coming year the 100th anniversary of the signing of one of the most significant documents of human progress in the annals of history.

That resolution provided for the establishment of a Century of Freedom Commission to be composed of 30 persons, including the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, who shall all 3 serve as ex officio members of the Commission; 3 Members from the House of Representatives appointed by the Speaker of the House; 3 Members of the U.S. Senate appointed by the President of the Senate; 20 members to be appointed by the President of the United States; and 1 member from the Department of the Interior who shall be the Director of the National Park Service or his representative.

The functions of the Commission would be to develop and execute suitable plans for commemorating the 100th anniversary of the Emancipation Proclamation.

One of the darkest chapters in world history was the enslavement and forced deportation of Negro men, women, and children. As our Secretary of State Dean Rusk said only recently at a dinner in honor of the President of the Ivory Coast, Felix Houphouet-Boigny, the United States can take no pride in regard to the manner in which Africans came to this country, but we can be proud of the contributions which Africans and their descendants have made to the United States.

Certainly the Emancipation Proclamation of 1863 was one of the most noble acts of government in the history of mankind. And the faith which Abraham Lincoln had in the Negro people has been confirmed by the contribution which they have made, against great odds, to our country.

I would hope, Mr. President, that this Century of Freedom Commission would among other things direct its attention to acquainting the public with the impressive accomplishments that American Negroes have made these past 100 years. It is an impressive record. It is a record in which we can all take pride. It is a record of accomplishment which deserves more attention than has been given. The Commission could perform a most valuable and important public service by focusing public attention on these accomplishments of the Negro people of America.

What appears to me even more important is the fact that there are huge areas of the world today that are now once again enslaved. What our world needs more than anything else is a worldwide emancipation proclamation that can be as effective as the one that Abraham Lincoln gave to the American people emancipating the American Negro in 1863, a proclamation that was prepared and written in 1862.

Mr. President, I ask unanimous consent that the full text of the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution (S.J. Res. 200) was ordered to be printed in the RECORD, as follows:

S. J. RES. 200

Joint resolution to establish a Century of Freedom Commission

Whereas the year 1963 will mark the one-hundredth anniversary of Emancipation Proclamation which gave freedom from slavery to four million men, women, and children; and

Whereas the number of Negroes now living in these United States is in excess of nineteen million; and

Whereas the Negro race has shaken off the intangible fetters of circumstance and contributed greatly to the growth of America and given prestige to its cultural customs and mores; and

Whereas the Negro has readily and unflinchingly taken up arms to defend American democracy in every war since Crispus Attucks died a martyr for freedom in the Boston Massacre; and

Whereas the Negro has constantly demonstrated his dedication to the American spirit of freedom by serving in key educational, military and governmental posts; and

Whereas it is appropriate that the ideals and accomplishments of the Negro race be reemphasized and given wider public knowledge on the occasion of the one hundredth anniversary of its freedom; and

Whereas it is incumbent upon us as a nation to provide for the proper observance of this American event which has been and continues to be a vital force in our history: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for appropriate and nationwide observances and the coordination of ceremonies, there is hereby established a Commission to be known as the "Century of Freedom Commission" (hereafter in this joint resolution referred to as the "Commission") which shall be composed of thirty members as follows:

(1) The President of the United States, President of the Senate, and Speaker of the House of Representatives, who shall be ex officio members of the Commission;

(2) Three members who shall be Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(3) Three members who shall be Members of the Senate, to be appointed by the President of the Senate;

(4) Twenty members to be appointed by the President of the United States; and

(5) One member from the Department of the Interior who shall be the Director of the National Park Service or his representative.

(b) The Director of the National Park Service shall call the first meeting for the purpose of electing a Chairman. The Commission, at its discretion, may appoint honorary members, and may establish an Advisory Council to assist in its work.

(c) Appointment provided for in this section, with the exception of honorary members, shall be made within a period of ninety days from the date of enactment of this joint resolution, except that vacancies may be filled after such period. Vacancies shall be filled in the same manner as the original appointments were made.

SEC. 2. The functions of the Commission shall be to develop and execute suitable plans for commemorating the one hundredth anniversary of the Emancipation Proclamation. In developing such plans, the Commission shall give due consideration to any similar and related plans advanced by State, civic, patriotic, hereditary, and historical bodies, and may designate special committees with representation from the above-mentioned bodies to plan and conduct specific ceremonies. The Commission may give suitable recognition by the award of medals and certificates or by any other appropriate means to persons and organizations for outstanding achievements in preserving the culture and ideals of the Negro, or historical locations connected with his life.

SEC. 3. The President of the United States is authorized and requested to issue a proclamation inviting all the people of the United States to participate in and observe the centennial anniversary of the historical event, the commemoration of which is provided for herein.

SEC. 4. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with State, civic, patriotic, hereditary, and historical groups and with institutions of learning; and to call upon other Federal departments or agencies for their advice.

(b) The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to Federal agencies, procure supplies, services, and property and make contracts, expend in furtherance of this joint resolution funds donated or funds received in pursuance of contracts hereunder, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purpose of this joint resolution.

(c) The National Park Service is designated to provide all general administrative services for the Commission.

SEC. 5. (a) The Commission may employ, without regard to civil service laws or the Classification Act of 1949, an executive director and such employees as may be necessary to carry out its functions. The annual rate of compensation of the executive director shall not exceed the scheduled rate of basic compensation provided for grade GS-15 in the Classification Act of 1949, as amended.

(b) Expenditures of the Commission shall be paid by the Executive Director of the Commission, who shall keep complete records of such expenditures and who shall account for all funds received by the Commission.

(c) The Commission shall submit to the President, not later than September 1, 1962, a report presenting the preliminary plans developed by it pursuant to this joint resolution. A final report of the activities of the Commission, including an accounting of funds received and expended, shall be made to the Congress and the President by the Commission not later than December 31, 1964, upon which date the Commission shall terminate.

(d) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 6. The members of the Commission and of the Advisory Council shall receive no compensation for their services, but shall be reimbursed for their actual and necessary traveling and subsistence expenses incurred by them in performing their duties.

SEC. 7. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this joint resolution, including an appropriation of not to exceed $1,000,000 to prepare the preliminary and final plans and reports of the Commission described in section 5(c) of this joint resolution.

Mr. HUMPHREY. Mr. President, it is my intention on Monday, in the morning hour or shortly thereafter, to address the Senate on the subject of Emancipation Day and its full significance, because I wish to see this particular historical event properly commemorated and celebrated in light of the contributions that our Negro citizens have made to the American community, to this great Nation, and in the light of the need for a reiteration of the principle of emancipation in the 20th century.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I am glad that the Senator from Minnesota made the preliminary statements that he has made tonight in his discussion of the great subject of emancipation. I shall look forward to what I know will be a great speech by him on Monday.

I should like to associate myself with the Senator's remarks tonight. The

American Negro still has a long way to go before he is fully emancipated. It is true that the great Emancipation Proclamation of Abraham Lincoln symbolically gave the Negro his political emancipation. But the act was only symbolical, because tens upon tens upon tens of thousands of American Negroes today are not free. They do not have the precious right to exercise what I consider to be the essentiality of political freedom; namely, the precious right to vote.

Tens upon tens of thousands of them are not economically free because they still are being held down in a form of economic slavery because when they do not have equality of job opportunities, when there is economic discrimination against them because of the color of their skin—and who will deny that that is an ugly fact in our great democracy—it follows that they do not have economic freedom. They do not have educational freedom in the United States. As a result, tens of thousands of them are being denied their rights to a free education in the United States comparable to the free education the children of white parents enjoy. Until we are willing as a people, and until our Government is insistent, as a government, that the great decision of 1954 of the U.S. Supreme Court in respect to equality of educational rights in this country should be enforced, then thousands of American Negroes will not have educational freedom.

Thus I could go down the list of the deprivations and denials to Negroes in this country of various freedoms that white people enjoy, proving my point that Negroes have a long way to go, even after many decades since the Emancipation Proclamation, to enjoy the freedom that Abraham Lincoln contemplated for them when that great historic document was penned by the incomparable Emancipation and President Abraham Lincoln. I think it is well, then, with Emancipation Day coming on, to call the attention of the American people to their shortcomings on this moral and political issue. The responsibility for the shortcomings rests—true, upon the Congress in part—but really upon the American people. It is the American people who have failed to provide full freedom to the American Negro.

The American people now have an opportunity to write a great chapter of American history in our time and make clear that they wish their representatives in Congress and in the legislative halls of the States and in the municipalities and their spokesmen on the judicial benches of America and every executive officer who deals with this problem in this Government of ours to take every step within the power of their jurisdiction to see to it that the colored people of America are granted, without further delay, full freedom in all the phases of American life.

Mr. HUMPHREY. Mr. President, I thank the Senator from Oregon for his eloquent and factual and thoughtful remarks concerning one of the most serious problems that confronts this country and what I consider to be the main item of unfinished business in our democracy.

There is no doubt about the fact that we have a long way to go as a people and as a government in fulfilling the promise of equal opportunity. The Senator is eminently correct when he cites, among other deprivations, the depriving of the right to vote, the depriving of equal opportunity of education, the depriving of equal opportunity to employment. These are but a few of the discriminations.

I do not believe that any person in public life can feel he is really fulfilling his responsibility until these wrongs have been righted, and until these inequities have been eliminated by a sense of justice and a performance of social justice.

It is my intention to discuss this subject on Monday. I do not believe it is good enough merely to celebrate the Emancipation Proclamation at the beautiful Lincoln Memorial, with a fine address, which I know will be given by our distinguished U.S. representative to the United Nations, Adlai Stevenson, and with all the other fine programs that we will have tomorrow, and then feel that somehow or other we have satisfied the requirements of that great Proclamation to our people.

The Emancipation Proclamation not only meant the freeing of the slaves, but it was a charge to the American people and to the American Government to do their duty in terms of securing equal protection of laws and equal opportunity under law.

As far as I am concerned, the real test of government is not so much what it does for the majority as what it does in terms of protecting the rights of the minority, because how a minority is treated is the real measure of the conscience of the community or of a society or of a government.

The Senator from Oregon has championed the cause of equal rights and equal responsibilities and equal privileges, as well as the assignment of duties for all Americans. I believe in the days to come we will judge the accomplishment of this Nation more by what it has done in terms of providing equal opportunity than what it has done in terms of its industry, or finance or even its science.

I thank the Senator for his contribution.

Mr. President, I should like to inquire what the pending business is before the Senate, so that it may be clear on the RECORD.

The PRESIDING OFFICER. The pending business is H.R. 11880, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 21, 1962, he presented to the President of the United States the following enrolled bills:

S. 273. An act for the relief of Hratch Samuel Arukian;

S. 2184. An act for the relief of Mrs. Heghine Tomassian;

S. 2208. An act for the relief of Su-Fen Chen;

S. 2760. An act for the relief of Yuj-Kan Cheuk;

S. 2768. An act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds thereof;

S. 3026. An act for the relief of Jeno Nagy;

S. 3475. An act to provide further for cooperation with States in administration and enforcement of certain Federal laws; and

S. 3529. An act to amend the Manpower Development and Training Act of 1962 with regard to reimbursement of the railroad unemployment insurance account.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 10 o'clock on Monday next.

The motion was agreed to; and (at 6 o'clock and 43 minutes p.m.) the Senate adjourned, under the previous order, until Monday, September 24, 1962, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1962:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR PERMANENT PROMOTION

To be senior assistant sanitary engineers

Sandler H. Dickson
Richard E. Jaquish
William T. Sayers
Walter R. Wilson

To be senior assistant pharmacists

Linton F. Angle
Fred Angres
Clarence L. Fortner
Ronald D. Gilbert
James L. Snowden

To be senior assistant sanitarian

Dale J. Johnson

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR APPOINTMENT

To be senior surgeons

Howard L. McMartin
Alice M. Waterhouse

To be senior assistant sanitarian

Lee W. Smith

FOR PERMANENT PROMOTION

To be assistant sanitary engineers

Ronald F. Coene
Elwyn Holtrop
Maris Pubulis
Charles H. Wentworth, III

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Merrill, Samuel J., O65145.

The following-named persons for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel

Benner, John G., O19571.

To be major, Army Nurse Corps

Seroczynski, Helen M., N606.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3290, and 3292:

To be lieutenant colonel, Judge Advocate General's Corps

Benedict, Harold B. (OrdCorps), O31566.

To be first lieutenant, Medical Service Corps

Bowes, Donald J., Jr. (SIGC), O75511.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be major

Garza, Carlos M., O546361.

To be captains

Adair, Billy R., O1940831.
Brogi, David M., O4052342.
Cornwell, Michael C., O4010683.
Fitzpatrick, Thomas W., O2028574.
Heffner, Gary R., O4206372.
Huebner, Robert W., O1935779.
Hurst, Dale W., O4006456.
Missildine, William E., O4031162.
Ornstein, Alvin, O4005713.
Roberts, Rodney K., O4040196.
Stratton, Jerry R., O4026184.
Suso, Anthony, O4001955.
Walter, Eugene H., O1885528.
Watkins, Walter L., O1925692.
Wiethuechter, Donald W., O2210923.
Wuerz, Donald E., O4039082.

To be first lieutenants

Barnard, Roy S., O4066576.
Brewer, James A., O4049245.
Brown, Donn W., O5203833.
Campbell, Robert P., O5002448.
Clement, L. W., Jr., O5411186.
Drew, John B., O5304106.
Fink, Henry J., Jr., O5200066.
Finlay, John C., O2290048.
Garrity, Robert A., O4085412.
Gordon, John B., O5201871.
Hedrick, Miles C., O5304721.
Hunt, Wallace G., O2263856.
Kelly, Thomas A., Jr., O4039677.
Kirby, William D., Jr., O2298272.
Krausz, George M., O5405382.
Langbein, Edward E., Jr., O4084923.
Lemons, Robert L., O4084492.
Luck, Michael W., O5405445.
Miller, Billy F., O5401004.
Miller, Roger E., O4065976.
Qualtrough, Norman E., O4010617.
Rodriguez, Cesar A., O4074199.
Ryburn, Glenn O., Jr., O5203864.
Smith, Carl R., O5301710.
Ward, Fenton M., O5402593.
Wattelet. Ronald R., O4062038.
Williams, Paul E., O5303585.

To be second lieutenants

Ancell, Vaughn K., O5705375.
Atkins, George C., O5309728.
Bell, Edward F., Jr., O5009571.
Benson, Roger R., O4013560.
Brooks, Delbert R., O5309736.
Castro, John P., O5005638.
Cole, Warner B., O5311648.
Cote, Donald L., O5007196.
Crowell, Norman T., O5701712.
Devlin, Edward T., Jr., O5307320.
Callo, Anthony J., Jr., O5008302.
Harris, David H., O5508238.
Hayes, John H., O5310887.
Hudson, Richard L., O4070786.
Jackson, Robert R., O5213732.
Johnson, Ray T., O5404486.
Lindroth, George A., O5512924.
Mahr, Bruce C.. O5007310.
Martin, Monte L., O5404393.
O'Connor, Thomas H., Jr., O5007005.
Perkins, Joseph L., O5513093.
Polich, Victor J., Jr., O5513156.
Ross, Richard H., O5512161.
Rossman, Jack, O5005145.
Rutledge, John B., Jr., O5211082.
Shinn, Frederick F., O5513041.
Snow, Edward F., O5006724.
Soderberg, Jerry P., O5705123.
Spiller, Winton, Jr., O5212674.
Stanfill, James H.,O5312063.
Stewart, James M., O5509949.
Terry, William F., III, O5312069.
Wilson, Larry R., O5508587.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294 and 3311:

To be majors, Medical Corps

Lopez, Cesar A., O4068081.
McClure, Claude, Jr., O5306802.
Schroeder, Peter, O5003479.

To be major, Medical Service Corps

Bahr, Fred R., O2051036.

To be captains, Army Nurse Corps

Nagle, Lillian H., N901465.
O'Dell, Margaret L., N902465.

To be captain, Chaplain

Hawn, Robert H., O1341266.

To be captain, Judge Advocate General's Corps

Krashes, Harold D., O2296660.

To be captains, Medical Corps

Birk, Thomas C., Jr., O5500781.
Coolidge, William A., O2305002.
Hagen, Raoul O., O2289662.
Harrison, William E., Jr., O4024848.
Lloyd, Joseph D., O2279937.
Paulsrud, David G., O2295531.
Raborn, Charles P., O1940943.
Webber, Peter B., O4039052.

To be captains, Medical Service Corps

Dowdy, Fred, Jr., O969922.
Medford, William D., Jr., O1915918.

To be first lieutenant, Army Medical Specialist Corps

Boyd, Katie A., R2298020.

To be first lieutenant, Army Nurse Corps

Garfall, Gloria M., N2304927.

To be first lieutenants, Judge Advocate General's Corps

Alexander, Kerry D., O2304300.
Foell, Darrell W., O2305825.
Hougen, Howard M., O5507327.
Neuheisel, Richard G., O5507200.
Ryker, George C., O2306112.
Steffen, William E., O2298786.

To be first lieutenants, Medical Corps

Brougher, Robert H., O5200051.
Leary, John B., O2300739.
Lett, Charles R.,
Madison, David S., O5501559.
Perito, John E., O2305008.
Ralph, James W., O5701679.
Schaffner, Frederick, O2305051.
Sinclair, Eugene P., O5501623.
Veatch, William M., O2305142.

To be first lieutenants, Medical Service Corps

Helgeson, James G., O5507157.
Hoke, Mark L., O5304341.
Keller, Thomas E.
Roper, Rex S., O4026870.

To be first lieutenants, Veterinary Corps

Farris, Richard D., O4012909.
Liddle, Charles G., O2304308.

To be second lieutenant, Army Nurse Corps

Valora, Hope E., N5411410.

To be second lieutenants, Medical Service Corps

Burch, Vernon R., O2307966.
Frickey, Norman G., O2301081.
Giove, Francis L., O5310184.
Hennessy, Albert G., O5008762.
Hunt, Dan W., O2307662.
Kash, Steven N., O2302306.
Mueller, Hans J. W., O2306002.
Soberg, David A., O5313706.

To be second lieutenant, Women's Army Corps

Tilden, Carol J., L5004571.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Dowdle, Archie B., Jr.
White, Joseph S.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Bone, Barry F.
Bouton, David A.
Briggs, David M.
Flannery, William J., III
Ghivizzani, Vincent F.
Gibson, William M.
Hayes, Ralph L.
Kelly, Edward F.
Lamont, James M., O5220354
Leone, James F.
Murray, Paul D.
Nataluk, Francis M.
Olsen, Merlin J.
Patmon, Claude
Pope, Thomas I., III
Ranallo, James, Jr.
Shellabarger, Dan G.
Shurtleff, Billy K.
Sporl, Edward F.
Stack, Robert J.
Tinker, Andrew C.
Turbok, James M.
Vogel, Melvyn L.
White, Jack H., Jr.
Wilson, Eugene K., III

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Guessna G. Harrell, Enterprise, Ala., in place of H. C. Heath, retired.

Hugh Moses, Hamilton, Ala., in place of B. M. Cooper. retired.

Percy O. Morris, Demopolis, Ala., in place of J. T. Monnier, deceased.

ARIZONA

Lorum E. Stratton, Snowflake, Ariz., in place of V. T. Denham, retired.

ARKANSAS

Thelma S. Butler, De Witt, Ark., in place of of F. E. Stephenson, retired.

CALIFORNIA

Clyde E. Avery, Blythe, Calif., in place of K. D. Rice, transferred.

George A. Newcomb, Laytonville, Calif., in place of G. O. Downie, deceased.

Robert H. Petty, Laton, Calif., in place of F. N. Blanchard, retired.

COLORADO

Elmer D. Vagher, Bristol, Colo., in place of H. L. Elmore, resigned.

CONNECTICUT

Merle E. Phelps, Staffordville, Conn., in place of Benjamin Phelps, retired.

FLORIDA

Elizabeth R. Steed, Lynn Haven, Fla., in place of V. L. Roberts, retired.

IDAHO

Maurice W. Drevlow, Craigmont, Idaho, in place of O. R. Acheson, retired.

ILLINOIS

Joel F. Parker, Divernon, Ill., in place of J. W. Rettberg, retired.

Elizabeth M. Schweizer, Elwood, Ill., in place of F. H. Blatt, Jr., transferred.

Harry H. Semrow, Chicago, Ill., in place of C. A. Schroeder, resigned.

INDIANA

Louis W. Ogden, Lawrenceburg, Ind., in place of B. H. McCann, retired.

Wayne E. Davis, Norman, Ind., in place of C. M. Bowman, retired.

Robert D. White, Patoka, Ind., in place of W. L. Alvis, retired.

Francis M. Rogers, Straughn, Ind., in place of R. J. Butler, retired.

IOWA

Cecil C. Ramsdell, Toledo, Iowa, in place of C. E. Brandt, retired.

KANSAS

Lawrence A. Baalman, Hoxie, Kans., in place of E. V. Hedge, retired.

Daryl E. Daniels, Johnson, Kans., in place of A. M. Nall, retired.

Lawrence Meidinger, Leona, Kans., in place of J. L. Dennis, retired.

KENTUCKY

Frank C. Dillon, Paint Lick, Ky., in place of K. L. Walker, retired.

Raymond Ison, Blaine, Ky., in place of Enoch Wheeler, retired.

Edith L. Cole, Columbus, Ky., in place of H. E. Davis, retired.

Mayme B. Moore, Dixon, Ky., in place of M. W. Blackwell, retired.

W. Ardel Fields, Hickman, Ky., in place of M. M. Stahr, retired.

John H. Carlberg, Muldraugh, Ky., in place of M. B. Withers, retired.

LOUISIANA

Joseph R. LeBlanc, Delcambre, La., in place of J. F. Landry, retired.

Charles E. Miller, Livingston, La., in place of H. C. Fontenot, resigned.

Toby Medlin, Marion, La., in place of A. H. Ferguson, transferred.

Joseph M. Accardo, Patterson, La., in place of S. J. Folse, retired.

Malcolm J. Donaldson, Reserve, La., in place of H. A. Duhe, deceased.

MAINE

Hector A. Lerette, Hallowell, Maine, in place of R. W. Fish, deceased.

MARYLAND

John L. Carlson, Annapolis, Md., in place of J. F. Stevens, retired.

Lenwood C. Moss, Brunswick, Md., in place of A. F. Hightman, deceased.

MASSACHUSETTS

Mary E. Baumann, Hinsdale, Mass., in place of T. F. Dehey, retired.

MICHIGAN

Wilfred F. Jacques, Paradise, Mich., in place of M. A. Monk, resigned.

Ida L. Orosz, Scotts, Mich., in place of Catherine Kline, resigned.

MINNESOTA

Mary J. Derito, Mountain Iron, Minn., in place of H. H. Schur, resigned.

Harry A. Grande, Ulen, Minn., in place of A. H. Auenson, retired.

Leonard J. Buelt, Waltham, Minn., in place of C. J. Newgard, transferred.

Herbert T. Peterson, Williams, Minn., in place of A. L. Dyrdahl, removed.

Enna A. Kallroos, Squaw Lake, Minn., in place of A. C. Anderson, retired.

MISSISSIPPI

Dell T. Frazier, Beulah, Miss., in place of B. L. Sisson, retired.

Mark Rayborn, Jr., Lumberton, Miss., in place of D. D. Hale, transferred.

MISSOURI

Dorothy A. Fritts, Amsterdam, Mo., in place of J. B. Gregory, transferred.

Glen J. Henry, New Cambria, Mo., in place of J. M. Baker, retired.

David E. Adams, Bellflower, Mo., in place of H. B. Schowengerdt, retired.

Joseph O. Greene, Bernie, Mo., in place of H. E. Roper, retired.

Gilbert Bradley, Creighton, Mo., in place of R. E. Gregg, transferred.

Maj. L. Sapp, Holts Summit, Mo., in place of R. A. McCleary, retired.

Dorothy L. Koenke, Syracuse, Mo., in place of M. F. Parsons, deceased.

MONTANA

Lucille E. Schumm, Edgar, Mont., in place of J. E. Patterson, retired.

James S. Torske, Hardin, Mont., in place of H. E. Wagner, retired.

Violet B. Wood, Joplin, Mont., in place of A. H. Sebastian, retired.

Thomas C. Martin, Hobson, Mont., in place of Lee Jellison, retired.

NEBRASKA

R. Daniel DeVries, Douglas, Nebr., in place of D. G. Hendricks, retired.

NEVADA

William G. Godecke, Minden, Nev., in place of E. S. Park, retired.

NEW HAMPSHIRE

John D. Fitzgerald, Plaistow, N.H., in place of A. J. Denault, retired.

Bernard S. Murphy, Alton Bay, N.H., in place of M. A. Lynch, retired.

NEW JERSEY

Paul J. Rudinsky, Wharton, N.J., in place of T. H. Heslin, retired.

Edward A. Struble, Butler, N.J., in place of F. G. McKeon, resigned.

Frank W. Howell III, Newton, N.J., in place of M. N. Strader, retired.

NEW MEXICO

Patsy A. Chavez, Navajo Dam, N. Mex. Office established January 10, 1959.

NEW YORK

Carol A. Lane, Chichester, N.Y., in place of Helen Bennett, retired.

Christene S. Myers, Eldred, N.Y., in place of E. C. Stevens, retired.

Thomas J. Taylor, Goldens Bridge, N.Y., in place of M. F. Grady, retired.

Joan C. Jendral, Mastic Beach, N.Y., in place of C. S. Jendral, deceased.

Victor W. Humel, Shirley, N.Y., in place of F. M. Landau, deceased.

Helen S. Hobart, Rushville, N.Y., in place of F. H. Stape, retired.

John M. Hull, Unadilla, N.Y., in place of L. S. Murphy, retired.

NORTH CAROLINA

Robert L. Lane, Butner, N.C., in place of N. B. Wilkins, deceased.

Henderson W. Haire, Garner, N.C., in place of J. G. Penny, retired.

Edward A. Griffin, Sanford, N.C., in place of A. L. Scott, retired.

William M. Carver, Durham, N.C., in place of J. C. Allen, retired.

D. Victor Meekins, Manteo, N.C., in place of B. F. Shannon, deceased.

Charlie J. Ussery, Norwood, N.C., in place of W. C. Vick, retired.

NORTH DAKOTA

Howard W. Pietan, Steele, N. Dak., in place of C. G. Foye, retired.

OHIO

Ellen L. Garner, Jerry City, Ohio, in place of H. A. DeLancy, retired.

Evelyn D. Piccin, Lansing, Ohio, in place of L. A. Franco, resigned.

Florence M. Pontious, Laurelville, Ohio, in place of F. M. Lappen, retired.

A. Cooper McCauslen, Steubenville, Ohio, in place of G. W. Conroy, retired.

Victor Videmsek, Willoughby, Ohio, in place of B. S. Daniels, retired.

Glenn A. Opfer, Lagrange, Ohio, in place of I. D. Bachtel, retired.

Jeanne D. Pyles, New Hampshire, Ohio, in place of L. O. Wale, deceased.

William C. Bolenbaugh, Ohio City, Ohio, in place of V. D. Spahr, Jr., resigned.

OKLAHOMA

Orville A. Linduff, Drumright, Okla., in place of E. C. Morris, retired.

OREGON

Sister Joseph Mary Basick, Marylhurst, Oreg., in place of Sister Rose Mercedes Armstrong, retired.

Phyllis Hill, Detroit, Oreg., in place of M. W. Moore, retired.

George B. McClure, Vale, Oreg., in place of G. A. Hart, removed.

Nathaniel L. Green, Yachats, Oreg., in place of R. H. Linville, retired.

PENNSYLVANIA

Allen G. Gombert, Jr., Parryville, Pa., in place of V. M. Arner, resigned.

Joseph W. Kudasik, Jr., Central City, Pa., in place of J. W. Kudasik, retired.

John A. Reph, Jr., Danielsville, Pa., in place of E. M. Reph, retired.

W. LeVerne Wolf, Geigertown, Pa., in place of J. E. Zerr, retired.

SOUTH CAROLINA

Mary E. Creech, Blackville, S.C., in place of J. M. Creech, deceased.

SOUTH DAKOTA

Irve C. Hanson, Pollock, S. Dak., in place of M. B. Tracy, retired.

Donald J. Stransky, Chamberlain, S. Dak., in place of A. R. Newman, retired.

TENNESSEE

Ernest M. Warmbrod, Belvidere, Tenn., in place of Clyde Zimmerman, transferred.

TEXAS

Anna L. Franklin, Fort Hancock, Tex., in place of M. E. Franklin, retired.

Louise W. McMullen, Keltys, Tex., in place of Kate Moses, retired.

June D. Moye, Donna, Tex., in place of S. L. Hooper, retired.

Ralph E. Archer, Lyford, Tex., in place of W. J. Box, resigned.

VIRGINIA

William E. Howerton, Stuarts Draft, Va., in place of A. D. Rader, deceased.

Shirley C. Carroll, Swoope, Va., in place of S. K. Burns, Jr., removed.

WASHINGTON

Carrie M. Milne, Thornton, Wash., in place of L. E. Willey, retired.

WEST VIRGINIA

Evelyn D. Lightner, Cass, W. Va., in place of F. C. Nickell, retired.

James W. Michael, Rivesville, W. Va., in place of Harry Kelley, retired.

Grady D. Owens, Summit Point, W. Va., in place of A. B. Colston, deceased.

Ronald B. Mills, Mount Storm, W. Va., in place of T. E. Schaeffer, retired.

Harold E. Starcher, Ripley, W. Va., in place of H. E. Starcher, removed.

WISCONSIN

Rudolph P. Anich, Ashland, Wis., in place of R. E. Carlston, resigned.

Joseph T. Kurylo, Hales Corner, Wis., in place of H. A. Rechlicz, resigned.

Robert K. Dusek, River Falls, Wis., in place of S. J. McCollow, retired.

WYOMING

Elmer M. Reibeling, Burns, Wyo., in place of G. E. Lyons, retired.

EXTENSIONS OF REMARKS

Winchell Columns Still Being Censored

EXTENSION OF REMARKS
OF
HON. BOB WILSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mr. WILSON of California. Mr. Speaker, some time ago, I called the attention of this body to the censorship which was imposed on the columns written by Walter Winchell because of his criticism of the New Frontier. It has been brought to my attention that portions of his columns dealing with this subject are still being deleted. He still receives letters from readers who complain that their local newspapers frequently drop Winchell columns—because they have obviously become too hard hitting.

Despite the fact that the full content of his columns may not always see the light of day, I am pleased to say that this crusading writer has not softened his remarks, that he has not bowed to the pressure to lay off the New Frontier.

Mr. Winchell is not the only newspaper man of long standing who has felt the "heat" because he has had the courage to say what he thought.

Recently, Reporter Clark Mollenhoff, author of "Washington Coverup," a book which attacks administration efforts to suppress information unfavorable to it, was personally lectured by the President for some critical passages in the book about Mr. Kennedy. Knowing this gentleman of the press, I am sure the incident will not intimidate him.

I have nothing but admiration for these journalists who print the truth despite official pressure to do otherwise. Although I would not suggest that they cannot take care of themselves, or that they ask anyone's sympathy, I think a few examples of the kind of material that has been cut from Winchell's columns will help to show what is going on here in this land of freedom.

Referring to comments that the Kennedys play a hard political game, Winchell wrote: "Definitions of hard political game: Bribery, blackjacking and blackmail." This was stricken from his column.

Unfavorable references to Arthur Schlesinger, Jr., frequently are cut out.

The following by Winchell also was stricken:

> Unemployment is a growing problem. Business failures and mortgage foreclosures are increasing. And the cost of living is at an all-time high.

In the next sentence: "The economy is not healthy," the word "healthy" was changed to read "robust."

Mr. Speaker, why in heaven's name would anyone censor such a passage when the same facts have been published on the financial pages of every newspaper time and again? Members of this Congress have said the same things many times. The statements are backed by statistical data from the Government itself.

I will say again that newspaper people can take care of themselves. They do not ask for any help. But the issue here is not the problems of individuals in the newspaper profession. It is, of course, freedom of the press, free speech, and other guarantees that were in the Bill of Rights the last time I looked.

Has someone repealed them?

Independence Day of the Federal Republic of Germany

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to His Excellency, the President of the Federal Republic of Germany, Dr. Heinrich Luebke; and His Excellency, the Ambassador of the Federal Republic of Germany, Karl Heinrich Knaptstein, on the occasion of the 13th anniversary of the German Federal Republic's independence.

On September 21, 1949, the United States, Great Britain, and France recognized the establishment of the Federal Republic of Germany. During the summer of 1948 the three wartime Allies, acting as occupying powers, agreed that the French zone of occupation should join up with the British and American zones to form a single economic and political unit. A German Parliamentary Council, elected by the state parliaments, drew up a basic law—a provisional constitution to serve pending the unification of the divided country. The basic law was approved by the Allied Commanders in Chief, and the following August elections were held for the Bundestag, or Federal Assembly. Prof. Theodor Heuss was elected Federal President, a post which he held for 10 years, winning the respect and veneration of his own people and countless friends of Germany abroad. Dr. Konrad Adenauer, leader of the Christian Democratic Union, the largest party in the Bundestag, was elected Federal Chancellor. Chancellor Adenauer has provided strong leadership for the second German democracy for a period which almost equals the entire life of its predecessor, the Weimar Republic.

September 21, 1949 did not mark the complete independence of the Federal Republic. But while the actual return of sovereignty took place in 1954, the establishment of the new state was a milestone on the road which the German people chose, the road to democratic government and full and equal partnership in the Western alliance. On the same day that the Federal Republic was established, an occupation statute went into force which defined the powers to be reserved to the occupation authorities as long as the occupation lasted. But this document proved to be a relic of the past rather than an omen of the future; from the date of its promulgation the wartime Allies reduced as rapidly as possible the reserve powers retained by them, giving the Federal Republic increasing control over its own affairs. Germany's integration into the Western World proceeded rapidly, as the Bonn Government joined the European Coal and Steel Community, the Council of Europe, the North Atlantic Treaty Organization, and then in 1957 shared in the creation of the European Common Market.

Events have moved so rapidly during these last 13 years that it is appropriate to recall how much has changed. Americans have admired the recovery of Germany, which has been aptly labeled an "economic miracle." We have watched with satisfaction as Germany resumed its place among the freedom-loving nations of the world, and demonstrated its convictions with a major contribution to Western defense. Americans have recognized that their own freedom is at stake in the freedom of Berlin. We share the anguish of Berliners over Herr Ullbricht's monstrous wall. We have ignored national boundaries in committing our strength to the defense of Berlin, just as Germans have ignored national boundaries in espousing the cause of European unity. We salute the Federal Republic of Germany on the 13th anniversary of its establishment.

Nikola Petkov—15th Anniversary Observance of His Execution by Bulgarian Communists

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 1962

Mrs. KELLY. Mr. Speaker, since the end of the last war many stouthearted and outspoken champions of freedom and democracy have been betrayed, blackmailed, and treacherously murdered or executed by Communist tyrants. Only by silencing and liquidating their actual and potential opponents have Communist leaders attained power, only through such foul and treacherous methods they have managed to stay in power in Communist-dominated countries in Europe.

Nikola Petkov, as a great popular and democratic leader in Bulgarian politics, had emerged as the bravest champion of democracy towards the end of the last war. He headed the powerful Agrarian Party and hoped to set up a democratic government in postwar Bulgaria. Of course he had no illusions about the difficulties he was to encounter in this constructive task; he knew that Communists and their friends were his formidable and deadly opponents, but he felt that as long as he could count on the support of the majority of his countrymen in a fair and honestly conducted election, he was certain of success. For 2 years this gallant son of the Bulgarian people fought the forces of communism, showing his unshakable faith in free and democratic way of life. In June 1947, when the Communist regime was firmly established there, he was blackmailed, arrested, tried on trumped-up charges of treason, and then executed on September 27. In observing the 15th anniversary of Nikola Petkov's treacherous execution by Communists, we pay tribute to the memory of this gallant Bulgarian leader, a true fighter for the cause of freedom and democracy.

Hanford Powerplant: Several Questions Must Be Cleared Up Now

EXTENSION OF REMARKS

OF

HON. BEN F. JENSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 1962

Mr. JENSEN. Mr. Speaker, on last Friday, September 14, the House approved the conference report on H.R. 11974 which included a section relative to the Hanford proposal. Under the act as passed, the Atomic Energy Commission is required to make certain determinations and report to the Joint Committee on Atomic Energy before it can execute a contract for sale of steam from the new production reactor at Hanford.

I am convinced that under this act AEC must make a complete reanalysis of the matter taking into consideration all the factors brought out in the discussion on this legislation. In this regard I insert a letter I have sent to the Chairman of the Atomic Energy Commission and one which I sent to the Bonneville Power Administrator.

If the Joint Committee on Atomic Energy keeps faith with its assurances to the House it will take no action on this matter until complete and honest reappraisal is made of the Hanford proposal.

Following letters speak for themselves:

Congress of the United States,
House of Representatives,
Washington, D.C., September 20, 1962.
Dr. Glenn T. Seaborg,
Chairman, Atomic Energy Commission,
Washington, D.C.

Dear Dr. Seaborg: The action of the House in approving the conference report on H.R. 11974—the AEC Authorization Act for fiscal year 1963—places a responsibility on the Atomic Energy Commission to make certain determinations and reports before it enters into any contract for the sale of steam from the new production reactor at Hanford.

In my opinion the legislative history is such as to require that these determinations are to be new ones, based on a complete reanalysis of the entire matter. This is as it should be, as the record is quite clear that prior AEC determinations and statements on the economics of power generation at Hanford and on the payments to be made to the Federal Treasury for use of steam and/or lease of the new production reactor were based on highly questionable assumptions and methods of analysis.

In order that I may have up-to-date information on the Hanford matter, I hereby request that you furnish me with a copy of the data called for in section 112(g) of the act in question, as soon as such data has been completed and concurrent with its presentation to the Joint Committee on Atomic Energy.

It is to be noted that the legislative history on the requirement set forth in section 112(e) is somewhat conflicting. In certain instances in the hearings and on the floor of the House reference is made to offering 50 percent participation to "private utilities"; in other instances and in section 112(e) as written, the offer is to be made to "private organizations." I now ask whether in your interpretation of this section of the act you will rule that the requirement has been met, if Washington Public Power Supply System makes an offer of 50-percent participation to one or more private industrial organizations who then refuse such offer.

The requirement in section 112(b)(2) is that the Commission shall make a determination that "The sale of byproduct energy could provide a substantial financial return to the U.S. Treasury for the benefit of the taxpayers." The joker placed in this requirement by the Hanford proponents is the use of the word "could" instead of the word "shall." As I interpret the proposed Hanford contract as now written, Washington Public Power Supply System total payments into the Federal Treasury for the use of byproduct steam from Hanford could be a maximum of $100,000 if the plant were operated dual-purpose for 1 year only and for power only the balance of the 30-year contract. Is this not so? Do you consider that such a total payment for byproduct energy meets the "substantial financial return" criteria, when interest costs would be over $2 million annually on the convertibility features alone and nearly $8 million annually on the new production reactor as a whole?

Is it not also true that even under dual-purpose operation until 1970 (which is one of the dates previously given in some of the hearings as the probable end of dual-purpose operation) and power only thereafter, the total payments for steam from Hanford would be only $1,200,000? Would this $1,200,000 potential maximum payment, in your opinion, meet the "substantial financial return" criteria?

My point is that the taxpayers of the Nation through their representatives in Congress were sold a bill of goods by Hanford proponents that by making the new production reactor convertible, material savings would be made in the cost of producing plutonium as compared to the cost from a single-purpose production reactor. We now know, of course, that this is not the case, even in the unlikely event of continued dual-purpose operation over the entire 30-year contract period. Even then the present Hanford proposal would not return the capital and interest on the actual convertibility cost, let alone reduce the cost of plutonium. The taxpayers are entitled to receive a substantial financial return on their investment, and if the present proposal will not assure such a return this proposal should be abandoned.

It is to be noted that an AEC official during hearings on the matter admitted that during power-only periods "* * * there would be no substantial financial return to the Atomic Energy Commission."

It is my understanding that the Department of Defense is not willing to certify that there is any need for additional plutonium over and above that presently on hand or capable of being produced from existing facilities. In view of this, what is your opinion as to whether there will be any requirement for dual-purpose operation of the new production reactor after its completion? In other words, what is the probable extent of dual-purpose operation of Hanford, based on the need for plutonium over and above that which can be produced at existing production facilities?

It is noted that during power-only periods of operation a nominal $10 annual charge is to be made for the lease of a Federal project costing nearly $200 million. If this Hanford powerplant is as economically justified as AEC and other proponents would have us believe, why should there not be a more realistic annual charge for use of the new production reactor during power-only operation? What is your justification for this minimal charge?

It seems to me that the proposed contract between Washington Public Power Supply System and AEC as now written will not assure substantial financial return to the Federal Treasury. If your reanalysis of the matter substantiates this opinion, which it must do if the taxpayers' interest is given the proper consideration it deserves and all costs properly chargeable to Hanford power are included, will you then refuse to execute the presently proposed contract and propose substantial changes in the contract which will assure a proper return to the taxpayers?

Sincerely yours,

Ben F. Jensen.

Congress of the United States,
House of Representatives,
Washington D.C., September 21, 1962.
Hon. Charles F. Luce,
Bonneville Power Administrator,
Portland, Oreg.

Dear Mr. Luce: The passage by the Congress of H.R. 11974—the AEC authorization act for fiscal year 1963—giving provisional approval of the use of steam from the new production reactor at Hanford raises certain questions relative to Bonneville's participation in such use.

I believe the legislative history is such that a complete reanalysis of the Hanford proposal is mandatory in order for AEC to report on and justify the determinations required by the act prior to any action on the proposed contracts. Such a reevaluation must of necessity include a review of Bonneville's action and the effect thereof on the returns to the Federal Treasury.

I assume Bonneville intends to make a new study of future power supply and requirement conditions in the Pacific Northwest, together with a new economic evaluation of the Hanford proposal and a comparison with other potential sources of power such as new coal burning steam plants. Such a new study appears mandatory in view of the delay in the completion and operation date for the Hanford powerplant and in view of the various questions raised by opponents of the Hanford proposal. I for one am more convinced than ever that the Hanford proposal is completely uneconomic and that Bonneville's participation can not be justified. Any other conclusions can only be based on a failure to include all the proper charges against Hanford power and on highly questionable assumptions and methods of analysis.

During the hearings before the Joint Committee on Atomic Energy you were asked about a Bonneville staff report which purportedly showed that without Hanford there would be a $40 million or $50 million surplus at the end of 50 years, and that with Hanford you would show around a $200 million or more deficit for the same period. Your answers appeared less than candid. I request that you supply me with a copy of the report in question.

I have a number of other questions relative to this Hanford matter which I believe need clearing up before final action is taken on the Hanford contract. I ask that you furnish complete and detailed answers at your earliest convenience. The questions follow:

1. What is Bonneville Power Administration's present average annual transmission cost per kilowatt of Bonneville Power Administration's power, using a 4-percent interest charge?

2. Will Washington Public Power Supply System be charged for transmitting the Hanford power at this rate? If not, why not?

3. What is the average annual cost per kilowatt of Federal hydro capacity on the Bonneville system?

4. At what point in the regional load growth of the Pacific Northwest will all existing Federal hydro, together with that under construction, become dependable on the load? At that time, would not this Federal hydro capacity have its greatest value in serving the peak of the load, while at the same time all potential energy production could be fully utilized for firm load and steam replacement?

5. In order to firm up Hanford power where 26 or more outages annually are expected, will not Bonneville Power Administration have to maintain 800,000 kilowatts of ready reserve? Is this not particularly so when Federal peaking capacity rather than energy production becomes the dominant value?

6. Will Washington Public Power Supply System be charged for reserve capacity at a unit rate equal to the cost shown in answer to question No. 3?

In your testimony before the Joint Committee on Atomic Energy, you stated that installation or generating capacity at Hanford would involve no structure in the river and its only effect on fish would be beneficial.

7. Is it not true that condenser intakes and discharges structure will have to be constructed in or adjacent to the river?

8. Is it not also true that over 80 percent of the heat generated by Hanford will be transmitted to the Columbia River during dual-purpose generation? And that 100 percent of the Hanford heat will have to be dissipated into the Columbia River whenever the Hanford generating units are out of service, which can happen at any time?

9. Inasmuch as you have testified that "The only effect of this plant on fish would be beneficial," I assume you are conversant with present conditions on the river. What is the present temperature of the Columbia River during the various stream flow periods with the existing Hanford plant in full operation, and what increase in such temperature would result from the heat transmitted to the river by the new production reactor and the Hanford generating plant during dual-purpose operation? During power-only periods?

The question was raised in hearings earlier this year relative to the excess energy which Bonneville must now waste during periods of high stream flow and the effect thereon if the Hanford generating plant was constructed. The answers given were not very clear. I now ask you these questions relative to the matter:

10. Is it not true that during periods of excess energy such as Bonneville estimated would occur under median water conditions in 1966 and 1971, with or without Canadian storage, there would be from 5 to 7 months of the year when no Hanford steam power could be utilized without wasting an additional amount of hydropower equivalent to the Hanford power production?

11. If Hanford power is used and an equivalent amount of potential hydroelectric generation is wasted, will this wasted hydroenergy be charged against the Hanford project?

In the House discussion on the conference report on H.R. 11974 we were assured that if Bonneville sustains any losses from the Hanford proposal that immediately this act would have to be brought into play and rates increased. In this regard I ask:

12. Could you, as Bonneville Administrator, act immediately to increase rates without regard to the present 5-year review requirement of present contracts?

13. If, as it appears extremely likely, only a minor part of Bonneville's customers will be involved in the Hanford deal, do you believe it is proper and just to raise the rates on all Bonneville customers in order to bail out losses on an exchange contract involving only a few of Bonneville customers?

In conclusion I again reiterate my belief that this Hanford proposal is completely uneconomic under the conditions that could and probably would occur and should be turned down under your assurance that you would do so if it was found to be uneconomical. In any event, a new study appears mandatory, which, if made on an honest and factual basis will surely disclose this lack of economic justification.

Sincerely yours,

Ben F. Jensen.

Hartke Urges All Americans To Accept Personally the Vice President's Challenge

EXTENSION OF REMARKS

OF

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Friday, September 21, 1962

Mr. HARTKE. Mr. President, on September 18, 1962, Vice President Lyndon B. Johnson addressed the United Steelworkers convention in Miami, Fla. His remarks to the delegates and honored guests of the convention were more than inspirational. The Vice President offered a real challenge to America. Every American should accept this challenge personally.

I ask unanimous consent to have our Vice President's remarks printed in the Congressional Record, so that all may have the opportunity to read and understand the wisdom of our distinguished and able Vice President, Lyndon B. Johnson.

There being no objection, the address was ordered to be printed in the Record, as follows:

Challenge to America

(Remarks by Vice President Lyndon B. Johnson, United Steelworkers Convention, Miami, Fla., Tuesday, September 18, 1962)

President McDonald, delegates, honored guests, being here today is something of a surprise for me. As you know, Arthur Goldberg was supposed to fill this place that I occupy. But at virtually the last minute, Secretary Goldberg found that he had another appointment. I had hardly stepped off the plane that brought me back from the Middle East, when I encountered the Goldberg charm and the Goldberg persistency.

So I find myself here in Miami trying to fill the shoes of a man with whom you have been intimately associated for many years and whom I consider one of the great public servants of our time.

Arthur Goldberg insisted that out of my experiences in the Middle East could come a message that would be meaningful to you. I told him that I did not think you had traveled all the way to Miami to listen to a travelog. But he said that this was not the point. He said, and I agree, that we are living in a world where all who love freedom—regardless of the race, creed, color, or section of origin—are bound together in common interest. In this, he is right, and about this I want to talk today.

SHEPHERDS AND KINGS

Less than 2 weeks ago, I was in a region of the world crucial to the future of freedom—the Middle East. I walked the teeming streets of Ankara and Izmir—and through the bazaars of Teheran and Istanbul. I talked with shepherds in Greece and roadworkers in Lebanon; with shipwrights in Naples and factory workers in Nicosia.

I had specific missions from the President. These required me to discuss points of common interest to the whole free world with presidents and prime ministers and with two kings.

But American foreign policy does not interest itself solely in diplomatic negotiations. We are deeply aware that the opinions of people are ultimately controlling. Therefore, I tried to learn from both the high and the low—from royalty in Greece and from a boy peddling watermelons in Beirut.

CRUCIAL REGION

It is difficult to find an area of the world of greater importance to the long-range interest of the United States and of freedom. The Middle East represents the cradle of Western civilization. The Middle East is where we first drew the line against communism after World War II—and that line has yet to be dented. The Middle East represents a vital flank of the NATO shield against aggression.

The major Middle Eastern nations that I visited have dedicated themselves to preserving their independence at any cost and have backed their determination with men and resources. No sensible man would pretend that he had become an expert on this area of the world in a visit that lasted less less than 3 weeks. Nevertheless, there are certain impressions that I wish to share with you—because they have a direct bearing upon our problems.

THE BRIGHT HOPE

First, the so-called ugly American has made very little impression upon the people of the world—if he exists at all.

The throngs that turned out by hundreds of thousands to greet me in virtually every country certainly did not turn out to see Lyndon Johnson. They did turn out because I was there representing the United States which remains the bright hope of hundreds of millions throughout the world. Nothing in my travels has made me so proud as the deep reservoir of respect and affection for our country.

Second, communism has virtually no appeal to people in the Middle East or elsewhere in the world. The triumphs of communism do not arise out of Soviet success in capturing the hearts and the minds of men and women. Where the Communists have succeeded, they have done so only by taking advantage of confusion and division.

Third, and most important, the people of the world are no longer content to live in poverty, ignorance, and disease. They believe—quite rightly—that in the light of modern knowledge these ancient enemies no longer need be tolerated.

They are looking to our system to show them the way into the 20th century. And we must not fail because the alternative is anarchy and through anarchy the enemies of freedom will triumph.

This means that our system must work. We cannot hold ourselves forth as the hope of the world unless our own house is in order. The most important objective of our foreign policy is to maintain freedom as a way of life and a crucial element in achieving our goals is our own economic strength and our own prosperity.

A ROSY PICTURE

By selecting certain facts—and turning our backs upon others—it is possible to paint a rosy picture of America. I am afraid that some have succumbed to that temptation. Personal income has set new records. The average worker took home $85.53 a week last July, 3 percent higher than a year ago. Employment in August was at an alltime high and the unemployment rate dropped from nearly 7 percent of the labor force to 5.8 percent.

But this is not the whole picture. Despite the high rate of employment, 3.9 million people remained jobless and many of our finest plants are producing at rates well below capacity. In your own industry, steel production is at less than 60 percent of its potential.

These facts need not give cause for despair. We are not in a depression nor are we close to one. But these facts do present us with a challenge. Can we—a nation which prides itself upon our humanitarian philosophy and our economic efficiency—continue to permit this waste of human and physical resources?

A CLEAR ANSWER

President Kennedy has given the answer loud and clear. He has affirmed unemployment as the major domestic challenge of the sixties. And he has pointed out that this administration has no intention of learning to live with unemployment. We will not be content until this enemy is licked and American workers can live in the security to which they are entitled by their brains, their brawn, and their willingness to work.

The first need when this administration took office was to come to the relief of those who were suffering from the long months of dreary joblessness.

The President put into action the food stamp plan. Unemployment compensation was extended to those who had exhausted their benefits. The Area Redevelopment Act became a cornerstone of policies to cushion the impact of automation. The U.S. Employment Service was strengthened. The minimum wage was increased and its coverage extended for the first time in 22 years. A great new Housing Act was passed.

The President established the Committee on Equal Employment Opportunity—and as Chairman of that Committee, I want to congratulate your leadership upon its unswerving devotion to the principles of that Executive order. These measures, however, represented only the beginning. Longer term programs must be put underway.

One of the most vital is the Manpower Development and Training Act. Already, 70 projects in 11 States have been approved. In a very short time, more than 8,000 people will be trained for 51 different jobs and this will soon grow into the hundreds of thousands.

Earlier this month, Congress passed the President's $900 million public works program. It also passed the tax credit bill, while the administration has developed new tax depreciation schedules.

Still before Congress is new employment insurance legislation; the youth employment opportunities bill; the college aid bill and the most significant trade measure since the early days of the New Deal.

I cannot predict the outcome of all of these measures. We live under government by consent—and we intend to keep it that way. But I can tell you that this administration will not rest until it has secured adequate measures to combat unemployment.

NOT A LONG JUMP

I started my remarks today by reminiscing on the streets of Ankara and the bazaars of Istanbul. This may seem like a long jump to a convention in Miami. But the jump is not as far as it seems.

Often during my visit to the Middle East, I was reminded of a statement by one of your great leaders—one of the greatest names in the American labor movement—Phil Murray. He said, in naming labor's objectives, that what the workingman wants is a rug on the floor, a picture on the wall, and music in the home. This is a modest statement of what we have achieved. But for millions of people it is literally what they aspire to. And their aspirations are tied—very directly—to the leadership that we can give the free world.

Leadership comes only from those who are strong—strong morally and strong physically.

TRIPARTITE DIVISION

We live in a world which is divided roughly into three parts. One-third is under Communist domination; one-third is committed to the institutions of freedom; one-third is groping its way toward the institutions of the 20th century.

These people of the latter third are hoping that they can achieve what we already have. We cannot afford to let them down. Our Nation, in its prime, must not falter or fail.

We shall not succeed, however, if we maintain an artificial division between our foreign and domestic policies. We must realize that our foreign policy is not a separate thing—to be held in the hands of a few skilled specialists and to be divorced from the total overall policies of our Nation.

The extent to which we ourselves are making full use of our productive resources has a direct bearing upon the example we offer the rest of the world. The extent to which we achieve physical stability is an immediate factor in our capacity to help others less fortunate to help themselves. Our capacity to govern ourselves through mutual agreement is the measure of our capacity to attract others to the institutions of freedom.

And in the last analysis, we must all remember that in everything we do—including labor-management relations—the public interest has become everyone's silent partner and the public interest calls upon us for the very highest form of responsibility.

TRENDS AT WORK

There are six trends at work in our land which calls for national unity of purpose as we have never had such national unity before. These trends are:

1. Our rate of economic growth has been inadequate to ward off long-term unemployment.

2. Since the end of the war we have experienced four recessions—and many of the jobs lost during those recessions have been lost for good.

3. Profound changes in our technology are leading ultimately to greater capacity and more abundance—but for the time being they are making obsolete the skills that formerly meant steady work for millions of American workers.

4. The geographical base of American industry is shifting—and thereby causing dislocations in our labor force.

5. The exhaustion of resources has economically isolated some towns and communities that once were prosperous and flourishing.

6. Our success in aiding foreign economies to recover after World War II has increased competition for world markets. We do not seek to eliminate competition but we do seek to meet it intelligently.

Never before in our economic history have the stakes been so great and the need for national unity so paramount. And it is to face the trends that I have cited already that this administration has presented its programs.

There is no one answer and no one solution. We must, as a nation, march forward in overall unity tackling our problems as a whole.

I would like to leave you today with a thought expressed by the man who was originally supposed to occupy this platform—Arthur Goldberg.

He said, "We all, in the end, have only one interest at heart, that this great and mighty Nation of ours continue in strength and vitality as the champion of human freedom."

I thank you.

SENATE

Monday, September 24, 1962

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God and Father of us all: Amid the maddening maze of things that fill our toiling days with fret and fever, we would tarry for this hallowed moment at another week's beginning in this sheltered pavilion of prayer. We bow before Thee in the creative faith that the very justice and social welfare which the public servants are here to preserve, promote, and protect are rooted and grounded in Thy sovereignty. Even as with the righteous sword of our national might lifted against the debasing idolatry of the police state, we know in our hearts that more vital than earthly armament, if we are to be the instruments of Thy purpose, is the putting on of the whole armor of God. Only as we fight in that shining mail can we be among the peacemakers who are called the children of God. In paths beyond our human eye to discover, lead us to the concord which will heal the divisions which shorten the arm of our national strength—a unity which is the fruit of righteousness—as we bring every thought and effort into captivity to the High and Holy One of whom it is declared, "And the government shall be upon His shoulders."

In His name we ask it. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 21, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

CALL OF THE LEGISLATIVE CALENDAR DISPENSED WITH

On request of Mr. MANSFIELD, and by unanimous consent, the call of the legislative calendar was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Post Office and Civil Service was authorized to meet during the session of the Senate today.

AUTHORIZATION FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO MEET DURING THE SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate tomorrow from 10 a.m. to 12 o'clock noon.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and it is so ordered.

FARMER COUNTY COMMITTEE OF THE ASCS

Mr. MANSFIELD. Mr. President, the recent discussions pertaining to new farm legislation prompt me to discuss for a few minutes one of America's great democratic institutions—the farmer committee system of administering farm programs.

In recent months there has been increasing criticism of the ASC farmer committees, as a result of developments in a few locations of the country. This has prompted efforts to discredit this democratic administration of Federal programs. I have always felt that the county committees were extremely important instruments in the administration and implementation of the farm programs.

I would call your attention to the fact that—in addition to the 50 State committees—there are more than 3,000 county committees composed of 9,160 elected committeemen—and more than 27,000 community committees, also elected. Altogether, there are about 90,000 county and community committeemen.

Now, it is obviously unfair to criticize—for a handful of transgressions—these thousands of conscientious citizens and farmers who have done so much to achieve efficient operation at the local level of farm program administration. These men are entitled to much of the credit for the success of the feed grain and wheat programs of the past 2 years—with their savings to taxpayers. They are entitled to much of the credit for the $1.1 billion rise in farm income last year.

But the remarkable thing is that—while carrying on these increased assignments—they have achieved definite efficiencies in the county offices. In the county offices the workload increased more than 80 percent, but the use of manpower went up only 28 percent. The total employment in county offices during the 1962 fiscal year was actually less than back in 1958 when the soil bank activity was at its peak. It should also be noted that full-time Federal employment in the activities carried out by the Agricultural Stabilization and Conservation Service was reduced by 738 employees between January 1961 and January 1962.

I think we should all recognize that the criticism of ASC committees that we have heard in recent months has come mostly from the traditional enemies of the farm program and the farmer committee system. This suggests that these groups are using the recent difficulties as an excuse in their efforts to destroy the committees and weaken program administration.

I want to commend the Secretary of Agriculture for his untiring efforts to improve the farm programs that are of such vital importance to all of our citizens. Early in 1961 he announced his intention to review the operation of the farmer committeeman system of administration with the intent of strengthening that system. More recently he appointed a small committee of outstanding citizens from outside the Department, including the two past Secretaries of Agriculture, Wickard and Brannan, to conduct this review and make recommendations to him. The results of this committee's deliberations will be of interest to many responsible people interested in sound program administration in the rural area. I anticipate that this reexamination by the Secretary may result in some modification of detailed procedures, but I am equally confident that the Department will continue to rely heavily on these elected committeemen to administer programs at the county level. It is recalled that some effort was made by Secretary Freeman's immediate predecessor to relegate these county committeemen to an advisory status. I am sure that the present administration in the Department of Agriculture will not repeat this mistake.

In spite of some of the scattered criticism of our farm program administration in recent months, and isolated difficulties in our own State, my colleague, the Senator from Montana [Mr. METCALF] and I have great confidence in the elected ASC county committees, the community committees working with them, and their employees at the county office level.

THE NORTHERN CHEYENNES MOVE AHEAD UNDER SELF-HELP PROGRAMS

Mr. MANSFIELD. Mr. President, when the Area Redevelopment Act was signed into law one of its specific purposes was to provide assistance, technical and financial, to organized Indian reservation groups throughout the country. While these areas have a great deal of human and natural resources they have never been fully realized for one reason or another. The Area Redevelopment Act has proven to be an incentive in moving along the various programs of self-help and improvement that have been discussed on these reservations for so many years.

Montana has seven Indian reservations, where conditions exist from one extreme to another. Each reservation has qualified for assistance under ARA and has been so designated. The overall economic development plans for several of these reservations have been approved.

The one reservation area in Montana which has pleased me the most in its progress under these economic aid programs has been the Northern Cheyenne Indians. These Indian people live in southeastern Montana. There are few visible resources in the land area. But these people are proud people; they have complained less and have asked for less than the vast majority of ethnic groups who exist under limited circumstances.

The Northern Cheyennes have been aware for some time that if they were to prosper and survive as an Indian group they have to develop their resources, devise some means of economic livelihood and protect their own interest. In recent years the pattern on many of our Indian reservations throughout the Nation has been a gradual sale of Indian-owned lands. Today these reservations are a checkerboard of trust, patent-in-fee, and non-Indian lands. Thus, they were gradually losing control of their reservation lands.

The Northern Cheyenne Indians have not permitted this. In recent years the Northern Cheyenne Tribal Council, under the able guidance of its president, John Woodenlegs, has purchased all land advertised for sale whenever possible with the limited funds that were available. Many advocates of early termination of Federal control over the reservations have promoted the dissipation of reservation units into the hands of outsiders. This the Northern Cheyenne people have not done. The area of the Northern Cheyenne Reservation is still quite intact. Just recently many years of hard work were realized when the Bureau of Indian Affairs approved two revolving credit loans to the Northern Cheyennes. Last year the Congress appropriated funds to help replenish the revolving credit fund. My colleague, Senator LEE METCALF, a number of our associates and I have urged for many years that this fund be put back into operation so that needy Indian tribes would have an adequate loan program available to them for tribal development.

The Northern Cheyenne Tribe has been approved for a $500,000 loan with which they will undertake an extensive land-purchase program as a means of getting greater use of Indian lands now and in the future. They also have received favorable consideration for a $950,000 loan for a tribal livestock enterprise. The livestock program will not be actively underway until next spring. This livestock enterprise will provide employment, a new source of income, and ultimately it will be instrumental in further use of irrigable lands on the reservation as a source of feed for the livestock.

The loan assistance comes directly from the Bureau of Indian Affairs. The Northern Cheyenne Tribe has also submitted an overall economic development plan to the Area Redevelopment Administration. The OEDP has been approved and the Northern Cheyennes are now proceeding to study and implement individual project proposals.

The greatest potential on the Northern Cheyenne Reservation undoubtedly lies in the development of enterprises appealing to the tourists. The Northern Cheyennes are also renewing an interest in arts and crafts, an area well suited to these people and one that holds some promise. This past year there has been a noticeable increase of traffic on the U.S. highway which crosses the reservation. Recent visits to the Northern Cheyenne Reservation by interested persons indicates a considerable potential.

What I have said thus far has been most encouraging, but the Northern Cheyennes have a long way to go, there are a multitude of problems. These people and their leaders have indicated a willingness to try and do something to help themselves. I believe that if they receive the necessary assistance and guidance from the Bureau of Indian Affairs, the Department of Interior, and the Area Redevelopment Administration, the Northern Cheyenne Indians will move forward.

At this point I wish to make note of the recent untimely death of LaVerne Madigan of the Association on American Indian Affairs. LaVerne Madigan had been of great service to the Indian tribes of Montana, particularly the Northern Cheyennes. People of this caliber can be of great service to the Indian people.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "September Is the Moon of Many Sorrows," published in the Billings Gazette of September 17, 1962.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEPTEMBER IS THE MOON OF MANY SORROWS

(By Chuck Rightmire)

Dull Knife; Little Wolf; Indian names seldom heard. Yet they should rank with Brigham Young and Chief Joseph in legends of men who led, or tried to lead, their people to a home of safety in a land of milk and honey.

These were the chiefs who led homesick Cheyennes from the flatlands of Oklahoma to the Yellowstone Valley, the rich land of their home.

Many did not make it.

MOONLIT NIGHT

The exodus began on a moonlit September night near Fort Reno in the Indian Territory of Oklahoma.

But the story began on the banks of the Little Big Horn June 25, 1876, when a brevet brigadier general, Col. George Armstrong Custer, led his troops in a headlong charge into a camp of Sioux and Cheyennes and didn't ride out.

The U.S. Army took its vengeance.

Among victims was the hunting camp of Dull Knife and Little Wolf, chiefs not in the Custer fight, although some of their warriors were.

The Army forced the Cheyennes to flee and destroyed winter gear left on the banks of the Powder River.

Without winter supplies the Cheyennes were forced to surrender at the agency of their old ally, Red Cloud, now the Pine Ridge Agency in southwestern South Dakota.

The Army said they would have to join Southern Cheyennes in Oklahoma Indian Territory. The Cheyennes refused until their rations were cut.

Then Little Wolf and Dull Knife led the way south, secure in the promise they could return if they didn't like Oklahoma.

Like other Government promises, this was not honored.

Rations were no better in Oklahoma. The Northern Cheyennes died from malaria and other lowland diseases—and homesickness.

"A great many have been sick; some have died," Little Wolf told a congressional investigation committee. "I have been sick a great deal of the time since I have been down here—homesick and heartsick and sick in every way. I have been thinking of my native country and the good home I had up there where I was never hungry, but when I wanted anything to eat I could go out and hunt buffalo.

"It makes me feel sick when I think about that and I cannot help thinking about that."

Starving on agency rations, the Cheyennes left Fort Reno to seek food. The agent ordered them to return and sent soldiers and cannon to enforce his order.

Like shadows the Cheyennes ghosted from their camp one by one that night while the guards stared blissfully through the moonlight.

Little Wolf, youngest of the two chiefs and at 57 still one of the fastest runners of the tribe, had the prime responsibility. Dull Knife, the "old man chief," had many followers. This was to cause trouble.

BEAUTIFUL PEOPLE

With them went their wives, Dull Knife's family "The Beautiful People"; Little Wolf's two sons and his daughter, and the cream of the Cheyennes including some southern members.

The U.S. Army harried them north. More than 13,000 troops poured into the area the Cheyennes would traverse.

Little Wolf controlled his warriors, except for foraging. Only in Kansas, near where a village of Cheyennes had been wiped out several years before, did he loose his braves. White blood flowed.

Five times the soldiers found them; one was a running fight, the others pitched battles. Each time, Little Wolf fought a defensive fight and slipped away.

The last fight was almost the end.

Troops under a Colonel Lewis, who vowed "to stop the Cheyennes or die trying" pushed the warriors into their last fortress, rifle pits under a bluff near the Arkansas River.

Behind the men, the women and children hid in a gully. All were ready to die.

A Cheyenne marksman wounded the colonel. The troops drew off and, as the Indians rode and walked north again, the colonel fulfilled his vow.

Some days they made as many as 70 miles, small groups walking and riding, dispersed but close enough that they could draw together for defense.

As October began they crossed the Platte River.

Legend has it that the chiefs decided the weaker members could not reach the Yellowstone. Dull Knife supposedly took them and attempted to reach Pine Ridge.

Legend has it that as Dull Knife drew away, Little Wolf and the remainder of the band showed themselves on a hill and decoyed the soldiers.

ROUTE SPLIT

But others say the two chiefs split over the route, Dull Knife wanting to join Red Cloud and Little Wolf wanting to continue to the Yellowstone.

No matter the reason, the band split. Little Wolf led his group into the sandhills of Nebraska and Wyoming where they wintered in secluded valleys, living on wild cattle and game.

The aged Dull Knife led his band along willow-shrouded banks of the White River in northwest Nebraska. He sent messengers to ask Red Cloud for succor.

The Sioux chief had been ordered by the agent to report the Cheyennes. He did.

In the midst of a snowstorm, the troops found Dull Knife.

"Surrender or fight," they said.

Dull Knife surrendered but asserted the Cheyennes would die fighting before returning south.

The Dull Knife Cheyennes were held at Fort Robinson. Arms and horses were taken from them, except for weapons the women hid under their skirts.

"You will stay here until the Government decides what to do with you," they were told.

Dull Knife answered, "We are back on our ground and have stopped fighting. We have found the place we started to come to."

For several months the Cheyennes roamed freely around the fort. Then one of them went to the Pine Ridge to see his wife and did not return for 3 days.

SEALED IN BARRACKS

The Cheyennes were sealed in barracks.

As the new year began, Capt. Henry Walton Wessell, Jr., post commander, told the Cheyennes they would have to go south.

They refused.

Captain Wessell cut off rations, fuel, and finally water. Several leaders were taken from the barracks in chains.

On January 9, 1879, the Cheyennes dressed carefully in their best and packed their belongings. Hidden weapons, pitifully few, came out of hiding places.

Guards went down in the first blast.

Cheyennes streamed from the windows.

Like shadows they poured across the moonlit snow between fort and river.

Soldiers raced after them and shadows became dark mounds in the snow. For 10 days the troops chased and killed Indians—men, women, and children.

Of the 150 Indians at the fort, 50 died, 65 were recaptured, most wounded, and the remainder disappeared, some perhaps to reach the Yellowstone.

Dull Knife lost a son and daughter, but with the remnants of his family he fled to Red Cloud. The Sioux sheltered them.

Eventually Dull Knife moved to the Tongue River Reservation where he died in 1883 and was buried above the Rosebud Valley.

Little Wolf desperately kept his warriors under control when they heard of the massacre.

In February, protected by a thin screen of warriors and foragers, he moved his band north, up the valley of the Little Missouri and through the badlands to about 50 miles west of the mouth of the Yellowstone.

Little Wolf Waits

He knew the constantly searching soldiers would find them.

He moved to a high, protected fortress in the badlands where the soldiers could not attack without tremendous losses.

There he waited.

General Miles' scouts found them. A trusted Army lieutenant, W. P. "White Hat" Clark talked the Cheyennes into surrendering.

The band moved to Fort Keogh.

The Government decided peace with the Cheyennes was worth a reservation and an area near the Tongue River in Montana was set aside.

But the man primarily responsible was never to live in honor on the reservation.

As the months passed at Fort Keogh, Little Wolf succumbed to boredom and whisky.

Under its influence he shot and killed another Cheyenne.

For 25 years, until his death in 1904 and his burial above the Rosebud, he wandered the desolate lands of southern Montana and northern Wyoming, alone or with his family—an exile for committing the worst of Cheyenne crimes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Certain Construction at Marshall Space Flight Center, Huntsville, Ala.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of certain facilities relating to the Saturn vehicle; to the Committee on Aeronautical and Space Sciences.

Report on Certain Grants by National Aeronautics and Space Administration for Research and Development

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on certain grants by that Administration, for research and development (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Report on Examination of Pricing of Guidance Subsystems for Bomarc Missile Under Contract With the Boeing Co., Seattle, Wash.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the pricing of guidance subsystems for the Bomarc missile under Department of the Air Force negotiated contract AF 33(600)-36319, with the Boeing Co., Seattle, Wash., dated September 1962 (with an accompanying report); to the Committee on Government Operations.

Report on Examination of Economic and Technical Assistance Program for Korea, International Cooperation Administration, Part I

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of economic and technical assistance program for Korea, International Cooperation Administration (succeeded by Agency for International Development), Department of State, fiscal years 1957-61, part I, dated September 1962 (with an accompanying report); to the Committee on Government Operations.

Report on Examination of Economic and Technical Assistance Program for Korea, International Cooperation Administration, Part II

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of economic and technical assistance program for Korea, International Cooperation Administration (succeeded by Agency for International Development), Department of State, fiscal years 1957-61, part II, dated September 1962 (with an accompanying report); to the Committee on Government Operations.

Audit of Development Loan Fund

A letter from the Congressional Liaison, Agency for International Development, Department of State, Washington, D.C., transmitting, for the information of the Senate, a copy of that Agency's reply to the audit report of the Comptroller General of the United States, on an audit of the Development Loan Fund for fiscal year 1961 (with an accompanying paper); to the Committee on Government Operations.

URBAN MASS TRANSPORTATION ACT OF 1962—REPORT OF A COMMITTEE (S. REPT. NO. 2119)

Mr. PASTORE. Mr. President, from the Committee on Commerce, I report, without recommendation, the bill (S. 3615) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems, both public and private, in metropolitan and other urban areas, and for other purposes, and I submit a report thereon.

The PRESIDENT pro tempore. The report will be received and printed, and the bill will be placed on the calendar.

ADJUSTMENT OF POSTAL RATES—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 2120)

Mr. JOHNSTON. Mr. President, from the Committee on Post Office and Civil Service, I report favorably, with an amendment, the bill (H.R. 7927) to adjust postal rates, and for other purposes, and I submit a report thereon. I ask that the report be printed, together with the individual views of the Senator from Oklahoma [Mr. Monroney] and the individual views of the Senator from Pennsylvania [Mr. Clark].

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from South Carolina.

CANYONLANDS NATIONAL PARK, UTAH—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 2121)

Mr. ANDERSON. Mr. President, from the Committee on Interior and Insular Affairs, I report favorably, with amendments, the bill (S. 2387) to establish the Canyonlands National Park in the State of Utah, and for other purposes. I ask unanimous consent that the report be printed, together with the minority views of Senators Allott, Miller, Pearson, and Jordan of Idaho.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from New Mexico.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT:

S. 3744. A bill to authorize the establishment of the Canyonlands National Park and Recreation Area; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Bennett when he introduced the above bill, which appear under a separate heading.)

By Mr. HART (for himself, Mr. Kefauver, Mr. Carroll, Mr. Dodd, Mr. Long of Missouri, Mr. Wiley, Mrs. Neuberger, Mr. McNamara, Mr. Muskie, and Mr. Bartlett):

S. 3745. A bill to amend the Clayton Act to prohibit restraints of trade carried into effect through the use of unfair and deceptive methods of packaging and labeling certain consumer commodities distributed in commerce, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate hearing.)

CONCURRENT RESOLUTIONS

CREATION OF JOINT COMMITTEE TO STUDY THE ORGANIZATION AND OPERATION OF THE CONGRESS

Mr. CLARK (for himself, Mr. Kuchel, Mr. Engle, Mr. Cooper, Mr. Humphrey, Mr. Case, Mr. Carroll, and Mrs. Neuberger) submitted a concurrent resolution (S. Con. Res. 93) to create a joint committee to study the organization and operation of the Congress and recommend improvements therein, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. Clark, which appears under a separate heading.)

TO AMEND SECTION 133 OF LEGISLATIVE REORGANIZATION ACT OF 1946 RELATIVE TO PROCEDURE ON APPROPRIATION BILLS

Mr. CLARK submitted a concurrent resolution (S. Con. Res. 94) to amend section 133 of the Legislative Reorganization Act of 1946, relative to procedure on appropriation bills, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. Clark, which appears under a separate heading.)

RESOLUTIONS

TO PRINT AS A SENATE DOCUMENT A MANUSCRIPT ENTITLED "RATIFICATIONS OF THE CONSTITUTION"

Mr. SALTONSTALL submitted a resolution (S. Res. 398) to print as a Senate document a manuscript entitled "Ratifications of the Constitution," as edited by Denys P. Myers, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. SALTONSTALL, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT A REVISED EDITION OF A SENATE DOCUMENT ENTITLED "NEW MEXICO—LAND OF ENCHANTMENT"

Mr. ANDERSON submitted a resolution (S. Res. 399); which was referred to the Committee on Rules and Administration, as follows:

> *Resolved*, That there be printed as a Senate document a revised edition of Senate Document 91, 77th Congress, entitled "New Mexico—Land of Enchantment," and that there be printed five thousand copies of such document for the use of the Committee on Interior and Insular Affairs.

TO EXPRESS SENSE OF SENATE ON STANDING COMMITTEES REPORTING BY JULY 4 OF ANY YEAR ON EACH LEGISLATIVE PROPOSAL BY THE EXECUTIVE BRANCH OF GOVERNMENT

Mr. CLARK submitted a resolution (S. Res. 400) to express sense of Senate on standing committees reporting by July 4 of any year on each legislative proposal by the executive branch of Government, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK which appears under a separate heading.)

TO AMEND RULE XXIV RELATIVE TO ELECTING MEMBERS OF STANDING COMMITTEES AND THE CHAIRMEN THEREOF

Mr. CLARK submitted a resolution (S. Res. 401) to amend rule XXIV relative to electing members of standing committees and the chairmen thereof, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

TO AMEND RULE XXIV RELATIVE TO QUALIFICATIONS OF CHAIRMEN OF COMMITTEES

Mr. CLARK submitted a resolution (S. Res. 402) to amend rule XXIV relative to qualifications of chairmen of committees, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

AMENDMENT OF RULE XXV OF STANDING RULES OF THE SENATE RELATING TO JURISDICTION OF CERTAIN COMMITTEES

Mr. CLARK submitted a resolution (S. Res. 403) to amend rule XXV of the Standing Rules of the Senate relating to the jurisdiction of certain committees, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

THE 310,000-ACRE CANYON LANDS NATIONAL PARK AND RECREATION AREA

Mr. BENNETT. Mr. President, one of the most magnificent and varied scenic areas in the world is the canyon lands country along the Green and the Colorado Rivers in southeastern Utah. The majesty and magnificence of its superbly rugged scenery has inspired artists and poets to aesthetic heights. It is a national asset which surely deserves national recognition, development, and preservation so that all of the people of our land may enjoy its splendor.

I am, therefore, introducing, for appropriate reference, a bill which would authorize the creation of a 310,000-acre Canyon Lands National Park and Recreation Area. The bill follows the recommendations of the Special State Agency Committee appointed by Gov. George D. Clyde, the chairman of which is the respected conservationist and former regional U.S. forester, C.J. Olsen. Up to 102,000 acres of the area would be administered under traditional national park concepts, while at least 208,000 acres would be administered as a multiple-use National Recreation Area. Approximately 80,000 acres of the park area would be geographically contiguous on a map, although divided by the Colorado River, which passes between the Needles and the Standing Rocks areas.

The overwhelming majority of the people of Utah strongly support national recognition for the canyon lands area. Virtually everyone agrees with this objective and also on the great value which such recognition would have for the economy of Utah and for the people of America. The only question is how this objective shall be met.

HISTORY OF THE CANYON LANDS PROPOSAL

It has taken nearly a decade to make the necessary studies and lay the background for this proposal. It was my privilege to support appropriations for a National Park Service study of the Dead Horse Point area, which was completed on January 19, 1953. In the intervening years, the State of Utah evidenced a wish to launch a progressive State park program. I had the honor to successfully sponsor two bills that made a State park program possible in Utah. Under these bills, the State acquired lands to develop the Dead Horse Point State Park, which will ultimately be the most spectacular State park in the United States.

Another important step involving this area was taken in 1956. I had the honor to be a sponsor of S. 500, which was signed into law that year by President Eisenhower, which, in part, created a 1,429,000 acre Glen Canyon National Recreation Area. Of this amount, 1,337,000 acres are in Utah, approximately 73,000 acres of which are embraced in my bill. Thus, nearly one-fourth of the area is already under the jurisdiction of the National Park Service.

These steps were followed by Department of Interior studies in the Needles area from May 13 to May 21 in 1959, and a study of the Land of Standing Rocks between May 9 and May 13, 1960. I worked very closely with former Secretary of Interior Fred A. Seaton and former Assistant Secretary George Abbott in connection with these studies, and backed appropriations for them. The first result was a bill which I had drafted by the Department of Interior. I introduced the bill on March 7, 1961, to provide for the establishment of a 72,000 acre Needles National Recreation Area, all of which area is included in the bill now before the committee today. It was the first bill ever offered in Congress to give national recognition to the area. The Park Service thereafter completed its overall canyon lands study. At the request of the Utah State Park and Recreation Commission, I introduced a bill, S. 2616, to set aside three smaller areas comprising a national park complex in the canyon lands country, connecting them with access roads built by the Park Service. After visiting the area, I became convinced that this bill is inadequate. My colleagues in the congressional delegation also introduced bills in the late summer of 1961.

CANYON LANDS DELAY REGRETTABLE

I had hoped to offer the bill which I am introducing today as a substitute for the Moss bill, which has been approved by the Senate Interior Committee, or in place of the King or Peterson bills, had they passed the House. Although considerable progress has been made in the Senate, there has been a complete failure in the House. Evidently the 1-day hearing in the House was held solely as a political gesture with no intent to act on the bill. The Deseret News for May 28, 1962, states as follows:

> Representative ASPINALL and Park Subcommittee Chairman Representative J. T. RUTHERFORD, Democrat, of Texas, went ahead with plans for Monday's hearings after Representative KING told them he faced political attack if he was unable to get House consideration for the park this year.

This same article also states that members of the House committee "were expected to plan a helicopter tour of the park area some time in June, according to Representative KING." Insofar as I can determine, this promised tour was never held. This is certainly understandable since the House Interior Committee is a hard-working, busy committee, but it is regrettable that the people of Utah were led to expect such a visit.

I ask unanimous consent that the Deseret News article appear in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSE PONDERS CANYON LANDS

WASHINGTON.—Congressional deliberation on the proposed Canyon Lands National Park moved to the House Monday afternoon as the House Interior Committee opened hearings on a park authorization bill introduced

> by Representative DAVID S. KING, Democrat, of Utah.
>
> The committee planned to hear Representative KING, Representative M. BLAINE PETERSON, Democrat, of Utah, and Interior Department witnesses in a brief afternoon session.
>
> Interior Secretary Stewart L. Udall was listed as a possible witness but the Secretary's schedule was still uncertain early Monday.
>
> Members of the House committee were expected to plan a helicopter tour of the park area some time in June, according to Representative KING.
>
> Monday's session was expected to be only an opening review of the park with more serious hearings to come if the Senate approves a park bill this session.
>
> House Interior Committee Chairman WAYNE ASPINALL, Democrat, of Colorado, originally declined to schedule action on the park bill this year.
>
> Representative ASPINALL and Park Subcommittee Chairman Representative J. T. RUTHERFORD, Democrat, of Texas, went ahead with plans for Monday's hearings after Representative KING told them he faced political attack if he was unable to get House consideration for the park this year.

Mr. BENNETT. Mr. President, a day later, on May 29, the Deseret News ran another article under the headline "Hopes Fade for Quick Park Action," with a subheading entitled "New Hearings Unlikely Before Congress Quits." If the Canyon Lands National Park bill is not passed this year, there is, therefore, little question as to the reason. Moreover, it also has been indicated that the Moss bill will not be considered by the Senate this year. As yet, it has not been reported to the Senate. I am, therefore, introducing my bill so it can be further studied after Congress adjourns, thus hopefully hastening action during the next session of Congress which convenes in January of 1963. It is most regrettable that a bill was not passed this year.

CONSTRUCTIVE ROLE

Throughout the entire deliberations on the Canyon Lands problem, I have played a positive, constructive role since I earnestly favor national recognition of this magnificent country. As a result of my activities, some of the gross mistakes in the other bills have been corrected and some obvious excesses have been forestalled, but others still remain.

First. For example, neither the Moss bill nor the King and Peterson bills made any provision for access roads. If they had been approved, the canyon lands country would have been nothing but an isolated wilderness area to which only hikers could go, and there would have been absolutely no economic benefits to the State of Utah. This was corrected in the Moss bill, but the King bill still makes no provision for access roads.

Second. The original King and Moss bills failed to protect Utah's school children, and would have 41,000 acres of land locked up indefinitely. The later Moss bill makes an effort to meet this problem, but fails, and the King bill makes no provision whatever.

Third. The King and Moss bills propose to take away and add to the northern edge of the park 22,000 acres which the State of Utah wishes to make part of the Dead Horse State Park. No effort has been made to correct this serious defect.

Fourth. The original King and Moss bills would have locked up and forbidden all activity under the mining and leasing laws. The second Moss bill attempts to remedy this problem, but largely fails, while the King bill is completely deficient.

Fifth. Secretary of Interior Stewart L. Udall set his sights on seizing a 1 million acre canyon lands park area, thus locking up one of the most mineral-rich sections in the United States. When I exposed this grab to the public, I was promptly attacked by my colleagues, who denied the charge. Subsequently, at the canyon land hearings, Secretary Udall admitted at least eight times that he wanted the million acre area.

Sixth. The initial Moss and King bills make no provision for hunting and would post "no hunting" signs on 332,000 acres. The Moss bill attempts to remedy this problem by adopting the procedures used in the Grand Teton National Park, but they are unworkable, and, therefore, unsatisfactory. The King bill is still completely deficient in this respect.

NATIONAL PARK STANDARDS

The provisions of the Moss bill dealing with mining, mineral, and leasing laws, undermine the National Park system in the eyes of leading national conservation organizations. The bill would apply these provisions to the entire 332,000 acre area, thus making it possible for any Secretary of Interior, who might be so inclined, to open up the entire area to mining. These organizations feel that this is a threat to the entire National Park concept. Under my bill up to 102,000 acres would be clearly set aside in advance and administered under traditional National Park standards, thus obviating the problems created by the Moss bill. Interestingly enough, Utah newspapers reported, the day after the Senate Interior Committee approved the Moss bill, that at least three of his Democratic colleagues on the committee reserved the right to oppose this feature of the Moss bill.

MINING AND MINERALS

Even though the Moss bill does purport to permit mining and mineral activity in the area, I have yet to find a single mining, potash or oil and gas miner or operator or lawyer in Utah who believes that it does. The Moss bill leaves these important activities entirely at the mercy of the Secretary of Interior, who could regulate them out of existence, while the King bill flatly bars such activities. It is obvious from his philosophy that the incumbent Secretary of Interior would do just that.

The inadequacy of the Moss bill is further highlighted by a recent solicitor's decision in the Department of Interior which held that the Secretary could withdraw from mining location approximately 35,800 acres of land in the Death Valley National Monument. This remarkable decision was rendered in the face of a statute which expressly provided:

> The mining laws of the United States are extended to the area included within the Death Valley National Monument in California, or as it may hereafter be extended, subject, however, to the surface use of locations, entries, or patents under general regulations to be prescribed by the Secretary of Interior.

The Moss bill does not even come close to furnishing the alleged protection of the act of June 13, 1933, which I have quoted as it applies to the Death Valley National Monument.

Thus the bill manages at the same time to alienate both those who believe that the national park concept must be preserved and the mining and mineral industries. That is a remarkable achievement. My bill would protect the park principles and clearly specify that the mining and mineral laws must be observed in the national recreation area as distinguished from a national park or national monument.

BASIC PRINCIPLES OF THE BILL: FOLLOWS RECOMMENDATIONS OF UTAH STATE AGENCY COMMITTEE

The bill authorizes the creation of a 310,000-acre Canyon Lands National Park and Recreation Area, of which up to 102,000 acres would be administered under traditional national park standards, and at least 208,000 acres of which would be administered as a national recreation area with multiple use expressly permitted. The bill is intended to embody the recommendations made by the State agency committee established by Gov. George D. Clyde, of which C. J. Olson, former regional U.S. forester, was chairman.

SINGLE-USE AREAS TO BE SELECTED JOINTLY BY FEDERAL AND STATE OFFICIALS

Under the approach which the State agency committee and I have adopted, the areas to be devoted solely to national park use, in which virtually no other uses would be permitted, would be selected jointly by the Secretary of Interior, the Governor of Utah, and the affected county commission. Under the Moss bill the Secretary of Interior would have sole authority to make this determination. Under the King and Peterson bills the entire area would be devoted to national park use, with all other uses forbidden, except for limited grazing.

SINGLE USE AREAS SELECTED IN ADVANCE

Under my bill, the park areas would be selected and substantially known in advance, based upon the State Agency Committee study. Under the Moss bill the selection, if any, would be made after the bill is passed on a case-by-case basis. Under the Moss approach we would not know for sure how much of the area would be locked up until after the bill became law, although probably all of it would be.

Quite obviously someone must make the selection. It is my strong conviction that this selection should be made cooperatively by the Secretary, the Governor, and the affected county commission, and not made solely at the discretion of the Secretary of Interior. If the Moss procedure is followed, the Secretary of Interior will be under tremendous pressures to permit multiple-use activities throughout the entire area. Under my procedure, however, the single-use areas would be clearly set aside, thus obviating the administrative problems created under the Moss bill.

MULTIPLE USE PROTECTED IN RECREATION AREAS

My bill expressly provides for multiple use for at least 208,000 acres of the area selected so mining and mineral leasing activities would be fully protected therein. Under the Moss bill there is no such assurance for any of the total area. The Moss bill gives no promise that there will be multiple use because the Secretary of Interior by regulation can effectively block any such activities. The King and Peterson bills clearly forbid multiple use.

ALL THE TOURISM ADVANTAGES WITHOUT A LOCKUP

Under my approach, we can have all the economic advantages of tourism without locking up all of the precious resources of the mineral-rich canyon lands area. Tourists want to see and enjoy the incomparable scenery; they don't measure the number of acres in making a decision to visit a national park. In any event, there would be as much acreage in the total park and recreation area under my draft bill as under the Moss, King, and Peterson bills. However, these bills would block mineral development without attracting any more tourists to compensate for this great loss than would my bill.

SAME PROBLEMS OF ADMINISTRATION UNDER ALL BILLS

Much has been made of purported problems of administration under my bill. It is said there must be "contiguity" and not separate park areas. This objection betrays an ignorance of the terrain involved. The three principle canyon land areas may be "contiguous" on a map but they are totally isolated from each other to a tourist on the ground. It will be necessary to build dead-end roads into each of the areas, utilizing existing roads to get from one to the other. To try to connect them directly would be of fantastic cost.

Moreover, my bill places the entire area under Park Service administration just as much as do the other three bills. There is, therefore, just as much "contiguity" with this bill as with the others. Presumably at least 80,000 acres of the park areas will be geographically contiguous, that is the Neddles and Ernie's country areas.

PROTECT THE UTAH SCHOOL FUND

The Moss, King, and Peterson bills fail to protect the Utah school fund. Consequently, hundreds of thousands and perhaps millions of dollars may be lost to our schools if my bill is not approved instead of theirs.

Under the Moss, King, and Peterson bills complete reliance would be placed upon effecting exchange agreements under existing law. However, there are already thousands of acres of State school section lands in Utah and in other Federal withdrawals which the State has been unable to exchange with the Bureau of Land Management. In total there are 600,000 acres in this category. There has been almost interminable delay on the part of the Bureau in deciding which lands it is willing to exchange for State lands. This is then followed in the great majority of cases by a seemingly endless argument over whether or not the lands are of "equal value."

This process is so slow, so unsure, and so tied up in bureaucratic red tape that the schools of our State would lose large, vitally needed sums if my bill is not approved. It has the approval of the State land board, the State school board, and the Governor's State agency committee.

SECTION-BY-SECTION EXPLANATION OF THE BILL

Section 1 contains the enacting clause and gives a description by metes and bounds of the proposed 310,000-acre area. It protects all valid existing rights. Under my bill the 22,000 acres which the State park commission wishes to acquire as an addition to the existing Dead Horse Point State Park, is deleted. The Moss, Peterson, and King bills make this acreage part of the park which, according to the Utah park officials, is a great mistake and severely hampers development of the State park.

The National Park Service proposes that 3½ sections going north and south encompassing about 1,000 acres in the southwest corner of the Canyon Lands should be deleted. I am willing to accept this recommendation.

Section 2(a) provides that the park areas should be jointly selected by the Secretary of Interior, the Governor, and the affected county commission, and sets forth the upper limits which may be devoted to park purposes in each of the seven areas involved.

Section 2(b) sets a 102,000-acre limit on the combined park areas and provides that these shall be administered under traditional national park standards.

Section 3 applies the same procedure to the selection of national recreation areas as to the park areas, with a provision that the recreation areas shall not be less than 208,000 acres in total.

Section 4 provides that the Secretary of Interior may appropriately transfer or acquire the lands needed, and establishes exchange procedures, particularly for privately held lands, if any, in the park and recreation areas.

Section 5(a) grants to the State of Utah the 41,901 acre Lisbon oil field area described by metes and bounds for an approximately equivalent acreage of State school sections and State-owned riverbed lands which are in the proposed park and recreation area. This section was prepared by the Utah State Land Board and approved by the State school board and the Governor's State agency committee. It could bring millions of dollars to the State school fund, and will compensate the State for the loss of mineral rights in State lands within the canyon lands area. The Moss, King, and Peterson bills do not protect the school fund. The Lisbon lands were applied for by the State before the area became "producible."

Section 6 permits the Secretary to proclaim creation of the park and recreation area and sets the upper limits on its size, of 310,000 acres.

Section 7(a) is designed particularly to protect the rights of those who hold grazing permits in the park portions of the area. But it also gives protection to those holding grazing permits in the recreation areas, above and beyond that given in section 11 as it deals with grazing.

Section 8(a) protects the valid rights acquired before creation of the park and recreation area by the patentees under the mining laws and permitees and lessees under the mineral leasing laws.

Section 8(b) coupled with section 11 establishes the multiple use concept in the recreation areas involved. These provisions make sure that future activities under the mining and mineral leasing laws shall be carried out in the recreation areas.

Section 9 provides for construction of access and connecting roads outside of the park and recreation areas. The first Moss bill failed to make provision for such access roads, to which I took strong exception. His second bill embodies my recommendations.

The King and Peterson bills still fail to provide for access roads, consigning the area to isolated wilderness status.

Under my bill all types of users may utilize the roads. Under the Moss bill the Park Service would no doubt bar all commercial use, just as it now does on park roads in the West and parkways in the East. This could create a Berlin Wall further to block commercial activity.

Section 10 clearly declares that State hunting and fishing laws shall apply in the entire area. The Moss bill adopts the procedure used in the Grand Teton National Park, thus placing hunting completely at the mercy of the Secretary of Interior. The Wyoming Game and Fish Commission describes this procedure as "most cumbersome," and points to the "autocratic and highhanded attitudes of the National Park Service" and says the State should have final say as to when and where hunting will be allowed. A similar statement has been made by the Utah State Fish and Game Department. My bill protects the State's right to govern hunting in the area, subject only to regulations jointly adopted by the Secretary and the Governor to protect public safety. We now permit hunting both in park-type areas in our National Forests, which have more visitors in Utah than our national parks, and in our State parks without any significant problems.

The King and Peterson bills bar all hunting.

Section 10(a) also provides that State boating laws would apply. The other bills do not do so.

Sections 12 and 13 provide for concurrent Federal-State jurisdiction with respect to the police power and tax power.

Section 14 provides that State water laws will be applicable. The other bills fail to do so.

Section 15 is a routine section dealing with administration.

Section 16 provides that no future extension or establishment of national parks or monuments in the State of

Utah can be made without positive action of Congress. A similar law applies in Wyoming. The so-called Antiquities Act has been so distorted in its application that the Secretary of Interior has acquired power to create unilaterally national monuments by Executive order and administer them as if they were national parks.

Since the Constitution confers control of public lands on Congress, and in order to protect the rights of our local people, the Secretary should not have this power. This is particularly true since the threat has been made that he might exercise this power in the canyon lands controversy.

I introduce the bill for appropriate reference.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3744) to authorize the establishment of the Canyonlands National Park and Recreation Area, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

TRUTH-IN-PACKAGING BILL

Mr. HART. Mr. President, I on behalf of myself and Senators KEFAUVER, CARROLL, DODD, LONG of Missouri, WILEY, NEUBERGER, MCNAMARA, MUSKIE, and BARTLETT, introduce a truth-in-packaging bill. It represents my reaction to the exhaustive inquiry I conducted into packaging and labeling practices.

This bill is designed to restore rational buying to the market place and to remove to a considerable degree the gantlet of psychological traps, successive confusions and outright deceptions that today's consumer must run whenever he passes down a supermarket aisle.

Such practices operate as a blindfold to prevent consumers from getting the information they need and deserve from the packages of the products they buy.

We believe that enforced honesty and straightforwardness in the marketplace can save the careful housewife hundreds of dollars each year.

But this bill provides many benefits for the manufacturer, too. Above all, it will provide him with greater security in marketing packaged and labeled goods—a security derived from a clear understanding of how basic information should be presented on the package and from the comforting knowledge that all his competitors must abide by the same standards.

This is important because during our inquiry we found that many manufacturers were apologetic about packaging practices but felt compelled to use them because their competitors did.

The bill was a difficult one to write. We wanted to keep it fair and clear without seriously interfering with our society's intricate marketing system.

We began by listing packaging requirements that would be necessary for all consumer commodities, regardless of kind or class. There are three of them:

First. The net weight of a product should be displayed on the front panel of its package in a prominent and conspicuous manner, unadorned by qualifying abjectives. This would eliminate, for example, such absurdities as the giant half-quart.

Second. Packages should contain no pictures or illustrations that would deceive the consumer as to content. A can of succotash, for instance, should not carry a picture of a savory beef stew, even if that stew would be a logical end product for the can's contents. Likewise, chocolate chips should be as evident in the cookies as they are in the package illustration.

Third. Manufacturers should not be allowed to print cents-off deals, economy-size designations and other information implying a price advantage on their packages. Implying a bargain by these methods presupposes a control over retail price that the manufacturer usually does not have. Our hearings exposed many abuses arising from these practices. Too often, the "cents-off" deal passes absolutely no savings to the customer.

These three requirements will be applied to every consumer item covered in the bill. How will they be promulgated and enforced? By two agencies—the Food and Drug Administration and the Federal Trade Commission.

The FDA will continue to have authority over the commodities currently within its jurisdiction—foods, drugs, and cosmetics. The authority of the FTC will extend to all other consumer commodities.

These three provisions are the only ones that will apply across the board to all consumer items covered in the bill.

Of course, the bill proposes other regulations but the rest of them must be applied on a product-by-product basis. Obviously, many directives that would be sensible for soap packagers would look silly if enforced on fish canners or ice cream manufacturers.

So these regulations must be drawn up on what we call a product-line basis. At this point our procedures change.

Remember, the three across-the-board regulations were to be promulgated by two agencies, the FDA and the FTC. However, on the product line directives, the FTC will have sole authority, regardless of what commodity is involved.

What are some of the things the FTC may do? There are six items. The FTC may:

First. Establish weights and measures in which a commodity may be sold. For example, the FTC may find it reasonable for three competitors to sell their product by the pound instead of respective 13½-, 15¼-, and 17½-ounce packages. In one product line we found packages of 69 different weights, all under three pounds.

Second. Prevent the use of packages that may deceive the customer as to amount of content. This, for example, could bar the 6-inch cardboard tray holding the 4-inch candy bar.

Third. Determine what sized packages deserve designations such as "small," "medium," "large," or "super." Labels often disguise a package's relative size. In toothpaste, for example, one witness told us she could not buy a "small" tube. The sizes started with "large" and went up from there.

Fourth. Establish "serving" standards. How much filet of sole, for example, will "serve four"? One pound or four forksfull? The housewife deserves some degree of certainty on this.

Fifth. Establish standards describing the useful amount of product in a package in those cases where weight is not meaningful. A detergent package, for example, might describe units of strength as well as the weight.

Sixth. Require that adequate information regarding ingredients or composition be printed prominently on the package. The consumer should have a precise knowledge of what he is buying. Of course, proprietary trade formulas are expected.

I have tried here to describe some of the more prominent features of the bill. I will ask at the conclusion of my remarks that a detailed, section-by-section analysis be placed in the RECORD.

Now let me return for a moment to the necessity for this bill.

In the average supermarket today, there are aproximately 7,500 items as compared to 1,500 a decade ago. We heard that there may be 20,000 such products in the supermarket of the next decade. The sale of nondurable consumer commodities amounts to approximately $80 billion a year. For the average family, such expenditures represent one-third of the budget. Twenty billion dollars more are spent on the packaging of these commodities. We are dealing here with a large and significant sector of our economy.

How does a consumer decide between these 7,500 products when he spends his nickels, dimes, and quarters in the neighborhood supermarket?

Not too long ago the consumer received the basic information necessary for an informed purchase from the neighborhood grocer. Today, he must depend on the package and only the package. The package has become the salesman. It is necessary that this new package-salesman speak truthfully, accurately, informatively, and clearly. If it does not, the consumer cannot make a rational choice between competing products.

Just how important is this "rational choice" to the operation of our free competitive economy and our democratic institutions?

For effective operation our democratic system requires that the individual choose rationally. We accept this responsibility as a part of our legacy of freedom whether we are selecting a candidate for public office or selecting products in the marketplace.

Under our economic system, it is the consumer who decides what will be produced for the marketplace and in what quantity. The consumer votes with dollars and his collective decisions steer the economy. But only when the collective decisions are wise ones can we depend on the economy to take an intelligent course.

But this responsibility cannot be discharged unless the information necessary for an informed choice is readily available.

To the extent that the buyer cannot get easily from that package basic facts about the contents, the information channels from the marketplace to the source of production are clogged and there is distortion in the system.

Our hearings clearly indicated that this is precisely what is happening. It is occurring in part because of the prevalence of the following practices: Meaningless and confusing label information and illustrations; package sizes, shapes, and weights so odd as to make price comparisons almost an impossibility; misleading and deceptive promotions; lowering the weight or content of a package while masking this loss in product from the consumer; inconspicuous and misleading content designations; package designs and shapes that give a distorted impression of the amount of product within.

These packaging and labeling practices have serious antitrust consequences.

Our antitrust laws are designed to guarantee marketplace competition and all the consumer benefits that competition brings. But the draftsmen of the basic acts did not anticipate the revolutionary developments in marketing methods.

Consequently, the law still assumes that price is the major determining factor in competition. That is, it assumes that if two products or services are exactly the same in quality, then price is the only remaining factor in the sale.

We now have a clear indication that in many economic areas price competition has become a fiction; that many manufacturers prefer not to compete on the basis of price. Rather, they prefer to compete in areas of nonprice competition.

Packaging and labeling is a principal form of nonprice competition in the consumable commodity field. It can be an expensive form of competition favoring the larger corporation. It has tended to obscure price competition with practices that make it almost impossible for the consumer to make valid price comparisons.

The antitrust laws are 50 years old. Hopefully, this bill will help bring them up to date, at least in this one area. This single measure will not be as effective—or as desirable—as a general overhaul of the antitrust laws but I feel it will certainly help restore price competition as a meaningful and important factor.

These packaging and labeling practices also pose a threat of a different kind to this Nation. Some suggested that our hearings were useles because every American housewife knows that "serves eight" on a package really means "serves four"; that "large," "king size," and "super" really mean "small," "medium," and "large."

If such an attitude has in fact been engendered by the morality of the marketplace, then I submit we had better take a good, hard look at those practices that divide marketplace morality from the morality we expect in the home and the community.

History shows that commercial morality percolates into other segments of national life. It is important therefore that commercial practices conform to our traditional virtues of honesty and truthfulness.

Of course, the basic purpose of this bill is more direct. It is to relieve the consumer of the confusing and deceptive practices that make rational choices difficult.

Sometimes, as I said, these practices serve as a blindfold.

But at best they tend to allow only a distorted view of a product's true nature and value so that each article must be judged as if reflected in a carnival mirror.

Our economy is based on freedom of choice. Let us give the consumer a chance to make that choice a good one.

Mr. President, this bill will not be acted upon in this session; but by introducing it now, we invite study and discussion. This bill has been carefully thought out, but I shall continue to welcome fresh viewpoints and comments.

I ask unanimous consent, Mr. President, that the text of the bill and a section-by-section analysis of it be printed at this point in the RECORD; and I ask that the bill lie on the table until the close of business on Thursday, September 27, so that other Senators who may wish to do so may join in sponsoring it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD, and the bill will lie on the table, as requested by the Senator from Michigan.

The bill (S. 3745) to amend the Clayton Act to prohibit restraints of trade carried into effect through the use of unfair and deceptive methods of packaging and labeling certain consumer commodities distributed in commerce, and for other purposes; introduced by Mr. HART (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (38 Stat. 730 et seq.); 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after section 3 thereof, the following new section:

"SEC. 3A. (a) It shall be unlawful for any person engaged in the packaging or labeling of any consumer commodity (as defined by this section) for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled consumer commodity, to distribute or to cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to regulations promulgated pursuant to this section.

"(b) As soon as practicable after the effective date of this section, regulations shall be promulgated to—

"(1) require the net content, net weight, or both, of consumer commodities to be stated upon the front panel of packages containing such commodities, and upon any labels affixed to such commodities;

"(2) establish minimum standards with respect to the location and prominence of statements of the net content, net weight, or both, of such commodities (including minimum standards as to the type size and face in which such statements shall be made) appearing upon packages containing any consumer commodity and upon labels affixed to any such commodity;

"(3) prohibit the addition to such statements of net content or net weight of any qualifying words or phrases;

"(4) prohibit the placement upon any package containing such commodity, or upon any label affixed thereto, of any printed matter stating or representing by implication that such commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price, or that a retail sale price advantage is accorded to retail purchasers thereof by reason of the size of that package or the quantity of its contents;

"(5) contain such exceptions to the foregoing requirements as the promulgating authority may determine to be required by the nature, form, or quantity of particular consumer commodities, except that no exception may be made if that exception would deprive consumers of reasonable opportunity to make rational comparisons between or among competing products; and

"(6) prevent the placement, upon any package in which such commodity is distributed for retail sale, of any illustration or pictorial matter which may deceive retail purchasers in any respect as to the contents of that package.

"(c) (1) Regulations under subsection (b) shall be promulgated by—

"(A) the Secretary of Health, Education, and Welfare, with respect to any consumer commodity which is a food, drug, or a cosmetic, as each such term is defined by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); and

"(B) the Federal Trade Commission with respect to any other consumer commodity.

"(2) Such regulations adopted by the Secretary and by the Commission shall be uniform in content and application to the greatest practicable extent, as determined by consultation between the Secretary and the Commission.

"(d) Whenever the Federal Trade Commission determines that additional regulations are necessary to establish or preserve fair competition between or among competing products by enabling consumers to make rational comparisons with respect to price and other qualities, or to prevent the deception of consumers as to such products, the Commission may promulgate under this subsection with respect to a consumer commodity of any class or kind regulations effective to—

"(1) establish reasonable weights or quantities, or fractions or multiples thereof, in which that commodity shall be distributed for retail sale;

"(2) prevent the distribution of that commodity for retail sale in packages of sizes, shapes, or dimensional proportions which may deceive retail purchasers as to the weight, quantity, or number of the contents thereof;

"(3) establish and define standards of designations of size (other than statements of net weight or net contents) which may be used to characterize quantitatively the contents of packages containing that commodity;

"(4) establish and define the weight, quantity, or number of any commodity which shall constitute a serving, if that commodity is distributed to retail purchasers in a package or with a label which bears a representation as to the number of servings provided by the quantity contained in that package or to which that label is affixed;

"(5) establish and define standards for the quantitative designation of the contents of packages containing any consumer commodity of a kind which cannot meaningfully be designated quantitatively in terms of weight or number; and

"(6) require that adequate information with respect to the ingredients and composition of any consumer commodity (other than information concerning proprietary trade formulas) be placed in a prominent position upon packages containing that commodity and upon labels affixed thereto.

"(e)(1) In the promulgation of regulations under subsection (d), persons who would be affected thereby, and other agencies of the Government having special competence with respect to the subject of those regulations, shall be consulted as to the scope, application, form, and effect thereof.

"(2) All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act.

"(3) Any regulation promulgated under this section may be modified by the promulgating authority, upon the initiative of that authority, or upon application made by any person affected by that regulation, whenever such authority determines, after notice and hearing, that such modification is necessary to conform to any change occurring in the method of packaging, labeling, distributing, or marketing of any consumer commodity.

"(4) No regulation promulgated under this section shall prevent any person engaged at any time in the sale of any consumer commodity at retail to ultimate purchasers thereof from placing upon any such commodity, or upon any package containing that commodity, any marking which states the true and correct retail sale price at which such person at that time is offering that commodity for sale to such purchasers.

"(f) Upon written request made, by the officer or agency authorized or directed by this section to establish packaging or labeling regulations as to any consumer commodity of any class or kind, to any producer or distributor thereof, such producer or distributor shall transmit promptly to that officer or agency a true and correct sample of each package and label used or to be used by that producer or distributor for or in connection with the distribution in commerce of any particularly described consumer commodity of that class or kind. Any person who, with intent to evade compliance with the requirement of this subsection, fails to transmit any such sample to such authority promptly upon receipt of such request shall be fined not more than $1,000, or imprisoned not more than one year, or both.

"(g) (1) Any consumer commodity introduced or delivered for introduction into commerce in violation of any regulation promulgated by the Secretary of Health, Education, and Welfare under subsection (b) of this section while that regulation is in force and in effect shall be deemed to be misbranded within the meaning of chapter III of the Federal Food, Drug, and Cosmetic Act.

"(2) Authority to enforce compliance with regulations promulgated by the Federal Trade Commission under subsection (b) or subsection (d) of this section is hereby vested in the Federal Trade Commission, and such authority shall be exercised in the manner provided by section 11 of this Act. The remedy provided by section 16 of this Act shall be available to any person threatened with loss or damage by any violation of any such regulation while that regulation is in force and in effect.

"(h) Each officer or agency required or authorized by this section to promulgate regulations for the packaging or labeling of any consumer commodity shall transmit to the Congress in January of each year a report containing a full and complete descriptions of the activities of that officer or agency for the administration and enforcement of this section during the preceding calendar year.

"(i) A copy of each regulation promulgated under this section shall be transmitted promptly to the Director of the National Bureau of Standards, who shall (1) transmit copies thereof to all appropriate State officers and agencies, and (2) furnish to such State officers and agencies information and assistance to promote to the greatest practicable extent uniformity in State and Federal standards for the packaging and labeling of consumer commodities.

"(j) As used in this section—

"(1) the term 'consumer commodity', except as otherwise specifically provided by this paragraph, means any consumable or nondurable article or commodity of any kind or class customarily produced or distributed for sale through retail sales agencies or instrumentalities for personal or household use or consumption. Such term does not include (A) any meat, meat product, poultry, or poultry product, or any commodity subject to the Federal Insecticide, Fungicide, and Rodenticide Act, with respect to which the Secretary of Agriculture is authorized to prescribe packaging or labeling requirements; (B) any beverage subject to packaging or labeling requirements imposed under chapter 51 of the internal Revenue Code of 1954; or (C) any household appliance, equipment, furniture, furnishing, or other durable and nonconsumable article or commodity;

"(2) the term 'package' means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that commodity to retail purchasers thereof, but does not include shipping containers or wrappings used solely for the transportation of such commodity in bulk or in quantity to wholesale or retail distributors thereof;

"(3) the term 'label' means any written, printed, or graphic matter affixed to any consumer commodity; and

"(4) the term 'person' includes any firm, corporation, or association."

(b) The amendment made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

The section-by-section analysis presented by Mr. Hart is as follows:

Analysis of Truth in Packaging Bill

INTRODUCTION

The bill amends the Clayton Act by adding a new section, (3a) (to take effect 6 months after enactment), for the purpose of prohibiting restraints of trade carried into effect through the use of unfair and decepitive methods of packaging and labeling certain consumer commodities as defined by this section.

SECTION 3A

Subsection (a) makes it unlawful for any person to package or label any consumer commodity (as defined by subsection (j)(1)) or to distribute in commerce any packaged or labeled commodities which do not conform to the regulations promulgated under this bill.

Subsection (b) directs that the following regulations be promulgated:

1. To require that net content, net weight statements, or both, be stated upon the front panel of packages and labels.

2. To establish minimum standards with respect to the location and prominence of net weight or content statements (including minimum standards relating to type size and face)

3. To prohibit the addition of any qualifying words or phrases to net content or weight statements.

4. To prohibit the printing on packages of information stating or implying that the product is being offered for sale at a price lower than the customary retail price or that a price advantage is being accorded to the purchaser because of the size or quantity of the package. (This does not apply to the ultimate retailer.)

5. To make provision for exceptions to the foregoing requirements when necessary because of the nature, form or quantity of the product.

6. To prevent placing illustrations or pictorial matter on packages which may deceive the purchaser as to the contents.

Subsection (c)(1) (a and b) require that the regulations under subsection (b) as set forth above shall be promulgated by the Secretary of Health, Education, and Welfare with respect to foods, drugs or cosmetics and by the Federal Trade Commissions with respect to all other commodities.

2. Provides that regulations promulgated by the FDA and FTC shall be as uniform in content and extent as possible.

Subsection (d) gives the FTC discretion to establish additional regulations on a product-by-product basis. Its authority under this subsection extends to all consumer commodities encompassed by the bill. This authority may be used when necessary to establish or preserve fair competition by enabling consumers to make rational comparisons between competing products and when necessary to prevent consumer deception. Such regulations may be promulgated only to:

1. Establish reasonable weights or quantities in which a product can be sold.

2. Prevent the sale of a commodity in a package whose size, shape or proportions may deceive purchasers as to the weight or the quantity of the product within the package.

3. Establish standards of size terminology such as "small," "medium," or "large."

4. Establish "serving" standards.

5. Establish standards to designate the quantitative contents of a package where net weight or number is not meaningful.

6. Require that adequate information about the content ingredients or composition be displayed prominently on the package or label with the exception of information concerning proprietary trade formulas.

Subsection (e):

1. Provides that in promulgating regulations under subsection (d) the FTC shall consult with persons who would be affected by their application and shall also consult with other Government agencies having special competence with respect to the subject matter. Consultation shall be directed to the scope, application, form and effect of the regulation. This subsection anticipates the "trade conference" concept presently being utilized by the FTC.

2. Provides that all regulations shall be promulgated in conformity with the Administrative Procedure Act.

3. Provides that any regulations may be modified on the initiative of the promulgating authority or by affected persons when changes in marketing methods and techniques make it necessary.

4. Provides that nothing in this bill shall be construed to prevent a person engaged in retail sales to ultimate purchasers from marking on any package or label the correct retail price at which the product is being offered for sale.

Subsection (f) authorizes the promulgating authority or the appropriate officer thereof to make a written request of any producer or distributor for a correct sample of any package or label he is presently using or intends to use. Failure to promptly forward the requested samples with intent to avoid compliance is punishable by a fine of not more than $1,000, or not more than a year's imprisonment, or both.

Subsection (g):

1. Provides that if a commodity is put into commerce in violation of a regulation promulgated by the FDA, it shall be deemed "misbranded" within the meaning of the Food, Drug, and Cosmetics Act and subject to the penalties provided therein. This includes seizure, injunction, or criminal sanctions, depending on the circumstances involved and the discretion of the agency.

2. Provides that if a commodity is put into commerce in violation of a regulation promulgated by the FTC, the enforcement procedures of section 11 of the Clayton Act shall apply. Section 11 details the procedure for issuance, enforcement, and review of cease-and-desist orders. The remedy available in section 16 of the Clayton Act is also provided for. Section 16 details the procedure for private litigants to obtain injunctive relief when threatened with loss or damage by violation of any regulation promulgated under this act.

Subsection (h) provides that the FDA and FTC shall transmit to Congress a yearly report of their activities under this act.

Subsection (i) provides that a copy of each regulation promulgated under this bill shall be forwarded to the National Bureau of Standards. The Bureau is directed to transmit copies to the appropriate State agencies and officials and furnish information and assistance to the States for the purpose of promoting uniformity between State and Federal standards.

This subsection anticipates the utilization of the Bureau of Weights and Measures in working with State officials or agencies on a voluntary basis to make State and Federal packaging and labeling regulations conform to the greatest practicable extent.

Subsection (j):

1. Defines the term "consumer commodity." The term means any consumable or nondurable article or commodity of any kind or class customarily produced or distributed for sale through retail outlets for personal or household use or consumption.

It also lists the following exclusions: Meat and meat products, poultry and poultry products and insecticides, fungicides and rodenticides with respect to which the Secretary of Agriculture is authorized to prescribe packaging and labeling requirements; any alcoholic beverage subject to the packaging and labeling requirements of chapter 51 of the Internal Revenue Code of 1954; any household appliance, equipment, furniture, furnishing, or other durable and nonconsumable article or commodity.

2. Defines "package" to mean any container or wrapping in which a consumer commodity is enclosed for use in the delivery or display of the product to consumers. It exempts shipping containers or wrappings used solely for shipping the product to wholesale or retail distributors.

3. Defines "label" to mean any written, printed, or graphic matter affixed to a consumer commodity.

4. Defines "person" to include any firm, corporation, or association.

Mr. CARROLL subsequently said: Mr. President, I was privileged to be on the floor of the Senate when the able and distinguished junior Senator from Michigan [Mr. Hart] introduced the truth-in-packaging bill and made his explanatory remarks in regard to it.

Mr. President, as the Senate knows, the Senate Antitrust and Monopoly Subcommittee, of which I am a member, has over recent months been investigating packaging and labeling practices in consumer merchandise. During the course of these hearings, we uncovered extensive evidence of packaging and labeling tricks, confusions and deceptions.

As every housewife knows, it is next to impossible to determine in the supermarket whether 85 cents for 16½ ounces is a better buy than the super economy size of 29 ounces for $1.49. Often enough, we have found that the supposed "bargain" is actually no bargain at all.

By and large, the consumer manufacturer packs and labels his goods in an efficient, fair and honest manner. There are exceptions, however; there are manufacturers who take advantage of their customers and of their competitors by utilizing deceptive packaging methods.

I am very pleased that the junior Senator from Michigan [Mr. Hart], who has done such an excellent job conducting these hearings for our subcommittee, is now introducing a constructive bill to see that these unfair competitive practices are stopped.

I am pleased to join with Senator Hart today as a cosponsor of this bill.

I am aware that this measure was a very difficult one to write and I would not be surprised if the bill is not changed in one way or another as it goes through the legislative process.

It is important that such legislation as this be very carefully drawn so that it will not interfere with our free society's marketing system.

It is important that the legislation treat all competitors equally and fairly and that it serves the interest of the consumer and the public. Senator Hart's bill does, I believe, meet these three criteria.

This bill provides three requirements that all consumer packaging must follow:

First. The net weight of a product must be displayed on the front panel of a package in a prominent manner. This will eliminate such psychological deceptions as the bottle labeled as a "giant half quart."

Second. A package may carry no picture or illustration which would deceive the consumer as to the content of the package—for instance if there is beef in the stew on the label, there must be beef in the stew in the can.

Third. Manufacturers will not be allowed to print designations implying a price advantage on their packages—such as "cents off" or "economy size." Often enough we have found these giant economy sales passed no savings at all on to the consumer.

This bill also proposes other regulations which would be applied on a product-by-product basis.

These will attempt to deal with such cases as the 3-inch candy bar in the 5-inch package; the product line in which we discovered packages of 69 different weights all under 3 pounds; and the products which come in 3 sizes "large," "giant," and "super economy."

The average supermarket today has approximately 7,500 items. If the modern housewife is to shop intelligently and to make her purchasing decisions rationally she must have the information necessary for making an informed choice.

I am pleased to add my name as a cosponsor of this bill.

PROPOSED PUBLICATION AS SENATE DOCUMENT OF "RATIFICATIONS OF THE CONSTITUTION"

Mr. SALTONSTALL. Mr. President, I submit, for appropriate reference, a resolution providing for the printing as a Senate document the manuscript book entitled "Ratifications of the Constitution," which is the transitional record book of the Constitution. My reasons for making the request are as follows:

It has been brought to my attention by Mr. Denys P. Myers, a distinguished scholar and a student of the Constitution and of constitutional history, that a master file of constitutional documents is not available in a consolidated print.

Mr. Myers was formerly research librarian at the Fletcher School of Law and Diplomacy, and more recently has been associated with the Department of State, first as its legal specialist in international organization, and later as historian. My own acquaintance with Mr. Myers' scholarship dates from 1939, when, as Governor of Massachusetts, my attention was drawn to a publication by him which showed that the Commonwealth of Massachusetts had never ratified the Bill of Rights. Thanks to Mr. Myers, we promptly remedied that oversight.

Last year the Senate adopted a resolution, which I submitted, authorizing the printing as a Senate document of a literal print of the Constitution with historical notes by Mr. Myers—Senate Document 49. Mr. Myers included in his notes a memorandum study under the title "For a Master File of the Constitution." He pointed out that in the early days of the Government the Constitution was not handled with the same degree of procedural accuracy as is usually afforded such state documents. In 1789, records were casually transferred from the old government to the new. No formal file of the Constitution as a document was established or maintained until a file of its amendments was set by the act of April 20, 1818.

A master file of constitutional documents would consist of the text of the Constitution in authenticated form, the instruments of its ratification, and the similar papers relating to the amendments, Senate Document No. 49—87th Congress, 1st session—provides the authenticated print of the Constitution. The proposed document would complete the series of constitutional documents.

Mr. Myers has determined, through careful research, that the manuscript book entitled "Ratifications of the Constitution," which is contained among the records of the Department of State in the National Archives, is the transitional record book of the Constitution. It is the executive record book by which the Constitution of the United States of America was transmitted from the United States in Congress assembled, which initiated the Constitution, to the Government of the United States of America, which was established thereby.

These documents, which form an important part of our constitutional history, are at present not generally or readily available in the libraries and universities of our country. The most recent print of the ratifications was in 1894, when the first of four volumes of the "Documentary History of the Constitution" was published by the Department of State. These volumes, while technically correct, are, however, a documentary morass, and have not been used effectively by students in the field. Mr. President, a modern print of the "Ratifications of the Constitution" would be a useful document for students and scholars interested in the period of transition from the Articles of Confederation to the Constitution of the United States of America.

The resolution (S. Res. 398) was referred to the Committee on Rules and Administration, as follows:

Whereas the United States in Congress assembled on February 21, 1787, resolved that a convention be held "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the Federal Constitution adequate to the exigencies of the Government and the preservation of the Union"; and

Whereas the Federal Convention transmitted as its report to the United States in Congress assembled the Constitution of September 17, 1787, in the dual form of a signed engrossed copy and a printed text; and

Whereas the United States in Congress assembled on September 28, 1787, resolved that this report "be transmitted to the several legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof"; and

Whereas Charles Thomson, Secretary of Congress, set up a record book entitled "Ratifications of the Constitution" in which were entered verbatim the successive acts by which the report of the Federal Convention was ratified by the States in sufficient number to establish it as the Constitution of the United States of America; and

Whereas the relevant portion of that record book was incorporated in the official Journal of the United States in Congress Assembled as an appendix to its resolution of September 13, 1788, which provided for the operation of the Government of the United States of America; and

Whereas President George Washington on July 24, 1789, gave Roger Alden, Deputy Secretary, custody of the "books, records, and papers of the late Congress," which the Act of September 15, 1789, directed to be deposited in the Department of State; and

Whereas the said books, records, and papers were transferred under that Act to the Department of State when Roger Alden as their custodian was appointed chief clerk of that Department; and

Whereas the Department of State completed the entry of action by States relating to the Constitution in the record book entitled "Ratifications of the Constitution" through the ratification by the new State of Vermont dated January 10, 1791, and included therein ratifications to that date of the amendments comprising the Bill of Rights which were proposed by the resolution of the Congress of September 25, 1789; and

Whereas the Bill of Rights became by ratification a part of the Constitution by December 15, 1791; and

Whereas the manuscript book entitled "Ratifications of the Constitution" is the executive record book by which the Constitution of the United States of America was transmitted from the United States in Congress assembled, which initiated the Constitution, to the Government of the United States of America, which was established thereby; and

Whereas Denys P. Myers, a recognized authority upon the history of the Constitution, has tendered his services, without cost to the Government, for the editing of that record book and the preparation of an appropriate introduction to a proposed printing thereof: Now, therefore, be it

Resolved, That the manuscript book entitled "Ratifications of the Constitution" contained among the records of the Department of State in the National Archives, as edited by Denys P. Myers, together with an appropriate introduction thereto prepared by him, be printed as a Senate document.

Mr. SALTONSTALL. Mr. President, I ask the President pro tempore of the Senate and the majority leader to give this little resolution their earnest consideration, in order that it may be acted on at this session.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. SALTONSTALL. I yield.

Mr. MORSE. Was the manuscript to which the Senator from Massachusetts has referred written in connection with any Senate activity?

Mr. SALTONSTALL. The document was Senate Document No. 49, 87th Congress, 1st session. It was printed under a resolution which I submitted last year, and was a literal print of the Constitution, with historical notes by Mr. Myers.

Mr. MORSE. My question is this: Was Mr. Myers' work performed in any way as an official Government service?

Mr. SALTONSTALL. Oh, no; that is not my understanding.

Mr. MORSE. So this is a case in which a great scholar has written a scholarly work?

Mr. SALTONSTALL. That is correct.

Mr. MORSE. Why does not he get the Harvard Press or the Columbia Press or some other publishing house to publish it? Why should the Senate publish as an official document a scholarly piece of work by some scholar?

Mr. SALTONSTALL. As I understand, it is a continuation of what was done last year, and is to bring up to date the records which were published last. The most recent print of the ratifications was in 1894, when the first of four volumes of the "Documentary History of the Constitution" was published by the Department of State. These volumes, while technically correct, are, however, a documentary morass, and have not been used effectively by students in the field.

This is an effort, as I understand, to put into one volume the notes concerning the period between the transition from the Articles of Confederation to the Constitution of the United States.

Mr. MORSE. I am only seeking information, because I am not clear in my mind as to what it is that the Senator from Massachusetts seeks to get the Senate to publish as a Senate document. Who asked Mr. Myers to produce his first scholarly work?

Mr. SALTONSTALL. I assume that Mr. Myers wrote it on his own. He is a former research librarian at the Fletcher School of Law and Diplomacy, at Tufts College, and more recently has been associated with the Department of State, first as its legal specialist in international organization, and later as historian.

As I said a moment ago, Mr. Myers first came to my attention when, during my service as Governor of Massachusetts, my attention was drawn to a publication by him which showed that the Commonwealth of Massachusetts had never ratified the Bill of Rights. Thanks to Mr. Myers, Massachusetts proceeded to ratify the Bill of Rights in 1939.

Mr. MORSE. I think it well that the Senator from Massachusetts has submitted the resolution, but I think it would be very wise for the Senate to give very thorough consideration to this proposal. In our country there are many scholars who are doing some very interesting research, but often they have difficulty finding a publisher for their subject matter. I think we had better take a long look at any proposal to havė the Senate turn itself into a publishing house to publish every scholarly work which may not be published by some other publishing house. I respectfully say that it seems to me this is the type of academic scholarship work which should be published by private enterprise.

It ought to be published by universities. It ought to be published by research centers or foundations. My opinion is tentative. I am open to conviction. But I raise the question here that we had better take a long look at any resolution which proposes that, because someone had prepared a very scholarly work on the Constitution, therefore we ought to publish it as a Senate document. I think we ought to have proof, may I suggest to the majority leader, on thorough hearings, of, first, that this work cannot be published by private enterprise; second, that it cannot be published by the academic presses of this country.

If every time someone does a piece of scholarly work on American history, it is desired to have it published as a Senate document, where is the end of that going to be? Offhand, I can think of the authors of many scholarly works that are now in manuscript form who would welcome the precedent the Senator from Massachusetts proposes before the Senate.

I raise very serious offhand questions about it. Again, may I say to the majority leader, when this resolution comes up for hearing, I want to be heard. I do not want to be put in the position I was in last Friday when a bill came up for consideration that I knew nothing about, when I was not asked to testify on the bill. I serve notice now that I want to be heard.

Mr. MANSFIELD. Mr. President, if the Senator will yield, will the Senator from Oregon tell the Senator from Montana which bill he is referring to which was considered last Friday?

Mr. MORSE. The fish hotel bill.

Mr. MANSFIELD. Oh, the fish bill.

Mr. SALTONSTALL. Mr. President, I have not asked unanimous consent to have this resolution considered without its going to the Committee on Rules and Administration. I simply call it to the attention of the President pro tempore and the majority leader, who are on the Rules Committee, with the hope that it may be acted on in this session.

While this work has been done by Mr. Myers, it becomes a part of the official records of the adoption of the American Constitution. It is simply an effort to make it more available. It is one more little volume which would be a part of the official documents and would make available in consolidated form information on the adoption of the Constitution and the papers that went into that history.

I hope the majority leader and the President pro tempore, as members of the Rules Committee, may give their attention and consideration to this matter. I have no objection to the Senator from Oregon appearing, of course. If there are any fundamental objections, I would not press the resolution; but, as I understand, this is just a part of the historical effort to put into consolidated form papers that concern our early history. Certainly, we would want that information readily available.

Mr. President, the minority leader [Mr. DIRKSEN] has called my attention to the fact that he is a member of the Rules Committee, too. I hope he will also give the matter earnest consideration, along with the majority leader and the President pro tempore. I am sorry I omitted reference to the minority leader in my original reference.

Mr. MANSFIELD. Mr. President, I wish to assure the Senator from Massachusetts, the Senator from Oregon, and the Senator from Illinois that, if there are any more hearings held by the Rules Committee, one of the three Senators will be invited to participate as a member of the committee, and the other two Senators will be invited to come before the committee as witnesses.

PROTECTION OF THE GOLDEN EAGLE—AMENDMENTS

Mr. TOWER. Mr. President, I submit amendments, intended to be proposed by me, to the joint resolution (H.J. Res. 489) to provide protection for the golden eagle. I ask unanimous consent that the amendments lie on the table for 1 day, and then be printed.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON ROCK RIVER, ROCKFORD, ILL. (S. DOC. NO. 142)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated August 29, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the report on Rock River, Rockford, Ill., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted March 31, 1953. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON KAW RESERVOIR, ARKANSAS RIVER, OKLA. (S. DOC. NO. 143)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated July 6, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on the Kaw Reservoir, Arkansas River, Okla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted February 21, 1958. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON LAKE KEMP, WICHITA RIVER, TEX. (S. DOC. NO. 144)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated August 28, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the reports on Lake Kemp, Wichita River, Tex., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted April 16, 1959. I ask unanimous consent that the reports be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON HUGO RESERVOIR, KIAMICHI RIVER, OKLA. (S. DOC. NO. 145)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated August 24, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the reports on the Hugo Reservoir, Kiamichi River, Okla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted January 28, 1955. I ask unanimous consent that the reports be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON CANAVERAL HARBOR, FLA. (S. DOC. NO. 140)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated July 6, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on Canaveral Harbor, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted April 26, 1951. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF INTERIM REPORT ON LACKAWANNA RIVER, PA. (S. DOC. NO. 141)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated July 30, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the Lackawanna River, Pa., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted September 14, 1955. I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

PRINTING OF INTERIM REPORT ON CENTRAL AND SOUTHERN FLORIDA PROJECT, SHINGLE CREEK BASIN, FLA. (S. DOC. NO. 139)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated July 27, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on the central and southern Florida project, Shingle Creek Basin, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted November 15, 1954. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Llewellyn E. Thompson, of Colorado, a Foreign Service officer of the class of career Ambassador, to be Ambassador at Large; Hollis B. Chenery, of California, to be Assistant Administrator for Program Review and Coordination, Agency for International Development; Dr. Leona Baumgartner, of New York, to be Assistant Administrator for Human Resources and Social Development, Agency for International Development.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1023. An act to amend the Act of August 20, 1954 (68 Stat. 752), in order to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Oregon; and

H.R. 1960. An act to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the United States district courts, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended, was read twice by its title, and referred to the Committee on Commerce.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. KEFAUVER:

Address by him on the subject "Railroad Mergers and Monopoly," delivered at the Metropolitan Railway Employees' rally in New York City on September 19, 1962.

By Mr. WILEY:

Excerpts from address by him over Wisconsin radio stations during weekend of September 22 and 23, 1962; and supplemental statement, by him, relating to conservation.

By Mrs. NEUBERGER:

Remarks by Vice President Johnson before a conference of the Commission on the Status of Women, September 24, 1962.

Statement by Mrs. Eleanor Roosevelt and correspondence relating to President's Commission on Status of Women.

JANINA TEKLA GRUSZKOS

Mr. MANSFIELD. Mr. President, on September 18, 1962, the Committee on the Judiciary reported H.R. 9472, with amendments. Information has since been received that an administrative remedy is available in the case of one beneficiary included in the bill, as amended, and legislation in his behalf is no longer necessary.

The bill was passed on Friday last.

I ask unanimous consent, in view of that statement, that the votes by which the committee amendment to H.R. 9472 was agreed to and ordered to be engrossed and the bill to be read the third time and passed, be reconsidered.

The PRESIDING OFFICER (Mr. Jordan of Idaho in the chair). Is there objection? The Chair hears none, and it is so ordered.

The bill is open to amendment.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment in lieu of the committee amendment, and move that the amendment be adopted.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana to the committee amendment will be stated.

The Legislative Clerk. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

> That, in the administration of the Immigration and Nationality Act, Janina Tekla Gruszkos may be classified as an eligible orphan within the meaning of section 101 (b) (1) (F), and a petition may be filed in behalf of the said Janina Tekla Gruszkos by Veronica Gruszkos, a citizen of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

IT IS PEOPLE WHO COUNT IN THE LONG RUN

Mr. YOUNG of Ohio. Mr. President, later in the week the Senate will be giving consideration to our foreign assistance appropriation. I am glad that, since President Kennedy was inaugurated, it is termed "foreign assistance" instead of "mutual security," as it was mistakenly called during the previous administration.

I hope consideration will be given to cutting off economic aid, and certainly cutting off all military aid, to dictatorship regimes. I particularly feel that we should stop, look, and listen before we appropriate any money whatever for Duvalier, the bloody and tyrannical dictator of Haiti, and for Generalissimo Francisco Franco, dictator of Spain.

The expiration date, in September 1963, of our military pact with Franco's Spain is not in the too far distant future. It appears to me that it becomes imperative that we reevaluate a policy whereby we are, in effect, a party to the oppression of the Spanish people by a ruthless dictator. That is what Francisco Franco is, and has been through the years.

Do we need these bases to the extent they were needed when we entered into the original leases?

It will be remembered that we treated Batista, the Cuban dictator, with the same kind of cordiality that we have been giving and now extend to Franco. In Cuba the people rose up against the tyrant Batista. As a result, the Communist tyrant Castro seized power and now rules this hapless country. It is more than likely that the Spanish people will soon overthrow their oppressor. At any rate, it is just a matter of time. Twenty-six years ago the free world indirectly helped bring Franco and fascism to power by refusing to adequately aid a country searching for freedom—the Spanish Republic. It can now, if it chooses, help bring communism to power in Spain by continuing to aid the Fascist dictator, Generalissimo Franco. I fear this may occur unless we change our course of conduct.

Mr. President, the anti-Franco tide within Spain is rising while our policy in Spain takes a siesta. The Communist underground in Spain is thriving. Its efficiency is demonstrated by the speed with which radio Moscow reports on local Spanish developments. Trained Communist agents have infiltrated the country in large numbers. Communist propaganda is zealously identifying United States aid with the Franco regime.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, we cannot afford to ignore the fact that the situation in Spain could easily erupt into turmoil. Daily we read and hear reports of the growing resistance to the regime. This is the political atmosphere on which communism thrives. Should a revolution occur, power might easily gravitate toward the extreme left, unless the Western democracies take appropriate action. The Red bear may leapfrog cross the Pyrenees. The entire military and political posture of the NATO alliance might then be placed in serious jeopardy.

Mr. President, let us not be deceived by high-powered publicity campaigns staged by well-paid lobbyists and public relations experts no doubt spending American foreign assistance funds to lull Americans into the belief that the people of Spain are happy and content under the reign of a benevolent and kindly dictator. We were told that about the Batista regime in Cuba. We were told that about the Trujillo tyranny. How long will it take our policymakers to learn from the lamp of experience?

The Government of Spain is a military dictatorship dependent upon the army and the secret police for its survival. Spaniards have been deprived of even the rudiments of civil liberty. Freedom of assembly, of speech, and of the press are nonexistent. Thousands languish in prisons for political crimes. They have been denied trial and the right to face their accusers. Thousands more have faced the firing squads. Citizens cannot move freely within their own country. The ruling class, swollen with wealth and power, lives in splendor. Yet, millions of Spanish people continue to live in abject poverty and have lost hope and confidence in Franco and his military rule by whim and decree of their unfortunate country. Generalissimo Francisco Franco is chief of state, commander in chief of the armed forces, Prime Minister, and head of the only legal political party in Spain. All other parties have been smashed by his secret police. He is dictator and absolute ruler of more than 30 million people.

John Gunther in his great book "Inside Europe Today" stated the case.

> One lesson that may well be drawn from all this is that it is always dangerous for a democracy, like the United States, to become too closely involved with a dictator or semidictator, no matter how convenient this may seem to be. It is the people who count in the long run, and no regime is worth supporting if it keeps citizens down—if only for the simple reason that they will kick it out in time.

Along with political oppression the Spanish people must also suffer because the regime cares little about their economic well-being. Per capita income in Spain is less than $300 a year, one of the lowest in Europe. Poverty and hopelessness are the lot of the mass of the people. Scores of thousands live in caves and suffer from malnutrition and disease. The cave population around Madrid alone is estimated to be 20,000.

American tourists and Government officials traveling the spendid new highway from Madrid to Barajas Airport and enjoying the comfort and luxury of the Palace Bar and Ritz Hotel, two of the finest hotels in the entire world, are too frequently unaware of the hidden facts of the sordid economic life in Spain. The magnificence of newly constructed Government buildings cannot conceal the disillusionment and suffering of the 30 million people of Spain.

Mr. President, not even Franco's fondest admirers believe that he could survive a free election. The regime has maintained its power by ruthlessly suppressing any and all opposition. It is a Government which openly proclaims its opposition to capitalism and political democracy. This is the regime that has enjoyed over $1½ billion of U.S. economic and military aid for allowing us to build four military bases at a cost of over $400 million. In view of our tremendous missile power and far-ranging atomic powered Polaris submarines, the need for these bases may be subject to review. Franco has indicated that he will use these bases as leveragee for more economic and military aid. The Generalissimo is never bashful about making demands on the United States. Dictators come high these days and this dictator considers he has our bases as hostages. Indications are that Franco will increase his demands for U.S. aid at the expiration of our treaty with Spain in 1963. Let us give him to understand he does not have us over a barrel.

Franco wants modern arms to strengthen his choke hold on the Spanish people. He wants not only modern aircraft but also nuclear arms for his army and air force.

Mr. President, it is time to wake up from our siesta in Spain. No matter how passionately the United States professes a policy of nonintervention in domestic Spanish affairs, the fact is that both our military and economic aid profoundly affect the status of the Spanish people. Let us stop aiding and abetting dictatorship tyranny. The presence of U.S. military forces in Spain very unfortunately casts America in the role of ally and friend of the Franco regime.

Mr. President, I urge that we consider withdrawal from our Spanish bases as soon as it is feasible to do so, when it is determined they are no longer needed, for by remaining we run the risk of being forced out anyway when the Franco dictatorship is overthrown. We can no longer afford the luxury of supporting Franco, Duvalier of Haiti, and other ruthless dictators. Let us rid ourselves of all ties to him and other dictators whom we have been subsidizing with our taxpayers' money through many years.

THE FEDERAL BUDGET

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record a speech which I delivered yesterday at Portland, Oreg., before the Pacific Northwest Association of Jewelers on the subject of the economy of the Northwest, and on the Federal budget.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Excerpts From Remarks of Senator Wayne Morse, Pacific Northwest Jewelers Convention, Portland, Oreg., September 23, 1962

Friends of the Oregon State Jewelers Association, because the U.S. Congress has remained in session longer in an election year than any time in the 18 years that I have been a Member of the Senate, this visit home is of necessity a brief and hurried one.

Because your own individual business enterprises are so closely bound up with the total business activity of your local community, I want to devote a part of these remarks to the general economic health of our State and region.

Any such discussion must start with the basic and pervading fact that despite our growing recreation industry and our efforts to diversify Oregon's business activity, we are still primarily a lumber State. Anywhere else, it would be incongruous to talk about lumber to a jewelers' convention; but we know that in Oregon what happens to the lumber industry will in large part determine what happens to every retail business, and will affect other types of industrial production, too.

A second major fact that must be kept in mind about the lumber industry is that insofar as Oregon is concerned, the dependence of the industry upon national forests for its supply of logs is very heavy. With the exception of the very largest corporate lumber operations which still maintain their privately owned stands of timber, the average operator is coming more and more to depend upon the federally owned forests for his supply of logs.

So we are seeing a Federal agency—the Forest Service and the Department of Agriculture—play an increasingly important role not because its role has expanded, but because privately owned commercial timber is no longer as plentiful as it was.

As a result, the policies of the Forest Service relating to the commercial aspects of its operation have come under close scrutiny. The lumber industry has been highly critical of these policies, and so have Members of Congress. Many of you know that these criticisms led to a conference with President Kennedy on July 26 of this year at which a series of proposals were agreed to. They have become known as the White House program.

A major point in this program was to seek discussions with Canada with a view to reaching a voluntary agreement on a quota for Canadian lumber imports. The real pinch on American lumber has come from Canada. Canadian imports have taken an increasing share of the Midwest and Eastern American lumber markets because the Canadian Government aids its lumber industry in many ways. These include its low-price policy of selling logs from the forests owned by the Canadian Government, differences in transportation policy, and the devaluation of the Canadian dollar relative to our own.

But these direct and indirect subsidies of the Canadian Government to its lumber industry have had the effect desired by Canada which was to increase its share of the U.S. retail market. I do not think there is any doubt that in time our own national forest and transportation policies can and will be adjusted to meet the competition from the Canadian Government, as distinguished from the Canadian lumber industry. But we need time for that.

We hope to gain that time through the use of a quota—a temporary one, we hope—limiting the percentage of the American market which can be served by Canadian imports.

We have achieved the first step, and that is the discussion with Canada. The first talks were held in late August. They have adjourned until the early part of October, to give the parties time to acquire data and information from their respective industries.

RELATIONSHIP TO TRADE BILL

We went into this matter in some detail on the Senate floor last week, while the trade bill was under debate. Senator Magnuson and I pointed out that there are many in the lumber industry who want an immediate, statutory quota on Canadian lumber. But we both knew that because Canada has agreed to the discussion of a negotiated quota, as opposed to a statutory quota applied by Congress, we did not have a prayer of getting such an amendment through the Congress. We had asked the President to ask Canada to meet with us, and Canada had agreed. The next step must await the indication of whether the talks will prove fruitful.

I remember that when Senator Magnuson spoke on this subject he began by saying that while the Senator from Oregon, Mr. Morse, had been talking, he had heard one of his colleagues say: "Yes, but Canada is our best customer." And he replied to that commonly heard retort by pointing out that what Canada buys from us are the products she does not produce herself. "Maggie" made it clear he was a little tired of hearing this cliche, because let a Canadian industry be threatend by imports and a prohibitive tariff is slapped on immediately.

So we made the case in the Senate that our lumber industry produces for the domestic U.S. market, and that even the proposed quota we are talking about would extend to Canada 10 percent of the American market.

The point I stressed in the debate, however, was the language put into the trade bill by the Senate Finance Committee which gives to the President extensive authority to raise tariffs and to impose quotas.

The language appears in the bill in several places. The broadest language was the amendment of Senators TALMADGE and DOUGLAS, added in committee, which gives the President plenary authority to raise tariffs and fix quotas "in the national interest" and without regard to any previous law or agreement. It was put in because we had discussed this lumber problem many times with these two Senators and with other members of the committee.

I think that language was the strongest provision to help the lumber industry we could possibly have put into this bill. And you may be sure that I called this language to the attention not only of the President, but of Canada. We have given the President ample authority to help our lumber industry, if the voluntary agreement is not reached.

I also served notice during that debate that if no voluntary agreement is forthcoming and if the President does not make use of these powers, there is going to be legislation for a statutory quota on lumber introduced by the senior Senator from Oregon, and I do not think he will be alone as sponsor of that bill.

REST OF WHITE HOUSE PROGRAM PROGRESSING

But the rest of the White House program on lumber was aimed at revising some of the practices of the Federal Government which have had a dampening effect on the Northwest lumber industry. Without these changes, protection against Canadian competition would become a permanent necessity needed to protect a declining industry; it would also mean ever-rising prices for U.S. homebuilders and consumers.

Another point in this program was an immediate and meaningful increase in the construction of forest access roads. This has been a special interest of mine for 18 years. When I came to the Senate, we were spending only $12.5 million a year to construct the roads needed to get into the commercial parts of the national forests. As a result of legislation I have pushed, we are authorized to spend $40 million in fiscal 1963. I have a bill introduced in 1961 to boost this authorization to more than $67 million.

As a result of the White House meeting, an amendment was added in the Senate Public Works Committee to the Federal highway bill, raising the fiscal 1963 authorization from its level of $40 million up to $60 million. This bill is on the Senate Calendar, and will undoubtedly be considered this coming week.

The other pledges of the White House were for an immediate increase in allowable cuts on lands managed by the Department of the Interior; preference for American lumber in all purchasing by the Federal Government; increased attention to loan applications filed by lumber mills with the Small Business Administration and the Area Redevelopment Administration; and an amendment to the intercoastal shipping laws to permit the use of foreign vessels when American shippers are at a competitive disadvantage.

We have also been assured from Agriculture Secretary Freeman's speech here in Portland a few days ago that the Department and the Forest Service are coming out with a "new look" in forest policy, and that increased attention and consideration will be given to the commercial requirements of local industry.

ELECTION YEAR ISSUES

I do want to give some time today to a subject which relates to my work for forest access roads, and one that I know you have all heard a lot about in this election year. It is the repeated and widely circulated use of charts prepared by a variety of organizations to prove one thing or another about an officeholder. Recently, it has become fashionable to compile these charts in an effort to demonstrate that one Senator is a "wild spender" and another is not. But few issues are easier to rig and misrepresent than this one. You have heard a lot about it, and you will hear a lot more as the campaign progresses.

A great many of the trade organizations and lobbying organizations which maintain offices in Washington put out their own version of what constitutes "excessive" Federal spending. These charts generally omit those expenditures which aid or favor their industry, and list as "excessive" those expenditures directed outside their own spheres of interest. A farm organization list of "sound spending" measures bears little resemblance to a similar list compiled by a labor publication or by a manufacturers' or retailers' group. The real question becomes one of evaluating the source of the statistics.

It is strange, when the entire Federal budget is considered, that none of these charts I have seen includes expenditures for defense, for space, or for atomic energy research and production.

Yet the biggest economy that any Member of Congress or any candidate for Congress could ever advocate would be to vote against the $52½ billion appropriation for national defense. It is in that appropriation bill that the really big Federal tax money is spent.

I am proud to stand before you, as I shall stand before every voter in Oregon this fall, and tell you I have voted for every penny of that expenditure.

Let us never forget that defense is not a cheap activity. It is uneconomical in every sense of the word. It is an expenditure that we make for weapons and technologies and the training of men which we really hope will never be used at all. Some of our most highly trained military people enter service and retire without ever using their expensive skills for the purpose for which they were trained. The average life for all military procurement before it is rendered obsolete by new technology is only 10 years.

Keeping 2.8 million men under arms today is not a low-cost function of the Federal Government. We do it because we think it is necessary to carry out a specific and exclusive function of the Federal Government, and that is to provide for the common defense.

Of course, the space program and its defense ramifications are infinitely more expensive. We are spending $2,400 million on civilian space research and technology this year above and beyond the defense budget. Watching John Glenn or Scott Carpenter orbit the earth is the most expensive television program you will ever see, because each of these voyages costs the taxpayers tens of millions of dollars. The successive failures of our military rockets cost several million apiece. Yet the security we have achieved by just one of them—the Polaris missile carried around the world under water by nuclear submarines—has been well worth the investment in the opinion of all of us who are aware of its military and its political implications. It has greatly reduced the dependence of the United States upon military bases outside our territory for manned aircraft.

SINGLE CATALOG FOR DEFENSE DEPARTMENT

This does not mean that defense expenditures are above question or that they cannot be improved. Some of you may recall that from 1945 to 1952 I was a member of the Senate Armed Services Committee. In 1952, I served as chairman of a subcommittee which studied the procurement policies of the Defense Department. We found that the Department had a grand total of 21 different numbering systems for cataloging its supply items. This meant that it was impossible for one service to find out whether an item it needed was in the stock of another branch. Each kept its own inventories, and undertook new procurement even when another branch had a surplus of the same thing.

Out of those hearings came a measure I authored in the Senate, the Defense Cataloging and Standardization Act of 1952. It took years to put it into effect. It even took years before the Defense Department began to put it into effect. In 1957 and 1958, I was told that it was in the process of being put into effect. By 1960, the single catalog was proving so successful that the next step beyond it was taken in 1961, with the creation of one Defense Supply Agency for the entire Defense Department. Its Director, Lt. Gen. McNamara, told me recently that the single catalog has allowed the Defense Department to integrate its supply operation into eight single managers who are responsible for supplies for the entire Department. "This system," he wrote me, "has produced a $400 million payoff in less than 4 years." It has also permitted redistribution of material. Said General McNamara: "Through the use of a single system, we have been able to centralize the screening of requisitions against available assets for redistribution in lieu of procurement. In 1957 (before the system was fully effective), we redistributed material valued at $375 million. In 1960, material redistribution in lieu of new procurements amounted to over $2 billion. This represents a $2 billion saving."

He also told me that the saving just in space from the reduction in total Defense Department inventories amounted to 30 million square feet, because it has permitted a reduction from a 1957 inventory valued at $54 billion to a 1961 inventory of only $44 billion. During this same period, however, the capability of the system to meet the demands of the Armed Forces has inceased.

DEFENSE-RELATED BUDGET EXPENSES

To return to the budget itself, we find that interest on the national debt now comes to $9.4 billion, foreign aid and other international responsibilities cost $3 billion, and services and benefits for veterans comes to $5.3 billion. This means that past wars, current defense and foreign policy cost the taxpayers nearly $73 billion.

I was the first Senator to oppose vigorously the high interest rate policy of the previous administration, a policy which added some $3 billion a year to the interest charges on the debt by raising the rate a full percentage point; but that is another economy action of mine that you will not read about in either hard cover or paperback form. It will also be up to me to tell the voters of Oregon that I have been in the forefront of the Senate opposition to a high level of grant aid in our foreign aid program. In 1954, grant aid was about 98 percent of the entire program; today it is down to about 65 percent. It should be a lot less than that and it will be in the future, because the Congress accepted an amendment of mine to the foreign aid bill requiring that after the current fiscal year, the Alliance for Progress shall be a loan and not a grant program.

That is another economy vote, and in fact, an action of mine that you will never learn about unless I tell you myself.

EXPENDITURES FOR DOMESTIC PURPOSES

What we have left in the budget is $19.7 billion in non-defense expenditures. This is about 21 cents of each tax dollar; yet it is about this 21 cents that nearly all the controversy is about. The Senator who voted for the defense appropriations and for high interest rates is not a "spender" by anybody's calculation. But let us get into agriculture, housing, natural resources, health, and education—only a fifth of the budget—and you are confronted with charts and statistics claiming that this Senator is a spender and this one is not.

Here again, I shall tell you and the voters of Oregon some of the measures in this area I not only have voted for, but have initiated. One of them is The Dalles Dam. Another is Hills Creek Dam. Also on the list are Green Peter Dam, Fall Creek Reservoir, and Cougar Dam. This year I obtained a special appropriation of $2 million for a range rehabilitation program to be started in eastern Oregon. When completed, it will double the capacity of the Bureau of Land Management lands there to support both cattle and wildlife. If anyone wants to argue that we save money by letting land deteriorate, I shall be more than glad to debate in favor of this appropriation.

In my opinion, the expenditures the Federal Government makes on natural resources are not simple outlays of cash but are investments. A 40-foot channel up the Columbia River will cost money. But it will enhance the economic capacity of the entire lower Columbia and especially of the Portland area. Yet this is exactly the kind of legislation on which I am scored as a "wild spender" by those economic reactionaries who judge everything by its cost instead of its value.

THE BUDGET AND ITS RELATIONSHIP TO NATIONAL ECONOMY

There are a few other facts about the Federal budget and the national economy I would have you keep in mind throughout this election year campaign, because they put much of this issue in perspective. First, for the programs of health, education, and so-called welfare for which we spend 7 cents of each tax dollar today, we were spending 44 cents of each tax dollar in 1939.

The national debt which reached a per capita high in 1946 of $1,900 per person is today down to $1,600 per person.

In 1946 a high of 19 persons out of every 1,000 of our population worked for the Federal Government; today, 13 work for the Federal Government, and 6 of these are civilians employed by the Defense Department.

Since 1946, the indebtedness of State and local governments has grown 328 percent; the private debt of all Americans has grown 278 percent; the Federal debt has grown just 6 percent.

In 1946, the national debt was 150 percent of the gross national product; in 1957 it was 75 percent; today it is 50 percent.

I do not offer these comparisons as a justification for any kind of debt; but they make quite clear that far from excessive activity on the part of the Federal Government, there has been a decline in Federal activity relative to the rest of the economy. Whereas private debt in this country was well below the Federal debt in 1946, it is now more than double the Federal debt.

They also make it clear that the biggest and costliest enterprise of the U.S. Government and hence of those who pay Federal taxes is that of defense.

IMPORTANCE OF FOREIGN POLICY

It should be evident that our international policies and those of other nations are central to our budgetary problems. Those of us who serve on the Senate Foreign Relations Committee are constantly aware of this fact. We know that our commitments all around the world necessitate a large armed force. When it is suggested by the professional flagwavers that we fight in Cuba, fight in China, fight in Laos, fight in South Vietnam, and fight in Berlin either consecutively or all at one time, one wonders at the effect of such a foreign policy not only on our budget, but on our entire defense system.

We must keep our defensive commitments everywhere regardless of cost; to engage in offensive operations in one place must inevitably jeopardize our defenses elsewhere, unless we are also ready to put the Nation on a wartime footing.

These are some of the ramifications of the issues we vote on in the U.S. Senate, and there are many more ramifications on which I have not touched. I believe they deserve more attention and more consideration from the American people than they have been getting. They do not lend themselves to slogans or cliches.

If we let slogans take the place of careful consideration, we are going to be in a lot more trouble than is involved even in national spending or national debt.

DEATH OF PROF. DOUGLAS BLOUNT MAGGS

Mr. JORDAN of North Carolina. Mr. President, I was grieved to learn of the recent death of Prof. Douglas Blount Maggs, longtime professor of law at my alma mater, Duke University. Through mutual associates and personal observations as a trustee of Duke University, I feel that I came to know well the outstanding contribution to the field of law made by Dr. Maggs. His passing is a personal loss for me and an immeasurable loss to the university he served so well for 30 years. As a national authority on constitutional law, he added greatly to the worth and prestige of our faculty. Only recently, Dr. Maggs was appointed by President Kennedy to be a member of the President's Committee for the 50th Anniversary of the Labor Department, to be held next year. His service to the Roosevelt administrations as a high official in the Labor and Justice Departments during the thirties and forties is recounted in an obituary in the New York Times which I ask unanimous consent to have printed at this point in the Record.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

Douglas Maggs, Law Professor—Authority on Constitution Is Dead—Taught at Duke

Durham, N.C., September 14.—Dr. Douglas Blount Maggs, professor of law at Duke University, died of a heart attack Friday while playing golf at the Hope Valley Country Club. He was 63 years old.

An authority on constitutional law, Dr. Maggs was a former solicitor of the U.S. Department of Labor. He also had held many other Government posts and was recently named a member of the President's Committee for the 50th Anniversary of the Labor Department, to be held next year.

He was born in San Francisco and held doctorates of jurisprudence and juristic science, the former from his alma mater, the University of California, and the latter from Harvard.

Mr. Maggs served as editor in chief of the California Law Review while he was doing postgraduate work for his J.D. He also held that post and that of editor in chief of the Southern California Law Review after leaving Harvard.

He was professor of law at the University of Southern California for 3 years before coming to Duke in 1930.

In 1938 he took a leave of absence from Duke to serve as a special assistant to the U.S. Attorney General. Subsequently he was in turn chief of the Department of Justice's wage and hour unit; consultant to the Board of Economic Warfare; chief legal consultant of the Office for Emergency Management; and Solicitor for Labor, a post to which President Franklin D. Roosevelt appointed him in June 1943. He left that post at the end of World War II, but had since served on many Federal mediation panels and as an official of the American Arbitration Association.

In 1958 he went to Japan as visiting professor at Kyoto and Doshisha Universities. He was well known as a champion of minority rights.

Dr. Maggs married Dorothy Jean Mackey in 1924. They had a son, Peter Blount Maggs.

Mr. JORDAN of North Carolina. Mr. President, I would like to take this opportunity to express my deepest sympathy to Professor Maggs' wife, Dr. Dorothy Mackey Maggs of Durham, N.C., and his son, Peter Blount Maggs of Washington, D.C.

ADMINISTRATION OF JUSTICE IN FEDERAL COURTS

Mr. FONG. Mr. President, my attention has been called to a matter which seems to seriously affect the administration of justice, involving the procedural protections accorded the accused by the Constitution in criminal proceedings. Relevant here are two cases pending before the Federal district courts, one in Tampa, Fla., and the other in Nashville, Tenn.; the defendant in both cases is James R. Hoffa. I am not concerned here with the merits of the cases involved, but rather with the procedural protections accorded the accused by the Constitution in criminal proceedings.

It has been alleged that the Nashville case, which has been scheduled to go to trial just a little over 2 months after a hearing had been held on the indictment, has been rushed to trial, while the Tampa case, pending for 2 years, has been delayed. If this allegation is true, then it would seem that the constitutional guarantee for a speedy trial has been abridged in the Tampa case, and in the Nashville case the defendant has not been given a reasonable time to prepare his defense.

It has also been alleged that the Government in the Nashville case has chosen a venue favorable to its chances of obtaining a conviction, and that the proper jurisdiction in which the case should be heard is Detroit. Should these allegations be substantiated, it would appear that the constitutional protections for a trial by an impartial jury in the jurisdiction in which the alleged breach of the law took place have been similarly abridged.

I do hope that the Justice Department will seriously and impartially consider these allegations.

DO NOT SELL AMERICA SHORT

Mr. WILEY. Mr. President, the United States of America, despite shortcomings, stands as the greatest, most productive—in fact, the best by any comparative standards—nation in the world.

Realistically, we are facing a great challenge from communism, attempting to compete with, and "bury us." Consequently, we must not underestimate the danger of this threat to our security.

Despite the challenge, we should not, I emphasize, must not, sell America short.

Recently, I was privileged to have forwarded to me by G. C. Kubitz, senior vice president of Mirro Aluminum Co. of Manitowoc, Wis., an editorial by Robert C. Crozier in the Texas Food Merchant.

The editorial helps to put into perspective the relative progress in major fields between the United States and the Soviet Union.

I ask unanimous consent to have this editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Selling Ourselves Short

Everybody has tendency to look over the fence and think the pastures are greener on the other side. This is an American trait that has spurred the private enterprise system into the most productive economy the world has ever known. The very essence of competition is the desire to outdo your competitor—to be a winner.

I think we are being sold a little short. Everytime you pick up a newspaper these days the big black headlines scream "Missile Gap," "Russia Ahead," "U.S. Lags," and they quote some Federal authority. You would think from this derogatory barrage that America was a second rate nation—at best no better than equal in the competition for success.

The facts as usual, paint an entirely different picture.

The United States, with 6 percent of the world's land area and 7 percent of its population, has 50 percent of the world's wealth. In order to equal Russia, here are some of the things we would need to do:

1. Abandon three-fifths of our steel capacity.
2. Abandon two-thirds of our petroleum capacity.
3. Scrap two out of three of our hydroelectric plants.
4. Forget over 90 percent of our natural gas.
5. Eliminate 95 percent of our electric motor output.
6. Rip up 14 of every 15 miles of our paved highways.
7. Sink eight out of nine of our oceangoing ships.
8. Destroy 2 out of every 3 miles of our railroads.
9. Junk 19 of every 20 of our cars and trucks.
10. Transfer 60 million Americans back to the farm.
11. Destroy 40 million television sets.
12. Rip out 9 of every 10 telephones.
13. Tear down 7 of every 10 houses that now stand.
14. Slash all paychecks by three-fourths.

Economically, it's just about a Mexican stand-off between the United States and all the rest of the world put together. And the competitive spirit that makes us great is the same spirit that makes us react to the headlines with more tax money.

* * * * *

Maybe we are being sold short by a big and growing government in order to get more and more tax money.

Certainly, we are not in second place.

ADDRESS BY GOVERNOR HARRISON OF VIRGINIA BEFORE VIRGINIA PUBLIC UTLITIES ASSOCIATION

Mr. BYRD of Virginia. Mr. President, the Governor of Virginia, the Honorable Albertis S. Harrison, Jr., made an outstanding address at the annual meeting of the Public Utilities Association of the Virginias, on September 15 at White Sulphur Springs, W. Va.

The Governor made a splendid presentation of the principles and the fundamentals which made this country great. If the Nation is to remain great there is need for constant recurrence and rededication to them.

I think that the vast majority of American citizens believe in these principles and fundamentals, and that they wish to participate in their preservation.

In order that Governor Harrison's restatement of these principles and fundamentals may be available to the public generally, I ask unanimous consent to have his speech printed in the body of the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Gov. Albertis S. Harrison, Jr., to the Annual Meeting of the Public Utilities Association of the Virginias, September 15, 1962, White Sulphur Springs, W. Va.

It is a particularly engaging experience for me to speak to you today, first because you are businessmen with a businessman's sound thinking, and secondly, because as public utilities officials, you represent one of the industries which supplies the basic ingredients to all business, the essential framework of all industry.

Water, power, light, communications—all are the absolutes of any enterprise, and for this reason, public utilities men have a particular interest in the industrial development of every State in which they operate.

Our region is fortunate in having public utilities which not only recognize this truth but whose executives accept it as a civic responsibility, above and beyond the call of duty or profit.

Public utilities are the firm supporters of Virginia's special efforts at economic expansion and are giving valuable time to the commissions and agencies actively engaged in the State's expansion program.

Let me say that these combined efforts are bearing fruit. During the first 6 months of 1962, a major industrial expansion was initiated or a new manufacturing plant acquired in Virginia every other day.

Public utilities have been outstanding in this effort. Some have gone so far as to build industrial plants and then find industries to occupy them.

One of Virginia's power companies is now working with three others—all represented here—on a plant to produce electric power from atomic fuels. This is a farsighted investment in the future, not only of the four States involved, but of the entire South.

These are the terms in which public utilities leaders think. This is private enterprise at its best. This is not an expenditure of tax funds to perform a service that private enterprise can perform more efficiently. With the fantastic scientific achievement of the telstar satellite, it demonstrates that the energy of the atom and the vastness of space alone mark the boundaries for private enterprise if it is directed by men of vision and sound, progressive judgment.

But there is another side to public utilities men that to me is the true indication of their stature.

Shortly before I left Richmond the city was host to Virginia's annual 4–H Electric Congress. To this annual exposition come boys and girls who have chosen electricity and its associated sciences as their special field of study and achievement.

Here representatives of the power industry had given their time and provided the guidance, instruction and encouragement to rural young people who are helped thereby to become better citizens.

These are examples of public utilities working for a better tomorrow through applied research and by lending a helping hand to the coming generation of Virginians.

I could cite many more equally significant examples of dynamic leadership in other segments of industry, but the story is familiar to all of you.

Let me say that as Governor of Virginia, I am proud and thankful that we have such men guiding these fundamental industries.

I will discuss with you today a subject that to me transcends your immediate obligations and mine as business and professional men and goes to our overriding obligations as citizens.

Perhaps, somewhere along the way, some of you may find a personal challenge as Americans.

It is my good fortune, albeit encompassing, solemn obligation to be the chief executive of a great State, a Commonwealth rich in its heritage of men and events identified with the formation of our Nation.

As men with a deep reverence for our Nation's history and traditions, you are familiar with the names Thomas Jefferson, George Mason, Patrick Henry, George Washington, James Madison, and you hold dear the principles they proclaimed as fundamental to our freedom.

It is these principles I ask you to reexamine and, if you will, to reappraise with me today.

Virginia has seen many changes since these enduring precepts were first published in the Virginia Declaration of Rights, the Statute of Religious Freedom, the Virginia Constitution, and finally in the Declaration of Independence, and the U.S. Constitution.

From a group of struggling colonies scattered along the eastern coast, our Nation has swept across a continent to yet another sea. Advances in communications have placed the world at the end of a telephone and its farthest corner on our television screens.

Today we can cross a continent, or circle the globe, in less time than it took in colonial days to make the muddy trek from Richmond to Washington, D.C.

Our own State of Virginia, which in those days stretched to the Mississippi, has given the Nation a whole brood of new States, including West Virginia, and in her turn has made a swift transition from a rural to an urban State. If no other, I have the distinction of being the first Governor of an urban Virginia.

Within this span, a tiny, struggling and financially precarious Federal governmental structure has grown into the Nation's biggest business, a gigantic assortment of operations and bureaus, with outposts in our major cities and an influence upon every nation of the globe.

Yet with all this metamorphosis, our 50 States are bound together, as were the 13 States nearly 200 years ago, by the same principles expressed in the same Constitution. Amendments have broadened its scope here and pinpointed its meaning there, but the basic framework remains, a monument to the wisdom of its original draftsmen and a model for the world.

Old values do not change, only their application, but today it is becoming increasingly difficult for many of our citizens to distinguish the one from the other. In the shifting kaleidoscope of today's political labels, the simple, straightforward truths of Jefferson and Mason are in danger of being interred, quietly, without notice, and, we sometimes wonder if it could happen without mourners, too.

My conviction, and I am sure the conviction of most thoughtful Americans, is that these fundamental principles have not changed and must not change, for they are our hope of survival as a nation in the changing years that surely lie ahead.

So strongly do we feel the urgency of a rededication to these principles that the Virginia General Assembly in 1958 created the

Virginia Commission on Constitutional Government. To its cause have rallied an able staff and some of the outstanding minds of contemporary Virginia.

That commission has undertaken to publish many of the original documents which set forth the principles in which we believe, those from which these principles evolved, and still others bearing on these precepts.

Its members and representatives have prepared and delivered papers and presentations far and wide. They have assisted in the preparation of public school courses and they have just had completed an exhaustive study of Federal grants-in-aid and their impact on our economy and on our political thought and action.

Most important, all their works have been devoid of impassioned partisanship. They have been impeccably documented, thoroughly reasoned, exhaustively researched, and extraordinarily effective.

I had the pleasure just a few weeks ago of participating in a 2-day exploration of the commission's work and purpose by a group of legislators from a more northerly State who are impressed to the point of inaugurating their own similar commission. Interest has been expressed from other quarters.

What are these fundamental principles to which we cling and which we take such pains to preserve?

In his Virginia Declaration of Rights, George Mason had some advice and illumination for us.

"Be it declared," he said, "that no free government, or the blessings of liberty, can be preserved to any people but by the firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."

These words came almost a month before Jefferson's Declaration of Independence. In Mason's mind, the principles to which he directed attention were fundamental before they were refined and given new stature by Mason's successors. Mason took it for granted that the men of his time, and, by inference, the men of all times, would understand immediately what he cherished as his own fundamental principles.

And well they might, for the doctrine Mason and his contemporaries set forth was the gloriously successful blueprint for what man had been seeking throughout all the centuries of civilization, a government under which men could be free, and which would perpetually keep inviolate that freedom.

"All men are by nature equally free and independent," said Mason, "and have certain inherent rights, of which, when they enter a state of society, they cannot, by any compact, deprive or divest their posterity."

This was the essence of Mason's fundamental principles. Man had rights, and the prime business of government was to secure those rights.

An illuminating digression comes to light when Mason goes on to define those rights. One of them, he maintains, is the "means of possessing property." Property rights meant something certain and clear in Mason's day. Somehow, they seem to have become clouded in our day.

But it was one thing to proclaim, as Mason did, that "government is, or ought to be, instituted for the common benefit." It is another thing to devise a government that would live up to that obligation.

Our forefathers wrestled for four hot and weary months in Philadelphia to produce a Constitution which would establish such a government. Their chief point of contention was our concern today—how much power should that Central Government have?

Washington, Jefferson, Madison, Mason, Patrick Henry, in turn, and in concert with others, warned against the concentration of power. The issue was argued on the streets and in the shops and in the homes across the colonies.

These men knew well that the stream of history is littered with the skeltons of nations whose peoples, preoccupied with the benevolences of the state, had left unchecked the gravitation of power to the central government.

Now, in a new land with a newly won freedom, theirs was the task of constructing a new state, to fulfill man's dream of a government by the consent of the governed, a state which would preserve man's freedom, generation after generation.

They met this challenge by creating a Republic consisting of the individual States in which each would maintain sovereignty over its own citizens, but in which all would join together in matters of common concern.

Here we approach the alpha and omega of Virginia's faith, in that day and in this. The fundamental principle of that system was that all power flowed from the people through their separate sovereignties, the States, and that from this reservoir of power in the States, some powers were delegated to the Federal Government.

In the words of the 10th amendment, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Jefferson paraphrased the objective this way: "To make us several as to ourselves, but one to all others."

This is a beautifully simple statement of the doctrine of States rights. The framers of our Constitution conceived a carefully balanced political system under which we have two sovereigns at the same time, but acting in different spheres.

They believed that they had given to the Federal Government the sole power to make war and peace, sustain Armed Forces, regulate commerce, and to perform other specifically designated tasks of national concern.

They were firm in their insistence that there be left to the States the political power necessary for local self-government, and more particularly for resistance to unauthorized centralization of power.

There were many ingredients incorporated into the structure of that early Union of 24 States—separation of church and state; division of powers among the legislative, judicial and executive; due process; the freedoms specifically guaranteed in the Bill of Rights.

All these had one and the same objective, to prevent the accumulation of excessive political power in the hands of the Central Government. This was the first and most fundamental purpose in the minds of the constitutional convention delegates. This was the purpose from which the Government they conceived should never be diverted.

In this day when political labels have so often lost their meaning, it is helpful to turn for a yardstick to this fundamental flow of power in our Nation. It flows from the people, first to their local governments, then on to the State government, and finally, a still smaller stream flows on to the Federal Government, but always it springs from the people.

The doctrine of States rights, therefore, is not a partisan or sectional or emotional response. It is one of those fundamental principles which have made possible the preservation of freedom within our Union. It is the main counterweight in our political system of checks and balances; it has served us well from raw frontier to New Frontier, from stagecoach to jet.

With George Mason's fundamental principles firmly in hand, America among all the nations of the earth, has become the most powerful yet the most benevolent toward lesser nations; the wealthiest yet the most generous; the most diverse in its people and tongues and yet the most firmly united.

This historic milestone of separate but equal States as autonomous sovereignties within a Federal union is not only a pinnacle of political engineering. It offers a clue to successful international life, already grasped in part, by the Common Market, by NATO, and by a host of new young nations. As opposed to Communist totalitarianism, it offers the hope of freemen everywhere.

But let it be noted that among these peoples who have adopted the creation of our Founding Fathers, success has been measured by the degree to which the concentration of power in a Central Government has been checked.

If the fondest hopes of our Founding Fathers have been fulfilled, so have some of their worst fears.

"The spirit of our times will alter," wrote Jefferson in his Notes on Virginia. "Our rulers will become corrupt, our people careless. They will be forgotten and their rights disregarded. They will forget themselves but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights."

Patrick Henry wanted no part of what he called "a great and splendid" Central Government, and George Mason put a piercing rhetorical question:

"Was there ever an instance of a general national government," he asked, "extending over so extensive a country, abounding in such a variety of climates, where the people retained their liberty?"

And from a more impartial source, Tocqueville, the perceptive French critic, expressed the fear that the new government was too weak at its inception, but he added:

"Its vigor, and not its impotence, will probably be the cause of its ultimate destruction."

Contemporary examples of the proof of these prophecies might profitably occupy us this morning. Those services and necessities which the citizens are unable to provide for themselves through their own resources, or by the exercise of free corporate enterprise, have undergone great change and increase.

No citizen, no student of government, no hardheaded businessman can properly object to the Federal Government taking such steps as are determined necessary to protect our shores, our homes and our institutions from aggression and from the imprint of the heel of the tyrant who already has trod mercilessly upon other freedom-loving peoples who were not prepared for his coming. The huge expenditures and the costly establishment required to man the national defense are necessities. This is not the part of the Federal trend—as regrettable as it is—to which exception can be profitably taken.

These are the areas in which old principles adapt themselves to changing times—and unfortunately, to distortion, too. This is the vista of government in which values are seldom black or white, and where change is the only constant. This is the beachhead on which erosion takes place, bit by bit, decree by decree, decision by decision, dollar by dollar.

"It profits me but little, after all," Tocqueville wrote, "that a vigilant authority always protects the tranquility of my pleasures and constantly averts all dangers from my path, without my care or concern, if this same authority is an absolute master of my liberty and my life, and if it so monopolizes movement and life that when it languishes, everything languishes around it; that when it sleeps everything must sleep, and that when it dies, the state itself must perish."

Here is a chilling prophecy and a challenge.

If in our Nation, the residue of power remains with the States, as we believe, is it not time for the States to take the lead in preserving our freedom?

If indeed America is drifting toward the well nigh universal fate of civilizations, can we escape responsibility, unless we have done our utmost to avert it?

Now, we cannot wash our hands of this. In that future there would not ever be a chance to say "I told you so."

And again, if we believe that this drift is inevitable and merely fortify our own private passions, have we not admitted our Nation's doom and the triumph of slavery over freedom? Are we not, as Jacob Malik has warned us, in a sense, already Marxists?

I cannot believe that any intelligent American is of that persuasion. In Washington, in Richmond, in every farm and suburb and street corner; we stand as we have always stood, on the old principles, even though in this day we cannot always apply them in the old ways.

Our challenge—the challenge of all who believe as we believe—is to match with the inspiration of our heritage, the missionary zeal of those who preach paternalism. This is the great and perhaps final test of our belief.

No matter how much we would, we cannot escape. We cannot turn back the clock. The moving finger writes and then moves on. We can stand foursquare against change, but it will only undermine our position and bowl us over with its pent-up pressures.

Our challenge is to be actively conservative, aggressively conservative, intelligently conservative, vocally conservative, patiently conservative, sacrificially conservative.

And if the way is hard, our opponents numerous and progress sometimes slow, let us refresh our spirits from time to time at the wellspring of George Mason's sage advice, that the blessings of liberty cannot be preserved to any people "but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by a frequent recurrence to the fundamental principles."

To the preservation of these principles and of our freedom, our forefathers pledged their lives, their fortunes and their sacred honor. We today can do no less.

STATE RESPONSIBILITIES REGARDING URBAN PROBLEMS

Mr. MUNDT. Mr. President, I should like to bring to the attention of Members of the Senate some basic questions regarding the responsibilities of State government in helping to meet some of the problems besetting our large urban areas. My colleagues all know that I have been and will continue to be firmly opposed to the creation of a Federal Department of Urban Affairs for reasons which I have set forth on numerous occasions. One of my basic objections to such a department is that it tends to bypass the proper role of the sovereign States in our American Federal system under the Constitution.

The Congress has brought to a halt the present effort to create a Federal Department of Urban Affairs. Nevertheless, I urge State legislatures and Governors to lose no time in asserting by positive action their interest, their help and their authority with regard to these problems brought about through rapid increases in population in our large metropolitan centers. If the States do not move in this matter, additional excuses will be seized upon by those who desire to see the Federal Government establish supremacy in this field.

In this connection, let me commend to the Members of the Senate and to the executives and legislators of the 50 States a series of logical and practical recommendations which have been made by the Advisory Commission on Intergovernmental Relations of which I am pleased to be a member. Last year the Commission issued a report on "Governmental Structure, Organization and Planning in Metropolitan Areas" which outlines various actions that might be taken by State governments to ease the problems of urban growth beyond local and State boundaries. The recommendations of the Commission were translated into draft bills and included in the Council of State Governments' "Program of Suggested State Legislation for 1962." These specific legislative proposals are as follows:

Simplified statutory requirements for municipal annexation of unincorporated territory.

Authorization for interlocal contracting or joint performance of services.

Authorization for establishment of metropolitan service corporations for performance of particular governmental services that call for areawide handling.

Authorization for voluntary transfer of governmental functions from cities to counties and vice versa.

Authorization for the creation of metropolitan area commissions on local government structure and services.

Authorization for creation of metropolitan area planning bodies.

Establishment of a unit of State government for continuing attention, review, and assistance regarding the State's metropolitan areas.

Inauguration of State programs of financial and technical assistance to metropolitan areas.

Stricter State standards for new incorporations within metropolitan areas.

Financial and regulatory action by the State to secure and preserve "open land" in and around metropolitan areas.

Assumption by the State of an active role in the resolution of disputes among local units of government within metropolitan areas.

I am gratified that the recent Governors' Conference meeting in Hershey, Pa., saw fit to give unanimous endorsement to these recommendations of the Commission and we are hopeful that several of these proposals will proceed to enactment by the various State legislatures which convene in 1963.

I would like to comment on one of the recommendations in particular—the creation of a State office of local affairs. This would be a unit of State government charged with providing technical and informational services to local units of government and serving in an advisory capacity to the Governor and the legislature. It seems to me that States can greatly strengthen their position in opposition to a Federal Department of Urban Affairs if they make appropriate provision in the State government for the discharge of these responsibilities.

I would like to urge, however, that this State office not be confined to a concern with urban problems. As I have emphasized to the Senate on several occasions, the problems of our small towns and rural counties demand urgent consideration. S. 1869, which I introduced early in this Congress and which has passed the Senate and is pending in the House, would create a commission for the study of these areas of declining population and I would again express a strong hope for favorable action on S. 1869 by the other body during this session.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN SERVICE BUILDINGS ACT, 1926, AUTHORIZING ADDITIONAL APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1887, H.R. 11880, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, be laid aside.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana? The Chair hears none, and it is so ordered.

TEMPORARY INCREASE IN MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER MERCHANT MARINE ACT, 1936

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1286, S. 2800.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, it is the hope of the Senate leadership that today the Senate may be able to consider a number of measures which have been on the calendar for some time, after having been reported by the Committee on Commerce.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 276 Leg.]

Allott
Bartlett
Bennett
Burdick
Cannon
Carlson
Dirksen
Ellender
Fong
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Lausche
Mansfield
McClellan
Metcalf
Monroney
Morse
Moss
Mundt
Neuberger
Pearson
Prouty
Saltonstall
Sparkman
Talmadge
Tower
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Illinois [Mr. Douglas], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Rhode Island, [Mr. Pell], the Senator from Virginia [Mr. Robertson], the Senator from Florida [Mr. Smathers], the Senator from Massachusetts [Mr. Smith], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I further announce that the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from New Hampshire [Mr. Cotton and Mr. Murphy], the Senator from New York [Mr. Javits], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent.

The PRESIDING OFFICER (Mr. Metcalf in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Allott, Mr. Anderson, Mr. Beall, Mr. Bible, Mr. Boggs, Mr. Bush, Mr. Butler, Mr. Byrd of Virginia, Mr. Byrd of West Virginia, Mr. Carroll, Mr. Case, Mr. Chavez, Mr. Clark, Mr. Cooper, Mr. Cotton, Mr. Curtis, Mr. Dodd, Mr. Engle, Mr. Goldwater, Mr. Hart, Mr. Hartke, Mr. Hickenlooper, Mr. Humphrey, Mr. Jackson, Mr. Kefauver, Mr. Kerr, Mr. Kuchel, Mr. Long of Hawaii, Mr. Long of Louisiana, Mr. Magnuson, Mr. McCarthy, Mr. McGee, Mr. Muskie, Mrs. Neuberger, Mr. Pastore, Mr. Proxmire, Mr. Randolph, Mr. Russell, Mrs. Smith of Maine, Mr. Stennis, Mr. Symington, Mr. Thurmond, and Mr. Wiley entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. HUMPHREY. Mr. President, I understand that the pending business is Calendar No. 1286, Senate bill 2800. Is that correct?

The PRESIDING OFFICER. That is correct.

EMANCIPATION DAY: ITS FULL SIGNIFICANCE

Mr. HUMPHREY. Mr. President, on Friday, in colloquy with the Senator from Oregon [Mr. Morse], I stated that today I would comment somewhat upon the ceremony which took place at the Lincoln Memorial on Emancipation Day. That ceremony was historic in its significance. The address delivered by the U.S. Ambassador to the United Nations, Mr. Adlai Stevenson, was brilliant, moving, and one of the most important statements of public policy on the issue of human rights that has been delivered in this Capital City.

The headline of the lead article published on Sunday in the Washington Post was "Stevenson Most Eloquent in Plea To Remain Cool During Cuban Tension."

The article begins as follows:

> Adlai Stevenson was at his most eloquent yesterday as he invoked "the Great Emancipator who sits brooding behind me" at the Lincoln Memorial to point a moral for our times.
>
> He never mentioned communism or the Soviet Union or Cuba. But what he said was reflective of the argument now raging in the United States over how to deal with Soviet communism penetration of Cuba.

I ask unanimous consent that at the conclusion of my remarks the article be printed, together with the full text of Ambassador Stevenson's speech at the ceremony at the Lincoln Memorial on Emancipation Proclamation Day.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, on Saturday, September 22, all America commemorated President Abraham Lincoln's signing of the Emancipation Proclamation 100 years ago. This historic act is now recognized as a milestone along the road of freedom that all mankind will hopefully travel.

On the 100th anniversary of the Emancipation Proclamation, I believe we must resolve to complete the task begun by Abraham Lincoln. But I also believe this should be a day on which to pledge ourselves to a new revolutionary concept of emancipation—emancipation from the constant burdens of mankind, the burdens of poverty, hunger, and disease.

Why should we consider emancipation in these revolutionary terms? The answer I see is a simple one: Only by conceiving of emancipation as the dual challenge of freeing mankind from personal servitude, prejudice, and injustice and simultaneously attacking the physical burdens that encroach upon man's well-being will this Nation fully exercise the responsibility for human progress that is its destiny.

The century that has elapsed since the signing of the original Emancipation Proclamation is only a moment in the long history of mankind. But this represents a long time in the life of the United States—a period of time spanning well over half our life as an independent Nation.

In this period of time there have occurred changes unseen in 1862, changes that eluded the imagination of the most visionary prophet of the mid-19th century. While we take almost for granted the continuity of our Government and our fundamental democratic institutions, it is difficult to realize how rare this continuity is in a turbulent and rapidly changing world.

By 1862 the European nations had firmly established their domination over most of Asia. Today that domination has all but vanished. In 1862 the European dissection of Africa had hardly begun. Now most of Africa is again free of colonial domination.

In 1862 communism was little more than a theory propounded by a handful of frustrated intellectuals. Today we witness veritable towers of tyranny built on this theory. And, to proceed one step further, we have also seen the first cracks appearing and spreading through the once monolithic structure of international communism.

Against the background of these dramatic changes in the world about us, we must admit that the emancipation of our Negro citizens in terms of full participation in our national life has been painfully slow. In 1862 certainly no reasonable man expected that the lot of the slaves would be transformed overnight upon the stroke of Abraham Lincoln's pen. In that first dawn of freedom the Negro Americans lacked almost everything: land and the tools to till it, skills, education, and means of support. In fact, they lacked everything but liberty itself and the courage to face the future.

Yet it was reasonable to hope—and reasonable men, both white and Negro, did hope—that the newly freed men would overcome these handicaps within a generation or so. Indeed, just such an assimilation was being achieved by many destitute immigrants who had journeyed to our shores.

The key to achieve such full participation in the life of the Nation seemed to lie in education. The father of a Negro family might be an unskilled laborer; the mother might work as a domestic servant; yet these people would have the capacity to raise fine children. And if these people were fortunate, their children might graduate from high school, and some even attend college. Do we truly realize how many times the father's sledgehammer rose and fell, or how many times the mother scrubbed on her knees, that their children might stand erect?

But where were these educated Negroes to go? So many doors were simply closed to them because of the color of their skin. They stood and knocked at these doors for many years in vain. Today the knocking grows louder. Today it is much more difficult to ignore. And today some of the doors are finally opening; but we know how much more remains to be done.

Five generations have passed since the Emancipation Proclamation, and there is still a long distance to travel down the road to human freedom and equality.

On this anniversary of the Emancipation Proclamation it would be presumptuous of me, if not impossible, to assign responsibility for the disheartening pace of true emancipation in this country. There is guilt enough for all parts of our country to share some part of it—guilt for sins of commission and sins of omission.

I would rather put this problem in a narrower and more personal perspective. Fourteen years ago I had the honor to stand on the rostrum of the Democratic National Convention and say that the time had come for the Democratic Party to get out of the shadow of States rights and walk forthrightly into the bright sunshine of human rights. This became the declared position of the Democratic Party, and it also became the declared position of the Republican Party.

Yes, there has been heartening progress in recent years, but—in all frankness—it seems to me the work of making this progress has been unequally shared.

The Supreme Court has spoken forthrightly on the matter of equal opportunities for our Negro citizens; but I cannot say that the other branches of government have always matched that forthrightness. Many white Americans have joined their Negro fellow citizens in this struggle—and notably with many courageous young Negro students. But many other Americans have remained on the sidelines, as if the struggle and its outcome did not concern them.

The progress of human rights can also be measured by the march of freedom beyond our shores. In the same years, hundreds of millions of Asians and Africans have achieved national freedom and self-respect. Some have accepted the responsibilities that accompany this freedom more readily than others, but the total picture is most encouraging. Already many of the new African and Asian nations have made impressive contributions toward world peace and international understanding. I look for increasing contributions in the future.

I cannot think of a more fitting memorial to the efforts of these pioneers of human rights found throughout the world than that historians should come to see this era as the "century of human freedom."

But if one can attempt to peer into the history books of tomorrow, it is within our grasp that this civilization will also be described as the "century of abundance." As I noted earlier, I believe the concept of emancipation serves as a bridge that gives full meaning to both these human potentialities.

In fact, only by viewing emancipation in this dual dimension can we expect to grasp the full significance of this concept.

Yes, emancipation in the social and political sense—the right to vote, fully protected—equal opportunity for employment without discrimination—these are all important rights. But emancipation also in the sense of personal emancipation from disease, endless toil, poverty, and hunger are vital. Today, for the first time in recorded history, humanity has the power—if we have the will and wit to use our resources of science and technology—to drive these ancient scourges from the earth.

While most Americans never experience the pains of chronic hunger or the ravages of uncontrolled disease, a large majority of the world's population still knowns no other life. And, what is even more shocking, a sixth of the U.S. population finds itself without adequate food, shelter, medical care, or employment in the midst of our affluent society.

But, as with the case of human rights, I believe we are making progress, however halting and uncertain it may at times appear. I believe this Congress will be remembered for its attempts to bring some amelioration of these domestic conditions. The Area Redevelopment Act, the Housing Act of 1961, the Manpower Retraining Act, the expansion of the social security system, and the continued congressional support of the National Institutes of Health, the constitutional amendment to eliminate the poll tax, all represent progressive and forward-looking responses to some of the domestic problems still before us. Much remains to be done, but I look back on this record with a feeling of pride and accomplishment.

Other great programs such as the Federal Government's experiments in saline water conversion offer great promise for the future. The perfection of an economically feasible system to transform fresh water from the salt water would, I believe, represent as important as any scientific advance in the 20th century. The massive assaults on cancer and heart disease that are underway in the United States will eventually result in untold years of added life to persons of all lands. Once again, I think the Congress can view its support of medical research with pride.

While the roles of Congress and the Federal Government in these various areas are important, I feel the ultimate solutions cannot be found apart from the initiatives of the American people acting in their individual capacities.

While we may at times delude ourselves to the contrary, in the long run the Congress reflects with considerable accuracy the vitality, determination, and intelligence of the American people. Should the Congress lead or should it follow? This question never can be answered by selecting one of these two extremes. True and meaningful human progress results from constant interaction at all levels of public and private life. In short, we are both teachers and students.

The performance of government and the fundamental strength of a society are viewed as separate and distinct entities only by the very short-sighted and foolish.

As the fundamentally strong people I believe we are, let us then move with speed, rather than deliberation, to finish the emancipation of 1862, that is, the conquest of human rights and dignity for every member of American society.

But let us be guided by the fuller conception of emancipation that I have suggested, a conception that will demand the finest this generation has to offer.

Mr. President, I am sure each of us was moved by the impressive Emancipation Day observance in front of the Lincoln Memorial on Saturday. It was a most fitting event to memorialize this historic occasion. All those persons who worked so diligently to make this meeting a success should be complimented. I thought the President of the United States sent a most appropriate message and I now ask unanimous consent that his Emancipation Day message be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Text of Kennedy Emancipation Message

I take great pleasure in greeting you on this centennial commemoration of one of the most solemn moments in American history. One hundred years ago today Abraham Lincoln signed the Emancipation Proclamation. He thereby began the process which brought a final end to the evil of human slavery, which wiped out from our Nation what John Quincy Adams called the great stain upon the North American union.

But the Emancipation Proclamation was not an end. It was a beginning. The century since has seen the struggle to convert freedom from rhetoric to reality. It has been in many respects a somber story. For many years progress toward the realization of equal rights was very slow.

A structure of segregation divided the Negro from his fellow American citizen. He was denied equal opportunity in education and employment. In many places he could not vote. For a long time he was exposed to violence and to terror. These were bitter years of humiliation and deprivation.

CITES NEGRO'S LOYALTY

Looking back at this period, one must observe two remarkable facts. The first is that, despite humiliation and deprivation, the Negro retained his loyalty to the United States and to democratic institutions. He showed this loyalty by brave service in two World Wars, by the rejection of extreme or violent policies, by a quiet and proud determination to work for long-denied rights within the framework of the American Constitution.

The second is that, despite deprivation and humiliation, the Negro has never stopped working for his own salvation. There is no more impressive chapter in our history than the one in which our Negro fellow citizens sought better education for themselves and their children, built better schools and better housing, carved out their own economic opportunity, enlarged their press, fostered their arts, and clarified and strengthened their purpose as a people.

In doing these things, the Negroes enlisted the support of many of their fellow citizens both north and south. But the essential effort, the sustained struggle was borne by the Negro alone with steadfast dignity and faith. And in due course the effort had its results.

STRIKING CHANGE

The last generation has seen a belated, but still spectacular, quickening of the pace of full emancipation. Twenty-five years ago the Nation would have been unbelieving at the progress to be made by the time of this centennial, progress in education, in employment, in the evenhanded administration of justice, in access to the ballot, in the assumption of places and responsibility and leadership, in public and private life.

It has been a striking change, and a change wrought in large measure by the courage and perseverance of Negro men and women. It can be said, I believe, that Abraham Lincoln emancipated the slaves, but that, in this century since, our Negro citizens have emancipated themselves.

And the task is not finished. Much remains to be done to eradicate the vestiges of discrimination and segregation, to make equal rights a reality for all our people, to fulfill finally the promises of the Declaration of Independence. Like the proclamation we celebrate, this observance must be regarded not as an end, but a beginning.

The best commemoration lies not in what we say today, but in what we do in the days and months ahead to complete the work begun by Abraham Lincoln. "In giving freedom to the slaves," President Lincoln said, "we assure freedom to the free." In giving rights to others which belong to them, we give rights to ourselves and to our country.

Mr. HUMPHREY. Mr. President, in yesterday's press there were a number of articles relating to the Emancipation Proclamation and its meaning to American life and the world. One of the better articles appeared in the Washington Sunday Star, under the byline of Tom Henshaw, an Associated Press news features writer. This particular article describes some of the achievements that have taken place in the United States in terms of equal opportunity and equal privilege under the law.

I ask unanimous consent that the article entitled, "The Emancipation and Afterward," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Sunday Star Washington (D.C.), Sept. 16, 1962]

THE EMANCIPATION AND AFTERWARD

(By Tom Henshaw)

It began a hundred years ago, on a Monday afternoon in the White House, when President Abraham Lincoln rose at a Cabinet meeting and read from a manuscript in his hand:

"* * * All persons held as slaves within any State, or designated part of a State, the people thereof shall then be in rebellion against the United States, shall be then, thenceforward and forever free * * *."

The drama so begun is with us still—aboard a bus in Montgomery, Ala., at a lunch counter in Nashville, Tenn., in a classroom in Little Rock, Ark., and in the chambers of the Supreme Court of the United States.

It's the story of the Negro as a free American; a story that began when Lincoln first read the Emancipation Proclamation to his Cabinet on September 22, 1862, shortly after the opportune Union victory at Antietam.

As the history of America is measured in milestones, so is the history of the free Negro in America measured in steps from slavery to an equality not yet achieved.

What are the great milestones in Negro history?

A SURVEY OF HISTORIAN

The Associated Press asked five distinguished Negro historians to list the five events they consider the most important in Negro progress since the Emancipation Proclamation.

They were unanimous on only two.

First, the War Amendments to the Constitution, particularly the 14th ratified in 1868, which defined citizenship and extended the equal protection of law to all persons.

"The Emancipation Proclamation did not really free the slaves; the 13th amendment did," says Dr. John Hope Franklin, chairman of the history department at Brooklyn College.

"The 14th amendment brought the Negro into the American family. The 15th gave Negroes the right to vote. Together, they made it possible for the Negro to come into the mainstream of American life."

"The 14th amendment is what the Negro has based his whole fight for equality on," adds Dr. Benjamin Quarles, chairman of the history department at Morgan State College in Baltimore.

Second, *Brown* v. *Board of Education*, the Supreme Court decision of May 17, 1954, which overturned the longstanding rule of "separate but equal" and banned segregation in public schools.

"For 58 years," says Dr. Clarence A. Bacote, chairman of the history department at Atlanta University, "separate but equal was the standard in race relations. The decision of 1954 set a new standard."

Smith v. *Allwright*, the Supreme Court decision of 1944 that opened previously all-white primary elections to Negroes, rated high on the historians' list of milestones.

"*Smith* v. *Allwright* means more to us in the South than in other sections," says Dr. Bacote. "It revived the Negroes in the South. In Atlanta, at least, it has changed the whole political climate.

"Many ills can be redressed by voting intelligently. But first you have to register. Once we get Federal protection at the ballot boxes we will get a different type of representative from the South."

Another popular choice: Executive Order 8802, issued by President Franklin D. Roosevelt in 1941, barring discrimination in factories with defense contracts. It was forerunner of fair employment practices laws.

ON MAKING A LIVING

"For the first time," says Dr. Franklin, "it gave Negroes an opportunity to make a living."

Both Dr. Bacote and Dr. Charles H. Wesley, president of Central State College in Wilberforce, Ohio, rate the rise of segregated Negro schools high on their lists of milestones.

For Dr. Bacote, the rise of Negro education is symbolized by the day in 1929 when Atlanta University became the first Negro graduate institution offering a master's degree.

"For a long time," he says, "it was a widely held opinion that Negroes were inferior to whites mentally. Education, particularly the number of Negroes earning master's degrees and doctorates, is destroying that myth."

Dr. Rayford W. Logan, chairman of the history department at Howard University in Washington, sees the integration of the Armed Forces, symbolized by the graduation from West Point of Benjamin O. Davis, now a major general, as a top milestone.

"It lifted Negro morale," he says. "Who wants to fight an enemy abroad when you have a fight of your own just to serve your own country?"

Dr. Wesley picks as a milestone *Plessy* v. *Ferguson*, the Supreme Court decision of 1896 that established by law the concept of separate but equal.

"It gave Negroes the opportunity to work out their own problems," he argues. "Out of it came the nucleus of colleges and universities for Negroes. It was a necessary and healthy exercise in self-help."

Dr. Franklin names the Civil Rights Act of 1875, which was later declared unconstitutional on grounds the Government could not enact legislation to effect equal rights.

"But it dared to call for the protection of the rights of Negroes as any other American citizens," he says. "We have been trying to catch up with the act since 1875. Only now are we seeing it realized."

PERSONAL APPROACH

Most of the Negro historians see their milestones in legal terms; as court decisions and legislative acts that broke down barriers to equality. Not so Dr. Quarles.

Among his selections: The signing of Jackie Robinson to a Brooklyn Dodger contract in 1947 and the refusal of Mrs. Rosa Parks to move to the rear of a bus that touched off the Montgomery bus protest of 1955–56.

Dr. Franklin stands at the opposite pole.

"Don't measure Negro progress by saying so many Negroes have Ph. D.'s or so many sing in grand opera," he says. "Progress is measured in the opportunity given a Negro, not in what he does.

"Actually, it's the progress of the country, not the Negro.

"William Dubois was graduated from Harvard with a Ph. D. in 1896. Did he teach at Harvard or anywhere else comparable? It was not because he had not made progress. It was because Harvard had not."

Mr. HUMPHREY. Mr. President, I conclude by stating that I will never feel that the business of free government has ever been fulfilled until equal opportunity, in its full meaning, is afforded every citizen in our country, regardless of race, color, or creed. It seems to me this still is the most powerful argument we have for the kind of world in which we want to live, a world in which human dignity is not merely a philosophy or a theory, but a living reality.

EXHIBIT 1

U.N. DEBATE IN BACKGROUND—STEVENSON MOST ELOQUENT IN PLEA TO REMAIN COOL DURING CUBAN TENSION

(By Chalmers M. Roberts)

Adlai Stevenson was at his most eloquent yesterday as he invoked "the Great Emancipator who sits brooding behind me" at the Lincoln Memorial to a point a moral for our times.

He never mentioned communism or the Soviet Union or Cuba. But what he said was reflective of the argument now raging in the United States over how to deal with Soviet Communist penetration of Cuba.

The same argument, in a more subdued tone, can also be heard within the Kennedy administration.

What Stevenson said at the Emancipation Proclamation centennial ceremony was this:

As was the case a century ago, "once more we doubt whether the human experiment can survive half slave and half free. Once more we feel, as men did in Lincoln's day, that the future of mankind itself depends upon the outcome of the struggle in which we are engaged."

But even in the depth of the Civil War, Lincoln never defined his cause "in terms of white and black, good and bad, excellence and evil." He never "stooped to the cheap rhetoric of the patriotic occasion;" he avoided "the snap judgments into which self-righteousness can so easily lead us all.

HISTORIC PARALLEL

For this, "Lincoln was bitterly attacked," and he was "accused of weakness, even of treachery, because he could not go along with the single-minded jingoism of much of the propaganda of his day."

From this history Stevenson drew a parallel of a danger today "that those who do not see things in stark contrasts of black and white will be denounced as feeble and even treacherous." America must recognize its own short comings, including the uncompleted promise of the Emancipation Proclamation, said Stevenson. And then he added:

"That we make no claim to final righteousness will help us to keep open all the paths to negotiation and fruitful compromise. It does not—any more than it did for Lincoln—make us compromise with violence, aggression, or fraud. * * * Truth was never the enemy of liberty, and it is no coincidence that the greatest statesman of liberty, the greatest champion freedom has ever known, was also the man who claimed least infallibility for himself and for his cause."

All that Stevenson, the U.S. Ambassador to the United Nations, said yesterday could probably be put down as appropriate for the Emancipation observance. But in the light of the division over Cuba it seems obvious that he was saying much more.

Within the country and within the administration there are those who see the problem in "black and white," who are ready for "snap judgments" in favor of an American military attack on Fidel Castro's regime. Some of those who have opposed this line of reasoning already are being "accused of weakness, even of treachery * * *."

Chester Bowles, President Kennedy's foreign policy aid, said last Sunday that an attack on Cuba would bring Soviet diplomatic and political victories, lessen American influence in world affairs, and produce a rising tide of U.S. resentment against the United Nations and forfeit America's traditional claim to moral leadership.

This does not appear to be a very popular line of argument today; nor is Bowles himself very popular in many quarters. Stevenson himself has been accused of having had a hand in preventing direct U.S. participation in the Bay of Pigs fiasco in the spring of last year.

What Bowles said bluntly and what Stevenson said more indirectly, however, is in tune with President Kennedy's current "keep cool over Cuba" position. But the President knows, and his party's politicians say, that the country is very much in a "do something about Cuba" move despite his efforts to isolate the war hawks.

The President has not gone as far as either Stevenson or Bowles in publicly supporting a go-slow policy toward Cuba; probably he cannot. Of course, what Stevenson said can be applied far beyond the Cuban issue to the larger problem of East-West relations.

Here the President, too, has been castigated by some for a "no win" policy. But Cuba today is the focus of the argument on what U.S. policy should be in a world where "once more we doubt whether the human experiment can survive half slave and half free."

The argument already is deep in politics with an election only 6 weeks away. What Adlai Stevenson said yesterday, standing in front of Daniel Chester French's massive statue of Lincoln, will not resolve the argument, but drew upon history to provide some highly pertinent thoughts.

ADDRESS BY THE HONORABLE ADLAI E. STEVENSON, U.S. REPRESENTATIVE TO THE UNITED NATIONS, AT THE EMANCIPATION CEREMONIES, LINCOLN MEMORIAL, WASHINGTON, D.C., SEPTEMBER 22, 1962

This day just a hundred years ago, America reached a turning point. It was 5 days after Antietam. In the South Mountain defiles and on the fields around Sharpsburg ghastly clumps of dead soldiers lay unburied. The foul weeds of civil war—hatred, fury, cruelty—grew ranker as the lists of slain and wounded filled the bulletin boards, and the hospital trains crept North and South between lines of harrowed watchers. In Europe, leaders pondered intervention; some ready to take harsh advantage of the New World's agony; some like Gladstone racked with anxiety to stop the slaughter.

Then came the flash, the lightning stroke that enables men to see the changes wrought by the storm. A haggard President told his Cabinet and his Maker that if the foe was driven from Union soil, he would declare the slaves "forever free." Within hours headlines all over this land clamored with the word "emancipation." Within days every slave had heard the news. Within weeks people all over the world were hailing the redemption of young America's promise.

Like all title deeds of human progress, the proclamation of emancipation meant more than it said. Morally it meant that American civilization and human bondage were irrevocably incompatible. And a panoply of larger freedoms was bound up in that first small step. For the proclamation touched not the fate of Americans alone; it gave courage to the oppressed from the Thames to the Ganges; it inaugurated a new age of worldwide reforms. It was an application of the basic tenets of the Nation, tenets which gave promise, said Lincoln, that "in due time the weight would be lifted from the shoulders of all men."

Since we admit so readily our gratitude and our debt to other nations for their enrichment of our national fabric, I hope it will not seem immodest to others that Americans take such pride in the momentous milestone we commemorate today nor in the globe-circling spread of our spirit of national independence and individual freedom. During the past two centuries the two have walked hand in hand. Beside national independence in 1776 stood the goal of individual freedom; beside the preservation of the Union in 1862 stood the same great idea—planted there by the most beloved of American leaders.

And today—just a century later—freedom is again at stake. This time the whole worldwide society of men is perilously divided on the issue. National independence has swept the earth like wildfire, but individual freedom is still the great unfinished business of the world today. Once more we doubt whether the human experiment can survive half slave and half free. Once more we feel, as men did in Lincoln's day, that the future of mankind itself depends upon the outcome of the struggle in which we are engaged.

In this context, with this urgency, with these fears, it would be easy enough to slip into the path of cloudy rhetoric. I could paint you a picture of this world struggle in which our adversaries would be pitch black and we—"the land of the free and the home of the brave"—would be lily white.

Such speeches are not too difficult to concoct. But since today we celebrate not only the act of emancipation, but also the Great Emancipator who sits brooding behind me, it is well to point out that Lincoln, throughout all the agonies and defeats, and the breathtaking triumphs of the Civil War, never made such a speech. Never did he define his cause—this overwhelming cause of freedom—in terms of white and black, good and bad, excellence and evil. Abraham Lincoln never stooped to the cheap rhetoric of the patriotic occasion. Instead he continued, obstinately and greatly, to see human affairs and human emotions in all their complexity and ambiguity, and to refuse the snap judgments into which self-righteousness can so easily lead us all. If ever a leader lived by the Biblical injunction, "Judge not, lest ye be judged," it was Lincoln. For him, truth was the groundwork of freedom, and you could no more build victory upon delusion than you could sustain society in slavery. And this is reason enough for his saintly rank among world statesmen.

So if today we wish to honor both the act of emancipation and the man who framed it, we have to follow in the same dedication to truth, and the same abhorrence for pretension and self-deceit. We know that we uphold the cause of freedom. Equally we know that we risk betraying it if we have any illusions about our failures and insufficiencies.

If the issue between North and South sometimes seemed ambiguous to Lincoln; if, as in the second inaugural, he recognized the equal complicity of northerners organizing the slave trade and southerners profiting by the results, so, too, today we must approach the theme of freedom in the world context with some of Lincoln's modesty and accuracy.

Are we the pure-souled defenders of freedom when Negro citizens are anywhere denied the right to vote, or to equal education, or to equal opportunity? Can we be surprised if, abroad, friends with sadness and enemies with delight observe the inequalities and injustices which still mar our American image?

In his day, Lincoln was bitterly attacked for this unwillingness to take the straight partisan line, to claim all virtue for the North, all evil for the South, to praise himself and his cause, to damn all his adversaries. His sense that issues might be relative and ambiguous roused men of rougher certitude to furies of denunciation, and Lincoln was accused of weakness, even of treachery, because he could not go along with the single-minded jingoism of much of the propaganda of his day.

So today, there is a danger that those who do not see things in the stark contrasts of black and white will be denounced as feeble and even treacherous. It is therefore worthwhile recalling that Lincoln's sense of the complexity of all great historical issues did not hold him back for 1 hour from doing the right as God gave him to see the right, or deter him from emancipating the slaves and fighting a great war to its finish to insure that the Union would be preserved and the emancipation honored.

To today, our sense of our own failures and weaknesses in the struggle for freedom does not mean, for one instant, any faltering in the sacrifices which are necessary to insure that the Western democracies and the unalined peoples of the world have the shield against aggression that they need, and the aid necessary to uphold it. That we make no claim to final righteousness will help us to keep open all the paths to negotiation and fruitful compromise.

It does not—any more than it did for Lincoln—make us compromise with violence, aggression or fraud. We shall stand all the firmer for not standing in a false light. Our defense of freedom will be all the stronger for being based not on illusions but upon the truth about ourselves and our world. Freedom must be rooted in reality or it will crumble as errors are revealed and faith is shaken. Only the truth can make us free.

The immortal document that the Great Emancipator read to his advisers just one hundred years ago closed one era of American history and opened another. It freed the Negro from his age-old bondage; it freed the white people of the South from an outworn and crippling institution; it freed the Republic from the darkest stain upon its record. It gave freedom a mighty impulse throughout the globe. And it will surround the homely features of President Lincoln with an unfading halo.

But it marked a beginning; not an end; it was a call to a new battle—a battle which rages around us in every part of the world in this new time of testing.

Truth was never the enemy of liberty, and it is no coincidence that the greatest statesman of liberty, the greatest champion freedom has ever known, was also the man who claimed least infallibility for himself and for his cause. We can be humble as he was humble—knowing that the cause of freedom is greater than its defenders, and can triumph in spite of all their shortcomings.

In this spirit, we dare declare that the concern and dedication of our Union is the freedom of all mankind. With this candor, we can claim to be Lincoln's heirs in the unfinished work of emancipation.

CAMPAIGN TO LURE NEW YORK FIRMS TO TEXAS

Mr. KEATING. Mr. President, one of the Nation's largest defense contractors is conducting a deliberate campaign to lure New York State firms to move their operations to Texas.

A form letter dated August 29 was sent to Long Island, N.Y., electronic firms. The letter was signed by the purchasing agent of a company whose principal plants are located in Texas. It reads as follows:

> Management, in conjunction with our chamber of commerce, has asked me to get your cooperation in answering the attached questions.
>
> If you are planning a Texas facility, we want to offer our own help, and the help of the Dallas Chamber of Commerce, in providing information and services which you may require. If you have no plans for a Texas facility, we would like to have the Dallas Chamber of Commerce send you information on the advantages of including such a facility in your planning.

Will you please complete this questionnaire, or refer it to the appropriate official in your organization for prompt reply? Our management feels it is important to have this information to guide our purchasing policies.

The letter speaks for itself. The last sentence makes it apparent that an outrageous attempt is underway to lure—or should I say "pressure"—New York firms into Texas, if they expect to do business with this firm. In my judgment, this is improper and unwarranted pressure. To put it bluntly, it is a brazen attempt to seduce New York businesses across State lines.

Mr. President, it is shocking and disturbing to realize that this firm ranked 61st on the fiscal year 1961 Department of Defense list according to net value of military prime contracts awards. It received $46.8 million of the taxpayers' money in fiscal 1961. When it is considered that New York State contributes 20 percent of Federal tax funds, the taxpayers of New York—and of the entire Nation—have a right to demand a full accounting. Furthermore, with the relocation of the Apollo space program and other important installations to the Texas area it is necessary that this type of pressure be stopped here and now.

I am contacting the Secretary of Defense and the Administrator of NASA enclosing a copy of the letter and of an article concerning this situation which appeared in the Long Island Commercial Review. In my judgment, it is the responsibility of the Department of Defense and of NASA, to make sure that Government contractors—particularly this firm—use competitive bidding procedures and give full and fair consideration to firms all over the Nation in subcontracting. In view of the pressure that has been applied here, special surveillance by the Defense Department and by NASA is certainly warranted over any of its subcontracts involving Government funding.

As a corollary to this most recent news of efforts to lure defense industries out of New York State, I ask unanimous consent to include in the RECORD following my remarks, a letter by Charles Diebold, president of the Buffalo Chamber of Commerce, to the Los Angeles Chamber of Commerce replying to efforts by that body to obtain more business for California. Also, I ask unanimous consent to include, following my remarks, a telegram from the Engineers Union at American Bosch Arma Corp. at Garden City, Long Island, indicating that 44 engineers and 34 technicians were laid off last week as a result of the Defense Department decision to ignore competitive procedures in defense procurement. It is time for the Defense Department to clean house in procurement procedures.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

AUGUST 29, 1962.

Mr. STEPHEN BILHEIMER,
President, Los Angeles Chamber of Commerce, Los Angeles, Calif.

DEAR MR. BILHEIMER: I read with great interest your recent comments to the effect that defense contracts must be awarded on the basis of merit, rather than any political considerations. We in western New York have long maintained that price and quality should become the criteria for the expenditure of our Nation's defense dollars and it is heartening, indeed, to learn that such views are shared in the State which has received the largest share of defense work.

We have never questioned the premise that national security must be the overriding consideration, that defense business should go to the companies which have demonstrated that they can contribute, that they can produce.

While we obviously are in complete agreement as to the basis on which defense contracts should be awarded, I must take exception to your stated concern that any decrease in California's defense business "could seriously negate the progress the United States has made to date."

No State or any group of States has a patent on quality, economy, and production. New York State, for instance, has excellent resources for outstanding engineers and scientists and highly dedicated and competent executive personnel. Modern equipment for research and extensive production facilities are available for the development and manufacture of space age products. Western New York, in particular, has compiled a remarkable record of industrial and scientific achievement in times of war and peace.

The free enterprise system precludes the award of a disproportionate share of defense business to any one State or industrial complex and I know you will agree that our traditionally competitive way of doing business will provide the best defense possible.

The defense industries of New York State accept fair and open competition as their guiding principle and will be judged on this basis. We will continue to compete on a high level and we will continue to produce the most advanced and reliable equipment that it is possible to produce, at the earliest possible date and at the lowest possible cost.

Sincerely,

CHARLES R. DIEBOLD,
President, Buffalo Area Chamber of Commerce.

CARLE PLACE, N.Y., *September 17, 1962.*

Hon. KENNETH KEATING,
U.S. Senate, Washington, D.C.:

Breakup of the Nation's leading inertial guidance team has begun; 44 engineers and 34 technicians were laid off on Friday at Arma. Urge that every possible action be taken immediately to halt this waste of the talented group responsible for the spectacular Atlas guidance system.

WILLIAM WARNER,
President, Local 418, IUE, AFL–CIO.
OWEN HOEY,
President, Local 460 IUE, AFL–CIO.
FRANK MCCALL,
President, Local 464, IUE, AFL–CIO, Arma Division, American Bosch Arma Corp., Garden City, N.Y.

ANTI-SEMITISM IN ARGENTINA

Mr. KEATING. Mr. President, I am very deeply concerned over recent action in Argentina where not only is anti-Semitism on the increase but also Nazi organizations are apparently becoming strong influences on the political scene. It is a shocking situation that news reports indicate several thousands of young Argentines may belong to an anti-Semitic organization which has the announced aims of fighting capitalism, Zionism, and communism. It is time for the Government of Argentina to recognize that there is no place in the Western Hemisphere for Fascist or Nazi tactics of this kind.

Also, Mr. President, in my judgment, the U.S. Department of State should take a clear and unequivocal position in condemning these deplorable developments. Some weeks ago I brought this situation to the attention of the State Department but I was extremely disappointed in their response. It seemed to me they equivocated. They took the line that since no American citizens were involved in these incidents, our Government was not in a position to make formal representations to the Argentine Government.

Certainly, Mr. President, if the channels of diplomacy are too clogged to permit our Government to express itself officially when such a basic violation of human rights has occurred, then it becomes even more emphatically the obligation of citizen organizations, of Members of Congress, and of all other Americans to make clear our condemnation of terroristic activities of this nature anywhere in the world and, most particularly, in this hemisphere.

Mr. President, I ask unanimous consent to include in the RECORD following these remarks a clipping from the New York Times of September 16 and a letter which I received from the Department of State at the end of August.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 16, 1962]

ARGENTINE YOUTHS IN NAZI GROUP SALUTE AND CRY: "HAIL TACUARA"—ANTI-SEMITIC ORGANIZATION, SAID TO BE GROWING, ASSERTS IT FIGHTS ZIONISM, CAPITALISM, AND COMMUNISM

BUENOS AIRES, September 15.—The fuzzy-faced 15-year-old boy flushed with pride as the roomful of teenagers, fixed their gaze on him. Standing erect, he raised his arm in the Nazi salute and shouted, "Hail Tacuara."

"Hail Tacuara" echoed the others as their 24-year-old leader nodded approval.

Behind bolted doors in a small flat in the heart of Buenos Aires, a reporter was permitted to watch a ceremony which could have taken place in Hitler's Germany.

Thirty youths, most of them of high school age, had gathered to initiate new members into Argentina's Tacuara organization, whose keystone is anti-Semitism. Its leaders variously boast from 2,500 to 7,000 members throughout the country and assert it is growing rapidly.

As each recruit went through the ritual he pledged allegiance to the "nationalist" cause. Tacuara's chief, Alberto Ezcurra, told each recruit his mission would be to "fight against capitalism and Zionism with one hand, and with the other hand against communism."

TELLS ABOUT DRILLS

The ceremony over, he told the new members about training courses. There would be trips to the Pampus, where they would be taught physical fitness and drilled in the nationalist-Fascist ideology of Tacuara.

Tacuara, named after the cowboy word for lance, has existed since 1955 when the Argentine dictator, Juan D. Peron, was thrown out. It didn't gain much public attention until this year.

In recent months its members have ranged the cities distributing anti-Semitic propaganda, Argentine Jewish organizations charge it has gone further lately, smearing school buildings with tar, terrorizing Jewish children, and damaging synagogues.

Tacuara's name cropped up when three 19-year-old youths were arrested on charges of firing pistol shots into the entrance of a Buenos Aires theater showing a Jewish play. But the youths denied they belonged to the nationalist organization.

Senor Ezcurra, in an interview after the initiation ceremony, said: "Tacuara is treated much better under this Government than under President Arturo Frondizi's regime."

Under Dr. Frondizi, Tacuara leaders were questioned by police and several were jailed on charges of violating the nation's security.

Under President José Marie Guido's regime, Tacuara members have had free rein to distribute anti-Semitic pamphlets and posters.

The Federal police chief, Enrique Green, brushed aside complaints about the organization, asserting that anti-Semitism in Argentina has been "exaggerated and exploited by the Communists."

Senor Green said there was no evidence to implicate Tacuara in the wave of anti-Semitic events which has swept Argentina in recent months. He said police protection had been given to synagogues and that the authorities had complied with other requests for aid from the Jewish community.

HE DOUBTS CHARGES

The police chief has cast doubt on the claims of several Argentine Jews, including a 19-year-old girl, who charged they were attacked and slashed with the symbol of the swastika. But the Guido government has promised to stamp out such acts.

The wave of anti-Semitic outbursts erupted last spring, apparently triggered by the execution of Adolf Eichmann, who was abducted from Argentina by Israeli agents. Eichmann, a Nazi official during World War II, was convicted for the role he played in the deaths of millions of Jews.

Senor Ezcurra, whose headquarters is adorned with a crucifix, says the group is influenced by the Roman Catholic Church, but that "it is only a spiritual influence."

DEPARTMENT OF STATE,
Washington, August 20, 1962.

The Honorable KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: I want to thank you for your letter of July 31 concerning anti-Semitic activities in Latin America.

The Department of State, with the assistance of our Embassy at Buenos Aires, has for a period of 2 years been following closely the manifestations of anti-Semitism in Argentina. Our information regarding these manifestations has been supplemented by periodic receipt of data from organizations in the United States directly concerned both with threats to human rights and the welfare of Jewish communities throughout the world.

On the basis of the information available to us, it seems that most, if not all, of the anti-Semitic activities are attributable to small, largely covert and somewhat amorphous groups which appear to be ultranationalist in nature and to have chosen anti-Semitism as one vehicle for the expression of their personal and social hostilities. The groups construe themselves as quasi-political, but it cannot be said that general public opinion in Argentina dignifies them as such. We are advised by our Embassy that the Argentine populace seems genuinely horrified by the recent violent acts and deplores the activities of those responsible for them.

Officers of the Embassy were apprised some time ago of the importance of the evidence of anti-Semitism in Argentina and were instructed to make use of suitable opportunities to point out to responsible Argentines the unfavorable world reaction to be expected from pronounced anti-Semitic activities. Following the attacks in June, our Ambassador discussed the matter with Rabbi Israel Goldstein, of New York, a member of the World Jewish Congress. You will appreciate that since no American citizens have been involved the Ambassador was not in a position to make formal representations to the Government of Argentina. However, he reports subsequent conversations with officials of the Government who recognize that the activities of the anti-Semitic groups do not accrue to the credit of the nation and expressed the intent of the Government to cope vigorously with the outbreaks.

On June 25, 1962, a statement was issued by the Presidency of the Argentine Republic expressing the "Executive Power's forceful repudiation" of the acts and pledged its decision to "suppress with the full force of the law incidents of this nature which do grave injury to the social structure of the nation." This sentiment is shared, we are informed, by the Minister of Interior who is responsible for police forces in the nation. It would thus appear that Argentine authorities are fully aware of the need to take firm measures in the present circumstances. Our officers in Buenos Aires will continue to press with members of the Argentine Government the concern of all decent men whenever minority groups are subject to unlawful acts.

Our Embassy at Montevideo has provided us with the following information respecting the incidents that have occurred in Uruguay:

The Uruguayan Minister of the Interior informed the Uruguayan House of Representatives on July 31 that measures have been taken to prevent recurrence of incidents. These included establishment of street patrols by the police, reinforced by Uruguayan Army troops, highway patrols, and 100 police normally assigned to the interior of the country, as well as police raids against the headquarters of organizations suspected of involvement in the incidents.

The Uruguayan public and press have become very concerned at these unfortunate incidents, which are thought to be the work of a very few extremist members of a society. It would appear this concern is reflected in a vigorous effort on the part of their governmental authorities to halt this series of criminal acts.

If I may be of any further assistance to you, please do not hesitate to call on me.

Sincerely yours,
FREDERICK G. DUTTON,
Assistant Secretary.

WHAT THE CUBANS SAY

Mr. KEATING. Mr. President, in all the recent debate over what should be done about Cuba, we have concerned ourselves very little with what, in the end, may prove to be the key factor of the situation—the feelings of the Cubans themselves toward the Communist dictatorship that has been set up on the island. The latest issue of the New Leader contains a very significant addition to current thinking about Cuba. It is a statement by a Cuban emigre who has a consistent record of opposition to dictatorship and support for the ideals of representative government. He points out, in language that should strike home to every American, that the menace of Castro is far greater than present statements by Government officials would indicate. He makes the following four points which deserve to be repeated and emphasized:

1. A Communist regime has been able to maintain itself in power in the Western Hemisphere.

2. The vaunted principle of "hemispheric solidarity" has proved to be largely a sham.

3. After 4 years, the struggle for Cuba continues to be between well-organized Communists and disorganized democrats.

4. Of all the lessons Fidel Castro has taught us, the bitterest and most obvious is this: He who proclaims himself a Communist can count on help from the Soviet Union even though he is 9,000 miles from its borders, while he who proclaims himself a democrat can fight and die 90 miles from the shores of the United States and no one will come to his aid.

Mr. President, I ask unanimous consent that the text of this article be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SHADOW OF CUBA

(By Luis Aguilar Leon)

It is almost 4 years since Fidel Castro's rise to power and the changes that have taken place in Cuba in this brief period are startling: The country has passed from the bright dawn of freedom to totalitarian darkness; from the fervor of a democratic, humanistic revolution to the status of a Soviet satellite; from redemption to oppression.

Mass emigration has seen more than 200,000 Cubans leave their country. Hunger and rebellion stalk the countryside. Wealth has been destroyed which can never be regained. Choas and misery are apparent in nearly every sector of national life. The firing squad, at first defended as a necessary expedient, has become a regular instrument of government authority.

The negative character of the regime's achievements is even reflected in its own pronouncements. Gone is the arrogant propaganda of Castro's first 2 years—the glowing promises, the publication of rising production figures, the boastful talk of Cuba's "economic liberation," the sarcastic comments about "decaying imperialism." It has given way to endless lamentation, constant admission of error and failure, increasingly harsh threats and penalties, and attempts to blame "imperialism" (which has suddenly become "ferocious and powerful") for all that has gone wrong. In the meantime, amid demands for ever greater sacrifices on the part of the Cuban people, the country has been ruthlessly looted of its national wealth by the two great Communist powers on whose aid it has come to depend for survival.

Yet, great though communism's failures have been in Cuba, four basic facts emerge which make Castro's 4 years in power bleak ones indeed for American democracy:

1. A Communist regime has been able to maintain itself in power in the Western Hemisphere.

Five years ago it was regarded as axiomatic that a Communist regime could not be established in the Americas. It was thought that there were certain vital, inviolable areas in the cold war. It was assumed that just as a democratic government could not be installed in Latvia or Estonia without waging war against the Soviet Union, any attempt to set up a Communist regime in Latin America would mean an armed clash with the United States. Hungary demonstrated the ironclad validity of the first part of this assumption; Cuba, unfortunately, has shown that the second part was altogether false.

What the continued existence of the Communist government of Cuba has meant to Latin American Communists in terms of concrete encouragement can be seen in the new boldness and violence of party activities everywhere on the Continent. Into the bright light of day there have emerged groups which had hitherto preferred to carry on their activities in strategic obscurity. Moreover, the frankness with which Communists proclaim their intention of taking power by force is increasing daily.

The effect of the Castro regime can be seen, too, in the confusion and vacillation of several non-Communist parties and groups. Today many of them are no longer willing to put up bold resistance to the Communists, lest one day they should find themselves standing alone against a Communist government supported by the Soviets.

2. The vaunted principle of "hemispheric solidarity" has proved to be largely a sham.

Faced with the greatest mass emigration in Latin American history, many of Cuba's "sister nations" have reacted with heartrending inhumanity. Instead of opening their doors wide to the destitute Cuban refugees, some countries have flatly refused to admit them, while others have placed all sorts of legalistic obstacles in their path. Only a few have responded to the cry for help.

At the same time, there has been a general scramble among Latin American countries for Cuba's former sugar quota, as well as for its place in foreign markets generally. Politicians and businessmen are using Castro as a bogey to get more financial aid from the United States. The Cuban tragedy, it turns out, is being selfishly and blindly exploited by the very people who should be most deeply moved by it.

Finally, the principle of "nonintervention" has been effectively invoked. Both those who sympathize with Castroism and those who fear it are preventing any action against a regime which not only bars free elections and tramples on democratic liberties, but also makes clear—by word and deed—its intention to interfere in the affairs of all Latin America and one day plant the Red flag on the Andes.

3. After 4 years, the struggle for Cuba continues to be between well-organized Communists and disorganized democrats.

Although it has been obvious for many years that one of the prime factors in communism's success is its skillful, tireless propaganda, little if anything has been done to counteract it. Today the Cuban Government freely concedes the gravity of its present economic crisis in the statements it makes for internal consumption, but its broadcasts to the outside world continue to promulgate the myth that Cuba is a "paradise" in which abundance reigns. While Cuba's most valuable goods and machinery are sent to the Soviet Union behind the people's backs, the rest of Latin America is told of the "nationalist revolution" that is under way. As the jails keep filling up and the firing squad is used more and more indiscriminately, streams of publicity are sent abroad depicting a happy, smiling Cuban people living in what is referred to as "the free territory of America."

These lies continue to reach their audience virtually uncontradicted. It is as if the world did not know by now that any lie—whether that of Aryan racial superiority of Stalin's benevolence or of Fidel Castro's humanitarianism—can be transformed into an article of faith for millions of people if it is repeated constantly and allowed to go unanswered.

There is nothing more disheartening than listening to Cuban radio stations transmit their highly effective propaganda to all the peoples of Latin America and knowing there is no voice proclaiming the truth about Cuba's tragedy with equal tenacity, fervor and effectiveness. The Communists shout their lies; their adversaries barely whisper the truth.

4. Of all the lessons Fidel Castro has taught us, the bitterest and most obvious is this: He who proclaims himself a Communist can count on help from the Soviet Union even though he is 9,000 miles from its borders, while he who proclaims himself a democrat can fight and die 90 miles from the shores of the United States and no one will come to his aid.

THE RELATIONSHIP BETWEEN PROFITS AND JOBS

Mr. GOLDWATER. Madam President, during the recent White House Conference on National Economic Issues, Mr. George Meany, president of AFL–CIO, challenged the National Association of Manufacturers to explain how the creation of jobs is influenced by the profit level of business and industry.

Mr. Charles Sligh answered Mr. Meany's question in the August 10, 1962, issue of the NAM News.

I ask unanimous consent that this article, "The Relationship Between Profits and Jobs," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RELATIONSHIP BETWEEN PROFITS AND JOBS—AN ECONOMIC ANALYSIS PRESENTED BY THE NATIONAL ASSOCIATION OF MANUFACTURERS

At the recent White House Conference on National Economic Issues, Mr. George Meany, president of the AFL–CIO, challenged the National Association of Manufacturers to explain how the creation of jobs is influenced by the profit level of business and industry.

The phrasing of Mr. Meany's questions suggests a possible misconception regarding the function of profit in our economic system. The point is not that profits as such create jobs, or that profits after they are earned can be translated into jobs at some calcuable rate of so many dollars per job. It is business activity undertaken in the expectation of profit which creates jobs. If the profits are realized, the jobs continue and perhaps grow in number. If the profits are not realized, the jobs and the companies which offer them eventually disappear.

Although the expectation of profit may be (and often is) disappointed, if it does not exist the economic activities which create jobs simply do not occur. The role played by the reinvestment of profits is a dual one. Re-invested profits may be the means for expansion and the creation of more jobs; or they may be the means for increasing productivity of the work force so that jobs may be continued at wage levels which otherwise would eliminate the possibility of profit.

The calculations by which a businessman determines whether he may reasonably expect a profit from a contemplated operation are based mainly on considerations of present and prospective price and cost levels. At present, the relationship between costs and prices is such that many types of activity do not offer a reasonable prospect for profit and thus are not undertaken. Furthermore, fears that the fundamental causes of this situation are not about to be corrected discourage investment which would mean new products and new jobs in the future. Because of the fact that actual realized profits and prospects for profit in the future are below what they might be, jobs which would otherwise be created are lost.

Surely there is nothing very new or original in this conception of the way the American economy works. The thought was expressed cogently in a resolution adopted by the Executive Council of the American Federation of Labor on January 31, 1940:

"We have learned the lesson that when opportunities for profits diminish, opportunities for jobs likewise disappear."

Individuals save and invest a portion of their earnings to start new businesses or expand old ones in the hope that a profit will be earned and their accumulated capital thereby enhanced. It can be stated categorically that there will be virtually no unused capacity in either manpower or material resources when the possibility can be seen for employing it at a profit. By the same token, manpower and productive capacity for which no profitable employment can be seen under existing conditions in a free market will be underutilized.

No one can say how much profit business needs to grow and to provide more job opportunities. This matter cannot be dealt with in terms of the economy as a whole because the economy consists of nearly 5 million separate enterprises, each responding to changing conditions in a way peculiar to itself. Some ventures are far more risky than others and can attract the necessary capital investment only if the profit possibilities are correspondingly greater. Those with rapid capital turnover may need less profit margin per transaction to keep alive and grow than those with slower capital turnover. Some firms require much greater capital investment per job than others. Some new ventures hold the prospect of early profitability; in others the profit payoff may be years in the future.

All of these factors are involved when corporate management, individual businessmen, and individual investors allocate capital to this or that venture, expand one operation and curtail another, continue an existing activity or liquidate it. In reality consumers make these decisions by patronizing and make profitable those businesses which most successfully meet their needs and wants and withholding patronage from those which do not.

PROFITS AS A YARDSTICK OF SERVICE TO THE CONSUMER

Companies are never equally successful in the struggle for profits. In each industry there are low-cost producers, high-cost producers, and marginal producers, and some in between. Even in prosperous years, a high percentage of corporations lose money.

In his book "Understanding Profits," Claude Robinson illustrates this factor by showing a hypothetical industry in which there are 11 producers, each with different costs. All are assumed to be making a nearly identical product and selling it at competitive prices in the market. At any given level of market demand, marginal producers will be just about breaking even, the high-cost producers will be incurring losses, some companies will be making medium profits and the lowest cost producers will be making good profits.

Dr. Robinson interprets this set of circumstances as follows:

"What does this mean to the consumer? It means that the profitable companies have found ways to produce and distribute goods cheaper than their competition. They are using human and material resources with greater skill—their personnel is superior, their location is better, their manufacturing techniques are more advanced, and their buying and distributing methods are more efficient. It is likely, too, that the profitmakers are spending larger sums of money than their competitors to find and develop new and better products and to engineer low-cost methods for their manufacture. The dealers of the profitable companies are likely to be more substantial and equipped to give good service. The employees of the profitmakers probably have good job benefits and a high degree of job security.

"Sooner or later the high-cost and marginal producers must mend their ways, get new blood and new ideas, update their manufacturing and distributing methods, and make products closer to the costomer's needs and desires. When that happens, price, quality, and service competition is likely to intensify, with each company trying to outdo the others in satisfying the consumer. The result is a consumer bonanza with more and better things for less."

"So it makes no sense," Dr. Robinson continues, "to say 'Shame on the high profitmaker.' In a competitive market, the high profitmaker is truly the buyer's best friend, for it is he who pioneers the way toward better products at lower cost. So long as buyers can shop around in a market with more than one supplier and choose between independent offerings, large profits are a very real measure, not of exploitation, but of service rendered."

PROFITS AS THE CAUSE AND NOT THE RESULT OF BUSINESS TRENDS

The important thing to recognize is that changes in the profitability of business operations are a cause, and not simply a result, of changes in the level of economic activity. This is not merely a theoretical conclusion. Studies by the National Bureau of Economic Research—which is recognized as an impartial research organization of the highest reputation—show that rises and falls in the profitability of business precede rises and falls in the level of economic activity. The Bureau summarized the results of its study of this subject in manufacturing industries as follows:

"Price-cost ratios and profit margins (profits per dollar of sales) undergo sharp fluctuations in general conformity with business cycles but with significant leads at both peaks and troughs."

In other words, movements in the rate of profitability of manufacturing operations occur well before the corresponding movements in general business conditions. This rules out the conclusion that changes in profitability are merely the result of changes in business conditions—the result could hardly precede the cause. It strongly supports the contrary view that changes in profitability are a cause of fluctuations in the rate of business activity. This conclusion from the factual data can hardly be surprising to anyone who has any firsthand experience of the operation of the American economy.

This, of course, is not in any sense a new finding for, as the Bureau points out, Wesley Mitchell gave this relationship much attention in his Business Cycles published in 1913. Mitchell viewed the encroachment of unit costs on prices or in other words the squeeze on profit margins as one of the factors that brought a boom to an end just as he viewed the reduction of costs relative to prices, or improving prospects for profit, as a significant factor in the revival of business following a depression.

PROFITS PROVIDE FUNDS FOR EXPANSION AND MORE JOBS

Besides being the incentive for current activity, profits are also an important source of funds for long-term business expansion. The National Association of Manufacturers has for many years contended that the present structure of Federal taxes is a serious impediment to the accumulation of capital, and hence to economic growth and job creation. In order to avoid misunderstanding it may be well to spell out here the nature of the rather complex relationship between the supply of capital and the creation of employment.

Various theories are advanced in regard to the part played by business investment in determining the levels of employment and unemployment. Does the accumulation of capital in the form of new industrial equipment destroy jobs through replacing men by machinery? Or does such accumulation make it possible to employ more people by providing more tools for them to work with and more plants for them to work in?

Actually both of these theories miss the main point. Under any given set of circumstances there is always some general level of wages at which the supply of and demand for labor can be balanced and excessive unemployment avoided. This is true whether there is a great deal of capital available in the economy, or whether there is very little capital available. If by any set of forces the general wage level is raised above this workable balancing level, unemployment will result.

But it is also well to remember that the particular level of real wages at which this balance can be achieved becomes higher when capital becomes more plentiful. The greater productivity resulting from an increase in the amount of capital permits higher wage rates to be paid without pricing employees out of the market for their services.

Thus the ability of people to accumulate savings and their willingness to invest does have a pronounced effect on the number of job opportunities. New jobs created through saving and investment may not be in the same industries in which the investment occurs; in fact, some kinds of jobs in those industries may be reduced while others may be increased as a result of the added investment. But in these industries, as well as in the economy as a whole, increased efficiency tends to preserve or to increase profit opportunities and therefore job opportunities. Investment in more efficient methods of producing food has meant a decline in agricultural employment. But without this release of manpower we could not have become the industrial nation that we are with its high standard of living.

THE FACTORS WHICH DETERMINE PROFIT LEVELS

We come now to an examination of the factors which hamper the ability of business and industry to earn a level of profits which would enable the utilization of all the nation's human and material resources—the factors which have squeezed profit prospects to the point where we have underutilization today.

Before any business enterprise can earn a profit, it must recover from the sale of its products or services more than it costs to produce them. These costs include labor and materials, interest on borrowed capital, the wearing out or depletion of capital resources, distribution and sales costs, and taxes.

Consumers of the product or service must be willing to buy it in sufficient volume at a price high enough to cover these costs, with something left over, or there will be no profit.

In an economy with multiple choices such as ours, the consumer's willingness to buy tends generally to vary inversely with the price asked; i.e., the higher the price the smaller the consumer demand and vice versa. This holds true even for the necessities of life. For example, if bread costs too much, consumers can turn to potatoes or rice. If wood trusses or reinforced concrete are more economical to use, builders can choose these materials instead of steel. If some people think foreign-make automobiles offer better values than domestic cars, they will buy the foreign product. It doesn't take a very high percentage of such consumer shifts in any line to prove to a producer that the price is not what he says it is, but what the customer is willing to pay.

For that high percentage of American corporations which even in a prosperous year show losses instead of profits, this is not a theoretical problem but a very real fact of economic life. If they could sell what they have to offer at prices which would yield a profit, they would of course do so. But they can't, and so the only road back to profitability and the continuance of the jobs these companies provide is to reduce unit production costs.

This problem is an ever-present one for the profitable companies as well. Each competitor in the field is always seeking ways to produce more efficiently and the company which fails to keep up in the race will soon find itself numbered among those with losses instead of profits. But for those companies with poor profit performance and prospects, the problem is doubly compounded. They find it more difficult to attract the capital resources required to develop or purchase the modern equipment which would enable them to improve their competitive position.

For these latter, the solution, if any, lies in better work performance by all of those whose jobs depend on restoring the economic health and vigor of the enterprise. But the cooperation necessary to achieve this is hampered by the inflexibilities in the labor-management relationships which have become the rule in the highly unionized industries.

The argument is sometimes made that the way to increase profit possibilities—for many of these companies as well as for those already in a profit position—is to operate closer to so-called capacity. Thus, it is said, overhead can spread over larger volume and unit production costs reduced. Perhaps prices can be lowered also, thus possibly increasing demand and volume still further.

While to many people this may sound like a logical way out of an economic dilemma, the logic is faulty. When a company or an industry is operating below optimum capacity for any extended period of time, only one conclusion can be drawn. The company or industry is unable to produce at cost levels which will attract sufficient demand in the marketplace to absorb all it is capable of turning out. To attempt to cure this by forced-draft production without dealing with the fundamental causes is to court disaster.

What happens when this logic is applied in the economy can be seen by reference to agriculture. We certainly have far greater capacity than we are now using to produce cotton or wheat or many other agricultural products. But producing more than the market can absorb of any particular commodity only leads to a selling price, if the market remains free, which is less than the cost of production. If business enterprise follows the same course as agricultural enterprise, our free economy will cease to exist.

It is obvious that in day-by-day practice companies strive in every way they can through advertising, promotion and sales effort to induce the highest possible demand. With due regard for the financial health of their companies, producers also strive to increase the sales volume of their particular product through price competition. However, the records of the bankruptcy courts are strewn with the histories of companies who sought injudiciously to capture a larger share of the market through indiscriminate price cutting.

We are aware that the AFL–CIO believes markets can be widened by the distribution of more "purchasing power" to people in the low and middle income brackets through selective tax cuts and higher wages, and through greatly stepped-up Government expenditures.

We do not believe this is an effective approach for the following reasons. Higher wages in excess of gains in productivity will increase unit costs of production. If the market will not afford higher prices to compensate for these added costs, profits will be curtailed and business activity will decline. Although wage rates may be higher there will be fewer people earning wages because jobs will disappear.

A selective tax remission for the low and middle brackets of even as much as $10 billion would add only about 2.7 percent to disposable personal income. Even if all of this were to be spent immediately it would not increase market demand sufficiently to exert a significant upward pull on production and jobs. Disposable personal income rose by $13.1 billion in 1961 over 1960; and although jobs increased by 115,000 the average level of unemployment rose by 875,000. Disposable personal income has been rising without a break since 1939, frequently by far more than $10 billion in a single year, and yet we have a persistent unemployment problem. The record would indicate that something more than increases in disposable income are needed to provide job opportunities for everyone.

The fact is that dollars accumulated as capital, and induced to undertake risk ventures by reasonable prospects for profit, act far more as multipliers of economic activity than dollars injected into consumer markets. The reason is that each dollar invested goes to work immediately to create jobs, not only in the enterprise in which it is invested but also through the purchase of plant, equipment and materials. The payrolls thus created add far more to the consumer spending stream than the original dollars possibly could if spent directly, and furthermore continue to add indefinitely as people earn money from the new jobs which have been created.

For somewhat these same reasons, we do not believe that dollars injected into the economy through larger Government expenditures will have much lasting effect in generating economic expansion and more jobs. We believe the Nation and its people are already heavily over-taxed, and any increase in the tax burden would add to the adverse effect on business growth. Government deficits, if monetized through the banks, inflate the money supply and exert an upward pull on prices and production costs.

This might temporarily widen profit margins and thus step up the rate of business activity. But it would also weaken the competitive situation of American producers in world markets and worsen our balance-of-payments problem. Inflation does not offer an acceptable or lasting way out of our economic difficulties.

We also are aware that the AFL–CIO contends the cash flow available to corporations is sufficiently great to pay for all needed capital equipment expenditures for replacement or expansion and therefore no tax relief for corporate enterprise is necessary either for capital purposes or to induce the undertaking of new product lines.

This viewpoint overlooks the fact that even the corporation with heavy cash flow from depreciation allowances may be in a poor profit position. Furthermore, the cash flow available to corporations may be used for any purpose deemed desirable. It may be paid out in dividends, deposited in the bank, or invested in government bonds or other securities. Only when there is a greater prospect of profitability and capital enhancement through investment in equipment and economic expansion will it be devoted to these purposes.

Furthermore, while some corporations may be in a good position relative to cash flow, others are not. Some of these latter may have exhausted their depreciation allowances and thus have no untaxed cash flow from this source to meet their pressing investment needs. This matter cannot be judged in terms of corporate enterprise as a whole; however, all corporations pay heed to what the books show in the profit and loss column. Heavy cash flow or no, new ventures or expansion will not be undertaken unless there is a prospect of profit.

THE PROCESS OF ECONOMIC GROWTH

It is important to understand the process by which the economy of this country has grown. There has been an ever-changing composition of the work force at higher wages. At first, we depended primarily on outside capital, as do emerging nations today. As we developed, we were able to generate larger amounts of investment capital saved from current income to increase the efficiency of our private economy. That efficiency in turn makes it possible for workers to receive more. The greater the amount of investment capital that can be generated, the higher the worker's real wages.

In the light of these considerations, it is disturbing to note the long-term decline which has occurred in the rate of investment. This has been well documented in a study of "Capital in the American Economy" by Dr. Simon Kuznets, of the National Bureau of Economic Research. According to Dr. Kuznets' data, the ratio of net capital formation to net national product fell from 14.6 percent in 1869 to 1888, and 11.2 percent in 1909–28, to only 7 percent in the post-World War II period, 1946–55. Despite the growth of our per capita national income, a much smaller fraction of it is being applied to provide net additions to our capital stock.

THE PROFIT RECORD

Let us turn now to a factual analysis of what has been happening in the American economy. In recent years we have had a gradual encroachment of costs upon profits. This has produced the results which might have been expected—general economic sluggishness and a persistent unemployment problem.

This situation may be readily documented by factual data contained in the January 1962 report of the President's Council of Economic Advisers. If the material in the Council's report on wage, price, and profit trends are assembled the following picture emerges:

1. There has been a persistent tendency in the recent past for the compensation of employees to increase faster than their productivity. Between 1957 and 1961, in nonagricultural industries, average hourly compensation increased at an annual rate of 4.0 percent, whereas average hourly output increased at an annual rate of only 2.5 percent. (See p. 175 of the Council's report.) The gap between the increase in hourly compensation and hourly output is, of course, the increase in unit labor cost.

2. The recent past has not been a period of inflationary price rises. There has been some upward creep in the consumer price index due mainly to the service element. But the wholesale price of industrial products has shown practically no change since 1958. In the words of the Council's report (p. 172): "Since mid-1958 there has been stability on the average in the prices of commodities at wholesale and retail, with a continuing upward trend in consumer service prices."

3. There has been an increasing squeeze on profits during the past decade. Despite the cyclical rise during 1961, corporate profits after tax for that year were only 4.5 percent of gross national product. The only postwar year in which this percentage was lower was the recession year 1958. If we take three successive 5-year periods, the record has been as follows:

Profits as percent of gross national product

Period:	
1947 through 1951	7.2
1952 through 1956	5.2
1957 through 1961	4.6

Thus the facts on costs and prices, and the facts on profits, support the view that current economic difficulties are the result of a squeeze on profits by increasing labor costs which cannot be recovered in increased prices.

To reduce the analysis to more concrete terms, the National Association of Manufacturers believes that the unfortunate combination of circumstances described above is the result of two fundamental economic errors: first, allowing wage and fringe benefits to rise at a rate faster than the market can justify and, second, tax impediments to the accumulation of capital and hence to the growth in national productivity which alone can validate increasing real wages.

RECOMMENDATIONS

Our conclusion from these considerations is that the most effective way to expand employment opportunities is to create and maintain a climate which will encourage the profit-seeking activities of individuals and business managers.

We believe the following steps will create such a climate and harness the full power of the profit motive in the Nation's interest:

1. Comprehensive reform of the tax rate structure and depreciation allowances along the lines already proposed by businessmen and business organizations: The objective should be to bring in the revenue the Government needs for its essential purposes without unduly burdening the job-creating process. This cannot be accomplished by tax reform which takes away with one hand what it makes available with the other. The administration has announced it intends to present a comprehensive tax reform program. Should this program be generally along the lines of the Herlong-Baker Bill, which is overwhelmingly endorsed by businessmen and business organizations, we believe a tremendous release of economic ingenuity and activity will ensue rapidly.

2. Elimination of Government control and regulation of business and intervention in the free market which goes beyond the legitimate function of preventing fraud, coercion or monopoly abuse. We do not advocate a complete withdrawal of Government supervision of business under the applicable laws and regulations or of Government interest in the operations of the economy, but we believe a diminution of unnecessary interference and harassment would foster mutual respect and confidence between Government and business.

3. Restoration of collective bargaining in the unionized sectors of the economy to the level originally intended—between an employer and the duly recognized representatives of his own employees. In these sectors, employers—and in particular the smaller employers—are caught in a tight squeeze between unearned wage increases insisted upon by unions which have the power to dictate their own terms and the resistance of markets to higher prices. Under the intensified competitive conditions which prevail today in domestic and foreign markets, this situation has a highly adverse effect on job creation. Unless profits can be earned, jobs can neither be created nor sustained.

4. Frugal spending practices on the Government's part: For years the Government has been embarking on multifarious new programs thus creating a continuously expanding drain on the Treasury. In the final analysis all Government programs—Federal, State and local—must be financed out of the production of the private sector. Today we are faced with a problem where the private sector has not been able to achieve a healthy pace of economic growth. Regardless of what group the benefits of the spending program accrue to, we know that their financing will be borne by the private sector. Thus such programs reduce the incentive and curtail the supply of funds for the expansion of our private enterprise economy.

The program outlined above offers, we believe, the best hope of restoring the American economy to a state of healthy growth. It is consistent with our national tradition of reliance on individual initiative. It is designed to correct the basic causes of our economic difficulties, rather than to offset their effects. We believe it is in the best interests of all the American people and urge that it be considered on its merits.

TEMPORARY INCREASE IN MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER MERCHANT MARINE ACT, 1936

The Senate resumed the consideration of the bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstructing or reconditioning of ships.

Mr. BARTLETT. Mr. President, is S. 2800 the bill before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BARTLETT. Mr. President, I offer an amendment to the committee amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the appropriate place in the committee amendment it is proposed to add the following language:

> The Act entitled "An Act to amend title V of the Merchant Marine Act, 1936, in order to change the limitation of the construction differential subsidy under such title, and for other purposes", approved July 7, 1960 (74 Stat. 362), is amended by inserting at the end thereof a new section as follows:
>
> "No official or employee of the United States Government nor any member of their immediate families may accept directly or indirectly free or at a reduced rate passenger travel or carriage of personal property on any ship sailing under a flag other than that of the United States. This restriction shall not apply to persons injured in accidents at sea and physicians and nurses attending such persons, and persons rescued at sea, and this restriction shall not apply to persons referred to in section 405(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1145(b)), relating to steamship companies carrying the mails of the United States. Any person who knowingly violates this section shall upon conviction thereof be fined not less than $500 nor more than $10,000 at the discretion of the courts for each such violation."

Mr. BARTLETT. Mr. President, all the amendment seeks to do is to make uniform the law which now applies.

A year or so ago the Senator from Delaware [Mr. WILLIAMS] offered an amendment, which was accepted and is now part of the law, prohibiting U.S.-flag ships from carrying at free or reduced rates officials or employees of the U.S. Government or members of their immediate families.

The intent of this amendment and its effect, if agreed to, would be to cover steamships of foreign flags in reference to the same circumstances.

I hope that the amendment to the committee amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment offered by the Senator from Alaska.

The amendment to the committee amendment was agreed to.

The PRESIDING OFFICER. The committee amendment as amended, is open to further amendment.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment to the committee amendment was agreed to.

Mr. BARTLETT. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

THE GROWING POWER OF LABOR UNIONS IS DANGEROUS TO OUR ECONOMY

Mr. GOLDWATER. Mr. President, the immense and ever-growing power of labor unions constitutes a grave danger to our economy. This power is used in many ways. It is used to keep workers from moving from dying industries to expanding ones; it is used to make it difficult for business to utilize new techniques; it is used to force excessive labor costs and unprofitable conditions on businessmen trying to establish new industries and compete abroad; it is used to suppress the rights of individual workers. If the demands of the unions, whether reasonable or unreasonable, favorable or unfavorable, are not met, the union bosses, sitting atop this tremendous and awesome power can, with the flick of a finger or a gesture of a hand, close down an entire vital industry or whole segments of our economy.

Certainly, no one who has looked into this matter can in good conscience deny that these assertions are true. I am equally confident that the dangers of all this are apparent to even the most casual observer of the labor-management scene. I know that Congress is aware that a crisis is at hand. Consider the number of bills introduced by the members of the President's own party to deal with the problems created by work stoppages in vital industries. Legislation has been introduced which would amend Taft-Hartley Act's national emergency strike provisions to compel workers to stay on the job in national emergency situations and to require compulsory arbitration.

Another legislative proposal which would also require compulsory arbitration would prohibit strikes by employees in certain strategic defense facilities. Still another bill would amend the Railway Labor Act as it pertains to the national airlines and likewise introduce the element of compulsion into the picture.

It is obvious that President Kennedy and his administration are painfully aware of the problems involved. Had they not recognized the dangers, they would not feel compelled to step in between companies and unions in ever-increasing numbers of industry disputes. In the case of the railroads, the airlines, and big steel, the administration has intervened to put pressure on the parties to adopt certain "suggested" terms.

Thus, I think that we can assume that the Kennedy administration is fully aware of exactly what a stranglehold big labor has on the economy and knows full well that this hold should be broken in the interest of the Nation's economic health.

Why, then, does he not, as Chief Executive of all the people, recommend legislation to protect their interests? The question is, of course, a naive one and the answer simple. The labor bosses obviously want no lessening of their power. As a matter of fact, they want no legislation of any kind at this time and they have so informed the President. They, as astute politicians, know only too well that once you open up the Taft-Hartley and Landrum-Griffin Acts for any kind of legislative proposal you open up a veritable Pandora's box which could result in the enactment of provisions that labor would not like. So the labor bosses have turned thumbs down on a legislative program now. Of course, when the labor bosses speak, President Kennedy listens. He must for he owes much of his political life to the labor unions.

Accordingly, President Kennedy finds himself in a box. He appreciates the danger to the country represented by the unions' power and should know it needs to be curbed. But he does not dare suggest such a proposal for to do so would be politically ill advised. He must do something but what does he do? We find him resorting to Government intervention—a variety of extralegal, jerry-built procedures to cope with the seemingly endless labor crises which have cropped up over the past months. In each case, he has been careful not to antagonize any significant element in the labor movement. And, operating outside the law, the President finds much more flexibility. This is a convenient area for an Executive who has dramatically demonstrated that he will not hestitate to use the full force of the Government's coercive power to enforce his wishes. It lends an ominous element to so-called voluntary approaches. This approach rests on the conclusion that in all matters the President and his advisers know what is best for the country. They are becoming the sole arbiters of what constitues the national interest and, in this, they are presumably infallible. We saw this in the steel price controversy in the form of raw governmental power, and we are seeing it in many other areas of public policy.

Today, it seems, we must go to the fount of all knowledge—the Executive—for the answers to all problems. If it is a question of wages, the idea is to consult the White House and find out if a new schedule happens to fit in with the arbitrary guidelines fixed by the President's Council of Economic Advisers. If it is a question of prices, the same procedure is recommended. If it is a question of striking, the thing to do is call the Secretary of Labor.

Of course, it is possible to go one's own way—if he dares. The steel industry tried it and ran right smack into a barrage of the Government's heaviest coercive guns. With this example in mind, others are not likely to try very soon.

The image the New Frontier is creating on the national scene today is that of the all-powerful executive. It is apparent in everything the administration attempts. It can be seen in the New Frontier's handling of Congress, in its dealings with the press, in its attitude toward the business community, and in its intervention in America's system of free, collective bargaining. The thinly veiled threat and the outright use of governmental power to secure the ends thought desirable by the President have become familiar to all of us in Washington. Although these actions are forever being justified by those magic words "in the public interest," thoughtful Americans have not been deceived and are sincerely worried about the trend toward unbridled executive power.

President Kennedy's now famous Yale speech in June contained a phrase which I believe is indicative of his conception of the office of the President and its relationship to the people he is supposed to serve, not rule. Mr. Kennedy stated that—

> If a contest in angry argument were forced upon it, no administration could shrink from response, and history does not suggest that American Presidents are totally without resources in an engagement forced upon them because of hostility in one sector of society.

Archibald Cox, the Solicitor General of the United States and a key labor adviser to the President, recently stated that under present conditions, the public consequences of decisions made by labor and management are so wide and serious that "the Government must have the opportunity to bring those consequences to bear in the making of decision."

Cox went on to spell out the administration's contention that "the public is entitled to a voice" in labor-management decisions. Translated from New Frontier doubletalk, this means that the Federal Government should take an ever-increasing role in the settlement of labor-management problems. It means that we can look forward to more, not less, Government meddling in the collective bargaining process.

So we have come to this sorry situation of Government interference in almost all labor affairs and principally because the President knows that to tackle the real problem would offend the labor bosses.

But the President does not even like to admit that a concentration of power exists. Consider the case of the President's Advisory Committee on Labor-Management Policy and its recent report.

Senators will recall that this Committee was appointed by the President on February 16, 1961, and its assignment was to study, advise, and recommend policies for labor and management to promote "free and responsible collective bargaining, industrial peace, sound wage and price policies, higher standards of living, and increased productivity." Last May the Committee issued its second report—one entitled "Free and Responsible Collective Bargaining and Industrial Peace." This report contained several recommendations for revising the procedures used under the Taft-Hartley Act in dealing with national emergency disputes. It was recommended, among other things, that the President appoint emergency boards to make proposals for settlements in national emergency disputes—procedures like those now in the Railway Labor Act. I note parenthetically that these recommendations which are consistent with the New Frontier's approach to labor-management relations of "let the President settle the dispute by appointing boards" were undoubtedly enthusiastically supported by the unions. Union professionals know from experience that emergency boards with their college professor and professional arbitrator makeup almost invariably end up with prounion recommendations which management feels constrained to accept.

But the important thing to note is that nowhere in the report was there a recommendation to do anything about the real cause of the breakdown in today's collective bargaining, the imbalance of powers on the union side. Instead, the report deals superficially only with the symptoms of the disease—the actual occurrence of national emergency disputes. Incidentally, I fail to see how pushing the Government into a more active role in labor disputes will help "free collective bargaining."

Incredible as it may seem, there was hardly even a discussion of the power issue. In fact, the union members of the Committee who refused to include the topic on the agenda, insisted that "there is no evidence" that the unions have power even "equal to, let alone in excess of" that of management. A majority of the Committee did agree to study the general subject of power but at a later date.

One would think that in studying and examining the many forces in collective bargaining, a basic question to be resolved and one vital to an intelligent appraisal would be the possible impairment of the bargaining process by concentration of power in the hands of either side. And yet we are presented with the Alice in Wonderland spectacle of a group of persons, supposedly responsible and sophisticated, and knowing the facts of life, refusing to talk about or include the item of power on the agenda.

President Kennedy called the committee report "highly meaningful and significant." The failure of the report to take up this subject is bad enough. More shocking is the President's acquiescence in their failure to deal with the matter. As I pointed out, he knows that concentration of power in unions is at the bottom of today's ever-increasing labor dispute and work stoppage. He knows what really has to be done; he knows that the power must be curbed. Yet when he has an opportunity to offer a solution or to make intelligent comment, he rubberstamps the report with the platitude "highly meaningful and significant." Again, I ask why does he operate this way? He operates in this way because this is the only way labor unions will let him. The high labor leaders on the committee—Dubinsky, Harrison, Keenan, McDonald, and Reuther—say that unions have no excessive power. If they say no excessive power, Kennedy must echo no excessive power.

But what is the actual truth? Just to give you an idea of the preferred position held by today's unions in the economic scheme of things, I have compiled a list of special privileges, immunities, rights, and powers enjoyed by labor unions under the Federal law. And let me emphasize at the outset that while some of these special considerations may have been justified when they were initially given to the labor movement because of weakness and lack of size, their continued existence in today's era of monopolistic union power is not justified.

The list I refer to is as follows:

Almost total immunity under the antitrust laws.

Immunity from taxation.

Immunity from injunctions by Federal courts.

Authority to use union funds for purposes not related to collective bargaining even where union membership is compulsory.

Power to compel workers to join the union as a condition of continued employment.

The right of a union selected by a majority of the workers to bargain for all employees. This includes the right to bargain for those who were compelled to join the union as well as those who can be arbitrarily denied membership.

Power to compel the employer to bargain exclusively with the majority union.

Absolute authority to deny union membership to workers employed in the bargaining unit, on any grounds or for no reason at all.

The right, in some situations, to invade the privacy of workers, even against their wishes. This deprives them of a legal right enjoyed by all other members of society.

The right, in some situations, to compel employers to make available for union use the private property of the employer.

The right to compel the employer to provide protection against any physical violence on the part of workers who resist invasion of their privacy.

Unions are immune from the payment of damages for personal and property injuries inflicted on employers or others by union members engaged in activities, such as strikes or picketing. And this immunity stands even in situations where such activities have been officially authorized and directed by the union.

The right to strike for objectives wholly unrelated to any proper subject of collective bargaining. This is in contrast to the severely limited right of an employer to engage in a lockout.

The right, in some situations, to examine an employer's books and records—including those containing such confidential data as costs, profits, and prices.

And, finally, the almost complete immunity of unions from any liability, penalty, or restriction under State law under the doctrine of Federal preemption.

Mr. President, no other private organization, institution, association, or individual in the United States is the beneficiary of such a powerful combination of immunities, benefits, privileges, rights, and powers—under either State or Federal law.

And what about the average worker? What does he think about the power of unions? Does he see "no evidence" that it is excessive? Does he feel that all is well? Is he satisfied that no changes are needed? Does he feel that his rights as an individual and as a worker are adequately protected? Not if the mail I have been receiving for years is any indication. I have been deluged with letters from workers in all parts of the country literally pleading for some kind of help from their Government against the tyranny of their union bosses. I would like to quote here from a letter I received from a worker in Oregon.

I have selected this out of the many because it so succinctly and yet so eloquently describes the despair of today's worker at the bleak future facing him.

> DEAR SENATOR: After reading your articles in the daily papers lately, I want to take the opportunity to thank you for them.
>
> I am one of the thousands of construction workers who has tried to avoid union membership and their dictatorial ways. Trying to convince ourselves that we are free Americans with the right to choose for ourselves where we work and how.
>
> I want to say that we have just about reached the end of our rope and have almost come to the place where we shall have to bow our heads in shame and admit that we are no longer entitled to the privilege of thinking for ourselves, and become just another unemployed statistic.
>
> Unions here in our part of the country have such a stranglehold over employment that one can hardly ever find work. Construction employers tell you they can't hire on the job even though they need a man of my capabilities—that they have to call the hiring hall.
>
> Try to join the union and they tell you that you have to pay $360 initiation fee plus 3-months' dues which makes it well over $400 to join. I ask you, Senator, where is a workingman going to have that kind of money? Even if one succeeds in borrowing or accumulating this amount, they say there is no work for you because you are a new member. Try to get them to take some down and the rest along as you can and you are told that they are not a loan company; pay the full amount or don't bother them. Even if you do succeed in getting in you find yourself getting all the scraps while a very few get all the choice jobs, even by telling employers they don't have anyone available and holding choice jobs for those who are already working. Oh, they say, they have a hiring list and your name goes on the bottom of the list and you work your way up but for some reason your name never gets very far up the list unless you are one of the ins.
>
> I think it is a crime and a disgrace to the United States that people who live in this area and have for years been paying property and income taxes, can't get work on Government projects right in their own backyard. A lot of these people have been unemployed for quite some time because of curtailment of lumber industry and others.
>
> I ask you, Senator, what's become of the America that my father taught me about?
>
> Why is it that a person cannot go out and look for work and sell himself to an employer?
>
> Why can't that employer hire a man if he needs him and thinks he would make a good employee?
>
> Why is it so wrong for a man to want the right to choose for himself where and whom he shall work for?
>
> Why is it so wrong for a man to want to have a say as to how he's treated?
>
> Why is it wrong for a man to resist having to pay for the privilege of getting a job?
>
> Must we who believe in freedom and the right to choose for ourselves, become zombies and robots just so we can eat and have a roof over our heads?
>
> I ask you these things, Senator, because I believe you can see our "crying in the wilderness."
>
> I use the word "we" because I have talked to many others who feel the same as I, even some of them union members, who said they had to go along or else—and believe me they can sure blackball a man as it is being done all the time—and legally too. For instance, a friend of mine, a union member, disagreed with the rules; what happened? He has been out of work half the time even though he keeps his dues up. They get around him by sending him out on jobs that last a few days at a time then put him on the bottom again or they offer him something clear over in the other side of the State knowing all the time he does not have the ways or means of moving his family. When he turns it down, down to the bottom of the list again. Oh, they can push you in line, you bet your life—if you step out of it.
>
> I am sorry if I have taken your time, Senator, but I have always loved America and believed in it and what it stood for, even while fighting for it 3½ years in World War II.
>
> Nowadays when I wonder where my next job will be I have doubts as to whether it was not all propaganda. I would have written our own Senator, but it is a known fact that he is nothing but a union stooge who accepts their campaign money. May I be forgiven for speaking so disparagingly of him.
>
> Thank you, Senator, for listening to me. Perhaps it will make the heartbreak less painful when I have to kowtow to some union goon and just become another one of those who had to go along or else.
>
> May I also say this. Even though it may sound dramatic, but it means much much more—goodbye to freedom and the America I thought I knew.

In listing the special grants and immunities, I do it not to suggest that all of them should necessarily be removed, but to illustrate just what powers unions have. I certainly do not feel that the public interest—a popular phrase with the New Frontier—is served by the possession of the monopolistic power by unions and I am convinced that it must be limited. Accordingly, I want to announce that at the opening of the next Congress I intend to introduce legislation to restore a more reasonable and workable balance in the Nation's labor-management relations. I am convinced that the enactment of legislation which would protect the interests of the individual worker, labor, management, and the public would prepare the way for the conduct of free and fair collective bargaining without the need for Government meddling.

The weakness of the Kennedy-Ervin labor bill, which forced the adoption of the Landrum-Griffin measure was its absolute failure to come to grips with the disclosures of the McClellan committee hearings on labor racketeering. Countless hours of hearings and millions of words of testimony pointed clearly at union power—raw power used in an abusive way—as the disease. But the measure proposed by then Senator Kennedy was a complete whitewash of this truth.

The concentration of power in any segment of our society or in our Government was the primary concern of our Founding Fathers and the result of their efforts. The U.S. Constitution, reflected this concern. Concentrated power destroys freedom. It always has and it always will.

And with this in mind, I would suggest to you that the destruction of freedom is not the sole prerogative of the Communists. It is engaged in also by the architects of the all-powerful state in this country. More and more today, we see the Federal Government moving in and preempting areas which heretofore have been the sole concern of private citizens. This is particularly true today in the field of labor-management relations. And we find the latest application of Government interference in the processes of free collective bargaining in the aerospace industry.

We see an administration resorting to ad hoc, extra-legal devices to bring about the kind of a contract settlement the Democrats and their union friends want to achieve. We see an administration bypassing the Taft-Hartley Act to arrange its own conditions for settlement through a factfinding panel which was stacked before it began deliberations. And, finally, we see the President of the United States announcing that unless the space firms accept the findings of this ad hoc, extra-legal panel they will be solely responsible for any strike that may occur.

Fundamentally, the issue involved in the aerospace dispute is individual freedom. It is the question of whether a worker is to have the right to refuse to join a union in the aerospace industry if he has no desire for membership. The four companies involved have never had union shops; the unions are demanding the union shop in addition to wage increases.

In other words, the issue in this dispute is compulsory unionism. And the President's idea of arriving at a fair adjustment of this dispute was to name a factfinding board headed by Dr. George Taylor, a known advocate of compulsory unionism. This appointment, of course, made a hollow mockery of the entire procedure. From the time the White House chose Dr. Taylor to head the board, the operation was nothing but Executive window dressing to give the unions exactly what they wanted.

The rest is history. The Taylor board, of course, obligingly recommended the union shop. The unions hastened to accept the findings. Then the President, making full use of his White House prestige, made the space firms responsible for labor peace in the industry. Either they yield on the big issues—capitulate completely—or accept blame from a powerful Federal Government which has already demonstrated its capacity for vindictiveness.

Another very important point is involved here. And that is that, through the interference of the Federal Government, the taxpayers' money is being used to force compulsory unionism down the throats of thousands of American workers. For we cannot overlook the fact that the aerospace firms' major work is done on Government-financed programs. In other words, if the space firms reject the board's findings and the President's expressed desire, they run the risk of losing Government contracts. The implication is plain enough when the President speaks to his news conference about placing responsibility for a strike at the feet of the aerospace companies. And these companies know that the White House controls contracts vital to the industry.

Mr. President, freedom cannot live in this land, nor in any other land, when the muscle of powerful, centralized government is used to beat it down. The payment of a political debt in the currency of freedom must not be tolerated in this country.

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

TEMPORARY INCREASE IN MAXIMUM CONSTRUCTION DIFFERENTIAL SUBSIDY UNDER MERCHANT MARINE ACT, 1936

The Senate resumed the consideration of the bill (S. 2800) to amend the Merchant Marine Act, 1936, in order to make permanent a temporary increase in the maximum construction differential subsidy that may be paid under such act and to provide that such maximum shall not apply with respect to reconstruction or reconditioning of ships.

The **PRESIDING OFFICER.** The committee amendment as amended is open to further amendment.

Mrs. NEUBERGER. Mr. President, I offer an amendment to the merchant marine bill, which I send to the desk, and ask to have stated.

The **PRESIDING OFFICER.** The amendment of the Senator from Oregon will be stated.

The **LEGISLATIVE CLERK.** It is proposed to add to the appropriate section of the bill the following:

SEC. . SUSPENSION OF THE JONES ACT (46 U.S.C. 883) WITH RESPECT TO SHIPMENTS OF LUMBER TO PUERTO RICO.

(a) The provisions of section 27 of the Merchant Marine Act, 1920, (46 U.S.C. 883) shall be suspended with respect to the transportation of lumber to the Commonwealth of Puerto Rico from any ports or terminal areas in the United States whenever the Secretary of Commerce determines that there is no domestic vessel reasonably available to serve between such ports or terminal areas for the transportation of such lumber. Upon making the determination provided for in this section, the Secretary of Commerce shall establish such terms, conditions, and regulations with respect to operations under such suspension as he determines to be in the national interest.

(b) Any suspension under the provisions of this Act shall terminate whenever the Secretary of Commerce determines that conditions required in the subsection (a) of this section for such suspension no longer exists.

(c) No Federal laws shall apply to any water carrier because of operations under a suspension provided for in this Act if such laws did not apply to such carrier prior to such suspension.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Oregon.

Mrs. NEUBERGER. Mr. President, since the Senate is considering the abolition of the west coast construction differential, essential to the survival of the Pacific shipbuilding industry, I think it appropriate that it also consider the elimination of the federally imposed barrier to the survival of another key west coast industry—the lumber industry. That barrier is the Jones Act, the Merchant Marine Act of 1920, which prohibits the shipment of goods from one American port to another on any but American vessels.

In 1951 American vessels carried 13½ million board feet of lumber from the U.S. Pacific Northwest ports to Puerto Rico. During the same year British Columbia shipped only slightly more than 1 million.

The chart which I hold in my hand is most interesting. It shows the percentage of shipments in 1951, when the U.S. west coast ports shipped 92.7 percent of the lumber sold to Puerto Rico, while Canada shipped 7.93 percent. The chart shows that the next year the U.S. percentage had gone down to 69 percent, then to 57 percent, 28 percent, 20 percent, 23 percent, 7 percent, 1 percent, 0.7 percent, and then 0.0. Canada on the other hand started at a low of 7 percent of the lumber shipped to Puerto Rico from British Columbia, and her scale goes upward—30 percent, 42 percent, 71 percent, 79 percent, 76 percent, 92 percent, 98 percent, 99 percent, and at the point at which we have a zero designating shipments from the United States, Canada is shown to have 100 percent of the lumber going into Puerto Rico.

A second chart discloses that the published American tariff rate for shipping lumber from mills in the Pacific Northwest is $56.94 per unit as opposed to $27.50 for mills in British Columbia. At this price, shipping is not reasonably available to American lumber producers.

What has been the result of this more than double charge in shipping? The result has been that no lumber has been shipped from U.S. west coast ports to Puerto Rico during the past 2 years. Because of the anachronistic restrictions of the Jones Act, the intercoastal shipping industry is dragging the Northwest lumber industry to a watery grave. My amendment proposes to suspend the Jones Act restrictions upon the shipment of lumber to Puerto Rico.

I reported to the Senate once before about my trip with the Vice President to Puerto Rico on the occasion of the Commonwealth celebration. I told how we visited our Peace Corps training camps in the heart of tropical Puerto Rico. I asked why one of the Peace Corps dormitories was unfinished. The director said that he could not get any lumber. Amazement registered upon my face. He said, "What is the matter?"

I said, "We are trying to find a market for lumber. We want to sell American lumber."

He said, "Do you want me to get you a piece of scrap lumber from the building of the dormitory?"

I said, "Certainly."

He brought out a scrap of lumber, and on it was stamped in big red letters across that piece of 12-by-2 timber the word "Canada."

He said, "I am an Oregonian. I have noticed that every bit of lumber that went into building the Peace Corps structures came from Canada."

I said, "That bears out the information that I had." The cost of shipping from Northwest points is so prohibitive that we have relinquished all the shipment of lumber to Canada.

As Senators know, the trade bill was recently passed. It passed this body with only eight dissenting votes. The bill would allow the President to negotiate on tariffs. Since Canada imports far more from us than we import from her, I think it is unlikely that our President will impose quotas against the importation of Canadian lumber. But I contend that by my amendment we can allow our industry to compete on a truly competitive American basis with the Canadians for the lumber trade, at least of Puerto Rico.

The Committee on Commerce has favorably reported S. 3614, which would suspend the Jones Act restrictions on shipments of lumber. The producers of southern pine have objected to S. 3614, fearing an adverse effect on their traditional markets for southern pine. As a consequence of their objections, the Commerce Committee has deferred action on S. 3614 until hearings can be held in the Southern States. But I see no justification for delaying action on the Puerto Rican lumber problem for another year, particularly in view of the distressed condition of the Northwest lumber industry.

Last Friday I carried on a colloquy with the Senator from South Dakota [Mr. MUNDT], in which he told me that the lumber industry in South Dakota has also been seriously hurt. Neither the southern pine producers nor the Northwest producers are shipping any lumber to Puerto Rico. Adoption of my amendment, I believe, would help to correct that situation.

Mr. BARTLETT. Will the Senator inform me if her amendment is designed to establish a permanent waiver of the Jones Act in respect to shipments to Puerto Rico?

Mrs. NEUBERGER. My amendment would suspend the provisions of the Jones Act as long as the conditions spelled out in the amendment exist.

Mr. BARTLETT. Who would be given authority to make the change? Would it be the Secretary of Commerce or Congress?

Mrs. NEUBERGER. The Secretary of Commerce would watch the situation and make the necessary change.

Mr. BARTLETT. Does the amendment relate to all freight that might be carried or only to lumber?

Mrs. NEUBERGER. The amendment pertains only to lumber shipped to Puerto Rico.

Mr. BARTLETT. Did I correctly understand the Senator to say that at this time, because of the reasons she has stated, no lumber from the Pacific Coast is going to Puerto Rico, or no lumber from the United States is going to Puerto Rico?

Mrs. NEUBERGER. No lumber from the United States is going to Puerto Rico.

Mr. BARTLETT. I must in all candor inform the Senator that I have serious reservations about accepting such a far-reaching amendment to the bill which is under consideration. The amendment is far-reaching in the sense that it would affect long-established maritime law relating to the carriage of goods in U.S. vessels.

However, in the light of the circumstances which the Senator from Oregon has outlined, and especially in consideration of the sorry plight of the American lumber industry, I am not disposed to argue that point. I am prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. LAUSCHE. Mr. President, last Friday I submitted an amendment on page 4, line 3 to strike out the words "five years," and insert in lieu thereof the words "three years"; and on the last line of the bill, in the amendment of the title, to strike out the words "three additional years" and to insert in lieu thereof the words "one additional year." I offer that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. BARTLETT. Mr. President, the amendment proposed by the Senator from Ohio reflects the recommendation of the Maritime Administration. The committee believed that a 3-year extension would be preferable to the proposal now made by the Senator from Ohio. Most members of the committee thought this was not enough time to assess the operation that would be conducted under the law. However, because it is obvious that if there is not enough time available by reason of the 1-year provision recommended by the executive department, which also expresses the view of the Senator from Ohio, Congress at the next session could make whatever changes were necessary. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE].

The amendment was agreed to.

Mr. ENGLE. Mr. President, I move to reconsider the vote by which the Neuberger and Lausche amendments were adopted.

Mr. BUTLER. With reference to the Neuberger amendment, although I did not object to it on the floor, I feel it is very much contrary to the basic provisions of the Maritime Act. I do not want the Senate put in the position where it will not be able to reconsider the vote by which the Neuberger amendment was agreed to.

Mr. ENGLE. Mr. President, I withdraw the motion. I now move to reconsider the vote by which the amendment of the Senator from Ohio was agreed to.

Mr. BARTLETT. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. ENGLE. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. BARTLETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, there is a companion bill on the calendar. It is Calendar No. 1637, H.R. 11586. I ask unanimous consent that the Senate proceed to the consideration of that bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 11586), to amend section 502 of the Merchant Marine Act, 1936, as amended.

Mr. WILLIAMS of Delaware. Mr. President, I move to strike out all after the enacting clause——

Mr. ENGLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ENGLE. Will the Sentor from Delaware restate his request?

Mr. WILLIAMS of Delaware. This is a companion bill which is listed on the calendar. I was about to move to strike out all after the enacting clause and to substitute the language of the Senate bill, as amended. This is the customary procedure in passing these bills.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, H.R. 11586.

Mr. WILLIAMS of Delaware. I move to strike out all after the enacting clause and to substitute therefor the text of the Senate bill as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MAGNUSON. Mr. President, as the result of the Williams motion to substitute the House bill for the Senate bill, will it be in order, after the passage of the bill, for the Senator from Alaska to move to ask for a conference with the House on the disagreeing votes and to appoint conferees on the part of the Senate?

The PRESIDING OFFICER. Such a motion would be in order.

Mr. MAGNUSON. I thank the Chair.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 11586) was passed.

The title was amended so as to read: "A bill to amend section 2 of the act of July 7, 1960, as amended, to continue the 55-percent limit on construction differential subsidy for construction, reconstruction, and reconditioning of ships for 1 additional year."

Mr. MAGNUSON. Mr. President, I move that the Senate insist upon its amendment, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the House bill (H.R. 11586), as amended, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. I ask unanimous consent that the Senate bill S. 2800 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CERTAIN PROVISIONS OF MERCHANT MARINE ACT, 1936

Mr. BARTLETT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1492, S. 1184.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1184) to conform the provisions of section 802 of the Merchant Marine Act, 1936, with those of section 510 thereof, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments. On page 1, line 6, after "(c)", to strike out "(d) and (e)," and insert "and (d),"; after line 7, to strike out:

> (b) The contracts to which subsection (a) of this section is applicable shall expressly provide that the provisions of subsection (a) shall remain in force (1) as to vessels delivered by the shipbuilder prior to January 1, 1946, only in the event the United States shall acquire such vessels within twenty years of the date of such delivery by the shipbuilder, and (2) as to vessels delivered by the shipbuilder on or after January 1, 1946, only in the event the United States shall acquire such vessels within twenty-five years of the date of such delivery by the shipbuilder. The provisions of this subsection shall apply to such contracts entered into before and after the enactment of this subsection.

On page 2, at the beginning of line 11, to strike out "(c)" and insert "(b)"; in line 13, after the word "applicable", to strike out "is to" and insert "can"; in line 14, after the word "sale", to insert "promptly"; on page 3, line 3, after the word "annum", to strike out "for each year or portion thereof between the date of acquisition by the United States and reacquisition by the former owner under this subsection" and insert "for such period or periods of war service as the Secretary of Commerce determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this subsection"; in line 20, after the word "condition", to insert a colon and *"Provided, however*, That in the event the United States determines that the conversion of the vessel for use in Government service was so extensive as to alter the basic physical characteristics of the vessel and that the cost of reconversion to normal class and condition is excessive, and that said restoration is not justified by other national reasons, then the provisions of this subsection shall be inapplicable but the former owner shall be given a preference for the acquisition of a similar vessel pursuant to subsection (d) hereof."; on page 4, at the beginning of line 4, to strike out "(d)" and insert "(c)"; in line 15, after the word "section", to insert a colon and *"Provided, however*, That before the Secretary of Commerce shall issue such a mortgage or insure a mortgage under provisions of title XI he shall make the statutory findings required under the Act with respect to the financial soundness of the project and that the former owner continues to possess the necessary experience and financial ability to operate the mortgaged vessel."; and at the beginning of line 22, to strike out "(c)" and insert "(d)", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1212), is hereby amended:

(1) By inserting "(a)" after "Sec. 802.".

(2) By adding new subsections (b), (c), and (d), reading as follows:

"(b) If any vessel, which was acquired by the United States and to which the provisions of subsection (a) are applicable, can be released from Government service, such vessel shall be offered for sale promptly to the owner from whom such vessel was acquired or to the person for whom the vessel was constructed or being constructed but to whom delivery thereof was prevented by the United States (such owner or person being hereinafter in this section referred to as the 'former owner') at a price computed as follows: The basic value of each such vessel shall be the price paid by the United States to the party from whom acquired, from which shall be deducted normal depreciation at the rate of 4 or 5 per centum per annum, as the case may be depending upon the life of the vessel as provided in this Act, on a straight line basis upon the former owner's gross book value of the vessel, and from which shall also be deducted, as war service, depreciation at the rate of 3 per centum per annum, for such period or periods of war service as the Secretary of Commerce determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this subsection. As used herein, gross book value shall mean the actual construction cost of such vessel (together with the actual cost of capital improvements thereon, but excluding the cost of national-defense features) less the amount of construction-differential subsidy theretofore paid incident to the construction or reconditioning of such vessel. Prior to delivery to the former owner, each such vessel shall be restored in a condition at least as good as when acquired by the United States, less ordinary wear and tear, or the former owner shall be paid or credited with an amount sufficient to place the vessel in such condition: *Provided, however,* That in the event the United States determines that the conversion of the vessel for use in Government service was so extensive as to alter the basic physical characteristics of the vessel and that the cost of reconversion to normal class and condition is excessive, and that said restoration is not justified by other national reasons, then the provisions of this subsection shall be inapplicable but the former owner shall be given a preference for the acquisition of a similar vessel pursuant to subsection (d) hereof.

"(c) In the event such vessel was, at the time of acquisition from the former owner by the United States, subject to a mortgage in favor of the United States, such vessel shall be sold to the former owner upon the same terms and conditions as those contained in such mortgage. In the event such vessel was subject to a mortgage insured under the provisions of title XI of this Act at the time of acquisition of the vessel by the United States, or such vessel was eligible for such an insured mortgage, the Secretary of Commerce shall, at the request of the former owner, insure a mortgage in connection with the reacquisition of the vessel by the former owner pursuant to this section: *Provided, however,* That before the Secretary of Commerce shall issue such a mortgage or insure a mortgage under provisions of title XI he shall make the statutory findings required under the Act with respect to the financial soundness of the project and that the former owner continues to possess the necessary experience and financial ability to operate the mortgaged vessel.

"(d) In the event that any such vessel cannot be returned to the former owner, at the termination of the emergency or as soon thereafter as is reasonably possible, the former owner thereof shall be given a preference as to any person except the former owner thereof, to purchase a similar vessel, at a price computed in accordance with subsection (c) of this section, and under the terms and conditions set forth in subsections (b) and (d) of this section."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. LAUSCHE. Mr. President, will the Senator from Alaska explain the purpose of the bill?

Mr. BARTLETT. Mr. President, in summary, the bill permits the owners of vessels which were acquired by the U.S. Government under certain provisions of the 1936 law to reacquire the same vessels promptly upon their release from Government service in a condition as good, less ordinary wear and tear, as when they were acquired by the Government, and on terms substantially the same as those on which the vessels were taken by the United States, plus an additional allowance for war service depreciation.

Mr. LAUSCHE. What is the position of the administration toward the bill?

Mr. BARTLETT. To the best of my recollection, the position of the administration was expressed only by a witness from the Department of Commerce, who submitted that there was no pressing need for the bill. He said that following an emergency or a war, Congress could always legislate to provide for the return of requisitioned vessels. The hearings upon the bill were held by the distinguished junior Senator from California [Mr. Engle]. After listening to his testimony and the testimony of proponents of the bill, it was the conclusion of the committee that everyone, including the Government, would be better off if there were no waiting until after an emergency; that it would be better to act now, so that an arrangement would be in effect and there would be no need to hurry after an emergency or after a war to enable a steamship company to be in a position to reacquire its own vessels.

Mr. LAUSCHE. Was there not some objection to the bill on the ground that it allowed requisitioning on terms which were not just?

Mr. BARTLETT. It was the conclusion of the committee that the terms proposed in the bill were just, fair, equitable, and in consideration of the interests of the Government, as well as of the paramount interests, as I see it, of the subsidized vessel operators.

As the report states, the subsidized operators are now engaged in a vast vessel replacement program, the biggest program of its kind ever sought in peacetime, and ever being carried out in peacetime.

One reason why the ship operators believed—and the committee agreed with them—that they ought to have the right to reacquire the vessels was that in many cases the ships were built for particular trade routes. If the companies which originally owned the ships before they were requisitioned by the Government did not have a fair opportunity to get them back, everyone, including the taxpayers, would be put to an additional cost to make it possible for the vessels to be replaced by new ships to be built by the subsidized operators, with a construction subsidy to be paid for by the taxpayers. But if the owners could reacquire from the fleet after the emergency ships built by the companies theretofore specifically for certain trade routes, everyone would be better off, including the taxpayers.

I think that sums up the purpose of the bill. The committee gave careful consideration to the bill before reporting it.

I call the attention of the Senator from Ohio to pages 10 and 11 of the report, where a specific example is given of a situation involving the Lykes Brothers Steamship Co., Inc., in which that company was required to pay far more for the return of a vessel than I believe any fairminded person would believe it should have paid.

Certain amendments placed in the bill, which are noted on pages 1 and 2 of the report, meet some of the objections raised by the Secretary of Commerce.

Mr. LAUSCHE. Mr. President, I desire to read the letter of the Secretary of Commerce addressed to the chairman of the committee:

The Secretary of Commerce,
Washington, April 24, 1961.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in reply to your request of March 3, 1961, for the views of this Department with repect to S. 1184, a bill to conform the provisions of section

> 802 of the Merchant Marine Act, 1936, with those of section 510 thereof as amended by Public Law 86–575, approved July 5, 1960, and for other purposes.
>
> The Department recommends against favorable consideration of the bill.
>
> Section 802 of the Merchant Marine Act, 1936, requires that all construction-differential subsidy contracts entered into under that act shall provide that if the vessel is requisitioned, the owner shall be paid the value thereof but not exceeding the depreciated cost of the vessel to the contracting shipowner, or the scrap value of the vessel, whichever is greater. This requisition price runs with the title to the vessel and applies not only during the 20- or 25-year life of the vessel, but so long long as the vessel remains a vessel.
>
> This bill would amend section 802 of the act to provide that (*a*) the foregoing requisition price shall apply only during the 20- or 25-year life of the vesesl, (*b*) this limitation on the applicability of the requisition price shall apply retroactively to all construction-differential subsidy contracts that have been entered into under the act, and (*c*) if the vessel is requisitioned, (1) it shall, upon release from Government service, be offered for sale to the former owner at the requisition price paid by the United States, less normal depreciation (4 or 5 percent per annum of the original cost of the vessel to the contracting shipowner), and less additional depreciation of 3 percent per annum of such original cost for Government use, (2) prior to delivery to the former owner, either the vessel shall be restored to at least as good condition (ordinary wear and tear excepted) as when acquired by the United States, or the former owner shall be granted an allowance sufficient to accomplish such restoration, (3) if the vessel was subject to a mortgage to the United States when it was requisitioned, it shall be resold to the former owner "upon the same terms and conditions as those contained in such mortgage," (4) if the vessel was subject to a mortgage insured under title XI (or was elegible for such insurance) when it was requisitioned, the Secretary of Commerce shall insure a mortgage on the vessel in connection with its reacquisition by the former owner, and (5) if the vessel cannot be returned to the former owner on the termination of the emergency, such former owner shall have preference for the purchase of a similar vessel, on the foregoing terms and condition, as against everyone except the former owner of such similar vessel.

I regard the following language as important:

> We are opposed to removal of the requisition price from construction-differential subsidy vessels at the end of their 20- or 25-year lives. The United States pays, by way of construction-differential subsidy, up to 55 percent of the construction cost of these vessels. The United States has two reasons for making these payments: (1) To provide for the national defense, and (2) to promote commerce. The vessel owner has the entire use of the vessel except during national emergencies which require the requisitioning of the vessel for national defense purposes. When the United States needs to requisition the vessel, we see no reason why it should pay a capital gain to the shipowner for title to a vessel in which it already has an investment.

I suppose that investment is the differential cost it paid.

I read further from the report:

> The shipowner is made whole when he is paid his depreciated cost of acquisition.
>
> When the shipowner is ready to replace the vessel, he can trade it in to the United States under section 510 of the Merchant Marine Act, 1936, and he will receive in exchange a credit, for application to his new vessel, in the amount of the fair and reasonable value of the old vessel, as determined by the Secretary of Commerce after considering: (1) The scrap value of the vessel in American and foreign markets, (2) the depreciated cost of the vessel based on its 20- or 25-year life, and (3) the market value of the vessel for operation in world trade or in the foreign or domestic trade of the United States.
>
> In the Vessel Exchange Act (public Law 86–575) enacted July 5, 1960, Congress provided a similar requisition price on vessels traded out of the national defense reserve fleet which would apply only until the traded-out vessels become 20 years old. The purpose of limiting the requisition price in this act to this period evidently was to further the purpose of that act which was to upgrade the unsubsidized fleet. This purpose, in our opinion, has nothing to do with the requisition price on ships of subsidized operators.
>
> With respect to the resale conditions that the bill would impose on the Government's right to requisition construction-differential subsidy vessels, we think: (1) That the Government's right to requisition these vessels during a national emergency at the formula price now provided by section 802 should remain unconditional, and (2) that the conditions the bill would impose are inequitable to the United States.
>
> The disposition that should be made of construction-differential subsidy vessels that are requisitioned during a national emergency, and the terms and conditions under which the vessels should be disposed of, can be adequately taken care of in ship sales legislation that would be enacted upon termination of the emergency that required the requisitioning.
>
> The conditions the bill would impose on the Government's right to requisition these vessels are inequitable in several respects. First, not all vessels that are requisitioned should be restored to their original condition. If extensive conversion work was done on the vessel to adapt it to its war use, the cost of restoring the vessel to its original condition might exceed the value of the vessel after restoration. Secondly, if the vessel is to be restored to as good condition as when requisitioned, there is no justification for the additional depreciation of 3 percent per annum that the bill provides for Government use. Thirdly, the Government should not be bound to grant a mortgage on the vessel, or to insure a mortgage on the vessel, without regard to the financial soundness of the project.
>
> For the foregoing reasons, the Department recommends against favorable consideration of the bill.
>
> The Bureau of the Budget advised there would be no objection to the submission of this report from the standpoint of the administration's program.
>
> Sincerely yours,
>
> EDWARD GUDEMAN,
> *Under Secretary of Commerce.*

Three vital objections are made by the Department against the bill. The objections are based upon the proposition that inequity would be done to the Government and that special grants would be made to the shipowners. I should like to know what the bill does to remove those weaknesses, as pointed out by Under Secretary of Commerce Edward Gudeman in his letter.

Mr. BARTLETT. I direct the attention of the Senator from Ohio to the report; I read a paragraph beginning at the bottom of page 2, as follows:

> The original subsection (b) of the bill proposed that the Government's requisition authority over vessels built with construction subsidy, as provided in section 802 of the Merchant Marine Act, 1936, be conformed to the more limited requisition authority provided in section 510 of the act as amended by Public Law 86–575, approved July 5, 1960. This subsection was deleted from the bill. However, this was done without any intent to prejudice future consideration of this proposal, but simply because your committee felt that it was a proposal affecting a basic principle of the national maritime policy as expressed in the 1936 act, and as such merited further study and consideration.

I now direct the attention of the Senator from Ohio to the description of the amendments, beginning on page 1 of the report and continuing halfway through page 2. These amendments accomplish in substantial measure—almost altogether—the desire of the committee to accommodate the objections made by the Department of Commerce, as related by the Senator from Ohio. It is my understanding and belief that the bill as it is now before the Senate accommodates almost altogether the needs of the Department in regard to the points about which the Senator from Ohio has informed us.

Mr. LAUSCHE. I should like to ask a direct question. I read from the letter written by the Under Secretary of Commerce, Mr. Edward Gudeman, found in the last paragraph on page 6 of the report, we find that he states:

> The conditions the bill would impose on the Government's right to requisition these vessels are inequitable in several reepects. First, not all vessels that are requisitioned should be restored to their original condition. If extensive conversion work was done on the vessel to adapt it to its war use, the cost of restoring the vessel to its original condition might exceed the value of the vessel after restoration.

Has that objection been cured by the bill as it is now before the Senate? In other words, if the Government requisitions a vessel for war purposes and makes extensive installations in order to make the vessel fit for war service, the Department says it is wrong, when the vessel is returned, to require that it be placed in its original condition, because the cost of doing so might be more than the cost of the entire vessel.

Mr. BARTLETT. The language which the committee inserted on page 3, line 3 of the bill, reads: " for such period or periods of war service as the Secretary of Commerce determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this subsection."

Continuing, on page 3, at line 16, the committee deleted the period and inserted the following in which I think the Senator will be particularly interested:

> *Provided, however,* That in the event the United States determines that the conversion of the vessel for use in Government service was so extensive as to alter the basic physical characteristics of the vessel and that the cost of reconversion to normal commercial class and condition is excessive, and that said restoration is not justified by other national reasons, then the provisions of this subsection shall be inapplicable but the former owner shall be given a preference for the acquisition of a similar vessel pursuant to subsection (d) hereof.

I think that takes care of the situation without any doubt whatsoever, because if it is going to cost too much to put the given vessel in service, to restore it, another one, a like vessel, is given.

Mr. LAUSCHE. I continue to read from the letter:

> Secondly, if the vessel is to be restored to as good condition as when requisitioned, there is no justification for the additional depreciation of 3 percent per annum that the bill provides for Government use.

What has been done in the bill with respect to that item?

Mr. BARTLETT. The two amendments inserted by the Committee on Commerce, of which the Senator from Ohio and I are members, takes care of that situation. On page 3, beginning in line 5, these amendatory words have been added: "for such period or periods of war service as the Secretary of Commerce determines will make reasonable allowance for excessive wear and tear by reason of war service which cannot be or has not been otherwise compensated for under this subsection."

That is the language I read before, but the Secretary of Commerce is given general and broad authority to protect the interests of the Government.

Mr. LAUSCHE. Let us go to the third point in the letter:

> Third, the Government should not be bound to grant a mortgage on the vessel, or to insure a mortgage on the vessel, without regard to the financial soundness of the project.

Mr. BARTLETT. On page 4, line 3 of the bill, as noted on page 2 of the report, the period is deleted and the following words are added——

Mr. LAUSCHE. Will the Senator again identify what he is reading from?

Mr. BARTLETT. I am reading from the top of page 2 of the report, and I am referring, more specifically, to line 3 on page 4 of the bill. This following proviso was added by the committee:

> *Provided, however,* That before the Secretary of Commerce shall issue a mortgage or insure a mortgage under provisions of title XI he shall make the statutory findings required under the Act with respect to the financial soundness of the project and that the former owner continues to possess the necessary experience and financial ability to operate the mortgaged vessel.

Mr. LAUSCHE. The only difference between the Department of Commerce and the committee's version of the bill is that the Department of Commerce thinks the bill is not needed at this time.

Mr. BARTLETT. I should say it results in that conclusion. Again, every individual in Congress and the Congress, on the one hand, and the executive department, on the other, have a right and duty to make their own determination. The Committee on Commerce, after weighing much testimony on this question, after deliberating for a considerable period on that very point, came to the conclusion that the Department of Commerce was wrong in this instance, and that the public interest would best be served by having a permanent law on the books, so there would be no need for rushing around and trying to do something when it might actually be a little late to do it, and we might legislate better in circumstances such as these.

Mr. LAUSCHE. To summarize the situation, then, in respect to the three grounds on which the Department of Commerce objected to the bill, corrections were made so as to conform with the recommendation made by the Department. Is that correct?

Mr. BARTLETT. That is correct.

Mr. LAUSCHE. The only difference now is as to the appropriateness of the time in which the bill ought to be passed, if passed at all. Is that correct?

Mr. BARTLETT. In this frame of reference, I was influenced to some extent by the illustration concerning Lykes which is incorporated on pages 10 and 11 of the report. In the conclusion of that recounting it stated that the company was denied use of the vessel—after it had tried to get it back, as I recall—for about 2 years. I do not think we ought to allow a situation like that to develop again. It seems to me everyone will be better off, including the Government, if we get something in the law now to take care of the situation.

Mr. LAUSCHE. It seems to me that the objections raised by the Department of Commerce were eliminated by the amendments made to the bill by the committee, and I have no objection to its passage.

The PRESIDING OFFICER (Mrs. Neuberger in the chair). The question is on agreeing to the committee amendments.

Mr. BARTLETT. Madam President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered and agreed to en bloc, and the bill, as amended, will be treated as original text for the purpose of amendment.

The bill is open to further amendment.

Mr. KEATING. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Madam President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

Mr. MORSE. Madam President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 277 Leg.]

Bartlett
Bennett
Burdick
Butler
Byrd, Va.
Cannon
Carlson
Chavez
Dirksen
Engle
Hill
Hruska
Jordan, Idaho
Keating
Kefauver
Kerr
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McNamara
Morse
Moss
Neuberger
Pearson
Saltonstall
Smith, Maine
Sparkman
Stennis
Talmadge
Wiley
Williams, Del.
Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. BARTLETT. Madam President, I move that the Sergeant at Arms be instructed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Allott, Mr. Anderson, Mr. Beall, Mr. Bible, Mr. Boggs, Mr. Bush, Mr. Byrd of West Virginia, Mr. Carroll, Mr. Case, Mr. Clark, Mr. Cooper, Mr. Curtis, Mr. Dodd, Mr. Ellender, Mr. Ervin, Mr. Fong, Mr. Goldwater, Mr. Hart, Mr. Hartke, Mr. Hayden, Mr. Hickenlooper, Mr. Holland, Mr. Humphrey, Mr. Jackson, Mr. Johnston, Mr. Jordan of North Carolina, Mr. Kuchel, Mr. Long of Hawaii, Mr. McClellan, Mr. McGee, Mr. Metcalf, Mr. Monroney, Mr. Mundt, Mr. Muskie, Mr. Pastore, Mr. Prouty, Mr. Proxmire, Mr. Randolph, Mr. Russell, Mr. Symington, Mr. Thurmond, Mr. Tower, Mr. Yarborough, and Mr. Young of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARTLETT. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "A bill to amend section 802 of the Merchant Marine Act, 1936, as amended, to provide that owners of vessels requisitioned by the United States shall be accorded preference toward reacquiring these vessels when they can be released by the Government, and for other purposes."

EXTENSION OF "OBSOLETE VEHICLE" AUTHORITY UNDER MERCHANT MARINE ACT, 1936

Mr. BARTLETT. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1284 (S. 2801).

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (S. 2801) to amend section 510 of the Merchant Marine Act, 1936, in order to extend for two years the time during which a certain definition of the term "obsolete vessel" shall be used.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill.

Mr. BARTLETT. Madam President, so far as I know, there is no controversy involved in the pending bill.

The Merchant Marine Act, 1936, authorizes the Secretary of Commerce, in order to promote construction of new, modern vessels, to acquire obsolete vessels in exchange for an allowance on the price of the new vessels constructed in U.S. shipyards. The 1936 act designates 17-year-old vessels as "obsolete" for trade-in purposes.

After World War II, as an incentive to owners to keep their fleets abreast of the new foreign vessels, the obsolete designation was set at 12 years, and continued at this level when the Maritime Administration's phased vessel replacement program was initiated in 1957.

The committee feels that this further extension, to June 30, 1964, will improve the U.S. merchant marine by permitting trade-in of a few World War II vessels which are less desirable than some older vessels now in service.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BARTLETT. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1636, H.R. 10022, which is similar to S. 2801, and that H.R. 10022 be passed.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10022) to amend section 510(a)(1), Merchant Marine Act, 1936.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 10022) was considered, ordered to a third reading, read the third time, and passed.

Mr. BARTLETT. Madam President, I ask that Senate bill 2801 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate bill 2801 is indefinitely postponed.

"WHAT EVERY NEW CANDIDATE SHOULD KNOW"—ARTICLE BY JAMES A. MICHENER

Mr. PROXMIRE. Madam President, occasionally a gifted, articulate literary figure will run for public office. It rarely happens, but when it does, I think his observations may be extremely helpful to all Americans in understanding the trials and tribulations of a candidate for office.

Yesterday the New York Times published in its magazine section an article entitled "What Every New Candidate Should Know," written by James A. Michener, one of the most popular writers in America.

In the course of his article, Mr. Michener stresses the importance of the duty of meeting people. I shall quote briefly from the article before I ask unanimous consent to have it printed in the RECORD:

> There is no substitute for meeting voters face to face. Some laymen are appalled at the prospect of shaking hands day after day and attending one coffee hour after another. A friend recently said, "I think it's degrading for a man like you to go into a shopping center to ask people for their votes." I replied that I could think of no substitute for this ancient tradition.
>
> For when a man, week after week, meets with his fellow men something happens to him. A certain arrogance is knocked out of him. Some of the dross in his system is burned away. He comes to know what he deeply believes. He identifies those few positions from which nothing on earth could dislodge him, and he abandons others that he possibly had stumbled into without properly analyzing them. He learns what conciliation means, what character is, and which gnawing doubts disturbs his neighbors. Most of all, he is driven back to a basic reality. Again and again he is forced to say what he really thinks.

Madam President, I ask unanimous consent that this excellent article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT EVERY NEW CANDIDATE SHOULD KNOW

(By James A. Michener)

(NOTE.—James A. Michener, author, is the Democratic candidate for Congress in the Bucks-Lehigh County district of Pennsylvania.)

For 10 years I taught American government and for 10 years after that I helped write textbooks on politics, so I was not exactly a novice when one of the major parties asked me to run for Congress this year.

On Saturday, February 17, I accepted the job and bright and early the following Monday morning I started punching doorbells. Since then, I have been campaigning like a firetruck at least 5 days every week and usually 7. I try to hold three or four meetings a day and I have met with thousands of my constituents.

I have also come upon quite a few facts I have not known before. Right now, across America, several thousand men and women who are running for Congress, for Governor or for their State legislatures are also learning these facts, which the layman—even an interested one such as I was—never learns.

The incumbent has an overwhelming advantage. If you have weak nerves, you'd better not try to unseat a well-entrenched Congressman, because our elections are rigged in favor of the man who is already in. He mails his letters free. You pay for yours. For him to send a piece of literature to each family in his district costs about $6,000, paid for by the taxpayer. You cough up your own $6,000, in cash. Of course, the sitting Congressman is not allowed to use this privilege with respect to blatant electioneering propaganda, but he can get around this by flooding his district with "questionnaires," many of whose "questions" do not pertain to legislation with which he is involved.

He gets his phone calls, up to a very generous limit, free. You pay for your own. Since modern-day campaigning uses the telephone more and more, his advantage is increased.

He has at his command a staff of seven or eight secretaries and helpers, with a total yearly salary of around $45,000, paid for by the taxpayer. You find one girl and pay her yourself.

He can use the Congressional Quarterly like a smalltown newspaper and build up reams of publicity. You must get yours the hard way.

In a dozen other ways you find that the incumbent is protected, but worst of all is the fact that while you spend your own hard-earned cash to run your campaign, you must also pay taxes which enable him to run his. You pay for his mail, his secretaries, his telephone. You are subsidizing your own worst enemy, and sometimes it hurts like hell.

Curiously, I would not change the system. The solidity and continuity of our form of government require that incumbents be protected. It would not be in the national interest if a long-term, intelligent, effective Congressman could be easily thrown out of office; so even though weak-kneed, ineffective little men also find protection in our system, I still think it a good one, because the little men can be beaten.

Any man who wins an election from an incumbent has won victory against almost insurmountable odds. I know.

It is very difficult to finance a campaign. I knew this before I started, but I didn't know how difficult. The national election law limits a congressional candidate to spending not more than $5,000 of his own money in any one campaign. Since it costs not less than $30,000 to run an average race, and much more to make a first-class try, the candidate must somehow make up the difference by every fund-raising means he can invent.

It is almost impossible to convince the average American that he should help pay for the political system which protects him, and even the best planned campaigns are run in a crisis atmosphere. The money isn't available—but you pray that somehow it will come in. You worry far more about money than about your opponent's voting record.

I got the tipoff on these sad facts when I ordered some campaign materials. Back came the letter: "We have learned through sad experience that we must demand our money in advance. And a deposit will not suffice, no matter how generous. You must pay in full, for we have found that campaign committees invariably wind up broke."

This is a ridiculous situation, but there seems no substitute for hand-to-mouth financing. I will even confess that the other night, when I was presented with the latest batch of bills, I caught myself thinking, in spite of my high ideals about American politics, "I wonder if Billie Sol Estes has a Pennsylvania office?"

Public indifference to politics is disheartening. On that snowy February morning when I started ringing doorbells, the first four families I visited said bluntly, "We never vote." In my district there are about 334,000 adults eligible to vote, but of these, 92,000 do not even bother to register. Of the 334,000, only 217,000 voted in the Kennedy-Nixon election.

A recent study at the University of Michigan shows that of 100 registered adults, only 7 ever attend political meetings of any kind, only 4 have ever given money to a campaign, only 3 have ever worked for a candidate, and only 2 actually serve as working members of any political party.

The burden of running our Nation falls on the shoulders of an appallingly small number of people. As I campaign, month after month, I see these same people again and again. The other I never touch.

Political infighting is even tougher than I thought. As a layman, I only vaguely realized that, for young, aggressive men, political life can prove to be a well-paid, enviable vocation. The only raw material required is the ability to corral votes and, if one has served his party well during the winning years, he can look forward to some kind of minor job when he loses. People not connected with politics call this "taking care of the hacks," but I am strongly in favor of it, providing the man is reasonably efficient, because people who have served the Nation must be kept alive.

But because the rewards of politics can be great, the contest for those rewards is apt to be rather brutal, and only those deeply involved with political life can know how brutal. Since I became interested in local politics, the following things have happened: (1) The leader of the opposition was publicly tried for taking bribes. Acquitted. (2) An elected official of the opposition was tried in Federal court for masterminding a counterfeting ring. Acquitted. (3) The head of my party was publicly accused of threatening to fire State highway employees unless they coughed up political contributions, which is against the law in Pennsylvania. (4) The elected heads of a local school board were charged with selling teacher promotions for cash on the barrelhead.

Since the day I accepted the nomination to Congress, I have lived in constant crisis; and since this has been the relatively quiet time preceding the election, I shudder to think of what this month and next hold.

On the other hand, I entered politics to help clean up such messes and I find the struggle exciting. Brawling is an inescapable part of the American political tradition. I was present when a group heard that one of our neighbors had decided to run for office. "Good!" an experienced politician cried. "We'll put a private detective on him right away. We'll look into that deal his brother had with the real estate development. We'll check his income tax returns. And we'll revive the rumors about his wife."

When word broke that I was going to run for Congress, the opposition served notice in the newspapers that they were going to fine-tooth comb every word I had ever written, and since I've published several million, they ought to winnow out some dillies. I have, thank heaven, always been against the recognition of Red China, in favor of strong anti-Communist measures, and very solid on the question of mother love.

I want to make two comments about this savagery of politics, lest it frighten away potential candidates, especially those from the upper middle class, who tend to be squeamish about dirty linen in public.

First, you're crazy if you think the same thing doesn't go on in most other aspects of American life. The battle for preference on a university faculty is just as bitter, the fight for the vice presidency of a great corporation is just as tough. The difference is that the political skulduggery is carried on in public.

Second, it's fun. It's part of our folkways and it rarely hurts. As a writer, and as one who has been connected with the theater, I have grown to expect that what I do will be subjected to savage criticism. By and large, such criticism has been good for me. Only children and cowards shy away from words and situations that might hurt.

There is no substitute for meeting voters face to face. Some laymen are appalled at the prospect of shaking hands day after day and attending one coffee hour after another. A friend recently said, "I think it's degrading for a man like you to go into a shopping center to ask people for their votes." I replied that I could think of no substitute for this ancient tradition.

For when a man, week after week, meets with his fellow men something happens to him. A certain arrogance is knocked out of him. Some of the dross in his system is burned away. He comes to know what he deeply believes. He identifies those few positions from which nothing on earth could dislodge him, and he abandons others that he possibly had stumbled into without properly analyzing them. He learns what conciliation means, what character is, and which gnawing doubts disturb his neighbors. Most of all, he is driven back to a basic reality. Again and again he is forced to say what he really thinks.

Long before I ran for office, I discovered these basic facts about our election system, and I used to tell my students that Warren G. Harding might have had some sense kicked into him if he had left the sanctum of his front porch in Marion, Ohio, and had beat his way across the Nation in sweaty, shirt-sleeved electioneering. A good rule for Americans will always be, "Never vote for a man who hasn't campaigned. Never vote for a man who makes all his speeches on television." (This is not a personal comment. My opponent is a very good campaigner.)

But even so, I didn't really appreciate the psychic impact door-to-door campaigning would have upon me. I used to think I knew something about America, but now I feel as if I were just beginning to understand its subtle system of balances.

I'll say this without reservation. If I could go back to last February, and if I had known then how hard campaigning was to be, I'd still accept the nomination. To battle with one's neighbors for votes is an honorable occupation, and men who have not done so should have no pretensions to government.

There are tremendous satisfactions in running for office. Last week I had a meeting scheduled for a wooded hilltop overlooking Allentown, which is the largest city in my district. At dusk it rained like mad. It was cold, muddy, ugly. Through sloshy roads I reached a dreary hall where there were seven people. At meeting time we had a huge crowd of nine, four of whom were party workers and had to be there. But as the rain abated, the crowd grew, and by 11 o'clock there were about 80 of us, and we talked about the most fundamental problems of our day. It was a privilege to be with those citizens.

Some time before, I had gotten mad at the indifference that seemed to be greeting the 1962 political campaign and I said, "Let's put it to a test." So, we hired the biggest hall in town, found an old print of one of my movies, and invited the public to spend an evening with a politician. We promised them a moving picture, free pretzels and birch beer, and a night of political argument. To weed out the merely curious, we charged everyone a dollar, and when we got to the hall we found a crowd of 1,100 people, who stayed around to argue politics until 2 in the morning. The money we made that night kept us going for 5 weeks.

Wherever I have gone I have found this fundamental reservoir of people interested in our Government. During these months, I have had some of the greatest conversation of my life, some of the best fellowship. If, as I complained before, there are 92,000 citizens in my district who won't bother to register, there are another 92,000 who are desperately concerned about the future of their Nation and the second group must do the work that the first won't. I suppose it was the same in Athens, and in Rome.

The highlight of the campaign occurred in a small restaurant at the southern end of my district. While I was dining, a group of Girl Scout Brownies—little girls of 8 and 9—spotted me and crowded around for autographs. I had signed 37 when the last little girl came up, and she was so irresistibly sweet that I gave her not only my signature but a farewell kiss as well, whereupon she rushed out into the crowd and shouted, "He kissed me."

At this the other 37 stormed back and demanded equal time. As I kissed the last one, I became aware that one of the mothers, a beautiful young woman in her twenties, had taken her place at the end of the line. "I used to be a Brownie," she confessed, and with a gallantry usually reserved for Southern candidates, I rose to the occasion.

She laughed and said, "We are all proud that you want to represent us in Congress. You may not win, but what you're doing is worthwhile." Then she added, "But I think you will win."

NEEDED: AN OPEN MIND AT TREASURY

Mr. PROXMIRE. Madam President, the British Chancellor of the Exchequer has made what to me seems to be a very intelligent and sensible proposal for stopping the tremendous demand which we have had in the past, and may have in the future, upon our gold. It is a proposal under which the convertible currencies of the major industrial countries could be deposited in a supplementary account by the countries which have balance-of-payments surpluses. This would mean that instead of merely drawing the present balances for payment in gold, they could be set aside. Mr. Maudling's proposal was given short shrift by the Treasury Department. I was astonished because I have great respect for Mr. Roosa, who dismissed the proposal so abruptly.

I was delighted to read yesterday in the Washington Post a fine editorial which discussed the merits of the plan. This is exactly the kind of thoughtful, constructive proposal which merits careful consideration, not close-minded peremptory dismissal.

Madam President, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Maudling's Plan

Talented men have been striving for more than a century to organize a stable international monetary system, and one of the factors that accounts for a lack of greater success in recent years is the less-than-generous spirit with which new proposals have been received. Chancellor of the Exchequer Reginald Maudling's plan for a "Mutual Currency Account," made before the Board of Governors of the International Monetary Fund, is a case in point.

Mr. Maudling's modest plan has many virtues which have not been adequately appreciated by his American critics. Under the plan the convertible currencies of the major industrial countries could be deposited in a supplementary account by countries which are running balance-of-payments surpluses. The value of these limited deposits would be guaranteed against devaluation, and they would be drawn upon by the depositing countries in settling future balance-of-payments deficits. By obviating the necessity for frequent gold transfers the plan would serve as buffer against mild balance-of-payments shocks and diminish the need for restrictive monetary policies which inhibit economic growth.

Dr. Robert V. Roosa, Under Secretary of the Treasury for Monetary Affairs, objects strongly to the gold value guarantee feature of the plan. But the guarantees are merely an extension of those already in force for the currencies that are held in the pool of the Monetary Fund. Moreover, the Treasury plan, under which the United States would accumulate foreign currencies instead of gold and dollars when it runs balance-of-payments surpluses, rests on the questionable assumption that those currencies can be freely used in times of difficulty.

In concluding his remarks to the International Monetary Fund, President Kennedy said that "We who are meeting here today do not intend to be mastered by our money or by our monetary problems. We intend to master them with unity and generosity.* * *" Certainly the task of mastering money can be made lighter by greater receptiveness to new ideas.

FEDERAL AID TO EDUCATION

Mr. HUMPHREY. Madam President, last week was a busy one for every Member of this body. A great deal was accomplished, particularly the overwhelming approval of the President's Trade Expansion Act. However, the decision to return the higher education bill to conference represents a grave turn of events for all Americans concerned with the fate of higher education in the coming decades.

I have not heard anyone claim this was a perfect bill. Very few pieces of proposed legislation deserve such a description. But it was a bill that would have achieved one vital objective.

We had better realize that in the next 20 years it will be necessary to double the physical capacity of college and university facilities in this country. This cannot be done without some help from the Federal Government. We are now at the crossroads. Either we must have a program of aid to higher education now, or else the generation 20 years from now will be denied the opportunity for higher education. If such an opportunity is denied, the United States will be crippled at a crucial point in its history.

Madam President, I thought the bill which was agreed to in conference was basically a good bill. It was a good bill because it would have achieved the vital objective of providing badly needed assistance to institutions of higher learning. I believe it would have done so in a way which was compatible with the Constitution of the United States. No constitutional problem was involved.

I compliment the senior Senator from Oregon [Mr. MORSE] and his colleagues on the conference. In particular, I compliment the senior Senator from Pennsylvania [Mr. CLARK] for the leadership he demonstrated, and I compliment the other members of the conference group as well. I know how much time and energy was expended in behalf of junior colleges, community colleges, and 4-year colleges and universities throughout the country.

Mr. CLARK. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. I thank the Senator from Minnesota for his kind words. I assure him that, at least so far as I am concerned, I have not given up hope yet, and I understand the Senator from Minnesota has not yet given up hope, either.

Mr. HUMPHREY. I surely have not given up hope, because I do not believe Congress can afford to conclude its work without some accomplishment in this field. I believe that if we fail in this area, we shall stand indicted before the American people as having failed in our responsibility to the young people of America and to the Nation itself.

I am aware of the problems which confronted the conferees. I am sure the Senator from Pennsylvania would be the first to admit that we have talked about this conference many times.

Mr. CLARK. The Senator is correct.

Mr. HUMPHREY. The President of the United States was deeply concerned about the conference, and the Senator from Oregon [Mr. MORSE], who gave valuable leadership to the whole problem, was deeply concerned about the conference.

Mr. CLARK. Madam President, will the Senator further yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. The President of the United States himself called me to his office and asked me to do all I possibly could to see that a higher education bill was passed at this session. I hope he still feels that way. If he does, I have some hope that we can still pass a bill.

Mr. HUMPHREY. I assure the Senator from Pennsylvania that the President of the United States continues to feel that way. It is my intention to speak to our Chief Executive and to encourage even greater insistence upon this measure.

The conferees achieved something which few persons thought was possible. They reported a bill which met the basic needs, which represented a vital first step, and which finally would have infused some lifeblood into our system of higher education. Obviously, a bill hammered out in these circumstances would not please everyone. That would have been expecting the impossible.

Even though the bill was not perfect, even though it did not go as far as I would have liked it to go, I was pleased when the conference committee reached workable solutions to the many knotty problems in the House and Senate versions. I saw this as a historic day in the fight for better educational facilities for the United States. I was equally dismayed when I learned that the conference report had been rejected.

Because in the 87th Congress there has been so much confusion and because so many battles have been fought over education, I believe that many citizens did not realize the importance of this proposed legislation. I have the feeling that the many good provisions in the bill never were appreciated by the educators, the press, and the general public.

This bill authorized $1.5 billion in grants and loans over 5 years to public and private colleges for construction of classrooms and libraries, $250 million in grants to public community colleges, and about $600 million in student loans over 5 years. The student loans were to be paid through the colleges, and each school could set aside 20 percent of its loan fund for grants to exceptionally promising and needy students.

Madam President, how could anyone object to that, or say it is too much? The junior colleges are the hope of many millions of our young people who seek an opportunity for higher education. I cannot understand how the Senate or the House, or the Congress assembled, can ignore the plight of our institutions of higher education or the needs of our young people. Members of Congress talk about every conceivable problem. This is one we can do something about in 10 minutes. Instead, we spend 10 months in dilatory action, delay, and indecision, and finally in rejection.

Grants would have gone for the construction of buildings used for science, engineering, and libraries. Loans would be used for general-purpose classrooms. None of the Federal money could have been used for building chapels, divinity schools, or sports facilities for which admission would be charged.

In connection with the National Education Act there is no religious problem and no constitutional problem. The only problem is the failure of Congress to appreciate the problem. I suggest that unless Congress wakes up to the necessities of this situation, there will be many Members who, at the next session, will no longer be here—and rightly so.

I think the bill as reported from conference represented an outstanding achievement, in view of the many interests, both constitutional and otherwise, that were wrapped up in this proposed legislation.

The leadership in both Houses and on both sides of the aisle will stand indicted by the people of the country if the bill for aid to higher education is allowed to die in this Congress. I do not intend to be a part of that funeral service; and I do not intend to cease my efforts to have a program of higher education adopted by the 87th Congress.

In an excellent editorial published yesterday, the Washington Post spoke out clearly and with great wisdom when it made this observation:

> The real losers are the youth of America—which is to say, of course, America itself.

Madam President, I should like to know what Congress is up to when it ignores the basic educational needs of the youth of the Nation. It refused to pass a medicare bill for the elderly, and now it refuses to do anything for the young.

Mr. CLARK. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. Furthermore, Congress has not passed the youth opportunities bill.

Mr. HUMPHREY. Yes; it, too, is snarled up in the outmoded, antiquated, out-of-date congressional procedures; and I am growing sick and tired of the horse-and-buggy methods which are attempted to be used in this space age.

Mr. CLARK. Madam President, will the Senator from Minnesota yield again?

Mr. HUMPHREY. I yield.

Mr. CLARK. As soon as the Senator from Minnesota yields the floor, I intend to do something about that.

Mr. HUMPHREY. The purpose of my remarks is to give the Senator from Pennsylvania a little JATO, as it is called—in other words, a jet-assisted takeoff to get him into orbit in a hurry.

Madam President, as a U.S. Senator, I sincerely urge every interested party to consider the loss America sustained last week. There is still sufficient time for the same persons to reconsider what they have done. I believe there is still time to enact this vital legislation in the 87th Congress. We are to be here 2 weeks longer. So there is time for us to buckle down to the job. Let no one make any picnic plans before October 5. We shall be here long enough to pass a higher education bill. If necessary, we can even trim down the conference report which was rejected.

Today the Senator from Pennsylvania [Mr. Clark] spoke to me about a proposal for higher education which should receive the full support of every interested Senator and Member of the House of Representatives and citizen of the Nation. I thank him for his perseverance; I thank the Senator from Pennsylvania and his associates—the Senator from Oregon [Mr. Morse], the Senator from Michigan [Mr. McNamara], and the other Senators who took part in that effort. I do not mean to leave out any of them. I wish to thank them for seeking to have the bill enacted.

Mr. CLARK. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. Let us also include the Senator from Texas [Mr. Yarborough], the Senator from West Virginia [Mr. Randolph], the Senator from Vermont [Mr. Prouty], and the Senator from New York [Mr. Javits]. All of them worked mightily to find a reasonable compromise which would be successful. Even though some had had difficulty in their own States in obtaining acceptance of the compromise, nevertheless in the interest of the Nation they made a strenuous effort. All of them joined in that fine bipartisan effort.

Mr. HUMPHREY. I include all the conferees of both Houses.

Madam President, I ask unanimous consent that the Washington Post editorial commenting on the blow higher education has sustained be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 23, 1962]

A Blow to Education

Education in the United States—all education—suffered a grievous loss when the House of Representatives on Thursday recommitted a compromise bill that would have provided $2,345 million in aid to colleges. So much inflexibility, so many prejudices and bitterness, so stubborn an adherence to special interest in the name of principle, were involved in the vote that the chances of any Federal aid to education, now or in the future, seem very dim indeed.

The recommitted bill which came out of a House-Senate conference committee seemed to us one of those reasonable adaptations to conflicting convictions which are the stuff of legislative action. It was not an ideal bill. It did not provide all that proponents of Federal aid to education, including this newspaper, would have liked it. It reflected a compromise between those who favor and those who oppose assistance to private institutions. But there is no doubt that it represented an important boost to higher education in the United States, an urgently needed boost; and it would at last have broken the logjam on Federal aid to education.

If it is fair to charge Catholics in Congress with having prevented Federal aid to elementary schools and high schools in the United States, it is no less fair to charge Protestants, the Southern Baptist Convention in particular, with having blocked Federal aid to colleges. The compromise college aid bill would have authorized grants to public and private institutions of higher learning alike for restricted, nonreligious categories of construction—for laboratories, scientific or engineering classrooms and libraries.

Although we have long opposed grants of Federal funds to private schools at the primary and secondary level—because these schools are devoted to religious instruction, because school attendance at this level is compulsory and because public schools available to all are the traditional American instruments of primary and secondary education—we see no constitutional or policy objection to Federal financial aid at the college level. The compromise bill, in any case, restricted the aid most carefully.

The compromise bill would, in addition, have provided grants to community colleges—an important developing element in the American educational structure—and would have provided loans to students for scholarship purposes. These are invaluable forms of assistance, now forgone.

It must be said that the National Education Association, which has long lobbied for Federal aid to elementary and secondary schools, played a considerable, and to our mind, myopic, role in defeating the college aid bill. At the eleventh hour it brought its representatives from all over the country to lobby on the Hill for recommittal. We think it will rue its narrowness and shortsightedness. The National Congress of Parents and Teachers was similarly unable to see beyond the tip of its own snub nose.

But of course these are not the real losers in Thursday's debacle. The real losers are the youth of America—which is to say, of course, America itself.

Mr. CLARK obtained the floor.

Mr. MAGNUSON. Madam President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am glad to yield; but I must be brief, because I am required to return to the hustings; I am running for reelection.

Mr. HUMPHREY. Madam President, let us do all we can to enable the Senator from Pennsylvania to return there and be reelected. We need him here.

Mr. CLARK. I thank the Senator from Minnesota.

Mr. MAGNUSON. Madam President, I am in the same position.

Mr. CLARK. Both of us are.

Mr. MAGNUSON. I wish to ask a question. If the bill is not passed, it seems to me that a part of the real tragedy will be that the effect of the failure to pass the bill will be felt most heavily by the smaller colleges, including the junior colleges, rather than by the larger ones. The larger ones use the FHA, the college housing program, and so forth. But the smaller institutions are having a difficult time; yet they are the very ones that will absorb the large numbers of students who will apply for admission, following the population explosion. To me, the plight of these colleges is tragic, for I know that in the Pacific Northwest the smaller colleges that wish conscientiously to participate in the program are the ones that will be hurt the most by the failure to enact this measure.

Mr. CLARK. I think there is much truth in what the Senator from Washington says.

The situation in Pennsylvania is the same. In Pennsylvania there are 123 institutions of higher learning, but only half a dozen of them can be characterized as large. However, in many of the large institutions there is a real need for academic facilities, loans, and grants. The college housing program takes care only of dormitories and cafeterias. But I feel that there is a great need for scholarships, so as to enable the real brains of our country to attend college. Russia pays all the expenses of a bright student through 16 grades; but we cut off this assistance after 12 grades; and now the House will not even make it possible to provide scholarships and loans to take care of the needs of our brilliant students.

Mr. MAGNUSON. I do not mean to say that the larger institutions cannot make good use of this assistance; but I point out that a great many of the smaller ones were relying heavily upon this measure.

Mr. CLARK. Yes, and especially the junior colleges, which need help more than do any of the others.

Mr. MAGNUSON. Yes.

CONSTITUTIONALITY OF AMENDMENT EXEMPTING MEMBERS OF CERTAIN RELIGIONS FROM COMPULSORY SOCIAL SECURITY INSURANCE

Mr. CLARK. Madam President, on July 17, 1962, the Senate adopted by voice vote an amendment which I sponsored on behalf of myself, my colleague, the junior Senator from Arizona [Mr. Goldwater], and the Senators from Ohio [Mr. Lausche and Mr. Young], to give those with religious scruples against a compulsory social security insurance system, such as the Amish, an optional exemption from the law. The amendment was subsequently dropped in conference, and I was informed by one of the Senate conferees that the reason for this action was that it had been argued that the amendment was unconstitutional. Subsequently, I wrote to the Treasury Department and the Social Security Administration, both of which were represented in the conference meetings, and I received letters from both agencies denying that their representatives had stated any view as to the constitutionality of the amendment. Later I sent the amendment to the American Law Division of the Legislative Reference Service to obtain an opinion on the constitutionality of the proposal, and I have received a statement indicating that "we believe that this amendment is constitutional." Since I intend to offer the amendment again at the earliest opportunity, I ask unanimous consent of the Senate to have the opinion from the Library and the text of the amendment appear in the Record at this place.

There being no objection, the opinion and amendment were ordered to be printed in the Record, as follows:

The Library of Congress,
Washington, D.C., September 19, 1962.

To: Hon. Joseph Clark.
From: American Law Division.
Subject: Constitutionality of amendment adopted by Senate to H.R. 10606, exempting members of Amish faith from Social Security Act.

This amendment would exclude from social security coverage, under stated conditions, self-employed persons who are members of a religious faith whose established tenets forbid the acceptance of any insurance benefits.

We believe this amendment is constitutional. Since it establishes the same rule for all persons similarly situated throughout the United States, it meets the requirement of geographical uniformity imposed by article I, section 8, clause 1, of the Constitution.

In view of the fact that social security taxes are applied to the payment of benefits which persons excluded from coverage would not receive, this type of permissive exclusion does not appear to violate the due process clause of the fifth amendment. Unlike the 14th amendment, the 5th has no equal protection clause. However, in upholding the various exclusions in the original social security act, the Supreme Court assumed that discrimination, if gross enough, is equivalent to confiscation and hence involved under the fifth amendment. *Steward Machine Co. v. Davis*, 301 U.S. 548, 585, (1937).

The purpose of this amendment is a legitimate one—to give fuller meaning to the freedom of religion guaranteed by the first amendment. It would achieve this without increasing the burdens of other persons. Hence it appears to meet the test of reasonableness which is the essence of the due process clause.

MARY LOUISE RAMSEY,
Legislative Attorney.

SEC. —. (a) Subsection (c) of section 211 of the Social Security Act is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) The performance of service by an individual during the period for which an exemption approved under section 1402(h) of the Internal Revenue Code of 1954 is in effect."

(b) Subsection (c) of section 1402 of the Internal Revenue Code of 1954 is amended (1) by striking out "or" at the end of paragraph (5) and inserting in lieu thereof "; or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) the performance of service by an individual during the period for which an exemption approved under section 1402(h) is in effect."

(c) Section 1402 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(h) MEMBERS OR ADHERENTS OF CERTAIN RELIGIOUS FAITHS.—

"(1) EXEMPTION.—Any individual who is a member or adherent of a recognized religious faith whose established tenets or teachings are such that he cannot in good conscience without violating his faith accept the benefits of insurance, such as those provided by the insurance system established by title II of the Social Security Act, may so certify in an application filed with the Secretary of Health, Education, and Welfare (in such form and manner as may be prescribed by regulations made under this chapter) requesting exemption from such title II insurance extended to service performed by him in his trade or business. Upon findings by the Secretary that such applications was made in good faith and that the members of such religious faith make adequate provision for elderly members of the faith to prevent them from becoming public wards in their old age, the application shall be approved and the individual exempted from coverage in the old-age and survivors insurance program.

"(2) EFFECTIVE PERIOD OF EXEMPTION.—An exemption pursuant to this subsection shall be effective for the taxable year in which it is approved and all succeeding taxable years, except that no such exemption shall be effective for any taxable year which ends before the date of enactment of this subsection."

PROFILE OF A PEACE CORPS MAN

Mr. CLARK. Madam President, I ask unanimous consent that an article from the September 8, 1962, issue of the Saturday Evening Post by Nathan A. Haverstock, entitled "Profile of a Peace Corps Man," be printed in the body of the RECORD.

The subject of this article is George Kroon, of Wallingford, Pa., a member of the Peace Corps. I believe Members of this body and subscribers to the CONGRESSIONAL RECORD will find this heartening article about the success of the Peace Corps to be well worth reading. I point out that a good part of the merit of the article comes from a series of maps printed in the Saturday Evening Post which, owing to our archaic and outmoded practices of doing business, cannot be reprinted in the CONGRESSIONAL RECORD.

I have pending a proposal, which has passed the House, and which I hope will be given favorable consideration by the Senate Committee on Rules and Administration before we adjourn, which would make it possible to print visual material of this sort in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROFILE OF A PEACE CORPS MAN

(By Nathan A. Haverstock)

At 5 o'clock in the morning the bulldozer pulls out of the village square dragging eight long new poles. The unfamiliar noise of the machine shakes the townspeople out of their sleep.

Like children anticipating a birthday they slip into their sandals, put on their patched pants, freshly laundered shirts, and double-breasted suit jackets to work on the widening of the old bridge. It is cold in the rainy season in the Colombian mountains, so they cover their working clothes with serape-like ruanas—heavy slit-necked wool blankets.

Peace Corps Man George Kroon (pronounced "Crone") and his Colombian co-worker, Faustino Trujillo Morales, are up early too. Together they walk across the muddy square to the pensione to have breakfast and discuss the work ahead. On the way they pause frequently to exchange the involved greetings that form an important part of each day: "How did you greet the dawn?" "Did you pass an untroubled night?" "Is your family well and happy today?" As the Peace Corps Man explained, " 'Good morning' is just not adequate here."

Kroon is an easygoing young man who has had the advantages of life in an upper-middle-class American family. Out-of-the-ordinary experiences have not marked his 22 years. He and his contemporaries are all too young to have tasted the bitter war years. But today George is a part of an adventure that has seized the imagination of young Americans everywhere. A member of the first Peace Corps unit to reach the field. George says, "The people here treat me like one of Kennedy's sons."

Recently, Post Photographer John Bryson and I visited George at his post in Fúquene, Colombia, a poor town with 400 inhabitants, which overlooks the lake that local people say conceals the fabled riches of El Dorado. We found George busy making arrangements for the bridge widening, another of the down-to-earth incidents that make up the reality of his Peace Corps adventure.

George applied for the Peace Corps after graduation from Claremont Men's College in California as a business administration major. He was selected from among thousands of applicants to train at Rutgers University. Along with others who were slated for Colombia, he studied Spanish, Colombian history and methods for community development. As a byproduct of the Corps special emphasis on physical toughening, George shed 50 pounds. Today his khakis hang loosely on his 6-foot-5, 254-pound frame.

When he arrived in Colombia a year ago, George was given 6 week's on-the-spot instruction in Spanish and on the ways to interest people of a rural community in achieving common goals, such as the building of schools, health centers, and roads.

Chris Sheldon, director of the Peace Corps program in Colombia, and Mert Cregger, CARE-Peace Corps director for Colombia, had introduced George to some of the local officials and influential citizens of Fúquene, and he was then on his own.

His first task was to sell the idea of community action on a door-to-door basis. George told me that he was extremely lucky: "The people of Fúquene overwhelmed me with friendship from the start." They opened their doors willingly to the young American and invited him in for a cup of rich Colombian coffee or a bottle of beer. He discussed with them their ideas on what Fúquene needed and how they felt the needs could be filled. But his shaky command of the language kept him in constant terror. "I remember asking, 'When does the train arrive?' when I meant to ask, 'Do you have a cup of tea?' " He looked up each new word in the heavy dictionary he brought with him. Now George rattles off Spanish like a native Colombian.

HELP FOR A PEACE CORPSMAN

After George had been in Fúquene for a few weeks, the Colombian Government assigned Faustino Trujillo Morales to the town as promotor. The Spanish promotor means roughly the same as the similar English word: a person who "promotes" community action.

Trujillo is a member of the Colombian Goverment's own program for community development, which antedates the arrival of the U.S. Peace Corps. Now Peace Corpsmen and promotores work hand in hand to find out what the people of small backward communities think they need. Together they pitch in to help organize the people to accomplish those objectives.

Trujillo is 26 years old. After finishing the equivalent of high school in his native Santander, Trujillo put in 4 years as a construction worker in Venezuela, near Caracas. Upon returning to Colombia, Trujillo was selected by the Colombian Government for training at the National University in Bagotá. Just before arriving in Fúquene, he had completed a 4-month course which dealt with principles of community development, paralleling to a certain extent the Peace Corps training.

George and Trujillo complement each other. Of Trujillo, George says, "I would be lost without him." Trujillo is a born leader and a good extemporaneous speaker at meetings of town councils and workers' groups. He is an effective intermediary between the townspeople and a government that is frequently sluggish. Trujillo and George now share a bedrom, an office (which has a writing table, a map, and Trujillo's diploma from the National University's program for promotores) and a bathroom.

By the end of their first 2 months George and Trujillo had organized several committees for action. The committees had agreed on goals, but the goals—apart from the fact that they had been discussed—were as far away from realization as ever. As George says, "All that we were able to do was talk with the people about what needed doing. Basically it was all talk, talk, talk.

THE PADRE DROPS A BOMB

The talk might have gone on indefinitely had it not been for the bomb that Padre Ciro Gomez dropped before mass on St. Joseph's Day. Fúquene does not have a full-time priest. Either Padre Ciro Gomez, the head of the parish, or his energetic assistant, Padre Ernesto Maecha, comes each Sunday to hold mass. The younger priest, who wears a flight jacket and a beret, is a familiar figure, bouncing up the road in his jeep for christenings or burials.

"Unless you live with these people, it is difficult to understand the role of the padre," says Protestant Kroon. "The padre is interested in every facet of the community, not just the spiritual life.

"Well, I was practically lifted off my seat by the padre's words on St. Joseph's Day. He said that the community-action program being developed by Trujillo and me was the kind of thing St. Joseph would be engaged in if he were living in Fúquene, because St. Joseph was interested in his community."

The padre went on to say that from then on, Sunday or not, the people of Fúquene should pitch in after mass and help out the program. "That was the beginning of our success here in Fúquene," said George. "We had 111 people out working the next day. The following Sunday we had 150 people."

The townspeople agreed that they would give 2 days out of each week to community projects—Sundays and Thursdays. During the bad months of the winter rainy season, or when they aren't able to plant or look after their crops, they work additional days.

"We restricted our projects to those we could realize within a reasonably short time," says the level-headed American. "We decided on two objectives, both much needed: a road and a community health center."

Fúquene's only medical facility is a healer who has a few aspirins and some homemade remedies for stomach upsets. If a newborn baby comes down with diarrhea, the baby is likely to die. If an adult cuts himself with his machete, someone must ride on horseback 30 miles for medical help. Only occasionally does a doctor pay a visit to Fúquene.

The town now plans to have a doctor in the proposed health center 3 days a week on a regular schedule. There will be a full-time trained nurse. The site for the health center has been selected—a large tract of land overlooking the lake. The land was donated by five public-spirited farmers who live nearby.

The people of Fúquene are using a machine called a CINV–RAM to make the building blocks with which the health center will be constructed. The device makes oversized bricks out of a mixture of 90 percent low-grade sand (or dirt) and 10 percent cement. So far the people have made 8,000 of the 10,000 bricks required for the center.

The second project underway is the building of a road that will cut in half the 30-mile distance to the market in Ubaté. As George said in explaining the importance of the road, "Right now business just doesn't exist here." People must pack their crops—chiefly corn, potatoes, and Spanish chick-peas—in cardboard boxes and sling them on the back of the bus that leaves each Friday at 7 a.m. Then they have to be lucky enough to sell their produce before 2 o'clock in the afternoon, when the bus returns. "That's why," George added, "it's important to finish the road, to give people direct access to the market. With the new road we can link up with better bus service, as well as shorten the distance."

People are enthusiastic about working on the road, partly because they are fascinated by the bulldozer that George and Trujillo borrowed from the Colombian Government. "That bulldozer is a modern machine that is really capable of putting them to work," said George. "They realize the value of it, and they are very tender with it, the way parents are with a new baby. You can watch, if you like. We're going to widen one of the bridges on the road now."

PICNIC MOOD FOR PROJECT

Little by little the men of the town make their way toward the bridge site. Children bring the town's tools—mattocks, crowbars and shovels—by burro.

The field-kitchen contingent passes them along the grassy shoulders of the road, led by Elvira, a stocky, childless woman who has taken on herself the job of feeding the men when they are working on a community project. The day before, Elvira and her many women friends had taken up a collection from all the townspeople. Someone had donated a bag of potatoes, another some rice.

Near the bridge the road is clogged with people, all in a bright picnic mood. The bulldozer stands idling, the building logs tied behind it. Each group of men carries on an animated discussion of what should be done first.

Without being ordered to, one group clusters around the logs. Then there is a chant: "Don Jorge, Don Jorge, Don Jorge." For George—or "Don Jorge," as he is called in Spanish—is much respected by the people of Fúquene for his physical strength. His height makes him a giant among short, slight, wiry townspeople.

He takes up the center position as each log is lifted to the side of the road. Then he and others stop to smoke and to contemplate the next step.

Commotion surrounds each detail of the work. There is much laughing and joking and tremendous good nature everywhere. One man says, "It's a waste to use eight timbers to widen a bridge over such a tiny trickle of a stream." George takes in the scene with a patient eye. No more than 20 percent of the men are working at once. The others are energetically quarterbacking the job.

Finally rocks are rolled into place at either end of the bridge and, after much pulling and tugging, the men are satisfied that the rocks will support the logs properly. It is time to place the precious timbers, purchased at great expense.

Again the people chant, "Don Jorge, Don Jorge." With a smile and a shrug George bends down and heaves at the center of one of the huge logs. On either end cluster four or five men grabbing at the log in bizarre ways. Much discussion centers on which end of the log should be placed at which end of the bridge.

PROCESSION OF OFFICIALS

At 10 o'clock a line of officials comes over the hill from the direction of the town. The mayor in his sun helmet is in the middle. He is flanked by the treasurer, who wears a khaki shirt and a black necktie, and one of the town's three uniformed policemen. While the workmen continue to adjust the logs, the mayor and his subordinates stop to exchange a friendly greeting with those who are unoccupied.

Victor Manuel Pinilla, owner of the only truck in Fúquene, accompanies the mayor. Victor has always been of great assistance in the work of the community, making trips for cement and sand whenever his truck is not busy on regular business. He has an intelligent, roundish face which beams brightly between a clean white shirt and a green hat. But he doesn't like what he sees. He objects in no uncertain terms to the waste of materials. He says that they have built the bridge too high. They should have taken the old bridge apart first to see how many good logs it concealed. Perhaps they could have rebuilt and widened the bridge with the old timbers and saved the new timbers for another bridge later on.

Victor is an effective thinker and a hard worker. His views command the respect of the community, and in this instance his logic prevails. At 11 o'clock in the morning the old bridge is taken apart. George views the operation with the patience he says is "the most important thing I have learned." He doesn't try to dissuade the townspeople, because he doesn't feel he is there in Fúquene to convince anybody of anything. He is there to help them do the things they want to do for themselves.

Soon the new wings of the bridge are dismantled. Victor finds that most of the supporting timbers are too old and rotten to serve as the basis for a new bridge. Several of the salvable original logs are shifted around. Then it is 1 o'clock, time for lunch.

Elvira and her helpers have prepared a feast: soup first, with noodles and chunks of beef, followed by plates heaping with rice and chicken, corn, cornbread, salad and hot boiled potatoes. The ladies serve the meal by circulating among the men, passing out plates, utensils and napkins. Everything is well cooked. Beer and a thin strawberry soda are the drinks.

After lunch the men regroup at the bridge. Victor is again in the middle of things. He prods them on to rebuild the bridge much the same way they had it built in the early hours of the morning. The mayor mutters, "You see, you fools, it's just the way it was before you tore it apart. What have you accomplished with all this delay? Nothing."

The sun has now passed behind a sheaf of clouds. There is a threat of rain. Then suddenly, as if by spontaneous generation all of the logs are in place. Across the way the bulldozer has cut away the hill and piled up the earth where the curve in the road used to be. Men and women and children line up on the bridge and cheer as the bulldozer poises on the mound of freshly torn earth. With a roar the dozer pushes the earth before its blade, down on the bridge. At each thrust of the dozer the line of watchers recedes just enough to allow the machine to push the dirt a little farther over the logs. The heavy tracks of the dozer pack the earth down. The bridge is ready for traffic. "It always happens like that," says George. "We fiddle around for hours and hours, and then in 10 minutes the job gets done."

To the U.S. taxpayer the cost of the bridge has been small—the less than $5 a day it costs to pay George. George cannot call on Washington for the materials or machinery Fúquene needs. CARE, the private American relief agency which administers the Peace Corps program in Colombia, supplies him from time to time with essential tools such as the two brickmaking machines that Fúquene is using to build the health center. Frequently the Colombian Government helps out, as with the bulldozer. But basically George and Trujillo draw on their own resourcefulness and on the resources made available by the proud people with whom they work.

LEARNING ABOUT PATIENCE

George shares the town's pride in its achievements. "I want to come back here in a couple of years to see if they have finished the projects that we've started. It's awfully important that these people see things get finished."

Meanwhile, the details of life in a small community fill George's day. In talking about his experiences, George said, "I don't think I will ever be the same again. I have learned here the value of everything—a nail, a bag of cement, a piece of rope. But above all, I have learned to be patient with the people, with the weather, with the mail, with myself."

George's day begins at about 7 in the morning. He walks with Trujillo to the pensione across the muddy flat that is the town square. There he stoops low to pass through the door into the interior court, where children and dogs play. Off to the right of the court he stoops again to enter the square dining room, which has one cloth-covered table. On the walls of the plain room are a few photographs from magazines and a garish picture of Jesus.

Usually the mayor and some of his fellow officials are already there having their morning eggs. George joins them. Then, over coffee, he and Trujillo line up the day's work. His lunch and dinner are eaten in the same room, at a cost of 70 cents a day for the three meals. Lunch consists of a bowl of hot soup, followed by meat and vegetables and a plate of rice with an egg on top. Neither George nor the townspeople trust the spring-borne local water supply. Weak beer is the usual beverage.

When George returns to his room from dinner, shortly after twilight, the town's electric generator goes on and stays on for 4 hours. As the generator warms up, the light in George's bedroom burns more brightly.

George brought with him the standard issue of each Peace Corps Man—khaki clothing, three pairs of boots and a camp stove. In Colombia he bought a gasoline lantern and a compact shortwave radio. The radio is in constant demand. When George isn't playing it, someone borrows it. He brought several dozen books with him, and he buys others on his twice-a-month trips to Bogotá, about 70 miles away. "I find," he says, "that I read more than I ever did before."

PLANS FOR THE FUTURE

Sometimes George's thoughts stretch to his home in Wallingford, Pa., and to the things he might have been doing had he not joined the Peace Corps. "When I finish my 2 years, I'm going back to school to do graduate work in business. You know, what bothers me is what my next prospective employer will say when he reads on my application, "Peace Corps, Fúquene, Colombia, 1961–63; salary $1,500 per year." He'll probably ask, "Well, what did you do in the Peace Corps?" What am I going to say? "Drank beer with the mayor, lived with 400 people at 9,500 feet, taught them how to use a brickmaking machine?"

"The way that bridgebuilding was all fouled up shows that I can't claim to be qualified as a bridge expert even at this altitude. As a matter of fact, a bridge expert would go nuts working with the people of Fúquene. That's why liberal arts majors do all right in the Peace Corps."

George believes that his Peace Corps assignment is definitely a man's job. He doesn't see how a woman could get along in a small community like Fúquene. For one thing, in Colombia women have a standing that is different from what they have in the United States. It would be extremely difficult for a woman to gain the confidence of local male officials. George figures that some of his most valuable hours are spent drinking beer with the mayor in one of Fúquene's four tiendas.

Entertainment is extremely limited. Occasionally George has a free night in Bogotá. In the city there is always some kind of social event, such as a dance or a party. But it's not the same as it is in the States.

What would he like to have if it were possible? That's easy: a good old-fashioned American date. A girl to sit and talk to for several hours. Nothing passionate. Just a few hours of small talk.

"But you know, after this hitch, I'd like to go to Africa," George said. "I've always wanted to see Africa. Trouble is, Peace Corps policies discourage that kind of thing. The Peace Corps is not a career service. The Corps figures that after 2 years you've had it. So I guess I'll reenter the orbit of life in the United States. But I'll never be the same as I was before. I hope Fúquene won't be the same as it was before either."

JOINT COMMITTEE ON ORGANIZATION OF CONGRESS FOR THE MODERNIZATION OF CONGRESSIONAL PROCEDURES

Mr. CLARK. Madam President, I send to the desk for appropriate reference a concurrent resolution to establish a Joint Committee on the Organization of the Congress for the modernization of congressional procedures. This joint committee proposal, similar to the one passed by the 79th Congress which led to the Legislative Reorganization Act of 1946, has been cosponsored by a bipartisan group of Members of the Senate and the House. In this body the Republicans are THOMAS H. KUCHEL, of California; JOHN SHERMAN COOPER, of Kentucky; and CLIFFORD P. CASE, of New Jersey.

The Democrats, in addition to myself, are Senators HUBERT H. HUMPHREY, of Minnesota, and CLAIR ENGLE, of California.

Two distinguished Members of the House of Representatives, HENRY S. REUSS, Democrat, of Wisconsin, and JOHN V. LINDSAY, Republican, of New York, are introducing identical resolutions on their side today.

Madam President, I ask unanimous consent that the concurrent resolution may be printed at this place in the RECORD and that it lie on the desk until the close of business on Wednesday of this week, in order that additional Senators may have an opportunity to cosponsor it, and I hope a large number, including the present occupant of the chair [Mrs. NEUBERGER], will do so.

The PRESIDING OFFICER. The concurrent resolution will be so printed, received and appropriately referred and; without objection, will lie on the desk as requested.

The concurrent resolution (S. Con. Res. 93) was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on the Organization of the Congress (hereinafter referred to as the committee) to be composed of seven Members of the Senate (not more than four of whom shall be members of the majority party) to be appointed by the President of the Senate, and seven Members of the House of Representatives (not more than four of whom shall be members of the majority party) to be appointed by the Speaker of the House of Representatives. The Committee shall select a chairman and a vice chairman from among its members. No recommendation shall be made by the Committee except upon a majority vote of the Members representing each House, taken separately.

SEC. 2. The committee shall make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying and expediting its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution. This study shall include, but shall not be limited to, the organization and operation of each House of Congress; the relationship between the two Houses; the relationships between the Congress and other branches of the Government; the employment and remuneration of officers and employees of the respective Houses and officers and employees of the committees and Members of Congress; the structure of, and the relationships between, the various standing, special, select, and conference committees of the Congress, the rules, parliamentary procedure, practices, and/or precedents of either House, the consideration of any matter on the floor of either House, and the consolidations and reorganization of committees and committee jurisdictions.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable.

(c) The expenses of the committee, which shall not exceed $———, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman.

(d) The committee shall report from time to time to the Senate and the House of Representatives the results of its study, together with its recommendations, the first report being made not later than 4 months after the committee is established. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the Committee on Rules of the House.

Mr. CLARK. I state for the RECORD that the Senator from Colorado [Mr. CARROLL] has already asked to be added as a cosponsor.

The six Members of the Senate and the two Members of the House, who are sponsoring this resolution, have issued a joint statement in support of the measure. I shall read it now, because under our ridiculous and obsolete rules, if I do not read it, it will appear in small type, whereas if I read it, it will appear in large type.

The statement reads:

"General procedural and organizational problems have not been considered by the Congress since the La Follette-Monroney Legislative Reorganization Act of 1946. That act, useful as it was, failed to accomplish many needed reforms. Some of the reforms it achieved have been undone.

"The volume and complexity of Federal legislation has increased enormously in the last 16 years. Science and technology have involved the Congress in subjects unheard of in 1946—or even in 1956."

For one matter, by way of interpolation, atomic energy; for another matter, the exploration of space.

"Two new States and 50 million additional persons are now represented in Washington. The responsibilities of the

Federal Government have grown substantially.

"Adjournment has come at progressively later dates in recent years. More and more serious legislative proposals have failed to receive consideration.

"It is increasingly evident to all serious students of Congress that the rules, procedures, and customs under which both Chambers now operate must be modernized. Until this happens, Congress will not be able to meet effectively its constitutional responsibilities.

"In our view, specific reforms will be urgently needed at the opening of the 88th Congress. A broad scale review and reform of our procedures is also overdue. These two efforts are complementary, not contradictory. We urge widespread public attention to the need for Congress to put its own Houses in order."

I see present in the Chamber my good friends the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. COOPER]. I invite their attention for a moment. I thank them for cosponsoring this resolution. The Senator from Minnesota [Mr. HUMPHREY] has already spoken in favor of it. I should be glad to have any comments from the Republican sponsors they may care to give at this time.

I yield to the Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Madam President, I thank the Senator from Pennsylvania. Ten years ago, when I was first appointed to the U.S. Senate by the then Governor Earl Warren, the first vote I cast was against the filibuster rule in the Senate. Not very many Senators stood up and said, "We do not want the filibuster to continue"—half a dozen on this side of the aisle, half a dozen or more on the other side of the aisle.

Over the years, Senators who have considered that rule to be a miserable, vicious anachronism have grown in number. Next year I prophesy that the filibuster will die in this Chamber.

Having said that, I am delighted to join my colleague the Senator from Pennsylvania, in his resolution which now brings as coauthors both Republican and Democratic Members of the Senate under his leadership, because the very vicious rule to which I referred, which has abused the labors of the Senate on too many occasions this year, is but one of the regrettable parliamentary procedures by which the Congress of the United States continues to operate on a horse-and-buggy basis.

I say to my friend that it is no idle gesture on the part of any of us to join in cosponsoring his resolution—perhaps I should say our resolution, because I want to play my part.

The American people will approve a housecleaning by which we in this body—and those in the House of Representatives as well—can shear away those procedures which prevent the will of the people from being expressed. I am delighted to be present in the Chamber as the Senator makes his comments today.

Mr. CLARK. I thank my friend for his strong support. As the Senator knows, he, as the minority whip, is the principal Republican cosponsor of this bipartisan move. I shall do my best during the next few days—and I am sure the Senator from California will do his best—to assure as large a number of cosponsors of the resolution as is possible, in order that the Senate as a whole and the country as a whole may know that we take seriously our responsibilities with respect to procedure.

Mr. KUCHEL. I thank my friend.

Mr. COOPER. Madam President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Kentucky.

Mr. COOPER. I am glad to join in sponsoring the resolution with the Senator from Pennsylvania [Mr. CLARK], the Senator from California [Mr. KUCHEL], the Senator from Minnesota [Mr. HUMPHREY], and other Senators.

When one has not served continuously in the Senate for a long period, a question always arises as to whether such a person is sufficiently acquainted with the processes of the Senate to suggest changes in rules.

As one who first served 15 years ago, as one who has seen the increase in the volume of the business of the Senate and the emergence of new issues, which were never previously dreamed of but are now of such critical importance, I believe it is fair to say that there is a desire on the part of all of us to have the work of the Senate made as effective as possible.

Since 1946 there has not been a study of the rules of the Senate, as well as of the House as the resolution contemplates. If the resolution were agreed to and if its purpose were carried out, I think we could have recommendations, and even changes which would be as important in our day as were the changes made under the La Follette-Monroney Act.

This year, for the first time during my service, it was interesting to see cloture applied. The distinguished Senator from Arizona [Mr. HAYDEN] is the only person who now serves in this Chamber who had any previous experience of the effect of the application of cloture.

The rule respecting cloture, is the one which generally attracts interest for great issues are involved. It is essential that legislative issues be open for full debate and examination; there is the interest of securing ultimately a decision by the Senate; and it is essential that the rule protect minorities, and also that it not be used to discriminate against minorities.

I have not favored a majority rule provision on cloture, but I have felt that the number of Senators who could invoke cloture should be reduced to three-fifths of the membership.

I observed for the first time this year, the effect of cloture on subsequent debate. It seemed to me that, after cloture was invoked, the limitation of 1 hour to a Member to debate and to explain an amendment was too short. Perhaps the time allowance could be adjusted in such a way that, although the total number of hours would remain the same, there could be an allocation of time which would insure effective explanation of amendments and debate once cloture was invoked.

I have given thought to another problem in connection with our debates. It would be a great thing if a rule of relevancy or germaneness were applied once a bill or a legislative proposal became the pending business of the Senate.

Mr. CLARK. I thoroughly agree with the Senator. I point out that if there were such a sensible rule I could not be making this speech now, because it is a nongermane speech.

Mr. COOPER. I understand. It seems to me that when a legislative proposal becomes the pending business of the Senate, the attention of the Senate should be addressed to the pending business, and the rule of relevancy should apply.

Mr. CLARK. Does not the Senator agree with me that ample opportunity could be given under a rule of relevancy for Senators to speak on nongermane matters at times when the Senate was in session but when the pending business was not before the Senate for discussion and passage?

Mr. COOPER. That is the point I am making. There would be ample opportunity for Senators to speak in the morning hour, or late at night, after the Senate determined it wished to stop debate on the pending business. There would be ample opportunity for the discussion of other subjects.

I think that a rule of germaneness would create greater interest and direct the full attention of the Senate to pending business.

It seems to me that certain changes could be made in Senate procedure even without the necessity of a formal change of a rule. For example, we know from experience that at the beginning of each session Senators must run from committee hearings to the Senate Chamber and then back to the committee rooms. The work of the committees is interrupted again and again; witnesses cannot make an orderly presentation, and the practice prevents full attendance on the Senate floor.

At the beginning of a session—in fact, for several months—the leadership on both sides of the aisle could agree that certain days of the week would be devoted wholly to committee work, and certain days would be devoted wholly to work in the Senate. Since the committee meetings would not be interrupted, thorough consideration could be given to the testimony presented by people who come to testify before the committees of the Senate—both representatives of the executive branch and private citizens.

Such procedure would enable Members to know that a legislative program could be carried on in the Senate on specific days, and that it demanded their full attention.

There is one other matter which I mention with some trepidation, yet I think action in this regard might be helpful. I think consideration should be given to the question of limiting written speeches. I think it is proper for a Senator who is in charge of a bill, a Senator who brings a bill before the Senate, to have the opportunity by means of a written speech to detail the facts. The bill is his prime responsibility. Perhaps the Senators who offered amendments could be permitted short written statements upon which they could elaborate. Perhaps Senators who were charged with the duty of leading opposition to a bill might be permitted the same practice. But I think it would be much better for debate if all, with the exceptions I have noted, were on the same level in the debate and written speeches eliminated or limited. I think that would provide livelier debate. It would put us all on the same level, the good speakers and the bad speakers. We would find out who are the good speakers and who are the bad speakers, and we might learn who really had studied the bill.

The suggestion regarding written speeches would require changes in the rules. But the allocation of time between Senate work and committee work in the early days of the session—at least the first 3 months—could be provided by agreement of the leadership.

I say these things because I believe that the greatest responsibility of a Member of the Senate is his legislative work—the interest, and the study, he can bring to bear upon matters which actually come before the Senate and which, today, affect the life of our country and bear upon the questions of war and peace.

I cannot, or will not give the time we should to our greatest responsibility as Senators, unless a better arrangement and allocation of time as between committees and meetings of the Senate is made. I believe the study proposed by the resolution is imperative.

Mr. CLARK. I thank my friend for his support of that resolution, of which he is the principal cosponsor.

I should like to call the attention of Senators to the strong support that was given earlier this month by the American Political Science Association to the kind of study which the resolution contemplates. On September 5, the first day of their annual meeting in Washington, the Association members of that well-known civic organization, composed of so many able students of government, urged the appointment of such a high-level commission to study the problem of the continuing conflict between the two branches of government, which is an inherent part of the proposed study of congressional procedures which has been introduced. I should like to call particular attention to the fact that James McGregor Burns, professor of political science at Williams College, and a biographer of President Kennedy, told the Association's business meeting that he strongly supported the need for legislative procedural reform, and that President Kennedy himself is concerned about it.

I should also like to call attention to a broadcast by Peter Clapper, substituting for Edward P. Morgan, on the American Broadcasting Co. broadcast on August 30, in which he pointed out that Congress was plodding on out of pace with the changing tempo, that legislative procedural reform was badly needed, that the Congress needs some more reorganizing to cope with its mushrooming workload.

I ask unanimous consent that excerpts from that broadcast may be printed in the RECORD at this point in my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> Times change. The Nation grows. The world becomes more complicated. Problems mount. But Congress plods on, out of pace with the changing tempo. Something's got to be done to speed up the actions of the National Legislature to make it more responsive to public need. Too many vital questions are going unresolved.
>
> It's been 16 years since Congress turned inward and made an effort to streamline itself. In 1946 the LaFollette-Monroney Legislative Reorganization Act was passed. Since then have emerged the cold war, the farm problem and the hydrogen bomb. We've added two States and millions of new citizens. Federal expenditures have soared, and Congress has been swamped.
>
> It's time Congress did some more reorganizing to cope with the mushrooming workload. But some schemes for modernizing Congress can be expected to run into a brick wall of congressional resistance. For instance, it's been suggested the House could save half an hour on every vote by voting electrically. Trouble is, the Congressmen need half an hour just to get to the floor from farflung Capitol Hill offices, committee rooms, and hideaways. And it's been suggested the Senate could save time by adopting the rule of relevancy in speeches on the Senate floor. In other words, Senators would have to keep to the point. Trouble is, that's just asking too much of Senators.
>
> There are, however, many other improvements more possible to achieve and more timesaving. All focus on the committees of Congress. Woodrow Wilson once said, "I know not how better to describe our form of government than by calling it a government by the chairmen of the standing committees of Congress." It still is. The real work of Congress is done in the committees, and the real time is wasted there. This year we've been handed two outstanding examples.
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> * * * * *
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> To ease the workload of committees, a number of suggestions have been made. All include closer cooperation between House and Senate. None is new, but the use of all could be expanded. First is the joint committee—Members from both Houses meeting together. Dr. George Galloway, of the Legislative Reference Service at the Library of Congress, has written that joint committees are timesavers, substituting a single hearing for two. He points out the joint committee helps keep the executive branch from playing the Senate off against the House. He adds that measures matured by joint action are unlikely to require much adjustment after passage by Senate and House. The jealousy of House and Senate to maintain independence from each other, however, has kept the idea of the joint committee from getting very far. An alternative is the joint hearing followed by separate Senate and House committee action. The joint hearing at least would save half the time members of the executive branch must spend testifying and would cut the cost of printing the testimony. Separate committee action then would preserve each body's prized sense of independence. The problem here, however, is in scheduling the hearing at a time convenient to both committees. That leaves the joint staff as a proven timesaver. A single staff of experts funneling legislation to two committees provides a coordinated approach which has been valuable already in such limited fields of taxation and atomic energy.
>
> Whether these specific devices are expanded, the key to modernizing Congress is in closer coordination between the House and Senate. Like a swimmer on a cold morning, Congress has sampled the icy but invigorating waters of joint action. Perhaps it will take an aroused public, though, to push Congress in.
>
> This is Pete Clapper saying good night from Washington.

Mr. CLARK. Madam President, I turn now to a series of suggestions which are mine alone, and for which the seven cosponsors bear no responsibility. These are suggestions in addition to the nine which I introduced earlier in the session, and to which I shall refer later.

My first additional suggestion is designed to require that all standing committees report, affirmatively or negatively, all legislative requests of the President of the United States submitted within a reasonable time prior to July 4 of each year, so that the Senate as a whole will have an opportunity to consider these proposals and the recommendations of the committee prior to adjournment.

As of July 4, 1962, 75, or 26.31 percent of the 285 legislative requests submitted by President Kennedy up to that time in the 87th Congress had received no action at all in either the House or the Senate.

Madam President, I send to the desk for appropriate reference a resolution intended to attack this problem.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 400) was referred to the Committee on Rules and Administration, as follows:

> *Resolved,* That it is the sense of the Senate that each standing committee of the Senate shall consider any legislative proposal of the executive branch of the Government referred to it within a reasonable time prior to July 4 of any year and report its recommendations for or against enactment to the Senate, so that the Senate as a whole will have an opportunity to consider the proposal and the recommendations of the Committee prior to adjournment of the session at which the recommendation was made.

Mr. CLARK. Madam President, it is true we do not have a parliamentary form of government in our country. Therefore the legislature is under no compulsion to consider or, indeed, to act upon legislative recommendations made by the coequal branch of our Federal Government—the executive. Yet as time marches on and the problems of the modern day become more complex, it is my strong view that the President, as our Chief Executive officer, and also as Commander in Chief of our Armed Forces, is entitled to have the merits of every proposal which he sends down to Congress in a timely season in each session at least made available for consideration by this body. Under this proposal, of course, committees could schedule consideration of the President's requests as they come from the White House. They might want to hold hearings. They might decide to recommend the proposal be rejected in its entirety. They might decide to modify it. But they would have to report it, with affirmative or negative recommendations, so that a vote on the merits of the proposal could be had in ample time before adjournment if the Senate desired. No longer would it be possible to pickle legislation on civil rights. No longer would it be possible to pickle proposed legislation on a host of other subjects which are of vital importance to the well-being and, indeed, to the safety of our Nation.

My second proposal would permit the Senate and the House Appropriations Committees to hold joint hearings on all appropriations bills, and then authorize each committee to initiate executive action on half the bills. It is abundantly clear to all that one reason why we are still here on the 24th day of September arguing about proposed legislation is that a hassle developed between the Appropriations Committees of the two Houses. That resulted in a delay by at least 2 months in the consideration by this body of appropriation bills. There is no provision in the Constitution which requires the House of Representatives to initiate appropriation bills. The provision in the Constitution deals only with revenue-raising bills, and not at all with appropriation bills.

Madam President, I am firmly of the belief that much time which is now wasted would be saved if joint hearings on all appropriation bills were conducted from the beginning of the session forward. Then the Senate should act first on half of those bills and the House should act first on the other half. That is one reform which alone might well save us between 30 to 60 days in the length of each session. In addition in my opinion, once the appropriation bills were reported to the floor, the committee members having acted on identical testimony, the bills would be far more in accord with the national interest than they are under the present cumbersome procedure.

Madam President, I send to the desk for appropriate referral a concurrent resolution carrying those suggestions into effect.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 94) was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That section 133 of the Legislative Reorganization Act of 1946 (relating to Committee Procedure) is amended by adding at the end thereof the following new subsection:

"(g) In each session of the Congress one-half of the bills making appropriations of the revenue for the support of the Government shall be introduced in the House of Representatives, and one-half of such bills shall be introduced in the Senate. The chairman of the Committees on Appropriations of the Senate and of the House of Representatives shall determine by agreement which of such bills shall be introduced in each House. No such bill shall be introduced in more than one House of the Congress. Hearings upon each such bill shall be conducted jointly by the Committees on Appropriations of the two Houses, or by subcommittees of those committees. A member of the Committee on Appropriations of the House in which any such bill was introduced shall preside at all joint hearings upon that bill."

Mr. CLARK. Madam President, my third suggestion would direct the members of each standing committee of the Senate to choose their chairman by secret ballot at the opening of each new Congress. Such action in effect would do away with the automatic rule of seniority for that post and would permit a majority of the members of a committee, whose ideological views were not in accord with those of a chairman, to replace the chairman with a member that a majority of the members of the committee felt was more in accord with prevailing views in the committee.

I send to the desk for appropriate referral a resolution which would amend the text of rule XXIV of the Standing Rules of the Senate to bring into effect the reform which I have just outlined.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 401) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the text of rule XXIV of the Standing Rules of the Senate is amended to read as follows:

"1. At the beginning of each Congress the Senate shall proceed by ballot to appoint the members of each standing committee, and unless otherwise ordered of each other committee of the Senate. All members of each such committee so appointed shall be appointed by one ballot. A plurality of the votes cast shall be required for the appointment of the members of each such committee.

"2. Upon the appointment of the members of each such committee pursuant to paragraph 1, the members thereof shall elect by secret ballot one member of that committee to be chairman thereof. A majority of the whole number of votes given shall be required for the election of a chairman of any such committee."

Mr. CLARK. Madam President, my fourth proposal would place a ceiling of 70 years of age on service as chairman of a standing committee. This would extend to the legislative branch the same rule which we have only recently enacted for chief judges of the U.S. district and appeal courts. This rule would not, of course, contemplate that a Senator would have to retire from service on the committee at age 70; it would merely provide that another would assume the added, heavy duties of chairing the committee.

So, Madam President, I send to the desk for appropriate referral an amendment to rule XXIV of the Standing Rules of the Senate intended to carry into effect the suggestion I have just made.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 402) was referred to the Committee on Rules and Administration, as follows:

Resolved, That rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. No Member of the Senate may serve as chairman of a standing committee of the Senate after he has attained the age of seventy years. When any such chairman attains the age of seventy years, his successor shall be appointed in the manner prescribed by paragraph 1."

Mr. CLARK. Madam President, my fifth suggestion has to do with the jurisdiction of the Committee on Finance. I do not believe anyone can read rule XXV of the Standing Rules of the Senate and see the extensive jurisdiction given to the Committee on Finance without wondering how in the world a committee which was set up originally to deal with revenue measures has through the years acquired jurisdiction over so many, largely unrelated measures. The inordinately heavy burden on the members of the Finance Committee this year in particular has dramatized the need for a fairer and more logical division of subjects between committees.

I suggest that jurisdiction over social security measures should clearly be vested in the Committee on Labor and Public Welfare. That committee is far better set up to deal with welfare matters. To be sure there are employee and employer taxes under social security, but they are not public revenue raising measures. Perhaps a question may arise as to whether the Finance Committee should not at some point take a look at a bill before it goes to the floor for final action. However, I suggest that the Committee on Finance is not the place where we should deal with social security legislation, whether it has to do with health care or medical care for the elderly under social security or any amendment to the Social Security System.

Similarly, it seems to me that matters related to reciprocal trade legislation, and those dealing with tariffs and quotas, are only incidentally related to matters dealt with by the Committee on Finance and are primarily matters of foreign policy.

My proposed rule would transfer such jurisdiction from the Finance Committee to the Committee on Foreign Relations.

In rule XXV there are several other matters which are presently assigned to the Finance Committee, which my proposal would undertake to shift to other committees.

Among them are the bonded debt of the Nation, which clearly should be the responsibility of the Committee on Banking and Currency. The same thing can be said of the deposit of public moneys, which I think should be a matter within the jurisdiction of the Committee on Banking and Currency.

I send to the desk for appropriate referral a resolution intended to carry these changes and others into effect.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 403) was referred to the Committee on Rules and Administration, as follows:

Resolved, That rule XXV of the Standing Rules of the Senate is amended in the following respects:

(a) Section 1(h) (relating to the jurisdiction of the Committee on Finance) is amended by striking the following listed subjects: "2. The bonded debt of the United States; 3. The deposit of public moneys; 5. Reciprocal trade agreements; 6. Transportation of dutiable goods; 8. Tariffs and import quotas, and matters related thereto; and 9.

National social security." and renumbering the remaining subjects:

(b) Section 1(d) (relating to the jurisdiction of the Committee on Banking and Currency) is amended by adding at the end thereof: "10. The bonded debt of the United States; 11. The deposit of moneys.";

(c) Section 1(i) (relating to the jurisdiction of the Committee on Foreign Relations) is amended by adding at the end thereof: "14. Reciprocal trade agreements; 15. Tariffs and import quotas, and matters related thereto";

(d) Section 1(j) (relating to the jurisdiction of the Committee on Interstate and Foreign Commerce) is amended by adding at the end thereof: "19. Transportation of dutiable goods"; and

(e) Section 1(e) (relating to the jurisdiction of the Committee on Labor and Public Welfare) is amended by adding at the end thereof: "20. National social security".

Mr. CLARK. Madam President, there are other matters with respect to which I have submitted no particular resolution, but which, it occurs to me, should be clearly gone into by the proposed joint committee, which the concurrent resolution offered earlier is intended to create.

I have just left a session of the Committee on Post Office and Civil Service, which deals with postal pay. I discovered what I perhaps should have known already, because I have served on that committee for several years; namely, that the salaries of legislative employees can be fixed to some extent by the Committee on Post Office and Civil Service, just as salaries can be fixed for the classified civil service and postal employees by the same committee, but the Appropriations Committee can and has established certain legislative employee pay ceilings.

We find also that the basic pay standards of our employees are divorced from reality. These basic pay rates bear no resemblance to what the actual salaries are. I do not know why the system came into being initially, unless it was established so that the country would not know that legislative employees were getting a much higher salary than they were shown to be receiving. Now, however, these salaries are published in an official document of Congress, and any possible or alleged need for survival of the archaic dual system seems to be completely gone.

I wonder, when we now handle many of these matters in the Appropriations Committee, why the Committee on Post Office and Civil Service still retains jurisdiction to determine these basic rates.

Mr. MONRONEY. Madam President, will the Senator yield?

Mr. CLARK. I yield.

Mr. MONRONEY. The reason why the basic pay scales are still in the present system is that during the war years price increases came so rapidly that, to meet the cost-of-living increase we merely added a percentage raise to the basic salary. The gross amount became a matter of great inflation. We did that particularly to make certain that the lower paid employees were properly compensated in conformity with the cost-of-living index. I agree with the Senator that the need for it no longer exists, but, as he knows, it was most difficult to try to get it all into one reorganization bill.

Mr. CLARK. I thank my friend for his lucid explanation. I commend him as one of the great authors of the Legislative Reorganization Act of 1946. I hope, after he has given the matter his careful attention, he will be willing to join as a cosponsor with several other Senators who have already cosponsored the concurrent resolution, to establish another Joint Committee on the Organization of the Congress.

Madam President, another matter which I believe the joint committee should look into—and I see on the floor of the Senate the Senator from Nebraska [Mr. CURTIS]—is the matter of the minority staffing. I do not believe we are doing the right thing in minority staffing in all committees. I know of no better way to see to it that justice is done to the minority in the matter of staffing of committees than to refer to the joint committee the matter of staffing, so that the joint committee may report an equitable arrangement in that connection.

Madam President, earlier this year I submitted other proposed changes in the Senate rules. They were referred to the Committee on Rules and Administration, where they met with something less than enthusiastic reception. In order that this picture may be complete, I merely wish to state for the record that they were, first, to authorize cloture of debate by majority action, or alternatively, to permit "moving the previous question" after reasonable debate.

Ours is the only civilized legislative body in the free world which does not have a procedure for terminating debate by moving the previous question. This device is the converse of a motion to table, which has come into greater and greater favor in our body in the last few years. In other words, it is now possible to cut off debate in a second by moving to table. I believe that a similar procedure should be made available to those who want action and not inaction with respect to legislation which they believe to be of such importance to the country that the Senate should be required to vote on it as a matter of record if a majority agrees to do so.

Secondly, one of my rule reforms would require a majority of the Senate conferees to agree with the prevailing viewpoint of the Senate on matters in dispute between the two Houses. Far too often the views of senior conferees on a bill who have been appointed by this body have not favored the floor action taken by the Senate, and they have not been in sympathy with such action. I have seen instances in which a proposal which the Senate had adopted by a yea-and-nay vote was discarded in minutes after the conferees had met, because a majority of the conferees had opposed the action which the Senate had taken in the first place. As I have said before, an attorney must believe in his client's case. If he does not, he should not take the case.

I hope that this reform will be adopted in the foreseeable future.

My third proposal was to authorize committees to meet during Senate sessions unless a majority of the Senate voted to prohibit it. There is hardly a Senator who has not been annoyed and frustrated by the action of a single Senator in preventing all committees from sitting and doing important work in the country's interest because that Senator objected to the granting of unanimous consent for committees to meet while the Senate was in session.

It has been urged that such objection has been made in order to have more Senators come to the Chamber and listen to the debate. But one does not have to be a Member of this body for any longer than the 6 years I have been a Senator to appreciate that such a desire is completely unrealistic. In my opinion, not one Senator will come to the floor and listen to debate merely because his committee has not been granted unanimous consent to sit while the Senate is in session. In my opinion, this is one of the most badly needed reforms of Senate procedure, if the business of this body is to be expedited and we are not to find ourselves every year still in session on the 24th of September, having been in session since the early days of January, and not being able to complete our business and go home before another 2 weeks.

My next suggestion was to require that Senate debate be germane to the pending measure after a majority of Senators had voted to invoke a rule of germaneness. As I stated earlier, I would not have the right to make the speech I am now making if such a salutary rule had been in effect.

My next suggestion was to authorize in addition to existing procedures a majority of the members of each standing committee to convene meetings, call up business, and terminate debate after reasonable discussion. Such modernization is needed to provide up-to-date modern rules for committee action. It would make it possible to act on proposed legislation before a committee and thus overcome the difficulty which is now confronted in certain committees when action is sought to be taken on bills which the President of the United States intensely desires to have passed.

My next suggestion was to limit speeches on the floor of the Senate to 3 hours for each Member. I point out that I have covered, with some degree of clarity, I hope, this rather complex, difficult problem in somewhat less than 1 hour. I suggest that it is almost always possible to complete a speech in less than 3 hours, and Senators almost always do so, except when the Senate is engaged in a filibuster and then the normal customs go out the window.

I should like to recall what Justice Holmes said when he was serving on the Supreme Judicial Court of Massachusetts:

> I apologize to my colleagues for speaking at such length; I have not had time to write a shorter opinion.

Such a statement is applicable to Senate speeches, as well.

My next suggestion for reform is to limit morning hour business. My suggestion would be to rewrite this rule so as to bring it into accord with reality.

Another suggestion was to permit Senators to insert written speeches in the Record in large type without having to read every word. I think this would abolish the present hypocrisy which permits many Senators, including myself, to read the first sentence of a long speech, to skip through it for 5 minutes, then to read the last sentence, and then rely on the good nature of the Official Reporters to make certain that the whole speech will appear in large type in the Congressional Record the next day.

Why go through that hypocrisy? Or if one is more straitlaced than I am, why should he stand here and drone on, hour after hour, while the Senate Chamber is empty, in order to insure that he complies with the rule, to make certain that the next day the speech will appear in the Record just as though the Senator had spoken to crowded galleries who were hanging onto his every word?

Earlier this year the Senate adopted a proposal of mine dealing with the procedure to be followed when a Senator was about to be rebuked for violating rule XIX, section 2, in debate. I am glad that that minor change has been made.

My final proposed change in the rules would dispense with the reading of the Journal unless a majority voted otherwise. We saw earlier this session how the Journal rule could be abused—in my opinion, abused; perhaps not in the opinion of other Senators—in connection with filibusters. In that particular instance, the filibuster did not prevail, but valuable time of the Senate was taken as the result of an absurd requirement of an outmoded, archaic procedure, the reading of the Journal, which Senators hardly ever listen to.

Mr. YARBOROUGH. Madam President, will the Senator from Pennsylvania yield for a question?

Mr. CLARK. I yield.

Mr. YARBOROUGH. Is it the Senator's theory that the space satellite bill should have passed?

Mr. CLARK. I voted for cloture. I did not feel happy about doing so, but I do not believe that the procedure which was followed helped us one whit. I do not believe the reading of the Journal helped the Senator from Texas and me one iota in calling the attention of the country to the many serious defects in the bill, with respect to which I am in accord with the Senator from Texas.

Madam President, I have concluded my proposals, having perhaps held the Senate too long. I hope many Senators will undertake to join the Senators from California [Mr. Kuchel and Mr. Engle], the Senator from Kentucky [Mr. Cooper], the Senator from Minnesota [Mr. Humphrey], the Senator from Colorado [Mr. Carroll], the Senator from Oregon [Mrs. Neuberger], and me in cosponsoring a resolution which would permit a modern-day Monroney and a modern-day LaFollette to do for the present practices of the Congress what those two eminent Members of Congress did with such great success in 1946.

I yield the floor.

INVESTMENT OF WAR-RISK INSURANCE FUND

Mr. BARTLETT. Madam President, I move that the Senate proceed to the consideration of Calendar No. 1537, S. 3244.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 3244) to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war-risk insurance fund in securities of, or guaranteed by, the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. BARTLETT. Madam President, so far as I know, there is no controversy at all with respect to the bill. It would merely authorize the Secretary of the Treasury, at the request of the Secretary of Commerce, to invest funds so that they might become interest-bearing in relationship to money accumulated in the war-risk insurance fund.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3244) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARTLETT. Madam President, I ask unanimous consent that the action by which the bill was passed be rescinded and that the Senate proceed to the consideration of Calendar No. 1865, H.R. 11728, an identical bill.

The PRESIDING OFFICER. Without objection, the action by which the Senate bill was passed is rescinded. The House bill will be stated by title.

The Legislative Clerk. A bill (H.R. 11728) to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war-risk insurance fund in securities of or guaranteed by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 11728) was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill S. 3244 is indefinitely postponed.

COMMITMENT OF CONSTRUCTION RESERVE FUNDS

Mr. BARTLETT. Madam President, I move the Senate proceed to the consideration of Calendar No. 1702, S. 3396.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 3396) to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. BARTLETT. Madam President, at issue is some $11 million of the available assets of the American-Hawaiian Steamship Co. which, under present law, must be committed for new ship construction by December 31, 1962, or subject to tax.

The company has made several efforts to invest in vessels for intercoastal operation. Originally they invited bids for 10 automated container ships, but the bid prices were exorbitant. In 1959 it asked mortgage insurance on four—later reduced to three—vessels of the same type, but the Martime Commission refused approval because another operator offered to use some existing vessels in the proposed service.

Then the Secretary of Commerce invited the company to reapply for the insurance on the three ships. The company did so, whereupon the Maritime Commission decided to hold public hearings, which will continue into the fall, and decision may not be reached in time for the company to commit its funds by December 31.

The committee has informal assurance of Maritime Commission and Department of Commerce approval of the bill. I know of no opposition to it.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3396) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 511(h) of the Merchant Marine Act, 1936, as amended, is amended to read as follows: "*Provided,* That until January 1, 1963, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1963."

Sec. 2. The amendment made by the first section of this Act shall take effect December 31, 1962, or on the date of enactment of this Act, whichever date first occurs.

REIMBURSEMENT OF CERTAIN VESSEL CONSTRUCTION EXPENSES

Mr. BARTLETT. Madam President, I move that the Senate proceed to the consideration of Calendar No. 177, Senate bill 1183.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1183) to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses, which had been reported from the Committee on Commerce, with an amendment, on page 1, after the enacting clause, to strike out—

That section 502 of the Merchant Marine Act, 1936 (46 U.S.C. 1152), is amended by striking out the fifth sentence in subsection (f) and inserting in lieu thereof the following: "In the event that a contract is made providing for a price in excess of the lowest responsible bid which otherwise would be accepted, (1) such excess shall be paid by the Federal Maritime Board as a part of the cost of national defense, (2) The Federal Maritime Board shall reimburse the applicant the amount, if any, by which expenses incurred by him for inspection and supervision of the vessel during construction and delivery of the vessel to its home port exceed the estimated expenses for the same services which would have been incurred if the vessel had been constructed by the lowest responsible bidder, and (3) such excess price and excess expenses shall not be considered as a part of the construction differential subsidy."

And, in lieu thereof, to insert:

That section 502(f) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(f)), is amended by inserting at the end thereof the following:

"If as a result of allocation under this subsection the applicant incurs expenses for inspection and supervision of the vessel during construction and for the delivery voyage of the vessel (which delivery voyage shall be deemed terminated when the vessel reaches its home port or a point on its subsidy route equally distant) in excess of the estimated expenses for the same services that he would have incurred if the vessel had been constructed by the lowest responsible bidder the Federal Maritime Board (with respect to construction under title V, except section 509) shall reimburse the applicant for such excess, less any gross income the applicant receives that is allocable to the delivery voyage minus the extra expenses incurred to produce such gross income, and such reimbursement shall not be considered part of the construction-differential subsidy. If the vessel is constructed under section 509 the Secretary of Commerce shall reduce the price of the vessel by such excess, less any gross income (minus the extra expenses incurred to produce such gross income) the applicant receives that is allocable to the delivery voyage. If as a result of such allocation the expenses the applicant incurs with respect to such services are less than the expenses he would have incurred for such services if the vessel had been constructed by the lowest responsible bidder the applicant shall pay to the Federal Maritime Board (with respect to construction under title V, except section 509) an amount to the Secretary of Commerce (with respect to construction under section 509) an amount equal to such reduction and such payment shall not be considered a reduction of the construction-differential subsidy."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(f) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(f)), is amended by inserting at the end thereof the following:

"If as a result of allocation under this subsection the applicant incurs expenses for inspection and supervision of the vessel during construction and for the delivery voyage of the vessel (which delivery voyage shall be deemed terminated when the vessel reaches its home port or a point on its subsidy route equally distant) in excess of the estimated expenses for the same services that he would have incurred if the vessel had been constructed by the lowest responsible bidder the Federal Maritime Board (with respect to construction under title V, except section 509) shall reimburse the applicant for such excess, less any gross income the applicant receives that is allocable to the delivery voyage minus the extra expenses incurred to produce such gross income, and such reimbursement shall not be considered part of the construction-differential subsidy. If the vessel is constructed under section 509 the Secretary of Commerce shall reduce the price of the vessel by such excess, less any gross income (minus the extra expenses incurred to produce such gross income) the applicant receives that is allocable to the delivery voyage. If as a result of such allocation the expenses the applicant incurs with respect to such services are less than the expenses he would have incurred for such services if the vessel had been constructed by the lowest responsible bidder the applicant shall pay to the Federal Maritime Board (with respect to construction under title V, except section 509) an amount to the Secretary of Commerce (with respect to construction under section 509) an amount equal to such reduction and such payment shall not be considered a reduction of the construction-differential subsidy."

SEC. 2. The amendment made by this Act shall be effective with respect to any contract entered into under the provisions of section 502 of the Merchant Marine Act, 1936, as amended, and the Federal Maritime Board shall, with the consent of the other parties thereto, modify any such contract entered into prior to the date of the enactment of this Act to the extent authorized by the amendment made by this Act.

The amendment was agreed to.

Mr. BARTLETT. Madam President, under section 502(f) of the Merchant Marine Act, 1936, as amended, the Federal Maritime Board or Administrator may allot contracts for construction of vessels to other than the lowest bidder, if it is determined to be necessary to "remedy an existing inadequacy" in shipyard capabilities at a strategic point. The excess cost resulting from such allocation shall be paid as a part of the cost of national defense, the statute provides.

However, the statute has been interpreted as covering only the actual contract for construction of the vessel. Other additional costs to the vessel owners, thus not covered, include inspection and delivery of the vessel. In the case of the four vessels switched from the low-bid Atlantic coast yards to Pacific coast yards, the entailed extra costs to the operators on the east coast are estimated at $160,000 to $175,000 per vessel.

S. 1183 would provide for reimbursement of the net costs on such contracts entered into hitherto, and in the future. The Commerce Department reported no objection to covering such additional costs in the future, but opposed the retroactive feature of the bill. Also, the Commerce report argued, the Government should be given the benefit of any savings resulting to an operator from such allocation. Although almost meaningless, such an amendment has been incorporated in the bill.

However, the subcommittee is of the view that all extra costs incident to such allocations of contracts are solely in the interest of national security, and that none of them should be saddled upon the operators involved.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. LAUSCHE. Madam President, the bill should not be passed; it is a bad bill. It would give away $700,000 of the money of the taxpayers without justification; and I shall proceed to demonstrate that fact.

Under existing law the operating ship companies are not entitled to one penny from our Government. The bill contemplates retroactivity back to 1958; and if the bill is enacted, its provisions will be made to apply to contracts executed in 1958. Two companies will be the beneficiaries—each in the sum of $350,000. These companies want to obtain certain subsidies from the Federal Government in connection with the construction of ships. The subsidies amount to 50 percent of the cost of the ships. With regard to those four ships our Government provided, by way of subsidy, $20 million. Two of the applicant companies came to the Federal Government and said, "We want to build certain ships to sail the high seas, and we want aid under the Federal law." They made their applications, and the applications were granted; and the companies became—by force of existing law—beneficiaries of a subsidy equal to the difference between the cost of building the ships in the United States and the cost of building them abroad. When I say they were subsidized in an amount equal to 50 percent, and that the amount was fixed at $20 million, those figures are not entirely accurate, but they are substantially correct.

The department of the Government which is familiar with this problem objects to enactment of this bill. It submitted its report in which it specifically pointed to the weakness and the impropriety of making the bill retroactive.

The bill states on its face that it was introduced "by request." I thought it was by request of the Government. But I find it was by the request of the two operating ship companies which would be the beneficiaries of the bill. Frankly, Madam President, I do not like the habit of marking on a bill "introduced by request," whereby one is led to believe that it was by request of one of the departments of the Government, although the fact was that it was by request of a person who would be benefited richly by the bill.

Madam President, let us consider how this claim arose. First of all, I ask unanimous consent to have printed at this point in the RECORD a letter which I wrote on June 2, 1961, to Hon. Walter C. Ford, vice admiral (retired), Deputy Maritime Administrator, asking him five questions about this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 2, 1961.

Hon. WALTER C. FORD,
Vice Admiral, Retired, Deputy Maritime Administrator, Maritime Commission, Washington, D.C.

DEAR ADMIRAL FORD: With respect to the above captioned bill, I would like to have you furnish me with answers to the following questions:

1. What was the name of the low-bidder company and the amount of their bid for the construction of each of the vessels that precipitated the introduction of S. 1183?

2. After it was decided not to give the contracts to the low bidder, did you have to increase the payment made for the ships built on the east coast and, if so, by what amount?

3. When the carrier companies that are now asking for reimbursement of expenses incurred in bringing the ships from the west to the east coast asked for authority to have these ships built was there any commitment made to them that the Maritime Commission or the Administrator would

support them in their request before the Congress to obtain reimbursement of the expenses incurred?

4. Were these aforementioned carrier companies cognizant of the fact that at the time their applications were approved that these additional expenses would be an incident of the awarding of the contracts under section 502(f) of the Merchant Marine Act of 1936?

5. Did either the Maritime Commission or the Administrator initiate the movement for the introduction and promulgation of S. 1183? If not, when did the Commission and Administrator first learn of the movement to seek reimbursement?

In your testimony you stated: "We are opposed, however, to any retroactive amendment with respect to these costs. Our contract with American President Lines cannot now be changed without their consent. In view of this, we do not think it is equitable that the contracts with the other two operators should now be changed to the detriment of the Government."

With respect to the aforementioned statement, will you explain how making the bill retroactive would affect the American President Lines inasmuch as its home office is located on the west coast and the contract for its vessels was awarded to the Bethlehem Steel Co. in San Francisco and, therefore, no additional costs to the American President Lines were involved?

Sincerely yours,

Frank J. Lausche.

Mr. LAUSCHE. Madam President, I also ask unanimous consent to have printed at this point in the Record the reply of the Maritime Administrator, dated June 8; my letter, of June 12, addressed to the Maritime Administrator; and his answer, dated June 16.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Department of Commerce,
Maritime Administration,
Washington, D.C., June 8, 1961.

Hon. Frank J. Lausche,
U.S. Senate, Washington, D.C.

Dear Senator Lausche: This is in reply to your request of June 2, 1961, for information with respect to S. 1183. Your questions and our replies thereto are listed below:

"(1) What was the name of the low-bidder company and the amount of their bid for the construction of each of the vessels that precipitated the introduction of S. 1183?"

The low bidder on the two ships for American Export lines which were allocated to National Steel & Shipbuilding Corp. at San Diego was New York Shipbuilding Co. There were four ships to be built for American Export Lines at that time. The bids of New York Shipbuilding Co. were as follows: For one ship, $12,366,756; for two ships, $11,410,983, each; for three ships, $10,998,217, each; for four ships, $10,843,005, each.

Of the four ships to be built for American Export Lines at that time, two were awarded to New York Shipbuilding Co., the low bidder; and two were allocated to National Steel & Shipbuilding Corp. at San Diego.

The low bidder on the two ships for Moore-McCormack Lines which were allocated to Todd Shipyards at San Pedro was Sun Shipbuilding Co. There were four ships to be built from Moore-McCormack Lines at that time. The bids of Sun Shipbuilding Co. were as follows: For one ship, $11,512,394; for two ships, $10,711,738, each; for three ships, $10,444,638, each; for four ships, $10,327,748, each.

Of the four ships to be built for Moore-McCormack Lines at that time, two were awarded to Sun Shipbuilding Co., the low bidder; and two were allocated to Todd Shipyards at San Pedro.

"(2) After it was decided not to give the contracts to the low bidder, did you have to increase the payment made for the ships built on the east coast and, if so, by what amount?".

The increased cost per ship of building the ships on the east coast that were built there was the difference in the low bid per ship on a two-ship basis and the low bid per ship on a four-ship basis. With respect to the two ships for American Export Lines that were built on the east coast this is $11,410,983 — $10,843,005 = $567,978 per ship. With respect to the two ships for Moore-McCormack Lines that were built on the east coast this is $10,711,738 — $10,327,748 = $383,990 per ship.

"(3) When the carrier companies that are now asking for reimbursement of expenses incurred in bringing the ships from the west to the east coast asked for authority to have these ships built was there any commitment made to them that the Maritime Commission or the Administrator would support them in their request before the Congress to obtain reimbursement of the expenses incurred?"

The records of the Federal Maritime Board and Maritime Administrator have been examined. On February 12, 1958, the Federal Maritime Board and the Maritime Administrator approved a maximum engineering allowance eligible for subsidy for both American Export Lines and Moore-McCormack Lines. This approval was based on the engineering costs of constructing four ships in one yard and also based on constructing two ships in two yards for each of the aforementioned operators. The records do not indicate that either American Export Lines or Moore-McCormack Lines had presented their views in writing on the additional allocation costs which would result in building each group of ships in two yards or delivering the ships from the west coast. There are staff recollections however that costs were informally discussed and that the Board had indicated a willingness to permit the operators to pick up cargo in the west coast to assist in covering the cost of delivering the ship to its home port. It was the further recollection that the Federal Maritime Board and Maritime Administrator offered to undertake a larger share of the inspection and engineering work in the second yard in order to reduce the additional costs to the owner. Actually, both owners maintained a normal inspection and engineering staff in these yards. The record appears clear that there would be additional costs involved under allocation, but there is no indication that the Federal Maritime Board or the Maritime Administrator had committed themselves other than to assist the operators by means then available to the Board and the Administrator.

"(4) Were these aforementioned carrier companies cognizant of the fact that at the time their applications were approved that these additional expenses would be an incident of the awarding of the contracts under section 502(f) of the Merchant Marine Act of 1963?"

See the answer to "(3)" above.

"(5) Did either the Maritime Commission or the Administrator initiate the movement for the introduction and promulgation of S. 1183? If not, when did the Commission and Administrator first learn of the movement to seek reimbursement?"

The answer is no. We first learned of the movement to obtain reimbursement shortly before the bill, S. 1183, was introduced. We do not have the exact date.

You quote our testimony before the Senate Commerce Committee as follows:

"We are opposed, however, to any retroactive amendment with respect to these costs. Our contract with American President Lines cannot now be changed without their consent. In view of this, we do not think it is equitable that the contracts with the other two operators should now be changed to the detriment of the Government."

We stated earlier in our statement that allocation can be either beneficial or detrimental to an operator, with respect to inspection and delivery costs, depending on the location of the yard of the lowest responsible bidder, the location of the yard to which the allocation is made, and the location of the home port of the operator. We also stated that we would have no objection to a prospective amendment that would require the Government to pay these additional costs resulting from allocation if the amendment also gave the Goverment the benefit of any savings in these costs resulting from allocation. Allocation was beneficial to American President Lines, but there would be grave doubt as to the constitutionality of an amendment that would retroactively require them to pay these savings to the United States. Since the United States cannot retroactively obtain the savings when savings resulted, we do not think it should be required retroactively to pay the additional costs when additional costs resulted.

Sincerely yours,

Thos. E. Stakem,
Maritime Administrator.

June 12, 1961.

Hon. Thomas E. Stakem,
Maritime Administrator, U.S. Department of Commerce, Maritime Administration, Washington, D.C.

Dear Mr. Stakem: With further reference to my letter of June 2 and your answer of June 8 regarding certain aspects of S. 1183, will you give me the answers to the following questions?

In my letter of June 2, I asked as set forth in question No. 4, the following:

"(4) Were these aforementioned carrier companies cognizant of the fact that at the time their applications were approved that these additional expenses would be an incident of the awarding of the contracts under section 502(f) of the Merchant Marine Act of 1936?"

You answered that question by stating: "See the answer to '(3)' above."

The answer to question (3) justifies fully the inference that when the application for authority to build the ships was filed and granted, the applicants thoroughly understood that with respect to the ships to be built on the west coast for operators on the east coast additional expenses would result to the applicants if the contracts were awarded to the west coast builders; and that these applicants—in the face of that knowledge—nevertheless pressed their applications.

Is this aforementioned inference and conclusion correct?

I again direct your attention to the retroactive provisions with respect to inspection and delivery costs. Again I quote your testimony before the Senate Commerce Committee as follows:

"We are opposed, however, to any retroactive amendment with respect to these costs. Our contract with American President Lines cannot now be changed without their consent. In view of this, we do not think it is equitable that the contracts with the other two operators should now be changed to the detriment of the Government."

You clearly point out that whenever under the Merchant Marine Act of 1936, under section 502(f), a contract is awarded to a nonlow bidder such an award can be "either beneficial or detrimental to an operator, with respect to inspection and delivery costs, depending on the location of the yard of the lowest responsible bidder, the location of the yard to which the allocation is made, and the location of the home port of the operator"; that you would have no objection to a prospective amendment to the present law that would require the Government to pay these additional costs resulting from allocation if the amendment also gave the Government the benefit of any savings in these costs resulting from allocation.

I now come to the questions I want answered on this subject.

In your letter you state: "Allocation was beneficial to American President Lines, but there would be grave doubt as to the constitutionality of an amendment that would retroactively require American President Lines to pay these savings to the United States."

1. Inasmuch as this entire transaction from its retroactive standpoint involves four ships to be built for American Export Lines, and four for the Moore-McCormack Lines, how does the American President Lines enter the transaction?

At no place in your letter do I see the American President Lines connected with the transaction of building eight ships, except in the mention that you make of it in answer to my question No. 5 in my letter of June 2.

2. Will you explain by illustration, taking the American President Lines, how the allocation to the nonlow bidder was beneficial to that company with respect to inspection and delivery costs?

I deeply appreciate your sincere willingness to be of help to me in my efforts to elicit information on S. 1183.

Sincerely yours,

FRANK J. LAUSCHE.

U.S. DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,
Washington, D.C., June 15, 1961.

Hon. FRANK J. LAUSCHE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAUSCHE: This is in reply to your request of June 12, 1961, for further information with respect to S. 1183.

The answer that we gave to your question No. 4 in your letter of June 2, 1961, justifies the inference that at the time the applications by Moore-McCormack Lines and American Export Lines for construction-differential subsidy received their final approval by the Board, the applicants knew that additional inspection and delivery costs to them would be involved in allocation under section 502(f). The applicants, however, were at that time bound by their operating-differential subsidy contracts to build these ships, and at the time these operating-differential contracts were entered into no determination had been made with regard to allocation.

With respect to your questions relating to our objection to retroactivity, six ships have thus far been allocated under section 502(f): two for American Export Lines, two for Moore-McCormack Lines, and two for American President Lines. With respect to inspection and delivery costs, this allocation was beneficial to American President Lines, and detrimental to American Export Lines and Moore-McCormack Lines.

The low bidder on the American President Lines ships was Puget Sound Bridge & Dredging Co. of Seattle, Wash. However, Puget Sound defaulted and had the contract then been awarded under the Merchant Marine Act, 1936, without allocation on the basis of the remaining bids, it would have gone to Todd Shipyards at Los Angeles. The ships were allocated to Bethlehem Steel Co. at San Francisco. The home port of American President Lines is at San Francisco. This allocation was beneficial to American President Lines, therefore, in that delivery costs from Los Angeles to San Francisco were avoided, inspectors travel costs were avoided, as well as effecting other administrative economies.

I hope this information will be of assistance to you.

Sincerely yours,

THOS. E. STAKEM,
Maritime Administrator.

Mr. WILLIAMS of Delaware. Madam President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Ohio in expressing opposition to the bill. I understand that, in addition, the Department of Commerce expresses strong opposition to the bill, on the ground that it would provide retroactive payments to a company, without any justification whatever. The contract was awarded in line with the existing law, and I see no reason why the bill should be enacted.

So I join the Senator from Ohio in taking the position that the bill is unjustified.

Mr. LAUSCHE. I appreciate very much the position taken by the Senator from Delaware. I am glad he concurs with my views.

When the bill was under consideration I gave it considerable time. The letters which I just included in the RECORD contain probably 12 questions which I put to the Maritime Administrator, in an effort to ascertain why we are going to give $700,000 away. I repeat—it is a giveaway. There is no justification whatever in law for it. The bill was not requested by the administration. The bill was requested by the shipbuilding companies that are to be the beneficiaries.

Mr. WILLIAMS of Delaware. If the Senator will yield further, I agree that it has been said that this is a private claim bill, but it cannot be a private claim bill, because there is no claim against the U.S. Government, or any basis for a claim. I agree that it is an outright gift to those companies with no basis whatever.

Mr. LAUSCHE. Where is it labeled as a private relief bill? If it is so labeled, I would like to know.

Mr. WILLIAMS of Delaware. It has not been labeled so officially, but, unofficially, it has been referred to as such. Officially it is not referred to as a private bill. The bill would not come under the category of a private bill, because there is no basis for any claim. Under existing law, there is no basis under which the beneficiaries could file a claim, for they would have no right to make such a claim.

Mr. LAUSCHE. It is, correctly, a private relief bill, or what is called a private bill, but it is not so identified in the bill.

Mr. WILLIAMS of Delaware. That is correct, but in the general discussion I have heard it referred to as a private bill—but not officially at all.

Mr. LAUSCHE. But, Madam President, it is a private relief bill. It contemplates giving $700,000 to people who have asked for it, but the bill is not so identified. If a citizen were to read the record concerning the bill, he might think the bill was sponsored by the Government. If it is a private relief bill, let us approach it in that way; but if it is not, we ought to understand it.

At times we operate peculiarly in the U.S. Senate. In connection with the project which gave rise to the building of the ships and this bill, two situations exist, one in which it is claimed that the two shipbuilding companies that are to be beneficiaries were harmed in the amount of $700,000 because the contracts for the building of the ships were sent to the coast 3,000 miles away from their base of operations. In the same project, contracts went not to the low bidder, but to the coast where the ship operator was situated. He saved $175,000. Under this bill the ones who are allegedly harmed are to be paid by the Government; the ship company that was benefited will keep the benefit and not reimburse the Government.

Senators may want to know how this transaction arose. Two ship operators asked for subsidies. They knew what the law was. The application was granted. My recollection is that their base of operations was on the west coast. The low bidder was on the opposite coast. The Government did not award the contract to the low bidder, but awarded it, by allocation, to the higher bidder, and that higher bidder was across the land, 2,900 miles away. It is claimed by these two companies that in building the ships, they had to send their engineers from their home base across the land to where the ships were being built and thereafter they had to bring the ships along the coast, through the Panama Canal, and back home.

Those are the facts. When they made application for this money, they knew what the law contained.

They agreed that if they would get the subsidy they would abide by the law. But, after the ships have been built, they now come forth with the idea that they ought to be reimbursed by this amount of money.

I now read the letter of the Under Secretary of Commerce to the chairman of the Committee on Commerce, the Senator from Washington [Mr. MAGNUSON]:

> DEAR MR. CHAIRMAN: This letter is in reply to your request of March 3, 1961, for the views of this Department with respect to S. 1183, a bill to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses.

I point out that the law has been in effect since 1936. The ship operators knew it. They promised to abide by it, but now they ask that it be changed.

I continue to read from the letter:

> Section 502(b) provides that the construction-differential subsidy may equal, but not exceed, "the excess of the bid of the shipbuilder constructing the proposed vessel" (less the cost of national defense features, which shall be paid by the United States) over the fair and reasonable estimate of the "cost of the construction of the proposed vessel" (less the cost of national defense features) in a representative foreign shipyard.

Section 502(b) means that our Government will pay to a shipbuilding company the difference between the cost of building a ship in the United States with U.S. labor and the cost of building it in a foreign country with foreign labor; but in no event, at the time these applications are granted, should the differential exceed 50 percent of the cost of the ship.

Now we come to section 502(f), and I read from the letter:

> Section 502(f) of the Merchant Marine Act, 1936 (a) authorizes the Federal Maritime Board (under title V) and the Secretary of Commerce (under title VII) to allocate ship construction, reconstruction, and reconditioning if certain findings are made with respect to mobilization requirements and (b) provides that the excess of the contract price, under the allocated contract, over the lowest responsible bid shall be paid as a national defense cost.

I continue to read from the letter by the Under Secretary of Commerce:

> The bill would amend this subsection to provide that the vessel owner shall be reimbursed by the Government for the excess of expenses he incurs for inspection and supervision during construction of the vessel and for delivery of the vessel to its home port over the expenses for these items that he would have incurred if the lowest responsible bid had been accepted. The bill would apply retroactively to all contracts that have been allocated under section 502(f).

I observe from the report that the bill would apply retroactively to all contracts allocated under section 502(f). Is it not a fact that section 502(f) has been in existence for 26 years?

Mr. BARTLETT. For more than 20 years.

Mr. LAUSCHE. How many ships have been allocated under section 502 (f)?

Mr. BARTLETT. Only the four under consideration in the bill.

Mr. LAUSCHE. Am I correct in saying that the cost would be $700,000?

Mr. BARTLETT. I think not. I think there is a rather serious error in that figure. My addition would make it $530,000, but some of that total would have to be deducted. There is an amount, unknown to me at the moment, as a consequence of freight hauled by one of the vessels from the west coast to the home port on the east coast. I do not know how much that was, but a profit was involved.

The figure would be somewhat less than $530,000 as a total, rather than $700,000.

Mr. LAUSCHE. In the report it is stated:

> In the case of the two American Export Lines vessels, and the two Moore-McCormack Lines vessels, allocated under the provisions of section 502(f) to shipyards on the Pacific coast, the excess costs for inspection and supervision, plus costs of delivery to the east coast, including transportation of the crew across country and tolls paid for transit of the Panama Canal, are estimated at $160,000 to $175,000 per vessel.

The Senator from Alaska says that from that sum there must be deducted the earnings which might have been made as the ship was moved from one coast to the other.

Mr. BARTLETT. I am told that one of the four vessels did carry freight. That is correct, in reference to the one ship.

My figures, taken from page 7 of the report, reflect a cost of about $270,000 in respect to the American Export Line vessels, for those two ships, and about $260,000 for Moore-McCormack or a total of $530,000 instead of $700,000.

Mr. LAUSCHE. Whatever sum it may be, either $530,000 or $700,000, neither of the companies is entitled to the money under existing law.

Mr. BARTLETT. Neither of the companies is entitled to this money under existing law.

As a member of the committee which conducted hearings in regard to the bill, I was in the forefront of those who wanted to see to it that a retroactive feature was added, for reasons I shall be glad to state, either now or later.

Mr. LAUSCHE. Very well. The report made by the Under Secretary of Commerce further states:

> The Department is opposed to the retroactive feature of the bill, but has no objection to the prospective feature if the bill is amended to give the Government the benefit of any savings with respect to these costs that come to an operator from allocation.

Mr. BARTLETT. It was.

Mr. LAUSCHE. Would the bill now give to the Government the benefits which would go in certain instances to the ship operating company, because the contract was allocated to a port close to its base?

Mr. BARTLETT. Close to its base, or distant from its base?

Mr. LAUSCHE. Let us assume that the contract should have been awarded to the east coast, where the low bidder was situated, but instead of being awarded to the east coast it was allocated to the west coast, close to the base of the owner. There he would have the benefit of not being obliged to send his engineers and his workers to the east coast, but instead could keep them at home.

Mr. BARTLETT. I do not quite understand the purport of the Senator's question in that connection.

Mr. LAUSCHE. In instance A the operator would be harmed, and in instance B he would be benefited.

Mr. BARTLETT. I respond to the Senator's question by saying that it would not matter whether the ship were constructed at a point close to the home port or distant from the home port, because this factor would be taken care of, so far as the interests of the Government were concerned, by added language in the bill, which the Senator will find starting on line 4 of page 3. The language is:

> If as a result of such allocation the expenses the applicant incurs with respect to such services are less than the expenses he would have incurred for such services if the vessel had been constructed by the lowest responsible bidder the applicant shall pay to the Federal Maritime Board (with respect to construction under title V, except section 509) an amount to the Secretary of Commerce (with respect to construction under section 509) an amount equal to such reduction and such payment shall not be considered a reduction of the construction-differential subsidy.

Mr. LAUSCHE. The language reads:

> If as a result of such allocation the expenses the applicant incurs with respect to such services are less than the expenses he would have incurred for such services if the vessel had been constructed by the lowest responsible bidder the applicant shall pay to the Federal Maritime Board—

The difference.

As of what date would this provision become effective?

Mr. BARTLETT. It would become effective when the act became effective.

Mr. LAUSCHE. The section is to be retroactive?

Mr. BARTLETT. No. It is not to be retroactive.

Mr. LAUSCHE. The section is not to be retroactive?

Mr. BARTLETT. The section is not to be retroactive.

Mr. LAUSCHE. Why should one section for benefits for the ship operating companies be made retroactive, when the other section, which would benefit the Government, is not to be made retroactive? If the Senator can answer that question satisfactorily, I will vote for the bill. The shipowner has a contract with the Government. Neither the shipowner nor the Government can violate that contract without violating the law.

That is the very point I wish to make. Those who are asking for the $550,000 have a contract with the Government. They bound themselves to comply with that contract. By law and morality they ought to comply with it. But someone has conceived the idea of disregarding the contract. It is proposed to give $550,000 of the taxpayers' money to those two companies.

Mr. BARTLETT. Certainly someone had the idea, or that language would not be in the bill. I know I subscribe to it. I do so for several reasons.

First, both of these companies over a period of many years have had long-standing construction subsidy contracts with the Federal Government. My information is that the allocation law did not become effective until 1955. The contracts between the Government and those two lines already were effective. The lines have nothing to say about where the ships should be built. Both are east coast firms. They did not want the ships to be built on the west coast. They would rather have had the ships constructed at a yard close to their home port.

These companies are not the beneficiaries of the construction subsidy. It is an elemental part of our merchant marine policy that the subsidy is not granted for the benefit of shipowners or operators, but for the benefit of the shipyards, so that shipyards may be maintained for national defense and related purposes.

Moore-McCormack and American Export Lines were not benefited by the construction subsidy. They did not want to have the ships built clear across the continent. But what happened is that Government, through the power conferred upon it by the Congress in 1955, in effect, said "It does not matter where you want these ships to be built. You think that for national defense purposes they must be built on the west coast, so the yards there may be kept in operation. If these four ships are not constructed there, the yards will not have enough work and they may have to close."

Undoubtedly against the desires of the companies involved, the operators had to subject themselves to all the bother, trouble, and nuisance of having their ships built on the west coast. That involved supervision, travel, and inspection costs. Then, as the Senator has pointed out, the ships had to be brought from the yard on the west coast at which they were built clear through the Panama Canal to the home port. That travel was not beneficial to either American Export or Moore-McCormack. On the contrary, it was a hindrance to them. They were slowed. Undoubtedly they would rather have had the ships constructed closer to home. But for national defense purposes, it was required that the ships be constructed on the west coast.

From the beginning I endorsed that proposal in the bill. I do not know who originated it. I know that I have introduced bills by request that were not offered by the Government.

I do not know who originated the proposed legislation, and I do not care. But I say that if it is good policy to give a company which has no option in the matter the actual reimbursement for its added cost when its ship or ships must be built far from home, it is fair that such extra costs be reimbursed because the allocation was made for national purposes and not for private enterprise purposes. If the proposed action is the right thing to do, as I believe it to be, why should not the two companies involved have a similar right to be compensated for the added expense to which they were put for the four vessels?

I do not believe that the proposal is a giveaway. I think it represents equity and justice.

Mr. LAUSCHE. Madam President, first, I cannot agree with the Senator from Alaska that these operating ship companies have not been the beneficiaries of the subsidy. The money is paid to the shipbuilding company, but the beneficiary is the ship operating company.

Mr. BARTLETT. The shipyards; yes.

Mr. LAUSCHE. I should like to illustrate the point. The ships about which we have been speaking cost about $11 million apiece. Instead of paying $11 million, the operator of the ship would pay 50 percent of the $11 million.

Mr. BARTLETT. The Senator is correct.

Mr. LAUSCHE. The Government would pay 50 percent of the $11 million, but the Government would not pay it to the shipbuilding company.

Mr. BARTLETT. The Senator is correct.

Mr. LAUSCHE. So the beneficiary is not the shipbuilding company. It is the ship operating company that pays only $5,500,000 for a ship that costs $11 million.

Mr. BARTLETT. I respectfully disagree with my friend. The reason I do so is that the ship operating company could have gone abroad and had the vessel constructed in some foreign country. Let us assume that the price of the ship in the United States was $10 million. The same ship built abroad would have cost $5 million, or some figure close to that one.

Mr. LAUSCHE. I agree with that statement.

Mr. BARTLETT. Let us say there is a differential of exactly 50 percent. The ship operator could have used his own $5 million to build the ship abroad, and the U.S. Government would not have had to pay out a cent. But the Government did. The Government paid $5 million of a total cost of $10 million, so that we could have a shipbuilding industry. But when the shipowner gets that vessel for operating purposes, he does not have a vessel worth $10 million. He has a vessel worth $5 million on the world market, and not a penny more. Everything else is for defense and related purposes, and the operator does not benefit.

Mr. LAUSCHE. The fact is that when the application was made, all who were interested became participants in it and knew what the terms of the allocation were.

Mr. BARTLETT. No.

Mr. LAUSCHE. I wish to get back to the following proposition for a moment. The Senator has said that it is equitable to reimburse these companies for their additional costs.

Mr. BARTLETT. At least it is fair.

Mr. LAUSCHE. Let us assume that it is equitable. Would it not also be equitable to reimburse the Government when the Government has been financially harmed because of the allocation?

Mr. BARTLETT. Who would reimburse the Government? The Government is the overall umpire in the situation. The Government, through action of the Congress in 1955, has stepped in and determined that there shall be an allocation, whether or not those engaged in the free enterprise system of shipbuilding like it or not. So ships that ordinarily would be constructed at Newport News would be constructed at some point on the west coast. By that means the shipbuilding industry would be maintained there. Why should the Government be reimbursed? The Government has determined such to be the law of the land.

Mr. LAUSCHE. I now read from the letter of the Under Secretary of Commerce. It reads:

> The Department is opposed to the retroactive feature of the bill, but has no objection to the prospective feature if the bill is amended to give the Government the benefit of any savings with respect to these costs that come to an operator from allocation.

I take it that the Secretary of Commerce is impartial and objective in this matter.

Mr. BARTLETT. Yes; but somewhat confused, I believe.

Mr. LAUSCHE. I want to see the Government dealt with on the same basis that these companies will be dealt with. The pending bill does not achieve that objective.

Mr. BARTLETT. I believe it does.

Mr. LAUSCHE. We are in disagreement on that point .

Mr. BARTLETT. Yes; I dislike to be in disagreement with my friend, because I always like to be in agreement with him. What I cannot understand, in all honesty, is why the Department of Commerce states that it is all right for the future but it is not all right for the past, when the circumstances are identical. My information is that these two companies were all written up in the contract procedure for the construction differential subsidy long before the allocation became effective.

Mr. LAUSCHE. The letter will answer the question of the Senator from Alaska, if he will permit me to continue to read from it:

> Contracts for the construction of six ships have thus far been allocated under section 502(f).

A moment ago I understood there were only four ships. The letter states there were six ships.

Mr. BARTLETT. I believe there were four. I will try to respond to that point a little later.

Mr. LAUSCHE. The letter states that six ships are involved.

Mr. BARTLETT. There are six. I am sorry for giving the wrong impression.

Mr. LAUSCHE. I continue to read:

> Two of these ships were for American President Lines and were allocated to Bethlehem Steel Co. at San Francisco. Since San Francisco is the home port of American President Lines, no additional costs to American President Lines for inspection and delivery were involved in this allocation.
>
> Two of the ships were for American Export Lines and were allocated to the National Steel & Shipbuilding Corp. at San Diego. The invitation for bids involved four ships for American Export Lines, but only two ships were allocated. The lowest responsible bidder was New York Shipbuilding Co. The home port of American Export Lines is New York City. This allocation required American Export Lines to maintain two separate inspection staffs. We estimate that the additional inspection cost to American Export Lines caused by the allocation of the two ships is approximately $150,000 and that the additional delivery costs is approximately $120,000, making a total additional cost for the two ships of approximately $270,000.
>
> The other two ships that were allocated were for Moore-McCormack Lines. These ships were allocated to Todd Shipyards at San Pedro. The invitation for bids again involved four ships, of which only two were allocated. The lowest responsible bidder was Sun Shipbuilding Co., and the allocation required Moore-McCormack Lines to maintain two separate inspection staffs. Moore-McCormack Lines' home port is New York City. We estimate that the additional inspection costs to Moore-McCormack Lines caused by the allocation is approximately $140,000 and that the increased delivery cost is approximately $120,000, making a total increased cost for the two ships of approximately $260,000.
>
> With respect to vessel delivery and inspection costs, allocation under section 502(f) can be either beneficial or detrimental to the operator, depending on the location of the yard of the lowest responsible bidder, the yard to which allocation is made, and the home port of the operator. Allocation was, with respect to these costs, beneficial to American President Lines, and detrimental to American Export Lines and Moore-McCormack Lines.

If I may summarize that paragraph, one company benefited by the allocation, and two of them suffered. It is my understanding of the bill that the company that benefited will be allowed to keep its benefits, and not pay the benefits to the Government; whereas the companies that were harmed will be reimbursed for the harm they suffered.

Mr. BARTLETT. I am not familiar with the precise situation to which the Senator has alluded.

Mr. LAUSCHE. The point I am trying to make is that under the pending bill we will pay to the company that suffered, but we will not collect from the company that benefited by the allocation. So we have two yardsticks in measuring rights. When the Government is concerned, the yardstick is short. When the shipbuilding companies are involved, the yardstick is long. In that formula of justice I do not concur.

I read further from the letter:

> If the act is to be amended to require the Government to pay whatever additional costs of inspection and delivery an operator incurs from allocation, it should also be amended to give the Government the benefit of whatever savings in these costs result to an operator from allocation.

That is the point I am trying to make. If the bill were made equally operative upon the Government and the companies, I would be willing to vote for it. The letter continues:

> Although the amounts involved are not large in relation to the total project, we would have no objection if the law were amended to provide this arrangement for future contracts.
>
> We are opposed, however, to any retroactive amendment with respect to these costs. Our contract with American President Lines cannot now be changed without their consent. In view of this, we do not think it is equitable that the contracts with the other two operators should now be changed to the detriment of the Government.

Madam President, to me this whole issue is very clear. We are giving these companies $550,000 to which they are not entitled. If they are entitled to it, the Government is entitled to collect from the American President Lines approximately $130,000 for each ship on which they were benefited by having the contract allocated to a shipbuilder near their home base, and not to the shipbuilder who was the lowest bidder.

Mr. BARTLETT. How did they benefit?

Mr. LAUSCHE. They benefited because if the contract had been awarded to the low bidder on the east coast, it would have had to send its inspectors to the east coast. The contract not having been awarded there, it had its inspectors at the home base.

Mr. BARTLETT. I certainly will not guarantee that my information is correct, but I am advised that it was not an east coast yard which made the low bid. Instead, it was the Puget Sound Bridge & Drydock Co. that submitted the low bid on the American President Lines vessels. The Puget Sound Bridge & Drydock Co. obviously is a west coast company. Subsequently, that company discovered it had made a mistake, and it paid the Government $250,000 for the privilege of withdrawing its bid.

Thereafter, bids were negotiated by the Secretary of Commerce for the construction of the vessels in another west coast yard. Thus the situation which the Senator from Ohio describes actually did not exist.

Mr. LAUSCHE. If that is the position of the Senator from Alaska, why not amend the language on page 3 and make it retroactive, just as we have made retroactive the language that benefits the company. A moment ago, it was stated that both these provisions are not retroactive. If both provisions are made retroactive, I will support the bill.

Mr. BARTLETT. I thoroughly agree with the Senator. Let us protect the Government as well as help the private companies which are entitled to assistance.

Mr. LAUSCHE. That is agreeable. Let us see if we cannot agree upon satisfactory language.

Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House further insisted upon its disagreement to the amendments of the Senate numbered 7, 8, and 119 to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Thomas, Mr. Yates, Mr. Cannon, Mr. Ostertag, and Mr. Taber were appointed managers on the part of the House at the further conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1037) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, and it was signed by the President pro tempore.

REMOVAL OF CERTAIN LIMITATIONS WITH RESPECT TO WAR RISK INSURANCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1285, Senate bill 2829.

The **PRESIDING OFFICER** (Mr. Jordan of North Carolina in the chair). Is there objection? Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 2829) to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title.

REVISION OF BOUNDARIES OF VIRGIN ISLANDS NATIONAL PARK, ST. JOHN, V.I.

Mr. ANDERSON. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to Senate bill 2429 to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes.

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the bill (S. 2429) to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes, which were, on page 6, strike out lines 12 and 13, inclusive, and insert "lands, waters, and interests therein by purchase, exchange, or donation or with donated funds."; on page 6, line 16, strike out "by residents of the Virgin Islands," and on page 7, strike out lines 1 through 3, inclusive, and insert:

> SEC. 4. There are hereby authorized to be appropriated such sums, but not more than $1,250,000, as are necessary to acquire lands pursuant to section 2 of this Act.

Mr. ANDERSON. Mr. President, S. 2429 passed the Senate on June 29, 1962, in amended form. The House has further amended the bill by placing a limitation of $1,250,000 on the sums that may be authorized to acquire inholdings within the Virgin Islands National Park pursuant to section 2 of the bill. This amount appears to be adequate when added to the amount of funds donated for that purpose.

The second major change made by the House was to delete from section 2 authority for the Secretary of the Interior to acquire inholdings through condemnation action. The Senate had included that specific provision because it is a common and necessary feature of legislation of this character. A good deal of misunderstanding has arisen about the condemnation feature; and it has been deemed wise to pass the bill without it, although I am sure that if sufficient time remained in this session to hold a conference on S. 2429, some provision to fill the void left by the deletion of condemnation authority would be recommended. In earlier bills, those establishing Cape Cod and Point Reyes parks, we have been able to provide protection for the inholders as well as the United States; and it may be that a similar device will fill the gap created by the deletion of the condemnation in the present bill. I believe it is incumbent on the Park Service and the Department of the Interior to submit to the Congress, early in 1963, proposed legislation to amend section 2 of S. 2429 in such fashion that the lands within the Virgin Islands National Park which cannot be obtained through donation, exchange, or purchase at a fair and reasonable price may be acquired by other means.

Mr. President, with that explanation, I move that the Senate concur in the amendments of the House to S. 2429.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

REMOVAL OF CERTAIN LIMITATIONS WITH RESPECT TO WAR RISK INSURANCE

The Senate resumed the consideration of the bill (S. 2829) to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. LAUSCHE. Mr. President, I wish to ask some questions about the bill. I understand that it is opposed by the administration.

Mr. BARTLETT. That is true. It was the judgment of the committee that the bill should be reported and passed, the objections of the administration notwithstanding.

Mr. LAUSCHE. Mr. President, I understand that the bill contemplates changing existing law.

The following general statement on the bill has been prepared by the staff of the Commerce Committee:

> Under present law, owners of vessels built with construction subsidy may secure war risk insurance coverage for such vessels only at their depreciated value. S. 2829 would permit coverage up to fair domestic market value as determined by the Secretary of Commerce. This would place vessels built with construction subsidy on the same basis as American and foreign-flag vessels built without construction subsidy, and with subsidized vessels purchased under the Ship Sales Act of 1946.
>
> At the present time, the Maritime Administration requires operators of subsidy constructed vessels to carry commercial insurance equal approximately to the vessels' fair domestic market value. The SS *America*, for instance, could be covered under war risk insurance for only its residual value, $450,000, even though Maritime requires it to be insured commercially now for $8,600,000.

I should like to read the statement by Donald W. Alexander, Maritime Administrator, on behalf of the Maritime Administration and the Department of Commerce. The statement discloses why the Department is opposed to the bill, and reads as follows:

> Title XII of the Merchant Marine Act, 1936, authorizes the Secretary of Commerce to furnish war-risk insurance on American-flag ships, and certain foreign-flag ships, whenever such insurance cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. Commercial war-risk insurance policies now in effect contain automatic termination clauses which cause such insurance to terminate upon the outbreak of war (whether there is a declaration of war or not) between any of the following countries: United States of America, United Kingdom (or any other member of the British Commonwealth), France, the Union of Soviet Socialist Republics, and the Peoples Republic of China. These automatic termination clauses also exclude from the coverage of the commercial policies any loss, damage, or expense arising out of any prior hostile act by any of the foregoing countries which within 90 days of its happening results in the outbreak of such a war.
>
> The Maritime Administration, under delegation of authority from the Secretary of Commerce, has made the statutory finding that upon such termination of commercial coverage commercial war-risk insurance is not available. We have issued binders which will place Government war-risk insurance in effect upon termination of the commercial coverage.
>
> Section 1209(a)(2) of the 1936 act limits the amount of Government war-risk hull insurance that may be issued with respect to any vessel. With respect to a vessel that has not been built with the aid of construction subsidy, this amount is the just compensation that would be payable if the vessel had been requisitioned for title under section 902(a) of the act. This is equivalent to the current domestic market value of the vessel.
>
> With respect to a vessel that has been built with the aid of construction differential subsidy, section 1209(a)(2) provides one limit on the amount for which it can be insured for the period prior to the time that it is requisitioned for use; and a different limit on the amount for which it can be insured for the period after it is requisitioned for use. The first limit (for the period prior to requisitioning for use) is the current domestic market value of the vessel reduced by the proportion that the construction subsidy paid bears to the entire cost of the vessel. The second limit (for the period after requisitioning for use) is the amount that would be paid if the vessel were requisitioned for title under section 902 and valued under section 802 of the act. This latter amount is the current domestic market value of the vessel but not exceeding the depreciated acquisition cost of the vessel to the original private owner, or scrap value, whichever is greater.

Now we come to what the bill would do:

> The bill would amend section 1209(a)(2) by striking out the provisos that provide for different valuations on construction subsidy ships than on other ships. We understand that the intention is to provide that the stated valuation of construction subsidy ships shall be their current domestic market value. We are opposed to this change in the law. We think, however, for the reasons hereinafter stated, that the law with respect to the stated valuation of construction subsidy ships for the period prior to their requisition for use should be amended to provide that such valuation shall not be less than the amount that would be payable if the vessel had been requisitioned for title under section 902 and valued under section 802 of the act.

I wish to ask the Senator from Alaska a question at this point. Has the recommendation made by the Maritime Administration which I have just read been carried into effect in the bill?

Mr. BARTLETT. No.

Mr. LAUSCHE. That amendment is not in the bill.

Mr. BARTLETT. That is my recollection.

Mr. LAUSCHE. Very well.

I continue to read:

> The existing law is that for the period after the vessel has been requisitioned for use, its stated valuation shall be the amount that would be payable under section 802 if the vessel had been requisitioned for title. Since at any time that a vessel is requisitioned for use, it could be requisitioned for title, we see no reason why the United States should pay more if a vessel that is requisitioned for use is lost through a war risk than we would have paid if the vessel had been requisitioned for title. We think the owners are not equitably entitled to the entire current domestic market value as the stated valuation for the period prior to or after requisition for use in view of the Government's contribution to the capital costs of constructing the vessel. The increased premium would be a cost of operating the ship after it is requisitioned for use and would thus ultimately be paid by the United States in its charter hire.
>
> Even if the bill were amended to provide that, as a condition to providing this increased insurance, the owner must agree that the increased premium cost would not be passed on to the Government, the United States could not be sure that it would be made whole with respect to premiums collected and losses paid. Whether it would in fact be made whole would depend on a number of factors, one of which is the duration of the war, i.e., that any large initial loss might be recouped through continuing premium collections which are not absorbed by continuing losses. Section 1202(b) of the act provides that any insurance issued under the act "shall be based, insofar as practicable, upon consideration of the risk involved."

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1963—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, if the Senator will yield, I ask unanimous consent that the business under discussion be laid aside for the time being.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The Senator from Georgia [Mr. RUSSELL] has a request to make.

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 12648—making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 18, 1962, pp. 19708–19710, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12648, which was read as follows:

> IN THE HOUSE OF REPRESENTATIVES, U.S.,
> *September 19, 1962.*
>
> *Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 4, 25, and 40 to the bill (H.R.

12648) entitled "An Act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes", and concur therein;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment, as follows: In lieu of the word "may" insert the word "shall";

Resolved, That the House insist upon its disagreement to the amendments of the Senate numbered 1, 2, 6, 19, 44, 47, 48, 49, 50, 51, 52, 53, and 54 to aforesaid bill.

Mr. RUSSELL. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 38 to the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. RUSSELL. Mr. President, a number of amendments to the bill are in disagreement. Before we conclude I intend to move that the Senate insist on all of them and ask for a further conference. I wish to point out to Members of the Senate that the principal amendments in disagreement are amendments 2 and 6, which have to do with research items in the bill.

Mr. President, I ask unanimous consent that amendments 2 and 6 may be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I desire to have a yea-and-nay vote on those amendments, but I now move that the Senate insist on the other amendments in disagreement, numbered 1, 19, 44, 47, 48, 49, 50, 51, 52, 53, and 54.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. RUSSELL. Mr. President, Senators will recall that the committee recommended an increase of $25 million to accelerate utilization research and development. In the conference meetings the conferees representing the other body insisted that the present level of utilization research of $18,800,000 was adequate. They insisted that additional results could be obtained by the same personnel through shifts in research projects. They were also opposed to the expansion of research facilities to conduct an accelerated utilization research program.

The general tenor of their opposition was to oppose, and not agree to, any of the Senate amendments providing for construction of any research facilities of any character or to conduct any particular phase of the work.

In the statements and notes sent to both the Senate and House conferees the Secretary of Agriculture made the following statement:

> The Department recognizes the potential of utilization research for developing new food, feed, and industrial uses for farm products. An expansion of this research as recommended by the Senate could be used effectively to promote the welfare of the farmer and the consumer and to reduce the burden of agricultural surpluses.
>
> The Department would use the increase in three areas: (1) To provide additional facilities for this research; (2) to completely staff existing facilities; and (3) to expand utilization research and development through the use of cooperative agreements, contracts, and by initiating a program of grants for research.
>
> The current utilization research laboratories can accommodate only about a 10-percent expansion in personnel. Additional facilities and specialized equipment would be needed to carry out a greatly expanded research program. The present laboratory and pilot plant facilities could be essentially doubled. In the first year a part of these facilities would be provided.

Mr. President, there is a great need for adequate agricultural research in the field of utilization and new uses, because agricultural research and utilization research in particular, is lagging far behind research and development investigations in other program activities. To illustrate the relative situation which obtains, I shall cite a few facts and figures.

The 1963 budget document lists the estimated expenditures for fiscal year 1963 for research and development by major program classifications as follows:

For the Department of Defense, for military programs, $7,148 million.

For research by the National Aeronautics and Space Administration $2,400 million.

For the Atomic Energy Commission, the research and development cost set forth in the budget is $1,408 million.

For the Department of Health, Education, and Welfare the Congress had appropriated $680 million for research and development.

Since this tabulation was issued, the 1963 appropriation bill has been acted upon. The budget requested new obligational authority of $780.4 million. The House bill provided $840.8 million, the Senate recommended $900.8 million, and the conference report provided $880.8 million—an increase of $215.5 million over 1962 for this Department.

For the Department of Agriculture, including forestry research as well as payments to the State experiment stations, the sum of $171 million is involved.

For the National Science Foundation the figure is $164 million.

For all other agencies the sum is $395 million.

These expenditures for research and development add up to $12,365 million. The share of agricultural research and development, amounting to $171 million, is only 1.4 percent of the total of the $12,365 million.

The item for utilization research as it passed the other body constituted only three-tenths of one percent of the $5.5 billion in the Agriculture Department appropriation bill alone. If we were to break it down mathematically, as against the total amount for research by the Government of $12,365 million, there would be a string of zeroes from here to the door before we ever got to the infinitesimal part that agricultural utilization research costs the Federal taxpayers.

After there was a reduction in the total appropriation of $700 million, there was an increase of $25 million as provided by an amendment for utilization research in the bill that passed the Senate—and that is, the bill involved in the conference report now before the Senate. This amount is less than 1 percent of the total appropriation.

In the fiscal year 1961, the State experiment stations spent a total of $152 million for research, of which less than $7 million could be classified as utilization research. I ask Senators to bear in mind that more than three-fourths the money spent by the State experiment stations was appropriated by the several States and was not derived from Federal funds.

The State experiment stations concentrate principally upon research investigations upon farm crops and products, and the marketing of these products. It is very evident—and experience through the years demonstrates—that any acceleration of the utilization research program must be undertaken by the Federal Government and financed by Federal appropriations.

Mr. President, when we bear in mind the fact that we have spent in the past 10 years some $26.2 billion in an attempt to deal with the question of farm surpluses, it should be abundantly evident to any impartial and objective person that the $25 million to develop new uses for agricultural crops and products and to avoid the enormous sums we are paying for storage, handling and transportation of these commodities is a very minute increase in expenditures. It can justify itself many times over if by unlocking the door and revealing new information with respect to only one commodity and a new use to which that commodity might be put.

We had printed a supplement to the Senate hearings which clearly demonstrates the worth and accomplishments stemming from the very modest current program.

The Department reports that during the past 5 years the value of agricultural commodities has been enhanced $1¾ billion as a result of the very modest program of about $18 million a year for utilization research.

We have been advised by the Department that the Department proposes to use the $25 million provided by the Senate amendment as follows:

First, $17.5 million would be used to initiate construction of research facilities needed to carry out the accelerated program.

Second, contract research to qualified research firms would be stepped up rapidly from the current rate of $750,000 to an estimated $3 million annually.

Third, full use would be made of existing laboratory capacities by accelerating the research investigations therein by $4.5 million annually. In subsequent years the increased level of funds would be used to further accelerate research investigations as the construction requirements decrease.

Senate amendment No. 2 also carries the construction items for research facilities. The committee separated these into two items in the 1961 bill. This year we combined them again as they were heretofore carried, and as is noted in amendment No. 6.

The committee of the other body denied a budgeted item for soil and water conservation research which is carried in Senate amendment No. 2. As I indicated when the Senate was debating the bill, the Senate conferees would yield on the proposed addition to the laboratory at East Lansing, Mich., requested to accelerate research on avian leukosis in poultry. This facility could be provided under amendment No. 2, through the use of funds earmarked for the Ames, Iowa, laboratory, and within the total amount allowed in the Senate amendment.

Amendment No. 2 also carries other construction items for soil and water conservation research and other needed research facilities.

The Senate committee endeavored to be prudent in dealing with these requests for research facilities. The total figures, which I stated earlier, show the very modest amount used for research by the Department of Agriculture compared with amounts used by other departments, which indicates that we were prudent to the point of frugality in providing for needed agricultural research facilities in this country. We allowed less than 25 percent of the funds that were requested with respect to other research items and for which witnesses testified, and in which Senators indicated a great interest.

The Senate conferees are the servants of the Senate. They serve as their agents in conferring with the Representatives of the other body. I hope Senators will carefully consider the vote, which I will ask to be a yea-and-nay vote, in order that we may consider the action of the Senate as our instruction. If Senators wish to insist upon its amendment providing for a $25 million appropriation for utilization research and the other items carried in the motion, they will vote "Yea."

If the motion to insist on the amendment is rejected, I shall then move that the Senate recede on the utilization items related to the $25 million appropriation, and then we can return to conference on the other smaller items contained in the amendment.

Personally, if I have ever seen an illustration of a "penny wise and pound foolish" course, it is to deny adequate facilities for research to find new uses for the staggering surpluses of agriculture stored throughout our land for which we are paying $1.5 billion a year in storage, transportation, and related costs alone.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. Mr. President, before the Senator makes his motion, I wish to state that I am wholeheartedly in accord with what the distinguished chairman of the committee has advocated. I hope that the Senate, in no uncertain terms, will uphold the hand of the chairman of the committee, because he represents our point of view and deserves our support.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIRKSEN. I think the distinguished Senator from Georgia has made a very impressive case, particularly in his comparison of funds available for agriculture research as distinguished from research in other fields. The amount devoted to agriculture research is an almost infinitesimal amount. Yet if we are ever to find a solution to the problem, it must be in further research to reduce costs, to reduce the storage problem, and to find new uses for farm products. We have developed one of the most productive plants that have been created at any time anywhere in the world. So the position of the chairman of the subcommittee ought to be sustained in the conference.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the distinguished Senator from North Dakota, who is the ranking minority member of the committee.

Mr. YOUNG of North Dakota. I support the position taken by the distinguished chairman of the Senate Agriculture Appropriations Subcommittee. We have been wrestling with farm surpluses for many years. Several times in the past the Senate has provided a greatly increased utilization research fund. Approximately 3 or 4 years ago the Senate established a special research committee composed of some of the best research people in the United States, both in the Department of Agriculture and in private industry, to look into the need for more utilization research. They came forth with a report which would indicate that untold new uses could be found for agricultural surpluses.

This is one of the better answers to our farm surplus problem. As the Senator has pointed out, we appropriate billions of dollars for research into almost very other phase of endeavor in our country. But when it comes to agriculture, it is almost impossible to obtain the necessary funds for research, not only for utilization but for other types of research.

The Senator knows there is a modest sum provided in the bill for nutrition. I believe the amount was $20,000. It would have permitted the making of plans over a 3-year period for the construction of some nutrition laboratories. This was disapproved in conference.

Research into nutrition is almost as important as research into heart disease, cancer, and other diseases.

That item was denied. We have had a continuing battle to obtain even meager funds for research from the House committee.

I can see no other course that the Senate can follow than to disapprove the conference report and insist on those research items.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays on the question of agreeing to the motion to further insist on Senate amendments Nos. 2 and 6.

The yeas and nays were ordered.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield.

Mr. KUCHEL. What the distinguished Senator from Georgia [Mr. Russell] has said is precisely correct. The Senate will follow his leadership completely. I come from a State which has a peculiar interest in the possibilities of research development with respect to agriculture as we know it in my State. But the problem is not a parochial one. The problem is national in scope. The Senator from Georgia [Mr. Russell], the Senator from North Dakota [Mr. Young], and others have conducted the battle year in and year out. They have led the way with respect to research in the important field of agriculture. I hope that the position of the Senator from Georgia will be sustained by the Senate, and I hope that his position may be vindicated in the public interest in the next few days.

Mr. RUSSELL. I thank the Senator.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from South Carolina.

Mr. JOHNSTON. I join Senators who have been saying that the proposed research is needed.

Senators will recall that only a few years ago I and several other Senators, including the Senator from North Dakota [Mr. Young] and the Senator from Nebraska [Mr. Curtis] were sponsors of a similar measure, which was passed by the Senate, which would provide for an extension into the field of agricultural research. We would spend millions of dollars in order to try to find more uses for agricultural commodities.

As I recall, the Senate voted unanimously for the provision. At this time I think the Senate would do the right thing in following our leader, the chairman of the subcommittee, the Senator from Georgia [Mr. Russell] in asking for the proposed research. We should do so now, and not put it off any longer.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia to further insist on Senate amendments Nos. 2 and 6. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Pennsylvania [Mr. Clark], the Senator from Illinois [Mr. Douglas], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Rhode Island [Mr. Pell], the Senator from Virginia [Mr. Robertson], the Senator from Florida [Mr. Smathers], and the Senator from Massachusetts [Mr. Smith] are absent on official business.

I further announce that the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from West Virginia [Mr. Randolph] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Illinois [Mr. Douglas], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Wyoming [Mr. Hickey], the Senator from Rhode Island [Mr. Pell], the Senator from West Virginia [Mr. Randolph], the Senator from Virginia [Mr. Robertson], the Senator from Florida [Mr. Smathers], and the Senator from Massachusetts [Mr. Smith] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] is absent on official business as a U.S. representative to the General Assembly of the United Nations.

The Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from New Hampshire [Mr. Cotton and Mr. Murphy], the Senator from New York [Mr. Javits], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from New York [Mr. Javits], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], and the Senator from Pennsylvania [Mr. Scott] would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 278 Leg.]

YEAS—77

Aiken
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Carroll
Case
Chavez
Cooper
Curtis
Dirksen
Dodd
Ellender
Engle
Ervin
Fong
Goldwater
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Prouty
Proxmire
Russell
Saltonstall
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—23

Allott
Bottum
Capehart
Church
Clark
Cotton
Douglas
Eastland
Fulbright
Gore
Gruening
Hartke
Hickey
Javits
Miller
Morton
Murphy
Pell
Randolph
Robertson
Scott
Smathers
Smith, Mass.

So Mr. Russell's motion that the Senate further insist on Senate amendments Nos. 2 and 6 was agreed to.

Mr. RUSSELL. Mr. President, I move that the Senate request a further conference with the House on the items in disagreement between the two bodies, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Russell, Mr. Hayden, Mr. Ellender, Mr. Young of North Dakota, and Mr. Mundt conferees on the part of the Senate at the further conference.

REMOVAL OF CERTAIN LIMITATIONS WITH RESPECT TO WAR RISK INSURANCE

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of Calendar No. 1285, S. 2829, and that it be made the pending business.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 2829) to amend title XII of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain bills on the calendar to which there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The first bill is Calendar No. 2067, H.R. 12907.

DR. MEHMET VECIHI KALAYCIOGLU

The Senate proceeded to consider the bill (H.R. 12907) for the relief of Dr. Mehmet Vecihi Kalaycioglu which had been reported from the Committee on the Judiciary, with amendments, on page 2, after line 5, to insert a new section, as follows:

Sec. 3. For the purposes of the Immigration and Nationality Act, Antonio Gutierrez Fernandez and Sheu Chwan Shaiou shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act for the relief of Doctor Mehmet Vecihi Kalaycioglu, Antonio Gutierrez Fernandez, and Sheu Chwan Shaiou."

AMENDMENT OF DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947 AND THE DISTRICT OF COLUMBIA BUSINESS CORPORATION ACT

The Senate proceeded to consider the bill (H.R. 8074) to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations which had been reported from the Committee on District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That section 2(b) of title III of the District of Columbia Income and Franchise Tax Act of 1947, as amended (D.C. Code 47–1557a(b)), is amended by adding at the end thereof the following new paragraph:

"(17) a. Foreign Corporations.—Income derived by a foreign corporation authorized to invest in loans secured by real estate, which does not maintain any office or employee in the District of Columbia and whose activities in the District of Columbia are limited exclusively to one or more of the following:

"(1) the acquisiton of loans (including the negotiation thereof) secured by mortgages or deeds of trust on real property situated in the District of Columbia pursuant to commitment agreements or arrangements made prior to or following the organization or creation of such loans;

"(2) the physical inspection and appraisal of property in the District of Columbia as security for mortgages or deeds of trust;

"(3) the ownership, modification, renewal, extension, transfer, or foreclosure of such loans, or the acceptance of substitute additional obligors thereon;

"(4) the making, collecting, and servicing of such loans through a District of Columbia concern engaged in the business of servicing real estate loans for investors;

"(5) maintaining or defending any action or suit or any administrative or arbitration proceeding arising as a result of such loans;

"(6) the acquisition of title to property which is the security for such a loan in the event of default on such loan;

"(7) for a period not exceeding ninety days following acquisition, the operation, maintenance or rental of real property which was security for the corporation's loan and which was acquired by it under foreclosure, sale or agreement in lieu thereof if, during such ninety-day period, such corporation is actively engaged in the liquidation of its investment and if such liquidation is accomplished by or before the end of such ninety-day period.

"b. A foreign corporation claiming an exclusion from gross income pursuant to this paragraph shall file with the Commissioners a statement of the income which it claims is excludable, a statement of its activities within the District, and such other information and in such form as the Commissioners may prescribe. In the absence of such a statement the exclusion provided by this paragraph shall not apply.

"c. No exclusion of gross income under this paragraph shall be allowed to a foreign corporation unless all of the income claimed to be excludable is, nevertheless, subject to tax and is reported to and is taxed by either the State or other jurisdiction in which such corporation is incorporated, or the State or other jurisdiction in which such corporation has its principal places of business. A report of the amount of tax paid, together with such other information relative thereto as the Commissioners may require, shall be made to the Commissioners as a condition for an exclusion.

"d. No foreign corporation shall be entitled under this paragraph to an exclusion from gross income unless the laws of each State or jurisdiction (other than the District) in which such foreign corporation is engaged in investing in loans secured by real estate provide to similar corporations incorporated under the laws of the District of Columbia substantially the same benefits as are afforded to foreign corporations by this paragraph."

Sec. 2. Section 99 of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-933) is amended by adding at the end thereof the following new subsections:

"(c) No foreign corporation whose only income earned within the District of Columbia is excludable from gross income under paragraph 17 of section 2(b) of title III of the District of Columbia Income and Franchise Tax Act of 1947, as amended (D.C. Code, 47-1557a(b)), shall be subject to the provisions of this Act.

"(d) Nothing in subsection (c) of this section shall be construed as affecting the amenability of any foreign corporation to the service of any process, notice, or demand to which such corporation would be amenable without reference to the provisions of such subsection (c).

"(e)(1) Any foreign corporation exempt under subsection (c) of this section shall be deemed to have waived any immunity to service of process and suit in the courts of the District of Columbia. Any such foreign corporation shall appoint and maintain in the District of Columbia an agent for service of process, and shall register with the Commissioners of the District of Columbia the address of its principal office and the name and address of its agent for service of process in the District of Columbia, including any changes in such addresses.

"(2) Whenever any such foreign corporation does not have an agent for service of process or such agent cannot be found with reasonable diligence at his registered address, then the Commissioners of the District of Columbia shall be the agent for service of process for such corporation. Service of process on the Commissioners shall be made by delivery to, and leaving with them, or with any person having charge of their office duplicate copies of the process. In the event of such service the Commissioners shall immediately cause one of such copies to be forwarded by registered or certified mail, addressed to such foreign corporation at its principal office as it appears on the records of the Commissioners. Any such service shall be returnable in not less than 30 days, unless the rules of the court issuing such process prescribe another period, in which case such prescribed period shall govern.

"(3) Nothing contained in this subsection shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served on a foreign corporation in any other manner now or hereafter permitted by law.

"(4) Any foreign corporation which fails to comply with the requirements of paragraph (1) of this subsection shall be guilty of a misdemeanor and shall be fined not more than $500.

"(5) The Commissioners of the District of Columbia are authorized to make such rules and regulations as may be necessary to carry out the purpose of this subsection."

SEC. 3. The amendment made by the first section of this Act shall take effect with respect to taxable years beginning on and after December 31, 1962.

The amendments were agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2106), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The twofold purpose of this bill, as amended, is (1) to exempt income derived by foreign corporations from real estate loans made in the District of Columbia, from the District of Columbia income and franchise tax, and (2) to provide that the typical transactions connected with such loans do not constitute "doing business" within the District of Columbia.

Prior to the introduction of H.R. 8074, there was considerable uncertainty among mortgage bankers and brokers as to whether or not a foreign corporation performing only those activities outlined in the bill, was subject to the District of Columbia business corporation law, or Income and Franchise Act.

As a result of this uncertainty, a number of savings institutions—particularly the New York saving banks—would not run the risk of making mortgage loans in the District for fear that they would be subject to double taxation on the income from such loans and that they would be required to comply with the provisions of the District of Columbia Business Corporation Act.

Testimony taken before the Judiciary Subcommittee of this committee tends to establish a need to encourage foreign lenders to make money available within the District of Columbia for financing urban renewal and general building activities. The District of Columbia Bankers' Association and the Mortgage Bankers' Association of Washington both testified in favor of the bill and cited the need to encourage participation of foreign lenders in District building activities.

It therefore seems apparent that if new capital is to be attracted to the District of Columbia, the uncertainty of District law must be cleared up, and the possibility of taxation in two jurisdictions ended.

After H.R. 8074 passed the House of Representatives, one of the members of this committee obtained an opinion from the office of the Corporation Counsel of the District of Columbia, as to whether such a foreign corporation performing the activities in the bill would be subject to the tax and corporate laws of the District of Columbia. The following language, quoted from this opinion, summarizes the Corporation Counsel's viewpoint:

"As a consequence, it is my opinion that a foreign corporation engaging in a consistent pattern of activity as described in, the bill would be liable for District franchise taxes in the absence of the exemption proposed in the bill."

Subsequent to this opinion, the Commissioners of the District of Columbia withdrew their prior opposition to the enactment of H.R. 8074, providing the measure be amended so as to require compliance with certain conditions believed necessary in the interest of the District of Columbia. The proposed amendments offered by the Commissioners were agreed to by the commtitee and are incorporated in the bill as reported. The amendments are explained in a letter addressed to the chairman of the committee from the Board of Commissioners dated July 17, 1962, which is hereby made a part of this report:

JULY 17, 1962.

Hon. ALAN BIBLE,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

MY DEAR SENATOR BIBLE: On August 28, 1961, the Commissioners submitted a report to this committee on H.R. 8074 entitled an "Act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business and Corporation Act, as amended, with respect to certain foreign corporations."

In their report the Commissioners expressed their opposition to the enactment of H.R. 8074 and, in addition, requested an amendment in the event the bill received favorable consideration. Since submitting their report of August 28, 1961, the Commissioners have reconsidered their position and have reached the conclusion that they will not oppose enactment of H.R. 8074, provided the act is amended so as to require compliance with certain conditions the Commissioners believe are necessary in the interest of the District of Columbia.

The Commissioners are of the opinion that foreign lending corporations conducting activities within the District in accordance with the provisions of H.R. 8074 should not be exempt under the District of Columbia Income and Franchise Tax Act of 1947, as amended, but instead, such corporations should be entitled only to exclude from gross income under the Income and Franchise Tax Act of 1947, the income derived by such corporations as a consequence of their activities in the District under H.R. 8074.

The act as presently drawn would permit foreign corporations taking property by foreclosure, sale, or lay agreement in lieu thereof, to hold and operate such property for a reasonable time, pending liquidation of its investment, without incurring any District tax liability. As the Commissioners pointed out in their previous report, they believe that the phrase "reasonable time" is so indefinite that enforcement of this provision would be extremely difficult, if not impossible. The Commissioners are of the view that, in the event the act receives favorable consideration, the acquiring corporation should be allowed to operate, maintain, rent, sell, or dispose of such property without tax liability only during the time, not to exceed 90 days, that the corporation is actively engaged in liquidating its investment in such property and only if liquidation is completed within 90 days after the acquisition.

The Commissioners are also of the view that the act should contain a provision to the effect that the tax relief afforded by the act will be granted only to foreign corporations of States which grant similar privileges to District of Columbia corporations.

In addition, the Commissioners recommend that the act contain a provision to the effect that income derived by a foreign lending corporation in the District will be excludable from gross income only if such income is subject to tax and is reported to and taxed by either the State or other jurisdiction in which the foreign corporation is incorporated, or the State or other jurisdiction where it has its principal places of business.

Finally, the Commissioners recommended that foreign corporations, as a condition for exclusion of gross income, be required to report to the Commissioners the income claimed to be excludable, together with a report of the activities of such corporations within the District. Language to accomplish the changes recommended by the Commissioners is attached.

Time does not permit securing the views of the Bureau of the Budget as to the relationship of this legislation to the program of the President.

Sincerely,

_____ _____,
President, Board of Commissioners, District of Columbia.

REGISTRATION AND PROTECTION OF TRADEMARKS USED IN COMMERCE

The bill (H.R. 4333) to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2107), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to make a number of miscellaneous changes in the Trademark Act of 1946 so as to clarify the meaning of several of its provisions. The provisions of the bill affect details of registration, administrative and court procedure, internal organization of the Patent Office regarding trademark matters, and refinements in language that experience has shown to be desirable. It also corrects typographical errors in the Trademark Act of 1946.

STATEMENT

The facts and legislative history regarding this legislation are contained in House Report 1108, and are as follows:

"Views of Government agencies and interested private organizations

"The Department of Justice, in its report dated August 14, 1961, states that the subject of the legislation is not a matter as to which the Department of Justice has primary responsibility, and accordingly makes no recommendation as to the enactment of the bill.

"The Department of Commerce, in a report dated August 15, 1961, recommends enactment of the bill with certain technical and clarifying amendments.

"The Department of State, in a report dated September 2, 1959, on a predecessor bill, perceived no objection to the enactment of this legislation, and in fact, expressed its support for section 20 thereof as it concerns the applicability of the act to nationals of foreign countries.

"The Treasury Department, in its report of August 14, 1959, on a predecessor bill, stated that it had no recommendations to make because the proposed legislation related to matters primarily within the jurisdiction of the Department of Commerce.

"The Federal Trade Commission, in its report on the instant bill, dated August 11, 1961, suggests that the jurisdiction of the Commission be expanded to permit it to file petitions for cancellation of registered marks which become, prior or subsequent to registration, the common descriptive name of an article or substance. This would include registrations issued under the Trademark Acts of 1881 and of 1905 as well as registrations issued under the Principal Register established under the Trademark Act of 1946. The committee does not think it appropriate to consider charges of this nature at this time, since the instant bill is in large part a housekeeping measure, making minimal substantive changes in the trademark law. The Federal Trade Commission's suggestions, on the other hand, would bring about a substantive change in policy. In addition, the committee has been advised that there is no present need for this particular change.

"The Federal Trade Commission also objected to the proposed change in the definition of 'service marks' appearing in section 45 of the Trademark Act. The committee, however, feels that the proposed change should be adopted, as it does nothing more than codify the present practice of the Patent Office in this regard.

"The instant bill has the approval and support of the U.S. Trademark Association, the American Bar Association, the National Association of Manufacturers, the District of Columbia Bar Association, the Philadelphia Bar Association, the New York County Lawyers Association, and the bar of the city of New York.

"Legislative history

"Similar legislation passed the Senate in the 83d Congress and again in the 86th Congress. However, the House took no action on each occasion.

"Hearings were held on predecessor bills on March 25, 1954. In addition, your committee held hearings on the instant bill on August 16, 1961.

"It might be well to relate some of the history of the trademark laws of the United States which led up to the instant legislation. On July 5, 1946, the trademark laws of the United States were revised by Public Law 489, 79th Congress (ch. 540, 2d sess., 60 Stat. 427), known as the Lanham Trademark Act. It became effective on July 5, 1947, 1 year after its enactment, and completely rewrote the trademark laws of the United States and made a large number of substantial changes. During the period (about 14 years) that this act has been in operation the need of some revision has become evident.

"In 1948 representatives of some 26 legal and trade associations concerned with trademark matters were formed into a committee to study and recommend what changes in the Trademark Act could be agreed upon as necessary or desirable. As a result thereof, S. 1957 of the 82d Congress, incorporating proposed changes in the trademark laws as recommended by this committee, was introduced. That bill was the subject of considerable study and of further suggestions from individuals, associations, and Government departments. On July 31, 1953, a bill representing many of such suggestions was introduced in the 83d Congress. This bill was S. 2540. As stated, that bill was the subject of hearings; amendments were made, and a bill as an amendment in the nature of a substitute was drafted. The hearings were held on March 25, 1954, and representatives of interested associations recommended enactment of the legislation. The various Government departments interested in the subject matter of the bill submitted reports of their views. The bill was then favorably reported on August 5, 1954, and was passed by the Senate on August 11, 1954, but was not acted upon by the House of Representatives prior to adjournment.

"Again, in the 84th Congress, a bill was introduced which was in the wording of S. 2540, being S. 215 of the 84th Congress, but no action was taken thereon. In the 86th Congress a bill (S. 2429) similar to the previous bills but not covering all of the features contained in the prior legislation, passed the Senate. This bill has been termed as a 'housekeeping' bill and was considered to be not controversial. The various departments of Government had, with the exception of certain technical amendments, no objection to this legislation.

"Hearings were held on the instant bill (H.R. 4333) on August 16, 1961. The bill makes numerous amendments to the Trademark Act of 1946. They are set forth later in this report under a heading entitled 'Analysis of Legislation.' Some of the amendments merely correct typographical errors which appeared in the 1946 act; some involve matters of clarification of meaning, and some make desirable changes in substance as well as in details of procedure.

"Analysis of legislation

"An analysis of the provisions of H.R. 4333 follows:

"Section 1 of the bill proposes to amend, in several respects, section 1(a)(1) of the act, which relates to the statements required of an applicant for registration of a trademark.

"The first amendment proposes to amend the phrase which now reads: 'that no other person, * * * has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto *as might be calculated to deceive*' by canceling the italicized words and substituting—'as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive. The purpose of this amendment is to make the required allegation of the applicant more nearly complete and more accurate.

"The second amendment is the cancellation of the words 'or services', which appear in the proviso to section a(a)(1. This is for uniformity of drafting and does not affect the meaning.

"Section 2 of the bill proposes to make a number of changes in section 2 of the act.

"The first clause of section 2(d) of the act provides that a mark is to be refused registration if it so resembles a mark registered in the Patent Office or a mark previously used by another, as to be likely when applied to the goods of the applicant, 'to cause confusion or mistake or to deceive purchasers.' The bill proposes to revise the quoted expression to read 'to cause confusion, or to cause mistake, or to deceive.' The purpose of the proposed change is to coordinate the language here with that used elsewhere and to omit the word 'purchasers,' since the provision actually relates to potential purchasers as well as to actual purchasers. The word 'purchasers' is eliminated so as to avoid the possibility of misconstruction of the present language of the statute.

"Section 2(d) of the act contains a long proviso relating to so-called concurrent registrations of trademarks. The bill, as amended, proposes to rewrite this proviso, amending it in a number of respects. The principal amendment is to enlarge the limiting dates after which rights to concurrent registrations cannot accrue. The amendment will increase the possibility of a concurrent registration insofar as the dates involved are concerned.

"The act now states that concurrent registrations are to be granted when confusion or mistake or deceit of purchasers is not likely to result from the continued use of the marks—'under conditions and limitations as to the mode or place of use or the goods in connection with which such registrations may be granted.' There is considerable confusion in the interpretation of this language, which is far from clear. The bill proposes to amend the particular phrase to read: 'under conditions and limitations as to the mode or place of use of the marks or the goods in connection with which such marks are used, * * *.' This language is much clearer than the original language.

"A few simplifications over the language of the present proviso additionally are made.

"Section 3 of the bill proposes to rewrite section 6 of the act relating to disclaimers.

"Section 4 of the bill would revise section 7(a) of the act relating to the formalities of issuing a registration. The proposed language is simpler than the present wording of the statute and would enable the Patent Office to effect economies in printing the registrations.

"Section 4 of the bill would also rewrite section 7(d) of the act, effecting considerable clarification and at the same time making several changes. First, the requirement for a fee in connection with the voluntary surrender or cancellation of a registration by the registrant is removed. Such surrenders or voluntary cancellations are very rare and the fee may have deterred others which would have been made. Second, it is proposed to omit the words 'in whole or' from the clause in the present section which now states that the Commissioner may 'permit any registered mark to be disclaimed *in whole or* in part.' The italicized words are not seen to be necessary.

"Section 4 of the bill would further make certain language changes in section 7(e) of the act to provide consistency throughout the act and would desirably provide for any duly designated employee, rather than only a chief of a division, to certify copies of Patent Office records.

"Section 4 of the bill would eliminate the present requirements in section 7(f) of the act that the Commissioner sign all certificates of correction, and would make certain language changes to provide consistency throughout the act.

"Section 5 of the bill proposes to amend section 9 of the act relating to the renewal of trademark registrations. The act now requires the registrant, prior to renewal, to file an affidavit stating that the mark is still in use in commerce. The proposed change permits the registrant to obtain the renewal of the registration even if the mark is then being used, provided that the nonuse is due to special circumstances which excuse the nonuse and is not due to any intention to abandon the mark.

"The affidavit now required by this section of the act must state that the mark is in use in commerce, but there is no requirement that the affidavit specify the goods on which the mark is used. Since the proposed amendment provides for an excuse for nonuse due to special circumstances, the amendment also provides that the affidavit (verified application) must set forth those goods recited in the registration on which said mark is still in use in commerce. There must also be attached a specimen or facsimile showing current use of the mark. These additional provisions are particularly desirable. Renewals are extensions of the registrations for 20 years, and the Patent Office records should reflect the goods on which the marks are then being used.

"Section 6 of the bill proposes to amend section 10 of the act by canceling the following proviso:

" '*Provided,* That any assigned registration may be canceled at any time if the registered mark is being used by, or with the permission of, the assignee so as to misrepresent the source of the goods or services in connection with which the mark is used.'

"The purpose in canceling this proviso is to incorporate it in broader form, as a requirement applying to any registrant, in section 14, which is a more appropriate part of the act.

"The bill would also revise the language of the sentence dealing with records of assignment, but there is no change in substance proposed.

"Section 7 of the bill proposes to amend section 12(a) of the act by adding the following proviso:

" '*Provided,* That in the case of an applicant claiming concurrent use, or in the case of an application to be placed in an interference as provided for in section 16 of this Act, the mark, if otherwise registrable, may be published subject to the determination of the rights of the parties to such proceedings.'

"The purpose of this addition is to effect a minor simplification in the Patent Office procedure.

"Section 7 of the bill would also revise and clarify the last sentence of subsection (c) of section 12.

"Section 8 of the bill would add a sentence to section 13 of the act to permit an opposition to be amended, and it would strike the words 'notice of', each occurrence, thereby making the section refer to 'opposition' rather than 'notice of opposition.'

"Section 14(c) of the act provides, as one of the grounds for canceling a registration at any time—'if the registered mark becomes the common descriptive name of an article or substance on which the patent has expired'—the amendment in the bill cancels the words—'on which the patent has expired.' Section 14(c) of the act also provides as a ground for cancellation at any time—'if the registered mark has been assigned and is being used by, or with the permission of, the assignee so as to misrepresent the source of the goods or services in connection with which the mark is used.' This language is replaced by the following broader language of the bill: 'if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services in connection with which the mark is used.'

"Section 10 of the bill would make a change in section 15 of the act required by the revision and relettering of paragraphs in section 14.

"Section 10 of the bill also proposes to amend section 15 of the act by canceling from item 4 the italicized words in the following quotation:

" '(4) no incontestable right shall be acquired in a mark *or trade name* which is the common descriptive name of any article or substance.'

"The italicized words should be canceled since trade names as such [illegible], are not registered.

"Section 11 of the bill proposes a change in section 16 of the act corresponding to a change made in section 2(d).

"Section 12 of the bill proposes to rewrite completely section 21 of the act dealing with appeals to the U.S. Court of Customs and Patent Appeals and other judicial review of Patent Office decisions. The act now incorporates by reference the procedure of appeals to the Court of Customs and Patent Appeals and review by civil action in patent cases. The proposed amendment incorporates, with necessary changes in language, the various provisions of title 35 relating to such appeals and review.

"Section 23 of the act, referred to in section 13 of the act, requires that in order for a mark to be eligible for registration on the Supplemental Register it must have been in lawful use for the year preceding the filing of the application. However, this section further provides that where an applicant required domestic registration as a basis for foreign protection of his mark, upon a proper showing that he has begun the lawful use of his mark in foreign commerce, the Commissioner may waive the requirement for a full year's use and may grant registration forthwith. Section 13 of the bill proposes to amend section 23 of the act to eliminate the requirement that the mark be in use in foreign commerce before the Commissioner can waive the requirement for a full year's use in order to be eligible for registration. This proposal does not eliminate the fundamental requirement that the mark actually be in use before it can be registered. The section as amended merely provides for waiving the length of time of use.

"Section 14 of the bill proposes to amend section 24 of the act by adding the phrase: ', upon payment of the prescribed fee and the filing of a verified petition stating the ground therefor,' in order to make the language corresponding to that used in the amendment to section 14 of the act.

"Section 15 of the bill would clarify section 29 of the act relating to marking requirements.

"Section 16 of the bill would amend section 30 of the act by changing the mandatory requirement of establishing internal classification of goods to a discretionary provision; and it would clarify language dealing with multiple applications.

"Section 17 of the bill proposes to rewrite section 32(1) of the act, making several changes and rearranging the language.

"One change is the omission of the italicized words from the following quotation from clause (a): 'on or in connection with which such use is likely to cause confusion or mistake or to deceive *purchasers as to the source or origin of such goods or services*'.

"This change is parallel to a similar change made in section 2(d) of the act.

"Section 17 of the bill also proposes to amend section 32(2) of the act to correct a typographical error.

"Section 18 of the bill would make amendments in subsections (a) and (b) of section 33 of the act. The amendments to subsection (a) and the opening paragraph of subsection (b) are an improvement in accuracy. The amendment to paragraph (3) of subsection (b) is parallel to amendments to sections 10 and 14. The amendments to paragraphs (5) and (6) of subsection (b) change a limiting date.

"Section 19 of the bill proposes to correct a typographical error in section 35 of the act.

"Section 20 of the bill proposes to amend section 44(b) of the act by adding a reference to a country which extends reciprocal rights to nationals of the United States by law and by revising the language to a more understandable form. This amendment is considered desirable.

"Section 20 of the bill [illegible] also proposes to amend section 44(e) of the act and effects considerable improvement therein.

"Section 21 of the bill proposes six amendments to section 45 of the act which contains definitions.

"The first of these amendments, to the sixth paragraph of the section, amends the definition of 'applicant' and 'registrant' to include 'predecessor.'

"The ninth paragraph is amended to correct a typographical error in the omission of a comma.

"The 11th paragraph, the definition of service mark, is amended to permit titles of radio and television programs to be registered as service marks even though they advertise goods.

"The amendments to the 15th paragraph amplify the definition of use in commerce with respect to service marks.

"The definition of colorable imitation, in the 17th paragraph of the act, is amended to cancel the word "purchasers," in line with the amendment to section 2(d) of the act.

"The last amendment corrects a typographical error in the final paragraph of section 45."

The chairman of the Subcommittee on Patents, Trademarks, and Copyrights of this committee also received a communication from the Federal Trade Commission, dated November 29, 1961, in which it was proposed that the jurisdiction of the Commission be expanded to permit the Commission to petition for cancellation of registered marks which become, prior or subsequent to registration, the common descriptive name of an article or substance. After consideration, the committee concurs in the judgment of the House Committee on the Judiciary that it is not appropriate at this time to include substantive changes of such nature inasmuch as H.R. 4333 is in large part a housekeeping measure designed to make minimal substantive changes in the trademark law.

AWARD OF A GOLD MEDAL TO GENERAL OF THE ARMY DOUGLAS MACARTHUR

The joint resolution (S.J. Res. 228) authorizing the issuance of a gold medal to General of the Army Douglas MacArthur was announced as next in order.

Mr. PROXMIRE. Mr. President, it is a great honor for me to have reported and now to recommend the passage of Senate Joint Resolution 228, authorizing the issuance of a gold medal to General of the Army Douglas MacArthur. The striking of this medal will not result in any cost to the Government or the United States. The entire cost will be borne by the MacArthur Memorial Foundation.

General MacArthur's service to this country has been so outstanding that every part of the country can very rightfully claim him as its own. However, Wisconsin can, with justifiable pride, assert the highest claim. Milwaukee was the home of his grandfather and father. General MacArthur entered West Point from Wisconsin.

General MacArthur's grandfather, Arthur MacArthur, was born in Glasgow, Scotland, and came to this country as a youth with his widowed mother. He attended Amherst College and Wesleyan University. He was admitted to the New York bar in 1840. He practiced law in Springfield, Mass., and was appointed Judge Advocate of the Western Military District of Massachusetts. When he was 34 years old, he moved with his wife and 4-year-old son—General MacArthur's father—to Wisconsin. He began the practice of law in Milwaukee, and in 2 years he was city attorney of Milwaukee. In 4 more years he was Lieutenant Governor of Wisconsin. Due to a contested election for the governorship, he served 5 days as Governor of Wisconsin.

President Grant appointed him as Associate Justice of the Supreme Court of the District of Columbia in 1870. He served on the bench for 17 years, resigning in his 73d year in 1888.

General MacArthur's father, Lt. Gen. Arthur MacArthur, spent his boyhood in Milwaukee. When he was 17, he joined the Union Army as a second lieutenant and adjutant of the 24th Wisconsin Infantry. For his gallantry during the battle around Chattanooga, he won the Congressional Medal of Honor. He returned home from the Civil War with the rank of lieutenant colonel, the youngest officer of his rank in the Army. After the war, he entered the Regular Army as a second lieutenant and worked his way up to lieutenant general and became Military Governor of the Philippines.

Gen. Douglas MacArthur was born on an Army post in Little Rock, Ark., on January 26, 1880. His mother took him often to visit the old MacArthur home in Milwaukee, and while his father was away in the Spanish-American War, he and his mother lived in the MacArthur home. General MacArthur was 19 years old when he was appointed to West Point from Wisconsin.

Wisconsin takes pride in the outstanding accomplishments of her soldier-statesman native son. Again I can say I am proud to recommend to the Senate the passage of Senate Joint Resolution 228, which authorizes the presentation by the President of the United States of a gold medal to General of the Army Douglas MacArthur.

Mr. YARBOROUGH. Mr. President, I commend the distinguished Senator from Wisconsin for reporting the joint resolution.

Twice in my lifetime I have had the privilege of serving under the command of Gen. Douglas MacArthur, once, for a year, in the U.S. Military Academy, while he was superintendent, and where I had the privilege of seeing him often as he went about his duties. Again, I spent 9 months under his command in the military occupation of Japan, where I witnessed the beneficent effect of a great proconsul administering our military occupation and governmental policy in that country, and where the people and their property were protected by General MacArthur's wise administration from any unlawful act of any kind by any person, whether in the military service or outside it. General MacArthur, with farsighted vision and wisdom, eased the burden of a defeated people under military occupation.

Gen. Douglas MacArthur has a special place in the hearts of the people of Texas, as he was the valedictorian of the 1897 graduating class at West Texas Military Academy, San Antonio, Tex. This school is now Texas Military Institute and is operated by the Episcopal Archdiocese of West Texas. Upon each of General MacArthur's recent visits to San Antonio, Texas Military Institute cadets have served as his honor guard. They will be gratified that this recognition of his great service to his country has come to one of America's greatest military commanders in his lifetime.

Twice in my life—the two occasions were separated by approximately 25 years of time—I had the privilege of serving under him. The first occasion was when, as a young general, he returned from Europe, where during World War I he had been Deputy Commander of the famed Rainbow Division. He returned with an outstanding military reputation. The second occasion was after World War II; and at that time I saw him administer the government of Japan in a way which always will be a credit to the American people. It was my duty and responsibility there to serve as military government officer for the 97th Infantry Division, having jurisdiction over one-seventh of the area and population of Japan.

So I think this joint resolution is a most timely one, and I commend the Senator from Wisconsin for reporting it.

Mr. PROXMIRE. I thank the Senator from Texas.

Mr. CHAVEZ. Mr. President, will the Senator from Wisconsin yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. PROXMIRE. I yield.

Mr. CHAVEZ. I remember seeing General MacArthur when he was a young man, at the time when his father was the commander at Fort Selden, one of the posts used in fighting Geronimo and his Apache Indians. Fort Selden has since then been dedicated by the Government as a monument to the United States and to Douglas MacArthur. As a young man, he spent some time there with his father.

Mr. PROXMIRE. I thank the Senator from New Mexico.

Mr. President, I yield the floor.

The PRESIDING OFFICER. If there is no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 228) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the gallant service rendered by General of the Army Douglas MacArthur to his country, the President of the United States is authorized to award to General of the Army Douglas MacArthur, in the name of Congress, an appropriate gold medal. For such purpose the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 2. The Secretary of the Treasury is authorized and directed to coin and furnish to the MacArthur Memorial Foundation not more than five hundred thousand copies in bronze of such medal, of such size or sizes as shall be determined by the Secretary in consultation with the MacArthur Memorial Foundation. The medals shall be made and delivered at such times as may be required by the MacArthur Memorial Foundation in quantities of not less than two thousand. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 3. The Secretary of the Treasury shall cause such gold medals and such bronze medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

REMOVAL OF CERTAIN LIMITATIONS WITH RESPECT TO WAR RISK INSURANCE

The PRESIDING OFFICER. The Chair lays before the Senate the pending business.

The Senate resumed the consideration of the bill (S. 2829) to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title.

Mr. BARTLETT. Mr. President, I understand—and I have authority to speak for him in this respect—that the Senator from Ohio [Mr. LAUSCHE] no longer interposes objection to this bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2829) was ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1209(a) (2) of the Merchant Marine Act, 1936, as amended—

(1) in the first sentence by striking out all beginning with *"Provided, however"* through *"Provided further"* and inserting in lieu thereof *"Provided"*; and

(2) in the second sentence by striking out all beginning with *"Provided, however"* through *"And provided further"* and insert in lieu thereof *"Provided"*.

SEC. 2. The amendments made by this Act shall be applicable to war risk insurance coverage attaching after February 1, 1962.

ESTABLISHMENT OF SESQUICENTENNIAL COMMISSION FOR CELEBRATION OF BATTLE OF NEW ORLEANS

Mr. LONG of Louisiana. Mr. President, there are at the desk the amendments of the House of Representatives to Senate Joint Resolution 60. I ask that the Chair lay them before the Senate.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives the joint resolution from the Senate (S.J. Res. 60) entitled "Joint Resolution to establish the sesquicentennial commission for the celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes, which were, on page 2, line 11, strike out all after "the" down through line 13, inclusive, and insert "President."; on page 2, line 21, strike out all after "Orleans", over through "Britain" on page 3, line 2; on page 3, line 10, after "functions", insert ": *Provided, however*, That no employee whose position would be subject to the Classification Act of 1949, as amended, if said Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under said Act for positions of equivalent difficulty or responsibility. Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to said Act. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee"; on page 3, lines 17 and 18, strike out "may, without regard to the laws and procedures applicable to Federal agencies," and insert "may"; on page 4, strike out lines 20 through 22, inclusive, and insert "NHP-CHAL-7008, said Secretary, notwithstanding the proviso in section 3 of said Act, is hereby authorized to acquire the following lands and interests in lands with funds heretofore appropriated and otherwise available for such purpose:"; on page 6, after line 20, insert:

SEC. 6. The joint resolution of July 14, 1960 (Public Law 86-650), is amended to read as follows:

"DECLARATION OF POLICY

"SECTION 1. It is hereby declared to be the policy of the Congress to authorize appropriate activities on the part of the Federal Government in celebration of the one hundred and seventy-fifth anniversary of the formation of the Constitution of the United States and to provide a means whereby similar activities by the States and by the people may be encouraged and coordinated in a comprehensive national observance to the end that our citizens may gain a deeper appreciation of the priceless national heritage represented by the Constitution as a living document and a renewed zeal for the perpetuation and advancement of the ideals of government of which it is the embodiment.

"ESTABLISHMENT OF THE COMMISSION

"SEC. 2. (a) For the purpose of carrying out the policy set forth in section 1 of this Act, there is hereby established a commission, to be known as the 'United States Constitution One Hundred and Seventy-fifth Anniversary Commission' (hereinafter referred to as the 'Commission') for the celebration of the one hundred and seventy-fifth anniversary of the existence of the Constitution, and to be composed of twelve Commissioners, as follows: The President of the United States; the President of the Senate and the Speaker of the House of Representatives, ex officio; three persons to be appointed by the President of the United States; three Senators to be appointed by the President of the Senate; and three Representatives, by the Speaker of the House of Representatives.

"(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

"(d) A person appointed to the Commission in the status of a Member of Congress, but who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission.

"COMPENSATION OF THE COMMISSION

"SEC. 3. The members of the Commission shall serve without compensation, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

"ORGANIZATION AND STAFF OF THE COMMISSION

"SEC. 4. (a) The Commission shall select a Chairman from among its members.

"(b) The Chairman may appoint an Executive Director, to serve at his pleasure, whose compensation shall be fixed by the Commission.

"(c) The Executive Director, with the approval of the Chairman, may appoint and fix the compensation of such assistants and subordinates as he deems necessary.

"(d) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates not to exceed $50 per diem for individuals.

"(e) Neither the civil service laws nor the Classification Act of 1949, as amended, shall apply to any exercise of the authority conferred by subsection (b), (c), or (d) of this section: *Provided, however*, That no employee whose position would be subject to the Classification Act of 1949, as amended, if said Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under said Act for positions of equivalent difficulty or responsibility. Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to said Act. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee.

"(f) Mail matter sent by the Commission as penalty mail or franked mail shall be accepted for mail subject to section 4156 of title 39, United States Code, as amended.

"OFFICE SPACE FOR THE COMMISSION

"SEC. 5. The Secretary of the Interior, after consultation with the Commission, shall make available to it such office space in a building or buildings in the Independence National Historical Park as, in the judgment of the Secretary, it may require for performance of its functions.

"DUTIES OF THE COMMISSION

"SEC. 6. (a) The Commission shall request the cooperation of appropriate officials in all branches, departments, and agencies of the United States in planning ceremonies or other activities in their respective components of the Federal Government in observance of the one hundred and seventy-fifth anniversary of the formation of the Constitution, and all such officials are authorized and requested to consult with the Commission.

"(b) The Commission shall request the appointment by the Governors of each of the fifty States of individuals or committees to consult with the Commission and to assist in coordinating the activities of the Federal Government, the governments of the States, and private individuals and organizations in carrying out the purposes of this Act.

"(c) The Commission shall take appropriate action to encourage, assist, and coordinate activities by municipal, county, and other local governmental units in carrying out the purposes of this Act.

"(d) The Commission shall make its assistance available to public and private schools in planning programs, ceremonies, and other activities, and obtaining written and audiovisual materials for use in such activities in connection with the anniversary.

"(e) The Commission shall solicit the cooperation of colleges, universities, and other institutions of higher education in encouraging the study and understanding of the Constitution by suitable recognition through scholarships or otherwise of promising students who display an interest in it.

"(f) The Commission shall solicit the cooperation of, and make its assistance available to, civic, patriotic, and religious organizations undertaking any activities in connection with the anniversary.

"(g) The Commission shall endeavor to promote worldwide understanding of the United States Constitution by encouraging, and if practicable assisting in, student exchange programs and any other means by which citizens of foreign countries may be afforded opportunities to learn about our constitutional processes.

"(h) The Commission is authorized to accept on behalf of the United States such gifts of money or other property as in its judgment may be appropriate to carry out the purposes of this Act, but shall be accountable therefor in the same manner as for appropriated funds or property purchased with appropriated funds.

"PROCLAMATIONS BY THE PRESIDENT

"SEC. 7. The President is hereby authorized and requested to issue proclamations—

"(1) designating September 17, 1962, as Constitution Day and calling upon the people of the United States to observe such day with special ceremonies and other activities in celebration of the one hundred and seventy-fifth anniversary of the formation of the Constitution;

"(2) designating December 15, 1962, as Bill of Rights Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities; and

"(3) designating the period from September 17, 1962, to July 4, 1963, inclusive, as a period dedicated to a renewal of national awareness of the priceless heritage which the Constitution represents, and calling upon the people of the United States to engage in such educational and inspirational activities as will deepen their understanding of the Constitution and strengthen their devotion to it.

"DISTRIBUTION OF COPIES OF THE CONSTITUTION

"SEC. 8. The Attorney General, acting through the Immigration and Naturalization Service, is hereby authorized and directed to make available a suitable copy of the Constitution of the United States and the amendments thereto to each person entering the United States during the one-year period which begins on September 17, 1962.

"DISPOSAL OF PROPERTY OF THE COMMISSION

"SEC. 9. (a) After the Commission has discharged all its functions pursuant to this

Act except for those under this section and section 10, it shall transfer to the Secretary of the Interior such of its records and other property as in his judgment are appropriate for permanent preservation or display in the Independence National Historical Park.

"(b) The Commission shall transfer the remainder of its records and property to the Administrator of General Services, who shall hold and dispose of such records and property in accordance with the Federal Property and Administrative Services Act of 1949.

"FINAL REPORT OF COMMISSION

"SEC. 10. The Commission shall make a final report of its activities to the Congress on or before the first day of the second session of the Eighty-eighth Congress, and upon the filing of such report, the Commission shall cease to exist.

"EXPENDITURES OF THE COMMISSION

"SEC. 11. All expenditures of the Commission shall be made from donated funds only."

SEC. 7. Nothing contained in this joint resolution shall affect the validity of actions heretofore lawfully taken under authority of the joint resolution of July 14, 1960 (Public Law 86-650).

And on page 7, strike out lines 1 through 2, inclusive.

Mr. LONG of Louisiana. Mr. President, I have discussed this subject with the ranking membership on both sides in the committee handling the bill, and they have no objection.

Therefore, I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

ADMITTANCE OF THE VESSEL "CITY OF NEW ORLEANS" TO AMERICAN REGISTRY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 1747, Senate bill 3115, to authorize the admittance of the vessel *City of New Orleans* to American registry and to be used in the coastwise trade.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 3115) to authorize the admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade.

ORDER OF BUSINESS—THE CONFERENCE REPORT ON THE FARM BILL

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is it the understanding of the Chair that there is in effect a unanimous-consent agreement under which the Senate will convene at 10 a.m. on Tuesday, and that at 3 p.m. will vote on the question of agreeing to the conference report on the farm bill (H.R. 12391)?

The PRESIDING OFFICER. That is correct.

CANYONLANDS NATIONAL PARK AND RECREATION AREA, UTAH

Mr. MOSS. Mr. President, we in Congress are often accused of doing futile and irrational things. The action taken today by my senior colleague, Mr. BENNETT, would seem to confirm this criticism. I refer, of course, to his action in introducing S. 3744, to create a Canyonlands National Park and Recreation Area in southeastern Utah. No act could be more meaningless at this time. Congress is in its last few days of the current session, and all bills that have not been enacted into law at the close of our session will automatically lapse and be of no effect. Moreover, the Senate Interior and Insular Affairs Committee voted several weeks ago to report favorably S. 2387, to establish a Canyonlands National Park. The committee report was formally filed in the Senate today. This Canyonlands National Park bill covers exactly the same area described in the Bennett bill, and has been before the Senate for nearly 2 years' time. Extensive public hearings were held on the Moss bill, S. 2387, to establish Canyonlands National Park and the Senator from Utah [Mr. BENNETT] appeared as a witness before the committee at these hearings. Not only this, but when public hearings were held in three different cities in Utah, the Senator from Utah [Mr. BENNETT], at the invitation of the chairman of the subcommittee, sat with the committee members and heard all of the witnesses, and was given an opportunity to ask questions and make statements for the record. All of the provisions which he now includes in his bill, introduced today, were suggested by him to the Senate Interior Committee. These were considered by the committee and were rejected before action was taken on the canyonlands bill, S. 2387.

The only possible motive that I can ascribe for the introduction of the bill by Senator BENNETT at this time, when it cannot possibly be considered, and when its provisions have already been rejected by the Interior Committee, is an attempt to gain publicity for his political campaign in Utah.

His latest effort to oppose the establishment of Canyonlands National Park in Utah will not succeed. His steadfast and unreasoning opposition may have caused some delay; but, in the long run, the people of Utah will secure a national park in the wonderland area of southeastern Utah. Canyonlands will be a welcome addition to the the national park system, and will also bring great economic stimulus to the economy of Utah.

The tactics of the senior Senator have been to proclaim support of a Canyonlands National Park, and then to proceed to use every possible means to delay and defeat the Moss bill which is before the Congress. I am sure my colleagues in the Senate will recognize the tactics being used against Canyonlands National Park, and will not be misled. No area in the United States is more qualified for national park status than the territory described in the Canyonlands National Park bill. I will continue my fight for this legislation until our national park is a reality.

TRIBUTES TO THE MAJORITY LEADER AND THE MINORITY LEADER

Mrs. SMITH of Maine. Mr. President, it is hoped that within the next 2 weeks Congress will complete its legislative agenda and will adjourn. In the closing hours there will be laudatory speeches to the leaders of the Senate, to the officers of the Senate, and to the employees of the Senate—and very properly so.

Today, I want to pay my respects to the majority leader and the minority leader of the Senate. I speak first of the minority leader, because he is a member of my own political party. I shall speak briefly, and not dwell at length, because my feeling is very simply summed up by saying that he is the best minority leader during the 14 years it has been my privilege to serve in the Senate.

Considering the high caliber of minority leaders in the past 14 years, what higher praise could I express than this?

As a member of the opposition political party, I want to pay special tribute to the majority leader, the very distinguished senior Senator from Montana. Without a doubt he is the most considerate and patient and kind man ever to serve as majority leader.

I have never seen anyone in the Senate take the abuse that he has taken in this year's session. Yet, he never lost his temper; he never resorted to vindictiveness or to retaliation. Instead, with consummate patience, he repeatedly turned his cheek and took constant abuse, while refusing the temptation to strike back.

If I were ever to write a book on profiles in courage, I would certainly place MIKE MANSFIELD in the select list, for it takes tremendous courage to keep your silence—to hold your tongue—when you are being pilloried day after day with shocking intensity.

And we of the Senate know why MIKE MANSFIELD took such abuse so silently without rancor and without retaliation. We knew why externally he remained calm and courteous and considerate and patient, while we strongly suspected that internally he was suffering very, very deep hurt.

We knew that he was not only placing the harmony of his own political party ahead of his own individual feelings, that he was willing to be so unfairly treated without fighting back, to do so for his party.

We knew that he was doing it for a greater and more noble reason: because he was placing the welfare of his country and the welfare of the Senate ahead of his own individual position and feelings.

In doing so he truly and inspiringly exemplified leadership at its very best, for he was acting not just as the majority leader of the Senate, not just as the Democratic leader of the Senate, but as the leader of the Senate, without the restrictive prefix of majority.

And one of the proudest moments of this session of the Senate was when our great minority leader arose on the Senate floor and in a tremendous tribute to MIKE MANSFIELD devastatingly defended him against the detractors in his own Democratic Party. If there was ever a magnificent display of nonpartisanship in the Senate it was on that occasion.

Mr. MORSE subsequently said: Mr. President, I listened with great interest, but not with any agreement, to the speech made a few minutes ago by the Senator from Maine [Mrs. SMITH]. I sent a notice to her that I would make a brief reply to her address. I am sure that the majority leader will be delighted and highly flattered and pleased to be so warmly complimented and praised by such a delightful, charming, and lovely lady. But the Senator from Maine, of course, commented upon what, after all, is a family quarrel on this side of the aisle, and usually when outsiders involve themselves in family quarrels, they please only one side of the family.

Of course, I can well understand how the Republicans would be pleased with many of the courses of action of the Democratic leadership during the present session of Congress, for in the opinion of the Senator from Oregon, that course of action will be very helpful to them in their campaigns to elect Republicans in November. But those of us who disagree with the course of action of the Democratic leadership on many matters do not think that some of the course of action followed by our Democratic leadership will be helpful in electing Democrats. Therefore, having listened to the speech of the Senator from Maine, I wish to file this caveat of disagreement. I point out that we on the Democratic side are capable of handling our own family quarrels. We hope that in due course of time we may find a basis for readjustment and reconciliation. But, as far as those of us who think that the Democratic leadership has made some very serious mistakes at the present session of the Congress by its coalition policies with the Republicans, I wish to say that we will not have our views changed by complimentary speeches about the leadership coming from the Republican side of the aisle.

SHARP COST INCREASES IN FEED GRAIN SECTION OF FARM CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, on tomorrow at 3 o'clock the Senate will vote on the farm conference report on H.R. 12391.

I am particularly happy that my amendment to make feed available from CCC stocks in case contamination of local feed supplies by radioactive fallout occurs, was retained by the conference committee.

This amendment might mean a great deal to the dairy farmers in some localities at a time when they were in serious trouble.

I have serious reservations, however, with respect to the feed-grain provisions for 1963 and for later years. The feed-grain provisions in this bill will protect and maintain feed-grain-livestock producers' incomes in 1963 and will prevent the further buildup in stocks which would occur if we returned to the 1958 legislation, with supports at 65 percent of parity on unlimited production.

The feed-grain provisions for 1963 are far less satisfactory, however, than a continuation of the 1962 program with amendments which I proposed when the bill was debated in the Senate.

The distinguished chairman of the Agriculture and Forestry Committee brought back a conference report which will cost the Government more and which will result in less adjustment in feed-grain acreages than would have resulted from a simple extension of the current voluntary program.

Mr. President, I offered amendments which, if adopted, would have tightened up the administration of the current voluntary feed-grain program. They would have tended to increase acreage diversion, by requiring participation in it to be eligible for soybeans price supports, for example. If adopted they would have reduced the Government cost of the current voluntary program by several million dollars and made it more effective.

Now, however, in the closing days of the session we are presented with a conference report which will increase the cost of the voluntary feed grains program by much more and result in substantially less diversion of feed grain acreages.

Mr. Shuman, president of the American Farm Bureau Federation, charges that the direct payment featuers in this conference report "would double the $900 million spent under the 1962 program for feed grains." This may be an overstatement. It may not be as bad as that, but it is bad enough.

Both the grain trade which promoted the use of direct payments for feed grains and the storage industry should be highly pleased. Since the minimum resale price of feed grains represented by payment-in-kind certificates cannot be sold at less than the loan rate, it is doubtful that CCC will be able to sell any grains except those out of condition. And with smaller acreage diversions on the participating farms under the economic incentives of this program, it is doubtful that the 1963 program will result in any reduction in carryover stocks.

According to my information, after allowing for the cost of Commodity Credit Corporation operations in taking over about 600 million bushels of 1962 corn at $1.20 per bushel under the loan, and selling an equivalent amount at $1 a bushel, the 1963 voluntary feed grain program will cost much more than a simple extension of the 1962 program. Even more serious, whereas the intended diversions of corn, grain sorghum, and barley under the 1962 program total 32.7 million acres, the diversions in 1963 under the provisions of the conference report are likely to be much less.

Mr. President, if, for example, 9 million of the acres which were diverted to conservation practices in 1962 are planted to feed grains in 1963—which is entirely possible under this program—production will be 400 to 500 million bushels higher than otherwise. Unless yields fall below 1961–62 levels, carryover stocks will not be reduced by the 1963 program.

Assuming a net reduction in CCC stocks under the 1962 program of 425 million bushels of corn equivalent—as is estimated for the 1961 program—the net cost to the Government of the 1962 program totals little more than half the projected cost of the 1963 program. Needless to say, I am upset by these developments. I had hoped that we could lower the cost of the voluntary program and that after 1 more year feed grain stocks would be down to desirable levels. Now, unless the weather is unfavorable next year, carryover stocks will continue to be excessive.

WIDE-RANGING STUDIES OF ALTERNATIVE FEED GRAIN PRICE-SUPPORT PROGRAMS NEEDED

Mr. President, I hope a number of the Members of the Senate will join with me in urging the Secretary of Agriculture to undertake wide-ranging studies of alternative feed grain programs for the years following 1963. As our distinguished chairman knows, I am unhappy with the provisions in this conference report for feed grains after 1963. The Secretary of Agriculture is given authority to set feed grain price supports within the range of 50 to 90 percent of parity, but at such a level as will not result in a buildup in stocks. This is entirely inadequate. It is my understanding, however, that the Secretary of Agriculture will make recommendations to the next Congress for a long-term feed grains program to be effective beginning in 1964.

Next year our feet will be to the fire. Those of us who want to maintain income for dairy, beef, and hog farmers will be in a far different position than we were this year, because the alternative to doing nothing will be 50-percent price supports, which means a further cruel income drop for our farmers. It means 50 percent of parity price supports without controls, which means devastation, not only for the feed grain farmers, but for the dairy and beef farmers, too.

As a basis for these recommendations I want to urge that careful studies be undertaken of a wide range of modifications in the 1961–62 voluntary feed grain programs as well as studies of modifications in the provisions for 1963.

I have heard nothing from the staffs, or the experts, except that the administration will insist on putting into effect mandatory controls for 1964. It is going to use the provisions in the bill to get them, and we will not be able to fight for the maintenance of the present program on any basis, regardless of the merits of the voluntary program.

FEED GRAIN PROGRAM SHOULD BE FAR DIFFERENT THAN OTHER PROGRAMS

We must all recognize the very great difference between the cotton program, or the tobacco program, or the wheat program, on the one hand, and the feed grain program on the other. Eighty to eighty-five percent of the farmers who grow feed grains feed them on the farm. For that reason, controls are extremely difficult to establish and maintain.

In my view, a long-term feed grains program should have as its goal the balancing of supplies with disappearance at prevailing or moderately higher market prices and at no greater cost to the Government than the 1961–62 programs.

I think we were in sight of achieving that end. I think if the bill which passed the Senate this year had been accepted in conference, we would have had a surplus so low that balanced production and consumption would be possible. We would not have had to worry about mandatory controls. We would not have had to worry about 50-percent price supports. But the conference report changed the situation drastically, and the result means that we are not going to get the kind of diversion we had last year and this year. As a result, next year, those who favor mandatory controls will have a great advantage.

Mr. President, somehow there seems to be a phobia on the part of some powerful people that, merely because there are mandatory programs for cotton and for tobacco, therefore everyone must be put under exactly the same kind of program, regardless of how inapplicable it may be. This is a most unfortunate situation. This attitude in the administration has caused it great difficulty this year. Those who have reflected upon it have recognized that we who oppose the mandatory controls for the feed grain farmers have been proved correct on the basis of what happened in the turkey referendum and in the wheat referendum. It is mortally certain that if a mandatory feed grain control program had passed the Congress this year the farmers would have rejected it by a majority vote, whereas it would have required a two-thirds vote to accept it. The result of this rejection would have been chaos on the farms.

I should like to document this point a little bit more before I conclude.

BASIC DATA UTILIZED IN MAKING ESTIMATES OF COSTS AND ACREAGE DIVERSION COMPARISONS UNDER PROPOSED 1963 FEED GRAIN PROGRAM

Total base acreage, base acreage on participating farms and intended acreage to be diverted in 1962 for corn, grain sorghums, and barley are shown in tables 13, 14, and 15 of the feed situation, USDA, May 1962, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Corn	Grain sorghum	Barley	Total
Total base acreage (million acres)	86.3	20.9	16.0	123.2
Base acreage on participating farms (percent)	58.5	74.0	50.0	--------
Percent of base on participating farms to be diverted	45.3	43.3	39.3	--------
Total acres to be diverted (million)	22.9	6.7	3.1	32.7

Mr. PROXMIRE. Mr. President, one of the reasons for the high percentage diversion on the participating farms is the provision that small producers may divert their entire acreage, up to a maximum of 25 acres.

The conference report provides that for 1963 feed grain producers who divert at least 20 percent of their base feed grain acres may receive an acreage diversion payment equal to 50 percent of the value of the crops produced with the loan level at $1.02 per bushel for corn and corresponding loan levels for other feed grains. Participating producers would also receive 18 cents a bushel for corn, about 15 cents a bushel for grain sorghum and 13 cents a bushel for barley on the normal production on the remaining base acreage. Although producers would receive diversion payments at the 50-percent rate for diverting up to 50 percent of the base acreages, there would be no economic incentive to divert more than the minimum 20 percent required to be eligible for the price support loans, price support payments and acreage diversion payments.

There are several reasons why the diversion sought will not be achieved by the conference proposal.

SMALL FARMER DIVERSION DISCOURAGED BY CONFEREES

The small farmer, the farmer with 25 acres, will have far less incentive to reduce acreage below 50 percent, whereas it was feasible to take out of production the entire acreage under the provision passed by Congress last year.

Since the economic incentives for diverting a minimum of 20 percent of the feed grain base acres is substantially higher under the 1963 provisions, a reasonable estimate is that 75 percent of the corn and barley and 85 percent of the grain sorghum base acreage would participate in the 1963 program. Allowing for the diversion of a substantial number of entire base acreages of less than 25 acres it is estimated that 25 percent of the base acreage on all participating farms would be diverted. If this occurs—I think it is optimistic—acreage diversions in 1963 would compare with intended diversions in 1962.

Mr. President, I ask unanimous consent that the table showing the comparison may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Intended diversion	Estimated diversion	Difference
	1962	*1963*	
Corn..........million acres..	22.9	16.2	−6.7
Grain sorghum..........do....	6.7	4.4	−2.3
Barley..........do....	3.1	3.1	0
Total..........do....	32.7	23.7	−9.0

CONFERENCE RECOMMENDATIONS DOUBLE COST OF FEED GRAIN SECTIONS OF PROGRAM

Mr. PROXMIRE. Mr. President, I wish to show why I think the conference report on the bill would result in a cost twice as high for the taxpayers as the cost would have been under the bill which previously was passed by the Senate.

The cost of acreage diversion payments under the 1962 program have been estimated by USDA at $900 million. In addition, the Commodity Credit Corporation may take over 600 million bushels—corn equivalent—of 1962 feed grains at $1.20 per bushel while selling an equal amount at $1 per bushel, resulting in a net additional cost of $120 million. The combined acreage diversion payments and CCC losses on loans at $1.20 per bushel for corn for the 1962 program will approximate $1,020 million.

The net cost after allowing for net Commodity Credit Corporation stock reductions of 425 million bushels, for which there would be compensation, would be reduced to about $595 million. That is why I say the program is working well. The cost is moderate in terms of costs in the past. The program is reducing the surpluses.

Under the 1963 provisions with participation in the program and acreage diversion payments as estimated above, acreage diversion payments would be $550 million, price support payments would be $573 million, resulting in total payments of $1,123 million, or $103 million higher than the total estimated cost of the 1962 program.

But that would be only the beginning. With 9 million additional acres planted to corn and grain sorghums an additional 400 to 500 million bushels of feed grains might be produced compared to the result if the 1962 provision had been continued.

If yields in 1963 are as high as in 1961–62, there would be no net reduction in CCC stocks of feed grains, and the net cost of the program would approximate $1,123 million, or almost double the net cost of the 1962 program, more than half a billion dollars higher.

The farmers would be no better off, and the taxpayers would be $600 million worse off. The pressure would be on us next year, when the Congress considered the bill, both in the Committee on Agriculture and Forestry and in the Senate, to proceed with a mandatory program, which the farmers do not want and which probably they would vote down. The pressure would be on us to adopt that kind of program, and it would be a very heavy pressure indeed.

Mr. President, the difficulty is that the farmer under the conference proposal would get almost as much payment for diverting 20 percent of his land under the new proposal as he was paid for diverting 40 percent under the old proposal. With this kind of payment, we would not get the reduction in acreage needed to reduce production.

Now the payment this year under present law is $1.20 a bushel for cooperators, for those who divert acres, plus 50 percent of $1.20 on normal production of the first 20 percent of diverted acres, or 60 cents. Then, in addition, it is 60 percent of $1.20 on normal production of the next 20 percent of diverted acres, or 72 cents. Therefore, the farmer now has an incentive to divert not 20 percent but 40 percent of the acres, because he gets 72 cents per bushel for production on the second 20 percent of acres diverted.

Furthermore, the small farmer could divert his entire production. Many of them have done so. The statistics which I have put into the RECORD show a result with respect to corn of more than 45 percent of the base acreage diverted. That is a tremendous diversion. The program has been a great success.

INCENTIVE FOR DIVERSION GONE IN CONFERENCE

Under the new program these incentives vanish. The complier who diverted only 20 percent of the acreage still would get an effective $1.20 a bushel—including an 18-cent cash payment—while the noncomplier would get $1.02 a bushel. There would be a difference, though. There would be no extra payment over the 50 percent for diverting more than 20 percent of the acreage.

In addition, the base upon which the 50 percent would be figured would be $1.02, and not $1.20, so the payment would be 51 cents, half of $1.02, and not 72 cents.

Furthermore, after the reduction of 20 percent, the cooperators would get 18 cents a bushel on all production; hence, there would be only a 33 cent incentive for not producing, compared to a 72 cent incentive under the old program. That is why I think my estimate that there would be a 25-percent diversion instead of a 45-percent diversion is realistic.

Under the new plan the total payments would be almost as good—benefits over 90 percent as high—for diverting 20 percent of the acreage, as under the old plan for a 40-percent diversion of acreage.

Mr. President, I must say that this is an exceedingly difficult vote for me to cast, because I think that one can make some argument that the conference report possibly would provide a better income for feed grain farmers, for one year, but the situation in 1963 would be almost impossible for those of us who want to represent the dairy farmers honestly and well in the U.S. Senate. We would be placed in the position that if we did not act the farmers would get 50-percent price supports for feed grains with no controls voluntary or mandatory. This would result in a terrific overproduction of milk and a terrific overproduction of hogs at very low prices, perhaps 9 or 10 cents—but if we do act the administration would be in a position, with a veto power, to require that we take the mandatory controls the administration wants.

CHRONOLOGY OF U.S. RELATIONS WITH CUBA FROM 1957 TO 1962

Mr. MORSE. Mr. President, early this year, I asked the Department of State to prepare for me a chronology of U.S. relations with Cuba from the time we suspended arms shipments to its Fascist government to the time when the Communist government of Cuba openly embraced the Sino-Soviet bloc and became an ally of it.

I had asked the Department of State to prepare this chronology because I have often been disturbed by the misguided opinion frequently heard in this country that Fidel Castro turned to communism because, in effect, the United States was not nice enough to him.

For myself, I think it would be hard to find any new government which has come to power in the Western Hemisphere in this century with more interest, support, and sympathy from the United States than which the Castro government enjoyed. In my opinion, there was at the time an enthusiasm for Castro in the United States that was itself totally blind to the excesses the revolution committed against its own people. I well recall the abuse I received myself from segments of the press when I called for an end to the bloodbath of mass executions that marked the early months of that new government.

How anyone could find more to admire in summary execution and murder perpetrated by Castro and his cohorts than the same crimes committed by Batista and his cohorts is beyond my understanding.

Nonetheless, we offered the hand of friendship to Castro from the beginning, including the offer of financial assistance. Moreover, our purchases of Cuban sugar were continued for some time after "Che" Guevara declared that American purchases of Cuban sugar have meant slavery for the people of Cuba.

I am pleased to place this chronology of events in the CONGRESSIONAL RECORD as testimony of the good faith effort the United States put forth for many months to maintain friendly relations with Castro even in the face of many provocations. I ask unanimous consent to have this chronology, with its covering letter and memorandum, printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the chronology, letter, and memorandum were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., June 20, 1962.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: I refer to your letter of February 20, 1962, and to my interim reply of March 6, 1962, concerning a chronology of the important events in our relations with Cuba since 1957.

Enclosed is a "Chronology of Important Events in United States-Cuban Relations, 1957–1962," which responds to the points raised in your letter.

With regard to your inquiry as to the present whereabouts of two Cuban citizens, Mr. Manuel Antonio de Varona is now located at 1034 Michigan Avenue, Miami, Fla., and Mr. Ramon Prendes is at 624 SW. 14th Avenue, Apt. 11, Miami, Fla. Both are now in opposition to the present Communist regime in Cuba.

Please let me know if I can be of further assistance to you.

Sincerely yours,
FREDERICK G. DUTTON,
Assistant Secretary.

Enclosure: Chronology of United States-Cuban relations.

CHRONOLOGY OF IMPORTANT EVENTS IN UNITED STATES-CUBAN RELATIONS, 1957–62

SUMMARY

The attached chronology for the period 1957–62 records, on the one hand, U.S. Government attempts to get along with the Castro regime in Cuba, and, on the other, that regime's hostility toward the United States and betrayal of the Cuban revolution to international communism.

As early as 1957 the U.S. Government expressed its concern over political unrest in Cuba. In 1958 we suspended arms shipments to the Batista government which, in disregard of an agreement with the United States, had used them to combat the revolutionary movement headed by Fidel Castro. When the Castro regime came to power in 1959, the United States looked upon it with sympathy, recognized it almost immediately, and welcomed its promises of political freedom and social justice for the Cuban people. We made clear our willingness to discuss Cuba's economic needs. Despite our concern at the Cuban regime's mounting hostility toward the United States and its growing Communist tendencies, we attempted patiently and consistently from early 1959 until late 1960 to negotiate differences with the regime.

Elements in the Castro movement engaged in anti-American activities during the revolution against Batista. Soon after it came to power in 1959, the Castro government turned away from its previous promises, permitted Communist influence to grow, attacked and persecuted its own supporters in Cuba who expressed opposition to communism, arbitrarily seized U.S. properties, and made a series of baseless charges against the United States. It ignored, rejected, or imposed impossible conditions on repeated U.S. overtures to cooperate and negotiate. In 1960 Cuba established close political, economic, and military relationships with the Sino-Soviet bloc, while increasing the pace and vehemence of measures and attacks against the United States. We did not take defensive measures until the last half of 1960.

The United States terminated relations with the Cuban Government in January 1961 because of Cuban demands which placed crippling limitations on our ability to carry out diplomatic and consular functions in Cuba. The adoption by the present Cuban Government of a totalitarian Communist system and its alinement with the international Communist movement, which were already clear at that time, have become more complete since then. These developments culminated in December 1961, when Castro openly espoused Marxism-Leninism.

July 25, 1957: U.S. Ambassador Earl T. Smith, upon presentation of credentials, states that the American people are saddened and concerned over the political unrest which has led to bloodshed in Cuba.

March 14, 1958: U.S. suspends arms deliveries to Cuba.

June 22, 1958: Raul Castro, rebel commander in northern Oriente Province, issues a military order for the detention, effective June 27, of all U.S. male citizens for the purpose of "stopping U.S. military shipments to the Batista government." Pursuant to this order, starting June 26 Cuban rebels kidnap 43 U.S. citizens, including 30 sailors and marines, from the U.S. Naval Base at Guantanamo Bay, Cuba. The last of those kidnaped are released July 18.

September-October 1958: Cuban rebels set up a system for levying taxes on both Cuban and United States enterprises operating in rebel-occupied territory in eastern Cuba, and harass several U.S. companies in an attempt to collect funds and acquire supplies and equipment.

October 20, 1958: Cuban rebels kidnap two Americans employed by the Texas Oil Co., and release them 3 days later.

January 1, 1959: President Batista flees Cuba.

January 2, 1959: Fidel Castro proclaims provisional government headed by Manuel Urrutia as President.

January 5, 1959: President Urrutia appoints Jose Miró Cardona as Prime Minister.

January 7, 1959: The United States recognizes the Cuban Government, noting with satisfaction the assurances given of the Cuban intention to comply with international obligations and agreements, and expresses the sincere good will of the Government and people of the United States toward the new government and the people of Cuba.

January 7, 1959: The Communist Party daily Hoy appears in Havana for the first time since 1953.

January 9, 1959: Ernesto Guevara, commander of La Cabaña fortress in Havana, says that many members of the Communist Party lost their lives fighting Batista while the Batista government was receiving weapons from the U.S. Government, and that the Communists have earned the right to be just another party in Cuba.

January 13, 1959: By this date, almost 200 persons have been "tried" by revolutionary tribunals, found guilty and summarily shot. By the end of 1959, the count is over 600.

January 27, 1959: Nine U.S. companies operating in Cuba have made advance payments of $2,560,000 on taxes which are not due until March 30.

February 16, 1959: Fidel Castro succeeds Miro Cardona as Prime Minister.

March 2, 1959: U.S. Ambassador Philip W. Bonsal presents credentials. He brings cordial greetings and heartfelt good wishes from President Eisenhower for the happiness, prosperity and progress of Cuba. He states to President Urrutia: "We wish you every success in your announced objective of raising the standard of living of your country. I shall devote particular attention to all opportunities of increased cooperation in the economic field which may present themselves."

March 4, 1959: the Cuban Government intervenes in the Cuban Telephone Co., the first intervention of a U.S.-owned firm.

March 16, 1959: Cuban Ambassador Ernesto Dihigo presents credentials. President Eisenhower expresses hope and desire for ever closer relationship between Cuba and the United States.

March 22, 1959: Prime Minister Castro charges that U.S. authorities were lax in keeping track of arms purchases and other activities in the United States directed against Cuba. United States denies charge on March 23.

April 13, 1959: Ambassador Bonsal tells Prime Minister Castro that the United States considers Castro's forthcoming visit to the United States very important, and offers to help in any way required.

April 16, 1959: During lunch given by Secretary of State Christian Herter for Prime Minister Castro in Washington, Assistant Secretary of State Roy R. Rubottom, Jr., in conversation with the president of the Cuban National Bank, Felipe Pazos, arranges further conversations for the following day with Cuban officials.

April 17, 1959: Assistant Secretary Rubottom gives Minister of Economy Regino Boti, Minister of Treasury Rufo Lopez Fresquet, and Pazos friendly welcome and invites them to indicate Cuba's needs. He says the U.S. Government desires to be helpful. The Cubans rebuff offer.

Later the same day Prime Minister Castro, in a speech to the American Society of Newspaper Editors, says he has not come to the United States to ask for money.

May 17, 1959: Cuban Government approves agrarian reform law, providing for taking of agricultural properties, payment to be in 20-year bonds, at 4½-percent interest.

May 27, 1959: Assistant Secretary Rubottom tells Ambassador Dihigo that the United States understands that the Cuban revolution is deep and meaningful for the Cuban people, that its eventual course is matter for their decision, and that we understand the desire and need for land reform.

June 1, 1959: Ambassador Bonsal, in informal conversation with Minister of State Roberto Agramonte, states that the United States supports sound land reform, and recognizes Cuba's right to expropriate private property, provided just and prompt compensation is made. He states that it is in the interest of both Cuba and the United States to work together, to get along amicably, and to afford each other a full hearing before taking actions materially affecting the other.

June 11, 1959: Commenting on Cuban agrarian reform law, United States expresses sympathy for the objectives of agrarian reform; recognizes the right of a state to take property for public purposes, coupled with an obligation to pay prompt, adequate and effective compensation; expresses concern as to the adequacy of the law's provisions for compensation to U.S. citizens whose property may be expropriated; and expresses hope for further exchanges of views.

June 12, 1959: Ambassador Bonsal urges on Prime Minister Castro the importance of close relations between Cuba and the United States because of the interrelated economies and the proximity of the two countries.

June 20, 1959: In Washington, Assistant Secretary Rubottom offers Cuban Minister of State Raul Roa full cooperation in returning problems of United States-Cuban relations to normal, nonpublic diplomatic channels, as advocated by Roa.

June 22, 1959: In Washington, Under Secretary of State C. Douglas Dillon tells Minister of State Roa of the sincere desire of the United States that Cuba grow and prosper, and expresses the hope that the mutually beneficial traditional relationship between the United States and Cuba continue.

June 25, 1959: Cuban Government seizes three U.S.-owned cattle ranches in Camaguey Province, first such seizures subsequent to the agrarian reform law.

June 27, 1959: Cuban Government seizes U.S.-owned cattle ranch in Oriente Province.

July 1, 1959: Maj. Pedro Luis Diaz Lanz resigns as head of the Cuban Air Force, charging Communist infiltration of the armed forces and Government.

July 12, 1959: Prime Minister Castro describes reported appearance of Major Diaz Lanz before the Senate Internal Security Subcommittee in executive session as an unfriendly act and as U.S. interference in the internal affairs of Cuba.

July 13, 1959: President Urrutia, appearing on television, states that communism is not really concerned with the welfare of the people, and that it constitutes a danger for the Cuban revolution.

July 14, 1959: Major Diaz Lanz testifies publicly before the Senate Internal Security Subcommittee on communism in Cuba.

July 14, 1959: Acting Minister of State Armando Hart denounces Diaz Lanz appearance before Senate Internal Security Subcommittee as blatant intervention in Cuban internal affairs.

July 17, 1959: In television appearance, Fidel Castro resigns as Prime Minister and accuses President Urrutia of treason because of July 13 speech. Urrutia resigns.

July 23, 1959: Ambassador Bonsal expresses to Minister of State Roa the general sympathy of the United States for the objectives of the Cuban revolution and our support for agrarian reform programs of a sound nature. States that in connection with the Diaz Lanz case, U.S. policy has been correct and faithful to our highest principles. Expresses concern over the deterioration in Cuba-United States relations as a result of anti-American statements of principal Cuban Government leaders. Expresses wish of U.S. Government to cooperate in any way in obtaining information on various incidents.

July 26, 1959: Fidel Castro announces that he will resume position of Prime Minister.

July 31, 1959: On at least six occasions during the month, Cuban Government officials seize or place cattle on land owned by U.S. citizens.

August 15, 1959: Prime Minister Castro charges complicity of U.S. officials in permitting planes participating in counterrevolutionary activities against Cuba to take off from the United States.

August 21, 1959: Assistant Secretary Rubottom emphasizes to Ambassador Dihigo that he believes that the United States and Cuba urgently need to sit down together and talk over various problems to arrive at an understanding.

August 31, 1959: On at least three occasions during the month, Cuban Government officials seize or harvest land owned by U.S. citizens.

September 2, 1959: Deputy Assistant Secretary of State William P. Snow, in conversation with Ambassador Dihigo, expresses regret at the continuing attacks on the United States by Cuban Government officials, concern at the failure of the Cuban Government to hear the views of U.S. business interests before the passage of laws affecting them, and the hope that the Cuban Government might arrive at a better understanding of the U.S. position in defense of democracy against the world Communist conspiracy.

September 3, 1959: In first interview since June 12, Ambassador Bonsal expresses to Prime Minister Castro our general sympathy with the objectives of the revolution, concern at anti-American statements made by Cuban officials and at insinuations by Cuban officials that our relations have not been straightforward and correct, at the treatment received by American interests in Cuba, and at the failure of the Cuban Government to see the implications of international communism.

September 10, 1959: Assistant Secretary Rubottom tells Cuban representative on Inter-American Economic and Social Council, Enrique Perez Cisneros, that the United States is still disposed to carry out a policy of friendship and fairness toward Cuba despite considerable provocation during the past 9 months.

September 21, 1959: Ambassador Dihigo informs Assistant Secretary Rubottom that President Osvaldo Dorticos and Minister of State Roa are completely receptive to the idea that Cuba and the United States begin immediately to discuss their problems and endeavor to arrive at mutually acceptable solutions. He requests that the United States compile a list of the general and specific problems now troubling the United States in its relations with Cuba, and present the list to the Cuban Government. Rubottom indicates his pleasure at this request and says that we will immediately give consideration as how best to meet it.

September 30, 1959: On at least eight occasions during the month, Cuban Government officials seize water system, forest and other lands, and place cattle on land owned by U.S. citizens.

October 6, 1959: Ambassador Bonsal tells Minister of State Roa that the United States is generally in sympathy with the stated democratic social objectives of the Cuban revolution, but also is perplexed and in doubt about Cuban attitudes toward the United States and the free world.

October 12, 1959: United States presents note to Cuban Government reaffirming our understanding and sympathy for the goals which the Cuban Government has declared to be the purpose of its agrarian reform.

October 19, 1959: Maj. Huber Matos, a rebel army leader during the revolution, resigns as military chief of Camaguey Province, charging Communist penetration of the Government. Matos is arrested and on December 15 is sentenced to 20 years in prison for conspiracy, sedition, and treason.

October 21, 1959: Major Diaz Lanz makes an illegal flight from the United States over Havana. Prime Minister Castro charges that the plane bombed and strafed Havana resulting in deaths and injuries.

October 26, 1959: Prime Minister Castro accuses the United States of tolerating air incursions against Cuba and of threatening Cuba with economic strangulation.

October 26, 1959: Cuban Government passes law imposing confiscatory taxes upon the Nicaro nickel facility, owned by the U.S. Government, in violation of a binding international agreement. Subsequently the Cuban Government intermittently embargoes the export of the product and continually harasses the operation by delaying or failing to approve the exportation of the product and the importation of critically needed supplies and replacement parts.

October 27, 1959: Referring to October 21 incident, United States states that the plane distributed leaflets over Havana, that it was impossible for the plane to bomb or strafe, that the Cuban police reported no bombing or strafing, and that deaths and injuries from the incident must have resulted from Cuban antiaircraft fire or bombs thrown by terrorists. Rejects implication that the United States approved the flight or was in any way responsible.

October 27, 1959: Ambassador Bonsal tells Cuban President Osvaldo Dorticos and Minister of State Roa that the "United States awaits a resolution by the Cuban Government of the issues involved on a basis of friendship and observance of international law which have traditionally characterized negotiations between Cuba and the United States." Bonsal also expresses the hope that normal negotiations will not be distorted to obscure the deep sympathy with which the entire United States views the efforts of the Cuban people to achieve their social, economic, and political aspirations.

October 31, 1959: On at least 12 occasions during the month, Cuban Government officials seize lands, cattle and equipment, order cattle moved, deny access to pastures, order cutting of timber, open fences and plow up land, and place cattle on land owned by U.S. citizens.

November 6, 1959: Cuban Ministry of State distributes brochure entitled "Cuba Denounces Before the World." Brochure repeats allegations about October 21 plane incident and charges that the United States is providing political asylum to Cuban fugitives from justice.

November 9, 1959: United States protests November 6 brochure as disregarding facts on plane incident. Also states that Cuban Goverment has never requested extradition of alleged fugitives from justice under extradition treaty with United States.

November 24, 1959: Daniel M. Braddock, Minister-Counselor of American Embassy, Havana, states to Minister of Economy Boti that although various individual matters have been discussed between Cuba and the United States, little or no progress has been made on them. Braddock says that some American companies in Cuba fear that the ultimate intention of the Cuban Government is to take them over.

November 30, 1959: On at least nine occasions during the month, Cuban Government officials seize land, cattle and equipment, and place cattle on land owned by U.S. citizens.

December 4, 1959: Ambassador Bonsal reviews for Minister of Economy Boti the principal events in United States-Cuban relations since October 12, noting the deterioration that has occurred in the meantime. He refers to the Cuban offer of November 13 to continue negotiations on pending questions, and asks if Boti is disposed to resume these discussions. Boti indicates assent.

December 31, 1959: Cuba and Communist China sign trade agreement under which Cuba is to sell Peiping 50,000 tons of sugar.

December 31, 1959: On at least seven occasions during the month, Cuban Government officials seize land, equipment, property, remove timber, borrow equipment (most of which is not returned) and use repair shops owned by U.S. citizens.

January 11, 1960: United States protests seizure of U.S. property in recent weeks by Cuban officials in violation of agrarian reform law. States that without court order or any written authorization, lands and buildings have been seized and occupied; equipment has been confiscated and removed; cattle have been taken; wood has been cut and sold; productive pastures have been plowed under without the consent of their owners; and fences and boundaries have been arbitrarily moved.

January 21, 1960: Prime Minister Castro says that notes from the U.S. State Department and statements by U.S. officials encourage counterrevolutionary activities against Cuba and indicate that a policy of hostility against Cuba is more evident every day. He implies that the United States exploited Cuba for 50 years.

January 26, 1960: President Eisenhower reaffirms the adherence of the United States to the policy of nonintervention in the domestic affairs of other countries, including Cuba; explicitly recognizes the right of the Cuban Government and people to undertake social, economic, and political reforms which, with due regard for their obligations under international law, they may think desirable; and expresses the sympathy of the American people for the aspirations of the Cuban people.

January 27, 1960: Answering President Eisenhower's statement of January 26, President Dorticos states that the Cuban Government is fully disposed to discuss differences between Cuba and the United States through diplomatic negotiations, and will hear and consider complaints and claims regarding individual cases raised by U.S. citizens, in accordance with Cuban and international law.

January 31, 1960: On at least 11 occasions during the month, Cuban Government officials seize a marine dredge, land, stores, cattle and horses, and brand cattle owned by U.S. citizens.

February 4, 1960: Soviet First Deputy Premier Anastas I. Mikoyan arrives to open a Soviet exhibition.

February 4, 1960: Chargé d'Affaires Braddock states to Minister of State Roa that the United States is disposed to take President Dorticos' statement at face value and is prepared to return to diplomatic norms. Braddock mentions the desirability of leading officials of both Cuba and the United States working within the traditional spirit of United States-Cuban friendship, maintaining an atmosphere free of public recriminations, and observing standards of international and domestic laws applicable to each other's nationals.

February 10, 1960: United States states that it considers the January 27 statement of President Dorticos consistent with a desire for a return to normal diplomatic channels and welcomes the readiness of the Cuban Government to negotiate pending problems.

February 13, 1960: Prime Minister Castro and Deputy Premier Mikoyan sign joint Soviet-Cuban communique describing their conversations as "carried out in an atmosphere of frank cordiality."

February 13, 1960: Cuba and Soviet Union sign trade and economic aid agreements. Soviet Union to buy 1 million tons of Cuban sugar in each of ensuing 5 years. Soviet Union extends $100 million credit for purchase of equipment.

February 15, 1960: Replying to U.S. protest of January 11, Cuban Government states that no property has been confiscated under the agrarian reform law; that where agrarian reform officials have occupied property, steps are being taken for their fair appraisal; and that if the United States considers that Cuban laws have been violated, U.S. nationals have the right to appeal through appropriate channels.

February 15, 1960: Commerce Minister Cepero Bonilla states that the United States pays a premium price for sugar in order to bolster "inefficient and expensive" domestic sugar producers who cannot compete with "efficient and cheap producers such as Cuba."

February 20, 1960: Cuba signs trade and payments agreement with East Germany.

February 22, 1960: Cuban Government announces that it has decided to name a commission to begin negotiations in Washington, under the condition that the legislative and executive branches of the U.S. Government will adopt no measure considered prejudicial to the Cuban economy and people while the negotiations are in progress.

February 24, 1960: Armed Forces Minister Raul Castro blames the United States for exploitation of Cuba since the beginning of the century.

February 29, 1960: United States tells Cuban Government that it wishes to seek a solution of outstanding problems through negotiations, but cannot accept the condition proposed by the Cuban Government that no measure of a unilateral character be adopted by the legislative or executive branch of the U.S. Government, and wishes to explore the subjects to be discussed before initiating negotiations.

March 2, 1960: National Bank President Ernesto Guevara states that the 3 million tons of sugar which Cuba sells annually to the United States "at supposedly preferential prices" have meant and mean slavery for the people of Cuba.

March 4, 1960: French munitions ship *La Coubre* explodes in Habana harbor. On March 5 Prime Minister Castro identifies the United States as the responsible agent of the explosion.

March 7, 1960: The United States categorically and emphatically denies the charge by Prime Minister Castro implying involvement of the U.S. Government in the *La Coubre* disaster.

March 9, 1960: Secretary of State Herter states at press conference that "we have been hopeful throughout that the atmosphere of our relationship with Cuba would allow us to settle through diplomatic means such differences as we may have with Cuba".

March 15, 1960: United States expresses shock and dismay at Prime Minister Castro's attributing responsibility for *La Coubre* disaster to United States; rejects Castro's suggestion that the United States wants to keep Cuba defenseless in order to oppress Cuba; states that it is prepared to discuss various other matters, on which Castro has been critical of the United States through normal channels of communication; and continues to hope that the United States and Cuba can settle their differences through diplomatic means.

March 20, 1960: National Bank President Guevara states "Our war * * * is against the great power of the north."

March 20, 1960: Plane from the United States leaves Fort Lauderdale, and is damaged by Cuban gunfire as it lands on a highway in Cuba the next day. U.S. grand jury later indicts William J. Shergalis, a U.S. citizen, and Hector Garcia Soto, both of whom arranged for the flight, for acting as agents of the Cuban Government without filing the registration statement required by law.

March 31, 1960: Cuba signs trade and payments agreement with Poland.

April 11, 1960: United States asks Cuban Government if the March 2 views of National Bank President Guevara on sugar represent the official Cuban position. No reply ever received from Cuban Government.

April 19, 1960: Prime Minister Castro states that the U.S. Government takes advantage of every opportunity to create confusion with respect to United States-Cuban relations. He states that the U.S. Government seems to have adopted the policy used in the past to encourage fascism.

April 19, 1960: The first shipment of Soviet crude oil arrives in Cuba on the Soviet tanker *Vishinsky*.

May 6, 1960: Cuban Coast Guard patrol vessel fires without warning upon U.S. submarine *Sea Poacher* on the high seas 11 miles from the Cuban coast.

May 8, 1960: Cuba and the Soviet Union establish diplomatic relations.

May 13, 1960: Prime Minister Castro, referring to *Sea Poacher* incident of May 6, states that the Cuban Coast Guard cutter *Oriente* sighted a U.S. submarine 5 miles off the Cuban coast. In the same speech Castro states that 3 miles is the limit of Cuban territorial waters.

May 14, 1960: United States expresses astonishment and protest to Cuban Government over *Sea Poacher* incident and requests explanation. On June 11 Prime Minister Castro says that no explanation will be given.

May 16, 1960: Cuba and Czechoslovakia establish diplomatic relations.

May 17, 1960: National Bank of Cuba informs U.S. oil companies in Cuba that each of them will be required to purchase 300,000 tons of Russian petroleum during the balance of 1960.

May 17, 1960: Minister-Counselor Braddock reminds Cuban Under Secretary of State Fernandez Font that Minister of State Roa told Ambassador Bonsal that Roa would be soon getting in touch with Bonsal to resume discussions on the possibility of negotiations on pending problems.

June 4, 1960: United States reviews the record of the Cuban Government's campaign of slander against the United States, and the efforts of the United States to maintain its traditionally friendly relations with the people of Cuba. The record includes Cuban confiscation and expropriation of U.S. property, failure of the Cuban Government to compensate U.S. property owners, payments due to American exporters, Cuban attacks on U.S. sugar premium, air incursions, and the *La Coubre* and *Sea Poacher* incidents.

June 7, 1960: United States objects to "fallacious" and "offense" Cuban Government pamphlet containing thinly veiled charges implying U.S. Government involvement in *La Coubre* disaster.

June 8, 1960: Antonio Nuñez Jiminez, Director of the Agrarian Reform Institute, says in Moscow that of all the Latin American countries, Cuba is "the Soviet Union's greatest and most loyal friend."

June 9, 1960: Prime Minister Castro, referring to the United States, says that powerful interests which wanted to destroy the revolution provoked the *La Coubre* incident. He calls this type of disaster "criminally conceived and executed."

June 10, 1960: Cuban Government seizes four U.S.-owned hotels in Habana.

June 10, 1960: Cuba signs 5-year trade and payment agreements with Czechoslovakia.

June 10, 1960: Prime Minister Castro states that U.S. officials participated in a plot to mount an invasion attempt in Cuba against Nicaragua under the leadership of a Nicaraguan exile, for the purpose of embarrassing the Cuban Government. United States allegations are false.

June 10, 1960: Cuban Minister of State Roa says in Montevideo that Cuba decided "to break the structure of its commercial relations with the United States."

June 15, 1960: Cuba and Poland establish diplomatic relations.

June 18, 1960: Joint Cuban-Soviet communique in Moscow notes the fruitful development of trade, economic, and cultural ties between the Soviet Union and Cuba.

June 18, 1960: Agrarian Reform Director Nuñez Jiminez states "The Communist Party of Cuba is * * * the party whose members are receiving the benefits of the revolution."

June 27, 1960: United States explains the unusual precautions it has taken against illegal air incursions from U.S. territory affecting Cuba. States that the Cuban Government has shown no recognition of these efforts, has continued to picture the United States as permitting and encouraging these incursions, and has never provided the United States with data which would aid in investigating the incursions.

June 27, 1960: United States submits memorandum to the Inter-American Peace Committee on provocative actions of the Cuban Government. Memorandum mentions *La Coubre* incident, *Sea Poacher* incident, air incursions, and false Cuban allegations of U.S. complicity in plot to invade Nicaragua.

June 29, 1960: Cuban Government seizes Texaco and Esso refineries, on grounds that they had violated Cuban law in refusing to refine Soviet crude oil. As of this date, the oil companies had voluntarily financed over $50 million worth of crude oil imports for which the Cuban Government had refused to release dollars.

July 3, 1960: Agrarian Reform Director Nuñez Jimenez states in East Berlin that Cuba desires relations not only with the Soviet Union but with all Socialist countries.

July 3, 1960: U.S. Congress gives President authority to reduce import quota on Cuban sugar.

July 3, 1960: Jose Miró Cardona, Ambassador-designate to the United States, resigns, stating that "the ideological differences between the plans of the Government * * * and my conscience were impossible to resolve." He takes asylum in the Argentine Embassy.

July 5, 1960: United States protests seizure of U.S.-owned oil refineries as arbitrary, inequitable, and contrary to Cuban law, and expresses the hope that the Cuban Government will rescind these actions.

July 6, 1960: Cuban Government passes nationalization law, authorizing nationalization of U.S.-owned property through expropriation. Authorizes payment to be made from fund to be derived from receipts from annual purchases of Cuban sugar over 3 million tons, at price of at least 5.75 cents a pound. Payment to be in 30-year bonds at 2-percent interest.

July 6, 1960: President Eisenhower, "with the most genuine regret," orders a cut of 700,000 tons in Cuba's 1960 sugar quota, on grounds that Cuban commitments to pay for Soviet goods with Cuban sugar have raised serious doubts as to whether the United States can depend on Cuba as a source of sugar.

July 7, 1960: Prime Minister Castro says that the United States acted in a "frenzy of impotence and hatred * * * in a fit of rage" in cutting the sugar quota, but defies the United States and says that his revolution will triumph.

July 9, 1960: Soviet Premier Khrushchev states that the U.S.S.R. is "raising its voice and extending a helpful hand to the people of Cuba * * *. Speaking figuratively, in case of necessity, Soviet artillerymen can support the Cuban people with rocket fire."

July 9, 1960: President Eisenhower says that Khrushchev's statement underscores the close ties that have developed between the Soviet and Cuban Governments.

July 10, 1960: Prime Minister Castro devotes an entire speech to expressing satisfaction at the support offered Cuba by the Soviet Union and to attaching what he describes as the aggressive policies of the United States.

July 10, 1960: National Bank President Guevara states that Cuba is defended by the Soviet Union, "the greatest military power in history."

July 10, 1960: President Dorticos hails "the message of solidarity spoken by the Prime Minister of the Soviet Union and coming to us in our most difficult hour."

July 16, 1960: U.S. protests nationalization law of July 6 as discriminatory, arbitrary and confiscatory.

July 21, 1960: Cuban press reports Armed Forces Minister Raul Castro stating in Moscow that Cuba "is grateful for political and moral support from the Soviet Union."

July 23, 1960: Cuba signs a 5-year trade and payment agreement with Communist China, calling for Chinese Communist purchase of 500,000 tons of Cuban sugar in each of the next 5 years.

July 30, 1960: National Bank President Guevara states that the U.S.S.R., Communist China, and other Socialist countries are Cuba's friends.

August 1, 1960: United States submits document to the Inter-American Peace Committee entitled "Responsibility of Cuban Government for Increased International Tensions in the Hemisphere." Document deals principally with the relations between Cuba and the Sino-Soviet bloc, and the emergence of a dictatorial pattern of political control in Cuba. Document states that the Cuban Government has taken discriminatory actions against the property of U.S. citizens in Cuba valued at over $850 million, and that no effort has been made by the Cuban Government to assure them anything approaching adequate compensation.

August 6, 1960: Under authority of the nationalization law, Cuba nationalizes through forced expropriation the properties of 26 companies wholly or partially owned by U.S. citizens. The United States protests this action on August 8.

August 6, 1960: Armed Forces Minister Raul Castro says Cuba is grateful for Soviet support, and that U.S. aid always has strings attached, while aid from the Soviet Union is disinterested.

August 7, 1960: Prime Minister Castro justifies the confiscation of the investments of U.S. citizens in Cuba by accusing the United States of "economic aggression" in reducing Cuba's sugar quota.

August 10, 1960: United States issues 23-page document containing evidence of the aggressive intent of the Cuban government in its discriminatory trade and financial policies, and its confiscation of the property of U.S. citizens. Estimates the value of confiscated U.S. property at about $1 billion. States that the backlog of payments due to U.S. exporters because of the failure of Cuban authorities to make the necessary foreign exchange available is over $100 million. States that about one-half of U.S. investments had been seized before any change was made in the Cuban sugar quota.

Document states that property seized under nationalization law of July 6 covers only the most recent cases of the arbitrary taking of such property without prompt, adequate, and effective compensation. In prior cases, starting in June 1959, the Cuban government has shown little or no consideration for the rights guaranteed property owners under the laws of Cuba. It has seized and occupied lands and buildings of U.S. citizens, confiscated and removed equipment, confiscated and removed cattle from the pastures of owners, seized timberland resources, plowed under productive pastures without the consent of owners, and arbitrarily moved fences and boundaries. In many cases no inventory was taken at the time of seizure nor receipt provided, nor indication given that any payment would be made. The value of American owned property affected by such acts is estimated at $350 million.

August 13, 1960: Commerce Minister Cepero Bonilla declares that for the coming year "it would be much more advantageous to Cuba if the United States did not buy a single grain of sugar."

August 16, 1960: Cuban press reports on message from Prime Minister Castro to Premier Khrushchev, expressing thanks "for the support of the Soviet people, which is irrefutable proof that the peoples fighting for their independence are not alone in their struggle."

August 24, 1960: Prime Minister Castro charges the United States with supporting counterrevolutionaries and states that Cuba will be friends with the Soviets and the Chinese People's Republic.

August 29, 1960: The Foreign Ministers of the American Republics, meeting at San Jose, Costa Rica, approve Declaration of San Jose, stating that the acceptance by an American state of extracontinental intervention endangers American solidarity and security. They also create an ad hoc good offices committee to help settle controversies between governments in the Americas.

August 29, 1960: Prime Minister Castro repeats charges of United States aggression against Cuba and says he will not renounce Soviet support.

September 2: In reply to the Declaration of San Jose, Prime Minister Castro presents "Declaration of Habana," which bitterly attacks the United States and the OAS, denounces United States intervention in Latin America, accepts offer of assistance from the Soviet Union, and denies that the Soviet Union or Communist China have interventionist intentions in the Western Hemisphere. States Cuba will establish relations with the Chinese People's Republic.

September 12, 1960: United States offers to present its charges for examination by the good offices committee created August 29, and express the hope that the Cuban government will cooperate.

September 15, 1960: Cuba and Hungary sign trade and payments agreements.

September 17, 1960: Under authority of the nationalization law, Cuba nationalizes 3 U.S.-owned banks through forced expropriation. United States protests on September 29.

September 18, 1960: National Bank President Guevara accuses the United States of aggression and genocide. Says that Cuba has received arms from Czechoslovakia and is expecting many more from any power that will sell them.

September 23, 1960: Cuba and North Korea establish diplomatic relations.

September 26, 1960: Prime Minister Castro makes series of untrue and distorted allegations against the United States at the U.N. General Assembly.

September 30, 1960: Communist Prime Minister Chou En-lai states that "in the event of necessity the Chinese government and people will give all possible support and aid to the Cuban people."

October 7, 1960: Cuba and Bulgaria sign trade and payments agreements.

October 12, 1960: United States submits document to the U.N. Secretary General entitled "Facts Concerning Relations Between Cuba and the United States," replying to Prime Minister Castro's allegations of September 26.

October 13, 1960: Unidentified men raid the Cuban consulate general in Miami. Cuban Government states that the attack was permitted with the "suspicious indifference" and the "manifest collusion of the American authorities" and that the identities of those responsible are known to the authorities.

October 19, 1960: United States prohibits exports to Cuba except for nonsubsidized foodstuffs, medicines and medical supplies, to defend the legitimate economic interests of the people of the United States against the discriminatory, aggressive, and injurious economic policies of the Castro regime.

October 24, 1960: Under authority of the nationalization law, Cuba nationalizes through forced expropriation 166 properties wholly or partially owned by U.S. citizens. United States protests on November 19.

October 26, 1960: Cuba and Rumania establish diplomatic relations and sign trade and technical assistance agreements.

October 27, 1960: United States rejects "emphatically and categorically" the Cuban protest of October 13. States that the United States does not condone the violation of its laws by anyone, that it makes every effort to prevent such violations, that an investigation into the incident is continuing and that the United States has told the Miami police of the need for special police protection for the consulate general.

October 28, 1960: United States reiterates September 12 offer to cooperate with good offices committee and expresses hope that committee will carry out its mission promptly.

November 14, 1960: Cuban Government rejects the United States statements of October 27 as "mendacious and detrimental" and refers to an "alliance" between the executioners of the Cuban people and the United States Government.

November 18, 1960: United States states that at least 12 Soviet ships have delivered arms and ammunition to Cuba since July 1960 and that Soviet bloc arms provided to Cuba amount to at least 28,000 tons.

December 2, 1960: Cuba and North Vietnam establish diplomatic relations.

December 9, 1960: Cuba and Outer Mongolia establish diplomatic relations.

December 11, 1960: National Bank President Guevara expresses wholehearted support for the December 6 statement of the Congress of 81 Communist Parties which met in Moscow, and states that Cuba "should follow the example of peaceful development set by the Soviet Union."

December 15, 1960: Cuba and Albania establish diplomatic relations.

December 16, 1960: President Eisenhower fixes the Cuban sugar quota at zero for the first quarter of 1961.

December 17, 1960: Cuba and Hungary establish diplomatic relations.

December 19, 1960: Cuba and the Soviet Union sign joint communique through which Cuba openly alines itself with the domestic and foreign policies of the Soviet Union and indicates its solidarity with the Sino-Soviet bloc.

January 2, 1961: Cuba holds military parade. Many Soviet and bloc arms displayed, including tanks, assault guns and field guns. Prime Minister Castro says this represents only a "small part" of the arms which Cuba has received from the bloc.

January 2, 1961: Prime Minister Castro demands that the U.S. Embassy in Havana be reduced to 11 officials within 48 hours.

January 3, 1961: United States terminates diplomatic and consular relations with Cuba in view of Castro's demand of January 2, which placed crippling limitations on the ability of the United States to carry out normal diplomatic and consular functions. Cuba turns over its diplomatic and consular affairs to the Embassy of Czechoslovakia in Washington.

February 23, 1961: Armed Forces Minister Raul Castro declares that the Chinese People's Republic has sent Cuba hundreds of machineguns.

March 31, 1961: President Kennedy fixes the Cuban sugar quota at zero for 1961.

April 3, 1961: The United States issues "Cuba" pamphlet, expressing determination to support future democratic governments in Cuba to help the Cuban people achieve freedom, democracy, and social justice, and calling on the Castro regime to sever its links with the international Communist movement.

April 3, 1961: Department states in "Cuba" pamphlet that since mid-1960 more than 30,000 tons of arms, with an estimated value of $50 million, have arrived in Cuba from beyond the Iron Curtain; that the Cuban armed forces are dependent on the Soviet bloc for the maintenance of their armed power; that Soviet and Czech military advisers and technicians have accompanied the flow of arms; that Cubans have gone to Czechoslovakia and the Soviet Union for training as jet pilots, ground maintenance crews, and artillerymen; and that Cuba has, except for the United States, the largest ground forces in the hemisphere, at least 10 times as large as those maintained by previous Cuban Governments, including that of Batista.

April 16, 1961: Prime Minister Castro describes his regime as socialist.

April 17–19, 1961: Cuban patriots fail in attempt to redeem the independence of their homeland.

April 20, 1961: President Kennedy states that any unilateral American intervention would have been contrary to our traditions and to our international obligations, but that we do not intend to abandon Cuba.

April 21, 1961: Cuba votes with the Soviet bloc on almost every major international issue during the 15th General Assembly of the United Nations, which ran from September 20 to December 20, 1960, and March 7 to April 21, 1961.

April 30, 1961: Minister of Industries Ernesto Guevara declares that the Castro movement was "the first socialist revolution in Latin America."

May 1, 1961: Prime Minister Castro speaks of "our socialist revolution" and says that a new "socialist constitution" will be prepared for Cuba.

July 26, 1961: Prime Minister Castro announces formation of Integrated Revolutionary Organizations (ORI) as the precursor of the United Party of the Socialist Revolution, to be the only party in Cuba.

September 20, 1961: Soviet-Cuban communique proclaims "identity of positions of the Soviet Union and Cuba on all the international questions that were discussed."

October 2, 1961: Chinese-Cuban communique proclaims complete agreement between the Cuban and Chinese Communist regimes on "the current international situation and the question of further developing friendship and cooperation."

December 2, 1961: Prime Minister Castro states: "I believe absolutely in Marxism * * * I am a Marxist-Leninist and will be a Marxist-Leninist until the last day of my life." He admits that he hid his true political ideology during his revoluntionary struggle because he felt that "if we, when we began to have strength, had been known as people of very radical ideas, unquestionably all the social classes that are making war on us would have been doing so from that time on."

December 6, 1961: United States submits document to the Inter-American Peace Committee entitled "The Castro Regime in Cuba," containing information on Cuba's ties with the Sino-Soviet bloc and her threat to independent governments in the Western Hemisphere.

December 20, 1961: Cuba votes with Soviet bloc on 33 out of 37 major issues in 16th session of U.N. General Assembly.

January 14, 1962: The Inter-American Peace Committee reports that Cuba's connections with the Sino-Soviet bloc are incompatible with inter-American treaties, principles, and standards.

January 31, 1962: The Foreign Ministers of the American Republics, meeting at Punta del Este, declare that as a consequence of its public alinement with the international Communist movement, the present Marxist-Leninist government of Cuba is excluded from participation in the inter-American system.

March 27, 1962: United States states that Sino-Soviet bloc has furnished about $100 million worth of military equipment and technical services to Cuba and that several hundred Cuban military personnel have received training, including pilot training, in the bloc. Arms include 5 to 75 Mig jet fighters; 150 to 250 tanks; 50 to 100 assault guns; 500 to 1,000 field artillery; 500 to 1,000 antiaircraft artillery; 500 mortars; 200,000 small arms; and some patrol vessels and torpedo boats. No evidence of missiles, missile bases, or bombers.

MORSE FORMULA

Mr. MORSE. Mr. President, as many of my colleagues in the Senate know, I have, since my first term in the Senate during the 80th Congress, steadfastly attempted to protect the public interest in the disposition of surplus Government property through adding to proposed legislation what is generally termed "the Morse formula" amendment.

I am frank to say that I have not always been successful in my efforts, but I think the record will show that I have tried hard to achieve success.

On August 9, I engaged in friendly colloquy and debate with the distinguished senior Senator from California [Mr. KUCHEL] about the Morse formula in connection with its application to a bill he was then pressing to have adopted. During that discussion he cited certain bills which passed the Senate without having had attached to them this provision. He had obtained his information from the Legislative Reference Service of the Library of Congress, as is perfectly proper. That is the reason why the Service was established. The tabulation showed 11 bills approved in the Senate without the Morse formula. The full summaries of these bills prepared by the Reference Service on September 4, 1962, further indicate that as to 6 of these bills, I took the floor to announce my judgment that the legislation fully complied with the Morse formula, and that the Government and the taxpayer received fair value for the property which the bills sought to convey.

It is regrettable that the Legislative Reference Service did not see fit apparently in its August 9, 1962, report to take note of what the record and its own September 4, 1962, report fully showed in regard to those 6 bills, namely that in 6 of the 11 cases there was a floor discussion and explanation of the fact that the Morse formula requirements were achieved.

I have also used the Legislative Reference Service to obtain information many times in the past and I hope to do so often in the future. But, since I believe that for the sake of future discussions in the Senate when this question may again arise it will be helpful to have available a full compilation of Morse formula legislation, I asked the Legislative Reference Service of the Library to compile for me a memorandum of all legislation from the 80th through the 86th Congress to which the Morse formula would be applicable.

This tabulation indicates that since 1947, the Morse formula has been applied to 436 pieces of legislation which sought to convey real estate or personal property belonging to the Government and the taxpayers of the United States. The history of these 436 bills does not tell the whole story, however, since they are only the bills which eventually were enacted into law. The Library of Congress memorandum does not go into the area of bills which were withdrawn or were never offered because of the presence and potential application of the Morse formula. At any rate, it is interesting to do a little arithmetic with regard to these 436 bills.

As to real estate alone, these bills sought to convey real property of the United States estimated at approximately 568,811 acres. This amounts to about 888 square miles or more than two-thirds of the total area of the State of Rhode Island. Included within this 888-square-mile area has been land of modest value such as 462 acres of Alaskan land valued at $1.25 an acre. There has also been some extremely valuable land, such as 0.86 acre of land at Palm Beach, Fla., which was valued at $18,750. Some of this land has contained valuable improvements such as observation towers, lighthouses, and pumping stations. In 1960, during the 86th Congress, it was necessary to apply the Morse formula to a bill which would have granted 4½ acres in the most expensive section of Washington, D.C., opposite the British Embassy, to the Congressional Wives Club for a clubhouse of their own. After I insisted, on the floor of the Senate that the Congress should require payments of the full rental value to the U.S. Treasury, this bill was withdrawn. Consequently, this 4½ acres remains part of a beautiful Federal park which all the taxpayers of the United States can enjoy when they come to Washington, D.C.

The so-called Morse formula, as it has evolved, has come to apply to all property interests, real, personal, and mixed, which belong to the Federal Government and the taxpayers of this Nation. Recent application of it has even extended to a fishing vessel which is the property of the U.S. Government.

Getting out my pencil and doing a little calculating on the basis of this Legislative Reference Service memorandum, it appears that averaging on the basis of the stated value of acreage in the memorandum, the Morse formula has resulted in a return to the U.S. Treasury of at least $439,706,000.

Again this does not tell the whole story. In 98 cases in this memorandum, neither the value nor the acreage of the property involved is stated, so interpolation is required. Further, there is no accounting of the legislation which has been rejected, or not offered because of the possibility applying the formula. If I were pressed for an estimate of the additional amount involved, I might, on the basis of my 18 years of experience in this body, estimate it to be in the neighborhood of $150 million, although this cannot be stated with exactness.

Scores of these bills have been introduced in Congress every year. They propose to give away Federal land, or in some cases Federal buildings, Federal equipment, and Federal property. Nearly always, the property in question is not being used at the time by the Federal Government. But this does not make it any the less valuable.

If the Government has no need for it, and the local community or State agency or private organization does have a need for it, then I am perfectly favorable to its transfer, but certainly not for no price at all. We do not expect owners of valuable private property to give what they have away for nothing. Why in the world anyone expects the American taxpayers to give away their property for nothing is hard to understand.

The origin of applying the so-called Morse formula is quite illuminating. Back in 1947, the chairman of the Senate Armed Services Committee received word from the War Assets Administration that that agency had received more than 100 requests for the free transfer of surplus military equipment that was left over from World War II. The War Assets Administration estimated that the property requested ranged in value between $275 and $300 million.

The chairman acted promptly and introduced Senate Concurrent Resolution 31 of the 80th Congress, requesting the military departments and the War Assets Administration to delay the disposal of surplus lands and permanent structures and to report their locations, description, and fair market value to the Armed Services Committees of the U.S. Congress.

As a result, the chairman set up an investigating committee composed of myself, Senator Robertson, of Wyoming, and Senator BYRD of Virginia. We held hearings on February 16 and 17 and March 2, 3, and 8, of 1948, and after we had heard the evidence, wrote a report and made recommendations to the Senate.

Our report recommended, on the basis of our study, that the Surplus Property Act of 1944 be amended to require the following:

First. That conveyances to States and local governments for public parks and recreational areas shall be at at 50 percent of fair market value.

Second. That conveyances for historical monuments of Federal property shall be without monetary consideration.

Third. That the United States reserve valuable rights in connection with this property, such as reversionary and other interests as conditions upon any transfers.

Our recommendations were in the form of a bill, S. 2277, which became Public Law 616 of the 80th Congress on June 10, 1948. This legislative formula became accepted and was extended in 1949, to the General Property and Administrative Services Act, section 602(a) of Public Law 152, 81st Congress.

Therefore, this formula which was devised by our committee, was enacted into law and applies to every transfer of property which is undertaken by the General Services Administration, or any related agency concerned with either the Surplus Property Acts, relating to military property, or the General Property and Administrative Services Act, relating to Government property generally.

From time to time since 1948, questions have arisen as to why it is necessary for the Senator from Oregon to take the floor and apply or insist on compliance with this formula, if it is already part of legislation and has the force of law.

The answer to this is that every piece of special legislation relating to the conveyance of land stands on an equal footing legally with the original legislation. No Congress can bind its successor and therefore a bill to provide for the conveyance of land would and does override the General Property Act or any other legislation that can be put on the books.

In addition to the estimate that in round numbers the Morse formula has made a saving of $500 million for the taxpayers, in respect to 888 square miles of land, or 568,811 acres, plus the estimate of an additional $150 million already referred to by the senior Senator from Oregon, many more millions of dollars have been saved to the taxpayers as a result of the fact that the principle of the Morse formula became a part of the Federal Property and Administrative Services Act and is binding, as far as departmental action is concerned, on the General Services Administration in carrying out the Federal Property and Administrative Services Act.

We have no way of knowing how many millions of dollars of savings have resulted from the adoption of the amendment to the General Property Act which I authored and which was supported by former Senator Robertson of Wyoming and the Senator from Virginia [Mr. BYRD]. It was added as an amendment to the Surplus Property Act and was adopted in 1948. However, my estimate is that well over a total of $900 million has been saved to the taxpayers of this country as a result of my insistence upon the application of the Morse formula to so-called special legislation and the application of the formula now as a part of the General Property Act by the agencies of Government that have the administrative responsibility of carrying out the provisions of legislation over which they have jurisdiction.

Also, I may say for the benefit of the Library of Congress and its Legislative Reference Service, and for the benefit of the Senator from California [Mr. KUCHEL] and my other colleagues in the Senate, that there has never been a bill passed by the Senate while the senior Senator from Oregon has been on the floor of the Senate, that violated the Morse formula to which I did not object.

I have already referred to the 11 bills that the Library of Congress reported to the Senator from California [Mr. KUCHEL] as allegedly having passed the Senate, as not including the Morse formula, when the principle of the Morse formula was, in fact, involved. I have already stated that the Library of Congress was dead wrong and it listed six of those bills as having passed the Senate without the Morse formula, when in fact the Morse formula was involved.

The RECORD and the September 1962 memorandum by the Legislative Reference Service shows that in the case of six of the bills there was a discussion of the Morse formula, in which the senior Senator from Oregon made clear that the Federal Government was getting value equal to the 50 percent of the appraised market value in connection with each one of those bills.

As to the other bills, it is not the fault of the Senator from Oregon if he is away from the Senate on official business when a bill which violates the Morse formula is called up, and the Senator from Oregon is not even aware of either the bill or the fact that it will be called up. I merely say that, in my judgment, the leadership of the Senate, knowing of the record that the senior Senator from Oregon has made on this very important principle of protecting the economic interests of the taxpayers, should not allow a bill to come up if it knows that the bill violates the Morse formula.

I repeat, for the benefit of the Library of Congress, the senior Senator from California [Mr. KUCHEL], and other Senators, that I have never knowingly or intentionally permitted a bill to pass the Senate on the Unanimous Consent Calendar or on motion, in violation of the Morse formula without arguing against the passage of such a bill.

When a special bill which violates the Morse formula is called up, it becomes necessary for me to take the floor of the Senate when such a bill makes its appearance and take action to make certain that the formula created by our committee is written into each of the special bills. During the 80th Congress there developed more or less of an understanding among us that the then junior Senator from Oregon would fight this battle on the floor of the Senate, and I have been doing it ever since, for 14 years now.

During this decade and a half, the formula has developed and been refined. Its basic tenets have been expanded so that now in addition to the provision for the free conveyance of property for historical monuments and the provision for payment of 50 percent of fair market value by the State and local governments for public parks and recreational areas, there is added a provision that conveyances to Government units for commercial operations or any conveyance to private individuals or organizations for profitable purposes, shall require a payment to the Treasury of the full 100 percent market value of the property at the time of the conveyance.

In addition, provision for such interests as mineral rights, rights of concurrent use and other valuable legal interests have become part of the formula.

It has not always been easy to stand up in the Senate and oppose bills embodying projects which have a great deal of interest for the residents of a particular State or locality and the sponsorship of esteemed colleagues in the Senate. These measures are often extremely popular with the State or locality, since there might be exceedingly valuable property which would be enjoyed free of compensation if one of these bills became law.

However, the Senator from Oregon is one person who believes that the property belonging to the U.S. taxpayer wherever he is situated is deserving of protection. It does not matter that in many of these bills the amount of property involved is quite small. In the words of Robbie Burns, "many a mickle makes a muckle." As we have seen the "mickles" have added up over the past 14 years to an area more than two-thirds the size of Rhode Island.

If this property had been transferred away from Federal ownership without compensation, it is quite likely that there would be even more legislation introduced to confer similar benefits on other localities, and the amount of the taxpayers which would be given away in this fashion, might soon reach dizzying proportions.

In recognition of this, a good many Members of this body have extended the utmost cooperation in introducing legislation with the Morse formula already written in. In other cases, after the applicability of the formula is brought to their attention, they have been most cooperative in consenting to amendments to this effect. Many Members have said to me "Well, of course, I should like to get this particular piece of property for a city in my State, or for a county, or for the State itself, without charge. But if you will be consistent and insist upon an application uniformly of the Morse formula, I cannot object to the soundness of the principle for which you are standing, and I will go along."

On one occasion that I recall, when I blocked a bill which would have allowed the city of Detroit to obtain without charge Government property worth many, many millions of dollars, the Senator from Michigan, who was then Arthur Vandenburg, came up to me and said, "WAYNE, I hope you never give up your fight on the Morse formula. I hope you never relinquish the Morse formula to any Senator. Although I tried to get this bill through because the city of Detroit wanted it, I want you to know that I am glad you made the fight and won."

Within the limits of human frailty, I have without exception, stood my ground. I have insisted upon the application of this formula no matter how small or how deserving the case. I have applied the formula uniformly to every proposal involving the State of Oregon, in the same way as I have with bills involving any other State of the Union.

Over the years, I have found that most people even the local delegations who wanted their bills passed would come to understand the fairness of the principle of this formula. When they have found that this is an economy measure and is saving the Treasury and the taxpayers of the United States hundreds of millions of dollars, they are willing to join in supporting the principle.

The principle does not always get sustained, because a simple majority vote in the Senate can defeat it, and it may sometimes be knocked out in the House of Representatives or in the conference between the Senate and House. However, in almost every instance, as the Legislative Reference Service memorandum states, the Morse formula stands the test and those interested in acquiring Federal property have to pay a fair compensation.

I think I would be justified in saying, from the box score involving the 447 measures which we considered in this discussion, that the application of this formula may be assuming the status of a custom in the Senate. I should be very happy to see it become a custom and institution of this body. If we add the

$300 million of original war surplus property and the estimated $440 million involved in bills that have become law subject to the formula and the perhaps $150 million that has been saved in connection with legislation that has not become law, it appears that this custom has resulted in savings to the taxpayer of nearly $900 million in 14 years. On the basis of this history, I believe that universal acceptance of this formula would in the future be greatly to the benefit of the people of the United States.

I ask unanimous consent that the memorandums and compilation I requested from the Legislative Reference Service dated September 4, 1962, be printed at this point in my remarks.

There being no objection, the memorandum and compilation were ordered to be printed in the Record, as follows:

The Library of Congress,
Legislative Reference Service,
Washington, D.C., September 4, 1962.

To: Hon. Wayne Morse.
From: American Law Division.
Subject: Public property, Morse formula.

This will refer to your inquiry relating to a memorandum listing acts of the 83d through 86th Congresses, with certain information relating to Senate passage—conveying, selling, or donating Federal property to political divisions or individuals. An attempt is made in the following report to give the following information regarding such acts: (1) A brief summary of the act; (2) the purposes of the act; (3) the amount of property involved, if given; (4) the amount of consideration, if any; (5) the citation to the Congressional Record of Senate passage; and (6) the public or private law number, if enacted.

An overwhelming number of such acts retain many U.S. interests, such as reversionary rights, restrictions, etc., for which no attempt has been made to list in this report. Almost all of such acts were passed by the Senate on the call of the calendar. Acts which had rollcall votes or division votes in the Senate are noted.

Attention is called to the fact that the information listed relating to consideration provided or the Morse formula relates to Senate passage only, and does not necessarily relate to the enacted version of the acts, but a spot check reveals that for the most part the Senate passed version was retained in the enacted acts.

No attempt has been made to include in this report acts relating to transactions regarding tribal lands held in trust for Indians; however, acts conveying, granting, or donating public lands, etc., to Indians are included.

Enclosed also we are sending a report containing the requested information relating to the Kuchel memo which appears on page 16057, Congressional Record for August 9, 1962.

Grover S. Williams,
Legislative Attorney.

Requested Information Relating to Acts Contained in the Kuchel Memo, Daily Congressional Record, August 9, 1962, Page 16057

(By Grover S Williams, legislative attorney, American Law Division, September 4, 1962)

H.R. 163, 83d Congress (Public Law No. 145; 67 Stat. 185): Provides for the conveyance of certain lands in Monroe County, Ark., to the State of Arkansas.

In this bill there is involved 28 small parcels of lang aggregating about 7 acres. The land in question, together with considerable areas of other land was originally given to the United States without consideration by the State of Arkansas in order to create the White River National Wildlife Refuge.

Mr. Butler of Nebraska stated (Congressional Record, vol. 99, pt. 7, p. 8949) that the land in question was of no use to the United States for the purpose conveyed and that he could see no conflict between the bill and the Morse formula. Also Mr. Hendrickson stated that he could see no application of the Morse formula to the bill (Congressional Record, vol. 99, pt. 7, p. 8949).

The act provides for conveyance without consideration. No stated value of the land is found, the bill passed the Senate on July 16, 1953 (Congressional Record, vol. 99, pt. 7, p. 8949), under the call of the calendar. No rollcall votes were taken by the Senate on the bill.

S. 122, 83d Congress (Public Law No. 155; 67 Stat. 203): Directs the conveyance of certain property to the city of Rupert, Idaho.

This conveyance relates to three tracts of land totaling 9.6 acres. Two of the tracts were donated to the city of Rupert in 1906 for public purposes and it is stated that the main purpose of this bill in regard to these tracts is to clear title. Senator Morse stated (Congressional Record, vol. 99, pt. 6, p. 8476) that the Government was losing nothing on the conveyance of these tracts since they were conveyed in 1906 without consideration.

On one tract the Government had enacted some houses which cost $42,000 and when Senator Morse was assured that the houses were not to be conveyed to the city he announced no objection to the two tracts (Congressional Record, vol. 99, pt. 6, p. 8476).

As to the third tract of which it was stated to be only a drainage ditch Senator Morse stated that he had no objection because he thought it should belong to the city so as to relieve the U.S. Government of any expense in connection with its upkeep. Senator Morse did not apply the formula. The full explanation as to why the formula is not violated is explained by Senator Morse (Congressional Record, vol. 99, pt. 6, pp. 8475–8477). The bill passed the Senate on July 10, 1953 (Congressional Record, vol. 99, pt. 6, p. 8477), on call of the calendar. No rollcall votes were taken by the Senate.

H.R. 8038, 83d Congress (Public Law No. 652; 68 Stat. 790): Authorizes the conveyance of certain lands to the Hot Springs School District and to Garland County for school purposes.

Senate Report No. 1939, page 1, states that the property involved in this bill is approximately 35 acres of land which was originally donated to the United States for public health purposes but is no longer used for those purposes. No statement is found relating to the value of the lands but the report does state that the United States erected several buildings on the land which are badly in need of repair which would cost some $150,000 for repairs alone.

The act provides for conveyance without consideration but permits the Secretary of the Interior to retain any such buildings on the land required by the United States for park purposes.

The bill passed the Senate on August 11, 1954 (Congressional Record, vol. 100, pt. 11, p. 14012), on a call of the calendar. No rollcall votes were taken on the measure by the Senate.

S. 3187, 83d Congress (Public Law No. 708; 68 Stat. 969): Authorizes the United States to quitclaim all of its rights, title, and interest in and to certain lands in Arizona.

The rights and interests in this act involve certain rights-of-way and relate to the Salt River project constructed pursuant to a contract dated June 25, 1904, between the United States and the Salt River Valley Water Users Association.

In 1917 there was a contract signed which purported to give these rights-of-way to the Salt River Valley Water Users Association (S. Rept. No. 2025, p. 2). However, some local title companies apparently feel that title to such rights-of-way may still be invested in the United States despite the 1917 contract. The committee stated that it felt that the United States had no real interest in these lands and that it would be helpful to local parties to quitclaim such rights in this manner.

No estimate is found giving any value to such rights. The bill passed the Senate on August 11, 1954 (Congressional Record, vol. 100, pt. 11, p. 14043), on the call of the calendar. No rollcall votes were taken by the Senate on the measure. No consideration was provided by the act.

S. 266, 84th Congress (Public Law No. 77; 69 Stat. 138): Authorizes the Secretary of the Interior to transfer certain property to the State of Wyoming for National Guard purposes.

The property involved by this bill consists of 5,780 acres including improvements. No statements are found stating the value of the property. The bill provides that the property shall be used for National Guard and other military purposes.

No consideration is provided for by the measure. It passed the Senate on May 5, 1955 (Congressional Record, vol. 101, pt. 5, p. 5740), on the call of the calendar. No rollcall votes were taken by the Senate on the measure.

H.R. 727, 84th Congress (Public Law No. 252; 69 Stat. 538): Authorizes the conveyance of certain land to the Pecwan Union School District in California for use as the site for a school.

The land involved in this act relates to 15 acres of land of the Hoopa Valley Reservation in California.

Senator Morse stated (Congressional Record, vol. 101, pt. 9, p. 11806) that the Morse formula is inapplicable to this measure inasmuch as the largest of the United States is in effect that of a trustee as the land involved is Indian lands.

The act provides for conveyance without consideration but reserves mineral rights. No statement is found relating to the value of the lands. The bill passed the Senate on July 28, 1955 (Congressional Record, vol. 101, pt. 9, p. 11806), on the call of the calendar. No rollcall votes were taken by the Senate on the measure.

S. 535, 84th Congress (Public Law No. 261; 69 Stat. 543): Provides for the conveyance of certain lands to the State of North Dakota for a historic site.

The property involved in this act consists of a 5-acre tract. No estimate of the value of this land is found. Senator Morse in a statement explained the reasons why the conveyance of this property is not in conflict with the formula. The lands are classified as tribal lands reserved for agency purposes. In legal effect, the tribe is the cestui que trust, and the United States is only the trustee. No lands of which the United States holds the ultimate beneficial interests are being conveyed. The Senate passed the bill on July 18, 1955 (Congressional Record, vol. 101, pt. 8, p. 10691). The statement by Senator Morse is found in the Congressional Record, volume 101, part 8, pages 10690, 10691. No rollcall votes were taken by the Senate on the measure.

S. 2822, 84th Congress (Public Law No. 572; 71 Stat. 256): Authorizes the Secretary of the Interior to transfer 9 acres of land to the school district No. 8, Mohave County, Ariz.

The lands involved in this act are lands in the Hualapai Indian Reservation, Ariz. The lands are necessary for the erection of a school in the district. It is stated that the only interest that the United States has in the land is that of trustee for the Hualapai Tribe of Indians. The school which is to be erected will be made available to both Indians and non-Indians. The school which is to be erected will cost $129,000. No estimate is found giving the value of the lands.

No consideration is provided. The Senate passed the bill on April 19, 1956 (Congressional Record, vol. 102, pt. 5, p. 6618). No rollcall votes on the bill were taken by the Senate.

S. 556, 85th Congress (Public Law No. 85–193; 71 Stat. 472): Provides for the conveyance of certain real property of the United States, situated in Clark County, Nev., to the State of Nevada for the use of the Nevada State Board of Fish and Game Commissioners.

The land involved in this act consists of 1.93 acres. It is part of a 60-acre tract originally donated to the Federal Government by the city of Las Vegas for use as a Fish and Wildlife Service fish-culture station. The original conveyance contained a clause providing for reversion to Las Vegas if the Federal Government did not use the land for fish-culture purposes. Since the original conveyance was gratuitous and the Federal needs for the original purpose do not require the lands, Senator Morse stated (Congressional Record, vol. 103, pt. 8, p. 10980) that the act is not in violation of the formula.

No consideration is provided. No statement is found giving the value of the land. The Senate passed the bill on July 8, 1957 (Congressional Record, vol. 103, pt. 8, p. 10980). No rollcall votes on the bill were taken by the Senate.

S. 999, 85th Congress (Public Law No. 85–205; 71 Stat. 479): Authorizes the Secretary of the Interior to convey certain lands to the State of North Dakota for the use and benefit of the North Dakota State School of Science.

In this act there is involved the conveyance of 80.0637 acres of land. Senator Young stated that the Indian Bureau placed a value of $250 an acre on the land involved. Senator Morse stated that the probable value of the land covered by the pending bill is somewhere between $15,000 and $20,000 (Congressional Record, vol. 103, pt. 6, p. 7093).

No monetary consideration is provided by the bill, but it does provide for 10 annual tuitions for the benefit of Indian children covering a period of 10 years which will have a total value of approximately $10,000.

Senator Morse stated (Congressional Record, vol. 103, pt. 6, p. 7093) that the Federal Government has been adequately protected and will be getting a return for the land of approximately $10,000, which will be at least 50 percent of its appraised fair market value, and possibly more; and that therefore the Morse formula is fully complied with.

The bill was passed by the Senate on May 16, 1957 (Congressional Record, vol. 103, pt. 6, p. 7093). No rollcall votes on the bill were taken by the Senate.

H.R. 5270, 86th Congress (Public Law No. 86–407; 74 Stat. 15): Authorizes the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all rights, title, and interest of the United States in certain lands located in Salt Lake County, Utah.

This act involves the conveyance of 7.7 acres. It was originally donated by this water district to the Federal Government for use in connection with the construction of the aqueduct division of the Provo River Federal reclamation project. Now it is stated that the Federal Government does not need this land for the specific purpose intended when the land was conveyed.

The act provides for no consideration. Senator Morse stated (106 Congressional Record 6623) that this bill is in conformity with the Morse formula because it seeks to carry out the intention underlying the original conveyance by the water district to the United States.

No estimate of the value of the land is found. The Senate passed the bill on March 28, 1960 (Congressional Record, vol. 106, pt. 5, p. 6623). No rollcall votes were taken by the Senate on this measure.

83D CONG., 1ST SESS.

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
H.R. 2036	Authorizes the Secretary of Interior to convey certain lands to the State of California.	Public	34.5 acres with improvements.	(S. Rept. 156)—Land was conveyed to United States in 1905. No consideration provided for in act.	99	4579	Public Law 25.
S. 1292	Authorizes the exchange of school lands for park lands in Virginia.	do	0.5 acre	(S. Rept. 159)—Land was conveyed to United States in 1933. No monetary consideration provided.	99	4581	Public Law 27.
S. 1545	Authorizes the conveyance of certain Government-owned burial lots in the District of Columbia to a private church.	Private	392 burial lots	(S. Rept. 161)—$100 consideration and provides for exchange of several lots accompanied by a release of certain upkeep claims against the United States.	99	4581	Private Law 53.
S. 1548	Provides for exchange between the United States and Puerto Rico of certain lands and interests.	Public	907 acres of U.S. lands valued at $1,561,399.45; 6,500 acres of Puerto Rico lands valued at $820,202.	(S. Rept. 163)—Committee felt that the difference in value of land in favor of Puerto Rico was not so bad as five parcels of these lands were set aside for military use when Puerto Rico was ceded to United States.	99	4581	Public Law 326.
S. 1525	Authorizes the exchange of certain lands by Secretary of Navy to Tarrant County Water Control District in Texas.	do	225 acres by United States; 244 acres in Texas.	(S. Rept. 164)—States that the exchange is of comparable value and area.	99	4582	Public Law 34.
H.R. 1561	Authorizes the transfer of public property to the State of Tennessee.	National Guard	30 acres	Morse formula does not apply to transactions solely for National Guard purposes.	99	5287	Public Law 56.
H.R. 4505	Authorizes the sale of certain lands to the State of Oklahoma.	Public	70 acres	A payment of fair value, but not less than cost to United States in acquiring it.	99	6183	Public Law 64.
H.R. 4730	Provides for the conveyance of certain lands to the city of Cincinnati, Ohio.	do	0.1 of an acre	No monetary consideration provided but Senator Morse stated that the formula was inapplicable and gave reasons.	99	6188	Public Law 81.
S. 630	Authorizes the exchange of certain lands in Pennsylvania.	Public	23 acres	Provides for an exchange of land of equal value.	99	8001	Public Law 167.
S. 894	Provides for the sale of certain lands in Basalt, Colo.	Private	Several lots	Provides that the sale be at the fair market value.	99	8005	Not enacted.
H.R. 4823	Conveys certain lands to the State of Texas.	Public	160 acres	Conveyance at the fair market value, but not less than cost of the United States in acquiring such land.	99	8009	Public Law 122.
H.R. 1528	Authorizes the addition of lands to the Appomattox Courthouse National Historical Monument by exchange of lands.	Public and private	100 acres	Exchanged lands are to be of approximately equal value.	99	8010	Public Law 136.
H.R. 3411	Provides for the exchange of certain lands in Illinois.	Public and private	Several thousand square feet.	Exchanged lands are to be of approximately equal value.	----	----	Public Law 116.
S. 2163	Provides for the conveyance of certain lands in North Carolina in exchange for other lands.	Public	133 acres with improvements.	Exchanged lands are to be equal in fair market value.	----	----	Public Law 265.
S. 1400	Transfers reversionary rights of the United States in a tract of land in North Carolina.	Private	45,001 acres	Without monetary consideration	----	----	Private Law 428
H.R. 3380	Authorizes the exchange of public lands in Virginia.	Public and private	800 acres of public lands for 1,500 acres of private lands.	Exchanged lands must be of approximate equal value.	----	----	Public Law 144.
H.R. 163	Provides for the conveyance of certain lands to the State of Alabama.	Public	7 acres	No monetary consideration provided. Lands were donated by the State of Arkansas to the Federal Government in 1937 (S. Rept. 463).	----	----	Public Law 145
H.R. 5349	Provides for the conveyance of public land to private individuals.	Private	98 acres	Conveyance upon the payment of the price which the Government paid for the lands.	----	----	Private Law 128.
H.R. 947	Authorizes the issuance of a patent-in-fee to certain lands in Mississippi to an individual.	do	90 acres	Price not less than $1.25 an acre	----	----	Private Law 100.

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Bill No.		Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
						Volume	Page	
S.	122	Provides for the conveyance of certain property to the city of Rupert, Idaho.	Public	10 acres plus improvements.	No monetary consideration provided, but Senator Morse explained in detail why the formula is not applicable.	99	8477	Public Law 155.
H.R.	4072	Provides for the disposition of certain lands by Virginia to the School Board of Mecklenberg County.	....do	$300 or $400	No monetary consideration provided but Senator Morse asked that the RECORD show that he voted "Nay."	99	8480	Public Law 138.
H.R.	3056	Provides for the conveyance of certain lands in New Mexico to an individual.	Private	40 acres	To be sold at appraised value	99	10784	Private Law 154.
S.	1639	Authorizes the sale of certain lands to the State of Oklahoma.	Public	45.5 acres	Sale to be made at a fair value of property which shall not be less than the cost of acquiring it.	99	10785	Not enacted.
S.	1160	Authorizes the exchange of certain lands in Tucson, Ariz.	....do	Not stated	S. Rept. 707 states that each parcel of land exchanged is appraised at $2,400.	99	10785	Public Law 306.
H.R.	2019	Provides for the sale of certain lands to individuals.	Private	2 lots	Purchase price to be the appraised value of lots.	99	10798	Private Law 219.
H.R.	2011	Provides for sale of lands in Alaska to Boy Scouts.	....do	133 acres	Purchase price to be its reasonable appraised value, not less than $1.25 an acre.	99	10798	Private Law 152.
H.R.	2013	Authorizes the sale of lands in Alaska to the Calvary Baptist Church.	....do	0.5 acre	Purchase price to be its reasonable appraised value, not less than $1.25 an acre.	99	10798	Private Law 153.
H.R.	1880	Authorizes the sale of lands in Alaska to the Catholic bishop.	....do	462 acres	....do	99	10798	Private Law 151.
H.R.	1245	Provides for the conveyance of certain lands in Dane County to Wisconsin Armory Board.	Public	8.8 acres	The fair value of the land is to be deducted from certain Federal contributions.	99	10971	Public Law 268.

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S.	1399	Provides for the sale of certain improvements in national forest lands in Arizona.	Public	Not stated	Sale to be at the fair appraised value	100	632	Public Law 401.
S.	1577	Provides for the exchange of certain public lands in Eagle County, Colo.	....do	U.S. lands, $2,000 in exchange for lands at $2,500.	No consideration provided	100	632	Not enacted.
H.R.	2842	Provides for the transfer of certain lands to the territory of Hawaii.	....do	9,000 square feet	No consideration, but Senator Morse made a statement why the formula is not in conflict.	100	1498	Public Law 296.
H.R.	5632	Provides for the conveyance of certain lands to the State of North Carolina.	National Guard	264 acres	Formula does not apply to transactions solely for National Guard purposes.	100	1498	Public Law 327.
S.	489	Provides for the conveyance of certain lands to the State of Connecticut.	....do	58.06 acres	Formula does not apply to transactions solely for National Guard purposes.	100	1499	Public Law 315.
S.	1827	To quiet title and possession to certain real property in the State of Washington.	Public	Not stated	Senator Morse stated that the United States had no legal interest in the property.	100	1500	Public Law 317.
H.R.	6025	Provides for the licensing of certain property located in Honolulu to the Leahi Hospital.	Private	4.4 acres	50 percent of fair rental value	100	1724	Private Law 345.
S.	2405	Provides for the exchange of public property for private property.	Public and private	Not stated	Provides that the United States receive a sum of money in the amount that the value of the public property exceeds the value of the private property exchanged.	100	2472	Public Law 333.
H.R.	7380	Provides for the reconveyance of certain lands to Boulder City, Colo.	Public	2 acres	Senator Morse made a statement why the bill was not in conflict with the formula.	100	4860	Public Law 341.
H.R.	7402	Provides for the conveyance of certain real property to the city of St. Joseph, Mich.	....do	1 lot	Provides compensation of $3,300	100	5265	Public Law 348.
H.R.	7512	Provides for the conveyance of land at Camp Blanding, Fla., to the armory board.	National Guard	40,000 acres	Formula does not apply to transactions solely for National Guard purposes.	100	5272	Vetoed, May 25, 1954.
H.R.	232	Provides for the conveyance to the State of Indiana certain surplus real property.	Public	13 acres	No monetary consideration provided	100	5278	Public Law 386.
H.R.	6251	Transfers certain lands to the city of Cody, Wyo.	....do	210 acres	No monetary consideration is provided.	100	5456	Public Law 360.
H.R.	1815	Enables the sale of certain lands to States, political subdivisions, and nonprofit organizations.	Public and private	Not stated	Sales or leases to be at an appraisal price determined by the Secretary of the Interior.	100	5457	Public Law 387.
H.R.	6088	Provides for the exchange of certain lands in Wyoming.	Public	40 acres in lieu of 20 acres.	No consideration provided	100	5930	Public Law 362.
H.R.	7057	Provides for the transfer, exchange, and disposal of lands in the Eden project, Wyoming.	....do	Not stated	Exchange of lands to be of approximately equal value.	100	6639	Private Law 377.
H.R.	2913	Directs the Secretary of the Interior to issue a patent in fee for certain lands to an individual.	Private	40 acres	Conveyance to be upon the payment of the appraised value.	100	6644	Private Law 374.
H.R.	4816	....do	....do	80 acres	Conveyance to be upon the payment of the appraised value of the lands.	100	6644	Private Law 377
H.R.	1705	....do	....do	640 acres	....do	100	6999	Private Law 386.
S.	2654	Authorizes the District of Columbia to sell certain lands.	....do	17.17 acres	Sale made to highest bidder	100	7001	Public Law 234.
H.R.	2512	Amends the Small Tracts Act to permit the leasing of lands for residential, recreational, or community site purposes.	Private and public	Not stated	At price determined by Secretary	100	7005	Public Law 390
H.R.	5833	Authorizes the exchange of public lands in Hawaii for private lands.	Public and private	....do	Requires that in such exchanges the lands be of equal value.	100	7682	Public Law 416.
H.R.	6328	Authorizes the exchange of certain public lands in Hawaii for privately owned lands.	....do	288 acres	Requires the exchanged lands to be of equal or greater value.	100	7682	Public Law 412.
H.R.	2016	Authorizes the sale of certain lands to the Board of National Missions of the Presbyterian Church.	Private	1 acre	Sale price to be the appraised value of the land.	100	7683	Private Law 421.

83D CONG., 2D SESS.—Continued

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
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H.R. 107	Transfers certain lands to the State of North Dakota.	Public	32.14 acres	No monetary consideration provided	100	7684	Public Law 409.
H.J. Res. 458	Quitclaims retained rights in certain lands to the Board of Education of Irwin County, Ga.	do	8 acres	Senator Morse stated that this was not violation of the formula and he would not object.	100	8215	Public Law 473.
H.J. Res. 300	Provides for the conveyance of certain surplus land in Texas to the Hill County Development Corp.	Private	90 acres	Sale price of $16,500	100	8215	Private Law 480.
S. 3239	Authorizes the conveyance of certain land to the State of California.	Public	3.5 acres	Purchase price not less than appraised value.	100	8229	Public Law 668.
H.R. 1128	Authorizes the issuance of a patent-in-fee to certain lands to an individual.	Private	160 acres	Senator Morse asked for an explanation but made no objection. No consideration provided.	100	8232	Vetoed June 29, 1954.
H.R. 3097	Authorizes the transfer of certain real property in Napa County, Calif.	Public	20 acres and improvements.	Without cost. Senator Morse objected and called for a vote. The bill passed on a division vote without the formula.	100	8239	Public Law 430.
S. 2900	Authorizes the sale of certain lands in Alaska to the Harding Lake Camp.	Private	62 acres	Purchase to be at a fair market price to be fixed by Secretary of Interior.	100	8512	Not enacted.
H.R. 5840	Authorizes the exchange of certain lands in Alaska for private lands.	Public and private	994.25 acres of public lands; 1,250 acres of private lands.	Provides that the value of private lands equal or exceed value of public lands.	100	8512	Public Law 448.
H.R. 4496	Authorizes the conveyance of certain lands to Prince Georges County, Md.	Public	Several lots	Provides that the purchase price be an amount equal to the fair market value.	100	8575	Public Law 505.
S. 3302	Grants to the Las Vegas Valley Authority, Nevada, certain public lands.	do	Not stated	Payment of a price representing the fair market value.	100	8593	Public Law 666.
S. 3303	Grants certain public lands in Nevada to Basic Management, Inc.	do	do	do	100	8594	Public Law 854.
S.J. Res 170	Provides for the conveyance of certain property now held by TVA.	Private	do	Provides that sale be made at the fair value.	100	9727	Public Law 722.
H.R. 7913	Provides for the conveyance by quitclaim deed of certain lands to the State of Texas.	Public	200 acres	Purchase price to be the fair market value.	100	9227	Public Law 491.
H.R. 9340	Provides for the conveyance of federally owned lands to the Florida Armory Board.	National Guard	40,000 acres	Formula does not apply to transactions solely for National Guard purposes.	100	9729	Public Law 493.
H.R. 7158	Authorizes the United States to convey certain lands to an individual.	Private	17 acres	Purchase price is to be the fair market value.	100	10192	Private Law 551.
H.R. 6975	Authorizes the conveyance of certain lands to the Siskiyou Joint Union High School District, California.	Public	27.58 acres	No monetary consideration provided but Senator Morse stated it was not in conflict with the formula.	100	10754	Public Law 526.
S. 3561	Authorizes the conveyance of certain property to the armory board, Utah.	National Guard	35 acres	Formula does not apply to transactions solely for National Guard purposes.	100	10756	Public Law 550.
H.R. 6263	Provides for the conveyance of certain lands in Alaska to the Rotary club.	Private	4 acres	No monetary consideration provided but Senator Morse stated his understanding of the bill did not violate the formula.	100	10764	Public Law 525.
H.R. 4028	Provides for the conveyance of certain lands to Clifton, N.J.	Public	14.25 acres	Purchase price to be 75 percent of the fair market value.	100	10765	Public Law 541.
H.R. 8983	Provides for the conveyance of certain lands to Muskogee, Okla.	do	5.4 acres	No monetary consideration but Senator Morse stated the reasons why the bill does not conflict with the formula.	100	10766	Public Law 546.
H.R. 9406	Provides for the conveyance of certain real property to the town of Beaufort, N.C.	Public	1.38 acres	For price of $1 (H. Rept. 2452) states that the city sold it to United States for $1 during World War II.	100	10413	Public Law 617.
H.R. 6658	Provides for the conveyance of certain lands to the county of Cumberland, N.C.	do	57.8	No monetary consideration is provided. (S. Rept. 1943) states that the land originally was given to the Government.	100	14013	Public Law 677.
H.R. 8501	Provides for the conveyance of certain lands to the Americus & Sumter County Chamber of Commerce.	Private	25 acres	No monetary consideration provided, but Senator Morse stated the formula did not apply as this party had originally donated land for a purpose not now being carried out.	100	14013	Public Law 784.
H.R. 8020	Provides for the transfer of certain property to the State of Oregon.	Public	2.61 acres	No monetary consideration provided but Senator Morse stated that the bill did not violate the formula.	100	14013	Public Law 717.
S. 2486	Authorizes the transfer of certain property to the State of Wyoming.	National Guard	7,680 acres	Formula does not apply to transactions solely for National Guard purposes.	100	14036	Not enacted.
H.R. 5632	Provides for the sale of certain public lands to certain lessees in Hawaii.	Private	Not stated	Sale for a fair and reasonable price	100	14039	Public Law 639.
H.R. 8821	Authorizes the exchange of certain lands in Maryland.	Public	do	Exchange lands must be of approximately equal value.	100	14039	Public Law 654.
S. 264	Provides for the conveyance of certain lands in Maryland to the American Legion.	Private	6 acres	Purchase price 50 percent fair market value.	100	14040	Private Law 934.
H.R. 2009	Provides for the sale of certain land in Alaska to the Ninilchik Hospital Association.	do	5 acres	Terms and conditions of the act of June 4, 1954 (Public Law 387, 83d Cong., sale of public lands to a nonprofit corporation).	100	14040	Private Law 886.
H.R. 2010	Provides for the sale of certain lands in Alaska to the Alaskan Evangelization Society.	do	3 acres	(Same as H.R. 2009 above)	100	14041	Private Law 887.
H.R. 2012	Provides for the sale of certain lands to the Boy Scouts in Alaska.	do	3.28 acres	do	100	14041	Private Law 714.
H.R. 2014	Authorizes the sale of certain lands in Alaska to the Community Club of Chugiak.	do	4.93 acres	do	100	14041	Private Law 888.
H.R. 3854	Authorizes the sale of certain lands in Alaska to the Turnagain Arm Community Club.	do	4.12 acres	do	100	14041	Private Law 893.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
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H.R. 6959	Authorizes the sale of certain lands in Alaska to the Baptist Mid Missions.	Private	6.41 acres	Same as H.R. 2009 above. Senator Morse in answer to a question stated that in the last 6 bills that the United States was receiving more under the act than 50 percent of fair market value.	100	14041	Private Law 894.
S. 3187	Authorizes the United States to quitclaim all its interest in certain lands to the State of Arizona.	Public	Not stated	No monetary consideration is found	100	14043	Public Law 708.
H.R. 1797	Provides for the conveyance of certain land to the State of Oklahoma.	do	2,615.36 acres	Sale price an amount equal to the appraised fair market value.	100	14061	Public Law 720.
H.R. 9194	Provides for the conveyance of certain land to the city of Vicksburg. Miss.	do	109.014 acres	Reasonable appraised value	100	14081	Public Law 658.
S. 3595	Provides for conveyance of certain property to the State of Texas.	National Guard	24.25 acres	Formula does not apply to transactions solely for National Guard purposes.	100	14082	Public Law 711.
S. 3750	do	do	Land and property	do	100	14083	Public Law 712.
H.R. 8736	Provides for the issuance of a land patent to public lands in Hawaii to the Roman Catholic bishop.	Private	1 lot	No monetary consideration is provided.	100	14084	Private Law 785.
H.R. 2015	Provides for the sale of certain lands in Alaska to an individual.	do	0.08 acre	A reasonable appraised value	100	14084	Private Law 855.
S. 3822	Provides for the conveyance of certain lands to the State of Texas.	National Guard	9.306 acres	Formula does not apply to transactions solely for National Guard purposes.	100	14087	Public Law 713.
S. 3316	Provides for the conveyance of a tract of land in Mississippi to an individual.	Private	111 acres	Appraised value	100	14255	Not enacted.
S. 3189	Provides for the conveyance of certain lands in California to a county flood control district.	Public	Up to 720 acres	Appraised fair market value	100	14259	Public Law 709.
H.R. 1254	Authorizes the grants of certain uses of public lands.	Private	Not stated	Fair market value of such uses	100	14948	Public Law 771.
H.R. 6451	Authorizes the conveyance of certain lands in Utah.	do	Several sections of land.	Appraised value of land	100	14961	Private Law 956.
S. 2153	Authorizes the conveyance of certain property to the State of Minnesota.	Public	60 acres	No monetary consideration provided but Senator Morse stated he had no objection because the service rendered by the State would be sufficient.	100	14968	Not enacted
H.R. 4017	Authorizes the conveyance of certain lands in Arkansas to a school district.	do	7.03 acres	No monetary consideration provided but Senator Morse stated that the formula was not applicable.	100	14969	Public Law 739.
H.R. 8038	Authorizes the conveyance of certain property to a school district in Arkansas.	do	35 acres	No monetary consideration provided.	100	14012	Public Law 652.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
S. 998	Provides for the conveyance of certain lands to the city of Woodward, Okla.	Public	0.940 acres	An amount equal to 50 percent of the fair market value.	101	4975	Public Law 81.
S. 1070	Provides for the sale of certain lands in the national forests.	Private	Not stated	Sale to be not less than the appraised value of land.	101	4979	Not enacted.
S. 14	Provides for the conveyance of certain property to the State of Texas.	National Guard	189 acres	Formula does not apply to transactions solely for National Guard purposes.	101	5215	Public Law 49.
S. 148	Provides for the conveyance of certain property to the State of Iowa.	do	1,848.32 acres	do	101	5215	Public Law 50.
S. 653	Provides for the conveyance of certain property to the State of Louisiana.	do	104.06 acres	do	101	5216	Public Law 52.
H.J. Res. 107	Provides for the release of a reversionary right in a tract of land to the Vineland School District, Calif.	Public	37 acres	Releases the right for the consideration of $1.	101	5226	Public Law 30.
S. 755	Provides for the conveyance of certain property to the city of Warwick, Va.	do	1,188 family dwelling units.	Terms of sale to be an amount and conditions that Housing Administrator may determine at fair market value.	101	5737	Public Law 80.
H.R. 1602	Provides for the conveyance of certain property to the Salt River Agricultural Improvement & Power District in Arizona by Tempe, Ariz.	Public and private	Not stated	No monetary consideration provided	101	5739	Public Law 36.
S. 266	Provides for the conveyance of certain property to the State of Wyoming.	National Guard	5,780 acres	Formula does not apply to transactions solely for National Guard purposes.	101	5740	Public Law 77.
S. 1340	Provides for the reconveyance of certain lands to the Brownsville Navigation District of Cameron County, Tex.	Public	Not stated	Reconveyance to be made upon the payment of the same price the United States paid in acquiring it.	101	7251	Public Law 265.
S. 107	Provides for the conveyance of certain lands to the Commonwealth of Massachusetts.	National Guard	66 acres	Formula does not apply to transactions solely for National Guard purposes.	101	7635	Public Law 142.
H.R. 5177	Provides for the reconveyance of certain lands to Richland County, S.C.	Public	110 acres	No monetary consideration provided but the county had conveyed previously the land to the United States (S. Rept. 465).	101	7879	Public Law 85.
S. 1397	Provides for the conveyance of certain lands to St. Louis Church of Dunseith Church, Dunseith, N. Dak.	Private	10 acres appraised value $70 (S. Rept. 497).	No monetary consideration is provided.	101	8112	Private Law 442.
S. 508	Provides for the reconveyance of certain lands to former owners.	do	Not stated	Requires the payment of a price equal to the price paid for such lands by the United States.	101	8114	Not enacted.
H.R. 2973	Provides for the conveyance of the interest of the United States in certain lands to the Georgia State Board of Education.	Public	226 acres	No monetary consideration provided. The formula in the form of amendment by Senator Morse rejected by voice vote.	101	9248	Public Law 116.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
H.R. 4853	Provides for the sale of certain lands in Alaska.	Private	45 acres	To be sold at a reasonable appraised price.	101	8676	Private Law 163.
S. 1585	Provides for the return of certain lands to the town of Hartford, Vt.	Public	53 acres	No monetary consideration provided, but Senator Morse gave a statement giving his reasons for not applying the formula.	101	9082	Public Law 439.
S. 464	Provides for the issuance of patents for certain lands in Florida.	Private	586 acres	Provides for the payment of a price equal to the cost of acquiring it, but no less than $1.25 an acre.	101	9168	Public Law 258.
H.R. 899	Provides for sale of certain lands in Alaska to an individual.	do	25.22 acres	Purchase price to be the reasonable value, but not less than $1.25 an acre.	101	10159	Private Law 214.
H.R. 6796	Authorizes the conveyance of certain lands to the city of Clarksburg, W. Va.	Public	41 acres	No consideration provided but Senator Morse explained why he did not apply formula.	101	10688	Public Law 205.
H.R. 4225	Authorizes the conveyance of certain property to the city of North Little Rock, Ark	do	656 acres	No monetary consideration, but Senator Morse explains why he did not apply formula.	101	10689	Public Law 207.
S. 878	Provides for the exchange of certain lands in the State of Utah.	Public and Indian	Not stated	Exchanged lands to be of equal value.	101	10689	Public Law 263.
S. 535	Provides for the conveyance of certain lands to the State of North Dakota.	Public	5 acres	No monetary consideration provided, but Senator Morse made a statement why the formula is inapplicable.	101	10691	Public Law 261.
H.R. 1802	Provides for a lease of certain Indian lands to the State of Washington.	do	200 acres	No monetary consideration provided, but the land reverts at the end of 99 years.	101	10692	Public Law 187.
H.R. 4001	Provides for the sale, exchange, or disposition of certain lands in Oklahoma.	Public and private	20,000 acres	Such lands may be sold at highest bid or through appraisal by the Secretary.	101	11034	Public Law 215.
S. 2277	Provides for the conveyance of certain lands to the city of Sioux Falls, S. Dak.	Public	20 acres	Consideration in an amount equal to the cost of acquiring it.	101	11233	Public Law 282.
H.R. 4280	Provides a release of certain marginal lands to Clemson College, S.C. for sale to buy other lands.	do	Value of $1,000,000 involved.	Senator Morse states that it does not violate the formula because it is an exchange of land with no loss to the Government.	101	11239	Public Law 237.
H.R. 4747	Provides for the conveyance of reversionary interests in certain lands to city of Chandler, Okla.	do	154 acres	Monetary consideration of $3,000 Senator Morse stated that this exceeded 50 percent of the fair market value.	101	11240	Public Law 241.
H.R. 4717	Provides for the release of an interest of the United States in certain land conveyed to Sag Harbor, N.Y.	do	1.5 acres	Senator Morse did not apply the formula because it would cost more to appraise it than the interest was worth.	101	11337	Public Law 234.
S. 2351	Provides for the conveyance of certain housing projects to the city of Norfolk, Va.	Public	Not stated	At the fair market value	101	11339	Public Law 284.
S. 2513	Provides for the sale of certain housing to the Housing Authority of Glastonburg, Conn.	do	do	Sale to be at the fair market value	101	11340	Not enacted.
H.R. 5512	Provides for the conveyance of certain housing to the State of Louisiana.	do	do	Provides for a monetary consideration of $300,000 and when assured that this sum was 50 percent of fair market value. Senator Morse did not object.	101	11340	Public Law 235.
H.R. 6980	Provides for the conveyance of certain housing to the Boston Housing Authority.	do	do	Sale to be at the fair market value	101	11340	Public Law 217.
S. 1261	Provides for the conveyance of certain property to the New Jersey Turnpike Authority.	do	do	For the fair market value	101	11337	Public Law 412.
H.R. 727	Provides for the conveyance of certain Indian lands to the Pecwan Union School.	do	15 acres	No monetary consideration provided but Senator Morse stated that the formula is not applicable because the only interest the United States has is that of a trustee.	101	11806	Public Law 252.
H.R. 482	Provides for the conveyance of certain lands to the State of Missouri.	National Guard	16.5 acres	The formula does not apply to property limited to National Guard.	101	12230	Public Law 301.
H.R. 1599	Provides reconveyance of certain lands in Georgia and Florida.	Private	Not stated	Shall be reconveyed at a price which the United States paid in acquiring land adjusted to show increases in values.	101	12231	Public Law 300.
H.R. 3235	Provides for the reconveyance of certain lands in Alabama.	do	do	At a price equal to amount of cost in acquiring such lands adjusted to reflect increases in values.	101	12931	Public Law 312.
S. 637	Provides for the conveyance of certain property to the State of Louisiana.	National Guard	do	The formula does not apply to property limited to the National Guard.	101	12234	Public Law 521.
S. 2624	Amends the Act which provides for the sale of certain property to Newark, N.J. by revising a new formula in ascertaining price of recapture of property by United States.	Public	do	Senator Morse made no objection when informed that transfer of land under the bill would provide compensation to United States of fair value.	101	12235	Public Law 413.
H.R. 1459	Provides for the conveyance of certain property to Highland Falls, N.Y.	do	6.4 acres	An amount equal to 50 percent of the fair market value.	101	12237	Not enacted.
S. 1959	Provides for the conveyance of certain property to the State of Texas.	National Guard	Not stated	The formula does not apply to National Guard transactions.	101	12237	Public Law 410.
H.R. 46	Provides for the conveyance of certain lands to Anniston, Ala.	Public	38.5 acres	Provides for a payment of the fair market value.	101	12237	Public Law 293.
H.R. 503	Provides for the conveyance to the State of Texas of certain public lands.	do	100 acres	Provides for a payment of the fair market value, but not less than cost in acquiring the land.	101	12293	Public Law 307.
H.R. 6727	Provides for the conveyance of certain lands to Milwaukee, Wis.	do	4 acres	Payment of the fair market value	101	12294	Public Law 315.
H.R. 6634	Provides for the conveyance of certain lands to the city of Grapevine, Tex.	do	1.8 acres	Payment of 50 percent of the fair appraised market value.	101	12305	Public Law 332.
H.R. 7195	Authorizes the reconveyance of certain lands in Texas.	Private or public	Not stated	At the price the Government paid in acquiring such lands adjusted to reflect increases in value.	101	12870	Vetoed Aug. 17, 1955.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
S. 1992	Provides for the conveyance of certain lands to the Pioneer National Monument Association in Kentucky.	Private	7.6 acres	No monetary consideration	102	1888	Private Law 576.
H.R. 7156	Authorizes the conveyance of certain lands in Florida to the county commissioners of Lee County.	Public	7.2 acres	No monetary consideration provided but Senator Morse made a statement explaining the reasons why the formula did not apply.	102	2349	Public Law 418.
H.R. 2889	Authorizes the conveyance of certain lands to the village of Nedecah, Wis.	do	⅘ of an acre	An amount equal to 50 percent of the fair market value.	102	2358	Not enacted.
H.R. 6857	Authorizes the conveyance of certain lands to Milwaukee, Wis.	do	0.40 of an acre	No monetary consideration provided, but Senator Morse made a statement explaining the application of the formula to the bill.	102	2351	Public Law 416.
H.R. 2430	Authorizes the release of certain restrictions on real property granted to Charleston, S.C.	do	Value of restriction not stated.	For consideration of the exchange of certain property containing 30.75 acres.	102	2896	Public Law 428.
H.R. 3950	Provides for the conveyance of certain property to an individual.	Private	Not stated	Lands were in exchange for prior lands of the individual taken by the Government.	102	5021	Private Law 582.
H.R. 8607	do	do	18.66 acres	Individual is an Indian and the land was held in trust for him.	102	5022	Do.
H.R. 585	Provides for the conveyance of certain lands to Lake County, Calif.	Public	0.41 acres	Sale price at fair market value	102	5023	Public Law 443.
H.R. 6772	Provides for the conveyance of certain lands to a school district in Oregon.	do	7.75 acres	do	102	5024	Public Law 455.
H.R. 5280	Authorizes the exchange of certain public lands for certain private lands.	do	90 acres	Provides that any difference in value of property be paid in cash.	102	5025	Public Law 448.
H.R. 7097	Provides for the reconveyance of certain oil interests to former owners.	Private	Not stated	Purchase price equal to fair market value of such interests.	102	5025	Public Law 459.
S. 2267	Provides for the conveyance of certain public lands to Henderson, Nev.	Public	6,859 acres	Fair market value of lands	102	5025	Public Law 522.
H.R. 5889	Provides for the conveyance of certain lands to Savannah Beach, Tybee Island, Ga.	do	Not stated	An amount equal to that paid by the United States for the lands.	102	5509	Public Law 475.
S. 2246	Provides for the sale of certain lands to the city of Wall, S. Dak.	do	39 acres	Payment of the fair market value	102	5514	Not enacted.
H.J. Res. 112	Provides for the release of certain reversionary rights to certain lands in Orangeburg County, S.C.	do	Rights estimated to be $50.	No monetary consideration provided	102	5521	Public Law 471.
H.R. 6625	Provides for the transfer of title to certain lands to the pueblo San Lorenzo, N. Mex.	Indian	1¾ acres	No monetary consideration, but Senator Morse made a statement why he was not applying the formula.	102	5740	Public Law 480.
S. 2144	Authorizes the conveyance of certain lands in New Mexico to the Fairview Cemetery Association.	Private	20 acres	Fair market value of lands	102	6646	Not enacted.
H.R. 6703	Authorizes the sale of certain lands in Alaska to an individual.	do	1.14 acres	do	102	7048	Private Law 611.
H.R. 1774	Provides for the conveyance of certain lands to the State of North Dakota.	Public	Not stated	No monetary consideration specifically provided but is to be disposed of under laws relating to surplus property.	102	7039	Public Law 846.
H.R. 6990	Provides for the conveyance of certain lands to the board of missions of the Presbyterian Church.	Private	1 lot	No monetary consideration, and Senator Morse explains the inapplicability of the formula.	102	8538	Private Law 685.
H.R. 7540	Provides for the sale of certain housing to the city of Hooks, Tex.	Public	Not stated	Sale to be at fair market value	102	8538	Public Law 567.
S. 1961	Provides for the conveyance of certain lands to the State of Vermont.	National Guard	do	Morse formula not applicable to transactions for sole benefit of National Guard.	102	8544	Public Law 706.
H.J. Res. 261	Provides for the transfer of supplies and equipment to the Citadel, Charleston, S.C.	Public	Property has no intrinsic value.	Senator Morse explans why this act does not violate the formula.	102	8543	Public Law 558.
H.R. 7471	Provides for the conveyance of certain lands to the Board of Commissioners of St. John's County, Fla.	do	5.82 acres	50 percent of the fair market value	102	9317	Public Law 615.
H.R. 4363	Provides for the conveyance of certain property to the State of New Mexico.	National Guard	51 acres	Morse formula does not apply to transactions involving exclusive grants for National Guard.	102	9321	Public Law 598.
H.R. 7679	Provides for the conveyance of certain property to the city of Muskogee, Okla.	Public	9 acres	Senator Morse made a statement explaining why this bill does not violate the formula.	102	9322	Public Law 577.
H.R. 8490	Provides for the conveyance of certain property to the city of Bonham, Tex.	do	21.9 acres	do	102	9322	Public Law 589.
H.R. 8674	Provides for the conveyance of certain property to the city of Biloxi, Miss.	do	144 acres	Senator Morse made a statement explaining why this bill does not violate the formula.	102	9322	Public Law 587.
H.R. 9358	Provides for the conveyance of certain lands to Cheyenne, Wyo.	do	431 acres	Senator Morse made a statement why this bill does not violate the formula.	102	9322	Public Law 588.
H.R. 10251	Provides for the conveyance of certain lands to the city of Grand Junction, Colo.	do	16.72 acres	Senator Morse made a statement explaining why the bill does not violate the formula.	102	9323	Public Law 579.
H.R. 8123	Provides for the conveyance of certain property to the city of Roseburg, Oreg.	do	163 acres	do	102	9325	Public Law 595.
S. 3344	Authorizes the conveyance to the territory of certain lands in Alaska.	do	1.3 acres	No monetary consideration provided but provides a reverter clause if the territory ceases to use the land for stated purposes.	102	9974	Public Law 789.
H.R. 7913	Authorizes the exchange of properties between the United States and city of Cape Girardeau, Mo.	do	Not stated	Senator Morse made a statement as to why this bill is not in conflict with the formula.	102	9980	Public Law 602.
S. 3723	Provides for the exchange of land between California and United States.	do	U.S. land is $98,000; land United States gets from California is $116,000.	Senator Morse stated that the bill is not in conflict with the formula as the United States is not losing anything of value.	102	9981	Public Law 710.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
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H.R. 2452	Provides for the conveyance of certain lands to the State of Wisconsin.	National Guard	1,480 acres	Morse formula is not applied to transactions exclusive for National Guard purposes.	102	9981	Public Law 729.
S. 2585	Provides for the exchange of public lands for private lands in Maryland.	Public and private	1,375 square feet of public land in exchange for 3,126 square feet of private land.	It was stated that the private land was at least of equal value with the public land.	102	9975	Public Law 989.
H.R. 8404	Provides for the conveyance of certain lands to the State of Wyoming.	National Guard	39.26 acres	Morse formula is not applied to transactions exclusively for National Guard purposes.	102	10406	Public Law 618.
S. 3388	Provides for the conveyance of certain lands to the port of Port Townsend, Wash.	Public	30.62 acres	Fair market value	102	10410	Public Law 760.
S. 3195	Provides for the conveyance of certain lands to the town of North Kingstown, R.I.	do	3.4 acres	50 percent of fair market value	102	10410	Public Law 859.
H.R. 7896	Provides for the conveyance of lands to the city of Hagansville, Ga.	do	1 lot	Sum of $3,000	102	10411	Public Law 616.
H.R. 9377	Provides for the sale of certain lands in California to the Eagle Rock YMCA.	Private	0.708 acres	Conveyance at the fair market value	102	10411	Private Law 708.
S. 3316	Provides for the conveyance of certain property to the city of Roseburg, Oreg.	Public	1 lot and house	50 percent of fair market value	102	10408	Public Law 883.
H.R. 8634	Provides for the conveyance of certain lands to the city of Charlotte, N.C.	do	18.06 acres	Subject to the requirements of the Surplus Property Act less $10,000.	102	10469	Public Law 657.
H.R. 9671	Provides for the conveyance of certain property to the village of Carey, Ohio.	do	$11,000 (S. Rept. 2238)	Fair market value	102	10637	Public Law 647.
S. 2654	Provides for the conveyance of certain lands to the city of Cheyenne, Wyo.	do	90.2 acres	No monetary consideration provided, but the land was conveyed to the United States by the city for veterans purposes for which it is no longer needed and not used as such.	102	10857	Not enacted.
H.R. 8552	Provides for the easement of certain lands to the town of Chincoteague, Va.	do	Not stated	No monetary consideration provided but Senator Morse states views of why the formula does not apply.	102	11528	Public Law 693.
S. 976	Provides for the release of title to certain lands to Montgomery, W. Va.	National Guard	8.3 acres	Morse formula does not apply to transactions solely for National Guard purposes.	102	11528	Public Law 740.
S. 3404	Provides for the conveyance of certain lands to the State of Virginia.	do	11.25 acres	do	102	11529	Not enacted.
H.R. 4652	Provides for the transfer of certain property to the Panama Canal Company.	Public	Not stated	Senator Morse submitted a statement as to why the formula does not apply.	102	11531	Public Law 668.
H.R. 8452	Authorizes the conveyance of certain lands to private individuals.	Private	Several lots	Appraised value of land but not less than $1.25 an acre.	102	11540	Private Law 765.
H.R. 11558	Relinquishes all rights and titles in certain lands in Forrest County, Miss.	do	Not stated	Disclaimer only applicable to right, etc., arising out of circumstances attendant upon a patent in 1906.	102	11541	Private Law 766.
S. 3482	Transfers title to certain lands to the Carlsbad irrigation district in New Mexico.	Public	Certain lots	Cost of land has been repaid by the district.	102	11546	Public Law 762.
H.R. 9660	Provides for the conveyance of certain lands to the State of Virginia.	National Guard	11.25 acres	Morse formula does not apply to transactions solely for National Guard purposes.	102	11837	Public Law 719.
H.R. 10479	Provides for the conveyance of certain lands to the County of Galveston, Tex.	Public	13 acres	Senator Morse made a statement explaining the reasons the formula does not apply to this act.	102	12331	Public Law 750.
H.R. 9774	Provides for the conveyance of certain lands to the Board of County Commissioners of Volusia County, Fla.	do	2.08 acres	50 percent of fair market value	102	12334	Public Law 739.
H.R. 8817	Provides for the conveyance of certain property to the city of Corbin, Ky.	do	6 acres	Fair market value	102	12334	Public Law 742.
H.R. 10075	Provides for the conveyance of certain property to the town of Bald Knob, Ark.	do	1 lot	Consideration of $1. Senator Morse made a statement why the formula does not apply.	102	12334	Public Law 735.
H.R. 9578	Provides for the conveyance of interest to certain lands in Colorado, to a private corporation.	Private	Not stated	To remove exceptions and restrictions which were sold under a stipulation that title to fissionable materials should be retained by the Government (S. Rept. 2427).	102	12421	Private Law 792.
H.R. 11520	Transfers certain property to the town of Castine, Maine.	Public	100 square feet of land and lighthouse.	No consideration provided	102	12421	Public Law 745.
H.R. 10204	Transfers certain lands to an individual.	Private	Several lots valued at $5,000.	Conveyance upon the payment of the fair market value.	102	12421	Private Law 789.
H.R. 9339	Provides for the exchange of certain lands within the Chattahoochee Park, Ga.	Public and private	2.10 acres	Exchange lands are to be at least of equal value.	102	12796	Public Law 747.
H.R. 7723	Provides for the conveyance of certain lands to the Chamber of Commerce of Rolla, Mo.	National Guard	5 acres valued at $5,000 (S. Rept. 2513).	Morse formula does not apply to transactions solely for National Guard purposes.	102	12797	Public Law 807.
S. 3133	Provides for the conveyance of certain lands to the city of Boise, Idaho.	Public	Land $125,000 to $150,000. Improvements $80,000 to $100,000.	Conveyance to be at market value	102	12797	Not enacted.
H.R. 11163	Provides for the conveyance of certain lands to Lake County, Calif.	do	41 acres	Amends act of 1956 by deleting erroneous land description and substituting the correction (S. Rept. 2538).	102	12802	Public Law 751.
S. 3356	Provides for the conveyance of certain lands to the State of Texas.	National Guard	200.45 acres	Morse formula does not apply to transactions solely for National Guard purposes.	102	13685	Not enacted.
H.R. 5519	Provides for the exchange of certain lands with the city of El Paso, Tex.	Public	Not stated	Exchange lands are to be of equal value.	102	13685	Public Law 929.
H.R. 9081	Provides for the conveyance of cerlands to the State of Texas	National Guard	3 acres	Morse formula does not apply to transactions solely for National Guard purposes.	102	13685	Public Law 819.
H.R. 9810	Provides for the conveyance of certain lands to the State of Indiana.	Public	6 acres	Conveyance upon the fair appraised market value.	102	13822	Public Law 951.
S. 4012	Provides for the conveyance of certain lands to the State of Nevada.	do	126,775 acres	do	102	13823	Not enacted.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
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H.R. 9699	Provides for the conveyance of certain lands to the State of Oregon.	National Guard	233.91 acres	Morse formula does not apply to transactions solely for National Guard purposes.	102	13908	Public Law 872.
H.R. 5488	Provides for the sale of certain lands in Alaska to individuals.	Private	Several lots	Conveyance upon a fair and reasonable price.	102	13908	Private Law 839.
H.R. 4096	Provides for the disposal of lands in Alaska within highway, telephone, and pipelines withdrawal.	do	Not stated	Not less than the appraised value	102	13907	Public Law 802.
H.R. 7887	Authorizes the sale of certain public lands in Hawaii without public auction.	do	do	Owner making highest offer above the appraised value.	102	13908	Public Law 869.
H.R. 7888	Authorizes the sale of certain public lands in Hawaii.	do	do	Fair and reasonable price	102	13908	Public Law 839.
H.R. 7891	Authorizes the exchange of certain lands in Hawaii for land destroyed by volcanos.	do	Each exchange limited to 40 acres or $5,000.	Exchange of lands to be at the appraised market value of lands destroyed.	102	13908	Public Law 844.
H.R. 7890	Authorizes the sale of certain lands in Hawaii to certain individuals.	do	13 lots	Fair and reasonable price	102	13908	Public Law 900.
S. 3783	Provides for the conveyance of certain lands to the State of Texas.	National Guard	2,477.43 acres	Morse formula does not apply to transactions solely for National Guard purposes.	102	13914	Not enacted.
S. 1494	Provides for the conveyance of certain lands to the village of Central, N. Mex.	Public	Not stated	Sale at market value	102	13931	Do.
H.R. 10423	Provides for the conveyance of certain lands to the city of Lewisville, Tex.	do	18.8 acres	50 percent of the fair market value	102	13915	Not enacted.
H.R. 8474	Quits title and possession of certain lands in the State of Alabama.	Private	389.9 acres	No consideration provided	102	13907	Public Law 897.
H.R. 10383	Provides for the conveyance of certain property to the city of Vero Beach, Fla.	Public	2 tracts	1st tract reconveyed to the city without consideration (this tract was given the United States for post office purposes); 2d tract to be sold at fair market value.	102	14698	Public Law 977.
S. 4284	Provides for the conveyance of certain lands in Virginia to a private corporation.	Private	2.9178 acres	Conveyance upon the fair market value.	102	14715	Not enacted.
H.R. 9506	Provides for the conveyance of certain property to the Commonwealth of Puerto Rico.	Public	3.24 acres	Without monetary consideration, but with reverter clause.	102	14728	Public Law 995.
H.R. 9679	Provides for the disposal of certain lands in Virginia to a private corporate.	Private	2.9178 acres	Conveyance upon the fair market value.	102	15029	Private Law 888.
H.R. 9640	Removes the reversionary clause in land owned by a Baptist Church in Mississippi.	do	0.8 acre	No monetary consideration	102	15042	Private Law 887.
H.R. 12006	Provides for the reconveyance of certain lands in Texas to former owners.	do	Not stated	Reconveyance to be adjustments which are fair and reasonable (H. Rept. 2900).	102	15058	Not enacted.
S. 2835	Provides for quit claiming all U.S. interest in certain lands to Vincennes University, Indiana.	Public	do	Conveyance upon the payments of the fair market value.	102	15115	Do.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
H.R. 4930	Provides for the conveyance of certain property in Alaska to the territory of Alaska.	National Guard (H.Rept. 174).	10.27 acres	Morse formula does not apply to transactions solely for National Guard purposes.	103	4258	Public Law 85-11.
S. 44	Authorizes the exchange of certain lands for private lands.	Public and private	Exchange of 79.34 acres of public lands for 40 acres of private lands.	Any excess of public lands in value to be paid in cash.	103	4755	Public Law 85-68.
S. 268	Authorizes the return of certain mineral interests in certain lands to the former owners.	Private	Not stated	Return to be made upon the payment of the fair market value.	103	5580	Public Law 85-245.
S. 1034	Provides for the conveyance of cercertain lands to the University of Missouri.	Public	521.90 acres	Senator Morse made a statement explaining the reasons the bill conforms to the formula. No monetary consideration provided.	103	5751	Public Law 85-50.
S. 1352	Provides for the conveyance of cercertain lands to the Fairview Cemetery Association, Walpeton, N. Dak.	Private	20 acres	Conveyance upon the fair market value.	103	6528	Public Law 85-57.
S. 1568	Provides for the conveyance of certain lands in Nevada to the Colorado River Commission.	Public	126,775 acres	do	103	6528	Public Law 85-339.
S. 45	Provides for the sale of certain lands to the village of Central, N. Mex.	do	58.31 acres	Sale to be made at market value	103	6529	Public Law 85-98.
H.R. 1544	Provides for the conveyance of certain property in Georgia to the trustees of the Methodist Church.	Private	7.423 acres	Conveyance upon the payment of the fair market value.	103	6530	Private Law 85-17.
H.R. 2401	Provides for the reconveyance of certain lands to the city of Spearfish, S. Dak.	Public	1 acre	No monetary consideration provided but Senator Morse made a statement in regard to the formula to this bill.	103	6586	Public Law 85-35.
S. 990	Provides for the conveyance of certain lands to the State of North Dakota.	do	80 acres valued at $20,000.	In consideration the North Dakota School of Science will admit free of tuition for 10 years, 10 qualified Indian students. Senator Morse made a statement.	103	7093	Public Law 85-205.
S. 358	Provides for the conveyance of certain lands to the State of Wyoming.	do	37.75 acres valued at $19,000.	The appraised fair market value of land.	103	7100	Public Law 85-39.
H.R. 1983	Provides for the conveyance of certain reversionary interests in certain lands in the State of Texas and for exchange of certain property.	do	40 acres	The exchange lands are to be of equal values. Senator Morse made a statement explaining why the formula is not violated.	103	7393	Public Law 85-42.
S. 806	Provides for quitclaiming of certain interests to lands in Indiana.	do	Not stated	No monetary consideration provided. Removes restrictions on Vincennes University lands so buildings may be erected.	103	8382	Public Law 85-100.

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Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
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H.R. 4945	Provides for the conveyance of certain real property to the Port of Palm Beach District, Fla.	Public	0.86 of an acre valued at $18,750.	No monetary consideration provided but Senator Morse made a statement explaining why bill was not in conflict with formula.	103	10314	Public Law 85-90.
S. 1823	Provides for the conveyance of certain lands to the State of Kentucky.	do	390 acres valued $20,000 to $25,000.	No monetary consideration provided. Senator Morse made a statement as to why the formula does not apply.	103	10326	Public Law 85-178.
S. 556	Provides for the conveyance of certain real property to the Nevada State Board of Fish and Game Commissioners.	do	1.93 acres	No monetary consideration provided, but Senator Morse made a statement as to why the bill is not in conflict with the formula.	103	10980	Public Law 85-193.
S. 1645	Grants an easement in certain lands to the city of Las Vegas, Nev.	do	0.5 acres	No monetary consideration provided but Senator Morse made a statement as to why the bill is not in conflict with the formula.	103	10981	Public Law 85-280.
S. 2217	Provides for the sale of certain lands to the port of Walla Walla, Wash.	do	441.62 acres	Fair market value	103	13574	Public Law 85-130.
S. 620	Provides for the transfer of ownership of a bridge in Maryland to Allegany County.	do	Not stated	No monetary consideration provided	103	13573	Public Law 85-169.
S. 1003	Provides for reconveyance of certain lands in the Albeni Falls Reservation project, Idaho.	Private	do	Reconveyance for the price of United States acquiring such lands to be adjusted to reflect increases in value.	103	13575	Not enacted.
H.R. 2250	Provides for the conveyance of certain real property in Prairie County, Ark., to individuals.	do	2 acres	Consideration of $175 is provided. Senator Morse made a statement as why the formula does not apply.	103	13585	Private Law 85-112.
S. 1962	Provides for the conveyance of certain lands in Maryland to a church.	do	5.5 acres	Fair market value	103	13585	Private Law 85-280.
S. 1113	Provides for the conveyance of certain lands to the city of Gloucester, Mass.	Public	3.5 acres	50 percent of the fair market value	103	14377	Public Law 85-173.
S. 1118	Provides for the exchange of certain lands in Washington.	do	Up to 50 acres	Senator Morse made a statement as to why the formula does not apply.	103	14380	Public Law 85-388.
H.R. 3473	Provides for the sale of certain lands in California.	Private	171.77 acres	At least equal to the fair market value.	103	14381	Public Law 85-153.
S. 319	Provides for the conveyance of certain lands to the State of Maine.	Public	Not stated	No monetary consideration provided, but Senator Morse made a statement as to why the formula does not apply.	103	14389	Public Law 85-185.
H.R. 2237	Provides for the transfer of certain lands in Tennessee to several organizations.	Private	0.0746 acre	The fair market value	103	15295	Public Law 85-174.
H.R. 4098	Provides for the conveyance of certain lands to the State of California.	National Guard	3.85 acres	The Morse formula does not apply to transactions solely for National Guard purposes.	103	15295	Public Law 85-236.
H.R. 1826	Provides for the sale of certain lands in Wyoming to individuals.	Private	5 acres	No monetary consideration provided, but Senator Morse made a statement why this bill does not conflict with the formula.	103	15297	Private Law 85-208.
S. 1742	Provides for the conveyance of certain lands to a school district in Montana.	Public	2 acres	No consideration provided since such school is for the benefit of Indian children. Not in conflict with formula.	103	15301	Not enacted.
H.R. 8005	Provides for the conveyance of certain interests in lands in Illinois and Nebraska.	do	Not stated	No consideration provided but Senator Morse made a statement in regard as to why the bill is not in conflict with formula.	103	15303	Public Law 85-206.
H.R. 1678	Provides for quitclaiming of title to certain property relating to the Barcelona Lighthouse site, Portland, N.Y.	Private	0.06 acre fair market value of $600.	The fair market value excluding value of improvements.	103	15314	Private Law 85-233.
H.R. 903	Provides for the conveyance of certain lands to a school district in Washington.	Public	Not stated	No consideration provided, but Senator Morse explains why bill is not in conflict with formula.	103	15317	Public Law 85-188.
H.R. 787	Provides for the exchange of certain lands in the State of California.	do	13 acres of Federal lands for 20 acres of State lands.	Value of State land $181,872: value of Federal land $173,870: Federal government gets fair compensation, formula not applied.	103	15328	Public Law 85-181.
H.R. 2816	Provides for the conveyance of certain lands to the parish of Rapides, La.	do	1,991.43 acres	No consideration provided, but statements were made to explain why the formula was not applied.	103	15329	Public Law 85-204.
S. 1746	Provides for the conveyance of certain property to a school district in Mississippi.	do	10 acres	No consideration provided, but Senator Morse made a statement explaining why bill is not in conflict with formula.	103	15329	Indefinitely postponed.
H.R. 6080	Provides for the conveyance of certain property to a school district in Mississippi.	do	do	Consideration of $1,000 but an explanation as to why the formula does not apply appears.	103	15329	Public Law 85-196.
H.R. 3025	Provides for the conveyance of certain access rights to the city of New York in exchange of certain lands.	do	Land value at $2,400; no value on rights.	Senator Morse made a statement in regard to formula.	103	15329	Public Law 85-190.
H.R. 3246	Provides for exchange of certain lands between the United States and Puerto Rico.	do	4.74 acres U.S. lands; 1.12 acres Puerto Rico lands.	Senator Morse made a statement regarding this exchange giving his reasons why it is not in conflict with the formula.	103	15330	Public Law 85-187.
H.R. 9188	Provides for the conveyance of certain lands to the State of Massachusetts.	do	Not stated	No monetary consideration provided, but Senator Morse made a statement explaining why this bill does not violate the formula.	103	15330	Public Law 85-197.
H.R. 2741	Provides for the conveyance of certain lands in Houston, Tex., to a hospital.	Private	199.9 acres	Consideration of $581,356.04 plus certain interests. Senator Morse made a statement in regard to the formula.	103	15334	Private Law 85-219.
S. 864	Provides for the transfer of certain lands to the State of Minnesota.	Public	Not stated	The fair market value	103	15441	Not enacted
H.R. 4609	Relinquishes certain restrictions, etc., on property conveyed to the State of New York in 1950.	do	do	No consideration provided	103	15773	Public Law 85-260.
S. 2042	Provides for the conveyance of certain lands in Alaska for war housing.	do	Pipeline rights	No consideration provided but this is related to wartime purposes.	103	15895	Public Law 85-359.
H.R. 3940	Grants certain lands to the territory of Alaska.	do	640.08 acres	No consideration provided for grant but restricts Alaska from selling such land for less than the fair market value.	103	15895	Public Law 85-205.

85TH CONG., 1ST SESS.—Continued

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
S. 2107	Provides for the conveyance of certain lands to the State of Florida.	Public	2.07 acres	The fair market value	103	15898	Not ena'dcte
H.R. 1394	Provides for the sale of certain keys in the State of Florida.	Private	8.83 acres	do	103	15899	Private Law 85-285.
S. 2230	Provides for the conveyance of certain lands to the Charlotte Rudland Dansie Association.	do	1.25 acres	No monetary consideration provided, but Senator **Morse** stated his views in regard to the formula.	103	16674	Private Law 85-387.
S. 628	Provides for the conveyance of certain property in Rhode Island to the State of Rhode Island.	National Guard	33.79 acres	The Morse formula does not apply to transactions solely for National Guard purposes.	103	15904	Public Law 85-548.
H.R. 499	Provides for the conveyance of certain lands to the State of Texas.	do	2,477.43 acres	The Morse formula does not apply to transactions solely for National Guard purposes.	103	15908	Public Law 85-258.
H.R. 7636	Provides for the conveyance of certain lands to the State of Florida.	Public	2.07 acres	The fair market value	103	15911	Public Law 85-293.
H.R. 8928	Provides for the release of certain restrictions on a lake in the city of Council Bluffs, Iowa.	do	Not stated	No consideration provided but bill only removes certain restrictions in regard to lake.	103	16496	Public Law 85-304.
H.R. 230	Provides for the conveyance of certain lands to the county of Los Angles, Calif.	do	do	No consideration provided. Removes certain conditions of a prior conveyance in 1933.	103	16498	Public Law 85-292.
S. 2531	Provides for the conveyance of certain lands in Tennessee to the Boy Scouts.	Private	525.80 acres	No consideration provided.	103	16675	Not enacted.
H.R. 8576	do	do	609.2 acres	Without consideration, Senator Morse objected because of violation of formula. The formula was rejected.	103	16677	Private Law 85-341.
H.R. 7900	Provides for the sale of certain lands in Ottawa County, Mich.	do	6,200 acres	The highest responsible bidder	103	16681	Public Law 85-314.
H.R. 7964	Removes the limitation on certain real property heretofore conveyed to Austin, Tex.	Public	Not stated	No consideration provided	103	16691	Public Law 85-302.
H.R. 7972	Provides for the conveyance of certain lands to the city of Warner Robins, Ga.	do	5.78 acres valued at $35,000.	The fair market value	103	16694	Public Law 85-288.

85TH CONG., 2D SESS.

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
S. 2318	Provides for the conveyance of certain lands to the city of Salem, Oreg.	Public	28.84 acres	The fair market value	104	6218	Public Law 85-528.
H.R. 8958	Provides for the conveyance of certain lands to the Diocese of Superior, Wis.	Private	Not stated	Senator Morse stated that this was not in conflict with the formula since this was Indian lands.	104	7841	Public Law 85-396.
H.R. 4115	Provides for the conveyance of certain property to the State of Tennessee.	Public	51 acres	Senator Morse made a statement explaining why this bill is not in conflict with the formula.	104	7840	Public Law 85-406.
S. 59	Provides for the conveyance of certain property in Colorado to an individual.	Private	Interest in a water ditch.	No consideration provided; corrects a conveyance in 1888.	104	9165	Private Law 85-424.
H.R. 9738	Provides for the conveyance of certain lands to the city of Macon, Ga.	Public	5.39 acres	The fair market value	104	9167	Public Law 85-447.
H.R. 9362	Provides for the conveyance of certain property to the Veterans of Foreign Wars.	Private	3.5 acres	do	104	9167	Private Law 85-418.
H.R. 8071	Authorizes the conveyance of an easement over certain property to the Norfolk Southern Railroad in exchange for other lands and easements.	Private and public	13.4 acres in exchange for 11.82 acres.	Conveyance made by the railroad paying the United States the amount by which the fair market value of property conveyed exceeds the fair market value of rights conveyed by it.	104	9167	Public Law 85-440.
H.R. 7645	Provides for release of restrictions upon a conveyance in 1956 to the State of Wisconsin.	Public	Value of restrictions not stated.	The fair market value	104	9167	Public Law 85-431.
S. 1191	Provides for the exchange of certain lands in Olympic National Park.	Public and private	6,608.96 acres	Exchanged lands are to be approximately value.	104	9167	Public Law 85-455.
H.J. Res. 427	Grants to Kerry County, Tex., the reversionary interest of the United States in certain real property.	Public	90 acres	No consideration provided	104	11242	Public Law 85-467.
S. 3569	Provides for the exchange of certain lands with the State of Utah.	do	2.32 acres of U.S. lands in exchange for 5 acres of State land.	No consideration provided. S. Rept. 1644 states that the United States will receive benefits which will outweigh the loss.	104	11905	Public Law 85-631.
H.R. 10349	Provides for the exchange of properties within Death Valley National Monument, Calif.	Public and private	200 acres of Federal lands; 440 acres of private lands.	S. Rept. 1645 states that the lands are of approximately equal value. No consideration provided.	104	11906	Public Law 85-495.
S. 3139	Repeals an act which provided for the conveyance of certain property to the village of Carey, Ohio.	Public	A lot	Fair market value was required. The village no longer needs the land.	104	11906	Public Law 85-831.
H.R. 7081	Removes a cloud on title of certain real property to the State of Illinois.	Private	200 acres	No consideration provided; removes cloud on property conveyed in 1868.	104	11906	Private Law 85-400.
H.R. 1009	Provides for the reconveyance of certain property to Newago, Mich.	Public	1 lot	No consideration provided, but S. Rept. No. 1650 states that the land was donated by the city to the United States.	104	11906	Public Law 85-487.
S. 2474	Provides for the conveyance of certain lands to York County, Va.	do	300 acres	50 percent of fair market value	104	12889	Public Law 85-545.
S. 3723	Provides for the release of certain restrictions in the conveyance of certain lands to the city of Henderson, Nev.	do	Value of restrictions not stated.	No consideration provided	104	13785	Public Law 85-776.
H.R. 10321	Provides for the exchange of certain lands in the Roosevelt National Park.	Public and private	4 acres	Exchanged lands are to be of equal value.	104	14370	Public Law 85-567.
H.R. 11253	Provides for the exchange of certain lands with the city of Redding, Calif.	Public	40 acres	do	104	14370	Public Law 85-565.
S. 3248	Provides for the exchange of lands with the Church of Latter Day Saints in Utah.	Public and private	0.75 acre of public land valued at $3,323 for 2.83 acres of private land valued at $3,850.	No additional considerations provided.	104	14371	Public Law 85-632.

85TH CONG., 2D SESS.—Continued

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
H.R. 12161	Provides for the sale of certain townsites in national forests.	Private	Not stated	Highest bidder for not less than the appraised value.	104	14371	Public Law 85-569.
S. 3439	Provides for the reconveyance of certain lands to Salt Lake City, Utah.	Public	1 lot	The fair market value	104	14370	Public Law 85-633.
S. 3780	Provides for the conveyance of certain lands to the pueblo of Santo Domingo, N. Mex.	do.	4.45 acres	No consideration provided but Senator Morse made a statement explaining why the bill is not in conflict with the formula.	104	15231	Not enacted.
S. 2793	Provides for the conveyance of a pumping station to a drainage district in Louisiana.	do.	Valued at $1,161,626	No consideration provided but the district agrees responsibility of operation. Senator Morse made a statement explaining application of formula.	104	15232	Public Law 85-665.
H.R. 7681	Provides for the conveyance of certain lands and improvements to the Lummi Indian Tribe.	Indian	2 acres and improvements $11,130.	No consideration provided, but Senator Morse made a statement explaining why the bill is not in conflict with the formula.	104	15250	Public Law 85-612.
H.R. 11694	Provides for the conveyance of certain property in Washington to a department of Washington.	Public	518 acres valued at $158,500.	75 percent of fair market value	104	15964	Public Law 85-668.
H.R. 5949	Provides for the conveyance of certain real property to Potter County, Tex.	do.	21.9 acres	No consideration provided, but Senator Morse made a statement explaining why the bill is not in conflict with the formula.	104	15966	Public Law 85-660.
S. 3682	Provides for the sale or exchange of certain lands in Pima County, Ariz.	do.	349 acres	50 percent of fair market value or for exchange of lands of equal value.	104	15972	Public Law 85-812.
H.R. 2689	Provides for the conveyance of certain real property to an individual.	Private	Not stated	Bill to remove cloud on title of a previous conveyance. Morse formula inapplicable.	104	15973	Private Law 85-565.
H.R. 4503	Quitclaims certain lands to the State of Kentucky.	Public	12 acres	No consideration provided, but Senator Morse made a statement as to why the bill is not in conflict with the formula.	104	15973	Public Law 85-676.
H.R. 8211	Quitclaims certain property to an individual.	Private	0.67 acre	The fair market value	104	15974	Private Law 85-373.
H.R. 9792	Validates a conveyance of certain lands in California.	do.	Not stated	No consideration provided, but Senator Morse made a statement as to why the formula is not violated.	104	15974	Private Law 85-583.
H.R. 11008	Authorizes the exchange of certain lands in Mississippi.	Public	5.42 acres of public lands for other lands.	Exchanged lands are to be of approximately equal value.	104	15974	Public Law 85-667.
H.R. 13026	Validates a conveyance of certain lands in California.	Private	2.5 acres	This is a bill to clear title. Senator Morse stated that he had no objection.	104	15974	Private Law 85-601.
H.R. 8080	Provides for the exchange of certain lands in Arkansas.	Public	5.3 acres of public lands for 4.75 acres of private lands.	Lands to be of equal value of Government lands.	104	15974	Public Law 85-679.
H.R. 8482	Authorizes the exchange of certain lands for private lands in Hawaii.	do.	Not stated	Exchanged lands to be of equal value	104	16797	Public Law 85-713.
H.R. 9410	Authorizes the conveyance of certain lands to the Virgin Islands.	do.	5 acres	Interest-bearing investments of the United States in the Virgin Islands Corporation are to be reduced by the appraised value of the lands.	104	16797	Public Law 85-712.
H.R. 11800	Provides for the conveyance of certain lands to the city of Clifton, N.J.	do.	7 acres	75 percent of the fair appraised market value plus $30,000.	104	16803	Public Law 85-687.
H.R. 6542	Provides for the conveyance of certain lands to the city of Dayton, Wyo.	do.	½ acre	No consideration provided but Senator Morse made a statement as to why this bill is not in conflict with the formula.	104	16803	Public Law 85-669.
S.J. Res. 188	Provides for the conveyance of certain property to an individual.	Private	Not stated	Consideration of $450,000 less certain rentals. Senator Morse made a statement as to why he has no objection.	104	16804	Not enacted.
S. 3534	Provides for the conveyance of certain lands to the city of Neosho, Mo.	Public	181 acres	The fair market value	104	16805	Public Law 85-805.
S. 3572	Provides for the exchange of certain lands in Maryland.	do.	Not stated	Exchanged lands are to be approximately equal value.	104	16807	Public Law 85-774.
H.R. 9500	Provides for the sale and exchange of certain lands in Hawaii.	Private	do.	The fair market value. Exchanged lands must be of equal value.	104	17538	Public Law 85-834.
H.R. 9032	Provides for the conveyance of certain lands to the State Board of Education of Florida.	Public	11 acres	50 percent of fair market value	104	17544	Public Law 85-799.
H.R. 10173	Provides for the transfer of certain lands to the territory of Hawaii.	do.	200 acres	No consideration provided, but Senator Morse made a statement why the bill is not in conflict with the formula.	104	17544	Public Law 85-756.
H.R. 11125	Provides for the conveyance of certain lands to the city of Valparaiso, Fla.	do.	3.67 acres	The fair market value	104	17545	Public Law 85-818.
H.R. 9627	Provides for the conveyance of certain lands in Alaska to the city of Ketchikan, Alaska.	do.	Value of interests not stated.	Bill to clear title to a prior conveyance, formula not applicable.	104	17545	Public Law 85-753.
H.R. 9740	Provides for the conveyance of certain lands to the Makah Tribe of Indians.	Indian	3 acres	No consideration provided, but Senator Morse made remarks explaining why the bill is not in conflict with the formula.	104	17553	Public Law 85-758.
H.R. 10045	Provides for the sale of certain lands in Virginia.	Private	Not stated	The current market value	104	17555	Public Law 85-825.
H.R. 12494	Provides for the sale or exchange of certain land in the State of North Carolina.	Public and private	do.	No specific consideration provided	104	18087	Public Law 85-788.
H.R. 13475	Authorizes an exchange of certain lands in Indiana.	do.	51.03 acres of public lands for 8 acres of municipal lands.	Exchanged lands are to be of approximately equal value.	104	19099	Public Law 85-898.
H.R. 11456	Provides for the exchange of certain real property in El Paso, Tex.	Public	Not stated	Exchanged lands are to be of equal value.	104	19357	Public Law 85-873.

86TH CONG., 1ST SESS.

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
S. 1271	Provides for the donation of certain property to the pueblo of Isleta, N. Mex.	Public	1.34 acres	No consideration provided, but Senator Morse made a statement why the formula is not violated.	105	5651	Public Law 86-19.
H.R. 2493	Provides for the conveyance of certain property to the pueblo of Santo Domingo, N. Mex.	do	0.10 acre	No consideration provided, but Senator Morse made a statement why the formula is not violated.	105	5651	Public Law 86-13.
S. 692	Provides for the sale of certain lands to the State of Missouri.	do	Up to 50 acres	The fair market value	105	10603	Public Law 86-82.
H.R. 1306	Provides for the sale of certain lands to the State of Washington.	do	640 acres	Sale governed by Columbia Basin Project Act. Senator Morse made a statement in regard to formula.	105	10603	Public Law 86-62.
S. 53	Provides for the conveyance of certain lands to a school district in Montana.	do	Several lots. Value not stated.	$115	105	10604	Public Law 86-261.
S. 220	Authorizes the conveyance of certain interests to certain lands in Navajo County, Ariz.	Private	Value of interests not stated.	No consideration provided. Bill clears title of a conveyance in 1906.	105	10610	Public Law 86-124.
S. 6	Authorizes the conveyance of certain property to individuals.	do	160 acres valued at $15,000.	The bill provided for consideration of $2,500. Senator Morse objected and asked for a division vote.	105	10616	Private Law 86-163.
H.R. 6914	Provides for the donation of certain lands to an Indian tribe in Oregon.	Indian	48.89 acres	Land held in trust by United States	105	10614	Public Law 86-71.
S. 1521	Removes a restriction with respect to a conveyance of certain lands in Tennessee.	Public	14.26 acres	No consideration provided, but Senator Morse made a statement as to why the bill is not in conflict with the formula.	105	10614	Public Law 86-227.
S. 822	Provides for the conveyance of certain property to the municipality of San Juan, P.R.	do	⅛ of an acre	No consideration provided, but Senator Morse made a statement why this bill does not violate the formula.	105	10615	Public Law 86-179.
S. 1473	Repeals an act of 1912 relative to sale of certain lands to a Baptist church in Plymouth, Mass.	Private	Not stated	Senator Morse made a statement explaining why he had no objection to the bill.	105	12663	Public Law 86-347.
S. 1453	Provides for the sale and conveyance of certain lands to the State of Iowa.	Public	99.57 acres	The fair market value	105	14229	Public Law 86-242.
S. 669	Provides for the conveyance of certain lands to a Baptist church in Tennessee.	Private	0.6 of an acre	do	105	14230	Public Law 86-240.
S. 1110	Provides for the conveyance of certain mineral interests in certain lands to Clemson College, South Carolina.	do	Interests on 36.63 acres	do	105	14231	Public Law 86-153.
H.R. 5927	Provides for the conveyance of certain lands to the city of Warner Robins, Ga.	Public	29 acres	do	105	14232	Public Law 86-136.
S. 747	Provides for the conveyance of certain lands in the State of Illinois.	Public and private	1,500 acres	Yeas and nays on Morse motion to recommit with instruction re formula. Motion rejected by vote, 13 to 83 (CONGRESSIONAL RECORD, vol. 105, pt 12, p. 15639) Senator Morse offered 2 amendments re formula instead of consideration of $286,638. Both amendments were rejected. In final passage consideration of $286,638 was provided.	105	15653	Public Law 86-611.
H.R. 303	Provides for the conveyance of certain property to an association in the District of Columbia.	Public	1 lot	50 percent of fair market value	105	16337	Public Law 86-216.
H.R. 2465	Provides for the exchange of certain lands in Arlington County, Va.	Public and private	U.S. lands valued at $14,500; private lands valued at $12,700.	Monetary consideration of difference in value provided.	105	16337	Public Law 86-196.
H.R. 2934	Provides for the conveyance of certain lands to the city of Fort Walton Beach, Fla.	Public	338.7549 acres	The fair market value	105	16337	Public Law 86-194.
H.R. 6500	Amends an act of 85th Cong. conveying certain lands to the city of Valparaiso, Fla.	do	Not stated	Reduced the consideration for conveyance from the fair market value to 50 percent of the fair market value.	105	16345	Public Law 86-210.
H.R. 4329	Provides for the conveyance of certain dwellings in Virginia.	do	do	No consideration provided but Senator Morse made a statement in regard to formula.	105	16690	Public Law 86-220.
S. 2390	Authorizes the exchange of certain lands in Everglades City, Fla.	do	10.74 acres Federal land. 23.47 acres to be acquired. (S. Rept. 753).	No consideration is provided	105	16769	Public Law 86-269.
H.R. 2386	Provides for the conveyance of certain lands to the city of Mobile, Ala.	do	Not stated	Conveyance of rights, etc. at the fair market value.	105	18722	Public Law 86-311.
H.R. 1735	Provides for the conveyance of certain property to individuals.	Private	do	No consideration provided but Senator Morse made a statement why the bill is not in conflict with the formula.	105	18731	Private Law 86-194.
H.R. 2247	Provides for the conveyance of certain real property to the county of Sacramento, Calif.	Public	do	No consideration provided but Senator Morse made a statement as why the bill is not in conflict with the formula.	105	18738	Public Law 86-310.
H.R. 4714	Quiets title to certain real property in Colorado.	do	do	No consideration provided but Senator Morse made a statement as why the bill is not in conflict with the formula.	105	18731	Public Law 86-318.
S. 857	Provides for the conveyance of certain lands to the city of Arlington, Oreg.	do	do	The fair market value	105	18743	Public Law 86-338.
H.R. 6660	Removes a restriction on a conveyance in Louisiana.	do	do	No consideration provided but Senator Morse made a statement as why the formula does not apply.	105	18722	Public Law 86-285.
S. 857	Provides for the conveyance of certain lands to the city of Cheyenne, Wyo.	do	30 acres	No consideration provided but Senator Morse made a statement why the bill is not in conflict with the formula.	105	18949	Not enacted.
H.R. 6190	Provided for the conveyance of certain lands to the State of Arkansas.	do	21 acres	No consideration provided but Senator Morse made a statement that the bill is not inconsistent with the formula.	105	19114	Public Law 86-323.

86TH CONG. 2D SESS.

Bill No.	Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
					Volume	Page	
H.R. 6329	Provides for the permanent use of certain lands in New Mexico for the Navajo Tribe of Indians.	Indian	81.33 acres	No consideration provided but Senator Morse made a statement why the bill is not in conflict with the formula.	106	6620	Public Law 86-421.
S. 2962	Grants certain lands to the Cacopah Indians in Arizona.	do	81 acres	No consideration provided but Senator Morse made a statement why the bill is not in conflict with the formula.	106	6621	Not enacted.
S. 2804	Donates certain land to the Keweenaw Bay Indian Tribes in Michigan.	do	0.39 acre	do	106	6621	Public Law 86-445.
H.R. 6136	Provides for the sale of certain tribal lands of the Lac du Flambeau Boyd of Lake Superior Chippewa Indians in Wisconsin.	do	Not stated	No consideration provided but Senator Morse made a statement why the bill is not in conflict with the formula.	106	6622	Public Law 86-403.
H.R. 24	Provides that certain real property be held in trust for certain Indians in Nevada.	do	160 acres	do	106	6622	Public Law 86-401.
S. 2877	Authorizes the reconveyance of certain tribal lands in Washington.	do	2,117.5 acres	do	106	6622	Public Law 86-447.
H.R. 5270	Provides for the conveyance of certain lands to a water district in Utah.	Public	7.7 acres	No consideration provided, but Senator Morse made a statement why the bill is not in conflict with the formula.	106	6623	Public Law 86-407.
H.R. 5888	Provides for the exchange and transfer of certain lands to the Massachusetts Port Authority.	do	15.9 acres U.S. lands; 3.88 acres of port lands.	Exchanged lands to be of equal value. Sale of lands to be at least 50 percent of fair market value.	106	6637	Public Law 86-602.
H.R. 7359	Provides for the conveyance of certain lands to the Colorado River Commission.	do	15,000 acres	The fair market value	106	7864	Public Law 86-433.
H.R. 3676	Provides for the conveyance of certain lands to the city of Tillamook, Oreg.	do	1.96 acres	do	106	7865	Public Law 86-439.
S. 2772	Provides for the conveyance of certain lands in Colorado to an individual.	Private	Several lots	No consideration provided but conveyance was to clear title of a previous conveyance.	106	7871	Private Law 86-453.
H.R. 5349	Provides for the conveyance of certain lands to Orange County, Calif.	Public	1 lot	No consideration provided but Senator Morse made a statement explaining why the bill does not violate the formula.	106	9533	Public Law 86-458.
H.R. 9818	Provides for the conveyance of certain real property to the State of Florida.	do	500 acres	The fair market value	106	10816	Public Law 86-480.
S. 3070	Removes a restriction on use of certain lands conveyed to the State of North Dakota in 1955.	do	240.2 acres	No consideration provided but bill is to clear title of a prior conveyance.	106	11201	Public Law 86-693.
H.R. 8713	Provides for the conveyance of certain real property to the Oxnard Harbor District; Port Hueneme, Calif.	do	318 acres	The fair market value	106	11818	Public Law 86-514.
H.R. 5738	Authorizes the reconveyance of certain property to the Waukegan Port District in Illinois.	do	Not stated	No consideration provided but Senator Morse made a statement explaining why the bill is not in conflict with the formula.	106	13198	Public Law 86-536.
S. 2712	Authorizes the conveyance of certain lands in New Hampshire to the former owners.	Private	135.41 acres	Conveyance upon payment of the current market value.	106	13206	Not enacted.
H.R. 7990	Provides for the conveyance of certain lands in trust to the Potawatomi Indians in Oklahoma.	Indian	57.99 acres	No consideration provided	106	13208	Public Law 86-761.
H.R. 6479	Provides for the conveyance of certain lands to the village of Highlands Falls, N.H.	Public	7.96 acres	The fair market value	106	13208	Public Law 86-541.
S. 3319	Provides for the release of recapture provisions in the conveyance of certain property to the city of Little Rock, Ark.	do	Not stated	No consideration provided but Senator Morse made a statement why the bill does not violate the formula.	106	13793	Public Law 86-646.
H.R. 8315	Provides for the lease of certain property in Missouri for school purposes.	do	do	50 percent of the fair rental value	106	14208	Public Law 86-574.
H.R. 5055	Changes the restrictions on certain real property conveyed to the city of St. Augustine, Fla.	do	do	No consideration provided, changes permit property to be used for educational purposes.	106	14667	Public Law 86-652.
S. 2914	Provides for the purchase on certain real property on the Blue Ridge and Natchez Trace Parkway.	do	do	Exchanged lands to be of equal value	106	14668	Not enacted.
S. 3399	Provides for the exchange of certain lands with the Shenandoah National Park.	do	38.58 acres of public lands for 37.44 acres of private lands.	Exchanged lands are to be approximately of equal value.	106	14668	Public Law 86-775.
S. 3267	Provides for the disposition of certain public lands in Alaska.	Private	Not stated	The fair market value	106	14669	Public Law 86-792.
H.R. 6179	Grants the right, title, and interest in certain lands to the city of Crawford, Nebr.	Public	10 acres	Provides for consideration of $500. Senator Morse made a statement why the bill does not violate the formula.	106	14675	Public Law 86-623.
S. 3558	Provides for the transfer of certain property to the government of Guam.	do	Not stated	No consideration provided	106	14680	Not enacted.
S. 3648	Provides for the transfer of certain real property in the District of Columbia to the District of Columbia Redevelopment Land Agency.	do	do	do	106	14682	Public Law 86-736.
H.R. 11522	Provides for the conveyance of certain real property for highway purposes.	do	do	Permits such conveyance to be with or without consideration.	106	14689	Public Law 86-608.
S. 3212	Provides for the conveyance of certain lands to Mineral County, Nev.	do	2,040 acres	The fair market value plus other costs	106	14693	Public Law 86-742.
S. 2757	Permits any State to acquire certain lands for recreational uses.	do	Not stated	Conveyance subject to other previous acts.	106	14669	Public Law 86-755.
S. 3750	Provides for the conveyance of certain lands to Auburn University, Auburn, Ala.	do	27 acres	In consideration the university shall lease to the United States 42 acres with privilege of renewals for 99 years.	106	15619	Public Law 86-479.

86TH CONG., 2D SESS.—Continued

Bill No.		Description	Purpose	Amount involved	Consideration (Morse formula)	Senate passage, Congressional Record		Law
						Volume	Page	
H.R.	10997	Grants certain lands to the government of Guam.	Public	34.56 acres	No consideration provided	106	15619	Public Law 86-664.
S.	2709	Authorizes the conveyance of certain lands to the city of Flandreau, S. Dak.	do	Not stated	50 percent of fair market value	106	15666	Not enacted.
S.	3469	Provides for the sale of certain lands in Alaska.	Private	do	Sales to be made under provision of 48 U.S.C. 376.	106	17587	Do.
S.	1663	Provides for the conveyance of certain lands to the city of Bismarck, N. Dak.	Public	93 acres	No consideration provided; act is to remove cloud on title (S. Rept. 1861).	106	17501	Public Law 86-759.
S.	3299	Provides for the conveyance of certain lands to the State of Maine.	do	4.9 acres	No monetary consideration provided but it was announced that Senator Morse had withdrawn his earlier objection.	106	18002	Not enacted.
H.R.	11561	Provides for the conveyance of certain lands in Kentucky to the Pioneer National Monument Association.	do	4.1 acres	50 percent of fair market value	106	18117	Public Law 86-766.
H.R.	383	Authorizes the annexation of certain real property of the United States by the city of Wyandotte, Mich.	do	Not stated	No monetary consideration provided	106	18590	Public Law 86-763.
H.R.	10586	Provides for the conveyance of certain property in Idaho to a religious organization.	Private	10 acres	The fair market value	106	18590	Public Law 86-784.
S.	2379	Donates certain lands in Idaho to the Nez Perce Tribe of Indians.	Indian	11.25 acres	No consideration provided but Senator Morse made a statement re formula.	106	18729	Public Law 86-386.
H.R.	8295	Transfers certain irrigation works to the Navajo Tribe.	do	Not stated	No consideration provided	106	14048	Public Law 86-636.
H.R.	816	Provides for conveyance of certain lands to the Cheyenne and Arapaho Indians in Oklahoma.	do	3,900 acres	do	106	14221	Public Law 86-791.

The Morse formula amendments and enactments between 1946 and 1952, inclusive

Congress		Bill No.	Public Law No.	Amount of property involved	Proposed use of property	Consideration proposed	Consideration given as result of formula	Citation
No.	Session							
82	2	S. 2950	(1)	Approximately 30 acres	Training the National Guard	0	50 percent of the appraised fair market value.	CONGRESSIONAL RECORD, vol. 98, pt. 6, p. 7817.
82	2	H.R. 2190	544	Approximately 11 acres	Road	0	Senate receded from its own amendment in conference (H. Rept. 2496).	CONGRESSIONAL RECORD, vol. 98, pt. 7, pp. 9063, 9680.
82	2	H.R. 3368	(1)	Approximately 17.76 acres	Hatching fish	0	50 percent of the appraised fair market value.	CONGRESSIONAL RECORD, vol. 98, pt. 1, p. 488.
82	2	H.R. 7317	525	Approximately 263 acres	Drilling of water wells and general town expansion.	$1,950	Appraised fair market value	CONGRESSIONAL RECORD, vol. 98, pt. 7, p. 9328.
82	1	H.R. 4808	229	Approximately 150 acres	Easement for a public road	(2)	Amendment rejected by Senate on floor.	CONGRESSIONAL RECORD, vol. 97, pt. 10, pp. 13541-13542.
81	2	H.R. 2783	520	Approximately 0.143 acre	City use	0	50 percent of the appraised fair market value.	CONGRESSIONAL RECORD, vol. 96, pt. 4, p. 5348.
81	2	H.R. 4569	868	Approximately 640 acres	National Guard and veterans temporary housing.	0	Amendment rejected in conference (H. Rept. 3098).	CONGRESSIONAL RECORD, vol. 96, pt. 11, pp. 14709-14710.
81	1	H.R. 164	54	Approximately 10.11 acres	School purposes	(3)	50 percent of the appraised fair market value.	CONGRESSIONAL RECORD, vol. 95, pt. 4, p. 4254.
81	1	H.R. 3751	[4] 208	Steel fire tower	Observation tower for the International Peace Garden.	0	Amendment rejected in conference (H. Rept. 1193).	CONGRESSIONAL RECORD, vol. 95, pt. 6, p. 8013.
81	1	H.R. 6230	412	Approximately 0.18 of an acre.	Street construction	0	50 percent of the fair market value.	CONGRESSIONAL RECORD, vol. 95, pt. 11, p. 14768.
80	2	S. 2676	822	Approximately 5.17 acres	University expansion	0	50 percent of the appraised fair market value.	CONGRESSIONAL RECORD, vol. 94, pt. 6, p. 7913.
80	2	H.R. 5734	831	Approximately 430.91 acres	Public park and golf course	0	Senate receded from its own amendment on the floor.	CONGRESSIONAL RECORD, vol. 94, pt. 7, pp. 8718-8719, 9011.
80	2	H.R. 6448	803	Approximately 32 acres	Fairgrounds and recreational use.	0	50 percent of the appraised fair market value.	CONGRESSIONAL RECORD, vol. 94, pt. 7, p. 8242.

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[1] Amended and passed Senate.
[2] Land exchange.
[3] To be fixed by the Secretary of the Interior.
[4] Private law.

Mr. MORSE. Mr. President, I think my record on the Morse formula, as shown by the foregoing, needs no further clarification or elaboration at this time. I am very proud to stand on this record of a one-man economy drive in the U.S. Senate, a record which I believe has resulted in a saving of at least $900 million in 14 years. But, more important, I am proud to stand on the record of the formula, because, in my judgment, it also has involved a matter of political ethics, for I have felt that turning surplus property into a political grab bag cannot be very well reconciled with good political ethics. So I have proposed the formula and have fought for it because I felt it would also make a contribution to cleaner government. I am perfectly willing to be judged on whether that has been accomplished by my insistence upon the formula.

Mr. President, I yield the floor.

WHY NOT USE FOREIGN AID TO STOP TRADE WITH CUBA?

Mr. PROXMIRE. Mr. President, in a few days the Senate will consider the foreign aid appropriation bill. One of the very controversial aspects of the bill involves the efforts by the House to provide limitations on foreign aid to countries whose ships are used to transport goods and materials—particularly war materials—to Cuba.

I believe this question deserves very thoughtful and careful inquiry before the Senate rejects those amendments.

Some newspaper articles indicate that it is assumed that the Senate will act quickly to reject those amendments or to replace them with language to make such action discretionary, with the result that our Government will take no action to discourage this trade.

Mr. President, yesterday, on the "Meet the Press" program, the Chancellor of the Exchequer of Great Britain, Reginald Maudling was asked by Mr. Spivak why Britain continues to trade with Cuba. Mr. Maudling's answer was the very logical one that he recognized the harmful effects on freedom and the benefits to communism that the Cuban situation now represents; but he said that they feel that trade with Cuba should depend on the initiative of the United States of America. He said they feel they have the responsibility in some areas of Africa and Asia, and that they hope the United States would respond to their initiative, but they do not have any knowledge or understanding that the United States wishes them to desist and cease in their trade with Cuba.

Mr. President, ever since February 3 of this year, we have had an embargo on all trade with Cuba. It has been at considerable expense to American business; but I think it has been a wise, necessary, and desirable embargo. The economic effect on the Communist satellite in Cuba has been clear; but, unfortunately, the economic effect has not been nearly as strong as it would be if we obtained cooperation from our Allies. Judging from Mr. Maudling's statement of yesterday to the panel on the "Meet the Press" program, it seems that this is because the British Government has not been informed, or, at least, requested to reduce or eliminate their trade with Cuba.

Mr. President, this is not simply a matter of allied ships transporting arms to Cuba. Obviously, we are opposed to that, but the fact is that any trade with Cuba assists the Communists and constitutes a growing threat to freedom in this hemisphere.

On September 16, it was pointed out in an article published in the New York Times that—

> The use of allied ships for ordinary goods—

To Cuba—

> releases Communist-bloc shipping for munitions deliveries to Cuba.

This is true; and, of course, it is also obvious that any kind of goods which go to Cuba—whether war goods or other goods—are beneficial to a buildup of the Communist economy and of the Communist strength in this hemisphere.

The article also points out that fully one-third of the Soviet deliveries to Cuba are said to be in ships chartered to allied countries.

At a recent press conference, President Kennedy is quoted as saying that—

> Our friends in NATO must realize the implications of their engaging in the Cuban trade.

Nevertheless, according to the article, Cuba has been getting machinery and industrial raw materials from Canada, diesel motors and chemicals from West Germany, and machinery and chemicals from Britain. The Netherlands and France have also exported goods to Cuba.

The title of the article is "United States Fails To Halt Supplies to Cuba in Allied Vessels."

SHOULD WE AID NATIONS WHOSE NATIONALS TRADE WITH CUBA?

Mr. President, I feel that it is perfectly appropriate for Congress to consider tying strings to our foreign-aid program and relating the foreign aid that we give to our Allies to their willingness to cooperate with us in the struggle against communism, especially against communism in this hemisphere. This is a far cry from asking for a military embargo on Cuba. It is a far cry from calling for an invasion of Cuba. It seems to me it is a modest and defensible proposal, and I believe we might seriously consider including in the foreign-aid bill a proviso to the effect that foreign aid should not be given to such countries—not only to those which give aid to Cuba, but also to those whose nationals trade with Cuba. I think we should give every consideration to such a proposal.

The statistics which I have before me show that trade with Cuba by some of our Allies has continued in 1962, as compared with 1961. Unfortunately, the State Department and the Department of Commerce cannot provide the complete figures. However, it is interesting to note that during the entire year 1961 the United Kingdom exported $13 million worth of goods to Cuba; and in the first 4 months of 1962 the United Kingdom exported to Cuba $3,170,000 worth of goods, or at an annual rate of approximately $9 million—a reduction, it is true, but not really a very substantial reduction, in view of the fact that since February 3, 1962, we have had an embargo on trade with Cuba. Furthermore, the United Kingdom has increased her imports from Cuba, when considered on an annual adjusted basis. For the full year 1961, she imported $15 million worth of goods from Cuba; and in the first 4 months of 1962 the United Kingdom imported $5,560,000 worth of goods from Cuba. On an adjusted annual basis, that means that the United Kingdom was importing in early 1962 more than $16,500,000 worth of goods from Cuba—or an increase in her imports from Cuba.

West Germany in 1961 imported $1,900,000 worth of goods and products from Cuba. But in the first 4 months of 1962 alone she imported more than that—$2,150,000. This represents a threefold increase. West Germany imported three times as much in the first 4 months of 1962, at an annual rate, as she imported in 1961.

It is true that West Germany has sharply reduced her exports to Cuba, but she still exported in the first 4 months of this year $1,650,000 worth, which, on an annual basis, would amount to $5 million, compared with $11 million exported to Cuba for the full year 1961.

Unfortunately, with respect to the country which traded most heavily in 1961 with Cuba—Canada—the Commerce Department and the State Department have made no figures available. These figures would be very interesting, indeed, if they were completed.

On the basis of information acquired during a telephone conversation of September 21, 1962, with the Department of Commerce, American Republics Division, I am informed that the Canadians are willing to deal with Cuba, but they have arrested the transshipment of American goods. Canadian disposition to trade has been quenched by Cuban bankruptcy. For example, Canada has closed the commercial section of its Embassy in Cuba.

Mr. President, so far as trade with Japan is concerned, the Commerce Department has informed me that the United States has acquired and relayed to the Japanese a Cuban document showing that sugar production in the immediate future will be insufficient to meet Cuba's commitments to the Communist bloc. This, coupled with U.S. efforts to divert Japan's sugar purchases, indicates that Japanese-Cuban trade will be sharply off the volume reached in 1961.

Although Cuba has sent a sugar mission to Japan, the Japanese are securing an increasing part of their sugar from India, Thailand, Natal, the Philippines, and Formosa.

Cuba is attempting to buy back its sugar—futures—from the bloc in order to meet its offer to sell Japan 400,000 tons during 1962.

It is expected that Japan will buy less than 200,000 tons of sugar from Cuba this year.

Japan's central bank export-import statistics deviate from the Commerce Department information we have; they show Japan exporting $12 million to Cuba in 1961, while importing $21 million, over 90 percent of this in sugar.

My source is the Japanese Embassy: Washington; New York.

Incidentally, in 1961 Mexico had substantial trade with Cuba, but this was because of transshipment of American goods and parts to Cuba.

In calendar 1961 Mexico exported $3,500,000 worth of goods to Cuba, including iron, steel, and pump replacement parts.

There were other substantial shipments from South American countries—for example, $3,400,000 worth from Chile, and there was additional trade.

I ask unanimous consent that a copy of the proclamation by the President of the United States on February 3, 1962, declaring an embargo on trade with Cuba, be printed in the RECORD at this point.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION—EMBARGO ON ALL TRADE WITH CUBA BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas the eighth meeting of consultation of Ministers of Foreign Affairs, serving as organ of consultation in application of the Inter-American Treaty of Reciprocal Assistance, in its final act resolved that the present Government of Cuba is incompatible with the principles and objectives of the inter-American system; and, in light of the subversive offensive of Sino-Soviet communism with which the Government of Cuba is publicly alined, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

Whereas the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

Whereas the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alinement with Communist powers;

Now, therefore, I, John F. Kennedy, President of the United States of America, acting under the authority of section 620(a) of the

Foreign Assistance Act of 1961 (75 Stat. 445), as amended, do—

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 a.m., eastern standard time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions;

3. And further, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021–2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that act, to continue, make, modify or revoke exceptions from such prohibition.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 3d day of February 1962, and of the Independence of the United States of America the 186th.

[SEAL] JOHN F. KENNEDY.

By the President:

DEAN RUSK,
Secretary of State.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the entire text of an article entitled "United States Fails To Halt Supplies to Cuba in Allied Vessels," from the Sunday New York Times of September 16, 1962, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES FAILS TO HALT SUPPLIES TO CUBA IN ALLIED VESSELS—EFFORTS TO CURB CHARTERING OF SHIPS CARRYING CARGOES FROM REDS ARE LAGGING

WASHINGTON, September 15.—The United States has had little success thus far in efforts to persuade its allies to do less business with Cuba and withhold ships being chartered to carry Soviet supplies to Cuba.

Moreover, U.S. officials do not expect much success and they are not especially worried at present. A high-ranking Government official expressed the administration feeling that the Cuba problem is less threatening this year than it was last year.

He called attention to the increasingly critical economic situation reported in Cuba. He also mentioned reports of an increasing loss of popular support by the government of Premier Fidel Castro.

The Governments of Britain, West Germany, and Norway were reported to have begun inquiries into the chartering of ships in their countries to deliver Communist-bloc supplies to Cuba.

INQUIRIES DISCOUNTED

However, the inquiries were regarded here as polite responses to diplomatic pressure from the United States. There was little expectation that they would result in any serious prohibitions.

The inquiries were believed to be centered chiefly on the question whether allied ships are engaged in delivering arms to Cuba during the current military buildup there. United States sources have said that they do not believe the arms are being transported in allied ships. However, it was noted that the use of allied ships for ordinary goods releases Communist-bloc shipping for munitions deliveries to Cuba.

According to one highly placed Government official, the fact that the Soviet Union and other Communist-bloc countries have been compelled to resort to the use of allied shipping represents a severe economic loss to the Communists. Fully one-third of Soviet deliveries to Cuba was said to be in ships chartered in allied countries.

President Kennedy declared at his news conference this week that the United States was disturbed by allied commerce with Cuba. "Our friends in NATO must realize the implications of their engaging in the Cuban trade," he said.

United States officials indicated that they would like to see further reductions in allied trade with Cuba, although it has dropped in recent years.

When the Castro regime took power in January of 1959, 80 percent of its trade was with the United States. Today 80 percent of its trade is with Communist-bloc countries.

Nevertheless, Cuba has been getting machinery and industrial raw materials from Canada, diesel motors and chemicals from West Germany, and machinery and chemicals from Britain. The Netherlands and France also have exported goods to Cuba.

According to figures available here, North Atlantic Treaty Organization countries sold Cuba about $138 million worth of goods in 1959 and purchased goods amounting to $79 million. In 1961, NATO exports dropped to $86 million and imports from Cuba to $32 million.

In addition, Japan conducted a $16 million annual trade with Cuba, exchanging light machinery for sugar. Chile was the only country in Latin America reported to have an appreciable trade with Cuba bartering various foodstuffs for sugar.

TWO ALLIES INCREASE TRADE

Two allied countries increased their trade with Cuba during the 2-year period, 1959–61, contrary to the general trend. Canada was the biggest allied trader with Cuba in 1961, exporting $31,800,000 worth of goods, slightly more than double her 1959 exports. The Netherlands increased her trade total with Cuba from $8,275,000 to $10,920,000.

The United States, which ended all imports from Cuba and limited sales to food and medical supplies, is now sending less than $50,000 worth of such supplies to Cuba each month.

SOVIET SAYS UNITED STATES FAILED

MOSCOW, September 15.—The Soviet Union asserted today that the United States had failed to persuade its allies to bar their ships from carrying Communist goods to Cuba.

Moscow maintained that the United States had sought, within the framework of the North Atlantic Treaty Organization, to compel NATO members to withdraw their merchant ships from chartered service in trade between the Soviet Union and Cuba.

Viktor G. Bakayev, Minister of Sea Transport, said that shipowners in many countries were eagerly seeking the lucrative contracts for carrying goods on a charter basis. He added:

"Lately the Government of the United States has been using NATO to bring crude pressure to bear on Britain, Norway, France, Italy, Greece, and other countries to force them to stop carrying goods to Cuba."

"But Washington has been unable to impose its will on its 'allies,'" the Minister said in an interview published by Tass, the Soviet press agency.

President Kennedy said at his news conference on August 28 that the United States was consulting its NATO allies on the question of the use of their ships in the Cuba trade. His remarks followed after the publication of a Tass report that five ships of West German, Norwegian, Greek, and Italian registry had been chartered to carry Soviet commercial cargoes to Cuba.

ADDRESS BY SENATOR ROBERTSON BEFORE NATIONAL BANK DIVISION, AMERICAN BANKERS ASSOCIATION

During Mr. PROXMIRE's speech on trade with Cuba,

Mr. SPARKMAN. Mr. President, will the Senator yield for an insertion in the RECORD?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama with the understanding that I will not lose the floor and that his remarks will appear elsewhere in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, earlier today the distinguished and very able chairman of the Senate Banking and Currency Committee, the junior Senator from Virginia [Mr. ROBERTSON] made a speech before the National Bank Division of the American Bankers Association at Atlantic City, N.J. As everyone knows, the Senator from Virginia has been a member of the Senate Banking and Currency Committee ever since he came to the Senate. He was put on the committee in January 1947. About 3 years or so ago, he became chairman of the committee. He is a very able and fair chairman. He is forthright in his views.

In his speech to the National Bank Division of the American Bankers Association he set forth many points in which the bankers and the banking industry are interested. I commend the address to the reading of fellow Senators, and I ask unanimous consent that it may appear at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BETWEEN TWO WORLDS

(Remarks of Senator A. WILLIS ROBERTSON, of Virginia, Before the National Bank Division of the American Bankers Association, Atlantic City, N.J., Sept. 24, 1962)

It is a coveted honor to appear before this distinguished group of financial leaders here in Atlantic City. It is also a personal pleasure to be on the same program with a Comptroller of the Currency who is unusually able and energetic, and who is dedicated to improving the somewhat antiquated laws under which our national banks operate.

If I am expected to tell you today what the present administration is planning to do for—or to—the Nation's financial institutions, I would have to beg off for lack of a proper New Frontier crystal ball. Perhaps the officials of the administration who will appear later on this program can be more helpful. But future actions by the executive branch will depend in part upon the course of yet unrevealed future events as well as the decisions of the legislative branch. So, too, future actions by the legislative branch will be subject to similar degrees of uncertainty.

I would like to take this opportunity to say that I think highly of the job that the

Secretary of the Treasury, Mr. Douglas Dillon, has been doing. His staff—including Robert V. Roosa, Under Secretary of the Treasury for Monetary Affairs, who is an outstanding expert in his field—merits our respect. If such men had full charge of the administration's economic policies, I feel that we could rest better assured that our dollars would remain as good as gold and our economy as sound as our dollars.

Unlike these dedicated public servants, there are some extreme economic planners in Washington who would like to influence the administration to follow the mood of the Persian poet, Omar Khayyam, who wrote:

"Ah love, could you and I with Him conspire
To grasp this Sorry Scheme of Things entire,
Would not we shatter it to bits—and then
Remould it nearer to the Heart's desire."

I, for one, would prefer to take the counsel given by President Woodrow Wilson in his first inaugural address, when he said:

"We shall deal with our economic system as it is and as it may be modified, not as it might be if we had a clean sheet of paper to write upon."

You will recall that some of the administration's financial experts predicted that our national economy would be operating this year at an average rate of some $570 billion, with the slogan of "upward and onward" flying from the masthead of every business establishment. It is true that we are now turning out goods and services at an unprecedented rate. Our national income has reached an all-time high. Yet our gross national product—which registered a record seasonally adjusted annual rate of $552 billion in the second quarter of this year—was well below the $570 billion anticipated.

As a result, some of our more extreme economic planners are dissatisfied. They claim that we are on an economic plateau, although many indicators point upward. These economic planners cannot point with pride even to a plateau which, if it exists, would be the highest one in history.

The varied prescriptions of these planners may leave many bankers and other businessmen in a quandary about what may happen next. Most Americans may, indeed, find themselves in the fix of the English poet, Matthew Arnold, who wrote of wandering between two worlds, one dead, and the other as yet unborn.

As a Virginian, I cherish the thought that my colonial ancestors helped to cradle and defend the infancy of a nation dedicated to the principles of private enterprise and constitutional liberty. I would be the last to repudiate the philosophy of Patrick Henry, who said that "I have but one lamp by which my feet are guided, and that is the lamp of experience."

Many other nations have experimented first with one government and then another. Meanwhile, we have maintained our allegiance to what Benjamin Franklin said the framers of the Constitution in Philadelphia in 1787 had given us—"a Republic if you can preserve it."

We have enjoyed the same form of government for a longer period than almost any other nation. Under our Government we have been the freest, happiest, and most prosperous country in the world. It has been no coincidence, I believe, that we have made our remarkable record while operating under a written Constitution which created a Federal Government of strictly limited and delegated powers, and which left all other powers to the States and the people thereof.

Those of us who believe with Patrick Henry that experience is the only lamp unto our feet agree with Thomas Jefferson, another great Virginian, who said:

"In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

We who share that philosophy frankly admit that in return for a system of private enterprise implicit in the Constitution is the willingness to accept a poor reward for an inadequate performance.

But some of our more extreme economic planners feel otherwise. Although more workers are now gainfully employed than ever before, these planners are disturbed by the fact that some unemployment persists. Yet they fail to recognize that our method of keeping unemployment statistics tends to overstate the problem by including persons looking only for parttime employment, persons transferring from one job to another, and persons content to be on relief and only casually looking for work.

The measures that these planners have in mind for the future remain uncertain, but they may well involve some further departure from constitutional principles and some further step toward socialism. In that event, I shall oppose them in the spirit of Robert Louis Stevenson, who said: "To travel hopefully is a better thing than to arrive."

Whatever the case, let us look forward to next year as a time of significant banking anniversaries and of significant action in behalf of modernizing banking laws: 1963 will mark the 100th anniversary of the permanent dual system of American banking. I applaud the American Bankers Association for its leadership in establishing a centennial commission to celebrate this event. I understand that the centennial, with the theme of a century of banking "Progress Through Service" under the National Bank Act, will include both State and National banks in the celebration.

I believe that it is particularly appropriate to recognize State as well as federally chartered institutions in this way. The intent of the National Bank Act of 1863, of course, was to bring all bank charters under Federal authority so that State banks would be superseded by National banks. But experience did not justify that plan. Today, State banks outnumber National banks by about two to one, and many State banks predate National banks.

The year 1963 will represent the 50th anniversary of the Federal Reserve Act, and the 50th anniversary of the Senate Banking and Currency Committee. The Federal Reserve Act was signed December 23, 1913, by a great President, Woodrow Wilson, whom we in Virginia are proud to claim as a native son. Earlier in the same year, the Senate Committee on Banking and Currency was itself established for the purpose of considering the proposed Federal Reserve Act. This act had been sponsored in the House of Representatives by another great Virginian, Carter Glass, who was my predecessor in the Senate. The Senate Banking and Currency Committee is now studying a number of suggestions for marking its 50th anniversary in an appropriate way.

Next year will witness the 30th anniversary of the Banking Act of 1933, in which Carter Glass also played a notable part. This act, among other things, established the Federal Deposit Insurance Corporation. It is fitting that the new headquarters office building of the FDIC is scheduled for occupancy in time to mark its 30th anniversary.

The year 1963, in other words, will be an occasion for commemorating a number of events which have helped to shape the banking world we know today. Next year will also be an occasion for reexamining today's banking world in the light of important reports recently completed or soon to be finished.

The last time the American Bankers Association met here in Atlantic City, I had the privilege of addressing the State bank division. I referred to my Financial Institutions Act, which had passed the Senate in March of 1957 and was then pending on the House side. The bill passed the Senate unanimously. If it had been brought to a vote in the House, I believe that it would have been passed easily by that body. But the bill was strangled in committee. Even so, many of the banking reports and most of the significant banking laws since that time have been the outgrowth of the studies and recommendations embodied in my Financial Institutions Act of 1957.

In February of this year, our distinguished Comptroller of the Currency, Mr. Saxon, appointed a splendid advisory committee to help him make a comprehensive study of the functioning of the national banking system. This study was completed only recently. I am sure that any recommendations for amendments to the National Bank Act and related statutes that may be submitted by Mr. Saxon will receive careful attention by the Congress.

In March of this year, President Kennedy appointed a Special Intragovernmental Committee on Financial Institutions. This Committee was charged with studying the proposals of the Commission on Money and Credit as a starting point for a complete review of legislation and administrative practices relating to the operations of our financial intermediaries. The Committee was directed to report to the President by November 30, 1962, what changes, if any, in Government policy toward private financial institutions could contribute to economic stability, growth, and efficiency.

Besides these reports, the Securities and Exchange Commission has underway a study and investigation of the adequacy of the rules of the national securities exchanges and national securities associations. The final SEC report to the Congress on its study of the stock market, together with recommendations for legislation, must be submitted to the Congress by April 3, 1963. The SEC report may well contain a number of recommendations affecting banks. There may be some consideration, for example, of over-the-counter trading in bank and other stocks, including the question of financial reports. There may also be some consideration of whether regulation U—dealing with requirements on loans by banks for the purpose of buying or carrying listed stocks—might be extended to cover other designated financial institutions, or to cover unlisted securities.

I should like to take this opportunity to pledge my cooperation during the 88th Congress to appropriate legislative recommendations forthcoming from each of these studies and reports.

I hope that all proposals to create a better financial world will be proposals within the framework of our Constitution and calculated to improve the working of a system of free competitive enterprise. Preservation of the soundness of the dollar should be the keynote of our banking and fiscal program.

The record of the Federal Government in that behalf in recent years has not been good. We closed the last fiscal year with a deficit of more than $6 billion. We are now confronted with a substantial deficit for the current fiscal year. Its ultimate size will be determined first by whether or not the the President spends all of the emergency funds made available to him, and second, by whether or not the Congress passes a bill to cut taxes. If the President uses all of his spending power and if we have a tax cut of as much as $10 billion, we could possibly run up the largest peacetime deficit in our Nation's history. In that event, great pressure might be brought to bear on the Federal Reserve Board to hold down interest rates by creating easy money to hide from the public the inflationary results of deficit financing. However, it is my belief as well as hope that the Federal Reserve Board will not yield to that type of political pressure.

By next year, as I have said, our dual system of National and State banks will embody the results of 100 years of uninterrupted experience under the National Bank Act of 1863, and 40 years of earlier experience under the First and Second Banks of the United States. This dual system will also represent the outcome of 50 years of experience under the Federal Reserve Act of 1913.

That tested dual system, with its freedom of choice for the public and for bankers, should remain free of Government regulation to the greatest degree consistent with sound banking and the protection of depositors. We must work not only to preserve that dual system of banking, but to improve it.

It is also essential to maintain the freedom of the Federal Reserve in its conduct of monetary policy from undue control by other governmental agencies or by the Congress.

Being a creature of the Congress, the Federal Reserve should continue to operate ultimately under congressional direction. Yet the System was deliberately established to be less subject to political influence that the usual independent Federal body. In fact, the report of the House Committee on Banking and Currency, submitted by Carter Glass in 1913 on the proposed Federal Reserve Act, emphasized that "it cannot be too emphatically stated that the committee regards the Federal Reserve Board as a distinctly nonpartisan organization whose functions are to be wholly divorced from politics."

The independence of the Board stems from a number of legislative provisions. It reports annually to the Congress rather than to the executive branch of the Government. The Secretary of the Treasury and the Comptroller of the Currency—both representatives of the executive branch—no longer are ex officio members of the Federal Reserve Board as the act originally provided. The seven members of the Board of Governors are now all appointed for 14-year terms by the President with the advice and consent of the Senate, and can be removed from office only by impeachment.

I believe that bank supervision, examination, chartering, and regulation should be undertaken by banking experts rather than by nonbanking agencies or departments. Bankers as well as the public have a right to expect a uniform banking policy to be followed on mergers, branches, holding companies, and other important supervisory matters. They also have a right to a speedy decision on matters submitted to the discretion of the banking agencies and in all antitrust proceedings.

As the Financial Institutions Act of 1957 proposed, many Federal banking statutes should be modernized if banks are to meet today's industrial and commercial needs. Similarly, a great deal needs to be done to simplify some of the voluminous banking regulations and to bring them up to date.

Under present conditions, the banking system continues to evidence its ability to fulfill changing credit needs and new credit requirements. Our exports are being stimulated by widening bank lending under the new export credit insurance and guarantee program of the Foreign Credit Insurance Association. This program has been developed under legislation (Public Law 87-311, S. 2325) reported to the Senate last year by the Banking and Currency Committee. Our small businesses are being benefited by the new joint program recently announced by the Small Business Administration and the American Bankers Association to provide term loans for small businesses through the cooperation of both Government and banks.

The recent upsurge in savings deposits in banks has given rise to renewed interest in real estate and other higher yielding investments. According to the Office of the Comptroller of the Currency, real estate lending by national banks increased significantly during the first half of 1962, as time deposits of national banks rose 13 percent while demand deposits declined 8 percent.

Only recently, a bill, which I supported, was considered by the Senate Banking and Currency Committee (H.R. 7796) to provide national banks with greater encouragement to meet real estate credit needs for real estate and construction loans.

Banks as well as the public have benefited greatly from the adoption of Federal deposit insurance. By the end of last year, deposits in insurance banks totaled $281 billion. Of this total, an estimated $164 billion was insured under the limit of $10,000 for each depositor.

To preserve the integrity of this insurance program as well as to maintain public confidence in it, we must be certain to continue to make it possible for insured banks—and ultimately the FDIC—to pay off insured deposits immediately on demand. During the second session of the 87th Congress, the integrity of the FDIC insurance program would have been seriously impaired, in my opinion, if the interim financing provision of the standby public works bill (S. 2965) as first reported to the Senate, had passed without amendment into law. This provision would have allowed the President to finance the proposed program by transferring funds temporarily from unobligated balances of authorizations to borrow from the Treasury which are now reserved for the FDIC and several other agencies. All funds in excess of estimated needs for the current fiscal year could have been transferred, up to a limit of $2 billion.

Currently, the FDIC has an unused authorization to borrow up to $3 billion from the Treasury whenever needed. This borrowing authority was never intended to be drawn upon, even temporarily, for any other purpose than deposit insurance. It serves as a substantial backstop to the FDIC deposit insurance program, and helps to preserve public confidence in it.

Fortunately, this backstop authority has remained intact as a result of the fact that my amendment to strike the objectionable financing provision from the standby public works bill was adopted by a vote of 70 to 4. The final version of the bill, as it was sent to the President, called for $900 million in appropriations authority.

Not only must we preserve public confidence in the Federal system of deposit insurance, we must be equally certain to continue to provide Federal insurance free from inappropriate Federal controls over bank loan and investment policies.

One control which I understand is now under consideration would use the laws governing the Federal Deposit Insurance Corporation and a number of other agencies as instruments to effectuate what some persons consider to be social reform. The step under consideration would require the desegregation of all housing toward which Federal aid has been contributed in any way whatsoever.

The National Association for the Advancement of Colored People is exerting every pressure upon the White House to issue an Executive order intended to desegregate all housing. The NAACP wants to include not only dwellings financed with loans underwritten by the Federal Housing Administration or the Veterans' Administration. The NAACP also wants to include dwellings financed with a private loan from any financial institution whose deposits or share accounts are insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation.

This step would represent yet another example of Federal control following Federal aid. From an economic standpoint, such an order would, I believe, be well-nigh disastrous. This action would adversely affect equities and investments in existing dwellings. Over $175 billion is now invested in mortgages on existing nonfarm residential properties alone. These investments largely have come from the hard-earned savings of individuals and families accumulated in banks, savings and loan associations, and insurance companies. Accordingly, we should always seek to protect—not threaten—their value.

A desegregation mandate would, I am convinced, also result in a sharp drop in new housing activity. According to a survey published in June by the National Association of Home Builders, builders who expected a cutback in their output under a FHA-VA antidiscrimination order estimate that their new construction activity would drop by more than 50 percent. A third of these builders predicted a decline of more than 75 percent. A drop in housing starts of this magnitude would, of course, be reflected in reduced national employment and income.

Already, less strength in underlying housing demand has been evidenced by easing occupancy and rising vacancies. A further unfavorable factor has been the upward trend in nonfarm real estate foreclosures—from 21,537 in 1950 to 44,075 in 1959, and to 73,074 in 1961. An Executive order on discrimination would compound the situation.

The effect upon bankers as well as the general business world of applying an Executive antidiscrimination order to insured banks could be worse than any immediate reduction in housing activity. It would raise the issue of whether we are to have a government of men believing that ends justify means, or whether we are to continue to have a government of laws. It would raise the possibility that an antidiscrimination edict might be broadened later to cover other types of bank activities, ranging from bank employment practices to bank policies regarding personal and business loans.

There can be no doubt that the Federal Government has no power except that granted to it by the Constitution. The Government issues charters to national banks and Government officials examine their operations. For these reasons, individuals, families, and others who deposit their money in such banks have a right to assume that their money will be safe. I shall always be thankful that I was privileged to vote for a law to insure bank deposits, first to the extent of $5,000, and later to $10,000 after inflation—due to deficit spending—had wiped out about half the previous value of the dollar.

We could not have maintained our dual banking system, of course, if the privilege of receiving the benefit of the Government insurance of deposits had been limited to national banks. So we passed a law that enabled State banks to participate also in the insurance program upon the payment of a modest fee. In return for that fee, the Government asserted the right to examine the records of all institutions participating in the program.

It is one thing for the Federal Government to charter banks, insure bank deposits, and examine bank records to make sure that banks are engaged in sound banking practices. But it is quite another matter for the Government to step in and dictate under what conditions State banks—as well as national banks—must lend their own funds. In my opinion, there is absolutely no constitutional authority for such an action.

Therefore, the burden of my theme to you today is this: Insist that all legislative proposals offered for our economic betterment be conceived soundly within the framework of the Constitution as the drafters of that immortal document intended.

In 1774, Colonial patriots in Massachusetts and Virignia began to lay the foundations for a New World. They believed in God. They also believed in independence. In 1776, they acknowledged not only that God was their Creator but also that He had endowed them with certain unalienable rights. Their code of ethics was based upon the teachings of the Bible.

In 1787, our forefathers met in Philadelphia and drafted a Constitution which William Gladstone regarded as "the most wonderful work every struck off at a given time by the brain and purpose of man." In doing so, they included provisions in that document for the protection of property as well as of human rights as taught in the Bible.

Therefore, if we are to have a new financial world in this space age, let it be based upon those precious principles of political and economic freedom that were born of the brain and purchased with the blood of our Founding Fathers.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. I am very glad the Senator from Alabama asked me to yield for that purpose, because I spoke to the American Bankers Association at 8 o'clock this morning, at a breakfast of the Agricultural Committee. While I talked individually with a number of bankers there, they were all very interested in hearing the distinguished chairman of the Banking and Currency Committee. They were looking forward to it. The Senator from Virginia [Mr. ROBERTSON] is considered an outstanding expert. He is extremely competent in this field, and I am sure his remarks were well received. I am delighted that the Senator from Alabama has put in the RECORD the address of the Senator from Virginia. I am looking forward to reading it.

Mr. SPARKMAN. Mr. President, if the Senator will yield further, may I add that the predecessor of the Senator from Virginia [Mr. ROBERTSON] in the Senate was the Honorable Carter Glass, who certainly made a name for himself in the field of banking and banking legislation. I am sure the Senator from Wisconsin, who is privileged to serve, as I do, on the Banking and Currency Committee, will agree with me that the Senator from Virginia has followed well in the footsteps of his predecessor, Senator Glass.

Mr. PROXMIRE. He has, indeed. As the Senator from Alabama has pointed out, he serves as chairman of the committee with great fairness and outstanding competence.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 24, 1962, he presented to the President of the United States the following enrolled bills:

S. 1023. An act to amend the act of August 20, 1954 (68 Stat. 752), in order to provied for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Oregon; and

S. 1037. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p.m.) the Senate, under the order of Thursday, September 20, 1962, adjourned until tomorrow, Tuesday, September 25, 1962, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, September 24, 1962:

BUREAU OF CUSTOMS

John Neil McCardell, of Maryland, to be collector of customs for customs collection district No. 13, with headquarters at Baltimore, Md.

Edward F. O'Malley, of Maryland, to be Comptroller of Customs, with headquarters at Baltimore, Md.

DEPARTMENT OF LABOR

John F. Henning, of California, to be Under Secretary of Labor.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Hollis B. Chenery, of California, to be Assistant Administrator for Program Review and Coordination, Agency for International Development.

Dr. Leona Baumgartner, of New York, to be Assistant Administrator for Human Resources and Social Development, Agency for International Development.

DIPLOMATIC AND FOREIGN SERVICE

Llewellyn E. Thompson, of Colorado, a Foreign Service officer of the class of career ambassador, to be Ambassador at Large.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 24, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hebrews 10: 23: *Let us hold fast the profession of our faith without wavering.*

Almighty God, help us to begin this new week with a devotion and a determination that will enable us to conquer everything that threatens to divide and distract our loyalty to those nobler heights of truth and righteousness to which our life may ascend.

We pray that we may be inspired by continually calling to mind the personality and principles of our blessed Lord under whose banner of love all humanity is destined to go forward and upward.

Grant that we may seek to cultivate and champion for these days of strain and stress a more vivid and vital faith which will relieve us from all fear and renew us with courage.

May it be a real and radiant faith that will strengthen and sustain us as we strive to find the answer to the questions that haunt our minds and as we continue to watch and work for the coming of Thy kingdom of peace.

Hear us in the name of the Christ, Amen.

THE JOURNAL

The Journal of the proceedings of Friday, September 21, 1962, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 218. An act to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States;

H.R. 6649. An act for the relief of C. W. Jones;

H.R. 12818. An act to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay; and

HR. 13067. An act to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1488. An act for the relief of Clara G. Maggiora;

H.R. 1599. An act for the relief of Pasquale Marrella;

H.R. 1681. An act for the relief of Gabriel Chehebar, his wife, Marcelle Levy Chehebar, and their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar;

H.R. 2371. An act for the relief of Ali Khosrowkhah;

H.R. 2977. An act for the relief of Kyoko Stanton;

H.R. 4478. An act for the relief of Aldo Francesco Carbone;

H.R. 5057. An act for the relief of Hans-Dieter Siemoneit;

H.R. 7708. An act for the relief of Mr. and Mrs. Gerald Beaver;

H.R. 8181. An act to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation;

H.R. 9669. An act for the relief of Molly Kwauk;

H.R. 10796. An act for the relief of Kazimierz Krupinski;

H.R. 10937. An act to amend the act providing for the economic and social development in the Ryukyu Islands; and

H.R. 11665. An act to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3274. An act for the relief of Koon Chew Ho.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1037) entitled "An act to amend the provisions of the Perishable Agricultural

Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

U.S. AID MONEY TO LATIN AMERICA

Mr. BETTS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, inasmuch as the foreign aid bill is still in process of being considered by Congress, I think this item in the most recent issue of U.S. News & World Report is of interest, and I read it. It is as follows:

> Said a visiting banker from Europe: "I have friends in Swiss banks. They tell me that, almost immediately after a loan or gift is made to a Latin American country by the United States accounts are opened in Swiss banks for Latin American officials. Dollars make two stops: One in Latin America. The second in Switzerland."

INDEPENDENT OFFICES APPROPRIATION BILL, 1963

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, further insist on disagreement to the Senate amendments and agree to the further conference asked by the Senate.

May I explain that the other body adopted all of the conference report on the independent offices appropriation bill except three items, and we are asking unanimous consent to go back to conference on those three items.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this the independent offices appropriation bill?

Mr. THOMAS. Yes. There are three items the other body sent back.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. THOMAS, YATES, CANNON, OSTERTAG, and TABER.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that it be in order to take up a conference report on the bill H.R. 12711 at any time a report is filed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. MONAGAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 245]

Abbitt
Andersen, Minn.
Anfuso
Aspinall
Baring
Bass, N.H.
Blatnik
Blitch
Bolling
Bolton
Boykin
Breeding
Bromwell
Buckley
Celler
Coad
Cohelan
Curtis, Mass.
Davis, James C.
Davis, Tenn.
Denton
Derwinski
Diggs
Dingell
Dominick
Dooley
Dorn
Dwyer
Fino
Fountain
Goodell
Grant
Hagen, Calif.
Harrison, Va.
Harsha
Harvey, Ind.
Hays
Hiestand
Hoffman, Ill.
Hoffman, Mich.
Johnson, Wis.
Kearns
Kee
King, Utah
Kluczynski
Kowalski
Landrum
Lesinksi
Loser
McDonough
McDowell
McIntire
McSween
McVey
Macdonald
Mason
Meader
Miller, Clem
Miller, George P.
Moorehead, Ohio
Morse
Moulder
Multer
O'Brien, Ill.
Pilcher
Powell
Quie
Rains
Reece
Reifel
Rivers, Alaska
Roosevelt
Saund
Scherer
Schwengel
Scranton
Seely-Brown
Shelley
Short
Smith, Miss.
Spence
Springer
Thompson, La.
Thompson, N.J.
Udall
Ullman
Weis
Whalley
Widnall
Wilson, Ind.
Yates
Zelenko

The SPEAKER. Three hundred and forty-one Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING ACTIVE DUTY FOR THE READY RESERVE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution House Resolution 804, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 224) to authorize the President to order units and members in the Ready Reserve to active duty for not more than twelve months, and for other purposes. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the distinguished gentleman from Ohio [Mr. BROWN] and yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the consideration of Senate Joint Resolution 224, the so-called resolution which would authorize the President of the United States to call up 150,000 Active Reserves.

I am pleased to announce further, Mr. Speaker, that this is an open rule, that the House may work its will on this resolution.

We now find ourselves in another crisis, about the umpteenth one since the cessation of hostilities of World War II. In other words, Mr. Speaker, the Kremlin is still calling the signals and we are still running the defensive plays, to express the sentiment that I have in mind in gridiron language.

This resolution would authorize the President to call up 150,000 reservists. Let me say before I go any further that I shall vote for this resolution, and I should like to add I hope there will not be a single vote against it. I do not say that because I am in wholehearted accord with the strategy or the motivation that brings this resolution before us. I say it because it is a positive and a definite affirmation of the desire of this country to give the President, who is charged under the Constitution with making foreign policy, whatever machinery, whatever implements he requests. And although I have grave misgivings about this being the answer to the situation confronting us, a refusal of the Congress to grant the President this request could and no doubt would be misconstrued by the Communist leaders.

But, Mr. Speaker, somehow I cannot become enthusiastic about this particular resolution. We, in another crisis, recently authorized the calling up of the reservists. These boys were inconvenienced, they were taken out of their civilian life and pursuit of happiness to serve a purpose then, just as these will be now. But the thing that concerns me is that aside from the fact we are giving the President what he asks for, is what other good purpose will be served? This seems to me about the easiest approach, so far as those who are charged with our foreign policy are concerned, of showing some firmness in dealing with the Kremlin.

Mr. Speaker, it is not easy for the boys who are called up or their families, but it is an easy way to answer the demand and the overwhelming demand, of the people of this country for some positive action to be taken to resist the Kremlin masters. This is the administration's answer to the charge of appeasement.

Mr. Speaker, in a few days we will be called upon to pass another resolution, a resolution declaring a policy on Cuba. I might add that I am for that resolution also because I am for every effort being made and I am for going along with the administration's policy in every positive action it takes to express the determination of the American people to resist the goal of the Communists in taking over the free world. But again, that is a piecemeal approach, and I am not too happy about that, although I shall support it for the same reason I am supporting this resolution.

Mr. Speaker, I would like to see that resolution—and I made some effort in the Rules Committee, and I must confess it must have been a very feeble effort—include Berlin in that resolution which you will consider on Wednesday. But, again, we got nowhere with it. Those who are calling the signals say that we are going to meet that demand of the public of this country by a resolution merely on Cuba. But, again, the Committee on Rules did not see fit to follow that policy. It reported a gag rule barring amendments.

I might say to you liberals, if I may have your attention, that you are going to be called upon on the first of next year to do something about the Committee on Rules; that you are either going to extend it as it is presently set up, or you are going to permit it to revert to what it was prior to its stacking at the beginning of last year.

If I were in that category of self-styled liberal, I think I would want to take a good look at that situation, because you certainly have not received a very liberal reception from the New Frontier Rules Committee which you set up as a 15-man committee. As a matter of fact, I think the record will disclose that there have been more gag rules reported out of that committee in this session than in any session of the previous Congresses when you had the old, wornout, horse-and-buggy, 12-man committee.

I do not know why these people who holler to high heaven all the time about giving the House an opportunity to work its will, stand for these gag rules. It would seem they would want to do something about it and give the House the opportunity really to work its will.

I repeat what I have said here many times before; I claim to be a true liberal because I do not believe in these gag rules. I do not support them. I do not see any necessity for them. I do not admit that this body is not an equal body with the other one in the Congress of the United States. I do not agree with the theory that we are incapable of legislating; that when we get anything of any importance up here we have to gag ourselves so that we either have to vote it up or vote it down.

Mr. DEROUNIAN. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman.

Mr. DEROUNIAN. The gentleman is asking the question why the liberals vote for these gag rules. The answer is simple, Mr. Speaker. You will find from experience and the record that the liberals are the most fascistic-minded people in the world when they do not agree with you.

Mr. COLMER. I thank the gentleman. Mr. Speaker, let me continue, if I may. You are going to have this gag rule here on Wednesday and you are going to take that resolution as it is or you are going to vote it down. Of course, you are going to take it because you, like I, do not want to be on record as favoring the Kremlin masters. So we go along, like so many sheep. Someone said to me the other day after a hearing in the Rules Committee, "I do not think we ought to have these emotional outbursts permitted by an open rule on the floor in consideration of these important matters." I thought that the people of the various congressional districts selected their Representatives to come up here and legislate and not act like so many sheep. I repeat, I do not subscribe to the theory of inferiority that seems to possess this House in considering important matters under gag rules.

Mr. Speaker, I hope that when that resolution comes up on Wednesday I may have an opportunity at least to discuss it. I may say that is about the only opportunity you will have, and very little time to do that.

Is there a Member of this body who feels that he is incapable of legislating or passing upon various amendments that are offered? This very piece of legislation that you are considering here now was passed by the other body, as all other important matters are not under any gag rule but under free and open debate. The resolution which will come up on Cuba next Wednesday and which we will consider under a gag rule was considered in an open forum in the other body.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield.

Mr. BASS of Tennessee. I agree with the gentleman in almost every case that it would be possible for this House to legislate in the absence of a gag rule, but now in line with what the gentleman is saying, there are two kinds of gag rules. One is the rule which denies the House the right to amend legislation. The other gag rule, which emanates from the same source, is the rule which denies the House the opportunity to consider legislation. If the gentleman is so strong ing his opposition to gagging the House on amending legislation, would he have the same philosophical view about denying the House the right to consider legislation by bottling it up in the Rules Committee?

Mr. COLMER. May I answer the gentleman by saying that, of course, I know how the gentleman feels on it because I know how he voted on it before. Let me say to the gentleman I have learned many things from my 20-odd years on the Rules Committee. Among other things I have learned that the Rules Committee has served as a buffer for the leadership and for many of the ordinary Members of the House such as the gentleman and I, who did not want these very controversial questions to come up for consideration. So I do not think they are in the same category at all.

Mr. BASS of Tennessee. If I may make one more statement, this same consideration can be taken into account in connection with the fact that the leadership is a buffer for us "ordinary Members," as the gentleman puts it, in the area of legislation dealing with international matters. We may not be as fully informed as the Members who heard the testimony in the first place or the executive branch who asks for it. I am not trying to disagree with the gentleman. I am very fond of him. He is a very able Member, and we have discussed this privately. But I did want to make the point that there are two kinds of gag rules involved.

I thank the gentleman.

Mr. COLMER. I think the gentleman has made his point, and he has made his record.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Florida.

Mr. HALEY. Following the same logic the gentleman expressed a moment ago, why not do away with the Rules Committee? Why not just send the bills to the committees and let them all come out? The Rules Committee must have some reasonable function and offer some protection for the Members of the House in seeing that good legislation comes here. That is what it has done in the past and I hope it will continue in the future. Certainly there is a place here in this procedure for the Rules Committee the same as any other committee to work its will and try to bring to the House good legislation.

Mr. COLMER. I thank my friend from Florida. I did not intend to go into this fully, but since I have, let me just say to my friend from Tennessee and those who share his thought that as one member of that committee I would not care to waste my time by serving on it if I could not exercise my independent judgment, just as other Members of the Congress do on other legislation.

Let me say further to my self-styled liberal friends that what you have done here, if you go into the merits of this matter of attacking this committee, you have turned the pages of history back and you have taken the power that was wrested on this floor away from a former Speaker of this House, to wit, one Speaker Cannon who was known as "Czar" Cannon who was the Committee on Rules and placed it in an independent committee, and now you want to do away with that and go back to the old order, apparently. If that is liberalism, I do not want any liberalism in my book.

Mr. Speaker, I will conclude these remarks by repeating what I said in the beginning. I am going to support this resolution. It is not the type of resolution that I would like to have, but I am going to support anything and anybody who wants to deal firmly with the Kremlin—with the Soviets. That has been my policy throughout and it is still my policy. I hope that these men will never be called up. The chances are that they will not. So much the better if they are not. But if they are, how is that going to meet the situation? This little group who are running the world, who call all the signals, appreciate but one thing and that is firmness—and force, if necessary.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Mississippi has consumed 22 minutes.

Mr. BROWN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I approach the consideration of this rule and the legislation which it makes in order with a great deal of concern. The rule, as has been explained by the gentleman from Mississippi, a member of the Committee on Rules, does make in order, under 2 hours of general debate, under an open rule, the consideration of Senate Joint Resolution 224, which is identical to House Joint Resolution 876, reported unanimously by the House Committee on Armed Services. The resolution provides, as you know, for the calling up, that is, granting to the President the discretionary right, in his wisdom, to call up some 150,000 men from the Reserve any time between now and next February 28. But it goes further than that in another section—section 2, which I have heard discussed but little. It gives the President of the United States the power and the authority to order the continuation, in the military services, of any enlisted man or woman, or officer, for that matter, whose enlistment may expire before February 28, and to keep him there for at least another year, notwithstanding his own desires and his own wishes.

I am not unmindful of the fact that if a boy from Ohio, or from the State of California, enlists in the Army of the United States for 3 years, and makes a commitment to this Government of ours to serve, that if he decides at the end of 2 years that he wants to quit and go into some business or something else, get married or go to college, and he leaves the service, he is hunted down like a criminal and may be placed in chains, taken back, and compelled to serve his time in the Armed Forces or in prison. Yet, on the other hand, this great beneficent Government of ours, with whom he has made his contract to serve 3 years, would have the right under this legislation without any act of emergency being declared to compel that young man to stay in the armed services, notwithstanding his own desires, and notwithstanding the fact that he has already fulfilled the commitment he actually made to the Government.

I say to you that does not create respect for our Government in the minds of many of the men in the military services. But I want to talk about something else, if I may. I am not certain in my own mind that this legislation is either wise or needed, and yet I know that we face a serious situation in this world, all in spite of the fact that the Under Secretary, or Deputy Secretary, of Defense Gilpatric some time ago, when the first callup of Reserves was in the making, said the Reserves should not be called into active duty in peacetime or during the cold war, and that the Reserves were called last year, in 1961, presumably for the purpose of influencing a man in the Kremlin by the name of Khrushchev. I ask you if in your good judgment and good conscience any of you believe that the callup of those men in the summer of 1961 influenced for one moment any of the actions of the Communist leaders in this world about us, or stopped any of the arms buildup in Cuba by Mr. Khrushchev's cohorts in the Kremlin? They are continuing to ship Russian supplies and military equipment to Cuba. You know and I know that as long as a year and a half ago many of us here knew these shipments of Communist arms were flowing into Cuba. Nothing was done then. Do you think the calling up of 150,000 reservists to the Armed Forces of this country now is going to stop what is going on in Cuba, or make Mr. Khrushchev back down at the Berlin wall or in southeast Asia?

I believe you will agree with me again, if you are straight in your thinking, that it will not. Yet at the same time this legislation may be worth while if it does only one thing, if it indicates that at long last the United States—and I do not want to limit it just to this administration—that the United States has officially made up its mind, through its leadership, to stand firm, instead of backing away, hauling and backing away through the years from every Communist move and every Communist threat that has been made.

Does this mean we are through with partial appeasement, that we are going to make the flag of the United States of America an emblem that will be respected, at least in the Western Hemisphere, if not elsewhere throughout the world, that we are going to meet head on the conditions and situations as they actually are? Or are we going to continue programs of indecision, beautifully worded speeches and messages, and the passing and adoption of resolutions to which the masters in the Kremlin pay no attention whatsoever?

And, if we are to call up these men in the Reserves, are we going to have a recurrence of that which went on a little over a year ago, or just about a year ago, when the Committee on Armed Services of this House, through the Hébert subcommittee, found that the callup of the Reserves had then been mishandled terribly. Good, patriotic, decent Americans who had joined, or belonged to the Reserves, because they wanted to do their share in defending their country, to serve the Nation they loved, to preserve our way of life, if you please, were discriminated against in many instances, were mistreated in others, their services not used as you who served on that committee know full well. All you have to do, if you question what I say, and what I am telling you here today, is to get Report No. 70 of Subcommittee No. 3 on the Military Reserve situation, and turn to page 6657. There is the whole bitter indictment of Federal bureaucracy's failure to properly use, if you please, our armed Reserves, but, instead to abuse and misuse many of those men so that as a result thereof hundreds, yes, thousands, of letters, telegrams, and telephone calls of protest rolled in on the Members of Congress. Our own personal investigations showed that time after time our Reserve system had not been put in order, as ordered and urged by the Armed Services Committee of the House, under the recommendations it had made. Instead, it was the same old story of bureaucratic fumbling of a great and important matter.

What assurances are we given now, what assurances can we be given, that if this resolution is adopted, as it probably will be, and if these Reserves should be called to the colors, as they probably will be, I repeat, what assurance have we been given or can we be given we will not see a complete rerun of that Reserve callup fiasco of a year ago?

I know that perhaps someone downtown may have read the Hébert committee report; I hope so. But what evidence have we that they have learned their lesson? What evidence, what indication, do we have they will make a better job of it this time, or that the calling to the colors of 150,000 women and men will do the job we want done?

Just about 2 weeks ago, or a little more, the Secretary of Defense was up here on Capitol Hill telling us how we had an Army, Navy, Air Force, and other military forces as well as the military hardware so we could defeat all the enemies in the world combined at any time they might attack the United States, or that a war might break out? The same man now says we must call up 150,000 reservists to active duty, or at least have the right to call them, perhaps with the idea that we can again "frighten"—and I use that word with quotes on both sides—the man in the Kremlin.

Mr. Speaker, permit me to conclude by saying that these have been sad days for our great Republic, not alone because of what we have seen in just the last year or two, but in recent years—a decline in American strength throughout the world. Despite the billions we have poured out to others, we have seen a loss of the great respect once given us in Latin America, and for the flag of our country. The blame cannot be placed, as much as many people would like to do so, upon the Congress of the United States. I remind the Members of the House that an instrument too often forgotten and overlooked, the Constitution of the United States, does give to the President complete authority and sole authority to represent this country in connection with all our international dealings and affairs, and that the President of the United States is also the Commander in Chief of the Armed Forces; that he now has, without the adoption of this resolution, should he declare a national emergency, the power and the authority to call the Reserves to active duty—as many of them as he may need—and to take any action he may deem necessary and proper to protect the best interests of this country, and defend it against all enemies, foreign or domestic. Whenever he is ready to do that, the Congress of the United States, regardless of political affiliation of any of its Members, will fully support him.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. ARENDS], who desires to speak out of order.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FEDERAL ASSISTANCE FOR COLLEGE ACADEMIC FACILITIES

Mr. ARENDS. Mr. Speaker, I want to make it crystal clear that if H.R. 8900, a bill to provide Federal assistance for college academic facilities, should be allowed to die in conference the entire responsibility for this failure to meet this critical need of our colleges will have to be borne by the majority on the other side of the aisle who have complete control over our legislative processes.

This side of the aisle gave its enthusiastic support to the measure. It passed the House on January 30—about 8 months ago—by the overwhelming vote of 319 to 79.

To this meritorious measure the Senate added an extraneous amendment to provide another program for college scholarships. We already have several programs in this area, notably the National Defense Education Act. Any addition or revision in the matter of scholarships should certainly be explored by the House and not simply made an addendum to a college facilities bill. As a matter of fact, why should we be providing scholarships that more students may attend college when the colleges contend they do not even have the facilities to take those who now apply. First things first.

Because of this Senate amendment there was delay in sending the bill to conference. The Members of the House, on both sides of the aisle, were understandably fearful that the scholarship program would be forced upon us without our having opportunity to consider it in the orderly process. Nonetheless, with the support of Members on this side of the aisle the measure was sent to conference on May 9 by a vote of 294 to 76. It was there for 5 months.

Last Thursday by a vote of 214 to 186 the House very properly sent the college facilities bill back to conference because it still embodied an irrelevant scholarship program that we want to consider on its own merits.

The House conferees on this side of the aisle promptly notified Senator WAYNE MORSE, chairman of the conference, and the gentleman from New York, Representative ADAM C. POWELL, chairman of our conferees, that they will promptly and enthusiastically vote to report an agreement on the college facilities matter. This side of the aisle is ready and willing—in fact, we urge action—to support a bill for aid in the construction of academic facilities so sorely needed.

Mr. Speaker, you gentlemen on the other side of the aisle have a majority of 10 to 6 on the conference committee. We urge you to have a college facilities bill reported. You can do this, if you really want to. We will support the effort.

AUTHORIZING ACTIVE DUTY FOR THE READY RESERVES

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I am in support of the resolution that brings the Senate joint resolution to the House and I am also in favor of the Senate joint resolution. I would merely like to observe that it seems to me it is a bit inconsistent, however, that the Secretary of Defense proposed to the Congress last May that the Reserve Forces and the National Guard should be reorganized and a reduction of 10 percent in strength. Now, 4 months later, the same Secretary is seeking authority to call to active duty a portion of those same forces he had recommended be reduced in force. It would seem to me that perhaps his earlier recommendation might not have been well considered.

Mr. Speaker, I have another observation to make, or to ask a question, somewhat related to the remarks made by the gentleman from Ohio [Mr. BROWN]. Going back to the Hébert report, as I read the report, there were six deficiencies that were pointed out as evidence of unfortunate experience in the recall of 1961.

This is a question I should like to direct to the chairman of the Committee on Armed Services whom I observe on the floor. Can the chairman tell the House whether or not it is expected that the Department of Defense will observe and take cognizance of these deficiencies that were pointed out by the Hébert committee and have they been so advised by the Committee on Armed Services?

Mr. VINSON. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from Georgia.

Mr. VINSON. Mr. Speaker, I am happy to advise the gentleman and also the House that during the appearance before the Committee on Armed Services of the Secretary of Defense he was quizzed very sharply concerning the criticisms made by the Hébert subcommittee, and rightly so. They had done an outstanding job. He stated positively that he would do everything within his power to correct the abuses that had been called to their attention by the Hébert subcommittee. As a matter of fact, the gentleman will find a complete explanation of his knowledge of the defects, and what he expects to be able to do, in the hearings at page 7166 and again at page 7109. They are going to try to profit by the criticisms and do a better job than they did in the call in 1961.

Mr. AVERY. I am sure the House welcomes that statement made by the chairman of the Armed Services Committee. May I ask one more question? Did the Department of Defense recognize these deficiencies or are these merely shortcomings that were pointed out by the House Committee?

Mr. VINSON. Yes; they are fully cognizant of the shortcomings in the last call.

Mr. AVERY. I appreciate the gentleman's reply.

Mr. BROWN. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, some of us who serve on the Defense appropriations subcommittee find ourselves more or less in a bind as this resolution comes before us today. During the hearings on the Defense appropriation bill for 1963, the Secretary of Defense, Mr. McNamara, supported an increase of two divisions. In that testimony, in part II, of our hearings, he brought out very clearly that had these two divisions been ready last year, had we had 16 instead of 14 divisions, the Reserve and National Guard callup during the Berlin crisis would have been unnecessary. During these particular hearings, I went into this in some detail with representatives of the Army, the National Guard Bureau and also with the Army Reserve Association. On page 232 of the hearings the following questions were asked when the National Guard witnesses were before our committee:

> Mr. LAIRD. Do you think it was a mistake not to call them in the Berlin crises in 1957 or 1954? Do you think if a similar situation develops, say, in 1964 that the National Guard should be used to meet this kind of crisis concept?
>
> General HARRISON. I would hope that it would not be a recurring thing. I would hope that the Active Forces would be of sufficient size that it would not be necessary to call, except in a grave emergency, the National Guard for augmentation of the active services.

Mr. Speaker, the point which I want to make here is, if we are going to have a strong Reserve and a strong National Guard in the United States as we face the future, the Reserve and National Guard should be used as a mobilization base for all-out emergencies. The Reserve and the National Guard should be our base for mobilization efforts when this country needs to mobilize all of its forces. We should use our Active Forces, our Regular Forces, to meet the crisis-to-crisis situation which we will be having for the next 10 or 15 years in this cold war with international communism. The surest way to destroy the National Guard and the Reserve organizations in this country today is to use them as a crisis-to-crisis weapon in the cold war. When the chips are really down, this mobilization base, which is so vital to the United States if we are going to match the mobilization base of the Communists, will be completely destroyed.

I realize the President needs some authority. This joint resolution gives to the President of the United States the authority to extend enlistments. This is the important part of this joint resolution which we are going to consider today. It gives the President the authority to extend the enlistments of the people presently in the Army and the Air Force, and this is the very guts of this joint resolution, because we already have the authority to extend enlistments as far as the Navy is concerned, but even if the President declares a national emergency he cannot extend the enlistments of those in the Army and the Air Force. In this joint resolution today this is the important section. It is not the fact that we are authorizing this 150,000 callup of Reserves, because I think if that was the sole basis of this joint resolution it would be a bad resolution. But the important basis of this joint resolution is the authority we are giving to extend the enlistments of those who are presently in the Army and Air Force. If it were only to call 150,000 Reserves into active service I would be opposed to this joint resolution because this kind of activity destroys the mobilization base of our Reserve and our National Guard as we face the future.

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. COLMER. Mr. Speaker, I yield to the gentleman from Iowa an additional 2 minutes.

Mr. GROSS. I thank the gentleman from Mississippi.

Mr. Speaker, I hope to hear from the chairman of the Committee on Armed Services when he takes the floor the specific reason or reasons for this callup. I well remember, as I am sure many other Members of the House do, a year ago at almost this same time when we began spending substantial amounts of time back in our districts answering the questions that arose with respect to the last callup of the Reserves. I will say that the Defense Department was poorly prepared for that callup.

I would also like some assurance that there will be no repetition of the situation that now obtains over in the Labor Department, where hundreds upon hundreds of cases are pending of reservists who were called last year and who are now trying to get their jobs back. I would like somebody to tell the House today whether that situation is going to obtain if there is another callup of the Reserves.

Now, I want to ask the chairman of the House Committee on Armed Services this question:

What other so-called free world friends, on whom we have lavished billions upon billions of dollars, are calling up their reserves to meet the Berlin crisis or any other crisis? Tell me, what other country today is calling up their reserves? I would like the answer now.

Mr. VINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. VINSON. I regret to say to the gentleman, I do not know of any country that is calling up their reserves at this time.

Mr. GROSS. No. So, we still are the suckers and the fall guys for the rest of the world, and we continue to spend billions of dollars on these alleged free world friends. There is an emergency or crisis we are told—and yet, where are they? Not a one, the chairman of the committee says that he knows of is calling up a single reserve.

And what about that polyglot organization, known as the United Nations, upon which other Members of the House are lavishing so much money? What are they doing in this situation? Vote them another $100 million.

I would like to ask this question: What is to prevent the President of the United States from declaring a limited emergency and calling up these Reserves without this resolution? Is there anything to prevent the President from declaring a limited emergency, I ask the chairman of the committee?

Mr. VINSON. If the gentleman will permit me, I will explain that later on, but I will make this statement at this time. The gentleman who preceded the gentleman from Iowa hit the nail on the head. The most important part of this resolution and the great difference here is that under a national emergency, declared by the President, the President does not have the authority to extend the period of enlistment or service of any man in the Army or Air Force. That is the great difference—that is the key and the cornerstone of this resolution.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JOHANSEN. This is the second time in 3 days that there has been a published report under the byline of Virginia Prewett quoting the National Maritime Union as charging that the State Department has interfered with their efforts to boycott Cuban goods. I ask the gentleman—is it possible that the State Department has not heard of this emergency?

Mr. GROSS. I would be the last person in the House of Representatives who would try to answer for the State Department.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FORD. I hope to get the time in general debate to explain two amendments that I intend to offer. One would limit the callup to the kind of units that the Secretary of Defense said he needed to bolster the forces in any emergency between now and February 28. Secondly, if that amendment is defeated, then I intend to offer an amendment to increase the number from 150,000 to 1 million without the declaration of a national emergency. I do that because we are being told that the crisis is worse than it has been for the past 15 years, and if the only impediment is the declaration of an emergency, let us give the President carte blanche, less the men called up last year, so that he can call them up immediately.

The SPEAKER. The time of the gentleman has expired.

Mr. BROWN. Mr. Speaker, I yield the remainder of the time on this side to the gentlewoman from New York [Mrs. ST. GEORGE], a member of the Committee on Rules.

Mrs. ST. GEORGE. Mr. Speaker, I have no doubt that this Senate resolution on which this rule has been given will prevail in the House of Representatives. This is the kind of resolution that always prevails. It always prevails—and very often with very little reflection.

But, Mr. Speaker, there are a few things to which I would like to call the attention of the House. First of all, on this question of Presidential powers. Certainly, none of us want to see the Presidential powers in these matters curtailed. The President can declare a national emergency and can call up these Reserves when he sees fit.

What I cannot quite understand—and I think this may be true for many of us—is the fact that one minute we have been told—and at not too distant a past—that there was actually no emergency, that it was wrong to talk about an emergency, that it might inflame Latin America, that it might enrage British Guiana, and so forth, and so forth. So there is no emergency.

Now, if there is no emergency, why is it necessary to go out and disrupt the lives of 150,000 reservists? You and I saw what happened just over a year ago, a very short time. Was that a matter of home defense? And I now refer you to the report itself. This is what the report says on page 2:

> The principal differences in the authority itself are that the authority extends only until February 28, 1963, and that the number of reservists who may be called up is only 150,000. The resolution of 1961 was intended to meet the Berlin crisis.

But what happened? They built the Berlin wall. That was not the fault of the reservists. They built the Berlin wall across Berlin. So that was an operation that was not entirely successful.

Another thing I noticed, the other day a Member of the other body made a statement with which I heartily agree. He was a Senator from the State of Texas, Mr. TOWER. He said this:

> Apparently the U.S. Marines and the U.S. Army divisions have been muzzled. Every time a crisis arises our reserves are yanked out of their civilian lives. The last time this happened the East Germans constructed the Berlin wall with impunity.

What has happened to our Army, Navy, Air Force, and Marine Corps? We have been spending phenomenal sums of money on them; we have been spending 50 percent of our total budget for the defense of the United States.

And again in the report it is stated:

> For example, the number of combat divisions in the Army has been increased from 11 to 16, or by 45 percent.

So we have got a great Army. We have said to the people it is a fine Army. We have said to the people that we have one of the greatest air forces that ever has been or ever will be in the world today, and we certainly have a great Navy, because apart from anything else, we know that that Navy has the constant attention, the loving care, may I say, of the chairman of the Armed Services Committee.

Why is it with all these forces that may be used, why is it that we have to call up 150,000 men, take them away from their jobs, take them away from their studies, take them away from their families for an indefinite period? Because you know these things can go on indefinitely.

We disrupted a great many people's lives a little over a year ago. I would also like to remind you that, after all, as we look over this House of Representatives there are not too many ready reservists here; and for the women, certainly they have no right to vote to call up ready reservists. We will not be shouldering the guns; we are very few, and of course, we can always take up knitting socks. That has always been considered a fine feminine pastime in hours of crisis.

But I submit to you that we should give this very careful consideration, that we should not rush it, that we should not say if we should happen, some of us, to vote against this resolution, that we are not upholding the President in his hour of need.

The SPEAKER. The time of the gentlewoman from New York has expired.

Mr. COLMER. Mr. Speaker, I yield the gentlewoman from New York 2 minutes.

Mrs. ST. GEORGE. I thank the gentleman.

None of us would do that. The President has only to say there is an emergency and this House will give him anything he wants. But if one day Mr. Bowles tells us there is no emergency and that we are very, very naughty indeed to suggest it, I submit to you there is no necessity for calling up practically a civilian Army of the United States. If we are in such jeopardy that there is nothing that stands between us and war but the constant calling up of Reserve units, we are lost. We might as well make our peace with God and forget it.

Mr. COLMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 224 to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 224, with Mr. GARY in the chair.

The Clerk read the title of the Senate joint resolution.

By unanimous consent, the first reading of the Senate joint resolution was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are beginning debate on Senate Joint Resolution 224, one of the most important resolutions to be considered during this session of Congress.

This is the resolution that will give the President standby authority to order up to 150,000 Ready Reservists to active duty to meet any crisis that may confront this Nation while the Congress is in adjournment.

The resolution will provide the President with standby authority, until February 28, 1963, a period of 5 months, to do two things:

First. To recall not more than 150,000 members of the Ready Reserve to active duty for not more than 12 months.

Second. To extend enlistments, appointments, periods of active duty, or other obligated periods of training service, or status for not more than 12 months.

At the very outset I desire to point out that section 3 of the resolution exempts from recall to active duty, under this authority, those reservists who had been previously recalled to active duty or had their periods of service extended under Public Law 87-117.

In this way we assure those reservists who were required to serve our Nation during the Berlin buildup of 1961 that they will not have their lives disrupted once again under the authority contained in this resolution.

The President of the United States requested the authority contained in this resolution in a letter to the Congress dated September 7, 1962. I quote a portion of that letter in which the President says:

> In my judgment this renewed authorization is necessary to permit prompt and effective responses, as necessary, to challenges which may be presented in any part of the free world, and I hope that the Congress will give its prompt support to this authorization, as it did so effectively, a year ago.

The Senate on September 13, 1962, unanimously approved this request of the President. I am happy to add that the House Committee on Armed Services also unanimously reported this resolution on Friday, September 14.

Mr. Chairman, this resolution is similar to the one approved last year, authorizing the President to call up 250,000 men from the Ready Reserves.

However, there are several very important differences:

First. The pending measure is in the nature of standby authority for the purpose of meeting any emergency situation which may arise between the time Congress adjourns and February 28, 1963.

Second. There are no present plans at this time for using this authority, whereas under the request of last year, we understood that the authority was to be implemented shortly after its enactment.

Secretary McNamara, in testifying in support of this resolution, advised that the Department had no definite plan for the callup of reservists.

Secretary McNamara stated:

> We do not have any such plan. We have contingency plans, alternate contingency plans, for the callup of particular specialties or particular units, but we have no definite plan for the callup at this time of any individual or individual specialties or individual units.

The Secretary further advised that "the probabilities are" that no one will have to be called during the period the resolution will be in effect—until February 28, 1963—but added that "there is a sufficient possibility that they would be required" to fully justify granting this authority to the President.

Third. The fact that the number of individuals who could be affected under this resolution is limited to 150,000 as compared to the 250,000 in last year's resolution.

In connection with the limitation of 150,000 men authorized for possible recall by the resolution, I am confident that this number is sufficiently high to meet any possible requirement for additional skilled personnel.

Secretary McNamara has assured us that our Active Force strength is capable of meeting any anticipated international crisis, short of actual war, with the possible exception that certain elements of the active establishment would require limited numbers of skilled personnel to reach optimum levels of combat capability.

Now, as the Members of the House know, President Kennedy, under existing law, could declare a Presidential emergency and recall up to 1 million members of the Ready Reserve.

The question, therefore, could be raised as to the actual need for the authority contained in this joint resolution.

This standby authority is needed for at least three reasons, and here they are:

The first reason, which is obvious, is that a proclamation or declaration of a national emergency would confer powers not now needed, and that such action might well create a climate of greater tension and alarm throughout the world than is justified.

The second compelling reason for enacting this legislation lies in the fact that it will permit the President, if circumstances so indicate, to retain in the armed services for an additional period not exceeding 12 consecutive months, those individuals who are presently on active duty and required by the armed services.

You may be interested to learn that even if the President declared a national emergency, he would not have the authority to involuntarily extend enlistments of individuals currently on active duty with the Army and Air Force.

Consequently, since this trained military manpower in the Active Forces would be of vital importance in the event of a new international crisis, it is evident that this authority should be provided the President during the absence of Congress.

The third, and equally important reason for this resolution, is that Congress by its approval of the legislation would demonstrate a unity between the executive and legislative branches, reflecting the determination of our people to provide an adequate response to any sudden crisis which may conceivably develop during the absence of Congress.

The authority contained in this resolution is less extensive than the President's authority to use the Reserves in a national emergency in three respects:

First. The number of reservists affected is a maximum of 150,000 under this resolution, whereas it could be as high as 1 million in a presidentially declared emergency.

Second. The authority to order members to active duty under this resolution will expire on February 28, 1963, whereas the authority would continue indefinitely if the President declared an emergency.

Third. The members of the Reserves who may be called under this resolution will only be liable for service for a maximum period of 12 months, whereas the liability for service under an emergency declared by the President would be for 24 months' duration.

When the Congress was previously asked to approve the resolution to meet the Berlin crisis in 1961, we were informed that the utilization of reservists on active duty and the extension of enlistments were only a part of the plans to improve the effectiveness of our Armed Forces.

I am happy to advise the House that the Armed Forces have, in fact, been substantially improved since last summer, both in manpower and in combat capability.

For example—the Army now consists of 960,000 men and 16 combat divisions. Last year, prior to the Berlin buildup, the Army had an actual strength of 857,000 men and only 11 combat divisions.

Last year before the Berlin buildup we had an Air Force of 825,000 men. Today we have approximately 869,000 men in the Air Force.

We have also increased our capability to respond to attack with intercontinental and intermediate range missiles, and 50 percent of our strategic bomber aircraft are on a continual 15-minute alert status.

The Navy today has a strength of 664,000 men operating 860 ships. Prior to the Berlin buildup of last year the Navy was limited to 628,000 men and 817 ships.

The Marine Corps last year was increased from 175,000 men to a present strength of 190,000 men.

As a result of these increases, the total strength of our Armed Forces is now 2,683,000 men compared to the pre-Berlin 1961 total of 2,486,000—an increase of almost 200,000 men.

Despite the very considerable progress in all these areas, we might face a situation during the fall in which specialized skills and trained units in the Ready Reserve would be needed quickly to augment the standing forces.

For example, the Secretary pointed out that circumstances might dictate an immediate requirement for the 40 naval destroyers previously recalled to active duty with the fleet during the Berlin crisis and now assigned to the Naval Reserve.

The addition of these 40 destroyers to our antisubmarine capability and to our naval blockade capabilities if recalled could be very substantial and very important under certain conditions.

I can assure the House that there are members of the Ready Reserve who were not called up during the 1961 callup who are available now to man these ships.

Similarly, the Air Force is presently in the process of increasing the number of its tactical air units from about 55 fighter squadrons to a total of around 73 at the end of fiscal 1963.

It might be necessary to accelerate completion of this buildup if circumstances should so indicate, prior to that time, by recalling Air Reserve and Air National Guard units possessing these special capabilities.

Again, I can assure the House that there are trained reservists available to fill these requirements.

As I have previously mentioned, the Secretary of Defense has emphasized to the Committee on Armed Services that there is no present intention of utilizing the authority provided under this resolution.

However, the need for this resolution is dictated by simple prudence as a measure of our determination and ability to insure the most effective response to any possible combination of international crises during the period Congress is not in session.

I might add at this point that the request for this authority has been under consideration in the Pentagon since early last June and simply reflects the desire of the Pentagon to be prepared for any possible contingency.

Thus, I concur in the sentiments expressed by my colleague in the Senate when he stated that the authority provided in this resolution can be likened to having an extra gun behind the door.

Members of the Congress are acutely conscious of the criticisms that were made of the military departments by reason of the recent callup of Ready Reservists.

A subcommittee of the Committee on Armed Services, under the able chairmanship of the gentleman from Louisiana [Mr. HÉBERT] made a most intensive review of the deficiencies which occurred in the last recall action.

The Department of Defense has assured the committee that there would be no repetition of these deficiencies.

I might also add that despite the many individual complaints that were received by Members of Congress last year concerning the Reserve callup, the overwhelming majority of those called upon to serve our country did so cheerfully and willingly.

The Reserve components are entitled to a great deal of praise for their significant contribution to our national defense during the past year.

Mr. Chairman, this resolution is a clear indication of our determination to be prepared for any explosive crisis that may develop anywhere in the world.

It would be a mistake for anyone to look upon this resolution as our answer to the crisis in Cuba—but it would also be a mistake not to consider this resolution as part of our answer to the crisis in Cuba.

There are powder kegs with ready fuses in many parts of the world—and a spark could explode one or all of those powder kegs at any time.

The free world is faced with the constant harassment of Soviet demands in Berlin. The Communists are determined to drive us from Berlin; we are just as determined to enforce our legal right to remain in Berlin.

No one knows what tomorrow may brings in South Vietnam.

No one can predict what may happen in Laos.

China continues to exert pressure on the offshore islands.

The situation in the Congo has improved, but we all know that it could deteriorate overnight.

The danger of renewed hostilities continues to exist in Korea.

If the authority of this resolution should be used while the Congress is in recess, no one now knows to which part of the world we might have to commit our military strength.

Because it is so close to home, all America is conscious of the situation in Cuba.

We have been assured by competent military authority that the buildup in Cuba does not constitute a present danger to our security or to the security of the Western Hemisphere.

Certainly we are all gravely concerned about Cuba, and it bears the closest surveillance.

The President has made it quite clear America is conscious of the situation in that there are circumstances under which we will intervene in Cuba.

The President has made it crystal clear that if the Communist buildup in Cuba endangers or interferes with our security anywhere in the Western Hemisphere, then this Nation will do what must be done to protect itself and its allies in this hemisphere.

If our naval base at Guantanamo Bay is threatened; if the Panama Canal is threatened; if Cape Canaveral is threatened in any way; if American lives are threatened; or if Cuba should in any way attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere; or if Cuba should become an offensive military base; then we will take whatever military action is warranted by the facts.

The President's statement on Cuba was forceful, and I am convinced that he expresses the will and determination of the American people in this situation.

There is no evidence available as yet that Cuba has become an offensive military base for communism.

To date, the military activities in Cuba are basically defensive, rather than offensive.

But I can assure you that we are well informed of what is going on in Cuba.

At no time will we permit Cuba to become a Soviet beachhead for military aggression in the Western Hemisphere.

At the same time we must be careful that we do not permit our emotions and national pride to overcome sound judgment.

If a naval blockade becomes necessary, we will take that action, knowing full well the possible consequences.

If invasion becomes necessary, we will take that action, knowing full well the potential consequences.

Two years ago Nikita Khrushchev said that the Monroe Doctrine had died a natural death. Let me assure Mr. Khrushchev that any report that he may have read concerning the death of the Monroe Doctrine was greatly exaggerated. He has confused our adherence to the concept of self-determination, with our determination to keep this hemisphere free.

No, Mr. Khrushchev, the Monroe Doctrine is not dead. It has lived a long and useful life since 1823, and I can assure you that it has many years of life yet ahead.

The Monroe Doctrine is the hearthstone of our relationships with all of the

American States in this hemisphere. It is very much a part of our national heritage and it will continue as a basic tenet of our foreign policy.

We have made it clear to the Soviet Union that under no circumstances will we permit Cuba to be converted into an aggressor nation, or to possess sufficient aggressive capabilities so as to constitute a threat to the security of this hemisphere.

The Soviet Union has now been warned, and we have notified the world that we will not permit the Soviet Union to become an offensive military base in the Western Hemisphere.

If the Soviet Union does not heed that warning, then they—not the United States—must stand convicted in the eyes of the world of initiating whatever action we may be forced to take to restore the peace and security of the Western Hemisphere.

But we must not overlook the fact that the crisis in Berlin still stands as the greatest challenge to world peace.

This administration has made it crystal clear that we will stand firm in Berlin—and the American people are firmly behind the President on the Berlin issue, just as they will stand behind the President in his determination to keep any part of this hemisphere from becoming a Soviet beachhead for aggression.

Mr. Chairman, in the debate on this measure in the Senate on Thursday, September 13, 1962, the distinguished chairman of the Senate Armed Services Committee aptly and correctly stated the situation when he said:

> In times of international stress it is absolutely vital that we support the leadership of the Commander in Chief of our Armed Forces, the President of the United States. In times such as these, we must disregard whatever differences we may have had, or may now have over the approach to domestic affairs and internal problems. Fortunately, we have a proud tradition of subordinating political differences when our security as a free people is threatened.
>
> I am confident that congressional reaction to this resolution will be another reminder to those hostile to us that we are united, and are determined to protect our interests, and that the President will be fully supported in the actions he takes as our leader.

I am confident, Mr. Chairman, that these views are shared by every Member of this House.

Mr. Chairman, I urge the unanimous concurrence of this body in approving Senate Joint Resolution 224. Let us reaffirm to the entire world our unity of purpose in resisting any future challenge to our freedom.

Mr. ARENDS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of Senate Joint Resolution 224. As ranking minority member of the Committee on Armed Services, I can assure the Members of this body that the Committee on Armed Services made a very thorough analysis of this requested authority before reporting it to the House.

The Committee on Armed Services conducted three closed-door sessions with Secretary McNamara, during which time we examined every facet of the proposal and inquired into the present necessity for providing this authority to the President.

The printed hearings reflect this discussion with the exception of certain portions which, necessarily, were deleted because of security considerations.

Our distinguished chairman has given the House the rationale, which I sincerely believe justifies approval of this resolution. I therefore fully subscribe to its provisions and hope that it will receive the unanimous concurrence of this body.

As every Member of the House realizes, on matters of national defense we know no party lines. In such instances, we stand together as Americans, united behind our Commander in Chief. This is the American tradition and, God permitting, it will always remain so.

The debate on this resolution should not result in criticism of the President or the executive branch for criticism's sake alone. I recognize that many Members of this body are vitally concerned with the many criticisms we have received concerning the last recall of Reserve personnel. I share the views of most Members of this Congress that the last Reserve callup was a badly managed program. A subcommittee of the Committee on Armed Services made a detailed analysis of the deficiencies which occurred in the last callup and has officially reported these to the Congress and to the Department of Defense.

I sincerely believe that constructive criticism of this kind is an essential responsibility of the legislative branch of Government. This responsibility has been discharged by the Committee on Armed Services. I trust that the executive branch will similarly discharge its responsibilities in this area and correct these deficiencies.

This very question was raised with the Secretary of Defense during his appearance before our committee, and I am happy to advise that the Secretary assured the committee that these deficiencies would not occur again.

The chairman of our committee has outlined the necessity for this resolution. I would like to briefly review two of the circumstances which I believe make enactment of this resolution absolutely essential.

Whether we wish to acknowledge it or not, the peace of the world hangs by a tiny thread which could easily be severed by a sudden and unpredictable change in any one of a dozen situations. We cannot ignore these facts and therefore we must provide the President with the flexibility of response necessary to meet any of these possible changes of circumstance throughout the world.

We have been advised by the Secretary of Defense that the authority provided by this resolution will be sufficient to meet any possible combination of emergencies short of war which may possibly occur during the absence of Congress.

I fully appreciate the reluctance of the President to be forced to declare a national emergency to develop this military requirement when such an action would be much more drastic than was required. I will reluctantly vote to grant this congressional power to the President.

Let us for the moment speculate at what possible results would occur if the President found a military requirement for the recall of a few thousand Reserves and in the absence of the authority, which would be provided by this resolution, to declare a national emergency. It is reasonable to assume that if such a circumstance occurred, the mere issuance of this emergency declaration by the President would immediately suggest that the United States was entering into a period of general mobilization. International tensions could not help but be increased by this action. We could then easily be precipitated into a series of major crises which could only then result in war.

Coupled with this fact is the likelihood that a declaration of a national emergency could signal the beginning of an emphasis on war production with the result that consumers throughout America might begin to anticipate shortages of consumer goods and buy these products far in excess of their requirements, with the possibility that price controls might be required.

I realize that these are dire predictions and, perhaps, somewhat extreme. But nonetheless, they represent genuine possibilities which must be taken into consideration whenever the Congress or the President, elect to declare a national emergency.

Now the second consideration which justifies the passage of this resolution is the fact that we will only provide very limited authority to the President for the period the Congress is not in session. Obviously, if the President deemed it necessary to call up Reserve personnel to meet a new military requirement he could not do so without either declaring a national emergency or calling the Congress back into special session.

Therefore, we should not force the President into a situation in which he is confronted with these alternatives. Consequently, passage of this resolution is simply good sense.

It is for these reasons that I urge unanimous approval of this resolution.

Mr. VINSON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. I thank the Chairman for yielding this time to me. I asked for this time for the purpose of asking a question of the distinguished Chairman, and I direct his attention to the language in italics which appears on line 7 of the first page of the resolution. I know that the phrase "Ready Reserve" includes the National Guard. I am unhappy and many of us are unhappy with the fear or the possibility that the defense people will do what we call cannibalize the integrity of established Guard units. The distinguished gentleman from Georgia, the chairman of the Committee on Armed Services, and I have seen this happen in three wars, and we have seen it wreck good Guard outfits. That language there causes concern, and it is "or any member." The chairman knows about my concern, and I hope he will answer the question.

Mr. VINSON. Mr. Chairman, let me say to the gentleman that this question was raised by the distinguished gentleman from Indiana [Mr. BRAY], and others, concerning the language. Of course, we know that the National Guard is a part of the Reserve and therefore the language would mean that the Secretary would have the authority to pluck any individual officer or enlisted man out of the National Guard, if he were a specialist of such type that he needed him, and put him into active duty without calling the other members of his unit. However, the Secretary of Defense stated most positively that it was not his intenion to do so, and he said he was not going to do it. You will find what Mr. BRAY said and what I said on page 7143 of the hearings. I told the Secretary that if he tried to do anything like that, he had better come back to the Committee on Armed Services and to the Congress, because we were not going to sit quietly by and permit him to do it, even though the language is such that it would permit him to pluck individuals out of the National Guard, thereby breaking up the units of the National Guard or any other Reserve unit.

Mr. FLOOD. I thank the distinguished chairman. I want to compliment him for the brave, the courageous statement he made in introducing this resolution today. There were several paragraphs that we were all very happy to hear, because it was the old battle eagle screaming again. That is very encouraging. But I want to be assured finally that the answer to my inquiry is the attitude of the gentleman from Georgia under the circumstances. I would feel much more comfortable having his word than that of somebody in the Department of Defense.

Mr. VINSON. Mr. Chairman, I positively told the Secretary that if he tried to do anything like that he had better come back to the Armed Services Committee. We are not going to permit it, even though under the language of this amendment that the other body put in, he might be authorized to do it. It was not in the bill when it came up from the Department. He had to deal with them as units, or else take them out of the pool. This goes one step further. I thought with that explanation we could go along with him. But he is not going to do it, and you may rest assured of that.

Mr. FLOOD. That makes it just as satisfactory as if the language were stricken out by an amendment. I thank the distinguished gentleman.

Mr. VINSON. Mr. Chairman, I yield 5 minutes to my distinguished colleague, a member of the Committee on Armed Services, the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, it has been the history of war and peace throughout the ages that when a country was prepared for war the probabilities of war were lessened. In our own country we have only to look back through history to such times as World War I, when the Germans felt that they could run roughshod over us and because we were not prepared for war. We could look back to World War II and find the same situation, as well as in the case of the Korean war. And then we can look on the other side of the coin and see that when we were prepared, in the last century, when France was establishing a monarchy in Mexico, our protestations to France resulted in the removal of Maximilian.

History is just replete with illustrations such as that, a clear indication that if a country is well prepared for war the chances for peace are very much enhanced.

Mr. Chairman, a number of questions have come up in the debate that are worthy of note, one particularly with regard to how much strength we ought to have at this particular time, whether we should do more than the resolution provides for. Our committee had this before it on a number of occasions during the hearings. We discussed it and many people had different suggestions. There was the suggestion that we should increase the number of personnel. We had a suggestion that the date should be extended. Other matters were brought up. On page 7134 of the hearings you will find I asked a question of Secretary McNamara, which is continued on page 7135, as follows:

> Do you have a suggestion as to anything which we could add to this resolution which would be an indication of Congress' determination and the determination of the country, without hurting the purposes of this resolution?
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> Secretary McNAMARA. Mr. BENNETT, I don't have any such suggestion.
>
> I don't believe it is necessary.
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> I think that the intent of Congress to support the administration's determination to remain firm in the negotiations over Berlin and in opposing Communist aggression wherever it may occur in the world can be demonstrated by prompt action on the resolution, by unanimous action on the resolution, and by the statements made in support of the resolution, rather than by changing the resolution itself.

So we members of the Committee on Armed Services and I think all Members of Congress yearn to do what is best to give the maximum amount of strength at this point in history to our National Government, our President, our Chiefs of Staff, and those who make the decisions that will affect us internationally, yet we want to do what is best for every part of our strength and security.

In the hearings, if you will refer to them, you will find that a discussion was had as to whether it would be a good thing to handle this resolution in various particular ways.

It was brought out that there are very definite things that are attained by this resolution which the newspapers have not been particularly publicizing but which are in fact the heart of the resolution, such as the extension of the time of those now on active duty, not just the Reserve situation. There are other things in this resolution which are of great military importance.

It would seem, perhaps, if you wanted to be really belligerent about the matter and show a degree of great urgency in it, you could use stronger language but recall the comments of the gentleman from Illinois [Mr. ARENDS], the leader of the minority on our committee. Incidentally, our committee is a committee of unanimity. We get along on these things very well. We seldom, if ever, differ on party lines. As was pointed out by Mr. ARENDS, it would not necessarily strengthen the resolution if we passed something which would cause such things as price controls and other things like that to come into being. That might inflame not only people abroad but also here at home and give an idea that there was an immediate war coming up. So this resolution has been drafted in a way designed to meet the situations in a way the committee felt that they exist and the Joint Chiefs of Staff felt they exist.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from Michigan.

Mr. FORD. I do not believe if the President declared a state of emergency the country would automatically have price and wage controls. There is no standby authority in that regard. Congress would have to take subsequent affirmative action.

Mr. BENNETT of Florida. The testimony before our committee indicated there were some powers in this field, but I am not a great scholar in the field of price control, neither am I a great friend of price control, so I have not made a great study of it.

Mr. FORD. I agree there are certain powers and some authority that could come into being by the declaration of an emergency by the President, but there are no standby price and wage control powers today. It would require further legislation by Congress.

Mr. BENNETT of Florida. Mr. Chairman, I support Senate Joint Resolution 224, because I believe with the President, and the Secretary of Defense, that it constitutes a prudent and necessary course of action in the light of today's world situation. I am confident that the membership of the House shares this fundamental view.

Some have seeen fit to question whether the calling of 150,000 Reserves in a serious crisis would do much to enhance our military posture. I believe that it would, as it unquestionably did a year ago when the Soviet Union launched its offensive in Berlin.

My own view is that the Ready Reserve Forces of this country are every bit as essential to our defense as the Active Forces, and that they have given ample proof in the past that they can do a job when they are called upon to do so.

Others have pointed to the fact that deficiencies were revealed in the callup of 1961, and I am fully aware of that. I consider that it was a good thing that these deficiencies were discovered, and that the Armed Forces were put on notice that they had to be corrected.

I believe the Reserve Forces have been greatly improved as a consequence and that the possibility of a repetition of the instances encountered a year ago is not very likely. The Department of Defense ordered decisive changes in many of the procedures having to do with expediting Reserve mobilization, and to the best of my knowledge they have been carried out by the services. In particular, it is a certainty that the management of the Reserve pool of fillers has been vastly improved and that the problem of putting the square peg in the round hole has been substantially minimized.

All of these actions together, and others proceeding at the present time under the direct attention of the Secretary of Defense, have given us better Reserve Forces. I am confident that this process will continue and that this administration will bring the Reserves to the highest level of efficiency possible. They are an integral part of our defense forces. They have the duty and responsibility to serve when called, and judging by the overwhelming response in connection with the Berlin crisis of a year ago, they serve with great morale and fighting spirit.

What we are talking about now is the need to overlook no action, and no necessary precaution to insure our continued security, and ability to deal with armed aggression.

Others have made the point that America's military strength today is tremendous. It is, because the people of this country have never hesitated to carry the heavy burdens of taxation which have been required to build this strength and to maintain it. At the same time, as the Secretary of Defense and the Joint Chiefs of Staff have been at great pains to emphasize, different military situations frequently call for different methods. The need which is illustrated by the resolution now before this House has to do with that type situation in which more manpower and trained technical resources might be required to bolster existing elements of our strength. That need can be fulfilled by recourse to the Ready Reserve Forces of this country.

The Secretary of Defense has stated it to be his sincere hope that no situation will arise in which it will be necessary to invoke the authority contained in the proposed resolution. But, he, and all the rest of us, have to be realistic in the face of an ever-present danger. And to be realistic in this context, again, is to overlook no action which we should take in order to insure our continued freedom.

To our allies we must provide a firm example of our determination—and we can do so by approving this resolution.

To those others, who might attempt to launch aggression against us while this Congress is out of session, we must also speak with one voice, in full accord behind the President. We must speak with the voice of unanimity, leaving aside any hint of partisanship. We must act together in unanimous approval of the resolution before us and thereby serve notice upon all concerned of where we stand and of what we are prepared to do.

I urge the immediate approval of the resolution.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, I am supporting this legislation as I did in the committee. It is true that the President has the authority to call up a million guardsmen and reservists if he will declare a national emergency, but he desires to call up 150,000 without the necessity of declaring a national emergency.

President Kennedy is the Commander in Chief of our Armed Forces, and I believe that Congress in this situation should grant the President the authority he has requested. Congress, acting as the representative of the people, has given the President everything he has asked to keep America strong and has encouraged him to use his power of leadership to restore the waning prestige of America.

The voters of America 2 years ago placed under President Kennedy's leadership a Nation economically and militarily far, far stronger than all of the combined forces of communism—an economy so strong that our problems are those of surplus while the problems of Khrushchev and his gang are those of increasing scarcities.

Our military strength has continued to grow during the last 2 years. The people, through their Congress, this year gave President Kennedy the largest peacetime military budget of all time—even more than he requested.

I deeply regret to say, however, that America's moral and spiritual strength—that strength which has made the United States the greatest Nation on earth—has been receding. Two years ago there was no Berlin wall. We had not then surrendered Laos to the Communists.

Two years ago there had been no ignominious defeat because "we chose not to win" at the Bay of Pigs. Two years ago Castro was our enemy, but he was not proudly proclaiming that Khrushchev was his ally, nor was he, in conjunction with Khrushchev, spewing venom, hate, and threats toward us from a Communist fortress and missile base 90 miles from our shore. The Monroe Doctrine had not been threatened with replacement by the "Khrushchev doctrine."

Khrushchev had not yet told Poet Robert Frost that America was too liberal to fight—that we would only sit on one hand and then the other. From the rostrum of the United Nations 2 years ago, Gromyko was not hurling taunts at us to attack any place in the world. Khrushchev and Gromyko both know that Russia would never dare attack America if she thinks that we have the will to use that military strength on sufficient provocation.

The U.S. News & World Report recently pointed out, after an analytical study, that the United States has the capacity to deliver atomic destruction on Russia 20 times greater than they can upon us and that the margin is increasing in our favor. But Khrushchev is a bully who will swagger and threat and bluff to bring America into submission. But he will only act to the extent that his bluff is working. He will never intentionally go to the point of no return in his relations with the United States.

An excellent example that Khrushchev fears decisive action on the part of the United States occurred in Lebanon in 1958. Khrushchev, behind a barrage of threats and agitation, was moving into the Near East. The United States boldly, courageously, and clearly moved troops into Lebanon to preserve order. Khrushchev backed up and American prestige rose high throughout the world.

If Khrushchev today believes that we have the moral and spiritual strength and conviction to use our military strength, we will never have to do it and there will be no war. If the Kaiser could have realized that we possessed the will and the courage to resist him, there would have been no World War I. If Hitler had known the power and the force back of America's indecisive-appearing calm and that the umbrella-carrying Chamberlain did not represent the mass of the free world, there would have been no World War II.

The U.S. Constitution provides that only the President can act for America in our relations with foreign countries. Congress cannot move one plane, one ship, or one soldier. Congress cannot issue an ultimatum, make treaties or agreements. By our Constitution only the elected President can act.

The only man who can furnish the leadership necessary to restore to the United States the moral and spiritual strength of yesterday is the President of the United States, John F. Kennedy. If giving him the authority to call up these Reserves will give him the encouragement to assume that moral and spirtual leadership upon which the fate of the United States and the free world depends, I will vote to give him that power with the greatest of enthusiasm.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, I desire to rise in support of Senate Joint Resolution 224. First, I desire to associate myself with the remarks of the gentleman from Georgia, the chairman of the Armed Services Committee, and to commend him for his excellent presentation and explanation of the resolution.

This resolution would afford the President standby authority until February 28, 1963, to call reserves to active duty for a period not to exceed 12 months. This resolution is similar to the resolution passed during the first session of the 87th Congress which became Public Law 87-117. However, there are several differences which I consider to be significant. Under the 1961 resolution the President was authorized to call 250,000 Reserves for a period of 12 months' active duty. In addition, that resolution was intended for immediate use in order to strengthen our Armed Forces due to the Berlin crisis. The pending resolution, on the contrary, limits the number of Reserves who may be recalled to 150,000. Additionally, we have been informed by the Secretary of Defense that there is no immediate intention to use this authority at this time. Thus, it is apparent that this is truly standby authority.

Under the Reserve laws now in effect, the President has authority to call as many as 1 million men to active duty for periods up to 24 months. This authority may be exercised whenever the Congress declares or the President proclaims a national emergency. Calling a national emergency is a matter of extreme gravity and this resolution is designed to give the President authority to meet unexpected situations without the necessity of declaring a national emergency.

Secretary of Defense McNamara has advanced two important reasons why he considers this resolution desirable although the President does have the power to declare a national emergency and under that declaration call up a million men. First, it is essential that the world understand the unity with which we are acting, the unity between the executive branch and the Congress which in turn demonstrates the unity of the American people. Second, for the President to use his broad authority to call 150,000 men may tend to increase the tension and crisis beyond what is necessary.

As a result of the 1961 callup our Reserve Forces have been greatly strengthened and increased. The active divisions of the Army have been increased from 11 to 16. Personnel in the Marine Corps have been augmented and there have been great improvements in the tactical forces of the Navy and Air Force. Nevertheless, in times like these we must take every necessary precaution to asure that we are prepared for every contingency. The President is entitled, during times of international stress, to our full support. Passage of this resolution will be a reminder to those hostile to us that we are fully united, are determined to protect our national interests, and that the President, as Commander in Chief of our Armed Forces, has the complete support of this Nation.

Mr. Chairman, before I conclude I would like to ask this question of the chairman of the Armed Services Committee, and I am sure many Members of Congress have received similar requests. The request is this: Will reservists whose enlistments and obligations were extended for 1 year last year regardless of whether they were on active duty or not be exempt from having their enlistments reextended this year?

Can the chairman answer that question?

Mr. VINSON. The gentleman may advise his constituent that as far as this bill is concerned they are exempted.

Mr. VAN ZANDT. In other words, the gentleman is saying the answer to the question is "No."

Mr. VINSON. The gentleman is correct.

Mr. VAN ZANDT. I thank the gentleman.

Mr. Chairman, I urge the House to adopt Senate Joint Resolution 224.

Mr. ARENDS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, I rise in support of this resolution, but I do so with reservations.

Shortly after I was first elected to Congress in 1950 the Chinese Communists went across the 38th parallel, and from that time to this we have lived in a period of tension in China, Berlin, Formosa, along the Indian border, Lebanon, Trieste, and in Suez. All these situations have troubled us for many years, and it was the purpose of our committee to try to establish a military force that would be good and sound, and powerful enough to meet any of these activities of the Communists regardless of whether they blew hot or blew cold. We were told if we had this strength we would be able to take care of situations like Berlin and Cuba. But the approach to the problem in this resolution is not a satisfactory solution because it is unsound over the long run, it is expensive and brings a high degree of uncertainty into the lives of our reservists.

There are many reservists who might be recalled. But what kind of a life can they plan? Can they go to school? Can they get a job when a proprietor of a company asks them whether they are subject to activation?

It is an expensive proposition because we bring these people in as we did a year ago and let them out in a period of 9 months. High rates of turnover in the military services or in business reflects needless inefficiency. It seems to me if every year or so we go through a program like this, we are wasting the assets of our Nation.

If we need more military strength in this country we should increase our military forces and not be calling up our Reserves every time Khrushchev makes some statement in reference to Berlin or Cuba. We have today, and let no one mistake that, the strongest military power in the world. If you read the hearings, the Secretary of Defense and the Joint Chiefs of Staff have assured our committee that even if Russia should attack us first we could absolutely destroy that country.

So it seems to me we should have constant strength and not resort to calling up the reservists so frequently.

I asked the Secretary of Defense about this particular problem and he said he is studying the advisability of building up the standing forces in the Air Force, in the Navy, and in the Army to a smaller degree. It is only with that assurance that I intend to support this resolution, because over the long run we cannot afford these peaks and valleys of our military posture that are so expensive to our Nation.

Mr. ARENDS. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. OSMERS].

Mr. OSMERS. Mr. Chairman, I rise to ask unanimous support for this resolution for some very odd reasons indeed.

Voting for this resolution will do very little to increase the armed strength of the Nation. But a vote against this resolution would show a division, however slight, in the unity of the Congress of the United States regarding national defense and foreign policy. We all know there is no such division.

This is said fully realizing that a "no" vote might well be based on a sincere belief that the resolution before us does not go far enough to adequately meet the crisis confronting the United States.

Several Members on both sides of the aisle have told me today that they would be a great deal more favorable toward this resolution if one of our leading reservists—namely, Gen. Dwight D. Eisenhower—would be called up for active duty at the White House under its provisions. Frankness compels me to say that such a particular callup appears remote.

Mr. Chairman, in order for Members who are not on the Committee on Armed Services to understand why this bill does not add to our strength in a material way, I would like to mention some of its shortcomings and weaknesses.

There is a time limitation on the authority granted the President. There is a limitation against using those who were called to duty last year in the so-called Berlin ballup. This limitation prevents the Defense Department from using those who are best and most recently trained. There is, of course, the practical limitation imposed by the time that would be needed to call them, get them in uniform, train them if necessary, and then transport them to their stations. Such time losses would eliminate in a practical sense any possible benefit that the Nation might receive from a callup under this resolution if a sudden crisis arises. Certainly after the fiasco of the 1961 callup, which caused so much needless sacrifice and personal hardship, we should exempt any who were called then unless a real need arose.

Another major reason for us not taking this resolution too seriously is the fact that the President does now have the authority to call 1 million reservists to duty should he declare a national emergency. We have heard rather solemn promises, first in the Senate and now in the House, that this authority will never, never be used. That just about does it.

My purpose in addressing the House at this time is to remind the Members that granting our President limited authority to call 150,000 reservists is not a very powerful addition to our overall strength in a world with possibly 10 million men now under arms. Quite frankly, Mr. Chairman, this misuse of our Armed Forces Reserves for psychological purposes should end. Our Reserves are the backbone of our nonnuclear strength and their faith and confidence in the Congress and the President has been badly shaken by the Berlin callup and what followed. The type of very sudden emergency likely to confront us in either Cuba, or Europe, or elsewhere, will need active-duty units, not our Reserves.

To clear up any misunderstanding about my position, Mr. Chairman, let me report to the House that when this resolution was presented to the House Armed Services Committee, of which I am a member, I offered to submit an amendment in the committee, or here on the floor, to remove all of the many limitations that are placed upon the President by this resolution. We must support our President completely in foreign affairs and give him the tools to do the job. While I would favor such an amendment to eliminate all of the shackles on the President that are written into the bland resolution before us, my advice to the Members of the House is to pass it as is, taking neither the time nor the trouble during these closing days of the session to tinker with its various provisions.

Mr. Chairman, the current difficulties facing the Nation started at the Bay of Pigs on Cuba's shore back in April of 1961, as a result of the President's indecision and vacillation at that time. The action we take here today is not national defense legislation; this is domestic public relations. Somehow, the executive department hopes this resolution will convince the American people that we here in Washington are taking stern steps to meet the Communist threat. We are doing no such thing. What we are doing here is substituting what is essentially a domestic publicity gimmick for meaningful foreign policy. They say that in Moscow when this resolution was reported it was referred to as "laugh of the week." In fact if there has been any change at all in the Kremlin attitude since its introduction, that attitude has become more truculent than ever.

Mr. Chairman, in 1961 we had a crisis in August when the Russians and East Germans built the Berlin wall. In October, we called up a limited number of our Reserves. This callup had tragic results. It revealed weakness, not strength, a lack of readiness, not preparedness. Let us hope that peace will prevail and that any callup under this resolution will be properly administered and wisely used. The Nation needs unity, leadership, and a real foreign policy as never before.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, it has been accurately stated that this resolution is not solely in response to the situation which exists in Cuba, nor is it a response to the situation in Berlin. Primarily, this resolution is for the purpose of giving our President power to improve the operational capability of the Armed Forces during the congressional recess without a resort to the drastic powers available to him under a national emergency.

Mr. Chairman, I shall support this resolution, because it will improve this Nation's ability to respond to a crisis. I shall not muddy the water with amendments, though I believe several might well be considered. The primary purpose of this resolution is good, and it should be supported. But the secondary purpose of the resolution is to show the world our national resolve and our firmness of purpose, and in this respect it falls short and does not go far enough.

Mr. Chairman, the Reserve callup during last year's Berlin crisis may have caused Khrushchev to think twice, but in light of our concession to the reality of the Berlin wall, in light of our concession to troika government in Laos which includes Communists, in light of our inaction while the Monroe Doctrine was given the burial Khrushchev predicted for it, in light of these things I have serious doubts that this resolution sufficiently emphasizes the will of the American people. Nothing short of a complete mobilization of national will can impress Mr. Khrushchev at this time.

Mr. Chairman, at this very moment the threat of strike hangs over the vital aerospace industry. What is the issue involved? It is not wages, not working conditions, but the union shop in defense industry. It has been suggested that the "agency shop" could be a compromise, and that workers could pay union dues but not be required to join.

What has become of the spirit in the famous saying attributed to Robert Harper of South Carolina—"Millions for defense, but not one cent for tribute"?

How can we ask 150,000 men to leave their families, businesses, and jobs at great inconvenience and sometimes financial ruin to accept the hardships of military life while strikes threaten the defense industries which will supply their weapons?

If we are to truly mobilize the national will, then the President should ask for a repetition of the patriotic "no strike pledge" given in past crises by organized labor. I am sure labor would respond favorably as it always has.

And as the rest of us mobilize the national will let our State Department reflect it with a stronger and more positive diplomatic attitude.

For example, if "extended naval maneuvers" to protect our supply lines to the Lesser Antilles and Guantanamo Bay are required then let us have them. Let us serve notice to the world that once the appropriate civilian authorities of this Nation have committed the military might of this Nation, that military advice to the President will be given by military men and not by the diplomats of the State Department.

Future policies should be determined in accordance with what will impress Khrushchev rather than with what might offend him.

I support this resolution as far as it goes, but it does not begin to express the depth of American feeling over the present world situation. The American people do not want war. They are not hotheaded; they are not foolhardy, but they do realize something which our diplomats apparently do not. They realize that the surest way to war with communism is the way of timidity and appeasement. Conversely they know that the surest way to peace is to believe in the morality of our purpose, to have the strength to uphold it, and the courage to use it.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Chairman, I intend to support Senate Joint Resolution 224, which gives the President authority to recall up to 150,000 members of the Ready Reserve to active duty for a period of not more than a year, and which also authorizes him to extend enlistment periods of personnel presently on active duty.

Not to grant this authority in the face of Khrushchev's brazen taunts and belligerent acts would certainly further damage our prestige at a time when world conditions are most sensitive.

However, I support this resolution with certain definite questions and reservations about the wisdom of such procedure as an effective military response to the challenges we must, from time to time, face.

As a member of the subcommittee which spent many long weeks last spring sifting a myriad of facts connected with the recall of more than 148,000 Reserve personnel, I feel obliged to comment briefly on some of the findings of our subcommittee.

May I first congratulate the chairman of that subcommittee, the gentleman from Louisiana, Congressman HÉBERT, for the objectivity and thoroughness of his leadership. Indeed, all members of this subcommittee maintained throughout our work a completely nonpolitical approach, as is evidenced by the unanimous agreement on the final report and on most of the problems connected with its preparation.

The subcommittee found that many of the units recalled to active duty during the Berlin buildup were woefully deficient in trained manpower and in adequate numbers of assigned personnel. Apparently, the Defense Department made no effort at that time to truly evaluate the readiness of these units and, consequently, many of those called were inadequately staffed, thereby causing the requirement for large numbers of trained "filler" personnel.

The Secretary of Defense has assured the committee that this situation will not recur. He has pointed out that the Department of the Army has identified skilled personnel in control groups with skills necessary to meet filler requirements. Under plans currently in process in the Army, any future call for "filler" personnel will largely be limited to those with the least amount of prior active service.

I, for one, hope that the Department of Defense will give more than lipservice to this plan, should it find it necessary to recall our reservists under this resolution.

Many of the reservists who were recalled from my district during the Berlin buildup failed to receive the 30-day notice required by law. Again, the Department of Defense has assured the committee that this situation will not be repeated.

One of the most vexing questions which confronted our subcommittee during its review of the Reserve callup was the proposed reorganization and realinement of the Army Reserve components.

As you know, Mr. Chairman, the Department was determined to reduce our Army Reserve strength by 58,000 personnel and 8 existing division organizations. The subcommittee report strongly recommended against this proposed reduction in personnel, and also recommended that the Department not eliminate eight Reserve and National Guard divisions.

We face, it seems to me, a glaring inconsistency when we are asked to authorize the recall of additional Reserve personnel to active duty and at the same time approve the reduction of Army Reserve strength. The Army planners are really working overtime when they come up with a program to call up and reduce our Reserves at the same time. I cannot see how we can go forward and reverse simultaneously.

I trust that this situation will cause the Secretary of Defense to reconsider his position on this matter and adopt the recommendations of the Hébert subcommittee.

I am also deeply disturbed over the great possibility that the willingness and eagerness of the administration to recall Reserve personnel will seriously impair the morale of our Reserve forces.

Mr. Chairman, we cannot repeatedly disrupt the orderly lives of thousands of young men, without fatally damaging our Reserve program.

Every reservist is primarily a civilian. Reserve activities are a relatively minor adjunct to his civilian activities. His main preoccupation is necessarily concerned with earning a living in a civilian community.

Up until now reservists were under the impression that they would not be called to active duty unless circumstances required a general mobilization of our military forces. This concept was compatible with their Reserve status and their civilian employment.

However, we now apparently have abandoned that concept and look upon reservists as military personnel who are only incidentally in civilian status.

Resentment of such treatment of the Reserves will only increase if the American people realize that calling up the Reserves is mainly a psychological factor in the cold war, for home consumption. It has not scared Khrushchev.

The Reserves were called up because of a Berlin crisis, yet the walling off of West Berlin was completed and strengthened without interruption.

Considering the leadtime required for the ordering and shipping of goods to Cuba, the military men and supplies which arrived in Havana just recently must have been started on their way about the time the reservists in the last callup were reporting for active duty.

There is no evidence that the presence of 150,000 reservists in uniform deterred Khrushchev one bit from throwing massive military support to Communist Cuba.

If we actually need additional manpower to insure the Nation's security, I suggest that we beef up our Regular forces. An increase in the Regular force is far preferable to taking the chance of wrecking the Ready Reserve by repeatedly recalling thousands of civilians to active duty—and still not being assured that the level of readiness will be adequate for the emergency.

Finally, I believe that increasing our total strength will do much more to impress Khrushchev with our determination to maintain our Nation's security, whatever the cost.

In voting for this resolution, I defer to the judgment of the President who says that authority to call up these Reserves may be essential to our national security. I want to make certain that our Commander in Chief has everything he regards as necessary for our Nation's safety—and I am going to expect that he will use the forces we provide with firmness and determination to protect our own interests regardless of any threats and blustering by Khrushchev.

Nevertheless, and looking ahead, I believe we should base our response to any future crisis on our hard-core military strength rather than relying so frequently and so heavily on our Reserve forces.

Mr. ARENDS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, the terms of this resolution are not in themselves as important, perhaps, as what our action will signify. It should clearly reflect that we will all grant to the President whatever he thinks to be necessary in the way of standby power to defend adequately this Nation that we love.

Our distinguished chairman, the gentleman from Georgia, has very clearly and emphatically outlined the scope of this resolution. I am sure that he intended to underline the spirit which was back of the unanimous support accorded the resolution in our committee and that which will be back of the overwhelming support it will receive in this body.

We believe and we know that we are expressing the true feeling of the American people when we say that we will give to the President whatever authority he requires so that he may use it not just to meet a single crisis but as a means to win in our struggle against communism and to maintain proper leadership for the free world. We must provide strength not only to resist attack but to encourage other nations to stand firm with us, reflecting the unity and the power that will preserve freedom.

As initial episodes occur, frequently people evaluate them too lightly, concluding that what is involved is not worth fighting for. It is high time we judged these events collectively so that we will not permit the deterioration of our position to reach a point where we cannot resist without a tremendous toll in the lives and fortunes of our people.

I am sure the American people expect us to stand firm. They wish us to report the danger accurately to them, and then to take whatever steps are required to meet that danger. They will make whatever sacrifice is necessary. We seem to be passing on our debts to our children. Let us not pass on all of our world problems. These world threats will only grow more serious with the passage of time if not faced courageously now.

I hope that this resolution will testify once again that the American people are united, that the American people will make sacrifices, that they will stand as firm as their heritage demands.

The callup of the 150,000 men may never occur. We hope it will not. But if the situation demands, the Reserve units of our Nation will respond in a capable and effective manner. Lessons have been learned from the last callup. Mistakes have been corrected and will not be repeated. Since we know the sacrifice in careers and family life which a recall involves we trust the standby power granted by this resolution will not be employed unnecessarily or impulsively.

This resolution is a symbol of our resolve to stand unitedly. Let no enemy misjudge the spirit and determination of the American people.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, I do not rise to endorse or accept this legislation hook, line, and sinker, but to question it. With minor exceptions or amendments, this is the proposal submitted to the Congress by the executive branch of Government. I think it has some serious defects. In my opinion, too many have praised it and too few have doubted its validity or its justification. As I sat here listening to the arguments of those who seem to favor it without question, there is a lingering doubt even in their mind as to the need and necessity for it. Speaking for myself, I hope to improve it and to remedy some of the defects which I think exist in it. As I indicated earlier in the debate, I have at least two amendments which I hope to offer during the reading of the resolution.

Over the weekend, before I had an opportunity to study the testimony printed by the Committee on Armed Services, I was dumfounded to read the statement attributed to the Secretary of Defense indicating that this Nation was faced with the gravest crisis since Korea. I have since read the printed testimony given by the Secretary of Defense and General Lemnitzer, Chairman of the Joint Chiefs of Staff to the House Committee on Armed Services, and what I read in the newspapers over the weekend is confirmed by the testimony which has been printed.

If you will turn to page 7122, you will find testimony by Secretary McNamara to this effect:

> Secretary MCNAMARA. I would say that the crisis today in terms of military requirements and potential military operations is more severe than at any time since the actual combat operations of the Korean war.

On that same page, General Lemnitzer, Chairman of the Joint Chiefs of Staff, and, and I quote:

> General LEMNITZER. I agree with that.

If you will turn to page 7125 of the committee hearings, you will find this statement by the chairman, the distinguished chairman of this committee:

> The CHAIRMAN. And you have already testified here that in your opinion the crisis is the most serious one since Korea.
>
> Secretary MCNAMARA. Yes, sir, that is my firm opinion.
>
> And I think General Lemnitzer shared it.

If this is the fact, if this crisis is the most serious one since Korea, Mr. Chairman, this legislation, and I repeat—this resolution—will have as much impact on Mr. Khrushchev as a single leaf falling in a mighty forest.

Last year about this time we were allegedly faced with another crisis, the problem in Berlin. This Congress in the first session approved legislation authorizing the President to call up reservists, and to extend the enlistments of those already on active duty. Approximately 147,000 such reservists were called to active duty at an estimated minimum cost—minimum cost—of $300 million plus the disruption of the lives and the families of those called to duty.

It is interesting in the light of requests for such legislation by the President today that even Secretary McNamara in testimony before this committee on page 7123 of the hearings had this to say. First, a question by Mr. BATES, of Massachusetts:

> No. 2, you do not believe that the policy of calling reservists in and putting them out every year is a good sound policy over the long run?
>
> Secretary MCNAMARA. I think it is a very unsound policy.

On page 7124 of these hearings before the Vinson committee, Secretary McNamara had this to say:

> A frequent and continuing series of callups is undesirable.

And yet in the short span of less than 13 months this administration calls for the enactment of this kind of legislation to authorize these unsound policies.

In a public statement in a press conference as recent as December 14 the Deputy Secretary of Defense, Mr. Roswell L. Gilpatric had this to say:

> The Reserve Forces will not again be mobilized for cold war crises.

What confuses me is that they admit the policy is unsound, they say it will never be used again, and here we have the same old proposal, a retread of what came before us last year on the floor.

In addition there are some very unusual and peculiar facts that stand out. Secretary McNamara says we are faced with the worst crisis in 15 years, and yet if you look at the draft calls starting with August of last year through January of 1962 you will find that they run from a high of 25,000 per month to a low of 15,000 per month. In February of 1962 the draft call was 8,000; in the projected call for October of this year, it is down to 4,000 per month.

All the time this great crisis, the worst in 15 years, was developing we have been reducing our call under selective service. In January it was 15,000. The forecast for October according to information supplied by the Pentagon will be 4,000.

This does not make sense. It does not make any sense at all to put the burden on the 150,000 reservists and simultaneously have the selective service process figuratively nullified. It is not only expensive to call reservists out of their homes and out of their jobs, but it is also expensive to the Department of Defense in dollars.

In the last year President Kennedy called up 147,000 reservists. The Department of Defense released them recently. Now President Kennedy wants to call up another 150,000. It is the most expensive way to handle the personnel for the Armed Services and has a serious adverse impact on the lives of our reservists.

I do not think under any circumstances, as I have indicated, that there has been given an adequate explanation to the American people as to what this serious crisis is. Our citizens did not know until this testimony was printed and released that they are facing the most serious crisis in 15 years. I do not think any Member of Congress has seen any detailed justification for any such crisis. If there is, it is our solemn duty and responsibility to dig into it, and I have not seen evidence to that effect.

Let me assure you, Mr. Chairman, we do not need to call up 150,000 military personnel to handle the crisis in Cuba and in Latin America. If the crisis is as serious as has been indicated by the Secretary of Defense, then the President should be ready to use the powers given him by the declaration of an emergency. If he is reluctant to declare such an emergency for various reasons, some justified and some not, then we ought to give him the authority to call up 1 million less those who have been called before without the declaration of an emergency.

I would like to add one other comment or two. This country since the end of the Korean war has been faced with serious crises, and we have measured up to our responsibility. Let me cite several where we have faced the cold, hard facts of facing an enemy and handling a critical situation without calling up Reserves.

The Suez crisis developed on October 29, 1956, and lasted until November 6, 1956. This was a very, very difficult situation and a critical problem to the free world.

There was not a single reservist called up by President Eisenhower to handle our responsibility in that crisis.

In July 1958, we had a problem in the Middle East. Former President Eisenhower sent Marines and U.S. Army troops to Lebanon. They actually landed 10,000 or more there. We dispatched them by air from the United States and Europe. It was a pretty tense, difficult time. That crisis lasted until October 25, 1958. Not a single reservist was called up to handle that problem.

Starting in July 1958, the Chinese Communists started bombing and shelling the islands of Quemoy and Matsu. They gave out very belligerent statements about how they were going to take Formosa. That crisis lasted until November 1958. Not a single reservist was called up. We used our active duty forces to handle that problem.

We had a Berlin crisis in 1958. We did not call on reservists to handle that challenge or threat by Mr. Khrushchev. Starting with 1956 to 1958 we had all of these tense, critical times, and President Eisenhower did not call on one reservist to leave his job, to leave his home.

Furthermore, since 1958 we have added significantly to our strategic striking forces. We have added hundreds of B-52's, we have added a substantial number of B-58's to our SAC forces, we have added Atlas missiles on launchers, and right now we are adding the Titan ICBM on launching pads in increasing numbers.

In addition the Navy since 1960 has Polaris submarines with nuclear-tipped missiles at sea. And, may I add this: In January or February of 1961 the alleged missile gap disappeared. It is paradoxical with this power we are seeking to call upon our reservists a second time within a year to handle the problem.

Mr. Chairman, may I conclude by saying this: It can be argued that this resolution has a political rather than a military justification; that the idea was the brainchild of the boys surrounding the President down at the White House. With all the sincerity of my heart I hope this is not true, although it can be so argued.

Mr. Chairman, if I vote for this resolution, it will not be for any military necessity in Cuba. We have ample power in being to handle Cuba. It will not be because the authority was studied ahead of time and requested by the Joint Chiefs of Staff. It will not be because I have any faith that this legislation was thoroughly studied by other responsible military authorities in the Pentagon. If I do vote for it—and at the moment I have many serious questions—it will only be because our Commander in Chief through his Secretary of Defense has told us for the first time that we are faced with the worst crisis in 15 years.

Mr. Chairman, let me assure the Members of the House if I do support this bill, it will be for psychological reasons, and with my tongue in my cheek.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Chairman, I might say in the very first instance that the gentleman from Michigan [Mr. FORD], voiced in the very latter part of his remarks exactly what I had in mind to say; that I, too, am going to vote for this resolution, not because I believe it is needed militarily or that it is of any use militarily, but purely because it might be useful psychologically. I am sure there cannot be a man or woman in this House who can possibly believe that the calling up of 150,000 reservists is going to have any kind of a military effect anywhere in the world today. If our standing Army, which is so well equipped, if our Air Force and our Navy and our Marine Corps are not available sufficiently today to take care of the necessary problems, it is absolutely certain that just as a year ago with the callup of 147,000 reservists, that today the callup of 150,000 men will be just as useless.

Mr. Chairman, I wonder how many Members of this House looked into the report that lies on this desk of the Hébert subcommittee which was issued as a result of its investigation of the Reserve posture, and what happened last year in the callup of the reservists? I wonder how many even looked at the report of the Committee on Armed Services, at the testimony of the Secretary of Defense, Mr. McNamara, before that committee last year when permission was asked to call up the Reserve Forces? I submit to you, that at that time, we did not have any more reason to call them up than we have today for a military purpose, and I so said that to Mr. McNamara. At that time they told us on the committee that it was a buildup. It was more of a coverup for the errors that were made at the Bay of Pigs and in Laos than it was for any psychological effect insofar as Berlin was concerned.

Mr. Chairman, in this instance now I want to make this abundantly clear, and my conscience calls upon me to say it now: We were told the other day that Moscow got the message as a result of the callup of the Reserves last year. You know what my answer to that was? What message did Moscow get of the callup of the Reserves last year? While we were calling up the Reserves, they moved in with a military force and have established a base in Cuba today.

This is the message they got. And if they think we are going to react in this manner as a nation of strength, as leaders of the free world today, I say to you that this kind of effort, these words, are not going to serve the cause of peace and security of the free world.

This is not an emotionally charged atmosphere. We are not operating here from fear. This Nation of ours should be willing to act knowing that we have strength on our side, that we have right, that we have agreements.

Mr. Chairman, we are faced with a wall of blockade in Berlin, a wall of blockade that we permitted. And yet on the floor of this House last year I and others asked that we blockade Cuba and prevent what has happened since, the establishment of a military base in Cuba.

Then it was said to us recently, "Why, the weapons that Soviet Russia has sent into Cuba are purely defensive weapons." Can you imagine anyone making the statement to an individual who has served in our military forces that these are purely defensive weapons the Soviets have sent into Cuba? I have yet to see the day when a defensive weapon was not a weapon of offense when it was intended to be such.

Of course, along with the gentleman from Michigan and along with every man or almost every man on this floor today, I must vote for this resolution, but with reluctance I vote for it, though, with reservations, because I am dealing with lives; not with tenpins, not inanimate objects, not pawns—we are dealing with the lives of 150,000 young Americans whose homes and families are going to be disrupted again, and unnecessarily so. If we need more manpower, I shall vote not only to increase our manpower through selective service, but I shall gladly vote the funds, if necessary, to provide it; but not from crisis to crisis to crisis as someone determines it to be a crisis other than our Chiefs of Staff, to cover up—what? Bungling, and no foreign policy. Is that what this is for? I say to you it is time we acted and let the American people know what we intend to do and take the American people into our confidence .

Mr. VINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, it is a privilege to rise in support of this resolution which would give President Kennedy standby authority to recall 150,000 reservists if the international situation warrants such action.

I think providence has been most kind to the American people to give us in these very difficult days, men like the chairman of this committee, the gentleman from Georgia [Mr. VINSON], and other members of his committee who have the vision and the understanding and the courage to bring this legislation before the House. I congratulate the committee on this action.

It is quite clear from the debate we have heard here this afternoon that some of the Members of this body would like to rewrite history. The gentleman from New York [Mr. BECKER], just talked about how the Communists have taken over Cuba since the last callup of reservists, completely ignoring the fact that Castro took over Cuba under the previous administration. The gentleman from Michigan quotes someone as saying that this resolution and the callup of 150,000 reservists would have as much effect as a single leaf falling in the forest. The gentleman does an injustice to our reservists and their impact on the Berlin situation.

Yes, we are in a crisis. We are in the most serious crisis that this country has even been in, and we are in this crisis because President Kennedy has served notice on the Kremlin and Mr. Khrushchev that we are not backing away; the days of retreat from communism are over. We have served notice on Khrushchev that if he is foolish enough to violate the peace of this world, he must be prepared to suffer the full consequences.

It is true that today we have served notice all over the world that we will not let freedom down and so we have to be prepared to meet Khrushchev's threats throughout the world. These gentlemen who question if we are in a crisis today, completely ignore the fact that we are dealing with men in the Kremlin whose policy changes from day to day. We must be prepared to meet these Communist challenges all over the world. To this extent, we are in a serious crisis. I hope not one of these American reservists will ever have to be recalled to active duty but I don't believe we should bind the President's hands if the need arises.

I was a reservist in 1940, and I should like to tell the gentleman from Michigan my experience. I was called to active duty a year before Pearl Harbor. I drove mess trucks with signs painted "tank." I carried broom handles that were designated "guns," and I dug holes only to fill them up during the early days of our recall. I am encouraged to learn from the Chairman that those mistakes which occurred during the last recall are not going to be repeated. But thank God that in 1940 we had 245,000 reservists in the field when Pearl Harbor came. Our Regular Army force of 165,000 men met the immediate challenge of the Japanese in heroic battle while these reservists were there on the scene to help immediately train an army of 11 million men. Why do you suppose we call up these men in time of peril? Not because we expect them to go into the field of battle. We have 2,683,000 soldiers, sailors, marines, and pilots ready to meet the initial thrust if Khrushchev is ever foolish enough to violate the peace. But look at the men recalled at the last callup; highly trained specialists, men that overnight can help us train a massive army to help our regular forces resist the challenge of the Soviet Union. Our reservists did a magnificent job in training our victorious Armed Forces in World War II; they were ready to do the same last year, and I am confident they are ready to respond to the call now, if the situation requires their service.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. No, I decline to yield until I finish my statement.

Mr. FORD. The gentleman used my name.

Mr. PUCINSKI. I think the gentleman ought to understand one thing. These reservists were the training cadre. These reservists back in 1940 after Pearl Harbor, within 3 days were training soldiers.

This was the purpose then. It is the same purpose here. We do not know what problems will confront the President between sessions of Congress, but I urge we give the President authority in case the international situation demands it.

Now I yield to the gentleman from Michigan.

Mr. FORD. The gentleman has said the reservists in the last callup did a good job.

Mr. PUCINSKI. An outstanding job. The whole Nation is indebted to them. They deterred Khrushchev's timetable by more than 9 months. Khrushchev knows the impact and potential of our reservists better than many Members of the Congress.

Mr. FORD. If that is the case, why did the Secretary of Defense submit this massive reorganization plan for the Army National Guard and the Reserve? He apparently thinks there is ample room for improvement. This is the basis for his request for reorganization authority. This is his plan, not mine. He is the one that wants to reorganize; it is not the Congress that wants to reorganize. He is the one. He wants to cut the Reserve from 700,000 to 648,000. He is the one that does not think they are able to go and do the job. That is why he wants reorganization.

Mr. PUCINSKI. Mr. Chairman, I would like to say to the gentleman from Michigan that certainly there is always room for improvement. The gentleman knows that better than I do, serving on the committee. Nothing is more flexible and subject to change than the Defense Establishment of this country. The gentleman knows that tanks and guns and cars and other things that we bought yesterday, are obsolete tomorrow. This is what makes this whole defense program so fantastically expensive, yet we as freemen must provide it. The gentleman knows that. Would he suggest that our Secretary of Defense should take the stand and say everything is fine because it was fine 20 years ago or 10 years ago or 5 years ago? I congratulate the Secretary of Defense that he has the wisdom and the courage to constantly review this program and improve it so that freedom may survive over the despotism of international communism.

Mr. FORD. May I ask the gentleman a question: Is he for the reorganization plan?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VINSON. Mr. Chairman, I yield such time as he may require to the gentleman from South Carolina [Mr. Rivers].

Mr. RIVERS of South Carolina. Mr. Chairman, I fully realize that our primary legislative purpose today is to confer standby authority on the President to order to active duty not to exceed 150,000 members of the Ready Reserve and to grant other complementary authority with reference to those now on active duty and whose terms of service are about to expire.

This authority has been requested as an instrument of executive power to cope with a number of dangerous situations throughout the world, any one of which could result in war. Cuba is one of those tinderboxes, and because of its nearness to our own shore, it is uppermost in the minds of our people. The mail of every member of this body clearly reflects that fact.

The establishment of a Communist regime in Cuba, only 90 miles from our shores, is almost too much for our national pride or personal emotions to bear. In this respect, I reflect my own personal feelings.

While we are constrained to place Cuba in a separate category, to be dealt with in whatever degree of force may be required, a more dispassionate view of the worldwide threat to our future security requires a different course of action.

We must view the total threat, be ready and willing to face all or any part of it in accordance with future developments, and not confine our views to only one segment of the threat.

Mr. Chairman, our distinguished chairman has given us ample reasons to close our ranks at this time. We have one requirement at this time, and that is solidarity of purpose. Let us hold our emotions in abeyance and close our ranks by promptly enacting this resolution so that those, whoever they may be, who threaten our freedom will find us at least unified. You are looking at the most impatient person who has ever served in the Congress of the United States. But I am not going to be impatient today. I am going to march along with my chairman and with you, with one single purpose—to let the world know that our Commander in Chief can rely on this House of Representatives to give him that standby authority he has requested. We have no other alternative regardless how you feel.

Mr. VINSON. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. Sikes].

Mr. SIKES. Mr. Chairman, the action similar to this which was taken by the Congress a year ago contributed significantly to the preservation of peace during the dark days of last winter. This is a sound step. It is a strong step. It will show the determination of Congress to take whatever action is necessary to insure an adequate defense for this Nation and the free world.

The resolution contains safeguards for the reservists in that those called into service last year will not be called again. It provides a reasonable expiration date, next March, but will carry through the period when Congress is not in session. We can be certain that a callup, if one is determined to be necessary, will profit from the lessons learned from the last one. As a matter of fact it is evident that a callup is not now considered necessary. This resolution provides insurance that the Nation needs. The authority will be available if the world picture worsens. Khrushchev is adroit at taking advantage of each opportunity. This will serve notice that the Congress is alert to such potentialities.

The distinguished chairman of the Committee on Armed Services, the gentleman from Georgia [Mr. Vinson], has masterfully outlined the situation, and his interpretation of the resolution should allay any apprehensions. Therefore, Mr. Chairman, I support the resolution with vigor and with confidence in the manner in which its authority will be exercised.

Mr. VINSON. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. Hébert].

Mr. HÉBERT. Mr. Chairman, I believe it becomes quite necessary at this time for me to make this statement. The subcommittee of the Committee on Armed Services which I have the honor and privilege of heading made a thorough and complete investigation of the Reserve program as you well know. That report has been referred to several times on the floor during this debate. I want to make this very clear. The only connection between that report and the recommendations made on this particular piece of legislation which is now before us is historical in background. The committee has indicated it expects action on the proposed reorganization of the Reserves from the Department of Defense and the Pentagon by February 1 of next year, at which time we shall take the matter into our own hands, if proper action is not forthcoming from the Department of Defense. I do want to make it clear, however, that our recommendations and our findings are related in no way to this particular resolution which goes beyond the date of February 1. I do express my gratitude to my colleagues for their kind remarks today. It seems to me, therefore, as chairman of this particular committee, and for the individual members to whom I owe so much for their cooperation and assistance and to the committee staff counsel, Mr. Slatinshek. They made possible the excellent report that has been made and to which reference has been made today. It is further incumbent upon me personally to say that I want to associate myself with my distinguished chairman, the gentleman from Georgia, in wholeheartedly supporting this resolution to give the Commander in Chief what he has asked us for. It is not for us to question at this particular time, in this time of crisis, whether it is greater or smaller crisis demanding action. It is only our duty now to give to our Commander in Chief the support that he has asked us to give him. It is in that spirit, Mr. Chairman, that I associate myself with the distinguished gentleman from Georgia in the remarks that he has made and urge that this resolution be adopted.

In order to further emphasize the point which I made in my opening statement that the findings and report of the subcommittee which reviewed the Reserve program is not to be confused with the pending resolution and to further emphasize the position of the subcommittee on its attitude to a permanent and definite Reserve program, which I again must say has no connection with this resolution except for what it might offer during the weighing of the problem and the final decision, I offer one more comment.

Last week at the Air Force Association's 16th Annual Convention at Las Vegas, Nev., I was privileged to address the Reserve forces seminar. I believe it most proper at this time in light of the debate to direct your attention to the full text of that address in order that we can well understand the hopes and intentions of the subcommittee on the subject beyond whatever action is taken on this resolution today.

I submit the full text of the address at this point:

> At the outset, I would like to express my appreciation for the privilege of being designated as a member of your panel to discuss the views of Congress as to the future of our Reserve forces.
>
> As most of you know, I have the honor to serve as chairman of the subcommittee of the House Armed Services Committee which is responsible for all Reserve legislation.
>
> As many of you know, that subcommittee has recently completed a very thorough inquiry into the posture of our Reserve forces. During the course of these hearings, the subcommittee received testimony from many Members of Congress. As a consequence, I do believe that the opinions that I will express here today are those shared by most of my colleagues on Capitol Hill.
>
> As a preface to my remarks, I think it appropriate that I emphasize that I deplore the fact that many individuals have the unfortunate impression that Members of Congress who support the Reserve program do so for selfish political reasons. Speaking for myself, I would not have the slightest hesitancy to eliminate the entire program if I were not completely convinced that it was essential to our national welfare.
>
> In other words—and with all due respect to this distinguished audience, I wish to emphasize that my political star is in no way tied to my voting record on Reserve affairs.
>
> My subcommittee report, which was endorsed and supported by Chairman Carl Vinson, reaffirmed the faith of the Congress in the need for a strong and stable Ready Reserve Force.
>
> We took issue with the executive branch willingness—and perhaps eagerness—to destroy established Ready Reserve capacity.

Increased readiness in reserve units is not accomplished by a mere reshuffling of tables of organizations and elimination of existing units. It can only be developed by long and intensive training with personnel who are as dedicated to the program and who are as willing to work for it as I hope some of us on the Hill have shown ourselves to be, and I know you here are willing to work.

Obviously, this requires the highest type of morale and dedication—an element which is not susceptible to measurement by either a slide rule or a computing device.

Unfortunately the Pentagon seems unable to comprehend the significance of Reserve morale, and treat it as a figure of speech, with the result that it has created chaos and uncertainty in the Reserve program.

So many novel ideas and so many theories are currently circulating in the Pentagon that I am sometimes reminded of the man who was said to have had such a poor ear for music that if he had built theory around it, he would have become famous.

I am, therefore, concerned that some people in the Pentagon with no "ear" for Reserve requirements are trying to do much the same thing. But these people, I suspect, are hearing not only an "uncertain trumpet" but are paying too little heed to the growing insistence of the "drum rolls" on Capitol Hill.

For example, the recent controversial plan to reduce the Army Reserve components by 58,000 men has dealt an almost mortal blow to the morale of many Reserve and Guard units throughout the country.

Yet, this fact seems to be entirely ignored by those civilian specialists who claim this reduction in personnel strength will actually result in increased readiness.

This element of uncertainty and instability generated by the willingness of the Pentagon to reorganize and eliminate units in the Reserve components coupled with the probability of repeated callups of Reserve personnel may now have already sown the seeds of destruction of the voluntary Ready Reserve program.

As a consequence of these developments, it is evident to me that we have reached the day of decision as to the future of our Ready Reserve components.

I do not question for a moment the validity of the President's request for authority to recall Reserve personnel to active duty during the absence of the Congress. It is reasonably probable that contingencies may occur which could require augmentation of our active forces by Reserve personnel.

However, the willingness of the Pentagon to request this authority appears to ignore the impact it will have on our Ready Reserve forces. The Ready Reserve program, as presently constituted, cannot withstand repeated limited mobilizations of personnel or even the threat of such mobilizations without ultimate destruction of the program.

The Reserve program is designed to be responsive to total mobilization requirements—it is unreasonable to expect our civilian reservists—voluntarily or involuntarily—to affiliate with a program which, in the light of recent experience, will almost certainly expose them to repeated calls to active duty.

We have no right to demand such a disproportionate measure of patriotism and sacrifice from reservists—no matter how dedicated they may be.

It is obvious, therefore, that the Congress must insist on a reappraisal of our Active Forces strength to insure that contingencies requiring an even limited recall of Reserve personnel will not occur again short of our being on the very brink of war.

In addition, the Congress will, in my judgment, be required to eliminate the present uncertainty as to the size of our future Reserve forces by establishing a statutory requirement that certain minimum force levels under drill pay status be maintained in each of the Reserve components.

Only in this way can we provide some stability in our force levels and thus preclude the ultimate enervation and destruction of our Ready Reserve program.

I am alarmed at unofficial reports provided me concerning the large number of drilling reservists who have now decided to leave the organized Reserve program of the Army.

Dozens of individual reservists have written me to express their dissatisfaction with the present conduct and uncertainty of the program. Almost without exception, the criticisms I have made are those given me by disillusioned reservists.

It is high time that Congress take the initiative and insist on affirmative action to stop this experimentation by the Pentagon with the Reserve program.

Let's stop juggling our national defense forces as we would a stack of poker chips—Khrushchev may do so—but let us not be forced to adopt his tactics.

Let us develop a "pat" hand of stable, active and Ready Reserve forces and stick by it—only in this way will we successfully counter the bluffs of our Communist opponent.

Mr. VINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, earlier in the debate on the rule today I discussed the important features of this resolution which we are asked to vote on today. It seems to me that many people have taken their eyes off the ball of the real guts of this resolution.

The important section of this resolution is to give the President the authority to extend the enlistments of the Army and Air Force personnel presently on active service. The gentleman from Illinois [Mr. PUCINSKI], in his discussion seemed to place the greatest emphasis on the Reserve callup section of this resolution. It is my hope and the position of the Secretary of Defense that this authority will never be fully used.

In the last callup, as a member of the Defense Appropriations Committee, I visited all of the bases where the Reserve units were called into active service, and I want to say that those Reserve units, particularly the 49th Texas National Guard Division, and the 32d National Guard Division of Wisconsin, were combat ready within a period of 4 months' time.

If we continue calling up the National Guard and Reserve on a crisis-to-crisis basis, these strong units will no longer be available for the mobilization base which this country needs if we ever get into an all-out hot war with international communism which would require all-out mobilization.

The United States of America is strong today and our action today I hope will not be taken any place in the world as a sign of weakness. Today we have a superiority over the Soviet Union in our capacity to deliver nuclear weapons of at least 4 to 1. We have built up our Regular strength to the point where our Regular Army is made up of 960,000 well-trained men, and our Marine Corps of 190,000 well-trained men. Within the last 2 years we have increased the sublimited warfare capability of the Department of Defense to where it has almost been doubled. We have almost 5,000 men trained in sublimited or guerrilla special-type warfare. Those of us on the Defense Appropriations Subcommittee are willing to fund more Regular forces in this sublimited or guerrilla-type warfare. The Department of Defense has not used all the funds made available to it by the Congress to build up the Regular sublimited war section of the Army, the Air Force, and the Marine Corps. They have frozen funds in this particular area, and have reduced draft calls to build up Regular and special forces.

I am voting for this resolution because I believe the President of the United States needs the authority for extensions of the Regular Army and Air Force personnel.

I do not believe, however, that he needs the authority for the 150,000 Reserves in order to meet the crisis in Berlin or the crisis in Cuba. There must be some other great emergency of which we have not been told. We have in being at the present time sufficient force to meet any emergency that the Defense Appropriations Committee has been advised of in its executive sessions. The United States is strong, let us not act like we are weak.

Mr. ARENDS. Mr. Chairman, I yield back the balance of my time, 5 minutes, I believe, to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Chairman, it is with a heavy heart that I must say what I must say. I cannot join with my colleagues in this callup of Reserves. Texans remember the mistake of the last callup of reservists from Texas.

This callup of 150,000 reservists when there are 2,700,000 men in our military forces ready for action shows that this is a gesture only, a political gesture. Not only that, we all know that contrary to the presentation of this bill, the real issue, the guts of the bill is in section 2, giving the President the authority he now lacks to extend military service a year if he deems this necessary. So the callup of 150,000 reservists to solve foreign policy problems—or errors—is a phony solution.

The report accompanying the bill does not explain why we need a callup of 150,000. On the contrary, on pages 2 and 3 there are reasons given why we do not need this callup in view of the increased military manpower within the last year.

Further, Mr. McNamara pointed out that there is less need for a callup now than a year ago.

As I see it, it is a terrible mistake to callup 150,000 reservists, upset 150,000 families and places of employment. This is no answer to world neighbors or our citizens for our lack of foreign policy, and our apparent indecision indicating to many weakness and fear.

What is the U.S. present situation? In trying to assess the situation I have asked questions of the State Department and received no answers to explain foreign policy, or lack of one.

This week's U.S. News & World Report, page 6, gives a recapitulation of the military buildup in Cuba by the Communists under Krushchev. Here is that account:

Five Thousand to Ten Thousand Troops in Cuba

GUANTANAMO BAY, CUBA.—Competent military authorities at this U.S. Navy base believe Washington is underplaying the Soviet buildup in Cuba and are puzzled why.

As seen here, this is the situation as of the weekend of September 22:

The Russians have between 5,000 and 10,000 troops in Cuba now, and more are arriving constantly. These are combat troops, not "technicians."

The buildup has been underway a long time. For 2 years, 30 to 40 Soviet-bloc ships arrived monthly.

The Russians are moving into their own military installations. The Cuban military is forbidden entry to many.

Fewer than 100 Migs are now in Cuba, but 12 or 14 airfields have been rebuilt to handle jets.

Also arriving are large numbers of Africans. The Cubans call them Congolese, but Americans believe it more likely that they are from Ghana. The Africans do not appear to be soldiers. They probably were imported as harvest hands.

Cuba, right now, is a Russian military base in the Western Hemisphere. Khrushchev's next step, say military men, will be to make Cuba a member of the Warsaw Pact. After that, Czechs, Poles, East Germans, Bulgarians, Rumanians, Hungarians—wearing uniforms and carrying guns—can be expected.

The most somber conclusion of all is this: Whereas 2 years ago, or even a year ago, the United States could have hit Cuba without too much risk of Soviet counterblows, now the Soviet commitments make this risk great.

To the U.S. military here, the advent of the Russian troops is a basic change in the nature, not merely the strength, of Communist military power in Cuba. To them, it is Khrushchev's initial move toward taking over, first the Caribbean, and then all the rest of Latin America.

Further enlightenment on the situation comes from a letter, an eyewitness account, printed on page 48 of the U.S. News, October 1 issue, which recounts the Russian military equipment and personnel buildup—the huge tanks, concrete mixer trucks, sealed off areas, and tremendous increase of foreign military personnel in uniform.

So again I ask, what is our policy? The President mentioned in his news conference the need for callup of the Reserves right after he discussed the Cuban situation. What is our Cuban policy, our Berlin, Vietnam, Laos, and other foreign policy? And how do 150,000 reservists relate to it?

General Lane in yesterday's Star gave his policy even as he criticized and lamented the Kennedy policy. He pointed out that our policy is defensive and negative, intended to prevent escolation into big war, but which actually is becoming in practice escolation to defeat for the United States.

In this policy statement, General Lane pointed out that American soldiers have a right to know for what they are fighting.

The young men of our country have the right to demand the determined and unyielding support of the people who send them to a rendezvous with death.

And he cited the man whose son was killed in Vietnam who seems alone in his grief, the American people not knowing for what this young man fought and died; indeed, seemed little aware of and less interested in what is happening in that part of the world. General Lane further stated:

Our national policy seems aimed at suppression of citizen interest, avoidance of clear-cut goals, a reduction in tensions.

And then he pointed out a terrible danger of our forbearance in victory as in Korea being interpreted by the enemy as weakness. I shall include at this point General Lane's entire statement.

The Ideal Policy

(By Maj. Gen. Thomas A. Lane)

I know a man whose son has been killed in Vietnam. He seems alone in his grief.

He has sacrificed for his country what he prized above his own life. Yet, his country does not seem to care. The American people are little aware of and less interested in what is happening in Vietnam.

What has happened to us that we now send our youth out to the battlefields of the world without the dedicated moral support of our people? Surely our country has the right to demand that our young men sacrifice their lives if necessary for our national security. Just as surely, the young men of our country have the right to demand the determined and unyielding support of the people who send them to a rendezvous with death.

JUDGED HITLER RIGHT

A generation ago, our national views of war and peace were confident, responsible, fearless. We loved peace but we loved justice more. We had no illusions that security could be won by appeasing Hitler. We judged that appeasement would only whet the appetite of Hitler for greater conquests, and we were right.

There has arisen since World War II a school of thought in the United States which persuades itself that our policy in Korea was admirable in that our forbearance when we were winning was a great service to peace. Our forces were defeating the Red Chinese armies and driving them up the peninsula. When we reach the approximate line of the 38th parallel in March 1951, we abandoned the initiative and sought an armistice.

We didn't get an armistice. Instead of responding with appreciation for our forbearance, the Communist Chinese reorganized their forces and seized the initiative which we had surrendered. They attacked our forces for 2 years, inflicting heavy casualties upon us. This was the period of our heaviest losses.

The Communists identified our forbearance as weakness. Their repeated attacks on our forces and their arrogant attitude in negotiations bore out their claim that they had defeated the "paper tiger." The prestige of the Communist Chinese regime at home and abroad was enhanced.

FORBEARANCE AND PEACE

The claim that our forbearance avoided a third world war was advanced at the time and has been repeated since. It is a claim which seems to have no historical basis. The U.S. preponderance of power in its atomic weapons was so overwhelming that full scale war could not be tolerable for the Soviet Union. Its aim was conquest by satellite war and by subversion.

Our own thinking had been so firmly oriented to the thesis that any future war would promptly escalate to atomic dimensions that we misjudged the Soviet intentions and erroneously concluded that they were ready to risk full-scale war.

The protracted fighting with no sensible purpose and the attitude at home of business as usual mark the Korean war as a significant milestone in the destruction of the morale of our people. War is a heinous crime if it is conducted without national purpose. What now is our purpose?

We entered Korea with a strong purpose of defending an ally and punishing the aggressor, and in this we had purpose. After the Chinese intervention our leadership faltered, listened to the council of allies who were courting Communist Chinese favor, took counsel of our fears. We lost purpose and the sacrifice of our sons lost significance.

The Korean experience should have taught us the futility of war without a purpose of victory. Yet, we find today that the illusion of peace through forbearance is still cherished by some of our policymakers.

WHERE DO WE STOP?

The forbearance theory argues that one of two contending parties can, by accepting insult and aggression without umbrage or the use of force, reduce tensions and avoid escalation of conflict. To this theory, the pursuit of victory intensifies conflict and the danger of war. We should have power enough to discourage major adventures by hostile nations but should be tolerant of their lesser gains.

The vital interests of the United States are undefined in any specific sense because we don't know where we shall stop; but we are summoned to support all causes which claim to serve peace. Thus, the commitment of our military forces becomes not an extension of our national policy in which the world knows that we mean to win, but another response to hostile initiative which seems tolerable at the moment but has no predictable outcome.

You do not find the Soviet soldier committed to tenuous political adventures where the vital interests of the nation are not at stake. When he is committed to battle, as in Hungary, his aim is victory. He is not called to tolerate guerrilla warfare and to accept casualties in some theoretical service to peace. Where he is committed to occupation or other duty, the full power of the Soviet Union supports and protects him even as he protects the Soviet interest. He has never been abandoned by a government fearful of victory.

The soldier's creed is a simple one. He is called to sacrifice his life if necessary in the service of his country. He asks only that the sacrifice be warranted by the venture to which he is committed, and that the American people stand with him when he is committed.

THE GAME CALLED PEACE

When you depart from these fundamentals, you enter the power struggle with soldiers as pawns in a game called peace.

If the vital interests of the United States are at stake in southeast Asia, our national policy should make clear to our people the purpose of our presence there. It should arouse their deep concern and their support of our position.

Instead, our national policy seems aimed at suppression of citizen interest, avoidance of clear-cut goals, a reduction in tensions. Are we prepared to fight for the freedom of South Vietnam or only to give economic aid and military assistance? Are we making a show of fighting when we are not really committed to victory? How far does the Soviet Union have to go to force our withdrawal from South Vietnam—under some face-saving formula? If we are committed to victory, Premier Khrushchev will know that he cannot win and he will withdraw. If, however, we have a price in fear and tension which will cause our withdrawal, it seems probable that he will find the price.

Mr. Khrushchev will measure our commitment to victory by what we do. He is measuring it now by what we do today. In what he sees, he must find ample basis for optimism.

MONEY AND DETERMINATION

He knows that a large commitment of funds, of military equipment and of training personnel is of little significance. These measures are of specific domestic value in a capitalist nation which is seeking to increase its growth rate and they do not necessarily imply determination to win.

Mr. Khrushchev will not be impressed by our great to-do about guerrilla warfare. He knows that there is nothing new in guerrilla warfare and that this publicity is in large measure face saving. It also shows weakness; a reluctance to use the power of regular forces to smash the guerrillas. You will find no corresponding tolerance of guerrilla activity in Soviet lands.

Mr. Khrushchev knows also that the borders of South Vietnam are being violated daily by North Vietnamese forces operating from the airbase at Tchepone in Laos. He knows that the borders of Laos are violated by North Vietnamese who fly supplies and reinforcements from Hanoi to the Viet Cong. U.S. failure to challenge these aggressions against our allies may well suggest to Mr. Khrushchev that we have no purpose of victory.

TERMS OF THE CONFLICT

Consider the indignities which American policy forces on our allies. We pride ourselves that we are associated with free and sovereign powers in contrast with the Soviet system of satellites. Yet, those satellites know that the puppet regimes will be protected by the swift and sure employment of Soviet power against outside aggression. Our allies have no such security. We call them sovereign and deny them the rights of sovereignty. If we tell them that they must submit to these violations of their sovereignty, they must submit.

In the struggle with the free world, the principal triumphs of communism have been intellectual. From these successes, the continuing gains in politics and revolution flow. For example, the Communists have sold the free world the false premise that allowing sanctuary in neighboring states for insurgent forces is action toward peace.

When one nation, whether by design or weakness, permits persons or groups under its control to violate borders and harass a neighbor, the neighbor has the right to enter the offending state to suppress the transgressing forces. The United States did this in 1916 when the Mexican Government was unable to restrain the depredations of Villa.

When we require of our allies that they forfeit rights, we undermine their standing as sovereign powers, impose on them tragic sacrifice and undermine international law.

ACCEPT RED SANCTUARY IDEA

Because we will not permit the South Vietnamese to cross the border and knock out the Tchepone base, our ally must fight costly jungle warfare, uproot and relocate populations and ultimately lose faith in victory.

Thus, our intellectual failure to reject the false claims of sanctuary saddles us with a policy which is defensive and negative. We hope we can win without a real clash with the Soviet Union but the threat of that contingency might scare us away. Our lack of positive purpose and action encourages Mr. Khrushchev to increase his commitments in South Vietnam in the expectation that we shall withdraw as we did in Laos. Our policy can lead us only to mounting cost and casualties with no clear prospect of winning. We are escalating ourselves into defeat.

It is a truth hidden from the fearful that vigorous and prudent military action does not escalate conflict—it ends it. We can win in southeast Asia and the cost of winning is less than the cost of losing. All the advantages of moral and physical strength are ours if we have the courage to use them. Our amphibious power so dominates the area that no land-based power can successfully oppose us. The security of the free world and our own ultimate survival depend upon our determination to win.

Before we commit men to military service and to battle we must know what is our foreign policy—what is our Cuban policy. I, as a Member of Congress, do not know and cannot find out. Either the administration does not know or refuses to tell.

An analysis of the President's news conference of September 13 yields conclusions that seem almost unbelievable, as though the President does not know what is happening. To recapitulate, I would like to include my analysis of the President's statement versus the facts on our Cuban situation, as I understand them.

The President downgraded Castro's position, his strength, and popularity in Cuba and Latin America. Facts are that he, Castro, is consolidating his power and control over Cubans, reducing their ability to revolt, and becoming a pipeline for infiltration of Latin America. Castro is winning, as communism has won everywhere, by force, not popularity or the free election or choice by the people.

The President reported the Government's long knowledge of the increased shipment of technical and military personnel and weapons to Cuba from Russia, and lately the acceleration, and then stated:

> These new shipments do not constitute a serious threat to any part of this hemisphere.

Facts: Such shipments violate the Monroe Doctrine and are a terribly serious threat to the United States and this hemisphere, including the ultimate danger of increased loss of life when these weapons are used, as weapons always are used.

The President said:

> Unilateral military intervention on the part of the United States cannot currently be either required or justified.

Fact: The invasion of Cuba was justified, even planned by both the Eisenhower and Kennedy administrations, in the abortive April 1961 invasion. Seventeen months later the danger of Cuba to us is far more acute. And we do nothing but keep the situation under careful surveillance. No blockade, not even a protest on arms buildup and Russian intervention.

President Kennedy claims that our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of Americans are not endangered.

Fact: They are when we permit the construction of missile sites within range of our shores and in the hands of an enemy who has warned that his goal is our destruction.

He then said:

> We intend to do everything within our power to prevent such a threat from coming into existence.

He even recognized how our NATO allies are trading with the enemy and using their ships to transport weapons of destruction into this hemisphere.

Facts: We continue to do nothing except watching and surveilling, not even a protest.

President Kennedy said, to meet this or any other crisis, he has asked for authority to call up 150,000 Reserves. Fact: He already has such authority and 2.8 million men under arms for such action as is necessary in Cuba, requiring no further act of Congress. Calling up 150,000 is almost insignificant, and without an adequate explanation as to why it is necessary is creating a wrong impression, and may invite miscalculated action by Khrushchev who is already convinced that we will not fight to protect ourselves and our principles.

President Kennedy pledged to "continue to work with Cuban refugee leaders." Fact: We backed down before on our promise to help—will they believe us now? "Continue to keep the American people and the Congress fully informed." Fact: He has not, at any time, given adequate information to Congress or the people. We have been told repeatedly that "it is not in the best interest of the country for the people and Congress to know all that is happening."

Quote from the President:

> Rash talk is cheap. American people should keep cool their nerve and their head.

Fact: Official indecision, inaction, and lack of policy is our greatest danger—the American people will support strong, decisive, knowledgeable leadership but will not agree to supine acceptance of Monroe Doctrine violation, Communist aggression in this hemisphere, and invite the war by miscalculation of our strength or determination by our Communist enemies who may judge our inept State Department leadership as indicative of our military capability. It has happened before.

Let us get hardheaded and start making our own policy instead of timidly waiting for others and their actions and demands to shape our next move. Let us remember the American blueprint. In 1823 the blueprint was known as the Monroe Doctrine, an American statement of policy which courageous Americans have always supported. Today, the Communist dictator, Khrushchev, says:

> The Monroe Doctrine has outlived its usefulness. It has died a natural death. The only thing left to do is to bury it, just as you bury anything dead so it will not poison the air.

So President Kennedy has and is letting Khrushchev with the aid of his puppet, Castro, dictate our conduct, the great United States. Khrushchev backs up his threat by rocket rattling and the threat of nuclear destruction if we do not agree to his demands and junk the Monroe Doctrine. Perhaps some think that "Better Red than dead" should replace the "Give me liberty or give me death" of Patrick Henry and our Monroe Doctrine forefathers. Both Mr. Khrushchev and Mr. Kennedy are assuring the American people that weapons and troops in Cuba are defensive and therefore no threat. Weapons, any weapons, are both offensive and defensive. What difference does it make what they call the Russian troops and weapons now in Cuba? So they are defensive. Whoever frees Cuba from communism will be just as dead by the action of the weapons and troops which will be used to keep Cuba Communist. Who else but Americans will implement the Monroe Doctrine? Should we wait until they are completely fortified to make it more of a fair fight and so that more American boys will die?

Now we are told the answer to all this cold war jockeying and invasion of our hemisphere, the Berlin wall and a divided Germany, Vietnam, Laos, Africa, and our overall foreign situation is to call up 150,000 reservists—upset the homes and businesses of 150,000 families. Is this the bold New Frontier firmness to replace the firm action the Monroe Doctrine states is our policy? What nonsense.

The Cuban invasion which we caused to fail, a failure for which President Kennedy assumed full responsibility, demonstrated that the military policy of victory requiring force was replaced by a State Department political decision of "no force" since that might offend our Latin neighbors and others. We know now the decision was wrong and this pertinent statement from one civilian official who was close to the whole invasion operation now makes this judgment in the September 17, 1962, issue of U.S. News & World Report:

> In retrospect the political decision was wrong. A military man, also close to the operation, said this: "If you go back to that time and look at the whole problem you find that this country faced one fundamental question: Can we permit a Communist country in this Western Hemisphere? Now, if the answer is 'yes,' then you do one thing. If the answer is 'no,' you do another. But if you weasel on that answer, start compromising, then you wind up in confusion—with no real answer. One thing we should have learned from this Cuban fiasco is this: You can't run a military operation that way."

To understand our present indecision and inability to act it is necessary to remember that we have no policy. The abortive Cuban invasion timetable of events shows this. We must learn from experience, so here is the Cuban fiasco timetable from the same issue of U.S. News & World Report:

> Predawn hours of Monday the invasion began and President Kennedy called off the promised air support. Two administrations planned it.
>
> Monday noon he reversed his decision and ordered the planes used but bad weather prevented such use and he said use them Wednesday. Tuesday, the invaders were losing because of lack of support.
>
> Tuesday night the President was attending a White House party for Congressmen and received another appeal for help. He approved the use of one carrier for 1 hour Wednesday morning as a cover to land supplies. Specified no land attacks. Wednesday there was a communications mixup, the Cuban fliers mistimed their strike. The U.S. planes never got into action and, anyway, it was developed, it was too late, the invasion was a failure. U.S. military officials, in close touch with the invasion, said it came within a hairbreadth of success. The invaders inflicted 2,000 casualties on Castro's troops and suffered only a hundred prior to the collapse because of lack of support. Out of that fateful decision by President Kennedy, Soviet Russia is entrenched in Cuba and communism is a real threat to the whole hemisphere.

To those who say we must show unanimity of teamwork behind our President by burying our heads in the sand and by not criticizing the indecision and lack of policy is to say our type of free society has already ceased to exist. With this I do not agree. The people are entitled to know, to judge, and to order a change in course when our Nation is following a road to national suicide. This is freedom of speech and action. We need more than the empty gesture of calling up 150,000 Reserves. We need a determined policy clearly stated by the President which would use effectively the 2.8 million men now under arms, an immediate blockade of Cuba to prevent further Russian troops and arms from being landed, and whatever action it takes to rid the Cuban people of the Communist masters who now enslave them and threaten us and the rest of the free countries of this hemisphere, action which is obviously called for by the Monroe Doctrine.

To win in Cuba now we will need far more men and materiel than before. Six divisions, not two, will be needed. Freeing Cuba will cost many more lives—and the danger gets progressively worse as time passes. Whose lives? American men undoubtedly.

KHRUSHCHEV DARES UNITED STATES ON CUBA—AND—

(Suddenly it's Cuba, not Berlin, where war danger is greatest. Khrushchev threatens to fight if United States moves against Castro. Will United States move? Not now, says President Kennedy. But he warns: Don't go too far. And United States begins a watchful wait.)

Cuba, under Communist rule, now has taken over from Berlin as the No. 1 challenge to the United States.

On September 11, Nikita Khrushchev moved Berlin to the back burner and Cuba to the front burner of the international stove that he fires up from time to time.

Berlin, Khrushchev advised the United States, will be cooled off until after this country's November elections.

Cuba, however, is a different story. Khrushchev, on September 11, hurled this challenge at the United States:

Attack Fidel Castro's Cuba, or interfere with a Russian ship carrying arms or other supplies to Cuba, and war will follow. Nuclear rockets, it was implied, will rain on American cities.

U.S. Secretary of State Dean Rusk, on September 12, said that this country is not afraid of the Soviet threat.

DEFINITION OF A BUILDUP

The Secretary told members of a House committee that the United States never would tolerate Cuba's becoming an "offensive" military base. But Mr. Rusk described the buildup in Cuba, so far, as only "defensive" in character. What would make it "offensive," he did not say.

Then, on September 13, President Kennedy took up the subject of Cuba in a news conference that was televised to an expectant Nation.

The President's answer to Khrushchev's threat was calm in tone. He said:

"Unilateral military intervention on the part of the United States cannot currently be either required or justified."

In other words: no blockade or invasion—now.

The President added:

"But let me make this clear once again: If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way * * * then this country will do whatever must be done to protect its own security and that of its allies."

Again, there was no attempt to spell out just how far the Soviet buildup in Cuba will be permitted to go before the United States acts. And no mention was made by the President of the Monroe Doctrine—even when a news correspondent asked him specifically about it.

As for Khrushchev's threat of war if Cuba is attacked, President Kennedy said: "The United States has been living with threats for a good many years, and in a good many parts of the world."

RED THREAT AND AN EXPLANATION

American diplomats inclined toward the view that the Russians were using their threat of war principally as a propaganda weapon.

America's nuclear might still was regarded as a powerful deterrent to any direct attack by Russia on the United States.

Yet, even without direct Russian intervention, Cuba had become a tough nut for the United States to crack. In Cuba, a military buildup with Soviet arms continued. There was no telling how far this buildup might go—or how it might eventually be used.

Out across America, public sentiment appeared to be growing in favor of strong action by the U.S. Government to get rid of Castro and get the Russians out of Cuba.

Congress, to an increasing degree, reflected this public opinion. In Congress, demands for action rose. The actions suggested ranged all the way from a simple reaffirmation of the Monroe Doctrine to a blockade or an outright invasion of Cuba.

On September 13, congressional leaders of both parties introduced resolutions of support for the President in any action he might take—including armed force—in Cuba.

Yet, how to get rid of Castro—and of the Russians who are holding him up—remained a problem that seemed to have the highest American officials baffled.

The only direct action taken was a request by President Kennedy for authority to call up 150,000 men of the Ready Reserve to active military duty. Congress rushed toward passage the legislation to grant him that authority. If strong action were to be taken, however, that number of 150,000 would be only a fraction of the forces needed. And President Kennedy postponed his decision on whether the Reserves will actually be called up, even though authorized by Congress.

Ahead for this Nation, it seemed, was a period of watchful waiting—with big decisions perhaps to be made.

In the meantime, the President assured the Nation, developments in Cuba will be kept "under our most careful surveillance."

"We shall be alert," he promised, "and fully capable of dealing swiftly" with any development.

MONROE TO KENNEDY: DEATH OF A DOCTRINE?

On July 12, 1960—more than 2 years ago—Nikita Khrushchev bluntly announced in Moscow that the Monroe Doctrine was "dead." He said that it had "died a natural death."

Three days earlier, on July 9, Khrushchev from the Kremlin said:

"Figuratively speaking, if need be, Soviet artillerymen can support the Cuban people with their rocket fire * * *. And the Pentagon would be well advised not to forget that, as shown at the latest tests, we have rockets which can land precisely in a preset square target 13,000 kilometers (8,000 miles) away."

President Eisenhower, responding, said: "I affirm in the most emphatic terms that the United States will not be deterred from its responsibilities by the threats Mr. Khrushchev is making. Nor will the United States, in conformity with its treaty obligations, permit the establishment of a regime dominated by international communism in the Western Hemisphere."

Soviet troops, with their weapons, now are established in Cuba.

On September 13, 1962, President Kennedy called the Soviet arms no "serious threat." Asked about the Monroe Doctrine, he gave no direct reply.

In Washington it is being said that Khrushchev, after announcing "death" of the Monroe Doctrine in July 1960, now is in the process of "burying" it.

A Letter From Havana

Dear J.: It is the considered opinion of many persons here that the Uncle [Uncle Sam] has been losing precious time and, perhaps, is not well enough informed on what is really happening here.

Ten days ago, a certain party traveling on the road from Caibarién to Sagua la Grande had to go into a detour because a string of enormous Stalin-type tanks—20 of them in a row—were going over the road. He observed that the faces of all crew members that were looking out through the ports were those of foreigners; that the tanks mounted cannon about 10 meters long and were far too wide for the road, part of their tracks going right over the ditches.

They could not pass over a bridge on account of their enormous weight, so merrily crashed down one bank of the river, splashed through the river bed and clambered up the other bank. My friend says he has never seen anything so large, even in the movies, and that the uproar was deafening.

One week ago, I had occasion to try to get to San José de las Lajas and took the road going through Santiago de las Vegas Managua, etc. At the junction I was blocked—no civilians allowed—and, while debating which route to take, soon learned the reason for the prohibition.

A bevy of not less than 15 large, mixed-concrete trucks, fully loaded, thundered by, took a newly made road leading into the hills around Managua, and disappeared. While asking for a sodapop at the corner general store, I was told that the whole area southeast was sealed off, and that, apparently for weeks, they had been blasting out the hills—mostly stone—and that the concrete-mixer traffic kept up all day, day after day, without ceasing. Apparently, a huge military installation is going up there.

Yesterday, a man just arrived from Santiago de Cuba (you know him very well) and told me that Friday last week four foreign ships steamed into the harbor; the usual Cuban stevedoring crews were cleared from the docks and sent home; the main docking areas cleared of all civilian traffic, right up to, and including, the railroad station and terminal.

The area was sealed off for 2 days, and finally, on Monday, while my friend was going to Cobre, he saw the road to Melgarejo cluttered with strings of newly arrived military vehicles and a great quantity of large, heavily loaded trucks, very carefully covered and very heavily guarded, going westward over the Central Highway.

About 3 weeks ago, two Russian ships arrived in Havana harbor, to be docked at the Hacendados piers at the lower part of the bay. The pier was blocked off by a great big wooden fence (with no holes), civilian traffic prohibited, and the unloading went on secretly.

I doubt if people up there realize the tremendous amount of armament, munitions and foreign military personnel there is now here and keeps pouring in at an accelerated rate, and the feverish preparations, day and night, that are being made for I don't know just what.

Every road crossing, every railroad station, every bank, every factory, every store of importance, every warehouse, every electric-light and power station and every transformer bank, every pumping station, is heavily guarded day and night. The number of men in uniform and carrying arms at all hours must run to well over 400,000.

Think this over—and do it quickly.

To Win in Cuba—Why It's a Major Job Now

To defeat Red forces in Cuba—as a professional military man sees it—the United States would now be forced to mount a military effort of considerable size.

Cuba, armed, supplied and led by the Soviet Union, has become a formidable military problem. Just how formidable is told in the analysis that follows, by Maj. Gen. Max S. Johnson, U.S. Army (retired). General Johnson, former Commandant of the Army War College, now is military specialist on the staff of U.S. News & World Report.

Now that Soviet Russia is directly involved in Cuba, that island base will create a rapidly growing threat to the United States unless neutralized.

The threat is real, even now, Cuba offers a base for Soviet bombers and submarines. If a military buildup is allowed to go on, there is every reason to expect that Russian "technicians" will move in missiles able to reach targets in the United States.

Infiltrators and guerrillas being trained in Cuba can easily be moved by air to sensitive areas of Latin America.

The point at which a "defensive" Soviet base in Cuba becomes an "offensive" base will be extremely difficult to judge.

THE PRICE OF WAITING

What is clear is that delay in action by the United States already has proved costly.

The price of ending Communist control of Cuba—assuming that nuclear weapons would not be used—has doubled in the year just past. If Russia is left free to push her plans, that price may more than double again in the year ahead, to a level beyond U.S. capability with conventional forces that can be spared.

Basically, there are two elements involved in a military solution to the problem of Cuba:

One element is blockade, by sea and air. This is a delicate operation at best. It involves interfering with the shipping and air movement of U.S. allies as well as with the movements of hostile nations. In the end, a declaration of war might be required as the only way to overcome legal and other problems.

The second element is an actual invasion and defeat of hostile forces now on Cuban soil.

A well-defended island, as the United States learned in the Pacific, is a difficult place to attack. Cuba is a big island. Professionals from the armed forces of Russia and other Communist nations are in charge of its defense.

NO HALFWAY MEASURES

Whatever course is followed, there is one essential requirement—

Armed forces, if used, must be large enough and well enough trained and equipped to do the job and do it efficiently, in the shortest time with the least loss of life, Cuban and American, and with a minimum destruction of property.

Several military steps are possible at this time.

Sea blockade, from a physical point of view, is the most readily enforceable military move.

The U.S. Navy possesses the force needed to police waters around Cuba. It has adequate means with which to search incoming ships, and to seize those carrying contraband materials.

Allies of the United States might complain about interference with their shipping, but they could not do much. Soviet Russia would try to cause trouble, but lacks the means to overcome U.S. power at sea.

An air blockade would be more difficult. The supply of Cuba by air, however, would be a monumental job, and not one that Russia is likely to try.

WHAT CASTRO HAS NOW

The big problem, not solvable by a blockade, would be that of defeating Communist forces within Cuba.

That problem, 1 year ago, would have been relatively easy and short. The equivalent of three divisions probably would have been more than enough, with landings at two or three spots.

Today the problem is entirely different. In Cuba now are at least 300,000 trained and equipped forces. There is an international brigade of undetermined size, but one that is known to be made up of professional soldiers from Russia and Soviet-bloc nations.

At this time, the Cubans are armed with hundreds of Soviet-built tanks, at least 1,000 pieces of Russian artillery, much late-model radar and communications gear, and a fleet of jet aircraft equipped with air-to-ground missiles.

REQUIRED: SIX DIVISIONS

A successful invasion of Cuba, in the face of this military power on the island today, would require a major effort—one involving perhaps six divisions, or their equivalent in battle groups and regimental landing teams.

Of these divisions, three might comprise the assault echelon, with the rest needed for reinforcement.

Close air support would be needed for this ground force in sizable amounts. There would be a need for air action, too, to obtain early air superiority over the whole island.

Naval power would be needed for the amphibious landing operation, and for a supplementary shore bombardment.

All of the armed services would be involved in a big way.

IF UNITED STATES MOVED IN

A possible plan for the use of these forces, based on procedures using only nonnuclear weapons, could be along this line—

An initial amphibious landing would be carried out by two divisions, Army or Marine, at several places on the Cuban coast. These forces, with heavy air support, would move quickly inland to neutralize key missile and other military centers, then drive on to Havana to seize the Communists' command echelons there.

An airborne division, meanwhile, might carry out paratroop drops to knock out new coastal defenses and some airfields, and link up soon thereafter with ground troops as they come ashore.

For tactical air support of ground forces in this landing phase, probably most of the operation could be covered by Marine and naval air units, flown from aircraft carriers offshore and the U.S. naval base at Guantanamo, Cuba. Other support, if needed, could be flown by jets of the Air Force's Tactical Air Command from bases in nearby Florida.

Castro's greatly enlarged Air Force, now estimated by a Cuban defector at about 200 Mig jets, thus could be handled from bases near the scene of operations. But in the air, as on the ground, it would take a major effort now.

THE FOLLOWUP

After the initial landings, another three divisions could be brought into the secured area, as reinforcements to insure enough effort for quick victory.

Along with these forces, it would be highly desirable to have a force of United States and Cuban-refugee "special forces" units—antiguerrilla troops, organized in small groups. These units, attached to conventional ground-force units, could be used to combat guerrilla tactics in which the Castro forces have been trained.

Once landed, all of the U.S. forces could drive quickly to compartmentalize the island of Cuba, isolating Communist forces in each area and cutting off Havana from everything to the east.

Some forces, put ashore, at the U.S. base of Guantánamo, could advance with close air support from that base to drive from the eastern end of the island toward a junction with troops landed farther to the west.

HOW LONG WOULD IT TAKE?

With this much U.S. military force to subdue or destroy Soviet-supplied Castro forces, duration of the fighting would depend, of course, on the freedom of action given to U.S. commanders, and the amount of early defection that took place in Castro forces.

An end to organized resistance, however, could be expected in a matter of a few weeks—say, from 3 weeks to a maximum of 3 months.

A long fight, however, might be expected to go on against fanatic Castroites holed up in the country's mountains. These groups could either be ferreted out or their supplies cut off.

HOW MUCH STRAIN ON UNITED STATES?

Such an operation could mean the end of Cuba as a Soviet base in short order. But it would take a major effort. For example—

To bring together six divisions for the job would involve most of this country's available, uncommitted forces now. Two Marine divisions are available, one on the east coast, minus a battalion on duty in the Mediterranean, and one on the west coast. The Army could supply the remaining four divisions from its Strike Command in the United States by using half of the combat units available for emergency use. The other U.S. divisions all are tied down in Europe, the Far East or the Pacific.

With this force of six divisions committed in Cuba, little would be left to meet war emergencies elsewhere in the world. Thus, probably four to six Reserve and National Guard divisions would have to be called up to stand guard during this period.

To provide sealift for an operation of the size envisioned, all available U.S. landing craft would have to be assembled. Even this would be enough for only two divisions to land at a time.

Tactical air power would be needed in quantities that would strain available supply, too, although enough units for the job are now on hand in the United States.

NO CHANCE FOR SURPRISE

For an invasion that would require this much preparation, including assembly of equipment and landing vessels, it would be impossible to maintain secrecy. So planners must assume that the Cubans would increase their defensive strength further during the period of U.S. preparation.

The time has now passed, in other words, when the Communist threat in Cuba could be wiped out easily.

About six divisions of U.S. ground forces, Army and Marine, including some airborne units, some armor, and much amphibious equipment.

An early blockade, sea and air, of the island.

An acceptance of Soviet threats of missile attacks, plus likely flare-ups by Reds elsewhere in the world.

The callup of sizable Reserve and National Guard forces.

An understanding that Soviet pilots, technicians and even combat troops may become casualties in such an attack, with an acceptance of that risk.

But given such requirements, Castro Cuba can still be eliminated as a Soviet base in this hemisphere by U.S. military action, and with forces now on hand.

FROM AN EXPERT: INVASION OF CUBA "IS INEVITABLE"

(Will the United States have to invade Cuba eventually? An internationally known authority on Latin America says the answer is yes, and tells why in this exclusive interview.)

Question. Dr. Wilgus, can you see this entire situation in Cuba cleared up in a satisfactory way, from the U.S. standpoint, short of military action?

Answer. No, I cannot.

Question. It cannot be——

Answer. I will not say that it cannot, but I do not believe that it can be.

Question. Does this mean, ultimately, an invasion by U.S. Armed Forces?

Answer. I think that is inevitable. Many people have hoped all along that Castro would make a move against the American base at Guantánamo Bay. But either Castro, or whoever acts for him, has been too smart for that.

However, the arms buildup going on in Cuba, admittedly carried out by Russia, gives us every reason in the world to step in. We moved, indirectly, into Guatemala in 1954 under circumstances less provocative.

Question. What about a blockade as an effective weapon?

Answer. If blockade is applied, armed force will need to be used. That would be military action, and would raise much the same questions as invasion. If we have an effective blockade, we are going to have military intervention itself pretty soon after that.

Question. As a result of the situation in Cuba, where do we stand with other nations in this hemisphere?

Answer. We're damned if we do and we're damned if we do not. At the time of the attempted invasion of Cuba in April 1961, some of the smaller countries in Latin America felt that the United States should have moved in with its forces to get that whole thing cleaned up, instead of supporting an invasion half-heartedly and then not supporting it at all. The United States lost caste in the eyes of many in Latin America.

Question. Do you think the United States should have helped with its air power?

Answer. Yes. Many people in Latin America felt that way. Responsible opinion was that this was the time to get the thing settled. Governments, however, felt that they could not express that view, although many individual officials would have favored U.S. action.

There is a feeling now that, by its encouragement of invasion and then its failure to act, the United States doublecrossed its friends.

Question. Do you mean that the United States is not as highly regarded as it was?

Answer. Yes. And that is another reason why positive action is called for. We have reason and legality and every excuse to step in under the Monroe Doctrine and finish this job once and for all.

Question. Then you do not feel that the Monroe Doctrine is as good as dead, after 139 years of usefulness—

Answer. No. I don't think that the Monroe Doctrine is dead. It's in a state of what might be called "suspended animation." We have cooperative agreements with Latin American countries, and feel that we should do things collectively rather than individually.

It is perfectly possible, however, for this country to get into a place where the Doctrine must be applied unilaterally, instead of waiting until other nations agree that we should do something.

Question. In dealing with Cuba, has this country already waited too long to bring the Monroe Doctrine into play?

Answer. I don't feel that it is ever "too long." I do feel, though, that we begin to lose face the longer we wait. The Doctrine is there to be enforced—when we can get up our nerve to do so.

Question. Are you saying that it is only a matter of facing up to a decision to apply the Monroe Doctrine in Cuba?

Answer. Exactly—it doesn't even need sharpening. Under the Doctrine we have the right to do many things.

Question. Do you think this country has gone too far in trying to persuade other nations of the hemisphere to go along before action is taken?

Answer. I think we've overdone it.

Question. How dangerous to the United States do you regard the Soviet base in Cuba?

Answer. Cubans who have reached this country are convinced that, when people on the island are aware of the Soviet penetration, there will be an uprising. It may be crushed. But there may be a time when the United States can reassert the Monroe Doctrine and add a corollary to it.

The corollary would be that, when people rise up in the Western Hemisphere against foreign influence, and that influence, if not removed, would constitute a danger to the United States, then the United States has the right to step in with actual military assistance.

Question. In other words, you would modernize the Doctrine—

Answer. That's right. This would help us to get back on the road again in enforcing the Monroe Doctrine.

Question. Is Castro now a danger to the United States?

Answer. I think that Castro himself is a madman. I feel, though, that his younger brother, Raoul, is extremely dangerous. Ché Guevara, the Communist from Argentina, has been indispensable to both.

Now, however, the Russians are moving into the positions of real power. Castro is being used by the Russians in a way dangerous to the United States, and they will continue to use him until they do not need him any more.

When that time will come, I do not know.

[From the U.S. News & World Report, Oct. 1, 1962]

IS BLOCKADE OF CUBA ON THE WAY?

If the buildup of Soviet power in Cuba continues, blockade by United States may be next. Support for such a move is growing.

(Ships and planes able to do the job already are in the area.

(Question. Would war follow? Experts are studying that now.)

A sea and air blockade of Communist Cuba appears to be growing in favor as a means of halting the buildup of offensive forces on that island.

Blockade, to be employed by the President if needed, is being authorized by Congress, under a resolution passed by the Senate on September 20.

Use of arms by United States is approved by the resolution as a means of preventing a buildup in Cuba that would include offensive missiles or bombers. Arms can be used, too, under the resolution, to prevent Russia from extending its sway beyond Cuba.

Even before the resolution was voted, Secretary of State Dean Rusk on September 17 told Congress in a closed-door session that U.S. Armed Forces were ready to block any attempt to move Soviet arms from Cuba to other Latin-American nations.

SUPPORT FOR BLOCKADE

Blockade, as a means of strangling Cuba's Communist regime, is known to have extensive support in Congress at this time.

On September 16, the Peruvian Ambassador to the United States expressed the opinion on nationwide TV that most countries in Latin America would give support to a U.S. blockade of Cuba.

The question of blockade has been under special study in the Department of State in recent weeks, with experts working on the legal questions involved.

Armed services of the United States are prepared to move quickly if a decision is made to employ a blockade. They expect little trouble in making a blockade effective, if authority is given.

President Kennedy, however, is not prepared to order any such action at this time. A decision to blockade, if made, will have to follow a further buildup of Soviet power in Cuba.

U.S. officials, looking into the matter just in case, are finding that blockade is a historic means of bringing pressure to bear to achieve an end.

Soviet Russia, in 1948, imposed a land blockade around Berlin, using military force to bar entry into that city. This surface blockade lasted for more than a year. It was broken only by a costly and prolonged U.S. airlift into Berlin.

Russians, since that time, have proclaimed air blockades across many areas—including the Sea of Japan—that are beyond any limits recognized by international law.

They have shot down U.S. planes and killed scores of Americans who have crossed those Russian-established "deadlines."

Military officials point out, with some bitterness, that Russians never have hesitated to kill Americans and chance war when they felt that their interests were at stake.

The Soviet buildup in Cuba is regarded by the U.S. military services as posing a direct threat to this country. That buildup is continuing. It is being carried out by ships both of Soviet Russia and of America's allies. An airlift of small capability also is being established from Russia to Cuba by way of Algeria.

A report of a special subcommittee of the House Armed Services Committee, printed August 23 and released for publication on September 19, said this: "The Soviet buildup of a military capability in Cuba continues at an increased tempo. The most modern jet fighter aircraft appear in increasing numbers on Cuban airfields. Soviet 'technicians' continue to arrive in increasing numbers, and there can be no assurance that this buildup does not forecast the establishment of a missile capability in Cuba as a hostile threat to the United States."

WHAT'S CALLED FOR

This committee called for immediate action by the armed services to establish a complete defense system in "strategic areas" of the Southeastern United States.

Cuba in Russian hands, in other words, is found by congressional investigators to be a wholly new area of danger for United States—one that threatens from the south.

Blockade is being recognized by many in Congress as one means, possibly short of war, that can limit or remove from Cuba this Soviet threat to United States.

War did not result, for example, from the Soviet blockade of Berlin in 1948. Neither did it follow the blockade set up by Britain in the early years of World War I, which led to the search and seizure of American shipping.

It is recognized, however, that Russia tends to take a belligerent stand whenever she feels that any of her rights are interfered with. A blockade of Cuba by United States, officials explain, would inevitably lead to interference with Soviet shipping. Shooting, in that case, could follow.

TYPES OF BLOCKADE

Studies now being made by State Department specialists show that "pacific" blockade—one imposed in peacetime in reprisal for a specific injury—resulted in war in 5 cases out of 20 in which it was tried during the 19th century.

"Pacific" blockade, in the past, has involved only the vessels of the nation being blockaded. In this instance, that would mean Cuban vessels could be halted, but not those of Russia or any other nation. That could be wholly ineffective.

In a "belligerent" blockade, all ships are kept out of the blockaded ports, including "neutral" vessels. If neutral vessels—in this case, all except those of Cuba and the United States—attempt to run the blockade, they can be seized and their cargoes sold as prizes of war. This, officials find, is a practice recognized under international law in wartime.

WHAT BLOCKADE COULD CAUSE

But the experts, both inside and outside the Government, believe that application of such a "belligerent" blockade in peacetime could quickly bring about a shooting war.

Behind the scenes in Washington, you hear speculation about a new type of blockade, one based on a ban of specific items of armament and linked to the Monroe Doctrine.

Questions such as these, however, are being raised: Is the United States willing to seize vessels of its North Atlantic Treatly Organization allies? For that matter, is it prepared to seize the vessels of Russia and other Communist nations on the high seas and confiscate part or all of their cargoes?

In addition: What would happen if the Russians started to send their freighters to Cuba in convoy with Soviet warships? Is the United States ready to blow out of the water those ships which refuse to recognize the blockade?

Senior U.S. naval officers, speaking privately, say that a sea blockade of Cuba would not be a difficult matter.

There are only two major ports, Havana and Santiago, able to take oceangoing freighters. The approaches to these major ports are fairly restricted, can be covered with a few ships. The dozen or so smaller ports can take only smaller craft, could be covered with a few dozen fast U.S. gunboats.

Involved in carrying out such a blockade would be two or three radar planes to maintain a constant surveillance, some patrol planes based on Guantánamo, Key West, and Puerto Rico to check on all radar contacts and alert the warships, a small fleet of destroyers and a carrier to close in on suspect ships and carry out search-and-seizure operations.

How many ships and planes would be needed is shown on the map on page 45.

At this time, the U.S. Navy has at least one carrier and the required number of destroyers, gunboats and aircraft in the Caribbean or only a few hours away in the Atlantic. Blockade, as a result, could be imposed effectively almost at once by American naval forces already in the area.

With such a blockade in effect, any vessels which were discovered carrying contraband to Cuba would be escorted to a U.S. port and the contraband seized.

BLOCKADE VERSUS AIRLIFT

Unless an elaborate air blockade were set up as well, limited quantities of contraband goods might be flown in from Russia. But Russians do not have the planes or nearby bases needed for a massive airlift of the type used by the United States to supply Berlin during the Soviet blockade.

What if blockade of Cuba leads to naval action and a shooting war with Russia in the Caribbean? U.S. naval officers point out that this country has the world's most powerful navy, and they insist that it can blast any Soviet fleet out of the Caribbean with ease.

A U.S. authority with long experience in dealing with the Soviets adds this—

"A more likely Soviet response than naval action off Cuba would be to put on the heat at some unrelated point of friction where the Soviets would be in a stronger position.

"Berlin is the most obvious point for such counteraction. Laos and Iran are others.

"It is conceivable, however, that, if seriously challenged in Cuba, Moscow might back down entirely. This they did in Greece and in Iran, when faced with a show of U.S. determination. And they have consistently shown great reluctance to engage their strength and prestige in areas where they would be at a clear competitive disadvantage.

"Cuba is such a place."

"READY TO FIGHT, IF NEED BE"

(This cabled dispatch is from a member of the staff of U.S. News & World Report now at the U.S. Navy base in Cuba.)

GUANTANAMO BAY, CUBA.—Along the 24 miles of steel fence that divides Castro's Cuba from America's Guantanamo Naval Base, crack Cuban troops and U.S. Marines stand a few feet apart—ready to fight, if need be.

The Cubans are not the unshaven, ragtag soldiers of Castro's earlier days. Just watching them, you can see they are finely trained, disciplined troops. Their green uniforms look good. So do their boots. In military jargon, this is a spit-and-polish outfit.

Like the marines, the Cubans are well armed. They carry long-barreled Czech copies of a Belgian rifle, rated as one of the world's best weapons of this type. Their rifles glisten in the sunlight, evidence that these troops have been trained to take good care of their weapons.

Each Cuban soldier carries a gas mask at all times, and several magazines of ammunition for his rifle. Each magazine holds 20 cartridges, the same number as the magazines for the rifles of the U.S. marines. Both the marines and Cubans wear steel helmets while on duty at the fence. The marines also wear 8-pound bulletproof vests.

New watchtowers along the fence give the marines round-the-clock observation of the Cubans, who are so close at hand that the marine guards know when a new man joins the Cuban outfit.

Sandbagged gun posts are below the watchtowers, some of them right against the fence. New trenches snake along the base's hillsides. The marines have tanks and artillery, vicious dogs that patrol on leashes, and acres of mine fields.

On their side, the Cubans have set up outposts directly opposite each American watchtower or gun post. In addition, Cuban foot patrols cover the whole fence line. In the hills beyond are Cuban-manned tanks, and artillery pieces capable of shooting 8 miles or more.

Rear Adm. Edward O'Donnell, the U.S. commanding officer at Guantánamo, says there are 5,000 to 6,000 Cuban troops surrounding his base now. The number of U.S. marines being used for guarding the base is a military secret.

A year ago, Cuban troops chatted with the marines through the fence, often accepted candy, cigarettes and other gifts. But those Cubans are gone. There is no fraternizing now.

On both sides, there is an atmosphere of grim, serious military business.

These articles tell the story. I use them as documentation of the facts only because the administration and State Department are not telling us what the situation is and what our policy is—if we have one.

Instead we are being asked to call up 150,000 reservists as the strong action needed to set the world straight on our firmness and determination.

As an alternative I would like to include my own study of the danger of Cuba today with a nine-point positive program for U.S. foreign policy—rather than a callup of 150,000 reservists.

CUBA—PRESENT DANGER

The failure of U.S. foreign policy is moving inexorably to a climax in Cuba. There are other factors and areas which could conceivably mature into crises before Cuba, but probably will not. These include the Berlin wall, Vietnam, Laos, South American subversives, our gold outflow and foreign aid, foreign trade and barriers against the United States, the stultifying tax load on industry and individuals at home and abroad—but none of these are as imminent as Cuba. The Russians, long ago, in 1823, under the czar provoked the United States to establish and announce a policy against invasion of this hemisphere which became known as the Monroe Doctrine. President Monroe said as a principle in which the rights and interests of the United States are involved, that—

> The American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. If any European power tries to interfere with the American governments, the United States will consider it as an unfriendly act dangerous to our peace and safety.

A series of violations of this doctrine has culminated in these actions as reported by Senator HOMER CAPEHART, of Indiana:

> Between 3,000 and 5,000 Soviet personnel arrived in Cuba in 5 Soviet passenger ships between July 27 and July 31. Eleven cargo ships arrived in the same period. Soviet personnel unloaded them. Trucks were lowered into the holds of these ships, loaded and covered with tarpaulin. Eyewitnesses reported seeing tanks, communications trucks, and large truck trailers carrying crates 40 feet long. At least 15 more ships from Communist countries are on the way carrying the same kind of cargo and personnel.

In the face of these facts and at a time when positive action is long overdue, President Kennedy's conduct, his speeches, his inaction and indecison are almost unbelievable. It is as though he, his White House advisers, and his State Department and officials have never known what is happening. Yet, we know now that the administration has always known, but did not see fit to report to the American people until forced to do so by members of the press, Congress, and individuals, and then his report was reluctantly given.

In analyzing the inept leadership of the administration in this crisis consider these:

First. The expropriation of American property, the threat to American lives climaxing in the firing squads.

Second. The President calling off the air support promised by the United States in the abortive Bay of Pigs invasion.

Third. The financial support of Cuba by the United Nations and other countries receiving our aid—contrary to U.S. policy.

Fourth. The tractor blackmail deal on Cuban prisoners imprisoned because the President called off promised U.S. support of the invasion.

Fifth. The buildup by Russia of Cuba, entrenching communism, developing Castro's military power, and creating a base for Russian Communist operations throughout South America.

Sixth. The continuing attempted subversion of other nations in this hemisphere by Russia, Castro, and the Communists.

Seventh. President Kennedy's statements that military weapons to Castro from Russia are for defensive use by Cuba—not offensive. Worse, the President unilaterally telegraphs U.S. action by stating that we will not invade Cuba now or at any time. Obviously then, no action is planned to blockade the heavy Communist traffic by sea and air. While Cuba is strengthened militarily for what can only cost greater loss of life later. We can, we must blockade Cuba. From the standpoint of international law the United States has every right to land troops, take possession of Havana, and occupy the country, unless the Cuban Government answers satisfactorily the request of the U.S. Government that all Soviet military personnel be sent home and that no further shipments of military supplies be sanctioned by the Havana authorities. To do less invites other intemperate action against the United States which can precipitate war. There is risk in our action, but much greater risk in continued inaction.

Here is a positive U.S. foreign policy—which I submitted a year ago—to absolve President Kennedy and save the United States:

First. Firm, bold leadership—to match strength and determination. Prevent war by miscalculation, and attrition by subversion. Examples: Reinstate Monroe Doctrine—clean communism out of Cuba. Demand German reunification.

Second. Declare war on communism. They have declared war on the United States and the free world. The Communists mean to dominate the world by infiltration, subversion, and all-out war when ready. Accept the challenge.

Third. Withdraw recognition of Communist governments. Brand them outlaws of civilization. No negotiations. No dignifying them. They never honor contracts.

Fourth. Stop supporting and aiding Communists, Socialists, and neutrals. Foreign aid only to friends—self-help basis. We should provide know-how—not gifts.

Fifth. Encourage and help satellites to rebel.

Sixth. Increase military superiority. Advanced weaponry, research, massive retaliation, not conventional or limited concept. Gear to win. Known strength breeds respect. That is all we seek or expect.

Seventh. Preserve free economy. It undergirds our military and free form of society.

Eighth. Force showdown in the United Nations. Only Russia violates Charter by subversion. Demand withdrawal—or conformance. Maintain strong alliances outside the United Nations.

Ninth. Protect U.S. lives and property everywhere in the world—Alger resolution, House Concurrent Resolution 410.

Mr. VINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Chairman, in calling for standby authority to order 150,000 Ready Reserves to active duty, I believe the President is acting in accordance with the hard logic of reality, and in recognition of the serious international situation confronting the world today.

The President's request has also been made in the full awareness that his first responsibility and that of the Congress is to protect and defend the security of the United States and its people. I believe that this authority, already approved by the Senate, should be swiftly granted by this House.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, in testimony before the Armed Services Committees of both Houses, have called the measure essential during the interim period that will obtain after the adjournment of this Congress and the convening of the next. They have pointed to the need for a swift and flexible response to any crisis which might develop in which greater numbers of trained manpower would be required. They have stressed the fact that the authority requested would permit such response, short of those measures which would require the President to declare a national emergency—an action which would involve the very gravest of considerations.

I consider the statements and viewpoint of these Defense officials to be absolutely correct. I think the President needs this authority for the simple reason that while we are strong and powerful, we must also have the good sense to recognize that situations could suddenly develop where it would be desirable to have additional ready strength with which to deal with aggression. We have only to cast our eyes around the world, from one trouble spot to another, to recognize that we are not dealing here with imaginary problems, but that we are instead dealing with an international situation of dangerous potential.

In the face of such reality it is inconceivable that the Congress would refuse the President's request—particularly in view of the importance assigned to it by the Joint Chiefs of Staff and the leadership of the Department of Defense.

It needs to be stressed that enactment of Senate Joint Resolution 224 will not involve authority to call up those Reserves who saw duty as a consequence of the Berlin situation a year ago. The language of the resolution specifically exempts these individuals, as indeed it should.

Instead, the President would be provided the authority to call no more than 150,000 members of the Ready Reserve who did not see active service during the Berlin crisis, and to keep them on active duty for a period not to exceed 12 months.

In this entire context, I believe we need to harken back to the callup of a year ago and to place it in perspective with the present proposal. There were difficulties and problems encountered in that partial mobilization, and many of them were serious. At the same time, the effect of the callup itself was to serve blunt notice on the Kremlin that this country was prepared to take vigorous action in the face of an aggressive challenge and that this country was prepared to do even more should its security so require.

I am among those who believe that the President's decisive action of a year ago played an important part in preventing the Berlin situation from reaching the explosion point. I believe that similar authority for the President to act today—should it become necessary—would have the same effect.

The Reserve callup of 1961 was not the only factor of importance. It was the only part of a determined action program to expand the ready strengths of our military forces and to increase our total military posture. That program continues at the present time and the buildup of our military resources has been substantial.

The Regular Army has been increased from 857,900 to 960,000—and the number of combat operational divisions is now 16 instead of 11. In the same period the Navy has gone up from 627,100 to 664,400, with appreciable increases in amphibious lift, combat ships and support facilities. The Air Force is now at 866,300—up from a pre-Berlin level of 820,500. By the end of fiscal year 1963 the Air Force will have increased its tactical fighter squadrons from 55 to 73. The Marine Corps has been increased from 176,900 to 190,000 and the Army Special Forces have been tripled in strength.

All in all, the administration has continued to expand our Military Establishment so as to increase and sustain our defense capability. About $8 billion more is being expended on these requirements today than at the end of the previous administration. For the sums involved, we have seen decisive measures taken in every field, from Polaris and Minuteman missiles to the all-important area of advanced research and development to keep America abreast of the military needs of the future.

Modernization of equipment continues and such important matters as greater air support for the Army has been given for this impetus.

All of these actions, and it would take considerable time to discuss each of them in detail, have provided a tremendous increase in our Military Establishment's capability since the Soviets precipitated the Berlin crisis.

Granting all of this, and being thankful for it, the key point in the proposal for authority to call up 150,000 Reserves is simply that, with all the tremendous strength and resources at our disposal, the President and the military leadership of this country believe it necessary to have reserve manpower available as further insurance for our security.

I believe the reasons for such standby authority are compelling. They do not rule out the possibility of future necessary increases in our Active Armed Forces, but they do make plain that our Ready Reserves are essential to our defense, and that the President should not be hampered in any situation which might arise for calling them to active service.

Mr. ROBISON. Mr. Chairman, I favor approval of House Joint Resolution 876, embodying President Kennedy's request for authority to call up 150,000 ready reservists.

However, I think it should be obvious that this callup—even if made—would only be of limited military utility insofar as either the Cuban or the current Berlin crises are concerned, and that this request for authority to make the same is primarily a psychological and political gesture.

It is of limited military utility because our standing Armed Forces should be sufficient to handle whatever problems may arise at Cuba, while the addition of even 150,000 men in support of the Western position in Berlin, if the volcano that is Berlin erupts, would seem a trivial bolstering of our current strength, particularly when one considers the difficulty of such a holding operation.

But—the President having asked for this authority—the Congress cannot do otherwise than provide it. Any other course might well be read in various parts of the world as an indication that the people of the United States are lacking in the resolution to do whatever is necessary in the cause of freedom.

I consider that last year's Reserve callup in response to the then tense situation at Berlin did demonstrate a firmness of purpose on our part. However, this sort of thing—no matter how often repeated—is no substitute for the soundly based, long-range strategic plan for thwarting Communist ambitions which we ought to have, but which apparently we do not have.

I should hope that this gesture will not serve to close off responsible debate over the details of any such plan. I say this, among other reasons, because if any reservists are called up under the authority here requested, they—at the very least—are entitled to know the reason and the purpose of the sacrifice they will be called upon to make.

Only a few days ago, a subcommittee of the Committee on Armed Services of the House issued a report of its inquiry with respect to our Nation's military reserve posture. That report was openly critical of the numerous administrative shortcomings which accompanied last year's callup. Of course, none of us needed any such report to be made aware of the fumbles, the inequities and the many outright errors that occurred during the 1961 "mobilization." As a result of countless constituent complaints, all of us are well aware that units were called up that were not really ready—insofar as training, unit strength, and equipment were concerned—and that the Defense Department's system for selecting and assigning individual reservists as "fillers" in active duty units was extremely inefficient.

We are now told that procedural corrections have been made, and that such things will not happen again. Let us hope not. Such incidents, when added to the fact that far too often last year's reservists did not have enough to do to keep occupied and to have a feeling of contribution, have already caused a serious lowering of morale on the part of those who continue to participate in our vital reserve programs.

But far more serious than this—at least in my judgment—was the signal lack of understanding on the part of many of last year's reservists concerning the nature of their obligation, and an almost total lack of identification with the national interest.

The question we heard most frequently was "Why me?" The situation got so bad that eventually the Defense Department felt called upon to issue its booklet bearing the title "Why Me," in an effort to explain to the Army reservists the reason for their service. However, even this booklet which—predictably—ended with the now-famous inaugural admonition: "Ask not what your country can do for you; ask what you can do for your country," failed to answer the query: Why me?

Why did it fail? Why are we, as Members of Congress, already receiving letters from reservists and their wives who might be affected by this proposed callup, once again asking, "Why me?"

I can only speculate, of course, but I believe it is because the average American citizen, of whom the average reservist is probably typical, has developed a deep-seated suspicion that somehow, somewhere along the line, this Nation has managed to get rhetoric almost wholly confused with reality—and defensive reaction with determined resolution.

If we, as a people, suspect that this Nation is no longer committed to the idea of victory, how can we expect a ready reservist to be? If we, as individual Americans, are no longer clear about the values for which this Nation stands—certain values which were once considered as being not negotiable—how can we ask a reservist's wife to let her husband go forth in defense thereof?

In short, while we can hope that approval of this Presidential request will once again give Mr. Khrushchev reason to pause and consider the dangers of adventurism—a somewhat forlorn hope, I am afraid—this action still falls far short of the ultimate Presidential necessity: That of reassuring the American people that, when the chips are down, we will not flee our obligations in the false hope that we can thereby survive.

Mr. McDONOUGH. Mr. Chairman, I support this resolution to authorize the President to increase and strengthen the Armed Forces of the United States in any crisis that may arise during the period when the Congress is not in session.

The standby authority conferred by this resolution would exist only until February 28, 1963. The resolution is specifically designed to provide standby authority while the Congress is out of session and during a reasonable period overlapping the convening of a new Congress.

I urge the adoption of the resolution.

Mr. LOSER. Mr. Chairman, I rise in support of Senate Joint Resolution 224, providing standby authority until February 28, 1963, to recall not more than 150,000 members of the Ready Reserve to active duty for not more than 12 months. The Secretary of Defense and the Chief of Staff have stated unequivocally that the present crisis is the most serious that has confronted the Nation since Korea. This is the authority the President has requested, although many of us believe that a larger force might be more persuasive with the Soviets that we mean to defend Berlin at all costs; that any aggressive act on the part of Castro will meet our armed services in all its might.

Of course, it is true that the President could call up or order members of the Ready Reserve to active duty involuntarily if he proclaimed a national emergency. Our action today, Mr. Chairman, will demonstrate our solidarity and determination of unity on the part of the executive and legislative branches to defend the interests of this Nation and the free world.

Therefore, I will support the resolution.

Mr. WHITENER. Mr. Chairman, the United States has recently been passing through a series of crises without parallel in our history. In Cuba, southeast Asia, Berlin, and several other critical areas, the security of the United States and the free world is threatened by Communist aggression. No one can safely predict when our country will be able to relax its posture of military preparedness.

The answer to this question lies with the Communists. So far, Soviet aggressive tactics have given us no indication as to when the tension holding the world in a firm grip will be relaxed. Until such time as the security of the United States and the free world is assured, our country must maintain its Armed Forces in a constant state of readiness to meet any challenge.

Mr. Chairman, I support the resolution we have under debate to give the President standby authority until February 28, 1963, to recall not more than 150,000 members of the Ready Reserve to active duty for a period not to exceed 12 months.

This resolution will give the President the authority to meet any crisis that might result between now and the time the Congress reconvenes next year without the proclamation of a national emergency. Under existing law, the President can mobilize as many as 1 million men, but to do so he must proclaim a national emergency or the Congress must find that a national emergency exists.

The enactment of this resolution will clearly demonstrate to the world that the President, the Congress, and the American people are united in a common determination to meet whatever threat may arise to our national security. Notice will be served on Castro and Khrushchev that the United States does not intend to let the Communist buildup in Cuba, Berlin, and southeast Asia become a threat to the security of the United States.

I realize that if the President invokes the authority contained in this resolution many thousands of our people again will experience the hardship resulting from their military service. Our Reserves responded in a magnificent manner during the Berlin crisis, and we can be proud of the record they made.

Although I strongly support the resolution we have under debate which authorizes recalling 150,000 of our reservists to active duty, I feel, Mr. Chairman, that we cannot continue year after year to meet recurring threats to our national security by this method. We cannot continue to disrupt the lives of our reservists every year by calling several hundred thousand of them to active duty to meet a Communist-inspired crisis. If we continue the practice, it will become increasingly difficult for our Nation to secure enough men to maintain an effective Reserve Establishment.

The only practical solution to the people is for the United States to strengthen our Regular Military Establishment so that we will be able to effectively meet situations the Communists might provoke in trouble spots throughout the world without disrupting the lives of our people through a recall of the Reserves. Our people believe in adequate defense and will support whatever increase is necessary in our Regular Military Establishment to safeguard our national security.

In the future, our Reserves should not be recalled to active duty unless a grave national crisis confronts the Nation and the President or the Congress has proclaimed a state of national emergency. We can expect tensions in the world to increase rather than to diminish in the years that lie ahead. We are a peace-loving nation, and a large Military Establishment is foreign to our way of life. The time has come, however, for the United States to face up to reality and create whatever Regular Military Forces are necessary to insure our survival.

Enactment of Senate Joint Resolution 224 seems to be an essential step for our country in the light of existing Communist threats to the free people of the world on many fronts. I shall, therefore, cast my vote in favor of the resolution with the earnest and fervent hope that circumstances will not require the exercise of the power vested in the President by the measure.

Mr. HALL. Mr. Chairman, I rise in support of this resolution, and in its original form as it came out of the Armed Services Committee. I speak as a Reserve officer—still ready, who reported to active duty in late 1940 to "get my year over with," as a young doctor. That year extended to over 7½ years, but Uncle Sam owes me not one thing. It was a privilege to serve throughout and beyond World War II. I subsequently was responsible for mobilizing and demobilizing over 2 million medical department personnel, as well as their assignments, budgets, and even subsequent legislation for the Regular and Reserve components. I am well aware of the problems of mobilization for callups. I favor this legislation because of the deleted colloquy on page 7132 of the Armed Services Committee hearings. It can now be said that therein was summarized three statements of the Secretary of Defense which answered all 10 of the question I had prepared in advance of the hearings. I wish the Secretary of State the previous day had been as definite.

Mr. RHODES of Arizona. Mr. Chairman, I shall vote for Senate Joint Resolution 224 with some reluctance. I shall vote for it because in these perilous times I think it would not be in the best interest of the United States for the Congress to refuse authority to call Reserves when requested by the President of the United States. My reluctance stems from doubt as to the wisdom of the request for this authority. In the first place, I am told that the President has ample authority to call Reserve Forces to active duty either in groups or as individuals, by the declaration of an emergency. Certainly, no President would hesitate to declare an emergency if such indeed existed.

The reason I doubt the wisdom of this request stems from the knowledge I possess of the character and makeup of the Reserve Forces of the United States and its individual members. I am a Reserve officer myself, and a former member of the Arizona National Guard. I know of the dedication to the country and the military services possessed by the officers and enlisted men of these fine organizations. However, I also know that fundamentally the members of these forces are civilians. They have made themselves available to their country for use in time of emergency. To most of them an emergency means a shooting war, or the imminent threat thereof.

Calling the Reserve Forces in the last Berlin crisis may have strengthened our hand in international relations. I have no way of knowing whether it did or whether it did not. I do know, however, that many Reserves looked upon this callup as a dangerous departure from the time-honored manner of using such Reserve Forces. This manner of the use of Reserves causes every member of our Reserve components to feel uncertain as to his future in his civilian pursuits. While they would be perfectly willing to give up that future in the event of a real emergency, the great majority of them consider it an injustice to be required to do so in any situation short of an all-out national emergency.

My objection boils down to a fundamental disagreement with the administration on the manner in which the Reserve Forces should be utilized. In my opinion, to utilize them in the manner of last year, and in the manner which is contemplated by Senate Joint Resolution 224, is to weaken the morale of the individuals and units, and dilute the willingness of many fine people to serve their country in its Reserve Forces. In other words, by weakening the Reserves, I feel that this type of legislation weakens, rather than strengthens, our overall military strength in the long run.

It is my hope that the President will not find it necessary to call Reserves unless we have a really serious national emergency. If further physical force is needed to meet with our international obligations over an extended period of time, I hope instead the Executive will ask an increase in the Regular Establishment. To continue to proceed along the lines indicated by this legislation would, in my opinion, not be in accordance with our overall national interests.

Mr. GALLAGHER. Mr. Chairman, the United States and, indeed, the whole free world has reached a juncture where it must be decided whether we will continue to permit international communism to nibble away at those lands still free, or whether stronger, more forceful positions will be adopted. It is evident by his actions of a year ago and by his request for authorization for further partial mobilizations, that the President of the United States has decided what course must be taken if we are to secure the freedoms we all cherish.

In seeking interim authorization for a possible further recall of military Reserve forces, the President, in effect, is asking Congress to support his policies of more forceful, more positive answers to Communist aggression. There is no denying that the recall of National Guardsmen and reservists a year ago had a deterring effect on communism. I need not remind you that there was an easing off of the crisis in Berlin, even before the first division was mobilized, the first air National Guard squadron deployed to Europe, or the first Naval Reserve vessel put to sea.

Unfortunately, we are in a cold war where we must be prepared to quickly bolster our defenses—to flex our muscles—by calling up the military Reserve. The purpose of this is to show Mr. Khrushchev and the rest of the world that we are now prepared to back up our words with action, if necessary. We all learned long ago that the Communists respect only force. They are no respectors of mere words.

We all know that to employ our Reserve forces to achieve foreign policy objectives, which is what we did 1 year ago, and what the President feels may be necessary to do again, works a very great hardship on the National Guardsmen and reservists. The future of our country is the responsibility of every citizen, although as in wars gone by the burden descends on a very few and yet in a democracy there is no other way if our country is to remain free. But, I am confident that our citizens who serve in those forces recognize that these sacrifices must be made from time to time to keep our honor, and the peace.

As the military threat of communism draws closer to our own shores, the need for positive, courageous, and forceful positions becomes more urgent. The President, who has access to greater intelligence than do we, has stated that these are perilous times. The Congress has never failed to support a President in time of grave crisis. I am confident we will not now deny the President the support he is seeking in this legislation, for to do so would mean that we choose the faltering path of indecision rather than the high road to positive actions and a more determined stand on the line where freedom is now drawn.

It is an action that is necessary if we are to prevent a Communist adventure that could stumble into a major war. It is an action that is necessary if we are to discourage a Communist Cuba from becoming a breeding ground for a Soviet Western Hemisphere.

Mr. BRUCE. Mr. Chairman, I voted with reluctance for the bill authorizing the President to call up 150,000 reservists for military service.

Certainly our defense posture must be as strong as possible, but for several reasons I question whether this move by the President, if he does issue a call for more reservists, will turn out to be a good one. There is no question but that it could be. My question is, Will it be?

I ask the question against the background of events last year, when the Congress gave similar authorization to the President. Then we saw the same appeal to the people and to the Congress. We gave the President what he wanted.

Whatever salutary effect might have been created was negated by the administration's vacillating policy in Berlin and elsewhere. Thousands of American families found their lives disrupted for many, many months because of the call to duty—a call that left many of the called-up reservists sitting around twiddling their thumbs in the service while valuable months were torn out of their civilian careers.

Second, I question the value to our Nation's morale, a most vital factor in national strength, of a policy that creates the disruption I have described and accomplishes so little.

In the debate today, the administration's leadership in the House flatly stated that they did not really expect to call up the reservists, that it was entirely a psychological move.

Now, either we need to call up the reservists or we do not. If this resolution is designed to psychologically frighten Mr. Khrushchev it is born of ignorance and naivete.

I do not believe the function of our Reserve Forces to be that of a yo-yo in some mythical game of alleged psychological paperwaving. I question the psychological reaction among our people who find a terrific call to duty suddenly made to them one day, and who months later find the whole thing negated by failure of policy at top-leadership level. It would be all right if decision were evident—that these fine Americans were making a great sacrifice that truly scared the living daylights out of the Kremlin, if Mr. Khrushchev and his comrades in international crime and terror were made to feel Uncle Sam meant business.

If the President continues with the illusion that he can frighten the Kremlin with resolutions followed by inaction, I would draw his attention to the old fable of the little boy who cried, "Wolf, wolf," once too often, and when the crisis really came, no one paid any attention.

If the President really wants an effective weapon in dealing with the Kremlin, then I suggest that tomorrow he fire from his entourage of advisers the Rostows, the George Balls, the Schlesingers, and others who prattle endlessly about "accommodation" with Khrushchev and who abhor the use of the word "victory" as being too militaristic.

The reservists, by their very training, are fighting men. When they are called to the colors they respond with but one goal in mind—victory. It is long past time for the President to reverse his policy of accommodation. The present indecision and vacillation can only give encouragement to thoughts of aggression on the part of the Communist world. Historically, indecision and weakness lead to war.

Let us take up the cudgels for a real and lasting peace which can only come with a determination on the part of the free world to stand firm and unleash an all-out psychological and economic offensive against the Communist-held territories, including the Soviet Union itself.

Call up the Reserves, if we must. Extend the term of service, if necessary. But, in the name of freedom, let us quit deceiving ourselves and feeding the appetite of the Communist forces by paper shuffling and endless theorizing, which so far have constituted primarily an evasion of leadership responsibility.

On this issue today, I must give the President the benefit of the doubt and acquiesce in his request. I sincerely hope and pray that this time he has determined to support the action inherent in this resolution with a proper revision of foreign policy so that the sacrifices he may call for again will not be made in vain.

The **CHAIRMAN.** All time has expired.

The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, until February 28, 1963, the President may, without the consent of the persons concerned, order any unit, or any member, of the Ready Reserve of an armed force to active duty for not more than twelve consecutive months. However, not more than one hundred and fifty thousand members of the Ready Reserve may be on active duty (other than for training), without their consent, under this section at any one time.

Mr. PRICE. Mr. Chairman, I make the point of order that a quorum is not present.

The **CHAIRMAN.** The Chair will count. (After counting) 70 Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 246]

Abbitt
Anfuso
Aspinall
Auchincloss
Baring
Bass, N.H.
Blatnik
Blitch
Bolling
Bolton
Boykin
Breeding
Bromwell
Buckley
Celler
Cohelan
Curtis, Mass.
Davis,
James C.
Davis, Tenn.
Denton

Diggs
Dominick
Dooley
Fino
Fountain
Garland
Goodell
Grant
Hagen, Calif.
Harrison, Va.
Harvey, Ind.
Hays
Hiestand
Hoffman, Mich.
Kearns
Kee
King, Utah
Kluczynski
Kowalski
Landrum
McDonough
McDowell
McIntire
McSween
Macdonald
Martin, Nebr.
Meader
O'Brien, Ill.
O'Hara, Mich.
Passman
Pilcher
Powell
Quie
Rains
Reece
Reifel
Rivers, Alaska
Roosevelt
Ryan, Mich.
Saund
Scherer
Schwengel
Scranton
Seeley-Brown
Short
Smith, Miss.
Springer
Thompson, La.
Thompson, N.J.
Udall
Ullman
Weis
Whalley
Widnall
Willis
Wilson, Ind.
Yates
Zelenko

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Gary, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration Senate Joint Resolution 224, and finding itself without a quorum, he had directed the roll to be called, when 357 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. VINSON. Mr. Chairman, the Clerk had read the first section?

The CHAIRMAN. The Clerk had read the first section.

Mr. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment by Mr. Ford. On page 1, line 6, after the words "Ready Reserve" strike out "of an Armed Force" and insert "of the Air Force and the Navy."

Mr. VINSON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FORD. Mr. Chairman, this is a very simple, but I believe sound amendment. Under the resolution before us the President, through the Secretary of Defense, could call any member of the Regular Reserves of the Armed Forces, except those that have just recently served under the legislation we passed last year. My amendment restricts the right to recall reservists to the Air Force and the Navy. I believe, based upon the testimony of the Secretary of Defense before this committee, this is a fully justifiable position.

If the Members will turn to page 7138 of the hearings, they will find the following:

> The Air Force is undergoing, but has not completed—and this I think is critical in connection with the proposed resolution—an increase of about 35 percent in their tactical fighter squadrons.
>
> No amount of increase in selective service today would accelerate the combat readiness or availability of the additional squadrons that are being activated and trained. At least until that date when they will be combat ready, the type of authority we are requesting can be of great value to us in the face of some of the situations we face for the future.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. FORD. I do not have very much time, but I yield to the gentleman from Georgia.

Mr. VINSON. I would call to the Committee's attention that that is merely an example wherein the Secretary was illustrating as to what type of call would be made.

Mr. FORD. If the Members of the Committee will turn to page 7109 of the testimony which was given by Secretary McNamara, they will find this:

> In the case of the Air Force, we have a different problem. We are expanding the number of tactical fighter squadrons by about 35 percent.
>
> Many of the new squadrons are in the process of organization. They are not yet operational.

He is inferring that because they are not operational he may be required to depend on the Reserves to fill the breach in the interim.

Mr. Chairman, if the Members of the Committee will turn to page 7120 of the hearings, they will find the following:

> Secretary McNamara. And most of the discussion this morning was associated with an increase in the Army personnel. That is low on our priority list at the moment. It is the air power, above all else, that we need to increase.

Mr. Chairman, the Secretary of Defense, Mr. McNamara, went on to say as follows:

> And I am not foreclosing an increase in Army standing forces. But I think that this is a lesser priority than some of the other actions we have discussed with the committee and are considering.

If the Members of the Committee will turn to page 7118 of the hearings, there is the following by the gentleman from Georgia [Mr. Vinson]:

> Now, that naturally raises this question: If we had 1,055,000 men, as the Army has previously recommended, would you then desire the authority to call up Reserve units?

This was a question asked by the gentleman from Georgia [Mr. Vinson]. Mr. McNamara replied:

> Yes. Yes. Absolutely. Absolutely.

In other words, even if he had 1,055,000 men, rather than 960,000 in the Active Army now, he would want the authority to recall reservists for the Air Force Reserve and National Guard and the Navy Reserve. This is the fact.

Mr. Chairman, we do not need under the McNamara proposal authority to call up Army National Guard or Army Reserve units, but the Defense Department does need authority to call up Air Force reservists and some Navy reservists.

I have looked at some of the censored testimony given in executive session to this committee, and if Members could look at that testimony they would find without any question, without any qualification, that the Defense Department is only thinking in terms of Air Force and Navy reservists. For that reason I believe we should limit the authority to permit the callup of such reservists without the declaration of an emergency. If the President wants to go to a general mobilization, he can still do it by simply declaring a state of emergency, and this will permit him to call up all Ready Reserves, approximately 1 million in number.

Mr. VINSON. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Michigan [Mr. Ford]. I sincerely trust the facts will be sufficient to enable every Member to conclude that the amendment should be overwhelmingly defeated.

What are the facts? This bill applies to the Army, the Navy, the Air Force, and the Marines. The gentleman from Michigan has sought to limit the call of the 150,000 reservists to only two groups of the Defense Establishment, the Air Force and the Navy. The instances to which he referred, quoting the Secretary, were examples set out by the Secretary where it may be necessary, on account of unpredictable circumstances, to call up these specialists from the Air Force and from the Navy. In response to a question that I raised, "Mr. Secretary, if you had 1.2 million men in the Active Forces, would that warrant passing a resolution providing for 150,000 reservists?" and he said "Yes." And why? Because, as Mr. Ford quoted Mr. McNamara, the crisis is more critical today than at any time since Korea. All you have to do is read this testimony and you will be convinced.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. COLMER. As I understand, the gentleman from Michigan says that the President already has the authority to call up these men. If that be true——

Mr. VINSON. That was not his amendment.

Mr. COLMER. I understood it was.

Mr. VINSON. His amendment is to confine these 150,000 to two services. He is therefore attempting to prevent any possible use of Army Reserve personnel.

Mr. COLMER. Mr. Chairman, will the gentleman let me complete my question. If I understood the gentleman correctly, he said the President already had that authority.

Mr. VINSON. The President does not have such authority.

Mr. COLMER. Assuming he does have it, then the gentleman's amendment would only weaken the resolution, which is largely for psychological effect, anyway.

Mr. VINSON. But the President does not have it, in the first instance. He does not have the authority to call reservists unless we pass this resolution, or unless he declares a national emergency. But I want the Committee to understand that if they approve this amendment it means that the Army Reserves cannot be used under this authority. We know it is essential to have Army Reservists available to fill out possible logistic requirements of the last two divisions which have recently been organized in the Active Army recently.

Mr. Chairman, I ask the Committee to vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Ford].

The amendment was rejected.

Mr. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD: Page 1, line 8, after "more than", strike out "one hundred fifty thousand" and insert "one million".

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. VINSON. Mr. Chairman, do I understand that the 5-minute limitation to each side applies to this amendment, as well?

The CHAIRMAN. No, it does not.

Mr. VINSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes, 5 minutes to the gentleman from Michigan [Mr. FORD], and 5 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. GROSS. Mr. Chairman, reserving the right to object—what is going on here?

Mr. VINSON. Let us get these two amendments out of the way and we can get on to something else.

Mr. GROSS. Does the gentleman intend to circumscribe debate on the rest of the bill?

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. JOHANSEN. Mr. Chairman, reserving the right to object, is this same procedure to be followed with respect to all subsequent amendments?

Mr. VINSON. No. Just let us get these two out of the way; in deference to the distinguished gentleman from Michigan, who is so persuasive, I want the House to get the benefit of his logic quickly and get through with that business and on to the rest of it.

Mr. GUBSER. Reserving the right to object, Mr. Chairman, would the gentleman make that 15 minutes so a few of the rest of us can speak?

Mr. VINSON. All right, I will make it 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FORD. Mr. Chairman, the chairman of this great Committee on Armed Services has practically made the speech I intended to make here in arguing against the amendment I previously offered.

Mr. VINSON. I have another one.

Mr. FORD. I wish I had an advance copy of the argument he used in opposition to the last amendment. His argument there was that my amendment was too restrictive, it was too limited, that it would hamstring the execution of this policy because I was going to restrict it to the callup of Air Force and Navy reservists.

I repeat again as I said before, this was all that the Secretary of Defense indicated he really needed. However, if it was too restricted, then Congress should give the President the kind of authority that will really impress Mr. Khrushchev, the right to recall 1 million reservists, without an emergency proclamation, excluding those who served in the last recall, from August of 1961 until September or thereabouts of 1962. If you really want to make Mr. Khrushchev believe that we mean business, then we ought to give to our President the full authority to recall up to 1 million men, excluding those who recently served. This would give the President a real stick to shake in the face of Mr. Khrushchev. The military and psychological impact will be effective. One million reservists, rather than 150,000, will add real significance to our effort on the floor of the House today.

I want it clearly understood that this amendment does not include any reservists who served in the last year, who were recalled in 1961 and who are being let out in 1962. This amendment simply increases the power that the President can use without the declaration of an emergency by the President. If we want to show strength and solidarity, this is the way to do it.

The Secretary of Defense in his testimony before the committee raised questions about the desirability of a proclamation of a national energency. He did not think the President wanted to make a declaration of emergency as he can under existing law because of certain powers that would fall as a consequence to the Chief Executive. As a result I am willing to give him the authority to call up approximately one million reservists without the declaration of an emergency. In this crisis, the worst in 15 years, President Kennedy probably needs more flexibility and more authority. Therefore, I sincerely hope and trust that the amendment will be approved.

In conclusion we should reread the fine arguments given by my friend from Georgia a few minutes ago. This should convince you beyond any doubt that this is a good amendment. What I have added as a footnote I hope will convince you of the merits of the legislation.

Mr. VINSON. Mr. Chairman, I rise in opposition to this amendment to authorize the calling up of 1 million reservists.

Let me briefly say this. Who controls the Reserve? The Congress of the United States controls the Reserve. Who can say how many reservists can be called up except under a national emergency? The Congress of the United States. Here the gentleman from Michigan is asking the Congress to surrender the control and management of the Reserve manpower of this country and vest that control and management in the Commander in Chief when the Commander in Chief has not even asked for it and does not even want it. I believe in the Congress meeting its responsibilities and I believe in keeping in our custody and our control over the National Guard and the Reserves. So much for that, Mr. Chairman.

The Members of the House have just heard the ranking member of the Committee on Military Appropriations trying to impose seven times more Reserve personnel on the Secretary of Defense than he wants. I am wondering if that is the way the gentleman analyzes and writes up appropriation bills? He is trying to provide the Defense Department with seven times more Reserve personnel despite the fact that the Chairman of the Joint Chiefs of Staff says they do not need them. The Secretary of the Army says they do not need them. The President says we do not need them. Here this distinguished Member from Michigan who is so careful about following the logic of the Department of Defense and the Secretary of Defense comes in now saying, "We will disregard all of that. I want to give you a million men—seven times more." And what happens? That will hang over the head of every reservist in America from now until the 28th day of February. In every family in America where a reservist is a member of that family, they will say that the President has the right because of an amendment by Mr. FORD, to take me into the service whether he needs me or not.

Mr. Chairman, it just shows how far some brilliant, learned men can go when they get excited.

I ask that this amendment be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I again call attention to the hearings held by the House Armed Services Committee wherein only 11 days ago the Secretary of Defense, Mr. McNamara, said to the committee:

> The potential need for a callup of Reserve Forces to meet the military requirements similar to those imposed upon us a year ago has been considerably reduced.
>
> Our conventional capability has been greatly enhanced during that period by the addition of five Army combat divisions, bringing our total to 16.

Now I want somebody before this debate is over to tell me on what basis the Secretary of Defense made this statement 11 days ago and why there is the insistence today on calling up and tearing out of their homes 150,000 reservists. At this time I also want to call attention to the business of using military men in civilian type jobs. We have today, on the admission of the Department of Defense before our Manpower Utilization Subcommittee 13,000 to 15,000 military personnel in jobs that ought to be filled by civilians. Let me say to the gentleman, from Georgia [Mr. VINSON], that only today I was told by a reliable source that at Wright-Patterson Air Force Base 50 Air Force men will be moved in immediately for the job of housing maintenance for service personnel—jobs that could and should be filled by civilians at less cost to the Government than military personnel.

For years we have noted thousands of ablebodied military men, performing work that can be and has been over the years successfully done by civilian personnel. Our observations came from trips of investigators to military bases, from witnesses before the subcommittee, and from records furnished by the Pentagon to our subcommittee.

We have today in America thousands of young men in uniform serving as chauffeurs, laying brick, operating mimeograph machines, writing histories, drawing charts and dozens of other jobs common to our civilian economy.

Defense Department officials often defend this course of action as necessary to rotate military personnel from foreign assignments or from aboard ships. A certain amount of rotation is necessary. Likewise, there should be justified and meaningful work to be performed in continental United States for those rotated home. Detailed analysis of the frequency of rotation and of the size of the rotation base frequently raise large questions. Both the frequency and the number of jobs in the United States reserved for the people being rotated often appear excessive.

Recently the Office of the Secretary of Defense completed a study of jobs being performed by military people. It was the opinion of the Military Departments that 15,000 active duty military were in jobs that nearly the same number of civilians could and should fill. This means real dollar savings if the Government executes the program.

The subcommittee in August 1961, took a position with the Assistant Secretary of Defense for Manpower. Again last week the gentleman from Georgia, Chairman JAMES C. DAVIS wrote the Director of the Bureau of the Budget calling for his cooperation to assist the Secretary of Defense in implementing this recent Defense Department study.

Most people misunderstand our military strength. The total number of people on active military duty is one thing and vastly different is the number of military personnel in the combat forces—aboard ships, flying planes, and in operation-ready divisions. This is a subject easily confused by the waving of the flag.

I would like someone to tell me when this business of using combat personnel in civilian-type jobs is going to cease.

Mr. VINSON. I would say to my distinguished friend that a subcommittee headed by the gentleman from Illinois [Mr. PRICE] went into that subject. We find ourselves in complete accord with the views the gentleman from Iowa is advancing today.

Mr. GROSS. They why is not something done about it?

Mr. VINSON. The gentleman must remember that we do not have the power of the Executive. We are legislators.

Mr. GROSS. I hope that if there is another call for reserves by the President as there was last year that these men will have more important duties than opening beer cans in service clubs and pulling weeds on service golf courses.

Mr. Speaker, in extension and substantiation of my remarks on the subject of using combat troops for jobs that ought to be performed by civilians in support of the defense effort, I submit two letters by the distinguished and able chairman of the Manpower Utilization Subcommittee, the gentleman from Georgia, the Honorable JAMES C. DAVIS. These letters follow:

SUBCOMMITTEE ON MANPOWER UTILIZATION OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
September 8, 1962.

Hon. DAVID E. BELL,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. BELL: The members of the Subcommittee on Manpower Utilization of the House Committee on Post Office and Civil Service have, over the years, repeatedly questioned the Defense Department's practice of using combat-qualified military personnel in civilian-type jobs.

During the Berlin buildup in 1961 we called the attention of the Assistant Secretary of Defense for Manpower to the callup of reservists and National Guardsmen for active duty, when at the same time it was estimated that there were already on active duty thousands of young men operating mimeograph machines, laying brick, writing histories, drawing charts and performing dozens of other jobs common to our civilian economy. These kinds of jobs have been efficiently performed for many years by civilian Government employees and at less cost to the taxpayer. For your information a copy of that letter is attached.

During our public hearings this spring and almost weekly since that time we have discussed with management officials in the Office of the Secretary of Defense and in the three military departments many such cases. Some of these were noted during staff visits to Department of Defense field activities.

Mr. Bell, I understand that the Secretary of Defense has already or is soon to complete a study that bears out our contention, to wit: there are thousands of active duty military personnel currently filling civilian type jobs. Preliminary figures, it is understood, show about 15,000 such jobs could be converted at an annual savings of considerable magnitude.

In the interest of economy and of improved effectiveness of our combat effort the members of this subcommittee urge that you use your office to assist in implementing the findings of this study.

With continued best wishes, I am,

Sincerely yours,

JAMES C. DAVIS,
Chairman.

SUBCOMMITTEE ON MANPOWER UTILIZATION OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
August 7, 1961.

Hon. CARLISLE P. RUNGE,
Assistant Secretary of Defense (Manpower),
Washington, D.C.

DEAR MR. SECRETARY: In our recognition of the necessity for a strong and effective military force of able-bodied and experienced men, the members of this subcommittee have asked that I emphasize again to you our interest in the improved utilization of those people, both civilian and military, who are backing up our combat forces. And, undoubtedly one of the most important aspects of this utilization problem facing the Defense Department today relates to the use of able-bodied military men in support of civilian-type jobs that can be handled by the less physically fit.

We raised this latter point, along with several other manpower utilization items, in a March 20, 1961, letter to the newly appointed Secretary of Defense, Hon. Robert S. McNamara.

"The subcommittee considers a reduction of civilian employees in the military departments as laudatory so long as we do not sacrifice our combat potential by replacing civilian employees in support-type jobs with military personnel or that we do not use contractor employees merely to escape the civilian personnel ceilings and the Government's classified grade structure."

In recent months our subcommittee has reviewed the manpower management programs in several support-type field activities in the military departments. Among other items, we noted in all the activities a larger number of military personnel on board than was authorized by the staffing patterns; whereas, generally, the reverse was true of civilian personnel. We do not necessarily hold from this that combat-qualified military men are replacing career civilian employees.

However, the subcommittee in recent months has received many specific examples that would tend to bear this out. For example, the Air Force Logistics Command has a program which will displace several hundred experienced career civilians with military personnel in its depots' base and transient maintenance units. At March Air Force Base, airmen are replacing civilian electricians, carpenters, painters, etc. Civilian busdrivers at Fort Dix have been replaced by enlisted men. The number of civilian quality control inspectors at Army's Redstone Arsenal is being reduced. A reorganization of the Inspector General function in Air Force is resulting in a requirement for more Air Force officers and for fewer experienced civilians. And, the Army has now adopted a policy of using its officers in place of civilian historians to write the medical history of World War II.

Several of these examples have been brought to the attention of manpower management officials in the Defense Department, with the result that we have received justifications for the use of military people in support jobs based on such conditions as inadequate civilian ceilings, career development, and an adequate rotation base.

Mr. Secretary, at this time we are not necessarily requesting new or additional justifications for the examples listed above, even though we are glad to receive whatever materials you may wish to submit. However, we are bringing cases, such as these, to your attention so as to emphasize the following points.

On several occasions the Members have been told, by other than Defense management officials, that the Department's policies and procedures relating to the civilian-military job relationship need pointing up and require tighter policing.

The members of the subcommittee believe that a series of intensive functional studies at the grassroots of Defense activities would yield considerable manpower and dollar savings. Realistic and sincere reviews of functions in the military departments, based on the experiences we have noted throughout the Federal Government, would probably reveal obsolete and nonessential programs and procedures and also point the way to eliminate duplications and overlap of effort between as well as within the departments.

More experienced military manpower to bolster our combat forces and the greater use of career civilians in support jobs would certainly appear to warrant the utmost concern and effort of all hands.

Knowing of your concern you may have already made plans to move ahead in this and other related manpower areas. The subcommittee members consider an effective manpower utilization program most important and vital in the defense posture of our country and will look forward to hearing of your plans and progress.

With best wishes and appreciation for your continued cooperation, I am,

Sincerely yours,

JAMES C. DAVIS,
Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. ASHBROOK] for a unanimous-censent request.

Mr. ASHBROOK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Chairman, the term "national defense" has been used, in my judgment, to cover any number of a multitude of sins and errors of commission and omission. Whenever there is a wasteful practice—just say it is in the interest of national defense and everyone is supposed to stand back at a respectable distance. This has been happening for years. The latest request for authority to call up 150,000 Reserves is, in my opinion, such a practice and I am opposed to it. We have approximately 2,500,000 men in the Armed Forces and spend almost $50 billion on defense. It is merely a grandstand play to seek authority to disrupt the lives of 150,000 men to engage in sham battles. The situation in Berlin is worse today than it was when the President issued the call last year. Yet the men were let out approximately 6 weeks early.

There is no logic to this call but the publicity value is tremendous. Who honestly believes we would only need 150,000 more men in case of trouble with Cuba? Who honestly believes we will do anything about Cuba anyway? I felt that the last callup was a pump-priming excuse to pour another billion dollars or so into the economy and not because of any imminent need. Men who were trained as missile experts constructed sidewalks in Texas, Air Force ground crews did KP duty, and so forth. It is generally conceded from top to bottom that the last callup was a mess. We have already been assured there will be no callup in 1962, so why give the President the authority?

The continued use of Presidential authority on a crisis-to-crisis basis like a Yo-yo when political rather than real military considerations are involved will, in my opinion, destroy the State and National Reserve system.

The sneaker in the bill is the request for additional authority to extend the enlistments of our men in the Armed Forces by 1 year. Ask the question "How many of our allies or friends on whom we have lavished billions of dollars in foreign aid are calling up their reserves or even offering to help, for that matter?" What about the United Nations? What is it doing—is it treating this situation as if it were an emergency? We all know the answer. Many so-called friends are using their merchant ships to feed the Castro arsenal weapons and supplies.

Our own inept State Department should give us the answer to why this so-called emergency is a mere figment of President Kennedy's political imagination. Chester Bowles and his cohorts are trying to block the maritime workers' effort to stop materiel shipments to Cuba. The State Department weaklings are saying flatly that any talk of action against Cuba or even treating this sad affair as an emergency will inflame Latin and South America. The State Department hasn't heard of any emergency. What is the President talking about? We all know there is an emergency but it is the no-win policy of our State Department and not the need for 150,000 Reserves.

We have already euchred ourselves in the international power play of the Soviet Union and the bluff of a Reserve callup is meaningless. With all of the complaints I had about Ike, he didn't do two things which are fatal when dealing with the men of the Kremlin: he didn't talk bigger than he was willing to act and he didn't start things he wasn't willing to finish. We have done both. The calling up of another 150,000 reserves and making a mess of it like we did last year isn't going to improve our international position one iota. It is a change of policy and a determination to stop playing the international sucker that is needed—not disrupting the lives of 150,000 men and their families.

Mr. GUBSER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Ford].

The amendment was rejected.

Mr. ALGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Alger: On page 1, strike out lines 3 to 9, and on page 2, strike lines 1 and 2, and on page 2, line 16, strike "Sec. 3" and insert "Sec. 2".

Mr. VINSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VINSON. Is the gentleman amending the whole bill?

Mr. ALGER. I am amending section 1 of the bill. It is not numbered as the Clerk read.

Mr. VINSON. The gentleman's amendment is to section 2. That section has not been read. We are on section 1. The gentleman's amendment will be germane to section 1. Section 2 has not been read.

Mr. ALGER. I will limit my amendment, Mr. Chairman, to section 1, eliminating the calling up of 150,000 men. The other amendment was simply to renumber paragraph numbers.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 1, strike out lines 3 through 9, and on page 2, strike lines 1 and 2.

Mr. VINSON. Mr. Chairman, will the gentleman yield to permit me to make an inquiry?

Mr. ALGER. I yield.

Mr. VINSON. Mr. Chairman, I ask unanimous consent that the remainder of the resolution be considered as read, printed in the Record at this point, and open to amendment at any point in the resolution.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The remainder of the bill reads as follows:

Sec. 2. Notwithstanding any other provision of law, until February 28, 1963, the President may authorize the Secretary of Defense to extend enlistments, appointments, periods of active duty, periods of active duty for training, periods of obligated service or other military status, in any component of an armed force or in the National Guard that expire before February 28, 1963, for not more than twelve months. However, if the enlistment of a member of the Ready Reserve who is ordered to active duty under the first section of this Act would expire after February 28, 1963, but before he has served the entire period for which he was so ordered to active duty, his enlistment may be extended until the last day of that period.

Sec. 3. No member of the Ready Reserve who was involuntarily ordered to active duty or whose period of active duty was extended under the Act of August 1, 1961, Public Law 87–117 (75 Stat. 242), may be involuntarily ordered to active duty under this Act.

Mr. ALGER. I thank the Chairman for his courtesy.

Mr. Chairman, here is the other alternative. The facts of the situation show that, while 150,000 men is hardly a sizable force when compared with 2,700,000 now in active duty, the calling up of the reservists is not the heart of this resolution; rather, House Joint Resolution 224, the guts of the bill, is the extension of the period of duty of those in service for a year's time if the President decides the situation in the world demands this at a time when we are adjourned and in the following months.

I would like to call to the attention of the House the statement on page 7105 of the hearings. There Secretary McNamara points out that the potential need for a callup of Reserve Forces to meet the military requirements similar to those imposed upon us a year ago has been considerably reduced.

He states that our conventional capability has been greatly enhanced during that period by the addition of five Army combat divisions. These views contradict the need for the callup of 150,000 reservists.

Then, if you please, going to the report, pages 2 and 3, there is reference to the greatly increased strength of the Army, Navy, and Marine Corps, and the Air Force. These increases make a total strength of the Armed Forces now of 2,683,100 as compared to the pre-Berlin 1961 total of 2,493,000, and the Secretary himself says our conventional capability has been greatly enhanced. Again, less reason for the callup now of reserves.

More than that, this does relate to the Cuban situation. We know this, and yet we are not being told the whole story.

Now I call your attention to the testimony of the President himself when he referred to the calling of reserves in his press conference. Discussing the Cuban situation, he directly related the Reserves to the Cuban situation when he said he would ask Congress to call up the Reserve Forces.

I do not think that calling up reserves is the right answer to Cuba, and I do not think anybody else does either. We have 2,700,000 men under arms, and we do not need 150,000 more at this time. Reservists in Texas were called once before. We do not mind serving when the need is there, but we found what a mistake the last callup was. Have we forgotten that men were uprooted from their families and their places of business, and we will now do it again?

Finally, Mr. Chairman, our President, no longer than 3 days ago, with great pride, recounted how the tide of foreign affairs has been reversed since he and his administration took over. So much so, he said, "in the months since that tide has been reversed and we have taken initiatives in many parts of the world from Vietnam to Berlin. Castro, reduced to a state of desperation, has invited Soviet help, and thereby sealed his own doom in South America and ultimately in Cuba itself."

The President contradicts reality, the facts, and his own advisers.

Secretary McNamara declared that this is the greatest crisis in history now facing us. Yet our President 3 days ago said the tide had been reversed. This is going to be tough to explain back home.

I suggest that we do the right thing by extending for a year the time the President can keep men in the Service, as he sees fit, but not unnecessarily call up 150,000 men and disrupt that many families and businesses. Let's delete that portion of the bill related to the callup of the 150,000 reservists.

Mr. VINSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

Mr. Chairman, the House just voted down an amendment which would have limited this authority to Reserves of the Air Force and Navy. The House has therefore indicated by their vote that this authority to recall reserves should extend to all of the Reserve components. Here is a gentleman from Texas who says "Do not call up any individuals. All you ought to do is just merely extend the time of enlistment, from now until March."

Let us keep this in mind. We hope it will not be necessary to use this authority during the coming 5 months. If anything would happen between now and March and the Congress failed to act, we might be in a very serious situation. In all probability not one of these reservists will ever be called up under this authority. But before we leave here for the fall vacation, let us give the President the authority to meet a possible military requirement if it becomes necessary without the necessity of declaring a National emergency.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman Iowa.

Mr. GROSS. I am glad to have the gentleman's faint ray of hope that there is going to be a recess or adjournment of this Congress.

Mr. VINSON. When we get through with this, we will be close to a recess and probably a sine die adjournment, perhaps by the middle of next week.

Mr. Chairman, the President has to have this authority. We cannot do otherwise. So I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas, [Mr. ALGER].

The amendment was rejected.

Mr. OSTERTAG. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Chairman, in the light of the situation we face here today, I am certain that the House will approve this measure to grant standby authority to the President to recall not more than 150,000 members of the Ready Reserve to active duty for a period of not more than 12 months, and at the same time extend the obligated periods of service of the men and women currently in our Armed Forces. I intend to support this legislation because I want to lend myself to any and all means that might be required to meet the threats or dangers in this period of crisis.

Mr. Chairman, despite my willingness to approve this so-called standby authority to bolster the strength of our Armed Forces in order to meet any emergency requirement that may develop, there seems to be a number of inconsistent aspects or factors that are difficult to understand. It has been said that the President intended to use this authority only in the event of an emergency; yet the President possesses such emergency authority without this legislation. As has been stated, he is only required to declare that an emergency exists.

Another point which is not clear to me is the limited number of 150,000 for the callup. To me this is a token move if applied, because this number is most insignificant when compared to our existing over-all strength of approximately 3 million.

This legislative authority is limited to the end of February of next year. However, the most important applications that can be made of it, in my judgment, is the authority to hold men in service beyond the expiration of their obligation or commitment.

Let me say here and now, that we possess the strength, the capability, and the means to deal with any crisis or emergency that requires military action. It seems that this request for standby authority is intended primarily to impress our enemies rather than provide for utilization of this added military manpower. We already have today the might to destroy any aggressor or enemy who might see fit to attack. We need not fear, but we must be firm, not soft; and we cannot win in this cold war struggle by deference and appeasement.

One of the disturbing thoughts that comes to mind in the consideration of this policy of standby authority and the prospects of using our Ready Reserves is that of the experience of a year ago. No real or favorable results were achieved by that callup, yet 148,000 reservists were uprooted and required to report for active duty, only to be released within a matter of months.

As a member of the Defense Appropriations Subcommittee, I am aware of the deficiencies evident in that recall. It was mismanaged, it was unnecessary and it served little purpose. I do not intend to cite all the troubles that prevailed at that time, but the way the fillers and units were selected certainly gave cause for concern.

In any event, Mr. Chairman, I will support this bill, for I feel that we are in no position to do other than grant the request to give this authority. The responsibility rests with the President, who by virtue of his office is the Commander in Chief. He already has the power if an emergency is declared, and we earnestly hope that he will exercise this added grant of authority wisely.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in an effort to clarify an area of confusion which I assure you does not exist alone in the mind of the gentleman now in the well.

It is directly related to the situation before us today, and it is one which is going to continue to crop up as long as we have crises with us. It is probable that we shall have them with us for quite some time in the future.

Mr. Chairman, I have here from the Archives a copy of the proclamation of an existing national emergency that goes back to a signing by President Truman at 10:20 a.m. on December 16, 1950. I understand that in 1953 there was a modification that removed any authority to call up Reserves. But I think it would be very interesting to the Members of the House, if there is anyone who can specifically answer this question, as to just how far this modification went. Are we in fact still in a state of national emergency, since to my knowledge the 1950 emergency has never been rescinded? I think this information would be most enlightening since we are here today, incidentally, only because some emergency exists. Otherwise we would have been out of here at midnight on the 31st of July. I would like to know just how far this emergency which has not been rescinded goes, but perhaps we should have the proclamation of a new emergency, since there are apparently a sufficient number of emergencies to make one current.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I would be happy to yield to the distinguished gentleman from Georgia.

Mr. VINSON. Let me say to the House, as well as the distinguished gentleman from Illinois, that a very careful study was made of this whole subject matter by the Committee on the Judiciary, and here is the report dealing with the whole question, what laws are affected, what committee jurisdiction is affected, and the entire subject matter of the laws affected by a declaration of a national emergency by the President or the Congress.

Mr. Chairman, when we took this matter up before the Committee on Armed Services I checked to see whether or not the President could call up the reservists under the emergency-granted powers proclaimed by President Truman. I was satisfied it could not be done. Therefore, it is necessary for a new national emergency to be declared by the President before he could recall reservists. But this is a very important subject, and I will therefore provide this document to the gentleman and I hope the other House Members will read this document, prepared for the use of the House Judiciary Committee. This document entitled "Provisions of Federal Laws in Effect in Time of National Emergency" was prepared by the legislative reference service of the Library of Congress.

Mr. Chairman, not long ago I brought a bill to the floor of the House relating to contracts affected by the Truman-declared national emergency.

Mr. COLLIER. Excuse me for interrupting, but does this, Mr. Chairman, deal with the problem of the extension of service of all the Armed Forces, other than the Reserve units?

Mr. VINSON. If the gentleman will yield further, it deals with every law affected by a Presidentially declared national emergency, every phase of it. It is a most magnificent document.

Mr. COLLIER. We are, however, for all intentive purposes, in a state of emergency as declared by Presidential order which has never been rescinded; is that correct?

Mr. VINSON. That is correct. There are certain laws affected by it now. One of them was a contract law. We passed a bill to change it just the other day.

Mr. COLLIER. I shall be happy, and I am sure other Members of the House will be happy to know just how far the old emergency does go, inasmuch as I have been able to get very little information as to what has been withdrawn and what has not been withdrawn since the 1953 modification.

Mr. VINSON. If the gentleman will yield further, we shall be happy to mail this to the gentleman's office, and I commend it to the gentleman for his consideration.

Mr. COLLIER. I thank the distinguished chairman of the Committee on Armed Services.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to point out another naked inconsistency in our national military policy, which is revealed in section 3 of this bill. Section 3 says in effect that those who were called under last year's Berlin crisis shall not be called again. Certainly, no man nor woman in this House, including the present occupant of the well of this House, wants to call these men once again. They have done their part and, perhaps, they have done more than their part.

Upon questioning, the Secretary of Defense said to me, in effect, that this language of section 3 is not necessary in order to exclude the Berlin recallees from active duty service at this time. He admitted that he could refrain from recalling them by administrative decision. This gives rise to the question: Why, then, is this language in the bill when it is not necessary, and the same function can be performed administratively? Why should the words of a statute tie the hands of the President and the Secretary of Defense and restrain them from calling our best trained troops? Any competent military man will tell you that the highest state of military proficiency of any of those in our service has been reached by those who are just completing the term for which they were called up under the Berlin crisis. They are at their peak. They are better now than they will ever be again.

If this crisis is so bad why must we say that we cannot under any circumstances use our best trained troops? I, for one, do not have the answer, but certainly the fact that the question exists and has never been answered is ample proof that our national military policy is lacking in consistency.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from New York.

Mr. OSTERTAG. I wanted to have made clear the situation with regard to this limitation or restriction which has to do with the calling of men who served during the last emergency, and the last callup. We have two types; we have units and we have fillers. Suppose a man served as a filler during the last callup? What happens to him if he is a part of a unit that is subsequently called?

Mr. VINSON. Mr. Chairman, will the gentleman yield so I may answer the question?

Mr. GUBSER. I yield to the gentleman.

Mr. VINSON. If anyone, whether as a member of a unit or as an individual or as a volunteer, served in the previous call, he will not be subject to possible recall under this resolution.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOUNTAIN. Mr. Chairman, under leave to extend my remarks, I want to inform the House that during consideration of Senate Joint Resolution 224 today I am unavoidably absent on other official business in Grand Rapids, Mich. addressing the State agricultural leaders of the country assembled for the annual convention of the National Association of State Departments of Agriculture. This speaking engagement represents a commitment of long standing. The Intergovernmental Relations Subcommittee, of which I am chairman, has for many years been seeking to develop better relationships between the Federal Government and the States in order to preserve and further strengthen our Federal system. My participation in the annual meeting of the State agricultural officials is intended to help foster understanding and improved cooperation between the Federal Government and the States in our important agricultural programs.

As binding as I feel this commitment is, if I were not satisfied that Senate Joint Resolution 224 will pass by an overwhelming vote, I would, of course, have canceled it. I have requested a live pair should one be available. However, anticipating the probability that one cannot be obtained because of the overwhelming support of the House for Senate Joint Resolution 224, I want the RECORD to show that if I were present, I would vote affirmatively on this important measure authorizing the President to order units and members of the Ready Reserve to active duty for a period not exceeding 1 year.

As discomforting as the thought of a possible call to active duty may be in the minds of reservists, I sincerely believe that passage of Senate Joint Resolution 224 is absolutely necessary. While the people of this great democracy speak with many voices on many issues of public policy, we stand unanimously behind the President in the steps he takes to protect our national security.

In fact, it is later than we think. I am convinced that we must take even firmer steps to make it clear beyond a shadow of a doubt that the United States will prevent by whatever means may be necessary, including the use of arms, the Castro regime or any other Communist regime from further exporting aggressive or subversive purposes to any part of the Western Hemisphere.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. GARY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (S.J. Res. 224) to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes, pursuant to House Resolution 804, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. VINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 342, nays 13, not voting 80, as follows:

[Roll No. 247]

YEAS—342

Abernethy
Adair
Addabbo
Albert
Alexander
Alford
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashley
Ashmore
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Barrett
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Boland
Bonner
Bow
Brademas
Bray
Brewster
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Collier
Colmer
Conte
Cook
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis, Mo.
Daddario
Dague
Daniels
Davis, John W.
Dawson
Delaney
Dent
Derounian
Derwinski
Devine
Dingell
Dole
Donohue
Dorn
Dowdy
Downing
Doyle
Dulski
Durno
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Findley
Finnegan
Fisher
Flood
Flynt
Fogarty
Ford
Forrester
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz

Gary
Gathings
Gavin
Giaimo
Gilbert
Glenn
Gonzalez
Goodling
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagan, Ga.
Haley
Hall
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison, Wyo.
Harsha
Harvey, Mich.
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Hoeven
Hoffman, Ill.
Holifield
Holland
Horan
Hosmer
Huddleston
Hull
Ichord, Mo.
Inouye
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Md.
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
King, N.Y.
Kirwan
Kitchin
Knox
Kornegay
Kunkel
Kyl
Laird
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McFall
McMillan
MacGregor
Mack
Madden
Magnuson
Mahon
Mailliard
Martin, Mass.
Mathias
Matthews
May
Merrow
Miller,
  George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morris
Morse
Mosher
Moss
Moulder
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
Norrell
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Peterson
Philbin
Pike
Pillion
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Randall
Reuss
Rhodes Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers, S.C.
Roberts, Ala
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Rosenthal
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Ryan, N.Y.
St. Germain
Santangelo
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Scott
Selden
Shelley
Sheppard
Shipley
Shriver
Sibal
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Calif.
Thomas
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Vanik
Van Pelt
Van Zandt
Vinson
Waggonner
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Williams
Willis
Wilson, Calif.
Winstead
Wright
Young
Younger
Zablocki

NAYS—13

Alger
Ashbrook
Barry
McVey
Marshall
Mason
Michel
Ray
St. George
Siler
Taber
Teague, Tex.
Utt

NOT VOTING—80

Abbitt
Anfuso
Aspinall
Baring
Bass, N. H.
Blatnik
Blitch
Boggs
Bolling
Bolton
Boykin
Breeding
Bromwell
Buckley
Celler
Cohelan
Curtis, Mass.
Davis,
  James C.
Davis, Tenn.
Denton
Diggs
Dominick
Dooley
Fino
Fountain
Goodell
Grant
Hagen, Calif.
Harrison, Va.
Harvey, Ind.
Hays
Hiestand
Hoffman, Mich.
Johnson, Wis.
Jonas
Kearns
Kee
King, Utah
Kluczynski
Kowalski
Landrum
McDonough
McDowell
McIntire
McSween
Macdonald
Martin, Nebr.
Meader
Miller, Clem
Moorehead,
  Ohio
Morrison
Multer
O'Brien, Ill.
O'Neill
Pfost
Pilcher
Quie
Rains
Reece
Reifel
Rivers, Alaska
Roosevelt
Ryan, Mich.
Saund
Scherer
Schwengel
Scranton
Seely-Brown
Short
Springer
Thompson, La.
Thompson, N.J.
Udall, Morris K.
Ullman
Weis
Whalley
Widnall
Wilson, Ind.
Yates
Zelenko

So the bill was passed.

The Clerk announced the following pairs:

Mr. Ullman with Mr. Jonas.

Mr. Fountain with Mrs. Bolton.

Mr. Blatnik with Mr. Fino.

Mr. Kluczynski with Mr. Widnall.

Mr. Aspinall with Mr. Moorehead of Ohio.

Mr. Anfuso with Mr. Wilson of Indiana.

Mr. Roosevelt with Mr. McIntire.

Mr. Thompson of New Jersey with Mr. Harvey of Indiana.

Mr. Rivers of Alaska with Mr. Goodell.

Mr. Johnson of Wisconsin with Mr. McDonough.

Mr. Macdonald with Mr. Bromwell.

Mr. Thompson of Louisiana with Mr. Springer.

Mr. Baring with Mr. Hiestand.

Mr. Boggs with Mr. Martin of Nebraska.

Mr. Cohelan with Mr. Quie.

Mr. James C. Davis with Mr. Schwengel.

Mr. O'Neill with Mr. Bass of New Hampshire.

Mr. Clem Miller with Mr. Dooley.

Mr. McDowell with Mr. Short.

Mr. O'Brien of Illinois with Mr. Meader.

Mr. Udall with Mr. Seely-Brown.

Mr. Rains with Mr. Reifel.

Mr. Multer with Mrs. Weis.

Mr. Zelenko with Mr. Scherer.

Mr. Celler with Mrs. Reece.

Mr. Buckley with Mr. Kearns.

Mr. Breeding with Mr. Hoffman of Michigan.

Mr. Diggs with Mr. Dominick.

Mr. Morrison with Mr. Curtis of Massachusetts.

Mr. Abbitt with Mr. Scranton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A similar House joint resolution, House Joint Resolution 876, was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. VINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DRUG AMENDMENTS OF 1962

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H.R. 11581) drug amendments of 1962.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day.

The Chair recognizes the gentleman from South Carolina [Mr. McMillan].

DISTRICT OF COLUMBIA PUBLIC ASSISTANCE ACT OF 1961

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 914) to provide for more effective administration of public assistance in the District of Columbia; to make certain relatives responsible for support of needy persons, and for other purposes, and ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Public Assistance Act of 1961".

DEFINITIONS

Sec. 2. As used in this Act, the word "District" means the District of Columbia; the word "Commissioners" means the Commissioners of the District of Columbia or the agents, agencies, officers, and employees designated by them to perform any function vested in them by this Act; the term "public assistance" means payment in or by money, medical care, remedial care, goods or services to, or for the benefit of, needy persons; the word "recipient" means a person to whom or on whose behalf public assistance is granted and the word "State" includes Puerto Rico, Guam, and the Virgin Islands.

FUNCTIONS OF COMMISSIONERS

Sec. 3. This Act shall be administered by the Commissioners who shall—

(a) establish such categories of public assistance as they deem appropriate;

(b) (1) provide for maximum cooperation with other agencies rendering services to maintain and strengthen family life and to help applicants for public assistance and recipients to attain self-support or self-care, and (2) provide such services directly under this Act to the extent that they are not available from other agencies: *Provided,* That as used in this paragraph the term "other agencies" shall include programs administered by or under the Commissioners under the authority of any law other than this Act;

(c) establish and enforce such rules and regulations as may be necessary or desirable to carry out the provisions of this Act;

(d) cooperate in all necessary respects with agencies of the United States Government in the administration of this Act, and accept any funds, goods, or services payable to the District for public assistance and for administering public assistance;

(e) enter into reciprocal agreements with any State relative to the provision of public assistance to residents and nonresidents.

ELIGIBILITY FOR PUBLIC ASSISTANCE

Sec. 4. Public assistance shall be awarded to or on behalf of any needy individual who either (a) has resided in the District for one year immediately preceding the date of filing his application for such assistance; or (b) who was born within one year immediately preceding the application for such aid, if the parent or other relative with whom the child is living has resided in the District for one year immediately preceding the birth; or (c) is otherwise within one of the categories of public assistance established by the Commissioners pursuant to this Act.

AMOUNT OF PUBLIC ASSISTANCE

Sec. 5. (a) The amount of public assistance which any person shall receive shall be determined in accordance with regulations approved by the Commissioners.

(b) Such amount as referred to in subsection (a) of this section shall not be less than the full amount determined as necessary on the basis of the minimum needs of such person as established in accordance with such regulations. No ceiling shall be administratively imposed with respect to the amount of public assistance which any person, or class of persons, may receive.

(c) The provisions of subsection (b) of this section shall become effective on July 1, 1961.

APPLICATION FOR PUBLIC ASSISTANCE

SEC. 6. Application for public assistance shall be accepted from, or on behalf of, any person who believes himself eligible for public assistance. Such application shall be made in the manner and form prescribed by the Commissioners, and shall contain such information as the Commissioners shall require.

INVESTIGATION OF APPLICANT

SEC. 7. Whenever the Commissioners shall receive an application for public assistance, they shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts supporting the application and to obtain such other information as they may require.

AWARD AND PAYMENT OF PUBLIC ASSISTANCE

SEC. 8. (a) Upon completion of the investigation, the Commissioners shall determine whether the applicant is eligible for public assistance, the type and amount of public assistance for which he is eligible, and the date from which such public assistance shall begin, and shall furnish public assistance with reasonable promptness to all eligible persons: *Provided,* That such date shall not be prior to the first day of the calendar month in which such determination is made, except that as a result of reconsideration or review of a case, and in order to correct previous erroneous administrative action such as undue delay or improper denial of assistance, an initial payment of public assistance may be made for a period beginning prior to the first day of the calendar month in which the eligibility determination is made.

(b) Money payments of public assistance shall be made by check, except that in emergency cases under section 10 of this Act, money payments of public assistance may be made in cash, and to accomplish such purpose the Commissioners are authorized to make necessary provisions for advancing from time to time to one or more officers or employees of the District such sum or sums as the Commissioner may determine: *Provided,* That no such advance shall be made to any such officer or employee who has not been previously bonded in such amount and form as the Commissioners shall determine.

RECIPIENT INCAPACITATED

SEC. 9. Whenever a recipient has been found by the Commissioners to be incapable of taking care of himself, his property, or his money, and a person has been judicially appointed as legal representative, or a responsible person has been appointed by the Commissioners, on behalf of such incapacitated individual for the purpose of receiving and managing such individual's public assistance payments (whether or not he is such individual's legal representative for other purposes), public assistance payments may be made on behalf of such individual to such judicially appointed legal representative, or to such responsible person appointed by the Commissioners.

EMERGENCY PUBLIC ASSISTANCE

SEC. 10. The Commissioners may grant emergency public assistance pending completion of investigation when eligibility has been established pursuant to section 4 of this Act: *Provided,* That such emergency assistance shall not be granted in any case for a period exceeding thirty days.

REDETERMINATION OF GRANTS

SEC. 11. All public assistance grants made under this Act shall be reconsidered by the Commissioners as frequently as they may deem necessary. After such further investigation as the Commissioners may deem necessary, the amount of public assistance may be changed, or may be entirely withdrawn, if the Commissioners find that any such grant has been made erroneously, or if they find that the recipient's circumstances have altered sufficiently to warrant such action. If at any time during the continuance of public assistance the recipient thereof becomes possessed of income or resources in excess of the amount previously reported by him, or if other changes should occur in the circumstances previously reported by him which would alter either his need or his eligibility, it shall be his duty to notify the Commissioners of such fact immediately on the receipt or possession of such additional income or resources, or on the change of circumstances.

RECORDS

SEC. 12. (a) The Commissioners are directed to prescribe regulations governing the custody, use, and preservation of the records, papers, files, and communications of the Commissioners relating to public assistance. Except as herein otherwise provided, such regulations shall provide safeguards restricting the use or disclosure of information concerning applicants for, or recipients of, public assistance to purposes directly connected with the administration of public assistance. The Commissioners are authorized in their discretion to include in such regulations provision for the public to have access to the records of disbursement or payment of public assistance made after the effective date of this Act.

(b) No person who obtains information by virtue of any regulation made pursuant to subsection (a) of this section shall use such information for commercial or political purposes.

(c) This section and section 13 of this Act shall be construed as State legislation conforming to the requirements of section 618 of the Revenue Act of 1951 (Public Law 183, Eighty-second Congress).

PENALTIES

SEC. 13. Any person violating subsection (b) of section 12 of this Act shall be punished by a fine of not more than $500, or by imprisonment of not more than ninety days, or by both such fine and imprisonment. Prosecutions for such violations and for violations of section 17(a) of this Act shall be brought to the municipal court for the District of Columbia by the Corporation Counsel or any of his assistants.

FUNERAL EXPENSES

SEC. 14. On the death of a recipient, reasonable funeral expenses may be paid, subject to rules and regulations approved by the Commissioners.

HEARINGS

SEC. 15. An applicant for, or recipient of, public assistance aggrieved by the action or inaction of the Commissioners shall be entitled to a hearing. Each applicant or recipient shall be notified of his rights to a hearing. Upon request for such hearing, reasonable notice of the time and place thereof shall be given to such applicant or recipient. Such hearing shall be conducted in accordance with rules and regulations prescribed by the Commissioners. The findings of the Commissioners on any appeal shall be final.

PUBLIC ASSISTANCE NOT ASSIGNABLE

SEC. 16. Public assistance awarded under this Act shall not be transferable or assignable at law or in equity, and none of the money paid or payable to any recipient under this Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

FRAUD IN OBTAINING PUBLIC ASSISTANCE—REPAYMENT

SEC. 17. (a) Any person who by means of false statement, failure to disclose information, or impersonation, or by other fraudulent device obtains or attempts to obtain or any person who knowingly aids or abets such person in the obtaining or attempting to obtain, (1) any grant or payment of public assistance to which he is not entitled; (2) a larger amount of public assistance than that to which he is entitled; or (3) payment of any forfeited grant of public assistance; or any person who with intent to defraud the District aids or abets in the buying or in any way disposing of the real property of a recipient of public assistance, shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than $500, or imprisoned not to exceed one year, or both.

(b) Any person who obtains any payment of public assistance to which he is not entitled, shall be liable to repay such sum. In any case in which, under this section, a person is liable to repay any sum, such sum may be collected without interest by civil action brought in the name of the District. Any repayment required by this subsection may, in the discretion of the Commissioners, be waived in whole or in part, upon a finding by the Commissioners that such repayment would deprive such person, his spouse, parent, or child of shelter or subsistence needed to enable such person, spouse, parent, or child to maintain a minimum standard of health and well-being.

PROPERTY

SEC. 18 (a) At the death of any person who has received public assistance in the form of old-age assistance, medical assistance for the aged, or aid to the disabled pursuant to the provisions of this Act, or of any Act repealed by this Act, the District shall have a preferred claim for the amount of any such public assistance against the estate of the deceased recipient. Notwithstanding the provisions of any other law, no statute of limitations shall be deemed applicable as a defense to any claim of the District made pursuant to this section. The Commissioners are authorized to waive any such claim when in their judgment they deem it appropriate to do so.

(b) In addition to the remedy provided by subsection (a) of this section, or by any other provision of law, the Commissioners may file a notice in the office of the Recorder of Deeds in any case where public assistance in the form of old-age assistance or aid to the disabled is granted to any person under this Act, and such notice shall constitute and have the effect of a lien in favor of the District against the real and personal property of such person for the amount of such public assistance which theretofore has been granted or which may thereafter be granted to, or on behalf of, such persons. Any such lien may be enforced by a proceeding filed in the United States District Court for the District of Columbia. The Commissioners shall file in the office of the Recorder of Deeds a release of any such real and personal property from the effect of such lien whenever there has been repaid to the District the amount of the public assistance theretofore granted to, or on behalf of, such person. The Commissioners are also authorized to release any such lien when in their judgment they deem it appropriate to do so. Such notices and releases may be filed without payment of fees.

(c) If the District collects from any recipient of public assistance in the form of old-age assistance or aid to the disabled or from his estate, or otherwise, any amount with respect to public assistance furnished him under this Act, or under any Act repealed by this Act, the pro rata share to which the United States is equitably entitled shall be paid to the United States in accordance with the provisions of the Social Security Act, as amended (42 U.S.C. 303, 603, 1203, 1353). The pro rata share due the District shall be deposited as miscellaneous receipts to the credit of the District.

RESPONSIBLE RELATIVES

Sec. 19. (a) The husband, wife, father, mother, or adult child of a recipient of public assistance, or of a person in need thereof, shall, according to his ability to pay, be responsible for the support of such person. Any such recipient of public assistance or person in need hereof or the Commissioners may bring an action to require such husband, wife, father, mother, or adult child to provide such support and the court shall have the power to make orders requiring such husband, wife, father, mother, or adult child to pay to such recipient of public assistance or to such person in need thereof such sum or sums of money in such installments as the court in its discretion may direct and such orders may be enforced in the same manner as orders for alimony.

(b) The Commissioners shall be empowered on behalf of the District to sue such husband, wife, father, mother, or adult child for the amount of public assistance granted under this Act or under any Act repealed by this Act to such recipient or for so much thereof as such husband, wife, father, mother, or adult child is reasonably able to pay.

(c) All suits, actions, and court proceedings under this section shall be brought in the domestic relations branch of the municipal court for the District of Columbia. To the extent applicable, the provisions of the Act entitled "An Act to establish a domestic relations branch in the municipal court for the District of Columbia, and for other purposes", approved April 11, 1956, shall be followed in suits, actions, and proceedings brought pursuant to this section.

PAYMENT OF EXPENSES

Sec. 20. All necessary expenses incurred by the District in carrying out the provisions of this Act shall be disbursed in the same manner as other expenses of the District are disbursed.

DELEGATION OF AUTHORITY

Sec. 21. The Commissioners are authorized to make provisions for delegation and subdelegation of any function vested in them by this Act to any agency, officer, or employee of the District.

VOLUNTARY SERVICES

Sec. 22. The Commissioners are authorized to accept voluntary services in administering the provisions of this Act. Such voluntary services shall not create any obligation against the District.

APPROPRIATIONS

Sec. 23. (a) The Commissioners shall include in their annual estimates of appropriations such sums as may be needed to carry out the provisions of this Act.

(b) Unobligated balances of appropriations for the Department of Public Welfare are hereby made available for the purposes of this Act.

REPEALS

Sec. 24. The following Acts are hereby repealed: The Act entitled "An Act to provide aid to dependent children in the District of Columbia", approved June 14, 1944 (58 Stat. 277); the Act entitled "An Act to amend the code of laws for the District of Columbia in relation to providing assistance against old-age want", approved August 24, 1935 (49 Stat. 747); and the Act entitled "An Act to provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor", approved August 24, 1935 (49 Stat. 744), as amended. Notwithstanding such repeal, all claims of the District of Columbia for recovery of amounts expended for aid or assistance granted under such repealed Acts which it now has, or which would have accrued had such Acts not been repealed, shall be recoverable in the same manner and to the same extent as such amounts would be recoverable had such aid or assistance been granted under the provisions of this Act.

REORGANIZATION

Sec. 25. This Act shall not be considered as affecting the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824), and the performance of any function vested by said plan in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners shall continue to be subject to delegation by said Board of Commissioners in accordance with section 3 of such plan. Any function vested by this Act in any agency established pursuant to such plan shall be deemed to be vested in said Board of Commissioners and shall be subject to delegation in accordance with such plan.

VALIDITY

Sec. 26. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 27. Except as otherwise provided in this Act, the provisions of this Act shall take effect on the first day of the second month following the date of enactment.

With the following committee amendments:

On the first page, line 4, strike "1961" and insert "1962".

Page 2, line 8, strike "Functions of Commissioners" and insert in lieu thereof "Categories and administration of public assistance".

Strike lines 9 through 25 on page 2, and lines 1 through 8 on page 3, and insert in lieu thereof the following:

"Sec. 3. (a) The following categories of public assistance are hereby established:

"(1) Old-age assistance;
"(2) Medical assistance for the aged;
"(3) Aid to the blind;
"(4) Aid to the disabled;
"(5) Aid to dependent children; and
"(6) General public assistance.

"(b) This act shall be administered by the Commissioners who shall—

"(1) provide for maximum cooperation with other agencies rendering services to maintain and strengthen family life and to help applicants for public assistance and recipients to attain self-support or self-care;

"(2) establish and enforce such rules and regulations as may be necessary or desirable to carry out the provisions of this Act;

"(3) cooperate in all necessary respects with agencies of the United States Government in the administration of this Act, and accept any funds, goods, or services payable to the District for public assistance and for administering public assistance;

"(4) enter into reciprocal agreements with any State relative to the provision of public assistance to residents and nonresidents."

Page 3, lines 18 and 19, strike "the Commissioners pursuant to this Act", and insert in lieu thereof, "this Act: *Provided*, That no person shall be eligible for old-age assistance established by category number 1, subsection (a) of section 3 of this Act, unless he has resided in the District for five years or more within the nine years immediately preceding application for such assistance, and who has resided continuously for one year immediately preceding the said application."

Page 4, strike lines 3 through 5.

Page 4, line 7, strike "on July 1, 1961", and insert in lieu thereof "upon enactment".

Page 6, line 16, strike "sixty", and insert in lieu thereof, "thirty".

Page 6, line 20, after the word "necessary", insert a comma and the following language: "but in every case the Commissioners shall make such reconsiderations at least once in each year".

Page 10, line 2, immediately after the word "entitled", insert a comma and the following language: "or in excess of that to which he is entitled".

Page 10, line 3, immediately after the word "sum", insert a comma and the following language: "or if continued on assistance, shall have future grants proportionately reduced until the excess amount received has been repaid".

Mr. McMILLAN. The Speaker, I offer an amendment to the committee amendments.

The Clerk read as follows:

Amendment offered by Mr. McMillan to the committee amendments: On page 3, strike line 13 and renumber categories 3, 4, 5, and 6 appearing in lines 14 to 17, as categories 2, 3, 4, and 5, respectively.

Page 11, line 18, strike "an" and insert "any".

Page 12, line 7, strike "Medical Assistance for the Aged,".

The amendment to the committee amendments was agreed to.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that after the passage of each bill that the subcommittee chairman and I be permitted to extend our remarks in explanation of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker—the purpose of this bill—as is set forth in House Report 2447—is to accomplish the following:

First. Consolidate into one act, present statutes governing the granting of public assistance in the District of Columbia. At the present time public assistance is administered in the District of Columbia under the following separate laws:

Old-age assistance: An act to amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want, approved August 24, 1935; 49 Stat. 747; District of Columbia Code, sections 46–201 and the following.

Aid to the blind: An act to provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor, approved August 24, 1935; 49 Stat. 744; District of Columbia Code, sections 46–101 and the following.

Aid to dependent children: An act to provide aid to dependent children in the District of Columbia, approved June 14, 1944; 58 Stat. 277; District of Columbia Code, sections 32–751 and the following.

Aid to the permanently and totally disabled: Based on same authority as general assistance, below.

General assistance: Authorized in recent appropriation acts for the District of Columbia; for example, in the Appropriation Act for 1960, item for Department of Public Welfare includes "relief and rehabilitation of indigent residents."

Second. Establish existing categories of public assistance in one act and require a residency of 1 year immediately preceding application for assistance in categories 2 through 5, but retain the residency requirement in existing law for category No. 1 (old-age assistance).

Third. Make uniform the provisions of all categories of assistance respecting the responsibility of relatives to contribute to the support of the applicant: first, at present, the spouse, father, mother, child, or grandchild living in the District of Columbia are held to be responsible for the support of the needy relative in proportion to their means and ability in the old-age assistance and aid to the blind laws. There is no such provision in the general assistance, aid to the disabled, and aid to dependent children categories of public welfare assistance. The bill would require the husband, wife, father, mother, or adult child of a recipient of public assistance or of a person in need of public assistance to be responsible for the support of that needy person in proportion to the ability of the relative to contribute to his support; second, the recipient of assistance or a person in need of assistance or the Commissioners may bring legal action to require support from the designated relatives (sec. 19). Under existing laws only the District of Columbia is empowered to sue responsible relatives; and, third, orders for support may be enforced in the same manner as orders for alimony in divorce cases (sec. 19). Under present law covering old-age assistance and aid to the blind, suit can be brought only to recover the amount of assistance already paid out.

Fourth. Permit the Commissioners of the District of Columbia to prescribe by regulation the periods of time which may elapse in each category of assistance prior to a reinvestigation of the recipient's financial and physical circumstances, but requires that they make such reconsideration in each case at least once in each year. Present law does not permit the flexibility in this regard desired by the Commissioners.

Fifth. In addition, the proposed legislation would authorize or accomplish the following actions or objectives which the Commissioners, under existing laws, cannot perform or can perform only in part: First, entering into reciprocal agreements with any State for the provision of public assistance to residents and nonresidents (sec. 3(e)); second, penalties for fraud in obtaining public assistance are prescribed (sec. 17). Such provision is contained at present only in the old-age assistance, aid to the blind, and aid to dependent children laws. Cases of alleged fraud in the other categories of assistance must be prosecuted under the crime of obtaining money under false pretense; and third, the Commissioners are authorized to accept voluntary services in administering the provisions of the act. There is no such provision in present substantive law (sec. 22).

A hearing was held on this bill on September 14, 1962, by a subcommittee of the House District Committee, at which time a representative of the Corporation Counsel appeared and testified and also presented certain testimony from the Commissioners favoring this legislation. The Director of the Department of Public Welfare also appeared and testified in favor of the legislation. No one appeared in opposition to the legislation. The committee has been informed by the Commissioners of the District of Columbia that enactment of this bill would not entail any additional cost to the District of Columbia.

Mr. McMILLAN. Mr. Speaker, at this time I yield to the gentleman from Kentucky [Mr. BURKE].

AMENDING THE DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

Mr. BURKE of Kentucky. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 13163) to amend the District of Columbia Redevelopment Act of 1945, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Redevelopment Act Amendments of 1962".

SEC. 2. Section 2 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-701) is amended to read as follows:

"FINDINGS AND DECLARATIONS OF NECESSITY

"SEC. 2. It is hereby found and declared, as a matter of legislative determination, that—

"(a) there exists in the District of Columbia residential and nonresidential slum areas and blighted areas which (1) contribute substantially to the spread of disease and crime, (2) impose severe public economic and social liabilities, and (3) impair, arrest, or prevent the sound growth, development, or redevelopment of the District of Columbia, thereby constituting serious and growing threats to the public health, safety, morals, and welfare of the inhabitants of the District of Columbia;

"(b) the elemination of such slum and blighted areas and the prevention of the creation, spread, or increase of such areas in the District of Columbia cannot be accomplished solely by regulatory processes in the exercise of the police power, and cannot be dealt with effectively through the normal operations of private enterprise or without the aids provided for herein;

"(c) in order to eliminate such areas, and to eliminate or prevent the occurrence of the conditions which create or contribute to the spread or increase of such areas, it is essential that the development or redevelopment of any such area shall be planned as an entirety, and that, to protect and promote the public health, safety, morals, and welfare, and to facilitate the sound growth, development, and redevelopment of the District of Columbia, the comprehensive plan for the National Capital, prepared by the National Capital Planning Commission, shall serve as the general framework and guide within which the development or redevelopment plans for such areas and for projects to be undertaken in such areas are to be reviewed and evaluated;

"(d) it is the public policy of the United States to promote and protect the public health, safety, morals, and welfare of the inhabitants of the District of Columbia, and the sound growth, development, and redevelopment of the District of Columbia, through the elimination of such slum and blighted areas as rapidly as feasible, including the elimination and prevention of buildings for human habitation in alleys, and prevention of the creation, spread, or increase of such areas, by the employment of the powers granted by this Act, for the accomplishment of such public purpose;

"(e) the acquisition and the assembly of real property and the leasing and sale thereof for redevelopment pursuant to a project area redevelopment plan, all as provided in this Act, is hereby declared to be a public use;

"(f) the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the enactment of such provisions is necessary in the public interest."

SEC. 3. Section 3 of such Act (D.C. Code, sec. 5-702) is amended (1) by striking out "an area" in subsection (j) which defines "project area" and inserting in lieu thereof "a slum or blighted area"; and (2) by amending subsection (r) to read as follows:

"(r) 'Slum area' or 'blighted area' is a residential or nonresidential area, or combination thereof, in which there exists one or a combination of factors of such extent or nature as to contribute substantially to the spread of disease or crime, impose severe public economic or social liabilities, or impair, arrest, or prevent the sound growth, development, or redevelopment of the District of Columbia, and as to result in a serious and growing threat to the public health, safety, morals, or welfare, which factors may include the following: Buildings which are deteriorating, dilapidated, obsolete, overcrowded, lacking light or adequate ventilation, inadequately provided with sanitary facilities, or in which there exist conditions endangering life or property by fire or other causes; and improved or unimproved land as to which there appears to be no reasonable prospect, without the aids herein provided, of development or redevelopment in the foreseeable future."

SEC. 4. Section 6 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-705) is further amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, the District Commissioners shall not approve any project area after the date of enactment of this subsection if such approval would result in the existence at any one time of more than five project areas which are predominantly residential having been approved in each of which areas there has not been physical completion in accordance with the redevelopment plan for such area more than 50 per centum of all buildings (both new construction and rehabilitation of existing structures) within the project area, and the Commissioners shall not adopt any project area after the date of enactment of this subsection if such adoption would result in the existence at any one time of more than one project area which is predominantly nonresidential having been approved in which there has not been physical completion in accordance with the redevelopment plan for such area of more than 50 per centum of all buildings (both new construction and rehabilitation of existing structures) within the project area."

SEC. 5. Subsection (c) of section 7 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–706(c)) is amended to read as follows:

"(c)(1) It is the purpose and intent of this subsection to assure that, to the maximum extent practicable, any sale or lease by the agency of real property in an urban renewal area shall be made to the highest responsible bidder after public competition as to the price or rent to be paid therefor by the person or persons submitting offers to the agency to purchase or lease the same.

"(2) Prior to the sale or lease of any such property, or the making of any contract to sell or lease the same, the Agency shall publish, in a newspaper or newspapers having general circulation in the District, a notice of its intention so to do. Such notice shall be published not less than thirty days prior to the date specified therein for the submission of proposals, and shall—

"(A) contain a general description of such property;

"(B) indicate the use or uses to which, under the urban renewal plan, such property must be devoted and the limitations and restrictions which, under such plan, are to be applicable to any improvements to be constructed on such property;

"(C) state that such further information as is available in respect of such property may be obtained at the office of the Agency at the address of the same as set forth in such notice;

"(D) invite any interested person to submit to the Agency, by a date to be specified in such notice (which date shall not be less than thirty days from the date of the publication of such notice), a proposal to purchase or lease such property for use or development in accordance with the urban renewal plan; and

"(E) require that any such proposal shall set forth the price or rent to be paid for the purchase or lease of the property.

"(3) The Agency shall consider all proposals received by it and (A) shall award the sale or lease of such property to the person or persons (among those whom the Agency determines would be able, on the basis of experience, past performance, and financial qualifications, to carry out the redevelopment of the property in accordance with the redevelopment plan) offering to pay the highest price or rent for the purchase or lease of such property, or (B) shall reject all proposals.

"(4) The Agency shall dispose of all real property in any urban renewal area pursuant to paragraphs (2) and (3) of this subsection, except only the following:

"(A) Such real property as, under the urban renewal plan, is to be devoted to—

"(i) public use, or

"(ii) eleemosynary use (such as church, hospital, educational, or similar use); and

"(B) Such other real property as the Agency by resolution shall determine is to be sold, conveyed, or leased (i) on a priority basis to persons or business concerns displaced from an urban renewal area, (ii) to the owner or owners of adjacent real property who will not be able to retain their property and comply with the urban renewal plan unless they acquire the property to be so sold, conveyed, or leased; (iii) to persons who under the urban renewal plan are required by the Agency to develop low cost and middle income family housing to be sold for not more than $20,000 per family housing unit or to be rented for not more than $33 per room, excluding utilities, if the Agency determines that such person would not be able to comply with such requirements unless the sale, conveyance, or lease is exempt from paragraphs (2) and (3) of this subsection; or (iv) to the owner or owners from whom such property was acquired by the Agency under an agreement to subject the same to the covenants and requirements of the urban renewal plan and reconvey the same to such owner or owners.

"(C) All dispositions of property exempt from paragraphs (2) and (3) of this subsection shall be at not less than the fair market value thereof."

SEC. 6. Subsection (i) of section 7 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–706(i)) is amended to read as follows:

"(i) Each owner of a commercial or industrial business displaced from a project area shall have priority of opportunity to purchase or lease, within such reasonable time as the Agency by general regulation shall establish, any property within the project area which is to be redeveloped for the same or similar commercial or industrial use as that in which such owner was engaged at the time of such displacement: *Provided*, That such purchase or lease shall be at the fair market value of such property as established by the Agency. If there are more owners having such priority than there are properties subject to the priority herein provided for, (1) such properties shall be disposed of to the highest bidders from among such owners, and (2) no owner shall be eligible to acquire thereby more than one such property in the project area."

SEC. 7. Section 7 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–706) is amended by adding at the end thereof the following new subsection:

"(j) No standard for rehabilitation or other renovation shall be imposed on any structure which is in existence at the time the redevelopment plan is adopted and which is to be rehabilitated or otherwise renovated in a project area unless such standard is equally imposed on all structures of that type in the District of Columbia."

SEC. 8. Subsection (a) of section 8 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–707(a)) is amended to read as follows:

"(a) The District Commissioners shall not approve any redevelopment plan under subsection (b) of section 6 of this Act, unless they make a finding supported by substantial evidence that there is or will be decent, safe, and sanitary housing available (1) at rents or prices within the reach of low income families displaced or to be displaced (temporarily or permanently) by reason of the redevelopment plan from the project area, and (2) in numbers substantially equal to the number of substandard dwelling units to be removed or demolished within the project area under the proposed redevelopment plan."

With the following committee amendments:

Page 4, line 6, immediately after the word "slum" insert the word "area".

Page 5, strike out line 1 and all that follows down through and including line 18 on page 10.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like for the gentleman from Kentucky to give me a brief explanation of paragraph (b) on page 8 of this bill.

Mr. BURKE of Kentucky. If the gentleman will yield, paragraph (b) on page 8, together with all material following line 24 on page 4, has been stricken by the committee amendment.

Mr. GROSS. By the amendment just offered by the gentleman?

Mr. BURKE of Kentucky. Yes.

Mr. GROSS. Mr. Speaker, I yield back the balance of my time.

Mr. BURKE of Kentucky. Mr. Speaker, the pending bill, H.R. 13163, as amended by the House District Committee, is limited for the purpose of meeting what was described to the committee as an emergency situation. The purpose of the bill is to amend the District of Columbia Redevelopment Act to authorize the use of urban renewal procedures in predominantly nonresidential areas of Washington and to provide a definition for the terms "slum" and "blight" as applied to buildings in these urban renewal areas.

The District of Columbia Redevelopment Act was approved in 1946. That act established the Redevelopment Land Agency which was authorized to eliminate substandard housing in slum areas including dwellings in alleys in the District. The Congress has not yet provided authority to the Agency to use the powers of the act in nonresidential areas.

The most recent comprehensive amendments to the Redevelopment Act were carried in the Rabaut bill—H.R. 8697—of the 86th Congress which was approved in the House by a 10-to-1 margin. That bill carried many provisions designed to improve the operation of the urban renewal program in Washington. The Senate District Committee tabled the Rabaut bill and ordered an investigation of the operation of the Redevelopment Land Agency. The Senate District Committee investigation has not been completed yet.

During the present Congress, the House District Committee has given much time to the consideration of legislation which would have rewritten the present Redevelopment Act. The provisions authorizing urban renewal in nonresidential areas and the new definitions of "slum" and "blight" in the pending bill were among numerous substantive changes in law proposed in legislation pending before the committee.

The urgent need for the new authority, provided in the pending bill, is to encourage the continuation of preliminary studies being conducted in anticipation of the use of urban renewal powers in nonresidential areas. Since the House District Committee has received no objections to the use of such authority and desires not to discourage the studies being made privately, favorable action on the bill is recommended.

In 1959 a private effort was launched to make preliminary studies for the improvement of the central business district of Washington. Civic leaders and businessmen established the Downtown Progress Committee for this purpose. Except for some assistance from the District government, the work of that committee has been financed by private contributions. It has already spent more than $500,000 of private funds in making surveys, estimates, and in the preparation of plans. These expenditures have been made in anticipation of the Congress granting authority to the Redevelopment Land Agency to undertake urban renewal projects in nonresidential areas. If the Agency continues to be without this authority, the work of the Downtown Progress Committee might have to be discontinued. The approval of the pending bill will give assurance to that committee that the Redevelopment Agency and the Commissioners in due time may properly consider urban renewal proposals for the downtown business area.

The fact that the House District Committee struck sections 4 through 8 from the bill in no way implies any rejection of those provisions. Likewise, the elimination of those sections by amendment should not be construed by the Agency or Commissioners that procedures to which these sections were directed are considered fully satisfactory by the committee. These proposed changes in law, and others suggested to the District Committee, should receive early attention in the next Congress. It is to enable prompt action before adjournment of this Congress that this limited bill is recommended for approval by the House.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. Whitener], chairman of Subcommittee No. 5.

PROHIBIT USE OF CERTAIN NAMES OR EMBLEMS IN THE DISTRICT OF COLUMBIA

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (S. 2795) to prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person engaged in the business of collecting or aiding in the collection of private debts or obligations, or engaged in furnishing private police, investigation, or other private detective services, shall use as part of the name of such business, or employ in any communication, correspondence, notice, advertisement, circular, or other writing or publication, the words "District of Columbia", "District", or "Municipal", the initials "D.C.", or any emblem or insignia utilizing any of the said terms as part of its design, in such manner as reasonably to convey the impression or belief that such business is a department, agency, bureau, or instrumentality of the municipal government of the District of Columbia or in any manner represents the District of Columbia. As used in this Act, the word "person" means and includes individuals, associations, partnerships, and corporations.

Sec. 2. Any person who violates this Act shall be punished by a fine of not more than $300 or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

Sec. 3. All prosecutions for violations of this Act shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District of Columbia, by whatever title such attorney may be known, designated by the Board of Commissioners of the District of Columbia to perform the functions prescribed for the Corporation Counsel in this Act.

With the following committee amendment:

Page 2, line 3, delete "or 'Municipal',".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DELEGATING FUNCTION OF APPROVING CONTRACTS IN DISTRICT OF COLUMBIA

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 1651) to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding $100,000, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of Reorganization Plan Numbered 5 of 1952 is amended by striking "$25,000" and inserting in lieu thereof "$100,000".

With the following committee amendments:

In the title, delete "$100,000" and insert in lieu thereof "$50,000".

In line 5, delete "$100,000" and insert in lieu thereof "$50,000".

The amendments were agreed to.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the purpose of this bill—as is set forth in House Report No. 2365—is to amend subsection (b) of section 3 of Reorganization Plan No. 5 of 1952 (66 Stat. 826) in order to permit the Commissioners of the District of Columbia to delegate the function of approving contracts not involving amounts in excess of $50,000.

The act of December 20, 1944, authorized the Commissioners of the District of Columbia to appoint contracting officers with power to enter into contracts on behalf of the District, provided that contracts involving more than $1,000 must be approved by the Commissioners in order to bind the District.

An act approved August 16, 1949, increased to $3,000 the limit of the contracting authority of the contracting officers.

Reorganization Plan No. 5, submitted by the President to the Congress on May 1, 1952, pursuant to the Reorganization Act of 1949, provided that the Commissioners shall not delegate the function of approving any contract in excess of $25,000.

In recent years, however, the number of contracts involving more than $25,000 has increased greatly, as is shown in the following table:

Fiscal year	Number of contracts in excess of $25,000	Number of contracts in excess of $25,000, but less than $50,000	Total obligations under District of Columbia contracts
1957	107	34	$37,000,000
1960	182	57	69,000,000
1962	204	52	109,000,000

The third column in the above table indicates the degree to which the proposed bill would relieve the Commissioners of the burden imposed by the increasing number of contracts involving amounts greater than $25,000. The Board of Commissioners has advised this committee also that the increased authority which they would be empowered to delegate to the District's contracting officers would have administrative time and expense, and would result in expediting contract awards, thereby making new facilities, equipment, and supplies available for District operations at an earlier date.

Enactment of this legislation will involve no additional expenditure on the part of the District of Columbia government.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding $50,000."

A motion to reconsider was laid on the table.

SMALL CLAIMS AND CONCILIATION BRANCH, DISTRICT OF COLUMBIA MUNICIPAL COURT

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 12417) to amend the act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (g) of section 5 of the Act entitled "An Act establishing a small claims and conciliation branch in the municipal court of the District of Columbia for improving the administration of justice in small cases and providing assistance to needy litigants, and for other purposes", approved March 5, 1938, as amended (52 Stat. 105, D.C. Code, 1961 edition, sec. 11–805(g)), is amended by inserting after the word "action" a colon and the following: "*Provided*, That where in any case controlled by any other statute a greater or lesser time for hearing is specified by such other statute, such other specified period of time shall be controlling".

Sec. 2. The second sentence of subsection (g) of section 5 of such Act is amended by striking "herein" and inserting in lieu thereof "therein".

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the purpose of this bill—as is set forth in House Report No. 2363—is to correct an inconsistency between two provisions of law relating to actions in the small claims and conciliation branch of the municipal court for the District of Columbia.

Subsection (g) of section 5 of the act creating the small claims and conciliation branch in the municipal court for the District of Columbia (act of Mar. 5, 1938, as amended, 52 Stat. 105), which relates to time for hearing of small claims, provides:

> (g) The clerk shall furnish the plaintiff with the memorandum of the day and hour set for the hearing, which time shall be not less than 5 nor more than 15 days from the date of the filing of the action. All actions filed in this branch shall be returnable herein.

However, section 7 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (68 Stat. 123), provides in part as follows:

> Sec. 7. Service of Process on Nonresident.
>
> * * * * *
>
> The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least twenty days shall have elapsed after service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the Commissioners.

The District of Columbia has occasion to file a relatively large number of cases against nonresident motorists in the small claims branch of the municipal court, and in these cases, in view of the conflicting provisions of law quoted above, the question has arisen as to which statutory period of time is applicable.

Presently, the clerk of the small claims branch sets as return day for all actions the 14th day from the date on which suit is filed, in accordance with the statute governing the operations of the small claims branch. However, in motor-vehicle operation cases involving nonresident defendants, it is frequently necessary for the plaintiff to secure a continuance on the return date to comply with the longer time limitation of the Safety Responsibility Act. Thus, the plaintiff's attorney and the court's clerical staff are burdened with the work of providing two, and sometimes three, trial dates in the same case.

H.R. 12417 seeks to reconcile the inconsistent provisions of these two statutes by the simple expedient of amending the act establishing the small claims and conciliation branch of the municipal court, to provide that the 15-day maximum period between the date of filing of an action and the date of hearing shall not apply in any case controlled by another statute specifying a greater or lesser period of time.

At a public hearing held on August 10, 1962, the Board of Commissioners of the District of Columbia expressed their approval of this bill. We were informed also that the board of judges of the municipal court for the District of Columbia had voted unanimously to support the proposed legislation. No opposition to the bill was expressed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INVESTMENT OF FUNDS OF INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 12690) to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman, are these securities issued by the Inter-American Bank, guaranteed?

Mr. WHITENER. The purpose of this legislation is to authorize, not require, domestic insurance companies to invest their moneys in the obligations of the Inter-American Development Bank. Whether they are guaranteed or not I am unable to say. But I will say that the insurance company would not be under any obligation to make these investments unless it was deemed by the company to be a sound investment.

Mr. GROSS. The gentleman knows that back in the 1920's there was a very heavy sale of South American securities in this country. Those securities were defaulted on or became nearly worthless and a substantial number of our citizens were left holding the sack. I hope the insurance companies will have a better experience with this system of financing through the Inter-American Bank than did the citizens of this country back in the 1920's. And I would ask, since I understand the bill S. 3358 is to be substituted, if S. 3358 is devoted exclusively to the subject matter of the House bill, H.R. 12690.

Mr. WHITENER. The language of S. 3358, as far as I know, is not inconsistent with the language of the House bill.

Mr. GROSS. I was unable to obtain a copy of the Senate bill. I am glad to have that assurance from the gentleman.

Mr. WHITENER. I might say, from a casual examination of S. 3358, which I have just received myself, that it appears to me the two bills are identical in language. I might say to the gentleman that based upon our observation of the insurance industry in the District of Columbia and the regulatory organization in the District that I feel certain this bill will not result in any unfortunate experience as far as investment is concerned.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 35(1) of chapter III of the Act of June 19, 1934 (48 Stat. 1152, as amended; D.C. Code, title 35, sec. 535(1)), is amended to read as follows:
>
> "(1) Bonds, notes, or other evidences of indebtedness of the United States, any State, territory, or possession of the United States, the District of Columbia, the Dominion of Canada, any Province of the Dominion of Canada, or of any administration, agency, authority, or instrumentality of any of the political units enumerated; or obligations issued or guaranteed as to principal and interest by the International Bank for Reconstruction and Development or by the Inter-American Development Bank."
>
> Sec. 2. Section 18(1) of chapter II of the Act of October 9, 1940 (54 Stat. 1072; D.C. Code, title 35, sec. 1321(1)), is amended to read as follows:
>
> "(1) Bonds or other evidences of indebtedness of the United States, or of any State; or of the Dominion of Canada, or of any Province thereof; or obligations issued or guaranteed as to principal and interest by the International Bank for Reconstruction and Development or by the Inter-American Development Bank".

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the purpose of the bill—as is set forth in House Report No. 2364—is to permit insurance companies organized in the District of Columbia to invest funds in obligations—bonds, notes, or other evidence of indebtedness—of the Inter-American Development Bank, if the companies find them to be desirable investments. Bonds of the said Bank are now approved investments for insurance companies in 15 States.

At the present time, domestic District insurance companies are permitted to invest funds in obligations of the United States, any State, territory, or possession of the United States, the District of Columbia, or of any administration, agency, authority, or instrumentality of any of the political units enumerated, or in obligations issued or guaranteed as to principal and interest by the International Bank for Reconstruction and Development. Under the reported bill, the Inter-American Development Bank would be added to this list in the acts of June 19, 1939, and October 9, 1940—48

Stat. 1152, D.C. Code, section 35-535(1); 54 Stat. 1072, D.C. Code, section 35-1321(1).

Passage of the bill is urged by the administration as a further aid in the channeling of private capital into Latin America, and to assist in achieving the objectives of the Alliance for Progress for the social-economic development of that area. The letter of the Secretary of the Treasury, Hon. Douglas Dillon, as Chairman of the National Advisory Council for International Monetary and Financial Problems and as U.S. Governor of the Inter-American Development Bank, sponsoring this legislation, is made a part of this report. No objection to the bill was expressed at the public hearing held on August 10, 1962.

HISTORY

The Inter-American Development Bank—an official international financial institution—was organized to accelerate the economic development of the American Republics. It was created by an agreement signed in Washington on April 8, 1959, setting forth the Articles of Agreement (T.I.A.S. No. 4397). Members of the Bank are governments; membership of the United States in the Bank was authorized by the Inter-American Development Bank Act, approved August 7, 1959 (73 Stat. 299; 22 U.S.C. sec. 283, Supp. II, 1959-60). Other members are the other Republics of the Western Hemisphere, with the exception of Cuba. The voting in the Bank's Board of Governors and in the Board of Executive Directors is based on the amount of stock held by the members. The U.S. vote is 41 percent.

The Bank must rely on the world's capital markets in financing its activities, and to this end issues securities which are backed by its reserves and its callable capital, of which the U.S. shares $200 million, which has been appropriated by Congress and is available should the need ever arise to respond to call by the Bank.

Its authorized capital stock is $850 million. Of the total capital stock actually subscribed—$813,160,000 since Cuba did not become a member—$381,580,000 is to be paid in, and $431,580,000 is callable to meet obligations on borrowings or guarantees made by the Bank chargeable to its ordinary capital resources. In effect, the callable capital serves as a guarantee for purchasers of securities floated by the Bank in private capital markets. The arrangements with respect to the capital stock are identical in principle with those of the International Bank for Reconstruction and Development, which was created as an outgrowth of the United Nations Monetary and Financial Conferences at Bretton Woods in 1944, having a membership of 75 countries, and created to make loans to member governments or guaranteed by member governments for sound productive projects for which private capital on reasonable terms is not available.

PRECEDENT

The act of July 19, 1954—68 Stat. 494—amended the District of Columbia Code—title 35, sections 535(1) and 1321(1)—to permit investment of insurance company funds in securities issued or guaranteed by said International Bank for Reconstruction and Development, which has sold large amounts of its securities in the capital markets of the United States.

H.R. 12690 would merely amend the said provisions of the District of Columbia Code to extend such investment eligibility to the securities issued or guaranteed by the Inter-American Development Bank. These securities will be backed not only by the Bank's reserves, but also by the liabilities of the member countries upon their respected callable capital subscription.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, (S. 3358) to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35(1) of chapter III of the Act of June 19, 1934 (48 Stat. 1152, as amended; D.C. Code, title 35, sec. 535(1), is amended to read as follows:

"(1) Bonds, notes, or other evidences of indebtedness of the United States, any State, territory, or possession of the United States, the District of Columbia, the Dominion of Canada, any Province of the Dominion of Canada, or of any administration, agency, authority, or instrumentality of any of the political units enumerated; or obligations issued or guaranteed as to principal and interest by the International Bank for Reconstruction and Development or by the Inter-American Development Bank."

SEC. 2. Section 18(1) of chapter II of the Act of October 9, 1940 (54 Stat. 1072; D.C. Code, title 35, sec. 1321(1)), is amended to read as follows:

"(1) Bonds or other evidences of indebtedness of the United States, or of any State; or of the Dominion of Canada, or of any Province thereof; or obligations issued or guaranteed as to principal and interest by the International Bank for Reconstruction and Development or by the Inter-American Development Bank."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The proceedings whereby the bill H.R. 12690 was passed were vacated, and that bill was laid on the table.

REGISTRATION OF NURSES IN DISTRICT OF COLUMBIA

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 12964) to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended, with respect to the minimum age limitation for registration, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I agree that the age limit ought to be lowered from 21 to 19 years, but why do you put any minimum age in this bill? Why should not the registration of a nurse be on the basis of education, training, and other qualifications?

Mr. WHITENER. This legislation came to the Committee on the District of Columbia with the recommendation of the Nurses' Association that the minimum age be reduced from 21 to 19. I am not acquainted with the reason the minimum age was established at 21 at the time it was so established, but as to the lowering of the age limit, it seems that some of these young women are finishing their nursing training before they are old enough to apply for their registration.

Mr. GROSS. I thoroughly agree with the removing the 21-year age limit, but I cannot understand why there is any age limit at all.

Mr. WHITENER. I imagine that 19 years of age is about low enough for a nurse. I do not know.

Mr. GROSS. I would not care if they were 16 years old if they were nursing me and if they were qualified, I would say to the gentleman.

Mr. WHITENER. I would just say I have no comment on that.

Mr. GROSS. I have an amendment to strike out the minimum age limit but I am not going to press it. However, I cannot for the life of me understand why any age should be the controlling factor. It ought to be qualification and ability to do the work.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and fourth sentences of section 4 of the Act of February 9, 1907, entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia" (D.C. Code, sec. 2-404), as amended, are amended by striking "twenty-one" wherever it appears therein and inserting, in lieu thereof, "nineteen".

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the purpose of this bill—as is set forth in House Report No. 2446—is to lower the minimum age for registered nurses in the District of Columbia from 21 to 19 years.

The original statute providing for the registration of graduate nurses in the District of Columbia, enacted February 9, 1907, specified that "No nurse shall be registered in the District of Columbia who has not attained the age of twenty-one years." It is provided also that no applicant may take the examination for licensure in the District unless she is 21 years of age or will attain that age within 6 months after the date set for the examination.

Until a few years ago, we are informed, students under 18 years of age were not admitted to schools of nursing, and therefore were not being graduated below the age of 21. Thus, the abovementioned statute posed no problem. However, as high schools began graduating persons of 16 and 17 years, the admission age to schools of nursing was lowered to 17 years. Also, diploma programs have decreased in length from 36 months to 32 and 33 months, which has increased the problem relating to age.

According to "Facts of Nursing," published by the American Nurses' Association, 20 States presently have no minimum age requirement for registration of nurses; and the age requirements in the other States, with the exception of North Dakota and the District of Columbia, range from 18 to 20 years.

The disadvantages to the District of Columbia resulting from this situation are twofold. First, it handicaps local recruitment of the best qualified students. The better students graduate from high school at an earlier age, and they prefer to take their nursing training in jurisdictions which allow them to become registered immediately upon completion of their training program. Second, the younger student who does decide to take her nursing training course in the District of Columbia must go to the additional expense of taking her licensing examination in another jurisdiction. This will qualify her to practice as a registered nurse in that locality, whereas she is prohibited from registration and practice in the District of Columbia until she become 21 years of age. The result is that such nurses usually remain elsewhere to work, and the District thus loses the services of many young registered nurses.

At a public hearing conducted on September 17, 1962, testimony in favor of this bill was presented by the Board of Commissioners of the District of Columbia, the Capital City School of Nursing, the Washington Hospital Center School of Nursing, and the Graduate Nurses' Association of the District of Columbia. No opposition was expressed.

Passage of this bill will not involve additional expense to the District of Columbia government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA MUNICIPAL THEATER

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the joint resolution (H.J. Res. 865) requiring a public hearing before any theater in the District of Columbia which is suitable, and has been used, for the presentation of live drama, ballet, or opera productions may be demolished, and ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the National Symphony Orchestra management has pointed out that there is a very real likelihood that the only facilities for the performance of large musical stage works in the Nation's Capital are about to be demolished; and

Whereas the National Symphony Orchestra management has also stated that in view of the foregoing it would therefore seem prudent that Congress do what it can to avoid the hasty and irrevocable razing of those few structures which may well serve the basic needs of the citizens of this great metropolitan area; and

Whereas when Carnegie Hall in New York City was similarly threatened with destruction and demolition civic, cultural, and political leaders in New York City and State, and throughout the country, rallied and prevented its demolition: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, no theater in the District of Columbia owned by the United States may be demolished, and no permit may be issued for the demolition of any theater in the District of Columbia, unless the Commissioners of the District of Columbia shall first have held a public hearing at which any resident of the District of Columbia may offer his objections to such demolition and his suggestions, if any, for alternative courses of action.

(b) As used in this Act, the term "theater" means a theater, such as the Capitol Theater, the Keith's Theater, and the Belasco Theater which is suitable, and has been used, for the presentation of live drama, ballet, or opera productions.

With the following committee amendments:

Pages 1 and 2, strike out the preamble.

Page 2, strike out lines 3 through 16, and insert in lieu thereof the following: "That (a) the Board of Commissioners of the District of Columbia shall prepare and present to the Senate and the House of Representatives on or before February 15, 1963, feasible plans for the use as a municipal theater, as a semimunicipal theater, or for municipal purposes, and for the acquisition therefor (by purchase, gift, condemnation, lease, or otherwise), of that portion of the National Press Club Building which is located at 1326 F Street, Northwest, District of Columbia, and which is now known as Loew's Capitol Theater, and that portion of the Albee Building which is located at 619 Fifteenth Street, Northwest, District of Columbia, and which is now known as Keith's Theater. Such plans shall include detailed proposals for the operation of such property for such purposes. Such plans shall also include detailed methods for financing the acquisition and operation of such property for such purposes, including but not confined to (1) tax reduction, (2) appropriated funds of the District of Columbia, (3) private and foundation gifts and donations, and (4) combinations of such financing methods.

"(b) In order to provide the time needed by the Senate and the House of Representatives to consider adequately the detailed plans provided for in subsection (a), no permit shall be issued by the Board of Commissioners of the District of Columbia for the demolition of the Capitol Theater or the Keith's Theater, or for the conversion of such property to uses other than theater uses, until the expiration of sixty days after the date of filing of the plans provided for in subsection (a)."

The committee amendments were agreed to.

The preamble was stricken.

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, I rise in support of the joint resolutions to save the Belasco, Keith's, and Capitol theaters.

My joint resolution defines the term "theater" as meaning a theater such as the Capitol Theater, the Keith's Theater, and the Belasco Theater, which is suitable, and has been used, for the presentation of live drama, ballet, or opera productions.

I think I should point out that I introduced this measure at the request of the manager of the National Symphony Orchestra, Mr. Robert Rogers. Mr. Rogers wrote me late in August in part as follows:

> As you may know, there is a very real likelihood that the only facilities for the performance of large musical stage works in the Nation's Capital are about to be demolished. Although the proposed National Cultural Center might some day provide such facilities, this project appears at best to be in the very distant future. It would therefore seem prudent that Congress do what it can to avoid the hasty and irrevocable razing of those few structures which may well serve the basic needs of the citizens of this great metropolitan area.
>
> I append a copy of a proposed resolution. * * * I would like to recommend that you favorably consider the introduction of such a resolution, either individually or in concert with those of your colleagues who will agree with the desirability of such legislation.

Mr. Rogers also called on me in my office and assured me of his deep interest in the proposed measure. He said that the legislation would affect primarily the destiny of the Capitol, Keith's, and Belasco Theaters, and that, in the future, it might also affect the National Theater. In recent years, as he pointed out to me, the Capitol Theater has been the only auditorium suitable for the staging of grand opera and ballet, and it is at the Capitol Theater that the great productions from this country and from overseas have been presented.

Mr. Rogers has written that:

> Although the National Symphony has no direct interest in the production of operas and ballets at the present time, I believe that the destruction of our only suitable auditorium would constitute a grave loss to both the Nation and the community.

Mr. Rogers says that in this matter of saving Washington's great theaters:

> Our interest is partly civic and partly inspired by the fact that our 100 musicians depend upon employment in opera performances and ballet performances in order to make it possible for them to survive economically, since no symphony orchestra in the United States has yet arrived at the happy state where it can pay an annual wage to its musicians.

Mr. Rogers declared that the precedent for civic intervention in the proposed destruction of a concert hall was recently demonstrated in New York City, where Carnegie Hall was saved from razing by the joint efforts of citizens and the municipality.

> It would appear that such action, he said, might be favorably developed in the case of the Capitol Theater and the others mentioned, but that, particularly in the case of the Capitol, there is some urgency since the owners, for perfectly valid business reasons, are looking toward the remodeling of this structure into offices in the near future.

He ably explained the purposes of the proposed legislation this way:

> The purpose of the proposed legislation would be to use the process of a hearing to give the community both the time and a forum in order to develop valid proposals for preserving this and similar structures for the use of the citizens. This would make possible the proper review of all factors without in anyway depriving the owners of their property rights.

The 1958 act authorizing the National Cultural Center states that the Center's board of trustees shall, first, present classical and contemporary music, opera, drama, dance, and poetry from this and other countries; second, present lectures and other programs; third, develop programs for children and youth and the elderly—and for other age groups as well—in such performing arts designed specifically for their participation, education, and recreation; and, fourth, provide facilities for other civic activities.

These important cultural, educational, and recreational activities have been held up pending the raising of funds to construct a 1,200-seat theater, a 2,700-seat symphony hall, and a 2,500-seat hall for opera at a total cost now estimated at $30 million.

Let me point out that the Belasco Theater originally seated 1,400, the Keith's Theater 1,600, and the Capitol Theater 3,600.

What are we waiting for, why do we not go ahead and do the things in these three theaters authorized by the 1958 act?

I say the board of trustees has a responsibility it can no longer afford to evade and ignore to undertake an immediate and far-reaching cultural program in such facilities as the Nation's Capital already has.

This is especially important in view of the fact that according to such learned publications as the New York Times and other publications the Nation's Capital is a "hick town" and a "cultural backwater."

The facts seem clear, the vital programs authorized by the National Cultural Center Act have been held up unnecessarily by the emphasis on new buildings, and sight has been lost of the other aspects of the National Cultural Center Act.

Four long, valuable years have been lost already.

Perfectly good theaters such as the Shubert and Columbia Theaters have already been torn down for parking lots.

The Belasco, Keith's, and Capitol Theaters are slated for early demolition or conversion to other purposes.

In fact, President Kennedy is even now moving to destroy the Belasco Theater, yet during his last year in the Senate he joined seven Democratic Senators in asking President Eisenhower to save this fine theater for the city of Washington and the people of this Nation.

These Democratic Senators introduced legislation providing that the Government would convert the Belasco from its present condition and restore it to fine condition as a municipal theater.

The exact language of President Kennedy's own bill, S. 3280, which he introduced March 24, 1960, provides that the Administrator of General Services "is authorized and directed to restore the Belasco Theater to a condition at least equal to its condition at the time it was acquired by the Federal Government. The National Park Service, and the District of Columbia Recreation Department, shall advise and assist the Administrator in the restoration and management of the Belasco Theater as a municipal art center."

I think this proposal by President Kennedy is one of his more constructive proposals, and I think we should all join together to help him carry it out. My own joint resolution is designed to be of assistance along these lines.

If enacted into law these several measures will give positive aid to the advancement and development of Washington's cultural life.

We have to do a great deal more in the Nation's Capital than provide standing-room-only audiences for Soviet violinists, pianists, ballet, and opera groups. The Bolshoi Opera is in this country at this very moment.

We must move decisively at home to meet the cultural competition of the Soviet Union now, not 10 years from new.

The Bolshoi Opera has sold-out houses in New York City.

Let us have some sold-out houses in the Nation's Capital for its own opera, ballet, and theater groups, and for the very fine National Symphony Orchestra.

We must take decisive steps now to demonstrate in a public way our interest in the fine arts. Let us begin by enacting these measures into law.

President Eisenhower put these thoughts in a nutshell when he told the Congress in his 1955 message on the state of the Union that:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the purpose of this joint resolution—as is set forth in House Report No. 2475—is to require the Board of Commissioners of the District of Columbia to prepare and present to the Congress, not later than February 15, 1963, a feasible plan for the acquisition of Loew's Capitol Theater and Keith's Theater by purchase, lease, or otherwise, and for their operation as municipal or semimunicipal theaters. It is further stipulated that no permit shall be granted for the destruction of those theaters or for their conversion to other uses, until 60 days after the date on which the above-mentioned plan is submitted to the 88th Congress.

The motivation for this joint resolution is the report that these two privately owned theaters are scheduled for conversion into use for business offices.

Keith's Theater, located in the Albee Building at 619th 15th Street NW., has a seating capacity of 1,600 and is reputed to be one of the most beautiful and acoustically perfect theaters in the world. Loew's Capitol Theater is in the National Press Building, at 1326 F Street NW., and is the largest theater in the city, with a seating capacity of 3,600 persons. We are informed that Loew's Capitol is the only theater in Washington with stage facilities large enough to accommodate the presentation of the larger types of ballet and grand opera productions.

At a public hearing held on September 17, 1962, spokesmen for a number of local organizations devoted to the performing arts, including the National Symphony Orchestra, the Washington Opera Society, the Washington Ballet Guild, the Hayes Concert Bureau, and the Washington Civic Opera and Washington Civic Symphony, testified as to the need for the continuance of these two theaters as irreplaceable centers for live theatrical exhibits.

We were informed that the performing arts, such as ballet, grand opera, and theater, are more lively today than ever before, and that throughout the United States enthusiasm, activity, and patronage are on the increase. Under these circumstances, it would certainly be a most serious setback to this movement if the principal showcase of the Nation, a city now acclaimed in many circles as the capital of the world, were unable to accommodate major musical, dance, and opera companies, including some which come from abroad as official visitors in implementation of international agreements undertaken by our Government. Any step reasonably calculated to assist in averting such an unfortunate development will certainly constitute a significant contribution to the cultural life of this city and of the Nation.

In recent years, some 15 to 18 live shows which could have been accommodated on no other stage in the District of Columbia have been presented each year at the Capitol Theater, and it has been planned to increase this number in the future. These presentations have included such internationally acclaimed performers as the Gala Royal Danish Ballet and the Bolshoi Ballet.

The Cultural Center which is now in the planning stage for the District of Columbia will not offer a solution to the problem posed by the threatened loss of the Capitol and Keith's Theaters. In the first place, the most optimistic timetable calls for the completion of this Center in 1966; and also, plans for the Center include provision for a theater which will seat only 1,200 persons.

As originally introduced, House Joint Resolution 865 would have required a public hearing before any permit could be granted for the demolition of either of these theaters or for their conversion to other uses. This committee felt, however, that this might infringe unduly upon private property rights particularly in the absence of any time limitation, and also that such a hearing in itself would very possibly prove ineffective as a means of saving the theaters. For these reasons, the resolution was amended into its present form.

A Citizens' Committee To Save the Capitol Theater, composed of prominent citizens of the District of Columbia, has attempted to negotiate a lease with the owners of the Capitol Theater, without success. It appears that compliance with the financial requirements for continuing this theater and Keith's Theater in operation would be very difficult, if not impossible, for any citizens' group, and that the only feasible solution must involve the District of Columbia government, as is proposed in this legislation.

The joint resolution as amended was ordered to be engrossed.

The preamble was stricken.

The joint resolution was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read:

Joint resolution to require the preparation of plans for the utilization of certain buildings in the District of Columbia for municipal theater or other municipal purposes.

A motion to reconsider was laid on the table.

POLICIES OF GROUP LIFE INSURANCE ISSUED CREDIT UNIONS

Mr. WHITENER. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 2977) to amend the Life Insurance Act of the District of Columbia, and ask for its immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (a) of the proviso in the first sentence of section 11 of chapter V of the Life Insurance Act, as amended (D.C. Code 35-711), is amended to read as follows:

"(a) That provisions (6) to (10), inclusive, shall not apply to policies issued to a creditor to insure debtors of such creditor, or to policies issued pursuant to section 10(8) of this chapter;".

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the purpose of this bill bill (as set forth in H. Rept. 2362) is to amend the Life Insurance Act of the District of Columbia so as to exempt policies of group life insurance issued to credit unions from the requirement of the Life Insurance Act that such policies contain certain standard provisions, which require generally that policies have provisions for payment of insurance to a beneficiary designated by the insured; that certificates be issued to each person insured; and that the insurance be convertible into individual policies under certain circumstances.

Credit unions were authorized by the act of September 14, 1961, to provide group life insurance to their members up to the amount of their deposits in the credit union, with a maximum of $2,000 on the life of any one member (Public Law 87-249, 75 Stat. 519; D.C. Code, sec. 35-710(8)). This act provided that such insurance "may be issued either in addition to or in lieu of" a group credit life insurance policy. But through inadvertence the Congress did not specifically exempt group life insurance policies on depositors in a credit union from the five standard provisions referred to above, which are expressly made inapplicable to group life insurance policies on borrowers from a credit union.

The enactment of this bill would correct said omission of the 1961 act, and would put the format of group life insurance policies covering depositors in a credit union on the same basis as group credit life insurance policies covering borrowers from a credit union. This uniformity appears desirable, both from the standpoint of the credit union and from the standpoint of its depositors and borrowers who are in many instances the same persons.

The Commissioners of the District of Columbia, and the Superintendent of Insurance, recommend that life insurance policies issued to credit unions should be exempt from certain basic standard provisions that are inapplicable to such group policies, because the inclusion of such provisions is not necessary for the protection of the insured credit union depositors, and such inclusion would be burdensome to the credit unions by increasing the cost of the insurance.

For example, the requirement that the beneficiary be designated in the policy is not necessary, since the credit union adds the death benefit to the credit union member's account, which is payable, upon the member's death, to the beneficiary designated by him, so that the beneficiary named to receive the deposit also receives the insurance.

Also, it does not seem necessary that each member of the credit union receive a certificate of insurance containing the entire provisions of the master contract since the insurance is automatic, and each member upon joining the credit union receives all necessary information outlining the important items of the policy. The issuance of a certificate to each member would add considerably to the costs in the case of a credit union such as the Navy Federal Credit Union having approximately 47,000 members.

Finally, the evidence before the committee established that it was never intended that group life insurance policies issued by credit unions would be convertible under certain circumstances into individual policies, because the credit union member's insurance continues even after he leaves his employment so long as he does not withdraw his deposit. Naturally, once he withdraws his deposit, the purpose of the insurance ceases. Also, most of these deposits are small, and insurance companies in the District do not issue individual insurance policies for amounts of less than $1,000. Yet, under present law, conversion privileges must be provided even in cases where amounts of less than $1,000 are involved. The administrative costs of doing so are exorbitantly high.

The reported bill will obviate the necessity for group life insurance policies issued by credit unions being so encumbered. Justification for the legislation was well established at the public hearings on July 16, 1962, and no opposition to the bill was expressed. On the other hand, the desirability of reporting the bill with the exemptions referred to and contained therein was urged as stated, by the District of Columbia Board of Commissioners, the Superintendent of Insurance of the District of Columbia, and by leading domestic life insurance companies in the District; namely, Acacia Mutual Life Insurance Co., Equitable Life Insurance Co., Government Employees Life Insurance Co., People's Life Insurance Co., and United Service Life Insurance Co., as well as the Navy Federal Credit Union.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

STATUE TO "THE MAINE LOBSTERMAN" IN THE NEW SOUTHWEST, WASHINGTON

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the resolution (H. Res. 799) and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand now and for the record, that this is not going to cost the Federal Government any money except perhaps for the small site that will be necessary on which to erect this piece of statuary?

Mr. McMILLAN. That is my understanding when hearings were held on the bill. If the gentleman will yield to the author of the bill, the gentleman from

Maine [Mr. TUPPER], I believe the gentleman will get the information he seeks.

Mr. TUPPER. I can assure the gentleman that the sovereign State of Maine will bear all expenses in connection with this statute.

Mr. GROSS. And this has the approval of the State of Massachusetts which, I understand, is also a lobster State?

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the resolution as follows:

Whereas the National Capital Planning Commission of the District of Columbia is charged with planning the redevelopment of the "New Southwest" section of the city; and

Whereas part of this redevelopment includes that area known as Maine Avenue; and

Whereas this avenue, running along Washington's waterfront area, has been designated in honor of the State of Maine: Now, therefore, be it

Resolved, That provisions be made by the National Capital Planning Commission to provide for a suitable site to erect a monument commemorating the State of Maine; and be it further

Resolved, That this monument be in the form of a statue, "The Maine Lobsterman", one hundred and two inches tall, and forty-one by thirty inches at the base, said statue to be supplied and erected by the State of Maine.

Mr. McMILLAN. Mr. Speaker, the purpose of this resolution (as is set forth in H. Rep. 2445) is to require the National Capital Planning Commission of the District of Columbia to provide a suitable site for the erection of a monument in the form of a statue, commemorating the State of Maine.

The statue, to be furnished by the State of Maine, is known as "The Maine Lobsterman." It was sculptured by Victor Kahill, is 102 inches tall, and measures 41 by 30 inches at the base. It once stood in the lobby of the city hall at Portland, Maine, and more recently in the fish hatchery at Boothbay Harbor.

The State of Maine has expressed hope that this statue may be placed on Maine Avenue in the Southwest redevelopment area presently under construction. This would be a fitting place for such a monument, adjacent to the waters of the Potomac, and in a sense, part of the maritime atmosphere of the Nation's Capital.

No opposition to the resolution was expressed at the hearing held on September 17, 1962.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ASSESSING FEES FOR RESTORATION OF MOTOR VEHICLE OPERATORS' PERMITS AFTER SUSPENSION OR REVOCATION THEREOF

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 2793) to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman can clarify whether this will in any way give the District Commissioners the authority to increase to $5 the cost of a driver's license to all motorists who obtain such license in the District of Columbia?

Mr. McMILLAN. No, sir. This only applies to the situation where a person has had the motor vehicle operator's permit suspended or revoked and the permit is being reinstated.

Mr. GROSS. I am somewhat concerned by the language to be found on page 1 of the bill. In other words, this is limited strictly to those whose licenses have been revoked for various causes?

Mr. McMILLAN. That is correct and to such licenses that are being reinstated.

Mr. GROSS. That is, licenses that have been revoked and are being reinstated?

Mr. McMILLAN. That is correct and this authorizes the assessment of a $5 fee for such restoration.

Mr. GROSS. And the $5 fee applies only to that category?

Mr. McMILLAN. That is correct.

Mr. GROSS. And the District of Columbia gets the $5; is that correct?

Mr. McMILLAN. Yes, sir, when we pass this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. McMILLAN]?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 6 of the District of Columbia Traffic Act, 1925, as amended (43 Stat. 1121; sec. 40-603(a), D.C. Code, 1951 edition), is amended by striking "issuance and revocation of operators' permits" and inserting in lieu thereof "issuance, suspension, and revocation of operators' permits and the suspension and revocation of operating privileges, including rules and regulations assessing reasonable fees to reimburse the District for the cost of restoring suspended or revoked operators' permits and privileges, such fees not to exceed the amount of $5 per restoration".

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill—as is set forth in House Report No. 2444—is to amend the District of Columbia Traffic Act, 1925, as amended, so as to authorize the Commissioners of the District of Columbia to charge reasonable fees for the restoration of operators' permits and operating privileges after suspension or revocation of such permits and privileges. The amounts of such fees would be determined by the Commissioners with regard to the administrative costs to the District of restoring such permits and privileges, but not to exceed $5 for each such restoration.

The practical effect of this bill will be to assess administrative costs incident to restoring operator permits to the persons who are violators of the law, rather than to all operators who are licensed to operate motor vehicles in the District of Columbia. The Commissioners believe it is equitable that only the careless driver whose operator's permit and privilege have been suspended or revoked should pay the administrative costs of the restoration thereof. The bill will be uniform in its application, assessing nonresidents of the District whose operating privileges in the District are suspended or revoked, as well as District residents who lose both permits and operating privileges through the suspension or revocation process.

The Commissioners of the District of Columbia favor the passage of this bill and have advised the committee that the enactment of this bill will not result in any additional cost to the District.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

INCREASED FEE FOR LEARNERS' PERMITS IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the House Committee on the District of Columbia I call up the bill S. 1291 to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits, and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, if I understand correctly this is a 100-percent increase in a learner's permit fee. That is a pretty steep increase. Can the gentleman tell me why there should be a $2 fee for a learner's or beginner's license to drive an automobile? What is the justification for it?

Mr. McMILLAN. I would like to say to the gentleman from Iowa that I personally would be opposed to charging any fee. I understand it covers the cost of teaching these people to operate an automobile. The cost is much more than the increase in the fee to $2.

Mr. GROSS. That is what I want to get at. Does this fee pay for instructors to teach people to drive?

Mr. McMILLAN. No.

Mr. GROSS. What do they use this money for, the revenue collected from the $1 now charged and which you want to put up to $2? What is done with that money?

Mr. McMILLAN. It is supposed to be used in the driver education school, teaching people to drive cars.

Mr. GROSS. Any other persons not students, who get learners' permits, do not benefit from this instruction, get no benefit from this 100-percent increase?

Mr. McMILLAN. That is correct.

Mr. GROSS. I do not understand why this fee must be increased 100 percent.

Mr. McMILLAN. We are acting on the Commissioners' recommendation.

Mr. GROSS. A learner's permit is good for only 60 days. In the State of Iowa we pay $3 for a driver's license good for a period of 2 years.

Mr. McMILLAN. Here we pay $3 for 2 years.

Mr. GROSS. Does not the gentleman think this is pretty steep?

Mr. McMILLAN. I am not in position to say.

Mr. GROSS. This is limited to students. It does not apply to the average garden-variety of citizen who is learning to drive and cannot afford to join the Cadillac brigade with its chauffeurs that we have in government in growing numbers these days.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. KYL. I may state to the gentleman from Iowa that if somebody from the District government would inform me how I could go from 1001 Third Street SW., to the Capitol in the morning I would be happy to pay a $2 fee.

Mr. GROSS. The gentleman, I assume, means to drive to work. That, of course, is brought about in part by the pyramid that is being built down here, called the New House Office Building.

I imagine there will be criticism of the House of Representatives for jumping this fee up to $2. I think it is unjustified. I am opposed to it.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a)(2) of section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1121), as amended (62 Stat. 173; 68 Stat. 732; sec. 40-301(a)(2), District of Columbia Code, 1951 edition), be amended by striking "$1" and inserting in lieu thereof "$2".

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

RETIREMENT COMPENSATION OF DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 10319) to adjust the retirement and relief compensation of certain police and fire department personnel of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There being no objection the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on and after the effective date of this section, the amount of relief or retirement compensation payable at any time to each person who, immediately before the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 (71 Stat. 391-400; D.C. Code, secs. 4-521 to 4-535, inclusive), was receiving, or was entitled to receive, relief or retirement compensation from the District of Columbia by reason of his service as an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, or the United States Secret Service, including any increases in such relief or retirement compensation provided by law on or after the effective date of this section, shall be increased by 10 per centum of such amount (including such increases).

SEC. 2. The first section of this Act shall become effective on the first day of the first month following the date of its enactment.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. BROYHILL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BROYHILL. Mr. Speaker, from 1916, when the policemen's and firemen's relief fund was first established by act of Congress, until 1957, there was never any disparity in the pensions paid to retired members of the police and fire departments of the District of Columbia, or to their widows and orphaned children. All who retired at the same rank received equal amounts, regardless of changes in salary scales or in contribution rates.

In 1957, however, this long-established policy was abandoned as Congress enacted amendments to the Policemen's and Firemen's Disability Act granting substantial increases in annuities for those members who retired after the date of October 1, 1956, and their widows and orphaned children. These increases did not apply, however, to the annuities of members who retired prior to that date, nor to their surviving dependents.

It has been my consistent opinion, and that of many of my colleagues, that this discriminatory situation is unfair and unjustified, and we have made repeated attempts to correct it.

In the 86th Congress, the House Committee on the District of Columbia reported two bills for this purpose. H.R. 3735, reported by the committee on April 9, 1959 and passed by the House on June 8, 1959, would have made the amendments of 1957 to the Policemen's and Firemen's Disability Act applicable to all retired members of the police and fire departments, as well as to their widows and orphaned children. These increased benefits would have applied to the widows and children retroactively to October 1, 1956, at an estimated cost of $4,916,000, but to the members themselves only from the effective date of the act, which would have cost some $19,294,000. Thus, the total cost would have been approximately $24,210,000. The Senate passed this bill with an amendment providing that the annuities of the former members would be increased by 10 percent, rather than being made equal to those of the later retirees. This would have reduced the cost of the members' increase to $5,755,200, and the cost of the entire bill to $10,671,000. The House agreed to this Senate amendment, but on September 24, 1959, the bill was vetoed.

On August 24, 1960, the House District Committee reported H.R. 12775. This bill, as amended and passed by the House, contained the same provisions as did the previous bill, H.R. 3735, in its final form, except that the increase in pensions for the widows and orphaned children of deceased members would not have been retroactive. This would have reduced the cost of the bill to approximately $10 million. This bill was not acted upon by the Senate.

In the 87th Congress, we resumed our efforts. S. 1528, identical in its provisions to H.R. 12775 of the 86th Congress but with its estimated cost now lowered to $9,640,000, passed the Senate on September 7, 1961 and was approved by the House 4 days later. On September 22, 1961, however, this bill also was vetoed.

We decided then to separate the benefits for the older retirees and those for their surviving dependents into two separate bills. Accordingly, on August 8, 1962, the Committee reported S. 1918, extending the benefits of the 1957 amendments to all widows and orphaned children of deceased former members, on a non-retroactive basis. This bill was approved by the House on August 13, 1962, and became Public Law 87-601. It is estimated that this bill will involve a cost of some $4,485,000.

The bill H.R. 10319, which I introduced on February 21, 1962, would simply increase the pensions of those former members who retired prior to October 1, 1956, by 10 percent, which will still leave them in most cases, considerably smaller than the annuities received by those who retired after that date. This would affect some 1,069 retired members, at an estimated cost of $4,610,000 extending from October 1, 1962, over a period of more than 25 years. Thus, the average annual cost would not exceed $185,000.

The President's veto message on S. 1528, dated September 22, 1961, contained two criticisms of the proposal to increase the older retirees' pensions, as the basis for the veto. I wish to quote these points of objection, neither of which is valid, and to comment upon them as follows.

> 1. A significant number of these retirees now receive a larger pension than their annual salaries while on active duty.

Mr. Speaker, I submit that this is only an indication of the degree of inflation under which we are living today. It is not a fair basis upon which to judge the adequacy of any pension.

> 2. This group is much more generously treated than other District government annuitants who are covered by other retirement programs. The proposal would compound the existing disparity.

Mr. Speaker, this reasoning is unsound. The only fair basis of comparison for the pensions paid to any group of retired policemen and firemen is the treatment afforded other retired policemen and firemen. The distinction between retirees from the police and fire departments and other Government annuitants was recognized by Congress as far back as 1923, when the Equalization Act became law, and the fairness of this concept has not since been questioned. However, to draw a distinction between one group of policemen and firemen retirees and another, simply on the basis of an arbitrarily determined retirement date, raises serious question as to fairness and equity.

As a matter of fact, H.R. 10319 does not seek completely to correct this inequity by any means, desirable as this would be. Rather, as a practical matter it would increase the pension formula for the older retirees from the present 50 percent only to 55 percent, still leaving their pensions in nearly all cases substantially lower than those of the later retirees.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDING SECTIONS 1 AND 5b OF CHAPTER V OF THE LIFE INSURANCE ACT FOR THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8738) to amend sections 1 and 5b of chapter V of the Life Insurance Act for the District of Columbia, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 10, line 7, strike out "sixty-eight." " and insert "sixty-eight."

The **SPEAKER.** Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONSTRUCTION OF A NATIONAL FISHERIES CENTER AND AQUARIUM IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8181) an act to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 9, after "for" insert "research in fisheries and for".

Page 2, strike out lines 3 to 10, inclusive, and insert:

"(b) The Administrator is further authorized to use Federal land and property for purposes of this Act with the consent of the particular agency having administrative jurisdiction thereover, and, if said property is unavailable for purposes hereof, he may purchase, lease, or otherwise acquire such lands, waters, and interests therein, as he may deem necessary to carry out the provisions of subsection (a) of this section."

Page 3, lines 13 and 14, strike out ", and to present educational lectures and materials".

Page 3, line 15, strike out "free" and insert "on such terms and conditions as he shall consider to be in the public interest the".

Page 3, line 20, strike out "nation." and insert "nation with which the United States maintains diplomatic relations and which extends similar use of its educational and scientific facilities and equipment to citizens of the United States."

Page 4, lines 15 and 16, strike out "Director of the National Fisheries Center and Aquarium shall" and insert "Secretary may designate an employee of the Department to".

Page 6, line 9, strike out "4" and insert "5".

Page 6, line 14, strike out "4" and insert "5".

Page 7, strike out lines 2, 3, 4, and 5, and insert:

"Sec. 8. Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided*, That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to and uses of the National Fisheries Center and Aquarium at such rates as in the Secretary's judgment will produce revenues to (a) liquidate the costs of construction within a period of not to exceed thirty years and (b) pay for the annual operation and maintenance costs thereof."

The **SPEAKER.** Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER.** The gentleman will state it.

Mr. GROSS. Mr. Speaker, is this request to concur in Senate amendments, or what is the request?

The **SPEAKER.** The request is to take from the Speaker's desk the bill with Senate amendments and concur in the Senate amendments.

Mr. GROSS. Mr. Speaker, to that I object.

DISTRICT ATTORNEY DEFENDS HIS AIDS' HANDING OF KELLY CASE

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a newspaper article.

The **SPEAKER.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, in today's edition of the Washington Daily News the story appears entitled "DA Defends His Aids' Handling of Kelly Case" as follows:

DA DEFENDS HIS AIDS' HANDLING OF KELLY CASE

Last Thursday the Washington Daily News ran a story detailing how the U.S. attorney's office at municipal court tried to avoid prosecuting a case.

In brief, the case involved an ex-convict who made an insulting remark to a woman, then struck her husband and threatened him with a knife.

The complaining witness was News reporter Tom Kelly. After Mr. Kelly and Municipal Judge Thomas C. Scalley forced the U.S. attorney's office to bring the case to trial, the defendant was found guilty on both counts charged.

David C. Acheson, the U.S. attorney for the District of Columbia, now has issued a statement in defense of his office. It is printed below, together with Mr. Kelly's reply:

The U.S. attorney's office for the District of Columbia through the years has evolved, with the approval and under the supervision of the municipal court, a system for handling complaints by citizens which we believe to be efficient and fair.

Where arrests are not made by officers on the spot, citizens and officers come to the office and register their complaints. Where probable crimes are discovered, hearings are set to discover all the facts and when these hearings bring out evidence of a crime, prospective action is taken.

HEAR 50,000 COMPLAINTS

The municipal court division at our office, where Mr. Kelly's complaint was lodged, hears 50,000 complaints a year, takes further prosecutive action in approximately 22,000 cases, and sends to court approximately 10,000 of those cases.

I have carefully read Mr. Kelly's account and carefully reviewed the matter in detail with the attorneys on our staff who handled the case at each step from the initial complaint to the termination of the trial. Our assistants in this case made the kind of judgment that they have to make hundreds of times daily, and the exercise of their judgment and discretion is indispensable to an orderly, efficient, and fair disposition of the high volumes of complaints in municipal court.

The initial hearing that we held in this case covered all the witnesses involved. On their statements there was a substantial conflict of evidence. On the basis of this evidence a judgment had to be made as to the prosecutive, triable merit of the case, and our assistant who first heard the case decided that, while a close one, the case did not warrant further prosecution. Nevertheless, Mr. Kelly obtained immediate action on his complaint and the defendant was then and there charged.

By Mr. Kelly's own account of the trial, continuances in this case were in large measure for his convenience, and at his request. As he listed no witnesses on the form provided for that purpose, none could be notified.

The painstaking process and careful scrutiny of the facts which Mr. Kelly points out are the necessary and desirable safeguards of our system and not due to any reluctance to prosecute where prosecution is warranted.

DISTRESSING

While the particular facts of this case was understandably distressing to Mr. Kelly, the assistant U.S. attorneys involved had a duty to be fair to both sides of the case before initiating prosecution. In such situations, similar to hundreds that come to municipal court daily, not every complainant can go away entirely satisfied.

In my opinion the Federal Government and the citizens of the District of Columbia can be proud of the office which is the subject of Mr. Kelly's article. The assistants in my office are here because they are unusually able; they perform an outstanding job under great pressure, and work long and irregular hours. They serve the public well and have my confidence and support.

KELLY'S REPLY

The first hearing in the case did not cover "all the witnesses involved." Then, and later, I attempted to give a list of possible witnesses to the U.S. attorney's office. The offer was declined each time. The initial hearing lasted some 5 minutes.

The young U.S. attorney conducting it showed no remote interest in anything but getting me to drop the case. He threatened to charge me if I persisted.

CONFLICT

The substantial conflict of evidence was the inevitable conflict between my statement supported by my wife's, and the statement of the man I was hoping to have prosecuted. By that time this man, an ex-convict, had already been caught by police in two demonstrable lies.

Mr. Acheson seems to be saying that no case should be brought to the court unless the defendant confesses and pleads guilty.

The case was not a "close one" which "did not warrant further prosecution." William Greenhalgh, the man in charge of the office then, did not, when challenged, claim that the case was objectively weak. He said instead that a jury with Negroes on it would not convict the defendant, a Negro.

It is a matter of record that a jury with six Negroes did convict the defendant, on both charges, in short order. Mr. Greenhalgh's apparent belief that a Negro juror will automatically violate his trust is an unsupportable insult to Negroes.

"I obtained immediate action" only after I raised as much cain as I probably could and reminded Mr. Greenhalgh that I was a newspaper reporter.

CONTINUANCE

I asked for one continuance. It was granted while I was a patient in Doctor's Hospital. I was never notified of the new trial date. I found it out only by calling the U.S. attorney's office and asking for it.

To say I "listed no witnesses on the form provided" is a mockery. As I said above I made repeated attempts to get the U.S. attorney's office to take a list of possible witnesses, right up until the weekend before the trial.

At the last minute I specifically asked an assistant U.S. attorney if I should, on my own, notify what witnesses I could find and bring them in myself. He told me not to.

To say that this entire proceeding was a "painstaking process" and one involving "careful scrutiny" is to play the fool with words. The case was brought to trial only because the Judge ordered it and the assistant U.S. attorney who prosecuted it protested then that he was totally unprepared.

Mr. Speaker, this case is an unfortunate one, but I suppose we should all agree it was fortunate that the victim in the case was one who was in the position to bring about prosecution and the conviction of an ex-convict who otherwise might have gone free.

I have read this statement by the U.S. attorney for the District of Columbia. I was quite amazed when he said that an assistant U.S. attorney had a duty to be fair to both sides of the case before initiating prosecution, implying that it was the duty of the U.S. attorney to take the defense side as well as the side of the prosecution.

As one who was a district prosecutor for 11 years, I have always felt that where a crime was committed the only function of the prosecuting attorney was to determine whether there was probable cause for prosecution. In this case, where a lady was insulted and her husband assaulted with a knife by an ex-convict, it seems to me to be a shameful sort of thing to have one in the position of responsibility to the public making the suggestion that a conviction could not be obtained because of the race of the alleged wrongdoer and the race of the possible jurors who may be serving at the trial of the case.

Mr. Speaker, as a former prosecuting attorney I know that there are no jurors who are more willing to do their duty than the members of the race who were attacked in the statement attributed to this U.S. attorney or assistant U.S. attorney. It seems to me from reading this story and the statement made by the district attorney, as well as the statement made by the victim and the husband of the victim, that something needs to be done here in the District of Columbia to see to it that victims, as well as criminals, are given their day in court. They should be given an opportunity to have a jury of their peers pass upon the conduct of these hoodlums and criminals who run about the streets of the Nation's Capital committing crimes which would not be tolerated in the average community in this Nation.

DONATIONS OF SURPLUS PERSONAL PROPERTY TO SCHOOLS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11378) to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to schools for the mentally retarded, schools for the physically handicapped, educational television stations, and public libraries.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RIEHLMAN. Mr. Speaker, reserving the right to object, and I shall not object, I take this means to inform the House that this legislation has been cleared on this side of the aisle with the leadership and there is no objection to bringing it up at this time. However, I would like to ask my distinguished colleague, the gentleman from Connecticut, if he would give a brief statement as to the provisions of the legislation and the effect of it.

Mr. MONAGAN. If the gentleman will yield, I would be very happy to do so.

Mr. Speaker, the purpose of this bill is merely to clarify certain inconsistencies that exist in the present law relating to the distribution of surplus property. As we all know, this property is donated to health, education and civil defense agencies through the Department of Health, Education, and Welfare. However, there are certain organizations which are really educational which have not for technical reasons been allowed to come under the description of educational institutions. These include schools for the mentally retarded and for the physically handicapped which do not presently meet the definition of schools, colleges, and universities. They include public libraries which are surely educational in effort, but are not schools. They also include educational television and radio stations which do not happen to be owned by eligible schools, colleges, and universities, but which are nonprofit organizations. Those owned by eligible institutions now receive property, but those which are independent, even though nonprofit, do not.

I emphasize that the purpose of this legislation is not to extend unduly the scope of the donees who receive surplus property or to insert new categories, that would simply dilute the flow of property to present donees. It is merely to make sure that these very worthwhile organizations which are educational in essence but have been illogically left out will be included. It does not create new categories of beneficiaries.

Mr. Speaker, this bill was unanimously approved by the committee. There will be no additional cost whatsoever to the Government above that of the present program. It is merely a rearrangement of the existing program. I understand that a similar bill has passed the Senate committee.

Mr. RIEHLMAN. Mr. Speaker, I withdraw my reservation.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHWEIKER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, I rise in support of H.R. 11378, to amend the Federal Property and Administrative Services Act of 1949, in order to permit donations of surplus personal property to schools for the mentally retarded, schools for the physically handicapped, educational radio and television stations, and public libraries.

As a member of the Donable Property Subcommittee and of the Government Operations Committee, I also introduced a similar bill, H.R. 11890, indicating my full support for this much-needed legislation.

The organizations and institutions, mentioned above, have done a commendable job and certainly deserve to be included in the definition of educational institutions in the broad sense of the word.

I have seen in my own congressional district the fine work being done by the National Association for Retarded Children and its very capable president, Vincent J. Fitzpatrick. In addition, Montgomery County has pioneered in advancing the interests of the Montgomery County School for the Physically Handicapped, which serves as a model throughout our Nation. Our public libraries also deserve recognition under this program.

This bill should have the unanimous endorsement of every Member of Congress who is interested in these humanitarian endeavors.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph (3) of subsection (j) of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)) is amended (a) by striking out in clauses (A) and (B) the words "and universities" and inserting in lieu thereof, in each such clause, the phrase "universities, schools for the mentally retarded, schools for the physically handicapped, and radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations", and (b) by striking out the word "and" before "(B)" and by inserting immediately before the period at the end of such sentence the following: ", and (C) public libraries".

Section 203(j) of such Act is further amended by inserting at the end thereof the following paragraph:

"(7) The term 'public library,' as used in this subsection, means a library that serves free all residents of a community, district, State, or region, and receives its financial support in whole or in part from public funds."

With the following committee amendments:

Page 2, beginning at line 1, strike "educational television stations" and insert: "radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "To amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and public libraries."

TRIAL BY JURY IN THE DISTRICT OF COLUMBIA

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I would like to associate myself with the remarks which have been made by the gentleman from North Carolina [Mr. WHITENER] concerning the prosecution and the court situation and trial by jury in the District of Columbia.

Recently, the assistant to the chairman of the Committee on Ways and Means was yoked, robbed, and attacked here on Capitol Hill. We all know of the terrible case at St. Peter's Cathedral, a church located nearby, involving the assistant of the gentleman from New York [Mr. BECKER]. One of my part-time assistants a week ago Friday night was similarly yoked and rolled, according to the vernacular, insofar as these proceedings are concerned. He also works for Congressmen BATTIN, NYGAARD, and others on Capitol Hill.

Mr. Speaker, I live on Capitol Hill with Mrs. Hall when Congress is in session, as a matter of convenience, because we keep our home open in the district. It has become fearsome to walk the block and a half from the Coronet Apartments where three of these incidents have occurred on that intersection to the Capitol after dark alone. I certainly plead with the Congress, as we sit here as judge, jury, confessor, and everything else for the District of Columbia, to consider proper legislation to enhance the feeling of the courts in this District in order that we might be safe on Capitol Hill in our Nation's Capital.

"FOR GOD AND COUNTRY" PARADE IN LAWRENCE, MASS.

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the city of Lawrence, Mass., was the first American community to be challenged by incipient communism. Spearheaded by the IWW, it tried to exploit the famous textile strike of 1912 with the now familiar technique of inciting hatred and division. Outside agitators came to Lawrence and stirring up the emotions of the illiterate and the gullible of that day prevailed upon them to march through the streets under the banner of "No God, No Country."

Incensed by this defamation of the city and its people, the community as a whole organized a massive "for God and country" parade to repudiate the insult to the faith and patriotism of Lawrence. This impressive demonstration was one of the largest and most memorable ever held north of Boston.

On the 50th anniversary of that historic event, Lawrence is mobilizing for another "God and country" parade on Sunday, September 23, to tell the world of our united front against communism.

I am proud to be a citizen of Lawrence because it is a city of courage and initiative, and I bring to you the following lead story and preview of the parade, and its significance, from the Saturday, September 22, issue of the Lawrence Eagle-Tribune:

TWENTY-FIVE THOUSAND TO MARCH IN HUGE PATRIOTIC PARADE SUNDAY—THRONGS EXPECTED TO JAM STREETS OF CITY TO VIEW DEMONSTRATION OF LOYALTY

The refutation of godlessness by the people of Greater Lawrence 50 years ago, will be commemorated Sunday by thousands of participants in the "For God and Country" parade which will begin promptly at 1:30 on Broadway.

The commemoration of the first spontaneous demonstration by the people of this city against the atheistic doctrines of communism, comes at a time, when this country is alarmingly aware of the dangers of the same ideology.

The public demonstration of faith takes place as national leaders hasten to protect the United States against the dangers of a Communist influence lying 90 miles off the Florida coast in Cuba.

INDUSTRIAL CRISIS IN 1912

The first parade, 50 years ago, was staged during an era of industrial upheaval. A lengthy strike which led to rioting and considerable turmoil, finally ended. Union leaders, representing the Industrial Workers of the World raised havoc.

Following the end of the strike union leaders were instrumental in initiating a demonstration through the streets proclaiming as their theme, "No God, No Master." The American flag was trampled by the marchers.

In spontaneous response to this, the people of Lawrence soon after formed their own demonstration in a parade which emphasized, "For God and Country," to publicly display their faith.

Sunday's parade is the culmination of long planning by local officials.

Hours of planning have gone into problems expected to arise from heavy traffic heading into the city from the north, south, east, and west. Scores of downtown streets will be closed to parking from 6:30 a.m. to 7 p.m., and offending cars will be towed away at the owners' expense.

All streets closed to parking will be posted. Sgt. Joseph A. O'Connor is in charge of the signposting detail, which will report to the police station at 6 a.m.

According to Deputy Chief Arthur J. Riley, signs informing motorists about the parade will be placed as far away as Reading, so that those not heading here for the parade may take alternate routes.

Andover auxiliary police officers have been ordered by Police Chief David L. Nicoll to report in full dress uniform to the Andover police station at 11:30 a.m. Sunday, for assignment to traffic details in connection with the "for God and country" parade.

TOWNS COOPERATE

Police Chief Charles F. Hart of Lawrence requested assistance from the Andover department in handing the heavy traffic anticipated.

Traffic will be re-routed around Lawrence from Andover during the parade.

Lawrence police contacted the No. Andover police to advise them that as a result of the parade heavy traffic may be expected on such streets in the town as Sutton Street, Massachusetts Avenue, and Route 114. There were no requests to close off any streets in North Andover, according to Police Chief Joseph W. Lawlor. Civil defense auxiliary police from the suburban town will report, under command of Lt. Domenic Bonnano, to Lt. Frank J. Incopera, auxiliary liaison officer of the Lawrence department at 11:45 Sunday.

Lawrence policewoman Alice McCarthy is in charge of a detail which will care for lost children. Capt. Philip C. DiAdamo will be in charge at the police station, and a communications center will be established there under his direction. The center will be in constant contact with all police cruisers, and the radio-equipped jeeps of the Nation Guard.

Outside police assistance will come from Methuen. A number of Methuen police officers have been hired privately to keep children and others off some of the lower buildings along the line of march.

In previous parades rooftops have been damaged by spectators.

Police Chief Charles F. Hart declined Saturday to estimate how many spectators would view the "for God and country" parade. He said the uncertain weather and other factors made it an unpredictable situation.

WEATHER FACTOR

Deputy Chief Riley, veteran of many parades in the city and in charge of the current traffic detail for Sunday's parade, ventured the guess of over 50,000 viewers.

Advance weather forecasts call for showers Sunday. Rain also fell during the 1912 parade.

More than 180 organizations, 45 bands, 7 fife and drum corps, and 58 floats will be in the line of march.

The complete roster of the units in the parade is listed in today's newspaper.

The route of the parade will be from Broadway, at the Methuen-Lawrence line, south to Essex Street; east on Essex Street to Jackson Street; north on Jackson Street to Haverhill Street; west on Haverhill Street to the reviewing stand, located in front of the Oliver School.

The parade will continue past the reviewing stand to the disbanding points on Lawrence, White, and Hampshire Streets.

VIOLATIONS OF INTERSTATE COMMERCE COMMISSION REGULATIONS BY WESTERN TRANSPORTATION CO. OF CHICAGO

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Iowa [Mr. GROSS] is recognized for 10 minutes.

Mr. GROSS. Mr. Speaker, it has been called to my attention in recent weeks that a number of Iowa truckdrivers are pressing charges that there have been repeated violations of Interstate Commerce Commission—ICC—regulations by a firm known as Western Transportation Co. of Chicago.

Some of these drivers have been to my office here in Washington, and have told me that, under instructions from the trucking firm officials, they have been making false entries in the drivers daily log, a form required by the ICC to show trips taken and hours driven by individual drivers. These drivers daily logs are required as a safety measure to prohibit the long continuous hours of driving that can create such a hazard on our highways.

The Iowa drivers state that the false entries were made under specific orders of an official of the Western Transportation Co., and for the purpose of concealing the number of hours driven in violation of ICC regulations. These men state that this falsification of records is a pattern that covers many of the 90 drivers for Western Transportation Co., and they estimate that have been as many as 50 violations a day by this one firm.

The drivers are:

Hubert Ulm and Kenneth Griggs, of Des Moines; Jack Hobbs, of Marshalltown; Keith Jenkins, of Newton; and William Shrope, of Cedar Rapids.

The president and owner of Western Transportation Co. is James (Jake) Gottlieb, who is also principal owner of the Dunes Hotel in Las Vegas, Nev.

These drivers have called on ICC officials in an effort to obtain action on this record falsification, and have been unable to get what they consider to be a satisfactory response. They have also filed grievances with the Teamsters Union involving wages and related matters, and have been unable to get the response they believed would come from union officials who often express an interest in strict compliance with safety regulations.

I am concerned about this evidence, indicating as it does, a broad pattern of violations of the ICC regulations by Western Transportation Co. and its employees. I am concerned over reports that indicate this may not be the only firm involved in a rather massive disregard for safety regulations.

However, I am even more concerned over the lack of a fast and efficient followthrough by the ICC after the complaints were called to the attention of officials of that Government agency.

It was as early as last spring that some of these drivers had contact with ICC officials to explain that agency regulations were being flagrantly violated.

The drivers state that at that time they produced books and records to document their statements on the widespread violations. With this evidence and testimony available, the ICC official declined to accept the books and records which were offered to him and no statements were taken from the drivers at that time. The drivers were simply told that the complaints would be called to the attention of proper ICC officials; that there would be an investigation at a later time.

At the time the drivers called on me, about 6 months later, they had not been contacted by the ICC investigators. These men are asking now if the ICC is interested in following up clear evidence of violation of ICC safety regulations.

As they repeated their story to me, it raised serious questions in my mind about the efficiency and the effectiveness of the ICC in these matters.

Is not this Government agency interested in obtaining evidence indicating such violations of important regulations of the ICC?

The Congress is often told by Government agencies of the difficulty of obtaining evidence of violations of rules, and this is given as the reason—or excuse—for not doing a proper job of administration or enforcement.

Here we have a case in which a number of Iowa truckdrivers have disregarded the personal problem for themselves in producing evidence that their employer has directed them to violate ICC regulations and to make false reports to a Government agency.

To me it is always a serious matter when there is evidence that any business, any union, or any person is involved in the deliberate filing of false information with a Government agency. The Billie Sol Estes case with the false financial statements should be sufficient warning of the many problems that can come from either the favoritism or the negligence that permits such practices. The Agriculture Department's disregard for FBI reports on the Billie Sol Estes operations, and the lack of a diligent followthrough on the cotton allotment problem, should serve as sufficient warning to the Congress, the ICC, and every other department of Government.

When there is a lack of a followthrough, I think it is necessary to ask: Is it incompetence? Is it negligence? Is it some type of collusion or favoritism? Or, is the motivation even worse?

A number of Government agencies have responsibility in this case involving the evidence of falsification of reports by Western Transport Co. drivers.

These drivers have been diligent. They have called the problem to the attention of the National Labor Relations Board, the Chicago regional office of the ICC, and the Justice Department.

The FBI is the only agency that has given the matter any more than routine attention. FBI agents did exhibit an interest, and did question the drivers extensively. However, the FBI has followed its basic procedure of referring the matter to the responsible regulatory agency—the ICC.

This is a matter in which I am vitally interested for these reasons:

First. The public safety is involved.

Second. Laws and regulations are being violated, and complaints are being ignored.

I intend to follow this through in a vigorous manner to assure that all negligence or favoritism is put in the public spotlight.

The basis of the drivers' charges follows:

ICC regulations, devised to promote driving safety, state that a man must have 8 hours off-duty after driving 10 hours.

There also is a rule that an employee cannot work more than 70 hours, driving or otherwise, in any 8 consecutive days.

The protesting drivers say these rules have not been observed.

They support their contentions with payroll records that show they were paid on countless occasions for work far in excess of that allowed by the ICC.

Hobbs said:

> When drivers drive excessive hours, one man can do a job that it actually takes two men to do if the ICC rules are followed, so more freight can be handled faster, with fewer men.

Drivers have carbon copies of payroll time sheets that show the trips for which they were paid, day by day. They also have carbon copies of ICC log books showing hours worked and trips taken each day.

The information on the two documents should coincide.

> They don't come close time after time, because the men responsible for the company's filings at ICC don't want the log books to show the excessive miles actually driven.

Ulm added:

> When I was hired, I was told about this method of logging.

Hobbs and Shrope said they were told the same thing.

Shrope estimated that he falsified the log book "on the average of three times a week" for the 10 years he has worked at Western—until violations "dropped off late in March after word got around of our protests."

Paul Watkins, safety director for Western, sent a notice to all drivers last April 6 stating:

> It has come to our attention that several of you are not filling out your log sheets properly.

The notice reminded drivers that convictions of such violations carry maximum penalties "as high as $5,000 for each violation" for both the motor carrier and the driver.

Watkins said:

> Effective at once, your logs must be made out properly.

Griggs illustrated the violations:

His copy of the Western Transportation payroll timesheet for last September 18 showed he was paid on that day for driving from Chicago to Davenport, Clinton, Ottumwa, Newton, and Des Moines, a total of 485 miles.

> That trip took about 17½ hours—

Said Griggs—

> and 11½ of it was driving time.

Griggs' ICC log book for that date, however, showed he was off duty the entire day.

Ulm's records produce other comparable situations.

Example: Ulm's payroll timesheet for last September 22 shows he was paid for driving from Webster City to Moline and on to Chicago, totaling 395 miles.

But the ICC log showed he was off duty 17 hours and spent 7 hours driving from Chicago to Clinton and back—290 miles.

There was an omission of 105 miles of actual driving on the daily log, Ulm noted.

Ulm said he got a fast initiation on his first day of work on March 8, 1960.

There was a snowstorm that day and the next.

Ulm said, however, that he drove 760 miles within the next 31½ hours, starting from Chicago at 7:30 p.m. on March 8, 1960, and returning to Chicago at 3 a.m. March 10.

In between, he had driven to Newton, Des Moines, Marshalltown, and Waterloo, Iowa.

> I had about 3 hours sleep out of the 31½.

He said.

> Lots of Western drivers object to this deal—.

Said Hobbs—

> but they fear for their jobs. They have families and tractor payments [Western drivers own their own tractors and lease them to the firm] and need the work.
>
> Our cheating is common knowledge along the road. Others laugh at us; some are sore.

Mr. Hobbs said a newspaper item last May "sort of got to us."

It concerned a $1,700 fine levied against the Wenger Truck Lines of Beaver, Iowa, on 12 counts of failing to require drivers to prepare daily logs properly.

Hobbs said:

> Three drivers for Wenger were fined, too. We couldn't figure out how Western Transportation could get by with it when a small operator like Wenger couldn't.

CUBA TO BE INCLUDED AS A CAPTIVE NATION—CONGRESS TO AMEND PUBLIC LAW 86–90

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from New York [Mr. DULSKI] is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, on July 17, 1959, Congress enacted Public Law 86–90, known as the Captive Nations Week declaration. That action by Congress was both historic and far reaching in its intent. It was based upon the historic traditions of our Nation, as the citadel of human freedom, as the political wellspring of the national independence movement and as the beacon of peace with justice for all nations and peoples. Basic to that law is official recognition that the aggressive and imperial policies of Russian communism seek to destroy individual liberties and independence of nations everywhere in the world, and thereby stand as a constant threat to the shaky peace of our times.

The enactment of Public Law 86–90 signaled an awakening to the realities of the dangers facing our country. In years past, Soviet Russia was posed, by a trick of history, as an ally of the United States. That same trick of history described Soviet Russia as peace loving, as a friend of human freedom, and even as an advocate of democracy. World War II introduced that trick of history to American thinking. Public Law 86–90 exposed that trick and put our Nation aright concerning the history, the objectives, and the worldwide conspiracy of imperial Russian communism.

Nikita Khrushchev was both shocked and adamant at our Government for wiping away the cobwebs of Russian propaganda from the American scene. Former Vice President Nixon was in Moscow at the time Congress enacted, and President Eisenhower signed into law, the declaration on Captive Nations Week. It will be recalled that Khrushchev asked Nixon, "How could you do this to us?" When Nixon seemed unable to supply the answers, Khrushchev then challenged him in what later became known as the kitchen debate. The edited version of that TV debate, shown in part to the American people, did not include the full dialog on the issue of the captive nations. Had it been included the American people today would have a fuller appreciation of the importance of the captive nations to our national security.

Nevertheless, Khrushchev has maintained a running barrage ever since against Public Law 86–90. To raise the question publicly is to touch the open nerve of the Russian international conspiracy—the raw nerve of colonialism and imperialism.

For 1 week each year, large numbers of Americans expose and trample upon the open nerve of the Russian international conspiracy. They do that by holding public observances as called for in Public Law 86–90, in which our Nation rededicates itself to the just aspirations of the captive nations for a return of their freedom and their national independence. It is no comfort to the men in the Kremlin that former President Eisenhower issued two proclamations calling upon our people to support the just aspiration of the captive nations. It gives them less comfort to recall that President Kennedy has issued two such proclamations because the continuity of our Government's intent was thereby established.

The city of Buffalo, seat of my district, stands foremost among the great cities of our country in the annual observance of Captive Nations Week. Long known as the city of good neighbors, it has now won the accolade of "city of dedicated neighbors"—dedicated to the cause of peace with justice and freedom for all nations and peoples. The spirit of the rugged frontier runs strong among the citizens of Buffalo, a city blessed with the talents of immigrants over many generations from the lands now held captive by the Russians. If Khrushchev really believes, as he states, that Americans are too liberal to fight for their rights, I urgently suggest that he tune in on the feelings of the people in Buffalo. He will get a real earful from Buffalo citizens, who are justly proud of their progressive city and equally proud of their record of sacrifice for freedom's cause.

The people of my district are rightfully concerned about the Russian occupation of Cuba, resting as it does some 90 miles off our shores. I have received appeals and petitions to seek recognition of Cuba as a captive nation and to request Congress to take action to amend Public Law 86–90 to declare Cuba a victim of Russian imperial communism. These appeals do not come from Cuban exiles, though the good people of Buffalo have provided a haven for many of those exiles. The appeals come from an alerted citizenry, disturbed by the Russian probing in our vital waters, who are concerned about the Russian military buildup in Cuba, and who are determined that the ancient dreams of Czar Nicholas I for this hemisphere shall be routed and defeated in our times.

Mr. Speaker, I have consulted with our distinguished chairman of the Foreign Affairs Committee on the prospects of amending Public Law 86–90 during the present session of Congress to include Cuba as a captive nation. He has a warm understanding of my proposal, and is sympathetic to my purposes. We are in the last days of the 87th Congress, and moving rapidly toward adjournment. It is doubtful that sufficient time remains for the necessary committee hearings on my proposal to amend Public Law 86–90 to include Cuba as a captive nation. However, I am submitting my amendment to Public Law 86–90 now and will reintroduce it in the early days of the 88th Congress, when I am assured of early committee hearings on it.

I believe that Cuba qualifies by any and every fair measure of fact as a nation held captive by Russian imperialism. A Russian style government has been imposed upon the people of Cuba against their will. There have been no free elections since the Castro crowd took over. There are no individual liberties in Cuba today. Freedom of speech, of the press, of assembly, of opinion, of conscience, of religion—all have been throttled by Castro. The promised social reforms, the reforms demanded by justice in the social order, have been flaunted by the Castro regime. In brief, the Castro crowd has robbed the Cuban people of the just fruits of their revolution. And worse, the Castro regime has introduced the seeds of Russian aggression, war, and imperialism into the pacific life of the Western Hemisphere. That pacific life has been the history of the Western Hemisphere, the New World—the new world of hope and promise for the suffering masses of older worlds across the seven seas. The citizens of the United States, the most blessed among the peoples of this pacific hemisphere, have a heavy responsibility in repulsing and finally defeating the Russian imperialists who offer nothing but terror, tyranny, war, and death to the peoples of the world. Our people will not shirk their responsibilities. They will do what needs to be done to recapture the peace with justice promised to the valiant during World War II, and since denied them by the ambitions of imperial Russia.

Mr. Speaker, I invite all Members of like persuasion to join with me in my effort to amend this historic document of justice for and among all the nations of the earth.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman.

Mr. FEIGHAN. Mr. Speaker I commend the gentleman from New York for his stand on the Cuban crisis. I agree with him that Congress should declare Cuba to be a captive nation by amending Public Law 86-90.

It is appropriate on this occasion to recall that it was the leadership of our distinguished Speaker as sponsor of Public Law 86-90 in the 86th Congress where he served as our majority leader which brought about passage of that historic freedom declaration. There are many monuments to freedom's cause in the long and dedicated record of Speaker McCormack, but none stands higher in the acclaim of the American people than his Captive Nations Week resolution. Millions of oppressed and persecuted people behind the Russian and Bamboo Curtains were encouraged by the enactment of Public Law 86-90, their hopes for a better tomorrow were renewed. In distant lands, where the young torch of freedom is threatened by imperial Russia, our friends and allies were reassured of our determination to stand firm for the cause of justice for all nations. Among our treaty allies in ancient Europe the torch of freedom was rekindled. In Moscow the fires of war and aggression were dampened by this historic declaration. Such were the effects of Public Law 86-90.

Mr. Speaker, I am confident I speak for the membership of the House when I say a proven champion of human rights presides over this great parliamentary body.

I again compliment my friend from New York for calling upon Congress to recognize Cuba as a captive nation. I will support him in the amendment which he will offer early in the 88th Congress.

Mr. DULSKI. I thank the gentleman for his contribution.

OUR OUTMODED QUOTA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I should like to call the attention of my colleagues in this House to the impending approach of an anniversary which might otherwise slip by unnoticed. On December 24 of this year, the eve of Christmas, the Immigration and Nationality Act of 1952 will have been in operation for 10 years.

This law, the McCarran-Walter Act, has not enjoyed a peaceful existence. Since its enactment—over the veto of President Truman—the law has been the center of controversy. It has been fervently denounced and defended on many occasions and in many places, including the Halls of Congress. Somehow the law has managed to survive almost entirely unchanged in its basic essentials, as a rockbound coast survives the constant pound and wash of its adversary, the sea.

Why is this so? I have asked myself this question many times. The answer to which I am unalterably led is that, with regard to most of its provisions, the McCarran-Walter Act has been, in a strictly pragmatic sense, a good law. It has worked reasonably well in operation. Under it, and with the assistance of a number of special laws enacted during its lifetime, we have been able to control the flow of immigration into this country. It has kept this flow within numerical bounds, regardless of the fact that the pattern of immigration has not at all been what the framers of the law had intended.

I would go further than this and concede that the McCarran-Walter Act is, with a few basic exceptions, a good law no matter what standards are applied. It was, after all, the product of many years of study by the Judiciary Committees of both the House and Senate. From 1947 until 1952 all of the immigration and nationality laws in force at that time—a great patchwork of legislation—were reviewed, modified, and consolidated into one bill which was finally enacted as the Immigration and Nationality Act of 1952. Although the act was for the most part a codification of existing law, it also contained a few basic improvements. The most noteworthy of these changes was the granting, for the first time in our history, of the rights of U.S. citizenship, through naturalization, to all qualified resident aliens regardless of race. Prior to that time the peoples of most oriental countries had never been given the right to become naturalized in this country.

The McCarran-Walter Act is a long and complicated statute. It is made up of four separate titles, containing around 150 separate and closely interrelated sections, which take up 182 pages of print. Many proposals have been introduced to repeal and rewrite it in its entirety. A better approach, I believe, is to single out those features of the act which ought to be changed and to offer legislation directed specifically at enacting those changes. This is the approach that President Eisenhower took when he was in office. This is the approach that we should take in our efforts in Congress to remove the unwanted features of the law.

This brings me to the question: What are the features of the law that ought to be changed? This is a purely rhetorical question; for in the mind of any person who is even vaguely familiar with the Immigration and Nationality Act one issue stands out above all others, which if it were resolved would clear up nine-tenths of the controversy associated with the law.

I am speaking, of course, of the provisions of the law establishing the national origins quota system.

Mr. Speaker, I do not intend to repeat at this time all of the arguments that have been made many times before that the national origins quota system is based on racial discrimination and therefore is wholly out of place on our statute books. This fact is obvious, I believe, to anyone who merely takes the time to examine a few figures. Let him examine what the immigration quotas for the various countries are and compare them with the figures on actual immigration as well as the numbers of qualified aliens who are unable to gain admission into this country solely because of quota limitations.

How can anyone justify these figures as sound national policy? For example, Great Britain, with a population of around 50 million, is granted a quota of 65,361—more than one-third the total worldwide quota. At the same time a country like Greece is allotted a quota of 308, while Spain has a quota of 250, and the countries of Asia and Africa are for the most part allowed a minimum quota—truly a token quota—of 100 each. Japan, whose population exceeds 90 million people, has the largest area quota of any country within the Asia-Pacific triangle. It has a quota of 185. Great Britain, I repeat, has a quota of 65,361.

How have these quotas been utilized? During the year ended June 30, 1961, more than one-third of the worldwide quota immigrant visas went unused. Out of a total quota exceeding 156,000, some 96,000 quota immigrants were admitted. Great Britain used well under half of its quota. And, strangely enough, total immigration for the year far exceeded the number of visas available under the quota. This was because for every two quota immigrants admitted, there were three or more immigrants admitted outside the quota—another clear indication that the quota system is not doing what its designers intended.

Yet in spite of the fact that a third of the worldwide quota was not utilized there were hundreds of thousands of aliens who could not enter the United

States because the quotas for their countries were used up. The latest Visa Office survey of quota immigrants registered on oversubscribed quotas shows that there are close to 900,000 persons barred from admission to this country solely because of the quota system.

Surely something is amiss in our immigration policy when we have qualified aliens waiting for years to enter the country and at the same time have one-third of the quotas being unused. Certainly some other plan could be devised which would at least offer a more equitable distribution of the quotas.

A multitude of proposals have been introduced for this purpose. The quota could be based on the most recent census rather than that of 1920 as the law now provides. There could be pooling and redistribution of unused quota numbers. Bills for these purposes have been introduced repeatedly for the last 10 years.

The soundest approach to the problem, I believe, is contained in a bill I introduced July 20 of this year. This bill, H.R. 12639, is similar to a bill introduced in the Senate by Senator HART—S. 3043. It is a bold approach and supplements many of the provisions of my earlier bill, H.R. 3038, which provides numerous drastic policy and procedural revisions.

The bill would completely eliminate national origins as a basis for determining immigration quotas and would put greater emphasis on the reunification of families. It would authorize a total worldwide quota of 250,000, with permanent standby provisions for the admission of up to 50,000 refugees and escapees. The remaining quotas would be allocated to various countries under a two-part formula based upon the population of the country and recent immigration into the United States. As I mentioned a moment ago, primary emphasis would be put on family reunification, with 60 percent of the visas reserved for blood relatives of citizens and permanent resident aliens.

I feel confident that this bill offers a workable and desirable solution to the problems raised by the national origins system. It is my hope that the Judiciary Committees in both Houses will at some time in the not too distant future get down to work and examine the merits of immigration bills, including my bill, which have been introduced for years with no action taken on them.

As proof that we are still operating in the "dark ages" of immigration policy, I would like to call to the attention of this House and the American people, the recent farsighted revisions in the immigration policies of our neighbor, good friend, and ally, Canada.

On February 1, of this year, new regulations were implemented which liberalize and bring into proper perspective Canadian immigration requirements.

The Minister of Citizenship and Immigration of Canada, Ellen L. Fairclough, said, on January 19, 1962:

> The most important provision of the new regulations is section 31, which is in fact the core of Canada's immigration policy. The new regulation 31, replacing section 20 of the former regulations, lays primary stress on education, training and skills as the main condition of admissibility, regardless of the country of origin of the applicant. If a person can qualify on these grounds and has sufficient means to establish himself in Canada until he finds employment, or, alternatively, is coming forward to approved employment, or with suitable plans for self-establishment in Canada, he or she is admissible, subject only to the normal requirements of good health, good character, and so forth. This means that any suitably qualified person, from any part of the world, can be considered for immigration to Canada entirely on his own merit, without regard to his race, color, national origin or the country from which he comes. This is a substantial advance over the former regulations in that the selection of immigrants, insofar as selection on the basis of skills is concerned, will be done without discrimination of any kind.

This represents a realistic appraisal of the problem and an attempt to provide a solution which will benefit both Canada and those who desire to live and work in Canada.

Mr. Speaker, the time is long past due that the United States conduct an equally realistic and sensible reappraisal of our immigration policies. To do otherwise is to prohibit untold thousands from not only enjoying the blessing of freedom but contributing to the economic, social and cultural growth of our country.

NEW AND SIGNIFICANT EFFORT IN THE CAUSE OF SAFETY—THINK AND LIVE

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from South Carolina [Mr. HEMPHILL] is recognized for 30 minutes.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HEMPHILL. Mr. Speaker, I rise today to call to the attention of the U.S. House of Representatives, and to the Nation through the media of this forum and the CONGRESSIONAL RECORD, a remarkable and inspiring idea developed through the diligence of the members of the Chester, S.C., Junior Chamber of Commerce, giving particular praise to the efforts of Mr. Tom Triplett, former president of the Chester Junior Chamber of Commerce, and an active and outstanding citizen of our community. The proposal is called Think and Live, and I quote from one of the brochures sent to me by the State chairman of the Think and Live project, Mr. Chick Anderson, of Chester, S.C.

The opening statement of the brochure recites:

> The automobile accident rate is affected by three things: drivers; surrounding conditions such as highways, weather and traffic; and automobiles. Here is a safety plan aimed directly at improving automobiles and indirectly at improving drivers.

The article went on to state:

> WHAT IS PROPOSED?
>
> It is proposed that the U.S. Department of Commerce publish each year as soon as possible, a chart which is authentic and approximately like the fictitious chart which is enclosed. This chart should be released for publication by newspapers, magazines, and advertisers with a stipulation that it be published in its entirety or not at all.
>
> HOW WILL THIS HELP IMPROVE AUTOMOBILES?
>
> The automobile manufacturers in this country are capable of producing almost any type machine which the public will buy. Part of our present dilemma lies in the fact that the public has no way of comparing the relative safety of different machines. Therefore, it is impossible for the consumer to express a preference for safety to the manufacturer through his buying habits. If the proposed information were furnished the consumer, he would then be in a position to buy according to safety performance if he so desired.
>
> This, in turn, would give every manufacturer the opportunity to build a safer car since he would be assured that if his efforts were successful, the public would be well aware of the fact and would, therefore, reward him accordingly.
>
> HOW WILL THIS HELP IMPROVE DRIVERS?
>
> The proposed plan should influence drivers to "think safety" while in the process of buying their automobiles. This would be extremely helpful in getting the driver off to a good start since, as long as he owns a particular automobile, he will remember the day he bought it and the various forces which motivated him toward his choice.
>
> The appearance of obvious safety features in automobiles (such as seat belts, roll bars, and speed warnings) would make a lasting impression on our children. This should help eliminate the necessity of having a talk with Johnny on his 16th birthday to inform him that automobiles are dangerous.
>
> Each driver could identify himself through the make car he is driving and, therefore, compete competitively safetywise.
>
> Perhaps the most important contribution this proposal has to offer is controversy. This is the ingredient most lacking in our national safety program. The terrific controversy involved in publishing the proposed figures should generate safety talk and safety thinking to a degree never before experienced.

These gentlemen sent to me a chart but since I do not know enough about the chart, I will not include it in my remarks.

In the kit sent to me was an explanation entitled "Why Think and Live?" The explanation is as follows:

> WHY THINK AND LIVE?
>
> An ad recently placed in the Maine Jaycee by Union Mutual Maine askes this very important question, "Why won't automobile designers listen?" Then it goes on to explain the question with the following statements:
>
> > Most manufacturers continue to disregard pleas from safety groups that frills in design be eliminated and safety features substituted. The average car now challenges death with streamlining and rocket engines, and with great expanses of glass and bodies of metal so thin that it bends under the pressure of one's hand.
> >
> > The new cars continue to provide more money for the manufacturers, a comfortable living for the dealer, a thrill for the driver, and more business for the hospital and undertaker. They require the services of more plastic surgeons, doctors skilled in mending fractures, of trained ambulance attendants and nurses. They keep highway patrols on their toes. Gravediggers continue to get more work, too. Also, auto towing services and wreckers benefit. The junk dealers find business better than ever, all thanks to the ingenuity of the automobile

designers, the business sense of the manufacturers and the skilled phrases of the advertising agencies.

If they took an objective look at the climbing accident rate and combined their skills to produce a reasonably priced vehicle which would carry human beings from one place to another at a moderate speed in comfort and safety, they would be doing the American public a great service. They would be forcing them to save their own lives.

Just how bad is the situation? In their publication "Accident Facts," the National Safety Council gives us some idea. Last year we killed 38,200 people, we injured 1,400,000 people, we had about 11 million accidents and wrecked some 17 million vehicles in the process. We spent $6,500 million not counting funeral expenses. This added about 1 cent per mile to the cost of operating each vehicle in our Nation.

Can anything be done to stem the tide of this needless waste? You damn right. In a recently published booklet the ACIR (automotive crash injury research) of Cornell University says:

"There is little basis for doubt that the incidence and severity of crash injuries and deaths on the Nation's highways are subject to control by the systematic modification of automotive design."

Now let's go back to the question asked in the Maine Jaycee, "Why won't automobile designers listen?" The answer is they will listen, but automobiles are designed and built by large corporations and corporations do not have ears like human beings; they hear only with the pocketbook. If the buying public calls for safety in auto design, and speaks to the manufacturer through the pocketbook, then we'll see some results.

Then what's the problem?

Neither the experts nor the buying public has any basis for determining the relative safety of the different makes of autos. You can't afford to test-crash each dealer's demonstrator on all occasions before selecting your new car. That's not all. No information is available to the public which would even hint that one make car may be safer than another. This situation leaves the public without a voice to speak effectively to the automobile designers about safety. The South Carolina Jaycee Think-and-Live Project is designed specifically to combat this problem.

Take a look at your think-and-live proposal and chart. Study the method and theory of its principles. You will find that its approach is now new. Comparison is the tried and true basis of all good safety programs. Statistics are available for comparison on almost any other basis concerning auto accidents—Night versus Day, Male versus Female, State versus State, Rural versus Urban, Young versus Old, Drunk versus Sober, and hundreds of others.

Why should car make versus car make be exempt from this list? Statistics which compare the relative safety of the different makes of cars are absolutely essential if we are to survive on our highways. This fact is as real as death itself.

It is fitting that the Jaycees should sponsor and promote a project such as Think and Live. Its principles are in accord with our creed and constitution. We have the youth and energy to carry such a proposal to the public in a vigorous and effective manner. Our purpose is to inform the public of our think-and-live proposal and to enlist as much support in South Carolina as is possible. The need is great. Adoption by every local chapter in South Carolina is our goal.

Mr. Speaker, in an effort to help promote this noble thought and idea for the cause of safety, I have prepared, and plan to introduce in the next Congress, a bill to provide for the publication of comparative safety statistics on automobiles sold in the United States. The essence of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Automobile Safety Statistics Act."

SEC. 2. The Secretary of Commerce shall publish annually statistics showing the comparative safety record of each make of private passenger automobile sold in the United States in the previous model year. Such statistics shall include, for each make, the number of such automobiles of that year registered in the United States, the number of accidents in which they were involved, and the number of people killed or injured in such accidents. The Secretary may include in such publication such other statistics and other material as he may deem useful in comparing the safety records of the various makes.

SEC. 3. The Secretary of Commerce may by regulation define the terms used in this Act, and shall obtain the data for the statistics from such sources as he may determine. The Secretary may omit the publication of such statistics with respect to any model year on any make whose sales in that year comprise less than 1 per centum of total new car sales in that year.

Mr. Speaker, I have talked to a good many automobile dealers about this proposal and find that the dealers, for the most part, are in favor. They are concerned with safety, and I salute their concern.

The South Carolina Junior Chamber of Commerce plans to put on a drive to promote this idea. I am delighted that they are doing so. I salute the South Carolina Junior Chamber of Commerce, its officers and members, for this effort and this activity. I believe this will add to their long list of accomplishments the story of this new and exciting campaign for the cause of safety.

MISREPRESENTATION BY THE COAL INDUSTRY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONTE. Mr. Speaker, last week the 175th anniversary of the Constitution of the United States was celebrated in fitting fashion on the floor of this Chamber. This document is recognized by statesmen throughout the world as one of the most exceptional creations of man since time began. Under the provisions incorporated in the Constitution, we have developed an economic way of life which has given our citizens the highest standard of living in the world while, at the same time, acting as a beacon and a message of hope to the rest of civilization. An integral part of the above is the fact that we have developed a high degree of mass production in the distribution of goods and services. For selfish interests, one of the major energy industries in our country is advocating the complete disregard of one of the basic concepts of the Constitution by the adoption of end-use control and the elimination of competition in the energy field on the Atlantic coast. I refer to the coal industry which has been resorting to a campaign of distortion and untruths in its efforts to maintain restrictions of the importation of residual fuel oil which, in actual truth, is not responsible for any of the alleged ailments of the coal industry.

Within the past few weeks this campaign has been accelerated by the selfish few in the coal industry in complete disregard for the welfare of the Atlantic coast as well as the entire country because, once we adopt the end-use control of energy consumption by the consumer in order to satisfy a minute minority of a specific industry, we are well on the road to state control and the complete elimination of all competition. Unfortunately, the consumer, as always, is unorganized and the fight against a massive and expensive propaganda program has been carried on by a group of independent small businessmen who are engaged in the marketing of residual fuel oil on the east coast. I am placing into the RECORD two letters that were recently addressed to the President and to the Director of the Office Emergency Planning by the Independent Fuel Oil Marketers of America, Inc. The time is long past when the administration should take action on behalf of the welfare of all of our citizens and in compliance with the objectives and terms of our Constitution by eliminating import controls on a vital source of energy that is in short supply in our country and in which our industry and our consumers in New England have such a vital stake. The letters follow:

AUGUST 28, 1962.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We take specific issue with the full page advertisement taken by the National Coal Policy Conference appearing in the Washington Post of August 21, 1962, claiming that foreign residual fuel imports are the cause of unemployment of coal miners in West Virginia, Pennsylvania, Kentucky, Illinois, and Ohio. This, of course, is only one of similar misleading and blatantly false publicity and propaganda statements to this effect continuously published by the National Coal Policy Conference.

Such statements are an affrontery to the intelligence of all Americans.

Residual fuel oil is a byproduct, not a waste product. It is a heavy fuel oil which is that part of crude oil remaining after gasoline, kerosene, household light heating oil, and other products are removed in the refining process. It is a heavy viscous substance which must be preheated before it can be used. It is not suitable as a home heating oil, although it is frequently confused with No. 2 heating oil, the latter of which is used primarily for home heating. Residual fuel oil is burned primarily under large boilers in utility and industrial plants, ships, and in heating larger commercial buildings. There is insufficient residual fuel oil produced domestically to meet domestic requirements. This is due to the fact that the technological developments in refining have progressed to a point where crude oil can be nearly 100 percent refined to the other petroleum products more in demand. Foreign residual fuel oil is therefore required to fill the gap in domestic production and foreign residual oil in its entirety is consumed on the eastern seaboard watershed area.

The import of foreign residual fuel oil into the eastern watershed area has not caused a single miner to be unemployed.

Unemployment of coal miners has been entirely due to technological advances in the mining of coal by way of various new types of machines, and the loss of the railroad consumer market due to dieselization and the loss of other markets to natural gas. In strip mining, a single machine has been developed which will remove as much as 50 tons of overburden in one shovelful (another is under development which will remove over 100 tons), and mechanical boxing machines now in use in mines rips coal from the seam at rates up to 8 tons per minute. The coal industry's own publication, "Bituminous Coal Data, 1960," shows that in 1950 the bituminous coal industry employed some 415,582 men and produced 516,311,000 tons of coal with an output of 6.77 tons per man-day. Ten years later, in 1960, the coal industry employed 159,100 men and produced 413 million tons at a productivity rate of 13.25 tons per man-day. Thus, in a 10-year period, more than a quarter million men have left the industry and the output of those remaining has doubled. During the same period the use of residual fuel oil in the United States has remained relatively constant and the use is still confined to the eastern seaboard watershed area where coal is not and cannot be competitive.

Two factors alone are sufficient to account for the decline in the demand in coal. Prior to converting to diesel fuel (which is not residual fuel oil) the railroads used 114 million tons of coal, and in 1960 their use of coal declined to 1.7 million tons. Thus the very vehicle, i.e., the railroad, used to transport coal accounts for approximately 50 percent of the decline in coal demanded since 1947. The second factor, accounting for the balance of the decline, is due to the conversion by homeowners to oil burners (not residual fuel oil) or gas burners. In 1947, the figure for retail coal delivery was 137 million tons and in 1960 this had been reduced to 29 million tons, a loss of over 108 million tons. These losses in the coal market are in no way remotely attributable to foreign residual fuel oil.

As of 1959, residual fuel oil supplied 14 percent of the U.S. industrial fuel market as opposed to 11 percent of such market in 1946. In 1946, bituminous coal supplied 61 percent, but in 1959 this figure was reduced to 31 percent. On the other hand, natural gas increased its share from 20 percent in 1946 to 50 percent in 1959. It is obvious that coal lost its market to natural gas, and has lost no market to foreign residual fuel oil. In addition, the U.S. coal industry has lost considerable tonnage in the foreign market which it enjoyed during and immediately following World War II. Sales of residual fuel oil were down 1½ percent in 1961.

Even if coal could be economically supplied to the eastern seaboard watershed area (which is not likely, due to transportation costs), in order to compete with residual fuel oil, it is completely uneconomical for heavy fuel users such as industrial plants to convert to coal, unless they already have dual facilities. Further, coal presents a storage and air pollution problem in all urban areas.

In Washington, D.C., the Nation's Capital, there has been only one new building constructed since the war that is using coal for heating purposes, and that is the National Coal Association headquarters building on 17th and DeSales Streets. Even if foreign residual oil was completely eliminated, none of these new buildings would burn coal, but would turn either to more expensive oil or to gas, which is still more costly.

The Governor of West Virginia has repeatedly stated that the unemployment ills in the coal industry in his State have been primarily due to technological advances and automation in the coal industry.

Even since controls have been established in 1959 on the import of foreign residual fuel oil, mine employment has dropped some 38,000 men, but coal production has increased materially. In fact, coal production for the first 6 months in 1962 increased approximately 11 percent, while mine employment dropped approximately 3½ percent over the same period in 1961. The unemployment problem in the coal industry is obviously due to the national economic changes brought about by technological advances and automation and the loss of the coal fuel market to fuels, other than residual, more economically usable. If the import of foreign residual oil were completely prohibited, it is obvious that not one miner would be put back to work.

The continued propaganda and publicity of the coal industry in falsely blaming their unemployment problem on the import of foreign residual fuel oil is a shameful misuse of hard-earned funds. The $1½ million budget of the National Coal Policy Conference could well be used for research in discovering new and different uses for coal and coal byproducts and more economical methods of transportation. Coal miners are no different from any other industry suffering unemployment. The present administration has promulgated many plans, not doles, to assist the coal miners by way of retraining and other similar programs. The coal miners are even the beneficiaries of 40 cents for every ton of coal produced, which is paid directly to the United Mine Workers of America Welfare and Retirement Fund by every coal operator, for pensions and welfare benefits, which benefit of course is paid by the consumer of the coal. What other industry employees enjoy the benefits of such a privilege tax?

The coal industry, on the other hand, by its own admission, is enjoying economic success and predicts greater economic successes in the future. Obviously, this success does not contemplate substantially greater employment of manpower but is to be gained through technological advances in the industry.

The import restrictions on foreign residual fuel oil, however, have had a very drastic effect on the independent fuel marketers and related industries, with many thousands of employees and many millions of investments, and it has cost the taxpayers many millions of dollars. A number of independent marketers have been forced to sell out due to the inequitable distribution of import quota licenses. Residual fuel oil import restrictions have also had a detrimental effect on our foreign relations, in particular with a number of Latin American countries.

We feel that propaganda and publicity such as put forth by the National Coal Policy Conference is a waste and an insult to your Office. Our small organization cannot match the budget the National Coal Policy Conference has established for the specific and sole purpose of propagandizing for more rigid import restrictions on residual fuel oil. Ordinarily we would not stoop to answer this propaganda, as we have full confidence in you and in the intelligence and integrity of your staff, the Congress, and the American people, to realize the basic fallacy of the allegations of the coal industry. However, enough is enough: We hope our effort is justified.

As you well know, the matter as to whether or not import restriction on residual fuel oil should be continued as a matter of national security under section 8 of the Trade Extension Act of 1958 has been under study for over a year by the Director of the Office of Emergency Planning, and full and complete briefs have been submitted to that office by all interested parties. We naturally feel that the Director of the Office of Emergency Planning could honestly arrive at only one result with respect to import restrictions on residual fuel oil, and that is that such restrictions are not necessary to national defense security.

We are confident that you constantly have in mind the economic problems facing our Nation. These economic conditions can be improved by helping our industry through removing entirely the controls on residual fuel oil, or providing more equitable distribution of import quota licenses. This will keep our industry healthy, and at the same time save consumers millions of dollars, and will not affect the coal industry or its employment problem one iota.

Very truly yours,

INDEPENDENT FUEL OIL MARKETERS OF AMERICA, INC.,
JOHN K. EVANS, *Executive Director.*

SEPTEMBER 12, 1962.

Hon. E. A. MCDERMOTT,
Director, Office of Emergency Planning, Executive Office Building, Washington, D.C.

DEAR MR. MCDERMOTT: The coal industry is currently engaged in an effort to create a public impression that it is in an economic "crisis" from which it can only be saved by a sharp reduction in residual fuel oil imports. Coal industry spokesmen claim that these imports are the principal cause for the "crisis." Their latest effort was the recent letter addressed to you by Mr. Moody of the National Coal Policy Conference. The letter asserted that the increase in residual fuel oil imports in the first half of 1962 was "further confirmation that excessive imports are bringing the American coal industry to a crisis" and have brought the east coast fuel market close to "a state of chaos." This is merely another example of a program of distortion of the facts that are involved.

As importers of residual fuel oil, we reject this assertion. Instead of arguing our own case we would like to offer below a series of current official statistics which certainly give a better and more objective indication of the coal industry's true state of health and of the real extent of coal-oil competition on the east coast than the claims of special-interest groups. All figures cited are the latest available for the respective series.

I. U.S. bituminous coal production

[Million tons]

January to June:	
1962	216.1
1961	188.7
Increase (percent)	14.5

Source: U.S. Bureau of Mines, I–C–T–vol. 31, No. 8, p. 26.

The above increase surpasses by far the overall growth of the U.S. economy as well as the growth in total fuel and energy demand during the same period. It should be noted that the increase in coal production, compared to last year, occurred in each of the first 6 months of 1962 and affecting all major coal producing areas in the United States. Hence, the increase is not due to an exceptional situation in 1 month or in one area but reflects the industry's overall economic performance.

II. U.S. coal consumption

[Million tons]

January to May:	
1962	170.8
1961	152.1
Increase (percent)	12

Source: U.S. Bureau of Mines, op. cit., p. 29.

This table shows that the increase in coal production is reflected to an almost equal extent in higher domestic consumption. About half of the 18.2-million-ton increase in the first 5 months of 1962 is due to higher coke oven demand. The other half reflects primarily increases in coal consumption for electric power generation and for general industrial purposes.

III. U.S. coal exports

	January-June (million tons)		Increase (percent)
	1962	1961	
European Economic Community	7.2	6.1	18.0
Other countries	9.7	8.9	9.0
Total	16.9	15.0	12.7

Source: U.S. Bureau of Mines, I-C-T, vol. 31, No. 8, p. 27.

The sharp rise in coal exports, particularly to the European Common Market region, is a clear indication of the benefits which the U.S. coal industry derives from the expansion of world trade.

Total annual coal exports are considerably higher than the volume of domestic coal affected by competitive residual fuel oil imports.

IV. U.S. coal mining employment

(Average monthly employment)

January to May:	
1962	149,400
1961	158,200
Decrease (percent)	−5.7

Source: U.S. Department of Commerce, Survey of Current Business.

In the face of the significant increases in U.S. coal production and consumption in the first half of 1962, the number of employed coal miners has further declined by nearly 6 percent. The sole explanation for these divergent trends lies in the continuing displacement of men by machines, due to technological advances in coal production. Thus, the growing unemployment among coal miners is not caused by fuel oil imports but by managerial decisions to automate coal production. This continued improvement in productivity is of course the principal factor underlying coal's economic comeback.

V. U.S. east coast (PAD District I) coal and and residual fuel oil consumption

	January-March		Increase (percent)
	1962	1961	
Coal (million tons)	39.6	34.3	15.3
Residual fuel oil (million barrels)	106.5	100.5	6.0

Source: U.S. Bureau of Mines.

Competition between imported residual fuel oil and domestic coal is limited exclusively to the U.S. east coast. Consumption data for this region for the first quarter of 1962 show that total coal sales have risen much more rapidly than residual fuel oil sales.

VI. East coast residual fuel oil supply

	January-June (million barrels)		Increase or decrease (percent)
	1962	1961	
Domestic sources	51.3	53.1	−3.4
Quota imports	82.6	73.5	+12.4

Source: U.S. Bureau of Mines, Oil Imports Administration.

Only about 80 percent of the 9.1-million-barrel increase in residual fuel oil imports during the first half of 1962 was used to meet the growth in east coast demand. The balance went to compensate for the continuing decline in domestic production of this commodity.

The above figures show very clearly that the U.S. coal industry is currently in a phase of strong economic recovery, unencumbered by residual fuel oil imports. The prospects for the coal industry's long-range outlook are no less positive, according to all objective forecasts. Cited below are two such predictions:

1. Statement of Stewart L. Udall, Secretary of the Interior, before the Senate Commerce Committee's hearings on coal slurry pipelines, May 2, 1962: "Almost all authorities forecast that as our economy grows and expands and the demand for energy continues to increase, there will be a marked expansion in coal consumption. Furthermore, decreased costs that will come as a result of these developments in transportation will mean that coal will find not only larger markets but more distant markets. I am firmly convinced that in this growth and expansion of coal markets each form of coal transportation will find its proper place, maximizing its contribution to the economy. I should like, Mr. Chairman, in closing to highlight the basic problem underlying my testimony by quoting from the staff study on national fuels and energy prepared for the Senate Committee on Interior and Insular Affairs. The study says: 'The following levels of consumption may be accepted as likely in 1980: Total energy, roughly double the consumption of energy in 1960; total electrical energy, about three times the consumption of energy in 1960; coal, roughly double the consumption in 1960 or somewhat more than 800 million tons.'"

2. U.S. Department of the Interior, Office of Coal Research, "Survey of Opportunities To Stimulate Coal Utilization," April 2, 1962: "A major conclusion of the study is that specific, realistic shortrun opportunities do exist for substantially expanding coal utilization. These opportunities are achievable and do not depend upon extended research or radical technological breakthroughs * * * in total, the recommended opportunities involve an annual expanded utilization potential estimated at between 40 and 64 million tons by 1967. By 1975, the potential impact is estimated to be between 143 and 198 million tons annually."

The members of the Independent Fuel Oil Marketers of America, Inc., are small businessmen who are fighting for their corporate survival. Our purpose is to base our cause upon truth and while we naturally have a vested interest in the subject of residual fuel oil imports, we have never resorted to any claims or accusations that were not based upon the true facts involved in the case. The product that we sell merely fills the gap between domestic supply and demand while, at the same time, contributes to the well-being of the consumer. It plays a vital role in keeping our industrial complex on the east coast competitive and indirectly supplies our friends overseas, particularly Venezuela, with the dollars with which they can purchase our products. We have never and will never resort to creating false issues or "red herrings."

We know that the truth is on our side and it is for this reason that we welcome the news that you have reactivated the long-delayed study on residual fuel oil imports. We are confident that an honest, objective study of this subject will support our case while, at the same time, protect our national interests.

Very truly yours,
INDEPENDENT FUEL OIL MARKETERS OF AMERICA, INC.,
JOHN K. EVANS,
Executive Director.

SAVE THE JOBS OF OUR LUMBER EMPLOYEES

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. NORBLAD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NORBLAD. Mr. Speaker, once again I must call attention to the fact that the lumber industry in the Pacific Northwest, indeed throughout the entire United States, is faced with serious problems created by constantly increasing imports of lumber and wood products. Numerous mills have been closed and thousands of employees have lost their jobs. U.S. lumber production in 1961 was down 4.2 billion board-feet from the 13-year average. Softwood lumber, one of the major segments of U.S. lumber production was down nearly 1.8 billion board-feet below the 13-year average, from 1949 to 1961. At the same time, our softwood lumber imports from Canada were up from 1.4 billion board-feet in 1949, to 4 billion board-feet in 1961.

Canada is the major source of U.S. lumber imports, averaging about 95 percent of all our lumber imports. In 1961 alone, there was an increase of 400 million board-feet in softwood lumber imports from Canada. In the 13-year period 1949 to 1961, Canada increased her lumber shipments to the United States by approximately 186 percent. In 1961 Canada supplied approximately 14 percent of the U.S. consumption of softwood lumber.

Why has Canada been able to take over such a substantial portion of the U.S. softwood lumber market? There are several reasons, but one of the major ones is simply the fact that the Canadian lumber producers, under the Jones Act, have a tremendous shipping cost advantage over American lumber producers. In the Atlantic coast market, U.S. west coast shippers, required under the Jones Act to ship in American-flag ships, must pay from $7.50 to $10 more per thousand feet than do the Canadians who are free to use foreign-flag ships. The Pacific Northwest lumber industry, hardest hit, has lost well over 50 percent of its eastern lumber market to Canadian lumber producers. The Jones Act protects foreign merchandise from our competition in our own country. Actually it amounts to a subsidy to Canadian lumber producers and a severe penalty against our American lumber industry. The Jones Act, to save American lumber jobs and the American lumber industry must be changed.

In January of this year I introduced H.R. 9809 to amend the Jones Act to permit American lumber producers to also use foreign-flag ships. My bill should be enacted into law before this Congress adjourns.

In April I also introduced H.R. 11140 to provide that only lumber and other wood products which have been produced in the United States may be used in housing construction covered by Federal Housing Administration insured mortgages. Passage of this bill would do much to return to American lumber producers a substantial portion of the softwood lumber market already lost to the Canadians.

I have also urged President Kennedy to take emergency action to limit the volume of Canadian lumber coming into the United States and in a letter to him said:

> Our lumber industry is in a critical situation now and unless immediate assistance is forthcoming, it will get much worse. Although the Department of Agriculture, the Department of State, and the Commerce Department have been pressed for prompt action to correct current inequities in our competitive position with the Canadians, to date no tangible assistance whatsoever has been forthcoming. Until these appropriate Government agencies come to grips with the serious foreign competition problems confronting our lumber industry, it is imperative that you immediately order a temporary quota on the flood of softwood lumber from Canada on a quarterly basis.

Unfortunately, to date, nothing of significance has been done either by Congress or the administration to remedy the serious situation confronting the lumber industry in the Pacific Northwest. It is high time that both act to save the jobs of our lumber employees from Canadian competition.

THE AGRICULTURE STABILIZATION AND CONSERVATION COMMITTEEMEN

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. MATTHEWS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, to my way of thinking, the key to the success of most of our farm programs rests in the capable hands of the thousands of locally elected county ASC committeemen in every State of the Union.

After all is said and done here in Washington, where it is an old saying that the President proposes and the Congress disposes, it is the end result of our executive and legislative activity which really counts. And that end result insofar as agricultural legislation is concerned rests squarely on the efforts and dedication of the individual county ASC committeemen.

Farm laws are made in Washington; true.

But farm program action is taken by the farmer, himself. If the farmer does not know what the program is all about—if it means nothing to him—if it has neither opportunity for economic gain nor opportunity to serve patriotically the Nation's best interest—then all our actions here in the Nation's Capital become meaningless.

Fortunately, America's Agricultural Stabilization and Conservation Committees have already proved themselves in their enthusiasm for programs enacted by the 87th Congress.

This proof is readily apparent in the degree of signup for the 1962 wheat and feed grain programs.

The ASC committeemen and their county office staffs, using information expedited to them by USDA National and State ASCS offices, set forth under short notice, but with zeal for the two programs, and communicated, to groups and to individual farmers as necessary, all the pertinent details. Then came the individual farmer signups for intended participation in the two programs.

The national results were amazing. Nearly 2 million farmers, after due consideration of all the facts, decided to participate. Together, they agreed to divert nearly 48 million acres of cropland from production of surplus producing grains, and to apply conserving practices to the land so diverted.

This was a tremendous and most significant feat.

But to the farmer-elected county ASC committeemen it was only the beginning of their job. They are charged also with general management of all the other functions in their counties as regards acreage allotments and marketing quotas, the agricultural conservation program, price support loan activity, purchase agreements and incentive payments, and all the other special programs such as those for sugar, the soil bank and wool, as well as the well-established programs in those States growing peanuts, cotton, and tobacco.

Meanwhile, back at their own farms, the ASC committeemen have to carry on their regular work. Their elected job in which they are doing so much is an additional task to which they are freely dedicated. So I think we in Congress should give a general round of applause for America's farmer-elected ASC committeemen—the frontline men of this Nation's great agricultural complex, greatest in the world and one of our most powerful defenses against communism.

STUDENT HIRING POLICY OF GOVERNMENT DEPARTMENTS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BECKWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, our Government finances several programs annually to assist students and others—even those from foreign countries—to learn about the workings of the U.S. Government here in Washington. But many departments leave out students and other summer employees from numerous States when hiring students and other summer employees in Washington, D.C., or the central offices. I include some recent figures:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., August 15, 1962.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BECKWORTH: As requested in your letter of August 7, 1962, I am pleased to furnish you the following list of the names and addresses of persons holding summer jobs in Interstate Commerce Commission.

Miss Jewell Boleyn, Falls Church, Va.; Miss Catherine Carr, Falls Church, Va.; Mr. Robert A. Cox, Alexandria, Va.; Mr. Andrew Dixon, Washington, D.C.; Miss Roberta Doerner, Cheverly, Md.; Mr. David Flaherty, McLean, Va.; Mr. Arthur Gray, Washington, D.C.; Miss Martha Angela Keener, Washington, D.C.; Mr. Thomas E. Winslow, Chevy Chase, Md.; Miss Susan Hammond, Gaithersburg, Md.; Miss Helena Jessel, Arlington, Va.; Miss Dorothy A. Layton, Arlington, Va.; Mr. Frank Pontello, Washington, D.C.; Mr. Robert I. Ridgeway, Beltsville, Md.; Mr. Paul Seidenman, Silver Spring, Md.; Mr. David Reilly, Arlington, Va., Miss Judith Staples, Washington, D.C.; Mr. Ivan F. Wollman, West Hyattsville, Md.

Except for these summer employees, we have no employees serving under temporary appointments. Your enclosure is returned.

Sincerely,

RUPERT L. MURPHY,
Chairman.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 28, 1962.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washintgon, D.C.

DEAR MR. BECKWORTH: Reference is made to your letter of August 7, 1962, requesting the names of the persons holding summer jobs in the Civil Service Commission this year, and also those who hold temporary positions.

We have broken down our list of summer employees into two groups; college students and other summer and temporary employees. The other summer employees are primarily 1962 high school graduates who will enter college this fall.

I trust the enclosed lists will provide you with the information you desire.

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

COLLEGE STUDENTS EMPLOYED BY CIVIL SERVICE COMMISSION, SUMMER 1962

CENTRAL OFFICE

Olivia Baish, clerk-typist, Washington, D.C.

David Book, clerk-typist, Alexandria, Va.

Anne D. Cranshaw, clerk, Belle Haven, Alexandria, Va.

Marsha Deal, clerk-stenographer, Arlington, Va.

Diana Fitch, clerk, Washington, D.C.

Ronald Jackson, mail and file clerk, Laurel, Md.

Martha Ludwig, clerk-typist, Arlington, Va.

Lynn McGriff, clerk-stenographer, Great Falls, Va.

William P. Macht, student aid, Arlington, Va.

Judith Menaugh, clerk, Alexandria, Va.

Patrick O'Neil, assembly clerk, Washington, D.C.

Robert S. Rendell, student aid, New York, N.Y.

Clair W. Rodgers, student aid, Washington, D.C.

Pamela Siegle, clerk-typist, Silver Spring, Md.

Ellen, Siegman, clerk-stenographer, Silver Spring, Md.

Mary L. Simmons, clerk-stenographer, Arlington, Va.

Helen Smith, clerk-typist, Riverdale, Md.

Delano, Stewart, mail clerk, Washington, D.C.

William H. Thomas, messenger, Washington, D.C.

Eileen Wrenn, clerk-typist, Arlington, Va.

REGIONAL OFFICES

Robert L. Marshall, mail clerk, Dallas, Tex.

John M. Numoto, clerk-typist, Seattle, Wash.

OTHER SUMMER AND TEMPORARY EMPLOYEES, 1962—CENTRAL OFFICE

Robert T. Bain, Jr., clerk-typist, Alexandria, Va.

Victoria G. Blaney, clerk-stenographer, Arington, Va.

Angela M. Eggers, clerk-typist, Falls Church, Va.

Thomas F. Harkins, mail clerk, Falls Church, Va.

Mary Ann Kuhn, clerk-typist, Washington, D.C.

James D. Magness, assembly clerk, St. Augustine, Fla.

John R. Maguire, statistical clerk, Ellicott City, Md.

Patricia A. Pascoe, clerk-typist, Arlington, Va.

Patrician A. Reichhardt, clerk-typist, Silver Spring, Md.

Agnes F. Sembly, clerk-stenographer, Baltimore, Md.

Benjamin J. Stein, statistical clerk, Silver Spring, Md.

Joyce V. Cohen, enrollment examiner, Washington, D.C.

Loretta A. Moses, clerk-stenographer, West Hyattsville, Md.

Rita M. Schneider, control clerk, Washington, D.C.

Carmen Waters, clerk-typist, Washington, D.C.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., September 19, 1962.

Hon. LINDLEY BECKWORTH,
House of Representatives.

DEAR MR. BECKWORTH: This is in further response to your letter of August 7, 1962, requesting the names and addresses of the persons who held summer and temporary jobs in the Department of Defense.

The requested information is furnished in the attached listings for the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff, Defense Atomic Support Agency, Defense Communications Agency, Defense Supply Agency, and Office of Civil Defense.

Sincerely yours,

JOHN E. MOORE,
Director of Personnel.

NAMES AND ADDRESSES OF PERSONS WHO HELD SUMMER AND TEMPORARY JOBS IN THE OFFICE OF THE SECRETARY OF DEFENSE AND THE OFFICE OF THE JOINT CHIEFS OF STAFF

Richard W. Apgar, Fairfax Station, Va.; Sue E. Arbogast, Alexandria, Va.; Judith K. Bangert, Annandale, Va.; Martha B. Bannerman, Washington, D.C.; Kathryn E. Barret, Alexandria, Va.; Winifred A. Berg, Washington, D.C.; Cynthia Bell, Falls Church Va.; Peter D. Bell, Gloucester, Mass.; Rebecca L. Birch, McLean, Va.; Jerry R. Birdwell, Cleburne, Tex.; Judy Blankenship, Falls Church, Va.; Barbara Ann Blandford, Falls Church, Va.; Emily Jeanne Blessing, Richmond, Va.; Barbara E. Boggan, Tupelo, Miss.

Roger E. Bolton, Dover, Pa.; Katherine A. Bonner, McLean, Va.; Kathleen Broderick, Alexandria, Va.; Barbara Brooking, Fairfax, Va.; Andrea L. Brousseau, Arlington, Va.; Hunter M. Breland, Washington, D.C.; Louis A. Casgrain, Providence, R.I.; Sarah Cheney, Kensington, Md.; Nona Anne Christensen, Arlington, Va.; Charlotte R. Clifford, Clifton, Va.; Sally Coltrin, Falls Church, Va.; Corinne Cooper, Alexandria, Va.; Diana Copsey, Lincoln, Nebr.; Joyce A. Coryell, Herndon, Va.

Katherine Counts, Alexandria, Va.; Carolyn M. Craft, Philadelphia, Pa.; Shauneen A. Cruise, Falls Church, Va.; Marianna Damminger, McLean, Va.; Patricia A. Dean, Annandale, Va.; Barbara Doug, Annandale, Va.; Mary J. Donnelly, Vienna, Va.; Mary C. Dunnington, Bethesda, Md.; Sandra D. Ellis, Takoma Park 12, Md.; Kay L. English, Alexandria, Va.; Susan E. Farr, Arlington, Va.; Robert Ferguson, Baltimore 28, Md.; Weaver H. Gaines, Arlington, Va.

Sharon M. Gauss, Alexandria, Va.; Gail Geoghegan, Alexandria, Va.; Lynne S. Graham, Alexandria, Va.; Mary Kay Grow, Provo, Utah; Eugene Hagar, Hermitage, Tenn.; Beverly Lynn Hink, Vienna, Va.; Carolyn J. Hinricks, Saginaw, Mich.; Stanley L. Holtoner, Jr., Arlington 7, Va.; Louise Elaine Hoover, Arlington, Va.; Barbara J. Hopkins, Arlington, Va.; Mary J. Houch, Falls Church, Va.; Joe Hughes, Arlington, Va.; Jennifer Innes, Alexandria, Va.

Katherine R. Jennings, Springfield, Va.; Jo Ann Karr, Normal, Ill.; Katherine A. Laing, Falls Church, Va.; Linda Lawerence, Arlington, Va.; Linda Lee, Portsmouth, Va.; Linda Jean Livesay, Alexandria, Va.; Karen Lohrke, Bay City, Mich.; Linda M. Loughton, Falls Church, Va.; Sandra R. Loughton, Falls Church, Va.; Nancy K. Malone, Arlington, Va.; Patricia A. Martin, Jackson, Miss.; Jon J. Masters, New York, N.Y.; Gwen McIntyre, Clifton, Va.

Mattie E. McQuaig, Quintman, Miss.; Judith K. Moran, Alexandria, Va.; Gordon Ryon Moreland, Waldorf, Md.; Barbara A. Morris, Port Republic, Va.; Elaine Mueller, Alexandria, Va.; Martha Meurer, Muenter, Tex.; Linda Marion Nelson, Arlington, Va.; Sharon Ann Norvell, Alexandria, Va.; Betty O'Hara, Falls Church, Va.; Bryon Ostby, Springfield, Va.; Carolyn Miller Ousey, Falls Church, Va.; Patricia J. Parry, Arlington, Va.; Helen Patrick, Silver Spring, Md.

Sydness Podnos, Washington, D.C.; Robert Prentice, Clifton, Va.; Janice M. Provan, Falls Church, Va.; Linda S. Rhodes, Arlington, Va.; Margaret H. Rich, Falls Church, Va.; Velda F. Rosado, Arlington, Va.; Patricia L. Rosenberg, McLean, Va.; Mary M. Roudabush, Arlington, Va.; Elizabeth Rowe, Washington, D.C.; Karen A. Rowe, Falls Church, Va.; Barbara Saintsing, Falls Church, Va.; Walter William Shoaf, Arlington, Va.; Walter B. Slocombe, Ann Arbor, Mich.

Nancy Kay Smith, Alexandria, Va.; Linda Spaur, Capitol Heights, Md.; Eileen M. Stark, Alexandria, Va.; Susan Steinberg, Kensington, Md.; Melinda P. Teel, McLean, Va.; Melissa A. Thompson, Arlington, Va.; Janet L. Thurman, Alexandria, Va.; Susan Cole Twitchell, Alexandria, Va.; Bonnie Vannon, McLean, Va.; Judith Warder, Lorton, Va.; Diana Kay Webb, Arlington, Va.; Doris Weber, Vienna, Va.; Janet Whalon, Falls Church, Va.; Sandra Wise, Arlington, Va.; James Wright, Fort Worth, Tex.; John W. Wylie, Takoma Park, Md.; Phyllis Zauder, Alexandria, Va.

DEPARTMENT OF DEFENSE,
DEFENSE ATOMIC SUPPORT AGENCY,
Washington, D.C. August 22, 1962.

Memorandum for: Director of Personnel, Office of the Secretary of Defense.

Subject: Temporary summer employees.

In response to your memorandum of August 22, 1962, subject as above, there are listed below the names and addresses of persons who have held temporary jobs in this Agency in the Washington area this summer:

Miss Carla Cooper, Arlington, Va., and Miss Sara J. Piovia, Arlington, Va.

JOHN A. ROSADO,
Director of Civilian Personnel.

DEPARTMENT OF DEFENSE,
DEFENSE COMMUNICATIONS AGENCY,
Washington, D.C., August 27, 1962.

Memorandum for: The Director of Personnel, Office of the Secretary of Défense.

Subject: Temporary summer employees.

Reference: (a) Director of Personnel, Office of the Secretary of Defense memo, August 22, 1962 subject as above.

1. Information requested by reference (a) is as follows:

Eleanor M. Clark, Arlington, Va.; Bonnie L. Doyle, Arlington, Va.; Marian J. Gilmore, Arlington, Va.; Virginia L. Lerch, Arlington, Va.; Patricia A. Long, McLean, Va.; Mary C. May, Arlington, Va.; Diana L. McLaughlin, Arlington, Va.; Patricia K. Voight, Washington, D.C.; Carol J. Woodward, Falls Church, Va.

For the Director:

W. W. WEYANT,
For E. S. MALONEY,
Colonel, USMC, Executive Officer.

HEADQUARTERS, DEFENSE
SUPPLY AGENCY,
Washington, D.C., August 28, 1962.

Memorandum for: Mr. John E. Moore, Director of Personnel, Office of the Secretary of Defense.

Subject: temporary summer employees.

With reference to your memorandum of August 22, 1962, subject as above, inclosed as requested is a list of the names and addresses of persons who held temporary jobs this summer with this Agency, in the Washington area.

WALTER N. HOWELL,
Chief, Headquarters Personnel Branch
(For the Director).

SUMMER EMPLOYEES

Samuel F. Blythe, Washington, D.C.; Thomas M. Brooks, Washington, D.C.; Glen T. Casey, Alexandria, Va.; Brian Devine, Chevy Chase, Md.; John W. Devine, Chevy Chase, Md.; Joe I. Ellis, Washington, D.C.; James D. Gardner, Falls Church, Va.; Freddie L. Lewis, Washington, D.C.; David S. Goldberg, Washington, D.C.; Sharon E. Stiver, Alexandria, Va.; Susan M. O'Connell, Silver Spring, Md.; Barbara J. Robinson, Washington, D.C.; Gordon T. Nelson, Alexandria, Va.; Charlsie M. Abel, Fairfax, Va.; Nancy J. Bell, Falls Church, Va.; Mary D. Rigsby, Amarillo Air Force Base, Tex.; John S. George, Arlington, Va.; Julie Ann Kendall, Arlington, Va.; Evelyn Moody, Camp Springs, Md.; Katherine A. Gillam, Arlington, Va.; Patricia A. Spurr, East Riverdale, Md.; Jacquelyn Meyer, Falls Church, Va.; Margaret A. Erlendson, Vienna, Va.; Eric M. Dash, Takoma Park, Md.; Charles F. Carter, Arlington, Va.; Mary H. Perkins, Arlington, Va.; James R. Grote, Alexandria, Va.; Nancy J. Almand, Alexandria, Va.; Marilyn E. Mays, Alexandria, Va.;

Judy A. Sells, Arlington, Va.; Annette K. Grider, Fairfax, Va.; Nancy R. Myers, Washington, D.C.; Elizabeth A. Osborne, Bethesda, Md.; Sharon T. O'Connell, Bethesda, Md.; Judith L. Turner, Bethesda, Md.; Patricia E. Hall, Washington, D.C.; Christina Smith, Washington, D.C.; Dorothy M. Carberry, Vienna, Va.; Sandra Ray Lanier, Arlington, Va.; Mary A. Blanche, Alexandria, Va.; Kara Sue DeLap, Vienna, Va.; Barbara J. David, Washington, D.C.; Elizabeth A. Esau, Vienna, Va.; Janet L. Ganes, Washington D.C.; Pamela R. Harris, Pleasant Grove, Utah.

Rosa O. Holloman, Dunn, N.C.; Ardith A. Meyer, Arlington, Va.; Pamela C. Ralston, Fleet Post Office, New York, N.Y.; Doris R. Watson, Washington, D.C.; Joan Jackson, Washington, D.C.; Sally Shaftel, Silver Spring, Md.; Kathleen Bartram, Arlington, Va.; Nancy J. Reece, Falls Church, Va.; Diane M. Collins, Takoma Park, Md.; Marcia M. Caldwell, McLean, Va.; Gloria J. Kafer, Arlington, Va.; Frances L. Panneton, Washington, D.C.; Maria I. Bush, Alexandria, Va.; George M. Milward, Alexandria, Va.; John C. MacDonald, Washington, D.C.; Leslie A. Venable, Fort Monroe, Va.; Phyllis G. Allen, Alexandria, Va.; Beverly J. Evans, Silver Spring, Md.; Pat F. Bishop, Fort Belvoir, Va.; Donna J. Sullivan, Alexandria, Va.; Patricia L. Lynn, Arlington, Va.; Rhea A. Starkey, Falls Church, Va.; Myra N. Volk, Bethesda. Md.; John J. Gill, Washington, D.C.;

Patricia J. Robinson, Alexandria, Va; Jane C. Hennessy, Arlington, Va.; Barbara G. Letts, Washington, D.C.; Evelyn B. Rosen, Portland, Oreg.; Enid M. Hennessy, Arlington, Va.; and Susan S. White, Annandale, Va.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C.

Memorandum for: John E. Moore, Director of Personnel, Office of the Secretary of Defense.

Subject: Temporary summer employees.

In accordance with your memorandum of August 22, 1962, following is a list of names and addresses of temporary summer employees who held temporary jobs in the Office of Civil Defense in the Washington area:

Marilyn Appel, Falls Church, Va.; Lynda Arensen, Arlington, Va; Patricia Archer, Alexandria, Va.; Joan R. Booth, Falls Church, Va.; Rosalind Buck, Alexandria, Va.; Julia B. Cravotta, Arlington, Va.; Robert Carlsen, Wheaton, Md.; Stephanie Cadman, Arlington, Va.; Craig R. Disher, Falls Church, Va.; Linda G. Dix, Alexandria, Va.; Virginia Engelman, Arlington, Va.; Louie S. Echols, Washington, D.C.; Dorothy Galenti, Alexandria, Va.; Patricia Garrett, Arlington, Va.; Dorothy M. Harris, Manassas, Va.; Patricia A. Harris, Arlington, Va.; Gay Hillam, Arlington, Va.; Patsy Hough, Alexandria, Va.; Kent Hughes, Portland, Oreg.; Caroline Keyhoe, Alexandria, Va.; Roberta J. Landes, Alexandria, Va.; Gretchen Lackner, Arlington, Va.; Jaclyn J. Lambert, Vienna, Va.; John P. McCarthy, Greenbelt, Md.; Carol P. McNamara, McLean, Va.; Joan Markey, Washington, D.C.; Sandra Morrissey, Alexandria, Va.; Sara Nichols, Salisbury, Md.; Robert A. L. Plybon, Alexandria, Va.; Patricia Powell, Arlington, Va.; Murray Roberts, Alexandria, Va.; Susan Squiries, McLean, Va.; Jacqueline M. Strollo, Arlington, Va.; Abby Swanick, Arlington, Va.; Sandra L. Turrow, Annandale, Va.; and Katherine J. Williams, Arlington, Va.

JAMES R. HUBERT,
For H. SCOTT DENNISTON,
Chief, Placement and Employee Relations Branch.

Temporary employees, summer 1962—A tabulation of States of residence of temporary summer employees of the Federal agencies in the Washington, D.C., area, based upon replies to Representative Beckworth's inquiry

	Summary	Air Force	Navy [1]	Office of the Secretary	Area Redevelopment Administration	Business and Defense Services Administration	Bureau of the Census	Coast and Geodetic Survey	Bureau of International Programs	Maritime Administration	Patent Office	Bureau of Public Roads	Bureau of Standards	Weather Bureau	Comptroller General	Bureau of Engraving and Printing	Federal Communications Commission	Federal Power Commission	Federal Trade Commission	Government Printing Office	Post Office Department	State Department
Alabama	2																					2
Alaska																						
Arizona																						
Arkansas	4		1																			3
California	22	1		2	1	4	2						2		2		1		1		1	5
Colorado	8	2		1		2							1								1	2
Connecticut	6			1							1		1						1			2
Delaware	2	1											1									
Florida	8	1				1	1				1		2	2								
Georgia	4	1									1		1									1
Hawaii																						
Idaho	1																		1			
Illinois	12	1	2	2	1		1							1								4
Indiana	7	2																	1		1	3
Iowa	5	1				1	1															2
Kansas	6												3									3
Kentucky	4		2										1						1			
Louisiana	5	1	1			1					1											1
Maine	3		1					1					1									
Maryland	812	75	325	32	10	21	30	16	9	8	19	28	43	20	9	1	36	23	3	24	36	44
Massachusetts	17	1	4	1	1	1	1		1			1					1				1	4
Michigan	13		5				1				2	1							2			2
Minnesota	2										1		1									
Mississippi	1		1																			
Missouri	6	2			1						1											2
Montana																						
Nebraska	4		1		1								2									
Nevada																						
New Hampshire	1																					1
New Jersey	19		1	1	1				1		1		4				1		4		1	4
New Mexico	2												1									1
New York	42	3	4	2		1	4				5	2	8				2		3		1	7
North Carolina	17			3	1		7				3	1										2
North Dakota	3		3																			
Ohio	25	2	2	1		2	2	1					7						2			6
Oklahoma	1											1										
Oregon	2				1							1										
Pennsylvania	34	2	5	1		1	2	1	1		6	1	6	1								7
Rhode Island	3	2																				1
South Carolina	4		2																1			1
South Dakota	2			1			1															
Tennessee	6		3						1				2									
Texas	14	1		3							3								1			6
Utah	5			2							2	1										
Vermont																						
Virginia	655	106	152	27	9	18	3	23	7	8	25	34	27	31	5	5	39	23	3	6	41	63
Washington	1																					1
West Virginia	3	1		1															1			
Wisconsin	6				1			1			1											3
Wyoming																						
District of Columbia	536	36	164	22	9	8	19	6	3	3	32	13	32	16	6		29	26	4	12	25	71
Summary	2,335	242	679	103	37	61	75	49	23	19	105	84	145	71	22	6	109	72	29	42	108	254
Agriculture [2]	611																					
Total	2,946																					

[1] Navy Department specifically notes that permanent home addresses are listed only if local address is not available. Navy list includes 64 employees with no address, local or permanent. They are not in the table.

[2] Department of Agriculture lists 611 employees as summer temporaries. It does not, however, list any local address or State of residence. These employees are not incorporated in the table.

NOTE.—In some instances the replies did not specify whether the employee's address was his temporary summer address or his permanent residence.

Replies were received but no data were supplied by Office, Secretary of Defense; Department of the Army; Atomic Energy Commission; Central Intelligence Agency; Department of Commerce; Department of Interior; and National Aeronautics and Space Administration.

Source: Frederick L. Scott, History and Government Division, Legislative Reference Service, Sept. 4, 1962.

I include a bill which passed the House Post Office and Civil Service Committee more than a month ago. The vote on the bill was 15 votes for and 1 against. The gentleman from Montana, Representative OLSEN, a member of the House Post Office and Civil Service Committee, the gentleman from West Virginia, Representative SLACK, and Senator RANDOLPH have introduced similar bills. An amendment was offered by the gentleman from Virginia, Representative BROYHILL, to

repeal the apportionment act which applies to all civil service jobs and has since 1883. The Broyhill amendment as I recall was defeated 15 to 1.

My bill follows:

H.R. 5698

(In the House of Representatives, 87th Cong., 2d sess., March 20, 1961; Mr. Beckworth introduced the following bill, which was referred to the Committee on Post Office and Civil Service)

A bill to extend the apportionment requirement in the Civil Service Act of January 16, 1883, to temporary summer employment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth paragraph of section 2 of the Civil Service Act of January 16, 1883, as amended (5 U.S.C. 633), providing for the apportionment of appointments in the competitive civil service, is amended by inserting "(including appointments to temporary employment of more than thirty days in the period from May 1 through September 30 of each year, except appointments to the postal field service and appointments of an emergency nature)" immediately following "appointments to the public service aforesaid".

I include the pertinent part of an article that appeared in the Washington Post March 26, 1962:

The Federal Diary—Agriculture Department Policy To Discourage Nepotism Is Issued

(By Jerry Kluttz)

Agriculture Secretary Freeman has issued a general policy that discourages nepotism in the Department.

He does not want close relatives to be given jobs in the same agencies where the related employees and officials are working.

In no case does he want employees to work directly under relatives who are supervisors.

Freeman informed his staff in a special letter that he had decided to take the steps, after much soul searching, to avoid public criticism particularly in the Department's handling of summer and other part-time jobs.

He explained that his "general policy guidance" in no way restricts the employment of persons, relatives or not, who qualify for them through competitive tests.

I include an article that appeared in the Washington Daily News, May 24, 1962:

Summer Job Plums Entice White House

(By John Cramer)

The White House has uncovered a rich, new and previously untapped well of patronage appointments—temporary summer jobs in Washington for young sons and daughters of the politically deserving.

It has set up a special program under Larry O'Brien, Presidential assistant for congressional liaison, to make sure that the right sons and daughters get as many as possible of the jobs available.

As part of this program, the White House recently asked all major agencies here to specify how many jobs they could offer youngsters recommended by the White House.

Later, in another memo, the agencies were asked to specify the total number of temporary summer jobs they expect to fill.

GUIDANCE?

This request, it was explained, was for the purpose of giving the White House guidance in planning an orientation program for the summer appointees.

Some agency officials think it was for the purpose of giving the White House a firm reading on the number of jobs it can expect to convert into patronage appointments next year.

A White House spokesman said the new program was established partly as an attempt to provide better service for Members of Congress seeking summer jobs here for sons and daughters of their constituents.

The Members had complained that too many of the jobs were going to the offspring of agency officials and their friends.

A second reason for the White House program, it was explained, was the desire to give as many youngsters as possible, from all parts of the country, a summertime opportunity to see the Federal Government as it operates in the Capital.

Officials do not deny, however, that the program has strong patronage overtones.

A spot check of agency officials yesterday disclosed that the White House has been referring candidates for summer jobs in steadily increasing numbers.

A referral amounts to a request that the candidate be appointed to any vacancy for which he's qualified.

Several agency officials thought the number of referrals would have been much larger had the White House launched its program earlier—before agencies were in a position to say that many of their jobs already had been pledged.

The total of available summer jobs in agencies here is at least several thousand.

Agencies generally put on temporary employees—especially in routine clerical-type jobs—to keep the wheels moving during the summer vacation period when many regular employees are absent.

Some agencies find it convenient, and even, they claim, more efficient, to let certain routine tasks accumulate for the summer employees.

And agencies in the scientific fields actively seek as many college students as their budgets will permit—in the hope that summertime experience will prompt the students to take Government jobs after graduation.

Traditionally, Civil Service Commission puts on a considerable drive each spring to recruit high school and college students for typist and stenographic jobs.

These students must pass regular civil service exams before they're accepted for duty.

Those assigned to clerical duties ordinarily are asked to pass mere noncompetitive exams to prove that they meet minimum qualifications.

Agency officials defend the summer employment system as thoroughly justified. Privately, however, they concede that too large a proportion of the summer jobs go to youngsters of agency officials. Some also will concede that the jobs have become a form of "personal patronage" for those who control them.

Now apparently, we're getting White House patronage as a substitute.

ABOUT PUBLIC HEALTH SERVICE

The grapevine has several major personnel changes coming soon in troubled Public Health Service. Among the reports are these:

That Deputy Surgeon General John Porterfield will resign in the near future to accept a much-mentioned job directing the administration of research grants for the University of California.

That Richard Seegal, now executive officer at Public Health Service, and Robert Grant, a division executive there, are leading candidates to succeed Paul Caulk, recently demoted from his job as Public Health Service executive officer.

Mr. Seegal, a former Caulk aid, is said to be the favored candidate of Assistant Secretary Rufus Miles. Mr. Miles' behind-the-scenes power struggle with Mr. Caulk was one of the factors leading to the recently-concluded investigation of Public Health Service.

I include the pertinent portion of an article that appeared in the Washington Post, August 5, 1962:

The Federal Dairy—U.S. Jobs in June Highest in 10 Years

(By Jerry Kluttz)

Federal employment here during the month of June jumped by 9,979, the largest monthly increase in 10 years, to 257,369.

But most of that increase is accounted for by the hiring of students and others for temporary jobs which will end this month. The month of September can be expected to show a sharp decline.

The largest increases here were 2,257 in Defense and 1,297 in HEW.

Overall Federal employment rose to 2,514,211 during the month, an increase of 35,412 over May. Again, much of the rise was due to the employment of seasonal and temporary workers.

I include an article that appeared in the Washington Evening Star, September 3, 1962:

Federal Payroll Sets New High

The Government's civilian payroll reached a record high of $14,296 million in the last fiscal year, a congressional committee reported today.

The Joint Committee on Reduction of Nonessential Federal Expenditures said also the total of 2,443,808 persons on the civilian payrolls was the highest average since fiscal 1954 when it reached 2,436,164.

The first month of the new fiscal year, which began July 1, also showed an increase of 14,530 over June for a total of 2,511,025 employees, the report added.

I include an article that appeared in the Washington Daily News, September 3, 1962:

U.S. Payroll Hits Record

Senator Harry F. Byrd, Democrat, of Virginia, reported today that the Federal civilian payroll for the year ended June 30 totaled a record $14.3 billion plus $314 million for foreign nationals not on regular rolls.

Senator Byrd, chairman of the Congressional Committee on Reduction of Nonessential Federal Expenditures, said employment by the Federal agencies averaged 2,443,808 compared with an average of 2,372,445 in the previous year.

Remember there is only one U.S. Capital—and many throughout the Nation wish to know about the workings of our Government.

I have requested the leadership of the House to permit the House to vote on the legislation before we adjourn. I hope this can be done. I believe the bill which refers to the Washington area or so-called central area is conducive to fairness to the boys and girls in all of our States—yes, the States far removed from Washington.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Johnson of Wisconsin, for Monday, September 24, and Tuesday, September 25, 1962, on account of official business.

Mr. McDowell, for Monday, September 24, 1962, on account of official business.

Mr. Macdonald (at the request of Mr. Edmondson), for the remainder of the week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hemphill, for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. Rhodes of Arizona (at the request of Mr. Nelsen), for 1 hour, each on Wednesday, September 26, Thursday, September 27, and Friday, September 28.

Mr. Gallagher (at the request of Mr. Dulski), for 1 hour, on Wednesday, September 26, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Rogers of Texas and to include extraneous matter.

Mr. Alger and to include extraneous matter in the remarks he made today in general debate.

Mr. Alger.

(The following Members (at the request of Mr. Nelsen) and to include extraneous matter:)

Mr. Goodling.

Mr. Jensen.

(The following Members (at the request of Mr. Dulski) and to include extraneous matter:)

Mr. Willis.

Mr. Randall.

Mrs. Hansen.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3274. An act for the relief of Koon Chew Ho; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 218. An act to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States;

H.R. 575. An act to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes;

H.R. 1304. An act for the relief of Jung Hae;

H.R. 1960. An act to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes;

H.R. 2604. An act for the relief of Pietro Dattoli;

H.R. 5312. An act for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942;

H.R. 5320. An act for the relief of Robert Knobbe;

H.R. 6016. An act for the relief of William Thomas Dendy;

H.R. 6649. An act for the relief of C. W. Jones;

H.R. 6996. An act for the relief of Anthony Pirotta;

H.R. 6999. An act for the relief of Henry Massari;

H.R. 7123. An act for the relief of Mrs. Takako Coughlin;

H.R. 7438. An act for the relief of Anna Caporossi Crisconi;

H.R. 7704. An act for the relief of Chyung Sang Bak;

H.R. 8626. An act for the relief of Wilfrid M. Cheshire;

H.R. 9578. An act for the relief of Annie Yasuko Bower;

H.R. 9587. An act for relief of Anthony E. O'Sorio;

H.R. 9603. An act for the relief of Lt. Comdr. Joseph P. Mannix;

H.R. 9893. An act for the relief of Tadeusz Sochacki;

H.R. 9995. An act for the relief of Dwight W. Clarahan;

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.;

H.R. 10678. An act for the relief of Angelo A. Russo;

H.R. 10720. An act for the relief of Rexford R. Cherryman, of Williamsburg, Va.;

H.R. 11164. An act to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and to amend the Columbia Basin Project Act of 1943 (57 Stat. 14), as amended, and for other purposes;

H.R. 12416. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.R. 12818. An act to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay; and

H.J. Res. 730. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1023. An act to amend the act of August 20, 1954 (68 Stat. 752), in order to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Oregon; and

S. 1037. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on September 21, 1962, present to the President, for his approval, bills of the House of the following titles:

H.R. 1171. An act to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes;

H.R. 11019. An act to provide that the Uniform Limited Partnership Act shall apply in the District of Columbia; and

H.R. 11151. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1963, and for other purposes.

ADJOURNMENT

Mr. DULSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p.m.) the House adjourned until tomorrow, September 25, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2556. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 31, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the report on the Chattahoochee River, West Point and Franklin, Ga., requested by resolutions of the Committee on Public Works, House of Representatives, adopted July 29, 1955 and July 31, 1957 (H. Doc. No. 570); to the Committee on Public Works and ordered to be printed with eight illustrations.

2557. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 27, 1962, submitting a report, together with accompanying papers and illustrations, on an interim report on the Richland Creek, St. Clair and Monroe Counties, Ill., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted September 16, 1948, July 18, 1957 and August 20, 1957 (H. Doc No. 571); to the Committee on Public Works and ordered to be printed with four illustrations.

2558. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 1, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the reports on the

Big Hill Creek, Kans., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 29, 1955 (H. Doc. No. 572); to the Committee on Public Works and ordered to be printed with four illustrations.

2559. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 22, 1962, submitting a report, together with accompanying papers and an illustration, on a survey of the Wabash River at Mount Carmel, Ill., authorized by the Flood Control Act approved July 24, 1946 (H. Doc. No. 573); to the Committee on Public Works and ordered to be printed with one illustration.

2560. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 29, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the reports on the Grand River and tributaries, North and South Dakota, authorized by the Flood Control Act, approved December 22, 1944, and requested by a resolution of the Committee on Commerce, U.S. Senate, adopted June 22, 1937 (H. Doc. No. 574); to the Committee on Public Works and ordered to be printed with illustrations.

2561. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 29, 1962, submitting a report, together with accompanying papers and illustrations, on a cooperative beach erosion control study of San Juan, P.R., authorized by the River and Harbor Act, approved July 3, 1930, as amended and supplemented (H. Doc. No. 575); to the Committee on Public Works and ordered to be printed with six illustrations.

2562. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated August 28, 1962, submitting a report, together with accompanying papers and an illustration on a review of the reports on Mormon Slough, Calaveras River, Calif., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 23, 1956 (H. Doc. No. 576); to the Committee on Public Works and ordered to be printed with one illustration.

2563. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated August 24, 1962, submitting a report together with accompanying papers and illustrations on a survey of Village Creek, White River, and Mayberry Levee Districts, Arkansas, authorized by the Flood Control Act, approved July 14, 1960 (H. Doc. No. 577); to the Committee on Public Works and ordered to be printed with four illustrations.

2564. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 22, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the report of Kaysinger Bluff Reservoir, Osage River, Mo., requested by resolutions of the Committees on Public Works, U.S. Senate, and House of Representatives, adopted March 25, 1961 and June 7, 1961 (H. Doc. No. 578); to the Committee on Public Works and ordered to be printed with 10 illustrations.

2565. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 18, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on Big Stone Lake, and Whetstone River, Minn. and S. Dak., authorized by the Flood Control Act approved June 22, 1936 (H. Doc. No. 579); to the Committee on Public Works and ordered to be printed with one illustration.

2566. A letter from the Comptroller General of the United States, transmitting a report on the examination of the pricing of guidance subsystems under Department of the Air Force negotiated incentive contract AF 33(600)-36319 awarded to the Boeing Co., Seattle, Wash., for the production of Bomarc missiles and related spare parts and support equipment; to the Committee on Government Operations.

2567. A letter from the Comptroller General of the United States, transmitting a report on the examination of selected activities of the economic and technical assistance program for Korea for the fiscal years 1957 through 1961. During this period the program was administered by the International Cooperation Administration (succeeded by the Agency for International Development), Department of State; to the Committee on Government Operations.

2568. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting a copy of the Agency's reply to the Comptroller General's letter dated June 25, 1962, dealing with a report (B-133220) on an audit of the Development Loan Fund for the fiscal year 1961 and recorded as executive communication No. 2222; to the Committee on Government Operations.

2569. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the act of July 21, 1961 (75 Stat. 216, 217), and submitted to the Speaker of the House of Representatives pursuant to rule XL of the Rules of the House of Representatives; to the Committee on Science and Astronautics.

2570. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the first report of the National Aeronautics and Space Administration to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d)(ii) of the act of July 21, 1961 (75 Stat. 216), and submitted to the Speaker of the House of Representatives pursuant to rule XL of the Rules of the House of Representatives; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of September 21, 1962, the following bill was reported on September 22, 1962:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 11581. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws; with amendment (Rept. No. 2464). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted September 24, 1962*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. Supplemental report to accompany H.R. 11581 without amendment (Rept. No. 2464, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 12470. A bill to amend the Internal Revenue Code of 1954 to provide that the deduction for child care expenses shall be available to a wife who has been deserted by and cannot locate her husband on the same basis as a single woman; with amendment (Rept. No. 2465). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAYLOR:

H.R. 13212. A bill to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROBISON:

H.R. 13213. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for a portion of any amounts paid for accident or health insurance; to the Committee on Ways and Means.

By Mr. ROGERS of Texas:

H.R. 13214. A bill to close ports of the United States to certain vessels while engaged in trade with Cuba; to the Committee on Foreign Affairs.

By Mr. DULSKI:

H.J. Res. 892. Joint resolution amending Public Law 86-90 (the Captive Nations Week resolution) to designate Cuba as one of the captive nations; to the Committee on the Judiciary.

By Mr. LINDSAY:

H. Con. Res. 567. Concurrent resolution for a study of the procedures of Congress; to the Committee on Rules.

By Mr. REUSS:

H. Con. Res. 568. Concurrent resolution for a study of the procedures of Congress; to the Committee on Rules.

By Mr. CLARK:

H. Res. 806. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. GARY:

H. Res. 807. Resolution to authorize the Committee on Post Office and Civil Service to conduct an investigation and study of the congressional franking privilege; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 13215. A bill for the relief of Mrs. Faride Afif; to the Committee on the Judiciary.

By Mr. CHENOWETH:

H.R. 13216. A bill for the relief of Milagros R. Mate; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 13217. A bill for the relief of the Green Manor Construction Co., Inc.; to the Committee on the Judiciary.

By Mr. GEORGE P. MILLER:

H.R. 13218. A bill for the relief of Remegio Fedelis; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Railroad Mergers and Monopoly—Address by Senator Kefauver

EXTENSION OF REMARKS
OF
HON. ESTES KEFAUVER
OF TENNESSEE
IN THE SENATE OF THE UNITED STATES
Monday, September 24, 1962

Mr. KEFAUVER. Mr. President, since my statement to the Senate on August 27, 1962, on railway mergers, I have become impressed with the growing concern among my colleagues with respect to this problem and the need for some stopgap legislation to give the Congress and the administration sufficient time and opportunity to analyze what now appears to be a broad proposed reorganization of our Nation's rail plant.

In this connection, I had the privilege of addressing the Metropolitan Railway Employees' rally at Manhattan Center in New York City on September 19. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RAILROAD MERGERS AND MONOPOLY

(Address by Senator ESTES KEFAUVER, of Tennessee, chairman of Senate Antitrust and Monopoly Subcommittee, before the metropolitan railway employees rally at the Manhattan Center, New York, N.Y., Sept. 19, 1962)

Mr. Chairman, ladies and gentlemen, I am very grateful for your invitation to appear on this very important occasion this evening.

I want you to know that I am also concerned with the problems which you foresee in the giant rail consolidations proposed by the trunkline carriers. In these efforts, I see an attempt by a large part of the rail industry to contract its plant and diminish rail service in an effort to reduce its capacity and achieve short-run savings at the expense of long-run growth and service. At a time when we need to grow as a productive and inventive nation, when our citizens are eager and ready to put their hands and minds to work for that growth, it is incredible that we talk of the abandonment of lines, the elimination of trackage, the reduction of passenger and freight schedules, the destruction of terminals and facilities and the laying off of hundreds of thousands of workingmen over the next 5 years. This is negative business thinking which places the maximization of profits above the basic transportation standards of competition, service adequacy, and community growth. It is a type of thinking that has filtered into some other industries in this country and it is, I believe, partly responsible for the dangerous slowdown we are experiencing in our economy.

Admittedly, some railroads are not in good shape financially. But there is too much reliance on merger as the simple way out. The railroads say they want to concentrate into a few firms, eliminate duplication and competition, stabilize the price and keep it high, and contract the plant, which generally means layoff the work force and reduce capacity.

That kind of philosophy has proved to be dangerous in the past, and it is a pitiful sight to see it being rejuvenated now, at such a crucial point in our continued effort to preserve our world leadership as a productive nation.

We need to expand and grow at a rate far greater than we are growing. We will enjoy such expansion and growth when those in positions of policy both in government and industry begin to apply the incentives for that growth. We will need all the railroad plant we have, and more, when that upturn begins to accelerate, and it will be the competitive and independent innovators of the railroad industry which will be quick to take advantage of that growth in lower rates and greater revenues.

In the meantime, it is dangerous for us to move into this panic philosophy of concentration in every field. Merger and consolidation of the big companies may result in short-term savings, appreciation of stock values, new credit, and in more acceptable business status, but it is a serious question whether in an industry already greatly concentrated, such short-time success is best for the long-range security of all the people or for the rail industry itself.

Thus, the dedicated intention of most of the rail industry, as well as a substantial part of the airline industry, to merge trunkline systems, and to reduce facilities and the work force, is a national economic problem of the very first order. It is not just a problem for railroad or airline "labor" alone, as the carrier's managements would like to have the people in this country believe. It is an issue which everyone must understand, for in one way or another, these proposed transportation mergers and the consequent intention of the rail and airline industries to shrink their facilities and employment will affect transportation service and economic development in nearly every community of the United States.

In the railroad situation, over 75 percent of the Nation's rail assets are involved in merger petitions before the Interstate Commerce Commission. In the airline field, over 50 percent of airline assets are either before the Civil Aeronautics Board for merger review or are presently in merger negotiation stages expected to lead to Board consideration within the near future. By far the key transportation mergers presently proposed in these industries are the Pennsylvania-New York Central rail merger and the American-Eastern airline merger. These mergers represent a combination of the first and third largest carriers in the railroad industry and the second and fourth largest in the domestic airline field. There is little doubt in my mind that approval of these two mergers will lead to vast counter-mergers resulting in a massive concentration of economic power in the hands of a few companies and in the loss of vital competition and independent business action which are the basic ingredients to a healthy private enterprise economy. In addition, I believe they would trigger additional concentrations in the trucking and water carrier industries, and might drastically accelerate the present trend toward concentration throughout the country in many other industrial fields.

Today, I believe, we are at the crossroads in our national transportation policy. We either retain the structure of a competitve, balanced, multifirm system in each transportation mode, or we move on to regional monopolies and eventually to nationalization accompanied by massive contraction of facilities and service. The choice is ours today, for when once this proposed reorganization by the railroad and airline industries gets started, there will be little chance to turn back and try it a better way.

THE PRESENT INADEQUACY AND INABILITY OF GOVERNMENT TO COPE WITH THE RAIL MERGER PROBLEMS

During the past 6 months, the Subcommittee on Antitrust and Monopoly, of which I am chairman, has been looking into the merger problem with respect to the railroad industry. The situation which we have found can indeed be described as a failure of responsibility and policy for which both government and industry must share equally. It is a confused situation without necessary direction, guidance, or present resolution.

In the first place, the existing law delegating sole authority to the Interstate Commerce Commission to permit mergers and consolidations is totally lacking in appropriate and definitive criteria for the acceptance of such transactions. Instead, the law gives to the Commission only the vague instruction to find rail mergers "consistent with the public interest" before allowing them to go forward.

There are no adequate prerequisites which must be determined, no norms or minimum standards which must be met, nor are there proper guides in the statute for Commission participation in the directions of merger. The Commission is quite free to approve mergers resulting in national or regional rail monopolies, the elimination of vital competition, the undue contraction of railroad facilities and service, substantial unemployment of workers, discrimination of areas and communities, and the like, if it feels that the enhancement of railroad profits and financial conditions are of paramount importance, or that other similar advantages can be achieved in "the public interest."

This type of broad legislative determination may have been workable in some of the smaller rail consolidations or acquisitions in the past, but it would seem to have serious implications, and might lead to substantial economic imbalances, when applied to the huge trunkline amalgamations being presented to the Commission today. Thus, this is an area where Congress should take action to impose upon the Commission protective and definitive safeguards and prerequisites which must be met before any large consolidations are allowed to be consummated.

In the second place, the Commission is not presently equipped to test and appraise the impacts of these mergers being proposed by the rail industry, and it has not yet developed its own specific criteria applicable to the broad plans being presented. Considering the wide latitude which the Congress gave to the Commission in rendering these vast social and economic judgments which will affect the businesses, the jobs, and the lives of so many people in this country, it is most alarming to observe such an inadequacy on the part of this regulatory body.

For instance, at a time when this agency is allowing major rail merger cases to be completed and submitted for final argument, its Bureau of Transport Economics and Statistics is still conducting a research study into new and useful criteria, the susceptibility of such criteria to measurement, and procedures and tests for economic analysis of public interest factors. It further appears that there is no definite pattern for testing the statutory criterion of adequacy of service and no overall procedures for analyzing the effects of plant contraction on economic growth of communities. In fact, the Commission's staff has raised the issue of whether these big trunkline mergers may well result in increased costs per unit of output, and in other inefficiencies because of size and utilization, but the Commission has developed no methods for proper consideration of this matter.

Further, this agency has made no helpful studies concerning the density of rail traffic along major rail routes and between major points in order to determine the extent to which many areas can support rail competition. Likewise there have been no independent and across-the-board studies made by the Commission of the impact of diversion of traffic at major interchange points resulting from mergers. In addition, the Commission is without adequate information for the determination of the effects of truck and water carrier competition over specific routes and between major points, in order to test fully the allegations of the merging roads that they are suffering from competition from other modes of transport.

Most important, is the admission by the Commission that it has no details as to what groups actually control railroad companies and the actual influence exerted upon present systems, and to be exerted upon proposed systems, by commercial banks, insurance companies, investment banks, and other financial and investor institutions. Except what by chance may be brought out in the hearings of each merger case, the Commission will not be aware of the true picture of financial overlay which may result if these gigantic mergers and consolidations are permitted to go forward.

Finally, the Commission rigidly adheres to a policy of considering each merger application on an isolated basis and renders its decision only on the particular facts developed within the separate proceeding. It has not adopted procedures to consider the merger's impact in relation to other proposed mergers in the region, or other possible mergers which might be effected to counter the strength of the combination being proposed. The Commission has so far refused to consolidate cases and make any broad determinations. It does not make independent investigations of its own, in order to develop its own appraisal of sound merger directions by which it can more sensibly test the mergers proposed. Consolidation of all merger proposals would appear to be fundamental at this stage in the eastern merger proceedings. Only by such consolidation, can we get, for the record, an adequate opportunity to examine the real economic imbalances between the proposed systems, the possible effects of traffic diversion, the discriminations to communities and areas, and most important, the long-range impact which a Pennsylvania-Central merger will have on transportation in the East. There is too much to be determined here to continue on with this piecemeal approach, basing each decision on a limited, and many times, untested, case.

The big carriers like the case by case approach, because they know that approval of the B. & O.-C. & O. merger will justify similar approval of the Norfolk & Western-Nickle Plate-Wabash combination. They also know and they know that the Commission knows, that the effective establishment of these new systems is conditioned upon the Commission's acceptance of the Pennsylvania-Central merger at best, a very questionable combination in the public interest. At the recent hearings before the Subcommittee on Antitrust and Monopoly, the chief executive officer of the Pennsylvania Railroad boldly admitted that these three eastern mergers were a package deal, and that we had to buy the Pennsylvania or nothing at all.

What kind of responsible planning is this? The only merger plan presented to the Commission for decision requires approval of the consolidation of the country's largest railroads. For this reason, I have urged that the Commission consolidate all petitions in the East, and issue a stay on the final decision of all pending merger cases, so that a realistic, unencumbered determination can be made on this Pennsylvania-Central amalgamation, and appropriate appeals taken upon that decision before any of the other mergers are allowed to go forward.

Third, it was hoped that the administration would vigorously cope with the serious inadequacies of the present law with respect to rail mergers and the inability of the Interstate Commerce Commission to give a sufficient and perceptive testing of this complicated problem.

On January 17 of this year, in my speech on the Senate floor, and also by special letter to the President of the United States, I called for the establishment of an executive commission composed of representatives from management, labor, the Government, and the public to begin without delay a thorough study of the rail merger problem and to make recommendations both to the Interstate Commerce Commission and to Congress with respect to the development of a national transportation merger policy. Some 2 months thereafter, in his transportation message to the Congress, President Kennedy specifically recognized the administration's responsibility to recommend more specific guidelines and procedures with respect to transportation mergers and he announced the formation of an interagency group composed only of administration officials to formulate general administration policies on mergers and to assist the Department of Justice in "developing a Government position" in merger cases before regulatory agencies. Although this type of organization was a far cry from my recommendation, I nevertheless supported it as a good first step in obtaining some objective and independent analyses of what was developing as a national domestic problem.

At the hearings of the Subcommittee on Antitrust and Monopoly in early July, I learned that this group had met only twice since its formation, that its meetings were devoted substantially to procedure and organizational matters, and that except for the circulation of certain staff papers and memorandums among its members, there has been no real attempt to investigate and analyze the present transportation merger movement, in general, and the rapidly moving individual cases in particular. It appeared that the bulk of its staff work was done by a few employees of the various agencies and, that there had been no substantial hearings or consultations conducted with interested parties. Over 6 months have now transpired since that interagency group was formed and it has yet to make any recommendations or any official announcement as to the particular work it has been doing or as to the information which it has obtained in its analysis of the rail merger problem. From what I have been able to learn, there is some type of final draft of a general criteria statement being circulated among its members. However, I was specifically informed yesterday that at no time has railway labor been given an opportunity for a hearing or consultation with all members of the group, or the chance to make a personal presentation of their position on these merger issues. One can only conclude that either the interagency group needs considerably more time to analyze the problem before it or that it is not too serious about meeting the issues at hand. Either way this group, made up of members who I am informed have had very little experience in the transportation field, does not appear to be the type of organization best fitted for the responsibilities created by the crisis we have before us.

Also, I have learned that the Department of Commerce, which appears to be a basic source for furnishing information to the interagency group, has made no investigations, studies, reports, or analyses concerning existing competition along major routes and within areas of the country, the existing ownership, control, and influence by investors, banks and other financial interests over the railroads, or the interlocking directorates and interests between the railroads and other carriers, shippers, customers, banks, and institutions. No investigation has been made by the Department with respect to the effects of the reduction of freight and passenger service upon economic growth in the areas involved in these prospective mergers. In particular, the Department has not compiled any information on the operation of the various rate bureaus in order to assess the impact of these large mergers on the ability of independent action in ratemaking. In fact, it appears that the Department has made no substantial independent analysis of the rail merger problem whatsoever, but rather intends to rely on the opinions of interested parties and reports from outside institutions and writers.

Thus, at this late date, when Congress is only a few weeks away from adjournment, we have not yet received an assessment of this problem from the administration, nor any constructive legislation or policy recommendations for meeting the inadequacies and inabilities which obviously exist in the handling of the industry's reorganization proposals.

Fourth, the carriers themselves have come up with vast proposals for the combination of their trunklines which would seem to create great imbalances and inequities within the various regions served. In their helter-skelter search for attainable mergers satisfactory to owners and investors, they have inevitably been drawn to merging the strong with the strong, and to eliminating competition and creating regional monopolies. It is their own aggressive desires to reduce capacity rather than to increase competition and fulfill capacity which has brought them now into a questionable plan for reorganization.

In the Northwest, the proposed Northern Pacific-Great Northern-Burlington combine will be over four times larger than its nearest competitor in assets and over three times its size in operating income. In the Southeast, the prospective Seaboard-Atlantic Coastline merger will produce a system almost twice the size of its only substantial competitor and will result in a number of monopoly situations through the Southeastern States. The present intention of the Southern Pacific to acquire the Western Pacific as well as the Rock Island has most certainly raised many questions among the experts with respect to the imbalance of power in the Southwest.

However, the most far-reaching and, to me, the most inadequately planned proposal by the railroad industry, is the proposal to merge the New York Central with the Pennsylvania Railroad. These two roads are in effect the two largest railroads in the United States. They have traditionally been powerful influences in the rate associations and in the trade associations, which to a large measure effectuate rail policy. They presently provide the largest share of the rail competition in the Central, Eastern, and Great Lakes regions of the country which area contains over 50 percent of the country's production and population. It is incredible to me and I am sure to those of you who have spent your careers in railroading, that of all the possible savings which could be derived, joint ownership and leasing and other methods which might have been effectuated by each of these carriers to improve their conditions, they would end up in urging a joinder of their properties creating such an imbalance of economic power in the railroad industry.

It should be noted that a combination of the Pennsylvania and the Central was not a part of Prof. William Ripley's draft plan for consolidations of the Nation's railroads under the 1920 Transportation Act, nor was it even suggested in the Commission's tentative or final plans under that act. The four-system plan of 1932 proposed by the eastern carriers specifically kept the Pennsylvania and the New York Central as separate competitive systems. Indeed, such a combination of giants was not even recommended by proponents of the Prince plan, which plan provided for two separate competitive systems in the East, one centered around the New York Central and another around the Pennsylvania.

Experts have testified before the Subcommittee on Antitrust and Monopoly that a combination would have over 50 percent of the assets, trackage, operating revenue, employees, and slightly less than 50 percent of the carloads originated and terminated, and freight cars owned. It has been estimated that this merged company would be about twice the size of the next proposed system (C. & O.) and about three times the size of the third proposed system (Norfolk & Western, Nickel Plate, Wabash).

These percentages indicate a position of monopoly control over rail operations in the respective area. As stated by the experts, it would give the big company excessive power in the purchasing of railroad supplies, the influencing of rates throughout the Nation, and in effectuating rail transportation policy. There seems to be little doubt that such size and power would give the company a big advantage in its dealings with the Interstate Commerce Commission and with other branches of the Federal and State Governments which could be detrimental not only to other railroads but to alternative modes of transportation as well.

One of the more serious implications of the bringing together of the Nation's two largest carriers concerns the diversion of traffic to the favor of these companies at the major southern and western interchange points and at various other interchange points within the area served. The Pennsylvania and the New York Central carry a great percentage of freight traffic to the western gateways of Chicago, Peoria, and St. Louis, and to the southern gateways of Washington, Cincinnati, and Louisville. Over the years they have built up traditional relationships with the interchanging carriers. One such relationship which is well known is that between the Pennsylvania and the Santa Fe. By combining the Pennsylvania with the New York Central, a tremendous bargaining advantage at these interchange points can be used to swing a substantial amount of freight traffic away from competitive roads. Furthermore, the bringing together of the large and experienced staffs which over the years have handled freight solicitation and given this company a superior position over all other remaining carriers in its area, will put this giant company in a most advantageous competitive position. Already these companies have large freight offices in nearly every important city in the United States.

Finally, the Congress itself, perhaps assuming that the Interstate Commerce Commission and the Civil Aeronautics Board were adequately equipped to handle this stepped-up transportation merger movement and that the executive arm of the Government was prepared to assess the matter and make the necessary recommendations to Congress for straightening out any incapabilities and inequities which might exist in the process of such movement, has not yet undertaken any sufficient extensive study of the transportation merger problem. The Surface Transportation Subcommittee of the Senate Interstate and Foreign Commerce Committee recommended in 1958 that there should be an examination of Federal policy on the subject of the large-scale consolidations and mergers in the railroad industry. A draft report of a Special Study Group on Transportation Policy in the United States, known as the Doyle Report (Rept. No. 445, Senate print, 87th Cong., 1st sess., dated June 26, 1961), devoted some 40 out of 732 pages to a discussion of a history of rail mergers and rail merger policies and gave some broad suggestions for a new transportation policy dealing with rail consolidations. This was in no sense an adequate and perceptive investigation and analysis of the social and economic impacts of transportation mergers and consolidations being proposed today.

CONCLUSION

Now, in conclusion, let me say this: I am not opposed to railroad and airline mergers, as such. I recognize that there may be some types of mergers which will improve economies and services, and retain a healthy, competitive balance among systems. Mergers among small and medium lines, or small lines into the larger trunklines may be helpful. End to end mergers coupled with traffic protections might be acceptable. What I am concerned about are these giant consolidations among the Nation's largest trunkline carriers, which mergers tend toward monopoly throughout vast regions of our country.

The railroads claim mergers the size of the Pennsylvania and the New York Central are necessary to improve their earnings, but we have learned from our study of this problem that there are a number of effective ways, short of merger, that the larger railroads can help themselves toward financial improvement. They can reduce their capacity in areas which no longer support them and expand capacity in areas where growth is taking place. They can work out joint uses of trackage, repair shops, terminals, accounting procedures, and management responsibility. They can improve their management, conduct efficiency studies, reduce costs, and revamp working procedures. They can, under present law, adopt flexible competitive pricing methods to recapture for them profitable freight lost to other modes of transport. Thus, they should strive to help themselves.

There has never been a time when such a large measure of the Nation's rail properties have been involved in such a serious and dedicated intention to consolidate. It is my great fear that we are moving too fast without realizing the consequences, and that once this is done, there will be no undoing it. That is why I introduced S. 3097, the railroad merger moratorium bill, to give us breathing time and a chance for Congress, the Interstate Commerce Commission, and the administration to investigate thoroughly this proposed reorganization of our rail plant. This bill is not an absolute moratorium. It is a fair and reasonable piece of legislation. It seeks to prevent for a limited time merger approvals by the Commission involving a railroad of over $200 million in assets, not then in bankruptcy, where such merger would not substantially lessen competition and tend toward monopoly. Thus, it would permit many necessary and good mergers to go forward today.

Time is indeed necessary to determine whether we really want to tread the path to monopoly in the railroad industry. Time is necessary to develop ways in which we can be absolutely certain the smaller and weaker railroads will be protected and improved by any merger plans accepted. Time is necessary for us to study the effect of these mergers on communities and areas of the country in terms of their long-range growth. The problem of the future of New England rail transportation is an example in this area.

All I am asking, and all I am intending, is that we have the time and opportunity to analyze these vast anticompetitive and, in many instances, monopolistic plans which are being put together by the industry.

S. 3097, the moratorium bill, has been reported favorably by the Subcommittee on Antitrust and Monopoly and is presently on the agenda of the Senate Judiciary Committee awaiting action. I urge you to support this bill with all the enthusiasm you can muster. The session is growing short, and we need to get that bill out for a vote. I am very pleased to find support increasing for the bill. Both the majority leader and the deputy majority leader of the Senate are cosponsors of the bill and are working for its passage.

Thus I urge you, and I want you to urge your friends, to stand behind this legislation, and work for it now so that Congress can become alerted, and so that we can have a strong and healthier private transportation system in these United States.

Thank you again, my friends, for allowing me this opportunity to associate with you and discuss what I consider one of the most important domestic issues of the day. This has been an important evening for all of us. I hope I have helped in a small way to make it so.

Wiley Program for Improved Conservation

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, September 24, 1962

Mr. WILEY. Mr. President, the conservation, best management, and utilization and possible replenishment of our soil, water, and natural resources is a major challenge confronting the Nation.

In a weekend address over Wisconsin radio stations, I was privileged to review fundamental principles of what I believe to be a sound conservation program. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD excerpts from the address and a supplemental statement on conservation.

There being no objection, the excerpts and supplemental statement were ordered to be printed in the RECORD, as follows:

WILEY OUTLINES 11-POINT CONSERVATION PROGRAM

(Excerpts of address by Hon. ALEXANDER WILEY, Republican, of Wisconsin, over Wisconsin radio stations during weekend of September 22 and 23, 1962)

For the future, Wisconsin, and the Nation, will require ever-greater resources. According to predictions, this will include: By 1980, we will need twice our current utilization of water now totaling 300 billion gallons of water a day; timber requirements, too, are expected to double in the next 40 years; preserving a fertile, productive soil to feed an ever-growing population.

In Wisconsin, fortunately, we are blessed with a rich, natural heritage, including: A beautiful, scenic outdoors; a bountiful water supply; a fertile, productive soil, and great forest lands.

For the years ahead, however, we must assure not only enough, but good use of our natural resources. The goals to shoot for, and which I have fought for, include:

1. Generally improving soil, water, and forest conservation programs.
2. Further expanding the Forest Products Laboratory at Madison, Wis. (of tremendous value to wood products industries, and now providing over 50,000 jobs and a billion dollars in income, annually).
3. Guarding against pollution of Wisconsin's lakes and streams.

What else should be done?

4. Expanding watershed projects (in Wisconsin, a leading State, for example, plans for 33 projects are underway; of these, 18 have been approved for planning, and 11, covering almost 500,000 acres, have been approved for operation under the small watershed program).

5. Improving flood-control programs.

6. The Congress, too, should approve the Wiley-sponsored legislation creating the Ice Age National Scientific Reserve in Wisconsin (now getting favorable consideration). The Reserve would serve not only to protect Wisconsin's unique formations of the glacier age but also valuable outdoor areas of scenic, geological, and historical significance; and, as well, create more tourist attractions.

7. In addition, we need to guard against threats to Wisconsin's water resources (for example: The Chicago water steal, still pending before a special master, would threaten to lower water levels, not only of Lake Michigan, but all the Great Lakes).

8. Improve and further expand fish and wildlife habitat programs.

9. Improve and extend highway, including primary and secondary roads, and access roadways to all of Wisconsin, including the northland.

10. Expand airports to provide better air access to all of Wisconsin.

11. Enactment of Senate-passed bill S. 3117, to provide $50 billion for assistance to States in expanding outdoor recreational programs.

All of which I have voted for and shall continue to fight for.

WISCONSIN'S CONSERVATION NEEDS OF THE FUTURE

Over the years, Wisconsin has had a remarkably good record in conservation; however, there is still real work to be done.

According to the "Inventory of Soil and Water Conservation Needs," recently completed by the U.S. Department of Agriculture and cooperating State agencies, for example: More than 60 percent of the agricultural land in Wisconsin still needs conservation treatment of some kind; of the State's 12 million acres of cultivated cropland, 7⅓ million acres need soil and water conservation measures. Erosion is the dominant problem on 53 percent of the cropland needing treatment; excess water on 27 percent; and other unfavorable soil conditions on 20 percent; establishment of new grass is needed on 1,186,000 acres of pasture, including land to be shifted to this use by 1975—more than one-half million acres of existing pasture needs improvement of cover; of nearly 14 million acres of privately owned forest and woodland, 8½ million acres needs conservation treatment—this includes establishment of new stands on 5 million acres, and stand improvement on 3¼ million acres.

In creating a more effective conservation program, the challenge, of course, is not just to preserve, but to better utilize our resources: For the needs, and enjoyment, of our people; for industry and the economy; and to serve our children, and children's children of the future.

In accomplishing many of these objectives, I can be of special service now that I have been appointed by Vice President JOHNSON to the National Forest Reservation Commission.

SUPPLEMENTAL STATEMENT ON CONSERVATION

As Senator of Wisconsin—a State with an outstanding record in conservation—I would like to review my other efforts—and goals—in establishing a more effective conservation program in Wisconsin:

Introduction of legislation to provide Wisconsin a fair share of funds annually apportioned under the Pittman-Robinson Act for wildlife restoration and management projects.

A more effective antilamprey program to prevent further killing off of lake trout—of great importance to Wisconsin's commercial fisheries.

Cosponsorship of legislation to establish a program for making saline, or brackish water suitable for industrial, agricultural, and human consumption purposes.

Supported acceleration of onfarm soil and water conservation practices.

Expanding public education on the need for conservation of natural resources.

Improvement of the Necadah National Wildlife Refuge and the Horicon National Wildlife Refuge.

Improvement of and expansion of fishery management programs.

Expanding research studies on weather forecasting to minimize losses from unwarned-of storms.

Improvement of our national forest, including the Nicolet and Chequamegon Forests.

Expansion of our highway program to provide better access to more communities.

Supported passage of the 1962 Outdoor Recreational Act: (1) To carry out operations of the Bureau of Outdoor Recreation; and (2) authorizing the appropriation of $50 million for aid to States in developing outdoor recreational programs; and support of additional funds for forest antidisease research.

TWELVE-PRONGED ATTACK ON ECONOMIC PROBLEMS OF WISCONSIN

In Wisconsin, particularly the northland, there are extremely serious economic problems.

Tragically, a great many communities have been hard hit—for example, by the closing of the Montreal Mine—resulting in loss of jobs, diminished income, lower living standards and generally, a very bad economic situation.

Recently, I urged the Area Redevelopment Administration to provide "crash" economic assistance.

In response, Mr. William L. Batt, Administrator of the area redevelopment program, stated that "within limitations of personnel and funds, work was (a) underway in a few areas of Wisconsin; and (b) the administration is developing more task force teams."

Because the situation is critical in northern Wisconsin, however, I have urged high priority for efforts to develop not only immediate—but long-range—programs for improving the economy. This includes creation of task forces for exploration of the following possibilities:

1. Survey, and discuss with local labor, business, and civic leaders, problems—and economic potentials—to determine the best way to break out of the economic doldrums.

2. Explore the possibility of channeling more Government contracts—particularly defense—to these hard-hit communities. Under present procurement policies, contracting, unwisely, is shifting away from Wisconsin and the Midwest.

3. Promoting greater use of Wisconsin ports for shipping, both by Uncle Sam and private enterprise and by so doing, increase trade and commerce, creating more jobs, business, and industrial activities and economic progress.

4. Expand efforts to attract new industries in these communities blessed with wonderful environment, plenty of manpower, ample water supplies, and other resources.

5. Development of tourist attractions projects to promote greater tourism (now one of our State's largest industries).

6. Develop facilities for winter sports to make Wisconsin an all-year-round tourist mecca.

7. Tackle the problems confronting fishermen in Bayfield, and other communities, now prohibited from taking lake trout (because of the diminished supply resulting from lamprey killoffs).

8. Extension of better roadways into the northland to bring tourists, fishermen, hunters, and vacationers, and to promote trade and commerce.

9. Exploration for development of new, wood-using industries to utilize the growing surplus of uncut timber (of which about 50 percent of the present annual harvest is now going to waste in the woods).

10. Expanded research for beneficiation of low-grade iron ore, of which there are tremendous reservoirs in Wisconsin. The goal would be to find a way to economically process this ore and thus make it more competitive on the market.

11. Take a new, hard look at imports now damaging domestic mining with the object of recommending changes in import policy.

12. Provide all possible economic assistance, including distribution of surplus foodstuffs, to enable the good folks of the north land to stay on the land they love—until a new, dynamic, economic program can be set up there to brighten the future.

Lack of Fiscal Responsibility in the Department of Health, Education, and Welfare

EXTENSION OF REMARKS
OF
HON. GEORGE A. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 24, 1962

Mr. GOODLING. Mr. Speaker, following is the text of a letter I sent to the Secretary of Health, Education, and Welfare this past Friday, which is self-explanatory in its message:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 21, 1962.
Hon. ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. CELEBREZZE: I always have and shall continue to oppose waste in spending the taxpayers' dollar.

Yesterday a 520-word telegram over your signature was sent to each Member of the House. Friends with legal training assure me this is a direct violation of the United States Code which prohibits the use of appropriated funds by departments of the executive branch for influencing legislation.

Western Union stated at straight-wire rates the cost would have been $12,800. Apparently someone in your Department did some quick footwork, anticipating unfavorable reaction, which the transaction deserved. It appears Mr. and Mrs. John Q. Public will now pick up the apparently illegal check for $3,562 to send the message 2 blocks.

Recent figures indicate a great increase in personnel in your Department. It would appear it would not have been too difficult to find a mimeograph operator and a messenger, which probably would have saved at least $3,500.

Isn't it about time those in high positions of trust display some sense of fiscal sanity? Here it was completely lacking.

I shall await your justification of this expenditure.

Sincerely yours,
GEORGE A. GOODLING,
Member of Congress.

A Tribute to County ASC Committeemen

EXTENSION OF REMARKS
OF

HON. WM. J. RANDALL

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, September 24, 1962

Mr. RANDALL. Mr. Speaker, last week this body approved the farm bill as reported by the conferees. We believe this bill will do much toward solving our farm problems, but I had hoped that we could have passed long-term legislation which would have been effective for 1963 and thereafter, and would have given farmers more time to make plans.

In an effort to ascertain what farmers wanted in the way of farm legislation, if any, we conducted a poll earlier in the year. The response, in our opinion, was excellent for out of 25,000 questionnaires mailed out, we received back about one-fourth completed returns. We will have to say though, we were greatly surprised at the many varied opinions as to what farm legislation should or should not accomplish. The majority of those who completed the questionnaires, favored some type of farm program, and each of us know that even if a program were excellent in every particular, if there is no one to carry out the program, it would be worthless, or of very little value.

One of the questions asked on this survey was, "Do you favor farmer-elected committees as the best means of administering farm programs on the local level?" After compilation had been made of the returned completed questionnaires, we found that 84.3 farmers favored the county elected committees, 9 percent did not, and 6.7 percent had no opinion.

Today, I rise to pay tribute to these dedicated men who give of their time and energy in behalf of their neighbors and indirectly to the Nation as a whole. Those consecrated men in the Fourth Missouri District, are chosen by their fellow farmers to make the necessary decisions, to explain and to generally supervise the administration of the farm programs at the county level.

Our country is blessed with an overabundance, and each of us should give thanks each night before we close our eyes that we live in America where overabundance and not starvation is one of our major problems. Mr. Speaker, I repeat, regardless of what kind of farm program is finally adopted, it will not work—it cannot succeed, unless we encourage our farmers to supervise themselves to administer these farm programs by those chosen from their own ranks.

I am a firm believer that the family farm is the great symbol of freedom and free enterprise. And I believe that we owe the family farm a great debt of gratitude for its contribution to our American heritage. In our deliberation I say again, I hope we will not forget the people, the individuals, the folks who carry out or administer our farm programs on the county level. It is a privilege to salute you, our county ASC committeemen, dedicated to the cause of better farming, and devoted in your efforts for the improvement of farm income and the contentment of our people who would perpetuate the family farm.

The People Must Continue To Elect Their Public Servants

EXTENSION OF REMARKS
OF

HON. BEN F. JENSEN

OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 24, 1962

Mr. JENSEN. Mr. Speaker, I have been reliably informed that there is a move on foot to do away with the election of county agricultural stabilization and conservation boards at a duly called election of their neighbors, and instead, to have the county boards appointed by the respective State ASC boards, or from national headquarters, which does not appeal to me at all.

During the past 30 years the present system has evolved a broad foundation of experience and know-how.

An overwhelming majority of these committeemen and their office staffs are devoted and dedicated citizens who hold a trust and an obligation—and who are elected annually by their neighbors to see that the ASC farm program is carried out in a fair American way to conform with the intent of the Congress.

An interlying strength of this system is the decentralization of operations at the point of contact with our farmers. Authority and responsibility for the administration of the program is placed on the individual county committees. Final application of farm programs is under the constant check of fieldmen, program reviewers, internal auditors and investigators. Further, day-to-day supervision and direction of all farm programs is divided up among 50 State committees—each responsible for the direction of county offices in its State.

The more than 3,000 elected ASC county committees in the 50 States constitute a vital element in the applied legislation. They stand as an example of that American principle wherein we elect all our public servants to insure that the rules are applied in a fair and impartial manner. Generally speaking, these farmer-citizen committees have served in the high tradition of civic endeavor.

This public service would cost millions more annually if these services had been delegated to paid full-time employees.

The farmer committee system is truly American and should be recognized as such and continued as such.

Mr. Speaker, I would like to say in conclusion, that I would hope to see the time come and soon, when politics is kept out of our ASC farmer committee system completely. However, even though I know there are relatively few cases where committees have been unduly influenced, such as the one in Texas recently, still I do not want to see the farmer-elected committee system traded for a State or Federal dictatorship.

Vice President's Speech on President's Commission on Status of Women

EXTENSION OF REMARKS
OF

HON. MAURINE B. NEUBERGER

OF OREGON
IN THE SENATE OF THE UNITED STATES
Monday, September 24, 1962

Mrs. NEUBERGER. Mr. President, the President's Commission on Status of Women is a hard-working Commission, meets frequently, and by report time next year a great deal of pertinent information will have been collected.

The Vice President of the United States spoke to a group of people in connection with the President's Commission on the Status of Women, particularly employment opportunities for women in private industry, and I ask unanimous consent that the Vice President's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY VICE PRESIDENT LYNDON B. JOHNSON BEFORE A CONFERENCE OF THE COMMISSION ON THE STATUS OF WOMEN, WASHINGTON, D.C., SEPTEMBER 24, 1962

I have watched with interest and admiration all the things which this Commission has done and I want to congratulate the members for wasting no time in getting started in a solid and purposeful way.

No problem can be licked—no great progress made—by Washington alone. That is why you are here today, and we appreciate your taking the time and expense to come.

I consider the work of this Commission to be really trailblazing.

We have spent so many years ignoring the reality that it is difficult even to find elementary facts and figures. For the first time, they are now being assembled in a purposeful manner that can lead to purposeful action.

Certainly no one more clearly exemplifies the capabilities and the pioneering spirit of the American woman then does Mrs. Roosevelt. She has been called the First Lady of the World, and her leadership of this Commission offers a guiding light everywhere.

If all of our problems were due solely to evil men and evil women, a solution would be simple. Good people in this world outnumber bad people overwhelmingly.

Unfortunately, most of our problems arise out of ignorance—slothfulness—and a desire to avoid change, even when the world around us is changing at a rapid rate. I think this is what is happening in terms of the problem of equal opportunity for women.

One of the major revolutions of the 20th century has been a revolution in the pattern of living of women. In our grandfather's day, the average working age of the career girl was 26. Today, it is 40.

Between those two figures lies a fantastic change in the whole fabric of our society.

Modern technology has created new patterns of production which rely much more upon brains and nimbleness than upon brawn and endurance.

At the same time, the traditional arts and crafts which made the housewife of half a century ago a skilled technician—dishwasher, baker, seamstress, nurse, laundress, often even teacher—have disappeared.

This means that we have a far greater market for brains and ability in the world of economic production and we have also, at the same time, created the supply to fill that demand. But somehow we have failed to bring the two together—our productive system that needs more brains and skill and the women who have the brains and skill to supply the need.

It is a mistake to think that this is a question of viciousness or prejudice—even though many men long nostalgically for the grandmother who could do everything from sewing up a rip in his britches to teaching him to read and write. The real cause is that we have not faced up to the changes that have taken place in one lifetime.

I have a daughter who has just entered college. It does not take a crystal ball to forecast the probable course of her life.

She will graduate from college into the labor market. Somewhere along the line, she will probably decide that there is something to life other than an office. Like most women, she will be in and out of the economic process. But according to the experts, she has a life expectancy of 70 years. And no matter how she manages her own life, she will probably have more time to devote to the economic process than to simply stay at home and take care of a family. She will need to know, not only how to be a good homemaker, but perhaps at some time a breadwinner, and at all times a participating member of society.

Children do grow up. Children do leave home—as inevitably as summer follows the spring—and fall follows the summer.

Therefore, it will be important to my daughter, and to all our daughters, that she have an opportunity to make use of whatever skills she has learned—and it is equally important to society that it have the opportunity of making use of her skills.

Somehow, someway, we must find a method by which this talent may not be lost or grow stale. If we have enough brains to send a sophisticated communications system hurtling within 10,000 miles of Venus, surely we have the brains to organize a society in such a way that talent will not be wasted.

Furthermore, I think we have to consider a simple justice. No governmental or social program will ever succeed that leaves justice out of consideration.

One of the oldest injunctions of the wiseman is that the laborer is worthy of his hire. I, for one, am weary of systems which differentiate between compensation for work well done for any reason other than merit.

We live in a never, never land if we believe that this is still a society in which women who work are merely supplementing income from male relatives. The reality of our society today is that we need the productive talents of every single person. We must abolish discrimination because of race, creed, color, or national origin. We must retrain those workers who have been caught in the eddies of technological unemployment. We must find ways and means of using our people of middle age who have many productive years ahead of them.

And we must find forms of social and economic organization that will eliminate sex as a barrier to the fulfillment of talent and capacity.

To solve this problem of discrimination because of sex is going to require some adjustments and changes. But they are adjustments and changes that must be made because they will enhance the prosperity and the security of our country.

We must realize that few women will spend their entire adult lifetime behind a desk, in a laboratory, or on a production line. But it is worth some time and some effort to take advantage of the many years of work that are open to us.

And let us be unmistakably clear. Equal employment opportunity is not a luxury in which we indulge out of a fuzzy-headed motive.

It has become, not only a question of justice, which alone should be enough, but a question of grim and urgent necessity.

Some time ago I made a very careful and painstaking survey of space installations on the west coast. I visited the great universities where the basic research is being performed. I visited the factories where they are making the rockets and the payloads. I visited the centers where the cool, clear-eyed test pilots are making the first tentative thrusts outside of the atmospheric envelope around the earth. Everywhere I heard the same story: "We need more brains."

Right now, it is a question of competition between the Government and private industry for the physicists, the biologists, the mathematicians, the astrophysicists, the metallurgists, and the systems managers. But I talked to some men who speculated—convincingly—that within a 3- or 4-year period we would have to start rationing brains just as we rationed coffee during World War II.

The only difference is that if we had run out of coffee, many people would have been uncomfortable. If we run out of brains, the whole world may lose its freedom. I don't believe that we are at the stage yet where we must ration brains. I think before we reach that stage that there are resources which we have not tapped—but which can be tapped.

As Chairman of the President's Committee on Equal Employment Opportunity, I am trying to tap some of these resources which have not been used for reasons of ancestry, irrelevant to merit.

There is a Senate committee which is attempting to find means of tapping resources which are now denied to us because of unrealistic considerations of age.

We have passed the Manpower Retraining and Development Act which is attempting to do something about those who have been fired by a machine.

And you have the responsibility of finding ways and means of tapping the resources of half of our society that may be closed to use because of outmoded customs and habits.

There is one other point that I would like to make in this regard. The slogan "equality of opportunity" can no longer, and will no longer, serve as a mask for social injustice. We are past that stage of history.

Anatole France once said, "The law, in its equal majesty, forbids both the rich and the poor to sleep under bridges."

Similarly, there was a time when equality of opportunity meant the right to exploit women by working them 16 to 18 hours a day in sweatshops at substandard wages.

We are not going to return to those times. That is not involved in the work which you are doing.

What we are seeking is justice and prosperity. And this can only be found through assuring opportunity to all of our people.

I am not going to say that a woman can do a job better than a man (except for motherhood) just because she is a woman any more than I am going to say that a man can do a better job than a woman, except for fatherhood, because he is a man. But I am going to say that everyone should have the opportunity to compete for a job on the sole basis of merit—and when that is our single test, we can be certain of the survival of our way of life.

This has become apparent not only to us but to people all over the world.

The Reza Shah or Iran did not walk his wife and female relatives though the streets of Iran without veils because he thought it was a clever innovation. He did it to tell his people that they should begin removing the veil from the vote—so women could become active in the life of their country.

President Atsburk did not invoke the vote and compulsory education for women in Turkey out of whim. He did so because he realized that women were sorely needed for Turkey to gain its true place in the sun.

Throughout the Middle East, I found women playing an increasing role in national life and yet, this is the area where, traditionally, women have been at the very bottom of the ladder.

One of the byproducts which the free world is inheriting from this progress of women in the Middle East in the impetus they have given to social reform in their own countries. This is crucial in that part of the world that sits on the rim of the Soviet Union.

One of the most important weapons that we have in the cold war struggle is the continuing evidence that social reform is more of a reality on our side of the Iron Curtain.

But above all, in this world in which we live, we are engaged in a struggle to demonstrate which way of life affords the best hope and the best promise for the individual human being. To the individual, the most important thing is fulfillment—fulfillment of his or her capacity to serve.

In all that we do, we are going to face a very harsh judge—the judge of history.

We shall be known for our ability to bring the greatest good to the greatest number. We shall be judged for our capacity to adapt ourselves to the changing facts of the world and to the changing circumstances of history.

I do not think that you have come here today to devise ways and means for extending special privilege or for creating new vested interests. I do think you have come here to solve a problem which presents us with an injustice and with a disruptive force in our national life.

You have excellent leadership, dedicated workers, and the backing of your government. I wish you every success and I am ready to help you whenever I am called upon.

Trial of Criminal Cases

EXTENSION OF REMARKS

OF

HON. EDWIN E. WILLIS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1962

Mr. WILLIS. Mr. Speaker, recently there have appeared in the CONGRESSIONAL RECORD a number of statements by Members of the Congress concerning a pending criminal prosecution in the U.S. District Court for the Southern District of Florida in which the defendants, James R. Hoffa and Robert E. McCarthy, are charged with fraud by mail, telegraph, and telephone. I have confidence that the Federal court in Florida will set the case down for trial and will grant to the two defendants the speedy trial to which they are entitled under the sixth amendment. While I believe quite strongly that criminal cases should be tried in the courtroom, and not in the newspapers or in the Congress, the following facts concerning case No. 1282–61 Southern District of Florida, United States against Hoffa and McCarthy, seem worth setting forth.

The record will disclose that the Government first asked for a trial date under an earlier indictment in March 1961. On June 25, 1962, the defendants argued that they could not go to trial on September 10, 1962, because one of their attorneys was involved in other litigation on that date. Judge Lieb ordered the defendants to be prepared for trial on October 15, 1962.

According to record the defendants in this case have not always appeared to be as ready, willing, and able to go to trial as they would now seem to want to make the people believe. Witness the fact that the defendants have filed 40 motions in the case. The defendants have filed appeals to the Supreme Court on two of these motions and the Supreme Court cannot even commence to consider these appeals until next month at the earliest.

In the most recent hearing in this case on August 20, 1962, when the matter of the trial date was discussed, there was read into the record an affidavit from the personal physician of the defendant McCarthy which read in part as follows:

> Mr. McCarthy has * * * a grave condition in any instance (which) by extension can be fatal. In fact, it very often is. I have continued to treat Mr. McCarthy for this condition to date * * * exposure to any excitement or unusual situations would only serve to worsen Mr. McCarthy's prognosis. Assuming that Mr. McCarthy was exposed to a trial of any protracted length involving signal intensity at this time or any time within the next 120 days, it is my professional opinion that such an ordeal would involve a serious sequel to his immediate condition which might well result in total future incapacitation or a fatality.

It would appear from this evidence that defendant McCarthy could not have gone to trial at the date suggested by defense counsel. This is, however, a matter which the court should decide and a matter which the court did decide.

The real basis for the court's decision not to try this case on the date previously set, October 15, 1962, appears to lie neither with the defendants or the Government but rather with an action taken by Congress. It is for this reason that I as a member of the Judiciary Committee of this House, which considered the legislation involved feel obliged to set the record straight.

On July 30, 1962, Public Law 87-562 became law. It created a new middle judicial district in Florida, which had previously been divided into a northern and a southern district. The new district will come into existence on October 28. The case of United States against Hoffa and McCarthy is now in the Tampa division of the southern district, to which it had been removed by order of court. At the present time the Tampa division is in the southern district, but after October 28, some of its counties will be in the new middle district, and others will remain in the southern district.

The new middle district of Florida will be the first new judicial district created by the Congress in 35 years. Its creation will bring to the courts a number of problems of transition, including the question of what should be done with untried cases and cases which might, if started before October 28, not be completed by the date that the new district is created.

The judges of the southern district met concerning these problems, and determined as a matter of judicial administration that southern district cases which fall in the new district should be recalendared in the new district October 29 if their trial could not be completed prior to that date. This was in my opinion a wise decision, avoiding the possibility that doubts might be cast on the validity of convictions in cases where the trial was started in one district and completed in another. U.S. against Hoffa and McCarthy was but one of a number of cases which were affected by this decision.

Problems of the Domestic Lumber Industry

EXTENSION OF REMARKS

OF

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1962

Mrs. HANSEN. Mr. Speaker, as a Member of this Congress who has worked long and hard to assist in the solution of American lumber problems, particularly in my Northwest area, and who has had the privilege of working with the administration in this effort, I would like to present some replies to recent charges made on the floor of this House that "the economy of our lumber communities is being seriously disrupted by the Forest Service, Department of Agriculture, and the administration."

The lumber industry has not yet come back from the serious deterioration which has been growing year by year for the past several. There are problems to be met and no one knows it better than any Member of Congress from the west coast; however, I feel this administration has attempted to work with us. It has been serious and attentive to the problem and while there is, as I repeat, a long way yet to go, particularly with reference to the Canadian problem, I do feel a statement of the facts is now in order.

Because of the number of allegations which have been made from time to time, I would like to take this opportunity to respond to each of them in turn.

The first which I wish to consider is the President's lumber economy announcement of July 26. The charge has been made that nothing has been done to implement any of the six points in that announcement. Those acquainted with the situation know otherwise, and I wish to bring those not acquainted with the situation up to date.

First. The initiation of negotiations with Canada concerning the amount of softwood lumber imported into the United States.

A delegation consisting of officials of the Department of State, Commerce, and Interior, and their advisers, met with Canadian officials on August 28-29.

Commenting on the discussions, Daniel L. Goldy, Administrator of the Department of Commerce's Business and Defense Services Administration, and adviser to the U.S. delegation, had this to say:

> The U.S. representatives, as a result of the discussions with Canadian representatives, were afforded an opportunity to present clearly the full range of grievances adversely affecting the U.S. softwood lumber industry. It was apparent to all present that the message was received and understood.

NLMA Executive Vice President Mortimer B. Doyle, expressed U.S. lumber industry gratification at the progress made in Ottawa, saying:

> We are encouraged that the preliminary discussions by the Canadian and United States Governments of the critical problem of excessive imports of Canadian softwood lumber resulted in agreement to undertake further discussion.
>
> We are sure that when the situation is fully explored, and all facts examined, the two Governments and their respective lumber industries will agree to affirmative action providing a friendly and practical solution of the problem.

A second meeting with the Canadians is scheduled to take place in October, and it is my earnest hope that industry technicians will be available to assist our negotiations.

Second. The submission of a request to the Congress for additional funds for forest development roads and trails program to assure the prompt harvest of national forest timber.

While statements have been made that the Department of Agriculture, and specifically the Forest Service, does not intend to use the appropriated access roads funds for the purpose of roads and trails into timber areas unless they are forced to do so, nothing could be further from the truth.

I am advised that authorization for additional funds will come from the Biennial Federal Aid Highway Act. The appropriation bill under this act which is now in conference shows substantial increases for roads for the fiscal years 1964 and 1965 as well as an extra $20 million for the 1963 fiscal year. In addition, 10 percent of national forest gross receipts are allocated for timber access roads. The regular Forest Service appropriation provides from $2 to $5 million for roads. Another potential source of money for access roads is the public works program, which amounts to $900 million.

Although the money made available under these appropriations is specifically designated for multiple-purpose roads, I have been assured that the U.S. Forest Service intends to use more than 95 percent of the total amount for timber access roads.

The Forest Service is keenly aware of the log supply problem and is interested, I am sure, in making the full allowable cut available. This is evidenced by the fact that in the major western regions—Forest Service regions 1, 5, and 6, consisting of Washington, Oregon, California, northern Idaho, and Montana—the Forest Service sold 2,937 million board feet of timber during the second quarter 1962, compared with 1,660 board feet during the second quarter of 1961. Furthermore, the average appraised price of the timber sold in 1962 was $8.90 per thousand board feet compared to $10.02 in 1961.

Third. The amendment of the intercoastal shipping laws to permit use of foreign vessels when those conditions exist which indicate severe hardship to American shippers. This amendment will reduce the handicaps suffered by American producers in the intercoastal shipment of lumber.

The claim has been made that legislation modifying the Jones Act for the benefit of the Pacific Northwest lumber industry "would be passed if the administration would only lend just tacit assistance." The fact that step 3 of the President's announcement of July 26 specifically called for amendment of the intercoastal shipping laws is evidence not only of tacit but expressed approval.

Those of us interested in really helping this segment of the lumber industry should unite behind the legislation which provides for a subsidy to American-flag vessels transporting lumber, which would enable ship operators to offer rates to U.S. lumber shippers comparable to rates available to Canadian lumber shippers. This is what is proposed in my bill—H.R. 9820—and Senator Magnuson's bill—S. 2737.

Some of our southern colleagues may be opposed to any modification of the Jones Act because the southern pine lumber industry fears an increase in competition in the eastern market from U.S. Pacific coast lumber.

To this I would reply that historical records show that the combined waterborne shipments from the United States and Canada to the U.S. Atlantic coast remained relatively stable during the period 1952–61, ranging from a low of 1.3 billion board feet in 1952 to a high of 1.6 billion board feet in 1953. However, our concern, and we hope it is also the concern of our southern colleagues, is that British Columbia's participation in these shipments spiraled from 17.4 percent in 1952 to 65 percent for the period January–June 1962. Each of us should be anxious to see this market restored to the U.S. lumber industry.

Fourth. An immediate increase in allowable cuts which will make available 150 million board feet on the lands managed by the Department of the Interior.

If we are to be of help to the domestic lumber industry, we must be fully informed as to each remedial action taken by the administration. It does not benefit the lumber industry to scream that nothing of value is being done. I make specific reference to the charge that the Department of the Interior failed to act in response to the President's request to increase the annual allowable cut by 150 million board feet of timber on the lands managed by that Department. The Department of the Interior immediately acted upon the President's request and the lumber industry was most pleased by this action.

I quote from Random Lengths of September 10, 1962:

> Recently a relatively important and pace setting revision in forest management planning was accomplished by the Bureau of Land Management on the O. & C. lands in western Oregon. As a result, the allowable cut on this relatively small forest acreage was increased about 15 percent.

Fifth. The establishment of a preference for American products in the purchase of lumber by the Department of Defense, the General Services Administration, and other Federal departments and agencies. This could be particularly significant in connection with the various aspects of the AID program.

Perhaps we can be of greatest assistance to our lumber industry insisting that the U.S. Government patronize the domestic lumber industry.

I understand that agencies throughout Government have tried to follow this policy; for example, the Department of Defense in fiscal year 1962 awarded 95 percent of its lumber procurement contracts to domestic small business firms. However, the Department of Defense has no means of assuring that the lumber obtained from these small business firms was all of domestic origin. I believe that we should look into all Government procurement with the thought of encouraging the procurement of 100 percent domestically produced lumber.

Under the Armed Services Procurement Regulations, the Canadian lumber industry is given equal opportunity to bid on U.S. military purchase contracts. We should request the Department of Defense to review its policy and amend its regulations to limit purchases to U.S.-produced lumber.

In response to this point in the President's program, the Agency for International Development has instructed its oversea offices to review their lumber procurement programs with respect to species and countries of origin with a view toward purchasing from the United States to the maximum degree. However, I am convinced that we should prevail upon AID to go much further. Our lumber and lumber fabricating industries are geared to produce high-quality, low-price houses for world markets, particularly for the substantial Latin American housing market for which U.S. financial assistance has been made available. I believe that those acquainted with the current situation in our lumber industry will agree with me that the benefits of this trade should accrue to the domestic lumber industry rather than to its foreign competitors.

Sixth. Increased attention to loan applications filed with the Small Business Administration and the Area Redevelopment Administration by lumber mills in order to enable them to upgrade their production and better compete with imported lumber products.

I know of no instance where a small lumber firm, qualified to receive and in need of financial assistance, has been refused help by either the Small Business Administration or the Area Redevelopment Administration. This statement is made to correct the erroneous remark that such requests for assistance have fallen on deaf ears.

Both the Small Business Administration and Area Redevelopment Administration have been alerted to the President's interest within this area. I know these agencies are anxious to make their total facilities available to lumber and wood products industries and to process such applications with the utmost speed.

Loans under these programs, according to my information, will be made to upgrade production of existing facilities and obtain better utilization of raw materials, including wood residue, and manpower. For example, loans will be considered for the addition of dry kilns, chippers and debarkers, resaws and remanufacturing equipment, and establishment of particle board and hardboard plants.

I am also advised that loans will be used to establish new facilities in areas where raw materials are now underutilized. Loans will not be used to create new primary capacity in areas where a shortage of logs exists or where the log supply would not support the new and already established plants on a sustained-yield basis.

A number of loans in this field have been approved by both the Small Business Administration and Area Redevelopment Administration and several applications are being considered. However, action on the part of either the Small Business Administration or Area Redevelopment Administration is dependent upon specific requests from firms in need of financial assistance.

Just last month permanent year-round jobs were created for 80 workers in a new plywood plant at Chehalis, Wash., in my own district, as a result of a $140,000 ARA industrial loan made to Cowlitz Forest Products, Inc.

REVIEW OF FOREST SERVICE ALLOWABLE CUTS

I would like to comment on another statement to the effect that the Forest Service does not offer sufficient timber for sale and that which is offered is put up at a price which the small operator cannot meet. This statement was obviously made without knowledge of recent changes in the timber sales policy of the Forest Service. I recognize that the potential obtainable goal has not been reached, but we must all recognize that substantial advancements have been made. Furthermore, I have been advised that additional improvements are soon to be announced.

Secretary Freeman has appointed a committee headed by a professor from the Forestry Department of the University of Michigan assisted by the most competent employees in the Forest Service, who are experts in the particular study area, to formulate a report to the President reviewing allowable cut determinations. This report, in response to the President's request, will be submitted to the President on October 15.

While we cannot prejudge the conclusions of the report, I am told that recommendations will be made, such as shorter rotation periods, which will increase the allowable cut. Such action will place more national forest timber on the market and consequently lower the price of stumpage, thereby placing the domestic lumber industry in a more competitive position.

INTERAGENCY COOPERATION

I understand that there will be a continuing review of the problems of the lumber industry. Since the President's directive, an interagency committee, which has the full support and endorsement of the heads of all departments and agencies, has been active.

At the Ottawa Conference, the latter part of August, the Departments of Commerce, Agriculture, State, and Interior were represented. In addition, consultations were held with knowledgeable principals in all concerned departments and agencies and with industrial leaders. I have been assured that there is every intention to maintain this committee on an active status in order to benefit from its advice in preparing for future meetings with the Canadians, and in implementing other parts of the President's program.

IMPORT QUOTA

Certain of my colleagues have criticized the President for his failure to establish an import quota on softwood lumber. These same individuals were equally critical of the fact that the first Ottawa Lumber Conference did not result in the establishment of a quota.

It must be pointed out that the President has taken the only actions open to him with respect to the imposition of import quotas.

The President has authority to impose quotas only (a) under the Agriculture Act of 1956, as amended, by section 204 providing there is a voluntary agreement between the countries concerned and (b) under the escape clause provision, section 7, or the national security clause, section 8, of the Trade Agreements Extension Act of 1958. He has taken all feasible steps under these alternatives.

As you know, he has requested the Tariff Commission to complete as expeditiously as possible consideration of the application filed by west coast lumber interests for an escape clause investigation. The Commission has scheduled hearings to begin on October 2. He has also instructed the concerned Governmental departments to initiate negotiations with Canada concerning the amount of softwood lumber imported into the United States. It is in this connection that the President has authority to impose an import quota under the Agriculture Act of 1956, as amended.

BUSINESS TRIPS AND TRADE MISSIONS

We are all familiar with the national export expansion program of this administration. In this connection, the Department of Commerce has and continues to work closely with the domestic lumber industry in promoting business trips and trade missions abroad for the expansion of lumber export markets. Currently, I have learned, preparations are underway for a privately financed business trip of five lumber industry executives scheduled for October 5 to 11 to the United Kingdom, France, West Germany, and Italy. The Department of Commerce has handled the necessary preparatory work and will furnish an "advance" man to arrange, through our Foreign Service posts, meetings with principal lumber importers, lumber-using industrial and residential contractors, and wood household and office furniture manufacturers.

Work also is underway relative to a softwood lumber trade mission scheduled for spring of 1963. This specialized trade mission, which will be financed by the West Coast Lumbermen's Association, is tentatively scheduled to visit potential softwood lumber markets in Europe, Australia, and Japan. The Department of Commerce is working closely with this industrial segment to assure the success of the trade mission, which is directed toward expanding existing markets and creating new markets for U.S. softwood lumber abroad.

We in the Congress should do all in our power to enhance the opportunities of the lumber industry to expand its trade in world markets. Along this line, I have introduced a bill to exclude cargo which is lumber from conference agreements under the Shipping Act, 1916, and from certain tariff filing requirements under such act. An identical bill has been introduced by Senator MAGNUSON. This proposed legislation would enable the lumber industry to compete more effectively with Canada in world markets.

I also urge your support of the bill, S. 3517, which would apply 50 percent of the duties on lumber and other forest products which would amount to $7½ million, to promoting new markets for the industry. This bill has passed the Senate and its companion, H.R. 12472, which I introduced should be passed by the House.

In closing, I would like to quote from one of our western timber companies who says:

> Many creditable gains have been made by the forest industries through legislative efforts in 1962. The outstanding gains are in creating unity within a big but loosely hung industry and in developing better acquaintance with the Congress. This helps create a foundation upon which much progress can be anticipated.

Our lumber communities' welfare, our national lumber welfare, need every ounce of our assistance.

Eleanor Roosevelt Reports on Progress of President's Commission on Status of Women

EXTENSION OF REMARKS

OF

HON. MAURINE B. NEUBERGER

OF OREGON

IN THE SENATE OF THE UNITED STATES

Monday, September 24, 1962

Mrs. NEUBERGER. Mr. President, public understanding of the special problems which confront workingwomen is one of the objectives of the President's Commission on the Status of Women. As a member of the Commission, I am pleased to report to the Senate that significant strides have been made toward this goal during 7 months in which the Commission has been functioning.

The Commission has achieved clarification of Federal Government policies so that women in the Federal service shall have equal employment opportunity. President Kennedy has issued a directive that appointment or promotion in the Federal career service shall be made without regard to sex. The Commission's subcommittees are working on a variety of subjects which affect the 24 million women in America's labor force, such as equal pay for equal work, and the special tax problems of workingwomen.

A short time ago, the able and beloved Chairman of the Commission, the Honorable Eleanor Roosevelt, delivered an interim report to President Kennedy on the progress which has been achieved in this important field. Mrs. Roosevelt's wise guidance and unstinting energy have been major factors in the achievements made so far by the Commission.

I ask unanimous consent to include in the CONGRESSIONAL RECORD the Labor Day statement of Mrs. Roosevelt about the Commission's work and an exchange of correspondence between Mrs. Roosevelt and President Kennedy.

There being no objection, the statement and correspondence were ordered to be printed in the RECORD, as follows:

LABOR DAY STATEMENT BY MRS. ELEANOR ROOSEVELT, CHAIRMAN, THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

On behalf of the President's Commission on the Status of Women, I feel it is appropriate on this Labor Day to acknowledge our appreciation of two groups of American women. As Chairman of the Commission, I send grateful greeting to the 24 million women who comprise one-third of our total work force and to the millions of our workingmen's wives, many of whom are numbered among our 24 million workingwomen.

Since early colonial days, American women have shouldered their workloads alongside American men. Our country's present abundance stems from the partnership of our men and our women in creating a strong economy in a free society.

The President's Commission on the Status of Women is concerned that the opportunity to contribute to our dynamic society be extended without discrimination to all citizens. This opportunity will become even more attainable as we expand our economy to meet the challenge of the times.

MRS. ROOSEVELT'S REPORT AND PRESIDENT KENNEDY'S REPLY ON THE PROGRESS OF THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

(NOTE.—On August 26, 1920, the then Secretary of State of the United States, Bainbridge Colby, issued a proclamation certifying final adoption of the 19th amendment to the Constitution of the United States. Just 8 days earlier, after a legislative battle and close vote in the Tennessee House of Representatives, Tennessee had ratified the 19th amendment to become the 36th ratifying State of the necessary two-thirds of the 48 States. Thus, 26 million women of voting age became enfranchised in this country.

(In 1962 on the weekend of the 42d anniversary of that momentous event—an event that enabled this Nation's women to become voting citizens, Mrs. Eleanor Roosevelt, Chairman of the President's Commission on the Status of Women which was created by President John F. Kennedy in December

1961, sent the President a letter and progress report on the work of the Commission and received from the President a letter of reply. The exchange of correspondence and the progress report follow:)

THE PRESIDENT'S COMMISSION ON
THE STATUS OF WOMEN,
Washington, D.C., August 24, 1962.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with great satisfaction that we submit the attached report and some of the thinking of the President's Commission on the Status of Women.

The Commission has asked me to tell you that we are undertaking the responsibility you have placed upon us, aware of its significance and confident that more rapid progress can indeed be made toward full partnership of women in our American democracy.

Respectfully,

ELEANOR ROOSEVELT,
Chairman.

THE WHITE HOUSE,
August 25, 1962.

MRS. ELEANOR ROOSEVELT,
Chairman, President's Commission on the Status of Women, Washington, D.C.

DEAR MRS. ROOSEVELT: I was very pleased to receive your report on the work of my Commission on the Status of Women, which you head, and I commend you and the other members of the Commission for the work done so far.

You can be especially pleased with the advances you have brought about by opening increased opportunities for women in the Federal service and in the higher ranks of our Armed Forces. These are but two examples of the areas you are attacking where this type of discrimination has prevented the full use of talents and skills.

It will be 42 years tomorrow since women gained the right to participate fully in the governing of our country through the right to vote. It is appropriate on this date, therefore, that we take note of the progress made and the distance to be traveled to achieve full equality for all of our citizens.

Please accept my thanks for the important part you are playing in this difficult task. I know that the Commission will continue to make a beneficial contribution to our society.

Sincerely,

JOHN F. KENNEDY.

PROGRESS REPORT TO THE PRESIDENT ON THE PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN

In appreciation of the responsibility placed upon us and of the support you have given us, we now have the honor of submitting this report to you on the first 6 months of our activities as members of the President's Commission on the Status of Women.

August 26 will mark the 42d year since the ratification of the 19th amendment. This, we believe, is an especially appropriate time, therefore, to report to you.

Our experience fully confirms the wisdom of your decision to establish the Commission. Our work, even at this early stage, has aroused widespread interest both here in the United States and abroad. We are confident that we shall, in the end, make significant advances toward a more general understanding of women's progress and problems.

Our work has already produced important results. We have reinforced the notable efforts of Chairman John W. Macy, of the Civil Service Commission, to carry out your objectives in making the Federal service an example of both the feasibility and the benefits of a vigorous policy of equal employment opportunity.

During our Hyde Park meeting on June 16 and 17, we were especially gratified to receive your letter conveying the opinion of the Attorney General that the President has authority to regulate whether a position in the career service may be filled by men only or by women only or by qualified members of either sex, followed by your directive that appointment or promotion in the Federal career service shall be made without regard to sex. These actions will be of the greatest assistance to Chairman Macy in furthering the removal of barriers to the employment of women in the Federal service, an effort which has already produced major results.

The Department of Defense is giving sympathetic attention to our recent recommendation that they eliminate separate statutory restrictions on the number of colonels/captains and lieutenant colonels/commanders in the women's components of the Armed Forces. You have already approved H.R. 4783 which corrects an inequity regarding service of women in the Spars.

The Commission has planned a representative conference on September 24 to consider various approaches intended to promote equal employment opportunities for women in companies with Federal Government contracts.

These actions have resulted from interim reports by committees established to review progress and make recommendations as needed for constructive action in the six areas specified in your executive order. The seven committees include more than 70 representative persons in addition to Commission members, one of whom serves as chairman for each committee. The enthusiastic and illuminating contributions of these people, who come largely from important organizations or are experts in the fields under analysis, are of great aid and encouragement to the Commission.

The committees, which are to complete their final reports by May 1, 1963, are being assisted by our own small staff and by appropriate Government agencies. We are grateful to the cooperating departments for their collaboration and for the financial assistance they have given us.

EQUAL PAY, MINIMUM WAGE PRINCIPLES ENDORSED

As you directed, we have been seeking the cooperation of a wide variety of individuals and civilian groups and are requesting information from the States on their laws and experience, especially in the areas of civil and political rights, property and family relationships and protective labor legislation. We have endorsed the principle of Federal and State minimum wage legislation and its further extension to both men and women. We have also endorsed the principle of equal pay.

We are at a point in history when the capacities of all our citizens must be developed and used. Although people generally agree that women have basic rights which should be respected and fostered as part of our Nation's commitment to equality, freedom, and democracy, many attitudes and institutions have not yet responded fully to changing conditions. Even legal provisions affecting civil, political, and property rights have lagged badly in some areas.

You have asked for constructive action. This is our emphasis. In focusing on women's needs, we are face to face with basic problems of modern society, and measures we are considering will, we believe, benefit the entire community.

Better services and protection for families will strengthen homelife and promote good family relationships upon which the general welfare of the Nation rests.

IMPROVED EDUCATION NEEDED AT ALL AGES

Expanded community activities, both paid and volunteer, to rear the young, heal the sick, and cherish the aged will aid those who give as well as those who receive, and will bring our entire Nation closer to realizing its ideals. Improved education at all ages will help to reveal our full human talents and release the creative abilities needed to end poverty and build understanding among people of all continents.

The right to contribute fully on the basis of individual choice and ability can be exercised with dignity in many ways—in the home, through volunteer work, through private and Government employment. Aware of the realities of today's world, women—and men—can better plan to carry out the family and community responsibilities which they consider important.

Many women must work outside the home to support themselves and their families and to satisfy other needs. For those women who desire and seek employment, genuine equality of economic opportunity requires that they be judged and rewarded on the basis of what they show themselves able to do. We cannot consider our economy sound if women who have a contribution to make are not fully enabled to do so.

The Commission's success in contributing to the full partnership of women will depend in no small measure on expanding opportunities for all our people. A rapidly rising national output is the strongest weapon against substandard jobs, poverty-stricken homes, and barren lives.

A wider range of areas will, of course, be covered in our final recommendations next year, as requested in your Executive order and statement of December 14, 1961.

Helium Conservation: An Ideal Program

EXTENSION OF REMARKS
OF

HON. WALTER ROGERS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1962

Mr. ROGERS of Texas. Mr. Speaker, the long-range program in which industry and Government are working together to save helium now lost when natural gases containing it are burned as fuel is one of the most forward-looking and commendable efforts ever made in the field of conservation.

When the Federal Government acts to curb waste of a limited, irreplaceable resource, esential to the Nation's scientific and industrial progress, such action surely can be called worthwhile. When the Government's program also manages to attract private capital at private risk, creates many new jobs for industry, stimulates the national economy, and brings rapid advances in technology, it can even be termed praiseworthy. But when this same program is so conceived and carried out that it accomplishes all of these things and also pays for itself in the process, then it must inevitably be rated close to ideal.

The helium-conservation program is destined to achieve this, and more. It is my conviction, too, that the program is providing for the world an outstanding example of how industry and Government can cooperate in an enterprise that is beneficial to both, and to the entire Nation as well.

Consider what has already been accomplished.

Enabling legislation for the helium-conservation program was enacted by the 86th Congress in September 1960; however, funds for the program did not become available until August 3 of the following year. On August 15—only 12 days later—Secretary of the Interior Stewart Udall announced approval of the first long-term helium-purchase contract between the Department's Bureau of Mines and the Helex Co., a subsidiary of Northern Natural Gas Co.

Within 90 days, three additional helium-purchase agreements had been negotiated and approved, with Cities Service Helex, Inc., National Helium Corp.—a Panhandle Eastern Pipe Line Co.—National Distillers & Chemical Corp. subsidiary—and Phillips Petroleum Co. The four 22-year agreements to date have obligated all of the Bureau's purchasing authority, originally limited by Congress to $47.5 million worth of helium a year.

At about the time these remarks are being made—that is, in little more than a year from the date of the first contract—helium from the Helex Co.'s new extraction plant at Bushton, Kans., will be on its way to the Cliffside gasfield, operated by the Bureau of Mines at Amarillo, Tex., some 350 miles away. There, the helium conserved by the program will be stored underground until it is needed to meet future demands.

Building and equipping a multi-million-dollar installation at Bushton in a matter of months is remarkable enough, but is only one of a series of well-timed and carefully coordinated steps that have brought helium conservation to the verge of reality in a fantastically short time.

Besides the Helex plant at Bushton, four other helium-extraction plants are being built—and will be maintained and operated—by private industry under the contracts approved thus far. Work is well along on all of these installations, as their scheduled operation dates indicate. Two of the plants, under construction for Phillips, in Sherman County, and Dumas, Tex., are expected to begin delivering helium in December. The National Helium Corp. plant near Liberal, Kans., and the one being built by Cities Service Helex at Ulysses, Kans., are both due to go on stream next March.

To get the crude helium from these five industrial plants to the Cliffside gasfield with minimum delay and expense, the Bureau of Mines arranged for construction of a 430-mile pipeline system running north from Cliffside to a terminus near Bushton. This line, designed by William Bros. of Tulsa, Okla., and built under two construction schedules by Groninger & King of Pampa, Tex., and R. H. Fulton & Co., of Lubbock, Tex., is all but complete. The main section already has been laid and is ready to receive helium from the Bushton plant. Laterals that will connect the main line to the other new plants are being installed while I am speaking. Between October 1961, when the design-engineering firm was selected, and mid-July 1962, when the main section of the line was completed, the Bureau advertised and awarded more than 90 contracts totaling over $4.2 million, on items ranging from telemetering and flow-recording equipment to pipeline wrapping, paint, and milepost markets. These were in addition to the two construction contracts.

The speed with which the helium-conservation program has moved forward is a tribute to the care that was taken in planning it. The Department of the Interior realized, for example, that the price of helium would have to be increased to make the program self-liquidating. Accordingly, the price of the element f.o.b. the Bureau's plants was raised from $19 per thousand cubic feet to $35. This price, calculated on the basis of present and anticipated demand, will enable the Bureau to pay back in 25 years, with interest, all funds that must be borrowed from the Treasury to purchase helium during the early years of the conservation program. Thus, the users of helium will pay the costs involved in insuring the continued availability of this valuable substance.

Foresight has characterized the helium-conservation program from its inception. It was foresight that made the Department and Members of Congress from helium areas recognize the urgent need for prompt action to conserve the relatively small percentages of helium being lost in natural gases serving fuel markets. After all, the helium content of these gases average only about one-half of 1 percent, and the Government's own helium plants in the Southwest already are producing more than enough to satisfy present requirements. Where, then, was the justification for a large-scale conservation effort?

The answer, of course, is that half of 1 percent of the billions of cubic feet of helium-bearing gas now produced annually is an impressive figure—representing waste of approximately 4 billion cubic feet a year, or more than 9 times the amount of helium we now consume. And demand for helium has been increasing rapidly ever since World War II, with no end to the upward trend in sight. In fact, essential uses for helium in electronics, nuclear energy, missiles and space exploration, and the growing field of cryogenics research promise to increase further the Nation's requirements.

It was obvious that unless conservation began quickly, helium requirements could be expected to exceed supply as early as 1985. Hence, immediate efforts were instituted to formulate legislation to meet the problem. The entire matter was originally heard by the Mines and Mining Subcommittee of the House Committee on Interior and Insular Affairs, of which I was chairman. The impressive facts that had been gathered together caused an awakening in the Congress as to the need for conservation of such an essential resource. There was one strong school of thought to the effect that helium, wherever found, should be taken over by the Government under the exercise of the right of eminent domain. This was based primarily upon the theory that helium would become an indispensable element in our defense structure and the space exploration activities. Nevertheless, those of us who have long supported the basic free enterprise theory were successful in defeating moves to make this an all-Government project. The development of the oil and gas business to its present world-leadership position is due to the exercise of private initiative and not Government ownership. Therefore, it is logical to assume that the proper development of our helium resources can be accomplished through the same route.

Experience in the helium-conservation program has refuted irrevocably those who would malign the natural gas industry as self-interested and hungry for profits. The program has been implemented more rapidly, more efficiently, and at less cost to the taxpayer than would have been possible had the Federal Government attempted to go it alone.

Under contracts negotiated by the Bureau of Mines, the dynamic capabilities of a free industry in a free economy have come into full play. Five private helium-extraction plants, incorporating technological advances undreamed of at the start of the program, are now nearing completion in less time than it would have taken the Government to build one installation had it been forced to tackle the job by itself.

This can be illustrated with a single example of the technological innovations that have been stimulated by the cooperative program: the helium plants built by Bureau of Mines during World War II utilized multiple-extraction units that could process only 2½ million cubic feet of helium-bearing natural gas daily. The Bureau's newest plant, which began operating at Keyes, Okla., only 3 years ago in 1959, has three extraction units each capable of processing gas at the rate of 25 million cubic feet a day. In contrast, the private plants now in construction are designed to process between 400 and 500 million cubic feet of gas daily in a single extraction unit.

I want to emphasize here that some of this advanced technology is so new that it is virtually untried on a commercial scale. Of course, the companies incorporating it are confident that it will work; but if by any chance it does not, the companies themselves must invest whatever additional money is needed to make it work. They are taking the risk, not the Government. Under the present contracts, the Government guarantees only to pay a fixed price—negotiated separately with each company and depending on the helium content of the gas and the difficulty of extracting it—for the helium it receives.

Another advantage has been realized by having industry participate in the conservation effort. The terms of the purchase agreements now in effect provide private companies with maximum incentive to make adjustments in their natural gas operations that will enable them to process as much helium-bearing gas as possible. Pipeline systems, for instance, might well be worth modifying if such modifications would mean increased efficiency in extracting helium for sale to the Government. In this way, the fullest possible conservation of helium has been encouraged.

Many side benefits also have accrued from the program. Hundreds of new jobs have been created, not only in the companies participating directly in helium conservation, but also in industries supplying structural materials and equipment for the new industrial plants. The scientific and technological progress resulting from the program can be expected to lead to additional improvements in processing and transporting natural gas and, possibly, to economic extraction of larger quantities of such desired products as propane, butane, and ethane. Moreover, removal of inert helium—nitrogen, which is used in the low-temperature helium-extraction process—automatically increases the capacity of pipelines to transport burnable hydrocarbons. Finally, gas consumers no longer will have to pay for the transmission and distribution of a substance that has no value as a fuel.

Of course, helium could have been conserved without the gas industry's help. The Bureau of Mines could have paid the companies for the helium in fuel gases and then built its own plants to extract the element, under arrangements similar to those now governing helium production at four of the Bureau's five helium installations. However, such a course would not have achieved the program's objective—to obtain maximum conservation at minimum cost to the taxpayer.

To attempt to save the quantities of helium that will be conserved through Government-industry cooperation, the Bureau would have had to expand its staff enormously. Even then, the Government could hardly hope to amass and concentrate efficiently the manpower and other resources that industry has poured into the program.

From the very beginning, the most vital factor in helium conservation has been time. With every day that passed, more than 10 million cubic feet of an indispensable resource was being lost forever to the atmosphere. The saving of time has been industry's major contribution to the program. By cutting drastically the time that would have been required to get the conservation effort moving, industry has made it possible to conserve even more helium than was originally considered possible. Furthermore, this saving has been accomplished at an extremely low cost.

While much pride can be taken in the fact that great progress has been made over a relatively short period of time, it should be pointed out that the job is not finished, nor is it near completion. In the early analyses of the current situation, the Department of the Interior proposed the conservation of 52 billion cubic feet of helium in addition to meeting current demand to 1985. Of this total, about 41½ billion cubic feet will be saved at plants operating under purchase contracts already in effect. This means that 10½ billion cubic feet remain to be conserved; perhaps even more if progress to date is any indication. So, our efforts must continue to the end that this country will not be caught short because of waste and lack of foresight.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 1962

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of September 22, 1962:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

SEPTEMBER 22, 1962.

FOREIGN AID—ITS COST AND DANGERS IT IMPOSES

The House this week approved a foreign aid bill which will cost the taxpayers of this Nation $7,254,852,000, by a vote of 249 for to 144 against. ALGER against. Interesting note: the scheduled time for debate was cut in half, the bill debated and passed in 1 day, Thursday, in order that one of the Democratic leaders could get back to his district for a testimonal dinner on Friday. In that 1 day the House was asked to digest the results of 72 days of hearings by the Appropriations Committee on foreign aid, comprising 9,000 pages of transcript and 3,200 pages of printed hearings. This brief report can only highlight the most basic arguments which are backed up by a wealth of facts and material.

The following 11 points (from the CONGRESSIONAL RECORD) sum up the status of foreign aid: (1) The appropriations for foreign aid, including interest on the public debt for fiscal 1963 on the money that we have borrowed to give away, and backdoor financing will exceed $12 billion this year. (2) The foreign-aid program is a major factor contributing to the continuing annual increase in our public debt. (3) Foreign aid is primarily responsible for our annual budget deficits. (4) Foreign aid is almost entirely responsible for our balance-of-payments deficit. (5) Foreign aid is responsible to a very large extent for the flight of our disappearing gold reserves to other nations all over the world. (6) The cost of foreign aid is the major reason for our ever-increasing noncompetitive position in world markets. (7) Foreign aid is rapidly depleting our wealth and resources. (8) The claim to the effect that 80 percent of our foreign-aid money is spent in America and thereby creates prosperity is a myth, and a calculated misrepresentation intended to keep the American people supporting the program. Foreign aid contracts are now carefully shuffled out to manufacturers, schools, colleges, universities, workshops, and consultants in the 50 States of the Union, so as to attract support and cause it to appear that this giveaway of our wealth is making our Nation prosperous. (9) The foreign-aid program as presently operated is uncontrolled and uncontrollable. (10) Many of the nations which are recipients of our aid are rapidly losing faith in America's ability to manage its economic and monetary systems. (11) We are, in this bill, setting up the machinery by which to borrow money from former and present aid-recipient nations in order to indirectly finance the aid program for this year if other means fail.

The debate brought out some very potent specific points on foreign aid which should be considered by every American citizen. We are now giving foreign aid to 101 of the 113 nations of the world. Furthermore, by special permission, we have started aid programs in practically every British possession and territory in the world. The aid programs are not limited to so-called free nations. We are pouring the American taxpayers' wealth into dictatorships, so-called neutral nations, Communist-influenced and Communist-dominated nations, and into outright Communist countries. We have been giving our wealth and earnings for years to people who tax themselves not at all, or at least at far lower rates than we. And many of these nations which not only accept our gifts, but demand more, are no nearer now to self-support than when we started to pay their bills. Foreign aid money is handled so loosely that if we were to use the same procedure in financing domestic programs such as public works, the people would rise in wrath to ridicule the authors of such proposals. Agency witnesses before the Appropriations Committee said they do not know the projects to which they are going to obligate funds until after they get the money. One witness said in fact that the United States kept these matters secret from the recipient countries until after the money had been made available. Fantastic as this sounds it is true.

The military phase of the foreign aid program is not military in the sense that we think of our own Defense Establishment. What it is, primarily, is a State Department military program through which military equipment is being provided to from 65 to 71 nations of the world; and much of it is given to please or appease some potentate, or some ruler of a newly created country. In some cases this is causing resentment such as Thailand's protest against our supplying fighter planes to Cambodia. Another project in this category is the donation of a newly rebuilt air-conditioned yacht for the private use of Emperor Haile Selassie of Ethiopia with staterooms covered with gold-leaf wallpaper. The reconditioning of the airplane tender cost $3,100,000.

The balance-of-payments problem and the outflow of gold is also the direct result of foreign aid. The drain on our gold reserves, much of it through outright purchase of gold with our dollars by foreign nations which have received our aid, is excessive. During the last 11 years the net outflow of gold from the U.S. Treasury has amounted to over $6,305 million. Our gold holdings are currently just above $16 billion. During the same 11 years in which we lost gold, other free world countries increased their holdings by $10,655 million, to just under $24 billion. We require $11.6 billion as gold backing for our domestic dollars by law. We have, therefore, scarcely $5 billion in gold to meet our international obligations and our free world friends now hold short-term dollar assets just under $23 billion redeemable in our gold. In spite of the fact that the executive branch is not able to spend all the money appropriated they have asked for an increase in this year's foreign-aid appropriation. In last year's session of Congress an appropriation of $3.9 billion was approved. The administration was only able to spend $3,198,100,000. Congress appropriated $716,500,000 more than was spent and this amount was transferred to the pipeline. There is enough money now in the pipeline, already appropriated by previous Congresses to continue the foreign-aid program for 25 months without a cent of additional appropriations.

Direct quotes from the CONGRESSIONAL RECORD point up the dismal failures of our foreign aid programs and the increasing danger they impose upon us. "The country cannot go along in this fashion and survive. Our national debt in the last 12 months increased by $8 billion. Our governmental expenditures in the last 2 months, the first 2 of this fiscal year, increased by $2 billion," Congressman Taber, of New York. "Cambodia recently bought $3.1 million of our gold; Lebanon purchased $21 million of our gold; Nigeria bought $20 million; Saudi Arabia, $47 million, and Spain $156.2 million. These transactions neither enhance our gold reserve situation nor improve the living conditions in those countries," Congressman Harsha, of Ohio. (They buy our gold with dollars we give them.) "The gentleman referred to the purchase of television sets for Africa. There were 1,000 23-inch transistorized battery-operated television sets purchased at a cost of $400,000. It was proposed to use them in areas where there is no electrical power supply. So how did they propose to charge the batteries? They were going to charge them with a hand crank, or they were going to get a merry-go-round and charge the batteries by the merry-go-round's operation. The batteries would be charged while the children were playing on the merry-go-round. But in case they did not have a merry-go-round they were going to get one of these squirrel cages, a treadmill affair where the squirrel runs around, to charge the battery while he was running around getting nowhere," Congressman Meader, of Michigan. "I am convinced that we are being widely oversold as to the prospective results to be obtained from our generous intervention. We give food, fuel, fertilizer, seeds, clothing, raw materials, machinery, development grants and loans, technical services, military hardware, and now even the Peace Corps. Are all these things actually bringing old and the newly emerging nations into our camp to offset the encroachments of communism? I think it is obvious that they are not. Or, do many of them accept our aid on the one hand and then look in the other direction to see what Russia can do for them?" Congressman Passman, of Louisiana. "With this country having a debt of $301 billion, with the interest on that debt desperately close to $10 billion a year, with this country's public and private debts totaling nearly $1.1 trillion, Congress ought to regain its senses and put a stop to these lavish giveaways. * * * I was astounded by the facts that were produced by the committee * * * this Government is spending $6,000 a year on Iraqi students in this country each school year, $6,000 plus a year. * * * I doubt if there are very many Members of the House of Representatives who can afford to spend $6,000 a year on each of his or her children in a university or college in this country," Congressman Gross, of Iowa.

How does the Kennedy administration get approval for its foreign aid program? Look at the Record (p. 20154, Sept. 20, 1962) citing the "seven-point formula used by 1600 Pennsylvania Avenue" to get its program through. "That formula is comprised of the application of prestige, personality, propaganda, persuasion, power, pressure, and maybe, punishment."

In summary the foreign aid program is not in the self-interest of the United States. It drains our wealth, depletes our gold supply, fails to help the people in the countries receiving it, in many cases it actually goes to our enemies and strengthens those governments which have vowed to destroy us, it does not win friends but instead creates ill-will, jealousy and envy, creates unfair competition for American business contributing to loss of jobs by American workers, it is mismanaged, it is reckless, it has led to outright waste and in some cases dishonesty in handling money belonging to the American taxpayers. The least we can do and should do, and I have so urged for the 8 years I have been in Congress, is to stop appropriating any more foreign aid funds until we have had an opportunity to restudy the whole program and to determine where our money should be spent in our own interest, and to develop adequate guidelines for protecting the American taxpayers from being gouged further of their hard-earned tax dollars.

HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 6: 10: *Be strong in the Lord, and in the power of His might.*

O Thou eternal God whose spirit follows all our days and inspires them with meaning and worth, may we feel Thy presence more vividly as we daily endeavor to discharge the duties and responsibilities of our high calling.

Make us more akin to Thyself for we know that we cannot appropriate and arrogate to ourselves the name that we are God-fearing men and women unless we possess and manifest Thy mind and spirit.

Give us the vision and the victory of sharing Thy spiritual nature by being like the Master in character and conduct in all the areas of human relationships.

May it be the ceaseless aspiration of our souls to know Thee better, whom to know aright is life eternal, and to bring ourselves and all discordant humanity into harmony with Thy sovereign will.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4333. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended;

H.R. 10022. An act to amend section 510 (a)(1), Merchant Marine Act, 1936; and

H.R. 11728. An act to amend section 1208 (a) of the Merchant Marine Act, 1936, to authorize investment of the war risk insurance fund in securities of, or guaranteed by, the United States.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8074. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations;

H.R. 9472. An act for the relief of Janina Tekla Gruszkos; and

H.R. 12907. An act for the relief of Dr. Mehmet Vecihi Kalaycioglu.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1184. An act to amend section 802 of the Merchant Marine Act, 1936, as amended, to provide that owners of vessels requisitioned by the United States shall be accorded preference toward reacquiring these vessels when they can be released by the Government, and for other purposes;

S. 2829. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title;

S. 3396. An act to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds; and

S.J. Res. 228. Joint resolution authorizing the issuance of a gold medal to General of the Army Douglas MacArthur.

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes; and

S.J. Res. 60. Joint resolution to establish the sesquicentennial commission for the celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 12648) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to Senate amendment numbered 38 to the above-entitled bill.

The message also announced that the Senate further insists upon its amendments numbered 1, 2, 6, 19, 44, 47, 48, 49, 50, 51, 52, 53, and 54 disagreed to by the House, requests a further conference with the House on the amendments in disagreement, and appoints Mr. Russell, Mr. Hayden, Mr. Ellender, Mr. Young of North Dakota, and Mr. Mundt to be the conferees on the part of the Senate.

AMENDING THE ACT PROVIDING FOR ECONOMIC AND SOCIAL DEVELOPMENT IN RYUKYU ISLANDS

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10937), an act to amend the act providing for the economic and social development in the Ryukyu Islands, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 5, strike out "$25,000,000" and insert "$12,000,000".

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, is there only one amendment?

Mr. PRICE. This is the only amendment.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TO AMEND SECTION 6112, TITLE 10, UNITED STATES CODE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11217) to amend section 6112 of title 10, United States Code, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 7, insert:

"Sec. 2. Section 1409 of the Supplemental Appropriation Act, 1953 (66 Stat. 661), and section 1309 of the Supplemental Appropriation Act, 1954 (67 Stat. 437; 5 U.S.C 59c), are each amended by striking out the word 'two' and inserting in lieu thereof the word 'three'."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman from Louisiana please provide a brief explanation of the meaning of the amendment and whether it is germane to the bill?

Mr. HÉBERT. If the gentleman will yield, yes; the legislation comes out of the conflict of interest hearings which were conducted by the Subcommittee on Investigations of the Committee on Armed Services several years ago in which it was found that in selling by retired officers there was a difference among the three services. The Air Force and the Army were barred for 2 years and the Navy was barred for life. In order to equalize this matter this legislation was introduced to bring all of the services under the 2-year rule.

Mr. GROSS. The amendment by the other body is completely germane to the bill?

Mr. HÉBERT. If the gentleman will yield further, most definitely.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON PUBLIC WORKS

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have permission to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, what was the request?

The SPEAKER. The request was that the Committee on Public Works may sit during general debate this afternoon. Is there objection?

Mr. GROSS. Mr. Speaker, reserving the right to object, in the first place, I must insist that hereafter Members transacting business in behalf of committees go to a microphone so that all Members may hear what is being requested.

Mr. Speaker, it is my understanding that the House passed the regular public works appropriation bill calling for the appropriation of some $4 billion; is that correct?

Mr. McFALL. Mr. Speaker, if the gentleman will yield, the public works acceleration bill was passed in the House recently, but the regular omnibus public works bill has not been acted upon.

Mr. GROSS. The authorization bill was for some $4 billion; is that right?

Mr. McFALL. No. This is a bill that we are considering in the committee at the present time.

Mr. GROSS. Did we not pass the regular authorization bill?

Mr. McFALL. No; we did not.

Mr. GROSS. What bill is now pending on which the gentleman wants to meet?

Mr. McFALL. It is the regular public works authorization bill—the regular rivers and harbors, flood control, omnibus bill, which is presented to the Congress every 2 or 3 years. The committee is engaged in the final markup of this bill, and we hope to have it on the floor of the House within a very short period of time.

Mr. GROSS. We did pass the regular appropriation bill and it called for nearly $1 billion; is that correct?

Mr. McFALL. We passed the regular appropriation bill; yes.

Mr. GROSS. Now you want to bring out another bill. What is the purpose of it? Is this to be an omnibus bill, and how much does the gentleman think it will cost?

Mr. McFALL. It would be an authorization bill. It would appropriate no money but would authorize certain projects, the total of which I am not informed at the present time.

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CLARA G. MAGGIORA

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1488) for the relief of Clara G. Maggiora, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

PASQUALE MARRELLA

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1599) for the relief of Pasquale Marrella, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

GABRIEL CHEHEBAR, ET AL.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1681) for the relief of Gabriel Chehebar, his wife, Marcelle Levy Chehebar, and their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

ALI KHOSROWKHAH

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2371) for the relief of Ali Khosrowkhah, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

KYOKO STANTON

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2977) for the relief of Kyoko Stanton, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

ALDO FRANCESCO CARBONE

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4478) for the relief of Aldo Francesco Carbone, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

HANS-DIETER SIEMONEIT

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5057) for the relief of Hans-Dieter Siemoneit, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

MOLLY KWAUK

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9669) for the relief of Molly Kwauk, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

KAZIMIERZ KRUPINSKI

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10796) for the relief of Kazimierz Krupinski, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. Walter, Feighan, Chelf, Poff, and Moore.

NATIONAL DEFENSE

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, last week President Kennedy took the Democrats of Pennsylvania through his rose garden and indicated that everything was rosy. At approximately the same time his Secretary of Defense was appearing before the House Committee on Armed Services advising them that we are in the greatest emergency this country has seen since the Korean war. Only yesterday we voted to allow the President to call up 150,000 Reserves, and tomorrow, because of the indecision of this administration, we are going to pass a Cuba resolution in order to try to strengthen his hand.

It seems to me that the President of the United States should be more forthright and truthful with the American people. It is also becoming apparent to me that the Democratic leadership and the Democrats in the Congress want to keep us here as long as possible because they prefer to have the Republicans stay here rather than to go back to our districts and tell the truth about what is going on.

OMNIBUS RIVERS AND HARBORS BILL JEOPARDIZED BY PORK BARRELING BY MAJORITY MEMBERS

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, we just had a meeting of the Rivers and Harbors Subcommittee in considering the omnibus rivers and harbors bill. There was attempted action taken, and I say attempted because there was a point of order raised that a vote was taken after the House was in session, to force two projects into this bill because they were dictated to be put in the bill, although they had not cleared the Bureau of the Budget, they had not cleared the Corps of Engineers, they had not cleared the Chief of Engineers. This is obvious pork barreling and turns an otherwise noncontroversial public works omnibus bill into a controversial one—and at this late date is the height of legislative irresponsibility.

I charge here and now that the majority because of its unwillingness to accept and abide by the proper ground rules for consideration of this bill at this late date, that is, that only projects be considered that are noncontroversial and that have been properly cleared by the executive branch, particularly in view of the fact, too, that no witnesses are being permitted to appear except Corps of Engineer witnesses, no Members are being permitted to be heard, and no witnesses on the projects, I here and now charge that if this bill does not come up, and therefore the many good projects are not properly authorized, it is because of the insistence of the majority on sticking into this bill projects that have not been properly cleared. This is contrary to the procedure that should be followed and on an obvious pork-barrel basis. The attempt to get a bill out at the last minute without hearing witnesses that otherwise would be entitled to be heard on the basis that it is not necessary because they are not controversial is being jeopardized by the majority in trying to force projects into the bill that have not been properly cleared by the executive agencies and that involve policy questions before our subcommittee and require hearings in order to make proper policy decisions. Failure to follow ground rules laid down can only result in rank discrimination against other areas of the country and other Members of Congress and give rise to charges of favoritism and pork barreling. This we must avoid.

APPROPRIATIONS FOR SUNDRY INDEPENDENT EXECUTIVE BUREAUS, BOARDS, COMMISSIONS, ETC., FISCAL YEAR 1963

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, which was ordered printed:

Conference Report (H. Rept. No. 2466)

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 119.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"RESEARCH

"For expenses, not otherwise provided for, necessary for studies, research, surveys, and marking, to develop measures and plans for civil defense, $38,000,000, to remain available until expended."

And the Senate agree to the same.

Albert Thomas,
Sidney R. Yates,
Clarence Cannon,
Harold C. Ostertag,
John Taber,
Managers on the Part of the House.

Warren G. Magnuson,
Richard B. Russell,
Lister Hill,
Allen J. Ellender,
Willis Robertson,
Robert S. Kerr,
Leverett Saltonstall,
Milton R. Young,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference as to each of such amendments, namely:

DEPARTMENT OF DEFENSE

Civil defense, Department of Defense

Amendment No. 7: Appropriates $38,000,000 for expenses necessary for studies, research, surveys, and marking to develop measures and plans for civil defense instead of $10,000,000 for research as proposed by the House and $93,800,000 for shelter, research, and development, and construction as proposed by the Senate.

Amendment No. 8: Deletes language proposed by the Senate.

Amendment No. 119: Deletes language proposed by the Senate.

ALBERT THOMAS,
SIDNEY R. YATES,
CLARENCE CANNON,
HAROLD C. OSTERTAG,
JOHN TABER,
Managers on the Part of the House.

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see above.)

Mr. THOMAS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with, and I will attempt to explain the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, this involves one item but there are three amendments wrapped up in it, and that is the fallout shelters. It was unanimously agreed to on both sides of the aisle and by part of the other body as well. Here is what it does. We insisted on the House language dealing with fallout shelters. The House language prohibited the building of any fallout shelters. We gave money there for research and some continuation of marking and surveys, but the old program, as you notice, for the last 10 years is continued. The other body wanted about $94 million. The House had $10 million and it was finally compromised out for $38 million, and that is it.

Now I will be glad to answer any questions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to our friend, the gentleman from Iowa.

Mr. GROSS. The $38 million is for study and planning?

Mr. THOMAS. It is for research and planning; it is for everything except fallout shelter construction.

Mr. GROSS. Fallout shelters are expected from this?

Mr. THOMAS. Yes. Anything dealing with construction of fallout shelters is out.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York, a member of the conference committee.

Mr. OSTERTAG. As a conferee and one of the managers on the part of the House, I might say that we were in complete agreement on the provisions that we are reporting back to the House and to the other body as a part of the general agreement of the conference.

The chairman of the committee has pointed out that in the first instance the Senate bill provided for some $93,800,000, which included about $20 million for fallout shelters. Throughout the bill we have eliminated, and the Senate has agreed that construction of fallout shelters should not be provided for, at this time. As the chairman has so ably stated, out of the $93 million, the sum of $20 million for shelters has been eliminated, and we have compromised the difference at an amount of $38 million.

But I should like to point out that the provision for stockpiling was not included. Therefore, the report approves the amount of $38 million for research, studies, surveys, and marking which is approximately one-half of the original budget request for this purpose.

The result is we are now providing $38 million instead of $93.8 million; and I think, in view of the agreement that has been reached, that we have brought back a reasonable report.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. THOMAS. I yield.

Mr. GROSS. The bill now carries $38 million. I would hope that this would be the end of such appropriations—$38 million for research and study and that sort of thing.

Mr. THOMAS. I join my friend in that.

Mr. Speaker, under permission to revise and extend my remarks, I include a summary total of the bill as finally agreed to, as follows:

Summary of independent offices appropriation bill, 1963 (H.R. 12711)

Agency	Budget estimates	Passed House	Passed Senate	Conference action	Conference action compared with—		
					Budget estimates	House	Senate
National Aeronautics and Space Council	$530,000	$530,000	$530,000	$530,000			
Office of Emergency Planning	11,000,000	9,000,000	9,000,000	10,000,000	−$1,000,000	+$1,000,000	+$1,000,000
Office of Service and Technology	850,000	700,000	850,000	750,000	−100,000	+50,000	−100,000
Civil Defense, Department of Defense	695,000,000	75,000,000	185,000,000	113,000,000	−582,000,000	+38,000,000	−72,000,000
Civil Defense, Department of Health, Education, and Welfare	41,445,000	5,500,000	8,500,000	7,000,000	−34,445,000	+1,500,000	−1,500,000
Civil Aeronautics Board	94,478,000	80,800,000	96,628,000	88,714,000	−5,764,000	+7,914,000	−7,914,000
Civil Service Commission	36,140,000	76,738,000	34,026,000	35,979,000	−161,000	−40,759,000	+1,953,000
Federal Aviation Agency	810,800,000	739,625,000	786,025,000	766,925,000	−43,875,000	+27,300,000	−19,100,000
Federal Communications Commission	14,617,000	14,355,000	14,617,000	14,486,000	−131,000	+131,000	−131,000
Federal Home Loan Bank Board	(13,875,000)	(13,500,000)	(13,575,000)	(13,537,500)	(−337,500)	(+37,500)	(−37,500)
Federal Power Commission	11,100,000	9,946,500	11,100,000	10,700,000	−400,000	+753,500	−400,000
Federal Trade Commission	11,845,000	10,720,000	11,845,000	11,282,500	−562,500	+562,500	−562,500
General Accounting Office	43,900,000	43,900,000	43,900,000	43,900,000			
General Services Administration	606,615,000	522,082,000	593,027,000	568,862,600	−37,752,400	+46,780,600	−24,164,400
Housing and Home Finance Agency	[1] 531,377,500	440,375,000	440,375,000	440,375,000	−91,002,500		
Federal National Mortgage Association	(8,750,000)	(8,250,000)	(8,250,000)	(8,250,000)	(−500,000)		
Federal Housing Administration	(82,200,000)	(71,500,000)	(78,300,000)	(77,900,000)	(−4,300,000)	(+6,400,000)	(−400,000)
Public Housing Administration	199,750,000	194,359,000	194,359,000	194,359,000	−5,391,000		
Interstate Commerce Commission	23,200,000	22,187,500	23,025,000	22,606,000	−594,000	+418,500	−419,000
National Aeronautics and Space Administration	3,787,276,000	3,644,115,000	3,704,115,000	3,674,115,000	−113,161,000	+30,000,000	−30,000,000
National Capital Housing Authority	40,000	40,000		40,000			+40,000
National Science Foundation	358,000,000	310,000,000	335,000,000	322,500,000	−35,500,000	+12,500,000	−12,500,000
Renegotiation Board	2,500,000	2,450,000	2,450,000	2,450,000	−50,000		
Securities and Exchange Commission	12,800,000	12,800,000	12,800,000	12,800,000			
Selective Service System	38,173,000	37,085,000	37,585,000	37,585,000	−588,000	+500,000	
Veterans' Administration	5,248,833,000	5,248,833,000	5,256,833,000	5,252,833,000	+4,000,000	+4,000,000	−4,000,000
Total	[1] 12,580,209,500	11,501,141,000	11,801,590,000	11,631,792,100	−948,477,400	+130,651,100	−169,797,900

[1] Includes comparability adjustments of $34,427,500 in the budget estimates for contract authorization and borrowing authority replaced by appropriations.

NOTE.—Indefinite appropriations are included in the foregoing table.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and that all Members may have 3 legislative days in which to extend their remarks at this point on this conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1962

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 2411)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Self-Employed Individuals Tax Retirement Act of 1962'.

"Sec. 2. Qualification of Plans.

"Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended—

"(1) by adding at the end of paragraph (5) of subsection (a) the following new sentence: 'For purposes of this paragraph and paragraph (10), the total compensation of an individual who is an employee within the meaning of subsection (c)(1) means such individual's earned income (as defined in subsection (c)(2)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Secretary or his delegate, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees.';

"(2) by adding at the end of subsection (a) the following new paragraphs:

" '(7) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that, upon its termination or upon complete discontinuance of contributions under the plan, the rights of all employees to benefits accrued to the date of such termination or discontinuance, to the extent then funded, or the amounts credited to the employees' accounts, are nonforfeitable. This paragraph shall not apply to benefits or contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by paragraph (4), may not be used for designated employees in the event of early termination of the plan.

" '(8) A trust forming part of a pension plan shall not constitute a qualified trust under this section unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

" '(9) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1), a trust forming part of such plan shall not constitute a qualified trust under this section unless, under the plan, the entire interest of each employee—

" '(A) either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in subsection (c)(3)), in which he retires, whichever is the later, or

" '(B) will be distributed, commencing not later than such taxable year, (i) in accordance with regulations prescribed by the Secretary or his delegate, over the life of such employee or over the lives of such employee and his spouse, or (ii) in accordance with such regulations, over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and his spouse.

A trust shall not be disqualified under this paragraph by reason of distributions under a designation, prior to the date of the enactment of this paragraph, by any employee under the plan of which such trust is a part, of a method of distribution which does not meet the terms of the preceding sentence.

" '(10) In the case of a plan which provides contributions or benefits for employees some or all of whom are owner-employees (as defined in subsection (c)(3))—

" '(A) paragraph (3) and the first and second sentences of paragraph (5) shall not apply, but—

" '(i) such plan shall not be considered discriminatory within the meaning of paragraph (4) merely because the contributions or benefits of or on behalf of employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, and

" '(ii) such plan shall not be considered discriminatory within the meaning of paragraph (4) solely because under the plan contributions described in subsection (e)(3)(A) which are in excess of the amounts which may be deducted under section 404 (determined without regard to section 404(a)(10)) for the taxable year may be made on behalf of any owner-employee; and

" '(B) a trust forming a part of such plan shall constitute a qualified trust under this section only if the requirements in subsection (d) are also met.'; and

"(3) by redesignating subsection (c) as subsection (h) and inserting after subsection (b) the following new subsections:

" '(c) Definitions and Rules Relating to Self-Employed Individuals and Owner-Employees.—For purposes of this section—

" '(1) Employee.—The term "employee" includes, for any taxable year, an individual who has earned income (as defined in paragraph (2)) for the taxable year. To the extent provided in regulations prescribed by the Secretary or his delegate, such term also includes, for any taxable year—

" '(A) an individual who would be an employee within the meaning of the preceding sentence but for the fact that the trade or business carried on by such individual did not have net profits for the taxable year, and

" '(B) an individual who has been an employee within the meaning of the preceding sentence for any prior taxable year.

" '(2) Earned income.—

" '(A) In general.—The term "earned income" means the net earnings from self-employment (as defined in section 1402(a)) to the extent that such net earnings constitute earned income (as defined in section 911(b) but determined with the application of subparagraph (B)), but such net earnings shall be determined—

" '(i) without regard to paragraphs (4) and (5) of section 1402(c),

" '(ii) in the case of any individual who is treated as an employee under sections 3121(d)(3) (A), (C), or (D), without regard to paragraph (2) of section 1402(c), and

" '(iii) without regard to items which are not included in gross income for purposes of this chapter, and the deductions properly allocable to or chargeable against such items.

For purposes of this subparagraph, sections 911(b) and 1402, as in effect for a taxable year ending on December 31, 1962, and subparagraph (B), as in effect for a taxable year beginning on January 1, 1963, shall be treated as having been in effect for all taxable years ending before such date.

" '(B) Earned income when both personal services and capital are material income-producing factors.—In applying section 911(b) for purposes of subparagraph (A), in the case of an individual who is an employee within the meaning of paragraph (1) and who is engaged in a trade or business in which both personal services and capital are material income-producing factors and with respect to which the individual actually renders personal services on a full-time, or substantially full-time, basis, so much of his share of the net profits of such trade or business as does not exceed $2,500 shall be considered as earned income. In the case of any such individual who is engaged in more than one trade or business with respect to which he actually renders substantial personal services, if with respect to all such trades or businesses he actually renders personal services on a full-time, or substantially full-time, basis, there shall be considered as earned income with respect to the trades or businesses in which both personal services and capital are material income-producing factors—

" '(i) so much of his share of the net profits of such trades or businesses as does not exceed $2,500, reduced by

" '(ii) his share of the net profits of any trade or business in which only personal services is a material income-producing factor.

The preceding sentences shall not be construed to reduce the share of net profits of any trade or business which under the second sentence of section 911(b) would be considered as earned income of any such individual.

" '(3) Owner-employee.—The term "owner-employee" means an employee who—

" '(A) owns the entire interest in an unincorporated trade or business, or

" '(B) in the case of a partnership, is a partner who owns more than 10 percent of either the capital interest or the profits interest in such partnership.

To the extent provided in regulations prescribed by the Secretary or his delegate, such term also means an individual who has been an owner-employee within the meaning of the preceding sentence.

" '(4) Employer.—An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of paragraph (1).

" '(5) Contributions on behalf of owner-employees.—The term "contribution on behalf of an owner-employee" includes, except as the context otherwise requires, a contribution under a plan—

" '(A) by the employer for an owner-employee, and

" '(B) by an owner-employee as an employee.

" '(d) Additional Requirements for Qualification of Trusts and Plans Benefiting Owner-Employees.—A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the following requirements of this subsection are met by the trust and by the plan of which such trust is a part:

"'(1) In the case of a trust which is created on or after the date of the enactment of this subsection, or which was created before such date but is not exempt from tax under section 501(a) as an organization described in subsection (a) on the day before such date, the trustee is a bank, but a person (including the employer) other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). This paragraph shall not apply to a trust created or organized outside the United States before the date of the enactment of this subsection if, under section 402(c), it is treated as exempt from tax under section 501(a) on the day before such date; or, to the extent provided under regulations prescribed by the Secretary or his delegate, to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively to fund the benefits prescribed by the trust, if the life insurance company supplies annually such information about trust transactions affecting owner-employees as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this paragraph, the term "bank" means a bank as defined in section 581, a corporation which under the laws of the State of its incorporation is subject to supervision and examination by the commissioner of banking or other officer of such State in charge of the administration of the banking laws of such State, and, in the case of a trust created or organized outside the United States, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to supervision and examination by governmental authority.

"'(2) Under the plan—

"'(A) the employees' rights to or derived from the contributions under the plan are nonforfeitable at the time the contributions are paid to or under the plan; and

"'(B) in the case of a profit-sharing plan, there is a definite formula for determining the contributions to be made by the employer on behalf of employees (other than owner-employees).

Subparagraph (A) shall not apply to contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by subsection (a)(4), may not be used to provide benefits for designated employees in the event of early termination of the plan.

"'(3) The plan benefits each employee having a period of employment of 3 years or more. For purposes of the preceding sentence, the term "employee" does not include any employee whose customary employment is for not more than 20 hours in any one week or is for not more than 5 months in any calendar year.

"'(4) Under the plan—

"'(A) contributions or benefits are not provided for any owner-employee unless such owner-employee has consented to being included under the plan; and

"'(B) no benefits may be paid to any owner-employee, except in the case of his becoming disabled (within the meaning of section 213(g)(3)), prior to his attaining the age of 59½ years.

"'(5) The plan does not permit—

"'(A) contributions to be made by the employer on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 (determined without regard to section 404(a)(10)) for the taxable year;

"'(B) in the case of a plan which provides contributions or benefits only for owner-employees, contributions to be made on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 (determined without regard to section 404(a)(10)) for the taxable year; and

"'(C) if a distribution under the plan is made to any employee and if any portion of such distribution is an amount described in section 72(m)(5)(A)(i), contributions to be made on behalf of such employee for the 5 taxable years succeeding the taxable year in which such distribution is made.

Subparagraphs (A) and (B) shall not apply to any contribution which is not considered to be an excess contribution (as defined in subsection (e)(1)) by reason of the application of subsection (e)(3).

"'(6) Except as provided in this paragraph, the plan meets the requirements of subsection (a)(4) without taking into account for any purpose contributions or benefits under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the Social Security Act, as amended, or any other Federal or State law. If—

"'(A) of the contributions deductible under section 404 (determined without regard to section 404(a)(10)), not more than one-third is deductible by reason of contributions by the employer on behalf of owner-employees, and

"'(B) taxes paid by the owner-employees under chapter 2 (relating to tax on self-employment income), and the taxes which would be payable under such chapter 2 by the owner-employees but for paragraphs (4) and (5) of section 1402(c), are taken into account as contributions by the employer on behalf of such owner-employees,

then taxes paid under section 3111 (relating to tax on employers) with respect to an employee may, for purposes of subsection (a)(4), be taken into account as contributions by the employer for such employee under the plan.

"'(7) Under the plan, if an owner-employee dies before his entire interest has been distributed to him, or if distribution has been commenced in accordance with subsection (a)(9)(B) to his surviving spouse and such surviving spouse dies before his entire interest has been distributed to such surviving spouse, his entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of his surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall not apply if distribution of the interest of an owner-employee has commenced and such distribution is for a term certain over a period permitted under subsection (a)(9)(B)(ii).

"'(8) Under the plan—

"'(A) any contribution which is an excess contribution, together with the income attributable to such excess contribution, is (unless subsection (e)(2)(E) applies) to be repaid to the owner-employee on whose behalf such excess contribution is made;

"'(B) if for any taxable year the plan does not, by reason of subsection (e)(2)(A), meet (for purposes of section 404) the requirements of this subsection with respect to an owner-employee, the income for the taxable year attributable to the interest of such owner-employee under the plan is to be paid to such owner-employee; and

"'(C) the entire interest of an owner-employee is to be repaid to him when required by the provisions of subsection (e)(2)(E).

"'(9)(A) If the plan provides contributions or benefits for an owner-employee who controls, or for two or more owner-employees who together control, the trade or business with respect to which the plan is established, and who also control as an owner-employee or as owner-employees one or more other trades or businesses, such plan and the plans established with respect to such other trades or businesses, when coalesced, constitute a single plan which meets the requirements of subsection (a) (including paragraph (10) thereof) and of this subsection with respect to the employees of all such trades or businesses (including the trade or business with respect to which the plan intended to qualify under this section is established).

"'(B) For purposes of subparagraph (A), an owner-employee, or two or more owner-employees, shall be considered to control a trade or business if such owner-employee, or such two or more owner-employees together—

"'(i) own the entire interest in an unincorporated trade or business, or

"'(ii) in the case of a partnership, own more than 50 percent of either the capital interest or the profits interest in such partnership.

For purposes of the preceding sentence, an owner-employee, or two or more owner-employees, shall be treated as owning any interest in a partnership which is owned, directly or indirectly, by a partnership which such owner-employee, or such two or more owner-employees, are considered to control within the meaning of the preceding sentence.

"'(10) The plan does not provide contributions or benefits for any owner-employee who controls (within the meaning of paragraph (9)(B)), or for two or more owner-employees who together control, as an owner-employee or as owner-employees, any other trade or business, unless the employees of each trade or business which such owner-employee or such owner-employees control are included under a plan which meets the requirements of subsection (a) (including paragraph (10) thereof) and of this subsection, and provides contributions and benefits for employees which are not less favorable than contributions and benefits provided for owner-employees under the plan.

"'(11) Under the plan, contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established.

"'(e) Excess Contributions on Behalf of Owner-Employees.—

"'(1) Excess contribution defined.—For purposes of this section, the term "excess contribution" means, except as provided in paragraph (3)—

"'(A) if, in the taxable year, contributions are made under the plan only on behalf of owner-employees, the amount of any contribution made on behalf of any owner-employee which (without regard to this subsection) is not deductible under section 404 (determined without regard to section 404(a)(10)) for the taxable year; or

"'(B) if, in the taxable year, contributions are made under the plan on behalf of employees other than owner-employees—

"'(i) the amount of any contribution made by the employer on behalf of any owner-employee which (without regard to this subsection) is not deductible under section 404 (determined without regard to section 404(a)(10)) for the taxable year;

"'(ii) the amount of any contribution made by any owner-employee (as an employee) at a rate which exceeds the rate of contributions permitted to be made by employees other than owner-employees;

"'(iii) the amount of any contribution made by any owner-employee (as an employee) which exceeds the lesser of $2,500 or 10 percent of the earned income for such taxable year derived by such owner-employee from the trade or business with respect to which the plan is established; and

"'(iv) in the case of any individual on whose behalf contributions are made under more than one plan as an owner-employee, the amount of any contribution made by such owner-employee (as an employee) under all such plans which exceeds $2,500; and

"'(C) the amount of any contribution made on behalf of an owner-employee in any taxable year for which, under paragraph (2)(A) or (E), the plan does not (for purposes of section 404) meet the requirements of subsection (d) with respect to such owner-employee.

For purposes of this subsection, the amount of any contribution which is allocable (determined in accordance with regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance shall not be taken into account.

"'(2) Effect of excess contribution.—

"'(A) In general.—If an excess contribution (other than an excess contribution to which subparagraph (E) applies) is made on behalf of an owner-employee in any taxable year, the plan with respect to which such excess contribution is made shall, except as provided in subparagraphs (C) and (D), be considered, for purposes of section 404, as not meeting the requirements of subsection (d) with respect to such owner-employee for the taxable year and for all succeeding taxable years.

"'(B) Inclusion of amounts in gross income of owner-employees.—For any taxable year for which any plan does not meet the requirements of subsection (d) with respect to an owner-employee by reason of subparagraph (A), the gross income of such owner-employee shall, for purposes of this chapter, include the amount of net income for such taxable year attributable to the interest of such owner-employee under such plan.

"'(C) Repayment within prescribed period.—Subparagraph (A) shall not apply to an excess contribution with respect to any taxable year, if, on or before the close of the 6-month period beginning on the day on which the Secretary or his delegate sends notice (by certified or registered mail) to the person to whom such excess contribution was paid of the amount of such excess contribution, the amount of such excess contribution, and the net income attributable thereto, is repaid to the owner-employee on whose behalf such excess contribution was made. If the excess contribution is an excess contribution as defined in paragraph (1)(A) or (B)(i), or is an excess contribution as defined in paragraph (1)(C) with respect to which a deduction has been claimed under section 404, the notice required by the preceding sentence shall not be mailed prior to the time that the amount of the tax under this chapter of such owner-employee for the taxable year in which such excess contribution was made has been finally determined.

"'(D) Repayment after prescribed period.—If an excess contribution, together with the net income attributable thereto, is not repaid within the 6-month period referred to in subparagraph (C), subparagraph (A) shall not apply to an excess contribution with respect to any taxable year beginning with the taxable year in which the person to whom such excess contribution was paid repays the amount of such excess contribution to the owner-employee on whose behalf such excess contribution was made, and pays to such owner-employee the amount of net income attributable to the interest of such owner-employee which, under subparagraph (B), has been included in the gross income of such owner-employee for any prior taxable year.

"'(E) Special rule if excess contribution was willfully made.—If an excess contribution made on behalf of an owner-employee is determined to have been willfully made, then—

"'(i) subparagraphs (A), (B), (C), and (D) shall not apply with respect to such excess contribution;

"'(ii) there shall be distributed to the owner-employee on whose behalf such excess contribution was willfully made his entire interest in all plans with respect to which he is an owner-employee; and

"'(iii) no plan shall, for purposes of section 404, be considered as meeting the requirements of subsection (d) with respect to such owner-employee for the taxable year in which it is determined that such excess contribution was willfully made and for the 5 taxable years following such taxable year.

"'(F) Statute of limitations.—In any case in which subparagraph (A) applies, the period for assessing any deficiency arising by reason of—

"'(i) the disallowance of any deduction under section 404 on account of a plan not meeting the requirements of subsection (d) with respect to the owner-employee on whose behalf an excess contribution was made, or

"'(ii) the inclusion, under subparagraph (B), in gross income of such owner-employee of income attributable to the interest of such owner-employee under a plan,

for the taxable year in which such excess contribution was made or for any succeeding taxable year shall not expire prior to one year after the close of the 6-month period referred to in subparagraph (C).

"'(3) Contributions for premiums on annuity, etc., contracts.—A contribution by the employer on behalf of an owner-employee shall not be considered to be an excess contribution within the meaning of paragraph (1), if—

"'(A) under the plan such contribution is required to be applied (directly or through a trustee) to pay premiums or other consideration for one or more annuity, endowment, or life insurance contracts on the life of such owner-employee issued under the plan,

"'(B) the amount of such contribution exceeds the amount deductible under section 404 (determined without regard to section 404(a)(10)) with respect to contributions made by the employer on behalf of such owner-employee under the plan, and

"'(C) the amount of such contribution does not exceed the average of the amounts which were deductible under section 404 (determined without regard to section 404(a)(10)) with respect to contributions made by the employer on behalf of such owner-employee under the plan (or which would have been deductible under such section if such section had been in effect) for the first 3 taxable years (i) preceding the year in which the last such annuity, endowment, or life insurance contract was issued under the plan and (ii) in which such owner-employee derived earned income from the trade or business with respect to which the plan is established, or for so many of such taxable years as such owner-employee was engaged in such trade or business and derived earned income therefrom.

In the case of any individual on whose behalf contributions described in subparagraph (A) are made under more than one plan as an owner-employee during any taxable year, the preceding sentence shall not apply if the amount of such contributions under all such plans for such taxable year exceeds $2,500. Any contribution which is not considered to be an excess contribution by reason of the application of this paragraph shall, for purposes of subparagraphs (B)(ii), (iii), and (iv) of paragraph (1), be taken into account as a contribution made by such owner-employee as an employee to the extent that the amount of such contribution is not deductible under section 404 (determined without regard to section 404(a)(10)) for the taxable year, but only for the purpose of applying such subparagraphs to other contributions made by such owner-employee as an employee.

"'(f) Certain Custodial Accounts.—

"'(1) Treatment as qualified trust.—For purposes of this title, a custodial account shall be treated as a qualified trust under this section, if—

"'(A) such custodial account would, except for the fact that it is not a trust, constitute a qualified trust under this section;

"'(B) the custodian is a bank (as defined in subsection (d)(1));

"'(C) the investment of the funds in such account (including all earnings) is to be made—

"'(i) solely in regulated investment company stock with respect to which an employee is the beneficial owner, or

"'(ii) solely in annuity, endowment, or life insurance contracts issued by an insurance company;

"'(D) the shareholder of record of any such stock described in subparagraph (C)(i) is the custodian or its nominee; and

"'(E) the contracts described in subparagraph (C)(ii) are held by the custodian until distributed under the plan.

For purposes of this title, in the case of a custodial account treated as a qualified trust under this section by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"'(2) Definition.—For purposes of paragraph (1), the term "regulated investment company" means a domestic corporation which—

"'(A) is a regulated investment company within the meaning of section 851(a), and

"'(B) issues only redeemable stock.

"'(g) Annuity Defined.—For purposes of this section and sections 402, 403, and 404, the term "annuity" includes a face-amount certificate, as defined in section 2(a)(15) of the Investment Company Act of 1940 (15 U.S.C., sec. 80a–2); but does not include any contract or certificate issued after December 31, 1962, which is transferable, if any person other than the trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) is the owner of such contract or certificate.'

"Sec. 3. Deductibility of Contributions to Plans.

"(a) Inclusion of Self-Employed Individuals.—Section 404(a) of the Internal Revenue Code of 1954 (relating to the deductibility of contributions to pension, annuity, profit-sharing, or stock bonus plans or plans of deferred compensation) is amended—

"(1) by striking out in paragraph (2) 'and (6),' and inserting in lieu thereof '(6), (7), and (8), and, if applicable, the requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraph (1)),'; and

"(2) by adding after paragraph (7) the following new paragraphs:

"'(8) Self-employed individuals.—In the case of a plan included in paragraph (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1), for purposes of this section—

"'(A) the term "employee" includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual is the person treated as his employer under section 401(c)(4);

"'(B) the term "earned income" has the meaning assigned to it by section 401(c)(2);

"'(C) the contributions to such plan on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall be considered to satisfy the conditions of section 162 or 212 to the extent that such contributions do not exceed the earned income of such individual derived from the trade or business with respect to which such plan is established, and to the extent that such contributions are not allocable (determined in accordance with regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance; and

"'(D) any reference to compensation shall, in the case of an individual who is an employee within the meaning of section 401(c)(1), be considered to be a reference to the earned income of such individual derived from the trade or business with respect to which the plan is established.

"'(9) Plans benefiting self-employed individuals.—In the case of a plan included in paragraph (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1)—

"'(A) the limitations provided by paragraphs (1), (2), (3), and (7) on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees (other than employees within the meaning of section 401(c)(1)), as if such employees were the only employees for whom contributions and benefits are provided under the plan;

"'(B) the limitations provided by paragraphs (1), (2), (3), and (7) on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees within the meaning of section 401(c)(1)—

"'(i) as if such employees were the only employees for whom contributions and benefits are provided under the plan, and

"'(ii) without regard to paragraph (1)(D), the second and third sentences of paragraph (3), and the second sentence of paragraph (7); and

"'(C) the amounts deductible under paragraphs (1), (2), (3), and (7), with respect to contributions on behalf of any employee within the meaning of section 401(c)(1), shall not exceed the applicable limitation provided in subsection (e).

"'(10) Special limitation on amount allowed as deduction for self-employed individuals.—Notwithstanding any other provision of this section, the amount allowable as a deduction under paragraphs (1), (2), (3), and (7) in any taxable year with respect to contributions made on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall be an amount equal to one-half of the contributions made on behalf of such individual in such taxable year which are deductible under such paragraphs (determined with the application of paragraph (9) and of subsection (e) but without regard to this paragraph). For purposes of section 401, the amount which may be deducted, or the amount deductible, under this section with respect to contributions made on behalf of such individual shall be determined without regard to the preceding sentence.'

"(b) Limitations on Deductible Contributions on Behalf of Self-Employed Individuals.—Section 404 of the Internal Revenue Code of 1954 (relating to the deductibility of contributions to pension, annuity, profit-sharing, or stock bonus plans or plans of deferred compensation) is amended by adding after subsection (d) the following new subsections:

"'(e) Special Limitations for Self-Employed Individuals.—

"'(1) In general.—In the case of a plan included in subsection (a)(1), (2), or (3), which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1), the amounts deductible under subsection (a) (determined without regard to paragraph (10) thereof) in any taxable year with respect to contributions on behalf of any employee within the meaning of section 401(c)(1) shall, subject to the provisions of paragraph (2), not exceed $2,500, or 10 percent of the earned income derived by such employee from the trade or business with respect to which the plan is established, whichever is the lesser.

"'(2) Contributions made under more than one plan.—

"'(A) Overall limitation.—In any taxable year in which amounts are deductible with respect to contributions under two or more plans on behalf of an individual who is an employee within the meaning of section 401(c)(1) with respect to such plans, the aggregate amount deductible for such taxable year under all such plans with respect to contributions on behalf of such employee (determined without regard to subsection (a)(10)) shall not exceed $2,500, or 10 percent of the earned income derived by such employee from the trades or businesses with respect to which the plans are established, whichever is the lesser.

"'(B) Allocation of amounts deductible.—In any case in which the amounts deductible under subsection (a) (with the application of the limitations of this subsection) with respect to contributions made on behalf of an employee within the meaning of section 401(c)(1) under two or more plans are, by reason of subparagraph (A), less than the amounts deductible under such subsection determined without regard to such subparagraph, the amount deductible under subsection (a) (determined without regard to paragraph (10) thereof) with respect to such contributions under each such plan shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

"'(3) Contributions allocable to insurance protection.—For purposes of this subsection, contributions which are allocable (determined under regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance shall not be taken into account.

"'(f) Certain Loan Repayments Considered as Contributions.—For purposes of this section, any amount paid, directly or indirectly, by an owner-employee (within the meaning of section 401(c)(3)) in repayment of any loan which under section 72(m)(4)(B) was treated as an amount received under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as a part of a plan described in section 403(a) shall be treated as a contribution to which this section applies on behalf of such owner-employee to such trust or to or under such plan.'

"Sec. 4. Taxability of Distributions.

"(a) Employees' Annuities.—Section 72(d)(2) of the Internal Revenue Code of 1954 (relating to employees' annuities) is amended to read as follows:

"'(2) Special rules for application of paragraph (1).—For purposes of paragraph (1)—

"'(A) if the employee died before any amount was received as an annuity under the contract, the words "receivable by the employee" shall be read as "receivable by a beneficiary of the employee"; and

"'(B) any contribution made with respect to the contract while the employee is an employee within the meaning of section 401(c)(1) which is not allowed as a deduction under section 404 shall be treated as consideration for the contract contributed by the employee.'

"(b) Special Rules Relating to Self-Employed Individuals and Owner-Employees.—Section 72 of the Internal Revenue Code of 1954 (relating to annuities, etc.) is amended by redesignating subsection (m) as subsection (o) and by inserting after subsection (l) the following new subsections:

"'(m) Special Rules Applicable to Employee Annuities and Distributions Under Employee Plans.—

"'(1) Certain amounts received before annuity starting date.—Any amounts received under an annuity, endowment, or life insurance contract before the annuity starting date which are not received as an annuity (within the meaning of subsection (e)(2)) shall be included in the recipient's gross income for the taxable year in which received to the extent that—

"'(A) such amounts, plus all amounts theretofore received under the contract and includible in gross income under this paragraph, do not exceed

"'(B) the aggregate premiums or other consideration paid for the contract while the employee was an owner-employee which were allowed as deductions under section 404 for the taxable year and all prior taxable years.

Any such amounts so received which are not includible in gross income under this paragraph shall be subject to the provisions of subsection (e).

"'(2) Computation of consideration paid by the employee.—In computing—

"'(A) the aggregate amount of premiums or other consideration paid for the contract for purposes of subsection (c)(1)(A) (relating to the investment in the contract),

"'(B) the consideration for the contract contributed by the employee for purposes of subsection (d)(1) (relating to employee's contributions recoverable in 3 years), and

"'(C) the aggregate premiums or other consideration paid for purposes of subsection (e)(1)(B) (relating to certain amounts not received as an annuity),

any amount allowed as a deduction with respect to the contract under section 404 which was paid while the employee was an employee within the meaning of section 401(c)(1) shall be treated as consideration contributed by the employer, and there shall not be taken into account any portion of the premiums or other consideration for the contract paid while the employee was an owner-employee which is properly allocable (as determined under regulations prescribed by the Secretary or his delegate) to the cost of life, accident, health, or other insurance,

"'(3) Life insurance contracts.—

"'(A) This paragraph shall apply to any life insurance contract—

"'(i) purchased as a part of a plan described in section 403(a), or

"'(ii) purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) if the proceeds of such contract are payable directly or indirectly to a participant in such trust or to a beneficiary of such participant.

"'(B) Any contribution to a plan described in subparagraph (A)(i) or a trust described in subparagraph (A)(ii) which is allowed as a deduction under section 404, and any income of a trust described in subparagraph (A)(ii), which is determined in accordance with regulations prescribed by the Secretary or his delegate to have been applied to purchase the life insurance protection under a contract described in subparagraph (A), is includible in the gross income of the participant for the taxable year when so applied.

"'(C) In the case of the death of an individual insured under a contract described in subparagraph (A), an amount equal to the cash surrender value of the contract immediately before the death of the insured shall be treated as a payment under such plan or a distribution by such trust, and the excess of the amount payable by reason of the death of the insured over such cash surrender value shall not be includible in gross income under this section and shall be treated as provided in section 101.

"'(4) Amounts constructively received.—

"'(A) Assignments or pledges.—If during any taxable year an owner-employee assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a trust described in section 401(a) which is exempt from tax under section 501(a) or any portion of the value of a contract purchased as part of a plan described in section 403(a), such portion shall be treated as having been received by such owner-employee as a distribution from such trust or as an amount received under the contract.

"'(B) Loans on Contracts.—If during any taxable year, an owner-employee receives, directly or indirectly, any amount from any insurance company as a loan under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as part of a plan described in section 403(a), and issued by such insurance company, such amount shall be treated as an amount received under the contract.

"'(5) Penalties applicable to certain amounts received by owner-employees.—

"'(A) This paragraph shall apply—

"'(i) to amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) and which are received by an individual, who is, or has been, an owner-employee, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of section 213(g)(3)), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (whether or not paid by him) while he was an owner-employee,

"'(ii) to amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) at any time by an individual who is, or has been, an owner-employee, or by the successor of such individual, but only to the extent that such amounts are determined, under regulations prescribed by the Secretary or his delegate, to exceed the benefits provided for such individual under the plan formula, and

"'(iii) to amounts which are received, by an individual who is, or has been, an owner-employee, by reason of the distribution under the provisions of section 401(e)(2)(E) of his entire interest in all qualified trusts described in section 401(a) and in all plans described in section 403(a).

"'(B)(i) If the aggregate of the amounts to which this paragraph applies received by any person in his taxable year equals or exceeds $2,500, the increase in his tax for the taxable year in which such amounts are received and attributable to such amounts shall not be less than 110 percent of the aggregate increase in taxes, for the taxable year and the 4 immediately preceding taxable years, which would have resulted if such amounts had been included in such person's gross income ratably over such taxable years.

"'(ii) If deductions have been allowed under section 404 for contributions paid on behalf of the individual while he is an owner-employee for a number of prior taxable years less than 4, clause (i) shall be applied by taking into account a number of taxable years immediately preceding the taxable year in which the amount was so received equal to such lesser number.

"'(C) If subparagraph (B) does not apply to a person for the taxable year, the increase in tax of such person for the taxable year attributable to the amounts to which this paragraph applies shall be 110 percent of such increase (computed without regard to this subparagraph).

"'(D) Subparagraph (A)(ii) of this paragraph shall not apply to any amount to which section 402(a)(2) or 403(a)(2) applies.

"'(E) For special rules for computation of taxable income for taxable years to which this paragraph applies, see subsection (n)(3).

"'(6) Owner-employee defined.—For purposes of this subsection, the term "owner-employee" has the meaning assigned to it by section 401(c)(3).

"'(n) Treatment of Certain Distributions With Respect to Contributions by Self-Employed Individuals.—

"'(1) Application of subsection.—

"'(A) Distributions by employees' trust.—Subject to the provisions of subparagraph (C), this subsection shall apply to amounts distributed to a distributee, in the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if the total distributions payable to the distributee with respect to an employee are paid to the distributee within one taxable year of the distributee—

"'(i) on account of the employee's death.

"'(ii) after the employee has attained the age of 59½ years, or

"'(iii) after the employee has become disabled (within the meaning of section 213(g)(3)).

"'(B) Annuity plans.—Subject to the provisions of subparagraph (C), this subsection shall apply to amounts paid to a payee, in the case of an annuity plan described in section 403(a), if the total amounts payable to the payee with respect to an employee are paid to the payee within one taxable year of the payee—

"'(i) on account of the employee death.

"'(ii) after the employee has attained the age of 59½ years, or

"'(iii) after the employee has become disabled (within the meaning of section 213(g)(3)).

"'(C) Limitations and exceptions.—This subsection shall apply—

"'(i) only with respect to so much of any distribution or payment to which (without regard to this subparagraph) subparagraph (A) or (B) applies as is attributable to contributions made on behalf of an employee while he was an employee within the meaning of section 401(c)(1), and

"'(ii) if the recipient is the employee on whose behalf such contributions were made, only if contributions which were allowed as a deduction under section 404 have been made on behalf of such employee while he was an employee within the meaning of section 401(c)(1) for 5 or more taxable years prior to the taxable year in which the total distributions payable or total amounts payable, as the case may be, are paid.

This subsection shall not apply to amounts described in clauses (ii) and (iii) of subparagraph (A) of subsection (m)(5) (but, in the case of amounts described in clause (ii) of such subparagraph, only to the extent that subsection (m)(5) applies to such amounts).

"'(2) Limitation of Tax.—In any case to which this subsection applies, the tax attributable to the amounts to which this subsection applies for the taxable year in which such amounts are received shall not exceed whichever of the following is the greater:

"'(A) 5 times the increase in tax which would result from the inclusion in gross income of the recipient of 20 percent of so much of the amount so received as is includible in gross income, or

"'(B) 5 times the increase in tax which would result if the taxable income of the recipient for such taxable year equaled 20 percent of the amount of the taxable income of the recipient for such taxable year determined under paragraph (3)(A).

"'(3) Determination of Taxable Income.—Notwithstanding section 63 (relating to definition of taxable income), for purposes only of computing the tax under this chapter attributable to amounts to which this subsection or subsection (m)(5) applies and which are includible in gross income—

"'(A) the taxable income of the recipient for the taxable year of receipt shall be treated as being not less than the amount by which (i) the aggregate of such amounts so includible in gross income exceeds (ii) the amount of the deductions allowed for such taxable year under section 151 (relating to deductions for personal exemptions); and

"'(B) in making ratable inclusion computations under paragraph (5)(B) of subsection (m), the taxable income of the recipient for each taxable year involved in such ratable inclusion shall be treated as being not less than the amount required by such paragraph (5)(B) to be treated as includible in gross income for such taxable year.

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by section 1 or 3 for such taxable year shall not be reduced by any credit under part IV of subchapter A (other than section 31 thereof) which, but for this sentence, would be allowable.'

"(c) Capital Gains Treatment of Certain Employees' Trust Distributions.—Section 402(a)(2) of the Internal Revenue Code of 1954 (relating to capital gains treatment for certain distributions) is amended by adding at the end thereof the following new sentence: 'This paragraph shall not apply to distributions paid to any distributee to the extent such distributions are attributable to contributions made on behalf of the employee while he was an employee within the meaning of section 401(c)(1).'

"(d) Capital Gains Treatment of Certain Employees' Annuity Payments.—Section 403(a) of the Internal Revenue Code of 1954 (relating to taxability of a beneficiary under a qualified annuity plan) is amended—

"(1) by striking out in paragraph (2)(A)(i) 'which meets the requirements of section 401(a)(3), (4), (5), and (6)' and inserting in lieu thereof 'described in paragraph (1)';

"(2) by adding at the end of paragraph (2)(A) the following new sentence: 'This subparagraph shall not apply to amounts paid to any payee to the extent such amounts are attributable to contributions made on behalf of the employee while he was an employee within the meaning of section 401(c)(1).'; and

"(3) by adding after paragraph (2) the following new paragraph:

"'(3) Self-employed individuals.—For purposes of this subsection, the term "employee" includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual is the person treated as his employer under section 401(c)(4).'

"Sec. 5. Plans for Purchase of United States Bonds.

"(a) Qualified Bond Purchase Plans.—Part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to deferred compensation, etc.) is amended by adding at the end thereof the following new section:

"'Sec. 405. Qualified Bond Purchase Plans.

"'(a) Requirements for Qualification.—A plan of an employer for the purchase for and distribution to his employees or their beneficiaries of United States bonds described in subsection (b) shall constitute a qualified bond purchase plan under this section if—

"'(1) the plan meets the requirements of section 401(a) (3), (4), (5), (6), (7), and (8) and, if applicable, the requirements of section 401(a) (9) and (10) and of section 401(d) (other than paragraphs (1), (5)(B), and (8)); and

" '(2) contributions under the plan are used solely to purchase for employees or their beneficiaries United States bonds described in subsection (b).

" '(b) Bonds to Which Applicable.—

" '(1) Characteristics of bonds.—This section shall apply only to a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary under such Act—

" '(A) provides for payment of interest, or investment yield, only upon redemption;

" '(B) may be purchased only in the name of an individual;

" '(C) ceases to bear interest, or provide investment yield, not later than 5 years after the death of the individual in whose name it is purchased;

" '(D) may be redeemed before the death of the individual in whose name it is purchased only if such individual—

" '(i) has attained the age of 59½ years, or

" '(ii) has become disabled (within the meaning of section 213(g)(3)); and

" '(E) is nontransferable.

" '(2) Must be purchased in name of employee.—This section shall apply to a bond described in paragraph (1) only if it is purchased in the name of the employee.

" '(c) Deduction for Contributions to Bond Purchase Plans.—Contributions paid by an employer to or under a qualified bond purchase plan shall be allowed as a deduction in an amount determined under section 404 in the same manner and to the same extent as if such contributions were made to a trust described in section 401(a) which is exempt from tax under section 501(a).

" '(d) Taxability of Beneficiary of Qualified Bond Purchase Plan.—

" '(1) Gross income not to include bonds at time of distribution.—For purposes of this chapter, in the case of a distributee of a bond described in subsection (b) under a qualified bond purchase plan, or from a trust described in section 401(a) which is exempt from tax under section 501(a), gross income does not include any amount attributable to the receipt of such bond. Upon redemption of such bond, the proceeds shall be subject to taxation under this chapter, but the provisions of section 72 (relating to annuities, etc.) and section 1232 (relating to bonds and other evidences of indebtedness) shall not apply.

" '(2) Basis.—The basis of any bond received by a distributee under a qualified bond purchase plan—

" '(A) if such bond is distributed to an employee, or with respect to an employee, who at the time of purchase of the bond, was an employee other than an employee within the meaning of section 401(c)(1), shall be the amount of the contributions by the employee which were used to purchase the bond, and

" '(B) if such bond is distributed to an employee, or with respect to an employee, who, at the time of purchase of the bond, was an employee within the meaning of section 401(c)(1), shall be the amount of the contributions used to purchase the bond which were made on behalf of such employee and were not allowed as a deduction under subsection (c).

The basis of any bond described in subsection (b) received by a distributee from a trust described in section 401(a) which is exempt from tax under section 501(a) shall be determined under regulations prescribed by the Secretary or his delegate.

" '(e) Capital Gains Treatment Not To Apply to Bonds Distributed by Trusts.—Section 402(a)(2) shall not apply to any bond described in subsection (b) distributed to any distributee and, for purposes of applying such section, any such bond distributed to any distributee and any such bond to the credit of any employee shall not be taken into account.

" '(f) Employee Defined.—For purposes of this section, the term "employee" includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual shall be the person treated as his employer under section 401(c)(4).

" '(g) Proof of Purchase.—At the time of purchase of any bond to which this section applies, proof of such purchase shall be furnished in such form as will enable the purchaser, and the employee in whose name such bond is purchased, to comply with the provisions of this section.

" '(h) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.'

"(b) Clerical Amendment.—The table of sections for such part is amended by adding at the end thereof the following new item:

" 'Sec. 405. Qualified bond purchase plans.'

"Sec. 6. Prohibited Transactions.

"Section 503 of the Internal Revenue Code of 1954 (relating to prohibited transactions) is amended by adding at the end thereof the following new subsection:

" '(j) Trusts Benefiting Certain Owner-Employees.—

" '(1) Prohibited transactions.—In the case of a trust described in section 401(a) which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees (as defined in section 401(c)(3)) who control (within the meaning of section 401(d)(9)(B)) the trade or business with respect to which the plan is established, the term "prohibited transaction" also means any transaction in which such trust, directly or indirectly—

" '(A) lends any part of the corpus or income of the trust to;

" '(B) pays any compensation for personal services rendered to the trust to;

" '(C) makes any part of its services available on a preferential basis to; or

" '(D) acquires for the trust any property from, or sells any property to;

any person described in subsection (c) or to any such owner-employee, a member of the family (as defined in section 267(c)(4)) of any such owner-employee, or a corporation controlled by any such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

" '(2) Special rule for loans.—For purposes of the application of paragraph (1)(A), the following rules shall apply with respect to a loan made before the date of the enactment of this subsection which would be a prohibited transaction if made in a taxable year beginning after December 31, 1962:

" '(A) If any part of the loan is repayable prior to December 31, 1965, the renewal of such part of the loan for a period not extending beyond December 31, 1965, on the same terms, shall not be considered a prohibited transaction.

" '(B) If the loan is repayable on demand, the continuation of the loan beyond December 31, 1965, shall be considered a prohibited transaction.'

"Sec. 7. Other Special Rules, Technical Changes, and Administrative Provisions

"(a) Retirement Income Credit.—Section 37(c)(1) of the Internal Revenue Code of 1954 (relating to definition of retirement income) is amended—

"(1) by striking out subparagraph (A) and inserting in lieu thereof the following:

" '(A) pensions and annuities (including, in the case of any individual who is, or has been, an employee within the meaning of section 401(c)(1), distributions by a trust described in section 401(a) which is exempt from tax under section 501(a)),'; and

"(2) by striking out 'and' at the end of subparagraph (C), by striking out 'or' at the end of subparagraph (D) and inserting in lieu thereof 'and', and by adding after subparagraph (D) the following new subparagraph:

" '(E) bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a), or'.

"(b) Adjusted Gross Income.—Section 62 of the Internal Revenue Code of 1954 (relating to the definition of adjusted gross income) is amended by inserting after paragraph (6) the following new paragraph:

" '(7) Pension, profit-sharing, annuity, and bond purchase plans of self-employed individuals.—In the case of an individual who is an employee within the meaning of section 401(c)(1), the deductions allowed by section 404 and section 405(c) to the extent attributable to contributions made on behalf of such individual.'

"(c) Death Benefits.—Section 101(b) of the Internal Revenue Code of 1954 (relating to employees' death benefits) is amended—

"(1) by striking out clause (ii) of paragraph (2)(B) and inserting in lieu thereof the following:

" '(ii) under an annuity contract under a plan described in section 403(a), or'; and

"(2) by adding at the end thereof the following new paragraph:

" '(3) Self-employed individual not considered an employee.—For purposes of this subsection, the term "employee" does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).'

"(d) Amounts Received Through Accident or Health Insurance.—Section 104(a) of the Internal Revenue Code of 1954 (relating to compensation for injuries or sickness) is amended by adding at the end thereof the following new sentence:

" 'For purposes of paragraph (3), in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), contributions made on behalf of such individual while he was such an employee to a trust described in section 401(a) which is exempt from tax under section 501(a), or under a plan described in section 403(a), shall, to the extent allowed as deductions under section 404, be treated as contributions by the employer which were not includible in the gross income of the employee.'

"(e) Amounts Received Under Accident and Health Plans.—Section 105 of the Internal Revenue Code of 1954 (relating to amounts received under accident and health plans) is amended by adding at the end thereof the following new subsection:

" '(g) Self-Employed Individual Not Considered an Employee.—For purposes of this section, the term "employee" does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).'

"(f) Net Operating Loss Deduction.—Section 172(d)(4) of the Internal Revenue Code of 1954 (relating to nonbusiness deductions of taxpayers other than corporations) is amended—

"(1) by striking out 'and' at the end of subparagraph (B);

"(2) by striking out the period at the end of subparagraph (C) and inserting '; and'; and

"(3) by adding after subparagraph (C) the following new subparagraph:

" '(D) any deduction allowed under section 404 or section 405(c) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall not be treated as attributable to the trade or business of such individual.'

"(g) Certain Life Insurance Reserves.—Section 805(d)(1) of the Internal Revenue Code of 1954 (relating to pension plan reserves) is amended—

"(1) by striking out in subparagraph (B) 'meeting the requirements of section 401(a)(3), (4), (5), and (6) or' and inserting in lieu thereof 'described in section 403(a), or plans meeting'; and

"(2) by striking out in subparagraph (C) 'and (6)' and inserting in lieu thereof '(6), (7), and (8)'.

"(h) Unincorporated Businesses Electing To Be Taxed as Corporations.—Section 1361(d) of the Internal Revenue Code of 1954 (relating to unincorporated business enterprises electing to be taxed as domestic corporations) is amended by inserting before the period at the end thereof the following: 'other than an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), or for purposes of section 405 (relating to qualified bond purchase plans) other than an employee described in section 405(f)'.

"(i) Estate Tax Exemption of Employees' Annuities.—Section 2039 of the Internal Revenue Code of 1954 (relating to exemption from the gross estate of annuities under certain trusts and plans) is amended—

"(1) by striking out in subsection (c)(2) 'met the requirements of section 401(a)(3), (4), (5), and (6)' and inserting 'was a plan described in section 403(a)'; and

"(2) by adding at the end of subsection (c) the following new sentence: 'For purposes of this subsection, contributions or payments on behalf of the decedent while he was an employee within the meaning of section 401(c)(1) made under a trust or plan described in paragraph (1) or (2) shall be considered to be contributions or payments made by the decedent.'

"(j) Gift Tax Exemption of Employees' Annuities.—Section 2517 of the Internal Revenue Code of 1954 (relating to exclusion from gift tax in case of certain annuities under qualified plans) is amended—

"(1) by striking out in subsection (a)(2) 'met the requirements of section 401(a)(3), (4), (5), and (6)' and inserting in lieu thereof 'was a plan described in section 403(a)'; and

"(2) by adding at the end of subsection (b) the following new sentence: 'For purposes of this subsection, payments or contributions on behalf of an individual while he was an employee within the meaning of section 401(c)(1) made under a trust or plan described in subsection (a)(1) or (2) shall be considered to be payments or contributions made by the employee.'

"(k) Federal Unemployment Tax Act.—Section 3306(b)(5) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

" '(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a), or

" '(C) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a);'.

"(l) Withholding of Income Tax.—Section 3401(a)(12) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

" '(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a); or

" '(C) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a).'

"(m) Information Requirements.—

"(1) In general.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to information concerning transactions with other persons) is amended by adding after section 6046 the following new section:

" 'Sec. 6047. Information Relating to Certain Trusts and Annuity and Bond Purchase Plans.

" '(a) Trustees and Insurance Companies.—The trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) to which contributions have been paid under a plan on behalf of any owner-employee (as defined in section 401(c)(3), and each insurance company or other person which is the issuer of a contract purchased by such a trust, or purchased under a plan described in section 403(a), contributions for which have been paid on behalf of any owner-employee, shall file such returns (in such form and at such times), keep such records, make such identification of contracts and funds (and accounts within such funds), and supply such information, as the Secretary or his delegate shall by forms or regulations prescribe.

" '(b) Owner-Employees.—Every individual on whose behalf contributions have been paid as an owner-employee (as defined in section 401(c)(3))—

" '(1) to a trust described in section 401(a) which is exempt from tax under section 501(a), or

" '(2) to an insurance company or other person under a plan described in section 403(a),

shall furnish the trustee, insurance company, or other person, as the case may be, such information at such times and in such form and manner as the Secretary or his delegate shall prescribe by forms or regulations.

" '(c) Employees Under Qualified Bond Purchase Plans.—Every individual in whose name a bond described in section 405(b)(1) is purchased by his employer under a qualified bond purchase plan described in section 405(a), or by a trust described in section 401(a) which is exempt from tax under section 501(a), shall furnish—

" '(1) to his employer or to such trust, and

" '(2) to the Secretary (or to such person as the Secretary may by regulations prescribe),

such information as the Secretary or his delegate shall by forms or regulations prescribe.

" '(d) Cross Reference.—

" 'For criminal penalty for furnishing fraudulent information, see section 7207.'

"(2) Clerical amendment.—The table of sections for such subpart B is amended by adding after the reference to section 6046 the following:

" 'Sec. 6047. Information relating to certain trusts and annuity and bond purchase plans.

"(3) Penalty.—Section 7207 of the Internal Revenue Code of 1954 (relating to fraudulent returns, statements, or other documents) is amended by adding at the end thereof the following new sentence: 'Any person required pursuant to section 6047(b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.'

"Sec. 8. Effective Date

"The amendments made by this Act shall apply to taxable years beginning after December 31, 1961."

And the Senate agree to the same.

Wilbur D. Mills,
Hale Boggs,
Eugene J. Keogh,
Noah M. Mason,
John W. Byrnes,
Howard H. Baker,
Managers on the Part of the House.

Harry Flood Byrd,
Robert S. Kerr,
Russell B. Long,
George A. Smathers,
John J. Williams,
Frank Carlson,
Wallace F. Bennett,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the text of the bill as passed by the House and inserted new text. Under the conference agreement, the House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment which inserts new text in the nature of a substitute. The important differences between the bill as passed by the House, the Senate amendment, and the conference substitute are explained below.

Time of payment of benefits under a qualified plan: The bill as passed by the House provided (in proposed sec. 401(a)(8)) that no trust was to constitute a qualified trust under section 401 unless the entire interest of the employee will be distributed to him not later than the taxable year in which he attains age 70½ or, in the case of an employee other than an owner-employee, a later taxable year in which he retires. An alternative method was provided in which the distribution must begin not later than the taxable year specified in the preceding sentence and must be completed within a period based on the life, or life expectancy, of the employee or of the employee and his spouse.

The Senate amendment (in proposed sec. 401(a)(9)) makes the above rules applicable only in the case of a trust providing contributions or benefits for employees some or all of whom are self-employed individuals or are owner-employees, including corporate owner-employees. The conference substitute inserts a new paragraph (9) in section 401(a) which makes the above rules applicable in the case of a trust providing contributions or benefits for employees some or all of whom are self-employed individuals.

The Senate amendment, and the conference substitute, contain a provision that these new rules will not apply to any distribution under a designation of a method of distribution, where such designation was made by the employee before the date of the enactment of the bill.

Coverage requirements where plan benefits an owner-employee: The bill as passed by the House (proposed sec. 401(a)(10)) provided that those plans providing for current or future contributions for an owner-employe who has, or has had, more than three employees had to include all employees having more than 3 years of service, other than part-time or seasonal employees. In a case where the owner-employee has less than four employees, the bill as passed by the House provided that coverage for such other employees was discretionary.

The Senate amendment and the conference substitute provide (see proposed sec. 401(d)(3)) that any plan which benefits an owner-employee must provide benefits for all employees with 3 or more years of service, other than part-time or seasonal employees.

Self-employment earnings: The bill as passed by the House provided that a proprietor or partner may be covered under a qualified retirement plan if he has "self-employment earnings," and that such earnings are the basis for determining the amount of the deduction for contributions for self-employed persons. In general, the term "self-employment earnings" was defined (in proposed sec. 401(c)(3)) to mean net earnings from a trade or business of a self-employed individual, thus including return on capital invested in the trade or business, as well as income for personal services.

Under the Senate amendment and the conference substitute, coverage under the bill depends on "earned income", and such income is the basis for computing deductible contributions for self-employed individuals. This term (see proposed sec. 401(c)(2)) means, in general, net earnings from self-employment to the extent such earnings constitute earned income within the meaning of section 911(b) of the 1954 code (such as professional fees and other compensation for personal services). Where personal services and invested capital are material income-producing factors, the term "earned income" means not more than 30 percent of the net profits from the business, but, in those cases in which the self-employed person renders full-time personal services, not less than the first $2,500 of such net profits.

Definition of owner-employee: Certain of the provisions of the bill are applicable to owner-employees or to plans covering owner-employees. The bill as passed by the House provided (in proposed sec. 401(c)(4)) that an owner-employee means a self-employed individual who derives self-employment earnings from a trade or business carried on by him or who is a partner who owns more than 10 percent of either the capital interest or the profits interest in the partnership.

The Senate amendment (see proposed sec. 401(c)(3)) included in the definition of an owner-employee (in addition to proprietors and more than 10 percent partners) corporate employees who own more than 10 percent of the value or voting power of the stock of a corporation. Plans covering these corporate employees therefore would have become subject to the new requirements for qualification of retirement plans covering owner-employees and the limitations on the amount deductible with respect to contributions made on behalf of owner-employees. The definition of owner-employee in the conference substitute (see proposed sec. 401(c)(3)) does not include the corporate employees described in the preceding sentences.

Constructive ownership rules: The Senate amendment added a new provision to the bill (proposed sec. 401(c)(5)) containing rules of constructive ownership for purposes of section 401 of the 1954 code. In general, an individual would have been treated as constructively owning any interest in an unincorporated trade or business or in a corporation which is owned, directly or indirectly, by his spouse, minor children, or ancestors. The conference substitute eliminates these constructive ownership rules.

Requirement that trustee be a bank: The bill as passed by the House provided (in proposed sec. 401(d)(1)) that the trustee of an exempt employees' trust under a plan providing contributions or benefits for owner-employees must be a bank or other specified financial institution, but that another person (who may be the employer) could be given power to control investments of the trust fund.

The Senate amendment and the conference substitute (see proposed sec. 401(d)(1)) retain this provision, but provide that a trust which exclusively uses annuity, endowment, or life insurance contracts of a life insurance company to fund the benefits prescribed by the trust is excepted from the requirement that a bank or other specified financial institution be the trustee of the retirement funds. The Secretary of the Treasury or his delegate is authorized to prescribe by regulations the extent to which this exception will apply and the information which the insurance company must furnish regarding trust transactions.

Consent to be covered: The Senate amendment and the conference substitute provide (in proposed sec. 401(d)(4)(A)) that an owner-employee, to be covered by a plan established for the trade or business of which he is an owner-employee, must consent to such coverage.

Vesting: The bill as passed by the House (see proposed sec. 401(d)(3)) required immediate vesting of the employee's rights under the plan of an owner-employee with more than three employees.

The Senate amendment and the conference substitute provide (see proposed sec. 401(d)(2)(A)) that any plan providing contributions or benefits for an owner-employee must provide for immediate vesting of the rights of the other employees covered by the plan.

Integration with social security of qualified plans covering owner-employees: Under present law, a plan is not considered discriminatory merely because the contributions or benefits under the plan are integrated with retirement benefits under social security. The rules relating to the integration of qualified plans with social security now assume that the employer has paid for that portion of the social security benefit of his employees which the employees themselves have not paid for. The bill as passed by the House provided (see proposed sec. 401(d)(5)(B)) that integration with social security was permitted for plans covering owner-employees with more than three employees only if contributions for the owner-employees did not exceed one-third of the total deductible contributions. Furthermore, the owner-employee was given credit only for his actual social security contributions on behalf of his other employees.

The Senate amendment and conference substitute retain (see proposed sec. 401(d)(6)) the rules of the bill as passed by the House, but provide that such rules are applicable to all plans which provide contributions or benefits for any owner-employee (whether or not more than three employees are covered under the plan).

Distributions after death: The bill as passed by the House provided (see proposed sec. 401(d)(7)) that, after the death of an owner-employee, his remaining interest in the plan must, in general, either be distributed to his beneficiary within 5 years, or used within that period to purchase an immediate annuity for his beneficiary.

The Senate amendment and conference substitute retain (see proposed sec. 401(d)(7)) the provisions of the bill as passed by the House, but provide that they shall not apply if a distribution has commenced and such distribution is for a term certain over a period not extending beyond the life expectancy of the owner-employee and his spouse.

Two or more businesses: The bill as passed by the House provides (see proposed sec. 401(d)(9)) that an owner-employee (or a group of two or more owner-employees) who controls more than one business would be required to group together all controlled businesses for the purpose of determining whether the rules relating to the qualification of the plan would be those which apply to owner-employees with three or fewer employees or those applicable to owner-employees with more than three employees.

The Senate amendment and conference substitute retain (see proposed sec. 401(d)(9)) the principle contained in the bill as passed by the House. However, the Senate amendment and conference substitute provide the same requirements for the qualification of all plans covering an owner-employee. Thus, for example, under the Senate amendment and conference substitute, any owner-employee (or any group of two or more owner-employees) who controls more than one business will be required to group together all controlled businesses for the purpose of determining whether the coverage requirements are met as to all the employees.

In addition, the Senate amendment and the conference substitute provide (see proposed sec. 401(d)(10)) that an individual who is an owner-employee in a business (whether or not he controls the business) and is also an owner-employee of another business which he controls may not be covered under the plan of the first business unless he has established a plan for the employees of the business which he controls. The plan for the business which he controls must provide contributions and benefits for employees which are at least as favorable as the contributions and benefits provided for owner-employees under the plan for the first business.

Excess contribution: The bill as passed by the House provided (see proposed sec. 401(e)) certain rules where excess contributions are made under a qualified plan covering an owner-employee.

In general, the Senate amendment and the conference substitute incorporate the provisions of the bill as passed by the House relating to such excess contributions. Thus, an excess contribution is defined as an amount greater than the permitted deductible and nondeductible contributions made on behalf of the owner-employee (computed without regard to the special limitation which allows as a deduction only one-half of the deductible amount determined under sec. 404(e)). However, the Senate amendment and the conference substitute provide that, in the case of multiple plans, the amount of any contribution made by an owner-employee, as an employee, under all such plans which exceeds $2,500 is an excess contribution. The Senate amendment and the conference substitute also make it clear that when an excess contribution must be returned to the owner-employee on whose behalf it was made, the income attributable to such excess contribution which is required to be returned to the owner-employee is the net income so attributable.

In addition, the Senate amendment and the conference substitute provide (see proposed sec. 401(e)(3)) an exception to the definition of an excess contribution under which an owner-employee is permitted to purchase annuity, life insurance, or endowment policies on his life from an insurance company at level premiums without fear of making an excess contribution. Under this exception, an owner-employee is permitted, in general, to contribute each year toward the purchase price of his policy up to an amount equal to the amount he would have been allowed to contribute on the basis of his average earned income for 3 years preceding issuance of the last such policy under the plan. However, this provision does not affect the amount which is allowed as a deduction under section 404. Moreover, this exception is limited so that under no circumstances could the owner-employee obtain under one or more retirement plans level-premium policies requiring annual payments of more than $2,500.

Custodial accounts: The bill as passed by the House (see proposed sec. 401(f)) modified the provisions of existing law which require a plan described in section 401 to use a trust. The bill as passed by the House provided that a custodial account could be used in lieu of a trust, if its investments are made solely in a regulated investment company which issues only redeemable stock and the custodian of the account was a bank as defined in section 581 of the code.

The Senate amendment and the conference substitute retain the provisions of the bill as passed by the House, but also permit the funds of the custodial account to be invested solely in annuity, endowment, or life insurance policies issued by an insurance company. In addition, the Senate amendment and the conference substitute provide that the custodian of such accounts can be any of the banking corporations described in the new section 401(d)(1) of the code.

Annuity defined: The bill as passed by the House provided (see proposed sec. 401(g)) that the term "annuity" as used in sections 401–404 of the code included a face amount certificate which is nontransferable.

The Senate amendment and the conference substitute retain the provision of the bill as passed by the House and, in addition, provide that the term "annuity" as used in such sections does not include any contract or certificate issued after December 31, 1962, which is transferable, except where such contract or certificate is owned by a trustee of a qualified plan.

Deductible contributions: The bill as passed by the House provided (see proposed sec. 404(e)) for limitations on the amount of deductible contributions which may be made by, or for, an owner-employee covered by a qualified plan. Under the bill as passed by the House, if the owner-employee has, or had, more than three employees, he was permitted to contribute and deduct for himself up to the same proportion of his covered income as his contributions for employees under the plan bear to their compensation. There was no maximum dollar limitation on the contributions which could be made under a plan or plans. If the owner-employee has fewer than four employees, the maximum amount deductible each year for contributions for the owner-employee was 10 percent of his self-employment income or $2,500, whichever is lesser, regardless of the number of plans such owner-employee participated in.

The Senate amendment and the conference substitute provide (see proposed sec. 404(e)) that the 10-percent-$2,500 limitation is applicable regardless of the number of employees, or the number of plans, the owner-employee has. Thus, the Senate amendment and the conference substitute place the same limitation on all owner-employees, regardless of whether they have more than three employees. In addition, the Senate amendment and the conference substitute provide that the 10-percent-$2,500 limitation is applicable to all self-employed individuals regardless of their ownership-interest.

The Senate amendment and the conference substitute also provide (see proposed sec. 404(a)(10)) that the deduction which will be allowed to self-employed individuals is one-half of the otherwise deductible contributions which may be made. Thus, if 10 percent of a self-employed individual's earned income from the trade or business with respect to which the plan is established is $2,000, then the amount allowed as a deduction is one-half of that sum, or $1,000, and the other $1,000 is not allowed as a deduction.

The Senate amendment also applied the limitations and rules described above to contributions made on behalf of owner-employees of corporations. The conference substitute does not contain any such provisions.

Tax treatment of certain lump-sum distributions: The bill as passed by the House provided (in proposed sec. 72(n)) special averaging rules for the taxing of the portion of any lump-sum distribution which is derived from contributions on behalf of any self-employed person. In general, under such rules, the tax the self-employed individual would pay with respect to such distribution is limited to five times the increment in tax resulting from including one-fifth of the amount distributed in his gross income for the year in which the distribution was received.

The Senate amendment retained the provisions of the bill as passed by the House, but applied such provisions to lump-sum distributions from all qualified plans (including all existing plans) in place of the capital gains treatment provided by present law. The conference substitute retains the averaging provisions of the bill as passed by the House, without extending their application beyond self-employed individuals.

Elimination of capital gains treatment: The Senate amendment (see sec. 8 of the bill as passed by the Senate) repealed the provisions of existing law which give capital gains treatment to lump-sum distributions from qualified employees' trusts and under qualified employees' plans. The conference substitute does not contain these provisions of the Senate amendment.

Limitations on employer contributions for employees: The Senate amendment (see proposed sec. 404(a)(11), as added by sec. 9 of the bill as passed by the Senate) also amended existing law to provide certain limitations on the annual and lifetime contributions made for any employee under a qualified plan or plans which may be deducted by his employer. The conference substitute does not contain any such limitations.

Effective date: The bill as passed by the House provided that the amendments made by the bill applied to taxable years beginning after December 31, 1961.

The Senate amendment and the conference substitute provide that the amendments made by the bill shall apply to taxable years beginning after December 31, 1962.

WILBUR D. MILLS,
HALE BOGGS,
EUGENE J. KEOGH,
NOAH M. MASON,
JOHN W. BYRNES,
HOWARD H. BAKER,
Managers on the Part of the House.

The SPEAKER. The gentleman from Arkansas is recognized for 1 hour.

Mr. MILLS. Mr. Speaker, your House conferees reached agreement with the conferees of the other body on the bill, H.R. 10, the Self-Employed Individuals Tax Retirement Act of 1962.

Mr. Speaker, as passed by the House last year, the bill, H.R. 10, provided in general that self-employed persons would be treated as employees for the purpose of permitting them to participate in qualified employees' pension and profit-sharing trusts and plans. Under this bill, self-employed persons who owned less than a 10-percent interest in the business would generally be treated like any other employees, whereas so-called owner-employees, that is, sole proprietors or partners having a more than 10-percent partnership interest would be subject to stricter contribution and deduction limitations and plans covering such owner-employees would have to comply with more rigid qualification tests than is true under present law in the case of ordinary employees.

The House bill also provided that where an owner-employee had less than four employees he was not required to establish a plan benefiting such employes as a condition to the establishment of a plan benefiting himself. Owner-employees who had four or more employees, however, could not establish a plan benefiting themselves unless they also provided coverage and benefits for all regular, full-time employees who had 3 or more years of service.

Under the House bill, the deduction allowed for contributions set aside by the self-employed was based upon their self-employment earnings, that is, their earned income from personal services as well as a return on the capital that they had invested in the business. In the case of owner-employees who had less than four employees the deduction was limited to 10 percent of their self-employment earnings or $2,500, whichever was the lesser. Owner-employees who had more than three employees, however, were subject to no dollar limitation on the amount of their allowable deduction provided the ratio of the contributions made on their behalf to their earnings did not exceed the same ratio as applied in the case of any of their employees. Self-employed persons who were not owner-employees could make contributions to a retirement plan and deduct any amount that was considered to be nondiscriminatory under the qualification rules applicable to employee plans under present law.

Mr. Speaker, the House bill also provided for the immedaite vesting of benefits in the case of a plan of an owner-employee who had four or more employees. Otherwise, no vesting would be required.

H.R. 10 as passed by the House further provided that lump-sum distributions to self-employed persons would not be entitled to the capital-gains treatment that is applicable to such employee distributions under present law but in lieu of this treatment, lump-sum distributions would be taxed in accordance with a special 5-year income averaging rule to alleviate the effects of "bunching" of income in the year of distribution. In addition, as passed by the House, H.R. 10 provided that certain other special tax benefits that are accorded participants in qualified employees' trusts and plans, such as the estate and gift tax exclusion, would not be available to self-employed individuals. Finally, the House bill would have been effective with respect to taxable years beginning after December 31, 1961.

Mr. Speaker, the bill that was passed by the House was substantially rewritten by the other body. Although generally the same as the House bill in basic concept, the bill passed by the other body would have treated self-employed persons who own less than 10-percent interest in the business as owner-employees and would also have affected present law by treating corporate owner-managers who own more than a 10-percent stock interest in their corporation, as owner-employees. In addition, the bill passed by the other body required that all regular employees having 3 or more years of service must be covered under a qualified plan as a condition to the participation in such plan by an owner-employee.

As passed by the other body, the base with respect to which the deductions of the self-employed would be computed was changed from the self-employment earnings base provided in the House bill to earned income from personal services and compensation, in the case of corporate owner-managers. For this purpose where capital and personal services are material income-producing factors in the business, earned income is considered to be 30 percent of business income or $2,500, whichever is greater.

The other body's bill also would have limited the amount that self-employed persons may set aside to fund their future retirement benefits to 10 percent of earned income or $2,500, whichever was the lesser. Under that bill, however, these self-employed persons would only be permitted to deduct half of the amount so set aside so that the maximum allowable deduction under the bill was $1,250.

The bill passed by the other body also provided that in taxable years beginning after 1964, employer contributions on behalf of any employee other than a self-employed person would not be permitted to exceed 10 percent of salary or $5,000, whichever is lesser, with an overfall lifetime maximum of $250,000 for any employee. This deduction limitation would have affected employees' trusts or plans presently in existence.

The bill approved by the other body would also have required immediate vesting of the benefits set aside for all covered employees. And the 5-year averaging rule provided in the House bill for lump-sum distributions to self-employed persons would, in taxable years beginning after December 31, 1962, also be made applicable to lump-sum distributions from any qualified employees' trusts or plan, thereby affecting present law in this regard.

Like the House bill, the Senate bill also would have denied to self-employed persons any of the special tax benefits generally applicable to employee participants in qualified plans and trusts. Finally, the provisions of the bill approved by the other body would be made effective with respect to taxable years beginning after December 31, 1962, except that the limitations on plan contributions for employees generally would take effect in taxable years beginning after 1964.

Mr. Speaker, under the conference agreement, the provisions of the bill that was approved by the other body would be retained with four important exceptions.

In the first place, the provision of the other body's bill which would have changed present law by eliminating capital-gain treatment for lump-sum distributions from qualified employees' trusts or plans effective with respect to taxable years beginning after 1962 was deleted by the conference action.

The second amendment made by the other body that was deleted under the conference action had to do with the change that would have been made by the other body's bill in years after 1964 which would have limited employer contributions to 10 percent of salary or $5,000, whichever was the lesser, with an overall lifetime maximum contribution of $250,000 on behalf of any employee.

The conference action also deleted the provision of the bill approved by the other body which would have treated corporate owner-managers as owner-employees who would be subjected to the application of the limitations contained in the basic bill.

Finally, Mr. Speaker, your conferees were also successful in eliminating the attribution of ownership rules that were contained in the other body's bill, under which an individual would be considered as constructively owning any interest in a business which was owned directly or indirectly by his family unit.

Mr. Speaker, under the conference agreement the basic purpose of the House-passed bill would be accomplished.

Mr. Speaker, permit me to digress somewhat at this point to commend one of my senior colleagues on the Committee on Ways and Means, the gentleman from New York, the Honorable Eugene J. Keogh, for the exceedingly able, persistent, and highly effective manner in which he has developed and sustained the legislation which is now before the House in the final stages of the legislative process. He was the initial sponsor of the proposition embodied in H.R. 10 in the 82d Congress, and he has diligently pursued this project to the point of its present posture in the legislative process. I know of no more skillful or effective advocate than my good friend, the gentleman from New York, Gene Keogh. His knowledge of the tax laws, indeed all the matters within the jurisdiction of the Committee on Ways and Means, is both broad and deep. He is diligent in attendance and has made tremendous contributions to the work of the committee.

Mr. Speaker, in view of the fact that the gentleman from New York [Mr. Keogh] is the author of this legislation, and knows more about it, I think, than any of his colleagues, I believe it is indeed fitting that I yield to him for the initial explanation of what is in the conference report.

Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. Keogh].

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. Mr. Speaker, I would like to join the distinguished chairman of the Committee on Ways and Means in paying tribute and commendation to the gentleman from New York [Mr. Keogh]. During the time I have been a Member of this body I know of no one who has worked more faithfully, diligently, and effectively than the gentleman from New York [Mr. Keogh] has on H.R. 10. Certainly this, a commendable piece of legislation, will reach its final stages today. I endorse the legislation and pay tribute to the gentleman from New York [Mr. Keogh] for his outstanding work. I hope in the future H.R. 10 will be a forgotten symbol and that this legislation will be known forever hereafter as the Keogh Act in tribute to its author and sponsor.

Mr. WATTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WATTS. Mr. Speaker, I too want to take this occasion to congratulate and commend my good friend, the gentleman from New York, Gene Keogh, for his exceedingly fine work on this legislation. He has demonstrated his usual skill and ability in pursuing this bill to a successful completion.

Since I have been a member of the Committee on Ways and Means I have had occasion to observe the operation of the keen and intelligent mind of the gentleman from New York, Gene Keogh. He is possessed of broad and sweeping knowledge of the tax laws. I have been amazed at his grasp of the most minute detail. He is a precise expert in all the fields of our jurisdiction. He does his homework, and he is attentive to his duties in representing the interests of his people. There is in my judgment no more effective advocate in the Congress than the gentleman from New York, Gene Keogh.

I am pleased to join with my friends in extending congratulations to him today.

Mr. KEOGH. Mr. Speaker, it is my pleasure to urge the adoption of the conference report on the bill, H.R. 10, the self-employed individuals tax retirement bill or act of 1962.

As Members of the House are aware, the enactment of this bill will, in some restricted measure, permit self-employed individuals to provide for their own retirement as well as that of their employees. Although the bill as passed by the other body, and in large part agreed to under the conference agreement, differs from the bill passed by the House last year, in its present form it will finally provide some long-delayed tax relief and, thereby, result in more equitable tax treatment for the self-employed segment of our economy. I hope the House will adopt this conference report.

Mr. Speaker, I should like to make one point very clear. As agreed to in conference, the bill would not affect the tax treatment of the participants in any existing qualified employees' pension or profit-sharing trust or annuity plan.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Arkansas.

Mr. MILLS. I think it is important that the membership understands the statement of the gentleman from New York. This conference report deals solely with the subject matter that was initially in H.R. 10. It does not include, as the other body proposed to include in floor amendments such things as changes in the tax treatment of lump-sum distributions from so-called pension and profit-sharing funds established by corporations for the benefit of the employees of corporations.

That is what the gentleman is saying, is it not?

Mr. KEOGH. That is exactly correct. I pause here, Mr. Speaker, to express again my gratitude to our distinguished chairman, the gentleman from Arkansas [Mr. Mills] for his unstinting cooperation over these long past years and without whose cooperation we would not be here today with a conference report. I must, too, Mr. Speaker, in recognition of the assistance that I have received from the esteemed leadership on both sides of the aisle, from the many Members of the House who have cooperated and assisted, pause also to express my gratitude to them. It would be impossible for me to enumerate them all, but the record over the years has been made clear as to who most of them are. I regret that some of those who started with me 12 years ago are not here to witness the fact that we are well along the last part of what has been a long road.

Mr. Speaker, as already stated under the conference action, the highly controversial amendment of the other body which would have denied long-term capital gain treatment to lump-sum distributions made from these trusts and plans in years beginning in 1963 was deleted. Similarly, the other body's amendment which would have limited deductions for employer pension contributions yearly and in a lifetime was deleted.

Mr. Speaker, your House conferees were successful in prevailing upon the conferees of the other body to recede, in addition to the amendments described by our chairman, to the amendment which would have applied constructive ownership rules in determining the ownership of business interests and in the field of the owner-managed corporate plans.

These provisions were controversial and nongermane.

Mr. Speaker, with the exceptions referred to, under the pending conference agreement all of the other provisions of the bill of that body were retained. Generally, these provisions were somewhat more restrictive than the provisions of the House bill. That is, for example, the bill approved by the committee on conference would reduce the maximum allowable deduction for a self-employed person to only one-half of the amount he is permitted to set aside. Since the bill limits the annual allowable contribution to the lesser of 10 percent of earned income or $2,500, this means that the maximum allowable deduction will be 50 percent of allowable contributions, or $1,250.

Mr. Speaker, the bill now pending before us would make these contributions and deduction limitations applicable to all self-employed persons, not only to the owner-employees who had fewer than 4 employees as provided for in the House but would also apply to all the employees of the self-employed, a number estimated to be in the neighborhood of 19 million people.

Mr. Speaker, the Members of the House will recall that under the House bill there was no maximum dollar limitation placed on the contributions or deductions allowed to the self-employed people in the case of the owner-employees who had less than four employees. Even in that case, the House bill would, however, have permitted a full deduction of the allowable contributions up to the maximum of $2,500. The bill passed by the other body, and as agreed to in the conference, would extend coverage and vesting requirements. Regular full-time employees who have 3 or more years of service must be covered, and their benefits vested as a condition of the allowance of any benefits for the self-employed.

Mr. Speaker, under the House bill coverage and vesting of 3-year employees was required only in the event the self-employed person has four or more employees.

Mr. Speaker, the pending conference bill is also more restrictive than the House bill in limiting the deduction base to earned income rather than the self-employment earnings base of the House bill. Like the House bill, however, the pending bill would deny to the self-employed the other favorable tax advantages enjoyed by participants in qualified employees' plans under existing law.

Mr. Speaker, the effective date of the pending bill would be for taxable years beginning after December 31, 1962, and not December 31, 1961, as the House bill provided.

In conclusion, Mr. Speaker, I would like to say that as one of the long-standing proponents of tax relief for the self-employed in their attempts to obtain equity for the treatment of their retirement income, that I strongly urge approval of the conference report on this bill. Admittedly, the conference action does not measure up to the relief provided by the House bill. However, it does provide some measure of needed relief in this area and it does reflect the elimination of the controversial amendments made by the other body which would have had an extremely adverse effect on the expectations of millions of employee-participants in existing qualified plans.

Mr. Speaker, I ask unanimous consent to include as a part of my remarks an editorial which appeared in the Washington Post of today on the subject.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

SELF-EMPLOYED PENSIONS

The version of the self-employed pension plan that has emerged from the House and Senate conferees who met to consider H.R. 10 and its Senate variation is an improved one, from many points of view.

It has been freed of the objectionable Gore amendments which would have had the effect of damaging pension and profit-sharing plans at the very time when other countries are taking legislative steps to require such arrangements. It will not be as costly in revenues of the Federal Government as the initial proposal of the House. It is a respectable effort to equalize the existing inequality between the pension position of the company employee and that of the self-employed person.

The conference committee version will allow a deposit of no more than $2,500 and make only half of that contribution tax exempt. The original House version would have permitted tax exemption for the full $2,500. The Senate committee draft would have allowed full exemption for the first $1,000 and 50 percent of the remaining $1,500 or a total tax-exempt contribution of $1,750.

This plan seems hardly open to the reproach of a tax-avoidance or tax-evasion scheme. It gives to the profitably self-employed no greater opportunity to defer payment of taxes on a modest portion of income than that already conferred on employees under existing pension and profit-sharing plans. No doubt the Senate and the House will now approve the bill.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from New Jersey.

Mr. CAHILL. Mr. Speaker, I should like to join in complimenting the gentleman on his initiative and his leadership, and more importantly I think on his constancy and firmness in bringing this legislation to ultimate fruition; because as a professional man, as a lawyer, I know the great interest that the American Bar Association and the Medical Society, all professional and small businessmen have in this bill. I know it is going to be a boon to all of them.

I particularly would like to congratulate the gentleman and his conferees for eliminating from the conference report those Senate amendments which would have adversely affected literally thousands of employees who were participating in owner-managed corporate plans.

Mr. Speaker, I compliment the gentleman on an outstanding piece of legislative work.

Mr. KEOGH. Mr. Speaker, the gentleman from New Jersey is gracious as always, and I appreciate his remarks very much. I would like, however, for the record to show clearly that of the number of people expected to benefit under the pending bill the medical and legal professions constitute probably less than 2 percent. So it is not (a) a lawyers' bill or (b) a doctors' bill. It is a bill to help all self-employed, all who by law cannot or by choice do not operate as corporations.

Mr. CAHILL. I thank the gentleman.

Mr. HERLONG. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Florida.

Mr. HERLONG. Mr. Speaker, as one of the people who has had the honor of serving on the committee with the distinguished gentleman from New York and has had the privilege of being permitted to be a cosponsor of this legislation, along with the distinguished gentleman and with my able colleague in the other body from the State of Florida, Senator Smathers, I do want to take this opportunity to commend the gentleman for his steadfast leadership through the years in bringing to what we hope will be fruition of this much needed legislation.

The gentleman from New York has been resolute in his determination to see that something was done in this field.

He has had the help of many of us who have done our little bit, but the real leader throughout all of this, no one will deny, has been the distinguished gentleman from New York, to whom many will owe a great debt of gratitude when this becomes law.

Mr. KEOGH. Mr. Speaker, I appreciate the generosity of my good friend from Florida. He has been most helpful in reaching our success today. I trust that this will continue to be a most pleasant afternoon, and that the conference report will receive the unanimous support of the thinking Members of the House, and that includes all of them.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I am glad to yield to the distinguished majority whip.

Mr. BOGGS. Mr. Speaker, I would just like to make the observation that I am delighted to see that the consideration of this conference report has come to the point of recognizing the ability of the gentleman from New York. Of course, I support the legislation, but from my point of view I would much rather talk about the gentleman from New York. He is probably the most effective Member of Congress. Those of us who serve on the Committee on Ways and Means with him know that once he puts his teeth into something he really has hold of it and you had better be prepared if you take the opposite point of view.

In addition to that, he is such an affable and considerate person. He has an unfortunate situation on the Committee on Ways and Means. He sits between the gentleman from Virginia [Mr. HARRISON] and myself. We know him better than anybody else, and sometimes give him a few uncomfortable moments. But, Mr. Speaker, it is a real pleasure to say something nice about the gentleman from New York. I hope in the process here that he succeeds in passing our bill as well.

Mr. KEOGH. The majority whip has again displayed those great qualities of leadership and charity, and I am grateful for his remarks.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I am delighted to yield to my friend.

Mr. MASON. The gentleman came to the Congress the same year I did. He sat on the same committee with me in the beginning. He has become the most polished and the most effective Member that I know of during that time. He has improved wonderfully. But I want to say this, that perhaps I have had a little influence upon polishing the roughness that was evident in the beginning.

Mr. KEOGH. If the long-suffering and patient people of the new 11th District of New York continue this November to be as generous as they have been in the last 13 even-numbered years, I want the gentleman from Illinois to know that I shall miss him very much. I shall miss him because he has had an elevating influence on me as he has on many other Members of the House. His sternness is something that we always try to avoid, his help is something we always seek. We hope he will be near at hand for us to consult with him in the future.

Mr. HARRISON of Virginia. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. Mr. Speaker, it is with pleasure that I yield to my distinguished friend and fellow committeeman, the gentleman from the Commonwealth of Virginia.

Mr. HARRISON of Virginia. I would just like to comment on the fact that the gentleman from Louisiana pointed out the spot in which the gentleman from New York is privileged to sit, with the gentleman from Louisiana on his right and the gentleman from Virginia on his left, which is a proper place to be seated.

Mr. Speaker, if I may have just a moment, 11 years ago the gentleman from New York first introduced this measure, together with our distinguished and beloved colleague, the late Representative Reed of New York. At that time it seemed almost inconceivable that this day would ever come. There was no support for this legislation in the committee, on the floor, or in the other body. Year after year he plugged away at it. Year after year he enlisted the aid of his colleagues. Year after year he counseled with the various organizations interested in this measure to help educate his colleagues on this matter.

The day finally came when more and more of his colleagues on the committee were with him and then the day finally came when he practically had unanimity on the committee.

Mr. Speaker, I believe this is the third time the bill has passed the House. Now it has been accepted by the other body and we hope it will finally be approved by the Executive.

Mr. Speaker, this is a great day in the life of our colleague from New York and represents a tremendous and almost unbelievable accomplishment on his part over a period of 11 years. I am glad to join my colleagues in paying tribute to the gentleman.

Mr. KEOGH. Mr. Speaker, I do want the gentleman from the Commonwealth of Virginia to know I appreciate very much what he has said, and as I referred to our distinguished colleague from Illinois, I would say the same to him.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman, my friend on the committee.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to join with my other colleagues on the Committee on Ways and Means to commend the distinguished gentleman from New York. He has shown the tenacity of a bulldog on this bill. He has led the fight and, certainly, deserves the highest praise. It is a privilege to be on the committee with him. I try to follow him down the line most of the time, but once in a while we do part. I find his advice is sound and good and as a junior member of the committee, I want to say I am happy to be on that committee with our distinguished chairman, the gentleman from Arkansas, and the distinguished gentleman from New York, and with the other distinguished members of the committee.

Mr. Speaker, I am particularly happy that the conference report on the bill, H.R. 10, reflects the elimination of the controversial amendments made by the other body which would have adversely affected the employee-participants in existing pension and profit-sharing plans and trusts. In particular, I am referring to the amendment made by the other body which would have eliminated long-term capital gain treatment for lump-sum distributions made to participants in such plans. However, I am also referring to the other amendments that would have limited future contributions that could be made by employers on behalf of their employees who are participants in these plans and trusts as well as to the amendment which would have treated corporate owner-managers as owner-employees who would be subjected to the strict requirements that this bill imposes upon the self-employed.

Mr. Speaker, I commend our distinguished chairman and the conferees on the part of the House in standing fast against these amendments.

I urge favorable consideration of this conference report.

Mr. KEOGH. Mr. Speaker, I must say our committee is the better for the presence of the gentleman from the Commonwealth of Massachusetts.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman.

Mr. LANE. I wish also to join my colleagues in commending the author of this bill. He has worked zealously on this legislation for a good many years. Now it is before us to be voted on. It is due to his personal determination to have this legislation passed, which we feel is in the best interests of the Nation.

I would like to ask the gentleman whether or not the amendment which was put on this bill in the other body and on which there seems to be so much controversy and with reference to which there was so much opposition, has now been eliminated from the bill by the committee of conference.

Mr. KEOGH. I do not know to which amendment the gentleman specifically refers, but there were three controversial amendments and those three have been eliminated from the bill.

Mr. LANE. I thank the gentleman.

Mr. BOLAND. Will the gentleman yield?

Mr. KEOGH. I am glad to yield.

Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in commending the distinguished gentleman from New York, the Honorable EUGENE J. KEOGH, for his work with respect to the legislation now before the House, and I likewise join my colleagues in extending commendations to the respected chairman of the Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS], and the other House conferees, for the conference report which they have brought back to us.

In particular, I am very glad that the conference committee removed from the bill the objectionable amendments which were added on the floor of the other body having to do with the elimination of capital-gains treatment on lump-sum distributions and the limitations on employer contributions for employees with respect to qualified employees trusts and qualified employees plans. As I understand it, the bill now before us does not include those two amendments, although some other changes were made in the basic provisions of H.R. 10, as I understand it, by the other body.

Mr. Speaker, I support the conference report and urge its adoption.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to my zone whip, the genial gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Speaker, the great State of New York has long known of the attributes to which expression has been given here today on the floor, of one of its most distinguished sons. I know we are all very happy that instead of making these remarks about a gentleman in the House who is about to depart or who has already departed that we have taken the time to express them while he is present here on the floor to hear them.

Mr. Speaker, I know that this merely bespeaks the service that we can expect from the distinguished gentleman from New York in the years ahead.

Mr. KEOGH. I do appreciate the gentleman's remarks and being a neighbor, I receive them with more pleasure.

Mr. MILLS. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, without detracting at all from the work of the gentleman from New York [Mr. KEOGH] on this legislation, I think we should point out also that it has had very important additional sponsorship. At one time a former colleague and a former chairman of the Ways and Means Committee, Mr. Reed, was a coauthor. At another time, Mr. Jenkins of Ohio was a cosponsor with the gentleman. Then a former ranking member of the committee, Mr. Simpson, was a coauthor. What I say is not to detract at all from the work of any of these gentlemen. I think, however, that whereas this bill has been known for some time as H.R. 10 it might be more appropriate to change the number to H.R. 2½ or something similar, because that is about what we have left of what was the original purpose of the bill which passed the House.

I signed the conference report, but I must frankly confess that I was unhappy about an amendment that was adopted in conference which provides that only one-half of the amount paid into a retirement fund on his own behalf by an owner-employee is deductible. I am very much concerned that the effect of this amendment will be to nullify to most intents and purposes the benefits of the legislation to the self-employed. I will make reference later to this amendment.

But what I would point out first for the membership of the House is that your House conferees were successful in deleting from the bill three amendments adopted on the floor of the other body which would have created havoc with innumerable existing pensions plans and profit-sharing plans.

These amendments were:

First. An amendment seeking to impose upon a corporate plan—whether existing under prior law or newly created—which included an employee owning 10 percent or more of the stock of the employer, all the limitations with respect to the self-employed plans.

Second. An amendment limiting to 10 percent of the employee's compensation or $5,000, whichever is the lesser, the amount which may be deducted for any employee under any retirement plan.

Third. An amendment which repealed the capital gains treatment in the case of lump-sum distributions from pension and profit-sharing plans, and provided special rules for taxing such distributions as ordinary income.

These are the three amendments that I am sure you will receive communications about from your constituents expressing the havoc that they would wreak upon existing pension plans.

I would point out that these amendments were not limited to plans for self-employed to which H.R. 10 was otherwise directed. The Senate amendments extended to all existing pension and profit-sharing plans, irrespective of ownership.

Under the first amendment the pension plans of most smaller corporations would have been adversely affected.

Because of the limitations on the contribution imposed by the second amendment a complete revision of the plans of all corporations would have been required. It would have been very difficult in the future for a corporation to adopt a plan which would provide an adequate pension for an employee approaching retirement age without exceeding the limitation that this amendment would have provided.

Finally, the third amendment, which would have repealed the capital gains treatment in the case of lump-sum distributions, would have imposed considerably higher taxes on the employees—irrespective whether supervisory or otherwise—of those corporations which have had long standing and extremely successful profit-sharing plans pursuant to which the funds are invested in stock of the corporation and distributed to the employee upon retirement. In order to encourage such plans, the Congress properly recognized that the lump sum distribution received by an employee in consideration of many years of past service should not be taxed as ordinary income.

I point this out, Mr. Speaker, because these amendments are likely to rise to plague us again. They have support from certain quarters, and I call attention to the disastrous effects of these amendments in order that we can be on guard against their recurrence in the future and to put people on notice that they can be presented for consideration by the Congress again.

Fortunately, the conference eliminated these three amendments, which would have been disastrous to all company pension and profit-sharing plans.

Insofar as the basic provisions of H.R. 10 are concerned, some of the amendments made by the Senate improve the bill. For example, the bill was amended by the Senate to provide uniform rules for all self-employed, irrespective of the number of employees. The result was to make the retirement plans of the self-employed more nearly analogous to the retirement plans adopted under existing law for the corporate employee. The Senate also amended the bill to enable the self-employed to set up insured plans directly with the insurance company, without the necessity of an intervening trustee. This greatly simplified procedural requirements. The intent was to make available to the self-employed and his employees a retirement system which would most nearly conform to the company pension plan.

Unfortunately, however, your conferees—over my objection—accepted the Senate amendment whereby the self-employed or the owner-employee would only be permitted to deduct one-half of the amount contributed to the plan on his own behalf. When coupled with the Senate amendment reducing the maximum which can be contributed on his own behalf by the self-employed, there is very little incentive left in the bill for the self-employed to establish a retirement plan for himself and his employees.

The self-employed is free at any time to set aside funds on which taxes have been paid for his future retirement. The net effect of H.R. 10 as it comes from the conference is to provide that he may, if he so desires, deduct for tax purposes up to a maximum of $1,250 of funds so set aside on his own behalf if he adopts a nondiscriminatory plan which includes all of this employees, if he is earning $25,000 a year, and if he adopts a nondiscriminatory plan which includes him and all his employees. The tax deferral on $1,250, however, I believe creates a situation where there is little or practically no inducement for the self-employed with two or more employees to establish a retirement plan for himself and his employees.

For example, let us assume that the owner of a small business has two employees, to each of whom he pays $4,500 per year. The owner has self-employment income of $25,000 a year. These cases will be looked at by the employer from a mathematical point of view. Under H.R. 10, this owner can establish a pension plan pursuant to which he would be permitted to contribute a maximum of $2,500 on his own behalf, providing he also contributes a minimum of $900 on behalf of his two employees, or a total of $3,400. However, the owner would be permitted to deduct only $1,250 of the contribution on his own behalf, together with the $900 contributed on behalf of his employees, or a total of $2,150. Depending on his marital status, exemptions, deductions, and the like, there would be an immediate tax saving of between $500 to $900 to the owner on account of the deduction of $2,150.

Mr. Speaker, at this point the self-employed owner has done little more than just break even. As the price for deferring $900 in taxes, he has paid out $900 on behalf of his two employees. For the privilege of doing this, he has been required to establish an irrevocable pension plan which must meet the various qualifications specified by the Treasury. The owner is certainly not as well off as if he had simply set aside $2,500 of income, after taxes, for his own retirement.

Mr. Speaker, using our example, under the most favorable circumstances, the owner would just about break even. If the owner's income declines or if he adds one more employee or if he increases the compensation of one of the two existing employees, he will be out-of-pocket for having set up the plan. This results from the fact that the limitation on the amount deductible for the account of the owner-employee, when coupled with the requirement that he establish a nondiscriminatory plan for all of his employees, in order to be able to deduct one-half of the amount contributed for himself in the end results in out-of-pocket loss.

Mr. Speaker, I think we should encourage the initiative of the self-employed and the owner-employees as well as the corporate employer in providing retirement for their employees. I am disappointed, however, that this bill falls short of providing the incentive that must exist if it is going to be used to any extent from the standpoint of the employees particularly. I would hope also that we could recognize the need of others who are not covered under any retirement plan and who are not qualified as self-employed under this bill. They should also be encouraged to establish retirement plans on behalf of those and on behalf of all of the working force by providing an equal opportunity for all to obtain tax deferral for the funds set aside for their future retirement.

Mr. Speaker, I am in favor of this conference report. I recognize that some of the amendments that were acceded to, and particularly the one I refer to, was done out of an expediency and which some even suggested was a necessity, if even the principle of the bill was to be put on the statute books. But I take this time to point out how little is left of the incentive principle and the purpose of H.R. 10 in order that those of our self-employed people and professional people who have been extremely interested in this bill will not get the impression that what they thought was H.R. 10 is what finally is now on the statute books.

Mr. Speaker, I conclude again by suggesting that perhaps the conferees should have gone one step further and changed the number on the bill to H.R. 2½ instead of H.R. 10.

Mr. MILLS. Mr. Speaker, will the gentleman from Wisconsin yield to me at that point?

Mr. BYRNES of Wisconsin. Certainly.

Mr. MILLS. Is it not the gentleman's thought, in view of the statement that he just made and the example that he has used, that anyone thinking that this bill constitutes some type of legislation for the special benefit of some group of individuals and constitutes a windfall for that group is certainly a misplaced opinion?

Mr. BYRNES of Wisconsin. That is at the heart of my remarks, I will say to the gentleman from Arkansas; that no one certainly can call this a windfall for anyone. They cannot call it a great loophole that has been created or any of the other appellations that have been attributed to legislation in this field by some in the past.

Mr. MILLS. If the gentleman will yield further, the gentleman from Wisconsin shares the thought that I have that in view of the example he has used and the statement he has made, some of the predictions for loss of revenue immediately involved in this legislation are somewhat excessive?

Mr. BYRNES of Wisconsin. The gentleman in his usual fashion certainly is not making an exaggerated statement when he says that. In fact, Mr. Speaker, I think even the present estimated revenue loss which the Treasury estimates today as a loss is exorbitantly exaggerated. The incentive is not here any more for any broad use of the privilege, and the limitations on what the owner-employee can do for himself are so strict that the tax loss is also at a minimal point.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. Certainly, I yield to the gentleman.

Mr. KEOGH. The gentleman does agree, however, with me when I say that if one cannot get 10 one should take 2½.

Mr. BYRNES of Wisconsin. I am trying to suggest also that it is unfortunate that you cannot get at least 8 rather than the 2½.

Mr. ROGERS of Florida. Mr. Speaker, legislation before us now is one which has had my support for some time. I was pleased to have supported it when it passed the House in the last session. Again, I feel it is in order to congratulate its authors for their fine work in drafting this legislation and exerting their efforts to aid its passage.

I further feel that congratulations are in order for the House members of the conference committee on H.R. 10. Without the courageous and unyielding spirit which they demonstrated, the intent of the House to safeguard savings and future security of more than 7 million Americans would have been drastically altered. Specifically, we should be grateful that the House conferees were able to have the Gore amendment deleted from this legislation. The Gore amendment, which would have altered the capital gains treatment now applicable on pension plan payments, could have resulted in a great injustice.

Mr. Speaker, enactment of this legislation will strengthen the free-enterprise system. Through tax reform, it provides a blueprint for the future. It fosters the reward of free enterprise and encourages the incentives which have made our free, competitive society great.

I have given my support in the past to this plan for the future. I am particularly gratified today to give my support again to the final result of our conferees. H.R. 10 is a measure which deserves the support of this body. I urge favorable action on this measure.

Mrs. MAY. Mr. Speaker, I rise in support of H.R. 10, as a cosponsor of this highly desirable legislation, having introduced H.R. 3553 earlier in this term of Congress.

I am pleased that so many of my colleagues, on a bipartisan basis, have introduced companion bills to H.R. 10. This reflects, I am sure, the long-standing need by vast segments of the American public, for fair and equitable tax treatment.

H.R. 10 is designed to encourage the establishment of voluntary pension plans by self-employed individuals. The Congress has heretofore given its encouragement to the millions of workers who have joined corporation employee retirement plans and H.R. 10 will offer self-employed persons access to retirement plans on a similar basis to that now accorded corporate stockholder employees, thus correcting discrimination in present law which adversely affects the millions of self-employed persons throughout our Nation.

I would point out, Mr. Speaker, that this bill, if passed, will grant relief to such self-employed individuals as farmers, druggists, salesmen, plumbers, lawyers, and doctors.

The economy of my district in the State of Washington, Mr. Speaker, is primarily geared to agriculture and small business and a great many of my constituents, therefore, are enthusiastic supporters of H.R. 10.

This program would be of substantial benefit to those who farm, to those engaged in small business, and the professional self-employed, who want to save some of their own money for their own retirement before taxes take most of what they earn.

Mr. DERWINSKI. Mr. Speaker, I join the other Members of the House in support of H.R. 10, and urge acceptance of the conference report. I am most hopeful that the other body will make no further attempt to distort this issue by insisting on the uncalled for amendments which cause controversy in recent weeks. I am equally hopeful that the President will see fit to sign this legislation, since I feel it represents a long overdue, fair, and constructive step, and commend the House members of the conference committee for their leadership in processing this legislation.

Mr. OLSEN. Mr. Speaker, I am happy to support this version of the self-employed pension plan that has emerged from the House and Senate conferees, who met to consider H.R. 10 and its Senate variation.

It will encourage pension plans to be instituted by self-employed, who have one or more employees.

The bill has been freed of its objectionable Gore amendments which would have had the effect of damaging pension and profit-sharing plans.

Self-employed persons lumped together would total as the largest segment of the economy of my district. This plan gives to the profitably self-employed no greater opportunity to defer payment of taxes on a modest portion of income than that already conferred on employees under existing pension and profit-sharing plans. The plan is not open to the reproach of a tax-avoidance or tax evasion scheme.

Mr. BOLAND. Mr. Speaker, I rise in favor of the conference report on H.R. 10, a bill to encourage the establishment of voluntary pension plans by self-employed individuals. The House members of the conference, the gentleman from Arkansas, Congressman MILLS; the gentleman from Louisiana, Congressman BOGGS; the gentleman from New York, Congressman KEOGH; the gentleman from Illinois, Congressman MASON; the gentleman from Wisconsin, Congressman BYRNES, and the gentleman from Tennessee, Congressman BAKER, are to be commended for the very fine job they did in prevailing upon the Senate to knock out the very objectionable Gore amendments added to the legislation during debate in the Senate.

As the Washington Post pointed out in an editorial in today's edition, and I read:

> The version of the self-employed pension plan that has emerged from the House and Senate conferees who met to consider H.R. 10 and its Senate variation is an improved one, from many points of view.
>
> It has been freed of the objectionable Gore amendments which would have had the effect of damaging pension and profit-sharing plans at the very time when other countries are taking legislative steps to require such arrangements. It will not be as costly in revenues of the Federal Government as the initial proposal of the House. It is a respectable effort to equalize the existing inequality between the pension position of the company employee and that of the self-employed person.

Mr. Speaker, the Gore amendments would have affected the tax treatment of certain lump-sum distributions, eliminated the capital-gains treatment to lump-sum distributions from qualified employee trusts and under qualified employee plans, and provided certain limitations on the annual and lifetime contributions made for any employee under a qualified plan or plans which may be deducted by his employer. I was opposed to these Senate amendments and made my views known to the members of the Ways and Means Committee of the House. I would have voted against these amendments had they remained in the conference report, but, as I stated earlier, the House conferees fortunately managed to have them stricken in conference.

I want to take a moment to compliment our colleague and author of this legislation, the gentleman from New York, Congressman EUGENE KEOGH, for his sponsorship of this bill, H.R. 10, over the last several years. He is to be commended for his persistence in pushing this legislation to encourage the establishment of voluntary pension plans by self-employed individuals.

I am sure that the real effort of the gentleman from New York, Congressman KEOGH, will be rewarded today when the House accepts the conference report.

Mr. Speaker, I want to conclude by urging my colleagues to vote for the conference report and to again quote from the Washington report editorial, as follows:

> The conference committee version will allow a deposit of no more than $2,500 and make only half of that contribution tax exempt. The original House version would have permitted tax exemption for the full $2,500. The Senate committee draft would have allowed full exemption for the first $1,000 and 50 percent of the remaining $1,500 or a total tax-exempt contribution of $1,750.
>
> This plan seems hardly open to the reproach of a tax-avoidance or tax-evasion scheme. It gives to the profitably self-employed no greater opportunity to defer payment of taxes on a modest portion of income than that already conferred on employes under existing pension and profit-sharing plans. No doubt the Senate and the House will now approve the bill.

Mr. DONOHUE. Mr. Speaker, the conference report before us, on H.R. 10, to establish a so-called self-employment pension plan, has been changed and adjusted to provide us with a most equitable bill which should merit our earnest consideration.

The Senate amendments which would have had the effect of damaging pension and profit-sharing plans already in effect have been eliminated and, in its present form, this bill will not be as costly in revenues of the Federal Government as the original House version.

This conference report represents a conscientious effort by the committee to equalize any existing inequality between the pension situation of the company employee and that of the self-employed individual.

This is the best compromise on this bill that can now be accomplished and while the expressed fears of opportunities for tax avoidance or evasion maneuvering appear to have been successfully answered, such developments can be readily corrected in the future, if they do occur. As now constituted and revised, the bill is worthy of our confidence and recommends itself to our approval.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so have 5 legislative days in which to extend their remarks on the conference report at this point in the RECORD.

The SPEAKER pro tempore [Mr. ALBERT]. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Mr. MILLS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 361, nays 0, not voting 75, as follows:

[Roll No. 248]

YEAS—361

Abbitt
Adair
Addabbo
Albert
Alexander
Alford
Alger
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashley
Ashmore
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Barrett
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bonner
Bow
Brademas
Bray
Brewster
Bromwell
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Collier
Colmer
Conte
Cook
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis, Mo.
Daddario
Dague
Daniels
Davis, John W.
Dawson
Delaney
Dent
Derounian
Derwinski
Devine
Dole
Donohue
Dorn
Dowdy
Downing
Doyle
Dulski
Durno
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Findley
Finnegan
Fino
Fisher
Flood
Flynt
Fogarty
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz
Gathings
Gavin
Giaimo
Gilbert
Glenn
Gonzalez
Goodell
Goodling
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hansen
Harding
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Hoeven
Hoffman, Ill.
Holifield
Holland
Horan
Hosmer
Huddleston
Hull
Ichord, Mo.
Inouye
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
King, N.Y.
Kirwan
Kitchin
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McDowell
McMillan
McVey
MacGregor
Mack
Madden
Magnuson
Mahon
Mailliard
Marshall
Martin, Mass.
Martin, Nebr.
Mason
Mathias
Matthews
May
Merrow
Miller, George P.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morris
Morse
Mosher
Moss
Multer
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
Norrell
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Peterson
Pfost
Philbin
Pike
Pillion
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Randall
Ray
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Rosenthal
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. George
St. Germain
Santangelo
Saylor
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shelley
Sheppard
Shipley
Shriver
Sibal
Sikes
Siler
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, Miss.
Smith, Va.
Stafford
Staggers
Steed
Stephens
Stubblefield
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, Tex.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Utt
Vanik
Van Zandt
Vinson
Waggonner
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Williams
Willis
Wilson, Calif.
Wilson, Ind.
Winstead
Wright
Young
Younger
Zablocki
Zelenko

NAYS—0

NOT VOTING—75

Abernethy
Anfuso
Aspinall
Baring
Barry
Bass, N.H.

Blitch
Bolling
Bolton
Boykin
Breeding
Carey
Cohelan
Curtis, Mass.
Davis,
James C.
Davis, Tenn.
Denton
Diggs
Dingell
Dominick
Dooley
Dwyer
Ford
Gary
Grant
Halleck
Harvey, Ind.
Harvey, Mich.
Hays
Hiestand
Hoffman, Mich.
Johnson, Md.
Johnson, Wis.
Kearns
Kee
King, Utah
McDonough
McFall
McIntire
McSween
Macdonald
Meader
Michel
Miller, Clem
Miller, N.Y.
Moorehead,
Ohio
Morrison
Moulder
O'Brien, Ill.
Pilcher
Quie
Rains
Reece
Rivers, Alaska
Roosevelt
Saund
Schadeberg
Scranton
Seely-Brown
Short
Spence
Springer
Stratton
Taber
Thompson, La.
Thompson, N.J.
Thomson, Wis.
Udall, Morris K.
Ullman
Van Pelt
Weis
Whalley
Widnall
Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Gary with Mr. Halleck.

Mr. Morrison with Mr. Bass of New Hampshire.

Mr. Rivers of Alaska with Mr. Quie.

Mr. Roosevelt with Mr. Curtis of Massachusetts.

Mr. Clem Miller with Mr. Scranton.

Mr. McFall with Mr. Dominick.

Mr. Johnson of Maryland with Mr. Harvey of Indiana.

Mr. Anfuso with Mr. Van Pelt.

Mr. Breeding with Mr. Schadeberg.

Mr. Carey with Mr. Meader.

Mr. Hays with Mrs. Dwyer.

Mr. O'Brien of Illinois with Mr. Short.

Mr. Thompson of Louisiana with Mr. McDonough.

Mr. King of Utah with Mr. McIntire.

Mr. Aspinall with Mr. Hiestand.

Mr. Stratton with Mrs. Reece.

Mr. Thompson of New Jersey with Mr. Taber.

Mr. Ullman with Mr. Widnall.

Mr. Dingell with Mr. Miller of New York.

Mr. Cohelan with Mr. Kearns.

Mr. Udall with Mr. Springer.

Mr. Johnson of Wisconsin with Mrs. Weis.

Mr. Macdonald with Mr. Ford.

Mr. Pilcher with Mr. Harvey of Michigan.

Mr. Rains with Mr. Moorehead of Ohio.

Mr. Diggs with Mr. Thomson of Wisconsin.

Mr. Denton with Mr. Michel.

Mr. Yates with Mr. Hoffman of Michigan.

Mr. Baring with Mrs. Bolton.

Mrs. Kee with Mr. Dooley.

Mr. Abernethy with Mr. Seely-Brown.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I send to the desk a House concurrent resolution, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution (H. Con. Res. 569), as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, is authorized and directed in section 8 to strike out "1961" and insert in lieu thereof "1962".

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MR. AND MRS. GERALD BEAVER

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7708) for the relief of Mr. and Mrs. Gerald Beaver, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "Act" and insert "section".

Page 2, after line 8, insert:

"SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Sergeant and Mrs. Cecil P. Fisher of Fort Bliss, Texas, jointly, the sum of $10,000. The payment of such sum shall be in full settlement of all claims of the said Sergeant and Mrs. Cecil P. Fisher against the United States arising out of the accidental death of their infant child during May 1950, in the Fifteenth Evacuation Hospital in Nurnberg, Germany: *Provided*, That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding."

Amend the title so as to read: "An Act for the relief of Mr. and Mrs. Gerald Beaver and Sergeant and Mrs. Cecil P. Fisher."

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

E. LA REE SMOOT CARPENTER

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7326) for the relief of E. La Ree Smoot Carpenter, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the Secretary of Labor is authorized and directed (1) to consider any claim filed not later than six months after the date of enactment of this Act by E. La Ree Smoot Carpenter, of Burney, California, for compensation under section 5(a) (21) of the Federal Employees' Compensation Act for disfigurement allegedly sustained by her on or about November 13, 1943, while she was employed as a junior clerk-stenographer, post engineers, Army Air Base, Madras, Oregon; and (2) to award to the said E. La Ree Smoot Carpenter any compensation to which she would have been entitled had she elected to make application for such compensation within the time provided therefor in section 303(d) (1) of the Federal Employees' Compensation Act Amendments of 1949."

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachuetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Massachusets if this amendment is strictly germane to the subject matter of this bill.

Mr. LANE. If the gentleman will yield, yes, it is.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TRIAL BOARDS FOR THE U.S. PARK POLICE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8567) to authorize the Secretary of the Interior to create trial boards for the U.S. Park Police, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, strike out "or for misconduct in office".

Page 1, line 11, after "may" insert ", after due notice to the accused,".

Page 2, line 11, after "Police," insert "Timely service of a copy of such discharges shall be made upon the accused."

Page 2, line 20, strike out ", or for misconduct in office,".

Page 3, line 2, strike out "or for misconduct in office".

Page 3, line 4, strike out "board" and insert "board: *Provided, however*, That no changes in the rules of procedure shall be effective, and no trial boards shall be abolished or changed, with respect to charges upon which a hearing has already commenced."

Page 3, line 9, after "accused." insert "The other two members shall be employed in the Department of the Interior and hold a grade at least equivalent to that of the accused".

Page 3, line 15, after "Interior." insert "If such notice is given, the accused may present his appeal to the Secretary in writing. The Secretary may grant or request an oral presentation of such appeal."

Page 3, line 18, after "documentary" insert ": *Provided*, That if any new evidence is received, the accused shall be accorded the right of such submission."

Page 3, line 19, after "board" insert ", to dismiss the charges,".

Page 4, strike out lines 4 to 11, inclusive.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I shall ask the gentleman from Texas [Mr. RUTHERFORD] the same question that I have asked on other bills, and that is this: Do the amendments that the gentleman now proposes be adopted deal strictly with the subject matter of this bill?

Mr. RUTHERFORD. If the gentleman will yield, the amendments deal strictly with the subject matter of the bill and are germane to the bill.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, amendments 1, 2, 4, 5, 6, 8, and 10 are technical and clarifying amendments designed principally to protect the rights of the accused in trial board procedings set up under the bill and on appeals therefrom. It is recommended that the House concur in these amendments. Brief explanations thereof follow:

First. Amendments 1, 4, and 5 strike out the words "or for misconduct in office" at three places and thus require that charges against a member of the National Park Police be more definite and specific than might otherwise be the case.

Second. Amendment 2 clarifies the bill by specifically requiring that due notice of charges be given an accused.

Third. Amendment 6 forbids changing procedural rules or the composition of a trial board after a hearing has commenced.

Fourth. Amendment 8 clarifies the bill by providing that, once notice of appeal is given, the appeal may be prosecuted in writing. It also provides that the appeal may be presented orally if the Secretary of the Interior so agrees or requests.

Fifth. Amendment 10 authorizes the Secretary of the Interior, acting in his appellate capacity, to dismiss charges. The bill made no provision for such action.

The House amendment to Senate amendment 3 corrects a typographical error.

Senate amendment 7 would have required all members of a trial board to be employees of the Department of the Interior, contrary to the original provisions of the House bill which required only one member to be an employee of the Department. The House amendment to this amendment provides that, if the second or third members of a board are employees of the Department, they shall be in a grade at least equivalent to that of the accused. This will mean, in practice, that a trial board member who is in a GS grade will be eligible for trial board service if his salary is the same as or greater than that of an accused CPC police employee.

The House amendment to Senate amendment 9 elaborates on and clarifies the latter to make certain that if new evidence is received at the appeal stage of a proceeding on behalf of either party, the other party must also be permitted to submit new evidence and that, in any event, he must be allowed to submit rebuttal evidence.

The House amendment to Senate amendment 11 clarifies the original language of the House bill—which the Senate amendment would have stricken—regarding the handling of cases in which a trial board recommends a sentence beyond the maximum which it is authorized to impose. Such a sentence will be effective, under section 2(b) of the bill, within the limits of a $100 fine and/or suspension without pay for 7 days, unless it is appealed. The remainder of a recommended sentence will become effective only if the Secretary finds it proper on the basis of the record and if, under other laws—the civil service laws, for instance—he has authority to impose it.

AMENDING THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 808, Rept. No. 2467), which was referred to the House Calendar, and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11581) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the Act; and to amend related laws. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

That after the passage of H.R. 11581, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill, S. 1552; that it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 11581 as passed.

INTRASTATE MOTOR CARRIERS IN INTERSTATE COMMERCE

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2439)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following: "That paragraph (1) of subsection (a) of section 206 of the Interstate Commerce Act is amended by striking out the last two sentences and by inserting in lieu thereof the following: 'Pending the determination of any such application the continuance of such operation shall be lawful.'

"SEC. 2. Subsection (a) of section 206 of the Interstate Commerce Act is amended by adding at the end thereof the following new paragraphs:

" '(6) On and after the date of the enactment of this paragraph no certificate of public convenience and necessity under this part shall be required for operations in interstate or foreign commerce by a common carrier by motor vehicle operating solely within a single State and not controlled by, controlling, or under a common control with any carrier engaged in operations outside such State, if such carrier has obtained from the commission of such State authorized to issue such certificates, a certificate of public convenience and necessity authorizing motor vehicle common carrier operations in intrastate commerce and such certificate recites that it was issued after notice to interested persons through publication in the Federal Register of the filing of the application and of the desire of the applicant also to engage in transportation in interstate and foreign commerce within the limits of the intrastate authority granted, that reasonable opportunity was afforded interested persons to be heard, that the State commission has duly considered the question of the proposed interstate and foreign operations and has found that public convenience and necessity require that the carrier authorized to engage in intrastate operations also be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized to be conducted. Such operations in interstate and foreign commerce shall, however, be subject to all other applicable requirements of this Act and the regulations prescribed hereunder. Such rights to engage in operations in interstate or foreign commerce shall be evidenced by appropriate certificates of registration issued by the Commission which shall be valid only so long as the holder is a carrier engaged in operations solely within a single State, not controlled by, controlling, or under a common control with a carrier engaged in operation outside such State, and except as provided in section 5 and in the conditions and limitations stated herein, may be transferred pursuant to such rules and regulations as may be prescribed by the Commission, but may not be transferred apart from the transfer of the corresponding intrastate certificate, and the transfer of the intrastate certificate without the interstate or foreign rights shall terminate the right to engage in interstate or foreign commerce. The termination, restriction in scope, or suspension of the intrastate certificate shall on the 180th day thereafter terminate or similarly restrict the right to engage in interstate or foreign commerce unless the intrastate certificate shall have been renewed, reissued, or reinstated or the restrictions removed within said one hundred eighty-day period. Such rights shall be subject to suspension or termination by the Commission in accordance with the provisions of this Act governing the suspension and termination of certificates issued by the Commission. The Commission may impose reasonable requirements with respect to the filing with it of certified copies of such State certificates and other appropriate statements and data, and compliance with applicable requirements established by and under the authority of statutes applicable to interstate and foreign operations administered by the Commission, as conditions precedent to engaging in interstate and foreign operations under the authority of such State certificate. In accordance with such reasonable rules as may be prescribed by the Commission, any party in interest, who or which opposed in the State commission proceeding the authorization of operations in interstate or foreign commerce, may petition the Commission for reconsideration of the decision of the State commission authorizing operations in interstate or foreign commerce, and upon such reconsideration upon the record made before the State commission, the Commission may affirm, reverse, or modify the decision of the State commission, but only with respect to the authorization of operations in interstate and foreign commerce.

"'(7)(A) In the case of any person who or which on the date of the enactment of this paragraph was in operation solely within a single State as a common carrier by motor vehicle in intrastate commerce (excluding persons controlled by, controlling, or under a common control with, a carrier engaged in operations outside such State), and who or which was also lawfully engage in such operations in interstate or foreign commerce under the certificate exemption provisions of the second proviso of paragraph (1) of this subsection, as in effect immediately before the date of the enactment of this paragraph or who or which would have been so lawfully engaged in such operations but for the pendency of litigation to determine the validity of such person's intrastate operations to the extent such litigation is resolved in favor of such person, and has continued to so operate since that date (or if engaged in furnishing seasonal service only, was lawfully engaged in such operations in the year 1961 during the season ordinarily covered by its operations, and such operations have not been discontinued), except in either instance as to interruptions of service over which such person had no control, the Commission shall issue to such person a certificate of registration authorizing the continuance of such transportation in interstate and foreign commerce if application and proof of operations are submitted as provided in this subsection. Such certificate of registration shall not exceed in scope the services authorized by the State certificate to be conducted in intrastate commerce, and shall be subject to the same terms, conditions, and limitations as are contained in or attached to the State certificate except to the extent that such terms, conditions, or limitations are inconsistent with the requirements established by or under this Act. If the effectiveness of the State certificate is limited to a specified period of time, the certificate of registration issued under this paragraph (7) shall be similarly limited. Operations in interstate and foreign commerce under such certificates of registration shall be subject to all other applicable requirements of this Act and the regulations prescribed hereunder. Certificates of registration shall be valid only so long as the holder is a carrier engaged in operation solely within a single State, not controlled by, controlling, or under a common control with a carrier engaged in operation outside such State, and except as provided in section 5 and in the conditions and limitations stated herein, may be transferred pursuant to such rules and regulations as may be prescribed by the Commission, but may not be transferred apart from the transfer of the corresponding intrastate certificate, and the transfer of the intrastate certificate without the interstate or foreign rights shall terminate the right to engage in interstate or foreign commerce. The termination, restriction in scope, or suspension of the intrastate certificate shall on the 180th day thereafter terminate or similarly restrict the right to engage in interstate or foreign commerce unless the intrastate certificate shall have been renewed, reissued, or reinstated or the restrictions removed within said one hundred and eighty-day period. Such certificates of registration shall be subject to suspension or termination by the Commission in accordance with the provisions of this Act governing the suspension and termination of certificates of public convenience and necessity issued by the Commission.

"'(B) All rights to engage in operations in interstate and foreign commerce under the provisions of the second proviso of paragraph (1) of this subsection, as in effect immediately before the date of the enactment of this paragraph, shall cease and terminate, but any carrier lawfully engaged in interstate and foreign operations on the date of the enactment of this paragraph or any carrier who would have been so lawfully engaged in such operations but for the pendency of litigation to determine the validity of such person's intrastate operations to the extent such litigation is resolved in favor of such person, pursuant to such provisions, may continue such operations for 120 days after such date and, if appropriate application for a certificate of registration is filed within such period, such operations may be continued pending the determination of such application. The Commission shall prescribe the form of such application, the information and documents to be furnished, the manner of filing, and the persons to whom or the manner of giving notice to interested persons of such filings. Issues arising in the determination of such applications shall be determined in the most expeditious manner and, so far as practicable and legally permissible, without formal hearings or other proceedings. A notice of intent to engage in interstate and foreign operations accompanied by certified copies of effective, lawfully issued or acquired State certificates filed with the Commission as evidence of authority to operate in interstate or foreign commerce under the provisions of the second proviso of paragraph (1) of this subsection, as in effect immediately before the date of the enactment of this paragraph, shall be conclusive proof that the applicant is lawfully engaged in interstate and foreign operations and the scope thereof.'"

And the House agree to the same.

Oren Harris,
John Bell Williams,
Harley O. Staggers,
Samuel N. Friedel,
John B. Bennett,
William L. Springer,
Harold R. Collier,
Managers on the Part of the House.

George A. Smathers,
Vance Hartke,
Gale W. McGee,
Thruston B. Morton,
John Marshall Butler,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Except for two changes, the bill as agreed to in conference is the same as the House amendment. The House amendment added new paragraphs (6) and (7) to subsection (a) of section 206 of the Interstate Commerce Act and repealed the second proviso to such subsection. These new paragraphs provide a procedure by which common carriers by motor vehicle which are certificated to engage in operations wholly within a State may be certificated for coextensive operations in interstate or foreign commerce. Paragraph (6) applies to motor carriers which after the date of enactment of this legislation will for the first time engage in such operations in interstate or foreign commerce. Paragraph (7) is a "grandfather provision" which applies to motor carriers which on the date of enactment of this legislation are engaged in operations in interstate or foreign commerce wholly within a State under the second proviso to section 206(a)(1) of the Interstate Commerce Act which this legislation repeals.

The changes from the House amendment made by the bill as agreed to in conference consist of deleting two amendments which were adopted on the House floor. These amendments were identical in text and were inserted in paragraphs (6) and (7). They read as follows: "If, however, during the six-month period of termination, restriction in scope or suspension of the State certificate the holder of the corresponding certificate of registration has continuously performed the interstate operations authorized thereunder such certificate of registration can only be suspended, revoked, or terminated by the Commission in accordance with the provisions of the Act governing such suspensions, revocations, or terminations of certificates issued by the Commission: *Provided, however,* That under all other circumstances * * *".

These amendments which the Senate conferees refused to accept would have provided that, if the certificate holder carried on his interstate operations continuously during the 180-day period after his intrastate certificate was terminated, restricted in scope, or suspended, his certificate authorizing him to carry on such interstate operations could only be suspended, revoked, or terminated by the Interstate Commerce Commission after formal proceedings as prescribed in the Interstate Commerce Act. The Interstate Commerce Commission was also strongly opposed to these amendments.

Oren Harris,
John Bell Williams,
Harley O. Staggers,
Samuel N. Friedel,
John B. Bennett,
William L. Springer,
Harold R. Collier,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the committee of conference considered the bill S. 320 and agreed to the report which has been submitted and which we are asking that the House approve today.

Mr. Speaker, this is a rather technical bill and somewhat difficult to understand. Therefore, I ask your attention as I try to explain what has been accomplished. Permit me to start with an explanation of the bill.

The existing second proviso of section 206(a)(1) of the Interstate Commerce Act enables motor common carriers whose operations are confined to a single State and who have been granted a certificate to operate within the State from their State regulatory bodies to also engage in operations in interstate and foreign commerce without seeking a certificate of public convenience and necessity from the Interstate Commerce Commission.

At present the right to engage in interstate or foreign commerce by an intrastate carrier is automatically obtained by filing its State certificate with the Interstate Commerce Commission. The carrier by such filing is then authorized to engage in interstate or foreign commerce to the same extent that the carrier is authorized to engage in intrastate commerce as described in the particular State certificate filed with the Commission. Such operations in interstate and foreign commerce must, of course, be carried on entirely within the State in which the motor carrier is certificated to operate.

The Interstate Commerce Commission under existing law has no discretion in accepting a State certificate for registration. The certificate must be accepted, registered, and the motor carrier allowed to engage in interstate and foreign commerce. By so doing, such intrastate carrier becomes subject to the regulatory and safety provisions of the Interstate Commerce Commission when engaged in interstate and foreign commerce. The validity of the certificate filed with the Commission depends on its continued validity within the State.

PURPOSE AND EXPLANATION OF BILL

The purpose of the bill, S. 320, is to repeal the second proviso of section 206(a)(1) of the Interstate Commerce Act—title 49 United States Code, section 307—and insert two new paragraphs at the end of section 206(a) which permit State commissions under a specific procedure applicable with respect to future applications to grant to motor common carriers operating within a single State the right to engage in interstate or foreign operations within the boundaries of the State in which intrastate authority is being simultaneously authorized, and to provide for the issuance of certificates of registration by the Interstate Commerce Commission to existing carriers engaged in interstate operations under the terms of the present second proviso.

The new paragraph (6) proposed to be added by this bill to subsection (a) of section 206 of the Interstate Commerce Act provides that on and after the effective date of this paragraph, no certificate of public convenience and necessity from the Interstate Commerce Commission would be required for operations in interstate or foreign commerce by a common carrier by motor vehicle operating solely within a single State and not controlled by, controlling, or under a common control with any carrier engaged in operations outside such State if, first, such carrier has obtained from the State commission a certificate of public convenience and necessity authorizing intrastate operations; second, such certificate was issued after notice to interested persons through publication in the Federal Register of the filing of the application and of the desire of the applicant also to engage in interstate and foreign commerce within the limits of the intrastate authority granted; third, reasonable opportunity was afforded interested parties to be heard; and fourth, the State commission has considered the proposed interstate and foreign operations and has found that public convenience and necessity require that the carrier be authorized to engage in intrastate operations and also to engage in interstate and foreign operations within the limits of the intrastate authority. Except for the method of certification, the carrier would be subject to all applicable requirements of the Interstate Commerce Act, such as insurance, the filing of rates, and so forth.

The Interstate Commerce Commission is empowered to issue certificates of registration and to impose reasonable requirements with respect to the filing of State certificates and other data and compliance with applicable requirements established pursuant to the statutes administered by the Commission as conditions precedent to engaging in interstate and foreign operations under authority of the registered State certificate.

The Interstate Commerce Commission is directed to establish rules under which any person who opposed the authorization of operations in interstate commerce in the State regulatory proceedings may petition the Commission for reconsideration of the decision made by the State commission. Such reconsideration shall be on the record made before the State commission. The Interstate Commerce Commission may affirm, reverse, or modify the decision of the State regulatory body in respect to operations in interstate and foreign commerce.

The new paragraph (7) proposed to be added by this bill to subsection (a) of section 206 of the Interstate Commerce Act provides in part that intrastate motor carriers in operation on the effective date of this paragraph, who were lawfully engaged in interstate or foreign commerce within the State, shall upon application to the Interstate Commerce Commission and submission of proof of operation, be issued certificates of registration by the ICC authorizing continuance of their operations. The scope of interstate or foreign operations authorized in the certificates must not exceed in scope the services authorized by the State certificates and the certificates of registration shall in general be subject to the same terms, conditions, and limitations as are contained in the State certificates. These carriers will be subject to all applicable requirements of the Interstate Commerce Act, including suspension and termination.

In making such application a notice of intent to engage in interstate and foreign operations accompanied by copies of State certificates, will be conclusive proof that applicant is lawfully engaged in interstate commerce and the scope thereof.

Under both paragraphs (6) and (7) which would be added to section 206(a) of the Interstate Commerce Act by the bill, certificates of registration issued by the Interstate Commerce Commission would be transferable subject to the limitations contained in section 5 of the Interstate Commerce Act dealing with carrier unifications and mergers, but they could not be transferred apart from the intrastate rights. A transfer of intrastate rights without a corresponding transfer of the certificate of registration would void the interstate rights.

When the committee bill reached the floor of the House there were some 11 amendments offered to it. During the consideration of the bill in the House the Committee accepted all of the amendments but two.

The House agreed to the two amendments offered by the gentleman from California [Mr. SISK] and we went to conference on it. The committee of conference met and considered the bill, discussed it at length, and later had another meeting and considered it again. It was very obvious that the other body would not agree to the floor amendments offered by the gentleman from California and accepted by the House.

These amendments, identical in language, appear in paragraphs (6) and (7) and read as follows:

> If, however, during the six-month period of termination, restriction in scope or suspension of the State certificate the holder of the corresponding certificate of registration has continuously performed the interstate operations authorized thereunder such certificate of registration can only be suspended, revoked, or terminated by the Commission in accordance with the provisions of the Act governing such suspensions, revocations, or terminations of certificates issued by the Commission: *Provided, however,* That under all other circumstances.

The Senate conferees did recede and agree to all the other amendments made by the House including the one that struck out the language prima facie and inserted the word "conclusive" with respect to the proof required to obtain a certificate of registration from the ICC.

But the conferees on the part of the Senate refused to accept the amendments quoted above and the conferees on the part of the House concurred. These amendments would have provided that if the certificates holder carried on his interstate operations continuously during the 180-day period after his interstate certificate was terminated, restricted in scope, or suspended, his certificate authorizing him to carry on such interstate operations could only be suspended, revoked, or terminated by the Interstate Commerce Commission after formal proceedings as prescribed in the Interstate Commerce Act. The Interstate Commerce Commission was also strongly opposed to these amendments.

As part of my remarks, I include herewith the Commission's letter stating their position on these amendments.

I agree with the position taken by the Commission that the effect of these amendments would place the Commission in the anomalous position of having to go through a formal proceeding to revoke the certificate of a carrier whose State operating rights have been revoked when in the first instance the carriers interstate rights were based solely on its intrastate certificate.

I might also say that the provision which I have quoted was also opposed by the National Association of Public Utility Commissioners, that is, the State commissions organization—and by the American Trucking Associations.

That is pretty much what the conferees did.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 27, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR CHAIRMAN HARRIS: This is in response to your recent request by telephone for our comments on the amendments to an act, S. 320, as passed by the House of Representatives on January 31, 1962, "to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State." This matter was referred to our committee on Legislation, and after consideration by that committee, I am authorized to submit the following comments in its behalf:

The amendment to line 6, page 2, of the measure reported by the House Committee on Interstate and Foreign Commerce on August 31, 1961, inserts the words "the effective date of enactment of this paragraph" in lieu of the words "December 31, 1961,". We have no objection to this amendment.

The effect of the amendment in lines 19 through 23, page 3, of the act would be to allow a second proviso operator to continue to engage in interstate and foreign commerce for a period of 6 months after the termination, restriction, or suspension by the State of his intrastate certificate. Without this amendment, the termination, restriction, or suspension of the underlying intrastate certificate would immediately terminate, restrict, or suspend the right to engage in interstate or foreign commerce. That is the way it has been ever since the enactment of the second proviso. Such an amendment is objectionable because it accords interstate operating rights to the holder of a certificate of registration during the 6-month period in which his intrastate rights have been revoked, suspended, or restricted. Since the carrier's intrastate rights in effect at the time of registration provide the real basis for the issuance of the certificate of registration in the first instance, the enactment of this amendment is entirely contrary to the basic theory on which the proposed legislation as a whole is grounded; namely, that the carrier shall be entitled to engage in interstate commerce to the same extent that it may lawfully engage in intrastate commerce. We know of no reason whatsoever why a carrier whose authority derives solely from the State in which it operates should be authorized to engage in interstate commerce for any period after its intrastate certificate has been terminated, suspended, or restricted in scope.

The Commission has no objection to the amendment in line 4, page 5, of the act, which merely changes "December 31, 1961" to "the date of the enactment of this paragraph".

The amendment to line 14, page 5 of the act represents a departure from the usual theory of "grandfather" rights. This change would provide "grandfather" rights for a carrier who has been unable to file his intrastate certificate under the second proviso and to operate in interstate commerce because of pending litigation concerning the validity of its intrastate operations. The theory of prior similar legislation has been that "grandfather" rights are based on the actual operations in interstate commerce on the critical date rather than on a contingent basis. Moreover, this change, as we see it, in effect, presupposes that the State certificate involved in such pending litigation would be acceptable for filing with the Commission if no such litigation were pending.

The amendment from line 25, page 6, to line 4, page 7, gives rise to the same objection as that raised above with respect to the 6-month period of grace relating to the termination, restriction in scope, or suspension of an intrastate certificate. In addition, while under this amendment a transfer of intrastate rights without interstate rights would terminate the right to engage in interstate commerce, it is doubtful that the intrastate carrier has any interstate rights, as such, to transfer.

We know of no objection to the amendment to line 15, page 7 of the act.

The amendment to line 18, page 7, raises the same questions herein discussed with respect to "grandfather" rights for carriers whose intrastate operations are involved in litigation.

In line 7, page 8, of the act an amendment appears which is not entirely clear, and we believe additional study thereof is necessary. Otherwise, we cannot favor this amendment, since it appears to require a determination by the Commission as to whether, among other things, a State certificate has been lawfully issued or acquired.

The amendments to lines 12, 16, and 17, page 8 relate to the effective date of the act, and we have no objection thereto.

To change "prima facie" to "conclusive" as proposed in line 12, page 8, would require the Commission to issue certificates of registration embracing all of the operating authority contained in State certificates without further proceedings, and regardless of the scope and extent of the actual operations being conducted under the State certificates. This amendment is extremely broad and some carriers would thus obtain certificates of registration embracing substantial rights to operate in interstate commerce which have never been previously utilized by them. This would be especially true in the case of dormancy of State operating rights which have little or no value, for if such dormant State authority is permitted to be filed under the "conclusive" test, the interstate rights might become quite valuable. Dormant State operating authority is not now accepted for filing under the second proviso. We, therefore, recommend against the use of the word "conclusive" instead of "prima facie."

By far the most damaging amendment to the entire historical concept of the second proviso contained in section 206(a)(1) of the Interstate Commerce Act is the floor amendment passed on January 31, 1962, by the House of Representatives, and which had been proposed by Congressman SISK of California. Mr. SISK's amendment would be an addition to the previous amendment which confers upon the holder of a certificate of registration interstate operating rights for a 6-months period after his intrastate rights have been revoked, suspended, or restricted. The so-called Sisk amendment goes a step further. Our objection to the 6-month grace period was based on the fact that if the intrastate rights are no longer in effect there is no foundation for the interstate rights. The Sisk amendment would preserve the interstate rights even if the basic intrastate rights have been forever revoked for some violation of State regulations.

The Sisk amendment reads as follows:

"If however during the six-month period of termination, restriction in scope or suspension of the State certificate the holder of the corresponding certificate of registration has continuously performed the interstate operations authorized thereunder such certificate of registration can only be suspended, revoked or terminated by the Commission in accordance with the provisions of the Act governing such suspensions, revocations, or terminations of certificates issued by the Commission: *Provided, however,* That under all other circumstances such certificates of registration.

Clearly, where the holder of a certificate of registration violates a State law, regulation, or requirement, without violating a Federal law, and the State either revokes, restricts, or suspends that carrier's intrastate authority, the Interstate Commerce Commission would be completely powerless to act so far as the interstate authority is concerned. Thus, aside from the fact that the Sisk amendment may very well interfere with the rights of the States to control and regulate intrastate carriers, it would create a new interstate right which must be recognized by the Interstate Commerce Commission irrespective of whether the carrier continues to hold the corresponding intrastate rights in whole or in part.

Under these circumstances, a myriad of questions of interpretation would arise since some State operating rights are stated in somewhat ambiguous terms, to which the Interstate Commerce Commission has, in the past, accorded the interpretations placed thereon by the State regulatory bodies. We assume that such procedure no longer would be in order with respect to State certificates which would have been revoked or changed, thus leaving nothing but confusion and misunderstanding as to the scope and extent of these newly created interstate rights.

Technically, the Sisk amendment has the effect of granting to intrastate carriers holding certificates of registration, but whose intrastate rights have been revoked, restricted, or suspended by a State authority, an operating right equal to one issued by this Commission, and which could be revoked or changed only under section 212 of the Interstate Commerce Act. While that section provides for revocation of an operating right for various reasons, it requires extensive proceedings to do so. In short, the interstate right, ever since the enactment of the second proviso, has been dependent entirely on the existence of a right granted by the State to engage in intrastate operations. This amendment completely ignores the fact that no such interstate right could exist unless the carrier has in effect intrastate authority from the State in which such carrier is operating.

The Interstate Commerce Commission strongly opposes any such amendment which distorts the sound and time-tested concept of the second proviso that the interstate right does not exist in the absence of the intrastate right. Moreover, the Commission opposes this amendment for the simple reason that it could again give rise to a multiplicity of carriers with a minimum of control, inasmuch as this amendment seems to create an interstate right which could be sold separate and apart from the intrastate right, thereby completely defeating the purpose which gave rise to amending the second proviso in the first place. This would not be true under S. 320 without the Sisk amendment.

Respectfully submitted.

RUPPERT L. MURPHY,
Chairman, Committee on Legislation.
HOWARD G. FREAS.

We think the action of the State commission that granted the motor carrier authority to operate in intrastate commerce should have something to do with reference to his interstate certificate of registration.

On the other hand, we think the motor carrier should have an opportunity, if he gets in trouble or if somebody is doing him an injustice, to get straightened out with his own commission. Therefore, we give him 6 months in order to get that difficulty straightened out before taking away his interstate rights. Consequently, we feel we have met this situation.

The problem we have with the other amendment, which the gentleman from California wanted, is this: If a man got into difficulty with the State commission and his rights were suspended or terminated to operate in intrastate business, then the Sisk amendment which is in question would have said that if the carrier continued to operate for 6 months in interstate commerce, his certificate of registration with the ICC could be revoked only by going through regular procedure with the Interstate Commerce Commission here in Washington in revoking interstate operating authority.

It just seemed to the conferees that this was wrong.

The gentleman from Kentucky raised a point when we had this matter under discussion in the House before. I think there is something to his question.

It would seem to me, it would be a logical interpretation as far as I am concerned, that the time from which the termination, restriction in scope, or suspension of the State certificate would begin to count would be the date from which the order of the commission becomes final.

If there is litigation on it, the order would not become final until the litigation is completed. I should think that the ICC which passed on a matter of this kind would itself then decide that the 180 days would not begin to run until the order of the State commission on such determination became final. That is the way I think it ought to be administered, and that is the way I interpret it.

Mr. WATTS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. WATTS. As I understand the gentleman's interpretation, or his feeling about the matter, in the event a State commission revoked or terminated a certificate arbitrarily and the holder of the certificate went to court and started action, that until proceedings in the court were terminated the rights of the holder of the certificate would be protected.

Mr. HARRIS. I think the Commission should take cognizance of that and not take any action until there had been a final decision of the suit in court. I think from that date the 180 days would run.

Mr. WATTS. The gentleman is speaking of the interstate situation.

Mr. HARRIS. The interstate situation, of course, yes.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. HEMPHILL. The gentleman used the word "arbitrary" but I understood the gentleman to say that if the certificate is revoked it would have to be after final decision.

Mr. HARRIS. I think the gentleman is correct.

Mr. HEMPHILL. As long as the matter is on trial and no determination has been entered in the clerk's office or in the Commission's files, the 180 days does not begin to run; it does not begin to run until the proceedings are terminated.

Mr. HARRIS. I think that is the way the Commission would interpret it.

Mr. Speaker, I wanted to call attention to the fact that this matter has been thoroughly considered, and there has come to each Member's office or desk a message or wire from the American Trucking Association in which they are supporting this conference report. The telegram reads as follows:

> WASHINGTON, D.C., *September 24, 1962.*
>
> OREN HARRIS,
> *Member of Congress,*
> *Washington, D.C.:*
>
> American Trucking Associations urges your support of S. 320 as agreed to by conferees yesterday. This bill which is supported by the Interstate Commerce Commission and State commissions will correct serious motor carrier regulatory problems.
>
> JOHN V. LAWRENCE,
> *Managing Director, American Trucking Association, Inc.*

Mr. HARRIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Speaker, the conference report comes with the unanimous decision of all the conferees. It came out of our committee originally. I know of no objection to the conference report, and I have no requests for time on this side.

Mr. Speaker, I reserve the balance of my 3 minutes.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. SISK].

Mr. ROBERTS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield.

Mr. ROBERTS of Alabama. As the gentleman from California remembers, I supported his amendment when this matter was here before, and I am very grateful to the gentleman for the effort that he made in getting the Sisk amendment in the bill when it was before the House on that occasion. I want to associate myself with the gentleman's remarks.

Mr. ROBERTS of Alabama. Mr. Speaker, when S. 320 was before the House in January of this year, I supported the Sisk amendment believing that this amendment would more adequately protect the small carriers because I felt that they might find themselves in a position where this could not prevail in the face of an arbitrary decision by a commission.

As has been pointed out by the distinguished gentleman from Arkansas [Mr. HARRIS], it appears that in the event a carrier is suspended or ordered to cease operations by a State commission, he will not be deprived of his interstate rights if he appeals the decision and succeeds in reversing the ruling against him.

While I would still prefer the Sisk amendment, I believe that under the legislative history of S. 320 as explained by the distinguished gentleman from Arkansas [Mr. HARRIS], the intrastate carrier will be able to protect his property against a decision arbitrary or otherwise.

Mr. SISK. Mr. Speaker, the gentleman from Arkansas [Mr. HARRIS] has ably explained the background of this particular piece of legislation, and I agree basically with that explanation.

I do come before the House today with some mixed feelings on this particular situation with reference to the fact that the final amendment which was adopted by the House has been eliminated by the conferees during conference with the other body.

However, as the gentleman from Arkansas has indicated, this matter deals with a rather complicated, complex matter of regulation pertaining to the transportation industry. The prime concern which the gentleman from California has had, and a great many other Members of the House, was to make sure that whatever we did in this particular piece of legislation, it would not be possible for all the small trucking companies across our country—primarily, I am speaking of the second-proviso carriers, intrastate trucking companies and feeder lines, so to speak, that operate in every State in our Nation—would not be driven to the wall because of some arbitarary action by a State public utility commission or by the operation and pressures from the large transportation companies.

I am sure that the gentleman from Arkansas, [Mr. HARRIS] agrees with me that he too would want to be sure that nothing in this legislation would make it possible for action to be taken that could destroy the many hundreds of small trucking companies across our country which are so vital, particularly to the small towns and villages of our Nation.

The variety of amendments which were offered to the bill, as the gentleman from Arkansas has indicated, have all been accepted, with one single exception, the paragraph which was stricken. I feel that particular amendment should have been left in the bill. However, I do want to make my position clear.

It is my understanding that today a majority of the trucking industry across the Nation feel that they would prefer to have this bill without this amendment than to have no bill at all. I think that is what we are faced with today, generally speaking—either accept this conference report which has been brought to us today or we will have no legislation on the subject this year.

I am particularly intrigued by the discussion and the colloquy between the gentleman from Kentucky and the gentleman from Arkansas, and I would like to pursue that, if I may, a little further along the way, because it seems to me this might give us some little additional assurance with reference to any action, arbitrary or otherwise, by public utility commissions within States.

The reason many of us took a strong stand on this original language, the portion that is being deleted, was our belief that these certificates of registration were granted to the second-proviso carriers by a Federal agency and that there should be action by that agency before they could automatically be taken away from them. This particular language, we feel, would require that the ICC take action, positive action, prior to the time they could lose their certificate of registration. But it is my understanding, and I would like to ask this question of the chairman of the committee, in line with his answer to the gentleman from Kentucky, that in the event an action is pending there will be no automatic revoking of the certificate of registration. I am hoping we can establish here an intent, because this I think is important, so that I am hoping we might set down the intent of Congress to the effect that the ICC cannot arbitrarily revoke or take any action until settlement of the differences which might have caused the suspension of operation within a State by a public utilities commission.

Would the gentleman comment a little further on that? I am referring specifically, of course, to the question asked by the gentleman from Kentucky [Mr. WATTS].

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SISK. Yes. I would be glad to yield to the chairman of the full committee, the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. I shall be glad to comment on that. I will say that there are two situations here that we should keep in mind. The one the gentleman mentions is the case where there is litigation pending on the effective date of this paragraph; is that true?

Mr. SISK. That is partly correct.

Mr. HARRIS. The language in paragraph (7) takes care of that. I shall read a part of this paragraph:

> (7) (A) In the case of any person who or which on the date of the enactment of this paragraph was in operation solely within a single State as a common carrier by motor vehicle in intrastate commerce (excluding persons controlled by, controlling, or under a common control with, a carrier engaged in operations outside such State), and who or which was also lawfully engaged in such operations in interstate or foreign commerce under the certificate exemption provisions of the second proviso of paragraph (1) of this subsection, as in effect immediately before the date of the enactment of this paragraph or who or which would have been so lawfully engaged in such operations but for the pendency of litigation.

In other words, those cases that will be in litigation at the time this amendment to the act takes effect are protected.

Mr. SISK. Yes; that is very clear in this language.

Mr. HARRIS. But there is another situation which would involve terminations, suspensions, and so forth, which take place after the act goes into effect. That is the situation which the gentleman from Kentucky [Mr. WATTS] raised.

Mr. SISK. Yes; that is the one about which I am concerned.

Mr. HARRIS. Say, for example, 6 months after the effective date of this paragraph (7) a motor carrier gets in trouble with his State commission. The State commission then will terminate or restrict the scope of its operation or suspend the intrastate certificate. If it stops, there would be only 180 days to run before his interstate authority would be taken away from him. But should he appeal or go to the courts to litigate the action taken by the State commission, my view is that the 180 days should begin to run from the final order of determination of the suspension or revocation of that particular State certificate. I think from that date the 180 days should operate, and I think that all State commissions and the ICC should take this into consideration in administering this provision and, in my judgment, should follow this interpretation of this amendment.

Mr. SISK. Therefore, it is the feeling of the gentleman that he would not feel that the ICC could or would take any action to arbitrarily revoke this operator's certificate of registration?

Mr. HARRIS. The ICC could not take any action until the final order of the State commission on such revocation was entered.

Mr. SISK. That is right.

Mr. HARRIS. If the final order of the State commission was not issued until the litigation was settled, then the ICC could not have any jurisdiction over it.

Mr. SISK. In essence, the gentleman is saying that until a final disposition, regardless of whether it is within the 180 days or not, is made on the pending case and the pending litigation in the State before the courts or otherwise, that nothing can happen to a certificate of registration?

Mr. HARRIS. We think he is entitled to a final determination under the usual procedures which we know in this country.

Mr. SISK. I thank the gentleman.

I think to some extent this tends to clarify some of the concern that many of these small trucking operators have had with reference to this legislation.

I might say to the gentleman from Arkansas—and I appreciate very much his kindness and courtesy in yielding me time to discuss this matter, because as he knows it is of great importance to us—there have been some rather disturbing instances of what I call the naked use of power within certain States to arbitrarily take away licenses, permits, and so on, from some of these small State operators. That situation developed even during the discussion of this bill in a State nearby; I shall not use any names, but very frankly there was taken what I felt to be very arbitrary action by certain people within that State, which almost destroyed an intrastate carrier because that particular carrier had taken a position on this piece of legislation. This, to me, demonstrated the need to give these people all the possible protection that we could from that type of arbitrary use of power.

As I say, Mr. Speaker, I am sorry, of course, that this amendment was deleted from this bill. However, with the statements made here it would be my hope that this particular legislation will be administered in such a way as to make certain that the hundreds and thousands of small truck operators across our country will be able to continue to remain in operation and their rights be protected.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HARRIS. Mr. Speaker, I want to thank the gentleman for his assistance in this highly important, highly technical and complicated matter. He has contributed tremendously to the solution of a problem that has been bothering the State utilities commissions and the Interstate Commerce Commission for a number of years. I think the gentleman is to be commended for his contribution to the solution of this problem.

Mr. SISK. I thank the distinguished chairman of the Committee on Interstate and Foreign Commerce for those remarks.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, I take this time because, like my good colleague the gentleman from California [Mr. SISK], I am anxious to make a record here which will express the intent of Congress to such an extent that the ICC and the public service commissions in the States affected will have the guidelines which Congress has intended in this legislation. I ask the attention of the chairman because there are two or three questions I want to direct to him to make sure that when the ICC gets this legislation, which it is going to get, it will not disregard the intent of Congress as it has in so many instances and that it does not abuse the power that it has.

As I understand it, any carriers now classified as second-proviso carriers will under the bill which we are passing today be allowed to keep their present status without any further hearings or proceedings of any kind, if they already have the right; is that correct?

Mr. HARRIS. The gentleman is correct. We provide grandfather rights in this bill.

Mr. HEMPHILL. I also understand, since we are changing the old law to provide now that instead of filing with the ICC the evidence of the certificate of public convenience and necessity granted by the State public service commission, and having automatic approval by the ICC, under the new procedure when the hearing is held before the public service commission of the particular State, included in that hearing is the question of the public convenience and necessity for interstate rights; is that correct?

Mr. HARRIS. For intrastate rights and interstate rights.

Mr. HEMPHILL. And if the public service commission of that particular State finds that the interstate rights should be granted as a matter of public convenience and necessity, then the only other hearing that should be had would be in case of review by the Interstate Commerce Commission; and if they reviewed and disagreed with the Public Service Commission would there then be another hearing before the Interstate Commerce Commission or not?

Mr. HARRIS. There will be no other hearing if the State commission determines from the hearing and regular proceedings that they can certificate such a carrier intrastate and there is a need for public convenience and necessity for interstate rights over the same intrastate route. There will be no further hearing on the interstate rights unless such rights are protested to the ICC. The Interstate Commerce Commission may if it chooses review the record of that hearing and approve or disapprove the interstate authority on the basis of that record.

Mr. HEMPHILL. I hate to take so much of my chairman's time on this matter.

Mr. HARRIS. I appreciate the fact that we can make a good record here and try to get on record exactly what is meant and what is said and what is provided.

Mr. HEMPHILL. That is so important to the smaller carriers with whom I am concerned, and with whose fortunes I have been concerned in this particular legislation.

Mr. HARRIS. The gentleman has been concerned with the rights and privileges of the small carriers, and always has shown the greatest interest in the so-called little people, not that he does not also recognize the rights and privileges of all people. I think he is to be complimented for the good work he has done in that respect.

Mr. HEMPHILL. I thank the chairman.

Not to dwell on the subject at great length, I should like to pursue with my chairman for just a minute the same question proposed by the gentleman from Kentucky and reiterated to some extent by the gentleman from California. As I understand, by making this record we are telling the Interstate Commerce Commission that if a local carrier has had either a revocation proceeding or something similar before the State public service commission, until there is a final order by commission or court the Interstate Commerce Commission cannot, on the basis of that purported revocation, revoke the ICC permission which the Public Service Commission previously granted.

Mr. HARRIS. Let me again repeat. The amendment here provides both as to the application for new entrants and those who come under the grandfather right, and I quote again:

> The termination, restriction in scope, or suspension of the intrastate certificate shall on the 180th day thereafter terminate or similarly restrict the right to engage in interstate or foreign commerce unless the intrastate certificate shall have been renewed, reissued, or reinstated or the restrictions removed within said 180-day period.

In other words, the final order of the termination date or the restriction date or the suspension date should be the time when the 180-day period would begin to run. If perchance because of some litigation or should there be some arbitrary action to protect the rights of the individual the Interstate Commerce Commission should take cognizance of the fact that the termination date should not start until the date when the final decision is made as to the order of the State commission.

Mr. HEMPHILL. I want to thank my friend. What we are doing in effect here today, as I understand, is telling the Interstate Commerce Commission exactly what we mean when we pass this particular legislation.

Mr. Speaker, one of the reasons I have been so concerned with legislation of this kind is because of an intimate familiarity I have had with the problems of small truckers who are giving great service down in the Southern States and in other parts of the Nation on a local basis. Their margin of profit is not great. Their area of operation is confined. Their ability to hire counsel for lengthy litigation is seriously hampered by their finances. One of the things that has worried me about this legislation, knowing as I do and as I have said it here before, the Interstate Commerce Commission of this Nation has abused its power in so many instances, and knowing that the small truckers of this Nation do not have the finances and cannot hire the lawyers, and cannot stay in the courts for years, I felt it necessary to raise my voice in their behalf, and I do so today.

What had concerned me was if a small carrier giving a service had a right under the public service regulations of a particular State, and had this additional right under the old law, that in the event of some activity either manufactured or genuine, to revoke that license down at the State level, to deprive certain people who are accustomed to the convenience of that service—that small trucking line that is usually composed of local people whom I know as friends and call by their first names—would have to stay in court so long that they could not afford it and they would have to sell out. So the situation was either to sell out or get out.

I think the committee has done great work in improving on the original concept of this legislation, because under the original concept of this legislation, the bigger lines would have been able to run them out of business. I congratulate my chairman and the members of my committee, with whom I disagreed on one amendment, but I congratulate them on the great work that they have done in improving this legislation, and that is the reason I am here speaking to you today, to make sure that these people who have no voice except someone who is just interested—someone who just recognizes the fact that the little ones are important along with the big ones, to make sure that we make a record here so that neither the Interstate Commerce Commission nor the Public Service Commissions can abuse it. Fortunately, we have made a record here which even the local lawyers, not the high priced lawyers, can depend on.

I thank the chairman of my committee and the members of my committee for their help on this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HARRIS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. DORN].

Mr. DORN. Mr. Speaker, I will oppose this conference report without the Sisk amendment. This House favored the Sisk amendment by a large majority and I regret that it was eliminated from the bill.

The House adopted the Sisk amendment in order to protect the small motor carriers throughout the United States—known as "second proviso" carriers. Greatly fearing that the second proviso carriers will be subjected to long and expensive hearings, I want to make it crystal clear that I am against this bill and this conference report so long as it does not contain the Sisk amendment. However, I am encouraged by the chairman, the distinguished gentleman from Arkansas [Mr. HARRIS], and his repeated assurances that even without the Sisk amendment, the rights of the second proviso carriers will be protected under this law. I take hope from the chairman's assurances that this bill is a States rights bill and that the bill will be fairly and impartially administered.

Mr. HARRIS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD at the appropriate place on this conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL STATEMENT

Mr. BARRY. Mr. Speaker, on rollcall No. 247, I am informed I was not recorded. I wish to be recorded in favor of the conference report on H.R. 10.

The SPEAKER. In other words, the gentleman is making the statement that had he been in the Chamber and heard his name called he would have voted "yea." Is that correct?

Mr. BARRY. That is correct.

SENDING WAR CLAIMS ACT (H.R. 7283) TO CONFERENCE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution House Resolution 801 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved,* That immediately upon the adoption of this resolution the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and they are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Illinois [Mr. Hoffman], and pending that, I yield myself such time as I may consume.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. COLMER. Mr. Speaker, this is simply a rulemaking provision for the sending of the so-called War Claims Act of 1948 (H.R. 7283) to conference.

Mr. Speaker, I do not know of any reason why there should be extended debate about this.

I reserve the balance of my time.

Mr. HOFFMAN of Illinois. Mr. Speaker, I have no requests for time on this side.

I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. Rogers] and ask unanimous consent that he may speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROGERS of Florida. I thank the gentleman.

Mr. Speaker, in an address to the House on September 20, I disclosed that a West German ship was to load grain in a Texas port after delivering Soviet goods to Cuba. This disclosure was reported in the American press. The following day the West German Government revealed plans to cooperate with U.S. policy and discourage further shipments to Cuba on vessels flying the West German flag.

I feel it should be brought to the attention of the House and the American people that the West German Government is the first allied nation to take action against Cuban shipments by its merchant fleet. Mr. Speaker, I am sure the House will agree that West Germany's action to discourage further shipments to Cuba is a commendable one. The House of Representatives, the Congress, and the American people laud this action.

The confidence of the American people in their allies has been shaken by the role played by allied flagships in the Cuban buildup. However, the initiative and cooperative spirit just demonstrated by the West German Government comes as great reassurance to America. More reassurance is needed, however, as there are other allied nations who have not followed the West German action.

Britain, Greece, Italy, and Norway are a few of the nations friendly to the United States who have yet to withdraw their policy of trade with Cuba. We have aided these nations in many ways, cooperated with them on matters of national concern to each, and responded to their fight against communism. Who can say that this Nation is not a stanch ally of Britain, Greece, and Italy? Yet these friends of ours allow their flags to fly over the decks of international profiteers who now help to build communism in this hemisphere.

What efforts are being exerted to gain support of the United States containment of Cuba among our Allies? Is the Department of State doing its utmost to encourage steps similar to those taken by West Germany? The citizens of this Nation have a right to know the extent of this Government's persuasion to dissuade its Allies. They also have the right to know the extent to which the State Department has properly and forcefully interpreted the strong feelings of the American people on the matter. These are only a few of the many questions which should be answered.

A full-scale investigation into the Cuban buildup is in order. The Congress has played a prominent role in exposing the ironies of the Cuban buildup. The Congress played a prominent part in precipitating West Germany's decision to honor U.S. policy. With results as we have achieved in the recent weeks, the Congress can expect further progress if immediate investigations are instituted in the House by the Select Committee on Export Control, chaired by our distinguished colleague, the gentlemen from North Carolina, Mr. Paul Kitchin.

The entire matter of waterborne traffic to Cuba has amounted to a moral outrage. The world's shipping interests have made quick and healthy profits on the Kremlin decision to fortify Cuba as the arsenal of the Antilles. With cooperative attitudes such as West Germany's adopted by our other Allies and friends, and with close liaison between the Congress and the U.S. agencies charged with execution of our foreign operations, shipments to Cuba can be eliminated.

Mr. Speaker, I am sure the Congress of the American people salute West Germany's decision to discourage further traffic to Cuba. I am sure the Congress and the American people await the decisions of our other friends whose now questioned sincerity of friendship for this Government and its people can be quickly answered.

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from North Carolina.

Mr. BONNER. Mr. Speaker, I want to commend the gentleman on the statement he has just made and inject this observation and fact into his remarks.

Since the amendment was adopted on the floor several days ago with respect to foreign-flag carrier cargoes to Cuba and picking up foreign aid cargoes to Europe and to Asia, I have received hundreds of letters of congratulation, urging that this amendment be retained in the appropriation bill.

The sentiment of this country is as the gentleman has told the House here today. The people of this country want to see a two-way street in our aid to Europe and in our endeavor to protect our own shores. This House would do well to support the various amendments that were placed in the appropriation bill to protect us from this insidious operation that is going on by our own allies.

Mr. ROGERS of Florida. I thank the gentleman, and certainly want to commend him for his part in placing the amendment in the appropriation bill. I supported him strongly and it is, in my opinion, essential that this be done.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. Harris, Mack, O'Brien of New York, Dingell, Bennett of Michigan, Younger, and Glenn.

THE AMERICAN SOCIETY FOR INDUSTRIAL SECURITY

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, the American Society for Industrial Security is now holding its annual 3-day meeting here in Washington. This is a professional organization of industrial and Government security officials who have united to assist management in establishing more efficient and effective security operations in thousands of plants throughout this Nation. It has about 2,500 members and affiliates, all of whom are actively engaged in security work or in providing equipment and services for security operations. The members of this society represent the great majority of the huge industrial plants which are turning out the defense weapons of the United States. One of their major aims is to see that the secrets of the U.S. Government which must be turned over to private industry are made known only to loyal Americans and do not fall into the hands of actual or potential spies and saboteurs.

Yesterday, George D. Higgins, Jr., president of the American Society for Industrial Security and security director of the General Dynamics Corp., held a press conference at which he appealed to the American people and to the Members of Congress to give urgent consideration to the passage of the industrial security bill in the next session.

On September 17, just about a week ago, this House, under suspension of the rules, considered H.R. 11363, the bill I had introduced, giving statutory authority for our country's industrial security program.

Mr. Speaker, under unanimous consent, I include in the Record the account of Mr. Higgins' press conference which appeared in the Washington Post this morning. I trust that all Members will give careful consideration to what Mr. Higgins said. As the president of the only major society of industrial security officials in the Nation, he is uniquely qualified to speak with authority on this subject and to speak as one who really knows, from practical experience, the needs of our country in this field.

Public Asked To Support Security Bill

The president of the American Society for Industrial Security yesterday asked public support for a House bill that would give statutory authority to the screening of defense plant workers.

ASIS President George D. Higgins, Jr., who is security director for the General Dynamics Corp., made the appeal at a press conference. The ASIS annual 3-day meeting opens today at the Statler-Hilton Hotel. The society is composed of security officers from business and industrial firms.

The legislation, backed by the House Un-American Activities Committee, failed to pass the House in a vote last week. It did win majority support but failed to gain the two-thirds vote required by the procedure under which it was taken up.

Opponents of the bill have charged that by denying private workers access to classified material essential to their work the legislation would permit the Government to force them out of their jobs without permitting them, in some cases, to confront their accusers.

Higgins cited various legal recourses that would be open to people who might lose access to classified material under the bill and contended that "it contains very careful measures for protecting the individual's rights."

He said ASIS members, many of whose firms hold extensive defense contracts, "share with representatives of the Federal Government the responsibility for protecting the Nation's security." He added that the society wished to "urge Members of the House and Senate to give urgent consideration to the bill in the next session and to speed its passage."

THE FOREIGN AID PROGRAM

Mr. ICHORD of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a speech by Mr. Justice Douglas.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD of Missouri. Mr. Speaker, the ancient Hebrews had a proverb which went something like this: "You can never truly help people except by helping them to help themselves." The wisdom of this proverb is just as applicable today as it was before Christ, and the folly of the American people in endeavoring to disprove it by the foreign aid giveaway since World War I has burdened your children and my children with an additional $106 billion debt. The fruits of the additional debt incurred have been sour—the results of the expenditures have been catastrophic—and it is difficult to appreciate the efforts of proponents to dissipate the fact that the perennial foreign aid giveaway last week was larger this year than last with statements of "Otto the Terrible" and similar descriptions.

Last June I noticed on the back page of the Washington Post a short item reporting a speech made by Judge Douglas, a great jurist with the reputation of a liberal. I commend it to the proponents of foreign aid giveaway for their perusal. Read what Justice Douglas says has been the return reaped from the sowing of refrigerators, bathtubs, and tractors. Read his statement that the effect upon the recipients has been to make the rich richer and the poor poorer. Let us study the speech which has almost been lost and was lost insofar as publicity was concerned and see if we cannot find a more effective way of battling the advance of communism.

Address of Mr. Justice Douglas, June 4, 1961, Mount Holyoke College, South Hadley, Mass.

I have long admired the close affiliation between Mount Holyoke and the Women's Christian College of Madras, India. While Mount Holyoke alumnae have mostly provided funds and facilities for this Indian college, they have also provided a few professors for work overseas. I hope in the years ahead that the bonds between the two institutions will become closer, that there will indeed be a circulating faculty giving needed instruction abroad in western ideology and fertilizing the campus of Mount Holyoke with seeds of eastern thought. Only in such ways can we build a true intellectual nexus between leaders of eastern thought and exponents of western traditions.

Mount Holyoke-in-India—like Yale-in-China—is an important symbol of our effort in the ideological struggle that sweeps the world. We need many, many more outposts of that character if we are to win the contest.

We have been possessed with the idea that if we fill underdeveloped nations with refrigerators, bathtubs, and tractors the battle against communism will somehow be won. The results have been tragic. Our bathtubs have been used in Asia's villages to store grain. The men and women who can read the manual that goes with tractors and refrigerators can also read the Communist manifesto. As a matter of fact, there is nothing ideological about tractors, refrigerators, and bathtubs. Russia makes them as well as we do. There is nothing ideological about the industrial revolution. Russia has used it for her purposes as well as we have for our purposes.

The difference in the two groups that contend for the hearts and minds of people across the world is in the spiritual, not in the material, world. The great advantage is ours, if we will exploit it. The advantage is in the principles and ideals of our democratic society. Yet we have so neglected this vital difference between freedom and communism that our foreign officers who are briefed for duty abroad are never briefed on the Bill of Rights.

Since World War II, the United States has not been greatly concerned with the political education of the men and women who will lead the new nations emerging from colonialism. We have of course opened our colleges and universities to many foreign students. In the academic year 1960–61 about 50,000 foreign students came here to study. Some were in primary and secondary schools. Many were in our colleges and universities. But little effort was made to establish courses in political education that embraced western philosophy, theories and forms of democratic government, separation of powers, curbing of majorities, bills of right, protection of minorities, and the like. Many foreign students are exposed to these problems and the literature of our free society. Yet the process has been largely hit or miss. We never really undertook a comprehensive program of indoctrination that was at all competitive with what the Communists undertake at Moscow and at Prague.

We can do much here. But the educational projects needed in these underdeveloped nations are so immense that the main training centers must of necessity be located in the various underdeveloped countries. The cost of doing it there will be so much lower that cost alone will be a principal determinative factor. Moreover, unless students from these areas are chosen with utmost care and meticulous arrangements made for them at this end, a high percentage will go home thinking of America as a callous place. Discrimination on the basis of color is one factor, though it is not the only one. A bewildered African in our highly impersonal metropolitan areas is apt to be bruised and sorely disturbed—and perhaps end up a Communist.

Since World War II we were fighting communism abroad with planes, bombs, guns, and dollars. The billions we sent abroad to assist the Middle East and Africa did not build schools or hospitals but only military bases, army barracks, and a few factories. The underdeveloped nations that received our aid are mostly worse off for it. It launched them on military projects that gave them such an amount of armament that they crushed all dissident elements. The result was the liquidation of democratic influences and the entrenchment of feudal overlords. Even point 4 helped largely the landlords, not the sharecroppers. The latter are as miserable today as they were when we started our lavish aid programs; only the upper strata has prospered. They became rich on American aid, while the people at the bottom starved. There have been exceptions; but they are unusual. The main impact of American foreign aid was to widen the gulf between rich and poor, helping to create the vacuum into which the Communists easily move.

One reason why we did these foolish and wasteful things was because the Pentagon with its $40 billion a year dominated our thinking. Another reason was that we really never believed in the independence of nations under colonial regimes. Since World War II we vigorously opposed independence. Not once did we either advocate that a people acquire their independence or vote for independence when the issue was presented in the United Nations. The closest we ever came to espousing a cause of independence was when we abstained from voting against independence. Not until March 15, 1961, did we support a subject people against a colonial power. On that day we joined Russia in voting on the side of the people of Angola. Up to then we had so far forsaken the principles of our own Declaration of Independence that the peoples of the world were beginning to think it was a Soviet document. Yet when have the Communists ever liberated a people?

Our preoccupation with military solutions of the problems of underdeveloped nations and with the maintenance of the status quo caused us to lose out in the constitution-making period through which these young nations have passed. There were very few American constitutional experts designing charters for the new nations. The American design, however, with its separation of powers would have been more durable and practical than the Westminster model which the British passed on to people utterly inexperienced in self-government.

While we mostly missed out on the drafting of the new constitutions, we must not miss out on the vast programs of political education that are now necessary if these young nations are to have the trained, dedicated leadership for the troubled decades that lie ahead. We need teachers by the thousands to go to all these new areas. The need is not only for this year and next; it is a continuing one. As of the academic year 1960–61, there were only four Nigerians qualified to teach at the college level; in Libya there were none.

In February of this year I was in Baghdad giving lectures on the American constitutional system. The college of law is a lively, bustling place. Kassim's 1958 revolution liberated women on a vast scale. A quarter of the law students are women. Ideas of liberty under law are vivid influences on that campus. Yet when I surveyed the law library I found no books that would give the beginner any idea of even the rudiments of the American constitutional system. We spent hundreds of millions on the Baghdad pact (which Kassim promptly repudiated) but nothing on John Locke, Thomas Jefferson, James Madison. Yet how can we expect a people who have never experienced a free society to be able to construct one without help and guidance.

Whom are we preparing to go to Kenya or Libya or Nigeria when the new schools are opened, and stay 5 years or 10? Whom are we preparing to help staff the nine law schools in Indonesia, the new universities in Malaya, the old ones in Rangoon and in Calcutta? We do not want to send our misfits—those who have not made the grade at home. We need men and women of high caliber.

We do not want them all to go as members of a federal bureaucracy. We need them as teachers representing private groups who can live the lives they choose, be wedded to no political program, and show by words and deeds the warm heart and bright conscience of America.

The problem of mobilizing them is not an easy one. Those who disappear for 5 years in a faraway country may lose out in the competition at home. What inducements can we offer?

One solution is for each American school to make a foreign one its affiliate. If an American school selects an old or new one in Asia, Africa, or South America, it can assign two or three or four of its faculty for work abroad. The faculty abroad will indeed be a floating or changing one.

Once American schools see this challenge, they will meet it. We need the example of Mount Holyoke-in-India and Yale-in-China multiplied a thousandfold with American colleges and universities, working at the level of legal, constitutional, and political education in the underdeveloped nations. This means the export of thousands of American teachers. They will over the years supply the ferment necessary to produce in these blighted areas viable democratic societies.

COPYRIGHTING OF MATERIAL PREPARED BY OFFICERS AND EMPLOYEES OF THE UNITED STATES

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MATHIAS. Mr. Speaker, on September 16 the New York Times published a news story in which it said the administration has decided to let future astronauts sell their stories, probably including an eyewitness account of the first landing on the moon, for personal profit. Since then editorials criticizing this decision have appeared in the Washington Evening Star, the Washington Daily News, and the New York Times.

Without debating the merits of this decision at this point in the limited time available, may I say that on September 4 I introduced House Resolution 794, which calls for an investigation of the existing law and actual practice with respect to the copyrighting of material prepared by officers or employees of the United States, either in their capacity as such, or on matters directly related to their official duties. I think that the timeliness of this investigation is pointed out by the decision of the administration with respect to the astronauts' personal stories to be sold for their personal profit.

Mr. Speaker, the resolution I have introduced and the editorials to which I have referred, are as follows:

H. Res. 794

Resolved, That the Committee on the Judiciary, acting as a whole or by subcommittee or by staff, is authorized and directed to conduct a full and complete investigation and study of existing law and actual practice with respect to (1) the copywriting of material prepared by officers or employees of the United States, either in their capacity as such, or on matters directly related to their official duties, or as a result of the expenditure of Government funds and (2) the publication by private publishers, for profit or otherwise, of material originally prepared by or for the United States or any agency or instrumentality thereof and the extent to which the source of such material is properly credited.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, exclusive of any territory, Commonwealth, or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

[From the Washington (D.C.) Star, Sept. 19, 1962]

Our Astronaut Heroes

America loves her heroes. She loves them first for their initial, often shock-producing achievements. Then, not long after the hurrahs have subsided, she wants to be convinced their characters are blameless in the cold light of public scrutiny.

Many have passed the test and are enshrined in our hearts' hall of fame. Of today's eligibles for the hero's mantle, none can match the opportunity of our astronauts, to whose ranks now have been added nine superbly qualified young men. Young men, by the way, who are reaching for the moon—only a few years ago a hollow and mocking expression.

Already, just 3 years after it all began, there is complaint that the space program may be breeding something less than the dedicated pioneer. There is anxiety on the part of some as to whether commercialization has intruded on an otherwise glorious adventure.

We believe the astronauts, their rigorous and hazardous life being what it is, are entitled to compensation commensurate with the assignment. But we also believe they, and the taxpaying public, should be protected from commercial enterprises that will cheapen and degrade the program. Whether it is proper for astronauts to sell their stories while in Government service is questionable. Everything should be done to see that they, our potential heroes, do not turn out to have dollar-marked feet of clay.

[From the Washington (D.C.) News, Sept. 21, 1962]

Fringes for Astronauts

In an apparent reversal of judgment, the Kennedy administration has decided to let all astronauts—the original seven and the nine new men—sell stories of their personal experiences to the highest bidders.

Glenn, Carpenter and company all along have had an exclusive contract with a magazine covering their experiences in Project Mercury, which probably will end next year.

Anyone naturally would wish these pioneers any benefits they can get. They are national heroes, and they are taking heroic chances with their lives to promote national prestige and scientific achievement.

But the space program is an effort of the whole people, financed by billions in taxes. It is Government sponsored, and Government officials by and large are not permitted to sell their stories exclusively. All information resulting from the space program is the property of the taxpayers.

If it is the considered judgment of space officials that the astronauts are not being properly compensated for their risks and skills, Congress certainly would not be averse to a more appropriate pay scale. (There already have been proposals in Congress to give them a bonus.)

Let us keep these fellows in the public domain. Why should their stories be peddled to any single publication, no matter how rich it may be?

[From the New York Times, Sept. 18, 1962]

America's New Astronauts

The nine new U.S. astronauts who were introduced to the country yesterday are an impressive group in terms of the physical, mental, and educational qualifications they have had to meet. Together with the Mercury astronauts who were selected in April 1959, these new men will form the team on which this country is counting for more advanced exploits in space.

Two of the nine men chosen yesterday are civilians, while all the other astronauts are officers of the Armed Forces. Since the National Aeronautics and Space Administration is a civilian agency, it might be wiser to make all the astronauts civilians so that no questions of inequality or discrimination arise among them and also so that they might receive more adequate pay than is provided by the low military pay scales.

This last point is particularly important because of the uncomfortable feeling many Americans undoubtedly have about the decision to permit the new astronauts to sell their personal stories to the highest bidder, even though they are in Government service and are carrying out their great adventure as part of a gigantic governmental effort that is being paid for by billions of dollars of the taxpayers' money. In permitting the astronauts thus to cash in on their exploits, the Kennedy administration is following an unwise precedent set by the Eisenhower administration.

While the practice of profiting from memoirs of Government service is an old one, such memoirs are normally written by persons who have already left Federal employment. In contrast, the astronauts' adventure stories are to be sold in advance, for private profit, while the men involved are still very much part of the U.S. Government—most of them in uniform to boot. This is an unfortunate, and potentially corrupting, line of policy.

The Government would be far wiser if it paid its astronauts a sufficiently generous salary so that it could in good conscience ask them to observe the same practices of discretion and modesty which have hitherto been considered normal for all other Government employees.

LAWRENCE PARADES—"FOR GOD AND COUNTRY"

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the people of Greater Lawrence, Mass., staged a 4-hour parade Sunday, September 23, on the 50th anniversary of the celebrated 1912 parade that won international attention.

The leadership of a legitimate strike for better wages in the textile mills of 1912 had been seized by Communist agitators who came to Lawrence and organized a demonstration that marched under the banner of "no God, no country." To overwhelm this affront to their faith and their patriotism, the people of Greater Lawrence turned out by the thousands in the greatest parade of its history—"for God, and country."

On the 50th anniversary of that event, Lawrence reaffirmed its devotion to this Nation under God—and served notice that the people of this community are unalterably opposed to any appeasement of, or coexistence with the Communist conspiracy that tried to betray them, and failed.

The meaning of this inspiring parade was summed up by Armand Penha, an FBI counterspy for 9 years and now a consultant-adviser with the Justice Department, who was an invited guest on the reviewing stand:

> You have everything here—enthusiasm and quality. I've never seen anything to match it anywhere. This is the real answer to Mr. Khrushchev's "we'll bury you" boast.

He added that similar marches should be undertaken in every community throughout the country.

I bring you the stirring example of my home city's faith and patriotism from the report of it titled: "200,000 Persons Witness God and Country Parade" in the September 24 issue of the Lawrence Eagle-Tribune.

TWO HUNDRED THOUSAND PERSONS WITNESS GOD AND COUNTRY PARADE

(By George J. Gelineau)

Greater Lawrence's answer to anarchy a half century ago reechoed from one section of the community to the other Sunday afternoon with an estimated 200,000 persons looking on.

Thousands of men, women, and children joined in an enthusiastic demonstration "For God and Country" as their forebears had done in 1912 in answer to the challenge of "No God, no master."

Sunday's parade followed the pattern set 50 years ago, except in one respect—weather. Rain fell as the marchers stepped off on that Columbus Day. Sunday, skies threatened and clouds often blotted out the sun, but sprinkles that had been predicted for late afternoon failed to materialize.

Every available vantage point was snapped up early—in some instances more than 1 hour before the estimated 25,000 marchers were due to start.

As predicted throughout the lengthy planning preceding the event, the start was prompt.

TOPNOTCH PARADE

Lt. Col. Henry B. Mauti, the chief marshal, gave his signal promptly at 1: 30 p.m. and the first contingent led by a platoon of Lawrence police officers stepped into line. They were followed by parade planners, Federal, State, county, and city officials, and several distinguished guests.

The 10th and final division started out exactly 4 hours later.

This unit passed the reviewing stand at 6:15 p.m. to signal the conclusion of what was described on all sides as the best parade in local history.

In many areas, viewers were crammed almost a dozen deep. All were orderly and full of anticipation. Few lost their enthusiasm as one division after the other passed in review.

Now and then eyes turned skyward to watch jet squadrons fly over the parade route.

FLAGS IN EVIDENCE

Flags were in evidence almost everywhere. They waved almost continuously from the minute that the first music unit in the line of march, the 18th U.S. Army Band from Fort Devens, began to play the famed Field Artillery march—"As the Caissons Go Rolling Along."

The enthusiasm of the crowd remained to the end. No more than a few thousand had given up and turned on their heels by the time the Lions Club and a group of antique cars—the last units in line—passed.

The spectators were treated to a varied entertainment menu throughout the afternoon. They enjoyed it and made their feelings known. Many cried out cheery greetings and applauded loudly as groups went by.

More than 180 organizations, 45 bands, 7 fife and drum corps, and 58 floats participated. One or two hitches developed because of traffic tieups before the parade got underway but these were remedied with sufficient speed for all units but two to participate in their appointed spots. The exceptions were accommodated later in the line of march.

CLEARED ROUTE

Deputy Police Chief Arthur J. Riley, Sgt. Joseph A. O'Connor and Patrolman Dennis B. Danaby cleared the parade route in advance of the marchers, who took 28 minutes to walk from Oakland Avenue to Methuen to the Broadway-Essex Street intersection. Eleven minutes later the lead elements had reached Essex and Jackson Streets. At 2:14 p.m., they were turning into Haverhill Street for the short remaining distance to the reviewing stand at the Oliver School and the dispersal area west of Lawrence Street.

Gov. and Mrs. John A. Volpe rode close to the head of the parade. The chief executive had intended to march but a foot infection has restricted his activities. He was escorted by a motorcycle escort comprising of State Troopers Thomas Cain, of Topsfield, and Richard Barry, of Andover. Sgt. Frank J. Trabucco and Trooper Daniel Driscoll served as an escort to their superior, State Police Commissioner Frank S. Giles, who walked behind the Governor's official car. Also close at hand was one of Lawrence's best known former military officials, retired Maj. Gen. Edward D. Sirois, who rode in an open car with an aide.

He joined other dignitaries on the reviewing stand for most of the afternoon to take a salute from the passing thousands.

CELEBRITIES MARCHED

Several political candidates also were in the line of march and received the applause and well wishes of supporters. Several remained until the parade ended while others left to fill other engagements throughout the area.

Mayor John J. Buckley, the aldermen, members of the school committee, the Very Reverend Edward J. Carney, O.S.A., the honorary chairman, and Commissioner of Labor and Industries John A. Callahan, who headed the committee in charge, reviewed the marchers after walking the entire distance.

They were joined by a number of invited guests, including former Mayors Michael J. Landers and James P. Meehan. Also on hand were officials from Andover, Methuen, North Andover, and Salem, N.H., and others.

The late Very Rev. James T. O'Reilly, O.S.A., who played a large part in the organization of the parade of 50 years ago as pastor of St. Mary's Parish, was well remembered in Sunday's parade. His photograph looked down from a number of floats entered in the various divisions.

FLOATS BEAUTIFUL

The majority of floats were based on a theme of faith and attracted favorable comment from the thousands lining the route of march. The vehicles represented many long hours of planning and work.

The largest contingent in line came from St. Patrick's Parish in South Lawrence. More than 2,000 walked while others—members of the Half Century Club—rode in special buses. They were led by the pastor, Rt. Rev. Msgr. Joseph P. Burke, J.C.D., and retired Deputy Fire Chief Frank J. Regan, who carried historic Irish walking sticks.

The march was a repeat demonstration of faith and devotion to country by several Greater Lawrencians. Among these were former Selectman Joseph A. Finneran of North Andover, Special Justice William H. Daly, retired Police Officer Michael J. Cronin, Henry Morency, commander of Lawrence Barracks, 126, Veterans of World War I; Edward Bernard of Broadway who walked with a musical unit; retired City Marshal Charles R. Vose.

Also taking part were a number of local men who served with the police department at the time of the strike in 1912.

ESTABLISHMENT OF A PERMANENT COUNCIL ON NATIONAL GOALS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, the United States is often referred to as a new nation. As compared with some of the nations of Europe and Asia, this is relatively true. Even so, nearly five centuries have elapsed since the discovery of America, and during the last two of them, the Nation has lived under the present Constitution. This makes our Constitution the oldest written Constitution in the world, and our Nation—with the exception of Great Britain—the oldest democratic government now in existence.

In all these years, the United States has gone through many significant periods of development and change. Since the period of struggle for independence, and the formative period during which the Constitution was framed and the present Government established, there have been periods of westward expansion, internal strife over the slavery question and the preservation of the Union, and periods of industrial growth, scientific discovery, and technological change. The policies adopted during each of these periods have, in each instance, produced significant changes in

American life, and have contributed to the shaping of the society in which we now live.

At this moment, we stand at the threshold of still another age—an age of science and technology, automation, the conquest of space, and unprecedented problems of population growth and urbanization. People tend always to think that the problems that confront them are different and more perplexing than any that have ever arisen before, but this time it is true. Within the lifetime of every man and woman in this country, the developments in science and technology have already radically changed our modes of thought and our way of life. And these changes are only a prelude to greater changes yet to come. What the precise nature of these changes may be, no man can yet say. For instance, Prof. Thomas Gold, director of the Center for Radiophysics and Space Research at Cornell University, writes:

> Space research has resulted in development of much "gadgetry" that is useful at the moment for little else. But before long the effect of sophisticated devices will be felt in everyday life in ways now difficult to conceive.

The basic problem confronting our Nation today is twofold: making full utilization in our society of the marvelous discoveries of the new age of space and technological development, while at the same time, to preserve all of those basic elements of our institutions and our national life that have made our Nation great. This is not an easy assignment, but unfortunately, our past experience offers some suggestions as to suitable means of finding the facts and developing goals and policies.

In 1930, President Hoover appointed a Commission on Social Trends which produced a massive and very valuable report in two huge volumes. The report was used and cited extensively in the years which followed. A little later, in 1934, President Roosevelt established a National Resources Board and Advisory Committee by Executive order; in 1935, this was reconstituted as the National Resources Commission. In 1939, the Congress established by law, and on a continuing basis, the National Resources Planning Board, which continued to function until 1943 when its funds were cut off under the mistaken and somewhat silly pretext that planning was socialistic. Then, for a decade and a half, we had no properly constituted official agency charged by law with responsibility for the study of problems involving the human and material resources of the Nation, and making recommendation for their proper utilization in the national interest.

The most recent attempt to cope with this problem was made in the closing years of the Eisenhower administration, when a Commission on National Goals was appointed by the President. The findings and recommendations of this Commission were made public in 1960 in an admirable volume published under the title: "Goals for Americans." This report, like its predecessors, dealt with problems relating to many aspects of American life; the report proper was very short, appearing in three parts which deal, respectively, with goals at home, goals abroad, and the financial implications of both. Following the report, 16 chapters by individual authors discuss the democratic process, goals in education, the age of science, the quality of American culture, the economy, technological change, farm policy, urban society, welfare, the Federal system, the public service, and the United States in world affairs.

Some of us believe that this task of studying our resources and our needs, and developing recommendations for a national policy with regard thereto is big enough and important enough to justify its being carried on on a continuing basis. In the other body, the distinguished senior Senator from Wisconsin, ALEXANDER WILEY, introduced Senate Joint Resolution 219, providing for the establishment of a permanent National Council on U.S. Goals, and in this House, I introduced House Joint Resolution 881, with similar purposes and intent. This purpose is well stated in section 1 of the resolution, when it says:

> It is the purpose of this joint resolution to establish a high-level council on national goals to assist in achieving this mobilization of common purpose by formulating national goals designed to meet the crucial challenges of the day, and to enhance understanding by all citizens of the part which they as individuals can play in the realization of such goals.

The problems of this modern age are both numerous and exceedingly complex. It requires great skill to keep one's eye on the ball. In fact, we are in much the same position as the juggler who is trying to keep several balls in the air at the same time. The average citizen, or the citizen organizations to which he belongs, is often uncertain, sometimes confused. He finds it difficult to decide what he can do, and how he can contribute to the common good.

I need not emphasize the vital need for a continuing effort to reassess the facts and develop suitable national policies and I feel we should crystallize our national objectives on an annual basis. Each citizen on an individual basis, each legislator and each Government official, should concern himself with how he can make more meaningful contributions to national programs and security.

The establishment of a National Council on U.S. Goals on a permanent basis, as incorporated in the resolution and amendment, will do much to assist in redefining the Nation's aims.

This Council, comprised of the best in brainpower that can be enlisted for this endeavor, would have the year-to-year responsibility for evaluation of national challenges, redefining and crystallization of goals, and for determining alternative ways of reaching these goals. The Council would also concern itself with recommending how citizens and citizen organizations can help to more aptly achieve these objectives.

Mr. Speaker, under the resolution I have proposed, the Council's studies will cover the entire spectrum of national interests. This would include national security, anticommunism, agriculture, economic progress, human well-being, constitutional rights, education, legal rights and sciences—all major factors of our national life.

Mr. Speaker, I cannot stress these purposes enough. In the troubled world in which we live, it is not safe—if, indeed, it ever was—merely to blunder through. It is not safe to assume that, merely by being born in this country, a citizen automatically becomes imbued with a knowledge and understanding of the principles, ideals, and working processes of the American way of life.

The peace of the world, the safety of freemen and of democratic institutions are all at stake. I believe that a permanent council of the type here proposed could be of enormous assistance in the Congress and to the American people, in analyzing the problems that confront us, and in developing workable plans that would enable us to do the right things, at the right times, in the interests of the national welfare.

I believe, also, Mr. Speaker, that the time to act is now. I urge the Committee on Government Operations, which has House Joint Resolution 881 under consideration, to report it favorably at the earliest moment possible before the 87th Congress adjourns, and I urge all my colleagues in the House to give vigorous support to this very wise and very necessary National Council on U.S. Goals.

INCREASE BENEFITS FOR OUR RETIRED CIVIL SERVANTS

The SPEAKER. Under previous order of the House, the gentleman from Montana [Mr. OLSEN] is recognized for 15 minutes.

Mr. OLSEN. Mr. Speaker, may I take this opportunity to bring you up to date with respect to the status of legislation which is pending in the Congress of particular benefit to retired civil service employees and/or their survivors.

My bill, H.R. 10706, was approved by the House Post Office and Civil Service Committee, of which I am a member, on September 14, 1962. The major features of this bill affecting retired civil service employees and/or their survivors are as follows:

First. Retired Federal employees and their survivors would receive a 7.5-percent increase in their annuities effective January 1, 1963, and surviving widows of retired employees who had 20 years or more of active service would receive increases of not less than $120 a year;

Second. The arbitrary limitations or ceilings on annuity adjustments in the past would be eliminated;

Third. In the future when the cost of living has increased by 3 percent or more in a single year, automatic increases in a like amount will be provided in annuities and survivorship benefits;

Fourth. Retired employees of the Farm Credit Administration would be extended the benefits of the Retired Federal Employees Health Benefits Act.

The Senate Post Office and Civil Service Committee has approved a similar bill, but has restricted the increase in annuities to 5 percent effective January 1, 1963. The Senate bill does not include the amendment which I insisted upon with respect to a minimum increase in annuities of $120 for widows of employees who served the Federal Government for 20 years or more.

I am hopeful this legislation will be approved before the end of the present Congress.

The Senate has incorporated their proposed 5-percent increase into a bill which provides for increased postal mail rates and increases in Federal employee pay. I hope we can substitute all our House retirement improvements including the 7½-percent increase in annuities into the Senate bill when it gets to the House side of this Congress.

TRAFFIC IN PORNOGRAPHIC MATERIALS

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. CURTIN] is recognized for 10 minutes.

Mr. CURTIN. Mr. Speaker, I rise to voice concern over the increasing traffic in indecent literature, films, recordings, and other pornographic materials among our young people. It becomes more and more evident that we must act to toughen the laws that deal with this type of offender.

We are faced with a challenge to protect our children from mercenary peddlers who ply a profitable trade in lewd reading and hearing matter. H.R. 1754, which was introduced by me and which has been referred to the Committee on the Judiciary, calls for the amending of sections 1461, 1462, 1463, and 1465 of title 18 of the United States Code. It would provide mandatory prison sentences in certain cases for mailing, importing, or transporting obscene material. This bill would amend the code, relating to obscene matter, to provide that anyone who knowingly uses the mails for the mailing, carriage in the mails, or delivery of any obscene, lewd, lascivious, indecent, filthy, or vile matter, or who knowingly uses the mails for the purpose of circulating or disposing thereof, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for the first such offense. The offender would be imprisoned not less than 1 year nor more than 5 years for each such offense thereafter. In other words, prison sentences would be mandatory for all repeat offenders.

These same penalties would be applicable under this bill, by amendment to section 1465 of title 18, relating to the transportation of obscene matter for sale or distribution. This would cover those who knowingly transport in interstate or foreign commerce for the purpose of sale or distribution any obscene, lewd, lascivious, or filthy book, pamphlet, picture, film, paper, letter, writing, print, silhouette, drawing, figure, image, cast, phonograph recording, electrical transcription, or any other article capable of producing sound, or any other matter of indecent or immoral character.

I honestly believe, my colleagues, that we must act more firmly and promptly on this problem. It is with a great sense of urgency that I ask the cooperation of this body in urging a speedy approval of this bill by the Committee on the Judiciary and in voting its speedy passage through this Chamber. The need for more stringent controls is obvious. I do not concur at all with the opinions expressed regarding my bill by the Department of Justice and set forth in a letter to our distinguished colleague, the gentleman from New York, the Honorable EMANUEL CELLER, chairman of the Committee on the Judiciary.

The Justice Department has taken a view that this bill is too severe for the second and repeater elements in this indecent traffic. The department's feeling that it would force a court to impose more strict or more severe penalties than it might dispense at its own, less limited, discretion, is a point of view with which I cannot agree.

I feel this bill would accomplish the following:

First. The bill would allow ample latitude for a court to impose a light penalty on a first offender whose dealings in obscene literature may be small. Yet if a first offender has been engaging in widespread and various forms of smut peddling, the prosecuting authorities can try him on more than one count of violation and the initial trial will not allow a man to escape who has in actuality committed many offenses.

Second. The bill would insist that those morally perverted individuals who continue to engage in such traffic will be dealt with most severely.

As legislators, parents, and grandparents, we must not stand inactive while depraved adults profit from the warping and disintegration of the morals of young Americans. We are not dealing here with just another form of larceny or fraud. We are confronted with a community of individuals who prey on the minds of our children. They play on the adolescent curiosity and ignorance of the young. They pollute the minds of young citizens in such a way that it can do nothing less than weaken the moral fiber of our entire Nation. This is no exaggeration. I believe you all have seen evidence of it in your home districts. And it is not the actual obscenity which does so much to lower our moral standards; rather, it is the indifference of a community toward such activities. When children recognize our inaction, they cannot do else but come to accept their own actions as commonplace. Most certainly, it is a small group of lecherous individuals who have loosed the flood of indecencies on the Nation. But the adult community as a whole must take its share of the blame, for only through our indifference has the gradual and general lowering of morals and moral standards taken place.

This bill provides us with the challenge and the opportunity to manifest our loathing for these individuals who hawk their foul and obscene products among our young. This is a transgression that cannot go unopposed. Let us take our stand now to end the trafficking in this most insidious contraband.

Mr. Speaker, as I said before, this bill is aimed at the professional filth peddlers. It would give a reasonable chance to those violators whose first infraction of the law has been minor and who show a wish to reform their ways. It would heap a heavy penalty on those criminals who have continued to deal in pornography and to endanger the moral foundation of our whole society. Thus, not only will the bill clip short the further crimes of these professional lawbreakers, but its very effect on that group will deter further crime by first and would-be offenders.

Procrastination over this bill threatens the very existence of our society as surely as do the most ultimate weapons of war. Individuals of persistent deviate behavior are only helped along by the continuation of the limited and soft punishment now applied by some of the courts.

Many civilizations have been stunted in their growth because of their immorality. Fortunately, some State and local authorities have already taken the lead in cleaning out this scourge on their respective levels of authority. We cannot lag behind these progressive States and communities nor fail to set an example for the others. The Federal Government is granted authority over postal services and interstate commerce by the Constitution. In fact, article I, section 8, of the Constitution designates this authority specifically to the Congress. This authority carries with it a responsibility to guard these avenues of communication against obvious misuse. We must not and cannot shirk our constitutional responsibility. We have the authority to put an end to an indecent and corrupting force among future generations. We have the opportunity to take a stand, by refusing to condone or to ignore this threat to our society. I cannot urge too strongly the early passage of this bill.

Few things would stand out as distinctly or would be more widely accepted as strong action in this area of lawmaking. Such legislation is a change from the cold world of military appropriations and the billion-dollar financing. The protection of American children from the snares of pornography is close to the heart of nearly every one of our constituents. Little of our past 2 years' legislation means as much or touches more closely to the thoughts and interests of the individual voters as the theme of this bill. This will be personal, meaningful legislation to each citizen.

To recapitulate, this bill will fight the spread, sale, or distribution of pornographic materials across State lines or through the U.S. mails by first, providing that a fine or imprisonment shall be imposed as a penalty for first offenders at the discretion of the court; and second, exacting more severe punishment on those who persist in the promulgation of lewd materials by making prison sentences of 1 to 5 years mandatory for each succeeding offense.

By helping to strengthen the measure called for in this bill we are carrying on the principles set forth in the philosophy of our Founding Fathers. We owe it to those who will follow in our footsteps to do our utmost to preserve and build upon these principles. Every day's delay means only that much more of the society must suffer needlessly under the filth of these professional and seasoned dealers in corruption. Let us act now.

COMMUNIST ENCROACHMENT SHOULD BE KEPT OUT OF THIS HEMISPHERE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. TAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. TAYLOR. Mr. Speaker, it is vital that we assert our determination to keep Communist encroachment out of this hemisphere. As a first step we should invite the other nations in the Western Hemisphere to join with us in establishing an economic and political quarantine of Cuba.

Our people are ready for prompt, resolute and affirmative action to meet this new Communist threat. It is important that they know that risk is involved; a risk worth taking; a risk that we must take. It is important for the President to know that in firm decisive action he has the unwavering support of Congress and the American people. America must adopt a policy of firmness and action toward Cuba and I support House Joint Resolution 886.

I believe that the following editorial appearing in the Asheville Citizen-Times on September 23, 1962, is worthy of our attention:

IS KENNEDY RIGHT ON CUBA?

Among tough problems of world affairs, Cuba for the moment overshadows Berlin. Yet, unless President Kennedy and the best brains among his advisers are following a cold trail, the Berlin situation is far more dangerous to peace.

William L. Ryan, Associated Press special writer on Russian and Cuban affairs, in a recent article presented some practical reasons why Cuba might become the focus of serious trouble for this country and the rest of this Hemisphere.

By the yardstick of Mr. Ryan's account of the volume and variety of Russian military supplies and consumer goods pouring into Cuba—in addition to the military personnel and civilian technicians—an almost arithmetical conclusion appears. If Khrushchev is not now establishing a formidable military base on the island, it is because he does not choose to pay the monetary costs and take the risks of an armed collision with the United States in the Caribbean.

Writing from Moscow, Ryan goes into detail to show that, whatever the purpose, the Soviet Union today "just about owns Cuba—lock, stock, barrel and beard."

The potential Russian colonizers are replacing the regulars of Castro's revolutionary army with a new Soviet-trained force. Ryan finds that Castro is being gradually pushed out of authority and control. Soviet agents have paid cash for big estates in the Havana area, where there are good sites for antiaircraft batteries and rocket launchers. Russians already man the radar which checks all air flights.

Stopping short of saying that Cuba has become a Soviet base for aggression, Mr. Ryan does not say or imply that now is the time for the United States to take up the Russian challenge. This is an issue of high and delicate Government policy.

The possibilities that can be drawn from such facts, drawn logically or imaginatively, continue to move Members of Congress and other citizens to belabor President Kennedy for what they call a "do-nothing" policy.

There is much urging that do-nothing be replaced by an all-out blockade of Cuba—by the United States or by this country aided by Latin American Governments.

Since blockade is, in law, as much an act of war as invasion, Mr. Kennedy is being volubly implored to launch what some years ago was popular around Washington—a preventive war.

To all such criticisms President Kennedy has firmly and consistently made in substance this reply:

Whether in Berlin or concerning Cuba, the United States stands on its rights and will never yield. The rights of the Western allies in Berlin were clearly defined and proclaimed at the end of the war. The allies refuse to be bullied or driven from Berlin.

If Cuba should become a Communist base, manned by the weapons of aggression; if thus there should be a clear and imminent threat to the United States or to other areas of the hemisphere, this Nation will use whatever means are necessary to repel the danger.

The President has said that the United States will act, if feasible, with the members of the Organization of American States. Or, in last resort, we would, Mr. Kennedy has declared, act alone—as we could under the tradition of the Monroe Doctrine and the legal principles imbedded in the doctrine.

That doctrine is not a part of international law. But since it was proclaimed in 1823, as a warning to foreign nations against further colonization in the hemisphere, or armed intervention in any other way, no country has directly challenged this principle that is emotionally so dear to the American mind and heart.

The Theodore Roosevelt "corollary" to the doctrine—saying that the United States must exercise some direct control over Latin American countries which in that period often provoked foreign governments into threatened intervention—that expansion of the Monroe Doctrine was long ago abandoned as a part of U.S. foreign policy.

What remains—and it is on this that Mr. Kennedy plainly implies that he would act with all necessary force—what remains is the Monroe principle of defending the United States and the Western Hemisphere against political and military conquest by a foreign power or a coalition of a foreign nation with some satellite in the hemisphere.

A TRIBUTE TO MRS. MARION MILLER, UNDERCOVER FREEDOM FIGHTER

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BELL. Mr. Speaker, I would like at this time to say a few words in behalf of Mrs. Marion Miller, of Los Angeles, whose service to her country entitles her to the respect and admiration of freedom-loving people everywhere.

In October 1950, at the height of the Korean war—in a period when American fighting men were facing death before a hoard of Communist bayonets and tanks—Communist agents in California launched a recruiting drive under the auspices of a front group known as the Los Angeles Committee for Protection of Foreign Born. In fact, the organizers of the committee were in no way at all concerned with their official objective, but, on the contrary, wanted merely to enlist the aid of foreign-born Americans in opposing American policies looking to the frustration of Communist aims. Their 1950 recruiting drive was, of course, designed for the purpose of siphoning strength away from the American forces in Korea, by reducing popular support for the war at home.

One of the foreign-born citizens contacted in Los Angeles by this Communist-front group was Mrs. Marion Miller—a patriotic woman with an eye to protecting the principles of democracy. No sooner was she contacted by the Communists than she, in turn, notified the FBI. Deeply interested in the operations of any and every new Communist-front organization, the FBI urged Mrs. Miller to help them in exposing the true purposes of this one, and Mrs. Miller agreed to do so.

To accomplish the task, Mrs. Miller joined the Committee for Protection of Foreign Born, in November 1950, and spent many days and nights doing clerical work at its headquarters. Within 2 months she was on the organization's executive committee, and shortly after that, she and her husband were invited to join the Communist Party, which they did—again at the behest of the FBI.

As an undercover agent, Mrs. Miller was able to acquire for the FBI considerable information, leading ultimately to the exposure and arrest of the Communist leadership in the Los Angeles area. The price she paid for this service was by no means small, however. In her dual capacity as Communist-front worker and FBI agent, practically every one of her waking moments was devoted to undomestic activity, in the nature of party assignments, study classes, picket lines, fund drives, propaganda campaigns, and so forth. Moreover, family privacy was destroyed, as Communist agents entered the Miller household at will, occupied their attention 24 hours a day, and sought to run their lives, even to the extent of interfering with the religious training of their offspring.

Eventually, after months and months of strain, emotional and physical, Mrs. Miller yielded to the pressures of her work, and had to be hospitalized. The rest was a brief one, however. In October 1955, she was called to Washington to testify before the Subversive Activities Control Board. As a result of this hearing, the board examiner found that the Los Angeles Committee for Protection of Foreign Born and other regional committees of like name were closely affiliated with the American Committee for Protection of Foreign Born and, therefore, recommended that the latter be required to register with the Attorney General as a Communist-front organization. The deed was done, the task accomplished, and Mrs. Miller headed for home, proud in the knowledge that she had served her Government in the manner of a loyal and devoted citizen.

Once home, however, she was confronted by an astonishing state of affairs. The Communists had singled her out for a hate campaign. Open letters were circulating around her neighborhood, branding her as "antiforeign," rather than anti-Communist. Her foreign-born friends were dismayed, and many refused to speak to her. In school, her child was faced with ostracism. The Millers' phone rang constantly, as person after person called, to attack them for causing trouble to their neighbors—the neighbors in question being the Communists they had exposed. Anonymous threats began to come in regularly and the Millers were warned to move out of the neighborhood. But they held on. They would not move.

Instead, they appealed to the innate decency of the American majority. The story of Mrs. Miller's testimony had not been published in the Los Angeles press, with the result that no one in her neighborhood knew of the patriotic service she had performed. Her husband therefore called in reporters and gave them the story of his wife's valiant service to her Government. The following afternoon the story was on the front page of every paper in town, and once again the Millers' phone began to ring. But this time the voices were warm with encouragement. Messages began to pour in, by mail and by wire—including messages from J. Edgar Hoover and President Eisenhower. One by one, the Millers' neighbors began to call—and in short time Mrs. Miller was established as the heroine of the city, to say the least.

It is all too seldom that people are willing to sacrifice, at so personal a level, in behalf of a patriotic cause. Our hats are raised to Mrs. Marion Miller, whose service in behalf of her country has resulted in her becoming the most decorated woman in the Nation today—and with good reason.

BLUEPRINT FOR THE COAST GUARD

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, as the Members of this House know, the U.S. Coast Guard is one of the prime areas of the jurisdiction of my Committee on Merchant Marine and Fisheries. It is a great arm of our Government, performing invaluable services in a variety of important ways in time of peace, and as a vital element of the Navy in time of war. My own personal interest in this important agency is well known throughout my career in the Congress.

As time has gone on and new developments have occurred with increasing frequency in recent years the importance of the functions performed by this agency has increased. Yet, I regret to say that I feel that the agency has not been allowed fully to meet its increasing responsibilities.

For the past several years I have frequently expressed the view that we must modernize our Coast Guard to meet its new responsibilities in regard to their duties in coastal areas, in the field of pleasure boating in which around 30 million people are now engaged, increasing sophistication in navigation technology and ship construction, advanced safety requirements for ships at sea, participation in improvement of navigation on a worldwide basis, participation in our newly emphasized oceanographic program, and activities in the frozen waters of both poles.

The Coast Guard has been hampered by the unavailability of facilities to meet its widespread obligations. Its vessels are aging and in large part are World War II surplus from other services. Only recently has there been some improvement in the aircraft they need for their vital part in our national search and rescue program. Their polar capability is clearly inadequate with the few World War II icebreakers now in service.

Therefore, Mr. Speaker, I am greatly gratified to read the splendid speech delivered to the Propeller Club, Port of Washington, D.C., on Wednesday, September 19, 1962, by the able and experienced new commandant of the Coast Guard, Adm. E. J. Roland, in which he sets forth the needs of the Coast Guard to meet its responsibilities in the immediate future. Under his command I know we will see the progress that is needed. I commend this excellent speech to all Members of the House.

The text follows:

SPEECH GIVEN BY ADMIRAL ROLAND AT PROPELLER CLUB LUNCHEON, NATIONAL PRESS CLUB, WASHINGTON, D.C., SEPTEMBER 19, 1962

The Coast Guard represents different things to different people. The resulting public image usually depends on limited contacts in special fields. These may range from merchant marine safety functions to flood evacuation or from supervision of explosive loading to a helicopter assist. Those present today represent broad and varied interests in maritime affairs and are basically familiar with the Coast Guard's overall operations.

In deference to this familiarity and with an eye on the clock, I'll limit myself to a short review of only those Coast Guard missions directly concerned with our ship operations, develop the multiplicity of individual operations, tie these to planning factors affecting ship numbers and ship design, and finish with a review of present and planned new vessel construction.

Search and rescue, operation of ocean stations, aids to navigation, law enforcement, icebreaking, oceanography, and war readiness are all statutory functions requiring ship operation.

The support of these functions by ship operations may vary in character from a 2-hour buoy tender trip to an 8-month Antarctic cruise. The locale may be the western rivers, coastal waters, any of the oceans or the Great Lakes.

Climate extremes extend from the heat and humidity of the tropics to the cold and ice of the Arctic. I mention these factors to emphasize the variety of tasks and conditions which must be considered in programing Coast Guard ship operations.

If it were possible to design a ship for one mission, to operate in a fixed geographic location and then limit it to that function and location, ship design and ship numbers would easily be determined by simple formula. However, except in a few special cases, Coast Guard ships are all assigned multiple missions, even those specifically designed for a primary task.

To illustrate, picture an imaginary stretch of coastline with one good-sized port. It is in the northern part of the United States and supports a large offshore fishing fleet. Trade is primarily foreign and the area attracts a large seasonal boat population during the summer months.

The port and coastline flank a major ocean shipping lane which is well offshore. The port city is also a major air terminal for transocean flights. From these assumed factors we will now program units to cover statutory functions.

The commercial ship, fishing boat, and yacht population will require search and rescue coverage. This will suggest major cutter capability for offshore ship and plane incidents, medium patrol cutter coverage for the fishing fleet, and small patrol boat coverage for the yacht population.

The aids to navigation including buoyage, offshore structures, lightships, et cetera, would require buoy tender support. The concentration of foreign trade shipping develops a requirement for law enforcement which would be provided by harbor tugs. The northern climate suggests the need for icebreaking services during severe winter weather. By utilizing only single purpose units a modest-sized fleet would be required to meet these statutory missions. The actual assignment of units might be somewhat as follows:

Homeport, three major cutters with the primary mission of manning ocean stations. Transit and underway training time, together with 2-hour standby periods, would provide a ready major cutter for search and rescue.

Station, one ocean buoy tender for aid to navigation purposes. Although the aid to navigation workload represents only 70 percent of a normal ship standard, distance to the next closest port precludes economical servicing from another port. Add an icebreaking capability to the buoy tender, and this mission, together with an occasional search and rescue assist, will keep the ship fully productive.

Station one medium range cutter and one patrol boat for search and rescue in connection with the fishing fleet and yachts. Assign the additional tasks of enforcing fishery treaties and routine boarding. The larger ships listed above would back up this search and rescue mission.

Assign one or two harbor tugs the primary law enforcement mission, add icebreaking capability to provide backup icebreaking when required. These tugs would also have special firefighting capability to augment the local fire departments in marine and dock fires.

The foregoing assignment of units is obviously a compromise. Resources are limited. Many of the tasks are not susceptible to 100 percent accomplishment; an infinite number of search and rescue units for example, would not always prevent loss of life or property. However, I believe this imaginary example underlines a basic Coast Guard operational concept, that units must be versatile and multipurpose.

I have purposely omitted up to this time another statutory charge which has loomed progressively larger in Coast Guard ship operations. I refer to "assistance to other Government agencies."

This is on a not-to-interfere with primary mission basis. These requests are always in support of legitimate U.S. objectives, often of a high priority nature and made because the Coast Guard is the only source of the aid or the only source without excessive expenditures of Federal funds.

Responsible management of those U.S. resources entrusted to the Coast Guard entails acceptance of these missions which available capability will permit. Many can be accomplished in connection with a scheduled operation; on the other hand, many can be carried out only by scheduling a special operation.

These functions are not reflected in the Coast Guard budget; however, they are not mentioned here as a plea for more funds but rather as a complicating factor in ship operations and future planning of facilities. The decision on acceptance of these tasks would be considerably easier if a work standard for a ship were fixed at a finite limit. The variety of tasks each unit performs contributes to maximum utilization but this variety militates against a planned finite utilization. This problem is under continuous review and bears heavily on future ship replacements as well as ship design.

I've wandered around the subject of ship operations briefly touching a good many subjects without fully developing any. Again, I'll plead your general knowledge of maritime affairs and the clock.

I would like to mention a few of our special operations which are not common knowledge before proceeding to the ship construction programs.

At the request of the Federal Aviation Administration deep-sea buoys are being maintained on selected ocean stations. This is in connection with Operation Accordion which is a study directed toward reduction of air space assignment on transocean flights.

The Saturn missile engines are under continuous Coast Guard escort from Huntsville, Ala., to Cape Canaveral, a 10-day trip.

During extreme weather the Texas towers off the east coast are evacuated. The Coast Guard maintains a ship patrol in the vicinity to discourage visitors.

An icebreaker is now en route to the Arctic Ocean for an oceanographic cruise along the Siberian coast. Seven U.S. agencies or U.S. contract universities are participating.

Radioactive waste disposal for the U.S. Public Health Service is routinely performed in the Atlantic.

Ocean station vessels routinely are collecting water and air samples for measurement of carbon 14 and strontium 90 for the Atomic Energy Commission.

Ship support for a radioactive survey of certain areas of the Marshall Islands is being provided next summer to the Atomic Energy Commission.

Ocean station vessels are supporting a bathymetric sounding survey for the Navy Oceanographic Office. Annual production is approximately 26,000 observations with 350,000 miles of track observations.

The operations I have just mentioned have been selected at random to illustrate the versatility which we feel we must demand from our units. Design of new construction must contribute to this versatility.

The new construction since the war has been primarily 95-foot and 82-foot patrol boats, 76 in number. We are operating 36 major cutters built from 1937 to 1945, average age is over 20 years; 4 major icebreakers, average age 20 years; 43 ocean buoy tenders, average age over 20 years; 15 patrol craft, average age over 30 years. Without going into a further recital of numbers the problem faced is serious, block obsolescence of the major part of the Coast Guard Fleet.

This block obsolescence was not unforeseen. Concentration of building programs just before and during World War II obviously was going to result in many units reaching retirement age at the same time. It is difficult to justify retiring ships early, while they still have a useful life, in order to forestall block obsolescence.

It does make a replacement problem expensive and difficult when so many units reach old age at the same time. In anticipation of this development the Coast Guard has made a detailed and searching study of vessel requirements. The study was based on present missions, and attempted to reflect predictable future requirements. As a result we believe that we know what we need in the way of ship types and numbers.

A summary of building requirements based on a modern and adequate fleet by 1970 using obsolescence figures from the Ebasco report of 1948 would require: 38 high-endurance cutters; 28 medium-endurance cutters; 3 large icebreakers; 17 coastal buoy tenders; 21 inland tenders; 4 harbor tugs, large; 14 harbor tugs, small; 12 lightships. It is estimated that this program would cost somewhat more than $700 million.

A very modest start has been made on this building program. Fiscal 1962 funds include 2 medium patrol cutters now under construction, 10 82-foot patrol boats, of which 5 have been delivered, 3 small inland buoy tenders, and 6 small harbor tugs. Fiscal 1963 funds have been provided for 1 medium patrol cutter, 3 82-foot patrol boats, 1 coastal tender, 1 inland tender, and 1 small river tender.

The high-endurance cutter is the planned backbone of a new Coast Guard fleet. Preliminary and evaluation designs have been completed. The constructural contract design is to be completed in May of 1963. None of this class is yet authorized, although a prototype is being requested in the fiscal 1964 budget. The high-endurance cutter will have twin screws powered by a combination diesel-gas turbine plant. Each shaft will have 3,500 diesel horsepower and 9,000 gas turbine horsepower. She will make 20 knots on diesel power and under full power have a sustained 25 knots. This ship will displace 2,688 tons at a draft of 14 feet; length, 372 feet; and beam, 42 feet. The stacks will be in the masts. She will be able to support a helicopter from a retractable hangar. The electronic installation will be of an integrated design for her missions and will include an antisubmarine capability. All control spaces and living spaces will be air conditioned. Habitability is being stressed. Boat handling gear will include hydraulic-ram davits which will put gas-turbined surfboats in the water in 3½ seconds. We believe that this ship will adequately perform the various duties which are required to offshore operations.

The medium-endurance cutter is now established as a class. The first launching will be in April of next year. She will have the same diesel-gas turbine combination described above. Twin screws, variable pitch propellers with a 1,500-horsepower diesel and 1,000-horsepower gas turbine on each shaft. She will have a sustained speed of 19 knots. Length, 210 feet overall, beam 34 feet, and draft 10 feet displacing 900 tons. Exhaust will be through the stern in order to clear deck space for a helicopter deck. She will not carry a helicopter but will be able to operate one from her afterdeck. Boats and boathandling gear will be similar to those of the high-endurance cutter. Living and control spaces will be air conditioned. Habitability has been stressed.

The coastal buoy tender is another new design. One hundred fifty-seven feet overall and some 500 tons displacement, she is designed to fill the need for a tender intermediate between the seagoing 180-footer and the small inland tenders.

Some of her interesting features include light icebreaking ability, twin controllable pitch propellers, bow thruster unit to further increase maneuverability, steering and engine control stations on each bridge wing in addition to the pilothouse station, lever steering control (instead of the usual wheel). Her 10-ton boom will be hydraulic powered and controlled from either of two enclosed stations incorporated in the superstructure just below bridge deck level. Most of these features have been individually developed and service tested in other ships, but this is the first ship to incorporate these new design ideas in one package.

The inland tender is a 100-foot vessel which reflects refinements in the design of our *Azalea*, servicing aids to navigation in the intercoastal waterway since her commissioning in 1954.

The small river tender is being developed for working aids on the Missouri and is a highly specialized 75-foot river towboat and 90-foot barge combination—the first of a fleet of six river tenders which the Coast Guard needs in order to assume responsibility for buoyage in the navigable portions of the Missouri River.

I have attempted to give you a quick rundown of our ship operations and ship requirements for the future. We believe that we get good mileage out of the resources entrusted to our management and further feel that in order to maintain and improve our service to the United States, we need a modern fleet. We look forward to the future with confidence that the necessary resources will be made available.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. KEE (at the request of Mr. STAGGERS), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OLSEN, for 15 minutes, today and to revise and extend his remarks.

Mr. CURTIN, for 10 minutes, today.

SPECIAL ORDERS VACATED

Mr. RHODES of Arizona (at the request of Mr. NELSEN) was granted permission to vacate his special orders for 1 hour on September 26, 27, and 28.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. HOSMER and to include extraneous matter.

(The following Members (at the request of Mr. NELSEN) and to include extraneous matter:)

Mr. BECKER.

Mr. MATHIAS.

Mr. SCHENCK.

(The following Member (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. EVINS.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1184. An act to amend section 802 of the Merchant Marine Act, 1936, as amended, to provide that owners of vessels requisitioned by the United States shall be accorded preference toward reacquiring these vessels when they can be released by the Government, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 2829. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title; to the Committee on Merchant Marine and Fisheries.

S. 3396. An act to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 228. Joint resolution authorizing the issuance of a gold medal to General of the Army Douglas MacArthur; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11266. An act to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 26, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2571. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to a plan for works of improvement relating to the following watershed: Big Creek, Tex., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and to Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2572. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to a plan for works of improvement relating to the following watershed: Boulder Lake, Wyo., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and to Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2573. A letter from the Comptroller General of the United States, transmitting a report on inadequate control over certain ship construction material at the Ingalls Shipbuilding Corp., Pascagoula, Miss.; to the Committee on Government Operations.

2574. A letter from the Deputy Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

2575. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on the Lynnhaven inlet, bay, and connecting waters, Virginia, authorized by the River and Harbor Act, approved March 2, 1945 (H. Doc. No. 580); to the Committee on Public Works and ordered to be printed with one illustration.

2576. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 22, 1962, submitting a report, together with accompanying papers and an illustration on the Great Lakes Harbor Study—second interim report on the Calumet Harbor and River, Ill. and Ind., requested by resolutions of the Committes on Public Works, U.S. Senate and House of Representatives, adopted May 18, 1956, and June 27, 1956 (H. Doc. No. 581); to the Committee on Public Works and ordered to be printed with one illustration.

2577. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 30, 1962, submitting a report, together with accompanying papers and an illustration, on an interim report on the Calcasieu River Salt Water Barrier, Louisiana, authorized by the Flood Control Act and the River and Harbor Act, approved December 22, 1944, and March 2, 1945 (H. Doc. No. 582); to the Committee on Public Works and ordered to be printed with one illustration.

2578. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 26, 1962, submitting a report, together with accompanying papers and illustrations, on a survey of the Bayous Terrebonne, Petit Caillou, Grand Calliou, Du Large, and connecting channels, Louisiana, and the Atchafalaya River, Morgan City to the Gulf of Mexico. This is in final response to items in the Flood Control Act, approved December 22, 1944, and the River and Harbor Act, approved March 2, 1945, authorizing surveys for flood control, irrigation, navigation, drainage, and prevention of stream pollution and salt-water intrusion on all streams and bayous in Louisiana lying between the East Atchafalaya Basin protection levee and the Mississippi River (H. Doc. No. 583); to the Committee on Public Works and ordered to be printed with illustrations.

2579. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 16, 1962, submitting a report, together with accompanying papers and illustrations, on a cooperative beach erosion control study of Clark Point, New Bedford, Mass., authorized by the River and Harbor Act, approved July 3, 1930, as amended and supplemented (H. Doc. No. 584); to the Committee on Public Works and ordered to be printed with five illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee of conference. H.R. 12711. A bill making appropriations for sundry independent executive bureaus, boards, commission, offices, for the fiscal year ending June 30, 1963, on H.R. 12711 and for other purposes (Rept. No. 2466). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 808. Resolution for consideration of H.R. 11581. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws; without amendment (Rept. No. 2467). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 3177. An act for the relief of Michael (Mike) Bessler; without amendment (Rept. No. 2468). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3240. An act for the relief of Mrs. Lee Ma Chin-ying; with amendment (Rept. No. 2469). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3390. An act for the relief of Naife Kahl; without amendment (Rept. No. 2470). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3452. An act for the relief of Dr. Hassan M. Nouri; without amendment (Rept. No. 2471). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3557. An act for the relief of Betty Sandra Fagann; without amendment (Rept. No. 2472). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7432. A bill for the relief of Garland G. Bishop; without amendment (Rept. No. 2473). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9777. A bill to amend Private Law 87–197; without amendment (Rept. No. 2474). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 10089. A bill for the relief of Melborn Keat; with amendment (Rept. No. 2475). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 12217. A bill for the relief of George Edward Leonard; without amendment (Rept. No. 2476). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 12805. A bill for the relief of Lt. Claude V. Wells; without amendment (Rept. No. 2477). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 13219. A bill to prohibit strikes by employees employed in certain strategic defense facilities; to the Committee on Education and Labor.

H.R. 13220. A bill to terminate the retailers excise tax on cosmetics and other toilet preparations; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEVINE:

H.R. 13221. A bill for the relief of James Thornhill Howell; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 13222. A bill for the relief of Mr. and Mrs. Lawrence J. Palombo; to the Committee on the Judiciary.

By Mr. HAGAN of Georgia:

H.R. 13223. A bill for the relief of Ioannis G. Assimakopoulos; to the Committee on the Judiciary.

H.R. 13224. A bill for the relief of Penagiotis A. Skountzos; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 13225. A bill for the relief of Elena Corallo; to the Committee on the Judiciary.

By Mr. MONTOYA:

H.R. 13226. A bill for the relief of Mrs. Esther Hernando-Perez de Lucero; to the Committee on the Judiciary.

By Mr. RUTHERFORD:

H.R. 13227. A bill for the relief of Chau Po-Cheuck; to the Committee on the Judiciary.

By Mr. SIBAL:

H.R. 13228. A bill for the relief of Christos (Yoncias) Giannouklas; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 13229. A bill for the relief of Heydar Nadjafinia; to the Committee on the Judiciary.

H.R. 13230. A bill for the relief of Juanita Cereguine De Burgh; to the Committee on the Judiciary.

SENATE

TUESDAY, SEPTEMBER 25, 1962

The Senate met at 10 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God, our Father, unchanging amid the changing years, we come to this daily fellowship of prayer, not so much to seek Thee as to keep open our faltering lives in penitence and a sense of dire need of Thy waiting strength.

Thou art the God of hope. In a world filled with sights that sadden and thorny problems that bewilder and perplex, may our hearts be lifted up by the realization that ours is also a time arched with the promise of a better tomorrow.

Following the gleam of the hope that sends a shining ray along the future's broadening way, give us, we pray, sagacity, spaciousness of mind and a transparent purity of heart, that even surrounded by hatred and pride and greed, we may see God and the godlike as we walk humbly the ascending path of a climbing faith that has a better air to breathe than the smog of cynicism and doubt and denial.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. Mansfield and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 24, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Capt. Mary J. Wettle for appointment in the Regular Air Force, which was referred to the Committee on Armed Services, and withdrawing the nomination of Ella E. Johnson, to be postmaster at Bovill, Idaho.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Mansfield, and by unanimous consent, the following committees were authorized to meet during the session of the Senate today:

The Committee on Interior and Insular Affairs, in executive session.

The Judiciary Committee.

The Committee on Post Office and Civil Service.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

On request of Mr. Humphrey, and by unanimous consent, the Intergovernmental Relations Subcommittee of the Committee on Government Operations was authorized to meet during the session of the Senate tomorrow.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. MANSFIELD. Under the unanimous-consent agreement which has been entered into, has provision been made for a morning hour today, or does the time limitation begin immediately?

The VICE PRESIDENT. Under the agreement, no provision for a morning hour has been made.

FOOD AND AGRICULTURE ACT OF 1962—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, what is the pending business?

The VICE PRESIDENT. Under the order of the 20th instant, the Senate will proceed to the consideration of the conference report on H.R. 12391, the so-called farm bill, to be presented by the Senator from Louisiana [Mr. Ellender], with the time until 3 p.m. to be divided equally and controlled, respectively, by the chairman of the Committee on Agriculture and Forestry [Mr. Ellender] and the ranking minority member [Mr. Aiken]; and at the hour of 3 p.m. the Senate will proceed to vote, without further debate, on the question of agreeing to the report.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time required for it be charged equally to both sides.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 12391, to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Holland in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 20, 1962, pp. 20094-20105, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The Chair announces that under the unanimous-consent agreement which has been entered into it was ordered that the conference report become the business of the Senate following the reading of the Journal today and that the final vote be taken at 3 o'clock, the time in the meanwhile to be equally divided.

The question is on agreeing to the conference report.

Mr. ELLENDER. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 20 minutes.

Mr. ELLENDER. Mr. President, there were a number of differences between the House farm bill and the Senate amendment to H.R. 12391. However, the greatest interest has been centered on the feed grain and wheat provisions. Although the details were different, both versions extended again for 1963 the so-called emergency feed grain program. In addition, both versions also departed, beginning in 1964, from the permanent price-support provisions which were enacted in 1958.

THE 1963 FEED GRAIN PROGRAM

For 1963, the House bill provided for a single program for corn, sorghum, and barley, and contained a number of other changes from the 1962 program. The Senate 1963 feed grain provisions were basically the same as those for the 1962 program, as they existed at the time S. 3225 was reported to the Senate in April.

The conference substitute, in general, follows the House 1963 feed grain provisions. Neither bill contained any mandatory control features for feed grains. Neither does the conference substitute.

I emphasize that insofar as the feed grain provisions of this bill are concerned, there are to be no acreage controls whatever, and none in contemplation.

Price supports for corn would not be less than 65 percent of parity with other feed grains at comparable levels. However, the Secretary of Agriculture has indicated that price supports for corn would be set at a national average of $1.20 per bushel.

As a condition of eligibility for price supports, producers would be required to divert at least 20 percent, and could divert to conserving uses up to 50 percent, of their 1959–60 feed grain base acreage. The base acreage would be the combined acreages of corn, grain sorghum, and barley.

Producers who chose to divert feed grain acreage would receive payments in cash or in kind on the first 20 percent and payments in kind only on the additional 30 percent permitted by the bill.

The rate of payment in both cases would be not in excess of 50 percent of the support price for the normal production of the acreage diverted from the commodity on the farm, based on its adjusted average yield per acre for the 1959 and 1960 crop acreage.

The Secretary may make adjustments in acreage and yields for the 1959 and 1960 crop years to correct for abnormal factors affecting production, including—in the case of the first 20-percent reduction—adjustments to reflect increases in yields due to the adoption or improvements of irrigation systems prior to passage of the bill. In addition, actual yields must be used if proved by the producer.

The Secretary of Agriculture could exempt, but would not be required to exempt, malting barley producers meeting conditions similar to those of the 1962 program from participating in the 1963 program as a condition of barley price supports. Exempt malting barley producers would still be required to participate in the program as a condition for price support for corn and sorghum, but their participation would be limited to corn and sorghum.

The Secretary could permit diversion to be made to guar, sesame, safflower, sunflower, castor beans, and flax, with payments at up to 50 percent of the regular diversion payment rate. Any producer would be permitted to put up to 25 acres in the program and a single payment rate of not to exceed 50 percent of the normal production of the diverted acreage would be provided.

The producers participating in the program might divert as little as 20 percent of their 1959 or 1960 acreage, or as much as 50 percent.

The amendment of the Senator from South Dakota, requiring producers to take appropriate erosion control measures on diverted acres, was included in both the feed grain and wheat provisions of the conference substitute.

Price supports on 1963 feed grains to participants in the program will be the same as in 1962, based on a national average of $1.20 per bushel for corn. However, the support program will be carried out partially by payments in kind and partially by the usual loans and purchase agreements. Price support payments in kind at 18 cents per bushel on corn, and at comparable rates on grain sorghums and barley, would be made on the normal production of the 1963 acreage. The balance of the support price would be made available in the usual manner on actual production. In determining the normal production of the 1963 acreage for the purpose of price support payments it is anticipated that the same yield figures would be used as in determining payments on the first 20 percent acreage diversion. If 1959–60 yields were adjusted to reflect the adoption of irrigation for the purpose of the first 20-percent diversion, they would also be adjusted for the purpose of price support payments.

All payment-in-kind certificates would be redeemed in feed grains valued at the loan rate. Payment-in-kind certificates would be handled in the same manner as under the 1961 and 1962 feed grain programs, except that the minimum resale price of feed grains represented by such certificates could not be less than the loan rate. Cooperating farmers receiving such certificates have three choices: (A) to exchange them for actual grain from CCC stocks; (B) to sell the certificates; (C) to request CCC to market the certificates for them, in which event the CCC would advance the producer the face value of the certificates.

This procedure is substantially the same as in effect in 1962, except that it would give assurance to the grain trade of a stable feed grain market at about the loan level of $1.02, whereas in 1962 the Commodity Credit Corporation could sell certificate grain at the market price.

THE 1964 AND SUBSEQUENT FEED GRAIN CROPS

Both the House bill and the Senate amendment departed from the provisions of the Agricultural Act of 1958, dealing with price supports for feed grains after 1963.

The House bill provided for support for corn at 80 percent of the 3-year average price instead of 90 percent of the 3-year average price or 65 percent of parity, whichever was lower. The Senate amendment provided for price supports at such level not exceeding 90 percent of parity as would not result in increasing Commodity Credit Corporation stocks. The Senate also struck out the provisions of the 1958 law providing mandatory support of the other feed grains and increased the minimum Commodity Credit Corporation retail price for feed grains to 65 percent of parity plus reasonable carrying charges.

The conference substitute provided for support for corn at such level from 50 to 90 percent of parity as would not increase Commodity Credit Corporation stocks, left mandatory support for the other feed grains as provided by the 1958 law, and left the Commodity Credit Corporation minimum resale price for unrestricted use at 105 percent of the current support price plus reasonable carrying charges.

Provisions of the Senate amendment directing the Secretary to make recommendations for further legislation next year were omitted as unnecessary since the Secretary is expected to submit recommendations for any legislation that he believes appropriate.

THE 1963 WHEAT PROGRAM

When the Senate passed H.R. 12391, it was realized that it was then too late to revise the marketing quota law for wheat and put a marketing certificate program into effect for 1963. The conference substitute, therefore, provides for a voluntary program for 1963, somewhat along the lines of the House provision but with no mandatory allotment reductions and with a number of improvements.

Producers would be given the opportunity to divert from 20 to 50 percent of their allotments to conserving uses or named oilseed crops. For participating in this diversion program they would receive, first, payments-in-kind of up to 50 percent of the normal yield of the diverted acreage multiplied by the county loan level—based on a national level of $1.82—and, second, additional payments-in-kind of 18 cents per bushel on the normal yield of their planted acreage. The normal yield for computing both of these payments would be based on 1959 to 1960 yields.

Producers with a small-farm exemption would divert from the average acreage planted by them in 1950, 1960, and 1961 or 15 acres, whichever was less.

The conference substitute also contains a provision, somewhat similar to that in effect for 1962, making the small-farm exemption for 1963 the highest acreage planted in 1959, 1960, or 1961, but not more than 15 acres.

THE 1964 WHEAT PROGRAM

The wheat marketing certificate program and the other Senate provisions relating to wheat are contained in the conference substitute with minor changes, except that they would be made effective in 1964 instead of 1963. As a result of this change, and in view of the voluntary 1963 diversion payment program provided by the conference substitute, diversion payments under the Senate provisions would be limited to 1964 and 1965. The only other changes, other than merely technical ones are as follows:

First. If a feed grain diversion program should be provided after 1963, substitution of feed grain and wheat acreage would be permitted to such extent as would not adversely affect the feed grain and wheat programs.

Second. The small farm base would be based on a 3-year adjusted average acreage, instead of a more complicated base involving the 3 years of highest acreage out of a 5-year period. Also the year 1963 would be excluded from the base years.

Third. The crops to which acreage might be diverted without losing the full diversion payment would be limited to the same oilseeds provided for in the 1962 wheat and feed grain programs.

Fourth. The provision of the Senate amendment permitting the Secretary to provide equitable treatment to producers who rendered performance in good faith in reliance upon the advice of the Department under the 1962 and subsequent wheat programs would be extended to apply to the 1961 and subsequent feed grain programs. The Senate previously passed such a provision in S. 3225; and the Senators from Missouri [Mr. SYMINGTON and Mr. LONG] have introduced S. 3667 to accomplish this purpose.

DAIRY

The conference substitute does not contain any provisions relating to dairy products. The House bill contained provisions for a voluntary diversion program for milk, but this has been omitted from the conference substitute.

There is pending now before the Committee on Agriculture and Forestry a dairy bill which I have introduced. I hope that during the fall or early in January, the committee may see fit to hold hearings on the subject of dairying, not only in Washington, but also at the grassroots. I am particularly eager to have some hearings held in New York, Vermont, Ohio, Minnesota, probably some Western State, and in Louisiana.

INDUSTRIAL USES

The House bill had no provisions relating to industrial uses research, and the House conferees were unwilling to accept the Senate provisions on this subject. The conference substitute therefore does not contain them.

LAND UTILIZATION

The remaining provisions of the bill were not as controversial as the feed grain and wheat provisions.

Both Houses provided for long-term diversion contracts with farmers under the Soil Conservation and Domestic Allotment Act, but differed in details. The conference substitute provides for contracts covering up to 10 years and for diversion to recreation but not to nonagricultural purposes. Payments for tree cover could not be made for more than 5 years, and contracts could not be entered into with new owners, except in specified cases. Acreage history could be preserved or surrendered as provided in the Senate amendment. Payments would be limited to $10 million in any years as provided by the Senate amendment, except that for 1963 an additional $15 million might be paid on lands previously covered by conservation reserve contracts. The committee anticipates receiving recommendations from the Department of Agriculture, and holding hearings next year, to determine what ought to be done after 1963 for land coming out of the conservation reserve program.

The conference substitute adopts the House language amending the policy provisions of section 31 of the Bankhead-Jones Farm Tenant Act. This would prohibit the building of private industrial parks, and omit the Senate language with respect to providing public recreation.

The Senate provisions repealing the authority for Federal land acquisition under the Bankhead-Jones Farm Tenant Act, and providing for loans to State and local public agencies to carry out land utilization plans are retained in the conference substitute.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The time the Senator has allotted to himself has expired.

Mr. ELLENDER. I yield myself 14 additional minutes.

The Senate provision amending the Watershed Protection and Flood Prevention Act are retained with an amendment limiting Federal participation in recreational development to not more than one such development in each 75,000 acres.

The House provisions amending the Watershed Act to provide for deferred repayment for storage capacity to meet anticipated municipal and industrial water supply needs and clarifying sections 5 and 7 of the act are also included in the conference substitute. The provision for anticipated municipal and industrial water needs corresponds to provisions of the Water Supply Act of 1958 and gives the Secretary of Agriculture the same authority with respect to watershed projects that the Secretary of the Army and the Secretary of the Interior have with respect to flood control and reclamation projects. The amendment to section 5 is purely a clarifying revision of that section without substantive change, while the amendment to section 7 makes it clear that past and future amendments of section 4 of the act, which sets out the conditions upon which assistance may be given, would be applicable to additional works of improvement prosecuted in connection with the 11 watershed programs authorized by the Flood Control Act of 1944. Section 4 is already applicable to such additional works, so that this provision of the House bill appears to represent the exercise of an overabundance of caution, and the Senate conferees therefore did not object to its inclusion in the conference substitute.

The House bill did have a provision increasing the maximum flood detention capacity for any structure in a project to 12,500 acre-feet, from the present maximum of 5,000 acre-feet. This provision is not in the conference substitute.

The present provisions in title I of the conference report relating to land use adjustment severely limit the scope and the size of the program from that envisioned in the original bill.

For example, long-term agreements with producers authorized under the Soil Conservation and Domestic Allotment Act, as amended, are limited to $10 million, whereas both the original bill and the House provisions of H.R. 12391 contained no such limitation. In effect, this would authorize only a so-called pilot program. As a matter of fact, the Secretary of Agriculture in his testimony before the committee indicated that only a pilot program was intended under the authority requested.

Further, while the amendments to the Bankhead-Jones Farm Tenant Act, as proposed originally, authorized unlimited acquisition of lands, the conference report actually repeals this authority, and additionally limits any program under section 32 of the act to one of loans to local public organizations to carry out land utilization plans.

TITLE II—PUBLIC LAW 480

The conference substitute on Public Law 480 amendments provides for:

First. Sales of surplus agricultural commodities for dollars through the extension of long-term credit under agreements either with friendly nations or with the private trade.

The House bill did not limit agreements with the private trade to the sale of surplus commodities for shipment to underdeveloped countries, although the Senate bill did. The conference substitute follows the House bill in this respect.

In accepting this House provision the Senate conferees understood that sales under title IV are to be carried out in conformity with the provisions of section 404 of the act, which directs the Secretary to maximize the sale of U.S. agricultural commodities, taking such reasonable precautions as he deems necessary to avoid replacing any sales which would otherwise be made for cash dollars. The objective of this provision is to maximize dollar sales and not to replace sales which would otherwise be made for cash. Agreements under this provision would, of course, be limited to agricultural commodities and products thereof which are surplus at the time of their exportation.

Second. The furnishing of credit security by the private trade under any agreement entered into.

The House accepted this Senate provision. In addition to reasonable security the conferees agreed that the required security would be adequate as well as reasonable.

Third. Donations to school lunch programs abroad.

The Senate conferees accepted this House amendment after requiring that commodities made available under section 416 of the Agricultural Act of 1949 would be accordance with the priorities established in that section. The Secretary would receive assurances that there would be student participation in the financing of the program on the basis of ability to pay.

LOANS AND MISCELLANEOUS

Title V of the substitute contains loan and miscellaneous provisions.

Both the House and Senate provided for Farmers Home Administration loans for recreational facilities, but the Senate version would have permitted real estate loans for such purposes to be made to noncitizens, who had no previous farming experience, and owned or operated larger than family-size farms. The substitute adopts the citizenship, experience, and farm size qualifications of the House bill.

Provisions of the Senate amendment for sewer loans, an REA direct loan account, and congressional policy in the use of farmer cooperatives were objected to by the House conferees and have been omitted from the substitute.

The conference substitute retains the amendment of the Senator from Arkansas [Mr. FULBRIGHT] providing for loans to fish farmers; the amendment of the Senator from Minnesota [Mr. HUMPHREY] with respect to congressional policy on the use of normal trade channels by CCC; the amendment of the Senator from Michigan [Mr. HART] providing for advertising under cherry marketing orders; and the amendment of the Senator from Wisconsin [Mr. PROXMIRE] providing for making CCC feed available to milk producers to assure an adequate supply free from radioactive fallout contamination. This last provision, however, was limited in the conference substitute to the period prior to December 31, 1963.

Madam President, I have given an outline of what the conferees did. I am very hopeful that the Senate will vote in favor of the conference report.

Mr. AIKEN. Madam President, I yield myself up to 10 minutes.

I assume that the presence of six Senators in the Chamber and seven members of the press and radio in the gallery is indicative of the intense public interest in devising a new farm program. I recall that when I first came to the Senate, and for many years thereafter, up to about 1953, the presence of proposed farm legislation in this body would bring out about three-fourths of the Members of the Senate and 40 or 50 reporters of the news media, and there would be hardly an empty seat in the galleries. I interpret the situation today to be a testimonial to the great improvement that has been made in agriculture in the United States from 1953 to 1961, and an indication that the people are fairly well satisfied with the condition of our agricultural economy at the present time.

However, there are those who believe it is necessary to have a new farm program. They could not let well enough alone; they would not be content merely to amend or to correct the weak spots or to make the changes needed in existing programs as time went on. We have before us now pretty much the prelude to a complete revolution in farm programs in the United States.

The bill before the Senate is not all bad. I did not sign the conference report; neither did any of the other Members of the Senate on my side of the aisle, but the bill is not all bad. I believe that title I and title IV have much potential good in them. These are the titles which would authorize the Federal Government to make loans and grants to municipalities and public bodies and to farmers for the establishment of recreational areas.

I think title I would go far toward resolving the social conflict which still exists in some areas of the country, because it should be thoroughly understood that no loans or grants may be made to any community or any public body if that community or public body discriminates against any person because of his race, color, or creed.

Title IV provides that the Farmers Home Administration may make loans to farmers for converting their land into recreational facilities. I believe these two titles are very good.

Title II relates to exports. I am not sure how that title will work. It will probably depend on the manner in which it is administered.

Title III, which changes the program for feed grains and wheat, is, in my opinion, very bad. I think that if it were not for the public apathy toward any farm program at all, title III would be ousted completely from the bill because of the public attitude. However, apparently the public is not aware of or is indifferent to the terms of title III. Ostensibly, the purpose of title III is to reduce the production of feed grains and wheat in the United States. It should be obvious by now that the real purpose of title III is to control the food supply of the United States; and the control of the food supply is the first step toward controlling the people, particularly the people of our great cities.

The excuse for controlling the food production of the United States and the supply of food is the contention that a burdensome surplus of feed grains and wheat exists in this country. In answer to that contention, I maintain that there is no burdensome surplus of feed grains and wheat in the United States. This answer is fully substantiated by the facts.

There has been a rather sharp decline in the production and supply of oats and barley during the past 2 years, and also a decrease in the production of sorghum.

Corn is easily the most important of the feed grains, so an analysis of the corn situation will give us a pretty good birdseye view of the feed grain position as a whole.

Last year we consumed in this country and sold for export 3,983 million bushels of corn. Last year we produced 3,624 million bushels of corn, thus reducing the available supply by about 350 million bushels. The New Frontier claims much credit for reducing the corn carryover by 350 million bushels in 1 year. What they neglect to tell us is that only 100 million bushels of this decrease was due to the almost $1 billion emergency feed grain program of 1961, while 250 million bushels of the reduction was due to increased feeding and exports of corn; and the corn we exported was exported for dollars, not for foreign currency.

This year—1962—it is estimated that the marketing and feeding of corn will be far in excess of what they were in 1961. The latest reports show that 4 percent more cattle are being fed this year than were being fed last year, and that the rate of feeding is 10 percent greater than it was 5 years ago.

The estimated carryover for October 1 of this year is 1,650 million bushels, or only about a 4- to 5-month supply at this year's increased rate of feeding.

Feed grains are now being used in this country at a rate in excess of our total production for the record years of 1959 and 1960. No one who exercises sound judgment can claim that a 4-month reserve supply of feed is a burdensome surplus.

I shall not discuss the wheat situation at length, except to say that a 10 or 11 months' supply of wheat exists in this country over and above the actual need. This supply is expected to be reduced for the coming year by reason of this year's reduced acreage.

I maintain that with the world situation as it is today, we ought not to permit our reserve supply of wheat to drop much below a year's supply. Our wheat supply has kept the countries of Asia and elsewhere in the world from "going over the hill" and joining the camp of the enemy. Wheat and our other surplus foods have been our most potent weapon in the cold war. So there is no burdensome supply of wheat and feed grains today in this country.

The next question is: If there were a big surplus, would the bill be effective in reducing it? The answer is that it would not be, because it would best pay the producer to reduce his planting the minimum of 20 percent rather than 45 percent, as many of them have done during the last year; for if he made a 20-percent reduction in planting, he would receive larger benefits upon his entire crop than he would if he reduced his production by 30 or 40 percent.

So if there were excess production and a burdensome surplus, the bill would not be the way to correct such a condition.

The next question is: Would the bill relieve any of the burden of the taxpayer? The answer is that the bill would probably double the cost to the taxpayer for feed grains during the coming year and increase the cost of the wheat program.

The PRESIDING OFFICER. The time the Senator from Vermont has yielded to himself has expired.

Mr. AIKEN. Madam President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 additional minutes.

Mr. AIKEN. Madam President, the House of Representatives which the other day approved the conference report by a vote of 202 to 197, had been furnished false estimates of the cost of the present program, as compared with the cost of the program provided for in this report. I shall not go into that matter now, because I think other Senators will present those figures. But there would be a drastic increase in the cost. The last cost estimate I have seen for this year is $1,100 million for feed grains alone. The highest estimate I have seen comes to nearly $3 billion for feed grains and wheat. Somewhere between those two is probably the actual cost of the program for next year if the conference report is adopted; it all depends on whose pencil is used in arriving at the figures.

The next question is whether the present Secretary of Agriculture and his theoretical advisers have demonstrated their qualifications to control the farms of the United States. The answer is that last year in a period of 8 months they demoralized the milk situation in the country and made it necessary for the Federal Government to change its position from holding no butter and cheese at all to holding up to several hundred million pounds of each of those commodities. They have nearly destroyed the cotton exports of the country, which, following enactment of the

1958 act, increased to 7 million bales the first year and almost that amount the second. But under the first year of the new management, cotton exports dropped to a little less than 5 million bales; and for the first 2 months of this year, cotton exports are running only about 40 percent of what they were last year. Although we have recovered our cotton export market, with a great deal of difficulty, I feel that we are virtually going to lose our entire cotton export market within the next 2 years unless those in the Department of Agriculture change their administrative tactics.

The President has been speaking on the television and radio and also has been pleading through the press and by means of all other media of communication for Congress to restore the cut the House made in the foreign-aid appropriations. The President asks us to restore the full $4,750 million of foreign-aid appropriations, yet he also asks us to authorize the expenditure of up to $3 billion to destroy the most potent weapon we possess in fighting the cold war today, which is our bountiful agricultural production and the fact that the United States has some agricultural commodity surpluses. It is hypocrisy compounded to insist that we increase the foreign-aid appropriation at the same time that the President is asking for authority to destroy the most potent weapon available to us in fighting the cold war. Unless we are planning to end the cold war against the Communist bloc, we should not accept the so-called compromise conference report which we are asked to adopt today.

Mr. ELLENDER. Madam President, will the Senator from Vermont yield for a slight correction? I am sure he did not intend to make an error.

Mr. AIKEN. I yield.

Mr. ELLENDER. The record shows that the emergency program in 1961 made it possible for the production of corn and sorghums to be 421 million bushels less than the year before, in 1960. The present emergency program for 1962 will, it is estimated, result in reducing the production of corn, sorghums, and barley 528 million bushels. But I contend that these emergency programs are entirely too expensive.

Mr. AIKEN. Madam President, I maintain that with the use and disappearance of corn and feed grains in this country increasing at the rate of approximately 300 million to 350 million bushels more a year, it is dangerous to continue any program which results in a reduction of the supply of feed grains to the extent of 300 million or 400 million bushels a year. That is the basis of my argument. We do not have a surplus; and it is dangerous to our national security and to the national economy to continue to reduce the production of food and feed grains.

Mr. ELLENDER. Madam President, will the Senator from Vermont yield again?

Mr. AIKEN. I yield.

Mr. ELLENDER. The Senator from Vermont is in favor of continuing the emergency program, is he not?

Mr. AIKEN. No. I voted aganst continuing the present program.

Mr. ELLENDER. Does the Senator from Vermont advocate no program at all for corn?

Mr. AIKEN. I am advocating the program we had, which we adopted in 1958 and which was working successfully, because today we are consuming more grain than was produced under the 1958 law.

Mr. ELLENDER. Then why does not the Senator from Vermont make a comparison with the figures for 1950? In that way he would make a better case. The point is that in 1959 the production of corn, alone, was 3,824 million bushels. In 1960 it increased to 3,908 million bushels; and it is because of that increased production and a lack of consumption of the corn and other feed grains that the emergency programs were adopted.

Mr. AIKEN. But this country will consume or sell overseas more than 4 billion bushels of corn in the marketing year beginning this October 1.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HOLLAND. Madam President, I suggest the absence of a quorum.

Mr. ELLENDER. Madam President, I ask unanimous consent that the time required for the quorum call be charged equally to both sides.

Mr. AIKEN. Very well.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Madam President, I yield 20 minutes to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Madam President, the conference report before the Senate is one of the most important legislative proposals considered in this session of Congress. It represents a basic revision of agricultural legislation and agricultural policy.

I commend the chairman of the Committee on Agriculture and Forestry, Senator ELLENDER, for his excellent work, not only in connection with the legislative program, but also in connection with this conference report. The Senator from Louisiana [Mr. ELLENDER] has led the fight not only once, but three times this year, in an effort to obtain a more constructive agricultural policy for our Government.

Because there has been so much confusion and emotionalism and, I regret to say, so much misinformation, either deliberately or innocently generated concerning the Agricultural Act of 1962, I should like to take a few moments to state factually what is and what is not in the bill, and what it will and will not do.

First of all, expressing a personal opinion, this is a good farm bill. It is constructive legislation. It is not perfect, by any means. But the conference report represents a reasonable, sensible, and constructive compromise. It is a giant step forward from what we would have had if the Congress had passed no farm bill at all, and permitted the present legislative policy to continue.

It is this background and this sharply defined alternative that we must consider when we vote on whether we want this program or want to return to the 1958 Farm Act, which has aggravated the farm problem rather than eased it.

The farm problem has begged solution for many years. This administration is committed to trying to solve it, if that is possible. But the solution is possible only if there is cooperation among us, only if there is a conscientious desire among us to solve it, and only if our judgment and vote are based on facts.

Emotionalism, partisan whip cracking, name calling, and blind obstruction will get us nowhere. The only ones who will really suffer from this kind of activity are the farmers themselves, rural America, and ultimately the entire Nation.

What about the bill itself? The bill has been explained in detail by the chairman of the committee, the Senator from Louisiana [Mr. ELLENDER] in his report to the Senate today.

Let me start with title III of the bill, which seems to be the most misunderstood section.

Title III provides for a 1-year extension of the voluntary feed grain and wheat programs which have been successful in reducing surpluses, raising farm income, and reducing the tax burden. This section also provides for a long-range wheat program—which I shall explain a little later—and an end to the feed grain program in the Agricultural Act of 1958.

I am sure I do not have to remind Senators that the voluntary wheat and feed grain programs have exceeded our highest expectations. The record shows it. Indeed, the support of so many Members of the Senate, and Members of the other body, on both sides of the aisle, shows it. Enthusiasm for the voluntary feed grain program seemed to grow week by week as we discussed proposed agricultural legislation. I heard resounding praise of the feed grain program from Senators on both sides of the aisle.

The 1961 feed grain program alone reduced Government stocks of corn by 400 million bushels—instead of adding to the surplus as would have been inevitable without the program. Taxpayers saved over $213 million in storage and interest charges. Net farm income rose more than $1 billion. This was the first rise in farm income since 1953. There is no doubt about it. That is a statistical fact reported by the Department of Agriculture, by the Federal Reserve Board, and by a number of other responsible bodies.

The long-range wheat program provided for in title III of this bill is the result of 6 years of effort to improve the wheat program.

A provision of the 1964 wheat program in the conference report would authorize the Secretary to permit wheat to be produced as a feed grain. The bill also provides price support at a level related to the world and the feed price of wheat for that part of the crop not accompanied by wheat marketing certificates.

Use of the authority to produce wheat on feed grain acreage would be limited to years in which an acreage diversion program is in effect for feed grains. When such an acreage diversion program is in effect, it is expected the price support for corn and other feed grains would be approximately at the 1961 and 1962 levels—$1.20 per bushel for corn, for example. The appropriate price support level for wheat not accompanied by marketing certificates would be around $1.30 per bushel, when corn was at $1.20 per bushel. The figure of $1.30 can be looked upon as a practical minimum price support level for wheat not accompanied by marketing certificates.

If there is no acreage diversion program for feed grains in effect in 1964, and if the price support level for feed grains were to be set near the minimum of 50 percent of parity, the price support level for wheat not accompanied by marketing certificates would have to be related primarily to the world price of wheat, not to the level of price support for feed grains.

I think this point needs to be emphasized, because an attempt has been made throughout this country—my office is filled with letters of misrepresentation—to claim that the wheat price would be related to the 50 percent of parity price on feed grains in 1964 if there were no diversion program, rather than related to the world price for wheat.

The minimum price support for wheat not accompanied by marketing certificates would be $1.30 to $1.40. I would like to ask the Senator from Louisiana [Mr. ELLENDER], the chairman of the Agriculture and Forestry Committee, if I am not correct in this statement.

Mr. ELLENDER. The Senator is correct, particularly in respect to the world price. That must be given weight by the Secretary in fixing the price of wheat.

Mr. HUMPHREY. I thank the chairman. I might add, Madam President, that to make the assertion, in the first place, that the support level for feed grains would be set at or near 50 percent of parity is entirely unrealistic.

Mr. COOPER. Madam President, will the Senator yield at that point?

Mr. HUMPHREY. I yield.

Mr. COOPER. I should like to have this information for the RECORD, and for my enlightenment. I should like to have the judgment of the chairman of the committee on this also.

The conference report, on page 34, referring to price-support levels for corn after 1963, states:

> Conference agreed to—
>
> (1) Price support for corn at such level between 50 and 90 percent of parity as will not result in increasing Commodity Credit Corporation stocks;

My question is, With the limitation, "as will not result in increasing Commodity Credit Corporation stocks," would the provision mean, in practice, that there could be no price support?

Mr. HUMPHREY. The language is quite clear, of course, that if the Congress of the United States should abdicate its responsibilities, if the Congress had no regard whatsoever for the producers of foodstuffs, the minimum price support of 50 percent of parity would be theoretically possible.

However, I expect that next year, as the chairman of the committee has made so clear in his presentation, and as has been made clear repeatedly in the debate, one of the first items of business of the Senate Committee on Agriculture and Forestry will be the feed-grain program.

Mr. COOPER. I understand.

Mr. HUMPHREY. Moreover, the Secretary of Agriculture says he will present a new feed grain program to the Congress.

Mr. COOPER. The basis for the provision is the surplus of corn today. Let us assume that in 1964 there is a surplus. Would it be possible for the Secretary to take any corn at all? To do so the Commodity Credit Corporation stocks would increase.

Mr. HUMPHREY. In 1964?

Mr. COOPER. Yes.

Mr. HUMPHREY. If there were a surplus?

Mr. COOPER. Yes. Then they could not take any corn.

Mr. HUMPHREY. I would say they could take corn, but would have to take it at the minimum.

Mr. COOPER. Suppose the price supports were to be set at 50 percent of parity, but that taking any corn would increase the stocks of the Commodity Credit Corporation. How could it be taken?

Mr. HUMPHREY. It cannot be less than 50 percent.

Mr. COOPER. I know, but there is another limitation.

Mr. HUMPHREY. Yes.

Mr. COOPER. It is that, at whatever figure corn is supported, it must be at such level as will not increase Commodity Credit Corporation stocks.

Mr. HUMPHREY. It was the view, I am sure, of those who prepared the report, in the light of the history of the debate on the whole question of price support levels, that the low support level would not result in increased surplus stocks.

More realistically, the whole purpose behind the repeal of the 1958 provision was to compel the Congress to come to its senses on a feed grain program. We cannot justify the 1958 provision, which permits the accumulation of untold amounts of goods in the Commodity Credit Corporation, and threatens the entire program.

I come from a corn producing State. I come from a rather substantial agricultural State. I have a goodly number of friends in the rural communities of Minnesota. They vote for me and support me because they trust me. They do not want an open-end support program. Our farm people are not asking for a "gravy train." They want a support program which is sensible, which is related to a balance of production. They are willing to take controls if there is a support program.

Mr. COOPER. Will the Senator yield for one moment?

Mr. HUMPHREY. I should like to complete this thought.

What we hope to do, what we plan to do, and what the Secretary said he will do, is present another feed grain program to the Congress, so there can be a realistic feed grain program and not one which accumulates surpluses. The purpose of the 50 to 90 percent support level is simply to bring Congress to its senses.

Mr. COOPER. I think the Senator has answered the question. The Senator will remember that in 1958 I supported him on his feed-grain amendment.

Mr. HUMPHREY. I agree. The Senator surely did.

Mr. COOPER. I think it was a proper amendment. If it had been adopted, we would not have had a program which led to lower prices and the unlimited production of corn.

The problem I see in regard to this proposal is that it could have the same effect. If in 1964 there should be a surplus, and if the Secretary could not accept corn, because doing so would increase CCC stocks, the support price would have no effect; unlimited production of corn would be dumped on the market. The basis for price-support program is the ability of the Commodity Credit Corporation to take over and store corn. With this provision in the law, and the Secretary not able to accept corn, there would be no program. That is one point which I think ought to be understood.

I think the Senator has properly stated the purpose of the proposal, which really is to finally coerce the Congress into adopting a program which the Secretary of Agriculture has insisted is the only proper program.

I do not like the idea of coercion.

Mr. HUMPHREY. I say most respectfully it is not the purpose of this provision to coerce the Congress to adopt any program the Secretary may send to the Congress. It is the purpose of the provision to cause the Congress to face up to the problem of feed grain production, rather than to provide not a free ride, but the expensive ride of 1958.

The Secretary will present a program. To be frank with Senators, I hope the Secretary will present a somewhat different program than he did with relation to feed grains earlier this year. That is no secret. I do not think that program was the last word in the feed grains programs. I have said privately to the distinguished Senator from Kentucky [Mr. COOPER], for whom I have the greatest regard and respect, that I was not fully happy with the feed grain program. But it is the duty of the Congress to face the program rather than constantly talk about the costs of the farm program, many of which are built into the action that was taken in 1958. I wish to bring that kind of program to a halt. I do not want to see a program which provides an 80-cent price support for corn.

If the Lord is willing, I shall be here next year. I intend to do what I can to see a more reasonable and sensible feed grain program developed.

I am not at all sure the so-called compulsory program is the kind of a program we ought to have. Frankly, I have been quite satisfied with the voluntary program we have had. It has worked pretty well.

Mr. AIKEN. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. AIKEN. The Senator stated that the bill being acted upon today is a first step toward something. The administration will ask for another bill next January?

Mr. HUMPHREY. In relation to the feed grain section.

Mr. AIKEN. Will the Senator tell us what the ultimate objective of the program is? It seems a bit ominous to me. I hope that it is not as ominous as it appears to be.

Mr. HUMPHREY. May I say to the able Senator from Vermont, whose word on agriculture policy as well as on other subjects means a great deal, that the objective which the administration seeks, as I understand, and the objective which I shall try to help it seek if it is not their objective—and I think it is—is a better balance between production on the one hand and consumption of available supplies on the other. By that I mean we must have a carryover. We must have some reserve. We must plan for the unhappy day of a drought or weather conditions that might jeopardize our supply of feed grains. But we do not have to see whether or not we can accumulate everything people produce. What Mr. Freeman has suggested is a managed abundance. He has suggested a better balance between the supply of feed grains, on the one hand, and utilization on the other. I think this is his objective.

Mr. AIKEN. Will the Senator explain why it is necessary to reduce our abundance to what I consider to be an unsafe level before starting to operate under a managed abundance? What is the idea of reducing our production at this time when our consumption and exports are increasing so rapidly?

Mr. HUMPHREY. I say most respectfully that if the consumption and exports of our feed grains increase as much as the Senator from Vermont and the Senator from Minnesota would like them to increase, we will not cut back on our feed grain production.

Being realistic, what the Secretary has sought to do is, first, to say, "We have too much corn and wheat that qualifies as a feed grain and not as a wheat for purposes of baking or cereal purposes." The Secretary has said, "We must see to it that those stocks are brought into better balance with world and domestic needs, the availability of commercial exports, and the availability of what we call soft currency exports."

That is what the Secretary of Agriculture is seeking to do. I do not say he has evolved the perfect solution to the problem. But he has faced the fact about which every Member of the Congress, with few exceptions, has complained for years—that the program has gotten out of hand. We have accumulated too much. Costs are outrunning the willingness of the public to pay them. And the condition does not help the farmer or the public.

I believe that now we must review the program, and do so continuously. Not only that, but we ought to have the kind of legislative program that will permit the Secretary and the farm producers to have a better balance in terms of production and utilization. I think we can.

I have thought that the voluntary feed grain program has been a good one. I think it is a good one. I do not say it is necessarily the final answer, because it is quite obvious we would like to review the program in terms of its cost and what it produces in results.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Madam President, will the Senator yield an additional 10 minutes?

Mr. ELLENDER. I yield 10 more minutes to the Senator from Minnesota.

Mr. HUMPHREY. Madam President, I have said in the past, and I repeat, that Secretary of Agriculture Freeman will not permit a return to the previous costly programs of guaranteed price supports and unlimited production. That is why the 1958 law is being amended. He will not permit programs which would place our farmers in a position worse than they are in now. He has stated he will come to the Congress next year and present a permanent feed grains program.

I wish to make clear that I am not endorsing ahead of time any particular type of program. I think that would be a mistake.

It is a mistake for farm organizations willingly to endorse some general suggestion of a program before they see its details. The Senator from Minnesota has so stated to some of the leaders of our farm organizations. He has said, "Let us examine the suggestion carefully. Let us not talk merely in terms of 'referendum,' 'mandatory,' and 'permanent' without knowing what those terms mean and what they ultimately would reflect in terms of legislative detail."

I assure Senators I shall approach the problem of proposed feed grains legislation with no previous commitments, no doctrinaire or dogmatic attitude, but on a very pragmatic basis, on the basis of whether or not a program will work and whether or not it will serve the interests of farmers in terms of price and the farmers' fair share of income, and will be of benefit to the taxpayer and the Federal Treasury.

Perhaps the 1963 feed grains program in the bill now before the Senate would provide a solid foundation for permanent voluntary feed grains legislation for the 1964 and subsequent crops. Whatever program the Secretary presents, I assure Senators it will be thoroughly discussed and refined in the Agriculture and Forestry Committee. I have never known that committee to be a rubber stamp for any Secretary or for any particular program. I served on the committee long enough to know that. The only thing that becomes rubbery about the committee is that one can be bounced around a great deal whenever he makes a presentation, because every member of the committee is as independent as he can be.

I am confident the Congress will look forward to receiving suggestions from the Department of Agriculture, from farm organizations, and from individual Senators, and then will refine and develop a program worthy of our consideration.

Questions have been raised with respect to the resale policies for wheat and feed grains under the conference report. In this connection I would like to quote from a letter to me from Secretary of Agriculture Freeman dated September 19, 1962. I inquired of the Secretary, after reading the conference report and after hearing about it, as to what the resale policies of the Department of Agriculture would be.

I ask unanimous consent to have printed at this point in the RECORD the full text of the letter dated September 19, 1962, addressed to me and signed by the Secretary of Agriculture.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 19, 1962.

Hon. HUBERT H. HUMPHREY,
U.S. Senate.

DEAR SENATOR HUMPHREY: In response to your inquiry concerning the resale policies for wheat and feed grains under the conference report on farm legislation, the legislation would provide the following:

The provisions of section 407 of the Agricultural Adjustment Act of 1949 providing for sales for unrestricted use from CCC stocks at 105 percent of the current price support, plus appropriate carrying charges, would apply to all noncertificated sales of wheat and feed grains. This would mean a sales price at a level 5 percent, plus carrying charges, above the applicable support level as provided for in the conference report.

The proposed legislation provides for redemption of the payment-in-kind certificates on both wheat and feed grains at not less than the loan rate—$1.02 per bushel national average for corn and $1.82 per bushel national average for wheat. This would apply when farmers or others ask for delivery of physical grain against the certificates as well as when they request the CCC to market the certificates in their behalf. It is anticipated that the certificated grain sales price would be determined regularly during the marketing year so as to provide for appropriate adjustments, taking into account reasonable carrying charges and normal seasonal price trends.

We trust this will clarify this matter for you and your constituents.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. HUMPHREY. In the second paragraph of his letter the Secretary said:

> It is anticipated that the certificated grain sales price would be determined regularly during the marketing year so as to provide for appropriate adjustments, taking into account reasonable carrying charges and normal seasonal price trends.

The letter states the CCC sales price will not only be 100 percent of the support level, but also that reasonable carrying charges will be included in the resale price. This is important, because we do not wish the Commodity Credit Corporation under the direction of the Secretary of Agriculture to dump supplies into the market and break what would be the normal market price in order to coerce, compel, or in some other way enforce its regulations.

We are going to have the same type of practice that has been included in legislation throughout the years.

Questions also have been raised concerning the price of wheat in 1964 under the marketing certificate program and the relationship of the price of wheat to the price of flour and bread. The argument was made that the bill puts a bread tax "on consumers" and that it would cost American consumers an additional $150 million to $200 million each year, compared with the present system.

This is an old argument. One would have to eat a great deal of bread to be affected, in the first place. But, at any rate, the argument is absolutely fictitious and in error.

These statements are not true, and are based upon a misunderstanding of the wheat provisions. This has been recognized by the millers and bakers of this country. Through their responsible organizations they have stated there is no cause for concern that the price of flour or bread would be increased as a result of the wheat marketing certificate program.

The Southwestern Miller of April 17 stated:

> The concern of the baking industry over the imposition of a bread tax through the certificate plan for wheat has been dispelled by action in both the House Committee on Agriculture and through assurances from the office of Secretary of Agriculture Freeman, it is indicated in a bulletin issued by the American Bakers Association.

The Secretary of Agriculture also has sent a letter to the chairman of the Wheat Subcommittee of the House Committee on Agriculture restating his assurance that the price support level under the marketing certificate program would be about the same level as for 1962—$2 per bushel.

Members of Congress ought to be aware also of the very distant relationship of the price of bread to the price of wheat. From 1947 to 1959 the retail price of a 1 pound loaf of bread rose from 12.5 to 21 cents. In that time the farm value of wheat in that loaf of bread declined from 3 to 2.4 cents.

In other words, as the price of wheat went down, the price of bread went up. So there does not seem to be any reason for believing that if the support price for wheat is $2 a bushel, the price of bread will go up.

The claim has been made that the proposed wheat program would add 1 cent to the price of a 1-pound loaf of bread. The facts are that the farm price of wheat would have to be increased to approximately $3 per bushel before a 1-cent increase in the price of bread could be justified on the basis of higher wheat prices.

Since no increase in wheat prices is indicated next year under the certificate program, claims that bread prices will be raised by this farm bill are in error.

Madam President, one of the great disappointments of this farm bill is that it contains no section on dairy products. This is unfortunate because of the seriousness of the dairy situation and the extremely critical situation of the dairy price support program and drop in dairy income.

Neither the dairy industry nor the Congress were able to meet the dairy problem this year. I introduced legislation in this area and so did many of my colleagues but, regrettably, we in the Congress were not able to agree on a satisfactory program.

I am encouraged, however, that a dairy program will be a priority item in the consideration of farm legislation next year. The chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], has indicated his intention to hold hearings on dairy legislation early next year. I know he shares my hope that we can provide much-needed help to our hard-working dairy farmers.

Dairy production is costly and demanding in time, resources, and managerial know-how. Dairy farmers need the sympathetic understanding and cooperation of their Government.

In 1960, the consumer expenditures for dairy products alone totaled $11.1 billion, and consumers paid about $3.8 billion for the meat produced from dairy cows and calves sold for meat. This adds up to total sales from dairying of approximately $14.9 billion. In other words, dairying is a $15 billion business—equal to or even surpassing steel.

There is no question that American farmers are the most productive and most efficient in the world. There is no question that American agriculture stands out in front of the rest of the American economy in improving its productive efficiency. Our farmers, during the past 10 years, increased their output per man-hour nearly three times as much as the average in our economy, and greatly improved the quality of that output at the same time they were stepping up the quantity.

But in spite of the fabulous job American farmers have done on their farms, their incomes have fallen while most other incomes have been rising. Dairy farmers are among the lowest paid of all. According to studies by Department of Agriculture specialists in farm management, typical dairy farmers in Minnesota with investments in their farming operations averaging $50,000 were able to earn only 49 cents per hour on their labor in 1960, when milk prices were about the same as today. This is characteristic of dairy farmers' returns in other sections also.

The blame for low farm income can be traced to what goes wrong with the farmer's business management after his product passes beyond the farmer's gate.

For one thing, the farmer, almost alone in our economy, has no bargaining power because he is unable, as an individual, to keep supply in reasonable balance with demand at a fair price. The result is that a tiny surplus of only 3 to 5 percent drives down the price of milk to unreasonable levels where the farmer cannot earn a decent living.

This administration believes farmers should have that power and the right to use it. We have worked ceaselessly with dairy farmers and their leaders in an effort to develop a satisfactory program whereby milk supply can be kept in balance with demand at reasonable prices. We still are trying and we shall continue to try.

There are few of us here who have any serious quarrel with titles I, II, and IV of this bill.

Title I broadens the conservation and lending authority of the Department of Agriculture to encourage diversion of lands—in other words, putting substance into the concept of land use rather than land idleness.

Title II expands our donations to school-lunch programs abroad and expands the program under title IV of Public Law 480 providing for long-term credit sales, while reaffirming the intent of Congress that these sales would not conflict with dollar sales. The purpose is to stimulate the sale of surplus agricultural commodities for dollars abroad.

Title IV of the bill provides for certain constructive changes in the lending authority of the Farmers Home Administration. It adds "recreational uses and facilities" to the purposes for which real estate loans may be made or insured to owner-operators of not larger than family farms. It increases from $10 million to $25 million the aggregate of real estate loans which the Secretary may make out of the insurance fund to be sold and insured, which are on hand and not disposed of at any one time.

I submit that this is a good bill—a workable bill. It will increase farm income. It will bring production in line with consumption. It will reduce our surplus stockpiles. It will reduce the tax burden.

I say that because the evidence of the emergency programs proves it. It will enhance and expand our foreign disposal and export program. It will provide for orderly transition of present programs to the new program. It will reverse a policy of land idleness to multiple land use. It will secure farm families on the land. It will provide new opportunities for rural America through the rural area development program.

Can any other program offer so much? I have seen no evidence from those who oppose this program that they have anything nearly as good. In fact, I have seen no farm program of theirs at all except to arbitrarily retire about 75 million acres of land, or a program that merely returns to the 1958 farm act which has been a sad failure. And I have heard that there are those who advocate no program whatsoever—a program based on the anarchy of the free market. Does anyone really want that?

I say we cannot, we must not abrogate our responsibilities to the farmers of this Nation by going home without passing this program.

All rural America will be affected by what we do or do not do with this bill. Not only farmers or small towns will be affected—the entire economy of the Nation will be helped or hurt if we pass or defeat this bill. Sixteen million off-farm jobs depend in large measure on what happens to agriculture; $200 billion is invested in agriculture—more than the entire assets of three-fourths of all our corporations. Agriculture is a sizable, major segment of our economy. Can we in all good faith go home and have nothing about the farm problem? I, for one, hope we do not.

Madam President, before I yield the floor I would like to ask some questions of the chairman of the Committee on Agriculture and Forestry.

It is my understanding that it was the intention of the Senate Committee on Agriculture and Forestry and the Congress in the Agricultural Act of 1961 to broaden the provisions of the Agricultural Marketing Agreement Act to include all commodities except the basic commodities where other legislation and programs are in operation and in addition, certain other selected commodities. All of these the Congress specifically excluded in the legislation either in the committee or on the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield 3 more minutes to the Senator from Minnesota.

Mr. HUMPHREY. Is this not the understanding of the chairman of the intent of the committee and of the Senate?

Mr. ELLENDER. It is.

Mr. HUMPHREY. Therefore is it not the Chairman's understanding that in the Agricultural Act of 1961 it was the intent of the Committee on Agriculture and Forestry and the Congress to exclude from coverage under the Agricultural Agreement Act by specific provisions, under section (3) of subtitle D, all those agricultural commodities which we did not intend to include and make subject to the provisions and opportunities under the Agricultural Marketing Agreement Act?

Mr. ELLENDER. The Senator is correct.

Mr. HUMPHREY. Therefore is it not also the Senator's opinion that it was the intent of the committee and the Congress in last year's legislation to include all agricultural commodities which we did not specifically exclude and make them subject to the provisions of the Agricultural Marketing Agreement Act?

Mr. ELLENDER. The Senator is correct.

Mr. HUMPHREY. To clarify one more point I call attention to an amendment of mine which was adopted by the Senate on both occasions this year during consideration of agricultural legislation. This amendment states:

> It is hereby declared to be the sense of the Congress that the Secretary of Agriculture should, whenever he determines such action will result in more effective or more economical administration of this or any other act administered by him, utilize the services and facilities of farmer-owned, farmer-managed associations of producers, and accord such associations no less favorable treatment under any such act than that accorded individual producers or farmers.

I notice in the bill as reported by the conference committee that this amendment is not included. I take it this was not made a part of the bill because it presently is the sense of the Congress that the Secretary of Agriculture act in accordance with the language of this amendment and that, therefore, the amendment is repetitious and is not needed. Is that correct?

Mr. ELLENDER. That was one of the reasons given. The House conferees objected to it because of some rumors from cooperatives that it might affect them adversely. Since the Commodity Credit Corporation's charter contains language very similar to that which was contained in the Senator's amendment, the Senate conferees receded.

Mr. HUMPHREY. I understand that. I have studied this subject and it is my view that the charter of the Commodity Credit Corporation, along with the existing program, would make the amendment unnecessary, even though I like to see these provisions enacted into statutory law.

Mr. AIKEN. I interpret the conference report to mean that there will be no discrimination against farm cooperatives in carrying out this entire program.

Mr. HUMPHREY. That is my understanding.

Mr. AIKEN. I have heard rumors, but they came from the other side of the fence, from those who would like to see farm cooperatives weakened or put out of business. We ought to make it clear that this language is intended to mean that there shall be no discrimination against farm cooperatives in the handling of Government commodities or in carrying out Government programs. Is that the understanding of the Senator from Louisiana?

Mr. ELLENDER. I recall that the House conferees indicated in the conference that the opposition came from the cooperatives. Why, I do not know.

Mr. AIKEN. No.

Mr. HUMPHREY. No.

Mr. ELLENDER. That was my understanding. At any rate, as I said, because the conferees concluded that the language added by the Senator from Minnesota was already in the law and that the practices were already being carried out, it was decided that the Senate conferees would recede.

Mr. AIKEN. I am very sorry that the amendment of the Senator from Minnesota has been eliminated, because when an amendment is offered and is adopted, and then when the amendment is thrown out, even if the contention is made that the purpose of the amendment is already covered by the law and is therefore unnecessary, the impression is given that that is not the intention or the understanding. I wish to say here and now that I believe, so far as the Senate is concerned, it is definitely the intention that there shall be no discrimination against farm cooperatives or against farmer-owned operations.

Mr. HUMPHREY. That is my understanding. I gather from these remarks that the understanding is that there will be no discrimination.

Mr. ELLENDER. That contention is borne out by the fact that the Senate adopted the provision offered by the Senator from Minnesota. I am merely saying, by way of repetition, that it is not only in the law already, but the reason given by Mr. COOLEY was that the rumors came from the cooperatives. Whether or not that is true, I do not know.

Mr. HUMPHREY. If that is the case, they were in error. At any rate, the matter has been fully explained by the Senator from Vermont and by this discussion.

The Senate adopted it unanimously. It does not provide any favoritism; it merely provides that there shall be no discrimination.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. ELLENDER. I yield the Senator 5 more minutes.

Mr. YOUNG of North Dakota. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. YOUNG of North Dakota. As one of the Senate conferees, it was my understanding that the only reason why the amendment was deleted was that it was felt that the same language was contained in the charter of the Commodity Credit Corporation. There was no intention whatsoever to discriminate against cooperatives; in fact, it was desired to protect them.

Mr. HUMPHREY. I thank the Senator from North Dakota.

Mr. ELLENDER. There is no doubt that that was the position of the Senate conferees. There is no question about it.

Mr. HUMPHREY. I thank the Senator from Louisiana and the Senator from North Dakota.

Mr. LAUSCHE. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Of course.

Mr. LAUSCHE. The Senator described the good that will result from the bill. He said it would provide relief to the taxpayers; that it would reduce surpluses; that it would be helpful to the farmers and would be in the interest of the country generally.

The Senator also said that in 1963 the Secretary of Agriculture would submit to Congress a permanent program, one which probably ought to be adopted.

My question is: If the program provided in the bill is as good as the Senator from Minnesota has described it to be, why will a new program be needed in 1963?

Mr. HUMPHREY. At the beginning of my remarks, I said I did not consider this program to be anywhere nearly perfect. I said it was compromise legislation, but that I thought it was an improvement.

I said that although we are expanding the voluntary feed-grain program—which, by the way, makes a great deal of sense to me, and I wish to go on record as saying that I like it—and while we are expanding the wheat program, it was understood that in 1963 the Secretary would present additional recommendations for a feed-grain program. I did not say I would support those recommendations. I think the RECORD is clear that I said I would consider them objectively. I do not want to be committed. I said I would not take a dogmatic approach; that I have serious doubts about certain aspects of the feed-grain program that was presented earlier this year and that next year Congress would have to work its will on what would be not merely an emergency feed-grain program, but a permanent type of program. I hope it may be as good as the present voluntary program, and even better.

Mr. LAUSCHE. The Senator from Minnesota further said that a voluntary program might be evolved in the 1963 program.

Mr. HUMPHREY. That is correct.

Mr. LAUSCHE. Does that mean that the Senator looks toward a voluntary program rather than a mandatory program having severe provisions, limiting the freedom of the farmer?

Mr. HUMPHREY. Speaking for the Senator from Minnesota, I should prefer that; but I do not know what will happen in determining the will of the Senate. I do not even know what the Secretary will present. But I have a feeling, in the light of some argument over the feed-grain programs, that he is giving the situation a second look.

Mr. AIKEN. Will that not depend on the will of the public on November 6?

Mr. HUMPHREY. The Senator from Vermont is correct. I thought I would like to keep that happy moment out of the discussion.

Mr. AIKEN. I thought I would try to interpret what was in the Senator's mind.

Mr. HUMPHREY. The Senator from Vermont is always helpful. I thank him.

Mr. JOHNSTON. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. JOHNSTON. Is it not true that having found ourselves in such a plight, with so large an amount of surplus on hand, it is impossible at this time to do what most of us would like to do?

Mr. HUMPHREY. The Senator is exactly correct.

Mr. JOHNSTON. That is where the trouble lies at this time. We must consider the farm situation from that standpoint in order to understand exactly what we are doing now.

Mr. HUMPHREY. I thank the Senator.

Madam President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared relating to the effect of the 1963 feed-grain program on a midwestern farm.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE 1963 FEED-GRAIN PROGRAM ON A MIDWESTERN FARM

This describes the situation of a 200-acre farm in the Midwest producing corn, soybeans, and livestock:

	Non-cooperator		Cooperator in 1963	
Crop acres and yield:	*Acres*	*Bushels*	*Acres*	*Bushels*
Corn	100	60	70	61
Soybeans	50	25	50	25
Pasture	50		50	
Diverted acreage			30	
Production:				
Corn		6,000		4,270
Soybeans		1,250		1,250
Returns:				
Corn sales		$6,000		$4,355
Soybean sales		2,812		2,812
Price support in kind (18 cents per bushel on 4,200 bushels normal production on 70 acres)				756
Diversion payment (60 cents per bushel on 1,800 bushels normal production on 30 acres)				1,080
Total		8,812		9,003

This farmer would have an advantage of about $200 from participating. In addition, of course, he would have lower production expenses. He would probably receive half his diversion payment when he agreed to participate early in 1963. The other half would be paid after harvest in the fall of 1963.

Price support to the cooperator would involve a loan on all or a part of the crop handled in the regular manner familiar to all farms, and a payment-in-kind on the normal production on 70 acres. It would be contingent on compliance, and would be made after compliance is checked. The farmer could accept grain from CCC; he could accept a certificate which he would sell; or he could receive cash and let CCC market the grain.

Mr. HUMPHREY. Madam President, I yield the floor.

Mr. ELLENDER. Madam President, I suggest the absence of a quorum; and I ask unanimous consent that the time consumed for the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Madam President, I yield 10 minutes to the senior Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HICKENLOOPER. Madam President, at the outset I wish to say that the major features of this measure which affect the agricultural program have their impact primarily on the feed grains sections and the wheat sections of this country; and I think it is one of the most ominous and dangerous measures for the overall, long-range good of agriculture and a sound agricultural program that I have ever seen proposed.

I wish to speak briefly about the pending measure, and I shall point out why I think it is dangerous.

In the spring of 1961 the Congress got its first look at the agricultural proposals of the Kennedy administration.

To those of us seeking to: First, strengthen the market system; second, reduce Government regulation of individual farming operations; third, preserve the opportunity of farmers to adjust to changing conditions; fourth, expand domestic and foreign markets; and fifth, increase per family net farm income, the Cochrane-Freeman plan came as a shocking disappointment.

In contrast to what I believe in and support, the administration's 1961 proposals called for a major extension of Government efforts to fix farm prices and restrict or ration the right to produce farm products in keeping with a theory described as supply-management. Worse still, these proposals by the executive branch of the Government called upon the Congress to abdicate its constitutional responsibility to determine governmental policy, and, instead, would have turned this responsibility as it relates to Government farm policy over to the Secretary of Agriculture and the controllers who surround him. Fortunately for farmers and ranchers, and for America, the Congress said no to this brazen bid for power to control American agriculture.

The basic difference between the administration's 1962 proposals and those presented last year is simply that this year's proposals spell out the details of certain commodity programs for which general enabling authority was requested last year. When the Congress understood what really was involved in what was being proposed in the way of Government controls on the producers of feed grains and dairy products, the Congress again flatly rejected the control schemes proposed.

I should like to interrupt the chronology of this statement by referring to a highly significant news story which appeared about a year ago. The article indicated that—

> Kennedy administration planners are quietly abandoning hopes of bringing off a revolution in Government management of agriculture.
>
> Instead, they're inclined to let time, fuzz, and mirrors slowly accomplish their basic objectives.

I read further from the same article:

> So, for the present, these officials reason it's politically necessary to "fuzz things up." For several years, they'd settle for stopgap, compromise crop-by-crop production controls headed toward their long-range goals, and they'd disguise increased farm income assistance by doling out more money little by little in a variety of ways under a variety of titles.
>
> "Maybe it'll have to be done with mirrors," remarks an aid to farm boss Freeman.

I call this to the attention of the Senate because this newspaper article of a year ago describes more accurately what has happened and what is happening today in this field than anything I have seen written in the intervening period.

Let us take a look at all three counts.

First, time has elapsed—1 year of it; and probably some have forgotten the shameful assault on constitutional government involved in the original Cochrane-Freeman proposal; however, I can assure you that Iowa farmers will not soon forget it.

Secondly, things are "fuzzed up"—that is for sure. In the spring of 1961 the supply and demand for soybeans were reasonably in balance. The market system was working. Soybean producers were content to leave "well enough" alone. But not Mr. Freeman. He raised the price support on soybeans from $1.85 to $2.30 per bushel. Soybean output increased from 555 million bushels in 1960 to a record crop of 703 million bushels scheduled for 1962 harvest.

But that is not the worst of it. Price supports on cottonseed and butter were raised, too—with the net result that the U.S. carryover of edible fats and oils this year will total 2.2 billion pounds, which is 50 percent more than last year, and is a new record.

Madam President, what do you suppose the next move will be? I doubt that one needs a crystal ball to figure it out. The answer, of course, is "supply-management." Wrong Government policy creates a surplus problem that did not exist before; and then the controllers propose more Government intervention in order to deal with the difficulties which could have been avoided in the first place.

In nautical terms—which seem to have a certain currency these days—what the administration has done recently to many farmers is somewhat like shoving an innocent man overboard and then trying to get a hero badge for throwing the victim a lifeline. It is actually worse than that, because these Government control schemes actually are more akin to an anchor than a lifeline.

Third, mirrors are being used to delude American taxpayers into thinking they are getting their money's worth out of certain of these Government farm programs, when they are not. Mirrors have been used to juggle the statistics with respect to the cost of the emergency feed grain program, and they are now being used in efforts to mislead Members of the Senate into thinking that H.R. 12391 will cut the cost to taxpayers.

Some may wonder why a U.S. Senator from the No. 1 corn State should question these expenditures, since many of his constituents will be on the receiving end of these feed grain subsidies. Let me state a few of the reasons why the citizens of Iowa oppose H.R. 12391.

First. It will take more than "mirrors" to justify the expenditures provided for in the 1963 wheat and feed grain programs. All Iowans, including farmers, are taxpayers. They want to get a dollar return for every dollar they spend; and they know double payments for anything is wrong, especially when one of the payments is of the compensatory payment variety, which Iowa farmers have consistently opposed over the years.

Second. Iowa farmers are concerned about agriculture's public relations, and they know the proposed 1963 program will give farmers a "black eye" with the public. Who is going to defend spending $1.8 billion a year for not growing feed grains? Certainly such a figure is possible when one takes into account the double payments proposed and the full participation that would be expected.

Third. Iowa farmers are not easily fooled. Therefore, they understand that the double payment provided in 1963 is not the "wave of the future" but, instead, is merely the bait in the trap.

The trap in this instance has a double spring, the kind used when going for big game.

On the one hand, the provision of the 1958 law relating price supports on feed grains to the market is repealed, and in its place the Congress would authorize the Secretary of Agriculture to establish such supports between 50 and 90 percent of parity. The proponents of this provision apparently intend that it be used to lower price supports on corn, for example, to 80 cents per bushel, with the hope that the prospect of such a drop will scare midwestern farmers into the snare of compulsory controls and all that goes with them.

This is a ruthless and calloused political move. No wonder the administration wants to camouflage it with a lush looking program in 1963. After all, a condemned man gets at least one good meal before his execution.

Mr. AIKEN. Madam President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. I yield.

Mr. AIKEN. The Senator from Iowa might point out that the price-support level within the 50 to 90 percent of parity support range would be applied to corn, so as to make it unnecessary for the Government to acquire any surplus which might be produced. That inevitably would mean that the support price would be 50 percent of parity, or 80 cents a bushel, because if it were 90 percent of parity, that would encourage overproduction of corn, and would be a level that would result in acquisition of more Government stocks. So the proposed program is a mess.

Mr. HICKENLOOPER. The Senator from Vermont is accurate and right, as he almost invariably is on agricultural matters.

Mr. AIKEN. They might as well have provided the 50-percent price support and left out the rest of the language.

Mr. HICKENLOOPER. Reading the law as it would be, as written in the conference report, I fail to see how they can put on 50-percent price supports if they honestly and conscientiously follow the law, because as it reads, they could not put on any supports at all if it would contribute to the CCC stocks.

Mr. AIKEN. And if they have to buy any of them.

Mr. HICKENLOOPER. If they have to buy any of them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HICKENLOOPER. May I have 5 more minutes?

Mr. AIKEN. I yield another 5 minutes to the Senator from Iowa.

Mr. HICKENLOOPER. However, I am not persuaded that the law as it is written will be meticulously followed, political expediency will probably govern.

Mr. AIKEN. I point out that there has been no precedent in the past 2 years for doing so.

Mr. HICKENLOOPER. That is correct. There is no indication that the law will be meticulously followed.

Mr. LAUSCHE. Madam President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. LAUSCHE. The Senator has stated that we might be wondering why he is opposing the bill in face of the fact that many corn producers in his State would be benefited by the first year of the operation of the law. Will the Senator point out how that would be so?

Mr. HICKENLOOPER. Because they have put bait on the trap for 1963 in order to encourage acceptance of the report, and the bait on the trap is an increase, in a substantial amount, of payment for retired acres. The way it will work, nobody knows, but there will be an increase. I think the increase will be out of all proportion to the real value, and in the long run it will injure agriculture and give agriculture a black eye and result even in some claims that the beneficiaries are Treasury looters.

Mr. LAUSCHE. What is the purpose of the 18 cents a bushel? Is that to induce producers to enter the program?

Mr. HICKENLOOPER. That is part of the bait on the trap. That applies to all the corn the complier grows——

Mr. ELLENDER. Madam President, if the Senator will yield, is it not a fact that the price support for corn is $1.20, the same for next year as this year?

Mr. HICKENLOOPER. No. It is $1.02 plus 18 cents——

Mr. ELLENDER. That is $1.20; is it not?

Mr. HICKENLOOPER. No. The 18 cents is to be paid in kind.

Mr. ELLENDER. The farmer will get the same next year as he gets this year. That is $1.20 a bushel, paid in two different ways.

Mr. HICKENLOOPER. It is a cleverly, and almost diabolically, conceived program to bait this trap for 1963, and the guillotine will fall on the farm program in 1964, when supports drop to 80 cents. See what happens to the plan then.

Mr. ELLENDER. I suggest that the Senator should have been one of the conferees. I was in the conference, and I tell the Senator there was no politics in it. The amount of support the farmer will be paid next year will be the same as he received this year. The only difference is that this year he got the price support of $1.20 by way of loan and purchase, and next year he will get a loan of $1.02 and 18 cents in kind.

Mr. HICKENLOOPER. Plus a great deal more "sugar on the plate" in the way of contributions, as we can bring out later.

Mr. ELLENDER. That suggestion was made by a Republican conferee from the House, and we accepted it.

Mr. HICKENLOOPER. I do not know who made it. I was not on the conference committee. I do not know who made it; I do not care who made it.

Mr. ELLENDER. It was Representative QUIE, from the State of Minnesota.

Mr. HICKENLOOPER. He did not sign the report.

Mr. ELLENDER. No; he did not. I did not expect him to do so.

Mr. HICKENLOOPER. I take the Senator's word. I am not doubting the Senator's word on anything he has told me. He has always been honest and honorable. I am not questioning the Senator's word. The only suggestion I make is that the Member of the House to whom the Senator has referred did not sign and approve the report.

I now continue with my statement.

On the other hand, the multiple-price "certificate" plan for wheat could jeopardize still further interests of the producers of feed grains, livestock, dairy and poultry.

This bill contains the latest and most unworkable version of the costly multiple-price plan for wheat. The proposed plan is by far the most objectionable version of any multiple-price plan that has been considered by the Senate since I have been here.

There are many reasons why the multiple-price wheat plan in H.R. 12391 would be bad for farmers, consumers, taxpayers, and for our international relations. I will list and briefly discuss some of these reasons.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. HICKENLOOPER. I ask for another 5 minutes.

Mr. AIKEN. I yield 5 more minutes to the Senator from Iowa.

Mr. HICKENLOOPER. This multiple-price wheat plan if enacted into law would:

First. Guarantee a shortage of needed types of wheat production for the future—because it proposes to cut back arbitrarily the acreage of all wheat producers the same percentage even though the type of wheat some producers grow may be in short supply. I realize the Secretary is given some administrative discretion, to try to avoid this pitfall; however, as a practical matter he could not and would not.

Second. Insure that growers of poor quality milling wheat will continue to produce in excess of market demand—because they, too, will get their certificates on a pro rata basis. Thus we will continue to pile up unwanted wheat.

Third. Permits all export wheat—including Public Law 480 and other giveaway wheat—to be included in the primary market, along with domestic food wheat. This is an insult to the intelligence of American taxpayers. This move is an inexcusable affront to those who would like to see an honest, fair, and reasonable program worked out for wheat that has some hope of solving the surplus problem.

Fourth. Be most unfair to feed grain growers and will lower returns to all livestock, dairy, and poultry producers—because of its Government-rigged pricing mechanism, authorizing a high price for all domestic food and export wheat (including giveaway wheat) and a feed price for all the surplus. It is unfair because it permits, by Government rigging of prices, a high net blend price for wheat and the consequent dumping of feed wheat on a subsidized basis, in an already glutted feed grain market. Feed grain growers have always been willing to compete with wheat growers on a basis of comparable rules, but never on a basis of a "stacked deck." This kind of a dumping operation would disrupt feed grain-livestock ratios and lower the returns to all livestock, dairy, and poultry producers.

Fifth. Raise the price of flour and bread to consumers. The proponents of the bill say the increase in cost of a sack of flour or a loaf of bread will be small, whereas the users of flour, including the bakers, say it will be considerable. My judgment would be that the users of flour and bakers of bread are in a much better position to know what the effect on costs in their operations would be. I am confident that the consumers of flour and bread—many in the lower income brackets—will resent their Government's being a party to a rigged program that will increase their basic food costs through a flour or bread tax, even if it is only one cent on a loaf of bread.

Sixth. Permit unparalleled discretionary authority to be exercised by the Secretary. If Senators have any question about this, read the bill carefully and count the number of important areas where the Secretary is granted almost unlimited authority. No industry as important as the wheat industry is should be subject to the possibility of a Secretary of Agriculture making political decisions that might be unwise for the whole future of the industry.

Seventh. Cause serious international complications. I am greatly concerned about our international balance-of-payments problems and about potential Common Market restrictions on U.S. exports, particularly agricultural exports. But how can we expect to put into effect the discriminatory multiple-price plan for wheat and not have repercussions—not only in the Common Market countries, but also in other exporting competitor countries, such as Canada and Australia.

Eighth. Provide by means of so-called certificates a complicated and little understood plan. It really is a processing tax done up in a new sack. Farmers and others interested in wheat will resist this program because of its complications, uncertainties, and added costs. Bootlegging will be on its way back, not in bottles and jugs, but in sacks and bulk. Whenever the opportunity for a "quick buck" is available, we will always find some takers. As proof of the basis for my concern in this regard, just look at the penalty provisions the proponents have written into the bill. Even with these penalty provisions, the door would be wide open for Estes-type scandals when people start dealing in "certificates."

Ninth. Finally, and most important, this multiple-price wheat plan would not solve the wheat surplus problem. Furthermore, it would create many new areas of confusion in the entire wheat industry.

The one saving grace about this inequitous multiple-price plan is the probability that it would be rejected by producers in a referendum.

Most Members of the Senate realize that earlier in this session I introduced a bill, S. 2822, along with the Senator from Utah [Mr. BENNETT] and the Senator from Iowa [Mr. MILLER], known as the cropland retirement program. This bill, if enacted into law, would move further in the direction of freedom for individual farmers to make their own decisions in what they plant on their crop acres. It would relate support prices to recent average market prices and would help eliminate much of the cost of current farm programs. In my judgment, such action, together with an extension of the expiring conservation reserve contracts, would help us on our way to a solution of the feed grain and wheat surplus problem. Furthermore, in my opinion, it would go a long way toward solving our problems in the whole agricultural field.

Madam President, I ask unanimous consent to have printed in the RECORD at this point a table showing corn production and the amount placed under loan by States, 1959, 1960, and 1961. The statistics, I believe, are as of June 1. There may have been some alteration of the statistics between June 1 and September 1, but I do not have those with me at this time. These figures are subject to correction, as the official figures may be shown at a later date.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Corn: Production [1] and amount placed under loan [2] by State, 1959–61

[In thousands of bushels]

	Corn, grain, 1959		Corn, grain, 1960		Corn, grain, 1961	
	Production	Under loan	Production	Under loan	Production	Under loan [3]
Alabama	46,982	173	44,330	125	48,335	62
Alaska						
Arizona	385		346		360	
Arkansas	12,100	48	9,608	66	8,449	12
California	11,857	466	9,360	305	7,776	57
Colorado	15,606	669	12,926	686	12,204	894
Connecticut	198		201		132	
Delaware	7,650	81	9,362	120	7,378	89
Florida	8,502	9	8,903	139	9,636	180
Georgia	58,077	412	62,312	1,218	65,800	1,150
Hawaii						
Idaho	1,888	40	1,533	73	1,817	
Illinois	655,863	80,188	678,980	90,308	638,176	135,167
Indiana	315,668	27,546	350,336	30,963	308,802	31,945
Iowa	789,035	168,267	772,541	180,364	747,252	171,566
Kansas	72,660	14,031	78,488	18,721	86,800	10,290
Kentucky	76,005	3,152	73,392	1,944	61,380	1,090
Louisiana	12,183	2,176	9,126	22	9,879	6
Maine						
Maryland	22,508	232	25,500	272	22,140	118
Massachusetts	189		128		124	
Michigan	98,268	6,378	90,882	7,310	101,864	6,430
Minnesota	303,960	39,226	315,630	45,413	324,242	58,082
Mississippi	35,898	231	26,877	102	34,515	87
Missouri	214,438	24,770	210,132	25,147	175,398	20,156
Montana	192		144		174	
Nebraska	318,063	91,998	333,438	122,456	279,439	96,642
Nevada						

See footnotes at end of table.

Corn: Production [1] *and amount placed under loan* [2] *by State 1959–61*—Continued

[In thousands of bushels]

	Corn, grain, 1959		Corn, grain, 1960		Corn, grain, 1961	
	Production	Under loan	Production	Under loan	Production	Under loan [3]
New Hampshire	--------	--------	--------	--------	--------	--------
New Jersey	7,770	103	7,668	103	5,772	74
New Mexico	660	--------	663	--------	525	11
New York	12,710	215	11,816	151	11,403	144
North Carolina	76,356	595	84,000	797	67,200	626
North Dakota	7,280	984	8,932	1,124	5,148	899
Ohio	219,625	14,528	230,044	13,450	187,738	12,424
Oklahoma	6,592	62	6,901	95	5,390	10
Oregon	1,965	133	2,277	94	1,632	25
Pennsylvania	57,120	173	58,149	137	59,965	78
Rhode Island	--------	--------	--------	--------	--------	--------
South Carolina	19,370	293	23,010	501	20,055	232
South Dakota	62,200	6,586	119,910	17,245	100,046	14,124
Tennessee	55,068	261	52,806	125	45,408	132
Texas	40,068	137	27,522	77	31,890	842
Utah	328	443	180	--------	192	--------
Vermont	63	--------	62	--------	60	--------
Virginia	30,038	95	30,723	128	28,885	80
Washington	5,063	777	4,316	893	2,975	152
West Virginia	5,437	12	5,096	19	4,240	8
Wisconsin	137,385	2,796	108,500	1,928	120,377	2,058
Wyoming	1,243	18	1,020	9	1,340	15
Total	3,824,598	488,304	3,908,070	562,729	3,624,318	565,957

[1] Source: "Crop Production, Annual Summary," USDA.

[2] Source: "Report of Financial Condition and Operation, CCC," USDA.

[3] As of May 31, 1962.

Mr. ELLENDER. Madam President, I yield 5 minutes to the Senator from South Carolina [Mr. JOHNSTON].

The **PRESIDING OFFICER.** The Senator from South Carolina may proceed for 5 minutes.

Mr. JOHNSTON. Madam President, I think all Senators agree that the farm program has gotten into a terrible mess. I do not think anyone can dispute that fact today. Why it has gotten into that condition might be answered in a great many different ways by various people. Personally, I feel it has gotten into that condition because we have offered price supports and have provided very few controls. That being so, a tremendous surplus has been built up in the United States.

Madam President, it has been apparent for a good while that some action should be taken to reduce the excess Government stocks of wheat and feed grains, to reduce the costs of the Government programs for these products, and to put the producers of those commodities back in position of producing for the market at a fair price. Before the so-called feed grain and wheat program went into effect the Government had accumulated about 3 billion bushels of feed grains valued at $3½ billion and 1.4 billion bushels of wheat valued at $2.7 billion. These tremendous stocks of commodities, which were neither needed nor desirable, were accumulated under the programs which were in effect in the 1950's. Under these programs feed grain producers were guaranteed high Government price supports without any limitation whatsoever on production. That has gotten us into a great deal of trouble, in my estimation.

For some reason or other feed grain producers were not treated like the tobacco producers, or the cotton producers, or the peanut producers, who were required to cut their acreage in order to receive price supports.

It is a known fact today that the tobacco program does not cost the Government anything, though there are 90 percent of parity price supports. Cotton is not supported at such a high percentage, but with the controls provided the cotton program is costing very little today under the program in existence.

These facts show to me, and I think they should show to others, the controls are needed if we are to give high price supports for various commodities which the farmers grow.

In the case of wheat the one factor most responsible for accumulation of the excess stock in Government hands was the 55 million acre minimum national allotment which was placed in the law in 1958. At that time yields were about 13.2 bushels per acre. By 1961 yields had about doubled, but the minimum national allotment still remained in effect. The 1962 wheat program will make a small dent in the surplus stocks of wheat. The 1961 and 1962 feed grain programs, on a high cost emergency basis, have begun the downward movement in feed grain stocks, I am glad to say. But the supply situation for both of these commodities is still very burdensome.

This is burdensome for the Government and burdensome for the people, who must pay for the storage now being provided by the Government.

The conference substitute is designed to relieve both of these situations.

In the case of feed grains, it has not been possible to obtain legislation to control production. The only remaining alternative available to reduce the cost of the program is a reduction in the support price.

The **PRESIDING OFFICER** (Mr. METCALF in the chair). The time of the Senator from South Carolina has expired.

Mr. ELLENDER. Mr. President, I yield 3 more minutes to the Senator from South Carolina.

The **PRESIDING OFFICER.** The Senator from South Carolina may proceed for 3 additional minutes.

Mr. JOHNSTON. Mr. President, the conference substitute therefore provides for a support level which will not result in increasing Government stocks. The conference substitute provides a minimum support level of 50 percent of parity, far above the zero minimum provided by the Senate amendment but slightly below the 65 percent minimum of existing law.

In the case of wheat, the conference substitute provides for effective controls. In lieu of the present 55 million acre minimum national allotment, the substitute provides for a billion bushel minimum quota, and for its translation in a realistic way into an acreage allotment which is based on expected yields and is designed to result in production of the amount of the quota. In addition, the wheat marketing allocation program offers the Secretary a further opportunity to regulate the amount of wheat moving into primary and secondary uses.

Last, I want it clearly understood that under no conditions can controls be imposed upon feed growers under the conference substitute.

Feed grain producers will still be able to produce all they wish to produce. But the support prices have been reduced. I hope that by virtue of that program we will get rid of some of the surplus we have on hand today.

Mr. AIKEN. Mr. President, I yield 15 minutes to the Senator from North Dakota [Mr. YOUNG], and additional time if he wishes it.

Mr. YOUNG of North Dakota. Mr. President, it is with considerable reluctance that I must oppose the adoption of the conference report on the omnibus farm bill. This legislation represents a lot of hard work on the part of the Senate Agriculture Committee and its distinguished chairman, my good friend the Senator from Louisiana [Mr. ELLENDER]. He is a friend of agriculture and I know that he tried his best to get needed corrective farm legislation. He was faced with many problems, some of which I shall deal with in my brief remarks.

Mr. President, the omnibus farm bill now before the Senate has many bad features which far outweigh the good provisions of the bill.

However, I do not agree with charges made on the floor here that the bill would result in a higher cost of bread to consumers. That is not true. It would not mean higher wheat prices. It is also not true that corn would be placed in an unfair competitive position with wheat. That is not true. The bill is a compromise—though not a good one—of the two conflicting farm bills passed by the House and Senate.

Defeat of the conference report would mean that the House-Senate conferees would still have another opportunity to write a better bill. If it is defeated and no further action is taken, I believe it would be better than to approve the pending legislation.

We would still have in effect the 1958 Feed Grain Act and, for wheat, the Anderson Act of 1949 which is the program approved by farmers in this year's wheat referendum.

This omnibus farm bill has traveled a rocky road since it was first considered by Congress in January. The House of Representatives earlier this year defeated its own farm bill worked out by its Agriculture Committee, and then defeated the Senate's first omnibus farm bill.

Following this, the House passed a bill containing an extension of the present voluntary wheat and feed grain programs now in effect for 1962 with some modifications. It has some other very bad provisions. A particularly objectionable one was that which deals with price supports for feed grains.

Commencing with 1964 the bill provided price supports for feed grains at 80 percent of the cash price received during the previous 3-year period. This provision would have dropped price supports for corn, under this bill, from the present $1.20 a bushel to approximately 83 cents a bushel and lower in succeeding years. Since other feed grain price supports are based on their feed value equivalent with corn, this would mean a corresponding drop in price supports for all other feed grains.

About 2 months ago the Senate Agriculture Committee approved its second omnibus farm bill, but there was a long delay in its consideration by the Senate. At least a month of this costly delay was caused by the filibuster on the communications satellite legislation.

This farm bill contained some good provisions but many very bad ones. One of the most objectionable was the one that would have lowered the present mandatory price supports for corn from 65 to 90 percent of parity to 0 to 90 percent of parity.

The House-Senate conference committee in resolving the differences between the House- and Senate-passed bills made many changes, but on the whole I believe the compromise omnibus farm bill as now contained in the Senate-House conference report still has many very objectionable features. Briefly, the major objectionable provisions are—

First. The proposed legislation would mean the most severe production controls ever imposed upon wheat farmers.

Second. The 55-million-acre minimum national wheat allotment would be repealed.

Third. The wheat certificate plan, scheduled to go into effect for 1964, would mean nearly a 20-percent further cut in wheat acreage for farmers.

Fourth. Price supports for wheat would be reduced from the present 75 to 90 percent of parity to 65 to 90 percent of parity.

Fifth. It would reduce the present mandatory feed grain price support from 65 to 90 percent of parity to 50 to 90 percent of parity.

Sixth. It provides more discretionary authority to the Secretary of Agriculture and more flexibility in price supports than any farm legislation since the Agriculture Act of 1938.

Seventh. This would be the most complicated farm program ever imposed upon farmers.

The new wheat certificate program scheduled to go into effect for 1964 subjects farmers to both acreage allotments and bushel allotments. There would be the same stiff penalty for the violation of acreage allotments as contained in the present program.

Under this new wheat certificate program—along with these acreage allotments—each farmer would get a bushel allotment, at least for the first years of its operation, based on a national 1-billion-bushel quota. Farmers would be permitted to market only the wheat produced within their acreage allotment plus any additional they might be permitted under a so-called substitution clause.

Farmers would receive wheat certificates in addition to minimum price supports but the wheat produced under the substitution clause would not be eligible for certificates.

The value of these wheat certificates and the final blended price they would receive would be tied directly to the 65 to 90 percent price supports. For the first year of the plan there would be minimum price supports of $1.40 a bushel, with the wheat certificates valued at 60 cents a bushel. Thus, farmers would receive $2 a bushel for the 1-billion-bushel production.

I might say at this point that one of the good features of the bill is that farmers would receive this wheat certificate payment even though there was a crop failure.

The so-called substitution provision of the bill would permit a farmer to plant a portion of his feed grain base to wheat or a portion of his wheat base to feed grains.

The problem is that the wheat certificate plan is scheduled to go into effect in 1964 but there would be no possibility of a farmer using this substitution program unless a feed grain program were put into effect which established a feed grain base for each farm.

The compulsory feed grain proposal which was disapproved by Congress earlier this year contained a feed grain base. The present voluntary feed grain program has a feed grain base provision, but this program is not expected to be continued beyond 1963. Thus, this substitution provision, which would give farmers a few additional acres, would be ineffective unless new legislation were to be enacted another year. This is very doubtful.

Another complication: The planned $1.40 a bushel price support for wheat in 1964 is tied to its feed value equivalent with corn. Under the omnibus farm bill, corn price supports could well drop from the present $1.20 a bushel to 80 cents a bushel.

If this were the case, wheat price supports would have to drop to not more than $1.25 a bushel and perhaps even lower than $1 a bushel. This is only one of the many areas in this omnibus farm bill where the Secretary of Agriculture has great discretionary authority. This wheat certificate plan has more flexibility than any farm price-support program enacted during my 18 years in the Senate.

By a very narrow margin in the recent wheat referendum, farmers voted to approve wheat quotas under the Anderson Act of 1949. This provides for a national wheat allotment of 55 million acres. Under the omnibus farm bill wheat farmers would be encouraged to reduce their acreage in 1963 further by an incentive program. The price support for 1963 is $1.82 a bushel.

Farmers who would be willing to further decrease their acreage anywhere from 20 to 50 percent would be given an 18 cents a bushel payment in cash or in kind in addition to the $1.82 a bushel. Also, there would be a payment for diverted acres much the same as under the present program that is in effect for 1962.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. HOLLAND. Is it not true, in view of the fact that the referendum had already been held on the basis of existing law, the only way any reduction in wheat production could be accomplished for 1963 was through an incentive program?

Mr. YOUNG of North Dakota. That is correct. I have no objection to this part of the bill. In fact, I believe it is a good provision.

Mr. HOLLAND. I thank the Senator.

Mr. YOUNG of North Dakota. The feed grain program for 1963 under the omnibus farm bill will be much the same as the present program. It has some improvements. For 1963 all feed grain acreage will be lumped together to establish a total feed grain base for a farm. If a farmer wanted to participate he could make the required cut in any one of the feed grains which best suited his farming operations. It is still a voluntary program.

One of the worst features of the feed grain program is that it provides no exemption for corn for silage. This imposes a real hardship on the farmers of my State. There is not now and never has been a surplus of corn silage.

Price supports for corn would be at $1.02 a bushel with an 18 cents a bushel bonus paid in cash or in kind to those farmers who voluntarily reduced their acreage by 20 to 50 percent. There would be no price support in 1963 for feed grains for farmers who did not reduce their acreage by at least 20 percent.

Starting with 1964 and subsequent years price supports for feed grains would drop drastically. Present mandatory 65- to 90-percent supports for corn would be dropped to 50 to 90 percent of parity. All other feed grains are supported at their feed value equivalent with corn.

A tough yardstick in the bill which the Secretary of Agriculture would have to use in determining price supports for corn—with our present heavy surpluses—would hardly permit him to set price supports above 50 percent of parity. I quote this particular provision of the bill:

> Notwithstanding the provisions of section 101 of this act, beginning with the 1964 crop, price support shall be made available to producers for each crop of corn at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn.

This would mean that corn price supports would be dropped from the present $1.20 a bushel to 80 cents a bushel in 1964. Barley would be down to 62 cents, oats 41 cents, and rye 68 cents a bushel. This is just the kind of program that those who believe in low price supports or no price supports at all have been trying to get for years.

I am happy that several amendments of mine were included in the final draft of the bill. They include a provision permitting the Secretary of Agriculture to increase the acreage of any type of wheat in short supply. There is a similar provision for malting barley. Another amendment of mine repeals the present law which makes price supports for feed grains available only on a farmer's normal production rather than actual production. This year many farmers in North Dakota, as well as other States, because of better crops in some areas, found a considerable part of their production was not eligible for price supports.

Let me give an example. There was a severe drought over much of North Dakota last year. Thousands of farmers had no crop at all and received no price support. This year when they do have a good crop, they find that because price supports are based on normal yields, a considerable part of their crop was ineligible for price supports. My amendment would correct this.

Some of the most objectionable features of all in this farm bill are all of its complicated procedures. Farm programs in the last 2 or 3 years have become so complicated, both by way of provisions written into the laws and regulations promulgated by the USDA, that farmers have had a most difficult time trying to understand them. I am sure that very few, if any, Members of Congress, if placed in the farmers' position, could understand all of the regulations. This is one of the major reasons why there was a sharp decrease in the "yes" vote in the recent wheat referendum. Should this wheat certificate plan be presented to farmers in its present form in a future wheat referendum, it undoubtedly would not fare as well as the wheat program voted on in the recent referendum.

A simple two-price system for wheat more along the line of the original McNary-Haugen two-price system, or the two-price system sponsored by the former and most respected Member of Congress, Clifford R. Hope of Kansas, and our distinguished colleague, the senior Senator from Kansas [Mr. CARLSON], or that of the National Grange, would be much more workable and acceptable. I deeply regret that a more simple two-price system was not written into this bill rather than the present complicated wheat certificate plan.

I believe that a good price-support program is as necessary now as ever before. It does not make sense to drastically lower price supports at a time when everything a farmer has to buy keeps increasing. I believe that farmers would be willing to go it alone without price supports, if the rest of the economy were willing to go it alone, without many of the advantages they now enjoy. I shall not be a party to any program to pull the props out from under any protection farmers may have until other segments of our economy are willing to forego subsidies and advantages of all kinds that they now have.

I voted for both farm bills when they passed the Senate earlier this year in the hope that they could be improved in conference. I was severely criticized by many people for doing so. I voted for these bills because I wanted to go the last mile toward trying to write better farm legislation before it was too late. The action of the House-Senate conferees was a deep disappointment to me. If the present trend continues, I can see only more difficult times ahead for farmers.

May I say in closing that I refused to vote for lower and more flexible price supports for Secretary Benson, and I refuse now to do it for Secretary Freeman.

I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, the conference report on the farm bill, H.R. 12391, should be decisively rejected. It would be far worse for America's farmers, consumers, and taxpayers than no bill at all. Significantly, the Senate and House conferees were sharply divided on the bill, and for good reason.

A RETURN TO THE DISCREDITED BRANNAN PLAN

Most people thought that the discredited Brannan plan with its compensatory payments to farmers had been buried over a decade ago. Yet, it has been resurrected by the conferees and adopted wholesale in the conference report. It is not only unsound, but would be extremely costly. In fact, this was why the Brannan plan was rejected in the first place, coupled with the realization by both farmers and Congress that should such a program be adopted, it would be inevitably followed by stringent limitations on payments to individual producers. The farmers then would be strapped with controls; inefficiency in production would result; the cost of producing food and fiber would increase; and this would lead to sharply higher food costs to consumers.

TAXPAYERS SUFFER

Not only will the bill be ineffective to assist farmers, but the additional cost to the taxpayers will be staggering. The bill will extend the so-called "emergency feed grain program" for another year. It is surprising how these "emergencies" continue eternally. But while extending the program, the conference bill will also double the $900 million cost for feed grains under the 1962 program. This would be accomplished by adding compensatory payments to the land retirement rental. This is political bribery. Through a combination of an 18-cent-per-bushel compensatory payment and a 60-cent-per-bushel land diversion payment, a typical corn farmer with an acreage allotment of 100 acres and a yield per acre of 75 bushels would receive a staggering subsidy of $99 per acre. In addition to this fabulous payment, he would be eligible to receive price support on his total production of corn on 80 of his 100 acres at $1.02 per bushel.

This potential bleeding of the taxpayers was well stated by Secretary of Agriculture Orville L. Freeman, in a letter to Representative KASTENMEIER which appeared in the CONGRESSIONAL RECORD for September 20. Secretary Freeman said, in part:

> On the other hand, the proposed 1963 program would enable each participating producer to obtain 18 cents a bushel for the normal production of his corn acreage, whether harvested for grain or otherwise. The total amount of payment the producers in your district would be eligible to receive would amount to almost $6 million on an estimated normal production of 33 million bushels. With full participation in the State of Wisconsin, payments would be as high as $30 million, on an estimated normal production of about 170 million bushels on the acreage remaining after the 20-percent reduction. In addition, diversion payments would be made on diverted acreage, as was the case under the 1961-62 programs.

COMPULSORY SUPPPLY MANAGEMENT

The bill is obviously a 1-year political bribe to a select group of feed grain and wheat farmers as a prelude to compulsory supply management for all agriculture later. It is the goal of the Kennedy administration to bring agriculture under the most strict production controls; which, in effect, would amount to complete nationalization of agriculture in America. The farmers would be mere puppets of the almighty Secretary of Agriculture who, with his horde of bureaucrats in Washington, would direct the farmer's life and control his livelihood.

WHEAT PROGRAM

The conference report also contains the so-called "voluntary" wheat program for 1963. Here, too, a double payment would be made to certain wheat growers who would receive both land retirement and compensatory payments in precisely the same fashion as under the "emergency feed grain program." It would be accompanied by the same bad results. The combination of these double payments to a typical middle western wheat farmer would result in a subsidy of $43 per acre.

If the program were of genuine lasting effectiveness for farmers, it might conceivably be justified. However, the bill is geared to obtain at best only a 20-percent reduction in production. Since the compensatory payment is made for the grain produced on the acres planted after complying with the minimum requirement for reduction, most farmers will plant all the acres they are allowed to plant and will reduce acreage only to the minimum extent—20 percent—necessary to qualify for the double payment. Quite obviously, this will be the poorest 20 percent of feed and grain land; so, in all likelihood production will not be materially reduced.

MULTIPLE PRICE PLAN FOR WHEAT—A BREAD TAX ON CONSUMERS

The conference report also adopts what is without doubt the most complicated version of the costly multiple price plan for wheat, commencing in 1964. It would authorize the Secretary of Agriculture to treat all wheat exports, including so-called giveaways, as "primary market" wheat. This would result in a further increase in the costs of the wheat export program, which already exceeds $1 billion a year. Yet, we are told by the administration that it desires to reduce Government expenditures for wheat. Yet the net effect is that it would increase costs to the taxpayers and impose a bread tax on U.S. consumers, who would have to pay more for wheat products.

In Utah, we produce a high quality hard wheat for which there is a ready market. However, the conference bill raises the price of certificate wheat and completely ignores wheat quality and market demand in the allocation of certificates. The good wheat producer is paid the same as the poor wheat producer. This means that Utah producers are discriminated against under the bill. Moreover, the relatively high price guaranteed for certificate wheat would subsidize the dumping of noncertificate wheat on the domestic feed grain market, which would harm not only producers of feed grains but also livestock, dairy, and poultry producers.

EFFECT IN UTAH

The Brannan plan compensatory payment program embraced by the conference report is obviously intended as a first step toward imposition of the same program on Utah's dairy, poultry, livestock, and other producers. It is probable that the effect of the bill will be to raise feed costs to our livestock, poultry, and dairy producers while, at the same time, imposing a bread tax on Utah housewives. Moreover, Utah taxpayers would also suffer by the tremendous increase in costs required by this program. As already indicated, Utah wheatgrowers are discriminated against by the bill.

In short, this Kennedy administration farm bill would be a disaster for all concerned in Utah. Thus, for the sake of Utah's farmers, consumers, and taxpayers, as well as for the sake of their counterparts throughout the nation, the bill should be decisively rejected.

Mr. YOUNG of North Dakota. I yield 5 minutes to the Senator from Kansas.

Mr. CARLSON. Mr. President, I am opposed to the conference report on H.R. 12391. I voted for the bill when it was considered in the Senate with the expectation that it would be improved by the conference committee.

I have been a longtime supporter of a straightforward wheat certificate or domestic parity program for wheat. In each of the last several Congresses, I have introduced and supported bills which would have provided a separate market price structure for wheat used for food and allowed the additional production of wheat for nonfood uses. But the bills I introduced and supported were far removed from the involved, complicated, and confusing wheat provisions in the conference report in H.R. 12391.

This bill is a strange combination of tough production controls on the one hand and more flexible, much lower supports on the other. The wheat certificate plan included in this bill is one of the most complicated pieces of farm legislation ever written by Congress.

It subjects farmers to both acreage allotments and bushel allotments. There would be the same stiff penalty for violation of acreage controls as contained in the present program. Each farmer along with his acreage allotment, would get a bushel allotment, based on a national one billion bushel quota. Farmers still would be permitted to market only the wheat produced within their acreage allotments—plus any additional that might be permitted under a so-called substitution clause.

The so-called substitution provision in the bill permits a farmer to plant a portion of his feed grain base to wheat or a portion of his wheat base to feed grains.

The wheat certificate plan is scheduled to go into effect in 1964, however, with a marketing quota vote on it to be held in July 1963, and there is little possibility of having an agreed 1964 feed grain program by that time. The substitution clause can only be used if there is a voluntary or mandatory feed grain program involving feed grain base acreages in force.

The present voluntary feed grain program is extended only for 1963, however, in this legislation. It is doubtful that the new legislation will be passed and a 1964 feed grain program announced before the marketing quota referendum on the 1964 wheat program must be called. Without a feed grain program in effect, there would be no possibility of a farmer being permitted to produce wheat on feed grain base acres.

I know of no better way to illustrate how complicated the wheat provisions are than to quote the statement made by Representative PAGE BELCHER, of Oklahoma, when this conference report was before the House, he said:

> Mr. Speaker, if you are confused at this time, you are in no different position than the conferees were or members of the Committee on Agriculture. We had two members of the Department of Agriculture come into the conference room and try to explain to us how the wheat section of the bill would operate.
>
> After they thoroughly disagreed with each other and the House Members disagreed with each other, Senator ELLENDER disagreed with everybody. Finally Senator ELLENDER chased the Department officials out of the room and the question was never answered.

I regret very much that a basically sound two-price wheat plan was made so complicated that there is little possibility of getting it understood.

The opponents of this complicated plan will have almost unlimited opportunities to confuse the farmers and make them afraid to approve it in the 1963 marketing quota referendum. If its opponents should be successful and the marketing quota is not approved there would be no effective wheat price supports.

I voted for the voluntary feed grains program for 1961 and I voted for its extension in 1962. I also have gone on record in favor of an extension of the program to 1963.

The current feed grain program is popular in Kansas. Two-thirds of the corn and 70 percent of the grain sorghum base acreage are participating in the program this year. Most of the participating producers have diverted 40 percent of their base acreage since the current diversion payment rates are higher on the acreage diversion in excess of 20 percent of the base up to a maximum of 40 percent.

Small producers may be paid for diverting their entire acreage up to a maximum of 25 acres. As a result of these inducements 46 percent of the corn base acreage and 43 percent of the grain sorghum base acreage on participating farms was signed up for diversion this year.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CARLSON. I have but 2 minutes remaining.

Mr. ELLENDER. Will the Senator yield on my time?

Mr. CARLSON. I yield.

Mr. ELLENDER. The Senator is aware that the amount of price support per bushel that would be paid to the corn grower is the same next year as it was this year, and the diversion payment would be based on the same support rate?

Mr. CARLSON. I so understand.

Mr. ELLENDER. It is $1.20 a bushel.

Mr. CARLSON. That is correct.

Mr. ELLENDER. Therefore, the payments on the first 20-percent reduction would be the same as last year, which also provided a payment rate based on 50 percent of the support price.

Mr. CARLSON. Does the distinguished chairman of the committee disagree with my statement that there will not be much inducement for a farmer to increase acreage reductions more than 20 percent, and up to 40 percent? The base payment is on 20 percent.

Mr. ELLENDER. The payment rate for the next 30-percent reduction would be the same as for the first 20-percent reduction. It would not, however, be at a higher rate, as was the case last year.

Mr. CARLSON. Based on my figures, I cannot understand how taking 40 percent of the acreage out of production would provide any additional benefits.

Mr. ELLENDER. The farmer could reduce his acreage by a further 30 percent and be paid 50 percent of the support price. That is the same as he is paid for the first 20-percent reduction.

Mr. CARLSON. I have been trying to understand the bill. I know of the ability of the Senator from Louisiana to work on this particular program. As I understand the bill, I cannot see how there would be any great inducement for a farmer to take more than 20 percent of his acreage out of production.

I think he will take out 20 percent. For that, he is well paid, and should be. But we had been hopeful that farmers would be paid for more than 20 percent of acreage reduction. Our State has been participating in the program. We have participated in the feed grain program generally.

Mr. HRUSKA. Mr. President, will the Senator from Kansas yield for a brief question?

Mr. CARLSON. I yield for a very brief question. I have only about a minute remaining.

Mr. HRUSKA. Is it not true that if a farmer were to engage in a second 20-percent reduction and get a 50-percent price support, he would forgo, however, the 18 cents a bushel he would get for the corn that would be actually raised on the 20 percent?

Mr. CARLSON. That is how I figure it. That is why I contend it might be possible to take up to 20 percent, but there would be no benefit from going to 40 or 50 percent.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Kansas yield.

Mr. CARLSON. I yield briefly.

Mr. YOUNG of North Dakota. Under the program in effect for 1962, a farmer would get a bigger payment for an additional amount of reduced acreage. Starting at 50 percent it goes up to 60 percent. This year it would be 50 percent across the board.

Mr. CARLSON. As I mentioned earlier, our State has really participated in this program, and we have been very happy to do so. I am hopeful that the legislation which comes before us at this time will give to the farmer the same opportunity, in the wheat and corn area, as he had under the last bill.

If I correctly understand the feed grain provisions of the conference report, there is a much greater inducement to divert the first 20 percent of the feed grain base acreage than in 1962, but no economic inducement to divert more than 20 percent. If a feed grain producer diverts 20 percent of his corn acreage he gets a diversion payment equal to 50 percent of the CCC loan level for corn multiplied by his normal or proved yield on the acreage. He also gets a payment of 18 cents a bushel on the normal yield of all corn grown on the remaining 80 percent of his base acreage.

Mr. President, my calculations indicate that a Kansas feed grain producer who diverted 40 percent of his feed grain acreage in 1962 will get total payments almost as large in 1963 for diverting only 20 percent of his base acreage. There would be little inducement to divert more than 20 percent.

Undoubtedly some who did not participate in the 1962 program will participate in the 1963 program, in view of the much higher inducements to divert a minimum of 20 percent of the base acreage. However, although total payments may equal or exceed those made on the 1962 program in Kansas, the acreage diversion will almost certainly be much less than was obtained this year when a total of 2.4 million base corn and grain sorghum acres were diverted to conservation uses. This is a serious weakness in the 1963 feed grain program authorized in this conference report.

The provisions for feed grains after 1963 also are unsatisfactory. They are a far cry from what farmers were promised when this administration came into power. Price supports within a range of 50 to 90 percent of parity are authorized, but the Secretary of Agriculture must not set them at a level which will result in an increase in Commodity Credit Corporation stocks. This would result in price supports at 50 percent of parity or 80 cents a bushel.

This is the equivalent of no program at all and I shall do everything possible to assure that an acceptable feed grain price support program for 1964 and later years is given prompt consideration when the next Congress convenes.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. HART. Mr. President, many times we who are privileged to represent States which grow soft wheat have pointed out the danger in attempting to legislate across the board on wheat. We have argued that soft wheat is not the contributor to the enormous wheat surplus and should not be subject to the same restrictions as hard wheat.

Many questions have been asked of me as to the effect upon producers of soft wheat of the proposed wheat program recommended by the agriculture conference committee. It seems to me that for the first time the problem of different types of wheat is recognized, and that the approach being taken by Congress is a sound one.

The Secretary of Agriculture is authorized to take into account the adequacy of supplies of various kinds of wheat and is authorized, if he determines that there is a shortage of a particular kind of wheat, to increase the acreage in those counties where this wheat has been historically grown. I was one of the authors of this proposal, and I believe that in the years ahead it will go far to overcome what may now seem to be less desirable features of the wheat certificate plan.

This, together with the provisions of H.R. 12391 which recognize problems of the small family farm, means that the wheat program in the Agriculture Act of 1962 will make good sense for more than 100,000 small farmers in Michigan and other Midwestern States who grow wheat under what has been known as the 15-acre exemption rule.

Many thousands of small farmers, most of them with diversified farming operations, have been planting up to 15 acres of wheat under an exemption from marketing quota provisions which has been in the wheat program since 1942.

While the 15-acre exemption permitted the small family farmer to grow some wheat, at the same time it excluded him for eligibility for price support if his acreage allotment was less than 15 acres and he exceeded his allotment. For example, if his allotment were only 5 acres and he actually planted 15, he would not be eligible for price support since he had exceeded his allotment. Nor would he incur a marketing quota penalty since he had stayed within the 15-acre exemption.

The provision included in H.R. 12391 would let cooperators in the 1963 wheat program treat these small wheat acreages—under 15 acres—as if they had been acreage allotments. In other words, they would be treated as acreage history.

Under the proposed bill the small producers of wheat would really have a base acreage equal to the average of their plantings in 1959, 1960, and 1961, provided they cooperate in the program by reducing this acreage in 1963 by at least 20 percent, with a maximum reduction of 10 acres.

They would be eligible for price support, for diversion payments on the acreage diverted, and for an 18-cent-a-bushel payment on the normal production of their planted acreage.

The provision is realistic and practical. It gives the small family farmer a stake in the program and a right to participate along with large producers in the benefits of the program.

I hope the experience under this procedure will be good, for it seems to be the best way, under a national wheat policy, of meeting the needs of smaller growers of a type of wheat which is not in great surplus.

In conclusion, the distinguished chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] and all other members of the committee have been deeply concerned over the problem presented by the grower of soft wheat, and most sympathetic toward him. The bill now pending is the first step toward establishing a formula under which those growers—if in truth there is a shortage in this type of wheat—may find adjustment available.

Mr. AIKEN. Mr. President, I yield 10 minutes to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I suppose it would be accurate to say that I am not generally recognized as an expert on farm problems. However, I have been advised by persons whose judgment I respect and who are well versed in this field that the country could get along very well this year without any new farm legislation. In any event, no farm legislation this year would clearly be preferable to bad farm legislation.

I am opposed to the administration's multiple-price plan for wheat, on a ground which is very important to urban States which have large consumer populations. It would impose a bread tax on consumers. The bread tax would work as follows: The processors of wheat would be forced to acquire certificates at face value for every bushel of wheat they use; but because the certificates are to be issued to farmers on the basis of planting history, without any reference to grade or quality, processors might have to purchase one lot of wheat simply to get certificates. Then, they would have to use these certificates to purchase "noncertificate" wheat in order to get the particular type and grade of wheat they needed. This complicated process would be sure to increase the cost to the processors. In effect, this would be a tax on the bakers. It, in turn, would have to be passed on to the consumers.

This bread tax is characteristic of the history of across-the-board farm control programs. The taxpayers and the consumers are hit in the pocketbook, but the farm dilemma remains very much as it is. The bread tax hits the city dwellers. Farmers in New York oppose the stringent Government controls proposed in this farm bill. They are also consumers. They have an interest as poultry raisers, livestock producers, and dairy producers in not having their feed costs increased.

Since 1961 we have had to live with the unfortunate feed-grains program. In the first year of operation of this program, the Treasury paid nearly $750 million of subsidies for a comparatively small reduction in production. It seems to me that was a tremendous price to pay for such small results.

The same boondoggle was repeated in 1962; and the conference report calls for a 1-year extension for 1963. This "temporary" feed-grains program, as we heard it called so often, is about as "temporary" as an iceberg. It goes on and on. Federal funds continue to be paid out while the farm dilemma remains pretty much what it is, and perhaps is growing worse. In the interest of good sense, fiscal integrity, and consumer protection, I hope the conference report will be rejected.

In New York City there are 17 million people who eat bread. I say we should let them alone. According to the latest count this morning, there are also 2,087,000 cows in New York that eat feed grains. I say let us leave them alone, too.

This farm bill is a travesty to the farmer, a blackjack for the consumer, and a bad thing for the country. The cost will be very large.

If I may do so, I should like to ask whether the Senator from Louisiana, who is handling the conference report, can state the estimated cost for the first full year of operation under this measure.

Mr. ELLENDER. Does the Senator from New York mean for next year?

Mr. KEATING. Yes.

Mr. ELLENDER. This year, as I have already pointed out, the cost, insofar as feed grains is concerned, will be about $1,100 million. The 1963 feed grain program should be about the same. The bill does not include a mandatory emergency wheat program like the one we had this year and which has cost about $421 million, because we were too late to enact it. But we do provide for a voluntary program for 1963, and assuming that some take advantage of the voluntary program, that will cost an additional $150 million, let us say.

The program for the coming year, on feed grains alone, may cost as much as this year, which would be in excess of $1 billion. But from those costs, in order to reduce the production, one must subtract the storage charges that would have had to be paid if the emergency programs had not been in effect, and also the cost of handling the grains after they were produced and put into storage. That is a very expensive item, in that there are charges for transportation and interest and paperwork, as well as for storage, which ranges from 14 cents a bushel to as much as 18 cents a bushel. For example, storage and other carrying charges in fiscal 1961 for wheat and feed grains cost the Government $900 million.

Mr. KEATING. Do I correctly understand the Senator from Louisiana to indicate that in his judgment the program will not cost any more next year than it has this year?

Mr. ELLENDER. That is my belief. Let us remember that the emergency program will be continued for next year on almost the same terms and conditions as those which now prevail for the 1962 program.

Mr. KEATING. I have before me an analysis of a New York corn farm with an allotment of 50 acres and a yield per acre of 63 bushels, which is the State average in 1961—which I regret to say is somewhat less than the average for Iowa and some of the other States. Without going into detail now as to the method of computation, the compensatory payment to the corn farmer for taking his land out of production would be $83.16 an acre.

Mr. ELLENDER. But that is not a compensatory payment for taking land out of production, at all. The 18 cents at present is a part of the support price. Last year the support price was $1.20, and it was paid to the farmer by way of a loan or by purchase of the grain he produced. But this year it is to be paid in two parts—one, by a loan of $1.02; and, second, a payment in kind of 18 cents—which aggregates $1.20. As I said, the same program will prevail next year substantially as it was this year. The difference is mainly one of procedure.

Mr. KEATING. But, according to the figures I have, the two payments together amount to $83.16 an acre.

Mr. ELLENDER. Yes, if all the payments on the diverted acres and the planted acres are added together and attributed to the diverted acres; the Senator from New York may be correct as to that. I have a figure which shows that an Iowa farmer would receive as much as $100 an acre, but that is figured on the basis that all the benefits which accrue on the 80 acres planted to corn would be credited to the 20 acres which were diverted. So one can easily arrive at a total of $100 an acre. In fact, if the conservation payments were added on top of all of those, one could arrive at a figure of $105 an acre. It all depends on what pencil is used in doing the figuring.

Mr. KEATING. Would it not be cheaper for the farmer to sit back, take his land out of production, and do something else? Would he not make more money doing nothing at all than he would by farming?

Mr. ELLENDER. I do not think he would, because he would not then be paid on all his acres. He would have to plant to get the 18 cents per bushel payment with respect to planted acres.

Mr. KEATING. Eighty-three dollars an acre is a pretty fair net yield.

Mr. ELLENDER. That would be so, if it were paid only on diverted acres, but that figure is obtained by adding payments on diverted acres to payments on planted acres and dividing by diverted acres. The diverted acres are 20 percent of his base acres. He has to plant the remaining 80 percent to obtain the 18 cent payments per bushel on that remaining 80 percent. It is just the same as last year. The producer gets price support only on his planted acres.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. I will not consume further time of the Senator. I believe the Senator from Vermont has all his time allotted.

Mr. ELLENDER. Mr. President, on my time, I wish to say to the Senator from New York that I go back to what I said before—the $83 which he mentions includes the payment in kind of 18 cents as part of the support price received on the production on acres that are actually growing in corn.

Mr. KEATING. I assume he is going to take his poorest land out of production. Is not that the normal practice?

Mr. ELLENDER. No; I do not believe so. These programs have been in effect for some time, under the soil bank program and the conservation program. The land has been enriching itself, so there is very little of that kind of land remaining. What remains is still in some soil conservation program.

Mr. KEATING. Does the Senator think this program is going to work?

Mr. ELLENDER. If I did not think so, I would not be for it.

Mr. KEATING. The Senator is quoted in a radio address as saying that this program has not worked in the past and has only led to continued waste.

Mr. ELLENDER. That is, the emergency program. I would not be for a continuation of an emergency program unless there were a permanent program when the emergency program ended. That is exactly what we are doing by this bill. We are providing for a new wheat program. We are providing for price supports and for payments to the farmer until 1965, in order to get a new program, in order to get the two-price system. By the same token, with respect to corn, we are actually extending the emergency program for another year, in order to get a permanent program next year; so in 1964 we shall not have a program that has caused all this difficulty; namely, paying a farmer 65 percent of parity to produce all the corn he can, as well as other feed grains. The program that will start in 1964 will reduce price supports to the point where, I hope, it will not pay the farmer to plant corn in excess and sell it to the Government to store.

Mr. KEATING. I do not want to intrude on the Senator's time. I hope to hear the Senator from Vermont comment on his estimate of the cost of this program, which I think is considerably at variance with the views of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana has 49 minutes remaining; the Senator from Vermont has 58 minutes remaining.

Mr. ELLENDER. I yield 5 minutes to the Senator from North Carolina [Mr. JORDAN].

Mr. JORDAN of North Carolina. Mr. President, I am by no means satisfied with many of the provisions of the farm bill which is before us. It has many weaknesses and, at best, it is only a stopgap measure to give us some additional time to reach agreement on permanent legislation.

Although it is weak and ineffective in many respects, I hope the Senate will approve the conference report, because at this point there is no choice other than disaster for our entire farm program. We must either approve this bill or go back to the old 1958 law which provided price supports with unlimited production. This is the law under which we built up vast surpluses of wheat and feed grains, and I am convinced that if we went back to it both the farm program and the farmers themselves would be wrecked.

I had sincerely hoped that after many long months of work and deliberation we would be able to enact a more realistic farm bill that would deal fairly and effectively with our tremendous surplus problems. We made every effort to work out such a bill, but we could not reach agreement on it. As a result, the bill before us is the best the Senate and House conferees could produce.

I think there is no doubt that the time has come when we must put aside our self-interests and work out a realistic program for the crops that are now in trouble and are getting in worse trouble as each day passes. Agriculture is no longer a sectional problem, but it is a national problem, and it is imperative that all segments of our farm economy work together.

More than at any other time in our history, it is most important that farmers themselves reach agreement on production control and price support measures that will lift agriculture out of the depths of public disrepute and political discord.

This is not going to be easy to do, and it will not be painless. But it must be done, and the longer it is put off the more it will hurt.

Congress has a definite responsibility, but it has reached the point where it is almost impossible for Congress to exercise its responsibility unless farmers themselves are willing to join hands and work together.

I sincerely hope that the individual farmers and farm organizations will unite with Congress and help us work out a program that will protect the interests of our vast farm population and at the same time relieve the taxpayers of our burdensome farm surpluses.

While this bill leaves much to be desired and has many features which could be improved upon, I have no choice but to vote for it because if it is defeated we will have worse than nothing.

Mr. President, I yield the remainder of my time to the Senator from Pennsylvania [Mr. Clark].

INCREASED ANNUITIES FOR FEDERAL PENSIONERS

Mr. CLARK. Mr. President, yesterday the Senate Post Office and Civil Service Committee voted unanimously to couple the bill granting increased benefits to those on the retirement roll to the postal rate and pay bill. The retirement measure came from the Post Office and Civil Service Committee from the Subcommittee on Retirement, of which I am chairman.

I believe we have a good, sound retirement bill, which will do justice to the former Government workers whose annuities have fallen far behind in terms of what they can buy under the current cost of living as compared to the pay of Government employees still working.

It is interesting to note that within hours after this action occurred there appeared an editorial in the Washington Evening Star suggesting that Congress take steps to alleviate the plight of retirees. The editorial, I think, confirms the wisdom of the action taken by the committee. I ask unanimous consent that the Washington Star editorial entitled "Help for the Pensioner" appear in the Record at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Help for the Pensioner

Congress has a chance to give a great many retired Government employees a better "pay day" if it acts favorably on bills indorsed by the Senate and House Civil Service Committees. There are some 600,000 of these pensioners or their survivors, perhaps 60,000 to 75,000 of them in the Washington area.

As presently proposed, the Senate bill would increase annuities by 5 percent, and the House version by 7½ percent, both becoming effective January 1. All civil service employees who retire before that date would benefit; those who retire later, to a lesser extent. A sensible feature of both bills provides for another 3-percent increase if and when the cost of living rises to that extent.

Congress last remembered the retirees with a raise in 1958. Between January 1 of that year and last July, the cost of living, according to the Bureau of Labor Statistics, rose 5.8 percent. Making ends meet with fixed incomes versus mounting prices has worked a hardship on a great many whose annuities are based on salaries smaller than today's. At present, retired employees receive an average of $165 a month. Survivors, such as widows, average only $60 a month.

We think Congress should give consideration to a raise equivalent to the cost of living increase since 1958. This would cost something like $56 million the first year, diminishing each year thereafter. This would involve a certain inequity. Retired people covered by social security have had the benefit of some increase in Social Security payments. There are others, however, who are not covered by social security, and who have been living on pensions, if any, since 1958 without any adjustment to meet higher living costs. But this is hardly a valid argument aaginst some relief for Government retirees.

POSTAL CENSORSHIP

Mr. CLARK. Mr. President, on an allied subject, in the postal rate bill which may be considered tomorrow, a provision was adopted by a majority of the committee dealing with the censorship of mail which contains Communist propaganda coming into our country from foreign countries.

My own view has been in accordance with that of the Attorney General and other high officials in the executive arm of our Government, including representatives of the State Department and of the USIA, who appeared before our committee, namely, that this provision is unwise, unsound, and unconstitutional.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. ELLENDER. I yield 2 more minutes to the Senator from Pennsylvania.

Mr. CLARK. I am happy to note that the New York Times, in an editorial appearing this morning, shares my view. I ask unanimous consent that the editorial appear in the Record at this point in my remarks, and I recommend a reading of it to my colleagues. I hope the provision will be deleted. I thank the Senator for yielding to me.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No Postal Censorship Wanted

Should Congress write into the statutes of this country a system of political censorship and screening of the mails? This is the real issue posed by one section of the new postal-rate and pay-raise bill reported out yesterday by the Senate Post Office and Civil Service Committee.

The Senate committee was seeking to meet the problem raised by the House-approved Cunningham amendment, which would go far toward preventing American citizens from receiving mail from the Soviet Union and other Communist countries. The Senate version is more reasonable, since it contains important exemptions. But it still declares, in effect, that there are two kinds of Americans: those who can be trusted to receive any kind of mail from the Communist world, and those who cannot. The Senate provision, like the Cunningham amendment, is probably unconstitutional, and certainly contrary to the most fundamental traditions of our country.

The Senate version of the postal bill provides, as expected, for higher postal rates and for a pay increase for postal and other Government workers. The rate increases are necessary; and fortunately the Senate committee's proposals do not echo the House's sharp threat to the future existence of some of the country's best periodicals.

Although the U.S. mail service can hardly go anywhere but up, it is not likely that the 1-cent increase in ordinary letter mail will produce any improvement, inasmuch as the increased postal revenues will be more than absorbed by the pay increase. As we have argued earlier, the pay issue and the rate issue should have been separated so that each could have been decided on its own merits. But that would be asking too much of a Congress this close to election day in an even-numbered year.

FOOD AND AGRICULTURE ACT OF 1962—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes.

Mr. AIKEN. Mr. President, I yield myself 2 minutes. The Senator from New York asked about the cost of the bill for the next year. The Senator from Louisiana replied that the cost would be about $1,100 million.

The American Farm Bureau Federation has made an estimate of $1.8 billion for the cost for the first year on the feed grains alone. I have gone over the figures, and I cannot find any place in which they are incorrect. I would assume that the figure of $1.1 billion perhaps left out the so-called compensatory payment provision. I am not sure of that. However, the cost would be between $1.1 and $2 billion.

The cost of the wheat program is estimated, I think, at about $1.2 billion. That includes all export subsidies as well.

The cost for wheat and corn together will be between $2½ and $3 billion for the next year. After the first year, of course, it is anticipated that the support price for corn would be cut down. As the bill is written, I think probably it would have to be cut down to 80 cents a bushel, which would result in a saving in the second year.

The whole thing reminds me of a fishhook with a few sharp barbs, and a few very juicy, sweet worms over the barbs. The bait, of course, is offered to the farmers for 1 year. The barbs would come in the second year, and from then on.

Mr. President, I am oversubscribed as to time. The Senator from New Mexico [Mr. ANDERSON] is in the Chamber. If the Senator from New Mexico is ready to proceed, I yield 10 minutes to him.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. ANDERSON. Mr. President, I thank the Senator from Vermont.

I remind Senators that for a great many years I have refrained from entering into discussions with regard to agricultural bills. I have found myself in opposition to my Democratic colleagues on nearly all of the agricultural bills, so I thought it was easier, and perhaps better, merely to keep quiet at the time the bills came before the Senate for passage.

I think the present proposal is a particularly bad bill. It is probably the worst I have seen in my long experience with some of the past agricultural legislation. Only because of that I wish to say a few words about it.

At the outset I wish to say publicly what I said privately yesterday afternoon to the senior Senator from Louisiana [Mr. ELLENDER]. I think he has tried conscientiously and vigorously to obtain good agricultural legislation. I think he has supported it to the very best of his ability. Any word which I shall say today will not be in any way a criticism of him. I am happy to say he knows that, because I have great respect for him.

I am glad to have time yielded to me by my able friend, the Senator from Vermont [Mr. AIKEN]. Senators may remember that in 1948 the then President of the United States promised the people of this country a new and modernized program with modernized parity prices and various other things connected with the program. As the then Secretary of Agriculture, I submitted that proposed legislation to the Congress. It was introduced by the able Senator from Vermont. He and I worked so closely together that the newspapers at that time referred to the bill as the Aiken-Anderson legislation. I was complimented to be associated with the Senator from Vermont in that endeavor.

That bill was passed. I say to Senators today that if the principles of the Agricultural Act of 1948, as submitted by President Truman to the Congress and as introduced by the able Senator from Vermont, had been allowed to become effective, most of the troubles we have seen agriculturally in the past few years would not have occurred.

I am worried about the bill before the Senate, because of the price levels it would put upon supports. I think at some time we shall reach the point where price levels will be completely out of line and wholly unrealistic.

I take as examples two farms with respect to which I have had some experience.

I had to sell my farm in the eastern part of New Mexico this year, because I had reached the point where I could not get a tenant for it unless I participated in the wheat program, because it is in the wheat area, and I could not conscientiously participate in the wheat program because it would have paid me $44 an acre for the full amount I took out of production and $53 an acre above that to let land lie idle, when only a few years ago the land was selling for less than that per acre.

I had a farm. As I say, I sold it. I have been considering what would have happened with respect to that farm under this proposal.

The land to which I refer happens to be irrigated from wells. Wheat is grown on it. The average yield has been about 46 bushels to the acre.

Under the terms of this proposal, if I still owned that farm, I would be given $1 bushel for 46 bushels. I would start with $46 an acre. Since there are 250 acres, and one-fifth of the acreage would be taken out of production, to lie idle, I would get $2,300 for that operation. With respect to the support price of 18 cents a bushel, to be paid to me on the remainder, I would get $8.28 an acre, for 200 acres, or a total of $1,656.

In other words, I would get nearly $4,000 for taking 50 acres out of cultivation. That is about $80 an acre for wheat land, which was being bought very freely for less than that amount per acre only a short time ago. Even after improvement with wells and pumps, such land was selling for $150 or $160 an acre.

We are talking about $80 an acre, or 50 percent a year on capital investment. Then we wonder why people do not rush down to buy the E-bonds from the Federal Government, which bonds pay 3 percent interest.

I have a relative who was desirous of buying an Iowa farm. He was not able to make a satisfactory downpayment, and he had to appeal to me, to see if I could find some way to finance that farm. I had been somewhat more fortunate than he, perhaps, and therefore, I was able to help him with the financing. I know what he paid for his land per acre and what type of farm it is. I know what the average yield has been on the corn.

He has, let us say, 100 acres planted to corn. The average yield is about 75 to 78 bushels to the acre.

I find that under this proposal he will get the figure which was referred to a while ago, $99 an acre, to take a portion of that land devoted to corn production out of cultivation, and permit it to lie idle.

I say that is a wholly unrealistic program. There is no way in the world that the Treasury of the United States can continue to "shell out" to farmers $99 an acre for Iowa, Indiana, and Illinois cornland; nor to pay $80 an acre to a farmer in New Mexico to take irrigated wheatland out of production; nor to pay $43 or $45 an acre to the average Kansas farmer; and still expect to have any kind of a reasonable program.

Many things which the conferees did were very good. Far be it from me to say those things were not good. Some things in the bill are desirable. In some fashion the support prices have gone far too high.

About a year and a half ago when the new Secretary of Agriculture, Mr. Freeman, took office, he discussed with me the problem he had in respect to the price-support level for corn.

I am not one of Mr. Freeman's critics. I believe that Secretary Freeman is an honest, honorable man who is trying hard to do a good job. I think he receives an amazing amount of bad advice.

Probably he got bad advice from me, but I advised him not to raise the support price for corn from $1.06 to $1.20 a bushel. Subsequently he took other advice, and he did raise the support price.

He asked me why I was so sure that he should not do that. I said that there was one fact it was necessary to constantly bear in mind. I said, "You cannot suck and blow at the same time; and when you jump the price of corn in value from $1.06 to $1.20 and ask the farmer to reduce his acreage you are trying to suck and blow at the same time; you are trying to expand acreage by giving a stimulant to the price and you are trying to reduce acreage by offering a premium to the farmers."

I thought it was a bad thing to do. I believe that some of the problems we now experience result from that action.

I say to Senators today that we will not see an end to this program if we accept the conference report. We will see the farmers come back again in 1963 wanting more, not less.

As I read the language in the conference report, price supports could quite easily drop very substantially in 1964, but no Senator honestly believes that in a presidential election year price supports will be dropped. A way will be found to bolster them again. Eighty dollars an acre for irrigated wheatland in New Mexico will not be quite enough. It will be necessary to increase it.

This competition will continue until some day there will be a revolution against farm price supports, which will hurt not only those who are asking for these things, but also farmers who have been in what I regard to be an extremely sound and sensible program.

Mr. President, the tobacco program of our country does not really cost the country a penny. It is a sound and well-conducted program. It has been kept within limits, and there has been no great trouble with it.

Some have said that if we do not pass the bill, we shall have to go back to the awful bill of 1958. The bill of 1958 was not too bad. I may be incorrect, but, as I remember, it would be improper to call that bill the so-called "Benson" bill of 1958. One of the great movers of the bill was the able Senator from Louisiana [Mr. ELLENDER], who recognized that a 40-percent cut in rice was too great. He said that such a cut would be disastrous and should not be undertaken by the Congress. He recognized also that the cuts in cotton were too high. He recognized that many other things of that nature were in the picture which should not be there. I know that he, as well as others, worked in an endeavor to obtain a good piece of legislation in 1958. That result was not quite obtained because controls on feed grains were left out of the bill. Had they been included, as I said to the Senator from Louisiana, a very, very good piece of legislation would have resulted. I have commended the Senator time after time for his unceasing work toward that end.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. ELLENDER. The Senator remembers the efforts I put forth to try to obtain controls in corn. The best we could obtain was price support at 90 percent of the average for the last 3 years of the market value of corn, or 65 percent of parity, whichever was the higher.

Mr. ANDERSON. Yes.

Mr. ELLENDER. The price, which amounted to about $1.06, was provided for uncontrolled production.

Mr. ANDERSON. The Senator is correct. At least I remember the story as he remembers it. I remember that he tried hard to obtain some control on corn. We cannot have high price supports with uncontrolled production. The Senator from Louisiana recognized that fact.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. AIKEN. Mr. President, I yield 2 additional minutes to the Senator from New Mexico.

Mr. ANDERSON. In closing, I point out that I am not trying to criticize the Senate conferees. I know something of what they have been up against. I have been a conferee with Members of the House of Representatives on agricultural subjects. I know how hard it is to put through a good program. But I believe that if the conference report were to be rejected and we were to try again to establish a decent level for certain farm prices, we would be better off.

In World War I I lived in the Dakotas. For a short time everyone was rich. Then nearly every bank closed. In my little farming community there were six banks. Five of them closed. One was kept open by brute strength. That crash resulted because prices had risen too high, and then the collapse came.

On coming into the Department of Agriculture, my first resolution was that such a calamity would not happen to farmers after World War II. We do not need to continue piling these things on.

Therefore, Mr. President, I shall vote for the rejection of the conference report in the hope that we may get a program more nearly in line with what the able Senator from Louisiana [Mr. ELLENDER] contended for in 1958, and which would be as sound now as it was when he submitted it then.

Mr. AIKEN. Mr. President, before the Senator from New Mexico takes his seat, I should like to say that the act of 1958, which decontrolled the planting of corn and fixed a support price, resulted in a decrease of 1 million acres in the planting of corn for grain the second year of operation, and if the program had been allowed to operate the third year, I believe the decrease would have been more than the one in the second year. In addition, we are now feeding and exporting as much corn in this country as was produced in those 2 decontrolled years.

Mr. ANDERSON. Yes. I ask the Senator from Vermont, if the 1958 bill was so awful, how could it have passed the Senate by a vote of 62 to 11? We thought the bill was pretty good. We thought the 1958 act was not bad at all. Yet now we find out that if we do not take the proposed action, something horrible will happen to us.

I say that we had better take time to try to pass a good measure and not vote to provide $100 an acre to an Iowa or an Indiana corn grower, $80 an acre to a farmer who produces on irrigated land in New Mexico, or $45 to a wheat farmer in Kansas.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. HICKENLOOPER. The Senator from New Mexico, who has probably had a longer and more intimate connection with farm legislation than almost any other Senator, knows that, while it had certain shortcomings which I admit, on the whole the act of 1958 was a pretty good act, if the Secretary and the Department would properly use the discretionary powers contained in that act. Does the Senator believe that those powers could be used to better advantage than they may have been used in the past?

Mr. ANDERSON. I so believe. I am not trying to make that as a partisan statement, because I criticized Mr. Benson for raising the price supports as much as I criticized Mr. Freeman later.

Mr. HICKENLOOPER. The act could be used for good or bad.

Mr. ANDERSON. As I said a moment ago, a bill which passed in the Senate by a vote of 62 to 11 could not have been wholly a bad piece of legislation. I believe that, properly administered, it could have been a good piece of legislation. I commended then, as I do now, the Senator from Louisiana for working for that measure. If he had succeeded in bringing feed grains under some sort of control—if at least corn were brought under control—we would not have had the problem we have today. The quicker we start clearing the decks and trying once more to achieve a proper result the better off we shall be.

Mr. HICKENLOOPER. In my judgment, while on occasions the act of 1958 produced some unsatisfactory results, if the authority and discretion permitted under the act had been properly used, it could be a very effective act for the benefit of the agricultural economy of our country.

Mr. ANDERSON. I agree with the Senator from Iowa.

Mr. ELLENDER. Mr. President, I yield 10 minutes to the distinguished Senator from Florida [Mr. HOLLAND].

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. HOLLAND. Mr. President, the three men whom I admire most in connection with service to agriculture are present in the Chamber. They are the distinguished chairman of our committee, the Senator from Louisiana [Mr. ELLENDER], the distinguished former Secretary of Agriculture, the Senator from New Mexico [Mr. ANDERSON], and the distinguished Senator from Vermont [Mr. AIKEN], who in his time served as chairman of the committee.

We find those Senators not in accord. We find Senators who are equally devoted to the service of agriculture not in accord. The question is, What shall we do under the conditions that confront us?

First, in its major aspect, the bill is limited in its application to the two commodities which have been causing the most trouble, and which I believe will be dealt with helpfully if the bill is enacted. That is my only reason for voting for it.

There are many provisions in the bill which I do not like. Most Senators know that my own preference is for a much freer agricultural market, except as to tobacco, which was mentioned by the Senator from New Mexico [Mr. ANDERSON] a while ago as never having caused any trouble.

Let us remember that under the act of 1958 there was no quota system, no acreage system, no limitation of any kind upon corn and feed grains.

Under that act a large part of the immense surplus now on hand has been created. We are only putting our heads in the sand like the poor ostrich if we say it is a good thing to continue that bill in effect and expect that somehow, by some miracle, the problem as it affects feed grains will solve itself. It will not.

In connection with wheat, the 55-million-acre minimum was left unchanged by that 1958 bill. That has been the hurdle which we cannot cross and have not crossed up until now in connection with any general legislation applicable over a period of years to the production of that important crop. Wheat and corn and feed grains are the principal offenders. A vast investment has been made on the part of our Nation in those commodities. We have piled up huge surpluses of those commodities, and the existence of those surpluses is about to bring an end, in my judgment, to the whole program. Perhaps that action would be salutary. But they are the offenders, and they have remained the offenders under the 1958 act, which we have heard praised. They have continued to be the offenders under that act.

Mr. President, with reference to wheat, we are in a peculiar situation in that connection, because the referendum has already been had; the voters at that referendum have already approved the extension to the 1963 crop of the provisions of the present law. It is true that it was by a smaller vote than has been the case heretofore, but, nevertheless, they have taken that action. Therefore, both morally and, I suspect, legally, we are bound to accept the result of that referendum and to continue the operation of that law—except that we have an opportunity, by offering some inducement for the retirement of some of that acreage, to limit to some degree the amount of wheat produced and placed into surplus storage next year. This is what is attempted by that provision in the bill, which is applicable to wheat for the year 1963.

In the year 1964—and I call special reference to this point—there is the first effort made for the year 1964 and thereafter to come to grips with the overhanging problem that has resulted from the fact that 55 million acres has been and now is the minimum allowed for wheat production.

In the pending bill there is announced the principle—and if the bill is passed it will apply in 1964—that a bushel quota for the production of wheat shall be converted into a realistic acreage allotment designed to result in only the production of the quota and shall be applied to each wheat producer, and that such quota figures will be in accord with the needs of the Nation at that time, for our domestic need, for our foreign trade, and a reasonable holdover for the next year.

That is a step of the very greatest significance. It is a step that must be taken sometime if we are ever to deal with this problem. I am distressed to see that my friends who represent areas where wheat is produced—though they recognize that this 55 million acreage minimum has been one of the greatest troubles through the years—are not willing to approve this first real attempt to come to grips with the problem and to cut the amount of the production of wheat so as to meet the need for each year beginning with 1964. Because I believe both of these steps are necessary, a special inducement for next year to reduce production, and reduced production resulting from a new philosophy and a new apportionment for 1964, I am supporting the wheat proposal.

With reference to the corn and feed-grain proposal, we also have a troublesome situation.

The 1958 law did not impose any acreage limitation or any other sort of limitation upon the production of corn and feed grains. We all know what has happened under the 1958 law. Yet our friends say that we should keep that law in effect, and go back to it, because it is not too bad.

Perhaps it is not too bad, but it has brought the whole program into such disrepute that I believe that those who wish to be realistic must see that the whole house is about to fall down on their heads. The question, therefore, is whether it is reasonable to allow a situation which has brought about such a deplorable status to continue, or whether it is reasonable to try to move to a better program. It seems to me that it is very clear we should attempt to move to a better program.

Although the corn and feed grain provision is not all that I would like it to be, it does move toward a reduced production of corn and feed grain. It does move to solve the problem which overhangs the whole agricultural program of our Nation. That is the second reason why I support the conference report.

There have been those who have sought to show the high cost of this program in the field of corn and feed grain production. They have—as they have had a right to do—relied upon some of the heaviest production and some of the heaviest producing acreage in the Nation, in Iowa and Illinois. They have used the figure of 75 bushels per acre as the basis for their computation. That was justifiable. However, I believe it is necessary for use to look at the whole picture before we decide what are the implications so far as the cost of this particular program is concerned.

I have before me the report of the Crop Reporting Board of the U.S. Department of Agriculture, covering production for 1961 and several prior years in the field of corn and feed grains. Using only the corn production at this time, which shows for Iowa 74 bushels an acre—and our friends have used 75 bushels an acre in computing the cost of the program—it shows, at the same time, an average national production in 1961 of 61.8 bushels per acre, much the heaviest that it has ever been. The year before it was 54½ bushels, and the year before that, it was 44.1 bushels per acre.

It required unusually good crop and weather conditions to bring about that average. Yet our friends used 75 bushels per acre to compute the cost of this program, when the average for the Nation was 61.8, and when there is a very great area in our Nation where no such figure even remotely appears as representing the ability of the soils of that area to produce corn.

In the whole area which I represent, in part, beginning with Virginia and going down to Texas, these are the 1961 figures that are shown: In Virginia, the figure is 53 bushels per acre. In North Carolina, it is 48 bushels per acre. In South Carolina, it is 35 bushels per acre. In Georgia, it is 35, and in Florida it is 33. In Tennessee it is 43, and in Alabama it is 35. In Mississippi it is 39, and in Arkansas it is 35.5. In Louisiana it is 37 bushels per acre. In Oklahoma it is 35. In Texas, it is 30 bushels per acre. The average is about half of the 75-bushel-per-acre figure used by our ingenious friends to show what the cost of this program is likely to be.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield 5 more minutes to the Senator from Florida.

Mr. HOLLAND. I believe we should be factual about these things. To be factual we must look at the whole production picture in this Nation. Looking at it factually, it is indicated rather conclusively that the figure for the production is not nearly as much, from the standpoint of bushelage per acre, as the figure used, which was 75 bushels per acre.

The cost of the program is nothing like what has been stated by our friends, because they have not used the average figure. An application of the facts shows that the cost is much less than anything that has been discussed on the floor.

As to wheat, I listened with the greatest respect—because I always listen with respect to the Senator from New Mexico—to his description of what the cost of the wheat production in New Mexico happens to be. This same document shows, at page 58, the figure for wheat production; and it shows, instead of 46 bushels per acre, which I am very sure was produced, as stated by the Senator from New Mexico, on his irrigated farm in New Mexico, a national average production of 23.9 bushels, or just a little bit more than half as much per acre as the figure used by my distinguished friend.

So far as New Mexico itself is concerned, the figure here shown for 1961 is only 29 bushels per acre average for production in that good State. In other words, the use of the figure as applied to an irrigated, fertile farm which happened to produce 46 bushels an acre is no more representative of the correct figure, either in New Mexico or generally as to the whole Nation, than was the case with respect to the corn figure.

Generally speaking, I think the President knows and Senators know that I do not like these programs. But I know where our trouble is coming from. I know that our trouble is coming from wheat, corn, and feed grains. When an effort is really made to cope with those two problems, I do not like to see the problem swept under the rug. We must not forget the fact that those are the principal commodities which are causing our trouble. We must have these two emergency programs for next year. Everyone knows that. Otherwise a banner crop next year would pretty well sink the whole program and start us over from the very beginning in the whole agricultural system.

As to what will follow after that, the problem as it concerns wheat involves cutting the volume of production and applying a quota system which will reduce the volume within reasonable figures. As to corn and feed grains, what is done is to change the support price from that of the present law to 50 to 90 percent.

I do not believe it will be easy for anybody to sweep aside the 50- to 90-percent support price next year. We have used a completely different approach from what has been used in late years, so far as price supports are concerned. Price supports ought to be a floor, as they were regarded in the Roosevelt days and up until the time when price supports were so greatly increased in order to increase agricultural production for World War II. Fifty percent is not too far off, so far as a floor support is concerned. It is a guarantee, like insurance, against disasters which necessarily occur in agriculture and agricultural production.

The Senator from Florida will not be looking forward eagerly to sweeping that provision from the books next year. To the contrary, he will be fighting to retain it if necessary.

So far as the whole act is concerned, there are many changes made in the conference report. I shall deal with only four of them. The first one I have just mentioned, namely, the reduction in the cost of feed grains in 1964 and thereafter from the present law's price support to a 50- to 90-percent parity support, although that will make the support price a floor instead of a ceiling. It has been a ceiling lately because very few producers of corn have received the support price figure unless they happened to be in exactly the right position to get it.

The second helpful change in the law is the striking of the provision for the FHA to make large loans to public units for the creation of recreational developments or industrial parks. Those two items are stricken from the conference report.

Third, the milk title has been eliminated.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. ELLENDER. I yield the Senator from Florida 5 additional minutes.

Mr. HOLLAND. Mr. President, I think anyone who read the milk title or the various other proposals made in that field realizes that they were not realistic. I remember that distinguished Senators serving on our committee who represent the States having the largest milk production did not like the milk provisions—either those which were suggested by the Department of Agriculture or those which were in the bill as it came to us from the House.

Fourth, an effort was made to make the Small Watershed Act even more subject to abuse than it is now—and it is indeed being abused. An attempt was made to increase from 5,000 acre-feet to 12,500 acre-feet the size of a lake or a pond in which water could be impounded for flood prevention purposes. That provision was stricken, and the report has restored the 5,000 acre-feet limitation.

Those are only a few of the improvements. There are other improvements, such as those made in Public Law 480; in the conservation program; and in the school milk program. I could mention still others.

I think the good in the bill, especially the good which will come from the two critical fields of better control of wheat and better control of corn and feed grains, justifies the Senate in approving the bill. I say that with some reluctance, because, so far as I am concerned, I should like to have written a far different bill. My associates who sat with me on the conference know that that is the case. My other associates, who sat with me in the Committee on Agriculture and Forestry, know likewise. But the fact remains that we are accomplishing something by the bill. Those who wanted to do nothing but go back to the 1958 law, which brought on all of our trouble, or much of our trouble, are suggesting, in brief, that we allow the whole house fall on us, and they would not try to get out from under it by trying to strengthen it. I could never support that approach. It is for that reason that I support the conference report.

Mr. President. I yield the floor.

Mr. AIKEN. Mr. President, I yield 1 minute to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I do not think Congress will solve the farm problem until we recognize the excessively high support prices and the excessive production of feed grains which are engendered by the farm program. Payments running from $75 to $100 an acre for the retirement of land are never justified.

In that connection I ask unanimous consent to have printed at this point in the RECORD an analysis of the conference report on the farm bill, together with a statement of how it will operate and specific examples of how the payments will be distributed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE CONFERENCE REPORT OF THE FARM BILL

The conference report to be considered by the Senate has two principal parts as applied to corn, other feed grains, and wheat: (1) a so-called emergency program for 1963, and (2) the program effective in 1964 and thereafter.

The emergency programs are not only costly but ineffective. The chairman of the Senate Committee on Agriculture and Forestry, Senator ELLENDER, summarized the inefficiency of the emergency wheat program during the debate on S. 3225 when he said:

"To authorize the temporary program for 2 more years would cost the taxpayers, according to the most recent estimate $333 million per year to reduce wheat production by about 100 million bushels. In other words, it would cost the Government $3.30 per bushel to curtail production of 100 million bushels of wheat per year."

Administration spokesmen have repeatedly recognized that the present emergency programs are too costly. Secretary Freeman has estimated that a 1-year extension of these programs would cost $2.4 billion.

In a letter dated June 8, 1962, to Congressman COOLEY, the Secretary of Agriculture summarized the situation by stating on page 2 under a table entitled "Government Cost of Alternative Programs for 1963 Crops":

	In millions
Extension of 1961-62 emergency programs:	
Feed grains	$1,200
Wheat	1,217
Feed grains and wheat	2,417

The Secretary did not take account of the compensatory payments in cash or kind for all farmers who cooperate with this program (18 cents per bushel for wheat and corn).

Since the compensatory payment is made for the grain produced on the acres planted after complying with the minimum requirement for reduction, most farmers will plant all the acres they are allowed to plant and will reduce acreage only to the minimum extent (20 percent) necessary to qualify for the double payment.

The conference report provides that in 1964 and thereafter the provisions of the Agricultural Act of 1958 as applied to feed grains are repealed, and instead, the Secretary of Agriculture is given authority to support the price of corn and other feed grains at from 50 to 90 percent of parity at his discretion.

THE WHEAT CERTIFICATE PLAN

The proposed wheat certificate plan is not the domestic parity plan which has been widely discussed by wheat producers for a number of years. Under the domestic parity plan exports would have been treated as a secondary use of wheat and there would have been little or no need for export subsidies. The plan in this bill would authorize the Secretary of Agriculture to treat exports—including surplus disposals—as a primary use of wheat.

Secretary Freeman has estimated that this would require an expenditure of $430 million for export subsidies in the 1963 crop year on top of an expenditure of $608 million for the export of wheat under Public Law 480. A system whereby exporters would be required to buy wheat certificates and then go back to the CCC for offsetting export subsidies verges on the ridiculous.

The high price guarantee proposed for certificate wheat would subsidize the production of surplus wheat to be dumped in the domestic feed market. Thus, the certificate plan would mean unfair competition for the producers of feed grains and depress prices of livestock, dairy, and poultry products.

The certificate plan is, in effect, a "bread tax." Processors of wheat food products would be forced to acquire certificates at face value in proportion to their use of wheat. Since certificates would be issued on the basis of past planting history without regard to grade or quality, processors often would be forced to buy one lot of wheat to get certificates and then to buy noncertificate wheat to get the type or grade they need. In effect, the cost of acquiring certificates is really a tax on the processing of wheat into human food. This processing tax would be passed on to consumers as a tax on the consumption of bread and other wheat food products.

NO NEW FARM LEGISLATION

If no new legislation is enacted—

1. Expiration of the present programs will result in a saving of almost $1.3 billion in direct payments to farmers and additional administrative expenses as follows:

Estimated direct cost of 1962 feed grain and wheat program payments to farmers

[In millions of dollars]

Corn and grain sorghums	853.8
Barley	41.9
Wheat	333.6
Total	1,229.3
Additional administrative expenses	48.0
Total, including administrative expenses	1,277.3

2. Substantial additional savings would be realized by discontinuing the present policy of selling grain at market prices to finance land retirement payments and replacing it with new CCC takeovers at a higher price.

Under the 1961 feed grain program, the CCC sold 603 million bushels of corn at an average price of $1.02 per bushel. A total of 658 million bushels of 1961 corn was placed under price-support loans and purchase agreement. Thus, there is a good chance that all of the corn sold under the 1961 program will be replaced with new takeovers at a support price of $1.20 per bushel. If so, the direct cost of this manipulation to hold market prices below support will be $109 million. Additional losses were incurred by selling grain sorghums for less than the support price.

We are now consuming and exporting more corn than we have ever produced in a single year, including the years 1959 and 1960 in which corn was supported without any limitation on production under the 1958 act.

3. The wheat program would be based on the 1938 law on acreage and the 1949 law on

price supports. The support price would remain at 75 percent of parity ($1.82 per bushel) as already accepted by farmers in the August referendum on marketing quotas. In comparison with the support price of $2 per bushel now in effect under the emergency programs, this would mean a saving of 18 cents on every bushel of wheat exported. At the 1961–62 level of exports (710 million bushels) such a reduction in export subsidy costs would result in a saving of $128 million.

EXAMPLE OF PAYMENTS INVOLVED UNDER H.R. 12391, THE FARM BILL, AS REPORTED BY THE CONFEREES

An example of a corn farm

Acreage allotment, 100 acres; yield per acre, 75 bushels. The bill under consideration provides 18 cents per bushel for the normal yield times 80 percent of the acreage allotment, which would be calculated as follows: 75 bushels times 18 cents equals $13.50 per acre—times 80 acres equals $1,080.

In addition to this compensatory payment, this producer would be eligible to receive a land diversion payment calculated at 60 cents per bushel times his yield. Thus, the following results: 75 bushels times 60 cents equals $45—times 20 acres equals $900.

To recapitulate: $1,080 compensatory payment plus $900 land diversion payment equals $1,980 for a typical farm in Iowa reducing its corn acreage 20 percent below its allotment. On an acre basis, this is equal to $99 per acre. In addition to this fabulous payment, he would be eligible to receive price support on his total production of corn on the 80 acres at $1.02 per bushel.

An example of a wheat farm

Acre allotment, 100 acres; 25-bushel yield per acre. The calculation would be as follows: 18 cents times 25 bushels equals $4.50 per acre—times 80 acres equals $360.

Land diversion payments would be calculated on the basis of 50 percent of the target price support times the established yield, thus: 25 bushels per acre times $1 per bushel equals $25 per acre—times 20 acres equals $500. Adding the $500 to the $360 gives a total of $860, or a cost of $43 per acre.

Mr. AIKEN. Mr. President, I yield 5 minutes to the senior Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall vote against the report for six reasons.

First. The bill will increase the cost to consumers for the food they buy.

Second. The bill is estimated to be twice the cost of the subsidy for this year's program, thus lifting the subsidy expenditure approximately $900 million.

Third, the provisions of the bill give discretionary power to the Secretary of Agriculture far in excess of any power ever before granted to the Secretary.

Fourth. The provisions covering the 1964 agricultural program will impose Government regulation and controls on the farmer in such great measure as to be completely inconsistent with the freedom which should be the possession of every American.

Fifth. Admittedly the program created by the bill is not adequate, as is evidenced by the statement that in 1963 a new program will be submitted to Congress by the Secretary of Agriculture.

Sixth. There has been pending before Congress for the last several years a sound proposal to expand the conservation reserve under voluntary compliance by farmers of the United States to an acreage that will remove from production food and feed grains in a quantity to bring the production into some measure of conformity with consumption. The provisions of this foregoing pending bill, in my opinion, should be given at least a trial.

It is argued that although the bill in 1963 will cost at least $900 million more than the program for this year, it will have no ultimate impact on the price that the consumer must pay for the farm products he buys.

This increased expenditure demonstrates that the inevitable result must be an increased price to the consumer.

I have said that the conference report would give the Secretary of Agriculture discretionary power far in excess of any power heretofore granted him. On this point, I am becoming more and more apprehensive about the abdication of power by the Congress and the surrender of such power to the administration.

The PRESIDING OFFICER. The time yielded the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, may I have 2 more minutes?

Mr. AIKEN. Mr. President, I yield 2 more minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 more minutes.

Mr. LAUSCHE. I thank the Senator from Vermont.

Mr. President, regardless of the goodness of the Secretary of Agriculture, regardless of how high minded he may be, I do not wish to give him powers so extensive that, if abused, they could result in violation of the very concepts of our system of government.

What about the cost of this program? The Ohio farmer produces about 75 bushels an acre. Let us assume he has 100 acres of corn-producing land, and let us assume that he takes 20 of them out of production. Twenty times 75 bushels would be 1,500 bushels; and for those 1,500 bushels he would receive 51 cents a bushel, which would be $765. Then he would receive an additional 18 cents a bushel on the production from the other 80 acres. I have calculated the total amount he would receive. For every acre that he would take out of production, he would receive approximately $93. I cannot afford to let the citizens of Ohio say that I subscribed to a program that told the farmer, "Take out of production one acre of your corn-producing land, and the Government will pay you $93 for it," therefore, Mr. President, I will vote against adoption of the conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate? Does the Senator from Vermont desire to yield time?

Mr. AIKEN. Three Senators have asked me to yield time to them, but none of them is present at the moment. Of course, I could not possibly give all of them the last 10 minutes under my control. Furthermore, I do not know where they are now; and if I were to yield time to Senators who have not requested time, there would be none left for those who have requested time.

Mr. ELLENDER. Would the Senator from Vermont like to have a quorum call?

Mr. AIKEN. Yes, if the time required for it is charged to the time under the control of the Senator from Louisiana.

Mr. President, I suggest the absence of a quorum; and the time required for it will have to be taken from the time available for Senators who have not yet spoken and are not now in the Chamber.

Mr. ELLENDER. I have no objection.

The PRESIDING OFFICER. Without objection, the time required for the quorum call will be charged equally to both sides.

The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent to dispense with further proceedings under the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I yield 15 minutes to the senior Senator from South Dakota [Mr. MUNDT].

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 minutes.

Mr. MUNDT. Mr. President, at the outset, let me say that I think the proper course for the Senate to follow with respect to the conference report is to reject it, and then for the Congress to pass a simple extension of existing farm legislation to cover the crop year of 1963. That would give Congress a year in which to continue to protect the farmers' interests, as was done during the current crop year. It would give us an opportunity in the Congress next year to give due consideration to constructive and enduring farm legislation.

By the device employed in the legislation as approved by the conference committee, however, we find the farmers confronted with the situation that the price they are asked to pay for a continuation of approximately the same program we had in 1962 for the crop year of 1963 is to buy a program for 1964 which begins to spell ruin for American agriculture so far as corn, small grains, and livestock areas are concerned.

So, by rejecting the conference report and passing a concurrent resolution, in joint action of the two Houses, extending the existing program for 12 months, we would be protecting the farm program of America, safeguarding the income of the American farmer, and making modest but important inroads on the problem of surpluses, without compelling the farmer to buy now a cat-in-the-bag program which will be triggered off with the crop year of 1964, and one which would provide him with a system of sharply reduced price supports, which would jeopardize not only the corn and feed grain industry, but also the livestock industry.

FREEMAN'S FLEXIBLE FARM FORMULA

In my opinion, the legislation now before the Senate should be known as Freeman's Flexible Farm Formula and one which is completely inadequate to meet our farm problems. I would call it a four-F program. I would designate it such because, in the "F," it fails to meet the problems of the present. It does not in any way face the problem now confronting the farmer, who is actually receiving an average parity price for his crops less than he was getting a year ago or 2 years ago.

In the second place, it fails to provide for adequate net farm income.

In the third place, it fails to protect the taxpayers' interest, because even the advocates of the bill say that it will cost more, rather than less, so far as the general taxpayer is concerned.

In the fourth place, it fails to set up a program for putting farm income back into the supply-and-demand balance necessary for an enduring farm prosperity.

So, on all four counts, the program fails. That is why I say it is a four-F program.

This program would cost more and provide less for American agriculture than any single program I have seen presented by a legislative committee to the Congress of the United States. Not only does Freeman's Flexible Farm Formula out-Benson Benson by supplying a system of flexible price supports as a substitute for a system of firm price supports, which has served the American farmers well over a considerable period of time; but in addition to substituting flexible price supports for firm price supports, it ties flexible price supports to a downbeat by anchoring them to a formula which necessarily requires the Department of Agriculture to flex the price supports of American farmers downward, and never upward. By demanding that the Secretary of Agriculture fix his price support levels, under this new flexible formula which would be initiated with the 1964 crops, by making him attach that price support formula to the amount of the surplus which is stored in Commodity Credit storage, we necessarily mandate him to fix the price supports at a lower level. Thus in operation this proposal out-Bensons Benson by establishing a flexible price support formula which can move or flex farm prices only one way—downward.

With regard to corn, we are told that in 1964 the program would mean 80 cent corn. Since, under the basic agricultural law, price supports for all feed grains are related to the price support for corn, it means that all of them will be sharply decreased. The inevitable result would be an abundance, a surplus, of cheap feed for livestock. Every farmer, every student of agriculture, knows what would result from that type of formula. It would mean an artificial stimulant to the livestock production industry. It would mean the development of a surplus, an overproduction of livestock. It would mean a sharp reduction in the price the livestock producer receives for his livestock, and create a new problem by developing a livestock farm problem, in addition to failing to cure the old problem, which is the problem confronting the producer of wheat, corn, and feed grains.

Mr. President, this is indeed a sorry day for American farmers. We are told that, when we start out in the 1964 program, not only will corn prices drop to 80 cents, but that wheat in the open market will drop to 92 cents a bushel, because of its mandatory relationship to the corn price, except for that element of wheat which is sold under the certificate program at a guaranteed price. This provides us with a ruinous price for much of our wheat as well as for all of our corn.

Among my many other disappointments with this bill, I think the greatest is that the action of the House, with the concurrence of the conference committee, has stricken from the bill the single most important, constructive title as it passed the Senate. When the bill passed the Senate it contained title V. Title V was stricken from the bill in the conference, at the insistence of the House conferees.

What did title V provide? Title V provided, at long last, that the Congress of the United States would do something enduring, something permanent, something positive, something constructive and economically sound to face up to the farm problem, which grows solely out of the fact that supply and demand are out of balance.

Title V provided for a crash program to finally get America going on a program to utilize industrially its gigantic farm surpluses, which started with the war era and continue even to now. It provided for a crash program to use industrially the surpluses from American farms.

Ever since we have had a farm problem we have been tinkering with one little end of the supply-and-demand formula.

It is a pretty short formula. It has only two ends. It has only three words. We have looked at it with only one eye.

Still, though we have spent billions of dollars and nobody knows how many hundreds of thousands of man-hours in working up programs solely devoted to the supply end of the supply-and-demand formula, we have not achieved an answer.

The Senate Committee on Agriculture and Forestry, with the Senate concurring, by writing title V of the bill, said, "Let us pay a little attention to the other end of the formula. After all these years, after having spent billions of dollars, and after having failed to solve the farm problem by working on the supply end, let us open up the other eye and see what we can do with regard to the demand end of the formula. Let us see, if we devote a little more time and exercise perhaps a little ingenuity, if perhaps we can do something with regard to the demand end of the formula to provide a more sound economic base for American agriculture."

We wrote that title into the bill. It was the result of an amendment which I personally introduced. The Senate reinforced it by passing the appropriation bill for the Department of Agriculture—which we reaffirmed by an overwhelming yea-and-nay vote yesterday—and provided $25 million for an operation to try to do something specific in spinning out and operating an industrial utilization program for farm products. The House also rejected that.

I think the conference report should be rejected. I think we should insist upon a simple continuation of the present farm program, and I think we should insist that the Senate's constructive approach, attempting to do something with regard to the demand end of the supply-and-demand formula, should be incorporated into any final farm legislation, even if it postpones the adjournment of the Congress another week or another 2 weeks.

The studies which have been engaged in by commissions created by the Congress have developed evidence replete with information showing that the know-how is available to utilize farm products industrially, through synthetics, through commercial use, through fabrication of industrial products from the products raised on American farms.

If the Senate retreats from that sound economic position, as it would retreat if it approved the conference report, which would take title V out of the bill, it would not only destroy the single, permanent, positive, constructive, sound, realistic, economic solution to the farm problem, but also would accept instead a program of flexible price supports which cannot help but reduce American farm income.

Mr. President, Senators have received reports from the Committee for Economic Development. Those who come from the Farm Belt have looked aghast at such reports because they have called for the elimination of farm programs, for the elimination of price supports, for the creation of a purely free and open market for American agriculture, to work, as it would have to work, as a little island in a sea of fixed aspects of an economy, each of which, in its own way, contributes to extra cost required to be paid by a farmer in operating his farm.

Insofar as the corn program and the program for feed grains is concerned, if we approve the conference report there will indeed be rejoicing and blowing of trumpets and the sound of victorious laughter in the headquarters of the Committee for Economic Development because we will be accepting their program by our votes while condemning it with our voices.

Mr. President, insofar as the program of flexing farm prices downward is concerned, as would be provided starting with 1964 under the conference report, the Committee for Economic Development will have scored a tremendous victory. It will have sold an utterly uneconomic and unworkable concept of farm price supports, flexing only downward, such as the CED has recommended in its report.

I do not know of a single farm organization which is willing to endorse or embrace the recommendation made by the Committee for Economic Development. All have united in condemning what they have said in their booklet, but now we are asked to accept in a conference report the same proposals. If we pull farm price supports out from under farm products, if we say we are going to flex them down as low as 50 percent and then set in motion a formula requiring the farmers to flex downward further because of the tie to surpluses of the Commodity Credit Corporation, we shall be driving a knife into the back of a sound, economic farm program in America.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. I predict that if the conference report is adopted, Senators who come from the South who may vote for it will rue the day, because the same demands will then be made in respect to cotton, tobacco, sugar, rice, and other products. By endangering a workable farm program for northern crops they will be jeopardizing a continuation of useful programs for the crops produced only in the South. I hope the conference report is rejected.

Mr. ELLENDER. Mr. President, I yield 2 minutes to the distinguished Senator from Washington [Mr. MAGNUSON].

INDEPENDENT OFFICES APPROPRIATION BILL, 1963—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information to the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 18, 1962, pp. 19699–19703, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. YOUNG of Ohio. Mr. President, reserving the right to object, may I ask something of the nature of the report?

Mr. MAGNUSON. I was about to explain it.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, the controlling item in the further conference was amendment No. 7, the research item for civil defense in the Department of Defense. The House had provided $10 million for research, and the Senate had provided $93,800,000 for shelter, research and development, and construction.

The agreement reached by the conferees provides $38 million under the heading of "Research," with additional language to allow the surveying and marking program to continue.

I understand that there may be funds available for some stocking of the shelters, perhaps on a study or research basis.

The other amendments in disagreement, amendments Nos. 8 and 119, involved the modification of shelters, and the Senate conferees receded, in line with the previous denial of fallout shelters in the construction of Federal buildings.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I have heard the Senator's explanation of the report. Would the amount allowed for marking and identification permit the program to be completed?

Mr. MAGNUSON. It would permit the program to be completed. Since we discussed the bill we have learned that there is a carryover of some $35 million. The total would add up to about what the Senate provided.

Mr. JAVITS. With the amount available, can the identification and marking be completed?

Mr. MAGNUSON. That can be completed. The Senate conferees insisted on that.

The PRESIDING OFFICER. The time yielded to the Senator from Washington has expired.

Mr. ELLENDER. Mr. President, I yield the Senator 1 more minute.

The PRESIDING OFFICER. The Senator may proceed for 1 additional minute.

Mr. JAVITS. The real cut comes in the fact that there cannot be much stocking of the marked and identified shelters.

Mr. MAGNUSON. No; but once the program is completed it will be possible for the agency to come to the Congress again, and we can discuss that question. This amount will permit the agency to proceed in the manner suggested.

Mr. JAVITS. There is no understanding that they may not come in and request a supplemental amount?

Mr. MAGNUSON. No.

Mr. JAVITS. I thank the Senator.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG of Ohio. I ask the distinguished Senator from Washington how much smaller is the amount presently contemplated than the amount which was in the Senate bill?

Mr. MAGNUSON. About $60 million.

Mr. YOUNG of Ohio. That is a substantial saving to the taxpayers.

Mr. MAGNUSON. The amount is more than $370 million below the budget estimate.

Mr. YOUNG of Ohio. That is correct.

Mr. MAGNUSON. Considerably more than $370 million below the budget estimate.

Mr. YOUNG of Ohio. Mr. President, I have no objection.

Mr. HUMPHREY subsequently said: Mr. President, earlier today the Senate took final action on the conference report on the independent offices appropriation bill. Just before the vote on that bill was taken, I had to leave the Chamber, to step to the telephone. I wish to state for the record, in connection with that measure, that the independent offices appropriation bill provides approximately $38 million for the civil defense program. I wish the record to show clearly that I have studied this program very carefully, as a member of the Appropriations Committee and as one interested in the civil defense program and I find this sum inadequate, even though it is the best we could obtain from the conference committee.

If the administration finds, after the first of the year, this sum to be inadequate, I hope the administration will not hesitate to appeal to Congress and to present to Congress any necessary supplemental request.

Next I wish the record to show that, although the conference report permits the agency to complete the survey aspects of the program on shelters, I think it should be made crystal clear that although 95 percent of the survey is complete, the stocking program for the shelters is only 60 percent complete at the present time. Surely we should not leave that program 40 percent incomplete and, therefore, ineffective. If 60 percent of the shelters are to be properly stocked, then the rest of the people of the country are entitled to have the same kind of protection.

I hope the agency will look upon this appropriation as a means of being able to continue not only its survey program, but also its stocking program.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield at this point?

Mr. HUMPHREY. I yield.

Mr. JAVITS. When the Senator from Minnesota was out of the Chamber, as he has said, the vote on conference report on this appropriation bill was taken. I should like to join the Senator from Minnesota in his statement. He has been one of the most ardent friends of an adequate civil defense program. When he was out of the Chamber, I tried to safeguard his rights.

Mr. HUMPHREY. I understand. But the vote came quickly on the question of agreeing to the conference report on the overall appropriation bill.

Mr. JAVITS. It certainly did.

Mr. HUMPHREY. I do not wish this occasion to pass without having the record show what we intended and what the appropriation really means in fact.

Mr. JAVITS. The Senator from Minnesota is the deputy majority leader; and, therefore, he can be very helpful in this connection. As a result of the statement by the Senator from Washington [Mr. MAGNUSON], the record is clear, that there is no commitment with respect to a supplemental request. So the door is open; and what happens now can be helped very much by the influence of the Senator from Minnesota.

The Senator from Washington [Mr. MAGNUSON] made clear that about all they can do is determine the location of the shelters, and that there is really little or no money for stocking them; and that with the funds now appropriated, about all they can do is mark and locate the shelters.

So the Senator from Minnesota can be of great help. I am a member of the Appropriations Committee, and I shall endeavor to do likewise. However, the Senator from Washington made very clear that there is no commitment in regard to a supplemental appropriation bill.

Mr. HUMPHREY. And there is no mandate that all the shelters are to be stocked. But I say that if 60 percent of them are to be stocked, then it would be almost inhumane and beyond reason to refuse to permit the other 40 percent to be stocked.

So we must depend on the administration—if it finds that the amount we have appropriated is inadequate—to send to Congress a supplemental request for funds with which to finish the job; and I shall be one who will push for such a supplemental appropriation.

Mr. JAVITS. I join the Senator from Minnesota, and identify myself with his views and with his request.

Mr. HUMPHREY. I thank the Senator from New York very much.

Mr. MAGNUSON. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement showing action on the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Comparative statement of appropriations for 1962 and estimates and action taken on items in the bill for 1963

TITLE I

Item	Appropriations, 1962	Budget estimates, 1963	House bill	Senate bill	Conference action
EXECUTIVE OFFICE OF THE PRESIDENT					
NATIONAL AERONAUTICS AND SPACE COUNCIL					
Salaries and expenses	$545,000	$530,000	$530,000	$530,000	$530,000
OFFICE OF EMERGENCY PLANNING					
Salaries and expenses	25,000,000	8,000,000	4,000,000	5,000,000	5,000,000
Postattack planning		3,000,000			
Civil defense and defense mobilization functions of Federal agencies	5,000,000	*(6,876,000)*	5,000,000	4,000,000	5,000,000
Federal contributions	22,000,000				
Emergency supplies and equipment	30,050,000				
Research and development	2,000,000				
Construction of facilities	2,500,000				
Total, Office of Emergency Planning	86,550,000	11,000,000	9,000,000	9,000,000	10,000,000
OFFICE OF SCIENCE AND TECHNOLOGY					
Salaries and expenses		850,000	700,000	850,000	750,000
Total, Executive Office of the President	87,095,000	12,380,000	10,230,000	10,380,000	11,280,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Disaster relief	46,000,000				
DEPARTMENT OF DEFENSE					
Civil defense, Department of Defense:					
Operation and maintenance		126,245,000	65,000,000	91,200,000	75,000,000
Research			10,000,000		38,000,000
Shelter, research and development, and construction		568,755,000		93,800,000	
Civil defense, Department of Defense	207,600,000				
Total, civil defense, Department of Defense	207,600,000	695,000,000	75,000,000	185,000,000	113,000,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Public Health Service: Civil defense medical stockpile activities	13,000,000	41,445,000	5,500,000	8,500,000	7,000,000
INDEPENDENT OFFICES					
CIVIL AERONAUTICS BOARD					
Salaries and expenses	8,900,000	9,900,000	8,900,000	9,400,000	9,150,000
Payments to air carriers (liquidation of contract authorization)	78,250,000	84,578,000	71,900,000	87,228,000	79,564,000
Total, Civil Aeronautics Board	87,150,000	94,478,000	80,800,000	96,628,000	88,714,000
CIVIL SERVICE COMMISSION					
Salaries and expenses	21,349,000	18,915,000	21,349,000	18,196,000	21,349,000
Trust funds		*(3,275,000)*		*(3,153,000)*	
Investigation of U.S. citizens for employment by international organizations	430,000	512,000	430,000	430,000	430,000
Annuities under special acts	2,248,000	2,113,000	2,000,000	2,000,000	2,000,000
Payment to civil service retirement and disability fund	44,637,000		41,959,000		
Government payment for annuitants, employees health benefits fund	4,500,000	5,400,000	3,000,000	5,400,000	4,200,000
Government contribution, Retired employees health benefits fund	19,000,000	9,200,000	8,000,000	8,000,000	8,000,000
Administrative expenses, Employees life insurance fund (limitation)	*(260,000)*	*(265,000)*	*(255,000)*	*(255,000)*	*(255;000)*
Total, Civil Service Commission	92,164,000	36,140,000	76,738,000	34,026,000	35,979,000
FEDERAL AVIATION AGENCY					
Operations	434,300,000	492,500,000	463,400,000	488,400,000	480,000,000
Facilities and equipment	120,000,000	135,000,000	120,000,000	130,000,000	125,000,000
Grants-in-aid for airport (liquidation of contract authorization)	70,000,000	20,000,000	20,000,000	20,000,000	20,000,000
Grants-in-aid for airports	150,000,000	75,000,000	75,000,000	75,000,000	75,000,000
Research and development	60,000,000	50,000,000	35,000,000	35,000,000	35,000,000
Operation and maintenance, Washington National Airport	3,225,000	3,725,000	3,225,000	3,725,000	3,475,000
Operation and maintenance, Dulles International Airport	1,975,000	3,675,000	3,000,000	3,500,000	3,250,000
Construction, Washington National Airport	4,200,000	2,500,000	2,000,000	2,000,000	2,000,000
Construction and development, additional Washington airport	20,100,000	3,400,000	3,000,000	3,400,000	3,200,000
Civil supersonic aircraft development	11,000,000	25,000,000	15,000,000	25,000,000	20,000,000
Total, Federal Aviation Agency	874,800,000	810,800,000	739,625,000	786,025,000	766,925,000
FEDERAL COMMUNICATIONS COMMISSION					
Salaries and expenses	12,525,000	14,617,000	14,355,000	14,617,000	14,486,000
FEDERAL POWER COMMISSION					
Salaries and expenses	8,793,000	11,100,000	9,946,500	11,100,000	10,700,000
FEDERAL TRADE COMMISSION					
Salaries and expenses	10,345,000	11,845,000	10,720,000	11,845,000	11,282,500
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	43,000,000	43,900,000	43,900,000	43,900,000	43,900,000
GENERAL SERVICES ADMINISTRATION					
Operating expenses, Public Buildings Service	175,120,000	187,400,000	175,000,000	187,400,000	181,200,000
Repair and improvement of public buildings	58,000,000	65,000,000	65,000,000	65,000,000	65,000,000
Construction, public buildings projects	188,946,500	190,687,000	155,325,000	193,066,000	180,955,600

***Comparative statement of appropriations for 1962 and estimates and action taken on items in the bill for 1963*—Continued**

TITLE I—Continued

Item	Appropriations, 1962	Budget estimates, 1963	House bill	Senate bill	Conference action
GENERAL SERVICE ADMINISTRATION—continued					
Sites and expenses, public buildings projects	$25,000,000	$22,000,000	$16,500,000	$29,354,000	$27,500,000
Payments, public buildings purchase contracts	5,200,000	5,440,000	5,440,000	5,440,000	5,440,000
Additional court facilities	4,500,000	9,000,000	8,500,000	8,500,000	8,500,000
Operating expenses, Federal Supply Service	4,493,500	42,683,000	40,000,000	41,000,000	40,500,000
Proceeds of sales	*(3,935,000)*				
Expenses, supply distribution	30,374,500				
General supply fund	13,500,000	17,000,000	10,000,000	17,000,000	13,500,000
Operating expenses, Utilization and Disposal Service (proceeds of sales)		*(8,800,000)*	*(8,500,000)*	*(8,500,000)*	*(8,500,000)*
Operating expenses, National Archives and Records Service	14,000,000	14,500,000	14,050,000	14,000,000	14,000,000
Operating expenses, Transportation and Communications Service		4,435,000	4,097,000	4,037,000	4,037,000
Strategic and critical materials	40,000,000	38,000,000			
Proceeds of sales			*(18,000,000)*	*(18,000,000)*	*(18,000,000)*
Salaries and expenses, Office of Administrator	290,000	1,350,000	1,350,000	1,350,000	1,350,000
Allowances and office facilities for former Presidents	300,000	320,000	320,000	320,000	320,000
Administrative operations fund (limitation)	*(14,566,450)*	*(12,131,000)*	*(11,100,000)*	*(12,000,000)*	*(11,400,000)*
Construction, Federal Office Building No. 7, Washington, D.C	23,700,000				
Acquisition of land and building, Chicago, Ill	2,715,000				
Hospital facilities in the District of Columbia	3,000,000				
Operating expenses, transportation and public utilities services	2,400,000				
Expenses, Federal telecommunications system	850,000				
Working capital fund	100,000				
Total, General Services Administration	592,489,500	597,815,000	495,582,000	566,527,000	542,362,600
HOUSING AND HOME FINANCE AGENCY					
Office of the Administrator:					
Salaries and expenses	13,050,000	15,720,000	14,500,000	14,500,000	14,500,000
Urban planning grants	17,100,000	20,000,000	18,000,000	18,000,000	18,000,000
Urban studies and housing research	375,000	1,450,000	375,000	375,000	375,000
Mass transportation loans and grants:					
Appropriation	42,500,000	100,000	32,500,000	32,500,000	32,500,000
Contract authorization replaced in bill by appropriation		*(9,157,500)*			
Borrowing authorization replaced in bill by appropriation		*(23,500,000)*			
Open-space land grants	35,000,000	15,430,000	15,000,000	15,000,000	15,000,000
Low income housing demonstration grants:					
Appropriation	2,000,000	1,250,000	3,000,000	3,000,000	3,000,000
Contract authorization replaced in bill by appropriation		*(1,770,000)*			
Public works planning fund	8,000,000	13,000,000	12,000,000	12,000,000	12,000,000
Urban renewal fund (liquidation of contract authorization)	200,000,000	330,000,000	300,000,000	300,000,000	300,000,000
Housing for the elderly fund	60,000,000	100,000,000	45,000,000	45,000,000	45,000,000
Total, Office of the Administrator	378,025,000	496,950,000	440,375,000	440,375,000	440,375,000
Public Housing Administration:					
Annual contributions	165,000,000	185,000,000	180,000,000	180,000,000	180,000,000
Administrative expenses	13,968,000	14,750,000	14,359,000	14,359,000	14,359,000
Total, Public Housing Administration	178,968,000	199,750,000	194,359,000	194,359,000	194,359,000
Total, Housing and Home Finance Agency	556,993,000	696,700,000	634,734,000	634,734,000	634,734,000
INTERSTATE COMMERCE COMMISSION					
Salaries and expenses	22,075,000	23,200,000	22,187,500	23,025,000	22,606,000
Payment of loan guaranties	14,700,000				
Total, Interstate Commerce Commission	36,775,000	23,200,000	22,187,500	23,025,000	22,606,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Research, development, and operation	1,302,500,000	2,968,278,000	2,877,878,000	2,917,878,000	2,897,878,000
Construction of facilities	316,000,000	818,998,000	766,237,000	786,237,000	776,237,000
Salaries and expenses	206,750,000				
Total, National Aeronautics and Space Administration	1,825,250,000	3,787,276,000	3,644,115,000	3,704,115,000	3,674,115,000
NATIONAL CAPITAL HOUSING AUTHORITY					
Operation and maintenance of properties	40,000	40,000	40,000		40,000
NATIONAL SCIENCE FOUNDATION					
Salaries and expenses	263,250,000	358,000,000	310,000,000	335,000,000	322,500,000
RENEGOTIATION BOARD					
Salaries and expenses	2,900,000	2,500,000	2,450,000	2,450,000	2,450,000
SECURITIES AND EXCHANGE COMMISSION					
Salaries and expenses	11,412,500	12,800,000	12,800,000	12,800,000	12,800,000
SELECTIVE SERVICE SYSTEM					
Salaries and expenses	37,085,000	38,173,000	37,085,000	37,585,000	37,585,000
VETERANS' ADMINISTRATION					
General operating expenses	161,773,000	157,669,000	157,669,000	157,669,000	157,669,000
Medical administration and miscellaneous operating expenses	43,876,500	13,772,000	13,772,000	13,772,000	13,772,000
Medical and prosthetic research		28,000,000	28,000,000	33,000,000	30,500,000
Medical care	989,371,000	1,017,892,000	1,017,892,000	1,017,892,000	1,017,892,000
Veterans direct benefits		3,923,500,000			
Compensation and pensions	3,500,000,000		3,832,000,000	3,832,000,000	3,832,000,000
Readjustment benefits	80,000,000		91,500,000	91,500,000	91,500,000
Veterans insurance and indemnities	39,200,000	32,000,000	32,000,000	32,000,000	32,000,000
Grants to the Republic of the Philippines	1,000,000	500,000	500,000	500,000	500,000
Construction of hospital and domiciliary facilities	76,250,000	75,500,000	78,500,000	78,500,000	77,000,000
Loan guarantee revolving fund (limitation on obligations)	*(235,871,000)*	*(220,545,000)*	*(220,545,000)*	*(220,545,000)*	*(220,545,000)*
Total, Veterans' Administration	4,891,470,500	5,248,833,000	5,248,833,000	5,256,833,000	5,252,833,000
Total, definite appropriations	9,700,137,500	12,537,042,000	11,474,641,000	11,775,090,000	11,605,292,100
Total, proceeds of sales	3,935,000	8,800,000	26,500,000	26,500,000	26,500,000
Total, title I	9,704,072,500	12,545,842,000	11,501,141,000	11,801,590,000	11,631,792,100

Administrative and nonadministrative expenses

TITLE II—CORPORATIONS

[Limitations on amounts of corporate funds to be expended]

Corporation or agency	Appropriations, 1962	Budget estimates, 1963	House bill	Senate bill	Conference action
Federal Home Loan Bank Board:					
Administrative expenses	(*$1,865,000*)	(*$2,075,000*)	(*$2,000,000*)	(*$2,075,000*)	(*$2,057,500*)
Nonadministrative expenses	(*10,366,000*)	(*11,800,000*)	(*11,500,000*)	(*11,500,000*)	(*11,500,000*)
Federal Savings and Loan Insurance Corporation	(*965,000*)	(*1,200,000*)	(*1,080,000*)	(*1,200,000*)	(*1,140,000*)
General Services Administration: Reconstruction Finance Corporation liquidation fund	(*42,500*)	(*25,000*)	(*25,000*)	(*25,000*)	(*25,000*)
Housing and Home Finance Agency:					
College housing loans	(*2,000,000*)	(*1,900,000*)	(*1,800,000*)	(*1,800,000*)	(*1,800,000*)
Public facility loans	(*1,050,000*)	(*1,350,000*)	(*1,100,000*)	(*1,200,000*)	(*1,150,000*)
Housing for the elderly	(*512,500*)	(*1,000,000*)	(*714,000*)	(*850,000*)	(*725,000*)
Revolving fund (liquidating programs)	(*145,000*)	(*145,000*)	(*145,000*)	(*145,000*)	(*145,000*)
Federal National Mortgage Association	(*8,000,000*)	(*8,750,000*)	(*8,250,000*)	(*8,250,000*)	(*8,250,000*)
Federal Housing Administration:					
Administrative expenses	(*9,800,000*)	(*10,800,000*)	(*9,500,000*)	(*10,800,000*)	(*10,400,000*)
Nonadministrative expenses	(*64,650,000*)	(*71,400,000*)	(*62,000,000*)	(*67,500,000*)	(*67,500,000*)
Public Housing Administration:					
Administrative expenses	(*13,968,000*)	(*14,750,000*)	(*14,359,000*)	(*14,359,000*)	(*14,359,000*)
Nonadministrative expenses	(*1,200,000*)	(*1,490,000*)	(*1,200,000*)	(*1,200,000*)	(*1,200,000*)
Total, administrative expenses	(*114,564,000*)	(*125,685,000*)	(*113,673,000*)	(*120,904,000*)	(*120,231,500*)

FOOD AND AGRICULTURE ACT OF 1962—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391), to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes.

Mr. ELLENDER. Mr. President, I yield 10 minutes to the distinguished Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. The Senator from Montana may proceed for 10 minutes.

Mr. MANSFIELD. Mr. President, I could not permit this occasion to go by without paying my respects to the distinguished Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry. This is the third time in this session that he has been before the Senate with a farm bill.

The first measure which the Senate passed, with not too great a majority, was, in my opinion, the best measure of all. Unfortunately, the House cut it down considerably. There was not much opportunity for a conference, and, in effect, what the Senate committee had to do was to write a new bill—not as good as the first one, but a good bill, nevertheless.

The bill then went to conference. The Senate conferees were able to maintain their position, by and large. The result is that the Senate now has before it a conference report which passed the House a few days ago and is now before the Senate for final consideration, to be acted upon one way or the other.

In my opinion a vote against the present conference report would bring about lower farm income. It would increase the cost to the taxpayer. It would increase surpluses and reverse the successes which the programs over the past 2 years have brought about in reducing surpluses.

In 1961 the feed grain program alone has reduced Government stocks by 400 million bushels of corn, and has saved the taxpayers over $213 million in storage and interest charges. These programs contributed to the most dramatic increase in farm incomes since 1953. Net farm income in 1961 was increased by more than $1 billion.

Mr. President, this conference report is the result of months of intensive work on the part of the Senate and the House of Representatives, the Department of Agriculture, and farm groups interested in a better farm program. It includes most of the provisions of the bill which the Senate approved on August 22, as well as a large part of S. 3225, passed by the Senate on May 25.

Passage of the conference report would be a major step forward in improving the legislation under which American farmers can be assured fair and stable prices without burdening the Government with the excessive cost associated with surplus production.

I wish to summarize the farm bill very briefly, and to comment on certain parts of it.

Title I: Provisions of this title relate primarily to long-range land-use adjustment, and to economic development related to land use. It will provide the Secretary of Agriculture an opportunity to test—on a pilot basis—techniques for turning land from agricultural uses to profitable nonagricultural uses, including recreation, fishing, and wildlife. It also provides funds to insure that about 1.3 million acres on which conservation reserve contracts are expiring do not come back into production in 1963.

Title II: This title makes only modest changes in legislation under which the food-for-peace program operates. Long-term credit sales will be encouraged further, with appropriate safeguards for normal dollar export sales. In addition, it will be possible under the bill to expand our assistance to nonprofit school lunch programs in other countries, and to insure that, where practicable, student recipients will help to finance those programs.

Title III: This title contains the most urgently needed sections of the bill. For the 1963 crop of feed grains and wheat, it provides an extension with some modification, of the voluntary programs in effect in 1962. These programs are not perfect; they are actually fairly costly, and their results are somewhat unpredictable. They will provide, however, a good possibility that the results of the 1961 and 1962 programs can be continued, that the 3 billion bushel feed grain carryover inherited from the 1950's will be reduced nearly one-half by 1964, and that the reduction in the wheat surplus can continue in 1963. Failure to approve these programs would add some 500 million bushels of feed grains, and 100 to 150 million bushels of wheat to the surplus in 1963. To store more grain when we already have too much is wasteful and contradictory and expensive.

The conferees amended the price support provisions of both the feed grain and wheat programs for 1963, so that participating farmers will be eligible for price supports through a loan on their grain, and through a payment in kind from CCC stocks. The payment-in-kind provisions of price support would be handled in much the same way that diversion payments have been handled in the feed grain program. Important safeguards have been added, however, regarding sales of grain by CCC at not less than the support prices.

Enactment of the long-range wheat program climaxes, in a real sense, nearly 40 years of intermittent discussion in Congress of multiple-price and marketing certificate programs for wheat. As late as 1956, Congress approved the domestic parity plan for wheat, sponsored at that time by the senior Senator from Kansas [Mr. CARLSON], Representative Hope, and others.

This is essentially the same program, with two key exceptions: This bill provides price supports between 65 and 90 percent of parity not only for wheat used in the United States—as in 1956—but also for a portion of the exports to be determined by the Secretary of Agriculture; it includes also provisions to limit overall farm output, by diverting areas taken out of wheat to nonproductive purposes, instead of into other crops.

Enactment of this program nearly a year before the date for the 1963 referendum will make it possible for wheat farmers to understand the program, for the grain trade to know what to expect well in advance, and for the Department of Agriculture to consult widely with interested persons and groups in preparing to place the program in operation.

The only long-range legislation for feed grains is the change in the price support for corn—to 50 to 90 percent of parity beginning in 1964—from 65 to 90 percent. The bill approved by the Senate directed the Secretary to present new feed grain legislation to Congress next year. Removal of that provision by the conferees does not change the fact that a level of price support low enough to avoid building up new surpluses is not an adequate feed grain program. We must look at feed grains again next year.

In conclusion, I strongly urge the Senate to support the skillful leadership furnished by the distinguished Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry, and agree to the conference report.

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois desire to yield to the Senator from Iowa?

Mr. DIRKSEN. Mr. President, I ask how much time the Senator desires.

Mr. MILLER. I have 8 minutes. I should like 5 minutes at the present time.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, the conference report on H.R. 12391, the Food and Agricultural Act of 1962, represents a cynical repudiation of the promise made to our farmers in the 1960 national Democratic Party's platform. I read from page 20 of that platform:

> We shall take positive action to raise farm income to full parity level.

Starting with 1964, our feed grain farmers are now promised only 50 percent of parity. While the report provides in section 305 that price supports, beginning with the 1964 crop of feed grains, shall be not less than 50 percent of parity and not more than 90 percent of parity, the excess over 50 percent of parity is, for all practical purposes, eliminated by the requirement that the Secretary of Agriculture must determine that such excess will not add to the stocks of corn of the Commodity Credit Corporation.

Even the preamble of the bill is faulty. It provides that the bill is designed to reduce the Federal Government's excessive stocks of agricultural commodities.

Senators will remember that during my colloquy with the distinguished Senator from Louisiana [Mr. ELLENDER], during the first go-around on the bill, I attempted to elicit from him what was meant by "excessive." The answer of the chairman of the Senate Committee on Agriculture and Forestry was that the Secretary of Agriculture, and no one else in this administration, has defined what is excessive. We know we have about 3 or 4 months of supply of feed grains in storage. Some may think that that amount is not excessive. There are others who may think it is. I believe it is high time, before we enact legislation that is as far reaching as the measure before the Senate, that we have a recommendation from the administration with relation to what the administration thinks would be excessive, and then let the Congress decide whether it is right or not.

We are laboring in the dark.

Another defect in the bill is that probably the greatest hope for the elimination of the surpluses—if, indeed, we have surpluses—is the use of improved and stepped-up agricultural research to find new uses for agricultural commodities. It will not happen overnight. It is in the long run the greatest opportunity we have to eliminate our surplus problem. Yet the conference has eliminated this section from the bill.

This is an improvement over the Ellender amendment, which the Senate foolishly adopted when the bill recently passed the Senate and which would have eliminated price supports altogether. However, it promises to hundreds of thousands of farmers and their families only a future of despair over being forced off their farms to become another unemployment statistic.

Compensatory payments of 18 cents per bushel to farmers who go into the 1963 program will be paid regardless of whether they raise any grain or whether, if they do, they feed it to their own livestock. These payments would be over and above price supports of $1.02 per bushel. This proposed Government handout for 1963 apparently is designed to soften up our farmers for what is going to hit them in 1964.

Of course, we know what the proponents of this measure are up to. They want it to be passed so that next year they can come forward with a program which will place strict marketing quotas on our feed grains and livestock farmers. They will then be given the choice between such a program or the 50 percent of parity program. They will, in effect, be given the choice between the loss of their freedom and the loss of their farms. And when our farmers are forced into losing their freedom in order to scratch out an existence for themselves and their families, they will find themselves repeating the history of the farmers in Germany during the 1930's.

To further aggravate the problem of our feed grain farmers, this report provides for a two-price wheat program, starting in 1964, which will result in dumping of cheap wheat on the feed grains market to compete with normal feed grains. Estimates run as high as 175 million bushels of this cheap wheat which will depress our markets.

One wonders why, when Secretary of Agriculture Freeman claimed that the emergency feed grains bill was a smashing success, there has not been an effort made by the administration to continue this program, possibly with some modifications to tighten it up and improve it. The answer probably lies in a hope that the farmers can continue to be fooled by vote-getting hot air.

Mr. ELLENDER. I yield 2 minutes to the Senator from Texas (Mr. YARBOROUGH).

A FARM BILL IS NEEDED NOW

Mr. YARBOROUGH. Mr. President, I support the conference report on the administration's farm bill, and commend the distinguished senior Senator from Louisiana and the majority leadership for their efforts for more meaningful farm legislation.

Although we recognize that the bill does not contain all the features which the Senate had hoped would be included in 1962 legislation, this bill is far better than none at all—the situation that would result should it be turned down.

If the legislation is not passed, the emergency wheat and feed grain programs would be lost for next year. This means that the farmers of our Nation would lose about $1 billion in income, and that surpluses of wheat and feed grains would surely rise to such a degree that the cost to the Government through storage would be more in the long run than the programs would now cost. In other words, if this legislation is defeated, the Senate would be in the position of voting for lower farm income and higher storage, insurance, and other carryover costs to the Government. To me, the sounder course seems to be to approve this report developed by the conferees.

Throughout debate on the farm bill, which has centered around production controls, little has been said in the public reports about several desirable features in the bill which are of utmost importance and which should certainly win approval.

Consider, for example, the part of the bill that would allow land now producing surplus crops to be diverted to new and better uses. Under the land-use section of the bill, the Department of Agriculture would be authorized to cooperate with State and local governments in a moderate loan program to cut down surplus production and turn the land into watershed recreational areas, including wildlife restoration and fishing, or into areas attractive to private investment and individual enterprise. The choice would always be left to local and State governments as to whether or not to enter into these programs.

Another example is in the matter of low-cost credit. Due to a combination of low farm prices and advancing technology during the 1950's, farmers were, and still are, in desperate need of low-cost credit. The Secretary of Agriculture has done a magnificent job in this field already by releasing $35 million in farm operating loan funds that had been frozen under the Republican administration. But there still is a great need for more credit and this bill takes another step forward in this area. We cannot now deprive farmers of this need by rejecting the bill.

As the distinguished Presiding Officer [Mr. METCALF] knows, because of mechanization and advanced technology, it is much more expensive to equip a farm now that it was 10 years ago.

The bill has sound provisions for soil conservation, national forests and grassland programs, and technical and cost-sharing programs for farmers and ranchers.

There is also a section in this bill authorizing the Secretary of Agriculture to enter into sales agreements of needed foods and fiber with foreign and U.S. private trade firms and institutions.

In order to better dispose of surplus commodities, the U.S. Government would be able to enter into agreements with friendly nations to provide food for peace as it has in the past. In addition the United States could trade on a dollar basis with private trade firms in other friendly countries.

This is an area where American good will is taken right into the homes of needy people in friendly nations. It is a method whereby we can put food before hungry people—food on the table to eat, instead of in the warehouses to mold and to decay.

Again I commend the distinguished Senator from Louisiana for his leadership in connection with the bill.

Mr. AIKEN. Mr. President, I yield such part of the remaining 8 minutes as the Senator from Illinois [Mr. DIRKSEN] may need.

Mr. DIRKSEN. Mr. President, first, I concur in the sentiments expressed by the majority leader with respect to the distinguished chairman of the Committee on Agriculture and Forestry. I do not know of any chairman who has an unhappier task than trying to put together all the factors involved in an agricultural bill. Certainly it is not an easy task. I know he has worked at it very diligently. I am sure also that he will not mind if we take issue with what he proposes to us, on the ground that we honestly believe that the conference report is not in the best interest of agriculture.

I believe we have reached a certain height of illogic that probably can best be illustrated by a choice bit that I heard not so long ago with respect to the distinguished gentleman from Texas, who has gotten into difficulty on cotton allotments. The logic ran something like this: There should be the administration's program relating to agriculture, along with controls and all the things that were incorporated in the original bill. The reasoning behind that point of view is this: Had there been no surpluses, there would have been no storage requirements. Had there been no storage requirements, the gentleman named Estes would not have had to fall back upon storage and receive for himself some rather generous storage benefits.

The only difficulty with that story is that Mr. Estes' difficulty did not arise from storage at all. It arose from procuring cotton allotments and taking them to lusher areas. Then, by means of fertilizer and better land management, he made himself quite a stake.

But it is a curious logic that would dictate forced control upon agriculture in order to avoid that kind of problem.

Frankly, I see in this proposal so much confusion that I do not see how Senators could support the conference report. I should like to know what the end result will be. I have been examining the Secretary of Agriculture's letter to Members of the House of Representatives. It was issued on September 18. I was not honored with such a letter. Nevertheless, the Secretary comments on statements made by a certain farm organization.

He says that the organization contends that if the conference report is adopted, farm income will be lower, and therefore there will be increased costs to the taxpayers; that there will be increased surpluses; that the success of the programs which have been so successful up to now will be reversed; and finally, farm legislation for this session will be killed. That is what the Secretary sets forth as a comment from a farm organization.

The Secretary indicates that if we fall back upon existing law, on the old program, farm income will be lowered; that costs will increase; that so far as reversing success is concerned, we would do far better to adopt what is before the Senate in the conference report.

Frankly, I cannot put together all the various contentions which have been made on both sides of the fence. One group indicates that the over-all program under this proposal is likely to cost $2.4 billion. The distinguished chairman of the committee [Mr. ELLENDER] has indicated, in connection with the earlier bill, that to authorize a temporary program for 2 more years would cost the taxpayers, according to the most recent estimate, $333 million a year to reduce production by about 100 million bushels. That would be $3.33 a bushel. In other words, it would cost the Government $3.33 a bushel to curtail production by 100 million bushels of wheat a year. I do not know how Senators could in all conscience embrace a program of that kind in order to curtail production to the extent of 100 million bushels and then pay $3.33 a bushel to achieve that result.

Second, if I have examined the report correctly, I have calculated what the so-called payments will be, together with the interesting compensatory payment which is provided in the bill. It might equate to as much as $99 an acre. That seems like a fantastic sum, to say the least.

For my own part, I cannot bring myself to support a conference report of that kind when there is so much doubt, when there is so much confusion, and when responsible people, with the Secretary of Agriculture on one side, and a very responsible farm group which has been analyzing these programs for years on the other, are as far apart as the two poles. Should we then embrace this bundle of confusion? Or should we send it back to committee or defeat it, and fall back on the programs under existing law?

Unless the figures which have been submitted to me are in error, it occurs to me that probably by falling back on existing law we could save as much as $1⅓ billion a year. That is not hay—even in the U.S. Senate.

So it is my profound hope that the conference report will be rejected, notwithstanding the tremendous effort that has gone into it by the distinguished Senator from Louisiana [Mr. ELLENDER]. I express the hope that when the Senate goes on record, it will reject the conference report, because the country would be infinitely better off under existing law.

Mr. ELLENDER. Mr. President, I yield 2 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I shall vote for the conference report, but with serious misgivings. I realize that the cost involved for the first year, at least, will be tremendous. The 1-year extension of the emergency programs, which I have never supported, is the cause of the exorbitant expenditures which will result. However, it will bring about reduced surpluses; and it looks ahead to permanent legislation which is sorely needed. I am pleased to see the emergency programs being phased out.

While the bill is by no means what I should like to see enacted by way of farm legislation, I believe that its long-range effect will be beneficial to the farmers and to the country as a whole. Congress owes it to the country to do away with these emergency programs. For that reason I shall support the conference report.

Mr. ELLENDER. Mr. President, in the few minutes remaining to me, I express the hope that the Senate will vote for the conference report. As has been said by the Senator from Illinois [Mr. DIRKSEN], the bill involves good work by members of the conference committee.

By the passage of the bill, we will do away with programs which have been costly. Before the first emergency program was placed on the statute books in 1961, $6.2 billion worth of wheat, corn, and other feed grains were on hand. As of June 30 of this year, the cost of that surplus had been reduced to $4.9 billion.

As I have often stated, I am against the renewal of the emergency programs unless we also provide for corrective permanent legislation upon the expiration of the emergency program. The conference report now before the Senate provides for permanent legislation for corn and other feed grains, and for wheat, as well.

Under the wheat legislation provided in this bill we have finally removed the 55 million minimum national acreage allotment under which the Government has accumulated huge stocks of surplus wheat that are neither desirable nor necessary. In addition, we have also corrected the so-called 15-acre exemption; closed many of the loopholes in the old legislation; and placed the whole program on a more realistic basis. This certificate program is not perfect in every respect, however, I feel confident that it will provide a much stronger foundation upon which to build in the future. It will reduce costs to the Government. It will maintain and ultimately improve farm income, and finally it will contribute to a more prosperous and healthy agriculture.

The 1964 feed grain program, while much less than I would desire, is certainly an improvement over the 1958 act. By providing for price supports at from 50 to 90 percent of parity, it lends flexibility that was so sadly lacking in the old act when the Secretary was powerless to set supports at any level other than at 65 percent of parity or 90 percent of the 3-year average, whichever was higher. Under this new concept he can act to either encourage or discourage the production of corn and other feed grains. However, I want it clearly understood that under no conditions can the Secretary impose controls of any kind on the production of corn. Corn producers under this new law will be able to produce as much as they wish, just as they did before. The only difference now is that the Secretary is given some flexibility, where before he had none.

With regard to the extension, for 1963, of the so-called emergency feed grain program, I say only that some good will come of it through the reduction of the huge stocks of Government grain. It will be costly, but not so costly as the 1958 act, and certainly not as costly as the opponents would have one believe.

In my opinion the assertion that the emergency feed grain program for 1963 contemplates payments of up to $100 to producers for diverting acreage twists the facts beyond all recognition.

As a matter of fact, corn producers in 1963 will receive the same price supports of $1.20 per bushel that they received this year and in 1961 as well. The only change is in the amount of land permitted to be diverted and the rate of payments for diversion. In 1961 and in 1962 grain producers were required to divert 20 percent in order to be eligible to receive price supports. On this diversion they would receive 50 percent of the support price of $1.20 per bushel on the normal production per acre. In addition, however, they were permitted to retire up to another 20 percent of their historical base for which they would receive 60 percent of the $1.20 support price on the normal production.

In 1963 farmers will be required to divert 20 percent in order to be eligible for price supports of $1.20 per bushel, and will receive payments of 50 percent of the support price. They are also permitted to retire up to an additional 30 percent, and, on this diverted acreage they will receive, not 60 percent as in 1961 and in 1962, but only 50 percent of the support price.

Overall, the program in 1963 with the exception noted above is not too different from the 1962 and 1961 programs.

In 1961 and 1962 a cooperating farmer could receive price supports of $1.20 per bushel in the form of a loan from the Government, whereas in 1963 he will get a loan of $1.02 and a payment-in-kind of 18 cents per bushel. This adds up, however, to the $1.20 he received in 1961 and 1962. And I might add that it makes sense to give farmers 18 cents' worth of grain instead of cash, when the grain is costing the Government 13.5 cents per bushel per year to store.

In addition, farmers in 1963 who divert 20 percent of their acreage will receive the same payment they received in 1961 and 1962. As a result the cost to the Government should certainly be less than in the past because we are disposing of grain instead of adding to the huge accumulated surpluses of feed grains.

Finally, Mr. President, I want to say emphatically that this bill will not result in increased costs of food to consumers. As a matter of fact, it might well lead to reduced costs to consumers if some of the statements made on the Senate floor today actually come to pass.

Price supports on corn are now at $1.20 per bushel, and on wheat $2 per bushel. This will also be the price support level in 1963, and the wheat price support level perhaps will be the same in 1964. Corn support levels could be expected to be considered lower in 1964. What more stability could consumers ask for.

Program costs will be reduced, thereby saving the taxpayers of the Nation untold millions of dollars. As I indicated earlier, storage and other carrying charges in 1961 alone for wheat and feed grains cost taxpayers $900 million. Since stocks are to be reduced under the bill, so will carrying charges, as well as other costs normally connected with farm programs.

These programs institute no new controls. Wheat controls are tightened and made more realistic. Certainly Congress has been trying to do this for many years. In the case of corn, no controls whatever are authorized or are anticipated.

In my judgment the program that the Senate will approve today is far superior to the existing programs for these commodities. While it is not perfect, the fact that the Government will save money; farm income will be improved, and stocks will be reduced is ample reason for wholehearted support by all friends of agriculture. And last, I might add, that in my opinion, approval of this program may well save all programs from going by the wayside.

Mr. AIKEN. Mr. President, I believe I have 1 minute remaining.

The conference report should be rejected for these reasons:

It will injure the farmer, after he has followed the first year program.

It will injure the consumer, in that higher food prices are bound to result.

It will hurt the taxpayer, because he will have to pay higher taxes for reducing supplies.

It will weaken our position in the international field. The purpose of the bill is to reduce the production of wheat and feed grains in this country, therefore, countries overseas can no longer depend on us to furnish them the food they need when they get into trouble.

Mr. COOPER subsequently said: Mr. President, I shall vote against the farm bill reported by the conference of House and Senate Members.

There are provisions of the bill which I supported in committee, and several contain amendments which I offered in order to make them more effective and helpful to farmers.

But we are voting on a bill which includes provisions, of extreme importance to farmers, which were never considered by the Committees on Agriculture of the Senate and House, or by the Senate and House of Representatives. These provisions were placed in the bill by the conference committee of Members of the House and Senate and they are only recommended by four Members of the House and three of the Senate—all of the majority party.

Under the rules, we cannot amend or strike these new provisions—we can only vote for or against the bill which has been presented to us by the majority members of the conference committee. I must vote against this bill because the provisions in it which we never had a chance to consider could lead to a disastrous situation for corn growers after 1963.

The bill before us extends the voluntary feed grain program for 1963, and this I approve. However, for the years following 1963, unless the Congress should adopt a new program, it is provided that for the 1964 and subsequent crops of corn, price supports shall be "at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn." The important words to note are "at such level as will not result in increasing Commodity Credit Corporation stocks."

This means that if a surplus of corn exists in 1964 or in following years, support prices could be driven down to 50 percent of parity—or 80 cents a bushel for corn at the present level of parity—which would be disastrous both to corn producers and to the livestock industry. Further, there is a question of whether the Secretary of Agriculture would be permitted to take over any corn under this provision, because the language prohibits him from doing so if it would increase Government stocks. In other words, if the Department of Agriculture cannot stand ready to take corn into storage, there would be no support program for corn.

The purpose of this provision must be to coerce the Congress and farmers to adopt for the years following 1963 the compulsory feed grain control proposal of the Secretary of Agriculture, which was rejected last year and which has been rejected this year.

The administration makes much of the so-called "surplus" in feed grains—corn, sorghum, barley, and rye, most of which is fed out to livestock and poultry—and has been attempting for 2 years to place these crops under compulsory acreage controls. But with the exception of corn, there are no large surpluses of feed grains, and the stocks of corn on hand represent only a volume which could be used in 4 to 6 months. Drought and unusual needs could easily wipe out the surplus.

The controls proposed by the administration would in many cases prohibit farmers from growing sufficient corn and other feed grains for present livestock and poultry operations on their own farms. Further, if these mandatory feed grain controls were imposed, it would have the effect of preventing farmers from expanding their herds and flocks, and could discourage young farmers from becoming livestock farmers.

The administration's proposal is not only a compulsory control program for feed grains. It would be a program to control the choice of farmers to manage their farms as they think necessary, and to engage in a diversified and balanced farm program. Because of the compulsory and coercive features of the administration's feed grain proposal, it has been defeated for 2 years in both Houses of Congress. It was defeated in the Senate Committee on Agriculture, passed by a small margin on the Senate floor, defeated in the House, and defeated again in the Senate Committee on Agriculture.

The Congress ought to adopt a feed grain program of a more permanent nature than the present voluntary program, for which I voted. I believe that a voluntary program can be developed if farmers, the farm organizations, and the Congress, have the opportunity to approach this problem without pressures and look at reasonable alternatives. But, I object to the provision in this bill which would reduce price supports for corn after next year to 50 to 90 percent of parity—in effect 50 percent of parity, or 80 cents a bushel—and which would amount to no program unless the Congress and the farmers adopted the compulsory program of the administration.

The conferees have added another new feature which has never been considered in either the Senate or House Committees on Agriculture, and which had no chance of being fully considered in this debate on the bill reported by the conference, as amendments cannot be offered. The new feature is the provision that a payment of 18 cents a bushel shall be made on the normal yield of the acreage of corn planted by cooperating farmers—in addition to the payment for acres diverted from production. Because it has had no consideration by the House and Senate, it is difficult to describe the effect or cost of this new provision. It is a type of compensatory payment. No one can estimate its cost, and many believe it could lead to replacing the present price supports, based on parity, with a system of direct Government payments, or the Brannan-type program which has been rejected in past years by the Congress and by farmers throughout the country.

If farmers want to adopt such a program, or a compulsory control program, that can be their choice. But they should not be forced into it by adoption of this bill, which would leave open to them after 1963 only the choice of low prices or compulsory controls.

The PRESIDING OFFICER. All time has expired.

The hour of 3 o'clock has arrived; and the question is on agreeing to the conference report.

Mr. ELLENDER. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on the question of agreeing to the conference report; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN (when his name was called). On this vote, I have a pair with the Senator from Florida [Mr. SMATHERS]. If the Senator from Florida were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING] and the Senator from Wyoming [Mr. HICKEY] are necessarily absent.

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from Indiana [Mr. HARTKE] is paired with the Senator from New Hampshire [Mr. MURPHY]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from New Hampshire would vote "nay."

Mr. KUCHEL. I announce that the Senators from New Hampshire [Mr. COTTON and Mr. MURPHY] are necessarily absent.

On this vote, the Senator from New Hampshire [Mr. COTTON] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from New Hampshire [Mr. MURPHY] is paired with the Senator from Indiana [Mr. HARTKE]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from Indiana would vote "yea."

The result was announced—yeas 52, nays 41, as follows:

[No. 279 Leg.]

YEAS—52

Bartlett
Bible
Burdick
Byrd, W. Va.
Cannon
Carroll
Chavez
Church
Clark
Dodd
Douglas
Ellender
Engle
Ervin
Fulbright
Gore
Hart
Hayden
Hill
Holland
Humphrey
Jackson
Johnston
Jordan, N.C.
Kefauver
Kerr
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Randolph
Russell
Smith, Mass.
Sparkman
Symington
Talmadge
Thurmond
Williams, N.J.
Yarborough
Young, Ohio

NAYS—41

Aiken
Allott
Anderson
Beall
Bennett
Boggs
Bottum
Bush
Butler
Byrd, Va.
Capehart
Carlson
Case
Cooper
Curtis
Dirksen
Eastland
Fong
Goldwater
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
Lausche
Miller
Morton
Mundt
Pearson
Prouty
Proxmire
Robertson
Saltonstall
Scott
Smith, Maine
Stennis
Tower
Wiley
Williams, Del.
Young, N. Dak.

NOT VOTING—7

Cotton
Gruening
Hartke
Hickey
McClellan
Murphy
Smathers

So the report was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with respect to the program for the remainder of the day, and also for tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised, in view of the fact that the Judiciary Committee has unanimously reported the nomination of former Secretary of Labor Arthur Goldberg to be an associate justice of the Supreme Court, I hope, with the concurrence of the Senate, to have the Senate go into executive session and take up the nomination as soon as this colloquy is ended. With that out of the way, it is anticipated that the Senate will consider the remainder of the maritime bills, which the Senator from Alaska [Mr. BARTLETT] will handle.

It is the hope of the leadership that the policy committee, which will meet at 4 o'clock, will give us permission to lay down the postal pay and postal rate increase bill tonight, so that it will be the pending business. If that permission is granted, debate will start on the bill tomorrow.

Mr. MORSE. Mr. President, will the Senator yield? I did not hear the last statement. What will be the pending business?

Mr. MANSFIELD. It is hoped that the policy committee will give its permission to lay down the postal rate and postal increase bill tonight. There will be no debate—certainly no votes—on it tonight, but it is hoped that the debate on that bill will get started tomorrow at 10 o'clock.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. As my good friend the Senator from Montana knows, I wait until a late hour to make any speeches on business that is not pending before the Senate. I think I owe that to my colleagues in the Senate. I have a very important matter coming before a subcommittee of the Judiciary Committee tomorrow. I could not begin to take the necessary time before the committee to make the case, but I will make the full case tonight in the Senate by a speech of several hours, although I could withhold it in case some other bill came up for consideration. I will make my speech in the Senate tonight so that the full committee may have a full record of the case before it meets tomorrow.

I thought the Senate ought to know that, from the standpoint of my State, I have a very important speech to make tonight, which will take several hours.

Mr. MANSFIELD. I am glad the Senator has made that statement. He has been continuously courteous in holding back his speeches, day after day, and week after week, until the late hours of the afternoon, thereby giving the Senate as a whole a chance to dispose of business. For that I am grateful.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1651) to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding $100,000, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2795) to prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10319. An act to adjust the retirement and relief compensation of certain police and fire department personnel of the District of Columbia, and for other purposes;

H.R. 11378. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and public libraries; and

H.R. 12964. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia,' as amended, with respect to the minimum age limitation for registration.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H.R. 218. An act to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States;

H.R. 575. An act to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes;

H.R. 1304. An act for the relief of Jung Hae;

H.R. 2604. An act for the relief of Pietro Dattoli;

H.R. 5312. An act for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942;

H.R. 5320. An act for the relief of Robert Knobbes;

H.R. 6016. An act for the relief of William Thomas Dendy;

H.R. 6649. An act for the relief of C. W. Jones;

H.R. 6998. An act for the relief of Anthony Pirotta;

H.R. 6999. An act for the relief of Henry Massari;

H.R. 7123. An act for the relief of Mrs. Takako Coughlin;

H.R. 7438. An act for the relief of Anna Caporossi Crisconi;

H.R. 7704. An act for the relief of Chyung Sang Bak;

H.R. 8626. An act for the relief of Wilfrid M. Cheshire;

H.R. 9578. An act for the relief of Annie Yasuko Bower;

H.R. 9587. An act for relief of Anthony E. O'Sorio;

H.R. 9603. An act for the relief of Lt. Comdr. Joseph P. Mannix;

H.R. 9893. An act for the relief of Tadeusz Sochacki;

H.R. 9995. An act for the relief of Dwight W. Clarahan;

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.;

H.R. 10678. An act for the relief of Angelo A. Russo;

H.R. 10720. An act for the relief of Rexford R. Cherryman of Williamsburg, Va.;

H.R. 11164. An act to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and to amend the Columbia Basin Project Act of 1943 (57 Stat. 14), as amended, and for other purposes;

H.R. 11266. An act to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska;

H.R. 12416. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.R. 12818. An act to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay; and

H.J. Res. 730. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 10319. An act to adjust the retirement and relief compensation of certain Police and Fire Department personnel of the District of Columbia, and for other purposes; and

H.R. 12964. An act to amend the act of February 9, 1907, entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia", as amended, with respect to the minimum age limitation for registration; to the Committee on the District of Columbia.

H.R. 11378. An act to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and public libraries; to the Committee on Government Operations.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Plans for Works of Improvement in Texas

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Big Creek, Texas (with accompanying papers); to the Committee on Agriculture and Forestry.

Plans for Works of Improvement in Wyoming

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Boulder Lake watershed, Wyoming (with accompanying papers); to the Committee on Public Works.

Disposition of Executive Papers

A letter from the Deputy Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. Johnston and Mr. Carlson members of the committee on the part of the Senate.

RESOLUTION OF DISTRICT GOVERNMENT COUNCIL OF GUAM

The VICE PRESIDENT laid before the Senate a resolution adopted by the District Government Council of Guam, expressing appreciation for the appointment of Bill Daniel as Governor of Guam, which was referred to the Committee on Interior and Insular Affairs.

RESOLUTION OF KIWANIS CLUB OF ROCKVILLE CENTRE, N.Y., CONCERNING THE SUPREME COURT SCHOOL-PRAYER CASE

Mr. KEATING. Mr. President, I present, for appropriate reference, a resolution which was adopted on August 27, 1962, by the board of directors of the Kiwanis Club of Rockville Centre, N.Y., regarding the recent Supreme Court decision on prayer in the public schools. I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

The following is a copy of a resolution which was adopted on August 27, 1962, at a regular meeting of the board of directors of the Kiwanis Club of Rockville Centre, N.Y.:

"Whereas our Founding Fathers, being God-fearing men, invoked the guidance of Almighty God in their deliberations while framing the Constitution of these United States; and

"Whereas it has become traditional for our public schools to include a prayer for Divine blessing as an integral part of their daily opening exercises; and

"Whereas the Supreme Court of the United States has ruled that the "Regents Prayer" as commonly used in this State is unconstitutional; and

"Whereas the first objective of Kiwanis International is to give primacy to the human and spiritual rather than to the material values of life: Therefore, be it

"*Resolved*, That the Kiwanis Club of Rockville Centre, N.Y., does hereby respectfully request the governor and the official board of the New York District of Kiwanis International and the president and trustees of Kiwanis International to use all means at their disposal to support legislation which will enable our public schools to continue to lead the pupils attending thereat to obey the injunction "Remember now thy Creator in the days of thy youth"; and be it further

"*Resolved*, That copies of this resolution be forwarded to the governor of the New York District of Kiwanis International, to the president of Kiwanis International, and to each of our two Senators and our Representative in the Congress of the United States.

"WILLIAM H. ROLAND, Jr.,
"*President.*"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

H.R. 310. An act to amend title 10, United States Code, to authorize the Secretary of Defense, the Secretaries of the military Departments, and the Secretary of the Treasury to settle certain claims for damage to, or loss of, property, or personal injury or death, not cognizable under any other law (Rept. No. 2123).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 206. Joint resolution to establish a Commission to develop and execute plans for the celebration of the one hundred and fiftieth anniversary of the Battle of Lake Erie, and for other purposes (Rept. No. 2124);

S.J. Res. 213. Joint resolution to provide for the actual participation of the United States in the West Virginia centennial celebration (Rept. No. 2125); and

H. Con. Res. 474. Concurrent resolution extending the greetings and felicitations of the Congress to the Bethel Home Demonstration Club of Bethel Community, Sumter County, S.C. (Rept. No. 2128).

By Mr. DIRKSEN, from the Committee on the Judiciary, with an amendment:

S. 151. A bill for the incorporation of the Merchant Marine and Maritime Service Veterans Association (Rept. No. 2126); and

S. 3698. A bill to incorporate the McCarran Foundation, and for other purposes (Rept. No. 2127).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2928. A bill for the relief of Seymour K. Owens (Rept. No. 2129);

S. 2953. A bill relating to the tax-exempt status of the pension plan of local union No. 435 of the International Hod Carriers' Building and Common Laborers' Union of America (Rept. No. 2130);

S. 3453. A bill for the relief of Dr. Felix Nabor Sabates (Rept. No. 2131);

S. 3600. A bill for the relief of Chao Hua-Hsin (Rept. No. 2132);

H.R. 1362. An act for the relief of Calogera Virone Messina (Rept. No. 2134);

H.R. 1483. An act for the relief of Priscillo Jose Sisson and Evelyn Sisson (Rept. No. 2135);

H.R. 1598. An act for the relief of Michael Anthony Dedetsinas (Rept. No. 2136);

H.R. 2978. An act for the relief of Rosa and Rita Quattrocchi (Rept. No. 2137);

H.R. 4483. An act for the relief of Simon Karasick (Rept. No. 2138);

H.R. 5695. An act for the relief of Forrest L. Gibson (Rept. No. 2139);

H.R. 7099. An act to validate payments of certain per diem allowances made to members and former members of the U.S. Coast Guard while serving in special programs overseas (Rept. No. 2140);

H.R. 7876. An act relating to the effective date of the qualification of the joint pension plan for employees of Local Unions 645, 1507, and 1511, Brotherhood of Painters, Decorators, and Paperhangers of America as a qualified trust under section 401(a) of the Internal Revenue Code of 1954 (Rept. No. 2141);

H.R. 8855. An act for the relief of Marie Silva Arruda (Rept. No. 2142);

H.R. 9469. An act for the relief of Charles L. Kays (Rept. No. 2143);

H.R. 10316. An act for the relief of Leopoldo Rocha Canas and Teofilo Caoile Servito (Rept. No. 2144);

H.R. 10881. An act for the relief of Maj. Singh Sunga (Rept. No. 2145);

H.R. 10897. An act for the relief of Joseph Hammond (Rept. No. 2146);

H.R. 12092. An act for the relief of Arthur H. Brackbill (Rept. No. 2147);

H.R. 12093. An act for the relief of Joseph Wolf, Jr. (Rept. No. 2148);

H.R. 12451. An act to authorize reimbursement to appropriations of the U.S. Secret Service of moneys expended for the purchase of counterfeits (Rept. No. 2149);

H.R. 12887. An act for the relief of Benjamin Leach, Diogracias Leach, Rogelio Leach, and Maximo Leach (Rept. No. 2150);

H.J. Res. 659. Joint resolution granting consent of the Congress to a compact entered into between the State of Maryland and the Commonwealth of Virginia for the creation of the Potomac River Compact of 1958 (Rept. No. 2155); and

H.J. Res. 693. Joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, and for other purposes (Rept. No. 2156).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 12402. An act for the relief of Concetta Maria, Roseta, and Tomasino Mangiarcina (Rept. No. 2151).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2683. A bill for the relief of Laszlo Janos Buchwald (Rept. No. 2133);

H.R. 1691. An act for the relief of Elaine Veronica Brathwaite (Rept. No. 2152);

H.R. 10605. An act for the relief of Joan Rosa Orr (Rept. No. 2153); and

H.R. 11793. An act to provide criminal penalties for trafficking in phonograph records bearing forged or counterfeit labels (Rept. No. 2154).

REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY"—REPORT OF A COMMITTEE (S. REPT. NO. 2122)

Mr. ERVIN. Mr. President, on September 19 the full Committee on Armed Services approved the annual report entitled "Operation of Article VII, NATO Status of Forces Treaty," together with other jurisdictional operations.

I submit to the Senate this report and ask that it be printed with illustrations.

The VICE PRESIDENT. Without objection, the report will be received and printed, as requested by the Senator from North Carolina.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Anthony R. Marasco, of New York, to be U.S. marshal for the southern district of New York.

By Mr. McNAMARA, from the Committee on Labor and Public Welfare:

John F. Henning, of California, to be Under Secretary of Labor.

By Mr. HILL, from the Committee on Labor and Welfare:

Dr. Harvey Brooks, of Massachusetts, to be a member of the National Science Board, National Science Foundation;

Rufus E. Clements, of Georgia, and sundry other persons, to be members of the National Science Board, National Science Foundation;

Dr. Henry Nelson Harkins, of Washington, and Dr. Alfred Gellhorn, of New Jersey, to be members of the Board of Regents, National Library of Medicine, Public Health Service;

Louis Moreau, and sundry other candidates for personnel action in the Regular Corps of the Public Health Service;

Sandler H. Dickson, and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service; and

Howard L. McMartin, and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 3746. A bill for the relief of Lydia Anne Foote; to the Committee on the Judiciary.

By Mr. HART (for Mr. HARTKE):

S. 3747. A bill for the relief of Gustava Juan Sanchez; to the Committee on the Judiciary.

By Mr. McGEE (for Mr. HICKEY):

S. 3748. A bill to authorize the Administrator of General Services to convey certain lands in the State of Wyoming to the city of Cheyenne, Wyo.; to the Committee on Government Operations.

By Mr. BOTTUM:

S. 3749. A bill to provide for the establishment of Fort Sisseton as a national historic site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

S. 3750. A bill to amend section 1125 of title 15 of the United States Code so as to prohibit the use of the name of a country or region on a product unless the principal ingredient is from that country; to the Committee on Commerce.

S. 3751. A bill for the relief of Dr. Cristobal Vela; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 3752. A bill to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on certain bond discount like other taxpayers; to the Committee on Finance.

(See the remarks of Mr. LONG of Louisiana when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

IMPORTATION OF CURACAO LIQUEUR INTO THE UNITED STATES

Mr. BUTLER submitted the following concurrent resolution (S. Con. Res. 95); which was referred to the Committee on Finance:

Whereas it has been the commercial policy of the United States to recognize marks of origin applicable to alcoholic beverages imported into the United States; and

Whereas such commercial policy has been implemented by the promulgation of appropriate regulations which, among other things, establish standards of identity for such imported alcoholic beverages; and

Whereas among the standards of identity which have been established are those for "Scotch whisky" as a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of Great Britain regulating the manufacture of Scotch whisky for consumption in Great Britain and for "Canadian whisky" as a distinctive product of Canada, manufactured in Canada in compliance with the laws of the Dominion of Canada regulating the manufacture of whisky for consumption in Canada and for "cognac" as grape brandy distilled in the Cognac region of France, which is entitled to be so designated by the laws and regulations of the French Government; and

Whereas "Curaçao liqueur" is a distinctive product of the island of Curacao and is unlike other types of alcoholic beverages, whether imported or domestic; and

Whereas, "Curaçao liqueur" has traditionally had a distinctive flavor derived from the peel of a special variety of orange—Citrus aurantium curassuvientis; and

Whereas "Curaçao liqueur" has achieved recognition and acceptance throughout the world as a distinctive product of Curacao: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the recognition of "Curaçao liqueur" as a distinctive product of Curaçao be brought to the attention of the appropriate agencies of the United States Government toward the end that such agencies will take appropriate action to prohibit the importation into the United States of liqueur designed as "Curaçao liqueur", unless it is clearly labeled to show the country of origin as an integral part of the name.

RESOLUTIONS

AWARD OF HONORARY BADGE OF DISTINCTION TO CERTAIN U.S. CITIZENS

Mr. HUMPHREY submitted a resolution (S. Res. 404) favoring the award of the Honorary Badge of Distinction to certain U.S. citizens suffering injuries as a result of willful mistreatment while prisoners of unfriendly nations, which was referred to the Committee on Armed Services.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

AUTHORIZATION FOR CHAIRMAN AND CERTAIN EMPLOYEES OF PERMANENT SUBCOMMITTEE ON INVESTIGATIONS TO APPEAR AND TESTIFY IN THE CASE OF THE UNITED STATES AGAINST JAMES R. HOFFA

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 405) authorizing the chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations, with certain present and former employees thereof, to appear and testify in the case of the United States against James R. Hoffa, and for other purposes, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. MCCLELLAN, which appears under a separate heading.)

PERMISSION TO TAX MUTUAL AND LIFE INSURANCE COMPANIES ON CERTAIN BOND DISCOUNT

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on certain bond discount like other taxpayers. I ask unanimous consent that the bill, together with an explanation, and an excerpt from the report of the Committee on Finance accompanying House bill 10650, be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, explanation, and excerpt will be printed in the RECORD.

The bill (S. 3752) to amend the Internal Revenue Code of 1954 to permit small mutual insurance companies and life insurance companies to be taxed on certain bond discount like other taxpayers, introduced by Mr. LONG of Louisiana, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever in this Act an amendment is expressed in terms of an amendment to a section, the reference shall be considered to be made to a section of the Internal Revenue Code of 1954.

BOND DISCOUNT

At the end of sections 818(b)(2) and 822(d)(2) add the following new sentence:

"For taxable years beginning after December 31, 1962, no accrual shall be required of discount on any bond (as defined in section 171(d)) the interest on which is not includible in gross income under section 103."

The explanation and excerpt presented by Mr. LONG of Louisiana are as follows:

EXPLANATION OF AMENDMENT PROVIDING CAPITAL GAINS TREATMENT ON MARKET PROFITS REALIZED BY INSURANCE COMPANIES FROM STATE AND MUNICIPAL BONDS

Under present law, life insurance companies and mutual fire and casualty insurance companies are the only taxpayers denied capital gains treatment on market profits from bonds purchased at less than par value. Under sections 818(b) and 822(d)(2) of the code, they alone are required to accrue a ratable portion of the difference between the cost of the bond and its par value.

Section 8 of H.R. 10650 amends the mutual fire and casualty company tax provisions to bring them into accord with those taxing stock fire and casualty companies. New Internal Revenue Code section 823 in section 8 of the bill taxes medium to large mutual fire and casualty companies like stock companies and therefore gives them capital gains treatment on their bond discount. In Rev. Rul. 60-306, the Internal Revenue Service has specifically ruled that even though stock fire and casualty companies, like life insurance companies, are required by State regulations to accrue bond discount, they are nevertheless entitled to treat the discount as capital gains when the bond is sold or redeemed.

New section 823 does not generally apply to small mutual fire and casualty companies having gross income from premiums and investment income of between $150,000 and $600,000. These small companies continue to be taxed on investment income as under present law and, therefore, they must continue to accrue bond discount under section 822(d)(2).

This matter is particularly important to those companies who purchased discount bonds issued by States and municipalities from 1942 to 1960. During this period, mutual fire and casualty companies and life insurance companies purchased many municipal discount bonds because they were led to believe by regulations, return forms and practices of the Internal Revenues that such discount was treated as tax-exempt interest.

In May of 1960, however, the Internal Revenue Service issued Rev. Rul. 60-210, holding that discount on municipal bonds was not to be accrued as tax-exempt interest but was to be taxed as ordinary income. The application of this ruling to years after 1960 is grossly unfair to pre-1960 purchasers who relied on the then tax-exempt status of the municipal bond discount.

The enactment of section 8 will effectively reduce the tax impact on municipal bond discount for mutual fire and casualty companies having gross income in excess of $600,000 and therefore indirectly overrules Rev. Rul. 60-210 for these companies. Small mutual fire and casualty companies and life insurance companies, however, must still accrue municipal bond discount as ordinary income under Rev. Rul. 60-210. This oversight is discussed on pages 61 and 62 of the Senate Finance Committee report on H.R. 10650 attached hereto.

It would therefore seem appropriate to amend section 822(d)(2) so that small mutual fire and casualty companies may receive the same relief from the application of Rev. Rul. 60-210 as their larger competitors. Similarly it would seem most appropriate to amend section 818(b)(2) so that life insurance companies may also treat their market profits from municipal bonds as capital gains.

This is accomplished by the attached amendment which amends sections 818(b)(2) and 822(d)(2) so that market profits from municipal bonds will be treated alike to all taxpayers. For years after 1962, this would alleviate the inequity for all taxpayers affected by Rev. Rul. 60-210, not just medium and large mutual fire and casualty companies.

EXCERPT FROM REPORT OF THE COMMITTEE ON FINANCE ACCOMPANYING H.R. 10650

Under the bill, as passed by the House and approved by your committee, the rules applicable to mutual fire and casualty companies accruing market discount on bonds are changed. Under present law all mutual fire and casualty companies (and life insurance companies) are required to accrue each year a ratable portion of market discount on bonds and pay tax thereon at ordinary income tax rates (Rev. Rul. 60-210; 1960-1 CB 38). Stock fire and casualty insurance companies, on the other hand, are not required to accrue such discount but when the bond is sold or redeemed they are required to pay tax on the amount of gain resulting from market discount at capital gains rates (if the bond is held for more than 6 months). Since under the general rule of the bill the starting point in computing "mutual insurance company taxable income" is the gross income computed as if the taxpayer were a stock company, the effect is to treat market discount on bonds for mutual companies, other than the small companies taxable on investment income only) as it is treated by the stock companies.

AWARD OF THE HONORARY BADGE OF DISTINCTION TO CERTAIN U.S. CITIZENS

Mr. HUMPHREY. Mr. President, on April 25 of this year the President issued an Executive order extending the authorization for the award of the Purple Heart—known as the Badge of Military Merit, or Decoration of the Purple Heart—to be awarded to any member of the armed services, or any civilian national of the United States serving in any capacity with the Armed Forces of the Department of Defense or with the Coast Guard, who is wounded in action.

Mr. President, it is altogether fitting and proper that this award should be extended into our cold war era, in which young Americans are being called upon to face all kinds and conditions of danger and in which they might very well suffer wounds without the formal declaration of war.

The announcement at the White House of the extension of the Purple Heart authority prompted a letter to me from a constituent in Minneapolis, who pointed out that many American prisoners of war suffered torture and other brutal physical treatment at the hands of their captors during World War II and Korea.

Mr. President, with this suggestion I thoroughly agreed, and this past summer I asked the President if he would initiate a study of the possibility of authorizing the award of the Purple Heart for prisoners of war who suffer injury from willful mistreatment on the part of their captors.

I am glad to be able to report that a study is being made by the several services, and I am hopeful that later this year we may have a favorable recommendation to establish the award of the Purple Heart for such prisoners of war.

Making the award retroactive, permitting the award of the Purple Heart to be awarded to prisoners of war who suffered such injuries during World War II, Korea, and World War I, would entail a considerable amount of time and expense in order to research the records of well over 100,000 former American prisoners of war. Yet, Mr. President, I believe that in all justice to these men who have suffered for their country, many of them bearing the scars of permanent injury, there should be authority to make the Purple Heart retroactive to include them.

Mr. President, I submit for appropriate reference a resolution expressing the sense of the Senate that the President should establish the award of the Purple Heart for prisoners of an enemy nation who have been willfully mistreated. In addition to calling for the retroactive awarding of the Purple Heart to prisoners of World War I, World War II and the Korean conflict, the resolution is drafted to include those persons captured and tortured during the present cold war. Certainly the Americans currently serving their country and the cause of freedom in South Vietnam and other far corners of the globe should be included in such a Presidential order.

Mr. President, I urge prompt approval of this resolution so that the President of the United States may know that the Senate endorses this proposal to extend the Purple Heart to these many Americans who have suffered under enemy captors. At the very least, these defenders of freedom are due this recognition by a grateful nation.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 404) was referred to the Committee on Armed Services, as follows:

Resolved, That it is hereby declared to be the sense of the Senate that the President of the United States should, by virtue of the authority vested in him as President of the United States and as Commander in Chief of the Armed Forces of the United States, authorize the Secretaries of the military departments and the Secretary of the Treasury with respect to the Coast Guard (when not operating as a service in the Navy) to award the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or Decoration of the Purple Heart, to any member of an armed force under the jurisdiction of that Department and any civilian national of the United States who, while serving under competent authority in any capacity with an armed force of that Department, has suffered or hereafter suffers severe or serious physical or mental injury as the direct result of having been willfully mistreated by his captors while a prisoner of an unfriendly nation.

Resolved further, That such authority should be effected retroactively, so as to include World War I, World War II, the Korean conflict, and the period subsequent to the Korean conflict.

ADJUSTMENT OF POSTAL RATES—AMENDMENTS

Mr. CLARK. Mr. President, I send to the desk three amendments to the bill (H.R. 7927) to adjust postal rates, and for other purposes, relating to section 305 of the bill, which deals with "Communist political propaganda." The first amendment would strike the section entirely. The second would substitute a modified Walter bill—H.R. 5751—for section 305. The third amendment would modify section 305 by stating that the detention system authorized thereunder would not go into effect unless the President found that it was in the national security interest to have it do so.

My reasons for opposing this section are set forth in the individual views I have attached to the report. I ask that those views be printed in the RECORD at this place.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the individual views will be printed in the RECORD.

The individual views, presented by Mr. CLARK, are as follows:

COMMUNIST POLITICAL PROPAGANDA

The best defense of a free society against hostile, alien propaganda is the commonsense of its people. As President Kennedy has stated, "I think the American people are used to hearing all sides, and I don't think they are particularly impressed by a good deal of what I have seen of propaganda."

I consider the committee's proposal for the detention of "Communist political propaganda" an administrative monstrosity, which violates basic constitutional civil liberties, and may well invite far-reaching retaliatory actions against Western mail by Communist bloc countries that would be adverse to our national interest.

(1) Administrative objections: The committee proposal would place an enormous, costly, and unnecessary burden on the executive branch and on the recipients of certain foreign mail.

In the first place, the definition of "political propaganda" in section 1(j) of the Foreign Agents Registration Act, which is incorporated by reference by the committee, is so subjective, vague, and broad as to provide no proper standard whatsoever. According to that definition "political propaganda" includes "any * * * communication or expression by any person * * * which the person disseminating the same believes will, or which he intends to * * * in any way influence * * * a recipient * * * with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions."

There is no requirement in this definition that the propaganda be reasonably adapted to lead the recipient to any belief, much less any act, inimical to the United States. As long as the detention authorities find that its authors believe or intend certain effects, the propaganda, no matter how crude or ineffective, would be subject to detention. The propaganda can be directed at any policy or interest of a foreign government, regardless of whether such policy and interest happened to coincide with those of the United States. Taken literally, foreign expressions of sympathy with efforts of minority citizens of the United States to protect their full constitutional rights might fall within the sanction of propaganda designed to promote in the United States racial or social dissension.

Second, an enormous and costly screening and notification apparatus would have to be set up to handle nonexempt mailings, if the proposal were to be applied literally. The Post Office Department advises that there are 86 points of entry of foreign mail (including 20 from Mexico, 47 from Canada) plus about 82 points of entry of airmail (including about 60 from Mexico and Canada), some in the central interior of the United States. Presumably under the committee proposal, the Secretary of the Treasury might have to assign personnel to each point of entry to check incoming mail and screen nonexempt Communist political propaganda.

A total of 839 million pieces of mail was received from foreign countries last year. The heavy majority of these pieces were in categories other than sealed letters. Presumably many come from Iron Curtain countries. To check all of these pieces for Communist political propaganda will pose a huge problem. How many persons would be required to administer the law proposed in the committee bill? How much would it cost? The answers are obviously large in both instances.

Clearly interpreters expert in the many scores of languages of the Communist bloc nations would have to be employed to determine whether the mail received constituted prohibited propaganda in nonexempt cases.

The committee proposal also requires a costly notification system for all addressees whose mail has been withheld.

Third, and most important, it should be noted that the committee proposal applies not only to mail coming from certain areas abroad but also to all subsequent mailings within the United States. It calls for the detention of "Communist political propaganda * * * upon its subsequent deposit in the U.S. domestic mails."

A monograph by Lenin printed in the Soviet Union and sent to the United States in 1922, deposited in the mail in 1962 in Topeka, Kans., for delivery to Wichita, Kans., would fall within the scope of the committee proposal.

(2) Adverse effect on U.S. foreign policy and national interests: As USIA and State Department representatives indicated to the committee, the U.S. Government has a vital interest in the continued distribution of Western mails within the Communist bloc countries. Contrary to the testimony given by Representative CUNNINGHAM, Western mail in significant volume is being delivered in the Communist countries. If a universal screening procedure is established for all "Communist political propaganda" (regardless of the scope of exemptions) as the committee proposal would do, we must expect retaliatory action by Communist countries against Western mail. There is no reason to expect that such action by the Communists would exempt the same categories of mail exempted by the committee. If the Soviets end all flow of Western mail, our open society obviously loses more than the Communist closed society.

As Edward R. Murrow, Director of the U.S. Information Agency, testified, "One candle in a dark room casts far more light than 100 candles in the sunlight." To risk the extinguishment of any expression of Western viewpoint within the Communist bloc countries, for fear of risking continued delivery of inept Communist political propaganda in the United States, is clearly not in the national interest.

(3) Constitutional objections: Any proposal which sets up a universal screening system for foreign mail, regardless of its exceptions, raises serious constitutional questions.

The first amendment states, "Congress shall make no law * * * abridging the freedom of speech or of the press." This basic freedom is subject to limitation only when the expression of thought presents a "clear and present danger" (*Dennis* v. *U.S.*, 341 U.S. 494 (1950)). A restriction on use of the mails may raise violations of the first amendment (*Hannegan* v. *Esquire*, 327 U.S. 146 (1946)).

Administrative orders detaining objects from the mails make "questions of procedural safeguards loom large," as Justices Brennan, Warren, and Douglas said in a concurring opinion in *Manual Enterprises* v. *Day*, decided June 25, 1962.

Mr. Justice Holmes said:

"The United States may give up the Post Office when it sees fit, but while it carries it on, the use of the mails is almost as much a part of free speech as the right to use our tongues, and it would take very strong language to convince me that Congress ever intended to give such a practically despotic power to any one man" (*Milwaukee Publishing Co.* v. *Burleson*, 225 U.S. 407, 437 (dissenting opinion)).

While the committee proposal would permit persons who have received notices from the Post Office that Communist political propaganda is being held for them to file requests for such matter and obtain it, clearly a stigma might be attached to those who attempt to exercise their rights in this regard. This would be especially apt to happen in small communities where such actions are almost sure to become widely known. The information might well find its way to FBI files.

Enactment of the committee proposal would represent unfortunate and unnecessary legislation. It would not protect the national security. It might hurt it. It would be an insult to the commonsense of the American people.

JOSEPH S. CLARK.

Mr. CLARK. Mr. President, finally I ask consent that first, an editorial on this question which appeared in the New York Times today; second, a memorandum from the U.S. Information Agency showing what other allied countries do in regard to alien propaganda; and third, an article —omitting footnotes—by Prof. James Paul, of the University of Pennsylvania Law School, concerning the grave defects in the old Executive order program, which was in effect from 1950 to 1961, and which resulted in the detention of 15 million pieces of foreign mail, be placed in the RECORD at this place.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 25, 1962]

NO POSTAL CENSORSHIP WANTED

Should Congress write into the statutes of this country a system of political censorship and screening of the mails? This is the real issue posed by one section of the new postal-rate and pay-raise bill reported out yesterday by the Senate Post Office and Civil Service Committee.

The Senate committee was seeking to meet the problem raised by the House-approved Cunningham amendment, which would go far toward preventing American citizens from receiving mail from the Soviet Union and other Communist countries. The Senate version is more reasonable, since it contains important exemptions. But it still declares, in effect, that there are two kinds of Americans; those who can be trusted to receive any kind of mail from the Communist world, and those who cannot. The Senate provision, like the Cunningham amendment, is probably unconstitutional, and certainly contrary to the most fundamental tradition of our country.

The Senate version of the postal bill provides, as expected, for higher postal rates and for a pay increase for postal and other Government workers. The rate increases are necessary; and fortunately the Senate committee's proposals do not echo the House's sharp threat to the future existence of some of the country's best periodicals.

Although the U.S. mail service can hardly go anywhere but up, it is not likely that the 1-cent increase in ordinary letter mail will produce any improvement, inasmuch as the increased postal revenues will be more than absorbed by the pay increase. As we have argued earlier, the pay issue and the rate issue should have been separated so that each could have been decided on its own merits. But that would be asking too much of a Congress this close to election day in an even-numbered year.

POSTAL SCREENING POLICIES OF AREA COUNTRIES

1. France (per Steve Kearney): Jean Baube, press attaché, Adams 4–0990, said that France had no screening process. It should be noted that as a matter of internal security France may destroy material, even of domestic production.

2. West Germany (per Art Hoffman): In West Germany the Communist Party is outlawed. The practice of the Communist is to smuggle material into West Germany and then distribute it by domestic mail. We were unable to determine whether there is a statute on the books.

3. Great Britain (per Joe Ravotto): In a conversation with Mr. M. A. M. Robb, Information Minister, he said that he had no specific information but that to his general knowledge there was no statute or administrative ruling providing for censorship or screening of mail. He said that there was a spot check made of material for internal security reasons. But that no mail was withheld from the addressee. This applies in full measure to newspapers, magazines and books.

4. Italy (per Ed Pancoast): We are informed there are no restriction on the entry of second- or third-class mail into the country. Because of the presence in Italy of the large Communist Party no legislation of this type excluding Communist literature is plausible, and practically the local Communist forces can prepare and distribute its literature. Customs does have control over all films imported.

5. Canada (per Joe Ravotto): He spoke with Mr. Farquharson, DE 2–1011, who is the public information officer. He says that neither administratively nor legislatively is there any screening or stoppage of Communist propaganda. He does acknowledge that there is probably the usual legislation on seditious or treasonable material. In this connection, Dick Kearney referred to section 1201 of Canada's customs tariff, schedule C, of which prohibits the importation of books which are treasonable and seditious.

6. Japan (per Clifton B. Forster): In a conversation with Mr. Akatani, AD 4–2269, he said that the following information was based on conversations with various members of the staff but had not yet been checked with the legal counsel. There is no control of mails from any country. There is control of films, books, and other commodities on a global basis under the Foreign Exchange Cultural Act, under which the Minister of Economic Affairs determines what products are acceptable in Japan by control of foreign exchange. Mr. Akatani assumes that specific propaganda material (films, books, etc.) may be thereby excluded on the basis that Japan does not consider these worthwhile for the expenditure of foreign exchange; this however is merely conjecture. Japan has no cultural agreement with the Soviets. Article 21 of customs tariff law prohibits the importation of books, films, and other goods which affect public security and morals. The implication of Mr. Akatani was that some security forces may review books and other material for possible violation of this law.

7. West Germany (per telephone conversation with Art Hoffman, September 20, 1962); West Germany has an antisedition law and a law barring Communist propaganda. If any domestic or foreign mail is deemed by the postal authorities to be in contravention

of the laws, it is put aside by the postal authorities and can be brought to court for a judicial determination. Whether the practice is to do so has not been determined.

Foreign Communist Propaganda in the Mails: A Report on Some Problems of Federal Censorship

(By Murray L. Schwartz and James C. N. Paul)

(Little has been written of the activities of the Federal Government's program for withholding from American addresses "foreign Communist propaganda" mailed from abroad. In this article, the second of a series of studies in the problems of postal censorship, the authors report on these activites, examine the legal bases for the operation, and weigh a number of legislative alternatives against the constitutional guaranty of free expression. An earlier study dealt with the censorship problems which arise from the exercise of the power to exclude obscene matter from the mails.)

Since 1951, our Government has engaged in wholesale confiscation of publications mailed into this country from behind the Iron Curtain.

U.S. officials have ruled that these publications, when they contain foreign political propaganda, are nonmailable: they violate a complex of legislation, composed of the Espionage Act and the Foreign Agents Registration Act.

The logic of this ruling requires the confiscation of all propaganda mailed from any country, and on a few occasions over-zealous customs and postal men have pushed the program just that far. Their sieve of restraint has caught not only overt Communist propaganda, but also a pamphlet by a member of the British Parliament criticizing the position of the United States during the Guatemalan revolution of 1954, various pacifist materials from England, scientific works, geographies, novels and, mirabile dictu, quantities of an edition of the London Economist.

At the program's frustrating nadir, several years ago, one U.S. civil servant, working in a storage room in a big city post office, was given a Russian dictionary by harassed superiors and told to interpret bales of intercepted Russian publications to determine whether any contained foreign political propaganda. Today things are different and better. The screening and impounding of mail from Iron Curtain countries goes on. But exemptions (of dubious validity in the strict legal sense) have been created so that persons who desire to receive publications of virtually any sort from Communist countries can get them—provided they do not import propaganda in quantity. The flow of mail from non-Iron Curtain countries is no longer subjected to screening for subversive propaganda content, except perhaps in cases where it emanates from known Communist controlled sources.

There has been little open discussion of this program—which is, today, in essence, an operation to keep Communists abroad from using our postal service to disseminate their propaganda on a wholesale basis. Published rules do not fully explain the scope and procedures of the operation; responsible officials have, in the past, been reluctant to discuss it, at times even before congresssional committees. Until very recently only a select group (to whom publications are regularly addressed) have been directly told that there is a program calling for interception and destruction of Iron Curtain mailings—let alone for their release upon request, pursuant to the exceptions to the exclusionary program which the Government has created.

The Government has been successful to date in avoiding lawsuits, and it seems clear that Postal, Customs, and Justice Department officials have no desire to test their legal authority to do what they are doing. Importuned at intervals, Congress has still failed to enact legislation which would clearly authorize this operation or any workable alternative.

But the facts and dangers of the cold war remain stark. Under present conditions the Government probably will not cease this censorship unless required by Congress or the courts. So, year by year, thousands of publications containing foreign political propaganda—primarily Communist propaganda—are intercepted on arrival in this country and destroyed. Precisely how much is destroyed and precisely what is destroyed (e.g., by title) remain somewhat a mystery because security policies censor much information on this censorship program. With the possible exception of World War II, there has been no similar broadgaged effort to confiscate so much hostile propaganda.

The justification of the program appears to be twofold: to protect the American public from being swamped and seduced by subversive material; and to prevent the United States from subsidizing propaganda efforts by totalitarian enemies whom we are spending billions, at deficits, to combat.

Whatever the merits of these purposes, the program should not be based on the attenuated interpretation of the existing legislation now invoked to support it. Congress should review the problem of controlling this Communist propaganda and either abolish today's program calling for its exclusion or authorize some alternative countermeasures which will insure more appropriate safeguards to the interests of freedom.

ORIGINS OF THE PROGRAM: IN LAW AND HISTORY

Throughout our history, the U.S. Government has periodically utilized its physical control over the mails to suppress propaganda deemed subversive.

Federalist officials seized newspapers and tracts—both domestic and foreign—when they espoused too much Jacobin ideology and French revolutionary sympathy.

In pre-Civil War days, southern postmasters frequently refused to carry incendiary abolitionist materials. Congress never authorized this wholesale confiscation; indeed, Congress once rejected a bill granting precisely the power, but top postal officials went on sanctioning the practice for years. And, in the 1850's, as North-South tensions increasingly strained fears and patience, the Attorney General openly avowed the necessity and advised the legality of this suppression: suppose, wrote the astute, "doughface" Democrat, Mr. Caleb Cushing, some foreign power were to use the U.S. mails to stir up class hatreds and foment civil strife as a preliminary to forcible seizure of our sovereignty—would any one doubt the inherent power of the U.S. Government to stop the use of its own operation, the carriage of mail, to achieve the purpose?

During World War I fear of subversion by propagandists using the mails recurred. German propaganda and later leftwing propaganda was suppressed—and some of the suppression was never expressly authorized by any statute. In 1917, by the Espionage Act, Congress outlawed mailings advocating treason or forcible resistance to our laws. These and other materials mailed in connection with espionage activities were never to be carried through the post; they were to be stopped in transit; thus, a power of censorship was bestowed. In 1930, Congress authorized more of this censorship, declaring that material advocating treason or insurrection should also be denied entry into the country, and customs officials were authorized to seize it for libeling wherever they found it.

Yet none of these laws dealt with problems which began to agitate more and more Americans during the thirties: the mass dissemination of propaganda by Nazis and Communists. These materials did not advocate overt treason; they were more subtle. They were also being mailed in vast volume throughout the country. Efforts to control their dissemination mark the origins of today's anti-Communist operation.

Congressional committees of varying membership and viewpoint became increasingly concerned because so much of this propaganda was prepared by foreign sources for dissemination here. They investigated, publicized, and promoted bills of various sorts. Finally a select committee produced a bill which Congress adopted in 1938, the Foreign Agents Registration Act.

As the name implied, it was a registration statute. In essence the law said: Every agent of a foreign principal must file statements with the Secretary of State giving information about himself, his activities, and his foreign principal. "Foreign principal" means practically everyone from an impersonal government to an individual who was not located in the United States. An "agent of a foreign principal" was defined equally broadly, including public-relations counsel, servant, representative, or attorney for a foreign principal or for any domestic organization subsidized by a foreign principal.

Failure of any foreign agent to register was a crime. But nowhere did the law authorize censorship of any materials mailed by agents. Indeed, as originally written, the statute made no reference to propaganda or any other type of materials. An unregistered disseminator who was an agent might be imprisoned for failing to reveal himself, but the act did not, in terms at least, permit stoppage of the things he sent through the post.

Thus, the act was intended to compel disclosure, not authorize censorship. It was simply a law designed to stop pollution of the free marketplace of ideas with nostrums promoted by undisclosed alien, totalitarian sources. Said the House Committee on the Judiciary: "We believe that the spotlight of pitiless publicity will serve as a deterrent to the spread of pernicious propaganda."

The anticipated spotlight failed to deter. In 1939 and 1941 the Dies committee reported that tons of propaganda were coming in from Germany, Italy, Japan, and Russia. Books, tracts, newspapers, and similar matter were sent, often in quantity to individuals, schools, colleges, institutions, business houses, and other selected addressees apparently in the hope that these recipients would in some way promote further dissemination. Paradoxically there were few recorded registrations of foreign agents. Despite verbal blasts by committees headed by such capable publicists as Fish, McCormack, and Dies, there were few prosecutions for failure to register.

Indeed, a defect in the law was unintentionally overlooked or obfuscated. The act failed to speak in terms to this serious problem: how should we deal with a Nazi propagandist who, physically, was not here, who sat in an office in Berlin with a list of U.S. addressees at his side to whom he mailed his material directly? There was no way of compelling this propagandist to register. There was no statute, no policy, no program in terms designed to publicize or check his activities.

By 1940 U.S. involvement in the Armageddon against Germany was on the increase. Yet alien propagandists abroad were stepping up their output, using U.S. post offices in the effort to foment racial antagonisms as well as undermine U.S. support for the beleaguered democracies. Post office leaders reacted to the danger as they conceived it. They seized several large shipments of Nazi propaganda. Postmaster General Frank Walker then requested the opinion of Attorney General Robert H. Jackson—could he legally do what he had done? Yes, replied the Attorney General, coming up with an opinion containing an interweaving of assorted provisions of the United States Code to support the result.

The Espionage Act, he noted, renders nonmailable not only treasonable materials, but also all material which violates its own section 22. That section imposes criminal penalties upon anyone who "in aid of any foreign government, knowingly and wilfully possesses or controls any property or papers used or designed or intended for use in violating any penal statute." Section 22 thus appears to embrace the entire Federal penal code, provided the activity (1) involves the knowing possession of papers intended for criminal use, and (2) is "in aid of a foreign government." So, if papers are possessed in violation of section 22, they are nonmailable. Continued the Attorney General: If any propaganda were mailed by a nonregistered agent in this country, this activity (i.e., acting as an agent, here, without registering) would constitute a violation of the penal code of the kind which would make the propaganda nonmailable through recourse to section 22. Then followed the tour de force of the ruling—a neat feat of legal fictionmaking—whereby foreign disseminators, men who had never set foot on U.S. soil, became unregistered agents engaged in criminal activity here. Declared the Attorney General: The use of our mails by persons outside the United States for the purpose of committing an act which, if committed within the United States would constitute a violation of a criminal statute, renders them liable to the penalties of the statute. So the foreign disseminator, by using U.S. mail service becomes an unregistered agent here, and his propaganda piece becomes a paper which is controlled in violation of section 22, thereby rendering the matter nonmailable under the Espionage Act.

As a consequence of this ruling, postal and customs men were apparently authorized to intercept and destroy any material which either agency considered political propaganda in aid of a foreign government, sent from abroad by any person who, prima facie, would appear to be a foreign agent if he were here.

The ruling was backed by reasoning which was vulnerable. Overlooked was the fact that the purpose of the Registration Act was disclosure, not censorship. It is one policy to make criminal the failure of propagandists to register, but quite another to give an administrative agency unlimited discretion to confiscate their propaganda. It is going even further to give Government men a carte blanche power to seize all propaganda sent from abroad and designed to aid a foreign government—their power to be limited only by the vague mandate that the sender be classifiable as an agent.

Moreover, the Registration Act was designed to uncover domestic conduits for the propaganda of foreign nations—disclosure of the link between an agent operating here and his foreign backers. It was quite a stretch to say that Congress had also told officials of foreign governments and employees of foreign companies—men who had never set foot in this country—to file regular reports with our State Department setting forth the terms and conditions of their contracts of employment followed by a statement of their activities every 6 months, these statements to be public records.

So the Attorney General's opinion was executive lawmaking in a grand manner. But after all the country was going into war. And with war came other forms of censorship: the channels of communication anywhere abroad were soon policed totally through enforcement of the Trading With the Enemy Act, through the activities of the Office of Censorship and other wartime operations. There was little impetus to challenge the Government about its program for dumping Nazi propaganda. And none was forthcoming.

In 1942 the Registration Act was substantially amended. Administration of its disclosure requirements was turned over to the Department of Justice. Registration statements were to contain more information. "Political propaganda" was defined broadly and foreign agents were required to label their propaganda. The label was to explain that the material was propaganda, that the disseminator was an agent, and that registration and dissemination did not indicate approval by the U.S. Government of his message. The transmittal of unlabeled propaganda through the mails by a foreign agent was declared unlawful. Penalties for violation were increased.

To put at rest any thought that the 1942 amendments in any way affected the Attorney General's opinion dealing with foreign propaganda mailed directly from foreign lands, the Department of Justice promulgated rule 50 (for the enforcement of the act). It reiterated the gist of Attorney General Jackson's 1940 ruling.

The censorship operation based on that ruling was managed by postal and customs men, and it lasted until the end of the war. Then it lapsed. The necessity which was its real basis seemed to have ended.

Then the cold war turned hot in Korea; and, with warfare raging, international communism commenced major propaganda drives all over the world. Into this country poured publications of all kinds produced in Moscow, Peiping, Prague, Warsaw, and other Communist centers. Varying in style, content, and intellectual appeal, there were tracts and magazines containing panegyrics of life in Communist countries, extreme criticisms of life in the United States, appeals for peace and peace petitions, accusations and documentary proof of U.S. germ warfare and prisoner-of-war atrocities in Asia.

Vast quantities of foreign language newspapers and pamphlets were also coming in, apparently unsolicited and sent individually to persons of obvious foreign descent. Thus, Warsaw-published items were sent to obvious Polish-American addresses, and later investigations sustained the hunch of postal and customs officials that recipients in this class were recently naturalized or first generation citizens. On the west coast there was a similar story, but here the appeal was in Chinese to Chinese—and many of these recipients apparently could read nothing but Chinese. These special patterns of propagandizing were particularly disturbing to the postal, customs, and Justice Department men who commenced to organize U.S. resistance to the Communist propaganda deluge; since the beginning they have openly avowed their fear that this propaganda might have an impact on its recipients—if it were continuously delivered. There also appeared unusual quantities of books of every kind—songbooks, picture books for children, texts for scholars. Some would seem innocent even to the most zealous anti-Communist; others were freighted with party doctrine and party line attacks on U.S. institutions and culture.

Thus, propaganda pieces of all varieties started coming in by the thousands. In the beginning no measurements of volume were made; none could be made without considerable burden. By March 1951, the deputy collector of customs in New York had instituted a 6-month check of Iron Curtain material of the propaganda type coming through New York; about 25,000 packages of mail had entered; a package often contained as many as 100 different pieces of propaganda. This volume increased steadily. And New York was only one point of entry, albeit the biggest, volumewise, for all foreign mail coming into this country.

Many Members of Congress, particularly those on committees which had long been alert to detect Communist or alleged Communist dangers in our midst did not long remain ignorant or passive. Nor did the officials of the executive branch in close contact with the situation simply sit by as all this propaganda began swelling our post offices. As a consequence of both congressional pressure and sua sponte executive action, the present program of confiscation of foreign Communist propaganda took shape.

The deputy collector of customs at New York became concerned in 1950; he called attention to the situation in New York and asked superiors whether any provisions of the new Internal Security Act of 1950 (relating to labeling of mail by domestic Communist organizations) were intended to affect all this Communist propaganda coming in from abroad. And, if so, what was his responsibility. For a while the answer—and customs and postal policy—remained uncertain. But customs officials began examining much of the material to see if they could exclude it as advocacy of treason under the Tariff Act. Admittedly they could not, but this did permit closer surveillance. Federal Bureau of Investigation agents were notified about recipients who seemed to be getting propaganda in substantial quantities, and some of the more noxious items were simply "strong-armed," to use the words of a customs official.

Meanwhile, a Senate subcommittee had been investigating domestic disseminators of Communist propaganda. Attention initially seems to have been focused on the informational activities in this country of various diplomatic representatives of Communist bloc nations. The committee had also become interested in the operations of Four Continents, Inc., a New York importer of quantities of publications of all sorts from Iron Curtain countries. Why, the committee wanted to know, were these outlets—the diplomatic staff members and the commercial importers—exempted by Government officials from the labeling requirements of the Foreign Agents Registration Act? (Who in the State Department had persuaded the Department of Justice to adopt a hands off policy with respect to the dissemination of propaganda by members of the Russian foreign service? Who in the Justice Department was responsible for an unofficial agreement allowing Four Continents, Inc., to circulate Russian publications without any label disclosing their propaganda content? Had Judith Coplon, then an employee of the Department of Justice in the Foreign Agents Registration Section, exerted an improper influence here?) These seem to have been the questions of initial concern. But as the committee inquired into them its attention was drawn to the quite different problem of what to do about all the foreign Communist propaganda which was coming into this country via New York for direct distribution to American addressees. Conditions were then investigated at other points where foreign mail was entering the United States. Finding that similar problems existed, the committee applied informal pressure on postal and customs officials for more effective counteraction. Eventually, the House Un-American Activities Committee came into the picture and applied similar pressure.

Meanwhile, the Attorney General's Office advised harassed postal and customs officials that the Attorney General's ruling of 1940 was still the law. Postal, customs and Justice Department officials then arranged a program to intercept and confiscate Communist propaganda pursuant to this interpretation of the statutes. The activity was undertaken without direct congressional authorization, without much preparation in advance, without promulgating any rules of procedure or directives which the public at large could read.

There was, however, consultation with the interested congressional committees and some publicity of the menace of the Red propaganda threat through their hearings. Indeed, though the legal theory and operational plan of an antipropaganda program came through the executive branch, much initial impetus was furnished by these committees. Even after the program was well underway and well understood, the House Un-American Activities Committee continued to hold hearings in various places throughout the United States, calling up the same Government officials for substantially the same testimony, expressing continued shock at the disclosures made, urging postal and customs officials to redouble their efforts, assuring them that clear-cut legislative authority would soon be supplied so that they would know that it was clearly lawful to do what they were doing.

The scope of the legal power which the Post Office, Justice, and Treasury Departments proceeded to carve out for their enforcement officials was broad. In legal theory, their program seemed to call for impounding any political propaganda sent here in aid of a foreign government by anyone suspected as an unregistered agent of any foreign principal. None of these limitations seems to have amounted to much when it came to propaganda from Communist countries.

The agency requirement was readily satisfied. As noted, a foreign principal is defined, roughly, as any person, organization, or government outside the United States; and, subject to exceptions which may simply have been ignored, anyone acting for a foreign principal could be deemed an agent. Indeed, the Department of Justice later ruled that all political propaganda originating in Iron Curtain countries could be presumed to come from an agent.

So, too, with the requirement that the agent send papers in aid of a foreign government. If his papers are political propaganda, then they are in aid of a foreign government, advised the Government's lawyers. And what is political propaganda? The Registration Act defines it as "any * * * expression * * * reasonably adapted to * * * prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions."

The breadth of this authority, the absence of any modus operandi planned in advance to enforce it, the absence of any published procedures, including the absence of any notification to addressees of propaganda material, the emergency character of the operation, and the novelty of the whole problem—these and other factors caused immediate, serious problems.

THE CONFISCATION PROGRAM IN OPERATION

Efforts to stop the flow of Communist propaganda from foreign sources began in 1951 and were steadily augmented thereafter.

The attempt was made to set up some sort of screening operation at every major point of entry for foreign mail. But the procedures were hasty and improvised, nor were there enough men everywhere to do the job properly—as at St. Paul where a warehouse full of material accumulated while a non-Russian-speaking customs employee, furnished solely with a Russian-English dictionary, attempted to select and detain all publications deemed to contain Communist propaganda. Furthermore, the legal authority invoked to engage in such censorship was both broad and presumably difficult for local postmasters to understand. The objectives of the program were neither well formulated nor well understood among the very men charged with enforcement.

The criteria for propaganda were so broad that enforcement officials in the field were able to find suspect matter in Soviet published works on art, religion, philosophy, 19th century literature, and even so a political a subject as "Chess for Beginners"; volumes of this kind were detained even though they had been published prior to the Czar Nicholas' demise.

Having once started a program of confiscating Communist propaganda, it was easy for the enforcement authorities to lose sight of what, presumably, was their basic objective—preventing the use of the U.S. mails for mass dissemination of propaganda by foreign, Communist-controlled agencies. The power which Attorney General Jackson had marked out in 1940 sometimes seemed tantamount to a power to impound any book coming from any foreign country if it contained the proscribed ingredients. So it came to pass that at least some officials in various post offices in the field were stopping suspicious publications from Hong Kong and India, and then France, Germany, England, and Canada, and withholding those which seemed to have a propaganda-type message.

Indeed, books which admittedly were neither pro-Communist nor anti-United States in theme, but which still seemed to be "propaganda" under the statutory definition, were occasionally stopped. Thus, a U.S. importer ordered, from England, Avro Manhattan's "Catholic Imperialism and World Freedom." The thesis of this decidedly controversial book is that the church, through Rome, is attempting to win political hegemony over the whole world. Here, declared the postal solicitor, justifying his decision to ban the book in the language of the statute itself, was a work designed to promote in the United States, racial, religious and social dissensions. And, if the book did fit the statutory definition of "propaganda," of what consequence should it be that this propaganda was not Communist propaganda?

Of course, most of the material seized was Communist propaganda from Soviet bloc countries, and most of it was sent here unsolicited by Communist controlled agencies, and the destruction of most of it went unnoticed and unlamented. But there were still thousands of Americans and many organizations who, for one reason or another, had ordered publications from Communist countries which contained patent propaganda.

For example, a number of important American research libraries gradually came to the conclusion that many items in the vast variety of Russian, Czech, Polish, and Chinese materials on current events and cultural developments which they had been regularly receiving on an exchange basis were no longer coming through; there were gaps in the collections; some of the missing materials were irreplaceable. Specialized departments of universities, e.g., those dealing with Russian or Slavic affairs, as well as similar nonuniversity agencies experienced frustrating losses. Numerous political scientists and freelance writers and other experts on current events or current shifts in the party line behind the Iron Curtain failed to receive current journals and newspapers such as Pravda, which were of the utmost importance to their work. Bookstores and importers who sought to acquire Russian materials could not. Ironically, a consignment to one importer who was purchasing Soviet publications for U.S. military agencies was confiscated and lost. Mathematical Review, one of the world's three publications which list all known works in the mathematics field, was deprived of Russian titles for a year. The Association of American Geographers was moved to adopt a resolution expressing concern over the Government's policy of withholding distribution to competent scholars and libraries. Similar protests emanated from similar groups. And not only did the confiscation program result in widespread loss of material needed, it also produced great delays which were frustrating per se.

The total impact of this censorship on American culture, science and research during this period can hardly be estimated in any quantitative way. The American people were soon to be sputniked into recognition that they had a lot at stake in maintaining, at least for those who were interested, the most liberal kind of access to information about the Communist world. It would seem unnecessary, here and now, to labor the point that what happened from 1951 to 1955 was unfortunate and undesirable as a matter of national policy—even if that policy is to be formulated in terms of the most narrow national self-interest.

Those dangers became apparent to postal and customs officials too. Repeatedly they made ad hoc concessions to meet some obvious imperative demand for a special dispensation. But, since the statutes and the Attorney General's ruling gave no guidance, they were forced to go ahead on their own, first making empirical rulings for special cases, later, and gradually, developing general criteria applicable to all cases.

Thus, unwritten law developed during the period 1951–55 which curtailed the scope of the Attorney General's ruling. The exclusionary program came to be limited to more patent Communist propaganda, sent unsolicited and in quantity from behind the Iron Curtain or Communist controlled agencies outside it. To elaborate, the power to impound came to depend on three administration criteria, nowhere explicit nor even implicit in the Attorney General's ruling; these tests had to do with: (1) the character of the addressee of the material; (2) the source of the mailing; and (3) the character of the material.

THE CHARACTER OF THE ADDRESSEE

As a result of the urgent complaints by many scholars, librarians, and others, it was soon perceived that least some addressees should be allowed to receive otherwise nonmailable propaganda. The administrators of the program first tried to build up a list of persons and institutions in this category. It became known among some circles as the white list. In some instances, people or institutions were able to get on it by simply pestering the Post Office or the Bureau. In some cases the Post Office initiated the exemption process. Thus, where publications addressed to a university or one of its departments were being withheld, a letter was sent to the institution's president. Typically it read:

"Parcels containing Communist propaganda arriving by mail from (an Iron Curtain country) and also from other countries are addressed for delivery to the University of ———. Such matter is nonmailable pursuant to an opinion of the Attorney General * * * unless addressed to a registered agent of a foreign government or to members of diplomatic staffs. However, exceptions have been made in certain cases where such matter was addressed to universities which undertake to study such propaganda and, of course, in no way promote its dissemination. Some institutions of learning have stated that they have no use for such publications, do not desire to receive them and have not ordered or agreed to receive them.

"This office would appreciate a statement from you as to whether the University of ——— desires to receive these Communist propaganda publications and the nature of their utility to the university and what restrictions are placed upon their accessibility.

"As you no doubt know, Communist propaganda has greatly increased in volume and viciousness and is being addressed to many persons and institutions which object to receiving such matter. It is believed to be incumbent upon this Department, therefore, to obtain some information as to the position of addressees of such publications where exceptions to the general rule of nonmailability are made."

All of the presidents (about whom we have any information) asked—some far more emphatically than others—that all publications be forwarded at all times. Some pointed out that all materials, regardless of content, might prove to be essential to further the study and research of members of their faculties. Some indicated the vital nature of this research—in several cases it was Government-sponsored research. Some pointed out that their libraries had broad exchange arrangements with comparable Russian institutions and had no way of knowing in advance what would eventually be worth keeping. Several librarians, answering for their institutions, were eloquent on functions of a research library, and they proceeded to lecture the Post Office on the need for uninhibited access to publications of all kinds at all times. Spokesmen for other institutions, however, were almost apologetic about asking for release of the propaganda. The president of one State university assured postal lawyers that all materials sent to his school would be segregated, under security protection, in a locked area of the library stacks.

Aside from universities, the Post Office also directed letters to a few, selected individuals asking whether Communist propaganda addressed to them should be delivered. Anti-Communist George Sokolsky responded angrily:

"The theory of your advice is that I am entitled to special privileges. But I do not like privileges. I want these publications because I subscribed to them. They can do me no greater harm than some American publications I buy. If I am to be saved from my reading habits I do not want it done by the Post Office, the business of which it is to deliver the mails."

Sokolsky appears to have articulated eloquently the feelings of others who discovered that the Post Office was policing their mail. And he was right in characterizing the exemption as a privilege. At the time he wrote not everyone was allowed access to contraband propaganda, and very few were informed that they could enjoy the opportunity. It is hard to say what criteria were used to grant the privilege. But clearly, at this earlier stage in the program's evolution, some people who wanted mail from the Communist world and who asked for prompt delivery were still denied it.

One person reports that he was told by the Post Office that he was not sufficiently educated. Several faculty members were obliged to have their college presidents clear them with the Post Office before their publications were delivered. Other scholars changed the delivery address from their homes to their university offices, whereupon publications previously withheld began to appear. Some journalists and freelance writers went through a long, frustrating series of communications before interruption of their mail ceased. Some were told that there would be an investigation before there could be any clearance. A retired Coast Guard officer in New England had developed a unique avocation: studying various navigation problems confronting the Russian Navy, using all sorts of current Russian magazines (even a fashion journal) to get his data. Learning that some people were allowed to receive such mail, he asked for the same privilege. The request was denied. He was told by his local postmaster that he was deemed unqualified to receive the propaganda he wanted. A midwestern technical library of long standing, had to receive special clearance, apparently because postal officials were unfamiliar with its operations and standing. Ironically, when Customs did try to facilitate the entry of some bona fide subscriptions to various Communist journals by requesting commercial importers (who acted as agents for subscriptions) to furnish lists of persons and institutions from whom they had received orders, these importers refused to divulge the information.

There is not sufficient space here—nor is there really need—to relate other painful incidents which marked the evolution of this policy of granting exemptions. What is important is the lesson: when Government officials, simply in the exercise of an unregulated discretion, tried to pick and choose among Americans as to who might and who might not receive Communist tinged publications, there was chaos.

The enforcement officials perceived this. Gradually it was recognized that anyone who ordered Russian materials ought to get them. The only thing the Government need worry about was the importer who acted as a mass disseminator himself. Ironically, loopholes in the Registration Act sometimes seemed to enable such individuals to escape its registration requirements.

The policy of permitting entry of solicited materials was fixed by the end of 1955 but not generally known. Some persons still experienced inordinate delays and even occasional losses. Criticism—much of it based on misunderstanding—continued. The Department of Justice finally promulgated its rule 6 in December 1956, which codified the informal policy already established by customs and postal officials. This rule declared, by implication, that the Government was permitting transmittal of propaganda to persons who have ordered * * * or otherwise solicited such material. In practice it appears that anyone (other than a domestic disseminator) is entitled to receive foreign Communist propaganda if he requests it—even if the material was not ordered in advance.

Notwithstanding the literal terms of rule 6, the Government still occasionally exercises outright censorship controls against at least some addressees—persons who are not registered (nor, necessarily, required to register) under the Foreign Agents Registration Act, but who import propaganda material in bulk for general distribution to the public at large. For example, a San Francisco bookseller who has imported books and tracts of all sorts and sometimes in substantial quantity (e.g., 100 copies of one publication) reported repeated interference from postal and customs authorities, and this difficulty has continued into 1958. The prolonged detention (and in some instances destruction) of this importer's materials has probably been based on the Government's belief that he is a domestic distributor; and because he is he falls outside the purview of exemptions permitted under rule 6.

A Chicago importer who maintains a peace library and sells or distributes peace literature of all sorts—including propaganda tracts put out by Communist-controlled agencies—reports continued losses; recently postal authorities have told him that he will not be permitted to receive large quantities of propaganda materials because rule 6 prohibits admittance of materials, whether solicited or not, if they are sent here in quantity for broad domestic distribution. Other persons or organizations have reported similar difficulties. The precise line which is to be drawn here—the line delimiting controls imposed upon suspected domestic disseminators—has not been articulated publicly. Libraries are apparently free to import what they want, even though the material is thereafter made freely available to the public at large. Individuals are apparently free to import a few copies of a tract, have it copied and redistribute it on a broad basis. Registered agents are entitled, presumably as a matter of law and not just administrative discretion, to receive all material, even when quantities of a single item are sent; and it is, admittedly, most difficult to police their domestic distribution to assure their compliance with the labeling requirements of the act. Notwithstanding these loopholes, the Government still appears to assert the right to control the volume of propaganda received by potential domestic disseminators who are not registered nor required to do so.

Apart from the more or less ad hoc controls exercised against these suspected domestic disseminators, mail is supposed to go to all who really want it. But there is still one, big, practical qualification—a procedural matter which affects the substance of rule 6's exemption in favor of solicited mail. Notices are not regularly sent as a matter of course to every individual addressee whose mail is stopped. That is impossible, say the administrators—pleading administrative impossibility and expense. Hence if a person wants mail, other than first-class mail, from Soviet bloc countries, he must take it upon himself to request our Post Office for delivery; for, absent any information about the addressee, the enforcement officials may be unable to tell whether a suspect item is solicited. They may send him a notice with a postcard asking if he wants this particular propaganda publication. If they send no notice and conclude the material is unsolicited propaganda, the addressee will never see the publication.

SOURCE OF THE MAILING

While criteria exempting solicited materials emerged only after many (and often painful) case incidents, criteria exempting non-Iron Curtain materials were developed more sharply, late in 1955, largely as the result of one case incident—the Post Office's dealings with the American Friends' Service Committee.

In furtherance of some of its many, varied activities the Friends' Service Committee imported, from time to time, political pamphlets on various subjects from various sources in England. Among the publications ordered in 1955 were 500 copies of a leaflet called "Guatemala: The Fate of a Small Country." This work—which condemned U.S. involvement in the Guatemalan revolution—had been published by the Movement for Colonial Freedom, a British organization which counted approximately 60 members of Parliament among its number; and one was author of the pamphlet.

In the spring of 1955 the committee asked the movement why the Guatemala pamphlet had never arrived in the United States. The response from England: the pamphlets were mailed long ago; we are asking our post office to investigate; if an explanation is not forthcoming within a week, we will arrange for the question to be raised in Parliament.

The British postal officials did report; the pamphlets had been seized by the U.S. Government. Upon further inquiry to Washington, the committee learned that foreign propaganda mailed from abroad was subject to seizure here; that the Guatemala pamphlet was in this class because (in the words of the post office) it stated that "there is no Communist threat there (in Guatemala), and that what took place was solely to benefit American big business." The committee also learned that a number of other English pamphlets which had been sent (some unsolicited) to its Boston office were under detention.

A series of inconclusive negotiations with postal officials followed. The committee was on the verge of suing the Government—an unusual step for this group—when the postal solicitor suggested another conference; indeed, he took the novel step of coming to Philadelphia to facilitate the meeting. With characteristic candor the postal solicitor admitted that a lawsuit might play havoc with the Government's program which, he declared, should be aimed at unsolicited vast volumes of Red propaganda from the Soviet bloc, and not at propaganda from other foreign sources. Furthermore, the Geneva conference was now pending; United States and Russian officials were soon to bargain over relaxing controls upon the channels of communication between the two countries. The U.S. position, he suggested, would be embarrassed if a lawsuit challenging its power to control Russian propaganda were to become a matter of public record now. The solicitor promised to release the pamphlets if the suit were dropped. But the committee insisted he do more. It was not enough to give special privileges to one group. The same privileges should be accorded to all Americans similarly situated. Furthermore, some procedures should exist to supply notice and opportunity to be heard to those whose mail was stopped.

The upshot of the conference was this: the committee called off its lawyers; the Post Office released all impounded materials, and promised, through its Solicitor, to revise the procedures for dealing with mail from non-Soviet bloc countries. Henceforth, there would be no detention of such mail unless the addressee was furnished with notice and an opportunity to claim the material detained. The Solicitor went on to assure the committee that the Government's design was simply to exclude Communist propaganda sent here in quantities from Communist-controlled agencies. Since few of these were, presumably, located outside the Iron Curtain, the occasion for screening any mail from any non-Communist country would be slight. The understanding was, in effect, reduced to writing through a series of letters. The Solicitor even submitted a copy of the form of notice which he proposed to use in cases where non-Iron Curtain propaganda was impounded.

Thus, as a result of all this bargaining, the Post Office renounced powers which, in theory, it enjoyed under the terms of the Attorney General's ruling; the substantive scope of U.S. censorship was reduced—delimited, virtually, to Iron Curtain mailings; procedural reforms were instituted to apply in the cases of non-Iron Curtain mailings.

THE CHARACTER OF THE MATERIAL

Publications emanating from the Communist world have varied greatly as to style, content, and level of intellectual appeal. Typical examples of propaganda include: People's China, a well written, slick paper, English language, Peiping-published fortnightly with articles and pictures portraying lavish social progress in Communist China and the idealism of her leaders; New Times, a weekly published in Moscow, in various languages including English, expounding the Communist position on issues of the day, linking the interests of the Communist bloc with the world's new, neutral countries; Soviet Woman, blending politics with fashion, news, sob stories, dress patterns, and biographical homilies; Women of the Whole World, a similar English language monthly (published in the Soviet sector of Berlin) with perhaps more emphasis on the international questions of the day; World Youth, a Hungarian monthly, and World Student News, a Czechoslovakian monthly, directed at students everywhere with news of international conferences, ecstatic descriptions of the life of youth in various Communist and neutral countries and invitations to enlist in various peace crusades; and News, an English language Soviet monthly, sounding the tocsin for international exchange and damning U.S. opposition to such proposals.

Some tracts, such as Lenin's Boyhood and Adolescence (a primer on the noble Lenin) and the laboriously titled "The Just Fatherland Liberation War of the Korean People for Freedom and Independence," seem to bog down under the weight of their own words. Others have been sharp and hard-hitting, with clever cartoons or plausibly distorted conclusions drawn from reasonably accurate facts: thus USA in Wort und Bild, a German language publication, used, inter alia, a collection of American comic book covers and pictures and an article on juvenile delinquency reprinted from the New York Daily Mirror to launch its attacks on American life.

In lesser numbers there have been tracts purporting to document U.S. war atrocities in Korea—often replete with pictures, sometimes written in English, sometimes in foreign languages.

From time to time customs officials have also stopped vast quantities of so-called "back to the homeland" mailings—first class letters sent to persons of foreign ancestry, particularly in areas around New York, Philadelphia, and Detroit. While, individually, each seemed to be a personal communication from someone in Russia, Poland, or East Germany to someone in the United States, it was perceived that these letters fell into a definable category. External appearances were enough to arouse suspicion: the handwriting and stationery were similar; the letters arrived in quantity. Once opened (after the addressee consented to inspection) the content of the communications also proved similar: the writer, allegedly a friend or kin of the addressee, urged defection—often physical return to the "homeland," sometimes a donation of money. Sometimes (so customs officials state) this plea was coupled with veiled threats to members of the addressee's family still living abroad.

Many of these letters, along with the other propaganda described above, and indeed almost any publication from Russia, were seized or detained during the early years of the program. For all mail from the Iron Curtain was closely screened; and while attempts were made to make discriminations, to release materials deemed devoid of propaganda, gross mistakes obviously occurred. Thus, as has already been indicated, not only more patent propaganda, but books and journals of every sort—some utterly lacking in any possible propaganda overtones—were seized and destroyed: texts on law, literature and science, editions of Russian classics and so on.

These obvious abuses probably occurred because there were, during this period (1951–55), inadequate procedures for reviewing and supervising activities of overzealous men in the field, an inadequate staff of translators and knowledgeable readers, a tremendous backlog of publications placed under detention and a hazy conception of the objectives of the program. Moreover, the problem of what kind of propaganda to seize was aggravated when customs and postal officials began screening, sporadically, publications sent from non-Iron Curtain countries; this activity produced more abuses.

Eventually some rulings of postal or custom officials, such as the banning of Avro Manhattan's "Catholic Imperialism and World Power," the detention of the London Economist and the seizure of the American Friends Service Committee's pamphlets caused considerable public criticism and embarrassment. In these and several other cases, the Solicitor of the Post Office was obliged to apologize for the mistakes of "underlings" or himself confess error—which he would do with admirable candor. These incidents occurred during the latter quarter of 1955, and the notoriety seems to have spurred postal and customs officials directly responsible for the program to reappraise their objectives and procedures.

As we have seen, policies were effected to permit release of publications to persons who requested delivery, and shortly thereafter attempts to screen non-Iron Curtain mailings were largely abandoned. Similarly, efforts were made to narrow the range of censorship of publications coming from Iron Curtain countries, to contract the standard defining nonmailable propaganda.

Gradually, there was a relaxation of bans once put upon a number of Soviet-published books. Thus, historical and scientific texts, works of literature and art, and other materials which once were seized or detained regularly, came to be released without inquiry as to whether they were solicited—simply on the theory that their propaganda content was not noxious enough to warrant their exclusion. Generalizations are difficult and risky, but it would appear that most of the propaganda seized today consists of contemporary, mass-produced materials designed for mass distribution here to promote some current Communist claim.

Administration of all these various reforms and criteria for exemption were facilitated by the development of more centralized operating procedures. All mail originating from behind the Iron Curtain was sent, directly upon arrival, to one of three "segregation centers" which were established in New York, Chicago, and San Francisco. There teams of translators and inspectors, operating under the guidance of the deputy collector of customs of New York, screened the material. Suspect matter was referred to the deputy collector either by physical shipment or by a résumé of the contents. His decisions were reviewed, more and more only as a matter of form, by the postal lawyers. Through the close supervision of this official, many defects in operating procedures causing delay as well as mistakes in decisionmaking have been corrected.

Thus, the pattern of seizures has contracted considerably and the exclusionary program appears to be limited to more patent forms of Communist propaganda, mailed in quantity from behind the Iron Curtain or from Communist controlled agencies in the non-Communist world and sent unsolicited to people in this country or sent in volume to suspected disseminators in this country who are not registered here as foreign agents.

The impact of this program today in terms of interference with the activities of most people who seek access to publications from the Communist ruled world is probably slight. But there are still irritating delays and occasional unexplained losses. And there is deliberate interference with some importers who do not and perhaps need not (under the statute) register as foreign agents, but who do receive quantities of publications from abroad. And, of course, so long as notice of seizures is not given to every addressee, it is probable that many Americans can never know for sure whether publications addressed to them are being seized by the Government and committed to oblivion with or without their approval.

PROBLEMS OF LEGALITY

Thus far the administrators of this program have escaped a direct challenge of the legality of the operation. In the beginning, potential litigants whose materials were seized and not released even upon request were either too uninformed or otherwise unwilling to assert their rights. More recently materials have been released to any individual complaining of interference; thus, once a complaint is made, the injury is usually rectified, and the complainant seldom suffers further injury apart, perhaps, from delay. And, since postal-customs enforcement officials will now permit delivery automatically wherever they have reason to believe the propaganda is desired—except in the rare case where the recipient is a mass disseminator—it may be hard to find a plaintiff with standing to test the legality of the confiscation program.

Yet the Attorney General's ruling of 1940, the basic legal authorization for the operation, does rest on weak legal ground. Recall the reasoning of that opinion: (1) it is a crime for a domestic foreign agent not to register; (2) the mailing of foreign propaganda by an unregistered agent is therefore a crime under the Espionage Act (knowing control of papers in aid of a foreign government used in violation of any penal statute), and (3) under the Espionage Act, papers used in violation of that statute are nonmailable; (4) the act of a "foreign" foreign agent in mailing or otherwise sending propaganda from abroad to recipients within the United States is equally a violation of these various statutes because use of the U.S. mails equals physical presence and activity as an unregistered agent, here, and therefore (5) propaganda mailed by "foreign" foreign agents is nonmailable and can be destroyed.

That this reasoning found little support in the history, theory or express terms of the Foreign Agents Registration Act (FARA) as it stood in 1940 has already been discussed. And the case for the program was further weakened perhaps unintentionally when, in 1942, Congress amended the FARA. The legislative history of these amendments reflects, apparently, only one passing reference to the Attorney General's ruling in a committee hearing. So it is difficult to assert that Congress actually was aware of the problem of "foreign" foreign disseminators, let alone that it ratified the ruling calling for the exclusion of their propaganda.

In terms, the act, as amended, provided—and it now provides:

"Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this (act) and who transmits * * * in the U.S. mails * * * any political propaganda (a term which is defined elsewhere)" must file copies of that propaganda with the Library of Congress and the Attorney General and must also label it in accordance with detailed requirements.

Since these provisions apply to persons within the United States, the Department of Justice has, presumably, been unable to rely upon them. So, in effect, it apparently has ignored the amendments and simply reiterated the Attorney General's ruling—and this notwithstanding the fact that the act now contains express provisions dealing with the mailing of propaganda by agents, that these provisions promote the disclosure objectives of the original act with no suggestion that censorship was intended as an additional sanction.

To be true in logic to its premises, the Department of Justice is obliged to say that unregistered foreign agents outside the United States may send no propaganda, labeled or not, into the United States. But that conclusion is unacceptable precisely because it is unrealistic; the law cannot be pushed that far; Government spokesmen admit there should be no objection to propaganda sent by foreign, foreign agents if it fits the various administrative exemptions which have been created, and these exemptions are justified on the ground that they are consistent with the basic labeling-disclosure objectives of the act. But the fact remains that these exemptions are inconsistent with the premises of Attorney General Jackson's opinion.

The intent to authorize a censorship operation of this kind should hardly be inferred from ambiguous statutory authority and negligible evidence of congressional purpose. Contrast, for example, the Tariff Act: here Congress has expressly excluded materials advocating treason or insurrection and the like; procedures for seizing these materials, for supplying notice and an opportunity for de novo court consideration of their contraband content are spelled out in the statute. The Tariff Act is thus aimed at a species of subversive materials originating abroad, and it was only passed after long, arduous debate. But Congress has never debated the merits of excluding virtually all foreign propaganda or the necessity for having a law which would make the Tariff Act, for the most part, unnecessary. Surely, then, it stretches imagination to suggest that Congress passed the FARA with ancient ambiguous provisions of the Espionage Act in mind or to suggest that Congress anticipated Attorney General Jackson's legal gymnastics—to suggest that Congress chose such devious means to authorize a confiscation operation which might so significantly impinge on basic freedoms.

Enforcement officials of the Postal, Treasury and Justice Departments have recognized their precarious legal position. Bills to confirm the Attorney General's 1940 ruling have been suggested. One was introduced and pressed by the Department of Justice in 1956. It passed the Senate without attention. But articulate spokesmen from various civil liberties-minded groups unleashed a score of criticisms in the hearings before the House Judiciary Committee. Perhaps the most effective critic was the Assistant Librarian of Congress (speaking for the Librarian) who reviewed some of the unhappy history of the recent past and startled the committee with the assertion that if the bill were to pass, books from the Oxford press or articles critical of our foreign policy in the London Economist might, in theory, be subject to summary seizure. The Post Office's Solicitor then testified to this effect: he really had not studied this bill too carefully; the job of preparing it had been delegated to the Justice Department; and he recommended that Congress drop the matter for the present—till more consideration was forthcoming from his Department.

In the last session Congressman WALTER introduced a bill to amend the FARA similar to those previously introduced—a bill which again would simply codify the Attorney General's ruling. These provisions were inserted in the midst of omnibus legislation dealing with the Internal Security Act and related matters. In this posture these proposed amendments to the FARA might pass all too easily with all too little attention. If such legislation is introduced again—indeed whether or not such clarifying legislation is introduced—Congress should examine carefully the necessity for authorizing the broad powers asserted today under the theory and terms of Attorney General Jackson's ruling. For there are also constitutional grounds for doubting the legality of this extension of censorship or any statute which in effect would simply codify and permit the administrative practices described above. These questions are considered next, but in the context of an analysis of the total problem of what Congress may do to meet the problem of foreign Communist propaganda in our mails.

THE NEED FOR REVIEW OF THE PROPAGANDA PROBLEM

There is a real need for careful review at both the executive and congressional level of the question of what controls, if any, should be imposed upon dissemination of these publications.

Today's extensive, censorial, exclusionary program is based solely on an Attorney General's opinion issued in 1940. The legal validity of that ruling is clearly doubtful, and it is well to remember that the opinion was promulgated at a time of a worldwide, shooting war and directed in large part against domestic propagandists who were receiving quantities of Nazi propaganda for further distribution here. Enforcement of the ruling was completely abandoned after World War II—apparently in recognition that the principal justification was based on wartime necessity. Enforcement was only revived in time of war (the Korean conflict) and at a time when our fear of communism's capacity to promote domestic subversion exerted strong influence on the activities of Government. The exclusionary program which evolved in the early 1950's seems in a large measure to have been the result of prodding from particular congressional leaders—members of the Senate Internal Security Committee and, later, members of the House Un-American Affairs Committee—who urged or encouraged officials in the Justice, Treasury, and Post Office Departments to develop the operation.

It would appear that the executive branch, while recognizing the dubious legality of the program, has never candidly reviewed its rationale in light of past experience and today's needs. Congressional review for these purposes has hardly been adequate. True, the Internal Security and the House Un-American Affairs committees have exposed some of the dangers or alleged dangers which might result if no countermeasures against foreign Communist propaganda were undertaken. But objective, comprehensive study from a broad perspective still seems needed—particularly in view of the lack of clear-cut authorization to the Post Office and the Bureau of Customs to do what they are doing. For it is poor precedent, indeed, for Congress to permit censorship of the sort now employed without a plain legislative mandate. Rather, because of the complexity of the propaganda problem, exercise of legislative judgment instead of abdication to executive officialdom seems particularly appropriate.

The fact is that the objectives of today's exclusionary program are unclear. What policies are we now trying to enforce? What policies should we enforce? Postal and customs officials have often said that the purpose is to prevent widespread distribution of undesirable propaganda to the public at large. Some enforcement officials have openly voiced the opinion that it would be dangerous to permit delivery of this propaganda to the foreign born or other segments of the population because it would promote disloyalty or subversive conduct. Usually coupled with this argument, though it is essentially a quite different proposition, is the economic justification; the U.S. Post Office and our Treasury should not be obliged to bear the expense of delivering vast quantities of the unsolicited propaganda of our cold war enemy.

On other occasions it has been said that the purpose of the program is simply enforcement of a disclosure statute; if there were other ways to assure full disclosure of the source of foreign Communist propaganda materials in our mails (something more than a foreign postmark and publication dateline indicative of origin within a Communist-controlled country), all mail could and should be delivered. It seems also to have been suggested that the exclusionary program is basically a foreign policy measure—a retaliatory weapon which our country is using in the cold war: the Communist bloc has expended great efforts to propagandize the world in an aggressive way, violative of traditional, peacetime relationships between sovereignties, and our exclusion of this propaganda is a justifiable countermeasure regardless of any domestic threat posed by the influx of the material. Yet on only a few occasions does it appear that the United States ever has protested against the attempt of the Communist countries to flood this country with propaganda. Indeed, in the contexts of other international problems our Government has taken a strong stand against censorship which would bar criticism of the government of one country by the people of another. Again, enforcement officials have sometimes justified the exclusionary program on the ground that this activity, along with other bans on international contacts, is necessary if we are to be in a position to bargain with the Communist-bloc countries over measures to be undertaken to ease their restrictions on the dissemination of American publications: we need the program as leverage to lift the Iron Curtain.

Whether these various objectives are consistent or not, the factual bases to support them have hardly yet been fully adduced. For example, if, as is most usually asserted, today's exclusionary program is to be justified primarily on the ground that these controls are necessary to protect national security, then the assumed premise that the propaganda will have a harmful influence on many of its recipients should be examined carefully. Notwithstanding information revealed by the inquiries of the Un-American Affairs and Internal Security Committee and fears voiced by some of their members, it would seem advisable to learn more facts than we now know about the nature, quality and potential psychological impact of the various publications condemned. If, as is also commonly asserted, the program is to be justified in part because of the expense of delivering the propaganda, it may still be advisable to learn more about these costs: How much expense is involved here? How does it compare with the cost of managing a censorship operation designed to prevent delivery? Similar questions might well be raised with respect to factual assumptions underlying other assumed objectives—if, in fact, there are other objectives to be secured.

Even if, after full review, it seems desirable to do something to counteract attempts of Soviet propagandists to use our mails for wholesale, direct dissemination of their publications, the question remains, What specific countermeasures should be taken? We turn now to the examination of some possible courses of action, examining these in the light of limitations which the Constitution may impose on Congress' power to act at all.

LEGISLATIVE ALTERNATIVES AND CONSTITUTIONAL LIMITATIONS ON CONGRESS' POWER TO IMPOSE CONTROLS

Review of the problem may persuade Congress that some sort of legislative controls are necessary. The most likely argument for legislation might be as follows: Propaganda is a major cold war weapon. The Soviet Union is said to have spent around $3 billion a year to persuade, intimidate, or otherwise win the war for men's minds; according to the estimate of one customs official, Soviet-controlled disseminators sent nearly 7 million pieces into this country in 1956. This propaganda takes all sorts of forms, some ridiculous, others noxious; the germ warfare tracts; the "back to the homeland" letters which apparently have caused no little misery among many recipients; foreign language tracts aimed, via specially worked up mailing lists, at the foreign born—these are some of the items which Government officials have most frequently cited in defense of their activities. With no controls, America must face, in theory, the prospect of an even more concentrated effort to use our mails. Ironically, U.S. taxpayers pay a good part of the cost of this propaganda dissemination, for, under the terms of the International Postal Convention and international usage, the United States exacts no postage for the domestic transmission of foreign mail; we are obligated to carry it unless the content so offends our domestic law that the material is subject to confiscation. Thus, inaction will produce a situation where the United States, while spending billions of dollars to counteract communism, is subsidizing the dissemination of our cold war enemy's propaganda here.

Assuming these considerations do persuade Congress to do something, the question remains: what specific countermeasures could be adopted? Initially, the range of choice seems wide—from an outright confiscation statute to one which provides for delivery of all mail, but with a stamp affixed to Iron Curtain propaganda which would simply indicate (over and above the foreign postmark) the geographical origins of the publications. However, there are constitutional limitations on the power of the Government to act in this field; these limitations may well narrow the choice available.

1. A confiscation statute: One legislative choice would be enactment of a statute which, after reciting the dangers noted above, unauthorized confiscation of all foreign Communist propaganda—defining such contraband in terms similar to the existing FARA definition. (A statute with a censorship standard narrower than "Communist propaganda" would seem unnecessary since there already is one—the Tariff Act of 1930, which proscribes admittance of publications advocating treason or insurrection or forcible resistance to any law or threats to life.)

Enactment of a statute calling for confiscation of Communist propaganda would pose obvious policy problems: for example, preceding discussion has already underscored the fact that thousands of Americans have professional need for propaganda publications, and frequently the need is related to national self-interest. Thus, constitutional considerations apart, such a statute would seem undesirable without exemption provisions; and to the extent exemptions were made discretionary Congress would be inviting censorial discriminations.

But passing these problems, an outright confiscation statute of the type described above, even if it contained provision for notice and hearing, would probably be unconstitutional. The argument for its validity might proceed from two alternative propositions:

1. The U.S. Government—via a combination of its power to control foreign commerce, conduct foreign relations (especially in time of cold war) and establish a postal system with other countries—should have plenary power to exclude this brand of foreign propaganda.

2. If the Government's power is not absolute, any balancing of interests would find the exclusion justifiable because of the potential adverse effect on American morale and upon the American fisc.

These arguments, we think, should be rejected. What is here involved is propaganda—ideas and arguments, distorted and noxious though they may be. The first amendment, with its use of the phrase no law, is in terms a total limitation on governmental power to curb dissemination of political argument; at the very least it should impose some limitation upon governmental power, even where the speech be disseminated through the channels of foreign commerce by the post office in time of cold war. The Government, having established the channel of communication, cannot open and shut it at will.

We put to one side the question whether nonresident aliens have any right under the U.S. Constitution to use the U.S. mails to circulate propaganda. The question is whether the American addressee is given a constitutional right to receive this material. True, most cases construing the first amendment deal with the right to create, publish and disseminate. But these rights are protected, not for the sake of giving the dissident the right to speak in an empty room, but to curb political controls on political discussion and on the development of the arts and knowledge generally. The right to obtain publications should be as important under the rationale of our first freedom as the right to create and publish them in the first place. And under this rationale there should be no room for discrimination between ideas which are born abroad and those which find their origins in this country.

If Americans do have a first amendment right to receive publications, then a statute authorizing confiscation of Communist propaganda should abridge that right. The danger from distribution could hardly meet the clear and present standard or any variant traditionally used to measure the legality of such restraints, particularly since a form of prior restraint would be used here. Whatever definition Congress might assign to Communist propaganda, the criteria would, perforce, be imprecise—in all likelihood too broad to permit the censors to exercise objective judgment as to whether material should be banned. On balance these restrictions on the right to receive mail and have access to publications should outweigh dangers asserted in justification for the statute, particularly since less drastic alternatives are available to accomplish the legislative ends.

2. A statute providing for summary seizure of propaganda mailed from Communist controlled sources but for release of any publications to persons who come forward and request delivery. We envision here a statute largely codifying present practice, e.g., a statute setting out legislative findings on the menace to security as well as the burden of expense to our Government if all propaganda were automatically carried and authorizing: (1) seizure of all Communist propaganda mailed from behind the Iron Curtain (and perhaps, too, if it be assumed the danger justifies it, all propaganda mailed by any foreign, Communist-controlled groups), but, (2) requiring the Post Office to deliver any mail subject to seizure if an addressee or potential addressee notifies the Department of his desire to receive the materials or if postal officials otherwise conclude that the materials have been solicited.

In defense of such a statute it might well be argued that there is no constitutionally protected right to receive unsolicited mail, that the right to receive mail and have access to publications means only a right to receive material which the addressee wants and requests and that this right would be adequately protected by the statute.

But should there be such a distinction between solicited and unsolicited materials? A great portion of all mail daily received—of all information daily imparted by mail—is probably unsought ab initio. The recipient receives this information without requesting it or knowing in advance that it is coming to him, but it would seem to be a part of his first amendment freedom to decide for himself what he wishes to do with it. Perhaps the addressee may have little "property interest" in this unsolicited mail. Perhaps he may have little desire for the publications after inspecting them. Yet, there is an interest worthy of protection here, and that interest is the freedom of Americans to read what they choose to read, and to enjoy the opportunity to exercise that choice. This freedom, too, would seem basic under the rationale of free speech, and it may receive scant protection if addressees are given no right to exercise a choice to receive unsolicited mail. Surely it would be unthinkable for governmental officials to have the power to decide what pieces of unsolicited domestic advocacy Americans may receive; again there seems to be no persuasive basis, on this point, to distinguish between geographical sources of mail—domestic or foreign.

Assuming there is a right to receive all mail, solicited or not, the question is whether, on balance, the statute described above violates it—whether, under the first and fifth amendments, the procedure for enforcement of the statute must, at a minimum, make provisions for informing an addressee of the existence of the propaganda publications and of his right to have them without question if he so requests.

Administrators of today's program have said (up to now) that a requirement of personal notice of that sort sent to every addressee would make enforcement most difficult: with millions of items to process, the manpower requirements and expense would be exorbitant. The situation, they observe, is to be distinguished from enforcement of other nonmailability statutes, e.g., those providing for seizure of "obscene" mail (the second largest area of postal censorship today), because the volume of this contraband is insignificant compared to the volume of propaganda. If true, these administrative claims should certainly be a factor to be weighed in deciding the statute's validity. Important, too, might be the extent to which alternative precautions were employed to supply a general notice of the terms of the law, e.g., by general publications in post offices and other places giving a clear explanation of procedures available to request delivery of mail.

To be weighed against these claims are the risks to freedom. In the first place, unless enforcement officials supply notice, how can they, themselves, know for sure whether material addressed to an individual is solicited and urgently needed? How can their assumption that material is propaganda be adequately tested? By resort to summary procedures they simply presume to make those decisions. No doubt, in practice, their assumption that the material is propaganda and is undesired and may therefore be seized has been true in most instances. But experience with the enforcement of the program has also shown that when notices have been sent, the addressees receiving such notices have frequently demanded that there be no interference whatsoever with the delivery of any propaganda addressed to them at any time. (Recall Mr. Sokolsky's eloquent protest.)

In the second place the absence of personal notice procedures puts a burden on every American who wants to be sure of receiving mail addressed to him from anywhere behind the Iron Curtain; he must come forward and identify himself to some appropriate postal or customs official and have his name put on some list. This burden, viewed realistically, is in itself a deterrent to enjoyment of what we assume should be a constitutionally protected right. Apart from that, the person who does undertake the burden of notifying the Post Office can never be sure, absent notice of confiscation, that every item sent to him will be delivered; costly delays may occur; mistakes causing total loss of a publication desired can happen, and, since the Government can seize summarily, these delays or mistakes may easily go undetected. These considerations militate against the constitutionality of the statute described above and against the validity of today's program as codified in rule 6.

3. A statute which provides for seizure of "propaganda" but release to those who request release and which further provides for personal notice to all addressees prior to confiscation of propaganda. This statute would codify present practice but add the additional (and highly significant) requirement that no propaganda could be seized unless the addressee, after personal notification, waived his right to delivery. It may be urged, of course, that such a statute is economically and administratively unfeasible. But if feasible, would it be constitutional?

One serious charge which might certainly be leveled at the statute is that arguably it thrusts an unreasonable onus on many citizens who might otherwise choose to request delivery of propaganda; the fear of stigma (especially if the addressee has no scholarly, journalistic, or similar interest in receipt of the material) might well deter many persons from exercising the right to receive this mail—a right which we believe must be granted, not simply as a matter of statutory dispensation, but as a matter of constitional necessity. An invitation to identify oneself as a reader of Communist propaganda might well be regarded by many people as an invitation virtually to incriminate themselves. To the extent that this is true, Congress would thereby be creating a barrier to the free flow of information. Whether, on balance, the barrier would be regarded as so unreasonable that the Constitution would condemn it is much more doubtful.

4. A statute designed to make the propaganda pay its own way. This statute would provide for the automatic delivery of propaganda once the recipient paid a postage-due type exaction for its carriage within the United States. Here the principal (but not sole) justification for the statute is the economic argument—the U.S. taxpayer should not be required to pay the cost of delivering Communist propaganda in the midst of our present cold war situation. The legality of this statute under the Postal Convention may be dubious. Its constitutionality might also be doubtful. Clearly the exaction would have to be small or else the case becomes similar to the problem of the confiscation statute. But even if the exaction were small the question remains whether the courts would yield any exception to the principle that neither Congress nor administrators operating under broad, discretionary standards, can be allowed to single out unpopular categories of publications and levy even a small tax against their distribution. Perhaps, on balance, such an exception might be allowed, considering (1) the foreign source of the mail; (2) the circumstances of the cold war; (3) the economic burden of carrying tons of enemy propaganda. But the imposition of this tax on the distribution of "speech" together with the resultant burden on the addressee who desires to exercise his rights, could be a dangerous precedent. In any event, the cost and difficulties of administering such a statute might well make it self-defeating.

5. A disclosure statute providing for automatic labeling and delivery of all mail. This statute would simply authorize officials to stamp publications mailed here from behind the Iron Curtain and believed to contain propaganda. The stamp would simply indicate the origin of the item; possibly it might go further and indicate that the materials were believed to contain propaganda.

If the sole purpose of the Foreign Agents Registration Act, the statutory basis for today's program, is disclosure, and if, as Government officials sometimes assert, disclosure is in fact the objective of the present program, then such a statute might well be all that is necessary. At least for an experimental period, such a statute might be attempted as an alternative to any type of greater censorship.

If a label of the sort described above is not enough to alert Americans and make them wary of the validity of messages in the publication, then the fabric of our democracy is far weaker than we think it is. A free and self-reliant people should be capable of the discernment needed to withstand dangers latent in the blasts or blandishments of Soviet manipulated propagandists. The risks and economic burdens resulting from having no restrictions other than an indication of the origin of the publication may be the cost of freedom; these costs may well be worthwhile if the gain is preventing a dangerous censorship precedent.

Mr. CLARK. Mr. President, I send to the desk and ask to have printed other amendments to the postal rate bill, intending to deal more justly with the salaries of legislative employees and of committee employees of Senate committees than in my opinion the subject is dealt with in the bill which we will take up tomorrow.

The PRESIDING OFFICER (Mr. Metcalf in the chair). The amendments will be received, printed, and will lie on the table.

Mr. CLARK also submitted amendments, intended to be proposed by him to the bill (H.R. 7927) to adjust postal rates, and for other purposes, which were ordered to lie on the table and to be printed.

APPLICATION OF SPECIAL CONSTRUCTIVE SALE PRICE RULE FOR PURPOSES OF CERTAIN MANUFACTURERS EXCISE TAXES—AMENDMENT

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him, to the bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes, which was ordered to lie on the table and to be printed.

AMENDMENT OF HOME OWNERS' LOAN ACT OF 1933 AND FEDERAL HOME LOAN BANK ACT—RECOMMITTAL OF BILL

Mr. MORSE. Mr. President, at the request of the Senator from Virginia [Mr. Robertson], chairman of the Committee on Banking and Currency, I ask unanimous consent that the bill (H.R. 13044) to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act, be recommitted to the Committee on Banking and Currency, for further consideration. I understand that the request has been cleared with the minority.

Mr. KEATING. I understand it has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON WEST PALM BEACH CANAL, FLA. (S. DOC. NO. 146)

Mr. HUMPHREY. Mr. President, on behalf of the Senator from New Mexico [Mr. Chavez], I present a letter from the Secretary of the Army, transmitting a report dated June 19, 1962, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on West Palm Beach Canal, Fla., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted August 17, 1954. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON H.R. 13044, TO AMEND THE HOME OWNERS' LOAN ACT OF 1933 AND THE FEDERAL HOME LOAN BANK ACT

Mr. MORSE. Mr. President, on behalf of the Senator from Virginia [Mr. Robertson], I have been asked to read the following statement:

Statement by Senator Robertson

As chairman of the Committee on Banking and Currency, I desire to give notice that a public hearing has been scheduled for Thursday, September 27, 1962, at 10 a.m., in room 5302, New Senate Office Building, on H.R. 13044, to amend the Home Owners' Loan Act of 1933 and the Federal Home Loan Bank Act with respect to investment by Federal savings and loan associations in multifamily housing.

All persons who wish to appear and testify on this resolution are requested to notify Mr. Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone Capitol 4-3121, extension 3921.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. DIRKSEN (for Mr. Cotton):

Review of the latest edition of poetry by Avis Turner French, of Antrim, N. H., written by Teenus Cheney and published in the August 21, 1962, edition of the Salisbury (N. C.) Post.

A STUDY OF COMMUNISM

Mr. DODD. Mr. President, I should like to call to the attention of my colleagues an extraordinary new book entitled "A Study of Communism," by Mr. J. Edgar Hoover, the distinguished Director of the Federal Bureau of Investigation. This book will be released on October 1 by its publishers, Holt, Rinehart, and Winston.

It was my privilege to read an advance copy of this book, and I want to recommend it most highly to my colleagues. It is one of the finest books on the subject ever written, brilliantly incisive, thoroughly scholarly, completely honest and frank. We are deeply indebted to this great American for contributing this information for the guidance of his fellow citizens.

Most of you will remember Mr. Hoover's first book on communism—"Masters of Deceit." That book is a masterly analysis of the machinations of the Communist Party in this country, telling how the Communists intend to destroy our American form of government. Here are clear explanations of Communist strategy and tactics, how the party is organized, what is meant by infiltration, agitation, and front groups. I am pleased to say that thousands of schools in the United States are currently using "Masters of Deceit" as a textbook, knowing they have an authoritative guide for understanding this dangerous enemy of our country.

Now, in "A Study of Communism" additional vital information is made available by Mr. Hoover. This new book is an examination of the origin of communism; how it spread from the minds of Marx and Engels into organizational form; how the Communist Party was formed; and how, step by step, communism gained control not only in Soviet Russia but in other countries. In clear and understandable terms, Mr. Hoover shows the background, current operations, and future plans of international communism.

Of special interest is the section entitled "A Digest of Differences." Here, in tabular form, are listed the differences between communism and freedom, between this atheistic conspiracy and our free way of life. As I read these points, I could see the naked brutality of communism and how, through propaganda, the Communists are trying to make slavery sound like freedom. Anyone who will take the time to read this book will become a better citizen.

This is Mr. Hoover's purpose in writing the new book—to make each of us, young and adult, better citizens by being better Americans. The way to defeat communism, as Mr. Hoover says, is through education — through knowledge — through the truth. There is no alternative. That is our responsibility.

In this mid-20th century America is privileged to have among its native sons a man whose career has been a personification of the ideals which have made our Nation great. In J. Edgar Hoover we have such an intensity of love for freedom, for the dignity of man, that he is impelled to put his knowledge to work for his fellow Americans. I know of no American who has a more thorough and intimate knowledge of communism. Ever since the days of World War I, when Mr. Hoover was a Special Assistant to the Attorney General of the United States, he has been carefully studying and analyzing this menace. He knows its theory and practice, its claims and misconceptions, its fallacies and weaknesses. His knowledge is distilled from truth, a devotion to the facts, and a profound respect for the law. Mr. Hoover's way is one of education, of sane and rational analysis of the facts. He does not believe in vigilantism, extralegal activities, or wild character assassinations. The work of the FBI in protecting our liberties is a monument of modern-day America—an accomplishment which enables every man, woman, and child to sleep more peacefully tonight because there is an FBI.

I recommend that each of my colleagues, and Americans everywhere, read "A Study of Communism." It is interesting, informative, inspirational. "A Study of Communism" tells citizens what they can do as individuals to fight communism. This is the information we so desperately need today.

This is why I call this book a modern masterpiece—simply because it is a manual of survival for America—a manual which this Nation simply cannot afford to neglect.

COMMUNIST GOVERNMENT OF CHINA — A BEEHIVE WITHOUT HONEY

Mr. DODD. Mr. President, because of the remarkable light it throws on the situation in China, I ask unanimous consent to have printed in the Record an article entitled "Beehive Without Honey," written by Leon A. Dale, chairman of the Department of Industrial Relations at the University of Bridgeport, Conn.

Dr. Dale's essential argument is that the Chinese food crisis presents the West with "an unparalleled opportunity to use food as a powerful lever to force the Red Chinese dictatorship out of Laos and Vietnam and back into its own borders."

I hope that all of my colleagues will find time to read Dr. Dale's article, because this is a matter that will demand our most earnest attention in the months to come.

There being no objection, the article was ordered to be printed in the Record, as follows:

Beehive Without Honey

(By Leon A. Dale)

Recently, the famous writer, Pearl Buck, wrote a letter to the editor of the New York Times in which she said among other things:

"The Communist Government of China, I am told, has approached our Government through at least two international sources for a purchase of wheat to an amount of $400 million. * * * We should sell food to China, with the conditions, first, that food is not to be resold to other countries, and second that the Chinese people know the food comes from the American people, who wish them no harm" (New York Times, March 11, 1962.)

The problem, of course, is not that the American people wish harm to anyone but that the Government of Red China has repeatedly stated, and continues to state that the United States of America is bent on the destruction of the so-called People's Republic of China. I would welcome a letter to the editor of one of the main newspapers of China by one of Pearl Buck's Chinese counterparts saying that indeed there is no ill will between the Chinese people and the people of America.

The Pearl Buck letter completely ignores that in the hands of the Communists food is an instrument of war as well as a part of the overall strategy against the West.

Also the implication that the Chinese leadership is moved by welfare considerations is not in keeping with the realities of the situation. One rarely hears the suggestion that if Red China really wanted more food, it could divert its colossal manpower to growing more of it. If Red China does not choose to do this in order to increase her industrialization and military expenditure, is the United States to help her? Are we in effect to underwrite the cost of building Red China's nuclear weapons?

The Bridgeport Post of March 16, 1962, included a dispatch from Washington entitled "Firm Would Sell Grain to Reds" saying in part:

"Government officials say a west coast export company has applied for permission to ship 10.5 million tons of wheat and barley to Communist China and North Korea. The permit applications of the International Trading Corp., of Seattle, Wash., are under study at the Commerce Department, the officials said yesterday. Officials of the firm declined comment."

The problem is that the Western nations have always subsidized communism and rescued it from starvation. This was true in the 1920's when the United States sent food to Soviet Russia when the revolution was collapsing from hunger. It is true today with a number of countries in the West sending food to China. Some Communist countries in Europe, including Poland and Yugoslavia, are receiving U.S. surplus food shipments, as well as aid from private U.S. relief agencies.

However, an idea that exporting grain to China would provide permanent or temporary relief there is sheer nonsense. Such exports would simply lead to a strengthening of the Communist regime at the expense of the Chinese peasantry. A starvation or near-starvation level must be part of the overall Chinese economic planning. Of course, with a system which has never worked in any Communist country and the traditional bungling of the Communist bureaucrats, not to mention the no less traditional resistance of the peasants, even if only a near-starvation level is planned, it is almost inevitable that complete starvation be not far off.

Only an army-backed dictatorship can enforce this intolerable situation. By and large, Red China's 2.5 million-man army is well fed, loyal to the Communist Party, and easily able to curb possible uprisings. Most of the food now imported from abroad goes to the party officials and the army. What is left is sent to the province where the shortage is most acute.

Recently, however, political commissars have been instructed to apply thought control more effectively as dissensions were appearing. The main tension stems from the opposition between those advocating more political indoctrination and those emphasizing more training in military techniques and more modern weapons, a lack of which has been behind Peiping's disparagement of nuclear arms.

According to reports from Hsinhua, the official Chinese Communist press agency, last year at peak periods of farming activity most army units interrupted their training to help in agriculture.

In addition, technical experts in the army were called upon as often as the foot soldiers. According to Hsinhua, army units repaired or constructed more than 16,000 units of agricultural machinery and more than 100,000 farm tools in 1961.

The mechanization of agriculture which Peiping has long held to be the key to prosperity is not proceeding according to plan. The drive has been centered on the production of tractors. Two million 15-horsepower tractors were needed according to an article in the Peiping newspaper Ta Kung Pao in 1959 to mechanize agriculture. Most observers believe that the present total is about 40,000—less than enough to equip a single province.

On January 21, 1961, the Chinese Communist Party made two important announcements. First, it declared the United States to be "the main enemy of the peoples of the whole world" and at the same time it averred that a world war would be avoided. Then it went on to state that the farm production crisis would result in a reduction in the rate of growth for Communist China's heavy industry.

Shortly before, Chang Te-sheng, party secretary of Shensi Province wrote:

"For a fairly long time to come the primary task of the whole party and the whole people will be agriculture and grain production in a big way. Grain comes first. All ways and means must be devised to step up grain production. Mr. Chang stated further that agriculture must get priority over everything else for manpower."

Whenever Red China faces an economic crisis, which is to say chronically, the production failures are often blamed on the lower ranks of the party (never on the system). There are indications today of dissensions within the Communist Party because of this, partly as a result of the continuing food and clothing shortages and the traditional Communist bureaucratic blunders. So Peiping is tightening party discipline at the same time the Chinese are tightening their belts. The "centralized" leadership of the party is becoming more so.

As usual in times of crisis, particularly of crisis in Red-led countries, there is a deterioration of both men and materials. Because of lowered resistance to disease due to inadequate diets, beriberi, hepatitis, and tuberculosis are taking a frightening toll among the millions of undernourished Chinese peasants. This malnutrition means further diminished productivity on the farms.

Mao's government in desperation has found a novel way of combating disease at a time when drugs and doctors are in very short supply. It is prescribing heavy doses of Marxism for the sick because—

"Combating disease is a political mission and must not be treated as a personal question * * * we must fight tuberculosis and all other disease with the spirit of uninterrupted revolutionary optimism so that we may regain our health and make greater and more contributions to the cause of socialism and communism."

Karl Marx would have been surprised if he could have anticipated that Das Kapital was used for magic incantations.

As for the equipment, it too is badly in need of replacement parts. As a result there has been among other things a serious shortage of safety equipment causing a considerable rise in the factory accident rate. Again the reason for this shortage has been the emphasis on the production of equipment for agriculture.

To cope with its shortage of food and capital equipment the Chinese Government devised the commune system. It was out-Stalinizing Stalin and in fact putting into effect a system that the U.S.S.R. itself found impossible. It was the system of the beehive but unlike what happens with the bees, it did not work with the Chinese. As it was, Chinese tradition of participation in small, tightly knit associations was a factor in the fiasco of the large impersonal communes, more often than not run by incompetent political hacks.

Today the Red Chinese are using the same motivation typically found in capitalist countries to increase production in agriculture and everywhere else, namely money. The state is now giving the peasants 5 percent of the arable land of the communes. The state is also permitting the peasants to go back to their houses and farm "production groups" which contract with the state for rye, cereals, vegetables, and grain. Surplus produce grown by the peasants belongs to them. Officials are forbidden to interrupt farm work by assigning peasants to construction jobs, as was done before.

An interesting side result of this is the development of a black market in reverse in the rural areas. Occasionally, a peasant has produced so much (as a capitalist) that he must keep the price of his goods well below the official level. For the Red Chinese Government, this partial return to capitalism is a real admission of defeat, "a great leap backward."

Meanwhile, food rationing of course is imposed on the whole Chinese mainland. It is secret but nonetheless very real. In addition, it does not work very well. Meat, for example, is so rare that meat coupons are usually worthless. Fish is also scarce even in the coastal areas. Fat consumption is very low and eggs are sold only in the black market at exorbitant prices. The rationing system does not apply to officials who shop in special stores.

While rationing and food shortages are prevalent in China, they seem to spread wherever the Red Chinese extend their empire. For example, North Vietnam where Mao holds sway is facing such a food problem that Pham Van Dong, the puppet Premier, went to Communist bloc countries in quest of food for his area. There were reports of peasant protests over food shortages in Communist-controlled North Vietnam and Lao provinces.

The food problem has boomeranged in other ways too for Red China which in its never-ending long-range propaganda campaign has offered free college education to hundreds of foreign students and oversea Chinese. Now former students tell of brainwashing, manual labor, and of not having enough to eat, not to mention low educational standards. But the food problem has brought on other problems as well. The shortage of food as well as that of other goods is causing a general increase in prices, and the inflation is causing concern to Mao's government.

For most Chinese, breakfast is still a bowl of watery soup, dinner a bowl of rice or sweet potatoes with a bit of other vegetables. In Shanghai, each person is allowed only one bar of soap for 6 months. Few, except the ruling elite, can afford 56 cents for an egg, $3 a pound for chicken, and up to $6 a pound for beef or pork, six or seven times the official prices.

In the spring of 1961, the Chinese Communists signed agreements to import about 7 million tons of wheat and grain from Canada. A Canadian friend, when recently asked why Canada was selling wheat to Red China, replied in justification: "You can't ignore them" (no mention was made of the Canadian wheat surplus). The truth of the matter is precisely that you are ignoring them when you choose to support with food or any other commodity the very government seeking your destruction.

The Canadian Government has reaped a handsome profit from its trade with Red China, which has put a big dent in the nation's 535-million-bushel surplus. It has made Canada the world's No. 1 commercial wheat exporter. Agriculture Minister Alvin Hamilton has been moved to urge large sowings of grain for the first time.

Australia has arranged to sell 2,600,000 bushels of grain to Red China in the last 2 years. To help pay for its Canadian grain, Communist China seeks to step up its sales to Canada which now run about $5.6 million a year in furs, pillow cases, hog bristles and other items. It is finding difficulties increasing the variety of goods Canada is willing to buy.

To help pay its bills, China has been shipping silver to Western markets, particularly London and Europe. By the end of 1961, it is estimated that Red China will have sold from $30 million to $50 million in silver. Much of the metal is believed to come from melted-down Tibetan coins.

Peiping meanwhile is pushing its export drive in Hong Kong where it has set up a huge department store averaging $8,300 daily in sales of items ranging from silk neckties to sewing machines. Peiping is also exploiting refugees from Red China in Hong Kong.

Hong Kong residents shipped 2-pound food parcels at a rate of more than 1 million a month in 1961 to relatives and friends in Red China, compared with a total of less than 4 million for all of 1960 and only 870,000 in 1959. In addition, the Chinese in Hong Kong have begun to send parcels of cotton and woolen cloth and old clothing to their friends and relatives despite heavy Communist duties and freight charges that quadruple the original cost.

The grave food shortage of China has given rise to a new Hong Kong enterprise: "the food messengers." These are usually women taking rice to relatives and friends in Canton where they receive the cost of their return fare and a small fee. Such traffic in food parcels has been gradually expanding with the "liberalization" in the attitude of Chinese customs officials who formerly regarded this activity as a loss of face.

Another Chinese trick is to sell to Hong Kong residents food which is produced right where it is supposed to be delivered: In famine-stricken China. Such scarce commodities as canned chicken, soybeans, and cooking oil are sold to merchants in Hong Kong so that Chinese refugees there with relatives on the mainland can buy and ship them back. In the process, Communist China collects duties and shipping charges that total several times the food's normal cost. Thus, a can of chicken that costs Hong Kong residents little more than 20 cents for home consumption sells for about $1 for export to China. Still another trick even more despicable is selling the freedom of relatives inside Red China for about $1,500 worth of fertilizer. Mainland residents are told to write relatives in Hong Kong and request the fertilizer. When it comes through the Chinese receive their exit permits. In the meantime, the whole Chinese food problem is blamed on natural disasters.

In line with its technique of attacking first and asking for food later, Peiping has invaded and is occupying 14,000 square miles of Kashmire on the northern part of India, its populous neighbor to the south, and is castigating India for rejecting proposals for a new trade agreement. But why wouldn't Red China receive help from the U.S.S.R., its ally in communism? For this there are several reasons, some which go back several decades. In 1937 Mao said:

"When the people's revolution has been victorious in China, the Outer Mongolian Republic will automatically become part of the Chinese federation."

Mao's victory in China came more than a decade ago, and he promptly began reasserting China's claims to all the vast semiautonomous borderlands that had come under Stalin's sway. Sinkiang and Manchuria were gradually taken over. Tibet was seized and ruthlessly suppressed. Outer Mongolia, in fact, is the only large area of onetime Chinese rule that has not yet returned to Peiping rule.

Mao Tse-tung's view since the 1920's has been that successful revolution in China was based on the peasantry, not the proletariat. This marked the beginning of the split between the U.S.S.R. and what was to become Red China, with both Mao and Khrushchev laying claims to being the rightful heirs of Lenin.

Mao's power was derived from the land tilling serfs he regimented and the rising nationalism of China. Khrushchev's power is based on the technicians and his party machine.

For all these reasons and many more there is presently a rather considerable doctrinal and geopolitical schism between the U.S.S.R. and Red China; to such an extent that we can truly say that world communism has become polycentric. Interestingly enough, China in spite of its rapidly dwindling foreign exchange reserves (Chinese currency is practically worthless on free-world markets) has commitments to ship flour to its western satellite Albania, rice to Cuba and wheat to Ceylon. This schism as well as the present food shortage in the U.S.S.R. itself makes it unlikely that any significant aid may come to China from the U.S.S.R. now or in the near future.

"By his [Khrushchev's] account, Soviet output of grain and the livestock population both were lower in 1953 than in czarist 1913".[1]

This being the case significant amounts of food can come to China only from three sources: the United States, some Commonwealth countries such as Australia and Canada, or Europe (France). All of these countries are part of NATO and some belong to CENTO, the Asian military defensive alliance against Red China.

This means that normally the West would have an unparalleled opportunity to use food as a powerful lever to force the Red Chinese dictatorship out of Laos and Vietnam and back into its own borders. But so far no attempt in this direction has been made, in fact some of the Western nations are vying with each other to see which will give China the most favorable terms.

Senator Thomas J. Dodd, of the Senate Internal Security Subcommittee, said that testimony taken by the subcommittee "clearly indicates that, because of the laxness of our export policy, we have been helping the Kremlin to overcome many of its most critical weaknesses in the field of military-industrial technology."

Senator Kenneth B. Keating, a member of the same subcommittee, declared:

"To date, the West has almost completely forfeited the opportunities it has to use trade as a positive weapon for winning substantial concessions from the Communists."

Mao himself gives advice when he says:

"Only the greatest idiot or megalomaniac would cherish passive defense as a trump card."

George Meany, president of the American Federation of Labor-Congress of Industrial Organizations, said selling grain or goods to dictators "whose policies have brought misery and hunger" to their peoples would not help. Communist leaders, he said, are not above reselling such supplies or storing them for military forces "geared to oppression at home and aggression abroad."

Instead, the labor leader proposes that the United States send teams to distribute food and other free goods behind the Iron and Bamboo Curtains. Meany pointed out that—

"Our country has always shown great generosity and capacity in helping save people from starvation. The American people would rather give away some of their rice, wheat, butter, textiles and medicines to the needy people in Communist China, Cuba and elsewhere behind the Iron Curtain than to sell these goods for gold mined by slave labor."

The shortage of food on the Chinese mainland provides the West with a unique opportunity to make some gains in the cold war. Are we going to use it?

ALBERT COATES AND THE HARVARD LAW SCHOOL

Mr. ERVIN. Mr. President, recently my distinguished colleague from North Carolina [Mr. Jordan] and I paid tribute to one of the truly great personalities in American public life, Dr. Albert Coates, a member of the law faculty at the University of North Carolina. At that time we were speaking on the occasion of Dr. Coates' retirement as director of the Institute of Government at Chapel Hill, which he founded. In considering what this great institute has meant to the Nation one may be curious about the background of the man whose vision produced it.

Recently I had occasion to read again a speech which Dr. Albert Coates made at a meeting of the Harvard University alumni of eastern North Carolina almost a year ago. In that speech Dr. Coates tells of the impact which Harvard Law School made upon his life. It is an inspiring story told in the inimical manner of Albert Coates. I have found it a rewarding experience to review this testimonial to a great American institution by a great American, and I should like to share it with the other Members of the Senate. Accordingly, I ask unanimous consent that Mr. Coates' speech entitled "What Harvard Law School Meant to Me," be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

WHAT THE HARVARD LAW SCHOOL MEANT TO ME

(Remarks by Albert Coates at a meeting of Harvard University alumni of eastern North Carolina, November 28, 1961)

William Polk, my Harvard Law School roommate, told me of a man in his hometown who wrote a little book. He found no one who would print it and printed it himself. He found no one who would review it and reviewed it himself. His review was short, to the point, in these words: "This book is full of the sorts of things that Shakespeare or Milton might have struck off in a happy half hour of literary excitement." (Signed) "Critic."

If you do not find my talk tonight full of the sorts of things Shakespeare or Milton might have struck off in a happy half hour of literary excitement, in all humility I call your attention to the fact that neither Shakespeare nor Milton had the advantage of Harvard training.

Two weeks ago your president asked if I would talk to you. I was sensitive to his compliment; so much so that I did not want to accept it because I could not take out time to do a good job. At that point my wife chimed in: "Why don't you tell them what you have been telling me ever since we met, about what the Harvard Law School meant to you?" Your president said that would be all right; and here I am.

I am going to talk about the meaning of Harvard. Not what Harvard has meant to New England, or the Nation, or the world; others know more about that than I do. Not what Harvard has meant to you; for you know more about that than I do. But what Harvard has meant to me; for I know more about that than you do. And all it takes to make me an authority on any subject is the presence of people who know less about it than I do. On this theory I offer myself to you as the worldwide authority on this evening's subject: "What the Harvard Law School Meant to Me."

In my student days in Chapel Hill, the dean of janitors wrote this request to the university's business manager: "I have got to make an address to the Baptist Sunday School Convention on the duties of a pastor to his congregation in vocal music. You sang in the glee club, and I want you to jot down the points I ought to make in that address—and then, fill in between 'em." In this fashion I have jotted down the points I want to make tonight; and as I go along, I will try to fill in between them.

POINT NO. 1

I saw the Harvard Law School through the eyes of my professor of philosophy, Horace Williams, in my senior year at the University of North Carolina in the fall of 1917. He had gone to Harvard in the 1880's and brought something of Harvard back with him to Chapel Hill—enough to point out her values to his students for 40 years. He fixed my eyes on the Harvard Law School with this statement from one of his students who had gone there: "My professors write the books the other professors teach." I went there. That is what the Harvard Law School meant to me.

POINT NO. 2

I saw the Harvard Law School face to face in September 1920. I saw it in "Bull" Warren on the opening night for the first year men, and heard it in his rasping voice: "Young gentlemen, if your moral character has not been nourished by your parents, the kindergarten, public school, and college, there is little the Harvard Law School can do for it this late in the day. What this law school is concerned with is your mental character, training a mind that refuses to do a sloppy piece of work."

So far as I can recall, this was the first time I had heard the word, "mental," used as a modifying adjective for character. I had always heard character referred to as moral, not mental. Here was the turn of a phrase, and something more. It suggested that mentality perhaps was not altogether incompatible with moral fiber. It added a new dimension to my thinking about character. That is what the Harvard Law School meant to me.

POINT NO. 3

I went to my first class in law school. The air became electric as the class got underway. "Will you state the first case?" Professor Warren asked me. I responded, with mounting blood pressure. "You don't mind if I criticize you rather sharply?" the professor asked. "No, sir," I answered, in as big a lie as I could have told at that time and in those circumstances. He took me at my word, fried the fat off my statement of the case, found no lean meat or even gristle underneath, went on to burn up the grease, and left not even a crackling to recall my maiden effort in the Harvard Law School.

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[1] William L. Ryan, "Nikita Stakes Future on Farm Gamble," AP, Apr. 12, 1962.

"Give us the next case, Mr. X." I had been confused at the end of my ordeal, but Mr. X was confused at the beginning of his. The professor tried again with this inquiry: "Mr. Black went out of his house one morning. The snow was white beneath his feet. The sky was blue above his head. What was his name?" No response. Confusion here was worse confounded. "I can see you are a man of parts," the professor observed, with all the kindness he could muster, "but the parts haven't been put together." And without waiting to pick up the parts he moved along the row of students with his unanswered question, looking into faces paler than any Indian ever saw, and well aware that he had put the pale in paleface. The classroom was full of all the tortures of "Little Ease." At last he got the answer he wanted from a fellow named Newcomer sitting next to me. It was all I could do to keep from jumping up and crying out the line in Shelley's poem: "O blithe newcomer. I have heard, I hear thee and rejoice."

"Mr. Y," the professor continued, "will you give us the next case?" He did. "What do you think of the court's opinion. "It's the bunk," answered student Y. "Correct," the professor said and went on to prove it, while I listened in amazement to their irreverent comments. I had underscored the fine phrases, the flowing sentences, the atmospheric paragraphs, and completely missed the point of the case.

I began to learn the meaning of Gilbert and Sullivan's line: "The flowers that bloom in the spring, tra la, have nothing to do with the case." In fact, I can trace my growth in law school by the underscorings in my casebooks—changing from purple passages and literary efforts to meanings obscured and all but lost in the interstices of procedure, stated always without flourish and sometimes without grammar. I had always heard about reading between the lines, and now I was learning how to do it. That is what the Harvard Law School meant to me.

POINT NO. 4

I found men in the law school studying their lessons 12 hours a day. Working as hard for grades and standing as I had seen men working for commissions in Army camps in World War I. This was unconstitutional. The president of the class was nothing, or next to nothing; the editor of the Law Review was everything, or mighty near it. This was putting the bottom rail on top. That was not the way it was back home.

In Smithfield High School I had run up against men as good as the best in Smithfield. In Chapel Hill I had run up against men as good as the best in North Carolina. In the Harvard Law School I was running up against men as good as the best in the Nation. I was finding that the quality of the students played as big a part in shaping the character of the school as the quality of the professors who wrote the books that others taught.

I had worked 12 hours a day on student activities in Chapel Hill, but studies were not ordinarily included in student activities as that term was then used. It was a long time before I could use my mind to advantage on hard and driving study for many hours at a stretch, day after day. It was a violent shift from the liberal arts to the field of law with its new and strange vocabulary. And it was with main strength and awkwardness that my mind gradually began to do my bidding. I was well into my second year in law school before I began to see connecting links between the law and the liberal arts.

My mind went back to an experience in Chapel Hill in college days. I registered for a course in Spenser's "Faerie Queene," missed the first 3 weeks of the course, and came into the class 100 pages behind to find the "Faerie Queene" clothed in old English. I saw that taking off those clothes was going to be all strip and no tease. This process took time, which I didn't think I had. It took patience, which I thought I had to the point where there was no need to demonstrate it on this particular assignment. It took insight and capacity to grasp below the surface meanings, which I had in general to the point I felt a man of my ability could afford to let it slip in this particular case.

I told Professor Greenlaw I wasn't getting anything out of the course and wanted to drop it. He told me I would get "discipline" out of it, and he didn't know anybody who needed discipline more than I did. I told him I was looking for literature and not for discipline, and it looked like discipline was all I was going to get. Professor Greenlaw started laughing, and kept on laughing till the tears rolled down his cheeks, and then he held out his hand and said: "Have it your way and drop the course with my blessing."

Now, 4 years later, for the first time I understood his laughter and my flesh crawled off my bones as I lived over that experience. Discipline was coming to me at last—better late than never. I was learning that it was more than the capacity to hold oneself to the task in hand and included among other things the power coming from long practice in holding oneself to the task in hand; it was a byproduct, built by indirection. I was finding that the tortoise will always beat the hare if the hare is accommodating enough to go to sleep in the middle of the race; but God pity the tortoise when he runs up against a hare that does not go to sleep. That is what the Harvard Law School meant to me.

POINT NO. 5

I found the best men in law school doing as well on one course as another—whether they liked the course or not, whether they liked the professor or not, whether they thought the professor was good or not, and whether they thought the course was good or not. This was a revelation to me.

In my student days in Chapel Hill, I had flunked the course in physics. Professor Patterson called me in to see him, told me he had looked at my grades in the registrar's office, and found I had "A" grades in English and history and philosophy and economics, a passing grade in French, and a failing grade in physics. In the light of my record in other courses he wondered whether the fault in the physics failure lay with him or with me.

I told him it was my fault and not his; that I had put most of my time on the courses which I thought would do me most good in law and government; that I had allowed what I had thought was enough time to pass the courses in physics and French, which I was taking for the sole purpose of a college degree, and that I had won the gamble in French and lost the gamble in physics.

He told me I was wrong—that every student, every year, ought to take one distasteful course under one distasteful teacher, and do his level best to make his highest grade on that course for the sake of the moral discipline involved.

At long last I was learning in law school the lesson of discipline that Professor Patterson had tried to teach me. I learned it to the point that to this day I am likely to do a better job on a task I do not like than on one I do. That is what the Harvard Law School meant to me.

POINT NO. 6

I took a course in public utilities in my final year in law school with a teacher whose principal stock in trade appeared to be something called a method of approach or a way of looking at things—which left me a little uneasy. I was forever approaching and never getting there—wherever "there" was.

He gave few, if any, citations; had little patience with men who were "always in earnest and always dull"; and was as likely to tell a student to read Trevelyan's "History of England," as a court decision, or to go out for a walk and look up at the sky, or read a novel, as to refer him to a statute.

I got few, if any, notes, and they meant little if anything to me; and if there was any such thing as a "body of knowledge" in his course I didn't find it. In the words of a friend of mine, I was a little "underwhelmed."

But when I started teaching the course in property in Chapel Hill the following year, I found I had got something out of Professor Frankfurter's course in public utilities that helped me more in teaching property than the notebook full of notes I had got out of the course in property itself. (I might add that this professor's books on "The Business of the Supreme Court" and "The Public and Its Government" have influenced the approaches to my work in later years as much as any books I ever read, if not more.) I thought of a fellow classmate who had bought sets of notes in every course he didn't take, saying he was going to carry the whole Harvard Law School home in his trunk.

Somehow or other the Harvard Law School had given me the feeling that I could get along without her. She had somehow planted in me a power to go on my own, to work my way through any problem coming before me, within the limits of my abilities, no matter what the problem was. For 3 years she had worked to make me independent of her, and not dependent on her, and in the process drawn me closer to her. That is what the Harvard Law School meant to me.

POINT NO. 7

I have never forgotten a moment in the course in equity in the fall of 1922. The class met from 12 to 1 o'clock, 3 days a week. The Harvard-Army football game was called for 2 o'clock on Saturday. The students wanted the class moved forward so they could meet and lunch with friends and relatives and sweethearts coming for the game. Professor Magruder carried the request to Dean Pound and came back with his answer to the class: "Dean Pound says the Harvard Law School will follow its schedule without interruption, regardless of the magnitude of any athletic event. And, as far as I am concerned, equity is going to follow the law." The whole class stood and applauded, and kept on standing and applauding, with the pride of men who knew the Harvard Law School had scored its own touchdown that morning in that classroom—not a gut, gripe, bellyache, or catcall in 300 students. The classroom had won the competition with the football field. That is what the Harvard Law School meant to me.

POINT NO. 8

Let me tie some law school happenings together to the theme of "I Remember It Well" as Lerner and Loewe tied remembrances together in the song I once heard Maurice Chevalier sing in "Gigi."

There was Williston with a fine art of teaching which I have always put along with poetry and painting and music. He could, and did, help me find out for myself that I was agreeing fully with two cases with opposite holdings, and do it with a saving grace that never left a scar—even though I knew the whole class was coming to the same conclusion by the same process at the same time. He taught easily, leaving me with the feeling—not that culture could not afford to raise a sweat, but that with him it didn't have to.

There was Chafee in whom I found the law and the liberal arts were one. In his classes I saw that an essayist would write an essay, or a novelist a novel, out of the same raw materials which judges would use in writing decisions and legislators in writing statutes. I saw the "inquiring mind" in his living presence before I saw it on the cover of his book.

There was Scott who covered 200 pages in the casebook in the last hour of the course in civil procedure. Summing up the meaning of successive cases in scintillating sentences, with one following the other fast enough to show me how a movie camera could take sequences with a speed so much quicker than the eye and ear that it produced a flawless flow of sound and a steady flow of light. I discovered the uses of mathematics in his course in trusts as he put every case into a setting of related "supposes" illustrating the theory of permutations and combinations to the limit of probability, possibility and beyond.

There was Beale whose mind played all over everything it touched like a dancing ray of light which was up to no good. He outsocratized Socrates in the Socratic method, attracted us like moths into his flame, and with similar results. If we hadn't known he was all substance, we might have thought he was all process.

There was Pound who never parried a question with the comment—"This is not in my field." He took all fields of law to be his province. Trying to put Pound into the average student's head—I am referring to my own—was like trying to put an ocean into a quart pot. The point of all his learning was that it was always to the point.

I would knock on his door, hear him say, "Come in," on the instant, find him with his head low over his books until I stood before his desk. At that point he would look up, give me 100 percent of his attention as long as I stood before him. When the conversation ended he would go back 100 percent to his books before I got out of the room. He taught me the scarcity value of time, while leaving me with the feeling I could, and did, get all of his time I wanted, whenever I wanted it

In 3 years of the Harvard Law School I never heard a student ask, "Are you taking contracts, evidence, equity, public utilities, procedure, conflicts?" but, "Are you taking Williston, Chafee, Pound, Frankfurter, Scott, Beale?" And so on to the end of the roll. In all that time I never ran into a teacher so absorbed in research and writing as to feel the Harvard Law School would be a good law school if it were not for the students. That is what the Harvard Law School meant to me.

POINT NO. 9

Dean Roscoe Pound gave me the Rumrill scholarship amounting to $400 my first year in law school in 1920. He gave me a $2,700 fellowship for graduate study in 1928 to help me along in the work that has grown into the Institute of Government, came to Chapel Hill in 1932, to throw his weight behind it, and took time out to write an article appraising it in 1937. I got my first lawyer's fee in the summer of 1923, paid in kind and not in cash—the biggest country ham I have ever seen—and sent it to Dean Pound as a token payment on account.

But to this moment I have not paid a penny to the annual giving fund of my law school class. All of the money I could rake, scrape, and borrow has gone into the building of the Institute of Government. As soon as I finish paying for my home, I expect to start saving money to return the face value of the scholarship and fellowship the Harvard Law School gave to me in 1920 and 1928—with interest added, in more ways than one. As soon as I do this I expect to start giving to the annual giving fund. And let me tell you why.

The present dean of Harvard Law School, Erwin Griswold, read the "Story of the Institute of Government," and threw his weight behind it in an inspiring letter in 1948 and another in 1952. These letters meant more to me and my wife at those particular times than he will ever know, unless he reads that meaning between these lines. In his 1948 letter to me, Dean Griswold wrote that he was "closely confined to the problems here in the law school."

Read his annual reports from 1946 to 1961 and you will see what he has been doing with his time: (1) Lifting the number of students in the law school to 1,600 and raising their general average to the highest point in its history; (2) increasing the faculty by 50 percent and keeping up its high standards of teaching and research; (3) adding 300,000 books to the library and bringing it to the million-volume mark; (4) building five new dormitories and the Griswold tunnel and sharing a new eating commons with other graduate students in Cambridge; (5) starting the annual giving fund with gifts running to $60,000 in 1950 and going beyond the half million dollar mark in 1960; (6) revising old courses in the law school, adding new ones, and adjusting the whole curriculum to new problems and conditions; (7) bringing students from countries throughout the world into an unprecedented program of international studies with 30 countries represented in this program in 1961; (8) going on the road to take part in conferences of lawyers, teachers, and alumni throughout the United States, the British Commonwealth of Nations, and other parts of the world; and so on in the tradition of Roscoe Pound and James Barr Ames, and Christopher Columbus Langdell. That is what the Harvard Law School means to me.

POINT NO. 10

This point goes beyond the Harvard Law School to Harvard College and all the schools which go into the making of Harvard University. In the 1630's John Harvard gave his estate and his library to overseers who had a college in mind but not in hand. They put it on a plot of land in Cambridge and called it Harvard. It started teaching 31 years after English settlers took root in Jamestown, 17 years after the Pilgrims landed at Plymouth Rock, and 140 years before the American Revolution.

In the years from 1636 to 1961 the name of Harvard has drawn men from the uttermost parts of the earth to her Yard. In this magnetic field she has helped them find themselves. She has taught them the meaning of the words of Hesiod, 2,500 years ago, that "before the door of excellence the high gods have ordained sweat." She has sent them out to work on the job in hand with the confidence of men who know that they have touched at least the hem of the garment of education at its best. She has schooled them to turn "keen, untrammeled faces home to the instant need of things"—whoever they are, whatever they are. Look at a map of the world, and put your finger on the places where these men live and work today upon this globe, and you will see that her "dwelling is the light of setting suns, and the round ocean and the living air, and the blue sky and in the mind of man."

In his essay on "Castles in Spain," John Galsworthy quotes a note from a guidebook for visitors to the Cathedral of Seville: "On the eighth day of July, in the year 1401, the dean and chapter of Seville assembled in the Court of the Elms and solemnly resolved: 'Let us build us a church so great that those who come after us may think us mad to have attempted it.' The church took one hundred and fifty years to build," and five generations of builders worked into this fabric of stone all the magic of the Middle Ages.

I do not know whether any such resolve was in the minds of the founders of Harvard College in the 1630's, or whether their successors picked it up along the way; but I am sure that 11 generations of students, teachers, and alumni have come as close as men have come in any other place on earth to building what Edmund Burke described as "a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection, and since such a partnership cannot be attained in one generation, a partnership between all those who are living, and those who are dead, and those who are yet unborn."

Here in Chapel Hill tonight we rejoice that we are a part of this tradition; and in recognition of this partnership, we send our greetings across the intervening distance to the Harvard of us all; to Harvard University which is greater than the sum of all its parts.

THE UPPER COLORADO RIVER PROJECT

Mr. ANDERSON. Mr. President, along with many other Members of Congress and citizens from the Upper Colorado River Basin, I have worked many years toward the full development of projects under the upper Colorado River project. The dream of people in these areas has been to put to beneficial use the water to which each is entitled under the upper Colorado River compact.

We are now beginning to see our dreams fulfilled and on Saturday, September 15, 1962, the Navaho Dam on the San Juan River, in San Juan County, N. Mex., was dedicated. The completion of Navaho Dam is another milestone we have passed in the development of our water resources.

Secretary Udall gave a very fine speech at the dedication ceremonies setting forth some of our recent accomplishments in the field of reclamation. In his remarks he pointed to the record of Commissioner of Reclamation Floyd Dominy in the management of the Bureau during his tenure of office. Under Mr. Dominy the Bureau in 1962 employed an average of 10,975 people, only 11 percent more than the postwar low of 1955. Yet, these dedicated men and women accomplished approximately 100 percent more work. I compliment Commissioner Dominy and the fine people in the Bureau of Reclamation on this accomplishment.

Mr. President, I ask unanimous consent that the remarks of the Secretary of the Interior be printed in the body of the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SECRETARY OF THE INTERIOR STEWART L. UDALL, AT THE DEDICATION OF NAVAHO DAM, SAN JUAN COUNTY, N. MEX., SEPTEMBER 15, 1962

We are here today to dedicate Navaho Dam—to celebrate the completion of the first major feature of the vast, five-State Colorado River storage project. It marks a new day for the Southwest. But, in a larger sense, it is also symbolic of the new era in America where the total development of our Nation's water resources is proceeding at an alltime high.

Navaho Dam brings new hope, new opportunity, and new purpose to those of us assembled here. It also stands before us as a constant reminder that the optimum development of our natural resources is a necessity in this century of challenges.

Many of you think of Navaho Dam as your accomplishment—and it is. You have lived through its conception and completion. You have worked hard to make it possible. It is a fact—a proven fact that 1962 is a high-water mark in the 60-year history of the Department's Bureau of Reclamation.

In 1962, the Bureau of Reclamation has spent more money—and spent it more effectively and economically—on the construction of dams, hydroelectric power stations, transmission lines, and irrigation works than ever before.

Three hundred and forty-seven million dollars, a record volume of work for any year, has been invested in water resource development.

Forty-four principal features on 19 Bureau projects in 13 States have been completed.

Construction in fiscal 1962 was initiated on seven major storage dams and three diversion dams in eight States. Since July, construction has also been started on the important San Luis Dam in California. This structure is, by far, the most ambitious joint Federal-State water project in history.

Another signal accomplishment has been the awarding of five major contracts, each in excess of $1 million, for the construction of transmission lines. Among these was the $12.8 million contract for the construction of the 210-mile, 345,000-volt line from Glen Canyon Dam to Pinnacle Peak in Arizona—the highest voltage line yet to be built by the Bureau of Reclamation.

Of the work in progress, significant construction achievements are signified by the pouring of more than 60 percent of the concrete needed to complete Glen Canyon, the key feature of the project of which Navaho Dam is a part, and more than 75 percent of the concrete for Flaming Gorge Dam, another important feature.

In total, some 1,260 separate contracts for construction, materials, and supplies were placed—contracts which will spur the economy of the Nation in many areas.

While 1962 has been Reclamation's finest year in program accomplishments, it has also been equally significant for the new authorizations approved by Congress. This year, two projects of the first magnitude have been approved—the first time that two such projects have ever been approved by Congress in a single year.

The spectacular Fryingpan-Arkansas project in Colorado—commemorated last month by President Kennedy—will supply new water for expanding municipal, industrial, and domestic requirements on both sides of the Continental Divide. The project will produce supplemental irrigation water for 280,000 thirsty acres and will generate 470 million kilowatt-hours of electricity annually.

The San Juan-Chama project in Colorado and New Mexico, the other major authorization, will provide much-needed municipal and industrial water for Albuquerque, as well as full and supplemental irrigation water for some 120,000 acres of farmland in the Rio Grande Basin.

Another new authorization, the Navaho Indian Irrigation project, will take San Juan River water across 150 miles of reservation lands to fight drought by supplying water for 110,000 acres—thereby contributing to the employment opportunities, economic stability, and better standards of living for the Navaho people.

In addition, three other reclamation projects—Spokane Valley in Washington and Idaho, Mann Creek in Idaho, and the Arbuckle project in Oklahoma—have also been approved by Congress, a total of six for the session so far.

And, the same as Navaho, these projects will also add to the growing recreation potentials of the entire reclamation system and the growing inland shoreline of reclamation reservoirs.

From any point of view we choose, the claim that 1962 is reclamation's biggest year is a demonstrable fact, grounded in the hard work, solid achievement, and constant devotion of many men and women. We cannot single out each and every one—though each deserves his full measure of honestly earned praise.

We must mention, however, several who deserve special recognition, for without their tireless efforts, their legislative skills, and their enduring belief in the worth of conservation, this record would have been impossible.

I am referring, of course, to Senator CLINTON P. ANDERSON, of New Mexico, to Congressman WAYNE N. ASPINALL, of Colorado, chairmen of the respective Interior Committees of Congress; to Senator CARL HAYDEN, of Arizona, dean of the Senate and chairman of its Appropriations Committee; and to Congressman CLARENCE CANNON, one of the great statesmen of the House and also chairman of its Appropriations Committee.

These men—joined by a majority of their colleagues in the 87th Congress—have written and passed one of the finest overall reclamation programs of any Congress in the history of our nation. They gave us the basic tools with which this administration made 1962 the biggest reclamation year in history.

Earlier, I said this record of accomplishment has been carried forth effectively and efficiently by the Bureau of Reclamation. It is one thing to spend the public's money in large volumes—it is entirely another to achieve the greatest volume of work at relatively less cost than ever before. In 1962, the Bureau of Reclamation—under the direction of Commissioner Dominy—employed an average of 10,975 people, only 11 percent higher than the postwar low of 1955. Yet, these dedicated men and women accomplished approximately 100 percent more work. I know of no finer record in the Federal service.

In past years, Congress has appropriated more money and the Bureau has had nearly twice as many employees—but never before have the funds available been translated into more effective investment in the future of America.

Looking beyond 1962 and the projects authorized thus far, the Kennedy administration has prepared and sent to Congress an additional 15 favorable reports on another $750 million worth of reclamation projects in 12 States.

These projects would provide an irrigation water supply for about 1.6 million acres of land and about a half million acre-feet of new water for municipal and industrial use, as well as an installed hydroelectric capacity of 300,000 kilowatts. Built principally to conserve water, these projects, too, would carry many extra dividends in flood control, fish and wildlife enhancement, and outdoor recreation opportunities.

For 40 years, this area grew slowly, dependent entirely upon agriculture and the hazards of an unstable water supply. With the discovery of natural gas, with the development of associated industry, and with the soon-to-be-realized utilization of the vast coal deposits of the Navaho Reservation, this area holds great promise for the future.

However, until the completion of Navaho Dam, it was merely promise. Now, it can become reality because the big question mark of a dependable water supply has been solved.

To those who live in this area, I need not spell out the local multipurpose significance of Navaho Dam. Those who live in the San Juan Basin have seen the miracle of reclamation open the gates of opportunity in area after area, in State after State in the West.

Navaho—and dams like Navaho—bring great benefits to the Nation as a whole. Thus far, for example, this dam—which stands 40 stories high—has resulted in expenditure of $24 million for services, supplies, and equipment which reached into all parts of the Nation. Reclamation and the works of reclamation are truly of national significance and national benefit.

We have spoken today of the finest year in reclamation's history, of the truly brilliant record of the 87th Congress, and of the amazing efficiency of the Bureau of Reclamation. But, what of the Navaho Dams of the future?

Today, there is—roughly estimated—about $4.1 billion of contract construction work in the reclamation pipeline on projects under construction, authorized for construction, and transmitted to Congress for authorization. For those who view reclamation as a local, or western program, let me cite a few projections of what this means.

First, the actual construction of these projects would provide nearly three-quarters of a million man-years of employment on the actual site.

Second, the construction of these projects would require $2.2 billion in equipment and supplies manufactured in all parts of the country, generating an additional total employment opportunity of over two-thirds of a million man-years.

These are the immediate, tangible benefits to the Nation as a whole of the ongoing reclamation program as it stands today. We also know, from experience, that the fruits of reclamation magnify manifold through the years in terms of local, State, regional, and national economic growth. We know that salaries and income, corporate and personal profit, and tax revenues at all levels generated by reclamation projects far surpass the public investment in water conservation.

Speaking of reclamation activities, President Kennedy has said:

"Nothing could be more disastrous for this country than for the citizens of one part of the State to feel that everything they have is theirs, and it should not be shared with other citizens of the State, or for the people from the East to say 'There is no benefit to us in spending our money to make this valley green.'

"This is the way to stand still," the President said. "The way to move ahead is to realize that we are citizens of one country who can move from one State to another and as one State does well, so do the others, and if one State stands still, so do all the rest.

"What I preach is the interdependence of the United States. We are not 50 countries. We are one country of 50 States and one people, and I believe," said the President, "that those programs which make life better for some of the people will make life better for all of the people."

These words of President Kennedy are the watchwords of conservation in the 1960's. Resource conservation and development is a national effort which extends from coast to coast, from border to border—not a program in one State or for one State. Even as we celebrate the completion of this dam, we are looking to the future. Our land is growing in population and in economic activity. We must provide the raw materials for new wealth, new homes, new job opportunities, and more wholesome foods for our people. And, in the process, we must also provide a life-giving environment of land and open space and recreational opportunity to make this new wealth meaningful and purposeful.

Growth is a never-ending process which depends ultimately on the use we make of all our natural resources. Yesterday, this posed no problem because resources beyond imagination lay westward for the taking. Now, however, the pinch of onrushing national growth is being felt.

Never again can we allow ourselves the foolish luxury of waste. Never again can we relax our efforts toward the optimum development of all the resources of our land, nor can we allow the process of resource conservation and development to falter as was done in recent years.

With this dedication and this devotion, we celebrate the completion of Navaho Dam, we understand the true meaning of Navajo and we pledge our Government and our people to the continuing tasks of conservation that will enable us to meet the challenges of domestic growth and world leadership which mark our times.

RESEARCH WILL GOVERN THE FUTURE

Mr. BOGGS. Mr. President, the University of Delaware annually holds a farm field day at the university's agricultural experiment substation near Georgetown, Del.

This farm field day has been an outstanding event in Delaware since the program began.

This year we were fortunate in having Dr. W. E. Krauss, associate director of the agricultural experiment station, Ohio State University, as the principal speaker. His address on "Research Will Govern the Future" was so timely and appropriate and so forward looking that I believe it is a valuable contribution in our consideration of many of today's pressing problems. I think my colleagues would like to read this address, and I therefore ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

RESEARCH WILL GOVERN THE FUTURE

(By W. E. Krauss, associate director, agricultural experiment station, Ohio State University, presented at University of Delaware farm field day, agricultural substation, Georgetown, Del., August 1, 1962)

I consider it an honor to have been invited to speak to you today in this environment of friendly people at a substation of one of our great land-grant universities. This day should have special significance to you, as it does to me, since it comes during the centennial year of the land-grant movement and also marks the 100th anniversary of the U.S. Department of Agriculture.

The University of Delaware, privately chartered as Delaware College in 1833, blossomed into a land-grant college following the Morrill Act and has continued to grow to its present university size and influence. The fact that last year your president, Dr. Perkins, served as president of the American Association of Land-Grant Colleges and State Universities and that your vice president for university relations and dean and director, Dr. Worrilow, has been recognized in many ways as a stellar worker within that organization, attest to the recognition and prestige attained by this university in land-grant circles. It is outstandingly significant that while many colleges of agriculture in this country are facing declining enrollment, your School of Agriculture increased its enrollment last year by 34 percent.

It has been my privilege to visit the university at Newark on several occasions and this substation once before today. I have been impressed by the competence of the staff, the quality of their research, the instrumentation of the laboratories, and the cooperative relations with industry. This substation is unique among substations of my acquaintance. Its organization and operation allow its research and service programs to be most effective in tackling and solving the problems of Delaware farmers and related but increasingly important agribusinesses.

A land-grant college, through successive acts of Congress (Morrill Act of 1862; Hatch Act of 1887; Smith-Lever Act of 1914), has a three-way responsibility of resident instruction, research, and extension. Research is the area from which comes the scientific knowledge which fortifies the classroom teacher and the extension worker as they carry out their duties with youth and adults. In agriculture, the experiment stations and the USDA have been the principal reservoirs of new knowledge that leads to improved technology. It is largely because of this that the economy of the United States is as prosperous as it is and that our people are the best fed at the lowest cost. It is also because of this that farming has become a dignified profession and business and that agriculture today is not declining but increasing in importance as more and more people must be fed by the efforts of fewer people on fewer acres of land. Even greater efficiency in production is indicated for the future. This can come about by increasing the use made of existing knowledge, through the educational facilities at our disposal, and through research which yields new knowledge. In addition to serving those who produce, our efforts of the future must become increasingly evident in the processing, marketing and utilization areas, as well as in the fields of farm policy, conservation of natural resources, and family living.

You are here today to see research at work and to learn the results of research that might be helpful to you. There is no better way to get new information quicker or more directly. But do you realize what went on before this opportunity was offered?

To answer this requires a definition. Research is the process of critical inquiry or examination in seeking facts or principles. It may be extremely simple, as review of documents or scientific literature, or it may be extremely complex as in the case of building an atomic pile based on complex formulas of mathematics, physics, and chemistry.

Research is an evolutionary process. It starts with an idea or problem. This is followed by a period of exploration consisting of experimental procedures, plus keen powers of observation that will not overlook suggested tangents of activity or accidental appearance of a phenomenon that may prove to be the key. Data obtained by these processes are tabulated, summarized, and interpreted. Hypotheses and theories are formulated, conclusions are drawn and recommendations may be made. From then on application of the recommendations becomes either a part of applied research or of demonstration and technological improvement, thus completing the cycle.

Agricultural research follows this general pattern. For various periods of time scores of scientists in your experiment station, together with their laboratory and field helpers and graduate students, have been going through the above-described research process. Each year your State and the Federal Government invested almost a million dollars to support this research. Industry, foundations and Government agencies likewise invested in the research ability and productiveness of your experiment station staff. The research results have been made available to the world in scientific journal articles and pamphlets, bulletins, and commodity newsletters. The financial return from this modest investment in research will conservatively be at least a hundredfold, to say nothing of the immeasurable improvement in the general welfare of innumerable people.

This section of the United States is noted for its concentrated poultry industry. It is only natural that considerable research effort of your experiment station should be devoted to the many problems posed by so concentrated and important an industry. Research on poultry diseases and the much needed services of a diagnostic laboratory undoubtedly occupy high priority in your research and service effort. It is significant in this connection that in the recently published history of the State agricultural experiment stations illustrated reference is made to the contribution of the Delaware Experiment Station to reduction of incidence and spread of poultry diseases.

Outstanding also is the work on CRD, especially that concerned with the treatment of hatching eggs with antibiotics for the control of PPLO, the causative agent of CRD.

Economics, marketing, and processing research revolving around the complex poultry industry also is contributing to improvements of marked significance.

It is rewarding to know that in this State some real effort is being made to shorten the gap between discovery and adoption. Your crop yield program with soybeans is an outstanding example. Research and cultural practices, seed varieties and handling, and marketing procedures set the stage for the extension service to initiate a soybean yield program which has resulted over a period of only a few years in soybeans becoming the State's most widely grown crop and in development and acceptance of a superior new variety (Bethel).

Another outstanding accomplishment, using the three-armed team of research, resident instruction, and extension, is the development of a comprehensive food distribution program which has attained national prominence. The broad scope of this project in itself illustrates the not clearly understood fact that agriculture and agricultural research are everybody's business.

We are living today in an era marked by change, speed, and mechanization. This same era also is marked by increased interest in research, stimulated in part by comic strip artists and science fiction writers, in part by the developments in lethal weapons, in part by space probing, earth orbiting, moon shots, and now Telstar TV. At the Seattle World's Fair the longest queue lines are the ones leading to the exhibit building of the U.S. Government, for there the science exhibits are housed. Perhaps the greatest stimulation for research, however, is the realization by both industry and agriculture that research pays. If this were not so, industry would not have spent more than $4 billion and agriculture more than $300 million for research last year.

Accelerated change is the trademark of our times. Technology and scientific developments have released our Nation from bondage to the soil. More than 90 percent of our workers are free to apply their skills in other fields, although 4 out of 10 are engaged in businesses and industries related to agriculture. This contrasts sharply with 100 years ago when 6 out of every 10 Americans made their living from the soil.

Education and research played the major role during this past century of agricultural progress. As agriculture has become specialized farmers have become more and more dependent on off-farm sources for their production supplies and services. Horse and mule power, fed by farm-produced grain, has given way to the gasoline or diesel-powered tractor. Modern seeds, like modern machinery, are produced by specialists; fertilizer produced on the farm cannot begin to do the job of feeding modern crops.

Today's farm is an efficient, factory-business combination. The farmer and his family supply the management and labor. Production inputs are hauled in, piped in, or brought in over powerlines. Products leave the farm by truck or rail, often on a daily pickup basis operated by an independent businessman such as a bulk milk hauler. The farmer keeps himself abreast of fast-moving developments and new technology through farm magazines, newspapers, radio and television, and frequent contacts with extension agents and specialists, research workers, college professors, salesmen, manufacturers' representatives, and other progressive farmers and agribusinessmen.

Our economists tell us that the successful farmer of the future will use more business-like procedures. He probably will use more of his working hours for management and decisionmaking, as he grows bigger. He will either farm more land, keep more livestock, or change to more intensive crop or livestock production. He will have a much bigger investment. There will be much more part-time farming and of course there will be fewer farmers.

This means there will be fewer opportunities in farming for young men (about 1 in 6) but much greater opportunities for college-trained young men and women in jobs to be found in the agribusiness world.

In many of our States the rural community as we have known it will lose much of its identity. Crossroads, U.S.A., with its general store, its barber shop, its one-room school, and its church or two, will be no more. Former rural communities already have a mingling of persons with varied backgrounds, different values, interests, and occupations. Without careful planning such growing communities can develop serious problems: water supply, sewage disposal, street maintenance, school financing, zoning. Research in these problem areas is sorely needed, for such communities will emerge neither rural nor urban, but a combination of both. Through good planning, based upon research facts, this marriage of cultures will produce a new urban culture, stronger and better than either of its parents.

Much fussing is heard about farm surpluses, but nothing about how much more our grocery bills would be if there were even a small deficit in farm products. Neither is it generally realized that food is a bargain compared to most other things. In fact, food is much cheaper, relatively, than it was 40 or 50 years ago in terms of the effort it takes to obtain it. And many foods would be even cheaper if consumers didn't demand out-of-season things, fancy packages, and built-in maid service. In 1910, it took 120 hours of labor to buy food eaten by a family of four in a month's time. Today it takes 38 hours. Thirty years ago 1 hour of factory labor would buy 7.8 pints of milk. Today it will buy twice that much.

No one has felt the changes of the past century more than the homemaker. New products, the result of research and technology, have done away with many laborious time-consuming household tasks. The miracles of food marketing bring fresh foods and vegetables to her neighborhood supermarket all year round. The American farmer and the food technologists (both products of agricultural education) provide the world's most wholesome, nutritious foods, so many of which are so easy to prepare and use. Out of the kitchen and into the processing plant has gone much of the peeling, slicing, squeezing, boiling, baking, and frying connected with meal preparation.

No one doubts that the considerable investment in agricultural research has paid big dividends. It is glibly said that our agricultural knowledge has increased more in the last 75 years than in the entire previous period of history. We do know that crop yields have increased 45 percent in the last 30 years; that cows produce 25 percent more milk; that hens lay 25 percent more eggs; and that within a period of 60 years the overall efficiency of farming has tripled (in terms of number of people one farm operator can feed). This all happened during periods of great crises and when the proportion of city to rural people was undergoing a complete reversal.

To the Nation, agricultural research has meant improved health through provision of an ample food supply capable of providing better nutrition for all our people. It actually has saved lives because of the development of antibiotics and other protective materials. It also has helped in the adjustments required to meet rapidly changing conditions and it is in this area that new techniques will need to be developed to measure the tremendous impact of our present and future speed of progress on social behavior.

As we look ahead and anticipate the problem presented by an exploding world population, we must realize that there are even more monumental frontiers in science to be reached and that successive waves of new knowledge must be forthcoming as our advancing technologies absorb that which is presently known.

Successful launching of satellites and the knowledge that this is only the forerunner of an era of almost infinite dimension, practically guarantees support with public funds for research, and development of research personnel, in those areas directly related to defense and war. This is covered under the now familiar phrase "scientists for basic research." While at first emphasis may need to be on those sciences and technological developments that make for destruction it is inevitable that other scientific needs will be met and even ultimately benefit from a crash research program in missiles and in space science. It must never be forgotten that the secret of life and the secret of manufacture of food nutrients by plants have not been solved and that since all biological activities are related to these two basic processes there is as much need for encouragement of research in life building and life preservation as there is in life destruction even as a defensive mechanism.

We can be almost as fantastic as we wish in our thinking as to future developments and probably be right. We can, for example, expect to do something about the weather in the future other than just talk about it. Certainly the Geophysical Year explorations and the observations that can be made through controlled satellite orbiting will add to our knowledge of factors affecting weather throughout the world. We can look forward to methods that will release or prevent release of moisture from the atmosphere, and certainly eventually there will be devices for destroying those combinations of atmospheric conditions that give birth to violent storms.

Ground and stored water supplies have reached a critical point in many areas, especially following periods of drought. With the demand for water for irrigation, industry, and human consumptive use rapidly increasing, the need for water-conserving measures will become more and more acute. Such things as prevention of evaporation from stored water supplies, and conversion of sea water and sewage waste are already beyond the realm of speculation and need only to be accepted and developed. New economic plants with low moisture requirements will be developed.

With the need for even greater efficiency per man-hour for both crop and livestock production, we can expect such apparently fantastic things as remote control of large farm machinery operation, and development of new fuels and power sources, including solar and atomic energy.

Synthesis of food nutrients will be greatly accelerated when the basic reaction involved in photosynthesis can be duplicated in the laboratory. Preservation of food by ionized radiation and through use of antibiotics will change radically present processing, storing, packaging, and marketing techniques.

Housing design and structural materials will change considerably and new push-button devices will be developed for doing household chores which will allow the housewife as much leisure time as her husband when he has a 3-day workweek.

New methods of transportation will speed up movement of perishable produce and draw markets even closer together. Many new products will be brought to the consumer's table. Much of what we now consider farm wastes or surpluses will find their way into industry or to the consumer through seeming miracles of chemical and physical transformations.

We cannot be content in our overall planning to consider only those things which may concern only a small segment of the total problem. There is need for coordination of the independent planning of various groups and for envisioning the world impact of agricultural research not only now but for some time into the future.

It, therefore, becomes important to determine population trends and composition and the requirements of such populations over successive decades. At the same time the dynamics of land use must be plotted. Probable human and mechanical resources will need to be estimated. Methods for long-term storage and preservation of foods, and techniques for decontaminating food and water supplies and food-production areas following atomic or biological warfare will need to be developed.

This kind of perspective leads only to the conclusion that the responsibilities of agriculture and therefore of agricultural research are as great and as much in the national interest as are those concerned with nuclear and space sciences. It simply suggests that if the same public interest were aroused and the same combination of public and private enterprise became effective, support for agricultural research would attain the same magnitude as that now being directed toward other areas of scientific endeavor. Both are essential.

Today you are seeing only a part—but a significant part—of your total research program at work. Your sympathetic and critical evaluation of it are solicited, I am sure, because it is through this process that research effort is geared to your problems. It is through this process, also, that you continue your interest in and support of efforts that are vital to your own welfare and that of the Nation. May I congratulate you on the fine progress you have made possible so far. You can help, by your support, decide the tempo of progress in the future.

THE PUBLIC WORKS ACCELERATION ACT

Mr. LONG of Missouri. Mr. President, the Congress recently enacted legislation vital to the reduction of unemployment in our Nation. The Public Works Acceleration Act can be most important in providing jobs in areas of critical unemployment and in meeting needs of the Federal Government.

On behalf of my senior colleague, Senator Symington, and myself, I would like to comment on a project requested by the Bureau of Prisons which illustrates clearly what can be accomplished by this act. The Bureau of Prisons has requested funds under this act to construct a new youth institution in St. Francois County, Mo. The people of St. Francois County have suffered high rates of unemployment and extreme economic distress for the past 10 years. The economy of the county has in the past depended largely upon lead mining operations. However, due to declining prices in the lead mining industry and new automation methods, employment in the county has gone steadily downward. At present, out of a total population of 36,545 in the county, 10,545 persons are eligible for U.S. Department of Agriculture surplus commodities under the commodity program for low-income groups. More than 14 percent of the county's able-bodied workers are unemployed. The county has been certified as a redevelopment area under the Area Redevelopment Act of 1961, and fully qualifies for the public works projects under the terms of the recent legislation.

The U.S. Bureau of Prisons has long planned to build a new youth institution in the midwestern area. Its construction needs in this respect were approved by the Bureau of the Budget and filed with the Judiciary Committee's Subcommittee on National Penitentiaries by the Attorney General on January 24, 1962. The members of the subcommittee, having personally viewed the extreme overcrowding in the institutions of the Federal prison system, have endorsed this constuction in its report of July 11, 1962. The prisoner population of the system now averages in excess of 24,000, and all of its institutions are overloaded. The number of youthful offenders aged 18 to 25 in the overall prisoner population exceeds 8,000. The system at present has only two youth institutions, each of which has a design capacity of less than 500. Consequently most of the youthful offenders must be committed to adult correctional institutions, penitentiaries, and other institutions for older and more criminally sophisticated age groups. The need for additional facilities of all types for offenders in the Federal system is acute, and particularly so for the youthful group.

Director James V. Bennett of the Federal prison system has already selected a site for this institution near the communities of Flat River, Farmington, and Bonne Terre, in St. Francois County, Mo. Mr. Bennett considers that this site is especially suited for the requirements of a youth institution. The St. Joseph Lead Co., which has been deeply concerned about the severe unemployment in the county and which now owns this 1,000-acre property valued at more than $120,000, has offered it to the Bureau of Prisons at no cost. The citizens of St. Francois County are also prepared in other respects to lend their assistance in keeping down the costs of constructing the institution.

The Bureau of Prisons has planned this institution for 400 youths to be constructed at a cost of $7½ million. It has statutory authority for this construction and requires only the necessary funds to go ahead with the project. The architectural firm working on the project is well along in preparing the necessary plans, the site has been surveyed, and the usual engineering studies made. The institution, as planned by the Bureau of Prisons and its architects, is designed to be built quickly and economically by the use of modular construction methods.

If the Bureau is able to obtain the necessary funds under the public works acceleration program appropriation, it is prepared to proceed immediately with the construction and can have the institution completed well within the time limitations of the act.

This project would be of great help in alleviating the persistent economic distress that has existed in St. Francois County for many years and at the same time fulfill a critical requirement of the Federal Government. It is certainly our hope that the appropriations for the public works acceleration program will be quickly approved and that out of these funds this worthy project can be constructed.

RED CHINESE ADMIT ERRORS

Mr. WILEY. Mr. President, on the global horizons, Red China—for the years ahead—may loom larger and larger as a threat to peace and freedom.

As of now, however, the Communist regime, fortunately, is having its troubles in making its system work in the Chinese economy.

Recently, the Milwaukee Journal published an editorial reflecting upon progress in a country which may well prove a big trouble for the future.

I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Red Chinese Admit Errors

In its great leap forward Communist China has fallen flat on its face. Industry, which was to have been quickly expanded to make China one of the production giants of the world, is in a sorry state. To survive, China must concentrate on agriculture—and industrial development must come slowly.

This from the Chinese themselves, not from outside critics. The case is stated in Hung Chi, the authoritative publication of the central committee of the Chinese Communist Party.

Those who said that the nation could industrialize overnight are wrong, said Hung Chi. It added this bit, which would have been treason to top theory only a few months ago: "The process of realizing socialist industrialization can only be a gradual process, and the process of improving working equipment, too, can only be a gradual process."

Hung Chi proposed a most un-Marxian system under which rewards would be used to increase the productivity of workers—with penalties for those who lagged. Factories were told to cut their work force and avoid innovations in production. They were warned that shortages of raw materials will continue to curb output.

This was all foretold in the last year when some 20 million urban workers were moved to rural areas as farmers and the government admitted that food production was inadequate.

Red China's "leap forward" theory was discounted even by Russian economists. Russia's will to help has slacked off, too. Trade between the two countries dropped 50 percent last year and China had to pay the Soviet Union $180 million more for goods it needed than the Russians bought from China. At the same time the Russians have sharply cut back their technical assistance.

No one will take comfort from the fact that any group of humans in the world lack food. But the Chinese have proved again that communism is not the effective economic system that the free world system is.

MARINER II—VENUS-BOUND SPACECRAFT

Mr. WILEY. Mr. President, on December 14, Mariner II—the U.S. spacecraft bound for Venus—is expected to complete a successful mission of a near bypass of that planet 36 million miles away.

The flight itself—as well as earth control over it—has been one of the astounding accomplishments of the space program.

Recently the Milwaukee Journal published an informative editorial entitled "The Wonder of It All."

I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Wonder of It All

Mariner II, the spacecraft the United States has sent Venus bound, has escaped the earth's gravitational pull. It now is under influence of the sun.

It left earth at Cape Canaveral with an escape velocity of 25,551 miles an hour. Gradually it slowed down in space, its momentum pulled back by earth until it was traveling only 6,448.38 miles an hour at 8 a.m. Tuesday. There, but for the sun, it would have slowed further and in the end have fallen back. But the huge sun mass exerted its pull. Slowly speed increased again. By 9 p.m. Wednesday Mariner II was reporting a speed of 6,451 miles an hour some 3,840,511 miles from earth. From now on it will continue to gain until, as it approaches Venus, the speed will reach 60,000 miles an hour.

When Mariner II passes Venus on December 14 the planet will be only 36 million miles from earth—but the long, curving route of Mariner will carry it much farther. And, if all goes as it has so far, Mariner will be in touch and under direction of its masters here on earth.

Why all these figures and statistics? Because they most easily express the sheer wonder of it all. Man has long known Venus as a planet of our system to be admired from afar. Its beauty won it the name of the goddess. Man has known Venus more intimately since the days of the telescope. Now man has sent his messenger to Venus—and one day man may go himself. The mind boggles. Man who could barely fly as this century dawned is conquering space undreamed of by our grandfathers, dreamed of but unapproached by our fathers.

Man who hasn't learned as yet to drive a simple automobile safely on the highways can pinpoint a spacecraft—steering it millions of miles away, sending it messages and receiving information from it, penetrating the very heavens. Our great-grandfathers would have scoffed at the thought—and might even have called it heresy.

THE COMMUNIST THREAT

Mr. SCOTT. Mr. President, I call attention to the Senate to a most interesting article by Arthur Krock in today's New York Times. Mr. Krock points out that the American people have the opportunity to register their choice between the idea philosophy of a Chester Bowles and an action philosophy of a General Clay.

General Clay, who has consistently advocated a hard and realistic line in meeting the Communist threat in Berlin, extends that same American philosophy to the Cuban situation.

Based upon the success of the Clay philosophy when he was allowed to follow it as against the failures of the Bowles soft-pedaling approach which is prominent because of its shallowness, I would hope the administration would reassess its source of advice.

I ask unanimous consent that Mr. Krock's article be printed at this point in the RECORD.

I also ask unanimous consent that the transcript of Senator KEATING's TV show of Sunday, September 23, be made part of the RECORD.

General Clay, a guest on this show ably spells out the action philosophy that our foreign policy should follow.

There being no objection, the article and transcript were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 25, 1962]

THE CHOICE BETWEEN TWO CONFLICTING POLICIES

(By Arthur Krock)

WASHINGTON, September 24.—The President is in complete charge of the conduct of the foreign policies of the United States. Whenever the President chooses to do so, he can formulate and execute the policies without prior consultation with Congress in general and the Senate, his junior foreign affairs partner, in particular. And, once he has done this, Congress must either support him or create a destructive crisis in constitutional government.

But many Presidents, and Mr. Kennedy especially, have kept an ear close to the pulse beat of American public opinion when evolving policies, foreign and domestic, and gradually disclosing them. While the Presidential ear is testing, the American people have an opportunity to register a choice between two policies before one is irrevocably made. And such an opportunity has now been presented by recent statements from Chester A. Bowles and Lucius D. Clay.

DIFFERING VIEWPOINTS

Bowles is Mr. Kennedy's special State Department counselor on Latin American, African, and Asian affairs. Clay, a retired Army general, has twice successfully checked Soviet aggression in Berlin [Bowles on September 16 gave a synthesis of the bases of Mr. Kennedy's foreign policy—undoubtedly an authoritative exposition since it was issued to the press by the White House and virtually repeated today in New York by Secretary of State Rusk]. Clay's comments on the same subject, where he has established a claim to the attention of the American people, were made yesterday in an interview with Senator KEATING, of New York.

[The differences in the two documents concern both the foundation and the actual conduct of foreign policy.] Bowles' pervading theme was that, if the United States speaks firmly to a prospective or already established aggressor in its immediate sphere of interest, and precisely defines in words a new line it will not permit him to cross, recent events have demonstrated he will halt his penetration of this area. And where our sphere of interest is also occupied by allies, said Bowles, the U.S. policy guides are "skill and patience in dealing with our friends, neutrals, and adversaries, keeping in mind not only our own interests but also their own," meanwhile holding to the concept that "a truly realistic policy must be based, not solely on [military] stockpiles, but on the power of people and the power of ideas."

As an example of the right way to deal with the first situation he cited the President's warning that "he will act promptly and vigorously if the Soviet-trained and armed Cuban forces move ahead to threaten Cuba's neighbors, our naval base at Guantanamo, the approaches to the Panama Canal, or U.S. security generally." The right way to deal with the second situation, Bowles said, is the way the administration is pursuing "vigorous support of the United Nations and the growth of world peace through world law."

ACTION VERSUS REACTION

General Clay stated a different theory, based in part on his personal experience in Germany. It is, that the Soviet Union backs down when the United States does something which can be overcome only by the use of force. His citation was the notice given to the Russians that they would no longer be permitted to transport their war memorial guards to West Berlin in armored cars. This was not just saying something—for instance, how we would react if the Soviet Union expanded its Cuban activities—it was affirmative action by which a previous concession we had made to the Soviets was withdrawn.

["And that," asked Senator KEATING, "would be a general principle you would advocate?" "Not only in Berlin, but everywhere, including Cuba," was Clay's reply.] The policy difference is fundamental between this and the administration's policy procedures, as summarized by Bowles. And if the administration decides to enlarge even more the budget of U.S. problems it delegates to the United Nations by submitting the Berlin issue, another difference will exist between experience and theory. "We cannot," said Clay, "get rid of the obligations and responsibilities we obtained in war by trying to pass them into the U.N."

This choice of policies can still be influenced by American public opinion. But not much longer.

INTERVIEW OF GEN. LUCIUS D. CLAY, FORMER COMMANDER, U.S. MILITARY ZONE, GERMANY, BY SENATOR KENNETH B. KEATING, REPUBLICAN OF NEW YORK, ON TELEVISION AND RADIO PROGRAM "LET'S LOOK AT CONGRESS," SEPTEMBER 23, 1962

Senator KEATING. This is Senator KEN KEATING with another "Let's Look at Congress" program. My guest today has had a distinguished career in military affairs, in diplomacy and in private life. He is the former commander in chief of U.S. forces in Europe and military governor of the U.S. zone in Germany. He served under President Eisenhower as a trusted adviser and, until recently, was President Kennedy's special envoy to Berlin. I have the honor to present a distinguished and dedicated American and I might say, incidentally, one of my former military bosses, Gen. Lucius D. Clay.

General, It's very nice to have you here to talk with the people in New York.

General CLAY. Thank you, Senator.

Senator KEATING. General, do you think that the Soviets' willingness to make some small concessions like the one on armored cars foreshadows a major new initiative on their part, perhaps after the elections?

General CLAY. Senator, I don't think that this was a concession on their part. In point of fact, it was a slight concession on our part to have let them bring in armored cars in the first instance. And when we cut them off, they could have only brought their armored cars in by the use of force. So, in fact, this was not really a concession on their part. It was an admission that they did not and were not prepared to use force.

Senator KEATING. What do you think we can do when Mr. Khrushchev comes to the United States to convince him that we mean what we say?

General CLAY. I would hope that we meet him with great dignity and with great coolness. I think that this would give him to understand more than anything else the real feeling of the American people toward communism as it is being demonstrated under his leadership.

Senator KEATING. In other words, you don't think we should treat him in the same manner we do the head of one of our free world allies

General CLAY. I would hope that we would be very different—that we would be very correct, but that we would be very cool.

Senator KEATING. Could you offer any suggestions for allied action to strengthen our position over the coming months in Berlin?

General CLAY. It's very difficult for us to initiate action. In the first place, we are three allies and to agree on a common path is a very difficult task indeed. The initiative there really belongs to the Soviets. They have the occupancy of Eastern Germany—they surround Berlin. I think the strongest action that we can take is always to be ready so to interpose our troops that they can take no aggressive action without using force.

Senator KEATING. Do you think there ought to be a person of sufficient rank stationed right in Berlin to enable on-the-spot decisions to be taken without lengthy conferences or clearances across the Atlantic?

General CLAY. The difficulty with this is that the basic decisions in Berlin have to be three party—United States, France, and England—and it is obviously very difficult for any one man representing any one country to have the authority and the responsibility to deal with events as they arise in Berlin. Certainly, if we could reach such a solution, it would ease our problem in Berlin a great deal. As it is, however, until we get a firm allied agreement, it would be almost impossible for any one man to have sufficient authority really to do a good job in Berlin.

Senator KEATING. In other words, when we had that incident, for instance, over Checkpoint Charlie before we took a firm position, you mean we had to have it cleared with all our allies?

General CLAY. Well, if we take the question of Checkpoint Charlie—of the armored cars—they were actually taking Soviet troops in to a Soviet war memorial which is in the British sector, and if we had stopped them ourselves at Checkpoint Charlie, it is quite possible that the British would have allowed them in through the British zone to proceed to the war memorial. To be effective, therefore, you had to have a complete allied agreement. Otherwise, you were being effective in demonstrating American determination but you were not being effective in stopping the Soviet armored cars from coming into Berlin.

Senator KEATING. Do you look upon that incident also as really no concession on their part when they went where we told them they should go but rather just. * * *

General CLAY. I don't think it was a concession. I think it was an example of where, when we really determine a course of action and say this is what we are going to take, it will be accepted by the Soviets because they are certainly not, as yet, prepared to use force.

Senator KEATING. And that would be a general principle that you would advocate?

Senator CLAY. Not only in Berlin, but everywhere.

Senator KEATING. Including Cuba?

General CLAY. Including Cuba.

Senator KEATING. What was the reason that you resigned as the President's special envoy to Berlin?

General CLAY. Well, I went over to Berlin at the President's request. The morale of the city was very low. The agreements among the allies had not advanced to a point where prompt action could be taken. At the time that I left, the morale of the Berliners had been very largely restored. He was completely confident again and agreements had been reached with the allies which covered the most serious contingencies to permit instant action. After this was accomplished, there was very little that one person sitting there in Berlin could do. In point of fact, I felt that I could do a better job for Berlin back here than I could by remaining over there.

Senator Keating. Well, that you've demonstrated. Do you think that the free world would gain anything by bringing the Berlin issue before the United Nations?

General Clay. I do not believe that the free world would gain anything by bringing it before the United Nations. It is our problem. It is the problem which resulted from victory in war and we cannot get rid of the obligations and responsibilities that we obtained in war by trying to pass them into the United Nations. I don't believe that would be any solution at all.

Senator Keating. Now suppose Khrushchev finally makes good on his threats and signs a treaty with East Germany. Do you think that we in any way should recognize their authority over the access routes or other problems of that nature?

General Clay. This is a very difficult question. If the East Germans continued to act as agents of the Soviet Government and if they behaved properly, it would be very difficult indeed to find a reason to use force to prevent such a turnover. If, however, it was done in a way which refused to accept the rights which we have for access, it would be a different matter and certainly we could not accept any such arrangement. I think the important thing is, though, that we must recognize the feeling of the Federal Republic of Germany with respect to any recognition of East Germany and our actions would have to largely be determined by what we could reach in agreement with them.

Senator Keating. Do you think that the high level of trade that's going on between East and West Germany is a good sign or a bad sign?

General Clay. Personally, I think it is a good sign. After all is said and done, the East Germans and the West Germans are fellow countrymen. There certainly can be no advantage to accrue to the Federal Republic from the people of East Germany living in misery and want. I believe that to keep communication between the Federal Republic and East Germany is a very, very desirable thing and in the long run will help to have a united Germany a part of the West, rather than either a neutral state or alined with the East.

Senator Keating. Now, speaking in broader terms, do you think that the Western Powers could use their trade advantages more effectively in dealing with the Communists?

General Clay. Well, I think that if we can get complete agreement amongst a great number of people, we could do this very well. However, I doubt very much if you can get complete agreement on trade except under overt Soviet actions which might lead necessarily to a complete embargo. If it gets to that point, I think we could get complete agreement among the Western allies. Prior to that point, I doubt very much if it would be possible.

Senator Keating. As you look back at it, do you think that if the United States had moved decisively in August 1961 and torn down this wall, that the Communists would have backed down?

General Clay. Well, this again gets down to a very difficult problem, the problem that the United States is not acting alone in Berlin, that it is a part of an alliance. In point of fact, that part of the wall which separates the U.S. sector of West Berlin from East Berlin is only a small part of the total wall. If we had torn it down in our sector and it had not been torn down in the other sectors, I think the only result would have been they would have gone a few blocks back to build a wall opposite the American sector and we would have been then having to determine on an invasion if we were going to tear it down. I doubt very much if action on our part that night would have stopped the wall. Certainly such action on our part might have done well—done a great deal—to have maintained the morale in West Berlin, which did suffer a great deal that night. I think the main thing we've got to remember, though, is that from the three allies in Berlin, there were no specific recommendations that night which certainly means that the people who were on the spot were unable to make a real judgment and a real decision as to what to do.

Senator Keating. Is there any way or any action that we can take now to get this wall down or in the future?

General Clay. The wall is unnatural. It is doing economically much more damage to East Berlin than to West Berlin, and if we reach an agreed settlement or even a method of living in West Berlin, I don't believe that it would be too difficult to get the wall lowered at least for passage from West Berlin into East Berlin. The passage from East Berlin into West Berlin is very much more difficult. It is an avenue of escape and obviously, as long as we are there, we would have to recognize the principle of political asylum and anybody that came from East Berlin to West Berlin that asked for political asylum, would receive it. This, of course, is why the wall was put in—to prevent these mass escapes and mass movements into West Germany which were destroying the East German regime. So I think that we could look for some relaxation in the right of families in West Berlin to visit their families in East Berlin but not the other way.

Senator Keating. Do you expect that the present Soviet buildup in Cuba may be used as a lever to bring more pressure to bear on Berlin?

General Clay. Certainly the Soviet Government times its acts and its measures all over the world to keep the pressure on the Western allies and as they ease up—when they think that the going is tough in one spot—they put it on somewhere else. In this way, they always keep us in a defensive position and obviously, as long as they are pressing in Cuba, it does also encourage them to press in Berlin.

Senator Keating. Do you consider the Russian intentions in Cuba are defensive or offensive?

General Clay. Well, I think that the Soviet Government never starts out fully determined what it's going to make out of each of these exploitations. It plays them where it thinks it will hurt us the most and then they add the pressure or subtract the pressure depending upon the degree of resistance and danger which they think they are going to meet.

Senator Keating. As a military man, do you recognize that the weapons that they have in Cuba could be used, either offensively or defensively?

General Clay. I'm not too concerned about the Cuban situation as an offensive threat against the United States. But the possibility that it could become the base for the inspiration of revolutions in other parts of Central and South America is very real and one that we cannot discount.

Senator Keating. Thank you very much. My guest today has been Gen. Lucius D. Clay.

UTAH SHORTCHANGED IN AWARD OF SPACE CONTRACTS

Mr. BENNETT. Mr. President, there has just come to light the shocking revelation that Utah is being shortchanged by the Kennedy administration in the award of space contracts. Of $6.6 billion that will be spent between mid-1960 and mid-1963, Utah's space contractors have contracts for just over $100,000. Thus, for every $66,000 awarded to space contractors throughout the United States over that 3-year period, Utah will receive only $1. That is a shockingly low 0.0015 percent, just over one-thousandth of 1 percent of the national total.

Utah is virtually tied for the bottom with 10 other States who have been all but frozen out of the New Frontier space program. Of the 50 States in the Union, only 10 have shared slightly less than Utah in what for us has ironically been called the space boom. Where California gets nearly $1.8 billion, Utah receives a mere $100,000. Closer to home, Colorado gets $88 million.

UTAH SUPPOSEDLY REPRESENTED ON SPACE MATTERS

During the past 4 years we in Utah have been treated to a constant barrage of press releases telling us how effectively Utah was being represented on a congressional committee dealing with space matters. Supposedly, Utah was among the leading States to participate in the space program administered by the National Aeronautics and Space Administration. Now the truth is out and Utah is all but frozen out, as the facts come to light.

The U.S. News & World Report, in its October 1, 1962, issue, under the title of "States Sharing in the Space Boom," includes a table based on estimates prepared by the National Aeronautics and Space Administration—NASA—for the period from mid-1960 to mid-1963 that fully reveals the shabby treatment Utah has received. I ask unanimous consent that it be included at this point in my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

States sharing in the space boom

(Based on estimates of the National Aeronautics and Space Administration for period from mid-1960 to mid-1963)

	Millions
California	$1,778.6
Florida	843.2
Alabama	708.3
Louisiana	443.5
Missouri	419.5
Virginia	380.1
Ohio	299.6
New York	286.6
Maryland	280.1
Texas	261.6
Mississippi	117.6
Colorado	88.1
New Jersey	78.3
Pennsylvania	71.6
Massachusetts	56.9
Nevada	55.3
Michigan	45.3
Illinois	26.9
Connecticut	22.8
Georgia	18.1
Arizona	13.6
Minnesota	11.4
North Carolina	9.2
Alaska	8.4
New Mexico	8.1
Indiana	7.7
Tennessee	5.9
West Virginia	5.5
Iowa	5.2
Wisconsin	4.4
Oklahoma	2.1
Oregon	1.3
Hawaii	1.0

U.S. total, including District of Columbia and unspecified locations, $6.6 billion.

Eight States are getting less than $1 million each: Arkansas, Delaware, Idaho, Kentucky, New Hampshire, Rhode Island, Utah, Washington.

Nine States are getting nothing: Kansas, Maine, Montana, Nebraska, North Dakota, South Carolina, South Dakota, Vermont, Wyoming.

Mr. BENNETT. Mr. President, Utah is listed at the bottom of the table among the eight States who are getting less than $1 million each. I have discovered that of these eight, only Idaho has received less than Utah. While nine States are getting nothing, Utah is getting next to nothing, just over $100,000.

UTAH FIRMS WELL QUALIFIED

It is tragic that the highly skilled and able scientists and technicians of proven ability who man Utah's important military missile production complex are not permitted to use their eminent skills in helping the United States lead the world in the space race. It is doubtful that anywhere in the United States could a more competent group be found than those scientists, technicians, and skilled workers at Utah's Thiokol Chemical Corp., Hercules Powder, Sperry Co., Marquardt Co., Litton Industries, Boeing Aircraft, and Eitel-McCullough Co. These companies have proven themselves on such vital activities as the first and third stage of the Minuteman, the Polaris, the Bomarc, and the Sergeant, among others. They know their business, but they are being given the business by NASA and those who try to delude the people of Utah that these companies are being given a fair share of space contracts.

TITAN III SUPERBOOSTER CONTRACT LOST

This year, two Utah firms bid on the propulsion contract for the Titan III superbooster, which is so vital in the space race. These were Thiokol and Hercules, two excellently qualified firms of proven ability. We in Utah read in the newspapers of visits to the White House, and we were all but assured that the contract would be awarded to Thiokol for production at Pocatello, Idaho. However, these two companies were overlooked in favor of a relatively obscure company that had never had a contract of over $200,000 in its history. Utah was again passed by in spite of all the public relations activity and publicity emanating from Washington that appeared in Utah papers. After all the fanfare, the people of Utah were entitled to think the award of the contract to a Utah firm was a mere formality. It was not awarded.

SOLID FUELS FLOP

Just over a month ago, the House Space Committee conducted a much-heralded hearing on the use of solid fuels in the space race. It was lavishly billed as the key move in persuading the Kennedy administration to give deserved emphasis to the use of solid fuels by NASA and by the Air Force in the space effort. Up to this time, solid fuels had been orphaned and cast adrift by the New Frontier. But what was the result? It was made clear by the administration during the hearing that not only were solid fuels not to be emphasized but the program was to be cut by $40 million this year. In short, there will be no meaningful solid fuels program.

Thus, the hearing which was to bring about a rebirth of solid fuels in space became instead an empty ceremony to dedicate the grave.

NO MAJOR MISSILE OR SPACE CONTRACTS SINCE 1960

No doubt it will be argued that Utah is doing very well in the military missile field in contrast to the space freezeout, and it has been. But, even in the military space field, Utah has not received a single new major military missile contract since 1960. The only important contracts awarded have been those which are a continuation of programs begun in 1960 or before. Thus, at the same time that we are now being frozen out of the space field, we are also beginning to lose out on new military missile contracts. This may not be too important now, as Utah plants expand, but what of a few years from now?

Of course, military missiles come under the jurisdiction of the Armed Services and the Appropriations Committees and not under the Space Committee. Many people in Utah have been led to believe that the Space Committee has jurisdiction over military missiles. This is not true. Virtually 100 percent of Utah's present missile activities involve military work and are unrelated to the space program or to the Space Committee.

ALL MAJOR UTAH MISSILE PLANTS WERE ESTABLISHED UNDER THE EISENHOWER ADMINISTRATION

Significantly, all of the major missile companies or companies whose activities are related to missile development established their operations in Utah under the Eisenhower administration.

All of them came into Utah to initiate their operations before Utah supposedly received committee representation on space matters in Congress. The dates they were established are as follows: Sperry, 1956; Marquardt, 1957; Thiokol, 1957; Litton, 1957; Eitel-McCullough, 1957; Hercules, 1958.

All of these companies were established in Utah before the 1958 congressional election. Moreover, as already observed, all major missile contracts were awarded to them during the Eisenhower administration, with which I worked so closely from 1953 to 1961. Utah enjoyed its greatest missile era during that period, and it would be a shocking waste if our missile industry is to go into eclipse now.

It is difficult to understand the basis on which contracts are awarded at the present time. Recently, a Utah company was low bidder by over a million dollars on an important contract, and yet the contract was awarded to another company in another State which had bid over a million dollars more for the job than the Utah company. There is no doubt whatever about the technical competency and proficiency of the Utah firm; so this played no part in the decision. This distressing event must not be permitted to recur.

UTAH DESERVES BETTER TREATMENT IN THE SPACE FIELD

It is high time for the neglect of Utah, particularly in the space field, to be brought to an immediate stop. I hope in this manner, by taking the floor of the Senate today, to dramatize the seriousness of the situation as I see it. Utah firms have proven themselves worthy to receive more than one one-thousandth of 1 percent of the space contracts awarded by the Kennedy administration. I am launching a campaign today to immediately reverse this situation—an effort which is obviously needed. Utah companies deserve and must have better treatment from the Kennedy administration.

THOMAS MASARYK—CHAMPION OF LIBERTY

Mr. HRUSKA. Mr. President, Thomas Masaryk was perhaps the leading statesman in central Europe during the first third of this century. As the liberator and leader of his people, and as the creator of the Czechoslovak Republic, he occupies the highest place in modern Czechoslovak history. As a teacher, philosopher, and man of letters he had few equals among his contemporaries. A wise and experienced statesman championing the cause of freedom and democracy, he was one of the revered elder statesmen of Europe in his lifetime.

No man in central Europe worked so conscientiously and consistently for the freedom of his people during the last quarter of the 19th century and during the first two decades of this century than did this man of humble origin. For nearly a half century, in and out of his homeland, he advocated and preached the justice of the Czechoslovak cause. During the First World War he succeeded in convincing the statesmen of the great powers that since the war was being waged for freedom and democracy, the freedom of Czechoslovakia formed a part of their aims. At the conclusion of that war the Czechoslovak Republic was created and Masaryk became its President. From 1918 until 1935 he held that office through successive elections; in the latter year illness compelled him to resign his office, and 2 years later, on September 14, he died. In observing the 25th anniversary of his death, we honored the memory of this great son of Czechoslovak people.

Our colleague, Senator Dodd, was the speaker at a commemorative ceremony sponsored by the Associated Czechoslovak Organizations of Washington and the Council of Free Czechoslovakia, which marked the 25th anniversary of the patriot's death. It was held at the Hotel 2400 on 16th Street, where Masaryk lived in 1918. I ask unanimous consent that a copy of Senator Dodd's remarks be printed in the Record, together with an editorial, entitled, "Champion of Liberty," from the September 15 issue of the Washington Post.

There being no objection, the material was ordered to be printed in the Record, as follows:

REMARKS OF SENATOR THOMAS J. DODD

We meet today to commemorate the 25th anniversary of the death of Thomas Masaryk, the Czechoslovak national hero whose life and work are of universal importance to all mankind.

Today Americans and freemen everywhere honor Thomas Masaryk as a citizen of the world; as a humanitarian who spoke for the oppressed; as a teacher whose philosophy, like that of George Washington, was that nothing can be politically right that is morally wrong; as a statesman whose principles have universal application at all times and in all countries.

During a period when most national minorities in Europe were governed by alien rulers, he developed and espoused the principle that each nation, each national entity, is entitled to determine its own destiny and shape its own future.

The principle of national self-determination profoundly influenced Woodrow Wilson during World War I. President Wilson proclaimed it as one of America's aims in the reorganization of Europe on a basis of justice and equity; indeed, he believed this principle to be so important, that it became the first of his Fourteen Points.

Since then, the basic principle of the right of national self-determination has been firmly incorporated into international law; it has been written into the Charter of the United Nations; it lies at the foundation of the independence of the new African and Asian states which now join the family of nations; it constitutes one of the reasons for American opposition to the continuation and extension of the Russian Empire.

Thomas Masaryk's work, however, was not restricted to a narrow, provincial nationalism. He wanted the right of national self-determination for all peoples, but he clearly recognized that much as men are mutually interdependent, so is the life of each nation intertwined with the culture, the political, and the economic life of its neighbors. Thus he clearly foresaw the necessity for the Western democracies to draw more closely together against the threats of international communism.

The European Economic Community, and the beginning of political unification of Europe, which now do so much to confound and bewilder the classic Communist "predictions" on the downfall of free societies, are developments foreseen and anxiously anticipated by the great Czechoslovak patriot.

We Americans, and particularly our fellow citizens of Czechoslovak descent, should feel deeply conscious of the close affinity which Masaryk had with American ideas and institutions. He knew American history intimately; he had unbounded admiration for American democracy. Generously giving President Wilson credit for the development of the principle of national self-determination, he wrote:

"In a sense, the United States is Czechoslovakia's foster parent. It is upon President Wilson's immortal charter of freedom, as embodied in the famous 14 points, that the foundations of our state are laid. We have tried to pattern our young Republic after our great sponsor. Our Constitution and our laws, our mode of government, and even our business methods follow closely those of the United States."

In his admiration of American democracy and of things American, Masaryk was an idealist. To the self-styled political realists of Europe before the First World War Masaryk's notion of a living and vital democracy for Czechoslovakia was nothing short of ludicrous.

The country had never had any experience in representative government; indeed, for centuries it had not even had self-government. It was predicted that Czechs and Slovaks could not live peacefully side by side; it was believed that democracy was a chimera, a useless dream that had no practical value or place in the power politics of the 20th century.

Despite these pessimistic views, Masaryk fought for liberty while Czechoslovakia was under foreign rule; he was dedicated to the proposition that Czechs and Slovaks could live in peace and enjoy the fruits of mutual understanding; he was convinced that democracy would find a fertile soil in his homeland.

The great merit of the life of Thomas Masaryk lies as much in the work which he accomplished as it does in the vision and idealism which sustained that work against the overwhelming obstacles of apparent political and historical realities.

It is to Thomas Masaryk's eternal credit that he recognized the insignificance of what so often is falsely termed political realism and saw it for what it was—a limitation on man's highest ambitions and aspirations toward justice and on the struggle for independence for his countrymen.

Much as the American Revolution in the 18th century was successful against overwhelming odds and despite predictions of doom, so was Masaryk's dream successful in the 20th century under entirely different conditions of time, place, and history.

Europe, the birthplace of Thomas Masaryk, has not forgotten its prophet nor has the rest of the free world. His name may be invoked by the present rulers of Czechoslovakia to prop up the false gods of tyranny and atheism; but all the peoples oppressed by the Communist conspiracy will remember him as the defender of freedom and the protagonist of democracy.

The name of Masaryk will forever be intertwined with the name of Czechoslovakia.

The elder Masaryk dreamed of an independent Czechoslovakia, living in democracy and liberty, and he had the great satisfaction of presiding over the fulfillment of his dream. It was the tragedy of his son Jan Masaryk, that he saw the eclipse of that liberty and died with the death of his country's independence.

But Czechoslovakia will live. Her eclipse will be but temporary. Her history has not come to an end with the Red terror. Her future will be freedom and democracy.

The Czechoslovaks who in the 20 years between the wars had created a prosperous and flourishing state, who were proud to be called the Yanks of Europe, will not in the end be defeated.

History has come full circle. The ideas of liberty which the pilgrims brought to these shores returned to Europe where they kindled a new flame that is but temporarily dimmed.

The memory of Thomas Masaryk will live in Czechoslovakia; the memory of freedom will live in Czechoslovakia; and freedom in the end will prevail.

CHAMPION OF LIBERTY

Thomas G. Masaryk, the great Czech patriot, was a man whose name is synonymous with freedom and whose memory remains as a continuing reproach to the Soviet masters of his beloved country. The 25th anniversary of his death, which was observed on Friday, is an occasion for recalling the spirit of this gallant figure who founded the Czechoslovak Republic. He was a democrat, a humanist and a socialist who opposed every form of despotism, whether of the left or right. "My socialism is simply love of one's neighbor, of humanity," Masaryk once wrote. The purity of this definition stands in ironic contrast to the monstrous caricature of socialism that Soviet force has imposed on Czechoslovakia. In the fullness of time, the spirit of Masaryk is sure to rise again in a truly democratic Czechoslovak Republic.

LINCOLN CENTER FOR THE PERFORMING ARTS

Mr. JAVITS. Mr. President, the opening of the Lincoln Center for the Performing Arts in New York Sunday night marks a milestone in the cultural history of the United States, and another pioneering effort by my great native city in the encouragement and advancement of the arts. The impact of Lincoln Center upon our Nation not only on the performing level but also on the teaching level promises to be incalculable. It offers a guide and a pattern which I hope will be emulated throughout the country. It provides a fitting endeavor to accompany the pioneering efforts of the New York State Council on the Arts, the State agency which is so successfully helping in respect to cultural development and enjoyment in New York in areas of the State not heretofore reached.

I hope and very much expect that Members of the Senate and of the House will come to see and to enjoy this vast center for the development of culture in the United States. It is my fond hope, as I know it is of the distinguished Senator now presiding, the Senator from Rhode Island [Mr. PELL], and others like the Senator from Pennsylvania [Mr. CLARK] that we may make marked progress in this field for the Nation as well. It has been done in New York and, I hasten to add, with help from the Federal Government, in terms of urban renewal. We are deeply gratified, and I think this is a cause for gratification on the part of the whole country.

I ask unanimous consent to print in the RECORD the welcoming address of John D. Rockefeller 3d, board chairman of the Lincoln Center, which he delivered September 23; the article by Arthur Gelb entitled "A Deeper Significance," in the New York Times, September 24; and an article by Richard McLanathan evaluating the achievement of the New York State Council on the Arts, entitled "A Venturesome Idea," which appeared in Museum News, September 1962.

There being no objection, the address and articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 24, 1962]

WELCOMING ADDRESS

Good evening, ladies and gentlemen.

This is a proud and happy moment for all of us—the opening of Lincoln Center for the Performing Arts.

What was only an idea 7 years ago has come to reality because thousands of men and women in the arts, in education, in philanthropy, in business, in labor, and in government have given time and money with unparalleled generosity.

Tonight we move out of the world of planning into the world of performance. Now and in the years ahead, only the artist and his art can fulfill the aspirations of the planners and exhalt the labors of the builders. The validity of our efforts will be determined by the use we make of the several stages and many classrooms of Lincoln Center, and it is gratifying indeed that we have as our president a distinguished composer and educator.

The future of Lincoln Center rests not only upon the greatness of performances but upon the existence and support of warm, responsive, enthusiastic audiences. It is my very great pleasure, therefore, to welcome this most distinguished audience—which is honored by the presence of the First Lady of the land, the Governor of our State, the mayor of our city, and some of the world's foremost artists.

It is very appropriate and pleasing to us that this first of our six buildings should become the permanent home of Lincoln Center's first constituent and our country's oldest orchestra. None have worked harder than the leaders of the New York Philharmonic to make real this dream of a great center of the performing arts.

It is with pride and satisfaction that we now turn to one of the world's great orchestras to dedicate this Hall to music.

Thank you.

[From the New York Times, Sept. 24, 1962]

A Deeper Significance—Full Impact of Lincoln Center Will Not Be Felt Until All Components Open

(By Arthur Gelb)

Last night's unveiling of Philharmonic Hall was much more than a dazzling New York premiere.

The full impact of the event cannot be known for some time to come, when, one by one, other constituents of Lincoln Center have opened their doors. But even without the perspective of distance, it seems evident that the opening of this first door will be chronicled as a symbol of the cultural coming of age of the United States.

The most ambitious and expensive of all the cultural complexes now under construction, Lincoln Center is the focus of every eye both here and abroad. It is probably President Kennedy's unfailing instinct for historical significance that caused Mrs. Kennedy, at the last moment, to change her mind and attend; how would it have looked, on the final record, if neither Mr. nor Mrs. Kennedy, who have carefully established an image of artistic patronage, had failed to lend their presence to this potent occasion?

A GREAT RESPONSIBILITY

Exposed with all its virtues and defects in the city that has become the global cultural capital, the center has an awesome responsibility.

Already, similar projects throughout the nation have sent representatives to study and analyze Lincoln Center architecture, artistic philosophy, budget, and educational facilities. In future months and years, the Center's activities will be even more closely scrutinized, its successes and failures publicly and minutely recorded.

Potentially the world's most influential cultural oasis, embracing the best talent from all the performing arts that this country has to offer, Lincoln Center can become not only an entertainment arena on the highest level, but also a powerful teaching instrument.

Some of the people concerned with guiding the Center's activities have compared it with a great medical center. Answering critics who deplore the concentration in one area of all the representative art forms, they maintain that only in such physical and spiritual insulation can the patron, participant and pupil work together for the development of all the performing arts.

This is a noble goal and it can be achieved under ideal circumstances. That is to say, a delicate balance must be maintained—a balance supremely difficult to sustain. The Center's board must employ a policy of enlightened guidance that never inhibits sincere experiment or exploration.

The Lincoln Center enclave ideally can be an embodiment of the interplay between professional performance and the dissemination of knowledge, just as a medical center simultaneously performs brilliant feats of healing, pursues research, and instructs its young medical students and encourages them to explore on their own.

To this end, the Lincoln Center Fund, with an endowment of $10 million, plans to commission new works, participate actively in educational television, conduct schools of music, drama, and dance, and run summer workshop seminars for secondary schoolteachers from all over the country. Thousands of young people will take part in these programs and they, in turn, will bring their strengthened skills and fresh artistic insights to their own communities.

A full-time employee, whose salary will be paid jointly by Lincoln Center and WNDT (New York's educational television channel), will soon be engaged to devise a thorough schedule of programs emanating from the center. Teachers selected to attend the summer workshops will be subsidized and, instead of attending classroom lectures, will participate in concerts, dramatic presentations, and dance recitals. Intercollegiate, national, and international festivals of the performing arts will be regularly scheduled.

In the meantime, officials of Lincoln Center must avoid the pitfall of regarding themselves in competition with other cultural projects, despite the fact that they are still vying with others for funds. The proposed National Cultural Center in Washington, for example, is trying to raise $30 million, while Lincoln Center must raise an additional $27 million of its own to complete its $142 million facilities.

A UNIVERSAL COMMODITY

A substantial amount of money for both centers must obviously come from the same private sources. But there is no reason why it shouldn't. Well-to-do patrons should be happy to promote the artistic cause in as many of our cities as indicate a desire for culture. Culture is not a commodity exclusive to New York, Washington, or any other city.

This is being overwhelmingly demonstrated these days by the fact that 67 cultural centers, in addition to New York's and Washington's, are planned or under construction. Some are limited in scope, and others, like the Hopkins Art Center at Dartmouth, promise to be widely influential.

It has taken the United States a long time to acknowledge the importance of comprehensive education in the arts. But with Lincoln Center blazing a trail, this country appears at last to have realized, with Socrates, that "the soul takes nothing with her to the other world but her education and culture."

A Venturesome Idea

(By Richard McLanathan)

(New York is one of the few States in which the State government has, through legislative action, provided funds for a council on the arts. Mr. McLanathan, a former museum director, details the formation of this organization that is serving as a model for other States setting up an arts council and one that may well provide the blueprint for future Federal legislation.)

The relation of government to the arts is a matter of considerable discussion these days. Such developments as Secretary of Labor Goldberg's report following the crisis of the Metropolitan Opera, recent congressional authorization of a National Cultural Center in Washington, pending legislation to provide for the formation of a Federal Advisory Council on the Arts, and even the restoration of the White House, have not only been indications of a trend but also have served to focus public attention on the arts as a matter of general concern.

Against this background, the creation of the New York State Council on the Arts takes on added significance as a pioneering venture in this field. Since 1944, bills providing for such a council were brought again and again before the State legislature. With the wholehearted support of Governor Rockefeller, however, an act introduced by Senator MacNeil Mitchell was passed during the 1960 session finally establishing that it was "the policy of the State to join with private patrons and with institutions and professional organizations concerned with the arts to insure that the role of the arts in the life of our communities will continue to grow and will play an even more significant part in the welfare and educational experiences of our citizens." The act authorized the Governor to appoint, with the approval of the senate, a council of 15 members who were to prepare a report on how best to realize the purposes of the legislation.

Determined that the council should "function as an administrative entity developing imaginative programs, not a mere committee of well-known names," Governor Rockefeller appointed a group professionally representative of the various cultural fields of the visual and performing arts, of museums and historical societies. He named as chairman, Seymour H. Knox, president of the Buffalo Fine Arts Academy, chairman of the council of the University of Buffalo, and trustee of the Yale Art Gallery; as vice chairman, he named Dr. Henry Allen Moe, treasurer of the Association of American Rhodes Scholars, vice chairman of the Museum of Modern Art, and a trustee of the John Simon Guggenheim Foundation and the American Academy in Rome. The other members named include Reginal Allen, executive director for operations of the Lincoln Center for the Performing Arts; Cass Canfield, publisher, of Harper & Bros., and Freedom House; Angus Duncan, executive secretary of Actors' Equity Association and vice president of the Theater Authority; Theodore M. Hancock, lawyer, and former chairman of the Everson Museum of Syracuse; Mrs. W. Averell Harriman, former head of the Marie Harriman Gallery of New York City; Wallace K. Harrison, former director of planning for the United Nations, coarchitect of Rockefeller Center, and a director of the Rockefeller Bros.' Fund; Miss Helen Hayes of the American theater: Dr. Louis C. Jones, executive director of the New York State Historical Association: David M. Keiser, president of the New York Philharmonic Society, trustee of the Juilliard Musical Foundation, and a director of the Lincoln Center for the Performing Arts; Dr. Richard McLanathan, art and museum consultant, former director of the Museum of Art, Utica; Alfred J. Manuti of the executive committee of the International Musician's Union (AFL–CIO) and President of the Musicians' (AFL–CIO) New York State Conference; Richard Rogers, composer; and Louis A. Swyer of the board of the Albany Institute of History and Art, and the Greater Albany Chamber of Commerce.

Laurance P. Roberts, formerly director of the American Academy in Rome, agreed to serve temporarily as first executive director. He completed the initial survey of the State's cultural institutions, including a list of all theaters, auditoriums, and other buildings capable of housing theatrical or musical performances, as well as museums, galleries, and other facilities. This report was submitted to the Governor along with recommendations for a program. As a result, the sum of $450,000 was included in the Governor's 1961 budget for the council.

In order to have the best possible advice in the various fields in which the council proposed to operate, leading experts were asked to join advisory panels for ballet, concert, historical collections, opera, theater, and the visual arts. Since the panels were made up of extremely busy performing artists, composers, specialists, and executives, there was no intention of ever calling the half-dozen or so members of each panel to meetings; but rather to consult with them individually by telephone, by letter, or by appointment, and thus to take maximum advantage of their expert knowledge without imposing more than absolutely necessary on their already full schedules.

The survey carried out by Laurance Roberts served to emphasize, even more emphatically, the concentration of the State's main cultural resources in the major urban areas, and to point to a primary function of the council in bringing the arts to this broad potential audience hitherto lacking the opportunity for enjoying them. The survey also revealed the melancholy but not unexpected fact that "there is no cultural institution in New York State today, whether it be a museum, an historical society, an orchestra, an opera company, a ballet, a repertory theater, that is self-supporting." A basic policy of the council was adopted to grant no subsidies, but to assist and strengthen groups and organizations by extending existing services, and in this way to increase audiences and participants.

The council then approached the Phoenix Theater, the New York City Center Opera Company, the Buffalo Philharmonic Orchestra, and the New York City Ballet to discuss the broadening of their activities to include tours throughout the State guaranteed by the council against loss. In each case the response was immediate, and the cooperation, not only of management but also of every member of the groups, was enthusiastic and complete. Sponsorship for each performance was shared with the council by some local agency.

The tour of the Phoenix Theater may be taken as an example of how the program works in the field of the performing arts. Traveling by bus with two companies, leapfrogging to maintain the rigorous schedule of successive single performances, the theater presented Shaw's "Androcles and the Lion," at matinees and Shakespeare's "Hamlet" in the evening, in two dozen communities, playing in theaters or high school auditoriums to a total audience of more than 27,000 children and adults. The council insured that seats were available at reasonable prices so that performances could be attended by all. T. Edward Hambleton, manager of the Phoenix Theater, reported that about 40 percent of the people who attended the productions had never seen live theater before, and that many cities had their first experience of it during the tour. Almost all houses were sold out long in advance as people everywhere reacted to the opportunity with keen enthusiasm. The other performing groups met with similar experiences, and the difficulties of unexpected situations and of untried and sometimes insufficient facilities faded before the intense interest with which the various performances were greeted.

Under the council's sponsorship, the Buffalo Philharmonic performed in 20 communities, the New York City Center Ballet in 16, and the New York City Opera in 11. The Rochester Philharmonic presented special children's concerts and programs including new works by contemporary composers; the New York Philharmonic, under the direction of Leonard Bernstein, performed a children's concert in the Rensselaer Polytechnic Institute Field House at Troy for an audience of 7,500 drawn from a radius of about a hundred miles. Each selection was applauded so enthusiastically that there was no time left for an encore.

Though the cooperation of such long-established groups with completed repertories was enlisted early, the visual arts were not neglected. Through the aid of the American Federation of Arts, seven traveling exhibitions were produced which toured museums, libraries, art centers, schools, and colleges. The first of these alone, "Masterpieces of Photography," selected by Beaumont Newhall from the Eastman collection in Rochester, was immediately booked in 11 communities. The Everson Museum of Syracuse and Onondaga County provided two other exhibits, as did the Schenectady Museum Association and the Rochester Memorial Gallery. The exhibits included such diverse material as fossils and artifacts as well as prints and paintings, and treated subjects ranging from techniques of printmaking to "How To Look at a Painting." The exhibits were designed and packaged for great flexibility of use under varying conditions of display. Their cost was met by the council, but transportation expenses were shared by the borrowing institutions. Four of the federation's exhibits proved so popular that their circulation is being extended for the coming year, and there continue to be so many requests for "How To Look at a Painting" that there are now plans to duplicate it if possible. The federation is producing four new educational exhibits designed primarily for schools, libraries, and other institutions without usual gallery facilities. In addition, the Whitney Museum of American Art has generously shown its practical interest in this phase of the council's work by consenting to put together a major exhibition.

A further development of the visual arts program is the enrichment of the displays of regional museums by semipermanent loans from major collections. Dr. James J. Rorimer, director of the Metropolitan Museum, has established a process of carefully selected loans for extended periods, chosen to complement and supplement the collections of various upstate museums. Since it is always easier to borrow paintings, these loans stress the more difficult fields of sculpture and the decorative arts, material generally seen only in large institutions, and yet always meaningful to students and gallery goers alike because of the association with the everyday life of other periods and countries. The council has undertaken to support the cataloging and installation of the material, and to guarantee proper insurance coverage. It is hoped that this aspect of the council's program will develop into an increasingly significant sharing of the State's extraordinary artistic resources.

It was apparent from the beginning that a practical pattern of cooperation with communities throughout the State should be established to insure the effectiveness, through the broadest possible participation, of the council's program. John MacFadyen, who succeeded Laurance Roberts as executive director, undertook a survey during which he met with groups in 25 different centers, explained the purpose of the council and its projected program, and asked for suggestions as to how best to realize common aims. These meetings resulted in a mutual understanding of purposes and problems, and in many communities these groups, made up of leading citizens, educators, artists, musicians, representatives of service organizations, local government, chambers of commerce, the radio and television industries, and the press, transformed themselves from temporary and informal gatherings into more permanent associations, and thus marked the beginning of a community arts council movement throughout the State.

Further impetus was added by the success of a 2-day conference devoted to the subject held at the Roberson Memorial Center in Binghamton. More than 200 people from all parts of the State participated and discussed problems and programs with such authorities as Seymour Knox, chairman of the council; Dr. Louis C. Jones, director of the New York State Historical Association; Ralph Burgard, of the St. Paul Council of Arts and Sciences; John Gutman, of the Metropolitan Opera Association; Donald Engle, of the Martha Baird Rockefeller Aid to Music Program; Choreographer George Balanchine, of the New York City Center Ballet; Dr. Paul B. Pettit, of the drama department of the State university; and Dr. James M. Brown III, director of the Corning Glass Center.

In this way, regional agencies are developing with which the council can work for a common purpose, avoiding competition with local organizers of cultural programs, and ensuring active participation of the communities. Nine or ten regional councils are already active, with a number of others in the process of formation. Thus, Governor Rockefeller's concept of the council's function as a pump-priming effort and not a form of government subsidy could be realized. It has become a means of enabling an increasing number to share the State's cultural advantages through active cooperation rather than as passive recipients of governmental largesse.

The case of Middletown is, in many ways, typical. Last October the Phoenix Theater presented, under the joint sponsorship of the Council, the Middletown Times Herald-Record, and the Orange County Community College, "Androcles and the Lion" at a matinee and "Hamlet" in the evening. More than 3,000 persons saw the performances. In November, the New York City Opera presented "The Marriage of Figaro," with the added sponsorship of the Middletown school system. It was the first opera ever performed in that city. Tickets were priced at $3 and $4, with patron tickets at $10, and student tickets at $2. In each case the high school auditorium was sold out weeks in advance. Net profits were set aside to form "a local council on the arts designed to continue to bring professional presentations in the arts to Orange County." This is a practice which has been followed by a number of other communities.

Because of the special stage requirements for ballet, a system of ballet demonstrations was evolved which could be presented in school auditoriums, smaller theaters, gymnasiums, and, in two cases, on outdoor stages at upstate summer art festivals. These were extremely well-received and gave encouragement to the growing number of students of the dance. More than 50 educational institutions, ranging from grammar schools to universities, took advantage of the council's offerings in the performing and the visual arts.

The preliminary survey conducted by Laurance Roberts, and the later experiences of John MacFadyen in traveling about the State and meeting with community groups revealed a great and widespread need for various kinds of expert technical assistance and advice. It was therefore decided that an important function of the council was to make available the services of experts in all the needed fields, such as conservation, identification, and evaluation of objects, works of art, and documents; recordkeeping; public relations; fund-raising; and all the countless other problems that beset museums, libraries, art centers, and historical societies. A roster of consultants was compiled with the aid of W. Stephen Thomas, director of the Rochester Museum of Science and Art, and secretary of the newly organized New York State Museums Association.

Applications for technical aid are evaluated with the assistance of the appropriate advisory panel, and the council pays the fees and travel expenses of the consultants. The program was initiated in August 1961, by the visit of Sheldon Keck, director of the Conservation Center of New York University's Institute of Fine Arts, to Fort Stanwix Museum in Rome. It has included such various forms of aid as the survey of oriental porcelains in the Albright-Knox Art Gallery in Buffalo, made by Fong Chow, assistant curator of Far Eastern Art at the Metropolitan Museum; and a critical study, with advice on care and classification, of the historical collections of the Elbert Hubbard Memorial Library of East Aurora, by Francis W. Cunningham, curator of the Oneida Historical Society.

In October of 1961, William Hull, former director of the Everson Museum in Syracuse, became assistant director of the council, with the special assignment of developing the council's program in the visual arts and technical assistance areas. In November, he organized a 1-day workshop on display and conservation for historic houses and historical societies which was held at the Suffolk Museum in Stonybrook, Long Island, with the cooperation of its director, Mrs. Jane des Granges.

The conference brought together a distinguished group of panelists including Carl C. Dauterman, associate curator of Western European Arts of the Metropolitan Museum; Miss Alice Beer, curator of textiles at the Cooper Union Museum; Marvin L. Schwarz, curator of decorative arts at the Brooklyn Museum; and Per Guldbeck, research associate of the New York State Historical Association. Representatives of more than 30 Long Island institutions participated, and the success of the event has led to the inclusion of such workshops as a regular part of the council's program.

Another project which has been launched in the Syracuse area, with the hope that it may eventually spread throughout the State, is the cataloging by the School of Architecture of Syracuse University of the buildings in the region which are architecturally or historically important. Its major purpose is to compile a list of those worth saving and, by means of a professional study for their reuse, perform the function of conservation of historic and artistic monuments in a particularly practical and useful way.

The request for an increased budget for this year was granted by the legislature, and the council's general pattern of activity seems established. Further support for broader touring of both the visual and the performing arts seems eminently justified by the enthusiastic response to last year's presentations. The technical assistance program has already shown its worth and will inevitably increase in value as institutions learn how to take advantage of what is offered. The New York State Council on the Arts is a temporary State commission, however, to be in existence only until 1967. Basically, its primary purpose must be to make permanent cultural gains, independent of its own continued existence. From this point of view, the most optimistic and forward-looking results of its efforts have been the emergence of the regional councils that are playing an ever more constructive role in contributing to the cultural enrichment of the State. Thus the practical idealism of the Governor and the legislature in creating the council has served to encourage the traditional American approach of people working together freely for mutually shared benefits for themselves and their neighbors in communities throughout the State.

As the first venture of its kind, the Council represents a pilot project in a controversial field. Its experiments and programs are being closely scrutinized by those interested in the formation of similar agencies in other States. We feel, however, that it is setting an example for the encouragement of regional cultural self-help through local councils, and it may even provide a possible model for future Federal legislation. It is, as Eric Larrabee, editor of Horizon, remarked, "An adventuresome idea."

PEACE IN THE NEAR EAST

Mr. JAVITS. Mr. President, I wish to say a word about a very serious situation which has developed in the Near East.

The missile race spread to the Near East when Egypt fired its new rockets in the direction of Israel; and in this highly volatile and explosive region, time for peace may well be running out. An Arab-Israeli peace has repeatedly been stated to be a fundamental goal of U.S. foreign policy. Yet, the administration last year voted against the 16-nation resolution in the U.N. which called on Israel and the Arab States to settle their 14-year-old dispute by direct negotiations. The United States should not repeat this mistake again and should move to support in the United Nations General Assembly the peace resolution being prepared by a group of African States.

Since 1961 huge masses of Soviet bloc weapons have poured into the United Arab Republic—guns, tanks, heavy jet bombers said to be capable of delivering 10-ton payloads, and ground-to-ground missiles. The other Arab States as well as Israel feel themselves threatened. There are weapons for aggression and they have caused Israel's finance minister, speaking in this city Saturday night, September 22, to warn that Israel's only hope to avoid disaster lies in convincing Nasser that the distance from Tel Aviv to Cairo, as the rocket flies, is the same as from Cairo to Tel Aviv.

The imbalance of arms is already stirring up new dangerous tensions in the Near East, and we cannot sit back complacently in the belief that under our policy of "quiet" diplomacy this threat to peace will go away. In the face of the present danger of an arms race, I believe the time has come for the administration to drop its negativism on Near East policy and take the initiative for peace which it has repeatedly promised. So far the administration has made no public declaration of a positive policy toward the Near East. It has done nothing constructive about the blockade of the Suez Canal against Israel shipping, or the Arab boycott of Israel despite the fact that all these countries are helped by our foreign aid program. We tolerate the Arab blacklisting of U.S. business firms and the discriminatory—and sometimes even insulting—practices against American citizens by states which perhaps could not survive without the U.S. taxpayer's assistance.

The administration must face up to the reality of Arab threats of war against Israel and to the fact the Arab demands on Israel are designed to destroy that country, not to correct injustice. Time alone is not on the side of peace, and if the uneasy truce that now exists in the Near East should collapse as a consequence of a new arms race, Communist imperialism will find very fertile soil for its agitation.

A positive American policy will support constructive measures in the U.N. leading to an initiative for peace and will move forward along these primary paths:

First. An end to boycotts, discrimination and other obstacles to the free flow of trade;

Regional development of resources, and economic association with the European Common Market;

Second. Resettlement of the bulk of the Arab refugees in Arab lands where there is room for them and need for their labor; and

Third. Within the framework of direct peace talks and to aid in resettlement, compensation on reasonable terms for Arab property abandoned in Israel.

We can make a start toward these objectives by supporting the U.N. peace resolution initiated in the General Assembly by the African States, and we should do so before a new and grave crisis develops.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. I commend my colleague for speaking out on this subject. As he knows, it was the United States which killed the so-called Brazzaville resolution at the last meeting of the United Nations. After all the protestations and statements that were made before the 1960 election to the effect that a conference would be pressed to bring the Arab States and Israel together—which is the only way to bring peace to that area—what did the United States do at the last session of the United Nations? We were more active than any other member in killing the resolution which would have brought them together. I would have hoped that our Government, when it saw the great error it had made, would itself later have authored a resolution to bring those nations together. But no such action has yet been taken. Perhaps it would be better to have such resolutions authored by the Asian and African countries. But certainly it is time—in fact, it is well past time—vigorously to support an appropriate resolution designed to bring peace to the Middle East.

What deeply disturbs me, Mr. President, is that the United States seems to be taking a sort of neutralist attitude with regard to the Middle East. The representatives of the United States are not judging the issues on their merits, but are assuming that both sides are equal and nothing must be done to disturb that equality. This is exactly what we criticize in the so-called uncommitted nations. Yet we are guilty of the same lack of courage, lack of judgment, and lack of principle in the Middle East.

I know my colleague from New York joins me in the statement that there is need for more principle in our foreign policy and less expediency. The amendment which was added to the foreign-aid bill which would concentrate U.S. aid in those nations which share our view of the world crisis and not divert their resources to the purchase of arms or to propaganda broadcasts against us and against other countries we are trying to help will accomplish a part of the object. But a sense-of-Congress resolution is of no effect unless it is implemented by those in charge of the program.

I hope that the words of my colleague will echo through the executive branch to the end that some of the policies which the State Department has been following in the past will be reversed and that we shall actively take the initiative in seeking to bring peace to the Middle East.

Mr. JAVITS. I am very grateful to my colleague for his comments. He, too, has been a stanch fighter for justice in the Middle East. Justice in that area ties directly into the peace and security for our country and the free world, as evidenced by the fact that our action in Lebanon was only made possible when we knew that our flank and our point of exit were secure because Israel was there. Otherwise we could never have performed the Lebanon operation.

THE "FORGIVENESS" CLAUSE IN THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

Mr. PROUTY. Mr. President, earlier this year I introduced a bill to amend the national defense student loan program by extending the loan "forgiveness" clause beyond its present scope.

Existing law allows up to 50-percent cancellation of student loans for those borrowers who teach in public elementary and secondary schools. My bill, which is cosponsored by the distinguished junior Senator from New York, would extend the forgiveness privilege to borrowers who enter teaching in private nonprofit schools, or in institutions of higher learning.

I am very pleased to report to the Senate that the Labor and Public Welfare Committee today decided to report the Prouty-Keating bill which removes a serious injustice in existing law.

I know that I speak for my distinguished colleague from New York when I say that we feel the bill will promote a nationwide effort for more and better teachers at all levels of education, public and private.

Only a short time ago the Senate Labor and Public Welfare Committee pointed out to the Senate that the continuing shortage of teachers extends to private nonprofit as well as to public schools and to all levels of our educational systems.

The Prouty-Keating bill will encourage young men and women to consider careers in college and university teaching. It will, also, remove the rank discrimination in existing law which gives second-class treatment to student borrowers who decide to teach in our excellent private schools. These schools presently enroll over 6 million American children and I think this fact alone indicates their great importance to the country.

In closing may I again express my pleasure that the Senator Labor Committee has reported the Prouty-Keating bill which will guarantee all young National Defense Education Act borrowers the loan forgiveness privilege if they enter the teaching profession.

Mr. JAVITS. Mr. President, I commend the committee, with which I was glad to cooperate in seeing that the Senator's bill was reported to the Senate. I congratulate the Senator from Vermont and my colleague [Mr. KEATING] for the development and authorship of the bill. It would be a fine thing if the bill were enacted, and I believe that was the general and unanimous sentiment of the committee.

Mr. PROUTY. I am grateful to the Senator from New York. I point out that he has been very cooperative in supporting this measure.

Mr. KEATING. Mr. President, I wish to express my gratification over the action of the Committee on Labor and Public Welfare in favorably reporting the bill to amend the National Defense Education Act to provide equal loan forgiveness for those who teach in private schools, as is now available for those who teach in public schools.

I express my gratitude to the distinguished Senator from Vermont, who has played a leading role in bringing about this fine result. I am proud to be associated with him as a cosponsor of the bill.

It is clear that the Nation needs more teachers. This need is not limited to public schools, but seriously affects also many of our private schools.

The purpose of the National Defense Education Act provision is to encourage more of our young people to become teachers, and to insure that we have enough adequately prepared teachers to meet the nationwide demand in all areas of education. Under the present law, 50 percent of a National Defense Education Act loan can be forgiven if a student teaches for 5 years in a public elementary school. No forgiveness is allowed those who teach in private schools or institutions of higher learning. This is a discriminatory provision that is wholly unnecessary, and at variance with the national need for better trained teachers at every level of our educational system.

I am glad that the Senate committee has approved a bill to put an end to this discrimination. I hope the Senate will act promptly to pass it. We all owe a deep debt of gratitude to the Senator from Vermont for taking the lead in this fight.

Mr. PROUTY. Mr. President, I am grateful to the distinguished junior Senator from New York, and I express my appreciation to him for his help and cooperation in preparing a very important measure.

ESTABLISHMENT OF A PEANUT RESEARCH LABORATORY AT DAWSON, GA.

Mr. RUSSELL. Mr. President, during the discussion on the floor of the House of Representatives on the item in the agriculture appropriation bill for the establishment of a peanut research laboratory at Dawson, Ga., a great many erroneous statements were made which totally misrepresented the nature of the work this institution proposed to accomplish. It was repeatedly charged that it was to be a utilization research laboratory. Nothing could be further from the truth. The nature of the work to be done was set forth fully and in detail when all elements of the peanut industry were together in advocating the establishment of such a facility. In order to clear up this misunderstanding and to correct the many misstatements made on the floor of the other body, I wrote a letter to the Secretary of Agriculture and received his reply.

These letters show that this laboratory was never at any time planned as a utilization facility and that the charges that it was intended to be a utilization facility were wholly without foundation in fact. I ask unanimous consent that a copy of my letter to Secretary of Agriculture Freeman and his reply may be printed in the RECORD as a part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 20, 1962.

Hon. ORVILLE FREEMAN,
The Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to you in regard to the marketing research facility proposed in the budget estimates for 1963, to be located at Dawson, Ga.

In reviewing the Department's justification for this facility in the House hearings on page 1264, it briefly describes the purpose of research investigations to be conducted at this facility as dealing with the quality control requirements of peanuts in marketing and storage channels.

When this matter was under consideration in the House on September 18, the statement was made by Members opposed to the construction of the facility that it was being established as a utilization laboratory to develop uses of peanuts rather than for peanut quality research. Heretofore, it has been my understanding that research investigations for new uses on peanuts and peanut products are conducted at the Regional Utilization Laboratory at New Orleans, La.

I will appreciate it if you will clarify this entire matter, together with the extent of present utilization research and where it is done.

Sincerely,

RICHARD B. RUSSELL.

SEPTEMBER 24, 1962.

Hon. RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RUSSELL: Thank you for your letter of September 20, 1962, in which you refer to statements made in the House that the program proposed for the Dawson Laboratory would be utilization research. The Department is pleased to state that you are correct in your understanding that the type of research to be done at the Dawson Laboratory is marketing research and not utilization research.

As you stated, the broad segments of the marketing research program contemplated for the laboratory, which was developed in consultation with a peanut industry working group and presented to your subcommittee by Mr. Pace, is described and justified by the Department in the House hearings on page 1,264. Briefly, a major emphasis of the program would be the protection, maintenance, and improvement of quality in peanuts during marketing, including the development of improved and more objective methods for sampling and measuring quality and facilitating inspection and grading procedures. Included would be evaluations to determine the effect on market quality of various practices followed during production, harvesting, storage, handling, and conditioning operations. This would require the use of peanuts of known production, harvesting, and handling history which would be accomplished through cooperation with production research programs of the Department and the State agricultural experiment stations. It is also contemplated that standardized facilities and skilled personnel of the laboratory would be available to the industry and other research programs of the Department and the States in making quality evaluations on small samples of peanuts which represent new varieties or experimental conditions of production, harvesting, or handling.

Also, the program would be concerned with the development of effective methods for preventing, controlling, or eradicating insects in peanuts under various conditions of storage, handling, and treatment. Finally the program would seek to improve the efficiency of peanut marketing by developing improved equipment, work, and handling methods during the drying, shelling, and storage operation. The program would necessarily be concerned with quality evaluations and the effect on quality and end products of different practices being followed in the industry. But the laboratory would not be engaged in the development of new uses for peanuts or peanut products, which is the basic mission of utilization research.

Utilization research is conducted by the Southern Regional Utilization Research and Development Laboratory of ARS at New Orleans. About three-fourths of the resources of that laboratory are allocated to research on new uses for cotton and cottonseed. The remaining one-fourth is concerned with rice, naval stores, sugar, and other crops, including peanuts. Of the total of approximately 225 professional man-years engaged in product and process development research in that laboratory, 3 are assigned to peanuts which represent an annual expenditure of approximately $69,000.

The Department appreciates the opportunity to help clarify some of the misconceptions which have arisen concerning the proposed laboratory.

Sincerely yours,

Orville L. Freeman.

NOMINATION OF ARTHUR J. GOLDBERG TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, as in executive session, by order of the Judiciary Committee, I report the nomination of Arthur J. Goldberg to be an Associate Justice of the U.S. Supreme Court, with the recommendation by the committee unanimously that the nomination be confirmed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider the nomination of Mr. Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States, just reported by the Senator from Illinois [Mr. Dirksen].

The motion was agreed to; and the Senate proceeded to consider executive business.

NOMINATION OF ARTHUR J. GOLDBERG TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED SATES

The Chief Clerk read the nomination of Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER (Mr. Pell in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. DIRKSEN. Mr. President, I should like to submit for the Record certain biographical data submitted to the Judiciary Committee by Arthur J. Goldberg, and also a number of editorials and exhibits that appear in roughly 100 pages of testimony that was received on the nomination.

Mr. President, Arthur J. Goldberg was born in Chicago on the 8th of August, 1908. He is, therefore, 54 years of age.

For a number of years he was at Crane Junior College, DePaul University. He also attended Northwestern University Law School, and he received the degrees of B.S.L. and J.D.

He was admitted to the Illinois bar and the District bar in 1929.

He was in the private practice of law in Chicago from 1929 to 1948.

He was at John Marshall Law School as an instructor from 1939 to 1942.

He served in the Office of Strategic Services from 1942 to 1944.

He was respectively a captain and a major in the U.S. Army in 1943 and 1944.

He served as a part-time instructor from 1946 to 1948.

He was with the firm of Goldberg, Devoe, Shadur & Mikva in Chicago, and later Goldberg, Feller & Bredhoff, Washington, D.C., as a law partner.

He became general counsel of the CIO in 1948 and held that post until 1955.

He became special counsel for the AFL–CIO in 1955 and held that position for 6 years.

He served as general counsel of the United Steelworkers from 1948 to 1961.

Later, in 1961, his nomination to be Secretary of Labor of the United States was confirmed by the Senate.

Mr. President, many editorials, statements, and exhibits appear in the hearings, a number of which I should like to have incorporated in my remarks.

I ask unanimous consent to have printed in the Record the letter from the American Bar Association, which appears on page 1 of the hearings; a letter from the Chicago Bar Association, appearing on page 15; a letter from the Illinois Bar Association, appearing on page 2; a letter from the chairman of the Board of the Aluminum Co. of America, appearing on page 18; an editorial from the Chicago Daily News, appearing on page 20; an editorial from the Chicago Tribune, appearing on page 21; and several others.

There being no objection, the letters and editorials were ordered to be printed in the Record, as follows:

American Bar Association,
Standing Committee on
Federal Judiciary,
September 7, 1962.

Hon. James O. Eastland,
Chairman, U.S. Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

Dear Senator Eastland: Thank you for your telegram affording this committee an opportunity to express an opinion or recommendation on the nomination of Arthur J. Goldberg of Illinois to be an Associate Justice of the Supreme Court of the United States.

Our committee, as constituted at the time of the nomination, is of the view that Mr. Goldberg is highly acceptable from the viewpoint of professional qualification.

Since the form of this opinion differs from that previously used with regard to judicial nominations, a few words of explanation may be in order.

This committee has conceived its responsibility to be to express its opinion only on the question of professional qualification, which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education, and demonstrated legal ability. We intend to express no opinion at any time with regard to any other consideration, not related to such professional qualification, which may properly be considered by the appointing or confirming authority. This position is, of course, not in any way confined to Secretary Goldberg's case, or prompted by his nomination.

Furthermore, the committee is now of the opinion that, as to nominations for the office of Justice of the Supreme Court it would be unwise for the committee to continue to attempt to give comparative ratings such as "qualified," "well qualified," "exceptionally well qualified," which we use generally in our reports to your committee. As to nominations to this Court, we wish to confine ourselves to a statement that the candidate is, or is not, acceptable from the viewpoint of professional qualification without, in the future, the use of any adjective which might suggest a comparative rating. Once again, this is a matter which has been the subject of discussion in the committee for some time, and the decision to limit ourselves in this fashion is not related in any way to this particular nomination.

I trust that this explanation is adequate and am gratified that your committee continues to ask for our opinion on such matters.

With kind regards.

Sincerely yours,

Robert W. Meserve,
Chairman.

Illinois State Bar Association,
Morrison, Ill., September 6, 1962.

Hon. James O. Eastland,
Chairman, Senate Judiciary Committee,
Washington, D.C.

Dear Senator Eastland: Your telegram of September 4, advising me as president of the Illinois State Bar Association of the public hearing scheduled by your committee for Tuesday, September 11, on the nomination of Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States is acknowledged. Shortness of time does not permit the convening of the board of governors of our association, but I am happy to give you my personal opinion as to Mr. Goldberg's qualifications.

His exceptional intellectual abilities, his experience in the practice of law, his personal and professional integrity, his capacity for hard work and his devotion to the cause of justice and to his country make him exceptionally well qualified to serve on the Supreme Court of the United States.

To assist you in evaluating the validity of my judgment in this matter, I should perhaps inform you that I have known Arthur J. Goldberg since our days in law school together. I am a Republican, and a somewhat substantial portion of the practice of my law firm has been the representation of management in labor disputes.

I appreciate your consideration in giving the association, of which I have the honor to be president, an opportunity to express its views. The members of our board of governors, with whom I have had an opportunity to confer, agree with my judgment.

Sincerely yours,

MASON BULL,
President.

THE CHICAGO BAR ASSOCIATION,
Chicago, September 6, 1962.
Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee of the Senate, Senate Office Building, Washington, D.C.

MY DEAR SENATOR: The board of managers of the Chicago Bar Association has authorized and directed me, as its president, to transmit, to your committee, our views concerning the Honorable Arthur J. Goldberg, hearings by your committee on whose nomination to become an Associate Justice of the Supreme Court of the United States we understand will take place on next Tuesday, September 11.

Mr. Goldberg joined our association shortly after being licensed to practice law in Illinois, and graduating from the Northwestern University School of Law at the top of his class.

He has been a valued member of the Chicago Bar Association since early in his professional career, and served successively for 2 years on our committee for the defense of prisoners, 3 years on our labor law committee, and for 2 years on our civil rights committee, the subject matters of each such committee constituting areas of the law in which he has intensely interested.

Not long after he began his professional career, he was representing clients in important and seriously controverted matters with both distinction and success. His success, both at the Chicago bar, and, in later years, on the national scene, is well known by all. Throughout his career, his reputation for integrity has always been of the highest, his legal attainments both unusual and outstanding, his judgment mature and wise, and his interest in his fellow men both wide and deep.

In our judgment, if he becomes a Justice of the Supreme Court, his record there will be outstanding, and among the finest in the history of the Court.

Respectfully,

WALTER H. MOSES, *President.*

ALUMINUM CO. OF AMERICA,
Pittsburgh, Pa., September 7, 1962.
Hon. JAMES EASTLAND,
Chairman, Judiciary Committee,
Washington, D.C.

DEAR SENATOR EASTLAND: Over a number of years it has been my privilege to know the Honorable Arthur J. Golberg and, prior to his accession to Secretary of Labor, to have had important business relations with him. It is my personal belief that Secretary Goldberg has all of the qualifications to become an outstanding Justice of the Supreme Court, and that he will approach the deliberations of the Court with independence, impartiality, and intelligence. Because of these convictions, I would like very much to go on record with the Senate Judiciary Committee in favor of Secretary Goldberg's confirmation as a Justice of the Supreme Court.

Sincerely yours,

FRANK L. MAGEE,
Chairman of the Board.

CHICAGO DAILY NEWS,
Chicago, Ill., September 10, 1962.
Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
Washington, D.C.

MY DEAR SENATOR EASTLAND: We respectfully request that the editorial appearing in the Chicago Daily News editions of Friday, August 31, 1962, discussing the appointment of Arthur J. Goldberg to be an Associate Justice of the U.S. Supreme Court, be made a part of the record of the Senate Judiciary Committee proceedings with respect to his confirmation.

Sincerely yours,

JOHN J. JOHNSTON,
Associate Editor.

[From the Chicago Daily News, Aug. 31, 1962]

FINE ADDITION TO THE COURT

The towering success of Arthur J. Goldberg as a labor lawyer will doubtless cause many to doubt that he can suspend the views he served so devotedly for the olympian objectivity desirable in a Justice of the U.S. Supreme Court.

It is our opinion that he can and will "see the other side" fully and impartially. Goldberg is a superior human being and a remarkable intellect by any standard. He severed his connection with the union movement when President Kennedy appointed him Secretary of Labor, and announced that he would never resume it. His energetic, capable and wide-ranging conduct of the Department's affairs undoubtedly confirmed Mr. Kennedy's opinion that he was of Supreme Court caliber.

It is a pointless exercise to examine the record of new Court appointees for a guide to their future votes. Justice Felix Frankfurter, whom Goldberg succeeds, was almost a symbol of the New Deal when he was named to the Court in 1939. He became a stalwart conservative, Hugo Black, the southern Klu Kluxer, became a leader of the Court's liberal bloc.

Chicago can share the pride in Goldberg's appointment. The son of Russian immigrants, he grew up on the West Side, where his life was not easy. He found in the Chicago schools the first answers to his quest for knowledge. He was the top student in his 1930 graduating class at Northwestern University Law School.

Goldberg has been easily the best and most spectacular Secretary of Labor within memory. He declared that the Department was not the province of any special interest, and then proceeded to extend his frenetic activities far beyond the customary jurisdictional boundaries. He has been a figure in the decisions on everything from economic policy to civil rights. His presence in Chicago, in an effort to avert the Chicago & North Western strike, testifies to the demand for his services in emergency situations.

The blanket approval of Goldberg's talents and judicial temperament by Senator DIRKSEN, Republican, of Illinois, the minority leader, indicates quick approval by the Senate. This is President Kennedy's second appointment of a Supreme Court Justice who was without previous judicial experience. It is not ideal, but one can't have everything, and in Secretary Goldberg we believe the Court will find a member worthy of its best tradition.

The appointment of W. Willard Wirtz to succeed as Secretary of Labor will doubtless have equally clear sailing. As Under Secretary, he has been a diligent and effective aid to Goldberg. A liberal, but not of doctrinaire variety, Wirtz has an impressive background in the labor field.

It may be that he owed his initial appointment to the fact that he was a law partner of Adlai Stevenson in Chicago, but he is an experienced professional who won the promotion on his own performance.

MR. JUSTICE GOLDBERG

The appointment of Arthur J. Goldberg to the Supreme Court has been received with general approval throughout the United States. It has been particularly well received in Chicago, where Mr. Goldberg is known most intimately, for here he was born, went to school and college, studied law, and first distinguished himself as a practicing lawyer.

We are not among those who will undertake to predict how Mr. Goldberg will vote on the important cases that are about to come to the Court's attention. We will venture to predict that he is too good a lawyer to accept specious defenses even of causes which he favors, and he is too independent a man to allow former associations with clients or Government to dominate his thinking on the Bench.

Mr. Goldberg showed great promise when he was graduated from Northwestern University's Law School at the head of his class. He has been an able, disinterested, and tireless public servant since he became Secretary of Labor. There is every reason to hope that as a Justice of the Supreme Court he will make an important contribution to the law of this country.

Those who think that Mr. Goldberg will be a radical judge because he represented great trade unions as a lawyer may be fooled as others were fooled when Justice Frankfurter was appointed to the Court. They were certain that Mr. Frankfurter would be the least conservative man on the Bench and that his agile mind would be at the service of every leftist cause that came to the Court's attention.

In fact, Mr. Justice Frankfurter retires from the Court amid the sighs of conservatives who have come to regard him as their strongest friend on the Bench. We doubt that this reputation is wholly deserved, but Mr. Frankfurter has been, indeed, the chief spokesman for judicial restraint, meaning that he doesn't want the Supreme Court to invade the territory that he thinks the Constitution gives to the various State legislatures, State courts, and the State and Federal regulatory commissions. This attitude of his has made him a radical when these bodies have gone that way and a conservative when they have moved in the other direction.

Mr. Frankfurter will be missed from the Court. We may be sure that the new man will be very different but he, too, is a man of outstanding talents and in the long run may prove to be no less influential in setting the Court's direction.

JONES & LAUGHLIN STEEL CORP.,
Pittsburgh, Pa. September 7, 1962.
Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing to express the hope that the Committee on the Judiciary will make a favorable report with respect to the nomination by President Kennedy of Arthur J. Goldberg to the office of an Associate Justice of the Supreme Court of the United States.

During the period of approximately 12 years, from 1948 to 1960, when Mr. Goldberg was general counsel of the United Steelworkers of America, I was the vice president in charge of legal matters for Jones & Laughlin Steel Corp. and had business dealings with him from time to time. Our relationship has been uniformly friendly. As I became acquainted with Mr. Goldberg, I developed a very great admiration for him. He has a keen and well-educated mind. He works exceedingly hard, and I believe him to be a person of absolute integrity. He is an outstanding lawyer, and I have every confidence that he will be a worthy successor to Mr. Justice Brandeis and Mr. Justice Frankfurter, who made such brilliant records as Associate Justices of the Supreme Court.

Respectfully,

H. PARKER SHARP.

NEW YORK, *September 8, 1962.*

Hon. JAMES O. EASTLAND,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: I wish to support the appointment of Arthur Goldberg as a Justice of the U.S. Supreme Court.

I have known Mr. Goldberg for many years and have worked with him on a variety of matters on numerous occasions. Of course, while Mr. Goldberg represented the United Steelworkers and I United States Steel Corp., we had different points of view on a number of occasions, although by no means all. I believe, however, that such circumstances often are conducive to learning about and appreciating a man's capabilities.

In my opinion, Mr. Goldberg is a competent lawyer and advocate, as well as a serious student of the law. He is a tireless worker, with intellectual capacity of high order. One of his notable characteristics is his ability to comprehend all sides of a problem and to reconcile opposing views.

In short, I feel that Mr. Goldberg will make an excellent judge, and would indeed bring credit to the office to which he has been nominated. I hope your committee will see fit to confirm the appointment.

Very truly yours,

ROGER BLOUGH.

Mr. DIRKSEN. Mr. President, I have known Arthur Goldberg for 25 years. I knew him when he was first practicing law in Chicago. I know the character, the fiber, the patriotism, and fidelity of Arthur Goldberg. I support his nomination unequivocally because I believe he will become a great Associate Justice of the Supreme Court.

Mr. DOUGLAS. Mr. President, I am very happy that the Committee on the Judiciary, by what I understand to have been a unanimous vote, has favorably recommended the nomination of Arthur J. Goldberg to be a Justice of the Supreme Court of the United States.

I had the honor of presenting Mr. Goldberg to the Committee on the Judiciary when he first appeared before that body. The testimony which he gave then and on the succeeding day fully confirmed the high opinion which not only I, but also, I think, virtually everyone in the country holds of him.

On Friday I had printed in the RECORD 110 editorials from various newspapers in the country of all shades of political opinion and from all sections, all of them laudatory.

In my judgment, Mr. Goldberg will be one of the truly distinguished Justices of the Supreme Court. As a lifelong friend of his, I am naturally deeply pleased that he has won this great approval. He is not afraid to be unpopular in defense of his convictions; and I know that he will serve with a high, single purpose of the welfare of the Nation.

Mr. JAVITS. Mr. President, I rise briefly to support the nomination of Arthur Goldberg to be a Justice of the U.S. Supreme Court. I have known Mr. Justice Goldberg for a quarter of a century. I would feel remiss in my duty as a friend and as a Senator if I did not state my views upon this very great occasion for him and for the country.

His high character and his professional skill have been delineated. One thing needs to be said again and again. It is that the country will find, when Arthur Goldberg sits on the Supreme Bench, that he will impart to it the luminosity of his mind, the purity of his character, and the high degree of his integrity, completely uninhibited by any past connections, by any representation he may have made, by any ideas he may have entertained, by any cause he may have advocated, by any client he may have represented, or by any other relationship he may have had in life.

The people of the country will find that Arthur Goldberg will make the greatest effort to be truly the embodiment of justice, which is what we expect from Justices of the Supreme Court of the United States. I believe the Court, as well as Mr. Goldberg himself and his family, should be congratulated upon such a great occasion.

Mr. KUCHEL. Mr. President, the unanimity of approval by which the Senate is about to concur with the President of the United States in his nomination of Arthur Goldberg to be an Associate Justice of the Supreme Court is a measure of the esteem in which all Senators hold this appointee. But it is only a measure. Over the years in which Mr. Goldberg has occupied an important responsibility in the Cabinet of the present administration he has demonstrated in word and in deed a unique and high ability as a public servant, a splendid lawyer, an excellent administrator. Arthur Goldberg represents a typically American success story. Integrity, devotion to duty have marked his career in American Government. In all his official actions, he has steadfastly followed the people's interest. I am proud to call him a friend.

With great pride I join other Senators in saluting the new Associate Justice of the Supreme Court of our country, and wish him Godspeed as he enters upon a far greater responsibility to the people of the United States. He will well and faithfully discharge it.

Mr. MANSFIELD obtained the floor.

Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I merely wish to say that the nomination is not unanimous. I should like the RECORD to show that I am recorded as voting against confirmation of the nomination of Arthur Goldberg to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I wish to add my voice to that of other Senators in the enthusiasm and wholehearted approval which they are giving to the nomination of one of the outstanding citizens of our country. Senators cannot express in words their true appreciation of a man of Mr. Goldberg's character, integrity, and ability. I wish him to know that we are for him because of his sense of fairness, his understanding, and his tolerance. He has been one of the outstanding labor-business statesmen of our era, if not in the history of our country. I express to Mr. Justice Goldberg, whose nomination will be confirmed very shortly, my best wishes for a long and successful career.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. I join the many Senators who have spoken in behalf of the nominee, Arthur J. Goldberg, for the office of associate justice of the Supreme Court of the United States.

I have known Arthur Goldberg for many years. He is one of the most able and competent men that our Nation has in either public or in private life. The President made a wise and fine selection in nominating Arthur Goldberg to the position of associate justice of the Supreme Court. The record of Mr. Goldberg as Secretary of Labor was second to none. He was one of the most brilliant members of the President's Cabinet. Furthermore, Mr. Goldberg has a record of fine judgment, of fairness and moderation in his attitude toward business and labor—and in the field of labor-management relations generally. Perhaps his most significant achievements, however, were his untiring efforts to bring an end to racial discrimination in the labor movement and in labor-management relations. I join in supporting confirmation of the nomination. The unanimous recommendation of the Committee on the Judiciary was well grounded and well founded.

Mr. ALLOTT. Mr. President, on the occasion of the consideration of this nomination I join my colleagues in the Senate in paying tribute to Arthur J. Goldberg.

To some, who perhaps feel that our political philosophies are considerably apart, I should like to say that my observation of Arthur Goldberg since I came to the Senate is such that I have come to respect very highly his legal abilities and sharpness and clearness of mind.

I am persuaded also that in his life he has always been an advocate. An advocate, of course, takes the part of his client. I should like to think of Arthur Goldberg perhaps in the context of the great Justice who has just retired from the Supreme Court, because I believe that Arthur Goldberg is possessed of a basic, essential intellectual honesty, as well as great legal ability, which will permit him to sit upon the Supreme Court as most of us who are lawyers believe a Justice should sit, and that he will not be persuaded by his own personal political philosophies to try to write into the law what is not there.

Therefore, on this occasion I express my confidence not only in the appointment but in what I am sure will be the future of Arthur Goldberg's great career on the Bench of the Supreme Court of the United States. I wish him well.

Mr. RANDOLPH. Mr. President, I wish the RECORD to reflect my official support of an action which is about to be taken in this forum in confirming the nomination of Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States.

It is not often given to a Member of the Senate to have the opportunity and the responsibility of voting for the confirmation of the nomination of a citizen for two high posts in the Federal Government. This is a privilege which has been accorded to me and to my colleagues in the Senate.

I recall the friendship—and a cherished one—which I have shared with Arthur Goldberg for more than 25 years. I was delighted in the Labor Committee in the House of Representatives to have many contacts with him when he came before that committee in his capacity as a representative of one of the national labor unions.

Recently, during some 3½ years of service in the Senate, I have met with Arthur J. Goldberg in my capacity as a member of the Committee on Labor and Public Welfare, when he appeared before that committee as Secretary of Labor.

Arthur J. Goldberg will bring to this new and challenging assignment the quality of compassion and courage and conviction which have always been the hallmark of his public career.

Mr. PROUTY. Mr. President, I am happy to commend Arthur J. Goldberg and to congratulate the President for making such an excellent choice in naming as an Associate Justice of the Supreme Court, Arthur J. Goldberg.

I am not a lawyer, but I have become intimately acquainted with Mr. Goldberg through my service on the Committee on Labor and Public Welfare. I have found him to be a man of outstanding ability, of great integrity, and one who will do honor to the high post in which he is about to serve.

Mr. YARBOROUGH. Mr. President, in the 4½ years that it has been my privilege to be a member of the Committee on Labor and Public Welfare, I have observed Arthur Goldberg appear before that committee in his capacity as a private attorney and also in his official position as Secretary of Labor. He has always been fair, impressive, and candid in his presentations.

Though I have known Arthur Goldberg for some years, I had heard of him for a number of years before I ever met him. I first heard of Justice Goldberg from Dean Leon Green, one of my law teachers at the University of Texas, and one of the great law teachers of America. Dean Green was dean of Northwestern University Law School at the time Arthur Goldberg was a student there. Dean Green had also served as dean of North Carolina University Law School and taught for a time at Yale University Law School. Now he teaches in the University of Texas Law School. He is the author of several works on tort law, and is one of the outstanding law teachers in America. He has told us in Texas for years that Arthur Goldberg was one of the most brilliant students ever to sit in his classes, if not the most brilliant.

Arthur Goldberg received the degree of bachelor of science in law in 1929 from Northwestern University, and his degree of doctor of jurisprudence in 1930 at Northwestern. He was graduated from the postgraduate school summa cum laude with the Charles B. Elder Award from Northwestern University. He was editor of the Illinois Law Review. All of these honors were won by Arthur Goldberg as a law student, but these were only a small foretaste of the success, honors, and achievement that were to be won by him later in the classrooms of life, with fate and circumstances the grader and the judge.

It is encouraging to see a person having this distinguished university record who has lived out in his lifetime the promise he gave in college; it is encouraging to our educational process and it is a great pleasure to see a man who was called the most brilliant student in his class, who shows in life that he had the adaptability to be one of the most capable practicing lawyers in America; who had the fine skill of a successful governmental administrator; who had talent as a student and a writer in the law; and who has demonstrated high capability in representing clients, receive an appointment to the Supreme Court. Arthur Goldberg has demonstrated his talents as a student of the law, as a law writer, as a law advocate, and as the administrator of a great governmental department which deals with one of the most complicated fields of law in America; namely, labor law. These attributes demonstrate his peculiar and particular qualifications as one who applied the law in action, for service on the Supreme Court.

It is the belief of people in my State who know him—he has been a not infrequent visitor to Texas for a good many years—that he will so conduct himself on the Supreme Bench as to add luster to his name, and that he will be a great credit to the greatest Court in all the world.

Mr. DODD. Mr. President, I wish to join with other Senators in expressing gratification upon the nomination, and what I hope will be the unanimous confirmation of Arthur Goldberg to be a Justice of the Supreme Court of the United States.

I have not been privileged to know Mr. Goldberg well, as have other Senators. I have known him by his record, by his achievements, by his words and by his conduct in public office during the period in which I have been a Member of the Senate and a member of the Committee on the Judiciary. I have had ample opportunity to observe both his conduct as Secretary of Labor and his ability as a lawyer. I know him to be a man of high character and integrity, and a lawyer of rare intelligence and scholarship. Also, I have observed something about Arthur Goldberg which impresses me particularly. He is one of the most unpretentious men of great character and ability whom I have ever met. He is a very modest man.

The qualities which Arthur Goldberg possesses will enable him to become one of the great Justices of the Supreme Court. I predict for him and for our country a period of sterling service on that Court. I am happy as a member of the Committee on the Judiciary to have been able to vote for his confirmation in committee, and to say these few words, together with those of other Senators, on the floor of the Senate in behalf of the confirmation of his nomination to be a Justice of the Supreme Court.

Mr. MORSE. Mr. President, I wish to speak in high commendation of Arthur Goldberg. I have known him for a great many years. I have known him as a close personal friend and also as an associate in the legal profession.

When I was a member of the War Labor Board, during the war, Arthur Goldberg tried a good many cases before me. He represented various labor organizations in some of the major labor disputes during the war.

As I sat on the War Labor Board and had the opportunity to observe his professional excellence, I came to observe something else about Arthur Goldberg which, in my judgment, particularly qualifies him to sit on the highest judicial tribunal in our land.

For many years I taught legal ethics. I took my students through the cases which set forth the canons of ethics binding upon the legal profession. One of those canons places upon every lawyer the obligation, first, to serve justice, and second, the client; and whenever a client takes a position which cannot be reconciled with justice, the lawyer has the responsibility of educating the client in regard to the meaning of the great system of Anglo-Saxon justice, which many times preserves for free men and women in this country their basic constitutional and legal rights.

Time and time again I saw this great lawyer standing before the bar, presenting a case in behalf of his client, but refusing to prostitute justice, refusing to take a position in behalf of a client which could not be reconciled with justice. I formed a great admiration for him, as I saw him in those major labor cases. Time and time again, I observed him advising his clients to follow a course of action which, while it would not be in their selfish interests, would certainly be in the interests of fulfilling an obligation that rested upon labor and management during the war, namely, carrying out their pledge of a no-strike, no-lockout agreement which they made to President Franklin Roosevelt.

I have also seen this brilliant man at work on highly complicated legal problems, recognizing another canon of legal ethics, namely, that a lawyer can never justify concealing from the court a fact which he knows would be helpful to the court in rendering justice in a decision to be handed down. Arthur Goldberg as a lawyer recognized that every lawyer is an officer of the court and that every lawyer is, therefore, a public official. He recognized that there is no such thing as a private practitioner of the law in the American legal profession, for the so-called duty of a lawyer to his client is secondary to the duty of a lawyer to the courts. Arthur Goldberg recognized this canon and always practiced it, at least within my sphere of knowledge of his professional activity.

Arthur Goldberg has a high sense of ethics and an understanding of the ethical tenets of Anglo-Saxon justice which I think befit his appointment to the Supreme Court of the United States.

I have referred to his brilliance, as demonstrated by his accomplishments in the field of labor law. He is also a brilliant lawyer in the general subjects of the law. I am very proud to speak this afternoon in commendation of this great nomination. Not only do I congratulate Arthur Goldberg, but also I congratulate and feel that we should, in behalf of the American people, thank the President of the United States for his wisdom in making this outstanding nomination for membership on the highest tribunal of our judicial system.

In closing, Mr. President, let me say that probably the best thing I could say about Arthur Goldberg is that one of his best qualifications is his wife, because, after all, all of us know that behind men in public service stand their families. I think the Goldberg family is a model for American youth, as an example, and for the American people to be proud of. I am sure that Arthur Goldberg's great record is due in no small measure to the great teammate he is so fortunate to have at his side, Mrs. Goldberg.

Mr. CARROLL. Mr. President, I happened to be in the Chamber at the time when the nomination of Arthur Goldberg was announced. The able Senator from Vermont then gave a very timely estimate of the excellence of the nomination; and I was happy to join in his statement, by asserting that I thought the nomination of Arthur Goldberg would be given overwhelming approval by the Senate.

So, Mr. President, I am happy to be on the floor of the Chamber today when the Senate is about to confirm the nomination of a fine, outstanding American of great learning, ability, and integrity, to occupy a seat on the Supreme Court of the United States. Not only is Arthur Goldberg a personal friend of mine, but he is one for whom I have very great respect. I know he will render an outstanding and fair and impartial service. It is my belief that in the years ahead he will come to be known as one of the great jurists on the Supreme Court of the United States. As I stated recently, at the time of Senate approval of my colleague and friend, Byron White, of Colorado, this appointment reflects great credit on the wisdom of President John Kennedy in nominating to this important constitutional branch of our Government able lawyers, scholars, and philosophers who are aware of our growing and expanding Nation and who are conscious of our problems in a changing world, and of our national hopes and ambitions as we move ahead with confidence and determination, to fulfill our destiny as we continue to search for freedom for others, less fortunate, under the famous rule of law and order, "Equal justice under law."

Mr. COOPER. Mr. President, I am glad to cast my vote to confirm the nomination of the Honorable Arthur J. Goldberg to be a member of the U.S. Supreme Court.

I do so because I believe Mr. Goldberg has a deep understanding of the role of the Supreme Court in our system of government. From his statements, and from his career, one can have confidence that Mr. Goldberg recognizes that respect for the law, constitutional processes, and tolerance—upon which our free system is based—hinges in great degree upon the respect and confidence in which the people hold the Supreme Court of the United States.

I support him because he is trained in the law, respects, and, I believe, loves the law. Ours is a nation of change, and it is necessary that the Supreme Court interpret the Constitution to meet issues which could not have been contemplated by those who wrote the Constitution. In such cases, it is natural that a Judge is moved by his conception of the nature and purpose of our form of government, and this enables our country to progress. But the great Judges of the Supreme Court have found their guide in the Constitution, and in the stream of law which has come down to us for hundreds of years. Because Mr. Goldberg is a great lawyer and has a deep appreciation of our Constitution and system of government, I believe that he will meet objectively and in the framework of our Constitution—its letter and spirit—the great issues that will come before the Court.

I am sure that all of us join in good wishes to him as he undertakes this new challenge and responsibility.

Mr. PELL subsequently said: Mr. President, I strongly endorse the nomination of Arthur J. Goldberg as an Associate Justice of the Supreme Court of the United States. He is a man I both know and admire personally as a Government official.

Throughout Mr. Goldberg's career, I have been highly impressed with the broad scope of his knowledge, his grasp of legal questions, his great administrative ability, and his integrity. When he was appointed Secretary of Labor, he demonstrated conclusively that his career as a labor lawyer was ended. He approached his new position with a degree of objectivity, greatly to his credit. He has performed as a loyal servant of the public interest, taking into account the views of business and Government, as well as those of labor. I know that Mr. Goldberg's performance on the bench will be in accord with the highest traditions of our Supreme Court.

Although I regret the loss of his services as Secretary of Labor, it is my belief that, in the long run, the country will benefit greatly from the use of his talents as a member of our highest judicial body. I wholeheartedly endorse his nomination.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Arthur Goldberg to be an Associate Justice of the Supreme Court of the United States?

The nomination was confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits;

S. 2793. An act to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof;

S. 2977. An act to amend the Life Insurance Act of the District of Columbia;

S. 3358. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank; and

S.J. Res. 224. Joint resolution to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter;

H.R. 8738. An act to amend sections 1 and 5b of chapter V of the Life Insurance Act for the District of Columbia;

H.R. 10937. An act to amend the act providing for the economic and social development in the Ryukyu Islands; and

H.R. 11217. An act to amend section 6112 of title 10, United States Code.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 7708. An act for the relief of Mr. and Mrs. Gerald Beaver; and

H.R. 8567. An act to authorize the Secretary of the Interior to create trial boards for the United States Park Police, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Houses to the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R.

1488) for the relief of Clara G. Maggiora; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 1599) for the relief of Pasquale Marrella; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 2371) for the relief of Ali Khosrowkhah; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 2977) for the relief of Kyoko Stanton; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4478) for the relief of Aldo Francesco Carbone; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5057) for the relief of Hans-Dieter Siemoneit; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. MACK, Mr. O'BRIEN of New York, Mr. DINGELL, Mr. BENNETT of Michigan, Mr. YOUNGER, and Mr. GLENN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9669) for the relief of Molly Kwau; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10796) for the relief of Kazimierz Krupinski; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 1681) for the relief of Gabriel Chehebar, his wife, Marcelle Levy Chehebar, and their minor children, Albert, Zakia, Zaki, Jacques, and Joseph Chehebar; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 13163. An act to amend the District of Columbia Redevelopment Act of 1945; and

H.J. Res. 865. Joint resolution to require the preparation of plans for the utilization of certain buildings in the District of Columbia for municipal theater or other municipal purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 13163. An act to amend the District of Columbia Redevelopment Act of 1945; and

H.J. Res. 865. Joint resolution to require the preparation of plans for the utilization of certain buildings in the District of Columbia for municipal theater or other municipal purposes.

ADMITTANCE OF VESSEL "CITY OF NEW ORLEANS" TO AMERICAN REGISTRY

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade.

THE FIRST WHITE HOUSE CONFERENCE ON NARCOTICS A "LAUNCHING PLATFORM" FOR A HISTORIC NEW EFFORT

Mr. HUMPHREY. Mr. President, I should like to call the attention of the Congress, and particularly the attention of the Senate, to an important landmark in American health and law enforcement—a conference which will be held here in Washington on Thursday and Friday of this week. I refer to the first White House Conference in history on the subject of narcotics.

The mere title of this Conference may not indicate to most people the full significance of this meeting. The fact is, however, that for the first time in American history, a President of the United States has taken hold of this problem by bringing together the foremost experts in the land to counsel with one another and with the President's associates. For the first time, the full resources of the U.S. Government are to be brought to bear on the problem.

POINTS TO BE STUDIED

Under the Chairmanship of the Attorney General of the United States, the spotlight of expert analysis will be placed on: (a) the real magnitude and nature of the problem; (b) the role of various professional disciplines and interests—law enforcement, correctional, judiciary, legal, medical, sociological, legislative, research, educational, mass media, pharmaceutical manufacturers, and so forth; (c) the adequacy of existing programs for treatment and rehabilitation; and (d) the possibilities of future remedial action.

CANNOT ACHIEVE THE IMPOSSIBLE OVERNIGHT

This is a bold but feasible and desirable undertaking.

Of course, with only 2 days available for the Conference, it would not be realistic to assume that it could accomplish the impossible.

Deeply divergent views which have historically evolved cannot be easily or quickly reconciled, nor can a definitive program be agreed upon overnight, nor should it be.

But the Conference will be a launching point for further progress. It will mark a giant step forward, if only in the fact that the President of the United States is giving it his personal leadership.

It will be the occasion of an effective dialogue between expert, dedicated individuals and groups on Federal, State, and local levels.

Frankly, in the past, many of these leading individuals and groups have often talked past each other, and not to each other or with each other.

There are deep differences and convictions as to the philosophy and the techniques of resolving the narcotics problem.

I do not presume to judge between the opposing forces. But I do know that a calm confrontation, a wholesome exchange of views, an agreement on points accepted and points at issue—all these are the necessary first steps toward more effective teamwork.

ABLE PANEL REPORT ON DRUG ABUSE

Fortunately, there will be available to the participants in the Conference an outstanding 60-page report as one of the many bases for discussion.

The report was issued by an Ad Hoc Panel on Drug Abuse, whose chairman was David R. Goddard, Ph. D., provost of the University of Pennsylvania.

Serving on the panel, among others, was George P. Hager, Ph. D., dean, College of Pharmacy, University of Minnesota.

The panel had been convened at the request of the President by his able science adviser, Dr. Jerome Wiesner.

I should like to point out that the science adviser's office has been at work night and day, as has the Attorney General's staff, in order to achieve the greatest national good from this Conference.

The panel's report lays a strong basis for Conference evaluation.

It performs these excellent services:

It clears up certain widely held erroneous notions as to the key terms, "addiction," "addict," "habituation," and so forth.

It points up the rising and alarming incidence in "spree" use of a number of drugs in rotation.

It calls a spade a spade and notes that present records maintained by various agencies connected with drug abuse are, regrettably, but frequently, "inaccurate, incomplete, and uncoordinated with the records of other cooperating agencies."

It pinpoints the role of users in spreading the habit to other users.

It stresses the fact that drug abuse is not in itself a disease, but rather "a manifestation of underlying pschological or physiologic disorders about which we have little knowledge," and no cure at present.

It sets the record straight as to the type of crime which a drug abuser, especially those using heroin or other narcotics may tend to commit; namely, against property, rather than against persons.

It meets head on the issue of the need for "a strictly supervised, highly controlled parole period," whether after civil or criminal commitment.

It urges use of modern, sophisticated techniques for detection of drugs used by a parolee or other individual.

It emphasizes the responsibility of the medical community to "lay before the courts" a code defining proper activities relating to drugs given in the course of legitimate medical practice.

It points up the indispensable activity of correctional and parole agencies, as well as community groups which, traditionally, aid various categories of socially inadequate individuals.

It urges investigation of the critical factors which tend to induce compulsive use or to discourage such use.

It points out that much may be learned from dealing with the narcotics problem which may prove useful in dealing with other social issues, such as alcoholism. This latter subject involves the incapacitation of an infinitely larger magnitude of victims—some 5 million.

The report makes many other important points.

There will be many experts who disagree with some of the observations which have been made in the report. But I do not believe that they will question the fact that this distinguished panel has made an honest, scholarly contribution to an effective, head-on debate on the subject.

BACKGROUND AND INTEREST

I should like to submit a bit of background as to my personal interest. For many years, I have been interested in an effective, realistic approach to the narcotics problem. As a former municipal official, I know of the needs for strong action at the city, as well as at the county and State level. I know the problems of law enforcement officers, of judges, correctional officers, as well as of psychiatrists, social workers, and other members of official and private agencies' teams.

I know, too, of the deep interest of such great American leaders as Mayor Robert Wagner, of New York, and Gov. Pat Brown, of California, in dealing effectively with this issue.

Here in Washington, it has been my privilege to make perhaps some little contribution to the subject. I have done so in my capacity as chairman of the Senate Government Operations Subcommittee on Reorganization and International Organizations. This subcommittee is responsible for studies of interagency coordination.

It is understandable, therefore, why the subcommittee staff has, at my direction, looked into such matters as the working relationships, or lack of relationships, between the various Government departments which have various responsibilities in this field.

Fortunately, the type of unified, coordinated governmental approach which has long been desired by this subcommittee is now on its way to realization, thanks to the leadership of the President and the Attorney General.

It is no accident that the forthcoming Conference is sponsored by the Interdepartmental Committee on Narcotics.

CHAIRMANSHIP OF PANEL ON LEGISLATION

It will be my personal pleasure to join with several other Members of the Congress at the Conference. I have been honored to be designated to serve as Chairman of the Panel on Legislation.

Numerous important bills are now pending before the Congress dealing with narcotics, including legislation for the more effective control of amphetamines and barbiturates.

I go to the Conference essentially to learn from the distinguished experts who will be present, as well as to offer whatever insight we have gained from our years of contact with the Public Health Service, the Narcotics Bureau, and other Federal agencies.

I digress to point out that the Senator from Connecticut [Mr. DODD] has done a great amount of work in the field of barbiturates. I am hopeful that the legislation which he sponsors, which is still in committee in the Senate, may be acted upon, because similar legislation has been acted upon in the other body.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I am very happy to learn that the Senator from Minnesota is going to the Conference, for I know of the Senator's work of many years in this field. I have found myself associated with him on this issue many times.

A question is raised in my mind as to whether the Senator from Minnesota knows of any movement or vote to return to the adoption of two provisions that were in the narcotics bill some years ago and which the senior Senator from Oregon not only opposed, but succeeded, by use of the rules of the Senate, in blocking, on three different occasions. One provision was for capital punishment of anyone convicted of violation of the Narcotics Act by selling narcotics to anyone 18 years of age and under; another was a provision to use the narcotics law for the establishment of wiretapping authorization.

Does the Senator from Minnesota know whether there is a plan on the part of any of the advocates of narcotics legislation to return to those two most undesirable and completely unacceptable provisions in the opinion of the senior Senator from Oregon?

Mr. HUMPHREY. I know of no such plan. I would not be surprised if they would be discussed, but I am sure those who discussed them would know of the action of the senior Senator from Oregon, as well as the concern of other Members of this body over that same type of legislation.

I turn now to one area of future activity on which the Reorganization Subcommittee can and does offer a reasonably substantial degree of competence. I refer to the area of management of information.

Fortunately, the administration is moving ahead in this area; and specifically in relation to narcotics data.

IMPROVING THE MANAGEMENT OF INFORMATION ON NARCOTICS

I refer to its progress toward improved management and dissemination of a vast backlog of technical information which has accumulated on all phases of the narcotics problem, but which has heretofore been relatively little used except by a few expert sources.

The answer is, of course, to move full speed ahead for the collection, storage, abstracting, indexing, coding, review, and dissemination of scientific information.

For years, through the dedicated labors of Dr. Nathan Eddy, some 25,000 scientific papers have been industriously compiled. But the almost total absence of information funds made it impossible to place hard copies or microfilms of the information at the disposal of experts throughout the United States and the world.

Now, fortunately, there is on its way to realization Dr. Eddy's and others' long-hoped-for dream of putting this great reservoir of information into mechanized storage and wide dissemination.

The National Institute for Mental Health is to be commended for its far-reaching plans to establish the most modern national clearinghouse service possible.

Just last Friday I pointed out NIMH's pace-setting efforts in a subcommittee hearing which examined information problems throughout the executive branch.

But even if all presently available information is brought together, digested, indexed, and evaluated, there will still be deep-seated areas of difference.

It is for this reason that I am gratified at the participation of these various points of view.

CAREFUL SIFTING OF RIVAL VIEWS

The very first thing which I had arranged for, from our subcommittee's standpoint, was the mobilization of the evidence available from all possible sources and with all possible conflicting views.

This included, for example:

First. The interim and final reports of the joint committee of the American Bar Association and the American Medical Association on narcotic drugs.

Second. The rebuttal by the Federal Narcotics Bureau in the form of its report, "Comments on Narcotic Drugs."

Third. The papers of the 1958 symposium which had been conducted by the U.S. Public Health Service, but which have not been formally published.

Fourth. The book, "Narcotics and the Law—A Critique of the American Experiment in Narcotics Drug Control," by William Butler Eldridge, project director, American Bar Foundation.

Fifth. Rebuttals to Mr. Eldridge's view, including a preprint of a critical analysis of the book by the former Commissioner of the Narcotics Bureau, Harry J. Anslinger. This review will appear in the October 1962 issue of Fordham Law Review.

I should like to add that Commissioner Henry L. Giordano has, like his dedicated predecessor, been most prompt and cooperative with our subcommittee staff. Incidentally, since our subcommittee is responsible for review of international organizations, we are deeply cognizant of the Bureau's significant contributions to the efforts of the United Nations to reduce illicit traffic in narcotics.

CONCLUSION—A NEW ATTITUDE TO EMERGE

In conclusion, I feel that the White House Conference on Narcotics will more than fulfill the memorable pledge to hold such a review which the then Senator John F. Kennedy made 2 years ago.

If there is one thing which may emerge from the Conference, I hope and believe it will be this: an attitude of realistic teamwork, an attitude which vigorously pursues scientific facts, instead of merely repeating cliches, an attitude which is flexible and experimental, rather than one which is rigid and closed-minded, yet an attitude which continues firmly and responsibly in its protection of the public safety.

The toll taken by narcotics abuse is too formidable to ignore or to continue to tolerate or to meet with mere palliatives.

Many brave law enforcement officers have been injured and killed in the battle against narcotics abuse.

No one will know the tangible and intangible costs which abuse inflicts upon society, nor upon the lives of the drug abuser and his or her family. Here is a subject worthy of the best efforts of all men of good will.

We must find out what techniques work and what techniques do not work and why. We must fearlessly push away the fog of misunderstanding and distortion which has enveloped so much prior discussion.

I ask unanimous consent that there be printed at this point in the RECORD the text of a White House release of September 14.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
September 14, 1962.

The White House today released a progress report on drug abuse which will be the principal working paper for the forthcoming first White House Conference on Narcotic and Drug Abuse. The Conference has been called by President Kennedy for September 27–28.

The report opposes placing drug offenders in prison for long periods of time and at the same time rejects any public policy which would continue a person's addiction by furnishing him with drugs. Instead it calls for treatment and rehabilitation which it declares can restore the compulsive drug abuser to a legal and in some cases even a productive place in society.

The report was commissioned some 6 months ago by President Kennedy in preparation for the forthcoming Conference, which will bring some 400 scientists, law enforcement officials, and other recognized authorities for a 2-day meeting at the State Department. President Kennedy will address the opening session of the Conference and Attorney General Robert F. Kennedy will be its General Chairman.

Among other conclusions of today's 60-page report is that there is an evident decrease in abuse of such narcotics as heroin at the present time, with a concomitant increase in the abuse of such nonnarcotic drugs as the barbiturates and amphetamines. There is also increasing evidence (particularly among teenagers) of the "spree" use of a number of different drugs in rotation.

The report calls for revision of public and professional attitudes toward drug addiction and for a broader approach to research. "Since the number of those exposed to drug abuse through physical proximity or actual experimentation is far greater than the number who actually go on to be compulsive users," the authors state, "we may fruitfully investigate the critical factors in those who manage to remain free of the habit, rather than those who do not. The frequently cited environmental factors of poverty, limited education, crowding, etc., apply also to many millions who never use drugs or perform other antisocial acts."

Chairman of the panel preparing the report was Dr. David Goddard, provost, University of Pennsylvania. Other members were Dr. Stanley Bennett, of the University of Chicago; Dr. Roger Egeberg, medical director, Los Angeles Department of Charities; Dr. George P. Hager, of the University of Minnesota; Dr. George James, deputy commissioner of health, New York City; Dr. Keith Killam, of Stanford University; Dr. Gardner Lindsey, of the University of Minnesota; and Dr. Maurice Seevers, of the University of Michigan.

The data in the study were obtained from official documents, the open literature, and extensive discussions with Government and nongovernment officials who have been active in the general field of addiction. In addition, field visits were made to New York, California, and the U.S. Public Health Service Hospital at Lexington, Ky.

The report is being presented to the Conference as a progress report and work paper and not as conclusions to be either approved or disapproved by Conference participants.

(NOTE.—The conclusions of the 60-page "Progress Report of an Ad Hoc Panel on Drug Abuse" are attached. A limited supply of the full report is available and can be obtained from Dean Markham, planning director, White House Conference on Narcotic and Drug Abuse, Executive Office Building, Executive 3–3300, ext. 371.)

"FAMILY QUARREL" CAN WRECK U.S. SPORTS COMPETITION

Mr. HUMPHREY. Mr. President, I wish to call to the attention of the Senate some of the efforts we have been making recently to bring about a showdown in the so-called feuding, fussing, and fighting between rival U.S. athletic groups over U.S. participation in the 1964 Olympics.

I do not know whether my colleagues are aware of the fact that because of quarreling between special groups with special interests over who will be in charge, this country may not be represented in the 1964 Olympics. I want to alert the public that if the United States does not watch out, unless something is done in the very near future, we may very well find that our country will not be represented in the 1964 Olympics. Surely we will not be represented by our best talent. We may be the laughing stock not only of the Nation, but also of the world, in respect to athletic sports competition.

The International Amateur Athletic Federation has met in Belgrade. The federation is the supreme world-governing body for international athletic competition. The federation decided that any athlete who competes in meets staged by the new United States Track and Field Federation may be barred from international competition, including the Olympic Games.

Thus, the "family quarrel" which has been raging among sports groups in the United States brings this country closer, unfortunately, to an international athletic fiasco. A considerable proportion of our 1964 Olympic athletes may be barred from competition; the team which we field may be but a "shadow" of what it could be and should be.

If none of the major U.S. organizations yields in its present stand, our U.S. Olympic team could, in effect, be wrecked before it is even assembled.

Under the circumstances, I want to urge that an impartial board, consisting of outstanding civic and sports leaders in the United States be set up to work out this dispute.

USE WHITE HOUSE GOOD OFFICES TO MEDIATE

My distinguished colleague from California [Mr. ENGLE] pointed out this fact weeks ago, after a visit to the White House: The Office of the President would be happy to use its "good offices" if the various parties in the controversy would each agree to ask it to do so.

The rival groups have not thus far so agreed. I urge them to reconsider.

I do not like to see anyone in the U.S. Government enter into the slightest in matters which should be left in private hands. But there is a national interest, a nation need, and a national urgency.

A house divided against itself cannot stand. An American sports world split in half cannot possibly do justice to America's role on the international athletic scene.

STAGE ATHLETIC MEETS IN EVERY CITY AND STATE

Nothing less than unity will satisfy the needs of this country for physical fitness and sports strength.

All U.S. mayors and Governors should request civic and sports leaders to set up pre-Olympic athletic eliminations at city, county, State, and regional levels.

Every high school, college, park, playground, municipal center, and armory in this country should be used to find, train, and test the talent of American athletes.

But the intramural battle must simultaneously be resolved.

NCAA-AAU COMPETITION

Some observers have indicated that the National Collegiate Athletic Association may request NCAA schools to bar their facilities for the use of Amateur Athletic Union meets. National Collegiate Athletic Association athletes may be barred from participating in Amateur Athletic Union events.

The U.S. Track & Field Federation may be holding competitive indoor meets and outdoor meets, rivaling those of the Amateur Athletic Union.

By contrast, all of the sports groups ought to be striving creatively for unity, for a broadened, not narrowed, base of American competition.

As I indicated in my statement in the Senate on September 12, I do not presume to judge the merits of the arguments of the rival groups.

I have a high regard for the Amateur Athletic Union, for the National Collegiate Athletic Association, and for the National Athletic Intercollegiate Association.

MINNESOTA'S INTEREST IN SPORTS

I know of the deep regard of Minnesota high schools and colleges for their sports role.

I want the dedicated athletic coaches and athletes of my State, as of every other State of the Union, to be part of a winning, united American team. To lose the services of a Minnesota athlete because he ran or swam at a rival meet is, to my way of thinking, intolerable.

The 1964 Olympics are fast approaching. The sands of time are running out in terms of advance preparation. We should not lose any time in settling this family argument.

SOVIET CLOBBERING US IN DEVELOPING COUNTRIES

This entire subject would not be as significant were it not for this fact: Evidence indicates that we are tending to run second-best in a "sports race" with international communism throughout the globe, that is, in sports exchanges and athletic meets.

It is no accident that the Soviets constructed a giant stadium in Djakarta, Indonesia.

It is no accident that the Soviets are sending their best coaches to developing countries; that they are importing hundreds of athletes from Latin American, Asian, and other lands.

This is all part of a global Red strategy to raise Moscow's prestige in the eyes of millions of sports enthusiasts.

REPORT REQUESTED FROM STATE DEPARTMENT

On this international front, I have requested a full report on United States-Soviet sports competition from the Department of State.

All over Latin America and Asia, Soviet coaches and teams are having a field day with the athletes and crowds of emerging countries.

Red propaganda is brainwashing millions of people in the new nations with an image of a so-called Soviet superman.

Two-way exchanges by Communist satellite countries are also playing a crucial role in the "sports cold war."

Soviet gold medalists in track and field, swimming, or soccer, are as popular or more so in the neutralist nations than Soviet cosmonauts.

Red sports stars give a decidedly different image to people throughout the world than Red soldiers who patrol the Wall of Shame in Berlin.

A massive increase in the U.S. athletic exchange program is essential. We have been sending over too few sports leaders and, often, teams of too modest caliber. And we have been inviting too few athletes from abroad in our exchange program.

CONCLUSION: LET US GET TOGETHER

The key to American victory in the "sports cold war" is American teamwork.

We have a great deal to be proud of in terms of the performance record of our American athletes and the interest of civic leaders.

Congress interest in this subject is not new. In 1950, the 81st Congress—Public Law 805—chartered a U.S. Olympic Association with outstanding representatives. Unfortunately, funds have since been lacking; vigorous foundation-type support is, therefore, now essential.

The greatest leaders in American philanthropy should be enlisted in this task of raising the necessary funds now—not a year from now or in early 1964. The "base" must be further broadened for sports-civic-industrial-labor participation in our Olympic program.

LETTER FROM PAST PRESIDENT OF AAPHER

It is just a few days since I made my initial statement on this overall subject.

Yet, even within this short period of time, I have received an outstanding response. Leaders in sports and physical education from all over our Nation have been in telephone, personal, and letter contact with me and with the staff of the Senate Subcommittee on Reorganization and International Organizations.

I should like to introduce into the Record but a single such message. It comes, appropriately enough, from the immediate past president of the American Association for Health, Physical Education, and Recreation, the great professional organization with 31,000 members throughout the 50 States of the Union.

Dean Arthur S. Daniels, of Indiana University School of Health, Physical Education, and Recreation, commented most graciously and, I might say, promptly by way of response. As a matter of fact, he wrote on the very day that he received the copy of my comments. I ask unanimous consent that Dean Daniel's letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Indiana University, School of
Health, Physical Education,
and Recreation,
Bloomington, Ind., September 20, 1962.

Hon. Hubert H. Humphrey,
U.S. Senate, Washington, D.C.

Dear Senator Humphrey: I have received from your office a release dated September 19, 1962, entitled "Senator Humphrey Seeks a 'U.S. Olympic Foundation'—Offers Five-Point Program for Youth and Adult Fitness."

I want to express my appreciation and strong support for the position you have taken regarding programs for youth and adult fitness and the development of a U.S. Olympic Foundation. As immediate past president of the American Association for Health, Physical Education, and Recreation I have worked very closely for the past 2 years with President Kennedy's Council on Youth Fitness. We have worked with Bud Wilkinson and his staff in the development of ideas and the preparation of materials on youth fitness.

Your interest and support of fitness and Olympic activities is gratefully acknowledged. It is such support from people in positions of influence in our National Government that would help these important movements achieve success. Be assured of the support in your endeavors from 31,000 members in our national association and the approximately 100,000 workers in the field of health education, physical education, recreation, and athletics.

Sincerely,

Arthur S. Daniels,
Dean, and Past President, American Association for Health, Physical Education, and Recreation.

VISA FOR OSWALD MOSELEY, BRITISH FASCIST LEADER

Mr. JAVITS. Mr. President, I wish to make a brief statement concerning an event which has just taken place.

The news that the Department of State has allowed a visa to be issued to Sir Oswald Moseley, the British Fascist leader, will be distressing to all Americans. Indeed, I am particularly distressed as a Senator from New York that the invitation should have been issued to Moseley by a State college in Buffalo. Nonetheless, our devotion to freedom of speech and academic freedom is so strong—and the absence of fear that the words of any extremists would have really damaging influence on the overwhelming majority of Americans, young or old, is so deeply ingrained in all of us—that I would have to defend the right of the college to invite Moseley, in spite of the way I feel about him. There are, however, substantial questions of public order which are also involved, and these, it is hoped, will have been answered by our authorities by making the necessary survey in Buffalo before Moseley actually clears our border—as well as on the basis of experience with the Buffalo meeting, assuming it comes off.

We must remember that Moseley's antisemitic diatribes in his own country have been marked by serious violence and that the United Kingdom recently deported Lincoln Rockwell because his presence was claimed to endanger public order. Section 212(a)27 of the Immigration and Nationality Act places upon the U.S. consular authorities and the Attorney General the responsibility to determine before admitting him that Moseley will not "engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States." Moseley's admission also illustrates again the injustice and discrimination of our present immigration law which bars Communists automatically but bars Fascists only if it can be proved that they advocate overthrow of the U.S. Government.

Altogether this is a most unhappy development for our country, which I do not believe anyone but native Fascists, of whom very unfortunately we have a few, would approve. Moseley's visit—and I hope it will be a short one—places a very heavy burden upon the law enforcement authorities at the local, State, and National level. We can only hope that the State Department and the State college of Buffalo really knew what they were doing and that we shall all not rue the day when our solicitude for free speech and the free institutions of our country caused us to stretch them so far in order to show that they were meant for friend and foe, citizens and visiting alien alike.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. I am glad the Senator has brought up the subject. It seems to me that it also should be said that we should endeavor to establish, in the granting of visas, some kind of consistent policy. The Senator will remember that Mr. Tshombe sought to come to the United States to address a college group, but was denied a visa.

Mr. JAVITS. That is correct.

Mr. KEATING. It is difficult for me to understand how Mr. Moseley would serve our national interest any better by coming to the United States to speak than would Mr. Tshombe.

We believe in freedom of speech. If a university invites someone to speak whose utterances are anathema to most right-thinking people, it would not make much sense to deny a visa to a man like Mr. Tshombe, who might offend some people but certainly would not offend as many as Mr. Moseley, and then to grant a visa to Mr. Moseley.

Mr. JAVITS. I think my colleague makes an extremely valid point. I know how my colleague feels about civil liberties, with respect to which he has been an ardent advocate. His heart is as heavy as mine in the conflict always obtaining in this regard.

I would have admitted Mr. Tshombe, if some reputable institution wanted him to speak and there was no question of disorder. That must be the acid test.

It is difficult to understand why a man who, like Mr. Moseley, arouses emotions of the most violent kind, quite justly aroused, should be admitted, while Mr. Tshombe, a good deal further removed from the sensitivity of most people than Mr. Moseley, should not be given a visa.

AUTHORITY TO PRODUCE DOCUMENTS AND GIVE TESTIMONY IN CASE OF UNITED STATES OF AMERICA AGAINST JAMES R. HOFFA, ET AL.—REPORT OF A COMMITTEE

Mr. McCLELLAN. Mr. President, from the Committee on Government Operations, I report an original resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The legislative clerk read as follows:

Whereas the case of the United States of American versus James R. Hoffa and Commercial Carriers, Inc., criminal action No. 13,241, is pending in the United States District Court for the Middle District of Tennessee; and

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, has in its possession, by virtue of Senate Resolution 255, section 5, 86th Congress, the records of the former Senate Select Committee on Improper Activities in the Labor or Management Field; and

Whereas the chairman of the said subcommittee has received certain requests for documents of the said former Select Committee on Improper Activities in the Labor or Management Field, to be used in connection with the aforementioned criminal proceeding; and

Whereas by the privileges of the Senate of the United States no document under the control and in the possession of the Senate of the United States can, by the mandate of processes of the ordinary courts of justice be taken from such control or possession but by its permission; and

Whereas by the privilege of the Senate and by rule XXX of the Standing Rules of the Senate, no document shall be withdrawn from its files except by the order of the Senate, and

Whereas information secured by the staff employees of the Senate pursuant to their official duties as employees may not be revealed without the consent of the Senate: Therefore, be it

Resolved, That the chairman of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations or any staff employees, or former staff employees of the said select committee, designated by him, are authorized to appear and testify at the aforementioned trial; and be it further

Resolved, That the chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations is authorized to comply with the aforesaid requests and deliver the requested documents in the possession of the said subcommittee to the Department of Justice; and be it further

Resolved, That during the periods of time that the Senate is in adjournment sine die, the chairman of the said subcommittee is authorized, in his discretion, to comply with such further requests as might be received from the parties in the above enumerated litigation which might call for the production of further documents in the possession of the said subcommittee, so that the ends of justice shall be met thereby.

The PRESIDING OFFICER. Is there objection to consideration of the resolution?

There being no objection; the Senate proceeded to consider the resolution.

Mr. McCLELLAN. Mr. President, this is a simple resolution to authorize the use of Senate documents and of the staff of the Permanent Subcommittee on Investigations as witnesses in the event they are needed in the trial of a criminal case. It is the usual procedure, because the Senate has exclusive jurisdiction over its own records. This procedure is necessary in order that the legislative branch of the Government in these instances may cooperate fully with the executive branch of the Government.

I ask for immediate consideration and action on the resolution.

The PRESIDING OFFICER. The resolution is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the resolution.

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

SUN VALLEY MAIL AND WIRE FRAUD CASE

Mr. McCLELLAN. Mr. President, recently, some few Members of Congress publicly criticized the Justice Department and the Attorney General for what they described as unfairly seeking a postponement and delaying the trial in the case of the Federal Government against James R. Hoffa and a Detroit bank official by the name of Robert E. McCarthy, in what is known as the Sun Valley mail and wire fraud case, which is pending in a Federal district court in Florida.

It is not my purpose to here now serve as a defender of the Department of Justice or the Attorney General. When the true facts and all of the attending circumstances are considered, neither needs any defense. I do feel, however, that pertinent facts, which were omitted by the Members of Congress in their criticism, should be stated for the record; and that is what I shall do.

According to my information—and I am sure the court records will so reflect—the Government repeatedly sought to expedite the trial of this case, whereas the defense sought delay. I am advised that since the indictment was returned, defense attorneys have filed more than 40 motions in the trial court; they have appealed 7 decisions to the Circuit Court of Appeals; and at present, there are 2 petitions pending before the U.S. Supreme Court which are yet unresolved.

The Government, beginning on December 15, 1960, continuously sought to have this case come to trial over the objections of the defendants until it learned that defendant McCarthy had suffered a heart attack and was unable to stand the physical strain of a long court trial without the risk of further and permanent injury to his health, and possibly, his death.

Attorneys for the defendants, for reasons best known to them, did not disclose these facts, and therefore, the Federal Government found it necessary to introduce an affidavit from Mr. McCarthy's physician which stated in part:

> * * * Mr. McCarthy has * * * a grave condition in any instance (which) by extension can be fatal. * * * Assuming that Mr. McCarthy was exposed to a trial of any protracted length * * * it is my professional opinion that such an ordeal * * * might well result in total future incapacitation or a fatality.

I think the Justice Department, under these circumstances, should be commended rather than condemned for seeking a postponement. To proceed to trial and thus imperil the life of one of the defendants in the case would have been a serious miscarriage of justice. Bear in mind it is estimated by the Government that the trial of this case will be of at least 2 months duration, and defense attorneys contend that it will take longer than 6 months to complete the trial of it.

Another criticism leveled at the Government is that it took advantage of an unusual legal situation in Florida to juggle the trial dates of two cases in which Mr. Hoffa is a defendant, one pending in the Federal court in Tampa and the other in the Federal court in Nashville, Tenn.

A legal problem does exist. It was created by the establishment of a new judicial district in Florida affecting Tampa, the site of the Sun Valley case.

I believe it went into effect on July 30, 1962.

It created a new middle district in Florida which will come into existence on October 29. It will embrace and have jurisdiction over the Tampa area. Therefore, a serious legal question arises as to whether a trial that had started in the present district could be concluded within the territorial jurisdiction of the new district.

It was precisely to avoid such a serious legal question that a conference of Florida judges ordered that trials in Tampa affected by the new district which would not be completed by October 28, be rescheduled. The Sun Valley case involving Mr. Hoffa and Mr. McCarthy was only one of a number of cases so affected.

It should be noted that this determination was made by the courts and not by the Department of Justice.

Again, no criticism with respect to the court situation in Florida is warranted against the Attorney General or the Department of Justice. This is a situation not of their creation but one that is incident to recent legislation enacted by the Congress.

It, therefore, appears to me that the Department of Justice has proceeded properly, in accordance with necessity of existing conditions and in keeping with traditional justice.

CUBA'S "FISHERMEN"

Mr. KEATING. Mr. President, this afternoon, the UPI News Service has reported, as follows:

> MIAMI.—Premier Fidel Castro today announced that Soviet Russia is building a "fishing port" in Cuba "to facilitate (commercial) fishery operations of the Soviet fleet in the Atlantic area."
>
> Castro's disclosure was made over Havana Radio in the course of a speech during the signing of a Soviet-Cuban fisheries agreement in the Cuban capital. The ceremony was broadcast by radio and television throughout Cuba.
>
> Castro and Soviet Fisheries Minister A. Ishkov signed the agreement. Castro wore his usual olive drab fatigue uniform. The Soviet delegate, however, was clad in the Cuban "guayabera" or open sports shirt.
>
> Castro said the estimated $12-million cost of the Russian fishing port would be shared in equal amounts by Russia and Cuba. The signing ceremony took place at the Civic Square headquarters in suburban Havana of the National Agrarian Reform Institute.
>
> The fishing protocal signed today represented a formal extension of the commercial fishing aid the Russians have been giving Castro since earlier this year.
>
> On personal orders of Soviet Premier Nikita Khrushchev, Russia earlier this year dispatched a fleet of six ocean-going fishing trawlers to Cuba to aid in developing that country's commercial potentialities.
>
> The Russians "loaned" the craft to the Castro regime for a year in the course of which time the Cubans were to have the option of returning the trawlers or buying them.
>
> However, today's announcement was the first disclosure that the Russians intended to formally establish a fishing base of operations in the Caribbean area.

It is well known what the Soviet fishing trawlers, as they are called, have been doing and will do. They have been congregating and will congregate around Cape Canaveral with eavesdropping devices. Moreover some Cuban ships are already equipped with short-range 15-mile missiles, which could also have a devastating effect.

I do not wish to be misunderstood. I know of no intention to use such missiles. But missile equipment on one of those Cuban ships could have a devastating effect on any vessel. These so-called fishing trawlers could carry missiles. We now have a Soviet fishing base established. Next there will be a hunting base. Then there will be a duck shooting base. The Russians are always able to find a name for what they do. They are experts at semantics.

But we must look at the facts. The fish that the Russians are trying to catch are human fish throughout the Caribbean and throughout Latin America. If we fall for this new bait, we will be the biggest suckers of all. I hope that we will not merely look the other way and say that the situation is a serious one or that what has happened will further complicate our problem. Initially, we should, in the strongest terms possible, bring the problem to the attention of the Organization of American States. The so-called fishing base in Cuba is a much greater threat to the other countries of this hemisphere than it is to us. We must draw the line somewhere. Where? When are we going to stop allowing further Soviet penetration into this hemisphere?

PATROL VESSELS RETURNED TO CASTRO

Mr. President, that brings me to a somewhat related, though entirely different, subject upon which I intended to speak today. It is my unfortunate task to announce to the Senate that as a direct result of Department of State policies, an incredible decision has been made. Judge Dyer of the Federal district court in Miami has ordered the release to the Cuban Government of two vessels being held in Key West. Judge Dyer based his decision entirely upon the request of the Department of State for sovereign immunity. The Department of State has maintained that the Castro government must be accorded the rights which "accrue to the government of a sovereign state under international law." In Judge Dyer's view, this policy determination by the Department of State is binding in the Federal courts and as a result, these vessels which can be used for patrolling the Cuban coast and shooting down would-be refugees from Castro's tyranny are to be handed back to Fidel Castro. A 3-day stay order was granted to permit possible appeal to the circuit court of appeals or to the Supreme Court.

Mr. President, like all my colleagues in the Senate I am most vigorously and vehemently opposed to the Soviet shipment of military equipment and other supplies with a military potential to Cuba. I am equally opposed to the leasing or chartering of ships by our NATO allies to assist the Soviets in their unholy task of arming Castro and his cohorts so that they can enforce their will unhindered on the helpless Cuban people. Furthermore, Mr. President, I am even more deeply opposed to the actions that have been taken by the U.S. Government, in the Federal district court in Florida, to send back to the Cuban Government ships or vessels that can be used for military purposes, or to fire upon unarmed refugees trying to escape from Cuba.

Let me make it clear that my criticism is not directed at the Federal judge, who probably had no discretion in this matter, in the light of the position taken by the Department of State.

Mr. President, in view of the national indignation at Soviet shipments and our announced efforts to halt the chartering of NATO ships to the Soviet Union and the authority conveyed in this bill to call up American men into the service, it is in my judgment an incredible act on the part of the State Department to intervene in a Federal court with the express purpose of returning to the Cuban Government vessels that have been used in the past and may well be used in the future to menace Cubans who are seeking their freedom.

The facts are these, Mr. President: In mid-July two 35-foot vessels were seized by Cuban citizens wishing to escape from the tyranny which today grips Cuba. By means of these vessels, several Cubans made their way to the coast of Florida, at which point the vessels were attached by American creditors who had duly obtained judgments in court, for sale at auction by the sheriff of Monroe County, Fla., as compensation. This attachment was confirmed by full legal proceedings in the Florida State courts and sustained on appeal to Florida's highest court. The date of auction was set for August 27. On August 6 the Government of Cuba made representations, through the Embassy of Czechoslovakia claiming that by virtue of their ownership by the Cuban Government, the vessels were entitled to sovereign immunity from seizure or attachment in the United States. Ten days later, on August 16, the Department of State dispatched a letter to the Attorney General asking that the U.S. attorney in Miami file the necessary papers to force the return of the vessels to the Cuban Government. The speed with which this action was taken to do Castro's bidding is amazing to those of us who are accustomed to wait 2 or even 3 weeks on simple requests for information. Or to those of us who know how many months it took the Government to study the question before ending U.S. trade with Cuba.

Mr. President, I am in the process, in concert with other Members, of drafting a resolution expressing the sense of the Senate—and I may add that the Senate has the constitutional right and duty to give its advice and consent in these matters—expressing the sense of the Senate that these vessels which undoubtedly possess a military potential as far as the Cuban situation is concerned not be returned to the Castro government at this time.

Mr. President, I ask unanimous consent to include in the Record, following my remarks, a letter I received from the Department of State which, in my judgment, deserves immediate and complete reconsideration since the policy decision that has apparently been made is, in my judgment, at variance with the view which I believed the Senate endorsed in its near unanimous passage of Senate Resolution 230 last week.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 20, 1962.

Hon. Kenneth B. Keating,
U.S. Senate.

Dear Senator Keating: I want to thank you for your telegram of September 19 on the subject of the disposition of two vessels belonging to the Cuban Government now held in Florida.

This Government recognizes that the Castro government is the governing power in Cuba even though it has no diplomatic relations with that government. It must, therefore, be accorded such rights as "accrue to the government of a sovereign state under international law." It is the U.S. view that the property of the government of a sovereign state is immune from execution under international law. Consequently, upon the request of the Czechoslovak Government, representing Cuban interests in the United States, the Department recognized the immunity from execution of two vessels belonging to the Cuban Government which had been levied on by a judgment creditor of that Government. Accordingly, the Department of Justice was requested to instruct the appropriate U.S. attorney to file a suggestion of immunity with the court in which the action was pending.

While these two boats may possibly be described as having a military potential, they are in fact 35-foot passenger type craft—ill-suited for naval operations.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

Frederick G. Dutton.

Mr. KEATING. The Senate did not have before it at that time the fact that our Government was forcing the return to Cuba of two ships which have a military potential, and depriving a U.S. creditor of the right to levy on them. The Members of the Senate did not have these facts before them at the time they passed the joint resolution. In my judgment this action is inconsistent with the position which our Government has already taken.

Mr. KEATING subsequently said: Mr. President, it is my pleasure to announce that I have just received word that the Department of State has agreed to a hearing tomorrow afternoon at the Department of State with regard to the question of returning to the Cuban Government the two vessels now held in Florida, which I discussed earlier today. The purpose of the meeting, which the Department of State arranged, is, I am informed, to present arguments as to why sovereign immunity should not be granted to these vessels formerly owned by the Cuban Government.

I would certainly hope that the State Department would give weight to the spirit and the letter of the resolution passed by the Senate with only one dissenting vote last week, expressing the determination of the United States to work with freedom-loving Cubans for their ultimate self-determination. The fact that this hearing has been granted is an encouraging sign, and I commend the State Department for this action, for I know all Americans will agree that it is foolish in the extreme to send back to Castro, through State Department action in our courts, property which can under any circumstances be used for military purposes.

AN OVERDUE U.S. DEBT TO THE NEW YORK POLICE FORCE

Mr. KEATING. Mr. President, there is a bill affecting New York State pending on the Senate Calendar which deeply concerns me and which I hope will receive action before we adjourn. I refer to H.R. 4441, authorizing the payment of $1.5 million to the city of New York toward expenses incurred guarding Khrushchev, Castro, Kadar, and the other Communist leaders who attended the 15th annual session of the United Nations General Assembly in 1960.

The measure was reported favorably by the chairman of the Senate Committee on Foreign Relations on July 9, 1962. As the sponsor of a companion bill in the Senate with my colleague, Senator Javits, I am firmly convinced that this legislation is meritorious. Presidents Eisenhower and Kennedy have endorsed it. The House passed this bill on April 5, 1962 by a vote of 207 to 152. Failure to act on it would be a distinct slap in the face to the city and State of New York.

It is no understatement to say that these funds are desperately needed. The job of protecting citizens of New York City, as of any other great city in our Nation, is expensive in terms of men and money. No police force, and especially not the New York City force, has extra money to spend for purposes not directly related to the protection of its citizens.

Just last week a 12-year-old girl was brutally killed in a New York City housing project located in an extremely dangerous area, which the authorities had been requested to guard. Since the manpower was not immediately available, tenants of the project set up a vigilante committee to protect themselves. Here, in the center of the Nation's largest city, it is necessary for citizens to band together as vigilantes because of the position taken by the New York City administration that they cannot spend any more money for police protection. What better proof can this body ask of the need for action on H.R. 4441?

Mr. William Stewart, spokesman for the vigilante force, said that the protective effort had been started because 30 incidents of violence, including muggings and rapes, had occurred in 1 year at this project. More than 80 men volunteered for duty, with two men at a time serving one-hour tours. Despite their efforts, a little girl was murdered in cold blood, and to the best of my knowledge, her killers have not been found.

Incidents like this are all too frequent. A grocer in Brooklyn who had been repeatedly robbed recently wrote to the Mayor demanding more and better police protection. Here is what he said:

> Sir, you are my last hope. If I can't get any help from your office, then maybe I will just have to take the advice of some police sergeant who told me to sell the store.

I am not proud of this record. I cite it as evidence of the overriding importance of H.R. 4441. Other cities have the same problem. We read about it all the time right here in Washington, D.C.

In the first 6 months of 1962, crime complaints have risen 8.5 percent in New York City, compared to a national increase of 3 percent. The New York Times, in an editorial published last Friday, pointed with alarm at the inadequacy of the manpower of the New York City police force. I quote:

> No matter what are the comparative statistics of police protection here and elsewhere, New York does not have enough policemen to make the public feel safe—on the streets, in the parks, in the subways, at schools, in places of business, or in the fortress of its own homes.

The Times suggested that unless this situation can be remedied, taxes should be increased to pay for needed additional policemen.

H.R. 4441 is not a real solution to these fundamental and long-standing problems. All I intend to show today is that there is no question about the urgent need for these extra funds. Two Presidents, two key congressional committees and the other body have indicated that this money is morally owed to the city of New York for extaordinary and unprecedented precautions to protect the Communist dictators who visited the city in 1960.

The General Assembly meeting of 1960 is now a faded inkblot on the pages of history, as newer developments in the cold war engage our attention. Yet few people fully realize how fortunate this country is that no serious disturbances occurred during the 26 days that the world's most powerful Communist leaders were gathered in New York.

Secretary Khrushchev's waving shoes and midnight rides, Fidel Castro's hotel switches, chicken suppers, and fatigue pants are easy to remember. But few recall the very real danger implicit in these events. How easy it would have been for a bitter exile or a paid assassin to fire a well-aimed shot at one of these men, who have drawn the justifiable hatred of many. However, there were no incidents, because the city police devoted tremendous efforts to the task of preventing them. None of the dictator delegates had been invited as official guests, and as a result none were required to announce their plans from day to day. In an atmosphere resembling a three-ring circus, Khrushchev, Castro, Tito, Nasser, and Kadar careened through the city exchanging visits, arguing, drawing enormous crowds.

The preparations for this period were no simple matter. The Police Department of the City of New York found that to protect the dignitaries sufficiently, it would be necessary to use roughly 7,700 men. The entire city police force has only 24,000 men. All officers were required to serve 21 full shifts within a 20-day period. Days off were canceled. Vacations went by the board.

Thousands of members of New York's force, from patrolmen through detectives and inspectors, were part of this operation. There is no telling how many serious incidents were avoided by their presence. At least one intruder carrying a "Molotov cocktail" was apprehended. Several threatening demonstrations were dispersed. At no time, however, were the people of the city or the visiting leaders deprived of their freedom of movement. Meetings and parties went on undisturbed inside the embassies, while demonstrations continued and protests were aired outside the doors. The policemen may have grumbled privately at their added burden, but they did their job loyally and efficiently and were a credit to the law enforcement profession.

I agree with both the Senate and House committees and the letters from the State Department that this reimbursement to the New York Police should not be considered as precedent setting. In fact, it is because the whole incident of the opening of the 15th General Assembly was so extraordinary that we are faced with this measure today.

We have stalled long enough. We are getting down to the wire. The case is clear. We must act. I hope that this issue will be decided on its merits and that no extraneous considerations will be allowed to block this needed and equitable legislation.

WATER POLLUTION CLEAN-UP DRIVE

Mr. KEATING. Mr. President, the Junior Chambers of Commerce along the Mohawk River area of New York State have embarked on a concerted campaign to eliminate water pollution. I offer my hearty congratulations to these enterprising groups for undertaking so useful and worthwhile a project.

The Mohawk River is one of the most scenic streams in New York and is a vital artery of commerce, as well. The restoration of the river deserves the full cooperation of all residents of the Mohawk Valley and the support, to the extent necessary, of the Federal Government. I congratulate the Jaycees on their ambitious program and wish them success.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a letter I have received from Roland F. Smith, chairman of the river restoration project, which further describes the project.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SCHENECTADY JAYCEES,
Schenectady, N.Y. September 4, 1962.

Hon. KENNETH B. KEATING,
U.S. Senator,
Rochester, N.Y.

DEAR SENATOR KEATING: Water pollution is under attack by the Junior Chambers of Commerce along New York's Mohawk River. It is part of a River Restoration project involving all communities from Rome to Albany along the 100-mile length of this most picturesque body of water. Statewide implementation of similar projects by the New York State Junior Chamber of Commerce is expected at a later date.

The program also encompasses elimination of floating debris and improvement of shoreline conditions. Renewed attractiveness to industry and vacationers, conservation of wildlife, and greater utilization by local citizenry—all are benefits most compelling.

The junior chambers of commerce will succeed in this project because they are composed of young men of action, and effectively organized for the necessary joint attack on the problem.

We believe our goal important enough to ask for your personal note of endorsement. It will be most helpful to us in stimulating local community action, and in sustaining the enthusiasm of the young men who will carry the program to their communities.

Most respectfully yours,
ROLAND F. SMITH,
Chairman, River Restoration Project.

THE 100TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

Mr. KEATING. Mr. President, on Sunday last, in a stirring ceremony at the foot of the great marble memorial to Abraham Lincoln in the Nation's Capital, we marked the 100th anniversary of the Emancipation Proclamation. We reaffirmed a great principle which is the cornerstone of our national strength and our leadership in the world—that all men, regardless of race, creed or color, are created equal.

Almost 20 million Americans, or about one-tenth of our population, are members of the Negro race. Over the past century these people have come to know the difference between proclamations and fact, between the words of a humane President and the deeds of prejudiced citizens, between a scrap of paper and what lies in the hearts of men. It has not always been easy for them.

During these years, however, the Negro has demonstrated his willingness to work, study and sacrifice—as well all must—if we are to move forward in the mainstream of American life. He has contributed to American thought and education. His signature lies on this Nation's literature, poetry, and music. He has taken up arms in defense of our principles, and the bodies which lie on the bloody slopes of Montecassino and the bullet-spattered sand of Tarawa are black as well as white.

Although we have made progress in fulfilling the concept of the Emancipation Proclamation, there is still a long way to go. We are waiting for the long promised "stroke of a pen" which will wipe out racial segregation in housing.

We are working for legislation to outlaw segregation in hospital construction, education, public works, public recreation, and employment. We are struggling to translate the equal protection of the law from a promise to a reality. It has been extremely slow going, despite noble words from high quarters.

Also, we have learned the hard way how tough it is to have civil rights bills passed without effective leadership and in view of the stone-age procedures under which Congress labors.

Last year I proposed a resolution (S. Con. Res. 45) which would underscore the necessity for our constant and renewed dedication to transform a noble concept into hard fact. My resolution proposes that the President, on January 1, 1963, issue a declaration of freedom, reaffirming the sacred and historic principles of liberty, justice and equality upon which this Nation was founded, and rededicating our people and our Government to the solemn responsibility of honoring and practicing those principles and perpetuating them as our God-given heritage.

In the battle for men's minds, in the struggle to attract the loyalties of emerging nations against the ruthless competition of the Communists, America must restate her principles, not only in words, but in deeds. We must demonstrate in a dramatic way our basic difference with the world of communism, where there is no such thing as individual rights. This is an obligation to ourselves as Americans, and to the world, through our leadership of free nations.

I urge once again that Congress approve this measure, no less as a pledge to our own people than a notice to the nations of the world that we shall never give up the battle against unfairness and prejudice, and that we are as determined to conquer the challenges to freedom at home as we are in the tribunals of the world.

ADMITTANCE OF VESSEL "CITY OF NEW ORLEANS," TO AMERICAN REGISTRY

The Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade.

Mr. BARTLETT. Mr. President, is S. 3115 the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BARTLETT. Mr. President, S. 3115 would permit the vessel *City of New Orleans*, which is a training ship and which was built in Japan, to engage in the coastwise trade between the State of Washington and the State of Alabama. All the administrative agencies directly concerned support the bill.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. ENGLE. Can the Senator name any shipbuilding organization in the United States or any shipping interest in the United States which supports the proposed legislation, other than the Alaska Steamship Co., if that is its name?

Mr. BARTLETT. The name of the company is Alaska Steamship Co.

I was not referring to support from any private agencies or companies, but I was about to cite an impressive list of Government agencies which warmly support, endorse, and even applaud the measure.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. First, I should like to name the agencies, because I think the fact that they have endorsed the bill should carry great weight with the Senate when it considers the bill, which I deem to be relatively noncontroversial; namely, the Maritime Administration, the administration which has to do with our trade at sea——

Mr. BUTLER. Will the Senator from Alaska state the reasons for the support of this measure by the Maritime Administration?

Mr. BARTLETT. Because the Maritime Administration thought it was a good measure for the United States.

Mr. BUTLER. In what way? Does the Senator from Alaska have any letter or other document in that connection?

Mr. BARTLETT. I think the report covers that point. I shall read the statement which appears on page 5 of the report; it is a statement from the Maritime Administration. Later, I shall be glad to state, for the benefit of the Senator from Maryland, the appropriate comments of other agencies.

The Maritime Administration stated:

> We recommend favorable consideration of the bill—

And these are its reasons for doing so—

> because it would provide improved and more efficient service between Alaska and the rest of the continental United States; because it would provide assistance to this segment of our offshore domestic trade at no expense to the Government——

Mr. BUTLER. Mr. President, at this point will the Senator from Alaska yield?

Mr. BARTLETT. Yes; but I thought the Senator from Maryland wanted to know the reasons why the Maritime Administration favors the bill.

Mr. BUTLER. Yes, and the Senator from Alaska has stated the reasons.

Mr. BARTLETT. But the Maritime Administration has other reasons for approving the bill, and I should like to have the Senator from Maryland know all of them.

Mr. BUTLER. But the Senator from Alaska just now used the words "at no expense to the Government." I respectfully submit that if this ship, which is foreign built, is admitted into U.S. registry—and I point out that the principal component of the ship is steel—without payment of the 19-percent duty, that will cost the United States approximately $395,000, which would be a considerable cost to the United States.

Mr. BARTLETT. I am stating the views of the Maritime Administration. Later, I shall state my own views, which do not deviate greatly from those of the Maritime Administration.

The Maritime Administration proceeded to say:

> Because the vessel is especially adapted to meet the announced competition of Canadian rail lines—

And today we can strike out the word "announced".

Mr. BUTLER. Mr. President will the Senator from Alaska yield again to me?

Mr. BARTLETT. I yield.

Mr. BUTLER. Does not the Senator from Alaska know that the vessel is of the same type as the seatrains which trade between Florida and the Caribbean islands?

Mr. BARTLETT. I did not make an investigation on the basis of a comparison between the *City of New Orleans* and the seatrains.

Mr. BUTLER. I inform the Senator from Alaska that that is a fact; and that company is now building two vessels in the United States, at almost double the price the Alaskan company is paying for this vessel. Those vessels are being built with American labor, and they are documented under the American flag.

Mr. BARTLETT. I am delighted to hear that.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield further?.

Mr. BARTLETT. I yield.

Mr. BUTLER. But this vessel would be in direct competition with those ships; and those who are building them are protesting against the enactment of this measure, because they ask, if ships built in other countries are to be brought, duty free, into the American registry, why should ships to serve the domestic trades be built in the United States?

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Alaska yield to me?

Mr. BARTLETT. I yield.

Mr. JORDAN of North Carolina. This particular company now has five ships tied up, out of service, and it is not using them; and, to my knowledge, it is not now building more ships.

Mr. BUTLER. I am talking about the Seatrain Co.

Mr. JORDAN of North Carolina. But these are the same. This particular ship is for the purpose of transporting railroad cars only.

Mr. BUTLER. But it is not owned by the Seatrain Co. The Seatrain Co. is now building two ships in American yards. The proposed admission into the domestic trades of this Japanese-built vessel would seriously affect the financing of the two Seatrain Co. vessels now being built in American yards.

Mr. BARTLETT. But I have not yet completed stating all the reasons why the Maritime Administration, as only one agency of the U.S. Government that is concerned with this subject, favors the bill.

Mr. BUTLER. Very well.

Mr. BARTLETT. This is another reason why the Maritime Administration favors the bill:

> And because the vessel is immediately available to meet this competition. For the foregoing reasons, we feel justified in making an exception to our usual opposition to any breach in the prohibition of section 27 of the Merchant Marine Act, 1920.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield again to me?

Mr. BARTLETT. I yield.

Mr. BUTLER. Then would the Senator from Alaska advocate that American railroads, in order to meet some Canadian competition, have all of their engines, cars, rails, and all other equipment made abroad, and brought into the United States and used here?

Mr. BARTLETT. I shall be very glad to state my own position——

Mr. BUTLER. My point is that this ship was built in Japan.

Mr. BARTLETT. That is acknowledged.

Mr. BUTLER. The ship was not built by American labor. But it is proposed to bring this ship into our domestic trades—that is, to have it ply between the States; not to be in foreign commerce, but to be used in the domestic trades. Since 1817 that has not been permitted; and it has not been permitted because the domestic trades have always been reserved to Americans in American ships.

Mr. BARTLETT. The Senator from Maryland is literally accurate in his reference to the ship's being built in Japan; but he forgot to state that 40 percent of the total cost of the vessel is made up of equipment manufactured in the United States by American labor, and shipped to Japan, for installation. Forty percent of the 100-percent total cost was spent in the United States.

Mr. BUTLER. Let me ask the Senator from Alaska a question in that connection: If an American manufacturer fabricates 40 percent of an article in the United States, and then sends it abroad, to have it completed, when it is shipped back into the United States it is dutiable, is it not?

Mr. BARTLETT. I think that is true.

Mr. BUTLER. Then why should this ship be free of all duty? Simply because someone wishes to give it to the Alaska Steamship Co. for nothing?

Mr. BARTLETT. I do not know whether the views of the Government agencies—upon whom we generally rely to a considerable extent, although we maintain rare independence of judgment, will be influential in this connection; but the Treasury Department has a view on the very point the Senator from Maryland raises. I inform the Senator from Maryland that I have been advised only today by all comments from the Treasury Department that under the Tariff Act, section 1001, paragraph 370, this vessel is exempt from any duty. That paragraph places a duty on pleasure boats or yachts, but specifically exempts boats "to be used, or intended to be used, in trade or commerce."

The Treasury statement to me also sets forth the following:

> The practice is not to impose a duty on vessels built in a foreign country and later brought into American registry. It therefore appears that there is no basis for imposing a discriminatory duty on this vessel; namely, the *City of New Orleans*.

Mr. BUTLER. Mr. President, will the Senator from Alaska yield at this point?

Mr. BARTLETT. I yield.

Mr. BUTLER. With all respect to the Senator from Alaska and to the Treasury Department——

Mr. BARTLETT. I am flattered to be coupled with the Treasury Department.

Mr. BUTLER. In that case the Treasury Department was speaking of a ship built abroad and put under American registry for the foreign trade, not the domestic trades.

Mr. BARTLETT. I see no difference.

Mr. BUTLER. But I see a great deal of difference. If the vessel is to be used in the domestic trades, to compete against America-operated, American-built ships in the same domestic trades, why should not the duty be imposed on the ship when it is brought in?

I point out that in 1817 the Congress of the United States enacted what is now the Jones Act; and at the time of that enactment, Congress removed all duty and all fees and all types of sanctions against any foreign ship which would come in here, because otherwise the imposition of the duty and fees and sanctions would prevent such ships from coming in. Therefore, all tariffs, duties, and fees were repealed.

If this ship is to be brought in as an exception to the Jones Act, which the bill clearly seeks to do——

Mr. BARTLETT. It does.

Mr. BUTLER. Then it should be subject to a duty. I do not see how the Senator could escape that conclusion. Think of the Senator's telling his constituents who go to Europe or who import goods when they bring in goods worth more than a hundred dollars they must pay a duty; yet a ship costing $400,000 is to come in without a duty.

Mr. BARTLETT. I have already told them why—it will lower the cost of living in Alaska.

Mr. BUTLER. It will lower the cost of living in Alaska, but it will cost $400,000 to bring it in. It violates the Jones Act. It tears the Merchant Marine Act to pieces.

Mr. BARTLETT. If the Senator will permit me, I have a very short opening statement to make. I have read about two sentences. It will not take long.

Mr. BUTLER. I should like to have a quorum call before I make my speech.

Mr. BARTLETT. I have not completed mine. I was hopeful that Members of the Senate would listen and be convinced by the weight of the testimony in support of the bill.

I will inform the Senator from Michigan [Mr. MCNAMARA] about the warm support given to the bill by the Maritime Commission, the department chiefly concerned. The Department of Defense is strongly supporting this bill. The Department of the Interior is on record in favor of it, as is the General Services Administration.

Mr. ENGLE. Mr. President, if the Senator will yield, what do the Department of Defense and the Department of the Interior have to do with the bill?

Mr. BARTLETT. They were asked by the Commerce Committee, of which the Senator from California and I are honored to be members, to make a statement. They did, in response to the invitation of the committee. When approached by the committee they were not reluctant to say it was a good bill.

The Department of Defense has an essential role in this matter because, for understandable reasons, the Department wants to build up for Alaska, where we have a considerable defense establishment, the very best possible maritime situation.

Mr. ENGLE. The Department of State also supported it. Why does not the Senator mention that?

Mr. BARTLETT. I will take the word of the Senator from California that the Department of State did support it, and I am glad to have that support, because I think it is of particular importance here.

In addition, the Governor and State Chamber of Commerce in Alaska have worked for the enactment of this bill. It is obvious that the addition of this efficient train ship to the Alaska trade would help Alaska by improving the service and, through efficiency, reducing the high shipping rates we have had to pay for so many years. In addition, the vessel would permit some effective competition to be given the recently inaugurated rail-barge service to Alaska through Canada.

The vessel was constructed in Japan for the United States-Cuba trade. When this trade was extinguished the vessel became available for use in the Alaska, or other trade routes. Although generally a foreign vessel may not be used in the coastwise trade, the Department of Defense and the Maritime Administration agreed that it would be in the public interest to make an exception for this unique vessel with its roll-on, roll-off type service. For years Alaska, cut off from the 48 contiguous States, has desperately needed efficient and adequate transportation. We have been slow in attracting the transportation service needed because of the fact that, due to climate, the service is seasonal and, due to our underdevelopment, the traffic flows primarily one way, from the United States to Alaska. This vessel will change the picture drastically by permitting for the first time rail cars from the lower 48 contiguous States to move directly from points throughout the United States to the west coast and by a speedy 3-day service to Alaska for service to the railbelt area where the majority of our population resides. We expect from this a trend toward merchants in Alaska ordering directly by carload lots from factories throughout the United States. This will inevitably shift the warehousing and distribution of products from the west coast to Alaska, thereby increasing employment and reducing our costs. This is an exception to the Jones Act, as the Senator from Maryland said it was, and as we admit, but is clearly, as pointed out in the committee report, not one which can in any way be interpreted as establishing a precedent, because of the uniqueness of the vessel and the Alaska trade. It represents also the start of a new era for Alaska by bringing to the Alaska trade the most efficient and economical type of rail-water transportation yet devised.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BUTLER. The Senator says it is unique, because it serves only the Alaskan trade, and the basis of the bill is that it can be used only in the Alaskan trade. Is that true?

Mr. BARTLETT. That is the basis; yes.

Mr. BUTLER. Would the Senator be willing to accept an amendment providing that it may be used only for that purpose?

Mr. BARTLETT. No.

Mr. BUTLER. Why not, if that is the purpose for which it would be used? Why would the Senator not be willing to accept an amendment to provide that by law?

Mr. BARTLETT. I will answer. I shall not accept willingly any crippling amendments.

Mr. BUTLER. Is it the idea to have the ship in the Alaskan trade for a week and then shift it to another line competing with an established line serving that trade?

Mr. BARTLETT. It is my belief that the *City of New Orleans*, once made available for this service, will remain in the Alaska-Seattle trade until it is old and worn out. But I have no guarantee that it will be so used.

Mr. BUTLER. Would the Senator be willing to accept an amendment to have some other companies in which I am interested bring in ships from abroad and put them in the domestic trade? Would the Senator be willing to accept such an amendment?

Mr. BARTLETT. No. I will be glad to tell the Senator why.

Mr. BUTLER. I would like to know, because I know of many who would like to bring in ships from abroad and put them in the domestic trade if they could get a promise that they would not have to keep them more than 5 minutes and have them hanging over the American market. That would be a nice kind of bill if I could get it.

Mr. ENGLE. Mr. President, if the Senator will yield, I have such an amendment. It would open up for everybody the same conditions under which the Alaska Steamship Line hopes to get this Japanese-built vessel into the domestic trade. I think that is the way to do it. We may as well let the bars down.

Mr. BUTLER. If the Senator will yield, it is the only fair thing to do. If the Alaska Steamship Co. can have a foreign-built ship in the domestic trade of the United States, I can see no reason why another American operator should not have the same right.

Mr. BARTLETT. S. 3115 does not provide anything about the sale of the *City of New Orleans* to the Alaska Steamship Co. If this bill becomes law—which I hope will be the case—should any other company move in and make an arrangement with the owners of the *City of New Orleans* to buy it at a higher price than the Alaska Steamship Co. paid, obviously it would not get it.

Mr. BUTLER. Does the Senator believe that is a healthy situation for the American merchant marine? Does the Senator realize that the whole backbone of the American merchant marine is that no foreign ship can come in and trade among and between the States of the United States?

Mr. BARTLETT. I do not think the American merchant marine is in a very healthy condition.

Mr. BUTLER. Would this help it?

Mr. BARTLETT. Yes.

Mr. BUTLER. This would help it?

Mr. BARTLETT. That is the only reason why I introduced the bill.

Mr. BUTLER. How would it help? Would it be by increasing the number competing, by bringing in foreigners?

Mr. BARTLETT. I took the only step which was possible, which was to insure competition on the part of Americans with Canadian citizens.

Mr. BUTLER. I shall certainly vote for the amendment of the Senator from California, to let all the people in on this.

Mr. BARTLETT. I wish the Senator would listen to my reason for introducing the bill.

We confronted a fact. The fact was that the Canadian National Railroad instituted rail-barge service from Prince Rupert, British Columbia, to Whittier, Alaska, a city much closer to the Alaska port than Seattle. As a matter of fact, Seattle is 1,813 miles from Whittier, but Prince Rupert is only 1,388 miles.

If the American port of Seattle is to be placed in a position to continue as a historic gateway for Alaska trade, there must be some sort of vehicle to place it in a competitive position with the Canadian National Railroad. This instrument was the only one which was available.

Of course it deviates from the Jones Act.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. Of course it deviates from the usual practice. What else can we do?

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BUTLER. If we are to consider history in this regard, and if someone is to start crying out concerning who is losing trade, perhaps we should give some thought to the development of the great St. Lawrence Seaway, and what that development has done to the port of Baltimore. It has nearly put Baltimore out of business. We who serve Maryland do not come before the Congress to ask that all laws of the United States be repealed, in order to get back into business. We are willing to operate under laws which have been in existence since 1817, and that has been a pretty long time.

Mr. BARTLETT. Only yesterday or the day before the Senate accepted an amendment to a then pending maritime bill—and did so practically without debate, I might add—which would cause a much greater deviation from the Jones Act than the bill now under consideration, by allowing lumber to be hauled——

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. If I may complete my sentence, I shall then be glad to yield.

That bill would permit lumber to be transported between an American Pacific Northwest port and the Commonwealth of Puerto Rico by foreign bottoms.

Mr. BUTLER. Is the Senator arguing that two wrongs make a right?

Mr. BARTLETT. I do not argue any such thing.

Mr. BUTLER. Does the Senator believe that measure will become the law of the United States?

Mr. BARTLETT. I have no idea.

Mr. BUTLER. I have some idea.

Mr. BARTLETT. I am amazed by the commotion over this bill, when a bill of even more serious import, in a manner of speaking, was accepted with so little debate.

Mr. BUTLER. The debate on that bill has not been completed.

Mr. BARTLETT. The Senator speaks about amendments. I know there are several ready to be offered.

The Senator serves as the ranking minority member of the committee, and he is a most valuable member, whom we shall regret to lose at the end of this year. I say that in all sincerity.

The committee considered the bill very carefully. Without going to the extent of writing into the bill language which would make it impossible for any American company to buy the *City of New Orleans*, and thus to compete effectively with the Canadian National Railroad, the committee altered the language of the original bill and provided that the Secretary of Commerce should be given authority to make the determination as to whether the ship could be used between other ports.

Mr. BUTLER. May I ask the Senator a question?

Mr. BARTLETT. Yes.

Mr. BUTLER. Is the Secretary of Commerce to be required under the proposal to hold hearings and to give the American shipper an opportunity to be heard before the ship is put into competition with him?

Mr. BARTLETT. He is not.

Mr. BUTLER. Why not? Would the Senator accept such an amendment? Would the Senator give to an American the right to be heard against a foreigner, before his business is taken away from him?

Mr. BARTLETT. No one ever suggested that before.

Mr. BUTLER. I suggest it.

Mr. BARTLETT. I suppose it was not suggested because the present Secretary of Commerce—as was true of previous Secretaries of Commerce—has never been known to be unfriendly to American business and American interests. Certainly that is true in every way of Luther Hodges. He is in the forefront of those fighting for American business.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BUTLER. The Senator knows it is a foregone conclusion that the Secretary of Commerce will do what is requested.

Mr. BARTLETT. No, I do not.

Mr. BUTLER. He has already sent a letter to the Congress saying he favors the bill. If the bill is passed, the Secretary will not then fail to do what the bill directs him to do. The Senator knows that the Secretary of Commerce will not administer the bill in any way which would affect the sale of the vessel by the Alaska Steamship Co. 5 minutes after it is bought.

Mr. BARTLETT. I do not know any such thing. The Secretary of Commerce would weigh the question most carefully and objectively, and would make his determination only on the basis of all the facts available to him.

Mr. President, I submit only that if we are to maintain an important American industry, if we are to maintain an American position in the trade with Alaska, the bill at least has elements of essentiality. We ought to pass it.

I do not say that if the *City of New Orleans* is not placed in the Alaska service the Canadians will "gobble up" all our traffic and all our trade with Alaska. That will never happen. The competitive spirit and competitive ability of Americans, using other forms of transportation, would prevent that from occurring.

But the Canadians have too great an advantage over Americans, and we ought to rectify that situation.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BUTLER. There is a very simple reason why the Canadians have an advantage over the Americans. There is a very simple reason why the lumber amendment was attached to the maritime bill the other day, which the Senator discussed. American costs are so high that the American owners can no longer pay for them in competition.

Therefore, the solution the Senator proposes is to pass a private bill, so-called, for one particular company, to overcome the high cost of doing business. I say that is not the proper way to proceed. Americans should all be put on the same basis. If the Alaska Steamship Co. obtains any benefit or special privilege under the bill, I demand that the same benefit be provided for every American operating in the domestic trade.

Mr. BARTLETT. With all due deference to the Senator from Maryland——

Mr. BUTLER. That is the only purpose of the amendment with respect to lumber. The lumber producers cannot afford to pay the cost of carriage, because the labor cost is too high.

Mr. BARTLETT. That does not enter the picture.

Mr. BUTLER. Why does the Senator not admit it? A foreign ship is used to carry lumber because the American wages are so high that the lumber interests cannot afford to ship the lumber on American bottoms. Let us be honest about it.

Mr. BARTLETT. That is not the reason at all.

Mr. BUTLER. Then why is not lumber carried on those ships?

Mr. BARTLETT. It can be done.

Mr. BUTLER. Can it be done cheaper? Europeans do not pay the same wages that Americans pay. It is not possible to carry lumber or to carry anything else in American bottoms, in real competition, and we know it. We have reached the point where we shall almost be driven off the high seas, because of high costs. The Senator has "dreamed up" the idea that "We will bring in foreigners and let them carry things." I do not think that is the answer to the problem.

Mr. BARTLETT. Of course, anyone who competes with the Canadians, at the outset, has a strike against him, because the Canadians have a construction subsidy for vessels in the coastwise trade.

Mr. BUTLER. We have never seen fit to offer a construction subsidy for vessels in that trade.

Mr BARTLETT. I know.

Mr BUTLER. But we do have a construction subsidy for the foreign trade.

Mr. BARTLETT. I am talking about the coastwise trade. That is the point.

With all due deference to the Alaska Steamship Co., my concern is not principally with how they will fare in this regard. My concern has two other elements.

Mr. BUTLER. Let me say to the Senator——

Mr. BARTLETT. I hope the Senator will let me complete my statement.

Mr. BUTLER. Yes.

Mr. BARTLETT. First, I want the American position maintained in this important and growing trade. The second is that the only way this can be achieved, now that there is Canadian competition—and very effective competition, I might add—is to give the Americans a better operating tool than the Canadians have, because the Canadians must travel a much lesser distance, though they are dependent on barges. This proposal would give the Americans an advantage.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BUTLER. It would give the Americans an advantage.

Mr. BARTLETT. Yes.

Mr. BUTLER. I am all for that; but when an advantage is given to one industry, I say that we ought to give it to all. Let us have a special privilege voted on the floor of the Senate for all.

Mr. BARTLETT. We are talking about a special condition. We are talking about trade to Alaska.

Mr. BUTLER. I could name hundreds of such special conditions. Consider the textile industry. The textile industry is going out of business because it cannot compete with foreign textiles. Are we going to give that industry a subsidy?

Mr. BARTLETT. The Senator cannot name in the maritime field a corresponding situation. If he could, I suspect that industry would have been in here long since with some sort of comparable bill. The bill is designed to shore up and strengthen the American maritime arm.

Mr. BUTLER. Mr. President, will the Senator yield further?

Mr. BARTLETT. I yield.

Mr. BUTLER. I respectfully submit that the Senator himself just named an example that is certainly parallel to the one we have discussed. The Senator named lumber. That would be only the beginning. Two days ago it was lumber. Today it is the Alaskan trade. Tomorrow it might be the New York trade. The next day it might be the trade of some other industry. What would we have left? Where are we going?

Mr. BARTLETT. I am beginning to infer that the Senator is not particularly in favor of the pending bill.

Suppose the efforts of the Senator to oppose passage of the bill are successful. In my opinion, the inevitable consequence of such action would be that the Canadians would increasingly come into possession of more and more of the Alaska trade. It is not very large now in regard to tonnage, but everyone predicts that within the relatively near future it will be very large. Then the Canadians would have that business. I think I have the duty to stand here and fight today for American industry and American consumers.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. BUTLER. Has the Senator read this week's issue of U.S. News & World Report in connection with the steel situation?

Mr. BARTLETT. No. I carried it from my office to my home, but I have not yet read it.

Mr. BUTLER. I hope the Senator will read the article to which I have referred.

Mr. BARTLETT. I always read the magazine.

Mr. BUTLER. The steel industry is in exactly the same situation which other industries are getting into. The steel industry cannot possibly compete with foreign imports. We all know that. When the steel industry tried to raise its prices, the whole house fell in. That industry did not obtain any special privilege, and they need it. Men in the steel industry are being placed on the unemployment rolls every day because the industry cannot compete. They do not get production up because people will not buy American steel. They are buying European steel. Will we do something for that industry?

Mr. BARTLETT. Yes.

Mr. BUTLER. Then let us do it for every industry. Let us not do it piecemeal. If we are going to help some, let us help all.

Mr. BARTLETT. The area concerned in which we now have an opportunity to help is very small. It is a tiny bill comparatively.

Mr. BUTLER. Yes, it is a tiny measure.

Mr. BARTLETT. The *City of New Orleans* is now a pretty new vessel, but it will become worn and used. It will have to undergo repairs. From time to time it will require new steelplates. That repair work will be done in American yards with American materials by American workmen.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. LAUSCHE. What I am about to say does not particularly pertain to the issue before us, but I have a letter which contains the same type of information. It shows where we are headed in international competition. The letter states that—

> By July 1, 1965 the wages of the plumbers and pipefitters will have been increased from a present hourly rate of $5.33 to $7.57 in the city and county of San Francisco. This is an increase of 42 percent over a 3-year period.

Where are we heading? How are we going to compete in world warkets? It is beyond my understanding. A worker working 2,000 hours a year, let us say, at a rate of $7.57 an hour, would have an income of $16,000 a year. I point that out because the Senator from Maryland has indicated that we shall drive our American ships off the high seas because of our inability to compete.

Mr. BUTLER. There cannot be any question about that. This is the second attempt this week to obtain some escape from the high cost of doing business to the detriment of other people in a kindred business. I say that it is wrong.

Mr. ENGLE. Mr. President——

Mr. BUTLER. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ENGLE. Mr. President, I ask unanimous consent that the Senator from Alaska may be permitted to yield to the Senator from South Carolina without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET INTRUSION INTO CUBA

Mr. THURMOND. Mr. President, the Associated Press carries a news story from Cuba this afternoon reporting that Premier Castro has concluded an agreement with the Soviet Union to build for the Soviets a naval port near Guantanamo Bay supposedly to take care of ship repairs for the Soviet Union's Atlantic fishing fleet. Mr. President, this is another indication of the Communist military buildup which our Government continues to permit in Cuba in violation of the Monroe Doctrine. I imagine that our policy planners will take Mr. Castro at his word that this is truly to be a repair port for fishing vessels rather than war vessels such as the nuclear submarines which Mr. Khrushchev threatened to use against us if we should take any action to enforce the Monroe Doctrine.

How long, Mr. President, will we continue to tolerate this Communist base in the Western Hemisphere with continuing reports of additional military buildups? Are we to continue to follow a policy of "watchful waiting" in the hope that Mr. Castro and his Soviet technicians will evolve themselves into peaceful Socialists? This is what we have been advised to do by Mr. Walter Lippmann in a recent column in which he made the following comments on Castro and the arms buildup in Cuba:

> Castro is an insulting nuisance, but he is not, and is not now remotely capable of becoming, a clear and present danger to the United States. So we must practice watchful waiting, and hold ourselves in readiness, never for a moment forgetting the vastly greater dangers elsewhere.

Mr. President, Mr. Castro can do immeasurable harm to our national security without overtly attacking the United States with missiles or troops. He has already endangered our national security by providing Mr. Khrushchev with a military base in the Western Hemisphere and also with a soon-to-be-completed radar tracking station. In addition, he has proved to the world that a small band of revolutionaries can subvert and take over a government in the Western Hemisphere with U.S. help and then turn it into a Communist arsenal to implement overtly and covertly the contamination of the Western Hemisphere with the virus of world communism.

Mr. President, I have repeatedly called on the floor of the Senate for the U.S. Government to ditch our present no-win policy in the cold war, particularly as it applies to Cuba today and to move to decontaminate Cuba of communism. As I stated on September 6, 1962:

> The best method of decontamination can be determined with the advice of our military leaders, once the basic decision to decontaminate is made by our civilian leaders.

Mr. President, the action reported today on the wires of the Associated Press with regard to building a ship repair port in Cuba for the Soviet Union gives additional reason for our Government to take meaningful action designed to eradicate this growing Communist cancer so near our own shores.

Mr. ENGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. I should like to call up some items on the calendar to which there is no objection, and then return to the consideration of the pending bill, if that is agreeable to the Senators concerned.

Mr. BARTLETT. I am glad to yield for that purpose.

Mr. BUTLER. I do not want to be disagreeable, but I have been waiting all day to do the business of the Senate. This is important business of the Senate, and I am ready to attend to it. I insist that the Senate continue with the consideration of the pending bill.

Mr. MANSFIELD. This is Senate business also. All I am asking for is about 10 minutes, so that other matters on the calendar may be considered, and then there will be a quorum call.

Mr. BUTLER. I have been waiting all day to make my speech. The Senate is considering a very important bill.

If we pass the bill it will set a very bad precedent in many respects. I believe the Senate ought to transact its business.

Mr. MANSFIELD. All I am asking is that the Senate permit me to proceed for about 10 minutes. Then there will be a quorum call. In the meantime Senators will be brought to the Chamber.

Mr. BARTLETT. I have been waiting for weeks. I would like to proceed with the consideration of the bill also, but at the same time I am desirous of accommodating myself to the desires of the majority leader.

CLAUDE S. REEDER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1965, S. 2873.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2873) for the relief of Claude S. Reeder and the Reeder Motor Co., Inc.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 1, line 7, after the word "of", to strike out "$26,754.93, together with interest at the rate of 5 per centum per annum until paid, from the first day of January 1962" and insert "$2,125"; and in line 10, after the word "sum", to strike out "(together with such interest)"; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Claude S. Reeder of Knoxville, Tennessee, and Reeder Motor Company, Incorporated, of Oak Ridge, Tennessee, the sum of $2,125. The payment of such sum shall be in full satisfaction of all claims of the said Claude S. Reeder and Reeder Motor Company, Incorporated, against the United States of America for reimbursement of construction costs incurred by them, or either of them, in completing a building at the request of the United States of America, such building having been constructed for use as a garage for repair of Government vehicles: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Senate reconsider the votes by which Senate bill 2873 was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The LEGISLATIVE CLERK. On page 1, line 5, it is proposed to strike out "Claude S. Reeder, Knoxville, Tenn."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2873) was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "For the relief of Reeder Motor Co., Inc."

ASSISTANCE TO STATES FOR FORESTRY RESEARCH PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1974, H.R. 12688.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 12688) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 1, after the word "several", to strike out "State"; in line 9, after the word "with", to insert "colleges and universities in"; in line 17, after the word "other", to strike out "State supported"; in line 23, after the word "institutions", to strike out "of" and insert "in"; on page 3, line 9, after the word "available", to strike out "to the States"; on page 4, at the beginning of line 13, to strike out "forestry schools of the"; and in line 14, after the word "such", to strike out "schools" and insert "colleges and universities".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An Act to authorize the Secretary of Agriculture to encourage and assist colleges and universities in the several States in carrying on a program of forestry research, and for other purposes."

Mr. MANSFIELD subsequently said: Mr. President, I move that the Senate reconsider the vote by which Calendar No. 1974, H.R. 12688, was passed, and that the bill be restored to the calendar.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

FEDERAL EXTENSION SERVICE FUNDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1976, H.R. 12589.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 12589) to amend the Smith-Lever Act of May 8, 1914, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2015), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill amends the Smith-Lever Act (the basic statute providing for the Federal Extension Service) to provide that funds which are appropriated for the Extension Service in excess of the amount appropriated for the 1962 fiscal year shall be distributed under a slightly different formula than would apply under existing law. The new formula has the approval of all the State extension directors and of the Department of Agriculture.

The bill would modify the formula for apportionment of Federal Extension Service funds so that 4 percent of any increase in appropriations over the 1962 level would go to the Federal Extension Service, instead of to States on the basis of special needs, and 19.2 percent of any increase would go to States equally instead of on the basis of rural and farm population. It also provides for quarterly, instead of semiannual, payment of extension funds to States which will reduce Federal Government interest costs.

Under the proposed apportionment formula—

(A) Each State and the Federal Extension Service would receive a sum equal to that available to it for fiscal 1962, except that amounts available for 1962 on the basis of special needs would continue to be available on the same basis. (This is not a substantive change from existing law which gives each State the amount it received in 1953 plus any increases in subsequent years);

(B) Any sums appropriated in excess of those appropriated for fiscal 1962 would be apportioned as follows:

(i) 4 percent to the Federal Extension Service (instead of to States for special needs);

(ii) 19.2 percent to the States in equal proportions (new);

(iii) 38.4 percent (instead of 48) to the States on the basis of rural population; and

(iv) 38.4 percent (instead of 48) to the States on the basis of farm population.

Appropriations are still authorized for the purpose of apportionment on the basis of special needs under new section 7 (formerly sec. 8),[1] without regard to the above formula. Matching requirements are not changed, except that matching requirements for the 1962 level of appropriations are frozen in the same manner that matching requirements for the 1953 level of appropriations are now frozen. Matching of additional appropriations above the 1962 level would continue to be as required by Congress at the time of making the additional appropriations.

Table A (attached) illustrates how an additional $1 million above the 1962 level of appropriations would be distributed among the States on the basis of the 1960 census.

Table B (attached) shows how funds equal to the 1962 level of appropriations would be distributed under section 3(b) of the act as it would be amended.

Distribution of $1,000,000 extension funds under current and proposed Smith-Lever Act formula on basis of final 1960 census

State	Current formula	Proposed formula	Difference
Alabama	$26,382	$24,870	−$1,512
Alaska	1,290	4,798	3,508
Arizona	4,543	7,399	2,856
Arkansas	20,043	19,799	−244
California	29,868	27,660	−2,208
Colorado	8,303	10,408	2,105
Connecticut	5,592	8,239	2,647
Delaware	2,006	5,370	3,364
Florida	14,743	15,559	816
Georgia	29,028	26,987	−2,041
Hawaii	1,659	5,092	3,433
Idaho	7,516	9,778	2,262
Illinois	35,820	32,421	−3,399
Indiana	31,574	29,025	−2,549
Iowa	33,575	30,625	−2,950
Kansas	18,184	18,312	128
Kentucky	33,094	30,240	−2,854
Louisiana	18,240	18,357	117
Maine	5,719	8,340	2,621
Maryland	11,059	12,613	1,554
Massachusetts	8,533	10,591	2,058
Michigan	32,948	30,124	−2,824
Minnesota	31,022	28,582	−2,440
Mississippi	30,086	27,833	−2,253
Missouri	30,762	28,374	−2,388
Montana	6,480	8,949	2,469
Nebraska	16,013	16,576	563
Nevada	1,074	4,625	3,551
New Hamsphire	2,822	6,022	3,200
New Jersey	7,736	9,953	2,217
New Mexico	4,780	7,589	2,809
New York	32,203	29,527	−2,676
North Carolina	51,158	44,691	−6,467
North Dakota	10,450	12,125	1,675
Ohio	39,927	35,707	−4,220
Oklahoma	16,224	16,745	521
Oregon	10,463	12,135	1,672
Pennsylvania	39,916	35,697	−4,219
Puerto Rico	37,737	33,954	−3,783
Rhode Island	1,145	4,680	3,535
South Carolina	23,998	22,963	−1,035
South Dakota	10,525	12,184	1,659
Tennessee	34,558	31,411	−3,147
Texas	44,175	39,104	−5,071
Utah	3,403	6,486	3,083
Vermont	3,729	6,747	3,018
Virginia	28,679	26,707	−1,972
Washington	13,398	14,482	1,084
West Virginia	14,045	15,000	955
Wisconsin	31,084	28,631	−2,453
Wyoming	2,689	5,914	3,225
4-percent special need	40,000		−40,000
4-percent Federal Extension Service		40,000	40,000
Total	1,000,000	1,000,000	0

NOTE.—Current formula based on 4-percent special need, 48 percent rural population, and 48 percent farm population. Proposed formula based on 4 percent for Federal Extension Service and of remaining (96 percent) 20 percent equally to all States and Puerto Rico, 40 percent on farm, and 40 percent on rural population.

Distribution of funds under section 3(b) of the proposed amendment to the Smith-Lever Act

Alabama	$2,070,148
Alaska	83,440
Arizona	278,000
Arkansas	1,682,683
California	1,500,586
Colorado	519,164
Connecticut	305,301
Delaware	$139,867
Florida	705,341
Georgia	2,166,353
Hawaii	267,659
Idaho	394,017
Illinois	1,787,074
Indiana	1,493,102
Iowa	1,595,270
Kansas	1,059,143
Kentucky	2,056,781
Louisiana	1,351,042
Maine	388,549
Maryland	556,232
Massachusetts	436,660
Michigan	1,641,807
Minnesota	1,528,721
Mississippi	2,134,382
Missouri	1,800,597
Montana	385,816
Nebraska	886,560
Nevada	102,469
New Hampshire	201,477
New Jersey	428,357
New Mexico	355,453
New York	1,569,390
North Carolina	2,824,482
North Dakota	601,907
Ohio	2,043,549
Oklahoma	1,407,429
Oregon	576,754
Pennsylvania	2,057,719
Puerto Rico	1,793,387
Rhode Island	107,381
South Carolina	1,509,489
South Dakota	602,251
Tennessee	2,084,488
Texas	3,276,639
Utah	261,044
Vermont	250,840
Virginia	1,703,157
Washington	718,260
West Virginia	1,057,519
Wisconsin	1,528,923
Wyoming	197,941
Special needs	1,544,909
Total	58,020,000

DEPARTMENTAL APPROVAL

Following is the letter from the Secretary of Agriculture recommending enactment of this proposed legislation. The Bureau of the Budget indicated its concurrence subsequent to the writing of the Secretary's letter.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 11, 1962.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to the request of your committee for a report on H.R. 11240, a bill to amend the Smith-Lever Act of May 8, 1914, as amended, to provide for cooperative agricultural extension work between the agricultural colleges in the several States, territories, and possessions receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the U.S. Department of Agriculture.

The Department supports the objectives of H.R. 11240, and recommends enactment of the bill.

The primary objectives of the bill are to: (1) Provide that each State and Puerto Rico shall be entitled to receive annually a sum equal to the sums received for the fiscal year 1962; (2) revise the formula for distributing amounts which may be appropriated in excess of the amounts allotted under (1) above; (3) allocate Federal funds to the States and Puerto Rico quarterly rather than on a semiannual basis; and (4) make available to the States and Puerto Rico extension services increased use of General Services Administration facilities and excess Government property.

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[1] Renumbering of former secs. 8 and 9 results from the repeal in 1960 of former sec. 7, which dealt with reports to Congress.

A more detailed description of the substantive amendments follows:

Section 3(b): The bill would amend section 3(b) to provide that each State and the Federal Extension Service shall be entitled to receive annually a sum equal to the sums received from Federal cooperative extension funds for the fiscal year 1962. This does not change the share each State is presently entitled to receive, regardless of population changes as reflected in the census. Under the present subsection 3(b), each State is entitled to receive an amount equal to the sums received for the fiscal year 1953, and under the present subsection 3(c) each State is entitled to receive any increase, over that necessary to make the allotments under subsection 3(b), on the basis of the census current at the time such increase was first appropriated. The matching provision remains the same. The present proviso in this subsection is omitted since Puerto Rico is now receiving the maximum set forth in such proviso.

Section 3(c): The formula for distribution of funds over those allocated under section 3(b) is revised to provide: 4 percent of such funds to the Federal Extension Service for administration and coordination of cooperative extension work and the remaining 96 percent to the States with 20 percent distributed equally, 40 percent on the basis of farm population and 40 percent on the basis of rural population. The matching provision remains the same.

Currently, the funds under this subsection are distributed to the States and Puerto Rico on the basis of 4 percent for special need purposes as determined by the Department, 48 percent on rural population, and 48 percent on farm population.

It is believed that the revised formula provides a more equitable disposition of funds and will advance the cooperative program on a nationwide basis.

The provision (beginning with line 23 on page 4) for the States to use General Services Administration facilities, including stores and supply schedules, and the entitlement to excess Federal property would permit economies in State extension service operations.

Section 4: Currently, funds are allocated to the States on a semiannual basis. The proposed bill would authorize payments on a quarterly basis. This should decrease the amount of money which the Treasury would have to borrow to make advance payments, with a resulting lower interest cost to the Treasury.

Other amendments include the definition of "State" in section 9 of the bill to mean the States and Puerto Rico, and the omission of the words "Alaska", and "Hawaii", and "Puerto Rico" in certain sections of the bill. The present sections 8 and 9 become sections 7 and 8, due to the repeal in 1960 of section 7 of the act, providing for certain reports (74 Stat. 249).

A committee representing the American Association of Land-Grant Colleges and Universities worked closely with representatives of the Department in developing the background facts in connection with H.R. 11240.

In view of the request that the report be submitted immediately, we have not obtained the advice of the Budget Bureau on this proposed legislation.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary*.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2008, H.R. 7600, and subsequent measures on the calendar, in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF EFFECTIVE DATE PROVISIONS RELATING TO AWARDS

The Senate proceeded to consider the bill (H.R. 7600) to amend title 38, United States Code, to revise the effective date provisions relating to awards, and for other purposes, which had been reported from the Committee on Finance, with an amendment, on page 4, line 21, after the word "the", to strike out "deceased."" and insert "deceased."

(k) The effective date of the award of benefits to a widow or of an award or increase of benefits based on recognition of a child, upon annulment of a marriage shall be the date the judicial decree of annulment becomes final if a claim therefor is filed within one year from the date the judicial decree of annulment becomes final; in all other cases the effective date shall be the date the claim is filed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2042), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The bill would primarily make certain desirable modifications in the provisions of existing law governing the effective dates of awards, reductions and discontinuances of monetary benefits (disability and death compensation, disability and death pension, and dependency and indemnity compensation) under laws administered by the Veterans' Administration. In addition, it includes a restatement of certain provisions of existing laws and regulations. If enacted, the proposed revisions would make the effective date provisions more nearly uniform, simplify their administration, and resolve a number of problem areas. Generally the changes may be described as liberalizing. The major changes proposed are:

1. Disability benefits, in the event of the veteran-payee's death, would be discontinued the last day of the month before such death occurs, and death benefits would be awarded effective the first day of the month in which the death occurs (if claim therefor is filed within 1 year from death). Currently, disability benefits are discontinued as of the date of the veteran's death and benefits to his survivors are awarded effective the next day (if claim therefor is filed within 1 year from death). This change would considerably simplify administration. In the light of a savings provision in section 4 of the bill, no eligible widow would be adversely affected by this change.

2. The 2-year statute of limitation (set forth in 38 U.S.C. 351) within which claim must be filed for disability or death compensation or dependency and indemnity compensation authorized by that section for disability or death suffered as a result of hospitalization or medical or surgical treatment, or the pursuit of a course of vocational rehabilitation, would be repealed. Also, duplicate recoveries from the United States for the same disability or death under section 351 and the Federal Tort Claims Act would be precluded by providing a setoff against compensation benefits of the amount of any recovery pursuant to a civil judgment, settlement, or compromise.

3. A uniform rule would be provided, for the first time, governing the effective dates of liberalizing laws or administrative issues that are enacted or promulgated in the future. This provision would, in many cases, obviate the necessity of a potential beneficiary filing a specific claim for the new benefit and would instead permit the Veterans' Administration, where feasible, to identify such beneficiaries and apply the provisions of the liberalized law and administrative issue on its own initiative. The provision would permit a retroactive period of payment of not more than 1 year, but in no event prior to the effective date of the law or issue.

4. A 1-year period would be provided for the submission of necessary evidence to perfect a claim for compensation and pension reopened after final adjudication as well as a claim for increased monetary benefits, similar to, and under the same circumstances as, the period currently provided by law for the perfection of original claims for such benefits.

5. Uniform rules would be established for the reduction or discontinuance of erroneous awards (*a*) based upon acts of commission or omission by beneficiaries—as of the date of the erroneous award; and (*b*) based upon administrative error or error in judgment—as of the date of last payment. The latter category would include errors arising from a misunderstanding of instructions, regulations, or the construction of statutes.

6. Sections 110 and 359 of title 38 preserve certain total and permanent and total disability ratings and service connection, after the status concerned has continued for a period of years. Because of differing language employed in these sections, the periods involved do not now commence to run at the same time; i.e., one begins from the date on which the decision granting the status is signed, the other from the date on which the status itself became effective. The bill amends both sections 110 and 359 to assure that the period in question begins from the date determined by the Administrator as the date on which the status commenced for rating purposes.

BILL PASSED OVER

The bill (H.R. 12213) to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers was announced as next in order.

Mr. MANSFIELD. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TAX RELIEF FOR INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF AMERICA LOCAL 863 PENSION FUND

The bill (H.R. 8205) to provide tax relief to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America Local 863 pension fund and the contributors thereto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2044), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that the International Brotherhood of Teamsters, Chauffers, Warehousemen & Helpers of America Local Union 863 pension fund, created January 10, 1955, and retroactively effective to September 1, 1954, as a result of an agreement between the International Brotherhood of Teamsters, Chauffers, Warehousemen & Helpers of America Local 863 and the A. & P. Contract Carriers Association, shall be deemed to have met the requirements of section 401(a) of the Internal Revenue Code of 1954 and shall be deemed to have been and to be exempt from tax under section 501(a) of the Internal Revenue Code of 1954 for the period beginning September 1, 1954, and ending December 31, 1956. This relief is to be extended only if it is shown to the satisfaction of the Secretary of the Treasury or his delegate that the trust has not in this period been operated in a manner which would jeopardize the interest of its beneficiaries.

GENERAL STATEMENT

The Internal Revenue Service has ruled that this fund, which was established under a collective bargaining agreement, meets the requirements for qualification under section 401 of the Internal Revenue Code for taxable years ending after May 22, 1957. However, the fund does not so qualify for prior taxable years, although the collective bargaining agreement specified that employers were to make contributions to the fund as of September 1, 1954. This is because it was not until May 23, 1957, that a specific pension plan, indicating such features as the size of the benefits to be paid to retired employees and the eligibility requirement, was actually established.

H.R. 8205 would extend retroactive qualification under the Internal Revenue Code to the fund from September 1, 1954, the date from which the collective bargaining agreement provided for employer-pension contributions, until December 31, 1956. The objective of the bill is to give the employers concerned the right to deduct contributions, made to the fund before it qualified under the Internal Revenue Code, in the year such contributions took place. In addition, the bill seeks to grant the fund exemption from tax on its investment income during this prequalification period.

In previous years the Congress adopted legislation extending to a number of negotiated pension plans retroactive qualification under the Internal Revenue Code for periods in which they did not qualify under the provisions generally applicable. Such retroactive qualification for specific plans was provided by Private Law 85–540 approved August 8, 1958, by Public Law 86–781, approved September 14, 1960, by Public Law 86–779, approved September 14, 1960, and by Public Law 87–59, approved June 27, 1961.

In its report to the Committee on the Judiciary, House of Representatives, the Treasury Department indicated that it had no objection to the adoption of H.R. 8205 if it were amended to provide that retroactive qualification would be granted only "if it is shown to the satisfaction of the Secretary of the Treasury or his delegate that the plan has not in this period been operated in a manner which would jeopardize the interest of its beneficiaries." The bill as passed by the House and approved by the Committee on Finance includes such a requirement.

Except where there has been a waiver of assessment, the period of limitations provided by present law for the assessment and collection of tax and for granting refunds will have expired for the retroactive period covered by the bill. At present, claim for credit or refund of income tax must be filed within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever is later. Accordingly, for taxpayers on a calendar year basis, the period of limitations on filing a claim for refund has already expired for the tax years 1954 through 1956.

FAVORABLE DEPARTMENTAL VIEWS

Favorable reports were received from the Treasury Department and the Bureau of the Budget.

FREE ENTRY OF ONE NUCLEAR MAGNETIC RESONANCE SPECTROMETER AND ONE MASS SPECTROMETER FOR USE OF UNIVERSITY OF ILLINOIS

The bill (H.R. 12529) to provide for the free entry of one nuclear magnetic resonance spectrometer and one mass spectrometer for the use of the University of Illinois, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2045), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 12529 is to permit the free importation of one nuclear magnetic resonance spectrometer and one mass spectrometer which are to be used by the University of Illinois.

GENERAL STATEMENT

The University of Illinois has ordered, from abroad, two pieces of scientific equipment which will be used in research and instructional endeavors to be performed in the department of chemistry and chemical engineering in the university.

The nuclear magnetic resonance spectrometer is a device which is used to determine the molecular structure of chemicals. The mass spectrometer is a device used by chemists and chemical engineers to provide chemical analyses, measurements, and other research features. It is reported that the University of Illinois attempted, without success, to purchase instruments of the desired specifications in the United States. The funds for the purchase of the two pieces of equipment are from unrestricted grants made by the National Science Foundation and the National Institutes of Health. Both these agencies have approved the purchase of this equipment.

EFFECTIVE DATE OF QUALIFICATION OF BRICKLAYERS LOCAL 45 (BUFFALO, N.Y.) PENSION FUND AS QUALIFIED TRUST

The bill (H.R. 11059) relating to effective date of the qualification of Bricklayers Local 45 (Buffalo, N.Y.) pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2046), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that the Bricklayer's Local 45 (Buffalo, N.Y.) pension fund, which was established by a collective bargaining agreement effective June 1, 1958, and which has been held by the Internal Revenue Service to constitute a qualified trust under section 401(a) of the Internal Revenue Code of 1954, and to be exempt from taxation under section 501(a) of such code, for years ending on or after November 29, 1960, shall be held and considered to have been a qualified trust under such section 401(a), and to have been exempt from taxation under such section 501(a), for the period beginning on June 1, 1958, and ending on November 29, 1960. The relief provided in the bill would be extended only if it is shown to the satisfaction of the Secretary of the Treasury or his delegate what the trust has not in this period been operated in a manner which would jeopardize the interests of its beneficiaries.

GENERAL STATEMENT

The Internal Revenue Service has ruled that this fund, which was established under a collective bargaining agreement, meets the requirements for qualifications under section 401 of the Internal Revenue Code for taxable years ending after November 28, 1960. However, the fund does not so qualify for prior taxable years, although the collective bargaining agreement specified that employers were to make contributions under the plan as of June 1, 1958. This is because it was not until November 29, 1960, that a specific pension trust, embodying a complete pension plan, was actually established.

H.R. 11059 would extend retroactive qualification under the Internal Revenue Code to the fund from June 1, 1958, the date from which the collective bargaining agreement provided for employer pension contributions, until November 29, 1960. The objective of the bill is to give the employers concerned the right to deduct contributions, made to the fund before it qualified under the Internal Revenue Code, in the year such contributions took place. In addition, the bill seeks to grant the fund exemption from tax on its investment income during the prequalification period.

Except where there has been a waiver of assessment, the period of limitations provided by present law for the assessment and collection of tax and for granting refunds will have expired for part of the retroactive period covered by the bill. At present, claim for credit or refund of income tax must be filed within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever is later. Accordingly, for taxpayers on a calendar-year basis, the period of limitations on filing a claim for refund has already expired for the tax year 1958.

The Treasury Department has noted that there are precedents for the relief provided in H.R. 11059, since in previous years the Congress adopted legislation extending to a number of negotiated pension plans retroactive qualification under the Internal Revenue Code for periods in which they did not qualify under the provisions generally applicable. Such retroactive qualification for specific plans was provided by Private Law 85–540, approved August 8, 1958, by Public Law 86–781, approved September 14, 1960, by Public Law 86–779, approved September 14, 1960, and by Public Law 87–59, approved June 27, 1961.

CONSUMER FINANCE COMPANIES

The bill (H.R. 8824) to modify the application of the personal holding company tax in the case of consumer finance companies was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report

(No. 2047), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILL

Certain exceptions to the tax on personal holding companies are made under existing law for companies receiving dividend, interest or other income from the active conduct of a trade or business, rather than from passive investments. Among these exceptions under present law is one for certain lending companies engaged in the small loan business.

This bill modifies this exception to conform it with the laws many States have been enacting in recent years for the regulation of consumer finance business. Thus, under this bill as amended, two of the present requirements are deleted; namely, the requirement that interest and similar charges on most of the loans not exceed a simple interest rate of 3 percent per month not payable in advance and on unpaid balances, and the requirement that most of the loans be for periods of not more than 36 months. The bill also modifies the requirement that 80 percent of the company's income be derived from interest and similar charges to provide that this 80 percent may also include lawful income received from an 80-percent-owned domestic subsidiary. Another modification increases from $500 to $1,500 the maximum size of the loans, where no maximum is set by State statute, which must account for 60 percent of the company's gross income. On the other hand, the bill also provides that the lending company must be actively engaged in the small loan (consumer finance) business.

GENERAL STATEMENT

Under present law a special tax of from 75 to 85 percent is imposed on undistributed personal holding company income. This tax is designed to prevent the avoidance of the graduated individual income tax by placing investment funds in a corporation and retaining the income at the corporate level. This is what has become known as an "incorporated pocketbook." In general terms a corporation is a personal holding company if five of fewer individuals own more than 50 percent of the value of the outstanding stock and if 80 percent or more of the corporation's income is "personal holding company income." Personal holding company income in general consists of passive income, i.e., with certain exceptions includes dividends, interest, annuities, gains from the sale of stock or securities, rents, etc.

Present law provides, however, that the term "personal holding company" does not include certain types of companies although they derive their income from the sources referred to above. The exceptions are provided because the types of companies involved are engaged in an active trade or business despite the nature of their income. Thus, the exceptions include banks, life insurance companies, licensed personal finance companies, and lending companies engaged in the small loan business. It is this latter exception with which this bill is concerned.

The conditions which, under present law, a lending company engaged in a small loan business must meet in order to be exempt from the personal holding company tax are quite detailed. They must—

(1) Be authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business;

(2) Derive 80 percent or more of their gross income from lawful interest, discount, or other authorized charges;

(3) Derive the 80 percent of their income, referred to above, from loans maturing in not more than 36 months made to individuals in accordance with the provisions of applicable State law;

(4) Derive this 80 percent of their income from loans where the interest and all other authorized charges do not exceed the amount equal to simple interest computed at the rate of 3 percent per month not payable in advance and only on unpaid balances;

(5) Derive 60 percent of their gross income from lawful interest, discount, other lawful authorized charges received from individuals whose indebtedness to the company does not exceed the limit prescribed by the applicable State law, or, if there is no such limit, $500;

(6) Have trade or business expense deductions (other than compensation for personal services rendered by shareholders or members of their family) equal to 15 percent or more of their gross income;

(7) Have outstanding loans with respect to any person who is a shareholder having a 10-percent interest in the stock of the company (including stock owned by members of the family) or not in excess of $5,000.

The exception in present law for licensed personal finance companies (sec. 542(c)(6)) was added to the Internal Revenue Code by the Revenue Act of 1938 to grant exemption from personal holding company taxation for companies operating under statutes similar to the Uniform Small Loan Act drafted by the Russell Sage Foundation. Under this law, interest could not be payable in advance or compounded and could be computed only on unpaid balances. The exception described above for lending companies making small business loans (sec. 542(c)(7)) was added to the code in 1950 at the request of those who live in States which allowed interest charges to be determined by the "dollar add on" or precomputed interest method. Presently, there are 23 States which allow interest charges to be computed in this manner.

Under the precomputation method, simple interest is computed in advance as though the contract were to be repaid according to its terms, the computation is added to the principal and the total is divided into equal payments. Under the dollar-add-on method the interest and other charges are expressed in dollars rather than percentages, and computed on the original amount of the loan for the full period. This amount is then added to the net loan and the result divided into equal payments. The requirement that the interest, although computed on the precomputed or dollar-add-on basis must not exceed the 3-percent-simple-interest method, described above (No. 4), has presented serious problems in that every lender has to measure the difference between the interest it receives under the precomputation or dollar-add-on method and what it would be permitted to receive under the 3-percent-simple-interest method. It then must exclude any excess over the 3-percent-simple-interest method, in determining whether the balance meets the percentage tests for the exemption.

The bill omits this 3-percent-simple-interest requirement entirely, on the grounds that the personal holding company tax is not intended as a means of regulating the lending companies but rather as a tax applicable in certain cases, to passive investments. In any event, this is an ineffectual regulatory device since this restriction applies only to about 10 percent of the outstanding small loans. This occurs because the bulk of the small loans are made by widely held finance companies, and therefore not treated as personal holding companies since they do not have five or fewer stockholders owning more than 50 percent of their stock. Moreover, even the companies presently subject to this restriction need to meet it only with respect to 80 percent of their gross income.

In view of the factors outlined above, your committee believes that it is inappropriate to continue this 3-percent-simple-interest requirement and this bill deletes it from the restrictions imposed with respect to these lending companies.

The bill also deletes the requirement that these lending companies derive most of their income from loans maturing in not more than 36 months. Several States already have gone beyond this as a permissive period for loans and it appears likely that in the near future a number of additional States may extend maturities to more than 36 months. Your committee agrees with the House committee that it should not impose a requirement substantially more restrictive in nature than the State laws regulating this type of lending company.

A third change made by the House bill modifies the maximum size of a loan which may qualify under the 80-percent-income requirement where there is no State law governing the maximum size of a loan. Under present law where there is no such limit under State law, a limitation of $500 is provided. Under the bill this limitation is increased to $1,500. It is understood that the only State which does not have a ceiling of its own is the State of California. When the $500 limit provided by present law was considered, this represented the usual ceiling among the States. The States have changed these ceilings materially, however, with the result that today relatively few States have a ceiling of $500 or less and even in these cases there usually is provision for supplementary loans which exceed this ceiling in certain situations. The $1,500 provided by this bill, where there is no applicable State limitation, today is substantially in conformance with the ceilings applicable in those States providing their own maximums.

A fourth modification under the bill provides that 80 percent of the company's gross income need not be derived only from loans but also may include lawful income received from a domestic subsidiary (in which the corporation in question has at least 80 percent of the voting power of all classes of stock and owns at least 80 percent of the nonvoting stock) if the subsidiaries are themselves excepted from personal holding company tax under either this same exception (par. (7)) or as a licensed personal finance company (par. (6)), a loan or investment company (par. (8)), or a finance company (par. (9)). Your committee agrees with the House that the mere fact that income is received from a subsidiary which itself meets the same requirements as the company in question, or similar requirements, should not result in such a company being subjected to personal holding company tax. It will still be necessary, however, for the companies involved to meet directly the 60-percent gross income requirement.

A fifth change relates to the use of the term "small loan business," which represents the type of business in which a lending company must be engaged in order to be removed from application of the personal holding company tax under this exception. The bill adds after the term "small loan business" the term "(consumer finance business)". This is intended to make it clear that this exception is not limited to small loans in the narrow sense, but rather is intended to encompass consumer finance loans generally. Moreover, the reference to consumer finance business will bring this exception more directly in accord with the terminology now used by a number of State legislatures which have retitled the applicable provisions governing these institutions as "consumer finance laws" as a means of providing a more descriptive title for the type of business involved.

The provisions described above liberalize the exception provided for lending companies engaged in the small loan or consumer finance business. However, the House bill has also added a provision which is restrictive in its application. It has provided that these lending companies must not only be authorized to engage in the small loan or consumer finance business but also must be "actively and regularly engaged in" such business. This gives assurance that such companies cannot be used indirectly as holders of passive investment income or as "incorporated pocketbooks."

Your committee believes that the changes made by this bill are desirable because they conform the exception in existing law to changes which have occurred in the industry since the passage by Congress of this exception in 1950. They also will enable the smaller, closely held companies to compete on even terms with the larger publicly owned chain organizations.

BILL PASSED OVER

The bill (H.R. 12820) to validate the coverage of certain State and local employees in the State of Arkansas under the agreement entered into by such State pursuant to section 218 of the Social Security Act was announced as next in order.

Mr. MANSFIELD. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PERMANENT SUSPENSION OF TAX ON FIRST DOMESTIC PROCESSING COCONUT OIL AND OTHER PRODUCTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2068, H.R. 5260.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 5260) to make permanent the existing suspensions of the tax on the first domestic processing coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, and combinations or mixtures thereof.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

That—

(1) Section 3 of Public Law 85–235, as amended (71 Stat. 516), approved August 30, 1957 (relating to the temporary suspension of the tax on the first domestic processing of coconut oil); and

(2) Public Law 86–37, as amended (73 Stat. 64), approved May 29, 1959 (relating to the temporary suspension of the tax on the first domestic processing of palm oil, palm-kernel oil, etc.),

are each amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1966".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to continue for an additional three-year period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2102), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF BILL

H.R. 5260 as passed by the House would repeal the processing tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and certain derivatives of such oils. Your committee has amended this bill to suspend this tax for 3 more years (until June 30, 1966) rather than repeal it.

GENERAL STATEMENT

Present law (sec. 4511(a) of the code) provides for the imposition of a tax of 3 cents a pound upon the first domestic processing of "coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing (whether or not such oils, fatty acids, or salts have been refined, sulphonated, sulphated, hydrogenated, or otherwise processed), or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids, or salts."

The tax on the first domestic processing of coconut oil has been suspended continuously from October 1, 1957, to June 30, 1963, while the tax on the first domestic processing of palm oil and palm-kernal oil has been suspended continuously from July 1, 1959, to June 30, 1963. This latter suspension was designed to restore the competitive balance between these oils and competing coconut and babassu oils on which the processing tax had already been suspended. The House bill would have repealed these processing taxes, while the bill as amended by your committee suspends these taxes for an additional 3 years, or until June 30, 1966.

Coconut oil and palm-kernel oil are the only commercially important lauric acid oils now used in the Unted States. The domestic processing taxes on these oils provided for in section 4511(a) of the Internal Revenue Code of 1954, as amended, were originally imposed in 1934, principally to protect domestically produced edible fats and oils in uses in which coconut oil is at present of little importance, such as in margarine. Although very little palm-kernel oil was used in margarine or shortening, it was subjected to the tax presumably because it could be substituted for coconut oil. Coconut oil is currently important in the manufacture of soap because of the superior lathering properties which the oils impart. Palm-kernel oil is used in the United States principally in edible products such as biscuits, crackers, and confectionery. Nether of the oils is made from materials produced in the United States. The principal use of palm oil in the United States is in the tinplate industries where it serves to prevent oxidation in the plating baths. Imports for this use have been exempt from tax since 1942.

The Tariff Commission advised your committee that it has not received any complaints regarding the suspension of the processing taxes on the products covered by this bill. Favorable reports were received from the Departments of Agriculture, Commerce, and State.

Your committee has found no objection to the further suspension of these processing taxes although questions have been raised as to their repeal. In view of this your committee has amended the House bill to provide for a further 3-year suspension of these taxes.

CARRIERS OF BONDED MERCHANDISE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5700, Calendar No. 2074.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 5700) to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment, on page 2, after line 10, to insert a new section, as follows:

Sec. 2. (a) Section 309 of the Tariff Act of 1930 (19 U.S.C., sec. 1309) is amended by adding at the end thereof the following new subsection:

"(e) The provisions for free withdrawals made by subsection (a) shall, under such regulations as the Secretary of the Treasury may prescribe, apply to articles withdrawn for use as fuel on vessels of the United States employed as common carriers on the high seas or the Great Lakes pursuant to certification by the Interstate Commerce Commission."

(b) The amendment made by subsection (a) shall apply with respect to articles withdrawn, as provided in section 309 of the Tariff Act of 1930, on or after the date of the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2108), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to permit the Secretary of the Treasury to designate any contract carrier, authorized to act as such by any agency of the United States, as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued.

The committee amendment would permit free withdrawals of fuel for use on vessels of the United States employed as common carriers in coastal service (including service on the Great Lakes) pursuant to certification by the Interstate Commerce Commission.

GENERAL STATEMENT

Section 551 of the Tariff Act of 1930, as amended, deals with carriage in bond of merchandise not finally released from customs custody. As originally enacted, section 551 authorized the Secretary of the Treasury to designate as carriers of bonded merchandise only common carriers who owned or operated railroad, steamship, or other transportation lines or routes. Public Law 285, 79th Congress (59 Stat. 667), broadened this authority to permit the Secretary to designate freight forwarders under the jurisdiction of the Interstate Commerce Commission to handle bonded merchandise in transit. Public Law 87–598 extended the Secretary's authority so as to permit him to designate any freight forwarder, authorized to act as such by any agency of the Government, to handle bonded merchandise in transit.

The transportation of imported merchandise in bond is a privilege accorded to certain carriers and freight forwarders. The element of risk to the Government revenue is minimized by limiting the privilege to those who are authorized to act in the capacity of handlers of merchandise by a Federal agency and also by regulations of the Secretary of the Treasury.

The Department of Commerce has reported:

"Investigation reveals that the common carrier system would not be adversely affected by the inclusion of contract carriers in the categories of persons to which section 551 of the Tariff Act of 1930 is applicable. The Common Carrier Conference of the American Trucking Associations, Inc., stated 'the legislation would create no enlargement in contract carrier operations and in reality amounts to nothing more than the removal of an unwarranted handicap in providing services which contract carriers are authorized to conduct.'"

It would seem both fair and efficient that the Secretary of the Treasury should be authorized to extend the privilege of handling bonded merchandise to any contract carrier licensed to act as such by any agency of the United States, subject to such regulations and terms as the Secretary of the Treasury may prescribe and subject to his discretion.

In addition to the Department of Commerce, the Departments of State and Treasury approve of this legislation.

The Finance Committee amended the bill to provide for the tax-free withdrawal from customs custody, or from a foreign-trade zone, of fuel for use on vessels of the United States employed as common carriers in coastwise service (including service on the Great Lakes) pursuant to certification by the Interstate Commerce Commission. The objective is to provide for these few vessels the same right to purchase this fuel from supplies in bond, or from a foreign-trade zone, as is now done for America-flag vessels in intercoastal and foreign trade.

Presently, common carriers certified by the Interstate Commerce Commission are denied the privilege of free withdrawals unless they travel beyond the bounds of one coast of the United States. Competing ships, carrying much the same cargo and touching at the same ports, may make free withdrawals if they travel beyond the one coast, whether they go to other coasts of the United States or touch at some foreign port.

The extension of this privilege to coastwise vessels would apply only to common carriers certificated by the Interstate Commerce Commission and would not affect contract or proprietary carriers not competing with general common carriers.

While comparatively few ships would be assisted by this measure, it would seem important that they receive the same treatment as other common carriers which load the same type of cargo and stop at the same ports.

SALE PRICE RULE OF CERTAIN MANUFACTURERS EXCISE TAXES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2075, H.R. 8952.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the condition under which the special construction sale price rule is to apply for purposes of certain manufacturers excise taxes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

SECTION 1. CONSTRUCTIVE SALE PRICE.

(a) APPLICATION OF SPECIAL RULE.—Section 4216(b)(2)(C) of the Internal Revenue Code of 1954 (relating to special rule for determining constructive sale price) is amended by inserting before "the normal method" the following: "in the case of articles upon which tax is imposed under section 4061(a) (relating to automobiles, trucks, etc.), 4191 (relating to business machines), or 4211 (relating to matches),".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles sold by the manufacturer, producer, or importer on or after October 1, 1962.

SEC. 2. CONTRIBUTIONS TO FOUNDATIONS FOR CERTAIN STATE COLLEGES AND UNIVERSITIES.

(a) LIMITATION ON CONTRIBUTIONS ALLOWABLE AS DEDUCTION.—Section 170(b)(1)(A) of the Internal Revenue Code of 1954 (relating to limitation on amount of deduction for charitable contributions by individuals) is amended by striking out "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting after clause (iii) the following new clause:

"(iv) an organization referred to in section 503(b)(3) organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in clause (ii) of this subparagraph and which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions,".

(b) TECHNICAL AMENDMENT.—Section 170(b)(1)(B) of such Code is amended by striking out "any charitable contributions to the organizations described in clauses (i), (ii), and (iii)" and inserting in lieu thereof "any charitable contributions described in subparagraph (A)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1960.

SEC. 3. LIFE INSURANCE COMPANIES.

(a) VARIABLE ANNUITIES AND OTHER SEGREGATED ASSET ACCOUNTS.—Section 801(g) of the Internal Revenue Code of 1954 (relating to variable annuities) is amended to read as follows:

"(g) CONTRACTS WITH RESERVE BASED ON SEGREGATED ASSET ACCOUNTS.—

"(1) DEFINITIONS.—

"(A) ANNUITY CONTRACTS INCLUDE VARIABLE ANNUITY CONTRACTS.—For purposes of this part, an 'annuity contract' includes a contract which provides for the payment of a variable annuity computed on the basis of recognized mortality tables and the investment experience of the company issuing the contract.

"(B) CONTRACTS WITH RESERVES BASED ON A SEGREGATED ASSET ACCOUNT.—For purposes of this part, a 'contract with reserves based on a segregated asset account' is a contract—

"(i) which provides for the allocation of all or part of the amounts received under the contract to an account which, pursuant to State law or regulation, is segregated from the general asset accounts of the company.

"(ii) which provides for the payment of annuities, and

"(iii) under which the amounts paid in, or the amount paid as annuities, reflect the investment return and the market value of the segregated asset account.

If a contract ceases to reflect current investment return and current market value, such contract shall not be considered as meeting the requirements of clause (iii) after such cessation.

"(2) LIFE INSURANCE RESERVES.—For purposes of subsection (b)(1)(A) of this section, the reflection of the investment return and the market value of the segregated asset account shall be considered an assumed rate of interest.

"(3) SEPARATE ACCOUNTING.—For purposes of this part, a life insurance company which issues contracts with reserves based on segregated asset accounts shall separately account for the various income, exclusion, deduction, asset, reserve, and other liability items properly attributable to such segregated asset accounts. For such items as are not accounted for directly, separate accounting shall be made—

"(A) in accordance with the method regularly employed by such company, if such method is reasonable, and

"(B) in all other cases, in accordance with regulations prescribed by the Secretary or his delegate.

"(4) INVESTMENT YIELD.—

"(A) IN GENERAL.—For purposes of this part, the policy and other contract liability requirements, and the life insurance company's share of investment yield, shall be separately computed—

"(i) with respect to the items separately accounted for in accordance with paragraph (3), and

"(ii) excluding the items taken into account under clause (i).

"(B) CAPITAL GAINS AND LOSSES.—If, without regard to subparagraph (A), the net short-term capital gain exceeds the net long-term capital loss, such excess shall be allocated between clauses (i) and (ii) of subparagraph (A) in proportion to the respective contributions to such excess of the items taken into account under each such clause.

"(5) POLICY AND OTHER CONTRACT LIABILITY REQUIREMENTS.—For purposes of this part—

"(A) with respect to life insurance reserves based on segregated asset accounts, the adjusted reserves rate and the current earnings rate for purposes of section 805(b), and the rate of interest assumed by the taxpayer for purposes of sections 805(c) and 809(a)(2), shall be a rate equal to the current earnings rate determined under section 805(b)(2) with respect to the items separately accounted for in accordance with paragraph (3) reduced by the percentage obtained by dividing—

"(i) any amount retained with respect to such reserves by the life insurance company from gross investment income (as defined in section 804(b)) on segregated assets, to the extent such retained amount exceeds the deductions allowable under section 804(c) which are attributable to such reserves, by

"(ii) the means of such reserves; and

"(B) with respect to reserves based on segregated asset accounts other than life insurance reserves, an amount equal to the product of—

"(i) the rate of interest assumed as defined is subparagraph (A), and

"(ii) the means of such reserves,
shall be included as interest paid within the meaning of section 805(e)(1).

"(6) Increases and decreases in reserves.—For purposes of subsections (a) and (b) of section 810, the sum of the items described in section 810(c) taken into account as of the close of the taxable year shall, under regulations prescribed by the Secretary or his delegate, be adjusted—

"(A) by subtracting therefrom an amount equal to the sum of the amounts added from time to time (for the taxable year) to the reserves separately accounted for in accordance with paragraph (3) by reason of appreciation in value of assets (whether or not the assets have been disposed of), and

"(B) by adding thereto an amount equal to the sum of the amounts subtracted from time to time (for the taxable year) from such such reserves by reason of depreciation in value of assets (whether or not the assets have been disposed of).

"The deduction allowable for items described in paragraphs (1) and (7) of section 809(d) with respect to segregated asset accounts shall be reduced to the extent that the amount of such items is increased for the taxable year by appreciation (or increased to the extent that the amount of such items is decreased for the taxable year by depreciation) not reflected in adjustments under the preceding sentence.

"(7) Basis of assets held for qualified pension plan contracts.—In the case of contracts described in subparagraph (A), (B), (C), or (D) of section 805(d)(1), the basis of each asset in a segregated asset account shall (in addition to all other adjustments to basis) be—

"(A) increased by the amount of any appreciation in value, and

"(B) decreased by the amount of any depreciation in value,
to the extent that such appreciation and depreciation are from time to time reflected in the increases and decreases in reserves or other items in paragraph (6) with respect to such contracts.

"(8) Additional separate computations.—Under regulations prescribed by the Secretary or his delegate, such additional separate computations shall be made, with respect to the items separately accounted for in accordance with paragraph (3), as may be necessary to carry out the purposes of this subsection and this part."

(b) Tax in Case of Capital Gains.—

(1) Alternative tax.—Paragraph (2) of section 802(a) of such Code (relating to tax in case of capital gains) is amended to read as follows:

"(2) Alternative tax in case of capital gains.—If for any taxable year beginning after December 31, 1961, the net long-term capital gain of any life insurance company exceeds the net short-term capital loss, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such tax is less than the tax imposed by such paragraph) which shall consist of the sum of—

"(A) a partial tax, computed as provided by paragraph (1), on the life insurance company taxable income determined by reducing the taxable investment income, and the gain from operations, by the amount of such excess, and

"(B) an amount equal to 25 percent of such excess."

(2) Taxable investment income.—Paragraph (2) of section 804(a) of such Code (relating to definition of taxable investment income) is amended by striking out "equal to the sum" and inserting in lieu thereof "equal to the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss plus the sum".

(3) Gain and loss from operations.—Paragraphs (1) and (2) of section 809(b) of such Code (relating to definitions of gain and loss from operations) are each amended by striking out "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss; and".

(4) Conforming amendments.—Sections 815(c)(3)(B) and 6501(c)(6) of such Code are each amended by striking out "802(a)(1)" and inserting in lieu thereof "802(a)".

(c) Limitation on Certain Deductions.—Section 809(f)(2) of such Code (relating to the application of limitation on certain deductions) is amended to read as follows:

"(2) Application of limitation.—The limitation provided by paragraph (1) shall apply first to the amount of the deduction under subsection (d)(3), then to the amount of the deduction under subsection (d)(6), and finally to the amount of the deduction under subsection (d)(5)."

(d) Reduction of Policyholders Surplus Account.—Section 815(d) of such Code (relating to special rules with respect to distributions to shareholders) is amended by adding at the end thereof the following new paragraph—

"(5) reduction of policyholders surplus account for certain unused deductions.—If—

"(A) an amount added to the policyholders surplus account for any taxable year increased (or created) a loss from operations for such year, and

"(B) any portion of the increase in the loss from operations referred to in subparagraph (A) did not result in a reduction of any tax under section 802 for any taxable year to which such loss was carried,
the policyholders surplus account for the last taxable year to which such loss may be carried shall be reduced by the amount described in subparagraph (B) or, if lesser, the amount in such account as of the close of such taxable year (computed before any subtractions for such taxable year)."

(e) Effective Date.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1961.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to amend the provisions of the Internal Revenue Code of 1954 relating to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes and relating to the taxation of life insurance companies, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2109), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

I. SUMMARY OF BILL

The Excise Tax Technical Changes Act of 1958 provided that in determining the base for the computation of manufacturer's excise taxes, a constructive sales price could be used where sales were made to retailers or to consumers if sales were also made at the wholesale level. However, this provision applies only if the normal method of sales within the industry is not to sell articles at retail, to retailers, or to both. The House bill provided that this latter restriction was not to apply in the case of the manufacturer's excise taxes on refrigerators and related items, on electric, gas and oil appliances, and on radios and television sets and related items. Your committee has amended the House bill to provide that this latter restriction is to apply in the case of none of the manufacturer's excise taxes except those relating to automobiles, trucks and buses, business machines, and matches.

Your committee also has added two new sections to the bill. The first of these relates to the extra 10 percent limitation, over and above the generally available 20-percent limitation, on deductions for charitable contributions. Presently this extra 10-percent limitation applies in the case of contributions to a church, school, hospital, or medical research organization. The new section added by your committee makes this extra 10-percent limitation applicable in the case of contributions to an organization, organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a State or local government university or college, including a land-grant college or university. However, such an organization must be one which normally receives a substantial part of its support from the United States or any State or local government or from direct or indirect contributions from the general public. This new section is to apply to taxable years beginning after December 31, 1960.

The second new section added to the bill by your committee deals with certain aspects of the taxation of life insurance companies. The amendment makes four changes in life insurance taxation:

First, the amendment affects the tax treatment of variable annuities and segregated pension contracts. The present tax treatment of variable annuities does not apply to taxable years beginning after December 31, 1962. The bill continues present treatment of variable annuities for the future, without a termination date, and also provides that income allocated to "segregated asset accounts" (including capital gains income in the case of qualified pension contracts) is not to be taxed to the life insurance company.

The second life insurance company amendment is concerned with the taxation of capital gains of such companies. The bill permits taxpayers to include the excess of any net long-term capital gains over any net short-term capital losses in the life insurance company's "phase one" investment income tax base, in lieu of the present separate capital gains tax of 25 percent.

The third life insurance company amendment is concerned with the order in which deductions are to be taken. Under present law the 2-percent deduction for group accident and health insurance and the 10-percent deduction for increase in reserves for nonparticipating contracts (or deduction of 3 percent of the premiums on such contracts), for purposes of the $250,000 limitation, are taken before the deduction for policyholder dividends. The amendment reverses this priority. Since the deductions for group accident and health insurance and nonparticipating contracts in effect are restored to income for purposes of the "phase three" tax, when distributions are made to stockholders, there is a wastage for the life insurance company of part of its policyholder dividend deduction (which is not restored to income at the time of distributions) if this latter deduction is not taken first.

The fourth life insurance company amendment provides that if an amount added to the policyholder's surplus account for any year increased a loss from operations for that year, and did not result in a reduction in tax in any year to which the loss is carried, to this extent the income base used in determining the tax at the time of distributions to shareholders is to be reduced.

These life insurance company amendments are to apply to taxable years beginning after December 31, 1961.

The Treasury Department has indicated that if the constructive price provision for present law is to be retained, it does not object to the House bill and favors the amendment made by your committee. The Treasury Department also has indicated that it favors the committee amendments relating to the extra 10-percent deduction for charitable contributions and those relating to life insurance company taxation.

II. CONSTRUCTIVE SALES PRICE PROVISION

Prior to the enactment of the Excise Tax Technical Changes Act of 1958, the law provided a constructive sales price, for purposes of computing various manufacturers excise taxes, only where the article is sold (1) at retail (i.e., to consumers), (2) on consignment, or (3) at less than the fair market price if the transaction is not at arm's length. The constructive sales price applied in such cases is the price for which the articles are sold in the ordinary course of trade by the manufacturer or producer as determined by the Secretary of the Treasury or his delegate.

In the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 85th Cong.), Congress expanded the area where a constructive price provision applies in determining the base for manufacturers excise taxes. A provision added by that act made a constructive price provision applicable not only to sales to consumers but also in the case of sales to retailers.[1] Where this provision applies, the applicable constructive sales price is the highest price for which the manufacturer sells the article to wholesale distributors, or the actual price for which the article was sold, if lower.

In its report on the 1958 act, the Senate Committee on Finance stated:

"Your committee is in full agreement with the House that substantially different amounts of manufacturers' excise tax should not be imposed with respect to the same type of items merely because one manufacturer chooses to sell his articles to a retailer or consumer while the other sells his to a wholesaler."

Despite the objective of a uniform base for the imposition of excise taxes, it was recognized in the action taken in the 1958 act that there were significant administrative problems in computing a constructive sales price which made it difficult to achieve complete uniformity in tax base for purposes of the manufacturers' excise taxes. To minimize these administrative problems, four limitations were imposed on the use of this new provision:

(1) The sales must be regularly made at retail, to retailers, or to special dealers;

(2) Sales must also be made to one or more wholesale distributors in arm's-length transactions in which the manufacturer (producer or importer) establishes that the price was set without regard to any tax benefit under this provision.

(3) The normal method of sales of the articles within the industry is not at retail, or to retailers or a combination of both; and

(4) The transaction is at arm's length.

The first limitation means that the provision does not apply where the sales at retail or to retailers are merely casual sales. The requirement that sales also be made to wholesalers provides a basis for the actual computation of the constructive price. The third limitation; namely, the requirement that the sales at retail or to retailers (or a combination of these types of sales) not be the normal method of distribution was intended to deny the benefit of this provision where half or more of the volume of sales of the specific category of taxable items is made at retail or to retailers. The report of the Senate Committee on Finance on the 1958 act indicated the following reason for this limitation:

This limitation on the application of the new constructive price provision appears desirable because there would seem to be no significant discrimination with respect to an industry where sales at retail and/or to retailers represent the major proportion of the volume sales in the industry.

This requirement that taxpayers determine whether or not the normal method of distribution within the industry is to retailers or at retail in practice has been practically impossible to meet. The difficulty is that it has been almost impossible to gather the statistical information needed in order to determine what is the normal method of distribution within an industry. In most cases it has proved impossible to obtain sales data for important segments of the industry. In part this is due to a natural reluctance to disclose trade data to competitors in part due to the fact that those who do not intend to use this provision have no interest in developing this data, and in part due to the fact that there is no authorized agency for the collection of the data. However, problems also arise from the nature of the distribution system. For example, sales to large contractors frequently are difficult to classify as to whether they are sales at wholesale, to retailers, or at retail because the contractor may, in part, be purchasing articles for his own use and in part for resale to others. The problem is further complicated by the fact that a determination as to the normal method of distribution at any one point of time may vary somewhat if another point of time is selected.

The Treasury Department, in its report to your committee on this bill, while not favoring its enactment, stated: "* * * While there is a feeling by all concerned that certain products must fall within the scope of the lower constructive price provision (i.e., the one under consideration here), conclusive data for any given product have yet to be obtained. Normal sources of distribution data are the census of manufacturers and trade associations. But differences in classification of products for trade and tax purposes, and lack of full coverage for a whole industry, have prevented available figures from being sufficient to make a decision as to whether sales to retailers and at retail are, or are not, the normal method of distribution by manufacturers of a given product. [Parenthetical statement added.]

As a result of these difficulties in the application of this restriction relating to the normal method of distribution within an industry, the House concluded that the application of this restriction should be removed in the case of three industry groups, where it is generally agreed that the normal method of distribution within the industry is not sales to retailers or at retail, despite the fact that complete statistical proof to this effect has not been available. The industry groups referred to were those selling articles taxable under (1) section 4111; namely, household-type refrigerators and quick-freeze units (including combinations of the two), and self-contained air-conditioning units; (2) section 4121; namely, electric, gas, and oil appliances; and (3) section 4141; namely, radios, television sets, phonographs (including combinations of the foregoing), radio and television components, and phonograph records.

Your committee agrees with the House that the restriction as to the normal method of sales of the article within the industry should not apply in the case of the above-named excise tax categories. However, your committee after examining this provision has concluded that this restriction likewise should not apply in the case of other manufacturer's excise taxes as well. In this regard the Treasury report on this bill states as follows:

"It is our understanding that the major objective in 1958, in inserting the condition that the new constructive price privilege was not to be available where sales at retail or to retailers were the normal method of selling, was designed to prevent the use of such constructive price by a limited group of industries. These industries are those in which sales at retail or to retailers constitute a very high proportion of total sales, in particular, passenger automobiles, trucks, and business and store machines. Amending the law so as to prevent only these named industries from using the constructive price base in question would achieve the essential intent of 1958 legislation and avoid the need for considering additional amendments in future years to meet the requests of industries which presumably are in the same situation as the industries already listed in H.R. 8952."

Your committee agrees with the Treasury Department that this restriction of the constructive sales price privilege, so that it is not available where sales at retail or to retailers is the normal method of selling, should not apply generally to manufacturer's excise taxes. For that reason it has amended the House bill to make this restriction applicable only in the case of the following excise taxes: (1) Section 4061(a)(1); namely, trucks, buses, and related equipment; (2) section 4061(a)(2); namely, passenger automobiles and related equipment; (3) section 4191; namely, business machines; and (4) section 4211; namely, matches.

Because of the elapse of time since this provision was considered by the House, your committee has also amended the effective date so that the amendment made by this section is to apply with respect to articles sold by the manufacturer, producer, or importer on or after October 1, 1962, rather than January 1, 1962. This is not intended, however, to imply that this constructive sales price was not applicable to sales of articles covered by this bill prior to that date.

III. CONTRIBUTIONS TO FOUNDATIONS FOR STATE COLLEGES AND UNIVERSITIES

The attention of your committee has been called to the fact that in at least nine States[2] legal restrictions limit the ability of State and land-grant colleges or universities to receive directly gifts and bequests from the public for particular purposes. This frequently is true because State laws require gifts made directly to a State institution to be covered into the general State treasury, and for funds made available to the State university or college to be provided by appropriation by the legislature. Because of these restrictions, endowment foundations had been created in connection with many State colleges and universities (often by alumni groups) for the purpose of receiving gifts and bequests from the general public and making expenditures for the benefit of these colleges and universities. In some instances State university endowment institutions of the type referred to here hold title to property comprising part of the campus area of a college or university and participate in the erection of university buildings. In general, the funds of these foundations are used for a variety of purposes such as providing scholarships, student loans, equipment, furnishings, and libraries, all of which normally are accepted functions of colleges and universities. However, in these cases the functions are performed through separate corporations rather than through the university corporation itself.

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[1] The act also supplied the constructive sales price provision to so-called special dealers.

[2] Iowa, Kansas, New York, Oregon, South Dakota, Utah, Virginia, West Virginia, and Wisconsin.

Because these university endowment institutions are not directly a part of the State university or college, the charitable contribution deduction which may be taken by an individual with respect to contributions to such an institution is limited to 20 percent of the taxpayer's adjusted gross income (without regard to net operating loss carrybacks). Under present law an extra 10 percent, or 30 percent in the aggregate, of the taxpayer's adjusted gross income may be deducted in the case of contributions to a church or convention or association of churches, an educational organization, a hospital, or certain medical research organizations. This extra 10 percent, however, may not be deducted in the case of the State university endowment institutions referred to here because they are not actually schools. Similar endowment funds of private universities or colleges, on the other hand, are a part of the private school or university itself and, therefore, contributions to such funds or directly to the private schools and universities are eligible for this extra 10 percent charitable deduction.

Your committee has concluded that these endowment funds for colleges or universities of States or local governments should be placed on the same footing with private institutions in the case of the deductibility of charitable contributions and gifts made to them. For that reason your committee's amendment adds a new category (sec. 170(b)(1)(A)(iv)) to the provision of present law which specifies the types of institutions to which gifts may be made for which the extra 10-percent deduction for charitable contributions is available. The new category added by your committee's amendment comprises organizations, organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a State (or local governmental unit) university or college, including land-grant colleges or universities. To be eligible for this treatment, however, the organization must be one which normally receives a substantial part of its support from the United States or a State or local governmental unit or from direct or indirect contributions from the general public.

This provision is to apply to taxable years beginning after December 31, 1960.

IV. AMENDMENT OF PROVISIONS RELATING TO THE TAXATION OF LIFE INSURANCE COMPANIES

A. General explanation

1. Variable Annuities and Other Segregated Asset Accounts

The first provision relating to life insurance companies added by your committee's amendments deals with variable annuities and also with segregated pension accounts.

Variable annuities differ from ordinary, or fixed dollar, annuities in that the annuity benefits payable under them vary with the insurance company's investment experience. The fixed dollar annuity, on the other hand, guarantees the payment of a specified amount irrespective of the actual investment earnings. Both the fixed dollar annuities and the variable annuities, however, are based upon the principle of paying out either specified amounts, or specified units with values which vary with investment experience, over the life of each member of an annuitant group. In both cases the insuring company bears the mortality risk.

In view of this similarity, Congress in the Life Insurance Company Income Tax Act of 1959 treated variable annuities generally like other annuities for tax purposes. It provided that variable annuity contracts using recognized mortality tables with annuity payments based on the investment experience of the company issuing the contract were to be treated as regular annuity contracts for purposes of the life insurance company tax. These reserves, therefore, qualify as life insurance reserves and companies primarily issuing these policies qualify as life insurance companies. In this case, however, the current earnings rate of the company is used in determining the portion of the investment income belonging to the policyholder, rather than to the life insurance company, except that this current earnings rate is reduced by any actuarial margin charge retained by the company under the contract. This same rate is also used as the assumed rate of interest. In the case of these variable annuity contracts, additions in reserves for tax purposes include only increases made by reason of premium receipts and investment income and decreases in these reserves take into account only benefits paid under these contracts. There is excluded from reserve additions or decreases capital gains and losses, both realized and unrealized. The unrealized gains and losses are excluded because as a general rule unrealized gains are not taken into account for tax purposes. The realized gains and losses are excluded because under present law they are taxed at a separate flat 25 percent tax rate with respect to any excess net long-term capital gain over any net short-term capital loss.

Present law provides that the treatment described above for variable annuities is to terminate with respect to taxable years beginning after December 31, 1962. Your committee's amendment, with only technical modifications, continues the present treatment for these variable annuities for future years.

The variable annuity described above is one form of a segregated asset account. In addition, however, there are segregated asset accounts, primarily pension contracts, where the payments may not be based upon recognized mortality tables. The segregated asset accounts referred to are those which provide for the payment of annuities where as a result of State law or regulation the amounts received are segregated from the general asset accounts of the life insurance company and where either the amounts paid in, or the amounts paid out as annuities, vary with the investment return and the market value of the segregated asset account.

Under the Life Insurance Company Income Tax Act of 1959 Congress attempted to exclude the investment income earned in connection with reserves accumulated for qualified employer pension and profit-sharing plans from the tax base of the life insurance company. To obtain this result it provided that the amount to be attributed to the policyholders, and therefore not taxed, was to be equal to the current earnings rate of the life insurance company multiplied by reserves held for qualified pension and profit-sharing plans. Your committee's report on that act indicated the view that this treatment was desirable because the investment earnings of a noninsured qualified pension or profit-sharing trust are completely exempt from tax while they are accumulated in the trust.

Thus, an attempt was made at that time to treat qualified pension or profit-sharing contracts, handled through an insurance company, in the same manner as tax-exempt qualified pension and profit-sharing trusts. This result was not obtained, however, because the current earnings rate of a life insurance company is based on items of investment yield and assets of the company as a whole and not on those items as they relate to qualified pension plan contracts alone. Moreover, under present law the capital gains of all assets relating to these pension contracts remain subject to tax. Noninsured pension trusts on the other hand, account separately for all assets attributable to qualified pension plans and pay no tax on either the investment income or the capital gains on such assets.

This difference in tax treatment may well be an important factor in the loss of pension business which has occurred in the case of life insurance companies in the last few years. In 1960 the premiums and other consideration they received for insured pension plans, for example, were $145 million lower than in 1959. This difference in tax treatment is damaging, however, not only to the life insurance companies but also to the smaller employers who generally cannot assume the risk or administrative expense of establishing a small pension trust.

In the last few years a number of States have authorized the use of segregated account pension contracts to enable life insurance companies to meet the competition of the pension trusts. These States are Arkansas, Colorado, Connecticut, Florida, Indiana, Iowa, Kentucky, Massachusetts, Nebraska, Nevada, New Jersey, New York, and the District of Columbia. However, to provide tax equality for these segregated pension accounts with the tax-exempt pension trusts, it is necessary that the investment income and capital gains credited to policyholders in these segregated accounts be free of tax in the same manner as is already true in the case of the noninsured pension trusts.

Your committee's amendment is designed to remove this competitive discrimination. First, it provides that the full current earnings rate on assets held in segregated accounts, less any amounts retained by the company in excess of allowable expenses, are to be deducted in computing the life insurance company's investment income tax base. This is provided in the amendment by specifying that in computing the policy and other contract liability requirements of the life insurance company with respect to life insurance reserves on segregated asset accounts, the current earnings rate with respect to these segregated accounts is to be substituted for the use of the adjusted reserve rate and the rate of interest assumed by the taxpayer. However, this current earnings rate is to be reduced for amounts retained by the life insurance company from gross investment income on segregated assets to the extent these retained amounts exceed the investment deductions otherwise allowable. Similarly, with respect to reserves based on segregated asset accounts other than life insurance reserves, the current earnings rate on the segregated assets is to be considered as the interest paid.

Second, capital gains and losses specifically allocated to segregated asset accounts are no longer to be subjected to the flat 25-percent capital gains tax. This treatment is provided, however, only in the case of qualified pension contracts. This is accomplished by adjusting the basis of the segregated assets upward or downward to the extent of the amount of the gain or loss which would otherwise occur.

Third, in determining the "phase two" tax base, or net gains from operation, increases or decreases in reserves for the contracts which would otherwise occur because of appreciation or depreciation in the value of assets is not to be taken into account. This, like the first adjustment described above, applies to qualified and nonqualified pension contracts alike.

Fourth, in determining the "phase one" tax base, namely, the taxable investment income, a completely separate computation is made for the investment income attributable to the segregated account business.

2. Tax on Capital Gains

Under the Life Insurance Company Income Tax Act of 1959 a life insurance company is taxed separately on its capital gains. That act provided that the excess of net long-term capital gains over net short-term capital losses is to be taxed at a flat 25-percent rate. This method of taxing capital gains differs from that provided for most other corporations in that this 25-percent tax is not an alternative tax but rather is the only procedure provided for capital gains.

As indicated in the report of your committee on the Life Insurance Act, the taxation of capital gains was limited to this one procedure because of complexities encountered in including capital gains in the regular tax base. In this regard the report of your committee on that act stated as follows:

"The tax rate is a flat 25-percent tax on these long-term gains (the excess of the net long-term capital gain over the net short-term capital loss). This differs from the treatment provided in the case of ordinary corporations in that this 25-percent tax is not an alternative tax but the only method of computation provided. This omission of any alternative method of computation avoids the complexity of providing for the inclusion of capital gains in the regular tax base, which in this case consists of three different phases."

The failure to permit life insurance companies on an alternative basis to include capital gains in their regular tax base has resulted in a hardship for those companies operating at a loss. For the most part these are small, new companies. Moreover, they represent an important segment of the industry. In 1958, out of 1,471 life insurance companies, only 741 reported net income. Thus, nearly 50 percent of the industry in terms of numbers of companies operated at a loss. Any of these companies realizing a net long-term capital gain (in excess of any net short-term capital loss) nevertheless are required to pay a flat 25-percent tax on such a gain even though operating at an overall loss for the year.

Your committee's amendment removes this discriminatory treatment against life insurance companies operating at a loss and at the same time avoids the complexities feared at the time of the passage of the 1959 act. Under this amendment a life insurance company will compute its tax on long-term capital gains under two methods—a regular method and an alternative method. The regular method requires that these capital gains be included in the taxable investment income of the life insurance company.[8] Under this method, however, the capital gain income is not taken into account in determining investment yield.

The alternative method of taxing capital gains under your committee's amendment is identical to the method provided by existing law; namely, a separate flat 25-percent tax on the excess of any net long-term capital gain over any net short-term capital loss. The life insurance company, under your committee's amendment, is to determine its tax for the taxable year under whichever of these two methods produces the lesser tax liability.

3. Priority of Deductions Affecting Stock Life Insurance Companies

Under the Life Insurance Company Income Tax Act of 1959 a so-called phase three tax is imposed on life insurance companies in the case of distributions to shareholders. The act provides that after distributions to the shareholders of amounts already taxed to the life insurance company, if additional distributions are made to the shareholders such amounts are taxable at the life insurance company level at the time of the distribution. The amounts so taxed at the time of distribution include the 50 percent of gains from operations (in excess of taxable investment income) not previously taxed to the life insurance company, plus the deduction for nonparticipating contracts (10 percent of the increase in reserves for nonparticipating contracts or 3 percent of the premiums for such contracts, whichever is greater) and the deduction for group life and group accident and health insurance contracts (2 percent of premiums for such contracts).

In computing the deductions for group insurance premiums and nonparticipating insurance and also the deduction for dividends to policyholders, the 1959 act provides that the aggregate of these three deductions (although they may entirely offset gains from operations in excess of taxable investment income) may not offset taxable investment income by more than $250,000. The statute also provides that the group insurance premium deduction is to be taken first, then the nonparticipating contract deduction, and finally the deduction for policyholder dividends in applying this $250,000 limitation.

The effect of this priority in which the deductions are to be taken is in some cases to leave a taxpayer worse off than if he received no deduction at all for group premiums or nonparticipating contracts. This can occur where the company pays out sufficient policyholder dividends to account for the maximum deduction available with this $250,000 limitation. In such a case, if this deduction could be taken first, since it is not just a deferred deduction, it would result in no further tax at the time of the distribution to the shareholder. However, since the other two deductions must be taken first and do result in a tax at the time of a distribution to shareholders, the taxpayer in such case is in a worse position than he would be if these first two deductions were not available.

To remove this hardship your committee's amendment provides that in applying the $250,000 limitation, policyholder dividends are to be allowed as a deduction first and then the deduction for group insurance premiums and finally the deduction for nonparticipating insurance contracts.

4. Effect of an Unused Loss From Operations on "Phase Three" Tax at Time of Distribution to Shareholders

Under the Life Insurance Company Income Tax Act of 1959 provision was made for the taxation at the life insurance company level of any income not previously taxed to the life insurance company which is distributed to the shareholders. First, however, amounts which have already been taxed to the life insurance company may be distributed to shareholders without further tax at the time of distribution. Only when such amounts are used up is a tax imposed with respect to any additional distributions. The amounts already taxed to the life insurance company and which may be distributed without further tax are accounted for in what is called the shareholders' surplus account. The amounts which will result in additional tax at the time of distribution to shareholders are accounted for in the "policyholder's surplus account."

The attention of your committee has been called to a type of situation where these accounts do not achieve the intended result. At present there is added to the policyholder surplus account 50 percent of the gains from operation in excess of taxable investment income; plus the deduction for nonparticipating contracts and the deduction for group life and group accident and health insurance. The deduction for nonparticipating contracts or the deduction for group life and group accident and health insurance contracts may result in a loss from operations which may be carried back 3 years or forward 5 years (or in certain cases carried forward 8 years). If the deduction cannot be fully used to offset gain from operations in one of these years, there is a wastage of these deductions. Nevertheless, these deductions under present law have been added in full to the policyholder's surplus account. This results in a tax at the time distributions are made even though, where the deduction has been wasted, it has not been possible for the life insurance company to gain any benefit from them.

To remove this imperfection in the present statute, your committee's amendments provide that if an amount added to the policyholder's surplus account for any year increases or creates a loss from operations and part or all of that loss cannot be used in any other year to reduce the company's tax liability, then the policyholder's surplus account for the last year to which this loss may be carried is to be reduced by the amount of the unused loss or, if lesser, the amount in the policyholder's account (before making any subtractions for that year).

5. Effective Date

All of the amendments made by your committee relating to life insurance companies apply with respect to taxable years beginning after December 31, 1961.

A 7-YEAR NET OPERATING LOSS CARRYOVER FOR CERTAIN REGULATED TRANSPORTATION CORPORATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2007, H.R. 12526.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 12526) to amend section 172 of the Internal Revenue Code of 1954 to provide a 7-year net operating loss carryover for certain regulated transportation corporations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 2041), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF BILL

Corporations generally may carry net operating losses back 3 years and then, if there is any remaining unused loss, forward for 5 years. This bill provides that regulated transportation corporations, in addition to the 3-year carryback, are to have a 7-year, instead of a 5-year, carryforward of net operating losses. This longer period to carryforward net operating losses is to be available to these corporations with respect to losses occurring in years, or portions of years, occurring since December 31, 1955.

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[8] The excess of the net long-term capital gains over the net short-term capital losses are also included in gains from operations under the "phase two" tax base for life insurance companies. However, since in the final computation of the tax taxable investment income, if smaller, is subtracted from gain from operations, only the "phase one" tax base in the last analysis generally will include this capital gain income.

This bill has been reported unanimously by your committee. This bill in large measure follows the recommendation of the President in his message on transportation. In that report he recommended a 7-year, instead of a 5-year, carryforward period for the losses of regulated public utilities.

REASONS FOR THE BILL

The President in his message to Congress on April 5, 1962, relating to the transportation system of our Nation, stressed the importance of an efficient and dynamic transportation system to aid in obtaining domestic economic growth, productivity, and progress. As he indicated, our transportation system affects the cost of every commodity we consume or export and is equally vital to our ability to compete abroad. One recommendation of the President in his transportation message was as follows:

"In addition, I recommend that the Internal Revenue Code be amended to increase from 5 to 7 years the period during which regulated public utilities, including those in transportation, can apply prior year losses to reduce current income for tax purposes."

The regulated transportation companies, particularly the railorads, have greater need for long carryforwards of net operating losses than other companies because they tend to have relatively lower rates of earnings. Because of these lower earnings, such companies when they have losses require a longer period of time, than do most other companies, before these losses can be offset in full against earnings of other years. The fact that these companies are regulated in the price they can charge also tends to make it more difficult for them to recoup these losses in earnings' years. This has been an especially important problem in the case of the railroads whose earnings have declined over 40 percent in the period between 1955 and 1959, with further declines having occurred since that time. In fact, your committee has been informed that at least seven railroads have unused net operating loss carryforwards which lapse at the end of this year. These are the Pennsylvania, the New York Central, the Erie-Lackawanna, the New York, New Haven & Hartford, the Boston & Maine, the Chicago & North Western, and the Lehigh Valley Railroads. In view of these considerations, your committee's bill provides that for losses occurring in taxable years, or a portion of a year, after December 31, 1955, these regulated transportation companies are to have 7 years, rather than the usual 5-year period, over which losses may be carried forward.

GENERAL EXPLANATION

Corporations generally may carry a net operating loss back to the three immediately prior taxable years and then if any loss still remains, this amount may be carried forward to each of the 5 succeeding years. This bill provides, however, that a net operating loss from any taxable year ending after December 31, 1955, in the case of a "regulated transportation corporation" may be carried forward 7 years instead of 5. This is in addition to the 3-year carryback which is generally applicable. For corporations with loss years partially in 1955 and partially in 1956 a special rule described below limits the benefit of the longer loss carryforward to the portion of the year in 1956.

A regulated transportation corporation, for purposes of this 7-year net operating loss carryover includes any corporation receiving 80 percent or more of its gross income (without regard to dividends and capital gains and losses) from the furnishing or sale of certain specified types of transportation. The forms of transportation which are included are—

1. Transportation by common carrier by a railroad subject to the jurisdiction of the Interstate Commerce Commission;
2. Other transportation on an intrastate, suburban, municipal, or interurban electric railroad or trackless trolley system if its rates are established or approved by a governmental body or agency;
3. Transportation on a municipal or suburban bus system if its rates are established or approved by a governmental body or agency;
4. Other transportation by motor vehicle if the rates had been established or approved by a regulated body or agency;
5. Transportation by common carrier by air subject to the jurisdiction of the Civil Aeronautics Board; and
6. Transportation by common carrier by water subject to the jurisdiction of the Interstate Commerce Commission or Federal Maritime Board under the Intercoastal Shipping Act.

Also included are railroad corporations which have leased their railroad properties to another railroad and parent corporations of railroads. Finally, a corporation is included if it is a member of a "regulated transportation system." A regulated transportation system for this purpose is any corporation which is a member of an affiliated group filing a consolidated return if 80 percent of the aggregate gross income is derived from sources described in the listing Nos. 1 to 6 above or from a lessor railroad or common parent railroad. "Aggregate gross income" means the combined gross income of all of the members of the group without any eliminations for intercompany transactions.

The bill provides that for the net operating loss carryover to be available for the sixth year, the taxpayer involved must be a "regulated transportation corporation" for that year. For a loss to be carried to its seventh year the taxpayer involved must have been a "regulated transportation corporation" for both the sixth and the seventh years.

The bill also provides a proration formula which limits the loss which can be carried over from a year beginning in 1955 and ending in 1956. The formula provides that any loss carried over the sixth year in such cases is to be the same proportion of any loss remaining at the end of the fifth year which the number of days in the taxpayer's 1955–56 year which were in the calendar year 1956 bears to the total number of days in that year. Any of this partial loss remaining after the offset against income in the sixth year may then be carried forward and offset against income in the seventh year.

DEPARTMENTAL VIEWS

The Treasury Department has no objection to enactment of this bill.

ADMITTANCE OF VESSEL, "CITY OF NEW ORLEANS," TO AMERICAN REGISTRY

The Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel, *City of New Orleans*, to American registry and to permit the use of such vessel in the coastwide trade.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2086, H.R. 7927.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7927) to adjust postal rates, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Postal Service and Federal Employees Salary Act of 1962".

PART I—POSTAL SERVICE

Title I—Postal rates

First-Class Mail

SEC. 101. Section 4253(a) of title 39, United States Code, is amended by striking out the words "four" and "three" wherever appearing in subsection (a) and inserting in lieu thereof the words "five" and "four", respectively.

Airmail

SEC. 102. (a) Section 4303 of title 39, United States Code, is amended—

(1) by striking out the word "seven" in subsection (a) and inserting in lieu thereof the word "eight";

(2) by striking out the word "five" in subsection (b) and inserting in lieu thereof the word "six";

(3) by increasing each of the rates under the heading "First pound over 8 ounces or fraction thereof" in the table in subsection (d)(1) by 8 cents;

(4) by striking out paragraph (2) of subsection (d) and inserting in lieu thereof the following:

"(2) The rate of postage on air mail of the first class weighing in excess of eight ounces shall be the rate provided by subsection (a) for each ounce not in excess of eight ounces, plus 5 cents for each ounce or fraction thereof in excess of eight ounces, but in no case less than the rate provided under paragraph (1) for air parcels."

Second Class Within County of Publication

SEC. 103. Subsections (a) and (b) of section 4358 of title 39, United States Code, are amended to read as follows:

"(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

"[In cents]

	"Mailed after January 6, 1963, and prior to January 1, 1965	Mailed after December 31, 1964
"Rate per pound	1	1¼
Minimum charge per piece	⅛	¼

"(b) The rate of postage on the following publications admitted as second-class mail when mailed for delivery, within the county in which they are published and entered, by letter carrier at the office of mailing, shall be—

"(1) publications issued more frequently than weekly, one cent a copy;

"(2) publications issued less frequently than weekly—

"(A) weighing two ounces or less, one cent a copy;

"(B) weighing more than two ounces, two cents a copy."

Second Class Beyond County of Publication

SEC. 104. (a) Section 4359(b) of title 39, United States Code, is amended to read as follows:

"(b)(1) Except as provided by paragraphs (2), (3), and (4), the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]

	"Mailed after January 6, 1963, and prior to January 1, 1964	Mailed during calendar year 1964	Mailed after December 31, 1964
"Rate per pound:			
Advertising portion:			
Zones 1 and 2	3.4	3.8	4.0
Zone 3	4.4	4.8	5.0
Zone 4	6.4	6.8	7.0
Zone 5	8.4	8.8	9.0
Zone 6	10.4	10.8	11.0
Zone 7	12.0	12.0	12.0
Zone 8	14.0	14.0	14.0
Nonadvertising portion	2.6	2.7	2.8
Minimum charge per piece	.6	.8	1.0

"(2) The postage on classroom publications is 60 per centum of the postage computed in accordance with paragraph (1).

"(3) The rates of postage on publications of a qualified nonprofit organization mailed in accordance with subsection (a) are as follows:

"[In cents]

	"Mailed after January 6, 1963, and prior to January 1, 1964	Mailed during calendar year 1964	Mailed after December 31, 1964
"Rate per pound	1.6	1.7	1.8
Minimum charge per piece	⅛	¼	¼

"(4) In lieu of the minimum charge per piece prescribed by paragraph (1), the minimum charge per piece to be paid by the following publications (other than publications to which paragraph (2) or paragraph (3) is applicable) shall be as follows—

"(A) publications mailing fewer than 5,000 copies per issue outside the county of publication—one-half cent per piece;

"(B) any issue of a publication the advertising portion of which does not exceed 5 per centum of the entire issue—.55 of a cent per piece when mailed after January 6, 1963, and prior to January 1, 1964, .65 of a cent per piece when mailed during calendar year 1964, and .75 of a cent per piece when mailed after December 31, 1964."

(b) Section 4359(e)(2) of title 39, United States Code, is amended by striking out "and fraternal," and inserting in lieu thereof the following: "fraternal, and associations of rural electric cooperatives, and not to exceed one publication published by the official highway agency of a State which meets all of the requirements of section 4354 and which contains no advertising".

(c) Section 4360 of title 39, United States Code, is repealed.

Second-Class Transient Mail

SEC. 105. Section 4362 of title 39, United States Code, is amended by striking out "two cents" and inserting in lieu thereof "four cents".

Controlled Circulation Publications

SEC. 106. Section 4422 of title 39, United States Code, is amended by striking out "12 cents a pound or fraction thereof" and inserting in lieu thereof the following: "12½ cents a pound or fraction thereof when mailed after January 6, 1963, and prior to January 1, 1964, 13 cents a pound or fraction thereof when mailed during calendar year 1964, and 13½ cents a pound or fraction thereof when mailed after December 31, 1964".

Third-Class Mail

SEC. 107. Section 4452 of title 39, United States Code, is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

"(a) Except as provided in subsection (c) of this section, and subject to the minimum charge per piece provided in subsection (b) of this section, the postage rates on third-class mail are as follows:

"Type of mailing	Rate	Unit
	Cents	
(1) Individual piece	4 2	First 2 ounces or fraction thereof. Each additional ounce or fraction thereof.
(2) Bulk mailings under subsec. (e) of this section of:		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions and plants.	12	Each pound or fraction thereof.
(B) Other matter	18	Do.

"(b) Matter mailed in bulk under subsection (e) of this section is subject to a minimum charge for each piece of 2⅝ cents when mailed subsequent to January 6, 1963 and prior to January 1, 1964, 2¾ cents when mailed during calendar year 1964, and 2⅞ cents when mailed after December 31, 1964.

"(c) The postage on matter mailed in bulk under subsection (e) by qualified nonprofit organizations is 50 per centum of the postage computed in accordance with subsections (a) and (b)."

(2) by striking out "subsections (a) and (b) of" wherever it appears in subsection (d).

(3) by striking aut "$20" and "twenty pounds" in subsection (e) and inserting in lieu thereof "$30" and "fifty pounds", respectively.

Fourth-Class Mail

SEC. 108. Section 4552(b)(5) of title 39, United States Code, relating to size and weight limitations on fourth-class matter mailed to or from certain areas, is amended by striking out the words "Territory of Hawaii" and inserting in lieu thereof the words "States of Alaska and Hawaii,".

SEC. 109. Section 4554 of title 39, United States Code (relating to books, films, and similar educational materials), is amended by striking out that part of subsection (a) which precedes paragraph (1) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b) of this section, the postage rate is 9½ cents a pound for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof when mailed after January 6, 1963 and prior to January 1, 1964, and 10 cents for the first pound or fraction thereof and 5 cents for each additional pound or fraction thereof when mailed after December 31, 1963, except that the rate now or hereafter prescribed for third- or fourth-class matter shall apply in every case where such rate is lower than the rate prescribed in this subsection on—".

Fees for Second-Class Entry and Registration

SEC. 110. Section 4357 of title 39, United States Code, is amended—

(1) by striking out "$25" in subsection (a)(1) and inserting in lieu thereof "$30";

(2) by striking out "$50" in subsection (a)(2) and inserting in lieu thereof "$60";

(3) by striking out "$100" in subsection (a)(3) and inserting in lieu thereof "$120";

(4) by striking out "$10" in the first sentence of subsection (b) and inserting in lieu thereof "$15";

(5) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "The fee for each additional entry is $15, except that if the additional entry is made within zones 3 to 8, inclusive, (determined from the office of publication and entry) of the zones established for purposes of fourth-class mail, such fee shall be $50.";

(6) by striking out "$20" in subsection (c) and inserting in lieu thereof "$25"; and

(7) by striking out the last sentence in subsection (d).

Permit Fees for Mailing Without Stamps

SEC. 111. Section 4052(b) of title 39, United States Code, is amended by striking out "$10" and inserting in lieu thereof "$15".

Fixing of Fees by Postmaster General

SEC. 112. Section 507 of title 39, United States Code, is amended by adding at the end thereof the following:

"(12) the issuance of a permit for prepayment of postage without stamps.

"(13) the entry, re-entry, or additional entry of a periodical publication as second-class mail.

"(14) the registry of a news agent.

Fees prescribed by the Postmaster General under paragraphs (12) to (14), inclusive, shall be collected in lieu of the corresponding fees established under section 4052(b) or 4357."

Keys and Other Small Articles

SEC. 113. Section 4651(b) of title 39, United States Code, is amended by striking out "5 cents" and inserting in lieu thereof "6 cents".

Method of Determining Gross Receipts

SEC. 114. Section 711(c) of title 39, United States Code, is amended by striking out "Public Law 85–426" and inserting in lieu thereof "any Act of Congress enacted on or after May 27, 1958".

Title II—Postal policy

SEC. 201. (a) Section 2302(c)(4) of title 39, United States Code, is amended by striking out "deemed to be attributable to the performance of public services under section 2303(b) of this title" and inserting in lieu thereof "determined under section 2303 of this title to be attributable to the performance of public services".

(b) Section 2303(a) of title 39, United States Code, is amended—

(1) by amending the heading so as to read

"§ 2303. Identification of public services and costs thereof";

(2) by striking out paragraph 1(A) and inserting in lieu thereof the following:

"(A) reduced rates for certain publications as provided by section 4359 of this title;";

(3) by striking out paragraph 1(C) and inserting in lieu thereof the following:

"(C) second-class mailings at postage rates as provided by section 4358 of this title;"; and

(4) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) 10 per centum of the gross cost of the operation of third-class post offices and the star route system, and 20 per centum of the gross cost of the operation of fourth-class post offices and rural routes."

(5) by adding at the end thereof the following new sentence: "The terms 'total loss' and 'loss' as used in this section mean the amounts by which the total allocated costs incurred by the postal establishment in the performance of the public services enumerated in this subsection exceed the total revenues received by the postal establishment for the performance of such public services."

(c) Section 2303(b) of title 39, United States Code, is amended to read as follows:

"(b) The Postmaster General shall report to the Congress, on or before February 1 of each year beginning with the year 1963, the estimated amount of the losses or costs (or percentage of costs) specified in subsection (a) incurred by the postal establishment in the then current fiscal year in the performance of the public services enumerated in such subsection. The aggregate amount of the losses or costs (or percentage of costs) specified in subsection (a), incurred by the postal establishment in any fiscal year in the performance of such public services, shall be excluded from the total cost of operating the postal establishment for purposes of adjustment of postal rates and fees, including any adjustment pursuant to the provisions of section 207(b) of the Act of February 28, 1925, relating to reformation of classification (39 U.S.C., 1958 ed. 247)."

(d) The table of contents of chapter 27 of title 39, United States Code, is amended by striking out

"2303. Identification of and appropriations for public services."

and inserting in lieu thereof:

"2303. Identification of public services and costs thereof.".

Title III—Miscellaneous

Eligibility of Certain Organizations for Second-Class Entry

SEC. 301. Section 4355(a) of title 39, United States Code, is amended—

(1) by inserting after the words "State board of health" in subparagraph (3) a comma and the words "or a State industrial development agency";

(2) by striking out the period at the end of subparagraph (9) and inserting in lieu of such period a semicolon and the word "or"; and

(3) by adding at the end thereof the following new subparagraph (10):

"(10) published by any public or nonprofit private elementary or secondary institution of learning or its administrative or governing body.".

Educational Materials

SEC. 302. Section 4554 of title 39, United States Code, is amended—

(1) by striking out paragraph (5) of subsection (a) and inserting in lieu thereof the following:

"(5) sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings;";

(2) by striking out the period at the end of paragraph (6) of subsection (a) and inserting in lieu thereof a semicolon;

(3) by adding at the end of subsection (a) the following:

"(7) printed educational reference charts, permanently processed for preservation; and

"(8) looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students."

(4) by striking out the word "students'" immediately preceding the word "notations" in paragraph (1) of subsection (a) and in paragraph (2) of subsection (b);

(5) by inserting after the words "loaned or exchanged" in paragraph (1) of subsection (b) the following: "(including cooperative processing by libraries)";

(6) by striking out:

"(D) bound volumes of periodicals;

"(E) phonograph recordings; and"

in paragraph (2) of subsection (b) and inserting in lieu thereof:

"(D) periodicals, whether bound or unbound;

"(E) sound recordings; and"; and

(7) by striking out "and catalog of those items" in subsection (c) and inserting in lieu thereof "scientific or mathematical kits, instruments, or other devices and catalogs of those items, and guides or scripts prepared solely for use with such materials".

Reading and Other Materials for Blind Persons

SEC. 303. Sections 4653 and 4654 of title 39, United States Code, are amended to read as follows:

"§ 4653. Publications for blind persons

"(a) The following matter may be mailed free of postage—

"(1) books, pamphlets, and other reading matter, including pages thereof:

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving-size type, or in the form of sound recordings, for use of blind persons;

"(B) in packages not exceeding the weight prescribed by the Postmaster General;

"(C) containing no advertising or other matter whatsoever;

"(D) unsealed;

"(E) sent—

"(i) by an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, as a loan to blind readers, or when returned by the blind reader to the lender; or

"(ii) to a blind person without cost to the blind person; or

"(iii) to an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, to be furnished to a blind person without cost to such blind person.

"(2) magazines, periodicals, and other regularly issued publications;

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving-size type, or in the form of sound recordings, for use of blind persons;

"(B) containing no advertising;

"(C) for which no subscription fee is charged.

"(b) There may be mailed at the rate of postage of 1 cent for each pound or fraction thereof—

"(1) books, pamphlets, and other reading matter, including pages thereof:

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving-size type, or in the form of sound recordings, for use of blind persons;

"(B) in packages not exceeding the weight prescribed by the Postmaster General;

"(C) containing no advertising or other matter whatsoever;

"(D) unsealed;

"(E) sent—

"(i) by an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, on a rental basis to blind readers, or when returned by the blind reader to such organizations, at a price not greater than the cost price thereof; or

"(ii) to a blind person at a price not greater than the cost price thereof; or

"(iii) to an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, to be furnished to a blind person at a price not greater than the cost price thereof.

"(2) magazines, periodicals, and other regularly issued publications;

"(A) published (whether prepared by hand, or printed) either in raised characters or in sightsaving size type, or in the form of sound recordings, for use of blind persons;

"(B) containing no advertising;

"(C) when furnished by an institution, agency, publisher, organization, or association (including a library or school and including organizations or associations of or for blind people), not conducted for private profit, to a blind person, at a price not greater than the cost price thereof.

"§ 4654. Reproducers, sound recordings, and other materials and appliances for the preparation of reading matter for blind persons

"(a) Reproducers, or parts thereof, for sound recordings for blind persons which are the property of the United States Government may be mailed free of postage when sent for repair, or returned after repair—

"(1) by an organization, institution, public library, or association for blind persons, not conducted for private profit;

"(2) by a blind person to such an agency not conducted for private profit;

"(3) from such an agency to an organization, institution, public library, or association for blind persons not conducted for private profit; or

"(4) to a blind person.

"(b) The Postmaster General may extend the free mailing privilege provided by subsection (a) of this section to reproducers or parts thereof for sound recordings for blind persons, braille writers and other appliances for blind persons or parts thereof, that are the property of—

"(1) State government or subdivisions thereof;

"(2) public libraries;

"(3) private agencies for the blind not conducted for private profit; or

"(4) blind individuals.

"(c) The Postmaster General may also permit the mailing free of postage of paper, records, tapes, and other materials for use by the recipients for the production (whether by hand or printed) of reading matter either in raised characters or sight saving size type, or in the form of sound recordings, for use of blind persons, where such materials are the property of—

"(1) State governments or subdivisions thereof;

"(2) public libraries;

"(3) private agencies for the blind not conducted for private profit; or

"(4) blind individuals."

Repeals and Technical Amendments

SEC. 304. (a) The following provisions of law are repealed:

(1) The third proviso in section 3 of the Act of October 30, 1951, as amended by the Act of June 23, 1959 (73 Stat. 89; Public Law 86–56);

(2) Sections 204(d), 204(e)(1), and 204 (e)(2) of the Postal Rate Revision and Federal Employees Salary Act of 1948, as amended by the Act of July 14, 1960 (74 Stat. 479; Public Law 86–644);

(3) Sections 4361 and 4652 of title 39, United States Code.

(b) Section 4359(a) of title 39, United States Code, is amended by striking out "4358, 4361, and 4362" and inserting in lieu thereof "4358 and 4362".

(c) Section 4451(d) of title 39, United States Code, is amended by striking out "(a)(2)" and inserting in lieu thereof "(a)(3)".

Communist Political Propaganda

SEC. 305. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4008. Communist political propaganda

"(a) Mail matter, except sealed letters, which originates or which is printed or otherwise prepared in a foreign country and which is determined by the Secretary of the Treasury pursuant to rules and regulations to be promulgated by him to be 'Communist political propaganda', shall be detained by the Postmaster General upon its arrival for delivery in the United States, or upon the subsequent deposit in the United States domestic mails, and the addressee shall be notified that such matter has been received and will be delivered only upon the addressee's request, except that such detention shall not be required in the case of any matter which is furnished pursuant to subscription or which is otherwise ascertained by the Postmaster General to be desired by the addressee. If no request for delivery is made by the addressee within a reasonable time, which shall not exceed sixty days, the matter detained shall be disposed of as the Postmaster General directs.

"(b) For the purposes of this section, the term 'Communist political propaganda' means political propaganda, as defined in section 1(j) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 (j)), issued by or on behalf of any country with respect to which there is in effect a suspension or withdrawal of tariff concessions pursuant to section 5 of the Trade Agreements Extension Act of 1951 or section 231 of the Trade Expansion Act of 1962, or any country from which any type of foreign assistance is withheld pursuant to section 620(f) of the Foreign Assistance Act of 1961, as amended.

"(c) The provisions of this section shall not be applicable with respect to (1) matter addressed to any United States Government agency, or any library, or to any college, university, graduate school, or scientific or professional institution for advanced studies, or any individual connected therewith, or (2) material whether or not 'communist political propaganda' addressed for delivery in the United States pursuant to a reciprocal international agreement under which the United States Government mails an equal amount of material for delivery in any country described in subsection (b)."

(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following: "4008. Communist political propaganda."

Effective Date

SEC. 306. Except as otherwise provided, the foregoing provisions of this part shall become effective on January 7, 1963.

PART II—FEDERAL SALARY REFORM

Title I—General policy

Short Title

SEC. 501. This part may be cited as the "Federal Salary Reform Act of 1962".

Declaration of Policy

SEC. 502. The Congress hereby declares that, whereas the functions of a Federal salary system are to fix salary rates for the services rendered by Federal employees so as to make possible the employment of persons well qualified to conduct the Government's programs and to control expenditures of public funds for personal services with equity to the employee and to the taxpayer, and whereas fulfillment of these functions is essential to the development and maintenance of maximum proficiency in the civilian services of Government, then, accordingly, Federal salary fixing shall be based upon the principles that—

(a) There shall be equal pay for substantially equal work, and pay distinctions shall be maintained in keeping with work and performance distinctions; and

(b) Federal salary rates shall be comparable with private enterprise salary rates for the same levels of work.

Salary levels for the several Federal statutory salary systems shall be interrelated, and salary levels shall be set and henceforth adjusted in accordance with the above principles.

Implementation of Policy

SEC. 503. In order to give effect to the policy stated in section 502, the President: (1) shall direct such agency or agencies, as he deems appropriate, to prepare and submit to him annually a report which compares the rates of salary fixed by statute for Federal employees with the rates of salary paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics, and, after seeking the views of such employee organizations as he deems appropriate and in such manner as he may provide, (2) shall report annually to the Congress (a) this comparison of Federal and private enterprise salary rates and (b) such recommendations for revision of statutory salary schedules, salary structures, and compensation policy, as he deems advisable.

SEC. 504. (a) Whenever the President shall find that the salary rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the salary rates of statutory pay schedules as to handicap significantly the Government's recruitment or retention of well-qualified persons in positions compensated under (1) section 603(b of the Classification Act of 1949, as amended (5 U.S.C. 1113(b)), (2) the provisions of part III of title 39, United States Code, relating to personnel in the postal field service, (3) the pay scales for physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration under chapter 73 of title 38, United States Code, or (4) sections 412 and 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867 and 870), he may establish for such areas or locations higher minimum rates of basic compensation for one or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the salary range for each such grade or level: *Provided,* That in no case shall any minimum salary rate so established exceed the seventh salary rate prescribed by law for the grade or level. The President may authorize the exercise of the authority conferred upon him by this section by the Civil Service Commission or, in the case of employees not subject to the civil service laws and regulations, by such other agency or agencies as he may designate.

(b) Within the limitations specified in subsection (a), rates of basic compensation established under such subsection may be revised from time to time by the President or by such agency or agencies as he may designate. Such actions or revisions shall have the force and effect of law.

(c) Any increase in rate of basic compensation established under this section shall not be regarded as an "equivalent increase" in compensation within the meaning of section 701(a) of the Classification Act of 1949, as amended, and section 3552 of title 39 of the United States Code.

SEC. 505. The functions, duties, and regulations of the departments and the Civil Service Commission with respect to this title, the Classification Act of 1949, as amended, the provisions of part III of title 39, United States Code, relating to personnel in the postal field service, the Foreign Service Act of 1946, as amended, and the provisions of chapter 73 of title 38 of the United States Code relating to personnel of the Department of Medicine and Surgery in the Veterans' Administration, shall be subject to such policies and rules as the President may issue. Among other things, the President's policies and rules may provide for—

(1) preparing and reporting to him the annual comparison of Federal salary rates with private enterprise rates,

(2) obtaining and reporting to him the views of employee organizations on such annual comparison, and on other salary matters,

(3) reviewing and reporting to him on the adequacy of the Federal statutory salary structures for the Federal programs to which they apply,

(4) reviewing the relationship of Federal statutory salary rates and private enterprise salary rates in specific occupation and local areas, and

(5) providing step-increases in recognition of high quality performance and providing for properly relating supervisory salary rates paid under one system to those of subordinates paid under another system.

Title II—Pay system of the Classification Act of 1949

Short Title

SEC. 601. This title may be cited as the "Classification Act Amendments of 1962".

Basic Compensation Schedules

SEC. 602. (a) Section 603(b) of the Classification Act of 1949, as amended (74 Stat. 298; 5 U.S.C. 1113(b)), is amended to read as follows:

"(b) The compensation schedules for the General Schedule shall be as follows.

"COMPENSATION SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act, and ending immediately prior to the applicable initial effective date of Compensation Schedule II set forth below)

"Grade	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,245	$3,350	$3,455	$3,560	$3,665	$3,770	$3,875	$3,980	$4,085	$4,190
GS-2	3,560	3,665	3,770	3,875	3,980	4,085	4,190	4,295	4,400	4,505
GS-3	3,820	3,925	4,030	4,135	4,240	4,345	4,455	4,580	4,705	4,830
GS-4	4,110	4,250	4,390	4,530	4,670	4,810	4,950	5,090	5,230	5,370
GS-5	4,565	4,725	4,885	5,045	5,205	5,365	5,525	5,685	5,845	6,005
GS-6	5,035	5,205	5,375	5,545	5,715	5,885	6,055	6,225	6,395	6,565
GS-7	5,540	5,725	5,910	6,095	6,280	6,465	6,650	6,835	7,020	7,205
GS-8	6,090	6,295	6,500	6,705	6,910	7,115	7,320	7,525	7,730	7,935
GS-9	6,675	6,900	7,125	7,350	7,575	7,800	8,025	8,250	8,475	8,700
GS-10	7,290	7,535	7,780	8,025	8,270	8,515	8,760	9,005	9,250	9,495
GS-11	8,045	8,310	8,575	8,840	9,105	9,370	9,635	9,900	10,165	
GS-12	9,475	9,790	10,105	10,420	10,735	11,050	11,365	11,680	11,995	
GS-13	11,150	11,515	11,880	12,245	12,610	12,975	13,340	13,705	14,070	
GS-14	12,845	13,270	13,695	14,120	14,545	14,970	15,395	15,820	16,245	
GS-15	14,565	15,045	15,525	16,005	16,485	16,965	17,445	17,925		
GS-16	16,000	16,500	17,000	17,500	18,000					
GS-17	18,000	18,500	19,000	19,500	20,000					
GS-18	20,000									

"COMPENSATION SCHEDULE II

"(To be effective on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

"Grade	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,305	$3,410	$3,515	$3,620	$3,725	$3,830	$3,935	$4,040	$4,145	$4,250
GS-2	3,620	3,725	3,830	3,935	4,040	4,145	4,250	4,355	4,460	4,565
GS-3	3,880	3,985	4,090	4,195	4,300	4,405	4,525	4,650	4,775	4,900
GS-4	4,215	4,355	4,495	4,635	4,775	4,915	5,055	5,195	5,335	5,475
GS-5	4,690	4,850	5,010	5,170	5,330	5,490	5,650	5,810	5,970	6,130
GS-6	5,235	5,410	5,585	5,760	5,935	6,110	6,285	6,460	6,635	6,810
GS-7	5,795	5,990	6,185	6,380	6,575	6,770	6,965	7,160	7,355	7,550
GS-8	6,390	6,600	6,810	7,020	7,230	7,440	7,650	7,860	8,070	8,280
GS-9	7,030	7,260	7,490	7,720	7,950	8,180	8,410	8,640	8,870	9,100
GS-10	7,690	7,945	8,200	8,455	8,710	8,965	9,220	9,475	9,730	9,985
GS-11	8,410	8,690	8,970	9,250	9,530	9,810	10,090	10,370	10,650	
GS-12	9,980	10,310	10,640	10,970	11,300	11,630	11,960	12,290	12,620	
GS-13	11,725	12,110	12,495	12,880	13,265	13,650	14,035	14,420	14,805	
GS-14	13,615	14,065	14,515	14,965	15,415	15,865	16,315	16,765	17,215	
GS-15	15,665	16,180	16,695	17,210	17,725	18,240	18,755	19,270		
GS-16	16,000	16,500	17,000	17,500	18,000					
GS-17	18,000	18,500	19,000	19,500	20,000					
GS-18	20,000									".

(b) The rates of basic compensation of officers and employees to whom Compensation Schedule I of the General Schedule set forth in subsection (a) of this section applies shall, subject to the provisions of paragraph (10) of this subsection, be initially adjusted, effective on the first day of the first pay period beginning on or after the date of enactment of this Act, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the first, second, third, fourth, fifth, sixth, or seventh scheduled rate, or at the first or second longevity rate of a grade below grade 4 of the General Schedule of the Classification Act of 1949, as amended, he shall be advanced as follows: Employees in step 1 to step 2 of the new schedule; step 2 to step 3; step 3 to step 4; step 4 to step 5; step 5 to step 6; step 6 to step 7; sept 7 to step 8; the first longevity step to step 9; and the second longevity step to step 10.

(2) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the third longevity rate of a grade below grade 4 of the General Schedule of the Classification Act of 1949, as amended, he shall receive basic compensation at the highest rate of the appropriate grade plus an amount equal to the value of the maximum within grade increment provided for that grade in effect on and after such day.

(3) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the first, second, third, fourth, fifth, sixth, or seventh scheduled rate, or at the first, second, or third longevity rate, of grade 4, 5, 6, 7, 8, 9, or 10 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, or tenth rate of the appropriate grade in effect on and after such day.

(4) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the first, second, third, fourth, fifth, or sixth scheduled rate, or at the first, second, or third longevity rate of grade 11, 12, 13, or 14 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth rate of the appropriate grade in effect on and after such day.

(5) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act as the first, second, third, fourth, or fifth scheduled rate, or at the first, second, or third longevity rate of grade 15 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, fifth, sixth, seventh, or eighth rate of such grade in effect on and after such day.

(6) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period, which begins on or after the date of enactment of this Act at the first, second, third, fourth, or fifth rate of grade 16 or grade 17 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding first, second, third, fourth, or fifth grade of the appropriate grade in effect on and after such day.

(7) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at the rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate of such grade in effect on and after such day.

(8) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at a rate between two scheduled or two longevity rates, or between a scheduled and a longevity rate, of a grade of the General Schedule, he shall receive a rate of basic compensation at the higher of the two corresponding rates, as specified in paragraphs (1) through (6) of this subsection, in effect on and after such day.

(9) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after the date of enactment of this Act at a rate in excess of the maximum longevity rate for his grade, or in excess of the maximum scheduled rate for his grade if there is no longevity rate for his grade, he shall receive (A) the rate of the new schedule, in effect on and after such day, prescribed by paragraphs (1) through (6) of this subsection for employees at the maximum longevity rate or at the maximum scheduled rate, as the case may be, for his grade, or (B) if such rate is less than his existing rate, (i) the lowest rate of the new schedule for his grade which equals or exceeds his existing rate or (ii) if there is no such rate, his existing rate.

(10) Service of officers and employees performed immediately preceding the first day of the first pay period which begins on or after the date of enactment of this Act, in the grade of the General Schedule in which their respective positions were placed on such day, shall be counted toward not to exceed one step increase under the time in grade provisions of subsection (a) of section 701 of the Classification Act of 1949 as amended by this Act.

(11) If the officer or employee, immediately prior to the first day of the first pay period which began on or after the date of enactment of this Act, is receiving, pursuant to paragraph (4) of section 2(b) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111; Public Law 763, Eighty-third Congress), plus the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, by section 2 of the Federal Employees Salary Increase Act of 1958, and by section 112 of the Federal Employees Salary Increase Act of 1960, he shall receive an aggregate rate of compensation equal to the sum of (A) his existing aggregate rate of compensation determined under such section 208(b) of the Act of September 1, 1954, (B) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, (C) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1958, (D) the amount of the increase provided by section 112 of the Federal Employees Salary Increase Act of 1960, and (E) the amount of the increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purpose of section 208(b) of such Act of September 1, 1954, to constitute a part of the existing rate of compensation of such employee.

(c) The rates of basic compensation of officers and employees to whom Compensation Schedule II of the General Schedule set forth in subsection (a) of this section applies shall be initially adjusted, effective as of the first day of the first pay period beginning on or after January 1, 1964, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after January 1, 1964, at one of the rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after January 1, 1964, at a rate between two rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic compensation immediately prior to the first day of the first pay period which begins on or after January 1, 1964, at a rate in excess of the maximum rate for his grade, as in effect on and after such date, he shall receive (A) the rate of the new schedule prescribed for employees at the maximum rate for his grade, or (B) his existing rate of basic compensation if such existing rate is higher.

(4) If the officer or employee, immediately prior to the first day of the first pay period which begins on or after January 1, 1964, is receiving, pursuant to paragraph (4) of section 2(b) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111; Public Law 763, Eighty-third Congress), plus the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, by section 2 of the Federal Employees Salary Increase Act of 1958, and by section 112 of the Federal Employees Salary Increase Act of 1960, and the amount of the initial increase provided by this section, he shall receive an aggregate rate of compensation equal to the sum of (A) his existing aggregate rate of compensation determined under such section 208(b) of the Act of September 1, 1954, (B) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1955, (C) the amount of the increase provided by section 2 of the Federal Employees Salary Increase Act of 1958, (D) the amount of the increase provided by section 112 of the Federal Employees Salary Increase Act of 1960, and (E) the amount of the increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purpose of section 208(b) of such Act of September 1, 1954, to constitute a part of the existing rate of compensation of such employee.

Step-Increases

SEC. 603. Title VII of the Classification Act of 1949, as amended (5 U.S.C. 1121-1125), relating to step-increases under such Act, is amended to read as follows:

"Title VII—Step Increases

"SEC. 701. (a) Each officer or employee compensated on a per annum basis, and occupying a permanent position within the scope of the compensation schedules fixed by this Act, who has not attained the maximum rate of compensation for the grade in which his position is placed, shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period following the completion of (1) each fifty-two calendar weeks of service in salary rates 1, 2, and 3, or (2) each one hundred and four calendar weeks of service in salary rates 4, 5, and 6, or (3) each one hundred and fifty-six calendar weeks of service in salary rates 7, 8, and 9, subject to the following conditions:

"(A) That no equivalent increase in compensation from any cause was received during such period;

"(B) That his work is of an acceptable level of competence as determined by the head of the department; and

"(C) That the benefit of successive step-increases shall be preserved, under regulations issued by the Commission, for officers and employees whose continuous service is interrupted in the public interest by service with the Armed Forces or by service in essential non-Government civilian employment during a period of war or national emergency.

"(b) Any increase in compensation granted by laws shall not be construed to be an equivalent increase in compensation within the meaning of subsection (a).

"SEC. 702. (a) Within the limit of available appropriations and in accordance with regulations prescribed by the Commission, the head of each department is authorized to grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. Step-increases under this section shall be in addition to those under section 701 and shall not be construed to be an equivalent increase in compensation within the meaning of subsection (a) of section 701.

"(b) No officer or employee shall be eligible under this section for more than one such additional step-increase within any period of fifty-two weeks.

"SEC. 703. This title shall not apply to the compensation of persons appointed by the President, by and with the advice and consent of the Senate."

General Compensation Rules

SEC. 604. (a) Section 802(b) of the Classification Act of 1949, as amended (5 U.S.C. 1132(b)), relating to the salary to be received by an officer or employee who is promoted or transferred to a higher grade, is amended to read as follows:

"(b) Any officer or employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of any officer or employee so promoted or transferred who is receiving basic compensation at a rate in excess of the maximum rate for his grade under any provision of law, there is no rate in such higher grade which is at least two step-increases above his existing rate of basic compensation, he shall receive (1) the maximum rate of such higher grade, or (2) his existing rate of basic compensation, if such existing rate is the higher. In case any such officer or employee so promoted or transferred is receiving basic compensation at a rate saved to him under section 507 of this Act upon reduction in grade, such officer or employee shall receive (A) basic compensation at a rate two steps above the rate which he would be receiving if such section 507 were not applicable in his case, or (B) his existing rate of basic compensation, if such existing rate is the higher."

(b) Section 802 of such Act is amended by adding at the end thereof a new subsection to read as follows:

"(d) The Commission may issue regulations governing the retention of the rate of basic compensation of an employee who together with his position is brought under this Act. If any such employee so entitled to receive a retained rate under regulations issued pursuant to this subsection is later demoted to a position under this Act, his rate of basic compensation shall be determined in accordance with section 507 of this Act, except that service in the position which was brought under the Act shall, for purposes of section 507, be considered as service under this Act.".

(c) Section 803 of the Classification Act of 1949, as amended (5 U.S.C. 1133), is amended to read as follows:

"SEC. 803. Each employee in a position under this Act, who regularly has responsibility for supervision (including supervision over the technical aspects of the work concerned) over employees whose compensation is fixed and adjusted from time to time by wage boards or similar administrative authorities as nearly as is consistent with the public interest in accordance with prevailing rates, may, in accordance with regulations issued by the Commission, be paid at one of the scheduled rates for his grade which is above the highest rate of basic compensation being paid to any such prevailing-rate employee regularly supervised, or at the maximum rate for his grade, as provided for in such regulations".

Salary Retention

SEC. 605. Section 507 of the Classification Act of 1949, as amended (72 Stat. 830; 5 U.S.C. 1107), is amended—

(1) by striking out "(other than grade 16, 17, or 18 of the General Schedule)" in paragraph (1) of subsection (a) of such section; and

(2) by striking out "(B) in the same grade or in the same and higher grades;" in paragraph (4) of subsection (a) of such section; and by inserting in lieu thereof "(B) in any grade or grades higher than the grade to which demoted;".

Top Grade Positions Under Classification Act of 1949

SEC. 606. (a) Section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), relating to the limitation on numbers of positions in grades 16, 17, and 18 of the General Schedule of such Act, is amended by striking out "not to exceed an aggregate of nineteen hundred and eighty-nine" and substituting in lieu thereof "not to exceed an aggregate of twenty-four hundred, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in such grades".

(b) Section 505(j) of such Act is amended by inserting after the word "positions" the following: "(in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in such grades)".

(c) Section 505 of such Act is further amended by inserting after subsection (j) the following new subsections:

"(k) The Attorney General is authorized, without regard to any other provision of this section, to place a total of ten positions of Warden in the Bureau of Prisons in grade 16 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

"(l) The Attorney General is authorized, without regard to any other provision of this section, to place a total of eight positions of Member of the Board of Parole in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b)."

Conforming Changes in Existing Law

SEC. 607. (a) The following provisions of law are hereby repealed:

(1) Section 104 of the Department of Commerce and Related Agencies Appropriation Act, 1956 (69 Stat. 234; 5 U.S.C. 592 (d)), authorizing grade 17 of the General Schedule of the Classification Act of 1949 for the position of Budget Officer of the Department of Commerce so long as the position is held by the present incumbent.

(2) Section 206 of the Public Works Appropriation Act, 1956 (69 Stat. 360; 5 U.S.C. 483–2), authorizing the Secretary of the Interior to place the position of Director, Division of Budget and Finance, in grade 17 of the General Schedule established by the Classification Act of 1949 so long as the position is held by the present incumbent.

(3) The second paragraph under the heading "Administrative Provisions" in title III of the Public Works Appropriation Act, 1956 (69 Stat. 364; 10 U.S.C. 1335, note), authorizing the Chief of Engineers to place the position of Chief of the Programs Branch, Office of the Assistant Chief of Engineers for Civil Works, in grade 17 of the General Schedule established by the Classification Act of 1949 so long as the position is held by the present incumbent.

(4) Section 24(d) of the Area Redevelopment Act (75 Stat. 62; 42 U.S.C. 2521(d)), authorizing five positions in grades 16, 17, and 18 of the General Schedule established by the Classification Act of 1949 for agencies performing functions under that Act.

(5) The fourth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; U.S.C. 742b(a)), relating to the annual salary of the Commissioner of Fish and Wildlife in the Department of the Interior, which reads: "He shall receive compensation at the same rate as that provided for grade GS–18."

(6) That part of section 207 of the Agricultural Act of 1956 (70 Stat. 200; 7 U.S.C. 1857), relating to the annual salary of an agricultural surplus disposal administrator in the Department of Agriculture, which reads: ", at a salary rate of not exceeding $15,000 per annum,".

(7) Section 1102 of the Classification Act of 1949, as amended (63 Stat. 971; 5 U.S.C. 1073), relating to the submission of reports with respect to the rates of compensation under, and the administration of, such Act.

(b) The second proviso of the paragraph under the heading "FEDERAL PRISON SYSTEM" and under the subheading "SALARIES AND EXPENSES, BUREAU OF PRISONS" in title II (the Department of Justice Appropriation Act, 1956) of the Departments of State and Justice, the Judiciary, and Related Agencies Appropriations Act, 1956 (69 Stat. 273; Public Law 133, Eighty-fourth Congress; 5 U.S.C. 298a) is amended by striking out "three positions" and inserting in lieu thereof "one position".

SEC. 608. (a) Each position specifically referred to in, or covered by, any repeal made by section 607(a) of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act.

(b) Positions in grade 16, 17, or 18 as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

Savings Provisions

SEC. 609. (a) The changes in existing law made by this title shall not affect any position existing immediately prior to the effective date of any such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

(b) The incumbent of each such position immediately prior to the effective date of this title shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as amended.

Effective Dates

SEC. 610. Except as otherwise expressly provided in this title, the provisions of this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

Title III—Postal field service employees

Short Title

SEC. 701. This title may be cited as the "Postal Employees Salary Adjustment Act of 1962".

Postal Field Service Schedules

SEC. 702. Subsection (a) of section 3542 of title 39, United States Code, is amended to read as follows:

"(a) There are established basic compensation schedules for positions in the postal field service which shall be known as the Postal Field Service Schedules and for which the symbol shall be 'PFS'. Each such schedule shall be in effect for the period specified with respect to such schedule. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with these schedules.

"POSTAL FIELD SERVICE SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act, and ending immediately prior to the applicable initial effective date of the second PFS schedule set forth below)

"PFS	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$3,595	$3,725	$3,855	$3,985	$4,115	$4,245	$4,375	$4,505	$4,635	$4,765	$4,895	$5,025
2	3,905	4,040	4,175	4,310	4,445	4,580	4,715	4,850	4,985	5,120	5,255	5,390
3	4,230	4,375	4,520	4,665	4,810	4,955	5,100	5,245	5,390	5,535	5,680	5,825
4	4,565	4,725	4,885	5,045	5,205	5,365	5,525	5,685	5,845	6,005	6,165	6,325
5	4,965	5,130	5,295	5,460	5,625	5,790	5,955	6,120	6,285	6,450	6,615	6,780
6	5,365	5,545	5,725	5,905	6,085	6,265	6,445	6,625	6,805	6,985	7,165	7,345
7	5,805	6,000	6,195	6,390	6,585	6,780	6,975	7,170	7,365	7,560		
8	6,285	6,495	6,705	6,915	7,125	7,335	7,545	7,755	7,965	8,175		
9	6,805	7,030	7,255	7,480	7,705	7,930	8,155	8,380	8,605	8,830		
10	7,395	7,640	7,885	8,130	8,375	8,620	8,865	9,110	9,355	9,600		
11	8,045	8,310	8,575	8,840	9,105	9,370	9,635	9,900	10,165			
12	8,840	9,135	9,430	9,725	10,020	10,315	10,610	10,905	11,200			
13	9,725	10,050	10,375	10,700	11,025	11,350	11,675	12,000	12,325			
14	10,705	11,060	11,415	11,770	12,125	12,480	12,835	13,190	13,545			
15	11,780	12,170	12,560	12,950	13,340	13,730	14,120	14,510	14,900			
16	12,955	13,385	13,815	14,245	14,675	15,105	15,535	15,965				
17	14,260	14,730	15,200	15,670	16,140	16,610	17,080	17,550				
18	15,500	16,000	16,500	17,000	17,500	18,000	18,500					
19	16,750	17,250	17,750	18,250	18,750	19,250						
20	18,000	18,500	19,000	19,500								

"POSTAL FIELD SERVICE SCHEDULE II

"(To be effective on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

"PFS	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$3,690	$3,820	$3,950	$4,080	$4,210	$4,340	$4,470	$4,600	$4,730	$4,860	$4,990	$5,120
2	4,010	4,145	4,280	4,415	4,550	4,685	4,820	4,955	5,090	5,225	5,360	5,495
3	4,345	4,490	4,635	4,780	4,925	5,070	5,215	5,360	5,505	5,650	5,795	5,940
4	4,690	4,850	5,010	5,170	5,330	5,490	5,650	5,810	5,970	6,130	6,290	6,450
5	5,085	5,255	5,425	5,595	5,765	5,935	6,105	6,275	6,445	6,615	6,785	6,955
6	5,500	5,685	5,870	6,055	6,240	6,425	6,610	6,795	6,980	7,165	7,350	7,535
7	5,950	6,150	6,350	6,550	6,750	6,950	7,150	7,350	7,550	7,750		
8	6,440	6,655	6,870	7,085	7,300	7,515	7,730	7,945	8,160	8,375		
9	6,965	7,200	7,435	7,670	7,905	8,140	8,375	8,610	8,845	9,080		
10	7,650	7,900	8,150	8,400	8,650	8,900	9,150	9,400	9,650	9,900		
11	8,410	8,690	8,970	9,250	9,530	9,810	10,090	10,370	10,650			
12	9,270	9,575	9,880	10,185	10,490	10,795	11,100	11,405	11,710			
13	10,210	10,545	10,880	11,215	11,550	11,885	12,220	12,555	12,890			
14	11,240	11,610	11,980	12,350	12,720	13,090	13,460	13,830	14,200			
15	12,370	12,780	13,190	13,600	14,010	14,420	14,830	15,240	15,650			
16	13,625	14,075	14,525	14,975	15,425	15,875	16,325	16,775				
17	15,000	15,495	15,990	16,485	16,980	17,475	17,970	18,465				
18	15,500	16,000	16,500	17,500	17,400	18,000	18,500					
19	16,750	17,250	17,750	18,250	18,750	19,250						
20	18,000	18,500	19,000	19,500								"

Rural Carrier Schedules

SEC. 703. (a) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There are established basic compensation schedules which shall be known as the Rural Carrier Schedules, and for which the symbol shall be 'RCS'. Each such schedule shall be in effect for the period specified with respect to such schedule.

"RURAL CARRIER SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act, and ending immediately prior to the applicable initial effective date of the second RCS Schedule set forth below)

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Carriers in rural delivery service:												
Fixed compensation per annum	$2,027	$2,127	$2,227	$2,327	$2,427	$2,527	$2,627	$2,727	$2,827	$2,927	$3,027	$3,127
Compensation per mile per annum for each mile up to 30 miles of route	75	77	79	81	83	85	87	89	91	93	95	97
For each mile of route over 30 miles	24	24	24	24	24	24	24	24	24	24	24	24

"RURAL CARRIER SCHEDULE II

"(To be effective for the period beginning on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	11	11	12
Carriers in rural delivery service:												
Fixed compensation per annum	$2,080	$2,180	$2,280	$2,380	$2,480	$2,580	$2,680	$2,780	$2,880	$2,980	$3,080	$3,180
Compensation per mile per annum for each mile up to 30 miles of route	77	79	81	83	85	87	89	91	93	95	97	99
For each mile of route over 30 miles	25	25	25	25	25	25	25	25	25	25	25	25"

(b) Section 3543(c) of title 39, United States Code, is amended to read as follows:

"(c) The Postmaster General may pay such additional compensation as he may determine to be fair and reasonable in each individual case to rural carriers serving heavily patronized routes."

(b) The first sentence of section 3543(f) of title 39, United States Code, is amended to read as follows: "In addition to the compensation provided in the Rural Carrier Schedule, each rural carrier shall be paid for equipment maintenance a sum equal to—

"(1) 12 cents per mile for each mile or major fraction of a mile scheduled, or

"(2) $4.20 per day, whichever is greater."

(c) Section 3543 of title 39, United States Code, is amended by adding thereto new subsections (i) and (j) as follows:

"(i) Each person serving as a substitute of record on the effective date of this subsection shall be placed in step 2 of the Rural Carrier Schedule and he shall be advanced by step-increases, on the basis of time on the rolls prior to the effective date, in accordance with the schedule of step-increases provided in section 3552, except that no such person shall be so advanced to a step higher than the step to which a regular carrier with the same length of service would have advanced prior to such effective date. Thereafter, he shall be advanced by step-increases, pursuant to the provisions of sections 3552 and 3553 of this title. On and after the effective date of this subsection, each substitute rural carrier shall be paid the daily rate, based on the step attained by him, for the route on which service is performed.

"(j) Each temporary rural carrier who, on the effective date of this subsection, is serving on a vacant route pending the appointment of a regular rural carrier shall be placed in step 2 and shall be advanced by step-increases on the basis of any prior substitute or temporary rural carrier service in accordance with the schedule of step-increases provided in section 3552."

Fourth Class Office Schedules

SEC. 704. (a) Section 3544(a) of title 39, United States Code, is amended to read as follows:

"(a) There are established basic compensation schedules which shall be known as the Fourth Class Office Schedules, and for which the symbol shall be 'FOS', for postmasters in post offices of the fourth class. Each such schedule shall be in effect for the period specified with respect to such schedule. Each such schedule is based upon the gross postal receipts as contained in returns of the post office for the calendar year immediately preceding. Basic compensation shall be paid to postmasters in post offices of the fourth class in accordance with these schedules.

"FOURTH CLASS OFFICE SCHEDULE I

"(To be effective for the period beginning on the first day of the first pay period beginning on or after the date of enactment of this Act and ending immediately prior to the applicable initial effective date of the second FOS schedule set forth below)

"Gross receipts	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
$1,300 to $1,499.99	$3,277	$3,386	$3,495	$3,604	$3,713	$3,822	$3,931	$4,040	$4,149	$4,258	$4,367	$4,476
$900 to $1,299.99	3,003	3,102	3,201	3,300	3,399	3,498	3,597	3,696	3,795	3,894	3,993	4,092
$600 to $899.99	2,457	2,540	2,623	2,706	2,789	2,872	2,955	3,038	3,121	3,204	3,287	3,370
$350 to $599.99	1,911	1,973	2,035	2,097	2,159	2,221	2,283	2,345	2,407	2,469	2,531	2,593
$250 to $349.99	1,366	1,410	1,454	1,498	1,542	1,586	1,630	1,674	1,718	1,762	1,806	1,850
$200 to $249.99	1,092	1,128	1,164	1,200	1,236	1,272	1,308	1,344	1,380	1,416	1,452	1,488
$100 to $199.99	820	846	872	898	924	950	976	1,002	1,028	1,054	1,080	1,106
Under $100	545	562	579	596	613	630	647	664	681	698	715	732

"FOURTH CLASS OFFICE SCHEDULE II

"(To be effective on the first day of the first pay period beginning on or after January 1, 1964, and thereafter)

"Gross receipts	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
$1,300 to $1,499.99	$3,426	$3,540	$3,654	$3,768	$3,882	$3,996	$4,110	$4,224	$4,338	$4,452	$4,566	$4,680
$900 to $1,299.99	3,140	3,243	3,346	3,449	3,552	3,655	3,758	3,861	3,964	4,067	4,170	4,273
$600 to $899.99	2,569	2,655	2,741	2,827	2,913	2,999	3,085	3,171	3,257	3,343	3,429	3,515
$350 to $599.99	1,998	2,063	2,128	2,193	2,258	2,323	2,388	2,453	2,518	2,583	2,648	2,713
$250 to $349.99	1,428	1,474	1,520	1,566	1,612	1,658	1,704	1,750	1,796	1,842	1,888	1,934
$200 to $249.99	1,142	1,179	1,216	1,253	1,290	1,327	1,364	1,401	1,438	1,475	1,512	1,549
$100 to $199.99	857	884	911	938	965	992	1,019	1,046	1,073	1,111	1,127	1,154
Under $100	569	588	607	626	645	664	683	702	721	740	759	778".

(b) Section 3544(b) of title 39, United States Code, is amended to read as follows:

"(b) The basic salary of postmasters in fourth-class post offices shall be readjusted for changes in gross receipts at the start of the first pay period after the beginning of each fiscal year. When a post office is restored to a gross receipts category held by it prior to relegation to a lower gross receipts category, the postmaster's basic salary shall be adjusted to the highest salary step held by him when the post office was in the higher gross receipts category. In all other cases in adjusting a postmaster's basic salary under this section, the basic salary shall be fixed at the lowest step which is higher than the basic salary received by the postmaster at the end of the preceding fiscal year. If there is no such step the basic salary shall be fixed at the highest step for the adjusted gross receipts of the office. Each increase in basic salary because of change in gross receipts shall be deemed the equivalent of a step-increase under section 3552 of this title and the waiting period, for purposes of advancement to the next step, shall begin on the date of adjustment."

SEC. 705. Section 3552 of title 39, United States Code, is amended to read as follows:

"§ 3552. Automatic advancement by step increases

"(a)(1) Each employee in levels 1 through 6 of the Postal Field Service Schedule, each employee subject to the Rural Carrier Schedule, and each employee subject to the Fourth Class Office Schedule, who has not reached the highest step for his position, shall be advanced successively to the next higher step as follows:

"(A) To steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of fifty-two calendar weeks of satisfactory service; and

"(B) To steps 8 and above—at the beginning of the first pay period following the completion of one hundred and fifty-six calendar weeks of satisfactory service.

"(2) Each employee in the postal field service in level 7 or above of the Postal Field Service Schedule, who has not reached the highest step for his position, shall be advanced successively to the next higher step, as follows:

"(A) To steps 2, 3, and 4—at the beginning of the first pay period following the completion of fifty-two calendar weeks of satisfactory service;

"(B) To steps 5, 6, and 7—at the beginning of the first pay period following the completion of one hundred and four calendar weeks of satisfactory service; and

"(C) To steps 8 and above—at the beginning of the first pay period following the completion of one hundred and fifty-six calendar weeks of satisfactory service.

"(3) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step-increases.

"(b) Any increase in basic compensation granted by law on or after the date of enactment of the Postal Employees Salary Adjustment Act of 1962, to employees in the postal field service shall not be deemed to be an equivalent increase in basic compensation within the meaning of subsection (a) of this section.

"(c) The benefit of successive step-increases shall be preserved, under regulations prescribed by the Postmaster General, for employees whose continuous service is interrupted by service in the armed services."

SEC. 706. Section 3554 of title 39, United States Code, is amended to read as follows:

"§ 3554. Compensation of certain temporary employees

"Temporary employees hired for a continuous period of one year or less for a position in the postal field service shall be paid basic compensation at the entrance step of the position to which they are appointed.".

SEC. 707. Section 3559 of title 39, United States Code, is amended to read as follows:

"§ 3559. Promotions

"An employee who is promoted to a position in the Postal Field Service Schedule which is not more than two salary levels above the salary level of the position from which promoted shall be paid basic compensation at the lowest step of the higher salary level which exceeds his existing basic compensation by not less than two steps of the salary level from which promoted. An employee who is promoted to a position in the Postal Field Service Schedule which is more than two salary levels above the level of the position from which promoted shall be paid basic compensation at the lowest step of the higher salary level which exceeds his existing basic compensation by not less than three steps of the salary level from which promoted. If there is no step in the salary level to which the employee is promoted which exceeds his existing basic compensation by at least the amount of the specified difference, the employee shall be paid the rate for the maximum step of the salary level to which promoted, or his existing basic compensation, whichever is higher.".

SEC. 708. Subsection (a)(4) of section 6402 of title 39, United States Code, is amended to read as follows:

"(4) delivery and collection service may not be established or extended under a star route contract on a rural route except when such rural route does not meet the minimum standards established by the Postmaster General, and becomes vacant; and".

SEC. 709. Section 3101 of title 39, United States Code, is amended by deleting paragraphs (5) and (6), and inserting in lieu thereof, the following:

"(5) 'basic salary' and 'basic compensation' mean the rate of annual or hourly compensation specified by law, exclusive of overtime and night differential.".

SEC. 710. Subsection 3541(d) of title 39, United States Code, is amended by (a) inserting in paragraph (3) thereof, after "rural carriers," the phrase "(other than substitute rural carriers,)" and (b) adding a new paragraph (5) as follows:

"(5) To compute the daily rate of basic compensation for substitute rural carriers, the annual rate of compensation shall be divided by 304."

Conversion As of the First Pay Period Beginning on or After the Date of Enactment of This Act

SEC. 711. (a) The basic compensation of each employee subject to Postal Field Service Schedule I or Rural Carrier Schedule I, as the case may be, on the effective date of such schedule shall be determined as follows:

(1) Each employee shall be assigned to the same numerical level and step he was in prior to the effective date of such schedule, except that employees in the first four levels of the Postal Field Service Schedule and employees (except employees subject to section 3543(j) of title 39, United States Code) in the Rural Carrier Schedule shall be advanced as follows: Employees in step 1 to step 2 of the new schedule; step 2 to step 3; step 3 to step 4; step 4 to step 5; step 5 to step 6; step 6 to step 7; step 7 to step 8. If changes in level or step would otherwise occur on the effective date of such schedule without regard to the enactment of such schedule, such changes shall be deemed to have occurred prior to conversion under this paragraph.

(2) In addition to conversion under paragraph (1) of this subsection, each employee shall be advanced one additional step for each longevity step which he had earned on or prior to such conversion.

(3) Credit toward the next step-increase (other than toward longevity steps) earned by an employee who had not reached step 7 or who is not advanced to step 7 under paragraph (1) prior to the effective date of such schedule shall be creditable under subsection 3552(a) and section 3553 of title 39, United States Code, toward further step-increases if no step-increases were granted pursuant to paragraph (2) of this subsection. Credit earned toward longevity step-increases prior to the effective date of such schedule shall not be creditable toward further step-increases pursuant to subsection 3552(a), and section 3553 of title 39, United States Code.

(b) The basic compensation of each postmaster subject to the Fourth Class Office Schedule I on the effective date of such schedule shall be determined as follows:

(1) Each postmaster shall be assigned to the same receipts category and numerical step he was in prior to the effective date of such schedule. If changes in receipts category or step would otherwise occur on the effective date of such schedule without regard to the enactment of such schedule, such changes in receipts category or step shall be deemed to have occurred prior to conversion.

(2) Postmasters who, as of the effective date of this schedule, have not reached step 7, shall retain credit for advancement to the next step under section 3552(a) and section 3553 of title 39, United States Code, if no step-increases are granted pursuant to paragraph 3 of this subsection. Credit earned toward longevity step-increases prior to the effective date of such schedule shall not be creditable toward further step-increases under section 3552(a) and section 3553 of title 39, United States Code.

(3) For each longevity step earned on or prior to the effective date of such schedule postmasters shall be advanced one step.

(c) If the existing basic compensation of any employee subject to the Postal Field Service Schedule, Rural Carrier Schedule, or Fourth Class Office Schedule, as the case may be, is greater than the rate established by subsection (a) or (b) of this section, he shall be placed in the first step of such schedule which exceeds his existing basic compensation; if the existing basic compensation is greater than any numerical step, his existing basic compensation shall be established as his basic compensation.

Conversion as the First Pay Period Beginning on or After January 1, 1964

SEC. 712. The basic compensation of each employee subject to the Postal Field Service Schedule II, Rural Carrier Schedule II, or Fourth Class Office Schedule II, as the case may be, on the effective date of such schedule shall be determined as follows:

(1) Each employee shall be assigned to the same numerical step for his position which he had attained prior to the effective date of such schedule. If changes in levels, receipts categories, or steps would otherwise occur on the effective date of such schedule without regard to enactment of such schedule, such changes shall be deemed to have occurred prior to conversion.

(2) If existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this section, the employee shall be placed in the lowest step which exceeds his basic compensation; if the existing basic compensation exceeds the maximum step of his position, his existing basic compensation shall be established as his basic compensation.

SEC. 713. Subject to sections 711(c) and 712(2) of this title, rates of compensation fixed by reason of section 3560 of title 39, United States Code, shall not be increased by this title, notwithstanding any provision of such section to the contrary.

Basic Salary in Cases of Assignments of Postal Employees

SEC. 714. (a) Section 333(b) of title 39, United States Code, is amended by adding at the end thereof the following sentence: "The Postmaster General may pay, as he deems advisable, in cases of such assignments, a basic salary computed in accordance with the provisions of such section 3559 without regard to the requirement in this subsection of asignment for more than thirty days in a calendar year.".

(b) Each payment of an increase in basic salary which was made prior to the date of enactment of this section for services performed for periods of thirty days or less in any calendar year in the course of an assignment referred to in section 3335(b) of title 39, United States Code, by a postal field service employee assigned to duties and responsibilities of a higher salary level, and which would have been authorized by such section 3335(b), if such services had been performed in the course of such assignment after the completion by such employee of thirty days of service in any calendar year in such higher salary level, are hereby validated to the same extent as if such services had been performed after the completion of thirty days of service in any calendar year in the course of such assignment. Payments of increases validated by this subsection shall be considered as basic salary for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251–2267).

Salary Protection Revision

SEC. 715. (a) Section 3560(a)(1) of title 39, United States Code, is amended to read as follows:

"(1) basic salary and salary level, with respect to the Postal Field Service Schedule,".

(b) Section 3560(b)(4) of title 39, United States Code, is amended to read as follows:

"(4) who, for two continuous years immediately prior to such reduction in salary standing, served in the postal field service with any salary standing higher than the salary standing to which he is reduced; and".

(c) Section 3560(c) of title 39, United States Code, is amended—

(1) by striking out the period at the end of paragraph (B) and inserting "; or" in lieu of such period, and

(2) by adding at the end of such section 3560(c) the following paragraph:

"(C) the amount of the rate in the lowest salary standing which such employee held during the two years immediately preceding such reduction in salary standing augmented by each step-increase which he would have earned in such salary standing and by each increase provided by law in such salary rate.".

(d)(1) Subject to paragraph (2) of this section, the amendments made by this section to sections 3560(a)(1), 3560(b)(4), and 3560(c) of title 39, United States Code, shall apply only with respect to reductions in salary standing occurring on or after the date of enactment of this Act.

(2) Payments not authorized by section 3560 of title 39, United States Code, which were made prior to the date of enactment of this Act to employees in the postal field service in connection with reductions in salary standing and which would have been authorized under such section 3560 if the amendments made by this section to subsections (b)(4) and (c) of such section 3560 had been in effect at the time such payments were made, are hereby validated to the same extent as if such amendments had been in effect at such time.

Rules for special compensation

SEC. 716. Chapter 41 of title 39, United States Code, is amended by adding immediately following section 3105 a new section 3106 as follows:

"§ 3106. Special compensation rules

"In order that the basic compensation schedules in sections 3542, 3543, and 3544 of this title may be used equitably and with maximum effect to attract and motivate employees, the Postmaster General may prescribe regulations pursuant to which he may, within the limit of available appropriations, grant to any officer or employee before the expiration of the periods prescribed by section 3552, step-increases in recognition of extra competence: *Provided*, That no officer or employee shall be eligible under this section for more than one such additional step-increase within any period of fifty-two weeks, and such increase shall not be considered to be an equivalent increase."

Personnel requirements

SEC. 717. (a) Section 3301 of title 39, United States Code, is amended to read as follows:

"§ 3301. Personnel requirements

"The Postmaster General shall determine the personnel requirements of the postal field service, and fix the number of supervisors and other employees in that service, except that there may not be at any one time more than one assistant postmaster employed at any post office or a total of seventy employees assigned to salary levels 18, 19, and 20 in the postal field service."

(b) Section 1310(a) of the Act of November 1, 1951 (65 Stat. 757), as amended, which fixes a ceiling on permanent employees in the Federal Government, is amended by inserting after the word "*Provided,*" the following: "That increases in the number of permanent personnel in the Postal Field Service not exceeding 10 per centum above the total number of its permanent employees on September 1, 1950, shall not be chargeable to this limitation: *And provided further,*".

Conforming amendment

SEC. 718. (a) The table of contents of chapter 41 of title 39, United States Code, is amended by adding after the heading entitled "EMPLOYEES GENERALLY", the following: "3106. Special compensation rules".

(b) The table of contents of chapter 45 of title 39, United States Code, is amended by deleting "3558. Longevity step-increases".

Repeals

SEC. 719. Sections 101 through 105 of the Act of July 1, 1960 (74 Stat. 296, Public Law 86–568), and section 3558 of title 39, United States Code, are repealed.

Effective Dates

SEC. 720. Except as otherwise expressly provided in this title, the provisions of this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act, except that section 712 (conversion rules for second postal field service salary increases) shall become effective on the first day of the first pay period which begins on or after January 1, 1964.

Title IV—Department of Medicine and Surgery in the Veterans' Administration

SEC. 801. (a) Section 4103 of title 38 of the United States Code, relating to the appointment and annual salaries of the Chief Medical Director and certain other officers of the Department of Medicine and Surgery of the Veterans' Administration, is amended by striking out the words "not to exceed eight Assistant Chief Medical Directors" in subsection (a) and inserting in lieu thereof the words "not to exceed five Assistant Chief Medical Directors, such Medical Directors as may be designated to suit the needs of the Department,".

(b) Such section in further amended by striking out subsections (d) to (i), inclusive, and inserting in lieu thereof the following:

"(d) Each Assistant Chief Medical Director shall be appointed by the Administrator upon the recommendation of the Chief Medical Director and shall be paid a salary of $20,000 a year.

"One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operations of the Dental Service.

"(e) Medical Directors, during their period of service as such, shall be paid a salary of $18,500 minimum to $19,500 maximum a year.

"(f) The Director of Nursing Service shall be a qualified registered nurse, appointed by the Administrator, and shall be responsible to the Chief Medical Director for the operation of the Nursing Service. During the period of service as such, the Director of Nursing Service shall be paid, effective on the first day of the first pay period beginning on or after—

"the date of enactment of the Federal Salary Reform Act of 1962, a salary of $14,565 minimum to $17,925 maximum a year;

"January 1, 1964, a salary of $15,665 minimum to $19,270 maximum a year.

"(g) The Administrator may appoint a chief pharmacist and a chief dietitian. During the period of his service as such, the chief pharmacist and the chief dietitian shall be paid, effective on the first day of the first pay period beginning on or after—

"the date of enactment of the Federal Salary Reform Act of 1962, a salary of $14,565 minimum to $17,925 maximum a year;

"January 1, 1964, a salary of $15,665 minimum to $19,270 maximum a year.

"(h) Except as provided in subsection (j), any appointment under this section shall be for a period of four years but persons so appointed shall be subject to removal by the Administrator for cause.

"(i) Reappointments may be made for successive like periods.

"(j) The Administrator may designate a member of the Chaplain Service of the Veterans' Administration as Director, Chaplain Service, for a period of two years, subject to removal by the Administrator for cause. During the period that any such member serves as Director, Chaplain Service, he shall be paid a salary, as determined by the Administrator, within the minimum and maximum salary limitations prescribed for grade GS-15 positions by the Classification Act of 1949, as amended. Redesignations under this subsection may be made for successive like periods. An individual designated as Director, Chaplain Service, shall at the end of his period of service as Director revert to the position, grade, and status which he held immediately prior to being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position."

Physicians, Dentists, and Nurses

SEC. 802. Section 4107 of such title 38 relating to the minimum and maximum rates of annual salary of certain physicians, dentists, and nurses of the Department of Medicine and Surgery of the Veterans' Administration is amended to read as follows:

"§ 4107. Grades and pay scales

"(a) (1) Effective on the first day of the first pay period beginning on or after the date of enactment of the Federal Salary Reform Act of 1962, the grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $16,000 minimum to $19,000 maximum.

"Executive grade, $15,250 minimum to $18,750 maximum.

"Chief grade, $14,565 minimum to $18,405 maximum.

"Senior grade, $12,845 minimum to $16,245 maximum.

"Intermediate grade, $11,150 minimum to $14,070 maximum.

"Full grade, $9,475 minimum to $11,995 maximum.

"Associate grade, $8,045 minimum to $10,165 maximum.

"Nurse Schedule

"Assistant Director grade, $12,845 minimum to $16,245 maximum.

"Chief grade, $11,150 minimum to $14,070 maximum.

"Senior grade, $9,475 minimum to $11,995 maximum.

"Intermediate grade, $8,045 minimum to $10,165 maximum.

"Full grade, $6,675 minimum to $8,700 maximum.

"Associate grade, $5,820 minimum to $7,575 maximum.

Junior grade, $5,035 minimum to $6,565 maximum.

"(2) Effective on the first day of the first pay period beginning on or after January 1, 1964, the per annum full pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Chief grade, $15,665 minimum to $19,785 maximum.

"Senior grade, $13,615 minimum to $17,215 maximum.

"Intermediate grade, $11,725 minimum to $14,805 maximum.

"Full grade, $9,980 minimum to $12,620 maximum.

"Associate grade, $8,410 minimum to $10,650 maximum.

"Nurse Schedule

"Assistant director grade, $13,615 minimum to $17,215 maximum.

"Chief grade, $11,725 minimum to $14,805 maximum.

"Senior grade, $9,980 minimum to $12,620 maximum.

"Intermediate grade, $8,410 minimum to $10,650 maximum.

"Full grade, $7,030 minimum to $9,100 maximum.

"Associate grade, $6,090 minimum to $7,890 maximum.

"Junior grade, $5,235 minimum to $6,810 maximum.

"(b) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or the position of clinic director at an outpatient clinic, or comparable position."

SEC. 803. (a) Section 4108 of such title 38 which formerly prescribed the maximum amount of pay and allowances for medical, surgical, or dental specialists of the Department of Medicine and Surgery of the Veterans' Administration is amended, effective on the date of enactment of this Act, to read as follows:

"§ 4108. Administration

"Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses.".

(b) The table of contents of chapter 73 of such title 38 is amended by striking out "4108. Specialist ratings."
and inserting in lieu thereof
"4108. Administration."

Directors of Hospitals, Domiciliaries, and Centers

SEC. 804. Section 4111(b) of such title 38, relating to the annual salary of certain individuals serving as director of a hospital, domiciliary, or center, is amended, effective on the date of enactment of this Act, to read as follows:

"(b) Notwithstanding any other provision of law, the per annum salary rate of each individual serving as a director of a hospital, domiciliary, or center who is not a physician in the medical service shall not be less than the rate of salary which he would receive under section 4107 of this title if his service as a director of a hospital, domiciliary, or center had been service as a physician in the director grade. This subsection shall not affect the allocation of any position of director of a hospital, domiciliary, or center to any grade of the General Schedule of the Classification Act of 1949, except with respect to changes in rate of salary pursuant to the preceding sentence, and shall not affect the applicability of the Performance Rating Act of 1950 to any individual."

SEC. 805. Except as otherwise expressly provided in this title, this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

Title V—Foreign Service Act of 1946

Short Title

SEC. 901. This title may be cited as the "Foreign Service Salary Reform Act of 1962".

Foreign Service Officers

SEC. 902. The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows:

"On the first day of the first pay period which begins on or after the date of enactment of the Foreign Service Salary Reform Act of 1962, the per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$18,975	$19,650	--------	--------	--------	--------	--------
Class 2	15,900	16,400	$16,900	$17,400	$17,900	$18,400	$18,900
Class 3	13,440	13,885	14,330	14,775	15,220	15,665	16,110
Class 4	11,150	11,515	11,880	12,245	12,610	12,975	13,340
Class 5	9,315	9,620	9,925	10,230	10,535	10,840	11,145
Class 6	7,705	7,960	8,215	8,470	8,725	8,980	9,235
Class 7	6,475	6,690	6,905	7,120	7,335	7,550	7,765
Class 8	5,540	5,725	5,910	6,095	6,280	6,465	6,650

"On the first day of the first pay period which begins on or after January 1, 1964, the per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$18,975	$19,650	--------	--------	--------	--------	--------
Class 2	15,900	16,400	$11,900	$17,400	$17,900	$18,400	$18,900
Class 3	14,265	14,735	15,205	15,675	16,145	16,615	17,085
Class 4	11,725	12,110	12,495	12,880	12,265	13,650	14,035
Class 5	9,695	10,015	10,335	10,655	10,975	11,295	11,615
Class 6	8,000	8,355	8,620	8,885	9,150	9,415	9,680
Class 7	6,810	7,035	7,260	7,485	7,710	7,935	8,160
Class 8	5,795	5,990	6,185	6,380	6,575	6,770	6,965"

Foreign Service Staff Officers and Employees

SEC. 903. Section 415 of such Act is amended to read as follows:

"SEC. 415. (a) Effective on the first day of the first pay period which begins on or after the date of enactment of the Foreign Service Salary Reform Act of 1962, there shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees, and the per annum salaries of staff officers and employees within each class shall be as follows:

"Class 1	$13,440	$13,885	$14,330	$14,775	$15,220	$15,665	$16,110	$16,555	$17,000	--------
Class 2	11,150	11,515	11,880	12,245	12,610	12,795	13,340	13,705	14,070	--------
Class 3	9,315	9,620	9,925	10,230	10,535	10,840	11,145	11,450	11,755	--------
Class 4	7,705	7,960	8,215	8,470	8,725	8,980	9,235	9,490	9,745	--------
Class 5	6,910	7,140	7,370	7,600	7,830	8,060	8,290	8,520	8,750	$8,980
Class 6	6,225	6,435	6,645	6,855	7,065	7,275	7,485	7,695	7,905	8,115
Class 7	5,610	5,800	5,990	6,180	6,370	6,560	6,750	6,940	7,130	7,320
Class 8	5,060	5,230	5,400	5,570	5,790	5,910	6,080	6,250	6,420	6,590
Class 9	4,575	4,725	4,875	5,025	5,175	5,325	5,475	5,625	5,775	5,930
Class 10	4,110	4,250	4,390	4,530	4,670	4,825	4,980	5,135	5,290	5,445

"On the first day of the first pay period whcih begins on or after January 1, 1964, the per annum salaries of staff officers and employees within each class shall be as follows:

"Class 1	$14,265	$14,735	$15,205	$15,675	$16,145	$16,615	$17,085	$17,555	$18,025	--------
Class 2	11,725	12,110	12,495	12,880	13,265	13,650	14,035	14,420	14,805	--------
Class 3	9,695	10,015	10,335	10,655	10,975	11,295	11,615	11,935	12,255	--------
Class 4	8,090	8,355	8,620	8,885	9,150	9,415	9,680	9,945	10,210	--------
Class 5	7,295	7,535	7,775	8,015	8,255	8,495	8,735	8,975	9,215	$9,455
Class 6	6,570	6,785	7,000	7,215	7,430	7,645	7,860	8,075	8,290	8,505
Class 7	5,890	6,085	6,280	6,475	6,670	6,865	7,060	7,255	7,450	7,645
Class 8	5,270	5,445	5,620	5,795	5,970	6,145	6,320	6,495	6,670	6,845
Class 9	4,715	4,870	5,025	5,180	5,335	5,490	5,645	5,800	5,955	6,110
Class 10	4,215	4,355	4,495	4,635	4,775	4,915	5,060	5,215	5,370	5,525

"(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary may, under such regulations as he may prescribe, classify positions at levels below class 10, and establish salary rates therefor at lower rates than those prescribed by this section, for American employees recruited abroad who are not available or are not qualified for transfer to another post and who perform duties of a more routine nature than are generally performed at the calss 10 level."

Conversion

SEC. 904. Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this title at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946, shall receive basic compensation on and after the effective date of this title at the rate of their class determined to be appropriate by the Secretary of State: *Provided*, That staff officers and employees shall be transferred to the new staff classes established by this Act as follows:

Present class under section 415 of the Foreign Service Act of 1946	Corresponding new class under section 415 of the Foreign Service Act of 1946, as amended
FSS- 1	FSS- 1
FSS- 2	FSS- 1
FSS- 3	FSS- 2
FSS- 4	FSS- 2
FSS- 5	FSS- 3
FSS- 6	FSS- 3
FSS- 7	FSS- 4
FSS- 8	FSS- 5
FSS- 9	FSS- 6
FSS-10	FSS- 7
FSS-11	FSS- 8
FSS-12	FSS- 9
FSS-13	FSS-10
FSS-14 and below	([1])

[1] Remain at present class and salary rate until revised pursuant to new section 415(b).

Conforming Amendments

SEC. 905. The heading of section 642 of the Foreign Service Act of 1946 is amended by deleting the words "and longevity" and section 642 is amended by deleting "(a)" in the first paragraph and by deleting subsection (b) in its entirety.

Effective Date

SEC. 906. Except as otherwise expressly provided in this title, this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

Title VI—Miscellaneous salary provisions

Revision of Salary Limitations for Certain Scientific and Professional Positions

SEC. 1001. (a) (1) Section 2(b) of the Act of August 1, 1947 (Public Law 313, Eightieth Congress, as amended (75 Stat. 789; 5 U.S.C. 1161–1163)), relating to the rates of compensation of certain scientific or professional positions, is amended to read as follows:

"(b) The per annum rates of compensation for positions established pursuant to the provisions of this Act shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act and shall be subject to the approval of the United States Civil Service Commission.".

(2) The first section of such Act is amended by adding at the end thereof the following new subsection:

"(g) the Librarian of Congress is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Library of Congress, each such position being established to carry out research and development functions of the Library which require the services of specially qualified personnel. Section 2(a) shall not apply to positions established under this subsection."

(b) Section 1581(b) of title 10 of the United States Code, relating to the rates of compensation of certain scientific or professional positions in the Department of Defense, is amended to read as follows:

"(b) Subject to the Civil Service Commission's approval as to rates, the Secretary may fix the compensation for positions established under subsection (a). However, the per annum compensation may not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act.".

(c) Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86–36), as amended by section 204 of the Act of October 4, 1961 (75 Stat. 791; Public Law 87–367), authorizing scientific and professional positions in the National Security Agency, is amended by striking out ", as amended by paragraph (34) (B) of the first section of the Act of September 2, 1958 (72 Stat. 1456; Public Law 85–861)".

(d) The proviso contained in the first sentence of section 208(g) of the Public Health Service Act, as amended (42 U.S.C. 210(g)), relating to the rates of compensation of certain scientific, professional, and administrative personnel in the Public Health Service, is amended to read as follows: ": *Provided*, That the rates of compensation for positions established pursuant to the provisions of this subsection shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, nor more than the highest rate of grade 18 of the General Schedule of such Act, and shall be subject to the approval of the Civil Service Commission.".

(e) The proviso contained in the second sentence of section 12 of the Act of May 29, 1884 (62 Stat. 198 as amended and supplemented; 21 U.S.C. 113a), authorizing the Secretary of Agriculture to employ and fix the compensation of technical experts and scientists for research and study of foot-and-mouth disease and other animal diseases, is amended to read as follows: ": *Provided*, That the number so employed shall not exceed five and that the maximum compensation for each shall not exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended.".

(f) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)), as amended, authorizing the Administrator of the National Aeronautics and Space Administration to establish and fix the compensation of four hundred and twenty-five scientific, engineering, and administrative positions, is amended by striking out, in the second sentence, ", except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of $19,000 a year, or up to a limit of $21,000 a year for a maximum of thirty positions) of" and by inserting in lieu thereof ", except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, or, for a maximum of thirty positions, not to exceed $21,000 a year) of".

(g) That part of the proviso in section 161d. of the Atomic Energy Act of 1954, as amended (71 Stat. 613; 42 U.S.C. 2201), fixing a limit of $19,000 on the compensation of scientific and technical personnel, is amended by striking out the words "up to a limit of $19,000)" and inserting in lieu thereof "up to a limit of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended)".

(h) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), as amended, authorizing the Administrator of the Federal Aviation Agency to select, employ, and fix the compensation of 23 positions at rates not to exceed $19,500 per annum, is amended by striking out "$19,500 per annum" and inserting in lieu thereof "the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended".

(i) Section 2 of the Act of June 14, 1948, as amended (62 Stat. 441; 66 Stat. 43; 22 U.S.C. 290a), relating to the compensation of the United States representative and alternate on the Executive Board of the World Health Organization, is amended by striking out "Such representative shall be entitled to receive compensation at a rate not to exceed $12,000 per annum and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum", and inserting in lieu thereof "Such representative and any such alternate shall each be entitled to receive compensation at one of the rates provided by section 412 of the Foreign Service Act of 1946, as amended,".

(j) Section 104(b) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 530; Public Law 87-256) authorizing the fixing of the compensation of not to exceed ten employees without regard to the Classification Act of 1949, is amended to read as follows:

"(b) The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this Act, and of such personnel not to exceed ten may be compensated without regard to the provisions of the Classification Act of 1949, as amended, but not in excess of the highest rate of grade 18 of the general schedule established by such Act. Such positions shall be in addition to the number authorized by section 505 of the Classification Act of 1949, as amended."

(k)(1) Section 625(b) of the Foreign Assistance Act of 1961 (75 Stat. 449; Public Law 87-195), as amended, is amended by striking out "and of these, not to exceed eight may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year" and inserting in lieu thereof "but not in excess of the highest rate of grade 18 of such general schedule".

(2) Section 625(c) of such Act is amended by striking out "and of these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year" and inserting in lieu thereof "but not in excess of the highest rate of grade 18 of such general schedule".

(l) Section 7(b) of the Peace Corps Act (75 Stat. 615; Public Law 87-293) is amended by striking out "and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year" and inserting in lieu thereof "but not in excess of the highest rate of grade 18 of such general schedule".

Agricultural Stabilization and Conservation County Committee Employees

SEC. 1002. The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by title II of this part for corresponding rates of compensation in the appropriate schedule or scale of pay.

Assistant United States Attorneys

SEC. 1003. (a) The last paragraph of section 508 of title 28 of the United States Code is amended to read as follows:

"Assistant United States attorneys and attorneys appointed under section 503 of this title—not more than $17,500."

(b) The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed by section 508 of title 28, United States Code, shall be increased by 7½ per centum effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

Employees in the Judicial Branch

SEC. 1004. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18 of the United States Code, the third sentence of section 603, section 604(a)(5), or section 672 to 675, inclusive, of title 28 of the United States Code, or section 107(a)(6) of the Act of July 31, 1956, as amended (5 U.S.C. 2206 (a)(6)), are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act, and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employess subject to the Classification Act of 1949, as amended.

(b) The Limitations provided by applicable law on the effective date of this section with respect to the aggergate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by two amounts, the first amount to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act, and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and the second amount to be effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective applicable increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(c) Section 753(e) of title 28 of the United States Code (relating to the compensation of court reporters for district courts) is amended by striking out the existing salary limitations contained therein and inserting a new limitation to be effective for the period beginning as of the first day of the first pay period which begins on or after the date of enactment of this Act, and ending immediately prior to the first day of the first pay period which begins on or after January 1, 1964, and a second new limitation effective on the first day of the first pay period which begins on or after January 1, 1964, and thereafter, which reflect the respective increases provided by title II of this part in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

Employees in the Legislative Branch

SEC. 1005. (a) Each officer and employee in or under the legislative branch of the Government whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946 shall be paid additional compensation at the rate of 7 per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

(b) The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the first day of the first pay period which begins on or after the date of enactment of this Act, to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.

(c) Notwithstanding the provision referred to in subsection (d), the rates of gross compensation of the elected officers of the Senate (except the Presiding Officer of the Senate), the Legislative Counsel of the Senate, the Official Reporters of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by 7 per centum.

(d) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading "SENATE" in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86-568), is amended to read as follows:

"No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid basic compensation at a rate in excess of $8,880 per annum, or gross compensation at a rate in excess of $18,880 per annum, unless expressly authorized by law."

(e) The limitation on gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the Senate is hereby increased by 7 per centum. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent. The provisions of subsection (a) of this section shall not apply to employees whose compensation is subject to such limitation.

(f) Each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House of Representatives and is not increased automatically, or is not permitted to be increased administratively, by reason of any other provision of this section, shall receive additional compensation at the rate of 7 per centum of the rate of his total annual compensation in effect immediately prior to the effective date of this section.

(g) The limitations on gross rate per thousand and gross rate per hour per person provided by applicable law on the effective date of this section with respect to the folding of speeches and pamphlets for the House of Representatives are hereby increased by 7 per centum. The amount of each such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(h) The additional compensation provided by this section shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 and the following).

(i) Notwithstanding any other provision of this section, no rate of compensation which exceeds $21,500 shall be increased by this section, and no increase provided by this section shall cause the gross rate of compensation (basic plus additional compensation authorized by law) or the total annual compensation of any officer or employee to exceed $21,500.

Saving Provision

SEC. 1006. Notwithstanding any provision of this Act, no rate of basic, gross, or total annual compensation or salary shall be reduced by reason of the enactment of this Act.

Absorption of Costs

SEC. 1007. (a) The departments, agencies, establishments, and corporations in the executive branch shall absorb the costs of the increases in basic compensation provided by this Act to the fullest extent possible without seriously affecting the immediate execution of essential functions.

(b) No request for additional or supplemental appropriations to meet the increases in basic compensation provided by this Act shall be transmitted to the Congress unless it is accompanied by a certification of the Director of the Bureau of the Budget that the amounts requested are necessary to provide for the continued execution of essential functions of the department, agency, or corporation concerned.

(c) Pursuant to the objective of this section, heads of the executive branch activities concerned are directed to review with meticulous care each vacancy resulting from voluntary resignation, retirement, or death and to determine whether the duties of the position can be reassigned to other employees or whether the position can be abolished without seriously affecting the execution of essential functions.

(d) Nothing contained in subsection (a) of this section shall be held or considered to require (1) the separation from the service of any individual by reduction in force or other personnel action or (2) the placing of any individual in a leave-without-pay status.

Effective date

SEC. 1008. Except as otherwise expressly provided, this title shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

PART III—ADJUSTMENT OF ANNUITIES

SEC. 1101. The annuity of each person who, on the effective date of this section, is receiving or entitled to receive an annuity from the civil service retirement and disability fund shall be increased by 5 per centum of the amount of such annuity.

(b) The annuity of each person who receives or is entitled to receive an annuity from the civil service retirement and disability fund commencing during the period which begins on the day following the effective date of this section and ends five years after such date, shall be increased in accordance with the following table:

If the annuity commences between—	The annuity shall be increased by—
January 2, 1963, and December 31, 1963.	4 per centum
January 1, 1964, and December 31, 1964.	3 per centum
January 1, 1965, and December 31, 1965.	2 per centum
January 1, 1966, and December 31, 1966.	1 per centum

(c) In lieu of any other increase provided by this section, the annuity of a survivor of a retired employee or Member of Congress who received an increase under this section shall be increased by a percentage equal to the percentage by which the annuity of such employee or Member was so increased.

(d) No increase provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

(e) The limitation reading "or (3) the sum necessary to increase such annuity, exclusive of annuity purchased by voluntary contributions under the second paragraph of section 10 of this Act, to $2,160" contained in section 8(c)(1) of the Civil Service Retirement Act of May 29, 1930, as amended by the Acts of July 16, 1952 (66 Stat. 722; Public Law 555, Eighty-second Congress), and August 31, 1954 (68 Stat. 1043; Public Law 747, Eighty-third Congress), shall not be effective on or after the effective date of this section.

(f) The limitation contained in the next to the last sentence of section 8(d)(1) of the Civil Service Retirement Act of May 29, 1930, as amended, as enacted by the Act of August 11, 1955 (69 Stat. 692; Public Law 369, Eighty-fourth Congress), shall not be effective on and after the effective date of this section.

(g) The increases provided by this section shall take effect on the effective date of this section, except that any increase under subsection (b) or (c) shall take effect on the beginning date of the annuity.

(h) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar.

SEC. 1102. (a) Section 1 of the Civil Service Retirement Act is amended by adding at the end thereof the following new subsection:

"(t) The term 'price index' shall mean the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics."

(b) Such Act is further amended by redesignating section 18 as 19, and by inserting after section 17 the following new section:

"Cost-of-Living Adjustment of Annuities

"SEC. 18. (a) After January 1, 1964, and after each succeeding January 1, the Commission shall determine the per centum change in the price index from the later of 1962 or the year preceding the most recent cost-of-living adjustment to the latest complete year. On the basis of such Commission determination, the following adjustments shall be made:

"(1) Effective April 1, 1964, if the change in the price index from 1962 to 1963 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1963, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(2) Effective April 1 of any year other than 1964 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 10(d)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 10(d)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 10(d), the items $600, $720, $1,800, and $2,160 appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section, and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 10(d) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 10(d) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

"(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar."

SEC. 1103. (a) Section 9(g) of the Civil Service Retirement Act is amended to read as follows:

"(g) The annuity as hereinbefore provided (excluding any increase because of retirement under section 7) for any married employee or Member retiring under this Act, or any portion of such annuity designated in writing for purposes of section 10(a)(1), shall be reduced by 2½ per centum of so much thereof as does not exceed $3,600 and by 10 per centum of so much thereof as exceeds $3,600, unless the employee or Member notifies the Commission in writing at the time of retirement that he does not desire his wife or husband to receive an annuity as provided in section 10(a)(1)."

(b) Section 10(a)(1) of such Act is amended to read as follows:

"(1) If an employee or Member dies after having retired under any provision of this Act and is survived by a wife or husband to whom the employee or Member was married at the time of retirement, such wife or husband shall be paid an annuity equal to 55 per centum of an annuity computed as provided in subsections (a), (b), (c), (d), (e), and (f) of section 9, as may apply with respect to the annuitant, or of such portion thereof as may have been designated in writing for such purpose by the employee or Member at the time of retirement, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire his wife or husband to receive such annuity."

(c) Section 10(b) of such Act is amended by striking out "50 per centum" and inserting in lieu thereof "55 per centum".

(d) Section 10(c) of such Act is amended by striking out "50 per centum" and inserting in lieu thereof "55 per centum".

(e) Section 10(e) of such Act is amended by striking out "50 per centum" and inserting in lieu thereof "55 per centum".

SEC. 1104. Notwithstanding any other provision of law, the benefits made payable under the Civil Service Retirement Act by reason of the enactment of this part shall be paid from the civil service retirement and disability fund.

SEC. 1105. Section 1101 of this part shall take effect on January 1, 1963. The amendments made by section 1103 shall not apply in the case of employees or Members retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if these amendments had not been enacted.

Mr. MANSFIELD. Mr. President, it is not the intention of the leadership to consider the bill tonight. It will be the pending business. It has been called up for the purpose of making it the pending business at the conclusion of the morning hour tomorrow. In accordance with the agreement made with the Senator from Maryland [Mr. BUTLER], the Senator from California [Mr. ENGLE], and the Senator from Alaska [Mr. BARTLETT], it is anticipated that following the consideration of the postal rate bill, either late tomorrow or on Thursday, the bill which has just been temporarily laid aside will become the pending business.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the session for today has been concluded, the Senate adjourn until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF SENATOR SAM J. ERVIN BY NORTH CAROLINA DEPARTMENT OF AMERICAN LEGION

Mr. JORDAN of North Carolina. Mr. President, on January 19, 1962, the executive committee of the North Carolina Department of the American Legion adopted a resolution commending my colleague, Senator SAM J. ERVIN, JR., for his devotion to the "principles and ideals of the Constitution of the United States of America and the individual rights thereby guaranteed to all citizens." I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas SAM J. ERVIN, JR., senior U.S. Senator from North Carolina, through his service in the Armed Forces of the United States gained deep personal insight into the principles and ideals of Americanism; and

Whereas Senator ERVIN has been throughout his long career of public service for his community, State, and Nation a devoted public servant interested in all of the constitutional rights of all American citizens; and

Whereas Senator ERVIN, through his long service in the U.S. Senate and as a member of the Committee on the Judiciary, is fully aware of the dangers of encroachment by foreign isms on the individual rights of the American citizen; and

Whereas Senator ERVIN is deeply interested in the preservation of the written Constitution of the United States of America and the individual rights thereby guaranteed to all of its citizens; and

Whereas Senator ERVIN has continuously served and emphasized the principles, aims, and objectives of the Americanism programs and principles of the American Legion: Now, therefore, be it

Resolved, That the executive committee of the North Carolina Department of the American Legion, in regular meeting assembled in Winston-Salem, N.C., this the 19th day of January 1962, commend and congratulate Senator ERVIN for his devotion and courageous leadership in preserving the principles and ideals of the Constitution of the United States of America and the individual rights thereby guaranteed to all citizens; be it further

Resolved, That a copy of this resolution be entered on the minutes of this meeting, copies be sent to all members of the Committee on the Judiciary of the U.S. Senate, Senator ERVIN, and the national commander of the American Legion.

RELIEF OF WILLIAM MACKIE AND HAMISH SCOTT MACKAY

Mr. MORSE. Mr. President, I appreciate the opportunity to explain to the Senate, in some detail, the case for the passage of S. 420 and S. 421. These bills are for the relief of two residents of Portland, Oreg., William Mackie and Hamish Scott MacKay, who were deported from the United States in November 1960, and would allow them to return to this country, if they so desire.

Mr. President, I must speak on these two bills at this late hour today for several reasons. First, I assured the leadership of the Senate that, in this instance, as is my common practice in making speeches in the Senate which are not related to the pending business of the Senate, I would speak after the Senate was ready to dispense with further debate on the pending business for the day.

I strongly support a reform in the rules of procedure of the Senate which would adopt a rule of germaneness to prevail throughout any given day until 4:30 or 5 o'clock, after which there would be no rule of germaneness for that day. Senators then would be privileged to take the floor and discuss subjects which did not pertain to the pending business of the Senate. I think that that rule alone would greatly improve the efficiency of the Senate, if all Senators followed it.

For the past several years the senior Senator from Oregon has followed such procedure as his personal policy. The timing of this speech is in accordance with this policy.

NECESSITY FOR MAKING A COMPLETE RECORD

The second reason for speaking on these two bills tonight is because tomorrow I shall appear before the Committee on the Judiciary with respect to S. 420 and S. 421, and in order to make a complete record on the bills, I need to speak at much greater length than would be possible at the hearing before the Committee on the Judiciary.

Therefore, I talked with the chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND], and asked him whether he would have any objection to my discussing these bills in the Senate Chamber, prior to my appearance and my testimony at a meeting of the Judiciary Committee. Not only did he assure me that he would have no objection, but he agreed with me that I should do just that, because he felt that my remarks on the floor of the Senate, in making the detailed record tonight, would be of material assistance to the Judiciary Committee when I testify there tomorrow. Tomorrow, when I appear before the Judiciary Committee, I propose to and shall be able to summarize the record I shall make tonight on these two bills.

NATIONAL SENSE OF JUSTICE IS INVOLVED

The third and substantial reason for my speech tonight on these two bills is because, in my opinion, the persons involved in the bills have been done a shocking injustice by our Government of the United States; and I want to believe, and as a free people we must believe, that our Government will never become so large and so cumbersome that it will lose a sense of conscience in respect to the rights of individuals within our country—in regard to doing justice to human beings. Too frequently government can become cold; too frequently the administrative processes of government can take on a color that shadows or conceals individual rights.

Tonight I am speaking about two cases which in my judgment illustrate government's inhumanity to man; they are all too good examples of man's inhumanity to man. As I discuss these cases, I am satisfied that anyone who will put himself, figuratively speaking, in a jury box and pass judgment on the facts in these two cases will agree with my conclusion.

These cases represent shocking injustice, and our Government has the moral obligation and responsibility to see to it that justice is done to these two persons, irrespective of the fact that, as jurors, we would not condone or approve of certain courses of action and behavior by those two persons.

But I wish to point out that they are human beings; and I point out that it is difficult to justify the inhumane course of action which our Government has followed through a literal and strict and harsh application of the immigration law to two residents of Portland, Oreg. These individuals—whatever they are—were made what they are as the result of the action upon them of our American system.

I well know that when—and particularly in an election year—I stand on the floor of the Senate and make a plea for the doing of justice to two persons who have been deported from the United States on the ground that the Immigration Service found them to be either Communists or associated with Communists, that is not good politics. But in my 18 years in the Senate, I never have—and I never will start it in the midst of an election—run away from responsibilities. I have an obligation of raising my voice in the interest of doing justice to any human being, no matter what may have been his course of conduct, if the Government's action toward him has not resulted in justice.

CASES ARE MATTERS OF WIDE CONCERN

Mr. President, I do not speak alone. As will be noted as I bring out the facts in connection with these two cases, they have become causes celebre in Oregon, in Canada, in Finland, and in many places in between. The injustice done these two persons has become a matter of concern to many persons in Oregon, regardless of their political party affiliation. As I set forth in my report on these two bills, and as I shall point out during my remarks tonight, the matter is one of grave concern to a former Republican Governor of Oregon, one of the recognized leaders of my State, the publisher and editor of the Salem Statesman, Charles Sprague. As I submit the evidence in support of my bills, I shall point out that one Republican newspaper after another in Oregon has written castigating editorials against the policy of the U.S. Government in regard to these two cases. The reaction has been completely bipartisan. The reaction has been almost unanimously opposed to these deportations.

As I call attention to the petitions which I shall place in the RECORD before I finish—petitions signed by scores and hundreds and, indeed, thousands of residents of the State of Oregon, Democrats, Republicans, and Independents, alike—there will be no doubt about the fact that tonight I am talking about two cases in regard to which citizens of Oregon, of all political faiths, have been deeply stirred, and are urging that our Government do justice now, because great injustice has been done. It does not sit well with the conscience of Oregon.

THE BILLS ARE AN OPPORTUNITY TO DO JUSTICE

It is my hope that the Senate Judiciary Committee, which will consider these bills tomorrow, will act speedily upon them and will grasp this opportunity to right a shocking wrong. I hope that after the Judiciary Committee hears the evidence tomorrow on these two bills, it will agree with me that the thousands of people in Oregon who support me in the stand I am taking here tonight are correct, and will recognize that these two bills should be passed quickly by both Houses of Congress and signed by the President, so that these two men will be given an opportunity to return to the United States.

In discussing the deportation of Mackie and MacKay, I wish to make very clear that I hold no brief for them, and do not imply any approval of their actions. I do not approve their actions, but I think even less of the actions of the U.S. Government in exiling two such insignificant men.

In my judgment, the Department of Justice, through the Immigration Service, failed to make a case that justified these deportations. I hope this discussion of these two immigration cases will also serve notice upon the Congress of its dereliction in permitting the vesting in any department or agency of Government such arbitrary discretionary power of the Immigration Service, in the Department of Justice, as is exhibited in these two cases. I hope my speech tonight will also be the opening salvo in a bombardment against immigration legislation now on the statute books which should be modified, and in some respects repealed, because, in my judgment, the sweeping discretionary powers which Congress has given the immigration authorities of this country just cannot be squared with our ideal of government by law. The statutes which have been enacted into the law of the land, rests in the officials of the immigration authority personal power that can be described only as government by men, not by law. It is a power which does not have attached to it the necessary procedural safeguards which are essential in denying to mere men in administrative positions in the government the power to make decisions which really destroy precious human rights which a system of freedom should guard and enshrine.

This is not the first time in my 18 years in the Senate that I have deplored the arbitrary power of the Department of Justice in respect to immigration cases, for I take the position that no man or woman should ever be deported from the United States, under any circumstance, unless an American jury of his or her peers makes the findings of fact that support a deportation.

These cases involved precious rights of personal liberty, and we cannot reconcile them with the declarations about freedom and protection of individual rights. There is arbitrary power vested in the immigration officials under existing statutes, and its crushing weight has been felt upon Mackie and MacKay. But as long as those powers are in the law, the senior Senator from Oregon and the remainder of this body must confront individual cases such as the two cases I will review tonight. As long as those powers are in the law, all I can plead for on the floor of the Senate and before the Judiciary Committee tomorrow is that the decision of the immigration authorities be reversed. However, I hope to live to see the day when the immigration laws of this country will be so amended that, before the immigration authorities can order anyone deported from this country, they will have to take their case to the jury box, prove its case to the jury, which the Constitution makes a part of American law.

If the cases of MacKay and Mackie had been taken to the jury box anywhere in America, in my judgment, there would have been a unanimous vote in favor of Mackie and MacKay. The action taken by the immigration authorities violates the sense of justice and fairplay and decent treatment which has traditionally inspired the sense of values of this great Nation.

THE PRESENT LAW GRANTS ARBITRARY POWER

When arbitrary power is vested in mere men, with all their human frailties, it leads to capriciousness, for there is a long recognized tendency for mere men, given arbitrary power, to become intoxicated by that power and their own importance. In my judgment, it has, in too many instances, characterized action on the part of the Immigration Service of the U.S. Department of Justice for many years past, some of which I shall summarize later in my remarks.

We have two shocking cases here, in my judgment. I hope this speech, and perhaps later developments, will at least put the American people on warning with respect to the arbitrary power that has been vested in the immigration authorities of this Government.

Come next January, I shall hope to offer a series of amendments to our immigration laws that will seek to condition the power of the Immigration Service of our Government upon appropriate legal safeguards.

APPRECIATION DUE TO CHAIRMAN OF JUDICIARY COMMITTEE

I believe it is appropriate for me to express my very sincere gratitude to the chairman of the Judiciary Committee, the distinguished Senator from Mississippi [Mr. EASTLAND]. When I was first preparing to introduce these measures, I discussed with the chairman my hope that hearings could be held on them. He urged me to introduce these bills, saying he did not know very much about their subject matter, but that he did recall very distinctly reading in the press about the Mackie case in November of 1960. He was good enough to say that he had been very much surprised, on the basis of the facts which were published in the newspapers, that Mackie had been deported.

The Senator assured me that very thorough consideration would be given to my two bills, because, he said, if injustice has been done it ought to be righted. It is very much to the credit of the Senator from Mississippi that a hearing is to be convened and that there is an opportunity to consider what constitutes justice as to these two men.

I want to make very clear that the Senator from Mississippi made no value judgment in regard to these two cases. He made very clear that, of course, the burden of proof was on the senior Senator from Oregon to show that the action of the immigration authorities should be reversed by the passage of these two bills. I assured the Senator from Mississippi that I would be very happy to assume that burden of proof.

OTHER AVENUES EXPLORED

It might be asked why we are so late in these hearings. There are very many reasons why the hearings have not been held and will not be held until tomorrow, but the Senator from Mississippi is not responsible for the lateness of the hearings; nor is the senior Senator from Oregon. It was necessary, in preparing to support these two bills involving the immigration cases of Mackie and MacKay, to collect and consider a considerable body of information. As a lawyer, I never go to trial unless I am satisfied that I am prepared for trial. Furthermore, it was necessary for us to obtain certain reports from the Department of Justice in regard to the cases.

Furthermore, Mr. President, I had also hoped we could obtain administrative action on these two cases. This would perhaps have avoided the necessity for me to make the legislative fight I have started tonight.

It was my hope that a way could be found for the Department of Justice administratively or procedurally to correct these injustices. There has been every opportunity to do so. I do not know how anyone could have been more conciliatory, more cooperative, or could have proved more clearly his desire to reach an amicable solution to the two cases than did the senior Senator from Oregon. But finally it became clear that there was no possible avenue for a final determination of these cases except through action by the Congress itself in respect to the bills. It then became necessary to seek, and to fight for hearings and other action on these bills.

As I have explained to innumerable groups in the State of Oregon who are so much concerned about these two cases, the Judiciary Committee found itself facing a heavy schedule of hearings. I know the importance in the Senate of cooperating with my colleagues and of taking my turn when schedules are drawn up.

The Senator from Mississippi agreed on several occasions to have hearings, but interruptions in schedule prevented going through with them. Hearings were scheduled for today, but the agenda of unfinished business having priority over my bills was so long in the Committee on the Judiciary this morning that it was impossible to reach my two bills today. This was perfectly understandable.

The Senator from Mississippi, seeking to cooperate with the Senator from Oregon, assured me that he would schedule hearings on S. 420 and 421 before the subcommittee tomorrow. It was then I suggested that we might save a good deal of the time of the committee if I made my record on the two bills on the floor of the Senate tonight, after the Senate finished whatever other business it might wish to consider today. Then, tomorrow we could submit the Congressional Record to the subcommittee of the Committee on the Judiciary. I could summarize the Record. The Committee members would have the Record before them, in the best possible form for their consideration.

It was our thought that by following such a procedure we could expedite the handling of the bills tomorrow, and that it would give us the best possible assurance that the committee might be able to reach a decision on the two bills in time for action in the Senate and action in the House during this session of the Congress.

THE FORUM OF LAST RESORT

As will become apparent during the next few minutes, the Senate constitutes the forum of last resort for Mackie and MacKay. The high qualifications of the Members of this body assure that the cases will be judged fairly in the light of the matter of conscience involved, which touch and concern not only the State of Oregon but also the image of the United States.

I wish to say a word by way of laying a foundation for a discussion of the cases themselves, about the law of expulsion in the United States compared to the U.S.S.R.

THE LAW OF EXPULSION: UNITED STATES VERSUS U.S.S.R.

I believe that few men in this country would disagree with a statement that this country should not imitate Communist police state methods. We all know that the best way to beat the threat of communism is to stand strongly for freedom and justice, and to back it up with economic, military, and political strength. The adoption or acceptance of police state methods in this country does not add to our strength.

I might add, it does not aid our image abroad.

Let us examine the law of the Soviet Union on the expulsion of foreigners from the U.S.S.R. The decree of the Council of People's Commissars of August 29, 1921, which according to the Library of Congress, was still in force as of July 5, 1962, reads as follows:

> 1. Foreign nationals whose way of life, activities and behavior are considered incompatible with the principles and social order of the Soviet State may be expelled from the territory of the RSFSR by order of the all-Russian extraordinary commission—Vecheka—or by course sentence regardless of whether residence permits have been granted to them previously.
>
> 2. The explusion shall be executed by the organs of the Vecheka.

The Library of Congress memorandum, which I shall ask permission to insert at the conclusion of my remarks, points out that the Vecheka is the Russian secret police organization, the predecessor of the GPU, NKVD, NVD, and now the KGB, about which we have heard so much. The regulations pursuant to this decree go even further:

> 1. A foreigner may be expelled in administrative proceedings on the basis of an order of the Vecheka if during the trial of a foreigner accused of any offense the court finds that his continued stay would be incompatible with the principles and social order of the Soviet state.

It is worth noting that, until 1959, the U.S.S.R. could expel its own nationals, its own citizens, as well. The new criminal code of 1958, however, mitigated this somewhat so that now the Soviet citizen can only be exiled or banished. The first is forcing a person to reside in a specified locality for not more than 5 years, and the second is prohibition of a person ever residing in certain localities.

This is very broad and sweeping power, and says much about the relative values placed upon the rights of the state and the rights of the individual in the Soviet Union.

It is, of course, unthinkable that we should try deliberately to imitate the Russian governmental policy in a democracy such as the United States.

Of course, there are no provisions in American law providing for the expulsion of citizens. However, let us now compare the state of American law as to the expulsion of aliens.

DEVELOPMENT OF U.S. LAW OF EXPULSION

Originally, and prior to 1917, no statute authorized expulsion of aliens for post-entry conduct not considered initially excludable. In that year, and by the act of October 16, 1918, which as an amendment to the 1917 act, a statutory exception was made for persons who were found, within 5 years of entry, to be anarchists. This legislation still rested upon the theoretical basis that aliens within these classes would have been initially excludable.

It was not until 1940, when Congress passed the Smith Act during the grave national danger created by the fall of France, that Congress confirmed by statute the power to deport an alien for conduct having no relation to his original entry into this country.

An excellent summary of the intervening development of Mr. Justice Jackson in the case of Harisiades against Shaughnessy is quoted in 66 Harvard Law Review, pages 19–20, as follows:

> Originally the power of deportation was merely ancillary to the right to exclude; that is, it was the power to rid the country of an alien who should not have been admitted in the first place. From those early days, the policy has been expanded. The power of deportation was expanded to those aliens who, after entry, abused the Nation's hospitality in resorting to crimes or similar types of misconduct. In 1910, for example, new classes of resident aliens were listed for deportation, including for the first time political offenders such as anarchists and those believing in or advocating the overthrow of the Government by force or violence. In 1917, aliens who were found after entry to be advocating anarchist doctrines or the overthrow of the Government by force and violence were made subject to deportation, a 5-year time limit being retained. A year later, deportability because of membership in certain proscribed subversive organizations was introduced. When the Supreme Court, in 1939, held that that act reached only aliens who were members when the proceedings against them were instituted, Congress promptly enacted the present statute (the Smith Act) making deportation mandatory for any alien who was at the time of entering the United States "or has been at any time thereafter" a member of a proscribed organization. In so doing it also eliminated the time limit for institution of proceedings thereunder.

Subsequently, when the Supreme Court held that deportation proceedings must comply with the Administrative Procedure Act, Congress exempted such proceedings from the requirement of the act—64 Statutes at Large, page 1048, 1950; 8. U.S.C. 155a.

I would ask the Senate's permission, at this point, to file at the conclusion of my remarks a memorandum of law tracing this development in greater detail.

In fact, I may discuss, before I finish my subject tonight, some parts of that legal memorandum, because I believe it to be a basic foundation for the consideration by the Judiciary Committee and subsequently by the Congress of the United States in respect to the relief sought by my two bills.

It would, therefore, appear that S. 420 and S. 421 deal with a substance of law which provides for the expulsion of alien residents at any time for membership in, or affiliation with, an organization advocating overthrow of the Government by force or violence. There is power to expel, no matter how long the alien has resided here, and no matter how long before the deportation this membership of affiliation may have terminated.

We are also dealing with a procedure which does not allow a jury trial. A deportation can, under the law, be consummated without the privilege of a judgment by a man's peers. It is left to the broad discretion of an administrative officer in a strictly administrative proceeding, and one not even bound by the Administrative Procedures Act, at that.

In order to get a court to reverse the finding of such an officer, there must be a showing that there was an abuse of discretion or a capricious or arbitrary act. This is a far different standard than even the standard operative in civil trials of a fair preponderance of the credible evidence. It is a radical departure from the standards of conviction beyond a reasonable doubt, which are a part of criminal justice and to which deportation seems to be closely analogous.

I wish to say, at this point in my speech, that one of the arguments used by those who seek to support the deportations is that the immigration authorities acted under the law in accordance with the discretionary power that the law gives them.

That is true. That is one reason why the law ought to be amended. It is another reason why we ought to see to it that an injustice that is created by the exercise of such legal discretion is corrected. It is another reason why we ought to look with favor upon such bills as I have introduced tonight. As individual jurors, I believe an overwhelming majority of the Members of the Senate and the House would reach if they were in the jury box, that it is not fair, just, or right to keep those two men deported merely because an immigration administrative officer, exercising a broad power that the law gives him, has decided they should be deported.

ISSUE CAN BE VIEWED MERELY AS ONE OF LIMITS TO ADMINISTRATIVE DISCRETION

That is another reason why the senior Senator from Oregon believes it is important that he call the attention of the Senate tonight to the difference between government by men and government by law. It is said, using this as a major premise, that the immigration authorities had the legal power to do what they did—and I do not deny it. The question for the court to determine was whether or not they violated any authority given to them by law or followed a course of action that could be deemed to be arbitrary and capricious.

Of course, that is a pretty difficult standard by which to judge. Because it is so difficult, we move into the minor premise in this syllogism. Let us not forget that appeals on these deportations were taken to the district court, to the circuit court of appeals, and to the U.S. Supreme Court.

However, they were appeals, not on the merits of the facts in the cases. It was not for the district judge to decide whether or not on the basis of the facts he would order the deportation. It was not for the members of the Circuit Court of Appeals to decide that on the basis of the facts in the cases those individual judges would order the deportation. It was not for the U.S. Supreme Court to decide, as I shall show in a moment, on the basis of the facts in the individual cases, that the two men should be deported. However, as I read the dissenting opinion in a 5-to-4 decision of the U.S. Supreme Court, it is apparent that the judges who wrote the dissenting opinion thought the facts showed such an injustice that they refused to limit themselves to the very narrow legal principle that had been applied in the district court and in the circuit court. Five of their colleagues did so limit themselves, and took refuge in the judicial statement that we read in so many cases, to the effect that, after all, it is a legislative matter, and that if a wrong has been done by administrative officers, acting under power given to them by Congress, it is for Congress to right that wrong with a legislative reform.

If in the particular legislation enacted by Congress we had included, rather than excluded, the Administrative Procedures Act, in my judgment there is no doubt that the decision of the district court, the circuit court, and the U.S. Supreme Court would have been just the opposite.

In this case a great injustice has been done to two human beings on the basis of an impersonal, cold, legal technicality, with the question for review, as the distinguished lawyer who occupies the chair, the Senator from North Dakota [Mr. **Burdick**], so very well knows, the question whether or not the administrative officer acted within the administrative power vested in him by a statute.

One can follow, as an administrative officer, authority given in a statute, and do a great wrong and injustice. One can follow discretionary authority given in a statute, as the immigration authorities too frequently do, and as these cases clearly do, and wreak upon fellow human beings shocking inhumanity.

I do not criticize the judges who handed down the decision or say that they did not stay within the narrow confines of the technical rules of statutory interpretation. However, I believe they were wrong. I believe the district judge and the court of appeals and the majority of the Supreme Court could very well have made the interpretation made by the four dissenting judges of the U.S. Supreme Court, and been within the framework of existing judicial rules.

What the senior Senator from Oregon, as a lawyer, is saying, is that the decisions of the district judge and the judges of the court of appeals and the majority of the U.S. Supreme Court were not the only decisions that could have been made under the facts of the cases, and remain within the law.

SUCH AN APPROACH DENIES THE HUMAN CONSEQUENCES OF THE CASES

As I used to try to teach my law students in the course of jurisprudence, we have presented here, in the operative facts of these two deportation cases, a dramatic example of the difference between the dynamics of law and the statics of law. It is the great conflict in approach to the nature of jurisprudence and the judicial processes; the difference between the law as a living thing, subject to doing justice between men in light of the facts in each case; and the law as a dead hand, a cold rule blindly applied without regard to the great human factors of heart and mind and the dignity and rights of human beings standing before the bar of justice.

When I say that, I wish to make clear that I mean no disrespect to the judges who have sustained the exercise of discretionary administrative power on the part of the immigration authorities. However, I say that the opinion of the dissenting judges of the U.S. Supreme Court really represented a sounder jurisprudence.

Since the courts take the position that as long as this discretion, which Congress has vested in the immigration authorities, remains on the books the courts will sustain the exercise of the authority, it behooves us to amend the law in whatever manner is necessary to take such discretion away from the immigration authorities and put the decision in safer, sounder decisionmaking bodies; that is, in the jury boxes of America.

But, we have these administrative standards now, Mr. President, and let us see where the application of those laws and procedures have gotten us. The Law Review of the University of Kansas, in the summer of 1959, conducted a very illuminating study of 307 cases, all of them political deportations, which reached the Supreme Court in recent years. This is what was found: 66.4 percent of the deportees were over 55 years of age; 60 percent entered the United States when they were under 20 years of age; 87 percent resided in this country for more than 31 years; 70 percent were married at the time of the proceedings; 75 percent had no close relatives in their country of birth; 62 percent had severed Communist Party membership more than 11 years before arrest; more than 50 percent had children who were citizens, and about one-third had grandchildren who were citizens.

I cite these statistics because I would have Senators never forget that we can never separate the administration of law from human consequences of the administration. When all is said and done, our standards of justice will be evaluated in terms of whether or not they do justice to human beings.

This is the concept of the dynamics of the law that is shared by us who hold the point of view that the strength of our juridicial system must be found in its adaptability to preserving and protecting human values, in contrast with the notion that the administration of the law is a cold, impersonal, automatic machine that should not take human values into account.

The latter conception of jurisprudence is the Communist conception. It is the police state conception. It is the totalitarian conception. It makes the law an instrument of control of the people. This conception that fails to recognize that the state should be the servant of the people, and that the people are the masters of the state.

It fails to recognize our faith in the law to liberate men's energies by rationally and fairly ordering and regulating affairs. These tenets of our republican form of government are used by many in lip service to our values. Unfortunately, they are too often used as cliches and slogans. As soon as they pass into the realm of cliche, however, their meaning is lost and the rights of a free people begin their decline. The tenet that the people must be masters and not the servants of the state becomes meaningless unless it is carried out throughout our juridicial system on a case by case basis.

We have not been vigilant enough in this area—the treatment of longtime resident aliens. We must take a closer look.

CASES MARK DEPARTURE FROM TRADITIONAL AMERICAN VALUES

I cite tonight a breakdown, in respect to these two deportation cases, of the great ideal that the people are the masters and not the servants of the state. I say that the Immigration and Naturalization Service of the Department of Justice, in cases such as these, would become the master, not the servant of the people of the United States. Whenever any administrative agency is given such power to administer a law and such discretion, that consequences such as we find in these cases ensues, that agency must be checked, and the law which gives it that kind of power must be amended.

But, confronted with these two concrete examples of injustice done by the Immigration and Naturalization Service of the Department of Justice, the senior Senator from Oregon pleads with the Senate to first pass these two private bills, which will rectify injustice so far as these two human beings are concerned. Then next January 1 Congress can get on with the job, which I think confronts us, of revising and amending the Immigration Acts.

In one case on the books, *Latva* v. *Nicholls* (106 F. Supp. 658, 1952) which is closely analogous to that of William Mackie, a man emigrated from Finland at the age of 13, had lived in the United States for 36 years, had an American-born wife, had two sons who were honorably discharged veterans of World War II, and had belonged to the Communist Party for less than 6 months in 1934, paying about $1 in dues.

In another case the courts upheld the action of the Attorney General in excluding without a hearing, and upon undisclosed information, the alien wife of a soldier, who was thereafter confined to Ellis Island for almost 3½ years—*U.S. ex rel. Knauff* v. *Shaughnessy* (338 U.S. 537 (1950)).

Note my reference to the fact that in the case of U.S. ex rel Knauff against Shaughnessy, which was the last case I cited, the Attorney General did the excluding without a hearing and on the basis of undisclosed information. Try that out, Mr. President, when you get home. Ask your neighbors and friends if they are aware of the fact that the Attorney General has any such power. Ask your neighbors and friends if they are aware of the fact that the Attorney General has the power to order a deportation on the basis of undisclosed information, and that a person cannot learn the source or the nature of the information which is causing the exclusion. Let Senators try it out on their neighbors, and listen to what they say.

I daresay that they will be shocked. They will say they do not believe you. They will say that that cannot happen in America.

Mr. President, it can happen, and it does. Similar things have happened at least 307 times in recent years. Oh, if in some way we could make the people of the country understand the relationship between their procedural rights and their substantive rights, if we could in some way make them understand that when such a procedure is authorized by Congress, precious substantive rights are denied, I hazard a guess that we would not have to wait so long for legislative reform.

A part of the problem which faces the senior Senator from Oregon tonight, as he discusses this subject, is that many legal abstractions are involved. These are questions of legal procedure which the average citizen will never encounter or will never come in contact with, and therefore he will not be aware that such a discretionary, arbitrary and capricious power has been vested by Congress in mere administrative officers.

They are powers of a police state, totalitarian powers, powers of communism and fascism. They cannot be reconciled with the democratic ideal of government under law. Those are harsh words, Mr. President, but they are true. There are rationalizations as to the necessity of vesting such power in administrative officials, and for the sake of national security that they must be given authority to order deportation without a confrontation of the witnesses against the deportee and without a disclosure of the information and the alleged evidence presented against him. There is the alibi that to do otherwise would close the sources of information of the agencies.

But rationalize all you like, such deportation decisions cannot be reconciled with simple fairplay in the administration of justice.

I have such abiding faith in the fairness of the average American citizen that I am convinced that if in some way, somehow, we could get every American citizen to understand the existence of such arbitrary discretionary powers as those I am relating here, tonight, there would be in this country a rising demand for the enactment of legislation to abridge and regulate those powers.

Mr. President, how do such powers ever become vested in the first place? In many instances—and, in my judgment, the power involved in the Mackie and MacKay cases are good examples—they become legislatively vested during waves of hysteria that sweep a country.

Our country has experienced such waves of hysteria from time to time in the last 25 years. During those waves there is always the danger that arbitrary power of this type will be vested by the enactment of a piece of legislation such as the immigration laws to which I have previously referred. When that happens, there develop celebrated cases, such as the Mackie and MacKay cases, that stir the sense of fair play and justice of most Americans who learn about the cases.

DEPORTATIONS LEGALLY VALID

Mr. President, now let me say a few words about the legal validity of these deportations. Upon the statement of the law which I have described, the deportations of Mackie and MacKay for their activities during the 1930's are certainly legally valid.

No contention can be made that the length of residence, the severing of family ties, the disruption of business, community or personal life, the stigmatizing of the deportee, and the banishment to an unfamiliar country, or the combined injustice of all of these consequences, constitute any legal grounds for action contrary to an order for deportation. In this regard, the remarks of the judge of the U.S. district court, who refused to dismiss the deportation order, are instructive. Quoting from the Oregon Journal of April 11, 1958, I read:

> If I had been President,

The judge said in explanation—

> I would have vetoed the bill, because I think it is outrageous that a man who is brought into the United States at the age of 10 months and who has lived here all his life should be deported.
>
> But when the President of the United States appointed me to do this job, he didn't tell me I could change the laws.
>
> He told me that I had to enforce the laws that are on the books.

It has been said, as sort of a grim joke, that the deportation of longtime resident aliens constitutes a cruel but not unusual punishment. The cold statistics we have examined—give evidence of frequency.

THE POSSIBILITY OF EXECUTIVE CLEMENCY

However, in some cases the executive agencies involved have relented, and have granted relief as a matter of executive clemency. I had hoped that might be true in these cases.

Let me say again to the people of Oregon who have been very much concerned as to why we in Congress have not been disposing of these two cases, that I have done my best to exhaust every possible avenue for obtaining executive elemency in regard to these two cases. I have said and I have thought that it would be better to have these two cases handled by way of executive clemency, rather than by legislation. But time is running out. I now make this final attempt at this session of Congress to right the great wrong that has been done to these two human beings, by seeking in the closing days of this session of Congress to get my colleagues in Congress to pass these private bills. I hope and pray the Congress will do so.

FURTHER REMEDIES WILL BE PURSUED IF NECESSARY

Perhaps I should stop there, and should say no more until we find whether Congress will do it. Yet, Mr. President, I owe it to my constituency to make perfectly clear, tonight, that if Congress fails in the closing days of this session to do justice in connection with these two shocking cases of injustice, I have no intention of quitting in my fight to have justice done.

So I bespeak a word to the President of the United States at this moment in my speech. The President of the United States has executive responsibilities. Under the Constitution, the President of the United States has the power of executive clemency, too. I do not think the President of the United States should have to be bothered with two cases of injustice to two individuals, as in this case, but I think the Congress should correct that injustice for him. But under our constitutional system, however, there is no President who does not have an obligation to see to it that justice is done when justice can appropriately be accomplished by the exercise of his power of executive clemency.

I believe any President, knowing the facts about these cases—and I shall bring them out—should do justice. If I fail through legislative channels, I intend to give my President an opportunity to do justice in these cases between now and the next session of Congress.

If I should fail then—God forbid—to obtain justice through executive clemency, I shall be back at this desk next January—the people of my State willing—reintroducing not only these bills, but introducing a series of bills, amending the Immigration Act, which will prevent in the future, immigration administrative officers from having the discretionary power to inflict such terrible human damage to fellow human beings.

In the Latva case—previously referred to—after national publicity, the proceedings were arrested by executive decision. In the War Bride case—previously cited—the Attorney General, after 3½ years reversed his order and permitted the woman to enter the United States.

Both Mackie and MacKay have sought executive clemency and have been refused, as will more fully appear in my brief outline of the facts of these two cases.

HISTORY OF MACKIE

It is against this background of substantive and procedural law, this lowering threshold of justice for aliens, that these two individual deportations can be viewed in perspective.

William Mackie was born in Finland in 1908. There is some doubt as to whether his parents were both American citizens, but they had previously become the parents of two children with whom they returned to Finland for a short visit. While there, it is reported by one newspaper that Mackie's mother became ill, delaying her return to the United States until Mackie was born and for 10 months thereafter. It is probable that she was pregnant before she left the United States.

The father of Mackie is now 82 years old and lives in Portland, Oreg. He is, for the most part, dependent upon his son for support in the latter years of his life. I have talked to this grand old man. He is a naturalized citizen; a patriotic, fine citizen. He has borne the heartaches of this family trouble for years. Yet he holds no condemnation for the acts of the son who involved him in his difficulties, but, being a father, also understands human frailties. This grand old man is a tailor. Some 2 or more years ago I went into a men's shop in Portland to buy a suit. I did not even know that Mr. Mackie worked there, but the proprietor brought him out of the tailor shop. I sat down and talked to this man. He could not work many hours a day each week, but he could work a little. His fingers, which at one time were so nimble, then showed the stiffness of old age. But as I talked to him about his sadness and about the case, I became more determined to do what I am doing tonight and what I have done the past couple of weeks as I have sought to have justice done in connection with this human tragedy.

What have we really gained by sending the son of this old man to Finland? How have we strengthened the security of the United States? I have more faith in the ability of the FBI and the other law-enforcement agencies of this country to believe it is necessary to deport a man who has lived all but 10 months of his life in the United States; who has never been heard to utter a syllable about violent overthrow of the U.S. Government and who became whatever he is as the result of the operation of American social forces upon his being.

What have we gained by deporting our troubles to Finland? It is doubtful that there could be any real gain in our collective security. Further, Mr. President, as will be seen before I finish, we have not gained goodwill and understanding in Finland. How much better it would have been to make clear to Mr. Mackie, if we had any suspicion as to his loyalty, "You will be kept under surveillance"—the Government has the right to do it—"and you will be required to report as to your comings and goings"—and we have the right to do that too.

But, instead, our immigration department decided to show the power of the United States against this uneducated, uninformed, and in some respects misguided house painter.

We have not advanced our tradition of justice by this act of power. We have not kept faith, in my judgment, with our church pews, for I do not see how one can reconcile this course of action with our religious faith.

I said that the mother of Mackie, now dead—she has been dead only a few years for Mackie supported for many years both his mother and father, for the most part—was probably pregnant before she left the United States. Mr. Mackie says she was, and he had expected to bring her back to the United States before the baby was born.

The only reason the baby was born in Finland was because the doctors advised that it would not be safe for the mother to take the trip by boat to the United States prior to the birth of the baby. But by the most perverse kind of an accident he was not. Had the baby been born in the United States the case would have been quite different, for then he would have been a citizen. Then he would have had some rights the immigration authorities could not have taken away from him.

The Mackie name in Finland had been Niukkanen and it is that name by which William Albert Mackie was carried in the immigration files. The "m" in his first name was erroneously dropped, so that it appears as "Willia Nieukkanen."

At the age of 10 months, Mackie was brought to the United States. He never saw Finland again for 54 years. He lived his entire life in the United States, did not speak Finnish, never revisited Finland to renew ties with relatives or make friends, and had no connection whatever with the Finnish nation. Mackie lived most of his life in Portland, Oreg. One of his brothers was a civilian construction worker at Wake Island at the time of the Japanese attack in 1941, and was presumed lost during that battle. Mackie, himself, served 1 year in the National Guard in 1928 and was called into military service in 1940. He was discharged by reasons of age, receiving an honorable discharge. In 1942, he was again considered for military service, but was not accepted at that time for medical reasons.

During the remainder of World War II, Mackie worked in the shipyards of Washington or Oregon, a place where he could certainly have caused much mischief if that had been his desire. In 1947 he became a house painter in Oregon, where he lived with his family including two sisters and his aged father, who is now 82. His record with the law includes two petty offenses, including stealing a chicken at The Dalles, Oreg., and possession of beer in the State of Idaho during prohibition.

The Eugene (Oreg.) Register-Guard of Thursday, January 19, 1961, reports that when Mackie was released from the Army he applied for his first citizenship papers, and on January 27, 1942, filed for his final papers. All the proceedings were complete except for his appearance before the Federal District Judge for questioning in naturalization but, for some unknown reason, he did not appear.

In 1952, the Immigration Service brought deportation proceedings against him on the grounds, that as an alien, he had participated in Communist activities during the years 1937, 1938, and

1939, and was deportable for that reason.

I ask Senators to follow the chronlogy. This action was brought in 1952. The Communist activities with which he was charged were supposed to have taken place in 1937, 1938, and 1939.

There is not the slightest evidence anywhere in the case that he engaged in any questionable conduct which could in the slightest degree be associated with communism from 1940 to 1952.

But under the law—its letter and strict interpretation, which the immigration authorities have followed—the case could be brought in 1952. They are not limited by any statute of limitations. But there should be one, Mr. President. I am going to introduce one. I am going to introduce it for the record before we adjourn in this session, and I shall reintroduce it next January.

As one who taught the history of the statute of limitations and the essentiality of such a statute for the doing of justice, I have never seen any reason why a statute of limitations should not apply to immigration cases. It is just as difficult in an immigration case to produce rebuttal evidence and rebuttal witnesses as it is in other cases in which the precious right of a statute of limitations is guaranteed the defendant. It is just as true in an immigration case as it is in any other case that the memories of witnesses become befogged, hazy, and confused. It is just as true in an immigration case as it is in any other case where the precious protection of a statute of limitation exists that witnesses, sorely needed for defense, die or move away and are lost so far as availability is concerned.

It is just as true in an immigration case as it is in any other case where this precious protection and guarantee of a statute of limitations prevails that the defendant himself suffers lapses of memory; he loses or misplaces evidence and documents. That factor is involved in these cases.

The procedure followed in immigration cases should not make us proud as defenders of justice. One of the proposed amendments to the Immigration Act that I shall offer at the next session of Congress will deal with the subject of the statute of limitations.

QUESTIONS AND ANSWERS ILLUSTRATE STATE OF MIND

At the hearing in 1952, the questions and answers as to Mackie's membership or affiliation with the Communist Party are illuminating. I shall read them. Senators will note when I reach the dissenting opinion of the U.S. Supreme Court that the four dissenting judges thought they were illuminating, too, for those four dissenting judges set them out verbatim in the dissenting opinion.

They found, as I believe any juror would find, that the questions put to Mackie by the immigration authorities, and the answers, clearly demonstrated that they were dealing with a man who should not have received the punishment which was inflicted upon him. They were dealing with an uninformed man. They were obviously dealing with a man who is not very intellectual. They were dealing with a man whose answers show he had never had much schooling. They were dealing with a man who obviously was no match for his inquisitors.

There is always danger of injustice when we do not have the check of the jury box. There is always danger of injustice when we do not have a law on the books that gives to the courts the right to review the evidence and pass judgment upon the evidence, but is so limited, as the Congress has limited the courts in reviewing immigration cases under the Immigration Act, that they can look and see only whether or not the immigration authorities have complied with the letter of the law.

I repeat that we can comply with the letter of the law and wreak the havoc of injustice upon human beings appearing before such a so-called alleged bar of justice.

I ask Senators to listen to the questions and answers at this administrative hearing. The questions were put to Mr. Mackie not by a judge but by an immigration administrative officer, who in these cases is both judge and prosecutor. Yes, he is also juror.

We talk about a government by law. Time and time again in the Senate this Senator has opposed proposed legislation on a great variety of subjects when such measures have contained procedures that would give to mere administrators the power of being judge, prosecutor, and jury all in one human being.

Senators will recall that a part of the fight I made against the Taft-Hartley bill and one of the reasons I voted against the Taft-Hartley bill was the broad, unchecked discretionary power it gave to administrative officers. It will be recalled that I fought the Landrum-Griffin bill in part because it also gave unchecked discretionary power to administrative officers. When we put that kind of power in a measure, we invite injustice.

The Congress invited the injustice that was done Mackie and MacKay, because the Congress did not even apply the Administrative Procedures Act to that part of the Immigration Act that gives to an immigration administrative officer the authority to be prosecutor, judge, and juror.

That is why I say there is additional reason for the Congress to pass these two bills. Their passage would help to right a wrong for which the Congress is in part responsible.

The immigration administrative officer said to Mackie:

> Question. In the Finnish Hall or anywhere else did you attend Communist Party meetings?
>
> Answer. Well, if I said yes and if I said no maybe I wouldn't be telling the truth, because I really couldn't tell one way or the other. I went to meetings there. Sometimes maybe they were Communist and maybe they wasn't. It could have been and maybe they wasn't.

There may be a variety of reactions to that testimony. There are those who might say that Mackie was evasive. There are those who might read into his answer that he was seeking to cover up. But I think the truth is that he was merely an uninformed, ignorant, frightened man. He was no match for his inquisitors. As I proceed with the testimony, Senators and those in my State by the hundreds who share the point of view that I now express and who have taken such an interest in the case will see that Mackie undoubtedly did not have the slightest conception of the nature of the meetings he attended. If one sought to give him an examination as to what communism was, Mackie could not have told. But do not forget that these meetings which he was charged with attending were held in the depths of the depression, and in my State it was a deep one. Mackie had been told that at these meetings they were going to discuss jobs, relief, and employment. The meetings were seeking to do something for the thousands of people who were suffering great pangs of agony and deprivation in the depths of the depression.

The next question put to him by the immigration administrative officer was:

> Question. Have you ever been a member of the Communist Party of the United States or any branch or affiliate organization by that name or any similar name?
>
> Answer. Knowingly I haven't, no.

There is no doubt that the record in this case shows that this man has consistently denied that he was ever a Communist, and signed affidavits that he was never a Communist.

I am inclined to believe, as a lawyer and as I have examined the record, that he did not know what communism was. It is so easy for those of us with our background, with our education, with our familiarity with examination and cross-examination, to read into a case such as this a knowledge and an understanding that we possess, but it is far beyond the power of comprehension of the defendant concerned. If we do that in case after case, we do a grave injustice.

The next question was:

> Question. Do you believe that membership in the Communist Party is now a lawful political purpose?
>
> Answer. Naturally I don't. * * * Communism or socialism I don't care what party it is here or any place else, if it has anything to do with overthrowing the Government by force and by violence, I don't agree with it, no.
>
> Question. What was your impression of what the Communist Party was trying to do?
>
> Answer. Well the only thing I heard in those days was more relief and more work, and I never heard anything else; no violent overthrow of the Government or anything of that sort, but any place I went to meetings there was always more work and more food.

Those are his answers. Do they prove him to be a flaming Communist bent upon sabotage or espionage or stirring up America into revolution? It is said, "Mr. Senator, if that is the man's testimony, on what basis did they decide that he should be deported?"

Let us take a look at the testimony against him.

Two ex-Communist witnesses, two stool pigeons, appeared against Mackie. They stated that he had paid dues of 25 cents a month to the party and attended its meetings, and that he had once assisted in the circulation of a newspaper called the Labor New Dealer, which apparently was an organ of the party, or, perhaps of a front organization. However, the opinion of the Supreme Court notes that even these two witnesses stated that there was no discussion of ways or means to overthrow the Government at those meetings, but that only problems such as labor conditions, relief, and the like were discussed.

In other words, these two Government witnesses, allegedly ex-Communists, corroborated what Mackie said about the subject matters that were discussed at the meetings, and the Supreme Court took note of that. They discussed labor conditions, relief, and the like. That is what Mackie said was discussed. He wanted a job. He wanted to see what kind of economic relief he could get. When we consider his economic status, when we consider his ignorance, when we consider the fact that there is not a scintilla of evidence in the record which shows that he advocated the overthrow of the Government, one must have a little understanding of how people suffering the economic deprivations that he was suffering at the time could get hooked into such an association as that into which apparently he was hooked.

I do not believe there is any doubt that these meetings were meetings of Communist-front organizations. If we were to start deporting—which cannot be done under law—every person in this country who is sucked into some meeting or assembly of an organization that later turns out to be a Communist-front organization, we would deport a great many people. I ask the question, Would that be a service to our country?

The legal question, which was confided to the Department of Immigration, and later to the courts, was whether the test of "meaningful association" laid down in the case of *Rowoldt* v. *Perfetto* (355 U.S. 115 (1957)) had been met.

Mr. President, we cannot understand what happened in the Mackie-MacKay cases unless we understand this doctrine of Rowoldt versus Perfetto, for it was in that case that the U.S. Supreme Court laid down the doctrine of meaningful association, which means that it is necessary to find—applying this to Mackie—that he went to these meetings in meaningful association with communism, and it is necessary to find that in carrying out this meaningful association, he was aware that a Communist organization is a conspiracy to overthrow the Government by force.

I am at a complete loss to understand how the immigration authorities could reach the judgment, on the basis of this record, that Mackie ever engaged in such meaningful association.

KENNEDY-HUMPHREY-MORSE BILL OUTLAWS COMMUNISM

Some years ago in the Senate, I believe in 1954, the Senator from Massachusetts, John Fitzgerald Kennedy, the Senator from Minnesota [Mr. HUMPHREY], and the senior Senator from Oregon coauthored—we did not cosponsor—we coauthored and wrote a bill which is now the law of the United States, outlawing the Communist Party. It was the Kennedy-Humphrey-Morse bill that passed the Senate and the Congress that makes the Communist Party illegal in the United States.

As I discuss the Mackie and MacKay cases, I would take the Senate back to the speeches of the senior Senator from Oregon as we fought for the passage of that bill by the Senate in connection with the procedural guarantees which we wrote into that bill, for there were those who were not particularly desirous of having procedural guarantees in connection with any bill involving communism.

We were on the crest of a wave of hysteria. But Kennedy, HUMPHREY, and the senior Senator from Oregon took the position on the floor of the Senate that reason should prevail. We stated our recognition of the fact that there was a serious Communist threat in the country. Do not forget, Mr. President, that that great debate took place at the height of McCarthyism. Under McCarthyism, procedural guarantees were out the window. Too few were willing to take the whiplashes of McCarthyism in those days, on the floor of the Senate. But we included in the Kennedy-Humphrey-Morse bill, which outlawed the Communist Party in the United States, the procedural protection that one charged with being a member of the Communist Party, and thereby a member of a conspiracy to overthrow the country by force, was entitled to trial by indictment, was entitled to trial by a jury, was entitled to be convicted in accordance with all the procedural guarantees which free men and women have the precious right to enjoy in this Government of law, in contrast to a totalitarian government by men.

Reason prevailed, and the bill passed. But those procedures are not in the Immigration Act. Had those procedures been in the Immigration Act, Mackie would not be in Finland tonight. Can such a double standard of justice be justified? Can we justify not requiring in a trial on the issue as to whether an individual is a member of the Communist Party, and therefore guilty of the criminal conspiracy established by the Kennedy-Humphrey-Morse bill, protection by procedural guarantees based upon the precious presumption that men are presumed to be innocent until proved guilty? It is to guarantee the protection of that presumption that we have such procedural rights as exist throughout criminal law.

Can we justify those precious rights of procedural protection on the issue as to whether or not you, Mr. President, or anyone else—and it may be anyone tomorrow—is charged by indictment with being a Communist, but deny the same procedural protection to one who by circumstances and biological events was born in Finland, and 10 months later, a babe in arms, was brought to the United States and reared here and made whatever he is by the forces of American society acting and reacting upon him? That is what is involved. In effect, in the dynamics of the jurisprudence alluded to by the four dissenting Justices of the Supreme Court of the United States, there is a dramatic recognition.

I plead that the injustice be corrected. I plead that we move, first, on these two specific cases; and then next January enact legislation which will prevent a repetition in any future case; for, given the kind of procedure I am arguing for tonight, basic in our whole conception of American justice, the Mackie and MacKay cases cannot happen. Deny the procedural protections, and the door is wide open to such flagrant manifestations of government by men instead of by law.

Abstraction? But it happens that abstract principles of government and justice, put into effect, determine whether or not we remain freemen. The senior Senator from Oregon is greatly concerned about the movement which he sees developing in the threats which are emerging, limiting more and more and excluding more and more in any legislation passed by Congress checks to prevent the arbitrary exercise of discretion such as prevailed in the Mackie and MacKay cases.

Mr. President, on April 18, 1960, the Supreme Court of the United States, by a vote of 5 to 4, held:

> We cannot say that his—

The district judge's—

> findings, affirmed by the court of appeals, were clearly erroneous and do not support the conclusion of both the lower courts.

That finding on the part of the majority was related to the doctrine of Rowoldt against Perfecto, for the immigration authorities made a finding that there was meaningful association on the part of Mackie, with the objectives of communism, a major objective being the overthrow of our Government by force. That was their finding. The Immigration Act of Congress gave them the authority to make that finding under the exercise of discretion vested in them.

So all that was left to the Court was to determine whether or not that finding by the immigration authority was an abuse of discretion. If we take that narrow, strict, literal interpretation, there is no quarrel with the decision so far as its legalisms are concerned. But let us consider the other school of jurisprudence, which unfortunately was not applied by the majority.

The dissenting opinion written by Mr. Justice Douglas, in which the Chief Justice, Mr. Justice Black, and Mr. Justice Brennan concurred, ended with the following words:

> Apart from that, the evidence would be far too meager to establish the "meaningful association" which we required in the Rowoldt case.
>
> * * * * *
>
> A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of any sinister implication.

Mr. President, now I turn to the decision of the U.S. Supreme Court on April 18, 1960. First, I point out that it is a per curiam decision. The majority said:

> The petitioner sought relief from an order directing his deportation on the ground that as an alien he had become, after entering the United States, a member of the Communist Party within the meaning of the act of October 16, 1918, as amended by section 22 of the Internal Security Act of 1950 (64 Stat. 987, 1006). The district court,

> after hearing, denied the petition (148 F. Supp. 106) and the court of appeals affirmed (241 F. 2d 938). Invoking *Rowoldt* v. *Perfetto,* 355 U.S. 115, decided after the order for his deportation, petitioner sought an administrative reconsideration of his status. Upon its denial by the Board of Immigration Appeals he began the judicial proceeding immediately before us for review. After a hearing, the district court again denied his petition for relief and the court of appeals affirmed the order of the district court (265 F. 2d 825). The ultimate question is whether petitioner is subject to deportation under *Galvan* v. *Press,* 347 U.S. 522, or is saved from it under *Rowoldt* v. *Perfetto, supra.* The determination of this issue turns on evaluation of the testimony before the district court, in light of *Galvan* v. *Press, supra,* and *Rowoldt* v. *Perfetto, supra.* Such assessment largely depends on the credibility of the testimony on which the district judge based his judgment, particularly that of the petitioner himself whom the judge saw and heard. An able judge found that petitioner in denying membership in the Communist Party, unlike Rowoldt who admitted membership (see 355 U.S., at 116–117) but accounted for its innocence, "perjured himself before, and I believe perjured himself today." We cannot say that his findings, affirmed by the court of appeals, were clearly erroneous and do not support the conclusion of both the lower courts.
>
> Judgment affirmed.

But, Mr. President, no jury found him to be a Communist. The district judge believed the two ex-Communist witnesses of the immigration authorities. The district judge concluded that Mackie perjured himself. But read Mackie's statements. In my judgment, they are the statements of an ignorant, uninformed, undoubtedly frightened man. He said he was not a Communist. He said he did not believe in the overthrow of the Government by force. He said the meetings he attended—he did not deny he attended them, and that is not the course of action of a liar—dealt with relief, unemployment, and jobs. Yet the decision was sustained by a vote of 5 to 4 on so scanty a record.

APPRAISAL OF SUPREME COURT ACTION

I leave it to any juror to decide who had the better of the argument in the U.S. Supreme Court, as I read now the brief dissenting opinion of the four dissenting Justices, written by Mr. Justice Douglas, and concurred in by the Chief Justice, Mr. Justice Black, and Mr. Justice Brennan:

> Petitioner was born in Finland in 1908; and came here when he was less than a year old and has resided here ever since. He is married to a native-born citizen; he served honorably in our Army; and he has no criminal record of any kind except for a petty offense, back in 1930.
>
> The evidence against petitioner was given by two witnesses who had once been Communists, one of whom petitioner swore he never knew. They testified that petitioner was a member of the Communist Party from 1937 to 1939 in Portland, Oreg. One of them testified that petitioner had assisted in the circulation of a paper, Labor New Dealer, which apparently was an organ of the party. There was evidence he paid dues to the party of 25 cents a month and that he attended both open and closed meetings of the party. But even these two ex-Communists who appeared against petitioner said that there was no discussion of ways and means to overthrow the Government at those meetings, that only problems such as labor conditions, relief, and the like were discussed. One also swore that petitioner never advocated the overthrow of the Government. Petitioner's interest in the party, according to one of these hostile witnesses, was as a result of "the sufferings of the people in the depression"; and he was "very sympathetic toward their welfare." This witness agreed that petitioner was not an intellectual interested in theory or political discussion. His interests were "in bread-and-butter topics of the day, what to do for unemployment and relief." Nor had petitioner ever taught the Communist doctrine nor distributed its literature, except for the Labor New Dealer.
>
> These two ex-Communists testified that petitioner attended dances that the party arranged in Portland. But they said he never held an office in the party; nor was ever employed by the party; nor was ever a functionary in the sense of representing the party. He attended a regional meeting at Aberdeen, Wash., where various speakers, according to one ex-Communist, gave glowing accounts of their work for the party, more or less fabricating their achievements.
>
> We know from petitioner's lips that he was not acquainted with the conventional Communist literature; and nothing came from the lips of his accusers that denied it. One who reads the whole of this record cannot put it down without feeling that here is a man neither conspiratorial, dangerous, cunning, nor knowledgeable. Petitioner—a painter by trade—represents a microscopic element in the ranks of our labor force who was caught up in a movement whose ideology he did not understand and whose leaders spoke in terms of bread for the hungry, and jobs for the unemployed. He has recently earned about $4,000 a year; he bought a home for $3,100 (which is now worth from $6,000 to $6,500 subject to a $2,500 mortgage); and he has personal property, including a car, worth $2,000.
>
> This is the background against which the following testimony can be best understood.
>
> "Question. In the Finnish Hall or anywhere else did you attend Communist Party meetings?
>
> "Answer. Well, if I said yes and if I said no maybe I wouldn't be telling the truth, because I really couldn't tell one way or the other. I went to meetings there. Sometimes maybe they were Communist, and maybe they wasn't. It could have been and maybe they wasn't.
>
> * * * * *
>
> "Question. Have you been a member of the Communist Party of the United States or any branch or affiliate or organization by that name or any similar name?
>
> "Answer. Knowingly, I haven't, no.
>
> * * * * *
>
> "Question. Do you believe that membership in the Communist Party now is a lawful political purpose?
>
> "Answer. No. I can't answer questions about that because I don't know. If Congress says it is unlawful, it is unlawful. If it isn't it isn't. I don't know. If I got the question right, I don't know.
>
> "Question. I am not trying to confuse you, * * * I am trying to find out your feelings toward communism.
>
> "Answer. Naturally I don't—communism or socialism, I don't care what party it is here or anyplace else, if it has anything to do with overthrowing the Government by force and violence I don't agree with it, no.
>
> * * * * *
>
> "Question. What was your impression of what the Communist Party was trying to do?
>
> "Answer. Well, the only thing I heard in those days was more relief and more work, and I never heard anything else; no violent overthrow of the Government, or anything of that sort, but anyplace I went to meetings was always more work and more food.
>
> "Question. As far as you know, that was what the Communist Party stood for during that period?
>
> "Answer. I don't know if they stood for that, but I never heard anything against it."
>
> The case is on all fours with *Rowoldt* v. *Perfetto,* 355 U.S. 115. The "solidity of proof" (id., at 120) required for the severe consequences of the deportation of a man who came here when he was less than 1 year old, whose only memory of life is in this land, and who has lived here over 50 years has not been met. The "meaningful association" with the party which the *Rowoldt* case requires (id., at 120) simply has not been established here. In this case, as in *Rowoldt,* petitioner's association with the party was "wholly devoid of any 'political' implications" (id., at 120).
>
> The testimony of the two ex-Communists upon which petitioner is being banished has never been heard by a court. The only testimony taken by the District Court was that of the petitioner and his character witnesses. The district judge believed the witnesses against Niukkanen by virtue of having read the same record that is now before this Court. His impression of their credibility can be no more reliable than our own. Certainly then his conclusion that petitioner "perjured himself before, and * * * perjured himself today" does not preclude this Court's review of the evidence against him. Apart from that, the evidence would be far too meager to establish the "meaningful association" which we required in the *Rowoldt* case.
>
> The unanimity of all the finders of fact in the *Rowoldt* case (id., at 119) that Rowoldt was a "member" of the party and his refusal to answer when asked in the deportation proceedings whether he had ever been a member of the Community Party, did not stop us from declaring that "the record before us is all too insubstantial to support the order of deportation" (id., at 121). The unanimity of the finders of fact in the present case should likewise be no barrier to our entry of a just decree. A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of any sinister implication.

Mr. President, that dissenting opinion is unanswerable. The majority opinion in the U.S. Supreme Court case never came to grips with the operative facts in the case. The majority of the U.S. Supreme Court obviously never examined the evidence against or for the petitioner. They limited themselves, as their decision shows, to the strict, literal interpretation of the Immigration Act and whether or not the immigration authorities had the power to exercise the discretion they did exercise. But justice requires an analysis such as the dissenting opinion gave, because, do not forget, what the majority did was dismiss the case, in effect, on the ground of finding that a district court and a court of appeals had affirmed the finding of the immigration authorities.

Mr. President, adding nothing three times still adds up to nothing. The legal dynamics of the case called for a valued judgment on the facts shown by the evidence. I respectfully submit that judgment was never rendered by the district judge, by the court of appeals, or by the majority of the Supreme Court.

Here is an example of what happens when Congress lays down in a statute the procedures which were laid down in the Immigration Act. The doors are opened for the marching in of this kind of shocking injustice. The district judge had nothing before him that the Supreme Court did not have.

I emphasize the point that the dissenting judges stressed the fact that there was no examination of the witnesses by the district judge. The district judge had to take the record—the same record the Supreme Court had and the same record we have. These four dissenting judges reached an opposite value judgment from the district judge.

Senators might say, "What about the other five?" The other five did not go into the substantive subject matter. The other five judges of the Supreme Court passed no value judgment upon the testimony. They were passing judgment on the strict, narrow, legal technicality, in effect, as to whether the actions taken by the Immigration officer was within his power and his area of discretion under the statute.

But I ask Senators to listen to what the dissenting judges said:

> The only testimony taken by the district court was that of the petitioner and his character witnesses. The district judge believed the witnesses against Niukkanen by virtue of having read the same record that is now before this court. His impression of their credibility can be no more reliable than our own.

The court said, most respectfully and tactfully, "We have the same record the district judge had, and we have reached the opposite conclusion."

The majority did not say, "We have the same record that the district judge had, and we have reached the same conclusion." What the majority passed judgment on was whether or not procedurally the administrative officer of the immigration authority had acted within his jurisdiction and power. And there was no showing of arbitrary or capricious abuse.

But the dissenters came to grips with the dynamics involved in the case. The dissenters went on to say:

> Certainly then his conclusion—

Meaning the conclusion of the District judge—

> his conclusion that petitioner "perjured himself before, and * * * perjured himself today" does not preclude this Court's review of the evidence against him.

Those four dissenting judges reviewed the case. They came to the opposite conclusion from that reached by the District judge.

Let me tell Senators who I think should prevail. It is not the District judge.

Let me make perfectly clear that it is no "out" to say, "But five judges went the other way." They did not touch this issue. They did not go the other way, because they did not take this issue into account in the majority opinion.

The dissenters said:

> Apart from that, the evidence would be far too meager to establish the "meaningful association" which we required in the Rowoldt case.

Merely because a district judge found it was not too meager, and a court of appeals found it was not too meager, because of their understanding of the case, does not justify substituting their findings for a finding by the court itself.

RECORD DOES NOT SHOW "MEANINGFUL ASSOCIATION"

I leave it to Senators to decide how anyone in a jury box, on the basis of Mackie's testimony, could find a "meaningful association" on his part with the Communist Party, find an advocating on his part of an agreement with the purpose of the Communist Party to overthrow the U.S. Government by force. Such a finding defies all reason. One cannot even read it into his language, let alone find it there in the first place.

The dissenting judges say:

> The unanimity of all the finders of fact in the Rowoldt case (id., at 119) that Rowoldt was a member of the party and his refusal to answer when asked in the deportation proceedings whether he had ever been a member of the Communist Party, did not stop us from declaring that "the record before us is all too insubstantial to support the order of deportation."

Rowoldt did not even answer the question as to whether or not he had ever been a member of the Communist Party. But, as the dissenting judges point out, even when he refused to answer the question as to whether he had ever been a member of the Communist Party, it "did not stop us from declaring that 'the record before us is all too insubstantial to support the order of deportation.' "

Mackie not only swore that he was not a member of the Communist Party and knowingly had never been a member of the Communist Party, but also that he was opposed to any policy advocating the overthrow of our Government by force. Still they found that he had a "meaningful association" with the Communist Party under the Rowoldt doctrine.

As a lawyer, I never like to disagree with a court decision, but all I can say is that this is a shocking miscarriage of American justice, no matter from what angle one approaches the problem. It is a shocking miscarriage of justice if one follows the decision of the district court and of the court of appeals and the majority of the U.S. Supreme Court, for they failed to point out in their decisions any evidence in the record against Mackie which shows a "meaningful association" with the Communist Party in keeping with the standards laid down in the Rowoldt case. The Rowoldt case is the controlling precedent.

Perhaps if Mackie had "taken the fifth amendment" he would have been better off. What an awful thought.

Perhaps if he had followed Rowoldt's policy of not answering questions he would have been better off.

But this was an ignorant, uninformed, confused witness, who answered the questions. He did not deny that he went to the meetings. But I will state what the Government, in effect, did. The Government put words in his mouth, in the sense that, with the admission that he went to the meetings, the Government then charged him with all the conspiracies, with all the designs, with all the Communist purposes of those in charge of the meetings.

As Mr. Justice Douglas said in the dissenting opinion, it is admitted by the Government's own two ex-Communist witnesses that Mackie never was a party functionary. He never held office. He was never part of the brass, so to speak, other than distributing the Communist paper. The evidence would seem to indicate that he had something to do with distributing the paper, although it would be interesting to know whether he knew what he was distributing. That was not proved. It would be interesting to know what he was paid for distributing the paper. It might have been a case, as so often was the case during the depression, in which a group of unemployed men were called in to distribute handbills, store sales announcements, and, in this case, a paper that was known as the Communist paper.

I am spending this amount of time on the question for the Record because I do not care from what angle we approach the legal record of this case. I think any juror would end up with the conclusion that Mackie was done an injustice.

There he is over in Finland tonight. He has no connections over there. But every hour he is there, his deportation casts a dark shadow over American justice. I am pleading to remove it. Passage of my bill would do so.

I conclude my comments in relation to the dissenting opinion of the four U.S. justices of the U.S. Supreme Court by saying that they came to grips with the facts of the case. They did not render their decision on a point of procedure. They did not render their decision on a legal technicality. They rendered their decision on the basic principles of justice that cried out for attention in the case.

There are more observations that could be made on the Mackie case. But, Mr. President, I shall insert them in the form of certain memorandums and exhibits at the close of my remarks. I shall not ask for unanimous consent at this time to do so, but before I finish I shall.

INSERTION OF LEGAL MEMORANDUM

But because I have had so much to say in my discussion of the Mackie case about the law as it presently exists in connection with the treatment of aliens in the United States, I ask unanimous consent to have printed at this point in the Record a memorandum of the law dealing with the treatment of aliens in the United States during the 20th century, which has, to paraphrase John Lord O'Brian, as the memorandum shows, been a great departure from American historical standards of justice, and which finding has been set out in a brilliant scholarly article entitled "New Encroachments on Individual Freedom," 66 Harvard Law Review, 1962, including references set forth in the bibliography at the end of the memorandum.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum of Law on Treatment of Long-Term Resident Aliens

The treatment of aliens in the United States during the 20th century has, to paraphrase John Lord O'Brian, been a great departure from American historical standards of justice. (See O'Brian, "New Encroachments on Individual Freedom," 66 Harvard Law Review 1, 1952.)

It has been marked by the following developments. Prior to the Immigration Act of 1924 (43 Stat. 153, reenacted in scattered sections of the Immigration and Nationality Act of 1952, 66 Stat. 163), there was no regular method of accounting for the time and manner of entry of immigrants. The 1924 act created the requirement of a visa which entailed a uniform system of preexamination, a determination of whether the entrant was coming for temporary or permanent residence and other information such as the time and manner of entry.

The difficulty of proving time and entry during the first decade of this century lead Congress to eliminate the time limitations within which a conclusive presumption of erroneous admittance could be raised with respect to prostitutes and procurers. (Act of Mar. 26, 1910, providing for deportation of prostitutes, etc., without regard to time of entry.) This was done despite the fact that Mr. Justice Holmes' dissent in *Keller* v. *U.S.* (213 U.S. 138, at pp. 149–51, 1909) had indicated that the entire court felt the power to regulate immigration did not subsume unlimited power to regulate postentry conduct of resident aliens.

According to the interpretation of one commentator, the cases which first arose under the 1910 act did not present factual situations which tested the extent of congressional power over postentry conduct, but they could be interpreted as upholding unlimited power over resident aliens. (Hesse, "The Contitutional Status of the Lawfully Admitted Permanent Resident Alien: The pre-1917 Cases," 68 Yale Law Journal 1578, 1959.)

According to this commentator, Congress in the act of 1917, in reliance on this questionable interpretation of court action, undertook a regulation of postentry conduct unrelated to its power to exclude, although it did so on the basis of the theoretical necessity of a causal relationship between the postentry and the preentry characteristics or conditions. (C. Hesse, "The Inherent Limits of the Power to Expel," 69 Yale Law Journal 262, at 269, 1959.)

This interpretation is supported by Senate Report 352, 64th Congress, 1st session (1916) which reads as follows on page 14:

"(The purpose of the change) is to make perfectly clear the intent to continue to practice is established when the act of 1907 was passed of expelling from the United States every alien who, after having secured admission in one way or the other, was found here within the limitation fixed and was found to have been at the time of his entry a member of any one of the list of classes enumerated in section two."

Then, according to Hesse, when the Supreme Court was finally presented with a case the facts of which could legitimately have tested the inherent limits of Congress power to expel, the theory of plenary congressional power in this area was generally conceded although the Court had never considered the problem of banishment under its merits.

Landmark cases involved *Ng. Fung Ho* v. *White* (259 U.S. 276, 1922) and *Costanzo* v. *Tilinghast* (287 U.S. 341, 1932).

Ng. Fung Ho actually dealt with illegal entrance of Chinese under the Chinese Exclusion Act and concerned a procedural issue (the administrative procedures of the 1917 act). However, Brandeis' opinion contained unnecessarily broad language as follows: "Congress has the power to order at any time the deportation of aliens whose presence in the country it deems hurtful; and it may do so by appropriate executive proceedings." Further, since the aliens involved have been residents less than 5 years, no substantive questions could have been raised.

Costanzo had entered the country as an infant in 1905 and was arrested for deportation as a manager of a house of prostitution in 1926. Applied to him, the 1917 act involved both retrospective application and unreasonable presumption of excludability. "But during the 15 years between the passage of the 1917 act and the arrival before the Court a genuine banishment case, the concept of an unlimited congressional power had become an accepted premise." (Hesse, "The Inherent Limits of the Power To Expel," 69 Yale Law Journal 262, at 268.)

With this power well accepted, the next step was legislation with the specific objective of banishment. In 1939, after *Kessler* v. *Streker* (307 U.S. 22, 1939) held that past membership in the Communist Party was not a valid ground for expulsion, persons seeking the deportation of Harry Bridges introduced a bill in the House providing that "notwithstanding any other provision of law" Bridges, "whose presence in this country the Congress deems hurtful," be expelled. (H.R. 9766, 76th Cong., 3d sess., 1940.) The Senate committee to which this was presented determined that the bill would constitute a bill of attainder.

In 1940, however, Congress enacted section 23 of the Alien Registration Act of 1940 (54 Stat. 670, 1940; presently part of the Immigration and Nationality Act of 1952, 8 U.S.C., secs. 1301–1306, 12–51). This provided, in general terms, that past membership in an organization advocating the overthrow of the Government by force and violence was an expellable act.

The Government still had the burden of establishing that the organization involved advocated the overthrow of the Government by force or violence. This requirement was eliminated for the Communist Party by the Internal Security Act of 1950. (64 Stat. 1006–1010, 1960; also presently part of the Immigration and Nationality Act of 1952, 8 U.S.C., secs. 101–1503, 1958.)

The Immigration and Nationality Act of 1952 (66 Stat. 204; 8 U.S.C., sec. 1251, 1958) gave very few new grounds for expulsion. However, it did extend the assertion of the power to banish long-term residents in certain respects. (See Hesse, "The Inherent Limits of the Power to Expel," 69 Yale Law Journal at page 271, particularly footnote 76.)

During the past decade, the judiciary has squarely upheld the banishment of long-term resident aliens. The decisive decisions are *Carson* v. *Landon* (342 U.S. 524, 1952), *Harisaides* v. *Shaughnessy* (342 U.S. 580, 1952), and *Galvan* v. *Press* (347 U.S. 522, 1954).

In the Carlson case, which deals with the validity of detention of Communists without bond pending an ultimate determination as to the right to expel, Mr. Justice Reed went on to state by way of dictum:

"The basis for the deportation of presently undesirable aliens resident in the United States is not questioned and requires no examination. When legally admitted, they have come at the Nation's invitation, as visitors of permanent residents * * * so long, however, as aliens fail to obtain and maintain citizenship by naturalization, they remain subject to the plenary power of Congress to expel them under the sovereign right to determine what noncitizens shall be permitted to remain within our borders" (342 U.S. at 534, 1952).

Expulsion of Harisaides was sought under the Alien Registration Act of 1940, making past membership in undesirable political organizations a ground for expulsion. Since the three men involved in that decision have entered the ages of 13, 13, and 16, respectively, the ex post facto clause was raised in their defense. The Court found it not to apply to deportation cases.

A second issue raised was that of substantive due process as a consequence of lengthy residence and family ties. Mr. Justice Jackson confounded the issue by prefacing his analysis with the following language:

"Their basic intention is that admission for permanent residence confers a 'vested right' on the alien, equal to that of a citizen, to remain within the country, and that the alien is entitled to constitutional protection in that manner to the same extent as a citizen" (342 U.S. 580 at 584–85).

Jackson avoided consideration of a third, intermediate status, analogous to "denizen" at common law and introduced the theory that the alien retains a claim upon the state of citizenship for diplomatic intervention in his behalf, which seems to be quite speculative. The ex post facto argument was disposed of on the grounds that the legislation of the 1920's (aimed at present Communist Party membership) stood as "a standing admonition to aliens, on pain of deportation, not to become members of any organization that advocates overthrow of the U.S. Government by force or violence, a category repeatedly held to include the Communist Party."

Galvin v. *Press*, in 1954, dealt with the validity of the Internal Security Act of 1950 pursuant to which it was proposed to deport Galvin without giving him an opportunity to prove that he had not been aware of the party's principles.

The opinion of Justice Frankfurter, in pertinent part, is as follows:

"In the light of expansion of the concept substantive due process as a limitation upon all powers of Congress, even the war power, * * * much could be said for the view, were we running on a clean slate, that the due process clause qualifies the scope of political discretion heretofore recognized as belonging to Congress in regulating the entry and deportation of aliens. And since the intrinsic consequences of deportation are so close to punishment for crime, it might fairly be said also that ex post facto clause, even though applicable through punitive legislation, should be applied to deportation."

It is the thesis of Hesse, that Frankfurter, as had Jackson and Reed before him, appealed to an erroneous interpretation of precedent, stating:

"But the slate is not clean. As to the extent of the Congress under review, there is nearly 'a page of history' * * * but a whole volume. Policies pertaining to the entry of aliens and their right to remain here are peculiarly concerned with the political conduct of Government * * * the formulation of these policies is entrusted exclusively to Congress. The policy has become about as firmly embedded in the legislative and judicial tissues of our body politic as any aspect of our Government. And whatever might have been said at an earlier date for applying the ex post facto clause, it has been the unbroken rule of this Court that it has no application to deportation.

"We are not prepared to deem ourselves wiser or more sensitive to human rights than our predecessors" (347 U.S. at 530–32).

Thus, although the inhumanity of banishment has been recognized in many Supreme Court cases, these cases have been upheld relying heavily on precedent, which at least one rigorous analysis has shown to be misconceived.

A further legal analysis, the thesis of which is that deportation is a punishment, can be found in an article by Victor S. Navasky, entitled "Deportation as Punishment," 27 University of Kansas City Law Review 213.

Another cogent legal analysis, concluding that deportation is a denial of due process can be found in an article by Stimson Bullit, "Deportation as a Denial of Substantive Due Process," 28 Washington Law Review 205 (1953).

A bibliography on deportation, compiled by the Library of Congress, follows:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., July 10, 1962.

To: Hon. WAYNE MORSE (attention of Mr. Spira).
From: American Law Division.
Subject: Bibliography on deportation as a political act, and historical aspects of deportation.

This will refer to your inquiry of July 6, 1962, requesting citations to law review articles on the above subjects. The bibliography furnished here is selective, but lists virtually all the articles on deportation as a political act; as to historical aspects of deportation, the list is selective. In both cases our search went back to 1908.

A. DEPORTATION AS A POLITICAL ACT

"Deportation as Punishment," Victor S. Navasky. University of Kansas City Law Review. Summer 1959 (also contains some historical background).

"Loyalty-Security Program—Its Effect in Immigration and Deportation," B. L. Friedman. Lawyers Guild Review. Winter 1955.

"Deportation as a Denial of Substantive Due Process." Washington Law Review. August 1953 (also has good historical background).

"Political Deportations in the United States: A Study in the Enforcement Procedures." Lawyers Guild Review. Fall 1954.

"Right of Asylum in the United States." Columbia Law Review. May 1947.

"The Bridges Case in the Circuit Court of Appeals." Lawyers Guild Review. June–July 1944.

"Bridges Case—The End And After." Lawyers Guild Review. January–February 1946.

"The Bridges Deportation Bill." Lawyers Guild Review. October 1940.

"The Bridges Deportation Bill," J. Hafner. Oregon Law Review. December 1942.

"The Concentration Camp Bill Refurbished." International Juridical Association Bulletin. May 1941 (beginning with February 1943, published with Lawyers Guild Review).

"The Hobbs Concentration Camp Bill; A Long Step in the Wrong Direction." Lawyers Guild Review. August 1941.

"In Re Harry Bridges." Yale Law Journal. December 1942.

"Second Bridges Hearing." International Juridical Association Bulletin. March 1942.

"The Bridges Cases." International Juridical Association Bulletin. February 1940.

"Dean Landis Reports in Bridges Case." American Bar Association Journal. February 1940.

"The Hobbs Bill and the Constitution." National Lawyers Guild Quarterly. April 1940.

B. HISTORICAL ASPECTS OF DEPORTATION

"The Constitutional Status of the Lawfully Admitted Permanent Resident Alien: the pre-1917 Cases." Siegfried Hesse, 68 Yale Law Journal 1578 (1959).

In two parts: the second part (69 Yale Law Journal 262) discusses the inherent limits of the right to expel. This article in two parts furnishes an excellent and extensive historical background of deportation; it is also useful for deportation as a "political act."

"The Immigration and Nationality Act of 1952—our new alien and sedition law." Jack Wasserman. Temple Law Quarterly. Summer 1953 (an excellent and concise summary of the historical background of the immigration and nationality laws, including deportation; covers also the Alien Registration Act of 1940 and the Internal Security Act of 1950—see especially pp. 83–86).

"Immigration—exclusion and deportation, proceedings, and review, under the McCarran-Walter Act of 1952." Boston University Law Review. Spring 1961.

"Immigration and naturalization service." C. Gordon. Chicago Bar Record. October 1960 (brief historical background of deportation at pp. 15–18).

"Immigration: a symposium." Law and Contemporary Problems. Spring 1956 (deals with, among other topics, American immigration policy in historical perspective, some political aspects of immigration, the philosophy of our immigration laws, and some defects in the administration of these laws).

HUGH C. KEENAN,
Legislative Attorney.

Mr. MORSE. Mr. President, I wish to express my very deep and sincere thanks to those in the Library of Congress who cooperated with me in the preparation of this research study, which includes not only the findings of their research, but many of my own as well. If Senators will read the memorandum they will also come to the conclusion that I reached upon my first analysis of these cases and I think some might even want to join me in taking up the cudgels in behalf of the protection of justice in relation to those two cases.

I gave my assurance to some very responsible civic leaders in my State that I would do what I could to help them obtain justice for both Mackie and MacKay.

I close my discussion about the Mackie case and turn now to the MacKay case. But in closing my discussion of it, I plead with the members of the Committee on the Judiciary, who will have the case before them tomorrow, and with other Senators, that they should never forget that one of the tests of government by law is whether or not the Government will take the steps necessary to right injustices that have been done individuals. If the Judiciary Committee of the Senate will be true to the obligation that rests upon us as Members of the Congress, I should think my two private bills for Mackie and MacKay would be passed by both Houses before the week is over.

To complete the record, I now turn to the history of the MacKay case. It is not as dramatic. It is not as complicated as the Mackie case, but it is also a case that represents a wrong that should be righted and an injustice that should be corrected.

HISTORY OF MACKAY

In brief, the facts as to MacKay are these: He was born near Calgary, Canada, in 1905. His father, James MacKay, was a native of Scotland who became an American citizen by naturalization. His mother was a native-born American. The family moved to Canada in 1903, and James MacKay became a Canadian citizen in 1905, the year Hamish was born.

In 1924, the family moved to the United States, and then after a brief return to Canada, became a resident of Portland, Oreg., in the 1930's, after having lived in Illinois, where he served in the National Guard, and in North Dakota. They then moved to North Dakota, the State of the Presiding Officer of the Senate, the Senator from North Dakota [Mr. BURDICK], whose stick-to-itiveness and understanding are very much appreciated tonight.

The Senator from North Dakota, the present Presiding Officer of the Senate, is also a lawyer. I am sure that he is well aware of the fact that when we are dealing with a complex legal subject such as the one before the Senate, and we really have only one opportunity to make the full record, if we are going to do justice to those whose rights we are trying to protect, we must necessarily make it a full record in order to avoid the possibility of some who may not share one's views seeking to rationalize a failure on their part to follow those views by saying, "You did not have such and such in the record."

I do not know of any pertinent fact or legal principle involved in these two cases that I am not getting into the record tonight. If I have missed anything, I must be charged with not preparing the case as fully as I think I have prepared it.

In 1949, the Immigration Service brought deportation proceedings against MacKay, alleging that he had been a member during the late 1930's of an organization that advises, advocates, or teaches the overthrow by force and violence of the U.S. Government, and that he was subject to deportation under the act of October 16, 1918 (40 Stat. 12) as amended. After the enactment of the Internal Security Act of 1950, proceedings were brought against MacKay under that act.

Over the years MacKay has followed a trade, raised a family, and participated in many community affairs in Portland. He is a carpenter; father of two sons, one of whom served for 2 years in the U.S. Army and received an honorable discharge. His other son was, in 1960, at Sunset High School in Portland where he was captain of the football team, and held elective office in the student body.

MacKay obtained a divorce from his first wife on the grounds of abandonment, and received custody of their two children.

I digress to point out that the court, in the divorce action, had every opportunity to pass judgment as to the parents. It had an opportunity to decide which of the two parents would receive custody of the minor children. As distinguished lawyers of this body know, in practice children almost always go to the mother, unless there is a very strong case that they should not. I only want to point out that the record shows that in this case the court assigned custody of the two minor children to the father.

Mr. MacKay then remarried. He and his present wife own a home and 3 acres of land near Portland, which together with furnishings is valued at $5,500. This property is rented for $30 a month at the present time. When the deportation action was brought, the chief witness of the Government against him was his former wife.

We lawyers would weigh very carefully evidence submitted by a former wife who abandoned the husband but to which husband the court granted a divorce because of the abandonment and awarded minor children to the husband.

There is no indication in the record of any criminal involvement whatsoever. However, in fairness, it must be stated that Mr. MacKay, on occasion, is subject to bad judgment. The report of the Immigration and Naturalization Service of March 15 of this year indicates that, in connection with interrogation under oath in connection with private bill S. 3587, the predecessor of S. 421, MacKay had declined on constitutional grounds to answer some of the questions put to him concerning his attendance at various meetings and various organizations and also declined to answer whether or not he had at one time been a subscriber to "People's World."

I think it was very bad judgment. I think he should have answered the questions.

Let us not forget that in the Rowolt case, however, Rowolt had not answered all the questions, and that that did not stop the Court from preventing his deportation.

I want to make it crystal clear for the record, as the Members of the Senate already appreciate, that my remarks in favor of S. 421 do not in any way condone the exercise of MacKay's bad judgment. It is my position that this country is big enough and strong enough and has a Federal Bureau of Investigation which is efficient enough that we do not have to worry about the presence of a 57-year-old carpenter who occasionally displays bad judgment.

On this point there is a sound legal precedent for overlooking this lapse. It is the opinion of Justice Douglas that "the unanimity of all the finders of fact in the Rowolt case—page 119—that Rowolt was a member of the party, and his refusal to answer questions when asked in the deportation proceedings whether he had ever been a member of the Communist Party, did not stop us from declaring that the record before us all is too insubstantial to support the order of deportation."

MacKay's deportation was sustained after numerous court actions, with the Supreme Court finally denying certiorari on November 14, 1960.

Rightly or wrongly, in Oregon many civic leaders, many very responsible people of my State, representing political organizations of both major parties, representing chambers of commerce, labor unions, and most of the other civic organizations, have the lurking suspicion that because MacKay refused to answer some of the questions put to him by the immigration authorities and the examiner, and exercised bad judgment, and gave the impression that he was somewhat defiant, received the ill will of the immigration authorities, the feeling that they went out to get him, and they got him. I think it is too bad that such a feeling exists. That is one of the dangers, when we have an Immigration Act on the books such as this, which does not provide for the necessary checks upon the exercise of discretion by the administrative officer.

It is not fair, in my judgment, to our public officials to put them in an administrative position by asking them to work under such a law.

When we have that kind of law, there is danger that we will arouse the kind of public prejudice that exists against agents in such cases as the MacKay case.

When this case was first presented to me, and I learned that MacKay had refused to answer those questions and had created the impression that he was somewhat defiant and uncooperative, I had to guard myself against forming an adverse opinion not only of MacKay, but also of the case. Yet as a lawyer, I knew I had the responsibility of excluding from my value judgment any personal attitude toward the individual involved and to confine myself to an analysis of the question as to whether or not the facts and the procedure followed in the case resulted in the injustice to MacKay which was alleged. So I studied the case. I conferred with many leaders in Oregon who were urging me to take action in the case by way of the introduction of a private bill.

After a careful study of the facts of the case, I introduced S. 3543 on May 13, 1960, to terminate the deportation proceedings against Mackie; and on May 24, 1960, I introduced a similar bill, S. 3587, in behalf of MacKay. Because those bills were introduced late in the session, the Committee on the Judiciary had no time to consider or act upon them.

Then, on October 25, 1960, I addressed a request for executive clemency to the Secretary of State, stating that—

> If these men are deported, their deportations are going to do us great harm in our foreign relations and will play right into the hands of those who stir up Communist propaganda. We cannot reconcile our sending them out of the country with our claim of fair and impartial justice for the individual in the United States. This is a matter that I would not bring to your attention if I did not think it is of serious importance.

On November 15, 1960, I received a letter from the Assistant Secretary of State denying the request for executive clemency on the grounds, first, that "the Board of Immigration Appeals denied the applications of Mackie and MacKay for a suspension of deportation proceedings on the grounds of 10 years good behavior."

The basis of the denial—and I ask that members of the committee note the effect of the presumption—is that there was "no evidence of a clear break from their former political ideologies."

Second, the State Department asserted "it is believed that the deportation of these two persons would have no significant impact on our foreign relations." On November 18, William Mackie and Hamish MacKay were deported from the United States, Mackie to Finland and MacKay to Canada.

CASES HAVE STIRRED INTEREST BOTH INSIDE AND OUTSIDE OF THE UNITED STATES

Mr. President, few cases of individuals involved with the Federal Government have aroused as much public notice, interest and protest in the State of Oregon, as the deportation of these two long time Portland residents. All over the State of Oregon, a terrific outcry went up. It was just not the radical fringe which always try to make America look bad, no matter what it does. Editors, lawyers, clergymen, union officials, chamber of commerce leaders, university people, including presidents, deans, and groups of professors; Republicans, Democrats, and parents groups have all stood up to be counted protesting this action.

My office was deluged with letters, telegrams and petitions opposing these deportations. To give the committee an idea of the magnitude of this grassroots protest, I had my office get out the adding machine before I prepared this speech, and I can inform the Senate that I have heard from about 3,409 persons individually and by way of petition in opposition to these deportations during the 87th Congress. At the end of 1960, there were communications from 116 more making a total of 3,525. Most of these are from Oregon, but letters have reached me from California, Texas, Michigan, Colorado, Maryland, Montana, New York, Virginia, Washington, and Canada. In contrast to the 3,525 who opposed this action, I received 37 letters in support of it.

Included among those who opposed these deportations were 119 members of the bar of the State of Oregon, reputable attorneys who were willing to sign special petitions in favor of Senate bills 420 and 421 for the return of these two aliens. I need not point out to this body that such an action on the part of an attorney is not taken lightly. Another petition was signed by 17 members of the Legislative Assembly of British Columbia.

The newspaper reaction in Oregon, was about as extensive and acid as I have ever seen it on any subject except, I might add good naturedly, when those Republican editors have dipped their pen in my blood. But aside from those political editorials, I do not believe I have ever read anything more acid than the editorials of Oregon newspapers in criticism of the handling of the Mackie and MacKay cases. Almost every Oregon newspaper made these deportations the subjects of lead stories on its front pages as well as in its editorials. I should like to read two brief excerpts from leading Oregon newspapers which are indicative of the substance and tone of this reaction. This excerpt is from the Oregonian editorial of November 19, 1960. It is entitled "The Law at Fault." The Oregonian, by the way, is the largest newspaper in my State.

> We do not weep for Mackie and MacKay, but these facts do not alter the certainty that the execution of the law in these cases will substantially damage the image of America in the eyes of the world.
>
> It suggests that the nation that leads the world is so fearful of its security that it must expel two insignificant men * * * it suggests that American liberty is not all it is cracked up to be, else why would we have laws in which the punishment appears so incongruous in relation to the events?
>
> It is, to paraphrase Mr. Bumbel, idiotic to bind ourselves with a law which in its execution makes our country appear so ridiculous, not only to observers abroad, but also to those Americans who cherish the spirit of liberty and tolerance that brought this Nation into being.

I refer also to an editorial entitled "Unjust Deportation," published in the Capitol Press, of Salem, Oreg., on November 25, 1960. In pertinent part, it reads as follows:

> The deportation from the United States of * * * Mackie, Portland house painter, and * * * MacKay, Portland carpenter,

both foreign born, will stand as an indictment against the United States until it is reversed.

The legal technicalities of this basically unfair and inhumane decision to uproot two men from their families and their life's work, under the legal pretext that they are dangerous to American society, will be lost upon the people of the world, as indeed they are lost upon a great many American citizens. The impression will be created, and correctly so, that the American Government, in this instance, at least, does not exist for the protection of the people, but for their persecution.

The former dean of the school of journalism of the University of Oregon—he was the dean until just recently; we have lost him to Colorado—has been one of the great scholars in the field of academic journalism in this country. The courageous position which Dean Duncan took in regard to these two cases is to his everlasting credit. I shall place in the RECORD by way of insertions some of his representations as set forth in correspondence. They are typical of the attitude that was taken in the academic world of my State. They are typical of the attitude among lawyers, businessmen, farm leaders, labor leaders, chamber of commerce, and newspaper editors.

Thus I shall refer to another newspaper which has spoken out against the two deportations—the Oregon Statesman. As I have said, its editor is Charles Sprague, a distinguished Oregonian and an outstanding citizen of Oregon, and a former Republican Governor of Oregon. He is one of the recognized leaders of the Republican Party in Oregon. He has raised his voice against these deportations; and on May 7 and on May 17, 1960, he took his pen in hand to protest the injustice of these two deportations. As a result of his efforts, a committee in support of Senate bill 420 was formed, and it accumulated 376 of the total petition signatures.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks tonight the full text of these editorials from the Oregonian, the Capitol Press, and the Oregon Statesman, as well as editorials from the Coos Bay World and the Astorian Budget, which are unanimous in their criticism of the deportations.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I wish to say that I mean no offense to the other editors of Oregon who have written editorials on this subject; but I feel that the editorials I have selected are quite representative, and I do not desire to burden the CONGRESSIONAL RECORD with more than this very fair sampling of the editorial reaction in Oregon. However, let me say to the Senate that I could multiply these editorials several times over if I were to put into the RECORD all the editorial protests against these two deportations.

Mr. President, the Oregon newspapers were not the only ones to report the deportations and to editorialize about them. I ask unanimous consent also to have printed in the RECORD at the conclusion of my remarks a news story from the New York Times of April 19, 1960, and an editorial from the New York Times of April 21, 1960, entitled "Deportation Cruelty," in regard to Mackie's case.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. But, Mr. President, what about the reaction abroad? It will be remembered that in my communication to the State Department, I said the deportation of these two aliens was not going to help America's image abroad, but would have an adverse effect on American foreign policy. I quoted from the reply of the State Department that it did not share my view that the deportations would have an adverse effect on our foreign policy. But, unfortunately, the State Department "shot from the hip," and did not speak from the mind; unfortunately, the State Department did not wait really to make its soundings as to what would be the effect on our foreign policy.

Mr. President, I wish to say that in Canada, in Finland, and in the other Scandinavian countries, as well as in other countries of Europe, there was a pronounced adverse reaction regarding these two examples of shocking injustice for which the U.S. Government will have to assume responsibility in the councils of the world.

REACTION IN SCANDINAVIA

Mr. President, if the the Senate will permit a personal reference, I can inform Senators, from my experience as a delegate to the United Nations in 1960, that the Scandinavian delegates at the United Nations session of that year were fully informed as to these cases, and many of them came forward to speak to me about them. They were very critical of the action taken by the United States in the Mackie case. Interestingly enough, they also linked the MacKay case with the Mackie case, as another example of United States injustice. The Finnish delegates were especially disturbed that the United States would act as it had done in the Mackie case. They referred to Mackie as a refugee from America.

In fact, they were particularly incensed that, if we were going to deport him at all, we did not deport him to the part of Europe in which he was born, for he was born in territory which then was a part of Finland, but now is a part of Soviet Russia. They said to me, "Why didn't you deport him to Russia? Why did you pass him off on us? You did not deport him to Russia because you could not, for you cannot send a deportee into Russia; Russia will not take deportees."

Earlier in my speech tonight I covered the Russian law. Russia has a law which prohibits the acceptance of deportees. Those Finnish delegates at the United Nations, who were very critical of the United States in their conversations with me, were also very appreciative of the information I gave them about the case and in regard to how it came about and in regard to the legal theory on which the action was taken. They said that if we were going to deport Mackie, we should have deported him to Russia, not to Finland; and they also said that if we could not deport him to the territory in which he was born—now a part of Russia—certainly he should not have been deported by our Government to Finland. I think there is considerable merit to their protest.

But the United States did deport Mackie to Finland, on the theory that Finland was the country of his birth, although the territory—then a part of Finland—in which he was born is no longer a part of Finland.

As to the newspaper comment in Finland, these cases also received front-page coverage, with pictures, in the daily newspapers of Helsinki, as reported in one excellent editorial published in the Oregonian on November 18, 1960, which I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MORSE. Mr. President, it is with a sense of sadness that I bring to the attention of the Senate and to the attention of the Senate Judiciary Committee and to the attention of the American people these excerpts.

Only today I talked to my charming and delightful colleague, the junior Senator from Oregon [Mrs. NEUBERGER], who has just returned from the Scandinavian countries. During her trip she paid a visit to Finland. She said, "I had a press interview in Helsinki, and one of the first questions I was asked was about the Mackie case; and they continued to examine me about the Mackie case." Of course my colleague can speak for herself on that subject; but there is no doubt that while she was in Finland, they made very clear to her that they are still very much disturbed about what the United States did in the Mackie case. We should bring him home. We should stop creating in Finland and in the other Scandinavian countries the shocking impression that we are even capable of doing such an injustice to a human life.

Mr. President, in a section of Oregon known as the Astoria area, one of the great fishing centers of my State, there is a large population of Norwegians, Swedes, and Finns. Ever since these shocking cases of injustice arose, I have never been able to go into that area without having the Mackie case and the MacKay case called to my attention. Let me say that they do not limit themselves to the Mackie case, just because he is a Finn. I cannot go into the Astoria area, with its heavy Scandinavian population, without having the Mackie case and the MacKay case made some of the major subjects of conversation with me by many, many persons there who talk to me, for all of us know the keen sense of justice of the Scandinavians.

We all know the value that the Scandinavian places upon justice and fair play, and we all know how deep is the feeling of the average Scandinavian if he thinks that justice and fairplay are not being done.

In the Scandinavian section of my State there is deep resentment over the Mackie-MacKay cases. We ought to correct that injustice. The course of action I am recommending to the Senate will correct the injustice. I hope Senators who have any doubt about the public attitude of my State concerning the cases will talk to my colleague [Mrs. NEUBERGER] and me, if they have any question about these cases, or if they have any question about whether or not the opposition to the Government's action in these cases represents a very deep and broad cross section of public opinion in my State.

I preface the introduction of these quotations by saying that neither of these two newspapers is a Communist or a Communist-line newspaper.

I base that value judgment on the fact that I have had it looked into very carefully by those who are qualified to give me the facts about these two newspapers in Finland.

It is my understanding that the first is an organ of the Social-Democrat Party, and the second is a paper representing the rightwing of the Finnish Social-Democratic Party, which is allied to Finland's conservatives of the Kokoomus Party, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. MORSE. Mr. President, a columnist in the Paivan Sanomat—the Daily Dispatch—had this to say on November 23, 1960:

> William Mackie * * * sits in the lobby of the Hotel Torni writing letters to send across the Atlantic. From there a great power, called the advance guard of the free world, rushed him here to a barren soil of the North, where he happened to be born sometime during the first decade of our century.
>
> After all he has sacrificed his labor power in building that great country and, during those years, fought—arms in hand—for its defense. His brother was killed in the war for America at Wake Island; his father is over 80 and sorely needs the support of his son, but none of these facts have helped William Mackie. He has been declared an undesirable citizen; he has been accused of communism; President Eisenhower rejected his appeal, and now he is here—a man without papers or chattels—a penniless refugee in a borrowed coat amid wintry frosts and blizzards.

That is a nice image of the United States—an image designed to win us friends and influence. It is shameful on the part of this great, powerful country, which has the largest and I think most effective law enforcement series of agencies in the world.

Why was it necessary to deport a man who, under oath, said he was not a Communist, a man who said he was against the doctrine of overthrowing the Government by force, a man who did not deny that he went to some meetings, which undoubtedly were Communist-front meetings, but a man who, on the basis of the record, in my judgment, no jury would find really was aware of what he was attending?

And so to protect America, although America made him what he is, we sent him to Finland.

If it were not such a human tragedy, it would really be a comic mockery of the American way of life. But it is not a true representation of the American way of life, and we ought to correct the false representation that it is.

If there are those who think it will be forgotten, if there are those who are playing for the passage of time, let me warn them that when celebrated cases, become fixed as images in the minds of people elsewhere in the world, they are not forgotten with the passage of time. This image was not forgotten when my junior colleague the other day walked into the hotel lobby at Helsinki to face a press conference. That image is not forgotten when one walks into the General Assembly of the United Nations. We will find that, as Americans go to Finland, this image will become crystallized more and more, year by year, until we square the Mackie case with our professings about protecting human rights and administering justice that does no wrong to the individual.

The editorial written in the Suomen Sosialideloskratti on November 21, 1960 seems to be very similar to the Republican editorials published in my State, protesting this case. It begins:

> Freedom in the great Western power behind the puddle (Atlantic Ocean) is esteemed so dear that it cannot be afforded to quite everybody. Some Finnish-born house painter might be a person of such insignificance that an exception must be taken in his case, so that others will understand the value of their freedom.

That is not a pleasant reference to American injustice.

Yet we deserve it, so long as we permit this injustice to Mackie to go uncorrected.

This is a sarcastic editorial, and is a needless editorial. I favor following a course of action in these cases which will produce editorials that will cheer America, rather than jeer at it.

I am attempting not to make an emotional argument but it is difficult to avoid emotion altogether, since it is the foundation of justice and religion and all that is worthwhile in human society.

I cannot reconcile the course of action in these two cases with Christian teachings. I daresay that the followers of other faiths would have equal difficulty in reconciling this action with the teachings of their religions also.

DEPORTATIONS ARE NOT JUSTICE

Neither can I square this action with any concept of fairness, justice or humanity. MacKay has lived almost his entire adult life in the United States, and Mackie has lived here all but 10 months of his entire life. Both have dependents, both worked and helped support the Government by paying taxes, both performed military service, both owned homes, raised children and were shaped and molded and influenced by conditions in this country. They did not have to be deported. If they were found to have committed offenses, they could be punished under our law. If they were found to have, out of human frailty, committed errors in judgment short of crime, they could have been appropriately dealt with, without banishing them from the only life that they ever knew and the only life that was meaningful to them.

As a nation, with these two actions remaining on the books, it is a little more difficult to come before the world to say that the lamp still burns beside the golden door.

To summarize, the cases of Mackie and MacKay are before the Senate as the court of last resort. Administrative remedies have long been exhausted. Judicial relief on the basis of the present state of the law has been denied; in the case of Mackie by a 5 to 4 decision of the Supreme Court.

I urge that we proceed now to make amends and to make it clear to the world that once the Congress of the United States is aware of such an example of inhumanity, we will seek to right a wrong. S. 420 and S. 421 would accomplish this purpose.

I shall commend these bills to the committee and commend them now to the Congress of the United States, and ask that they be given prompt, full, sympathetic and favorable consideration, before Congress adjourns on October 5 or thereabouts.

Mr. President, tonight the senior Senator from Oregon is not speaking to or for the record. The senior Senator from Oregon tonight is speaking to the Senate and through the Senate to the entire Congress, for action to rectify a great injustice, to correct a sordid proof to the world that sometimes in the United States our Government is guilty of inhumanity to man.

THERE IS TIME TO CORRECT INJUSTICE

I say to the Senate, to the Congress, and to the Judiciary Committee, "Do not tell me you do not have the time to correct this injustice before we adjourn some time next week or the week thereafter, for you do not have the time to continue the injustice. The hour is already too late for that. This is an injustice which never should have been committed in the first place. This is an injustice which should have been righted long ago. This is an injustice that you either will right now, before adjournment, or else you will continue to present to the world a sordid, ugly image of American justice."

Those of us who have dared to crusade in support of two wronged men are not going to be intimidated because of threats of political consequences, nor are we going to be willing to accept alibis in the Senate, in the House, or from the White House, seeking to rationalize a failure to correct this injustice. We speak so much and so frequently about the Mistress of Justice and how important it is that we keep American justice pure.

I plead with the elected representatives of the people, and I plead with the administrators of American justice to delay no longer in righting these two great wrongs.

My two private bills offer the instrumentality for the correction of these injustices. I make perfectly clear once more that I hold no brief for nor do I approve of the frailties and the conduct of the men concerned, but they will be no danger or threat to the security of America if they are brought back, for they can be placed under whatever security surveillance the facts can be shown to justify.

I ask unanimous consent that the adverse reports of the Immigration Service of March 15, 1962, and the prior Justice Department reports of June 15, 1960, on the MacKay and the Mackie cases be printed at this point in the RECORD. I also ask unanimous consent that certain other material be included. I refer particularly to the correspondence of Dean Duncan, and my correspondence with the Secretary of State in an effort to attain executive clemency.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

I. REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE ON WILLIAM ALBERT MACKIE

MARCH 15, 1962.

Hon. JAMES C. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 420) for the relief of Willia Niukkanen (also known as William Albert Mackie), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this service, which has custody of those files.

The bill would authorize and direct the Secretary of State notwithstanding any other provisions of law, upon a request being made by the beneficiary, to take such action, including the payment of all traveling expenses, as may be necessary to effect the immediate return of the beneficiary to the United States. It would also provide that, for the purposes of the Immigration and Nationality Act, the beneficiary shall, upon his return to the United States, have the same residence status as that which he had immediately prior to the commencement of deportation proceedings against him in 1952 and that he shall not again be subject to deportation proceedings by reason of the same facts upon which such deportation proceedings were commenced. The bill would not remove the beneficiary's inadmissibility to the United States as an alien who was deported from the United States and as an alien who was a member of the Communist Party of the United States.

Private bill S. 3543, 86th Congress, introduced in Mr. Niukkanen's behalf, was not enacted.

Sincerely,

R. F. FARRELL,
Commissioner.

MEMORANDUM OF INFORMATION WITH IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 420

Information concerning the case was obtained from the beneficiary's father, William Petter Mackie.

The beneficiary, who was born on November 24, 1908, is a native and citizen of Finland. Although the beneficiary's name is Willia Niukkanen, he uses and is known by the name of William Albert Mackie. The beneficiary attended public schools in the United States, completing high school in Portland, Oreg. He resides in Helsinki, Finland, where he is employed intermittently as a painter. His income is not known. From November 1960 until April 1961, the beneficiary's father contributed $490 to the support of the beneficiary, who is now supporting himself. The beneficiary's assets in Finland consist of his personal effects. Prior to his deportation, the beneficiary relinquished possession of a 1956 Pontiac automobile and a 1956 Ford truck to his father, who is keeping them stored, together with tools and other personal effects, in anticipation of the beneficiary's return to the United States.

Mr. Niukkanen was married on June 24, 1945. This was his only marriage and terminated in a divorce on September 25, 1957. He has no one dependent upon him for support. Mr. Niukkanen has two sisters, who are citizens of the United States and live in Portland. One sister lives with their 82-year-old-father, a legally resident alien of the United States.

The beneficiary enlisted in the Oregon National Guard in 1928, serving for a period of 1 year. In his application for enlistment he claimed birth in the United States. He was inducted into the Army on June 23, 1941, and transferred to the Enlisted Reserve Corps on September 21, 1941. He was recalled to active duty on February 16, 1942, found to be physically disqualified, and transferred to the Enlisted Reserve Corps on February 19, 1942. Mr. Niukkanen was honorably discharged on June 8, 1945, for the convenience of the Government by reason of being physically disqualified for active military service.

The beneficiary was admitted to the United States for permanent residence on September 5, 1909. He resided in the United States continuously until his deportation on November 18, 1960. In deportation proceedings commenced on September 12, 1952, Mr. Niukkanen was found deportable because of membership in the Communist Party from 1937 until 1939. All administrative remedies were exhausted. The deportation decision was sustained by the courts after numerous actions, reaching the Supreme Court on four occasions. That body last denied certiorari on November 14, 1960.

Mr. Niukkanen was arrested and convicted of the crime of petty larceny in The Dalles, Oreg., on July 18, 1929, receiving a sentence of 30 days. In addition, the beneficiary has had several citations for traffic violations. According to Portland Police Department records, the last was on May 27, 1960.

According to the beneficiary's father, Mr. Niukkanen was invited to join a union in Finland, but declined the invitation upon being informed that he must join the Communist Party before becoming a union member.

Private bill S. 3543, 86th Congress, introduced in the beneficiary's behalf prior to his deportation, was not enacted.

II. REPORT OF THE IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE, ON HAMISH SCOTT MACKAY

MARCH 15, 1962.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 421) for the relief of Hamish Scott MacKay, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would authorize and direct the Secretary of State, notwithstanding any other provision of law, upon a request being made by the beneficiary, to take such action, including the payment of all traveling expenses, as may be necessary to effect the immediate return of the beneficiary to the United States. It would also provide that, for the purposes of the Immigration and Nationality Act, the beneficiary shall, upon his return to the United States, have the same residence status as that which he had immediately prior to the commencement of deportation proceedings against him in 1949 and that he shall not again be subject to deportation proceedings by reason of the same facts upon which such deportation proceedings were commenced. The bill would not remove the beneficiary's inadmissibility to the United States as an alien who was deported from the United States and as an alien who was a member of the Communist Party of the United States.

Private bill S. 3587, 86th Congress, introduced in Mr. MacKay's behalf, was not enacted.

Sincerely,

R. F. FARRELL,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 421

Information concerning the case was obtained from Mrs. Anna Belle MacKay, the beneficiary's wife.

The beneficiary, Hamish Scott MacKay, a native and citizen of Canada, was born on June 10, 1905. He resides in Vancouver, Canada. Mr. MacKay attended public school to the third grade and has attended trade and vocational schools. He is a carpenter and his employment in Canada has been seasonal. He is presently unemployed. He contributed approximately $600 to the support of his wife and son during the past year. Mrs. MacKay netted $700 during the past year from commissions as a saleslady. The beneficiary and his wife own a home and 3 acres of land near Portland, Oreg., which together with furnishings is valued at $5,500. This property is rented for $30 a month. Their other assets total $200.

Mr. MacKay and his present wife, who was born in Douglas, Kans., on November 9, 1905, were married on September 2, 1949. This is the second marriage for each, both having been divorced previously. Mr. MacKay had two sons by his first marriage. Mrs. MacKay had six children by her first marriage. Mr. MacKay contributes to the support of his wife and 18-year-old son by his first marriage. This son is a student at Portland State College in Portland. Mrs. MacKay has indicated that she will go to Canada to live if the beneficiary is unable to return to the United States. The beneficiary's mother and a brother are naturalized U.S. citizens and reside in Portland, as does his 26-year-old married son. The beneficiary claims service in the Illinois National Guard for a period of 18 months commencing in 1929. He has no other military service.

Mr. MacKay has two periods of residence in the United States. First, from 1923 until 1927, and again as a permanent resident from November 24, 1928, until November 18, 1960. In deportation proceedings commenced on August 29, 1949, he was found deportable because of membership in the Communist Party from 1936 until 1941. All administrative remedies were exhausted. The deportation decision was sustained by the courts after numerous actions, reaching the Supreme Court on three occasions. That body last denied certiorari on November 14, 1960. The beneficiary applied for permission to reapply for admission into the United States as a permanent resident. His application was denied on January 13, 1961. In December 1961 he applied for permission to enter the United States as a nonimmigrant visitor. The application was returned as he failed to submit the required fee.

Private bill S. 3587, 86th Congress, introduced in the beneficiary's behalf prior to his deportation, was not enacted. The beneficiary, while being interrogated under oath in connection with this private bill, declined on constitutional grounds to answer some of the questions put to him concerning his attendance at various meetings of various organizations. He also declined to answer whether or not he was, or had been, a subscriber to the "People's World." Since his deportation to Canada several letters, over his signature, have appeared in that publication. One, on January 28, 1961, requested that the paper be sent to him in Vancouver. The most recent letter was published on December 9, 1961.

III. Report of the United States Department of Justice, Immigration and Naturalization Service, Washington, D.C.

June 15, 1960.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Senator: In response to your request for a report relative to the bill (S. 3587) for the relief of Hamish Scott MacKay, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would authorize and direct the Attorney General to cancel deportation proceedings against the beneficiary. It would also provide that the beneficiary shall not again be subject to deportation by reason of the same facts upon which current deportation proceedings were commenced.

Sincerely,

J. M. Swing,
Commissioner.

Memorandum of Information From Immigration and Naturalization Service Files Re Hamish Scott MacKay, Beneficiary of S. 3587

The beneficiary, a native and citizen of Canada, was born June 10, 1905. He is married and resides in Portland, Oreg. Mr. MacKay attended public school to the third grade and has attended trade and vocational schools. He is employed as a carpenter. His home and 3 acres of land, fully paid for, are valued at $7,000. His other assets, consisting of household furnishings, tools, equipment, and a small bank account total $2,500. Joint income for the beneficiary and his wife last year was $5,000, $600 of which his wife netted from commissions as a saleslady.

The beneficiary and his present wife, who was born in Douglas, Kans., November 9, 1905, were married in Vancouver, Wash., on September 2, 1949. This is the second marriage for each, both having been divorced previously. Mr. MacKay supports his wife and 17-year-old son by his first marriage. Beneficiary's mother and a brother are naturalized U.S. citizens and reside in Portland, Oreg., as does his 25-year-old married son. He claims service in the Illinois National Guard for a period of 18 months commencing in 1929. He has no other military service.

Mr. MacKay has resided in the United States continuously since he was admitted for permanent residence on November 24, 1928. The beneficiary has been found subject to deportation because of membership in the Communist Party from 1936 to 1941. These proceedings were commenced on August 29, 1949. All administrative remedies have been exhausted. The deportation decision has been sustained in the courts, reaching the Supreme Court twice. That body last denied certiorari on April 18, 1960.

The beneficiary, while being interrogated under oath in connection with this private bill, declined on constitutional grounds to answer some of the questions put to him concerning his attendance at meetings of various organizations. He also declined to answer whether or not he now or during the past 10 years subscribed to the "People's World."

IV. Report of the U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C.

June 15, 1960.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator: In response to your request for a report relative to the bill (S. 3543) for the relief of Willia Niukkanen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland Oreg., office of this Service, which has custody of those files.

The bill would authorize and direct the Attorney General to cancel deportation proceedings against the beneficiary. It would also provide that the beneficiary shall not again be subject to deportation proceedings by reason of the same facts upon which current deportation proceedings were commenced.

Sincerely,

J. M. Swing,
Commissioner.

Memorandum of Information From Immigration and Naturalization Service Files Re Willia Niukkanen, Beneficiary of S. 3543

The beneficiary, who was born November 24, 1908, is a native and citizen of Finland. Although beneficiary's name is Willia Niukkanen he uses and is known by the name of William Albert Mackie. He is divorced and resides alone in Portland, Oreg. He attended public schools in the United States, completing high school in Portland, Oreg. Mr. Nuikkanen is self-employed as a painter, earning $5,500 last year. He has assets of approximately $7,200, consisting of household furnishings, tools, a 1956 Pontiac automobile, and a 1958 Ford truck. He states his liabilities amount to approximately $2,700.

Mr. Niukkanen was married on June 24, 1945. This was his only marriage and terminated in a divorce on September 25, 1957. He has no one dependent upon him for support, but does contribute $1.50 per week to his stepson as an allowance. Mr. Niukkanen's sister, a U.S. citizen, and his father, 80 years of age, a legally resident alien, reside together in Portland.

The beneficiary enlisted in the Oregon National Guard in 1928 serving for a period of 1 year. He was inducted into the Army on June 23, 1941, and transferred to the Enlisted Reserve Corps on September 21, 1941. He was recalled to active duty on February 16, 1942, found to be physically disqualified, and transferred to the Enlisted Reserve Corps on February 19, 1942. Mr. Niukkanen was honorably discharged June 8, 1945, for the convenience of the Government by reason of being physically disqualified for active military service.

The beneficiary was admitted to the United States for permanent residence on September 5, 1909. He has resided in the United States continuously since that time. Mr. Niukkanen has been found subject to deportation on the ground that he had been a member of the Communist Party from 1937 to 1939 after his entry to the United States. The proceedings were commenced on September 12, 1952, and all administrative remedies have been exhausted. The deportation order has been challenged in the courts since its entry on June 30, 1953. The case has been before the Supreme Court three times, a petition for rehearing being denied on June 6, 1960.

Letters of Dean, University of Oregon, School of Journalism, Eugene, Oreg.

December 16, 1960.

The Honorable Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Thank you for your letter of December 9 dealing with the Mackie-MacKay matter.

It is very heartening to know that this case has your personal interest. I am sure that your knowledge, skill, and determination can bring about a rectification if anything can. I have pledged my strong support in this effort and if there is any way I can possibly be helpful I would be happy to have you tell me.

Please accept my very best wishes to you and Mrs. Morse for a joyful holiday season.

Sincerely,

Charles T. Duncan,
Dean.

January 17, 1961.

Senator Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: The Sunday papers carried a report that you had introduced separate private bills for the return to the United States of William Mackie and Hamish MacKay. I applaud the promptness with which you have acted, true to your promise.

I have no way of estimating the chance of success of these bills, nor do I know in what way, if any, I might be helpful. If you can suggest anything I could do, please let me know. I'll write letters, send telegrams, bend ears—anything within my means and power to aid in the rectification of this monstrous error.

Sincerely,

Charles T. Duncan,
Dean.

V. Morse in 1960 Urged Executive Clemency in Deportation Cases of William Mackie and Hamish MacKay

In a letter addressed to Secretary of State Herter on October 25, 1960, Senator Morse urged the Secretary to discuss with the President the possibility of Executive clemency in the cases of William Mackie and Hamish MacKay, against whom deportation proceedings were then pending in Oregon.

The text of Senator Morse's letter to Secretary Herter is as follows:

October 25, 1960.

The Honorable Christian A. Herter,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: I have just returned from Oregon where I found a great deal of public criticism, both in the press and among leaders in the State, with respect to the proposed deportation actions of the Immigration and Naturalization Service concerning two residents of Oregon, William Mackie and Hamish MacKay.

These two cases represent a shocking example of inhumanity to man. After a careful study of the facts, I introduced the bill, S. 3543, on May 13, 1960, to terminate the deportation proceedings against Mackie. On May 24, 1960, I introduced a similar bill, S. 3587, on behalf of MacKay Due to the lateness of the dates upon which these bills were introduced, the Senate Judiciary Committee did not have time to complete action on them.

The extremely harsh nature of the actions proposed by the Immigration and Naturalization Service in these cases becomes evident when we consider these facts: William Mackie was born in Finland of naturalized American citizens, who had returned to Finland for a short visit. Actually, Mackie spent only 2 or 3 months in Finland during his infancy and then was brought back to the United States. He does not speak the Finnish language and he has not been in Finland since he was an infant. Mackie attended grade school and high school in Portland, Oreg., and became a house painter by trade. He served in the U.S. Army in World War II and was given an honorable discharge. He married an American citizen and they have a son, who is captain of his football team in one of the Oregon schools. William Mackie is a law-abiding citizens, owns his own home and takes care of his parents.

Hamish MacKay was born in Canada and came to the United States with his parents for permanent residence in 1924. After returning to Canada for a brief period, MacKay returned to the United States in 1928 and in the early 1930's came to Portland, Oreg. He married an American citizen and has two sons. MacKay is a carpenter, and has clearly established that he is a law-abiding citizen.

Both men were guilty of some indiscretion in the 1930's in that they attended some Communist-front meetings, but they strongly contend that they are not Communists. In a dissenting opinion on Mackie's appeal to the U.S. Supreme Court, Justice Douglas observed that a man "should not be sent into exile for acts which this record reveals were utterly devoid of sinister implication."

In my opinion, the only thing that can save these men now is Executive clemency. I am satisfied, after reviewing the facts, that these are cases in which the President of the United States should take affirmative action to assure that justice is done. If these men are deported, their deportations are going to do us great harm in our foreign relations and will play right into the hands of those who stir up Communist propaganda. We just cannot reconcile our sending them out of the country with our claim of fair and impartial justice for the individual in the United States.

This is a matter that I would not bring to your attention if I did not think it is of serious importance. I believe that someone should see to it that the President's personal attention is called to these two cases and I feel that you, as Secretary of State, are the person to do this because of their impact on our foreign relations.

It is my hope that the President will take action to prevent a miscarriage of justice with respect to these Oregon residents.

Sincerely yours,

WAYNE MORSE.

NOVEMBER 8, 1960.

DEAR SENATOR MORSE: The deportation of aliens is a matter coming entirely within the jurisdiction of the Immigration and Naturalization Service. Upon informal inquiry of the central office of that Service, it has been ascertained that Mr. MacKay applied for a suspension of deportation proceedings on the ground that he has 10 years of good behavior. This application was denied by the Board of Immigration Appeals and his case is now pending before the courts.

Mr. Mackie also made application for suspension of deportation on the basis of 10 years' good behavior. His application was denied by the Board of Immigration Appeals on the ground that there was no evidence of a clear break from his former political ideologies. Arrangements have been made several times for Mr. Mackie's deportation. However, each time his deportation has been held up by various court actions. He was last scheduled for deportation on Sunday, October 23. At the time he applied for a restraining order from the district court, but this was not granted. On October 25, Mr. Mackie submitted his case to the Honorable William O. Douglas, Associate Justice of the Supreme Court.

It is believed that the deportation of these two persons would have no significant impact on our foreign relations. The deportation proceedings in both of these cases are based on subversive activities of the persons involved. The Department of State does not consider, therefore, that it would be appropriate to approach the President in behalf of these men.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary
(For the Secretary of State).

Mr. MORSE. Mr. President, as I close I ask unanimous consent to have printed in the RECORD certain materials and memorandums to which I have referred in my speech but which I have not incorporated in full, as well as certain materials to which I have not referred in my speech but which support the premises of my speech.

Furthermore, Mr. President, because I think I owe it to the dedicated citizens of my State and to the various organizations in my State who have worked so hard in behalf of seeking justice for Mackie and MacKay, I ask that certain petitions which they have had signed and the signatures also be incorporated in the RECORD. I ask unanimous consent that all these materials be incorporated in the RECORD.

There being no objection, the materials, memorandums, and petitions were ordered to be printed in the RECORD, as follows:

COMMUNITY METHODIST CHURCH,
Snoqualmie, Wash., July 3, 1961.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I have written my Senators and Representative to give their support to S. 420 and S. 421 along with H.R. 6208. I count it a privilege to give my support to help correct this seeming injustice in our immigration laws. I am hoping you will be able to get your bills from committee that the Senate can take some needed action.

Sincerely yours,

MYRON H. SHARRARD.

EDWALL METHODIST CHURCH,
Edwall, Wash., July 4, 1961.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have just received information regarding the deportation of Hamish MacKay and William Mackie. I am appalled by the actions of my Government in the deportation of these two men. Such conduct hardly befits a nation which claims to allow freedom of thought.

I wish to indicate to you my support for S. 420 and S. 421 and for a statute of limitations on deportations. You also can inform the Senators from Washington State that one of their constituents supports these bills. I trust they will too.

Thank you for your concern.

Sincerely,

REV. DEAN C. KALLANDER.

COMMUNITY METHODIST CHURCH,
Seaside, Oreg., August 25, 1961.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Just a note of appreciation for your work on the MacKay-Mackie problem. I am in support of S. 420 and S. 421 as I understand them.

I was in a group of ministers that you met with in the spring in Washington, but at that time I was living in Maryland. I want you to know how much I admire your kind of leadership in Washington. Keep up your good work. If I can be of any help to you on this end at any time please let me know.

I am a Republican who believes in giving credit where credit is due and in your case this is certainly true.

Sincerely yours,

WILLIAM B. HOFFHINES.

AUGUST 22, 1961.

To the 87th Congress:

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

ALFRED S. LOMA.

EUGENE, OREG.

LAKE OSWEGO, OREG.,
August 26, 1961.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartily endorse Senate bills 420 and 421 which would return Hamish Scott MacKay and William Albert Mackie to this country and would alter the present laws which have allowed this travesty of justice to happen in the United States.

It is a crying shame that we have to be saddled with petty officials who cannot see beyond the letter of the law to the welfare of the individual person and our national character.

I wish you every success in pressing this issue.

Sincerely yours,

RAY M. MATHSEN,
Pastor, Our Savior's Lutheran Church.

MEDFORD, OREG., *August 22, 1961.*

Re Senate bills 420 and 421.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to you for the purpose of registering my approval and support of Senate bills 420 and 421 and for the imposition of a statute of limitations on deportations. Please be advised that anything that I can do I will do in support of these measures.

I am extremely concerned that in this country that the term "justice" has come to be considered more and more as a strictly legal term without moral implications whatsoever, and that too often that those who are charged with the administration of the law and the application thereof seem to consider that men were made for the laws rather than the laws were made for men. I think that under our system injustice occurs perhaps as often as does justice. The cases of Hamish MacKay and William Mackie reflect adversely upon the honesty integrity, and intelligence of the legal profession, and the legislative, administrative, and judicial branches of our Government. Although I find myself more often disagreeing with you than otherwise politically, you have my wholehearted support in your efforts to return MacKay and Mackie to their homes and families.

Yours very truly,

WALTER D. NUNLEY.

FIRST PRESBYTERIAN CHURCH,
Coos Bay, Oreg., August 21, 1961.

Hon. WAYNE MORSE,
Member of Congress,
Washington D.C.

MY DEAR SIR: I am in receipt, today, of a letter from the committee in defense of Hamish MacKay and William Mackie, and I have been asked to put my name to a petition urging your passage of the bills S. 420 and S. 421. I have followed with great concern this un-American action on the part of our Immigration Commission. I am sure that few Americans can honestly say that such action does not affect our foreign relations. One need but scan very briefly the reports of reactions in the countries of Canada and Finland as well as other nations not directly affected by such action, to see the impact it has made. Even though we may undo the act in some fashion much damage has already been done. If you do nothing more than get this legislation through during your tenure of office, your service there deserves great commendation.

With every good wish for the passage of this bill.

I am, very sincerely yours,

Oscar W. Payne,
Pastor.

Eugene, Oreg., *August 26, 1961.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We would like to give our support for S. 420 and S. 421 which you have introduced in the Senate to correct the grave injustice done to Messrs. Hamish MacKay, and William Mackie.

Yours very truly.

June and John Powell.

Portland, Oreg., *August 22, 1961.*

Re Senate bills 420 and 421 for return of Hamish Scott MacKay and William Albert Mackie following deportation.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing a personal note in support of your efforts upon behalf of these men because I wish to express a particular thought.

In my opinion, the citizen families of these men have substantive rights to happiness through their presence. They have the right to petition for their restoration on that basis.

If they have such right to petition, then unless a contrapublic purpose of equal importance to these individual rights is being served by the separation, their Government is obligated to heed and grant their request.

That the restoration would be of like benefit to these men is no answer. Whatever these men are supposed to have forfeited, has been earned by their families for themselves. These affirmative rights are superior to anything other than a specific public purpose.

Very truly yours,

David M. Spiegel.

Northwest Review,
Eugene, Oreg., August 24, 1961.

Hon. Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Senator: I wish to give my endorsement to your Senate bills 420 and 421. I have written Mr. Lenske, of the MacKay-Mackie Defense Committee and asked him if someone of them might write an article for the Northwest Review in support of your bills.

I also wish to invite you to defend in our pages the Warren Court. If you would see fit to do so, I should suggest a special highlighting of Mr. Justice Douglas, who is, deservedly I think, very popular in the area of our leadership. If you would prefer, an article on the career and opinions of William O. Douglas would also be very welcome.

I hope you will respond kindly to my proposal. If these subjects do not interest you, please think of us whenever you wish to speak out on an issue you think important. I am anxious that your voice be heard as much as possible. (The final copy dates for our three issues are as follows: October 2, 1961; January 2, 1962; and April 2, 1962.)

I will look forward to hearing from you.

Very truly yours,

Edward Van Aelstyn,
Editor.

September 6, 1961.

To the 87th Congress:

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

Mr. and Mrs. Norman E. Taylor.

Eugene, Oreg.

Kenilworth Presbyterian Church,
Portland, Oreg., September 6, 1961.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Your action in introducing S. 420 and S. 421 to secure the return from deportation of Hamish MacKay and William Mackie is highly commendable.

Your courage in refusing to allow the Nation to forget these blots on our claims to be the supporters of individual freedom deserves our deep appreciation. Please be assured of my support of your position, and of continued action to amend the "witch-hunting" provisions of our present immigration policies.

Sincerely,

David H. Weed.

First Methodist Church,
Coos Bay, Oreg., January 24, 1961.

Hon. Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Senator Morse: We, the undersigned citizens of Oregon, hereby express to you our most hearty support in your effort to return to this country two recently deported longtime residents of Oregon, Mr. Hamish Scott MacKay and Mr. Wm. Mackie.

Their banishment to another land we believe to have been inhuman and cruel, both to the men themselves, and to their families and friends. This action has not been in harmony with our established ideas of freedom, nor with our ideals of justice and fair play. Moreover their deportation has not been in the best interests of our Nation in relation to the other nations of the world.

We express to you our sincere appreciation for your effort in their behalf and in support of our Amercan way of life.

Sincerely,

James W. Harrison.
Russ Budin.
Betty Richards.

January 10, 1961.

Dear Senator Wayne Morse: Owing to the fact that Wild Bill Langer was a personal friend of mine, and of course from North Dakota, let's say this. I was born in Wisconsin the same as you and I don't know just where to address Langer at this time. Above all things, please, Wayne, investigate the deportation of William Mackie from Portland, Oreg. I sincerely believe it stinks.

Sincerely yours,

Don Laird.

Portland, Oreg.

P.S.—I may run for a seat in Congress from North Dakota in 1962, even though I have been here in Oregon 20 years this spring. I am basing this on maintaining my voting residence in North Dakota.

Spokane, Wash., *December 31, 1960.*

Wayne Morse,
Washington, D.C.

Dear Senator Morse: I hope you will either see the new President and have both these men from Portland, McKay and Mackie, returned at once to this country. If he will not do this let's get a bill up to revoke this rotten piece of legislation, the Walter-McCarran law. If a man was not a Communist this sort of business sure should make one of him. I myself took part in this same sort of organization back in '31 and '32. We called it the Producers League and there were no more Communists in it than in the Democrat or Republican Parties. It was a beginning of a barter-cooperative organization, and we did a lot of good. Let's clean out this rotten mess, and fast.

You need not reply to this.

Sincerely,

J. E. McGorau.

Portland, Oreg., *January 9, 1961.*

Senator Wayne Morse,
Washington, D.C.

My Dear Senator: The Justice Department goofed. They have hurt themselves in the eyes of America and they have hurt America in the eyes of the world. This is not just a passing remark but an absolute God's fact.

I strongly urge the return of MacKay and Mackie to their rightful homes and revision of the Walter McCarren law with a 5-year statute of limitations added.

As one who has voted for you every time I could, I wish to offer my help in any way possible to keep America free and democratic.

Very truly yours,

R. R. MacKay.

Portland, Oreg., *January 10, 1961.*

Senator Morse,
Washington, D.C.

Dear Sir: I just heard you talk on TV concerning the deportation to Finland of Mr. Mackie. I want to thank you for fighting for justice.

I noticed in the press not long ago where that convicted spy and Judas in the Green Glass case was pardoned and we pardon murderers and our own people who spied for Japan.

Those superpatriots who passed that retroactive law, they did not know where there was a job in those days but they could wave the flag in a hungry man's face, they condemn a man because he may have attended a meeting where there may have been a chance of hearing of a job.

In view of us throwing our billions all over the world for nothing, we can well afford to pay the man's way back.

I am also sending for the Congressional Record. I want to know how the other Oregon Members are voting on this.

Thank you, Senator.

John M. Panek.

Vernonia, Oreg., *January 9, 1961.*

Mr. Wayne Morse,
Washington, D.C.

Dear Mr. Morse: It was with a chuckle that I viewed on TV this evening your championing the two men recently deported from Portland to Canada. And who wasn't thinking on the edge, if not into communism in the dirty thirties. I, for one, espoused Upton Sinclair, because I had been taught to do my own thinking as a history major at Berkeley. I had lost my schoolteaching job because I joined the local WCTU and that was the last year I even applied for a teaching position. I returned to farming, my first love, in which the robins and chipmonks never say me nay.

All public servants possess my sympathy and particularly those with "guts." The pure injustice of the Mackie case turned my stomach. Only contempt can be felt for martinets so heartless as to pass such judgment. It is what these two men are now that counts.

More power to you.

Sincerely,

Clint M. Seibert.

Portland, Oreg., *January 12, 1961.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your past and continued efforts in behalf of William A. Mackie exiled to Finland in November—where he does not speak the language and the weather is bitterly cold. He is so unhappy, bewildered and I am sure, positively ill. He worries so much about his aged and ill father and of course, the father worries about him and it aggravates his heart condition.

Certainly hope you will have more cooperation from the new administration and I feel sure you will.

Much success, good health and happiness to you in the future. You are a very good and kind person.

Thank you and kindest regards.

RUTHE PETERS.

DECEMBER 29, 1960.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C., United States of America

DEAR SENATOR: I am pleased to learn that you plan to present a bill concerning the deportation of Bill Mackie and Hamish MacKay.

There are many thousands of citizens of Canada active in the belief that the time has long past for witch hunting and the persecution of persons for their political beliefs, past or present.

As long as they abide by the laws of the country in which they live there should be no restrictions on unorthodox opinions.

Prating of democracy and freedom is a sham and a farce unless we allow freedom of thought and speech.

All success to your efforts and the gratitude of many Canadians.

Yours truly,

ARTHUR J. TURNER.

PORTLAND, OREG., *December 26, 1960.*
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing this letter in behalf of Hamish Scott MacKay and William Mackie, who were recently deported and exiled, under terms of the Walter-McCarran immigration law, to the lands of their birth.

I could write considerable in behalf of these two men and their families, but I do not deem it necessary in the face of these newspaper clippings which are enclosed.

I believe the law is ridiculous and unconstitutional and should be amended so that it would not be retroactive and a time limit should be applied the same as in criminal cases whereby a person would be immune from prosecution after a certain length of time. If this law is allowed to stand as it is, there will be hundreds of other similar cases to occur in our country to bring ridicule and condemnation on our Government.

I know you have taken a deep interest in these cases and I hope and believe you will do all that you can to have the law amended and also try to get these men returned to their families and their homeland.

Yours respectfully,

CHAS. E. WOODWARD.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
LOCAL UNION NO. 343,
Winnipeg, Manitoba, January 20, 1961.
Senator WAYNE MORSE,
U.S. Senate Office, Washinitgon, D.C., United States of America.

DEAR SIR: At a recent meeting of local 343 we were advised of your intention to champion the cause of two workingmen: Hammish Scott McKay and William Mackie. It is a terrible condemnation of democratic procedure when actions committed in 1930 can be resurrected in 1960 to penalize citizens.

This is assuredly a case of the alleged remedy being a greater crime than the original misdemeanor. It is an appalling miscarriage of justice, for no man 50 years of age can build himself a new life in a strange county, separated from his family and friends.

As Canadians, the members of my local feel it would be unbecoming and illogical for us to venture any criticism of U.S. officialdom, but we shall follow your efforts to remedy this situation with the greatest interest and approbation.

In conclusion may I say your name is known and respected in Winnipeg, and as one member stated when advised of your intention to challenge the ruling of the immigration department, "if it can be done, WAYNE MORSE will do it."

So, Mr. Senator, we hope and trust you will be successful in your efforts in the cause of justice and the rights of the individual when opposed by oppressive bureaucracy.

Yours for democratic freedom.

JOHN E. TOOTH,
Recording Secretary.

LEWIS AND CLARK COLLEGE,
Portland, Oreg., November 18, 1960.
LYNDON B. JOHNSON,
Johnson City, Tex.

SIR: We respectfully urge you to use your influence to prevent the deportation of Hamish Scott MacKay and William A. Mackie of Portland, Oreg. These men are Americans in every sense of the word except for technicalities of birth. A just conscience cannot permit this miscarriage against common individual rights to go through to its unjust conclusion.

Very truly yours,

RICHARD W. BOETGER.

Senator WAYNE MORSE.

DEAR SIR: I am writing you in regards to the recent deportation of Mr. Mackie and Mr. MacKay. If the charges against them are as stated in the paper, then they joined the Communist Party during the depression. I was a boy at home at that time and can recall meetings and talking in which my father participated. I do not know whether the Communist Party was involved or not but the main objective as I recall was work so the family could be fed. These men were grasping at straws as was my father, with no thought of harm to our country but only of the bellies of their children. It is my hope if this be the case of these two men that you may still see that justice is done.

Thank you.

WILLARD J. ROLOW.

CORVALLIS, OREG.

CLATSKANIE, OREG.,
January 14, 1961.
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORED SIR: May I offer my applause for your efforts to rectify the miscarriage of justice in the cases of William Mackie and Hamish MacKay?

Americans, like myself, who were born free, will never live otherwise and will always be alert to any threat to our great Nation and rise up vigorously to its defense, but the deportation of these citizens, to me, was a grave error.

In the immediate community where I reside are people who present a greater measure of danger to our security than anything ever indicated by either of these men. If and when we find ourselves embroiled in war with a Communist foe the identity of these people will be immediately revealed to the proper authorities. I promise.

Thank you for your forthright and fearless approach to the problems confronting the citizens of this great Commonwealth.

May I offer my best wishes to you for your continued good work for your constituents in Oregon.

Sincerely yours,

REX O. LAMBERT.

MCMINNVILLE, OREG., *January 17, 1961.*
HON. WAYNE MORSE,
U.S. Senator, Washington, D.C.

DEAR SENATOR MORSE: As a citizen of the State of Oregon I would like to express to you my hearty support in your effort to return to this country two recently deported long-time residents of Oregon, Mr. Hamish Scott MacKay and Mr. William Mackie.

I believe their banishment to another land to have been an inhuman, cruel and despicable act both to the men themselves and to their families and friends. This action has not been in harmony with our established ideas of freedom, nor with our ideals of justice and fair play. Moreover, I do not believe their deportation to have been in the best interest of our Nation in relation to the other nations of the world.

I would like to express to you my sincere appreciation for your effort in their behalf.

Sincerely yours,

T. ASKEW CRUMBLEY.

PORTLAND, OREG., *January 20, 1961.*
HON. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your stirring and forthright remarks before the Senate on January 13 last in behalf of the proposed remedial measures for two deported aliens may happily usher in a new day and enlightened approach, more in keeping with American principles and tradition, than the restrictive and punitive immigration laws of the last half century, particularly aggravated by the Internal Security Act of 1950 and the Immigration and Naturalization Act of 1952.

Confirming your citation of Finnish press opinions, I enclose two front pages of the Columbian, Vancouver, Wash., edition of November 22, 1960, presenting in right lower corner a dispatch from Oslo, Norway, quoting the Dagbladet to the effect that the Mackie case "is more effective anti-American propaganda than any major speech by Soviet Premier Khrushchev."

It will be very significant of the trend to be anticipated in the next 8 years to see what the fate of these private bills may be.

Sincerely,

ERNEST J. HOVER.

WADENA, SASKATCHEWAN, CANADA,
January 16, 1960.
Senator WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SIR: I have noted that the U.S. Department of Immigration has deported two men, William Mackie and Hamish Scott MacKay, to Finland and Canada respectively, although they have always lived in the United States and have families there.

Their main crime, apparently, was participating during the depression in organizations which have been declared subversive under the Walter-McCarran law.

It seems to me that belonging to any organization many years ago does not make much difference. One can belong to an organization, change his thinking and drop out of it entirely, perhaps becoming more confirmed against the organization because of having belonged to it and thus finding out more about it. Also one can change a great deal from when he was young, and the past should not be held against him if he is honestly attempting to do right. It is what these two men are at present that should count. Unless they are a definite menace to their country, and have been proved so, they should never be forced to leave their families. This is inhuman. How would any of us like to be sent away from our families and our familiar homes? Leaving our families and our country would surely be the same as being torn up by the roots.

This brings to my mind a radio program which I heard, in which a famous playwright was being interviewed. He was asked whether he had belonged to any organizations during the depression. "Yes," he replied, "I belonged to the young Communist

Party. I am not a Communist, nor have I ever been one, but I think that any young man worth his salt belonged to the young Communist Party during the thirties."

This illustrated, to my mind, the fact that conditions were bad enough during those days that many were ready to turn to most anything for relief, and the young are always the most venturesome, are they not?

I hope those in charge will remember the Golden Rule and consider my protest in this matter.

Yours truly,

MRS. T. A. BENWELL.

DEPORTATION HURTING UNITED STATES

OSLO, NORWAY.—The liberal afternoon paper Dagbladet said Tuesday the case of William Mackie, of Portland, Oreg., deported to Finland on charges of being linked to Communists in the 1930's, is more effective anti-American propaganda than any major speech by Soviet Premier Khrushchev.

"The drama of the deported house painter is, politically speaking, a comedy," the paper said. "And be sure that those who occupy the front seats in the East are enjoying themselves.

"This fits badly with the principles of freedom, justice and humanity about which the Western countries talk so loudly at the Paris NATO parliamentarians meeting these days.

"This case makes us think of the novel 'The Ugly American'—the biting satire of American relationships with foreign countries and foreigners, of official America's lack of the most elementary psychological understanding."

WILLAMETTE UNIVERSITY,
Salem, Oreg., January 25, 1961.
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you for your bill concerning Mackie and MacKay and express my sincere hope that you will be able to push it to adoption. These cases are excellent illustrations of the fact that our basic law in this field needs a drastic reworking—for I have no doubt that the administration and the courts followed the law. Is there any chance that the law might be reworded and made more reasonable?

Sincerely yours,

ROBERT MOULTON GATKE,
Professor of Political Science.

FIRST METHODIST CHURCH,
Oregon City, Oreg., January 24, 1961.
Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I hereby express my hearty support of your effort to return to this country two longtime Oregon residents, Mr. Hamish Scott MacKay and Mr. William Mackie.

I believe their deportation to be cruel to them and their families, as well as, to have had an adverse effect upon our foreign relations.

Sincerely,

CLARK S. ENZ.

COOS BAY, OREG., *April 21, 1962.*
Senator WAYNE MORSE.

DEAR SIR: I strongly approve of the two bills you have introduced; namely S. 420 and S. 421 to bring Hamish S. MacKay and William Mackie back home, and I approve of the statutes of limitations.

And further more, I heartily approve of your stand on Cuba. For this country to stage an invasion of Cuba or even back an invasion would be murder pure and simple.

Yours truly,

JOHN M. GILLIS.

PORTLAND, OREG., *April 28, 1962.*

Senator WAYNE MORSE: My wish to support the bills S. 420 and S. 421 to bring Hamish S. MacKay and William Mackie back home. The case concerning these two men is absurd.

SULO J. JUONI.

LAUNDRY, DRY CLEANING AND DYE
HOUSE WORKERS' INTERNATIONAL
UNION LOCAL NO. 292
Vancouver, B.C., March 1, 1961.
Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C., United States of America.

DEAR SIR: I am in receipt of correspondence regarding Mr. Hamish Scott MacKay, who was deported to Canada from his home in Portland, Oreg., and now resides in Vancouver, British of Columbia.

Before presenting this letter to my members at our general meeting I would greatly appreciate a letter from you giving facts and your opinions on this matter.

Trusting to hear from you soon regarding this.

Sincerely yours,

CATHERINE BROWNE,
Secretary-Treasurer.

SALEM, OREG., *January 26, 1961.*
Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: A series of recent events have prompted we to write this letter.

I read about the deportation of Hamish Scott MacKay and William Mackie in the newspapers last November. Having been aroused by this seemingly unfair action, I wrote a letter pleading the cause of these two men to "The Open Forum" in the Capitol Journal. As a result of that letter the Capitol Journal received another written by Mrs. R. A. Tillman. It stated that the United States was entirely justified in deporting these men under the Walter-McCarren Act.

A few days later I received through the mail a document from an anonymous person about communism and its threat to our country. In a personal note which accompanied the literature this person cautioned me to learn the facts before I spoke and never to be sympathetic toward Communists.

My U.S. history instructor, Mary Eyre, wrote to the Oregon Civil Liberties Union and requested more information concerning the case of these men and the Walter-McCarren Act. She received an interesting and informative answer from the chairman of the group. He revealed in his letter that the union was continuing its work to bring these men back to their homes and to repeal the Walter-McCarren Act.

I know that you have been personally interested in the plight of these two men and have argued endlessly in their behalf. I am appealing to you to help me learn more about this act. Does anyone other than the Civil Liberties Union uphold the rights of men such as these? Why if communism was not illegal in the thirties, are these men being punished now? Isn't that regarded as an ex post facto law?

These and many other questions are still unanswered. I would be very grateful if you could help me learn.

Thank you very much.

Sincerely yours,

MARCIA BURBIDGE,
Junior, North Salem High School.

THE EUGENE HIGHLANDERS BAG PIPE BAND,
Eugene, Oreg., September 11, 1961.
Re Hamish MacKay and William Mackie, S. 420 and S. 421.
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please be advised of the wholehearted support of our members and myself for the above bills.

We also favor the establishment of a reasonable time limitation on this type of governmental prosecution.

We will not belabor the obvious reasons favoring passage of the above legislation but merely close with a sufficient reference to Robert Burns: "A man's a man for a' that."

I, personally, as a member of the Oregon State Bar Association, wish to endorse the above bills and also to congratulate you for your efforts on behalf of Messrs. MacKay and Mackie.

Thanking you for your attention in this matter, we are,

Yours sincerely,

HECTOR E. SMITH,
Pipe Major.

NEW WESTMINSTER, CANADA,
January 26, 1962.
Senator WAYNE L. MORSE.

DEAR SIR: My hearty support for your efforts to cancel the deportation of MacKay and Mackie.

As a veteran I feel U.S. prestige is hurt by the petty actions of these immigration officials.

Sincerely yours,

NELS B. J. RYDBERG.

UNITED FISHERMEN AND
ALLIED WORKERS' UNION,
Vancouver, British Columbia,
January 31, 1961.
Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C., United States of America

DEAR SIR: On instruction from the general executive board of the United Fishermen & Allied Workers' Union, I am writing you to express our support for the private bill which you are presenting in order to cancel the deportation orders against Hamish Scott MacKay and William Mackie, and to allow them to reenter the United States in order to rejoin their families.

The members of our trade union include some 7,000 fishermen, shoreworkers and packer crew members. All of us were deeply shocked by the cruel, inhuman acts performed against these two individuals whose only crime apparently was to participate in movements in defense of their right to work in the United States.

We sincerely hope that your attempt will prove successful.

Yours sincerely,

HOMER STEVENS,
Secretary Treasurer.

GRAHAM, OREG., *January 17, 1962.*
Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: We wish to express to you our sincere appreciation for introduction of private bill for William Mackie and Hamish MacKay.

Ronnie and Annabell MacKay, Mrs. Grace MacKay, Jim and Sharon MacKay, Rod and Dorothy MacKay, William Mackie, Sr., Lillian and Karen Mackie, Edna and Bill Smith, Mark and Corine Chamberlain.

ALAMOGORDO, N. MEX.,
January 17, 1961.
Senator DENNIS CHAVEZ,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHAVEZ: I am writing this letter to ask that you support a bill S. 420, introduced by Senator WAYNE MORSE, which is a bill for the relief of Willia Niukkanen (also known as William Albert Mackie). I have informed myself concerning the facts of the bill and I believe it to be a wise measure.

Respectfully yours,

ALBERT J. RIVERA.

Springfield, Oreg., *January 13, 1961.*

Senator Wayne L. Morse,

Dear Senator: I note an article in the Oregonian of this date concerning your intention to introduce private bills on behalf of the two Portland men deported last year.

I wish here to express my complete agreement with your sentiments and I say more power to you.

I have not always been in accord with you but in this matter you couldn't be more right.

It certainly has come to a sorry pass in this country when two ordinary inoffensive workmen can be treated in such a manner, particularly to be penalized now for an ill-advised action taking place 25 to 30 years ago and particularly when the enabling legislation, the infamous Walter-McCarran Act was not enacted until many years after both of these men had come to realize the real purpose of these organizations they had been persuaded to join and had unceremoniously severed their connections. I contend the application of this act to these men is unconstitutional in that in its application it becomes an ex post facto act and is clearly unconstitutional. However, it seems in the past nearly 30 years that the sacred document, the basis of all law in this country, the Constitution, has become just another scrap of paper. I am not a lawyer, but even to the average layman it appears that the action of the Immigration Department in this matter has been unconstitutional.

I have heard such expression from many common citizens since this outrage was perpetrated.

Had these men been dedicated Communists and actually engaged in subversive activities against the Government and the people, the deportations might have been justified, however, then it would hardly have constituted a friendly act against countries with which the United States have always maintained the best of relations, it would have amounted to the same as throwing garbage across the fence onto your neighbor.

In view of the expressions from officials in both Canada and Finland against these acts, it has mystified me as to just why both of them did not summarily reject these acts of the Government and refuse entry to these men, as Sweden did in the case of the elderly woman from Portland deported a few years ago to Sweden.

Sincerely,

Russ Stewart.

North Vancouver, British Columbia,
January 29, 1961.

Senator Wayne L. Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Sir: I wish to add my name to the supporters of your private bills to cancel these deportations and permit these two longtime residents of Portland to return to their homes and families; namely, William Mackie of Finland and Hamish Scott MacKay of Vancouver.

These deportation orders to my mind are, to say the least, a very undemocratic and I would add a very childish act.

We feel that with your choice of President J. F. Kennedy, many things will change for the better.

Adlai Stevenson will, I feel, be an added and very much needed person to negotiate for peaceful relations.

I listened to your interview here on CBS June 2, 1960, with Doug Collins, and was thoroughly a hundred percent impressed. A most thorough masterpiece of eloquence and spoken like a very wise man, Senator Morse.

My very best wishes to your new democratic Government.

Very sincerely,

Frances M. Coleman.

Oregon State Senate,
Salem, Oreg., January 12, 1961.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator: Would you kindly forward me a copy of your bill to permit the return of deportee MacKay.

It is my intention to introduce a memorial urging passage of your bill.

Respectfully,

Thomas R. Mahoney,
State Senator.

Saskatchewan, Canada,
January 15, 1961.

Senator Wayne L. Morse.

Dear Senator: I am very pleased to hear of your humanitarian activity in your promoting private bills to cancel the deportation of Hamish Scott MacKay and William Mackie by the U.S. Immigration Department.

Many of us here were mystified and horrified on reading of this action of the U.S. Immigration Department in deporting these two men—mystified because they were charged with participation in the Oregon Workers Alliance of 30 years ago, which I take it, was an average unemployed relief association, and that their main activity was in aiding those without jobs to obtain relief, and to prevent them being evicted from their homes.

We were horrified by the inhuman sentence of deportation to Finland of William Mackie, and all it implies for him.

Approximately a third of the population of Saskatoon were on relief from about 1930 to 1938 and it was the worst experience of our lives. The great majority of us belonged to unemployed associations for our mutual support, and to help others obtain relief.

As everyone knows, the depression of the 1930's was a national calamity, and it affected the thinking of the majority of people. Therefore, I consider the sentence of deportation on the above-mentioned men is unwarranted and inhuman.

Wishing you success in your efforts in this matter, I am,

Yours sincerely,

Victor Beech.

American Committee for
Protection of Foreign Born,
New York, N.Y., January 19, 1961.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations and long life to the democratic spirit of your review and arguments for the return of deportees, Mr. Hamish Scott MacKay and Mr. William Mackie.

Your two bills, S. 420 and S. 421—blow fresh winds into the dark, dank corridors of the Immigration and Naturalization Service.

Our organization is undertaking a nationwide campaign to win support for your two bills. We have long been on record against the police-state tactics of our Immigration and Naturalization Service and their corrosive effects on our national prestige and traditional concepts of democracy through due process.

We wholeheartedly endorse your initiative in calling for a reexamination of the Walter-McCarran law.

The American Committee for Protection of Foreign Born believes that any single victory against the countless instances of deliberately wicked and cruel treatment—the traditional hallmark of our Immigration Service—of our foreign born neighbors is an accumulative victory toward which a statute of limitations on the deportation provisions of the Walter-McCarran law will ultimately be won.

Sincerely yours,

Marvin Stern,
Educational and Legislative Director.

P.S.—Would you kindly forward us six copies each of bills S. 420 and S. 421.

Clatsop County Oregon Central
Labor Council,
Astoria, Oreg., January 31, 1961.

Hon. Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: The Clatsop County Oregon Central Labor Council, AFL–CIO has noted and wishes to commend you on your efforts on behalf of Mr. William Mackie and Mr. Hamish McKay, who were deported recently.

We feel that while the law so provided for the deportation of these men, circumstances of their cases should have dictated a more humane approach to the problem.

We further feel that the McCarran-Walter Act should be amended so that a less rigid approach could be made in dealing with these cases.

Kindest regards.

Respectfully yours,

Walter Lofgren,
Secretary.

Medimont, Idaho,
February 20, 1961.

Senator Wayne Morse.

Dear Sir: I personally know Hamish MacKay and William Mackie, and feel they have been unjustly treated.

I urge that a bill be introduced in Congress calling for a 5-year statute of limitations against deportations.

We appreciate very much the good work you have been doing for these deportees.

Sincerely,

Ada Dedrickson.

Portland, Oreg.,
February 20, 1961.

Hon. Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Senator Morse: The board of the Oregon conference of the Methodist Church meeting in the Rose City Park Church, Portland, desire to express to you our gratitude for your efforts on behalf of Messrs. Hamish Scott MacKay and William Mackie in introducing private bills in the Senate for the return of these men to their homes and families.

We are in agreement with the opinion expressed by so many of the editors of Oregon papers, which like the one by former Gov. Charles Sprague has referred to the deportations as cruel and unjust.

It affects most adversely our relations with the rest of the world as you have so well stated, and as the Eugene Register-Guard has said, "It is a shameful thing this cruel deportation of William Mackie * * * if Uncle Sam gets a black eye over this it will be the best deserved black eye he ever got."

In order that such tragedies as this may be averted in the future we respectfully request that you introduce a bill calling for a revision of the McCarran-Walter law which would provide that any person having legally entered and residing here for a period of 10 years or more could not be deported. A resolution to this effect, as you may recall, was passed by the Oregon Annual Conference last June at the Rose City Park Church, Portland, by some 250 to 300 delegates, lay and ministerial, representing approximately 55 Methodists of the State of Oregon.

Again in sincere appreciation of your excellent efforts in this matter, we are

Respectfully yours,

Howard D. Willits.
Rev. Raymond Otto.
Gerald W. Gear.
Eric L. Robinson.
Robert G. Kingsbury.

Los Angeles Committee for
Protection of Foreign Born,
Los Angeles, Calif., February 3, 1961.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We extend our congratulations to you for introduction of two bills, S. 420 and S. 421 into the Senate, calling for the immediate return by the Immigration and Naturalization Service of deportees Mr. Hamish Scott Mackay and Mr. William Mackie.

The Reverend Stephen H. Fritchman, of the First Unitarian Church of Los Angeles, who is an officer in our organization, forwarded to our office your letter to him, of January 9, 1961, which reflected your sensitivity to the damage caused to the image of American democracy, and families of the foreign born, by the absence of a statute of limitation in our immigration codes.

Senator Morse, in light of the urgency for such needed legislation, would you please introduce to the Senate a bill amending the Walter-McCarran law to include a 5-year "statute of limitation" in deportation and denaturalization. Senator Paul Douglas, in a letter to Rev. Stephen Fritchman, stated that there are humanitarian grounds for a "statute of limitation" on immigration prosecution, and if any proposals for this purpose are brought in the Senate, he will give them careful study.

May we again thank you for your interest in this very grave situation, as it affects the foreign born.

Respectfully yours,

Cleveland Harris,
Legislative Director.

International Longshoremen's
and Warehousemen's Union,
Local No. 12,
February 18, 1961.

Dear Sir: A resolution of the ILWU Columbia River district council was concurred in by our executive board on January 26 and our membership at our regular monthly meeting, February 2, 1961. This resolution requested a change in the Walter-McCarran law by enacting a 10-year statute of limitations to the present law to prevent unjust deportations and denaturalizations of the foreign born.

As Secretary of local 12, I was instructed to write this letter and make our wishes known.

Sincerely,

Willis Sutton,
Secretary-Treasurer.

Eugene, Oreg., *April 29, 1961.*

Hon. Wayne L. Morse,
Washington, D.C.

Dear Senator: I wish to commend you on the stand you have taken on the deportation of those two men last winter also on the moving of the regional post office to Seattle.

There should be some way to stop so much arbitrary action in the executive branch of our Government. We ought to be truthful about what is going on.

I do not believe we Americans are as dumb as some of our leaders believe.

We are so entangled with the world situation now, that there seems no way out for us.

I think we are doing wrong to send money—tax money—to foreign countries. We had no business to send all that money to Tito.

I hope you will not vote against the Conley bill.

Sincerely,

Mrs. Effie W. Austen.

Portland, Oreg.,
January 22, 1961.

Hon. Wayne L. Morse,
Senator From Oregon,
Washington, D.C.

Dear Sir: First of all I wish to thank you very much for what you have done and are still doing for the deportees, William Mackie and Hamish Scott MacKay, and I hope that your efforts will soon bring results and bring them home.

Now there is another matter, which has some of us greatly concerned, namely the mistreatment of former Premier Patrice Lumumba of the Congo and his aids.

To commit the U.N. soldiers to inaction, while they watch the merciless periodic beatings of these chained prisoners both in prison and between prisons, is clearly an insane perversion of justice.

Nor can we accept the pseudologic in the cliche that is used to justify this inaction, that they would be interfering in the internal affairs of the nation if they prevented this sadism.

According to this reasoning, it is clear that the U.N. soldiers can do nothing—so—for what purpose are they there? If they have to stand by helplessly and condone this savagery, they might as well be withdrawn, as their presence can only be a mockery of modern civilization.

I urge that you recommend to the United Nations that the U.N. soldiers be given immediate authority to prevent such senseless cruelties, everywhere and at all times.

Respectfully,

Estelle Manion.

District Court of
Klamath County, Oreg.,
Klamath Falls, Oreg., August 17, 1961.

Re Senate bills 420 and 421, return of Hamish Scott MacKay and William Albert Mackie.

Hon. Senator Wayne Morse,
Senate Building,
Washington, D.C.

Dear Senator Morse: It has recently come to my attention that you have introduced the above indicated bills to return these men to the United States of America. I feel that these acts of deportation were a miscarriage of justice and that their deportation was another in a long series of acts damaging to our foreign relations. You have my wholehearted support in these bills.

If I can be of any assistance to you in the Klamath Falls area I will be happy to do so.

Very truly yours,

Hal F. Coe.

Astoria, Oreg., *January 16, 1961.*

Hon. Wayne Morse,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Morse: At the last meeting of our ladies auxiliary, I was instructed to write you, urging passage of a limitation in deportation cases which would prevent any recurrences of the double tragedy which occurred at the airport in Portland just before Thanksgiving, when two Oregon men of long residence were exiled.

We are concerned about the impact of such deportations not only on the families left behind, but the feelings of family security of all other families having a member who is foreign born.

We urge you to work for a 10-year statute of limitations amendment to the immigration law. We hope your bill to bring Mr. MacKay and Mr. Mackie back to their families is passed, and we thank you for your concern for human values, which are the foundation of a free nation.

Sincerely,

Rosanna Paulsen.

Willamette Methodist Church,
West Linn, Oreg., January 30, 1961.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: I want to express to you my appreciation for your efforts for the return to this country of Hamish Scott MacKay and William Mackie.

If there had been a statute of limitations in the Walter-McCarran Act neither of these men would have been deported. I hope you will introduce legislation to have a statute of limitations to this act.

Cordially yours,

Ormal B. Trick,
Pastor.

First Christian Church,
Pendleton, Oreg., September 2, 1961.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I assure you of my approval of S. 420 and S. 421 and of my desire to see them passed within this session or introduced at every subsequent session until passage so that the moral injustices of the treatment of Hamish MacKay and William Mackie may be corrected.

Sincerely,

Rev. Don Rogers.

First Congregational Church,
Hillsboro, Oreg., August 31, 1961.

Senator Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I would like to thank you for introducing Senate bills 420 and 421 to permit the return of Mr. MacKay and Mr. Mackie to their homes and families in Portland. These men have been done a grave injustice by our Government and by the outmoded laws which deported them. I hope very much that these bills will receive favorable treatment and that you will perhaps find an interest in revising some of these laws which have made this injustice possible.

Please communicate my thoughts to anyone else that you wish and I hope very much that this support will help in the passage of these bills.

Sincerely,

William O. Smith,
Minister.

Christensen Lumber Co.,
Eugene, Oreg., September 6, 1961.

Hon. Wayne L. Morse,
Senator from Oregon,
U.S. Senate,
Washington, D.C.

Dear Sir: This is to signify my support of your Senate bills Nos. 420 and 421, providing for the return to the United States of Mr. Hamish MacKay and Mr. William Mackie, so that they can come back to their homes and families in Portland, Oreg.

Thank you.

Yours very truly,

C. Dan Christensen.

Vale, Oreg.

Dear Senator Morse: I wish to express my support of the bills 420 and 421 which you introduced in the Senate. I have read carefully the folder prepared by the MacKay-Mackie defense committee and am very much concerned that something be done to stop deportations such as these.

I wish also to voice my support on Senate bill 2180 for the establishment of a "U.S.

Disarmament Agency for World Peace and Security." This is a step in the right direction and demands the support of the American people.

May I also call to your attention alarming reports I have received of conditions in Angola, Africa, as reported by Ira E. Gillet, returned missionary from Africa now living at 216 North 14th Street, Corvallis, Oreg. Political prisons are full. At the "Paiol prison just outside Luanda, the report is that prisoners use neither plates nor cups, but eat and drink from troughs, as animals. At night, they sleep on the cold concrete floor without any bedding." Reports come of restrictions in Mozambique. Is it right for the United Nations and the United States to stand by and see these things happen simply because Portugal is a member of NATO? It is time we try to bring to a halt the imminent extermination of millions of Africans whose only crime is their attempt to force their oppressors to treat them like human beings. I suggest that if you want more information on this matter that you write to Rev. Ira Gillet at the above address.

Sincerely,

Robert McNeil,
Pastor, Vale Methodist Church.

Parkrose Heights Methodist Church,
Portland, Oreg., September 22, 1961.
Hon. Wayne L. Morse,
U. S. Senate, Washington D.C.

Dear Senator Morse: The Portland Methodist Ministers Association, meeting on September 6, 1961, voted unanimously to declare their support for Senate bills 420 and 421, which would permit the return of Hamish Scott MacKay and William Mackie to their homes and families in Portland.

We are writing you to inform you of our action, and to express the hope that you will exert all efforts to secure passage of this legislation as it moves through the Congress.

At the same meeting, the Methodist ministers expressed their concern regarding the Berlin situation and the resumption of nuclear testing. It is our hope that, as a Member of the legislative branch of our Government, you will do all that you can to move our Nation in the direction of disarmament and the elimination of all nuclear testing.

Most sincerely,

David Poindexter,
Chairman, Committee on Civic Affairs.

January 25, 1962.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator: I respectfully urge you to give all possible effort to legislation necessary to return Hamish MacKay to his family and community. I am acquainted with the MacKay family, and I am sickened by this rank injustice to them.

Sincerely,

W. P. Vinson.

Montavilla Methodist Church,
Portland, Oreg., January 30, 1962.
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Let me join with those who are supporting you in Senate bills 420 and 421 to provide for the return of Mr. William Mackie from his home in Finland and Mr. Hammish MacKay from Canada. As you know, these men have committed no crime against our country. In fact, they have lived, from all reports, very exemplary lives for years in this State and certainly deserve being returned to their families. Their alleged membership in the Communist Party, if true, occurred years ago in the days of the depression when many were tempted to feel that drastic changes were needed in our social order. These men need to be returned to their homes also to clear the good name of America as a free nation.

It must take some courage on your part to espouse the rights of individuals such as these and I wish to join with others in congratulating you on that kind of political courage.

Yours cordially,

Walter R. Warner,
Minister.

February 17, 1962.

Dear Senator Morse: May I commend you for your part in bills 420 and 421, pertaining to the rescinding of the deportation of Mr. Hamish MacKay and Mr. William Mackie.

It seems such a cruel thing to do to a human being, to deport him to a land he doesn't know, I'm sure we can afford to be a little magnanimous to these poor men.

Sincerely,

Norma Eubanks.

Portland, Oreg., *March 7, 1962.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator: I believe you worked hard on the Mackie bill you introduced, and hope you are continuing.

This clipping I feel is of vital interest to you to know of not only the publicity but feeling of support toward you and efforts.

Senator Neuberger and Representative Green should know of this clipping as their names are in it too and perhaps you will see fit to see they are made acquainted with the feeling in this article.

I have great admiration for your sense of justice; and of the many, many people I meet personally, they all feel the Mackie case is, as you express it, inhumanity to man; and laws and courts not tempered with justice are bad laws for our country.

Respectfully,

Carl E. Opperman.

PORTLAND POSTSCRIPTS

(By Harry Dutton)

A note from the Reverend Mark A. Chamberlain of Gresham reminds that last Sunday was the 25th observance of the Lincoln Brigade, some members of which are among the more than 6,000 political prisoners still in Franco's Spain.

A wild mixture of humanity was included in that band of Americans who felt, along with Hemingway and others, that there was a cause of liberty to fight for in those unhappy times around the vintage year of 1937. They were defying fascism fruitlessly, it proved, in the bloody blocks around Madrid. Probably there were many Communists mixed up in the emotionalism of that era and in those grim, determined ranks—men who believed communism was preferable to the Fascist state. Most of us are convinced Khrushchev's doctrines are as deadly to freedom as Franco's—then, and now. Many of the Lincoln Brigade were just inspired idealists, dedicated to freedom with a devotion they were willing to gamble their lives. Of some 3,200 American volunteers, only about 1,000 are left. Some 1,500 died in Spain, fighting troops of Franco, Hitler, and Mussolini. Franco still flourishes, although 25 years since, Hitler and Il Duce have faded from the scene. The Lincoln fighters lost their cause, but the survivors haven't forgotten the men who died beside them in Spain.

As all veterans who cherish memories of tragedy on the battlefield, their memorial to their fallen comrades deserves more than passing notice.

Giving a thought to lost causes, I'm reminded of two luckless Portlanders, William Mackie, a house painter, and Hamish MacKay, a carpenter. By an accident of fate, Mackie was born in Finland when his parents were visiting that far country. MacKay was born in Canada. Yet both had lived most of their lives in Portland. Their families and friends are still here. Some 2 years ago this pair was deported, through the tricky legalities of the Walter-McCarran Act. I recall the news media did quite a bit to bring that injustice to public notice at that time. Four of our nine Supreme Court Justices voted to prevent the deportation. Representative Edith Green and Senator Wayne Morse made pitches in Congress. But it all proved futile. These two Portlanders, with little political, social, or economic prestige, didn't find much effective support. They were a couple of "little guys" in the parlance of the day. Who, particularly in places of high power and effective pressure, was interested in going out on a limb for them? Time perhaps is dimming the injustice as far as the general public conscience is concerned. But these two men are still victims of injustice. They are citizens of Portland and the United States in every moral and realistic sense (except for a legal technicality that was never invented to entangle harmless men such as they—or to cause the personal tragedies that have crushed them).

I am curious to know whether Representative Green, Senator Morse, and Senator Neuberger have tucked away the cases of MacKay and Mackie in the lost battles file. Do these injustices remain alive and in the memory of anyone else besides the families and friends of the luckless pair?

Warwick, N.Y., *April 2, 1962.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: In reading the Congressional Record, of March 13, today, I came across the recording of your statement regarding the relief of Willia Niukkanen (William Mackie) and Hamish Scott MacKay.

Unfortunately, the page following is missing in my copy (given to a friend), so I do not know if you spoke regarding Hamish MacKay. But your story of Mr. Niukkanen's deportation made such an impression on me that I feel impelled to write you, despite the fact that I am not a constituent of yours.

I would like to register my support of your bill, S. 420, and my hope that the Senate will recognize, as you say, the need for social conscience, justice, and elementary fairplay.

I realize that I am rather late, to say the least, in writing this letter, but I hope that if action has already been taken on this bill that I am not "too late" and that Mr. Mackie's return to his country, the United States, is a fait accompli.

Sincerely,

Lucy Le Blanc.

MacMillan & Benwell,
Wadena, Saskatchewan, February 3, 1961.
Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Sir: Thank you very much for your kind letter of January 24. I am very happy to note that you have introduced legislation on behalf of William Mackie and Hamish MacKay and that you plan to introduce further legislation to safeguard the rights of other Americans.

I am sure that you will continue to champion the rights of individuals and also pray that you and others in positions of power will do everything possible to maintain world peace. I am very sure that this is a foremost desire in the hearts of all humane persons.

Yours sincerely,

Georgina Benwell.

Kearsarge, Mich.,
March 8, 1961.

Senator Morse,
Washington, D.C.

Dear Senator: I understand you are interested in the William Mackie (Ninkkanen) case. I appreciate it very much as I have had similar experience.

Perhaps you know the Finns and even we, citizens, born here, but of Finnish extraction, are the "niggers" of the north.

In 1939 during depression here, I (born here in 1895) contacted officials for food for the people. That made me a Communist. In 1941 I applied for postmaster in this town. I was told I could not have it on account of "my objectionable activities." I knew of none and inquired, and begged to be told—but always had the same answer, "I wouldn't get it." Finally the new postmaster left, so I got in but was hounded, threatened, frightened, abused, inspectors continually snooping around town to the extent that I was at the point of a breakdown.

I consulted doctors for what I am sure all resulted from this. It went on for over 8 years, but I stayed on. My post office (rented) was in a building not fit, as it was cold and the owner didn't want to repair. I wanted to build a new building as no other was available, but under these circumstances, not knowing when I would be thrown out, I couldn't.

Finally in 1949, I got a hearing. I was told I took orders from Russia and have read the Lyomies paper. The first was for asking for relief, the paper came to my men folks during the "strike" in 1914 and I was in Detroit at the time, and here in 1949 when no one in town was getting the paper, I was being accused. I've never been a member of the Communist Party, don't drink nor smoke, but am interested in the welfare of the unfortunates.

If the Un-American Committee will not be abolished it sure should be amended. It is very wrong, and I sure have suffered through it. Anyone can send in false reports just through jealousy or politics and they are accepted and the accused is not allowed to know. I feel they should be made to face the accused, or let the accused know, so they can explain what it results from—for example:

A man in our town who wanted my job started a gossip through town that we were snooping through his brother's letters containing $2,000 (that was to turn the people against us). On investigation the brother said "Hell, we never even got our checks yet, we'll fix him." I do not know Mackie, but on hearing of his case, I'm wondering if he innocently is going through what I did. If he came to this country at 8 months, and served in the Army, he should be entitled to justice. My brother came here at 2 years. Father got citizenship papers immediately. Brother voted for 30 years with no complaints. During depression when birth certificates were requested for work, it spelled the last name with a D (fault of the registrar), and brother wrote it with T (which is correct with either in the Finnish language). For this he was not given work, and had to apply for citizenship papers (mind you, after voting 30 years, and never had been in any trouble). In my 18 years in the Post Office, I have only found one (1) name in the F.B.I. files which was a Finn so I don't think they are the worst, and I object to all the discrimination, and anyone making people suffer as I did, should be punished, or I compensated.

If you wish to see my book on my case, with pictures, I'd be glad to send it to you.

Thanks again for your interest in the Mackie case. Hope it will be dealt with justice.

Sincerely,

Miss Lembi Timonven.
Postmaster, Kearsarge, Mich.

White Rock, British Columbia,
January 26, 1961.

Hon. Senator Wayne L. Morse,
Washington, D.C.

Sir: Respectfully request you assist the return of Mr. MacKay and Mr. Mackie to the United States and Portland having in mind the enclosed letter from the Vancouver Sun January 25, 1961.

There are probably a million people from Canada in the United States and am sure they would share the same views and again there are almost as many U.S. people in Canada counting their descendants. In 1911 to 1913 there were 300,000 from the United States to the prairies as homesteaders of which you see hundreds in British Columbia on retirement. I was with the Southern Pacific Railway as operator at Woodburn, Oreg., in 1912 when I met my wife. We were married in 1913 and came up here to follow railroading, which we did and stayed. We were born in the United States as well as our parents and now retired. My father and four of his brothers were in the Union Army from Illinois (Civil War) and afterward settled in Cowley County, Kans., where I was born in 1884. We starved out there. Thanks for your attention.

Respectfully,

Ira E. Barr.

Portland, Oreg.,
April 15, 1962.

Senator Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: I am writing to ask you to please introduce a measure for the statute of limitations for the protection of the foreign born, which is needed so very much.

Thank you.

Alice Hedgketh.

Portland, Oreg.,
April 15, 1962.

Dear Senator Morse: I would like to voice my support for the bill for the statute of limitations on deportations. Having read a lot about numerous unjust deportations, and having known a number of deportees personally, I know how important this measure would be for many foreign born.

Sincerely,

Susan Hamerquist.

San Antonio, Tex.,
June 3, 1962.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: After I signed a petition concerning the William Mackie and Hamish MacKay cases, you wrote me last March a statement of your position in this matter.

I have showed your letter to a number of friends, for I think the deep belief in democracy and fair play that it expresses is something to share.

I wish there were many more Senators with your convictions and the courage to act on them.

I would not trade my native Texas for any other State in the Union. But I do regret not being able to vote for you.

Many thanks for the copies of your newsletter, which I have enjoyed very much.

Sincerely yours,

John W. Stanford.

International Longshoremen's
& Warehousemen's Union,
Portland, Oreg., December 23, 1960.

Hon. Wayne Morse,
U.S. Senator from Oregon, Senate Office Building, Washington, D.C.

Dear Senator Morse: At a recent meeting of this council, we again discussed the unfortunate deportations of Mr. William Mackie to Finland and Mr. Hamish Scott MacKay to Canada. We believe that you will agree with us that this is one of the most unfortunate incidents that has happened to the people of the United States for some time. We believe that this has gone a long way to lower the prestige of this Nation throughout the world.

We ask that you reintroduce your bills to bring these men back to the United States and to their families and friends. We believe that this would be the humane thing to do; it is never too late to correct the mistakes of the past. In view of this, then it would also be fitting to repeal the Walter McCarran Act.

I am writing to some of your colleagues to see if they will give you some help. Hoping that you will see fit to continue your splendid efforts, even in 1962, Hatfield or no Hatfield, I am

Sincerely yours,

Ernest E. Baker,
Secretary.

Camas Valley, Oreg.,
April 20, 1961.

Hon. Wayne Morse.

Dear Senator: Thanks for the interesting information in regular letters, they are so enlightening to me.

I do especially feel encouraged by your efforts for our two-fellow Oregonians—Hamish MacKay and William Mackie. Coming here in 1900—a stranger, I have never regretted these 60 years and should by some foul fate my status as a citizen be questioned, I would be terribly disappointed. Fortunately I have my citizenship papers, but with the HUA Commission it would be possible that some stray remarks may be misinterpreted.

Once upon a time I stuck my neck out fighting the KKK and God knows what the said committees might make of that.

Sincerely yours,

H. W. Banks.

Greeley, Colo., *October 24, 1960.*

Dear Senator Morse: I hope your efforts for Messrs. MacKay and Mackie are successful I have read and reread this article and can't comprehend the reason for the deportation. Could you help me with these questions?

1. Doesn't the Bill of Rights declare a man cannot be tried for an offense if it was committed before there was a law forbidding the deed.
2. Weren't we allies with Russia in 1930?
3. Does the McCarran Act mean any organization today can be declared subversive tomorrow?
4. How is it today we admit political defectors who have been active Communists yet deport two men for a deed committed 30 years ago?

We are a brave and free Nation and I feel sure witch hunts such as this are not needed to preserve our fine traditions and ideals. Again let me wish you success.

Sincerely.

Sharon Briggs Dodson.

Beaumont, Tex.,
November 20, 1960.

Dear Sir: In the event this letter should reach you, I would like to be added to the several I know who have already contacted you concerning Mr. Mackie.

I fail to see where this man committed a crime. I feel he should be brought home immediately.

This is comparable to sentencing a man to life in prison for running a stop sign.

Thank you for your interest.

Jack Cook.

FREEZING WINDS, WARM SYMPATHY GREET WILLIAM MACKIE, 51, DEPORTEE TO FINLAND FROM UNITED STATES

Helsinki, Finland, November 19.—Icy winds and freezing cold but also warm sympathy from countrymen he had never seen, met William Mackie in his arrival here Saturday night as a deportee after 50 years in the United States.

Mackie, 51, a house painter of Portland, Oreg., did not have a single relative or old friend to meet him. He speaks only a few Finnish words. All he had with him was a small overnight bag and $85 cash.

NO PLANS

He did not know where to go or what to do here.

"I have no plans, no idea where to go," he said. "I just want to go back to America, where I belong."

Mackie, who has lived in the United States since he was 8 months old, was born during a visit by his parents to "the old country." He does not even have a home district anymore, as he was born at Viborg, which has since been ceded to the Soviet Union.

THIN TOPCOAT

The deportee, shivering in a thin topcoat given him by his father before his sudden departure, soon got a warm coat and one easily recognized by several of the large crowd of newsmen out to meet him. It came from the widow of Mackie's likewise expelled countryman William Heikkila, who was deported in similar circumstances 2 years ago.

Heikkila, who also arrived on a bitterly cold winter eve, received the coat from the then U.S. Ambassador to Helsinki, John Dewey Hickerson.

WITHOUT PASSPORT

Mackie, deported Friday under the McCarran-Walter Act, did not have a passport on him, just a document from a Finnish consul in the United States saying that Mackie "as far as can be established is a Finnish citizen."

Mackie said he does not know how he was going to make a living in Finland. He is being taken care of by a Finnish newspaperman for the time being. He said he hopes to be able to take a temporary painter's job during his wait to go back.

STILL HOPEFUL

"The American people do not want me expelled and I know many there will do their best to have me back," he said. "I still hope Senator [Wayne] Morse, Democrat, of Oregon, can do something, but it will not be until Congress convenes in January. I applied four times for U.S. citizenship and each time I was rejected.

"I never was a member of the Communist Party. I attended only a few meetings for relief work during the depression where Communists may have been present and those organizations may later have been regarded as subversive."

The Mackie case has aroused much interest in Finland. One Finnish newspaper urged Finland's President to turn back Mackie, but according to the Constitution any Finnish citizen is entitled to enter the country.

The First Methodist Church,
Corvallis, Oreg., April 25, 1958.

Senator Wayne Morse,
U.S. Senate Building,
Washington, D.C.

Dear Senator Morse: The deportation this past week of William Heikkila from San Francisco and the threatened deportation of William Mackie from Portland are matters of grave concern. Can you give us information additional to that received in the newspapers which might in any way justify the procedure of the U.S. Immigration Service? This appears to be a blatant use of authoritarian methodology which bears a frightening resemblance to the very thing against which America is dedicated.

Secondly, how do you personally stand on the McCarran-Walter Act? Are you willing to lead in a fight to correct this legislation which has led to grossly unjust occurrences?

Sincerely,

Robert N. Peters,
Minister to the Campus.

Portland, Oreg.,
December 28, 1960.

Senator Wayne Morse: I hope you will reenter a bill in Congress as reported, covering the case of William Mackie deportation from Portland, Oreg.

I am in business and meet many people, and those who know the case, I still have to find one who feels it has been just, nor have I heard, or seen a paper that didn't criticize the act.

I personally know and dealt with Mackie for about 12 years. He is a good man. Thanks in his behalf for your past effort and whatever you can do in the future.

Respectfully,

Carl E. Opperman.

Mackie Case Draws Protest

Oslo.—The liberal afternoon paper Dagbladet said Tuesday the case of William Mackie of Portland, Oreg., deported to Finland on charges of being linked to Communists in the 1930's, is more effective anti-American propaganda than any major speech by Soviet Premier Nikita S. Khrushchev.

"The drama of the deported house painter is, politically speaking, a comedy," the paper said. "And be sure that those who occupy the front seats on the East are enjoying themselves.

"This fits badly with the principles of freedom, justice and humanity about which the Western countries talk so loudly at the Paris NATO parliamentarians meeting these days.

"This case makes us think of the novel 'The Ugly American'—the biting satire of American relationships with foreign countries and foreigners, of official America's lack of the most elementary psychological understanding."

Eugene, Oreg.,
January 26, 1961.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: I would like to express my appreciation of the action which you plan to take in the Hamish MacKay-William Mackie deportation case. Your willingness as a Senator to step in and right a wrong which has been perpetrated by the administrative branch of Government and ignored or silently condoned by the former President is truly an action of responsibility.

As a registered Republican I have never expected to find myself writing you, nonetheless paying tribute, but this case cuts across party lines right down to the moral fiber of any American citizen.

In November I wrote to President Eisenhower about this matter; I did not expect a personal reply but I did expect some general reply because I am sure there must have been many others—apparently yourself included—whose voice must have went up in an uproar of protest. My only acknowledgment was my certified mail receipt; not even an explanation from an assistant undersecretary.

My main concern I expressed was that a great injustice had been done these men, not so much because they had possibly been affiliated with some obscure Communist front organizations, but because by quirk of fate they happened to be aliens. A citizen could and can be an active member in a Communist organization and need never fear of being sent from the native land he has betrayed. But these aliens are dangerous.

I told Mr. Eisenhower that I felt the effect this action had on the morale of the American people (not to mention the impact abroad) was doing more harm than the Communists could hope to inflict through their own propaganda techniques. I feel that a great strengthening of our people into a country with a national purpose to wage a war of freedom in the world as truly a "nation under God" must do—is what we really need—not a fearful witch hunting, nit picking watch against the type of enemies which should cause us no fear.

I'm assuming now that MacKay and Mackie may have been guilty of something—if so they have received a cruel and unusual punishment as it does not fit the meager nature of their crime. There also appears to be a very good chance that they are innocent; for surely the trial which they received does not sound like the example of the American justice system we are proud of.

I have spoken to many people about this and have heard opinions from many including the local press and some people from the university. The feeling I've expressed seems to be unanimous—there is only one other thing—a bitter disappointment that the Nation did not shake with protest last November (not political protests). Perhaps too many people bow to the laws of the land as irrevocable and useless to protest against. I know this is not the case with you and I hope you will prove these people wrong.

It is my hope that you will be successful and that you will be able to transcend the political rivalries and feelings which sometimes run against you. Perhaps through such mutually accepted people as Mrs. Neuberger and you can gain some ground. At any rate an old pro needs no advice. I just want to let you know that in this cause you've accepted you have many friends and we count very heavily on you.

Respectfully yours,

Robert E. Metzger.

Saskatoon, Saskatchewan, Canada.

Senator Wayne L. Morse,
U.S. Senate Office Building
Washington, D.C.:

In a recent edition of our local paper, the Saskatoon Star Phoenix, there was an appeal by Carl Ericson of the MacKay defense committee urging support for your private bills to cancel the deportations of Hamish Scott MacKay and William Mackie.

Please be advised that my wife and I give you our full support in this matter and will give any assistance that we can.

Wishing you success, we remain

Yours very truly,

Mr. and Mrs. Marvin A. Reichheld.

The Hayes Memorial
Methodist Church,
Fremont, Ohio, July 27, 1961.

Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse. I have been reading of your struggle to give aid to Hamis MacKay and William Mackie, who have been deported under the most unacceptable methods.

May I urge you to push forward to a happy conclusion of this, and pledge you my personal support in it. I hope, too, that you will work with others, or give leadership to them, in the creation of a more equitable law, including as a minimum a statute of limitations.

I am, frankly, frightened at the prospect of what is slowly happening to our country through the Walter-McCarran law, but also through the actions of some of our "legislative committees"—particularly the House Un-American Activities Committee. I spoke in my community for a sane evaluation of the film, "Operation Abolition," and found that some of my former friends and even church members would no longer speak to me—not until many other papers and news weeklies began to speak up on the same issue. This is frightening. And fear is destruction to freedom as is no other single emotion (I feel hate is based on fear, hence fear is the destructive force behind hate.)

I didn't intend to write so much. But do know that there are many of us concerned with our Nation, our freedom, our democracy.

Sincerely yours,

David H. Weaver.

Arlington, Va.,
January 16, 1961.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I wish to express my firm support of your efforts to have William Mackie returned to the United States.

One can only feel shame, and a fear for the future of our country, when its efforts against communism are directed toward such a person. Surely we indicate a lack of faith in the strength of our democracy through such action as his deportation.

May your efforts in his behalf be successful.

Sincerely yours,

Mary H. Comstock
Mrs. Austin B. Comstock.

Newberg, Oreg.,
March 8, 1961.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I thank you very much for your letter and newsletter which I like very much. Now in regard to those two that were deported this winter. If there is anything I can do to help these two men I will be glad to do what I can. It was more than 20 years to get my papers even if I lived here all except the first 16 months of my life.

The Seattle Immigration and Naturalization and district court sure gave me a bad time; also the Portland office didn't do too well.

Yours truly,

E. R. Pearson.

Pendleton, Oreg.,
January 19, 1961.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: I am writing to you primarily about the deportation cases of Hamish Scott MacKay and William A. Mackie. I was very pleased to read recently that you are going to introduce a bill in this session of Congress which would allow the two men to return to their homeland.

The Government's action in the cases was unbelievably stupid. The Finnish press was justified in branding the action barbaric. The circumstances surrounding the deportation of the unfortunate men must have created doubts in the minds of many concerning the processes of justice in America. And it must have seemed extremely infantile in a country such as France, for instance, where one can easily engage in a conversation with a Communist. This was a case of bungling bureaucracy at its very worse. If we as a Nation are to be worthy of leading the free world, we simply must act more mature in such matters.

Of course, a bill enabling the two men to return to America is of primary importance. And they should be returned in fairness to them and their families, rather than beacuse of any effect on America's prestige. Of almost equal importance, however, is a revision of the Walter-McCarran Act to prevent a reoccurrence of a similar situation.

On a different subject, I was amused at the recent complaint of the editor of the Oregonian to the effect that so many working journalists supported John F. Kennedy in the last election. It was indeed fortunate that one could read columns by Walter Lippmann and Joseph Alsop, to cite only two, to counter the extreme anti-Kennedy position of the editors of the two largest papers in Oregon. Perhaps it was because I felt that this election was so important, and that a Nixon victory would have been a real catastrophe, that I noticed for the first time the extreme bias shown by the Oregonian toward any Democratic candidate that they felt could be defeated. It is unfortunate that Oregon and other western States do not possess a two-party press.

I know that there are many vital and pressing problems which must make the plight of two relatively unknown men seem unimportant to many. Our relations with the uncommitted nations and the many implications of a real disarmament agreement come immediately to mind. Indeed, I think that one of our gravest dangers is the fact that the vital issues are so complicated that the average citizen will withdraw from any involvement in them as a result of a feeling of helplessness. The injustice inflicted upon MacKay and Mackie can be rectified by relatively simple action, which perhaps is one reason that I became interested in the cases. I might mention that I know neither of the men nor any members of their families.

Needless to add, I certainly hope that you are successful in your efforts to enable the two men to return to their homeland. And I wish you continued success in the future in your progressive actions in behalf of the State of Oregon and all of America. Best wishes.

Sincerely,

Dick Korvola.

Boring, Oreg.,
January 16, 1961.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir and Friend: I see by the press that you are preparing a bill for the Senate that will prevent sending men out of our country, that had once in their youth been convicted of Communist activities. Well, more power to you. I can always count on your being counted on the side of the oppressed. I sincerely hope you get the legislation you want. You have always stood for what you believed to be right even when it runs counter to your colleagues. I sincerely hope you reintroduce the so-called Neuberger bill that passed the Senate unanimously in 1955 but was pocket vetoed by the House Rules Committee and there let die. It will be necessary to reintroduce the Neuberger bill which had as its main idea a pension or compensation where 100 percent permanent, making all who could qualify due for a pension of $250 a month. (I get $248 compensation now.) But this law would if enacted as directed by the junior Senator from Oregon, give the wife $100 a month extra when she reached 62 years old. My wife will have to wait 3 more years but there are 40,000 more people who have reached 65 years or older, and in 10 more years they'll all be gone. Then there are thousands who for one reason or another cannot qualify for social security or compensation, so a bill should be introduced to pay these old people (our senior citizens who built what we now call our country). A pension of $100 a month should be allowed each one qualifying; it could be met by the Government furnishing 80 percent of the money and the State 20 percent. You can enlist the help of our other Oregon statesmen, Mrs. Edith Green, House of Representatives; Maurine B. Neuberger, Senator; and Hon. Walter Norblad, Representative from Oregon, 1st District.

Thank you.

James L. Carden.

Portland, Oreg.,
January 24, 1961.

Dear Senator Wayne Morse: I am a member of the Multnomah Friends Quaker Meeting in Portland. I know of no one in the meeting who is not happy that you are introducing bills to provide for the return to the United States of William A. Mackie and Hamish Scott MacKay.

We betray our faith in democracy by our cruel and unreasonable fears of these men even if they were Communists. They claim not to be.

You are right. I wish you success.

Sincerely yours,

George J. Clauss.

P.S.—I'm urging Senator Maurine Neuberger to support you.

Table of petitions on S. 420 and S. 421 in chronological order

No.	Date	Number of names	Sponsor
1	Jan. 11, 1961	110	United Brotherhood of Carpenters & Joiners, Local Union 452, Vancouver, British Columbia. Oil, Chemical & Atomic Workers International Union, Local 16-601.
1A	Jan. 16, 1961	17	MacKay Defense Committee.
1B	Jan. 17, 1961	22	
2	do	99	Committee of Friends and Relatives.
4	Jan. 24, 1961	20	International Brotherhood of Electrical Workers, Local Union 213, Vancouver, British Columbia.
3	Jan. 28, 1961	10	MacKay Defense Committee.
5	Feb. 5, 1961	59	Committee of Friends and Relatives.
6	Feb. 6, 1961	19	MacKay Defense Committee
7	do	86	Do.
8	Feb. 7, 1961	18	Members of United Fishermen & Allied Workers Union.
9	do	27	Friends and Relatives Committee.
10	Feb. 10, 1961	15	Lodge No. 55, Finnish Organization of Canada.
11	Feb. 11, 1961	51	MacKay Defense Committee.
12	Feb. 14, 1961	20	MacKay and Mackie Defense Committee.
13	do	185	Do.
14	Feb. 15, 1961	182	Do.
15	Feb. 16, 1961	65	Committee of friends and relatives.
16	Feb. 17, 1961	60	MacKay and Mackie Defense Commmittee.
17	Feb. 21, 1961	12	MacKay Defense Committee.
18	Feb. 23, 1961	8	Defense Committee, San Francisco, Calif.
19	Feb. 27, 1961	15	MacKay and Mackie Defense Committee.
20	do	47	Do.
21	do	37	International Union of Brewery, Flour, etc., Distillery Workers of America, Local 300.
22	Feb. 28, 1961	37	Toronto and District Council, United Brotherhood of Carpenters & Joiners, Ontario, Canada.
23	March 1961	23	Committee of Friends and Relatives.
24	do	31	Do.
25	Mar. 1, 1961	17	Members of the Legislative Assembly, Province of British Columbia.
26	Mar. 4, 1961	74	MacKay and Mackie Defense Committee.
27	Mar. 10, 1961	11	Do.
28	Mar. 13, 1961	20	Do.
29	do	165	Do.

Table of petitions on S. 420 and S. 421 in chronological order—Continued

No.	Date	Number of names	Sponsor
30	Mar. 14, 1961	44	United Brotherhood of Carpenters & Joiners, Prince George, British Columbia.
31	Mar. 16, 1961	12	Committee of Friends and Relatives.
32	Mar. 22 ,1961	34	Oregon Federation for Social Action, Gresham, Oreg. (1 sheet from Texas).
33	Mar. 24, 1961	15	Labner, British Columbia.
34	Mar. 30, 1961	35	MacKay and Mackie Defense Committee.
35	April 1961	20	Committee of Friends and Relatives.
36	Apr. 3, 1961	46	MacKay and Mackie Defense Committee.
37	Apr. 8, 1961	33	Do.
38	Apr. 14, 1961	38	Do.
38A	Apr. 27, 1961	40	Finnish-Americans.
39	May 1, 1961	115	Committee of Friends and Relatives.
40	do	92	MacKay and Mackie Defense Committee.
41	May 26, 1961	14	Oregon Federation for Social Action.
42	May 29, 1961	103	Committee of Friends and Relatives.
43	Sept. 2, 1961	119	Members of the Bar of the State of Oregon.
44	Sept. 6, 1961	637	Beaverton-Hillsboro Seventh-Day Adventist and others (By Proxy).
45	Sept. 20, 1961	47	Committee for Support of S. 420 and 421 (the Sprague Committee).
46	Sept. 26, 1961	67	Peace Committee, Hillside, Oreg.
47	August and September 1961.	104	Sprague Committee.
48	do	225	Do.
49	Undated	7	MacKay and Mackie Defense Committee.

[1]

Petition of United Brotherhood of Carpenters and Joiners of America, Vancouver, British Columbia, January 5, 1961

This petition is signed by executive members of Local No. 452, United Brotherhood of Carpenters in support of Hamish Scott MacKay to which this brother of ours transferred after he was deported from his place of making a livelihood in Portland, Oreg.

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

R. A. Smith, Carl Erickson, Harold F. Book, M. H. Coombe, R. A. F. Clark, J. Martin, H. Bird, Joe Alterio, Wm. J. Cameron, L. Anderson, L. Robson, R. G. Dodson, R. Gronet, F. Gooch, A. G. Cragg, John Anatoshkin, L. B. Graham.

Petition of Oil, Chemical, and Atomic Workers International Union, North Burnaby, British Columbia, January 10, 1961

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

R. Corden, R. Fost, H. C. Buchanan, E. H. Porter, W. R. Sutherland, Ian B. Dawson, J. R. Cook, J. R. Davis, R. H. Kensington, J. S. Morrison, R. W. Wilson, R. Runnels, J. E. LeSage, E. Conners, W. E. Davis, W. M. Waddington, E. G. Humphreys, Albert S. Gillis.

R. Ortust, G. D. Stitt, H. J. Phillips, U. N. Bissky, P. J. Dumonceau, Dick Sisson, I. F. Penfold, John Benson, W. A. McFarlane, Alfred Styles, Daumfort, N. B. Livingston, H. L. Jackson, J. Pendio, C. Alpio, Walter Plasman, G. C. Hitchens, J. Klaver, A. R. Davidson, Harold Houghton, D. G. Gardner, Leonard Stuckey, A. G. Blair, W. Potts, F. L. Letter, R. G. Burns, S. Sawshuk, J. O. Battersby, W. E. Orr, D. Hopkins, G. S. Layfield, A. Parlane, C. Gowdyk, Hank Harris, W. A. Taugh, G. Leon, J. L. LeBourdais, J. P. McElligott, Mac Feyter.

P. Putruck, Alex A. Cobott, F. Leader, T. Turner, A. Katz, R. Flagman, A. Anderson, Eric Odmark, Emil Schmidt, K. Hinlen, R. Norberg, T. Sigundson, John A. MacLeod, Otis Franile, Felix Hammel, Wm. David, Al Snider, A. Bergeron, Sandor Kirs, W. W. Henderson, L. Walker, K. Hanboy, Charles Yakansen, Alex McNevin, L. Wilson, S. Predyk, O. Molley, E. Hoptetter, W. Peltal, K. Rode, L. Smith, A. Main, R. Moskin, Bill Payne, A. Nikone, R. Meinczinyer, J. W. Stefanson, Harold Petersen.

F. Gooch, J. Jakach, J. Alterio, K. Francis, H. Anderson, R. Gromet, L. Black, H. Slastaunish, R. L. Sundberg, Terry M. Coy, N. Zinden, A. Sistad, James R. Barton, Tony Bourget, E. U. Hesstrom, H. Ranch, C. V. Brown, Wm. Mazdin, W. Waywood, W. Stewart, D. B. Greenwell, Emil Hawrysio, F. Cronis, Gerald Quink, Harry C. Woodman, Jack Gilbert, C. Kirkman, John F. Seaten, Carl Erickson, Andy Brogan, Gene Younsen, Fink Klueschlacht, H. J. Baft.

R. W. Bullock, P. Larochelle, M. C. Anchrelle, Kenneth Grieve, Ruth Bullock, A. Cohen, J. W. Jukes, James Fisher, Frank Ricketts, Mona S. Hawken, Chas. Shane, R. Blanchard, K. Orchard, J. Cook, David J. Luni, D. McDougall, V. Grimes, Astof Jensen, H. Wamuzh, W. Lagodo, G. Henderson, M. Clorchoch, J. Spasie, P. Thicssen, H. Holmberg, N. J. Meredith, T. Anderson, J. Kristanoc, J. Konopliff, C. Nylund, Fred Roberts, H. T. Sartaunik, John Ogbonone, T. Rivane, T. Wellen.

H. Timkens, Wm. N. P. Spacel, W. H. Widdowson, T. G. Clarke, Ed Leclere, Alex Szakal, C. McArthur, Jack P. Wancillar, J. Houbiff, H. Eastwood, P. Pawkert, S. Shusterman, Paul J. Houle, A. Abesenchuk, Alf. T. Padghaus, Karl Amon, I. A. Worabitz, C. Hathaway, Wyatt C. Hillman, H. Treysan, R. Kelly, E. G. Souli, W. Lylack, E. Brown, J. Sovhachoff, A. Lefurrier, M. Stokes, Dan Ewschece, H. Kunz, J. W. Robbins, A. Valcourt, D. S. Lindell.

[1A]

(Received, Jan. 16, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Nicholas Poloviminkoff, B. Nilsson, N. Dromer, E. J. Dux, E. Jacobson, John Hurbs, F. Sookin, A. Roznomski, P. M. Gierys, E. Pedersen, Mary Schoolhate, L. Heinrich, W. Ericson, Kurt Johansson, H. Watson, E. Martin, Roy A. Carlson.

[1–B]

(Received Jan. 17, 1961)

We support you unanimously in your presentation of a private bill to cancel deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Helena Flauscos, Harry E. Neuranter, P. Lamont, Geo. B. Chesley, John B. F. Flanders, R. Cox, D. R. Hooper, T. Bownmeester, R. L. George, A. Easton, A. Cairns, L. E. Blakeway, S. J. Wick, Donald Thompson, George Brown, A. C. Bockus, James Innes, Norm Howell, D. J. Wood, G. E. Walker, Wm. Winship, Gene Hansen.

[2]

Committee of Friends and Relatives To Bring Back Hamish MacKay and Bill Mackie

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The deportation of these men has injured U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

Those men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called "subversive" organizations were not even associated with the Communist Party.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Herman Hildreth, H. L. Womack, J. O. Riner, Harold A. Paulsen, William Nickila, Rosanna Paulse, A. C. Christensen, H. F. Hjorten, T. Staffelsen, Vesta Brons, Kate Staffelsen, Doyle E. Cary, Mary C. Womack, E. Niemi, J. L. Hayrynen, Eva McNabb, Vale W. McNabb, Lincoln D. Devaney, Clifford C. Haskins.

Arthur J. Schoenlein, E. E. Isaacson, Grovw W. W. Zengu, Robert Thompson, Anthony Monncowich, Thos. H. Johnson, John H. Nikka, Nelma M. Perita, Paul Perita, F. D. Kanes, Eli Riutta, Don Cheney, Stanley W. Nilssen, E. J. Wilson, W. J. Miller, A. H. Haukaas, Velma J. Rantanen, Eunice Rantanen, Fred. A. Davis, Tekla Larson, John A. Larson, Charles J. Mackie, Shane Reanttila, Kalle Kokko, Mrs. Edla Moilan, Anna Mattila, Andrew Markus, Walter Rangas, Urilma Kangas, Hilda Nickila, K. A. Milchaler, Hilda Sauvola, J. G. Sarpola, Vilja R. Sarpola, Ed Kiviaho, Hilja Kiviako, John F. Tayra, Alice Birch.

Merl E. Jones, R. T. Hendren, Irvin E. Renber, M. D. Richardson, Reuben Wolfe, Joseph W. Patterson, J. Vernon Burke, Jos. Cereghino, John E. More, W. H. Martin, Peter M. Clausen, C. J. Lohman, Warren T. Judd, Ralph W. Alexander, R. O. McEntee, Frank Lindquist, Eldon J. Baller, T. E. Danzn, Chas. E. Woodward, Raymond R. Grice, Caroline D. Grice, Selma A. Grice, Stella Rasovich, Ella Wald, Amy V. Reynolds, George Luckman, Oodentine Premzic, Peter Bolen, Paul Rice, Glenn G. Kinney, Ernest E. Searle, Helen Searle, Violet Russell, Jeanne A. Johnson, Vera Rice, Ruth Emerson, Sofia Husa, Frank White, Cecilia Corr, Marion Kinney.

[3]

Petition of International Brotherhood of Electrical Workers Local Union 213, Vancouver, British Columbia, January 24, 1961

(Petition in support of Hamish Scott MacKay and William Mackie)

Sir: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

E. A. Knight, H. J. Clarke, N. C. Read, S. Fenero, I. Gow, F. Allison, George Sharpe, Robert G. Blair, J. P. Milner, A. K. Stell, H. G. Summers, S. Scharf, S. Miller, D. Wells, D. L. Terlson, O. Beach, A. Murphy, Robert Miller, C. Rider, Les Pearce, Bud Snyder, Margaret Carter, M. W. Chamberlain.

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[4]

Petition in support of Hamish Scott MacKay and William Mackie

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

J. K. Laforce, David Leone, Fernand Gallier, Laurent Dubois, Reni Muchaud, Stanley Kriyaech, John Le Blanc; Camille Grenier, E. Leresque, R. J. Morgan.

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[5]

Committee of friends and relatives to bring back Hamish MacKay and Bill Mackie

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured the U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Ralph H. Thayer, Mahlon F. Hamilton, William S. Winter, Mrs. K. Iversen, Maxine Elliott, Mrs. Corrie Lowery, J. W. Cooper, Helen Katzky, Anna Welch, Norwood Parrish, Mrs. McCulloch, Margaret Sullivan, George Shelton, William D. Mills, Marion E. Taylor, James E. Blackson, Louis Kacin, W. J. Wheeler, Doris G. Wheeler.

Ellen Cullins Nelson, Carl E. Opperman, Alice E. Opperman, Helen E. Gibson, Sigrid Hendrickson, Lillian E. Krebs, Arvid O. Ernquist, Theo. F. Koski, W. P. Sager, Anna Lundberg, Buell D. Grady, Alice N. Erickson, John T. Kolu, Jerome E. Katzky, Ennis B. Waters, Mrs. Jack Vetter, Jack Vetter, W. P. Baxter, Mrs. James Baxter.

Lily Juan, Robert Juan, Percy B. Long, Leslie M. Busby, Nancy Ann Busby, Richard P. Knippl, Thomas R. Smych, Albert Schuster, Charles Roy, Lawrence D. Goeckitz, Helen Highfield, Lynn Ray, John Kotewa, Ellen Kotewa, Dale R. Fry, D. H. Laird, C. E. Hahs, Leo. W. Langan, Mrs. Hannah M. Laird, Beula M. Kaiser.

TEACHERS, PRINCIPAL, AND VICE PRINCIPAL OF JEFFERSON HIGH SCHOOL, PORTLAND, OREG.

Lenny Clarke, Charles C. Edmonds, Michael P. Rocke, R. W. Clint, Dorothy J. Warren, M. E. Yeomans, Pauline S. Ussing, G. Kanas, Laura Scott, Pat Barney, Roy Malo, Jack King, Robert F. Henderson, Adraen E. Douglass, Evelyn K. Klopfenstein, Alice E. Huffsmith, M. Roche, C. Jeppesen, Wilma Jean White, Stanley Schmidt, Carl M. Knudsen, Herbert Brahn, Robert V. Crosier.

STUDENTS OF JEFFERSON HIGH SCHOOL, PORTLAND, OREG.

Lorraine Mittke, Edwina Hill, Kari Ungstad, Vicki English, Floyd Smith, Mike Flego, Bill Scott, Larry Moore, Harold Magnuson, Mary J. Haggerty, Lynnette Bohlander, Margaret Rose, Harry M. Hilton, Sandra Cooper, Dorothy Davidson, Gary Blank, Tom Peterson, Ray Sherwood, Linda Hohnstein, Mike Sheehan, Bob Calkins, Ed Yakimcheck, Don Charleson, Ken. Carls, Sandy Srye, Chuck Smith, Sandy Sessler, Pam Manley, Brian Judd, Sheryl Robb, Mary Maureen Divine, Louise Robillard, Rich Bremmer, Mike Harry, Gene Anderson, Terry Howell, Ted Galey, Barlare Clift, Wendy Sullivan, Sharon Clearwater, Glen Childs, Dave Hansen.

STUDENTS AND TEACHERS OF CENTRAL CATHOLIC HIGH SCHOOL, PORTLAND, OREG.

Leser Migneault, George Laurel, Thomas Ludwig, Brian Lynch, Paul Fosdick, Michael Goold, Steve Daron, James Greenwood, Herman Greenwood, Fred Cavanaugh, Milton Cavanaugh, Jack F. Greenwood, Mike Maginus, Robert Rocter, John Roberts, Denny Prazeau, John Muller, Eugene Knight, Bob Lee Prenz, Jerry Marcella, George Yager, Dan Kilner, Bob Soumie, Ralph Sauer, John Matteo, Gary Thornton, Robert Guite, Harry Wolf, Victor Maffia, Vince Dillon, Walt Ablock, Don Dohne, Danny Brown, Bob Bany, Timmy Burke, David Stahl, S. M. Marcelle, Jack Mumford, John Murphy, Big Don Luck, Richard McKenna, Pat McNamee.

[6]

(Received Feb. 6, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Chas. Crate, Elaine Pactorinnckoff, Frank Kennedy, Mary Yorke, May Martin, J. A. Martin, W. L. Greenwood, W. Perry, Anne E. Perry, Barbara McKelvie, Katherine Perry, Mrs. P. N. Riedweg, H. Mason, Mrs. L. Kraushaar, Mrs. J. Brewer, Carol Brazie, Roy Canbed, R. L. McKinley, Rob. Riedweg, Ethel Gordon.

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[7]

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

A. T. Alsbury, R. Thompson, Colin Lowery, D. W. Bhacols, John McCinch, C. F. Neale, O. Stashyn, E. Harkness, Margaret Robinson, Mrs. E. R. Roberts, C. C. Cowan, I. H. Mae Aulery, Marion Linnill, Hoefort Wilson, R. Hirtle, G. Byburn, J. B. Pilmer.

Stan Brook, Cedric Cox, Gisela Schwanc, Larry Nozaki, Jan MacPhel, Reta Olsson, Malcolm Bruce, Patricia Bradley, Gladys Rogers, Glenn G. Gerchshel, O. Vanderhaven, W. Forest, D. R. Dyson, R. Rubkowski, F. Lyttle, Ian Blair, Hamish Scott Mackay, A. J. van Hriel, W. Hammond, A. Fergus, R. G. Colthoy, D. E. MacLeast, J. Johnson, W. G. Osborne, Al Bruce, J. McGaughey, B. A. Ward, George Stremel, Harry Sudom, R. E. Penehibihl, Wm. Francis, Neil McLeod, N. Thibault, L. McPhlen, E. W. Olson, J. L. Garritty, R. Braden.

Mrs. Harold Johnson, Harold Johnson, R. McDonnell, M. Annabel, C. F. Morrison, Al Evans, S. L. Rogers, Mabel Bruce, Alex Fergusson, W. L. McNeil, J. McKenzie, G. C. Jones, D. Olsen, Robert E. Horn, Nick Shuguto, Ruth Robertson, T. Matterson, P. Larochelle, P. S. Courneyeur, A. E. McManus.

A. J. Kornberger, Geo. Kraft, A. E. Klapoweschak, John Nahornoff, Geo. Wilderman, James Detehkopt, Ted Szelew, A. Gautron, F. Betke, C. E. Simkins, W. Saeoreoff, T. Odland, M. Silbernagel.

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[8]

(Received Feb. 7, 1961)

Petition of the Executive Members of the United Fishermen and Allies Workers' Union

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane

Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

A. L. Gordon, Pete Ravelich, Harvey Proctor, H. Corlett, A. Kaano, H. Onotico, R. H. Payne, Adeline Patchford, R. L. Gaichin, F. E. Parkin, Harold Wilcox, T. Foort, Mae Aiken, B. Swzuki, Don Cox, J. Jacobs, J. Cook, H. Stauenes.

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[9]

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The deportation of these men has injured the U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the crime of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Roderick R. MacKay, Maude M. Vanzant, E. S. Vanzant, Dorothy MacKay, Darrell MacKay, Rhoda MacKay, Angie MacKay, Mary Johnson, Melvin Johnson, Norma Wickiges, Grace L. MacKay (mother), Karl R. Bierly, Jr., Mrs. Karl R. Bierly, Jr., Mrs. John P. Schackman, H. H. Schultz, Nick Malzone, Gus Nelson, Mrs. H. H. Schultz, Connie Schackman, Billie Schultz, Helen Schisler, L. W. Schultz, Lois O. Schultz, Randy Schultz, C. J. LaSalle, John P. Shulman, O. R. Haloven.

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[10]

PETITION BY MEMBERS OF LODGE 55, THE FINNISH ORGANIZATION OF CANADA, VANCOUVER, BRITISH COLUMBIA

(Received Feb. 10, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C.,

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Minnie Vainia, Anna Wairmaa, Jemine Niske, Anna Yaraton, Karl Vainio, H. Kangos, H. Hahtr, Manda Ramla, W. Liekala, E. Ketoho, P. Joukaine, Otto Johansson, Math Maki, Mr. Kielinem and family.

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[11]

(Received Feb. 11, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Rodney Young, T. J. Bradley, J. P. Precto, Stanley Woolgar, P. N. Crickzon, Elva Thompson, Edward M. Hepner, Vera Sharko, Frank Rickett, Dick Schengo, N. Gumcke, D. E. Kinno, W. F. Govett, Bill Shoebotham, Don Fletcher, Syd Thompson, Red Leland, A. R. Leland.

Vera MacKenzie, Shuber Light, Helen Moor, Rod Stewart, Joe Warnock, S. Mear, Ernest Riddell, Lillian Crate, Alousy LeBourdoir, Swanson Dagne, Adeline Rowat, Doris Leland, Gladys Broaten, Louisa E. Kowluk, J. W. Atkinson, R. J. Hoffman, Mrs. C. C. Hoffman, Levy Freistad, Sam Lewis.

Mrs. S. Barrett, Ben Clifford, Jane Clifford, E. Rowat, F. Ryttersgaard, Neil Runggren, J. Nolis, D. Morgan, M. Phelps, N. H. Skaarize, Ella Skaarize, E. P. Brown, Ian McPhee, W. Y. Bennett, Fred W. Moebes.

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[12]

(Received Feb. 14, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
U. S. Senate Office Building,
Washington, D.C., U.S.A.

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Elmer R. Kaila, Ivy Kaila, Rina Kaskinen, P. J. Kaskinen, Matt Savola, Flora Savola, O. Hendrickson, A. Amala, M. Anderson, G. Maunus, H. Snikker, Mr. and Mrs. George Loos, Verner Pahkala, V. J. Macky, Mr. and Mrs. T. Ahola, Lylric Lemd, Charlie Alho, E. Hayrynu, Mr. and Mrs. A. Loakso.

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[13]

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C., U.S.A.

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

P. Nilsson, K. Mies, W. Meis, M. Leyland, E. Dimopsilz, F. Kalmsmaki, T. P. Wilburn, C. Lehan, L. Lehan, I. Downie Kirk, M. Kirk, E. Tomblad, L. Johnson, A. Blakey, H. Feldt, S. Toustykes, N. Epstein, H. C. Oberg, Menn Mark, Mrs. Stoneman.

Elaine Kelley, Dale Kelly, Eve Burns Miller, H. Pothorn, L. Tomblad, S. Pothorn, C. Anderson, R. L. Clubb, H. B. Hall, W. W. Esaton, Helen Derewenke, R. G. Thiel, S. Porcellah, F. Williams, T. P. Roughsedge, J. Riddell, Alex Tabbsen, Farrel A. Orcutt, Helene Honekley, G. Wcubenges, L. Horn, M. Leonty, W. P. Mandale, Ken Jackson, Val Quakenbush, G. Whens, L. M. Grett, E. Dale Guidice, D. S. McKumon, M. Trites, D. Beck, Pat Savage.

Bert Myers, R. D. Colly, M. Pederson, B. M. Engesent, Mrs. A. Blaschik, Mr. P. J. Bedner, Mrs. Lena Bedner, H. Rush, Reniede, Sybille Peacock, Callos West, J. J. Smith, P. M. Starson, Ceurstal, Nina Baker, Pvt. Miller, Lauretta Berg, Tom Miller, Florence Dubno, F. W. Smith, Lillian Margolese, Mrs. O. Promink, Mr. J. J. Johnson, John Boylan, Mrs. Ed Stelp, W. Polaski, Sadie Davis, Olive Sellers, R. Down, Alexander Suthdid.

Gwendolyn McMartin, Mary B. Brandon, Dale M. Lawrence, G. M. Dowding, J. Kermy, E. J. Rass, D. L. Ron, Ann Yarston, G. K. Yarston, R. H. Taylor, K. Taylor, N. Lothrop, S. R. Lothrop, W. Willmott, R. C. Willmott, P. C. Floran, Mary Holden, George Palmer, D. Palmer, E. W. Poulter, Linda Stevens, F. Roby, B. Pickwell, John Bene, R. S. Stewart, M. Jewell, K. Sellins, I. Maliobur, June Black, Vera Warobetz, Sonia Warobetz, John R. Barrett.

Emil Job, Henry Murphy, Isabel Murphy, Dorothea Hill, D. S. Drake, Doris Drake, Wm. Sarcosky, G. Pinnell, R. Nicholson, E. Drexler, Mrs. E. Wood, Mrs. Drexler, Harry Paulson, V. T. Hortsworth, Alice Martin, Verna L. Dyck, D. J. Ray, Dave Dyck, Joan Bailey, Ian Bleasdale, P. Whittaker, Doris Whittaker, P. Williams, J. R. Hays, D. Urquhart, M. Warren, Doris M. Kirk, Mrs. E. Munro, P. C. Munro, G. M. McIntosh, Mrs. H. Clarkson, Mrs. W. Anderson, J. E. Pedersen.

P. Melville, W. Strand, G. Homey, Timothy Coonin, M. Klym, C. Lawson, N. Fort, J. E. Jones, John A. McCuish, D. Baker, Thomas Notsuoha, D. S. Plummer, C. Phillip, F. Rangrga, Roberta Roleson, L. Browerman, J. N. Prutt, A. L. Sellwood, R. E. Hawthorne, J. F. Rutka, George Kucher, Ted Eliuk, O. Moysiuk, H. Moysuik, K. A. McClure, D. Kinney, E. Smith, G. T. McDargoll, Bryan Roberts, Ben Margolese, Jim Kankan, Maxine Schnee, Yvonne Szakal, Melvin Haugen, Dibys Poole, F. Abner Poole, Maurits Mann, T. Boylon, Anne Boylon.

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[14]

(Received Feb. 15, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
U.S. Office Building,
Washington, D.C., U.S.A.

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

B. D. Kelly, A. Newfield, George A. Porttions, Mrs. Mae Smith, Rose Ogrin, J. R. Robertson, D. Mackie, E. Pritchett, J. S. Bursby, W. H. Hill, Wm. Ozaruk, T. Walder, J. Chapman, Neil Fullen, M. Hamyzon, L. J. Bresnahan, John Rots, Berry McLaughlin, Geo. Heidebrecht, John Holt, Ker Jackey, Wm. Konekevil, Chris Bruksar, Joe Kliwayk, Geo. Molde, Barge Tjunwold, G. Saarikorki, Mike Chanenkoff, Harold Stewart, P. Gerrits, E. Lachance, W. Gaurychin, S. Sheyman.

J. Warelss, Andrew Malar, William Harris, Helmut Arnold, Swaphin Znukle, Toern Habicht, Franz Grubmueller, O. L. Pinchkie, W. Funcrubieki, Tony Feler, John Pomper, Frank Homers, Jim Pappal, W. Stuckey, B. Evans, David West, N. A. Mackpherson, Jr., Mike James, Bob Arland.

M. Rabik, William Hreheschik, Gino Pagnossin, A. Kruzie, Vocroin Pavlo, William Bowdering, Capaldo Vito, D. J. MacCreish, Dick Cownlifcki, A. Ankenor, Pasquino Delucchi, G. L. Wallace, D. Graham, William Faliboga, Mr. H. Pawkirk, N. J. Rezansoff.

Alex. Ryan, Walter Lesinaun, S. Lenar, Bill Lielke, W. P. Chilland, A. Chadwick, Vic Redman, Phil Hughes, M. Hughes, M. Blaine, C. Briere, E. Briere, D. A. Martin, T. W. McCalf, J. A. Felian, S. M. O'Brien, G. S. Scott, J. Dara.

Ernest Burke, J. Crawford, M. Gayskin, J. E. Sumer, V. Berg, Stanislor Reenik, G. Nagel, T. L. Carlson, O. J. Rovers, Jack Wiens, Jack Cook, W. G. Robison, John Lylick, Theodore Young, R. McKerson, C. Bartlen, A. J. McArthur, F. Ferentz.

C. H. Pritchett, John Berry, V. Woodford, John Hamilton, Roy E. Smith, Leo W. Labinsky, Hal Griffin, M. Pallisen, J. F. Rutka, R. Andrews, B. O. Cox, M. Beagle, H. Stevens, E. Hooge, E. C. Greweltd, R. G. Greaves.

Eaddie Hone, Suzanne MacKenzie, W. H. MacKenzie, Wilma Linke, Rand McKeo, C. J. Christopherson, Joe Graham, H. Sauback, Mary Rowan Smith, Marilyn Thompson, W. H. Thompson, I. Harding, C. B. Thompson, R. S. Thompson, L. M. Weston, Walter Walma, Charles R. Townsend, D. Stewart.

Mrs. R. Whyte, Mr. A. M. Ronayne, Nagel Morgan, Mona Morgan, A. Armson, Roy Lowther, Dr. Joseph Blumes, Ted Cole, Clara Cole, Ruth Haney, D. W. Cameron, Jill Stewart, A. Sopper, W. F. Bissett, E. Schwartz, C. W. Gregory, O. S. Culhane, J. A. Wood, D. H. Ristor, C. A. Biorhill, M. Windish, Mrs. Elizabeth Luhtala, Mrs. N. Hansson, Mrs. E. Fox, John Luhtala, Herb Clark, B. Franholt.

Percy Anwich, A. Kourives, Jr., U. Kourives, F. Lynkule, J. Mitchell, R. Legge, J. R. Bronson, D. B. Machean, Hewig J. H. Bartling, Hazel Legge, Joseph Brown, Mrs. J. Brown, L. A. Theime, A. V. Tominke, A. L. Hartley, M. M. Hartley.

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[15]

PETITION BY COMMITTEE OF FRIENDS AND RELATIVES TO BRING BACK HAMISH MACKAY AND BILL MACKIE

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured the U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the crime of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party.

We, the undersigned citizens of the United States petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

Albert Kozlosky, Barbara Beglereis, Hazel Demase, Mary Sells, Nick Begleriees. Louis Rigar, Andrew Marencinh, Velma Vlastelicia, Gargo Vlastelica, Richard Lawrence, Ray Davis, Veo Puckett, Glennace Puckett, Jessie Puckett, John E. Puckett, Arthur Helwig, Aletha N. Helwig, J. F. Brozeale, C. F. Lynn, Mary Ann Lynn, Mrs. H. F. Johnson, Barry K. Fineberg, Maidith Campbell, M. J. Anderson, Claude Johns, Leslie L. Erickson, Mrs. Ray P. Butler, Ray P. Butler, Vera M. Tikka, Donald A. Tikka.

Ruth Peters, Mr. and Mrs. Bywn Rector, Alberta La Roque, Helen Fullerton, Ruby Smith, Rubye L. Wolfe, Mr. and Mrs. O. I. Sovunen, Louis McMullin, Lucile McMullin, Frank M. Gillespuj, E. M. Werner, Leitia Steffen, Alex Steffen. Winifred Fern Heinrich, Rose Weimer, Reba M. Adams.

Bernard I. Ivarie, Mrs. Ben Ivarie, Dorothy Adolphson, Helen L. Freeman, Gertrude Kallio, Robt. Oueby, Mrs. Sylvia Laine, Alice Williams, Mrs. Esther Porko, Mrs. Brigitta E. Uunila, Mrs. J. Ninkhanen.

Paul O. Jewell, Homer G. Wadsworth, Jr., Harold I. Schnell, Carl S. Bell, Mrs. Paul Jewell, Mrs. Madge Tufford, Mrs. Hans Schnoor, Robert W. Lee, Marjorie Lee.

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[16]

(Received Feb. 17, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C.,
United States of America.

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Tyyne and Abe Karme, Sivia Hill, Martin Hill, Frank J. Robinson, Kaarl Huavrmen, Jack Hill, Kusti Tyback, Olli Kokko, Mikko Terava, Matt Soon, Emil Ihaksi, Emil Wilen, Teemu Farwinen, Paaro Roittite, Milla Karagas, David Muhojarre, Toiro Lantto, James Ruddick, Jim Bishop, Mr. Hill, M. Magnassn, J. Yale, G. Webb, John Hormula, Gyo Jarverno, Wm. Beatson, Vaino Harmunen.

J. Crosley, Ole Rosvold, P. M. Johnson, M. Lettiers, W. Hall, R. A. Haberer, Glyn Jones, P. Jordan, J. Hall, E. MacLean, E. Pucey, F. Reynolds, J. March, B. Mehmal, J. Lompe, E. W. Parker, D. J. Arsant, S. W. Stelfore, G. Struckin, R. Escott, J. Watkinson, C. Newman, W. G. Pundzer, J. Wigh, A. Oliphant, G. Lilyblad, Ray Pintor, D. Mahoney, Jas. E. Davison, Robert T. Callahan, and Jeannette Callahan.

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[17]

(Received Feb. 21, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C., U.S.A.

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

D. Minnear, Rev. Thos. Moore, W. G. Wilson, J. MacKinnon, Mrs. G. E. Smith, Len Hopkins, Mrs. W. Caplan, Rae Lefe, Mrs. C. Burnett, Mrs. K. R. Spratt, Mrs. R. Aleey, R. C. Spee.

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[18]

(Received Feb. 23, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C., U.S.A.

SIR: We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Viola Susian, Clara Tilberrta, Bernard Druckman, Duma Medic, Anne Medic, Carl C. Riggle, Mrs. Carol St. Helen, Roger St. Helen.

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[19]

(Received Feb. 27, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C., U.S.A.

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

O. Kay, A. Pellin, Mrs. J. Blumes, Mrs. E. McCafferty, S. Ralston, Ruth Bennett, Olive Johnson, Ross Johnson, Alice Johnson, David Bennett, Mrs. Buckatt, Hulda Hansen, M. J. Hasz, Finn Haldrup, Murray McPherson.

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[20]

(Received Feb. 27, 1961)

(Petition in support of Hamish Scott MacKay and William Mackie)

To Senator WAYNE L. MORSE,
U.S. Senate Office Building, Washington, D.C.

SIR: We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

C. Ross, J. N. Phelps, S. T. Wybourn, Evelyn Faulkner, W. A. Weaver, L. Faulkner, Norman Hill, Esther Birney, C. N. Gibson, D. C. Reeves, Cliff Green, A. J. Marshall, Thomas Meehan.

W. Rowland, N. Padovsky, R. Garneau, Allan Young, Ken Hodkinson, G. Prentice, A. McKay, E. W. Gray, W. Mewhort, M. Will, L. D. Popovich, M. Mackie, H. E. Madsen, Ted Elink, W. Greenwood, P. Karlie, Barbara Stewart.

K. Jalsey, Alex Tabbson, Jean Waugh, S. E. Bean, S. B. Smith, Ken Ettimer, V. J. Foster, Bill Axland, E. Wauge, A. Padghau, John A. McCluth, A. Brogan, J. Cook, Stan Garrett, E. Nielsen, W. E. Nielsen, Ivan Birchard.

[21]

(Received Feb. 27, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

B. E. Hill, F. Gian, W. Miller, R. B. Hansen, J. F. Hawkins, B. Timmons, L. Symonds, E. Synder, B. Moorhouse, F. Clary, E. Hamilton, A. Simmons, F. Moore, H. Dragon, M. L. McVeety, E. Spear, R. Richard, E. R. Gagne, H. Kingsnouk, J. Mathie, E. S. Morse, W. Blatter, E. Jensen, A. J. Bank, Jim Pedurm, George Martin, Don Bryon, C. William, F. Quiskovish, Gordy Stewart, James Kline, Edward E. Cox, Alex Pasholk, D. Daterman, C. H. Roach, K. J. Calder, J. Klinger, M. Mayer, S. Tapping.

All the foregoing signatures are members of Local 300 Brewery Workers Union, Vancouver, British Columbia.

[22]

(Received February 28, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Boyce Smith, C. H. McClelland, J. Mitchell, Albert Emory, Alfred Ward, W. H. Garden, S. E. Oldfield, R. S. Haul, Thomas F. Guief, Michael Scanlon, A. Zanbaye, H. Fields, Wm. Woronchek, Y. Avery, L. W. J. Suskland, J. Offenbecker, Joseph Turk, Oscar Schusan, W. H. Park, Garfield Smith, D. J. Fraser, L. Parkman, Robert R. Kaice, Joseph D. McFaul, Victor Pinto, H. L. Knight, T. A. Hamill, A. J. Woods, R. Cunningham, Arthur Bouser, Charles Duncan, Philip Robchand, Burthill Smith, James J. Lawrence, Jack Gillis, H. C. Hilton.

The above signatures are from members of local unions affiliated to the Toronto & District Council of Carpenters & Millmen, 169 Gerrard Street East, Toronto.

[23]

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the United States prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator Wayne Morse of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Clyde R. Appleton, Man M. MacEwan, Mary G. MacEwan, Arthur MacEwan, John A. Wilson, David Perlman, Andrew W. MacEwan, Harold C. Fretts, John A. Salyer, Ann H. Salyer, David M. Perkins, Vernon Elfbrandt, Barbara Elfbrandt, Robert M. Harris, Lillian M. Harris, Byrd Schweitzer, Winifred Osta, Nan Hedgcock, Frances B. Mott, Francis E. Mott, George Heitsman, Constance L. Fischer, Maria White.

[24]

(Received Mar. 1961)

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured the United States prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years.

E. E. Rowlee, Harree R. Dillon, Guy T. Ricto, Mrs. D. C. Howard, Mrs. Daisy Moore, R. E. Levy, Otis Butler, W. J. Smith, Sharon M. MacKay, R. D. Walker, W. H. Curl, L. D. Harris, Johnnie Benford, James E. Thompson, Albert H. Wright, Frank C. Dobson, M. M. Mehling, J. E. Servath, Herb Simpson, H. M. Hubbard, Louis Whispell, Martha B. Foley, G. A. Young, Camilius Johnson, Daniel Mooney, Arthur Bond, Russell House, Lloyd A. Bates, George Wise, Angelo Bigone, Maldor Gabrielson.

[25]

(Received Mar. 1, 1961)

Petition of Leader of the Opposition, February 21, 1961

As Mr. Strachan is in the legislative chamber at the moment, I am replying to your letter of January 30 regarding the Hamish Scott MacKay and William Mackie Defense Committee, and I am enclosing, with pleasure, the petition signed by all of our MLA's, and myself.

Yours sincerely,

John H. Wood,
Administrative Assistant.

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

R. M. Strachan, Arthur J. Turner, David Barrett, Coy Longson, G. H. Dowding, Cedric Cox, James H. Rhodes, Camilie Mather, George Hobbs, Jackson Haggen, Leo F. Nimsick, Stanley John Squire, Rae Eddie, Randolph Harding, Frank Calder, Alex Treadwell, J. Wood.

[26]

(Received Mar. 4, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to join their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

James Ascmdff, Charles Murdoch, Russ Hicks, J. E. Parr, S. B. Third, Charles Artsensi, Jim Taylor, G. White, Chas. Bridge, W. B. Burrough, E. C. Trison, C. Stewart, W. Davidson, W. Bicknell, B. Y. Shindler, J. Dever, Geo. Schnow, D. F. Jackman, J. E. Burnell, C. A. Foster, John Harlow, W. H. Menkin, N. Prichard, J. W. Sisk, Wm. Maculis, G. Healy, N. G. White, W. H. Edwards, W. Bradley, O. Harrison, J. R. Clinkul, Z. L. Dunn, A. E. Ehielyns, C. Hilland, Anna Parkin, Violet Cordone, M. Michtoke, G. W. Simpson, V. Buckle, Barvard, W. Carson, A. R. Parkin, S. Zlotnick, D. Ramkin, D. B. Grunewell, S. Siegel, J. Dukin, Peter Chutskoff, Josephine Foort, D. Georgis, W. M. Moojelsky, A. Brogan, A. Makorloff, Paul Hanna, Garryog Culhane, Columbia Smith, Thayaret Anne, G. Roman, H. Rush, W. Melnchuk, Frankie Pohtano, George Leyebok, Sandy Nelson, Tom Bullen, J. Livingston, J. J. Olson, J. McLean, A. E. Rankin, Arnold Webster, M. E. Mollinson, J. P. Tharp, John Krasnikov, G. Healy, N. G. White, W. H. Edwards, W. Bradley, and O. Harrison.

[27]

(Received Mar. 10, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Osmo Lahto, Selma Lahti, J. Billisop, E. Johnston, T. Koalinainer, A. Reaviam, G. Ouellette, Cino Markin, J. B. Tester, A. Grant, A. O. Norwick.

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[28]

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Sonia Rutka, Hannah Palowey, Wally Stefnik, E. O. Honcharuk, D. Bratko, N. Honcharuk, N. Sawchuk, K. Kobylansky, E. Komar, J. Szach, R. Turlok, E. Polowey, Wm. Philipovich, Marion Philipovich, M. Kobylansky, M. Szach, S. Achtemichuk, O. Bigelow, Vern Bigelow, Mary Fedasenko.

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[29]

(Received Mar. 13, 1961)

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane Nation is seriously challenged by the present Walter McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Lloyd Cox, H. M. Johnson, N. F. Sneesly, A. O. Bovin, C. Borly, Paul Emile Lilul, Bon Vados, Joseph Balaze, James A. Pennock, P. Julerl, L. Laurchsus, Alex Zakal, G. Russell, J. Avery, S. Mackie, G. Holm, Fran Weeks, Lumnar Jackson, R. G. Carson, Alta Maclean, M. Freylinger, George Thomas, H. Looney, M. Morstin, J. Fenton, Fred Billingsley, Stanley Young.

Melvin A. Ronan, Paul Leblane, James Wood, Jack L. Wright, Martin Jones, D. Byrkxra, R. Croucher, S. Johnson, G. Johnson, Robert Landey, J. Karpuk, F. Gann, Ming K. Wong, E. Lawrence, R. D. Peterson, R. W. June, C. P. Gramborg, Pete Fessler, John Moore, Leo Deoerreau, M. Sorocan, O. Norrell, R. Towle, A. N. Lurray, A. L. Turney, Orville Mowers, Jack Mowers.

J. Martinez, F. Landry, Gordan Fung, Denie James, J. Iashausheltz, R. S. Stenall, Anitti, Adolf Hietanen, Ivend Pedersone, Johnny Teidsderer, Frank J. Wagler, Henry Kühn, Harry Hane, L. Lembre, J. Montgomery, Jino Ganattu, Harold Doed, Alex Parkydails, Hubert Guertin, Peter Aifen, O. P. Olson, W. J. Sncesby, R. G. Thompson, John Robel, P. Weston, E. Bon, W. Kruger, E. Santrova.

H. H. Elmour, D. Dragoo, Charles Rouleau, Grace Tukson, Doris Blakey, Mrs. Mortenson, E. J. Dal Garfire, Guri Typpo, K. Typpo, O. Roberts, Gene Raappana, Frank Bennett, Gerald K. Hale, T. F. Mortenson, D. T. Diffin, J. W. Lappinoff, G. Petterson, Edward Osipow, R. Chamberlin, R. Reid, G. V. Dwedens, H. Harson, Stanley Janson, Flo Crossley, W. H. Hill, L. Davis, Don Kerr, Vic S. Redman.

Richard Smitt, Reg Good, Harold Jury, Stanley Gator, Austin Bourn, Harold Schwab, Amy Cordero, John Duke, R. Crane, W. Dorurk, Ina Dalgleish, Louis Pahl, John Reitt, Hugh Arters, S. M. Scott, D. A. Martin, Ian C. Beston, M. Homuph, C. S. Jones, Pete Zerbroff, Fred Puszkar, E. Nielsen, Henry Therrien Hagsmeyer, J. A. Montgomery, M. Bodmanshuk, Gerald Berynon, Marc Tremblay.

Don Flora, Harry Galandi, Johanna Galandi, A. Polsen, C. Brukson, E. Norris, Laura Kate, Albert Barrows, W. Hildebrand, John Peigie, Henry Unger, A. Burrows, M. Mendel, I. Vizim, T. Vizim, Ann E. Kosterow, N. Farley, J. H. Farley, I. Cockowic, Z. Taboro, Charley Carroll, L. Black, W. Romon, William Geib, J. Stevens, Carol Friedman, Emil Hoag, Geo Craig.

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[30]

Local Union 1998

Petition of the United Brotherhood of Carpenters & Joiners of America, Prince George, British Columbia, March 3, 1961

(Received Mar. 14, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Norris Paulson, Adam Rodney, John Mochoruh, G. F. Wittelhobjer, A. Gasa, W. Armgrin, D. B. Korum, F. W. Lozinsky, J. Itchhkretc, A. Olson, Fred Bell, A. Hayes, F. Holst, S. Strandburg, F. Jaego, J. Fulford.

Nels Bralin, W. R. Christenson, John Subenchect, Jean Maizor, Fred Scholz, Art Ney.

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[31]

(Received Mar. 16, 1961)

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Holland Roberts, Sally Cooper, Rose Isaak, Hodee Edwards, V. Honeauto, G. P. Berman, Luba Brisker, Eleanor Sawyer, Zera Martinoff, Roscoe Kennedy, Lettie Kennedy, Aby Cross.

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[32]

(Received Mar. 26, 1962)

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world,

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator Wayne Morse of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Lewis N. Levy, Margaret Levy, Elizabeth Hidigen, J. K. Bancraft, Doll N. Delany, Richard Edwin Hetzer, Bette McClellan, Leslie H. Smith, Robert H. Ellis, Alfred H. Riehl, Vernon R. Hone, Paul P. Williamson, Sandra Manion, Corrine Chamberlin, Mary Lee Martin, Harvey O'Conner, H. G. Stevens, Bernice Roane.

Mrs. Hariett N. Leary, John W. Stanford, Mrs. J. W. Stanford, Grace Koger, Harry Koger, Janice Calvin, Robert Calvin, James Sager, James S. Sager, William J. Lytle, Manuela S. Sager, Elisabeth P. Lyle, Joseph T. Costello, Stanley P. Gluck, Geraldine Gluck.

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[33]

(Received Mar. 24, 1961)

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Jim Malonfant, Neil McPhacfyer, J. K. Ladislaus, N. L. Orr, N. Synco, R. Beieglage, M. Manchiou.

P. Watson, A. Theodore, R. Belvalge, George Stevens, L. Pope, R. Orr, N. A. Spilahen, B. J. Smith.

[34]

(Received Mar. 30, 1961)

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

E. L. Rnott, J. E. Boyd, O. W. Lee, A. Milley, Jas. MacDonald, F. Fredrickson, H. Horsman, E. P. McLeod, John Smythe, Jas. McCarl, May Taylor, Jack W. Martin, Willis Shaparla.

G. Chud, E. Hestrin, Anne Engle, Pauline Robbe, Bea Brail, H. Berson, Sam Brail, N. Robbe, L. Frydenland, R. Frydenland, J. Frydenland, R. Headrich, C. Nizen Kevich, W. Chan, A. Jackson, P. Weinstein, S. Friedman, A. Weinstein, Mr. and Mrs. B. Zaker, A. Smith, H. R. Gerson.

[35]

(Received Apr. 1961)

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families, where they belong, particularly by supporting the private bills to be introduced by Senator Wayne Morse, of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law, which was responsible for their cruel deportation, to the effect that all foreign-born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Stuart R. Shaw, C. R. Spellmeyer, Mrs. P. E. Boehme, Lottie J. Karr, Wesley A. Sherman, David M. Karr, Nancy A. Reid, Ted Boehme, E. Jeanne Norton, Mrs. Ralph Strohmeyer, Mrs. Donald Carey, Harvey R. Smith, Kenneth A. McKenzie, James W. McGill, George A. Hann, Jacquie Shaw, Lillian Leach, Charles Hecht, H. J. Row, Velura Lierman.

[36]

(Received Apr. 3, 1961)

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Carl Hilland, J. Rausch, W. E. Cobley, D. F. Resines, F. Soderholm, A. B. Carlson, John Lee, U. Soderholm, W. E. Hillonst.

John E. Humphreys, Nellie Murphy, Vera G. Humphreys, H. M. Judd, J. Preston, Mary Preston, W. G. Stewart, M. E. Burnell, E. Burnell, E. M. Eachen, V. E. Dimozoulos, Sid Shelton, D. Luthen, M. Pritchett, S. Govorchin, E. M. Govorchin, M. L. Haukedal, R. C. Wright, P. C. Munro, Gordon Pinnett.

M. Wallach, G. S. Gip, D. Greenwill, C. M. Stewart, E. Munro, Marshall Jerry, Mrs. M. Shelton, Jim Ormerod, B. Galitzky, L. Ormerod, L. Nelson, Bob Horn, N. E. Steward, Pam Bates, Sandy Dalton, A. E. Cathers, Herschel Warden.

[37]

(Received Apr. 8, 1961)

Petition in Support of Hamish Scott MacKay and William Mackie

To Senator Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.:

We support you unanimously in your presentation of a private bill to cancel the deportation order against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope that your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world:

J. Urquhart, L. Ingleson, A. Simpson, S. Ogren, F. L. Christian, S. Stefanek, M. T. Nelson, Elmer C. Booth, Frank Kitchen, L. A. Aslin, A. Forcier, J. Mohan, H. Holthe, G. Williamson, J. Gorton, T. Halloran, Bob Moffat, A. Piquet, E. Knowneltz, M. Minibuly, E. Stewart, R. McAteer, P. Staniskis, Wm. Wishart, Ken Dahl, Geo. Walton, Pete Zogar, Joseph McIvor, A. J. O'Brien, F. Chatskeer, K. Marklund, K. Kramer, R. Coleman, W. Kennedy.

[38]

Petition to the Members of the U.S. Congress

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator Wayne Morse of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Paul Lanier, Gerald L. Clore, Odeni Crawford, Catherine Miers, Robert F. Greenwald. Earl Sorg, Melvin Jensen, John L. Jensen, Alfred B. French, Mrs. Frederick L. Renaud, George Tsebs, Newton Garver, J. B. Tenne, Howard T. Latz, Christopher H. Stowell, Sam Davis, Nina Gold, Edward Gold, Richard Downs, R. E. Nelson, V. R. Dunne, N. Fagenhaug, Ron Christenson, O. T. Garness, Everett E. Luoma, Edward J. Haupt, Webb Batchelor, M. Sibley, Mrs. C. S. Broms, Douglas L. Phelps, Lewis H. Marvis,William Simmons, Lapher, Marilyn Sumner, Charles A. Barton, Ernest Seeman.

[38A]

(Received Apr. 27, 1961)

Finnish-Americans

O. A. Runitila, H. J. Birch, Emil Hendrickson, Anna Hendrickson, Ella Raistakka, Anna Pieppo, Anna Hekala, Seth Mattila, Anna S. Mattila, Anthony Warkeal, Ida Syroraen, Alice Birch, Lydia Westersund, Mandy Paulson, Margit Walkish, Anni Parnon, Fanny Pernu, Fanny Stakkan, Anna Kivisto, John F. Tayra, Marie Wukich, Mary Jane Wukich, Svante Raisiekka, Emilia Bohm, Sulo W. Syvanen, Katte I. Kokka, Matt Ristola, Karl Tahlbom, Jack Maer, '.orro Pernu, Josephine Rietala, Jack Rietala, Shane Runttila, LeRoy Adolphson, Andrew Bohm, Julia Runttila, Anoid Fransen, Maria Fransen, Esther Johnson, John Johnson.

[39]

(Received May 1, 1961)

Committee of Friends and Relatives To Bring Back Hamish MacKay and Bill Mackie

Recently two Portland area men, Mr. Hamish Scott MacKay and William Mackie, were deported to Canada and Finland respectively without a trial by jury. The deportation of these men has injured U.S. prestige abroad and also it has dimmed the shining example of democracy that the United States holds up to the world.

These men committed only the "crime" of joining unions during the great depression which had been organized for the purpose of helping the unemployed. At the time many were out of work and felt that unions were the only solution. The so-called subversive organizations were not even associated with the Communist Party until years later when they had gone out of existence.

We, the undersigned citizens of the United States petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong. We further petition them to introduce a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born Americans who have legally entered the United States cannot be deported after a residence of 5 years:

Dick Korvola, Alvin Christopher, Fred Hendrickson, Howard Hendrickson, Frank Molstrom, Mrs. Henry Hudemann, Glen Kononer, Ed Davis, Alena Davis, Robert J. Hawkins, Henry Harala, Elsa Winsted, Mamie Somppi, Albert B. Morris, Joyce C. Morris, Evertt P. Robinson, Mrs. E. P. Robinson, James M. Wiley, Charles R. Rohde, Fred Verstoppen.

Celia Seboren, Fay Elmsbery, M. Elmsbery, Joe Wheeler, M. Amenz, R. Ohin, S. Trujan, Hugo Gellert, Judy Jones, Ninnia Feigin, Atthen Rugan, Aspen Beta, Janette Twin, L. Broden, Joseph B. Boudan, Chas. Dinlou, Frances J. Hochberg, Rebecca G. Epstein, Nuirst Haber, Stewart Haber, Lillian Tuchman, Anna Rajewicz, Terry Petters, Berta Petters, Rose Wallach, Lithia M. Fleming, K. T. Atwell, Rose Daniels, Wm. L. J. Glude, R. Berger, Helen Araduech, Mary Jane Melish, Rose Gilderman, Aileen H. Morford, Rose Thaler, Samuel A. Newberry, Blanche K. Katz, Kitty Greenwood, Wm. H. Melish, Rose W. Lewis, B. Warshile, Helen Frank, B. Williams, S. Shaftell.

Jon B. Colburn, R. Bert Garner, Nancy Browne, Arlene Schnitzer, Laura Russo, Jim Gilles, James Fowler, Bonnie Bronson, Donald P. Wilson, Eric Marcoud, Eugene W. Manson, George Edminston, Jay H. Backstrand, Charles G. Kelly, Diane Mastin, Thomas C. Cuthank, Nancy M. Wilson, Michelle Russo, Margo MacKusick, Sandra J. Boileau, Audrey Feist, Ken Lehack, Ron McComb, Pat Sander, Clarence Marshall, Henry B. Blake, Elsie Larrow, George Dabney, Jr., Frank Trotter, Mable Brown, R. Brendetto, Marie Waddell, Jennie Haddow, Reuben M. Haddow, Viola D. Garrett, Luther V. Garrett, Roma Crisler, Betty Brown, Thelma Sharpe, Cleveland Sharpe, Mrs. Rosie L. McCray, Leomon McCray.

Fern Gurley, Gina Nave, Hazel Wolf, Oscar H. McGill, Elizabeth Harper, Florence Mae Sublette, Jack A. Sublette, Shirley V. Ricks, Ruby M. Walker, Bennie C. Jensen, Clarence Simpson, Wm. E. Dilley, Richard B. Slayton, Charles M. Ricks, Mable E. Slayton, Leo Ricks, Myrtle Sublette, Denise Jacobson, Benjamin Jacobson, Louise P. Farrell, Russell C. Farrell, Virginia R. Minton, Leo V. Minton, Lula Massingill, Helen I. Wilhelm, Ileen Haworth, Irene Bowman, J. W. Reed, Vernie W. Reed.

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[40]

(Received May 1, 1961)

PETITION IN SUPPORT OF HAMISH SCOTT MACKAY AND WILLIAM MACKIE

To Senator WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C.:

We support you unanimously in your presentation of private bills to cancel the deportation orders against Hamish Scott MacKay and William Mackie and allow them to reenter the United States to rejoin their families.

We think it must be apparent to every thinking person that the prestige of the United States as a democratic and humane nation is seriously challenged by this present Walter-McCarran Act, and we can only hope your efforts will be crowned with success, and that your fine efforts will serve to once again place the United States in a correct light in the eyes of the rest of the world.

Stef. Sorokanych, Jane Johnson, Bert Johnson, K. Maslanka, S. Maslanka, J. Husieff, Wm. Kuzyk, A. Nikitcik, L. Skeboe, W. Mauych, P. Maslanka, M. Maslanka, A. Leach, Ray Byrd, F. Soderholm, G. A. Collatt, B. Sodaholm, A. Soderbalm, T. Husieff, T. Melner.

Andrew Brogan, M. J. Bingham, A. Bingham, J. Conway, J. Power, Judy Power, E. Radosenii, Mrs. Derewenko, Mrs. Honcharuk, Mrs. Fedosinko, Garry Allen, Sylvia A. Parker, John McKay, S. McKay, A. Chyzyk, W. Chyzyk, M. Zuleyk, N. Zuleyk, Mr. and Mrs. E. Lichon, Tom Zurowel, Bob Kendiok, Margaret Seaton Timoffee, Laura Timoffee, Leslie Seaton, Wm. J. Jimoffe, John Pearson, Mrs. and Mr. Malloy, Mrs. McKitch, J. McKitch, W. Harry Leek, W. Kehm, Max Bimblich, Maxine Bonus, F. Petron, P. Cranow, A. Sawchut, Ruth Wenneslau, Fred Hanson.

Irene Franklin, Bert A. Emery, Harry Wiener, Alice Colon, W. R. Kropinske, Mrs. C. Rice, Pat Rice, Mrs. Connie Rice, M. Silecki, Rhea Robertson, Fred Robertson, Margaret Pearson, S. R. Lowe, W. E. Forde, R. J. Wizard, M. Brogan, R. Pittman, H. A. Francis, Alan M. Decatur, Edith Snelgrove, Robert Lerseque, H. Clifford, John E. Hill, W. Helsing, Wong Sum, Cathie Edwards, Dorothy Chunn, S. Kende, P. Miller, Frankie Politano, Phil Zander, Michael Sayer, Wm. Wolesky.

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[41]

(Received May 26, 1961)

OREGON FEDERATION FOR SOCIAL ACTION, GRESHAM, OREG.

A PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently, two Portland area men, Mr. Hamish Scott MacKay and Mrs. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills introduced by Senator WAYNE MORSE, of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States, having legally entered the United States, cannot be deported after a residence of 5 years.

Mary Gibson, Elmer Harman, William J. Con, Margaret McDaniel, M. J. Ryan, G. V. Ryan, Jos. W. Leroy, Wm. Nichols, Vivian George, Louise Hatten, Charles Bloch, G. W. Russell, Eugene Robel, Thorun Robel.

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[42]

(Received May 29, 1961)

PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States hold up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE, of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years:

Thelma Dorr, William Shelon, Bessie Shelon, Dorothy Lincke, George Paps, Blanche J. McGregor, Marion H. Johnson, Frank Johnson, L. G. Williams, Henry W. Lincke, Loula M. Paps, Helen J. Williams, Florence C. Curtin.

Earle R. Koeble, Viva E. Koeble, Elizabeth M. Brown, Ellis E. Brown, Louise McCullough, Maxie Moore, Don Dworles, Marvin O. Zeigler, Mrs. Russell Dunham, Virginia Peet, Ronald Hagan, Sam Lambert, Floyd T. Brown, Zoe Marie Brown, Charles R. McDaniel, Quincy K. Hamilton.

Lawrence Conrad, W. B. Preen, O. A. Fritz Conrad, Millie Barry, Stanley Barry, Geo. M. Restad, Mrs. Louise Dennis, John Dennis, Mrs. E. Welland, Vivian Butterfield, Arthur Olson, L. H. Butterfield, Mary Lee Restad, Marshall Grob, Marguerite Grob, J. D. Lucas, Lawrence C. Crabtree, George R. Morgan, F. P. Good, E. Smith, Joe Jakovac, Eino Kowunen, Leonard K. Smith, Raymond Hopper, Richard D. Massey, Charles Cecil Thrush, Howard A. Simpson, Eugene R. Bailey, Chester Skinner, Wesley W. Massey, P. L. Waestenburg, Warren L. Hunt, Russell K. Maine, Harry Lee, Ilmar Kowunen, Jerry Orser.

Paul Babich, Anna Grimankan, C. Neumann, Jul Neumann, Myrtle Wussgirba, Irene Koziel, Juliana Tamel, Stella Lesnick, Alvin Strick, Anton Schumerkaz, Jacob Markuss, Wm. J. Thomas, Bernard Zalim, John Corbett, Henry Molet, Gary Baumeister, Mrs. Helena Savicki, Mrs. Rita A. Bastil, H. A. Ridderstreck, Viola L. Riddersteck, Henry Olson, Joe A. Lima, John Kayola, Irene Hennicks, Harry Mayville, John Davidson, E. Koski, L. Mattson, Vernon Harting, Theo. Olson, Mrs. Henry Veron, John Nelson, Andy Johnson, Irene Krischke, Henry Bartlett, Lillian Payne, Mabel Christner.

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[43]

PETERSON & LENT,
ATTORNEYS AT LAW,
PORTLAND, OREG.

Re Senate bills 420 and 421 for return of Hamish Scott MacKay and William Albert Mackie following deportation.

DEAR MR. HAYES: The undersigned was one of the attorneys for the above named who have been deported to Canada and to Finland respectively under the Internal Security Act of 1950 for alleged membership in proscribed organizations in the 1930's.

Senator WAYNE MORSE has introduced the bills above indicated to return these men to the United States of America and to their families in Oregon. We think their deportation was a gross miscarriage of justice and their deportation was a serious blow to the prestige of America throughout the world.

Could we ask your assistance in bringing these men back to America by your endorsement of the passage of these bills? If you feel willing to lend your assistance in this manner, sign this letter and return the same to me in the self-addressed envelope herewith enclosed, and I shall forward same to Senator WAYNE MORSE.

Sincerely,

NELS PETERSON.

The following named attorneys support this appeal: Leo Levenson, Ben Anderson, Gerald Robinson, Reuben G. Lenske, Harlow F. Lenon; and Bernhard G. Fedde.

I hereby give my personal support to Senate bills 420 and 421 for the return of Hamish Scott MacKay from Canada and William Albert Mackie (or William Niukkanen) from Finland to the United States of America following their deportation.

Gerald R. Hayes, J. Robert Patterson, John H. Horn, Hugh L. Barzel, Allan Hart, E. B. Sohlstrom, Sam Kyle.

Courtney R. Johns, Merle A. Long, Carl G. Stanley, Sam B. Davis, Sidney E. Ainsworth, Robert C. Anderson, Thomas F. Young, Myron D. Spady, Craig C. Coyner, Owen M. Panner, Ed. F. Ackley, Wade P. Bettis, Fred P. Eason, Robert E. Jones, Charles H. Reeves, W. A. Seaman, Maurice V. Engelgan, Dana Babcock, Clifford R. Altman, Chester N. Anderson.

Bruce R. Avrit, Edward N. Fadeley, Albert H. Ferris, Marvin E. Hansen, James P. Harrang, Arthur C. Johnson, H. V. Johnson, Judith E. MacInnis, Sidney A. Milligan, Robert E. Moulton, R. Glade Shimanek, Hector E. Smith, Donald J. Wilson, Charles A. Wintermeier, Gordon K. Wylie, Fred A. Miller, Vernon Cook, Wayne C. Omala, Kenneth M. Abraham, Lloyd M. McCormick.

T. S. McKinney, Cortis D. Stringer, Laurence Morley, Richard W. Courtright, Ben

Day, William V. Deatherage, Robert H. Grant, Bernard P. Kelly, Bruce J. Manley, John M. Ross, H. Dewey Wilson, Ralf N. Erlandson, Robert G. Hawkins, G. K. Litchfield, Fred Allen, A. B. Sanchiz, Harry G. Hoy.

George L. Hibbard, James O. Goodwin, Dale Jacobs, Theodore Bloom, Ernest Bonyhadi, Richard Brownstern, Donald A. Buss, Henry Carey, Wm. B. Creitz, C. D. Dolph, Burton J. Falgren, J. Kelly Farris, Ben F. Forbes, Gerson F. Goldsmith, Thomas M. Goldsmith, Ben T. Gray, B. A. Green, Burl Green, B. M. Hall, Floyd D. Hamilton.

Alan H. Johansen, William J. Josslin, Stephen M. King, Norman L. Lindstedt, Tolbert H. McCarroll, Robert L. McKee, Clifford D. O'Brien, Clifford B. Olsen, Paul C. Paulsen, Anthony Pelay, Jr., Wendell K. Phillips, Lee Puckett, John P. Ronchetto, John R. Sidman, Sol Siegel, Bardi Skulason, Mary Jane Spurlin, Louis Stern, William J. Sundstrom, Maurice D. Sussman.

Kenneth G. Wilshire, M. M. Orona, Philip Weinstein, John D. McLeod, Thomas R. Mahoney, John D. Mosser, David Weinstein, Douglas J. White, Jr., G. Dwyer Wilson, Edwin A. York, James F. Bodie, Forrester G. Taylor, Thomas C. Hartfiel, R. L. Whipple, Randolph Slocum, Elmer M. Amundson, Steve Anderson, B. C. Flaxel.

[44]

Peterson, Lent & Paulson,
Portland, Oreg., September 6, 1961.

Since forwarding the photocopies of letters of endorsement from lawyers in Oregon endorsing the above Senate bills, I have received additional letters and am enclosing herewith photocopies of same.

The addresses of the lawyers endorsing said bills which are enclosed herewith are: Donald F. Bach, 858 Pearl Street, Eugene, Oreg.; Leland J. Knox, U.S. National Bank Building, Medford, Oreg.; Aaron Brown, Jr., 2343 North Williams Avenue, Portland, Oreg.; A. B. Schallhorn, Public Service Building, Portland, Oreg.

A. B. Shallhorn, Aaron Brown, Jr., Leland J. Knox, Donald Bach.

[45]

Committee for Support of
Senate Bills 420 and 421.

Dear Friend: The undersigned are a voluntary committee seeking to obtain local support for Senate bills 420 and 421, introduced by Senator Wayne L. Morse. They would permit the return of Hamish Scott MacKay and William Albert Mackie to their homes and families in Portland. These men were deported last November, the first to Canada, the second to Finland, as undesirable aliens under the provisions of the immigration law.

It is our opinion that the application of this law in these cases was so extremely harsh as to work an injustice. The only apparent remedy is special legislation such as Senator Morse has introduced. The enclosed folder recites the history of the cases.

We invite you to join us in support of this legislation by signing and returning the attached statement. The returns will be assembled and forwarded to Senator Morse. Time is "of the essence" for these men are growing old, and Congress is expected to adjourn in September. We hope for favorable action before the session winds up.

Yours very truly,
Charles A. Sprague, Stanley W. Earl, David H. Newhall, Robert D. Webb, Wesley G. Nicholson, Charles T. Duncan, Richard M. Steiner, Dorothy O. Johansen, Richard H. Sullivan, Reuben Lenske, Fred Meek, Watford Reed.

P.S.—Financial assistance will be appreciated to help carry the cost of this effort. If you are so inclined kindly enclose a contribution with your signed statement. Checks may be made payable to Watford Reed, treasurer.

To the 87th Congress:

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

Frank C. Leonhardy, Lucille Leonhardy, Jack K. Eyerly, William C. Landes, L. P. Pierson, Frank Wesley, Ernest L. Weiser, John R. Howard, George Turnbull, John Sember, Kathleen Sember.

Richard M. Noyes, Ralph J. Salisbury, Rev. J. W. Bowles, Gerald W. Lilje, Peter R. Sherman, Lou Greenberg, Pauline Hamill, Mrs. Cleo R. Moats, Rev. Gary A. Hutchins, and Arnold D. Knudsen.

R. M. Reynolds, John M. Pike, Gerald G. Emerson, Kenneth D. Hooton, E. N. Pareis, Ph. D., Richard A. Littman, A. J. Cholin, Grace Graham, Francis B. Nickerson, E. D. Kittoe, Mrs. E. D. Kittoe.

Lee and Laurel Hodgden, Stanley and Joan Parson, Dwight Hopkins, B. L. Staples, Robert Blumstock, John L. Briehl, Alfred Heipern, Nancy M. Howard, Lois Gourtnwood, K. F. Pinnell, Rae Fiszman, M. McGillegan, Robert L. Martin, S. N. Karchmer.

[46]

September 26, 1961.

Mrs. Maude N. Richard,
Secretary, Peace Committee,
Hillside Community Church,
Tacoma, Wash.

Dear Mrs. Richard: Many thanks for your letter and the attached petitions. It is encouraging to see all of you rallying around the historic tradition of freedom and liberty which is constantly being threatened by extremist groups of both the right and the left.

The basis of a strong liberal democracy has been largely composed of those who took an active interest in public affairs. I commend your efforts.

With kindest regards.

Sincerely,

Wayne Morse.

Tacoma, Wash., *August 2, 1961.*

Dear Senator Morse: I hope these few names may be of some assistance. Unfortunately public opinion being what it is, many people will not sign. The John Birch Society has created a new era of MyCarthyism. When will the American people learn the lessons of history?

I have just finished reading "Nation of Sheep," by William Lederer, coauthor of "The Ugly American." These books are amazingly frank and I wish every adult would read them.

Senator Morse, at the moment, we are terribly concerned over the Berlin crisis. We are convinced that it can be settled without war—that it must be settled without war, for war today would mean a nuclear holocaust.

When man has become so brilliantly scientific that he can split the atom and sail around the earth in a satellite at dizzying speed—surely he can learn to live with his fellow man on the same planet.

There are those who tell us that we are in the grip of a military dictatorship. Brig. Gen. Hugh B. Hester, retired, says just that. Harrison Brown and James Real in "Community of Fear" say the same thing. This is frightening. What do we do? Am enclosing my last letter to the Letter-Box. You may have received a copy for a prominent lawyer, Rex Roudebush, told me he mailed out 65 copies.

Cordially,

Mrs. Maude N. Richard,
Secretary, Peace Committee.

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these two men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not grounds for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills (S. 420 and S. 421) that have been introduced by Senator Wayne Morse, of Oregon for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Bessie Konz, Joseph Konz, Naomi Ellison, Mary Sutherland.

Jeanette Wimbles, Dola Malony, Wm. S. Smith, Elton S. Frances, W. H. Dickinson, Harold J. Bass, Ethel E. Bass, Arthur Munt, W. H. Ingram, Bernice Rader, Hazel Petersen, W. E. Edgemont, Morton Earl Kuisman, Mary Ingram, Marjorie Rader, Herbert Bach, Leon C. Johnson, H. Beatrice Simpson, Vima Randall, Mary Jones, Webster Rogers, Gus H. Rader, Paul J. Broune, Mrs. Herbert Bach, Alfonsas Adomavicze.

Norma Rader, Yvonne M. Braune, Ed Heinricy, Mary Ann Kildall, W. R. Kildall, Roger O. Butler, Ethel L. Philby, Beverly Rader, Melva Sue Kildall, R. M. Dixon, M. Fredrickson, Mrs. John Spruell, John Spruell, R. S. Bixby, H. Lavik, Maud E. Hamill, Mary Branscomb, Elbert D. Branscomb, Stella Richter, Kenneth McLeod.

Webster W. Rogers, Sylvia A. Miller, Herman H. Miller, N. H. Olson, Effe Olsen, Ed Hunsicy, May Ingraham, Anna E. Bellamy, Dean E. Bellamy, W. J. Pride, Inez H. McCarthy, Florence M. Hemeke, Mrs. Malther M. Isaksen, Frances M. Garton, Mayme L. Francis, John G. Gill, Maude N. Richard, James G. Richard.

[47 and 48]

Committee for Support
of Senate Bills 420 and 421.

Dear Friend: The undersigned are a voluntary committee seeking to obtain local support for Senate bills 420 and 421, introduced by Senator Wayne L. Morse. They would permit the return of Hamish Scott MacKay and William Albert Mackie to their homes and families in Portland. These men were deported last November, the first to Canada, the second to Finland, as undesirable aliens under the provisions of the immigration law.

It is our opinion that the application of this law in these cases was so extremely harsh as to work an injustice. The only apparent remedy is special legislation such as Senator Morse has introduced. The enclosed folder recites the history of the cases.

We invite you to join us in support of this legislation by signing and returning the attached statement. The returns will be assembled and forwarded to Senator Morse. Time is "of the essence" for these men are growing old, and Congress is expected to adjourn in September. We hope for favorable action before the session winds up.

Your very truly,
Charles A. Sprague, Stanley W. Earl, David H. Newhall, Robert D. Webb, Wesley G. Nicholson, Charles T. Duncan, Richard M. Steiner, Dorothy V. Johansen, Richard H. Sullivan, Reuben Lenske, Fred Meek, Watford Reed.

P.S.—Financial assistance will be appreciated to help carry the cost of this effort. If you are so inclined kindly enclose a contribution with your signed statement. Checks may be made payable to Watford Reed, treasurer.

To the 87th Congress:

I wish to give my personal endorsement of Senate bills 420 and 421 to allow Hamish Scott MacKay and William Albert Mackie (or Willia Niukkanen), now under deportation, to return to the United States to reside with their families.

Helga Kowist, Rollo Ponz, Kenji Ima, Ray Benight, Pastor, Diana M. Gerding, Othlie T. Seybolt, Ronald A. Phillips, John H. Pigg, Jr., E. C. Salter, Royald V. Coldwell, Thomas O. Ballinger, Carlisle B. Roberts, John C. Sherwood, Carolyn Large, Stanton A. Cook, Joan E. Cook, A. Geilof Homan and Norman C. Homan, Ralph G. Swenston, B. D. Watts, John M. Pratt and Janet R. Pratt, Donald J. Peterson, Vern Magill and Margery Magill, Sharon L. Gregg, Walter Gordon, Lois L. Tuttle.

George R. Schoedinger, Jr., Noah Allen, Mrs. Donald N. Reid, Representative Wayne Lucas, Mr. and Mrs. S. J. Herzig, Hans J. Tollefson, Nevitt B. Smith, Roy L. Johnson, E. E. Benedict, G. R. Olson, Helen B. Browne, Robert J. Lindahl, Dr. R. L. King, David Tyack.

Noble W. Streeter, Ivan Niven, Jacob P. Sears, Bernard R. Greenwalt, James W. Ferguson, Cecily M. Christensen, Peter W. Frank, R. E. Simmons, Warren E. Kalbach, Allan S. Craig, Mr. and Mrs. H. Ray McKnight, J. L. Powell, Rev. George Nelson, Leopold Popwish, Mrs. Robert A. Blumenthal, J. B. Roberts, James E. McCobb, Catherine B. Solinis-Herreio, Betty Bryan, D. L. Peuhallou, Jean L. Sutherland, Harry T. Allan, Eugene H. Walter, Carl B. Engstat, Joseph C. Blumel.

Natalie Delord, Jersilla M. Garcia, William G. Bosworth, Donald MacRae, Arthur W. Livcomese, Byron L. Youet, Ralph D. Bowman, Diana R. Glover, B. J. Holland, Joseph A. Hynes, Genevieve S. Fujimoto, Russel Dole, Gordon D. Smyth, Ruth Anna Mathus, Henn-Yosh, Steiner, Stanley Kertel, Irene L. Collins, Margaret M. Johnson, Justin N. Trort, Katherine Mack, Bernd Crasemann, Jean M. Crasemann, Lynette Davis, Lois M. Schreiner.

Jean Tattersall, James N. Tanessall, Dorothy D. Anderson, Frank W. Anderson, Oleta Mills, David S. Mills, Earl Pomeroy, Mary Pomeroy, Kenneth Boyles, Elsie Boyles, Hugo Maynard, Susan Maynard, Wayne M. Slusser, Marianne S. Slusser, William H. Evoy, Frances M. Evoy, L. R. Goldberg, Robin M. Goldberg, Harlow E. Hudson, Martin Ganby.

G. F. Gwilliam, Max E. Fieser, William H. Givler, J. Parre Goelken, Larry Hybertson, Mildred R. Detling, LeRoy E. Detling, L. S. Cussman, Douglas K. Vincent, Wayne B. Brumbach, Lloyd B. Williams, George V. Guy, Edward P. Thatcher, Mabel D. Southworth, Wm. Wellhausen, Laurens N. Ruben, William John Peltzer, Robert H. Ellis, J. M. Gustafson, Jessie E. Taylor, R. N. Nunbaum, Glen S. Shortffe, Sally H. Russo, Michele Russo, A. L. Ellingson, David K. Newhall.

Bertha F. Tepfer, Sanford S. Tepfer, Ruth R. Straton, Douglas Straton, Mr. and Mrs. John Tanner, Judith De Buse, Raymond De Buse, Jo Anne F. Taylor, Harold A. Taylor, Laird C. Brodir, Lewis E. Ward, Jr., Chas. D. Dean, Lewis N. Levy, Margaret Levy, G. Robert McClain, Kathy Richardson, Bruce M. McAllister, Sally J. Ross, Don E. Dumond, Charles A. LeGuin, John C. Potter, Ellen Hurt, Marshall N. Goldstein, Francis E. Dart.

Rev. John L. Cauble, D.D., Geraldine G. Newhall, Robert D. Clark, Edward L. Neuerfeldt, William J. Hoffkind, Stuart L. Campbell, Sally L. Campbell, Jerry W. Harris, Alvin W. Urgurhart, Rollan J. Tuttle, Doris M. Rickard, Mr. and Mrs. W. Eugene Duncan, Edward A. Cepler, Mrs. R. M. Biemler, Raymond Haepelance, John Schellman, F. Charlotte Schellman, George E. Dimitroff, Rev. Asa Mundell, John O. Najarian, Dale W. Mark, John Shot Allen, Margaret Moss Allen.

Oscar W. Payne, Dennis A. Hoffman, Ph. D., Lauro Martines, Raymond E. Boyle, Eleanor A. Bolin, Ralph C. Bolin, James B. Ellingson, Herbert Hughes, Dorothy J. Christensen, Jack Triplett, Edwin R. and Virginia Bingham, Dorothy B. Sandwig, Edwin E. Sandwig, Eva Blackwell, Carl E. W. L. Dahlston, Kenneth A. Coates, Gerald F. Bartz, Ann W. Shepard, F. Arlin Nave, Milton Gardiner, John F. Abele, Victor C. Dahl, Beryl A. Dahl, Clayton C. Shepherd, John W. Barnhardt, Rev. R. H. Greenfield, Ph. D., Howard F. Hutchins, and Rev. Phillips Todd.

Florence D. Alden, Jay V. Seden, John F. Ruben, Ray Hawk, E. R. Knollin, John L. McMurtrey, E. C. Root, Mrs. Maud Harper, Dwight Townsen, Waino Parhaniemi, Kenneth S. Ghent, Rev. H. Harold Johnson, Leah Nelson, Ray Stauffen, Charles R. Ryan, William A. Austin, Clayton Sanderson, Stanley Johnson, Thomas E. Marshall, Richard O'Toole, and Benton Johnson.

John L. Briscoe, Thomas M. Whitehead, E. L. Malter, H. M. Foster, Verdell B. Crockett, Robert G. Cunningham, Bert Romo, Clifford N. Trout, Beulah Hand, C. R. Hoyt, Ase Rice, Andries Deinum, Gertrude Rempfer, R. W. Rempfer, Merton W. Saling, Keith W. Hadley, Margaret Burroughs, Robert D. Aldrich, John H. Belden, F. Wayne Bryant, Robert H. Brittins, G. C. Lansing, Mrs. W. T. Martin, Ned J. Davison, H. J. Birch, Robert R. Hodges, Mason D. McQuinton, Homer M. Noble, James R. Baggett, Michael Litt, Mrs. Don L. Manley, Clyde R. Pope, Walter R. Chiles.

Robert E. Nye, Mrs. Robert E. Nye, Val R. Lorwin, Madge Lorwin, G. E. Serausen, Nile B. Paull, Walter R. Warner, Richard J. Prasch. John A. Bauerfeld, Whitfield Stone, Ross Knotts, Father Fond Brandt, Arno Peterson, James R. Jewell, James J. Maney, Jesse H. Sirwous, Edgar B. Ross, Mr. W. Chenahan, Mozelle Hair, Donald C. Howard, Margaret Markley, Richard Crittenden, Oscar V. Luchs, Margaret Cenke, Rev. P. J. Griffiths, Adolf Diezel, William H. Nolte, W. Scot Nobles, Harold L. Ruppert, Mr. and Mrs. C. B. Beall, Clarence M. Moe, Edith M. Moe, Victor E. Allen, Glen A. Allen, Minnie B. Allen.

Iver Greendjossen, Mrs. Iver Greendjossen, Edna Smith, W. J. Smith, Richard W. Sabin, Lee A. Craig, G. Gross, T. B. Lawrence, Robert D. Crowley, C. Conrad Carter, D. W. Kelley, Paul Wellborn, Sr., Sam N. Sweetra, P. M. Hammond, David C. Coulter, J. Boyd Patterson, Robt. A. Hutchinson, Roy R. Hewitt, B. H. Rodman, J. Orville Mosbe, R. Thomas Gooding, George A. Hash, Paul S. Holbo.

E. M. Tilton, Arthur R. Lickey, J. J. Braun, Clarence L. Covell, J. R. Gentry, John R. McCullough, Don R. Johnson, F. Smith Fussner, Philip L. Wolfe, William Whallon, Eugene H. Kindschuh, Isabel Bochan, Lester F. Beck, Mrs. J. C. Jeffcott, Lloyd R. Swinson, John C. Bondurant, M.D., W. S Conklin, M.D., David M. Branson, Arch J. Kearns, H. W. Barber, Lloyd R. Stamp, Bernard F. Badnor, Adalbert G. Bettman, Bryan Goodenough, Kenneth C. Johnson, J. Arthur Stansall, Rev. Walker R. Smith, Marion A. McQuary.

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[49]

PETITION TO THE MEMBERS OF THE U.S. CONGRESS

Recently two Portland area men, Mr. Hamish Scott MacKay and Mr. William Mackie, were deported to Canada and Finland, respectively, without a trial by jury. The exile of these men has injured the U.S. prestige abroad and dimmed the shining example of democracy that the United States holds up to the world.

These men are accused of membership in the Communist Party over 25 years ago at a time when such membership was not ground for deportation. Passage of the Walter-McCarran law in 1952 provided this belated punishment.

We, the undersigned citizens of the United States, petition our Senators to do all they can to see that Hamish MacKay and William Mackie are returned to their true homeland and reunited with their families where they belong, particularly by supporting the private bills to be introduced by Senator WAYNE MORSE, of Oregon, for this purpose.

We further petition them to introduce and support a bill to revise the Walter-McCarran law which was responsible for their cruel deportation, to the effect that all foreign-born residents of the United States having legally entered this country cannot be deported after a residence of 5 years.

Ruben S. Lindgren, H. R. Harrman, K. W. Smith, James W. Yeager, Theo. C. Fox, Fred H. Pellen, Alfred W. Frenderen.

Mr. MORSE. Mr. President, in regard to the petitions, I am not going to insert into the RECORD the body of each petition, for in many instances the body is the same in language. I shall insert a so-called "master petition" once, and then add to that petition, showing the organization which circulated each petition and the date of the petition as an attachment to the master petition. That will save a great deal of space in the RECORD and save repetition.

It shall be understood that there will be included in the material some of the letters of transmittal, because they contain very important information and expressions of attitude in regard to these two cases.

Mr. President, I would not do this under ordinary circumstances, but I think it is important that Congress and the people of our country know how widespread in my State the feeling of opposition and resentment with regard to the handling of these cases by the Government of the United States is. That is why I have asked to have this material inserted in the RECORD.

I close now by saying that I am indeed very appreciative that the Senator from North Dakota has stayed with me as I have presented this very complicated and complex case or issue. It is a cause celebre issue in my State. I hope that the U.S. Government has not become so big and so impersonal that it cannot right the wrongs which have been done to these two human beings.

THE OREGON STATESMAN,
Salem, Oreg., May 18, 1960.

WILLIAM BERG, JR.,
Washington, D.C.

DEAR MR. BERG: Thanks for sending me a copy of the Morse bill for relief of William Niukkanen, and tearsheets from the RECORD.

I had seen a press report on this bill and made an editorial comment of approval.

I think the law should be changed exempting aliens from deportation for offenses, if they were under years of discretion on entry. We should take care of those whose misconduct is of American origin.

Yours truly,

CHARLES A. SPRAGUE.

IT SEEMS TO ME

(By Charles A. Sprague)

Last month the Supreme Court by a 5-to-4 vote upheld the order for deportation to Finland of a Portland house painter, William Niukkanen. He has been accused of being an active member of the Communist Party from 1937 to 1939. Moreover, Judge Gus

Solomon, who heard the case in the Federal district court in Portland, branded him as a perjurer for denying his association with the Communist Party. Judge Solomon is a valiant defender of civil liberties, so there can be no question of his court's overriding the civil rights of Niukkanen. Nevertheless, the full set of facts makes it seem absurd to deport this man.

Niukkanen was born in Finland while his parents had returned there for a visit. He was brought to America with them when he was less than a year old—just an infant. One can't possibly attribute his subsequent association with the Communist Party to any experience or contact he had in Finland. In short, he was an American Communist, not a Finnish Communist. Why then, shove him off on Finland just because of an accident of his birth on Finnish soil? What if Finland would refuse to take him back?

The Internal Security Act calls for deportation of aliens who, at the time they entered the United States, or at any time thereafter, were members of the Communist Party. It is the latter clause which is altogether too inclusive. Those who had not reached years of discretion when admitted ought not to be deported because of offenses they commit in the United States later on. This rule should apply to violators of criminal laws as well as Reds. In other words, if one who is born an alien is brought to this country as a child, and later, when he is an adult commits a crime or becomes a subversive he ought to be punished under our own laws, not ejected to the hapless country of his birth. The guilt developed in our society and we should take care of him, putting him in prison if he has committed a crime.

The remedy for this lies with Congress. The ruling of the Supreme Court may be quite valid under the existing law, though four justices—Douglas, Warren, Black, and Brennan—thought it wasn't. Congress ought to amend the law to exempt from deportation mere children who later on, when they matured in America, caught the virus of communism. We have a few native-born Communists whom we can't deport. Cases like that of Niukkanen are too few in number to be of any significance to Communist Party strength.

EXHIBIT 1

[From the Oregon Statesman, May 17, 1960]

Senator WAYNE MORSE has introduced a bill to make it possible for William Niukkanen, Portland house painter under order for deportation to remain in the United States. Niukkanen was charged with Communist association which he denied. He was only an infant when brought to this country from Finland, so whatever guilt he has accumulated is strictly American, not absorbed in his native country. The Morse bill should pass. In fact it should be broadened to limit deportation to those who had reached the age of discretion at the time of entry.

[From the Coos Bay World, Oct. 27, 1960]

OPPORTUNITY FOR MERCY

Portlanders William A. Mackie and Hamish Scott MacKay may, in the end, be deported to Finland and Canada, respectively, but their case has provided a marvelous example of bureaucratic indifference to sensibilities and logic, and has called forth the support of many people in both high and low places.

Both men have lived in this country for many years—the Finn since he was a few months old (he's now 51), and the Canadian since 1928. Both men attended several meetings of a Communist-front organization in the 1930's, as did a lot of men and women who'd now rather forget about it, and because of this activity they are ordered deported by the Immigration and Naturalization Service, and they've about run out of redress in the Federal courts.

Senator MORSE introduced a bill to permit them to stay, in the last session of Congress, but the bill didn't have time to go through. He'll try again next January, if he's permitted that much time.

A number of pleas for Executive clemency have been made to President Eisenhower. This is the ideal type of case by which an executive can utilize the power of mercy given him by his office. We hope the President can see his way clear to do so in the case of Mackie and MacKay.

Letters and telegrams to the President, at the White House in Washington, might be helpful at this time.

[From the Astorian Budget, Nov. 11, 1960]

ACTION NEEDED

There should be administrative action at Washington to prevent the deportation of H. S. MacKay and William A. Mackie from Portland to Canada and Finland, respectively, since their case has drawn so much attention and created so much public doubt whether these men deserve deportation.

Evidently there is no recourse in the courts for the two men. Every legal method to prevent deportation seems to have been tried.

The worst that has been proved against the two is that once, years ago, they belonged to Communist-front organizations. There is considerable evidence that they both long ago eschewed communism.

It is noteworthy that the newspapers in Finland, to which country Mackie is to be deported, have taken interest in his case, and call the action of the U.S. Immigration Service barbaric.

[From the Oregonian, Nov. 19, 1960]

LAW AT FAULT

"If the law supposes that," said Mr. Bumble, "the law is a ass, a idiot."

Dickens line might be applied to the prolonged cases of Hamish MacKay and William Mackie, which came to an end this week with their forcible deportion to Canada and Finland, respectively.

We do not weep for MacKay and Mackie. The record is clear that they were deeply involved in the 1930's in the Communist conspiracy. They knew what they were doing. The courts have, through all levels including the U.S. Supreme Court, affirmed their meaningful association with the Communist Party. They have had every benefit, in detail of the due process of law over the past decade. There is reason for official belief that they have not substantially altered their loyalties.

Although there are extenuating circumstances in each case, both are aliens and have chosen to remain so during long residence in this country. MacKay was born in Canada shortly after his parents moved from the United States, and applied for Canadian citizenship. Mackie was born in Finland during a brief visit there by his parents, who did not have U.S. citizenship though they considered themselves residents of America.

The offense, in each case, based on law dating from 1918, involved the combination of lack of citizenship and membership in the Communist Party. Such offense is punishable by deportation to country of origin. It has, with respect to both MacKay and Mackie, been adequately proved.

But these facts do not alter the certainty that the execution of the law in these cases will substantially damage the image of America in the eyes of the world.

It suggests that the nation that leads the free world is so fearful of its security that it must expel two insignificant men, one of whom once wrote on Portland sidewalks "Join the Communist Party" and the other of whom distributed copies of a Communist-front newspaper. We are not actually so timid, of course; we tolerate thousands of persons who did things as subversive as did MacKay and Mackie, but they have the protection of citizenship.

It suggests that American liberty is not all it has been cracked up to be, else why would we have laws in which the punishment appears incongruous in relation to the offense?

Unfortunately, we have not heard the last of these men and their problems. Each will remain, in his new abode, a symbol of the inflexibility of U.S. law. Their Canadian and Finnish neighbors may well ask themselves: "Why, if this man is so dangerous to America, should we thank America for sending him to us?"

An answer of sorts to that question should come with the amendment of the law responsible for the whole disgraceful business. It is, to paraphrase Mr. Bumble, idiotic to bind ourselves with a law which in its execution makes our country appear so ridiculous, not only to observers abroad, but also to those Americans who cherish the spirit of liberty and tolerance that brought this Nation into being.

[From the Capital Press, Nov. 25, 1960]

UNJUST DEPORTATIONS

The deportation from the United States of William A. Mackie, Portland housepainter, and Hamish Scott MacKay, Portland carpenter, both foreign-born, will stand as an indictment against the United States until it is reversed.

The deportation is a carryover from the principles of McCarthyism that a man accused of being a Communist becomes ineligible for justice tempered with mercy.

Mackie and MacKay, during the depression 1930's, joined organizations which held out hopes for desperate, crushed people that there was a Utopia. Many people joined such organizations, much as many others joined Townsend plan groups, with the thought only of helping themselves and others out of straitened circumstances. Even in instances where such groups were controlled by Communists, many of the members intended no disloyalty to the United States.

But past membership in such an organization, regardless of the circumstances of that time and regardless of an individual's demonstrated loyalty to the United States, still makes a foreign-born resident subject to deportation. It was under the strictest interpretation of this rule that the U.S. Immigration Service was able to send Mackie back to Finland (where he spent only his infancy) and will be able to send MacKay back to Canada this weekend.

The legal technicalities of this basically unfair and inhumane decision to uproot two men from their families and their life's work, on the legal pretext that they are dangerous to American society, will be lost upon the people of the world, as indeed they are lost upon a great many American citizens. The impression will be created, and correctly so, that American Government, in this instance at least, does not exist for the protection of the people, but for their persecution.

This affair may yet have a happy ending, fortunately. Senator WAYNE L. MORSE has promised to submit legislation to the Congress convening in January which will reverse these unjust deportations and bring back two good American citizens to where they belong.

EXHIBIT 2

[From the New York Times, Apr. 19, 1960]

HIGH COURT UPHOLDS FINN'S DEPORTATION

WASHINGTON, April 18.—The Supreme Court upheld today a deportation order against a 50-year-old Portland, Oreg., housepainter who was brought to this country from Finland when less than a year old.

The painter, Willia Niukkanen, had been ordered deported on the ground he was an active Communist Party member from 1937 to 1939.

The Court announced its ruling in an unsigned opinion. Justice William O. Douglas wrote a dissent, joined by Chief Justice Earl Warren and Justices Hugo L. Black and William J. Brennan, Jr. This made the vote 5-4.

The Internal Security Act calls for deportation of aliens who at the time they entered the United States, or at any time thereafter, were Communist Party members.

Justice Douglas in his dissent said that two former Communists had testified that Mr. Niukkanen had belonged to the party but had described him as interested only "in bread and butter topics of the day" such as unemployment and relief, and declared:

"A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of sinister implication."

Joseph Forer of Washington, argued for Mr. Niukkanen on March 21. Oscar H. Davis of the Justice Department, made the reply.

[From the New York Times, Apr. 21, 1960]

Deportation Cruelty

Willia Niukkanen is a 50-year-old house painter in Portland, Oreg., who was born in Finland but came to this country when less than a year old. Between 1937 and 1939 he was a member of the Communist Party in Portland. There is no evidence that he personally advocated revolution, and he is said to have had no intellectual interest in Marxist doctrine.

A law first enacted in 1940 and reenacted by Congress in 1950 and 1952 requires the deportation of every alien who has ever been a Communist Party member in the United States—no matter how long ago or for how short a time. Because Willia Niukkanen had never become a citizen, deportation proceedings were begun against him. This week the Supreme Court ruled, 5 to 4, that his party membership had been sufficiently proved and that he must go.

It is difficult to disagree with the dissenters' protest against "exile" of "a man who has lived here for every meaningful month of his life." But the onus for this cruel deportation lies more with Congress than with the Supreme Court. The Court years ago, perhaps regrettably, upheld the constitutionality of this statute. Now it is up to Congress to amend a law whose rigid condemnation of every alien who was ever a Communist, however briefly and however much his views have since changed, serves no valid purpose.

Exhibit 3

[From the Oregonian, Nov. 18, 1960]

Finnish Press Raps Deportation

Newspapers of Finland have branded as inhumane and barbaric the deportation scheduled Friday for two Portland men, William A. Mackie and Hammish Scott MacKay. Mackie (Finnish name Niukkanen) will be sent to Finland.

Two Helsinki papers, the Kansan Uutiset and Helsingin Sanomat, have editorially called the deportation inhumane and called upon the President of Finland and other officials to thwart efforts of the U.S. Immigration Service by denying entry to Mackie.

Other developments in the case, Thursday, included appeal to President Eisenhower from ALUE, a committee representing Finnish-American cultural clubs in Oregon and Washington, and a new statement from Oregon Senator Wayne L. Morse taking issue with the State Department.

The State Department in a letter to Morse said it didn't feel the deportations have any significant impact on American foreign relations. Morse called the State Department completely wrong.

Considerable space in the Finnish papers has been devoted to the stories in the last 2 weeks, particularly since the last-ditch efforts were made to the U.S. Supreme Court.

The Sanomat called the scheduled deportation barbaric. Both papers referred to the deportation a year ago of a similar case, that of the late William Heikkila, of San Francisco, shipped out quickly without an overcoat or warning to his wife. He arrived in Finland in a snowstorm and to welcoming arms of interested newsmen.

The Immigration Service was ordered to bring him back, but he died last May before decision was reached on his case in the U.S. Court of Appeals in San Francisco.

The Sanomat said it had received bushels of mail from Finnish citizens since the publication of the first stories of Mackie 2 weeks ago.

Here in the Northwest, an organization called ALUE, a committee representing Finnish-American cultural clubs in Oregon and Washington, joined the list of those protesting the deportation and asking Eisenhower for executive clemency.

A letter sent from the secretary, Otto Davidson, Hooulam, to the President pointed out that more than 10 million persons of foreign birth reside in this country, of whom 95,506 are Finnish-Americans.

The committee said that thrift and industry have come to be known as Finnish national characteristics and pointed out that William Niukkanen (Mackie) is an honorably discharged veteran of World War II, was brought here when he was 8 months old, that his 80-year-old father still works as a tailor and that Niukkanen's life has followed the same pattern of hard work, honesty and devotion to the flag.

"It is neither equitable nor just to take the contribution of a man, in terms of taxes, toil and military service through a working lifetime, and then when he is middle aged, to send him to a land he left a half century before," the letter stated.

"It is not fair, either to the man himself or to the country asked to receive him, and where, having no means of livelihood, relatives, property or understanding of the language, he might become a public charge."

The letter pleads for clemency for this "talle abdistetulle miehelle (hard-pressed man)."

An interesting development in Mackie's case is that he actually was born in Viipuri, a city that was in Russian hands at the time of his birth and is still in Russian hands.

Russia itself does not accept any deportees.

Since the U.S. Supreme Court declined to act last week, there is no legal restriction to prevent the Immigration Service from carrying out what it terms its duty under the Walter-McCarran Act. Thursday it ordered the two men to leave Friday.

Senator Morse will be unable to reintroduce his two private bills in behalf of the men until Congress goes into session January 3. That would automatically stay the deportations.

Morse had appealed to the State Department to urge President Eisenhower for clemency.

William B. Macomber, Jr., assistant secretary of the State Department, replied that the Department did not feel it appropriate to approach the President on the matter.

"In my opinion," Morse said, "the State Department is completely wrong in concluding that the deportation of Mackie and MacKay will have no significant impact on our foreign relations. I feel that these cases will be watched carefully by friendly nations overseas and that in those nations there will be widespread opinion that deportations, under the circumstances, will represent inhumane actions.

"No real good will be accomplished by sending these men to countries where they will be total strangers.

"If these people are regarded as security problems it would be far better to retain them in this country under close surveillance than to send them to foreign lands where they have never resided for any appreciable length of time."

Exhibit 4

[From the Congressional Record]

The Man in Torni

(Excerpts from Eskonen's column in the Paivan Sanomat (Daily Dispatch), organ of the opposition group (non-Communist) of the Social-Democratic Party. Issue of November 23, 1960.)

(The man) William Mackie, originally Viljo Albert Niukkanen, sits in the lobby of Hotel Torni writing letters to send across the Atlantic. From there a great power, called the advance guard of the free world, rushed him here to the barren soil of the North, where he happened to be born some time during the first decade of our century. His parents were U.S. citizens, but the son could not get citizen's rights, regardless of decades of trying.

After all he has sacrificed his labor power in building that great country and, during those years, fought—arms in hand—for its defense. His brother was killed in the war for America (at Wake Island); his father is over 80 and sorely needs the support of his son, but none of these facts have helped William Mackie. He has been declared an undesirable citizen; he has been accused of communism by McCarthyites; President Eisenhower rejected his appeal, and now he is here—a man without papers or chattels—a penniless refugee in a borrowed coat amidst wintry frosts and blizzards.

That is enough of human fate. And yet he comes of a country, said to be of the free world, especially the promised land of personal freedom. After this, who can believe in their pretty slogans and respect for the individual? These are hollow phraseology, intended to cover the truth.

* * * * *

Freedom in the great western power behind the puddle is esteemed so dear that it cannot be afforded to quite everybody. Some Finnish-born house painter might be a person of such insignificance that an exception must be taken in his case, so that the others will understand the value of their freedom.

Communist Hysteria

(Comment by Columnist Ville Vaitelias in the Suomen Sosialidemoskraatti, November 21, 1960)

No matter if this painter has resided in the United States since he was 8 months old—51 years—giving the full weight of his labor to the best of his ability to his homeland, for the good of the United States, serving with all his strength in his country's defense forces during World War II, and otherwise acknowledging and feeling the United States of America to be his only and real homeland.

And so it happened to William Mackie, whose Finnish name is Viljo Niukkanen, that some highly placed American officials found him as an undesirable person. They investigated and pondered what to do with a guy like this; and lo and behold discovered this rascal, William Mackie, during the years of great unemployment had been a member in organizations which sought for living rights for the unemployed, and plainly a Communist. It would very likely overthrow the entire American freedom system if such revolutionary person were allowed to remain in his sweet homeland, the United States of America. Thus, his one-way free ride to

Finland, whose citizen he is acknowledged to be by some indefinite paragraphs, and where there are many other Communists.

And there is no help in trying to fight; in protestations that one never belonged to Communists; no pleas have helped in the situation.

Of course, we understand that a country's laws must be followed. If according to the laws, William Niukkanen really must be deported, what else can be done. But according to our judgment the case, by no means, is self-evident, for it is dependent on high officials deliberations whether to let William stay or deport him to faraway land of his birth, where he has no known relations, nobody he knows and whose language he doesn't understand.

One would surmise that a great power for reasons of prestige would try to avoid such an unpleasant hubbub as is raised in the case of William Niukkanen, and which in all likelihood will not quiet down in the near future.

It is quite impossible for us to understand the Communist hysteria still seeming to prevail in America. Workers' political movement in the country is almost nonexistent; there are apparently but a handful of Communists and these are feared as the plague. It seems that the capitalists, nor their henchmen can set communism in proper threads. It is proclaimed as the incarnation of all evil and crime, or, going to the other extreme as high idealism—as is done by one son of the bourgeoise, Jussi Talvi, in his last published novel. In both cases the same phenomenon is involved—Communist hysteria. It is not understood that the roots of communism are imbedded in quite basic human needs, which must be satisfied—but also can be directed and transformed, if desiring to do so.

After all the important thing to do is to take matters calmly, here in Finland—as well as behind the puddle. Under hysteria only foolish deeds are committed, as evidenced in the typical case of William Niukkanen.

Translator's note: The rightwing of the Finnish Social Democratic Party—this is from their paper—is allied with Finland's conservatives of the Kokoomus Party.

"Puddle" refers to the Atlantic Ocean.

Joined Red-Tinted Groups—United States Deporting Two for Depression Era Folly

Portland, Oreg., October 20.—Protests grew Thursday as the Immigration Service prepared to deport two obscure men who have lived most of their lives in this city.

One is William Mackie, 51, a house painter who has been here since he was 8 months old—except for service in the Army in World War II. He was born in Finland.

The other is Hamish MacKay, 55, a carpenter who came from Canada when he was 21.

Their trouble stems from the depression of the 1930s, when they briefly were active in workers' organizations seeking unemployment relief.

The Immigration Service says they will be flown out of this country—Mackie to Finland on Sunday and MacKay to Canada Monday—because they violated the McCarran Act of 1949 by joining depression organizations now listed as subversive.

Both men assert they never were Communists.

A legal fight to prevent their deportation went to the U.S. Supreme Court, where they lost in a 5–4 decision.

Justice William O. Douglas said in the minority report that two ex-Communists who testified against Mackie reported he was interested only "in bread and butter topics of the day."

"A man who has lived here for every meaningful month of his entire life," said Douglas, "should not be sent into exile for acts which this record reveals were utterly devoid of sinster implication."

Their attorneys filed a last-ditch action in Federal District Court Wednesday, attacking constitutionality of the McCarran Act. They asked an injunction to stop the deportation, calling it "cruel" punishment, not in proportion to the offense.

Mackie said he knows no one in Finland and does not even speak Finnish. Mackay said he has tried repeatedly to get citizenship papers, but has been denied because of his depression activities.

Said the Portland Oregonian in an editorial:

"Whatever was their meaningful association of long ago, they have lived many decades of peaceful, plain workingmen's lives in Portland, have had families and troubles and small successes of the everyday citizen.

"It seems that America might somewhere have compassion for a mild-mannered, part-time carpenter whose son is a captain of his high school football team and for a house painter who served honorably in the American Army."

[From the Eugene (Oreg.) Register-Guard, Jan. 19, 1961]

Mackie-MacKay Deportation Came After Long Battles

Portland.—William A. Mackie, born by chance in Finland, was deported last November, the same day Hamish Scott MacKay was sent back to his native Canada.

MacKay began his losing fight in the fall of 1949. Mackie's fight was not quite as long, but began after he had been in this country nearly 43 years.

When he was 30 and just out of the Army after a 3-month stint of active duty, he applied for his first citizenship papers and on Jan. 27, 1942, filed for his final papers. All the proceedings were complete except for his appearance before the Federal district judge for questioning and naturalization. He did not appear.

The record does not show why. The only entry is for dismissal on March 15, 1946, "for want of prosecution." The question seems not to have been put to Mackie directly. His attorney believes Mackie was ill or out of the city, perhaps in eastern Oregon, when the naturalization date arrived. If he tried later to follow up, the record does not disclose it.

Mackie, a house painter, was deported last November 18 to Finland because the Government held him to have been a Communist Party member in 1937, 1938, and 1939. He was suspended from the party that last year, a witness against him said, for nonpayment of dues—10 cents a month.

WHAT CHANCE WOULD I HAVE?

As late as 1955 though, an Immigration Service inquiry officer, John Wilson, said Mackie had never made a clean break with the party and there was reason to believe he still was sympathetic to its principles.

Mackie himself swore under oath he had never been a Communist. That was at a hearing at which he asked suspension of deportation on the ground of extreme hardship. At his first hearing in June 1953, he had refused to testify for himself despite a caution from the inquiry officer, Louis C. Hafferman, that he was putting himself at a disadvantage.

He said later he stayed silent because Government witnesses lied against him and he asked, "What chance would I have?"

Mackie was first arrested June 17, 1952, and the deportation order was issued June 30, 1953. He applied for a visa to England because he knew no one in Finland and did not speak the language. England refused to accept him as a deportee.

A string of hearings and court appeals followed, just as they had in MacKay's case. And just as had MacKay, Mackie lost.

The Ninth Circuit Court of Appeals in an opinion filed April 9, 1959, had this to say: Although Mackie "attacks the credibility of the Government witnesses, the special inquiry officer apparently found their testimony worthy of belief. The Board of Immigration Appeals and the district court found no warrant for reevaluating that testimony, and neither do we."

THREE WITNESSES AGAINST HIM

That was the basic point. The testimony given against Mackie in 1950 by Lee A. Knipe, retired railway clerk of Hillsboro, Oreg., and by Robert Wilmot, who described himself as a New York novelist who once edited the Labor New Dealer in Portland, was believed. Mackie's subsequent denial of membership was not.

Knipe also was one of three witnesses against MacKay. The others were MacKay's divorced wife and Mrs. Irene Mahoney, Hillsboro.

At the time Mackie swore he had never been a party member, he refused—just as had MacKay—to tell who was at a 1955 meeting of the Committee for Protection of the Foreign Born. After conference with his attorney, though, he did. The meeting at the home of the Reverend Mark A. Chamberlain, Methodist minister, opened with prayer he said, and was concerned wholly with talk of how to get the Walter-McCarran Immigration Act repealed.

William L. Pattillo says the Walter-McCarran Act played no part in the deportations; that the Internal Security Act of 1918 and its 1950 amendments was the basis for prosecution. Nels Peterson, attorney for the two men, says this is technically correct but adds the two acts are interrelated and "it would take a Philadelphia lawyer to separate them."

NOT A DAMNED BIT

MacKay is living at New Westminster, British Columbia, where the Carpenters Union Local 452 has petitioned Senator Morse to continue work for a bill that would readmit the men to the United States.

Mackie is in Helsinki, Finland. In a January 6 letter to his attorney he said he had a chance to get a job doing some welding but couldn't unless he joined a union that happens to be Communist-led. He held off, he said, for fear this would jeopardize his chance of ever being readmitted. He enclosed an application for permission to reapply for entry to the United States.

Morse's bill would readmit both men—and bar renewal of efforts to deport them on the old charges.

A friend of Mackie's said, "After all, if he had any Communist tendencies, he picked them up in this country."

An aid to the Immigration Service, asked what difference it made if two obscure workmen with old records as Communists remained in this country, replied: "Not a damned bit. Unless we went to war with Russia. Then it might make a lot."

Morse Mustering Support—Hopes for Deportees' Return Rest in Congressional Action

Portland.—William Mackie and Hamish MacKay have been gone for nearly 9 weeks now and it appears that any hope for their return rests in Oregon's senior Democratic Senator Wayne L. Morse, and the support he can muster in Congress.

Mackie and MacKay are the Portlanders deported November 18 as aliens who had once been Communists.

Morse sought to block their deportation but that failed. On Friday he introduced bills for their return. He said the other day he was getting helpful support.

Mackie is in Finland, former home of his parents but an alien land to him. MacKay is in Canada, the country he left in 1923 when he was 21.

Their deportation stirred an emotional outburst in Portland and brought a spate of questioning editorial comment in this country and abroad.

Disturbing to most people, the comment suggested, were these things:

Both were obscure workmen who came within a few months of being born American citizens. The Communist affiliation charged against them—and they denied it—covered a time in the 1930's when economic and political unrest was general and Communist Party candidates had recently been on election ballots.

Their deportation raised a humanitarian question, many said, and injured the image of America as a land of freedom.

Close family ties were broken by the deportations. Mackie's 80-year-old father and two sisters remained in Portland. MacKay's wife and his two sons—one recently out of the Army—were left behind.

Both men found warm welcomes, in Finland and Canada, but the welcomes were from strangers. There were no kinsmen to greet them. Mackie was in particular straits; he speaks no Finnish.

The U.S. Naturalization and Immigration Service says this is only one side of the coin.

Both men were charged on the evidence of witnesses, neither denied Communist Party membership at their early hearings, and over a period of years neither was able to convince appeals boards or Federal courts that they should remain in this country.

"They didn't put their cards on the table," says William L. Pattillo, acting district director of the Service in Portland.

This is what happened, leading to the deportation:

MacKay, a carpenter, was the first arrested. That was on August 29, 1949.

His parents came to this country from Scotland and became U.S. citizens in 1900. Then they moved to Canada and in 1905 took out Canadian citizenship. Four months later their son Hamish Scott MacKay was born. By just that much he became eligible for deportation from months he missed U.S. citizenship by birth.

He applied for it, in first papers, on March 6, 1930. Six years later, on July 11, 1936, he made preliminary application for his final petition. He never filed it, though. He never went through the procedure of appearing with witnesses and making the formal application and submitting to questioning.

The record does not show why this was so. MacKay says he ran into obstacles that held things up. In 1935, he says, he substituted for a woman picket on a line established by the Oregon Workers Alliance. It was an effort to get more relief for the needy, he says, but he was arrested. The arrest, he says, may have prevented him from taking the next step toward citizenship.

It is not clear why this was so. At any event, he never made the final effort.

At the hearing after his arrest, his ex-wife said he had been a member of the Communist Party in 1936 and made her join, too. Lee A. Knipe, Hillsboro, Oreg., a retired railway clerk, sad he had been a member of the Albina branch of the party in Portland and knew MacKay as a member. Mrs. Krene Mahoney, also Hillsboro, said the same thing.

MacKay was held by the Immigration Service officer, John W. Keane, Seattle, to be deportable and on May 4, 1951, the order was issued.

From then until November 18, 1960, MacKay fought. That was the day he was taken to the airport and, when his plane was so late it would miss connections, he was hustled to another plane. His sons, who had visited with him in the downtown Immigration Service office, learned too late of the plane switch and made a futile race to say goodbye.

In MacKay's efforts to prevent deportation he lost before an appeals board and before a U.S. district court. The U.S. Supreme Court refused to order a rehearing. He asked that the deportation order be suspended on the ground of extreme hardship. The Ninth Circuit Court of Appeals ordered the Immigration Service to halt its steps until that point was determined.

At the hardship hearing, MacKay objected to questioning on who were members of the Oregon Committee for Protection of the Foreign Born. He said the committee was organized at his home, his wife was secretary, but he would not "drag friends and neighbors into this filthy mess."

His wife, too, refused to say what, if any, connection the committee had with the American Committee for the Foreign Born, an organization labeled subversive by the U.S. Attorney General. "I don't see how that has anything to do with hardship," she said.

Pattillo mostly declines to offer his own opinion other than to observe that courts and appeals boards alike concurred in the deportation. But of the refusal to answer questions, he said MacKay "was in the position of asking a favor to have the deportation order suspended and he should have been willing to put all his cards on the table."

MacKay had another chance in the U.S. district court and when he lost that he had a hearing in the Ninth Circuit Court of Appeals where he lost again. The Supreme Court also turned him down.

At no point did inquiry officers or courts believe his version of the postdepression years; his claim of working only for relief and unemployment benefits for the poor.

This was much the story of Mackie, too. His brothers and sisters, some older and some younger than he, were American citizens. But he was an alien because his Finnish mother went from the United States to Finland for a visit, became ill, and remained there for his birth.

When he was 10 months old she brought him back to rejoin the family in Oregon. That was in 1909. His troubles were 43 years away.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, I move, pursuant to the order previously entered, that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 33 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, September 26, 1962, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 25, 1962:

IN THE AIR FORCE

Capt. Mary J. Wettle, AN2242982, for appointment in the Regular Air Force, in the grade of captain, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties of a nurse, with date of rank to be prescribed by the Secretary of the Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate, September 25, 1962:

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Arthur J. Goldberg, of Illinois, to be an Associate Justice of the Supreme Court of the United States.

WITHDRAWAL

Executive nomination withdrawn from the Senate, September 25, 1962:

The nomination sent to the Senate on August 21, 1962, of Ella E. Johnson to be postmaster at Bovill, in the State of Idaho.

EXTENSIONS OF REMARKS

John F. Kennedy Tells Youth of America How To Prepare for the Presidency

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1962

Mr. EVINS. Mr. Speaker, for the first time an incumbent President of the United States has given frank counsel and advice to young Americans on how they may best train to be of service to our country should they rise to be President.

In a brief article in the September 23 edition of Parade magazine, President Kennedy writes about the Presidency and advises youth of some of the qualifications needed to be President, some of the demands that are made upon the President, and offers advice upon how our American youth may prepare for this responsibility.

Mr. Speaker, believing this writing unique and worthy of preserving I insert it in the RECORD.

The article follows:

JOHN F. KENNEDY TELLS YOUTH HOW TO PREPARE FOR THE PRESIDENCY

(NOTE.—Parade's Fred Blumenthal asked President Kennedy this question: "Somewhere in our land today there is a high school or college student who will one day be sitting in your chair. If you could now speak to this future President, what advice and guidance would you give him or her?" Following is the President's answer. This is the first time that an incumbent Chief Executive has given such frank counsel to a young American destined to succeed him.)

(By John F. Kennedy)

The first lesson of the Presidency is that it is impossible to foretell the precise nature of the problems that will confront you or the specific skills and capacities which those problems will demand. It is an office which called upon a man of peace, Lincoln, to become a great leader in a bloody war; which required a profound believer in limiting the scope of Federal Government, Jefferson, to expand dramatically the powers and range of that Government; which challenged a man dedicated to domestic social reform, Franklin Roosevelt, to lead this nation into a deep and irrevocable involvement in world affairs. And when you assume the Presidency you too will face problems, difficulties, crises and challenges which no one can now foresee.

In 1645, John Winthrop, Deputy Governor of Massachusetts Bay Colony, after a long and stormy trial acquitting him of impeachment for exceeding his authority, reminded his fellow citizens that "when you call one to be a magistrate, he doth not profess nor undertake to have sufficient skill for that office, nor can you furnish him with gifts * * * therefore you must run the hazard of his skill and ability."

This insight into the nature of governing affirms the lesson of our history that there is no program of vocational training for the Presidency; no specific area of knowledge that is peculiarly relevant. Nor are qualities of great leadership drawn from any particular section of the country or section of society. Nine of our Presidents, among them some of the most brilliant in office, did not attend college; whereas Thomas Jefferson was one of the great scholars of the age and Woodrow Wilson the president of Princeton University. We have had Presidents who were lawyers and soldiers and teachers. One was an engineer and another a journalist. They have been drawn from the wealthiest and most distinguished families of the Nation, and have come from poor and anonymous beginnings. Some, seemingly well endowed with great abilities and fine qualities were unable to cope with the demands of the Office, while other rose to a greatness far beyond any expectation.

Thus I cannot counsel you about what subjects to study or what vocation to follow. But whatever you do you would be well advised to practice stern discipline and vigorous, unremitting effort. For high qualities and great achievements are not merely matters of chance or birth. They are the product of long and disciplined toil.

Yet, in a more general way, there are experiences which you can pursue, experiences which will support you in the conduct of your great office.

It will help you to know the country you seek to lead. It was one of the great strengths of a President such as Theodore Roosevelt that he knew and loved the diverse magnificence of our fields and mountain ranges, deserts and great rivers, our abundant farmlands and the thousand voices of our cities. No revolution in communication or transportation can destroy the fact that this continent is, as Whitman said, "a Nation of nations," which you must see and know before you can govern.

Nor is it accidental that many of our outstanding Presidents, men such as Jefferson or Wilson or Truman, have had a deep sense of history. For all of the disciplines, the study of the folly and achievements of man is best calculated to help develop the critical sense of what is permanent and meaningful amid the mass of superficial and transient events and decisions which engulf the Presidency. And it is on this sense, more than any other, that great leadership depends.

Most important of all, and most difficult to consciously pursue, is an understanding of the people you will lead. You, and at times you alone, will be the spokesman for the great and often silent majority. And the final measure of your administration will, in large measure, rest on how well you respond to their inward hopes while leading them toward new horizons of ambition and achievement. Perhaps you will derive this quality from your origins, as did Lincoln; or from the application of understanding and compassion to the problems of government, as did Franklin Roosevelt. Yet, although the possible sources of this understanding are many, if you find the opportunity to know and work with Americans of diverse backgrounds, occupations, and beliefs, then I would urge you to take eagerly that opportunity to enrich yourself.

As a great world leader you will have problems and responsibilities which were not faced by Presidents throughout much of our history. As President of the United States you are a focus of the attention, ambitions and desires of people and nations throughout the world. It will help you to travel and to learn about these other lands. For the welfare and security of the United States, the future of your own country, is bound to your capacity to exercise leadership and judgment on a global scale.

The most important human qualities of leadership are best embodied in that most towering of American Presidents, Lincoln: a combination of humility and self-confidence, inner resolution and energy, which gives a President the capacity to listen to others, to be aware of his own limitations, but also to follow the command of John Adams that "in all great and essential measures the President is bound by honor and his conscience * * * to act his own mature and unbiased judgment." I can advise you to be aware of the importance of these qualities, but no one can tell you how to develop them. I only hope, for the welfare of our country, that you will possess them when you come to office.

No one can guarantee that if you follow this or any other advice you will become a great President. For the Presidency is is peculiarly an office which is shaped by the individual who holds it. And greatness depends on the times as well as the man. But if you work toward your goal, practice discipline and unremitting effort, wish Godspeed to those who will hold and protect the great office of the Republic so that it may pass unimpaired to you and those who will follow you, then, if some chance keeps you from the Presidency, you will still know that you are prepared to serve well your nation as a citizen.

Protest Against Rent Hikes for Navy Enlisted Families

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1962

Mr. HOSMER. Mr. Speaker, Assistant Navy Secretary Kenneth E. Belieu today signed an order boosting rents as much as $22.60 monthly in the Long Beach-San Pedro area's Savannah, Cabrillo, Lexington, and Portsmouth naval housing projects. The rent raises will be effective November 1.

Sagging service morale will be the principle result of this dismal action. It will cost the United States far more because of reenlistments which will not occur than the sums collected by way of additional rents.

Naval authorities are bound by regulations and policies of higher authority in making this upward adjustment. On August 28 I wrote President Kennedy pointing out the seriousness of the situation and requesting him to take action to permit dropping the matter of the rent hikes.

The housing involved contains a total of 1,983 units. Of this number the Navy plans over the next 3 years to raze 1,583 of the units because they are so disreputable, inadequate, and substandard.

I feel the Navy would, if it could, have junked this whole incredible matter of increasing the rental rates in such patently undesirable housing. From my own years of naval service I know one of the most pressing, serious, and constant concerns of all naval commanders is the welfare and happiness of the families of men serving in the fleet. It reflects itself not only as to the reenlistment rate of skilled, trained personnel in whom the Government has made considerable investment, but also in the fighting abilities and morale of the fleet itself.

My appeal to the President pointed out these things and asked him to permit the Navy to take the course I believe it would, if it could, in this matter; namely, the course of wisdom and justice.

It appears that failure by the President or his close advisers in this matter to act left Secretary Korth no alternative except to place the increases into effect.

Hundreds of the Navy wives involved signed a resolution to be forwarded to the President begging his action in the matter. Their spokeswoman is Mrs. Phyllis A. Duffy, a resident of one of the projects, living at 2103 West 20th Street, Long Beach.

The wives' resolution points out that "service people ask for little, they must depend on the action of those responsible in Washington to be ever mindful of the needs of Navy men and their dependents."

The text of the resolution is as follows:

> *Be it resolved,* That we wives of Navy men shall place our faith in the administration, and the Congress, to bear the burden of listening to our appeal in regards to the housing situation in Long Beach, Calif.
>
> Navy wives stand by the men, who, in turn, must always be ready to serve in behalf of our Nation, knowing a strong defense depends on the dedication of these men who serve.
>
> In this, the most critical period of our Nation's history, it is of utmost importance that the morale of service personnel be at the highest degree possible.
>
> President Kennedy said, "Ask not what can your country do for you, but rather, what can you do for your country?"
>
> Service people ask for little. They must depend on the action of those responsible in Washington to be ever mindful of the needs of Navy men and their dependents.
>
> As citizens of the greatest democracy ever founded, we are initiating our prerogative of enlisting the aid of our representatives in the U.S. Congress in our behalf.
>
> Service life has problems peculiar to itself. Never before in our history have so many personnel in the U.S. Navy been family men.
>
> The following seems to be the problems taxing the patience, morale, and financial affairs of the service personnel in this area:
>
> 1. The basic allowance quarters raise, effective in January 1963, will not, in most cases (i.e., Cabrillo Lanham Act housing) cover the proposed increase in rent.
>
> 2. In the past, the difference of lower rent and the basic allowance quarters, was used to supplement the financial needs of the family, such as medical bills, due to limited facilities here. The new increase will deplete further usage of the basic allowance quarters for family needs.

3. We will be paying more than values received with the new rates. Already it is obvious through the cutback of maintenance standards.

4. The units in which we reside do not have cupboard doors, closet doors, or light fixtures. Any improvements in this manner is done at the expense of the tenants. The same is true in shrubs and flowers for beautifying and maintaining the surrounding grounds. In some cases, tenants have painted the old wooden clothesline posts, and patched sidewalks to prevent the appearance of a slum area. Higher rents will deteriorate further incentive along these lines.

5. Not knowing the area with which we were compared in private rentals, we could not argue either pro or con if the comparison was fair in determining a fair market value; however, it is worthy to mention that our rents have never fluctuated so much in the past as they have on this recent survey. Our question is, "Why is there such a difference of opinion?"

STIPULATED HOUSING PROBLEMS

1. Long Beach is roughly two families for each unit.

2. Long Beach needs 10,200 units and is short 5,400.

3. Five hundred and eighty men would move their families to Long Beach if they could find adequate housing.

(Nos. 1, 2, 3 results of survey of housing; reference Navy Times dated September 19, 1962.)

4. Our new housing bill was cut from 500 units to 250 units.

5. All units of Lanham Act housing in the Cabrillo, Savannah, Portsmouth, and Lexington projects of the Long Beach-San Pedro area are to be razed by 1965.

STIPULATED WAGE PROBLEMS

Even if the Navy man should be successful and be given a 10-percent increase in pay in the future, he will still be 15 percent behind the home guard within the past 4 years of expanding cost of living and salaries (reference Naval Affairs, February 1962).

STIPULATED MEDICAL PROBLEMS

1. The Navy hospital was slashed from 750 beds to 350 beds. This smaller number will not be sufficient now or in the future.

2. Dependents must continue to pay for medical expenses not covered by medicare.

It is our sincere belief that due to the aforementioned facts, morale is and will continue to be seriously affected.

Navy people do not want charity. They want only to be represented in good faith, to be able to pay their own way, a sufficient income, and adequate housing facilities, so they may have as high a standard of living as is due our country.

Your jobs, as servants of the people, are probably understood by few and criticized by many. We, therefore, respectfully ask, in due course, to have our problems considered.

The text of my August 28 letter to the President is as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., August 28, 1962.

Re naval housing, Long Beach, Calif.; proposed rent increases.

President John F. Kennedy,
The White House,
Washington, D.C.

Dear Mr. President: I am greatly concerned about the above captioned action proposed by the Bureau of Yards and Docks office in San Diego and request that you give careful consideration to the facts involved that prompted Capt. F. W. Silk, commanding officer of the naval station, Long Beach, to appeal for a review at the Navy Department level of the findings, of the appraiser and the validity of the application of the new rent schedule. It is my understanding that the recommendations of the Bureau which support the proposal of its San Diego office will be presented to the Secretary of the Navy shortly.

About three-fourths of the 2,000 Navy families—almost all in the low income levels—live in Savannah, Cabrillo, and Lexington projects in Long Beach and Portsmouth in San Pedro. These projects, with 1,938 units, were built from 1940 to 1945, and most of them were considered temporary at that time. In 1960 an act of Congress ordered all substandard Government housing discontinued by 1965. Of the units in those four projects about 75 percent fall in the substandard category.

Typical problems in this substandard Navy housing are: plasterboard walls; inadequate wiring (some wired for 15 amperes, compared to a modern home's 100-ampere wiring); no showers; small rooms; slab decks; exposed heaters; inadequate drainage (one tenant cannot use the toilet, for example, while her washer is draining); inadequate quarters for children; and clotheslines in front yards of the Savannah project.

For instance, consider the rent increase proposed on two apartments: A three-bedroom duplex is to be boosted from $58.20 to $64.80; a two-story three-bedroom from $64.80 to $84.90. The latter boost absorbs a $9 electric bill monthly. But these figures do not tell the story. Neither of these apartments have standard heating facilities nor standard wiring, and the rooms are small.

I understand that the Navy Department takes the position that service families, who can afford private housing in an area, should not live in Government housing. But the average Navy family using Government housing has 3.2 children. If you refer to information obtained in a housing survey, conducted early this spring, in the Long Beach area by officials of the Bureau and of the Federal Housing Administration, I believe you will find that there are few units available for a large family requiring three or four bedrooms and that these are completely out of the financial reach of the low-income Navy families living in the Long Beach area. On those that are available, the rent starts at about $125 per month, and in most cases the tenant must provide his own stove and refrigerator. If he does not, he is charged something like an additional $10 per month for each of these pieces of equipment.

The Navy plans to raze 1,583 of the 1,983 units by July 1, 1965—333 units during this year, 250 in 1963, 500 in fiscal 1964, and the remainder by July 1, 1965. I realize that 500 units of new housing were requested and that the House approved the authorization of this number, only to have the Senate slash the number of units to 250.

But what is to happen to the Navy families in the Long Beach area? Some cannot afford to pay the proposed increase in rent which in some instances will be as much as $22.60 per month for the substandard unit in which they are living. Where will the displaced Navy families go? How can the Navy expect the men in its service and their families to have any kind of morale when faced with these situations? The top basic allowance quarters allotment to men in these four projects is presently $96.90 for a man, his wife, and two children. The proposed higher rents will eat up the small household fund upon which these men depend to help feed and clothe their families.

The rent adjustments, made through the years since these temporary units were constructed from 1940 to 1945, have usually been $2 or $3 per month, and the decision to increase them at this time, as much as $22.60 per month in some cases, is unreasonable. It is claimed that the proposed increase will establish realistic rents which are comparable to rents for like housing in the Long Beach area. However, I do not believe this to be the fact. Can it be said that these proposed rents are in fact realistic when one considers the substandard condition of the units, the fact that they were constructed some 22 years ago and have had little, if any, repair or improvements?

I respectfully request that careful thought be given to these problems and that the Secretary of the Navy analyze and accept the reasons given by the commanding officer of the Long Beach naval station for rejecting the increase. He is more familiar than anyone with conditions in these housing projects and knows the hardship that the Navy families will experience when faced with the additional cost of rent for the very units in which they are living—the units that are considered substandard.

I understand that similar hardship situations are about to be imposed at other naval housing locations, including the Bellevue project here in the District of Columbia.

Very truly yours,

Craig Hosmer,
Member of Congress.

Mr. Speaker, the one saving grace in the matter is that the Secretary's order permits the commanding officer of the Long Beach naval station to put the rent hikes into effect on a step-phase basis. It is my understanding this permits him to put the increases into effect over a period of a year in equal monthly installments. I am confident he will take this ameliorating action.

Review of Poetry by Avis Turner French

EXTENSION OF REMARKS

OF

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, September 25, 1962

Mr. DIRKSEN. Mr. President, on behalf of the Senator from New Hampshire [Mr. Cotton], I ask unanimous consent to have printed in the Congressional Record a statement prepared by the Senator from New Hampshire [Mr. Cotton], together with a review of the latest edition of poetry by Avis Turner French of Antrim, N.H., written by Mr. Teenus Cheney and published in the Salisbury (N.C.) Post of August 21, 1962.

There being no objection, the statement and review were ordered to be printed in the Record, as follows:

Statement by Senator Cotton

On August 21, Mr. Teenus Cheney, in the Salisbury, N.C., Post, wrote an excellent review of the latest edition of poetry by a well-known New Hampshire woman, Avis Turner French, of Antrim.

Avis Turner French has attained international recognition for her poetry. Mr. Cheney's review is of her last book entitled "Flickering Lights."

Post Scripts

(By Teenus Cheney)

WISTFUL ECHOES, MOTHER

"A morning in September; golden sunlight;
One cricket's cheery voice, and far apart
Across the hills, the village church bells ringing;
All echo through my heart.

"For I remember one whose soul was bell toned;
Whose absence often brings such lonely tears.
Like distant bells I sometimes hear her calling,
Across the long long years."

—AVIS TURNER FRENCH, Antrim, N.H.

OBONS

For more than a decade Obons' northeasternmost contributor has been Avis Turner French, of Antrim, N.H., a lady whose skillful colligation of words in metric measure long has elated the myriad. Her every entry has been of poetic excellencies. Now she has assembled half a hundred of her choicest verses in a stiffback binding and she has given it the title of "Flickering Lights."

It delighted me to note that the Salisbury Post is listed on the acknowledgments page.

This deucedly dexterous woman owns one of the keenest rhythm senses it ever has been my lot to observe. It can be corroborated by glancing at the example above, or by reading any within the pages of this eximious volume. Most of them rhyme, but some do not. Notable among the latter classification is the title poem, on page 35. It veers somewhat from the norm, too, in that it totals nine lines. But—it's beautiful.

The lady writes only in a serious vein, a factor which does nothing but add to the beauty of her lines. Let me give you the first four of poetry, found on page 8:

"I am the ocean touched by sunset gold,
Rose, clouds across the dawn, wild geese in flight,
New snow Christmas Eve, blue distant hills,
Home lights that beacon softly through the night."

Memorials are a favorite topic with her, including one here to Edwin Markham.

Sonnets palpably are among her most prominent assets. While I like them all, I am forced to tenor here a preference for "The Dearest Miracle":

"The deep of God is everywhere to see
In sunset glow, the stars like promises.
Through hymns forever sounding wild and free.
From tides, or wind-swept mountain majesties
While clearly and so cleverly defined.
The arts and science well revealing man.
His growth and depth through magnitude of mind.
According to the great eternal plan.
But finer than all these from out the vast-
The dearest miracle
Let all rejoice.
When loved most tenderly, who learn at last.
That they have looked on God, have heard His voice.
They know creation, mankind, stars and sod
Are for one reason, love, the soul of God."

Another element which adds to the beauty of Avis' writing is that it is foundationed on simplicity, like in "The Little Things":

"I know I shall remember
While I am growing old
How much she loved the starlight,
The sea, the sunset's gold.
The way she had of laughing
Just over little things.
She graced the years with beauty
Because her soul had wings.
I know I shall remember
The songs she sometimes sang.
Her voice was pure as crystal
Like bells that softly rang.
The ways she always kissed me
Was very sweet to know.
She was so dear, my mother
Who loved me long ago."

Space paucities forbid my giving you more. Albeit, I am well convinced that from these bits you can believe readily that Avis Turner French has few equals in the active practice of the poetic arts.

Hon. Kenneth A. Roberts, Guest of WBC's "Washington Viewpoint" Program

EXTENSION OF REMARKS
OF
HON. PAUL F. SCHENCK
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 25, 1962

Mr. SCHENCK. Mr. Speaker, under unanimous consent to revise and extend my remarks, I include a transcript of the interview of my colleague, the distinguished gentleman from Alabama, and chairman of the Subcommittee on Health and Safety, the Honorable KENNETH A. ROBERTS.

Congressman ROBERTS on September 24 was a guest on the television program "Washington Viewpoint," and was interviewed by Miss Ann M. Corrick and Sid Davis:

WASHINGTON VIEWPOINT

(Produced by the WBC Washington News Bureau)

Miss CORRICK. Good evening. This is Ann Corrick with Sid Davis in the House Radio-Television Gallery on Capitol Hill. Our guest on "Washington Viewpoint" this evening is Democratic Congressman KENNETH ROBERTS, of Alabama. Now serving his 12th year in Congress, Mr. ROBERTS is chairman of the House Commerce Subcommittee on Health and Safety. Mr. ROBERTS, your committee has long been concerned with the continuing problem of smog and air pollution generally. This is not merely a hazard to the health of our citizens, but it involves our outdoor recreational facilities, our wildlife, and the problem isn't getting any better. It's getting worse. In the absence of adequate action by local communities and industries to tackle this problem, don't you think it's time for the Federal Government to launch an allout comprehensive attack against air pollution?

Representative ROBERTS. I would agree with that statement, Ann, except to this extent—that is, that I doubt if there's enough money in the Federal Government to completely do away with this problem. I think we have to depend upon the local jurisdictions to do a good job, and, therefore, I conceive it to be the purpose of the Federal Government to provide leadership, technical advice, and try to appeal to the civic minded people in the various local jurisdictions to do their parts.

Miss CORRICK. How do you draw the local jurisdictions into this program. Apparently they are not moving fast enough?

Representative ROBERTS. Well, a good many of the county health departments and State health departments are fully aware of the seriousness of this problem. And we have had some instances—I think Pittsburgh may be one example, where they have done a very good job, not without some Federal help. But the major portion of the effort was supplied by the city authorities.

Miss CORRICK. Earlier this year, the House Appropriations Committee said that the Public Health Service had shown commendable vigor in studying the problem of air pollution, but it doesn't have a comprehensive enough program. Can't Congress put the heat on the Public Health Service, so to speak, to get going on this problem?

Representative ROBERTS. Well, I doubt if any heat is necessary. It may be that they have not had enough money to do the job that we feel is necessary. However, this problem of air pollution breaks down into a different problem from that, for instance, of water pollution. We have in that instance an interstate problem. Yet with air pollution we have some local situations where the problem is almost completely local. Take Los Angeles, for instance, and many people when they think of the smog problem, the city of Los Angeles automatically come into the fore. Now in some other cities the problem may be one that's mixed—that is, it may be some of the pollution is coming from outside the State. And one of the reasons why the House did not go all out this time on the air pollution—that is, we didn't adopt as strong a bill as some of us would have liked to have seen passed—was that we want to study the problem and find out how much of it is local and just how far can the Federal Government go.

Miss CORRICK. How are you going about making this study? Are you planning to go into the various communities?

Representative ROBERTS. We hope to go into the other communities that are affected. We have held, between the two sessions of this Congress, we held a very fine hearing in the city of Birmingham, Ala., which is in my native State. Birmingham has quite a problem. The lung cancer instance there is about three times that of the national average. Birmingham is an industrial city. We found out, however, that other cities, such as Washington, D.C., and Nashville, Tenn., and many other cities throughout the country, which are not primarily heavy industry cities, have maybe a problem that's even worse than that of Birmingham, Ala. This leads us to believe that the auto exhaust has a great deal to do with this problem. And, as you know, my subcommittee has sponsored the Schenck Act which is now on the books to provide the Public Health Service with the necessary authority and funds to try to develop a device that will be effective when used on automobiles, trucks and other vehicles, which we think contributes largely to this problem.

Miss CORRICK. Sid Davis.

Mr. DAVIS. Congressman, tests so far indicate that the so-called blowby device has been effective in many instances in eliminating some of this exhaust pollution. Why don't we get the automobile manufacturers by Federal law to make it standard equipment on all cars?

Representative ROBERTS. Well, that's a very good question. Of course, in the automobile itself you have two problems there. You have the crankcase gases which the blowby device takes care of. But you also have a problem with the engine exhaust. And as I understand it, this device that we hope that the Public Health Service will develop will take care of this entire problem. I think some tests have shown that in the Los Angeles area, almost half as much sediment or unburned hydrocarbons is deposited in that area by engine exhaust as comes from the crankcase exhaust or the unburned gases which go into the crankcase. Now what we hope to do is that when we come up with a device that will do the entire job, that we will make an attempt to see that these devices are placed on every vehicle that's manufactured and sold to the public.

Mr. DAVIS. If we can reduce at least a part of this now with eliminating the fumes from the crankcase with the blowby device, and they only cost an estimated $5 per car—I think I've seen figures to that extent—why not take the first step now and say let's make this mandatory now and when we get to the point where we develop something better that will eliminate both the exhaust and the crankcase fumes, we'll put that on?

Representative Roberts. I would certainly go along with that approach to the problem. But I believe that by the time Congress meets next year that the Public Health Service will be far enough along on this device that we can do the entire job at one time. This is what, of course, I would hope to see.

Mr. Davis. How much opposition do you think making that a Federal law—making it mandatory nationwide—would face? Would there be a great deal of reluctance on the part of the manufacturers to go ahead and install this device?

Representative Roberts. We find that our field hearings are very helpful in educating the people to the danger of polluted air. I believe that if our subcommittee could hold hearings in a few of the major cities, and we could let the public know what the Government is trying to do, that we would have fine support for the movement that we hope to see come about.

Miss Corrick. Congressman Roberts, is the petroleum industry as cooperative in these studies and in handling this problem as you think it ought to be?

Representative Roberts. Yes, I think that they realize it affects their public relations quite a bit. And I think, too, that the main opposition that would come, and has come in the past, has been from some of the heavy industries involved. I think some of them feel that they have been singled out in this matter. We, of course, believe that before very long people will attach as much importance to the clearing of the air as they do to pure water and other things that we know are necessary.

Mr. Davis. Congressman, do we really attach enough importance to clear water, cleaner water, and cleaner air? We seem to be a lethargic nation when it comes to situations like this. There are many streams and rivers in this country that are terribly polluted—for instance, the Potomac here in Washington is a terribly polluted river. And I've read statistics where some of the water we're drinking here at this very moment has gone through somebody's bathroom several times. Are we really interested in cleaning up our rivers and cleaning up the air? Or would we rather go fishing on Saturday and Sunday and forget about some of these important things?

Representative Roberts. Well I think you're entirely correct. I think we've been too slow to recognize the importance of pure water, pure air. You know they say that a person can live for almost 5 days without food. You can live, I think someone has said, several hours without water. But you can't live, I would say, more than a few minutes without air. And certainly it's my feeling, and I think the feeling of the members of the Health and Safety Subcommittee on which I serve, that this has not had the attention of the public as it should have.

Mr. Davis. The elimination of streetcar tracks in some of our major cities puts more of the gasoline-type engine on our city thoroughfares. And even now when you drive across a turnpike, it used to be that you could enjoy the beautiful scenery, but there are so many trucks and buses now that even there the air is polluted. So it isn't only in the metropolitan areas that we find this, we find it all over. Isn't there something that we can do to educate people a little better, perhaps in the rural areas and get some support there? I think that most people who live outside the cities think this is a city problem. It really isn't. It's a problem for the whole country.

Representative Roberts. I think if they could see some of the agricultural damage, if you want to put it in the realm of millions of dollars of damage, and also to flowers and shrubbery and other things, I think that we coud bring this fact home to people better than we've done in the past.

Mr. Davis. In your thinking on legislation then, you're not only thinking of putting these devices on automobiles or passenger cars, you're thinking in terms of commercial vehicles, too?

Representative Roberts. That's correct.

Mr. Davis. And this could also be a stumbling block in getting it to be a nationwide legislation, because this would be another faction of the economy that would have to go to some expense to do this?

Representative Roberts. There is one thing that I might mention, I think would eliminate some possible opposition. We believe that with the device now being worked on at the Public Health Service, it may contribute a great deal to better mileage and more miles per gallon of gasoline. I think if that does happen, if we can say to the consumer that this device is going to give you about 10 to 20 percent more mileage, that this will be a factor that would have to be considered not only by the consuming public, but also by the commercial part of it also.

Miss Corrick. How far along is the Public Health Service on perfecting this device? You mentioned a moment ago that you hoped by the time Congress reconvenes that it will have been completed. Can we expect it next year for sure?

Representative Roberts. I would hesitate to say for sure, but they have been at work on this particular device now for over 2 years, and a great deal of work has gone into it, and there's no opposition so far as I know to the effort that they're making, and I feel that they will be successful.

Miss Corrick. Has the auto industry been consulting with the Public Health Service on this device?

Representative Roberts. I'm sure that there have been meetings between the manufacturers and the Public Health Service, and I know that some of the manufacturers are trying to come up with their own devices.

Mr. Davis. Congressmen, are you convinced in your own mind that air pollution could be a cause of cancer? I notice you mentioned Birmingham, Ala., where you have a high percentage of lung cancer. Does air pollution figure into that? I know that you have a lot of soft coal smoke down there too. What is the breakdown in this? Do they think it's the automobile exhaust, or is it any type of air pollution?

Representative Roberts. They have tested small animals—the effect on small animals and have actually produced tumors in these animals when they're exposed to polluted air. So far they have not been able to find that that causes cancer in human beings. But there is a very definite suspicion of that happening, and we do know that in the elderly and in people who suffer from some type of lung ailment, such as emphysema or some type of tuberculosis, that the polluted air can certainly be an irritant, and we feel that in many cases it can be very dangerous. Now some of the scientific evidence before my committee points out deaths in Denore, Pa., a few years ago. We know that during the blackout in London during the war, that several hundred people, we believe, were killed because of the heavy concentration of smog. We've also detailed some other instances which make us believe that this can be very dangerous, particularly to the people I mentioned.

Mr. Davis. We were talking mostly about automobile exhaust. Let's get to the industry problem in air pollution. You said this is a local matter. How reluctant is industry to go along with smoke abatement programs, for instance, in steel centers—areas like that—where they could curb smoke but it costs fantastic amounts of money? How reluctant is industry to cooperate in some program like this?

Representative Roberts. Well, I would say that where there has been no education of the problem that they are reluctant to spend huge sums of money unless they know that there is an answer to the problem which is practical. That's one of the reasons why it's my feeling that these field studies must be made, and we must do a better job of educating the public to the need for this type of legislation.

Miss Corrick. Congressman Roberts, in a little different area that also concerns your committee, advance word from Detroit indicates that the 1963 model cars will be still bigger, still more powerful, and go still faster. Yet from the advance information, the auto manufacturers don't seem to be building in any new safety devices that would accommodate this greater power, and provide the safety factor. Do you think that the auto industry is fulfilling its responsibility to build safe cars?

Representative Roberts. I definitely do not think they are. Recently the House passed my bill, H.R. 1341, which would require reasonable safety devices on all Government-purchased vehicles. That bill is now in the Senate for the second time. We passed it in the House in the 86th Congress by a vote of over 2½ to 1. We passed it in the House this year on the Consent Calendar. Now we believe that this would furnish Federal leadership in the field of safety devices, and that the industry would then have to tool up for everyone, and we believe that the public, once they see these devices on federally owned cars, would naturally desire them on their cars. And it's my feeling that if this horsepower race continues in Detroit, it will be necessary for us to pass a bill in the House which will go across the board and require these devices which we believe will save many, many lives and will reduce injuries which are serious to injuries that are not so serious. And we think that eventually if they continue to pursue this philosophy of more speed and more power, that we will be in a position to enact legislation that will affect all of the consuming public.

Miss Corrick. One of the safety devices, Congressman Roberts, that I believe now is going into federally operated automobiles are safety belts—seat belts—and I know many cities and communities now are debating whether to make seat belts mandatory, and in many communities also there have been insurance companies and gasoline stations that have launched advertising campaigns to get the driver to go in and have seat belts installed for as little as $5.95. Well, that brings up this question. There are seat belts and there are seat belts. How does the average citizen know which is a safe seat belt?

Representative Roberts. I appreciate very much your mentioning that fact because my subcommittee made the first report to the Congress recommending the use of seat belts back in 1957. And believing that these belts should be adequately made and should be properly anchored to the frame of the automobile, I have introduced a bill, H.R. 134, which requires that these belts meet certain adequate Federal standards. This is to do away with the flimsy type of belt which will not hold the passenger and which will not do the job. This bill has been well received. We held hearings recently and there was no opposition to the bill, and I am hoping this week that the full committee will take action and we can get this bill to the floor of the House. Naturally, we are racing against a deadline—the adjournment of Congress—and it may not be possible for this bill to clear the Congress this time. But I would hate to see this fine movement which is taking effect all over the country defeated by the use of a belt that is inadequate and is not properly made and is not properly attached to the vehicle. We have had adequate testimony of the safety of these belts and that they do in many instances save lives, and I think that even one or two instances where they have failed to do the job at the crucial time might mean that the people would become discouraged again and would refuse to put these belts in their automobiles.

Mr. Davis. This is a hypothetical question, but it is possible that 1 day the Federal Government could pass legislation requiring the devices you talk about to be used, not only put on the car, but to be used on something like the Federal interstate system—the highway system. Could we have that much control over these roads to insist that people actually use the safety devices that are in a car?

Representative Roberts. I think it would be very hard to do that. Now we have about six States which have enacted legislation to require these belts on all automobiles. Now I think it's much better for the States to pass these laws and to enforce them at the State level. It would be very hard, in my opinion, for you to enforce—rather, to force people to wear belts. They have to be educated to the fact that they will prevent loss of life, and they have to desire to use belts, because even though they have them in the car, they're not worth anything if they're not used.

Mr. Davis. I notice a lot of people who have them will use them, say, on a long trip, but never use them to go three or four blocks, which defeats the whole purpose.

Representative Roberts. The trouble is that most of the accidents occur within a few blocks of home, in many cases—I wouldn't say most of them—but a great many of the accidents occur right at your front doorstep, so to speak.

Miss Corrick. Congressman, this brings up kind of a general question, and that is—which is related to Sid's last question about the extent of the Federal Government's responsibility in the matter of safe driving. How far does it go? Does the Federal Government provide good highways and safety standards and then stop?

Representative Roberts. The Federal Government, in my opinion, could go a great deal farther into this problem than we've done in the past. It's to be hoped that the States will do a better job than they have been doing. But failing that, I think that the Federal Government will have to recognize that we provide about 90 percent of the funds for our Interstate System. And it's one thing for a person to drive in a small community. It's another thing for a person to be on some of the fast freeways of this country. And it seems to me that we could at least attach some conditions to the granting of Federal highway funds, or we could require that a person driving in interstate commerce should be subjected to some type of physical examination or hold a license from a State which has adopted the uniform motor vehicle code.

Miss Corrick. Thank you Congressman Roberts. I'm sorry to have to bring this discussion to a close but our time is up. Our guest on "Washington Viewpoint" this evening has been Democratic Congressman Kenneth Roberts, of Alabama, chairman of the House Commerce Subcommittee on Health and Safety. This is Ann Corrick with Sid Davis in the House Radio-Television Gallery on Capitol Hill.

Rollcall Record of Congressman Charles McC. Mathias, Jr.

EXTENSION OF REMARKS

OF

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1962

Mr. MATHIAS. Mr. Speaker, individual responsibility of elected legislators is one of the requisites of successful representative government. The record of rollcall votes, which becomes a public document, plays an essential part in our governmental system under which Members of the House of Representatives render regular accounts to their constituents at the close of each Congress.

I have today received from the Clerk of the House a record of rollcall votes that I have cast in the 2d session of the 87th Congress up to and including rollcall No. 216. I am appending, herewith, a short résumé of my rollcall record including the 1st session of the 87th Congress and the 2d session through rollcall No. 216. The only rollcalls omitted from this brief summary are, of course, the quorum calls:

Rollcall record of Charles McC. Mathias, Jr., House of Representatives

1ST SESS., 87TH CONG.

Roll-call No.	Legislation	Explanation of action or title of the bill	Mathias' vote
2		Election of Speaker	Halleck.
3		Terminate debate on investigation, Indiana election	Nay.
5	H.R. 127	Enlargement of Rules Committee	Yea.
7	H.R. 4806	Temporary extension Unemployment Compensation Act	Yea.
8	H.R. 167	Un-American Activities Committee's budget	Yea.
9	H.R. 5188	Impacted area aid to education	Yea.
13	H.R. 4510	Motion to recommit feed grain program	Yea.
14	H.R. 4510	Feed grain program	Nay.
17	H.R. 4510	Conference report on feed grain program	Nay.
19	H.R. 5463	To extend the Sugar Act	Yea.
20	H.R. 4806	Conference report on extension Unemployment Compensation Act	Absent.
22	H.R. 5000	Cancel Army research project in Natick, Mass	Nay.
23	H.R. 5000	Military construction appropriation	Yea.
27	H.R. 3935	Kitchin-Ayers amendment to the Fair Labor Standards Amendment of 1961	Yea.
28	H.R. 3935	Motion to recommit the Fair Labor Standards Amendment of 1961	Nay.
29	H.R. 3935	Fair Labor Standards Amendment of 1961	Yea.
32	S. 1	Motion to recommit bill on depressed areas	Nay.
33	S. 1	Depressed areas bill	Yea.
38	S. 912	New Federal judges	Yea.
40	H.R. 6027	To increase benefits under social security	Yea.
42	H.R. 6518	Latin-American aid program	Yea.
44	S. 1	Conference report on distressed areas	Yea.
46	H.R. 3935	Conference report on Fair Labor Standards Amendment of 1961	Nay.
47	H.R. 6441	Motion to recommit with instructions the Federal Water Pollution Control Act	Yea.
48	H.R. 6441	Federal Water Pollution Control Act	Yea.
53	H.R. 2010	To extend the law to admit Mexicans for farmwork	Nay.
54	H.R. 6094	Motion to recommit bill for increase on salaries of Council of Economic Advisers	Yea.
55	H.R. 6094	To increase ceiling on salaries of Council of Economic Advisers from $345,000 to $2,000,000	Nay.
58	H.R. 284	To consider establishment of U.S. Office of Travel and Tourism	Yea.
61	H. Con. Res. 226	To urge Organization of American States to impose sanctions on Cuba	Yea.
62	H.R. 4614	To establish U.S. Office of Travel and Tourism	Yea.
64	S. 1852	Appropriations for aircraft, missiles, and naval ships	Yea.
65	H.R. 1986	Motion to recommit bill to repeal express company information requirement	Nay.
67	H.R. 7371	State and Justice Departmental appropriation	Yea.
70	H.R. 7444	To reduce agricultural conservation program	Nay.
71	H.R. 7444	Agriculture Department Appropriation	Yea.
75	H.R. 7446	To repeal tax on transportation fares	Yea.
76	H.R. 7446	To extend excise tax rates	Yea.
78	H.R. 7053	Motion to recommit bill to admit certain evidence in courts of District of Columbia	Nay.
82	H.R. 303	Disapproving reorganization of Federal Communications Commission	Yea.
83	H.R. 302	Disapproving reorganization of Securities and Exchange Commission	Yea.
85	H.R. 6765	To amend charter of International Finance Corporation	Yea.
86	H.R. 7712	Supplemental appropriation for State, Justice, Treasury, and Defense Departments	Yea.
88	H.R. 304	Disapproving reorganization of Civil Aeronautics Board	Yea.
89	H.R. 305	Disapproving reorganization of Federal Trade Commission	Yea.
95	H.R. 6028	Motion to recommit Housing Act	Yea.
96	H.R. 6028	Housing Act	Nay.
99	H.R. 7677	To increase debt limit to $298,000,000,000	Yea.
104	H.R. 7851	To retain price differentials in defense contracts in favor of depressed areas	Yea.
105	H.R. 7851	Defense Department appropriation	Yea.
106	S. 1922	Conference report on Housing Act	Nay.
107	H.R. 354	Congressional flag	Yea.
108	H.J. Res. 108	Delaware River Basin compact	Yea.
109	H.R. 187	Federal court review of alien deportation orders	Yea.
110	S. 857	Cape Cod National Seashore Park	Yea.
112	H.J. Res. 435	Centennial observance of Department of Agriculture	Yea.

Rollcall record of Charles McC. Mathias, Jr., House of Representatives—Continued

1ST SESS., 87TH CONG.—Continued

Roll-call No.	Legislation	Explanation of action or title of the bill	Mathias' vote
113	H.R. 2555	Emergency evacuations of civilian employees in oversea areas	Yea.
116	H.R. 6874	National Aeronautics and Space Administration appropriation	Yea.
117	H.R. 328	Disapproving reorganization of National Labor Relations Board	Yea.
118	H.R. 336	Disapproving reorganization of Federal Maritime Board	Yea.
119	H.R. 8302	Cancel Army research project in Natick, Mass	Nay.
120	H.R. 8302	Military construction appropriation	Yea.
124	S.J. Res. 120	Reserve mobilization	Yea.
127	S. 2311	Additional appropriations for aircraft, missiles, and naval ships	Yea.
128	H.R. 30	Northeastern water and related land resources compact	Yea.
130	S. 1643	Farm bill	Nay.
132	H.R. 7856	Reorganization of Federal Communications Commission	Yea.
133	H.R. 7856	To permit emergency sales of military supplies for aircraft	Nay.
135	H.R. 404	To table motion to delete public power provisions from Hanford atomic plant authorization	Nay.
136	H.R. 404	To instruct conferees on H.R. 7576 not to agree to Hanford electric generating facilities	Yea.
138	H.R. 8033	Reorganization of Interstate Commerce Commission	Yea.
140	H.R. 404	To consider H.R. 6882 to provide an additional Assistant Secretary of Labor	Yea.
142	H.R. 6302	Transfer Freedmen's Hospital to Howard University	Yea.
144	H.R. 7851	Conference report on Defense Department appropriation	Yea.
157	H.R. 8400	Foreign aid	Yea.
160	H.R. 8384	Airplane hijacking bill	Yea.
164	H.R. 7763	New York World's Fair	Yea.
167	H.R. 84	Lead and zinc subsidy	Nay.
169	H.R. 8181	National Fisheries Center	Yea.
170	H.R. 8181	National Fisheries Center	Yea.
171	H.R. 7176	Hog cholera eradication program	Yea.
173	H.R. 8773	Readjustment payments for reservists	Yea.
175	H.R. 6242	To increase Justice Department attorneys' salaries	Nay.
177	H.R. 8890	To consider for 1 day on Calendar Wednesday a substitute for the President's eduction bill	Nay.
179	H.R. 8028	Limitation on juvenile delinquency program to pilot plan in District of Columbia	Nay.
180	S. Con. Res. 34	Opposing admission of Red China to United Nations	Yea.
181	S. 1983	Conference report on foreign aid	Yea.
184	H.R. 9033	To increase military aid appropriation	Yea.
185	H.R. 9033	Foreign aid appropriation	Yea.
188	H.R. 9000	2-year extension of Federal aid to schools in impacted areas	Yea.
190	H.R. 8723	Amendment of Pension Plans Disclosure Act	Yea.
191	H.R. 8666	Cultural exchange bill	Yea.
197	H.R. 8302	To cancel Army research project in Natick, Mass	Nay.
198	H.R. 7317	Extension of Civil Rights Commission	Yea.
199	H.R. 9076	To prohibit construction of public power hydroelectric grid lines	Yea.
200	H.R. 9076	Public works appropriation	Yea.
202	H.R. 7576	Conference report on public power facilities at Hanford plutonium production reactor	Nay.
203	H.R. 8102	To limit extension of Federal Airport Act to 3 years	Yea.
205	H.R. 7500	Peace Corps	Yea.
207	H.R. 455	To send Mexican farm labor bill to conference	Nay.
208	H.R. 464	To consider raising postal rates under closed rule preventing amendment	Nay.
210	S. 2393	Extension of National Defense Education Act and impacted areas aid	Yea.
211	S. 1459	To increase longevity pay for postal workers	Yea.
212	H.R. 5751	To publicize dissemination of Communist propaganda through the mails	Yea.
213	H.R. 8914	To permit wheatgrowers in summer fallow areas to plant barley	Nay.
214	H.R. 7377	To increase the number of supergrade positions under civil service	Yea.
216	H.R. 9118	U.S. Arms Control Agency	Yea.
219	H.R. 7500	Conference report on Peace Corps	Yea.
220	H.R. 5628	National Tropical Botanical Garden	Nay.
221	H.R. 4172	Federal Advisory Council on the Arts	Yea.
223	H.R. 258	Conference report on District of Columbia sales tax	Yea.
225	H.R. 7377	To increase civil service salaries	Yea.
226	H.R. 9118	Conference report on U.S. arms control	Yea.
229	H.R. 258	Reconsideration of District of Columbia sales tax	Yea.
230	H.R. 9033	Conference report on foreign aid appropriation	Yea.
231	H.R. 9033	To concur in Senate amendment No. 27 to "Foreign aid" appropriation relating to certification of certain data	Nay.

2D SESS., 87TH CONG.

Roll-call No.	Legislation	Explanation of action or title of the bill	Mathias' vote
2		Election of Speaker	Halleck.
8	H.R. 8900	Aid to higher education	Yea.
11	S. 383	To acquire a mining claim on south rim of Grand Canyon	Absent.
12	H.R. 6360	To authorize an additional Secretary of Commerce	Nay.
17	H.R. 549	To consider a further temporary increase in the public debt limit	Yea.
18	H.R. 10050	To increase the public debt limit	Yea.
20	H.R. 530	To disapprove plan No. 1 of 1962 (Department of Urban Affairs)	Nay.
22	H.R. 6747	To amend the Juvenile Court Act of the District of Columbia	Yea.
26	H.R. 8399	Manpower Training Act	Yea.
30	H.R. 132	Educational television program	Yea.
34	S. 167	Civil investigation in antitrust cases	Yea.
37	H.R. 8723	Motion to recommit conference report on bill to amend Pension Plan Disclosure Act	Nay.
38	H.R. 8723	Conference report on amendment of Pension Plan Disclosure Act	Yea.
39	H.R. 10606	Motion to recommit bill to extend social security benefits	Yea.
40	H.R. 10606	To extend social security benefits	Yea.
43	H.R. 9751	Appropriations for aircraft, missiles, and naval vessels	Yea.
45	H.R. 10904	Appropriation for Labor and Health, Education, and Welfare Departments	Nay.
47	H.R. 576	To consider tax bill	Nay.
48	H.R. 576	A rule to debate the tax bill	Nay.
51	H.R. 10650	Motion to recommit tax bill	Yea.
52	H.R. 10650	Tax bill	Nay.
54	H.R. 10162	To authorize the United States to participate in loans to International Monetary Fund	Absent.
55	H.R. 10743	To suspend rules and consider bill to increase rates of disability compensation	Absent.
57	H.R. 10700	To amend Peace Corps Act	Yea.
59	H.R. 11038	Motion to recommit supplemental appropriation bill	Nay.
61	H.R. 4441	Motion to recommit bill for ex gratia payment to New York City	Yea.
62	H.R. 4441	Ex gratia payment to New York City	Nay.
65	H.R. 589	To consider amendment sec. 204 of Agricultural Act	Yea.
68	H.R. 10788	To amend sec. 204 of Agricultural Act	Yea.
69	H.R. 11151	Legislative branch appropriation	Yea.
78	H.R. 11289	Defense Department appropriation	Yea.
80	H.R. 8031	Television reception regulatory authority	Yea.
82	H.R. 11040	Communications satellite	Yea.
84	H.R. 8617	Philippine war claims	Yea.
85	H.R. 625	To send higher education bill to conference	Yea.
95	H.R. 11737	NASA appropriation	Yea.
90	H.R. 11665	Motion to recommit a bill to amend School Lunch Act	Yea.
100	H.R. 11665	School Lunch Act amendment	Yea.

Rollcall record of Charles McC. Mathias, Jr., House of Representatives—Continued

2D SESS., 87TH CONG.—**Continued**

Roll-call No.	Legislation	Explanation of action or title of the bill	Mathias' vote
103	H.R. 5532	To amend Armed Services Procurement Act	Yea.
110	H.R. 11990	Motion to recommit bill to provide for increase in public debt limit	Yea.
111	H.R. 11990	To increase public debt limit	Nay.
114	H.R. 691	To consider a bill to amend the Sugar Act of 1948	Absent.
117	H.R. 12154	Motion to recommit bill to amend Sugar Act of 1948	Yea.
118	H.R. 12154	To amend Sugar Act of 1948	Yea.
123	H.R. 11222	To amend farm bill with respect to deficit feed areas	Yea.
124	H.R. 11222	Motion to recommit farm bill	Yea.
127	H.R. 11500	To extend Defense Production Act	Absent.
128	H.R. 11309	To continue regulation of exports	Absent.
134	H.R. 11970	Motion to recommit Trade Expansion Act	Nay.
135	H.R. 11970	Trade Expansion Act	Yea.
137	S. 1658	To prohibit interstate transportation of gambling devices	Yea.
138	S. 1969	To amend Federal Aviation Act	Yea.
141	H.R. 12154	To amend Sugar Act of 1948	Yea.
144	H.R. 11586	To amend Merchant Marine Act	Yea.
145	S. 2775	To continue civil government for the Trust Territory of the Pacific Islands	Yea.
146	H.R. 714	Class I-A clear channel operations	Yea.
153	H.R. 11921	To amend Foreign Assistance Act of 1961	Yea.
157	H.R. 726	To agree to Senate amendments to H.R. 8050	Yea.
160	H.R. 11974	To delete Hanford new production reactor from Atomic Energy Commission appropriation	Yea.
162	S. 167	Motion to recommit bill to authorize Attorney General to compel production of evidence	Yea.
163	H.R. 12135	Highway construction appropriation	Yea.
165	H.R. 10606	Conference report on extension of social security benefits	Absent.
166	H.R. 12391	Farm bill	Nay.
169	H.R. 12580	Appropriation for Departments of State, Justice, and Commerce, the Judiciary, etc	Yea.
173	S. 2996	To amend Foreign Assistance Act of 1961	Yea.
175	H.R. 12648	Department of Agriculture appropriation	Yea.
178	H.R. 529	Mann Creek Federal reclamation project	Yea.
184	H.R. 12711	Sundry executive appropriations	Yea.
185	H.R. 575	Baker Federal reclamation project	Yea.
186	H.R. 10904	Motion to recommit bill providing appropriations for Departments of Labor and Health, Education, and Welfare	Nay.
187	H.R. 10904	Appropriations for Departments of Labor and Health, Education, and Welfare	Yea.
192	H.R. 4055	Monetary reward for recipients of National Medal of Science	Yea.
193	H.R. 7283	To provide compensation for certain World War II losses	Yea.
196	S. 1005	To amend Federal Reserve Act	Yea.
198		To dispense with further proceedings under the call of the House	Yea.
201		To dispense with further proceedings under the call of the House	Yea.
202	S.J. Res. 29	Poll tax amendment to Constitution	Yea.
203	H.R. 769	To agree with H.R. 11040 as amended by Senate	Yea.
204	H.R. 12628	Housing for aged	Yea.
208	H.R. 10113	Motion to recommit public works acceleration bill	Nay.
209	H.R. 11974	To amend bill authorizing appropriation for Atomic Energy Commission to prohibit Hanford new production reactor	Yea.
212	S. 4	Padre Island National Seashore	Yea.
215	S. 2768	Motion to recommit bill authorizing purchase of United Nations bonds	Nay.
216	S. 2768	Purchase of United Nations bonds	Yea.

Soblen the Spy: How Did He Leave the United States?

EXTENSION OF REMARKS

OF

HON. FRANK J. BECKER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1962

Mr. BECKER. Mr. Speaker, because of numbers of letters I received after publishing an article in my weekly papers and a letter sent to the Attorney General, Robert Kennedy, I am inserting the article together with correspondence between the Attorney General and myself. This matter deals with two subjects, namely, how was the convicted spy, Dr. Soblen, allowed to escape the United States and why have not avowed Communists been prosecuted for not having registered a year ago in accordance with the law.

I am sure my article, together with the corespondence, will provide some eye-openers in respect to the freedom Communists enjoy in the United States.

The material follows:

AUGUST 27, 1962.

Hon. ROBERT F. KENNEDY,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KENNEDY: I am enclosing herewith copy of a story I am releasing to my weekly newspapers on August 29, 1962. I am sure it is self-explanatory in every respect.

You will note in the last paragraph of this article that I have stated that I am sending this to you and asking that you attempt to get or give me an answer as to how Dr. Robert Soblen, after having been permitted bail, escaped from the United States.

Many people in my district have written me letters condemning the lack of care attendant in this case and wanting to know why. A frank and open reply from you would be greatly appreciated.

Sincerely yours,

FRANK J. BECKER,
Member of Congress.

SOBLEN THE SPY: HOW DID HE LEAVE THE UNITED STATES?

I have been asked this question many times in recent weeks. Soblen was convicted as a Soviet spy, released on $100,000 bail pending disposition of his appeal to the Supreme Court, then he got up and left the United States and fled to Israel. Israel would not give a spy a haven and shipped him out. The big question, How did he get out of the United States? How did he escape from the country? It is strange, but very little is said about this, the most important aspect of the whole case.

This was a matter that the Attorney General had in his hands. He has the instrument of the most effective police and investigative force in the world, the Federal Bureau of Investigation. After Soblen was convicted as a spy and released on bail, it seems only reasonable that the Attorney General would have assigned enough personnel to keep an "eye" on this spy so that he would be "available" to serve the life sentence imposed upon him. But apparently, Attorney General Robert Kennedy was too busy harassing the steel industry people and reporters to crack down the scheduled price rise of steel. There is something strange, to say the least, about this whole case.

An ordinary law-abiding and patriotic citizen who, perhaps, makes a mistake on his income tax form is very suddenly called into the Internal Revenue office and, if he does not come in, it is just too bad for him. An upstate dairy farmer, trying his best to serve his customers with milk and cream, buys it on the market to make up an unusual shortage of his own supply, is hauled in and fined $29,900.

The average citizen who makes these and other honest mistakes is hit hard and cannot get away with it. But a convicted spy, such as Soblen, can be released on bail, walk out of court, and shortly thereafter go to the airport, purchase a ticket, get on a plane, after first having passed customs, and fly away to another country seeking a haven and avoiding the penalty for having betrayed his country, the United States.

You and I, reading some fictional novel, would say, "Well, that was only fiction. In real life, we wouldn't let that happen." But it did happen, just as it has happened that up to the present time, going on 1 year now since the Court upheld the law prescribing that all Communists in the United States must register with the Attorney General, none have done so and none have been prosecuted as yet. Why?

Do Communists or Communist sympathizers in our country have a certain charmed freedom that does not apply to the average citizen? It would seem that way, and I am sending this to the Attorney General, Robert Kennedy, in an attempt to get the answers and I will publish his reply in a later column. From the number of letters I have received expressing interest, I think you would want to know.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 12, 1962.

Hon. FRANK J. BECKER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: In reply to your letter of August 27, I am sure you know that the release of a prisoner on bail and the amount of bail is a matter set by the court. In the case of Dr. Soblen, his wife had put up $10,000 of her own money by borrowing from her personal savings and from her life insurance. The remainder of the $100,000 was borrowed from or put up by friends. There was no indication that Dr. Soblen intended to flee and because a large amount of bail had been furnished by his family and friends—and would be forfeited—it was not believed that he would do so.

It is standard procedure that unless the Government has reason to believe a person convicted of a crime may attempt to flee the country, such persons are not placed under surveillance while on bail. The reason for this is to employ the manpower of the Federal law-enforcement agencies in the most effective way. A surveillance normally requires the deployment of a large number of men and, therefore, is not undertaken without good reason.

I am sure you also know that the Department of Justice has taken every step possible to enforce the Internal Security Act of 1950. The law requires members of the Communist Party to register if the officers and the party itself do not register. However, the Department of Justice must appear before the Subversive Activities Control Board and get a ruling on each individual member before the members can be required to register. The Department has petitioned the Board to require 10 Communist Party members to register. Hearings will be held in which the respondents will have an opportunity to present evidence in their behalf.

As you know, the Supreme Court did not rule on the constitutionality of this provision of law and so a complete review by the courts of this procedure is in the offing.

If I can be of any further assistance, please let me know.

Sincerely,

Robert Kennedy,
Attorney General.

September 17, 1962.

Hon. Robert F. Kennedy,
Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Kennedy: I appreciate the courtesy of your reply to my letter of August 27. However, I must insist that the answers you give in the two unrelated cases are quite unsatisfactory.

In the light of history of previously convicted and escaped people and the fact that Dr. Soblen was convicted as a spy, it would seem that only good commonsense would dictate that a hundred thousand dollars would be nothing to escape the penalty imposed by the court.

I am enclosing herewith a little marked article that was written in the New York Post (you will admit quite a liberal paper) that points this up very carefully. I think it was a travesty that such an escape became possible.

In reference to the failure of Communists to register here, too, it would seem that a long period of time elapses, whether the Supreme Court has ruled or not, or whether a complete review of the courts is in the offing, there seems to be more reason for haste and action.

I feel in both of these instances the people of the country are somewhat disenchanted, as I am, with the lack of action by your Department in matters of this great magnitude.

In closing, I would merely like to say that if haste and action and care had been applied in the Soblen case, as well as in the registering of Communist Party members, as was applied by you in the steel price incident earlier this year, you would go down in history as a really great Attorney General. I would like to be in a position to say that to you rather than to write in a spirit of criticism.

Sincerely yours,

Frank J. Becker,
Member of Congress.

SENATE

Wednesday, September 26, 1962

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Rev. William Haydn Rees, D.D., pastor, Olney Baptist Church, Philadelphia, Pa., offered the following prayer:

Our Gracious God and Heavenly Father: We are grateful for the privilege of being Thy servants. Give us the spirit of willingness, that we may always be obedient to Thy will.

May the benediction of Thy goodness be upon the lives of these, our chosen leaders, and grant to them the inspiration and guidance of Thy truth for their tasks today.

Be pleased to prosper their labors unto the honor of Thy name, to the favor of our land, and the blessing of peace throughout the world.

Give us this day a reassurance of faith, a renewal of hope, and a remembrance of Thy love, through Jesus Christ Our Lord. Amen.

THE JOURNAL

On request of Mr. Mansfield and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 25, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 25, 1962, the President had approved and signed the following acts:

S. 1130. An act to amend title III of the Public Health Service Act to authorize grants for family clinics for domestic agricultural migratory workers, and for other purposes;

S. 1161. An act to provide for the use of lands in the Garrison Dam project by the Three Affiliated Tribes of the Fort Berthold Reservation;

S. 1307. An act to amend section 128 of title 28, United States Code, to constitute Richland, Wash., a place of holding court for the eastern district of Washington, southern division, and to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Washington, southern division, holding court at Richland, Wash.;

S. 1924. An act to amend the act of August 27, 1954 (68 Stat. 868), with respect to the Uintah and Ouray Reservation in Utah;

S. 2357. An act to provide for the regulation of credit life insurance and credit accident and health insurance in the District of Columbia;

S. 2696. An act to correct certain land descriptions in the act entitled "An act to declare that the United States holds in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands";

S. 2971. An act to declare that certain lands of the United States are held by the United States in trust for the Jicarilla Apache Tribe of the Jicarilla Reservation;

S. 3064. An act to amend section 9 of the act of May 22, 1928, as amended, authorizing and directing a national survey of forest resources;

S. 3086. An act to provide for a reduction in the workweek of the Fire Department of the District of Columbia, and for other purposes;

S. 3315. An act to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia; and

S. 3317. An act to amend provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 914) to provide for more effective administration of public assistance in the District of Columbia; to make certain relatives responsible for support of needy persons, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals.

The message further announced that the House had passed a bill (H.R. 12417) to amend the act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 569) authorizing the Clerk of the House to make a correction in the enrollment of H.R. 10, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners permits;

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes;

S. 2793. An act to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof;

S. 2977. An act to amend the Life Insurance Act of the District of Columbia;

S. 3358. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank; and

S.J. Res. 60. Joint resolution to establish the sesquicentennial commission for the celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes.

The Vice President, today, September 26, 1962, signed the following bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 12391. An act to improve and protect farm income, to reduce costs of farm programs in the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes; and

S.J. Res. 224. Joint resolution to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 12417) to amend the act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

Ninety-three postmaster nominations.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

UNDER SECRETARY OF LABOR

The Chief Clerk read the nomination of John F. Henning, of California, to be Under Secretary of Labor.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. MARSHAL

The Chief Clerk read the nomination of Anthony R. Marasco, of New York, to be U.S. marshal for the southern district of New York for a term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION

The Chief Clerk proceeded to read sundry nominations to be members of the National Science Board, National Science Foundation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

BOARD OF REGENTS, NATIONAL LIBRARY OF MEDICINE, PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations to be members of the Board of Regents, National Library of Medicine, Public Health Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 1616. An act for the relief of Rickert and Laan, Inc. (Rept. No. 2157).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2952. An act to direct the Secretary of the Interior to convey certain public lands in the State of California to the city of Needles (Rept No. 2163);

H.R. 8983. An act to authorize the Secretary of the Interior to participate in financing the construction of a bridge at Cape Hatteras National Seashore, in the State of North Carolina, and for other purposes (Rept. No. 2158);

H.R. 11543. An act to authorize the Secretary of the Interior to convey certain lands adjacent to the Suitland Parkway in Prince Georges County, Md., to Suitland Lodge No. 1856, Loyal Order of Moose (Rept. No. 2159); and

H.R. 11551. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maryland to the Holy Cross Lutheran Church, Greenbelt, Md., and for other purposes (Rept. No. 2160).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 12164. An act to provide for the establishment of the Fort St. Marks National Historic Site (Rept. No. 2161).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

H.R. 11887. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex. (Rept. No. 2162).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 783. A bill to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park (Rept. No. 2164).

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 406) providing additional funds for the Committee on the Judiciary, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That section 4 of S. Res. 293, Eighty-seventh Congress, second session, authorizing an investigation of escapees and refugees from Communist tyranny, agreed to February 22, 1962, is amended by striking out "$75,000" and inserting in lieu thereof "$87,500".

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 3753. A bill to provide for the issuance of a special postage stamp to commemorate the 100th anniversary of the founding of the University of Kansas; to the Committee on Post Office and Civil Service.

By Mr. BIBLE:

S. 3754. A bill for the relief of Berenice Vanin; to the Committee on the Judiciary.

RESOLUTION

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 406) providing additional funds for the Committee on the Judiciary, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Eastland, which appears under the heading "Reports of Committees.")

ADJUSTMENT OF POSTAL RATES—FEDERAL EMPLOYEES SALARY ACT OF 1962—AMENDMENTS

Mr. LAUSCHE. Mr. President, I send to the desk an amendment to H.R. 7927, the postal rate bill, which is now pending before the Senate. I ask that the amendment be printed.

The VICE PRESIDENT. The amendment will be received, printed, and will lie on the table.

Mr. LAUSCHE. The amendment contemplates striking from the bill all the sections which provide for an increase in the salaries of the legislative employees of the Government. My amendment is predicated upon the fact that 2 years ago a 10-percent increase was granted. There still is latitude, in the judgment of each Senator, to increase the salary of his employees under existing law. I do not feel that the proposed indirect pressure ought to be applied to Senators to increase the salaries of their employees while under existing provisions such increases may be granted if the Senator so desires. I observe that the bill would place a limitation of $21,500 on such salaries, and that salaries could be lifted to that amount. I do not think the proposal is justified at this time.

Mr. McNAMARA. Mr. President, I submit an amendment, intended to be proposed by me to House bill 7927, the postal rate bill.

This amendment would affect the proposed rates increase for bulk mail sent under third-class postal privileges.

This minimum rate presently is 2½ cents per piece.

This bill would raise this to 2⅝ cents on January 6, 1963; to 2¾ cents on January 1, 1964; and to 2⅞ cents on December 31, 1964.

My amendment would call for the minimum rate on bulk mail to be 2¾ cents after January 6, 1963, and to 3 cents on January 1, 1964.

In addition to being tidier arithmetic my amendment makes economic sense.

The new rate on individually mailed pieces under third class would remain at 4 cents, as proposed by the bill.

The VICE PRESIDENT. The amendment will be received, printed, and will lie on the table.

Mr. CARROLL. Mr. President, I submit two amendments to the bill before us today, H.R. 7927, an act to adjust postal rates.

My amendments are designed to preserve the traditional and long-established practice of allowing the publications of nonprofit organizations and classroom publications to be mailed at rates lower than the regular rate.

Senators may not be aware that the bill which we are considering does in large part abolish this practice.

This bill as it is now written will cost each and every nonprofit organization which publishes a newspaper or bulletin or which uses the mail to solicit funds a staggering increase in their postage rates. This increase in mailing costs extends to all nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans or fraternal organizations.

I need not remind the Senate of the important public services which the publications of these organizations provide. Many millions of Americans receive inspiration and spiritual guidance from their religious journals.

Many millions of veterans receive information and patriotic material from their veterans magazines.

Perhaps even more important than this is the fact that our nonprofit philanthropic organizations such as the National Foundation, the American Cancer Society, the American Heart Association, and all the other valuable and important health organizations depend in large part for their livelihood upon funds raised through the mails.

These organizations, Mr. President, perform a public service and as such they should be provided for under the public service part of the post office appropriation bill. We should not add to the burdens of these societies by unfairly increasing their mailing rates.

My first amendment retains the existing second-class mailing rate for all classroom publications and for all publications of nonprofit associations.

The purpose of this amendment is to restore the second-class nonprofit organization part of the postal rate bill to the version approved by the House of Representatives.

Under present law, the second-class rate for publications of nonprofit organizations is 1½ cents per pound with a minimum per copy of one-eighth of a cent.

H.R. 7927, as it passed the House, did not change this rate.

The committee version of the bill before us today raises the per pound rate over a 3-year period by 20 percent, from 1.6 cents to 1.8 cents. The minimum per copy rate is, over a 2-year period, exactly doubled from one-eighth of a cent to one-fourth of a cent.

My second amendment refers to third-class rates on publications of nonprofit organizations.

This amendment provides that the present rate on individual piece mailing and the present minimum charge per piece in bulk mailing will remain at the present level.

Thus, insofar as individual piece rates—and minimum charges per piece in bulk mailing—are concerned, my amendment would restore the bill to the original version as introduced in the House by Congressman Murray.

The bill before us today wisely reduces the rate per pound on bulk mailing by nonprofit organizations from 10 cents per pound for books to 6 cents per pound; and from 16 cents per pound for circulars to 9 cents per pound.

My amendment retains these cuts.

I have before me a list of the many religious, labor, veteran, and philanthropic organizations which testified in committee in opposition to an increase in nonprofit publication postal rates and I ask unanimous consent that this be made a part of the Record at this time for the information of Senators.

There being no objection the list was ordered to be printed in the Record, as follows:

Committee Testimony Against Increase in Nonprofit Publication Postal Rate Increased

(Hearings of March, April, May, June, July, and August, 1962)

Catholic Press Association of the United States, Inc.: Mr. Floyd Anderson, president.

AFL–CIO: Andrew J. Biemiller, director, department of legislation.

Disabled American Veterans: Freugenberger, national director of legislation.

The Christian Herald: Stewart Ford, president and publisher of the Christian Herald.

National Jewish Monthly: Edward E. Grusd, director the organ of B'nai B'rith (oldest Jewish organization in America).

Labor: Railroad workers of United States and Canada.

American Legion Magazine: James F. O'Neil, publisher.

Disabled American Veterans: William Page, public relations director.

American Legion: Robert Wise, attorney.

Association for the Blind: Jack A. Fireoved, executive director, and others.

Disabled American Veterans: Francis R. Buono.

National Council of Boy Scouts of America: Chas. M. Heistand, assistant chief.

National Foundation Medical Scientific Research, Professional Education, and Medical Care (formerly National Foundation for Infantile Paralysis): Mr. Jos. F. Nee, Sr., vice president.

Mr. CARROLL. Mr. President, I also ask unanimous consent that the many wires and letters which I have received from Colorado organizations in this regard may be included in the Record at the conclusion of my statememnt.

Mr. President, I urge all Senators to give these two amendments their very careful consideration.

There being no objection, the material was ordered to be printed in the Record, as follows:

Hon. John Carroll,
Washington, D.C.

Dear Senator Carroll: It has come to my attention that there are some in the Senate who favor that all users of second-class mail share in the proposed rate increase. It is my hope that you will oppose any rate increase for the American Legion and the American Legion Auxiliary (postal rate increase bill H.R. 7927).

Sincerely,

Doug Bassett,
Reveille Editor,
LCW Post No. 1.

Denver, Colo.,
September 25, 1962.

Hon. John A. Carroll,
Senate Office Building,
Washington, D.C.:

Our farm paper, the Rocky Mountain Union Farmer, serves 18,500 farm families in Colorado and Wyoming. It takes in no advertising revenue, and because of rising production costs we have been forced to reduce frequency of publication twice in last 2 years. Despite this we use our columns lavishly to carry educational materials, support of Government bond drives, cancer drives, child health drives, food for peace drives. We try to help enlighten our readers on the virtues and strengths of the democratic way of life, and the need of their assuming their responsibilities in working to preserve and strengthen our American way. In short, we try conscientiously to render those services to our readers and the Nation that every good newspaper should render its readers and nation.

Any increase in mailing rates will force us to further curtail the mailing of our paper.

Certainly the function of newspapers in helping keep the Nation informed and alert contributes sufficiently to the enlightenment of folks to deserve the lowest mailing rates Congress can see fit to make possible.

Sincerely,

George L. Bickel,
Editor, Rocky Mountain Union Farmer.

Denver, Colo.,
September 25, 1962.

Senator John A. Carroll,
Senate Office Building,
Washington, D.C.:

As a nonprofit organization the Monroney amendment the postal rate increase bill will drastically curtail the distribution of information necessary to our rehabilitation, child welfare, community service, and national defense programs; anything you can do to defeat this amendment would be most helpful.

Richard S. Witherall,
Commander, American Legion.

Denver, Colo.,
February 16, 1962.

Senator John A. Carroll,
Senate Office Building,
Washington, D.C.:

The Denver Tuberculosis Society urges you to support that part of the bill, H.R. 7927, which holds the third-class postal rates for qualified nonprofit organizations at 1¼ cents as passed by the House of Representatives.

Sincerely,

Mrs. Richard S. Bolten,
President.

Lakewood, Colo.,
September 25, 1962.

Senator John A. Carroll,
Senate Office Building,
Washington, D.C.:

Greatly disturbed to learn from Monsignor Cavanagh that Senate Post Office Committee approved proposal to increase second class minimum for piece rates for nonprofit religious publication from one-eighth to one-fourth per piece effective 1964. This will have very serious effect on nonprofit religious publications. Could mean up to 100 percent increase because of formula Post Office must apply. Penalizing especially smaller publications and thus less able to pay increased rate. This would have very serious effect on all Register publications, including Denver Catholic Register and Southern Colorado Register. Eight-page nonprofit newspaper weighing 2 ounces with 50,000 circulation now paying $4,875 yearly; under proposed minimum per piece increase would pay $6,500, one-third increase. Weekly nonprofit newspapers weighing 1⅓ ounces now paying $3,250 under proposed increase would pay $6,500, 100-percent increase.

Floyd Anderson,
President, Catholic Press Association.

Weld County Tuberculosis
and Health Association,
Greeley, Colo., February 14, 1962.

Hon. John A. Carroll,
Washington, D.C.

Dear Senator Carroll: The Weld County Tuberculosis and Health Association urges you to consider favorably the part of the Post Office bill, H.R. 7927, which holds third-class postal rates for qualified nonprofit organizations at 1¼ cents, as passed by the House of Representatives.

Sincerely,

Phillip D. Weaver, M.D.,
President.

Oil, Chemical and Atomic
Workers International Union,
Denver, Colo., April 5, 1962.

Hon. John A. Carroll,
Senate Office Building,
Washington, D.C.

Sir: This organization is disturbed about proposed sharp increases in second-class mail charges as they affect nonprofit publications.

We publish a tabloid newspaper, Union News, for the information and education of our members. There are about 500 cash paid subscriptions with the remainder of our circulation of about 160,000 being paid for from the dues of our members. (A portion of dues is set aside for this purpose). We send more than 500 free copies of each issue to foreign addresses, in most cases at the request of our Government, to demonstrate the American way of life to trade unionists in these various countries. We send about 200 to universities and schools at the request of these institutions.

While of course Union News supports the secular interests of this labor union and organized labor in general, at least 40 percent of our space is devoted regularly to educational matter not directly related to the union or union welfare. This includes articles in support of foreign aid, in support of free trade, in support of savings bonds and in support of various other programs conducted by the Government. In addition, space is devoted to such causes as the cancer drive.

Much space is devoted to general educational material and explanation of legislative issues.

All of this contributes to public service in a method seldom done by the commercial press, which seems to devote much of its space to promotional hoopla about the opening of the latest shopping center.

We accept no advertising; we make no profit.

Prior to last December we published twice monthly, but for economy reasons have had to reduce to monthly publication. We hope to resume twice monthly publication in a few months, if we can afford it. An increase in postal rates would be a hardship on us.

We recognize the need for balancing postal revenues against costs, yet we believe the public service function of the post office should not be entirely overlooked.

Increases in second-class postage rates, particulary on nonprofit publications, and particularly on the nonadvertising portion of publications, will accomplish further monopolization of the press in America. No doubt Life, Time, Fortune, and maybe the Saturday Evening Post, will survive any postal increases. The daily newspapers can take it because most of their papers are distributed by carriers anyway.

But those publications which give breadth and variety to the American reading diet will suffer greatly. The rightwing National Review and the leftwing Nation will suffer; the magnificently objective Harper's may go broke. Publications of the American Legion, the Elks and many fraternal organizations will suffer. Labor publications will suffer.

A handful of magazines will come to dominate the periodical field; already monopoly exists in most cities in the daily press; already a scandalous monopoly exists in television. If this sort of curtailment of the informational diet of the people takes place, everyone will suffer. Public officials like yourself will lack outlets for your information, as will special interest groups like ourselves.

Meantime, apparently, our mail boxes will continue to be cluttered with junk mail, much of which is distributed by unscrupulous promoters who can't do business on a local basis because the better business bureau would expose them.

I plead with you to avoid excessive increases in the second-class rates as they affect nonprofit publications and as they affect the editorial content of publications (as contrasted to advertising content). Even with moderate second-class rates, we are faced with an alarming trend toward monopoly in the communications industries.

Sincerely,

Ray Davidson,
Publicity Director.

Adams, Arapahoe, and Jefferson
County Tuberculosis Association,
Denver, Colo., February 16, 1962.

In re bill H.R. 7927.

U.S. Senator John Carroll,
Senate Office Building,
Washington, D.C.

Dear Senator Carroll: The board of directors of the Adams, Arapahoe, and Jefferson County Tuberculosis Association urges you to support that section of the bill H.R. 7927 which holds the third-class postal rate for qualified nonprofit organizations at 1¼ cents, as passed by the House of Representatives.

Our sincere thanks for your assistance on this important matter.

Very truly yours,

Robert B. O'Haire,
Executive Director.

National Jewish Hospital at Denver,
Denver, Colo., March 8, 1962.

Senator John A. Carroll,
Senate Office Building,
Washington, D.C.

Dear Senator Carroll: I am writing in behalf of the National Jewish Hospital in order to solicit your important support of the Senate equivalent of H.R. 7927. It is imperative for the future welfare of nonprofit and completely free hospitals such as the National Jewish Hospital that third-class postal rates not exceed the rate of 1¼ cents.

I am sure I do not have to detail for you the invaluable contributions which our institution has made to the health and welfare of the citizens of Colorado and of the entire Nation. Its 63-year history has been replete with medical wonders which have contributed immeasurably to the control of tuberculosis and other important discoveries in the area of chest disease medicine.

With many thanks for your understanding cooperation, and with every good wish.

Respectfully,

Richard N. Bluestein,
Executive Vice President.

Mr. CARROLL. Mr. President, I ask unanimous consent that brief explanations of the two amendments be printed in the Record at this point.

There being no objection the explanations were ordered to be printed in the Record, as follows:

Carroll amendment No. 1 retains intact existing second-class postal rates for classroom publications and for the publications of nonprofit associations. These include labor, religious, fraternal, and philanthropic organizations. This amendment restores the Senate bill in this respect to the version approved by the House.

These special mailing rates have existed for many years because the Congress has felt these organizations perform a public service.

Carroll amendment No. 2 retains existing individual piece rates and the existing minimum charge per piece in bulk mailings of third-class mail by nonprofit organizations. This restores in this respect the Senate bill to the version approved by the House. This amendment retains the reduction on pound rates in bulk mailings as embodied in the Senate version of the bill.

Mr. CARROLL. Mr. President, I ask unanimous consent that the text of the two amendments be printed in the Record at this point.

There being no objection the amendments were ordered to be printed in the Record, as follows:

On page 13, beginning with line 9, strike out the remainder of the page and insert in lieu thereof the following:

"(2) The rates of postage on classroom publications mailed in accordance with subsection (a) are as follows:

"[In cents]

Rate per pound:	
Advertising portion:	
Zones 1 and 2	1.5
Zone 3	2.0
Zone 4	3.0
Zone 5	4.0
Zone 6	5.0
Zone 7	6.0
Zone 8	7.0
Nonadvertising portion	1.5
Minimum charge per piece	.125

"(3) The rates of postage on publications of qualified nonprofit organizations mailed in accordance with subsection (a) are as follows:

"[In cents]

Rate per pound	1.5
Minimum charge per piece	.125"

On page 16, strike out lines 9 to 12 and insert in lieu thereof the following:

"(c) (1) Subject to the minimum charge per piece provided in paragraph (2) of this subsection, the postage rates on third-class mail mailed by qualified nonprofit organizations are as follows:

"Type of mailing	Rate	Unit
	Cents	
(1) Individual piece	3 1½	First 2 ounces or fraction thereof. Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of:		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	6	Each pound or fraction thereof.
(B) Other matter	9	Do.

"(2) Matter mailed in bulk under subsection (e) of this section by qualified nonprofit organizations shall be subject to a minimum charge per piece of 1¼ cents."

The VICE PRESIDENT. The amendments will be received and printed and will lie on the table.

Mr. CARROLL. Mr. President, I hope that the chairman of the important committee which has reported the bill to the Senate will be willing to take these two amendments to conference.

REEDER MOTOR CO.—CORRECTION IN ENROLLMENT OF BILL

On motion of Mr. Mansfield, and by unanimous consent, it was

Ordered, That in the engrossment of the bill (S. 2873) for the relief of Claude S. Reeder, and Reeder Motor Co., Inc., amended and passed by the Senate on yesterday, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following correction; namely, on page 2, line 3, strike out "them, or either of them," and insert "it".

REFERENCE TO COMMITTEE OF BILL

Mr. MANSFIELD. Mr. President, at the request of the chairman of the Committee on the Judiciary and the chairman of the Committee on Finance, I ask unanimous consent that Calendar No. 1242, H.R. 1961, to amend sections 1, 17a, 57j, 64a(5), 67b, 67c, and 70c of the Bankruptcy Act, and for other purposes, and Calendar No. 1243, H.R. 4473, to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy, be referred to the Committee on Finance for consideration.

Mr. JAVITS. Mr. President, I have an amendment to one of these bills, which refers to salaries of salesmen. I am told by our Secretary that this request is a personal request of the Senator from Virginia [Mr. Byrd].

Mr. MANSFIELD. Yes.

Mr. JAVITS. I have the highest respect for the Senator from Virginia, and I shall not interpose any objection.

The VICE PRESIDENT. Without objection, it is so ordered.

PROPOSED LEGISLATION RELATING TO SMALL BUSINESS—EXTENSION OF TIME FOR BILLS TO LIE ON THE DESK

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the bill (S. 3736) to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies, and the bill (S. 3737) to amend the Small Business Investment Act of 1958, introduced by me on September 20, which were ordered to lie on the table for 1 week, may remain on the table through October 1.

The VICE PRESIDENT. Without objection, it is so ordered.

CREATION OF JOINT COMMITTEE TO STUDY THE ORGANIZATION AND OPERATION OF THE CONGRESS—ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Under authority of the order of the Senate of September 24, 1962, the names of Senators Muskie, Miller, Pell, Randolph, Church, Saltonstall, McGee, Moss, Douglas, Keating, Javits, Long of Hawaii, Burdick, and Williams of New Jersey were added as additional cosponsors of the concurrent resolution (S. Con. Res. 93) to create a joint committee to study the organization and operation of the Congress and recommend improvements therein, submitted by Mr. Clark (for himself and other Senators) on September 24, 1962.

TRIBUTE TO THE LATE SENATOR HENRY C. DWORSHAK

Mr. JORDAN of Idaho. Mr. President, it is my pleasure and privilege to represent Idaho in the U.S. Senate by appointment to the vacancy caused by the death of a fine Senator and a great American, the late Senator Henry C. Dworshak. His life and accomplishments are evident that hard work, intelligence, integrity and perseverance against odds still pay off.

Senator Dworshak was born in Duluth, Minn., August 29, 1894. He attended the public schools there and when he was 15 years of age, went to work in the printing trade. In 1917, he married Georgia Lowe, and the following year he joined the U.S. Army and went overseas as a sergeant in the 4th Antiaircraft Machinegun Battalion. When he returned to Duluth, he became manager of a printer supply house.

In 1924, he and his family came to Idaho, where he was editor and publisher of the Burley Bulletin until 1944. He was active in community, civic and State affairs. He was President of the Idaho Editorial Association in 1931. He was commander of the Department of Idaho American Legion in 1932. He served as Governor of the Idaho-Utah District of Rotary International and was installed in Nice, France, to that office in 1937.

He was elected as a Republican to represent Idaho's second district in the 76th Congress. He took office January 3, 1939. He was elected to the three succeeding Congresses to November 5, 1946, when he resigned to become U.S. Senator. He had won the right to fill the vacancy caused by the death of the late Senator John Thomas. Except for the period from January 3, 1949, until October 14, 1949, he served in the U.S. Senate until his death July 23, 1962.

During this tenure of 23 years he was on many important committees and was the sponsor of legislation of national importance. As a member of the House and later the Senate Appropriations Committees, he gained a vast fund of knowledge and understanding of all the operations of the Government. His particular interest was in the field of natural resources. He worked closely with those agencies which manage our water, land, mineral, and forest resources. He was ranking minority member of the Senate Interior and Insular Affairs Committee at the time of his death. He was an advocate of close cooperation between the States and the Federal Government in planning and developing new projects.

Mr. President, the late Senator Dworshak was held in high esteem by the people of my State. I have here several editorials written by his friends of the fourth estate. I have also a prayer that was given on the floor of the Senate by our distinguished Senate Chaplain. These editorials and this prayer in words and phrases more eloquent than mine, express the respect and affection of his many friends. I ask unanimous consent that the editorials and this prayer be inserted in the Record at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JORDAN of Idaho. Mr. President, Senator Dworshak was a champion of full development of our Nation's water resources. The Palisades Dam on the Upper Snake River was one of his personal triumphs. He worked hard and successfully in sponsoring authorization and appropriations for it, and when it was dedicated in 1957 he was justly proud.

Now we have another project on which he worked since 1953. He has tirelessly pushed ahead to acquaint the Congress and the public with the many advantages of this project. It is presently known as Bruces Eddy.

The Bruces Eddy project site is located on the North Fork of the Clearwater River, one and nine-tenths miles above Ahsahka, Idaho, which is at the confluence of the North Fork and the mainstem of the Clearwater River. The Corps of Engineers studied the Bruces Eddy project in 1953, and the project was recommended in the report entitled, "Review Report on Columbia River and Tributaries, Middle Snake River Basin, Lewiston to Pittsburg Landing, Idaho, Oregon, and Washington," presented in Senate Document 51, 84th Congress, 1st session.

A public hearing was held on Bruces Eddy project on November 20, 1953. Subsequently, the site was given consideration by private utility companies, and a Federal Power Commission preliminary permit for investigation of the possibilities of the Bruces Eddy site for hydroelectric power was issued to the Pacific Northwest Co., a combination of four private utility companies, in August 1954, and extended in February 1956. Office studies and limited foundation explorations of the development were initiated by the permittee, but were later discontinued. The preliminary permit expired in July 1957.

The Corps of Engineers has long listed this as the most optimum site in the Northwest as yet undeveloped.

Mr. President, my interest in Bruces Eddy goes back to its early origin. As Governor of Idaho from 1951 to 1955, I was one of this project's early public supporters, as was Senator Dworshak. The Bruces Eddy project is a multipurpose development with benefits to power generation, flood control, navigation, and recreation. The benefit-to-cost ratio as presently planned is 1.7 to 1. As more is known about the navigation benefits and flood control, quite likely the benefit-to-cost ratio will be even greater than originally estimated. Regional development depends very much upon navigation, and there are as yet unknown natural resources and development which could make the Bruces Eddy project even more valuable in this respect.

This project will have an ultimate installed capacity for power development of 690,000 kilowatts, which will be vital to the continuous growth of our State. It will provide needed flood control to prevent damage in the immediate area of the project as well as downstream on the Clearwater, Snake, and Columbia. In addition, the shoreline and the reservoir itself will provide many important recreational benefits for local residents, as well as providing a basis for increasing the tourist industry in the area. It will also furnish access to valuable stands of timber that have heretofore been inaccessible.

The late Senator Dworshak was an enthusiastic booster for this project. His correspondence record is filled with letters to persons who asked for information about the project. He has appeared before numerous hearings and has asked that both sides of the question concerning storage on the North Fork of the Clearwater be given full publicity, and that anyone interested should be permitted to appear and testify. The testimony is too voluminous to go into detail here, but at a Public Works Appropriations Subcommittee hearing held on May 7, 1959, he brought out in testimony justifying his request for $770,000 in advance planning, that this dam and reservoir would be a vital part of the comprehensive development of the Columbia Basin. He pointed out at that time that the Clearwater River discharges more than 10 million cubic feet of water annually, which is comparable to the amount of water discharged by the great Colorado River near Flagstaff, Ariz., and that there are no storage reservoirs of any kind on the Clearwater River. Senator Dworshak was instrumental in securing appropriations for planning and advance design engineering in the amount of $2,571,000, even though this project has not yet been authorized by Congress.

I have reasonable assurance that authorization for Bruces Eddy will be included in the public works omnibus bill of this session, and I trust that funds for initial construction will be made available for immediate use.

Mr. President, at the proper time, either by resolution or amendment, as a fitting memorial to my distinguished predecessor for his many years of tireless work in resource development and for his patience and perseverance in promoting this project, I intend to ask my colleagues of this Congress to join me in implementing a change of names from Bruces Eddy to Dworshak Dam.

Exhibit 1

[From the Idaho State Journal, July 24, 1962]

A Man of Integrity

Idaho marks today the loss of her most distinguished citizen, Senator Henry Dworshak, who has served his State and Nation in Congress for more than 20 years.

No matter who was elected to the other three seats in the Idaho delegation, it has been taken for granted since 1939 that Senator Dworshak would be representing the Gem State in Washington.

A man of great dedication to a select philosophy of government, he had been Idaho's prime choice for many years as its guardian of fiscal integrity. That was what he did best, and that was what he wanted to do best.

It has often been said of Senator Dworshak that "he looks like a Senator," and indeed he did. He wasn't the storied image of the Senator with baggy pants and a string tie, but he was a man of distinguished appearance. His trademark was his great white shock of hair and a sturdy build that honestly portrayed his character.

It was his appearance that made his death such a shock to those who had met him. There had been bouts with serious illness, but is was unbelievable he was not recovered. He radiated health. He was a robust man, whose appearance foretold only more years of service in the Senate.

His stature gave him the right to become a National Senator, but his first loyalty was to Idaho. In the past week alone he inquired what he could do to expedite flood control work in Pocatello and to prevent the closure of the airport control tower here.

It is worth mention today, when Alameda and Pocatello are to become one city, that he was among the first to wire his congratulations last March 20 when consolidation was approved. The wires are already arriving from officials aware of what is taking place here today. Had he lived another day, Senator Dworshak would have added his regards. It would have been similar to his last direct word to the people of this community on March 21, when he said:

"Congratulations to the citizens who have approved consolidation of Alameda and Pocatello into Idaho's largest city. This should make possible full utilization of opportunities available to develop the Gate City's resources. This demonstration of community solidarity should prove extremely valuable in future growth of Bannock County."

Bannock County and the rest of Idaho will miss the personal interest of Senator Henry Dworshak.

[From the Nampa (Idaho) Free Press, July 28, 1962]

A Great Loss

We're sorry to have been unable to comment earlier on the passing of Idaho Senator Henry Dworshak.

Idaho and the Nation have lost a fine public servant.

Senator Dworshak was a strong believer in a way of life that raised our Nation to greatness. He worked hard at home and in Washington for the preservation and strengthening of that way. He consistently was rated high by men and organizations that stress the importance of constitutional government.

Those who watched Senator Dworshak were impressed by his great sincerity, pleasant disposition and dedication to hard work.

In addition to serving the national interest, Idaho's senior Senator always remembered the needs of Idaho and its people. He was responsive to the requests and problems of Idaho citizens.

In addition to being a statesman, Senator Dworshak was a fine gentleman.

We always felt a special kinship with Senator Dworshak, a former newspaperman. His visits to our office were fairly frequent—which is more than we can say for other members of Idaho's delegation in Washington. When here, he always showed a keen interest in local matters and people.

Yes, Idaho and the Nation have suffered a loss.

[From the Payette (Idaho) Independent Enterprise, July 25, 1962]

The Conscientious Henry Dworshak

There were many sad hearts in Idaho Tuesday morning, when the news became generally known that Idaho's U.S. Senator Henry Dworshak had died from a heart attack at Washington, D.C., Monday night.

Probably the best adjective that could be used to describe the late Senator is "conscientious."

He was of the type that took his job seriously and was recognized by both Republicans and Democrats alike for his conscientiousness.

He was accused by his enemies many times as being a "fence rider" but he was never "on the fence" when it came to fighting for what he believed was good for Idaho or espousing the cause of economy in government.

His contribution was that he served as a needed balancing wheel at a time when the trend in our governmental machinery has been toward free spending and extreme liberalism.

In our own case, his death took a respected friend of over 25 years.

[From the Lewiston (Idaho) Morning Tribune, July 25, 1962]

Henry Dworshak: Unswerving Integrity

Senator Henry Dworshak had a steadfast integrity and a capacity for wide-ranging friendships which will not be surpassed soon in this State which now mourns his death.

Perhaps the most eloquent eulogy which could be penned to this fine and honest champion of lost causes is simply that almost all of his political acquaintances, of whatever party or shade of opinion, think of him first as a trusted, beloved, personal friend.

This is what the liberals and conservatives alike elsewhere in the Nation found it difficult to understand about Idaho. How could this State return so consistently to Congress a man who by almost any standard was one of the dozen or so most conservative Members of the Senate, yet at the same time elect liberals to many other offices? The puzzled outsiders could not know that Dworshak, perhaps more than any other public leader in Idaho history, set an example for Idahoans in how personal friendships can bridge the widest gulfs of politics.

Whatever appraisal of his career may be ventured here must be tinged by the shadows of sorrow. He lived a full, rich, vigorous, dedicated life, and death came quickly as he might have wished. Yet, the loss to his friends is a sharp and deep one, and each will reflect upon particular regrets.

We wish he could have returned on August 19 to join with Senator Albert Gore, Democrat, of Tennessee, and others in dedicating the Lewis and Clark Highway. He had anxiously hoped for this. He had wished that Congress might finish its work in time this summer so that he and Mrs. Dworshak could slip away quietly to Lake Louise to let the gruelling, tearing burdens slip away for a week, perhaps. Then he wished to come back to Idaho to help open officially the highway which he had done so much over so many years to build.

We wish, too, that he had been in the Senate on the day—not far off, we hope—when Bruces Eddy Dam on the North Fork of the Clearwater River is authorized for prompt construction. This is another dream he struggled to make come true.

He did not work for these projects by himself. When the credits are properly distributed the honor roll will be long. At some stages the best that Dworshak could do was to step quietly into the background and let others more strategically placed at the moment carry the struggle. And when this was so, this is what he did. It is not that he deserves exclusive credit for these projects. It is simply that he wanted and deserved to be here at the finish, and now must be remembered instead by those who know how much he valued these projects and the people these projects will serve.

He could have done much more for Idaho if Idaho had let him. He was a key member of some of the most important committees of the Senate. He had the power that comes with seniority, plus the personal friendship and respect even of his most outspoken political opponents in the Senate. As a ranking member of the Senate Appropriations Committee alone, he could have steered many Federal projects to Idaho.

He often lamented that Idahoans generally did not bridge their disagreements and unite their interests sufficiently so their representatives in Congress could work for them with maximum effectiveness. This regret did not apply to this north central Idaho region, incidentally. This area learned the knack, largely in observing the successful tactics of river development campaigns in Washington and Oregon, of united effort to achieve common goals. Dworshak enjoyed working on behalf of this region's projects because he could count here on intelligent, constant, bipartisan support. Some other sections of the State, which never quite accepted even Grand Coulee Dam as a fact of life, never agreed on what they wanted. So the seniority and strategic committee assignments which Dworshak enjoyed so long were largely wasted by Idaho. The entire State should ponder this as it comes to a new election and considers whether it now should toss aside the seniority and influence it retains in Washington, D.C., and start all over again.

However, Dworshak was not wholly nor even mainly an "Idaho representative" in Congress. He was a national representative, though not often a national spokesman, for the conservative economic and political position.

Particularly in his determined, painstaking, endless work in committee, Dworshak constantly subjected the liberals to a critical, skeptical scrutiny. The words "liberal" and "conservative" maybe have been battered beyond recognition by the quarrels of our era, but Dworshak certainly was a notable champion of old-fashioned conservatism. He was a steadfast opponent of big government and big spending, but without ever reaching the stage of fanaticism which impugned the patriotism or integrity of those with a different philosophy. He voted frequently with the extremists of the radical right—but never joined them in foul or frantic slurs against their opponents. He was a champion of causes mostly lost, but seldom did he succumb to bitterness to a degree which jeopardized his abiding sense of fairness and friendliness.

It is ironic that Dworshak's only major appearance under the harsh spotlights of national publicity portrayed him quite falsely. He was a member of the Senate committee which conducted the hearing on the censure of the late Senator Joseph McCarthy, Republican, of Wisconsin. Dworshak had voted frequently with McCarthy—even when the McCarthy bloc narrowed to a dozen or so Members in the Senate—though he never adopted McCarthy's smear methods. Yet, McCarthy turned on him with an insulting snarl during the televised hearing, and the national audience saw only that Dworshak turned away from the challenge. The audience may have misjudged him. He was not an alley fighter, but he was a man of unswerving courage and integrity who was a true American conservative when McCarthy was just a political hack looking for the most opportunistic place to jump next.

One of the secrets of Dworshak's success in Idaho politics was his careful independence. He was ever helpful with political beginners. He was a Republican stalwart who seldom wavered in his dedication to his party. But he was careful not to pick up the hot torches of fellow Republicans who were conducting "conservative" crusades in behalf of their own candidates without Dworshak's judgment and discrimination. Several campaigns by GOP rightwing candidates left the candidates scarred and battered by their own vituperation, while Dworshak smilingly emerged with the votes and the friendship of his liberal critics.

Still, his was a difficult and sometimes lonely role.

It surely can do no harm now to quote a reply he once sent to a friend who chided him for opposing even the administration of a Republican President, Dwight D. Eisenhower. Dworshak debated the point at issue after noting that "the major differences between us, of course, arise from the differing political philosophies." Then he added:

"I want you to know that I take seriously your suggestion to adopt the slogan, 'Look ahead, don't look back.' If I did look back in connection with the * * * vote, it would be because I felt that I had to do that in order to look forward. But, you must admit it's not going to be easy for a Senator, who has spent so many years in opposition, to make those adjustments which permit him to take an affirmative view."

It wasn't easy. In fact, Dworshak never really accomplished it. He remained to the end basically an opposition Senator. This is not a popular role, and Dworshak never tried very hard to win national popularity. He was never really understood and frequently was underrated—outside of Idaho.

But he was understood and admired—even by those who opposed him almost constantly—in this State he loved. He was a national representative of reaction, perhaps, but first he was a symbol of integrity. He was a man of sweeping conclusions, sometimes, but his judgments were not as sweeping as his friendships. He was a determined and unswerving political warrior of the right, but to Idahoans of almost every political opinion, he first of all was a friend.

He served the people of Idaho with dignity, courage and steadfast devotion until the inevitable end. He leaves a gaping void which will not soon be filled.

[From the East Idaho Post-Register, July 25, 1962]

Dworshak's Death—A Loss to Idaho

The sudden death of Idaho's veteran Senator, Henry Dworshak, comes as a distinct shock to the people he has served as Congressman and Senator for more than two decades. His passing is a distinct loss to the State and to the Republican Party, both of whom he served with a dignified dedication too often lacking in public servants.

Henry Dworshak was a man of boundless energy, a tireless worker in behalf of his own convictions * * * convictions which he was never afraid to fight for and defend against any odds. He gave unhesitatingly of himself in behalf of Idaho and its people for more than 40 years, first as citizen and editor of a weekly newspaper, as State commander of the American Legion, as Congressman, and finally as U.S. Senator.

He was no seeker after the limelight. He was the voice of conservatism, a bulwark, so to speak, against what he called socialistic spending at home and abroad. As a member of the powerful Senate Appropriations Committee he was an avowed budget balancer, a strong voice and influence crying out in a Washington where conservatism in spending is all too rare.

The conservatism that marked his political philosophy was evident in his personal life as well, and it can truthfully be said that never in his long years in political service did anyone question his integrity as a Senator or, what is more important, as a man.

Senator Dworshak was a man of considerable stature. He may not have been the greatest of Idaho's representatives in Congress but when a list of his accomplishments is recorded his name will be near the top. He was highly respected by his colleagues in both the Senate and the House for his consistency in protecting constitutional government, and for his conservative views on Federal spending.

Henry Dworshak did his job well. Idaho has suffered a real loss in his passing.

[From the St. Maries (Idaho) Gazette Record, July 26, 1962]

Senator Dworshak's Service and Character Are His Tribute

Both the State and the Nation suffered a loss this week when Senator Henry Dworshak died in Washington, D.C.

Although we disagreed often with the Senator, we have felt that he was doing a very effective job for the State and Nation.

The Senator was not a "showboat." He did not make good newspaper copy. His name was seldom mentioned in the news. But he was studious, hardworking, and effective.

The Senator prided himself on three things—his thorough knowledge of the legislation being offered; his diligent and scrupulous attention to his committee work and his near-perfect record of attendance at Senate sessions. There are many Senators who would do well to copy these virtues.

It was because of these three things that Senator Dworshak was an effective Senator. He knew what the legislation contained—and was thus able to oppose, or promote it in an intelligent manner. He sat for wearying hours in committee meetings, hearing witnesses, interrogating them, and participating in the formation of legislation. (It is in the committee rooms, not the floor, where the most effective legislative work is done.) Then he attended the sessions—and saw to it that nothing "whizzed by" without his notice.

The Senator spoke with a conservative voice and from conservative convictions. He was greatly worried in the past few years that the Federal Establishment had become a huge and living organism—subject neither to the will of Congress nor the direction of the Executive. He could cite many examples to prove his thesis.

Senator Dworshak was effective in his conservatism—much more effective than those gathering the plaudits of press, radio, and television for their conservative stands.

Except for 4 years, the Senator was a member of the minority party during his service in the House and Senate. Opposing much of the legislation offered by the four administrations under which he served, he was never an obstructionist. He stated his opposition, fought for his viewpoint, but never once attempted to prevent his fellow legislators from even considering a bill.

On the campaign trail, the Senator was true gentleman. He campaigned on the basis of political philosophy, outlook, and issue of the day. Never once, even in private conversation, did he stoop to personal gossip, malicious personal comment, or questioning the motives of his opponents. When direct questions of this nature were asked, he always returned to the issues at hand.

The Senator's long, honest, hard-working career stands as a tribute to him.

[From the Rigby (Idaho) Star, July 26, 1962]

Senator Henry Dworshak

The general trend of thought, following the passing of Senator Dworshak last week has been his genuine and honest interest in the people he served; his dedication to the duty which called him to the world's greatest deliberative body. The newspaper fraternity has already written tributes to his memory, for it was newspaper business in which he began his business life, and a profession which was uplifted by the type of journalism he employed.

We first met Henry Dworshak when he was a Burley publisher, many years ago and a friendship began which endured and grew as he progressed. His integrity, his unfailing loyalty and devotion to the people he represented made him a nonpolitical figure in Idaho for many years. People liked him, because he was honest, honorable, kind, and on the job—he placed his people above politics.

History has labeled Senator Borah as an "isolationist" and Senator Dworshak will probably be remembered as a "conservative," a man who thought of the taxpayers when voting, regardless of political expediency.

Each year he came back to Idaho as often as possible to visit with friends, to get their opinions and expressions on both State and National issues. People looked forward to meeting him again; knowing that they would get an honest answer. In the next to his last newsletter he wrote of our Government being headed for "dangerous shoals" and his apprehension had been mounting for a long time as we contributed unappreciated and oftentimes unwanted foreign aid.

The people of Idaho have lost their mainstay but the greatest loss is to his devoted, lifetime companion, Georgia, and their four sons.

Senator Dworshak rests in hallowed ground—Arlington National Cemetery in Virginia, not far from the grave of Gen. John J. Pershing. His services were simple and brief but the service record he left is voluminous and only time will remind Idahoans again and again of the service he has given this State.

[From the Twin Falls (Idaho) Times-News, July 26, 1962]

He'll Be Missed

Senator Henry C. Dworshak, the dignified big man with the thatch of white hair, will be missed on both the State and National level. Senator Dworshak always had the courage of his convictions and there was no more persistent voice against bureaucracy, excessive Federal spending and the socialistic trend in Government. His untimely death has stilled his opposition in these matters just when there is every indication it is needed most.

In Burley, Senator Dworshak's friends and neighbors accorded him an honor rarely extended a living person when they named the Dworshak Elementary School. It was an example of the general high regard toward the big Idahoan, a regard shared by even those who did not see eye to eye with Mr. Dworshak in political matters. And even those who were his most severe critics in political circles never had an unkind word for Senator Dworshak as a citizen and a man.

The full impact of Senator Dworshak's death may not be apparent for some time. As Idaho's senior Senator, he had enough seniority to claim some important committee assignments that will not be available to his successor.

[From the Mountain Home (Idaho) News, July 26, 1962]

Thank You, Senator Dworshak

Because of our Thursday publication date, we are sure any remarks that we might make in praise of the late Senator Henry Dworshak in a general sense would have already been said better by more eloquent eulogizers but, because of the close relation we have had with the Senator in the few years we have published the Mountain Home News, we feel it would be a display of selfishness to not at least briefly acknowledge our debt.

We feel sure that our support—or nonsupport—of his political campaigns had little, if any, bearing on his retaining his office for so many years. We also know that the Senator realized this.

But, regardless of how busy he was with national or international affairs, Senator Dworshak always had time to help us with personal problems. Part of this was due to his interest in the Mountain Home area itself; part was undoubtedly due to the fact that he had also been a publisher of a small hometown paper. But the principal reason that he would lay aside, temporarily, more pertinent matters to tend to ours was that he was concerned with the affairs of others besides himself—certainly a rare political quality these days.

Although he was a "one of the boys" type and we would refer familiarly to him as "Henry" or "Henry's going to make a visit to Mountain Home," his actual arrival on the scene would change this familiarity to one of respect and the title "Senator" would be as natural to use as a nickname to some other acquaintance.

Senator Dworshak was usually the first to notify the News of events which had effect on the Elmore County area. Making our deadlines his business he would phone or wire if necessary in order to give us a "break" on news. Mountain Home with its irrigation future and the Mountain Home AFB were of much interest to the Senator and he would make a special effort to visit the area while in this vicinity.

Certainly all of his political opponents didn't agree with him on policy but we've never heard of any one of these who disliked him personally. As an example, his opponent in the last election, Robert McLaughlin of Mountain Home, had only the highest praise for the man on a personal diagnosis—differing only in certain political ideas. In fact, Elmore County politicians, certainly leaning heavily to the Democratic allegiance, were all friends of Senator Dworshak and looked forward to meeting him during his Idaho visits.

We feel that the State will miss him. We know—here at the News—that we've lost a good friend.

[From the Emmett (Idaho) Messenger, July 12, 1962]

Full Measure

Idaho this week mourns the loss of Senator Henry Dworshak, and little can be added to the public eulogies already expressed by political and business leaders throughout the State.

The outpouring of tributes to Mr. Dworshak and condolences to his family is itself testament to the high regard in which he was held in the State, for his loss is felt keenly by men of diverse political persuasion and diverse occupation. Nearly everyone in Idaho counted Senator Dworshak as a personal friend.

Senator Dworshak possessed a rare combination of toughness and kindliness that was so obviously genuine that he held the respect and admiration even of his most vigorous political opponents. People liked Senator Dworshak, because it was always abundantly apparent that Senator Dworshak liked and cared about people.

No man could live better.

Not all people can agree that the Senator's dogged conservatism in politics was adequate to the times in which he served, but the integrity of his views was never questioned in any quarter. Thinking people will agree that the Congress of the United States needs both its conservatives and its liberals. Senator Dworshak served long and with distinction as an effective protagonist of conservatism in Government. As such, his death Monday evening is a great loss to the Nation and to the world.

Mr. Dworshak served his fellow man in full measure. He was editor and publisher of the Burley Bulletin from 1924 to 1944. He was elected president of the Idaho Editorial Association in 1931. He served in the American Expenditionary Forces and was Idaho commander of the American Legion in 1932. In 1937, at Nice, France, he was installed Idaho-Utah district governor of Rotary International. He was a 33d-degree Scottish Rite Mason and Shriner, a member of BPOE and IOOF. He was the father of four sons. He was elected to four terms in the U.S. House of Representatives. In 1946 he was elected to the U.S. Senate to fill the unexpired term of John Thomas. In 1949 he was appointed to the Senate vacancy caused by the death of Bert Miller, and in 1950, he was elected to the remaining 4 years of that term. In 1954 and 1960 he was elected to full 6-year terms in the Senate.

Few men are accorded greater honor in the short span of life.

Few men are given the ability and the courage to serve with greater distinction.

[From the Hailey (Idaho) Times, July 26, 1962]

We Lose a Friend, the Nation a Statesman

Idaho people in all walks of life were stunned, shocked, and grieved Tuesday evening when they learned of the sudden death of Senator Henry C. Dworshak, and to the many hundreds who loved and respected the distinguished Idaho Senator, it was a personal tragedy that made July 23 one of the saddest days in their lifetime.

Senator Dworshak was not only a statesman, whose career as a public servant measured up to the finest traditions of statesmanship; but he was known far and wide by hundreds of people who considered him a personal friend, for Henry was a friendly man and humble, in spite of all the honors which he had earned during his 23 years as an Idaho Congressman and Senator. He had that rare gift known as the common touch, and we know of no man in Idaho history whose death will be mourned by more people than the distinguished Idaho senior Senator.

It was our privilege to first know Senator Dworshak over 30 years ago when he was the able editor of the Burley Bulletin weekly newspaper and this writer was a neophyte journalist-printer learning the rudiments of the trade and profession as the one employee of the Camas County Courier at Fairfield. We recall when we were first introduced, the green young printer to the man who already had a distinguished career; but there was not so much as a hint of condescending or patronizing treatment, for Henry Dworshak was a man without an ounce of arrogance or haughtiness in his mind or soul.

Idaho and the Nation have suffered a tremendous loss, for a man like Henry Dworshak comes as near to be irreplaceable as any man that ever drew breath.

There were those who differed with Senator Dworshak on political matters, but they all respected him as a man; and his friends were in both high and low levels of society, for Henry Dworshak never put himself on a pedestal, nor did he ever lose the common touch which is the mark of a friendly man who makes friends instinctively.

Senator Henry C. Dworshak will go down in Idaho history as one of the truly great leaders of our time, for it has often been said "He looks like a Senator is supposed to look"—but more important, his record of fighting for the principles he believed in as best for his country and State is without parallel. However, to hundreds of Idaho folks, he will be remembered forever as a humble man whose life was an inspiration—as a man they were proud to call their friend.

[From the Burley (Idaho) Herald-Bulletin, July 27, 1962]

The Gentleman From Idaho

Many of you have expressed your feeling over the loss of a devoted friend in the passing of U.S. Senator Henry Dworshak. I would like to express my personal feelings even though I have not known him nearly so long as you did.

Since moving to Burley in September I have visited and talked many times with Senator Henry Dworshak. The last time was in Washington, June 15–16, when I spent many hours with him on Capitol Hill after lunching with the President. We cut a tape on Idaho and national problems for KBAR to use.

It was quickly obvious that Senator Dworshak was highly liked and respected among his colleagues. His long service, his known integrity, his stanchness in standing for freedom and free enterprise, his friendliness and his famous sense of humor all contributed to make him a welcome guest anywhere he went. His influence was far greater than the headline hunters. His quiet behind-the-scenes working was effective.

Henry Dworshak believed in the principles on which America was founded. He loved his Nation and his State. He was fond of Burley and of Cassia and Minidoka Counties. He was proud of his record in the newspaper business as the longtime owner of the Burley Bulletin, a forerunner of the Herald-Bulletin.

Like you, I feel a personal loss at his death. I am sorry that I did not have the privilege of so many of you to have known him for many years. I became quite fond of him during these months when we met and wrote letters.

We in the newspaper business realize that men of the caliber of Senator Dworshak are truly dedicated public servants who give their lives for the public welfare. We realize that they leave us a heritage of splendid service to mankind that rekindles the spark in all of us to do likewise.

We at the Herald-Bulletin feel a particular loss because Henry Dworshak was for years the publisher of the weekly Burley Bulletin that merged with the weekly Burley Herald to become the daily Herald-Bulletin less than 3 years ago. He set a high standard of journalistic integrity and of dedication to the building of a better community in which to live.

We pledge to you that we shall do our level best to follow his example and to carry on this tradition of serving the best interests of the community. We shall continue to dedicate our efforts toward promoting the welfare of the communities of Cassia and Minidoka Counties we serve as their home daily newspaper.

In this way we can show our appreciation of the life and example that Senator Henry Dworshak set for us to follow. In this way we can show his influence on our daily lives.

The Nation has lost a stalwart patriot, a fine public official. The State of Idaho has lost its tremendous voice and presence in the Halls of the Senate. Cassia and Minidoka Counties have lost a stalwart advocate of their community needs.

Burley has lost a true friend. And all of us feel deeply that loss in a personal way that words express so inadequately.

Prayer Delivered by the Senate Chaplain, July 24, 1962

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou eternal God, before whose face the generations rise and pass away, and to whom a thousand years are but as yesterday when it is past: As we come to this session, our hearts again are made heavy by the sudden passing into the unseen of a dedicated public servant, who but yesterday was a part of all the busy affairs of the Senate. Here, across the years, his voice was raised in passionate defense of the causes his conscience told him were right and just. Here, in all his concerns, he manifested loyalty to the fundamental tenets of the Republic which he loved, and for whose defense in his young manhood he marched with the battalions of freedom.

And now, on the very day when from a manmade star out in space the views and voices from this planet are flung back to all the earth, as untold millions look and listen, Henry Dworshak has finished his course here, and has fared forth beyond this bourne of time and space, to know the mystery which one day will come to us all as this mortal puts on immortality.

In the spirit of the fluttering flags at half-mast, we pray especially for Thy consoling grace upon the companion who shared the dedication of his life, and upon the stalwart sons they have given to the world.

In Thy mercy we pray that at last Thou wilt bring us all to the homeland of Thine eternal love.

We ask it in the name of the One who is the resurrection and the life. Amen.

Mr. MURPHY. Mr. President, from my first days as a U.S. Senator, Senator Henry Dworshak went out of his way to be helpful to me. I had the honor of serving on the Committee on Interior and Insular Affairs with him. As the ranking Republican on that committee, he was always available to answer my questions, yet never demanding anything from me.

The concern he had for fiscal integrity in government made me feel proud to be associated with him.

The loss which the Nation has received from Senator Dworshak's passing is unmeasurable. Those great principles in which he believed will remain with us in the U.S. Senate, as a reminder of him.

Mrs. SMITH of Maine. Mr. President, Senator Henry C. Dworshak was one of my very good friends. Before our service in the Senate, we served in the House of Representatives together. In the Senate we served on the Appropriations Committee together.

For several years our offices in the old Senate Office Building were located adjacently. I have never known a Member of Congress who worked longer hours than Senator Dworshak. He went to his office very early and he did not leave it until late. And always he was carrying papers and files and reports to and from his office to his home so that he could study and work on them even after he left the office.

I know all this because repeatedly I would run into him coming in the office in the early morning and leaving late at night and I would see the heavy load of material he was carrying under his arm.

He and I had a very good-natured—and I think wholesome and beneficial—rivalry and competition on rollcall voting attendance. For some time he compiled a better record than I did. Then he had some bad luck and missed some rollcall votes while he was out of Washington on official business of the Senate committees of which he was a leading member.

I think that perhaps I got to know Henry Dworshak best on a trip that the Senate Appropriations Subcommittee on the State Department made last fall to Latin America. He and I were members of that subcommittee headed by the senior Senator from Arkansas.

Prior to that time I had been impressed with his deadly seriousness and the manner in which he literally drove himself to give every ounce of effort physically and mentally possible for his constituents. On this trip I found that he was a warmhearted person with a delightful sense of humor—matched only by that of his lovely wife.

Henry Dworshak was of that brand that seems to be dying off too much in the world today—of that brand that grows smaller and smaller. I mean the kind of person who has strong convictions—who is moved very deeply and emotionally by their convictions.

For today we have too much of the so-called pragmatic young men, who pride themselves in being devoid of emotions—of being above emotions—who measure everything in a strictly pragmatic manner—a coldblooded manner—and who make their decisions not on what they earnestly believe but rather on what scientific public polls report on the feelings of significant voting blocs—who make decisions not on the basis of merit and feeling but rather on the coldblooded basis of how many votes a decision will get.

Henry Dworshak was the exact opposite of that. He made his decisions with his heart as well as his mind. There are far too few like him—and the world could ill afford to lose him.

NEW HOSPITAL OPENS IN ALASKA

Mr. BARTLETT. Mr. President, Sunday, September 9, was a beautiful day in Anchorage, Alaska. The sky was clear. The sun was warm. The mountains stood out in bold relief. Nature was in an autumnal mood.

On the afternoon of that day the Alaska Psychiatric Institute was dedicated. This is the newest, most modern hospital in the world for the care of the mentally ill. It will begin to receive patients next month. Designed to care for 225 people at the outset, the institute is so planned that it may be expanded.

I traveled almost 9,000 miles in order to be at the dedication ceremony. I flew from Washington, D.C., to Anchorage and back over the weekend only so that I might be present for the dedicatory exercises. For everyone present it was a thrilling occasion. For some few of us it was even more meaningful. For three of us there on that day this was the culmination of an effort which began over a decade ago. For a fourth, this represented attainment of a goal which, for a time, seemed impossibly distant.

Winfred Overholser, M.D., the great psychiatrist who has been superintendent of St. Elizabeths Hospital here in Washington, D.C., for a quarter of a century, was present. Jack Haldeman, M.D., Assistant Surgeon General of the United States was there. I had the good fortune to be present. And Marjorie Shearon, Ph. D., who made such a significant contribution to the passage of the act which made possible the building of the institute, honored us by her presence. It was Dr. Overholser who, in 1949, headed a committee which subsequently reported the need for Alaska mental health legislation. This was a forerunner of the draft bill which became law.

In those days Dr. Haldeman headed up Public Health Service work in Alaska. Then and later he worked hard for passage of adequate mental health legislation.

The Alaska Psychiatric Institute was constructed because the Congress of the United States and the executive branch of the Government saw an imperative need for it and responded to that need generously and helpfully.

The then Territory of Alaska was and had been throughout its existence strangely situated in respect to the treatment of the mentally ill. For reasons not entirely clear, the territorial government had been prohibited from passing any legislation at all on this subject. The Federal Government cared for those who had to be hospitalized at a contract institution in the State of Oregon. Modern opinion was strongly against this contract system, and only one State in the Union continued to use it, and then only to a very limited extent. The Alaska Mental Health Act was signed into law by President Eisenhower on July 28, 1956. It proposed some far-reaching changes, all of which have become effective since then or are in the process of becoming effective. Throughout Alaska's territorial history until then, persons in poor mental health had been arrested as common criminals, tried before juries in the U.S. commissioners' courts and, if found guilty, had been sent to this hospital far away from their homes. There was no psychiatric care in Alaska.

Public Law 830 of the 84th Congress changed all of this.

In the first instance, the territorial legislature was, and, as has been noted, for the first time, authorized to legislate on the subject of mental health.

In the second place, the Congress, recognizing that a heavy financial load would be abruptly placed upon the territorial government for the first time, authorized a grant to Alaska, through the Surgeon General of the United States, aggregating $6 million over a period of years.

Next, the Congress made available $6,500,000 as the Federal contribution toward the construction of the hospital which was dedicated September 9.

Finally—and this is what started all the trouble—the territory of Alaska, which in its governmental capacity was land poor in the midst of the greatest land area in any U.S. political subdivision, was granted a million acres from the U.S. public domain. The purpose of this was so that the territorial government might obtain additional revenue through sale or lease of this land. I cannot say that the bill sailed through the House of Representatives. Objections were made there to its form and its philosophy. However, those objections were finally overcome and the bill was passed by the House. It was after this that the blow descended. And what a blow. Once before the Senate, the act became the focal point of a heated controversy. A tempest arose. The legislation was widely assailed. At that time I was Delegate to the House of Representatives from the territory of Alaska and I recall ever so well one Senator telling me that upon the subject of Alaska mental health legislation he had received more correspondence than on any other since the lend-lease bill was before the Senate. This was typical.

Undoubtedly, the act would have died in the Senate had not the members of its Interior and Insular Affairs Committee been men of judgment, of conviction, and of courage. For it would have been easier, I know very well, for them to have allowed the bill to gather dust in the committee files than to act upon it. All the trouble started when a paper in California editorially alleged that this was a bad bill, a wicked bill, a bill designed for sinister purposes. It asserted that the million-acre land grant was a device to create in Alaska a "Siberia—U.S.A." According to the editorial, the million-acre tract would be "fenced in" and then political prisoners would be sent to "Siberia" by corrupt and nasty officials in the States. How in the world anyone came to believe this is beside the point. The fact is that they did. This was attested to by the thousands and thousands of letters that rolled in to U.S. Senators, and by the number of witnesses who appeared before the Interior and Insular Affairs Committee against the bill, some of them filled with strange venoms which they ejected. Of course, it was never intended that the land be chosen by the territory of Alaska in one huge block; it has not been. If any of it has been fenced, it has been for the normal purposes of fencing.

In any case, the legislative history of the Alaska Mental Health Act makes, in retrospect at least, an absorbing political chapter in American history. Unbelievable as it now seems, it has to be believed. It happened. And it happened, not in some distant age, but in the mid-20th century.

Not everyone who made great contributions to this wonderful legislation could be at Anchorage on September 9, unfortunately. For example, Representative Edith Green, of Oregon, could not be there. It was she who did what few in political life would have the courage to do—she became from the outset one of the very strongest advocates of this legislation, despite the fact that it would have the eventual result of terminating the contract which had been in effect for so long with a hospital in her own community. And Representative LEO W. O'BRIEN, of New York, author of the Alaska Statehood Act, and always Alaska's friend, not only managed the bill in the House, but, when it was in grave danger in the Senate, came before the Senate committee to make an eloquent and logical appeal for its passage. Also there were Representative WAYNE ASPINALL, of Colorado, now chairman of the House Interior and Insular Affairs Committee, and Representative JOHN P. SAYLOR, of Pennsylvania, now ranking Republican member of that same committee; also former Representative A. L. Miller, of Nebraska, then ranking Republican member of the committee.

And in the Senate there were, among so many others, Senator James E. Murray, Senator Clinton P. Anderson, Senator Arthur V. Watkins, Senator Henry M. Jackson, Senator Alan Bible, Senator Barry Goldwater, and ever so many others who defied criticism and took charge of the act and put it through.

Mr. President, I have mentioned some names. Not all can be mentioned, of course, but Alaskans were and are grateful. It certainly would be inappropriate for me to neglect to mention that M. W. Goding, Alaska-born and now High Commissioner of the Trust Territory of the Pacific Islands, was instrumental, together with Dr. Overholser, in drawing up the 1949 report.

While in Anchorage I learned that many people there have forgotten, or do not know, the struggles and agonies and aberrations all of which were part of the legislative history of the Alaska Mental Health Act. I know of no better account of all this than that which was written by Dr. Shearon, who, as I have mentioned, was at Anchorage the other day for the dedication.

There were many of us who gave of time and effort in the legislative endeavor. As I recall, Dr. Shearon did not become involved in it until the act was before the Senate. From that time on she devoted almost exclusive attention to it. And because she early became convinced that it was good legislation, proper legislation, needed legislation, she made perhaps the greatest sacrifice of all in persisting in the bill's defense and advocacy. For she suffered heavy income loss on account of this. Some of her clients, and one in particular, were convinced the bill was bad. Dr. Shearon believed otherwise. They parted company. She would not compromise with her beliefs and principles, even though she suffered thereby a money loss which she could ill afford. For this, I have always honored her. And I was particularly glad that, because of all that had gone before, Dr. Shearon was able to be in Anchorage.

And for an historical account of what happened in the legislative history of the Alaska Mental Health Act, I know of no more factual or absorbing account than that written by Dr. Shearon, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOPE FOR ALASKA'S MENTALLY ILL

(By Marjorie Shearon, Ph. D., editor, Challenge to Socialism, formerly consultant to the late Senator Robert A. Taft)

THIS IS ALASKA

Alaska is our last frontier and our first line of defense. One-fifth the size of the continental United States, it is a land rich in oil, minerals, and forests. Its coastal waters abound in seal and salmon, which have given the territory two great industries. Development of these natural resources has barely started. A million new settlers are needed to take up homesteads, to raise cattle, to explore mineral resources, and to expand the oil, fishing, fur, and lumber industries.

Recognizing the strategic importance of Alaska, the United States has already spent $400 million on listening posts in the far north, up to and beyond the Arctic Circle. These constitute the DEW line—distant early warning line—which Air Force Secretary Quarles would now extend through the Aleutian Islands at an additional cost of $68 million. We in the States find further protection in the thousands of members of the armed services stationed in Alaska, for here the United States comes within 45 miles of Russia's Siberia.

Alaska, so dimly known, so long neglected, and so little appreciated, is now of greatest strategic importance. Our very lives—yours and mine—may one day depend on the early information flashed from isolated, advance outposts along the DEW line in Alaska and Canada should Communist planes attempt a surprise attack on the United States across the North Pole.

What sort of country is Alaska? What of its people? Are Alaskans citizens of the United States? Do they fight our wars, pay our taxes, share our joys and sorrows? What is this distant territory that has come in for such abuse in recent months? Why have some Americans stateside tried to thwart Alaskan hopes for control of the territory's mentally ill?

This is Alaska. A wild, undeveloped country like our wonderful West of a century or more ago. But there are important differences. Alaskan cities, though small, are modern, with schools, general hospitals, airfields, railroad stations, electricity, post offices, taxis, bus lines, and chambers of commerce. It is a country where modern civilization abuts on a primeval wilderness.

The University of Alaska, a land-grant college on a 2,250-acre tract at Fairbanks, boasts a new geophysical institute. This million-dollar building provides some of the finest facilities in the world for the study of the Arctic, the stratosphere, and regions beyond.

The climate of Alaska is about like that of Norway, Sweden, Scotland, and Minnesota. Conditions in southern Alaska are comparable to those in our Northern States. Temperatures range from —78° to a maximum of 100° at Fort Yukon on the Arctic Circle. At Anchorage the range is from —36° to 92°.

Alaska's greatest handicap is not her climate, but her lack of statehood. She is a territory clamoring for the right of self-determination, of self-government. She wishes to handle her own finances, to pass laws governing her own people. She seeks responsibility, not dependency. Alaska is neither a poor relation, nor a helpless child needing a guardian. She is a vast territory of latent wealth which has already yielded timber, waterpower, fur animals of the sea, gold, platinum, copper, coal, and silver; and of the land, fish, agriculture, trapping, fur farming, oil—sources of wealth barely tapped, awaiting development. This is Alaska.

We stateside find it hard to picture Alaska. Accustomed as we are to cities of 100,000 to 7 or 8 million, we cannot easily imagine a country of over half a million square miles which does not have a single city with as many as 60,000 persons. Alaska's largest city, Anchorage, in 1955 had a population of 27,000 in the city, 32,000 in the metropolitan area. It compared favorably in size with Marion, Ind., Tucson, Ariz., as it was in 1940, and Hillsboro, Tex.

On July 1, 1955, the civilian population of Alaska was only 168,000. On July 1, 1954, the combined civilian and military population was 208,000—a little less than the population of Syracuse, N.Y. Indeed, the territorial population is so sparse that if it were uniformly spread over the entire surface of 375,290,000 acres, every family of 4 would have 7,217 acres, or more than 11 square miles in which to roam. Looking at it another way, we may compare the density of population in the Nation's Capital in 1950, which was 13,150.5 persons per square mile, with that in Alaska, where it was 1 person per 5 square miles.

Many Alaskans are aborigines—Eskimos, Aleuts, and Indians—numbering about 33,000 or about one-fifth the civilian population. Alaskans are citizens of the United States, enjoying some of the privileges of citizenship and sharing in all the responsibilities. They pay income taxes and serve in the Armed Forces. Their Governor, however, is not elected by the Alaskans, but appointed by the President. And their Delegate to Congress cannot vote.

Some of Alaska's problems stem from sparsity of population, inadequate road systems, lack of land transportation between towns and villages, the short growing season, and the low temperatures in winter. The presence of permafrost, permanently frozen ground, has accounted for much of the difficulty encountered in building roads, railroads, and houses. Permafrost was found to a depth of 1,000 feet near Barrow, Alaska, when the Navy was drilling for oil. However, Alaska is not alone in having to face this problem. One-fifth the land surface of the world is underlain by permafrost. It is present in one-half of Russia.

There are some 42 villages, cities, and districts in Alaska, but no counties. Of this number, 13 are villages with populations of less than 500, while 10 villages and towns have populations of 500 to 999. Of the 42 localities, 32 have populations of less than 2,500. In 1950, Fairbanks had 5,771; Juneau, the capital, 5,596; Ketchikan, 5,305; and Nome, 1,876.

The principal means of transportation between the larger cities is by plane. Daily flights go out from the principal communities to scores of smaller places, carrying to them passengers, mail, and freight. Once a week a plane flies from Anchorage to the Pribilof Islands, center of the fur seal area, via the Aleutians.

Alaska, presently, has only 560.1 miles of railroads. There is one main highway, the Alaska Highway, constructed as a military necessity by the United States and Canada at a cost of $113,824,220. Running from Dawson Creek, British Columbia, to Fairbanks, Alaska, through the very heart of the peninsula, it is 1,523 miles long.

Vast areas are still without roads or plane service. Many of the smaller villages are isolated and present health, sanitation, and other problems because of their inaccessibility. Native settlements of 50 to 100 persons are often without any medical facilities, physicians, nurses, welfare agencies, courts, or jails.

So extensive is this territory that when a map of Alaska is placed on a map of the continental United States, the Aleutian Islands touch the coast of California, while the southern Alaskan Pacific mountain region reaches to the eastern shores of South Carolina.

Once called Seward's Folly and American Siberia, Alaska is now an invaluable frontier for young pioneers and the guardian of the international boundary between the United States and the U.S.S.R.

Russian interest in the Arctic North America led to the discovery of Alaska. Early in the 18th century Peter the Great commissioned a Danish sea captain, Vitus Bering, to explore the northwest coast of the American Continent. In 1728 he discovered the passage now known as Bering Strait. The Russians made their first settlement on Kodiak Island in 1784. Later they explored all the western coast of this arctic part of the North American Continent.

On the strength of the two voyages by Bering, Russia laid claim to this northwestern portion of the New World. She warred on the Indians and Aleuts; her fur traders depleted the country of furs. In 1799 they created a trading corporation, the Russian-American Company. Under a 20-year concession, renewed periodically, the Russians assumed absolute domination in Alaska. They established a capital at Kodiak which they later moved to Sitka on Baranof Island, south of Juneau.

A century ago, during the Crimean War, the Russians became worried about the possibility that England might try to seize this northwestern tip of the American Continent. In 1855 Russia made overtures to the United States for the sale of Alaska, but nothing came of the proposals for more than a decade. Finally, on October 18, 1867, after many delays, the sale was consummated by treaty and a congressional appropriation was made. Secretary of State William H. Seward signed the treaty for the United States. Thus we acquired a fabulously rich territory of 586,400 square miles (375,296,000 acres) for $7,200,000, or a little less than 2 cents an acre.

For several decades the United States paid little attention to Alaska. There was scant appreciation of the value of the natural resources nor was there any immediate attempt to develop them. Alaskan affairs were administered first by the Army of the United States, then by the Treasury, and later by the Navy.

It was not until May 17, 1884, that the Congress of the United States provided for appointment of a governor and the organization of a government in the District of Alaska. For the first time the Secretary of the Interior was empowered to enforce U.S. law relating to education and to mining claims.

Under an act of May 7, 1906, Alaska was empowered to elect a nonvoting delegate to Congress, and by the organic act of August 24, 1912, the incorporated Territory of Alaska was created with a bicameral legislature.

ALASKA'S MENTALLY ILL

It was in this early period, before Alaska was incorporated as a Territory, that Congress enacted a law (June 6, 1900) providing that the Governor of Alaska should contract for the care and custody of persons adjudged insane in the district of Alaska. Five years later the powers of the Governor were transferred to the Secretary of the Interior.

At first there was only one insane person to be sent to the States. For several years there were only four or five and these were cared for in Idaho, Oregon, and Washington. Then, in 1904, a private hospital, the Morningside Hospital, in Portland, Oreg., obtained the contract to care for Alaska's mentally ill. That arrangement has persisted for over 50 years. Recently there have been some 345 Alaskans at Morningside Hospital. The proprietor has taken a yearly fee of $30,000, his son $12,000. Over and above that the profit has been $69,000 a year. An audit demanded by Representative GREEN of Oregon this year revealed large-scale padding of the hospital's items of expense resulting in a much larger profit. The Federal Government has paid $184 a month per patient, the annual expense being about $800,000, not counting transportation charges to and from Oregon.

The care at Morningside Hospital has been primarily custodial. There is some therapy, but the hospital has had only one psychiatrist, a physician who had not passed his board examinations. Nursing personnel has been quite inadequate. Furthermore, 115 of the 345 patients, or one-third, are mentally retarded and should not be in a hospital for mental illness.

About 40 or 45 years ago Congress authorized the building of two hospitals for the insane in Alaska, one at Nome, the other at Fairbanks. The Nome hospital was never built, since funds were not appropriated. At Fairbanks a small, two-story frame detention house was constructed in lieu of a hospital. The building deteriorated so badly that it was finally closed as unfit for human use. About 25 years ago it burned down and was never replaced. Thus, there is not now and never has been a hospital for mental illness in the Territory of Alaska.

The only other provisions which were ever made were the reservation of 18 beds in a general hospital in Anchorage. This hospital is under the Alaska Native Service which, unfortunately, does not have jurisdiction over the care of the mentally ill, not even the natives. Such jurisdiction has been vested exclusively in the Department of the Interior. Consequently, because of Federal prohibitions, those 18 beds, which might have been used for acute cases of mental illness, have remained vacant or have been used for other types of patients.

Under the law as it has stood, the commitment procedures are those which were enacted 50 years ago by our Congress (33 Stat. 619; 48 U.S.C. 47). They were not out of line with similar procedures in the States at that time. But in the light of advances in psychiatry during the past half century, the old law seems barbaric and cruel. Under it, a person accused of being insane is subjected to procedures similar to those of a criminal trial. It has been impossible for Alaskans to improve the old law because when the Territory was created under the Organic Act of August 24, 1912 (37 State. 512; found in 48 U.S.C. 24), the territorial legislature was expressly forbidden from changing the then existing law respecting commitment of the insane of Alaska.

The law in the Territory, unchanged through the years, provided that a person who was charged with being insane should be thrown in jail to await a jury trial. The jury consisted of six residents, possibly trappers, miners, fishermen. A medical diagnosis might be made, but was not required. Persons were often adjudged insane without having a medical opinion. After the trial, if the person was adjudged guilty of insanity, he was returned to jail to await the long trip to Portland, Oreg., up to as much as 2,000 miles away. He might be kept in jail for weeks or months until enough prisoners were assembled to warrant the trip to the States by a U.S. marshal. Then the insane person might be forced to travel with murderers and other criminals.

Young children adjudged insane were given the same treatment. They might be mentally retarded or epileptic; they might have cerebral palsy. As the law stood, if a lay jury decided the child was insane, it was sent to Oregon. Idiots were classed as insane. An extreme case was that of a 17-day-old baby which was adjudged insane and sent to Portland, Oreg.

CONGRESS HELD OUT HOPE

Since the Federal law forbade Alaskans to improve the statutes respecting insane persons in the Territory, the Congress sought to divest the Government of its authority by transferring it back to Alaska where it was originally. All States and Hawaii are empowered to pass mental-health laws for the insane within their boundaries. Alaska alone has been prohibited by law from legislating for its mentally ill. For 50 years this prohibition has stood. Efforts have been underway for 8 years to correct this unfair situation. To this end several professional studies were made in Alaska by competent authorities.

In 1948 the American Medical Association made the first field study of mental health in Alaska. The following year the Department of the Interior appointed a committee headed by the distinguished psychiatrist, Dr. Winfred Overholser, Superintendent of the largest and oldest Federal hospital for mental disease in the United States, St. Elizabeths in Washington, D.C.

This committee spent 3 weeks in Alaska, holding public hearings at Juneau, Sitka, Palmer, Anchorage, Nome, and Fairbanks. On February 10, 1950, they submitted a report recommending:

1. Development of a comprehensive mental health program under the territorial department of health;

2. Emergency treatment and observation centers in most of the general hospitals to be operated by the territorial department of health;

3. Drafting of model legislation for Alaska, and

4. Amalgamation and unified direction of all public mental health services under the territorial department of health.

While these field surveys were being made in Alaska, the Council of State Governments was expressing interest in mental health programs in all States. In June 1949, the Governors' conference directed the council to make a comprehensive, factual study of the activities and facilities of the several States in the field of mental health and to submit a report at the 1950 Governors' conference. Leaders in public welfare and psychiatry served as a technical advisory committee to the council. Representatives from State hospitals, the American Public Welfare Association, and the National Committee for Mental Hygiene served on the advisory committee along with such eminent psychiatrists as Dr. Winfred Overholster, Superintendent of St. Elizabeths, Dr. Karl Menninger, and Dr. George S. Stevenson.

The council in 1950 produced a most helpful volume entitled "The Mental Health Programs of the 48 States." This provides a wealth of comparative material on admission laws, financing of institutions, care and treatment of patients, and related matters.

While the State governments were working on this project, a legislative drafting project was being undertaken at the request of the Advisory Mental Health Council. After the President had approved the National Mental Health Act on July 3, 1946, and the National Institute of Mental Health had been established in the U.S. Public Health Service, many States had asked for assistance in revising their outmoded mental health laws.

As a result of this increased interest in State mental health laws, the Federal Security Agency early in 1949 undertook to write a model draft for a State law. The first "Draft Act Governing Hospitalization of the Mentally Ill" was completed in 1950 and revised in September 1952. It represented the work of attorneys inside and outside the Government aided by Dr. Winfred Overholser and Dr. R. H. Felix, Director of the National Institute of Mental Health. Referring to this draft act, Dr. George S. Stevenson, medical director of the National Association for Mental Health, stated:

"The provisions of this draft act can be sincerely recommended as a forward step in our handling of the mentally ill and in the maximum utilization of our mental hospital facilities."

In 1952, the Governor of Alaska requested a further study of mental health conditions in the Territory. Former Surgeon General Thomas Parran and some 18 experts (sanitary engineers, physicians, an anthropologist, a biometrician, etc.) made an exhaustive study of social and economic conditions and of health problems in Alaska. Their report was published in 1954.

On the basis of the several recommendations made by the professional groups which had studied the mental health problems of Alaska, Delegate E. L. BARTLETT introduced H.R. 610 on January 5, 1955, and Representative EDITH GREEN, of Oregon, introduced an identical bill, H.R. 5092, on March 21, 1955. These bills dealt with commitment procedures and other provisions for the care and treatment of Alaska's mentally ill with a view to establishing "an integrated, modern program for the hospitalization, care, and treatment of residents of and persons in Alaska who are mentally ill."

Mr. BARTLETT and Mrs. GREEN also introduced two additional bills, H.R. 3991 and H.R. 5093, respectively, on February 14, 1955, and March 21, 1955. These identical bills provided "for the location, equipment, and operation of a hospital for the mentally ill of Alaska." An open-end appropriation was authorized for the purpose of constructing a hospital and related buildings, "together with such other in- or out-patient mental health facilities as may be required for the establishment and operation of a comprehensive mental health program in Alaska." These four bills, two by Delegate BARTLETT and two identical ones by Mrs. GREEN, would have served to provide funds for the care of Alaska's mentally ill and the construction of hospital and other facilities in the Territory. Commitment procedures were set forth based on the provisions in the Draft Act of 1952.

These bills would have transferred authority from the Secretary of the Interior to the Secretary of Health, Education, and Welfare. All expenses for construction and subsequent administration would have been the responsibility of the Federal Government.

Since the bills related only to the Territory of Alaska and not to the people of the United States in general, they were referred to the Committee on Interior and Insular Affairs in the House. The Subcommittee on Territories and Insular Affairs, headed by Representative LEO W. O'BRIEN, of New York, held hearings April 21, May 18, June 15, and July 7 and 8, 1955. There were no opposition witnesses.

After the first day of hearings representatives of the Department of the Interior and the Department of Health, Education, and Welfare indicated they would prepare rather extensive amendments to the two pairs of bills. This they did, producing a single bill, H.R. 6334, which Representative O'BRIEN, as subcommittee chairman, introduced on May 18, 1955.

In the light of subsequent violent accusations regarding plots of the HEW Department and of the Public Health Service to enter into some sort of world plot for the incarceration of U.S. citizens from the States in an Alaskan concentration camp, it is interesting to note that Mr. O'BRIEN's bill, drafted by administration officials, specifically divested the Federal Government of all future control of Alaska's mentally ill.

The O'Brien bill was a great improvement over the prior bills inasmuch as it made more adequate and specific provision for funds for construction and for a land grant that would provide future sums for administration. Commitment procedures were carefully spelled out. Based on the Draft Act, they were modified in the light of conditions existing in Alaska. The draftmen recognized that any realistic bill would have to take account of the sparsity of population in the Territory, the paucity of professional personnel while the program was being developed, and the difficulties of transportation. Critics of the mental health bill have given little or no thought to these practical problems which will beset the Alaskans for some years.

H.R. 6334 was introduced into the hearings on May 18, 1955, by Mr. O'BRIEN. Witnesses from the Department of the Interior and from the HEW Department made it abundantly clear that they were trying to turn over to Alaska the entire responsibility for care of the Territory's mentally ill. Their willingness to accept language changes in the bill and their obvious wish to be helpful to the Alaskans precluded any possibility of their being involved in a diabolical plot, as later charged.

Governor Heintzleman, of Alaska, stated on May 18, 1955: "I want to say that I heartily endorse the proposed bill by the Department of the Interior, drafted by the Department of the Interior and the Department of Health, Education, and Welfare as a substitute for H.R. 610 and its associated bills."

On June 15, 1955, H.R. 6376 was introduced into the House hearings. This is the same as the O'Brien (administration) bill. There was general belief that an Alaskan mental health bill, which would ultimately void the contract of the Morningside Hospital in Portland, Oreg., would have to be sponsored by a Representative from Oregon if it were to be passed. This is the bill that was finally enacted by the House on January 18, 1956, with strong bipartisan support. Since the bill was not controversial in the House, it was passed by voice vote, as is customary in such cases. A rollcall vote in the House takes at least 20 minutes and is used only on demand in the case of hotly contested measures.

After conclusion of the hearings in July 1955, the House Subcommittee on Territories and Insular Affairs went to Alaska where they spent 3 weeks, visiting 22 cities. They took testimony on many of Alaska's problems, including mental health. Alaskans were unanimous in approving H.R. 6376 and in urging its enactment. There was also much testimony on public lands and on the great naval oil reserve (Pet. 4) in northern Alaska which had been set aside under Public Land Order 82 during World War II. Though no one thought about it at the time, this oil reserve was to figure in the final opposition to H.R. 6376 as it was reaching the end of its hectic history in the Senate.

As the bill passed the House it:

(1) Transferred from the Federal Government to the Territory of Alaska basic responsibility and authority for the hospitalization, care, and treatment of the mentally ill of Alaska;

(2) Modernized the procedures for such hospitalization (including commitment), care, and treatment and authorized the Territory to modify or supersede such procedures;

(3) Authorized an appropriation of $6,500,000 to enable the Surgeon General to make payments to the Territory of Alaska as the total contribution of the Federal Government to be used in the construction of hospital and other facilities in Alaska needed for the carrying out of a comprehensive program for the mentally ill of Alaska;

(4) Provided for a 10-year program of grants-in-aid to the Territory, in a total amount of $6 million, to enable the Territory gradually to assume the full operating costs of the program; and

(5) Provided for a land grant of 1 million acres to the Territory to assist in placing the program on a firm long-term basis.

In the House, debate was friendly, for there was no significant opposition. Representative Miller, Republican physician from Nebraska, had already proposed in committee an amendment to increase the land grant from 500,000 acres to 1 million, for he feared the smaller amount would be inadequate to provide funds for the continuing costs of a long-term mental health program. The House approved the amendment and the bill was passed by a voice vote.

On the same day, January 18, Senator Arthur V. Watkins, Republican, of Utah, a minority member of the Senate Committee on Interior and Insular Affairs, introduced S. 2973 which was the same as the House-passed H.R. 6376. It contained the same money grants and the million-acre land grant and omitted the criminal procedures. Senator HENRY M. JACKSON, Democrat, of Washington, had previously introduced S. 2518 on July 15, 1955. This was the draft which had been prepared by the Department of the Interior. The two Senate bills and H. R. 6376 were referred to the Committee on Interior and Insular Affairs, headed by Senator James E. Murray, Democrat, of Montana. There they were assigned to the Subcommittee on Territories and Insular Affairs consisting of Henry M. Jackson, Washington, chairman; Russell B. Long, Louisiana; Thomas H. Kuchel, California; William R. Laird III, West Virginia; Barry Goldwater, Arizona.

Hearings were held on the three bills on February 20 and 21 and on March 5, 1956.

A "NOISY SMALL MINORITY"

Since the whole plan to transfer authority for the care and treatment of Alaska's mentally ill from the Congress to the Territory had been under discussion for 7 or 8 years and since it was the Delegate from Alaska, E. L. BARTLETT, who had introduced the basic bills in the House, no one anticipated any last-minute opposition to these humane proposals.

Furthermore, the legislation had proceeded at a leisurely pace. House hearings had extended from late April to early July 1955. The House Subcommittee on Territories and Insular Affairs, headed by Representative LEO W. O'BRIEN, Democrat, New York, had held prolonged hearings in Alaska in September 1955, where there was universal support for the legislation. (Hearings, in 3 parts, comprised 871 pages.) From April 1955, until the bill passed the House on January 18, 1956, there had been no opposition from any quarter.

The Departments of Interior and Health, Education, and Welfare had been strongly in favor of divesting the Federal Government of its authority over Alaska's mentally ill and of transferring that authority to the Territory. All expert testimony had favored the proposals, including the commitment procedures. Support for H.R. 6376 had been bipartisan in the House.

Senator JACKSON had not even expected to hold subcommittee hearings on H.R. 6376 because of widespread approval of the bill and also because of the adequacy of the House hearings. However, suddenly a wild, irrational furor arose in California. As Representative O'BRIEN testified on March 5, 1956, before the Senate subcommittee:

"There has been, and I use the words advisedly, a 'noisy, small minority' which have conjured up things in this bill which just do not exist."

Mr. O'BRIEN, stating that he had not intended to testify, pointed out that testimony had been given before the Senate Subcommittee on Territories and Insular Affairs which, in effect, "charged that a small group of men and women behind closed doors, concocted a sort of witch's brew, a dark and fearsome thing which we suddenly set loose upon the American people.

"It was that it was all part of a plot close to treason under which we planned to send political prisoners to 'Siberia,' United States of America.

"I say to you, Mr. Chairman, if this is a vicious bill, if this is a plot against the people of this country who might disagree with our political thinking, then many stand indicted in connection with that plot." Those so indicted are the House of Representatives, the administration, and the Departments of Interior and Health, Education, and Welfare which drafted the bill.

Senator Jackson said to Mr. O'Brien:

"Frankly, we thought you had done such a good job over there that we would not need any further testimony over here."

Despite this general feeling in Congress, in both parties, that H.R. 6376 was an admirable bill, sudden opposition developed. Like an unheralded tornado, an outcry arose in California in January 1956, whirling across the country to strike the astonished Members of Congress and the White House staff. Nothing quite like it has ever happened before.

A handful of patently ill-informed housewives in California became greatly disturbed shortly before H.R. 6376 passed the House. They had previously been fighting mental health bills in California. Now they centered their attack on H.R. 6376. Drawing upon their weird imaginations, they conjured up visions of an Alaskan Siberia for political dissidents in the United States. One woman, Mrs. Leigh F. Burkeland, of Van Nuys, Calif., wrote a lurid description of H.R. 6376 early in January 1956, entitled "Siberia, U.S.A." Although Mrs. Burkeland's analysis of the bill was farfetched and imaginative, it made a great appeal in limited quarters.

At about the same time, a group of some 100 housewives, known as the American Public Relations Forum, Inc., headed by Mrs. Stephanie Williams, president, took up the hue and cry against H.R. 6376. This group had sounded a warning against the bill late in 1955. But it was the Burkeland release that caught popular fancy in a few noisy quarters. This fantastic and untrue statement was mimeographed by the California State Chapter of the Minute Women of the U.S.A., Inc., sometime in January 1956. They mailed it out far and wide through the Nation.

On January 24 the Santa Ana Register, California, one of the papers in the R. C. Hoiles Syndicate, published an editorial headed "Now Siberia, U.S.A." It was apparently a rewrite of the Burkeland release, although Mrs. Burkeland herself has refused to answer questions on the subject.

Then, in rapid-fire succession, several individuals and organizations took up the "Siberia" slogan, amplifying it as suited their fancies. On February 2, the Concordians, Box 16, Toluca Lake Station, North Hollywood, published a 5-page bulletin on mental health legislation with special reference to H.R. 6376. It gave a false analysis of the bill and ended with: "Is this to be the Siberia of the United States?"

A few days later, Dr. George A. Snyder, of Hollywood, issued a vitriolic letter addressed to all Members of Congress asking for a "complete investigation of the Alaska Mental Health Act, H.R. 6376, for elements of treason against the American people behind the front of the mental health program."

In rapid succession across the country the Burkeland-Snyder charges were repeated. On February 15 Mervin K. Hart in New York City published an Economic Council Letter (No. 377) in which he spoke of the possibility of railroading dissenters to Alaskan mental institutions.

As these scare bulletins appeared in different parts of the country they betrayed a common origin, for all referred to the railroading of persons from the States to Alaska and made horrified mention of "Alaskan Siberia" or "Siberia, U.S.A." Next to pick up the slogans was Dan Smoot, of Dallas, Tex., who published a special issue on mental health on February 17, 1956. He spoke of the well-organized drive for mental-health legislation most of which would permit seizure, incarceration, and treatment of mentally ill people without trial by jury and without the due process of law prescribed by our Constitution.

In a flippant, meaningless statement, Dan Smoot, referring to the definition of mental illness given in H.R. 6376, said: "* * * a mentally ill person is defined as a mentally ill person." Mrs. Burkeland had been even more flippant, for she had said the definition of mental illness was so broad "as to include anything from dandruff, headaches, toothaches, or fallen arches." The Burkeland phraseology was lifted by the Greater Nebraskan magazine, published in Omaha by George J. Thomas, executive director of the Congress of Freedom at the same Omaha address. A variant of the Burkeland remarks turned up later when Dr. L. D. Sprague, of Tucson, Ariz., stated that the definition could cover "anything from falling hair to ingrown toenails." The Sprague variant was then sent out nationwide by the Association of American Physicians and Surgeons in their March Newsletter.

The Burkeland-Dan Smoot criticisms of H.R. 6376, made prior to the Senate hearings in late February, were mailed to papers and organizations from coast to coast. They were rehashed and embellished. Individuals and extreme rightist groups initiated secondary mailings of the original "Siberia, U.S.A.," or the Smoot mental health release, or of the rewrites.

These are the people referred to by Representative O'Brien as a noisy, small minority. It seems clear beyond any reasonable doubt that not one of these alarmists had studied the legislative history of the Alaska mental health bill. At that time—late January and early February—none of the House hearings was available in print. Five volumes (1,228 printed pages) appeared during March and April. Up to that time they had been available only in transcript form in Washington.

There is no evidence that Mrs. Stefanie Williams or Mrs. Leigh F. Burkeland or Dan Smoot came to Washington to study the legislative history of the bill or to acquaint themselves with the published research material and reports on Alaska mental health before writing their opposition releases. It is impossible to interpret any bill without attending the hearings or studying them in printed form. Federal attorneys and members of the Supreme Court rely heavily on the legislative history of any act, but Mrs. Burkeland, Mrs. Williams, and Dan Smoot presumably were able to form an opinion without this essential background information.

Thus, this entire furor over the bill can be traced back to the fanciful interpretations placed upon it by two California women who publicly admitted their professional incompetence to form an opinion about Federal legislation. On February 20, 1956, when Mrs. Williams was testifying before the Senate Subcommittee on Territorial Affairs, she stated: "I am only a housewife." This was her explanation for not knowing that "State" is customarily defined in Federal and State laws as meaning "any State, Territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico." (Sometimes Puerto Rico and one or more of the territories are omitted in a particular definition.)

In the tortured mind of Mrs. Williams, inclusion of the customary definition of "State" in H.R. 6376 meant that the legislation was "an international bill * * * set up, I believe, I have been told that it comes under the United Nations World Health Organization." This flimsy, undocumented type of testimony was characteristic of Mrs. Williams' objections.

Mrs. Leigh F. Burkeland, who wrote the "Siberia, United States of America" article. presumably early in January 1956, before passage of H.R. 6376, directed much of her Senate Interior testimony to the "hospital at Fairbanks, Alaska." She wanted to know why mentally ill patients were being placed in jails instead of in the Fairbanks hospital. When pressed to state the improvements she would like to have made in the bill, she said: "I would have to know the condition of the hospital [at Fairbanks], why it is not being used."

Later she said that the Congress "would have to make an appropriation for doing over the Fairbanks hospital that already exists."

When Senator Malone, Republican, of Nevada, pressed Mrs. Burkeland to state which provisions in the bill should be deleted and what should be added, she replied: "I am no expert."

That was clear. Mrs. Burkeland, while in Washington to testify, might easily have inquired about the Fairbanks hospital. She had only to ask Delegate Bartlett why the Alaskans had not used the hospital she thought was at Fairbanks. On the same day Mrs. Burkeland testified, Mr. Bartlett told the subcommittee:

"Funds were appropriated and a so-called detention hospital was built at Fairbanks * * * I am sure it was built shortly after 1910. It was not a hospital, sir, at all. It was merely, in respect to this one community in all the communities in Alaska, a place where the patients were kept temporarily prior to their being sent to Morningside if they were found to be disturbed mentally. They were not treated there. * * * It was a 2-story, ramshackle, frame building, but actually reference to that detention hospital has no pertinency to the debate now whatsoever because that was consumed by fire, Mr. Chairman, at least 25 years ago, to my knowledge, and probably somewhat longer."

Senator Bible asked: "Nothing was ever rebuilt on the site?"

Delegate Bartlett replied: "No, nothing was ever built on the site.

"As a matter of fact, because the U.S. marshal who had custody declared it to be unsafe for human habitation in any form, it was not in use for any purpose, as I recall it, for 2 or 3 years before fire destroyed it."

Senator Bible queried further: "As of this date, you do not even have a so-called detention hospital at Fairbanks, because it has been burned?"

Delegate Bartlett replied: "That is correct; we have nothing but jails."

This discussion about the "hospital at Fairbanks" has been given in detail because it illustrates the type of misinformation about H.R. 6376 that was disseminated by Mrs. Burkeland. She chose to include in her original statement on "Siberia, U.S.A." false assertions, unverified charges, and fancied dangers. If she had been qualified to analyze the bill, she would have checked her statements carefully. She could easily have verified such a simple fact as whether or not there was a hospital at Fairbanks. She could easily have ascertained from the legislative history of the bill whether there was anything in the bill that would have enabled the Federal Government to railroad political dissidents to Alaska.

It was unfortunate enough that Mrs. Burkeland should have written her misguided release early in January 1956, and that she should have taken the trouble to appear on February 21 before the Senate Interior Subcommittee where she rambled through a maze of incorrect assertions, beliefs, hearsay statements, and groundless fears.

The real damage done by Mrs. Burkeland came through the circulation of her "Siberia, U.S.A." release to all parts of the United States by the California State Chapter of the Minutewomen, U.S.A., sometime during January. Although the release was palpably false, hysterical, and highly imaginative, it was picked up by a certain small segment of the population which developed into the opposition to H.R. 6376—the "small, noisy minority."

Practically without exception, this opposition to the Alaska mental health bill came from individuals and organizations lacking in professional competence to pass on Federal legislation. They did not understand the customary language of Federal laws. Definitions, interlocking provisions, and general language appearing in nearly all bills were wholly unfamiliar to many critics. Sinister meanings were ascribed to harmless words and phrases. Mass hysteria developed among extreme conservatives whose opinions were molded by a steady stream of inflammatory releases, bulletins, and newsletters mailed from a few centers in California to secondary mailing centers in Texas, Arizona, Nebraska, Indiana, New York, Illinois, and a few other places.

Although the Alaskans were uniformly in favor of the bills designed to give them control over their own mentally ill and while the Federal agencies directly involved were eager to divest themselves of authority over Alaska's mentally ill, a few excited, ill-informed, and, for the most part, nonprofessional alarmists sought to keep the Alaskans from gaining their goal. Competent psychiatric societies and psychiatrists, as well as attorneys, favored H.R. 6376. The American Medical Association gave strong endorsement to the bill. But there was a noisy medical minority that joined the bewildered housewives of California.

A NOISY MEDICAL MINORITY

Dr. George A. Snyder, of Hollywood, Calif., from early in February 1956 until the enactment of H.R. 6376, put on a one-man campaign against the bill. He appeared before the Senate Interior Subcommittee to testify against the bill and to serve as sponsor of Mrs. Leigh F. Burkeland and the Finn twins of California. These twins, George C. and Charles Finn, had had considerable newspaper notoriety in California in connection with their difficulties with the Federal Government. Dr. Snyder is reported to have hired them at $100 a week to stay in Washington to fight the bill.

The charge brought by Dr. Snyder against the Federal Government was made in a 4-page letter, dated February 6, 1956, which he mailed to Members of Congress and to individuals serving as secondary distributors of rightist material. He asked for a complete investigation of the Alaska Mental Health Act, H.R. 6376, for elements of treason against the American people behind the front of the mental-health program. He referred to medical fraud and medical atrocity.

In addition to Dr. Snyder there was a single medical group that opposed H.R. 6376. This was the Association of American Physicians and Surgeons, a small extremely conservative organization formed some 13 years ago to study and act on the social, economic, and legislative aspects of medicine. It is not a scientific group like the American Medical Association, the American Academy of General Practice, and the many specialty societies. The AAPS has a small office in Chicago headed by an executive secretary, a high-school graduate with no professional training. He writes their legislative bulletins, subject to approval by AAPS officials in other cities, handles much of their correspondence, and has managerial responsibility for mailings, banquet arrangements, and the distribution of educational material. AAPS legislative bulletins are sent to all State medical societies and to a limited number of physicians in the several States.

On February 25, 1956, a week after Dan Smoot issued his mental-health release against H.R. 6376, AAPS mailed out an emergency bulletin headed "Mental Health Bill Is Incredible, Inane Legislation." Referring to H.R. 6376 as "another horrible and vicious bill" which is nearing enactment "unless you and thousands of others act at once." AAPS stated that the bill "applies to every U.S. citizen—you and me."

Quoting from the customary reciprocal reimbursement provisions (the famous section 119(c)), AAPS warned: "This means the creation of a potential 'American Siberia' where an 'interested party,' in disagreement with your liberatarian views because they do not conform to 'normal human behavior of liberals' could 'send you away'."

Commenting on the definition of a mentally ill person as given in the bill, AAPS said: "Thus, a mentally ill person is defined as a mentally ill person."

They continued: "The bill is backed by the United Nations and three of its agencies, UNESCO, World Health Organization, and the World Federation of Mental Health."

These quotations were taken directly from the Dan Smoot release without credit being given to him. All the statements were false and irresponsible, repeating the irrational fantasies which were being voiced at that time by the lunatic fringe and by Dan Smoot. For a national medical organization, however small, to adopt the slogans and misrepresentations of the bewildered California housewives must have given considerable comfort to the muddled opponents to H.R. 6376. Indeed, in response to the alarmist AAPS bulletin, many members of the organization sent telegrams of opposition to H.R. 6376. A staff member of the Senate Interior Committee said they were surprised and worried about this medical opposition. To be sure of their ground, they asked the American Medical Association to give its opinion of the bill.

In the meantime, the Association of American Physicians and Surgeons made its own position perfectly clear. It had adopted the Burkeland-Smoot "Siberia" line, recklessly, without careful study.

On February 24, Dr. Arthur G. Blazey, of Washington, Ind., cochairman of AAPS legislative committee, had sent out a completely irrational letter headed "Alaskan Concentration Camp for Americans." Presenting a false analysis of H.R. 6376, he wrote:

"Here are the salient features of an international Socialist plot foisted upon our sleepy Congressmen with the blessings of our new Department of Health, Education, and Welfare, via the World Federation of Mental Health:

"1. A section of Alaska larger than the State of Rhode Island is designated for confinement of individuals having psychiatric or other diseases which impair their mental health." [Mrs. Burkeland in her early January "Siberia, U.S.A." had compared the size of the million-acre grant to the size of Rhode Island. Since when have reputable physicians taken their views from uninformed housewives?]

"2. Commitment is expedited by removing the time-tested laws that require examination by three physicians for certification of insanity." [Does Dr. Blazey think 3 psychiatrists could make a living in an Eskimo village of 50 persons, or 100, or 500?] "We have long heard about how the Red Gestapo whisk deviationalists out of their living quarters to oblivion. * * * Now we are hearing some of these same stories in our own country, and are now faced with a cunning scheme, under the guise of mental health, to establish a facsimile of a Red Siberia for our own citizens."

This wild, irrational statement came from the legislative cochairman of the Association of American Physicians and Surgeons.

Then, on February 25 the alarmist AAPS emergency bulletin, written, presumably by their office manager, who has only a high-school education and who lacks professional competence to analyze Federal legislation, was issued. On receipt of this bulletin on February 27, I protested vigorously to Dr James L. Doenges, then president of AAPS. He telephoned the office manager, Mr. Harry Northam, to call me. Mr. Northam telephoned five officers of AAPS and got them to agree to back his February 25 bulletin which, we may assume, they had previously hastily OK'd. On February 29 Mr. Northam called me, protesting my stand in favor of H.R. 6376. He stated cockily that he had on another occasion told the AMA that AAPS did not agree with them. Now he was telling me. He said: "I don't care what happens to the Alaskans (as though they were citizens of Russia or China). I'm worried about what will happen to the citizens of the United States." (As though the Alaskans were not.) He concluded his telephone conversation by stating: "I hope we defeat the bill."

On March 1, 1956, 5 days after AAPS had taken a position against H.R. 6376, their then president, Dr. James L. Doenges, wrote me:

"I am sorry to see that you feel the AAPS is in error on the matter of the mental health bill, and I am impatiently awaiting the arrival of the copy of the present bill, since I certainly would not want AAPS to make that kind of an error." (Obviously Dr. Doenges had OK'd the emergency bulletin of February 25 opposing H.R. 6376 without having seen the bill.)

On March 2, Dr. Arthur G. Blazey wrote to Senator James E. Murray further denouncing H.R. 6376 and saying: "Regardless of the above changes, H.R. 6376 should be tabled by your committee because it is a further transgression on the proper limitations of Federal authority."

The same Dr. Blazey on March 3 wrote me: "The barbarism of Alaskan treatment of mental patients is Alaskan business until it affects these United States, as stipulated in H.R. 6376. The international activities of Overholser in connection with the U.N. (actually nonexistent), and his domestic activities in the instance of Lucille Miller (he released her from St. Elizabeths after her home State, Vermont, had sent her to the Federal hospital) and others do not render him an acceptable authority on mental health, in my opinion—or others."

Dr. James L. Doenges wrote me on March 6: "If AAPS is wrong, we will certainly admit our error and publish a correction. * * * If we should be proven wrong by the facts, we will retract. * * * We certainly have no intention of attempting to take credit for anything such as the rewording of a bill, so you need not worry about that." (I had written Dr. Doenges that I thought they would try to claim credit if the committee made any changes in the bill for any reasons.) .

By March 17, Dr. Doenges had shifted his ground. He wrote me: "* * * if we are proven wrong, we of AAPS will publish a bulletin and will retract. However, if the committee or the Senate makes changes in the provisions of the bill to which we have objected, then you and all others must regard that our objections and criticisms are valid and correct."

On March 20 the American Medical Association sent a letter of approval of H.R. 6376 to the Senate Committee on Interior and Insular Affairs. It became available to the public the following day. On March 22 the Association of American Physicians and Surgeons announced a shift of position. Moving away from their intransigent stand of opposition to the bill, which would also have placed them in opposition to the AMA, they wired a hastily drafted set of amendments to the committee, indicating that if these were adopted the bill would be satisfactory. Among other corrections, they asked for deletion of the customary "and for other purposes" in the preamble.

Six days later AAPS asked the Senate Interior Committee to disregard most of its former amendments and to substitute others. They showed unseemly haste and great indecision. So insistent were they to have their amendments accepted that they induced Senator Watkins, Republican, of Utah, to have them printed. (Committee print, Apr. 10, 1956). Officials of the Department of Health, Education, and Welfare reviewed the AAPS amendments and condemned them as administratively incongruous and as inconsistent with other provisions in the bill. The definition of mental illness proposed by AAPS was described by the HEW Department as "in complete disagreement with all modern concepts for the care and treatment of the mentally ill," inasmuch as they would have refused hospital care to persons in the early stages of mental illness. (Committee Print No. 3, Apr. 19, 1956.)

Other amendments proposed by AAPS with respect to commitment procedures showed their lack of understanding of modern medical opinion regarding such procedures. All told, their proposals were so unworkable and so inconsistent with current medical and legal practice in the care and commitment of the mentally ill, that the committee rejected the suggestions and did not even discuss them. Thus, the efforts of the only medical organization that set out to defeat or mutilate the bill came to naught. AAPS was discredited for having published an irresponsible and untrue bulletin on February 25, 1956, and for failing to retract as requested to by the Alaska Territorial Medical Association. The amendments which they proposed indicated clearly that the drafting of Federal legislation is not a task to be lightly undertaken by amateurs.

Viewed as a whole, opposition to H.R. 6376 was stirred up by a noisy, ill-informed minority comprising housewives, a few editors, and a scattering of physicians. A partial list includes: The American Public Relations Forum, Inc., Mrs. Stephanie Williams, president; Association of American Physicians & Surgeons, especially Dr. James L. Doenges and Dr. Arthur G. Blazey; Mrs. Leigh F. Burkeland; the Concordians; the Finn twins; the Greater Nebraskan; Mervin K. Hart; the Hoiles Syndicate; Brig. Gen. Herbert C. Holdridge, retired; Dan Smoot; Dr. George A. Snyder; and the Tablet.

IGNORANCE BRED FEAR OF H.R. 6376

In the main, opposition to H.R. 6376 stemmed from ignorance which bred fear and distrust. It centered on three or four provisions in the bill and on certain language which is standard in virtually all bills.

Among the trivial objections was one to section 101(m): "The term 'State' or 'States' includes the States, the District of Columbia, the Territories and possessions of the United States, and the Commonwealth of Puerto Rico." Mrs. Stephanie Williams, president of the American Public Relations Forum, Inc., objected to the definition, saying that similar language appeared in the Connecticut and Illinois laws. Senator Bible, Democrat, of Nevada, said he saw no cause for alarm in the definition, since it was "customary." To which Mrs. Williams replied: "You are so accustomed to this. I am only a housewife."

Of course, the term "State" must be defined, since some laws apply to all States and territories while others exclude Alaska or the Commonwealth of Puerto Rico. The definition is indeed customary in State and Federal laws and should not be considered alarming or sinister.

Similarly, several individuals and the Association of American Physicians & Surgeons were alarmed at the phrase "and for other purposes" in the preamble of the bill. The AAPS went so far as to wire the Senate Interior Committee to delete the phrase. Later they wired to leave it in.

Actually, anyone who is alarmed at this phrase betrays woeful ignorance of Federal and State legislation. The phrase is to be found in the preamble of thousands of bills for the simple reason it is impossible to list all the purposes of most bills. This covering phrase "and for other purposes" is found not only in bills and laws, but also in contracts, articles of incorporation, and other legal instruments. However, one opponent to the bill, Brig. Gen. Herbert C. Holdridge, retired, vice presidential candidate on the Prohibition ticket, wrote to President Eisenhower on March 12, 1956, stating his own peculiar ideas of what "and for other purposes" meant. He said that the bill was "a dastardly attempt to establish a concentration camp in the Alaskan wastes." In impassioned phrases he asserted: "The bill establishes a weapon of violence against our citizenry far more wicked than anything ever known in recorded history—far worse than the Siberian prison camps of the czars or the Communists, or the violences of the Spanish Inquisition. * * * These are clearly the 'other purposes' stated in the title of the bill." He continued: "The plot of wickedness revealed in this bill fairly reeks of the evil odor of the black forces of the Jesuits who dominate the Vatican, and, through affiliates in our Government, dominate our policies."

Later, on March 24, the same brigadier general wrote to Senator James B. Murray, Democrat, of Montana, chairman of the Senate Interior Committee: "I shall retain your letter of March 21, 1956, as documentary evidence that you yourself are insane, subversive, or, at minimum, incompetent. It may prove useful if your reciprocal provisions ever become effective."

Many persons expressed alarm over various provisions in the commitment procedures, although these have been incorporated in the laws of many States and are working satisfactorily. Numerous critics demanded that compulsory jury trial be included in the procedures. This demand unquestionably arose from ignorance of current practice in the States. Compulsory jury trials have been abandoned by all States save Texas, which is even now working on that reform. A majority of States have optional trial by jury. As a rule, patients and their families wish to avoid the publicity and stigma which accompany jury trials.

Furthermore, mental illness is no longer regarded as a crime in informed quarters. Enlightened thinkers in this field are endeavoring to do away with criminal procedures in handling such cases. One of the worst features about compulsory trials is that patients who desire voluntary commitment in the early stages of mental illness are deterred from applying and are likely to wait until they are in advanced stages of mental deterioration.

One of the most hotly debated provisions of H.R. 6376 was that providing 1 million acres to aid Alaska in defraying future operating costs of the program. The California opponents and their followers reached the conclusion that Congress and Alaska were engaged in a Marxist plot to sell the million acres to Russia for a concentration camp. Mrs. Stephanie Williams was of that opinion and during May 1956 her organization went so far as to suggest that an oil lease which the Department of the Interior was negotiating with a Colorado oil company was part of the same plot to transfer the public domain to Russia, a million acres at a time, with the connivance of the Congress of the United States, the controlling committees in Congress, the Department of the Interior, and the Legislature of Alaska.

Other disturbed opponents thought Alaska might be planning to build a stockade around the million acres and to turn loose within the compound persons falsely adjudged insane in the States and railroaded to Alaska. The fact there was nothing in the bill to justify such conclusions has not bothered the noisy, bewildered critics. These weird interpretations have been made almost exclusively by persons without adequate professional background in analyzing Federal legislation and without a knowledge of American history and the place of land grants in State organization.

Unquestionably the section of the bill that was most generally misunderstood was the compact clause, section 119, which covered the customary reimbursement provisions between States. Such clauses antedate our Constitution and appear in one or another form throughout welfare legislation. Thus, States are in the habit of ascertaining the legal residence of all recipients of public charity. If the person in question does not have legal residence in the State where he becomes a public charge, he may be sent back to the State where he has such residence or that State may be charged for his care.

Similar provisions are customary in State laws dealing with the mentally ill or with prisoners. If a State lacks adequate facilities or treatment centers, it may arrange with another State to incarcerate a prisoner or to provide for a mental patient needing special treatment. These arrangements are made on a reimbursable basis under a compact clause of a type which has been sanctioned in American jurisprudence for over 170 years. They antedate Marx, communism, and the United Nations by many decades. Such a compact clause was included routinely in section 119 of H.R. 6376.

It is incomprehensible that a provision which has been in common use for over a century and a half in State and Federal laws should suddenly arouse such fears as did section 119. The compact clause was widely misunderstood as having something to do with commitment procedures. Yet it referred only to financial reimbursement. Failure to distinguish between a compact clause and commitment procedures led the noisy minority to claim that Congress was authorizing the States to railroad political dissidents to a Russian-owned corral in Alaska.

Probably no bill has ever been so garbled, distorted, and misunderstood as H.R. 6376. Yet it was perfectly clear from the hearings in the House and Senate and from conversations with Federal officials who aided in the drafting of the measure that no one in Washington had any plot in mind. At no time did any Government official in the Interior Department or in the Department of Health, Education, and Welfare make a particular point about the wording of any single provision. Nor was any Senator or Representative wedded to particular language as would have been the case if some deep plot were afoot.

It was clear beyond any possibility of doubt that the only desire anyone connected with the drafting of the bill had in mind was to draft a good bill that would redress old wrongs and would transfer authority in the field of mental health from the Federal Government to the Territorial government. To these ends an original grant was proposed for the construction of facilities, while grants-in-aid on a decreasing scale were authorized for a 10-year period and a grant of 1 million acres was authorized to provide for long-term financing of the program. Old laws were repealed. Modern commitment procedures were set forth. The Federal Government was divested of power. These provisions attested the good faith of Congress.

To impugn the motives of those who wrote and sponsored this legislation is to see plots and evil designs where none exist. It was the Alaskans who sought long-overdue redress of cruel treatment accorded their mentally ill and retarded. It was the Alaskan Delegate, E. L. **Bartlett**, who introduced the first bill in the present series and later introduced others. It was a respected Republican, Representative Miller, a physician, who fought for the million-acre grant and won necessary House approval. It was the Republican Assistant Secretary of the Interior, Wesley A. D'Ewart, who disclaimed any scheme for Alaskan concentration camps. This is not to detract in any way from the fact that it was the Democrats who introduced and sponsored the bills. Representatives **Leo W. O'Brien** of New York and **Edith Green** of Oregon, as well as Senator **Henry M. Jackson**, of Washington, fought rationally and judiciously to give the Alaskans a fine mental health program.

The entire history of this legislation attests the integrity of purpose and the high ideals motivating congressional action. For half a century the Alaskans had suffered a cruel form of inhumane punishment in seeing their loved ones railroaded to a hospital in some cases 2,000 miles or more from home. Then when Congress, after due and careful study and after obtaining the best available professional help in drafting this complex bill, was about to complete action, an avalanche of protests poured into Washington from persons who would in no way be affected by the bill.

Protests voiced indifference to, or hatred for, the Alaskans. None of the opponents in January, February, and March 1956, seemed to have any interest in the plight of the Alaskans. Ignorance, fear, malice, and strange aberrations characterized the opposition to H.R. 6376. When before has a small, noisy minority of housewives in California, editors in Santa Ana, Calif., Dallas, Tex., McClellan, Tex., New York City, and Omaha, Nebr., bestirred itself over a small Alaskan bill? It is as bizarre a situation as has occurred in the memory of many an oldtimer in Washington.

HISTORICAL PRECEDENTS

Alaska is eagerly awaiting statehood. Bit by bit the United States is giving more authority to the Territory. Historically the Federal Government has made large grants of land to all Territories as they approached statehood. Precedents in history and in American jurisprudence shaped the important provisions of H.R. 6376.

Land grants for public purposes: Land grants for schools, colleges, and other public purposes go back more than 170 years in our history. They were established under the Ordinance of May 20, 1785, and the Northwest Ordinance of 1787. Those early grants were in Ohio where lot 16 in each township was set aside by the Government for schools. Later, land-grant colleges were endowed by the Government.

Between 1880 and 1906 five Western States received land grants for the care of their insane. These Federal grants were made at the time of the enabling acts of Idaho (1890), Oklahoma (1906), South Dakota (1889), Utah (1894), and Wyoming (1890). The grants ranged from 30,000 acres in Wyoming to 200,000 acres in Oklahoma and constituted up to 0.3 percent of the State's area. The proposed Alaskan grant of 1 million acres is less than 0.3 percent of the land area of the Territory.

This modest grant to Alaska actually looks small compared to the U.S. grants of 10 million acres of the public domain to Arizona, nearly 9 million acres to California, 24 million acres to Florida, 16 million acres to Minnesota, 7 million acres to Oregon, and 4 million acres to Indiana. These 6 States have a total land area of 548,809 square miles which is only 22,000 square miles less than Alaska's 571,000 square miles. The land grants to the 6 States in question have amounted to 70 million acres as against the 1 million now being proposed by Congress for Alaska. These 6 States have enjoyed land grants amounting to over 70 times the amount now being proposed for Alaska. Presently the Federal Government owns more than 99 percent of the Territory, thus having a stranglehold on one of the chief sources of revenue that might make Alaska more nearly self-sustaining. Since the United States paid only 2 cents an acre for Alaska, the proposed million-acre grant for a mental health program would represent only a $20,000 outlay.

Elective jury trial for the insane: Although the new version of H.R. 6376, which was reported by the Senate Interior Committee and voted by the Senate (the Goldwater amendment), omitted the commitment procedures of the House-passed bill, many persons are demanding inclusion of provisions for compulsory jury trial.

Such inclusion would go against modern judicial opinion and medical experience. The Council of State Governments, which has been devoting considerable attention to modernizing State mental health laws and procedures, published a valuable document in 1952 on the "Mental Health Programs of the 48 States." They give a table entitled "Legal Provisions Governing Admissions and Commitments of the Mentally Ill, by States, 1949" (p. 52) which shows the following 26 States provide for trial by jury, but that only Texas makes this mandatory: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Montana, New Jersey, New Mexico, New York, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Washington, Wisconsin, Wyoming.

There is clear medical evidence that mandatory jury trial should be avoided. Where it is optional, patients show their preference by avoiding a jury commitment. In St. Elizabeths Hospital only 16 patients out of 1,700 asked for jury trial.

Legal opposition to jury trials in such cases is that mental illness is not a crime and consequently constitutional protection under the "due process" clause is not applicable. Court decisions support this view:

"Insanity is not a crime and therefore the constitutional guaranty of jury trial is not applicable." (*Barry* v. *Hall*, 99 F. 2d 222, 225 (1938, C.A., D.C.).)

"It has been frequently announced by this and many other courts that due process of law, within the meaning of both the Federal and State Constitutions, does not necessarily imply a trial by jury." (*In re Brewer* (Iowa, 1937), 276 N.W. 766, 768.)

"Since an insanity case is a civil case (*State ex. rel. Peper* v. *Holtcamp* (235 Mo. 232, 138 S.W. 521)), it would seem at least that due process of law does not require that there be a jury trial, whether demanded or not, and we so hold." (*In re Moynihan* (Mo. 1933) (62 S.W. 2d 411, 413).)

Involuntary detention for acutely ill mental patients: Members of Congress have been bombarded with protests over provisions in H.R. 6376 dealing with involuntary detention. Since the Senate had already voted to accept the Goldwater amendment which omits commitment procedures and since Senate and House conferees have accepted this version, none of the commitment procedures are at issue.

However, in order to answer some of the most common objections which have been raised, we would point out that the common law rule has been that "a dangerous maniac may be restrained temporarily until he can be safely released, or can be arrested upon legal process, or committed to the asylum under legal authority." (*Kelcher* v. *Putnam* ((1880) (6 N.H. 30, et al.).)

Provisions authorizing temporary detention of dangerous insane persons are found in the statutes of most States. A compilation which appears in the "Mental Health Programs of the 48 States" indicates that in 1949 30 States provided for emergency commitment without court order.

The common-law rule, with certain limitations designed to protect the interests of both the patient and the arresting officer, is embodied in section 104(a) of H.R. 6376. Simply stated, this section says that if a licensed physician issues a certificate that an individual is mentally ill and because of illness is likely to injure himself or others if allowed to remain at liberty, then any health, welfare, or police officer, or any person deputized by a U.S. commissioner shall have authority, upon medical certification, to take the individual into custody, apply to a designated hospital for his admission, and transport him thereto.

However, there will be times when it is impossible to obtain medical certification. If a person who gives evidence of being mentally ill and seems likely to injure himself or others cannot be medically certified at once, any health, welfare, or police officer may take such individual into custody, apply to a designated hospital for his admission, and transport him thereto (sec. 104(b)).

One opponent to this bill wanted to have this section deleted. We wonder what he would suggest for handling the case of a person who went beserk in Alaska 500 miles from the nearest physician—let alone 3 psychiatrists as he suggests.

Another opponent to H.R. 6376 wanted this section deleted. However, that would be impractical, considering the conditions of travel in Alaska. If a person in a remote village of 50 or 100 persons should go beserk 500 miles from the nearest physician and 1,000 miles from a psychiatrist, some person in authority would have to act to protect the public and the patient. The proposal made by an official of the Association of American Physicians and Surgeons that an Alaskan who became mentally ill should have his family physician accompany him and that three psychiatrists be consulted is wholly unrealistic.

The following States have procedures substantially identical to those under section 104 (a): Idaho, South Carolina, Utah, and Florida. Provisions similar to section 104(b) are to be found in the laws of Arizona, California, Colorado, Florida, Idaho, Utah, and Missouri.

Criminal provisions of H.R. 6376: Several witnesses objected to the fact that when the bill was passed by the House, section 31, providing fines and imprisonment for persons conspiring to cause unwarranted hospitalization of anyone or denial of rights granted under the act, was omitted. This was not the result of a sinister plot to expedite hospitalization on false charges. Instead, there was a general feeling that criminal provisions belonged in the Criminal Code, not in a mental health bill.

Conclusions: As one analyzes the objections to the Alaska mental health bill, one sees that they were based on ignorance of American history, of State and Federal laws, and of conditions in Alaska. These objections, raised by a noisy minority, represented the obsessions conjured up by extremists, fanatics, and gullible dupes who lacked professional competence to form a judgment about the bill.

REASON PREVAILED

The small minorities opposing H.R. 6376 made so much noise at first that they sounded like a large army marching on Washington. Then, as Members of Congress and their staffs began to compare notes, there was observed a similarity of wording in opposition letters, telegrams, releases, and bulletins. Over and over the same scare phrases appeared: "American Siberia," "Alaskan concentration camps for Americans," "U.N. plot," "UNESCO plot," "Marxist plot," etc.

Exception was taken to the million-acre grant, to the commitment procedures, to the absence of compulsory jury trial. The Siberia theme showed up in certain newspapers—never many.

Congress began to realize that the opposition was not really nationwide. It had originated with one woman and one group of housewives in California. Across the country there had rolled an extreme rightist chant—"Siberia, U.S.A." Housewives, retired Army officers, a few editors, and a scattering of physicians picked up the slogans, opposition arguments, and scareheads. In January, February, and early March 1956, the scaremongers seemed to have taken over.

Then, in March, the tide began to turn. On March 1, Challenge to Socialism, a conservative weekly paper published by Marjorie Shearon, legislative analyst and former consultant to Senator Robert A. Taft, published a calm analysis of H.R. 6376, with an explanation of some of the more controversial sections. Dr. Shearon published four issues on Alaska mental health during March, explaining the reasons for the commitment procedures and pointing to the historical precedents for land grants and provisions for reimbursement for the care of public charges on a reciprocal basis by the several States. All told, Dr. Shearon published over a dozen issues, devoted in whole or in part to the historical background, legislative history, and legal precedents for this much-needed, humane, and entirely innocuous bill.

On March 16, 1956, Leo H. Bartemeier, M.D., chairman of the Council of Mental Health of the American Medical Association, wrote to Delegate BARTLETT:

"During the past fortnight I studied this bill, and I personally believe that it is in complete agreement with our procedures and our methods of caring for the mentally ill. It will be of great benefit to the people of Alaska."

Four days later, on March 20, the American Medical Association, which had made a careful study of the bill and of its legislative background, wrote to Senator Murray, chairman of the Senate Committee on Interior and Insular Affairs:

"With the reservations hereinafter discussed, the American Medical Association supports and recommends the enactment of H.R. 6376, 84th Congress.

"Three studies of the situation of the mentally ill in Alaska have been made in recent years. The earliest of these, in 1948, was conducted by the American Medical Association. The report of the group of physicians which visited Alaska in the course of this investigation was critical of the existing commitment procedures and the lack of facilities in Alaska for the care and treatment of mental patients. It recommended the establishment of a centrally located hospital for the needs of the Territory. * * *

"* * * in our opinion, the procedures set forth in H.R. 6376 are on a par with the better procedures adopted by the several States, and are superior to those presently followed in Alaska."

The reservations of which the American Medical Association spoke were one dealing with possible inclusion in the bill of criminal procedures in the case of unwarranted hospitalization and one clarifying the language of section 119(c), the compact clause for reciprocal reimbursement.

On March 15, the Alaska Hospital Association had urged Senator Murray to support the bill. On April 3, the Medical Society of the District of Columbia expressed its approval of the bill and stated:

"In the opinion of our board this bill should receive high priority in health legislation because of the urgent need for improving the care of the mentally ill in Alaska."

One of the first health and medical groups to go on record as favoring H.R. 6376 was the Alaska Board of Health which passed a series of resolutions on October 12, 1955, urging that "this legislation, so badly needed, be passed and approved without further delay."

Similar approval was given by the Juneau Parent-Teacher Association on February 23, 1956, by the Church of the Holy Trinity in the capital city of Alaska on February 10, and by the Juneau Chamber of Commerce on February 20.

Dr. George S. Stevenson, national and international consultant for the National Association of Mental Health, supported the bill wholeheartedly, going into the major provisions in considerable detail. He said:

"This bill will do much to advance the care of the mentally ill of Alaska from the present primitive provisions to that which is enjoyed by mentally ill persons in our most advanced States.

"This bill will modernize the processes of admission of Alaska's mentally ill to a mental hospital. It will replace the mandatory jury adjudication by providing for a professional evaluation and still maintain the judicial safeguards. Many patients have been irreparably injured by the formal court process through which they have to pass. This bill guards against such damage.

"The provisions made by this bill for the commitment of patients are those that are found in many of our States, and the anxieties which have been voiced by some as to what might happen because of the liberality of the provisions actually do not happen in those States where these same provisions obtain.

"It also makes it possible for Alaska to care for residents of other States who happen to fall ill while in Alaska. This provision can be either by resources within Alaska or by transfer to another State. Again this makes it possible to do what is best for the patient. There have been criticisms of this aspect of the bill, but these criticisms reflect a lack of understanding of the provision and of the fact that this is already an approved procedure in some States and has shown none of the dire results that are attributed to it."

Since the Alaskans were strongly in favor of H.R. 6376 and since the American Medical Association supported the bill, favorable action by the Senate Territorial Subcommittee and later by the full Committee on Interior and Insular Affairs was assured. There had been no informed, responsible medical opposition. The Association of American Physicians & Surgeons, which set out on February 25 to defeat the bill and which in its March newsletter repeated its false analysis of the bill, later attempted to introduce crippling and unworkable amendments. The committee paid no attention to the proposals and after the AMA had supported the bill, AAPS retreated from its untenable position although it failed to retract its early false bulletin.

There had been two schools of thought about the best way to handle the legislation. One advocated repeal of the old laws dealing with mental illness in Alaska, transfer of authority from the Federal Government to Alaska, the grant of transitional funds, and a land grant. The other school of thought advocated all this and a spelling out of the commitment procedures. In the end, the Senate Territorial Subcommittee decided on the first line of action. Senator GOLDWATER, Republican, of Arizona, introduced an amendment to H.R. 6376 which was virtually the same as the House-passed bill except that it omitted the commitment procedures.

The feeling was that Alaska had progressed to such a point that it was capable of writing its own procedures. Furthermore, there was little point in Congress writing the procedures and then simultaneously giving Alaska authority to rewrite the procedures in any way it saw fit. As a practical reality, Alaska will undoubtedly enact the procedures as they were written into H.R. 6376, since much professional thought had gone into the drafting and since medical authorities in Alaska had already approved the language in the bill.

On April 23 the Territorial Subcommittee voted to accept the Goldwater amendment in principle. On May 14 the full Senate Committee on Interior and Insular Affairs approved the Goldwater amendment to H.R. 6376. The Senate unanimously approved the bill on June 7. House and Senate conferees were appointed. They accepted the Senate version with minor changes on July 16. The bill, as amended, was then unanimously approved by the Senate. The House on July 20, by a vote of 130 to 16, passed H.R. 6376 and it is now Public Law 830 of the 84th Congress.

Thus, at long last, Congress, unmoved by the lunatic fringe, has passed a forward-looking piece of legislation, soundly conceived and wisely drafted. The Democrats sponsored and fought for the bill, but throughout it received bipartisan support. Hope, finally, has been vouchsafed to Alaska's mentally ill.

HELSINKI WORLD YOUTH FESTIVAL

Mr. HUMPHREY. Mr. President, no one has tried harder than the Communists to organize and manipulate young people around the world. Since the late 1950's three Communist-sponsored world youth festivals have attracted headline attention. Thousands of young people have attended these festivals—many of the participants being either Communists themselves or under direct Communist influence. None of the festivals, however, has been the total success that the Communists wanted them to be. At each of them a small but vocal minority of free world youth has robbed the Communists of their total monopoly over the views and opinions expressed at these gatherings. In almost every case, the Communists' claim to speak for the vast majority of youth was spoiled by the independent and forthright rebuttal of young people from the United States and other free countries.

What concerns me about these youth festivals is the fact that the United States as a whole has reacted to them so sluggishly. Americans show too little appreciation of the role which such international assemblies play in the battle for the minds of men.

For this reason I am pleased to share with Senators a letter written by a former member of my staff, Mr. Peter Grothe, who not only participated in the recent Helsinki World Youth Festival, but himself helped prepare a group of 160 representative American youth to counteract Communist propaganda. Mr. Grothe's letter is in the nature of a report on his activities and observations in Helsinki. I think it is an example of what Americans can accomplish when they consciously undertake to fight totalitarian lies with intellectual honesty.

Other important factors contributed to the failure of the Helsinki World Youth Festival. The main factor, of course, was the stanch refusal of the Finnish people to allow any crass violation of their neutrality. The Finns, who are ideologically at one with the West, are compelled to be neutral in word and action. But unlike other so-called neutrals, the Finnish people observe a genuine neutrality based on a jealous regard for their country's independence.

The organizers of the youth festival attempted to take advantage of Finland's neutral status, but although the Finnish Government could not refuse to allow the festival to take place on its territory, it successfully prevented the Communists from deriving maximum propaganda benefits from it. The Finnish Government remained coldly aloof throughout the festival.

The Finnish people, however, were less inhibited. The festival evoked sometimes violent protests from Finns who resented being used as pawns in the cold war. During the Seventh World Youth Festival at Vienna in 1959, many Austrians displayed the same courage and determination to preserve their de facto independence.

Mr. President, I draw only one conclusion from the above facts: Freedom speaks loud and clear when it has a chance to speak. We must neglect no opportunity to see that it gets this chance.

I ask unanimous consent that a letter I have received from Mr. Grothe be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. HUBERT H. HUMPHREY,
Majority Whip's Office,
U.S. Senate.

DEAR SENATOR: Because of your active concern about Communist propaganda and your long-standing interest in international youth affairs, I thought that you would be interested in a report on the eighth Communist-sponsored World Youth Festival held last month in Helsinki.

To put it to you quite straightforwardly, the festival—from the Communist point of view—was a flop. From the vantage point of the most objective observers, the festival failed to impress those for whom it was primarily designed—the Asians, Africans, and Latin Americans (although it was probably less of a failure with the Latin Americans than with the other two groupings). There are several reasons for the festival's lack of success:

One, the coldness of the Finnish people to the festival. All of the Finnish youth organizations, except the Communist organization, boycotted the festival, and thousands of Finns demonstrated against it for 4 nights running. Further, the newspapers virtually ignored it. The frigid response that the Finnish people generally gave the festival was a substantial factor in hampering its effectiveness.

Two, conditions were not conducive to a good festival. The weather was cold and rainy, with the result that a substantial number of participants from the warmer continents caught colds. Further, the delegates were spread out all over Helsinki in residences ill-equipped to handle such a large influx of people, and this increased the grumbling.

Three, the blatant efforts on the part of the Communist organizers to tightly control the political seminars and other events were quite transparent to the majority of neutrals, and these tactics backfired. A number of the African delegates who wanted to utter pro-Western sentiments were denied the opportunity to speak, and some of them left Helsinki in protest. Over half of the 75-man Ceylonese delegation walked out, because it was the Communist members of the delegation who were always given the opportunity to speak for Ceylon.

The fourth and final reason for the failure of the festival was the countereffort of some Western youth, particularly Americans. About 160 of us from Stanford, Yale, Harvard, and other institutions, from organized labor and the various professions went to Helsinki to tell the other side of the story, to present a positive image of the United States. The Americans, going under the auspices of the Independent Research Service, were a highly select group. At Stanford University, for example, over 400 students tried out, and 33 were finally selected on the basis of political sophistication, fluency in one or more foreign tongues, and ability to communicate. Those selected had to read nine books (for example, "The New Class," by Milovan Djilas) and had 54 hours of lectures on subjects such as Marxist-Leninist theory, Soviet foreign policy, disarmament, African and Asian affairs, and other vital subjects. Once in Helsinki, we spent as much time as we could in person-to-person communication, trying to clear up misconceptions about Western policy and democratic ideals, and trying to understand the points of view of the other delegates more clearly.

We were not at Helsinki to oppose the proclaimed purpose of the festival—peace and friendship. Rather, we were there to attempt to restore some meaning to those words.

I think, however, that we must give the Communists credit for one thing. They conceived of the idea of periodically bringing together the youth from all over the world. Not only that, but they supported this venture with an outlay of approximately $25 million, or roughly one-quarter of our yearly appropriation for the entire U.S. information program. Why can't we bring the youth of many nations—the future leaders of their countries—to a truly democratic gathering in the United States? Why is our information effort always a string-and-bailing-wire operation in terms of the small amount of funds that Congress appropriates, particularly in comparison to the funds at the disposal of the Communists?

There is one final point, Senator, one that I am sure that you would also be in accord with. We attempted to present a positive picture of America with keenness and conviction. However, there were occasions when the ground was cut out from under us because our own house in America was not in order. It is difficult to convince Africans and Asians that America is living up to its democratic ideals as long as there is the problem of racial discrimination in the United States itself. It is difficult to argue that America is providing for the needs of all its citizens when the Congress turns down a medicare plan. It is difficult to assert that our country is providing a proper education for its children when the Congress consistently turns down Federal aid to education bills. It is far better when the Communists have to lie about us than when they hurt us by telling the truth.

With friendship and warm best wishes.

PETER GROTHE.

COMMENDATION OF THURGOOD MARSHALL

Mr. HUMPHREY. Mr. President, there appeared in last night's Evening Star an excellent article by Eric Sevareid giving a clear picture of Thurgood Marshall's qualifications for the judgeship in the circuit court of appeals.

The President in making this nomination of Mr. Marshall and the Senate in confirming it can take pride and satisfaction. I believe that his compassion for his fellow men and his wise judgment will greatly add to our judicial system. Judge Marshall is indeed a man of the highest integrity.

I ask unanimous consent that the article by Mr. Sevareid to which I refer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THURGOOD MARSHALL, U.S. JURIST

(By Eric Sevareid)

Thurgood Marshall, the history books will surely attest, was the sharp but tempered spearhead of the great movement which in this generation carried Negro Americans considerably closer to the citadel of full citizenship.

A man whose total public identification has been that of a Negro fighting for the constitutional rights of Negroes can hardly escape becoming a symbolic figure. But symbols do not make judges; men make judges; and what is worth thinking about here is not the symbol but the man.

The four southern Senators of the Judiciary Committee who deliberately stalled committee action on the nomination of Mr. Marshall to the Circuit Court of Appeals, and then voted against Judge Marshall, can only have regarded him as symbol and his nomination as a symbolic case. They have bitterly opposed the Supreme Court decision on school segregation as a wound in both the flesh and the spirit of the Constitution, and they considered their opposition to the chief instigator of that decision, therefore, as a perfectly logical expression of doctrinal consistency.

My first chance meeting with Mr. Marshall occurred in London where he had arrived in the company of Tom Mboya, the young Kenya politician, after Mr. Marshall's trip across black African states. The second encounter was at a small roundtable conference this summer with highly charged anti-American students from various foreign regions, including Africa.

Thurgood Marshall would not have been engaged in these enterprises, as, of course, he would not have engaged his whole career in our domestic wars over civil rights, were he not intensely aware of the color of his own skin and faithful to his racial heritage. But what stayed with me, what was to me impressive and humbling, was that in everything the man said on both occasions, in his every expression and gesture, one was made conscious of the presence, not of an American Negro, but of an American, period.

In addition to this they acted out of what they regard as political necessities, just as many of the northern, big city Senators acted when they voted in favor of Mr. Marshall. For them, too, the bulking Baltimorean, who has become one of the most famous lawyers of this legalistic age, is a symbol and perhaps nothing more.

All this was inevitable, but it is a pity, and not only because it is wrong in spirit. It is a pity in this particular case because it is wrong in fact; that is, it is a misinterpretation of the man. If there are southern Senators who were against Mr. Marshall because they believe he will pass his judgments as a Negro, if there are northern Senators who believe the same but do not, for political reasons, care if he does—then both sides are in error. I say this on the basis of an acquaintance with the judge which has not been intimate but which happened to take place in circumstances sharply revealing of the man's cast of mind.

I don't know how else to express it. An eavesdropper unable to see the man's skin color could not have known that a Negro was talking. His attitude toward Mr. Mboya was not that of one colored man to another but that of a lawyer passionately concerned about individual liberties wherever they were suppressed and whoever was suppressing them. I have no doubt that if the new Kenya Government is oppressive of human rights, it will find the spirit of Thurgood Marshall hotly opposed to it. I have no doubt at all that the oppressions practiced by the Nkrumah regime in Ghana are favored by no justification, no rationalization whatever in the thoughts of Thurgood Marshall. And in all this he is very different from any number of highly sensitized American Negro intellectuals.

When we argued matters this summer with the young, dark-skinned student leaders from around the world, there wasn't any doubt as to where Mr. Marshall sat. He sat with the Americans present. The attitudes and notions of the foreigners that made the rest of us impatient made Marshall impatient and for precisely the same reasons. He tried to make them understand what this domestic battle of ours over civil rights is all about, how far we have come already and how far we hope to go. And when he said "we," he was not talking about American Negroes, he was talking about America.

Perhaps others do not find this either impressive or humbling. If I do it is because when I try in imagination to "walk in their shoes," I wonder that any sensitive, intelligent American Negro can avoid becoming a neurotic enemy of this society of ours. Whether the secret lies in his genes or in his upbringing or in both I would not know, but the essential fact about Thurgood Marshall is that he bears no trace of this virus in the emotions. A Negro, he remains a whole man in a society half-sick from racial prejudice. Whatever his qualifications as a legal thinker—and they must be considerable—Mr. Marshall qualifies as a human being of the first rank.

SALE PRICE RULE OF CERTAIN MANUFACTURERS EXCISE TAXES

Mr. LONG of Louisiana. Mr. President, yesterday the Senate passed House bill 8952, to amend the Internal Revenue Code of 1954, with respect to the condition under which the special construction sale price rule is to apply for purposes of certain manufacturers excise taxes. Two amendments were to be offered to that measure, and they had been cleared with the chairman of the committee, the Senator from Virginia [Mr. BYRD]. Unfortunately—because of the conference on the tax bill—neither the Senator from Florida [Mr. SMATHERS] nor myself was present to offer the amendments.

Therefore, I ask unanimous consent that the Senate reconsider the votes by which the committee amendment to H.R. 8952 was agreed to, the amendment was ordered to be engrossed, and the bill was ordered to be read the third time and passed.

The VICE PRESIDENT. Is there objection?

Mr. CARLSON. Reserving the right to object, let me ask the distinguished Senator from Louisiana whether the two amendments which he expects to offer have been considered by the Treasury Department and have received its approval?

Mr. LONG of Louisiana. They have. The Treasury Department interposes no objection to them, but believes both of them are meritorious. I shall be glad to explain them when the bill is again before the Senate.

Mr. CARLSON. I have no objection.

Mr. MORSE. Mr. President, a preliminary inquiry, under the reservation of the right to object: Will the Senator from Louisiana restate his request?

Mr. LONG of Louisiana. Yes. I have asked unanimous consent that the Senate reconsider the votes by which the committee amendment to House bill 8952 was agreed to and ordered to be engrossed and the bill as thus amended was ordered to a third reading and passed.

Mr. MORSE. For what reason does the Senator make this request?

Mr. LONG of Louisiana. In order that certain amendments to the committee amendment may be offered.

Mr. MORSE. What is the nature of the amendments to the committee amendment?

Mr. LONG of Louisiana. I shall be glad to explain them after the votes are reconsidered.

Mr. MORSE. I shall not agree to the request until I know what the amendments are. So I object.

Mr. LONG of Louisiana. Will the Senator from Oregon withhold his objection until I explain the amendments to the committee amendment?

Mr. MORSE. I shall be glad to do so; but I wish to know what the amendments to the committee amendment are.

Mr. LONG of Louisiana. One of the amendments to the committee amendment to be proposed by me would enable a life insurance company to separate itself from a fire insurance company, and to return to the position it was in prior to the time when it acquired the fire insurance company—the difficulty being that the life insurance company finds itself in difficulty because of the insurance tax law, and would like to have the two companies separated. It finds itself in a bad tax situation after having acquired the fire insurance company. It wishes to return to its former status, for it finds that because of a tax law we passed, it is adversely affected as a result of having acquired a fire insurance company.

The other amendment to the committee amendment, first suggested by the junior Senator from Florida [Mr. SMATHERS] and now incorporated with the amendment which bears my name, would permit companies in the fire insurance business to have an 8-year carryover privilege. In other words, life insurance companies which have acquired fire insurance companies would have an 8-year carryover privilege for the losses of the fire insurance business. The reason is that it is felt that we should not permit new companies which lose money in their first years of operation to traffic in their losses. However, a fire insurance company cannot charge off its losses to a life insurance company anyway, under the State laws. Therefore, the Treasury Department believes there could be no trafficking in such losses, because the State law will not let the companies charge their fire insurance losses against their life insurance business.

Mr. MORSE. I have no objection to having the votes reconsidered; but I reserve judgment on the amendments to the committee amendment until the debate is had.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana subsequently said: Mr. President, the Senate gave unanimous consent to reconsider H.R. 8952. As I attempted to explain at that time, there is an amendment at the desk, which has the approval of the Treasury, of the Chairman of the Committee on Finance, and of a majority of the committee, and has been cleared by the leadership, relating to the permission of a life insurance company to spin off a fire insurance company which it had acquired by stock acquisition, and also relating to the ability of a company which acquired a fire insurance company to have an 8-year loss carry forward with regard to the fire insurance company business.

The Treasury Department carefully studied this question, and finds no objection to it. I have no doubt that if the senior members of the Finance Committee could have been present in the Chamber to handle this transaction, instead of being in conference, where they were attempting to handle the administration's tax bill, this proposal would have been agreed to on yesterday, so I ask unanimous consent that the amendments to the committee amendment may be agreed to.

The VICE PRESIDENT. The amendments will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed on page 12, line 21, to change present subsection (e) to subsection (g), and insert the following new subsections (e) and (f) after line 20:

(e)(1) Subsection (e)(2)(B) of section 812 of such Code (relating to nonqualified corporation) is amended by adding immediately after the words "with any other corporation" in the first sentence, the following: "(except a corporation taxable under part II or part III of subchapter L)".

(2) The amendment made by paragraph (1) shall apply with respect to all taxable years beginning after December 31, 1954, except that in the case of a nonqualified corporation, as defined in section 812(e)(2)(B) of the Internal Revenue Code of 1954 as in effect prior to the amendment made by paragraph (1), a loss from operations for a taxable year beginning in 1955 shall not be an operations loss carryover to the year 1961, and there shall be no reduction in the portion of such loss from operations which may be carried to 1962 or 1963 by reason of an offset with respect to the year 1961.

(f) Section 815(a) of such Code (relating to distributions to shareholders) is amended by adding at the end thereof the following: "Further, for purposes of this section, the term 'distribution' does not include any distribution before January 1, 1964, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and control has been acquired prior to January 1, 1963, in a transaction qualifying as a reorganization under section 368(a)(1)(B)."

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I take this occasion to compliment the distinguished Senator from Louisiana and to thank him for having exhibited an interest in a matter of great importance to a relatively few people to whom a rather serious injustice is being done and will continue to be done unless the situation can be clarified.

I am very pleased to join the Senator in his request. I thank him very much for his courtesy in notifying me that he would bring the question up at this time.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, I wish to state for the Record that the Senator from Connecticut [Mr. Dodd] also felt that this proposal should be considered.

Mr. MORSE. Mr. President, the Senator from Louisiana has shown me the communication from the Treasury Department in support of the amendments. I have read the communication. I think the Treasury Department makes the case for the amendments. Therefore, I commend the Senator from Louisiana for bringing the amendments before the Senate at this time. I support the amendments.

Mr. LONG of Louisiana. I thank the Senator. I commend the senior Senator from Oregon for his caution in seeing that unanimous consent is not granted unless a matter is carefully considered.

Mr. CARLSON. Mr. President, reserving the right to object——

The VICE PRESIDENT. The Senator from Kansas reserves the right to object.

Mr. CARLSON. Mr. President, I shall not object, after having discussed the matter with the Senator from Louisiana. The bill, as amended, includes the amendment approved by the Finance Committee, which was approved by the Treasury Department. My concern was as to whether the Senator's amendments had approval. I understand they have the approval of the Treasury Department. Therefore, I shall not object.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to insert a report from the Treasury Department at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

TREASURY DEPARTMENT,
Washington, D.C., September 25, 1962.

Hon. Harry F. Byrd,
U.S. Senate, Washington, D.C.

Dear Senator Byrd: This is in regard to two proposed amendments to the tax treatment of life insurance companies. One would permit a life insurance company to distribute its stock in a fire and casualty insurance company subsidiary to a holding company or to its shareholders without incurring a tax at the life insurance company level. The other would extend the special 8-year loss carryover provision to a new life insurance company which is affiliated with a fire and casualty inusrance company.

AMENDMENT PERMITTING SPIN-OFF OF FIRE AND CASUALTY INSURANCE SUBSIDIARY WITHOUT A TAX TO LIFE COMPANY

Under the Life Insurance Company Income Tax Act of 1959, a life insurance company must establish a special policyholders' surplus account consisting of certain earnings of the company which are not subject to a current tax. If the company in a later year makes a distribution to its shareholders, part of all of that distribution may be required to be made out of this policyholders' surplus account and a tax paid by the company. This is the so-called phase 3 tax.

There are some life insurance companies which have in the past acquired fire and casualty insurance company subsidiaries. According to representatives of the industry, these acquisitions were made in order for the companies to offer a "package" to their customers consisting of both life insurance and fire and casualty insurance; an arrangement which they claim is needed to meet the competition from other companies, for example, fire and casualty insurance companies which have acquired life insurance sub-sidaries.

At least one life insurance company which has acquired control of a fire and casualty insurance subsidiary in a stock-for-stock acquisition now wishes to rearrange its corporate structure by distributing the stock of the subsidiary to a holding company or to its shareholders in the form of stapled stock. There are certain State regulations in this area which, according to the proponents of the amendment, make it more desirable for the stock in the fire and casualty insurance subsidiary to be held by a holding company or by the life company's shareholders. However, to reorganize the corporate structure now might cause the company to incur a sizable phase 3 tax by reason of the distribution of the stock to a holding company or to its shareholders. This is because the distribution, even though tax-free from the shareholders' point of view if it qualifies under section 355, would be regarded as partly out of the special policyholders' surplus account and, thus, taxable to the company.

The proposed amendment would, under certain circumstances, permit a life insurance company to spin-off a controlled fire and casualty insurance subsidiary without incurring any phase 3 tax if the spin-off meets the requirements of section 355. The purpose of the amendment is to permit the life insurance company to return free of tax to the position it was in before it acquired the fire and casualty subsidiary. One condition that would have to be met is that the fire and casualty company was originally acquired by the life company in a stock-for-stock transaction qualifying as a reorganization under section 368 (a)(1)(B). This requirement will assure that the distribution will not be used as a means for distributing earnings of the company which should be taxed under phase 3, since the fire and casualty company stock must have originally been acquired through a stock exchange and not with earnings of the life company. The amendment would only apply with respect to fire and casualty subsidiaries acquired before January 1, 1963, and then only if the stock in the subsidiary is distributed before January 1, 1964.

The Treasury Department does not oppose this amendment.

EXTENSION OF 8-YEAR LOSS CARRYOVER PROVISION

Present law allows new life insurance companies and 8-year carryforward of operating losses. Other companies are permitted only a 5-year carryforward. A new company is one that is not more than 5 years old at the beginning of the taxable year in which the loss occurs. However, the 8-year carryover is not allowed to a life insurance company which controls, or is controlled by, another company.

The proposed amendment would extend the 8-year carryforward provision to new life companies which control, or are controlled by, fire and casualty insurance companies. The 8-year carryforward was provided in recognition of the fact that most new life insurance companies operate at a loss for many years. Apparently, the major purpose for limiting the extended loss carryover provisions to independent companies was to prevent trafficking in loss companies. Granting the 8-year carryover privilege to life insurance companies affiliated with fire and casualty insurance companies would not appear to open up the possibility of trafficking, since a fire and casualty company generally cannot transfer any of its insurance business to a life company because of State regulations.

The Treasury Department does not oppose this amendment. There are enclosed copies of the respective amendments which we have reviewed and find satisfactory.

If there is any other information on these amendments which you would like, I shall be glad to do all I can to supply it.

Sincerely yours,

Stanley S. Surrey,
Assistant Secretary.

Amendment Relating to Distribution by a Life Insurance Company of the Stock in a Fire and Casualty Insurance Subsidiary

Sec. —. Distributions of Stock in Fire and Casualty Insurance Subsidiary

(a) Section 815(a) (relating to distributions to shareholders) is amended by adding thereto the following:

"Further for purposes of this section, the term 'distribution' does not include any distribution before January 1, 1964, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and control has been acquired prior to January 1, 1963, in a transaction qualifying as a reorganization under section 368(a)(1)(B)."

(b) This amendment shall be effective for taxable years beginning after December 31, 1961.

Amendment Relating to Extension of Eight-Year Loss Carryover

Sec. —. Extension of Eight-Year Loss Carryover

(a) The first sentence of section 812(e)(2)(B) is amended to read as follows:

"For purposes of subparagraph (A), the term 'nonqualified corporation' means any corporation connected through stock ownership with any other corporation (except a corporation taxable under part II or part III of subchapter L), if either of such corporations possesses at least 50 percent of the voting power of all classes of stock of the other such corporation."

(b) The amendment made by subsection (a) shall apply with respect to all taxable years beginning after December 31, 1954, except that in the case of a nonqualified corporation, as defined in section 812(e)(2)(B) as in effect prior to the enactment of this Act, a loss from operations for a taxable year beginning in 1955 shall not be an operations loss carryover to the year 1961, and there shall be no reduction in the portion of such loss from operations which may be carried to 1962 or 1963 by reason of an offset with respect to the year 1961.

The VICE PRESIDENT. The question is on agreeing to the amendments to the committee amendment offered by the Senator from Louisiana [Mr. Long].

The amendments to the committee amendment were agreed to.

The committee amendment, as amended, was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the committee amendment as amended, and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 8952) was read the third time and passed.

Mr. CARLSON subsequently said: Mr. President, earlier today the Senate considered the bill, H.R. 8952. The Senate reconsidered the votes taken yesterday, and then certain amendments were offered by the Senator from Louisiana [Mr. Long] and agreed to. I now move that the Senate reconsider the vote by which that action was taken.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Pell in the chair). The question is on agreeing to the motion of the Senator from Minnesota.

The motion to lay on the table was agreed to.

BELOW MARKET INTEREST RATES

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have printed in the Record an attachment to a letter which I received from a constituent in Cleveland, which is a communication sent to him, obviously by a Washington broker who arranges funds for various business enterprises.

The significant part of this letter, sent out by the Washington broker, lies in the emphasis he places in the letter on the ability to procure from the Federal Government loans on an interest basis below the interest rates being charged by lenders in private business.

The broker writes to the Cleveland citizen:

> I will be in your area during the entire business week of September 4, 1962, and you may write me now * * * with respect to the matters outlined below if there is a possibility of interest on your part or your business acquaintances.

Below market interest rates for housing projects is the main theme of his letter. He then proceeds, in four separate paragraphs, to show that he can procure money on a loan basis from the Federal Government at interest rates below those charged by private industry.

Significantly, in the last paragraph of the letter the Washington broker states:

> Please treat the above information on a confidential basis.

My constituent asks me why it should be treated on a confidential basis. My answer is that I suppose there seems to be some guilt in the writer concerning the fact that the Federal Government is making money available in four categories of loans at interest rates below those charged in private industry.

The letter points up to me the fact that what we are doing, in the operations of the Federal Government, is gradually destroying our private enterprise system.

I should like also to include in the Record at this time the statement made by Nikita Khrushchev:

> We cannot expect the Americans to jump from capitalism to communism, but we can assist their elected leaders in giving Americans small doses of socialism until they suddenly wake to find that they have communism.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 4, 1959.

The Lubrizol Corp.,
Cleveland, Ohio.

Dear Mr. Blanche: I will be in your area during the entire business week of September 4, 1962, and you may write me now at 712 Vincent Avenue, Cleveland 14 (phone MA 1-0082) with respect to the matters outlined below if there is a possibility of interest on your part or your business acquaintances:

1. Below market interest rates for housing projects: Currently at 3.125 percent in amounts up to $20 million. Availability of such is from FNMA assistance funds. While such interest rates are usually used in connection with new construction, existing properties requiring rehabilitation are eligible and so are high rise apartments with rentals up to $280 per month.

2. Mortgage money available (50-year term) at 3.5 percent for premium land situations: Loan may include the cost of land. Amounts from $500,000 to $3.5 million. Preference—larger loans for apartment houses. Rental range—$80 (efficiencies) up to $175 per month for bedroom apartments.

3. Mortgage money for shopping centers, small office buildings, parking lots, money for financing plant construction, conversion and/or expansion, etc., and other smaller business-type operations (up to 25 year terms) 5.5 to 5 percent. In units of up to $350,000 and in total amounts up to $14 million.

With respect to (1), (2), and (3) above, this should be of interest to landowners, manufacturers, builders, bankers, insurance brokers, retail store owners, realtors, property managers, architects, and others in related fields.

4. Financial guarantees to businesses operating or planning to operate abroad: 75 percent to a possible 100 percent guarantee against loss covering from small amounts of investments in foreign countries up to $10 million. You may want to bring this to the attention of your associates owning manufacturing plants, distributorships, retail stores, breweries, franchises, etc. Do you know such individuals among your acquaintances?

Please treat the above information on a confidential basis. Would you like to see me when I am in Cleveland to go into more detail on these and other matters which includes clients' interest re buying and selling manufacturing corporations such as paint companies, manufacturers of surgical supplies, of rivets, of drills, etc. Would you let me know one way or the other of your prospective interest in these matters?

Sincerely yours,

TRIBUTE TO SENATOR PROXMIRE

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have included in the Record an article written about our distinguished colleague from Wisconsin, Senator William Proxmire, which appeared in the Chicago Tribune about 10 days ago.

There being no objection, the article was ordered to be printed in the Record, as follows:

Proxmire's Liberal Fire Cooled in Senate—Votes Show Him Right of GOP Colleague

(By Willard Edwards)

Washington, September 15.—A newcomer to the Senate press gallery listened this week to a Senator's fervent protests against an administration bill, then inquired the identity of the speaker.

"Take a guess," he was challenged.

"Well, he's talking from the Democratic side of the aisle, although he sounds like a Republican. He doesn't look like Harry Byrd, of Virginia, or Frank Lausche, of Ohio, but he seems to echo their conservative views. I give up. Who is this mystery man?"

"You've been listening to Bill Proxmire, of Wisconsin," he was told. "And if you wait around, you'll see him not only talking like Byrd and Lausche but voting with them.

MYSTERY TO LIBERALS

"To many down there on the floor, especially the 'liberals,' he is a mystery indeed—and they're bitter about it."

The gradual transition of Senator William Proxmire, Democrat, of Wisconsin, from so-called liberalism to moderate conservatism on many issues has taken 4 years.

In 1959 and 1960, Proxmire's voting record lagged behind his attacks on Government spending and the expansion of bureaucratic controls. Organizations like Americans for Constitutional Action, which appraise congressional voting records by rigid standards, gave him a rating which denied him the label of "conservatism."

RISES TO TOP

But when the ACA ratings on 1962 voting records are issued after Congress adjourns, Proxmire will get a cum laude grade, a spokesman revealed.

"He's voted more conservatively than his Republican colleague in Wisconsin, Alexander Wiley," the ACA representative said. "He has voted 'right' on 7 out of 11 key votes selected to determine a legislator's support of what we regard as sound constitutional practices."

Congressional Quarterly, a nonpartisan organization, reported recently on senatorial support of the Kennedy program. It picked votes on five key issues in the Senate in which the outcome was decided by five or fewer votes.

Four Democrats opposed Kennedy on all five rollcalls. They were Proxmire, Lausche, Senator Thomas J. Dodd, of Connecticut, and Senator Strom Thurmond, of South Carolina. Not even Byrd of Virginia made this list.

NEXT TO INDEPENDENTS

In scores of other floor battles at this session, Proxmire has found himself fighting side by side with such independents as Senator John J. Williams, Republican, of Delaware, and opposing ultraliberals like Senator Joseph S. Clark, Democrat, of Pennsylvania.

He cast the deciding vote when the Senate Agriculture Committee killed, 9 to 8, the administration bill for mandatory feed grain controls. His lining up with five Republicans and three southern Democrats, Olin Johnston, of South Carolina; James O. Eastland, of Mississippi, and Spessard Holland, of Florida, aroused wrath in the administration.

Reprisal came promptly. A story was "leaked" to a syndicated columnist accusing Proxmire of giving his proxy to Eastland, a noted segregationist, in this committee fight. The obvious intent was to link Proxmire with a foe of civil rights.

Committee records showed the report to be false. Proxmire was present and voted. He gave his proxy to Eastland only for use if a later attempt was made to reconsider the committee decision in Proxmire's absence.

LIBERALS ARE CAUSTIC

Mention of Proxmire's name to Senators of the so-called liberal persuasion arouses caustic comment.

"Don't turn your back on him," said one, sourly. "He's not to be trusted."

When Members of this group recently staged a filibuster against the satellite communications bill, Senators Wayne Morse, Democrat, of Oregon; Estes Kefauver, Democrat, of Tennessee, and Albert Gore, Democrat, of Tennessee, urged Proxmire to join them in an attempt to talk the measure to death.

He would have been a valuable ally, having demonstrated his stamina by holding the floor for more than 25 hours, including an all-night stand, in opposing the White House nomination of Lawrence J. O'Connor, Jr., as a member of the Federal Power Commission.

SENDS THEM AWAY

Proxmire sent them away mumbling resentful remarks. American Telephone & Telegraph Co., main target of their attack, had proved its great efficiency in telephonic communications, he said, and the idea of substituting fumbling bureaucratic management for free enterprise filled him with dismay.

Five years ago, Proxmire took the Wisconsin seat vacated by the death of Senator Joe McCarthy, whose foes affixed the label of "McCarthyism" to his methods of investigating communism.

Nobody has coined the word "Proxmirism" yet, but it may come. He is regarded as a renegade by advocates of an unbalanced budget, increased Federal controls, high taxes, and aid to Communist satellite states.

LEADS TITO FIGHT

He led a fight in June to cut off assistance to Yugoslavia, taking the role formerly assigned to the late Senator Styles Bridges, Republican, of New Hampshire, for many years the foremost opponent of aid to the Communist dictator, Josip B. Tito. His lengthy analysis of the futility of sending American taxpayers' dollars to Tito, as he moved ever closer to Soviet Premier Nikita Khrushchev, revealed long and careful research and a mastery of the subject.

The Senate, to the horror of the administration, voted 57 to 24 to bar assistance to any country known to be dominated by communism or Marxism.

But the victory was vitiated, as often happens, in conference between the two Houses, aid to Communist states was made discretionary with the President.

BUSY, HAPPY MAN

Proxmire is one of the busiest and gives the impression of being one of the happiest Members of the Senate. He gets to his office at 8 a.m. and never leaves before 7 p.m. During these hours, he is briskly scurrying between committee hearings, where 90 percent of legislative business is transacted, and the floor, where approval is given to measures already shaped in committee.

He appears unperturbed by criticism within his own party because of his opposition to administration measures.

Recently, the Democratic Party chairman in Milwaukee attacked him for failure to support President Kennedy.

"I was elected by the people of Wisconsin, not appointed by the President," was his reply.

RECALL SPENDING MOVES

In an interview, he was reminded of his first months in the Senate when he introduced a series of bills which, according to analysis, would have depleted the Treasury of $23 to $35 billion. This made him a target in the 1958 campaign for both President Eisenhower and Vice President Nixon, who singled him out as a typical "liberal" spender.

Proxmire insists that these attacks were unfair because his proposals were accompanied by bills to close tax loopholes which would have offset the drain on the Treasury. Now, he made a candid statement:

"I came to Washington, having won an election at last after being defeated three times for Governor, eager to set the world on fire. I made the mistakes a new Senator makes—of moving into fields with no special knowledge, trying to save the country, instead of waiting for the experience and knowledge which comes after several years of careful research and study."

GOVERNMENT GETS BIG

What have the years of experience given him?

"I learned that the Government is becoming so enormously big that it is getting out of control. We need discipline in Federal spending. When we get up to the $100 billion a year rate, waste is just as sure as the sunrise. The only way to cut down on this waste is to pound away as hard as you can, challenge the usefulness of all programs, insist upon justification for every item."

There are other Members of the Senate who talk the same way, who stage floor fights in the name of economy and reap much publicity, but who go along with all the major spending proposals. On his 1962 record, Proxmire is not one of those phony statesmen.

BREAKS POLITICAL RULE

A political axiom is that you don't fight appropriations for health research unless you want to be branded as an opponent of programs to deal with cancer and heart disease, Proxmire fought to cut their appropriations by $247 million, the amount added by the Senate to administration requests.

"Nobody can call this administration tight-fisted," he told the Senate. None ventured to contest this statement. "If economy means anything at all, we should not appropriate more than the administration asks. It is politically popular to vote more money to improve the health of the Nation, but a surfeit of funds can direct medical research into fields of costly experimental undertakings."

Only 6 Democrats and 18 Republicans joined him in the first rollcall on a series of amendments to cut the health appropriation. On a second vote, 11 Democrats and 21 Republicans went along. The majority was against him, but he feels he made a record for future battles.

SPACE HOT ISSUE

Another field avoided by most Senators is the leaping cost of "space" spending, featured by such exploits as putting a man on the moon. Proxmire questioned the headlong rush of such expenditures and sought a 5-percent cut ($185 million) in the $3,700 million appropriated for the National Aeronautics and Space Agency.

He was supported by Williams of Delaware, the redoubtable foe of Federal extravagance, but an overwhelming majority shied away from seeming to oppose space exploration.

Proxmire voted against the tax reform bill because it cuts Treasury revenues, swelling an already huge Government deficit; for big reductions in foreign aid; for decreases in a score of other measures, military and civilian. The total savings involved exceeded $2.5 billion.

It has been suggested that Proxmire, a Lake Forest, Ill., boy, raised in a stoutly Republican family, is showing the results of that early environment.

BACKS PUBLIC INTEREST

Labor helped Proxmire win his first full term in 1958. When he voted for the Landrum-Griffin labor reform bill, he was criticized and responded with this statement:

"If the day ever comes when the Democratic Party serves labor before the public interest, that is the day I leave it."

At the moment, he is indignant at both parties for not attempting to achieve a balanced budget. His comment:

"This Congress is well on its way to becoming the biggest bipartisan, Democratic-Republican, red-ink operation in history."

TWO VIEWS OF AMERICAN FOREIGN POLICY

Mr. TOWER. Mr. President, in the Washington Sunday Star there appeared, in parallel columns, two excellent articles, one written by Chester Bowles in defense of the present conciliatory policy to the Soviet threat, and the other advocating a tougher line, written by Maj. Gen. Thomas A. Lane. I of course believe the line suggested by Major General Lane is the stronger approach.

Mr. President, I ask unanimous consent that both articles may be printed in the Record, so that Members of the Senate may see and read them.

The PRESIDING OFFICER (Mr. Morse in the chair). Is there objection to the request by the Senator from Texas?

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Sunday Star, Sept. 23, 1962]

The Present Policy

(By Chester Bowles)

It is not surprising that the extraordinary complexity of world affairs has created a sense of creeping frustration among many Americans.

We are faced with a challenge that goes far beyond the well-publicized competition in armaments and in cold war maneuvers. It is in fact a confrontation between two different kinds of society that involves competing concepts of education, industrial development, science, living standards, culture, and indeed of the very meaning of life.

Although the outcome of this deeper, longer range competition will ultimately determine the nature of tomorrow's world, the pressures of crises such as Berlin and Cuba, the awesome escalation of nuclear weapons, and the current angry exchanges between Moscow and Washington make it difficult for all of us to keep our perspective.

This frustration is reflected in the charge, by some Americans, that our foreign policy is not sufficiently "practical," "hardheaded," or "realistic" to cope with the problems we face.

SEES DANGEROUS ATTITUDE

More precisely, it is said that we pay too much attention to the underdeveloped countries; that we should support willy-nilly any government that agrees with our view of world affairs, regardless of its own internal policies; that we are wasting our money on foreign aid; that all we need to assure the peace is bigger and better missiles; that we aren't nearly "tough" enough with the Russians, that the United Nations is nice in theory but hopelessly ineffective in practice; that we must stop the Communists with "force" since force is the only thing they understand; and that those who see the world in less simplified terms are pussyfooters, pinks and cowards.

Such thinking, in my view, is rash, uninformed and dangerous. If allowed to go unchallenged, it can draw us into games of Russian roulette and nuclear "chicken" which may play directly into the hands of our adversaries, and which ultimately can lead to a world catastrophe.

Let us consider a current example—Cuba.

Although those who now urge us to take direct military action against Cuba are expressing a frustration which all of us feel, frustration has never been accepted by historians as an adequate excuse for folly.

The President made it clear at his press conference that he will act promptly and vigorously if the Soviet trained and armed Cuban forces threaten Cuba's neighbors, our naval base at Guantanamo, the approaches to the Panama Canal, or U.S. security generally.

SEES A CUBAN REVOLT

Of one thing we can be certain: Sooner or later the Cuban people will regain their independence. Their devotion to freedom has been amply shown through a century of heroic resistance to oppression. In time they will throw off the present despotism—as they have its predecessors.

But if under present circumstances we were to follow the urgings of the extremists and to attack Cuba, we would do irreparable harm to the cause of freedom. We would undercut our influence in world affairs, blacken our reputation in the United Nations, and forfeit our traditional claim to moral leadership, while destroying thousands of young lives in the process.

Would such action lead to world war III? Although no one can be sure, I am inclined to doubt it. The recent Soviet message added some convenient loopholes in fine print.

What it would do is to set the stage for sweeping Soviet victories in the critically important fields of diplomacy and politics.

With pious protestations of patience in the face of "grave U.S. provocation," Soviet spokesmen in the United Nations would charge us with blatant aggression, and very likely they would win majority support.

WOULD CUT OUR INFLUENCE

We could then expect to see a rising tide of U.S. resentment against the United Nations, still greater national frustration, a further lessening of our influence in world affairs, and mounting pressures for new military adventures.

If we are to maintain public support for a more rational approach, we must create wider understanding of the factors that are most decisive in international affairs: The true nature of power in today's revolutionary world; the influence of people and the ideas, hopes and fears that move them; the weaknesses as well as strengths of our adversaries, and the catastrophic consequences of nuclear war.

Against this background, let us consider the essential ingredients of an effective American foreign policy, each reduced to its simplest terms. I suggest the following:

1. A deep national dedication, reflected in all that we do and say, to the creation of a more rational and peaceful world.

2. An awareness of the limits of unilateral action—political, economic or military.

3. An ability to understand the mood of peoples of different cultures and environment, and then a willingness to work with them to create common action on the widest possible range of subjects.

MUST NEGOTIATE HONESTLY

4. The military capacity to inflict devastating damage on our adversaries if they should attack us, to cope effectively with local aggression wherever it occurs, and the will to use our military power to protect our vital interests.

5. An understanding of the awesome dangers of the growing nuclear arms race and a willingness to negotiate with our Communist adversaries in good faith for an international control agreement with adequate safeguards.

6. Skill and patience in dealing with friends, neutrals and adversaries, keeping in mind not only our own interests but also their own, refraining from placing our opponents in impossible situations, always leaving a door open for peaceful adjustment.

No thoughtful man doubts that the development of U.S. foreign policy and the conduct of our relations with other nations in this jungle world of ours is inherently a tough-minded business.

Yet even the most casual reading of history will show that those who have placed their faith in a narrowminded concentration on military power, and who have remained insensitive to forces which move men to fight or work or believe, have proved to be wrong far more often than right.

REALISTS WERE WRONG

In most recent years, the tragic limitations of the "realist" school of thought have been apparent in regard to developments in Asia and Africa.

In postwar Britain for instance, representatives of the "realist" school asserted that if the British withdrew from India, Pakistan, Ceylon, and Burma, and the "irresponsible natives" were left to handle their own affairs, these countries would promptly fall apart and become easy pickings for the Communists.

Fortunately for us all, this particular group of "realists" failed to get their way.

The "realist" school of public policy also had its French chapter in Asia. Under its influence, a succession of postwar French governments adopted policies in Indochina for which we are all still paying a heavy price.

By attempting to maintain a colonial foothold in Asia under impossible political and geographic conditions, the French "realists" managed to create what thoughtful men feared most: A united front of southeast Asian anticolonialists, nationalists, and Communists.

MARSHALL PLAN SUCCESS

The disaster in Indochina taught these "realists" nothing. It was they who made it impossible for the French Government to negotiate a reasonable settlement in Algeria—until years of bloodshed had tragically washed away many of the ties binding Frenchmen and Algerians together.

An even more dramatic example of the bankruptcy of the professional "realists" may be seen in the contrast between Soviet and American experience in Europe after World War II.

While we "softheaded" Americans were pouring billions into rehabilitating both our allies and our defeated enemies, the "hardheaded" Russians under Stalin were pillaging all of Eastern Europe and carting off everything that could possibly be moved.

Now, 15 years later, the United States—having long ago ceased aid to Europe—is doing a $7 billion a year export trade with Western Europe; our former enemies, the West Germans are now among our best customers and firmest allies.

The Russians, on the other hand, are now frantically pouring back the capital which they had previously removed in a desperate attempt to place their unhappy satellites on a more solid economic and political footing.

CITES THE WALL IN BERLIN

Not only has the U.S.S.R. failed to win lasting allegiance to communism among their conquered peoples; they have failed to develop trustworthy military allies among these embittered populations. Indeed, they were forced a year ago to build a wall bristling with barbed wire and tommyguns to keep "their" Germans from leaving en masse for the West.

The lesson of these examples should be clear; a truly realistic policy must be based not solely on stockpiles of military hardware, but on the power of people and the power of ideas.

Does this mean that military power has suddenly become unimportant? Not at all.

It means that military force alone cannot produce a peaceful, rational solution to political problems. This is the meaning of the Nationalist failure on mainland China, the Soviet failure in Eastern Europe, the debacle at Suez, the French defeat in Indo-China, and the eight-year tragedy in Algeria.

As long as ideas influence the minds of men, and as long as men and their aspirations are a major component of power, ideas—both good and evil—will continue to upset nations, defy armies and write history.

No one has put this concept more clearly than Adm. Alfred Thayer Mahan, America's great naval strategist. "The purpose of military power," Mahan asserted, "is to provide time for moral ideas to take root." The recognition of this essential dimension of power is, I believe, the new realism.

If we look closely we will see that whenever people have chosen the muddy water of communism, it was because they were so thirsty for change. Our purpose therefore must once again become what it has always been in our moments of greatest effectiveness: An overriding commitment to a world of increasing freedom and opportunity.

Behind the crucially important advance lines of our military defense against Communist aggression, we must create—regardless of what Moscow does or fails to do—a truly adequate world program designed to meet the age-old problems of class and war.

Fortunately for mankind, dreams and hopes have always had a way of upsetting the sterile concepts of conquerors and oppressors. Perhaps that is because the dreams and hopes that have most roused mankind have always had a universal quality about them—a questing after brotherhood, liberty, peace, abundance.

What we must seek today in our relations with the rest of the world is a balance of political and economic initiative, pledged to human betterment based on traditional values, and shielded by whatever weapons may be required to defend ourselves and other non-Communist peoples.

But on one essential point we must be clear beyond all question: The consistent, coherent pursuit of principle in world affairs does not mean a wistful pandering to elusive world opinion.

It does mean that our country must oppress oppression not only in the Communist countries but everywhere it exists; that in Asia, Africa, Latin America we must place our weight squarely behind the forces of freedom and human betterment; that we must vigorously support the United Nations and the growth of world peace through world law, and that we must ally ourselves not just with governments but with peoples.

Therefore, if we are to establish a working relationship with the majority of mankind, we must identify our own self-interests with theirs. We must do this not through slogans but by expanding the common objectives that we and they think are important.

Fortunately, these objectives are easy for us Americans to understand and to accept: Freedom from colonial rule; human dignity for all, regardless of race, creed, or color, and expanding economic opportunities.

[From the Washington (D.C.) Sunday Star, Sept. 23, 1962]

THE IDEAL POLICY

(By Maj. Gen. Thomas A. Lane, U.S. Army (retired))

I know a man whose son has been killed in Vietnam. He seems alone in his grief.

He has sacrificed for his country what he prized above his own life. Yet, his country does not seem to care. The American people are little aware of and less interested in what is happening in Vietnam.

What has happened to us that we now send our youth out to the battlefields of the world without the dedicated moral support of our people? Surely our country has the right to demand that our young men sacrifice their lives if necessary for our national security. Just as surely, the young men of our country have the right to demand the determined and unyielding support of the people who send them to a rendezvous with death.

JUDGED HITLER RIGHT

A generation ago, our national views of war and peace were confident, responsible, fearless. We loved peace but we loved justice more. We had no illusions that security could be won by appeasing Hitler. We judged that appeasement would only whet the appetite of Hitler for greater conquests, and we were right.

There has arisen since World War II a school of thought in the United States which persuades itself that our policy in Korea was admirable in that our forbearance when we were winning was a great service to peace. Our forces were defeating the Red Chinese armies and driving them up the peninsula. When we reached the approximate line of the 38th parallel in March 1951, we abandoned the initiative and sought an armistice.

We didn't get an armistice. Instead of responding with appreciation for our forbearance, the Communist Chinese reorganized their forces and seized the initiative which we had surrendered. They attacked our forces for 2 years, inflicting heavy casualties upon us. This was the period of our heaviest losses.

The Communists identified our forbearance as weakness. Their repeated attacks on our forces and their arrogant attitude in negotiations bore out their claim that they had defeated the "paper tiger." The prestige of the Communist Chinese regime at home and abroad was enhanced.

FORBEARANCE AND PEACE

The claim that our forbearance avoided a third world war was advanced at the time and has been repeated since. It is a claim which seems to have no historical basis. The U.S. preponderance of power in its atomic weapons was so overwhelming that full-scale war could not be tolerable for the Soviet Union. Its aim was conquest by satellite war and by subversion.

Our own thinking had been so firmly oriented to the thesis that any future war would promptly escalate to atomic dimensions that we misjudged the Soviet intentions and erroneously concluded that they were ready to risk full-scale war.

The protracted fighting with no sensible purpose and the attitude at home of business as usual mark the Korean war as a significant milestone in the destruction of the morale of our people. War is a heinous crime if it is conducted without national purpose.

We entered Korea with a strong purpose of defending an ally and punishing the aggressor, and in this we had purpose. After the Chinese intervention our leadership faltered, listened to the council of allies who were courting Communist Chinese favor, took counsel of our fears. We lost purpose and the sacrifice of our sons lost significance.

The Korean experience should have taught us the futility of war without a purpose of victory. Yet, we find today that the illusion of peace through forbearance is still cherished by some of the policymakers.

WHERE DO WE STOP?

The forbearance theory argues that one of two contending parties can, by accepting insult and aggression without umbrage or the use of force, reduce tensions and avoid escalation of conflict. To this theory, the pursuit of victory intensifies conflict and the danger of war. We should have power enough to discourage major adventures by hostile nations but should be tolerant of their lesser gains.

The vital interests of the United States are undefined in any specific sense because we don't know where we shall stop; but we are summoned to support all causes which claim to serve peace. Thus, the commitment of our military forces becomes not an extension of our national policy in which the world knows that we mean to win, but another response to hostile initiative which seems tolerable at the moment but has no predictable outcome.

You do not find the Soviet soldier committed to tenuous political adventures where the vital interests of the nation are not at stake. When he is committed to battle, as in Hungary, his aim is victory. He is not called to tolerate guerilla warfare and to accept casualties in some theoretical service to peace. Where he is committed to occupation or other duty, the full power of the Soviet Union supports and protects him even as he protects the Soviet interest. He has never been abandoned by a government fearful of victory.

The soldier's creed is a simple one. He is called to sacrifice his life if necessary in the service of his country. He asks only that the sacrifice be warranted by the venture to which he is committed, and that the American people stand with him when he is committed.

THE GAME CALLED PEACE

When you depart from these fundamentals, you enter the power struggle with soldiers as pawns in a game called peace.

If the vital interests of the United States are at stake in southeast Asia, our national policy should make clear to our people the purpose of our presence there. It should arouse their deep concern and their support of our position.

Instead, our national policy seems aimed at suppression of citizen interest, avoidance of clear-cut goals, a reduction in tensions. Are we prepared to fight for the freedom of South Vietnam or only to give economic aid and military assistance. Are we making a show of fighting when we are not really committed to victory? How far does the Soviet Union have to go to force our withdrawal from South Vietnam—under some face-saving formula? If we are committed to victory, Premier Khrushchev will know that he cannot win and he will withdraw. If, however, we have a price in fear and tension which will cause our withdrawal, it seems probable that he will find the price.

Mr. Khrushchev will measure our commitment to victory by what we do. He is measuring it now by what we do today. In what he sees, he must find ample basis for optimism.

MONEY AND DETERMINATION

He knows that a large commitment of funds, of military equipment and of training personnel is of little significance. These measures are of specific domestic value in a capitalist nation which is seeking to increase its growth rate and they do not necessarily imply determination to win.

Mr. Khrushchev will not be impressed by our great to-do about guerrilla warfare. He knows that there is nothing new in guerrilla warfare and that this publicity is in large measure face saving. It also shows weakness; a reluctance to use the power of regular forces to smash the guerrillas. You will find no corresponding tolerance of guerrilla activity in Soviet lands.

Mr. Khrushchev knows also that the borders of South Vietnam are being violated daily by North Vietnamese forces operating from the airbase at Tchepone in Laos. He knows that the borders of Laos are violated by North Vietnamese who fly supplies and reinforcements from Hanoi to the Viet Cong. United States' failure to challenge these aggressions against our allies may well suggest to Mr. Khrushchev that we have no purpose of victory.

TERMS OF THE CONFLICT

Consider the indignities which American policy forces on our allies. We pride ourselves that we are associated with free and sovereign powers in contrast with the Soviet system of satellites. Yet, those satellites know that the puppet regimes will be protected by the swift and sure employment of Soviet power against outside aggression. Our allies have no such security. We call them sovereign and deny them the rights of sovereignty. If we tell them that they must submit to these violations of their sovereignty, they must submit.

In the struggle with the free world, the principal triumphs of communism have been intellectual. From these successes, the continuing gains in politics and revolution flow. For example, the Communists have sold the free world the false premise that allowing sanctuary in neighboring states for insurgent forces is action toward peace.

When one nation, whether by design or weakness, permits persons or groups under its control to violate borders and harass a neighbor, the neighbor has the right to enter the offending state to suppress the transgressing forces. The United States did this in 1916 when the Mexican Government was unable to restrain the depredations of Villa.

When we require of our allies that they forfeit rights, we undermine their standing as sovereign powers, impose on them tragic sacrifice and undermine international law.

ACCEPT RED SANCTUARY IDEA

Because we will not permit the South Vietnamese to cross the border and knock out the Tchepone base, our ally must fight costly jungle warfare, uproot and relocate populations and ultimately lose faith in victory.

Thus, our intellectual failure to reject the false claims of sanctuary saddles us with a policy which is defensive and negative. We hope we can win without a real clash with the Soviet Union but the threat of that contingency might scare us away. Our lack of positive purpose and action encourages Mr. Khrushchev to increase his commitments in South Vietnam in the expectation that we shall withdraw as we did in Laos. Our policy can lead us only to mounting costs and casualties with no clear prospect of winning. We are escalating ourselves into defeat.

It is a truth hidden from the fearful that vigorous and prudent military action does not escalate conflict—it ends it. We can win in southeast Asia and the cost of winning is less than the cost of losing. All the advantages of moral and physical strength are ours if we have the courage to use them. Our amphibious power so dominates the area that no land-based power can successfully oppose us. The security of the free world and our own ultimate survival depend upon our determination to win.

TALKING BOOKS FOR ARMLESS READERS

Mr. TOWER. Mr. President, the talking books for the blind program which was established by an act of Congress in 1931 today serves blind citizens in all 50 States as well as the District of Columbia and Puerto Rico by supplying the blind with talking book machines and records covering subjects from archeology to taxation and works of fiction. Leon Janney, Mildred Dunnock, and Alexander Scourby are among those who have performed the narration for these talking books.

Recognizing the enormous benefits and satisfactions which have accrued to the blind as a result of this humanitarian program, I have introduced in the U.S. Senate a bill—S. 3719—which would extend the benefits of this worthy program to those persons who have suffered the anatomical loss or loss of use of both arms.

Persons who have lost, by amputation or paralysis, the use of their arms are severely handicapped not only in attempting to hold and position a book or magazine but even more in turning the pages or in operating a page-turning machine. Some armless readers have mastered the use of the mouthpiece but even this is an arduous process detracting from the enjoyment of reading.

My bill, if enacted, will, in no way subject the talking book program to abuse or to burden it with a group of additional eligible beneficiaries so great as to cause administrative problems for the Library of Congress. My proposal specifies that in order to qualify for the talking book program an armless person must have suffered the anatomical loss of both arms at or above the elbow or the loss of use of both arms. Officials of the National Health Survey in the Department of Health, Education, and Welfare have informed me that the number of people in the United States meeting the definition of "armless reader" contained in my bill would probably not exceed 55,000. Inasmuch as the program now services about 1 million persons, the number of beneficiaries added to the talking book program by my proposal would add very little to the administration and cost of this very meritorious activity.

UNOFFICIAL PEACE CORPS

Mr. KEATING. Mr. President, there is often criticism of Americans living abroad who do not always convey the best impression of the United States and what it stands for. For that reason I think it is particularly worthwhile to call attention to instances of persons who make an especially good impression when they are overseas and who succeed in letting the rest of the world know that Americans are not the imperialistic materialists that Communist propaganda continuously maintains.

I take special pride, therefore, Mr. President, in asking to have printed in the RECORD following my remarks an excerpt from Bill Beeney's column in the Rochester, N.Y., Democrat and Chronicle about the experiences of Mr. and Mrs. James Mazin, of 24 North Goodman Street, on their recent trip overseas.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"The Ugly American" has had such notoriety, it's heartening to hear, as I did via Goodman Sarachan, of the impression Mr. and Mrs. James Mazin, of 24 North Goodman Street, made on their recent trip abroad.

A veteran author who is doing some articles for national publication plans to include the Mazins in one called "The Unofficial Peace Corps." He has part of it written:

"During our travels we have met and entertained many American tourists. My wife and I try to find something in the makeup of every person that will let us love him, or her, and something that will help us learn more about what makes all of us what we really are. It was easy when we met Jimmy and Janet Mazin, of Rochester, N.Y., in Spain. * * *

"Jimmy has had more than his share of tough luck in life, but you never heard a complaint. At first glance one would consider him a healthy and happy man. Happy he is, but his hearing and sight have been affected. * * * There is never a complaint, never an explanation to dim the sunshine of friendly get-togethers.

"Janet, a wonderfully exuberant person, constantly watches over Jimmy and includes him in all that is happening. The Mazins loved everybody in Spain and showed it. They were acquainted with people from all countries. The love they inspired lingers in the air around Torremolinos and displays itself when foriegn accents say, 'We heard from Jimmy and Janet the other day,' and go on to tell you what wonderful people these two Americans are.

"If the Mazins were on the American Government payroll they could not possibly put more effort into promoting a greater bond of friendship and understanding between nations."

PROPOSED NATIONAL CEMETERY AT SARATOGA BATTLEFIELD NATIONAL PARK, N.Y.

Mr. KEATING. Mr. President, recently I received a resolution from the Schenectady Board of Supervisors urging the establishment of a national cemetery at Saratoga Battlefield National Park. Although New York State already has two national cemeteries located at Elmira and Farmingdale, N.Y., Federal authorities have pointed out the need for a third national cemetery in order to accommodate our honored veterans—men from every branch of the armed services who have distinguished themselves on the battlefield in the defense of our great land. Every American is proud of these heroic young men who, willingly and courageously, gave their services at a time when their country called upon them. To be sure, their final resting place should manifest the dignity with which these men fought for America.

Mr. President, I ask unanimous consent that this resolution, adopted by the Board of Supervisors of Schenectady County, be printed in the RECORD, following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 141—SARATOGA BATTLEFIELD NATIONAL PARK NATIONAL CEMETERY URGED

Supervisor Comanzo offered and moved the adoption of the following resolution; seconded by Supervisor Duci:

"Whereas Federal authorities have determined there is a need for an additional national cemetery in New York State to meet the growing demands for burial space for our honored veterans; and

"Whereas the two existing national cemeteries are located at Elmira and Farmingdale—both approximately 200 miles from from Schenectady County; and

"Whereas it would seem logical to establish a third national cemetery in the immediate area; and

"Whereas facilities and space are now available at the Saratoga Battlefield National Park as a memorial site that would lend dignity and prestige to such a cemetery: Now, therefore, be it

"*Resolved,* That the Schenectady County Board of Supervisors give its full support and approval of efforts now being made by the Schenectady County Committee of the American Legion to establish a national cemetery at Saratoga Battlefield National Park; and be it further

"*Resolved,* That copies of this resolution be transmitted to our congressional representatives in Washington and the Schenectady County American Legion."

NATO'S LACK OF COOPERATION IN RELATION TO CUBA

Mr. KEATING. Mr. President, I must express considerable disappointment over the attitude to date of some of our NATO allies in the efforts which we have made to have them work with us in not sending strategic goods to Cuba and in not using their ships to carry goods to Cuba. I commend the State Department for having moved ahead on this subject. Apparently the State Department has been making efforts to get our allies to try to see our point of view.

And I think the West German Government is to be commended for the forceful action it has just taken on this problem. Incidentally I have also heard that recent reports of shipments on Canadian vessels to Cuba and the U.S.S.R. are unfounded. I am glad to hear it. But in general, too many of our allies seem to think that the Cuban issue is an American problem and that it is of no direct concern to them. Perhaps there was a time when such an argument could have been made. I do not think it ever was valid, but certainly it is not valid now that the Soviet Union has made Cuba a Soviet base and has poured military men and materiel into Cuba, and since we learned yesterday that they intend to make it a major port——.

The **PRESIDING OFFICER** (Mr. PELL in the chair). The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may have an additional minute.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. They would make a base for an Atlantic fishing fleet, so-called. Of course, we know that what will be constructed is not intended exclusively for a fishing fleet. It is naive to think that they are building a fishing base and fleet in Cuba thousands of miles from their fishing operations.

Now that these moves have been made, it is difficult for me to understand why all our NATO allies are not seeing the danger more clearly.

In today's issue of the New York Herald Tribune there appears a fine editorial entitled "NATO Must Face Up to Cuba." I ask unanimous consent that that editorial, and also an editorial published in the New York Times commenting on the so-called fishing fleet that is to be built in Cuba, be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Sept. 26, 1962]

NATO MUST FACE UP TO CUBA

The American Republics will meet soon to consider collective economic and other measures to meet the threat of a Soviet-controlled base in Cuba. Whatever economic sanctions they agree upon could be diluted and even defeated by the current policy of our NATO allies in Canada and Europe.

Their policy, in effect, has been to regard the Cuban issue as an American problem, of no direct concern to them. And they have felt free to trade with Cuba as they might with any other country.

This position may have been defensible so long as Cuba remained a purely Cuban Communist state. But recently a fundamental change occurred. The landing of Soviet men and war material represented the first of what could be a series of steps to transform that sunny Caribbean island from a Cuban to a Soviet-controlled state. And that could mean a Soviet military base—the first in history—in the heart of the Western Hemisphere.

Yesterday's announcement that the Soviet Union will build a major port in Cuba as a base for its Atlantic fishing fleet brings us closer to an official Communist acknowledgement of such a development. Soviet submarines and other warships presumably would be as free to use the proposed port as Soviet fishing boats.

It is against the background of this fundamental change that our Government has now called on our NATO allies to withdraw the shipping which they have made available to the Soviet Union for moving Soviet goods to Cuba. Secretary of State Rusk put the issue directly to Lord Hume, the British Foreign Secretary, and to Halvard Lange, the Norwegian Foreign Minister.

This poses a difficult problem for our NATO allies. Their governments can and do argue that they cannot legally prevent their privately owned merchantmen from engaging in trade with Cuba, especially since they maintain economic and diplomatic relations with the island.

This may have been a legitimate argument before. But the argument has been seriously weakened by the transformation in the character of the Cuban state.

We must consider the possibility that Soviet strategy is to build a military base in Cuba which would divert American strength to the Caribbean and thereby facilitate a lightning Soviet strike at West Berlin. In these circumstances, can our NATO allies consider the Cuban issue purely a problem for the country which proclaimed the Monroe Doctrine?

The fact of the matter is that the Soviet jump clear across Western Europe and across the Atlantic all the way into the Caribbean has made Cuba an international problem affecting the balance of power between the Communist bloc and all the free countries of the world. And the possibility that it may be a diversion for a knockout blow against West Berlin makes Cuba—or should make Cuba—the immediate and direct concern of all our NATO allies.

Consequently, in their own self-interest, as well as ours, we might expect Britain, West Germany, Italy, Norway, Greece and any other countries which are supplying ships to the Soviet Union to refrain from doing so any longer. And we might also expect them to take whatever measures may be necessary to support whatever collective measures are adopted at the forthcoming meeting of the American Foreign Ministers.

Cuba is a Soviet beachhead that will be expanded in direct proportion to the amount of apathy, indifference and inaction among NATO nations.

[From the New York Times]

CASTRO'S RUSSIAN FISHING PORT

Fidel Castro's announcement that the Russians will help build a major port in Cuba for their Atlantic fishing fleet materially increases the gravity and the danger of the Cuban situation.

The announcement may have been intended to distract still further the attention of the United States from the world's major crisis point, Berlin. Nevertheless, the enhanced danger of a Cuba under communism, armed heavily with Communist weapons and advised by 4,200 Soviet military men, will become actual rather than potential if the port is built.

For the Soviet fishing fleet, like the Japanese fishing fleets prior to and during World War II, is an intelligence gathering agency, as well as a legitimate commercial enterprise. Its ships are not new to our coastal waters. One of them even had the temerity to cover one of our Polaris submarines when it was testing dummy launching procedures off Long Island. Others are believed to have cut by accident or design some of the transatlantic cables. Some of the larger vessels are equipped with extensive radar and electronic installations to monitor and record radio traffic and radar pulses.

Cuba is far off the beaten track of Soviet fishermen, whose normal fishing grounds would be the Grand Banks or the Norwegian, Barents, and Greenland Seas. A base in Cuba for a fleet that was solely interested in fishing would be uneconomic and unnecessary.

But its proximity to our missile-launching complex at Cape Canaveral, Fla., and its command of some of the key passages into the Caribbean endow any base there—as our base at Guantanamo has demonstrated—with both technical and strategic importance. And a base for a fishing fleet—even though modestly budgeted, according to Castro—can easily become a facility for Soviet submarines and surface craft.

This announcement, if it is implemented, can only mean that the shadow of the hammer and sickle is darkening the Western Hemisphere.

COMMENDATION OF SECRETARY OF STATE RUSK

Mr. LAUSCHE. Mr. President, I commend the Secretary of State for his efforts to induce the nations of NATO and the nations of the Western Hemisphere to cooperate with our country in discontinuing the shipment of equipment of a military nature to Cuba. I have only one voice in this body of 100 Members, but as for myself I cannot help but feel alarmed in the knowledge that our allies in NATO and in the Western Hemisphere look with indifference upon what is happening in Cuba.

Secretary Rusk has pointed out that our pleas to NATO and the nations of the Western Hemisphere to cooperate are falling upon deaf ears. These allies tell us, "Cuba is your problem and not ours." In effect that is the statement they are making.

As for myself, I cannot help but express the deepest gratitude to West Germany, which alone of the nations has indicated that its ships will not be permitted to transport equipment of war or other strategic materials into Cuba.

I wish to say to those allies that their attitude will in large measure leave an imprint upon Members of Congress concerning the treatment we should accord to them at some future time when their problems will become as acute to them as the problem of Cuba is to us today.

SHIPMENTS OF STRATEGIC MATERIAL TO CUBA

Mr. MORSE. Mr. President, I wish to join in the comments of Senators expressing disappointment on the course of action that our allies have thus far been willing to take in connection with trying to stop the use of their flag ships in shipping material from Russia to Cuba. It comes as no surprise, but it is a keen disappointment.

The Senator from Ohio said that our requests have been falling on deaf ears. I do not believe there is any deafness on the part of our NATO colleagues over this issue. I do not believe they are hard of hearing, but apparently they have some difficulty hearing us on this subject, nevertheless. Thus far they have deliberately refused to cooperate with us with regard to this problem. With the junior Senator from New York and the Senator from Ohio, I am keenly disappointed. I am particularly disappointed in the reports which have been coming from Her Majesty's Government. They bear out what I predicted the other day in a speech that I delivered on this subject, that we can expect no cooperation from Her Majesty's Government, for example, with respect to a blockade. Reports from England show that the point of view I expressed is indicative of the historic attitude of Her Majesty's Government.

However, the attitude of our Government in no way removes the Cuban menace. I am hopeful that the Secretary of State will be more fortunate in his negotiations with the members of OAS. I wish to say to the members of OAS:

Your signatures are on the Act of Punta del Este. Your signatures are on the Act of Bogotá. Your signatures are on the Rio Treaty. Your signatures are on the Act of Havana. Your signatures are on the Act of Panama. Your signatures are on a whole series of other pacts that I have not mentioned, in which you have joint commitments with us. These are joint commitments that we will stand together against any aggressive course of action against the Western Hemisphere, or any free nation therein.

I hope that the foreign ministers of the Latin-American countries will reread these acts and treaties and take note of their signatures prior to their sitting down with our Secretary of State in the Conference of Foreign Ministers.

Mr. JAVITS. First, Mr. President, I wish to associate myself with the views expressed by my colleague from New York [Mr. KEATING], the Senator from Oregon, and the Senator from Ohio with respect to NATO. This is important to all of us. These are difficult days. These are days full of risk.

However, I detect a lack of a note of urgency in all this as it relates to the whole Cuban situation.

Our Secretary of State is said to be having quiet conversations with our NATO allies. We are supposed to sit down informally with the other nations in the Organization of American States. It has been suggested, for example, that we ought to have a special meeting of nations in Central America which would be directly threatened by anything that might happen and which might emanate in that connection from Cuba.

It has been suggested that the new nations of the Caribbean be called into conference.

What seems to be missing in the whole Cuban situation, however, except in the minds of the American people—who, in my opinion, are far ahead of their Government in this respect—is a sense of urgency.

I believe that this lack of a sense of urgency is manifested by our inability to get anywhere with our NATO allies.

The world should understand how seriously this affects and is considered by the American people and the U.S. Government may, regrettably, have to act unilaterally if no one else is willing to act with it in terms of what is becoming a real threat, not only to the security of the United States, but also to the security of the Western Hemisphere.

Everyone knows that Cuba cannot overwhelm us militarily, but it can sap confidence from nations in the Western Hemisphere once it gets the idea that the Russians are on the winning side. We certainly hope that we will have, both here and at the White House, a sense of urgency with respect to this situation, which, in my opinion, is very necessary in order to make the people understand that the situation is very serious and that we mean business, and that if we ever need them we need them now, just as they needed us in Europe in other days. I hope that we shall have a response from them.

THE SITUATION IN MISSISSIPPI

Mr. JAVITS. Mr. President, these are difficult days for the President and the Department of Justice in Mississippi. Thus far they have demonstrated a high degree of patience with Governor Barnett. However, tough decisions must now be made. I believe that, just as the American people overwhelmingly supported President Eisenhower when he ordered Federal troops into Little Rock, they now will also support President Kennedy if a similar course of action becomes necessary to halt what is beginning to look like an insurrection in Mississippi.

The issue in Mississippi is simple: Is respect for the Constitution and the courts of the United States superior, or is the Governor of Mississippi superior to the Federal Government?

We settled that issue in the Whisky Rebellion back in the early days of the Republic.

There is nothing pleasant about a confrontation between Federal and State forces. Every American and every person of responsibility, here and elsewhere, must make every effort to see that it is avoided. However, there is a limit to the extent to which the Federal Government can be defied, and the Governor of Mississippi has very clearly overstepped that limit, just as the Governor of Arkansas did in 1957.

Indeed, the Governor of Mississippi has now defied a Federal court order, not once, but twice, and he threatens to defy it again.

Let us make it perfectly clear that the doctrine of interposition perished with the Civil War. That is a pre-Civil War concept in terms of the position of the individual States in the Federal realm. No State can nullify acts of the Federal Government, because once that starts, it extends to taxes and over other areas of Federal activity, and when that happens, we cease to be a Federal Government and become a Confederation of States, as we were before the Constitution was adopted.

Therefore, Mr. President, the issue is deep. It is profound. It is serious. The President is entitled to have those in high places back him in the action he must take in preserving the authority of the Federal Government and in preserving the Union.

Let us remember that preserving the Union is what prevailed, not interposition, in the terrible struggle in which the United States was engaged in the middle of the previous century. Some people seem to have forgotten—but it must nonetheless be made crystal clear—that the Federal Government cannot allow its authority to be thwarted through such doctrines as interposition, which lead to a breakdown of all Federal authority and of the Constitution.

I support the President and the Attorney General in what I know is a very difficult situation, and in which they are entitled to the support of every one of us in high places and of every American who respects the Constitution and the integrity, the prestige, the dignity, and the authority of the United States.

FOREIGN AID

Mr. MOSS. Mr. President, a great daily newspaper of Utah, the Deseret News, has published an outstanding editorial on an issue which is of deep interest to all of us. This newspaper has always stood squarely for economy in government and in support of a balanced budget and against wasteful spending in government. It is particularly significant, however, that this great newspaper has published an outstanding lead editorial in its issue of September 21, dealing with appropriations for foreign aid.

Inasmuch as the foreign aid appropriation bill will be coming to the Senate shortly, I should like to have this editorial printed in the Record at the conclusion of my remarks. It points out, among other things, that many people who have shown the greatest anxiety about our position vis-a-vis Cuba, and our position so far as Berlin is concerned, are also those who are willing to cut unreasonably the amount of money that we use in the foreign aid field.

I think this is a very thoughtful and responsible editorial. I subscribe to its tenets. Therefore, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

On Meeting the Red Challenge

Congress is deeply involved this week in working out ways of meeting the challenge of Communist expansion.

The House Foreign Affairs Committee and the full Senate both approved a resolution giving President Kennedy almost unlimited authority to deal with Communist influence in the Western Hemisphere. The main objective of the resolution, the House committee reported, is to prevent Cuba's threat to nearby nations "from materializing through force or the threat of force."

And almost at the same time, the House was drastically slashing the funds the President asked to fight the spread of communism in exactly the same as well as in other areas.

The need for the grant of power to the President is obvious. The Senate's action, which the House is expected to confirm, is an expression of this country's determination to stand firm. It gives the President authority to act quickly and decisively, including the use of troops if necessary, to protect the hemisphere against communism.

But what is to be said of the House vote to slash $1.1 billion from the administration's $4.7 billion foreign aid bill?

To what extent does it represent a thoughtful cut based on economies that can actually be effected? To what extent does it represent an emotional reaction against foreign aid spending as such?

Disappointment and dissatisfaction with the mutual security program are understandable. We have poured $84.5 billion into the economies and military establishments of other countries since World War II, without achieving the world of peace and security for which we hoped. Cases of waste and mismanagement of foreign aid funds can be cited, and the slow rate of progress of the underdeveloped nations of the world is in discouraging contrast with the brilliant success of restoring Europe's economy through the Marshall plan.

But we should not lose sight of the accomplishments, either. Who can put a price tag, for example, on the growth of India's economy under democracy, compared to the sorry state of the people under Communist China? Who can say where the tremendous surge of nationalism and independence during the past decade might have carried the world without the stabilizing and encouraging application of U.S. assistance? Who can say how many nations now moving forward, however shakily, under freedom might otherwise have fallen within the Communist bloc?

What we must realize as a nation is that the path we have undertaken is slow, tedious, and difficult. Money alone cannot transform nations; the more important need is for social and political development, and this can be an incredibly complex matter. We must learn not to become impatient when our patterns are not readily followed. We must learn that the long road leads to a better goal than the short one.

Congress has rightfully demanded that the administration try to spread the foreign aid burden more equitably among other prosperous Western nations. President Kennedy made just such an appeal this week to Directors of the World Bank.

Congress has rightfully demanded that every foreign aid dollar be critically examined, that waste be minimized, that commonsense be applied to all aid projects. The taxpayer expects no less than this.

But does slashing the program by nearly 25 percent represent a careful examination of dollars? Or does it represent a meat-ax approach that will do the country no good in meeting the Communist challenge in this hemisphere or throughout the world?

WEAKNESS IN U.S. FOREIGN POLICY

Mrs. SMITH of Maine. Mr. President, the lead editorial of the September 24, 1962, issue of the Lewiston, Maine, Daily Sun identifies a major weakness in the foreign policy of our Government.

The key sentence of that editorial states:

> The brave words have not been accompanied by equally brave action, so they have become meaningless.

Because I think this editorial is worthy of every Member of the Senate pondering over and studying not only because it states the unpleasant truth but also because it is an accurate reflection of the growing realization and thinking of the American people, I ask unanimous consent that it be placed in the body of the

Record and I invite the attention of every Senator to it.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Our "Signal to Moscow"

There is no telling how much persuasion will be necessary to prevent Premier Khrushchev from making the same mistake about U.S. willingness to fight as two of his predecessors, Hitler and Kaiser Wilhelm. Both of them refused to be convinced. Each instance resulted in a world war, and both aggressors went down in total defeat but only after much destruction.

The lesson of history alone already has proved inadequate for the Kremlin. Khrushchev has let it be known time and again that he firmly believes that when the chips are down, the United States will not fight. That is a major reason why he has continued his studied campaign of piecemeal aggression, always just short of war. He feels that even if he presses close to the trigger of war there will be no explosion from our side.

Statements by President Kennedy that the United States will not budge from its position in West Berlin, that it will be pushed just so far and no further in the cold war, have failed to convince the Red tormentor. The brave words have not been accompanied by equally brave actions, so they have become meaningless.

Consequently, the recent action of the U.S. Senate warning Russia that the United States will fight if Cuba becomes a threat to our security assumes major proportions of importance. This is not only one man speaking, it is the voice of the American people through its elected membership in the top legislative branch of government. It answers forcefully the question of whether the people stand firmly behind their President.

Secretary of State Dean Rusk rightly has labeled the Senate action "a signal to Moscow." It is a signal, not a threat or an ultimatum. It is an invitation to help preserve the peace, not a challenge to break it.

But it also is a strong reminder to the Soviets and to the world that the United States will fight if it must.

THE PROBLEM OF NARCOTIC ADDICTION

Mr. DODD. Mr. President, on September 6, 1962, I spoke of a group of young people who have arrived at what finally may be an answer to the heretofore unsolvable problem of narcotic addiction. It is an organization located on the beach at Santa Monica, Calif., called Synanon Foundation, Inc., established for the rehabilitation of narcotic addicts.

I now have the pleasure of reporting to the Congress that the founder of the group, Charles E. Dederich, and a number of young people who, through the Synanon program, have overcome narcotic addiction, have been invited to the White House Conference on Narcotics, where they will tell the story of the first program of this kind in history.

Because I feel that the friends and potential friends of this group in the Washington area would like to spend some time with them and learn more about their program, I have invited them to set up a display in room 155 of the Old Senate Office Building. I would like to invite Members of the Senate and the House to visit with these people and talk to them.

They will be occupying the room on September 26 through 28, and I further invite participants of the White House Conference and other professional men in the area who have an interest in narcotic addiction to come and talk to these young ex-addicts, read their literature, and view their films. I am sure you will recognize their program as one of the real advances in the treatment of not only addiction but many of man's ills.

ALL AMERICA WANTS TO KNOW

Mr. McCARTHY. Mr. President, as one who believes that full and open discussion of the crucial issues of Government is essential to the preservation and strengthening of our democracy, I wish to compliment the Reader's Digest monthly television and radio series, "All America Wants To Know," produced by Theodore Granik, founder of the well-known programs, "Youth Wants To Know," and "The American Forum of the Air," in cooperation with Freedoms Foundation. "All America Wants To Know" provides an opportunity for leaders in the fields of Government, education, science, business, labor, and others to discuss in depth all sides of the issues affecting all the citizens of this great Nation, and thus it gives the American people an opportunity to obtain a better understanding of the vital issues of our day.

In order that the largest possible number of stations may participate in this regular series of broadcasts—more than 1,100 radio and television stations throughout the country—the program is distributed to the stations at no cost by the Reader's Digest and Theodore Granik. For pioneering this new concept in the presentation of public service programs and striving to keep the American public better informed through an exchange of views on crucial issues, the Reader's Digest especially, DeWitt Wallace, president, and Albert Cole, vice president, the Freedoms Foundation, and Theodore Granik are to be commended.

I participated in a recent "All America Wants To Know" program discussing the question, "Is Our Economy in Danger?" with Senator Harrison A. Williams, Senator Thruston Morton, and Dr. Raymond J. Saulnier, former Chairman of President Eisenhower's Council of Economic Advisers.

I ask unanimous consent that following my remarks a copy of the transcript of the program be printed in the Record.

There being no objection, the transcript and program were ordered to be printed in the Record, as follows:

All America Wants To Know

Announcer. At Yale University recently President Kennedy advanced these questions for the Nation:

"First, how can our budget and tax policies supply adequate revenue and preserve our balance-of-payments position without slowing up our economic growth? Two, how are we to set our interest rates and regulate the flow of money in ways which will stimulate the economy at home without weakening the dollar abroad?"

All America wants to know: Is our economy in danger?" A monthly discussion of the questions facing our country, presented in the public interest by America's favorite magazine, the Reader's Digest, in association with Freedoms Foundation at Valley Forge, and produced by Theodore Granik. This month's subject is based on the article "We Can't Spend Ourselves Rich," by Senator Harry F. Byrd, appearing in the September issue of the Reader's Digest. To discuss this issue we are pleased to have as our guests Senator Thruston B. Morton, Republican, of Kentucky, member of the Senate Finance Committee and former chairman of the Republican National Committee; Senator Harrison A. Williams, Jr., Democrat, of New Jersey, member of the Senate Banking and Currency Committee; Dr. Raymond J. Saulnier, former Chairman of President Eisenhower's Council of Economic Advisers, now professor of economics at Barnard College, Columbia University, New York; and Senator Eugene J. McCarthy, Democrat, of Minnesota, member of the Senate Finance Committee. We will join our group in just a moment.

Mr. Granik. Dr. Saulnier, in his Reader's Digest article, Senator Byrd indicates that we are in a dangerous financial position. Now, according to some economists, another recession may be on the way. How painful will it be? Can we do anything to prevent it?

Dr. Saulnier. Well, Mr. Granik, I think it is correct—I think the Senator is correct when he says that we are in a dangerous financial position. In the first place, we have a rather serious deficit in our international balance of payments. It is true that that deficit has been declining a bit, but it is still large. And, what is equally important, in my judgment, we have a substantial deficit in the Federal budget. This is not really a very good posture in which to face the possibility of economic recession. And while nobody can be entirely sure about these matters, whether we will fall into a serious recession, or move into a serious recession or not, I must say that the signs have been indicating troubles of that kind for some months.

Mr. Granik. Senator McCarthy.

Senator McCarthy. I think I would rather say that the situation is precarious, rather than particularly dangerous. But certainly all of us are concerned about the balance of payments and about the deficit. I think, though, that we sometimes make too much of a point of saying if we have the budget balanced by $1, this is good; if it's unbalanced by $1, it's bad, and that any kind of Government policy that may be adopted has to be a kind of countervailing policy to head off a recession. I suggest in the course of our discussion we talk about the possibility of taking Government action even without a recession in the hope that a high level of economic activity, even without a decline, might be moved to an even higher plane.

Senator Morton. The talk now is that we cut taxes as a means of stimulating—getting the economy going, getting it off dead center. I think that we do face serious problems in this balance of payments—this international balance of payments—and I want to pay tribute to Secretary McNamara. I think he's done a good job of trying, insofar as the military are concerned—and that's where a big part of this comes—in doing something about it. And it's something that's going to be with us and with us for some time because of our oversea commitments, both military and economic. But I don't think that we're going to be able to spend ourselves into a prosperity. I do think that if we should adopt the type of tax cuts that would lead to investment that it may be helpful, but it should be accompanied not with an increase in expenditure, but perhaps with a reduction in expenditure.

Mr. Granik. Senator Williams.

Senator Williams. Well, I would like to address myself to the question of additional governmental spending. If we do spend more money, it will be a factor in stimulating more activity. You suggest recovery. Well, I don't believe we're in a situation where we need to recover. But it would be a stimulant. And I think, for other reasons, however, we ought to address ourselves to some necessary spending to meet unmet needs that we have today, such as in mass transportation, in education, and many other public areas. We have unmet needs, and I think additional spending is indicated now and it would be helpful.

Dr. Saulnier. Let me comment on that. The fact of the matter is that Federal spending has been increasing very rapidly. Now, between the fiscal year 1961 and the fiscal year that we've just finished, Federal spending has gone up by $6 billion. And unless I misunderstand the budget that was put forward in January of this year, and I don't think I do misunderstand it, this contemplates another $6 billion increase in spending. Now, if an increase in Federal spending itself would do the trick, then the trick should have been done. But the fact of the matter is that it hasn't been. And here we are today talking about an economy that threatens to go into a recession and needs some help in the way of a tax reduction to get it off of dead center.

Mr. Granik. Senator Williams.

Senator Williams. Well, I think if we see signs of better growth that there will be a restoration of confidence in the business community. We know that our rate of growth really depends fundamentally on business investment, and that's where we've been tapering off, I believe. The atmosphere is one of lack of confidence. I think our Government has a major responsibility in creating confidence, and one of the ways would be not spending wastefully, but spending for things we absolutely need.

Senator Morton. Well, I agree with Senator Williams that there are many needs, but I think also that our resources are—bountiful as they are, affluent as they are—they are somewhat limited. Now I think that our job in the Congress, and the job that the President has, the administration has, is to put priorities on these things; first things first. We've got to be selective on domestic programs. You can take any one of these 200 programs that have been submitted by the President since he's been in office since January of 1961, all have a worthwhile end, a noble goal. We just can't afford them all. Now our responsibility, it seems to me, is to be selective in what we spend, where we spend it, both foreign and domestic programs.

Mr. Granik. Senator McCarthy.

Senator McCarthy. I think that that's pretty well understood, and that's the normal procedure. We don't just approve everything that's sent up. I think you've got two problems here—one, if you're going to talk about particular expenditures—say that this one should not be made now, that this is the order, this is the priority—or the general question of whether or not Federal expenditures can stimulate the economy. And if we take this second approach, then I think you have to look at every Federal expenditure in terms of what bearing it will have upon the economy. Certainly Federal expenditures to improve the highway program, these have economic significance just as much as capital investment in plant and equipment on the part of private industry. We can't, and I don't think we really have done it in this discussion, establish the idea that every Federal expenditure—nonmilitary or we can include some military—is necessarily noneconomic and has no bearing upon capital growth and upon the base for productivity. This is not the case.

Mr. Granik. What is the reason, as stated by Senator Byrd in his Reader's Digest article, and I quote, "that cutting expenditures seems to be a lost art?"

Senator Morton. Well, I don't know what the reason is, and I suggest you put your question to Senator Byrd, but certainly we have, as Dr. Saulnier has pointed out, we've increased now our expenditures in Government, and I say this not in a partisan way because I think this has been going on for some years, at the rate of about 5 percent or 6 percent a year, which is higher than I think our growth in population is. But the needs of defense and whatnot are probably accountable. It may be a lost art, but I'm one of the Members of Congress who hope that it isn't forever lost and that we can recapture it.

Mr. Granik. Senator Williams.

Senator Williams. Well, I don't quite agree that cutting expenditures is a lost art. As the advocate of certain bills that have passed the authorization progress part of the procedures in Congress, we get over to the Appropriations Committee, and really cutting is not a lost art there. Some of our best programs have been cut and cut rather drastically.

Dr. Saulnier. But, of course, when the work is all completed you have a higher level of Federal spending. It is true that not everybody gets as much as he wants. If that were the case, the Lord only knows where the level of Federal spending would be. It would be very much higher than it is today. But the fact is that when the Appropriations Committees and the executive branch, and everybody has finished their efforts, Federal spending ends up very much higher, almost year after year, and as I say in this last year, up $6 billion. Now $6 billion is a very substantial increase for one year.

Senator Williams. Could I just say, parenthetically, I think it should be said that most of the increases have been in areas where we are in total agreement, noncontroversial, our defense needs. The cost-of-defense pricetag is much higher today, and 79 cents of every tax dollar, I'm told, goes one way or another into defense, security, past wars, or veterans programs and 21 cents for all of the other programs.

Mr. Granik. Is the formula for high interest rates and big deficits gaining acceptance in the administration?

Dr. Saulnier. Well, I look at this from the outside. I'm not one of the greatest authorities on this administration, of course. But I think there is some evidence that the strategy here of the administration is to protect ourselves from balance-of-payments problems by a little higher level of interest rates and, on the other hand, to try to stimulate the economy through the fiscal policy.

Senator McCarthy. I think that's right. I make one note, though, that the interest rates the administration is talking about could really not be called high interest rates. I think you're quite right that there does appear to be this change of policy—that the tightening of interest rates seems to be the method that they are adopting primarily in view of the balance of payments and the control of inflation. I quite agree. I think it's a good policy.

Senator Morton. I'd like to say that I'm in full agreement. I think that one of our problems of our flow of capital, our flow of dollars, has been that short-term money can earn more overseas than here. And I think, whether it's a painful policy or not——

Senator McCarthy. I was just making the point that there's a difference between high interest rates and slightly higher rates because I don't think——

Dr. Saulnier. You know, I was part of an administration that was criticized about as hard as any administration could be criticized for tight-money policy, and I must say, while I—I must say the policy looks pretty tight to me today. As a matter of fact, Senator, I wonder whether it isn't too tight?

Senator Williams. Well, the criticism pretty generally came from Congress. I think higher priority is put on domestic investment in plant and homes than interest. We are the low-interest people—the Members of Congress. And the administration, of course, has to balance the priorities of home spending and investment and our problems of international payments.

Dr. Saulnier. But the fact of the matter is that interest rates are high and they're almost as high now as they have ever been.

Senator Williams. And, you suggest, perhaps a little too high?

Dr. Saulnier. Well, I think this is really a moot question, and I'm wondering whether maybe they may be pushing a bit too hard on interest rates right now for the good of all of us.

Senator Morton. Well, my good friend, Albert Gore, from Tennessee, and others used to get up daily and quote the Wall Street Journal on the floor of the Senate during the Eisenhower administration about the interest rates.

Dr. Saulnier. That's right.

Senator Morton. And I haven't heard word one in a long time.

Senator McCarthy. In 1953, I think, that was the point in which you had most of the discussion, and even some of the financiers were a little bit disturbed over the raise in interest rates at that point.

Senator Morton. No, this was 1957.

Senator McCarthy. It did seem that you do have kind of a switchabout in Congress—tendency to advocate or oppose reduction of taxes, and usually Congress is the advocate of reduced taxes, whereas there is some indication that the Treasury, or some people in the Treasury, or some of the economic advisers may be for tax cuts in the face of reluctance on the part of Congress.

Senator Morton. If a tax cut is to stimulate the economy—I'm not speaking necessarily of the year 1962, but just any year—it has to be along lines that will encourage investment, encourage the creation of job opportunities. What so often happens to us in the Congress is that when we get any opportunity for a tax cut or any demand from an administration for it, which doesn't come very often—or hasn't in my 16 years around here—why, then, you begin to think of, well, let's just raise the personal exemption by $100 or $200 or $300, which costs, as I understand it, the Federal Government about $2 billion each hundred. That does, yes, increase some consumer buying. I don't think that that's our problem today. I think our problem today is modernizing our steel complex, for instance, and other things. So I think it's the nature of a tax cut as to whether or not it can stimulate the economy.

Mr. Granik. Senator Williams.

Senator Williams. Well, I'm—of course, you gentleman are on the Finance Committee and I'm not, and I'm not fully aware of all of the facts. * * *

Senator Morton. We need your advice.

Senator Williams. But it seems to me that when we do have idle plant, idle capacity, what is more important is to stimulate exactly what you suggest isn't necessary, consumer spending, because that will relate itself directly back to idle plant and create more employment. Do I get an agreement on that at all from you, Gene?

Senator McCarthy. I think it depends upon conditions at the time that you cut taxes. There can be times in which the tax cut should stimulate consumer purchasing power. There should be other times when it should stimulate capital expansion. I think that the present time is one in which something of each of these is really needed. The line that every tax cut should be such as to stimulate further investment in capital goods, this is really one of the basic criticisms that Marx made of the capitalistic system. He said whenever you get in trouble they're going to say you just have to invest more money in capital.

Mr. Granik. Was the recent economic decline a forecast of economic trouble, Dr. Saulnier?

Dr. Saulnier. Well, the fact of the matter is, whether we like this or not, that the stock market tends to be a forecaster. It has a pretty good record. The stock market tends to decline before the economy. And in this case the stock market beginning to decline—that is, the averages beginning to decline—early this year did a bit of forecasting. But there comes a time when it ceases to be just a forecaster and begins to have an effect on the economy, and I think that it has contributed to the slowdown that we're experiencing.

Senator Williams. Well, that's the real tragedy, it seems to me. Wouldn't you agree that average prices were higher than earnings, for example, would indicate? And don't you feel, too, that equity investment frequently is done as an inflation hedge, and suddenly the country had a strong announcement that the administration, at least, was going to use all reasonable power to keep the lid on inflation? I think the steel decision had a great deal to do in educating the people of this country that the President is going to try to keep that inflation lid on.

Dr. Saulnier. I think it had a great effect. Of course, the market was dropping before the steel incident, but the steel incident had its effect. In my judgment it tended to make people feel a little uneasier about things that they had been already, and I think it, in my judgment, was a mistake, and had its effect on the market, and I think it has had its effect on the economy.

Senator Williams. How high could the market have gone?

Dr. Saulnier. Well, now look, I think the market was high, but it was up—the Dow Jones average was around 730, and it hit a low of 525 in June. Now that's an awfully big drop.

Senator Morton. Now, as Senator Byrd has said—I don't know whether he said it in this article—but as he has repeatedly said that as a result of his visit in the last year or two to Europe, where he talked to the international bankers there, their concern about the dollar is whether or not we balance our budget. Now, I know this balancing the budget is getting to be a sort of an overworked phrase, but I think it's important because they look at the confidence of the dollar not in the amount of gold down in Fort Knox, Ky., necessarily, but our ability in a peacetime, fairly prosperous cycle, our ability to live within our means. That's where the confidence in the dollar comes. That's how you're going to get confidence in the dollar overseas. Now, getting the confidence of the business community, that's something else. I frankly think that the repeated speculation that we've had, going back for the last 3 months, about will we have a major tax cut or won't we have a tax cut, any time you deal with taxes, you make the business community apprehensive. I don't care what kind of a bill it is. My good friend, Senator McCarthy, and I have been through this for several months around here this year, and I guess we've each had 15 or 20 people in our office when we get there in the morning representing various segments of various industries. And so what we've got to do, it seems to me, is to say "yea" or "nay," because if we're going to talk ourselves into a recession, which we can well do, the best way to do it is uncertainty.

Senator Williams. Could I ask a question?

Mr. Granik. Senator Williams, please.

Senator Williams. Putting—Senator Morton suggests that people abroad look at our budget, balance or deficit, as their index of confidence.

Senator Morton. I'm speaking of the central banks, now. I'm not speaking of the people.

Senator Williams. And this comes, of course, in countries that are running deficits, and yet they have generally full employment.

Senator Morton. Not necessarily.

Senator Williams. Well, West Germany, France, they're running deficits.

Senator Morton. No.

Senator Williams. But I think the President's strength—the force of his statement that we are not going to devalue the dollar—had a great deal to do with the restoration of confidence.

Senator Morton. I agree. I will not argue with you on that point at all.

Senator Williams. It was the best message Telstar has sent to date, I believe.

Senator Morton. Yes. And I think that you're seeing some good from it, and I'm all for it. But I'm merely saying what Senator Byrd reported to us on the committee and what he's reported to the people. And I think there's a lot of truth in this. The central banks, regardless of the fact that their own countries may not be run according to fiscal integrity or soundness—most of them in Western Europe today are—that they are looking—their confidence in the dollar depends upon our ability to live within our means rather than the number of ounces or pounds or tons of gold that there are in Fort Knox, Ky.

Senator Williams. We have not lived within our means in your terms for quite awhile.

Senator Morton. I know we have not and that is what is causing all the concern.

Mr. Granik. Could we get a word from Senator McCarthy?

Senator McCarthy. Well, I do not think we ought to hang it on the question of balancing the budget, but really on the question of the national debt in relation to productivity and the potential for meeting our obligations, and I think if our debt were to grow by $7 or $8 billion a year, as it appears to be growing this year, and it may next year if we had a tax cut, this would be dangerous. There has got to be a proper relationship, but simply to say—in Senator Byrd's article he makes reference, and, of course, Senator Morton and I participated in the hearings on the debt ceiling, which is—I suppose it is the most ridiculous thing we do each year in Congress—to raise and lower the debt ceiling. The Senator knows I have proposed in committee that we, to insure people that we intended to eliminate the national debt, we should establish a permanent debt ceiling at $1 billion, and make the temporary debt ceiling $307 billion. This would show our good intentions, instead of the $285–$308 billion that we are dealing with. And I remember back about 1939 or 1940 an article by Senator Byrd in which he was deploring the fact that the national debt had reached, I think, $41 billion, and indicated that this was sure to be the end of us unless we stopped it then. The fact that it is $308 billion now does not mean that he is necessarily wrong today. But I think we have to judge these movements in the relative world of economics and of productivity and of growth.

Dr. Saulnier. Of course, there are a lot of people in America today who I expect remember those words of Senator Byrd's back in those days, and know that since that time there has been a very substantial decline in the value of their money and they know that the insurance policies, for example, that they were buying and paying for out of their earnings in the early 1930's, and if a man buys $10,000 or $15,000 worth of insurance and thinks that he's done a pretty good job, well, he wakes up in 1960 and finds that this, while he's paid for it and given a great deal of his income for it, he hasn't got much out of it. It's very inadequate.

Mr. Granik. Do we need price controls and wage controls?

Senator Morton. I don't think we do now, no. I think unless we start an awful lot of—unless a tax cut or something of that kind should bring along a terrific inflationary force, then we might, but certainly I don't think anybody wants to go into that today.

Senator Williams. Well I agree we don't need control as such. I think, though, that everybody should know the impact and effect of a price increase or a wage increase, and that should come, of course, from the great body of opinion and the administration and the Federal Government.

Mr. Granik. Gentlemen, I'm sorry I must interrupt. We'll return after this important announcement.

Mr. Granik. Thank you very much, Senator Thruston B. Morton, Republican, of Kentucky; Senator Harrison A. Williams, Jr., Democrat, of New Jersey; Dr. Raymond J. Saulnier, professor of economics at Barnard College; and Senator Eugene J. McCarthy, Democrat, of Minnesota.

CALIFORNIA FIRM ANSWERS ATTACKS ON CALIFORNIA'S DEFENSE CONTRACTS

Mr. ENGLE. Mr. President, the State of California has in the last few years come under steady attack because a large slice of the country's defense orders are going to California's defense industries. I have taken the floor of the Senate a number of times to answer these attacks. Today I am going to let one of California's industries speak for itself. I commend to the attention of my colleagues a letter I received recently from A. M. Zarem, president of Electro-Optical Systems, of Pasadena. I shall quote briefly from the letter before placing it in the Record.

> The youthful vigor and imaginative approach to the technological problems that keep our country strong is developing in the West—not in the East. There is nothing that any legislation can do about it. Contractors who obtain work in the East find, in large measure, that they have to subcontract a great deal of their work to the West anyway. The work must flow where the capability exists. Anyone who wants to tamper with the future security of this country can do so if he wants to, but I want no part of it and wherever I see such a thing happening I want to raise my voice loudly.

Mr. Zarem states the case for California very forcefully. He echoes my sentiments perfectly when he says we should not "tamper with the future security of this country." That is what we would be doing if we purchased defense programs on an economic or geographic basis to prop up depressed areas.

We can save untold numbers of lives throughout the world if we can outshine our competitors in the missile and space race. Our battle cry should no longer be "Git thar fustest with the mostest." Our battle cry now must be "Get there first with the best." This we cannot do if we hamstring the Defense Department by a statutory or Executive mandate to advance political, social, economic or psychological objectives not directly related to the quality and quantity of the defense effort.

I ask unanimous consent to have Mr. Zarem's excellent letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Electro-Optical Systems, Inc.,
Pasadena, Calif., September 7, 1962.

Hon. Clair Engle,
Senator, State of California,
Senate Office Building,
Washington, D.C.

Dear Senator Engle: We have many mutual friends; however, I have consulted none of them in terms of this specific letter which I wish to write in response to an article which appeared in the Los Angeles Times last week entitled, "Humphrey Hits Defense Jobs in California."

To refresh your memory of our organization, should this be required, I am sending you a brochure which describes our unique activity. We have grown to the present state of prominence not by any generous outpouring of Government or other types of funds, nor by any protective or soft handling on the part of a financial resource, but rather by literally clawing our way into existence by alert, aggressive, and intelligent actions based upon the utilization of advanced technology. Our entire dedication is directed toward the simple philosophy that "time is the enemy" and that at the present state of affairs there appear precious few years left for anyone on this globe to remain alive. You will find if you visit here a group of people trying to reverse the trend of the old-line, soft industrial complex which reaches hardening of the arteries through the application of Parkinsonian principles.

A check of the record will indicate to you that our organization was probably the first major effort the United States initiated and dedicated toward the conquest of space. This occurred before Sputnik I. Since that time, a hearty band of intrepid adventurers, many of whom were former employees of the Government, have banded together under the banner that their activities shall be "dedicated to the importance of craftsmanship and the dignity of hard work." You will find no draperies on our windows or carpets on our floors. Our laboratories are modern, up to date, clean, and refreshing because of the personal emotional involvement of our key personnel in the work under their guidance.

I am sending you, enclosed, a paper which, if you are too busy to read, one of your assistants should. It will convey a bit of the flavor of the spirit that guides this laboratory and perhaps lend weight to the indignation and fury that I feel when I hear people suggest that defense or space contracts be awarded on a basis of need rather than ability.

Let me first extend my thanks to you as a professional person, not as a constituent, for your firm stand against this type of thinking. I realize that in your political position it is necessary for you to respond to such attacks for purely political reasons and I use the word in the most humanistic sense. However, having heard you speak, I believe you also feel the injustice of such an approach. We are all grateful to you for speaking up. We hope you will continue to do so.

In April of this year, in our company publication, I discussed the subject of geographical distribution of Government contracts. I am sending you a copy of this publication which contains a restrained expression of my feelings. Senator Humphrey's reference to the fact that there is more smog out here pains me greatly because of its truth; also, because of the fact that I honestly believe that the solution of that problem is political and economic—not technical.

The reason for the unequal distribution of Government contracts geographically, however, is due to the "mental smog" in the East. The youthful vigor and imaginative approach to the technological problems that keep our country strong is developing in the West—not in the East. There is nothing that any legislation can do about it. Contractors who obtain work in the East find, in large measure, that they have to subcontract a great deal of their work to the West anyway. The work must flow where the capability exists. Anyone who wants to tamper with the future security of this country can do so if he wants to—but I want no part of it and wherever I see such a thing happening I want to raise my voice loudly.

Keep fighting—your cause is just.

Very truly yours,

A. M. Zarem,
President.

THE EMBARGO AGAINST IMPORTATION OF CUBAN TOBACCO AND THE CIGAR INDUSTRY OF TAMPA

Mr. HOLLAND. Mr. President, the embargo imposed last year against further importation of Cuban tobacco had a very serious impact on that sizable portion of the cigar industry of Tampa, Fla., by which for 75 years the "All-Havana" cigar was perfected and marketed throughout the United States. Sudden loss of its source of supply caused widespread economic hardship on both management and cigar factory workers, not to mention serious dislocations in industries associated with the production, packaging, labeling, and marketing of all-Havana cigars.

Being the good Americans which they are, the Tampa all-Havana tobacco management people and workers accepted the embargo as a necessary step in our Nation's fight against communism in Cuba, even though the burden of it rested heavily upon them and their families.

It is greatly to their credit that these people refused defeat by a bad situation not of their making and completely beyond their control. On the contrary, they immediately cast about for new ways to keep their plants open by developing new products to substitute for the exclusive ones which they produced for so many years. This has been an excellent example of labor-management cooperation and all concerned are due the highest commendations for the way they have gone about overcoming a serious handicap.

Today each Senator will have delivered to his office a complimentary package of the new cigar which one of the leading manufacturers in Tampa has developed as a substitute for the "All-Havana" cigar by using a combination of domestic and other tobaccos. These are presented through Senator Smathers and myself with the hope that devotees of the pastime will find the new cigars enjoyable. Those who do not smoke may, if they wish, pass the cigars along to a friend who does.

I again point to this product as an example of American genius and initiative which was born in adversity but from what I can hear has a bright future before it in spite of the heavy existing competition with which it is confronted.

NEW THREAT—RED BASES IN MOROCCO

Mr. SCOTT. Mr. President, in this historical moment Americans are struggling with the threat of a Soviet base of operations 90 miles from their shore. Not even having finished his Cuban incursion, Khrushchev is already spreading feelers into another strategic location; namely, North Africa. The country in question is Morocco. Soviet bases, strategically placed there, could easily control the entrance to the Mediterranean Sea. They could also threaten our bases in Spain and our fleet now located in the Mediterranean. News about these Soviet attempts are disturbing; we need a firm policy to counter this Soviet probe.

Mr. President, in the 1950's the United States spent $400 million to construct a complex of air bases in Morocco. But since then, the Moroccan Government has pressured the United States into evacuating one of those bases already and into planning to evacuate all of them by the end of 1963. Latest reports indicate that the Soviet aim seems to be to use evacuated American bases for their own airplanes. Such an occurrence would be a catastrophic failure of our policy in Morocco.

Mr. President, I now ask for unanimous consent that this highly disturbing report be printed in the Record. The story appears in the current issue of U.S. News & World Report.

There being no objection, the report was ordered to be printed in the Record, as follows:

New Threat—Red Bases in Morocco

Rabat, Morocco.—Here in Morocco, as in Cuba, Khrushchev's Russia is breaking out of the bonds of "containment" to threaten an area vital to the Western World.

The United States in the 1950's constructed a complex of big air bases here at a cost of $400 million.

Under pressure from the Moroccan Government, which gained its independence in 1956, the United States has evacuated one of those bases and by the end of 1963 will have evacuated all of them.

As the United States moves out, Russia is making highly effective efforts to move in.

ON THE WHARVES

Soviet arms now are being delivered to Morocco by the shipload, under an agreement recently signed by Moscow.

Russian jet planes, sold to Morocco, already are parked on the U.S.-built base that is now operated by Moroccans.

Soviet bases inside Morocco may be next. At this time, negotiations are underway on a Russian proposal to build—

A submarine base on the Moroccan coast at Alhucemas, just 20 miles from Gibraltar.

A shipyard, capable of building ships of up to 10,000 tons, in Tangier.

This Soviet offer, if accepted by the Moroccan Government, would give the Russians a firm toehold at the most vulnerable part of the Mediterranean.

There, installations built and operated by Russians would be within a few miles of the British base guarding the entrance of the Mediterranean at Gibraltar, and of the U.S. naval base at Rota, on the coast of Spain.

Any Soviet bases in this area also would be within easy range of the American complex of air bases in Spain. With submarines, the Russians could threaten as well the major U.S. fleet now based in the Mediterranean.

Whether Morocco's 33-year-old King Hassan II will go along with this latest Soviet proposal is still unclear. Western diplomats here are hoping that the Moroccans' pride in independence will keep them from agreeing to a new set of foreign bases. Soviet success in recent months in breaking the bonds of containment in this area, however, has been efficient and effective. So U.S. observers here are taking nothing for granted.

TONS OF "HARDWARE"

As of now, evidence of Soviet activity is apparent in growing stockpiles of Russian-made arms in Morocco.

Soviet freighters, laden with weapons and vehicles, have been putting in at Casablanca for the past 5 months.

As in Cuba, unloading operations have been conducted under tight security guard, with the dock sealed off, and the movement of arms from the port made almost entirely at night.

Shipments have included Soviet tanks, tons of small arms, artillery, military trucks, antitank guns, helicopters, ammunition, even small naval vessels.

Several dozen late-model Soviet jet planes have been shipped in, too, including at least 16 MIG-17's.

Some Soviet submarines are reported to have been transferred to the Moroccans. This report is not confirmed, but such a transfer could be used to justify the Russian offer to build a sub base for Morocco.

At least four sizable Russian freighters have been involved in these recent arms shipments. Each is estimated to carry about 7,000 tons of munitions per trip.

TRANSPORTS FROM UNITED STATES

While Russia has been shipping in these major quantities of arms and equipment for Morocco's 35,000-man armed force, the United States has limited its aid largely to transport planes.

To compete with this Soviet arms aid, the United States is offering now to double or triple its military and economic aid to Morocco, at a time when the Moroccans are acquiring the air bases and housing facilities on which America has spent hundreds of millions.

Reason for this growing U.S. concern is not hard to find.

Since the death of King Mohammed in 1961, Moroccan dealings with Russia have become open, frequent, and increasingly productive. Soviet technical missions have been here almost continuously. Russia's Defense Minister Malinovsky and a Soviet military mission headed by Marshal Sokolovsky have visited Rabat. Morocco's defense chiefs have been in Moscow, and there signed military agreements.

Morocco, in other words, is getting intensive Soviet effort and attention at this time. This effort is beginning to pay off, despite occasional setbacks for the Russians. The big prize, still sought, will be air and sea bases available to the Soviets in this end of the Mediterranean.

With effective bases here, planes and ships from Morocco could dominate the West's supply lines to the Mediterranean. A submarine base at the narrow entrance to this inland sea could be particularly handy.

U.S.-BUILT BASES FOR REDS?

A related Soviet aim appears now to be an understanding with King Hassan II that would permit Russian planes to use the big, American-built air bases here, thus threatening U.S. bases in Spain.

Soviet successes, kept largely under cover thus far, now are coming out in the open with an attempt to get actual bases in Morocco. In this vital area, the threat is becoming increasingly clear.

ARTHUR KROCK AND THE MONROE DOCTRINE

Mr. HUMPHREY. Madam President, on September 20, in the course of the debate on the so-called Cuba resolution—Senate Joint Resolution 230—I inserted in the RECORD a column from the New York Times of September 18 by Mr. Arthur Krock. I also set forth my reasons for thinking Mr. Krock was mistaken to single me out as an administration spokesman who was interpreting our current policy toward Cuba more candidly than the administration itself was prepared to do. My position is that mid-20th-century circumstances have modified one portion of the Monroe Doctrine—namely, our stated determination to remain aloof from European affairs. Time and changing world conditions have drastically altered this resolve, but they have not altered our determination to resist Communist encroachments anywhere in the world and especially in the Western Hemisphere. Factors outside the control of the Kennedy administration have accounted for any formal modification of the Monroe Doctrine which may have taken place. The President's statement of September 13, therefore, which I referred to as the "Kennedy Doctrine," served as a necessary supplement to our understanding of the current applicability of the Monroe Doctrine.

Nevertheless, I should regret it very much if my remarks were interpreted as a fundamental disagreement with Mr. Krock's main argument. As I understand it, Mr. Krock was saying, in his column of September 18 and in his subsequent article of September 20, that a de facto modification of the Monroe Doctrine had taken place and that this was wholly justifiable under present-day circumstances. If anyone felt that I was attacking Mr. Krock's judgment and perception, then let me set the record straight without further ado. I meant it when I said that I have the highest respect for Arthur Krock. He is the dean of our commentators on the bedrock issues of the United States in world affairs. If he misinterpreted my role as a spokesman on U.S. policy toward Cuba, I am nevertheless flattered that he saw my position in a favorable light. I am neither so dogmatic nor so ungrateful as to reject a compliment from an individual whose professional qualifications and achievements I so much respect and admire.

I have just received a letter from Arthur Krock enclosing what he describes as "a most realistic and informed presentation of the thesis of your recent speech to the Senate and your letter to the New York Times" which was published on September 24. The author of the enclosure is a retired military officer who for obvious reasons does not wish to be identified. Mr. Krock observes that I might wish to revert to this subject in any subsequent remarks on the floor of the Senate.

Indeed, I am highly pleased to share this memorandum with Senators at the earliest opportunity after receiving Mr. Krock's letter. The memorandum is permeated with the clear logic of a man who has received a military education and who has remained a sensitive student of world history. I commend his observations unreservedly to the Members of this body. There can be no disagreement between Arthur Krock and myself concerning its merits. Nor do I hesitate to reaffirm my respect for the eloquence and the basic truth of Mr. Krock's own articles on the subject:

OBSERVATIONS ON THE MONROE DOCTRINE—YESTERDAY AND TODAY (AUTHOR ANONYMOUS)

Of course the Monroe Doctrine is ruptured. It was 100 years ago, by Napoleon. Then, as now, we were constrained from acting. Then by internal danger, today by external. But in the end Sheridan's army on the Rio Grande, backing Juarez's guerrillas (they were hardly more) restored the balance.

But can the Monroe Doctrine in its literal terms, be successfully invoked in these days? I amused myself the other day by noting, in parallel columns, the controlling factors as they were in 1823 and in 1962. Their divergence is startling. Our military strength, for instance—insignificant in 1823: appallingly strong in 1962. The oceans—strong shields for us in 1823: weak and even menacing in 1962. The Latin American—a weak chick in 1823, just out of his colonial shell: a fighting cock in 1962, proud, very jealous of his independence and his own right to maintain it. And so on for other controlling factors—the British Navy; our commitments in the Old World; our agreements in the new; and, perhaps the most astonishing of all, war itself.

The Kennedy doctrine, I take it, lays down military offensive as the threat to our peace and safety. This of course is quite another thing from the extension of European systems condemned by the Monroe Doctrine. It really means that hereafter we play it by ear. For there will no longer be a definite line a foreign power must not cross. All military forces are now offensive, or potentially so. The purely defensive forms—the Maginot Lines and the heavy seacoast forts—are things of the past. This is a period in which the offensive is overwhelmingly stronger than the defensive. They have alternated in supremacy, as you know, throughout military history. Only some 45 years ago the defensive superiority kept great armies in their trenches, and fleets secure in their harbors throughout a long world war. But who can now foresee the overthrow of the offensive in this atomic and space age? The Kennedy doctrine must be invoked, not on fact but on a nice judgment of balanced factors.

I suggest a reprint of Secretary Olney's dispatch to the British in the Venezuela incident of our youth. It shows so clearly our autocratic stand on the Monroe Doctrine, not so very long ago in time but immeasurably distant in international relations.

THE CHIEF OF IMMIGRATION

Mr. WILLIAMS of New Jersey. Mr. President, too often we accept the dedicated services of our most able public servants as a matter of course. And yet, within our Federal service are many individual men and women who give generously of their experience, understanding, and time in order to do a job far beyond the average. Many of the persons in our Immigration and Naturalization Service fit that description; they perform their daily work with sympathy and expert knowledge; they help other persons who would otherwise be overwhelmed by the technicalities and formalities that so often occur with entry to a new nation.

A tribute was paid in the August 30 edition of the Record, Hackensack, N.J., to one of these workers. He is Mr. Dominick F. Rinaldi, director of the Newark office of the Immigration and Naturalization Service. He is therefore responsible for all aliens entering or residing in the State. The article describes his philosophy toward his work and some of the methods he uses to accomplish it. I think that his performance is typical of others in the Service. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHIEF OF IMMIGRATION NEEDS VARIED TALENT

As director of the Newark office of the Immigration and Naturalization Service, Dominick F. Rinaldi, of Closter, must assume daily the various roles of economist, diplomat, judge, and humanitarian.

He must consider economy when the influx of a group of immigrants might endanger our domestic economy. He must wield tact and diplomacy in accepting or rejecting the entrance of immigrants. And since he often has the final word on entrance permits, extensions of residence, and deportation decisions, he must employ the delicacy of both a judge and humanitarian.

After 21 years of work with the Service, Rinaldi can boast of a wealth of experience in each of these fields. He began his career with a position in the Service's Detroit office. From there he went to Rome where he was officer-in-charge of an area covering northern Italy, Spain, Portugal, Malta, the Azores, and Africa.

His most recent assignment before coming to Newark was an assistant deputy director of the New York district.

TASK IS COMPLEX

The Newark office is responsible for all aliens entering or residing in the State. This involves initial checking of their papers upon entry to the country, granting permission to extend residence, reviewing applications for citizenship, and investigating the activity of aliens residing here.

An alien wishing to enter the country for a longer period than a travel visa would allow must first register his intention with the U.S. Consulate nearest his native town where he is placed on a quota list. Receiving priority on this list are those with special skills or education. Many American companies recruit chemists, engineers, and skilled craftsmen from abroad and if these workers meet the usual requirements for a visa, they receive first consideration.

The next three classes on the list pertain to degrees of relationship between the alien and one or more U.S. citizens.

MAY BE BARRED

These 4 divisions apply to admissibility, but there are also 31 classes of excludable persons running the gamut from those with a history of insanity or communicable disease, to common criminals, to persons known to be subversive.

Last year the Newark office deported 200 persons for a variety of reasons including entering the country illegally and being involved in crimes.

Just as there are many seemingly unbending rules governing the admission of aliens there is also an equal amount of liberality employed in their execution. Commenting on this, Rinaldi said:

"The law is not as inhumane as some people think. If a refusal of admission would mean too much hardship on a spouse or child living here, then a waiver of inadmissibility could be granted. Then there are special laws which allow people to adjust their status either before or after entering the country."

Compressing the entire scope of Rinaldi's job into a few words, it can be said that he is in some way responsible for each alien entering the State, from the time the visitor steps from his plane or ship to the day when he leaves or takes an oath of citizenship.

JEWELED SETTING FOR JERSEYANA

Mr. WILLIAMS of New Jersey. Mr. President, New Jersey is about to begin construction of a great new State cultural center on the shores of the Delaware River near the statehouse in Trenton. This project should be completed early in 1964, and its dedication will be one of the major events of the New Jersey tercentenary celebration.

We of the Garden State can be proud that public officials and private citizens of our State have brought this project to the verge of achievement. The center will give to our State a new State library, planetarium, museum, and auditorium. More than that, it will also offer impressive physical evidence of the keen interest of our citizens in the arts, sciences, and history of our State. The cultural center will be the showplace for the public in a great new construction program that will also provide new State buildings for some of the major New Jersey departments. A new spirit of energy is at work in Trenton; the new skyline along the Delaware will be a memorable sight.

An excellent article in the Newark Sunday News magazine of September 23 describes the plans for the State cultural center and for the other buildings now envisioned by the State capitol development commission. The work now underway in Trenton may offer inspiration for similar projects elsewhere in the Nation. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEWELED SETTING FOR JERSEYANA

Endowed with a fascinating history, rich in natural and human resources, New Jersey, one of the Nation's leaders in economic activity and now a great center for pure and applied science, has never had a fitting showcase for its many gifts.

This will be changed early in 1964 with the opening in Trenton of a new State cultural center, dedication of which will be one of the highlights of New Jersey's 300th anniversary celebration.

On a campuslike 10-acre site overlooking the Delaware River near the statehouse the $6 million Center will comprise a library and complex embracing a museum, related auditorium and a planetarium geared to the space age. The project was designed for the State department of education, of which the museum and library are divisions.

In all, the Center will provide nearly 200,000 square feet of floor area for preserving and displaying cultural, historic, and scientific treasures. They will range from a restoration of a mastodon, unearthed in 1954 in Sussex County, to an authenticated copy of the Bill of Rights, the first 10 amendments to the Constitution of the United States, which New Jersey was one of the first States to ratify.

Final plans for the project were recently approved by State Treasurer John A. Kervick on recommendation of the 10-member bipartisan State capitol development commission. Headed by Edward A. Curtis, vice president of N.J. Bell Telephone Co., State capitol development commission is overseeing a $30 million building program that, by 1964, will transform the area in the vicinity of the statehouse into a showplace.

Groundbreaking for the Center will be in October or November. The site, flanked by the new administration building of the education department and by the statehouse annex, fronts on West State Street and extends back to what will be the John Fitch Parkway, a superhighway skirting the river.

With the Center's completion, the State museum for the first time in its 72-year history will have quarters ample enough to display its extensive collections in the fields of earth sciences, archeology, and natural sciences. Cramped for years in the statehouse annex, the museum's acquisitions have suffered from chronic inaccessibility. In its new quarters, the museum will have 65,000 square feet of floor area, more than half of which is to be devoted to exhibit space and the rest to administrative and staff installations.

In the basement level of the two-story building there will be a 6,800-square-foot special museum for children. Besides an exhibit hall, it will house a library-classroom, quarters for a youth education assistant, cafeteria accommodating 100 persons, and auxiliary spaces. Access roads in the rear portion of the site have been especially designed for school buses.

Since 1952, the library has been forced to split its operations between quarters in the statehouse annex and rented space in an old parachute factory on Trenton's outskirts. In its new three-story building with two basement levels, housing a gross area of nearly 110,000 square feet, it will have plenty of shoulder room for its ever-expanding collection now approaching the half-million mark in books, periodicals, and Government documents, and valued at $2 million by its director, Roger McDonough.

The Center was designed by Frank Grad & Sons, Newark architects and engineers, and the firm surveyed scores of modern museums and libraries throughout the Western World before it drew its first sketch. Also, into the museum's concept went the ideas of its staff and director, Mrs. Kathryn B. Greywacz; its longtime consultant, Dr. Albert Parr, senior scientist of the American Museum of Natural History, and the firm of Alex-Mauro-Witteborg, New York exhibition counsellors who had much to do with the U.S. exhibit at the Brussels World's Fair.

Active participants in the overall planning, too, were Dr. Frederick M. Raubinger, State commissioner of education, and Dr. Cleve O. Westby, coordinator of construction for the department of education. Supplementing this corps of experts was Robert M. McLaughlin, Jr., the State capitol development commission's consultant and director of Princeton University's school of architecture.

From the museum officials came a directive that the institution must be designed to "provide positive stimulation and a feeling of lively contemporaneity in its visual communication." The directive also dictated that the museum "should be constantly changing and improving its image to interpret visually new scientific and scholarly findings."

The experts felt that, to dispel the rather widespread notion that a museum is a dull repository of the dead past, the New Jersey institution must have built-in flexibility to achieve liveliness through frequent but inexpensive rotation of exhibits using modern display techniques. The museum, the experts said, should be a magnet for all segments of the public rather than just for scholars, specialists, and casual researchers.

In pursuance of this philosophy, it was decided to devote all of the exhibit area on the first floor, totaling 11,520 square feet, to temporary exhibits. To a great extent, these will consist of displays mirroring the State's industrial and scientific might, in addition to loans and gifts from private art collectors. It is here that the most frequent rotation will occur, filling the "constantly changing image" requirement.

The museum's permanent collection will be divided between two large galleries on the second floor, each with an area of 7,736 square feet, considerably larger than most hotel ballrooms. One will project the State's cultural history and the other its natural history. Here, too, there will be sufficient rotation to assure display of the great bulk of the museum's acquisitions within a reasonable time rather than have them "embalmed" in storage, where they would be accessible only to scholars upon special request.

The physical tools for the desired display flexibility are ingenius but simple. Recessed in the ceilings of all exhibit areas will be two types of installations. One will consist of parallel rows of channels at 6-foot intervals. Midway between the channels will be imbedded light tracks. Slotted floor-to-ceiling uprights can be inserted anywhere along the length of a channel. Similarly, any type of electrical illumination can be speedily suspended from any point along a light track which, in effect, is a continuous socket.

Exhibits will stress the broad rather than the pinpointed approach that may delight the scholar but often bores the public. For instance, instead of showing a detailed collection of the kitchen utensils used by the first Swedish settlers in New Jersey, the utensils will be just part of a big display recreating a typical settlement in a manner calculated to give viewers a panoramic sweep of the settlers' life. The same approach will be used in the natural sciences, with specimens shown against the background of their habitats.

Scholars engaged in definitive research will not be neglected. Separating the big second-floor galleries will be two study exhibit areas, one for natural and the other for cultural history, where key-type specimens will be shown.

The auditorium and planetarium were planned to give the museum added dimensions of service, with the former's role defined as being "for public enjoyment of programs that will give added depth of interpretation to museum exhibits and also present cultural opportunities through the performing arts." The building also will be a meeting place for the education department.

The auditorium will contain a stage of nearly 1,000 square feet and seat 400 persons. On three sides, the auditorium proper will be surrounded by a wide, glass-walled ambulatory adaptable for art and other exhibits. Auxiliary spaces will include a projection room, lobby area, cloakroom, lavatories and receiving and storage installations.

Girdled by a reflecting pool, the spherical planetarium structure will house what is known as an intermediate space transit instrument. Unlike older devices which only project the heavens as seen from the earth, it will also mirror the skies as seen from the moon, including views of the earth from that satellite. In so doing, it will simulate the "in-flight" visual experience of a moonbound astronaut.

The viewing chamber, with a 46-foot diameter, will have an inclined floor bearing bench-type upholstered seats for 200 children or 170 adults. Other spaces will include light-trap areas, black-lighted exhibit section, control and projection room and service facilities.

To its new quarters, the museum will bring impressive holdings. In earth sciences, it has some 15,000 specimens mostly collected by the State geological survey from the early 1860's to the present. These include a fine collection of Jersey minerals, specimens reflecting the State's economic geology and a wide range of raw and burned clays.

Archeological specimens include more than 450,000 Indian artifacts, mostly from Jersey excavations but also numbering representative materials from other parts of this country and Latin American localities. These acquisitions are supplemented by a large quantity of written and photographic materials.

In the natural sciences, the museum has more than 1,000 mounted specimens of birds, including extinct types; a representative collection of mounted mammals of New Jersey; species of the State's salt and fresh-water fishes; about 3,000 specimens of crustacea, bivalves and other sea life, in addition to a large shell collection from the Philippines, and an assemblage of moths and butterflies. It also has a plant life collection.

Born in 1796 as a space for holding books belonging to the legislature, the library for the first time in its history will have unified quarters specifically tailored to its unique combination of functions. It is the only grand depository for New Jersey official reports, the sole official State archives, including centralized microfilm and records services; the only "library's library" supplementing the facilities and services of local public and school libraries, and the possessor of a topflight law library (120,000 books and documents).

The design of the library's new building accents a modular system that not only permits wide flexibility in altering the sizes of stack and reading areas to fit future needs, but facilitates addition of a wing when the institution outgrows the building. Another design feature, on the second floor, is a score of small alcoves for patrons seeking a bit of privacy.

Most of the nonstack functions will be housed on the first floor, such as administrative offices, archives exhibit area, quarters for legislative analysts, law and general reference reading room, dictation spaces, and public rest facilities.

The new building, according to Mr. McDonough, will yield more efficiency and economy because it will allow long-needed consolidation of operations. He also is happy because it will provide ample quarters for displaying such treasures as letters written by George Washington and documents dating back to "the Concessions and Agreement of the Lord's Proprieters" of 1682, which among other things, guaranteed religious freedom in New Jersey. The library also is planning to provide 21 cases for exhibiting historic documents from each of the State's counties.

The exteriors of the museum, library, and auditorium will feature an interplay between varied tones of white marble sheathing, with the lower levels of the two major buildings encased by large expanses of gray-tinted plate glass framed in aluminum. The Grad plans call for landscaping arrangements, including reflecting pools, to make the Center's plaza area an idyllic spot with a scenic sweep of the Delaware. Parking for 500 cars will be available at the rear of the site.

All the Center's units will be air conditioned, with special equipment provided for control of humidity and duct to preserve specimens and cut maintenance costs.

REHABILITATION OF THE ILL

Mr. WILLIAMS of New Jersey. Mr. President, New Jersey State Health Commissioner Dr. Roscoe P. Kandle recently announced that a committee on volunteer friendly visitors has been organized in our State. Professional instruction will be given to volunteers who will visit the homebound chronically ill and elderly in New Jersey. It seems to me that a well-organized program of this kind can do much to help those who find themselves ill and isolated even in the most crowded neighborhoods in our greatest cities. I am happy to note, in a news release describing this project, that great attention will be paid to the rehabilitation potential of all patients. Mr. President, I ask unanimous consent to have the news release, issued by the New Jersey State Department of Health, printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

FORM GROUP TO VISIT HOMEBOUND AND ELDERLY

TRENTON, August 30.—Dr. Roscoe P. Kandle, New Jersey State commissioner of health, today announced the appointment of a State committee on volunteer friendly visitors. Mrs. Asher Yaguda, of Newark, is chairman.

A new project, sponsored by the New Jersey State Department of Health's division of chronic illness control, it will offer professional instruction to volunteers who are associated with State and local health and welfare agencies to prepare the volunteers to visit the homebound chronically ill and elderly in New Jersey. The training will be given in cooperation with Rutgers University extension division without charge to the agencies or the volunteers.

"There is no known estimate of the number of homebound, socially isolated or elderly persons confined to their homes in New Jersey," Mrs. Yaguda said. "Many homebound persons are lonely, and time passes very slowly for them. The majority would benefit through added contact with their communities, and such social contacts would serve to relieve their families to some extent. There is a margin of rehabilitation potential in all patients which may be stimulated by promoting the patient's interest in old or new hobbies, in local and world affairs, and by a simple demonstration of interest by a knowledgeable volunteer. The community has need of the wisdom and experience of these isolated citizens. The orientation course will fill a gap in services to persons in their own or substitute homes by supplementing with volunteer effort the professional services available in the State."

The duties of the State committee on volunteer friendly visitors will be to develop a course content suitable for training volunteer friendly visitors for multiple agencies simultaneously. It will establish standards of qualifications and approve instructors. It will set up temporary local planning committees to assist Rutgers in developing courses on a county basis. The training courses will be available around the middle of November.

The project is patterned after a program demonstrated in four counties by the Upper New Jersey Chapter, National Multiple Sclerosis Society, which recently trained friendly visitors for homebound multiple sclerosis patients.

The State committee comprises representatives of those groups within the State with experience in training home visitors, for example, Red Cross, Cancer Society, Multiple Sclerosis Society, and the Jewish Counseling & Service Agency of Essex County, plus individuals chosen from professional fields pertinent to the training course, and lay leaders.

TOKEN CENSORSHIP

Mrs. NEUBERGER. Mr. President, as the Senate debates the important postal rate increase, I call to the attention of my colleagues the thoughtful editorial from today's Washington Post. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOKEN CENSORSHIP

The Senate Post Office and Civil Service Committee, having labored long and earnestly, has brought forth a mouse-like version of the Cunningham amendment. It makes an obeisance to censorship of the mails by permitting a limited search for Communist propaganda in postal material coming from abroad and a limited delay in delivery of the mail. True, it would not have anything like the Cummingham amendment's ruinous impact on American freedom. But it remains, as Senator CLARK said of it, "an administration monstrosity which violates basic constitutional civil liberties."

The Cunningham amendment, adopted by the House when it passed the postal rate increase bill a year ago, would forbid the reception, handling, transportation or delivery in the United States of any mail "determined by the Attorney General to be Communist political propaganda. This would mean, literally, that all newspapers, books, periodicals, and other printed matter from any foreign country would have to be scrutinized by the Justice Department, seized and destroyed. It would mean, in short, an abdication of freedom by the American people. And it would mean putting blinders on American students of Soviet politics and ideas.

The Senate committee proposal would soften this censorship in a number of ways. Sensibly, to begin with, it would eliminate from coverage all matters addressed to governmental agencies, libraries and institutions of higher learning—or any individual connected with these institutions. It would also make the censorship inapplicable to matter coming into the country under a reciprocal international agreement respecting mail delivery. And, finally, it would allow delivery of publications to persons who subscribed to them and, after an irksome delay, to any other addressee willing to undergo the embarrassment of expressing a desire to receive it.

The Senate committee made one other significant change from the Cunningham amendment. It would place the burden of determining what constitutes Communist propaganda on the Secretary of the Treasury instead of on the Attorney General. Is this because the Secretary of the Treasury is more expert or simply because he has less political pull? Why not pass the buck to the Director of the Fish and Wildlife Service?

The justification for the Senate committee proposal is, of course, that some compromise with the House regarding the Communist propaganda nonsense is necessary to get the postal rate bill enacted. But this compromise however innocuous, remains insulting to the American people and degrading to the image of America as a free society. We think the Senate would do well to reject it and stand firmly on the bedrock of democratic principle. Americans do not need the spurious protection of censorship. They have the best protection against bad ideas ever devised: education, love of country, and the free expression of sound and sensible ideas.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. HUMPHREY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business has not yet been laid before the Senate. It is in order to ask that it be laid before the Senate.

Mr. HUMPHREY. Mr. President, I ask that the Chair lay before the Senate the pending business.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which will be stated by title.

The CHIEF CLERK. A bill (H.R. 7927) to adjust postal rates, and for other purposes.

EXPORT CREDIT AND FOREIGN TRADE

Mr. HUMPHREY. Mr. President, I have spoken with the chairman of the Committee on Post Office and Civil Service and have said that I desire to make a statement on a subject which is not related to the postal bill. He has agreed that I may do so, and I appreciate his courtesy.

Mr. President, last week this body took the historic step of approving the Trade Expansion Act by the overwhelming vote of 78–8. If one considers the record of the Senate in relation to the tariff question for the past century, the decisiveness of this action truly assumes historic dimensions. I predict that the 87th Congress will be primarily identified by future historians as the Congress which enacted the Trade Expansion Act. It was a great victory.

How can we explain this enthusiastic support for what has traditionally been a most decisive and hotly contested issue? The answer, I believe, is a simple one; namely, an unmistakable national response to the economic challenge represented by the nations of Western Europe and Japan. In typical American fashion, the Nation has responded to this challenge and this great opportunity with courage and decisiveness.

But is this the end of it? Does the passage of a trade bill answer this challenge? The answer is clearly "No; much more remains to be accomplished." We can be justly satisfied with the country's answer to the challenge of mutually lower tariff barriers, but this represents just one aspect of the highly complicated and interrelated matter of international economics.

The debate on the Trade Expansion Act was not the time to raise some of these related questions. But now that the debate has been concluded, I wish to take several minutes to consider a matter closely related to trade expansion: the question of export credit and export credit insurance.

The importance of this subject is self-evident. Its relation to our action in passing the Trade Expansion Act is obvious. Export credit and insurance comprise one of the major devices by which this Nation can take full advantage of the export opportunities that will arise out of lower tariff barriers. In short, these are vital components in a vigorous and productive export policy.

For several years, I have interested myself in the subject of increasing our exports. On whatever trips it has been my privilege to make to other countries as a Member of the Senate, I have examined into our international export business to see just how the United States has fared as a competitor, particularly with some of our Western European allies. I am also deeply concerned about American international trade policy as it relates to effective and successful competition with Soviet-bloc nations.

Specifically, today I wish to review our problems—indeed, some of our failures and accomplishments—in the field of export trade, export credit, and insurance. I have some ideas as to how we can improve our position.

U.S. FINANCING AIDS EXPORTS

First, let me outline the various U.S. export financing programs.

Historically, our efforts in providing export financing assistance have centered in the Export-Import Bank. Created in 1934 to aid in the financing and facilitating of U.S. exports and imports, the Bank has assisted exports throughout its history by providing various types of loans, credits, and, more recently, credit insurance.

Other U.S. programs, designed to meet other needs, help our exports in ways incidental to their main purposes. The various foreign aid programs have been important in helping our exports since World War II.

I digress for a moment to point out that the foreign-aid program is possibly the greatest single aid to our international trade program of any policy of this Government. The foreign-aid program is not merely aid to the nations which receive the assistance; it is also effective economic assistance for American industry and for the American economy in terms of exporting our goods.

I point out also that once our capital goods have been exported under the foreign-aid program, we have then a market for technicians, for spare parts, and for the host of services which follow upon the shipment of machinery and equipment which has been exported to the recipient countries. In other words, foreign aid is good, solid, domestic American policy. That ought not to be forgotten as we move toward the consideration of the foreign-aid appropriation bill, which will come before the Senate shortly.

I believe that a sharp reduction in the foreign-aid program is not only dangerous in terms of our international security, but also weakens our efforts to combat Communist subversion and Communist economic penetration. Such a reduction would also weaken the American economic programs at home and abroad.

Starting with the Marshall plan, when U.S. goods contributed mightily to the rehabilitation of Europe, exports have played a vital role in our economic-aid programs. Under the programs now administered by the Agency for International Development—AID—one measure designed to overcome our balance-of-payments deficit is our goal of achieving at least 80-percent U.S. procurement—a higher level than in recent years. Military aid to our allies has also added to our export trade; indeed, the materials supplied under these programs are almost totally procured in the United States.

It might be a good question for chambers of commerce in the respective communities and States of this Republic to ask Members of Congress how much of the foreign-aid money is spent back in those American communities. Then possibly there will be a little different attitude toward foreign aid and foreign trade, because some of the programs which have been legislated by Congress, programs running into millions of dollars, have had very little effect upon our economy; but the programs which run into billions of dollars, such as the military assistance program, the economic assistance program, and the defense program, have a tremendous impact upon the American economy, upon jobs, and upon production.

Surplus agricultural commodities have made a sizable contribution to our export trade since 1954 and will continue to do so. Shipments under the various titles of Public Law 480 and the CCC credit sales program have both contributed to the export trade.

Actually, American agricultural commodities are being exported at a rate of $5,100 million a year. I predict that the greatest single increase in export trade, percentagewise, will be in agricultural products. We can produce agricultural products much more cheaply and of a higher quality than can any other country on the face of the earth. We have a huge market for those products, particularly under the new Foreign Trade Act, which permits the President to negotiate across the board with country after country on a host of commodities. With Japan alone, our export trade in agricultural commodities amounts to approximately $1 billion a year. Every farmer in America has a stake in the Japanese trade.

With the Western European community, we have an export trade in farm commodities amounting to more than $2 billion a year. So it appears that we have an opportunity which we are just now beginning to realize and appreciate.

Under the new food-for-peace program, designed to assist the economic development of the less developed countries, food shipments will be increased, thus supplementing our normal commercial agricultural exports. In fact, they have been increased. There has been an increase of more than 300 percent in our food shipments in the past 2 years, all of which supplements our normal commercial agricultural exports.

The Public Law 480 program is not in any way diminished; our dollar sales in no way diminish our normal commercial exports. To the contrary, they have stimulated our exports and have developed entirely new markets for American products.

For example, the production of soybeans and of all the products made from them has created a very large new market for American agriculture. The same is true of many poultry products and fruits and vegetables. The U.S. economy has been aided very greatly by foreign trade. I believe foreign trade will be the ultimate answer to our problem of excess production of agricultural commodities, because throughout the world there is a very great need for additional supplies of food, particularly as the per capita income of various countries increases. These food supplies can be sold on a short-term credit basis and on similar bases, and that will enable the American farmer to find his way out of the dilemma of an overabundance of agricultural commodities, on the one hand, and the need for prosperity, on the other. This abundance of agricultural commodities can be converted into supplies of food to be sent to the peoples of the world who need them.

EXPORT-IMPORT BANK PROGRAMS VARIED

Since the Export-Import Bank is the one U.S. Government agency established for the purpose of aiding exporters through financing, I want to discuss in some detail its several programs. These include—

First. Credit insurance through an association of private insurance companies. This is largely a new program which I shall discuss at greater length in the course of my remarks.

Second. Medium-term financing and guarantees, that is, the "exporter credit" program and a new system of direct Eximbank guarantees announced only last October. Under its "export credits and guarantees" the Eximbank provides financing and guarantees for medium-term export transactions, which in calendar year 1961 amounted to $196 million.

Third. Long-term loans for sales abroad. For many years the Eximbank has made what are generally called project loans, that is, loans to foreign governments and private enterprises—both American and foreign—for purchase of U.S. goods and services for development projects abroad. At one time these loans constituted almost all of the Bank's financing. Today they have been supplemented by new programs; but they are still an important part of the Bank's operation, helping to finance U.S. exports for development projects throughout the world. These loans have helped us to export equipment for the electric power development in Brazil, the railroads and ports in Burma, telecommunications in Ethiopia, port improvements in India, and irrigation facilities in Thailand—to mention but a few examples of projects wholly or partially financed by the Eximbank.

Mr. President, that Bank has a remarkable rate of repayment. It is not a losing proposition. It is in the fullest sense of the word a bank which yields dividends, and its loans produce interest. The loans are repayable in convertible or hard currencies; and the Bank's record is outstanding.

NEW NEEDS ARE MET

The Eximbank has served the export community well. But conditions change and new needs arise. Such was clearly the situation by 1960 when concern over the U.S. trading position greatly increased. There should have been greater concern years before. In the fall of 1960, gold was flowing out of this country at the rate of $5 billion a year. In 1958, 1959, and 1960 the average gold outflow from the gold reserves of our country was approximately $4 billion a year. The only answer to that was more trade and more exports. It was not until 1960 that our Government woke up to the fact that it was being outmaneuvered and outsold all over the world.

On several occasions I reported to the State Department, the Commerce Department, and the Export-Import Bank my observations in regard to what was happening. So when I hear of all the deep concern over the outflow of gold and the concern that our gold reserves may be weakened because of the outflow of gold, I must say that the answer is not only a prudent and a frugal monetary and fiscal policy, but also, and more important, to get to work and sell, and to have the Government of the United States stand alongside its industrialists, agricultural producers, and processors and aid them in a massive selling program that will produce the necessary favorable balance of trade that will give us a surplus of gold, rather than a deficit because of the outflow of gold.

The United States was running a large balance-of-payments deficit. The deficit itself was not new. We have had balance-of-payments deficits every year except one since 1950. But, as I have explained, the deficits in 1958 through 1960 became alarmingly large, and at the same time the United States was noticeably losing ground in world trade competition.

There was no single cause of this situation, just as there is no single cure; thus we are tackling the balance-of-payments problem and our competitive situation in foreign trade on many fronts. But our relatively primitive credit facilities were clearly one crucial factor in meeting competition abroad; we had slipped behind the accomplishments and flexibility of our European competitors in this field.

Our country prides itself upon its commercial credit programs, its consumer credit programs, its installment buying programs, and its installment credit programs. We do all of this domestically, and we do a remarkably fine job. In fact, because of these domestic credit programs we have vast production, very great consumption, and a degree of prosperity that no other people in the history of the world has ever achieved. But when it comes to international trade, we act as if we were still in the 19th century, rather than the 20th century. We have had an export program which was geared to the American economy of 50 years ago, and to a world trade pattern which no longer exists. Is it any wonder that we lost markets and suffered a loss of our gold reserves, to the extent of more than $4 billion a year and for 3 years in a row? The answer to this situation is not to be found in making changes in our foreign aid or our troops overseas. The reason for the loss of gold was that we were not competing in the international market for the available business; we were permitting country after country to outsell us and outfinance us, when it came to doing business. The purpose of my remarks at this time is to point out that many of the reforms thus far have been too little and too late, but that there can be a remedy.

In particular, the other countries were forging ahead in the export credit insurance field. The British had developed a system of guarantees operated by its Exports Credits Guarantees Department—ECGD—of the Board of Trade, an all-important agency of the British Government. The Germans had devised a different system, strongly backed by well-equipped private insurance interests. This system, unlike the British, kept the guarantees in the hands of private enterprise, but the German Government assumed reinsurance of the political risks involved. These two systems, with variations, were developed in a number of other European countries. Sweden, Norway, Denmark, the Netherlands, Belgium, and France had developed various forms of export credit guarantees in which the government either operated autonomously or participated. In all, at least 18 foreign countries, all of them competing with us in the export market, provided generous programs of export credit guarantees or insurance.

It became clear that, whereas the United States still had the edge on our competitors in long-term development financing, many of our European competitors had the edge in export credit insurance and short-term financing, which made it possible to move commodities from factories and fields into the export markets.

Our exporters, meeting stiffened competition in 1959 and 1960, increasingly urged that the United States, in addition to the financing then offered, also provide a comprehensive system for insuring the short- and medium-term credit of foreign buyers and for guaranteeing against losses abroad due to political developments out of their control—including circumstances such as expropriation, civil unrest, war, import and export restrictions, and, perhaps most important, inconvertibility of foreign currencies to dollars.

The U.S. Government has, of course, scrupulously observed the original mandate of Congress not to compete with commercial banks. Thus, although the Eximbank provided good export financing facilities on a selective basis in the long- and medium-term field, it was cautious about entering new fields, in particular the short-term field. As the realization dawned on us that available facilities, both governmental and private, were not good enough, as other governments moved aggressively forward and changing world conditions intensified trade competition, we began to work out new ways and means of making ourselves competitive.

Our start was slow and our beginnings too cautious for the rapid pace of the 1960's. The Eximbank added short-term political risk insurance in the spring of 1960, and exporter credits were liberalized. These steps helped, but they were not enough.

Soon after taking office, the Kennedy administration called for a vigorous new approach to the entire problem of expanding our export trade. In the course of his balance-of-payments message to the Congress on February 6, 1961, the President directed the Export-Import Bank to increase its assistance to the export community, and to devise a program that would make U.S. exporters fully equal with their foreign competitors who were receiving assistance from their respective governments. The President also asked consideration of ways through which private financial institutions could participate more broadly in providing export credit facilities.

In March, a working group drawn from the Eximbank, the Department of Commerce, and the Treasury Department, plus consultants from U.S. insurance and banking firms, began to devise ways and means to carry out the President's directive. Foreign insurance plans and alternative suggestions for a U.S. program were studied.

During the spring and summer of 1961 the Eximbank held a series of negotiations and meetings with leading U.S. casualty and marine insurance companies in an effort to decide how a private association of companies might issue export credit insurance in conjunction with Eximbank. Many legal, administrative, and financial problems had to be ironed out before the programs could begin to take shape.

In September, Congress passed the Spence-Robertson bill amending the Export-Import Bank Act of 1945. It delineated and clarified the authority of the Bank to underwrite export credit insurance in partnership with private insurance companies. Under it, the Bank is permitted to insure or underwrite export transactions up to the amount of $1 billion outstanding. President Kennedy signed the bill on September 26 and on October 27 announced the formation of the Foreign Credit Insurance Association—FCIA. On February 5, 1962, FCIA, which offers private export insurance facilities in partnership with the Eximbank, got underway.

THE YEAR 1961 BROUGHT ADVANCES

What are the results of our new efforts in the field of export credit and credit insurance?

Our accomplishments last year were impressive. In 1961 the Export-Import Bank approved 907 loans and guarantee transactions to assist U.S. exports, committing a total of $1.1 billion. This included $416 million for project loans enabling buyers overseas to obtain American machinery and materials and services to help in their economic and industrial development. In addition, loans of $69.7 million were made to assist the export sale of U.S.-built commercial jet aircraft; this assistance was a substantial percentage of total U.S. jet aircraft export transactions for the year. Approvals of exporter credits and the limited guarantees available in 1961 amounted to $326 million, and emergency foreign trade loans totaled $353 million.

More liberal policies and more liberal administration of the policies which were adopted during 1961 were important factors in this large volume of business. Eximbank policy changes last year mean that loans and credits can now be obtained for some types of export business for which financing was not available in past years. For example, the Bank will now consider financing the exports of petroleum equipment, regardless of whether the importer is a private company or a Government-owned or controlled enterprise. This policy change was announced last March after thorough exploration of many aspects of the problem within the administration.

Important as these policy changes in the handling of credits may be, I consider the new guarantee and insurance programs of the Eximbank the major achievements of 1961 in the export financing field.

NEW GUARANTEES AND INSURANCE AVAILABLE

The first of these new programs, announced last October, embodies a new guarantee system for medium-term export transactions. These guarantees are issued by Eximbank directly to the commercial banks and those financial institutions undertaking nonrecourse financing of exports. The program is designed to encourage such banks to provide nonrecourse financing of medium-term credits and to speed up transactions by permitting the exporter to deal only with his bank rather than with Eximbank in Washington. It is also designed to create an incentive for banks and other financial institutions to retain in the private sector the paper arising from export transactions. Principal features of the new guarantees include the provision of a full political risk guaranty. These guarantees are offered only if the financial institution does not request Eximbank to purchase a participation in the transaction. The guarantees apply to export sales where the foreign buyer pays in cash not less than 10 percent of the invoice value by the time of delivery of the goods and the exporter retains 15 percent of the balance.

The second new program provides insurance for short-term transactions—the program placed in operation on February 5 when the Foreign Credit Insurance Association—FCIA—opened its doors for business.

Initially, FCIA provided insurance for credit transactions up to 180 days, or in special circumstances up to 1 year. Insurance for credit terms exceeding these limits has just been developed and was announced July 16.

The insurance is being offered through member companies of FCIA and their agents and brokers across the country. Since more than 57 insurance companies are already participating in the program and membership is open to all responsible and qualified companies, exporters will be able to obtain their policies locally.

In many particulars, this new U.S. program offers short-term export credit insurance matching or exceeding the coverage offered by any other major trading country. For example, in the FCIA short-term policy, expropriation of or intervention in the business of the buyer or his guarantor is treated as a political risk only if it results in a default, and offers coverage of 85 percent or less. Similarly the coverage on war, civil war, revolution, and the like is broader than that of foreign insurers. Further, the credit risk coverage in the FCIA policy is as extensive as, and in some cases more extensive than, that of any other major insurer.

For example, FCIA covers protracted default by a private buyer, but some other insurers do not. On the other hand, FCIA, like most of the foreign credit insurers, does not cover unwillingness of a buyer to accept the goods, although at least one other insurer does provide limited coverage for this risk in some circumstances.

The FCIA short-term policy covers 85 percent of loss for credit reasons and, as I mentioned, 95 percent for political reasons. No foreign credit insurance plan normally covers higher percentages and, with one exception, other credit insurers cover lower percentages.

Proof of loss under a credit risk covered by FCIA is similar to that required by other insurers. For political risks, however, the proof of loss required by FCIA is less onerous than is the proof demanded by many other countries.

Payment of claims arising from insolvency of the buyer is equally prompt under the FCIA plan and the foreign plan; if the claim arrives from protracted default, FCIA is as prompt as any other insurers and more prompt than most; if the claim stems from political causes, FCIA is more prompt than any other insurer.

What about rates? It is difficult or impossible to make a direct comparison of rates charged by the FCIA and various foreign insurers because differing bases are used. In general, however, FCIA rates for short-term cover fall between those charged by the United Kingdom and those charged by West Germany.

The new FCIA insurance, in addition to covering loss risks, will benefit American exporters in two other important ways. Exporters will be more disposed to extend credit to customers abroad. They will also be able to attract more financing from commercial banks than would be possible if the accounts were not insured.

The new insurance program, together with changes in the old ones, now places our exporters in a more favorable position. The FCIA will, of course, face problems in getting operations into full swing. And, in my opinion, some improvements and adjustments in the insurance program are still needed. For example, some difficulties are anticipated in administering the program resulting from the legislative requirements with respect to tax-haven corporations; personally, I hope this can be corrected.

ISSUES FOR THE FUTURE

The present package of U.S. programs on financing and credit insurance for our exports is in many ways the envy of our competitors abroad. This feeling is not entirely new; for years foreign competitors have been envious of our development loans and exporter credits. But now European traders are convinced that they must improve their export credit and insurance programs. We can expect a new surge of trade competition from Europe and Japan—competition buttressed by governments which are anxious to increase their hard currency holdings and capture large chunks of an expanding world market. We cannot rest on our accomplishments.

But the issues in this field go much further than whether our programs are "as good as the other fellow's." The question is: Are our export financing programs adequate for maximum promotion of our national interest? I do not believe they are. Our national interest—indeed, that of the whole free world—requires that we increase our exports by a net value of $2 to $3 billion per year, in order to erase our foreign deficit. And we must do it by fostering greater competitiveness, not by taking refuge in controls or subsidies.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. Did I understand the Senator from Minnesota to state that we should have no control over imports in our international trade?

Mr. HUMPHREY. No; I said I do not think we should place primary reliance on controls. I said we should foster greater credit, and not rely merely upon subsidies and controls. We obviously must have some subsidies, as, for example, with respect to our agricultural commodities, and some controls are essential. With respect to the import of oil, we have some controls, and there will be others.

My point is that we can get ourselves into a negative position when we utilize controls and subsidies as a means of thinking that we are protecting American interests, only to find that, while we have kept other products from coming into this country, in the meantime none of our own products have been going out. I seek to obtain a balance by, providing, on the one hand, legitimate control that is required for our national interest, but, on the other hand, facilitating the competitive structure of this country so that it can compete in any market in the world, on good credit terms, and in terms of delivery of products at a fair price. If we do that, I think we can answer some of our economic problems.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. RANDOLPH. This is a helpful clarification of a point that I desire to discuss. Today there are quotas on the importation of residual oil into the United States. I hope my colleague will in nowise indicate that what he said applies to necessary controls to curb the dumping of such waste material as residual oil on the full markets of this country at prices which do not permit equitable competition on the part of West Virginia bituminous coal and that of other states of the Appalachian region. I believe the type of unfair competition engendered by a waste product such as residual oil is not within the scope of the timely remarks of my capable colleague.

Mr. HUMPHREY. The Senator is correct in his analysis of my remarks. The Senator from Minnesota is a practical man—at least, I hope so. I try to be. I recognize that there are obvious and legitimate interests requiring the attention of the American Government. Dumping programs, by ourselves or by anybody else, are injurious to markets and to normal commercial transactions. We have witnessed dumping programs. Sometimes we have been accused of doing so ourselves. That kind of policy is good for no one. This Senator does not condone it.

Mr. RANDOLPH. I appreciate the assurance.

Mr. HUMPHREY. I thank the Senator from West Virginia, who is always diligent in his concern for the legitimate protection of the economic interests not only of his State but also of this Nation. He is a stanch defender of our economy.

Mr. RANDOLPH. That course of action is pursued because the defense posture of the United States must necessarily be tied into this problem about which we are speaking.

Mr. HUMPHREY. The Senator is quite correct.

Mr. President, in today's international market, credit terms are more often than not a crucial part of competitiveness, especially credit for capital goods—which bulk large in our exports—and for sales to many destinations where demand is potentially large. If we are to increase our exports to the necessary extent, we must increase our percentage share of total world exports. The net export increase we need—$2 to $3 billion per year—is not very large when compared with total world exports of about $120 billion or with our gross national product of well over $550 billion. But it is difficult to achieve, and export credit measures have an essential role to play in solving our balance-of-payments problem.

So in judging our present programs, the real question is not how they compare with those of other countries, it is to what degree they satisfy the standards of our own national interest. Against this measure, our export financing programs are clearly not good enough.

The purpose of this speech today is not only to salute what has been done but also to help to achieve more.

Incidentally, what has been accomplished was accomplished after great injury had already taken place to our economy, after great concern had been expressed even as to the stability of the American dollar, which I think is a concern somewhat overworked, since the American dollar is the best currency throughout the world and since the United States still has the largest gold reserve of any nation or combination of nations on earth. Nevertheless, we did suffer severe losses of gold. We lost markets. We were not getting our fair share of the increase in world trade.

While I wish to compliment the administration for the measures which have been taken, and while I wish to compliment and to salute the Export-Import Bank, the Department of Commerce, the Department of State, and all other agencies involved for what they have done, I say also, "We came in late, and there is more work to be done."

I am not one who believes that we can rely on yesterday's accomplishments to meet tomorrow's needs. We must look to the future. I ask Senators to mark my words. The Common Market of Western Europe will give this country an economic race for its life in terms of competing in the world markets. The Common Market will seek to obtain broader markets. It will be legitimate competition.

All the Senator from Minnesota says is, "Gird yourselves for the battle. Prepare yourselves for the competition. Go into the competition with all the equipment necessary for fair and honorable competition among friends and neighbors, and be also prepared for the unfair competition which may very well come from what we call the bloc countries."

Mr. President, let us look at some recent statistics. As I said, the improvement has been commendable, but our export financing programs need improvement.

They should be bigger and better. If we can make them better, they will get bigger. How much bigger? What is a reasonable target?

Let us look at some recent statistics. In 1958, the total authorized financing of the Export-Import Bank was $964 million. In 1959, it dropped to $549 million. The totals for 1960 and 1961 climbed steeply to $784 million and $1,095 million respectively. The total authorized for 1962 through June was over $1.5 billion, or more than $3 billion on an annual rate, not including short-term comprehensive insurance aggregating $331 million since February under the new FCIA program.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I should like to complete my remarks, and then I will yield to the Senator.

Mr. President, I ask unanimous consent that the chart entitled "Financing Authorized by the Eximbank," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Minnesota? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, this is a record of which we can be proud. It shows that our initiative has paid off. If the pace in the first half of this year is taken as an indicator for all of 1962, the Export-Import Bank has more than tripled its financing since 1958. However, a large component of the $1.5 billion for the first half of the year is a $400 million standby credit to Canada for use if needed, and it probably will not be needed. Moreover, is the current rate enough? Is it a solid, lasting increase? I am not convinced that it is enough to achieve the $2 to $3 billion annual export increase, which in turn is essential for making us solidly competitive in world trade.

We cannot be satisfied until we are reasonably sure that everything that can be done is being done to maximize our performance. And for this, there will have to be some changes in attitudes and policies.

Let me point out the principal considerations which lead me to believe that we have a long way to go.

During the past several years the Export-Import Bank has earned a substantial surplus. In 1961, the Bank paid $30 million to the U.S. Treasury as a "dividend." I am certainly not against these earnings, and I would clearly not urge that the Eximbank deliberately set out to lose money. But net earnings of this magnitude do suggest that the Bank is not taking enough risks, that it is putting its money into loans and guarantees that are so safe they do not provide enough overall incentive for our exports. There may be three aspects of this excessive caution. One may be that too high a proportion of Eximbank money is going to low-risk countries; another may be that too high a proportion is going into low-risk transactions; a third may be that the terms set are too stiff. Clearly, the Bank needs to reassess its attitude toward risktaking. It is in business primarily to support U.S. exports, not to make money, nor should it be competing with normal commercial banks.

Mr. BUTLER. Mr. President, will the Senator yield for a moment? I should like to ask a question before I leave the Chamber.

Mr. HUMPHREY. I yield to the Senator from Maryland.

Mr. BUTLER. I am entertaining the mayor of Bremen, Germany, and some of his staff, and I must leave the Chamber.

I point out to the Senator that I have been listening attentively to his excellent statement. Nevertheless, without detracting in any way from anything the Senator has had to say about the present administration, I point out that during 1959 and 1960 the then President of the United States, Dwight D. Eisenhower, became very much interested in the subject about which the Senator is now speaking. Then President Eisenhower directed that there be a study of foreign trade. As a result, a bill was introduced in the Senate by the chairman of the Committee on Commerce, and extensive hearings were held on it, touching principally on the subject of the guarantee of loans for our exports and encouraging exports in every way.

I thought it would not detract from anything the Senator had to say to make that comment, but I wanted to have the record straight that during the Eisenhower administration this was something the President considered to be of great importance, and he took measures to cope with the problem.

Mr. HUMPHREY. I know the Senator has a very important luncheon to attend—and, by the way, I hope to be able to attend myself——

Mr. BUTLER. I hope so.

Mr. HUMPHREY. I mentioned earlier, before the Senator came into the Chamber, that the Government started action in 1958, when it saw the gold problem and saw that our world market problems were becoming ever more difficult. By 1959 and 1960 we had already started an Export-Import Bank program of credit insurance.

The Senator is quite correct concerning the action taken in the Congress, including the Robertson-Spence bill, passed by the Senate, and the work of the Committees on Interstate and Foreign Commerce. I think all of this prodded both administrations to speed up the job of improving our export position.

I commend the Senator and the Committee on Commerce, of which the Senator is so active a member, for their hearings. I happen to know that those hearings had a great effect upon the Export-Import Bank, the Department of Commerce, and the Department of State.

Mr. BUTLER. They were very good hearings.

Mr. HUMPHREY. Quite frankly, I, like the Senator from Maryland, have a partisan position as a member of a political party. When it comes to our country doing business in the international markets, I suggest that this is a place at which Republicans and Democrats can join together and encourage every possible program that we can design that is legitimate and honorable to help our business community get those markets and compete against the very heavy competition which we now have in Western Europe, in the Far East, and in the Soviet bloc. But we shall have tough competition in the years ahead.

What the Senator from Minnesota is trying to espouse today is a more active interest on the part of our Government and a more constructive program on the part of our Government to support this economy. We cannot bail our country out by subsidies or by controls alone. In part those are necessary. The only way that I know to help our balance-of-payments problem and to stop the outflow of gold is to improve our competitive position in world markets, obtain new markets, and get our businessmen and Government working side by side under legitimate, decent programs to improve the export environment.

Mr. BUTLER. I should like to add one word of caution. I agree with everything the Senator has said. I believe the Government is doing all it can to stimulate export trade. That course would be of great benefit to our balance of payments. But I hope the day will not come when we reduce our tariffs, then sell our merchandise on a guaranteed basis to people who cannot pay for it, and have the Government pick up the check. I am certain the Senator will see that that is not done. I shall not be here to assist in that endeavor.

Mr. HUMPHREY. The Senator and I have not always agreed on the subject of the tariff program. For many years I have actively supported what I believe to be a lower tariff schedule. There is an honest difference of opinion between reasonable men. I surely agree with the Senator that it would not be prudent in our international trade policy to have a program called credit insurance or export credits that for all practical purposes would have no relationship at all to the essential and economic facts of the day. In other words, if we are going to have a program to "give it away," let us call it that.

Mr. BUTLER. The Senator is correct.

Mr. HUMPHREY. But if we are going to have a program of insurance credit, let us make it an insurance credit program.

Mr. BUTLER. When the subject came before our committee and the problem of insurance arose, it was my idea that the program should be placed in the hands of private people as much as it could be to get away from that very situation. I thank the Senator for yielding.

Mr. HUMPHREY. I thank the Senator for his comments. In Western Germany that very thing was done and, as the Senator knows, it was a successful program.

Mr. BUTLER. Yes; it has been. Now I am going to join some of our friends from West Germany.

Mr. HUMPHREY. Mr. President, a related matter is the very close review—often amounting to extensive second-guessing of foreign agencies of U.S. businesses, or both—in which Eximbank often engages. This is part of its inbuilt caution. It makes value judgments on whether given projects are good for foreign countries or foreign businesses; it frequently neglects to ask whether the financing requested will expand total U.S. exports. Of course, there are instances where it would be irresponsible to extend export credit, project financing or insurance coverage. The bank officials must exercise elementary caution and restraint. But all too frequently a refusal by Eximbank to extend credit facilities has the effect, not of deferring the transaction or stopping the project, but rather of deflecting the export business to foreign competitors. The key to this problem is for Eximbank to recognize that its proper role and objective is not to protect the economic and financial interest of foreign borrowers—as it was forced to when it played a more influential role in international finance—but to support U.S. exports.

Several additional points could be made about the Bank's penchant for "second guessing" as to the merits of foreign transactions, which derives from the Eximbank's postwar history of concern for large project financing. Let me mention only two. Many countries which, even though not highly industrialized, are determined to manage their own financial and economic affairs, take none too kindly to suggestions that a given project should be dropped. Especially where U.S. aid is not a dominant factor in the country's economic picture, such countries are not willing to tailor their programs to the specifications of Eximbank. Rather, they will ask whether the Bank will provide financing for U.S. goods needed in their programs. If the answer is negative, these countries will most likely take their business elsewhere, to places where liberal financing is available with few questions asked.

Secondly, even where it is clear the financial management in a country is poor, and is likely to create serious problems, we should ask ourselves whether we would not feel compelled to provide this country with emergency bailout financing if and when the crisis comes. If the answer is "yes," we ought to compete actively, through means including export credit facilities, for a larger share in the country's imports. Sound management of a country's financial position is their responsibility, not ours; we cannot fend off crises by our restraint if other major exporters do not follow suit. I recognize that truly irresponsible financial management abroad should not be abetted by easy financing from our public sources—that is what I was talking about a moment ago with the Senator from Maryland [Mr. BUTLER]—but again I urge the Eximbank to keep its attention fixed on assisting U.S. exports.

In selling capital goods abroad, it is often essential to be able to provide a firm financing plan at the time bids or proposals are initially submitted to a foreign purchaser. Yet under applicable Eximbank procedures, this is frequently difficult or impossible to do. The answer will sometimes be that the foreign purchaser should apply to the Bank for a project loan covering the entire project. In other cases, exporters are told that any commitment as to financing must await a firm order and/or evaluation of the particular foreign buyer. This creates a chicken-and-egg situation for the American exporter. He cannot get the business because he cannot offer firm credit terms. He cannot offer firm credit terms because he does not have the business.

A businessman would become stalled at dead center and would lose an order. I shall spare certain companies embarrassment here by saying that the Department of Commerce has a record of instance after instance and example after example of what I am talking about. On the one hand, an exporter could not get the business because he could not offer firm credit terms, and he could not offer firm credit terms because he did not have the business, all because of regulations. I have encountered numerous examples of this vicious circle in recent years.

Let me cite just two cases of lost export business resulting from failure to get advance commitments.

First. A consortium of U.S. companies bidding on a $16 million city water supply project in a key Latin American country was unable to obtain a firm commitment from the Export-Import Bank for the financing of the import portion, as well as a commitment from any U.S. or international financing agency to cover some of the local currency costs—conditions required in the bid specifications. This business went to a European firm.

It was a good order, repayable in hard currency. It went to a European firm. We lost it.

Second. A U.S. firm bidding on the contract for construction of a multimillion dollar oil refinery in a Far Eastern country turned to European financing when it was unable to obtain an advance commitment from the Export-Import Bank. Unfortunately, the firm was required—as part of the financing arrangements—to purchase much of the equipment in the European country.

Mr. President, there was a situation in which the United States could have sold American supplies had it been able to receive the kind of financing at the moment that it needed from the Bank. Instead of that, because of regulations, the company lost the business; that is, the American firms lost the business, even though the oil company itself was able to go forward with its contract, because European financing was available.

This situation is heavily discouraging to initiative on the part of U.S. producers or exporters of capital equipment, who have found it not worth their while to follow up on opportunities which are then eagerly seized by their foreign competition. Many who have heard of the difficulties of other firms in getting Export-Import Bank support, do not even bother to approach the Bank. This whole problem of prebid commitment needs intensive review to provide maximum support for U.S. producers who have the initiative to penetrate foreign markets.

U.S. engineering, construction, architectural, or other advisory services to foreign customers are not now eligible for Eximbank financing, except when they are directly related to sale of financed equipment, even though their services are rendered for large capital projects. These services should be eligible, both because the export of services is an important aspect of industrial growth and because such services are likely to pave the way for U.S. equipment sales.

In a number of cases, large foreign projects involving important supplies of equipment are put out on bids covering the entire project. Often such projects involve significant costs in local currencies, for which financing plans are also requested. The U.S. bidder on such projects faces a perplexing and frustrating task. He may be able to obtain an Eximbank commitment for the equipment financing, but he must go elsewhere for the local currency financing. All too often, there is no real place to turn for this, and the equipment sales are lost because of failure to secure an important part of the package. Again, U.S. private initiative in putting together a deal is frustrated, and our exports suffer accordingly. I recognize that dollar financing for local currency costs creates a thorny set of issues, and that it may temporarily increase our balance-of-payments deficit. But it is terribly important over both the short and long term to keep U.S. capital goods effectively in foreign markets and to meet the financing terms that this requires. I urge that the Eximbank loosen its attitude on local currency financing where this is a critical part of a package deal involving supply of U.S. goods.

I have discussed some of the key areas in which improvements are needed in our export financing as part of the program to maintain and strengthen the competitive position of our exports. We have made improvements. Because of them we should be glad. But there is urgent need for further action based upon a fundamental change of attitudes.

In conclusion, let me stress the need for action to support the initiative of prospective U.S. exporters. When U.S. firms expend energy and funds to put together deals in the hope or expectation of official U.S. financing, it is highly frustrating for them to encounter delays, difficulties, and negativism. If we as a nation are to expand our exports as we now must, the business community must work enthusiastically with us, in full confidence of Government support. This is the most important single thing for the Eximbank to keep in mind in its consideration of new credits and program. The vigor and initiative of our progressive businessmen must find its counterpart in a new climate, in a bracing atmosphere within the Export-Import Bank and, I might add, within the Department of State and within the Department of Commerce.

I compliment the Secretary of Commerce and the instrumentalities within his Department related to foreign trade. I believe the Secretary of Commerce is giving new impetus to our export program. He has done a remarkable job of translating American public policy to the business community and to the foreign countries, in terms of improving our export operations. The Department of Commerce has taken on new vitality, and I commend it and its leadership for what it has done.

I hope that the whole operation of our Government—the apparatus of every department, including the State Department and the Export-Import Bank, and the Department of Commerce—will work together as a team, particularly in our embassies.

I have visited our embassies, and I have noted all to often a traditional policy of aloofness between business and Government, and a remoteness; in other words, there has not always been the kind of cooperation that there ought to be between Government and business in the field, in country after country.

Our commercial attachés in the embassies should be working with our business concerns in obtaining new markets. Every one of the facilities of this Government relating to foreign trade should be coordinated at the embassy level.

This means that our ambassadors, while they may be very well experienced in the field of normal diplomacy, must also have some sense of awareness about economic development and the improvement and expansion of our economy. I am not one of those who believe that diplomacy can consist merely of the niceties related to what we call the traditional diplomatic operations. An ambassador in charge of an embassy of the United States today must understand economic development. He must understand foreign trade. He must, in a sense, be a manager. He must in a sense be a director of a great multiple operation. We expect our ambassadors to be not merely striped pants diplomats—all that is required, of course; and I do not deprecate the necessity of an ambassador being a good diplomat in the formal sense of that term—but he must also be a go-getter; he must be a coordinator; he must be a worker with every one of the economic areas of our Government and of our Nation.

I ask unanimous consent that an article published in the Washington Post, of September 25, 1962, be printed in the RECORD at this point.

The article discusses the speech made by Robert V. Roosa, Treasury Under Secretary for Monetary Affairs, in which he warned, at Atlantic City, in addressing the convention of the American Bankers' Association, that restoration of world confidence in the U.S. dollar must not give rise to "vain hopes that mere monetary reform can substitute for basic measures" in wiping out the red ink on this country's international transactions.

Then Mr. Roosa went on to tell some simple truths. He said that this country must get to work to expand its trade and develop new markets. I congratulate him and the Treasury Department for this forthright expression.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE EXPORTS URGED FOR DOLLAR SAFETY

ATLANTIC CITY, N.J., September 25.—Robert V. ROOSA, Treasury Under Secretary for Monetary Affairs, warned today that restoration of world confidence in the U.S. dollar must not give rise to "vain hopes that mere monetary reform can substitute for basic measures" in wiping out the red ink on this country's international transactions.

"To sink back into complacency would be to undermine all our very real achievements to date," Roosa told the annual convention of the American Bankers Association here.

Roosa, who at a meeting of international bankers last week was given much of the credit for ending the dollar crisis, said that progress in defending the dollar has been gratifying. But, he said, it does not mean that "any of us can slacken in any way the drive toward getting this country's international accounts into balance."

The Treasury official put in a strong plea for the administration's proposal to grant a 7-percent tax credit for business investment and for an overall reduction in the tax structure to enable this country to compete more effectively in world markets.

"We simply cannot afford to carry on indefinitely, in this competitive world, with a tax structure that dulls initiative and brings the economy at levels well below its full potential," he said.

Roosa said the real challenge to overcoming this Nation's balance-of-payments deficit is a further rise in business exports. He said it is realistic to aim for an export rise "not in hundreds of millions but in billions" within the next 2 years.

Roosa said that the recent cooperation of foreign central banks in shoring up the defenses of the dollar was done on the conviction that this country will not drag its feet in putting its own financial house in order.

EXHIBIT I.—*Financing authorized by Eximbank*

[In millions of dollars]

Category	1958	1959	1960	1961	[1] 1962
Project loans	609	347	511	416	555
Emergency foreign trade loans	258	163	130	353	[2] 500
Exporter credits and guarantees	24	3	99	132	[3] 459
Agricultural commodity loans	73	36	44	64	3
Subtotal	964	549	784	965	1,517
Short-term political risk guarantees	----	----	----	130	-----
Comprehensive short-term insurance, FICA (since February)	----	----	----	-----	331
Subtotal	----	----	----	130	331
Total	964	549	784	1,095	1,848

[1] 6 months.

[2] Includes standby stabilization credit to Canada of $400 million.

[3] Includes small percentage of short-term political risk guarantees authorized prior to beginning of FICA operations in February.

INDIANA DUNES

Mr. DOUGLAS. Mr. President, on Sunday, September 23, the Washington Post carried an editorial entitled "Shoreline Tragedy" in which it urged that the administration and Congress save the Indiana dunes and not allow a port, harbor, and steel mills to be built in the middle of these most beautiful and unique dunes. As Carl Sandburg has said:

> The dunes are to the Midwest what the Grand Canyon is to Arizona and Yosemite is to California. They constitute a signature of time and eternity: Once lost the loss would be irrevocable.

This morning's New York Times continues its public-spirited efforts in behalf of an adequate national park in the dunes with an excellent editorial statement of the need for the Army Engineers and the Budget Bureau to desist from efforts to destroy the dunes.

Mr. President, I ask unanimous consent that these superb editorials appear in the body of the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 23, 1962]

SHORELINE TRAGEDY

Reportedly, Bureau of the Budget approval is imminent for the Burns Ditch Harbor on Lake Michigan. This is melancholy news, because it could spell the end of any hope for a national seashore area incorporating the matchless Indiana dunes. As Secretary of Interior Udall wrote to the Bureau, if the port is constructed, "the possibility of establishing a unit of the National Park System in this area of Lake Michigan will be foreclosed for all time."

The Indiana dunes are a natural treasure of a unique kind. They stretch for a few miles along the lake and contain, as in a living laboratory, the whole geological and biological history of the struggle between billowing dunes, forest and water. What makes the dunes especially precious is the location within easy access of the Chicago metropolitan area, thereby providing a recreational area for a densely populated region.

But an essential strip of the dunes belongs to the National and Bethlehem Steel companies. Plans are underway for intensive industrial development that would wipe out the dunes and spoil a small State park already located in the area. Legislative efforts to save the dunes have failed in good part because Indiana political leaders find it hard to resist the slogan "payrolls, not picnics." But the verdict in Indiana is far from unanimous. Representative Ray J. Madden of adjoining (and industrial) Lake County is for saving the dunes, as is the Steelworkers Union.

In his conservation message of February 28, President Kennedy called for the creation of a National Lakeshore Park in northern Indiana. Some 250,000 persons have petitioned to Congress to save the dunes. But thus far all this has been to no avail and the Federal Government seems about to spend $25.6 million to build a harbor in the middle of the dunes. The doubts remain. Is it really too late to consider alternate sites in Michigan City or Lake County? Is it impossible to build a ship canal that would place the harbor inland and spare the dunes?

Before the Bureau makes its final judgment, surely one final reappraisal is in order to determine whether Indiana could have its steel plants and still let the public have the dunes.

[From the New York Times, Sept. 26, 1962]

Indiana Dunes Can Be Saved

Senator Paul H. Douglas and others working to save the Indiana dunes from industrial obliteration have pointed out that there are better ways and better places to provide a deepwater port for northern Indiana than by dredging out a site in the heart of the dunes. The U.S. Corps of Engineers has declined to study the alternatives and is now asking the Budget Bureau, an arm of the White House, to give its approval to this destructive project.

Last February, in his widely applauded conservation message to Congress, President Kennedy called for creation of an Indiana Dunes National Lakeshore. If the President meant what he said, he will direct the corps to ignore the pressures being exerted by some Indiana politicians and by the steel companies that own land in the dunes and to come up with a plan that will save this irreplaceable shoreline recreational area. It is still possible to save it if there is a desire to do so.

NATO AND THE SOVIET BUILDUP IN CUBA

Mr. HUMPHREY. Mr. President, a UPI dispatch by Stewart Hensley in this morning's press indicates that some of our allies still have to be shown that they cannot differentiate between a Communist threat on their borders and a Communist threat elsewhere in the world.

According to the reported views of Norwegian Foreign Minister Halvard Lange, Cuba is essentially an "American problem." He concedes that it might eventually "develop into a problem for the free world," but until it does he sees no possibility of interfering with the long-range charters under which Norwegian vessels carry supplies between the Soviet bloc and Cuba.

Mr. President, Norway is one of the stanchest of our partners in the North Atlantic Treaty Organization. Norway entered this alliance because her experience with Nazi Germany taught her that dictators do not respect a unilateral declaration of neutrality. Her commitment to the Western Alliance has not sat well with some elements of her population, yet for years she has maintained the faith and has shouldered the common burden—often in the face of crude and violent threats and pressure from the Soviet Union. Moreover, shipping is the very lifestream of Norwegian economic health, and it will be particularly important if, for one reason or another, Norway should be excluded from the European Common Market. It is my hope and plea that the inner six—the EEC—shall include all of the outer seven—EFTA.

Having said this, Mr. President, I want to register my firm disagreement with the reasoning attributed to the Norwegian Foreign Minister, a man for whom I entertain the highest respect. Cuba, Mr. President, is already a problem for the whole free world. To the extent that our allies either directly or indirectly contribute to the longevity of the Castro regime, to the extent that they help the Soviets bolster the sagging Cuban economy and defenses, they are undermining the position of the United States and are contributing to the entrenchment of communism. This surely is not a matter of indifference to them. The Secretary of State unquestionably has plenty of arguments, backed by solid and sufficient evidence, for the NATO governments to bring pressure to bear so as to halt these injurious practices. The Secretary of State also has the full and explicit backing of Congress in his discussions with our allies.

I urge him to continue those discussions. I am confident that he will pursue this matter with the utmost energy and persistence. I am likewise confident that he will achieve mutually satisfactory results. This is little enough to ask of our friends in view of the worldwide commitments which we have undertaken in their behalf; it is little enough in view of our determination to solve the Cuban menace almost 100 percent through our own efforts. All that we require is recognition of the fact that Cuba is 90 miles from the NATO defense perimeter, not merely 90 miles from the continental United States.

Mr. President, I ask unanimous consent to have printed at this point in the Record an excellent editorial entitled "Challenge to the Free," published in the Washington Star of September 25, 1962; and an article entitled "Rusk Reported Unable to Get Norway to Halt Ships to Cuba," written by Stewart Hensley, and published in the Washington Post of September 26, 1962.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Washington Evening Star, Sept. 25, 1962]

Challenge to the Free

Although he has met with little success so far, Secretary of State Rusk is continuing his efforts to persuade the free maritime countries—particularly our NATO allies—to cooperate with the United States in clamping down on strategic shipments to Communist Cuba.

To that end, during his current visit to New York for the 17th session of the United Nations General Assembly, Mr. Rusk will have a series of conversations with numerous Western foreign ministers. The first of these talks has been with Britain's Lord Home, and although the latter is said to have been less than positive in his response, the Secretary apparently feels that the gentle art of persuasion may yet pay off in the form of effective allied action against the Havana tyranny.

At any rate, as Mr. Rusk has made clear, what the United States seeks is a program under which the following would happen: (1) Countries like Canada, Britain, West Germany, and Greece would stop exporting to Cuba such things as machinery, chemicals, and industrial raw materials. And (2) the governments of the Atlantic community would dissuade their shipping interests from chartering vessels to carry Soviet cargoes and technicans to Havana. Essentially the same measures have been advocated by the American Merchant Marine Institute, which represents management, and by our top maritime labor leaders, who have urged unionized seamen throughout the free world to refuse to sail any ships headed with strategic goods for the Kremlin's menacing new base in the Western Hemisphere.

However, although West Germany has indicated a favorable attitude, the general NATO reaction to Mr. Rusk's proposals has been largely negative up to now. Britain and a number of our other allies have suggested, for example, that the United States takes too grim a view of Cuba. Further, they have intimated that their domestic laws, and the fact that they maintain diplomatic relations with Fidel Castro's Kremlin-serving dictatorship, make it difficult for them to engage in an embargo on Cuban trade. So Mr. Rusk, wholly apart from his cheerless meetings with Soviet Foreign Minister Gromyko, has his work cut out for him in New York.

First of all, he must try to shatter the complacency of some of our allies by making clear that the threat in Cuba, in its potentials at least, is indeed most grave, not merely for us, but for the entire free world. And second, while putting emphasis on this reality, he must convince the British and others that unless they join us in cutting down on strategic shipments to Havana, they will be bolstering Castro's wobbly economy. As a result, in turn, they will be strengthening the Kremlin's grip on the island, paving the way for further Red subversion in Latin America, and thus striking another serious blow against the West's global position.

In these circumstances, it is hard to understand why our allies take what seems to be an altogether cavalier view. What is happening in Cuba is not, an inconsequential comic opera; on the contrary, it involves a supremely provocative display of naked Soviet power in one of the West's most sensitive areas. The challenge in that respect is not to Americans alone, but to freemen everywhere.

[From the Washington Post, Sept. 26, 1962]

Rusk Reported Unable To Get Norway To Halt Ships to Cuba

(By Stewart Hensley)

New York, September 24.—Secretary of State Dean Rusk tried today to persuade NATO ally Norway to help the United States isolate Communist Cuba but apparently made no headway.

Norwegian Foreign Minister Halvard Lange told newsmen, after a 55-minute conference with Rusk on this and other matters, that his government viewed Cuba as essentially an "American problem." He acknowledged, however, that it might "develop into a problem for the free world."

Lange said that Norwegian ships engaged in the trade between the Soviet bloc and Cuba were on long-term charters to the Communists and his government had "no control" over them.

Lange and Rusk, according to U.S. officials, covered a wide variety of international matters, including Berlin and European security. They actually put in more time on Berlin than anything else, presumably in preparation for Rusk's critical Tuesday luncheon conference with Soviet Foreign Minister Andrei Gromyko on East-West differences.

Assistant Secretary of State for Public Affairs Robert Manning said the Rusk-Gromyko meeting would not be confined exclusively to Berlin or any other single issue. He disclosed, however, that Rusk has called his special assistant on Berlin, Martin Hillenbrand, here from Washington to sit in on the meeting at the Waldorf Towers.

Berlin was also on the agenda for discussion by Rusk and Belgian Foreign Minister Paul-Henri Spaak at a midafternoon conference. But the principal issue was the Congo, where both countries are supporting United Nations efforts to integrate breakaway Katanga Province into the central government headed by Cyrille Adoula. U.S. Ambassador to the United Nations Adlai Stevenson participated in the meeting with Spaak, as did Undersecretary of State for Political Affairs George C. McGhee.

Other highlights of Rusk's day included a luncheon conference as the guest of Japanese Foreign Minister Masayoshi Ohisha and a meeting with Luxembourg Foreign Minister Eugene Schaus.

Rusk and Ohisha discussed United States and Japanese relations with the European Common Market, Japan's efforts to restore normal relations with South Korea and Tokyo's continuing pressure for return of the American-held Ryukyu Islands.

Tonight Rusk gave a dinner in his hotel suite for about a dozen persons in honor of Afghanistan Foreign Minister Prince Mohamed Naim.

Rusk said he did not think he would comment at this time on Lange's assertion, similar to one made yesterday by British officials, that Cuba was primarily an American problem. He told newsmen, in response to questions, that he had nothing to say on this issue right now.

Lange said that Norwegian ships engaged in trade between Soviet bloc nations and Cuba were not carrying arms, ammunition or other highly strategic goods "so far as we know."

Although Rusk would not discuss the matter publicly, American officials privately made no secret of the fact that they disagree heartily with the British and Norwegian contention that Cuba is essentially a U.S. problem.

(The British doubt a U.S. premise that Castro's government can be made to collapse by economic strangulation, Lewis B. Fleming of the Los Angeles Times reported from the United Nations.

(The British believe that such a policy could not work short of acts of war like forcefully interfering with shipments to Cuba. And the British would oppose such action.

(American proposals for a cessation of trade with Cuba are regarded as useless by the British, who point out that Cuba's needs can easily be met by shipments from other nations even if all the NATO allies were to enter into an agreement.)

Rusk, here for a 10-day series of consultations with Allied, neutralist, and Communist foreign ministers, has several sessions scheduled for Tuesday in addition to that with Gromyko.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the Calendar beginning with Calendar No. 2088, Senate Joint Resolution 208, and continuing through Calendar No. 2092, House Concurrent Resolution 474.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE 150TH ANNIVERSARY OF BATTLE OF LAKE ERIE

The joint resolution (S.J. Res. 208) to establish a Commission to develop and execute plans for the celebration of the 150th anniversary of the Battle of Lake Erie, and for other purposes was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the "Battle of Lake Erie Sesquicentennial Celebration Commission" (hereinafter referred to as the "Commission") which shall be composed of thirteen members as follows:

(1) Four members who shall be Members of the Senate, to be appointed by the President of the Senate (two of whom shall be from the State of Ohio);

(2) Four members who shall be Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives (two of whom shall be from the State of Ohio);

(3) One representative of the Department of the Interior who shall be designated by the Secretary of the Interior and who shall serve as executive officer of the Commission; and

(4) Four members to be appointed by the President of the United States.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman. The members of the Commission shall receive no salary.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

Sec. 2. The functions of the Commission shall be to develop and to execute suitable plans for the celebration, in 1963, of the one hundred and fiftieth anniversary of the Battle of Lake Erie.

Sec. 3. The Commission may employ, without regard to the civil service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions.

Sec. 4. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with agencies of State and local governments, with patriotic and historical societies and with institutions of learning; and to call upon other Federal departments or agencies for their advice and assistance in carrying out the purposes of this joint resolution. The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to Federal agencies, procure supplies, services, and property and make contracts, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this joint resolution.

(b) Expenditures of the Commission shall be paid by the executive officer of the Commission, who shall keep complete records of such expenditures and who shall account for all funds received by the Commission. A report of the activities of the Commission, including an accounting of funds received and expended, shall be furnished by the Commission to the Congress within one year following the termination of the celebration as prescribed by this joint resolution. The Commission shall terminate upon submission of its report to the Congress.

(c) Any property acquired by the Commission remaining upon termination of the celebration may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States.

Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, but in no event shall the sums hereby authorized to be appropriated exceed a total of $25,000.

WEST VIRGINIA CENTENNIAL CELEBRATION

The Senate proceeded to consider the joint resolution (S.J. Res. 213) to provide for the actual participation of the United States in the West Virginia centennial celebration.

Mr. BYRD of West Virginia. Mr. President, I urge favorable action on Senate Joint Resolution 213. The resolution authorizes an expenditure of not to exceed $100,000 for the Federal Government's participation in West Virginia's 1963 centennial celebration. The appropriation which would be authorized would permit the U.S. Department of Commerce to immediately design and construct commemorative exhibits which would deal with the 100th anniversary of West Virginia's statehood. The exhibits would be displayed in a car on a train which would travel throughout the State starting on May 1, 1963. The resolution would also waive procurement statutes so as to require formal advertising by the Government for design and construction of the exhibits. This waiver is necessary both from the standpoint of the element of time, and from the fact that the design and construction of the exhibits involve expert work, the specifications for which do not lend themselves readily to routine advertising procedures.

I cite the following record of congressional actions as possible precedents for approval, in this instance, of Senate Joint Resolution 213:

Connecticut, 300th anniversary of founding of colony:A joint resolution established a commission, to be composed of 16 members, for U.S. participation in observance of the anniversary, and authorized an appropriation of $10,000 for actual and necessary expenses. (May 14, 1935, 49 Stat. 244.)

Louisiana Territory, 100th anniversary of purchase: An act authorized a commission of nine members, to be appointed by the President, to cooperate with the local Louisiana Purchase Exposition Co. for the preparation of plans for the celebration. (A total of $1,486,609, plus $9,500,000, reimbursable, was appropriated under several acts, viz., 31 Stat. 644, 1443–44; 32 Stat. 445–446, 1108; 33 Stat. 18, 402, 35 Stat. 1026; 38 Stat. 230; and 39 Stat. 30.) (March 3, 1901, 31 Stat. 1440–45.)

Massachusetts Bay Colony, 300th anniversary of founding: A joint resolution established a commission of 15 members for U.S. participation in observance of anniversary of founding; and authorized an appropriation of $10,000 for expenses. (June 27, 1930, 46 Stat. 827.)

Tennessee centennial: The act created a board of management to be composed of representatives from the Executive Department, the Smithsonian Institution and National Museum, and the U.S. Fish Commission, to aid in the holding of a centennial exposition at Nashville. An appropriation of $130,000 was made under the act. (December 22, 1896, 29 Stat. 477.)

Texas, 100th anniversary of independence: A joint resolution established a commission to be composed of four persons, including the Secretary of Agriculture and the Secretary of Commerce, to represent the United States in connection with the exposition celebrating the observance of the centennial. Government exhibits were authorized to be displayed and the heads of the departments and agencies were required to cooperate in the procurement and installation of such display. An appropriation of $3 million was authorized. (June 28, 1935, 49 Stat. 431.)

Last week I talked with the distinguished minority leader, Senator DIRKSEN, and urged that the Senate Judiciary Subcommittee on Federal Charters, Holidays, and Celebrations, of which he is chairman, take prompt action to report the resolution. I appreciate very much the quick action taken by Senator DIRKSEN and the subcommittee, and I am further grateful for the favorable action taken by the Senate Judiciary Committee in reporting the bill to the Senate. This morning, while I was at the White House, in the company of Senator MIKE MANSFIELD, the majority leader, and other Senators, visiting with the President, I asked our majority leader if it might yet be possible, in view of the short time remaining before congressional adjournment, to get Senate approval of the resolution. Senator MANSFIELD assured me that every effort would be made to bring the matter to the floor immediately, and he has kept his promise. I introduced this resolution in behalf of myself and my esteemed colleague, Senator JENNINGS RANDOLPH, on August 7, 1962. Senator RANDOLPH and I join in expressing gratitude for the cooperation and support which we have received in bringing the resolution to the floor. Favorable Senate action today will pave the way for House action before adjournment.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of June 11, 1960 (74 Stat. 204; Public Law 86-508) is hereby amended by adding the following sections immediately after section 3 thereof:

"SEC. 4. The Secretary of Commerce is further authorized to provide for actual participation of the United States in the celebration.

"SEC. 5. In connection with such participation, the Secretary of Commerce is authorized to: (a) incur such expenses as may be necessary to carry out the purposes of this Act, including but not limited to expenditures involved in the selection, purchase, rental, construction, and other acquisition of exhibits and materials and equipment therefor and the actual display thereof, and including but not limited to related expenditures for costs of transportion, insurance, installation, safekeeping, maintenance, and operation, rental of space, and dismantling; all without regard to the provisions of Revised Statutes 3709 (41 U.S.C. 5); (b) accept any gifts, loans, or donations of money, property, or services for use in carrying out the provisions of this Act; (c) procure services as authorized by the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $75 per diem; and (d) appoint, without regard to the civil service laws and the Classification Act of 1949, as amended, such persons as he deems to be necessary to carry out the provisions of this Act.

"SEC. 6. There are hereby authorized to be appropriated not to exceed $100,000 to carry out the provisions of this Act."

INCORPORATION OF THE MERCHANT MARINE & MARITIME SERVICE VETERANS ASSOCIATION

The Senate proceeded to consider the bill (S. 151) for the incorporation of the Merchant Marine & Maritime Service Veterans Association which had been reported from the Committee on the Judiciary, with an amendment, on page 13, after line 23, to strike out:

SEC. 15. (a) The financial transactions of the corporation shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

And, in lieu thereof, to insert:

SEC. 15. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit: Raymond Jacobs, Chicago, Illinois; Thomas T. McWade, Chicago, Illinois; Alfonso DeSoto, Chicago, Illinois; John Scotello, Chicago, Illinois; Robert Broadhead, Chicago, Illinois; Francis L. Staszewski, Chicago, Illinois; E. A. Garrett, Chicago, Illinois; Jack Billow, Chicago, Illinois; Stanley T. Deering, Chicago, Illinois; Richard D. Bieze, Chicago, Illinois; Winston E. Kalberg, Chicago, Illinois; Richard Christ, Chicago, Illinois; Thomas F. Skahill, Chicago, Illinois; Art Payne, Chicago, Illinois; Thomas V. Murphy, Chicago, Illinois; George Laudermith, Chicago, Illinois; Vincent Flack, Chicago, Illinois; Terry Kenny, Chicago, Illinois; Joseph D. Kelly, Chicago, Illinois; Robert Kannberg, Chicago, Illinois;

Robert Kaforski, Chicago, Illinois; Captain David A. Jones, Chicago, Illinois; Walter J. Hetzel, Chicago, Illinois; Jerome J. Fahrenbach, Chicago, Illinois; William Berkovitz, Chicago, Illinois; Charles Ruffner, Chicago, Illinois; George Bean, Chicago, Illinois; Stanley M. Repel, Chicago, Illinois; Harry A. Skinner, Chicago, Illinois; Roscoe J. Williams, Chicago, Illinois; R. T. McWhinnie, Chicago, Illinois; Joseph W. Zinn, Chicago, Illinois; Vincente R. Santos, Chicago, Illinois; Thomas A. Ross, Chicago, Illinois; Phil Provenzano, Chicago, Illinois; Charles Pagels, Chicago, Illinois; Mike Nosal, Chicago, Illinois; John Miaso, Chicago, Illinois; Frank A. Mendyke, Chicago, Illinois; William G. May, Chicago, Illinois; Paul Maresky, Chicago, Illinois; James W. MacKenzie, Chicago, Illinois; Benjamin J. Linkus, Chicago, Illinois; Harold Kowalski, Chicago, Illinois;

Robert P. Haug, Chicago, Illinois; William Harmon, Chicago, Illinois; John S. Hambright, Chicago, Illinois; August J. Goyke, Chicago, Illinois; William Fitch, Chicago, Illinois; John Dewar, Chicago, Illinois; Vern Colvin, Chicago, Illinois; Harold Boersma, Chcago, Illinois; Frank Anderson, Chicago, Illinois; James Sheehan, Downers Grove, Illinois; Ira E. Bishop, Homewood, Illinois; Nick J. DeBrown, Franklin Park, Illinois; Raymond E. Gongola, Elmwood Park, Illinois; Frank L. Morgan, Bensenville, Illinois; Michael S. Morgan, Evanston, Illinois; Wellington Collidge, Glenview, Illinois; Darrell B. Conant, Oak Park, Illinois; W. S. Boltenstern, Cambridge, Illinois;

Earl V. Zafft, Lake Villa, Illinois; Raymond L. Loftesness, Sioux Falls, South Dakota; Eugene A. Peterson, Sioux Falls, South Dakota; Dale D. Dean, Sioux Falls, South Dakota; Wilbur Reeder, Sioux Falls, South Dakota; E. K. Verley, Sioux Falls, South Dakota; Floyd W. Reed, Pickstown, South Dakota; Donald C. Ahern, Brookings, South Dakota; Joe R. McAllister, Madison, South Dakota; Captain Clair F. Bee, Cornwall on the Hudson, New York; Captain Benjamin W. Barbander, Lakeview, New York; Eleuterio Rosa, Bronx, New York; Richard M. Stevenson, Binghamton, New York; Warren Peterson, Minneapolis, Minnesota; Frank H. Throop, Marshall, Minnesota; Richard R. Powers, Clarksville, Tennessee; Charles R. Kluge, Gary, Indiana; Ralph S. Floyd, Boston, Massachusetts; Leonard A. Cernik, Milwaukee, Wisconsin;

Martin Avignon, Junior, Laurel, Mississippi; Paul H. Apmann, Saint Petersburg, Florida; Elton Dalin, Ashtabula, Ohio; Gordon Westford, Upham, North Dakota; J. Frederick Wormcke, Washington, District of Columbia; Thomas Williams, Davidson, North Carolina; Frank A. Joslyn, Rock Rapids, Iowa; Domenico Gallo, Danbury, Connecticut; Charles Shaw, Detroit, Michigan; John Roscoe, Pueblo, Colorado; Jack Reed, Grand Bay, Alabama; Frank Harveston, Augusta, Georgia; Patrick Vergil, doctor of veterinary medicine, Sulphur, Oklahoma; Richard Meurer, Billings, Montana; James N. Jones, Saint Louis, Missouri; Robert Hotchkiss, Sedley, Virginia; George Holland, New Providence, New Jersey; Laurence N. Holden, Pawtucket, Rhode Island; James Chrystal, New Orleans, Louisiana; Elwin B. Benson, O'Neill, Nebraska; Robert E. Armstrong, Junior, Portland, Maine; Sterling Hayden, Hollywood, California; Richard L. Anderson, Baltimore, Maryland; Paul Gehris, Wyomissing, Pennsylvania;

K. J. Bailey, Gurnee, Illinois; Harold Whitaker, Holland, Minnesota; Anthony P. Velligan, Gary, Indiana; Leland S. Sorensen, Viborg, South Dakota; Francis W. Smith, New Haven, Connecticut; Robert R. Shebal, San Diego, California; Everett E. Robertson, Junior, Oakland City, Indiana; Thomas J.

O'Connor, Los Angeles, California; Edward M. Meagher, Munster, Indiana; B. Alan Stone, Colorado Springs, Colorado; Captain B. Ralph Ludy, Braintree, Massachusetts; James H. Kruser, Toledo, Ohio; Delbert W. Houts, Chippewa Falls, Wisconsin; James P. Grant, Washington, District of Columbia; Anton A. Bernacki, Chicago, Illinois; William Grabiak, Mount Pleasant, Pennsylvania; Ken Bruckelmeyer, Worth, Illinois; Clifford Gartmann, Wausau, Wisconsin; Harry C. Douglas, Groton, Connecticut; R. E. Day, San Francisco, California; Kenneth F. Clausen, Fond du Lac, Wisconsin; R. A. Chambers, Buffalo, New York; M. M. Boker, Fort Pierce, Florida; Richard M. Bielski, Sioux Falls, South Dakota; Ray J. Arkell, Iona, Minnesota; Bernard R. Wiese, Sheldon, Iowa; Arie Van Ryn, Hoboken, New Jersey; James Swinford, Louisville, Ohio;

John W. Stone, Boothbay Harbor, Maine; Sam Stephenson, Lead, South Dakota; Charles J. Steichen, Gardena, California; George L. Smokovitch, Escanaba, Michigan; Philip M. Ressegive, Brooklyn, New York; Bud Pierson, Marietta, Georgia; Lieutenant Commander M. A. Parker, U.S.M.S. Saint Petersburg, Florida; Orville Cole, Biloxi, Mississippi; John B. Orrand, Nashville, Tennessee; Stanley P. Morris, Stonington, Connecticut; Donald W. McKone, Washington, District of Columbia; William A. McGregor, North Providence, Rhode Island; Leonides Lopez, New York, New York; Patrick J. Hurley, Dorchester, Massachusetts; Paul A. Hoiriis, Parma, Ohio; John R. Hawkins, East Gary, Indiana; Warren A. Ferguson, Sheffield, Massachusetts; Evan O. Davis, Gary, Indiana; Captain William W. Clendaniel, Baltimore, Maryland; Arthur Chambless, Mobile, Alabama; Clyde M. Case, Mukwonago, Wisconsin; Francis J. Brady, Clearwater, Florida, R. J. Bish, York, Pennsylvania; Captain John L. Beebe, New Shrewsbury, New Jersey; Raymond F. Hiltgen, Torrance, California; and Robert A. Graves, Minneapolis, Minnesota; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Merchant Marine and Maritime Service Veterans Association (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. The purposes of the corporation shall be to foster appreciation for the wartime services of veterans of the American Merchant Marine and the United States Maritime Service, and the betterment of the plight of said veterans, through recognized methods of obtainment; the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 31, 1958; to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; to encourage the governmental formation of a United States Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual, and to hold absolutely or in trust for any of the purposes of the corporation any property real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of the law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to male wartime veterans of the American merchant marine, and the United States Maritime Service, who are eligible for an honorable discharge from the United States Shipping Board recruiting service of World War I; a certificate of substantially continuous service from World War II; the equivalent discharge from the Korean conflict; and any similar type discharge from previous or subsequent conflicts.

GOVERNING AUTHORITY OF THE CORPORATION

SEC. 6. The supreme governing authority of the corporation shall be the national headquarters and national board of directors thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided,* That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national headquarters may be held in any State or Territory or in the District of Columbia.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial national headquarters and the national board of directors of the corporation shall consist of the present members of the national headquarters and the national board of directors of the Merchant Marine and Maritime Service Veterans Association, the corporation described in section 18 of this Act, or such of them as may then be living and are qualified members of such national headquarters and national board of directors, to wit: Raymond Jacobs, Chicago, Illinois; John Scotello, Chicago, Illinois; Robert Broadhead, Chicago, Illinois; Alfonso DeSoto, Chicago, Illinois; Francis Staszewski, Chicago, Illinois; Thomas Truxton McWade, Chicago, Illinois; Edward A. Garrett, Chicago, Illinois; Nick J. DeBrown, Oak Park, Illinois; Ira Bishop, Homewood, Illinois; James Sheehan, Downers Grove, Illinois; and Stanley T. Deering, Chicago, Illinois.

(b) Thereafter, the national headquarters and national board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such offices shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) The national headquarters and national board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

OFFICERS: SELECTION AND DUTIES OF OFFICERS

SEC. 8. The officers of the corporation shall be a national commander, national vice commander, national secretary, national treasurer, national master at arms, five members of the board of directors, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 9. (a) The principal office of the corporation shall be located in Chicago, Illinois, or in such other place as may be later determined by the national officers and national board of directors; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

USE OF INCOME: LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the national officers and national board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any member of the national headquarters and national board of directors who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDEND

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of the proceedings of its national conventions, national headquarters, and national board of directors. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and applications of funds. Such report shall not be printed as a public document.

REPORT TO THE CONGRESS

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

CERTAIN EXCLUSIVE RIGHTS OF CORPORATION

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name Merchant Marine and Maritime Service Veterans Association. The corporation shall have the exclusive and sole right to use, or allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 18 and the right to which may be lawfully transferred to the corporation.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Merchant Marine and Maritime Service Veterans Association, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 19. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national headquarters and national board of directors and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCORPORATION OF THE McCARRAN FOUNDATION

The Senate proceeded to consider the bill (S. 3698) to incorporate the McCarran Foundation, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment, on page 10, after line 8, to strike out:

SEC. 14. (a) The financial transactions of the foundation shall be audited annually for the fiscal year ending June 30 of each year by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the foundation normally are kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the foundation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be filed annually with the Comptroller General in accordance with such regulations and upon such form as he shall prescribe verified by the certified public accountant by whom the audit is made.

And, in lieu thereof, to insert:

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Honorable Milton B. Badt, of Carson City, Nevada; Honorable Walter Bastian, of Washington, District of Columbia; Professor Kenneth Colegrove, of New York, New York; Honorable Edgar Eather, of Reno, Nevada; Robert M. Harriss, of Forest Hills, New York; Mary McCarran, of Bethesda, Maryland; Doctor Samuel P. McCarran, of Eureka, Nevada; Honorable Charles M. Merrill, of San Francisco, California; Archibald B. Roosevelt, of New York, New York; Virgil Wedge, of Reno, Nevada; and Loyd Wright, of Los Angeles, California, who shall be the original members, and their associates and successors chosen as provided herein, are created a body corporate by the name of The McCarran Foundation (hereinafter referred to as the "foundation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in the first section of this Act are authorized by majority action to complete the organization of the foundation by the selection of associate members, officers, and employees, the adoption of bylaws and regulations and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF FOUNDATION

SEC. 3. The objects and purposes of the foundation shall be exclusively patriotic and educational, as follows:

(1) To aid in the development of a better knowledge and understanding of the philosophy and basic principles of the Declaration of Independence and the Constitution of the United States, by research and study, and by the accumulation and diffusion of information regarding such philosophy and principles;

(2) To assist in the development of more dynamic procedures for making patriotism, Americanism, and good citizenship more effective, including but not limited to the promotion and encouragement of local, State, regional, and national activities;

(3) To develop and assist in and encourage the development of ways and means by which various organizations may contribute concretely to the growth of a more active, alert, enlightened, conscientious, and progressive citizenry in the United States of America; and

(4) To provide a center for the continuous acquisition and dissemination of knowledge on questions affecting the well-being of the people of the United States and its territories and possessions, utilizing any and all effective means thereto, including but not limited to research, publication and services, the establishment and maintenance of public educational activities, agencies, and institutions, and the aiding of any such activities, agencies, and institutions already established.

CORPORATE POWERS

SEC. 4. The foundation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the foundation may require;

(4) to adopt, amend, and alter bylaws and regulations, not inconsistent with the laws of the United States or any State in which such foundation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, incidental to attaining the objects and accomplishing the purposes of the foundation, subject to applicable provisions of law of any State (a) governing the amount or kind of real and personal property which may be held by, or (b) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State.

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the foundation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, or awards, to citizens for outstanding contributions toward the achievement of the purposes of the foundation;

(10) to make loans or grants, and to establish and bestow fellowships, for study, research, or creative effort;

(11) to publish a magazine or other publication or publications consistent with its corporate purposes;

(12) to use and display and authorize the use and display of such emblems and badges as it may adopt; and

(13) to do any and all acts and things reasonably necessary and proper to carry out the objects and purposes of the foundation.

HEADQUARTERS AND PRINCIPAL OFFICES; STATES AND TERRITORIAL SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The headquarters and principal offices of the foundation shall be located in the District of Columbia, but the activities of the foundation may be conducted throughout the various States, territories, and possessions of the United States.

(b) The foundation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the foundation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the foundation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. Except as otherwise provided in this Act membership in the foundation shall be governed and privileges of membership shall be prescribed by the bylaws of the foundation. In the conduct of the business of the foundation hereinafter prescribed to be conducted by vote of the members, each member of the foundation shall have one vote.

NATIONAL OFFICERS; ELECTION OF OFFICERS

SEC. 7. (a) The national officers shall be a president, who shall serve as chairman of the board of trustees and of the executive committee, a vice president, a secretary, and a treasurer, to be elected by the vote of the members from among the members of the foundation.

(b) For the purposes of initiating the foundation, the national officers shall be elected within ten days of the date of enactment of this Act by the persons named in the first section of this Act, to serve until the end of the next following calendar year. Thereafter, the national officers of the foundation shall be elected biennially by a majority vote of the members of the foundation present and voting or voting by written proxy.

BOARD OF DIRECTORS; COMPOSITION; MEETINGS, EXECUTIVE COMMITTEE; EXECUTIVE DIRECTOR

SEC. 8. (a) From the date of enactment of this Act until the next following election of officers, the governing body of the foundation, which shall exercise the powers herein granted to the foundation, shall be the persons named in the first section of this Act and such additional persons as shall be named by them as associate members. Thereafter, the governing body of the foundation shall be a Board of Trustees consisting of such number (not less than ten including ex officio members) as the bylaws may prescribe. The Board of Trustees shall be selected from among the members of the foundation

(b) The members of the Board of Trustees shall be elected for such term as the bylaws shall prescribe by a majority vote of the members of the foundation present and voting or voting by written proxy. Vacancies on the Board due to death or resignation shall be filled by designation by a majority of the Board.

(c) The Board shall meet at least once each year at such time and place as may be prescribed by the bylaws. The annual report of the Board shall be presented at such meeting. Special meetings of the Board may be called as prescribed by the bylaws.

(d) The Board shall by majority vote designate three of its own members, who together with the president and the vice president shall constitute the executive committee which, when the Board is not in session, shall have and exercise the powers of the Board subject to its direction and have the power to authorize the seal of the foundation to be affixed to all papers which may require it.

(e) An executive director for the foundation shall be selected by the executive committee in keeping with qualifications and terms of employment adopted by such committee. Other professional staff members shall be nominated by the executive director and approved by the executive committee.

USE OF INCOME OR ASSETS; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the foundation shall inure to any member, officer, or trustee thereof, or be distributable to any such person, except upon dissolution or final liquidation of the foundation as provided in section 15 of this Act: *Provided*, That nothing in this subsection shall be construed to prevent the executive committee from adopting terms of employment of the executive director as prescribed by section 8(e).

(b) The foundation shall not make loans to its officers, trustees, or employees. Any trustee who votes for or assents to the making of a loan to an officer, trustee, or employee of the foundation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the foundation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF FOUNDATION

SEC. 10. The foundation, and its members, officers, and trustees, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office, nor advocate, sponsor, promote, or oppose legislation in the Congress of the United States or in the legislatures of the several States.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The foundation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The foundation shall have no power to issue any shares of stock, nor to declare or pay any dividends, its objects and purposes being solely patriotic and educational.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The foundation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of all regular meetings of its membership, the Board of Trustees, and committees having any authority under the Board of Trustees; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the foundation may be inspected at any reasonable time by any member entitled to vote or his agent or attorney.

AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO COMPTROLLER GENERAL

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not'later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the foundation, which may be only by unanimous vote of the board of trustees, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the foundation shall be transferred by the board of trustees to some recognized agency or agencies engaged in the furtherance and advancement of patriotism, Americanism, and good citizenship.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The foundation shall have the sole and exclusive right to use or authorize the use of the name, The McCarran Foundation, and such emblems, seals, and badges as the foundation may lawfully adopt.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL GREETINGS TO BETHEL HOME DEMONSTRATION CLUB, SUMTER COUNTY, S.C.

The concurrent resolution (H. Con. Res. 474) extending the greetings and felicitations of the Congress to the Bethel Home Demonstration Club of Bethel Community, Sumter County, S.C., was considered and agreed to.

RELATIONSHIP OF THE MILITARY TO CIVILIAN LEADERSHIP

Mr. GOLDWATER. Mr. President, since the founding of our Republic the relationship between the military man and the civilian leader has always been clearly defined. Through the years it has been understood and respected by each. It was understood thoroughly that the military would never be superior to the civilian except in times of war and even then the relationship would be guarded by the dual capacity of the Commander in Chief, also our President.

Today, the civilian echelon at the top of each division of our Department of Defense is nothing but an extension of the same protection against military dominance that we observed when our forces were smaller in numbers and in assignment of roles and missions. Thus it is that all the decisions made by our military commanders in times of peace are approved or disapproved by the civilian echelons of Government. Many of them also are submitted for the approval of committees of Congress as well as the membership of the House and Senate. For example, no forces can be enlarged, no new weapons acquired, no bases built without the permission of Congress which must appropriate the required money. And the acts of Congress, made up of civilian members, are influenced by large constituencies of civilians.

So, Mr. President, we have an in-depth defense built into our system of government to keep the military leader from occupying a role of dominance. And when you add to this the American soldier's in-born respect and reverence for our free society and its system of checks and balances, it becomes strange and disturbing to hear talk to the effect that the development of a military-industrial complex in this country could lead eventually to some kind of abortive "takeover" action such as a coup d'etat by the leaders of our Armed Forces.

Mr. President, these sly and ill-founded whisperings do a grave disservice to the patriotism and dedication of our military leaders at a particularly critical time in the history of our Nation. They promote suspicion, where there is no cause for suspicion, and direct it against a group which is entrusted with the security and defense of the entire free world. They would have us believe that the increasing tempo of military coups, particularly in the Western Hemisphere, are dictated by some innate desire of military men, as a class, to usurp power and control from civilian leaders. They would have us believe that a hunger for political power is as much a part of the military leader as is his uniform. They would have us disregard the conditions that have prompted the more recent military coups in Latin America and ascribe the action to nothing but the growth of military strength.

Completely ignoring the tenets of freedom welded firmly into the training of every American military commander, the detractors of our military are fond of pointing to military coups in other parts of the world and suggesting that "it could happen here." They conjure up a picture of American military men, particularly generals, meeting clandestinely in the bowels of the Pentagon to plot the overthrow of the system they are sworn to defend. And they hint darkly that today's weapons have become so complex that only the military men know how to use them to the best advantage—as though a military commander's proficiency in his assigned field is, of itself, a reason for civilians to fear him.

Of course, Mr. President, the purveyors of this kind of slander neglect to mention that in many of the recent military coups throughout the world the military has been on the side of freedom; that it was forced to act in countries where stable government failed and the military was left as the only group capable of standing against communistic chaos. Far from being the destroyers of "democratic processes" they have been pictured, the military men more often were the only group able to hold things together until order could be restored.

Mr. President, those who warn against the military and attack its members as threats to our political processes, do not understand the American military mind. Nor can they bring themselves to study it. If they did, they would quickly discover that a man trained in the services knows that his decisions must be guided by principles which have been proven. After all, those decisions will involve human lives and cannot be taken lightly. Thus, the military mind is not one which will try a tactical or strategic answer already proven valueless. The military man knows that human nature has not changed during man's time on earth. He understands that a man on the battlefield or in his office will react to situations and conditions just as he always has.

Perhaps by this time, Mr. President, you will reason—and correctly—that I contend the military man is overwhelmingly conservative. Actually, he has to be conservative to be successful for he must, of necessity, base his judgments on the lessons of history. Because of this, the chance of communism taking over when armies are in charge of bankrupt, fallen, unstable governments are at the best remote. Some armies may have their failings but by and large they are fully aware that when communism comes to a country freedom dies. In many areas, they have been forced to act on this knowledge when the orderly processes of government failed.

In other words, in most places where the military has acted, it has acted because extreme circumstances prevailed. There is no parallel to be drawn from this merely because we have in this country a strong Military Establishment. And those who attempt any such speculation do nothing but perform a disservice to our country.

So the question I keep coming back to is this: Why do we have this growing propaganda which downgrades our military leaders and calls into question both their purpose and their patriotism? Gaged both on the basis of historical experience and conditions prevailing today, I find it impossible to answer this question unless one is willing to concede that there is more behind these innuendoes and attacks than meets the eye; unless you believe there is developing a deliberate and sustained attempt by pacifist and other far-leftist groups to bring the American military into ill repute. For, if you look to history, you will find that there is no precedent for a dominant political role by the military in the United States of America. Throughout the years, it is true, we have had no hesitancy in utilizing the special gifts and capabilities of proven military commanders. And we have done this without fear and without running the slightest risk of paving the way for an ascendancy of military power. Our first President, George Washington, was a former general. Other Presidents also were taken from the ranks of the generals, including Andrew Jackson, Ulysses S. Grant, and Dwight Eisenhower. And the generals have not had a corner on the list of proven military leaders who have held the Nation's top civilian offices. There was Col. Teddy Roosevelt, Capt. Harry Truman, to say nothing of a PT boat commander named Kennedy. Gen. George Marshall served as Secretary of State and Secretary of Defense. Gen. James Gavin was an excellent Ambassador to France. The list is a long one, but it does not include a single example of a military men who failed to fill a civilian assignment with complete faith.

Mr. President, I would remind you of another astonishing fact: 64 of the 100 Members of the Senate and 275 Members of the House in the 87th Congress have served our country in some branch of the military services—nearly two-thirds of our National Legislature. Not included, because of the herculean task of assembling the statistics, are the hordes of other former service people and present reservists and guardsmen who are serving our country in every facet of its civilian operation.

I suggest that this high percentage would be true historically. To serve our country in war or in peace is the noblest achievement of citizenry. Thousands upon thousands of our military men have served our country in a civilian capacity; but where can the suspicious cite an instance of a betrayal of the relationship of the military to the civilian? And the misguided ones who persist in questioning the intentions and the honor of the military men, who look upon the uniform as the natural garb of a potential dictator, are certainly practicing a total disregard of history.

Of course, the antimilitary mind is always attracted to remarks which can be lifted out of context or purposefully twisted to support its particular brand of alarm. For example, former Treasury Secretary George Humphrey once remarked:

> This growing power of the military threatens the traditional American way of life and brings the civilian authorities under tremendous pressures.

From reading just that passage, one could easily believe that Secretary Humphrey actually saw a danger of military takeover. But this is not true, as we find out when his entire reasoning is followed.

Out of World War II and Korea came the realization that our defensive and offensive capabilities could never, until the threat of world communism disappears, be the small establishments we maintained prior to 1941. They would, of stark necessity, be huge and expensive for the foreseeable years ahead, and their effect would rest on every person and most communities of the Nation.

This effect, by its very nature, had to be a mobile one; that is to say, military bases would be moved about, units would be transferred, material contracts would be changed, manufacturing locations altered—all this would have to be done to meet changed conditions and changed weapons systems and changed technology affecting the Military Establishment.

Mr. President, all of us know what this necessarily mobile aspect of our Defense Establishment means in terms of local economics. When a base is moved from one section of the country to another, there is bound to be an economic gain for one area and there is bound to be a corresponding economic loss for another area. Here is where we return to the nature of man, and observe his selfish instincts coming into play. When a base is moved or deactivated or when a government contract is lost because of the development of a new weapon or the discarding of an old one, the area affected immediately raises a great hullaballoo. Chamber of commerce committees and groups of labor union representatives rush in to apply political heat on their political representatives, on the Congress, and on the Government agency most directly involved. Local communities are notorious for approving frugality and modernization in the Nation's defense establishments—so long as they do not adversely affect them.

The question arises whether this is "the growing power of the military," as the former Treasury Secretary Humphrey described it, or whether it is the selfish power of the people trying to override a military decision with a political decision. Here, I believe we arrive at the true meaning of Mr. Humphrey's words—that the necessity for a powerful military is related in the mind to a large force which can never be diminished, even though modern weapons constantly increase individual firepower capabilities and thereby diminish manpower requirements. In many instances, the military has been thwarted in its efforts to reduce expenditure requirements, because of political pressure applied by civilian groups.

President Kennedy has said:

> Neither our strategy nor our psychology as a Nation—and certainly our economy—must become dependent on the permanent maintenance of a large Military Establishment.

On this, I am sure, there is agreement in the military mind, in some political minds, and, I would hope, in the public mind. The President would, I believe, have been wiser to have added "however, it must be adequate." He went on to say:

> Our arms must be subject to ultimate civilian control and command at all times, in war as well as in peace.

This sheds some light on the question, and I believe the answers will now begin to fall into place. I can see the wisdom, as I am sure the military can, of having civilian control. But command at all times, including decisions running the whole complex gamut of military problems and operations? I say this cannot be the exclusive concern of the civilian. I believe we must be wary of the civilian who yearns for the power he observes so fearfully in the hands of the military.

The question then becomes, as one Washington writer has observed—

> the relationship between America's Military Establishment and the civilian official that stirs apprehension.

In what direction should these apprehensions point? At the American military man, whom history has proven to understand not only his job, but also his relationship to his government? No. To my mind, our apprehensions and our worry should be directed at the civilian who does not understand military problems, but who seeks to "command at all times, in war as well as in peace." How can we possibly reason that an all-powerful civilian "command" is less dangerous than a military command? How can logic be extended to justify at the same time civilian efforts to "control and command at all times" all government at all levels from central Washington? If the size of the services worries these civilians, what about the unparalleled growth of government employment? If they are disturbed because an estimated 1,400 retired military officers are working for defense contractors—presumably to influence spending, how do they dismiss the efforts of thousands of bureaucrats whose time is paid for by the taxpayers, and who spend it harassing Congress to do the same thing?

I am more concerned over civilian meddlers who decide that an invasion of Cuba does not need air support than I am over military men who recommended use of enough strength to assure the success of our venture in the Bay of Pigs.

I am more concerned with the civilian who arbitrarily orders a cut in our National Guard and Reserve forces, without consulting State Governors or military leaders, than I am with the officers who believe the continuation of these manpower reservoirs is essential to defense.

I am more concerned with State Department civilians who decide what our military forces in Berlin can and cannot do than I am with the military man who believes that flexibility of action is paramount to success in zones of international tension.

I am more concerned over a civilian like Adlai Stevenson who tells the United Nations that we are prepared to take "risks" to lessen the chance of an intensified arms race with Russia than I am about military men who regard the Soviets as an implacable foe which will never deal in honor.

I am more concerned when I read that a Deputy Secretary of Defense says "The United States believes that it is highly desirable for its own security and for the security of the world that the arms race should not be extended into outer space" than I am when I read that a general has discussed communism with his troops.

Which is more dangerous to our future? The civilian who does not want to develop military potential in outer space, for fear it will "stimulate" the Russians to a similar effort, or the Air Force officer who knows that the only use Russia has for outer space is to control the earth? Or where does our security lie when an untrained civilian decides that our only advanced aircraft, the RS-70, is not needed while military men of greater experience claim it is essential to our defense?

I suggest that our country is safer because of military men who understand the necessity for victory in the cold war than because of civilians who shun the word for fear its use would offend the enemy.

Ours is a government proven by nearly two hundred years of success. The theory of separation of power has worked. The theory of limited and diffused government has proven eminently successful. The posture of the military to the civilian has been observed and it has proven wise.

But now, Mr. President, there is heard a growing voice in the land which says, "Trust not the military man for he wants to take over."

Could it happen here? Could our Government, after its glory, become something other than it has been?

I believe there is danger ahead, but my concern does not stem from a fear over what the generals might do or how their militarily-mature judgment might influence the President or his Cabinet. My concern is with the theoretically-mature mind with its proven naivete, its lack of contact with cold war realities, and its absorption with dogmas proven false and dangerous throughout mankind's history.

These are the minds who have no faith in our principles or in the people's ability. These are the minds who want control over all facets of power in the American system—not only over the military, but also over our political, economic, and social lives.

If the military man disagrees with the civilian, or vice versa, the answering action is a simple one—the military man is retired from the service.

In conclusion, Mr. President, let me say that I believe we are in far greater danger from the civilian theorist, with his punchcard answers to our pressing defense problems, than we are from the military man with his proven knowledge and concern for our American institutions.

EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

Mr. **KUCHEL**. Mr. President, there are at the desk amendments of the House of Representatives to Senate bill 455, of which I am the author. I ask that they be laid before the Senate.

The **PRESIDING OFFICER** (Mr. METCALF in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, which were, to strike out all after the enacting clause and insert:

> That the first sentence of section 5 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857d), is amended by striking out "nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964," and inserting in lieu thereof "eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966,".
>
> SEC. 2. Section 3 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857b), is amended by inserting "(a)" immediately after "SEC. 3.", and by adding at the end thereof the following new subsection:
>
> "(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere."

And to amend the title so as to read: "An act to amend the act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional 2-year period, and for other purposes."

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. Has this matter been cleared with the chairman of the committee?

Mr. KUCHEL. No; it has not. The bill came from the Committee on Public Works, but it has not been cleared with the chairman.

Mr. HUMPHREY. The Senator may go ahead and speak on the matter, and in the meantime we will check into it.

Mr. KUCHEL. Mr. President, air pollution continues to be a grave and serious problem to the health of the American people, and it is the Federal Government which must supply, and continue to supply, the leadership in the elimination of air pollution.

We supplied the legislation for that leadership 7 years ago in enacting the first Federal air pollution law in our country's history. I am glad to recall that I was the author of that law.

A year ago I introduced S. 455, to continue the responsibility of the Department of Health, Education, and Welfare, and particularly of the Surgeon General of the United States, in the field of research with respect to air pollutants.

Under the provisions of the original act, the Surgeon General is authorized to prepare or recommend research programs and to encourage cooperative activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, investigations, research, and experiments relating to air pollution and abatement. Reports of such studies as are desirable may be published from time to time by the Surgeon General, together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960.

In 1959 this act was amended to extend the air pollution control law to June 30, 1964.

As I said, the bill passed the Senate unanimously about a year ago. During the intervening months the President of the United States recommended that this legislation be adopted.

In the House of Representatives amendments were written into the bill to provide that the program should continue for 2 additional years, or until June 30, 1966; and, in addition, the House of Representatives wrote in what I think is a worthwhile feature, making it abundantly clear that the intention of the Congress with respect to the responsibility of the Surgeon General includes the following. I read, parenthetically, from section 2 of the bill as amended in the House:

> In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere.

Under existing law, the Surgeon General of the United States has entered into contracts with eleemosynary institutions and others to conduct research of this kind. Some of the research is being carried on in the State of California, and particularly in the city of Los Angeles, under a contract with the University of Southern California, by which animal life is exposed to the exhausts of automobiles and the adverse effect on animal life is measured.

This is but one of the types of experimentation conducted under the present law by which the Government of the United States is seeking to isolate air pollutants and, having isolated them, to take such steps as may be necessary to eliminate them from the air we breathe.

But, in addition to that highly important function, there is present in this country today the problem of adverse effects of air pollution on agriculture, plant life, and animal life; and there again the Surgeon General is making progress under present law. That progress needs to continue being made.

In a word, Mr. President, the House of Representatives has taken the bill which the Senate passed a year ago and has written into it provisions for a continuation of the present highly important responsibilities of the Surgeon General; and, in addition, has written out clearly that the responsibility shall include appropriate research with respect to the exhausts of motor vehicles.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. I say, most regretfully, to my friend from California, because I know of his deep interest in this matter, and of his leadership in having the legislation passed, or processed, that I have asked one of the aids of the Senate to check with the Public Works Committee and with the chairman of the committee relating to the House amendments.

I say most respectfuly that I have not been able to obtain a firm answer. I understand there is a temporary "hold" on it, without any particular opposition. I know the Senator will be cooperative. If the Senator will withdraw his request now, we will speak with the chairman of the committee. Now that the Senator has made his presentation, if we can obtain clearance, it can go through rather quickly, because I doubt whether there would be substantial opposition.

Mr. KUCHEL. I shall do so. Mr. President, I wish to say for the RECORD that I cleared this matter with the majority leader, but I say most frankly I did not clear it with the chairman of the Senate committee which originally reported my bill. Under those circumstances, I apologize to my friend.

Mr. HUMPHREY. The Senator knows that I have no objection.

Mr. KUCHEL. Yes.

Mr. HUMPHREY. I am in full support of what the Senator seeks to do. I am only serving as sort of a "watchdog" on procedural matters, to protect the rights of committees. I am sure this matter can be handled very shortly, if the Senator will withdraw his request.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the House amendments to the bill (S. 455) may be temporarily laid aside.

The PRESIDING OFFICER. The Senator withdraws his request for present consideration of the House amendments. Without objection, it is so ordered.

Subsequently the Presiding Officer laid before the Senate the amendments of the House of Representatives to the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

Mr. KUCHEL. I have talked with the distinguished Senator from Oklahoma, under whose sponsorship my bill was reported a year ago and passed. He has no objection to the Senate considering the House amendments. In fact, he will approve my request. As I said earlier, I had cleared the matter with the distinguished majority leader.

Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BURDICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE COURT AND THE GOVERNOR OF MISSISSIPPI

Mr. EASTLAND. Mr. President, the State of Mississippi has now been placed in the spotlight as a result of the decision rendered by the U.S. Supreme Court on May 17, 1954, in the school integration case. I have warned time and time again that, when a court usurps unto itself powers that are not delegated under the Constitution and laws of the United States and embarks upon a course of illegal action, one illegal usurpation would beget another and that the time would come when the people would be the victims of a judicial oligarchy. Today it is the State of Mississippi that is being made the whipping boy of the heedless and lawless course of conduct that has been pursued by the Federal judiciary since that May 17 decision.

The Governor of Mississippi is charged with the duty and responsibility of seeing that the constitution and statutes of that State are duly and faithfully executed. His power and right to perform this function arises from the sovereign powers that were reserved to the States and to the people under articles 9 and 10 of the amendments to our basic charter. He deserves and warrants the congratulations of all right-thinking people and those who love and want to keep their hard-won freedom and liberties for interposing himself and frustrating the execution of an illegal and unconstitutional order directed at Mississippi by judicial tyrants who are blind and intoxicated with the alleged power usurped to the Federal judiciary by an unbridled Supreme Court.

Mr. President, Governor Barnett was a student at the University of Mississippi when I was a student there many years ago. Whether one agrees with him or not—and I am in agreement with the course he has pursued—he is a man who is conscientious, who has a deep courage of his convictions, who will fight to preserve the Government and the society which he believes is guaranteed by the Constitution of the United States.

According to the newspaper accounts, Governor Barnett has been summoned to appear before the Circuit Court of Appeals for the Fifth Circuit in New Orleans, La., to show cause why he is not in contempt of an alleged order issued by that court. I cannot understand or comprehend the action of a Federal court of appeals arrogating unto itself powers and prerogatives which the statutes of the United States clearly lodge only in courts of original jurisdiction—the U.S. district courts. Neither can I understand the action of the executive branch of our Federal establishment in attempting to intervene and take over a controversy that was originated in a Federal district court in Mississippi between an individual resident of that State and certain named defendants. If the day has come when not only a citizen of Mississippi, but also the Governor of that great State, can be dragged across a State line by Federal marshals or troops and subjected to the dictates of appellate judges appointed to their cushy jobs for life, then judicial tyranny is a reality and not a fiction. If a crime is alleged under the laws of either the United States or any State in this Union, the commonest or meanest criminal is entitled under both State and Federal law to the constitutional safeguards of indictment by a grand jury in the geographical district in which the crime is alleged to have been committed and a trial by a jury of his peers. I do not believe the day has come when this character of judicial farce will be either condoned or permitted by the people of these United States.

The laws of the United States are explicit that in a suit when the U.S. Government is not a party, a case of criminal contempt vests in the defendant the right of trial by jury. The Civil Rights Act recently passed by this Congress explicitly provides that when the United States is a party, no sentence more than 45 days in jail and not more than a $300 fine shall be imposed without the right of trial by jury.

Mr. President, it is basic under the Anglo-Saxon jurisprudence that when a man can be confined to jail or imprisoned for an act which reaches to the stature of a crime, or when a man is guilty of criminal contempt of any court, he is entitled to a trial by jury, a jury of his peers from the neighborhood where he resides.

I submit, Mr. President, this is basic to our entire structure of government. An attempt is being made by judges in New Orleans, most of whom, in my judgment, could not be elected a justice of the peace by their closest neighbors and closest acquaintances, in violation of the law, to drag the Governor of a sovereign State across State lines and to condemn him for a term in prison.

Mr. President, as I have said, it is basic under our system of government that a man is entitled to a trial by jury. The Governor of Mississippi is entitled to a trial by a jury of his peers in the locality where he resides. This is a right we guarantee the rights of our citizens. Not only is the Governor of a State entitled to that, but also the humblest citizen in this country is entitled to it.

When I read of the conduct of those judges as stated in the newspapers on Monday, it became apparent to me that no one could get a square deal, no one could get an honest decision, from such a tribunal.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. EASTLAND. I yield to my colleague. My colleague and I have been in daily consultation on this subject. We have discussed it in detail. We largely agree on the details.

Mr. STENNIS. The Senator is correct. We have discussed all the major points and agree with relation to every essential part of the problem.

I appreciate the Senator's yielding to me so that I may now stress one point in particular. The Senator has pointed out that this issue goes back to the Supreme Court decision of 1954. He is eminently correct in that statement. The headlines of the newspapers now tend to put our State in a bad light. But what is now happening stems from the original error when the Supreme Court reached out, and, without authority and without constitutional grounds, reversed many of its own decisions, including very recent decisions, in the school desegregation cases. At the same time the Supreme Court struck down the constitutional decisions of many of our State courts. Those decisions the people had arrived at. They represented their way of living. It was a better way of life for all parties concerned.

The decisions had been approved by the Supreme Court of the United States. The provisions of the State constitution as well as State statutes have been approved over and over. Those decisions were wiped out by one stroke of the pen, and not by the legislative or executive branches of the Government. At that time warnings were sounded on the floor of the Senate as to the possible consequences to many millions of people. As I have said, the change of law was not accomplished through those whom the people elected to serve them in Congress. No executive elected by the people undertook to change the law. What was done was done by the Court. That is what causes most of the rightful indignation and resistance to that judicial error. It is a classical illustration of the natural response of a free people when they will not submit to unauthorized changes in their law or abuses by judicial officers. The prerogatives of the people were swept away in one act.

The people and the government of Mississippi are not on the defensive. An attempt is now being made to portray them in that way and put them on the defensive. It goes back to their standing on principles that have been upheld by the Supreme Court and other courts many times. No Congress has changed those principles or those laws. No executive has changed them. They are the ones who are defending the law as it has been approved and not changed by any lawmaking power.

Mr. EASTLAND. Is it not true that they are defending the Constitution of the United States in our form of government?

Mr. STENNIS. Of course. They are defending the Constitution as written by the people and as affirmed by the Court over and over and as approved by the Congress, and then they are defending their own constitution and laws passed and worked out to meet the existing conditions on a practical basis. As I have said, they have been approved over and over.

Mr. EASTLAND. We hear talk about sending soldiers into the State. I do not believe such a thing. But is it not true that the only provision in the statute which would authorize the use of soldiers to enforce a decree of the Court was repealed by the Congress and by the Senate by a vote of 89 to 0?

Mr. STENNIS. The Senator is eminently correct. It happened on this very floor following the decision to which we have referred. In that connection, the Senator from Mississippi made a special study of the subject. He prepared a speech for the Mississippi Bar Association in 1958. I shall refer to that subject later. At that time we reached the clear conclusion that there was no legislative or constitutional power to use troops in connection with this problem. I shall address myself to that subject later. I conclude on the present point by saying that in carrying out the provisions of Mississippi law and the Constitution of the United States, too, except for that one decision of the Supreme Court, Governor Barnett is very sincere in his efforts. He is very much concerned. He has acted not with haste, but with deliberation. He has been concerned with this problem over the years. He has acted with logic and with firmness in his approach to the problem. I repeat that he is carrying out his duties as he sees them and understands them under the law of the land as it was clearly settled until this intercession and the raising of this issue and all the unfortunate things that have followed. I believe he will continue to do so. I thank my colleague for yielding. As he goes along and as I endorse his speech, I shall ask him to yield further.

Mr. EASTLAND. Mr. President, as my colleague has so well stated, the people of Mississippi are not on the defense. The people and public officials of Mississippi have not done anything wrong. They are standing by their convictions. They are standing steadfast for the American system of government. They stand steadfast, as did the Founding Fathers, who wrote the Constitution of the United States and who wanted our system of government protected and preserved. They uphold those ideals. Governor Barnett is entitled to the admiration and respect of all Americans who love their country and who love our present system of government, because he is protecting the rights of all people, the powerful and the lowly, in our country.

The U.S. Government is not a party to the Meredith suit. This suit was filed by Meredith as an individual. While the U.S. Department of Justice has repeatedly sought to make themselves a party in this case, the record reveals that it is still a suit by an individual and the Government only appears as an amicus curiae position and this position is possibly improvidently taken.

The facts in the Meredith case have been emblazoned in the newspapers over the United States. Every citizen able to read is aware of the factual situation which exists. Governor Barnett courageously and boldly has taken the position that the 10th amendment to the Constitution of the United States leaves the administration of the schools to State authority, and that the 10th amendment is still a valid provision of the U.S. Constitution. In asserting this right he has courageously and boldly pressed himself forward, both as Governor and as an individual, and obstructed an order of a U.S. Court.

It all goes back to the Brown case in 1954, which was an illegal usurpation of power. The people of this country ought to realize the dubious background of the Brown case. The court did an unheard of thing by accepting as a basis for a judicial opinion the theories of several psychiatrists, blood red in character, some of whom with Communist-front connections, as the Senator from Mississippi showed at the time. There is the further dubious fact that a professor has admitted that he miswrote history, that he was hired to write a falsehood, to influence the Supreme Court.

What has been the result? Gunnar Myrdal was one of the authorities. We all know his Communist-front background. The chairman of the Internal Security Subcommittee certainly knows that he was listed as one of the authorities on which the Court based that decision.

What has been the result? We have never had so much racial agitation since then as at any time in our history. We have set race against race, people against people, neighbor against neighbor, friend against friend; chaotic conditions have prevailed in many areas of this country.

I submit that that is one of the basic tactics of communism, to create racial discord, to fish in troubled waters, to stir up strife and hatred. In the background of the Brown case there lurk the agents of communism, and sociologists and psychiatrists, some of them, as I showed at the time, with Communist background, or who belonged to Communist-front organizations, who are cited as an authority to amend the Constitution of the United States.

Mr. President, the Governor of Mississippi, basically is resisting the implementation of this Brown decision. For those who oppose the Governor's position, this must be a crime. There can be no other interpretation placed upon it from the viewpoint of those who hold contrary and dissenting views.

Mr. President, this is criminal contempt. There is not a single element of civil contempt connected herewith. As criminal contempt, Governor Barnett, both as Governor of Mississippi and as an individual, is entitled to trial by jury of his peers.

Mr. President, there has been some loose talk in the newspapers that the United States has troops available to go to Mississippi. I cannot believe this rumor.

Mr. President, there is no authority vested in the Commanding Chief of our Armed Forces to use these troops for the enforcement of any court decree. Court decrees are enforced by court action. This Congress itself deliberately with full knowledge by a vote of 89 to 0 repealed the only statute in the laws of the United States that would conceivably have given the President this type of tyrannical power.

What does article IV, section 4 of the U.S. Constitution provide? I shall read it:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Therefore, except on the application of the legislature of a State or of the chief executive officer, when the legislature cannot be convened, it is not possible to send soldiers into a State. It is not possible to do that under the Constitution. When President Eisenhower sent soldiers to Little Rock, he violated the Constitution of the United States. It was one of the blackest days in the history of our country.

U.S. v. *Cruikshank,* 92 U.S. 542, 23 L. ed. 529, involved one of the civil rights acts of 1870. An indictment was brought under this act to put down a conspiracy of the Ku Klux Klan to intimidate Negroes in the exercise of rights granted to them by the 14th amendment of the U.S. Constitution. The Court held the law unconstitutional and dismissed the proceeding, saying:

> The charge as made is really of nothing more than a conspiracy to commit a breach of the peace within a State. Certainly it will not be claimed that the United States have the power or are required to do mere police duty in the States. If a State cannot protect itself against domestic violence, the United States may, upon the call of the executive, when the legislature cannot be convened, lend their assistance for that purpose. This is a guaranty of the Constitution (art. IV, sec. 4), but it applies to no case like this.

There are a number of decisions of the Supreme Court along this same line.

The action of the President in sending the 82d Airborne Division to enforce an illegal court decree at Little Rock violated the Constitution, and was a tremendous step toward the destruction of human liberty in the United States. It was a tremendous step against our system of government, of our courts deciding cases, and law and order.

I deplore the thought, and I hope that the present occupant of the White House or any of his department heads or advisers will not consider for 1 minute utilizing the Army to enforce an illegal decree by an appellate court against the State of Mississippi and its people.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks an article entitled "Enforcement of Federal Court Decrees: A 'Recurrence to Fundamental Principles,'" written by Alfred J. Schweppe, of the bar of the State of Washington, and published in the American Bar Association Journal for February 1958.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a brief entitled "The Little Rock Case: Authority of the President To Use Federal Troops in a State of the Union," prepared by one of the most prominent lawyers in the United States, Hon. W. Scott Wilkinson, of Shreveport, La.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. EASTLAND. Mr. President, when courts cannot enforce their own decrees, some people think that the world will come to an end. Throughout the history of jurisprudence often recur examples of the inability of courts to enforce their decrees; and certainly an illegal enforcement of a decree is worse than no enforcement at all. When the Executive, through the power of appointment, can control the judiciary and then enforce the decrees of its own judiciary by the use of U.S. troops, freedom has fled from the United States, and the day of tyranny is upon us.

Mr. President, the issue involved in the present controversy between the Federal judiciary and the State of Mississippi is one of serious moment and consequence. I have said before, and I repeat, that our people are peaceful, law-abiding citizens. There has been no violence in Mississippi. Mississippi has handled its affairs in a peaceful, harmonious manner. Mississippi has had less racial agitation than any other State in the South. I am proud of the way in which Mississippi has handled its affairs. Ours is the most peaceful, most harmonious State in the United States. I will place the record of Mississippi against that of any other State in the American Union. Our people do not desire any form of lawlessness; to the contrary, they desire public peace and good order. But I further add that the southern people, by and large, will not recognize, abide by, or comply with an illegal court decree which runs contrary to the Constitution and laws of the United States and the constitution and statutes of the sovereign State of Mississippi.

Let me explain: If a provision is not in the Constitution, it should certainly be written there; but it is my judgment as a lawyer that a check is placed upon each granting of power to any branch of the Government. I have never thought much of the doctrine which some judges have announced that the only limitation upon the Supreme Court is its own self-restraint and discretion. That statement was made by a Supreme Court Justice. Frankly, I do not believe that the Founding Fathers ever intended to grant to any branch of the Government absolute power, limitless power, subject to the self-restraint and discretion of the courts. I simply do not believe that.

I think it should be made clear in the Constitution of the United States that a State, when one branch of the Government runs wild and commits acts that the State in its sovereign capacity deems to be illegal and unlawful, acts which would destroy the rights of the people—and I think the power is inherent in the State—may interpose its sovereignty in order to protect the Constitution of the United States and to protect her people from tyranny.

Mr. President, Governor Barnett is employing the proper and legitimate use of the police power inherent in every State to prevent the execution of this illegal and invalid court order. Regardless of what the U.S. Circuit Court of Appeals says or what the Supreme Court of the United States says, the ultimate power and sovereignty of this country is not in the hands of judges who are appointed for life, but is vested in the people of the several States, and there it will and must be retained if the liberties and freedoms of the people are to be preserved. Mississippi will stand fast to those beliefs and convictions which the overwhelming majority of its citizens cherish as much as they do the breath of life itself.

I again say that I believe the inherent power of a State, of a people acting in their sovereign capacity, exists; but it should be written plainly for all to see. I do not think that the men who wrote the Constitution of the United States, the men who created this great country, desired to endow one branch of the Government with unlimited power, so that a justice appointed for life, responsible to no one, and sitting on a bench, may say that the power of a State is subject solely to the Court's discretion. If that does not mean the existence of potential tyranny in this country, I do not know what other meaning could be placed on such a belief.

Mr. President, the next 2 or 3 days will determine whether ours is a government of law or a government of men. It will likewise determine whether a judicial tyranny as black and as hideous as any in history obtains in the United States, and whether petty tyrants enshrouded in black and appointed for life rule the country from the seats of the mighty.

EXHIBIT 1

ENFORCEMENT OF FEDERAL COURT DECREES: A RECURRENCE TO FUNDAMENTAL PRINCIPLES

(By Alfred J. Schweppe of the Washington Bar (Seattle))

(In this article, Mr. Schweppe examines the constitutional and statutory authority of the executive branch of the Government to enforce judicial decrees. He concludes that there exists no such authority. The Journal recognizes that the issue here discussed is one on which there is a sharp difference of opinion among respected legal authorities and welcomes comments on Mr. Schweppe's article.)

The use of troops in domestic affairs is, indeed, a very grave matter—the deep concern of every citizen—and may involve fundamental questions of self-government and of civil liberties.

The constitutions or declarations of rights of many of the States, including the writer's own State of Washington, repeat in substance from the Virginia Declaration of Rights of June 12, 1776, made 4 weeks before the Declaration of Independence, this cardinal tenet:

"A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."

That is what is required here: "a recurrence to fundamental principles."

The questions here involved are as fundamental as the question involved in the great landmark case of *Ex Parte Milligan*, 4 Wall. 2 (1866), which held invalid the military conviction of a civilian approved by President Lincoln in a northern area where the civil courts were regularly functioning.

The legal problem is simply stated, namely: where does the legal power reside to enforce Federal court decrees rendered under article III, the judicial article, of the U.S. Constitution?

The issue, of course, is only one of legal power. The President, like everyone else, is, as Lord Coke said of James I, "under the law." The issue has nothing to do with the merits of segregation, but only with the lawful manner of enforcing Federal court decrees. The President himself has said specifically that troops are in Little.Rock "not to enforce or advance any governmental policy respecting integration, desegregation, or segregation" but only to enforce a U.S. district court decree.

In a widely publicized letter dated October 7, 1957, to Senator STENNIS of Mississippi, the President said:

"The Executive responsibility is presently confined to carrying out such duties as are placed upon it to support the orders of the district courts."

Manifestly, it makes no difference what the local Governor does. The President's powers to enforce district court decrees are neither enlarged nor diminished by what a State does or does not do.

The Federal Constitution in article I delegates all legislative power to Congress. Article II delegates the executive power to the President, including the duty to "take care that the laws shall be faithfully executed." Article III delegates the judicial power of the United States to the Supreme Court and such inferior courts as Congress may establish. Article I delegates to Congress many specific legislative powers and finally the general power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

This last clause is commonly known as the "necessary and proper clause."

Thus the lower Federal courts are exclusively created, and exclusively regulated, by Congress. The Supreme Court has affirmed this clear constitutional principle hundreds of times.

Acting under these constitutional powers, Congress from the beginning provided that Federal court decrees rendered under the judicial article (III) of the Constitution shall be executed by the U.S. marshal, now title 28, United States Code, section 547, which provides that the U.S. marshal: "shall execute all lawful writs, processes, and orders issued under the authority of the United States and to command all necessary assistance to execute his duties.[1] "

The assistance which he may command has since ancient times been known as a posse comitatus.[2]

This power of the marshal to carry into effect the judicial article (III) of the Constitution could derive only from Congress, as decided by the Supreme Court (Chief Justice Marshall).[3]

The President, who has the duty under article II to "take care that the laws shall be faithfully executed," has no power to enforce, or aid in enforcing, Federal court decrees rendered under the judicial article (III) of the Constitution unless Congress invests him with such power. The only statutes that ever gave the President the power to employ the land and naval forces or militia "to aid in the execution of judicial process," were section 9 of the Act of April 9, 1866, and section 13 of the Act of May 31, 1870. The latter was the Civil Rights Act of 1870, passed to enforce or implement the terms of the 14th and 15th amendments, as provided in those amendments. Sections 9 and 13 of the 1866 and 1870 statutes were reenacted as section 1989 of the Revised Statutes of 1873, becoming section 1993 of title 42, United States Code.

Parenthetically, the Revised Statutes of 1873 were a new starting point for Federal statutes, all prior ones having been repealed in the revision.[4]

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[1] 1 Stat. 87 (1789); Rev. Stat. sec. 787.

[2] *In re Quarles*, 158 U.S. 532, 535 (1895): "It is the right, as well as the duty, of every citizen, when called upon by the proper officer, to act as part of the posse comitatus in upholding the laws of his country."

[3] *Wayman* v. *Southard*, 10 Wheat. 1 (1825); see to the same effect *Bank of United States* v. *Halstead*, 10 Wheat. 51 (1925).

[4] *United States* v. *Bowen*, 100 U.S. 508, 513; *United States* v. *Locher*, 134 U.S. 624, 626–7 (1889).

Hence, so far as Federal statutes are concerned, except as to such as have been since enacted by Congress, one today goes back only to the Revised Statutes of 1873, with all prior repealed laws being merely historical background, to be resorted to for purposes of interpretation only in doubtful cases.[5]

On February 16, 1957, a high government official was interrogated by the Senate Judiciary Committee on the intention of the administration to use troops to enforce Federal district court decrees in school integration cases under section 1989 of the Revised Statutes. Though a negative answer was given, still, undoubtedly at the instance of members who feared the power might be used, section 1989 of the Revised Statutes was expressly repealed in the Civil Rights Act of 1957, of which section 122 reads as follows:

"Section 1989 of the Revised Statutes (42 U.S.C. 1993) is hereby repealed."

The President signed this bill on September 9, 1957.

Thus, in September 1957, with the President's express approval, there was repealed the only statute in the United States Code giving the President power to use military force "to aid in the execution of judicial process." Congress in 1957, when the matter became a direct issue, clearly intended that the President should have no power in respect of Federal court decrees in civil rights cases. The repeal of a statute specifically dealing with enforcement of court decrees would in any event control over any general statute, if any is applicable, on executing the "laws of the United States." Hence under present congressional legislation, only the U.S. marshal has power to enforce court decrees rendered under article III of the Constitution.

That, by way of virtually a simple syllogism, is the answer to the problem.

WHAT ARE "LAWS"?—THE COURT'S ANSWER

The answer can be supported in other ways. The Supreme Court has often held that the "laws" which the President shall faithfully execute are the acts of Congress.[6]

As said by the Court in the *Steel Seizure Cases,* 343 U.S. 579, 585:

"The President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself. There is no statute that expressly authorizes the President to take possession of property as he did here. Nor is there any act of Congress to which our attention has been directed from which such a power can fairly be implied."

And again:

"Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad.

"And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that 'All legislative powers herein granted shall be vested in a Congress of the United States.' After granting many powers to the Congress, article I goes on to provide that Congress may 'make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.' "

And again:

"The founders of this Nation entrusted the lawmaking power to Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes of freedom that lay behind their advice."

In *Ex parte Quirin,* 317 U.S. 1, 25–27, Chief Justice Stone said:

"Congress and the President, like the courts, possess no power not derived from the Constitution. But one of the objects of the Constitution, as declared by its preamble, is to 'provide for the common defense.' As a means to that end, the Constitution gives to Congress the power to 'provide for the common defense,' article I, section 8, clause 1; 'To raise and support armies,' 'To provide and maintain a Navy,' article I, section 8, clauses 12, 13; and 'To make rules for the Government and regulation of the land and Naval Forces,' article I, section 8, clause 14, Congress is given authority 'To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water,' article I, section 8, clause 11; and 'To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations,' article I, section 8, clause 10. And finally, the Constitution authorizes Congress 'To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof,' article I, section 8, clause 18.

"The Constitution confers on the President the 'executive power,' article II, section 1, clause 1, and imposes on him the duty to 'take care that the laws be faithfully executed' article II, section 3. It makes him the Commander in Chief of the Army and Navy, article II, section 2, clause 1, and empowers him to appoint and commission officers of the United States, article II, section 3, clause 1.

"The Constitution thus invests the President, as Commander in Chief, with the power to wage war which Congress has declared, and to carry into effect all laws passed by Congress for the conduct of war and for the Government and regulation of the Armed Forces, and all laws defining and punishing offenses against the law of nations, including those which pertain to the conduct of war."

Thus, contrary to the common assumption, even the Commander in Chief function is subject to the control of Congress, the President's powers of being "purely military" and otherwise under the direction of Congress except in the case of legislation that "interferes with the command of the Armed Forces and the conduct of campaigns." *Flemming* v. *Page,* 9 How. 603, 615 (1850); *Ex parte Milligan,* 4 Wall. 2, 139 (1886), *Steel Seizure Cases,* 343 U.S. 579, 644–6 (1952), Mr. Justice Jackson concurring.

In his dissent in *Myers* v. *U.S.,* 272 U.S. 52, 247 (1926), Mr. Justice Brandeis said:

"The end to which the President's efforts are to be directed is * * * the faithful execution of the laws consistent with the provisions made therefor by Congress."

The point was succinctly put by Mr. Justice Douglas in his concurring opinion in the *Steel Seizure Cases,* 343 U.S. 579, 633, in the following words:

"But, as Mr. Justice Black and Mr. Justice Frankfurter point out, the power to execute the laws starts and ends with the laws Congress has enacted."

Thus, the lawmaking power is in Congress alone. Only Congress makes "laws of the United States". Supreme Court decisions and district court decisions are not "laws of the United States" in the constitutional and statutory sense, as will later be more specifically demonstrated. Suffice it to say at this point that they are merely decisions between parties to a case or controversy which declare what law is binding between those parties. They do not bind any other person anywhere. On the other hand, "laws of the United States" passed by Congress bind everybody everywhere within the jurisdiction of the United States.

The statutory sections on which the President relied in his proclamation of September 23, 1957, entitled "Obstructions of Justice in the State of Arkansas,"[7] namely sections 332, 333 and 334 of title 10 relating to the Armed Forces as revised in 1956,[8] cannot by any fair construction be made to give him, under the guise of enforcing the "laws of the United States," the power to enforce Federal court decrees in civil rights cases—a power of which Congress, with his own consent, had stripped him exactly 2 weeks before.

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[5] Simkins, Federal Practice, third edition (1938), p. 882, footnote 5. And see footnote 4.

[6] *Steel Seizure Cases,* 343 U.S. 579, 585 (1952), written by Justice Black, of Alabama: *Ex parte Quirin,* 317 U.S. 1, 25–27 (1942), written by Chief Justice Stone of New York.

[7] "Obstruction of Justice in the State of Arkansas By the President of the United States of America

"A Proclamation

"Whereas certain persons in the State of Arkansas, individually and in unlawful assemblages, combinations and conspiracies, have willfully obstructed the orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to the enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Ark., and

"Whereas such willful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings, and

"Whereas such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws;

"Now, therefore, I, Dwight D. Eisenhower, President of the United States, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including chapter 15 of title 10 United States Code, particularly sections 332, 333, and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith.

"In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

"Done at the city of Newport, R.I., this 23d day of September, in the year of our Lord 1957, and of the independence of the United States the 182d.

"DWIGHT D. EISENHOWER."

This proclamation, made pursuant to section 334 of title 10, U.S. Code, was accompanied by a Presidential statement published in full in the New York Times, September 24, 1957.

The Executive orders calling out the troops, one by the President dated September 24, directing the Secretary of Defense to call out troops, and the other by the Secretary of Defense dated the same day carrying out the President's order are published in the New York Times, September 25, 1957, as well as the President's radio-television address to the country on the evening of September 24, 1957.

[8] The comprehensive act of August 10, 1956, revising title 10 of the United States Code relating to the "armed forces" provides in sections 331, 332, 333, and 334 as follows:

"§ 331. Federal aid for State governments.

"Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

"§ 332. Use of militia and armed forces to enforce Federal authority.

Sections 332 and 333 empower the President to "call into service such of the militia of any State, and use such of the Armed Forces, as he considers necessary" when "unlawful obstructions, combinations, or assemblages" make it "impracticable to enforce the laws of the United States in any State or territory by the ordinary course of judicial proceedings." These sections themselves clearly differentiate between "laws of the United States" and judicial decrees to enforce them. There is no conflict between section 1989 of the Revised Statutes, just repealed, and sections 332 and 333 of title 10 governing the Armed Forces. Section 1989 was a specific statute relating to the "execution of judicial process." Sections 332 and 333 relate to enforcement of "laws of the United States" where "judicial proceedings" are "impracticable." The difference is sharp and clear. There is, as everyone knows, no act of Congress requiring integrated schools. In fact, in addition to establishing and maintaining segregated schools in the District of Columbia schools for many decades right down to the recent decision of the Supreme Court in the Bolling case, companion to the Brown case, Congress directly recognized segregated schools in the States and the District of Columbia as late as 1946 in the school lunch legislation, by requiring separate but equal distribution of the Federal funds provided for that purpose (42 U.S.C. 1760).

And so, however we approach the legal problem, we arrive at what seems to be the inevitable legal conclusion that the President has no power derived from Congress to enforce Federal court decrees rendered under article III of the Federal Constitution.

It is clear that Congress in 1957 intended that the President should have no such power, but that such decrees rendered under the judicial article should be enforced only by the U.S. marshal with a posse comitatus, if necessary.

The President has, as noted at the outset, squarely predicated his action on an assumed duty to enforce Federal court decrees on the basis of sections 332 and 333 of title 10,[9] and not on the basis of suppressing "domestic violence." That is the only way he could avoid a clash with article IV, section 4, of the Constitution, which says that the United States shall protect each State "against invasion, and on application of the legislature, or of the executive—when the legislature cannot be convened—against domestic violence." The Federal Government is not to interfere in a case of "domestic violence" within a State unless invited by the representatives of the people. The Constitutional Convention was even fearful of reposing this inviting power in one man alone, but insisted that the State legislature do the inviting, if at all possible. The Founding Fathers were taking no chances with an all-powerful Central Government and did not want that Government to interfere within a State unless expressly invited. The tread of Red Coats on the streets of Boston was still ringing in their ears. Fresh was the memory that royal governors did the inviting—not members of colonial assemblies.

The Founding Fathers closed the book forever on the exercise of such unrestrained executive power as led to the Revolution. They remembered Cromwell and George III. They knew history. They knew despotism. And they provided against it.

As Mr. Justice Brandeis said, dissenting in *Myers* v. *United States*, 272 U.S. 52, 293 (1926):

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

While under article II they made the President Commander in Chief of the Army and Navy of the United States "and of the militia of the several States when called into actual service of the United States," and imposed on him the duty to "take care that the laws of the United States be faithfully executed," they were careful to provide that Congress should have power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions," and power "to make rules for the Government and regulation of the land and naval forces." These subjects were advisedly delegated to Congress under article I and not to the President under article II. Hence Congress alone was empowered to determine how, when, and in what circumstances the President may call forth "the militia to execute the laws of the Union" within the United States.

That acts of Congress are valid insofar as they authorize the President to call forth "the militia to execute the laws of the union," has been long ago decided.[10] But where in the Constitution is there authority to use regular land and naval forces to execute the laws of the Union? Is the use of the militia exclusive? [11]

At the time the Constitution was written there were, under the Confederation both regular Federal troops and State militamen. The Regular Army of "Continentals" that served under Washington in the Revolutionary War was almost completely disbanded when peace came. During the Confederation when the Constitution was prepared and adopted, there were in service regular Federal troops to guard Federal property and to take care of Indian uprisings—a total of 595 men when Washington was inaugurated.[12] Militia were then, as they are now, comprised of State soldiers who have grown up in the State atmosphere; and they were the ones to whom was specifically delegated the power "to execute the laws of the Union" under appropriate acts of Congress.

The views set forth in the Federalist, written to persuade adoption of the Constitution and freqeuntly described by Chief Justice Marshall "as of great authority," are important here. It is said in No. 29, ascribed to Hamilton:

"In order to cast an odium upon the power of calling forth the militia to execute the laws of the Union, it has been remarked that there is nowhere any provision in the proposed Constitution for calling out the posse comitatus, to assist the magistrate in the execution of his duty; whence it has been inferred, that military force was intended to be his only auxiliary. * * * It would be * * * absurd to doubt, that a right to pass all laws necessary and proper to execute its declared powers would include that of requiring the assistance of the citizens to the officers who may be intrusted with the execution of those laws. * * * It being therefore evident that the supposition of a want of power to require the aid of the posse comitatus is entirely destitute of color, it will follow, that the conclusion which has been drawn from it, in its application to the authority of the Federal Government over the militia, is as uncandid as it is illogical.

"Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

"§ 333. Interference with State and Federal law.

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combinations, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"§ 334. Proclamation to disperse.

"Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time."

The foregoing were sections 5297–5300 of the Revised Statutes.

If it is claimed that section 333(2) empowers the President by the military generally to enforce the Federal statutes relating to the judicial department created by article III of the Constitution, including the enforcement of court decrees—an argument that might at first blush appear to have some support on the face of the section—it will be remembered that whenever Congress determined to invest the President with power to enforce such decrees, Congress in 1866 and 1870, in civil rights legislation specifically conferred such power, later incorporated in section 1989 of the Revised Statutes and repealed in 1957. In addition, Congress has carefully spelled out that the U.S. marshal shall execute such decrees with the aid of a posse comitatus. It would seem manifest that the specific should definitely control over the general, and that repeal of the specific power is congressional action indicating that the power to enforce Federal court decrees by use of military power should not exist. To hold otherwise would charge Congress with useless duplication in sections 1989 and 5299 of the Revised Statutes, notwithstanding one of the purposes of Revised Statutes was to eliminate "redundant" provisions (act of June 27, 1866 (14 Stat. 74, 75)). If Congress in 1957 had construed section 333 as susceptible of a construction authorizing military enforcement of a court decree, a repeal of that section would doubtless have been included also. The purpose manifested by the repeal is unequivocal that no such power should exist. To reach a contrary conclusion, the court would have to conclude that not only were the Revised Statutes "redundant" but that the 1957 repeal was a useless act.

[9] See footnotes 7 and 8.

[10] *Martin* v. *Mott*, 12 Wheat. 19 (1827); *Luther* v. *Borden*, 7 How. 1, 43–44 (1848); *Sterling* v. *Constantin*, 287 U.S. 378, 399, (1932).

[11] Since the act of March 8, 1807 (2 Stat. 443), carried forward into R.S. 5297 and into present title 10, Congress has included the regular land and naval forces, as well as the militia, in statutes relating to the execution of the laws, probably under its concept of the "necessary and proper" clause.

[12] "Encyclopaedia Brittanica" (1956 edition). p. 760.

What reason could there be to infer, that force was intended to be the sole instrument of authority, merely because there is a power to make use of it when necessary?

There is something so farfetched and so extravagant in the idea of danger to liberty from the milita, that one is at a loss whether to treat it with gravity or with raillery; whether to consider it was a mere trial of skill, like the paradoxes of rhetoricians; as a disingenious artifice to instill prejudices at any price; or as the serious offspring of political fanaticism. Where, in the name of commonsense, are our fears to end if we may not trust our sons, our brothers, our neighbors, our fellow citizens? What shadow of danger can there be from men who are daily mingling with the rest of their countrymen, and who participate with them in the same feelings, sentiments, habits, and interests? What reasonable cause of apprehension can be inferred from a power in the Union to prescribe regulations for the militia, and to command its services when necessary, while the particular States are to have the sole and exclusive appointment of the officers?

The "laws of the Union" to be executed by the militia are, of course, the same "laws" that the President is faithfully to execute under article II; namely, acts of Congress, as the Court has held in many cases, the latest being the famous steel seizure cases.

And it should be emphasized again that the President can only use force to execute the laws of the Union in the manner and to the extent authorized by Congress. He has no power to use force except as authorized by Congress. The Founding Fathers saw to that.

The point that when Congress employs the phrase "a Law of the United States," or "Laws of the Union," it intends the phrase to be understood and applied in the customary sense—as synonymous with "acts of Congress"—is demonstrated dramatically by the affair called *In re Neagle*.

The case, reported at 135 U.S. 1, turned in part upon a provision of section 753, Revised Statutes, now set forth, as amended, at 28 U.S.C. section 2241. In its original language, the provision was that "The writ of habeas corpus (within the jurisdiction of Federal courts) shall in no case extend to a prisoner * * * unless * * * he is * * * in custody for an act done or omitted in pursuance of a law of the United States."

One question was this: If we assume that there is no act of Congress authorizing a U.S. marshal to act as bodyguard for a Supreme Court Justice, and if a marshal acting under an Executive order requiring him to protect a certain Justice kills an allegedly unarmed assailant who has sworn vengeance against that Justice, can the marshal be tried for homicide in the State courts?

Actually, the Court held that the marshal was indeed authorized by an act of Congress. Said the Court: "But there is positive law investing the marshals and their deputies with powers which not only justify what Marshal Neagle did in this matter, but which imposed it upon him as a duty. [See] chapter 14 of the Revised Statutes of the United States * * * section 788.

Nevertheless, the Court addressed itself to the hypothetical question—and hence delivered itself of this sweeping dictum:

"It is urged, however, that there exists no statute authorizing any such protection as that which Neagle was instructed to give Judge Field in the present case. * * * In the view we take of the Constitution of the United States, any obligation fairly and properly inferrible from that instrument, or any duty of the marshal to be derived from the general scope of his duties under the laws of the United States, is "a law" within this phrase."

But Congress thereafter overruled this dictum by amending the provision to read: "The writ of habeas corpus shall not extend to a prisoner unless * * * he is in custody for an act done or omitted in pursuance of an act of Congress." Here, then, we have high proof as to what Congress meant and means by the words "a law of the United States" or "laws of the Union."

In addition to giving this dictum, the Court also asked a question:

Since the marshal had acted under an Executive order, the Court said:

"The Constitution, section 3, article 2, declares that the President "shall take care that the laws be faithfully executed." * * * Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the government under the Constitution?

This question—despite its question-begging form—was answered emphatically by the Supreme Court itself, in the steel seizure cases. *Youngstown Sheet and Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952). The President has no "inherent powers." And the point that any positive implications of the question asked in the Neagle case were thereby rejected was underscored by the dissenting opinion.

In our present situation we have, in addition, a clear expression of congressional intent in 1957 that without affecting his powers to execute the "laws of the United States," the President should have no power in respect of Federal court decrees.

ARE DECISIONS "LAWS"?—A PERSUASIVE ANSWER

But if the view is suggested that, (1) a district court decree is a "law of the United States" within the meaning of sections 332 and 333 of title 10, or (2) that a Supreme Court decision is a "law of the United States," or (3) that the 14th amendment as construed by the Supreme Court in the Brown case in 1954, and implemented by the district court, is one of the "laws of the United States" the answers are adequate and persuasive.

First. Neither Supreme Court decisions nor district court decrees are, in the constitutional and statutory sense "laws of the United States." A Supreme Court ruling is merely binding on the parties to that case, and becomes a precedent to be followed or not, as the court may choose, in the next case involving like issues between other parties.

Article VI, section 2, speaks of the Constitution, and all "laws of the United States" made in pursuance thereof, and treaties made under the authority of the United States, as the supreme law of the land. Court decisions are not mentioned. Courts merely have the power to declare what legal obligation is applicable in a particular case between the parties to that case, not to make "laws of the United States," which is the sole prerogative of Congress. Chief Justice Marshall in *Marbury* v. *Madison*, 1 Cranch 137 (1803).

A court decision merely decides; it decides a dispute between the parties to a case or controversy as to the law or facts, or both, depending on the precise issues between the parties in that case. A written opinion is just an "opinion" and nothing more. It is, as the dictionary says, "the notion, idea, or view" that the court entertains and expresses as a basis for a judgment or decree. The final judgment or decree, based upon the opinion, ends the dispute between the parties. The ruling does not "make" law but merely declares or interprets what law is binding in the particular dispute.

As said by the Court of Appeals for the Fifth Circuit (opinion by Cameron, Circuit Judge), in a recent case (*Indiviglio* v. *United States*, Oct. 31, 1957):

"The decision in Jencks (decided by the U.S. Supreme Court June 3, 1957), within the limits of the points actually decided, is the law of that case. But it is not the law of this case—nor the 'law of the land.'"

The principle is clearly spelled out in the recent book by the late Mr. Justice Jackson:[13]

"But perhaps the most significant and least comprehended limitation upon the judicial power is that this power extends only to cases and controversies. * * * The result of the limitation is that the Court's only power is to decide lawsuits between adversary litigants. * * * Also, as an appellate court, it properly can act only on the state of facts revealed by the record made in the court below, supplemented sometimes by general information of which it may take judicial notice.

"* * * And when it is all over, judicial decree, however broadly worded, actually binds, in most instances, only the parties to the case. As to others, it is merely a weather vane showing which way the judicial wind is blowing—a precedent that the Court in a similar case is likely to follow. Its real weight in subsequent cases, however, will depend on many factors, such as the quality of the prevailing opinion, the strength of any dissent, the acceptance or criticism by the profession, and the experience in application of the rule.

To emphasize this aspect, the decisions of the Supreme Court in the Brown case and Bolling case in 1954[14] could operate lawfully only as directions to the district courts below in those cases. The Supreme Court has no power to issue directions to district judges generally in cases not before it. In new segregation cases, the district judges follow the precedent of the Brown case of 1954, instead of the contrary Gong Lum case[15] of 1927 specifically upholding segregated schools in the State of Mississippi under the 14th amendment, presumably because of the likelihood that if they do not, the Supreme Court as now constituted will reverse and order them to proceed accordingly.

Courts often refer to Supreme Court decisions as binding precedents, which only means, however, that if a similar case comes along, then, in the orderly administration of justice, a lower court judge at least follows the higher court decision, leaving it to the higher court to change its earlier ruling, if need be. It is a rare lower court judge, indeed, who undertakes to correct a higher court, no matter how strongly he may disagree.

Whatever their effect, volatile or otherwise, as precedents in future cases between other parties, Supreme Court decisions are not "laws of the United States" in the constitutional or statutory sense. That is, they are not statutes and cannot have the effect of statutes.

It is, of course, well known that President Andrew Jackson, who had been a judge of the Supreme Court of Tennessee, did not think that a Supreme Court decision was a "law of the United States" that he was bound faithfully to execute. When he was advised of the Supreme Court's decision in *Worcester* v. *Georgia* (6 Peters 515 (1832)), he said, "John Marshall wrote it; let him enforce it."

Moreover, and obviously, a U.S. district court decree cannot properly be held to be a "law of the United States." Such a decree is binding only on the parties, is a precedent only within the district and not binding on a Federal judge who disagrees.

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[13] "The Supreme Court in the American System," Harvard University Press, 1955.

[14] 347 U.S. 482, 497; 349 U.S. 294.

[15] 275 U.S. 78; see comment 42 A.B.A.J. 808 (September, 1956), showing that (1) the question of equal protection per se, and (2) the "separate and equal" question were squarely raised in the record of Gong Lum, and squarely decided, notwithstanding Chief Justice Warren's brief observation in the Brown case that "the validity of the doctrine itself (separate but equal) was not challenged."

Cognizance should probably be taken here of the revolutionary ruling in *Erie Railroad Co.* v. *Tompkins*, (304 U.S. 64 (1938)), in which the majority of the Court, without the question's being suggested or argued by counsel, and after refusing the request of the minority that the case be assigned for re-argument, overruled the great century-old decision written by Mr. Justice Story in *Swift* v. *Tyson*, (16 Pet. 1 (1842)), and the dozens of decisions following it. This was done notwithstanding the fact that *Swift* v. *Tyson* had been accepted by Congress in the Revised Statutes of 1873 as the correct exposition of the Judiciary Act—a point which Mr. Justice Brandeis and the majority in Tompkins, in their precipitous haste, completely overlooked.[16] The majority of the Court construed the words "laws of the several States" as including State judicial decisions as well as statutes, contrary to Story's view, frequently followed by the Supreme Court and accepted by Congress, that the word "laws" meant only "statutes." The majority in Tompkins purported to rest its holding on a law review article written by Mr. Charles Warren. Mr. Warren's ex parte researches and conclusions were, immediately after Tompkins, flatly challenged.[17] The word "law," in its singular or plural form appears in the Federal Constitution and its amendments many times, and except in certain instances (small in number) where the word is used in reference to the jurisprudence of the States, and of the law of nations, or where it is merely a term of description—such as "courts of law," "cases in law and equity"—the word is used in the meaning of "statute" or "statutes" enacted by Congress.[18] The Tompkins decisions is demonstrably erroneous, has created more problems than it has solved, has retarded the desirable trend toward common-law uniformity, in which the Federal courts were wielding a strong influence, and has rendered diversity of citizenship jurisdiction in the Federal courts a largely useless burden.[19] The interpretation in Tompkins of the word "law" as including State court decisions as well as State statutes is not only wrong but, in the writer's opinion, inexcusable. It represents a case of crass violation of decisional precepts that the majority had often laid down—apparently for others.[20] In any event, the Tompkins decision is inapplicable here, where the context and the Supreme Court's decisions determine indisputably that the "laws" which the President under the Constitution is faithfully to execute are not court decisions (which are not "laws of the United States") nor the Constitution itself unimplemented by legislation, but "acts of Congress."

Second. The executive power conferred on the President in article II to execute the laws, as ruled by the Supreme Court in the Steel Seizure cases and in other cases, is not self-executing and requires congressional legislation in any case, and even more specifically in the case of "calling forth the militia to execute the laws of the Union" and Government and regulation of the Armed Forces. According to the Constitution, the President cannot use the militia to execute the laws of the Union except as authorized by Congress. Because Congress was invested with the sole power to determine the use of force to execute the laws of the United States, in the silence of Congress, the President would have no such power. In consideration of the problems of executing domestic civil or criminal laws we are not in any commander in chief area, which relates solely to "military duties," as previously pointed out. In any event, article II does not confer Presidential power in the face of an unequivocal expression of congressional intent in 1957, by repeal of section 1989 of the Revised Statutes of 1873, that the President should have no power to employ "the land and naval forces of the United States, or of the militia * * * to aid in the execution of judicial process" in civil rights cases.

Pertinent are the words of Mr. Justice Jackson in the *Steel Seizure* cases, 343 U.S. 579, 637:

"When the President takes measures incompatible with the expressed or implied will of Congress, his powers is at its lowest ebb for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter."

The intent of Congress in 1957 was not left to implication.

In the current discussion of the problem of the Presidential use of troops at Little Rock, reference has been made by some persons, including the President[21] to section 15 of the Act of June 18, 1878 (20 Stat. 152; repealed in 1956 as section 15 of title 10 and reenacted in the same bill as section 1385 of title 18, the Criminal Code) which reads as follows:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress, wilfully uses any part of the Army or Air Force as a posse comitatus or otherwise, to execute the laws, shall be fined not more than $10,000 or imprisoned more than 2 years, or both."

This statute, which not until 1956 included the Air Force, was first passed in 1878 by a Democratic Congress to prevent Republican President Hayes from using troops to enforce election laws in the South either directly or through the U.S. marshal. The law was doubtless enacted in part also to overcome a view maintained in an opinion of Attorney General Caleb Cushing, 6 Op. Atty. Gen. 466 (1854), to the effect that U.S. marshals, could use, as a posse comitatus, not only bystanders and citizens in the community, but the Federal Armed Forces within their precincts.

When this measure was passed in 1878, it was hailed by its proponents as a great victory in the struggle for a "Government of laws." One spokesman said:

"We have this day secured to the people of this country the same great protection against a standing Army which cost a struggle of 200 years for the Commons of England to secure for the British people."[22]

It was thought by its sponsors that henceforth the power "to execute the laws" by military force no longer existed in the President, and that the laws were to be enforced solely by the U.S. marshal, with a posse comitatus, if necessary, not including troops.[23]

A recent vigorous comment on this statute is that of Mr. Justice Jackson concurring in the *Steel Seizures* cases, 343 U.S. 579, 644–645:

It was also left to Congress to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. * * *" Such a limitation on the command power, written at a time when the militia rather than the standing Army was contemplated as the military weapon of the Republic, underscores the Constitution's policy that Congress, not the Executive, should control utilization of the war power as an instrument of domestic policy. Congress, fulfilling that function, has authorized the President to use the Army to enforce certain civil rights (citing the statute since repealed). On the other hand, Congress has forbidden him to use the Army for the purpose of executing general laws except when expressly authorized by the Constitution or by act of Congress (citing the posse comitatus act).

Sections 5298 and 5299 of the Revised Statutes and the Act of 1878 were all reenacted in the recodification Act of 1956. So it must today be acknowledged that sections 332 and 333 of title 10 are now express exceptions created by Congress simultaneously with the enactment of section 1385 of title 18. Hence, whatever might have been the proper legal meaning of the 1878 statute prior to 1956,[24] we now appear to be remitted only to the question of the correct construction of sections 332 and 333 of title 10, which, as of 1956, are express exceptions to the posse comitatus act. The construction of these sections has been discussed above.

Even without the aid, however, of section 1385 of title 10 (the posse comitatus act just referred to), as the author sees it, we end up with the conclusion that military force cannot be used by the President either (1) to enforce Federal court decrees because the only specific statute was repealed in 1957, or

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[16] For a critique of the egregious error in Tompkins. see Simkins "Federal Practice," 3d Ed. sec. 1134, and especially footnote 5 on p. 882; Thomas Reed Powell, 14 "Washington Law Review," 99, 116.

[17] Alfred J. Schweppe, "What Has Happened to Federal Jurisprudence," 24 A.B.A.J. 421, 425 (June 1938).

[18] Lamar J., dissenting in *In re Neagle*, (135 U.S. 1, 92–93 (1890)).

[19] See Bernard Schwartz, "The Supreme Court" (Ronald Press, 1957) pages 152–160, 164. 386.

[20] See Thomas Reed Powell, footnote 14.

[21] President's press conference, Sept. 11, 1956. The President said: "I believe it is called a posse comitatus act. * * * That is the thing that keeps the Federal Government from just going around where it pleases to carry out police duties."

[22] Richardson, "Messages and Papers of the Presidents," 526.

[23] Notwithstanding this view, the Attorney General in 1 Op. Atty. Gen. 162 (1878) and 19 Op. Atty. Gen. 570 (1890), the latter following the former, expressed the opinion that the act of 1878 (now sec. 1385 of title 18), which expressly recognizes any exceptions made by Congress, therefore had excepted sections 5298 and 5299 of the Revised Statutes of 1873, which are now sections 332 and 333 of title 10, under which the President purported to act at Little Rock. These opinions of the Attorney General hold, in substance, that the U.S. marshal cannot use troops as a posse comitatus, but that the President himself can act under sections 5298 and 5299. Of these opinions of the Attorney General it may be observed that if the bill was passed for the purpose advocated by its sponsors; namely, to prohibit the President's use of troops in domestic affairs unless expressly authorized by Congress, the express authorization referred to must have been intended to mean subsequent, and not past legislation, the 1878 act operating in that respect prospectively. Actually the exception in the act of 1878 of authorization in the Constitution must also have been intended to be prospective, the Attorney General to the contrary notwithstanding, because the Constitution did not then, nor does it now, authorize the President to use force to execute the law in domestic affairs, but only empowers Congress "to provide for calling forth the militia to execute the laws of the union." If the act of 1878 is construed, as it was by the Attorney General in the two opinions referred to, to except the earlier provisions of sections 5298 and 5299, then Congress in passing the act of 1878 did a useless thing so far as concerns restricting the President's use of troops to execute the laws.

Mr. Justice Jackson's statement quoted in the main text above is by far the most authoritative interpretation given to the posse comitatus act. Opinions of the Attorney General are not adjudications, and because they are not based on adversary briefs and arguments, have relatively little weight and are often partisan to support an executive desire. Unlike judicial opinions, they can be discounted in legal debate.

[24] See footnote 23.

(2) to execute the laws because court decrees are not "laws of the United States."

Clearly, however, the U.S. marshal has the power and duty to execute Federal court decrees with the assistance, if need be, of a posse comitatus, not including military forces.

If it should be suggested that the President has taken an oath under article II, section 1, that he will "to the best of my ability, preserve, protect, and defend the Constitution of the United States", the answer is that the President's oath, far from being a grant of power, is a restraint on it. Its prototype, the oath of English monarchs since William and Mary, was to obtain a commitment that the hard-won rights and liberties of the English people would be preserved, protected, and defended and not trampled underfoot. (See annotation, "Constitution of the United States, Revised and Annotated," Government Printing Office, 1952, p. 389.) Thus the President's oath was primarily required to prevent him from overthrowing the Constitution and setting up a military dictatorship or monarchy. That is the restraint that concerned the Founding Fathers.

Hence, whatever excursion is taken through the Constitution and the applicable statutes, one ends with the conclusion that, as of now, the President has no lawful power to use military force to carry out Federal court decrees rendered under article III of the Constitution. In this writer's opinion, it would require either (1) an act of Congress to invest him with such power, since none now exists, and was clearly intended as of September 9, 1957, not to exist, or (2) the reversal by the Supreme Court of the Steel Seizure, Quirin, and other cases on the extent of the executive power and the President's duty to take care that the laws be faithfully executed, and of hundreds of decisions concerning the exclusive power of Congress over the lower Federal courts.[38]

EXHIBIT 2

THE LITTLE ROCK CASE—AUTHORITY OF THE PRESIDENT TO USE FEDERAL TROOPS IN A STATE OF THE UNION

(By W. Scott Wilkinson)

The action of the President of the United States in sending Federal troops to Little Rock, Ark., on September 24, 1957, and ordering the Arkansas National Guard into Federal service the same day, is not only in conflict with the provisions of the U.S. Constitution but is also in conflict with the principles upon which our republican form of government has been established. Troops were sent into the State of Arkansas without any request from the legislature or from the Governor of that State, and they were sent there for the purpose of preventing domestic violence. There is only one provision of the Federal Constitution which would authorize the President to so intervene in the affairs in any one of the sovereign States of the Union.

The authority of the Federal Government to protect a State against domestic violence is set forth in article IV, section 4 of the U.S. Constitution as follows:

"SEC. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

It will be seen that the section of the Constitution above quoted only authorizes the United States to take protective action against domestic violence in any State on application of the legislature, or of the executive. This section of the Constitution has been construed in a number of cases, none of which are identical with the Little Rock situation, but there are several Supreme Court decisions which call attention to the fact that the United States can only intervene to suppress violence in a State on application of the legislature or of the executive of that State.

U.S. v. *Cruikshank*, 92 U.S. 542, 23 L. Ed. 529, involved one of the civil rights acts of 1870. An indictment was brought under this act to put down a conspiracy of the Ku Klux Klan to intimidate Negroes in the exercise of rights granted to them by the 14th amendment of the U.S. Constitution. The Court held the law unconstitutional and dismissed the proceeding, saying: "* * * The charge as made is really of nothing more than a conspiracy to commit a breach of the peace within a State. Certainly it will not be claimed that the United States have the power or are required to do mere police duty in the States. If a State cannot protect itself against domestic violence, the United States may, upon the call of the Executive, when the legislature cannot be convened, lend their assistance for that purpose. This is a guaranty of the Constitution, article IV, section 4; but it applies to no case like this."

In *White* v. *Hart*, 80 U.S. 646, 20 L. Ed. 685, the Supreme Court said: "* * * The Government of the Nation and the government of the States are each alike absolute and independent of each other in their respective speres of action; * * * the State has inherently the right to use all the means necessary to put down the resistance to its authority, and restore peace, order, and obedience to law. If need be, it has the right also to call on the Government of the Union for the requisite aid to that end."

In the earlier case of *Luther* v. *Borden*, 7 How. 1, 42, 45, 12 L. Ed. 581, 599–601, the Supreme Court made the following statements with reference to the law on this subject:

"The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion; and on the application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence. * * *

The first clause of the first section of the act of February 28, 1795, of which we have been speaking, authorizes the President to call out the militia to repel invasion. It is the second clause in the same section which authorizes the call to suppress an insurrection against a State government. The power given to the President in each case is the same, with this difference only, that it cannot be exercised by him in the latter case, except upon the application of the legislature or executive of the State. * * *

The State itself must determine what degree of force the crisis demands. * * *

No one, we believe, has ever doubted the proposition, that, according to the institutions of this country, the sovereignty in every State resides in the people of the State.

In his address to the Nation on September 24, 1957, the President stated that disorderly mobs have deliberately prevented the carrying out of proper orders from a Federal court. He then stated that for this reason "it becomes necessary for the executive branch of the Federal Government to use its powers and authority to uphold Federal courts." There is no provision in the U.S. Constitution for the carrying out of the orders of Federal courts by the use of National or State troops. Other means of carrying out such orders are provided by the laws of Congress. The remedies are both civil and criminal. Specifically, whenever the Federal court issues an injunction, any person violating the injunction is subject to civil or criminal contempt of court. He may be arrested by the U.S. marshal, or other law enforcement officer, brought before the court and subjected to fine or imprisonment or both in the discretion of the court whose order has been violated. Title 28, sections 547–549 of the United States Code places the responsibility for carrying out the orders and decrees of the U.S. courts on the marshals of these courts, and permits them to secure all assistance necessary for such purpose. They have no authority to call out the Army or the militia for any purpose. In the Little Rock case no attempt whatever was made to carry out the orders of the court in the normal manner provided by law. There is nothing in the U.S. Constitution which would authorize the President to substitute the military might of the United States for the orderly processes of the judiciary.

The authority of the President to call the National Guard into Federal service is contained in section 3500 of title 10 of the United States Code, the relative portions of which read as follows:

"§ 3500. Army National Guard in Federal Service: call

"Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the Army National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the Governors of the States."

None of the three conditions set forth in the foregoing section of the United States Code existed in the Little Rock case. There was no danger of invasion, there was no rebellion or danger of rebellion, and there is no pretense that the President was unable with the regular forces to execute the laws of the United States. In any event, orders for a call to the Arkansas National Guard into Federal service were not issued through the Governor of the State as required by the foregoing section of the United States Code.

The President violated the provisions of 10 U.S.C. 3500, above quoted, by his failure and refusal to act through the Governor of the State as required by that statute. He also violated another act of Congress which forbids the use of the Army as a "posse comitatus" to quell local disorders. Title 18, section 1385 of the United States Code reads:

"§ 1385. Use of Army and Air Force as posse comitatus

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than $10,000 or imprisoned not more than 2 years, or both."

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[38] Before completing this article, the writer carefully considered the comments made in 56 Mich. L. Rev. 249–270 (December 1957), written in support of the President's power to use troops at Little Rock. The argument concludes that "as a practical matter the court could not reasonably afford" not to sustain the President's use of troops to enforce Federal court orders. This, of course, is hardly a legal argument, unless one agrees that the court should legislate in defiance of Congress. Nothing contained in the article has altered this writer's conclusions. The writer has also read the Government's brief for appellees in *Jackson* v. *Kuhn* (No. 15899), pending in the Eighth Circuit. In that case the plaintiff seeks to test the legality of the use of troops at Little Rock. Without commenting on the jurisdictional objections raised by the Government, the arguments made on the merits have been in many phases rejected by the court in the Steel Seizure cases, and in other respects, *In re Neagle*, *Erie Railroad* v. *Thompkins*, and statutory construction, are answered by the writer of this article above.

"Posse comitatus" is defined as a group of citizens called upon by the civil authorities to assist in maintaining peace and order. The quoted section of the United States Code prohibits the use of the Army for this purpose and no provision of the Constitution or other act of Congress authorizes it.

The President's address of September 24, 1957, terms the incident at Little Rock as a case of mob rule and the terror of his speech does not suggest that there is any rebellion or danger of a rebellion in that city. Riots and insurrections and mob violence do not fit the definition of rebellion. The Supreme Court of the United States made this clear in the case of the *Amy Warwick*, 17 L. Ed. 459.

In that case it said:

"It is no loose unorganized insurrection, having no defined boundary or possession."

The substance of the Little Rock case is that troops were called out to enforce the segregation decision of a district court of the United States. The President's speech makes it clear that he ordered the use of troops to carry out a court order for the desegregation of the Little Rock schools in accordance with the Supreme Court's interpretation of the 14th amendment of the U.S. Constitution. In his proclamation of September 23, the President stated that the action of certain persons and assemblages of persons were impeding justice in a way which denied to colored citizens the equal protection of the laws and as authority for his later action in sending troops to quell the disturbances in Little Rock he cited sections 332 and 333 of title 10 of the United States Code. Section 332 is merely a codification of an act of Congress passed on July 21, 1861, for the purpose of calling the militia into Federal service to put down the rebellion of the South in the War Between the States. Section 333 is a codification of an act of Congress on April 20, 1871, and is one of the Civil Rights Acts of Congress passed during the days of reconstruction. Title 10 United States Code, section 333 reads as follows:

"§ 333. Interferences with State and Federal law

"The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution."

The first paragraph quoted above involves the execution of the laws of the State and of the United States, but no laws of Arkansas are involved in the President's proclamation. His proclamation is therefore based on the second paragraph of the section just quoted. This section of the Judicial Code is obviously in conflict with article 4, section 4 of the U.S. Constitution which as stated above allows Federal intervention against domestic violence only when an application has been made of the legislature or by the executive of the State. The facts of the matter show that there has been no opposition or obstruction in the execution of the laws of the United States in Little Rock and that nothing has been done to impede the course of justice under those laws. There is no claim that any officer or agent of the United States has been prevented from carrying out any of the laws of the United States or that any person or group of persons have impeded or interfered with any officer or any court of justice in carrying out the laws of the United States. It is true that individuals and groups of persons have assembled to intimidate Negroes from entering the Little Rock High School, and sporadic acts of violence have taken place on or about the school grounds for this purpose, but these persons are in no way connected with the administration of justice in the Federal court at Little Rock.

The accusation against these unorganized groups of Little Rock people is that they were obstructing the execution of the laws of the United States by interfering with the Federal court's order for the integration of the public schools, then the accusation must fall because a decision of the court is not a law. In *Swift* v. *Tyson*, 41 U.S. 1, 10 L.Ed. 865 Mr. Justice Story said:

"In the ordinary use of language it will hardly be contended that the decisions of courts constitute laws. They are, at most, only evidence of what laws are, and are not of themselves laws. They are often reexamined, reversed, and qualified by the courts themselves, whenever they are found to be either defective, ill-founded, or otherwise incorrect."

This also disposes of the President's claim that he is using troops in accordance with his duty to "take care that the laws be faithfully executed" as provided in article II, section 3 of the Constitution. Obviously this article of the Constitution means that the laws must be executed as required by other constitutional provisions, such as the one that demands a request from the legislature or the Governor of the State before troops are used to put down domestic violence (art. IV, sec.4).

If the charge against the Little Rock people is that they have impeded the course of justice under the laws of the United States, as specified in 10 United States Code 333 then this accusation is also without legal foundation. The United States Code specifies in detail those acts which amount to obstruction or impedance to the administration of justice. Acts which amount to an obstruction of justice are set forth in title 18, sections 1501 to 1507 inclusive of the United States Code. These acts include assault on a process server, resistance to an extradition agent of the United States, influencing or injuring an officer of the court, a juror or a witness in a pending proceeding, theft or alteration of court records, and picketing a court with the intent of influencing a judge, juror, witness, or other officer in the discharge of his duty. It is not contended that any member of the group assembled at the Little Rock High School was engaged in any of the acts which the United States Code enumerates as an act constituting an obstruction to justice. The President of the United States was therefore in error in basing his proclamation for the use of Army troops on the questionable provisions of sections 331 to 334 inclusive of the United States Code.

He might have based his order upon other civil rights provisions of the United States Code if these provisions had not been repealed by the Civil Rights Acts of 1957 which was passed at the last session of Congress and approved by the President.

Public Law 85–315, 71 Stat. 634, known as the Civil Rights Act of 1957, passed in the 85th Congress and approved by the President on September 9, 1957 contains the following provisions:

"Sec. 122. Section 1989 of the Revised Statutes (42 U.S.C. 1993) is hereby repealed."

Title 42 United States Code section 1993 which was thus repealed by the Civil Rights Act of 1957 reads as follows:

"Section 1993. Aid of military and naval forces

"It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title. (Rev. Stat. sec. 1989)."

The above quoted section of the United States Code is one of the reconstruction acts passed by Congress on April 19, 1866, for the purpose of enforcing the civil rights laws that were enacted following the Civil War. The sections of the code referred to in the above quoted provision which was recently repealed constitute all of the civil rights provisions of the United States Code which are now written upon the statute books of this Nation. It is therefore inescapable that Congress in its last session intended to take away from the President of the United States any authority which he may have previously had to make use of the Army or militia to enforce orders of any Federal court relating to the civil rights of individuals. Irrespective of the intent of Congress as expressed in this recent law, the President called out Federal troops under the authority of other provisions of the code relating to the obstruction of justice, which articles are wholly inapplicable to the situation as demonstrated above.

CIVIL RIGHTS

At the bottom of the Little Rock trouble lies the precipitate and arbitrary action of an imported northern judicial integrationist whose court injunction prohibited the Governor of Arkansas from using State troops to prevent rioting and domestic violence. While this injunction merely prohibited the Governor from exercising his sworn duty to maintain the public peace, its purpose was to compel the city of Little Rock to integrate its schools with white and Negro students against the will of the great majority of the people of the city and State. When the troops were withdrawn local and State police were substituted for the militia and the Negroes under their protection entered the school. At this juncture citizens of Little Rock appeared separately, or in small groups to protest and endeavor to prevent the Negroes from remaining in the school. They were unarmed and unorganized and the only acts of violence that occurred were of a minor nature. Fists and feet were the only weapons employed. These people were not under injunction to integrate the school, nor were they in any sense parties to any judicial proceeding for that purpose. Before the local and State police were given the minimum opportunity to preserve order Federal troops appeared. Their job—integrate the school, furnish a military escort for the Negroes, beat down with rifle butts and bayonets—bullets if necessary—any and all groups of people who gathered at the school, peaceably or otherwise, to protest this violent action against the sovereign rights of the State of Arkansas.

During the first tragic era of Civil War reconstruction, a vindictive Congress passed many so-called civil rights laws directed at the defeated and prostrated South. Most of these laws were declared unconstitutional by the Supreme Court, and the remainder were largely abandoned because they were considered, by analogy, to be equally unconstitutional and illegal—yet the basis for the proclamation of President Eisenhower and his order for Army aggression against the State rests on these unconstitutional statutes. Section 333 of article 10 of the United States Code, relied upon by the President, by its very terms is one to enforce the 14th amendment guarantee against State action denying "equal protection of the laws." In the Little Rock case this enforcement was directed not at State action but at the individual action of private citizens who held no office in, and had no authority to act for the State of Arkansas.

The Supreme Court of the United States has on scores of occasions ruled that the 14th amendment does not govern the actions of private citizens and applies only to State action by State officials in the enforcement of State laws that deny equal protection of the laws by racial or other discrimination.

In the case of *U.S.* v. *Cruikshank*, 92 U.S. 542, referred to above the defendant was a member of the Ku Klux Klan of Louisiana, and was charged with having gone on the public highways in disguise with other members of the Klan for the purpose of carrying out a conspiracy to intimidate Negroes and deprive them of their civil rights in violation of the 14th amendment and the Civil Rights Acts of Congress. The Court held that "the 14th amendment adds nothing to the rights of one citizen against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen."

The Court held that the United States had no constitutional power to declare the actions of the Klan to be a crime. In this connection Mr. Chief Justice Waite said:

"Sovereignty for this purpose rests alone with the States. It is no more the duty nor within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself."

If the United States has no authority to put down or punish roving bands of klansmen doing violence to the civil rights of Negroes under the cover of hooded robes, by what law or rule of reason can it disperse with rifles and bayonets unmasked and unorganized groups of citizens appearing in the daylight hours to protect an invasion of Federal troops into their local territory?

In *United States* v. *Harris*, 106 U.S. 629, 27 L. Ed. 290, a group of 20 persons were indicted in Federal court for conspiracy to deprive Negroes in Tennessee of equal protection of the laws guaranteed by the 14th amendment and by section 5519 of the Revised Statutes of the United States. The Supreme Court quashed the indictment, saying:

"Section 5519, according to the theory of the prosecution and as appears by its terms, was framed to protect from invasion by private persons, the equal privileges and immunities under the laws, of all persons and classes of persons. It requires no argument to show that such a law cannot be founded on a clause of the Constitution whose sole object is to protect from denial or abridgment, by the United States or States, on account of race, color, or previous condition of servitude, the right of citizens of the United States to vote.

"It is, however, strenuously insisted that the legislation under consideration finds its warrant in the 1st and 5th sections of the 14th amendment.

"The fifth section declares 'the Congress shall have power to enforce by appropriate legislation the provisions of this amendment * * *.'

"The purpose and effect of the two sections of the 14th amendment above quoted were clearly defined by Mr. Justice Bradley in the case of *U.S.* v. *Cruikshank*, 1 Woods, 316, as follows:

"'It is a guaranty of protection against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the Government and legislature of the State; not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require nor authorize Congress to perform "The duty that the guaranty itself supposes it to be the duty of the State to perform and which it requires the State to perform."

"'When the case of *U.S.* v. *Cruikshank* came to this Court, the same view was taken here. The Chief Justice, delivering the opinion of the Court in that case, said:

"'The 14th amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guaranties and no more. The power of the National Government is limited to this guaranty' (92 U.S. 542).

"So in *Virginia* v. *Rives*, 100 U.S. 313, it was declared by this Court, speaking through Mr. Justice Strong, that 'these provisions of the 14th amendment have reference to State action exclusively and not to any action of private individuals.'

"These authorities show conclusively that the legislation under consideration finds no warrant for its enactment in the 14th amendment.

"The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property, without due process of law, nor denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State, as enacted by its legislative and construed by its judicial and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress."

Again in the *Civil Rights* cases, 109 U.S. 3, 27 L. Ed. 836, the Supreme Court dismissed cases under the Civil Rights Acts brought from the States of Kansas, California, Missouri, New York, and Tennessee. The defendants were accused of discriminating against Negroes on account of their race and conspiring to deprive them of their rights under the 14th amendment and the acts of Congress enforcing its provisions. The Court again emphasized that the United States has no power to punish an invasion of rights under the 14th amendment by individual citizens or groups of citizens. The Court said:

"The first section of the 14th amendment, which is the one relied on, after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that 'no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.' It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws * * * the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. * * *

"Some obnoxious State law, passed or that might be passed, is necessary to be assumed, in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

"And so in the present case, until some State law has been passed or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may and should be provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for ther vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property, which include all civil rights that men have, are by the amendment, sought to be protected against invasion on the part of the State without due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking."

This is eloquent proof that the citizens of Little Rock have violated no law of the United States when they assemble to protest either the integration of their schools, or the unlawful invasion of the city by Federal armed force.

The civil rights cases have been frequently reaffirmed by the Supreme Court and have never been overruled.

In *Hodges* v. *U.S.* (203 U.S. 1, 51 L. Ec. 6.) the Supreme Court approved earlier decisions on this subject, thus:

"It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government.

"Notwithstanding the adoption of these three amendments, the National Government still remains one of enumerated powers, and the 10th amendment, which reads, 'the powers not delegated to the United States by the Constitution, or prohibited by it to the States, are reserved to the States respectively, or to the people'."

In 1943, Chief Justice Stone made this significant statement in *Snowden* v. *Hughes*, 321 U.S. 1, 88 L. Ed. 497:

"It was not intended by the 14th amendment and the Civil Rights Acts that all matters formerly within the exclusive cognizance of the States should become matters of national concern.

"A construction of the equal protection clause which would find a violation of Federal right in every departure by State officers from State law is not to be favored."

More recently the Supreme Court in *Collins* v. *Hardyman*, 341 U.S. 651, 95 L. Ed. 1253 (950), condemned the conspiracy section of the Civil Rights Act in the following language:

"This statutory provision has long been dormant. It was introduced into the Federal statutes by the act of April 20, 1871, entitled 'An act to enforce the provisions of the 14th amendment to the Constitution of the United States, and for other purposes.' The act was among the last of the reconstruction legislation to be based on the 'conquered province' theory which prevailed in Congress for a period following the Civil War. This statute, without separability provisions, established the civil liability with which we are here concerned as well as other civil liabilities, together with parallel criminal liabilities. It also provided that unlawful combinations and conspiracies named in the act might be deemed rebellions, and authorized the President to employ the militia to suppress them.

"The provision establishing criminal conspiracies in language indistinguishable from that used to describe civil conspiracies came to judgment in *United States* v. *Harris*, 106 U.S. 629, 27 L. Ed. 290, 1. S. Ct. 601. It was held unconstitutional. This decision was in harmony with that of other important decisions during that period by a Court, every member of which had been appointed by Presidents Lincoln, Grant, Hayes, Garfield or Arthur—all indoctrinated in the cause which produced the 14th amendment, but convinced that it was not to be used to centralize power so as to upset the Federal system.

"While we have not been in agreement as to the interpretation and application of some of the post-Civil War legislation, the Court recently unanimously declared, through the Chief Justice:

"'Since the decision of this Court in the civil rights cases, 109 U.S. 3 (1883), the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield againt merely private conduct, however discriminatory or wrongful.'"

The President would use the 14th amendment and the civil rights acts to centralize Federal power in Washington but the Supreme Court plainly says these laws are not to be used for such purpose.

Mr. Justice Frankfurter is certainly no segregationist, but in the case of *Stefanilli* v. *Minard*, 342 U.S. 117, 96 L. Ed. 138, he emphasized:

"Only last term we reiterated our conviction that the civil rights act 'was not to be used to centralize power so as to upset the Federal system.'"

When the President thus abuses his powers against a sovereign State, he is not guaranteeing that State a Republican form of government as required by article 4, section 4 of the Constitution.

It is hardly necessary to refer to other Court decisions on this subject. These are sufficient to show that the 14th amendment gives neither the Congress nor the President the power or authority to compel individual citizens or groups of citizens to integrate the white and colored races. Congress alone has power under this amendment and its power is limited to prohibiting a State or State laws from discriminating against any person, white or black, on account of race or color.

So we come back again to section 333 of title 10 of the United States Code relied on by the President as his authority for sending U.S. troops into Arkansas. The first paragraph of that statute says that whenever the constituted authorities of a State are unable to protect, or fail or refuse to protect any part or class of people from domestic violence or conspiracy which may deprive them of rights or privileges named in the Constitution, and secured by the laws of the State and the United States, "the State shall be considered to have denied the equal protection of the laws secured by the Constitution." This statute obviously conflicts with the 14th amendment which is directed at State action, and not at the inability of the State to act or its failure or refusal to act.

Congress certainly has no power to rewrite the Constitution by statutory definition. The 14th amendment prohibits State action only. State inaction is the opposite of State action and cannot be converted into the latter through the actions of lawless individuals whose acts are nowhere included in the amendment.

In today's hysteria over racial relationships prevailing over the northern and western portions of the Nation, the politicians, the do-gooders, and portions of the brainwashed populace have lost sight of the plain meaning of the 14th amendment and of the school segregation decision of the Supreme Court. Neither the amendment nor the Black Monday decision which gave it a sociological metamorphosis require integration. They merely prohibit State action which would discriminate against any person on account of race or color. This point is well emphasized in the opinion of a three-judge court in *Briggs* v. *Elliott*, 132 F. Supp. 777 (1955), as follows:

"It is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals."

The above decision was rendered in one of the cases that was involved in the Black Monday decision of the Supreme Court, and related specifically to the matter of enforcing the Higher Court's decree.

The Briggs case was later cited with approval by the U.S. Court of Appeals for the Fifth Circuit in *Avery* v. *Wichita Falls Independent School District* (1957), 241 F. 2d 230, 233 thus:

"The Constitution as construed in the school segregation cases, *Brown* v. *Board of Education*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873; ID., 349 U.S. 294, 75 S. Ct. 753, 99 L. Ed. 1083, and *Bolling* v. *Sharpe*, 347 U.S. 497, 74 S. Ct. 693, 98 L. Ed. 884, forbids any State action requiring segregation of children in public schools solely on account of race; it does not, however, require actual integration of the races."

Despite these rulings of the courts, Federal troops have been sent to Little Rock to compel integration in its public schools. Law and order seem to be giving way to armed force with the sanction of Presidential proclamation alone.

In our national Negro hysteria another misconception of law is being broadcast by radio, television, and the public press. This subversion of legal principle appears in oft-repeated statements that the school segregation decision of the Supreme Court is the "supreme law of the land." As shown hereinabove no court decision is a law. The Constitution makes it clear that even a Supreme Court decision is not the supreme law of the land. Article VI of the U.S. Constitution thus defines the "supreme law of the land":

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be supreme law of the land; and the judges in every State shall be bound thereby."

It will be seen that the Constitution does not include decisions of the Supreme Court in its definition of the "supreme law of the land." This is quite understandable in view of Mr. Justice Roberts' famous remark that a "Supreme Court decision is like a one-way ticket—good for that day and that trip only."

THE POLICE POWER

If the people of Little Rock assembled to threaten or intimidate or even to do violence to Negroes who entered the high school that had been set aside for white students only, they were guilty of a breach of the peace, assault, and battery, or some other act violative of peace and order in the city. The punishment or prevention of such actions is the sole prerogative of the State under its police power. The Federal Government has no inherent police power because the States have never surrendered such powers to the Federal Government. The Supreme Court has so ruled on numerous occasions.

In *Hammer* v. *Dagenhart* (1917), 247 U.S. 251, 275, 62 L. Ed. 1101, 1107, the Supreme Court said:

"The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters intrusted to the Nation by the Federal Constitution.

"In interpreting the Constitution it must never be forgotten that the Nation is made up of States, to which are intrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government are reserved. *Lane County* v. *Oregon*, 7 Wall. 71, 76, 19 L. Ed. 101, 104. The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent, and has never been surrendered to the General Government." (*New York* v. *Miln*, 11 Pet. 102, 139, 9 L. Ed. 648, 662; *Slaughter-House* cases, 16 Wall. 36, 63, 21 L. Ed. 384, 404).

The 14th amendment does not take from the States their inherent right to quell disorder and prevent local violence. The Supreme Court has specifically said so. Thus in the case of *Barbier* v. *Connolly*, 1[illegible] U.S. 27, 28 L. Ed. 923:

"* * * But neither the amendment, broad and comprehensive as it is, nor any other amendment was designed to interfere with the power of the State, sometimes termed its 'police power,' to prescribe regulations to promote the health, peace, morals, education, and good order of the people."

Again in *Minneapolis and St. Louis R. Co.* v. *Beckwith*, 129 U.S. 26, 32 L. Ed. 585, the Court ruled:

"But the clause does not limit, nor was it designed to limit, the subjects upon which the police power of the State may be exerted. The State can now, as before, prescribe regulations for the health, good order and safety of society, and adopt such measures as will advance its interests and prosperity. * * * The nature and extent of such legislation will necessarily depend upon the judgment of the legislature as to the security needed by society."

These decisions have been repeatedly reaffirmed in many later cases. It is therefore apparent that the Federal Government has no jurisdiction to legislate or otherwise interfere in State matters relating to public safety, health or good order. The State and not the United States has the power and jurisdiction to quell local disorders.

STATES RIGHTS

There are many recent Supreme Court decisions which seem to have the effect of obliterating from the Constitution every provision that would reserve to the States their rights to local liberty and local self-government. The Court apparently disregards the Constitution in those cases where the necessary result of following it would do violence to the personal philosophy or political beliefs of the individual judges. However, there are other decisions of the Court, quite numerous, which do honor the basic law as it is written.

The first 10 amendments to the U.S. Constitution constitute the Bill of Rights and are a sacred cornerstone of the liberties of individuals and of the fundamental rights of the States. Our political history as a nation records the fact that the Original Thirteen States refused to ratify the Constitution until these amendments were added to it. Two of these provisions of the Bill of Rights guarantee freedom of local self-government.

The ninth amendment limits the authority of the Federal Government to those rights enumerated in the Constitution and reserves all others to the States. It reads:

"Article IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The foregoing provisions of the 9th amendment are repeated with greater emphasis and in different verbiage in the 10th amendment. The language of the latter amendment is plain and unambiguous.

"Article X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Soon after the Civil War had ended Chief Justice Chase rendered a decision which emphasized the fact that the very existence of our republican form of government depended upon an observance of these articles of the Bill of Rights. In *Texas* v. *White* (1868), 74 U.S. 700, 725, 19 L. Ed. 227, 237, he said:

"But the perpetuity and indissolubility of the Union by no means implies the loss of distinct and individual existence, or the right of self-government by the States. Under the Articles of Confederation each State retained its sovereignty, freedom and independence, and every power, jurisdiction and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still all powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people. And we have already had occasion to remark at this term, that 'the people of each state compose a State, having its own government and endowed with all the functions essential to separate and independent existence,' and that 'without the States in union, there could be no such political body as the United States.' (*Lane Co.* v. *Oregon*, infra, 101.) Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government."

Another excellent statement concerning the relative sovereign powers of the United States and the constituent States is found in the Court's decision in the case of *South Carolina* v. *United States* (1905), 199 U.S. 437, 448–9, 50 L. Ed. 261, 264–265:

"We have in this Republic a dual system of government, National and State, each operating within the same territory and upon the same persons, and yet working without collision, because their functions are different. There are certain matters over which the National Government has absolute control, and no action of the State can interfere therewith, and there are others in which the State is supreme, and in respect to them the National Government is powerless.

"The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted, it means now.

"It must also be remembered that the framers of the Constitution were not mere visionaries, toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them; putting into form the Government they were creating, and prescribing, in language clear and intelligible, the powers that Government was to take."

The sanctity of the requirements of the Bill of Rights that the States and the people be protected against Federal interference in local affairs is stated in forceful language of the Court's opinion in *Carter* v. *Carter Oil Co.* (1935), 298 U.S. 238, 291–296, 80 L. Ed. 1160, 1178–1180, thus:

"The proposition, often advanced and as often discredited, that the power of the Federal Government inherently extends to purposes affecting the Nation as a whole with which the States severally cannot deal or cannot adequately deal, and the related notion that Congress, entirely apart from those powers delegated by the Constitution, may enact laws to promote the general welfare, have never been accepted but always definitely rejected by this Court. Mr. Justice Story, as early as 1816, laid down the cardinal rule, which has ever since been followed—that the General Government 'can claim no powers which are not granted to it by the Constitution, and the powers actually granted, must be such as are expressly given, or given by necessary implication.' (*Martin* v. *Hunter*, 1 Wheat., 304, 326, 4 L. Ed. 97, 102.)

"While the States are not sovereign in the true sense of that term, but only quasi-sovereign, yet in respect of all powers reserved to them they are supreme—'as independent of the General Government as that Government within its sphere is independent of the States.' (*Collector* v. *Day* (*Buffington* v. *Day*) 11 Wall. 113, 124 20 L. Ed. 122, 125.) And since every addition to the national legislative power to some extent detracts from or invades the power of the States, it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the General Government be not so extended as to embrace any not within the express terms of the several grants or the implications necessarily to be drawn therefrom. It is no longer open to question that the General Government, unlike the States (*Hammer* v. *Dagenhart*, 247 US 251, 275, 62 L. Ed. 1101, 1107, 38 S. Ct. 529, 3 A.L.R. 649, Ann. Cas. 1918E, 724) possesses no inherent power in respect of the internal affairs of the States; and emphatically not with regard to legislation."

The forbearance of the Federal Executive and of the Federal courts in race riots and insurrections in northern cities is well known. The Supreme Court in 1951 had occasion to pass upon the right of the State of Illinois to penalize the publication of inflammatory statements exposing the citizens of any race to contempt on account of their race or color. Four members of the Court thought that the guaranty of free speech contained in the first amendment to the Constitution of the United States prohibited this action, but the majority held that such actions tending to bring about local violence and disorder were appropriately subject to the police power of the State. In rendering the Court's opinion in this case (*Beauharnais* v. *Illinois* (1951), 343 U.S. 250, 259–267, 96 L. Ed., 919, 928–932), Mr. Justice Frankfurter said:

"From the murder of the abolitionist Lovejoy in 1837 to the Cicero riots of 1951, Illinois has been the scene of exacerbated tension between races, often flaring into violence and destruction. Nine years earlier, in the very city where the legislature sat, what is said to be the first northern race riot had cost the lives of six people, left hundreds of Negroes homeless, and shocked citizens into action far beyond the borders of the State. Less than a month before the bill was enacted, East St. Louis had seen a day's rioting, prelude to an outbreak, only 4 days after the bill became law, so bloody that it led to congressional investigation. A series of bombings had begun which was to culminate 2 years later in the awful race riot which held Chicago in its grip for 7 days in the summer of 1919. Nor has tension and violence between the groups defined in the statute been limited in Illinois to clashes between whites and Negroes.

"The danger in these times from the coercive activities of those who in the delusion of racial or religious conceit would incite violence and breaches of the peace in order to deprive others of their liberties, is emphasized by events familiar to all. These and other transgressions of those limits the States appropriately may punish."

It may here be noted that the bombings and bloodshed in Chicago in 1908 and 1917 and in East St. Louis in 1919 did not compel the then President of the United States to invade these cities with Federal troops. The Court's opinion in the Beauharnais case then makes the following philosophical reflections which it conveniently forgot 3 years later when the school segregation cases were decided:

"It may be argued, and weightily, that this legislation will not help matters; that tension and on occasion violence between racial and religious groups must be traced to causes more deeply embedded in our society than the rantings of modern know-nothings. Only those lacking responsible humility will have a confident solution for problems as intractable as the frictions attributable to differences of race, color or religion. This being so, it would be out of bounds for the judiciary to deny the legislature a choice of policy, provided it is not unrelated to the problem and not forbidden by some explicit limitation on the State's power. That the legislative remedy might not in practice mitigate the evil, or might itself raise new problems, would only manifest once more the paradox of reform. It is the price to be paid for the trial and error inherent in legislative efforts to deal with obstinate social issues. 'The science of government is the most abstruse of all sciences; if, indeed, that can be called a science which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion applied to the exigencies of the state as they arise. It is the science of experiment. *Anderson* v. *Dunn* (U.S.) (6 Wheat. 204, 226, 5 L. Ed. 242, 247.) Certainly the due process clause does not require the legislature to be in the vanguard of science—especially sciences as young as human ecology and cultural anthropology. (See *Tigner* v. *Texas*, 310 U.S. 141, 148, 84 L. Ed. 1124, 1128, 60 S. Ct. 879, 130 A.L.R. 1321.)

"It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."

The concluding paragraph of Mr. Justice Frankfurter's opinion in the Illinois case is also quite interesting:

"We find no warrant in the Constitution for denying to Illinois the power to pass the law here under attack. But it bears repeating—although it should not—that our finding that the law is not constitutionally objectionable carries no implication of approval of the wisdom of the legislation or of its efficacy. These questions may raise doubts in our minds as well as in others. It is not for us, however, to make the legislative judgment. We are not at liberty to erect those doubt into fundamental law."

It was at this same term of court in 1951 that the same Justice made the remark:

"Only last term we reiterated our conviction that the Civil Rights Act was not to be used to centralize power so as to upset the Federal system."

If the President's use of Federal troops in Arkansas is to serve as a precedent for future occasions of domestic violence then the 9th and 10th amendments are indeed dead. If the cornerstone of American liberty is thus destroyed then the entire edifice of our constitutional government will soon be swept away because the charter of our freedom will have lost its meaning.

Though the form of our Government may live for a while after constitutional principles are discarded, the substance of its political fabric will be forever gone. Nations like men lose their power and prestige when they disavow the basic ideals that made them great and strong. Are we in America about to change the whole pattern of our Government? If so, it is well to ponder whether or not we can live up to the tenure of our democracy.

Mr. STENNIS. Mr. President, I commend my colleague from Mississippi for the excellent speech he has made and the very pertinent and overwhelming points which he has so well discussed. I did not ask him to yield further, because I had the impression that he desired to continue with his speech.

I desire to say one more word in addition to what I said when the senior Senator from Mississippi yielded to me and to read a short paragraph to supplement the remarks of both of us, to show that the evil which is abroad today grows out of the original Supreme Court decision of 1954.

I wish to read from the Declaration of Constitutional Principles, dated March 12, 1956, and signed by Members of this body, some of whom I observe in the Chamber now. The third paragraph of that declaration, which was presented to the Senate by the late great and lamented Senator Walter F. George, of Georgia, reads as follows:

> We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

Mr. President, certainly that supports the position taken by my colleague [Mr. Eastland] and myself today—namely, that the people of Mississippi, instead of acting in derogation of law, are acting affirmatively and positively for the protection of law and constitutional principles, including the principles of the Constitution of the United States itself.

Turning now to the reports—and I trust that they are merely reports—that Federal troops may be used in the State of Mississippi, it is utterly unbelievable, to me, that such a course should be adopted. After the tragic experience of the country at Little Rock, it is shocking to learn that consideration would be given, even for a moment, to the use of troops. The Meredith case, now pending in Mississippi and in the Federal courts, is strictly a civil matter, and all the proceedings in connection with it should be confined to the civil authorities. As has already been pointed out, the Federal Government was not a party to the suit. The suit was between the individual concerned and the University of Mississippi. But somewhere along the line, after the case reached the Supreme Court of the United States, the Attorney General intervened, so he said, as amicus curiae. I have heard that he was requested by the Supreme Court to intervene; I do not know as to that. I have before me an excerpt from the New York Times. If it is correct, the Circuit Court of Appeals in New Orleans suggested such that the Governor be brought in, even before the Department of Justice itself thought of acting in such a way.

But the Department of Justice came into the suit as amicus curiae. However, now the Department of Justice has taken over. I bring up this point expressly at this time, because it relates to the arguments made on this floor in connection with Civil Rights Act of 1957, which then contained what was called title III. That title is somewhat long; and instead of reading it now to the Senate, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the title was ordered to be printed in the Record, as follows:

"Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs First, Second, or Third," (of Sec. 1985, Title 42, United States Code), "the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person. The District Courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

Mr. STENNIS. Mr. President, title 3 proposed that the Department of Justice have exactly the same authority that the Department of Justice is exercising today in this case. Title 3 was debated for a long time on this floor; and when the vote was taken, the Senate—by a vote of 52 to 38—struck that provision from the bill. However, in effect the power which thus was stricken from that bill is being used today in the very case in which Mississippi is being condemned in the newspaper headlines.

But that is not all. The vote I have recited was taken in 1957. But in 1960 another vote was taken in the Senate on exactly the same provision, in substance; perhaps a few words were changed, but the substance was the same. Again, part 3 was stricken out of that bill, by the Senate—that time, by a vote of 55 to 38.

That is not all. In 1961, title 3, or its substance, was offered as an amendment to an appropriation bill. At that time the Senate, by a vote of 47 to 42, adopted the motion of the Senator from Montana that the amendment be tabled.

So, Mr. President, in the brief span of less than 5 years, on three separate occasions this identical proposal or proposed authority has had its day in this legislative Chamber, and every time it has been voted down. However, today we find that, in effect, this power is being used; and again there is talk of using troops to support what I believe is a clear usurpation of power, to begin with.

Furthermore, the use of Federal troops in Mississippi or in any other State is an exercise of a power which, at the very best, is symbolic of the power of a police state. I believe such action is illegal and is a very grave mistake, and could lead to most serious consequences.

Even after the passage of 4 years, the impact of the use of Federal troops in Little Rock is still fresh in the minds of people of the Nation; and it will be a long time, if ever, before our people will forget the awesome display of force by an all-powerful Federal Government against its own citizens.

There is no need, of course, to review the tragic events at Little Rock. However, many legal authorities firmly believe that the use of Federal troops in that case was contrary to the Constitution and the laws enacted by Congress. After Little Rock, I made an exhaustive study of the legal authorities, and came to the conclusion that the use of troops was absolutely illegal; and I pointed out in an address to the Mississippi State Bar Convention on May 30, 1958, the day after the troops were finally withdrawn from Little Rock, that the action of the President in that case was without statutory or constitutional authority. Furthermore, I said then that civil remedies should be used in civil cases; and I said that military power for any domestic purpose should never be used in the absence of clear authorization by Congress, if such power is to be used at all. Of course, Congress has not authorized the use of troops in any case of this kind, and I seriously doubt that it would ever even consider the question.

Mr. President, in view of the fact that this issue is entirely a civil one, and involves a civil action, to me it is unbelievable that any thought would be given to passing beyond the bounds of civil authority and remedies and procedures, and considering the use of troops.

The Governor of Mississippi has maintained a most commendable position. He is trying to protect the rights of the race. He has not permitted violence of any kind to occur. I believe he will continue on that course.

So certainly the use of Federal troops would be a mistake.

In Mississippi, more people of different races are living under one government in peace and harmony than can be found anywhere else in the world. No other situation rivals it or comes anywhere near to comparing with the favorable situation which exists in Mississippi; and until all the agitation—which now has been occurring for several years—began, the utmost peace, harmony, good will, and cooperation existed there, without exception, in day-to-day Christianity. I believe that nothing to excel that situation can be found anywhere else in the world.

What encroachments there have been upon that fine spirit up to now have resulted from certain very unfortunate incidents. The encroachments came from the efforts to force down the throats of the people there conditions under which they cannot live and cannot carry on what they regard as the essential modes of living and modes of maintaining the purity of their bloodstream and the modes of following the models of family life that have been generated, not merely over decades, or even over a century or two, but for over thousands of years.

Then the Supreme Court said, "We will reverse all this." But Congress did not do it; the executive branch did not do it. A court did it; a court said, "We will totally reverse this situation. We will cram our policy down the throats of those who do not like it"—admitting that the school pattern was something that would not permit of being changed overnight, or quickly, or in a way that would be possible in respect to an ordinary case when there has been deliberation and consideration by the representatives of the people in changing the law. Ordinarily, a law passed by Congress provides, "This act shall be in force and effect from and after the date of its passage." That is usually commonsense. They knew it would not do. They knew it was ripping up the customs and habits of the people by the very roots. So they said, "You must integrate your schools with deliberate speed." Now they say that speed must be at the end of a bayonet, that it must be pushed forward regardless of every consideration.

It is unbelieveable. I do not believe that they are seriously talking about a bayonet to uproot the channels of living, of life, and of existence. The Supreme Court, in its own words, admits that it cannot and should not be changed rapidly.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield. They say, "You must change, but we are going to let you go along slowly."

Mr. EASTLAND. They say, "You must go gradually." Does not that show the illegality of it?

Mr. STENNIS. Absolutely.

Mr. EASTLAND. If a man has a constitutional right, he should be able to exercise it today, and not 2 years or 5 years from now. It shows the illegality of it.

Mr. STENNIS. The Constitution of this country does not provide that rights granted under it shall be exercised slowly or gradually. If there are rights under it, they are rights in principle to be exercised immediately and regularly.

Just another word, Mr. President. I am not one to crusade in condemning the courts as such, but I wish to point this out as showing the spirit which is prevailing here. I am sorry to have to point this out, but in the New York Times of Tuesday, September 25, 1962, before the court of appeals in New Orleans, as reported in the paper, Chief Justice Elbert P. Tuttle asked the attorney why the Government and Meredith's attorneys had not moved against Governor Barnett. In other words, here is a judicial proceeding where a State and its rights are at stake, and the Governor has acted, and the proceeding is against some of the officials of the State, and one of the judges—entirely out of order; he was supposed to be passing on the case before him—asked, "Why don't you bring in someone else? Why don't you bring in the Governor?"—with the implication that he must be the real culprit. "Why don't you bring in the Governor?"

I have great deference for the bench. I have a great reverence for the judicial branch of our free government as a branch of government. Such conduct as this in open court, as quoted in the paper—of course, I did not hear it and have no transcript—shows an unmistakable bias and aggressiveness—"We want to get blood. We want to get to the jugular vein—quick. We want to get this man."

Mr. President, I am deeply grateful for the very serious manner in which this matter is being considered by my colleagues present, and for the way in which they have listened to a statement of the problem. Those who understand the problem best are the ones from whom we get the most sympathy and the most understanding.

I refer now to the first sending of the troops. I believe that President Eisenhower is a great man. I never did talk to President Eisenhower about this matter directly, and he said nothing to me later about it. He did not send me any word, but I have understood that he later regretted having sent the troops there on the facts as they existed. I share with him what I believe was his feeling—that he hoped that his act, under the pressures under which he acted, would not tarnish his own record, nor tarnish the executive branch, and that it would not interfere with our form of free government that we love and cherish, and for which every one of us is willing to fight for.

One other word, Mr. President. I have asked the question, Is there any kind of appeal to the Supreme Court? The Supreme Court has never passed on the merits of the case as to the applicant's admission. The matter has never been before our highest court. I ask the question, Is there not some way we can at least get this matter before the Supreme Court? I mean an appeal with a stay of execution or stay of proceedings until a final decision is reached. That was the question which came before Justice Black. He considered it as an individual judge. He said he conferred with his brethren and they agreed to send it back, and rejected a stay of execution.

Mr. President, that was only a fragmentary consideration. The State of Mississippi has never really had a chance to present its case in open court on briefs and argument to the Supreme Court of the United States. They are talking about sending troops down to enforce the judgment. The circuit court of appeals judge asked, "What about bringing the Governor in here?" There has not been a chance yet to really hear the case on its merits, in which the State of Mississippi could be heard before the Supreme Court of the United States.

Does that appeal to our sense of fairness? Does that appeal to our sense of right under the spirit of the Constitution of the United States? I do not believe it does. I will tell Senators why that can be done. The Congress slipped up here somewhere in establishing the jurisdiction of the circuit court of appeals. The Congress slipped up here in giving them too much power, in my opinion, so that they can cut off an individual or cut off a State or put a Governor in jail before the case has ever really been heard by the highest court of the land.

I think, in fairness to all concerned, and to protect everyone and every State, we ought to busy ourselves about correcting such a situation as that.

Do not Senators know they would feel better, when a matter came up in their

States, and before something was rammed down their throats or their Governors were put in jail or Federal troops were sent there, they knew that at least the Supreme Court of the United States had heard a case on its merits?

I defy being contradicted on the point I make now that neither the State of Mississippi, the Governor, nor the board of trustees has had a chance of being represented, of coming before the Court in open court, presenting the law and his views, and arguing it out with the adversaries.

So I think, at all levels of the Federal Government, among all authorities, this is a time to stop, look, and listen, with calmness, and to have even a prayerful consideration of the major points involved—not just for my State, but for all States and all the people of our great United States. We should calmly weigh the consequences. How many red lights are we running by?

Merely because one individual is not permitted to go into the university, should we make a shambles of our Constitution—both the letter and the spirit—in our zeal to accomplish some mission along racial lines?

Shall we do that, Mr. President? I do not believe we shall. I believe there will be second thoughts by those in positions of real responsibility in the Federal Government, and that we will not proceed in that way. I believe the considered thought of this great body, the Senate—and I love it—and the considered thought of the House of Representatives will result in the amendment of the law and the curtailing of the power of the circuit court of appeals, so that not only a State but also every individual—and particularly a State—will have an opportunity to have a case heard by the High Court. Certainly we should not be talking about sending in troops or putting a Governor in jail to support a decision which does not have the sanction of the highest Court in the land.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to my colleague.

Mr. EASTLAND. Is that not especially true since the district court heard the case on its merits and decided against the applicant?

Mr. STENNIS. The Senator is correct. The court tried to give the State an opportunity to be heard with a stay of execution or a stay of proceedings.

Mr. EASTLAND. The district court heard both sides of the case.

Mr. STENNIS. Yes.

Mr. EASTLAND. Yet some contend the circuit court of appeals could prevent the State from presenting its side of the case and could prevent a hearing by the highest Court of this land, even though the State prevailed in the district court.

Mr. STENNIS. The Senator makes the point well.

Mr. President, I assure the Senate that I am going to make a special study of this matter I have mentioned concerning the jurisdiction of the circuit court of appeals and its power to act in such an extreme fashion before a case is even reviewed by the Supreme Court of the United States. I appeal to my colleagues on behalf of the spirit of our great Constitution and all the laws that go with it, apart from all racial matters or anything else, to make common cause and remedy this defect.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that I may proceed for 5 minutes in reply to the Senators from Mississippi.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, normally one would sit silently and hear the Senators from Mississippi defend their State and their Governor, according to their lights. It is almost a tradition of the Senate, that Members of the Senate sit by while such statements are made. I do not claim that that is not done by Senators from other States. We from New York have done it, and Senators from other States have done it.

However, in this case, I do not know whether Senators are aware that during the morning hour today I declared my own support of the President of the United States and the Attorney General of the United States in the very serious situation which is taking place with respect to the action of the Governor of Mississippi.

When Government officials take such very serious actions, involving perhaps the use of force with respect to other Government officials, I believe they are entitled to hear, on the spot, from those who think they are doing the wrong thing, as we have just heard so very eloquently and forcefully from the Senators from Mississippi, and also from those who support them. This is the very important issue that is at stake.

First, I call attention to some errors of fact.

This matter has nothing whatever to do with the Brown against Board of Education case. We are not dealing here with public primary and secondary school desegregation. We are dealing with a set of Supreme Court decisions which have been very widely applied in the South. This deals with decisions which have held that State colleges, supported by public funds, must, under the Constitution of the United States, admit students without regard to their color. The "separate but equal" doctrine should never have been applied in those cases. I have never heard the argument made against them on the ground that they were consistent with the "separate but equal" doctrine, which was disposed of in the Brown case.

Second, it was stated that a former President of the United States, President Eisenhower, regretted sending troops into Little Rock. I have no doubt that he did regret it. I would regret it, too. Anyone would. If President Kennedy must do the same thing in Mississippi, he will regret it, also. However, that does not relieve him of his duty. No doubt he will regret it terribly. What is most regrettable, however, is that such action should be forced upon him by the contumacious behavior of a government official who is dedicated and who has sworn to support the law. Such action would be regretted by any patriotic man, by any man with a heart. Such a man could not fail to regret having to take such a step.

That is all the more reason why he must take it if the situation necessitates it. That is why we cannot sit silent in the face of that awful Presidential responsibility which may have to be exercised.

We know what is involved. We know that what is involved is the Constitution of the United States and the preservation of the Union. Every citizen of Mississippi is also a citizen of the United States. Every citizen of Mississippi is protected by the amendments to the Constitution of the United States, which operate in behalf of every citizen of Mississippi.

The doctrine of interposition, the idea that the Governor of any State is immune from the processes of the Federal courts, would destroy the Federal Constitution and pull down the Government of the United States, and nullify the Civil War. We all know that, and it ought to be said. Too much blood and too much treasure have been spent over this proposal.

Of course, the Senator from Mississippi is correct when he says that the courts should proceed in their proper way. There is no reason why that cannot be done. The Governor of Mississippi can appeal to the Supreme Court of the United States from any court mandate or order made by the Circuit Court of Appeals in New Orleans. However, we are entitled to know from the Governor of Mississippi whether, if the Supreme Court holds that Meredith should be admitted to the University of Mississippi, the Governor of Mississippi will defy that order.

That is the question to which the country is entitled to know the answer, at the same time that the plea is made that orderly and legal processes ought to be followed. There is no more salutary way to handle such an explosive and emotional situation as this.

I do not question the sincerity of the Senators from Mississippi, both as to their belief in the issue and what they say. I do not question that the way to proceed is through orderly processes of law. I could not agree more.

That is the very reason why we should have passed Part III of the Civil Rights Act, because it would have given voice and outlet to every one of these measures, instead of forcing the Department of Justice to move in through the backdoor, as it has in this case, to sustain an order already made in a privately brought suit in which the Department could not participate.

By all means let us follow orderly processes of court. At the same time let us have a commitment from the Governor of the State of Mississippi that he will abide by the processes of the court. Then the situation will be firm and strong and unchallenged.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9472) for the relief of Janina Tekla Gruszkos.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate numbered 1, 2, 6, 19, 44, 47, 48, 49, 50, 51, 52, 53, and 54 to the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes thereon, that Mr. WHITTEN, Mr. NATCHER, Mr. CANNON, Mr. HORAN, and Mr. TABER were appointed managers on the part of the House at the further conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12907) for the relief of Dr. Mehmet Vecihi Kalaycioglu; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, Mr. CHELF, Mr. POFF, and Mr. MOORE were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12526) to amend section 172 of the Internal Revenue Code of 1954 to provide a 7-year net operating loss carryover for certain regulated transportation corporations, and it was signed by the President pro tempore.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The bill before the Senate is H.R. 7927, to adjust postal rates, and for other purposes.

Mr. MANSFIELD. Has debate started on the pending business as yet?

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. JOHNSTON. Mr. President, the measure before the Senate today is of monumental dimensions. It affects every user of the mails and every present and future employee of the Federal Government.

The bill has three principal parts:

First, an upward adjustment now in all postal rates and fees in order to curtail the mounting postal deficit which now confronts the Government.

Second, an overall reform and modernization of the several statutory pay systems in the Federal service.

Third, an overdue and justified adjustment in the benefits of persons on the retirement rolls.

COMPLEX PROBLEMS

Each of the three major portions of the bill has a multitude of complex problems of its own.

Adjusting postal rates is an extremely involved, deadly serious, and very far-reaching matter. The overall rate structure is like a precision watch in which, if accurate time is to be kept, each part must be geared to every other part. One rate cannot be changed independently of other rates. To do so could give an advantage to an industry that might result in the death of a competing industry. At the very least, it might result in shifting a large volume of mail from one category to another and in the end result in denying the Post Office Department anticipated revenue.

In many respects the several statutory pay systems of the Federal service are as interrelated and equally complex as the rate structure of the postal service. Adjustments cannot be made under one system without consideration of all other systems. This is true because the Government employs the same skills under each of the different statutory pay systems. For example, the Government has doctors in many departments and agencies under the Classification Act and also under the division of medicine and surgery pay schedule applicable to the Veteran's Administration. Unless comparability is maintained the Government would find itself in competition with itself for the services of doctors. This example could be extended to include hundreds and hundreds of other professions and skills. The Government employs persons having practically every skill that can be imagined.

POSTAL RATE BACKGROUND

Congress must be very careful about making postal rate adjustments.

Postal rates adjustments were last approved in 1958 on a staged basis becoming fully effective as recently as 1961. The matter of further increases has been under active consideration almost continuously during the entire period of time down to the present date.

Last year the House Committee on Post Office and Civil Service, after extended public hearings and many executive sessions, reported a reasonably sound bill which would have provided $550 million in additional revenue when fully effective. Due to ill-advised and totally inequitable amendments adopted in an air of utter confusion during the closing moments of the session, the bill referred to the Senate was little less than a chaotic monstrosity. Under these circumstances the Senate Post Office and Civil Service Committee had no alternative but to start afresh on the construction of a sound measure that would at one and the same time produce needed revenues and yet not hamstring the Nation's economy.

To this end public hearings were started on March 6, 1962, and concluded on August 23, 1962. The testimony from users of the mails extends to over 1,000 printed pages. Statements were inserted by over 190 witnesses. More than 100 individual organizations and companies filed views for the record. More than 200 statements from companies, organizations, and individuals were submitted for committee consideration.

PARTICIPATION AND COOPERATION

Prior to, during, and after the long public hearing a close and harmonious liaison has existed between the committee and the Post Office Department.

Postmaster General J. Edward Day and his assistants have been cooperative, helpful, and patient every step of the way. I commend General Day highly for his understanding and assistance. It has been refreshing to work in such an atmosphere.

A special word of commendation is due many of the efficient technicians on his staff. Mr. Edward Riley, who has over 30 years experience in postal matters, contributed freely not only of his official time but of his nights and weekends. Mr. Arthur Eden directed the preparation of a great amount of statistical data. Mr. Louis Ricucci supervised the preparation of a vast amount of art work. To these fine postal employees and others who labored behind the curtains the committee extends its sincere appreciation for a job well done by them.

The same type of liaison has been maintained with and cooperation received from associations and individual representatives of mail users.

The National Editorial Association, representing over 6,000 publishers and editors in the 50 States, through its able executive vice president, Theodore A. Serrill, was of great assistance in working out an acceptable method of eliminating an outmoded and unduly complex within-county-of-publication rate structure that has plagued the Department and newspaper industry for years. His efforts and the cooperation of the industry he represents is appreciated by the committee. Similarly, the committee appreciates the cooperation it received from Mr. Sanford Smith, general manager, American Newspaper Publishers Association, and many individual members of that association particularly the postal committee chairman, Ralph Nicholson.

Equally cooperative were representatives of the Magazine Publishers Association, Associated Third-Class Mail Users, American Association of Nurserymen, Farm Publications, and many, many others all of whom by their testimony established themselves as good citizens, first, and special favor seekers from the postal service, not at all.

Finally, the individual members of the committee are due a special word of commendation from the chairman for their diligence and dedication to the task. The product before the Senate represents days and days of hearings, days and days of study, more days and days of serious discussion in executive session. Every member of the committee contributed greatly to the end result. I appreciate personally the great help and fine degree of cooperation on the part of every member of the committee. The Senate, the executive branch, and the public would be amiss not to take note of the job they have done.

In that connection, a well meant but extremely serious word of caution is in order. The postal rate structure is, of necessity, a finely tooled and interrelated piece of legislation that does not lend itself to impetuous alteration on the floor. Those who would rush in at this late hour with any such purpose in mind should do so in the full knowledge that any degree of success on their part would do no less than kill the bill.

It should be remembered that the bill also includes provisions for pay increases for all Government workers, and also includes provisions for increasing the retirement benefits of all who formerly worked for the Government and are now retired. All these provisions could be endangered by precipitate action at this time, because all of them are included in this one bill. It should also be realized that if our committee had not added to the postal rate bill these provisions for pay increases for the Government employees, we could not now be passing on that question, inasmuch as no pay-increase bill has come to us from the House of Representatives. The same is true of the provisions for increasing the retirement benefits of former Government employees.

To kill the bill would be a tragic end to a bill that has been under construction for well over a year, and which is acceptable to the public, who must pay the bill, and to the Post Office Department and the Government, who badly need the additional revenue and reforms the measure will produce. I am fully confident the Senate will, in its wisdom, support the committee by accepting the bill without change, so that soon it may be taken through conference and sent to the President for approval. I am satisfied that when that is done, the bill will be in substantially the form in which it is at the present time.

ADDITIONAL REVENUES

The bill will produce additional revenue when fully effective as follows:

	Millions
First class (letters and cards)	$437.8
Airmail (letters, cards and parcels)	21.2
Second class (newspapers, magazines, and other publications having second-class entry)	26.6
Controlled circulation publication	1.0
Third class	97.2
Fourth class	1.0
Federal mail	21.0
Total	603.0

It will be recalled that in the bill we do very little in regard to regulating fourth-class rates. That is done by the Interstate Commerce Commission, which has before it a proposal to increase the fourth-class rates by approximately $130 million.

Mr. COOPER. Mr. President, will the Senator from South Carolina yield briefly?

Mr. JOHNSTON. I yield.

Mr. COOPER. Does the report indicate the revenue increase obtained from the proposed increase in the rate on first-class mail?

Mr. JOHNSTON. I just stated it, and it is also shown on page 2 of the report.

Mr. COOPER. Is it shown by the various classes of mail?

Mr. JOHNSTON. We classify it in two ways—by letters and by postal cards.

Mr. COOPER. I was looking for a division as between the revenue from letters and the revenue from postal cards. However, the Senator's assistance has just now shown me such a classification.

Mr. JOHNSTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD committee print table No. 8, entitled "Analysis of Postal Rate Increases."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Analysis of postal rate increases (new revenues based on 1963 volume)

Mail class	Postage rate unit	Present rate	First year (1963)		Second year (1964)		Third year (1965)	
			Rate	New revenues	Rate	New revenues	Rate	New revenues
First class:				*Millions*		*Millions*		*Millions*
Letters	Per ounce	4 cents	5 cents	$409.6	5 cents	$409.6	5 cents	$409.6
Drop letters	do	3 cents	4 cents	1.8	4 cents	1.8	4 cents	1.8
Cards	Per card	3 cents	4 cents	26.4	4 cents	26.4	4 cents	26.4
Total				437.8		437.8		437.8
Airmail:								
Letters	Per ounce	7 cents	8 cents	16.0	8 cents	16.0	8 cents	16.0
Cards	Per card	5 cents	6 cents	.3	6 cents	.3	6 cents	.3
Parcel post	Per pound	By zones[1]	(1) (2)	4.9	(1) (2)	4.9	(1) (2)	4.9
Total				21.2		21.2		21.2
Second class:								
In-county:								
Free mail	Per pound	Free	1 cent (lb.)	.9	1 cent (lb.)	.9	1⅛ cents (lb.)	2.2
Pound-rate matter	do	1 cent	⅛ cent (min.)		⅛ cent (min.)		¼ cent (min.)	
	Minimum per copy	⅛ cent						
Per-copy-rate matter	Per copy	1 cent or 2 cents.	Present rates	.3	Present rates	.3	Present rates	.3
Outside county:								
Regular publications:			3 annual 4 percent increases					
Editorial	Per pound	2½ cents	2.6 cents (lb.)	6.4	2.7 cents (lb.)	14.2	2.8 cents (lb.)	20.3
Advertising:			3 annual 10 percent increases (adjusted)					
Zones 1 and 2	do	3 cents	3.4 cents (lb.)		3.8 cents (lb.)		4.0 cents (lb.)	
Zone 3	do	4 cents	4.4		4.8		5.0	
Zone 4	do	6 cents	6.4		6.8		7.0	
Zone 5	do	8 cents	8.4		8.8		9.0	
Zone 6	do	10 cents	10.4		10.8		11.0	
Zone 7	do	12 cents	12.0		12.0		12.0	
Zone 8	do	14 cents	14.0		14.0		14.0	
	Minimum per copy	½ cent	0.6 cent (min.)[3]		0.8 cent (min.)[3]		1 cent (min.)[3]	
Nonprofit publications	Per pound	1½ cents	1.6 cents (lb.)	.8	1.7 cents (lb.)	1.5	1.8 cents (lb.)	1.7
	Minimum per copy	⅛ cent	⅛ cent (min.)		¼ cent (min.)		¼ cent (min.)	
Classroom publications:								
Editorial	Per pound	1½ cents	60 percent of regular rates	.3		.6		1.0
Advertising:								
Zones 1 and 2	do	1½ cents						
Zone 3	do	2 cents						
Zone 4	do	3 cents						
Zone 5	do	4 cents						
Zone 6	do	5 cents						
Zone 7	do	6 cents						
Zone 8	do	7 cents						
	Minimum per copy	⅛ cent						
Transient rate	First 2 ounces	2 cents	4 cents	1.1	4 cents	1.1	4 cents	1.1
	Each additional ounce	1 cent	1 cent		1 cent		1 cent	
Fees:								
Original entry—circulation under 2,000		$25	$30	.03	$30	.03	$30	.03
Original entry—circulation 2,000–5,000		$50	$60		$60		$60	
Original entry—circulation over 5,000		$100	$120		$120		$120	
Reentry		$10	$10		$10		$10	
Additional entry		$10	$15 (zones 3–8, $50)		$15 (zones 3–8, $50)		$50 (zones 3–8, $50)	
News agent registry		$20	$25		$25		$25	
Total				9.8		18.6		26.6

See footnotes at end of table.

Analysis of postal rate increases (new revenues based on 1963 volume)—Continued

Mail class	Postage rate unit	Present rate	First year (1963)		Second year (1964)		Third year (1965)	
			Rate	New revenues	Rate	New revenues	Rate	New revenues
				Millions		*Millions*		*Millions*
Controlled circulation	Per pound	12 cents	12½ cents	$0.3	13 cents	$0.6	13½ cents	$1.0
	Minimum per piece	1 cent	1 cent		1 cent		1 cent	
Total				.3		.6		1.0
Third class:								
Single piece	1st 2 ounces	3 cents	4 cents	34.5	4 cents	34.5	4 cents	34.5
	Each additional ounce	1½ cents	2 cents	10.3	2 cents	10.3	2 cents	10.3
Bulk rate:								
Regular:								
Circulars, etc	Per pound	16 cents	18 cents	3.1	18 cents	3.1	18 cents	3.1
	Minimum per piece	2½ cents	2⅝ cents	13.2	2¾ cents	26.3	2⅞ cents	39.5
Books, catalogs, etc	Per pound	10 cents	12 cents	3.9	12 cents	3.9	12 cents	3.9
	Minimum per piece	2½ cents	2⅝ cents	.5	2¾ cents	1.0	2⅞ cents	1.5
Nonprofit:								
Circulars, etc	Per pound	16 cents	50 percent of regular commercial rates					
	Minimum per piece	1¼ cents						
Books, catalogs, etc	Per pound	10 cents		−.6		.7		1.8
	Minimum per piece	1¼ cents						
Bulk mailing fee	Calendar year	$20	$30	2.6	$30	2.6	$30	2.6
Total				67.5		82.4		97.2
Fourth class:								
Educational materials	1st pound	9 cents	9½ cents	.5	10 cents	1.0	10 cents	1.0
	Each additional pound	5 cents	5 cents		5 cents		5 cents	
Library materials	1st pound	4 cents	Present rates		Present rates		Present rates	
	Each additional pound	1 cent						
Total				.5		1.0		1.0
Keys, etc	Each 2 ounces	5 cents	6 cents	.1	6 cents	.1	6 cents	.1
Federal Government mail	Applicable class rates			20.5		21.0		21.0
Permit fees for mailing without stamps		$10	$15	.2	$15	.2	$15	.2
Mail mix adjustment				−3.0		−3.0		−3.0
Total new postal revenues, all classes				554.8		579.8		603.0
Estimated public service allowances				[4]314.0		[4]311.0		[4]308.0

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[1] Air parcel post law requires payment of not less than 1st-class rates for 1st class sent by air.

[2] Present parcel post schedule plus 8 cents per piece. First-class matter above 8 ounces, 64 cents for first 8 ounces plus 5 cents for each additional ounce or the published parcel post rate if higher.

[3] When number of copies mailed for delivery outside the county is less than 5,000, the minimum per copy is ½ cent.

[4] Consists of House figure reduced by reason of increased revenue from free-in-county, nonprofit, and classroom publications, and increased by $81.4 deemed attributable to 3d- and 4th-class post offices and rural and star routes.

On magazines containing less than 5 percent advertising the minimum charge per copy is 0.55 of a cent during 1963, 0.65 of a cent during 1964, and 0.75 of a cent thereafter.

Mr. JOHNSTON. Mr. President, copies of the table just inserted in the RECORD are available for the use of the Members of the Senate. In addition to the table, I should like to invite the attention of the Senate to the very complete sectional analysis in the official committee report that is now on the desk of each Senator.

SPECIAL PROVISIONS

Mr. President, I shall not take the time of the Senate to discuss each provision of the bill. Some are rather routine. Others are more or less self-explanatory. Others are highly technical. However, all are in keeping with the overall purpose of providing additional postal revenues on a fair and reasonable basis both to the Government and to the users of the mail. However, there are a number of features of the bill that I should like to mention briefly.

RATE ADJUSTMENTS

The approach taken by the committee was to adjust all rates and fees in an equitable and fair manner. There are some who would do this differently. Among them are those who would increase one rate and would let others remain at their present level. The committee rejected this approach—and wisely so. The committee reasoned that an increase spread across the board to all users of the mail would provide a proper amount of additional revenue, without at the same time inflicting irreparable damage to the economy of the Nation or any segment of industry.

Mr. President, listening to the many witnesses who testified before the committee, we found that many of the businesses are on the very brink of closing. Certainly we must carefully consider their situation. The testimony given to the committee, both by Government witnesses and by private witnesses, indicated clearly that we should act on this bill on the basis of that situation, even though someone who did not have those facts before him might not realize the necessity of doing so.

FURTHER STUDIES

The committee was unanimous in the view that a study should be started early next year of the cost system used by the Post Office Department and of the classification of mail.

The former is needed in order to provide the quality and kind of data needed by the Congress to enable it to carry out its ratemaking responsibilities. The latter is an absolute necessity in order to enable Congress to assign a wide variety of mail to its proper rate category. This need is best pointed up by the fact that over 9,000 separate publications now enjoy second class nonprofit rates and hundreds of others are knocking at the door trying to get in. Or it might be noted that thousands of different items move through the mails at the very low fourth-class educational rate. Many publications and items should be sorted out of the preferential rate groups and be required to pay the regular rate of postage.

A careful and judicial job in this respect could result in producing additional revenue on a continuing basis sufficient to maintain a balance in the postal budget for many years to come.

PUBLIC SERVICE

The subject of public service is something to which our committee has given a great deal of study. It has given us a great deal of trouble.

The bill resolves in a satisfactory manner a problem that has troubled both the Department and the Congress for a number of years. It does this by fixing in law a formula to be followed by the Post Office Department in determining the amount to be deemed attributable to public service in the operation of third- and fourth-class post offices and in the operation of star and rural routes.

One thing should be understood in connection with public service aspects of the postal service. It is not an appropriation matter. Neither is it a budgetary matter. It is merely a guide for the use of Congress in the fixing of rates.

Let me explain the situation by the use of figures.

If the Department estimates that it will cost $4 billion to operate the Department next year and the Appropriation Committees agree that is the amount that will be appropriated.

Now, then, if, under the provisions of existing law and the changes to be made by the bill, $300 million out of the total of $4 billion is deemed to be chargeable to public service, then the residue, or

$3,700 million should be taken in by the Post Office Department in order to have a so-called balanced budget. If, however, the Department should take in only $3,500 million, then there is an actual deficit of $200 million. This then becomes a signal to the appropriate committees that rates should be adjusted to produce an additional $200 million.

I listened to the statement of the Senator from Oregon a few moments ago, which statement, by unanimous consent, was transposed to follow my remarks. I have never been in favor of the Post Office Department's balancing its budget as long as every Tom, Dick, and Harry come to the Congress and expects their 9,900 nonprofit organizations to bear only about one-eighth of the cost of their mail delivery. We cannot do that and at the same time be fair to the other mail users if we make them balance the budget.

Mr. LAUSCHE. Mr. President, if the Senator will yield, will he repeat that statement? He mentioned something about 9,000 nonprofit organizations.

Mr. JOHNSTON. Almost 10,000. There are 9,900-odd nonprofit organizations that are riding the Government by receiving a lower rate than it actually costs to carry their mail.

Mr. LAUSCHE. What percentage of the total mail is represented by that which those approximately 10,000 organizations send out?

Mr. JOHNSTON. It would be difficult to make an estimate at this time. There are a great many, and each one has a different mailing list. The Senator can imagine the difficulty of obtaining such an estimate. That is what we are going to endeavor to look into next year. I might add that it runs into billions of pieces of mail.

Mr. LAUSCHE. I thank the Senator.

Mr. JOHNSTON. If the current law, as proposed to be amended, is allowed to work as intended and the cost acertainment and mail classification studies are carried forward, we can look forward to an early end to the large postal deficits that have caused great concern in the past.

PAY REFORM

Let us consider for a few moments the pay reform provided in the bill.

Part II of the bill reforms the major statutory salary systems of the Government.

The need for immediate and sweeping reforms in the Federal pay system is found in studies made over the past several years by two administrations.

The reforms are not a pretext for a pay raise. They are designed to control payroll expenditures, with equity to both the taxpayer and Government employees, and at the same time support the recruitment and retention of high quality employees needed to carry out Government programs.

It may be useful information for my colleagues to know that in some departments there is an annual turnover of as much as 20 percent. It costs the Government a great deal of money when a department has to obtain other employees who must be trained for those particular positions.

COOPERATION

In connection with the pay reform portion of the bill—just as was the case in connection with the postal rate part—the committee has had the complete cooperation of the administration.

Chairman John W. Macy, Jr., of the Civil Service Commission, has given freely of his time in working out many involved problems. Additionally, he made the services of his able and willing staff available to the committee at all times. Among those of particular help were Robert Hare and Robert Milkey.

In an equally cooperative manner, the Bureau of the Budget provided the committee with the expert and helpful services of Dave McAfee. The Post Office Department, through Mrs. Ann Flory, helped develop the postal schedules and involved rules for putting them into effect.

The committee appreciates the great assistance received from so many during the past months.

PRINCIPLES OF REFORM

Let us consider for a few moments the principles of reform.

The bill brings about needed reform by the adoption of two principles:

First, that Federal salary rates be equal to, no more than and no less than, salary rates for comparable levels of work in private industry.

Second, within the Federal service there shall be equal pay for equal work, and pay distinctions shall be maintained in keeping with work and performance distinctions.

ADJUSTMENTS TO FULFILL ABOVE PRINCIPLES

Let us consider for a few moments the adjustments to fulfill the principles just stated.

The bill substantially revises the salary schedules in the upper grades proposed by the President, and postpones until a later date consideration of reforms at the executive level.

The final, or second stage, adjustments to become effective January 1, 1964, give effect to the President's recommendations up to grade GS-8 of the Classification Act and equivalent salary levels of other systems at this time. Salaries at grade GS-8 and above, or equivalent levels, are increasingly reduced up to grade GS-16. Starting at grade GS-16 and above, only the first stage increase is made at this time. It was understood in the committee that the second stage increase for these positions and for executive positions will be considered during the next Congress. So executive pay will be given further study.

FISCAL PICTURE

The President's bill when fully effective would cost $1,059 million. The committee bill would reduce this by some $30 million when fully effective.

The average increase for employees under the Classification Act will be $342 in the first phase and $261 in the final phase. This amounts to 5.5 percent and 4.1 percent, respectively, of present salary rates.

For postal employees the average increase will be $446 in the first phase and $138 in the final phase, or 8.6 percent and 2.6 percent, respectively.

The difference results mainly because postal employees would receive a greater proportion of the total increase initially and a smaller proportion in the second phase.

There are also, in the bill before the Senate, certain retirement provisions.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. LAUSCHE. I am looking at page 7 of the report, under the title "Essential flexibilities."

This section provides that there shall be created under the bill a board, the members of which would be appointed by the President. The function of the board would be to make an annual study of the comparable salaries paid in private industry as against the salaries paid by the Government.

Am I correct in my understanding that there is such a provision in the bill?

Mr. JOHNSTON. No. There was some talk of that, at first. The statistics would come from the Bureau of Labor Statistics. The Bureau would prepare the statistics each year, and the statistics would be turned over to the Congress.

Mr. LAUSCHE. The report contains these words:

> To maintain Federal salaries at levels comparable with private enterprise levels

Mr. JOHNSTON. From where is the Senator reading?

Mr. LAUSCHE. From page 7 of the report, under "Essential flexibilities".

Mr. JOHNSTON. Very well.

Mr. LAUSCHE. I read the language of the report:

> To maintain Federal salaries at levels comparable with private enterprise levels and to assure that other features of statutory salary systems are corrected and improved as experience shows the need, the bill provides that the President shall require an annual report, from an agency he designates, on the relationship of Federal salaries to those in private enterprise and shall submit an annual report to Congress recommending the adjustments in salary schedules, structure, and policy he considers advisable.

In connection with that statement in the report, what would be done in a situation of the type that exists in San Francisco, according to my understanding, where the Plumbers and Pipefitters Union has made a collective bargaining agreement which will result in an increase of salaries from a level of $5.33 an hour to a level of $7.57 an hour, to be reached in 1965, in 2 years and 2 or 3 months? That would be a 40-percent increase in the hourly wage.

If we are to compare salaries for plumbers and pipefitters, who will be getting $7.50 an hour in 1965, are we to be obliged to pay those salaries?

Mr. JOHNSTON. For the information of the Senator, the bill would not change the law. There is now what is known as a comparable wage scale in various sections of the United States. The salaries are regulated. It is necessary to pay salaries in various areas comparable to the salaries now paid in private industry, in the shipyards and other places. That is not provided in the bill before the Senate, but is already in the law.

Mr. LAUSCHE. That would mean that if the wage level in San Francisco, in the yards which do work for the Government, for plumbers and pipefitters was $7.50 an hour, that would be the wage paid on Government contracts.

The second question is, Would we be required to pay $7.50 an hour to Federal employees?

Mr. JOHNSTON. For the Senator's information, under the Classification Act Federal employees are paid the same salaries, throughout the United States. We would regulate their salaries in the bill, for various and sundry classifications.

The statistics to which the Senator has referred would be gathered and would be turned over to the Congress. That has to do only with the same class of people being dealt with at the present time. Those people work on a comparable basis at the present time, and will continue to do so. Some of those do not come under the Classification Act. We do not have anything to do with those salaries. They will be paid at the same rates.

Mr. LAUSCHE. The Senator from South Carolina described two principles which guided the committee in drafting the bill.

One principle was that there should be comparability, with salaries in Federal employment equal to salaries paid in private industry.

My question is, If the pay were $7.50 an hour for a plumber or pipefitter in California, would the comparability rule require us to pay $15,000 a year for plumbers and pipefitters?

Mr. JOHNSTON. For the Senator's information, the average is taker. for the entire United States.

Mr. LAUSCHE. Let us go one step further.

Mr. JOHNSTON. Those people come under what we call the blue collar groupings. The local people are regulated according to the salaries paid in private industry in that particular locale. They do not come under the Classification Act, which we are concerned with at the present time.

Mr. LAUSCHE. The average salary in the United States paid to plumbers and pipefitters would be what the Government would pay?

Mr. JOHNSTON. The average, whatever it was.

Mr. LAUSCHE. Is it not logical to assume that if plumbers and pipefitters were getting $7.50 an hour in the San Francisco area that the wage would spread across the country, and we would be obliged to pay $7.50 an hour, or $15,000 a year, even though my salary as a U.S. Senator is $22,500?

Mr. PASTORE. Madam President, will the Senator from South Carolina yield so that we may have a clarification of this point?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. JOHNSTON. I yield.

Mr. PASTORE. Is the Senator from Ohio discussing blue collar workers, or those employed under civil service?

Mr. LAUSCHE. I am talking about the general principle used as the basis for making the recommendations. Two principles are set forth on page 6 of the report by the committee. I read from the report:

> The comparability principle: Federal salary rates shall be comparable with private enterprise rates for the same levels of work; and
>
> The internal alinement principle: There shall be equal pay for substantially equal work, and pay distinctions shall be maintained in keeping with work and performance distinctions.

If that principle applies, I contend that we would be reaching a most dangerous position. If we commit ourselves to pay to each of our employees what is paid under certain collective bargaining agreements, we shall be placed in a dangerous position.

Mr. PASTORE. That principle has applied for years. That is the system which refers to the blue collar workers. A janitor, a plumber, or a carpenter working in a Federal building today is paid according to the area level of pay for the same tasks in private industry within a certain area.

That has been the law for a long time. As I read the "essential flexibilities" we are discussing, it would mean only a report that the President would make together with his recommendations, but the final decision would be that of the Congress.

Mr. LAUSCHE. But we would declare the principle now. If we declare that to be the principle, we shall have to follow it.

Mr. PASTORE. Would the Senator wish to see a Federal employee who is doing work comparable to that of workers in private industry paid lower wages? What is wrong with the principle? The principle is a good one and it is presently established.

Mr. LAUSCHE. It may be good, and it may be bad. What assurance would there be, if private industry should pay less, that we would bring our wage levels down?

Mr. PASTORE. That is the rule today.

Mr. LAUSCHE. What justification would there be to take such action at the plant at Cape Canaveral, where workers are earning $800 and $900 a week as a result of inordinate strikes and demands?

Mr. PASTORE. The only answer I can give to the Senator from Ohio is that there is a comparable situation in my own State. At Quonset Point blue collar workers do janitorial work, carpentry work, and plumbing work as in the public buildings of Rhode Island. Under the blue collar law which now exists and has been on the statute books for years, those workers are paid according to the level of wages paid within that area. I realize that some wages in some parts of the country may be inflated. But it does not follow that if wages are inflated in private industry in California, inflated wages will result in the city of Cleveland in the State of Ohio. That is not the law.

Mr. LAUSCHE. It must inevitably follow that what has been done in California will move into Ohio.

Mr. PASTORE. I cannot believe that.

Mr. LAUSCHE. Has the Senator considered the comparative wages paid in the States of Ohio, Nebraska, Wisconsin, Florida, Minnesota, Michigan, Montana, Oklahoma, and Hawaii?

Mr. PASTORE. That is being done every day in the week in relation to blue collar workers.

Mr. LAUSCHE. We shall have no trouble with blue collar workers.

Mr. PASTORE. Those are the plumbers and carpenters and the like to which the Senator has referred.

Mr. JOHNSTON. The report which the President sent to Congress, as regards the bill, outlines what is being paid civilians for certain kinds of work on comparable jobs covered by the bill. We tried to set salaries somewhat comparable to those figures. They were really under what the President outlined.

Mr. LAUSCHE. On page 4 of the report I see that the average national salary in private enterprise for work comparable to GS–7 is $6,648.

That is for national private enterprise. What is the average salary paid to State employees? In Ohio it is about $360. Federal employees are receiving $550 on the average.

Mr. JOHNSTON. An investigation in New York disclosed that the government of New York is paying much more than the Federal Government is paying.

Mr. PASTORE. That is correct.

Mr. JOHNSTON. In various places the pay is higher; in some it is lower. Each State must decide to what it desires to pay.

Mr. LAUSCHE. Is there anywhere in the testimony or in the report a statement of the average salaries paid in each of the 50 States? We are now dealing with governmental employees. In order to analyze the question correctly, we should have a comparison between what the State governments are paying and what the U.S. Government is paying. Is there anything in the record of testimony on that subject?

Mr. PASTORE. If we were to follow that reasoning, we would have to reduce the salary of every Senator, because I doubt very much that 50 percent of the Governors of States make as much money as we do, and they have as much responsibility as we do.

Mr. LAUSCHE. Neither can I follow the rule that my staff members—and I have some good ones—should reach a salary, let us say, of $18,500, when I know that every day people are knocking on my door for jobs of that type, and when I know that every week the State of Ohio is losing employees to the Federal Government. Now we would create a still greater gap in income between the employees of State governments and those of the Federal Government.

Mr. JOHNSTON. Madam President, there is a little gadget that is available. If the Senator does not want to pay the amount to his employees, he does not have to. He can pay any salary he wishes. He receives a lump sum, and then it is left up to him. If he wishes to cut someone's salary, he can do so. There will always be that right.

Mr. LAUSCHE. That is the fact. But let us not delude ourselves. I have lost employees to Representatives and to Senators because they paid more than I was willing to pay out of the money I had available.

Mr. McNAMARA. Madam President, will the Senator yield so that I may direct a question to him?

Mr. LAUSCHE. I yield.

Mr. McNAMARA. I should like to ask the Senator from Ohio what authority he has for the statement that the hourly wage of plumbers and pipefitters in the area he mentioned is $7.57.

Mr. LAUSCHE. I have a letter from the Refrigeration & Air Conditioner Contractors Association. The statement is—

> By July 1, 1965, the wages of plumbers and pipefitters will have been increased from $5.33 to $7.57 per hour in the city and county of San Francisco.

That is an increase of 42 percent over a 3-year period.

Mr. McNAMARA. Does the Senator know whether that includes so-called fringe benefits or not?

Mr. LAUSCHE. I do not.

Mr. McNAMARA. I do not think the Senator quoted a correct statement when he said that the wages of plumbers and steamfitters in the area to which he referred are $5.33 an hour now and that through collective bargaining they will reach the figure of $7.57 2 years hence. I do not believe that is a true statement.

Mr. LAUSCHE. It does seem pretty extravagant. But does the Senator from Michigan contend that perhaps the fringe benefits bring it up to $7.57?

Mr. McNAMARA. No. I just asked the Senator where he got the figure. I do not try to justify the figure. I do not think it makes sense the way the Senator has presented it.

Mr. LAUSCHE. I am quite astounded by what the Senator has said. If he thinks what I have said does not make sense, I say to him that I do not believe it makes any sense for us to adopt tariff laws and then to continue to push up prices everywhere. That is what we are doing.

We are financing housing. The more we finance housing, the more costs go up. I have no doubt that if the wage has not reached the amount I have stated, it will reach that amount. I think the evidence will show that I am talking commonsense on this subject. I think it will show that we are definitely pricing ourselves out of world markets. We are definitely making it impossible for the ordinary man to buy a house.

Mr. McNAMARA. Madam President, will the Senator yield further?

Mr. LAUSCHE. I resent the statement that I am not talking commonsense.

Mr. McNAMARA. I was referring to the statement which the Senator quoted, and not his own statement. I did not become personal, nor do I intend to do so.

Madam President, will the Senator from South Carolina yield further?

Mr. JOHNSTON. I yield.

Mr. McNAMARA. The question involved is whether the industry itself, through collective bargaining, is in a better position to judge those questions than are Senators. I submit that industry is in a much better position to take care of its business than we are.

Mr. LAUSCHE. My questions have been answered.

ADJUSTMENT OF ANNUITIES

Mr. JOHNSTON. Madam President, our committee has included in the bill adjustments in the annuities of those who are already retired.

Part III of the bill increases retirement benefits as follows:

First. A 5-percent increase, effective January 1, 1963, in all annuities which started on or before that date.

Second. Applies the increase on a graduated reduction basis to annuities starting after that date, in order to prevent discrimination against present employees who will retire in the near future.

Third. Provides that the proper proportion of any increase granted a retiree will accrue to his surviving spouse.

Fourth. Raises from $2,400 to $3,600 the portion of annuity to which the reduction of 2½ percent applies on election of survivorship benefits.

Fifth. Increases the ratio of survivorship benefits from 50 to 55 percent, in keeping with the change made last year under the Social Security Act.

Sixth. Revises present administrative procedure, by providing that in the future survivorship benefits will be automatic, unless an adverse election is made.

Mr. LAUSCHE. Madam President, will the Senator from South Carolina yield for a question?

Mr. JOHNSTON. I yield.

Mr. LAUSCHE. What will be the cost of this adjustment of the annuities?

Mr. JOHNSTON. As I recall, it will be approximately $49 million.

Mr. LAUSCHE. $49 million a year?

Mr. JOHNSTON. Yes.

Mr. LAUSCHE. I thank the Senator from South Carolina.

CONCLUSION

Mr. JOHNSTON. Madam President, the Congress finds itself in a rather unique position on this major bill.

Part I will increase postal revenues by over $600 million. Yet, those being called on to foot the bill—in the main—agree that it is a fair, reasonable, and needed bill, while at the same time the administration finds it acceptable and satisfactory.

Unity on such a measure is not often attained, and certainly is not easy to reach. Yet it has been accomplished in this instance.

Part II of the bill reforms the statutory salary systems of the Government in a manner acceptable to our large body of employees, and in almost complete accord with the recommendations submitted to Congress by the President. Here, again, we find ourselves in the happy situation of having resolved many problems in a manner satisfactory and acceptable to employer and employee, alike. That is almost unbelievable.

Mr. LAUSCHE. Madam President, will the Senator from South Carolina yield again to me?

Mr. JOHNSTON. I yield.

Mr. LAUSCHE. What will be the total cost in the fiscal year 1963 of the salary increases, as provided in the bill?

Mr. JOHNSTON. That information is shown at the bottom of page 11, where Senators will find set forth the amounts the administration bill would have provided, and also the amounts outlined by the pending bill. The information is given for each year. This provision will go into effect on January 1, 1963. In January 1964, the other increase will go into effect, and so on in 1965 and 1966.

Mr. LAUSCHE. Do I correctly understand that the cost of the administration bill in 1963 would have been $224 million, and that the committee bill will cost $504 million.

Mr. JOHNSTON. That is correct.

Mr. LAUSCHE. Then the disparity decreases; in the next year the administration bill would have cost $633 million, and the committee bill will cost $860 million?

Mr. JOHNSTON. That is correct.

Mr. LAUSCHE. I thank the Senator from South Carolina very much.

Mr. JOHNSTON. The administration bill is spread over 3 years; our bill is spread over 2 years. That is the reason for the difference.

Madam President, part III of the bill provides needed and overdue benefits of our former employees now on the retirement rolls; and I am glad to report that this portion of the bill is acceptable to both the administration and our retirees.

Madam President, I express the profound hope that the bill—which, as I have explained, is acceptable to all, is soundly conceived, and is carefully constructed—will be passed today by the Senate without mutilation.

Mr. LAUSCHE. Madam President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. LAUSCHE. What will be the cost of the 7-percent increase in the salaries of legislative employees? Has any calculation been made of it?

Mr. JOHNSTON. The 7 percent will have to be put into a lump sum, and it will have to be ascertained how much Senators took out and how much they did not use, and turned back into the fund each year. It would be almost impossible to make an estimate now, but I shall be glad to furnish an estimate.

Mr. LAUSCHE. We could estimate what the potential cost would be if each Senator granted a 7-percent increase to his employees.

Mr. JOHNSTON. Yes, and spent all of the money granted to him. Some Senators do not use all they are entitled to.

Mr. LAUSCHE. If possible, I wish the staff would provide those figures for the Record.

Mr. JOHNSTON. I shall be glad to provide that information for the Record.

Mr. RANDOLPH. Madam President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. RANDOLPH. The Secretary of the Treasury has expressed to our Senate Post Office and Civil Service Committee an understandable concern about the intended scope of this measure, if it is enacted into law, with respect to the mail screening functions which will be imposed upon him.

As a member of the committee, I am familiar with the language of the bill and the explanation which is included in the committee report. It is my understanding that the committee has attempted to lay down guidelines which will assist the Secretary of the Treasury in discharging what I consider to be very burdensome responsibilities in the vital area of so-called Communist propaganda distribution within the United States.

It seems to me it would be helpful if there were spelled out at this point, early in the debate, what the committee intends the Secretary of the Treasury to do with the responsibility which has been assigned to him.

So I address a question to the able chairman of the Senate Post Office and Civil Service Committee. It is this: Does our committee, after deliberation on this matter, expect the Secretary of the Treasury to screen all mail, except, of course, sealed letters originating in friendly countries, such as the United Kingdom, Canada, West Germany, France, and Japan?

I ask if that is the intent of the committee; and, if it is the intent of the committee, which I believe it is, will there be undue delay in the delivery of mail from countries which are friendly to the United States—our allies throughout the world?

I was a participant in the deliberations of our committee, and I think this is the intent of the action of the committee as embraced in the report: It is my thought that our committee desired the Secretary of the Treasury to concentrate the efforts of his very limited manpower—and I think it is unquestioned that there is a limitation of manpower to do the job—on mail coming directly from Communist countries.

I also felt that our committee desired to give to the Secretary of the Treasury power to examine mail from all countries, but that the committee also intended that he would examine mail from friendly countries only—and I stress the word "only"—when the Secretary had reason to believe Communist propaganda was included in such mail.

I repeat, the committee has placed a very heavy burden on the Secretary of the Treasury. Now I ask the chairman of our committee, in another form, if my understanding of the intent of our committee is correct as I have indicated. And I hope he will provide for the record answers to the specific questions I asked.

Mr. JOHNSTON. The Senator from West Virginia was present at all the hearings on this particular amendment. He was also present in the committee in executive session at most of our meetings. As he will recall, we had hearings for several days on this particular amendment. Also, on several different days, and for several hours, we discussed this particular amendment in executive session.

In my opinion, the Senator from West Virginia has stated the committee intent properly and accurately. Our committee realizes it would be almost a physical impossibility for the Secretary of the Treasury to screen all mail originating in every nation of the world, and that was not our intent. Our intent was for the Secretary to devote the manpower and facilities at his disposal to mail coming from Communist countries, but to examine mail from friendly countries if he had reason to believe that Communist propaganda was coming from those countries.

I think the committee tried to draw this amendment so it would cover that activity, and only that.

I realize, too, and I know the Senator from West Virginia does, that the number of personnel employed at the present time is not sufficient even to watch dope, and material of that kind, now coming into our Nation.

Mr. RANDOLPH. And improper literature.

Mr. JOHNSTON. And improper literature that is coming into our country.

Mr. RANDOLPH. Not merely Communist material, but other types.

Mr. JOHNSTON. Yes.

Mr. RANDOLPH. Will my colleague indulge me for a brief observation?

Mr. JOHNSTON. I yield.

Mr. RANDOLPH. I wish to say, in the presence of my colleague, the Senator from Pennsylvania [Mr. CLARK], that I think the Committee on Post Office and Civil Service approached this considerable task with a minimum of disagreement on basic, fundamental problems; but in the area of the so-called Cunningham amendment, which was modified by the Senate committee's recommended amendment, it is my feeling that our committee erred.

I make it very clear, however, that what the Senate Committee on Post Office and Civil Service has done is, in my judgment, an improvement on the so-called Cunningham amendment as contained in the House-passed bill. But even though there are exceptions which make our committee's recommendations more reasonable, at a later period in the debate I anticipate I will find it appropriate to join with the Senator from Pennsylvania, and I trust and hope we may be joined by other Senators, because I feel that even the modified version of the provisions placed in the bill, and based on the action in the House with the passage of the Cunningham amendment, would do violence to the fundamental traditions of this Republic and to the cause of freedom and justice. A Federal censorship imposed under any guise in time of peace is repulsive to me.

The system under which our country was founded and has prospered is able to meet any threat from any other system of government in the world. I shall speak later on that particular point.

Mr. HRUSKA. Madam President, will the Senator yield?

Mr. RANDOLPH. The senior Senator from South Carolina has yielded to me and I shall conclude with a brief comment. Before I conclude, I wish to have reflected at the close of my chairman's speech of explanation of the provisions of the so-called double-approach bill the fact that what has been said by the Senator from Kansas [Mr. CARLSON] and other Senators is eminently correct. There was no partisanship in the committee. There was no majority or minority as we understand those terms. There were differences of opinion, of course. We were able to adjust our thinking in practically all instances.

It is not easy for me now, on the Senate floor, to indicate that in respect to this one provision I must oppose the position taken by the majority within the committee, but I shall do it in the discharge of what I believe to be my responsibility and because of my conviction in this regard.

I trust that the postal rate increases and the pay raises can become law within a few days.

I say to my chairman once again that I could never work with a man more understanding of the position I now take or who would be more cooperative with me than the chairman has been as we have labored over this problem. I know the Senator will understand the statement which I have made. I commend him for the manner in which he conducted the hearings, which lasted for weeks, and the patience with which he has worked in and presided over the committee executive sessions.

Mr. CLARK. Madam President——

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. JOHNSTON. I thank the Senator from West Virginia for the remarks about the work of the committee and also about me personally.

Several Senators addressed the Chair.

Mr. JOHNSTON. I yield first to the Senator from Nebraska.

Mr. HRUSKA. If the Senator will yield briefly with reference to the so-called Cunningham amendment, I wish to say that I know the amendment has been misconstrued often, and has been misunderstood both as to the fashion in which it would be administered and as to its objectives.

As has been stated by other Senators, I expect to address myself to that question at greater length tomorrow, or some later time.

The objective of the amendment is not to bar the mail, but simply to put it in the fourth class and then to deliver it, thereby having a true reciprocity with the Soviet bloc countries, who are not delivering similar mail which comes from this country and is to be delivered in those countries.

The effect of the amendment would be that when the mail came to this country, under proper classification, it would be put in the fourth-class mail, and a charge would be made equal to the charge for that class of mail. Then we would not be compelled to go home to the people in our respective States and districts and say, "We increased the postal rates for everybody in this country, but did not increase them for the Communists on their mailings."

I think that is sound. I think it is good.

In due time, with due deference to those who differ with that point of view, I shall speak on the subject. Inasmuch as the Senator from West Virginia addressed himself to that question at least preliminarily, I wished to make that statement at this time.

Mr. JOHNSTON. I suggest that the Senator look into the matter before he approaches it from that angle. We have certain international agreements concerning the delivery of mail, and we may face a problem in that regard.

Mr. HRUSKA. I appreciate that. I also know that international agreements are being violated in a wholesale manner and also indiscriminately by the Soviet bloc countries. If they do that, I think we ought to extend to them complete reciprocity.

From that standpoint I approach the situation. I recall well the speech made on the floor of the Senate by the senior Senator from Minnesota, when he returned from his 8-hour visit with Khrushchev and his many weeks in Russia, when he reported that he did not see any of our American material on the newsstands of Russia, and that none of it was being delivered. He felt that the situation required correction.

This is one way to correct the situation. The other way, which is proposed by other Members of this body, in my opinion would not touch the core of the problem.

I am aware of the existence of certain international postal conventions, but they are being breached by those on the other side, and I know of no reason why, in the cold war in which we are engaged, we should meekly and docilely turn the other cheek to the Communists and have them slap it again by forcing us, under our sense of honor, to deliver their mail when they are not delivering ours.

Mr. LAUSCHE. Madam President, will the Senator yield for a question?

Mr. JOHNSTON. I yield for a question.

Mr. LAUSCHE. I should like to ask the Senator whether the language in section 4008, dealing with "Communist political propaganda," substantially would reintroduce and make effective the program which was followed prior to the change which took place about a year and a half ago.

Mr. JOHNSTON. I believe it was the understanding of the committee that the language would put back into effect the manner of handling the mail as it was handled during the Truman administration and during the Eisenhower administration. Does that answer the Senator's question?

Mr. LAUSCHE. When the Secretary of the Treasury determines that mail carries Communist political propaganda, he shall detain that mail, notify the addressee that he has it, and, if the addressee desires to have it, deliver it to the addressee.

Mr. JOHNSTON. That is correct.

Mr. LAUSCHE. If the addressee did not wish to have it, the Secretary would discontinue forcing upon the addressee the Communist literature addressed to him by Communist countries.

Mr. JOHNSTON. The Senator will notice there are certain exclusions, such as libraries and colleges.

Mr. LAUSCHE. Those are in the exceptions. Subparagraph (c) provides:

> The provisions of this section shall not be applicable with respect to (1) matter addressed to any United States Government agency, or any library, or to any college, university, graduate school, or scientific or professional institution for advanced studies, or any individual connected therewith, or (2) material whether or not "Communist political propaganda" addressed for delivery in the United States pursuant to a reciprocal international agreement.

Those are the two exceptions.

In substance, the program which was in effect under the Truman administration and the Eisenhower administration would be reintroduced, and we would no longer force upon our citizens Communist propaganda material sent to them by foreign Communist countries.

Mr. JOHNSTON. That is true. We would put into effect the same screening process which was in effect at that time.

Mr. CLARK. Madam President, will the Senator yield? If I may, I should like to have the attention of the Senator from Ohio.

Mr. JOHNSTON. I yield.

Mr. CLARK. The Senator has read, with great emphasis, the exceptions in the iniquitous amendment with relation to colleges and libraries, but I note there is no exception provided for radio broadcasters, television news analysts, newspaper reporters, or anyone whose job it is to tell the American people exactly what propaganda is.

To my way of thinking, excluding those who are supposed to disseminate the news is one of the many weaknesses of the amendment.

Mr. LAUSCHE. From my standpoint, I shall fight to the limit to stop our Government from forcing upon American citizens mail, periodicals, or newspapers which they never ordered, and which were sent to them by the Communist government in Moscow. Citizens are compelled to accept the material when they do not want it.

Mr. CLARK. There are other ways of achieving the exemplary and fine objective stated by the Senator from Ohio without violating the Constitution of the United States.

Mr. LAUSCHE. No such way has been revealed in the last 2 years. I have a great deal of mail in the drawer of my desk on that subject.

The PRESIDING OFFICER. The Chair rules that the Senator from South Carolina has yielded the floor.

During the delivery of Mr. JOHNSTON'S speech,

Mr. MORSE. Mr. President, I shall offer certain amendments to the bill. I wonder if the Senator from South Carolina would permit me to submit the amendments and send them to the desk so that they can be printed, and to make a very brief statement in connection with the amendments, because I have to attend a hearing of the Committee on the Judiciary, and should like to briefly explain my amendments. The explanation will be in the RECORD for later consideration.

Mr. JOHNSTON. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

Mr. MORSE. Mr. President, I believe I have the floor in my own right, but I was simply explaining my intention. If the Senator from South Carolina did not wish to have me do that, I would yield the floor.

The PRESIDING OFFICER. Does the Senator wish to have the amendments stated?

Mr. MORSE. Mr. President, I should like to have the amendments printed, rather than stated. There will be plenty of time to have them printed. I ask that the amendments be printed, so that they may be on the desks of Senators tomorrow.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. MORSE. Mr. President, I wish to make a brief statement about the amendments now, so that it will be in the RECORD for consideration by all Senators.

One amendment I am offering would strike out the provisions of the committee bill which increases rates for first-class letters and cards and for airmail letters and cards.

First, I know how long and arduously the Senate Committee on Post Office and Civil Service has labored with this measure.

I know the dedication of service of the Senator from South Carolina to the public weal during his many years in the Senate, and particularly in connection with his work as chairman of the Senate Committee on Post Office and Civil Service.

The Senator from South Carolina and the Senator from Oregon usually have found themselves, heretofore, in agreement on all the proposed legislation coming from the committee in respect to Post Office matters. We do not find ourselves in agreement today, in a few respects. I am hopeful that by the end of the debate there can be an accommodation, so that the bill will be in a form which will permit us to stand shoulder to shoulder again.

Mr. President, the measure which has been brought to the Senate with such improved provisions for pay raises for postal and classified employees of the Federal Government is a tribute to the committee chairman, the senior Senator from South Carolina.

The senior Senator from Oregon believes that those pay increases are long overdue. He thinks they ought to be passed.

The senior Senator from Oregon is greatly concerned about the form of the legislative instrument in which we are being asked to do justice to the postal employees and to the other Government employees for whom deserved pay increases are to be provided in the bill.

I am sure the Senator from South Carolina and other Senators know of my longstanding objection to the practice of placing the burden of the cost of the postal service on the users of first-class mail. We hear so often that the Post Office deficit must be wiped out with increases in rates. That premise is highly questionable in itself, because the postal service is and always was intended to be a service and not a profitable operation.

As I have said before, without going into the detail in which I presented it to the Senate in years past in my speeches which have analyzed the origin and the history of the postal service, that service was never intended to pay its own way. To the contrary, it was set up as a service to the American people, to make sure that there would be an accommodation in the dissemination of knowledge to the people of this Republic.

As I have said before—but the great principle of Jefferson cannot be repeated too often, for we need to have our attention called to it frequently—Jefferson said that a democracy can be no stronger than the enlightenment of its people.

Our constitutional fathers who established the postal service did not do so to make a profit. They did not set up the service to pay its way. They set up a public service which would encourage communication and disseminate knowledge and information in this country in order to keep a free people enlightened. Yet in recent years there has been a drive by false economizers, who say that we must have a postal service which pays its way. Mr. President, I deny that major premise.

I also strongly object to the way in which rates are to be raised, because they are not to be raised on the users of the postal service who are responsible for the deficit. Instead, the administrations of both parties, and too often the Congress, have taken the easy way out by yielding to the organized users of second- and third-class mail, and slapping the increase on first-class mail.

I will tell Senators where the postal deficit is caused. It is caused by the highly preferential treatment for advertising matter in magazines, and for the magazines themselves. Yet even the committee amendment would bring second-class mail up only to 35 percent of its cost. It is not my position that magazines should be charged for their full cost because I do not think that is the basis of the postal service, as I have already stated.

But I do strongly oppose transferring their subsidy to the users of first-class mail, and that is what the bill would do. The bill would not reduce the disparity between these two classes; it would increase it.

I ask unanimous consent that the comparison of estimated cost coverage which appears on page 2 of the committee report, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

B. Comparison of estimated cost coverage

[1963 volume basis]

Mail class	Without public service			With public service		
	Current rates	H.R. 7927	Senate amendment	Current rates [1]	H.R. 7927	Senate amendment [2]
1st class	100.4	125.1	125.2	100.4	125.1	127.4
Airmail	112.8	122.5	124.7	112.8	122.5	127.0
2d class	21.3	32.3	26.8	23.0	42.3	35.1
Controlled circulation	63.9	71.9	70.0	63.9	71.9	71.3
3d class	63.1	83.2	75.1	65.6	89.7	82.1
Educational material	52.0	52.0	53.7	100.0	100.0	100.0

[1] Public services on a revenue forgone basis.

[2] Includes "total loss" public service plus $81,400,000 of public service to reflect a portion of the cost of small post offices and rural routes, as proposed in the Senate amendment. The $81,400,000 spread to all mails and services in direct proportion to their estimated fully allocated costs for fiscal 1963.

Mr. MORSE. Mr. President, I discussed this table with the distinguished chairman of the committee, the able Senator from South Carolina [Mr. JOHNSTON]. I have talked with him about that very telling column in the chart. The first column is entitled "Current Rates." Let us take a look at it, because in my judgment it goes to the very heart of the controversy that is developing over the bill. The column to which I refer shows that today first-class mail on the basis of the 4-cent postage stamp is paying slightly over 100 percent of the cost of carrying a first-class letter through the mail. If Senators will take a look at the Senate amendment that we are being asked to adopt, they will see that what is being proposed in the bill is an increase in the rate that will be over 127 percent of the cost of carrying a first-class letter through the mail.

What is just or right about that? Why should any American citizen who writes a first-class letter be required to put a 5-cent stamp on it in order to subsidize magazines and newspapers in this country? If it is a subsidy that we want, then let all the taxpayers do the subsidizing for, in my judgment, that is the responsibility of public service that ought to be paid for by all the taxpayers of this country and not by those who write first-class letters.

I ask Senators to take a look at the second item in the column, which concerns airmail. I have discussed the subject with the chairman of the committee. He says this is what it means. According to that column, airmail postage is now paying 112.8 percent of the cost of carrying an airmail letter through the mail.

I ask why in the world should one writing an airmail letter be required to pay a subsidy to help carry through the mail for less-than-cost magazines, newspapers, and other second- and third-class mail items? Is it fair to take the position in the Senate that in order to get a deserved pay increase for the postal employees and civil service employees in the Government that we must buckle down and vote for a bill that would have the effect of asking writers of first-class mail to pay the kind of subsidy that the chart of the committee itself shows is the case?

Mr. President, I ask Senators to take a look at the next item, which is controlled circulation. At the present time that service pays 63.9 percent of its cost of carriage.

Third-class mail pays 63.1 percent. So-called educational material pays 52 percent. Therefore my amendment would leave first-class and airmail rates at the present level and would retain the other increases as contained in the bill.

At the opening of the debate my plea is for the Senate to try to arrive at an accommodation so that we can see to it that postal employees and civil service employees receive the pay increases to which they are entitled. I shall do what I can to seek to pass the amendments which I have sent to the desk in due course of time.

Mr. President, I send another amendment to the desk and ask to have it printed and lie on the table for future reference.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MORSE. That amendment would eliminate all of part 1 of the bill, which deals with changes in postal rates and other matters, including the Communist propaganda provision relating to postal service. It would leave part 2, relating to salary increases and part 3, relating to annuity increases.

I have not changed my view that we cannot justify linking postal pay with postal rates. It is not in the service of the postal employees, may I say to the legislative representatives of the postal employees who are sitting in the gallery at the present moment. I wish to say to those legislative representatives of the postal employees that the bill is not a service to the longtime best interests of the postal employees of our country, because a precedent will be established here today, tomorrow, the next day, or whenever the Senate votes on the bill, that will rise to plague postal employees, in my judgment. I say to the legislative representatives: You are not going to have postal pay increases in the future with this precedent unless you link those postal pay increases to future increases in postal rates.

I do not believe such procedure is sound. I do not think it is fair to the men and women in the Senate who have a record of fighting for the economic interests of Government employees, including postal employees. We should not be put in the position in which we find ourselves with respect to the bill.

We must weigh the interests of Government employees to a deserved wage increase against what we consider to be an injustice that would be done the population of America as a whole in regard to postal rates by passing a postal bill here which would increase the rates on airmail and first-class mail far in excess of what is necessary to pay the costs of sending that mail through the mail.

Someway, somehow, we should arrive at an accommodation so that all of us who have stood together in the past in regard to fighting for the deserved rights and benefits of the postal employees and the civil service employees can go along. I submit my second amendment; and it would be less than honest not to say that I am fully aware that all the odds are against me in regard to that amendment. But the historic record must be made on this subject if for no other purpose than that in the years to come, at least the record will be there for people to read, showing that the issue was raised during the debate.

I ask Senators, "If you are going to start to do this in regard to the postal service, are you ready to do it in regard to every other Government service that we offer the taxpayers of the country? Are you ready to do it in regard to the Forest Service? Are you ready to do it in regard to all the proprietary interests of the Federal Government? Are you willing to do it in regard to those necessary services that we render by way of police, fire, and other protection to the American taxpayer? Where would we stop? What is there about the postal service that justifies the establishment of the proposed precedent whereby postal rates would be linked to postal pay?"

In my judgment, such action is not good legislative policy. It is not good Government policy. It is shortsighted. In my judgment, the proposed action represents passing proposed legislation under great political pressure. I do not believe that we usually get good legislation when we pass it under the kind of time pressure that is being exerted on the Senate these days, as Senators do everything they can, almost in panic, to bring about an adjournment.

During the delivery of Mr. JOHNSTON's speech,

Mr. JOHNSTON. Madam President, I understand that the Senator from Kansas [Mr. CARLSON] must leave by 4 o'clock. That being so, he wishes to make a statement now. I ask unanimous consent that his statement appear in the RECORD immediately following my remarks. I shall finish my address after he completes his remarks, if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARLSON. I appreciate very much the courtesy of the distinguished chairman of the committee. Unfortunately, it is necessary for me to leave at 4 o'clock to catch a plane. I regret this situation, because this is one bill on which I have worked particularly hard, and I would like very much to be present throughout the debate and to finish with it today or tomorrow.

Madam President, the bill pending before the Senate has probably received more thorough consideration than any other bill which the Committee on Post Office and Civil Service has reported to the Senate. It deals with three phases, as has been mentioned by our chairman, namely, rates, pay, and retirement benefits.

We gave thorough consideration to every one of those phases, and unanimously reported the bill to the Senate for consideration.

I express my appreciation to the distinguished chairman of the committee for the time and effort and patience he has expended in connection with the proposed legislation. I wish also to concur in the statement he made regarding the many who have assisted us—representatives of Government, industry, labor, and others—in working upon the proposed legislation.

I wish particularly to commend the staff members. It would have been impossible to bring the bill to the Senate had it not been for the dedicated service of our staff, both majority and minority. I wish to pay special tribute to Don Kerlin. If there is anyone who is familiar with this subject, who has lived with it and knows every phase of it, it is Don Kerlin. I do not believe we could have brought this bill to the floor of the Senate, without his valued assistance. He knows every phase of the bill.

As has been mentioned, several amendments will be offered to the bill. I believe that every Member of the Senate might well have some objection to certain parts of the bill. I, too, could find some objection. However, in reaching agreement on the bill we tried to reach an acceptable compromise. There are several phases of the bill that I could easily oppose. However, it is the best bill on which we could reach agreement.

I should like to sound a warning. I hope no amendments to the bill will be approved. If some should be approved, passage of the bill would be endangered. I would not like to see that situation come about.

It is easy to be in favor of increasing one rate and lowering another, but when we begin to deal with postal rates, we must realize that they are all woven together in a chain of rates which are essential and which have been thoroughly studied by the committee. I therefore sincerely hope that the Senate will not adopt amendments, and that we can go to conference with the House and arrive at a bill which will give increased rates, increased pay, and benefits to our Federal retirees.

The Senate Post Office and Civil Service Committee has reported a postage rate bill which, in my judgment, is a vast improvement over the rate bill which came to the Senate from the House of Representatives. The new 5-cent rate on letter mail should make a sizable dent in the annual Post Office deficits which have been growing at an alarming rate. At the same time, the rates proposed by the committee on second and third class should produce substantial revenue increases without placing undue financial burdens upon business concerns which use these classes of mail.

However, I feel obliged to sound this note of warning to my Senate colleagues. The postage rate bill drafted by our committee is a compromise which will suffice for the present, but it will not solve and does not attempt to solve a serious problem which is just around the corner and which may bring on the gravest crisis in the history of the American postal system. The problem is ours and not that of the mail users.

The inexorable fact is that the Post Office Department will be drowned in a flood of mail over the next few years which it is not equipped to handle, unless its lagging modernization program is speeded up to meet the challenge. The experts of the Post Office Department estimate an increase of about 3 billion pieces for the current fiscal year; by the year 1970, the experts project that total mail volume will be about 90 billion pieces as contrasted to the present aggregate of 70 billion.

In testifying before the Senate Post Office and Civil Service Committee this past spring, Postmaster General Day said this:

> If postal technology were to remain largely unchanged, and if our postal cost experience were to continue, our budget requirements for 1980 would reach an appalling level.

Madam President, the crisis will be on us long before 1980. Based on the predicted 30 percent increase in volume over the next 8 years, the annual Post Office budget will go up, and up, and up, until it gets lost in the wild blue yonder. And if the Government continues the policy it has followed since 1950 of meeting these ever-rising costs by steadily hiking postal rates, then the traditional mailing patterns of the American people are in for some profound changes.

Already the law of diminishing returns has set in for fourth-class mail because of constantly rising rates. If postal tariffs continue to spiral, the time is not too far off when the great bulk of second- and third-class mail users will be compelled to seek other forms of communication to reach their subscribers. In the same way the sending of first-class letters may evolve from a commonplace into a luxury. All these dire predictions are forecast in the Postmaster General's statement that mail costs may reach appalling levels. I differ with Mr. Day only in my belief that the crisis will come much sooner than he anticipates unless corrective measures are taken without delay.

The main job of the Government is to get the Nation's postal system back into the mainstream of American life, to make sure that the ever-growing volume of communication by mail is handled with the same technological proficiency which has made American industry and American agriculture the most productive in the world. It hardly takes an expert to point out that an organization which relies mainly on hand labor, just as it did 50 years ago, is poorly equipped to handle an avalanche of 90 billion pieces of mail.

The Post Office Department has made some advances toward modernization over the past decade; it has adopted assembly line techniques in a number of large city post offices and introduced a number of laborsaving machines which have made serious inroads into excessive overhead costs. But because the pace of modernization has been too slow, and the attack on the manpower problem too timid, the results have been exceedingly meager in relation to the overall picture. As a matter of fact, the pace of modernization even today is so slow that the projected increases in the use of machinery will not take care of the expected increase in mail volume—let alone contribute to an across-the-board increase in postal efficiency.

There is no technological reason why a major part of the work of the Post Office Department cannot be transformed from a manual operation to a machine operation, thus assuring the widespread application of modern efficiency to the largest operation carried on by the Federal Government outside of the military. The machines for doing the job are in existence, and they are doing the job well at the present time both here and abroad. In the relatively few large cities where the post office operations have been modernized, the results have been especially gratifying. But the establishment of a few pilot projects or the modernization of individual post offices, one by one, will not get the job done. A frontal attack on the whole problem is urgently needed if the postal service is not to bog down in a mass of inefficiency.

This is why the committee unanimously adopted a statement in the report dealing with this need.

It is my hope that every Senator will take the time to read this statement in the report, which appears at page 2.

There was considerable discussion in the committee concerning section 12, otherwise known as the Cunningham amendment. Under that section as it passed the House, Communist political propaganda was mailable, but at fourth-class rates. This is because H.R. 7927 does not set fourth-class rates and because the Cunningham amendment itself contains language stating that no postal rate in H.R. 7927 shall be available for the distribution by mail of matter determined by the Attorney General to be Communist political propaganda.

The committee studied this provision and reviewed the program in effect in this country for the last 10 years. Under Presidents Truman and Eisenhower, the Customs Bureau would screen mail defined as political propaganda under the Foreign Agents Registration Act, determine whether or not it was Communist, would then send a letter to the addressee, and the addressee would say whether or not he wanted it; 90 percent of the time the material was unwanted and was thereafter destroyed. Congressman CUNNINGHAM in testifying before our committee stated that termination of the Executive order under which the Communist political propaganda was detained, meant that 9 or 10 times as much material was being distributed now than prior to termination of the order because the volume had continued but now all of it was being delivered, whereas 90 percent of it used to be destroyed.

Since most of this material is in the second and third classes of the mail which show a loss, the original Cunningham proviso shifted Communist political propaganda to fourth class, which under the law must break even or show a profit. The Senate version takes a different tack: We have reinstituted the Truman-Eisenhower program which had the effect of keeping 90 percent of the material out of mail, thus removing the burden of its loss from the taxpayers. We are using the definition of political propaganda set forth in the Foreign Agents Registration Act to determine what political propaganda is, just as was done in the Truman-Eisenhower program. What is or is not a Communist country is set forth in the Foreign Assistance Act and the tariff acts. Since the Customs Bureau administered the old program, we have designated the Secretary of the Treasury as the officer, who, under rules and regulations to be promulgated by him, shall make the determination now.

No American magazines or newspapers except the New York Worker are available on Russian or Iron Curtain country news stands. Under the terms of the Universal Postal Union, Russia and its satellites are required to deliver American material. If they did, then the exchange would be fair, but the trouble is that they are not freely delivering our material. Since the United States does not get the full benefit of Iron Curtain delivery of its material, it means that our taxpayers are charged for delivering Communist political propaganda, but our material in turn is denied free access to Communist mailing systems. It follows, therefore, that since reciprocity is lacking we are presently delivering their material free because we receive no remuneration from them in the form of their reciprocal delivery of our material.

The Senate committee has added some very important exceptions to the Truman-Eisenhower program. Section 305 (c) appearing on page 31 of the bill states as follows:

> The provisions of this section shall not be applicable with respect to (1) matter addressed to any United States Government agency, or any library, or to any college, university, graduate school, or scientific or professional institution for advanced studies, or any individual connected therewith, or (2) material whether or not "communist political propaganda" addressed for delivery in the United States pursuant to a reciprocal international agreement under which the United States Government mails an equal amount of material for delivery in any country described in subsection (b).

We have excepted material addressed to colleges, universities, and libraries in response to the asserted need for political propaganda for analysis by scholars. I have some doubts about the word "library" and feel that the word "public" should be inserted before it so that any home bookshelf with a few books on it is not construed as a library. Moreover, I am somewhat concerned about the use of the words "or any individual connected therewith" which appear on page 31 at line 20 of the bill. Does this mean that nonacademic personnel would be entitled to receive this material without requesting it? I think we will have gone far in providing that these institutions shall be excepted from the provisions of the act but I do not think we should go so far as to make the legislation a sieve. I will offer an amendment strengthening the proviso in these two regards."

In my judgment, the second exception, appearing on page 31, may perform a service of tremendous value in forcing a free flow of information on both sides of the Iron Curtain. The import of that section is that if we have a reciprocal international cultural agreement under which the U.S. Government mails an equal amount of material for delivery in any Communist-controlled country, we will agree to carry that country's material in the United States.

Now the committee did not mean, and we want the legislative history to be clear on this, that the Universal Postal Union itself should be considered as such an instrument. We mean the kind of cultural agreement under which we deliver 50,000 copies of the magazine America to Russia each month and Russia delivers 50,000 copies of the magazine U.S.S.R. to this country. Certainly we would all like to see this kind of an arrangement expanded. We are certainly not afraid of what Iron Curtain countries will send to us: We want to encourage the dissemination of our material behind the Iron Curtain. So we have now written into the U.S. law our desire to exchange material with these countries. What we are saying to Russia, Poland, Czechoslovakia—to all the satellite countries—is "if you want to negotiate an international cultural exchange agreement with us under which by special international agreement we can put 10,000, 50,000, or 1 million pieces of American informational material into your mailing system, we will let you put an equal quantity into ours."

So that we can be crystal clear, this language does not mean that the Universal Postal Union will be metered so that we can see how many pieces of Russian mail come here and we can see how many of ours go to Russia. It should only apply when there is an official cultural agreement, negotiated at the bargaining table, providing for equal quantities to go on both sides of the Iron Curtain. Certainly this proviso will put our negotiators in a position of tremendous strength. We have taken the initiative in the fight for men's minds: Provided Iron Curtain mailing systems are open to us we are saying that ours are open to Iron Curtain countries. Why should the American taxpayer be asked to do anything more?

I believe that the Department of State and the U.S. Information Agency should welcome this exception. As we all know, the Russians probably spend more money jamming the Voice of America than we spend broadcasting to Russia. Subsection 2 of section (c) may one day be used as part of an international information exchange agreement to stop this jamming of the Voice of America, and to provide that U.S. material may freely flow in Russia.

It is my hope that the Senate will overwhelmingly endorse the principle expressed in the Senate version of section 12.

The committee has not only thoroughly studied the situation but has also included an amendment which I believe will be helpful. I hope there will be no other amendments to the bill, so that we may go to conference with the House and obtain for the postal and classified employes and the retired workers the benefit of the proposed legislation.

Again I pay my compliments and respects to the distinguished chairman of the committee.

Mr. JOHNSTON. Madam President, I have never worked with anyone who worked more faithfully and harder than did the Senator from Kansas on this bill. I received perfect cooperation from him; and when I say "him." I include all the minority members of the committee. The minority and the majority members worked together during the entire consideration of the bill. Actually, there were no majority or minority members of the committee during the consideration of the bill. I commend every member of the committee for his faithful service, and in particular I commend the distinguished Senator from Kansas [Mr. CARLSON].

Mr. SPARKMAN. Madam President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. SPARKMAN. First, I wish to express a word of appreciation to the chairman and the other members of the Committee on Post Office and Civil Service. Theirs has been an important task, a huge undertaking. The committee has performed its work well in reporting to the Senate the bill which is now under consideration.

One matter in particular concerns me, and I wish to check with the chairman to see if my understanding is correct.

The annuities of retired persons are covered rather generally, but I find no reference to annuities for persons who were retired under the Foreign Service Retirement and Disability Fund. I believe I know what the answer is, but I wish to be certain.

Mr. JOHNSTON. The retirement fund for the Foreign Service is handled by the Committee on Foreign Relations.

Mr. SPARKMAN. That is, the Foreign Service retirement fund.

Mr. JOHNSTON. The Committee on Post Office and Civil Service handles the pay for members of the Foreign Service, but not the retirement fund for the Foreign Service.

Mr. SPARKMAN. That comes under a separate act.

Mr. JOHNSTON. There are several separate retirement systems in the Government. For example, there is a separate retirement fund for Federal judges. The Foreign Service has a separate retirement fund. That being so, the Committee on Post Office and Civil Service has no jurisdiction over them, and those persons are not provided for in the bill now under consideration.

Mr. SPARKMAN. The Committee on Post Office and Civil Service does not have jurisdiction over those funds.

Mr. JOHNSTON. That is correct.

Mr. SPARKMAN. I knew that retirement matters relating to the Foreign Service were ordinarily handled by the Committee on Foreign Relations. Actually, I have two bills relating to this very subject pending before that committee now, on which the committee has held partial hearings. However, I wished to make certain that the omission of those persons from this bill was not an oversight and that they had not been omitted if they properly belonged within the jurisdiction of the Committee on Post Office and Civil Service.

Mr. JOHNSTON. I appreciate the Senator's asking that question. I am sorry that we could not have included those persons in the bill, but they do not come within our jurisdiction.

Mr. SPARKMAN. Madam President, will the Senator from South Carolina yield to me, without losing his right to the floor, so that I may speak with respect to one particular item in the bill?

Mr. JOHNSTON. I yield for that purpose.

Mr. President, I ask unanimous consent that the remarks of the Senator from Alabama may follow my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Madam President, before the Senator from Alabama proceeds with his remarks, will he yield to me with respect to the question he just asked about retirement?

Mr. SPARKMAN. I yield.

Mr. CLARK. I was chairman of the subcommittee which handed the retirement section which is now under consideration. What the Senator from South Carolina said is, of course, completely true. But I ask: How foolish can we get to have Foreign Service pay handled by the Committee on Post Office and Civil Service, and Foreign Service retirement pay handled by the Committee on Foreign Relations? This is one reason why I hoped the Senator from South Carolina and the Senator from Alabama would join in cosponsoring my resolution—I understand why they will not—to have a commission appointed to consider the rules, customs, procedures, and manners of the Senate, of which this is, perhaps, one of the silliest examples.

Mr. SPARKMAN. The Senator from Pennsylvania is extremely diligent, and is sometimes quite optimistic. Nevertheless, I appreciate his remarks with respect to retirement funds. Perhaps the funds should be consolidated. I think that is probably a question to be determined by the Bureau of the Budget.

But as I understand the situation as it exists today, the funds are not consolidated, and the Foreign Service retirement fund is one of the separate annuity funds.

Mr. CLARK. Madam President, will the Senator from Alabama further yield?

Mr. SPARKMAN. I yield.

Mr. CLARK. I hope—although I suspect the Senator from South Carolina will not agree with me—that upon a consolidation, the question of Foreign Service pay would be handled by the Committee on Foreign Relations. I am sure our dedicated Foreign Service employees would receive far better pay, increases in salaries, and representation and house allowances, to which they are by law entitled, if those matters were divorced from the average salaries of CAF–8, –10, and so forth.

MAKING OF AGRICULTURAL PUBLICATIONS

Mr. SPARKMAN. Madam President, because I come from a part of the country where farming is a major occupation, I am especially grateful that the Senate Post Office and Civil Service Committee has rescued the agricultural publications of this country from a major financial crisis. The farm publications can probably live with the moderate increases on second- and third-class mail reported by the committee, whereas the exorbitant rates proposed in the House bill would have given them a blow from which they might never recover.

The cost squeeze nagging the farm publications is real and not something dreamed up by the publishers to help them avoid paying bigger postal bills. Let us examine the basic figures. Over the past 15-year period, publication costs have increased 89 percent for farm journals. During the past few years, the volume of advertising available for this type of publication has drastically declined. There is the further factor that, for most publications, subscription rates have been raised so many times that the saturation point has been reached. Caught in this price-cost squeeze, the future looks none too promising for the farm journals, even if postal rates are stabilized for the next decade or so.

I believe it was established that the increased rate on second-class mail proposed in the House postage bill would have brought in an additional $53 million in annual revenue to the Federal Government. I think that every reasonable person who has read the testimony before the Committee on Post Office and Civil Service, will agree that this would have been the most expensive money Uncle Sam ever collected. The House rates would have delivered a major blow to the free press of the country and spelled financial ruin for literally hundreds of publications. This certainly is not desirable.

In these brief remarks, it is my purpose to review the vitally essential role which the farm journals play in the agricultural life of the country and to explain why any injury to these publications would be a serious blow to the national welfare.

A good way to begin is to explain that the purpose of the farm paper is not to entertain the farmer after a wearying day in the fields. It has a loftier purpose. The farm paper is the textbook of the American farmer and has been for decades. It was from this type of publication that the planters and growers of America first learned about the new machinery that would revolutionize agriculture, and about the new chemicals, seeds, and fertilizers that would make American agriculture the most productive in world history. This story has been told time and time again, but its significance is so great that it deserves retelling once again.

In America, agriculture now employs only about 10 percent of the labor force; in Russia, agriculture employs nearly 50 percent. Because American agriculture has been so productive, our graneries and warehouses are filled to overflowing; in Russia, there are still acute food shortages, the cost of meat is out of sight, and Soviet industry is actually short of manpower because so many workers are employed on the farms.

The conclusion is obvious that the productive capacity of American agriculture has given the United States and the other free nations a major weapon in the cold war against communism. Also, our ability to produce food in great abundance at economical prices is due to the way in which the American farmers welcomed and adopted the principles of modern scientific farming. Do the farm papers deserve credit for helping to bring about this desired result?

The record shows beyond a shadow of a doubt that the farm magazines played a leading role in the modernization of agriculture.

In recent years, several of the Nation's leading agricultural colleges, including Cornell, Purdue, Wisconsin, and Illinois, have made extensive surveys to find out the main sources of information on which farmers relied to get up-to-date information about new technological advances. In testifying before the Committee on Post Office and Civil Service, Mr. Thomas C. Hickey, speaking for the Agricultural Publishers Association, said:

> These studies showed without exception that the farm press is not only the principal source; it is, for all practical purposes, the only source.
>
> It is highly important to the social as well as to the economic fabric of America that the family farm pattern survives. In Russia, the state owns and operates agriculture. In the United States, 96 percent of our 3,700,000 farms are family-owned businesses, operated by individuals.
>
> The U.S. Department of Agriculture and the great universities keep a steady flow of information going to farmers through the news releases and bulletins they send to our editors.
>
> Our publications are, in a sense, an arm of the Government, and of the college experiment stations in the essential task of communicating vital information to the farmers of the Nation. The editorial content is almost solely of a helpful nature. Farm folks read our publications, not to be entertained but to do a better job of farming.

The farm magazines of the United States are now in financial straits, because they have done their job so well. In other words, because American agriculture has been modernized, the farm population has lessened; and this means fewer subscribers for magazines. Six years ago there were six major farm magazines. Two of these have since gone out of business, not because they were inefficiently managed, but because they could not overcome the price-cost squeeze at a time when the number of subscribers was rapidly falling off.

I should like to remind the Senate that agriculture is still the nation's leading industry, and that for the citizens of at least 20 States, farming is still the major source of income. The farm magazine is still vitally needed by this great industry. It is my earnest hope that the Senate will adopt the rates on second-class and third-class mail recommended by Senator JOHNSTON's committee, and thus will avoid doing irreparable harm to the nation's farm magazines.

Mr. JOHNSTON. Madam President, I wish to thank the Senator from Alabama for bringing to our attention the good being done by the farm magazines. It is true that they have given information to the farmers throughout the Nation, and have helped them to grow more cotton, more corn, and more wheat per acre.

I am a member of the Committee on Agriculture and Forestry, and our committee has been studying and looking into that matter. Today, the farmers in the United States are growing twice as much wheat per acre, on the average, as the amount being grown 12 or 15 years ago; and the same is true of many other commodities.

Mr. SPARKMAN. I am sure the figures for the production of cotton, peanuts, and other commodities are similar.

Mr. JOHNSTON. I am sure that is true.

Mr. SPARKMAN. I thank the Senator from South Carolina.

LEGISLATIVE PROGRAM

Mr. CARLSON. If there is no objection, I should like to ask the majority leader to tell the Senate what he has in mind for the rest of today and for the rest of the week.

Mr. MANSFIELD. Madam President, I hope that the Senate will remain in session until a reasonably late hour this evening, so certain amendments to the pending bill may be considered. I have discussed the matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. It is our intention to have the Senate convene at 9 a.m. for the remainder of the week and to meet on Saturday.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Madam President, at this time I ask unanimous consent that when the Senate completes its business today it adjourn to meet at 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. This emphasizes the point that it is our hope that the Senate will stay in session until a reasonably late hour this evening, and that Senators who have amendments will submit them, and that the Senate will be able to dispose of at least some if not all of them today.

Mr. CARLSON. Can the distinguished Senator tell us about what he proposes for tomorrow?

Mr. MANSFIELD. The so-called fishyback bill is to be considered, Calendar No. 1747, S. 3115, to authorize the admittance of the vessel *City of New Orleans* to American registry, and to permit the use of such vessel in the coastwise trade. Several other measures will be brought up. There is no lack of work. I hope there is no lack of will to work toward speedy adjournment some time next week.

Mr. CARLSON. I thank the Senator.

AMERICAN FOREIGN POLICY—A PRODUCT OF FEAR

Mr. PROUTY. Madam President, American foreign policy today is the product of fear and gulls.

And if there was any doubt with respect to the source or fountainhead of this policy which may well spell disaster for the United States, that doubt has now been removed.

On September 16 it was not President Kennedy, it was not Secretary Rusk, but rather Chester Bowles who distilled for public information the essence of the administration's foreign policy. We must assume that this is an authoritative declaration of U.S. policy since it was released to the press by the White House. And, as Arthur Krock points out, it was virtually repeated in New York by Secretary of State Dean Rusk.

What is this Bowles policy to which the administration seems to adhere?

It is a policy that says to the Soviet Union and the Communist world, "What you have you can keep and we won't disturb you. But please don't take any more." And, yet, Mr. President, when the Soviet Union takes more territory, enslaves more people and destroys freedom in new spheres we do nothing, we simply repeat, "Please don't take any more."

The dictum of Mr. Bowles is that we keep in mind not only our own interests, but the interests of neutrals and adversaries. One wonders whether Khrushchev in conducting Soviet foreign policy takes into account the interests of the United States. I think history dictates that he does not.

It would seem that his policy is motivated entirely by what would enhance Soviet expansion throughout the world.

General Lucius Clay has brought sharply to focus the fact that the Soviet Union is determined to make what it can out of each of its exploitations. According to Clay, the Russians "add the pressure or subtract the pressure, depending upon the degree of resistance and danger which they think they are going to meet."

He notes, and rather significantly, that the Russians back down when the United States does something which can be overcome only by the use of force. He cites as an example the warning given the Russians that they would no longer be allowed to transport their war memorial guards to West Berlin in armored cars. This act was not only doing something, it was a firm declaration that we were withdrawing a concession previously made and that we would enforce the withdrawal.

Clay is not satisfied with a policy that says, "Keep what you have but please don't take any more." Clay would not have us simply react to pressure, he would have us apply pressure of our own.

The experienced general does not advocate this policy just for a given situation or just for one part of the world. But, in his own words, he would apply it "not only in Berlin, but everywhere, including Cuba."

In yesterday's New York Times an excellent article by Arthur Krock appears which discusses the choice America must make between the Bowles policy and the Clay policy. I ask unanimous consent that the article may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Choice Between Two Conflicting Policies

(By Arthur Krock)

Washington, September 21.—The President is in complete charge of the conduct of the foreign policies of the United States. Whenever the President chooses to do so, he can formulate and execute the policies without prior consultation with Congress in general and the Senate, his junior foreign affairs partner, in particular. And, once he has done this, Congress must either support him or create a destructive crisis in constitutional government.

But many Presidents, and Mr. Kennedy especially, have kept an ear close to the pulsebeat of American public opinion when evolving policies, foreign and domestic, and gradually disclosing them. When the Presidential ear is testing, the American people have an opportunity to register a choice between two policies before one is irrevocably made. And such an opportunity has now been presented by recent statements from Chester A. Bowles and Lucius D. Clay.

DIFFERING VIEWPOINTS

Bowles is Mr. Kennedy's special State Department counselor on Latin American, African, and Asian affairs. Clay, a retired Army general, has twice successfully checked Soviet aggression in Berlin. Bowles on September 16 gave a synthesis of the basis of Mr. Kennedy's foreign policy—undoubtedly an authoritative exposition since it was issued to the press by the White House and virtually repeated today in New York by Secretary of State Rusk. Clay's comments on the same subject, where he has established a claim to the attention of the American people, were made yesterday in an interview with Senator Keating, of New York.

The differences in the two documents concern both the foundation and the actual conduct of foreign policy. Bowles' pervading theme was that, if the United States speaks firmly to a prospective or already established aggressor in its immediate sphere of interest, and precisely defines in words a new line it will not permit him to cross, recent events have demonstrated he will halt his penetration of this area. And where our sphere of interest is also occupied by allies, said Bowles, the U.S. policy guides are "skill and patience in dealing with our friends, neutrals, and adversaries, keeping in mind not only our own interests but also their own," meanwhile holding to the concept that a truly realistic policy must be based, not solely on (military) stockpiles, but on the power of people and the power of ideas.

As an example of the right way to deal with the first situation he cited the President's warning that he will act promptly and vigorously if the Soviet-trained and armed Cuban forces move ahead to threaten Cuba's neighbors, our naval base at Guantanamo, the approaches to the Panama Canal, or U.S. security generally. The right way to deal with the second situation, Bowles said, is the way the administration is pursuing vigorous support of the United Nations and the growth of world peace through world law.

ACTION VERSUS REACTION

General Clay stated a different theory, based in part on his personal experience in Germany. It is that the Soviet Union backs down when the United States does something which can be overcome only by the use of force. His citation was the notice given to the Russians that they would no longer be permitted to transport their war memorial guards to West Berlin in armored cars. This was not just saying something—for instance, how we would react if the Soviet Union expanded its Cuban activities—it was affirmative action by which a previous concession we had made to the Soviets was withdrawn.

"And that," asked Senator Keating, "would be a general principle you would advocate?" "Not only in Berlin, but everywhere, including Cuba," was Clay's reply. The policy difference is fundamental between this and the administration's policy procedures, as summarized by Bowles. And if the administration decides to enlarge even more the budget of U.S. problems it delegates to the United Nations by submitting the Berlin issue, another difference will exist between experience and theory. "We cannot," said Clay, "get rid of the obligations and responsibilities we obtained in war by trying to pass them into the U.N."

This choice of policies can still be influenced by American public opinion. But not much longer.

Mr. PROUTY. Madam President, if we apply the Bowles policy to the Cuban situation we acknowledge a willingness to accept as an immutable fact the Communist takeover in Cuba. And carrying the Bowles policy further, we would simply speak softly to the Communists about curbing their expansion from Cuba.

If, on the other hand, we adopt the policy advocated by General Clay, we will refuse to accept a Communist Cuba as an unchangeable situation. We will initiate pressures of our own in all areas of vital interest to the Communists—particularly in this hemisphere. And in so doing we will weaken the Red regime in Cuba and contribute to its dowpfall.

David Lawrence is one of many writers who has taken note of the fact that the United States appears willing to accept the Soviet Union takeover in Cuba, and seems pledged only to prevent expansion of communism from Cuba to other South and Central American countries. He deals with this important concession in an article which appeared in the Washington Evening Star on Friday, September 21. I ask unanimous consent that the Lawrence article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Resolution on Reds in Cuba—Virtual Acceptance of Soviet Takeover Seen in Statement Approved by Senate

(By David Lawrence)

It may seem trite in this age of sophistication to say that actions speak louder than words, but that's about the only conclusion one can reach with respect to the resolution on Cuba just adopted by the Senate and scheduled for passage by the House on Monday.

Even if the American people can be persuaded to believe it is a strongly worded resolution, the Soviets can read English, too. For the resolution virtually accepts the Soviet occupation of Cuba and fails to recommend that the violation of the Monroe Doctrine, already committed by the Soviets by sending military forces to Cuba, be immediately challenged. It says instead that the United States will by military force prevent the Marxist-Leninist regime in Cuba from extending by force or the threat of force its aggressive or subversive activities to any part of this hemisphere.

It may seem logical to call all persons extremists who believe in resoluteness when dealing with the Communists, but, unfortunately, history shows that appeasers and pacifists are too often the very people who bring on war with all its horrible consequences.

Anthony Eden witnessed—as a protesting bystander—the Munich crisis of 1938, when appeasement led to World War II. He happens to have written an article for the current issue of Foreign Affairs Quarterly, in which he makes this comment:

"The consequences for the free nations of sponsoring a solution which is not itself just, can be grave; a little present ease may be gained, but probably at the expense of greater trouble thereafter. In the history of the last 30 years it has not proved wise to seek to assuage excessive appetites by unjust concession."

The events of the past few weeks reveal that President Kennedy has yielded to the unwise counsel of his advisers and announced that to him a violation of the Monroe Doctrine means only a military offensive against any country in this hemisphere, and that he prefers to wait for such a contingency before taking any action. This means that he will not resist the Soviet encroachment that has already taken place in Cuba and is not prepared to undertake a naval blockade of Cuba—either alone or with other nations—or take steps of a military nature to assist the Cuban people to recover their government and their freedoms.

The resolution put before Congress by administration leaders was, after some amendments, finally agreed to by both parties. Its opponents concluded it was the best they could get now, and that action will be up to the President, anyway, as he already has the authority to use force either in support of the new resolution or of the original Monroe Doctrine.

But the resolution publicizes a concession to Russia. It confirms the view that has been developing in administration circles recently—that the President construes the Monroe Doctrine today differently than it has ever been interpreted before.

The appeasement psychology has been stimulated by the argument of expediency. It has been insisted that, after America entered two World Wars and when this country established bases overseas afterward, it gave up the Monroe Doctrine. This illusory argument is not borne out by the facts of history.

President Wilson, for instance, persuaded our Allies of World War I to include in the Versailles peace treaty and in the League of Nations Covenant itself a provision which specifically recognized the Monroe Doctrine as continuing. So does the United Nations Charter validate "regional arrangements."

President Truman, in a speech on Navy Day, October 27, 1945—just after World War II had ended—restated American foreign policy in a series of points. Among these were the following:

"We believe that all peoples who are prepared for self-government should be permitted to choose their own form of government by their own freely expressed choice, without interference from any foreign source. That is true in Europe, in Asia, in Africa, as well as in the Western Hemisphere * * *.

"We believe that the sovereign states of the Western Hemisphere, without interference from outside the Western Hemisphere, must work together as good neighbors in the solution of their common problems."

This warning against "interference from outside the Western Hemisphere" is the essence of the Monroe Doctrine. For more than 135 years, the United States has pledged that it would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety." The declaration adds:

"We could not view any interposition for the purpose of oppressing them (Latin American countries), or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

The latest congressional resolution, however, while taking note of the fact that the Communist system already has been extended to Cuba, doesn't denounce the Soviets. The United States is evidently pledged only to prevent extension of Communist operations to other Latin American countries. This is an important concession to the Moscow Government, which now can take over Cuba completely, as a military base, without risking any military retaliation from this country. In that sense, the main part of the Monroe Doctrine has been brushed aside.

Moscow will regard all this as a retreat and, as happened with Hitler, successive retreats by the West could embolden the aggressor and bring on the war that the American people do not want but again may have to face—as England did when concession after concession was made to the Nazi dictatorship, and the enemy misconstrued temporary irresoluteness as an unwillingness to fight at all.

Mr. PROUTY. Madam President, a wall went up in Berlin. We watched it being built and did nothing. Another wall is about to ascend and it may cross the breadth of our own hemisphere. It is not a physical wall that could be torn down brick by brick if we had the will to do so. It is a wall of communism. And its bricks are our timidity and naivete.

Will we simply speak soft words to the Communists about further construction of the wall? Or will we trouble them throughout their dominion to such a degree that the wall will fall of its own weight?

Unless we follow the latter policy, the wall will continue to spread and spread and spread until it has completely encircled freedom, stifled liberty, and throttled the aspirations of free men.

As Arthur Krock points out, the American people still have an opportunity to influence the choice this country makes between the Bowles policy and the Clay policy. But Krock is right when he says that this opportunity will not be available much longer.

Madam President, my remarks were prepared for delivery yesterday. At that time I did not know about the Russian-Cuban port project.

Incidentally, a very interesting debate is taking place on the floor of the House of Representatives this afternoon. There is a possibility, at least, that the so-called Cuban resolution may be recommitted with instructions.

This morning an Assistant Secretary of State made the statement over the radio that this was not a matter about which the American people should be concerned, that the Russian-Cuban port project was merely a case of economic assistance.

This afternoon I observed a headline in the Evening Star stating "Russo-Cuban Port Project Seen As Threat to Canal."

I quote briefly from the article:

> U.S. defense sources said today they believe the port to be built in Cuba with Russian assistance is a camouflage for a naval base which could threaten the Panama Canal.
>
> They said a port equipped to overhaul, repair, and supply Russian and Cuban trawlers could also serve as a support base for submarines and torpedo boats.

Madam President, faced with the problems which we have in Cuba and elsewhere in the world, can we, in the name of commonsense, subscribe to the theories of Mr. Bowles; or must we be realistic and objective and pursue the recommendations of experienced leaders such as General Clay?

FIRST ANNIVERSARY OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY—SEPTEMBER 26, 1962

Mr. HUMPHREY. Mr. President, 1 year ago today President Kennedy signed the law which established the U.S. Arms Control and Disarmament Agency. It was the first time in history that a government had created an independent statutory agency to cope with the problems of arms control and disarmament.

The passage of the bill by an overwhelming and bipartisan majority of both bodies of the Congress was evidence of a growing awareness on the part of the entire Nation that urgent action was required to halt the deadly competition between the nations of the world in perfecting their weapons of mass destruction.

As chairman of the Subcommittee on Disarmament of the Foreign Relations Committee I have for years been keenly aware of the problems of the arms race, the anxiety it has created among all peoples of the world, and the hope for a constructive solution that lies in an effective arms control and disarmament policy. As chief sponsor of the legislation in the Senate I was, therefore, particularly gratified 1 year ago when the Arms Control and Disarmament Agency finally came into being. Its creation was the successful culmination of the efforts of many dedicated Members of the Congress and individual citizens and groups throughout the country.

As section II of the Arms Control and Disarmament Act states:

> An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully.

These are noble aims. They are indeed worthy of a great nation.

It was, therefore, the purpose of the act to provide impetus toward the goal of a world free from the scourge of war by creating a new agency of peace to deal with the problem of reduction and control of armaments with a view to ultimate world disarmament.

On September 25 of last year, on the eve of signing the act which created the Agency, President Kennedy, in his memorable address to the United Nations General Assembly, challenged the Soviet Union "not to an arms race but to a peace race." The Arms Control and Disarmament Agency has a leading role in this peace race, and its task is to see that the United States stays in the lead.

During the past year I have maintained continuous contact with various members of our new agency of peace. I have been deeply interested in its organization and activities throughout the year. On the occasion of the first anniversary of the Agency I am happy to report my satisfaction with the progress it has achieved.

I ask unanimous consent to have printed at this point in the RECORD a letter to me dated September 26, 1962, from William C. Foster, Director of the U.S. Arms Control and Disarmament Agency.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, September 26, 1962.

Hon. HUBERT H. HUMPHREY,
U.S. Senate.

DEAR HUBERT: The Arms Control and Disarmament Agency is 1 year old today. This is to give you a brief report of our first year's activities.

Two main functions of the Agency are research for arms control and disarmament policy formulation and support for international negotiations. We are bringing together the elements of a Government-wide research program to acquire a fund of knowledge, including knowledge of effective verification methods, which can form the basis for informed negotiations.

We have supported the discussions at the Geneva Disarmament Conference and elsewhere by formulating policy recommendations which, after consultation with other agencies, are presented to the President for approval. These recommendations led to the outline of a treaty on disarmament submitted to the Geneva Conference on April 18, 1962, and to two nuclear test ban draft treaties—one applicable to all tests and the other to all but underground tests—submitted on August 27, 1962. These proposals are based upon more painstaking and better informed consideration than any presented heretofore.

The Agency functions as a catalytic agent and therefore does not need a large operating organization. Outstanding experts in a number of fields are now included on its staff, which numbers 138.

The problems in this field are complex. Distrust on both sides is deep. For these reasons, we did not expect progress to come quickly. The year has produced increased awareness of the problems by the countries participating in the negotiations but no concrete agreement on any measures. However, common interests exist in curbing the arms race and in specific measures to that end. We will continue to examine and advance realistic measures to enhance our security through arms control and disarmament.

Sincerely yours,
Bill,
WILLIAM C. FOSTER.

ORGANIZATION OF THE ARMS CONTROL AND DISARMAMENT AGENCY

Mr. HUMPHREY. Mr. President, Mr. William C. Foster, President Kennedy's choice as Director of the Arms Control and Disarmament Agency, has done a commendable job in organizing the new Agency and attracting to it a top-flight group of men and women. In the last analysis, the quality of our effort in the field of arms control and disarmament will depend on the quality of the people that are making this effort.

The 138-member staff of the Agency includes senior diplomats, scientists, military and political experts, economists, lawyers, and scholars of diverse backgrounds.

The various backgrounds among the personnel of the Agency are, I believe, one of its chief resources. Within the Agency there is agreement of the necessity and the urgency of action on arms control and disarmament problems. On the other hand, the diverse views that can be brought to bear on any particular problem will insure the balanced nature of any proposal which will finally receive the Director's stamp of approval. I am also convinced that the personnel Mr. Foster has attracted to the Arms Control and Disarmament Agency are above all interested in generating disarmament proposals that will promote our national security.

Therefore, during the past year the Arms Control and Disarmament Agency has become a well-organized and accepted part of our Government. The quality of its staff bodes well for the future.

FORMULATION OF ARMS CONTROL AND DISARMAMENT POLICY

During its first year of operations, the Agency has also come firmly to grips with the substantive problems of arms control and disarmament. U.S. arms control and disarmament policy in this field is originated within the Agency and is then carefully coordinated with other interested Government agencies and officials including the Department of State, Department of Defense, Atomic Energy Commission, National Aeronautics and Space Administration, Central Intelligence Agency, U.S. Information Agency, and members of the White House staff. Particularly close working relations are maintained with the Departments of State and Defense because our arms control and disarmament policy inevitably will have a pronounced impact on both our overall foreign policy and our defense posture. Appropriate committees of the Congress have also been kept informed about the activities, proposals, and policy recommendations of the Agency.

U.S. arms control and disarmament policy, in the form of recommendations from the Director of the Agency, ultimately comes to the President for his consideration and decision. In this way our major arms control and disarmament proposals in the past year have been the subject of more painstaking preparation and informed consideration than any in history.

During its first year of operations the Arms Control and Disarmament Agency has come forward with major new proposals both for comprehensive disarmament and for a nuclear test ban. It has also formulated a series of limited measures of arms control which could be implemented immediately and which would facilitate further steps toward comprehensive disarmament.

U.S. POSITION ON GENERAL AND COMPLETE DISARMAMENT

The United States has during the past year fully committed itself to the goal of general and complete disarmament under carefully designed safeguards and international verification.

General and complete disarmament is exactly what peace-loving people throughout the world yearn for. Previously it had been little more than a Communist propaganda slogan. Therefore, I am gratified to see that this goal is now an integral part of the national policy of the United States and is endowed with a meaning which free people can grasp.

The outline of basic provisions of a treaty on general and complete disarmament in a peaceful world, which was presented by Ambassador Arthur H. Dean to the 18-nation Disarmament Conference in Geneva on April 18, 1962, sets forth our position explicitly and precisely. It is the most comprehensive and detailed disarmament plan ever evolved by any government. It has been fittingly characterized by President Kennedy as our "blueprint for the peace race."

As a result of having taken the initiative ourselves, we have put the Soviet Union on the defensive. In the past the Russians loudly espoused the ideal of general and complete disarmament. We have now presented them with a road map of how we propose to get there. We have given content to a hitherto empty phrase and have thereby demonstrated our sincere desire to achieve a peaceful world free from the dangers and burdens of armaments.

The U.S. plan calls for, first, a freezing of the arms race, and then, a gradual, balanced elimination of the warmaking capabilities of all nations. Each step in the disarmament process would be effectively inspected and verified so that we would know that all nations were carrying out their obligations to disarm. Finally, as an integral part of the U.S. plan, as national armaments were reduced, peacekeeping machinery and institutions would be strengthened so that any threat to or breach of the international peace could be effectively dealt with on an international basis.

I commend the Arms Control and Disarmament Agency for its leadership in laying a solid foundation for comprehensive disarmament in the treaty outline. This is not unilateral disarmament. It entails reciprocal obligations from start to finish. The U.S. plan would not involve surrender to the Communists. It is based on the premise that disarmament must not affect adversely the security of any nation. I have received hundreds, no, thousands, of letters from people who say that the U.S. plan gives the Communists just what they want. The writers of these letters clearly have no inkling of what the President's plan is all about.

The U.S. treaty outline sets forth a sound, workable, and reasonable way of achieving one of our most cherished national goals—"a free, secure, and peaceful world of independent states adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law."

However, it is apparent that really comprehensive disarmament is still a long way off. The differences between the Soviet bloc and the West are still too great and the distrust runs too deep for agreement on general and complete disarmament at the present time or in the foreseeable future.

It is important that we keep the goal firmly in mind. But at the same time we must seek to find more limited measures of arms control and disarmament which might be implemented now or in the near future. A few small steps in the direction of leveling off the arms race might build confidence for larger steps which would turn it downward.

U.S. POSITION ON A NUCLEAR WEAPON TEST BAN

An agreement on a nuclear cease-fire has been termed by many responsible persons both here and abroad as a necessary first step down the road toward disarmament. Whether or not a test ban is a necessary condition of further progress, it would certainly inhibit the dangerous development of nuclear weapons and would halt the pollution of the atmosphere by radioactive debris.

During the Eisenhower administration an intensive research program was begun by the Department of Defense to develop and improve means of detecting and identifying nuclear explosions. President Kennedy wisely continued the program. We have spent about $90 million on this research effort to date. We have also set up our own national system for monitoring nuclear explosions in the Soviet Union and elsewhere. The operation of our own national system during the recent series of tests by both sides has given us a wealth of scientific data, not to speak of valuable experience.

This past year our research efforts and the increase in our practical knowledge have paid off. We are better able to detect underground nuclear explosions at long distances. In addition, a revised estimate shows that the number of seismic events of a given magnitude occurring annually in the Soviet Union which might be underground explosions are substantially less than the number previously estimated by our scientists.

These two developments provided the technical basis for the new U.S. proposal for a comprehensive ban on all nuclear tests. The proposal, prepared by the Arms Control and Disarmament Agency, was presented to the 18-nation Disarmament Conference at Geneva on August 27 in the form of a draft treaty. The improvement in long-range detection capability has enabled us to propose a simpler and more economical system of nationally manned, internationally supervised control posts. The reduction in our previous estimate of the number of seismic events in the Soviet Union has enabled us to propose a reduction in the projected number of onsite inspections on Soviet soil.

Our new proposal, however, is in no way a concession to anybody or anything except scientific facts. Having spent $90 million of the taxpayers' money on the development of ways to detect and identify nuclear explosions, our Government would be derelict in its duty if it sat on the results.

What the Arms Control and Disarmament Agency has done is to bring our previous proposal for a comprehensive treaty into line with our present technical capabilities. The verification system we have now proposed is about as effective as the one we had accepted for 3 years based on our previous scientific conclusions. Moreover, the new system is simpler and a great deal more economical.

We also hoped that the new proposal would be more acceptable to the Soviet Union. In no sense could it accurately be termed "espionage." But it is not a concession. It is progress.

On August 27 the United States also formally proposed the conclusion of a limited treaty banning nuclear tests in the atmosphere, outer space, and underwater. I had long been convinced that this step was necessary, and have repeatedly advocated such a proposal. I was gratified by the responsiveness of the Arms Control and Disarmament Agency to my point of view. Under the limited treaty proposal, tests would be prohibited in the three environments where effective verification is possible on the basis of our national system alone.

By seizing the initiative with these two proposals, one for a comprehensive nuclear test ban and the other for a limited treaty, the Arms Control and Disarmament Agency has placed the United States in a position of strength. Both proposals contain adequate safeguards against cheating. Although we strongly favor a comprehensive ban, an agreement on either proposal would be in our national interest and in the interest of humanity. The further development of nuclear weapons would be substantially restricted, and the further spread of nuclear weapons to other countries would be inhibited. Radioactive fallout, which is a growing concern to us all, would cease to drift down on our crops and our pastures.

Finally, by presenting the Soviet Union with a choice between a comprehensive and a limited ban we have made it difficult for them to refuse any agreement. If the Soviets insist on a comprehensive ban then they must accept a reasonable number of onsite inspections on Soviet soil. If they refuse to admit even this slight intrusion on their territory, then they appear extremely unreasonable in also refusing a ban on those tests which do not require onsite inspection on Soviet soil for effective verification. At the very least, this is skillful U.S. diplomacy. Regrettably, however, we come no closer to a nuclear test ban by chalking up diplomatic points.

PARTICIPATION IN THE 18-NATION DISARMAMENT CONFERENCE

The Arms Control and Disarmament Agency is responsible for the formulation of arms control and disarmament policy. It also is charged with managing U.S. participation in international negotiations in this field. During its first year of operation the Agency has given guidance and effective support to our participation in the 18-nation Disarmament Conference in Geneva.

This Conference is the most significant of its kind since World War II. It includes not only NATO and Warsaw Pact powers, but also eight nations selected on a geographical basis to represent countries not included within either military alliance.

The entire world has a legitimate interest in disarmament. Many smaller nations are suffering from local arms races which constitute a drain on their scant resources. And of course no nation on earth would escape unscathed from a general conflict between the United States and the Soviet Union.

We must never permit other nations to decide when and to what degree a given policy involves our national security. However, our responsibilities as leader of the free world in the age of potential mass destruction require us to look beyond our own national horizons and to respect the legitimate concerns of others. We must remember that the vast majority of mankind stands in the shadow of a destructive power over which only two or three nations exercise effective control.

Therefore, I welcome our participation in these important international negotiations at Geneva and I urge their continuation. The Conference is truly representative of worldwide concern about the arms race. It is also well organized for the discussion of the complete spectrum of arms control and disarmament problems, from general and complete disarmament to limited measures such as steps to reduce the risk of accidental war—a very real and present danger when the time allowed for reaction to a smattering of blips on our radarscope in northern Canada may be as little as 15 minutes.

Thus far no agreements have been reached as a result of the Conference. But it would be a mistake to conclude that no progress has been made. As a result of the opportunity for continuing debate there is no advantage in a quick propaganda victory. Therefore, both sides have thought more seriously than ever before about their own positions and the positions of the other side. Better understanding may well open up new avenues toward agreement.

In addition, at the 18-Nation Disarmament Conference we have, I believe, been successful in convincing many of the neutral delegates that the United States has a sincere interest in disarmament. Our proposals for general and complete disarmament and for a nuclear test ban have demonstrated the seriousness and reasonableness of our approach. The Soviet Union says for public consumption that the neutrals are on their side. But in their hearts they must know that the facts are otherwise. I think the Conference has been of value in showing the nonalined countries that there is no easy solution to the problem of the arms race, that slogans are no substitute for hard work, and above all that patience and perseverance are required.

RESEARCH FOR ARMS CONTROL AND DISARMAMENT

In order to provide a sound basis of fact and theory upon which to build our arms control and disarmament policy, the Agency, with the explicit approval of Congress, has undertaken a modest contract research program. The initial efforts have been largely concentrated on studies of various aspects of the verification problem. Within the limits of its resources, the Agency has made considerable progress in this field.

Devising a verification system that will be acceptable to both sides has thus far been the major stumbling block in the way of agreement. We must continually urge the Soviet Union to be more sensible and less sensitive about their geographical secrecy. We must show them that the advantages of disarmament would far outweigh the disadvantages of opening up their territory to international inspection on the limited scale envisaged in our draft treaty proposals.

At the same time, since disarmament under effective international control would greatly enhance our own national security, we must make every effort to devise workable and effective international verification systems and control.

The future success of our arms control and disarmament policy will depend to a large extent on the research program of the Agency just now getting into high gear. The Agency has requested an appropriation of $4 million for its contract research program in fiscal 1963—that is, an increase of $3.4 million over last year's appropriation for peace research. It is modest in the extreme when compared with the $5.6 billion we will be devoting to research and development of new weapons systems. The $4 million request has been approved by the House and will shortly come before the Senate. I strongly urge your support for this wise investment in our future security.

A TEST OF WILL

During the past year the cold war has continued unabated. Indeed, in many ways it seems to be gathering steam. At this time last year, while we were still considering whether to create a new agency of peace, the Communists were incarcerating the people of East Germany behind the infamous Berlin wall. Today, on the first anniversary of the Arms Control and Disarmament Agency, the Communists are testing our will and patience at our back door in Cuba. In Berlin itself there is the renewed prospect of harassment, provocation, and escalation. Each of these challenges requires that the free nations draw upon all their reserves of determination and skill. In the final analysis we must be ready to take whatever action may be required. If the Communists are so foolhardy as to push us to the brink of war, then we must be prepared to outlast them at the brink. As Gen. Lucius D. Clay said in a recent interview with the Senator from New York [Mr. KEATING]:

> I think the strongest action that we can take is always to be ready so to interpose our troops that they can take no aggressive action without using force.

If we can carry out this policy with cool heads and steady hands, I have no doubt that the Communists will show—as they have shown repeatedly in the past—that they are not prepared to step over the line; they are not prepared to use force for the attainment of their spurious objectives.

But the fact remains that communism and Soviet brinkmanship are only parts of the total challenge threatening the national security of the United States. Our security is also threatened by the unbelievable destructiveness and range of modern weapons.

The arms race is a reciprocal threat to the security of the United States and the Soviet Union. It extends from the race in small arms production between the weaker states to the brooding threat of military competition between the great powers in outer space. On September 12, President Kennedy vowed our determination to nip the outer space competition in the bud—essentially by the United States occupying a "position of preeminence" in space but also by expressly dedicating the space race to peaceful purposes. The President said:

> Space can be explored and mastered without feeding the fires of war, without repeating the mistakes that man has made in extending his writ around this globe of ours. There is no strife, no prejudice, no national conflict in outer space as yet. The hazards are hostile to us all. Its conquest deserves the best of all mankind and its opportunity for peaceful cooperation may never come again.

Despite the intensity of the unending world conflict, Mr. President, we and all thinking men must plan for a halt to the arms race. We must plan for the day when disarmament will cease to be, in effect, a bilateral affair between the Soviet Union and the United States. We must act to bring all significant military powers into disarmament negotiations and into any future disarmament agreement. Our wholly justified repugnance for the Communist Chinese regime must not blind us to the incontestable truth that no disarmament agreement can be effective as long as the Peiping regime remains an outsider. If the nuclear test ban talks continue barren of results, then we must accustom ourselves to the thought that any future test ban must bear the signatures of two powers which hitherto have played no role in the talks. One of them is already a nuclear power in its own right. I am speaking of France, a pillar of the Western Alliance whose absence from the present Geneva disarmament talks is felt keenly by her allies. The second power, of course, is Communist China, which by all accounts is close to developing an independent nuclear weapon capability. I do not say when or under what circumstances Communist China should take part in the test ban or disarmament discussions; but I do say that we must look ahead and be prepared for the day. This statement connotes no approval of Communist Chinese policies, no recognition of the asserted right of Peiping to speak for the Chinese people. I believe it does, however, take cognizance of reality. I, for one, prefer a safeguarded and reliable disarmament agreement with the Communist bloc to a headlong nuclear arms race which may end in global devastation. But disarmament can be no one-way proposition—it must include all nations under international supervision, inspection, and verification.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by Secretary of State Rusk before the Senate Preparedness Investigating Subcommittee of the Committee on Armed Services and a statement by Mr. William C. Foster, Director of the Arms Control Agency.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY RUSK BEFORE SENATE PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES, THURSDAY, SEPTEMBER 20, 1962

Mr. Chairman, I would like to say a few words to show how our present efforts to achieve arms control and disarmament measures are designed to advance both our foreign policy goals and our national security.

I was on the General Staff in uniform at the time Hiroshima occurred. I remember vividly a comment a fellow officer made that morning: "War has turned upon itself and devoured itself, for no human purpose can be achieved by war under these conditions."

The United States made a massive contribution toward the effort to build a peaceful world free of arms after the war. It is no small thing that a country which had the power we had in 1945 should have turned aside from the exploitation of that power and committed itself to the purposes solemnly written into the Charter of the United Nations. The tragedy of the arms race is that it has been forced upon the United States and many other nations which tried sincerely in 1945, in the words of the United Nations Charter, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

We came out of World War II holding in our hands a monopoly of the weapons of greatest mass destruction. It was seen perfectly clearly that this monopoly would not last, because nature does not play favorites in yielding up its secrets. We made a determined and sincere effort to put that monopoly under international control in order to avoid the kind of nuclear arms race in which we are now involved.

We also disarmed along with other free world allies, making cuts in our arms and Armed Forces to the point that in 1946 we did not have a division in the Army nor a group in the Air Force considered really ready for combat. One of the sobering questions we must bear in mind today is whether that action made its own contribution to the expansion of the Soviet appetite for power.

You are all familiar with the Soviet Union's action since World War II. Given the nature of the world today, wise policy requires that we maintain a military force sufficient to deter or meet aggression. Yet, we must also continue our patient and sincere efforts to do everything possible to create conditions under which nations can reduce their armaments and thereby alleviate the dangers inherent in an uncontrolled arms race. We must provide authority for an increase in our Reserve strength at the same time that we continue to seek a nuclear test ban treaty.

Military strength and disarmament must be pursued together. To pursue one to the exclusion of the other is to court disaster. But, taken together, they provide the most promising way by which we can insure our survival.

The Congress, I believe, fully appreciates the need to pursue both these policies. Last year, when it was providing the executive branch with the wherewithal to increase the size of our Military Establishment at the height of renewed tensions over Berlin, it also established the Arms Control and Disarmament Agency. And, in the act establishing this Agency, it stated that an "ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments, in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully."

I do not wish to suggest to you that the prospects for achieving a substantial measure of disarmament in the near future are good. In an arms control or disarmament proposal such as our nuclear test ban offer, we seek agreement on measures which would advance our national interests and be acceptable at the same time to the Soviet Union. Despite the lack of agreement so far, there are basic areas of mutual interest, objectively considered, between the United States and the Soviet Union which give us hope that agreed steps can be taken to slow down the nuclear arms race.

First, the leaders of the Soviet Union know as we do that "victory" in a widespread nuclear war would mean the destruction on both sides of civilization as we know it. The prospect of a devastated Soviet Union must weigh heavily on their minds.

Second, it would clearly be advantageous to both countries to reduce the economic burden of the arms race. Although neither the United States nor the Soviet Union is probably spending all that it could on the arms race, both are devoting a major share of their energies on military preparation with little or no prospect that that effort will bring increased long-term security.

Third, we have a common interest in preventing a war by accident or failure of communications. The thought that one side might sustain a major accident with its own nuclear weapons, or that it might precipitate an attack resulting from a mistake on the part of the other side as to its intentions, must concern them as it does us. This is the reason why we have agreed to discuss at Geneva methods to prevent war by accident, or miscalculation. Certain of our proposals in this area have been accepted by the Soviets in principle.

Fourth, we have a mutual interest in preventing other countries from acquiring nuclear weapons and provoking a nuclear war. The Soviets might reasonably conclude that the acquisition of nuclear weapons by additional countries might deprive them of their opportunity to decide whether or not to engage in nuclear war.

This mutual interest has produced agreement in principle—as expressed in joint sponsorship of a U.N. resolution last year and in various discussions this year—in inhibiting the transfer of nuclear weapons into the control of nations not now possessing them.

It has also been a basic reason why we have continued to seek a test ban agreement. As Mr. Foster and Mr. Nitze have told you, several nations including Communist China could achieve the capability to produce nuclear weapons within a relatively short period. China's achievement of such a capability might well make her even more irresponsible and expansionist minded than she is now. Furthermore, other countries might then feel compelled to produce nuclear weapons. As Mr. Nitze pointed out, such developments might precipitate a change in the political orientation of a number of countries in that area and throughout the world.

We do not of course believe that a nuclear test ban agreement signed by the United States, the United Kingdom, and the Soviet Union would, in and of itself, prevent additional countries from securing nuclear weapons. But, continued unlimited testing will certainly stimulate other countries to try to do so. Moreover, a test ban treaty combined with an agreement by the nuclear powers not to transfer nuclear weapons into the national control of nonnuclear powers would constitute a significant inhibition upon the spread of nuclear weapons to additional countries. This would be linked to an agreement by nonnuclear powers to refrain from manufacturing, testing or seeking to acquire nuclear weapons. If such agreements are possible, their combined effect would be to substantially enhance the national security interests of the United States.

The common interests in agreement between the United States and Soviet Union which I have described have not so far produced any significant measure of actual agreement. However, I for one, remain hopeful that we can yet serve the basic national security interests of both countries by first-step measures in the area of common interest.

Our probing of the Soviet Union is by no means at an end. There are many areas which it is in U.S. interests to probe further. It is extremely useful to have the Arms Control and Disarmament Agency in existence to continue to seek and pursue areas where the mutual interests of the United States and U.S.S.R. will be sufficient to make agreement on arms control and disarmament measures possible.

Mr. Chairman, your letter to me of September 8 asked questions concerning the relationship of the Department of State to the Arms Control and Disarmament Agency. The Director of the Agency is my principal adviser on arms control and disarmament matters and works closely with me under my direction in preparing for and directing international negotiations on this subject. The Agency cooperates with the relevant bureaus and offices of the Department so that our arms control and disarmament policy can be interwoven with our foreign policy as a whole. While ACDA is a separate Agency, my relationship to it is very close. I should be glad to go into this point in considerable detail.

TECHNICAL CONSIDERATIONS RELEVANT TO THE REVISED NUCLEAR TEST BAN PROPOSAL

Introduction

At his news conference on August 1, 1962, President Kennedy presented a statement relating to the U.S. position on a treaty which forebade the testing of nuclear weapons. He said, "* * * we are completing a careful review of the technical problems associated with an effective test ban treaty. This review was stimulated by important new technical assessments. These assessments give promise that we can work toward an internationally supervised system of detection and verification for underground testing which will be simpler and more economical than the system which was contained in the treaty which we tabled in Geneva in April 1961. I must emphasize that these new assessments do not affect the requirement that any system must include provision for on-site inspection of unidentified underground events. It may be that we shall not need as many as we have needed in the past, but we find no justification for the Soviet claim that a test ban treaty can be effective without onsite inspection."

The new assessments emerged from work performed under the auspices of 4-year-old Project Vela Uniform that is a program designed to enhance man's knowledge in the field of seismology and from which it was hoped that techniques would be developed to aid in the detection and identification of underground nuclear explosions.

Improvements in seismology

In view of the fact that detection and identification capabilities are proportional to the signal-to-noise ratio at the seismic stations, a major effort has been devoted to minimizing the effects of seismic noise which is mainly due to earth motions arising from wind, ocean and civilization. One means of achieving this end is through the use of arrays of seismometers. It was expected that an array would provide an improvement in signal-to-noise ratios proportional to the square root of *n*, where *n* is the number of seismometers. In the case of an array of 10 elements, the expected signal to noise would be about three times greater than that obtainable with a single element.

These ideas were investigated with a Geneva-type 10-element array constructed at the Wichita Mountains Seismological Observatory at Fort Sill, Okla. This observatory became operational in October 1960, and it has been demonstrated there that the expectations on array performance were essentially correct for the case in which the signals from all channels of the array were directly summed.

Another promising approach to the signal-to-noise problem was the installation of seismometers in deep wells. The first underground nuclear event detected in a deep hole occurred on February 15, 1962. The seismometer was placed at a depth of 2,300 meters near Hobart, Okla., which is 1,540 kilometers from the Nevada test site. The records clearly showed portions of the seismic wave train that were not evident at the surface. A comparison of the down-hole record and that obtained by summing the signals obtained from the same event at the Wichita Mountains Seismological Observatory array some 40 miles away showed equivalent gains. "At each the signal-to-noise ratio was improved by a factor of about three over that obtained with single surface detectors."

As a result of intermittent operation for 5 months at various depths between 150 meters and 3,000 meters in the Hobart hole, it has been found that for this particular hole, noise levels were, in general, reduced by a factor of four to five below those observed at the surface.

Data have also been obtained on the operation of another newly developed type of down-hole seismometer in a 3,000-meter hole near Dallas, Tex. (at a distance of 1,800 kilometers from the Nevada test site). The results so far are encouraging and tend to confirm the results obtained in the Oklahoma well. In the case of the nuclear event of June 27, 1962, the signal-to-noise ratio obtained in this 3,000-meter hole was about five times that obtained at the surface.

A third improvement in instrumentation is the development of the deep ocean seismometer. This instrument will add to the detection and identification capabilities of a seismic network by making it possible to collect data in regions of interest which were heretofore inaccessible.

Recent measurements by Columbia University scientists in Arctic waters at depths of 3,800 meters have found bottom signal-to-noise levels equivalent to those found at continental locations. Numerous seismometer drops have been made off Santa Catalina Island in the first half of this year. During the course of these experiments, five underground nuclear tests in Nevada and several natural earthquakes have been recorded at depths as great as 1,200 meters. Comparisons of these recordings with those from 19 university-operated seismic stations in southern California indicate that the ocean bottom records compared favorably with the better records from the land stations.

Making sure of these noise reduction and underwater techniques and hypothesizing careful site selection, it is possible to design a high sensitivity seismic detection network. The capability of the network to locate a seismic event would be increased through the possession of travel time data collected from seismic stations throughout the world but the ability of the system to detect a given event would be relatively independent of records received from stations located in the territory where the event occurs.

Coupling effects

From the present test series much has been learned concerning the fraction of explosion energy which goes into the seismic signal and how this fraction depends on the medium in which the explosion takes place. Until this series, all U.S. underground nuclear shots had been fired in Nevada tuff, and in order to gain an understanding of medium effects it was necessary to obtain information from detonations in other media.

An analysis of data collected from recent underground tests gives a good indication of the extent of medium effects. From the results it is concluded that, as compared to detonations in tuff, explosions of a given yield produce seismic signals 5 to 10 times smaller if they occur in alluvium, and 2 to 3 times larger if they occur in salt or granite.

However, alluvium may not be as useful for concealment of tests as would be implied by these decoupling factors. The requirement that a shot be contained means that it is necessary to conduct tests at a depth which increases with the size of the explosion. Since the coupling in alluvium becomes greater (large seismic signal) as the depth increases the advantage of this medium decreases with increasing yield. Also, tests in alluvium commonly produce large visible surface depressions which would be difficult to control.

Present estimates indicate that a decoupling factor on the order of 100–300 might be observed for explosions taking place in large spherical cavities excavated from salt. To achieve this amount of decoupling it is necessary to construct cavities having a volume of 75,000 cubic yards per kiloton of yield. In evaluating the feasibility of conducting tests under these conditions consideration must be given to problems associated with cost, concealment of material removed from the hole, and the possibility of using a single cavity for more than one shot. An overall appraisal of this scheme can be made only by reviewing it in a more general context. This is done in the final section.

Transmission properties

The structure and amplitudes of seismic waves at great distances from their point of origin depends more on the transmission properties of the medium than on the nature of the seismic event. An examination of the data collected during the recent Nevada test series, from the Sahara event of May 1, 1962, and from the February 2, 1962, Semipalatinsk explosion indicates a strong azimuthal dependence of signal amplitudes. This is probably due to the existence of preferred channels for the flow of seismic energy away from the source. For example, College, Alaska, is located favorably with respect to the Nevada test site (1.7 millimicrons earth motion "for a 1 KT" explosion in tuff) and unfavorably with respect to the Sahara (less than 0.1 millimicrons earth motion "for a 1 KT" explosion in the tuff.) This phenomenon implies that care must be taken in discussing amplitude of seismic signal versus distance and in assessing capabilities of individual stations.

Identification problem

The most useful auxiliary aid to identification of low magnitude events is the determination of depth of focus, i.e., the distances below the surface of the earthquake's origin. At long range this is accomplished by detecting waves which are reflected from the earth's surface above the earthquake focus. These reflected waves, called *pP* follow closely behind the primary *P* pulse. The time interval between these two waves is roughly proportional to focal depth, although it also has a slight dependence on distance.

As the depth of focus decreases the *pP* pulse arrives more nearly on the tail of the primary *P* pulse and tends to be lost in the "noise" generated by the primary pulse. The *P* wave itself tends to become more complicated as the focal depth decreases. This accentuates the problem of separating *pP*. The increased complication in the *P* wave from shocks at shallow depths is probably a result of the increased complexity of the earth's structure near the surface.

A high proportion of earthquakes which occur well below the crust can probably be identified as "deep" with considerable confidence. Skilled analysis can also find fair to good indications of depth from perhaps one-half of those earthquakes which occur between depths of 15 and 60 kilometers. This form of analysis becomes increasingly subjective as the depth and relative strength of the *pP* signal decreases. Except for a few quakes with unusually well recorded *pP* phases, it is probably not possible to write an objective set of rules[1] to follow in conducting this analysis.

A second auxiliary aid to identification of small seismic events at long ranges is the identification of the event as a foreshock or aftershock or a large earthquake, which in turn can be shown to be natural by other means. A small event could safely be presumed to be an aftershock if it could be shown from analysis of travel times that it occurred essentially at the same location and shortly after a primary shock. It should also be expected to be accompanied by other small shocks, usually within hours, or at least on a time scale which makes it extremely unlikely that the sources could be explosions. The waveforms of some earthquakes in an aftershock sequence may be identical to (or simply scaled-down versions of) the primary or other large shocks in the sequence. This would add increased confidence to the interpretation.

There is a third class of identification aids. These exist in the information carried by the seismic signals. At great distances from the event the most obvious thing to look at is the first motion of the earth. For an explosion, first motion is always compressional (i.e., in the direction away from the event). For most earthquakes first motion compressions are observed in some directions and first motion dilatations in others. However, since some earthquakes are compressional in all directions, first motion is not a unique criterion. It permits positive identification of many earthquakes as earthquakes, but it does not permit positive identification of an explosion as an explosion. Also, since the first motion may have a small amplitude, it is difficult to separate the signal from the background at the instant of arrival unless the ratio of peak signal to noise is large. Present methods of analysis require that this be on the order of 10–20 if first motion is to be determined with certainty.[1]

There are other properties of the wave form that might be of use for identification in far zones. These include for example, signature effects and spectral content. The former is of use for events which occur at the same location. At seismic stations these produce characteristic signals which are recognizable by those experienced in reading seismograms. Several Vela Uniform contractors are looking into the spectral analysis problem but have thus far not come up with significant findings.

Studies have been conducted on seismic activity and the relation between earthquake size and explosion yield. A recent discovery of great significance is that as compared with previous estimates there occurs a smaller number of earthquakes within the U.S.S.R. which might be confused with nuclear explosions. The implication of this finding is that a reduced number of on-site inspections will have the same probability of uncovering a clandestine test as would a larger number of inspections if the earthquake frequency was as great as had been believed.

Conclusion

By making use of the material in the preceding discussion it is possible to estimate the detection and identification capabilities of a nationally operated, internationally supervised network of seismic stations. A modest network of high quality seismic stations suitably distributed in the northern hemisphere would have a high capability for detecting explosions, which occurred in the Soviet Union or the United States, with yields on the order of 1 KT in granite or salt, 2 KT in tuff and about 14 KT in alluvium. Since progress in identification as distinct from detection has been limited it is still true that a certain fraction of the earthquakes occurring in the Soviet Union are indistinguishable from explosions on the basis of seismic records.

No detection system can guarantee the absence of all tests. Seismic signals can be kept very small by testing devices with very low yield or through cavity decoupling. However, there are several interesting factors that complicate clandestine testing and would serve to deter a potential violator. These are—

1. There is likely to be continuous improvement in detection and identification capability; as a result the instantaneous state of the art will always appear uncertain to a potential violator.

2. A potential violator must face uncertainties with respect to the existence of information sources outside the seismic network.

3. There are inevitable uncertainties in making pretest estimates of yield or of decoupling factors.

4. Many areas of development necessitate the use of an extensive series of tests. This compounds the deterrent effects of the intangible factors listed above.

STATEMENT OF WILLIAM C. FOSTER, DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY, BEFORE SENATE PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES, MONDAY, SEPTEMBER 17, 1962

Mr. Chairman, this statement has been prepared in response to the suggestions in your letter of September 8, 1962.

The Arms Control and Disarmament Agency (ACDA) was created by act of Congress on September 26, 1961. The Director serves as principal adviser to the President and the Secretary of State on arms control and disarmament matters. Under the direction of the Secretary, he has primary responsibility within the Government for arms control and disarmament matters.

The Agency's most important functions, as described in the Arms Control and Disarmament Act, are (1) the conduct, support, and coordination of research for arms control and disarmament policy formulation; and (2) the preparation for and management of U.S. participation in international negotiations in this field.

Because of its primary responsibility for research in the arms control and disarmament field, the Agency has, since its creation, reviewed the arms control and disarmament research conducted by other agencies and instituted research in those areas where further effort was necessary. As it has acquired staff, its competence in this area has gradually increased. During this fiscal year, we hope to give the Government-wide research program in this field better direction and expanded scope.

During its year of existence, the Agency has prepared for and supported U.S. participation in the Geneva Conference on Disarmament, the arms control and disarmament discussions at the United Nations, and various bilateral discussions with other nations concerning arms control and disarmament. It supported these activities by supplying staff, and by preparing policy recommendations concerning the position the United States should take—positions which are in the main subject to approval by the President after consultation with other agencies.

The Agency was primarily responsible, for example, for the outline of basic provisions of a treaty on general and complete disarmament in a peaceful world submitted to the Geneva Conference on April 18, 1962, and for the draft treaty banning nuclear weapon tests in all environments and the draft treaty banning nuclear weapon tests in the atmosphere, outer space, and under water, both of which were submitted to the Conference on August 27, 1962.

I think the best way to advise the committee of the way in which the Arms Control and Disarmament Agency performs its function of policy formulation and coordination in the field of arms control and disarmament is to describe a specific instance, in this case the deliberations which led up to the submission at the Geneva Conference on August 27 of the two draft treaties dealing with nuclear weapons tests. When ACDA came into existence, one of its responsibilities was the management of the nuclear test ban negotiations which had been going on since the fall of 1958. These negotiations represented the considered judgment of two administrations that an effectively verified nuclear test ban treaty was in the national interest. The United States then had outstanding a proposal for a system of detection and inspection relying primarily on conclusions reached by the United States, the United Kingdom, and the Soviet Union scientists in 1958. Much of the data providing the technical underpinnings for the system came from studies made before 1958. The data at that time suggested that reliance should be placed on stations near the site of an event to detect that event. This meant that a fairly large number of detection stations were necessary, especially since we were then concerned with the ultimate erection of a worldwide system, focusing on the Southern Hemisphere as well as on the Northern Hemisphere. Although this proposed system was then determined to be in the best interests of the United States, it did have certain drawbacks. It was large and cumbersome, took a good deal of time to install, and was very expensive. There had also been considerable skepticism expressed as to whether or not an international organization could effectively recruit and train personnel necessary for such an elaborate system.

In the spring of 1962, ACDA began to consider whether changes in this system might be in the best interests of the United States. We had been following the progress of Project VELA which was begun by the Defense Department in 1959 in order to learn as much as possible about the detection and identification of nuclear explosions. About $90 million has been spent on this project so far. In early June of this year ACDA asked the Defense Department for a review of the developments of the VELA program and of the monitoring system now operated by the Defense Department to detect and identify nuclear weapon tests. And here it should be noted that a vast amount of data has been accumulated since 1958 bearing on underground explosions. Our underground nuclear test series which began in September 1961, of course, proved to be a rich source of information.

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[1] The term "objective set of rules" means a set of requirements which, when written into a treaty, would be used as a criterion for demanding or denying an on-site inspection.

The Defense Department review revealed two significant reassessments of the technical situation. The first of these was the establishment of a better capability for long-distance detection of earth tremors caused by nuclear explosions or earthquakes. This makes it possible to propose a simpler and more economical system of internationally supervised long-range detection stations. It is now possible to design a more realistic system which has fewer scientific detection stations (including fewer in the United States and the Soviet Union), which relies much more on stations outside the United States and the Soviet Union to detect nuclear explosion in those countries, and which permits these stations to be manned with nationals of the country where they are located, nationals who would be under continuing international supervision by resident international inspectors. Since we would place primary reliance on stations outside the Soviet Union to detect explosions in the Soviet Union, we need no longer be so concerned about Soviet nationals manning Soviet control posts.

The second key technical reassessment is that an earlier estimate of the number of tremors from earthquakes in the Soviet Union which might be confused with tremors from nuclear explosions has been shown by actual observations and research to be several times too large. Since there are fewer actual earthquakes which produce tremors similar to those of an explosion, the number of onsite inspections needed to identify the cause of any observed tremors is less.

These technical reassessments did not change the fact that in many cases it was not possible to determine on the basis of seismic data alone, whether a particular event was an underground nuclear explosion or an earthquake. Hence these developments did not eliminate the requirement for a system of effective, reliable, objective, on-site inspections of unidentified seismic events as an essential element of any system of verification. Moreover, other problems—for example that of location of suspicious events—were revealed to be somewhat more complicated.

These developments, as well as the basic policy which the United States should adopt in the test ban negotiations, were given the most thorough consideration by ACDA and by the other interested agencies. The basic interagency group for this consideration was the Committee of Principals made up of the Secretary of State, the Secretary of Defense accompanied by the Chairman of the Joint Chiefs of Staff, the Chairman of the Atomic Energy Commission, the Director of Central Intelligence, the Administrator of the National Aeronautics and Space Administration, the Director of the U.S. Information Agency, the Special Assistant to the President on National Security Affairs, the Director of the Office of Science and Technology, and myself.

The meeting of the Committee of Principals was preceded by extensive interagency consultation at the staff level, and was followed by a series of meetings in which members of the Committee of Principals spent many hours over a number of days with both the President and the Vice President in considering the problem. In the later stage of this consideration, the President supplemented the group by recalling Ambassador Dean from Geneva and asking two members of the General Advisory Committee of the Arms Control and Disarmament Agency, Mr. John J. McCloy, the Chairman, and Mr. Robert Lovett, to participate in the deliberations. I might add that the Disarmament Subcommittee of the Senate Committee on Foreign Relations, the Joint Committee on Atomic Energy and numerous Members of the House and Senate, including members of this subcommittee, were kept advised of the course of the deliberations.

In the course of considering this problem consideration was given to all relevant aspects of national security, both as it might be affected on the one hand by a comprehensive test ban or a ban limited to outer space, the atmosphere and underwater, and as it might be affected on the other hand by no test ban. Various aspects of the problem were examined such as the effect on the United States-U.S.S.R. military balance, with and without a test ban; the possibility and extent of the diffusion of nuclear weapons, both with and without a nuclear testing agreement; an analysis of the possibility of maintaining readiness to test and an analysis of the possibility of Soviet clandestine underground testing.

As a result of these considerations the decision was reached that a comprehensive test ban treaty involving internationally supervised national control posts of a somewhat lower number than previously discussed, and involving a possible reduction in the number of on-site inspections would be in the national interest. The decision was also reached that it was inadvisable to propose specific numbers either of stations or on-site inspections on the grounds that there was no point in suggesting or debating details or numbers until the Soviet Union accepted the principle of on-site inspection. At the same time, the decision was made that if the Soviet Union continued to indicate its unwillingness to accept obligatory on-site inspection the United States would be prepared to accept a treaty banning tests in the atmosphere, outer space, or underwater—the environments in which a ban on tests could be effectively verified without the necessity of on-site inspections on Soviet soil.

Based on these considerations, I would like to summarize for you the reasons the United States continues to seek a test ban agreement.

Even though any test ban would entail some risk of cheating by the Soviet Union, we believe that risk is outweighed by the danger to our security resulting from a continuation of unlimited testing. As Mr. Nitze will explain in greater detail, each series of weapon tests is apt to produce less of significance to our defense. At the same time, if the Soviet Union is now behind us in certain areas as we believe, unlimited testing will inevitably permit it to catch up.

A nuclear test ban would be a first step to turn down the nuclear arms race and a first step toward more comprehensive measures. It would end whatever dangers to future generations may exist from further radioactive fallout. Moreover, unlimited testing is a spur to countries which do not have the bomb to bend every effort to produce it. While a test ban agreement would not be sufficient in itself to prevent other countries from acquiring nuclear arms, with unlimited testing this seems almost impossible.

It has been estimated that over 10 additional countries can acquire at least a few nuclear weapons and a crude delivery capability during the next 10 years assuming no basic change in technology. The incentives to possess such weapons—prestige, coercive and deterrent value, and military utility—are probably most meaningful now to Communist China and perhaps Israel. If testing continues, China will probably have some nuclear devices within a year to 3 years; other countries in Asia, the Middle East, and Europe could have them by the late sixties or soon thereafter if they were to choose to do so.

These facts are what was behind the President's statement at his press conference of August 29 when he said:

"Those who oppose an agreement should consider what our security will look like at the end of this decade if we do not have the agreement and we have the possibility of 10 or 15 countries having these weapons and when one goes off it may mean they all go off."

Both of our test ban proposals would serve to inhibit the spread of nuclear weapons to other countries in some degree. The atmospheric, outer space, and underwater test ban would not prohibit all testing and it would therefore have less of an effect in deterring additional countries from acquiring nuclear weapons than a ban on all tests. It would, however, have a significant effect to this end and it would result in a definite turndown of the nuclear arms race by preventing significant kinds of tests. Moreover, it would put an end to radioactive fallout.

By making this limited proposal we did not give up our insistence on adequate verification or inspection. We intend to rely on our own verification system rather than an international system for this purpurpose. For example, adequate assurance that the Soviet Union was not testing in the atmosphere would be provided by our existing monitoring system which can detect blast effects with long-range detection devices and can inspect the cloud produced by the blast after it has been blown out of the Soviet Union by the prevailing winds.

As you know, the Soviet Union has not accepted either of our recent test ban proposals. It continues to insist upon a ban on all nuclear tests without any obligatory onsite inspection. By seizing the initiative with these two proposals we have, however, given the Soviet Union a difficult choice. If it insists upon a ban on all tests, it must accept onsite inspections on Soviet soil. If, on the other hand it refuses such inspections, it appears wholly unreasonable in also refusing a ban on those tests which do not require onsite inspections on Soviet Union soil.

Let me conclude by describing briefly the status of the Disarmament Conference at Geneva.

The Conference began on March 14, 1962, after prolonged bilateral negotiations between the United States and the Soviet Union concerning the countries which should participate and the principles which should form the basis for negotiations. It now stands in recess until November 12, except for the test ban negotiations between the United States, the United Kingdom and the Soviet Union which will continue during the recess period.

Up to now there has been no substantial progress toward agreement on any arms control or disarmament measure at the Conference. We did not, however, expect progress to come quickly—particularly on comprehensive disarmament—because the distrust on both sides is very deep. But, there are various steps short of disarmament which may be negotiable in the foreseeable future. These include measures to prevent the transfer of nuclear weapons to other countries, to reduce the danger of war by accident and to ban nuclear weapon tests.

This Conference has provided the United States with an unusual opportunity to communicate its views to the other nations present, and to demonstrate its own sincere desire for meaningful disarmament agreement. The United Nations debates, and in speeches elsewhere, the Soviet Union has frequently used its oversimplified slogan "General and complete disarmament in 4 years" as a propaganda weapon against the United States. Because the time for debate was limited or the forum of debate not conducive to probing analysis, the Soviet approach was not always revealed in its true light.

In this Conference, however, adequate opportunity is provided for full analysis and lengthy debate. As a result the Soviet participation has often been revealed as superficial and propagandistic. For example, I think we have now convinced most of the

non-Soviet bloc participants in the Conference that "General and complete disarmament in 4 years" is wholly unrealistic and that we should spend more time in an attempt to negotiate more limited measures while, of course, retaining universal disarmament as an ultimate goal.

Mr. HUMPHREY. Mr. President, I salute the Arms Control Agency, particularly its Director and splendid staff, for the outstanding work it has performed. They have conducted their operations remarkably well under most difficult circumstances. I am sure they will continue to have the confidence of Congress.

Mr. JAVITS. Mr. President, I should like to be associated as a cosponsor of the bill with the distinguished Senator from Minnesota. I think Bill Foster and his agency are entitled to the gratification and thanks of the country for their extraordinary work in what is probably our most delicate and sensitive field. I join with the Senator from Minnesota in hailing the first anniversary of the Arms Control and Disarmament Agency.

Mr. HUMPHREY. I thank the Senator from New York.

Mr. CLARK. Mr. President, I, too, wish to join the Senator from Minnesota and the Senator from New York in commending Mr. Foster and the staff of the Arms Control and Disarmament Agency upon the observance of their first year in office.

One of the most effective pieces of legislation passed by Congress last year was the creation of the Arms Control and Disarmament Agency. In my opinion, this agency holds within its hands the hope of the world. It is literally true that if this agency can perform its function and prevent nuclear destruction, the threat of war all over the world, the threat of chemical and radiological warfare may be lifted from the shoulders of ourselves, our children, and our grandchildren while Members of this body are still alive.

I know of no man who has worked more assiduously, more effectively, and with more common sense than Mr. William Foster, the head of the agency.

FEDERAL EMPLOYEE PAY REFORM BILL STUDIED THOROUGHLY BY COMMITTEE; NEED IS CLEARLY ESTABLISHED

Mr. YARBOROUGH. Mr. President, as a member of the Post Office and Civil Service Committee who has heard the evidence, I am greatly pleased to have had a part in the reporting of the Federal employee pay reform bill now before the Senate. For the first time in many years, we of the Post Office and Civil Service Committee have carefully studied the Federal pay system, and aided by the careful studies made by the administration, have reported a bill laying the basis for a sound reform instead of only a pay raise. The Senate committee has worked many months on this complex matter, with a view to improving the Federal service, and achieving justice to the Federal employee and officers and justice to the payer of Federal taxes alike. Two prime goals have been kept in mind: that Federal salary rates should be comparable with private enterprise salaries for equivalent work, and that within the Federal service there should be equal pay for substantially equal work. These goals are of self-evident desirability; the time has come to give them some effect.

Federal salaries, particularly in the upper grades, have been lagging behind comparable salaries. For instance, city managers and school superintendents in our larger cities have average salaries 25 to 40 percent above the highest rates under the Classification Act. With the vastly complex and important duties carried out by our senior civil servants around the world, the Federal Government must be able to compete with other employers in hiring the very best professional and managerial talent available.

The pending bill would correct this by providing pay raises scaled according to the principle of comparability, separated into two raises, the first effective immediately and the second on January 1, 1964. Since available figures indicate that Federal pay in the lower GS grades more nearly approximates that found in private enterprise, we were able to obtain comparability for them with some 5 to 6 percent after the two steps were provided. At the higher level, where the Government is having the greatest difficulty in attracting and retaining top-flight personnel, increases are scaled higher, up to a top salary of $20,000 for a GS-18. Of course in the top grades there is a failure to obtain full comparability, but we hope to correct that next year. As one goal of this reform is to try to eliminate situations where workers are receiving more than their supervisors, the committee did not feel it should create new inequities by raising the higher GS grades above the salaries set by the Executive Pay Act. Next year we shall restudy that act and see what adjustments are in order.

Paralleling these adjustments are the increases made in the Postal Field Service salary schedule. While the increases are roughly comparable to the classified schedule, the committee was concerned with the employment situation of the post office clerks and letters carriers. Unlike the general Government workers, there is very little opportunity for advancement from these positions. As a result, the committee felt it wise to provide a somewhat more generous increase for this group of employees, as it is no less important for the Government to be able to retain trained and competent workers in these jobs. A high turnover rate would be more expensive in the long run than paying these employees sufficient salaries now.

Proportionate salary reform schedules are provided by the bill for other groups of employees, including Foreign Service employees and Veterans' Administration medical employees. Similar raises are proposed for the judicial branch of the Government, except for those salaries specifically set by statute, and at a slightly lower rate of increase for legislative branch workers.

Of great importance in the bill is the inclusion of the raise in retired Federal employees' annuity, by provision identical to those previously approved by the committee and reported to the Senate. A 5-percent raise in present annuities is called for, but even this will not match the 5.8-percent rise in the cost of living since the last annuity adjustment was made. At present the average retired Federal employee gets an annuity of only $165 per month; while the average payment to a widow of a Federal employee now averages only about $60 per month; clearly increases are needed.

One desirable feature of the bill is in its statutory provision for providing adjustments. For those retired, the bill would provide a 3-percent increase when and if the cost of living rises another 3 percent. For active Federal employees, the President is to report to Congress annually on the results of a wage survey which will provide information on how the goal of comparability is being met. Both of these provisions are desirable in formalizing the standards to apply to salary and annuity adjustment questions.

Mr. President, I feel all the Federal employees of the country owe a great debt of gratitude to the chairman of our committee, the distinguished senior Senator from South Carolina [Mr. Johnston], who has guided the committee through this very complex bill with patience and understanding. Also the staff of the committee has been indispensable in the great amount of work required to bring this bill to the floor.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

Mr. CLARK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 20, immediately following line 5, insert the following:

STANDARDS FOR DETERMINATION OF QUALIFICATIONS OF APPLICANTS FOR POSITIONS OF POSTMASTER

Sec. 115. In evaluating the qualifications of applicants for positions of postmaster, the United States Civil Service Commission shall give, with respect to each applicant, all due and appropriate consideration to experience in the postal field service, including seniority, length of service, level of difficulty and responsibility of work, attendance, awards and commendations, and performance rating.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. CLARK. Mr. President, the purpose of this amendment is to incorporate into the law a statement of congressional policy which will serve as a standard to guide the U.S. Civil Service Commission in selecting qualified persons from among those applicants for positions of postmaster. This amendment will in no way restrict administration discretion or operations under applicable provisions of law.

After the committee had recessed in its consideration of the pending bill I was surprised to learn that the Civil Service Commission does not at present take into account length of service in the Post Office Department. This is a noncontroversial amendment, and I hope the Senator from South Carolina will accept it, so that the Senate can get on with the business at hand.

Mr. JOHNSTON. I should like to study it for a short time. I may accept it. Personally I have always thought that length of service was taken into consideration.

Mr. CLARK. There is nothing controversial about it.

Mr. JOHNSTON. I should like to discuss it with other members of the committee. I should like to read the amendment. This is the first time I have heard of it.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. I wonder if the Senator from South Carolina is willing to accept the amendment.

Mr. JOHNSTON. Mr. President, when the amendment was read it was the first time that I had heard of it. I thought all along that length of service was taken into consideration. It ought to be understood that naturally services rendered in fourth-class and third-class and first-class post offices should be taken into consideration.

Mr. CLARK. I have no doubt it would be, because all the amendment provides is that the U.S. Civil Service Commission shall give due and appropriate consideration to experience. This leaves it quite within the discretion of the Commission as to how much effect will be given to this kind of service.

Mr. JOHNSTON. Everything should be taken into consideration, just as is done now in considering the appointment of someone—as to how many men he has employed, and so forth. It probably would be well to adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. Clark].

The amendment was agreed to.

Mr. CLARK. Mr. President, I call up my amendment identified as 9-25-62—E.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk. It is proposed to strike out section 305 (dealing with Communist political propaganda), including all that appears from line 9 on page 30, through and including line 5 on page 32, and renumber section 306 as "305".

Mr. CLARK. Mr. President, this is the first of three amendments that I shall offer which are intended to either repeal or, in the alternative, to modify the so-called modified Cunningham amendment, which is contained in section 305 of the Senate bill. I expect to speak at some length in support of this first amendment. Thereafter, I would be willing to agree to a unanimous-consent agreement, if the acting majority leader wishes to offer one. I would be willing to limit the time on each of three amendments so that Senators can leave here sometime tonight.

Mr. HUMPHREY. Does the Senator intend the unanimous-consent agreement to cover his first amendment also?

Mr. CLARK. My thought would be, if the acting majority leader would agree, that the time on each of the three amendments be limited to 1 hour, to be divided equally, one-half of the time on each amendment to be controlled by the proponent and one-half by the opponents, in accordance with the usual unanimous-consent agreement language, so that after I finish my opening speech, there can be debate on each of the three amendments.

Mr. HUMPHREY. In other words, the agreement would be effective an hour after the Senator's main speech?

Mr. CLARK. The Senator is correct.

Mr. HUMPHREY. It would apply to each of the three amendments?

Mr. CLARK. The Senator is correct.

Mr. HUMPHREY. Does the Senator have in mind that he might not use the full time allotment, and therefore would yield back a part of the time?

Mr. CLARK. It is entirely possible that that would be the case.

Mr. HUMPHREY. The Senator is very considerate. May I ask that one of the pages ask the senior Senator from Oregon to return to the floor, before this agreement is entered into?

Mr. CLARK. May I say to the acting majority leader that I have already conferred with the senior Senator from Oregon, and he has authorized me to say that he has no objection.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, after the Senator from Pennsylvania has concluded his opening statement with reference to his amendments, the time on each of the three amendments to be offered by him be limited to 1 hour, and that the time be divided equally between the proponents and opponents, to be controlled by the Senator from Pennsylvania and the Senator from South Carolina.

Mr. HRUSKA. I understand that the discussion of the Cunningham amendment will be quite extended. Several Senators have announced some interest in it. Therefore, I believe the situation should be canvassed a little more carefully. If the acting majority leader persists in his request at this time, I will be constrained to object.

Mr. HUMPHREY. In the light of this development, I shall not press the unanimous consent request. However, it might serve its purpose to alert Senators that we will be discussing this proposal at some length. So I suggest that the Senator from Pennsylvania proceed with his opening statement. We will now take it as it comes, so to speak, and after a while we may feel a little more agreeable about entering into a unanimous-consent agreement, as the hours wear into the night.

Mr. HRUSKA. How late does the Senator think that will be?

Mr. HUMPHREY. That is difficult to say. It may be 9 or 10 o'clock, as things look now.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from New York for not to exceed 2 minutes, without losing my right to the floor.

Mr. JAVITS. Mr. President, I wish to affirm, on the first day of the debate, my general support of the bill now before the Senate. It is my deep conviction that we must pay for what we get. I believe the postal workers and the classified workers are entitled to a pay increase. I think the committee, though not realizing everything it expected to achieve, has reported a reasonably good bill. I am with the committee on the bill, and also I think we must pay for it. So it was necessary, with the same clear sightedness and courage, if we wish people to look to us for justice, to carry the burden of a postal rate increase. I shall vote for that, too. There may be amendments, like that of the Senator from Pennsylvania, with respect to civil liberties and questions of freedom of speech, that I shall support. But fundamentally, I shall be with the committee on the bill, because I think every once in a while it is necessary to stand up and be counted. No one likes to vote for a postal rate increase, but we all like to vote for pay increases.

Therefore, in this case, considering the budgetary situation, the postal rate increase, and the pay increase had to be combined by the committee. The chairman did not relish that any more than did any of us. I think that having done so, and having faced his responsibility courageously, he is entitled to our support.

The postal workers and the classified workers will understand that it may be a true test of friendship when it is necessary to pay for what is being done for them.

I thank the Senator from Pennsylvania for yielding.

Mr. CLARK. Mr. President, I return to my discussion of the pending amendment. I may say to the relatively few Senators in the Chamber that I expect to speak for some time, in the event they wish to return to their offices or go elsewhere for the business which keeps all of us occupied in the Senate.

Mr. President, the purpose of the amendment is to delete from the Senate bill a modified version of the so-called Cunningham amendment. The House version of the so-called Communist amendment appears as section 12 of H.R. 7927 and was deleted in full by the Senate committee. It appears with a line through each word at pages 9 and 10 of the bill before us.

In order that Senators may understand what we are talking about, I ask unanimous consent that the House-passed version of the Cunningham amendment, which is section 12 of the House bill, entitled "Communist Political Propaganda," may be printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMUNIST POLITICAL PROPAGANDA

SEC. 12. (a) Section 505 of title 39, United States Code, is amended by inserting immediately after the first sentence and before the second sentence in subsection (a) thereof, the following sentence: "In furtherance of this authority to counteract adverse usage cf the mails and to reduce the domestic postal deficit, no international mail handling arrangement under which any postal rate, whether or not reciprocal, is established, shall permit the receipt, handling, transport, or delivery by the United States Post Office Department of mail matter determined by the Attorney General to be Communist political propaganda."

(b)(1) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following section:

"§ 4008. Communist political propaganda

"No United States postal rate established by the Postage Revision Act of 1962 shall be available for the receipt, handling, transportation, or delivery of mail matter determined by the Attorney General of the United States to be Communist political propaganda financed or sponsored directly or indirectly by any Communist controlled government."

(2) The table of contents of such chapter 51 is amended by inserting

"4008. Communist political propaganda."

immediately below

"4007. Detention of mail for temporary periods."

Mr. CLARK. To paraphrase the original Cunningham amendment, it includes, first, a statement of purpose, which is to counteract adverse use of the mails and to reduce the domestic postal deficit.

International mail, which is handled under reciprocal or other postal rates, by treaty, will be denied receipt, handling, transportation, or delivery by the Post Office Department if the Attorney General finds the material to be Communist political propaganda under section (a) of the Cunningham amendment.

The amendment also provides that no postal rate established by the Postal Revision Act of 1962 shall be available for the receipt, handling, transportation, or delivery of mail which the Attorney General determines to be Communist political propaganda financed or sponsored directly or indirectly by any Communist controlled government.

This amendment, which is an administrative monstrosity, and is clearly unconstitutional, costly, damaging to our foreign policy, and unnecessary, was too rich for the blood of the Post Office and Civil Service Committee. We had a long, extended, and friendly discussion with the committee as to what, if anything, should be substituted for the original Cunningham amendment. We were not in accord. Finally, by a vote of 6 to 3, the present somewhat watered-down and revised version of the Cunningham amendment was put into the bill. It appears as section 305 of the Senate committee bill, which amends section 4008 of title 39, United States Code, by adding a new section dealing with Communist political propaganda. I ask unanimous consent that the text of the Senate committee language dealing with this matter be printed at this point in the RECORD.

There being no objection, the excerpt from the bill (H.R. 7927) was ordered to be printed in the RECORD, as follows:

COMMUNIST POLITICAL PROPAGANDA

SEC. 305. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4008. Communist political progaganda

"(a) Mail matter, except sealed letters, which originates or which is printed or otherwise prepared in a foreign country and which is determined by the Secretary of the Treasury pursuant to rules and regulations to be promulgated by him to be 'Commuinst political propaganda', shall be detained by the Postmaster General upon its arrival for deliverey in the United States, or upon its subsequent deposit in the United States domestic mails, and the addressee shall be notified that such matter has been received and will be delivered only upon the addressee's request, except that such detention shall not be required in the case of any matter which is furnished pursuant to subscription or which is otherwise ascertained by the Postmaster General to be desired by the addressee. If no request for delivery is made by the addressee within a reasonable time, which shall not exceed sixty days, the matter detained shall be disposed of as the Postmaster General directs.

"(b) For the purposes of this section, the term 'Communist political propaganda' means political propaganda, as defined in section 1(j) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(j)), issued by or on behalf of any country with respect to which there is in effect a suspension or withdrawal of tariff concessions pursuant to section 5 of the Trade Agreements Extension Act of 1951 or section 231 of the Trade Expansion Act of 1962, or any country from which any type of foreign assistance is withheld pursuant to section 620(f) of the Foreign Assistance Act of 1961, as amended.

"(c) The provisions of this section shall not be applicable with respect to (1) matter addressed to any United States Government agency, or any library, or to any college, university, graduate school, or scientific or professional institution for advanced studies, or any individual connected therewith, or (2) material whether or not 'communist political propaganda' addressed for delivery in the United States pursuant to a reciprocal international agreement under which the United States Government mails an equal amount of material for delivery in any country described in subsection (b)."

(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following:

"4008. Communist political propaganda."

Mr. CLARK. Mr. President, to summarize the Senate committee version, I point out that it provides that mail matter, except sealed letters, prepared in a foreign country, and which the Secretary of the Treasury—not the Attorney General—thinks is Communist political propaganda, as defined therein, shall be detained by the Postmaster General, upon its arrival in the United States, or upon its subsequent deposit in the United States domestic mail. Thereupon, the addressee is to be notified that such matter has been received, and he will receive it only if he requests it.

It should be noted that the first watering down of the original Cunningham amendment is that sealed letters will be exceptable.

Senators should note the second watering down, which provides an exception if the recipient is a subscriber to the Communist propaganda—in other words, if he has paid for it in advance. In such case he will be allowed to receive it without detention.

Then another exception is made; namely, that any Communist political propaganda addressed to any agency of the U.S. Government is exempt. Then any Communist political propaganda addressed to any library, college, university, graduate school, or scientific or professional institution for advanced study or any individual connected therewith is exempt from detention. So is any Communist political propaganda which is addressed to any individual. So, in fairness, it must be admitted that several large holes have been blasted in the wall created by the original Cunningham amendment.

However, I note—as I stated before, in colloquy with the Senator from Ohio—that the committee did not blast any hole in favor of the free enterprise, capitalistic press, including its editors, publishers, reporters, and commentators. They will not be able to receive such so-called Communist political propaganda unless they write in and ask for it, and thereby perhaps get their request placed in an FBI file and subject themselves to slander by any professional flag waiver who chooses to contend that those who make such requests are soft on communism because they choose to inform themselves about what goes on behind the Iron Curtain.

No similar exception is made for radio commentators or radio newscasters or television commentators or television newscasters; they are not considered, according to the committee amendment, to be sufficiently trustworthy to be allowed to receive this material without having it censored and screened and without having a public record made of their names, so it can be available for all to read, with the result that some could say, "This person asked for Communist political propaganda."

Similarly, no exception is made for private businesses, or their research departments or research divisions. There are in this country many enterprises organized for profit, which, as a matter of the needs of their businesses and the competition they may face in other countries, may well require that information in regard to what is being taught and what is being done in the press and by the governments of Communist countries should be made available to them. However, they will not be able to receive it unless they state, in public, that they wish to receive it, and thus subject themselves to being placed on what might be called the reverse of the old Morgan preferred list. It will be recalled—the Senator from Ohio will remember this—that in the days when he and I were young, one of the things that was done in the stock market, which subsequently led to the organization of the Securities and Exchange Commission, was to get rid of the preferred list by which certain favored customers of the Morgan Co. and other big bankers in New York were placed on a list; and all who were on the list got a "break" by being able to purchase stock at 10, 12, or 15 points cheaper than anyone else could. We got away from that by means of legislation enacted in the early days of the New Deal. But this list would be practically the reverse of that; those who ask to have such Communist political propaganda delivered to them will have it delivered to them, but their names will be placed on a list. My guess is that that would not be particularly good for their reputation in the climate of opinion prevailing in certain areas of our country.

Another exception is made in the Senate committee proposal. The text reported by the Senate committee provides that the Secretary of the Treasury and the Postmaster General will not have to go through this screening process with respect to Communist political propaganda addressed for delivery in the United States "pursuant to a reciprocal international agreement under which the U.S. Government mails an equal amount of material for delivery in any such Communist country." This exception was never discussed in committee. I think I am telling no tales out of school when I say that the committee, after extended discussion, was in some desperation as to what should be done in this matter. Finally we were handed a proposed amendment and told verbally that some officers of the administration thought it could be lived with, and we swallowed it hook, line, and sinker, by a vote of 6 to 3. So here it is. So I do not know any more than anybody else what this somewhat ambiguous language is intended to mean. It may be a great big hole in the wall. It may turn out to be no more than a keyhole.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from West Virginia, who was one of the three who voted against this amendment in committee. I hope he does not mind my so identifying him.

Mr. RANDOLPH. Oh, no. I shall vote, on a rollcall to uphold the position of the Senator from Pennsylvania.

Mr. CLARK. The Senator knows that the position he and I are taking is not a popular one to take in certain quarters in this country.

Mr. RANDOLPH. No, it is not an easy position to take.

Does my capable colleague from Pennsylvania believe that the Cunningham amendment as passed in the House is unconstitutional?

Mr. CLARK. I do not have a shadow of a doubt about it. My position is buttressed by the testimony of the Justice Department, which appears on pages 827 to 839 of the record of hearings on postal rates. I had the benefit of the extremely able brief by the Association of the Bar of the City of New York, substantiating what the Senator from West Virginia has just said—that the Cunningham amendment is clearly unconstitutional.

Mr. RANDOLPH. And the modified version, the Senate provision, is probably unconstitutional, too?

Mr. CLARK. I believe so, as I stated in my individual views on page 44 of the committee report. I will tell the Senator why. Although the Senate version opens up loopholes and lets certain Communist propaganda filter through, nevertheless it sets up a detention system with respect to the bulk of so-called Communist propaganda, and the recipients would not get that mail unless they take affirmative action. That is censorship, and censorship is prohibited by the first amendment of the Bill of Rights in the Constitution.

Mr. RANDOLPH. In other words, we are dealing with class legislation.

Mr. CLARK. That is correct. We are saying, "If you are one kind of egghead, if you are on the staff of a university or a college, if you work in a library, you are a big boy and have grown up. You can read it and you will not be fooled by it." But we insult and affront perhaps 95 percent of the American people by the amendment, which says to them, in effect, "You are only a little boy. You may be influenced. You are not a free American citizen. You cannot make up your own mind. If you read it, you may see something we do not like. We do not trust you. So we will detain your mail and tell you we have it and how evil it is. Later on, you may get it, if you take certain actions which may jeopardize your reputation.

This type of nonsense is hostile to the concepts of a free society.

Mr. RANDOLPH. The Cunningham amendment and the pending, modified Senate committee amendment are unconstitutional, or probably unconstitutional. Is that correct?

Mr. CLARK. I would say that there is not much doubt, in my legal opinion, that both are unconstitutional.

Mr. RANDOLPH. But the Cunningham amendment and the modified version of the Cunningham amendment we are discussing both strike at the fundamental traditions of an America which we believe in. Is that not true?

Mr. CLARK. The Senator is eminently correct. This whole thing is the antithesis of the Declaration of Independence, the Bill of Rights, and the Constitution of the United States. It denies American citizens basic civil liberties.

Mr. RANDOLPH. I thank the Senator.

Mr. CLARK. I thank my friend for his helpful intervention.

Mr. LAUSCHE. Mr. President, will the Senator yield for some helpful information?

Mr. CLARK. I am glad to yield to the Senator from Ohio, whose views I always respect.

Mr. LAUSCHE. If the addressee states he wants the mail, is the postal department obligated to deliver it to him?

Mr. CLARK. Yes, in the Senate version; not in the House version.

Mr. LAUSCHE. That is, even though it is Communist propaganda, after the postmaster has written to the addressee, and the addressee has said, "Yes, I want this mail," the postal department must deliver it?

Mr. CLARK. The Senator is correct, and by so stating, he probably damns himself in the eyes of certain fellow citizens and risks getting his actions cited in the FBI files.

Mr. LAUSCHE. But the right to have it, the right of exchange of views, as guaranteed by the Constitution, is granted him?

Mr. CLARK. The Senator is correct, subject to the invasion of his right of privacy, because he has to declare publicly that he wants it.

Now I turn to the definition of Communist propaganda which is incorporated by reference into the Senate amendment.

Of all the unworkable definitions which have crept into the United States Code that I have ever seen in the course of 25 years of the practice of law and 6 years in this body, this one is the worst definition.

Let me point out to whatever legal colleagues may be present on the floor just what this definition requires. It defines "Communist political propaganda," among other things, as "any communication which the person disseminating the same believes will, or which he intends to, in any way influence a recipient."

Let us stop there. How in the world is the Secretary of the Treasury going to get into the mind of whoever it is in Russia, or Bulgaria, or Rumania, or Czechoslovakia, who mails to this country for delivery to an American citizen, to determine whether his intent or belief meets the definition of Communist propaganda? How in the world is the Secretary of the Treasury going to tell what the man who mailed the letter ever said unless he has a library of dictionaries?

This is the kind of subjective definition which I think every lawyer in this Chamber knows is utterly unworkable and may well be the basis of the unconstitutionality of the entire act.

How can anyone tell what an author believes? Again, how can anybody tell what he intends?

We know that the crime of murder must be intentional. Frequently we go into long and extended criminal trials in order to determine, from a consideration of the factual evidence, what was the intention of the man who committed the act. But how can we tell objectively what his intent was if he is not here, if he is in Russia? Or died there many years ago? How can we tell what his intent was if we may not know who he is and if we never saw him?

I submit this part of the definition is a legal monstrosity. What is it he has to believe, and what is it he has to intend? He has to believe it will or intend to "in any way influence a recipient with reference to the political or public interests, policies, or relations of the government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissentions."

Let us take a look at that mouthful for a moment.

Mr. LAUSCHE. May I ask the Senator if that is the full language of the definition?

Mr. CLARK. No. If the Senator would like to read it, I shall be glad to furnish him the full text. The full definition is even longer and worse. The text appears at 22 U.S.C. 611(j).

Mr. LAUSCHE. Very well.

Mr. CLARK. How in the world, Mr. President, can a Customs Bureau GS-7, in New York, with a Chinese dictionary in his hand, representing the Treasury Department, determine what somebody in China intended with respect to informing somebody in the United States? How many Chinese, Russian, Czechoslovakian, Rumanian, and Bulgarian interpreters will have to be hired by the Treasury Department, perhaps sent through graduate school, perhaps given training in psychiatry or psychology, and perhaps given psychoanalysis so that they can read the minds of men in foreign countries who do not even speak their own language?

I wish to read to my colleagues a couple of horrible examples of what took place when the executive order—now happily repealed by President Kennedy—which did create by executive action a form of screening of Communist political propaganda, under an almost identical definition, was in effect from 1951 to 1961.

I quote now from a Law Review article written by two extremely able and eminent professors of law at the University of Pennsylvania Law School who made a careful study of this matter, which study I had incorporated into the Record yesterday. This is the first of a couple of horrible examples:

> The attempt was made to set up some sort of screening operation at every major point of entry for foreign mail. But the procedures were hasty and improvised, nor were there enough men everywhere to do the job properly—as at St. Paul where a warehouse full of material accumulated while a non-Russian-speaking customs employee, furnished solely with a Russian-English dictionary, attempted to select and detain all publications deemed to contain Communist propaganda.

I am not advised what grade or rank in the classified civil service this particular employee held, but I think, if he did his duty conscientiously—and I have no doubt that he did—he ought to be given the Medal for Merit for attacking what might be called a modern Augean stable, made out of paper in a warehouse in St. Paul, Minn. I never heard of a more hopeless task. I am sure he went at it with a zest and a desire to serve his country as best he could under pretty difficult conditions.

Mr. President, I cite another example:

> The criteria for propaganda were so broad that enforcement officials in the field were able to find suspect matter in Soviet published works on art, religion, philosophy, 19th century literature—

At a time when the czars were running Russia.

> and even so political a subject as "Chess for Beginners"—

They found Communist propaganda in "Chess for Beginners."

"How shrewd and able are these Russians. They are 10 feet high. We cannot allow any of the American citizens to read what they have to say, for they are too smart for us," says the Senate amendment.

> Volumes of this kind were detained even though they had been published prior to the Czar Nicholas' demise.

I point out that under the Senate amendment there would be no time limit. We could go back to Ivan the Terrible, to Peter the Great, to Catherine of Russia, and still it might be necessary to read through the obscure Russian print, with a vocabulary different from ours, in order to determine whether some American citizen in Pennsylvania, Ohio, Texas, or South Carolina should be denied a look at this information, which some clerk in the Customs Bureau, acting under rules and regulations prescribed by the Secretary of the Treasury, might consider to be subversive Communist propaganda which might subvert his native Americanism.

Mr. President, there are at least six or seven other absurdities of the same nature as the two I have outlined. For Senators who are interested, I refer them to page 20640 of the Congressional Record for some interesting reading as to how foolish we can get.

Mr. RANDOLPH rose.

Mr. CLARK. I yield to my friend from West Virginia.

Mr. RANDOLPH. Mr. President, much has been made of the type of literature which was exposed to so-called censorship. Is that not true?

Mr. CLARK. Yes. I think this is an affront to the American people.

Mr. RANDOLPH. I should like the Record to reflect the fact that the program was in effect from 1950 until March 17, 1961.

Mr. CLARK. The Senator is correct.

Mr. RANDOLPH. On that date President Kennedy discontinued the program by issuance of an order which I think was an act of courage and good judgment. I do not believe the Chief Executive of this country has changed his position today.

Mr. CLARK. I know he has not.

Mr. RANDOLPH. He expressed his position in that order of March 17.

Mr. CLARK. I shall quote the President a little later in the debate.

Mr. RANDOLPH. Some 15 million pieces of literature were intercepted during that period of time; is that true?

Mr. CLARK. The Senator is correct. Fifteen million.

Mr. RANDOLPH. Is it not also a fact that the President of the United States, Mr. Kennedy, at the time he gave the order, said, in a statement issued by the White House on March 1, 1961—and I shall quote at least four words of the statement—that the 1951-61 censorship program has been found to have "no useful intelligence function"?

Mr. CLARK. The Senator is completely correct. I point out to the Senator that during the Eisenhower administration on June 20, 1960, discontinuance of this program was unanimously recommended by an ad hoc committee of the Planning Board of the National Security Council. The National Security Council Committee certainly ought to know what might be dangerous to permit into this country on the basis of security. The Council is the highest agency charged with protecting this country and its security. Its ad hoc committee recommended unanimously the elimination of this program while President Eisenhower was in the White House.

Again I thank my friend from West Virginia for his very helpful intervention.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Texas, who I hope will not be annoyed with me when I say that he was the other member of the committee who joined with the Senator from West Virginia and myself in voting against this iniquitous amendment.

Mr. YARBOROUGH. My question of the distinguished Senator from Pennsylvania is this: Am I correct in my view that the Cunningham amendment would prevent delivery of this literature printed abroad?

Mr. CLARK. The Senator is correct.

Mr. YARBOROUGH. It would prevent delivery?

Mr. CLARK. The Senator is correct.

Mr. YARBOROUGH. The committee amendment would provide that mail matter which was printed or otherwise prepared in a foreign country might be detained by the Postmaster General upon its arrival for delivery in the United States, and that the Postmaster General then would write to the addressee, and would wait—implied under the language—until he heard from the addressee, and the mail would be delivered only upon the request of the addressee. Would that mean he would have to keep a list of addressees, so that he would know whether they wrote and requested it or not?

Mr. CLARK. The Senator is correct.

Mr. YARBOROUGH. In other words, the amendment would lead toward a police state.

Mr. CLARK. Without the slightest question.

Mr. YARBOROUGH. The Senator has covered the point.

Mr. CLARK. It seems to me that the Cunningham amendment would, by absolutely stopping mail matter in the first instance provide a wall of ignorance.

I wonder if my friend, as a lawyer, does not agree with the Senator from West Virginia [Mr. Randolph] and me that the Cunningham amendment is clearly unconstitutional and so is the modified Senate version.

Mr. YARBOROUGH. The modified Senate version provides for a police state; whether or not it is unconstitutional, I am constitutionally opposed to a police state.

Mr. CLARK. Does not the Senator from Texas agree with me that such action is forbidden under the first amendment to the Constitution of the United States?

Mr. YARBOROUGH. Yes.

Mr. CLARK. I should like to read to my friend from Texas an example of how eager they could get under the old executive order program which we would now re-create by legislation if the amendment should be agreed to. I quote from a letter that the Postmaster General actually wrote to a university president addressee of so-called Communist propaganda:

> As you no doubt know, Communist propaganda has greatly increased in volume and viciousness and is being addressed to many persons and institutions which object to receiving such matter.

I ask Senators to note the following statement:

> It is believed to be incumbent upon this Department, therefore, to obtain some information as to the position of addressees of such publications where exceptions to the general rule of nonmailability are made.

They want to know what position the recipient occupies. I ask my friend from Texas, Why?

Mr. YARBOROUGH. Is it not true that under the committee amendment, if the Soviet Embassy wanted to embarrass people in America, all it would have to do would be to mail literature to anti-Communists. Anti-Communists would be put on the preferred list of people receiving Communist literature, and the amendment would put it into the hands of Communists to smear every anti-Communist in America.

Mr. CLARK. Yes, if the hypothetical anti-Communist wrote to the Postmaster asking for the release of the material detained.

Mr. YARBOROUGH. But his name would be on the list anyway. The fact that his name was on a list of recipients of Communist literature would be bandied about.

Mr. CLARK. The Senator is quite correct. He has made a refinement in my thinking, for which I thank him. In other words, there would be two kinds of preferred lists. The first would be the addressees. The second would be those who asked to get the information.

Mr. YARBOROUGH. They would all be on the list, including those who said they did not want to be on the list. They could say that they were caught, and would try to weasel out. We would put into the hands of the Soviet Embassy the ability to smear anti-Communists in America.

Mr. CLARK. Mark this point: As I read the committee amendment, Members of Congress would not be exempted from this provision. If a Soviet ambassador wanted to start a line of Communist propaganda which would go to the 435 Members of the House of Representatives and the 100 Senators, we would be on the list, too.

Mr. YARBOROUGH. Oh, yes.

Mr. CLARK. The only exception is matter addressed to any U.S. Government agency. The Senator well knows that that kind of language is strictly construed. It has reference to agencies in the executive department. The Senate is not properly, in legal terms, a U.S. Government agency. So we, too, could be on the list.

Mr. President, having explained in some detail what the amendment would do, I return to the reasons why I would prefer to rely on the commonsense and patriotism of the American people to reject any Communist propaganda they might receive through the mails, instead of relying on a censorship system—a censorship system which is unnecessary, costly, unconstitutional, and would do damage to our foreign policy.

In that connection I should like to cite in support of what I have said the views of the last previous and the present Presidents of the United States, Dwight D. Eisenhower and John F. Kennedy.

Former President Eisenhower, in a letter dated June 24, 1953, to Mr. Robert B. Downs, then the president of the American Library Association, wrote:

> We must in these times be intelligently alert, not only to the fanatic cunning of the Communist conspiracy, but also to the grave dangers in meeting fanaticism with ignorance, for in order to fight totalitarians, to exploit the ways of freedom to serve their own ends, there are some zealots, who, with more wrath than wisdom, would adopt a strangely unintelligent course. They would try to defend freedom by denying the friends of freedom the opportunity of studying communism in its entirety, its plausibilities, its falsities, its weaknesses.

We are now about to do what President Eisenhower warned us against. We know, and he knows, that freedom cannot be served by the devices of the tyrant. Yet, as the Senator from Texas has so well said, what we would do in agreeing to the amendment would be to create, in modified form, a police state—pale, to be sure, taking only the first steps, but nonetheless clearly going down the road toward a police state, the very kind of government which has been abhorrent to the whole traditions of the American people since the days of the Declaration of Independence.

Let me refer further to what President John F. Kennedy's White House statement had to say in this regard. On March 17, 1961, following consultation with Dean Rusk, Secretary of State, J. Edward Day, Postmaster General, C. Douglas Dillon, Secretary of the Treasury, and Attorney General Robert F. Kennedy, President Kennedy ordered the discontinuation immediately of the program intended to intercept Communist propaganda from abroad, which it is now proposed, we should reinstate by legislative action.

The President in his statement noted that discontinuance of this program was unanimously recommended by an ad hoc committee of the Planning Board of the National Security Council, in a report rendered while President Eisenhower was in the White House, on June 29, 1960. The Planning Board unanimously concurred in the recommendation of its committee.

For reasons unknown to me, the recommendation was not carried into effect.

After the House adopted the Cunningham amendment last January, President Kennedy was asked at his press conference:

> Mr. President, what is your view of the House amendment to the postal rate bill which would prohibit the Post Office from distributing mail labeled as Communist propaganda?

The President replied:

> Well, I think it does not give the Attorney General—I have just read the language here—it does not give the Attorney General very clear guidance as to what he is supposed to label Communist and political propaganda. Is he supposed to label newspapers that may be received or speeches, or whatever they may be, so that the language is somewhat vague. In addition, I think we want to realize that this is a reciprocal matter, and I think in the last 12 months ending March 31, 1961, we sent a total of 16 million pounds of mail of all types sent to the Iron Curtain countries, and food packages and all of the rest, and we were only receiving 2.3 million pounds.

We have had testimony in open and executive session from both the Executive Director of USIA, Mr. Murrow, and in executive session from the Assistant Secretary of State for European Affairs, Mr. William Tyler, who stated that there is a substantial and increasing amount of American mail matter—the magazine "America" is only one of many items—going through the Communist mails and being delivered to individual citizens in Communist countries. This information they are certain of because of subsequent requests and responses from recipients.

This mail is increasing day by day, week by week, year by year, as the educational system of Russia throws up more and more men of inquiring minds, men of the renaissance, who are anxious to know.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. RANDOLPH. Searchers for the truth.

Mr. CLARK. Searchers for the truth, who are anxious to know what is going on in the Western World. Does anyone think for a minute that if we cut off the flow on our shore the bureaucrats in the Kremlin will not retaliate and cut off the flow of what we have sent to them? As Mr. Murrow has so well stated publicly what he stated in executive session, and which I can repeat now, "One candle in a dark room is worth more than a hundred candles in the sunshine."

The value of every bit of American mail matter going into Russia is worth at least 100 times the propaganda that they send over to us, by which no high school graduate is going to be subverted or influenced.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. RANDOLPH. For the record, to reinforce what the Senator has said, in reference to the testimony given by Mr. Murrow in executive session, I should like to indicate that during the hearings it was my privilege and responsibility to question Mr. Murrow on that point.

Mr. CLARK. The Senator did so very ably.

Mr. RANDOLPH. What the Senator has indicated as the position of Mr. Murrow at that time spells out the value of what we are doing in getting through to Russia.

Mr. CLARK. If the Senator will indulge me for a moment, I should like to ask him whether he does not recall the testimony of the Assistant Secretary of State as to the large volume of American material which is being disseminated from the American Embassy in Moscow, without any overt interference.

Mr. RANDOLPH. That was emphasized for the committee, and very forcefully. Also I believe there was another witness who said in effect what the Senator has just stated.

Mr. CLARK. That is correct. It is Mr. Tuch, of USIA. His testimony was also given in open hearing, so I can read it into the Record:

> Mr. Tuch. There are certainly a number of private organizations in this country who send publications into the Soviet Union and other Iron Curtain countries on a continuous basis. We have evidence, personal conversations and observation, that many of these do get through. They are not sold there.
>
> Senator Carlson. They are just mailed direct to individuals or to organizations?
>
> Mr. Tuch. Yes.
>
> Senator Carlson. Do you know of any magazine that is published in the United States that is officially barred from these countries? Do you have any information on that?
>
> Mr. Tuch. No, sir.

I was in Moscow last September. The magazine "America" was being sold on the newsstands. "America" is a fine magazine and very popular in Russia. It carries out the ideals and traditions of our country, pointing out the value of our free American society. It is illustrated in a most attractive way. It carries articles pointing to the high standard of living in this country. It is the kind of thing that is needed in bringing down the wall of ignorance between our two countries.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am very happy to yield.

Mr. RANDOLPH. The Senator has indicated the need for breaking down the wall of ignorance. Certainly, if we are to lower the barriers between peoples, in this instance between the Soviet Union and the United States, it will not, in the opinion of the Senator from West Virginia, be fostered by the adoption of the modified Cunningham amendment, as proposed in the Senate committee version. There will come a time when we will learn to live with the peoples of the earth through understanding through mutual respect, and through appreciation.

I know not when that hour will strike, but it will come. I do not want to be a party to placing an obstacle in the path of a search or pursuit for such a peace.

Mr. CLARK. I share the views of the Senator from West Virginia. I wish to direct a question to him. Unfortunately, as he well knows, there are in the State of West Virginia and in the Commonwealth of Pennsylvania many fine American people—men, women, and young people—who, because of economic distress, are without employment. Unfortunately, the public assistance rolls of our two States are among the highest in this country. Yet I have faith and confidence in every one of those citizens of West Virginia and Pennsylvania. I commend them on their Americanism. I know they are devoted to the principles and ideals of our country.

Does the Senator think for one minute if this Communist propaganda were mailed to this class of unfortunate American citizens, there would be any danger of subverting any of them or any appreciable number of them to the cause of communism?

Mr. RANDOLPH. No. The hill people of West Virginia may not in some instances have the formal education possessed by the citizens of other sections of the country, who, in a sense, are economically more fortunate. However, the fortitude of the West Virginian who has had a reasonable education—and we believe that most of our people have had that kind of education—would not admit of any difficulty on the part of that person to discern that which would be damaging to this country because of some periodical in which such an assertion had been printed.

I think that, by and large, the people of the country as a whole, Pennsylvania and West Virginia included, are diligent in their effort to make certain that Congress does not do violence to the basic principles upon which the Nation was founded.

Mr. CLARK. Does not the Senator from West Virginia agree with me that we can rely on the commonsense and patriotism of the people of West Virginia and Pennsylvania to reject propaganda as being alien to the American way of life?

Mr. RANDOLPH. I think so. George Washington is believed to have said during the Revolutionary War, when the Nation was passing through that dark period of opposition to the British Crown:

> Give me but a banner to plant upon the hills of West Augusta—

He was speaking of West Virginia—

> and I shall gather around me men who will set this Nation free.

He realized that in the hills were freedom-loving people; and the motto of West Virginia today is: "Mountaineers Are Always Free."

Mr. CLARK. The Senator from West Virginia will recall a quotation attributed—perhaps erroneously—to Voltaire, that great French philosopher whose thoughts and actions led to the French Revolution and the freeing of France from the tyranny of a controlled society, a police state. Voltaire was reported to have said:

> I despise everything you say, but I will defend to the death your right to say it.

I despise and the Senator from West Virginia despises Communist propaganda; but in a free country we should not resort to the same kind of totalitarianism that was the rule in France before the French Revolution, and which the Cunningham amendment would now restore to the law of free American people.

Mr. RANDOLPH. Yes; and if we are to quote—and I must give it in paraphrase—it was Thomas Jefferson who said:

> The strength of our Republic is that which is done through an enlightened people.

Mr. CLARK. I thank the Senator from West Virginia. I turn now to the balance of the statement of the President of the United States at his press conference last January, when he was asked his views on the Cunningham amendment, which had just been adopted by the House, said:

> Now, there has been a drop—in the amount of mail coming in from Communist countries in the last few months.

The President was referring to a decrease in the amount of mail coming in from Communist countries since he had eliminated the Executive order which had created this censorship during the end of the Truman and all of the Eisenhower years.

I continue to quote from the President's statement. He had said there had been a drop in the amount of mail coming in from Communist countries since the spring of 1961, which was when he had lifted the Executive order.

> If there is also an effort made by the Communists to deny us ability to send mail, it is going to present serious problems for a good many Americans who have been carrying on correspondence with friends and relatives. Now, I know that is not the purpose. I think that the Senate should examine the language very clearly and make sure that it is effective and is responsive to our national needs, and determine whether the rather generalized instructions to the Attorney General fall within the necessity of legal precision.
>
> I think the American people are used to hearing all sides, and I don't think that they are particularly impressed by a good deal of what I have seen of propaganda. We send a good deal of mail out and I want to be sure that our rights to send our mail and our views and our correspondence to all parts of the world are not interfered with.

I share the views of the President of the United States. That is why I propose this amendment and its two companions.

Mr. President, I have already done, to the best of my ability, the task of persuading Senators that this definition is a legal abortion. There is no legal precision about it. It requires the enforcer of the act to get inside the mind of someone in China or Russia. It does not even seek knowledge to determine what his intent was, what he wanted to do, what his purpose was.

Certainly there is no clear "present danger" standard, as required by the Supreme Court for infringements of the first amendment. So I think this definition, in and of itself, is enough to require the rejection of the amendment.

Mr. President, I yield to the Senator from Minnesota, without losing my right to the floor.

Mr. HUMPHREY. Mr. President, I should like to make an inquiry of the Senator from Pennsylvania and then propound a unanimous-consent request relating to two of his amendments.

Mr. CLARK. Mr. President, I yield for that purpose, with the understanding that I shall not lose my right to the floor.

Mr. HUMPHREY. Will the Senator from Pennsylvania state the numbers of his other two amendments?

Mr. CLARK. One is designated "9-25-62—F"; the other is "9-25-62—B." The present amendment is designated "9-25-62—E."

Mr. HUMPHREY. The two remaining amendments are F and B?

Mr. CLARK. Yes. After we have finished with the Cunningham amendment, I shall offer another amendment, the consideration of which should be brief. That amendment deals with the pay scales of legislative employees, who I think have been treated most unjustly.

Mr. HUMPHREY. After the Senator from Pennsylvania has discussed the pending amendment, does he expect to ask for a yea-and-nay vote or a voice vote?

Mr. CLARK. A voice vote.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that as to the amendments of the Senator from Pennsylvania designated "F" and "B" the debate be limited to 1 hour on a side tomorrow following the morning hour, the Senate beginning its session tomorrow at 9 a.m., and that the time on the amendments be divided equally between the Senator from Pennsylvania and the Senator from South Carolina [Mr. JOHNSTON], the chairman of the committee.

Mr. JOHNSTON. Mr. President, will the Senator from Minnesota restate the time to be allotted on the amendments?

Mr. HUMPHREY. One hour on a side for each amendment.

Mr. CLARK. One hour on each amendment, half an hour on a side.

Mr. HUMPHREY. I wanted to be certain that the Senator was given plenty of time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That on Thursday, September 27, 1962, following the conclusion of the morning business, the Senate proceed to consider two amendments (printed as B and F—9-25-62), to be proposed by Mr. CLARK to H.R. 7927, the Postal Services and Federal Employees Salary Act of 1962, and that debate on each thereof be limited to 1 hour, to be equally divided and controlled, respectively, by Mr. CLARK and Mr. JOHNSTON. (Sept. 26, 1962.)

Mr. HUMPHREY. Mr. President, I should like to ask the Senator from Pennsylvania, who has been most cooperative and helpful in these matters, if it is his intention, once he has concluded with this amendment, to attempt to seek a yea-and-nay vote or to have a voice vote.

Mr. CLARK. I shall be reluctantly content with a voice vote, having been so persuaded by my able colleague, the senior Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Pennsylvania. Is it the intention of the Senator then to offer another amendment, that one relating to the pay scale of legislative employees?

Mr. CLARK. I could do that today or tomorrow. I should prefer to finish with the Cunningham amendment.

Mr. HUMPHREY. I desired to accommodate the Senator from Pennsylvania. I merely wished to let other Senators know what they might expect this evening in the way of yea-and-nay votes. It is understood, then, that there will be no yea-and-nay votes tonight.

Mr. CLARK. In my opinion, the Senate will be in a better mood to do justice to its legislative employees, whether they are employed in the offices of individual Senators or in committees, after the Senate has disposed of the so-called Cunningham amendment, than during what might be called the middle of the battle on that amendment.

Mr. HUMPHREY. I think the Senator from Pennsylvania is correct. The Senate could then continue with germaneness to this particular topic.

Mr. JOHNSTON. Mr. President, if there is to be a yea-and-nay vote, it will be necessary to notify Senators to remain available.

Mr. HUMPHREY. There will be a voice vote.

Mr. CLARK. Mr. President, I can understand the anxiety of the distinguished Senator from South Carolina, for unless he is very careful, he will lose the voice vote, so he had better be sure to get plenty of troops into the Chamber.

Mr. HUMPHREY. Knowing that the Senator from South Carolina lives in the tradition of Stonewall Jackson and Robert E. Lee, I have a notion that his troops will be here.

Mr. CLARK. I agree.

Mr. JOHNSTON. I agree with the Senator from Pennsylvania. We have the votes; all we have to do is to get them here.

Mr. RANDOLPH. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. RANDOLPH. I regret that the Senator does not pursue a request for a yea-and-nay vote.

Mr. CLARK. If the Senator from West Virginia desires a yea-and-nay vote, I shall be glad to join him in the request. I was speaking for myself only.

Mr. RANDOLPH. I am not certain that we could obtain a yea-and-nay vote.

Mr. CLARK. I do not believe a quorum could be established tonight without great difficulty.

Mr. RANDOLPH. The reason I raised the question was to see where we would stand tomorrow with reference to this amendment. Will there be a yea-and-nay vote tomorrow on this point?

Mr. CLARK. I shall ask for a yea-and-nay vote tomorrow. I hope the leadership will help me to get it both on amendment "B" and amendment "F," the first of which is a substitute consisting of a modified version of the Walter bill, which passed the House of Representatives, was reported by the Senate Committee on the Judiciary, and is now on the calendar, and which, in my judgment, should satisfy the most ardent patriot in this body with reference to this particular subject.

The other amendment would provide the President of the United States with some kind of discretion to put the committee amendment into effect, as we have already given him discretion with respect to trade with Cuba and Yugoslavia.

Mr. HUMPHREY. I will do everything I can—and in connection with this matter I speak for the majority leader, with whom I have consulted—to see to it that the Senator from Pennsylvania is successful in having yea-and-nay votes taken on the question of agreeing to the several amendments which he will offer tomorrow.

Mr. HRUSKA. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. HRUSKA. In regard to having yea-and-nay votes taken, let me say that I will cooperate fully, on this side, insofar as my influence or my voice will carry. However, the Walter amendment has already been tried; and, with regard to the other amendment, the President has his way now; and these are only two ways to try to repeal and strike out the committee substitute for the Cunningham amendment—which is what the pending amendment is. I thought the Senate would be interested in knowing what the issue is.

Mr. CLARK. I shall not quarrel with the Senator from Nebraska on his statement; what he has said is substantially correct.

Mr. HRUSKA. The Senator from Pennsylvania is always courteous in connection with matters of this kind.

Mr. RANDOLPH. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. RANDOLPH. I may be laboring this point too long, but I wish to make sure that on the basic subject matter of the three approaches, yea-and-nay votes will be taken. Some Senators would wish thus to be able to register their votes.

Mr. HUMPHREY. I assure the Senator that that will be done. I do not like to ask unanimous consent that yea-and-nay votes be ordered, because that would be bad practice.

Mr. RANDOLPH. Yes.

Mr. HUMPHREY. But we shall cooperate, tomorrow, and shall see to it, insofar as we can, that yea-and-nay votes are taken on both the amendments.

Mr. RANDOLPH. I appreciate that assurance.

Mr. CLARK. Mr. President, there has been some quibbling about the amount of mail and printed material passing between Communist areas and the United States. It has been said that the very large poundage of material going from the United States to Russia consists largely of food packages. I do not believe that view to be correct. Therefore, I ask unanimous consent to have printed in the RECORD a table prepared by the Treasury Department which appears in the committee hearings at page 862. The table is entitled "Printed matter (whether or not propaganda) received in the mails at New York, N.Y., from countries designated as Communist areas pursuant to 19 U.S.C. 1362."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Printed matter (whether or not propaganda) received in the mails at New York, N.Y., from countries designated as Communist areas pursuant to 19 U.S.C. 1362

	Total pieces
January 1960	1, 737, 181
February 1960	1, 799, 500
March 1960	1, 337, 889
April 1960	1, 351, 662
May 1960	1, 507, 153
June 1960	1, 701, 872
July 1960	1, 319, 991

Printed matter (whether or not propaganda) received in the mails at New York, N.Y., from countries designated as Communist areas pursuant to 19 U.S.C. 1362—Con.

	Total pieces
August 1960	1,488,786
September 1960	1,172,245
October 1960	954,141
November 1960	912,697
December 1960	783,738
Total, 1960	16,095,578
January 1961	889,153
February 1961	816,367
March 1961	994,586
April 1961	905,835
May 1961	854,373
June 1961	945,551
July 1961	777,752
August 1961	974,550
September 1961	775,209
October 1961	826,184
November 1961	667,192
December 1961	627,705
Total, 1961	10,054,457
January 1962	923,383
February 1962	715,671
March 1962	889,717
April 1962	826,797
May 1962	783,738
Average monthly imports:	
1960	1,341,298
1961	837,871
1962 (1st 5 months)	827,861

Mr. CLARK. The table shows that during the 12 months of 1960, when the former ban was in effect, the total number of pieces of mail received only at New York City—not at Philadelphia, Baltimore, Savannah, New Orleans, Los Angeles, San Francisco, Portland, Oreg., Seattle, or any other port, but just at the port of New York—was 16,095,578. In 1961 the amount decreased—after the old screening system was repealed—by approximately 37 percent; the total number of pieces decreased from 16,095,578 to 10,054,457 pieces.

There has been a further drop—as shown by the table I have just had printed in the RECORD—during the first 5 months of 1962. We can judge the extent of the drop by examining the figures in the table, which show the average monthly imports of printed matter received at New York from Communist areas. In 1960, the average was 1,341,298 pieces a month. In 1961, after the Executive order was repealed, after there was no censorship of Communist matter coming into this country, the monthly average decreased to 837,871 pieces That drop has continued, although at a slightly lower rate, during the first 5 months of this year, for which the average monthly imports have been 827,861 pieces.

This is in direct contradiction of the testimony given before the Senate committee by Representative CUNNINGHAM, as his testimony appears on page 916, of the Senate committee hearings.

Mr. President, at this time I wish to discuss the administrative problems which will be recreated by this amendment. Let us note, of course, that the amendment applies to substantially more than the pieces of mail referred to in the table which I have just had inserted in the RECORD. An average of 839 million pieces of foreign mail is received in the United States each year, and there are 170 points of entry of foreign surface and air mail in our country.

Moreover, the committee proposal applies to internal U.S. mailings of Communist propaganda, because of the language of the Senate committee amendment which appears on page 30, at line 20 of the Senate committee text, which includes within the category on which the Postmaster General will act, at which point the policy determinations of the Secretary of the Treasury must stop—referring to mail—"or upon its subsequent deposit in the U.S. domestic mails."

So if someone were to put into the mail at, let us say, Bethlehem, Pa., and were to direct it to a citizen in Allentown, Pa.—Allentown is immediately adjacent to Bethlehem—some Communist propaganda which had been printed in Russian in 1919, it would be the duty of the Postmaster General to intercept it and detain it.

I reiterate, Mr. President, how crazy can we get? There are 45,000 post offices in the United States, the postmasters or his employees in each of which are directed by this amendment to search out, find, and detain Communist propaganda.

I wonder how the postmaster in a small Pennsylvania town, or, indeed, a small town in South Carolina, or a town in Nebraska, can be expected to have the necessary erudition to determine whether a piece of mail written in Russian or Chinese—and let me point out there are hundreds of written dialects in the languages of each of those countries—did or did not contain Communist propaganda which the author believed would, or intended to, influence the recipient to take a position in favor of a foreign policy of a Communist country, whether or not the foreign policy happened to be in accordance with the policy of the United States of America.

Imagination staggers at the numbers of interpretors who would have to be hired if this amendment were to be literally enforced. I do not think any Senator is so naive as to think anybody ever intended this amendment to be enforced. This is only a gesture. In all candor, it is a neo-Joseph McCarthy gesture, intended to make those who support it appear to be patriotic American citizens and those who oppose it appear to be soft on communism. This amendment has no useful effect at all—it might have extremely harmful effects—it is not in the national interest.

Let me point out the experience and the policy of other countries in the free world with respect to this question. I often wonder how guardians of the public conscience who are quite unwilling to let material which they consider subversive be considered by ordinary citizens of the United States feel with respect to the people of France, West Germany, Great Britain, Italy, and Canada.

Do the proponents of this amendment really believe that the citizens of those countries are more patriotic than citizens of the United States, or more intelligent than citizens of the United States, or less likely to be subverted by the false doctrines of communism than the people of the United States?

I should think the proponents of the amendment would be beating their chests and saying, "We yield to no man in holding forth the patriotism of the average American citizen. He is far more patriotic than the citizen of France or West Germany or Great Britain or Italy or Canada."

Yet the governments of those countries do not think it necessary to create this kind of police state mechanism to defend their citizens from the dangers of Communist subversion. It so happens that there are rather large Communist Parties in both France and Italy, and there was a time when they were a threat to the democratic way of life in those countries. One might think that the democratic parties of those countries, which were doing their best to decrease the influence of the Communist parties in their countries, would have been the first to resort to the police state method by keeping out of the mails of those countries Communist propaganda intended to foster the political views of the Communist Parties of those countries, which were a threat to democratic liberties. But no. They knew better.

I now refer to the CONGRESSIONAL RECORD of yesterday, at page 20637. I am paraphrasing from the U.S. Information Agency memorandum which appears at that place.

The press attaché of the French Embassy, Jean Baube, advises that France has no screening process. It should be noted that, as a matter of internal security, France may destroy material, even of domestic production, but this is done without regard to material going through the mails directed to individual citizens, corporations, or institutions.

In West Germany—and the source is Art Hoffman, presumably an official of the West German Embassy—that the practice of the Communists is to smuggle material into West Germany and then distribute it by domestic mail. They were unable to determine whether there is a statute on the books, but certainly there is no concerted effort to censor and screen the mails of West Germany.

With respect to Great Britain, the USIA memorandum continues, there is no specific information, but, to the general knowledge of Mr. M. A. M. Robb, Information Minister, there is no statute or administrative ruling providing for censorship or screening of mail. There has been from time to time a spot check made of material for internal security reasons, but the mail was never withheld from the addressee, and this applies to newspapers, magazines, and books as well as letters.

I turn to Italy, where there are no restrictions on the entry of second- or third-class mail into the country. I referred earlier to the existence of a large Communist Party in that country, a party which, happily, is decreasing, decreasing, and decreasing year by year, as the Italians, who were used to tyranny under Mussolini, become more used to freedom under their democratic government. So there is no censorship in Italy, and the Communist Party can prepare and distribute its own literature without legal inhibition.

In Canada, the public information officer of the Embassy states, neither administratively nor legislatively is there any screening or stoppage of Communist propaganda. There may be the usual legislation on seditious or treasonable material—legislation which is already on our books—and there is a section in Canada's customs tariff which prohibits the importation of books which are treasonable and seditious, but there is no censorship of mail.

The memorandum gives similar information with respect to Japan. I shall not detain the Senate by going into that at greater length.

I have spoken of the administrative difficulties of this proposal, but I have said nothing about the cost. I wonder how the Appropriations Committees of the Senate and of the House would look at a request for the hundreds of thousands of extra postal employees and Treasury employees who would be required to enforce this amendment if its sponsors sincerely wanted it enforced.

I suggest that any such request would double, if not triple, the postal deficit, which the bill is intended to reduce. It would double, if not triple, the number of employees required by the Post Office Department. Probably it would cause a vast expansion in the number of employees in the Treasury Department, who would have to write the little rules and regulations which the Post Office Department and Customs Bureau would have to enforce.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. CLARK. I yield to my friend from West Virginia.

Mr. RANDOLPH. Is it not a fact, to be very frank with one another, that the Justice Department would not wish to undertake this task? Is that not true?

Mr. CLARK. I am sure it is true, although I have no firsthand knowledge to that effect.

Mr. RANDOLPH. At least, the Justice Department representatives came and spoke to the committee against the Cunningham amendment; did it not?

Mr. CLARK. The Deputy Attorney General, Mr. Katzenbach, gave eloquent testimony against not only the Cunningham amendment, but also any pale replica thereof.

Mr. RANDOLPH. Is it not also the opinion of my colleague that the Post Office Department, let us say, moves backward when faced with a challenge possibly to be assigned the administration of this proposal? Is that not true?

Mr. CLARK. Of course it is true.

I have deplored this before, and again I call to the attention of my friend our inability to place cartoons in the Congressional Record, because the one published this morning in the Washington Post and Times Herald, by Herblock, entitled "Little Bundle From Congress," is an excellent one. It shows a big package of mail in which is a sort of Neanderthal baby, quite a horror, in a bag which bears the title "Censorship-of-the-Mails—Legislative Monstrosity." The package is directed to the "Attorney General," but the name of the Attorney General is crossed out. Then it says "Try Postmaster General," but the name of the Postmaster General is crossed out. Then it says "Forward to Sec. of Treasury." And there is a not flattering likeness of my dear friend Douglas Dillon, Secretary of the Treasury, in the process of having a fit as this unappetizing bundle is delivered to his door, while in the background various individuals who have placed it on his doorstep are scurrying away under the light of the moon, with a picture of the U.S. Capitol in the background.

The cartoon is entitled "Little Bundle From Congress."

Mr. RANDOLPH. The Senator from Pennsylvania no doubt recalls that earlier this afternoon I asked a question of the distinguished chairman of the Committee on Post Office and Civil Service in which I indicated the need for a clarification of responsibilities which the Treasury Department would have to assume in handling the so-called modified Cunningham amendment. Is that not true?

Mr. CLARK. The Senator is quite correct.

Mr. RANDOLPH. The Treasury Department, frankly, is in a quandary on this question. It would be impossible to handle.

Mr. CLARK. I would say to the Senator from West Virginia that we would not be going too far if we said that the Treasury Department is unhappy.

On the same editorial page on which appeared the Herblock cartoon to which I referred there was published an editorial entitled "Token Censorship."

I ask unanimous consent that this editorial, published in this morning's Washington Post and Times Herald, may be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Token Censorship

The Senate Post Office and Civil Service Committee, having labored long and earnestly, has brought forth a mouselike version of the Cunningham amendment. It makes an obeisance to censorship of the mails by permitting a limited search for Communist propaganda in postal material coming from abroad and a limited delay in delivery of the mail. True, it would not have anything like the Cunningham amendment's ruinous impact on American freedom. But it remains, as Senator Clark said of it, "an administration monstrosity which violates basic constitutional civil liberties."

The Cunningham amendment, adopted by the House when it passed the postal rate increase bill a year ago, would forbid the reception, handling, transportation or delivery in the United States of any mail "determined by the Attorney General to be Communist political propaganda." This would mean, literally, that all newspapers, books, periodicals and other printed matter from any foreign country would have to be scrutinized by the Justice Department, seized and destroyed. It would mean, in short, an abdication of freedom by the American people. And it would mean putting blinders on American students of Soviet politics and ideas.

The Senate committee proposal would soften this censorship in a number of ways. Sensibly, to begin with, it would eliminate from coverage all matter addressed to governmental agencies, libraries, and institutions of higher learning—or any individual connected with these institutions. It would also make the censorship inapplicable to matter coming into the country under a reciprocal international agreement respecting mail delivery. And, finally, it would allow delivery of publications to persons who subscribed to them and, after an irksome delay, to any other addressee willing to undergo the embarrassment of expressing a desire to receive it.

The Senate committee made one other significant change from the Cunningham amendment. It would place the burden of determining what constitutes Communist propaganda on the Secretary of the Treasury instead of on the Attorney General. Is this because the Secretary of the Treasury is more expert or simply because he has less political pull? Why not pass the buck to the Director of the Fish and Wild Life Service?

The justification for the Senate committee proposal is, of course, that some compromise with the House regarding the Communist propaganda nonsense is necessary to get the postal rate bill enacted. But this compromise, however innocuous, remains insulting to the American people and degrading to the image of America as a free society. We think the Senate would do well to reject it and stand firmly on the bedrock of democratic principle. Americans do not need the spurious protection of censorship. They have the best protection against bad ideas ever devised: education, love of country, and the free expression of sound and sensible ideas.

Mr. CLARK. Mr. President, I wish to quote briefly from the editorial, which deplores the action the Senate is being asked to affirm:

> It [the Senate amendment] would place the burden of determining what constitutes Communist propaganda on the Secretary of the Treasury instead of on the Attorney General. Is this because the Secretary of the Treasury is more expert or simply because he has less political pull? Why not pass the buck to the Director of the Fish and Wildlife Service?

I think that is a very sensible decision, because, as I read the language, and my friends from West Virginia or Illinois will correct me if I am wrong, I am sure—the Fish and Wildlife Service is under the Department of the Interior.

Mr. RANDOLPH. The Senator is correct.

Mr. CLARK. Since this issue deals with the Department of the Interior, perhaps it would be a good thing to have Stewart Udall cope with this problem in the way he copes with fish and wildlife problems. It seems to me one could make a rather happy analogy in that regard.

I suspect that my good friend Stewart Udall would run like a jackrabbit from any suggestion that he should be called upon to enforce this administrative monstrosity, this unconstitutional determination of the Senate to create, in modified form, the first step on the road to a police state.

I turn now to the second point which is why, in my opinion—and in the opinion of at least two of my colleagues on the committee—the amendment would not be in the national interest.

I refer again to the eloquent comment made by Mr. Murrow, speaking of the Communist Iron Curtain countries as a darkroom and speaking of the free world as an area where sunshine permeated to every nook and cranny at least at some time during the day. I paraphrase what he said, with what I thought was great eloquence:

> One candle in a darkroom is worth 100 candles in the sunshine. One American message, one American truth, one piece of American information behind the Iron Curtain is a greater contribution to the cause of freedom than 100 pieces of Communist propaganda are to the cause of communism.

Mr. DOUGLAS rose.

Mr. CLARK. I yield to my friend from Illinois.

Mr. DOUGLAS. I notice from reading the hearings before the Committee on Post Office and Civil Service that Representative CUNNINGHAM, on pages 918 and 919, stated that, while we delivered propaganda mail coming from Russia and its satellites, Russia and its satellites would not deliver propaganda mail which we or our citizens mailed into those countries. Mr. Cunningham made that statement several times, referring to Rumania and in general to Communist countries, saying that what we have now is a one-sided situation in which we deliver their mail but they do not deliver ours.

I wonder if the Senator from Pennsylvania has any reliable information on that point.

Mr. CLARK. I thank my friend for his inquiry, which is a very intelligent one. I have specific information on that point. I wish to quote from a memorandum prepared by the Post Office Department and commenting on a number of errors in Representative CUNNINGHAM's statement before our committee. The memo comments on the specific point by the Congressman referred to by the Senator, as follows:

> There is a great deal of mail dispatched from the United States to Iron Curtain countries—over 13 million pounds for the 12-month period ending March 31, 1962.

I ask Senators to note this well:

> We feel confident that almost all of this mail is delivered. If it were not, we feel certain that we would be receiving a great many complaints, whereas in actuality, the complaints about mail sent by U.S. citizens to Iron Curtain countries are few and far between.

I refer my friend from Illinois also to the USIA testimony which appears in the RECORD at the top of page 860.

I say also to my friend from Illinois that at my request Edward R. Murrow, the Director of the USIA, and William Tyler, Assistant Secretary of State for European Affairs, the gentleman who succeeded Foy Kohler, who has now become our Ambassador to Russia, appeared in executive session before our committee shortly before we voted on this proposal.

While the testimony given by Mr. Murrow and Mr. Tyler must be held inviolate as to its details, they made it very clear to members of the committee that they were very much encouraged at the amount of American information which was going into not only Soviet Russia but also into the other Iron Curtain countries. The volume of that material was increasing as the censorship of all phases of Russian life decreased. As the Senator from Illinois, who is a real student on these questions knows, it has decreased since Stalin's death. The Assistant Secretary of State Tyler spoke for Ambassador Llewellyn Thompson, who has recently returned from a 5-year tour of duty in Moscow and who unfortunately was ill in the hospital or else he would have appeared personally before our committee.

The importance of internal Western mailings in the Soviet Union cannot be overestimated, I say to my friend from Illinois. I point out that basing his statement on what he had been told by Ambassador Thompson, Mr. Tyler said that vast amounts of American information go forth from the American Embassy in Moscow to points in the U.S.S.R. and the information does get delivered.

Though I do not believe I shall bother to put it into the RECORD, I have here and shall be happy to make available to my friend from Illinois a transcript picked up in this country of a daily radio broadcast by Tass in Russian to Europe on the 23d of June, 1962, in which reference is made to an open letter written by two citizens of Russia in the Chechen Ingush Soviet Republic to the U.S. Embassy in Moscow. It points out the fact that many writers and other cultural figures in that republic have discovered with astonishment voluminous yellow packets in their mailboxes containing bulletins from the U.S. Embassy in Moscow with American propaganda material. My friend may be interested in looking at the transcript. I shall leave it on the desk in case he desires to do so.

Mr. President, I return to the burden of my text and will continue my discussion of the national interest in this question. The principal point is that action requiring screening of mails, no matter how limited, will invite far-reaching retaliation. Soviet statements made at the time the House passed the Cunningham amendment substantiate my assertion in that regard.

Contrary to the testimony of Representative CUNNINGHAM, Western mail is being delivered in significant and increasing volume in Communist areas. That was attested to by Mr. Murrow and Mr. Tyler in the testimony to which I have referred. I have already placed in the RECORD statistics which prove clearly that Communist mail in this country is not increasing. It is decreasing. The volume of U.S. mail now going to the Communist bloc, exclusive of food packages, far exceeds the volume of Communist mail coming into this country.

In that regard I cite a comment made by the Senator from Kansas [Mr. CARLSON] at page 849 of the record in response to some testimony given by Mr. Doyle, the Deputy General Counsel of the Post Office Department. The Senator from Kansas said:

> Senator CARLSON. Mr. Doyle, just to keep the record straight now, of the 13,485,399 pounds that we send—

I interpolate—to Communist countries—

> 2,204,763 pounds was mail other than parcel post; whereas, we received 2,192,327 pounds—

I interpolate—a lesser amount—

> which I could assume would not be parcel post largely, as it was in our case, and therefore our balance was pretty much even when it comes to 2.2 million and 2.192 million.
>
> Mr. DOYLE. The 2,192,000 that you referred to as incoming would be letter mail and printed matter, that is correct.

I point out also that all the parcel post going to Russia is not merely food. A great deal of it is heavy, bulky printed material, including books. I read into the RECORD a comment made in a Moscow broadcast in English to eastern North America on January 29, 1962, right after the Cunningham amendment was passed:

> The U.S. House of Representatives has passed a bill prohibiting the delivery of certain class mail from abroad which the Attorney General may consider Communist propaganda.

Continuing the quote, having omitted some material:

> This new breech of the situation points to the administration's lack of faith in the persuasive powers of the ideals it advocates.

Do we want to give the Communists an opportunity to beam that sort of charge around the globe again?

Mr. Murrow and Mr. Tyler made abundantly clear that in their informed and considered opinion, the passage of the proposed legislation was highly likely to result in retaliation by the Communists, so that our one candle in a darkroom might well be extinguished as the price of our putting out not 100 but only 1 lighted candle in the sunshine.

I turn now to constitutional objections to the proposed legislation. I refer to pages 43 and 44 of the committee report, which contains my individual views. I quote from page 44, subsection 3, of my views:

> (3) Constitutional objections: Any proposal which sets up a universal screening system for foreign mail, regardless of its exceptions, raises serious constitutional questions.
>
> The first amendment states, "Congress shall make no law * * * abridging the freedom of speech or of the press; * * *". This basic freedom is subject to limitation only when the expression of thought presents a "clear and present danger."

This was a quotation from the well-known case of *Dennis* v. *U.S.*, 341 U.S. 494, decided in 1950:

> A restriction on use of the mails may raise violations of the first amendment.

That is from *Hannegan* v. *Esquire magazine*—327 U.S. 146, decided in 1946.

Justices Brennan, Warren, and Douglas said in a concurring opinion in Manuel Enterprises against Day, decided June 25, 1962:

> Administrative orders detaining objects from the mails make "questions of procedural safeguards loom large."

The Justices were referring in context to the procedural constitutional safeguards which might invalidate the administrative orders in question.

Finally I quote from a dissenting opinion of Mr. Justice Holmes, joined in by Mr. Justice Brandeis, a long time ago, in 225 U.S. 407, at page 437:

> The United States may give up the post office when it sees fit, but while it carries it on, the use of the mails is almost as much a part of free speech as the right to use our tongues, and it would take very strong language to convince me that Congress ever intended to give such a practically despotic power to any one man (*Milwaukee Publishing Co.* v. *Burleson*).

In this case it would be the Treasury Department doing the censoring.

The Walter bill, which passed the House, and which was amended in certain respects in the Senate committee, and is now on the calendar, and which I shall offer tomorrow with one modification as a substitute for the Senate language, in the opinion of its author, Representative WALTER, chairman of the Un-American Activities Subcommittee of the House, goes as far as one can go constitutionally.

Mr. WALTER is certainly an expert on this subject. When Mr. WALTER, a learned member of the Pennsylvania bar, anxious as we all know he is to go as far as possible to restrain the dissemination of Communist propaganda, says his bill is as far as we can constitutionally go, I take his views quite seriously.

Many of the constitutional objections raised by the Deputy Attorney General Katzenbach to the Cunningham amendment as it passed the House, in my opinion, pertain with equal force to the Senate proposal.

While the committee proposal would permit the persons who have received notices from the post office that Communist political propaganda is being held for them to file requests for such matter to obtain it, clearly a stigma might attach to those who might attempt to exercise their rights in this regard. This would be especially the case in small communities, where such actions are almost sure to become widely known. The information might well find its way into the FBI files. I do not present myself as a learned constitutional lawyer, but I did practice law in the Philadelphia courts for 25 years, and I have some knowledge of the constitutional limitations imposed on government action by the first 10 amendments to the Constitution of the United States. I state it as my personal opinion that the present Supreme Court would almost certainly declare this Senate amendment unconstitutional if the question were to come before it.

I have already offered for the RECORD an editorial from the New York Times and an editorial from the Washington Post. Curiously enough, there is one also from the Chicago Daily Tribune, objecting to the proposed legislation. Arthur Krock has written an article criticizing it adversely, which was put in the RECORD by the Senator from Rhode Island [Mr. PELL]. I have described the Herblock cartoon.

I ask unanimous consent to have printed in the RECORD at this point a letter which was sent to me by the American Civil Liberties Union under date of September 26, 1962, signed by the able director of its Washington office, Mr. Lawrence Speiser.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., September 26, 1962.

DEAR SENATOR: Scheduled for floor debate today is H.R. 7927, providing postal rate increases and pay raises for Government employees. This bill contains a provision authorizing the interception and censorship of Communist political propaganda. The American Civil Liberties Union strongly objects to this provision and urges that you lend your full efforts to have it deleted from the bill.

The measure provides that all mail matter, except sealed letters, which originates in any Iron Curtain country and which is determined by the Secretary of the Treasury to be Communist political propaganda shall not be delivered unless an addressee notifies him that he desires the material.

Secondly, borrowing from the Foreign Agents Registration Act, it defines Communist political propaganda as "any * * * expression * * * reasonably adapted to * * * prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions."

Thirdly, it provides exemptions for any mail addressed to any "U.S. Government agency, or any library, college, university, graduate school or scientific or professional institution or any individual connected therewith" as well as for any material which is covered by reciprocal international agreement.

The definition of Communist political propaganda was vigorously criticized before the Senate Post Office and Civil Service Committee on August 21, 1962, by Nicholas deB. Katzenbach, Deputy Attorney General. He said, "It is highly probable that all newspapers or magazines of general circulation published in Communist-bloc countries would fall within this definition. It might also cover newspapers in neutral or friendly countries which take a position on any particular question consistent with the position taken by a Communist country. It might even cover publications in which statements from Communist sources are reprinted for their news value. * * * The possibilities for arbitrary application in interpretation of this standard are obvious."

Secondly, it is clear that some sort of administrative hearing prior to the determination by the Secretary of the Treasury must be made. Thus the burdens of departmental litigation and judicial review must be added to the burdens of enforcement at the initial level. The procedures for making the necessary determinations will be quite lengthy, and as Deputy Attorney General Katzenbach said, "how such procedures can practically be employed in passing on individual mailings I confess I do not know."

Thirdly, it is going to separate Americans into those who are courageous enough to indicate they want to see Communist political propaganda and are, therefore, willing to have their names placed on an official Government list and those who are not. The fainthearted and the timid, it is clearly evident, are not going to make such a request. This bill divides Americans in a way never contemplated in a free society. As the New York Times said in its editorial of September 25, 1962, "but it declares, in effect, that there are two kinds of Americans: those who can be trusted to receive any kind of mail from the Communist world, and those who cannot. The Senate provision, like the Cunningham amendment is probably unconstitutional and certainly contrary to the most fundamental traditions of our country."

Fourthly, even though there is a broad exemption for those who work for the U.S. Government agencies or educational institutions, there are many individuals in the country who would not fall within these exemptions but who continually use materials from Iron Curtain countries. In the excellent article by Schwartz and Paul entitled "Foreign Communist Propaganda in the Mails: A Report on Some Problems of Federal Censorship" (107 U. of Pa. L. Rev. 621, 1959), they recounted the difficulties various individuals had in obtaining material from Iron Curtain countries. For example, a retired Coast Guard officer who had a unique avocation of studying various navigational problems confronting the Russian Navy, could not get the Russian magazine source material under the old program and he would not fall within the exemptions in this proposed bill.

The assumption that we need censorship to protect our people from hostile, foreign ideas reflects an extraordinary lack of faith in the most basic assumptions underlying our society. As Congressman FRANCIS WALTER said, speaking on this very problem only last year (CONGRESSIONAL RECORD, vol. 107, pt. 14, p. 19195):

"How does one cope with this propaganda? Does one collect and destroy such items of propaganda piece by piece? Is this presently practicable, or even desirable? * * * The antidote for the poison of Communist propaganda is knowledge and truth. I have no real fear that this absurd Communist propaganda will seduce any appreciable segment of our people, or lead them from the path of reason and loyalty—if our people are adequately informed as to its nature, origin and character. * * * If our people are informed of the nature and techniques of Communist propaganda—and this is a responsibility of the educational process and the free press—we shall not need fear that our people will become infected. Knowledge is the most effective immunization against the propaganda virus."

Although it is certainly much better than the Cunningham amendment, which was passed by the House, nevertheless, this Senate version is clearly a censorship measure and represents a dangerous departure from our entire tradition as a free society. We urge you to support deletion of this provision.

Sincerely yours,

LAWRENCE SPEISER,
Director, Washington Office.

Mr. CLARK. The American Book Publishers Council, Inc., protested against this legislation, at page 899 of the hearings.

So did the American Library Association, at page 891.

The Association of Research Libraries protested, as shown at page 895. The objections of these library associations have, of course, in large part been taken care of in the revised Senate version.

The American Association of University Women objected. Their protest is shown at page 887 of the hearings.

The American Jewish Congress objected, as shown at page 881.

This one will be of interest to my friend the Presiding Officer [Mr. DOUGLAS]. The American Friends Service Committee objected, as shown at page

880. The American Council on Education protested, at page 875.

Mr. President, I am about to yield the floor. I have endeavored in this somewhat disjointed and too lengthy statement to express my own deep conviction, as a loyal and patriotic American citizen that we would do great damage to the body politic if we were to adopt the amendment when it comes to a vote. I believe, instead of compulsory censorship, we should rely on the commonsense and patriotism of the American people to reject Communist propaganda. I believe that the amendment is unnecessary and unduly costly and unconstitutional and damaging to our foreign policy and derogatory of the basic constitutional rights of the American people.

I yield the floor.

Mr. JOHNSTON. Mr. President, I believe Senators are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, I will speak for not more than another minute before the vote. It is significant that before this vote is taken no Member of the Senate has seen fit to controvert anything which I have said. I am ready to vote.

Mr. HRUSKA. Mr. President, I do not think that statement should go unchallenged.

Mr. JOHNSTON. I do not think that statement should go unchallenged. So far as I am concerned, I am against the amendment to strike from the bill the section into which the committee has gone very thoroughly. We thought, to save time, that we would vote, and that surely the Senate would go along with the committee on the vote. For that reason I saw no purpose in continuing the discussion.

Mr. HRUSKA. Mr. President, I am hopeful that the Senator from Pennsylvania will withdraw the last statement from the RECORD, because it was only to expedite the action of the Senate that we agreed on the procedure which has been followed. If it would help, I have a document consisting of some 15 legal size typewritten pages, which I can use to go thoroughly into this question and controvert the assertions made in the debate thus far. It is rather unusual, after we have made an effort to be agreeable, to make such a statement. I hope the Senator will withdraw it so that we will not have to go into the merits at this late hour.

Mr. CLARK. Mr. President, I made a basic statement of fact. If the Senator wishes to make a speech and keep the Senate in session longer, perhaps I would withdraw it. As of now, all I can say is I made a statement of fact.

Mr. MANSFIELD. Mr. President, reply has been made to the allegations raised by the Senator from Pennsylvania. Up to the time he made his statement, it was a fact. Since that time several Senators have stated that they opposed the amendment of the Senator from Pennsylvania.

Mr. HRUSKA. Prior to the "45 minute" speech of the Senator from Pennsylvania, which lasted nearly 3 hours, statements were made to the effect that this amendment would be the subject of extended comment, not only by the Senator from Nebraska but by other Senators, as well. I say, in light of this fact that the remark was very unfortunate.

Mr. LONG of Louisiana. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. LONG of Louisiana. In my 14 years in the Senate, I must have heard this issue discussed more than 50 hours. I am prepared to vote, if the Senator will let us vote. But if he expects to make a speech, I will go to my office and sign my mail.

Mr. HRUSKA. Mr. President, I join in the thoughts expressed by the majority leader. I am ready to vote. And let the record show that I am in opposition to the amendment proposed by the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a "Memorandum on Testimony by Congressman CUNNINGHAM Before the Senate Post Office and Civil Service Committee on Section 12 of H.R. 7927," prepared by the Post Office Department, so that Senators may have the answer of the administration to Representative CUNNINGHAM's testimony when the Senate considers my other amendments tomorrow:

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON TESTIMONY BY CONGRESSMAN CUNNINGHAM BEFORE THE SENATE POST OFFICE AND CIVIL SERVICE COMMITTEE ON SECTION 12 OF H.R. 7927

In his testimony on section 12 of H.R. 7927 given Thursday, August 23, 1962, before the Senate Committee on Post Office and Civil Service, Congressman CUNNINGHAM made several statements which appear to be at variance with the facts.

Page 1531, Congressman CUNNINGHAM states that there is an adequate definition of Communist propaganda.

The definition to which he apparently refers is set out in the Foreign Agents Registration Act and is the definition of rather broad scope designed for use in that law which provides for the labeling of foreign political propaganda. The administration is of the opinion that a definition which may be adequate where there is a labeling requirement is not necessarily adequate and may be too broad and general for use where there is a censorship requirement. The Supreme Court has ruled many definitions of pornography unconstitutional as being too broad in general.

Page 1532, Congressman CUNNINGHAM states that the language used by the Customs and Post Office people to define Communist propaganda is in the statute because it was used in the screening program as administered prior to March 17, 1961.

This program was discontinued because the administration felt there was no legislative basis for it and it is therefore inconsistent to say that any definition of Communist propaganda was in the statute since there was no statute for this program.

Page 1535, Congressman CUNNINGHAM states that the program of screening was carried on from 1948 until March 17, 1961.

The program was initially started during World War II and discontinued after the war. It was then reinstituted during the Korean war and terminated by President Kennedy March 17, 1961.

Page 1535, Congressman CUNNINGHAM states that 90 percent of the people said they did not order and did not want Communist propaganda addressed to them.

Figures made available to the committee by the Treasury Department show that of the printed matter coming to the United States from Communist countries, only about 5 percent was withheld as being Communist propaganda not desired by the addressee.

Page 1536, Congressman CUNNINGHAM states that since the screening program was ended March 17, 1961, 10 times as much Communist political propaganda has been delivered in this country.

Figures submitted to the committee by the Treasury Department show that the volume of printed matter from Communist countries has decreased since the termination of the screening program.

At several points during his testimony, Congressman CUNNINGHAM refers to the alleged fact that printed material from Communist countries is imported at 150 ports of entry or subports. In actuality, the printed material from the European Communist countries enters the United States only through the port of New York. There may possibly be small amounts of printed material coming by air through other ports of entry but all surface mail comes through New York.

Page 1537, Congressman CUNNINGHAM states that 50 percent of the volume of Communist political propaganda comes from Communist organizations in the free world. There has never been an organized program of screened printed matter from non-Communist countries so it is difficult to understand where Congressman CUNNINGHAM gets his information.

Page 1537, Congressman CUNNINGHAM states that 2,555,000 pounds of mail were sent from this country to Communist countries and 2,683,000 pounds were received.

These figures are at variance with those compiled by the Post Office Department which were submitted to the committee.

Page 1537, Congressman CUNNINGHAM states that parcel post is not part of the Universal Postal Union Convention.

This is true. However, parcel post is carried pursuant to international mail handling agreements made between this country and various other countries with which we exchange this type of mail. His amendment would prohibit the United States from entering into any international mail handling agreement under which Communist propaganda was carried. This would, of course, include the agreements on parcel post.

Whether or not parcel post is used to carry printed propaganda seems incidental since these packages constitute a vitally important means of exchange of friendship between our people and people behind the Iron Curtain. Certainly this is the best possible type of propaganda.

Page 1540, Congressman CUNNINGHAM tries to divorce propaganda from articles of clothing, medicine, etc., which might be contained in parcel post.

Again, we feel that propaganda includes all forms of communication.

Page 1540, Congressman CUNNINGHAM reports: "My amendment has nothing to do with parcel post." This statement is true only as it applies to domestic mail. His amendment would prohibit us from entering into parcel post agreements under which Communist propaganda might be carried.

Page 1541, Congressman CUNNINGHAM states that the Post Office says it's going to raise international mail rates. He also states that even with increased rates, the Post Office Department will lose approximately $4 million in the next fiscal year; even without considering increased costs in salaries, etc.

International mail rates were raised July 1, 1961, and our preliminary surveys indicate there will be a $2 million surplus on international mail.

Congressman Cunningham states that the Communists do not deliver our mail.

There is a great deal of mail dispatched from the United States to Iron Curtain countries—over 13 million pounds for the 12-month period ending March 31, 1962. We feel confident that almost all of this mail is delivered. If it were not, we feel certain that we would be receiving a great many complaints, whereas in actuality, the complaints about mail sent by U.S. citizens to Iron Curtain countries are few and far between. (See also USIA testimony, Record, p. 862.)

Page 1544, Congressman Cunningham states that Communist propaganda which is antichurch could amount to as many as a million pieces a month.

According to Treasury Department figures, the total amount of all printed matter from Communist countries, whether or not propaganda, amounts to less than a million pieces a month. These figures were submitted to the committee.

Page 1545, Congressman Cunningham states that Communist propaganda which is some material which is permitted to enter this country through the mails would even be mailable in the domestic mails.

Under the UPUC Convention, article 60, section 1-D, material which is nonmailable in the country of destination is not permitted in international mail. Thus, any mail which would be kept out of the domestic postal system would be kept out of the international system.

Page 1548, Congressman Cunningham states that H.R. 5751 was rushed through the House for the purpose of heading off section 12.

H.R. 5751 and related bills have been the subject of inquiry by the House Un-American Activities Committee for some time. There was an earlier version of H.R. 5751 introduced in the House of Representatives, March 21, 1961, and another version with the different bill number, H.R. 9120, introduced September 11, 1961. Also, the House Un-American Activities Committee had considered the problem of Communist propaganda in the mail for several years prior to this. At the hearing Thursday, August 23, Senator Monroney introduced a partial list of hearings and reports published by the committee on this subject. It is certainly unfair to say that H.R. 5751 was rushed through Congress.

Page 1552, Congressman Cunningham states that no useful purpose would be served by notifying people that they might be receiving Communist propaganda in the mail.

The Foreign Agents Registration Act which has long been the domestic statute aiming at Communist propaganda is a labeling statute. It does not prohibit the dissemination of Communist propaganda but rather requires that it be labeled and that the people sending it be registered with the Justice Department. H.R. 5751, as it passed the House, is directed at the same purpose—namely, notifying recipients, or possible recipients, that they are receiving or may receive, Communist propaganda.

Although H.R. 5751 is not as specific in its requirements as the Foreign Agents Registration Act, the administration feels, and the House Un-American Activities Committee apparently agrees, that this is the best type of legislation which could be administered in a practical fashion.

Page 1553, Congressman Cunningham states that section 12 raises no problems for people who have a need to receive Communist propaganda.

The administration agrees. Sending propaganda from foreign countries to this country by freight and then having it reshipped as parcel post seems clearly impractical. This would be a much slower process, a much more cumbersome process, and, of course, as the committee knows, each parcel post package must weigh a minimum of 1 pound.

Page 1555, Congressman Cunningham states that section 12 would not require any more screeners.

Section 12 would require the Government to do something it has never done before—censor all domestic mail to determine whether or not it contains Communist political propaganda. To say that this operation could be done with no more screening than we already have is obviously preposterous.

Page 1560, Congressman Cunningham states that there are 150 ports of entry.

As previously stated, this is inaccurate.

Page 1561, Congressman Cunningham states that only 10 percent of the people who are asked if they wanted to receive propaganda replied in the affirmative.

As previously noted, only 5 percent of all printed matter coming from Communist countries was withheld under the old program.

Page 1562, Congressman Cunningham states that there is no need for sending letters to people as contemplated by the Walter bill notifying them that they may be receiving Communist propaganda in the mail. He states that the recipients of this propaganda don't need to be told that it is propaganda.

If this is true, then the administration fails to see what Congressman Cunningham is worring about. Since people will recognize Communist propaganda for what it is, there seems little point in going to the expense of administering such sweeping legislation as section 12.

Mr. FONG. Mr. President, as a member of the Senate Post Office and Civil Service Committee, I join with the distinguished senior Senator from South Carolina and my other distinguished colleagues who have preceded me in recommending passage of H.R. 7927, as reported by that committee.

The Senate Post Office and Civil Service Committee has held many hearings on this bill. I sincerely believe that we have had as fine a cross section of witnesses testify on this measure as was possible. The witnesses who appeared before the committee came from all parts of the country, including my State of Hawaii. Mr. James Akamine, a Hawaii business executive, traveled over 5,000 miles to voice the views of the many business establishments in Hawaii which use the U.S. postal services.

After many long hearings, the committee held many long executive committee meetings to write a bill which would be agreeable to all the members of the committee. Fortunately we were able to report this bill with all members agreeing that it is the best bill that we can all agree upon. Knowing how complex and intricate postal rates and Government workers' salaries are, I hope that the Members of this Senate will not try to amend the rates and salaries provisions of the bill. If we do, we stand the possibility of upsetting the whole rate and postal structure and may lose the bill. I therefore request Senators not to amend these provisions of the bill.

The existing annual operating deficit of our postal service is approximately $800 million. The committee bill would raise approximately $603 million in new revenue toward this deficit. The need to decrease the annual postal operating deficit was counterbalanced by the ruinous effect drastic postal rate increases might have on businesses throughout our country. Some of the House provisions, if enacted into law, would be fatal to many businesses which depend on the U.S. postal service to disseminate the bulk of their business information. In such an event the purpose of raising additional revenues by increasing postal rates would be undermined rather than served. Therefore, the Senate Post Office and Civil Service Committee chose to lower some of the rate increases contained in the House-passed version of H.R. 7927. To me this is a fairer postal rate bill than that sent to us by the House. This is a bill which all users of the mails can live with.

The committee also recommends that a detailed study of our postal system be made before any future increases in postal rates be considered by Congress. This is in recognition of the many inequities presently in our postal system which need to be corrected before the American public is again subjected to increased postal rates. The postal system is a complex system and much study must also be made to improve its efficiency.

The Federal salary increase provisions in the committee recommended version of H.R. 7927 are designed to make Government service more attractive to present and prospective Federal employees. The principle of comparability was used by the committee as the basis for its recommended increases. Before the Federal Government can compete with private industry for competent employees, it must be given adequate bargaining tools. Many of our Government employees have left public service because of higher salary offers. This salary increase will make the Federal salary scale comparable, in most respects, with that of private industry.

I regret that in grades PFS 7 and above, the step increases after step 4 were not continued on an annual basis. I hope this will be subsequently corrected.

Part III of H.R. 7927 concerns Federal retirement benefits. The annuitants and survivors who benefit by present retirement laws find it difficult to support themselves on their annuities with the increasing cost of living. The retirement provisions in the bill before the Senate, among other things, would correct this situation by providing a 5 percent increase, beginning January 1, 1963, in all annuities then payable from the Federal civil service retirement fund. It also calls for future adjustments if the monthly Consumer Price Index of the Bureau of Labor Statistics increases over 3 percent.

Mr. President, the committee held long and sober deliberations on the bill presently before the Senate. The matters considered were very complex. I was very pleased with the care, thoroughness, and diligence the chairman and the members of the committee displayed in considering this bill. I like to commend the chairman of the committee and all my colleagues of the committee on both sides of the aisle for working so harmoniously in arriving as their conclusions and in their unanimous recommendations than this bill be passed. A sincere word of appreciation must also be expressed to the committee staff and especially to Mr. Don Herlin, for its tireless efforts in assisting the committee members in reaching final decisions on the many complex points contained in H.R. 7927.

Mr. President, I voted for the bill when the final rollcall was taken in committee to report this bill to the Senate. Although I was not in complete agreement with my committee colleagues in a few provisions presently in the bill, I feel this is, on the whole, an excellent piece of legislation and will accomplish the purposes intended. I am hopeful that Senators will likewise vote their approval.

Mr. CLARK. Mr. President, merely for procedural purposes, so that the Senate will be in a position to move forward tomorrow I call up my amendment designated "9-25-62—F." I ask unanimous consent that it not be read but that it be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the Record, and will be made the pending business.

The amendment is as follows:

Strike out line 9 on page 30 and all through line 5 on page 32, and insert in lieu thereof the following:

"COMMUNIST POLITICAL PROPAGANDA AND OBSCENE MATTER

"Sec. 305. The Subversive Activities Control Act of 1950 is amended by inserting immediately after section 10 thereof the following new section:

" 'NOTICE WITH RESPECT TO COMMUNIST PROPAGANDA AND OBSCENE MATTER DISTRIBUTED BY MAIL AND DETENTION THEREOF

" 'Sec. 10A. In order to alert the recipients of mail and the general public to the fact that large quantities of Communist propaganda and of obscene, lewd, lascivious, and indecent matter are being introduced into this country from abroad and disseminated in the United States by means of the United States mails, the Postmaster General shall publicize such fact (1) by appropriate notices posted in post offices, and (2) by notifying recipients of mail, whenever he deems it appropriate in order to carry out the purposes of this section, that the United States mails may contain such propaganda or such obscene, lewd, lascivious, or indecent matter. Any person may file a written request with his local post office to detain such propaganda or such obscene, lewd, lascivious, or indecent matter addressed to him, and the Postmaster General shall detain and dispose of such propaganda and such matter for such period as the request is in effect. The Postmaster General shall permit the return of mail containing such propaganda or such obscene, lewd, lascivious, or indecent matter, to local post offices, without cost to the recipient thereof. Nothing in this section shall be deemed to authorize the Postmaster General to open, inspect, or censor any mail except on specific request by the addressee thereof. The Postmaster General is authorized to prescribe such regulations as he may deem appropriate to carry out the purposes of this section'."

Mr. MANSFIELD. Mr. President, on behalf of the distinguished senior Senator from Oklahoma [Mr. Kerr], I ask unanimous consent to have printed at this point in the Record a statement prepared by him relating to H.R. 7927.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Kerr on H.R. 7927

I note that this measure, H.R. 7927, made no changes in the number of excepted positions for the National Aeronautics and Space Administration. The space program and the Nation faces its greatest scientific and technological effort, and NASA is this coming year doubling its effort in this regard.

I am happy to see that the Committee on Post Office and Civil Service raised from $19,000 to $20,000 the current ceiling for NASA's 395 excepted positions. However, the 30 positions currently authorized to be paid up to $21,000 were unaffected. I assume that these latter positions fall in category of positions which the committee points out in its report will be considered "in conjunction with a reform of top level executive salaries which were not included in the proposals submitted by the President and a consideration of the executive pay problem in its full dimensions at one time rather than by treating one part now and the rest later."

It was the intent of the administration proposal that in addition to its excepted positions the needs of NASA above GS-15 would be met under the authority of the Civil Service Commission to allocate positions to GS-16, GS-17, and GS-18. Since this is a different measure, I nevertheless understand that this is still true and that these NASA needs will be met by the Civil Service Commission from the authority it obtains in this bill in section 606(a), which provides for the allocation, without limitation, of professional engineering positions primarily concerned with research and development.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba.

The message also announced that the House had insisted upon its amendment to the bill (S. 2356) to amend the act known as the Life Insurance Act of the District of Columbia, approved June 19, 1934, and the act known as the Fire and Casualty Act of the District of Columbia, approved October 3, 1940; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Abernethy, Mr. Dowdy, and Mr. Mathias were appointed managers on the part of the House at the conference.

CHICAGO & NORTH WESTERN RAILWAY STRIKE

Mr. HRUSKA. Mr. President, today is the 28th day of the strike of the Chicago & North Western Railway. Farmers and merchants in the nine-State area in the Midwest served by this railroad are now without the principal means of transportation.

The Order of Railway Telegraphers called this strike to secure a rule that "no position in existence on December 3, 1957 will be abolished or discontinued except by agreement between the carrier and the organization."

Pursuant to section 10 of the Railway Labor Act, the President appointed an Emergency Board composed of three impartial members to investigate the facts of the dispute. This Board made its report on June 14, 1962. It recommended that first, the demand for the job freeze should be withdrawn; and second, the parties should negotiate a comprehensive program for employees adversely affected by the permanent elimination of positions regardless of the reasons for such elimination.

The railroad accepted the Board's recommendations. The Telegraphers did not.

A similar "job freeze" rule was more recently served by the Order of Railroad Telegraphers on the New York Central Railway System. As in the case of the Chicago & North Western Railway, this too resulted in the appointment of an Emergency Board by the President to investigate the facts. This Board, which was totally separate, distinct, and independent of the Board in the North Western case, also recommended to the Telegraphers that they, as in the North Western situation, withdraw their job freeze request. In other words, in both instances the impartial fact finders, appointed by the President, opposed the adoption of the rule.

All the Senators from the nine Midwestern States affected have received many letters, telegrams, and telephone calls urgently pointing out the severe economic hardship which this strike has brought. Each day this situation becomes more acute.

Even before the strike started, there were extensive efforts to negotiate settlement. Since August 30, when the strike began, there have been negotiations to bring it to a halt but they have been without success.

On September 17, the President suggested that both parties submit the issues to an arbitration panel. Pursuant to the President's suggestion, the parties met in Washington and have since had daily sessions with the Secretary of Labor and the National Mediation Board in an effort to frame the issues to be submitted to arbitration. However, these efforts have so far failed and the strike goes on.

This prompts the Senator from Nebraska to ask, What is preventing a settlement? Where is the snag?

I urge the President to put the facts before the American people. The citizens in the Midwest especially have a right to know why the tieup continues.

In his September 13 press conference, the President was not reluctant to point out who he felt was responsible for the stalemate in the aerospace dispute. He has shown no such inclination in the Chicago & North Western strike. Why? Where do the situations differ? These differences should be pointed out to the people. If the situations are not different, it can only mean that the President applies a double standard, depending upon reasons known only to himself.

If there is no double standard, then the people should be told why he has failed to impress upon both parties in the railway strike the merits of the impartial findings of the Emergency Board. The Emergency Board was established pursuant to law to preserve and represent the public interest. If, in this case, their findings do not represent the public interest, then that fact should be known by all. If, on the other hand, the Board's findings are fair to all concerned, then we should know who refuses to accept them and their reasons for doing so. The public has been kept in the dark too long. President Kennedy should tell the people where he stands on this issue.

Mr. President, announcements have been made daily to the effect that the settlement of the strike is imminent; yet nothing has happened and the strike goes on. All of us hope that a settlement will be made quickly, but only time will tell.

Yesterday the Senate confirmed the nomination of Arthur Goldberg as an Associate Justice of the Supreme Court of the United States. A review of his record, not to mention the splendid editorial comments and news articles about his nomination, show that, among other things, it was he who pressed with great vigor for the settlement of labor disputes which arose during his tenure as Secretary of Labor. He was commended for his ability, as well he should be. All kinds of labor disputes and threatened strikes fell by the wayside under the magic spell of this distinguished Secretary of Labor.

I should say not quite all of them, because certainly in the case of the Chicago & North Western Railway the strike drags on. It appears that the vigor with which settlements of other labor disputes were pressed is not up to par.

In all fairness, of course, it should be said that the strike started on August 30, and the good news from the White House about Mr. Goldberg's appointment to the Supreme Court came on the following day. I am certain there was no causal relationship between the two events. Just the same, the policy of the Department of Labor over the last year and a half is well settled and well known.

Now, for some strange reason, that general pattern has been departed from. The Chicago & North Western strike has been in progress for a long time. There has not been a sense of urgency with respect to its settlement. The result is that in nine States there has been a serious dislocation of economic activity and a substantial degree of paralysis has occurred. In that area the construction of Minute Man silos—so critical to our defense—is halted.

For commuters, particularly in the Chicago area, disruption of rail service has produced havoc and great congestion on the highways.

In industry, shipments of heavy equipment and other supplies have been delayed. Especially is the strike being felt in agriculture, as we have witnessed devastating results. Substantial irreparable losses will be suffered if the sugarbeet crop is not moved. If rail transportation is not furnished by the end of this week, the financial damage to the sugarbeet growers will be disastrous.

It is already severe. In many labor disputes the benefits and the changes flowing from any settlement can be made retroactive; but in this case certainly that cannot be done, because once the sugarbeet crop has spoiled, there is no way to recover it. Farming is hazardous enough. There is a sufficiently thin margin of profit, at best, so that the farmers should not be compelled to suffer this additional loss.

Yet the settlement seems to be further away than ever; notwithstanding this, the President has not sent to Congress a message asking for legislation. There has been no utterance by the President, "Do this, or else," as was given in similar situations, notably last week in the aerospace industry. Furthermore, the special circumstance existing in this case is that the commission making the recommendation was appointed pursuant to the Railway Labor Act. It was not a voluntary commission, as in the case of the other instances in which there has been a Presidential decree to "Do this, or else," but one provided for by existing statute.

Mr. President, there are alternatives. The President could have marshaled public opinion much more strongly than he has done. Mild, neutral statements hardly suffice. He could have demanded of the parties, "Do this, or else," as has been done in other situations. He could have asked Congress to pass legislation to enable him to take action similar to that which can be taken under the Taft-Hartley Act in like situations. However, nothing whatsoever along these lines has been done.

The result is that the farmers in the western part of Nebraska, who are anxious and ready to ship their sugarbeets to Belle Fourche, are at their wits end to know what to do. At present they cannot ship by railroad or by any other means. To make matters worse, there has been an early frost which destroyed their bean crop and imperiled their corn crop, which now will have to be converted into silage, rather than used in the customary way; and the main crop—sugarbeets—on which they are so heavily dependent in order to make a living, is now rotting and spoiling before their eyes.

In this situation, much more action should be forthcoming from the Chief Executive. Our farmers are entitled to it.

Mr. President, I ask unanimous consent to have printed at this point in the Record two editorials bearing on the subject I have discussed.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Des Moines Tribune, Sept. 17, 1962]

Antibusiness Bias?

The strikebound Chicago & North Western Railway accuses President Kennedy of antibusiness bias because of a different tone in his comments about two similar labor-management disputes. The President's remarks do need clarification if the charge is to be refuted.

A Presidential factfinding board recommended that the aerospace industry accept the union shop, a victory for the labor unions. The industry has refused, and a strike is threatened.

Kennedy said of the union shop recommendation: "I would hope the companies would accept it because if (they don't and) a strike comes, the responsibility would be very clear."

Another Presidential board found that the Roalroad Telegraphers should drop their key demand, a veto over job eliminations, a clear victory for the railroad. The union refused and went out on strike.

Talking at the same news conference about the railroad strike Kennedy said: "The public welfare suggests that these two important groups come to a conclusion. I am hopeful that both sides will make sufficient concessions to permit an agreement."

The President is right that the vital aerospace industry should accept the findings of an impartial board. He ought to make it equally clear that the railroad union should accept the findings in its case. He did not ask the aerospace unions to yield part way to the industry's feelings; it doesn't seem reasonable that he ask the railroad company to yield part way to the union's feelings.

[From the Cleveland Plain Dealer, Sept. 28, 1962]

Kennedy Shows Favoritism

Question. When should the recommendations made by a Presidential board in a labor dispute be accepted?

Answer. If the union favors the recommendations, the company should accept them. If the company favors the recommendations, both sides should make sufficient concessions to reach an agreement.

If you think the above answer sounds like favoritism to the unions, well, it is. It is the answer President Kennedy gave last week to questions involving two labor disputes.

One case involved four aerospace manufacturers who were engaged in a dispute with the United Automobile Workers and the International Association of Machinists. A special Presidential board recommended a settlement which included imposition of the union shop. The President said he hoped the companies would comply with the recommendations, that if they didn't and a strike resulted, they would be responsible.

The other case involved the telegraphers' strike against the Chicago & North Western Railway. In this case the President said both sides should make sufficient concessions to end the strike, which is causing a transportation tieup in nine States. He failed to mention that a Presidential board has recommended terms which the railroad has accepted, but which the union has rejected. There was no hint that Presidential pressure would be invoked in an effort to have the telegraphers accept the Presidential Board's recommendations.

In contrast, when a Presidential board recommended wage increases for 450,000 nonoperating railroad employees last June, Labor Secretary Arthur Goldberg told the railroads they had no alternative but to accept the Board's recommendations, because the country would not tolerate a railroad strike. The railroads reluctantly accepted the board's recommendations and a strike was averted. But the Chicago & North Western strike is going on, the country is tolerating it and so is the White House.

It is no wonder that the business community has lost confidence in the administration and that President Kennedy has been unable to dispel fears that his administration is biased against business because the labor union bosses supported him for the nomination and election in 1960.

Mr. HRUSKA. Mr. President, I yield the floor.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

On request of Mr. HUMPHREY, and by unanimous consent, the Subcommittee on Housing of the Banking and Currency Committee; the full Banking and Currency Committee; and the Committee on Public Works were authorized to meet during the session of the Senate tomorrow.

Mr. HRUSKA. Mr. President, did the Senator from Minnesota include in his request the Judiciary Committee?

Mr. HUMPHREY. I did not.

Mr. HRUSKA. We have a meeting of that committee scheduled for 10:30 tomorrow.

Mr. HUMPHREY. Then, Mr. President, I also ask unanimous consent that the Judiciary Committee be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Without objection, it is so ordered.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 11049. An act to amend the Mineral Leasing Act of February 25, 1920 (Rept. No. 2165).

ADDITIONAL BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ENGLE:

S. 3755. A bill to provide for the removal of an encumbrance on the title of certain real property heretofore conveyed to the Board of Education of the Vallejo School District, Vallejo, Calif., by the U.S. Housing Corporation; to the Committee on Government Operations.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 26, 1962, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 224) to authorize the President to order units and members of the Ready Reserve to active duty for not more than 12 months, and for other purposes.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move that, under the previous order, the Senate now adjourn until 9 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 3 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, September 27, 1962, at 9 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 1962:

FEDERAL TRADE COMMISSION

A. Leon Higginbotham, Jr., of Pennsylvania, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1962, vice William C. Kern, term expiring.

IN THE NAVY

The following-named officers for temporary promotion to the grade of captain in the U.S. Navy subject to qualification therefor as provided by law:

Adams, William L.
Alexander, Robert H.
Alexatos, Michael S.
Alleman, James K.
Babcock, Courtland T.
Bailey, Bernard J.
Bailey, William F.
Baird, William D.
Baldridge, Jewett A.
Banks, William R.
Bass, Thomas E., III
Bauman, John F.
Baumeister, Charles, Jr.
Bayne, Marmaduke G.
Beaver, Robert H.
Behan, Joseph N., Jr.
Behl, John H.
Belt, Richard W., Jr.
Bergquist, Carl R.
Birdsall, Douglas "M"
Bishop, Ralph F.
Blattmann, Walter C.
Bliss, George L., Jr.
Blocker, Leo B.
Boyes, Jon L.
Briggs, Chester A.
Brock, John R.
Brookes, Charles S.
Brown, Richard K.
Bryan, George R., Jr.
Buckwalter, Earl E.
Burgess, Emery L.
Burley, Albert C.
Bursik, Vlada D.
Burton, John H.
Butler, Francis A.
Callahan, James E.
Callan, Allie W., Jr.
Cantwell, Richard A., Jr.
Carpenter, Melvin J.
Cheal, Wayne R.
Cockroft, Irving G.
Cole, Howard
Coleman, Thaddeus T., Jr.
Collins, Samuel L.
Coppola, Eduguardo M.
Coulter, Frank J.
Coulter, William G.
Cramer, Shannon D., Jr.
Cruse, Carl M.
Culley, William F.
Danz, Lawrence F.
Dauphin, Oyd L.
Davis, Donald C.
Davis, George J.
Davis, George W., V
Davis, Raymond M.
DeLargy, John M.
Dibble, Edgar J.
Dick, John H.
Ditch, William E.
Dodson, Boykin R.
Dougall, Alan
Douglas, Benjamin T.
Doyel, Wilbur T.
Duncan, John A.
Durham, Harold D.
Durio, Jack N.
Easton, William R.
Eaton, Max A.
Ebel, August A.
Edwards, Eldon L.
Efird, Terril A.
Elefter, Theodore
Ellison, Harold H.
Esler, Clifford M., Jr.
Eslinger, Robert H., Jr.
Facer, Gordon C.
Ferris, James
Fitzhugh, Mayo M., Jr.
Fleming, William W.
Flessner, Conrad J.
Flint, Lawrence E., Jr.
Flynn, Edward P., Jr.
Foley, Peter J.
Foley, William J., Jr.
Forde, Lambert V.
Fox, John C.
Franz, Leonard K.
Freeman, Rowland G., III
Frese, Bernard W., Jr.
Frossard, Clarence F.
Gallagher, Edward F.
Garrett, William L., Jr.
Garvey, Hugh M.
Gastrock, Martin D.
Gendron, Edward W.
Gerdes, Henry A.
Gersuk, Ipser J.
Gills, James W.
Girault, Norton R.
Gisvold, Paul A., Jr.
Gleeson, John P.
Godek, Mieczyslaw
Golden, William A., Jr.
Gould, Joseph E.
Graham, Woodrow W.
Gray, "O" "B"
Gray, William J.
Greenwood, Robert B.
Greer, Howard E.
Griggs, John B., III
Guidry, Joseph W.
Haase, Richard A.
Hamby, Edward P.
Hammerstone, James E.
Hansen, Robert L.
Hanssen, Henry R.
Harrelson, George D.
Harrison, Curg W., Jr.
Hart, Gordon M.
Hawkins, Arthur R.
Hazapis, Thomas
Heller, Samuel R., Jr.
Helsel, Kenneth D.
Henry, Alfred J., Jr.
Hershey, Kirk
Heselton, Leslie R., Jr.
Hibben, Carl B.
Hill, Charles A., Jr.
Hitz, Frederick W., Jr.
Holder, Billy D.
Holmes, David C.
Holzrichter, Max A.
Homer, William N. P.
Hoppe, William E.
Horrell, Ernest R.
Howe, George B.
Hubbard, Raymond A.
Hubbell, Charles W.
Hudspeth, William L.
Hunt, Robert F.
Hurley, William G.
Iiams, Meryl A.
Jackson, Robert W.
Johnson, James M.
Kane, John P.
Karl, Paul J., Jr.
Kelley, Vincent F.
Kemp, Joseph C., Jr.
Kenyon, Jack S.
King, David A., Jr.
Klahn, Dale C.
Knight, Charles A.
Kostrzewsky, Alexander J.
Labyak, Robert W.
Laird, Ian M.
Laliberte, William
Landis, Cary E.
Landua, Oliver H.
LaPierre, Douglas B.
Largess, Clifton R., Jr.
Larson, Robin E.
Lee, Howard "C"
Leonard, Edward F.
Livingston, William H.
Lobdell, John H.
Long, Robert L. J.
Loomis, William R.
MacGovern, Robert N.
Maher, David B.
Manson, Frank A.
Marrow, Jack S.
Martin, Neal, Jr.
Mason, James M.
Massie, Malcolm R.
Mayo, James O.
McCaughey, William H.
McCoy, Donald E.
McCue, Hartsel F.
McDougal, Clifford A.
McEwan, Archibald J.
McGinnis, George P.
McGowan, Edward C.
McInnis, Norman K.
McLauglin, John
McMullan, James J.
McMullen, Cornelius E
Melusky. Thomas A.
Merwin, Jesse A.
Metzger, Lewis W., III
Miller, Harry Z.
Milner, Frank D.
Montgomery, John A.
Montunnas, Stanley
Mooney, James D.
Moore, Larry D.
Moore, Robert H., Jr.
Moore, Thomas H.
Morris, Kyle H.
Moss, Richard N.
Mulligan, Charles E.
Munroe, William R., Jr.
Murphy, James E., Jr.,
Murtha, Vincent L.
Naylor, Jesse A.
Newell, Arthur F., Jr.
Ney, Robert J.
Nifong, James M.
Payne, Charles D.
Pearson, James W.
Pendleton, Charles A., Jr.
Perez, Romeo
Phillips, Glenn E.
Pond, Robert M.
Prager, Morton A.
Purcell, Jones W.
Quillin, James C., Jr.
Quinn, Frank N.
Racette, William A.
Raddatz, Robert W.
Randolph, John B.
Rehnberg, Kay P., Jr.
Ries, Robert E., Jr.
Ritchie, James
Robbins, Spencer E.
Roberts, Carlton B.
Roberts, Charles C., Jr.
Robertson, Gordon H.
Rothamel, William P.
Rowell, Kenneth F.
Rusk, Alfred D.
Salsig, Edgar B.
Sams, William R.
Savacool, James M.
Sawyer, Clifford R.
Schall, Rodney F.
Schermerhorn, Dale V.
Schoulda, George C.
Schwass, Earl R.
Scott, William J.
Seaver, Clifford N.
Sedaker, Thomas S.
Sedell, Thomas R.
Shaver, Robert G.
Shea, John "D," Jr.
Shinneman, John R.
Shong, John W.
Sigurdson, Orville S.
Singleton, Royce A.
Sloan, Stanley E.
Smith, Alwyn, Jr.
Smith, John W.
Stanley, Donald C.
Stear, David S.
Stearns, William G., Jr.
Stegg, Robert J.
Stephens, Russel T.
Streeper, Harold P.
Stroud, George W.
Talley, George C., Jr.
Tate, Benjamin C.
Taylor, Theron J.
Temme, Robert L.
Terrill, Scott E., Jr.
Teufer, William E.
Tofalo, Francis
Tolerton, Raymond C., Jr.
Tower, Robert G.
Tracy, Weimer B., Jr.
Treadwell, Thurman K., Jr.
Underwood, William E.
van Lier Ribbink, Edvard F.
Vessell, Frank G.
Vineyard, Merriwell W.
Ward, Charles W.
Ward, Herbert H. III
Warner, Robert E.
Webb, Charles D.
Webster, David A.
Welles, William T.
Wessel, Robert L.
West, Horace B.
White, Norman E.
Whiteaker, James G.
Wills, James K.
Wilson, Walter K.
Winter, Edward J.
Wohler, Jack L.
Wolff, Paul M.
Wooldridge, Arthur R., Jr.
Wynkoop, David P.
Young, Howard S., Jr.
Zane, Curtis J.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 1962:

Under Secretary of Labor

John F. Henning, of California, to be Under Secretary of Labor.

U.S. Marshal

Anthony R. Marasco, of New York, to be U.S. marshal for the southern district of New York for the term of 4 years.

National Science Board, National Science Foundation

The following-named persons to the position indicated for terms expiring May 10, 1968:

To be members of the National Science Board, National Science Foundation

Rufus E. Clement, of Georgia.
Edward James McShane, of Virginia.
Edward Lawrie Tatum, of New York.
Henry Eyring, of Utah.
Philip Handler, of North Carolina.
Katherine Elizabeth McBride, of Pennsylvania.
Ralph Winfred Tyler, of California.
Dr. Harvey Brooks, of Massachusetts.

Board of Regents, National Library of Medicine, Public Health Service

Dr. Henry Nelson Harkins, of Washington, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for term of 4 years expiring August 3, 1966.

Dr. Alfred Gellhorn, of New Jersey, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for term of 4 years expiring August 3, 1966.

Public Health Service

FOR APPOINTMENT

To be senior surgeon

Louis Moreau

To be sanitary engineer

Wilbur J. Whitsell

To be assistant sanitary engineer

James R. Buchtel

To be nurse officers

Elizabeth A. Casper
Sara K. Marsh
Beatrice Marino
M. Argenta Geist

To be dietitians

Georgiana Pearson
Margaret V. Vance

To be health services officers

Jess L. Benton, Jr.
Mary A. Fugitt

FOR PERMANENT PROMOTION

To be senior assistant sanitary engineers

Sandler H. Dickson
Richard E. Jaquish
William T. Sayers
Walter R. Wilson

To be senior assistant pharmacists

Linton F. Angle
Fred Angres
Clarence L. Fortner
Ronald D. Gilbert
James L. Snowden

To be senior assistant sanitarian

Dale J. Johnson

FOR APPOINTMENT

To be senior surgeons

Howard L. McMartin
Alice M. Waterhouse

To be senior assistant sanitarian

Lee W. Smith

FOR PERMANENT PROMOTION

To be assistant sanitary engineers

Ronald F. Coene
Elwyn Holtrop
Maris Pubulis
Charles H. Wentworth III.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 26, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

One of St. Paul's great affirmations: Romans 8: 38, 39: *I am persuaded that neither death nor life, nor anything else in all creation shall be able to separate us from the love of God in Christ Jesus, our Lord.*

Eternal and ever-blessed God, we pray that Thy love and mercy, seeking to find a way into our hearts and following us all the days of our lives, may make us more responsive to Thy grace and goodness.

We humbly acknowledge that vast multitudes are finding life to be a struggle against many odds, full of dangers and difficulties, storms and stresses, sorrow and sickness, heartaches and heartbreaks.

Grant unto them the supreme assurance that the bond of love which unites Thee to them, although infinitely elastic, is infinitely strong, and that Thou wilt never let them go.

May this be our confidence in dark and lonely times that Thy divine love, which claims us and holds us and which we are sometimes tempted to doubt and defy, cannot be defeated.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8205. An act to provide tax relief to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America Local 863 pension fund and the contributors thereto;

H.R. 8824. An act to modify the application of the personal holding company tax in the case of consumer finance companies;

H.R. 11059. An act relating to the effective date of the qualification of Bricklayers Local 45 (Buffalo, N.Y.) pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954;

H.R. 12526. An act to amend section 172 of the Internal Revenue Code of 1954 to provide a 7-year net operating loss carryover for certain regulated transportation corporations;

H.R. 12529. An act to provide for the free entry of one nuclear magnetic resonance spectrometer and one mass spectrometer for the use of the University of Illinois; and

H.R. 12589. An act to amend the Smith-Lever Act of May 8, 1914, as amended.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5260. An act to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm kernel oil, and fatty acids, salts, and combinations or mixtures thereof;

H.R. 5700. An act to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise; and

H.R. 7600. An act to amend title 38, United States Code, to revise the effective date provisions relating to awards, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12391) entitled "An act to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12711) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes."

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1963

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 12648, making appropriations for the Department of Agriculture for fiscal year 1963, with the Senate amendments thereto, further insist on disagreement to the amendments of the Senate numbered 1, 2, 6, 19, 44, and 47 through 54, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

The Chair hears none and appoints the following conferees: Messrs. WHITTEN, NATCHER, CANNON, HORAN, and TABER.

DR. MEHMET VECIHI KALAYCIOGLU

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12907) for the relief of Dr. Mehmet Vecihi Kalaycioglu, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none, and appoints the following conferees: Messrs. WALTER, FEIGHAN, CHELF, POFF, and MOORE.

JANINA TEKLA GRUSZKOS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9472) for the relief of Janina Tekla Gruszkos, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That, in the administration of the Immigration and Nationality Act, Janina Tekla Gruszkos may be classified as an eligible orphan within the meaning of section 101(b) (1) (F), and a petition may be filed in behalf of the said Janina Tekla Gruszkos by Veronica Gruszkos, a citizen of the United States, pursuant to section 205(b) of the Immigration and Nationality Act, subject to all the conditions in that section relating to eligible orphans."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REVENUE ACT OF 1962

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Arkansas [Mr. MILLS], I ask unanimous consent that the conferees on the part of the House may have until midnight Monday next to file a conference report on the bill (H.R. 10650) to amend the Internal Revenue Code of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House of a change in the program. The gentleman from Arkansas [Mr. HARRIS] has advised us that the drug bill will be brought up tomorrow.

ADDITIONAL PERSONNEL FOR THE OFFICES OF THE DOORKEEPER AND POSTMASTER OF THE HOUSE OF REPRESENTATIVES

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 773 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That, effective September 1, 1962, until otherwise provided by law, there shall be paid out of the contingent fund of the House of Representatives compensation for the employment of (1) three additional laborers, Office of the Doorkeeper of the House of Representatives, at a basic salary rate of $1,650, each, per annum; and (2) two additional mail clerks, Office of the Postmaster of the House of Representatives, at a basic salary rate of $2,100, each, per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRIBUTE TO SPEAKER McCORMACK

Mr. ANFUSO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANFUSO. Mr. Speaker, as you well know, I have been designated by my party as a candidate for justice of the Supreme Court of the State of New York. I shall not be returning to these hallowed halls of Congress next January.

I have spent 10 wonderful years in the House of Representatives, where I have made numerous friends on both sides of the aisle. I shall remember them for the rest of my life. Most of all, I shall remember our distinguished Speaker, the gentleman from Massachusetts, the Honorable JOHN W. McCORMACK, who has been my mentor and my guide throughout these 10 years in Congress.

As one of my final public acts in this Chamber, I want to take this opportunity to express to our beloved Speaker my deep appreciation and sincere gratitude for his kindnesses to me over the years. He is a great leader of our people, a man who is fair in his judgment, and impartial in his decisions. He has been a tower of strength to the administration in helping to obtain the support of Congress for its programs, and I am sure he will prove to be of even greater strength in the future.

The gentleman from Massachusetts, Speaker McCORMACK, is a great and devoted American, a man who stems from the people, knows their problems and needs, and is dedicated to the welfare and the interests of the Nation. The people of America will, I am sure, in due time recognize his great qualities as a leader, as a lawmaker, as a statesman, and as a molder of public opinion.

I value his friendship and shall cherish it always. It has meant a great deal to me. I cannot leave this Chamber without openly telling him so. He has been a tremendous source of inspiration to me. For all this I am very grateful to him. May I wish him and his lovely wife, Harriet, many long years together, years of health and happiness, years of continued and dedicated service to our people. And to you all—arrivederci, which really means come back soon.

COMMITTEE ON SMALL BUSINESS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Small Business may be permitted to sit during general debate today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 249]

Andersen, Minn.
Ashley
Aspinall
Baring
Barry
Bass, N.H.
Belcher
Blitch
Bolton
Boykin
Breeding
Bromwell
Casey
Celler
Chiperfield
Clark
Davis, James C.
Davis, John W.
Davis, Tenn.
Denton
Derwinski
Dominick
Dooley
Dowdy
Dwyer
Fenton
Fisher
Ford
Gonzalez
Green, Oreg.
Hansen
Harvey, Ind.
Hiestand
Hoffman, Mich.
Holifield
Johnson, Wis.
Kearns
Kee
Kilgore
Kowalski
McDonough
McIntire
McSween
Macdonald
Magnuson
Mahon
May
Meader
Michel
Moorehead, Ohio
Moulder
O'Brien, Ill.
Pilcher
Poage
Powell
Purcell
Reece
Robison
Rogers, Tex.
Rutherford
Saund
Scranton
Seely-Brown
Shelley
Short
Smith, Miss.
Spence
Taber
Taylor
Teague, Tex.
Thompson, Tex
Thornberry
Ullman
Van Pelt
Vinson
Weis
Whalley
Willis
Wright
Yates
Young
Zelenko

The SPEAKER. On this rollcall, 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TIME FOR ACTION

Mr. HARSHA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Speaker, the news which made headlines yesterday on the establishment of a fishing port on the shores of Cuba by the Russians poses a most serious threat to the peaceful existence of the Western Hemisphere. It has forcefully brought to our attention the serious need for Congress to revise its Cuba resolution and put some backbone in it. As it is drawn, the resolution is little better than nothing and is a weak expression of policy that scraps the Monroe Doctrine and recognizes a foreign regime in Cuba. It is a far cry from a forceful resolution, the only force displayed was by the State Department in preventing Members of Congress from putting some backbone and guts in it.

The American people are not fooled by the announcement that the Russian and Cuban arms buildup is a defensive one. Whether a gun is to be used for offensive or defensive purposes depends on the state of mind of the man who has his finger on the trigger. Nobody but the State Department would believe that the major port Russia plans to build in Cuba is to be used for a fishing fleet base. Russian "fishing vessels" were used to spy on American nuclear tests in the Pacific and off the Cuban shores the only thing Russia will be fishing for is strategic information to be used against the United States.

If America is to remain free from domination by an avowed enemy which openly seeks to destroy us, Russia must be completely cut off from Cuba by blockade. The need is for action and action now. This Nation has wavered long enough. Vacillation, indecision, and irresoluteness will not solve the problem, only prolong and aggravate it. So-called statements of policy are flimsy barriers or obstructions to arms and missile bases. Words will not deter Khrushchev. Fear to act never did and never will win a victory; it only makes defeat more certain and much more costly. I urge Congress to adopt a new resolution, which I introduce today, calling for an immediate blockade of Cuba.

CONTINUING RESOLUTION MADE IN ORDER FOR SEPTEMBER 28

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have permission on Friday next to submit for immediate consideration a further continuing resolution.

Mr. GROSS. Mr. Speaker, reserving the right to object, what would be the nature of the continuing resolution?

Mr. CANNON. Mr. Speaker, in response to the inquiry of the gentleman from Iowa, I may say it will be identical with the two previous continuing resolutions and merely extend the essential appropriations to keep the Government operating for another 30 days.

Mr. GROSS. Does this mean, may I ask the gentleman, that we are likely to be here until November 1, or December 1; that we should extend to each other Christmas greetings now, or what?

Mr. CANNON. This will carry us to the close of October. If it is necessary, we will ask one for December.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXPRESSING THE DETERMINATION OF THE UNITED STATES WITH RESPECT TO THE SITUATION IN CUBA

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 805 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba. After general debate, which shall be confined to the joint resolution, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be considered as having been read for amendment. No amendment shall be in order to said joint resolution except amendments offered by the direction of the Committee on Foreign Affairs and such amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 805 provides for the consideration of Senate Joint Resolution 230, which provides for the expression on the part of the Congress, in cooperation with the President of the United States to prevent by whatever means might be necessary Communist expansion and aggression in the Western Hemisphere. It also urges to prevent the Communist satellite government in Cuba from using its military capacity beyond Cuban borders involving nations in Central and South America. It also provides our working with South American states and the people of Cuba to support their aspirations of freedom and self-government.

Only the President of the United States can determine what overt act on the part of Cuba would make it necessary to use arms in the protection of our security and status in the Western Hemisphere. I think that it is very proper that the Congress unanimously pass this resolution in order to warn the Communist tyranny and also to inform the people of the world that the Congress of the United States will give its support to our Commander in Chief in the use of his powers in the event of an unforeseen crisis developing in this hemisphere at the instigation of the Communist-controlled Cuban Government.

This is a strong and effective directive which specifically provides that our Nation will act to prevent the creation and implementing of any military interference that will endanger our security.

If there ever was a time that our Nation should guard against any military intervention against another nation in the Western Hemisphere, it is now. We should be fully justified in taking drastic steps in the event Cuba commits military aggression on a sister nation in this hemisphere. Khrushchev and his Communist advisers would be happy to maneuver the United States into a Cuban fiasco in any overt aggression acts on the part of the Cuban Government, unless Cuba first attacks another country in this hemisphere, U.S. military intervention would be inexcusable irrespective of whether it failed or succeeded. If the United States succeeded in taking Cuba over by force, it would destroy our good relations with other South American States and alienate more of our friends in Latin American countries and give the Communist agitators a fertile field to establish communism in all nations to the south. Khrushchev is using Cuba as a pawn in his international cold war strategy. He would be happy to demoralize cooperation between nations in this hemisphere and provide himself with an excuse for aggression in Berlin and other places.

I wish to commend the House Foreign Affairs Committee and the other body for their unanimous report of this resolution and thus circumventing any danger of playing into the strategy of the Kremlin.

A great number of problems are involved regarding our critical relations with Central and South American nations. To hear some of the speeches being made over the Nation, and especially in Indiana, by certain politicians, one would think that our troubles in Cuba started when the present administration took office in January 11, 1960. We should remember that back in 1957, the U.S. Government expressed its concern over the political unrest in Cuba. When Castro's regime came into power in January 1959, our Government looked upon it with sympathy and welcomed its promises of political freedom and social justice for the Cuban people. Even before Castro came to power, he and his followers were engaged in anti-American activities in their underground war against the then-established Cuban Government. Immediately the newspapers heralded Castro's brother who some stated was a card-carrying avowed Communist and was the real power in Cuba.

Back in 1960, Cuba established close political, economic, and military relationships with the Chinese-Soviet bloc and continued violent measures and verbal attacks against the United States. In June 11, 1959, when it was apparent that the Castro government was Communist-controlled, our Government expressed sympathy with agrarian reform and raised no remonstrance against the Cuban Communist government confiscating American property.

During the month of October 1959, Castro government officials seized land, capital, equipment, and timber belonging to U.S. citizens. Maybe that was the time we should have closed in on the Communist government in Cuba before the Soviets had time to install a military bastion within 90 miles of our shores.

On January 26, 1959, President Eisenhower reaffirmed the adherence of the United States to the policy of nonintervention in the domestic affairs of other countries, including Cuba. In so doing, he stated that we recognize the right of the Cuban Government and her people to undertake social, economic, and political reforms. This statement was made by the former administration when almost a year after, the Castro Communist government was well-entrenched in our neighboring island.

During 1960, Cuba signed trade and economic pact agreements with the Soviet Union and most of the Communist satellite nations, including China. On March 19, 1960, the first shipment of Soviet crude oil arrived in Cuba on the Soviet tanker *Vishinsky*. On June 4, 1960, the U.S. Government reviewed the record of the Cuban Government's campaign of slander against the United States and the efforts of the United States to maintain her traditionally free relations with the people of Cuba.

That record revealed then the offenses against our Nation by Cuban confiscation and expropriation of U.S. property, failure of the Cuban Government to compensate U.S. property owners, and payment to American exporters, Cuban attacks on U.S. sugar plantations, air incursions and LaCoubre and Sea and Pocher incidents. On June 10, 1960, the Cubans seized four U.S.-owned hotels in Havana. On June 29, they seized the Texaco-Esso refineries. On June 10, 1960, Cuban National President Guevèra stated that Cuba is defended by the Soviet Union, the greatest military power in history. On July 21, 1960, Castro stated in Moscow that Cuba "is grateful for the political and moral support from the Soviet Union." On August 6, 1960, Raul, Cuban Armed Forces minister, stated that Cuba is grateful for Soviet support and that U.S. aid always had strings attached while the Soviet's aid does not.

I merely mentioned these facts because already in Indiana, certain politicians would have the people believe that all our troubles started with the Cuban Communist government since January 1961. With the propaganda and political speeches we hear recently especially in Indiana, that armed intervention and taking over Cuba is necessary now—it certainly would have been far easier several years back before the Soviet military buildup became entrenched within 90 miles of our shores.

Our country should recognize the importance and import of this resolution as a message of Western Hemisphere unity to the Communist. I believe that this resolution will be very helpful, not only in respect to the Cuban situation but the Berlin threat as well. It will bring to the attention of Castro, the Soviets and the world the determination and military capacity of our Nation. I hope that if any aggressive action takes place through the use of force by Castro on Central or South American nations that the President of the United States will immediately act militarily to preserve freedom in this hemisphere.

I firmly believe that the warning of this resolution followed by firm action by our Commander in Chief will prevent war and also give the desired results without running the risk of a nuclear holocaust. If the results of this resolution are not effective and do not bring about their desired results, I firmly hope and believe that the American people will face up and support the President with all their power and strength in our command to curb aggression and resist future infiltration in the Western Hemisphere. We should remember that the hope of the Kremlin is to destroy our power by forcing us to use force, to destroy us in the eyes of the world, therefore placing us in the category of an aggressor nation.

Mr. Speaker, I urge the adoption of House Resolution 805.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, as the gentleman from Indiana has explained, this resolution makes in order consideration of Senate Joint Resolution 230 under a closed rule and 3 hours of general debate. This Senate joint resolution is identical in form and wording with House Joint Resolution 886, which was reported from the House Committee on Foreign Affairs a few days ago. This rule carries Senate Joint Resolution 230 so as to save time.

Undoubtedly some action will and must be taken by the Congress in connection with expressing the intent and purpose of the Congress, and in establishing some sort of policy in support of the President of the United States for any action he may take as Commander in Chief and as our top official representative in foreign affairs, during this crisis in Cuba.

There is a grave question in my mind whether or not this resolution goes far enough, whether it should include other Communist activities in other parts of the world, and whether it should not be strengthened.

We find ourselves in a very, very dangerous and unhappy situation. I agree fully with that which the gentleman from Indiana [Mr. MADDEN] has said. We are indeed in a very serious situation. But I am not certain this resolution will do that which we want it to do.

Only a few days ago we adopted, here in the House, a resolution authorizing the President to call some 150,000 reservists to the colors between now and February 28, if he deems it advisable and necessary, as far as Cuba especially is concerned.

I said then, and I say it again, that such action did not frighten, and will not frighten Khrushchev and his cohorts in the Kremlin.

Evidently it has not, because since that time we have been informed by Mr. Castro that he has entered into an agreement with the Russian Communist group in the Kremlin that there will be instituted in Cuba a harbor or base for a Russian fishing fleet. Such a base can also be used, if you please, as a submarine base, or as a Red naval base, for action against the United States and against the Western Hemisphere.

Mr. Speaker, permit me to remind the Members of the House, although I do not believe it is necessary to do so, that our intelligence informs us that these fishing boats, these Russian trawlers, are all equipped with radar and other electronic devices that are perfect for spying activities, for communicating with submarines and with Russian home bases, as desired.

Of course, it all poses another great threat to the security, not only of Latin America and the Caribbean area, but of the United States itself.

Mr. Speaker, why are we now in this situation? The gentleman from Indiana [Mr. MADDEN] is correct. All of the responsibility does not rest upon just the present administration, although frankness and candor compel me to say that a great deal of it does.

Mr. Speaker, our troubles first started back in the Franklin D. Roosevelt administration, insofar as Latin America is concerned, when he entered into what was called the good-neighbor policy, and we began to permit Latin America to decide for us to a great extent as to what we should or should not do. But that policy continued until, under Mr. Truman, when we entered into and we joined the Organization of American States, and agreed at that time the representatives of the Organization of American States would determine the policies for the Latin American area. I wish to remind the Members of the House, if I may, that the President of the United States is the one individual, the one officer, who can speak for this country in connection with international affairs and our relationship with other countries. But we entered into an agreement then in which we said we would let the Organization of American States—that we would permit that organization—to determine what should or should not be done as far as our own and other problems were concerned in Latin America; that we would not decide for ourselves what we should do to protect American properties and American lives in any Latin American country. But, instead, we would turn to the OAS for action, and that is exactly what was done.

Mr. Speaker, under this present administration, I want to remind the gentleman from Indiana [Mr. MADDEN] back in 1961 down in Uruguay certain South American countries—many of them the largest ones, to whom we had given millions and millions, hundreds of millions of dollars of our aid in different forms, including military aid—said, "No, we will not go along with you, Uncle Sam, in your attempts to restrict the activities of Mr. Castro, to put the halter on him, to quiet him down a bit." Instead, we had to adopt their sort of weak, namby-pamby resolution which only slightly and lightly slapped Castro on the wrist.

Then other things were permitted, too, and I want to remind the gentleman, if I may, that while there were failures by another administration to meet all of the responsibilities which the passage of time shows should have been met, but it was this present administration that was in power and had authority at the time of the tragic episode down at the Bay of Pigs; when, although after someone in the executive branch of our Government had agreed, and had helped furnish and equip Cuban refugees for the invasion of Cuba to attempt to overthrow this tyrant Castro in that so-called island republic, somehow or other someone else later issued orders at the last minute that the air cover and the sea protection which had been promised to these few Cuban refugees who were making that attack and who attempted the invasion at the Bay of Pigs—should be withdrawn at the last minute. Many of them were slaughtered there on the beaches, and others—some 1,400 of them, if I recall correctly—were captured, and over 1,100 of them are still rotting in the dungeons of Havana and nearby prisons under Castro's fanatical control.

Mr. Speaker, we have failed, in this administration, in the past 2 years, as well as in other years, to meet our national responsibilities. Permit me to say to the Members of the House with all the conviction at my command: That for a good many years down in Latin America, on 40 different occasions, American Armed Forces, marines, bluejackets, yes, and under Woodrow Wilson, the Army itself, moved into countries south of the border, where there were troubles, in order to protect American property and American lives, and to restore and to maintain order until a sound and free and an honest government was properly established.

All through those years we were attacked on different occasions by some Latin Americans as Yankee imperialists; and yet, never once did any of our American fighting men stand any citizens of any of these other countries up against a stone wall and shoot them down; never were the citizens of any of these countries abused or misused. But we did maintain the peace until the people of those countries could themselves reestablish a sound and a proper government of their own. We did move in only to protect American lives and property. Yes, we were called Yankee imperialists by some, but the flag of the United States was respected all over Latin America, and elsewhere throughout the world, too, for that matter.

Of course, under those arrangements, under those policies and programs, any American citizen who behaved himself and obeyed the law was safe to walk anywhere in the world because he had the protection of the flag of our country—Old Glory.

I would like to remind you, and I believe it is just as true as it can be—and you older Members will agree with me—that if Teddy Roosevelt had been in office at the time Mr. Castro rose to power and began to shoot down his enemies, to execute them, as he called it, to destroy their property, and to seize American property, imprison American citizens, our marines would have been in Cuba and the beard would have been shaved off Mr. Castro in the first week. You know it and I know it; because Teddy Roosevelt was an American through and through. He believed in protecting the lives and property of American citizens. We were respected and our flag was respected everywhere.

But lately we have adopted this namby-pamby policy of attempting to turn to Latin American countries, to ask their permission, to get their help, although there is not a single one of them, if a showdown comes, that will be in there fighting alongside of us. And you know it and I know it.

Now we are indeed faced with a serious situation. Mr. Speaker, I want to say, if I may, that the passage of time has proven beyond any doubt that whenever any nation of the free world, whether it be the United States or some other nation, has had the courage and the firmness to stand up to Mr. Khrushchev and his Communist cohorts, Khrushchev and his crowd has always backed down.

We can remember the Berlin airlift. We remember the order Mr. Kennedy put out just a few weeks ago on Checkpoint Charlie, when the Russians were coming through the American Zone to go to their war memorial in the British Zone of Berlin.

He ordered our American fightingmen, in full battle dress, to move forward and say, "You cannot come this way," and Russia backed down. Instead orders went out for the Russians to move through the British Zone as they were supposed to move.

When the air lift was ordered, our planes were not shot down, as had been threatened. And when, in the fifties, an attempt was made to erect a wall in Vienna between the British and Russian sectors, Mr. Churchill, as I recall, was the man who issued an order that the wall or fence be cut down, and within an hour it was torn down; and there was no war.

I am convinced, just as surely as I stand here, that if we have the courage, the fortitude, and the American patriotism, if you please, to stand up now and be firm in the position we take against the spread of communism, against the infiltration of these Communist forces into the Western Hemisphere, in violation of the Monroe Doctrine; if we let it be known we do not intend to put up with it, there will be no war because Mr. Khrushchev respects just one thing, and that is strength and force, and the willingness and the readiness of his opponents to stand for something instead of backing down, or always giving in a bit, always being afraid to face his aggressions which come so regularly.

I hope this resolution will be strengthened, and then adopted unanimously.

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Rogers].

Mr. ROGERS of Florida. Mr. Speaker, I think we are beginning to make great progress in firming up our policy against Cuba. I am delighted this rule and this joint resolution are now before the House. I do think much can be done in an administrative way as well, and I think this Congress is helping to firm up that policy, too.

I want to bring to the attention of the House in this discussion on the rule a matter that I think deserves attention immediately, and that is the question of some ships that have come into Miami brought there by exiles. If you recall, a Mr. Harris had a claim against the Castro regime which he reduced to judgment and he hoped to satisfy this claim by attaching several cargoes earlier. He was successful in meeting part of his claim that way.

Recently when exiles brought these two motorboats, which are gunboats, into Miami, Mr. Harris attached them.

Incidentally, I think it is interesting to note they had gun placements on them, and the testimony according to the exiles was that these two boats had been used to fire on escaping refugees on the open waters. Mr. Harris attached them, but the State Department has now come in and claims sovereign immunity for these two vessels, and they will be returned to Cuba Thursday unless this decision is reversed this afternoon at 4 o'clock, when a meeting is to be held with the State Department.

I am sure that the American people and I feel this Congress will want the State Department to change its policy in this regard in returning property, particularly where the material is materiel of war.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Florida.

Mr. FASCELL. I want to associate myself with the remarks of the distinguished gentleman from Florida and say that while the doctrine of sovereign immunity is one long established in international law, we hope the evidence presented at the meeting which will be held this afternoon will give sufficient ground for the State Department to reverse its position. We should keep those boats here, and not return them to Castro to shoot down innocent people.

Mr. ROGERS of Florida. I thank the gentleman. I am sure this House would want that action taken.

Mr. BROWN. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. Avery], a member of the Committee on Rules.

Mr. AVERY. Mr. Speaker, this is an extremely sensitive debate this afternoon. I hope that all Members will weigh very carefully what may be said in the well of this House because those words will be heard all around the world.

We are right in the middle of an election campaign. In my 8 years in Congress there has been nothing that has concerned the American people like the situation facing us in Cuba.

May I say to my friend from Indiana, regardless of any intent on the part of the minority or any member of the majority, as far as that is concerned, to treat this matter casually, it is impossible, because the people will not permit us to treat it that way. They are concerned, they are intent, they will be viewing carefully what will be said here this afternoon and what effect what is said here will have on the Executive as reflected through the State Department.

This is a sensitive debate for still another reason, because there is a very fine line that divides the executive and the legislative branches of the Government in the transaction and the disposition of foreign relations, foreign policy, and foreign decisions. As everyone knows, and as I think the gentleman from Ohio stated, it is the responsibility of the Executive with the advice and consent of the Senate to make treaties with foreign powers. Of course, inherent in that responsibility to make treaties is the responsibility to develop foreign policy in his judgment to the best interests of the United States of America.

Congress is concerned, under the Constitution, only so far as a declaration of war is concerned. On the basis of my limited research, I find that Congress does not declare war unless it is requested to do so by the Chief Executive. So, actually, it seems to me, the Congress and we, here in the House proper, this afternoon are placed in a position where we must support our President and must support foreign policy. On the other hand, Mr. Speaker, as a minority I think we have an even further responsibility to make sure that whatever foreign policy is finally announced that it is made deliberately and based on the facts and based upon a realistic appraisal of the very unpleasant situation that we see surrounding us this afternoon.

This closed rule came out of the Committee on Rules by a very close vote. There were a substantial number of members of the Committee on Rules who felt that this should not be a closed rule, and that Members should not be precluded from offering amendments to the resolution giving the House an opportunity to work its will on such amendments.

But, I do not think anything would be gained by reviewing the decision of the House in 1961 to pack the Committee on Rules. But it seems to me, this is a kind of travesty when we are presented here this afternoon with a closed rule on a resolution of this nature and we are forced to accept it or vote it down, which we cannot do, or else vote for a motion to recommit.

I hope I have the time to complete just one more thought. On September 8, I had a letter from Assistant Secretary of State, Mr. Frederick G. Dutton, and he stated, in his letter:

> Nor is there evidence of any significant offensive capability, including offensive ground-to-ground missiles, either in Cuban hands or under Soviet direction and guidance.

As Members of the House, we have to accept that as being true, as being the best available information. But I sincerely hope there will be a somber reappraisal of the determination whether or not there is offensive capability in Cuba as a result of the buildup. We heard just last night that a harbor is to be developed ostensibly to service fishing trawlers. I think every realistic person knows that such a harbor could accommodate a submarine with practically no modification. So I hope in the passage of this resolution, it will be abundantly clear to the Department of State that the House of Representatives, whatever resolution is passed, will be in support of the Executive, but hoping that position will be a firm one and a position that is clearly understood not only by Khrushchev but by all the enemies of the United States of America.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman.

Mr. BOW. The gentleman has referred to the so-called fishing port that has been established in Cuba.

Mr. AVERY. It is to be established.

Mr. BOW. Yes, the fishing port that is to be established in Cuba. I wonder if the gentleman knows that just this morning Acting Secretary of State Mr. George Ball in a radio statement says that we should have no concern about it and it was simply economic aid that was being given to Cuba. Does the gentleman believe that any such statement of that kind could possibly be substantiated?

Mr. AVERY. I did not know of that statement, I might say to my friend from Ohio, but I would deplore any such observation as that in view of the other circumstances that are very obvious with relation to the buildup in Cuba at this time.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman.

Mr. BROWN. Does not the gentleman believe it is rather peculiar that the State Department officials who were so very zealous attempting to help Mr. Castro when he was rising to power and when he was in the mountains against Batista are now arguing that we should take no action against Mr. Castro at this time?

Mr. AVERY. It would seem to me that the position and reports that have been made from the State Department under this administration and the one before have not been realistic and, certainly, their observations and conclusions have not been well founded in view of subsequent developments. So I think that the House has an even greater responsibility here today than we otherwise might have had.

Mr. BROWN. Mr. Speaker, I yield the remainder of my time to the gentlewoman from New York [Mrs. St. George], a member of the committee.

The SPEAKER. The gentlewoman from New York is recognized for 10 minutes.

Mrs. ST. GEORGE. Mr. Speaker, this resolution comes before us today, it has been said already, but I think it should be again emphasized, under a closed rule. In other words, no change can be made. The only possible change would have to be incorporated in a motion to recommit.

This joint resolution will probably pass the House as it is written. I would like to call your attention to the fact that while it may not do any harm, it is not doing very much good. There is very little in this resolution to be very enthusiastic about. First of all, in the first portion the Monroe Doctrine is mentioned, and then the Monroe Doctrine is very conveniently forgotten. Second, this resolution practically leaves Cuba in the status quo; in other words, it says in the vulgar parlance of the street: "This is an accomplished fact. We are not going to do too much about it, but just don't go any further." Well, of course, they cannot go very much further unless they land troops in Miami, and I presume that when that happens something will be done about it.

So this resolution is but a pious hope. It is no more, and it is no less. As I said originally, it will not do any harm; and certainly this Congress, all of us, whatever our views on this particular matter, are going to give our President all the power that he needs; and, personally, I think he should be given a great deal more power than is included here.

There is no need to talk about what happened in 1954, in 1958, or any other time; we are all guilty in this matter. There is absolutely no question that we were badly informed by our State Department when Fidel Castro came to power. And I remember those days very distinctly. We all took the view that he was a pure exponent of democracy, that the only difference between him and Abraham Lincoln was that he had a full beard instead of side whiskers.

That was a rather stupid assumption, but it is one that we had about him.

But I would like to remind some of those who are trying to voice the thought that all this could have been stopped—and it could have been—that the Russians only took over in 1960 and 1961, that they really came into full flower in Cuba in 1961 and that they are building up a military base 90 miles from our coast of Florida.

Much has been said about Latin Americans and what they are doing and what their leaders are doing. I notice that not long ago the Republic of Colombia, if you please, decided to get together with 10 other like-minded republics in South and Central America and to organize themselves to overthrow the threat of Cuba, and they say that they hope—they have a pious hope—that maybe the United States will back them up in this undertaking. So, you see, some people outside of this Chamber and outside of this Capitol are fully cognizant of the dangers in what is going on in the island of Mr. Castro at the present time.

Of course, the Russians are there. Some will say: "Well, you do not know it, you have not seen it." There are lots of things that I have not seen that I still know. I know about our astronauts. I did not see them take off, but I know they did. And I am sure that Mr. Khrushchev when he sent Mikoyan to Cuba—and that was some years ago—planned this whole takeover then.

Now, what in this resolution, if you please, is to stop exactly the same thing happening in Haiti, in Panama, in the Dominican Republic? Nothing at all, because once they have taken over, it is too late.

It is not a very reassuring situation, Mr. Speaker. It is not a very reassuring situation for our allies who, after all, are asking: Are you not going to take the leadership in your own hemisphere? You have this great doctrine, this doctrine we are all tied up to, we all believe in it and we are all back of it.

What do we see today? We see nothing but dictatorships. They are either to the right or to the left south of the border. To the north we have a friend whom we do everything we can daily, to antagonize because they probably will be on our side. They speak our language, they understand our ways. But that is not what we want. At least, that is not what our State Department wants. So we go on constantly antagonizing our friends, promoting those that we call neutrals. But neutralism will always veer away from the true policy of the United States.

I hope, Mr. Speaker, that this resolution will be strengthened. I believe it can be. In any case, I know that we will certainly give all the powers to the administration that it needs to take charge in the Western Hemisphere.

Mr. **BROWN.** Mr. Speaker, will the gentlewoman yield?

Mrs. **ST. GEORGE.** I yield to the gentleman from Ohio.

Mr. **BROWN.** Is it not a fact that some of our allies in the NATO nations, to whom we have given much aid under our foreign aid program, to whom we furnished money to construct ships, ships that are used in international trade, and which countries have been furnishing their ships to the Russians under charter to haul military supplies and Russian personnel to Cuba? It has been only within the last week or so that a protest of any kind whatsoever was made by any official of the U.S. Government to these actions. Was there any protest made to our allies who have been the recipients of our largess throughout the years?

Mrs. **ST. GEORGE.** The gentleman is eminently correct. I was deeply concerned to see only the other day that the Kingdom of Norway was very lukewarm in acceding to our requests in this matter. The only way we can make ourselves felt along that line is to have a strong embargo on the Island of Cuba; otherwise the desire of a country, not only a country but the individuals thereof, to make money will be such that the traffic will continue and this traffic is exceedingly dangerous to us.

Mr. **BECKER.** Mr. Speaker, will the gentlewoman yield?

Mrs. **ST. GEORGE.** I yield to the gentleman from New York.

Mr. **BECKER.** I want to associate myself with the remarks of the gentlewoman from New York. I want to refer to two resolving clauses in this resolution:

> (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere.

That is meaningless, as far as I can see.

Then there is the next clause:

> (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

It is already there, it is created. So what is the meaning of that language?

Mrs. **ST. GEORGE.** It is merely shutting the door after the horse is gone.

Mr. **BECKER.** It does not express anything but what has been already accomplished?

Mrs. **ST. GEORGE.** Yes. In this resolution we accept it as an accomplished fact.

Mr. **BECKER.** Exactly. I hope before the day is over we will have, by recommital, a resolution that will mean something, give the President the powers to take action that will curb this threat.

Mrs. **ST. GEORGE.** I thank the gentleman.

Mr. **BROWN.** Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FULTON].

Mr. **FULTON.** Mr. Speaker, we do need a good, strong U.S. policy on Cuba. I strongly favor this Cuba resolution strengthening the hand of the President, and showing the united stand of the U.S. Congress and the American people.

I would like to point out that the language which appears in paragraph (a) of the resolution which states "to prevent by whatever means may be necessary, including the use of arms," refers only to paragraph (a) and not to paragraph (b). Paragraph (b) covers the creation or use of an externally supported military capability in Cuba endangering the security of the United States. I believe the strong language should be in paragraph (b) as well.

We should make clear in the resolution that we rely on the Monroe Doctrine, that it is current U.S. policy, and that the military buildup in Cuba is a direct violation of the U.S. Monroe Doctrine policy.

We should also add a corollary to the Monroe Doctrine against Cuba exporting arms, or subverting directly or indirectly, by overt action or otherwise, the freedom and independence of any of the nations of the Organization of the American States.

I have been criticized strongly for advocating putting the U.S. marines in Cuba at the time Castro took power in Havana, to protect U.S. lives and property. This could have been quickly accomplished from our U.S. base at Guantanamo, our ships, and our planes without opposition from the Cuban people as a stabilizing and protective measure, as the United States actually did in the eastern Mediterranean landings under President Eisenhower.

Such a decision on the use of force must be retained in the President with adequate power and discretion in the President, with the united backing of the Congress and the American people, for the security of our good country.

Mr. **MADDEN.** Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. **CELLER.** Mr. Speaker, the situation in Cuba has certainly affected emotionally a number of elected officials and editors, and has clouded their judgement. Without enlarging upon the proposals they have put forward and examining all possible consequences, they have demanded a naval blockade of Cuba, or outright invasion of Cuba. This is jingoism. A naval blockade is, of course, an act of war which must depend for its success not only on the cooperation of Latin America, but upon the cooperation of some of our allies who are presently trading with Cuba. A direct invasion at the present time could be easily interpreted as first, an act of aggression which would give the Soviet Union an unprecedented propaganda issue; second, a U.S. acceptance of the principle of preventative war; third, an invitation to the Soviet Union to bomb with rockets our bases on the periphery of Russia and her satellites. I believe most firmly that this loose talk should cease.

CALL OF THE HOUSE

Mr. **UTT.** Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

Mr. **HARRIS.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 250]

Ashley
Aspinall
Auchincloss
Bass, N.H.
Belcher
Blatnik
Blitch
Bolling
Bolton
Breeding
Coad
Curtis, Mass.
Davis, James C.
Davis, Tenn.
Denton
Derwinski
Dominick
Dooley
Dwyer
Ford
Green, Oreg.
Harvey, Ind.
Hiestand
Hoffman, Mich.
Holifield
Johnson, Wis.
Jones, Ala.
Kearns
Kee
McDonough
McIntire
McSween
Macdonald
Meader
Michel
Moorehead, Ohio
Morse
Moss
Moulder
O'Brien, Ill.
Pilcher
Powell
Reece
Rivers, S.C.
Robison
Saund
Seely-Brown
Shelley
Short
Smith, Miss.
Spence
Taber
Taylor
Teague, Tex.
Ullman
Van Pelt
Vinson
Weis
Whalley
Widnall
Yates
Zelenko

The **SPEAKER** pro tempore (Mr. ALBERT). On this rollcall, 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXPRESSING THE DETERMINATION OF THE UNITED STATES WITH RESPECT TO THE SITUATION IN CUBA

The **SPEAKER** pro tempore. The gentleman from New York [Mr. CELLER] has 1½ minutes remaining.

Mr. **MADDEN.** Mr. Speaker, I yield 5 additional minutes to the gentleman from New York.

The **SPEAKER** pro tempore. The gentleman from New York is recognized for 6½ minutes.

Mr. **CELLER.** Mr. Speaker, it would be wisest to follow the leadership of the President who has already served notice that the United States would take action if the Cuban build-up took an aggressive turn against the United States or any other country in the hemisphere.

No elected official journalist is in full possession of all the facts as is the President of the United States, nor can they be, for effective diplomacy or action cannot operate in full view. One does not tell one's enemies what one plans to do, or when, or how, when national security is at stake.

President Kennedy has kept his nerve as well as his head.

Others have not. Their jingoistic speeches would lead us down the way to war—thermonuclear war.

I am reminded of the Turkish adage: "The dogs bark but the caravan moves on."

Despite the waving of arms and the frenetic speech of these pinafore admirals and papier mache generals, the President moves with courage, caution, and conscience, and guards well our interests. He refuses to heed the war mongers. He said, "Rash talk is cheap" particularly from those who do not bear the responsibility of decision.

For these reasons, the resolution made in order by this rule is succinct, sensible, and statesmanlike. It contains solemn warnings that the Monroe Doctrine is still strong and applicable, and violations thereof will bring appropriate sanctions.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 230, expressing the determination of the United States with respect to the situation in Cuba.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee on the Whole House on the State of the Union for the consideration of Senate Joint Resolution 230, with Mr. RODINO in the chair.

The Clerk read the title of the Senate joint resolution.

By unanimous consent, the first reading of the Senate joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. MORGAN] will be recognized for 1½ hours, and the gentleman from Minnesota [Mr. JUDD] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of Senate Joint Resolution 230. Although it bears a Senate number, the House Committee on Foreign Affairs has had an equal share in its drafting with the Senate Committees on Foreign Relations and Armed Services. We have written a new page in legislative history in its consideration. For the first time, we have attempted and succeeded in ironing out the differences between the House and Senate committees before, rather than after, reporting a resolution.

This measure began in both House and Senate as a concurrent resolution. The distinguished chairman of the Senate Armed Services Committee, which met jointly with the Foreign Relations Committee, felt that a joint resolution would be better and stronger and so convinced his colleagues. After checking and recalling that the 1941 Western Hemisphere resolution, the Formosa resolution, and the Middle East resolution had all been joint resolutions, the House Foreign Affairs Committee also agreed.

The Foreign Affairs Committee met on Friday, September 14, and on Monday through Thursday of last week. These meetings followed an earlier briefing given our committee and the Armed Services Committee by Secretary of State Rusk and officials of the Defense Department and the Central Intelligence Agency. Further testimony was given us by the Secretary of State and the Department's legal adviser, and during our meetings over 50 amendments were suggested and given most careful consideration.

As the Senate and House committees entered the markup stage, arrangements were made to keep each committee simultaneously informed of amendments as they were proposed and acted upon. In a number of instances, compromises were worked out before final votes were taken, including restoration of subsection (c), which had been tentatively deleted in the Senate committee.

On last Wednesday, the House and Senate committees completed their drafting. Under Senate rules, the two Senate committees reported an "original resolution" and it passed the Senate Thursday by a vote of 86 to 1. Although our drafting was completed at the same time, under House rules it was necessary to introduce a clean resolution and meet on Thursday to formally report it. This we did by unanimous vote of 32 to 0. Because of the close cooperation between our committee and the Senate committees, making it possible for both groups to consider each other's changes, we reported identical resolutions. I know this procedure will not always be practical, but in this instance the importance of timing and unanimity justified the effort, and I am glad it succeeded. I am just sorry that under the parliamentary situation it was not possible to schedule simultaneous action in the House while the Senate was passing the resolution by its overwhelming vote.

The primary purpose of this resolution is to make clear to the Russians and to anybody else who may have doubt on the subject that the United States is determined to use force, if necessary, before we let the situation in Cuba reach a point where it is a threat to our security.

Let me say in passing that the testimony given to our committee, meeting jointly with the Armed Services Committee, by the Secretary of State and representatives of the Defense Department and the Central Intelligence Agency indicated the firm conviction of the administration that the military buildup in Cuba was not yet of a nature that would constitute a military threat to the United States.

Let me reiterate that it is the purpose of the resolution to leave no doubt in anyone's mind that the Congress in its position as representatives of the American people interprets the attitude of the American people as being a determination to fight, if necessary, to protect our security.

The resolution is intended to make clear also that although we expect the cooperation of the other American Republics in maintaining our security as well as theirs, we are determined to go ahead unilaterally if it becomes necessary for us to do so.

There is a certain tendency among the governments of Latin America to regard Cuba as primarily our problem and an inclination to leave the matter to us. We want them to recognize that they have a direct interest and a responsibility in this matter, and we do not want to have Congress take any action which would appear to them to indicate that we are taking the whole job on our own shoulders and absolving them from any further concern in this matter.

The nations of Latin America in the Rio Treaty have taken the position that an attack on one of the countries of this hemisphere is an attack on all, and we want them to continue to take that position and to cooperate in the common defense.

The other American Republics have also at Punta del Este indicated that they regard Cuba as identified with the Marxist-Leninist ideology, and we want them to continue with that point of view.

The resolution also is intended to give our assurance that we want liberty restored in Cuba and that we do not intend to be satisfied until it is. We want that assurance to be known to the people of Cuba and to the refugees from Cuba here and in other countries.

The resolution reaffirms the Monroe Doctrine as it relates to our position with respect to the defense of the hemisphere. We have tried to phrase this reaffirmation, however, in a manner that makes clear that we are not abandoning the Rio Treaty and that we want the continued cooperation and support of the other nations of this hemisphere.

There has been criticism of this resolution on the grounds that it does not go far enough. Now I am ready to concede that the passage of this resolution by the Congress will not of itself cause the downfall of the Castro regime or make the Russians withdraw from Cuba. It will take more than words to accomplish either of these objectives. All the evidence indicates that the immediate overthrow of the Castro government can be accomplished by an armed invasion of Cuba with a substantial military force.

The only way we can terminate the Soviet penetration of Cuba is to intercept Soviet ships and other means of transport. Either of these courses of action may lead to war. If this resolution is being criticized because it does not go far enough, I wonder if the critics are ready to settle for anything less than a directive to the President to invade Cuba or to intercept Soviet ships.

It is frequently said that a blockade does not mean war. We must never forget, however, that a so-called pacific blockade remains "pacific" only if the nation whose ships are intercepted chooses to maintain peace. No one in this House knows what would happen if our Navy began to intercept Soviet ships in the Caribbean.

The real purpose of this resolution is to give notice to the Soviet dictatorship not to continue its military buildup in Cuba to the point where it becomes a threat to the security of the United States.

It has been said that in this respect the resolution is too general, that it does not state specific terms. Let me point out in this connection that while paragraph (b) of the resolution makes the general statement that it is our determination to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States, the President has given notice to the Soviet Union that, and I quote:

> If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities in Cape Canaveral or the lives of American citizens in this country, then this country will do whatever must be done to protect its own security and that of its allies.

The committee gave careful consideration to the inclusion of these specific references in the resolution and decided to leave them out, primarily because we wanted to remove any possibility that the Kremlin might conclude that the Congress was trying to impose limitations on the President.

I am convinced that if this resolution is adopted by a unanimous or nearly unanimous vote, the rulers of the Soviet Union will get the message. They know the specific points the President has made, and they will know that in making these points the President has the backing of the Congress.

Let us not forget that the main purpose of this resolution is to inform the Communist leaders and the rest of the world where we stand. We must not say anything that we do not mean or that we do not intend to follow through with the use of force if necessary.

This resolution has been carefully drafted and its meaning is clear. I urge its unanimous approval.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the minority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, I am very sure that for a very considerable time there has been a growing concern in the country and I am sure in the House of Representatives about the situation in Cuba. As the result of that concern, on September 7, almost 3 weeks ago, at the joint Senate-House Republican leadership meeting held here in the Capitol, after fully discussing the situation as we saw it, we agreed upon certain statements to be made, publicly. One was made by me, the other was made by the minority leader of the other body.

My information is that when this matter was before the other body the minority leader there read into the RECORD the statement that he there made, so in order that this may be on the record and as evidence of the concern of many of us, I want to read the statement that I there made on September 7:

> On September 1, the Soviet Union announced what this Nation has long known—that Russia had agreed to supply armaments to Cuba and technical specialists for training Cuban servicemen.
>
> It is important to point out that the only thing new about Soviet military assistance to Cuba is the Kremlin's confirmation of it. Evidently forgotten is the fact that the Department of State on April 3, 1961—nearly 18 months ago—issued its white paper on Cuba which contained the following facts:
>
> As of 18 months ago, 30,000 tons of arms had been shipped by Iron Curtain countries to Cuba, having an estimated value of $50 million.
>
> Included as of 18 months ago were Soviet JS-2 51-ton tanks, Soviet SU-100 assault guns, Soviet T-34 35-ton tanks, and Soviet field guns of 76 mm., 85 mm., and 122 mm. caliber.
>
> Also included as of 18 months ago were an unspecified number of Soviet and Communist Czechoslovakian military technicians sent to train a Cuban military establishment estimated at between 250,000 and 400,000 personnel, the largest in this hemisphere except for our own military establishment.
>
> This week, President Kennedy advised the American people these armaments have been increased since July by the Soviet Union through shipments of antiaircraft missiles with a slant range of 25 miles, torpedo boats with guided missile launchers having a range of 15 miles, and 3,500 military technicians.
>
> On the basis of official information from the State Department 18 months ago and the President's statement only 3 days ago, it must be inescapably concluded that not only is the situation in Cuba serious but that it is getting worse from the point of view of our own vital interests and the security of this country.
>
> Obviously there is no easy solution, but we believe it imperative for the Congress, the executive branch and the American people to unite in a calm, considered approach to meet this problem. The time is at hand for effective and decisive leadership in the Cuban situation. Our national security must be our first concern.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, at the outset, let me urge unanimous support for this resolution. We may have reason to criticize it. We may have valid and constructive suggestions for improving it. The language may be, indeed, an imperfect expression of Congress' desire to clarify and restate this country's policy. It may be inadequate in expressing our own concern at this unwarranted Soviet intervention in Cuba, which poses a serious threat to the entire Western Hemisphere. Nonetheless, we must remember that Congress is soon to adjourn and prompt action is most desirable. Even under the most ideal circumstances, we must also recognize, it might be difficult to secure unanimous support for a resolution phrased too differently from the one now before us.

We have all read the headlines in today's newspapers that the Soviets have reached an agreement with Castro to build what they euphemistically call a fishing port. This new Soviet move underlines once again the gravity of the Soviet penetration into Cuba.

The resolution we are presently considering expresses this country's determination to prevent in Cuba the creation or use of an externally supported military capability endangering the United States. Would this so-called fishing port constitute such a capability? If so, how quickly do we respond, and in what way?

For my own part, the development of such a base by the Soviets would seem clearly to fall within the prohibited activities indicated by the resolution. How could we possibly condone the construction of such a base by the Soviets? Surely its potential military value, its military capability, is obvious to the most casual observer. Surely too, no one can question the value of a Soviet base in Cuba for carrying out, under the guise of peaceful fishing expeditions, intelligence activities from so-called fishing boats. The present worldwide system of Soviet surveillance would be immeasurably strengthened by a Cuban base.

As a member of the House Committee on Foreign Affairs, and as an individual American citizen, I am deeply concerned, and aroused, by these continuing and flagrant examples of covert Soviet aggression.

Many Members, including myself, would like to see Congress evidence its concern by a stronger declaration. I personally advocated, for example, that the reference to the Monroe Doctrine be clarified. By quoting from President Monroe's message in 1823, we are, of course, implying that his warning to European nations has meaning today. But why not clearly reaffirm the continuing validity and vitality of the Monroe Doctrine? Why not spell out its meaning? Surely friend and foe alike should know for sure just what our responsibilities are, for our own welfare and security as well as all the Western Hemisphere.

While on the subject of language, let me say also that I questioned in committee the reason for the particular quotation from the Rio Treaty of 1947. If this whereas clause is supposed to mean that any and all countries in the Western Hemisphere should act together, but if not together then separately, in defense against aggressive acts, why do we not make a straightforward statement to that effect? Should we not clearly state, and not merely imply, our right to act in self-defense?

Still another comment about draftmanship. I refer to that part of the resolution where the United States expresses its determination. We find on page 2, in subsection (a), line 5, a reference to the use of arms if necessary to prevent the Marxist-Leninist regime in Cuba from extending its aggressive or subversive activities. However, in subsection (b), to which I have already referred, there is no reference to the use of arms, if necessary, to prevent in Cuba a military capability endangering the security of the United States. Does this omission mean that we are not ready to take whatever means may be necessary against a Soviet base, but we are ready to act against Cuban aggressive activities? I am sure that is not the intention. That the question can be raised, however, shows the difficulty of haste in drafting legislation.

Furthermore, the original draft of the resolution, I am sure you will recall, specifically referred to our naval base at Guantanamo Bay, to our missile and space activities, presumably at Cape Canaveral, and to free passage to the Panama Canal. All these specific references were stricken out, and I believe justifiably so. I do regret, however, after striking out these examples of our legitimate interests, that we merely expressed our determination to prevent a military capability endangering the security of the United States. We must at least have declared our determination to take whatever appropriate action we deemed necessary.

I feel also that this word "security," on page 2, line 11, is too restrictive. In my opinion, the expression "vital interests" would have been a broader and more appropriate description.

I recognize, of course, that the President of the United States in the last analysis must make the final determination regarding when, if, and what action should be taken. His definition of this Nation's security, or its vital interests, will be binding on us all. Nonetheless I feel that Congress must weigh its words with care.

In my opinion, Mr. Chairman, Soviet intervention in Cuba has already reached such proportions, and is of such a character, that the vital interests of the United States are directly and immediately affected. It is not a question of Cuba actually threatening our missile base at Cape Canaveral, though this may develop.

It is not a question of an immediate threat to our use of the Panama Canal. It is not a question of our ability to respond overwhelmingly to any attack on our naval base at Guantanamo. Nonetheless, the fact is that modern Soviet MIG planes, Soviet-manned missile bases, motor torpedo boats capable of firing nuclear missiles, and vast numbers of Soviet military technicians are in Cuba today. Their arrival has transformed Cuba into a serious threat to the whole Western Hemisphere.

We may try to dodge the significance of these developments. We may try to belittle the danger. We may distract ourselves with problems elsewhere. The fact remains that last year's failure to support the ill-fated invasion by Cuban refugees has made possible today's horrible dilemma about what to do about Cuba.

In conclusion, Mr. Chairman, let me say that passage by Congress of a resolution, no matter how it is worded, no matter how strong the language, will never take the place of firm resolution on the part of our Chief Executive. In his search for a reasonable, honorable, and adequate response to this Soviet challenge he has the support of all Americans.

Mr. MacGREGOR. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MacGREGOR. Mr. Chairman, the Cuba resolution sanctioned by the administration is deficient in the following respects:

First. It does not state the obvious fact that the Monroe Doctrine has been and is constantly being violated by the massive Communist military buildup in Cuba.

Second. It does not declare that an alien system has been extended to a portion of the Western Hemisphere.

Third. It does not assert our unquestioned right, under article 51 of the Charter of the United Nations, to take unilateral action if necessary to protect America's own self-defense.

Fourth. It does not recognize that an externally supported military capability in Cuba already endangers our security.

For the past year and a half or longer, the flow of military men and materiel from Russia and other Communist countries into Cuba has steadily increased. Almost 18 months ago our State Department warned us that even then Cuba possessed the second largest armed force in our hemisphere. As the military buildup grew last year, it became obvious that the Cuban Communists had more than the self-defense of a small island in mind. They were clearly preparing for a piecemeal Communist takeover of the entire Western Hemisphere, in a continuing program to violate the Monroe Doctrine.

Obviously our first objective was the prevention of further aggressive military preparations in Cuba; thus could we short circuit communism's plan to infiltrate, subvert, overthrow and dominate each of America's Republics on a one-at-a-time basis. To that end I introduced the following joint resolution a little over a year ago:

House Joint Resolution 585

Joint resolution declaring Communist arms and munitions contraband in the Western Hemisphere and making provisions to enforce the same

Whereas the presence of Communist arms and munitions in the Western Hemisphere threatens the peace and safety of the United States of America; and

Whereas the United States has an inherent right of national self-defense recognized by article 51 of the Charter of the United Nations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communist arms and munitions, including petroleum products, are hereby declared contraband in the Western Hemisphere; and that the President of the United States be and he is hereby authorized and directed to promulgate from time to time lists of such contraband and to utilize appropriate forces of the United States on the high seas and in the free airspaces to enforce this declaration of contraband.

Briefly, this joint resolution is a formal declaration that Communist arms and munitions are contraband in the Western Hemisphere, a direction to the President to promulgate a specific list of contraband arms and munitions, including petroleum products, and an authorization for enforcement of the declaration by appropriate use of U.S. airpower and U.S. seapower.

This is the way it works:

On the declaration of a contraband, international law recognizes a right of enforcement. The procedure is peaceful. A U.S. patrol aircraft spots a ship headed toward Cuba or elsewhere in the Americas. It signals for a U.S. destroyer to intercept and search the ship.

If Communist arms or munitions are found aboard, the ship is warned to turn around.

If its captain refuses, or tries again to proceed toward a port in the Americas, Navy men can either reboard the merchantman and jettison its contraband cargo or bring it to a U.S. port to have confiscation adjudged.

The advantages of this unique approach, based on modernization of longstanding principles of international law, are many:

Only a few U.S. aircraft and ships would be required. These would operate on the high seas. There would be no interference with the integrity of any nation's territorial waters or domestic soil. In contrast, blockading Cuba would require a ring of vessels for many hundreds of miles around the large island, drawing U.S. naval forces from other world trouble spots where they are needed.

Once firmly established, the precedent would be applicable universally in the Western Hemisphere.

U.S. forces would be acting in a strong area of U.S. seapower and airpower almost 5,000 nautical miles from the U.S.S.R.'s nearest home bases.

Moreover, it is highly unlikely the Soviets would attempt to escort "merchant ships" with their own warships or otherwise engage in retaliatory mischief. It would be hard to imagine shrewd Kremlin realists risking the start of all-out war under the most disadvantageous conditions possible from both power and propaganda standpoints, that is, where their challenge would have to be made in an area of overwhelming U.S. strength and for the obviously warlike purpose of forcing arms and munitions into an otherwise peaceful hemisphere.

For over two centuries the Western Hemisphere has been a vast reservoir of physical and moral strength in the struggles of freedom against tyranny. Communist strategy clearly aims at eliminating this checkmate to Red goals, and the imposition of mischiefmaking arms and munitions upon the American nations is one of their major tactical moves to do so.

Equally obvious is the fact that the United States must act decisively to counter this deadly thrust. Failure, weakness, and lack of decision here on our own doorstep cannot but doom us to defeat from the broader challenge of worldwide domination extended by the international Communist conspiracy. Not only does it undermine our position as leader of the free world in crises such as Berlin and Laos; it rots away the entire foundation of free world security and survival.

Not only are ample foundations for action to contraband Communist arms and munitions in the Western Hemisphere found in the Monroe Doctrine and article 51 of the U.N. Charter, but elsewhere and repeatedly in our history.

President Theodore Roosevelt in his time amply affirmed the right of the United States to protect U.S. interests with U.S. military forces, particularly naval units.

President Franklin D. Roosevelt, before our entry into World War II, not only enunciated our right to continental defense but in effect established the Western Hemisphere as a peace zone, making acts of belligerency off limits in the waters of which we deem necessary for our defense.

Further, deep-rooted in Marxist-Leninist dogma is a reverse application of the Monroe Doctrine so fundamental to Communist strategy that objection to our modernization of the law of contraband could not be voiced without imperiling one of their own most vital strategies.

It is the peace-zone-war-zone concept which holds that all Communist-dominated territory is a peace zone in which they will tolerate no outside interference. The zealous intensity with which the Kremlin acted to preserve this concept from violation during the Hungarian revolution amply demonstrates the importance they attach to it.

A concomitant of the doctrine is that all non-Communist territory is regarded as a war zone in which action by them to forward Communist goals by application of violence at times, places, and in the degree of intensity regulated by historical materialism, is always sanctioned.

Committed to application of the principles of the Monroe Doctrine in one direction, the international Communists can hardly object effectively to its application in the opposite direction by our intolerance of their interference in our own peace zone by contrabanding the shipment of Communist arms and munitions to the Americas.

Because of the administration's opposition, the resolution of contraband offered by several of us has lain dormant for more than a year in the files of the Committee on Foreign Affairs. During this period the aggressive Communist military buildup in Cuba has reached critical proportions. It is a vital and contributing factor to the crisis we now face, a crisis which our Secretary of Defense and the Chairman of our Joint Chiefs of Staff described earlier this month as the most serious one since Korea.

The American people want a stronger and more effective foreign policy. The passage of the contraband resolution, in place of the weaker resolution now before us, would constitute a responsible step along the road toward the exercise of more forceful American leadership in the cause of individual human freedom. While words alone cannot achieve our goal of peace with justice, they can be a powerful stimulus to badly needed action.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. ZABLOCKI].

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the Senate Joint Resolution 230.

I am deeply concerned about recent developments in Cuba, especially the stepped up military buildup of the island achieved with the Soviet arms, Soviet technicians, and other Soviet help. This buildup over the years as outlined by our distinguished chairman, the gentleman from Pennsylvania, Dr. Morgan, and the minority leader, presents a threat to the security of the Americas and to some of the vital interests of our Nation. For this reason, I believe that we must restate our determination—the determination of the American Nation—to prevent, by whatever means necessary, the spread of the Communist cancer.

Mr. Chairman, the resolution before us will serve notice upon Castro and his Communist regime of Cuba—and upon the sponsors of this regime in Moscow—that our Nation is united in its determination to prevent any attempt by force, or threat of force, to disturb the peace, and endanger the security, of our sister Republics in the Western Hemisphere. This we must not fail to do, and I therefore urge the adoption of the resolution.

At the same time, we must all realize that the passage of this measure will not turn back the clock. It will not change the present deplorable state of affairs in Cuba. And this should make us pause.

Three and four years ago—long before our Nation, and even the informed officials of the last administration, awakened to the true nature of the Castro revolution— I warned about its Communist affiliations. I recall being severely chastized in some news media for my insensitivity to the liberal spirit of the Castro movement. I need not say that fortunately some of the critics have since experienced a change of heart.

The sad fact remains that the situation in Cuba today is as much our fault as it is the fault of the 3 million Cuban people who, I am certain, have by now lost all their illusions about Castro's objectives. I say that we must share the blame for that situation because responsibility must always go hand in hand with power. We have exercised the responsibility of our national power in 1823, with the announcement of the Monroe Doctrine. We have exercised it over the years while that doctrine continued to serve as a protective barrier for the entire Western Hemisphere. And we have failed to exercise it when, through gullibility and indecisiveness on our part, the Communists were allowed to establish their system in Cuba. We should have spoken, and acted decisively much sooner.

I hope that we will not make the same mistake twice. In addition to Cuba, there is another explosive point of crisis in our struggle with the Communists in the Kremlin. That point is Berlin. We must not allow the Communists to achieve in Berlin what they have already achieved in Cuba.

Earlier today, I have introduced a resolution dealing with the situation in Berlin. I am pleased that other Members, in a bipartisan spirit, have joined me in cosponsoring the resolution. This resolution addresses itself to the challenge thrust in our face by Khrushchev who served notice that in November, presumably after the elections when Congress will not be in session, he will again heat up the Berlin issue. I believe that Congress should address itself to that challenge before adjournment. Congress should express our Nation's position on Berlin. I sincerely hope, therefore, that my good friend and distinguished chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania, Dr. MORGAN, will help to see to it that the Berlin resolution will receive prompt consideration from the committee and be brought before the House.

We must not—we dare not—be late again.

Mr. Chairman, I urge adoption of the Senate Joint Resolution 230 and then take all steps to act before adjournment on a resolution with respect to the situation in Berlin.

Mrs. CHURCH. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I thank the gentleman.

CUBA—BACKGROUND OF A SOVIET SATELLITE

Mr. Chairman, like everything else the crisis in Soviet Cuba had its beginnings. And like most other crises the beginnings were filled with the portents of an unhappy future.

When the Kennedy administration took office the Castro dictatorship in Cuba was still in its infancy and its physical power was barely noticeable. The Communist hold on Cuba had not been consolidated and the people of that Caribbean island still had it within their power to overthrow the new regime if given effective leadership from within and encouragement from without.

Today, a scant 19 months later, the Castro dictatorship stands revealed as mere puppetry for Soviet control—a control over Cuba of the first magnitude. The power of Soviet Cuba stands at a point second only to our own in this hemisphere and ranks high among the nations of the world.

The Soviet despotism over Cuba is complete and its hold as tight as any grip within the Soviet bloc. The people of Cuba are now helpless to decide their own destiny and the power of decision is now gone from their hands.

Moreover, Cuba has become an armed camp bristling with modern weapons and crowded with non-Cuban troops. It represents the greatest military threat to the physical security of the mainland of the United States in our long history. For the first time our cities and towns, our military and industrial complexes are within easy reach of enemy weaponry.

How has this all come about, Mr. Chairman? And how has it come about under our very gaze?

To begin with, it came about because the United States adopted the policy which it continues to follow today—a policy of watchful waiting.

The use of overt military force to dispose of the Castro regime was ruled out early in the game. Of course, some plans to overthrow the regime had been under active consideration at the time that the administration took office and they were continued but only in the most half-hearted way.

The Communist buildup in Cuba did not go unnoticed. In his press conference of February 25, 1961, President Kennedy took note of the shipment of "thousands of tons of arms to that country, and the expansion of the militia, and those are all factors which affect the security of the United States."

But beyond taking note of the activity in Cuba the administration did little more. The plans for a U.S.-supported invasion of Cuba by Cuban exiles were still in preparation. But early in the game it became obvious to those involved that the administration was not particularly sanguine about the proposed operation. The official of the Eisenhower administration charged with the responsibility for overseeing the operation was relieved by a Kennedy administration official without a single briefing session between the two men.

As the plans for the operation continued two things became apparent: One, the effectiveness of the plan was being steadily watered down—first from a well-planned though touchy operation requiring the most careful execution, then to a marginal one and finally during the operation itself, to one doomed to failure; and, two, more and more information on the supposedly secret plan was leaking out to the press and others with no reason or right to know of them.

Finally, as the date for the invasion was almost upon us, President Kennedy announced to the world that the United States would not openly intervene in Cuba. This incredible statement, made on the eve of the invasion itself, did more to dissuade the Cuban underground from arising than any other single factor.

And as the invasion itself proceeded the final blow at Cuban freedom was struck by the administration. The vitally needed air cover, the only element of the invasion plans that remained intact and promised any hope of success, was withdrawn. The rest is history.

Now, I do not dwell on this sorry episode, Mr. Chairman, merely do criticize the administration for its failure at the Bay of Pigs. I mention it only because the failure of the operation was due to a failure of our will and it was this fact that was most apparent to the Communists. The Bay of Pigs disaster was a signal to the Communists that they could proceed to act with reckless abandon without let or hindrance from the United States.

And proceed they did. Freed of any fear of an immediate American adventure in Cuba, the Soviets moved openly into Cuba and commenced the enormous buildup of weaponry that today is the cause of so much concern throughout the Western Hemisphere.

From time to time the administration issued stern warnings against any further Communist adventures in Latin America and any further tightening of the Soviet hold on Cuba, but the warnings were never followed up with any meaningful actions.

In recent weeks the extent of the Soviet buildup in Cuba has become apparent to all. The President himself has told the American people some of the facts surrounding the military status of Soviet Cuba. But he has continued to decline to act.

It is obvious that the Monroe Doctrine does not exist as a factor in the situation as far as the administration is concerned. It is obvious that this attitude will continue. The President has warned that the United States will act if the buildup appears to assume an offensive character or if the Soviets attempt to export communism by force of arms in Latin America.

The President, embracing inaction as a policy, has attempted to imply that action is to be equated with rashness. But I submit, Mr. Speaker, that inaction is rashness when action is so urgently required.

Today Cuba is a full-fledged Soviet satellite. From its borders flow arms and propaganda to all of Latin America. There are trained African Communist troops who are to be clandestinely sent into Haiti and the Dominican Republic to provide the muscle for a Communist uprising and takeover. Such activities are covert by nature and could easily evade the restrictions upon the export of communism by force of arms decreed by our President as grounds for action by the United States.

Arms are being shipped to Communist forces within Brazil and we may soon expect to see the arms followed by "technicians" until the Soviet buildup in that nation has reached proportions sufficient to enable a Communist revolution to succeed.

Mr. Chairman, 19 months ago, or even 12 months ago, we could have eliminated Soviet control in Cuba at small cost. Today the cost will be enormous. Tomorrow it will be beyond imagining.

My own State of Florida, known round the world as a subtropical paradise, is today one step removed—90 miles—from becoming a battleground. It is crowded with the victims of the cold war in this hemisphere and now faces the prospect of seeing its own citizens join in the list of cold war casualties. I have proposed a pacific blockade of arms shipments from the Communists to Cuba, the recognition of a free non-Communist government in exile, prevailing on the free world to stop trading with Cuba and the withholding of aid to countries that aid Cuba directly or indirectly.

The background of Soviet Cuba is a sad one for liberty, Mr. Chairman. And let it be understood by all that everything that has happened until the present can all be traced to one single factor—inaction by the Kennedy administration.

Inaction has put into Cuban hands the gun it points at us today. Inaction has placed ammunition into the chamber of that gun.

Mr. Chairman, if the gun is fired at us, and it surely will be some day in the not-far-distant future, it will be inaction that has pulled the trigger.

Mr. PRICE. Mr. Chairman, I reserve the right to object to the request of the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, regular order.

Mr. PRICE. I would like to ask the gentleman a question. This is regular order, Mr. Chairman.

Mr. Chairman, I reserve the right to object, and I do so merely to ask the gentleman from Florida whether he is going to include with his extension of remarks any criticism he made of the previous administration which was in control for 2 years during the Castro regime in Cuba?

Mr. ARENDS. Mr. Chairman, will the gentleman yield to me?

Mr. ADAIR. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, later in this presentation I shall include in the RECORD a staff analysis by the House Republican policy committee of the statements and actions, or lack of actions, on the part of the administration on the Cuban situation.

I would like to highlight some of the more important significant statements that have been made by the President and some of the more pertinent facts bearing on them. The Cuban situation is rightly a matter of grave concern to everyone, and I should like to contribute in every way I can to an understanding of what has been done and not done by our administration.

President Kennedy's most emphatic statement on Cuba was made in 1961. He then stated:

> The United States will not tolerate a Communist regime 90 miles from our shores.

Every American subscribes to that statement. That is sound American doctrine. That is in essence an affirmation of the Monroe Doctrine.

But the President's statement in 1961, which I have just quoted, must be modified by the statement he made on September 2, 1962, when he said:

> It would be a mistake for the United States to invade Cuba because of the recent increase in Soviet arms and technicians going there.

To be sure, within a year's time many things can take place. Among other things, there has been a change in the situation in Cuba.

A year ago the attempted invasion of their own country by the Cubans could readily have been overthrown in 72 hours. The bearded dictator cannot be so readily ousted today. His overthrow now could involve a military operation of more than a few hours' time and a few ships and planes.

When I study the statements of the President and the factual record of events in Cuba during the past few years' time, I become increasingly alarmed. Two things are apparent: First, the Soviet buildup in Cuba continues to grow in amount and intensity; and second, the present administration lacks a cohesive, sound plan to deal effectively with this threat to our national security.

As the gentleman from Wisconsin [Mr. LAIRD] will explain, this Soviet military outpost in Cuba poses more than an ordinary military threat. It is a potential submarine base to harass our shipping. It is a potential missile base to zero in our cities as far west as Kansas City and as far north as Washington and beyond. It can be, and doubtless is, an observation post to target our space program at Cape Canaveral, a few hundred miles away.

This is a very, very serious matter, not to be summarily dismissed with just watching, waiting, and hoping. And this is why, Mr. Chairman, the subcommittee of special projects of the House Republican policy committee has sponsored this presentation. Our subcommittee has made a factual, wholly objective, study of the background of the situation in Cuba, solely with a view to ascertain the facts that we, and the people we represent, may arrive at constructive conclusions. We have sought to ascertain the application of the Monroe Doctrine in the past; the threat Cuba poses to our security in every sense of the word; and to make recommendations on which we might reach a bipartisan agreement for a firm stand by the United States.

We are ever mindful that in this, as in similar foreign policy issues, politics must stop at the water's edge. At the same time, there must be free and open discussion of the facts and facets that enter into the formulation of the policy. Indeed, it was the architect of America's bipartisan foreign policy, the late Senator from Michigan, Mr. Vandenberg, who said that bipartisan foreign policy "does not involve the remotest surrender of free debate in determining our position. On the contrary, free debate is indispensable to ultimate unity. Every foreign policy must be totally debated and 'the loyal opposition' is under special obligation to see that this occurs." By this series of speeches today, we Republicans are fulfilling our obligation.

In an economic speech which the President made at Yale University he made much ado about myth destruction. We propose to destroy some myths about Cuba in the course of this discussion.

First. The President has said:

> Unilateral military intervention on the part of the United States cannot currently be either required or justified.

The fact of the matter is that the increased shipment of technical and military personnel and weapons to Cuba from Russia violate the Monroe Doctrine and constitute a very serious threat to the United States and this hemisphere. If the invasion of Cuba, planned by two administrations, was justified in the abortive April 1961 invasion, then 17 months later it could at least justify action or protests of some sort.

Second. The President has claimed that our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of Americans have not been endangered.

The fact is that when we permit the construction of missile sites within range of our shores and in the hands of an enemy who has warned that his goal is our destruction, our bases, lives, and properties are endangered.

Third. The President stated:

> Rash talk is cheap * * * American people should keep cool their nerve and their head.

We agree with that statement provided, and it is an important proviso—provided he does not mean that we just sit, wait, and hope. The fact is that the American people will support strong, decisive, and knowledgeable leadership. The danger is that official indecision, inaction, and lack of policy might invite war by miscalculation of our strength or determination by our Communist enemies. They may judge our State Department leadership as indicative of our lack of military capability; or, our will to use it.

Fourth. The President has assured the American people that weapons and troops in Cuba are defensive and therefore no threat. Weapons, any weapons, are both offensive and defensive. What difference does it make what they call the Soviet troops and weapons now in Cuba? Everyone surely realizes that what Soviet Russia is doing in Cuba today is merely preliminary to a larger plan of action. If we sit and wait until so-called defensive weapons are offensive weapons, we will be simply postponing the day when the risk will be greater.

Fifth. The President said that to meet this or any other crises he must have the authority to call up 150,000 Reserves. He already has such authority in the case of a national emergency. He has 2.8 million men under arms. Calling up 150,000 may well be almost insignificant and, while Congress has supported his request, the lack of an adequate explanation is creating a wrong impression abroad.

The President has also made such statements as "we must continue to keep the American people fully informed" and "we must continue to work with Cuban refugee leaders." But we have yet to see a practical application of those principles or the President's pledge to "do everything within our power to prevent such a threat from coming into existence."

The fact is, Mr. Chairman, we have no plan geared to accomplish this. The policy of "watchful waiting" has replaced the blueprint of the Monroe Doctrine. Khrushchev has stated that the only thing left to do with the Monroe Doctrine is "to bury it, just as you bury anything dead so it will not poison the air." By rocket rattling and the threat of nuclear destruction, Khrushchev is trying to bury the Monroe Doctrine himself and bury us with it. This must never come to pass.

Mr. Chairman, it is time to make it immutably plain that we are the lineal descendants of those rugged old pioneers whose flag bore the motto, "Don't Tread on Me." We either take the leadership or we surrender it.

To those who say we must show unanimity of teamwork behind our President by burying our heads in the sand and by not criticizing indecision and lack of policy is to say that our type of free society has already ceased to exist. The people are entitled to know, to judge, and to order a change in course when our Nation is following a road to national suicide.

Mr. Chairman, we need a determined policy stated by the President. We are not content just to engage in "watchful waiting." We must reaffirm the Monroe Doctrine by more than vague lipservice. We must decide what we are going to do and do it.

The insertion to which I referred, "staff analysis," follows:

THE KENNEDY POLICY ON CUBA

From the beginning of the campaign in 1960 to the present time, President Kennedy has neither altered his views on the Cuban situation nor done much in a positive, active way to improve that situation.

Throughout his campaign he expressed on several occasions his feeling that the then present administration was responsible to a large degree for the Communist foothold which has been gained in Cuba. He charged that officials had failed to heed the warnings of the American Ambassadors to Cuba that Castro seemed favorably disposed toward communism. He said that a large percent of U.S. aid to Cuba had taken the form of arms to Batista and little or no concern was shown for the economic problems and low standards of living of the Cuban people themselves.

He felt that the administration could have and should have used "what was our great influence in the case of Cuba" to have Batista permit free elections.

Kennedy said that the United States had allowed the Cuban people to believe that we were indifferent to their aspirations for a decent life. He said that "* * * we used the influence of our Government to advance the interests of and increase the profits of the private American companies, which dominated the island's economy."

On October 6, 1960, Kennedy had this to say:

"What can a new administration do to reverse these trends? Our policies of neglect and indifference have let it [Cuba] slip behind the Iron Curtain—and for the present no magic formula will bring it back. I have no basic disagreement with the President's policies of recent months—for the time to save Cuba was some time ago.

"In the meantime we can constantly express our friendship for the Cuban people—our sympathy with their economic problems—our determination that they will again be free. At the same time we must firmly resist further encroachment in this hemisphere—working through a strengthened Organization of the American States—and encouraging those liberty-loving Cubans who are leading the resistance to Castro. And we must make it clear * * * that we will defend our naval base at Guantanamo under all circumstances—and continue to seek reparation for his seizures of American property."

In a telegram to Mr. Nixon he advocated that the United States "use all available communications—radio, television, and the press—and the moral power of the American Government—to let the forces of freedom in Cuba know that we believe that freedom will again rise in their country."

In Johnstown, Pa., on October 15, Kennedy said:

"We must promptly initiate a major broadcast program for Cuba."

And:

"While we cannot violate international law, we must recognize that these exiles and rebels represent the real voice of Cuba, and should not be constantly handicapped by our Immigration and Justice Department authorities."

On October 21 he made this statement:

"We must attempt to strengthen the non-Batista democratic anti-Castro forces in exile, and in Cuba itself."

After his election, on the occasion of his first press conference, January 25, 1961, he made the following statement on reopening diplomatic relations with Cuba: "We do not plan at present to resume diplomatic relations with Cuba because of the factors which are involved on that island." (He took the position that because the movement that had started in Cuba as a means of ridding the island of Batista's regime and improving the way of life had become seized "by external forces and directed not to the improving of the welfare of the people involved, but toward imposing an ideology which is alien to this hemisphere. It is very difficult for the United States to carry on happy relations.")

President Kennedy believes, and wisely so, that in order to rid the Western Hemisphere of communism steps must be taken not only in Cuba but also in the rest of the Latin American countries as well.

At his press conference on February 1, Kennedy made these remarks:

The situation is less satisfactory than it was last fall, and I am not convinced as yet that the tide in some of the critical areas in which the United States is involved has turned in our favor."

"[We] are aware of the steps which have been taken in recent months to increase the iron control of Mr. Castro in Cuba, and the shipments of thousands of tons of arms to that country, and the expansion of the militia, and those are all factors which affect the security of the United States."

In April 1961, when trouble came to a head in Cuba Kennedy decided to proceed with a limited assault without the direct involvement of any U.S. forces, rather than approving an all-out invasion backed by U.S. naval and air forces, or calling the whole operation off. In the event that this distinction proved meaningless, the United States stood indicated both for direct interference in Cuba and for the failure to bring off the operation.

At a press conference on April 12 President Kennedy was asked to explain the U.S. position: "There would not under any conditions be an intervention in Cuba by the U.S. Armed Forces. I would be opposed to mounting an offensive."

Khrushchev warned the United States to "call a halt to the aggression" against Cuba. President Kennedy replied * * * denying direct U.S. military involvement by saying the United States "can take no action to stifle the spirit of liberty."

On April 20, while disavowing "any unilateral American intervention in the absence of an external attack," he said that "our restraint is not inexhaustible. Should it ever appear that the inter-American doctrine of noninterference merely conceals or excuses a policy of nonaction; if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration, then I want it clearly understood that this Government will not hesitate in meeting its primary obligations, which are the security of our Nation."

At his press conference on August 30, 1961, President Kennedy made this statement: "I have expressed in my view that as long as Cuba, the Cuban Government, makes itself a willing accomplice to the Communist objectives in this hemisphere, we could not have successful negotiations. And that, in my opinion, is what their status is today."

Apparently Mr. Kennedy has maintained these views through the past year. In recent weeks the situation in Cuba has taken on a new aspect. Russia has begun openly to send Cuba large quantities of military aid in the form of arms and Soviet "technicians." Thus far there is no proof of Soviet troops landing in Cuba. Mr. Kennedy now believes that the best way to bring pressure to bear on Cuba is to place an economic embargo on the island. For this measure to be effective, all allied and Latin American nations would have to cooperate.

On August 29, 1962 Kennedy said: "I am not for invading Cuba at this time. I think it would be a mistake to invade Cuba." He felt that the United States had other obligations and responsibilities in other parts of the world to consider before making such a drastic move.

It was brought out that the Soviet Union was using NATO countries' ships to bring supplies to Cuba. Kennedy said this was a serious matter and steps should definitely be made to discourage this.

Mr. Khrushchev has promised to go to war on Cuba's behalf should the United States invade. President Kennedy made a statement of the U.S. stand in this matter:

"If the United States ever should find it necessary to take military action against communism in Cuba, all of Castro's Communist-supplied weapons and technicians will not change the result or significantly extend the time required to achieve that result.

"But, if at any time the Communists buildup in Cuba were to endanger or interfere with our security in any way or if Cuba should ever attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies."

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. LAIRD].

THE MILITARY THREAT OF CUBA TO THE UNITED STATES

Mr. LAIRD. Mr. Chairman, there has been some discussion here about when the military buildup of Cuba was started by the Communists. I have in my hand a letter dated September 25, 1962, from the Assistant Secretary of State, Mr. Frederick G. Dutton. With this letter he includes a report of recent source material on the United States and Cuba dated September 25, 1962. I would like to quote from page 10 of this report from the Department of State:

> Sino-Soviet bloc military aid to Cuba started in the autumn of 1960, and as of the beginning of 1962 aid in the form of equipment and technical services amounted to about $100 million. This aid had by then already turned the Cuban military establishment into one of the most formidable in Latin America. The ground forces numbered about 300,000, and Cuba possessed Mig jet fighters, medium and heavy tanks, field and antiaircraft artillery, patrol vessels and motor torpedo boats, and about 200,000 small arms.

Mr. Chairman, I thought because of the direction the discussion had taken today it might be well to go directly to the State Department for references to when the military buildup in Cuba started. According to their own documentary evidence, which they submitted to each Member of Congress along with a letter dated September 25, 1962, the date is definitely fixed. The buildup started in the last 3 months of the Eisenhower administration and has continued during the first 21 months of the Kennedy administration.

Mr. Chairman, Cuba is more than a thorn in the flesh to the United States. It has now revealed itself to be our Achilles heel. In a military sense, a serious threat has been mounted against a free America just 90 miles off our shores.

The facts of the matter are these. The island of Cuba has assembled, from near and from far, an arsenal of communism designed to threaten and cajole the United States and other nations in this hemisphere. This arsenal is of interest not merely from the informational standpoint, but especially from the standpoint of its threat to the United States, Central and South America in a military sense.

The Department of State's white paper on Cuba over a year ago stated the following facts:

Some 30,000 tons of arms had been shipped by Iron Curtain countries to Cuba, having an estimated value of $50 million.

Included were Soviet JS–2 51-ton tanks, Soviet SU–100 assault guns, Soviet T–34 35-ton tanks, and Soviet field guns of 76 mm., 85 mm., and 122 mm. caliber.

Also included as of 18 months ago were an unspecified number of Soviet and Communist Czech military technicians sent to train a Cuban military establishment estimated at between 250,000 and 400,000 personnel—the largest in this hemisphere except for those of our own Military Establishment.

President Kennedy advised the American people during the week of September 7, 1962, that these armaments have been increased since July by the Soviet Union through shipments of antiaircraft missiles with a slant range of 25 miles, torpedo boats with guided missile launchers having a range of 15 miles, and over 3,500 military technicians.

Without revealing any information that has come to me as a member of the Defense Appropriations Subcommittee, I must say that the President has been less than frank with the American people over the true military situation in Cuba. Even popular magazines were familiar with some of the deployments in Cuba which by now have totaled 300,000 men under arms, plus well over 5,000 of the so-called Soviet bloc military technicians. While figures vary, most experts agree that tanks, antiaircraft guns, small arms and artillery pieces have been increased to a great degree. Stories persist that over 50 Mig aircraft and 8 of a projected 2 dozen launching pads are part of the current Cuban buildup, as are Soviet-made radar, air-to-ground missiles and communication equipment.

Mr. Chairman, the Soviet buildup in Cuba is continuing. This buildup, and our current situation vis-a-vis Cuba, poses several questions vital to the security of our Nation.

First. While the President has differentiated between defensive and offensive weapons, we who serve on the Defense Appropriations Subcommittee know full well that, as the old athletic adage goes, "A good defense is often the best offense." It is hard for me to understand how a Mig can be only a defensive weapon, or how an artillery piece, an air-to-ground rocket, or missile launching pad can have the words "for defense only" figuratively written upon them. Defensive weapons destroy someone just as effectively as offensive weapons.

Second. I dread the day when Premier Khrushchev might announce that Cuba now has an IRBM capability. This day may well never come. But if it does, and if it were true, it would mean that any area within a range of 1,700 miles from Cuban launching pads would be within the nuclear capabilities of missile range. What, then, would this mean to the American people when you consider the following distances from Cuba in missile terminology:

	Miles
Washington, D.C.	1,139
Chicago, Ill.	1,333
Kansas City, Mo.	1,497
Denver, Colo. (barely outside of IRBM range)	1,819
Miami, Fla.	200
The Panama Canal	750
Key West, Fla.	90

It means far more than a threat to the hotel business in Miami, where advance winter reservations have fallen drastically. It means far more than transferring the winter White House from Palm Beach to the west coast. It means literally that there are not many places of military or economic significance which would be outside the range of Cuba—a potential base for missiles zeroed in on the United States.

Third. The potentialities of Cuba as a submarine base for supply and operations threatening the Panama Canal and trade routes to Latin America has been mentioned often of late. Cuba sits astride all the main ship lanes from the U.S. east coast to the gulf coast and the Panama Canal. Our windward passage—for ships traveling from the east coast to the Panama Canal and for tankers from Venezuela—goes just east of the island of Cuba. The Straits of Florida, used by oil tankers traveling from the gulf coast to refineries in the eastern portion of our Nation, passes just north of Cuba. The Yucatan Channel, a funnel for big shipments of goods from the gulf coast to the Canal and from the gulf coast through the Canal to the west coast, passes just west of Cuba. Would not a submarine base in Cuba be a potential disaster to the trade which is the lifeblood of our economy?

Fourth. Our space efforts are currently concentrated at Cape Canaveral—a bare 400 miles from Cuba. At this crucial time, when new astronauts are preparing for moon flights and new conquests of outer space, does not Cuba pose a threat as a monitoring site for the Soviet Union to check up on activities at the cape and to track space shots, to say nothing of its rocket threat to the cape in the event of trouble?

Mr. Chairman, these are merely a few of the reasons why Cuba can be considered a military threat to our national security. I have not referred to the profound psychological impetus the Soviet Union and communism have received in Latin America and, for that matter, in the whole world, by their triumph on an island 90 miles from the shores of the greatest military power in the world.

The possibilities of action against Soviet Cuba have indeed narrowed. It has been said that a fleet of uniformed Park Avenue doormen could have taken Cuba at the time of the abortive strike at the Bay of Pigs in 1961. Certainly, as a member of the House Armed Services Committee remarked recently, air cover by the United States on April 17, 1961, would have mopped up Castro in 72 hours with minimum risk of lives and little invasion today would take 6 months and several thousand lives.

Such an invasion today would surely take between three and six divisions, with supporting air support and naval power. The President has at his disposal 2.8 million Americans under arms plus his authority to call up an additional 1 million if a national emergency is found to exist. His recent request for authority to call up 150,000 reservists is, to his way of thinking, a phase of preparedness adequate to meet the current situation. There are also difficulties involved in any large-scale blockade of Cuba, as there are disputes over the working of resolutions put before the Senate and House by any Member.

However, Mr. Chairman, I have taken the floor for one purpose and one purpose only. That is to dispassionately analyze and sketch for my colleagues and for the American people the military threat posed by the domination of Cuba by Russia and the fact that Cuba is an armed camp in the Caribbean.

Mr. Chairman, when action is risky and painful, it is always tempting to men and to nations to delay in the hope that it will prove unnecessary. In commenting on his decision to promulgate the doctrine that bears his name, however, President James Monroe wrote in 1822 that "there was danger in standing still or moving forward. I thought it was the wisest policy to risk that which was incident to the latter course." The results of procrastination have never been better illustrated than in Cuba today.

Today I will support President Kennedy's request for standby authority to use American troops in Cuba. The Senate a week earlier adopted the Cuban resolution granting such authority to the President. I believe the situation has reached such proportions that this authority should be vested in the President while Congress is in recess.

Several weeks ago as a member of the Defense Appropriations Committee I called for a peace blockade of Cuba. The peace blockade proposal was offered in an effort to preclude the necessity of future use of American troops on the Cuban mainland. Among the major provisions of the proposal were the following:

First. Our Government would immediately announce a policy of refusing to load in the United States any ships of nations carrying strategic materials to Cuba. Within the last week ships, after delivering military cargo in Cuba, were used under the Department of Agriculture's Public Law 480 program, to haul surplus grain on their return trip. A Yugoslav ship, after unloading military supplies in Cuba, was loaded last week with surplus grain in Houston, Tex. The rate paid for delivering this grain shows this Nation was in fact indirectly subsidizing shipments of arms to Cuba. Other ships are loading for the return trip in the United States. This would be stopped under the terms of the peace blockade proposal.

Second. Our Government would make clear to our friends in NATO that a peace blockade has been established to promote peace in our hemisphere and that we will consider it an unfriendly act for ships under their flag to continue to deliver strategic material to Cuba. Within the last 5 weeks over 40 ships of NATO countries have unloaded cargo in Cuba.

Third. U.S. Navy would be used to halt transshipment from Cuba of military equipment to revolutionary Communist groups in Central or South America. The Cuban military buildup in rifles, mortars, machineguns, field guns, and ammunition has presently reached a level far in excess of the amounts necessary to equip the 300,000 men under arms in Cuba. Any transshipment threatens the peace of the Western Hemisphere.

Fourth. U.S. Navy would be used to halt the movement of any troops from Cuba to any area in this hemisphere.

Mr. Chairman, there are some that wish to divert attention from the 1962 military buildup in Cuba by blaming President Eisenhower for not supporting Dictator Batista in 1958 or blaming President Kennedy for canceling the air cover in the Cuban invasion of 1962. These individuals are not performing service, as we must now look realistically at the present Cuban problem and what we as a Nation can do through united action to preserve peace with freedom in this hemisphere.

THE MONROE DOCTRINE STILL PREVAILS

Mr. ADAIR. Mr. Chairman, the facts today are clear. An alien system has been imposed on Cuba from without. The Communist takeover in Cuba is a barefaced operation designed to establish a Communist- and Soviet-dominated state in the center of the Western Hemisphere. Therefore, the key question remains, "Is the Monroe Doctrine dead?" Have the delays and rationalizations expressed by the administration relegated this doctrine on the trash heap of outmoded relics? Khrushchev feels that the Monroe Doctrine is dead. I, for one, do not.

Neither does former President Truman. Neither do a great number of Members of the Senate and House, as judged by recent statements in the RECORD. Neither does Time magazine, which states in its issue of September 21, 1962, that "the Monroe Doctrine survived all the transformations and remains today a living principle of national policy." Neither did former President Eisenhower when he stated on February 24, 1960, before the Brazilian Congress, that—

> We would consider it intervention in the internal affairs of an American State if any power, whether by invasion, coercion, or subversion, succeeded in denying freedom of choice to the people of any of our sister Republics.

However, Mr. Chairman, I fear that the Monroe Doctrine, if not dead, is at least on its deathbed, suffering from the fatal disease of lack of exercise, and complicated by the faulty diagnosis of a physician who does not understand it.

It has been narrowed to cover only offensive action taken by one American state against another with the aid of a European power. It has been weakened by the hard, cold fact that as yet the U.S. Government has made no protest to the Soviet Government denouncing its intervention in the internal affairs of Cuba. It has been crippled by statements from high administration sources and fellow travelers intimating that we are allegedly equal criminals by our powerful military installations in Europe designed to protect Europe from Soviet aggression and, in addition, as a means to defend the United States itself. Its final burying ground may well be the spot at which a Democrat Member of the other body, just coming from a White House briefing, told a nationwide television audience that "we can take the top 6 feet off of all of Cuba with one air strike, and all that is built on it, and all that live on it."

Rather than rattling the atomic saber, or pleading self-incrimination, or ignoring international law and its historical precedents, let us take a brief look at the Monroe Doctrine and its applications through the years. It was December 2, 1823, when James Monroe issued his doctrine saying, in effect, that thereafter the United States would not countenance any colonization by a European power or extension of its system in any country in this hemisphere. His exact words stated that—

> We owe it therefore to candor and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portions of this hemisphere, as dangerous to our peace and safety.

If no action had ever been taken under this doctrine, or no recognition had ever been given it by other powers, the Monroe Doctrine may well have been as dead today as some persons choose to treat it. However, the Monroe Doctrine has quasi-legal recognition under international law. The 1919 League of Nations Covenant exempted it by name in article 21, and the 1947 Rio Treaty gives it the character of a multilateral defense pact or a regional security pact which is recognized in the U.N. Charter. At that time, U.S. unilateral action was extended to all American nations by the Rio agreement which called for multilateral action through the Organ of Consultation of OAS, and such multilateral action was specifically applied to communism in the Caracas Declaration of 1954.

The Monroe Doctrine has thus been recognized, but has it been used? Thus far, American troops have intervened in Cuba three times; Haiti four times; Nicaragua four times; Dominican Republic four times; Honduras six times; Colombia three times; Panama three times; Mexico three times and Guatemala once. The only restriction placed upon such intervention took place in 1933 when the United States committed itself not to intervene in the internal affairs of another American state in the Montevideo Declaration.

Examples of action in situations similar to that facing the United States today include the attempted Spanish annexation of Santo Domingo in 1861; the 1864 Spanish threat to the territorial rights of Peru; the expansion of British Guiana's boundary at the expense of Venezuela in 1895; and, of course, the attempt of Napoleon III of France to set up an empire in Mexico under Archduke Maximilian in 1866. At that time, the United States massed 100,000 troops on the Mexican border. The result? The French withdrew.

Thus we see that the history of the United States has demonstrated time and time again that the Monroe Doctrine is more than a scrap of paper. It is a part of international law, and it has been exercised time and time again to achieve its purposes. But today an administration in effect tells Moscow and the world that no military action—or, for that matter, economic action—will be taken to rid the Western Hemisphere of Soviet infiltration even when this includes military forces—unless those forces are used against another country.

Mr. Chairman, if we try to avoid the battle of wills, the battle of weapons will become all but inevitable. Merely contrast the words of Nikita Khrushchev, who stated in 1960 that "the remains of this doctrine should best be buried, as every dead body is, so that it does not poison the air by its decay," with those of former Secretary of State Dulles, who emphasized in 1956 that "there are basic moral values and vital interests for which we stand, and the surest way to avoid war is to let it be known in advance that we are prepared to defend these principles, if need be by life itself."

Our bases in Europe have nothing to do with the Monroe Doctrine. We have repeatedly denied our desire for territorial gain, nor have we any intention to colonize anywhere. Our bases in Turkey and Spain have nothing to do with the internal affairs of those nations. Yet we are pledged to regard as an unfriendly act any further colonization in the New World and to resist the introduction of an alien system in this hemisphere. I submit, Mr. Chairman, that an attempt is now brazenly being made to establish a Communist state in the midst of the Western Hemisphere. I therefore also submit that the Monroe Doctrine, a living and vital policy today as in the past century, is thus being violated.

The rank weed of communism planted in Cuba by Fidel Castro has today grown all out of proportion into a thistle patch of Russian-dominated military rule. The administration's philosophy of procrastination, including statements such as, "It would be a mistake for the United States to invade Cuba because of the recent increase in Soviet arms and technicians going there"—President Kennedy on September 2, 1962—and Ambassador Bohlen's rationalization after leaving Russia, "Often we don't solve problems—we learn to live with them," allow the Soviets to act so boldly in their Cuban takeover.

Mr. Chairman, the principle of the Monroe Doctrine truly applies today—throughout the whole world. We are against colonialism and despotism everywhere. We are in favor of the freedom of the peoples everywhere to govern themselves without coercion from the outside. We have the choice today between the procrastination which permits the enemy gradually to build up its power and then launch its attack before any military resistance is offered and the courage to help people seeking to liberate themselves from Soviet despotism. I trust that this analysis of the Monroe Doctrine has helped Americans in that choice.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, my colleagues have reviewed the Cuban crisis in some depth. At this point I think that it would be valuable to summarize their remarks.

Cuba has become a serious problem to the security of the United States, and indeed to that of the free world, not only because a communistic form of government has been imposed upon its suffering citizens but because it has become a forward military base of the world Communist conspiracy. It is, therefore, no longer to be regarded as a sovereign nation with all that this implies but is, instead, incontrovertibly, as much a part of the Communist world as is the Siberian outpost at Port Arthur or the seaport of Archangel.

In short, Mr. Chairman, the borders of the Soviet Union have been extended to within 90 miles of our coastline. And this is the crux of the Cuban situation.

This fact therefore, clearly indicates that the Monroe Doctrine, as it has been historically understood, must be applied to this problem.

Now, as it has already been pointed out, we have lately been exposed to the sophistry which would have us believe that the Monroe Doctrine is dead. Those who have adopted this line agree with Mr. Nikita Khrushchev, that great expert in American affairs, who last year noted that the doctrine is dead and went on to say, "Now the remains of this doctrine should best be buried, as every dead body is, so that it does not poison the air by its decay."

Mr. Chairman, as my colleague, Mr. ADAIR, has so clearly illustrated, the Monroe Doctrine, which every Member of this body was taught as a child in school is as sacred to the American tradition as the Constitution and the Declaration of Independence and as such has been a source of pride to all Americans, is not dead. And it will not die unless we ourselves kill it.

Therefore, as a first step in approaching the problem of Soviet Cuba, we must reaffirm our determination to safeguard the Monroe Doctrine and to apply it when necessary.

Is an application of the Monroe Doctrine indicated by the Cuban crisis? Clearly, it is. The Soviet Union has made this tropical island part of its own geographical possessions.

We know that this once peaceful Caribbean island in the sun is becoming a military base from north to south and from east to west.

We have been told that this military buildup is of a defensive, rather than an offensive nature. I simply cannot understand the distinction between the two. Is a .30 caliber bullet less deadly when classed as defensive rather than offensive? Is a defensive MIG or a defensive missile prohibited by some higher law of physics from assuming an offensive character?

I seem to recall, Mr. Chairman, that the excuse for the revival of the German Wehrmacht during the thirties, a revival that led to the lamentable slaughter we call World War II, was that the new army was defensive in nature. A few short years later, that defensive army swept through Europe in a matter of weeks. Had its rebirth been cutoff at the outset it would never have been able to threaten the existence of European civilization. But at the point when its offensive capabilities became apparent it was already too late to prevent the bloodiest kind of conflict from erupting in the face of a timid Europe.

And so, Mr. Chairman, even if we can accept the rather dubious distinction between offensive and defensive weapons we cannot afford to let it prevent us from taking action. If we wait until the offensive character of Soviet arms in Soviet Cuba becomes apparent to all, we will have waited until Soviet missiles have been pointed at the very heartland of the United States. And thus the price we may pay for our inaction may well be measured in the lives of countless thousands of American civilians.

There are other dangers wrapped within the smothering folds of blanket inaction—dangers of the greatest magnitude.

Not long ago Khrushchev boasted to the world that the Soviet Union possessed an operational antimissile missile that is capable of, in his own words, knocking "a fly out of outer space." This bit of braggadocio was treated by our military experts and the American people in general as nothing more than the ghost-rattling of a missile that exists only in Khrushchev's rather vivid imagination. The claim was simply not credible. Thus it failed to frighten the West into submission to his will.

But, Mr. Chairman, let us suppose that Mr. Khrushchev, some day in the not-too-distant future, should announce to the world that he had emplaced nuclear-tipped missiles in Cuba. The claim, unlike his fly-in-the-sky dream, would be highly credible. And its effect upon the United States, whether true or false, is beyond calculation. It would send those who already tremble over the thought of a confrontation between the United States and the Soviet Union into a sheer frenzy of appeasement. It would give pause to the most sober-minded of citizens within our midst. In short, the psychological effect upon this Nation might serve Mr. Khrushchev well. It is a prospect that can provide no comfort to any American. As long as we remain inactive in the face of the Soviet Cuban threat, the possibility of it happening remains a near probability.

Another point worth considering along these lines is that which is involved with the Berlin situation.

Many of us have wondered why the Soviet Union has coupled both the Cuban and Berlin crises in its statements to the West. Even more puzzling at the outset was Khrushchev's sudden decision to postpone the forthcoming and inevitable confrontation between East and West in Berlin until after the November elections.

Some have seen in this move an attempt by the Soviets to influence the outcome of the elections. While I do not discount that possibility entirely, I think that it should be obvious that such an aim is merely subsidiary to the main objective.

Let us look at this situation for a moment. The Cuban crisis is fast reaching its most dangerous point. Because of the many implications of the Soviet arms buildup there, it is obvious that the United States must, if we are to insure our security, take some overt action.

The Soviets therefore have confronted us with a situation which, if we have any desire to win this cold war and thus survive, must be corrected and corrected quickly. Thus I think that it is reasonable to suggest that the Soviet moves in Cuba are, in fact, designed to test our will to resist Communist encroachment of an overt nature. If we fail in this test of will it will serve as a signal to the Communists that an adventure in Berlin might well prove to be possible. For if we cannot bring ourselves to face a dangerous situation only 90 miles from our shores we certainly cannot be expected to risk war in Berlin some thousands of miles away.

Also, the temporary Soviet inactivity in Berlin may be designed to lull us into a false sense of security, and therefore negate any new action on our part, until the most critical period of the Soviet buildup has passed. In my opinion, that critical period will have passed, and the Soviets will in their opinion, have it made, when they have operational IRBM's with nuclear warheads, in Cuba.

And so, Mr. Chairman, failure to act in the Cuban situation may well bring on the very war the administration is so earnestly seeking to avoid.

Inaction is also laying its deadly hand upon the confidence and respect needed and desired from our Latin American neighbors. To be sure, we have stated that we will not permit an exportation of Cuban communism to Latin or Central America by force, but it is known that arms are being shipped out of Cuba to at least one Latin state.

One of the larger areas of vacuum in our Latin American policy is the lack of a clear, definitive statement as to the attitude we would take toward any further ostensibly indigenous revolutions with a Red tinge. Suppose, using Cuba as a base for covert action, such revolutions were fomented and fostered by the Soviet. Would we tear away the artificial cloak which would inevitably surround such a movement, expose its origins, and do all in our power to defeat it? Or would we find some legalistic excuse to justify further our ostrichlike type of inaction? The answer is not clear.

Cuba is the octopus of communism in this hemisphere. By concentrating on its overt activities outside its own borders as this resolution would have us do, we are merely attacking the tentacles. If we are to rid ourselves of this problem we can only do so by going directly for the heart of the Communist octopus in Cuba itself.

Last year the need for action in the Cuban situation must have been apparent to the administration, for it undertook, though inadequately, action of the most drastic kind. And if action was indicated in April of 1961, is it not even more necessary today?

Had the President fulfilled his promises to solve the problem of Cuba "unilaterally if necessary" after his disastrous mishandling of the 1961 invasion, the price to be paid would have been minimal. But instead he stood by and permitted Cuba to become a Soviet arsenal until today the price will be many times higher. Continuation of such vacillation increases the price that will have to be paid to rid this hemisphere of the Cuban-Soviet cancer, by geometric progression.

Now, Mr. Chairman, we come to the heart of the matter. If the Cuban invasion of April 1961 had not been hamstrung by those who surround the President, or if action had been taken a year ago or even 6 months ago, the Cuban problem would have been solved at small cost. Now the cost is bound to be high. Can we afford to wait any longer to act under these circumstances? Can we afford to wait until the strength of the Soviets in Cuba constitutes a threat to American lives and property in the mainland?

No, Mr. Chairman, we cannot.

What was accomplished by the President's news conference on Cuba of last week? What will this resolution accomplish as it now stands? I fear the way in which the diplomats and the nations of the world will interpret both.

It is well known that lawyers and diplomats put as much stress on words which are omitted as they do on those which are expressed. Stressing, as the President did and as this resolution does, warnings against action to spread communism outside of Cuba is fine. However, this emphasis, contrasted with the lack of a strong statement concerning ending communism in Cuba, may imply some tacit acceptance of the continued existence of a Soviet Cuba. I am very sure that neither the Congress nor the American people intend such an implication, and that those who so misinterpret our state of mind are treading very dangerous ground indeed.

Finally, Mr. Chairman, let no one mistake our motives in calling these facts to the attention of the Nation. We have no desire to be divisive—we have no desire to continue the partisanship concerning Cuba which was injected into the 1960 presidential campaign by Candidate Kennedy. However, we, too, have solemn responsibilities and among them lies that which demands that we speak out when the times call for it. And this is such a time.

If the President will heed our words and act now before the hour grows later, we pledge to him our unyielding support in his efforts to defeat Soviet Cuba.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, if there is no alternative to House Joint Resolution 886 in the form of added strengthening language I will, of course, support the so-called resolution, as reported, by the committee.

However, let me say in all frankness that as I read the language of the resolution, as reported, it is no more than a pious statement of support for the status quo and certainly I do not feel that the membership of this House and certainly not the American people are satisfied with what has transpired in Cuba.

Therefore, Mr. Chairman, I hope that it will be possible for me and others to express more strongly without equivocation that the Soviet Union has violated the Monroe Doctrine. I would hope too, Mr. Chairman, that I will be able to vote for a resolution which puts the Congress on record as urging and authorizing the President to use all political, diplomatic, economic, and military means and resources at his command, including the strategic utilization of blockade, and the use of arms likewise, if necessary, to end this threat to the security of the United States and this hemisphere.

I would reserve to the President his constitutional prerogative to negotiate with foreign nations and carry out foreign policy, but I would let the world know by passage of an appropriate resolution that this Congress favors the President initiating effective counteraction against the Soviet military threat in Cuba.

In conclusion, Mr. Chairman, let me express regret that Senate Joint Resolution 230 comes to the House for consideration under conditions which make it impossible to offer strengthening amendments. The only means that the membership of this House will have to accomplish such a purpose is through a motion to recommit. Who the Speaker will recognize and who will qualify for such a motion I do not know but wish to state for the record that if a motion with instructions strengthening the Cuban resolution is offered I intend to support it whereas if no opportunity is afforded for such action as I stated at the start I must vote for the resolution, as reported, even though it would seem to put the stamp of congressional approval on a situation which I thoroughly regret and disapprove and of which I know the American people disapprove.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. HOEVEN. Mr. Chairman, the resolution under consideration in large measure only condoned the Soviet buildup in Cuba: It does not seek to attempt to do anything about what has happened or is happening in Cuba today. It proposes to have the President do something if there is a new overt act of some kind which would adversely affect any part of the Western Hemisphere. It seems to me that Cuba has already established a military capability which endangers the security of the United States, and the administration is doing very little about it.

The time for firm action has come and the American people are demanding it. Therefore, I expect to vote for the motion to recommit with instructions which for all practical purposes directs the President to enforce the Monroe Doctrine in all of its aspects. Whenever we stand firm, we win; whenever we accomodate or appease, we lose. I urge every Member of the House to vote for the motion to recommit. It is much better than the soft approach encompassed in the original resolution.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. JOELSON. Mr. Chairman, I think all good Americans want us to make it clear that the United States will tolerate no aggressive acts by Cuba, or by the Soviet Union in Latin America.

By our action today, we must demonstrate that the United States, although not trigger happy, will preserve its national honor and interest.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, there comes a time in the history of a nation when it must put its national security above all considerations. That time is rapidly drawing near for the United States. As the Secretary of Defense so aptly said a few days ago, we are undergoing a greater crisis in our international relations than at any time since World War II.

On all sides our country finds itself pressed by Communist aggression. In southeast Asia, in Berlin, and even in our own backyard, in the Caribbean, our national interests are gravely threatened. The time has come, Mr. Chairman, for the United States to talk less and act more.

I strongly support House Joint Resolution 886 which expresses the determination of the United States to safeguard our national security in the face of the Communist buildup in Cuba. The tragic truth of the matter is that this resolution should have been adopted by the Congress at least 3 years ago.

Our foreign policy in Cuba has been a series of alarming mistakes. In 1958 I pointed out in the House that something should be done to curb Castro. There was nothing in his record at that time to indicate that he was a friend of the United States. There was everything, however, to prove that he and his henchmen were pawns of the Kremlin.

We have suffered insults and indignities at the hands of a Communist-backed madman in Cuba without parallel in our history. It is all the more painful when we realize that less than 65 years ago Americans paid with their lives for the price of Cuban freedom.

Our fathers wrested Cuba from Spanish tyranny. We have permitted the nation to fall to a worse enslavement. The situation in Cuba has occurred in the face of a solemn declaration made to the Congress in 1823 by President Monroe that any attempt by European powers to interfere in the affairs of the American countries or to acquire territory on the American continents would be regarded by the United States as an unfriendly act and, therefore, would be met by force.

We have had every right under the terms of the Monroe Doctrine to interfere in Cuba. Instead of upholding the Monroe Doctrine there have been those in this country who have made every attempt to apologize for Castro. To them he was an agrarian reformer, the "George Washington of Cuba." Even at this hour there are some in high places who would still permit the United States to suffer humiliation and indignity at the hands of a bearded Communist bandit.

Mr. Chairman, while I support House Joint Resolution 886, I cannot help but feel that it does not go far enough. I share the shock of my colleagues over the announcement by Castro that in cooperation with the Soviet Union a large Communist port will be built in Cuba capable of berthing the hundreds of Soviet so-called fishing trawlers plying our coasts.

What more does it take for the United States to be convinced that Cuba is an immediate threat to the peace and security of the United States and the Western Hemisphere? Unless House Joint Resolution 886 is implemented the Communist buildup in Cuba will not terminate. Unless the United States takes positive action in Cuba the Soviet Union will intensify its efforts to communize the island.

It is a proven fact that the only thing the Communists fear—whether they be in Berlin, southeast Asia, Cuba, or Moscow—is our determination to protect our rights by force, if necessary.

I do not advocate an invasion of Cuba at this time. In my opinion such an invasion is not necessary to cope with Castro and the Communist buildup in the island republic.

On the other hand, I do advocate that the United States take such steps as are necessary to effectively seal off Cuba from further shipments of so-called technicians, military materiel, and anything else that is a serious threat to the peace and security of the United States and the Western Hemisphere.

We have come to the point, Mr. Chairman, when firm action, however, is necessary. Every day the Cuban sore is allowed to fester, the harder it will be for the United States eventually to effect a cure. In the days to come we must be prepared to take whatever means is necessary to insure the safety of our Nation.

There was a time when we could talk about communism 3,000 miles away in Europe. That day is over. Communism is now 90 miles away from our shores. the day for talk has truly passed. The day for action is long overdue.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman.

Mr. TEAGUE of California. Mr. Chairman, at this point it should be helpful to consider the views of an expert.

Robert Hill, former U.S. Ambassador to Mexico, is one of our most knowledgeable Americans in problems involving our relationships with other countries in this hemisphere. He has suggested the following plan:

The proper approach to the Communist problem in Cuba at this time would be for the President of the United States to call a meeting of the chiefs of state of all the Latin American countries that belong to the Organization of American States. This conference would take place following the informal meeting of the Foreign Ministers of Latin America with Secretary Rusk in Washington, scheduled for October 2. At the President's Conference, he could place before the group complete data on the Communist takeover in Cuba. This should include any photographs of actual Communist military installations in Cuba.

After the chiefs of state have viewed this information, it is suggested that the United States, through the Organization of American States, evoke one of the resolutions that have been adopted by the OAS dealing with Communist penetration in the West Hemisphere. Whether it is the Caracas resolution of March 1954 or the Rio resolution of September 1947 is unimportant.

However, it is important that, jointly, Latin America and the United States, by a two-thirds vote, admit the existence of the problem and then try to take necessary steps through the machinery of the Organization of American States to, first, stop the further flow of arms from Communist countries into this Hemisphere; second, stop the spread of communism; third, stop the travel of its agents who are pedding communism in this hemisphere; fourth, adopt procedures that will be available for an orderly government after Castro and his Communist cohorts are driven from power.

It will not be easy to obtain the necessary two-thirds majority vote for our resolution, but the United States should not be discouraged if it is not forthcoming. For, even if it is rejected, we will have fulfilled our obligations under the OAS and UN Charters, and will be in a position to notify all member nations that the next time there is a provocation against the interests and security of the United States, the United States will act unilaterally.

Mr. Hill's recommendations make such good sense to me that I have asked the President to give them his personal consideration.

Mr. MORGAN. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I regret today to see some people attributing the condition which exists in Cuba today and blaming it on the Kennedy administration. This is not the time for acrimony or blaming one administration as against the other. If I wanted to blame somebody, I could tell you what happened in the Eisenhower administration. But this is not the time—if you catch the point.

If there ever was a time when we ought to be together—this time is now. By way of interpolation, I do not wear anybody's collar except RIVERS'—when I can afford it. Back in 1958 in the Eisenhower administration I shed crocodile tears when Batista was denied aid. I made a speech on the floor here on April 14, 1958, when the New York Times was beating the guns for Castro and they, that is ASNE, were prepared—and ASNE for your information is the American Society of Newspaper Editors, and I can think of lot better names for them—they were getting ready to bring old Castro here at a staggering price in security to the American people when he paraded up and down Pennsylvania Avenue and spoke down at the Press Club and sounded like a stuck jackass and then they took him to New York, and when he finished tearing up the hotel, he and his band of brigands—and God knows what it cost the American people to restore that hotel. Then again on June 25, 1960, I got up on the floor of the House and on a special order I spoke about 2 hours. My title was "Communism Now Rules the Island of Cuba." The gentleman from Ohio, Mr. Bow, was here; the gentleman from South Carolina, Mr. Dorn, was here; the gentleman from South Carolina, Mr. Riley, was here; the distinguished gentleman from Pennsylvania, Mr. Flood, was here; and the distinguished gentleman from Florida, Mr. Cramer. We gave Castro hell more ways than a country boy can go to town. We turned him every way but loose. I had that speech printed and at least 100,000 people asked me for copies of it. I was surprised how much time I had put on it. This was in 1960; and in that speech which I prepared—honestly I put a lot of time on it, an awful lot—I mentioned Spruille Braden who testified before the Eastman committee, and his testimony was released many months after, telling what was going on in Cuba and how the then occupants of the State Department kept the American people from knowing what was going on in Cuba—Spruille Braden.

Do you remember Rubottom? Well, I remember Rubottom. Little he did in those days—the same gang carrying on policy about whom you complain now.

So, Mr. Chairman, let us not talk about the Kennedy administration. For your information, we are in a pretty bad fix, and we arise today—I am here to talk about the present situation. I do not care whose administration it is. Stephen Decatur said, or he should have said: "In her dealings with other nations may my country be right, but right or wrong my country."

And this is where I come in. I would not mind some of these people in the State Department who have been there so long they have grown beards—and you cannot blame this administration or the other administration; let us get away from this thing. I would not mind if some of those people met their doom if they did not take old RIVERS along with them. If any bombs drop on certain parts of America, when they drop I am going to war, and so are you.

According to my distinguished friend from Florida, who is so eloquent and who recently came from my part of the world, if you do not stop Castro now, son, the real estate in Florida will not be worth 50 cents an acre. Have you got that point?

We have arrived, Mr. Chairman, at the point where we had better march together while time remains.

I got a lot of information over the 22 years I have been on the military committee, and I have other assignments from which I get information. They are loaded for bear in Cuba. Russia has missiles, and they are portable ones that can permeate the United States—and they are portable—from Havana, Cuba, to Norfolk, Va. And this is not idle talk.

They have now submarines that can bombard the coastline from 350 miles out. Now, that would suit me fine, but Charleston, S.C., is on the coast of the United States, and that is where I come in—or at least that is where I come in.

So where do we stand? We had better give whatever backing we can to whomsoever is in the White House at this time.

I have heard of the Monroe Doctrine. I have a pretty good prepared speech here, but I feel I am doing pretty well without it. I think the Monroe Doctrine may be a little dormant, but let us give it a little boost and maybe we can arouse it from its lethargy.

Winston Churchill said:

> If you will not fight for the right when you can easily win without bloodshed; if you will not fight when your victory will be sure and not too costly, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival. There may even be a worse case. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves.

The American people and this Nation are faced with a most serious challenge.

The challenge is the possible risk of nuclear war if we excise the cancer of Soviet-dominated Castroism in Cuba.

But our ultimate fate is even more certain if we permit this cancerous growth to continue unabated.

We must ask ourselves whether we are willing to accept the challenge now, when the odds are in our favor, or whether we should wait until the odds may well be against us?

I, for one, am perfectly willing to face up to the Soviet challenge of nuclear attack if we intervene in Cuba.

I refuse to emulate the ostrich on the forlorn hope that time will solve our problems.

I, for one, do not advocate a wait-and-see attitude in the face of a certain storm.

I am confident in my own mind that with each passing day Cuba becomes stronger; and as a result, our ability to successfully intervene becomes less certain.

If we back down in the face of the Soviet challenge at this time, then henceforth the Soviet Union will dictate our foreign policy.

Democracy was not a gift to the American people from well-wishers; our way of life came into existence because our forefathers and their descendants were willing to sacrifice their lives and fortunes for this glorious achievement.

But we will not retain democracy by letting it atrophy, because of a fear that in preserving our way of life we may antagonize those who would destroy us.

What are the solutions in Cuba?

Many have been proposed—naval blockade, the recognition of the Cuban government in exile, economic sanctions, and outright invasion.

What is our objective?

Our objective is to prevent the Soviet Union from turning Cuba into a hardened missile base of 44,217 square miles, situated just 90 miles from the United States of America.

What is the best way to attain that objective?

The best way is for us to announce that henceforth all ships entering the waters surrounding Cuba will be stopped and searched, and all military equipment will be removed. Let the chips fall where they may. If the Soviet Union continues its efforts to build a military base in Cuba, then it is simply a question of when they will fight, not if they will fight.

We might just as well know the hard facts of life now when we are better able to cope with the situation.

Our present policy of wishful waiting, hoping that the Organization of American States will join in our defense of the Western Hemisphere; or our hope that internal conflict will overthrow the Castro regime, merely adds to the one factor that favors Cuba and the Soviet Union—the factor of time.

Are we to wait until Cuba becomes the arsenal of communism in the Western Hemisphere?

Or as a prudent nation, shall we eliminate a present danger, which threatens our survival, at the risk of grave consequences?

As a supplement to this suggestion, I would add that the time has long since passed when we should terminate military and economic assistance to any nation which, in any way, aids or abets the Soviet Union in its military buildup of Cuba.

I know of no greater folly than to provide economic or military aid to an ally or neutral, who is directly or indirectly aiding the Soviet Union in its determined and unfailing effort to build an armed camp in our back yard.

Certainly the example that Cuba is setting for the rest of the Western Hemisphere is not one that we would like to see emulated.

Yet, every Communist cell in Central and South America must obviously look to Cuba as the example of how to win nations and overthrow democracy.

All a determined, militant minority has to do is successfully overthrow an existing government and immediately ask for Soviet intervention. The example of Cuba cannot help but encourage further uprisings in all of Central and South America.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Ohio.

Mr. HAYS. I think the gentleman is making a tremendous speech, and I want to praise him for it. I want to say that the gentlemen to whom he is talking are not trying to fool Khrushchev, they are trying to fool the people back home.

Mr. RIVERS of South Carolina. I am not accustomed to compliments.

As I started to say, these people go through a process of indoctrination. When they are on the frontline they have had it and you do not frighten them. The thing is we have to fight them with Guantanamo and no matter what else happens.

Why must we be firm today? We have tried feverishly to get our allies in Europe, notably Britain and the Swedes, to enter with us into an embargo. They said nothing doing. We tried to get Canada to go into an embargo with us. They said nothing doing. We tried to get others. We tried to get the OAS to help us, and they would not. I served on the Mexican Interparliamentary Union Conference, and we wanted to talk about Cuba. They would not talk about Cuba. They only wanted to talk about Alliance for Progress. They are not interested in this program. They look at this as a unilateral problem of the Americans.

We holler about concerted action. We holler about what can be done in OAS and in the United Nations, that Tower of Babel. But nothing will be done. They talk like conversation is going out of style, but they do not help you. They speak in a mystic language, but it is not for your benefit.

Let us make our efforts concerted. Only a blockade will do the work, because we have nobody to help us. To impose a blockade is the only thing that will do it.

We must let the world know that we will blockade Cuba. It is as simple as that. And as sure as you live, that is the only alternative. We will remove everything and let the chips fall where they may.

You are not going to frighten Khrushchev in any other way. The time for action is now. We have the power now, and I know what I am talking about. Believe me, I can tell you we have the power to do it. It is as simple as the A, B, C's, if you give the military the word to go ahead, and we can blockade Cuba.

You say, "You cannot do it, you may bring on a rain of missiles." If you are afraid to die now, you will be afraid to die 2 years from now.

Let me say that the greatest philosopher the world has ever had was old Plato. He said, "Only the dead have seen the end of war."

If blockading Cuba brings on war, let our boys die for America. They are not interested in Laos, they are not interested in Indonesia, they are not interested in Berlin. But they are damned interested in America. If it brings on war, let us fight to save this Nation, the greatest civilization the world has ever known.

As President Kennedy so ably stated in his inaugural address—

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardships, support any friend, oppose any foe to assure the survival and the success of liberty.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. My colleagues, I share the sentiments which have been expressed by the distinguished gentleman from South Carolina [Mr. RIVERS] that there is abundant blame to go around. I speak with some credentials so far as the right to mention mistakes is concerned. In October 1959—and I think you will recall who was in the White House then—I publicly raised the question with respect to Cuba as to where better than in this hemisphere and on this continent we could or should take the stand which survival dictates that we take. But this is not the occasion for blame. We are all in this together today, the President and the Congress, Republicans and Democrats.

Mr. Chairman, I should like to address myself for just a few moments to the pending resolution, and at this crucial moment I repeat an ancient query: "For if the trumpet give an uncertain sound, who shall prepare himself to the battle?"

I think the resolution before us justifies that warning and that rebuke. It speaks in quavering tones. I hope a recommittal motion will provide a more adequate and manly declaration. Failing this, I shall vote "no." It is far better that there be no joint resolution today than one which is in truth a "trumpet giving an uncertain sound."

Mr. Chairman, let us speak today in clarion tones which rally will and command action, or let us be silent and by our silence confess our incapacity for joint resoluteness. Thereby, at least, we will have put our people on notice and given them an opportunity to defend themselves at the voting booth, to defend themselves against timid and timorous leadership. However, if we believe Soviet activities in Cuba constitute "outside Communist penetration"—and those were President Kennedy's own words last year—let us say so.

Mr. Chairman, if we believe these activities constitute "interference from outside the Western Hemisphere"—an earlier phrase of President Truman—let us say so.

Mr. Chairman, if we believe that such Soviet penetration and interference constitute an actual fact of covert subversion and overt aggression of gravest dimensions and proportions, the more so in light of the impudently timed disclosure of plans for Russia's Havana Bay "Fishing fleet" port, let us forthrightly say so.

Mr. Chairman, if we believe that what has happened and is happening in Cuba is already far too much, let us foreswear the mañana policy of endless postponement, of waiting for still direr happenings, and let us call a halt now.

Mr. Chairman, if it is in fact our determination to launch the sequence of successive actions necessary to end this incursion, to free Cuba from its thralldom, to make our shores secure in this hemisphere, let us empower and command such actions. If that be jingoism, make the most of it.

Mr. Chairman, let us be done with vacillation, with weasel words, with paralysis of will, with alibis for nonaction. Let us reject the slanderous sophistry that the people's call for bold leadership is only the bleating of helpless frustration. Let us reject the fool's talk that because we stand freedom's guard on borders distant from our shores, we must, in polite exchange, permit the breaching of our own inner defenses.

Mr. Chairman, let us reject the palsying premise that we dare not fire a shot in Cuba lest it bring a tyrant's echoing shot in Berlin or elsewhere.

Mr. Chairman, let us bluntly proclaim to the world that we need the consent of no nation or organization of nations to act for our own self-preservation.

I say to the Members of this House, if we do less, we shall delude ourselves, confuse and betray our Nation, dismay our friends, embolden our enemies, heighten our great peril, and make infinitely more costly and precarious the ultimate showdown when we or our hard-pressed successors face a final choice between courage and capitulation.

Mr. Chairman, let us heed one other ancient admonition: "Stand fast; quit you like men, be strong."

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama [Mr. Selden].

Mr. SELDEN. Mr. Chairman, I view the resolution before the House of Representatives today as an expression of support for the President of the United States in whatever action he deems necessary to meet the growing Cuban crisis.

Let us not delude ourselves, however, that determined words can substitute for determined action. With this resolution Congress is simply reflecting the concern of the American people over the loss of foreign policy initiative in our own hemisphere. What is needed is action to regain that initiative.

Only the President can decide what form and degree this action should take. However, as I interpret the meaning of this resolution, the Congress is stating its belief that action is needed—in short, that we can no longer afford a policy of drift-and-wait where Cuba is concerned.

We cannot allow the Kremlin to hold the initiative for action in our own hemisphere without jeopardizing our position throughout the world. It is not enough to be satisfied that Soviet activities in Cuba present no immediate threat to our security. We must anticipate that the establishment of such a threat—if in fact it does not already exist—is the Communist aim in Cuba. That aim cannot be thwarted by continuing a policy of drift-and-wait.

While some may disagree with the wording of the resolution before us today, I think most will agree that it represents congressional recognition of the need for action and our support of the President in any efforts he may make to meet this need. Therefore, I urge the resolution's passage and I trust that it will receive an overwhelming vote of approval, thereby giving unmistakable evidence to our allies, the Castro government and the Kremlin, of the unity of the American people on this very vital issue.

Mr. JUDD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. Bray].

Mr. BRAY. Mr. Chairman, it has been more than 17 months since the ill-fated landing by Cuban patriots at the Bay of Pigs, but that disaster is not forgotten.

To the contrary, perhaps no other single event in recent years has so plagued and embarrassed the United States as that landing on April 17, 1961, and this embarrassment continues to grow month by month. We find that the incessant taunts coming from Castro and the brazen involvement of the Soviet Union in Cuban affairs will not let the unhappy story of the Bay of Pigs landing slip into oblivion.

While many points of this invasion are clear, there are some facts that are still clouded with mystery and the interest of the American people in this matter is apparently still increasing.

I have collected the information which is available on the Bay of Pigs invasion. None of this information was obtained from any secret Government sources. The following is as accurate an account of this incident as I could find from the information available.

As it became evident by 1960 that Castro was a part of the Communist conspiracy, was a bitter enemy of this country, was with Russian assistance violating the Monroe Doctrine, was guilty of many overt acts of hostility toward us and was organizing a hostile Russian Communist military force within 90 miles of our country, there was a growing demand in the United States that some action be taken.

Thousands of Cubans had fled Castro's Communist tyranny and demanded a chance to return to Cuba and recover their country. President Eisenhower was sympathetic to the idea and directed the Central Intelligence Agency to consider plans to assist these Cuban patriots. Richard Bissell of the CIA was given the job of planning to assist the Cuban refugees.

These refugees were organized into a military landing force to deliver Cuba from the Communists. The operation was to be known as Operation Pluto. It was given—or leased, the exact nature of the transfer is not clear—surplus American military equipment including some World War II ships, a few transport planes and B-26's, the latter being a type of two-engine bombers used in World War II. The training of this expeditionary force commenced near the town of Retalhuleu in Guatemala.

After the election of 1960, President Eisenhower acquainted President-elect Kennedy with the plans for this operation and told him, in effect, that the operation was now in his hands and he could, of course, abandon it or proceed with it as he saw fit. Kennedy then brought Adolf Berle, Jr., former Ambassador to Brazil under President Roosevelt, and Arthur Schlesinger, Jr., into the picture. Among those present when Kennedy called his first large meeting on this operation were: Secretary of Defense Robert McNamara; Admiral Arleigh Burke, Chief of Naval Operations; General Lyman Lemnitzer, Chairman of the Joint Chiefs of Staff; Secretary of State Dean Rusk; Adolf Berle and McGeorge Bundy, the President's Special Assistant for National Security Affairs. At a later meeting on April 4, 1961, President Kennedy also invited, among others, Senator Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, and Secretary of the Treasury Douglas Dillon. Kennedy stated at this meeting that he would make a decision soon about what, if anything, would be done regarding the proposed Cuban invasion. The military apparently had little to do with the later phases of this operation.

The following morning, April 5, 1961, Kennedy made his decision to proceed with the invasion, but with changes. He would not permit any assistance from American jets. This decision greatly limited the chances for the success of this operation, for an amphibious operation would be futile without sufficient air support. The B-26's which had been turned over to the expeditionary forces would be based in Central America, 500 miles away, and could only operate 45 minutes over the Cuban airfields before being forced to return for fuel. Castro's planes, however, would be able to stay in the air for much longer periods because of the short time necessary to travel to and from their landing fields to refuel.

On April 12, 1961, President Kennedy stated that not "under any conditions" would the United States interfere with force in Cuba, and that statement was released to the press. Such a statement would naturally discourage any patriots in Cuba who would be expected to aid in the overthrow of Castro. This same statement was emphasized by Secretary of State Rusk on the night before the landing and a statement of similar import was made by Adlai Stevenson, our Ambassador to the United Nations.

Kennedy had decided that he would not allow the B-26 bombers being used by the Cuban rebels to make more than two air strikes against the Castro air force. The first was to be made on April 15, 2 days before the landing, and the other was to be made the morning of the landing. There has been no explanation made as to why the air strikes should have been limited to two. We had turned these B-26 bombers over to the invasion forces, and it would naturally be supposed that they should be used to win the invasion most effectively. If three or four air strikes were needed to insure victory why should we restrict the strike to a point where only half the job would be done? This decision certainly decreased the chances for the success of this operation. It was established and I learned during World War II that control of the air is absolutely essential if an amphibious operation is to succeed.

Meanwhile the troops in Operation Pluto had been flown in our unmarked aircraft from their training bases in Guatemala to Puerto Cabezas in Nicaragua, which was to be the point of departure. The invasion fleet of the

Cuban rebels had set sail by April 12, 1961, toward the Bay of Pigs, which was to be the landing place.

The first air strike on the Cuban military airfields was made on April 15, 1961—2 days before the scheduled landing at the Bay of Pigs—and was quite successful. From fragmentary reports we have gathered that most of Castro's planes were destroyed or disabled on the ground. While there is some question as to exactly how much damage was done to Castro's air force, it is true that on the day of the landing the Castro air force had only two 26's, two British-made Sea Furies, and two or three T–33 jets in the air against the invaders.

On the evening of April 16, before the early dawn landing of the forces on April 17, President Kennedy took a step the reasons for which are still unclear. He had Bundy, his special assistant for national security matters, make a call from the White House to Richard Bissell, who was exercising supervisory control of Operation Pluto for the Central Intelligence Agency, and directed him to stop the second air strike. Bundy also told Bissell that the State Department was taking over. Bissell strenuously objected and contacted Secretary of State Rusk, who was adamant that this air strike not be made. It was not made.

If this second air strike had been made, would the operation have been succesful? We cannot know with certainty, but it probably would have been.

Today we do know that the calloff of the second air strike doomed the invasion to certain failure. When Bissell, pursuant to Kennedy's orders, contacted the B–26 forces, the bombers were already loaded with bombs and the crews were in the planes on the runway in Central America 500 miles away, ready to again attack the remaining Castro air force at their bases before they could get into the air. After the President's orders had been conveyed to the planes they remained on the airstrip and the second airstrike was not made.

It is still an unanswered question as to why Kennedy called off the second airstrike, which was intended to destroy Castro's remaining air force while it was still on the ground. Any damage to our prestige because of our assistance in this invasion was already accomplished. Our defeat, which the calloff of the second air strike made certain, could only give encouragement and assistance to our enemies.

While our military leaders were generally kept out of the planning and execution of this invasion, General Lemnitzer and Admiral Burke gave President Kennedy their recommendations in writing on the plan. One of the two factors that they stated must be present in order for this operation to succeed was that the invasion force must control the air over the battlefield. By successive changes in plans, the exact opposite was achieved.

However, the landing operation was permitted to proceed and these Cuban patriots, not knowing that the air support had been withdrawn, proceeded to land at the Bay of Pigs and march to certain disaster. The landing was successfully made, capably handled, and the invading forces performed with the greatest of heroism. But the remaining T–33 jets of Castro's air force, armed with rockets, together with four other planes of Castro's air force, sank two of the invading ships which carried the communications equipment and ammunition supplies for the operation and forced the other ships of the invasion force to retire beyond reach. Since the landing forces had no air power, Castro's small air force was the deciding factor and what might have been a brilliantly successful victory by the rebels against Communism and for freedom ended in stark tragedy.

Since this defeat at the Bay of Pigs, Castro has insulted, ridiculed and made dire threats against the United States; Khrushchev has stepped up his lies, blasphemy and threats against the United States manyfold. It was after the failure of this operation that Khrushchev was encouraged to threaten war against us if we again attacked Cuba. Of course, Khrushchev would not dare attack the United States, but apparently we have allowed him to seize the initiative, have allowed him to sell to the uncommitted people of the world the idea that the Communists are the source of strength, determination, and decision and that America lacks strength and the courage of its convictions.

The Communists will never dare attack the United States if they believe that we have the will to resist aggression. To convince the aggressor that we have that will is the only way that we can preserve peace, yet block Communist slavery.

About 4 years ago, in Lebanon, America demonstrated the strength and determination that Khrushchev respects. Khrushchev's scheduled Communist aggression in the Near East was thrown back by the decisive and bold action taken by the United States in Lebanon.

While Khrushchev knows today that we are far stronger economically and militarily than Russia, he does not believe that we possess the moral and spiritual strength to make our material strength effective. Recently, Khrushchev told poet Robert Frost that America was too liberal to fight. Frost said that Khrushchev thought that we would sit on one hand and then the other. In the United Nations Gromyko dares the United States to attack Cuba. Khrushchev is threatening to replace the Monroe Doctrone with the Khrushchev doctrine. Of course he is bluffing, but will we let him get by with it?

Our prestige and respect in the world is decreasing, as was so well expressed by President Quadros of Brazil, who said:

> I was not so shocked that the United States should invade Cuba, but I was shocked that the United States should try and fail.

The voters of America placed under President Kennedy's leadership a Nation economically and militarily far, far stronger than all of the combined forces of communism, an economy so strong that our problems are those of surplus while the problems of Khrushchev and his gang are those of stark, increasing scarcities. Recently U.S. News & World Report pointed out that in the field of atomic weapons and the power to deliver them the United States is 20 times as powerful as Russia. This Khrushchev knows.

The Congress this year, speaking for the American people, unanimously voted the largest peacetime defense appropriation our country has ever made—even larger than the President requested.

But the U.S. Constitution provides that it is the President who must act. By our Constitution, Congress cannot move one plane, one ship, or one company of men. Congress cannot issue an ultimatum nor make treaties or agreements. By our Constitution only the elected President can act.

The only man today that can furnish the leadership necessary to restore to America the moral and spiritual strength of yesterday is the same man who called off the second airstrike at the Bay of Pigs. That man is the President of the United States. All America is looking to him as the only man under our Constitution who can take the steps necessary to restore the moral and spiritual strength of yesterday, which has made us the greatest Nation on earth.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I want to express my appreciation and commendation of the leadership on both sides for having this resolution before us. I want to thank the majority leadership for removing this proposal from the suspension of the rules. I regret that the leadership did not see fit to bring this out under an open rule where there could have been amendments and where particularly Members could have had an opportunity of speaking under the 5-minute rule.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Ohio.

Mr. BROWN. I would like to say that the Republican members on the Committee on Rules did support an open rule on this matter.

Mr. CURTIS of Missouri. I know of no issue that concerns our people more than that we on their behalf are trying to discuss at this time in an effort to find out what the problems are so that we can make good national policy.

Let me commend the gentleman from South Carolina for having debated the issue in 1958, as he claims he did, and I believe he did. But I say, Why so thin-skinned that we should not debate foreign policy in 1962?

I recall during the last campaign, while the Eisenhower administration was in, there was a constant cry of "brinksmanship." I thought it was unfair, because I knew Soviet Russia brought about these crises and our response was not brinksmanship.

I recall the discussion of whether or not the previous administration had lowered the reputation of the United States abroad. What I want to say is, I thought that was legitimate debate. I did not agree with it, but I certainly think we should debate these matters.

Before we talk about blockades or military action or anything else, it is very obvious to me we had better get our principles in mind. What are these principles? Is it so clear that everyone in our society agrees the Monroe Doctrine is a living document 130 years later, in 1962? The St. Louis Dispatch editorially said they thought it was not. Statements from officials in the State Department indicate they do not believe it is. They have made remarks comparing Russia's bases in Cuba with our bases in Europe. Evidently we do need to clarify whether the leaders of this Nation and our people believe in the Monroe Doctrine. Indeed I do think it is a living document, and it needs to be said, apparently. If there are those who disagree, this is the time to speak.

I also think that self-determinism for any people is something we deeply believe in. What worries me about this resolution, as I have read it carefully, is that I am not so sure but that voting for this is not putting our stamp of approval on what has been done by Castro and Khrushchev and not calling attention to the fact that there is a violation of the Monroe Doctrine right now and there is a violation right now of the doctrine of self-determinism.

Castro is held in power by the military and economic aid of Soviet Russia. Castro has not given free elections to the Cubans as he promised.

These are the principles that should be stated. I am pleased we have a motion to recommit. It is not difficult to understand. It does no more than make it eminently clear, which the resolution we have does not do, that we are not putting our stamp of approval on what has been done unilaterally by Castro and by Soviet Russia in Cuba. Indeed, we are saying there are violations of the Monroe Doctrine and the doctrine of self-determinism now, and we want our President in his wisdom, and God guide him, with the powers that he has to take what action is necessary, diplomatic, economic, or military, jointly with other free nations or unilaterally.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, my only objection to this resolution is the fact that it is not strong enough. History has repeatedly proven that weakness and indecisiveness has never prevented war. Only a show of strength, firmness, and determination can and will prevent a war. We must make certain that the Communists do not underestimate us in this regard.

The Castro regime concerns us because of the oppression and misery it has put onto the people of Cuba, and the spread of Castroism throughout Latin America from Cuba as a base. Our Government hopes that the military strength of Castro will not be sufficient to enable him to make incursions into other Latin American countries or to give military support to revolutions there.

Although these concerns are justified, as long as Castro's military strength was not great, the direct and immediate effect was on the people of Cuba, who were the great sufferers, and it was the other Latin American countries which were in direct and immediate danger from Cuba. As far as the United States is concerned, we have been able to take over Cuba whenever we decided to do so, and our naval base at Guantanamo Bay could not be taken by the Communists.

To be sure, we thought also of the dangers of having the Communists established 90 miles off our shores and of the possibilities of submarine and long-range rocket bases in Cuba to threaten us. These were viewed mainly as distant possibilities and not as immediate dangers, for we would be able to strike down the Cuban Communists whenever we needed to do so. Now the situation is developing differently. The rapid buildup of Communist military strength in Cuba is a real and present military danger to the United States itself.

Arms and military personnel from Communist countries have been reaching Cuba for some time. But now, having felt us out and getting no reaction, the Communists are making a large buildup in Cuba, suddenly and rapidly. A few days ago a few more ships were unloaded secretly at night. Reports are that these ships brought in tanks, antiaircraft guns, possibly ground-to-air missles and some thousands of military and technical persons. The State Department has told us, in effect, that there is nothing to worry about because this buildup is only for the defense of Cuba and is unsuitable for use against other Latin American countries.

Now many more ships have been unloaded and it is reported that much larger numbers of ships are on the way. And the State Department certainly does not know what is on them. The President says that the Monroe Doctrine does not apply because he is not sure that Communist armed forces as such are coming in. Nothing is being done to stop this rapid buildup. The Soviets must think it important, for a move like this had to be planned long ago, it is costly, and it is being carried out suddenly and rapidly. Regardless of what may be on the many more ships en route, the idea of for defensive purposes only is a mistaken one.

The Communists can dominate the waters around Cuba out to 100 miles and more, even with what the State Department considers a defensive setup. They are sure to have fighter-bombers flying from defended airfields. These are well suited—indeed are a normal weapon—for attacking merchant ships, and they have a reach of well over 100 miles. "Tactical" rockets also could be used, for they have ranges of 200 miles or more. And back of that are submarines, motor-torpedo boats, field guns and also bombers and rockets of longer range. One does not have to know in detail what weapons have arrived or will be brought in, to know that under any "defensive" setup the Communists could make the passage of merchant ships through the waters around Cuba dangerous, if not impossible. Take a look at the map.

First. To the north is Florida Straits between Cuba and Key West, about 100 miles wide. This passage controls all traffic from the gulf coast ports to our east coast and to Europe. A large part of the oil used in our east coast States comes by tankers from the gulf coast.

Second. To the west is the Yucatan Channel, about 130 miles wide. This passage controls all traffic from the gulf coast ports to the Panama Canal, to the west and north coasts of South America.

With the Yucatan Channel and the Florida Straits blocked, our gulf coast ports would be bottled up. All foreign commerce through these ports would be stopped, including that which goes up and down the Mississippi Valley. The normal flow of most of the bauxite used to make aluminum would be stopped.

Third. To the east is the Windward Channel, about 55 miles wide. This is the normal route from our east coast to the Panama Canal and to the west and north coasts of South America.

If the Communists have strength in heavy tank forces, field artillery, antiaircraft artillery and rockets, and tactical ground-to-ground rockets, which presumably they are getting as defensive weapons, our base at Guantanamo Bay—around the southeast corner of Cuba—would be very hard to defend. The Windward Channel being blocked, our support of the defense of Guantanamo would have to come way around Hispaniola. This naval base, so important to the defense of the Caribbean area and the Panama Canal would be practically untenable.

The denial to us of the use of the waters around Cuba would be an intolerable disruption of our commerce. It would be a great additional weapon of blackmail against us in the cold war. It would make our President and our State Department even more fearful.

If eventually we were forced into a hot war, the stopping of our merchant shipping in the waters around Cuba would be insufferable. To fight a war in Europe and the North Atlantic, or anywhere for that matter, we would have to give a high priority to the reduction of the Soviet base in Cuba. It would not do merely to defend our shipping and to peck at Cuba at a distance. Our experiences with the Japanese defensive bases in the Pacific are proof of this. We would have to land and occupy Cuba.

The necessity of having to take Cuba early in the war would be very serious. It would be a very costly operation if the Communists become well established in Cuba, whether we have to fight Communists from across the oceans or Cuban Communists. It would mean the diversion of important land, sea and air forces from critical operations elsewhere at a crucial time. The idea that the buildup in Cuba is for defense purposes only is absurd.

This Communist buildup already has gone too far. Every day and every ship adds to the blackmail threat and to the difficulty and cost of occupying Cuba in case of war. Now is the time to apply the Monroe Doctrine, discarding the absurd fiction that it is not a Soviet base and that Cuba is not under the domination of the Soviets. The blockade of Cuba should be applied at once before any more ships can arrive, regardless of what the Organization of the American States may or may not do.

We talk of the threat to Berlin, the threat in Laos, in South Vietnam and other places, and even of possible threat, in the distant future, from space ships. And properly so. But here at our very doors is an immediate, serious threat—a real and present danger to the United States itself. The time for vigorous, courageous action is now. We are late already.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Chairman, I support the pending resolution, and I will support the President in whatever affirmative, decisive action he takes under the resolution.

I have long advocated a policy of decision and of positive, constructive action with respect to Cuba, and so have many other Americans. Last May 9, I stated here on the floor of the House that we had lost an opportunity in Cuba, and that all Latin America was paying for that loss. At that time I was speaking as one of a group of four Members engaged in constructive commentaries upon the administration's handling of our international affairs—Messrs. DOMINICK, of Colorado, SIBAL, of Connecticut, MORSE, of Massachusetts, and myself. The others also commented on the Cuban situation at that time. At that time we joined in sharp criticism of the administration's handling of the Cuban fiasco of April, 1961, and urged a shift from a policy of surveillance, to a policy of positive, creative decisiveness.

The joint resolution now pending expresses such a policy—and requires the President's signature.

I do not know what means or method the President will find most appropriate to enforce the resolution. The resolution itself calls for the prevention, by whatever means may be necessary including the use of arms, of the extension of Castroism to any part of this hemisphere. Perhaps the President will institute a blockade. Perhaps he will place an interdiction upon the export of the tools of Communist violence and subversion to the rest of Latin America. Perhaps he will extend recognition, and support, to a free Cuban government-in-exile. Any of these decisions would have the support of the Congress, and of the American people.

The Congress and the people have made it clear, however, that the time for decision is now.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, in this debate we ought to consider the policy which is followed by our opposition within our gates. I should like to read to you from the People's World of Saturday, September 15, 1962, the coast edition published in San Francisco, entitled "Storm Over Cuba":

> So long as American policy has as its aim the destruction of the Cuban Government and the reclamation of imperialist booty for United Fruit, Standard Oil, A.T. & T., and all the other corporate giants who long for the good old days when they could pillage and exploit Cuba, there will be no peace in the Caribbean.
>
> There is only one foundation for peaceful relations between the United States and Cuba. It is the recognition of the sovereign rights of the Cuban people to shape their own destiny. Such a policy is not a matter of generosity. It might well be a matter of self-preservation.
>
> That is why you should urge such a policy upon the President now. Tell him that instead of calling up the Reserves, he should call upon the good offices of the United Nations to open discussions for reestablishment of normal diplomatic relations between the United States and Cuba.
>
> Instead of placing more Americans under arms, he should use the power of the Federal Government to disarm the Cuban mercenaries and adventurers on our soil, and bring to justice those who have engaged in criminal conspiracies against our laws and against the Cuban people.
>
> Instead of directing insults and calumny against the leaders in Havana, he should forcefully disavow and repudiate the lunatic warmongers in Washington.
>
> The President seems to be getting all sorts of counsel. It is critically important that he also hear from you.

Now, that is the word of the people who are in control of Cuba and that is what they want us to do. The thing which disturbs me about this whole situation is that, unfortunatly, history repeats itself. We drifted along and drifted into the First World War because the kaiser was convinced that we would not be drawn into that affair. That is very clear in history. We got into the Second World War because Hitler felt we were so weak that our interference could not possibly help the Allies, and we were dragged into that war. We drifted into the affair in Korea because we had announced that Korea was outside of the perimeter of our defense. I am just wondering if all of this inaction now is not a prelude of drifting with the same result ultimately that we had before, and history may well be repeating itself,

I hope to get an even stronger resolution than the one which came to us from the other body because we have had very definite action on the part of the Russians since that resolution was adopted and in connection yesterday with the announcement of the Russian harbor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, I am certain it is not news to you that the Communist military buildup in Cuba has taken on the dimensions of a crisis in U.S. foreign policy. But it is a matter of disturbance and concern to me that the news of the buildup—known to everyone else in the whole world—apparently has not reached our State Department where sit the entrenched career bureaucrats who manage our foreign policy.

These are the people who must advise the President of the United States on formulation of foreign policy, which is his exclusive duty under the Constitution. Unfortunately many of the career people on duty now are the same people who let—even helped—Castro come to power, all the while concealing from their superiors factual reports from ambassadors and other fieldmen plainly showing Castro to be exactly what he now is known through the world to be.

These people do not seem to have told the President the facts which plainly dictate need for a definitive, firm, and strong policy with regard to Communist colonization of Cuba. They probably do not know, or do not care, that a gravely concerned American people want action now to stamp out this offshore menace to safety of the United States and freedom of the Western Hemisphere.

True, the President has warned Castro and Russian Premier Khrushchev that what is going on in Cuba violates the Monroe Doctrine and has pledged the United States will take whatever steps are necessary to stop this building of Cuba as a Russian bastion facing our shores. But we may need more than words.

This, of course, is a matter for decision of the President, as Commander in Chief and as constitutional architect of our foreign policy. But I say here and now, and have said this week on the House floor, that the President can be assured that the Congress, and the people, will stand unified behind whatever firm policy, whatever strong action, he may order.

As I speak, I feel somewhat like a phonograph needle, caught in a groove, must feel because what I am now saying is identical with what I have been saying in the years since Castro came to power. A cursory examination of my files has turned up about two dozen public statements—on the House floor, in speeches in Florida, in my weekly reports—I have made on the Cuban situation.

Regrettably, the situation in Cuba is basically the same as it was, it is worse only in degree.

I was urging back in 1959 that we meet the Castro menace on the basis of the Monroe Doctrine. I did so again, just this week on the House floor. In February 1960, I joined the Winter Haven news chief in questioning the sanity of our support of the Cuban sugar industry while Castro was harassing our Government. I also again urged invocation of the Monroe Doctrine at the time Soviet Deputy Mikoyan was in Cuba giving us a kick in the pants on the eve of President Eisenhower's South American visit. Russia still is kicking us in the pants in Cuba.

I was alarmed on the floor in June 1960 by our Cuban policies and insisted we act then through economic sanctions to show Castro that we will not be clobbered by a tiny nation made free by us, its freedom guaranteed by the Monroe Doctrine. I suggested then we did not need bullets to stop Castro; could do so by hitting him in the pocketbook. I warned that if we fail, we are in danger. I could repeat much of this today; but because we did fail then, we are in danger.

In August 1960, I deplored our timidity in dealing with Castro at Punta del Este, seeing in that timidity an ill omen for the newly created Alliance for Progress. The omen still is ill, for the same reason.

In May 1961, I said, in another report, that much was being said in Washington about Cuba but little was being done. I warned that if leaders of world communism chose to use Cuba as a launching pad for war, Florida would be the steppingstone to North America. Both statements are more true today.

In other 1961 statements, I resisted Castro's blackmailing "tractors for prisoners" proposal; suggested that the assassination of Dominican Dictator Trujillo had been plotted in Cuba with Kremlin guidance; urged direct dealing with Castro as the root of evil and trouble in Latin America. This year, I have urged that we stop shilly-shallying with our Latin friends on the Cuban issue; deplored our loss of hemispheric and world prestige because of lack of a definitive Cuban policy; asserted that Castro is unchanged from the deadly, treacherous Kremlin tool he always has been.

The things all are as true today as they were when I said them in 1959 or in 1962. But also still true is this statement which I made on the floor in April 1961:

> Whenever foreign policy is established in this Nation, regardless of who is in the White House, it behooves every loyal American to move in behind the Chief Executive and back him. Differences of opinion should end at the water's edge.

I pray today that Cuban policy soon will be established clearly by the President. I do not need to pray that every American will back it to the hilt.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, I support the pending resolution. I would prefer stronger language, for I am convinced the worsening picture there justifies stronger language. Nevertheless, we are all in this together. The Senate has approved this language. The House Committee has recommended it. For the sake of unity and speed we should stand behind it. We should not, however, let this be an end to the efforts of the Congress to bring about vigorous action.

For instance, I believe there should be official U.S. recognition of a Cuban government in exile. Now there are a dozen groups which seek to speak for the Cuban freedom movement. This is unrealistic and unproductive of results. One recognized group, speaking for the Cuban people, with U.S. backing, could provide effective leadership against Castro. This is only one step, but it is a realistic first step. The establishment of a Russian naval base in Cuba shows that this country should be taking much more vigorous steps than are now being taken. I urge in strongest terms that the administration do this. I do not feel we can countenance a continuance of the Communist buildup in Cuba, and we must move more adequately to oust Castro and his regime.

By recognizing a government-in-exile for Cuba and giving it full support, a successful invasion or uprising can in time be sustained to overthrow Castro. In the meantime, the U.S. Government should take whatever steps are necessary to prevent further shipments of arms to Cuba. The time for talking is past.

U.S. recognition of a government in opposition to Castro would provide a legal and effective means of providing an instrument through which freedom-loving Cubans could receive the assistance necessary to destroy the Communist grip on their island. A Cuban government-in-exile would also provide an effective contact with anti-Castro and anti-Red Cubans still in their native land, and would serve as a symbol of stanch opposition to the present regime in Cuba.

The Cuban problem is not new. It came into being under the Eisenhower administration. The costly CIA failed to make known to the authorities in Washington the documented case history of Castro's leanings toward communism; or if it was called to their attention, those same authorities choose to blind themselves to reality. The score on this is controversial. In either case, it is water under the bridge. The situation has become seriously aggravated, and now it is an open sore which disrupts the peace of the hemisphere and tears down the prestige of the United States.

Failure to cope with this problem can well point the way to a steady decline in U.S. influence in the Western Hemisphere and in the world. Congress should on today provide an example for the Nation by closing ranks with a unified expression of determination to back this Nation's Government in whatever steps are necessary to see an early end to Castroism in Cuba and in the Western Hemisphere.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. ASHMORE].

Mr. ASHMORE. Mr. Chairman, I strongly support House Joint Resolution 886. Public sentiment all across the United States is growing in favor of positive action by our Government to remove both Castro and Russian soldiers—disguised as technicians—from Cuba. It is generally agreed that a Communist country cannot be permitted in the Western Hemisphere. Further delay only makes the trouble more deep seated.

It should have been relatively simple to eradicate Castro and his fellow revolutionaries in 1960 or even as late as 1961.

We have been fearful of offending public opinion in South America and alienating both new and neutral nations, throughout the world. To be sure we want friendship of all nations, whether old, young, large or small, but we cannot base our security and the freedom of the Western Hemisphere on a policy that is influenced by compromise, confusion, and lack of courage.

When we take the necessary action we should make it clear and plain to all the world that we are not using force against the people of Cuba but against communism which now completely dominates Castro and his henchmen.

We should fill the air waves with truthful propaganda and let everyone know that our purpose is not only to drive communism from the Western Hemisphere but also to free the Cuban people from their Communist masters, and guarantee the citizens of that country the right and opportunity to select their own form of government in free elections. Under the prevailing circumstances, this would be clearly in keeping with the Monroe Doctrine, the Organization of American States, and the recent actions of the United Nations. The United Nations has actually engaged in war to maintain peace in the Congo. Its avowed purpose there is to guarantee a free and stable government for that struggling, new, and weak nation.

When we convince the world that our only motive in taking strong measures in Cuba is to restore the government to its people and protect the liberty, freedom, and security of all peoples in the Western Hemisphere, we will immediately receive the plaudits of liberty-loving people everywhere.

In the past when the United States took a firm stand for the principles set forth in the Monroe Doctrine, we were looked upon as a "big brother" by most Latin Americans. Now we never hear that term used, and it is not because we have thrown away our "big stick" but because of our indecision, confusion, appeasement, and plain lack of "guts." This sort of compromising gives aid, comfort, and strength to the Communists. And, moreover, it causes the United States to lose the respect of other nations throughout the world. This is one of the greatest dangers of backing down in the face of every Communist threat. If we are going to hold the confidence, faith, and respect of our friends and allies, we must call the bluff of Castro and Khrushchev in Cuba.

There is no logic in spending billions of dollars on foreign aid to defeat communism and then permit Khrushchev to build a Communist military outpost within 90 miles of our shores.

We have already waited entirely too long to take positive action. Two years ago a naval and air blockade would have forced Castro to wither on the vine in short order. Now it will take longer and be more costly, but nevertheless, this festering cancer must be removed before it spreads to other areas. Every day we delay, more food, clothing, guns, tanks, planes, submarines, missiles, and soldiers arrive from Russia. This buildup in Cuba is a colossal bluff and threat from the Kremlin. The U.S.S.R. can no more fight a large-scale war in Cuba than the United States could have fought one in Laos. And certainly Khrushchev is not going to launch a nuclear war over Cuba. The prize is not big enough for the risk involved.

So let us blockade Cuba as soon as feasible from a military standpoint, and then Castro and Khrushchev will soon stew in their own juice.

We should seek both moral and military help from all Latin American countries, but we must not falter again, regardless of the amount of support we get from other sources.

Mr. Chairman, the learned columnist, William S. White, has recently written several excellent articles on this subject. His column entitled "Beware 'After-All' View on Cuba," published

September 19, 1962, in the Washington Evening Star completely destroys the appeasers strongest argument. Under unanimous consent, I include this column at this point in my remarks:

Beware "After All" View on Cuba—Rationalizing of the Soviets' Takeover With Free World's Bases Is Found Faulty

(By William S. White)

A curious line is running through much public and private comment about the presence in Castro Cuba of Soviet arms and Soviet "technicians." It might be called the argument of after all, and it goes thus:

It is very upsetting, of course, that the Soviet Union has now made a publicly boasted military lodgment in this hemisphere. But, after all, the United States has forces of its own or allies of its own in many places confronting Russia, too.

Of this sort of reasoning the only possible query is how sophisticated, how objective, can you get? Isn't this another way of saying that there is, underneath, not much difference between us and our record and intentions, and the Soviet Union and its record and intentions?

Is there no distinction between the positioning of American forces in free countries which have asked for our protection and the positioning of Soviet forces in countries which have been brutally and simply overrun—say Hungary and Poland?

We have troops in West Germany, yes. But is West Germany under our rule as East Germany is under Nikita Khrushchev's rule? President Kennedy, whose whole administration has been involved in endless and often losing arguments with Chancellor Adenauer, would hardly say so.

For a decade we have had troops or military associations in a Europe running from Turkey on the east to Italy on the south and France on the west. But have we dominated any of those countries? Charles de Gaulle of France would hardly prove so. For American foreign policy has been as notably unsuccessful in dominating General de Gaulle as it has been in dominating Chancellor Adenauer or the Turks or the Italians or the Belgians or any of the others.

And where and when have we used a foreign base or lodgment to assault another nation? How many times has the Soviet Union done so since the Second World War? Half a dozen? More like a dozen?

If the after allers are even partly right, what is the moral justification for foreign aid, for the North Atlantic Treaty Organization, and all the rest? And what of our long record, backed by unbroken history, of seeking no territory, no conquest? If we are, indeed, to be measured alongside the Soviet Union by our own voices what is the use of anything at all?

The after all logic comes to this: Here, after all, are two giant powers. If we have the right to maintain foreign bases, though our bases are maintained with the consent and on the eager appeal of the host nations, then so does the Soviet Union, even though its bases are maintained at gunpoint and in some instances over the dead bodies of the host nations.

If this is objectivity, so then is the epigram which says that the rich and poor have an equal right to sleep in the public parks.

What price the objectivity, say of a Chester Bowles, a Presidential adviser who says we must not attack a Cuba infected with Soviet military communism because we should then be charged in the United Nations by the Russians with "blatant aggression and very likely they (the Russians) would win their case"?

The naked right of self-defense cannot possibly be alerted by any such mere Alice-in-Wonderland propaganda case in the U.N. or elsewhere.

There are only two possible excuses for not putting a stop right now to Soviet penetration. One is the official judgment that as of now we are not directly menaced. The other is the estimate, on which President Kennedy is banking, that the job can be done through collective Pan American action. Because he is President, his judgments must be accepted now; because there can be only one President at a time and because only a President can either know all of the facts or act upon them, anyhow.

But if his judgments turn out wrong, and wrong because of any heed paid to the after allers, there will be measureless tragedy for his administration and for this country.

Mr. Chairman, we simply cannot permit any more tragedies in Cuba. I hope the House of Representatives will unanimously pass this resolution and thus join the Senate and President Kennedy in warning Castro and Khrushchev that no longer are we going to flinch from our duty as the leader of the free world, but henceforth this Nation will act with courage and statesmanship, come what may.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. McMillan].

Mr. McMILLAN. Mr. Chairman, the people of the United States and the Western Hemisphere certainly have a reason to be disturbed over existing conditions in Cuba. I am of the opinion that the United States should have stopped Castro when he pushed Batista out of office. We, of course, would like to see every country have a democratic form of government; however, Batista, even though he was a dictator, cooperated and worked with our country at all times. We enjoyed peaceful relations and excellent trade conditions with Cuba during Batista's administration.

I think anyone could look at Çastro and come to a reasonable conclusion that he is a Communist. I also believe that everyone will agree with me that Castro had assistance from the Communists in overthrowing Batista's government in Cuba. I realize now that the time has come when we must make a definite decision regarding Cuba and let Castro know, in no uncertain terms, that we will not tolerate Russia or any other communistic government building naval bases within 90 miles of our shoreline.

I realize that this may mean an all-out war with Cuba and if we had stopped him when he first gained control of Cuba, I am certain we could have handled the situation without an all-out war. I hope the President and all the other Government officials will give this matter the attention it deserves.

Mr. MORGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. Holland].

Mr. HOLLAND. Mr. Chairman, I should like to express my personal opinion on this Cuban situation.

Like every other red-blooded American, I resent the Cuban importation of so-called technicians from Russia and I—like many others—wish we could go back to the days of "waving the big stick" and sending the Navy around the world to impress our adversaries.

However, times have changed considerably since those days, for then the Atlantic and Pacific Oceans with our well-manned and well-equipped Navy were not only our first line of defense, but were great natural obstacles for any ambitious invader to conquer.

Today, with the atomic-powered submarines that are capable of releasing missiles from submerged positions, with jet fighter planes capable of carrying and accurately firing missiles, with missile bases on both continents equipped and ready to fire at ranges 5,000 miles away, we must admit the world has radically changed.

As it has grown in knowledge and sophistication, through science and technological innovations, it has shrunk in size and you know as well as I that in minutes Europe, Asia, and the Americas—North, South, and Latin—could be rendered desolate.

Under such circumstances, it is necessary for the people of the world to become full-grown adults and mature—and face facts as they are, not as we wished they might be.

Just as the world has changed, as our way of life has changed, as our mode of living has changed in the last 100 years, or even in the last 20 years, so must our policies change and our means of handling impudent challenges to our leadership of the world.

No longer can we say "If you won't play my way, you can't play."

No longer is America a young struggling nation—we have become the leader of the free world and with it comes responsibilities to maintain stability in this troubled universe.

As a veteran of World War I, having served in France with the AEF, and of World War II, where I served in the European theater of operations, I subscribe to President Kennedy's views that "this country will do whatever must be done to protect its own security and that of its allies * * * however, I hope that the American people will, in the nuclear age, as they have in the past, keep both their nerve and their head."

Some wires and letters I have received have stated "Now is the time to send troops into Cuba," "It's now or never to fight Cuba," "Let's get over there to Cuba and show them up," go, go, go. I should like to write these people "Are you going to enlist and volunteer your services for this encounter?" but few include their addresses and the majority of them are not from my district.

In view of the President's suggestions I was pleased to read in the Daily Messenger, a newspaper from Homestead, Pa.—a community in my congressional district—an excellent editorial on the present "hot" cold-war situation and I would like to insert it in the Congressional Record so that many of my colleagues have the opportunity of reading it. It is good to know that we have responsible and levelheaded publishers and editors throughout the Nation who are dedicated to reporting the facts—and not just publishing scare headlines to sell their paper:

MONROE: OBSOLETE DOCTRINE

The establishment of a Russian outpost on Cuba, 90 miles from Florida, has sent newspapermen and politicians scurrying to their history books for a brushup on the Monroe Doctrine.

In blowing the dust away, some have interpreted the 139-year-old document as a clarion call to send the marines to Cuba.

Unfortunately, they are invoking a dead doctrine.

The Monroe Doctrine is dead simply because the era of gunboat diplomacy has vanished.

The threat of nuclear holocaust has rendered obsolete former ideas of American might and right.

The United States cannot, as some of the "war hawks" suggest, throw a blockade around Cuba and risk igniting World War III.

At the same time the Nation's responsible leaders have made it plain that this country will draw a fight-if-we-must line.

Representative CARL VINSON, Democrat, of Georgia, chairman of the House Armed Services Committee, said Monday that the United States is ready to take military action against Cuba if necessary.

"If our naval base at Guantanamo is threatened; if the Panama Canal is threatened; if Cape Canaveral is threatened in any way; if American lives are threatened; or if Cuba should in any way attempt to export its aggressive military purposes by force against any nation in this hemisphere; or if Cuba should become an offensive military base then we will take whatever military action is warranted by the facts," Mr. VINSON said.

In support of his statement, Congress this week forged two weapons:

1. A declaration to use all means needed to block communism from endangering the Western Hemisphere.

2. A bill authorizing the President to call up 150,000 combat-ready Reserves if conditions in Cuba—or Berlin—warrant them.

While taking a firm stand, Mr. VINSON took the same tack as President Kennedy in urging restraint.

"We must be careful," Mr. VINSON said, "that we do not permit our emotions and national pride to overcome sound judgment."

President Kennedy at a recent press conference noted: "This country will do whatever must be done to protect its own security and that of its allies."

But he expressed the hope that the American people will "in the nuclear age, as they have in the past, keep both their nerve and their head."

The doctrine promulgated by President Monroe in 1823 said: "We should consider any attempt * * * to extend their [European powers] system to any portion of this hemisphere as dangerous to our peace and safety."

It was easy in the 1860's to dissuade Louis Napoleon's dream of empire in Mexico.

Under the Roosevelt corollary to the Monroe Doctrine, it was easy to send marines all over the Caribbean to protect economically troubled countries.

But changing times compel modifications of sacred political doctrines.

We do not like the Soviet presence in Cuba any more than we liked the transformation of Dr. Castro from a revolutionary hero and liberator to a paranoiac dictator.

But the day is past when the mere presence of undesirables is excuse for easy war.

Cries of Munich-like appeasement are not apropos to 1962.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I urge the adoption of this resolution. In my judgment, this resolution states in clear and emphatic language the sensible and correct position that we as responsible representatives of our people should support in a trying, difficult, and dangerous situation. The issue, it seems to me, is crystal clear and it is that the Congress of the United States, reflecting the will of the people of this Nation, means to let the whole world know that it stands with its President and speaks in a strong and emphatic voice.

This is no time to listen to political sorcerers, hucksters, and adventurers. Of course, for those people who do not shoulder the heavy and awful responsibility of the President, talk is cheap and they can revel in demagogery—particularly in an election year. But, they delude themselves into believing there is political gain to be made on this question. The people cannot and will not be fooled. These raucous and strident voices call for an invasion or a blockade of Cuba—what foolish and irresponsible cries. For these are acts of war. Only the foolhardy and unthinking would plunge this Nation into an unneeded and unwanted war.

An intelligent, coolheaded, correct position has been laid down by the President. To the vast majority of American people, it makes sense. He has said, and this resolution emphasizes that the United States is determined to "prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere," and further to "prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States," and finally, "to work with the Organization of American States and with freedom loving Cubans to support the aspirations of the Cuban people for self-determination."

Mr. Chairman, Senate Resolution 230, embracing the same language, was passed 86 to 1 by that body. It was reported to the Senate by both the Senate Foreign Affairs and Armed Services Committee by a vote of 34 to 0. The Senate has spoken with an almost unanimous voice in backing the President of the United States. This House should do no less. I urge the adoption of this resolution.

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

STATE OF MISSISSIPPI DEFENDS CONSTITUTION

Mr. COLMER. Mr. Chairman, much as we are concerned with the Cuban situation I have asked for this time to talk about something that is even closer at home.

Mr. Chairman, the people of Mississippi are a proud and lawful people. They believe in the Constitution of the United States as conceived by the Founding Fathers. They believe that the 10th amendment is a part of the Constitution. They believe that it means exactly what it says—namely, that all of the powers not specifically granted to the Federal Government are reserved to the States or the people. They are opposed to regimentation and tyranny whether it be at the hands of the executive department of the Federal Government or its judiciary.

Today, they are confronted with the forces of the Federal Government in an attempt to deny the sovereignty of the State of Mississippi because of an erroneous decision of a so-called liberally minded packed U.S. Supreme Court in the infamous school desegregation decision of that Court. The strong arm of the executive department of the Federal Government is being exercised in an effort to nullify the sovereignty of the State of Mississippi and destroy its beloved institutions.

Mr. Chairman, the members of the Mississippi delegation have unanimously opposed the efforts of the Federal Government throughout our history to encroach upon the rights, liberties, and privileges of our people. Confronted with developments in Mississippi today, the members of the House delegation from Mississippi whose names appear thereto, have authorized me to advise the House that the following telegram has today been sent to the Honorable Ross Barnett, the Governor of what we still consider to be the sovereign State of Mississippi.

The telegram follows:

SEPTEMBER 26, 1962.

Hon. ROSS R. BARNETT,
Governor,
Jackson, Miss.:

In the light of the events of this crucial hour, we, the undersigned Members of the U.S. House of Representatives from Mississippi, wish to reaffirm and reemphasize our unqualified support of your heroic efforts in defending the sovereign rights of all States and particularly the State of Mississippi.

It is a sad commentary that more effort is now being applied to crushing the privileges and rights of our sovereign State of Mississippi than in crushing a Communist military buildup in Cuba which endangers the life, liberty, and security of every American citizen.

We salute you and stand foursquare with you in your efforts.

THOMAS G. ABERNETHY.
JAMIE L. WHITTEN.
ARTHUR WINSTEAD.
JOHN BELL WILLIAMS.
WILLIAM M. COLMER.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, after sitting in general debate for some time and listening to the remarks made I find a great temptation to become extremely partisan about the issue that confronts us but I shall not. While everyone is entitled to his own opinion and should speak his own convictions and for his constituency—this is his right and his duty—it is my judgment that one can do both, that is, support this resolution and still speak his conviction in disagreement if need be with those who have said that this resolution is essential to the best interests of the country.

Some question has been raised about the existence and the death of the Monroe Doctrine. In looking for a date of death, if any, I cannot overlook the time in the fall of 1960 when Mr. Khrushchev took off his shoe in the United Nations and proclaimed that the Monroe Doctrine was dead. Those who have a feeling for the enunciation of this principle had the opportunity to speak loudly and clearly then as they now have the right and the opportunity to speak loudly and clearly; and, so let him cast the first stone if he has the guts to do it.

In my judgment it was not dead then. It is not dead now. Khrushchev does not make the foreign policy of this country. The Monroe Doctrine is a definite pronouncement of the foreign policy of this country by a President of the United States and can be implemented anytime with or without this resolution.

The issue, it seems to me, is, Will you support the pending resolution which has been brought to you by the Committee on Foreign Affairs, by the other body, and by this administration? Will we as Americans stand united behind our President?

The pending resolution is an important international policy movement and pronouncement—will you support a motion to recommit with different language ? I have seen two such proposed motions and I will tell you very quickly, in the couple of minutes I had to scrutinize them, I would not support either one of them.

I will state my position as a Member of this body, as one being responsible to my constituents and having strong convictions about where we are going and what we ought to do and how this policy ought to be implemented. I can blueprint it too, along with the rest of you and this I shall do. One of these motions to recommit carries the words "offensive military base." That proposition as expressed by these words was taken out of the resolution before us so that it would broaden and strengthen the course of action available to the President. Your committee submits to you that the language in the resolution is broader than the language in the motion to recommit.

Mr. JUDD. And stronger.

Mr. FASCELL. I thank the gentleman for making that observation.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. HAYS. There is another motion to recommit that says we should enforce the Monroe Doctrine in conjunction with other friendly nations. Is that a part of the Monroe Doctrine?

Mr. FASCELL. No, it is not. And I do not want to confuse the right to act unilaterally with the right to act jointly. The United States must have the independent right to do either. I cannot support that proposed motion to recommit which changes the interpretation of the Monroe Doctrine.

A declaration is made in another proposed motion to recommit that the establishment of a Soviet military base is a violation of the Monroe Doctrine. That may very well be. But it is my conviction that the establishment of a Soviet Government in Cuba with or without armaments is a violation of the Monroe Doctrine. So I do not want to be bound by the interpretation of the proposed motion to recommit. I do not know where the proponent got his information, but I certainly object to the straitjacket in which he would bind this country's actions. What we can each do in voting for this resolution, is to state as part of the legislative record how each of us would implement the policy. But by the resolution itself we are saying to the President of the United States, "You have made a determination on international policies, and we want you to know that the people of this country are all behind you in your actions."

Mr. Chairman, I have said before and I repeat that 29 years ago 10 Latin American Communist parties met in the Caribbean area to sign a manifesto calling for the Communist takeover of Cuba.

Today, that takeover is an accomplished fact.

Twenty-nine months ago—in February of 1960—I warned that we should not be surprised one day to find a Soviet missile base in Cuba—proof positive of Communist encroachment in Latin America.

Today, that Soviet missile base exists in Cuba.

Two years ago this month I warned that Soviet activity in Cuba was producing a volcano that was likely to blow up in our faces.

Today that volcano is exploding.

In March of 1961 I told President Kennedy that the existence of a Soviet government in Cuba was imperiling every free government in the Western Hemisphere and urged him to invoke a total economic embargo against this Communist government and to take all other noneconomic actions necessary to return Cuba to the free world.

In August of 1961 my bill prohibiting the interstate or foreign shipment of Cuban goods was passed unanimously by this House. I said at that time that I could not see how we in the United States could stand still any longer and allow Castro's Communist Cuba to continue its outrageous acts.

It was during this same month of August 1961, that I introduced my amendment to the Mutual Security Act, which is now public law, enabling the President to invoke a total and absolute embargo against Cuba—which he did in February of 1962.

I have called for a massive step-up in U.S. political activities in Latin America to combat communism. I have called repeatedly for the Organization of American States and the United States to support and advocate full actions against Cuba.

I have demanded repeatedly that we—the free nations of the Western Hemisphere—must take whatever steps are necessary to eradicate communism from Cuba. I have stated, time and again, that failing to achieve this concerted action through the Organization of American States within a reasonable period of time—the United States must not hesitate to act in its own national interest and defense.

The safety of this Nation is the highest law.

Today—with the Soviet takeover of Cuba standing as an accomplished fact—the Sino-Soviet bloc powers flout the Monroe Doctrine—the various inter-American defense treaties—and do outrage to the democratic American conscience.

Cuba, today, stands as an ideological, political, economic, and military outpost of international communism—a Soviet base in the Western Hemisphere for aggression against the free world—not only military aggression, but aggression through propaganda and subversion.

As such a base, its existence does violence to every principle of freedom in the Western Hemisphere that has been pronounced by Jose Marti, George Washington, Simon Bolivar, and President James Monroe.

If we are to preserve the historical values of the democratic profile of the Americas, we can no longer simply espouse high-sounding principles without taking meaningful action.

We have declared the inter-American system to be incompatible with any form of totalitarianism.

We have declared that the existence of international communism in Cuba jeopardizes the American solidarity and security.

We have declared hemispheric opposition to intervention by any extraterritorial power.

However, notwithstanding these excellent declarations of both policy and principle, we are today faced with communism in control of Cuba.

A calm and realistic analysis, today, reveals:

First. The Cuban exiles cannot possibly, by themselves, overthrow Castro and communism in Cuba.

Second. Communism will remain in Cuba so long as not only the Sino-Soviet powers are allowed freely to bolster the island forces.

Third. Communism will remain in Cuba so long as not only the Sino-Soviet bloc—but our own allies and Latin American friends continue economic trade with Cuba.

Fourth. Communism is acquiring a stronger base in Cuba for every day that the free world hesitates to take positive, eliminative action.

We must not permit the inter-American policy of nonintervention to become a policy of nonaction which will end in nonexistence of the free world.

We—and I am speaking of the member nations of the hemisphere—must act immediately in our national interest.

President Kennedy has clearly stated that we will not tolerate acts of aggression by this Communist dictatorship which will foster further convulsions and revolutions.

I say that the very existence of the Soviets in Cuba is an act of aggression.

The member nations of this hemisphere—as well as our friends and allies around the world—must take positive action now—both economically and militarily—to remove this fester on the face of freedom and to return Cuba to democratic progress.

With the continuing buildup of the Soviet engine of communism in Cuba, it becomes apparent that this removal will not be accomplished by lofty words or the passing of time—but only through force.

This is a hard declaration to make—but the will of the Cuban people alone is not enough to topple the Communist military machine.

In reaching this decision of force, I make the warning that we must fully comprehend that Cuba is not merely an isolated problem of communism. Cuba must be considered in the total logistics of the struggle between the Communists and the free world.

With the Communist buildup that has been tragically permitted in Cuba over these many months, it is painfully obvious that only a major military effort will unseat this regime and we must be aware of and prepared for the strong possibility that the Soviets will seek to force the United States into a position of committing itself totally in Cuba as a military diversionary tactic for other Soviet moves around the world.

It would be sheer naivete and irresponsibility to advocate total force against communism in Cuba without assuming that the Sino-Soviet bloc powers would not react. We must be fully prepared to meet whatever that reaction might be—whether it occurs in East Berlin, Turkey, or whatever spot the Communists chose.

We must not, however, let fear of their reaction force us into position of inaction.

We must proceed immediately, totally and finally with the isolation of Cuba.

I have long advocated collective action—both military and economic—by all of the American Republics against Cuba. It was in January of 1960 that Castro first called me a member of a crime syndicate and an international gangster as a result of my demands for economic sanctions against his brutal regime. I have many times stated that the first order of business for the Organization of American States is complete sanctions against Cuba.

We have made considerable progress along these lines in the past months. The actions of the Punta del Este Conference and the recent vote barring Cuba from the Latin American Free Trade Association stand out as affirmative declarations of position.

We must continue to strive for full collective sanctions—there are still some of the hemispheric countries that trade with Cuba. This must cease.

However, while working for further collective economic sanctions, at this moment in the destiny of freemen, we must appreciate and realize that the clock has run out for collective military action against communism in Cuba.

An honest appraisal yields the conclusion that the Latin American countries—individually or collectively—can not and will not take the lead in any positive military action against Castro. These countries are experiencing sufficient difficulty in trying to enforce economic sanctions.

I am certain that the Latin American Republics will in time be prepared to take military action—but the United States must take the lead and trust that the other American Republics will join us as they have in other fights for freedom.

Thus the conclusion is once again that the responsibility for leadership and action rests with the United States.

We have never hesitated before to blaze the trail of freedom, we must not falter now.

The only way to meet this challenge is with force, in all of its forms, but let us not forget that when we are ready to take that action it must be in the harsh, cold light of the reality of international intercourse between the Communists and the free world.

The people of my district of south Florida—only a few miles from Communist Cuba—see the stark horrors of communism reflected daily in the eyes of the homeless refugees from Cuba.

They realize what a multifaceted problem President Kennedy is faced with in combating communism in Cuba. They realize the pitfalls of force as well as the dangers of inaction. Whatever the President's decision—rest assured the people of south Florida will support it.

Mr. Chairman, as a Representative of the people of my district I have for a long time been active on the problem of the Communist government of Cuba.

On January 13, 1960, on the floor of the House of Representatives I denounced the confiscation of property in Cuba, calling for protection of rights of American citizens; for the holding back of funds paid for our Cuban sugar purchases; describing the Castro pattern as "old, simple, brutal, and effective and communistic." I gave a detailed analysis of what could be expected from the "Communist government of Castro's Cuba." Later events have proved these early observations correct. I was among the first, to properly tag Dr. Castro a "Communist puppet."

On January 15, 1960, the Cuban Government newspaper Revolucion charged that I was a member of a "crime syndicate which is waging a gangster campaign against Cuba"; "an international gangster" based upon my demands for economic sanctions against Cuba to retaliate for discriminatory action taken toward American citizens in Cuba.

On January 28, 1960, I called for holding back of sugar funds for reimbursement of all American properties taken in Cuba. This amounted to a total of $140 million per year.

On February 15, 1960, I warned we should not be surprised one day to find a Soviet missile base functioning in Cuba—"proof positive of Communist encroachment in Latin America."

On March 13, 1960, I called for transmission of broadcasts in Spanish from Miami or Key West to Cuba so the truth could be told the Cuban people about the United States; proposed the renting of time on longwave stations in Florida to beam broadcasts over Radio Free Cuba. Extensive radio programs have since been initiated.

On January 5, 1961, I reiterated my position that an embargo should be placed on Cuba immediately by President Eisenhower because "the Castro government, through a long course of action, calculated to antagonize the United States and to break down our relationships forcing the diplomatic break by the United States" left us with no valid reason why we should continue to send American dollars to the Cuban Government to enable them to continue their antagonism; that, furthermore, such imports were extremely detrimental to our own farmers.

On January 12, 1961, I said:

> We will have more Cubas, especially in Latin America, if we don't win the battle of ideas with the Communists. Now is the time for them (Latin American countries) to stand up and be counted.

On March 17, 1961, I wrote President Kennedy stating desire for imposition of embargo on Cuba. I said:

> The existence of a Communist government in Cuba has shattered the Monroe Doctrine and imperiled every free government in the Western Hemisphere. The United States must act in its own interest and in the interest of the free governments of this hemisphere.

I also urged that all other noneconomic actions be taken against the Castro-Communist government.

On April 13, 1961, I introduced a bill in House of Representatives seeking action by the Organization of American States by the way of imposing sanctions against the Government of Cuba. The bill would also exclude representatives of the Government of Cuba from attendance at meetings of the Inter-American Defense Board.

On May 17, 1961, the House of Representatives passed this OAS sanctions bill by a vote of 401 to 2.

On June 1, 1961, in speaking before the House of Representatives concerning tractors-for-freedom deal, I said:

> The incident serves to dramatically demonstrate to the Latins that Castro is not the symbol of the revolution they seek.

On June 7, 1961, I spoke to the House of Representatives again urging imposition of an embargo which should include any shipment of tractors directly to the Cuban Government.

On July 19, 1961, I sent a letter to General Swing, Commissioner of the Immigration and Naturalization Service, asking for a strengthening and tightening up of screening and security measures admitting Cuban refugees to this country.

On August 2, 1961, I introduced a bill, referred to the Committee on Interstate and Foreign Commerce, to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba. This bill unanimously passed the House.

On August 3, 1961, I spoke in the House of Representatives, denouncing hijacking of Continental Airlines plane. I made a vigorous statement, calling for action by appropriate legislative committees re enlarging the kidnaping law or providing stronger penalties for hijacking; re close scrutiny over regulations and security for aviation; re strengthening and tightening up security measures in our receiving and processing of Cuban refugees. Hearings and investigations were undertaken without delay. All of my suggestions were favorably acted upon. The Immigration Subcommittee of the House Judiciary Committee reported to the Congress regarding the security measures used in examining Cuban refugees, as follows:

> A subcommittee of this committee has extensively reviewed administrative and security operations conducted by the Departments of State and Justice [Immigration and Naturalization Service] in connection with the entry of Cuban refugees into the United States and their remaining in this country pursuant to the applicable provisions of the Immigration and Nationality Act. The committee is satisfied that considering the realities and the circumstances under which the Cuban refugees leave their native island and reach the United States, the agencies involved exercise a satisfactory degree of diligence and watchfulness designed to protect the security of the United States. The committee wishes strongly to recommend that the applicable procedures be maintained and constantly reviewed with a view toward sustaining the imperatively necessary degree of vigilance.

On August 3, 1961, I wrote to President Kennedy asking that wherever appropriate and possible, administrative actions to accomplish the foregoing be instituted immediately.

On August 7, 1961, assurances were received from President Kennedy that he concurred in my position on foregoing matters and was having the Secretary of State and the Secretary of Commerce look into questions and take every action possible.

On August 9, 1961, I announced to the House of Representatives the hijacking of the Pan American World Airways plane en route to Mexico-Guatemala City which had been diverted and landed at Havana; I said:

> I do not see how we in the United States can stand still any longer and allow Castro's Communist Cuba to act as a clearinghouse for international thievery, whether directed by him or not. If it cannot be construed as an act of war, it must be construed as an outrageous act against the lives and property of American citizens for which we should no longer stand still.

On August 18, 1961, I introduced an amendment to the foreign aid bill authorizing and directing the President to invoke a complete embargo on Cuba. This passed by overwhelming vote, and is now public law.

On August 29, 1961, I testified before the Committee on Interstate and Foreign Commerce, in support of my bill to prohibit shipment in interstate or foreign commerce, of articles imported into the United States from Cuba. The committee approved the bill which was adopted unanimously by the House on September 15, 1961.

On October 25, 1961, in a speech to the International Affairs Department of the Miami-Dade County Chamber of Commerce, I called for a massive step-up in U.S. political activities in Latin America to combat communism. I said:

> We can no longer rely upon our reservoir of good will alone to achieve our objectives.

On December 9, 1961, as a result of Castro's statement that he's a Marxist-Leninist, I called for a reorganization of American policy planners in Latin American affairs. I said:

> Castro's recent admission should certainly put an end to the propaganda of the organizations and committees that have been the leading Castro sympathizers.

And I called for positive action from the Organization of American States.

On January 4, 1962, I said, "the first order of business" for Congress and the Nation in 1962 should be getting the Organization of American States to take sanctions against Cuba. I said the United States "must support and advocate full actions against Cuba" at the Punta del Este meeting on January 22. I called for U.S. support of a three-phase action in the OAS against Cuba; moral censure by the nations in the OAS; diplomatic breaking of relations with Cuba by the OAS nations which have not done so already; and united economic sanctions.

On January 18, 1962, as the House Foreign Affairs Committee opened hearings preceding the OAS' Punta del Este meeting, I told the committee:

> The U.S. delegation to the Punta del Este Conference must support and advocate full action against Cuba.

I reiterated my proposal for three-phase action against Cuba in a communication addressed jointly to Secretary of State Dean Rusk and President Kennedy.

On January 20, 1962, in a letter to President Kennedy, I called for an "affirmative step toward the isolation of Communist Cuba and the revitalization of the Western Hemisphere Community."

On February 2, 1962, in a telegram to President Kennedy, following the Punta del Este decision, I said:

> The collective determination by the democratic, free, and independent Inter-American states to brand Communist Cuba, to isolate it, and exclude it from the inter-American system, and to take other good steps proposed, should remove, it appears to me, any objections which may have existed concerning final unilateral action by the United States in closing down on the last vestiges of trade with Cuba. A good first step would be to take action to close down all remaining trade between the United States and Cuba.

In a second telegram, to Secretary of State Dean Rusk, I said:

> I fully support your announced intention to close immediately the last vestige of trade with Cuba.

On February 3, 1962, President Kennedy ordered a halt to all Cuba imports. The President acted under a clause of the 1961 foreign aid law, which gave him authority to embargo trade with Cuba. This clause was inserted by me in 1961. I said the embargo will "assure that no U.S. dollars go to the Communist Government of Cuba to aid it in subversion of the free, democratic nations of the hemisphere."

On April 5, 1962, I called for a "massive step-up in U.S. political activities in Latin America to combat communism." I once again repeated his request for the Organization of American States and the United States to support and advocate full sanctions against Cuba.

On July 4, 1962, I charged in a speech, that "Cuba today stands as an ideological, political, economic, and military outpost of international communism—a Soviet base in the Western Hemisphere for aggression against the free world."

On September 6, 1962, in a speech on the floor of Congress, I said:

> The safety of this Nation is the highest law. The only way to meet the challenge of communism in Cuba is with force in all its forms—but let us not forget that when we are ready to take that action, it must be in the harsh, cold light of the reality of international intercourse between the Communists and the free world.

On September 7, 1962, in supporting President Kennedy's authorization request for the callup of Ready Reserves, I said:

> Let there be no doubt communism will be driven from Cuba and from any other place where it aggresses against the free world.

Mr. Chairman, my vote today on this resolution reflects the desire that strong action be taken on the Communist government in Cuba.

Mr. JUDD. Mr. Chairman, I yield 13 minutes to the gentleman from New York [Mr. PILLION].

Mr. PILLION. Mr. Chairman, it is my somber conviction that the substance of our decisions on this resolution today and the execution of those decisions on the part of the President will determine whether or not the world power balance will swing to the Soviets permanently.

I respectfully submit to this House the joint resolution in its present form does not fully portray and give to this Nation a complete picture of the critical dangers presented by the Soviet-Cuba military buildup. Nor does it offer or provide adequate remedies.

Mr. Chairman, permit me to briefly outline the major weaknesses of this resolution as it stands right now. First, it fails to recognize the present Soviet military base in Cuba as a threat to the security of this Nation or as a violation of the Monroe Doctrine.

Second, it fails to recognize the present construction of Soviet nuclear missile bases as an imminent danger to the survival of this Nation. It fails to challenge in principle the Soviet takeover of Cuba as a violation of the Monroe Doctrine and, therefore, recognizes and legitimatizes the Soviet Communist's intervention in the Western Hemisphere.

Next, Mr. Chairman, the language of this resolution as it stands is weaker and less decisive than our Government's recent pronouncements upon the Soviet-Communist base of operations in Cuba.

Mr. Chairman, the Soviet and the Cuban Governments have already responded to the contents of this resolution after the President's pronouncements and after the adoption of this resolution in the Senate. The Soviet and the Cuban Governments have only intensified their abusive, contemptuous, and terroristic tactics against the United States.

Mr. Chairman, this is a vague and indecisive resolution. If this resolution is not strengthened and not made more effective, I for one intend to vote against it. I consider it to be worse than nothing.

Mr. Chairman, I think it is most essential that this House and this Nation have a clear and full assessment of the extent and the ultimate purposes of the Soviet military buildup in Cuba. I submit to this House the following reliable status report upon the Soviet military concentrations in Cuba. This report is based upon the most reliable and informed sources.

Mr. HAYS. What are they?

Mr. PILLION. I will tell the Members of the House in just a minute. The Soviet has under its command in Cuba as of now 2 surface-to-surface nuclear missile launching sites under construction; 2 ground-to-air nuclear missile sites; 5 naval bases; 15 air bases. Hundreds of Soviet fighter planes, thousands of Soviet-Czech artillery pieces, thousands of Soviet tanks and motorized weapons and troop carriers and 350,000 Soviet-trained and equipped troops.

Mr. Chairman, this arsenal is only the first phase of the Soviet plan. Khrushchev's nuclear complex will be completed within a period of 6 months to a year. Let us not forget that. That is your timetable.

Mr. Chairman, the Soviet is constructing naval bases to harbor and supply Russian nuclear-launching submarines. These submarines have a capability of destroying just about every coastal city of the United States. Cuban airfields are planned for Soviet bombers carrying nuclear bombs. These bombers could reach anywhere in the United States.

Cuba's missile launching sites are intended only for Soviet nuclear missiles zeroed in on all of the United States.

Mr. Chairman, let us not repeat the history of Carthage that eventuated in the destruction of Carthage, which has never been revived. We cannot, we must not, supinely deliver to Khrushchev and Moscow another alternative weapon for our own destruction.

Mr. Chairman, in dealing with this Soviet-Cuban crisis we must recognize that the Soviet military buildup is a 5,000-mile extension of the Khrushchev military front, his supply, and his communication lines. For Khrushchev the Soviet buildup in Cuba is an offensive risk that is not vital to the Soviet Union's defenses. To the United States, however, the Soviet Communist base in Cuba represents a most critical military and political breakthrough in our defenses. The completion of the Soviet-Cuban military base will put the lives of the people of this Nation at the mercy of Khrushchev and Castro. This Nation will be subjected to nuclear blackmail to attain the political and military objectives of both the Soviet and the Cuban Governments.

Inaction on Cuba, at a time when the Soviet is intensifying her military power and increasing her relative military position over the United States is buying time only to hasten our own destruction.

Time is of the essence. Delaying necessary action only increases our risks and dangers. Everyone here realizes that.

Effective political or strategic actions on our part at this time involves more risk for the Soviet Union than it does for the United States. Now is the time to do something if you are going to do it.

Mr. Chairman, I recall the words of Theodore Roosevelt that have application to our present situation. He said:

> It is a very wicked thing for one nation to do wrong to others, but it is most contemptible for a great nation to render itself impotent in international action, whether because of cowardice or sloth, or sheer inability or unwillingness to look into the future.

That is what we must do, look into the future. The national goals of this Nation have always been freedom, survival, and peace—an equitable and enduring peace.

The United States will not serve the cause of peace by a course of action or inaction that gives to the Soviet-Communist forces a preponderance of power to achieve their aggressive and destructive objectives.

Unless this Nation finds and effectively executes a course of action to neutralize this latest Soviet aggression we will surely hasten the difficult choice of an all-out nuclear war or blackmail surrender.

Mr. Chairman, I have read the recommittal amendments that will be offered. They are not the ones that I sent to the Members, which they received today. I express my support for those amendments, because I believe they will effectively strengthen the present resolution and give to the President effective support in carrying out this very grave responsibility that he carries and that we carry.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. Rousselot].

Mr. ROUSSELOT. Mr. Chairman, I rise in support of Senate Joint Resolution 230, which expresses the determination of the United States and the Congress to take a positive and firm stand with respect to the Communist conspiracy now entrenched in Cuba. I also will support the motion to recommit by the gentleman from Michigan [Mr. Broomfield] which I believe will greatly strengthen and clarify the position of this Congress as it relates to this Cuban resolution. On September 14, 1962, I introduced House Joint Resolution 885 which is similar to the one before us today except my resolution would go further by accomplishing the following three items:

First. Include the use of "arms and appropriate military and economic blockades" as part of our potential methods of opposing the Castro regime;

Second. Recognize immediately a Cuban Government-in-exile made up of the leaders of the freedom-loving Cuban refugees presently in the Western Hemisphere and to support the legitimate aspirations of the people of Cuba for a return to constitutional free government; and

Third. Eliminate at the earliest possible date the scourge of a Communist conspiratorial government from the territory of Cuba.

Mr. Chairman, I strongly urge that we support the motion to recommit by the gentleman from Michigan [Mr. Broomfield]. The gentleman from Michigan's motion is the best way to amend this resolution by indicating very clearly that all present Communist activity in Cuba is a clear violation of the Monroe Doctrine.

Also, the gentleman from Michigan's resolution strongly urges the President to take, if necessary, unilateral, political, diplomatic, economic, or military action as he may deem necessary to fully implement and enforce the Monroe Doctrine throughout the entire Western Hemisphere. Further, the improvement sections encouraged by the gentleman from Michigan clearly state that this country in no way accepts or agrees to the establishment of the Communist conspiratorial government anywhere on the Western Hemisphere or particularly in Cuba. By this action, we will clearly put the Congress on record as opposing the status quo of Mr. Castro's Communist criminal regime in any respect.

The gentleman from Michigan is to be complimented for his continued hard work on this committee to insure a strong declaration not only of the position of the Congress as it relates to Mr. Castro, but also the true feelings of the American people. I am grateful to the gentleman from Michigan for recommending in committee that the original concept of this legislation be changed from a concurrent resolution to a joint resolution. A concurrent resolution, as my colleagues are aware, expresses only the sense of Congress and does not authorize or direct the President of the United States as clearly as does this legislation.

Support of the motion by the gentleman from Michigan to recommit will definitely indicate a stronger and harder line toward the Communist regime in Cuba and will be a greater indication of our willingness to help free Cuba from this insidious conspiracy.

Mr. HAYS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. Matthews].

Mr. MATTHEWS. Mr. Chairman, I rise in support of the resolution which is similar to one which I introduced. The people of America are gravely concerned about the emergence of Castro in Cuba. The people of Florida are understandingly worried about this hideous threat so close to our shores.

This resolution clearly manifests the determination of the United States to take whatever means may be necessary to keep the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere.

The resolution further declares the determination of the United States to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

I hope the resolution receives the overwhelming approval of the House.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Chairman, Senate Joint Resolution 230, before us for adoption, in my opinion is a reasoned document, not a jingoistic one. It is deserving of our support as is, unamended.

The dangers existent as a result of the situation in Cuba are fully recognized by the President; and it is his thinking and that of the State Department, after thorough consideration, that the content of this resolution fulfills the needs of this country at this time.

An examination of the resolution, I believe, makes evident that the Congress should follow the wishes of the Executive in this instance. The resolution refers in moderate language to the determination of this Government to prevent by whatever means necessary the Marxist-Leninist regime in Cuba from exporting its Communist government or its activities to any part of this hemisphere by force or threat of force. Further, that we are determined to prevent the Cuban Government from endangering the security of the United States and that we will work with the Organization of American States to support the aspirations of the Cuban people for self-determination.

Let us remember that in 1961, 3 days after the situation in Cuba, the President said, and I quote:

> If the nations of this hemisphere should fail to meet their commitments against outside Communist penetration * * * we do not intend to be lectured on intervention by those whose character was stamped for all time on the bloody streets of Budapest.

What more can we ask? Should we insist upon an immediate blockade with its possible consequences? Is it intelligent to use a cannon to shoot a fly when we can use a fly swatter, if we find it necessary to do so?

Must we insist on a declaration of war? Are not our feelings and intentions apparent as stated by the President?

If missiles were mounted so that our country were endangered then the situation would call for more aggressive action on our part. I firmly believe our Government is fully aware of the extent of the military buildup in Cuba as is Mr. Castro aware of our reaction to offensive action on his part.

As one of our great Presidents has said, "Let us speak softly but carry a big stick."

There are some who would have us do more than we have been doing against Cuba. As I see it, the only thing we can presently do is either blockade Cuba or invade; and I certainly do not believe the country is ready for either step. Nor do I believe either step is desirable or necessary.

Let us pass the resolution at hand and not lose our heads unnecessarily.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. JOHNSON].

Mr. JOHNSON of Maryland. Mr. Chairman, I rise at a particular moment in American history in which we witness the shocking and alarming Communist military buildup in Cuba—90 miles from the shores of our great Nation. As previous speakers have stated, only yesterday we were informed that Cuba had signed an agreement with the Soviet Union permitting the U.S.S.R. to build a deep port base for their fishing fleet. Only yesterday we were informed that the travel of our press correspondents in Cuba would be restricted to the Havana area.

While I fully intend to support the resolution before the House, approved by the Senate by a vote of 86 to 1, I would like to point out that I believe the military occupation, the agreements and treaties with Cuba, the establishment of a sphere of influence, and the economic penetration by communism in the Western Hemisphere constitutes an insult to the American character.

The Communist takeover in Cuba started some 4 years ago, at first in a clandestine manner, and now in an overt disregard of American public opinion and in flagrant defiance of the Monroe Doctrine. Reports reaching Washington reveal that some 5,000 Russian and Chinese troops are now in Cuba. We are advised that other troops, or technicians or whatever you want to call them, from several other Communist satellite countries are aiding in building Cuba into a Communist Caribbean fortress.

We, who speak out today against this growing threat to our national security, will be called war hawks and warmongers. Well gentlemen, we must ask ourselves these questions: Does the Soviet Union intend war and does the U.S.S.R. plan Communist world domination? From the study of all statements, documents, and pertinent data available, communism fully intends to extend its evil, godless, diabolical communistic doctrine to the four corners of the world.

There are those who equate the Soviet action in Cuba with the establishment of American bases in Turkey, Iran, Pakistan, and other nations throughout the world. I, for one, cannot accept this for several reasons: First, we have built American bases by invitation and for the sole purpose of opposing the threat of communism; secondly, I find no legitimate Soviet interest jeopardized in Cuba that necessitates such a phenomenal military buildup; thirdly, President Monroe's declaration had as its primary purpose that we should consider any attempt on the part of any European power to extend their system to any portion of this hemisphere as dangerous to our peace and security; furthermore, the Monroe Doctrine is nothing more than a clearly defined statement of our right to insure our national security; and in the final analysis, I do not believe the Monroe Doctrine is altered or invalidated by our participation in global affairs. It is obvious that we oppose the spread of communism in Europe and have troops actively engaged in opposing it in Asia and the Monroe Doctrine does not, and I repeat, does not make it less important—it makes it all the more important—for us to oppose Soviet intervention in the Western Hemisphere. Gentlemen, we have the right to insure our security; it is our duty to oppose the extension of communism.

From across the length and breadth of America, from every village, hamlet, and town, from our great metropolitan areas, a rising crescendo of voices shout out that we should not only affirm our belief in the Monroe Doctrine but assert it. We have arrived at a point where we cannot deal with semantics. While we listen to such words as "totality," "defensive," and "offensive military buildups," I find any and all Communist activity in Cuba particularly offensive and odious to the American way of life.

While it has been confirmed that Soviet-bloc arms shipments to Cuba have increased recently, I am deeply disturbed over this obvious violation of the Monroe Doctrine, adopted in 1823 and which specifically forbids outside intervention in our hemisphere.

I cannot find particular solace nor am I deeply impressed by reports that Communist Dictator Fidel Castro is in deep economic trouble and that Russian and Chinese agricultural advisers and technicians are needed to save the sagging economy of Cuba. There is considerable evidence, indeed, that Castro is having economic problems but I feel it is ridiculous for the American people to be told the thousands of personnel arriving from the Communist bloc are agricultural and economic experts.

We know millions of people in Red China suffer from malnutrition and face starvation, and we also know Premier Khrushchev has been denouncing his farm officials for their failure to solve the Soviet Union's agricultural problems, so therefore, I feel Russian and Chinese troops, or so-called technicians, are present in Cuba for specific reasons: to aid the Cuban armed forces in the event the people of Cuba revolt against Castro's tyranny; to develop the Cuban Army as a threat to other Caribbean countries; and to develop a possible rocket threat against the United States.

I believe the assembling of troops—so-called technicians, the strengthening and buildup of military posts, all the movements that point to aggression, and which it is impossible to disguise, unfold the intentions and the sinister design of an alien power who should be excluded from the Western Hemisphere.

Gentlemen, I find it noteworthy indeed that wherever or whenever the United States has made a firm stand the Communists have retreated. The only language the Russian really understands is strength. We are militarily strong and the only resolve we need is one of the will to be firm. If the Soviet Union has the gall to openly aid, abet, and support an international slave society in the Western Hemisphere, I see no reason why our great Nation cannot openly aid and support the Cubans' heroic struggle for independence.

Again I call for American solidarity in more than the mere affirmation of our belief in the famous Monroe Doctrine but to assert it in a spirited fashion, not only for our own self-preservation, but as the great champion and real hope of the free world.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, I shall try not to take the 5 minutes, but I did not want this this debate to conclude without expressing a viewpoint I have about this resolution which has been mentioned, but has not been discussed at length, during the course of the debate.

There are two important reasons for the adoption of such a resolution. The first is to let the President of the United States, and the American people also, know that the Congress is standing and will stand firmly behind him in all of his efforts to preserve the security of this Nation and to protect the freedom of our people. The second reason is to let the Communists who are directing this buildup in Cuba know in no uncertain terms how the Congress of the United States feels about it.

I intend to support the resolution. I have not decided whether to support the motion to recommit, but I will vote for the resolution in any event, because I wish to go on record here as supporting all the efforts the President of the United States takes to preserve the security of this Nation, and I think he needs to know how we feel about it and to have encouragement at the hands of the Congress.

I am not going to recount past history or point the finger of blame, either. I agree with my friend from South Carolina that now is the time when we all have got to hang together or we may hang separately.

But I am worried about the language in the second paragraph of this resolution. I am afraid there is some language in it that may not give the kind of message we intend to Khrushchev and the Communists. Why did the drafters of the resolution use the language they did in the resolving clause? Those of you who have the resolution before you, may I ask that you turn to it and follow me as I discuss it? Why did they not say in drafting these two clauses (a) and (b) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, then put a dash or a colon, two things. First, the extension of the Communist regime by force or the threat of force, and so forth, as it is stated in clause (a); and then add, second, the creation or use of an externally supported military capability, and so forth, incorporating the language used in clause (b)?

I am concerned that the language will be construed to be a declaration to the world that we will not use the same force to prevent what we seek to prevent in clause (b) that we use in clause (a). Are we not weakening our hand there?

I just cannot understand why we would incorporate the use of the language "including the use of arms" in clause (a) and exclude it specifically in clause (b), thereby serving notice on the world that we are excluding it. As somebody said earlier in the debate, lawyers and diplomats have a habit of considering words that are left out as well as words that are included in a resolution or a legalistic document.

But I am concerned also by the language in clause (a), and I ask you to examine that language closely:

> That the United States is determined to prevent by whatever means may be necessary the Marxist-Leninist regime in Cuba from "extending" its aggressive or subversive activities to any part of this hemisphere.

By restricting the resolution by using the term "extending" are we not saying that we accept the status quo in Cuba? Are we not going to display any interest in overturning that regime? Why should we serve notice to the Communists and to the world that we accept the status quo in Cuba? And are we not doing that by the use of this language? That is what concerns me. I wish the drafters of this resolution had considered those points, and I most respectfully urge that the committee accept clarifying amendments which will make our intentions and purposes crystal clear and thus avoid misunderstanding of our intentions in the Kremlin.

If the motion to recommit strengthens the resolution, I shall vote for the motion but will vote for the resolution even though the recommittal motion is defeated.

Mr. HAYS. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, as a sponsor of a similar resolution, House Congressional Resolution 551, I strongly support this declaration of congressional support for the President in a firm stand against Communist power in Cuba, or anywhere in the Western Hemisphere.

I believe the American people almost unanimously favor strong measures to end this growing threat to freedom, only 90 miles from the American shores.

By letter I have urged the President to take specific steps to support the reestablishment of a free and independent government on Cuban soil, as a first step toward overthrow of the communistic Castro tyranny.

The resolution before us assuredly places this Congress on record in favor of whatever action may be necessary to reverse the Western Hemisphere gains for communism which were initiated in 1958, and I hope and trust it will be overwhelmingly adopted.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, in the prime and age of life our thinking is permeated by the sentiments born in the experiences of our youth. At 16 I was in Cuba, one of 19,000 American soldiers in the fighting period of the siege of Santiago. The Americans and the Cubans fought side by side, as comrades in hardships and in dangers to free Cuba from bondage to a European power. When I returned to Cuba 57 years later and revisited the scenes of fighting in late June and early July of the year 1898, two Cubans, no longer young, threw their arms around me in the embrace of a warm welcome. We had been comrades together and now after 57 years we had been reunited. I may have been a very humble and most unimportant part in achieving the freedom of the beautiful island of Cuba from slavery to a European master. The part of the two Cuban veterans with whom I was being reunited may also have been relatively unimportant, but their hearts and my heart were filled with the same love of Cuba, and with me as with them that love has endured during the years, will endure undiminished to the last breath of life.

Mr. Chairman, the people of Cuba and of every other nation on this hemisphere have the God-given right to be the masters of their own destiny. We in the United States can help in the spirit of the eldest brother in a family of younger children. I think we are doing that at the present time, perhaps belatedly, with the Alliance for Progress program. We are working cooperatively and sympathetically with the other countries of this hemisphere and with the Organization of American States. If we persevere, if with dedication and determination we overcome obstacles and discouragements, this hemisphere of ours will indeed become a paradise on earth, a hemisphere freed as much as man can make it from poverty, unnecessary disease, ignorance and social inequalities.

The resolution we are considering reaffirms the Monroe Doctrine, and on that I would wish briefly to address myself. The Monroe Doctrine has been the shield of protection of the younger members of the family of American Republics. It has operated at times much more in their protection than in our own direct national interest. In 1895, it saved Venezuela from being dismembered in a boundary dispute with Great Britain, which insisted upon naming an all British board of arbitrators. It saved Nicaragua from the loss of her Caribbean coastal line through a British claim as protector of King Clarence, alleged head of the Carib Indians in British Honduras. It was then that President Grover Cleveland called the Congress into extraordinary session and reaffirmed the principles of the Monroe Doctrine brought up to date.

The essence of the Monroe Doctrine is that this is a hemisphere of free governments and that a mutuality of interests must forever marshal all resources of the hemisphere in protection against invasion and interference in our own hemispheric affairs by an alien power. The communism of Russia is no different in its threat to self-determination than the colonialism of the European powers from which we broke and gave our money and our blood to help the beautiful island of Cuba to escape. Communism denies to the people the precious right of self-determination. Communism denies the God in whom we place our faith, each according to his own way of worship, and that is something alien to our American hemisphere. Mr. Chairman, I think it is right that at this critical period in the history of this hemisphere we should reassert and reaffirm the Monroe Doctrine. We do this with no sense of aggression. Certainly there has never been any thought in any American mind as to aggression in Cuba.

That is the fact of history. American soldiers and sailors went to Cuba to give freedom from colonialism to Cuba, and the task accomplished our United States of America helped Cuba to her feet and left her to run her own affairs. If the United States had had this same sense of aggression that is in every move of the Communists of Russia, Cuba would have been taken over as an American possession more than 6 decades ago.

Mr. Chairman, I have the faith that in the will of God all will be well in our hemisphere and that united in purpose and in action under the Organization of American States this threat of an alien invasion by a system of colonialism, worse than any the world has even known, will be dissolved in the prayers, the cooperation together, the determination, and the effort of the men, women, and children, God-loving men, women, and children in every country of the American hemisphere.

This is no time for partisanship. The pending resolution came from the Committee on Foreign Affairs by unanimous vote. It is neither Republican nor Democratic. It is a message of the soul of the American people. Its adoption on rollcall by unanimous vote will bespeak the national unity with which the American people always have faced and conquered grave crisis.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. Ostertag].

Mr. OSTERTAG. Mr. Chairman, I rise in support of this resolution and any motion to recommit that might strengthen it.

Mr. Chairman, I am highly concerned about the development in Cuba and cannot agree with those who say these developments are not a threat to our security and that of the free world. The Cuban announcement today of plans to establish a naval headquarters port for Communist fishing vessels is only a thinly disguised boast that new facilities with a military potential are projected for the Communist-held island. Certainly these developments cannot continue to be classed as defensive measures which bear no threat to the security of this hemisphere. Let us not forget that communism remains dedicated to world domination and control and its intrusion and subsequent buildup in Cuba are designed for that purpose.

For that reason I am disturbed by the joint resolution we have before us now. To my mind it avoids the obvious facts of the present situation; it seeks to impart an impression of firmness which its contents do not bear out; and it actually places a stamp of approval rather than sharp opposition to the Communist takeover of Cuba.

I would prefer to have the Congress produce a stronger expression of U.S. determination in dealing with the Cuban crisis than that contained in the resolution before us.

To my mind the resolution contributes to the distortion of the Monroe Doctrine which already is receiving a unique reinterpretation from the administration. It weakens the doctrine which has been a foundation stone of American policy for more than a century.

The doctrine clearly declares that the United States would consider any attempt on the part of European powers to extend their system to any portion of this hemisphere as dangerous to our peace and safety. Yet this resolution contains no expression of opposition to the extension of the alien Communist system to Cuba. It accepts the Communist takeover and concedes the Soviet Union a free hand there.

Now I am sure that none of us here concedes the Soviet Union any measure of control in this hemisphere and I believe we should make that clear. What we need here is a resolution to stiffen the administration's conduct of our affairs in this situation.

The American people are rightfully concerned about Cuba. The situation is grave and rapidly growing worse. It calls for firmness and determination. As I stated in the beginning, I support the resolution despite its weakness and intend to add my weight toward strengthening this historic congressional resolution in anyway possible.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. Alger].

Mr. ALGER. Mr. Chairman, this resolution and the report accompanying it just do not solve the problem we seek to solve.

Mr. Chairman, I would like to ask a question of the chairman of the full Committee on Foreign Affairs, or a member of the Committee on Foreign Affairs, if I may, whether the committee believes that the present situation in Cuba is a violation of the Monroe Doctrine?

Mr. HAYS. Mr. Chairman, if the gentleman will yield, I can only speak for myself, but I think if a determination is made that the buildup in Cuba reaches a point where it is a threat to the United States, then it is a violation of the Monroe Doctrine.

Mr. ALGER. I thank the gentleman for the gentleman's answer.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from Minnesota.

Mr. JUDD. I would go further and say that I think there is already a breach, that there is no question but what a foreign system is established in our hemisphere.

Mr. ALGER. I would agree with the gentleman from Minnesota.

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. Mr. Chairman, since when under the Monroe Doctrine does this extension of this system into this hemisphere have to be a danger to our national security? The words of the Monroe Doctrine are "any extension of the system in this hemisphere" is a violation of that doctrine.

Mr. ALGER. I agree with the gentleman, and must observe, as I read this bill—and all of us want to show unanimity behind our Commander in Chief, of course—but what this bill presents to me by its language is that this—that he will tolerate Soviet aggression in Cuba without resisting. If any Member of this House doubts that, permit me to read the language.

First of all, we mention the Monroe Doctrine on the front of the resolution. Then on page 2 we say as follows:

> Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence—

There it is; that is the violation of the Monroe Doctrine, by the very language in the bill.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentlewoman from New York.

Mrs. KELLY. I would like to say to the gentleman from Texas that in my viewpoint on that particular question I feel that the Monroe Doctrine was breached or violated when we withdrew recognition of Cuba.

Mr. ALGER. Mr. Chairman, I believe the language which appears on page 2 which I have quoted to the members of the committee shows without a shadow of a doubt that the present situation is in violation of the Monroe Doctrine. Therefore, we must in good conscience endeavor to strengthen its provisions before we give up the ghost in this debate today.

Mr. Chairman, the report says, and I quote a portion of it to the members of the committee:

> To provide a means of expressing national unity regarding U.S. policies toward Cuba.

Mr. Chairman, we simply must ask what are those policies? We cannot have national unity without knowing the policies. It is for that reason that I shall listen with interest as I am sure all the Members will, to the motion to recommit, which is very simple. It contains two proposals: First, it says "whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence" and then this addition, "in violation of the Monroe Doctrine," and then, secondly, in a new section 2, it says, as I recall, that we stand behind our President shoulder to shoulder in urging the enforcement of the Monroe Doctrine which has been violated.

Mr. Chairman, now politically I appeal to you, and I have yet to cast a political vote for solely partisan reasons on the floor of this House, except for the election of the Speaker, which I have gladly done each 2 years—I say to you now what we need is not another weak resolution. What we need is a strong resolution showing by its terms that we are ready to take the necessary action.

Mr. Chairman, the President says that Cuba has only defensive weapons. So does Mr. Khrushchev say that. I say that is not so. A gun in a man's pocket is defensive but when he pulls it and shoots it to kill somebody, it becomes offensive. The weapons going to Cuba we know will be used to take lives. Whose lives? American soldiers', I fear. I know nobody else that will enforce a doctrine of hemispheric protection.

Mr. Khrushchev said, "We will bury you," and "We will bury the Monroe Doctrine." I am not just sure which comes first in his thinking; I suspect the Monroe Doctrine. But he said it. He said the Monroe Doctrine is dead, and like anything that is dead, it must be buried. He is doing it and we are permitting him to get away with it, because we are tolerating aggression in Cuba by Russia, not just by the puppet Castro, but by Russia, by Khrushchev, and we are not doing anything about it.

The action we should have taken was to do something about property expropriation. We should have done something about the invasion of this hemisphere by communism violating the Monroe Doctrine. We should recognize a Cuban Government-in-exile and actually help the Cubans. These are not Cubans who are holding the people in bondage. These are Communists. Castro is not a Cuban, as we define our friends over there in Cuba. We have not done anything about recognizing a government-in-exile and helping them. Indeed, we have not even protested to the Communist government, as I understand, the current state of affairs in Cuba; although we Members are not fully informed. But I understand we have not even protested to Russia nor indeed, to our allies who are shipping goods to Cuba. We learn today that Britain and others are making no apologies for continuing to ship to Cuba. Nor intend to stop doing so.

It seems to me we cannot go along with a resolution like this which is weak, that we must have a debate, and that we need not to keep it nonpartisan if that means refusing to criticize constructively because we are talking about the good of our country. So I am not here saying, let us all join in burying our heads in the sand, instead of discussing this, even if it be political. We cannot let foreign opinion influence our debate or votes. We must do what is best in healthy U.S. self-interest.

I remember the U-2 debate and anybody who would say that that was nonpartisan would be stretching a point. Much of that partisan criticism was unfair I thought, but it proved that Democrat Members then were not interested in being bipartisan or nonpartisan on the contrary, I recall what was said during that debate at that time. But that is a bygone matter. Let us unite and have a strong resolution by recommitting and strengthening this joint resolution. We must not, we dare not pass a weak resolution. Weakness or the appearance of it can bring on the war by miscalculation. We are not weak but when we act weak by passing weak resolutions we invite the foolish or unknowing to test us. Then we would be in a war we did not intend and could have avoided by firm resolution and firm action. Firmness and strength now is our only hope to prevent war—weakness invites it. Let us join in recommitting the bill to strengthen it by reaffirming our belief in the Monroe Doctrine by recognizing it present violation which necessitates action now to protect this hemisphere.

Mr. HAYS. Mr. Chairman, I yield myself one-half minute to say, as a member of the committee, that I am ready to hit the beach, right behind General ALGER and General PILLION. In fact, I will do it in the old-fashioned way, as a private—I will hit the beach ahead of them, while the armchair generals keep their chairs warm.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, I think that Cuba poses not only a problem for the United States; Cuba poses a great problem for the Soviet Union. Russia has already poured over $300 million worth of equipment into Cuba. We know and Russia knows that this is throwing money into a bottomless pit. No amount of Russian money and equipment can save Castro if he tries to push the United States beyond a point we cannot accept.

I heard the remarks of the gentleman who preceded me. It is always very interesting to play the game of "We Should Have Done." If we are going to play "We Should Have Done" then we ought to go back to where it began. We should not have let them into Cuba in the first place, because that happened in a Republican administration prior to this one. But the problem that remains is one worthy of bipartisan solution.

I recall going to Secretary Herter in February 1960, with two men who were employed in the Castro regime who said then that they were making a missile base and an espionage center out of Cuba for the Western Hemisphere. This was in the Republican administration. So the game of "Should Have Done" should include all the facts and we should not make this a partisan issue at this time.

Let us not make a simple resolution like the one we are considering an example of the partisan political paralysis that the Communists equate in their evaluation of the noble purposes of democracies.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield.

Mr. GOODELL. Mr. Chairman, I agree that this should not be on a partisan basis. But what troubles me—and I would like to ask the gentleman's opinion on this—is that on page 2 of the resolution, subsection (a) that clause by implication says that the present situation in Cuba is not a violation of the Monroe Doctrine. This troubles me. If we are voting here today on our opinion that the present situation in Cuba is not a violation of the Monroe Doctrine then I should find it difficult to vote for the resolution.

Mr. GALLAGHER. I agree with the gentleman. But this resolution is the product of bipartisan effort, and achieved a unanimous vote in the Foreign Affairs Committee. I heard these wild statements, but is any Member here today prepared to offer a declaration of war against Cuba? This is the issue. We all want to meet the Cuban problem as strongly as we can. I heard all of these strong statements, but is any Member of Congress prepared to issue a declaration of war and then go back to his constituents and explain this? I realize that no resolution is going to get the Communists out of Cuba. What we are trying to do is to reaffirm our faith in the American system, that our Chief Executive, whoever he may be, has the means and the capability of handling the problem of Cuba. That is what we are trying to do here today. There is no Member of the House who could not give some added words, some stronger words, but think what the result will be if the headlines tonight say that the Congress of the United States is unable to agree even on a resolution of intent on relationship to Cuba. This is the type of political paralysis that the Communists say renders us incapable of dealing with any of the problems that confront us.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New Jersey.

Mr. JOELSON. I think the gentleman's point is very well taken. I hesitate to use these words, but I think there has been a lot of hamming and demagoging in this Hall today. This Congress could declare war. I do not think there is a man in this Congress who wants to declare war. But instead we criticize the President for not taking war-like action when we should be backing him and saying to him, "We want to strengthen your arm. We do not want war but we want firmness, integrity, and national honor."

Mr. GALLAGHER. I thank the gentleman.

I think the main consideration we have at this point is what will the message be of our actions today. I believe that many gentlemen here on both sides are sincere in wanting to strengthen this resolution, but this resolution is the result of effort on both sides. Let us not show the world tonight as the result of our actions that this House cannot even pass a simple resolution reaffirming faith in our system and in our Chief Executive regardless of his party.

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield.

Mr. CURTIS of Massachusetts. What bothers me is: Is this resolution a reaffirmation of the Monroe Doctrine or a retreat from the Monroe Doctrine? The Monroe Doctrine is against any extension of a European system to this hemisphere. The resolution voices opposition to such extension if it creates a military capability endangering the security of the United States.

Mr. GALLAGHER. I decline to yield any further time; but I will answer that this is not a retreat from the Monroe Doctrine or a retreat from anything else. This administration intends no retreats anywhere or from anyone.

The CHAIRMAN. The gentleman from New Jersey has the floor.

Mr. GALLAGHER. The gentleman from Massachusetts asked me a question and I would like to answer.

Castro is an irritant to us but he is also a very great imponderable in Communist thinking. Castro's unpredictability and his great distance from Russia's armies are sources of the greatest possible danger and embarrassment to his Russian masters.

There are many who are trying to pole-vault us into a war with Cuba, and events may compel a war. But the Monroe Doctrine of 150 years ago has been amended by the necessity of a Kennedy doctrine which recognizes that a few sailing ships and men armed with muskets differs critically from a thoughtless armed action which can escalate into a nuclear holocaust and incinerate the Western Hemisphere.

A great deal of political demagoguery is being sounded about Cuba lately but Castro is a problem that was inherited from the last administration. Political demagoguery aside, it is President Kennedy who must weigh in his lonely deliberations the necessity of war and its consequences. We should salute his steady hand and his wise counsel that this is a time for a cool and calm look at events before we are compelled to start a war in Cuba or anywhere else.

The patriotism of Americans runs as deep as it did in former crises which led to war. But the responsibility of Americans in this crisis is greater than at any other time in history. For our actions or lack of action could precipitate the end of civilization.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Chairman, I would like to call attention to one phase of the extremely complex Cuban problem that many Americans have overlooked in their agitation for simple solutions to the Soviet penetration of Cuba.

A great nation must have a sense of historical perspective. I am afraid there are some here who sound more like they are in panic. The truth of the matter is that Cuba historically has always been a source of serious concern and difficulty for us—that our troubles with the island certainly did not begin with the arrival of Castro on the scene. By the same token, the problem of Cuba will not be solved after Castro is gone, as inevitably he will be. If we could see beyond that time, I am sure all of you would admit this country will face an immense responsibility in helping a free Cuba rehabilitate its economic, political, and social structure.

I submit that we are being completely unrealistic when we allow ourselves to believe that the Cuba issue will be settled once and for all if only we could rid the country of the present Government there.

Look at the frustration for the people of the United States that Cuba has caused in the past. Alongside heroic Cuban revolutionists, we fought Spain for the freedom and independence of the island 64 years ago. That noble desire to aid an oppressed people carried with it, ironically, the seeds of suspicion and hostility that spread later throughout Latin America against the so-called Colossus of the North. Unfortunately, we must admit that the record of the early decades of this century is not now helpful because the policies of that period often inflamed this feeling against us.

But it can fairly be said that the record of the past quarter century is one of active cooperation and growing friendliness. The good neighbor policy of Franklin D. Roosevelt recognized as one of its first principles that the time was at hand to reconstruct American relations with the Southern Hemisphere. We must not destroy the considerable achievements of the good neighbor policies of the past by ill-considered words and deeds, prompted by the frustration of trying to come to grips with a conspiracy that may very well have as its central objective the provocation of a rash act by the United States.

More important, we must not undermine the goals of the Alliance for Progress as enunciated by President Kennedy by harking back to the gunboat diplomacy of a bygone era. For we must bear this in mind: gunboats and troops are not going to do the job, cleanly and neatly, as some think it can be done.

An invasion of the island at this time would utterly destroy the moral influence and authority—and much of the actual power—we now enjoy in the councils of nations. We would be relegated—and some here may want this—to the footsteps left by the Soviets in smashing into Hungary. Certainly we must protect our security; but not by mimicry of Communist methods.

We who were instrumental in halting the Suez invasion in 1956 would be found guilty by friend and foe alike of utterly failing to practice what we preach. On the narrower legal question of our sacred commitments, undertaken in the charters of both the Organization of American States and the United Nations, we would find ourselves clearly indicted. And even if we were willing to accept the opprobrium, we must see in the history of the world the truth that the imposition of order by military force will not solve this problem.

It would be well for all of us to think of what Secretary of State Rusk said this spring in stating the goals of the Alliance for Progress: "We are dedicating ourselves to a decade of impatience. That is the meaning of the Alliance for Progress. It is customary for freemen to take their deepest common commitments for granted and to exaggerate the importance of their marginal differences. One of our problems, therefore, within the family of the hemisphere, is to discover how to combine a desperate urgency with a kind of common feeling that will preserve the unity and fellowship of the American nations."

We must cope with Cuba without provoking new hotbeds of Communist sympathy throughout the hemisphere.

I believe we must move forward, as the President is, firmly but not rashly, and with conviction, not hysteria. The floor of this House is not the place to dramatize dissensions and differences in the field of foreign policy. I urge restraint and reason as the principal policy of this House today. I for one have full confidence in the President in the conduct of our foreign relations—and any signal to Moscow today from the floor of this House can only have the most damaging consequences to our national interest. It would be far worse than anything that can be done by that hysterical man in Havana.

Mr. BARRY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-seven Members are present, a quorum.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Chairman, the manipulations of international communism in the New World approach closer and closer to obvious intervention upon our continents. For too long we, as a Nation, have left the initiative to Communist enemies dedicated to our destruction. We have waited for their blows to fall, and then only improvised some hasty action to fend them off. In this atomic age only a few microseconds of attack warning may exist between survival and extinction. They are far too short for us any longer to tolerate the possibility of devastating military surprise from international communism south of our border.

If Communist efforts to control countries on the American continents are not thwarted, the United States will become subject to destructive sneak attack from Red missile bases at short ranges to the south. Wholesale mischief to our defense, electronic and other installations can be accomplished by Red electromagnetic equipment beamed at the United States from the south.

Communist regimes in the Carribean, Central or South America, or any of them, will not alone imperil the United States and its American neighbors. By thus exposing the United States to attack from the south, the relative power of the free world and the Communist empire will be so drastically unbalanced that all Western nations and thus Western civilization itself would be overwhelmed and destroyed.

The Nation must develop and pursue forthright and effective policies that actually will keep international communism off the American Continents. U.S. action and initiative is needed to stop the Reds now, before it is too late. Unless we do so, we permit the stage to be set for a series of Red "backdoor" take-overs that eventually will engulf not only the Americas, ourselves, but the entire free world as well.

It is our duty to act now and to act decisively to forestall this threat.

It is in our tradition of initiative to achieve and preserve freedom begun in 1776 that we do so.

It is possible for us so to act wholly within the framework of accepted international law and principles in so doing.

The resolution before us today does not do so. It is inadequate, incomplete and indecisive.

This is what an acceptable resolution at this point in time should, at minimum, include:

First. It should declare a firm stand against Communist expansion into the

Americas. It should tell and show the world we mean what we say—that the Monroe Doctrine is not dead.

Second. It should declare the Western Hemisphere a "peace zone," and tell the world we mean to keep it that way through use of national power, if necessary.

Third. It should declare all Communist war material, including fuel, as contraband and prohibit its shipment into the peace zone of the Americas.

Fourth. It should declare U.S. policy to use U.S. national power to send back, jettison, or seize all contraband sent into the peace zone.

Fifth. It should adopt as U.S. policy the ousting of Castro's Communist dictatorship from Cuba, and enlist active support from anti-Castro and anti-Communist forces in Latin America to help us get the job done.

Sixth. It should call for development of a tailormade information program for our hemisphere which makes it clear we will not tolerate guerrilla invasions and power seizures of Latin American countries by Cuban or other Communist forces or Communist expansion of any kind.

Seventh. It should declare U.S. policy to use our national power to the extent and in the manner required to free the Cuban people and give them the right of self-determination.

Early in this Congress I introduced House Joint Resolution 517, to forestall intervention, domination, control, and colonization by the international Communist conspiracy in the New World.

Simply stated, the joint resolution does the following:

First. Recognizes the vital danger to all American nations of a direct or indirect intervention by international communism into any one of them.

Second. Reaffirms the Monroe Doctrine's warning to European nations to keep "hands off" the two American Continents.

Third. Applies the Monroe Doctrine to international communism, whether operating openly or under subversive camouflage.

Fourth. Labels any direct or indirect intervention by international communism anywhere in the New World as a danger to peace and security of all American states justifying immediate exercise of these nations' inherent right of self-defense.

Fifth. Authorize immediate individual or collective self-defense action by American nations to forestall subversive intervention by international communism anywhere in the Americas.

Sixth. Provides for an inter-American administration of any American nation rescued from international communism, pending restoration of a government of the people, by the people and for the people.

The joint resolution was carefully drafted with that duty, that tradition, and that possibility in mind. It was conceived originally by Prof. Samuel F. Bemis, of Yale University, an outstanding historian and authority on diplomatic relations in the Americas.

The joint resolution incorporates and extends to present facts and situations a long series of inter-American diplomatic policies and declarations from the Monroe Doctrine of 1823 onward. It spells out clearly what has not been clear before. Namely, that intervention in an American state by international communism is not a mere internal matter pertaining to the victim nation alone, and thus subject to the good neighbor policy's inhibition against interference by one American state in the internal affairs of another. The joint resolution recognizes and declares that in law, as well as in fact, such action constitutes a foreign intervention prohibited by the Monroe Doctrine. As such, it is clearly labeled by the joint resolution as a threat to peace and security, and thus subject to counterintervention and restoration of a free government to the people.

In specific connection with the application of the doctrines of contraband I have urged the President to make, I already have introduced another joint resolution which will bar Soviet shipments of arms and munitions to the Western Hemisphere, together with the personnel who maintain and man such hostile hardware. This is House Joint Resolution 524, declaring Communist arms and munitions contraband in the Western Hemisphere and making provisions for enforcement of the same. Like my Monroe Doctrine joint resolution, this contraband joint resolution is also dying in a foreign affairs subcommittee pigeonhole because of the administration's opposition. Again I urge the administration to seek immediate passage of these two joint resolutions.

Briefly, the contraband joint resolution is a formal declaration that Communist arms and munitions are contraband in the Western Hemisphere, a direction to the President to promulgate a specific list of contrabanded arms and munitions, including petroleum products, and an authorization for enforcement of the declaration by appropriate use of U.S. airpower and U.S. seapower.

This is the way it works:

On the declaration of a contraband, international law recognizes a right of enforcement. The procedure is peaceful. A U.S. patrol aircraft spots a Communist-bloc ship headed toward Cuba or elsewhere in the Americas. It signals for a U.S. destroyer to intercept and search the ship.

If Communist arms or munitions are found aboard, the ship is warned to turn around.

If its captain refuses, or tries again to proceed toward a port in the Americas, Navy men can either reboard the merchantman and jettison its contraband cargo or bring it to a U.S. port to have confiscation adjudged.

The advantages of this unique approach, based on modernization of longstanding principles of international law, are many:

Only a few U.S. aircraft and ships would be required. These would operate on the high seas. There would be no interference with the integrity of any nation's territorial waters or domestic soil. In contrast, blockading Cuba would require a ring of vessels for many hundreds of miles around the large island, drawing U.S. naval forces from other world trouble spots where they are needed.

Once firmly established, the precedent would be applicable universally in the Western Hemisphere.

U.S. forces would be acting in a strong area of U.S. seapower and airpower almost 5,000 nautical miles from the U.S.S.R.'s nearest home bases.

Moreover, it is highly unlikely the Soviets would attempt to escort "merchant ships" with their own warships or otherwise engage in retaliatory mischief. It would be hard to imagine shrewd Kremlin realists risking the start of all-out war under the most disadvantageous conditions possible from both power and propaganda standpoints, that is, where their challenge would have to be made in an area of overwhelming U.S. strength and for the obviously warlike purpose of forcing arms and munitions into an otherwise peaceful hemisphere.

These, House Joint Resolutions 517 and 524, are the matters we should have before us today rather than the equivocably worded alternative that has been presented.

Failure, weakness, and lack of decision here on our own doorstep, as to Cuba, cannot but doom us to defeat from the broader challenge of worldwide domination hurled at us by the international Communist conspiracy.

Whatever efforts are made to strengthen the resolution before us should have full support. The language of the recommittal motion will do much to strengthen the declaration of the Congress and it should be adopted, as will be explained by the gentleman from Michigan [Mr. BROOMFIELD].

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman.

Mr. CURTIS of Massachusetts. Mr. Chairman, when the gentleman from New Jersey yielded to me, I wanted to ask the question—whether this is a reaffirmation of the Monroe Doctrine or a retreat from that doctrine. The Monroe Doctrine inhibits any European power from extending its system to this hemisphere. As I read this resolution in subsection (b), it prescribes the extention here of a system which creates a military capability endangering the security of the United States. That is certainly a much narrower objective than that of the Monroe Doctrine which aims at preventing any extension by a European power of its system to this hemisphere. The Monroe Doctrine does not say that that system must create a military danger to this country. That is the only point I am making, and I am sure the gentleman would agree with me on this.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman, if he cares to make a brief comment.

Mr. HAYS. I think we could get into an endless argument about what the Monroe Doctrine means and what it does not mean. In one place, it says that in wars of the European powers we have never taken part, and it does not comport with our policy to do so. That has been voided and I think each administration will have to decide at what point they will enforce any part of this doctrine or in the case of going to war in Europe, at what point they decide to relegate that part to the ash heap.

Mr. BROOMFIELD. Mr. Chairman, I would want it clearly understood at the outset that I never felt more humble about a statement I am going to make and the recommendations I am going to make to the Congress than I am today.

Mr. Chairman, the resolution before us today is adequate as far as it goes. Yet I come here to recommend strengthening this resolution—and in so doing, strengthening the hand of the President. We must let the President—and the world—know that we support him in whatever action is required to rid the Cuban people of the Communist masters who now enslave them and threaten us and the rest of the free world.

No one in this body has been more diligent in his support of this administration in foreign policy. I have given my complete support to the President in authorizing and appropriating funds for the Peace Corps, the Arms Control Agency, and United Nations bonds. I have recognized the value of foreign aid as a weapon of the cold war, and I have gone along with sound financing of funds for mutual security. Insofar as the Cuban resolution is concerned, I support the President in what he today asks but I feel strongly that the resolution before us is inadequate and does not go far enough. In fact, I wish to go on record as supporting him to an even greater degree.

In this regard, I will move to recommit Senate Joint Resolution 230 with instructions to recognize the expansion of communism into Cuba as a violation of the Monroe Doctrine, and to support the President in taking joint or unilateral action, be it political, diplomatic, economic, or military, as may be necessary to implement and enforce the Monroe Doctrine throughout the Western Hemisphere.

It is clear to me as it is to the American people that the Monroe Doctrine continues to be a part of our foreign policy. It is equally clear that the establishment of a military base in Cuba supported by Soviet equipment and Soviet personnel is a clear violation of the Monroe Doctrine. Therefore, we must support the necessary means to end an externally supported military capability in Cuba which endangers the security of other nations of this hemisphere.

The late and great Senator from my State, Senator Vandenberg, founded our bipartisan foreign policy. He felt that politics must stop at the water's edge, but stated that a foreign policy "must be totally debated, and the loyal opposition is under special obligation to see that this occurs."

Mr. Chairman, I could not agree more. We must debate the role of the Monroe Doctrine in our foreign policy today. We must disagree with Premier Khrushchev, who stated that—

> The remains of this doctrine should best be buried, as every dead body is, so that it does not poison the air by its decay.

Most important, we must positively assert that the principle of the Monroe Doctrine truly applies today—throughout the whole world.

It is clear that the advantage we once had in our ring of bases on the periphery of Russia—in Turkey, Iran, and the NATO Nations—and our ability to zero in bombers and missiles on the Soviet Union has been lost by the Communist military buildup in Cuba. It is equally clear that our shipping, our cities, our space program, and our entire phychological edge in the cold war are all vulnerable to the Soviet arms and Soviet technicians in Cuba. It is especially significant that on the very day the House is debating this resolution, Cuba has announced the development of a new harbor for purposes of fisheries, as they put it. I would leave the interpretation to your own good judgment.

The American people and the people of the world often make more of what is left out of a resolution than of what is included. If we do not have a strong statement recognizing this violation of the Monroe Doctrine and urging an end to communism in Cuba, some may imply tacit approval of a Soviet Cuba. We surely intend no such implication, and any who so misinterpret the American state of mind or will to put an end to this threat to free world supremacy tread on dangerous ground indeed.

President Monroe, in promulgating his doctrine, stated that—

> There was danger in standing still or moving forward. I thought it was the wisest policy to risk that which was incident to the latter course.

President Kennedy, in a speech as a candidate at Johnstown, Pa., October 15, 1960, said that—

> If you can't stand up to Castro, how can you be expected to stand up to Khrushchev?

As President, he stated in his inaugural address that—

> Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

Mr. Chairman, I hope every Member of this body joins me in supporting a recommittal motion stating simply this—that the Monroe Doctrine has been violated, and that we are solidly behind the President in any action he may take in enforcing the Monroe Doctrine. A loud and clear congressional voice to this effect will go far in strengthening the hand of our President and expressing to the entire world the feelings of every American on this subject.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I wish to commend my colleague from Michigan for the work he has done on this resolution and for his courage in offering a motion to recommit, which would amend this resolution.

As I understand the recommittal motion, it will involve several small amendments but very important ones. I should like to ask the gentleman if I am correct in that two principal points are involved: First, the resolution amended by the gentleman's recommittal motion would recognize that the present Communist buildup in Cuba is a violation of the Monroe Doctrine, and the resolution reported by the committee does not; and, second, it would add a new section to this resolution providing that this Congress supports the President in any such action he may take to implement and enforce the Monroe Doctrine throughout this hemisphere. Is that correct?

Mr. BROOMFIELD. That is correct.

Mr. GRIFFIN. Again I commend the gentleman for offering it, and I intend to support it.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. CRAMER. I join in expressing my congratulations to the gentleman for proposing a motion to recommit that I think fills the gap that exists in the present resolution and gives it some real teeth. In reading the resolution, the committee hearings, and all other available information on the resolution presently before us, I am led to the conclusion that the resolution as presented would give the stamp of approval in that it is not drafted in terms of what has already happened in Cuba, to the armed buildup that everyone admits exists. I may say to the gentleman that the gentleman from South Carolina [Mr. RIVERS], on the floor a few minutes ago, told me some facts with regard to the buildup in Cuba I had not been aware of before, the extent to which long-range missiles are available in Cuba. I say that the military buildup is unquestioned, and that that in itself is a violation of the Monroe Doctrine.

What is the alternative to not passing the motion to recommit, and leaving the resolution as it is so far as setting a precedent is concerned and so far as an interpretation of the Monroe Doctrine is concerned?

It is my opinion that failure to adopt the motion to recommit could be construed as giving the Soviet Union and Red China a license, in effect, to subvert a nation, try to take over the government of a nation, as has been done in Cuba admittedly; that could be construed as giving the stamp of approval and thus a license to Russia and to the Communist conspiracy to do the same thing, as long as they do not export that communism to other Central and South American countries, to do the same thing as in Cuba—that is to subvert, colonize, and arm—in Venezuela, the same thing in Guatemala, the same thing in Mexico, the same thing in any other country, Panama or otherwise, as not being a violation of the Monroe Doctrine.

There is the weakness in the resolution before us. That is why this motion to recommit is so essential. All you have to do is read the resolution before us to see that that shortcoming exists. For example in the last paragraph of the whereas clauses on page

2 it says, and this is amended by the gentleman's motion. It now reads:

> Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence—

So the obvious question is, So what follows? And the obvious answer to this is that such action should be declared a violation of the Monroe Doctrine.

The gentleman from Michigan has said and says in the motion to recommit that such is a violation of the Monroe Doctrine. I may say so far as I am concerned, unless this resolution is strengthened, it can be interpreted as putting the stamp of approval and giving Khrushchev a license in the future to do exactly in other countries what has been done in Cuba and gives the stamp of approval to the status quo in Cuba. I say that is wrong, the resolution needs to be strengthened, and this amendment would strengthen it. I congratulate the gentleman and hope the resolution passes as amended.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. Mr. Chairman, I, too, want to join my colleague, the gentleman from Michigan [Mr. BROOMFIELD], in commending him for offering this motion to recommit and associate myself with the remarks which the gentleman has made. I have listened carefully to the debate today. My basic objection to this legislation is that it is not strong enough.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, the resolution presented to the House of Representatives does not go far enough in clarifying our determination to reestablish and implement the Monroe Doctrine. In fact, it is so meek and mild that it may mislead the Communists into the false assumption that we will tolerate new Castros elsewhere in Latin America. It is worse than no resolution at all.

Silence on the part of the Congress would be better than adoption of a mild resolution which still leaves in doubt how far we are willing to go to rid Cuba of Castro. Unless we are willing to call the Communist bluff in Cuba and elsewhere, we face a procession of Communist takeovers, and ultimately a lonely, impossible role as fortress America.

The Castro Communist regime is a clear violation of the Monroe Doctrine, a threat to our security, and it means continued oppression and hardship for freedom-loving people in Cuba. Castro should be tolerated no longer. We should take whatever measures are necessary to end his regime.

We had better stand firmly on principle before it is too late.

Mr. BROOMFIELD. Mr. Chairman, I would like to make one further observation: In the motion to recommit under section 1, I provide that the Congress of the United States urges the President, in accordance with existing law, to take and support him in taking jointly with the other friendly nations, which would be the Organization of American States, or unilaterally, such political, diplomatic, economic or military action as may be necessary to implement and enforce the Monroe Doctrine throughout the hemisphere.

Mr. Chairman, I frankly feel that it is about time we were actually firm in our position. I think there is too much indecision.

Mr. Chairman, I urge the support of this motion to recommit.

Mr. Chairman, I shall ask permission in the House to have printed in full at this point in the RECORD the joint resolution, Senate Joint Resolution 230, as it would be amended in the event my motion to recommit prevails.

S.J. RES. 230

(As it would be amended by the motion to recommit to be offered by Mr. BROOMFIELD.)

Joint resolution expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety" and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military system in violation of the Monroe Doctrine: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the international Communist movement operating through the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere.

(b) to prevent in Cuba the creation of use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

SEC. 2. That the Congress of the United States urges the President, in accordance with existing law, to take, and supports him in taking, jointly with other free nations or unilaterally, such political, diplomatic, economic or military action as may be necessary to implement and enforce the Monroe Doctrine throughout this hemisphere.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, there are some grave doubts in the minds of many Members concerning the language and the intent of the language of this resolution. Some Members feel it should be clearer. Others feel it should be stronger. In the interest of seeking a clarification and to make the intent of the House clear, I have a number of questions for the consideration of the distinguished and able chairman of the Committee on Foreign Affairs which I would like to ask at this time.

Mr. Chairman, these questions relate to the present resolution, beginning on line 4, page 2, section (a).

First, as I understand the intent of this section, it does not contemplate any status quo attitude or policy toward the Castro regime if that regime confines its evil work to Cuba alone.

Is my understanding correct?

Mr. HAYS. If the gentleman will yield, I would say to the gentleman from Ohio that the policy of the United States, as announced by the President and underwritten by this resolution, does not look with equanimity or the present regime in Cuba. It looks forward to an objective of its policy and the ultimate replacement of that regime by a freely elected Cuban Government.

Mr. FEIGHAN. This language does not infer or suggest that the presence of a Marxist-Leninist regime in Cuba, or any other country of this hemisphere, is not a clear and present danger to the security of the United States; is that correct?

Mr. HAYS. That is correct. I do not think the Congress would want to label Castro at this point as a clear and present danger to the United States. I think that would be giving him a bigger label than he deserves. The President says that the Communist buildup there—and has said—is defensive in character. He has also said he will maintain close surveillance and take any action necessary if and when it threatens our security.

Mr. FEIGHAN. Does the gentleman agree with me that a Marxist-Leninist regime by definition means a Russian-type regime, a regime loyal to the Russian imperialists, a regime dedicated to the destruction of free governments?

Mr. HAYS. Yes; to the extent of its capacity I think it does.

Mr. FEIGHAN. Turning to section b, line 9, I have several questions:

First, the words—and I quote—"prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States" indicate that the Congress takes formal recognition of what the Russians are really up to in Cuba; is that correct?

Mr. HAYS. That is right. The President stated, and I am satisfied after hearing the testimony in the committee, that this regime does not at the moment constitute a danger to us. The purpose of this resolution is to indicate that the buildup had better not endanger us.

Mr. FEIGHAN. Is it the intention of Congress by the language of this section to warn the Russian imperialists that the American people will not tolerate a Russian base of military operations in the Western Hemisphere?

Mr. HAYS. Yes; the resolution clearly states that we will not tolerate a Russian offensive military base in Cuba or anywhere else.

Mr. FEIGHAN. Turning to section (c), I have a few questions. First, the intent of this language is to encourage all the members of the Organization of American States to increase their support of the principle of self-determination as applied to the people of Cuba; does the gentleman agree?

Mr. HAYS. The answer to that is "Yes."

Mr. FEIGHAN. Does the gentleman agree that the Marxist-Leninist system imposed upon people anywhere in the world defeats the rights of those people to self-determination?

Mr HAYS. That is true in Cuba, in Hungary, or anywhere else in the world.

Mr. FEIGHAN. Does the gentleman further agree that Marxism-Leninism and all its agents are enemies of self-determination and plotters against the existence of self-government everywhere in the world?

Mr. HAYS. Yes; the answer of course is that the totalitarian system does not permit a free expression of the people; and it is just what the gentleman says.

Mr. FEIGHAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, 1 week ago I addressed the House on the Russian base of operations in Cuba and held it to be a clear and present danger to the security of the United States Information made available since then by our free press has strengthened my conviction.

I feel there is no room for argument on whether the Cuban crisis presents a clear and present danger to our security. That argument has long since passed into history. Our Government is now confronted with the urgency of meeting this threat. The present resolution is intended as an expression of congressional intent to support the President in doing what must be done to meet this crisis. The last paragraph of the preamble to the resolution states:

> Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence—

This language should remove any doubts that may exist about a formal recognition by Congress that a Russian military, political, and economic base of operations now exists in Cuba. Let me say that I read it that way. Our Ambassador to the United Nations, Adlai Stevenson, put the case well when he charged the Russians with stuffing Cuba with weapons and supplies of war. Everyone knows the meaning of the word "stuffing." But Ambassador Stevenson has given the language of the cold war a new term, "Russian stuffing." By definition the term "Russian stuffing" henceforth should mean the process wherein a nation newly occupied by the Russians is fully equipped with the weapons of aggression and war for the purpose of extending the empire of Moscow.

That is exactly what the Russians are doing in Communist-occupied Cuba today. Cuba is being rapidly refitted as a Russian base of operations against all the nations of the Western Hemisphere. A Russian sphere of influence is already in being in Cuba. The only questions remaining are how effective, how influential is that sphere of influence and how long will it take the Russians to complete a fully operational base in Cuba. The big question is, Are we as free Americans to stand by and wait for the Russians to give us the answers? It appears that Khrushchev expects us to do just that. When he boldly charges that we are too liberal to fight for our rights he assumes the right to tread on our vital interests with immunity. Any other interpretation calls for an umbrella and a round of Munich beer.

In recent days there has been a great deal of talk about sending signals to Khrushchev and a wide assortment of others. This signal talk came up in connection with the hearings in the other body on the present resolution. As best I can figure this new game out, it means we should take special pains to tell Khrushchev not to go too far because we might not like it. This is no game to be playing with Khrushchev or any other dictator. The only game a dictator understands is put up or shut up. We will never relieve Khrushchev of his dangerous assumption that we will not fight until we shut up and act in support of our rights.

I have proposed suitable courses of action, short of armed force, to straighten out the thinking of Khrushchev and company. Briefly stated, they are—

First. Declare Castro an agent of imperial Russia and charge him with interfering in the internal affairs of the Cuban people.

Second. Authorize the Cuban exiles, by democratic process, to establish a government in exile—to be recognized by the United States.

Third. Establish a naval and air blockade around Cuba—as a quarantine against the Russian seeds of war and imperialism in the Western Hemisphere.

Fourth. Recognize by declaration the right of the Cuban people to liberate themselves from the tyranny of imperial Russian communism and the coequal right of the Cuban exiles to further these legitimate liberation efforts.

Fifth. Invite other nations of this hemisphere to join with our Government in these actions, with appropriate recognition for those nations which act promptly.

Sixth. Invite the United Nations to act as custodians for all prisoners of war and civilian internees detained, and all weapons of war confiscated through the blockade.

I am concerned with the pre-Pearl Harbor attitude which grips some sectors of our public life today. Not so many years ago the Pacific Fleet rested snugly in Pearl Harbor while the heavy drumbeats of war echoed out of Asia. Those warning signs of danger then seemed very far away, too far to endanger our national defense structure in the Pacific. But the Pacific Fleet rested too long and too snugly in the calm waters of Pearl Harbor.

What followed is history, tragic history.

Now, we are confronted with the loud drumbeats of aggression and war, a new kind of war more deadly than that which followed the national awakening at Pearl Harbor. Those drumbeats are loud and clear, for they emanate from a Russian base of operations a stone's throw, as the modern jet flies, from our shores. The target area is not 1,400 miles out in the Pacific Ocean, it is the United States itself.

I am convinced that the greatest danger of war today springs from the work of those who crave for peace but are too timid to fight for it. In our times the fear of nuclear war is taking priority over the love of peace. Khrushchev has bragged that he has "new and fantastic" weapons in the Russian arsenal. I am convinced his most fantastic and dangerous weapon is his nerve gas, the gas generated by the deluge of Russian propaganda on the dangers of nuclear war which has dissipated and weakened the nerve and the will of freemen. The program of action on Cuba which I have proposed, is a good, old-fashioned remedy for the Russian nerve gas which seeks to corrode our integrity, our traditions, our high purposes, and our strength as the greatest power for good in the history of the world. This generation of Americans must not sleep while the Red dictatorship plots, plans, and moves forward to the destruction of human freedom and human dignity everywhere in the world.

Mr. HAYS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I rise in support of Senate Joint Resolution 230.

Mr. Chairman, I do not know at this particular time whether I can support the motion to recommit the language contained in the present motion that has been circulated through the House, but I would sincerely hope that the Committee on Foreign Affairs would offer an amendment, would see fit to strengthen this at least by inserting a reaffirmation that the Monroe Doctrine is still a live and vital instrument of our foreign policy.

I do not think we can go far afield by making that reaffirmation.

Because of the deepening concern in Congress and throughout the country over the continuing Castro-Soviet economic and military buildup in Cuba, the House Select Committee on Export Control, of which I am chairman, has invited Secretary of State Dean Rusk to appear at his earliest convenience to clarify U.S. policy as to certain aspects of the situation this country faces in the Caribbean. The hearings will be held on Tuesday and Wednesday of next week. I would be pleased to hear Members of the House upon their advance request.

I have particular reference, Mr. Chairman, to the persistent reports in the press and on the floor of the House and

Senate, that the shipment of a significant volume of Communist-produced goods and materials, strategic and otherwise, are reaching Cuba in ships registered under flags of our NATO Allies.

On two occasions, first in late August and again earlier this month, President Kennedy, at his press conferences, expressed concern over the movement of goods to Cuba in allied merchant vessels. He revealed that this Government was in consultation with Western European powers on the subject.

On September 15 the New York Times published a report from Moscow in which the Soviet Minister of Sea Transport, Viktor G. Bakayev, was quoted as saying that shipowners of many countries were eagerly seeking—Soviet—cargoes. He was further quoted as saying:

> Lately the Government of the United States has been using NATO to bring crude pressure to bear on Britain, Norway, France, Italy, Greece, and other countries to force them to stop carrying goods to Cuba.
>
> But Washington has been unable to impose its will on its allies.

In the same issue the Times published a front-page report from its Washington bureau that this Government was having little success in persuading its allies from doing less business with Cuba.

There has been, I am glad to say, evidence of somewhat more favorable action and reaction since the date of those reports.

On September 23 a Washington Post correspondent in West Germany quoted a spokesman for the German Shipping Association as saying that West German shipowners would be willing to observe a ban on traffic to Cuba provided it applied to all Western ships. The official added, however, that in the past 6 weeks more American than West German ships had called at Cuban ports.

Last week the President of the National Maritime Union charged that American-owned ships of foreign registry were engaged in moving goods, strategic and otherwise, to Cuba. And in the Washington Daily News of yesterday, September 25, a UPI report stated that the American Shipowners Association and the National Maritime Union are pressing for a free world boycott of Russian cargoes bound for Communist Cuba. The National Maritime Union president was quoted as saying he had already asked the International Transport Workers Federation to call a worldwide boycott against the loading and manning of ships carrying arms to Cuba.

News dispatches published by the Washington Post this morning stated that Great Britain has asked 800 British shipowners not to carry strategic goods to Cuba, but that the suggestion was of an advisory nature because the Government had no legal power to prevent British merchant vessels from carrying such cargo.

The same source reported that beginning next week West German ships will be required to have a license to carry goods from Communist countries to Cuba and that undesirable cargoes to the Castro government in West German vessels will be virtually eliminated.

There is some evidence that Japan is willing to go along with U.S. efforts to isolate Cuba economically.

Reports carried in the Washington Daily News of September 21, that the U.S. labor attaché at Rome is encouraging the Italian Government to sail two struck supply ships to Castro was denied in a communication I received this morning from the State Department. The source of the news report was given as a National Maritime Union official.

> ASSISTANT SECRETARY OF STATE,
> *Washington, D.C., September 25, 1962.*
>
> The Honorable A. PAUL KITCHIN,
> *House of Representatives.*
>
> DEAR CONGRESSMAN KITCHIN: You may be interested in the attached statement regarding a news report alleging that our labor attaché in Rome had brought pressure to bear on the Italian Government to induce it to compel the striking crewmembers of the two Cuba-bound Italian ships to return to work.
>
> Sincerely,
>
> FREDERICK G. DUTTON.

> Our Embassy at Rome denied the allegation on September 21 and informed the press that it was obviously nonsense. A senior official of the Italian Ministry of Merchant Marine has categorically denied to the Embassy that the Italian Government, for its part, had in any way attempted to induce the strking crewmembers of the two ships to continue the voyage. The Ministry official pointed out that under Italian law it was administratively impossible to force seamen to sail on a merchant ship, since hiring and firing of seamen is a matter strictly between the seamen, their unions, and the operators.
>
> The only involvement of the labor attaché was to inquire of an official of the leading Italian free labor union, which is not a party to the dispute, what was happening in the affair of the two ships, which had been reported in the Italian press. He did not in any way attempt to persuade the Italian Government to force Italian seamen to sail the ships. On the contrary, the Embassy had occasion earlier to point out to a representative of the company which operates one of the ships that any cargoes, even nonmilitary ones such as that involved in this case, were of assistance to the Soviet-run Castro regime.
>
> On September 9 the under secretary of the Italian Ministry of Merchant Marine issued a strong public statement that supplying strategic Soviet material to the Communist dictatorial regime in Cuba would be in contempt of the obligations of Atlantic solidarity and in violation of Italy's adherence to NATO. The statement also warned that the Italian Government would take necessary action against anyone who violated the duties of the alliance in collusion with the enemy.

The economic and military build-up by the Castro-Moscow-Peiping Communist combine appears to be increasingly serious and certainly it has become more blatant.

Yesterday, Fidel Castro announced that Russia is to finance a new, $10 million Cuban port to accommodate Soviet fishing vessels, and that it will be under lease to the Russian Government for the next 10 years. This should be a matter of deepest concern.

While it has been a matter of public knowledge for some time that the Soviet bloc countries have supplied Castro with arms, food and machinery, this is the first openly boasted instance where Russia is establishing a permanent base of operations on the Island of Cuba.

It is well known, Mr. Chairman, that Soviet fishing vessels are notorious for the equipment they carry other than fishing gear. They have been detected off both our Atlantic and Pacific coasts with advanced equipment and instruments for tracking rockets, making observations and engaging in activities which could well be described as fishing expeditions of another character.

It is in this context that I wish to speak briefly of the Cuban resolution that the House will consider and debate today. The Senate has already passed it by the impressive vote of 86 to 1.

I suggest that all countries, both Communist and free, including America, should take with utmost seriousness the overwhelming support Congress is giving the joint resolution to stop the Cuban-Soviet buildup of power in this hemisphere.

This bipartisan resolution is a weather vane indicating how strongly and how bitterly the winds of resentment against Cuban communism are gathering in this country and I hope their force is being felt abroad.

Castro's communization of Cuba has already resulted in that country's suspension from the Organization of American States, some members of which have joined the United States in ending diplomatic relations. Others, like Peru, have indicated willingness to join our embargo on materials to the Castro government.

Avoiding rash and emotional action, but moving in concert with the President, Congress is expressing the determined resolve of our Government and the people of the United States to combat, by whatever means may prove necessary, the provocative intrusion of Soviet communism and Cuban expansion of power in the Western Hemisphere.

The joint resolution is a serious warning; not a threat. Our embargo of goods to Cuba is a strategic move, not an act of war as a military blockade might be. We are acting and moving in the Cuban situation at a deliberate and well-considered pace, but we are moving and acting and not without effect.

The Cuban situation and its solution must, as President Kennedy has pointed out, be considered within the whole context of our global commitments and aims. And while the Cuban problem is a legitimate subject for public discussion this election year, it is a problem for sober thought and expression. Extremist and demogogic appeals to emotionalism in this crisis constitute a distinct disservice to the national interest and security of this country.

Mr. HAYS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, there is one Member of this House who has a personal motto printed in the Congressional Directory, that has never made much sense to me; but thinking back it might have application here today. This man vows it to be his own belief that it is better to jump the gun than not to jump when the gun goes off. That might seem a little bit humorous, but I think it has application here. We cannot wait for Cuba and the Communists to let the gun go off. We cannot afford to wait longer to take some positive action with regard to Cuba. Before I came to this Congress I advocated a naval blockade of Cuba and I stand here before you this afternoon advocating the same now. If we have no friends who will stand with us then we must stand alone but stand we must. Cheap talk must be supplanted with positive action now. Tomorrow may be too late. I am willing to take whatever risks are involved and so are all red-blooded Americans. I pray God will give our President the wisdom and courage to meet this challenge of godless communism and believe with all my heart He will.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. FOUNTAIN], a member of the committee.

Mr. FOUNTAIN. Mr. Chairman, I am very much concerned about the possible implication of the second "whereas" clause should we find it necessary to engage in a unilateral invasion of Cuba.

However, I was in the minority in my thinking and the resolution before us today is the result of much concentrated cooperative thinking between the House and Senate Foreign Affairs and Armed Services Committees.

I cannot speak for others, but in supporting this resolution, it is my intention on behalf of the people I represent, and I am saying to the President of the United States, the Commander in Chief of our Armed Forces:

Mr. President, both Cuba and Russia have already gone too far.

The Monroe Doctrine has already been violated. The Marxist-Leninist regime in Cuba is already extending its aggressive and subversive activities into this hemisphere.

There is already in process of creation for use, an externally-supported military capability which, if not stopped will further endanger the security of the United States.

I cannot agree with those who say that what is taking place in Cuba militarily is only defensive. Who is capable of drawing such a line? Everyone knows that a good defense is the basic foundation for a good offense.

I do not mean that I am now advocating a military invasion of Cuba because Cuba, unfortunately, is already in Communist hands. What I do mean is that I am behind the President and I am requesting the President through my vote on this resolution to take such action as is appropriate and proper, including the use of arms to prevent any further extension of godless Communist tyranny into this hemisphere.

Of course, concerted action by the nations of the free world would be preferable to unilateral action. But if concerted action cannot be had, inaction should not result. For too long we have followed such a policy.

Berlin may be a more serious situation than Cuba, as the able and distinguished gentleman from Georgia, Mr. VINSON, stated on Monday on this floor. But, as has been stated over and over again, Russia is now only 90 miles from the American coast.

Is it necessary for us to study any further the motives of Mr. Khrushchev and his henchmen?

Do we not already know beyond a shadow of a doubt that communism as espoused by Russia is "a doctrine and program based upon revolutionary Marxian socialism as developed by Nicolai Lenin and the Bolshevik Party, which interprets history as a relentless class war, eventually to result everywhere in the victory of the proletariat, and which calls for regulation of all social, economic, and cultural activities, through the agency of a single authoritarian party, as the leader of the proletariat in all countries, so as to achieve its ultimate objectives, a classless society and establishment of a world Union of Socialist Soviet Republics"?

Do we not know that Mr. Khrushchev arrogantly and blatantly proclaims the right of communism to govern all of the world; and to fulfill that ambition—insane to us, but not at all to him?

Do we not know that the rulers of Russia will recognize no barrier—legal, moral, racial, or humanitarian—which they think can overcome by force or threat of force or subversion?

Surely no one doubts any longer that Russian rulers have no inner restraints. They recognize no God, indeed, they have formally abjured Him. They laugh at the word "honor." They hoot at truth. They sneer at the race which upholds honesty and dignity and kindliness. Theirs is a godless way of life, based upon a totalitarian dictatorship with unlimited power—power that rests on coercion and violence—not on law and morality; on terror, slavery, and methodical brutality; their cause thrives on hatred, prejudice, jealousy, and contempt for the dignity of man.

They despise free enterprise and the American belief, through representative government, in the capacity of men to govern themselves. "Evil becomes good, and good becomes evil."

Do we not know that, like Satan and his followers in "Paradise Lost," they have lifted up their arms in defiance against the Almighty who gave them life? They have done this because they believe that man and the universe are essentially material; they believe that what we call eternal laws of God are in reality eternal principles of mechanics; that, there being no such absurdity as the human soul and a future life, and thus no such thing as the human conscience, the highest attainable goal in this, our one and only life, is a full food trough, and that the only way this trough may be kept reasonably full is to place all power in the hands of a world state of Socialist Soviet Republics, governed from the Kremlin, which will provide sustenance for the human hogs they believe us to be.

The whole world is looking to us for leadership. The American people are calling upon all of us for leadership.

They are not advocating any particular action, but they are advocating positive action instead of reactions. If we are to be the effective leaders of the Western World in any test of strength with Communist Russia, we must be free, legally and morally, to act when action is required.

The absurd idea that we can act only with somebody else's approval, if we do not change, will ultimately mean the end of our way of life in America.

As someone has said: "It is one thing to be concerned with the welfare of others. It is another to permit them to control ours."

Mr. Chairman, my fellow Americans, it is later than we think. I shall not complain over what has happened in the past, although I wish it were only a hideous nightmare. I realize that the President, as Secretary Rusk has said, "must live with the consequences of any action he may take."

May I add—the President and all of us will have to live with the consequences of inaction.

It is about time that we started calling the signals. Mr. Khrushchev has been the world's quarterback for too long.

We must convince him and the rest of the world that we not only love our God-given freedom, but that we will fight, if need be, to preserve it.

It is about time also that we started talking more firmly with those we have so generously helped by the sweat of our brows. We want to act in concert with them, but they should be told in no uncertain terms that, if necessary, we will act without them. We may appease the enemy and save freedom for ourselves today, but in the process we will tomorrow give up the freedom of our children and our children's children.

Mr. Chairman, I repeat—the American people and the Congress by means of this resolution, are supporting the President in the expectation that he will take whatever steps may be necessary, including the use of arms, to stop the Communist buildup in Cuba before our own national security is further endangered.

Let me conclude by saying, "God helps those who help themselves." The Wise Men were not wise because they saw the light but because they followed it.

Let us continue to follow the light of freedom with all of the resources at our command. If we can keep that light burning brightly without the use of arms, let us do it. If we cannot, let us use them.

On many matters the American people speak with different voices, but on this one we are united behind the President.

Mr. JUDD. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, I desire to rise in support of the Cuban resolution which serves notice to the Communist world that the Congress and the American people are united in all matters affecting the security of this Nation.

Thomas Paine wrote during the American Revolution:

> Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

Today, I would like to talk with you about the freedom of the world and the energy and determination that we must generate if the blessings of liberty are to become the heritage of our children and grandchildren.

No matter in what direction we may look, trouble threatens.

The world is engaged in a fantastic conflict, to determine whether the American form of government, as we know it, will survive and prosper, or whether communism will enslave the earth.

This is not the time for complacency, or soothing words of encouragement—it is time to face facts.

The Soviet Union is determined that we will leave Berlin. To them, Berlin has become a symbol of freedom which must be destroyed if communism is to prevail.

Just as firmly, we must recognize that Berlin is an island of freedom that we must sustain, if human liberty is to survive.

On the other side of the earth we are faced with the possibility of a resumption of war in Korea.

South Vietnam is engaged in actual conflict with Communist guerrillas.

The situation in the Congo is precarious to say the least.

Our very important base in the Azores is threatened because of Portugal's reaction to our stand with regard to India's invasion of Goa.

Communist China stands poised on the borders of India, and at any time the off-shore islands of the mainland of China may become the scene of new bloodshed.

Until recently, we had the consolation of knowing that at least an ocean separated us from these troubled spots of the world.

But now we face the reality of serious trouble in our own backyard, the menacing problem of Cuba.

I know of no subject matter more fully discussed in every American home than Cuba.

I know of no greater embarrassment to the average American than the knowledge that Cuba has become a Soviet satellite 90 miles off the shores of Florida.

The American people are demanding positive and definite action with respect to Cuba.

The President of the United States recently announced:

> If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of Americans citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

I commend the President of the United States for this statement, so far as it goes, with respect to Cuba.

But the President's announcement raises some questions in my mind that I have not yet seen answered.

Does his announcement imply acquiescence in what has been done in Cuba up to this time?

I am afraid that it may be interpreted that way.

Does he mean that defensive weapons can be imported into Cuba, but that only a limited number of offensive weapons can be imported?

How does he distinguish between defensive and offensive weapons?

Does his warning mean that military supplies may continue to be shipped to Cuba, but if they are reshipped from Cuba to another part of the Western Hemisphere, they will be subject to a naval blockade?

Does his announcement mean that countries allied with the United States may continue to sell and ship supplies to Cuba even though we know those supplies may one day be used against us?

I am sure that many of you here today can well recall, prior to World War II, when we were shipping scrap metal to Japan.

At a later date some of that metal returned to the United States as shell fragments in the bodies of American servicemen.

Are we to continue to furnish economic and military assistance to many nations in the world who continue to do business with a Communist satellite that constitutes a threat to the security of this hemisphere, or will we take the position that in this world there are those who are with us, and those who are against us, but in our own backyard there can no longer be any middle ground.

Self-preservation is the first law of nature, and as far as I am concerned, that law of nature should become the guiding principle of the United States in our relations with Cuba.

I cannot help but recall those famous words of Winston Churchill who said:

> If you will not fight for the right when you can easily win without bloodshed; if you will not fight when your victory will be sure and not too costly, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival. There may even be a worse case. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves.

While I do not advocate the invasion of Cuba at this time, since I do not believe it necessary or desirable to destroy a country that is now enslaved by a handful of Communists, nevertheless I do not think the President should have given public assurance to Cuba and the Soviet Union that we will not intervene in Cuba at this time.

You will recall that Mr. Kennedy said on September 13:

> Unilateral military intervention on the part of the United States cannot currently be either required or justified.

I doubt the wisdom of publicly stating what we do not intend to do, and I cannot help but wonder what effect this statement may have on future developments.

The Soviet Union has its nose under the tent—and we have now publicly acquiesced.

How long will it be before the tent of Cuba collapses all around us?

What then, can we do?

I believe that we can hasten the day when Castro is dethroned and the Communists are thrown out of Cuba, by preventing, by every means at our disposal, the importation of military supplies, food, medicine, and clothing that are essential to the existence of communism in Cuba.

We must encourage every type of resistance possible in and out of Cuba.

Let us find out if the spirit of the freedom fighters of Cuba will be as strong as that of the freedom fighters in Hungary, and with this one significant assurance—that we will help those in Cuba who ask our help in their efforts to restore human liberty to that important part of this hemisphere.

I do not envy the President of the United States nor the Secretary of State during these trying times.

They have my undivided support in dealing with the Cuban situation.

I recognize full well that it is easy to criticize when the decision must be made by someone else.

But the decision today in Cuba is anxiously awaited by millions of Americans.

That decision is, How much more will we take from the Soviet Union and from Castro before we intervene in the interests of peace and security in the Western Hemisphere?

How much further will the Soviet Union be permitted to go before we will invoke the Monroe Doctrine?

How much further will we permit the Soviet Union to go before we openly declare that the actions of the Soviet Union in Cuba constitute an attempt on the part of the Soviet Union to extend its system of government to the Western Hemisphere?

For more than 139 years the United States has stood as the fortress of freedom in the Western Hemisphere. That fortress of freedom has been based upon the Monroe Doctrine which was fair warning to all the world that we would not permit a foreign government to impose its will upon the people of this hemisphere.

The people of Cuba welcomed Fidel Castro as a savior to the Cuban people—only to learn to their dismay that he has become a dedicated Communist who has opened the doors of his nation to a foreign ideology that is dangerous to the Western Hemisphere and the freedom of the entire world.

A vast majority of Cubans, I am sure, no longer support Fidel Castro. But Soviet regimentation and Soviet commissars have entrenched themselves in Cuba and in every important position in the Cuban Government.

We must use every means at our disposal to encourage the Cuban people to overthrown this foreign intervention and restore human liberty to a country that owes its very existence as a nation to the blood that was shed by Americans in the Spanish-American War.

Time is running in favor of the Soviets. Every ship entering the ports of Cuba strengthens the bonds of communism.

The American people are demanding action, and they know full well the possible consequences. Americans have historically been slow to anger, but once aroused they will not back down before threats or bluster.

Mr. Khrushchev has one great failing, he underestimates the courage of the American people.

Mr. Khrushchev, listen to these words—and be guided by them—for I believe they echo the feelings of almost every red-blooded American patriot: We will stand firm in Berlin; we will eliminate communism in Cuba; we will fight, if necessary, to preserve our freedom.

America is aroused, America is determined, and, Mr. Khrushchev, if our freedom is threatened, if war is your choice, you will find America united.

We will be critical—when there is time for decision—but after the die is cast, we join together, completely inseparable, in defense of the American ideals of liberty and freedom.

Mr. JUDD. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Becker].

Mr. BECKER. Mr. Chairman, we are all here, I believe, trying to do the same identical thing and to accomplish the same identical purpose. There is a difference of ideas and a difference as to approach. I do believe that the resolving clauses of the present resolution before us say not a thing. The resolution does not reflect the will of the people nor does it express what is needed. I do believe that the motion to recommit which will be offered, is much stronger and I will support this as it gives the President the backing he needs.

Mr. JUDD. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, the gentleman from South Carolina [Mr. Rivers] mentioned today that back in June of 1960 we spoke on the floor of the House about the situation in Cuba. It seems to me it is proper that we do not try to put responsibility upon any party or any individual in this situation in which we find ourselves today.

May I quote very briefly from a statement I made on that day in June of 1960. I said:

> Mr. Chairman, I urge the State Department and upon all Americans that we will finally stand up and say that Castro and his kind have gone as far as we will permit them to go and we will defend our country and defend our industries and we are going to reassert our self-respect and we are no longer going to let the threat of these Communists back us into the corner.

That was in 1960 when I called upon the State Department of the former administration to take an affirmative stand on this question. Nothing was done at that time. But we have been backed into the corner. We find ourselves where we are because of indecision and because of a failure to act. It seems to me, we cannot very well look backward in this picture and try to find someone to make a scapegoat of in any administration. I believe it is necessary for all Americans to stand up today because once again this Congress has said that the Monroe Doctrine is in effect. I felt we had lost it because under the Organization of American States we said under article 15:

> No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Mr. Chairman, I was fearful that we had over the years through the agreements we had entered into and the treaties and agreements gradually gotten away from the Monroe Doctrine. I am delighted, however, today to find this House now reasserts that there is a Monroe Doctrine. But, Mr. Chairman, it seems to me we can pass the strongest resolution or you can offer a motion to recommit to make it a stronger resolution. But I do not care how many pieces of paper you write stronger resolutions on. The question of the preservation of America stands upon strong Americans, men and women who believe in the Constitution, men who believe in liberty and freedom and who are willing to stand up and fight for liberty and freedom.

If this is a reaffirmation of the Monroe Doctrine, then this day will go down in history as a great day for the United States of America.

I have said that I am fearful—and I can see a faint smile on some of your faces when I remind that I used to talk about the status of forces, that we had given away to foreign countries the right to try American servicemen. We never got very far, in trying to correct those agreements, but there has been a gradual breaking away from the traditions and the heritage of this great Republic. We have over the years become soft. We have been too anxious to appease.

Mr. Chairman, we who have been called to serve in this body walk in the shadow of great and strong men over the history of our Nation. We have a chance to walk again in the same paths, to make this a great Nation again, if we return to the principles that made us great. The American people are going to have courage, and we have been losing that. We must be morally strong, militarily strong, intellectually strong; and I am delighted, Mr. Chairman, to find that we are closing ranks in spite of some of the remarks about responsibility here or there, that we are now once again all Americans in this House ready to preserve and defend this great Nation of ours and to recognize that there is a Monroe Doctrine. I know the American people are going to applaud the action of this House today. But let us be strong, let us not let it be just another scrap of paper. Let us mean what we say and stand back of it.

Mr. RIVERS of South Carolina. Will the gentleman yield?

Mr. BOW. I yield.

Mr. RIVERS of South Carolina. I want to congratulate the gentleman from Ohio. That is just what I have been trying to say. The vote of this House today should make it abundantly clear that we do reaffirm the Monroe Doctrine.

Mr. BOW. And if we reaffirm it, we give the American people the assurance we are not just writing another document, we are setting policy, and having a policy we will stand as Americans all, not as a party divided by the middle aisle in this Chamber.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, I support the proposed recommittal motion for the reason that it puts a few teeth in an otherwise weak resolution. If the recommittal motion fails, I will vote for the resolution as an evidence of support for the President in this situation though I say to the Members that it is hard to conceive of anything more weak spined.

My position on Cuba has long been known. On June 25, 1960, I joined in debate on the House floor with the gentleman from Ohio [Mr. Bow] and the gentleman from South Carolina [Mr. Rivers] in denouncing U.S. policy with respect to Cuba. I said at that time that—

> The world is calling for firm leadership, but we are yielding to * * * a cult of fear, a fear we are going to be disliked by someone if we do take a firm stand.

I also said on that occasion:

> I am afraid the Monroe Doctrine was very badly corroded, if not destroyed, by the Truman doctrine.

Mr. Chairman, I would like to add that Cuba is complete proof that foreign aid will buy us nothing. During the 14 years preceding 1961, the United States shoveled at least $2,250 million into Cuba through premium prices on purchases of Cuban sugar, and through economic and military assistance. During 1960 and 1961, the Sino-Soviet bloc has reportedly made $100 million available to Cuba. Thus the Communists are now reaping the whirlwind of our folly and what is happening in Cuba today will be repeated elsewhere in the world unless we come to our senses.

How much longer do we propose to play the role of suckers for the rest of the world?

Mr. HAYS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. Rogers].

Mr. ROGERS of Florida. Mr. Chairman, our allies are beginning to move in discouraging the use of their merchant ships in Cuban traffic. West Germany has already taken necessary steps. Disappointingly England, Greece, and Norway have not immediately followed suit and seem not to understand the strong feeling of the American people that our allies should not help a Communist buildup in this hemisphere.

Perhaps our Government has not yet expressed this feeling forcefully enough. Perhaps this Government needs to take certain actions which will show to our friends that we mean business. For example, the Yugoslav ship MV *Drzic* has some entries in its log which prove interesting reading for the student of American foreign policy. These entries show that the vessel serves the Soviets, Fidel Castro, and the United States at alternate times. This vessel loaded grain in the Soviet Union in late July, delivered this grain in Havana on September 5, then put into Houston where wire services report that it is attempting to load.

The cargo manifest calls for flour, generated by the U.S. Government's Public Law 480 agricultural surplus aid program. The cargo is to be delivered to the United Arab Republic.

Another Yugoslav vessel, the SS *Mljet*, sailed from Galveston July 7 loaded with Public Law 480 flour, which it delivered to Egypt. The ship then sailed to Havana where it was loaded with Cuban sugar and returned to deliver its cargo to the Soviet bloc

Mr. Chairman, this practice amounts to almost the same type of violation of our national interests as we have witnessed by the free world vessels trading with Cuba. Our own Government can effectively police these shipments by administrative action. Present law allows our Government to stop this traffic. No additional authority is needed. This authority exists in the Export Control Act of 1949, title 50, United States Code, sections 2022 and 2023.

A simple policy finding and statement by the President will stop shipment of all U.S. goods in any ship which traffics with Cuban Communists. I urge our Government to take this action to prevent shipment of American goods on Communist traders.

Mr. HAYS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I rise in support of the resolution.

Mr. Chairman, the debate here today has made clear the very great temptation that exists in this Chamber to try to play politics with the Cuban situation. I suppose it is natural that Members should want to look back on past developments and discuss the events that led us into the present situation.

Yet, Mr. Chairman, as someone said a moment ago, there is enough responsibility to be shared on both sides of the political aisle.

The job today is not to look back but to look ahead. We face a serious crisis today, one of the most serious in our history. As a member of the Committee on Armed Services I had the opportunity the other day to sit in on a top-secret briefing on Cuba by Secretary Rusk and Secretary McNamara and General Carter of the CIA, and I can agree that on the basis of the information given to us in these briefings, this Cuban crisis is the most serious we have faced since Korea.

I want to pay tribute to the leadership on the opposite side of the aisle for the responsible position they have taken in support of this resolution and for the courage they have demonstrated in resisting the temptation to look backward instead of looking ahead.

The only question before us today, Mr. Chairman, is what we propose to do with regard to the situation we presently face in Cuba. I, for one, Mr. Chairman, am inclined to believe that we must act. I, for one, do not subscribe to the easy distinction that some within the administration have been making between a defensive and an offensive military capability in Cuba. I believe that the present extent of Soviet military assistance to Cuba already presents a threat to the American Continent. I certainly do not subscribe to the notion that we need be disturbed only in the event the Cubans undertake to export their new Soviet military power elsewhere in the Western Hemisphere; I believe Soviet bases in Cuba alone are already a danger and a threat and cannot be tolerated.

But, Mr. Chairman, under our system the decision about what steps should properly be taken to deal with Cuba must rest with the President of the United States. We must not lose sight of the fact that we will not overthrow Castro just by resolutions passed here, no matter how strongly they may be worded.

Surely, the resolution before us is broad enough to cover any action the President may take. This resolution makes it clear that this House will firmly support the President in whatever action he does take.

This is all we should do or all we need to do today. If the President does act, if he authorizes, for example, the institution of a naval blockade, then we may well be facing difficult and dangerous days ahead.

Let us make no mistake about it, the action we take with regard to Cuba could well have reactions and repercussions in Berlin. Yet we cannot act with hesitation or timidity in dealing with the threat we presently face. To preserve the peace we must take risks. To prevent war we sometimes must be prepared to go, as Secretary Dulles once put it, to the very brink of war. If France and Britain had had the courage to act in the Rhineland in the spring of 1936, by sending in a single brigade to enforce the Treaty of Versailles, World War II might never have come. Ironically, their timidity, their fear of precipitating war, actually served to make that war more certain.

Mr. Chairman, I am convinced the President will act firmly and promptly to protect our security in the Western Hemisphere. Let us not look back today. Let us look forward. There will be opportunity aplenty for all of us to be brave and courageous within the framework of the present resolution. In this critical hour let us join ranks today behind the President of the United States. Let us demonstrate to the world that we are united in our resolve to prevent the creation of any Communist military threat within our Western Hemisphere, in reaffirming the principles of our historic Monroe Doctrine. Let us do that, and do it together, and then there need be no doubt anywhere on the part of anyone in the world.

Mr. HAYS. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I am proud to be associated with this resolution and urge its adoption. There has been a great deal of partisan debate on this resolution, but I say Mr. Eisenhower is not on trial here today; Allen Dulles, President Eisenhower's Director of the Central Intelligence Agency who was in charge of the ill-fated Bay of Pigs operation in Cuba, is not on trial here today; President Kennedy is not on trial here. It is Castro, Khrushchev and godless communism who are on trial before this Chamber today. And I hope no American will ever forget this.

The resolution as it comes from the committee is a good resolution, and I shall support it. I hope that all of us—not as Democrats or Republicans—but as Americans will stand shoulder to shoulder today and unanimously approve this resolution so that Communists all over the world will know once and for all that the United States has no intention of yielding to communism any further. By this show of unity and determination today, we can demonstrate to the entire world that we stand firmly behind President Kennedy in his determination that Cuba shall not become a base for Communist aggression.

This resolution has been carefully prepared by both the House Foreign Affairs Committee and the Committee on Foreign Affairs in the Senate. It reflects the determination of all Americans to deal forcefully with Castro and his Communist aggressors.

This resolution supports the President in his determination to stop the spread of communism in the Western Hemisphere through the use of armed force if necessary; it reaffirms our dedication to the Monroe Doctrine; it supports closer ties with those gallant Cuban anti-Castro and anti-Batista refugees who are today doing such an excellent job in fighting Castro.

Above all, this carefully drawn resolution reflects the many complex aspects of the world situation and tries to chart a course of firmness without plunging the entire world into a third world war.

Mr. Speaker, some spokesmen in this country have urged that we declare war on Castro immediately. This resolution supports the use of military force to suppress Castro, should that necessity become a reality; but it charts a course which can lead to the collapse of Castro without starting a worldwide nuclear holocaust.

I believe the American people have shown excellent judgment in not pushing the panic button, and it is unfortunate that men in public office or seeking public office in too many instances do not reflect the same good judgment that the American people have shown in the present situation. I am sure no American would ever want this Nation to cower under Castro's arrogant threats, but at the same time I believe the American people share the strong feeling that we are not going to plunge the entire world into a third world war because of the threats of this self-styled despot in Cuba.

It would be a source of very serious concern to all of us if the American people were to panic today because of the hallucinations of Fidel Castro. This country is too big and too powerful to be intimidated by Castro, even though he is clinging to the coattails of the Kremlin's No. 1 boss, Nikita Khrushchev.

President Kennedy has quite properly indicated that if and when the time comes when our intelligence shows that Cuba indeed constitutes a serious threat to the United States, we will not hesitate to use whatever means necessary, including armed force, to drive Castro and his followers off the Cuban island. But those who urge overt action today should pause to consider the consequences.

There is not a single stable government in South America today, and we have seen repeated examples within the last year of how easily present prodemocratic governments in South America can be overrun by mob rule. We know that throughout South America there are large pockets of Communists who are only waiting for an opportunity to touch off uprisings and revolts against so-called "Yankee imperialists."

Is there an American in our country today who has the slightest doubt that the United States can crush Castro with relatively little effort? If there is, this person places little faith in the courage of American soldiers.

This is not the issue today. Certainly we can destroy Castro within a few hours, but the question that Americans and the world must ask themselves is whether or not we are prepared to send American troops into every South American country which conceivably could fall into Communist hands as a result of widespread rioting in protest against any American overt action in Cuba.

We may very well have to take this risk in the foreseeable future, and if the day comes when armed force is necessary in Cuba to drive Castro out, I will be among the first to suggest such action. But on the basis of the information which I have from reliable sources in Cuba, I have every reason to believe that Castro's downfall through internal revolt is today predictable.

Two years ago, almost to a day, it was my privilege to help organize the Cuban Freedom Committee, which does the same work in the Western Hemisphere that Radio Free Europe, Inc., does in Europe. I am proud of the fact that I was able to play a key role in establishing this committee, which today is beaming 12 hours of Spanish-language broadcasts into Cuba from American standard-band radio stations in Florida, Key West, and New Orleans.

For 2 years the radio programs which the Cuban Freedom Committee has sponsored have been exposing the hypocrisy and the bankruptcy of Castro's Communist method. I believe that every member of this committee, which is made up of a group of distinguished Americans, deserves the gratitude of the American people for helping to penetrate the Castro curtain in Cuba and bring the truth to the gallant people of that island republic.

On the basis of information which the Cuban Freedom Committee has received from Cubans who have most recently escaped from Cuba, we have every reason to believe that Castro is in serious trouble. He has mobilized that nation's reservists, not because he wants to deter American aggression, as he has been telling the Cubans, but because he wants the armed forces on active duty to help crush the mounting uprisings which are occurring on the island almost daily.

Hunger and privation are apparent throughout Cuba today. There is a serious epidemic of gastroenteritis, a severe stomach ailment which is caused to a great extent by a lack of nutrition and the breakdown of sanitation facilities in Cuba.

Throughout the island, sporadic uprisings against the Communist oppressors are becoming commonplace. In Cardenas City recently more than 400 persons took to the streets, shouting "We are hungry" and "Down with communism." The same occurred in Jovellanos.

The Cuban people are indeed becoming more and more restless with Castro's failures, and I predict that Castro's days in Cuba—and, yes, the days of his Communist followers—are numbered. It would not surprise me to see the whole Castro curtain come crumbling down in a relatively short time, not because of any overt action on the part of the United States or the other nations of South America, but because of the heroic action of the Cuban people themselves.

It is for this reason that I believe the resolution which we are debating today provides sufficient guidelines and certainly reaffirms again in the strongest language possible our firm determination that there can be no coexistence between Castroism and Americanism in the Western Hemisphere.

We know that President Kennedy is very carefully observing developments in Cuba. This resolution makes it crystal clear that the American people are behind the President's position.

During debate here today, there were various statements made about the extent of the Soviet military buildup in Cuba. Some of the statements would indicate that the Soviet Union had indeed brought into Cuba offensive weapons that constitute a threat to the United States. Our own intelligence sources maintain that the armament presently housed in Cuba is only of a defensive nature.

Just so there can be no disagreement as to the extent of the Soviet military build-up, I would urge upon President Kennedy to order a resumption of unarmed U-2 flights over Cuba so that this Nation can be secure in properly evaluating the military build-up in this island republic.

It would be my hope that the President announce to the world that in order to maintain peace in the Western Hemisphere and in order to avoid any armed conflict through miscalculation, we will resume such aerial flights for intelligence purposes over the island as quickly as possible.

I am fully aware that Castro and Khrushchev and all of their Communist fellow travelers throughout the world would scream in violent protest against such action; but I am equally sure that the sober and intelligent elements of world opinion would recognize immediately that resumption of such unarmed flights over Cuba is designed to maintain and preserve peace.

This Nation has stated repeatedly that we will not interfere with the internal affairs of Cuba so long as its armed buildup is limited to defensive weapons. But we have not only a right, but a duty, consistent with the Monroe Doctrine, to clearly and unquestionably ascertain the nature of the Cuban Communist military buildup.

It is for this reason that I urge the resumption of unarmed U-2 flights. The alternative is to rely on speculation and perhaps misinformation, and it would be tragic if the world were to be plunged into a third world war on the basis of erroneous information. We have no territorial designs on Cuba or any other nation in the Western Hemisphere or, for that matter, any nation in the world. But the time has come when we have a right to ascertain exactly to what degree has Khrushchev exported his evil designs for the conquest of the world into the Western Hemisphere.

I submit that Khrushchev's and Castro's protests against such flights would fall on hollow ears in responsible quarters throughout the world once they realized that such flights are designed to maintain peace throughout the world and prevent a war through miscalculation or misinformation.

Mr. Chairman, I submit that the broad language of this resolution would support the President in any action he decides to take to meet the mid-20th century challenge to American sovereignty in the Western Hemisphere. I strongly urge the adoption of the committee's resolution, and I do hope that those who are proposing a substitute resolution will heed the words of wisdom from our Speaker, the gentleman from Massachusetts [Mr. McCormack], who has warned that the substitute resolution being proposed actually is weaker and restricts the President's action, in contrast to the broad language incorporated in the committee's resolution presented to this House today.

Mr. HAYS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I share the view of many of the speakers on both sides of the aisle. There is enough blame for why Castro is where he is to go around.

I made a speech to the House not in 1960 but on April 30, 1959, and inserted in the Record a story from News Week pointing out that Castro was telling the people of Cuba one thing and telling the people of the United States on his triumphal tour another thing. I had a call from the then Assistant Secretary of State asking: What are you trying to do, ruin our relations with this agrarian reformer?

I know there are a few people here who have indicated they would like to strengthen this resolution to the point where they could make the President declare war and then point to him as a war party man. The Members on my side of the aisle ought to consider that.

I am just as tough about Castro as anybody in the House, but we do have commitments around the world. I said several years ago that I was an admirer of Teddy Roosevelt and his slogan, "Walk softly and carry a big stick." But when he was President, the biggest missile he had was a 17-inch gun which could shoot about 14 miles and not very accurately at that. He did not have 6,000 ICBM's with nuclear warheads to contend with. I think we ought to lay down a demarcation line, but I do not think we ought to let this fuzzy-faced kleptomaniac, Castro, conceal his real intentions.

I did not stop on April 30, 1959, because the State Department asked me to. I said then in a speech that Castro was a fuzzy-faced maniac who, if he said he was not a Communist, did not know one when he looked in the mirror.

Why did I say that? There are a lot of experts on communism around here today, but I did not hear one of them put his finger on any of the real points. Here is the way you can tell a Communist: When a revolution occurs in a country and the Communists take over, he immediately shoots everybody who might have brains enough to mount a counterrevolution against him. I am sure three or four of the people Castro shot deserved it. But of the several hundred and more than a thousand he shot he wanted to make sure a lot of them were shot for the reason he thought they were smart enough to get the message to the Cuban people about what he really was.

This resolution is plenty strong in its context right now. I will say if anybody in this House wants to declare war, then why does he not offer a resolution? Congress does have that power.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I have seen a copy of the motion to recommit, and, from my reading of it, it is more restrictive than this resolution is. It relates to the Monroe Doctrine. The Monroe Doctrine is in here without reference. It says:

> To prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

We may want to act in our own national interest. The proposed substitute is a restriction and limitation of this resolution.

Mr. HAYS. He wants to take this as being a unilateral situation and making it multilateral.

I want to praise the gentleman who will offer that motion to recommit. I like him. I have liked him since the first day he became a member of the committee. He is a constructive thinker. I am talking about the gentleman from Michigan [Mr. BROOMFIELD]. I think, however, he has been a little misled. I understand the reason. His resolution is to short circuit a real bad one. Let us face that. I think the the gentleman's recommittal motion does not do anything. I agree with the Speaker, it restricts. I will say this resolution gives the President the power to take action. It gives him all the power he needs. It tells him that Congress is behind him, and if anybody wants to make politics out of that 2 years from now, if the situation is deteriorated, or 1 year from now, you can go home and say, "I voted for a resolution to give him what he needed and he did not use it."

I do not want to be in the position of trying to force the President to declare war. I was here when the Korean situation started.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I would like to point out to the Speaker that my amendment is not restrictive, because if he will read the language I want to have inserted in (2), where it states very clearly and concisely that the Congress of the United States urges the President, in accordance with existing law, to take, and supports him in taking, jointly with other free nations or unilaterally, such political, diplomatic, economic, or military action as may be necessary to implement and enforce the Monroe Doctrine throughout this hemisphere.

I do not think it is restrictive at all.

Mr. HAYS. I will say to the gentleman in answer to that that this whole argument this afternoon to my way of thinking has been an argument in semantics. I concur with the gentleman from Ohio [Mr. Bow] that the resolution as it is written does what needs to be done.

Mr. Chairman, I hope that the recommittal motion will be voted down. I hope the resolution will pass unanimously.

Mr. JUDD. Mr. Chairman, I yield myself the balance of the time on this side.

Mr. Chairman, 21 years ago an event happened one Sunday morning at Pearl Harbor which with all its tragic losses did have some beneficial results:

First, it made us know that the Axis was an enemy of the United States, an enemy of ours. Second, it ended the illusion that maybe we could buy the enemy off by selling it scrap iron, oil, et cetera, to use against other peoples. Third, it made the American people and the American Government know that we had to overcome that enemy. Fourth, it gave us the will and the unity to do whatever was necessary to succeed.

Mr. Chairman, in our own hemisphere something worse than Pearl Harbor has happened. A base has been taken, not just attacked, that is closer to us; the enemy already invading our hemisphere is much stronger and more dangerous; and the weapons available to that enemy are so much deadlier and more varied and deceptive than those of the enemy we faced 21 years ago.

But, Mr. Chairman, this disaster has not yet had the beneficial results that Pearl Harbor had. Some people in the world, and unfortunately some in our own country, still have not realized that the Soviet Union and the international Communist movement it directs are an enemy, most of all, of the United States of America. Some still harbor the illusion that, perhaps, with another conversation here or another concession there we can arrange a modus vivendi with that enemy that will leave us and the hemisphere secure. We have not yet made up our mind that we have to do whatever is necessary to overcome that enemy. As a result, some in other friendly countries, and perhaps the adversary, doubt that we now have the will and the unity to do whatever is required to overcome this enemy—by political, diplomatic, economic, or if necessary military means.

Mr. Chairman, what we are trying to do in this resolution it to speak for our own people—we know what they want us to do—in telling the adversary in unmistakable terms that there is no question about the unity of the people of the United States, the Congress, and the executive branch of the Government on this matter. The United States will not accept this Communist base in Cuba. We want also to send this clear word to our allies, because I am almost more alarmed that they may get an impression that we are willing to back down a little bit more here or there in the hope of being able to work out a settlement that would let us survive, no matter what it might do to them. Such an impression could erode their will and unity, their confidence in us, faster than anything else.

Mr. Chairman, I did not think the original resolution drafted in the executive branch was satisfactory; it was not clear and plain and unmistakable. I wish they had consulted our committees in order to get an agreed text before releasing it to the public—because any changes thereafter always arouse speculation as to just why they were made. Two or three amendments I offered in committee were accepted, making the resolution stronger. Both I and other members wanted still further amendments. But there was not time in committee to get them fully considered because it was deemed necessary to get the resolution out at the same time as the Senate committee. So we now have this resolution before us. I have no objection to the points made in the motion to recommit—but the main thing is our unity—and I do not believe the offering of these words at this stage will add enough to our total posture to offset the impression of disunity on the main object of the resolution, when as a matter of fact, there is no disunity of purpose. Why encourage our enemy to think there is and overreach himself, increasing the danger? Why encourage our allies to be uncertain about us, increasing our danger?

So, Mr. Chairman, I wish my side would not offer the motion; or that your side would accept it. In either case we would be strong, because united. If the amendment were not offered, or if it were adopted, it would not change significantly the main message we are trying to send out today. I think we should not endanger or confuse that main message which we wish to send to our adversaries, to the neutrals, to our allies and friends, and to our own people—that we are united, strong, and determined in dealing with this new Pearl Harbor.

Mr. Chairman, every man has to search his own conscience and make his decision for himself. Above all we must be, as well as appear, united at this moment of crisis in our history.

Mr. MORGAN. Mr. Chairman, I yield as much time as he may desire to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Chairman, I support this resolution.

I support it because it strengthens the hand of the President in these difficult times.

I support it also because it will show to Castro, to Khrushchev, and to the world that the Congress of the United States is in back of the President in whatever course he may consider necessary to take in coping with the problem in Cuba.

The Congress cannot direct the President as to the details of action. We cannot make a day-to-day appraisal of the situation, nor can we determine the time or place of any defensive steps that might be required.

On the other hand, we can support the President and give him evidence of our firm backing. In my opinion, the resolution does exactly this. There may be some difference of opinion about the language. There are parts of the resolution which I might revise if it were to be rewritten. But I believe it is a good resolution and one that is worthy of support.

This resolution affirms the policy of the Monroe Doctrine to exclude the extension of European systems to this hemisphere. It also affirms the right of individual or collective self-defense in the event of an attack by any state against an American state. It affirms solidarity with other nations of this hemisphere.

Most important, however, it expresses the determination of the United States to prevent the Cuban regime from extending its aggressive or subversive activities to any part of this hemisphere, as well as our national determination to prevent in Cuba the creation or use of an externally supplied military capability endangering the security of the United States.

Not least, the resolution concludes with a statement of our determination to support the aspirations of Cuban people for self-determination.

I, myself, filed a resolution to express the determination of the United States in these particulars, and I am happy to support this resolution.

Mr. MORGAN. Mr. Chairman, I yield as much time as he may desire to the gentleman from Tennessee [Mr. LOSER].

Mr. LOSER. Mr. Chairman, I wholeheartedly support the joint resolution expressing the determination of the people of the United States to defeat communism and the designs of Communist aggression in this hemisphere and to do so by whatever means are consistent with our established policies, including the Monroe Doctrine and the requirements of national security.

This resolution is clear and emphasizes the will of the American people to halt any Communist aggression or subversion from Cuba or any other country. It also recites a firm policy position of the United States on Communist expansion and it should serve to strengthen the President in his stated determination to take whatever action that may be necessary to protect the security of the United States and its neighbors.

Mr. MORGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Chairman, the distinguished gentleman from Minnesota who has been a member of this committee for a long time, has made the point that I had intended to make more eloquently than I can make it. We have here a resolution which comes to us unanimously from one of the great committees of the House. The same resolution has been passed by the other body of the Congress by almost a unanimous vote. It expresses the united will of almost all of the Members of Congress in an area where we should be united regardless of the body in which we serve, and regardless of political alinement.

The resolution which comes here, it seems to me—and I agree with the view expressed by our distinguished Speaker—is stronger than the substitute which will be offered in the motion to recommit. The resolution which comes to us here expresses our determination to defend this country and this hemisphere within or without the provisions of the Monroe Doctrine and sets an affirmative policy to that end. This resolution gives the President the power to take whatever action is necessary in this hemisphere to defend ourselves and to make secure our land.

Of all sad words of tongue or pen,
The saddest of all is, "It might have been."

We should not be considering now when Castro came to power or who was President when he came to power. We should not be considering now what we did in 1960 or did not do in 1961. The issue here is what are we going to do in the future? The issue here is whether we are going to speak with one voice or with a babble of tongues. The issue here is whether we are a united nation and whether we in Congress give voice to the purposes of a united people.

Let us back the Committee on Foreign Affairs. Let us adopt the resolution that the other body has adopted. Let us make this the unanimous action of the Congress of the United States.

Mr. SCHADEBERG. Mr. Chairman, I have not always agreed with the position of our President in times of international crises but I have at all times stood unfailingly behind him in foreign policy decisions once he has made them. Support of the President's policy does not necessarily mean agreement. I want to state publicly for the record that I disagree with his policy as it relates to Cuba. I believe he has shown a lack of needed initiative to take the offensive for freedom in this hemisphere. In his reaction to the activities of Khrushchev and Castro he has vacillated and hesitated.

Our responsibility is not to press the panic button but to accurately assess the situation and with courage and conviction to move boldly to assist the President in carrying out the letter and the spirit of the Monroe Doctrine; and should he for reasons known only to him be hesitant to carry out the letter and spirit of the Monroe Doctrine to encourage him to do so.

It is true that a spark ignited in any one of many areas of smouldering concern might result in a war of uncertain type and intensity in another, but I submit that failure to act with decisiveness today will only delay the decision that must ultimately be made if we are not to become victims of the rather-red-than-dead philosophy.

These are times fraught with danger. In a dangerous era we must with courage live dangerously for what we believe to be moral and right.

I do not want to see this cold war turn into a hot war. As a chaplain serving on active duty during World War II I buried many at sea who had given their lives that we might live in freedom. I know that freedom does not come cheap. It cannot be preserved without sacrifice, even as it was not bought without sacrifice. We must avoid a hot war if possible but we must win this cold war else we will enter a hot war or by default capitulate in ignominity to the godless masters of the Communist state.

I rise in support of a stronger resolution than Senate Joint Resolution 230. Failing in this I will support the resolution.

Mr. WALLHAUSER. Mr. Chairman, I am sure that all true Americans want to support the President of the United States in his actions in connection with the Cuban-Soviet threat.

It is my belief that he should be invited to appear before a joint session of the Congress to give the American people and our friends to the south the complete picture of the dangers that we presently face and the course of action that he recommends not only now, but in the future, to combat the threat to our security from Cuba and its communistic overlords in this hemisphere.

I support him fully in his heavy responsibility, and I am certain that whatever course he selects will be supported by all Americans except a very few.

Mrs. BOLTON. Mr. Chairman, I find it impossible to be present for the vote on Senate Joint Resolution 230, expressing the determination of the United States with respect to the situation in Cuba, but I do want to take this opportunity to express my support of this measure. It is my hope that the resolution will fortify the President, and, at the same time, serve notice upon those hostile to us that we Americans are determined to protect our vital interests.

Mr. ADDABBO. Mr. Chairman, I rise in support of House Joint Resolution 886. I am heartily in accord with the principles of this resolution, having introduced a similar resolution myself.

The passage of this resolution, in my opinion, will serve notice to the world that the Congress, representing the American people, stands firmly with the President in his determination that we will not stand idly by while a Communist stronghold is built on our doorstep, if such buildup in any way endangers the security of the United States and our Western Hemisphere neighbors.

We here recommit ourselves to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The announcement yesterday by Fidel Castro that a base for the repair of the fishing fleet of the U.S.S.R. will be built in Cuba makes it imperative that we resolve that our founding principles be redeclared and reinforced. Certainly, we cannot be so naive as to believe that this port will be for a fishing fleet.

It is my fervent hope and prayer that peace will reign supreme, but we cannot sacrifice all things just for the sake of temporary peace, and must now reaffirm our basic principles.

Mr. BENNETT of Florida. Mr. Chairman, on the first day of our session in January of 1960, almost 3 years ago, I introduced the first resolution of this nature that was introduced in Congress. In June of that year a hearing was had upon it, but, in view of adverse reports from the Department of State, the resolution was never approved in the 86th Congress. On the first day of the current Congress, January 1961, I introduced another similar resolution, the first in this session of Congress. I repeatedly requested hearings upon it. Finally, Secretary of State Dean Rusk was questioned by me recently in a joint meeting of the House Foreign Affairs and House Armed Services Committees and he replied that he favored the substance of my resolution; and promptly thereafter many persons, including myself, introduced the precise resolution we have before us now. I am glad to have had this part in this important legislative action and to be a coauthor of the bill that is before us. Perhaps it could be improved here and there by slight changes in language, but certainly we do not wish to weaken it; and I note that the Speaker finds that the proposed Republican substitute will, in his opinion, weaken rather than strengthen the resolution, despite any intentions to the contrary. Therefore, I urge that we vote down the motion to recommit and pass this resolution by unanimous action.

Mr. HERLONG. Mr. Chairman, I find it difficult to believe that there are those who, at a time like this, when our country is in dire peril by reason of the Communist invasion of the Western Hemisphere, would let the consideration of this resolution today degenerate to a partisan political level. The question is not who got us into this mess. Goodness knows, there is blame enough to go around and more besides. The question is how do we best get out of it and in this we must be as one and put our country's interests ahead of partisan politics.

I condemn inaction on the part of this or any other administration. I realize that we in Congress do not have all the information that they may have downtown. I realize, too, that if there are plans in the making we should avoid tipping our hand, but the American people and certainly those in my district and State have been aroused to a point that it is up to us as their Representatives to let the present occupant of the White House know that we believe and in fact insist that positive unilateral action should be taken to preserve the tenets of the Monroe Doctrine.

The President has urged us to keep cool and to keep the problem in its proper perspective. This is exactly what we are doing, and we want this administration to at least for once bring this problem up to its proper perspective, which is No. 1 among the problems facing us today. How futile it seems to us to be arguing about who is going to get to the moon first in 10 years or so when the real problem is not 233,000 miles away, if that is the distance to the moon, but is only 90 miles—as the missile flies—from the shores of my home State.

I thought that Neville Chamberlain proved a long time ago that you could not put an umbrella over a country that a dictator coveted and expect that that would keep him out. The Monroe Doctrine says that we should consider any attempt by any extracontinental nation to extend its system to any country in the Western Hemisphere as dangerous to our peace and security. The attempt has been made. The system has been extended to a country in this hemisphere, and our peace and security are threatened and I am scared—as are most other people who have taken the time to think about this and who know anything about how the Communists operate.

The President was quite forthright in his statement of April 20, 1961, about what we were going to do, but today unless he has some plans that we do not know about, he is eating his own words, because Khrushchev has crossed the entire ocean and is feverishly building bases, and we do not act to throw him out. Instead, the statement is made that we should not engage in rash talk about unilateral action as it might give some color of legitimacy to the claims that the Soviets make, that such a threat of unilateral action exists.

In the first place, I have not noticed heretofore that the Communists had to have any color of legitimacy in order for them to make claims, but more than that I think it is time we quit worrying so much about what other countries think about us. This willy-nilly vacillating policy of trying to please everybody with a Caspar Milquetoast type of foreign policy can only lessen the respect other nations have for us. They may not like us if we deal from a position of strength, but believe me, they will respect us. Today, sadly, it is pretty obvious that they neither like us nor respect us.

Just today I had a letter from a friend traveling in Italy who said:

> If you could hear the polite criticism of our no-positive-policy Government which we have heard over here, the importance of the legislation that the Congress passed denying aid to anyone trading with Cuba would be better appreciated.

We have got everything to gain and nothing to lose by taking unilateral action to enforce the Monroe Doctrine. If Khrushchev is ready to start a war over his base 90 miles from our shores, then he is ready for a war, period. If we retreat or do nothing in Cuba, he will find some other provocation.

The President has conceded the validity of the Monroe Doctrine. He says he has authority now to take such action as is necessary. I hope in making up his mind as to what is necessary that he will listen to the voice of the American people and not pay so much attention to the pantywaists in the State Department who seem to think you can be all things to all people.

Mr. ROUSH. Mr. Chairman, the development of a Communist government in the Western Hemisphere is a situation that disturbs every American. It is disturbing to have the Communist menace secure a base of operations so close to our shore and so strategic to the volatile Latin American countries. It is even more disturbing to see the happy, friendly Cuban people forced under the yoke of a Communist dictator.

I believe we are moving correctly in expressing our sentiments in the matter of Cuba as this resolution does. Let no man question the unanimity with which our President speaks for America when he declares that our ultimate goal is eradication of Castro's communistic government and the return of a democratic society in Cuba. Let no man question the solidarity which exists in this country behind the President's declaration to use whatever means necessary to prevent the spread of communism to other Republics of this hemisphere.

It was more than unfortunate that the Castro government was allowed to import communistic ideology, communistic systems, and communistic arms into this hemisphere. It was a disaster. But our problem now is not what should have been done in 1959 and 1960 when Castro came to power and turned to the Communists. Our problem is what do we do now and in the future. I believe this resolution expresses the sense, not only of the Congress, but of the entire Nation.

There are those who mix hindsight with emotion and call for war against Cuba. I have fought in war and I do not shrink from it in defense of our Nation and its honor. But I do not believe it is responsible thinking to call for the spilling of American blood on Cuban beaches to play on the emotions of the electorate in this election year. The time calls for vision and for thoughtful decisions not rash and irresponsible cries for war.

I am sorry that some people, people who should be more responsible, people from my own State, have joined and even led this cry. This merely plays into the hands of the Communists who seek to justify their increased armament of the island of Cuba. It only gives them the respectability of defense to the watching eyes of the uncommitted world to have these calls for war eminate from voices of leadership in this country.

There is much that can be done about Cuba, and I believe our President will continue to exert every effort to bring about the downfall of the dictatorship. We must insist that our allies cut off all trade with the island that might prolong the Castro regime. We might recognize a duly established Cuban Government in cratic institutions there. We must increase our information programs directed at Cuba and other Latin countries to exile to prepare for the return of demo- get the truth about Castro and communism better known in those lands.

I support this resolution and I know that in doing so I speak for the people of my district.

Mr. DERWINSKI. Mr. Chairman, I join those Members of the House who feel that the resolution before us does not spell out in as effective a manner as it could the feeling of the Congress on this subject. I wish to make special mention of the fact that we in the legislative branch of Government in adopting resolutions of this nature are speaking for the constituents we represent. I feel safe in saying, as I am saying, without fear of contradiction, that the overwhelming majority of our Nation's citizens would hope for a stronger, more forceful resolution.

However, the intent of Congress should be perfectly clear. We recognize the tragedy that has befallen the Cuban people; we recognize that the Castro government is a menace to the freedom of Latin America; we recognize that the Castro government speaks not for the people of Cuba but for international Communism. Therefore, we present this resolution expressing the sense of Congress that the import of the problem of Cuba be recognized by our State Department and that strength replace vacillation; constructive programs replace confusion, and determination to pursue the road of righteousness should be followed.

I also join the many Members who emphasize the fact that the Monroe Doctrine is just as alive today as at the time of enunciation. The control of Cuba by the Communists is a violation of the Monroe Doctrine. We so recognize this and must serve notice on our State Department that the Congress and the people ask for implementation and enforcement of the Monroe Doctrine.

As Congress moves toward a close, it is certainly proper that we strengthen the hand of the President by the passage of this resolution.

Mr. BRADEMAS. Mr. Chairman, the United States is determined to prevent the export of Castroism to Latin America. This determination is firmly and unequivocally stated in the joint resolution before us today. Let no one mistake the sincerity and depth of feeling which this resolution expresses. Its message is directed alike to Castro and his Soviet masters. President Kennedy voiced the same determination when he said:

> Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

The bright beacon of social progress which Castro once claimed light on that island is now tarnished and dark—begrimed by complicity with the ugly ambitions of the Soviet Union. As an ally of the Communists, Castro can no longer pretend to stand in the noble tradition of Latin American independence symbolized by José Marti and Simon Bolivar. We resist Soviet ambitions in Cuba because we hope that the Cuban people will still be able to achieve the independence, freedom and reforms to which they aspire, and which Castro has utterly failed to give them.

It is no new experience for nations devoted to the freedom and dignity of the individual to combat Communist ambitions. We now confront the Soviet bloc in every sector of the globe.

In Berlin, where the steel and concrete reality of the wall—a wall which I saw myself last fall—stands as a silent symbol of Communist enslavement.

In South Vietnam, where, amidst hand and knife combat, peasant aspirations have been perverted to Communist ends.

In Africa, where millions of people are struggling to move into the 20th century.

In the Arctic, where in the lonely vastness, brave men maintain an electronic tripwire to guard our northern ramparts.

Because the battle against communism is worldwide, we must view today's crisis and fashion our policy to meet it with the same worldwide vision and determination. Even as we resist Soviet aspirations in Latin America, we must continue to guard against giving the Communists the victories they seek elsewhere, either in Berlin, in South Vietnam, in Africa, or in the Arctic.

Moreover, as we are all aware, it has been a clear postulate of Soviet policy to seek to disrupt and fragment the cohesion of the Western alliance. This is a goal they pursue today and this is why, as we confront the crisis in Cuba, we must never let our gaze be turned away from this persistent effort of Soviet policy to erode our position elsewhere.

For example, in NATO, the Soviets seize every opportunity to disrupt the alliance which is the cornerstone of our strength in Europe.

In the United Nations, which has helped to keep the peace and, against high odds, to foster stability in Korea, Suez, Lebanon, and the Congo, the Soviets and their puppets never cease their efforts to woo others to their cause.

In the underdeveloped areas, which for many reasons of history and location, often view the world from an angle sharply different from ours, the Communists exploit every grievance as they try to discredit our efforts in helping in the immense task of building free and democratic societies.

Most of all, in Berlin, where armed Soviet and American soldiers face each other daily, and in South Vietnam, where American men are risking their lives, do we see the clear and inescapable fact that the Communist challenge extends beyond Havana to every corner of the globe.

Mr. Chairman, we Americans are confident that the great majority of the Cuban people want to be free. It is this goal of freedom for the people of this unhappy land that must be our aspiration and hope and determination. It is this hope and determination which this joint resolution reflects.

I hope the resolution passes overwhelmingly and that we show not the face of division but of unity to Castro and Khrushchev and all the world.

Mr. DONOHUE. Mr. Chairman, I rise in support of this joint resolution before us, designed to express "the determination of the United States with respect to the situation in Cuba," and I most earnestly hope that this House will unanimously adopt it without extended delay.

As we are all aware, this resolution is entirely consistent with the statement of policy on Cuba issued by the President last September 13. Indeed, this resolution is intended to reinforce that statement and demonstrate to everyone concerned that there is no doubt of the fundamental policy and determination of the United States concerning the present government of Cuba.

As indicated in the reports accompanying this resolution, the developments in Cuba are of major concern to us but the known military capabilities in Cuba do not yet endanger the security of the United States. Rather, the most dangerous threat within these developments is against the nearby Latin American countries.

By the adoption of this resolution we make it clear that this country does not intend to tolerate the projection of any aggressive or subversive activities from Cuba, by force, to any part of this hemisphere, nor do we intend to tolerate the establishment in Cuba of a military capability that could endanger the security of the people of the United States. The resolution clearly implies, without any provocative language, that all required means, including resort to arms, will be used, if necessary, to prevent either of these projections.

In summary, this resolution reveals that this Nation is united in its determination to act resolutely to prevent any expansion of the Soviet-Cuban power in South America, to discourage the development of any offensive military potential in Cuba and to encourage the hopes and the desires of the Cuban people for independence.

In practical projection and in the absence of any overt challenge from Cuba, it would appear that this resolution states, with dignity and brevity, the full sense of our national sentiment at this time.

This joint resolution, indeed, is not a threat but it should be interpreted, in the right places, as a warning that the United States, in accordance with tradition, is prepared to take whatever steps may be necessary to prevent any expanding developments in the Cuban area which are inconsistent with the security of the American people and the safety of the Western Hemisphere. In good conscience, in good faith and with traditional patriotic devotion, let us promptly adopt the resolution.

AMERICA'S ROLE IN THE CUBAN SITUATION

Mr. RODINO. Mr. Chairman, today the voice of the American people, casting aside politics and partisanship, has spoken out firmly and strongly, echoing the words of our President that "this country will do whatever must be done in order to insure our security."

There is no question as to what is meant by the words "to prevent by whatever means may be necessary, including the use of arms." This is simple, direct, even blunt language. This is the language that the Communists understand. And it is the only way that we can talk when we discuss the grave situation in Cuba. We must speak out with one voice, demonstrating that all America is 100 percent behind the President, leaving no doubt in the minds of Communists in Cuba, in this hemisphere, or in Russia that we are willing to fight, if necessary, to protect our security and the sovereignty of all American nations.

But though we stand united and strong against the threat to our Nation and our neighbors, we must act wisely, deliberately and well. We must not be swept up in hysteria. This is a situation calling for action stemming from the best possible thinking of clear and reasonable minds.

The action we take, moreover, must be in concert with our American neighbors and friends. We are not in this alone. The Communist threat is as real to other American nations as it is to our Nation. The action we take must, therefore, be in concert with them, not a unilateral move on our part.

Let us now move to adopt the resolution passed to us by the other body. Let us demonstrate by our vote the unanimity of Americans everywhere in their support of our President, so that the Communist world can fully understand the utter strength of our resolve and the free world can continue to look upon America, and respect her, as the leader of the fight for freedom and self-determination of people everywhere.

Mr. HECHLER. Mr. Chairman, the American people are justifiably aroused over the Soviet buildup in Cuba. It is very healthy that the Congress is giving expression to the deep concern of the people over this buildup.

It is difficult to understand why we should stand idly by while our allies, to many of whom we extend foreign aid, persist in trade with Cuba. I am disappointed that our friends and neighbors in other parts of Latin America have not responded with greater vigor in joining our efforts to curb Castro and the Soviet influence in Cuba.

I voted and spoke out in favor of amendments to the foreign aid bill to stiffen control over and prohibit extending aid which might find its way in transshipments to Cuba. But I am not in favor of any declaration of war, for the purpose of our foreign policy is to preserve the peace. Nevertheless, we must make crystal clear that we will not tolerate any direct threat to American security in this hemisphere or elsewhere.

This is one of the most important resolutions on which I have voted since coming to the Congress. It may well determine whether we can preserve the peace and avoid war.

So many wars in the past have been caused by misunderstandings—particularly when other nations have not fully realized that the United States will go to war if its security is directly threatened.

Mr. Chairman, I support this resolution and hope that it is overwhelmingly adopted. This resolution if adopted will demonstrate the unity which we in this Nation must present in order to achieve our maximum strength and influence. The precise language of this resolution may not satisfy each and every Member 100 percent. Yet if we each wrote our own version, it might result in a Babel of divided voices, thus defeating the purpose of this resolution by exaggerating a disunity which does not in fact exist.

I have faith in the extended work of the other body and the careful work of the House Foreign Affairs Committee. But there is an even more important point here. We in Congress must not set this body up as a maker of foreign policy, nor should we attempt to define with very detailed precision the moves which should be carried out in the best interests of our national defense strategy. The President of the United States, as commander in chief, should have that authority and the freedom to move in the interests of our national security in the making of our foreign policy and in the formulation of our defense strategy.

For all of these reasons, I intend to vote for this resolution and hope that its passage will provide a rallying cry for freedom among the peoples of those nations who may not yet appreciate the seriousness of the Castro threats. I do not believe that Castro's Cuba is a dagger pointed at our throats, capable of destroying us. The threat, rather, comes from the danger that this buildup might goad us into acts of war which will unleash a nuclear holocaust. However, I believe the resolution clearly recognizes the possible danger that the Soviet buildup, or other overt acts by the Castro regime, might in the future constitute the kind of direct threat to American security which will warrant further and decisive action—and that is another reason why I believe the resolution is a firm and healthy one which deserves overwhelming support.

Mr. JENSEN. Mr. Chairman, I will read the joint resolution passed by the 84th Congress, January 29, 1955, authorizing the President to take such action as he deemed necessary to stop the Red Chinese Communists from making an armed attack on Formosa and the Pescadores.

I will read the resolution in full:

HOUSE JOINT RESOLUTION 159

Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores; and

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the western Pacific island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

Approved January 29, 1955.

Immediately after the passage of that resolution the President sent the 7th Fleet into the Formosa Straits, which proved to the Reds that Uncle Sam was not bluffing, and the result was that the planned Red attack on Formosa did not materialize.

Why, I ask, do we not pass a similar resolution now, since we are faced with a very similar situation in Cuba, where the Castro and the Russian Communists have joined forces to establish a military toehold only 90 miles from the U.S. mainland?

Our President has not asked Congress to give him authority to deal with that problem effectively and decisively. But instead we are now faced with a weak-kneed resolution which in effect gives the President no more authority to deal with this powder keg Cuban problem than he already has.

Mr. Chairman, it must be pointed out that the President of the United States under his war powers, could and should have long ago sent a sufficient arm of our naval fleet to patrol the waters around Cuba. Had this been done, I am sure that all ships flying the flag of any foreign nation, Russian included, would never have crossed the line loaded with instruments of war for Castro. The American people are asking, "What are we waiting for?" It is noteworthy that so long as Gen. Dwight D. Eisenhower was President of the United States, the Russian Communists were very careful not to show one iota of military cooperation with Castro, for they knew only too well that Ike would not permit a Red military buildup in Cuba's tent which is now going on, full speed ahead.

Mr. Chairman, I suggest the words "Formosa and the Pescadores" in the joint resolution passed by Congress in 1955 be substituted by inserting in lieu thereof these words: "the United States and all sister nations within the confines of the Monroe Doctrine as originally spelled out."

May I say in conclusion, that, regardless of the nature of resolutions we pass today, I sincerely hope and pray that the Communists will understand and that Uncle Sam is ready to take any means necessary to stop their military buildup in Cuba.

Mrs. HANSEN. Mr. Chairman, I wish to add my voice to those of my distinguished colleagues who have spoken in favor of Senate Joint Resolution 230, which expresses the firm support of the

Congress for the President in the present Cuban crisis.

I am heartily in accord with the resolution, in view of the critical state of our relations with Cuba at this time, when the Soviet Union is getting bolder and bolder in its contributions to the military strength of the Cuban Government, as well as in advancing its own espionage activities in this hemisphere, for instance, through the fishing port which has just been announced.

Communism cannot be allowed to spread in our Western Hemisphere, and I feel that we are absolutely right in declaring to all the world that we are willing to support whatever means may be necessary to insure that it does not spread. Our President has made it known that the United States will take action if the buildup in Cuba reaches such proportions as to present a threat to this country or its Latin American neighbors. I heartily endorse the expression by Congress of our willingness to support him in this action, whatever form it may have to take.

We all acknowledge that the President alone can have access to all the information necessary, and alone can be aware of all the considerations which must go into the formulation of foreign policy decisions. Senate Joint Resolution 230 also acknowledges this reality of the operation of our Government, and makes known to all the world, and most particularly to the Soviet Union, that the President has the unanimous support of the American people and their elected representatives in Congress in whatever actions he may take to keep this hemisphere free of the tyranny of communism. I, therefore, wholeheartedly support it.

Mr. MOELLER. Mr. Chairman, I would like to take this opportunity to express my full support for the two strong resolutions passed by this House on September 24 and September 26 in support of the President's position in defending American rights and American interests in the Caribbean.

The first resolution authorizes the President to call up 150,000 reservists to active duty and extend the tours of those now on active duty while Congress is adjourned. This should give ample support to the President and show the Kremlin that Americans stand united in their determination to defend their interests wherever they may be challenged around the world.

The second resolution outlines our determination to prevent the spread of Cuba's Marxist-Leninist regime or its subversive activities to any part of the Western Hemisphere, to prevent the creation of a military capability in Cuba dangerous to the U.S. security, and to work with the Organization of American States and the freedom-loving Cuban people in support of their aspirations for self-determination.

These two resolutions of the Congress, passed with virtually unanimous consent and approval, add great emphasis and strength to the President's firm and precise outline of the U.S. position on the Cuban situation given on September 13.

I would like to quote briefly from that statement of position:

> If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of American citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force or threat of force against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

This warning is both timely and unmistakably clear. There should be no doubt about its meaning in Havana nor in Moscow.

We do not, nor will we stand idly by when our vital interests and the vital interests of our friends are challenged.

At the present time we are consulting with the other members of the Organization of American States about more concrete steps to isolate and quarantine this Caribbean cancer before it spreads to its neighbors.

While it may be easy for some of our more volatile friends to call for immediate invasion of Cuba as the solution, we must not allow ourselves to be stampeded into hasty and ill-considered action—which might very well do more harm than good at the present time.

But let us not rule out such strong action for the future, should circumstances dictate this move either in conjunction with our fellow American Republics or unilaterally, if that should prove necessary.

By giving all measure of support to the freedom-loving elements of the Cuban people, by establishing Spanish-speaking units of our military forces to train Cuban nationals (as we are now in the process of doing), by continuing our economic embargo of Cuba, by encouraging our friends and allies around the world to join us in isolating this Caribbean menace, but, perhaps of overriding importance, by pushing forward with the positive and forward-looking program embodied in the Alliance for Progress—by all these means will we succeed in destroying this Communist outpost in the New World and at the same time creating a truly new world of opportunity—economic, social, and political—for the underprivileged masses of the Latin nations of this hemisphere.

We must not only have a negative or defensive program of military strength to deter the Communists here and across the ocean, but we must have a positive program of development and progress to offer as a worthy alternative to the easy blandishments of communism.

Let no man mistake our military power and determination to defend our rights—and let no man mistake the vitality of our way of life to triumph over the human slavery of the Communist system.

Mr. DOWDY. Mr. Chairman, the question of Castro and Cuba is the overriding problem involving the Communist menace, as far as the United States is concerned.

We recognize, of course, that the ultimate responsibility for our foreign policy lies with the President, under our Constitution. The people of the United States have always patriotically pitched in and supported their Presidents when there has been a showdown, and will do so again.

Nevertheless, Congress, in representing the people, recognizes that it, as well as the individual Members of Congress, has a right and a duty to express itself on matters in which the people are so vitally interested and concerned.

This is evidenced by the action so recently taken by the House, in amending the foreign aid appropriation bill so as to prohibit foreign aid gifts to those countries which furnish arms, ammunition, or other materials of war to Cuba, or whose ships carry supplies to Cuba.

It is sentiment of the U.S. Congress, at least insofar as the House of Representatives is concerned, that Castro and communism in Cuba should receive no encouragement in a continuation of the subjugation of the Cuban people, and no aid in building Cuba as a missile base or operations bastion for Communist action against the United States or the Western Hemisphere.

To express this sentiment, the House so amended the foreign aid appropriation bill. Now, we find our Secretary of State objecting to these amendments. In effect, he is saying that it is not in the interest of the United States to oppose the Communist military buildup in Cuba. He would have us continue giving aid to foreign lands, that they may be in a position to continue aiding and abetting Castro and communism.

I certainly do not want to leave the impression only one person is the cause of our dilemma—our same Department of State, but under another Secretary and another administration, was the installing officer in placing Castro, a known Communist for many years, in control of Cuba.

That was 4 years ago; the Communist regimes of Europe and Asia immediately began sending men and supplies into Cuba, building bases, which has continued to the present day. Yet our Government would not even admit this fact, until only a few weeks ago when everyone already knew it.

And even until this good day, our Government has not once officially protested to Khrushchev, or any other government.

Under these circumstances, with the Russian arms buildup continuing, is it any wonder that the U.S. Congress, as the representatives of the people, desire in some way to make their official protest to Khrushchev, in the absence of such a protest from the executive department: Weak though our protest may be, there is no alternative but to support it. Khrushchev must know that the representatives of the American people do not condone his invasion of our hemisphere and the consequent great threat to our freedom from the naval and missile bases in Cuba.

Without some protest from this country, it is no wonder that Khrushchev told Robert Frost, the poet, that Americans have become too liberal to fight to protect themselves; neither is it surprising that he told Stewart Udall, our Secretary of the Interior, that he was convinced the United States will take no action in opposition to the Soviet Union in Cuba.

These stated impressions of Khrushchev could only have been magnified and probably confirmed in his mind by two subsequent events.

The first of these occurred in Italy. Italian seamen refused to operate two Italian ships which were loaded with Russian and Italian supplies for Castro. A National Maritime Union official in New York revealed that the U.S. labor attaché at Rome was urging the Italian Government to force the seamen to sail the two ships to Cuba.

The U.S. Department of State has previously stopped boycotts against Castro shipping out of U.S. ports.

Even though our Government is supposedly pressuring other countries to stop their ships from carrying Russian supplies to Castro, our officials try to interfere with any attempts to boycott Castro's supply line. That alone would cause Khrushchev to harden his belief that the United States will not oppose the continuation of his takeover in the American countries, but in addition to that, there is the latest announcement that Russia is building a naval base in Cuba—and again, no official protest from our Government. The announcement was the construction of a base for fishing vessels, but it will also accommodate war vessels and submarines.

The State Department has finally publicly recognized the Russian takeover in Cuba, but still persists in minimizing the amount of military support being furnished, in spite of correspondents' reports of Russian and satellite troops headed by a Russian major general.

Other nations are also beginning to share Khrushchev's opinion of America's actions. They have learned there is no way to appease or reason with a Communist. We certainly should have learned it long ago.

The way Khrushchev has taken over in Cuba is an illustration. Four years ago, he sent in Czechoslovakians and Chinese Reds to build airbases. Even I was informed of it at the time, as it was well known I had branded Castro as a Communist even before our then State Department helped him into control of Cuba. Getting away with that, Khrushchev now has missile bases, air bases, a naval and submarine base abuilding, and at least 10,000 Reds in Cuba. It is no longer Castro's Cuba—it is Khrushchev's "Kuba"—a servile Communist satellite. There are now 5,000 well-armed Communist troops patrolling the boundaries of our naval base at Guantanamo. And Khrushchev, in his belief that America now really is too liberal to defend itself, is daring us to do something about it. He approves of revolutions to overthrow freedom, but brands counterrevolutions to restore freedom as being aggression. Sometimes there is cause to wonder if our State Department officials might have similar beliefs.

Spokesmen for our Government suggest the Monroe Doctrine will be applicable only if Soviet arms in Cuba become offensive, or if directed against other American nations. The truth is, the Monroe Doctrine was breached when Cuba was taken over by Russia. Russia regards this as a retreat on our part. Successive retreats will make Khrushchev bolder, just as happened with Hitler more than 20 years ago, when he finally decided that England would not fight at all, but would continue to make concessions.

We, as representatives of the people, must register our protest, and our determination to preserve the Monroe Doctrine.

Mr. MORGAN. Mr. Chairman, I yield myself the balance of the time on this side.

Mr. Chairman, I rise in opposition to any motion to recommit. As, I understand, did all Members of the House, I received this morning a letter from the gentleman from New York [Mr. PILLION] proposing a motion to recommit. When I arrived on the floor to start this debate at noon I was informed that the authors of the motion to recommit on the other side of the aisle were revising their language. About an hour after the debate started a motion to recommit in its present form was handed to me. It has been put in the RECORD by the author of the motion. Now I find that in section 2, the author changed the language "authorize the President", when a question was raised as to whether this might be subject to a point of order and that perhaps it went a little further than was intended. Instead of "authorize the President" the word "urge" has been substituted.

As the majority leader told you, there was long and continuous study of this resolution both by the Committee on Foreign Affairs and by the committees of the other body. In my opening remarks I gave you the history of the action in the other body on this resolution and how carefully it was drafted.

I urge the Committee of the Whole to stand by the resolution in its present form. I feel it is a good resolution. I feel that the Committee on Foreign Affairs has worked long and hard in ironing out the language. To me this motion to recommit, in the form of an amendment, is nothing but nit picking and juggling words. There is just a little tinge of politics here.

I stood on this floor when the Formosa resolution was adopted, under a closed rule in 1955. The Formosa resolution was as strongly supported on this side of the aisle as by the party of the administration. I stood in this well in 1957 when we adopted the Near East resolution, under a closed rule. And the debate did not reflect partisan politics. We gave our President then the support he needed. Let us give him the strength he needs today. This resolution was voted out of the Committee on Foreign Affairs unanimously. Let us show that we are united today.

The CHAIRMAN. Under the rule, the joint resolution is considered as having been read for amendment.

The joint resolution is as follows:

S.J. RES. 230

Joint resolution expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

The CHAIRMAN. No amendments are in order to the joint resolution except amendments offered by direction of the Committee on Foreign Affairs.

Are there any committee amendments?

Mr. MORGAN. There are no committee amendments, Mr. Chairman.

The CHAIRMAN. There being no committee amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. RODINO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (S.J. Res. 230) expressing the determination of the United States with respect to the situation in Cuba, pursuant to House Resolution 805, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. BROOMFIELD. As it is presently written I am opposed to it, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROOMFIELD moves to recommit Senate Joint Resolution 230 to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendments:

On page 2, in the preamble, strike out: "Whereas the international Communist movement has increasingly extended into Cuba its political, economic and military sphere of influence", and insert in lieu thereof the following:

"Whereas the Soviet Union and the international Communist movement has increasingly extended into Cuba its political, economic and military system in violation of the Monroe Doctrine:".

On page 2, line 3, before the word "that", insert "SECTION 1.".

On page 2, line 5, before the words "the Marxist-Leninist", insert the words "the international Communist movement operating through".

On page 3, after line 3, insert the following new section:

"SEC. 2. That the Congress of the United States urges the President, in accordance with existing law, to take, and supports him in taking, jointly with other free nations or unilaterally, such political, diplomatic, economic or military action as may be necessary to implement and enforce the Monroe Doctrine throughout this hemisphere."

The SPEAKER. The question is on the motion to recommit.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 251, not voting 46, as follows:

[Roll No. 251]

YEAS—140

Abernethy
Adair
Alger
Andersen, Minn.
Anderson, Ill.
Arends
Ashbrook
Avery
Ayres
Baker
Baldwin
Bates
Battin
Becker
Beermann
Bell
Berry
Betts
Bow
Bray
Bromwell
Broomfield
Brown
Broyhill
Bruce
Byrnes, Wis.
Cederberg
Chamberlain
Chenoweth
Church
Clancy
Collier
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis, Mass.
Curtis, Mo.
Dague
Derounian
Devine
Dole
Durno
Dwyer
Ellsworth
Fenton
Findley
Fino
Fulton
Garland
Gathings
Gavin
Glenn
Goodell
Goodling
Griffin
Gross
Gubser
Hall
Halleck
Harrison, Wyo.
Harsha
Harvey, Mich.
Hoeven
Hoffman, Ill.
Horan
Hosmer
Jensen
Johansen
Jonas
Keith
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lipscomb
McCulloch
McVey
MacGregor
Mailliard
Martin, Nebr.
Mason
May
Miller, N.Y.
Milliken
Minshall
Moore
Morse
Mosher
Nelsen
Norblad
Nygaard
O'Konski
Osmers
Ostertag
Pelly
Pillion
Pirnie
Poff
Quie
Ray
Reece
Reifel
Rhodes, Ariz.
Riehlman
Roudebush
Rousselot
St. George
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scranton
Shriver
Sibal
Smith, Calif.
Springer
Stafford
Teague, Calif.
Thomson, Wis.
Tollefson
Tupper
Utt
Van Zandt
Wallhauser
Westland
Wharton
Widnall
Williams
Wilson, Calif.
Wilson, Ind.
Younger

NAYS—251

Abbitt
Addabbo
Albert
Alexander
Alford
Andrews
Ashley
Ashmore
Auchincloss
Bailey
Baring
Barrett
Barry
Bass, Tenn.
Beckworth
Bennett, Fla.
Bennett, Mich.
Blatnik
Boggs
Boland
Bonner
Boykin
Brademas
Brewster
Brooks, Tex.
Buckley
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Cahill
Cannon
Carey
Casey
Celler
Chelf
Chiperfield
Clark
Coad
Cohelan
Colmer
Cook
Cooley
Corman
Daddario
Daniels
Davis, John W.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Doyle
Dulski
Edmondson
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Flynt
Fogarty
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Gallagher
Garmatz
Gary
Giaimo
Gilbert
Gonzalez
Granahan
Grant
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagan, Ga.
Hagen, Calif.
Haley
Halpern
Harding
Hardy
Harris
Harrison, Va.
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord, Mo.
Inouye
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Md.
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Kelly
Keogh
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Kornegay
Kowalski
Landrum
Lane
Lankford
Lennon
Lesinski
Libonati
Lindsay
Loser
McDowell
McFall
McMillan
Mack
Madden
Magnuson
Mahon
Marshall
Martin, Mass.
Mathias
Matthews
Merrow
Miller, Clem
Miller, George P.
Mills
Moeller
Monagan
Montoya
Moorhead, Pa.
Morgan
Morris
Morrison
Moulder
Multer
Murphy
Murray
Natcher
Nedzi
Nix
Norrell
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Passman
Patman
Perkins
Peterson
Pfost
Philbin
Pike
Poage
Powell
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Riley
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Scott
Selden
Shelley
Sheppard
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thornberry
Toll
Trimble
Tuck
Udall, Morris K.
Vanik
Waggonner
Walter
Watts
Weaver
Whitener
Whitten
Wickersham
Willis
Winstead
Wright
Young
Zablocki
Zelenko

NOT VOTING—46

Anfuso
Aspinall
Bass, N.H.
Belcher
Blitch
Bolling
Bolton
Breeding
Davis, James C.
Davis, Tenn.
Derwinski
Dominick
Dooley
Ford
Hansen
Harvey, Ind.
Hiestand
Hoffman, Mich.
Johnson, Wis.
Kearns
Kee
McDonough
McIntire
McSween
Macdonald
Meader
Michel
Moorehead, Ohio
Moss
O'Brien, Ill.
Pilcher
Robison
Saund
Seely-Brown
Short
Siler
Taber
Taylor
Ullman
Van Pelt
Vinson
Weis
Whalley
Yates

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ford for, with Mrs. Bolton against.

Mr. Hoffman of Michigan for, with Mr. Aspinall against.

Mr. Derwinski for, with Mr. Taylor against.

Mr. Van Pelt for, with Mr. Ullman against.

Mr. Siler for, with Mr. Davis of Tennessee against.

Mr. Michel for, with Mr. O'Brien of Illinois against.

Mr. Harvey of Indiana for, with Mr. Moss against.

Mr. McIntire for, with Mr. Anfuso against.

Mr. Taber for, with Mr. Breeding against.

Mr. Hiestand for, with Mr. Macdonald against.

Mrs. Weis for, with Mrs. Hansen against.

Mr. Short for, with Mr. Pilcher against.

Mr. Robison for, with Mr. Johnson of Wisconsin against.

Mr. Moorehead of Ohio for, with Mr. Vinson against.

Mr. Dooley for, with Mrs. Kee against.

Mr. Belcher for, with Mr. Yates against.

Until further notice:

Mr. McSween with Mr. Dominick.

Mrs. Blitch with Mr. Seely-Brown.

Mr. James C. Davis with Mr. McDonough.

Mr. Saund with Mr. Kearns.

Mr. Bolling with Mr. Bass of New Hampshire.

Mr. DOWDY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on passage of the Senate joint resolution.

Mr. MORGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 384, nays 7, not voting 44, as follows:

[Roll No. 252]

YEAS—384

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Alford
Andersen, Minn.
Anderson, Ill.
Andrews
Arends
Ashbrook
Ashley
Ashmore
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Baring
Barrett
Barry
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bonner
Bow
Boykin
Brademas
Bray
Brewster
Bromwell
Brooks, Tex.
Brown
Broyhill
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Cohelan
Collier
Colmer
Conte
Cook
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis, Mass.
Daddario
Dague
Daniels
Davis, John W.
Dawson
Delaney
Dent
Denton
Derounian
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dowdy
Downing
Doyle
Dulski
Durno
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Findley
Finnegan
Fino
Fisher
Flood
Flynt
Fogarty
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz
Gary
Gathings
Gavin
Giaimo
Gilbert
Glenn
Gonzalez
Goodell
Goodling
Granahan
Grant
Gray

Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Harding
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Mich.
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Hoeven
Hoffman, Ill.
Holifield
Holland
Horan
Hosmer
Huddleston
Hull
Ichord, Mo.
Inouye
Jarman
Jennings
Jensen
Joelson
Johnson, Calif.
Johnson, Md.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Kearns
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McDowell
McFall
McMillan
McVey
MacGregor
Mack
Madden
Magnuson
Mahon
Mailliard
Marshall
Martin, Mass.
Martin, Nebr.
Mason
Mathias
Matthews
May
Merrow
Miller, Clem
Miller, George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morris
Morrison
Morse
Mosher
Moulder
Multer
Murphy
Murray
Natcher
Nedzi
Nelsen
Nix
Norblad
Norrell
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Peterson
Pfost
Philbin
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Rains
Randall
Reece
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. George
St. Germain
Santangelo
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Schwengel
Scott
Scranton
Selden
Shelley
Sheppard
Shipley
Shriver
Sibal
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa.
Smith, Miss.
Smith, Va.
Spence
Springer
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Udall, Morris K
Vanik
Van Zandt
Waggonner
Wallhauser
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Wickersham
Widnall
Williams
Willis
Wilson, Calif.
Wilson, Ind.
Winstead
Wright
Young
Younger
Zablocki
Zelenko

NAYS—7

Alger
Broomfield
Curtis, Mo.
Johansen
Pillion
Ray
Utt

NOT VOTING—44

Anfuso
Aspinall
Bass, N.H.
Belcher
Blitch
Bolling
Bolton
Breeding
Davis, James C.
Davis, Tenn.
Derwinski
Dominick
Dooley
Ford
Griffiths
Hansen
Harvey, Ind.
Hiestand
Hoffman, Mich.
Johnson, Wis.
Kee
McDonough
McIntire
McSween
Macdonald
Meader
Michel
Moorehead, Ohio
Moss
O'Brien, Ill.
Pilcher
Robison
Saund
Seely-Brown
Short
Siler
Taber
Taylor
Ullman
Van Pelt
Vinson
Weis
Whalley
Yates

So the Senate joint resolution (S.J. Res. 230) was passed.

The Clerk announced the following pairs:

Mr. Aspinall with Mr. Ford.
Mr. Taylor with Mr. Meader.
Mr. Ullman with Mrs. Bolton.
Mr. Davis of Tennessee with Mr. Derwinski.
Mr. O'Brien of Illinois with Mr. Van Pelt.
Mr. Moss with Mr. Siler.
Mr. Anfuso with Mr. Michel.
Mr. Breeding with Mr. Harvey of Indiana.
Mr. Macdonald with Mr. McIntire.
Mr. Johnson of Wisconsin with Mr. Taber.
Mr. Yates with Mr. Hiestand.
Mr. Pilcher with Mrs. Weis.
Mrs. Hansen with Mr. Short.
Mr. Vinson with Mr. Robison.
Mr. Bolling with Mr. Moorehead of Ohio.
Mrs. Kee with Mr. Dooley.
Mrs. Griffiths with Mr. Belcher.
Mr. James C. Davis with Mr. Dominick.
Mr. McSween with Mr. Seely-Brown.
Mr. Saund with Mr. McDonough.
Mrs. Blitch with Mr. Bass of New Hampshire.

Mr. KEARNS changed his vote from "present" to "yea."

The result of the vote was announced as above recorded.

A similar House joint resolution (H.J. Res. 886) was laid on the table.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING THE LIFE INSURANCE ACT OF THE DISTRICT OF COLUMBIA

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, S. 2356, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Chair hears none, and appoints the following conferees: Messrs. Abernethy, Dowdy, and Mathias.

PERSONAL EXPLANATION

Mr. ROOSEVELT. Mr. Speaker, by consent of the House, I was absent on rollcall Nos. 247 and 248. Had I been present I would have voted in the affirmative in both instances.

Also, Mr. Speaker, had I been present I would have joined my colleagues in praising our colleague, the gentleman from New York [Mr. Keogh] for his very fine accomplishments in behalf of H.R. 10.

Mr. MORRIS K. UDALL. Mr. Speaker, I was unable to be present for rollcall No. 247 on passage of Senate Joint Resolution 224, active duty for the Ready Reserve, and rollcall 248, the conference report on H.R. 10. Had I been present I would have voted "aye" in both instances.

STATES GET AS MANY AS 600 WASHINGTON FEDERAL SUMMER AND STUDENT JOBS—CHECK YOUR STATE

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter, including tables.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, our Government in one way or the other spends millions of dollars annually to enable people—some from foreign lands—to learn about our system of government as it operates in Washington, D.C., our Nation's Capital. There are a good many U.S. Government summer jobs made available annually; however, in checking the best figures I have been able to assemble I find that the citizens of many States are practically left out when it comes to filling these summer jobs.

On page 20547 in the Congressional Record of Monday, September 24, 1962, I have placed some figures. I request each Member to turn to the table and check your own State. A bill, H.R. 5698, recently passed the House Civil Service Committee by a vote of 15 for and 1 against. It would go a long way in helping to correct the present disparity and inequality among students of States in my opinion. I hope the bill can be brought to the floor of the House for a vote prior to adjournment.

The gentleman from Montana, Representative Arnold Olsen, a very active and outstanding member of the House Post Office and Civil Service Committee, has introduced a bill similar to H.R. 5698 as have the gentleman from West Virginia, Representative John Slack and Senator Jennings Randolph, West Virginia.

I quote from a report No. 2308 that was issued very recently by the House Post Office and Civil Service Committee soon after the committee passed H.R. 5698 by a vote of 15 for to 1 against:

> The principle underlying the apportionment provision of the Civil Service Act is that, in a Federal system of government, it is desirable to have representation of all States and territories at the headquarters of the National Government. The practice of distributing Federal employment among the States dates back to the foundation of the Republic.
>
> A statutory apportionment requirement was enacted by Congress as part of section 2 of the Civil Service Act of 1883. The law requires that certain positions in headquarters offices of agencies in the metropolitan area of Washington, D.C., be apportioned, as nearly as good administration warrants, among the States, territories (including Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone), and the District of Columbia on the basis of population.
>
> A summary of temporary summertime employment for the summer of 1959, the latest year for which data is available, reveals that in 23 selected Government agencies in the

Metropolitan Washington, D.C., area there were 2,221 temporary positions. Of that number 490 were filled by residents of the District of Columbia, 628 by the residents of Maryland, and 546 from Virginia, or a total of approximately 70 percent of all the available positions. The remaining 30 percent of the temporary summer positions were filled by the residents of the remaining 48 States and the territories.

This summary, which was prepared by the Library of Congress, follows:

Summary of temporary employment in selected Government agencies, summer 1959

States	Summary	General Accounting Office [1]	The Library of Congress [2]	Department of Agriculture [3]	Department of Commerce [4]	Department of Defense [5]	Department of the Air Force [6]	Department of the Army [7]	Department of the Navy [8]	Department of Health, Education, and Welfare [9]	Department of the Interior [10]	Department of Labor [11]	Department of State [12]	Department of the Treasury [13]	Atomic Energy Commission [14]	Civil Service Commission [15]	Federal Communications Commission [16]	Federal Power Commission [17]	Federal Trade Commission [18]	Interstate Commerce Commission [19]	National Aeronautics and Space Administration [20]	National Science Foundation [21]	Securities and Exchange Commission [22]	Veterans' Administration [23]
Alabama	3				2				1															
Arizona	5				4					1														
Arkansas	6		3	1	1	1																		
California	37	2		2	9					1	1			21										1
Colorado	37				34					2					1									
Connecticut	9		1		5					1	1													1
Delaware	3				3																			
District of Columbia	490		30	48	54	5	3	52	23	164	43	1	19	19		2	11	1		3		5		7
Florida	13	1	1		9				1															1
Georgia	4									2	1	1												
Idaho	13				1										11							1		
Illinois	33			2	13			2	6	2	3			4								1		
Indiana	14				5			2	4			1												2
Iowa	10		1		5	1			2	1														
Kansas	10		1		7				1	1														
Kentucky	9				2				2	3				1		1								
Louisiana	5								1					2							1			1
Maine	2				2																			
Maryland	628	6	16	88	80	1	4	80	32	208	34	2	17	23		5	15	1	2	2	2	4		5
Massachusetts	54		1	1	21	1		2	10	8	1	2		1			1			1			2	2
Michigan	25	1	2		3			2	8	3	1	2	1					1						1
Minnesota	4			1	2					1														
Mississippi	5		1		2			2																
Missouri	13		1		5			2	1	2		1											1	
Montana	2							1						1										
Nebraska	9			2	6						1													
Nevada	1				1																			
New Hampshire	6				2					1		2										1		
New Jersey	24		1		6			2	3	1	1			2	8									
New Mexico																								
New York	110		4	7	28		1	11	9	11	4	1	2	2	23						1		2	4
North Carolina	26		2	1	9			5	4	2				3										
North Dakota	1			1																				
Ohio	16	1	2		6			2			3		1											1
Oklahoma	4			1	3																			
Oregon	6				6																			
Pennsylvania	57	1	2		22	1		9	4	4	1	1		4	4							1		3
Rhode Island	3				3																			
South Carolina	4		1		1				2															
South Dakota	4		1	1	2																			
Tennessee	12		1		8				1	1				1										
Texas	14	2			10	1		1																
Utah	12		1		7										2		1							1
Vermont																								
Virginia	546	2	13	88	77	17	7	137	30	61	57	1	16	15			12	2		4		1	1	5
Washington	9	1	1		4					2					1									
West Virginia	5		2		1					1				1										
Wisconsin	10		1	1	7							1												
Wyoming	2				1																			1
Alaska																								
Hawaii	2				2																			
Puerto Rico	1									1														
Virgin Islands																								
Foreign	3		3																					
Total number of employees	2,221	17	93	245	431	28	15	312	146	485	152	16	56	100	50	8	40	5	2	10	4	14	6	36

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[1] General Accounting Office, letter of June 1, 1959. The figures given represent applicants who had been chosen or tentatively chosen to fill summer jobs in 1959.

[2] The Library of Congress, letter of Mar. 1, 1961. The figures given represent temporary employees hired for varying lengths of time, up to a year, from May 15 to Aug. 15, 1959. The Library has no special program of summer employment.

[3] Department of Agriculture, letter of June 16, 1959. The figures stated represent temporary jobs in the Washington, D.C., metropolitan area which were to be filled by students during the summer, 1959.

[4] Department of Commerce, letter of June 18, 1959. The figures given represent student assistants and student trainees hired for the summer, 1959.

[5] Department of Defense, letter of June 10, 1959. The figures given represent students selected for summer employment in 1959 by the Office of the Secretary of Defense.

[6] Department of the Air Force, letter of June 23, 1959. The figures given represent student trainees hired by the Department of the Air Force Headquarters for the summer, 1959.

[7] Department of the Army, letter of June 15, 1959. The figures stated here represent students who had been selected or tentatively selected for temporary appointments for the summer, 1959, with the Department of the Army.

[8] Department of the Navy, letter of May 19, 1959. The figures given represent students majoring in engineering or the physical sciences who were prospective employees of the Navy Department for the summer, 1959.

[9] Department of Health, Education, and Welfare, letter of Aug. 19, 1959. The figures given represent students employed by the Department of Health, Education, and Welfare for the summer, 1959.

[10] Department of the Interior, letter of July 21, 1959. The figures stated represent students who were appointed to temporary jobs in the Department of the Interior in the Washington, D.C., metropolitan area for the summer, 1959.

[11] Department of Labor, letter of June 1, 1959. The figures stated include temporary student assistants who were selected for positions with the Department of Labor for summer, 1959.

[12] Department of State, letter of June 4, 1959. The figures given represent temporary employees and students whom the Department of State had hired or planned to hire for typing, stenographic, and student assistant positions for summer, 1959.

[13] Department of the Treasury, letter of June 23, 1959. The figures given include all summer appointments of students, regardless of the temporary or nontemporary nature of the jobs, themselves, for 1959.

[14] Atomic Energy Commission, letter of June 15, 1959. The figures given include all temporary summer appointments to the entire Atomic Energy Commission for summer, 1959.

[15] Civil Service Commission, letter of June 9, 1959. The figures given indicate students occupying temporary positions with the Civil Service Commission for summer, 1959.

[16] Federal Communications Commission, letter of June 5, 1959. The figures given represent students temporarily employed by the Federal Communications Commission for summer, 1959.

[17] Federal Power Commission, letter of June 1, 1959. The figures given include individuals who were employed on a temporary basis as student assistants for summer, 1959.

[18] Federal Trade Commission, letter of May 28, 1959. The figures given indicate students holding temporary summer jobs as of May 28, 1959.

[19] Interstate Commerce Commission, letter of June 1, 1959. The figures listed include tentative selections of individuals made to fill temporary typing and stenographic positions with the Interstate Commerce Commission for summer, 1959.

[20] National Aeronautics and Space Administration, letter of June 10, 1959. The figures given include summer appointments for 1959 with the National Aeronautics and Space Administration.

[21] National Science Foundation, letter of June 3, 1959. The figures given include temporary stenographic, typing, and student trainee positions that were to be filled primarily by students during the summer, 1959.

[22] Securities and Exchange Commission, letter of June 3, 1959. The figures given include students who were selected for participation in the student assistant program of the Securities and Exchange Commission for summer, 1959.

[23] Veterans' Administration, letter of June 17, 1959. The figures given include temporary summer jobs filled by students in the Central Office Headquarters and the Medical Division of the Veterans' Benefits Office for summer, 1959.

Compiled by Sandra D. Worthen, History and Government Division, Legislative Reference Service, Library of Congress, Mar. 17, 1961.

INEQUITABLE APPORTIONMENT AMONG STATES OF SUMMER EMPLOYMENT IN DISTRICT OF COLUMBIA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I have asked for time at this point in order to compliment the gentleman upon his bill and to say to him that as he well knows, I supported it without reservation in the committee. I can see no reason why this bill should not come before the House of Representatives. It is unthinkable that a couple of States should provide all the summer employment or practically all the summer employment that there is in the city of Washington, D.C.

Mr. BECKWORTH. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BECKWORTH. Three jurisdictions have almost 70 percent of the summer jobs, and that is just too much spread.

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I wish to commend the gentleman from Texas on his diligent work in assembling all of the facts and figures concerning the apportionment of summertime jobs and disclosing the fact that although there is a law on the books to the effect that the Civil Service Commission should apportion jobs among the States that that law is not abided by at all, and it is not even really investigated. It seems the only investigation that has been made into this whole matter has been the investigation by the gentleman from Texas. I want to say on the part of the State of Montana, that we are not sharing as 46 other States are not sharing—I say not sharing—proportionately in the summertime jobs, nor in the Federal jobs as a whole. Only two States and the District of Columbia occupy more than 70 percent of the Federal summertime jobs.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. RIVERS of South Carolina. As a matter of fact, residence is a disability, if you catch the point.

Mr. OLSEN. I thank the gentleman.

REPORT AND RECOMMENDATION OF COMMISSIONER'S COMMITTEE ON POLICE ARRESTS FOR INVESTIGATION

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I raise my voice to support Police Chief Robert V. Murray's document in the matter of arrests for investigation.

This document, lengthy as it may be, is very revealing and shocking. I wholeheartedly support this fine police administrator's recommendation to urge the District of Columbia Commissioners not to implement the recommendations of the Committee on Police Arrests for Investigation until satisfactory alternatives are established to provide the police force with tools to continue an effective war on crime.

We need only read the daily press to see that this great Metropolitan Police Department is in a war against vicious criminals, who are roaming streets, invading homes, churches, and assaulting innocent law-abiding citizens. Let us not take away the weapons to fight this battle from the police, but rather give them additional tools to wage an effective war on crime.

METROPOLITAN POLICE DEPARTMENT,
Washington, D.C., September 5, 1962.

To: Hon. Walter N. Tobriner, President, Board of Commissioners, District of Columbia.

In re report and recommendation of the Commissioners' Committee on Police Arrests for Investigation.

REPORT

The Commissioners' Committee on Police Arrests for Investigation, in its report of some 118 pages with several appendixes, has concluded that arrests for investigation should cease immediately under order of the Commissioners of the District of Columbia.

In answer to the report, there are a number of things I think should be said concerning the police department's position on the matter of arrests for investigation, a practice which antedates by many years the term of service of the present chief of police, and is almost universally practiced in all police departments throughout this country that I am aware of.

Statutes in a number of States specifically authorize investigation arrests or arrests on suspicion of felonies and provides for specified periods of detention before charging an individual with a specific or formal charge. Several States; namely, Delaware, New Hampshire, and Rhode Island, have enacted forms of the Uniform Arrest Act which provides for from 2 to 4 hours detention prior to making an arrest on a formal charge. This statute specifically exempts this type of detention from what is defined as an arrest.

A statute in the State of Missouri permits police officers to make arrests on suspicion of any alleged breach of the peace or other criminal offense and detain the person for 24 hours, after which they must be released or charged with a criminal offense.

Section 825 of the penal code of the State of California provides that a defendant must, in all cases, be taken before the magistrate without unnecessary delay and, in any event, within 2 days after his arrest, excluding Sundays and holidays. Statutory authority is also given in section 849, subsection B, of the same code for the release of individuals by a police officer in the following language: "Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever: (1) he is satisfied that there is no ground for making a criminal complaint against the person arrested. Any record of such arrest shall include a record of the release hereunder and thereafter shall not be deemed an arrest but a detention only; (2) the person arrested was arrested for intoxication only, and no further proceedings are desirable; (3) the person arrested was arrested for a misdemeanor, and has signed an agreement to appear in court or before a magistrate at a place and time designated, as provided in this code."

In the State of Georgia, State statute, section 27-212 (922 P.C.), relating to the duty of a person arresting without a warrant allows 48 hours for investigation in the following language: "In every case of an arrest without a warrant the person arresting shall, without delay, convey the offender before the most convenient officer authorized to receive an affidavit and issue a warrant. No such imprisonment shall be legal beyond a reasonable time allowed for this purpose and any person who is not conveyed before such officer within 48 hours shall be released."

In the State of Indiana an interesting and unusual procedure is provided for in State statute, section 9-704a, in the case of a detained person who may have offered an alibi or excuse which might negative his presence at or participation in a particular crime. This provision sets up an additional and alternative pleading and procedure to the criminal statutes of the State which is known as the "preliminary charge," and which may be filed against any arrested and detained person under such circumstances. This section provides for the arraignment of such a person before a magistrate, justice or circuit judge on a preliminary charge of a specified felony. After filing of an affidavit, a hearing and inquiry by the magistrate of the detained person, the court is required to rule on his discharge or commitment. The following language of the statute is quoted: "If the court should find that the person so held under a preliminary charge should be committed, an order shall issue directed to the county sheriff, the superintendent or chief of police, the marshal, constable or other chief law enforcement officer ordering the holding and detention of any such person, committing said person for a period not exceeding 7 days from the date of said commitment."

In most other States not having specific statutes covering the period of detention for the purpose of continuing an investigation of a suspected felony, varying time periods for investigation have been authorized, either through approval by court opinion or by practice and authorization of the chief prosecutor, the time ranging from 24 hours upwards. In two separate cases in one State, specific approval was given by court opinion for holding a prisoner incommunicado for 3 days in one case and, in the other, for 6 days. In another State the circuit court of appeals held that the State could deny prisoners legal counsel between the time of arrest and arraignment.

The practice of allowing time for proper police interrogation of suspects has been studied and reported on by a number of outstanding authorities, some of which are alluded to in the report of the Commissioners' committee. Some of the authorities speak for and some against the practice of interrogation of suspects and defendants. This proposition has also been discussed in opinions handed down by our own circuit court of appeals in this jurisdiction. It is interesting to note that a number of these opinions speak favorably of and even justify the practice of interrogation and confronting defendants prior to charging. This whole matter seems to me to be part of the overall problem of balancing the constitutional rights of the individual against the right of society to be free and protected from the depredations of criminals.

I would recommend to the Commissioners a review of a recent article treating with this matter written by Prof. Edward L. Barrett, Jr., professor of law, University of California School of Law. The article is entitled "Police Practices and the Law—From Arrest to Release or Charge," and was published in the March 1962 issue of the California Law Review and a copy is appended to this report.

It seems to me that in evaluating a practice such as arrests for investigation, it is highly important to consider the integrity of the police agency. Along this line, I am happy to note that the Commissioners' committee has reported that it was convinced of the overall integrity of the Metropolitan Police department. It is gratifying to read this kind of comment from the committee since it has been the effort of my administration to build up the integrity of the Metropolitan Police department through a process of selective determination in appointment of new personnel, improved and expanded training programs, and strict enforcement of discipline over a period of some 11 years. I have viewed this as of the utmost importance since, if we do no maintain high integrity in the law-enforcement agency, we must recognize that it would be possible for law-enforcement officers to misrepresent or even falsify evidence in the interest of obtaining a conviction. I am certain that we have not had this type of wrongful motivation within the Metropolitan Police department, but the matter of integrity goes far beyond this.

I also think it is most important, in weighing the pros and cons of this problem, to consider whether or not any abuses have been apparent under the established procedure. The committee's report makes reference to and quotes authorities to the effect that investigation arrests make the opportunity for third-degree methods. However, such methods are not condoned, in the Metropolitan Police department, particularly by this administration, and there has been no evidence come to light in recent times to justify any thought that the members of this department engage in third-degree methods. In fact, the Commissioners' committee has stated that they found no evidence of such practices.

The committee has also properly concluded that the Metropolitan Police department does not engage in the practice of harassment of known criminals with investigation arrests as a means of driving them out of the city. It is my observation from many years of observations, information and intelligence coming to the knowledge of individual police officers from which they determine that a crime has been committed and there is reason to believe that the individual arrested has committed that crime.

Another point I should like to emphasize is that which is noted in the committee's report as to the decline in the number of arrests for investigation over a period of some 20 years. In the fiscal year 1943, for instance, with a total arrest figure of 189,683 there were 17,094 arrests in the 2.700 category for a percentage of 9 percent of the total number of arrests. As explained in the committee's report, the 2,700 category of arrests, for statistical purposes, is made up mainly of investigation arrests but also includes other arrests such as "held for action of the coroner," "fugitives from justice," and "held for other authorities—the Secret Service, postal authorities, etc." Through the years the actual number, as well as the percentage, of 2,700 category arrests compared with total arrest has been reduced until in the fiscal year 1960 where a total of 433,672 arrests were made, 6,437 arrests were tabulated in the 2,700 category for a percentage of 1.5 percent of the total arrests. During this period, while the total number of arrests more than doubled in number, the number of 2,700 category arrests has been reduced to almost a third in number of that in 1943 and, as stated, to a percentage of 1.5 percent. As indicated in the committee's report, the number and percentage of actual investigation arrests would be somewhat smaller, indicating a current percentage of slightly under 1 percent.

This indicates to me that members of the Metropolitan Police department are aware of their responsibility to the citizens of the community and have not abused the authority they have to make arrests without warrants.

The report indicates that there are no clear standards which define when an arrest for investigation may or will be made. In answer to this, I would like to say that for many years past, every Member of the police department, after appointment, has been put through a 12-week training period in our police training division. During this 12-week period, among other subjects that are studied by the young officers is the law of arrest. For this purpose the instructors in the training division use the law of arrest by Hawley, Voorhees, Dax and Tibbs, Alexander and other authorities, as well as the provisions of the District of Columbia Code.

Arrests based on "suspicion" are criticized by the committee and, while I would not approve arrests on mere suspicion, I think the language of certain sections of the District of Columbia Code which give authority and direction in making arrests should be noted as follows:

Section 4–136 provides that, "members of the Board of Commissioners, and of the police force, shall possess in every part of the District all the common-law powers of constables" (except for service of civil process and collection of private debts).

Section 4–140 provides the members of the police force with power and authority to immediately arrest without warrant any person who shall, "commit, or threaten or attempt to commit, in the presence of such member, or within his view any breach of the peace or offense directly prohibited by act of Congress, or by any law or ordinance in force in the District."

Section 4–141 sets forth the powers of officers in connection with suspected felonies and provides that, "the major and superintendent of police and the lieutenants of police, having just cause to suspect that any felony has been, or is being, or is about to be, committed within any building, or on board of any ship, boat, or vessel within the said District, may enter upon the same at all hours of day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen."

Section 4–143 provides a penalty of imprisonment up to 2 years for neglect of any member of the police force in making any arrest for an offense against the laws of the United States committed in his presence.

Section 4–175 provides a penalty for compromise of a felony, making it unlawful for any member of the police force to permit any person "suspected" of crime to go at large without "due effort to secure an investigation of such supposed crime" or to escape a full judicial examination by failing to give "reasonable causes of suspicion."

Section 4–119 setting forth the duties of the Board of Commissioners as head of the police department specifies these duties in part as follows:

"First. To preserve the public peace.

"Second. To prevent crime and arrest offenders.

"Third. To protect the rights of persons and of property.

"Fourth. To guard the public health.

* * * * *

"Eighth. To protect strangers and travelers at steamboat and ship landings and railway stations."

Chapter 33 of the manual for the government of the police department sets forth general principles of law and section 3 of this chapter specifies in part that a police officer is justified in arresting one whom he has reasonable grounds to believe has committed a felony even though the person arrested should afterwards prove to be innocent.

Section 4 specifies that if a police officer has probable cause to believe because of facts known to him or communicated to him by a reliable informant that an individual is guilty of a felony, he has the right and duty to arrest that individual with or without a warrant. This Section, which is referred to in the committee's report, is quoted on the reverse side of the report of arrest for investigation form (P.D. form 104) as a reminder to police officers that the grounds for arresting for a felony offense is that of probable cause.

The note in the same instructions referred to and quoted by the committee on page 9 of its report is intended as a bar to police officers making arrests on reasonable grounds to believe that a "misdemeanor" only has been committed. I, therefore, do not agree with the conclusion on page 10 of the report that the standard for an investigation arrest appears to be that the policeman must suspect" that he has "reasonable grounds for belief." Further, the instruction in our training division is that arrests without warrants are authorized in cases where a misdemeanor is committed in the officer's presence or, in the case of a felony, where he has "probable cause" or "reasonable grounds to believe" that a felony has been committed, in accordance with paragraph 2 of the instructions on the arrest for investigation form (P.D. Form 104) as well as with the law referred to in the committee's report.

However, as has been noted, the matter of probable cause is subject to interpretations. For example, in the case of Warren G. Goldsmith, D.C. Cir. No. 15280, and Earl L. Carter, D. C. Cir. No. 15281, versus the United States, the U.S. Court of Appeals for the District of Columbia in an opinion decided March 17, 1960, the majority had this to say: "The problems presented to the police in the practical day-to-day and hour-to-hour enforcement of the law are vividly illustrated by the facts in this case. The police have duties which require balancing of competing rights and duties. They ought not make charges lightly nor should they be forced prematurely to choose between charging and releasing. Here, with the statements of Coley and Raymond Carter, they had an absolute duty to check out the information and achieve either confirmation or rejection of what Coley and Raymond Carter had repeated to them.

The appellants, in common with all other citizens, have a right to insist that they not be taken to a magistrate and charged with a crime solely because they fitted generally the meager description of the assailants, or because the statements of Coley and Raymond Carter tended to incriminate them." It was held that "The quantum of evidence necessary to sustain an arrest is not, in all circumstances, the same quantum necessary to make out probable cause for charging a person with the crime." The opinion cited that the processes of law enforcement must proceed step by step beginning with the original notice to the police that a crime has been committed, thus requiring police inquiry. It spells out that in order to develop information police inquiries necessarily must be made frequently of many people who are not even thought to be suspects, and from such a general inquiry the investigation proceeds to more specific inquiry. It was pointed out that in the early stages the police must necessarily inquire of and listen to all even though human experience teaches that they must not believe and act on all that they are told. Quoting, "A vital factor to bear in mind is that as these steps progress the burden of the law enforcement agency increases. What may constitute probable cause for arrest does not necessarily constitute probable cause for a charge on arraignment. In turn, what may satisfy a reasonable magistrate on probable cause to believe the suspect committed a crime, may not satisfy a grand jury. And the evidence which persuades a grand jury to indict may not, and often does not, satisfy a petit jury to convict. Hence at each stage, and especially at the early stage, when little is known that is sure, police must not be compelled prematurely to make the hard choices, such as arraigning or releasing, on incomplete information. If they are forced to make a decision to seek a charge on incomplete information, they may irreparably injure an innocent person; if they must decide prematurely to release, they may be releasing a guilty one."

Also in the case of *Rhinelda M. Bell,* D.C. Cir. No. 13684, decided January 23, 1958, the majority opinion poses the question of whether the person making the arrest had probable cause and states "Probable cause is not a philosophical concept existing in a vacuum; it is a practical and factual matter. A fact which spells reasonable cause to a doctor may make no impression on a carpenter, and vice versa. Did the person who made the arrest, if a reasonable and prudent man, have probable cause? An officer experienced in the narcotics traffic may find probable cause in the smell of drugs and the appearance of paraphernalia which to the lay eye is without significance. His action is not measured by what might be probable cause to an untrained civilian passerby." Also "the sum total of the reams that have been written on the subject is that a peace officer may arrest without a warrant when he has reasonable grounds, in light of the circumstances of the moment as viewed through his eyes, for belief that a felony has been committed and that the person before him committed it."

I would like to call attention to the inference that the police cannot be allowed in advance to assume the functions of jury and to operate on any assumption which is inconsistent with the presumption of innocence. It is my feeeling that the police do not, in making an arrest, assume the functions of the jury but, as indicated by the opinion in the Warren G. Goldsmith case and others, policemen must use their discretion daily and hourly when faced with situations that arise in their presence during their routine patrol. It is constantly being required of them to make a determination and a decision based on the facts they are confronted with as to when they have sufficient probable cause to justify an arrest.

I also cannot agree that, so far as the Metropolitan Police Department is concerned, the police acting on their own cannot be trusted. Many instances could be cited where the members of this department have gone out of their way to clear persons accused of crime where there were many indications that they had committed the offense, in fact, to the extent of being identified by an eye-witness. This, I think, is a further indication of the integrity of the department. However, it is fair to say that in practice, despite instruction, lectures and training, it is found that the degree of evidence which will satisfy one police officer will not always satisfy one of greater experience with court procedures and decisions. It is noted that there are, in fact, even occasions where judges differ in their opinions.

In this connection I would like to point out that the statement of facts supplied by the arresting officer on the investigation sheet (P.D. Form 104) is not always complete in all details. It is not intended as a basis for court prosecution. The form was instituted years ago as a notification to the commanding officer with a brief set of circumstances giving the reason for arrest.

The report appears to express alarm by the possible harm that can be done by police officers being free to make arrests in their discretion. In this connection, I would like to point out that when arrangements were originally made by the committee to review certain files in the police department, inquiry was made with reference to determining how many of the persons arrested for investigation had a previous criminal record. However, this line of inquiry was not followed up in its study.

I have, therefore, directed a sampling of the investigation arrests made in two precincts to determine what the indications were as to previous arrest records. During the month of January 1961, in the second precinct 60 arrests were made, of which 57 were fingerprinted. From these fingerprints it was determined that 55 had previous records, some very lengthy and some out-of-town records; and only 2 could not be identified with a previous record. In the first precinct, records were reviewed for the months of October, November, and December of 1961, which reflected that 47 arrests for investigation were made during this period. Of this number three were military service personnel turned over to military authorities and not fingerprinted, and two others were also not fingerprinted. Of the 42 fingerprinted during this period, 38 were found to have previous records. Again, some were lengthy and others were out-of-town records.

All of these individuals had been arrested in circumstances which indicated to the arresting officer grounds for believing that the arrested person had committed an offense. The high percentage of persons arrested for investigation who were found to have previous records would indicate that the police officers' judgment was proper in believing that they had committed, or were about to commit, a criminal offense. At least, the previous records indicate their capacity for criminal acts.

It would seem to me that some good effects in preventing crime can be expected from this type of arrest in that when persons having been previously convicted of crime again come to the attention of the police in suspicious circumstances which provide probable cause for arrest, the police then take them into custody to check out their reasons for being in the situation they were found in and to determine whether or not they can be positively identified with the suspected criminal case. Such action should serve as a deterrent to their criminal activities and make them more aware of police surveillance and the likelihood of their criminal activities being discovered and prosecuted.

I would take issue with the statement that arrests for investigation are assumed to be made without probable cause. I feel that, certainly, in the great majority of these cases there is probable cause to justify the arrest, even on the basis of the sketchy report filled in on the investigation arrest form. It is emphasized that actions by a prospective defendant in the eyes of an experienced police officer will be significant to him when it may mean nothing to a casual observer. This has been alluded to in the case of *Bell* v. *The United States,* 254 F. 2d 82 (D.C. Circuit 1958) and the following is quoted from this opinion:

"The pertinent circumstances are those of the moment, the actual ones. Officers patrolling the streets at night do not prearrange the settings.

"They do not schedule their steps in the calm of an office. Things just happen. They are required as a matter of duty to act as reasonably prudent men would act under the circumstances as those circumstances happen."

This contention is further borne out in the review that was made by the law students engaged by the committee who, although not experienced in practical matters but, on the basis of legal guides found more than half of the cases reviewed justified on the basis of probable cause to make an arrest. Even judicial opinions, as pointed out in the committee's report, have approved the practice of police detention for questioning of suspects, both for the effective enforcement of the criminal law and to insure that innocent persons are not improperly arrested and charged with crimes.

Again referring to the *Goldsmith* and *Carter* case, D.C. Cir. No. 15280 and 15281, the court stated, "If a suspect, arrested or not, denies knowledge of a crime, the police are entitled, if indeed not obliged, to confront him with those who have implicated him. This is not unlike stating what evidence or reports they have and asking whether that information is true or false."

In the case of *Metoyer* v. *The United States,* 102 U.S. App. D.C. 62, 65, 250 F. 2d 30, 33 (1957) the court stated: "If the police are compelled to arraign all potential suspects before questioning any of them we shall have used the artificial niceties and superficial technicalities concerning our liberties to reduce genuine and important rights to absurdity—and dangerous absurdity at that. Every citizen has the right to insist that the police make some pertinent and definitive inquiry before he may be arraigned on a criminal charge, which even if it is later abandoned inflicts on him a serious stigma."

I question the conclusion that arrests for investigation is an illegal practice widely indulged in, since it is shown that the majority of these cases are justified on probable cause for belief of a felony. It should be emphasized here that many situations occur in police work in which arrests can be fully justified by the most stringent application of probable cause; and yet, inquiry and investigation after the arrest is made discloses that the prospective defendant should not be formally charged because a case could not be substantiated in court. If all prospective defendants were formally charged solely on the basis of sufficient probable cause to justify the arrest, many cases would develop where the individuals would have to obtain bond or be held for their appearance at the next session of court, engaging an attorney to represent them. Then, when the case is presented to the assistant U.S. attorney in court the following morning, he could take no action except to "no paper" the case based on the officer's report.

In connection with the reference to detention having been unwarranted in those cases where the persons are released, it is my position that in all cases where there is probable cause for the arrest there is ample justification for detention. At reported at another place in the Report, such cases would justify placing a charge against the individual. Therefore, if a formal charge is justified, then detention should be considered warranted.

I also question the conclusion that this type of arrest creates resentment against or active hostility to the police. It can be shown that many prisoners appreciate the police running out their story and releasing them without formal charge. In fact, there have been occasions when criminal lawyers made a request of arresting officers to hold their client without charge until they could check out his story, rather than placing a formal charge against him.

A case treating these issues, which is alluded to in the report, decided on August 28, 1961, by the U.S. Court of Appeals, Second Circuit, unanimously affirmed the conviction of Philip Vita and Jerald Carmel on a three-count bank robbery indictment, and in which certiorari has been denied. Vita's principal contention for reversal was that certain damaging admissions made by him were uttered at a time when he was being held in custody by the Federal Bureau of Investigation during an "unnecessary delay" in bringing him before a Commissioner, citing Mallory, Upshaw, and McNabb.

In this case Vita and a female companion were approached by three FBI agents about 10 a.m., December 21, 1959, some 15 months after the commission of the robbery he was convicted of. After identifying themselves, the agents asked Vita and his companion to accompany them to FBI headquarters to answer some questions. They agreed and were driven to the office some 43 blocks away, were interrogated for hours, lineups and polygraph examination conducted, leads and statements investigated and checked out until Vita confessed at about 6:30 p.m. He was formally arrested at 6:52 p.m. and, after his confession was typed and signed, placed in the Federal house of detention and arraigned the following morning before the U.S. Commissioner.

It was held by the court that Vita cooperated voluntarily with the agents but, in view of his contention on appeal, there is some interesting language in the opinion which reflects the application of the law by these circuit court judges on the matter of arrest and detention. Portions of the opinion are quoted as follows:

"Having chosen to talk with the FBI agents, Vita cannot now be heard to complain because his calculated risk worked to his disadvantage."

"Moreover, even if Vita had been involuntarily detained for questioning or had believed that he had no choice but to accompany the FBI agents to headquarters, we would not necessarily hold such detention to be an 'arrest' within the meaning of Federal Rules of Criminal Procedure 5(a). The rule does not apply to a case in which Federal officers detain a suspect for a short and reasonable period in order to question him. The right to question has its roots in early English practice and was approved by the common law commentators and the courts. In several states the authority of police officers to detain suspects for a reasonable time for questioning is granted by statute. In others, the right is recognized by court decisions. This prerogative of police officers to detain persons for questioning is not only necessary in order to enable the authorities to apprehend, arrest, and charge those who are implicated; it also protects those who are readily able to exculpate themselves from being arrested and having formal charges made against them before their explanations are considered. The line between detention and arrest is admittedly a thin one, but it is necessary if there is to be any effective enforcement of the criminal law."

"We do not construe the omission from the Federal Rules of Criminal Procedure of any reference to a period in which a suspect may be detained for questioning to mean that such detention is prohibited. If we were to construe rule 5(a) to require of Federal officers that they formally arrest and bring before a committing magistrate all those whom they wish to question in regard to a crime that has been committed, we would be imputing to the draftsmen of the rules the intention to prohibit effective police interrogation. We agree with our brethren on the Court of Appeals for the District of Columbia circuit who cannot believe, 'that the Supreme Court has forbidden the police to investigate crime'" citing Judge Prettyman speaking for himself and Judges Miller and Bastian in *Trilling* v. *U.S.*, 1958.

"The possibility that powers given to law enforcement officers may be abused does not require government agents to be left powerless to make reasonable inquiry. The reasonableness of the behavior of the police may be assured by close judicial supervision of the methods used."

"Assuming arguendo that Vita was from the outset detained against his will, we must determine whether the period of questioning was reasonable under the circumstances, and whether there was a point at which detention was tantamount to arrest and thus subject to the strictures of rule 5(a). * * * we do not read rule 5(a) and the McNabb, Upshaw, and Mallory cases as imposing upon Federal officers a duty to arrest a suspect as soon as they have but the bare minimum evidence needed to convince a commissioner that there is probable cause to believe that the defendant committed a crime. Although it is usually true that detention for questioning must be completed within a reasonably short time, the circumstances in this particular case justified a more lengthy detention. The investigation was conducted with dispatch, and was essential both to the development of the prosecution's case and to the protection of Vita's rights as a suspect."

"We cannot agree with the appellant that Federal law enforcement officers are so rigidly confined by Federal Rule of Criminal Procedure 5(a) that they must, immediately upon 'arrest,' cease all interrogation and formally charge the accused before a committing magistrate. Such an inflexible edict would paralyze the investigative process and eviscerate effective law enforcement."

"It is a prime requisite that law enforcement officers must themselves obey the law. At the same time, the public must be protected against bank robbers and lawbreakers; the people as well as the accused are entitled to their fair measure of due process by way of effective administration of the criminal laws. We should not go beyond the rules and impose undue restraints upon law enforcement officials where no useful purpose is thereby served."

"The policy that underlies the McNabb, Upshaw, and Mallory decisions and which is embodied in the command of Federal Rule of Criminal Procedure 5(a) 'does not call for mechanical or automatic obedience.'", citing *Mallory* v. *U.S.*, "The mere fact that a confession has been obtained while the accused is in custody before being brought to a commissioner does not bar use of the confession at the trial.", citing *U.S.* v. *Mitchell* and *Lockley* v. *U.S.*, "Mallory has established that any confession obtained while rule 5(a) is being violated is inadmissible; but when it is that rule 5(a) is violated is a question to be decided on the facts of each case. The policy of reasonableness indicates that 'arrest' should not include all detention."

"We believe that there are also circumstances which may warrant a detention that is more than brief; that when needed for investigation rather than merely repetitious interrogation, reasonable detention is permissible so long as certain safeguards are observed."

"It is sufficient protection for the rights of the individual suspect that where, as in this case, the law enforcement officials detain for as many as 8 hours, without a formal arrest and charge, the burden of explaining the reasonablenes of such conduct should shift to the government."

"In summary, we affirm the district court's finding of fact that Vita came to FBI headquarters voluntarily and stayed there of his own free will in the hope that he could throw the agents off the scent. Alternatively, even if he was in fact detained at some time on December 21, such detention for further questioning did not constitute an arrest and was permissible. And even if the detention became tantamount to arrest, the delay in bringing Vita before a Commissioner was not unnecessary."

Arrests without a warrant are described in the report as "emergency" situations. While I have no question about the legal requirement of prompt production of a prisoner before a magistrate after an arrest without a warrant, it seems to me that the statutes and court opinions on the matter authorize the arrest of persons for a felony offense on probable cause, without this being solely an "emergency" situation.

In connection with the reference to notification of friends, it would appear that those cases have been overlooked where the prisoner is arrested at his home or in other premises where friends or relatives would be aware of his arrest. There are many cases, of course, where the prisoner would not want anyone notified of his arrest, and in a very small percent of the cases, would a prisoner request an attorney.

Further, it is a fact that in cases involving known criminals, in particular, they already know of their rights under the Mallory doctrine, the requirement on the police that they be promptly produced in court, as well as their right to remain silent. Although the Department is attempting to abide by the instructions of the Mallory opinion, it is significant to note that in a recent arrest the prisoner had a rough draft written out in longhand of a proposed appeal in his case.

I cannot be optimistic with reference to "reluctant voluntary cooperation" on the part of persons suspected of criminal activity. A number of cases could be cited, but one case which comes to mind which points up the difficulty is the case of the killing of a Negro man who was found in the trunk of his automobile parked on a lot in the Northeast section of the city. A missing person report had been made to this department by his wife on May 2, reporting him missing since April 23, 1961. A full-scale investigation which included interviews and canvassing door to door in the vicinity where the decedent's body was found developed a witness who stated that the decedent had been drinking and was involved in an argument with his wife when he last saw him at 2 a.m., Monday, April 24. Other witnesses were developed who placed the decedent's car in front of his house shortly after 2 a.m., April 24, and stated they heard moaning and a call for help, after which the car was driven off at a high rate of speed.

Other interviews developed that the wife had been involved with other men and drew an admission from her that she had not been on the usual "husband and wife" terms with the decedent.

She named her current paramour and, as the investigation proceeded with other interviews in an attempt to find the person responsible for the decedent's death, she became reluctant to respond to further questioning, first complaining of illness and later referring the investigators to an attorney. Yet, in spite of her attorney's advice to consent to a polygraph examination if she did not have anything to hide, she declined to talk to investigators. She continued to refuse to be interviewed to determine what the facts were in her relationships with other men and whether or not there was any actual involvement of her in this crime because of these relationships. While it appeared clear that the decedent's wife could be of assistance in solving this vicious crime if she would cooperate with the police, it was also felt that there was not sufficient legal probable cause to make an arrest or to bring her into headquarters against her will. This case has not been solved.

In another murder case where there was probable cause to believe a man had killed his wife, the police had not been able to locate her body, and he was questioned at his home but gave no information of value. He was then asked to come to police headquarters but, instead of this, he left the city. After locating him again sometime later, it was necessary to hold him a reasonable length of time before he confessed, and described to the officers the location of the body of his dead wife, from which information it was found and he prosecuted.

I would like to correct what appears to be a slight misinterpretation in the committee's report with reference to sex offenses, and that is that the purpose of confronting the complaining witness with the prospective defendant is to develop any possible discrepancies in the story of either and to determine which one is being truthful since one usually claims the use of force and the other disclaims it. It is not a matter of determining if the complaining witness will be willing to testify but of determining what the truth is and what the facts are prior to presenting the case in court. The prospective defendant, in such a case, frequently is held without formal charge and it does happen that after such a confrontation discrepancies are found, followed by admissions, on the part of the complaining witness which indicate that the case should not be presented for prosecution.

A word of explanation, I think, is needed in connection with the committee's description of juvenile arrests beginning on page 21 of its report. The low percentage; namely, 1.6 percent, of all arrests is due to the fact that many categories do not account for any juvenile arrests. As to investigation arrests which would be made on probable cause to believe that a felony had been committed, it should be noted that the current youth aid division annual report reflects that juveniles accounted for 26 percent of all arrests for part I offenses, although an even higher percentage was shown in some categories such as rape, robbery, housebreaking, and auto theft. Further, the category 2700 reflects arrests for fugitives from parents, fugitives from the board of public welfare, and held for the juvenile court, all of which would be juvenile arrests and would increase the percentage of juveniles to adults in this category.

On page 53, in the footnote 32, the committee makes comparison of the percentage of cases going to the grand jury of persons charged with aggravated assault. In this connection, I think it is well to note that this type of charge frequently results from altercations between persons of the same family, many times husband and wife, other times between friends who later in court, after the heat of passion has subsided, are unwilling to prosecute the case. This would be the reason for many of these charges not being prosecuted.

I would also question the committee's conclusion that a major reason why the police arrest for investigation, even when they have probable cause to arrest for a crime, is apparently the view that such an arrest serves to avoid the effect of rule 5(a) of the Federal Rules of Criminal Procedure, as interpreted in the Mallory case. Knowing police work as I do, I cannot accept the view that members of the Metropolitan Police Department take any prior thought as to whether or not such an arrest will avoid the effect of rule 5(a). Investigation arrests long antedated the Mallory decision, and I feel strongly that the great majority of these cases are made based on the facts and situations which confront the officer at the moment and without any thought for the effect of rule 5(a).

I agree with the committee's statement that everyone should be willing to cooperate with the police, but I cannot agree with the statement that more persons will be willing to do so when the police cease making arrests for investigation. I think it is unrealistic to suppose that hardened criminals are going to cooperate with the police in interrogations on the street or in their homes.

In connection with the committee's recommendation that the vagrancy statute be used to a greater degree, I would like to point out that in recent years extensive files have been set up in the Police Department to record the observations of supposed vagrants over a period of time by officers in different units in order to make this statute effectual. However, in practice it has been found that some judges hold to differing interpretations of some of the language in the statute. Convictions can be obtained on a set of circumstances before certain judges which would not be held to justify a conviction before other judges.

In connection with the committee's reference to the detention of persons as material witnesses, I would like to strongly emphasize that the present material witness statute simply is so cumbersome that it is not effective, is of no practical value to the police, and is almost never used. I feel that one of the strongest arguments I can make against implementation by the Commissioners of the committee's recommendation to order the discontinuance of arrests for investigation is the lack of satisfactory alternatives to do an effective police job. Any improvements in the procedure for detaining persons as material witnesses necessarily would mean amendment to the present statute. To say the least, very strong backing would need to be developed in order to influence the Congress to make the necessary amendments.

In connection with the reference to dragnet arrests and the dragnet technique, I would emphasize that I have spoken against this type of technique and, as a matter of policy, this administration does not approve or condone such methods.

Many cases could be cited where the police have a real problem in determining all the facts for a satisfactory presentation to the court even after suspects are known or probable cause for belief is developed. The following examples will give an indication of the type of problems encountered in practical law enforcement: A case which points up the problems faced by the police in a practical situation when faced with the outbreak of violence in which a number of people are involved is the case in which Cephar Whitfield was killed and in which Pvt. David B. McQueen, of the second precinct, was shot in the throat.

In this case, in addition to the doctors and police officers involved, there are listed some fifteen civilian witnesses who testified to some observation or phase of the arguments that brought on the violence which resulted in Whitfield's death. In addition to the defendant in the homicide case, four others were charged as participants in the crime. Without question, immediately after the shooting there was utter confusion which took many hours of investigation and interrogation of the witnesses and participants to arrive at what the facts seemed to be in this case. The number of hours involved was due partly to the fact that the participants in the altercation attempted to shield themselves from being charged with an offense. Even then, it was not determined until after a laboratory examination of the fatal bullet that James Alexander Dorsett had fired the fatal shot. He originally had been charged with assault with a dangerous weapon since, on the basis of the statements obtained, it appeared others were responsible for the fatal wound. A brief recitation of the details, I think, will serve to point up the involved situation that the police were faced with when this violence broke out:

About 2:15 a.m., Sunday, July 1, 1962, Pvts. David B. McQueen and Roger W. Husband, while cruising in scout 22, came upon a man down on the sidewalk in front of 1314½ Ninth Street NW. This man, later identified as Edward A. Windear, Negro, male, 18 years, of 1227 Eighth Street NW., had apparently just been shot. Private McQueen received information that the man responsible for this shooting had just gone into the premises 918 N Street NW. Instructing Officer Husband to radio for help, McQueen immediately proceeded to that address. While in the hallway, Private McQueen was shot in the left side of the throat by a .45 caliber automatic held in the hand of one Van Hillian, Negro, male, 55 years, of that address.

Interrogation of the participants and witnesses indicated that at about 2 a.m., Sunday, July 1, 1962, Joseph Leonard Newman, Negro, male, 20 years, of 1439 Belmont Street NW., and Edward A. Windear were walking in the 900 block of N Street NW., when they bumped into a man on the sidewalk, later identified as Van Hillian, Negro, male, 55 years, of 918 N Street NW. This bumping resulted in an argument. Windear wanted to fight, but Van Hillian refused to fight and told them to go away. At that time Hillian threatened them with a gun. After Windear and Newman left this scene they proceeded to the house of a friend, Bobby Washington, Negro, male, 19 years, of 1314½ Ninth Street NW.

A short while later, with Washington, they again passed in front of 918 N Street NW., where another argument ensued with Van Hillian, a subject identified as James Alexander Dorsett, Negro, male, 49 years, of 918 N Street NW., and an unknown man who came out of 920 N Street NW. Washington struck the man who had come from 920 N Street NW., and chased him back into the house, kicking the door down in the process. One of the three also slapped Dorsett. At this time the three subjects, afraid that Van Hillian might shoot them, left the scene and proceeded to the front of Bobby Washington's house. Washington, on the way to his house, stopped on the corner of Ninth and N Streets NW., and threatened Hillian, Dorsett, and the third man, inviting them to engage in a fight.

While Newman, Windear, and Washington were standing in front of Washington's house, a friend of the trio, John James Butler, Negro, male, 19 years, of 1334 Eighth Street NW., walked by with his wife. Windear told Butler that they had been threatened with a gun and that the men who were then coming toward them, Dorsett and Cephar Whitfield, Negro, male, 42 years, of 918 N Street NW., were the men responsible for the threats. At this time Butler decided to stay and help his friends. When Dorsett and Whitfield got to Washington's house, Washington hit Whitfield with his fist. Butler then also hit Whitfield and, in the ensuing fight, Washington and Butler had Whitfield on the ground, where they proceeded to beat him.

While this beating was going on a witness, George William Melson, Negro, male, 19 years, 1306 Ninth Street NW., states that Whitfield was trying to take a gun from his pocket and that the butt of the gun was visible. Dorsett and Windear also got involved in a fight during which Dorsett shot Windear in the leg with a .32 caliber automatic. After shooting Windear, Dorsett allegedly fired one shot at Butler which did not take effect. He then ran down Ninth Street NW. toward N Street and into 918 N. After hearing this shot Butler and Washington stopped beating Whitfield. Washington allegedly took a pistol from his pocket and shot Whitfield once in the stomach. At this, Whitfield got to his feet and started to run south on Ninth Street NW. As he was fleeing, Washington allegedly fired another shot at him, hitting him in the arm. Whitfield then ran into the hallway of 916 N Street NW., where he collapsed.

Washington and Butler stayed with Windear. It was at this stage that Privates McQueen and Husband arrived. Washington and Butler told the officers that the man who had done the shooting had gone to 918 N Street NW., and that they would show him where the man was. With this, Washington and Butler, Officer McQueen following, started to run toward 918 N Street NW. Washington entered the door, first breaking it down. Butler and Officer McQueen were close behind. Washington went down the hallway and started up the steps to the second floor. As he reached the landing midway between floors Butler and Officer McQueen were at the foot of the steps. At this time Van Hillian appeared at the top of the steps where he fired one shot from a .45-caliber automatic at Washington on the landing. Washington turned around, as did Butler, and started to run. As they passed Officer McQueen they heard him say, "Halt, police." Van Hillian then fired again, striking Officer McQueen in the throat.

McQueen then fired two shots from his service revolver at Hillian, neither of which took effect. Seriously wounded, McQueen dropped his service revolver in the hallway and staggered back through the front door, collapsing on the walkway in front of 918 N Street NW.

Officer Carroll R. Baker in scout 21 had meanwhile arrived on the scene and had entered the vestibule of 918 N Street NW., behind McQueen. Baker then fired one shot from his service revolver at Hillian. This shot did not take effect.

Butler, Newman, Melson and perhaps another police officer moved Officer McQueen out of the line of fire. Van Hillian followed Dolton Starkes and Henry Wilmore in surrendering to Private Baker in the hallway, but as he emerged from the premises, Washington, Butler, and Newman jumped Hillian and began beating him. This fight was broken up and the participants taken into custody. During the confusion, Dorsett apparently fled the scene and was not arrested until later and still later was determined to have been responsible for Whitfield's death.

The problem of getting at the truth is pointed up by the statements of witnesses to the effect that Washington shot Whitfield, his own admission, later denied, and his statement that he threw his gun in a sewer, all of which resulted in his originally being charged with the homicide. In all, three pistols, a shotgun and a knife used by the participants were recovered. Statements of witnesses placed another gun in the hands of Washington and another in Whitfield's pocket.

Another case which can be cited is that on March 1, 1954, while the House of Representatives was in session, a group of persons armed, who later turned out to be Puerto Ricans, suddenly opened fire from various vantage points in the galleries and shot down a number of Congressmen and then proceeded to make their escape. Luckily, some were apprehended before they could get very far away, but all might have escaped the scene. Some did escape and, in the confusion, no one knew exactly how many. Upon arrival at the scene, the Metropolitan Police immediately broadcast a lookout to all officers and units to investigate suspicious Puerto Ricans moving about the city, especially at the District boundaries and at the bus and railroad terminals. Three men were arrested near the scene of the crime and others at other places, including one Jose Carillo Rodrigues who was found at the Greyhound bus terminal purchasing a ticket to New York.

No information could be obtained from him for the reason that he couldn't, or wouldn't, speak English. He, as well as the others, were brought in for investigation and, because of the confusion at the crime scene, it was some time before identifying witnesses could be brought in to confront the suspects. Some of the witnesses were in hospitals but, after a reasonable time, the three arrested near the crime scene and also Rodrigues were identified, confessed, and were charged. Routine investigative procedures were followed, statements obtained, and evidence, including weapons, was preserved.

It is difficult to see how else the police could deal with a situation that they found themselves in in the case of Rodrigues. No determination could be made as to Rodrigues' identification. He was preparing to leave this city for New York by bus. In light of subsequent developments that showed him to be a participant in the crime, it is inconceivable that he would have responded to a request to report to police headquarters. To prevent him from boarding the bus and to have him accompany the officers to headquarters, I feel, would have constituted an arrest under the rules of our local courts. Yet, at the time he was accosted by the officers at the bus station, there certainly was not grounds for charging him with a formal offense since he had not been identified as one of the participants.

This same type of situation could well have occurred at the Blair House when an attempt was made to assassinate the President of the United States and police officers were shot except for the fact that the assassins were shot before they could escape.

In another case in 1958 a gang of young men had held up and robbed numerous business places and on February 1, 1958, they held up a market at 250 11th Street NE. As they were leaving, the proprietor fired a shot at them and one fell to the floor but the others picked him up and carried him to the getaway car and all escaped. On February 2, 1958, information was received by telephone that a group of men were in a room at a certain address and they were extracting a bullet from one, and were overheard to say that he was shot while holding up a store. The police found the group in the room, along with bloody clothing, change, etc. Very little information could be gained at the scene but the group was brought to headquarters and held until a lineup could be arranged, as a result of which they were identified, some in some cases and some in other cases. They made statements and were later charged with the robberies that they had committed. Not all were involved in the case in which the one was shot and, by this time, there could have been some who had joined the group who were not involved in any of the crimes.

In such a case, the question could be posed, "Should all be charged with the original case when some may not have been involved?" On the other hand, "Should they have been invited to come to headquarters at a later prearranged time when some 20 witnesses had been notified to respond at the same time and have these witnesses present with the probability that no suspects would be there for them to view?" Again, it is inconceivable to me that, under such circumstances, persons engaged in such violent criminal activities would respond to an invitation to report to headquarters and bring the weapons and stolen property that they had with them.

Many more examples could be cited where, after an arrest is made, a period of time is necessary to develop the ascertainable facts so that an intelligent presentment can be made by the officer to the prosecutor in order that he will have ample facts on which to initiate or decline prosecution. It frequently is the case that these additional facts are not available or ascertainable until after the the arrest of the prospective defendant, obtaining his responses to the allegations and evidence, confrontations, etc. In fact, even where a warrant (which can be had on the sworn application of an individual) is issued, commanding an arrest, present practice and fairness would dictate that investigation of the allegation should be conducted to provide the prosecutor with sufficient information on which to base a decision whether or not to proceed with prosecution.

In this connection, I think it is worth noting some of the comments of our senior circuit judge, E. Barrett Prettyman, in his lengthy discussion in the Trilling case of this field of authority of the police to question. Judge Prettyman, with whom Judges Wilbur K. Miller and Bastian agreed had the following to say:

"At least one of the prime functions, if not the prime function, of the police is to investigate reports of crime or the actual commission of crime. The usual, most useful, most efficient, and most effective method of investigation is by questioning people. It is all very well to say the police should investigate by microscopic examination of stains and dust. Sometimes they can. But of all human facilities for ascertaining facts, asking questions is the usual one and always has been. The courts use that method.

"Many strong leaders in the protection of individual rights, such as the late Judge Jerome Frank, berate inadequate police investigation. Innocent men go to jail or to death, they say, by reason of unthorough, hasty police inquiries. Horror stories ensue from deficient, careless investigation. It would be a simple thing for the police to charge and arraign every suspect and then wash their hands of the whole affair; it would be simple and also brutal. Judge Frank, in his book "Not Guilty," did as other leaders of his type have done; he praised the persistence with which police dog a guilty man with questions until an innocent suspect is cleared.

"Moreover I think the Supreme Court did not mean that the police in the course of an investigation must scrupulously avoid asking all possible suspects any questions lest perchance one of them might readily admit guilt, or lest perchance they hit upon a fact—or an inflection—which is probable cause for a charge. The police can question suspects. In the process of investigation possible suspects must be subject to questioning.

"If the police can question either a person they believe knows something about a crime or a mere suspect, how long and how can they question him? I think both the time of questioning and the mode of questioning are factors. Some negatives are plain. We have already seen that officers cannot use either a period of questioning or a method of questioning designed to or effective for extracting a confession. They cannot hold such a person without proceeding to the questioning; they cannot throw such a person into a cell block as though he were under arrest. Now, on the affirmative side, I think the rule of the cases is that the police can question a person not a suspect or one who is a mere suspect, so long as the period of detention and the mode of the questioning are reasonable under the circumstances for the purpose of obtaining information.

"I think the rule of 'reasonable for the purposes of information' must necessarily be the rule. The police must investigate crime. That much is clear; it is one of the fundamentals of organized society as contrasted with anarchy; it is part of the rule of law. Inquiry reasonable for information purposes is no part of intensive interrogation for the purpose, or with the effect, of extracting confessions.

"Whether the questioning is reasonable and proper, or whether it is so illegal as to nullify use of its fruits, is dependent upon the facts. It takes no astute student of police procedure to recognize whether the police are trying to extract a reluctant confession or whether they are reasonably seeking the solution to a crime.

"I think, if the circumstances are that the police are investigating a crime and asking available persons relevant questions, they are performing a proper function. They are not required to charge all such persons with the crime. They need not forthwith take such persons before a magistrate. It seems to me such persons are not under 'arrest,' within the meaning of rule 5(a), even if they are under some sort of compulsion to go to headquarters and answer questions. The rule cannot mean that every person questioned in connection with a crime must be arraigned."

At another point Judge Prettyman stated:

"The Uniform Arrest Act is quite specific on some parts of these problems. We are dealing with complex problems, known long since and attacked many times; we are not facing an innovation of unexplored possibilities."

In view of the cases cited as well as many more the police are faced with in practical day-to-day enforcement, it is strongly urged that serious consideration be given to some satisfactory alternatives in view of the committee's recommendations. One such alternative would be enactment of certain portions of the Uniform Arrest Act which, I notice, the committee opposes. However, the provisions of the Uniform Arrest Act were developed after the Interstate Crime Commission formed a committee and requested the services of Prof. Sam Bass Warner, of the Harvard Law School, to make a survey of the Law of Arrest. This required a year's study of what he referred to as the "antiquated law on the books" and the study of actual procedures in some of our large cities. Professor Warner stated that many suggestions were made by members of the committee, police, prosecutors, judges, defense attorneys, and law teachers; and he particularly cited professors from the University of Michigan, University of Iowa, University of Wisconsin, and Northwestern University for valuable aid in draftsmanship. The Uniform Arrest Act was drafted as a model act to reconcile the law as written with the law in action and deals only with arrests by police officers since it was felt that existing law provides adequately for arrests by private persons. In an article published in the Virginia Law Review, Professor Warner states that present law is entirely inadequate to meet the modern needs for questioning and detaining suspects. Either by common law or statute, officers are said to have the right to arrest without a warrant any person whom they reasonably believe is committing, or has committed, a felony or a misdemeanor (in some States, any misdemeanor; in others, only breaches of the peace). In addition, a peace officer has the right to prevent a person from committing a felony or misdemeanor in his presence. For example, even in a State in which the right to arrest without a warrant for misdemeanors extends only to breaches of the peace, an officer has the right to prevent a thief from taking a robe from a parked car.

Quoting from Hale and Hawkins, Professor Warner felt that there was apparently the right at common law to detain certain suspects for investigation and cited that there is some early judicial recognition of this ancient right of constables and watchmen to stop and investigate suspicious persons. As to the authorization for questioning suspects, section 2 of the Uniform Arrest Act provides:

"(1) A peace officer may stop any person abroad whom he has reasonable ground to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going.

"(2) Any person so questioned who fails to identify himself or explain his actions to the satisfaction of the officer may be detained and further questioned and investigated.

"(3) The total period of detention provided for by this section shall not exceed 2 hours. Such detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime."

The article cites that an officer is usually able to decide at once whether to let a suspect go or to arrest and charge him with a crime after stopping and questioning him. Occasionally, however, further verification is necessary.

The provision in section 2 permitting an officer to detain for further questioning and investigation a suspect who fails to identify himself or explain his actions satisfactorily is meant to cover such situations. The 2-hour limitation is cited to prevent temporary detention from being transferred into imprisonment excommunicado, without the safeguards of arrest and its consequent responsibilities.

The section provides that such detention is not an arrest and shall not be recorded as such in any official record. The definition of an arrest in section 1, is "the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime." Detention, of course, is held to be something closely akin to what is ordinarily considered an arrest, but not calling it such even when it includes taking the suspect to the police station for further inquiry, and may prevent his humiliation. He will not have his name entered on the police blotter. If he is ever asked, it is stated, when on the witness stand, seeking employment, or running for office whether he has ever been arrested, he will still be able to give a negative answer.

Section 2 is based on a similar Massachusetts statute and Professor Warner felt that its constitutionality would be easier to maintain than that of the Massachusetts statute and cited that many statutes enlarging the common law right of police officers to make arrests have been held constitutional, holding that the test would be whether the provisions of the proposed statute were reasonable.

In conclusion, I would call the Commissioners' attention to the introduction of a bill, H.R. 12851, on August 9, 1962, which would authorize detention of persons whom an officer has reasonable grounds to suspect is committing, has committed, or is about to commit a crime; generally in line with the above provisions of the Uniform Arrest Act. If the constitutionality of these proposals can be established, I urge the Commissioners' support of these provisions. This bill would also amend section 4–144 of the District of Columbia Code with reference to material witnesses in a manner which I think will make this statute of much more use and assistance to the police in conducting investigations of felony offenses, and I also urge support of these proposals, in line with the committee's recommendation.

Therefore, in view of the widespread practice of detaining suspects for proper police interrogation on probable cause and what I feel is the demonstrated need for such procedure for effective law enforcement; the recognition of this need, and approval in a number of judicial opinions, including our own court of appeals, of a period of time for proper police interrogation and investigation before formally charging persons detained in connection with a criminal offense; the practice in the department of instructing new men, as well as officials at the command level, concerning the established law of arrest as expounded on by authorities in the field and judicial decisions on this matter; as well as failure to show abuse by members of this Department, I strongly urge the Commissioners not to implement the recommendation of the Committee on Police Arrests for Investigation until satisfactory alternatives are established to provide the police force with tools to continue an effective war on crime.

ROBERT V. MURRAY,
Chief of Police.

PAY RAISE FOR 1.5 MILLION FEDERAL EMPLOYEES

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the combination of a postal rate increase and a pay increase for postal and classified employees of the Federal Government, is a two-in-one solution to related problems.

The steadily increasing deficit of the Post Office Department is due to the below-cost rates that it charges for its essential service to business and to the general public. By providing modest increases in the rates for first-class mail, airmail, and in the rates for delivering periodicals, this bill now in debate in the Senate brings an estimated $603 million in additional revenue a year to the Post Office Department.

The two-installment pay raise for 590,000 postal employees—the first on the payday after the bill is signed by the President, and the second on January 1, 1964—will cost $669 million. Comparable pay raises for nearly 1 million classified Civil Service workers will amount to $368 million.

On the one hand, the Post Office Department has seen its deficit mount steadily because it has not been authorized by the Congress to charge the users of the mails realistic rates for its services. On the other hand, Postal and Federal employees have not been granted pay increases comparable to those enjoyed by workers in private enterprise. The resulting deterioration in morale has made it difficult for the Federal Government to recruit and retain the skilled personnel that it needs for the effective functioning of services to the people and to the economy.

Pay raises for classified employees have been added to the postal rate-postal pay increase bill because we cannot discriminate between the two large groups of U.S. Government employees by providing pay boosts for the postal workers while ignoring the just claims of the nearly 1 million classified workers. All are entitled to a raise in their own right, and to prevent a decline in the standards and the effectiveness of the civil service branch of Government.

The Post Office and Civil Service Committees of the Senate and the House have worked long and diligently on this complex problem. I believe they have arrived at a reasonable adjustment of the many claims and counterclaims that will meet with general approval. As this measure is in substantial accord with two major recommendations of the Executive Department, I am confident that President Kennedy will sign it.

As one who has consistently advocated and supported pay raise legislation for postal and Federal employees, I am pleased by the prospect of favorable action before Congress adjourns.

POSTAL RATE BILL

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, the provision in the Senate postal rate bill relating to Communist political propaganda reinstates the program in effect during the Truman and Eisenhower administrations. Had that program not been lifted by the administration in March of 1961, the Cunningham amendment would not have come into being.

Now I am perfectly satisfied with this proviso as it passed the House. Since its passage, it has been subjected to misinterpretation, vilification, misunderstanding, and other kinds of uninformed attack.

The same people who attacked the proviso when it passed the House stated that it barred Communist propaganda from the mails; this is typical of the misrepresentation used. The amendment never did any such thing—it simply shifted Communist political propaganda from second- and third-class mail, which shows a loss, to fourth class, which shows a profit. The purpose of this was to stop the free delivery of this material caused because the Russians do not deliver our material reciprocally, whereas we deliver theirs and receive nothing for it.

Now that the Senate committee has reinstated the Truman-Eisenhower program, the people who attacked the original Cunningham amendment are now attacking the Senate version on one ground or another. If these people are not satisfied with the Senate version which has some weaknesses in it, then it may be advisable for the House to stand firm for section 12 as it passed this House.

When I testified before the Senate committee in support of the Communist propaganda amendment, I stated that if the Senate committee objected to the bill as it passed the House, let the Truman-Eisenhower program terminated by the Kennedy administration be reinstated. This the Senate committee has done and added some safeguards. There are a few weaknesses in the Senate bill, and it is my hope they will be corrected in the Senate. Certainly if that body does not do so, they can be taken care of in conference. At conference we will also have to decide whether or not this proviso shall include Communist political propaganda originating in the United States. The Truman-Eisenhower program only covered material originating in foreign countries, and that principle is carried over into the Senate version.

I was amazed to read in the Washington Post this morning that the Senate version is supposed to be token censorship. The bill of course is not censorship at all, either as it passed the House or the Senate. The Senate version reinstates the Truman-Eisenhower program under which an addressee was notified that Communist political propaganda had been received and addressed to him. He would then say whether or not he wanted it. Ninety percent of the people said they did not want it, and as a result this material was destroyed. Since it did not go through the mails, it did not cause any loss to the taxpayer. Since the Truman-Eisenhower program has been terminated, nine times as much material is going through the mails as previously, because we are now delivering it rather than destroying it after the recipient says he does not want it. And it is delivered in second and third class, thus showing a loss. When the Truman-Eisenhower program was lifted, the same people now complaining about the Senate version and now terming it "token censorship" were also complaining about the very existence of the Truman-Eisenhower program.

In view of these uninformed comments, and to make absolutely certain that there are no unforeseen loopholes, I am very hopeful that the House conferees will take a very good look at the provision as it passes the Senate. Certainly we should accept nothing less than sound legislation which would stop the free delivery of Communist political propaganda.

One portion of the Senate bill is very appealing to me. This section provides that if we have an international cultural exchange agreement like we have for the magazine Amerika which is exchanged for 50,000 copies monthly of the magazine U.S.S.R. that such international cultural exchanges are excepted from the provisions of the act. If we can crack the Iron Curtain by sitting down at the bargaining table and providing that if the Russians let our material in we will let theirs in, we will have made a great step forward in the fight for men's minds.

The provision as now being considered by the Senate applies not to the Universal Postal Union but to international cultural agreements. This is a resounding answer to those who would have us carry material aimed at destroying the United States in the face of prohibitions on our own material directed at freemen everywhere in other countries.

We in this House will very closely observe the Senate's deliberations in this matter and I know that we will meet our responsibilities in accord with constitutional principles by removing from the back of the taxpayers the ridiculous loss occasioned by carrying Communist political propaganda without reciprocity on the part of Iron Curtain countries.

ATTACK ON PENSION, PROFIT-SHARING PLANS HAS ONLY BEGUN

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Ashbrook] is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, there is an old saying "It is an ill wind that blows no good." This certainly is true as far as the so-called Gore amendment to H.R. 10 is concerned. Many of us have consistently pointed out the trend of our taxing and spending policies but it took the Senator from Tennessee to really drive this home to the average wage earner in plants, stores, and offices throughout the country.

The rapid response of many of the millions of Americans affected and the efforts of those of us who philosophically oppose such oppressive tax policies brought a respite. What I want to make very clear is my firm belief that this is but a temporary victory and if the present trend continues and the thinking which now abounds here in Washington is allowed to proceed unchecked by the people, it will only be a matter of time before this and many other socialistic and disastrous tax policies are adopted.

More than anything else, the Gore amendment indicates the temper and the climate of economic and political thought in the liberal community which now is in the driver's seat in Washington. H.R. 10 passed the House as a meritorious bill which would assist self-employed individuals and owner-employees in providing for their retirement security. It would permit these people to exclude a portion of their earnings from income taxes where the money is set aside for retirement purposes. The bill went to the Senate and then, on September 6, Senator Gore kicked off his fight on a totally different front by asserting in a speech:

> There are many other ways in which a fortuitously circumstanced individual can escape bearing his fair share of the total tax burden. One of the most glaring examples, perhaps, is the manipulation of corporate pension and profit-sharing plans.

Millions of Americans who are building their future security through profit-sharing and pensions plans do not feel that they are necessarily "fortuitously" circumstanced since they build year by year, dollar by dollar. This is the American way. Yet, the Senate went on to vote an amendment to H.R. 10 which basically changed it in principle to where it attacked the profit-sharing and pensions plans of millions of American workers and executives.

Let me say at this point that I honestly believe that many well intentioned liberals felt they were striking a blow at the isolated corporate plans which provide lush treatment for their highly paid executives. The overwhelming majority of plans which I have studied in the 17th Ohio District, quite the opposite, benefit the hourly employee and the lower level salaried workers. This was a blow at them and they knew it. Their reaction was instantaneous.

When the bill went to a House-Senate conference to iron out differences in the two versions, a solid Republican minority was joined by enough Democrats to delete the Gore proposals.

Is the attack on pension plans and profit-sharing plans dead? Absolutely not. The current storm of protest may discourage the administration from including these Gore amendment proposals in the so-called tax reform bill to be offered to Congress next year but both President Kennedy and Secretary of the Treasury Dillon have already given their tacit approval to the Gore amendment. The New York Times of September 7, 1962, carried a front page article which stated:

> DILLON CALLS MEASURE SIGNIFICANT STEP TOWARD REFORM OF OUTMODED LAWS

In his September 13 press conference, President Kennedy was asked:

> Mr. President, in view of your intention to try to close some tax loopholes next year, do you find either the House or the Senate version of H.R. 10 is acceptable this year?

The President answered:

> Well, I want to wait until the conference. Of course, the Senate version is much more acceptable than the House version but even the Senate version requires some careful analysis * * *.

Remember well that the Senate version and not the House version had the Gore amendments to H.R. 10.

To fully understand the problem in its proper significance, it is necessary to know the economic thinking of the advisers around the President. He adopts their recommendations in large part because no one expects the Chief Executive to come forth with all of the thousands of proposals and decisions which must be made. This is the danger because his economic advisers frankly favor the welfare state and would move us in the direction of state socialism.

Two former professors are now at the heart of the economic pulse of our country. Prof. Stanley S. Surrey, of Harvard, and Prof. Walter Heller, of the University of Minnesota, are now Assistant Secretary of the Treasury for Tax Policy and Chairman of the President's Council of Economic Advisers, respectively, two of the most strategic positions in Washington. Along with Prof. Arthur Schlesinger, Jr., of Harvard, they form the administration's basic economic thinking. Professor Schlesinger will be recalled for his assertion that the welfare state in America would be our best defense against communism. All three of these gentlemen favor big government, centralized in Washington, with vast spending programs to solve all problems, real and fancied. All profess to bleed profusely at the needs of the workingman and the downtrodden. There is one catch to their argument, however, and the Gore amendment was indicative of this flaw—you need taxes, taxes, and more taxes to carry out their grandiose schemes and the workingman will be called upon to pay and pay and pay although less will be said about this part of the program than about the so-called benefits he supposedly will receive.

What can be expected in the tax reform bill next year? Let us take a look. First of all, you must understand Washington bureaucratic jargon. Words do not always mean what they normally do to just plain American people back home. The State Department will look at a loss and call it a victory. We talk in terms of debt ceilings when there really is not a meaningful ceiling at all, balanced budgets which are not balanced, temporary taxes which are about as permanent as anything can be, reciprocal trade which is a one-way street and not reciprocal at all, aid programs which are control programs, and so forth. By the same token, the bureaucrats talk about tax cuts which are not really tax cuts. We had an example earlier this year. In July, the Internal Revenue Service announced a tax reform of depreciation rates. In his statement the President said:

> This tax cut which these changes will make possible—the net reduction in tax liabilities—will reach $1.5 billion in the first year.

There was no tax cut but rather a depreciation reform. All that was done was to shorten the life over which depreciation would be spread. Thus, a machine which cost $150,000 and was to be depreciated over a 15-year period could, under the new rules, be depreciated over a 10-year period. No tax cut, just giving you the same total dollar deduction over a shorter period of time. I point this example out because it is so typical of how things work here. In exactly the same way, the worker may thus end up paying more taxes after the tax-reform bill, which would be billed as a tax cut.

In 1959, Professors Surrey and Heller and others submitted a tax revision compendium to the House Committee on Ways and Means in which they discussed means of broadening the tax base. This again is bureaucratic jargon for getting more tax from more people. This compendium is the blueprint for New Frontier fiscal and tax policy. In the lead article, Professor Surrey indicates areas in which we should reform our present tax laws. Remember his position in this administration if you think these sound a little ridiculous.

First, eliminate the deductions which the individual taxpayer now has for interest paid on the mortgages on their homes. In fact, eliminate all nonbusiness interest deductions. More basically, start taxing the homeowner for the fair rental value of his dwelling.

On page 6 of the compendium, Professor Surrey indicates that such a proposal will have rough sledding because it is unlikely that Congress would be willing to overturn tradition, but bases his argument on the theory—

> Another preference that has become built in to our tax system through default is the exclusion from income tax coverage of the imputed income on owner-occupied homes. The estimated amount of this income for 1956 is $4 billion.

This is quite a proposal. Homeowners have an advantage over their rent-paying cousins, his argument goes, and should be taxed for this advantage. If your home would have a fair rental value of $100 per month, according to the bureaucrats, you have an imputed income of $1,200 per year and you should therefore include it in your form 1040 and pay taxes at the regular rate on this income. This revolutionary doctrine sounds radical now but when one considers the 50-year history of the income tax and the way it has been extended in every direction who can scoff at the chance of such a fantastic proposal?

Second, tax insurance dividends which are used to purchase more insurance, reduce premiums, or left to accumulate. In fact, change our laws so that widows and dependents will pay income tax on insurance benefits at death. Professor Surrey notes:

> Individuals who invest in life insurance receive preferential tax treatment in that they are not currently taxed on the interest accumulations earned by their policies, and, since the proceeds of the insurance are not taxable income at death, the interest goes untaxed.

For this, he would recommend a withholding tax plans on insurance dividends and apply income tax to proceeds paid at death.

Already you can detect a common strain in these two points that will continue through the rest of the tax reform arguments. These tax provisions are called loopholes which should be plugged. In almost every case these tax changes would hit at people who are striving, in the American spirit, to take care of themselves, provide for future security of their families and improve their own standard of living through homeownership, savings, pension and profit-sharing plans, and so forth. The myth of the Hellers and the Surreys—indeed, those in charge of our fiscal policy in Washington today—is that the welfare state is the mechanism to solve the problems of society and not the individual. Everyone is to be encouraged to be a boarder cow on a huge collective farm which will dole out Federal milk and honey to all. This is socialistic to the core and repugnant to the great body of Americans who believe in individual responsibility and our free enterprise system.

Other proposals include, third, heavier taxation on elderly taxpayers who are escaping income tax through their pension plans and social security. Coupled with the life insurance benefits recommendation, this would hit hard at those who have reached nonproductive years and wish to live not on welfare or the dole but on the fruits of their endeavor during their productive years. The $600 extra deduction for taxpayers over 65 also should go, according to these liberal economists and social scientists. Professor Surrey says:

> Social security retirement payments * * * when coupled with the additional $600 old age exemption * * * and the increased medical expense allowance for the aged, persons over 65 become a distinctly favored class under the income tax. * * * It is basically wrong to exclude social security pensions from income or to grant a retirement income credit.

This tax preference treatment he calls a windfall. I ask the question, "Why should not tax preference be given to our elderly?" Is not this exactly what our free enterprise system of self-reliance is all about? Is this a loophole? Does not this provision help give more self-respect to our elderly than a Federal dole?

Fourth, take a closer look at fringe benefits. Tax should be applied to sick pay exclusion, employer-provided medical benefits, and certain other types of fringe benefits. Professor Surrey notes:

> It is obvious that a mass income tax must squarely face these changing patterns of compensation which it generates and that some broad solution must be reached to the problems of tax equity, administration, and social policy involved.

We all know what this broad solution would be. An extension of the income tax into a new region by the bounty hunters.

Fifth, the removal or at least the strict application and reduction of tax deductions now afforded to the taxpayer on a broad scope. This would include the interest deduction on home mortgages and other nonbusiness debts, charitable contributions, medical expenses, casualty losses, child care, taxes on State and local level, and even the standard deduction afforded all taxpayers. The liberal argument is that the law properly allows a deduction both for business and nonbusiness expenses incurred in producing income or maintaining property held for the production of income, but as Professor Surrey puts it:

> The U.S. law is almost unique in the extent to which it also allows deductions for personal expense of the taxpayer; i.e., for nonbusiness expenses not related to the production of income. The aggregate amounts so deducted on taxable returns are large—almost $31 billion in 1956. The expenses involved are taxes, $5.5 billion; interest, $4.5 billion; charitable contributions, $4.6 billion; medical expenses, $3 billion; casualty losses, $300 million; and child care, under $100 million; plus the standard deduction, $13 billion (estimated) allowed in lieu of itemizing these personal and some income-producing expenses.

The medical expense deduction should be "strictly confined to the aspect of extraordinary expenses." As to the charitable contributions deduction, Professor Surrey argues that this—

> is a subsidy to philanthropic institutions. Assuming agreement persists that certain activities are better handled in our society through private philanthropy than by Government or business * * *

Note that argument, "Assuming agreement persists" that these charitable activities can be better carried out privately than publicly or at least through business operations which could then be taxed—isn't this the heart of these socialistic arguments: a disbelief in the private sector and the encouragement of massive Government programs which supplement and then supplant everything from providing for individual and family security to the realm of private charitable work in the society. As to other deductions, he states:

> But the deductions for personal interest and for State and local property taxes amount to a considerable subsidy to property owners, especially those who are mortgagors * * * and are undesirable.

These asssertions are not in line with the traditional American argument that you, the individual, have the right to keep the fruits of your own endeavor and should be required only to pay for the necessary expense of operating the Government. They proceed along the liberal, socialistic theme that it is only by the good grace of the Government that you get to keep anything. Thus, any provision or "loophole" which allows you to keep more of your income becomes a subsidy. Most people don't recognize that the 16th amendment gives Congress a carte blanche to enact tax rates which can confiscate as much of your income as they deem proper.

Sixth, drastically increase the capital gains tax above the present 25-percent limit and remove capital gains treatment from a variety of areas in the present law. It is this general recommendation and goal that saw the light of day in the so-called Gore amendment. Professor Surrey told the Ways and Means Committee in 1959:

> The capital gain rate has become a convenient shelter for many sorts of transactions which have won a tax concession from Congress. These honorary capital gains situations include employee stock options, pension trust lump sum payments, patent royalties, sales of breeding livestock and unharvested crops, sales of business assets and coal royalties.

Singling out the pension and stock purchase option plans which he seemed to think only went to highly compensated executives, Professor Surrey continued:

> Congress should at least remove the artificial capital gains treatment for lump-sum pension payments and stock option compensation and substitute some ad hoc averaging or spreading solution.

The Gore amendment was of this stripe. If it had passed, millions of hourly employees—not just executives, but hourly employees for the main part—would have seen a substantial part of their life savings go up in smoke. The Congress has long recognized that these plans should be encouraged. They are in the true spirit of free enterprise and the American tradition. Profit sharing was encouraged in 1942 when Congress decided to accord capital gains treatment to lump-sum profit-sharing and pension plans. The Gore amendment would have struck at the heart of these plans which have lump-sum distribution features.

In my opinion, there is every legitimate reason for treating these profit-sharing, pension, and stock purchase option programs on a capital gains basis rather than on an ordinary income or so-called spreading treatment, especially in the case of those profit-sharing plans where the worker actually has a vested interest in his deposits and they are his own property. Any increment to the worker because of the appreciation in value of the stock in his trust is a capital gain and not extra compensation which would be justifiably taxed as ordinary income. How is this situation any different than the one where he would take his own cash and purchase stock—he would get capital gains treatment on it. We should encourage self-sufficiency rather than dependency. These plans are one of the better ways of accomplishing this desired goal. In my district, many thousands of employees in factories and stores would have been hit hard if this amendment had been adopted in the manner recommended by the Senate, the President, and the Secretary of the Treasury. At Tappan Stove, Newark Ohio Company, Ingersoll-Humphreys, Penney's, Sears, Gorman-Rupp, and dozens of other plants and stores in the 17th district, this raid on the workingman's pocket caused great consternation. To call these plans a shelter for tax dodging is deplorable. They are one of the basic foundations of family security.

Seventh, remove the $50 exclusion for dividends and the 4-percent dividend credit. While Professor Surrey admits these have some justification because of the double taxation involved in corporate profits, he says:

> It would seem advisable to remove this recent preference before it, too, becomes built in and one which must remain because it always has been there.

This, by no means, is the entire list. Withholding of taxes on dividends and interest is also a central plank in the tax reform program and you will recall that this proposal was heartily endorsed by the administration and, although killed by the House, cropped up again in the Senate as an amendment to the Revenue Act of 1962. Recommendations abound for taxing reimbursements received by the taxpayer for prepaid medical and disability plans, taxing gifts as ordinary income, eliminating deductions for dependent children, the elderly, and handicapped, mineral resource depletion and a number of other proposals, all of which are designed to broaden the tax base. They even recommend we remove the tax-free status of interest on State, municipal, and local school board bonds.

What we can expect over the next few years if the current liberal administration endures is well exemplified in these few excerpts. Of course, as a good bait they will hold out the enticing prospect of lower tax rate levels, which may lull many into a state of complacency. What will be gained, however, if we bring broad new areas of exempt income under somewhat lower tax rates and make the changes briefly cited a few moments ago? Won't more people end up paying more tax? The goal is well presented by Professor Heller when he told the Ways and Means Committee—

> Without any necessary relation to differences in levels of income, our income tax mechanism favors older over younger age groups, sick over healthy persons, homeowners over renters, veterans over nonveterans, and so on.

Those of you uninitiated in the ways of the bureaucrats and the elite planners might well retort, "So what? Is this bad? Shouldn't we encourage homeownership and the ability to take care of oneself?" As bad as they are, our current tax policies at least do, in some small measure, point in this latter direction. However, the Hellers, Schlesingers, and

Surreys would change this. As Professor Heller further states:

> We endanger that reputation (that the income tax is fair) when we add one provision after another reducing people's tax burdens, not because their incomes are low or their families are large, but because they are aged, or blind, or sick, or unemployed, or homeowners, or veterans. If their affliction or status reduces their income, the income tax already takes this into account automatically through personal exemptions and rate graduation. If income supplements are required, direct assistance through social security benefits, health insurance, veterans' programs, and the like, can be provided.

Here, once more, is a clue to their goal: big government will take care of you. Do away with these foolish exemptions which in a small way help the sick, the blind, the old, and the unemployed to take care of themselves in a better manner and let the Government take care of you.

OTHER GOALS OF THE INCOME TAX

To many economists, the income tax is not just a device to raise revenue for the operation of necessary governmental functions but something far more useful as a tool for reform. It is now the instrument to level incomes, to socialize our country, and kill off the profit motive which seems so distasteful to this particular type. Note what Prof. Walter Heller states in his contribution to the compendium:

> The basic fiscal tasks we have assigned to the income tax are—
>
> 1. To place resources at the disposal of Government in a noninflationary way, i.e., the service-financing function;
>
> 2. To help offset economic fluctuations, i.e., the stabilization function;
>
> 3. To help reduce income inequalities in line with public preferences, i.e., the distributive or income-transfer function.

The truth of the matter is that those of this liberal and socialistic persuasion place higher emphasis on the second two basic tasks of the income tax than on the primary reason. In their hands, the income tax is a weapon of social policy. Do not forget that Professor Heller is the President's chief economic adviser when you read this further statement he makes—

> Year in and year out, our individual and corporate income taxes now provide about four-fifths of Federal administrative budget revenues and two-thirds of the cash receipts of the Federal Government. This tax is not only powerfully effective in loosening the grip of the private market on resources so that they may be used to carry out public purposes in a noninflationary way but it also gives the Government ready access to the fruits of economic growth.

Karl Marx could not have put it any better. Note the argument that the income tax is "powerfully effective in loosening the grip of the private market on resources so that they may be used to carry out public purposes."

This is about as socialistic as you can get. These people do not trust the free market; they do not trust the individual and while they would not say they are for socialism they promote a system of controls and taxation which cannot be called anything else. Professor Schlesinger has always forwarded the thesis that we individuals indulge in too much luxury because we have too much extra money to spend and therefore we should have higher Federal taxation to prevent this "waste" and by turning over this extra bite in our paychecks to the bureaucrats and planners in Washington they will more wisely allocate it for us by spending it in the public sector of the economy. This would be a lush life indeed for those bureaucrats and the elite who are supposedly smart enough, according to their argument, to make our decisions for us but it would be a rather mediocre existence for we poor mortals who are not intelligent or capable enough to do these things for ourselves. This is the common characteristic of communism, socialism, fascism, collectivism and all of the Marxists philosophies—it will be a good life for those in power who make all of the decisions but it is sad indeed for the subjects.

Earlier this year there was a loud clamor for a tax cut. It was interesting to see that it was the liberal organizations which have been at the forefront of the demands for more and more Federal spending who were also in the pulpits calling for an immediate lowering of taxes. I believe President Kennedy wisely set aside the political arguments this summer and postponed consideration until January. Nobody would want a tax cut more than myself; I sincerely believe that few Representatives could more responsibly vote for one on the basis of their voting record for economy and against unnecessary spending. However, I believe most Americans are smart enough to know that we must curtail unnecessary and wasteful Federal Government spending practices before we can have a basic tax reduction. Again the liberal argument is a curious one. Professor Heller told us last summer that a tax cut now would be a good investment or downpayment on future prosperity. By their theory, we should spend more than we have which supposedly stimulates the economy and makes it grow, thereby creating a larger gross national product which means more salaries, more profits, and so forth, to tax, which makes up for what you "pump-primed" in the first place. Bless them, they have been telling us this for 30 years and it just has not worked any more than a person can pull himself up by his bootstraps. The downpayment needed is not deficit spending but a reduction of spending.

I have supported proposals which would endeavor to lower taxes and reduce spending at the same time because I believe this is the more realistic way to face up to our problems and our responsibilities. At the same time, I have introduced several bills which would work toward specific ends within this overall framework. My H.R. 13128 would increase the individual exemption from $600 to $1,000 for the reasons I set out later in this speech. Under my H.R. 12133, we would each year apply up to 10 percent of the budgetary receipts to the systematic retirement of the national debt. H.R. 5564 would add another deduction to the income tax for up to $1,200 for college expense paid by a parent or the student and H.R. 7630 would return 2 percent of all individual income taxes collected in the various States to the States for general secondary education only. These proposals are part of a positive program for tax relief which would encourage individual self-reliance and initiative and also bring about a better relationship in the State-Federal tax picture. To preserve State autonomy and local government vitality, we must reverse the trend of centralization here in Washington through continual Federal encroachment. The heart of this trend has been the income tax and the power that it amasses.

HOW FAR HAVE WE COME?

A generation which has become hardened to confiscatory taxation to the extent that we hardly yell any more will, unfortunately, rarely take a look at just how far we have gone down the Marxist road on the income tax. In the Communist manifesto, the graduated income tax was proclaimed to be the best leveler and the key tool in the effort to destroy individual private property. The 50-year trend in this country is frightening and unless American citizens begin to exercise their franchise meaningfully by vetoing the socialistic plans of the liberals and spenders, the death knell of our Republic will be sounded. The liberals of 1912 and 1913 were telling the public the same thing that we hear today, "We will tax the other fellow—the rich man—and we can give you all of these wonderful things from Washington at no cost to you."

Well, this was fine and it started out that way but the so-called little man for whom the liberals chortle is now paying most of the tax. Consider, for example, the personal exemption. During the 1913 debates when Congress was enacting the first basic tax law to implement the authority given to them under the recently passed 16th amendment, it was said that:

> This new tax ought to leave free and untaxed as a part of the income of every American citizen a sufficient amount to rear and support his family according to the American standard and to educate his children in the best manner which the educational system of the country affords.[2]

You see, we were not really going to bite into your pocket at all. Just a wee bit on the rich and only then on the excess you have above that amount needed to live well and educate your family.

Here is the historic course of the individual, personal exemption since that time:

Individual personal exemption

1913–16	$3,000
1917–24	1,000
1925–31	1,500
1932–39	1,000
1940	800
1941	750
1942–47	500
1948	600

Now you begin to see why the liberal promise did not hold true. A great majority of the citizens of the United States in 1913 did not even pay income tax. Now almost everyone who is productive does. But, that is only half of the story. Wait until you take a good look at what has happened during this same period as far as the rate of taxation is concerned. Not only has the individual exemption gotten smaller but working a double injury at the same time has been the greatly accelerated scale of graduated tax rates imposed. In 1913, with the $3,000 personal exemption, the tax was 1 percent on $20,000 while today it is 20 percent on $2,000 with a $600 personal exemption. Tax the higher income brackets more, you say? In 1913, the rates ranged from 1 percent on $20,000 to 7 percent on income over $500,000. Today the rates range from 20 percent on $2,000 to 91 percent on income over $200,000. Taxing at a rate of even 100 percent on incomes over $25,000 would not produce enough revenue to give the bureaucrats time to take a deep breath and plan their next move—they need taxes from those in the $3,000 to $10,000 income range and the squeeze is increasingly placed on this middle income group. My reason for H.R. 13128 which would increase the personal exemption is self-explanatory.

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[2] CONGRESSIONAL RECORD, 63d Congress, 1st sess., 1913, L. pt. 2, 1250.

The Democratic Party has always professed to be the party of the workingman. One of these days the workingman will wake up to what has happpended to him. I am proud that the Republican Party has consistently fought to give the workingman the best two wage increases he will ever get—more in his take-home pay through less taxes and a second boost through curbing inflation and thereby making the dollar purchase more. These two deadly enemies of the take-home pay—taxes and inflation—are the answer to the persistent question I get from wage earners throughout our district when they say, "I am making more than ever before but it does not seem to go as far." The Democratic Party has voted 14 out of the 15 income tax increases since 1913 while the Republican Party has voted 7 out of the 10 income tax reductions since that time. That same distinction holds true today and Republican tax reform would move in a totally different direction than the Gore-type proposals and the other current recommendations of the Hellers et al. This in truth is one of the key differences between the parties in 1962 and it largely stems from the basic disagreement on the role of free enterprise in the economy and the individual's place therein. Republicans reject the liberal argument that the welfare state is the answer. We believe that the free enterprise system and the free market is not only the best solution to the problems of unemployment and our current economic slump but it is also the best way to strengthen our institutions and the fibers of freedom and thus preserve the future integrity of our Republic. As long as we spend more than we take in on a year-to-year basis, we are, in effect, discounting our heritage which we received and passing less onto succeeding generations. If this is done very long, there will be nothing left to transmit to those who follow.

Ironically, it was a very honest man in 1913 who argued against putting an upper ceiling on the income tax and recommended that it be left to congressional discretion. His theory was that it would be irresponsible to place a 5-percent limit on income tax because it would encourage some future, radical Congress to actually enact an income tax up to that exorbitant level—and, as everyone knew—in 1913—it would never get that high.

As a sidelight, through the confiscatory income tax we have erected a $90 billion dictatorship over our lives in Washington. A fair amount of the tax goes for worthwhile purposes but the inescapable fact is that this huge tax take is the source of immense power which the bureaucrats wield over our individual lives back home. They bleed us and then bribe us with our own money and use it as a club to wield over the farmer, the municipality, the hospital, the school and the State, performing many functions which could be better done by the individual himself or at the local level.

Another liberal argument which pervades despite its lack of merit is the one frequently given to the workingman and the average American that goes something like this: "OK, we will concede that taxes have gone up. We will concede that inflation has been induced by Government deficits and Government spending. Nevertheless, with a 50-cent dollar you are making twice as much and you are still much better off."

Let us take an honest look at this. This argument is the heart of the liberal promise that we can give you more and more and it will not really cost you anything because you will earn more. What they overlook is the fact that as you make more you go into a progressive rate of taxation which cuts down on any gain made through a cost-of-living increase over the years. Take these figures on a Government employee with three dependents in 1942 and 1962 and you see exactly what I mean.

Top grade clerk, 1942

Salary	$2,100.00
2½-percent retirement	−52.50
Take-home pay	2,047.50

Top grade clerk, 1962

Salary with longevity	$5,605.00
6½-percent retirement	−364.00
Income tax	−837.00
Take-home pay	4,404.00
Take-home pay has 46-percent value of 1942 dollar or purchasing power of	2,025.84

In other words, $2,100 in 1942 had a purchasing power of $2,047.50 while $5,605 in 1962 is now worth $2,025.84, $21.66 less, based on the 1942 dollar. Any wonder it is so hard to get ahead?

There will be those who will say we are not heading in the wrong direction. I suggest that the historical facts do not support their contention. Historically, we are on the same track that all forgotten civilizations once took. Unfortunately, like those people in past years we seem too willing to take what we can get, giving up our freedom in the process, in the blind hope that everything will come out all right. Like them, we march with closed eyes and deafened ears toward our own destruction. All of the signposts of history point as a warning signal but we do not want to recognize them. We listen as if hypnotized to the liberals who tell us that thrift is old fashioned, self-reliance something that went out with dusters, deficit spending is fiscally sound and no-win against our enemies is clever. Good old American commonsense can yet prevail and the more the liberals show their hand in maneuvers such as the Gore amendment, the closer we will come to an awakening here in America to what is happening. In his book, "The Private Citizen and His Democracy," a former great Democratic Representative from Texas, the late Hatton W. Summers, put his finger on it when he said—

> What we are witnessing is a breakdown in constitutional government. It began in the late 1930's when newly appointed Justices on the Supreme Court of the United States embraced the doctrine that "the end justifies the means."

Yes, the income tax is a good example of the theory that the end justifies the means. This was a liberal doctrine of expediency. It has gone on at all levels but in none any more than in spending and taxation. The liberals can be called a lot of things but surely not "pikers." They are not only instituting these expansive programs here at home but are spreading them worldwide through our global relief programs of foreign aid and trade. The executive, legislative, and judicial have all played a part in this 30-year trend but the central figure has been the average American taxpayer who has been called upon for the rather important role of paying for the whole affair. His cardinal sin has been his acquiescence.

If this appears to be a gloomy picture, bear in mind the fact that on top of all the matters discussed here, there are many more problems equally perplexing and equally significant. Social security, for example, faces the same threat because we are paying out more than we are taking in to the funds which will be needed in the future. In the past 5 years, with approximately 75 million Americans paying into the fund and only 17 million taking out we have nonetheless paid out a billion dollars more than we have taken in. The most distressing single factor is that we seem to be in a spiral in all of these sectors of Federal activity which will add to the velocity of spending and taxes. As confiscatory as our taxes are they will not feed the appetite of the spenders and planners. During the 2 years of the 87th Congress, the Federal Government will have spent more than $10 billion in excess of what we had to spend. With this deficit, unwise financing we have seen the Congress and the executive add over 100,000 new Federal employees, create a vast new army of agencies for more intrusions into the lives of each and everyone of us and add further fuel to the devastating fires of inflation. I am not talking about an increase in defense spending either because nondefense spending has accounted for most of this deficit spending.

Piecemeal and patchwork reform will not get us into a solvent position. Nothing short of an overall reform of our policies will suffice. Unless we do this we will see more Gore amendments and more crippling tax incursions into the pockets of each of us. We will see Federal spending and taxes grow and grow out of proportion until we are a totally socialized state. Only the determination of our people to preserve our constitutional republic will allow us to transmit the promise of America to future generations.

THE HONORABLE EARL E. T. SMITH

The SPEAKER. Under previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 10 minutes.

Mr. WHITENER. Mr. Speaker, as we have considered the resolution with reference to Cuba and as charge and countercharge has been made as to responsibility for the success of the infamous Dr. Castro in that country, I think it is proper and fitting that I pay tribute at this time to one who had the vision to see what would happen in Cuba as a result of the course of action that our Government was taking at the time Castro was successful in his unfortunate revolution. That gentleman was the Honorable Earl E. T. Smith, who was appointed Ambassador to Cuba by the previous administration and who served for only a short time after Castro took over in Cuba.

Mr. Speaker, I think one of the greatest compliments that this distinguished American, Ambassador Smith, could have had was the fact that Castro insisted immediately after taking over Cuba upon his removal as our Ambassador to that country.

Mr. Speaker, it was my privilege to be in Havana, along with my wife, for a short vacation in the fall of 1958 before Castro came into power in January. At that time on several occasions, at the request of Ambassador Smith, I had the privilege of meeting with him. I can say to the Members of the House that in those private conversations Ambassador Smith predicted as accurately what would happen if Castro were successful in his revolution as one of us today could picture with our hindsight the things that have happened. I think this great American, as we today considered the Cuban resolution, should be noted because of his forthrightness, his ability to see what was happening, notwithstanding the fact that many then in Washington at that time did not see it.

Mr. Speaker, I ask unanimous consent as a part of my remarks that the testimony of the Honorable Earl E. T. Smith given before the Senate Subcommittee To Investigate the Administration of the Internal Security Act, on August 30, 1960, be made a part of the RECORD, said pages being from page 681 through page 710 of part 9 of the Senate subcommittee hearings to which I have referred.

The SPEAKER pro tempore (Mr. LIBONATI). Without objection, it is so ordered.

There was no objection.

COMMUNIST THREAT TO THE UNITED STATES THROUGH THE CARIBBEAN

U.S. SENATE, SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C., August 30, 1960.

The subcommittee met, pursuant to notice, at 10:40 a.m., in room 2300, New Senate Office Building, Washington, D.C., Senator THOMAS J. DODD presiding.

Present: Senators DODD; JAMES O. EASTLAND, chairman; and ROMAN L. HRUSKA.

Also present: J. G. Sourwine, chief counsel; Benjamin Mandel, research director, and Frank W. Schroeder, chief investigator.

Senator DODD. Mr. Ambassador, will you rise and raise your right hand? Do you solemnly swear that the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. So help me God.

Senator DODD. Mr. Sourwine.

Mr. SOURWINE. Mr. Smith, would you give the reporter your name and your address, please?

TESTIMONY OF EARL E. T. SMITH

Mr. SMITH. Earl E. T. Smith; residence, 1021 North Ocean Boulevard, Palm Beach, Fla.

Mr. SOURWINE. You are a native of Rhode Island?

Mr. SMITH. I was born in Rhode Island.

Mr. SOURWINE. A graduate of Yale University in 1926?

Mr. SMITH. I attended Yale University for 2 years, class of 1926.

Mr. SOURWINE. You had service in the U.S. Army in World War II?

Mr. SMITH. That is correct.

Mr. SOURWINE. You reached the rank of lieutenant colonel?

Mr. SMITH. That is correct.

Mr. SOURWINE. Had oversea service?

Mr. SMITH. That is correct.

Mr. SOURWINE. You have been an investment broker?

Mr. SMITH. Yes.

Mr. SOURWINE. A member of the New York Stock Exchange?

Mr. SMITH. That is correct.

Mr. SOURWINE. A partner in an investment firm?

Mr. SMITH. That is correct.

Mr. SOURWINE. You were special assistant in the Office of Price Management, the War Production Board, in 1941 and 1942?

Mr. SMITH. Office of Production Management.

Mr. SOURWINE. Office of Production Management?

Mr. SMITH. Which is the predecessor of the War Production Board.

Mr. SOURWINE. Yes, sir. You were appointed Ambassador Extraordinary and Plenipotentiary to Cuba, June 3, 1957?

Mr. SMITH. Confirmed by the Senate in May 1957.

Mr. SOURWINE. And you served until when, sir?

Mr. SMITH. Until January 20, 1959.

Mr. SOURWINE. Mr. Smith, when you were appointed Ambassador to Cuba, were you briefed on the job?

Mr. SMITH. Yes; I was.

Mr. SOURWINE. Who gave you this briefing?

Mr. SMITH. I spent 6 weeks in Washington, approximately 4 days of each week, visiting various agencies and being briefed by the State Department and those whom the State Department designated.

Mr. SOURWINE. Any particular individual or individuals who had a primary part in this briefing?

Mr. SMITH. The answer is, in the period of 6 weeks I was briefed by numbers of people in the usual course as every ambassador is briefed.

Mr. SOURWINE. Is it true, sir, that you were instructed to get a briefing on your new job as Ambassador to Cuba from Herbert Matthews of the New York Times?

Mr. SMITH. Yes; that is correct.

Mr. SOURWINE. Who gave you these instructions?

Mr. SMITH. William Wieland, Director of the Caribbean Division and Mexico. At that time he was Director of the Caribbean Division, Central American Affairs.

Mr. SOURWINE. Did you, sir, in fact see Matthews?

Mr. SMITH. Yes; I did.

Mr. SOURWINE. And did he brief you on the Cuban situation?

Mr. SMITH. Yes; he did.

Mr. SOURWINE. Could you give us the highlights of what he told you?

Mr. SMITH. Are you going into a special line of this, because I have prepared a statement that I would like to read to the committee, if I may have the opportunity. It is a brief statement.

Senator DODD. You certainly may, but I think it is better for our record if we proceed with our questions, and then if you want to make any statement, of course you will have full opportunity to do so.

Mr. SMITH. Would you mind repeating the last question?

Mr. SOURWINE. I asked if you could give us the highlights of what Matthews told you.

Mr. SMITH. We talked for 2½ hours on the Cuban situation, a complete review of his feelings regarding Cuba, Batista, Castro, the situation in Cuba, and what he thought would happen.

Mr. SOURWINE. What did he think would happen?

Mr. SMITH. He did not believe that the Batista government could last, and that the fall of the Batista government would come relatively soon.

Mr. SOURWINE. Specifically what did he say about Castro?

Mr. SMITH. In February 1957 Herbert L. Matthews wrote three articles on Fidel Castro, which appeared on the front page of the New York Times, in which he eulogized Fidel Castro and portrayed him as a political Robin Hood, and I would say that he repeated those views to me in our conversation.

Mr. SOURWINE. Did he, sir, call your attention to those articles?

Mr. SMITH. No; he did not.

Mr. SOURWINE. Did the State Department call your attention to them?

Mr. SMITH. I don't believe anybody called attention to them. At that time I recall that I was going to be Ambassador to Cuba, and I read them with great interest.

Mr. SOURWINE. What did Mr. Matthews tell you about Batista?

Mr. SMITH. Mr. Matthews had a very poor view of Batista, considered him a rightist ruthless dictator whom he believed to be corrupt. Mr. Matthews informed me that he had very knowledgeable views of Cuba and Latin American nations, and had seen the same things take place in Spain. He believed that it would be in the best interest of Cuba and the best interest of the world in general when Batista was removed from office.

Mr. SOURWINE. It was true that Batista's government was corrupt, wasn't it?

Mr. SMITH. It is true that Batista's government was corrupt. Batista was the power behind the government in Cuba off and on for 25 years. The year 1957 was the best economic year that Cuba had ever had.

However, the Batista regime was disintegrating from within. It was becoming more corrupt, and as a result was losing stength. The Castro forces themselves never won a military victory. The best military victory they ever won was through capturing Cuban guardhouses and military skirmishes, but they never actually won a military victory.

The Batista government was overthrown because of the corruption, disintegration from within, and because of the United States and the various agencies of the United States who directly and indirectly aided the overthrow of the Batista government and brought into power Fidel Castro.

Mr. Sourwine. What were those agencies, Mr. Smith?

Mr. Smith. The U.S. Government agencies—may I say something off the record?

(Discussion off the record.)

Senator Dodd. Let it appear on the record that Ambassador Smith at this point has a statement which he feels will answer more completely some of the questions already asked, and questions which may be asked later on.

Mr. Smith. Shall I proceed?

Senator Dodd. You may resume.

Mr. Smith. Mr. Chairman and members of the committee, as I am not aware of the line of questioning which your committee will follow today, I have prepared the following brief statement:

First let me say that to date I have made no public statement regarding my experiences in Cuba because I did not feel that, as a former Ambassador, it was my function to say anything which might be interpreted as critical of the administration which I had served. I have only the greatest respect and admiration for President Eisenhower, whose integrity is beyond question.

However, the establishment of a Communist regime in Cuba involves the defense and safety of this country and as you asked me to testify before you, I do so, recognizing that the welfare of the United States must transcend personal desires and reticence.

From personal experience I have learned that many very influential sources in the United States are dedicated to the overthrow of all dictatorships. They are as opposed to anti-Communist rightist dictators, who are friendly to the United States, as to the Communist dictators whom they regard as progressive. They adopt a doctrinaire attitude toward this question which is so impractical that they ultimately unwittingly defeat themselves. If dictatorship versus democracy were the only question that faced us, it would not be difficult to make a decision. However, as we are in the midst of a struggle for survival, other considerations are pertinent.

If the policy of the United States is to bring about the overthrow of dictators in the hope that democracy will follow, then I believe that the United States must be prepared to take whatever steps are necessary to preserve law and order and prevent chaos during that interim period of transition. If free and open elections are to be held, when a dictator is overthrown, a provisional government must be formed and such government needs outside support to maintain law and order. To do otherwise leaves a vacuum for the Communists to gain control. Such a vacuum did not occur in Cuba while I was the U.S. Ambassador there. Instead, a group was ready to seize power—a Communist group.

If we are to intervene sufficiently to bring about the overthrow of dictatorships, then we should intervene to whatever extent is required to fulfill our purpose. Otherwise, in my opinion, we must wait for the normal self-development of a people and not assist revolution. And we must be prepared to receive the criticism of supporting friendly governments recognized by the United States, although they have been labeled dictatorships. To make my point more clear, let me say that we helped to overthrow the Batista dictatorship which was pro-American only to install the Castro dictatorship which is pro-Russian

Mr. Sourwine. Mr. Smith, the pending question before you read your statement was: What agencies of the U.S. Government had a hand in bringing pressure to overthrow the Batista government, and how did they do it?

Mr. Smith. Well, the agencies, certain influential people, influential sources in the State Department, lower down echelons in the CIA. I would say representatives of the majority of the U.S. Government agencies which have anything to do with the Embassy.

Mr. Sourwine. Mr. Smith, when you talked with Matthews to get the briefing before you went to Cuba, was he introduced to you as having any authority from the State Department or as being connected with the State Department in any way?

Mr. Smith. Let me go back. You asked me a short while ago who arranged the meeting with Mr. Matthews.

Mr. Sourwine. And you said Mr. Wieland.

Mr. Smith. I said William Wieland, but William Wieland also had to have the approval of Roy Rubottom, who was then Assistant Secretary of State for Latin American Affairs. Now, to go back to this question, as I understand it you said—would you mind repeating that again?

Mr. Sourwine. I asked if, when you were sent to Mr. Matthews for this briefing, he was introduced to you as having any official connection with the State Department or any authority from the Department?

Mr. Smith. Oh, no. I knew who he was, and they obviously knew I knew who he was, but I believe that they thought it would be a good idea for me to get the viewpoint of Herbert Matthews, and also I think that Herbert Matthews is the leading Latin American editorial writer for the New York Times. Obviously the State Department would like to have the support of the New York Times.

Mr. Sourwine. Mr. Matthews was not, as far as you know then, a consultant for the State Department or otherwise connected with the Department?

Mr. Smith. I do not believe that he was ever a consultant or ever employed by the State Department. I believe there was a close connection, though, between the Latin American desk and Herbert Matthews.

Mr. Sourwine. And, by "the Latin American desk" whom do you mean?

Mr. Smith. I would say the Latin American desk would go from the Assistant Secretary of State for Latin American Affairs right down to the man who presides over the Cuban desk.

Mr. Sourwine. And who was that?

Mr. Smith. The individual who presided over the Cuban desk in himself is not important, I don't think, in what you are trying to arrive at.

I would say that Mr. Wieland and all those who had anything to do with Cuba had a close connection with Herbert Matthews.

I will go further than that. I will say that when I was Ambassador, that I was thoroughly aware of this, and sometimes made the remark in my own Embassy that Mr. Matthews was more familiar with the State Department thinking regarding Cuba than I was.

Senator Eastland. Mr. Smith, when were you Ambassador?

Mr. Smith. I was confirmed by the Senate in May 1957, and was in Cuba until January 20, 1959.

Senator Eastland. You were then Ambassador when Castro came to power.

Mr. Smith. Castro landed on the shores of South Oriente in December 1956, and he was still considered an outlaw in the hills, I will say, until just about the time when I arrived in Cuba, so I was in Cuba during the last year and a half of Batista's regime, during that whole period of time——

Senator Eastland. You were there when Batista fled?

Mr. Smith. Oh, yes, sir.

Senator Eastland. Mr. Smith, we have had hearings, a great many, in Miami, with prominent Cubans, and there is a thread that runs through the whole thing that people connected with some Government agency went to Cuba and called on the chiefs of the armed forces and told them that we would not recognize the government of the President-elect, and that we would not back him, and that because of that the chiefs of the armed forces told Batista to leave the country, and they set up a government in which they attempted to make a deal with Castro. That is accurate, isn't it, Tom?

Senator Dodd. I would say so, yes.

Senator Eastland. That thread runs through the whole series of hearings. Do you know anything about that?

Mr. Smith. Well, it is going to take a little while to answer that, because it is not as simple as that, Senator Eastland. You are talking now about Rivero Aguero who was elected November 3, 1958, as President of Cuba.

Senator Eastland. Yes.

Mr. Smith. Let me just read, if I may, something that I wrote here that I may publish and may not—this is part of it—which will answer part of your question. I will have to go back over it step by step, because what you have heard, Senator Eastland, is partly true and partly untrue.

Senator Eastland. Yes.

Mr. Smith. I have been asked many times what part if any the United States played in Castro and Communist rise to power in Cuba. The U.S. Government agencies and the U.S. press played a major role in bringing Castro to power.

Three front-page articles in the New York Times in early 1957, written by the editorialist Herbert Matthews, served to inflate Castro to world stature and world recognition. Until that time, Castro had been just another bandit in the Oriente Mountains of Cuba, with a handful of followers who had terrorized the campesinos; that is the peasants, throughout the countryside.

Fidel Castro landed on the south coast of Oriente in December of 1956 from Mexico with an expeditionary force of 81 men. Intercepted by Cuban gunboats and patrol planes, Castro and a handful of stragglers managed to ensconce themselves in the rugged 8,000-foot Sierra Maestra Range.

After the Matthews articles which followed an exclusive interview by the Times editorial writer in Castro's mountain hideout and which likened him to Abraham Lincoln, he was able to get followers and funds in Cuba and in the United States. From that time on arms, money, and soldiers of fortune abounded. Much of the American press began to picture Castro as a political Robin Hood.

Also because Batista was the dictator who unlawfully seized power, American people assumed Castro must, on the other hand, represent liberty and democracy. The crusader role which the press and radio bestowed on the bearded rebel blinded the people to the leftwing political philosophy with which even at that time he was already on record.

His speeches as a student leader, his interviews as an exile while in Mexico, Costa Rica, and elsewhere clearly outlined a Marxist trend of political thought.

The official U.S. attitude toward Castro could not help but be influenced by the pro-Castro press and radio; certain Members of Congress picked up the torch for him.

From there, to get back to your question, there were a number of times, number of occasions when I was asked as the Ambassador if we would help the church in its efforts to establish a bridge between Castro and Batista, or if we, in any way, would support a national unity government. Such government would act as a provisional government in Cuba to maintain law and order while elections were being held.

The United States would never agree to support or would never permit me to negotiate, because it would be considered as intervening in the internal affairs of Cuba.

Batista made three big mistakes. The last big mistake he made was when he did not hold honest elections, which he had promised me on numberous and many occasions that he would have. Rivero Aguero, the former Prime Minister of Cuba, was elected, I believe it was November 8, 1958, to succeed Batista. It is true, in reply to your question, Senator, that the U.S. Government instructed me through the State Department to say that we would not give aid and support to the Rivero Aguero government when installed because we did not feel that he could maintain effective control of the country. As far as the disintegration of the armed forces around the Batista government, the answer to your last question is that this negative action helped shatter the morale of the existing government. The responsibility for the deterioration in the morale of the army, navy, and Cuban Air Force dates back to many other forms of direct and indirect—I use the word "intervention" advisedly.

Primarily I woud say that when we refused to sell arms to the Cuban Government and also by what I termed intervening by innuendo (which was persuading other friendly governments not to sell arms to Cuba) that these actions had a moral, psychological effect upon the Cuban armed forces which was demoralizing to the nth degree.

The reverse, it built up the moral of the revolutionary forces. Obviously when we refused to sell arms to a friendly government, the existing government, the people of Cuba and the armed forces knew that the United States no longer would support Batista's government.

It is also true, and I believe that I can confirm the story now because the following story was reported by associates of Batista. Further, I was asked by the press last winter to comment or whether we had told Batista to leave the country. At that time I refused to answer the question and referred all comments to the State Department.

It is also that, upon instructions, I spent 2 hours and 35 minutes on December 17, 1958, with Batista, and I told him that the United States or rather certain influential people in the United States believed that he could no longer maintain effective control in Cuba, and that they believed it would avoid a great deal of further bloodshed if he were to retire.

Senator EASTLAND. That was on instructions of the State Department?

Mr. SMITH. An ambassador never would have a conversation like that, sir, unless it was on instructions of the State Department.

Senator EASTLAND. Yes.

Senator DODD. When you say the State Department, to be more exact, who?

Mr. SMITH. Pardon me, Senator?

Senator DODD. What human being in the State Department, who in the State Department?

Mr. SMITH. Well, an ambassador receives his orders by cable and it is signed always by the Secretary of State. Whoever writes those cables I couldn't answer, but I have a part here——

Senator EASTLAND. Your judgment is it was the Latin American desk, Mr. Rubottom, wasn't it?

Mr. SMITH. That brings up what I consider a very important point. I believe that the policies are determined in the lower echelon, and by the time the higher echelon receives them, policies have already been made, and they have to live by them.

I would like to recommend that some higher authority, such as the National Security Council of the United States, determine what our attitude toward another nation should be. Then all the actions of the State Department should be guided according to such policy as laid down by the National Security Council. I am sure the decision of the National Security Council would be arrived at from what is in the best interest of the United States.

If they believed it was in the best interest of the United States to be friendly to another power and to give aid to that power, then our actions along that line should be guided accordingly.

A decision such as prohibiting the sale of arms to a friendly nation can have devastating effects upon the government in power.

We even did not fulfill our promise to deliver 15 training planes, which had been bought and paid for by the Batista government. In accordance with instructions from the State Department I informed Batista that delivery would be suspended, because we feared some harm might come to the 47 kidnaped Americans. The kidnaping by Raul Castro of 30 U.S. marines and sailors, 17 American citizens, and 3 Canadians occurred at this time.

After the kidnaped Americans were returned we still refused to deliver these training planes because we feared that bombs could be put on the planes even though they were strictly for training purposes.

I reiterate that decisions such as these may determine whether a government can remain in power.

Although they could buy arms and ammunition from other sources, the psychological impact on the morale of the government was crippling. On the other hand, it gave a great uplift to the morale of the rebels.

Senator EASTLAND. Let me ask you this question. As a matter of fact, isn't it your judgment that the State Department of the United States is primarily responsible for bringing Castro to power in Cuba?

Mr. SMITH. No, sir, I can't say that the State Department in itself is primarily responsible. The State Department played a large part in bringing Castro to power. The press, other Government agencies, Members of Congress are responsible.

Senator EASTLAND. Would you say that the American Government then, including all of its agencies, was largely responsible for bringing Castro to power?

Mr. SMITH. The American Government; yes, sir, and the people in the American Government.

Senator EASTLAND. Yes.

Mr. SMITH. We refused to sell arms to a friendly government, and we persuaded other friendly governments not to sell arms to Cuba. Yet on the other hand revolutionary sympathizers were delivering arms, bodies, and ammunition daily from the United States. We were lax in enforcing our neutrality laws.

Senator EASTLAND. To Castro.

Mr. SMITH. Yes, sir, to revolutionaries under Castro.

Senator EASTLAND. You had been warning the State Department that Castro was a Marxist?

Mr. SMITH. Yes, sir.

Senator EASTLAND. And that Batista's government was a friendly government. That is what had been your advice as to the State Department?

Mr. SMITH. Let me answer that this way, which will make it very clear. When I went to Cuba, I left here with the definite feeling according to my briefings which I had received, that the U.S. Government was too close to the Batista regime, and that we were being accused of intervening in the affairs of Cuba by trying to perpetuate the Batista dictatorship.

After I had been in Cuba for approximately 2 months, and had made a study of Fidel Castro and the revolutionaries, it was perfectly obvious to me as it would be to any other reasonable man that Castro was not the answer; that if Castro came to power, it would not be in the best interests of Cuba or in the best interests of the United States.

Senator EASTLAND. Why?

Mr. SMITH. Because I feared he was a Marxist.

Senator EASTLAND. That is right.

Mr. SMITH. Because of his statements.

Senator EASTLAND. That is right. Now in the light of that information that he was a Marxist, that for him to come to power was not in the best interest of our country, in the light of that information——

Mr. SMITH. I want to correct something I said if I may for the record.

Senator EASTLAND. All right.

Mr. SMITH. When I said because he was a Marxist, he at that time gave every indication of being a Marxist from the statements which had been made in Mexico, Costa Rica, at Bogotá (also he had been active in the FEU). I did not have the proof at that time that he was. However, there was no question that there was Communist infiltration and Communist control of this movement.

Senator EASTLAND. All right, but your advices were that it was not in the best interest of the United States for him to come to power, and in spite of that then you say that the American Government is primarily responsible for putting him in power?

Mr. SMITH. You are making the statement, sir. Are you asking a question?

Senator EASTLAND. Yes, I ask it in the form of a question.

Mr. SMITH. You made a very good statement, Senator EASTLAND. I don't know how I can comment on that statement.

Senator EASTLAND. Do you agree with it?

Mr. SMITH. Would you repeat that, what Senator Eastland said, please?

Senator EASTLAND. I said that your advices were that it was not in the best interest of the United States for Castro to come to power.

Mr. SMITH. Yes, sir.

Senator EASTLAND. And yet in spite of that, of your advices to our Government, you say that our Government was primarily responsible in bringing Castro to power.

Mr. SMITH. That is absolutely correct.

Senator DODD. May I ask a question? Did you ever discuss Castro with Mr. Rubottom?

Mr. SMITH. Yes, on numerous occasions.

Senator DODD. Can you tell us what his attitude was toward Castro?

Mr. SMITH. In all due justice to Roy Rubottom, I think that Roy Rubottom was under terrific pressure from segments of the press, from certain Members of Congress, from the avalanche of Castro sympathizers and revolutionary sympathizers who daily descended upon the State Department, also their official representative, Betancourt, and Rubottom may have taken the line of least resistance.

Senator DODD. Did he ever tell you that he knew about Castro in Colombia?

Mr. SMITH. I don't believe we discussed what is known as Bogolcza.

Senator DODD. Do you know that he was in Bogota when Castro was?

Mr. SMITH. I did not know that.

Senator DODD. That is all I have.

Mr. SOURWINE. May I inquire?

To go back just a little bit, you spoke of the 15 training planes which were held up, and I understood you to say they were held up because this Government feared that if they were sent, there might be some harm to the kidnaped Americans?

Mr. SMITH. That is correct.

Mr. SOURWINE. Did you mean by this that the Government of the United States was yielding to blackmail?

Mr. SMITH. No, I do not think the U.S. Government was yielding to blackmail, but

I think the State Department did not want to take any action which might help the Batista government and receive the protests of the revolutionaries.

Mr. SOURWINE. Are you saying then that this was simply an excuse which was given?

Mr. SMITH. I believe the Department was happy to have a reason to justify reversing their decision. What happened was this.

The Batista government paid for these planes. They were 15 training planes which were allegedly to be used for the one and only purposes of training a few pilots taking Air Force training in the United States.

I received instructions to tell Batista that we could make delivery of those 15 planes. I recall this very clearly because I remember that it was received with great pleasure by the Government of Cuba because they felt that here was an indication that the United States was not going to be too severe. Batista reported my message to his cabinet.

Shortly thereafter, before the planes could be delivered, the kidnaping of the Americans took place. I received instructions to notify the Batista government that the 15 training planes could not be delivered because the United States feared that bodily harm might come to the Americans who were kidnaped.

I conveyed this information to the President of Cuba, informed him that this was only a temporary suspension for the reasons outlined above. When the kidnaped Americans were returned, I sent numerous telegrams urging delivery of the training planes.

The subject was carried on for approximately 2 or 3 months, trying to obtain these training planes for the Batista government; not that the training planes themselves were so important to the Batista government, but because of the psychological effect it would have upon those associated with the Government of Cuba.

However, the State Department refused to grant permission to have these planes released from Fort Lauderdale, Fla., where they were based.

Mr. SOURWINE. Do you know, sir, whether there was any threat conveyed to the State Department by or on behalf of Castro that if these planes were sent, the kidnaped Americans would be harmed?

Mr. SMITH. I do not believe there was. To the best of my knowledge, the Castro people—I will correct that. I was about to say the Castro people had no knowledge.

However, the espionage system of the Castro people was so good that I could not say they didn't have knowledge of anything of such importance, because they seemed to know—they knew nearly everything that was going on. They had their spies planted in the Cuban Embassy, and they had the very finest espionage system.

Senator DODD. By "the Cuban Embassy" you mean their Embassy here in Washington?

Mr. SMITH. The Cuban Embassy in Washington. I warned Gonzalo Guell, the Prime Minister and Foreign Minister of Cuba, and I also warned President Batista that there were spies in the Cuban Embassy in Washington. I received this information from the State Department, from the Cuban desk in the State Department.

We knew that the leakages were coming from the Cuban Embassy in Washington. If you wish me to go into details, I can tell you how they knew it.

However, the Cuban Government never took effective measures. First of all I warned the Government of Cuba when De La Campa was Cuban Ambassador, later when Arroya became Ambassador I again warned him. I went even further. I told Arroya it would be in his best interests if he removed everybody in the Cuban Embassy and obtained completely new personnel so as to be awfully sure he had divested the Embassy of the spies.

However, no steps were taken. That is where most of the leakages came from.

Mr. SOURWINE. I think it would be interesting if you could tell us how the State Department knew that these leaks occurred through the Embassy.

Mr. SMITH. In March 1957, 1,950 Garand rifles were on the docks and prepared to be delivered by boat to the Cuban Government. Cuban revolutionaries and sympathizers in New York had information of this. They brought a great deal of pressure to bear on the State Department to halt shipment.

The State Department issued an order canceling the shipment of these 1,950 Garand rifles—it is not Garland—G-a-r-a-n-d, canceling this shipment. This was the beginning of when we suspended the shipment of arms to Cuba.

The reason that the Cuban desk of the State Department felt that the leakages were coming out of the Cuban Embassy was that the revolutionary sympathizers in New York and in Washington had the numbers on those rifles. There were only two places that you could get the numbers of those rifles, and that was from either our War Department or the Cuban Embassy.

Senator HRUSKA. When you say "numbers," do you mean serials?

Mr. SMITH. Numbers on the rifles, the serial numbers on the rifles. The Cuban Embassy had those serial numbers because they were advised of their shipments. It later turned out that a secretary, I believe it was the secretary to the Ambassador and also the sergeant who was in charge of the code room, were Castro revolutionaries planted in the Cuban Embassy in Washington, and they were the ones who were relaying this information to Castro.

Senator EASTLAND. Mr. Smith, you said that in justice to Mr. Rubottom that he was under pressure in this country.

Mr. SMITH. Yes, sir.

Senator EASTLAND. But regardless of pressure, Mr. Rubottom knew that Castro was a Marxist and was unfriendly to the United States.

Mr. SMITH. I do not believe that Rubottom believed that Castro was a Marxist, knew that he was a Marxist, and I do not believe that Rubottom knew that Castro was unfriendly to the United States. I believe that Rubottom was disillusioned as were many influential people in the United States.

Senator EASTLAND. But he had your advices as Ambassador to Cuba, the man on the site?

Mr. SMITH. Senator, I cannot unequivocally say that right from the beginning I knew that Castro was a Marxist. When I first went over there, I was instructed, not instructed but I was briefed, to the effect that we had been too close to the Batista regime, and I went to Cuba thinking that Batista wore horns and that Castro perhaps was OK.

The Communists are too smart to infiltrate too openly at the beginning and disclose their hand. Many times when I was in Cuba I said that the 26th of July movement, the revolutionary movement, was a Boy Scout movement compared to the Communists, and that the Communists would apply the blotting paper to the 26th of July movement as they saw fit, and they did sop it up as they saw fit.

Senator EASTLAND. You said you went there thinking Batista wore horns, that we were so close to him—what was the rest of the answer, that we were too close to him?

Mr. SMITH. I said that when I went to Cuba, I went over there with the feeling which I had received from my briefings, and nothing specific but the thought——

Senator EASTLAND. Wait just a minute now. You have answered the question. That was from briefings, that your opinion was based on briefings and information you had received through the State Department?

Mr. SMITH. I repeat, Senator, I said that nothing specific was said, but I clearly received the impression from my briefings when I was in Washington that we were too close to the Batista government, and when I went to Cuba, I felt that I had three missions.

Two of the missions I planned on arrival in Cuba. The third I assumed after I got over there. Mission No. 1 was to have the U.S. Embassy assume an impartial stand, have it generally understood that the U.S. Embassy took an impartial view in the political affairs of Cuba.

No. 2, to assist and do everything that I could to see that the press censorship was lifted and that constitutional guarantees were again restored. And, No. 3, was to do everything that I could—without intervening in any way in the internal affairs of Cuba—to bring about, through Batista, free and open elections.

I was successful in step 1. I was successful in step 2. However, the revolutionaries stepped up their terroristic activities and forced Batista to again clamp on the press censorship and to again suspend constitutional guarantees.

Then I concentrated on trying to persuade Batista to hold free and open elections. On numerous occasions Batista gave me his solemn word he would hold honest elections. He not only said he would hold free and open elections, but he also promised me that he would ask the world press to witness these elections, that he would ask the United Nations to send representatives to witness these elections, that he would ask the Organization of American States to send representatives to witness these elections. He failed in that promise.

I have reviewed the answers to these questions a little bit, sir, because if I answer them yes or no, I am afraid it may give the wrong interpretation.

Senator HRUSKA. Mr. Smith, in that same field you have made several references to pressure on Roy Rubottom. Could you tell us the source or the nature of this pressure?

Mr. SMITH. The pressure on Roy Rubottom came from Members of Congress who it is not necesary for me to name because you gentlemen know them.

Pressures on Roy Rubottom came from some sections of the press in the United States. Pressure on Roy Rubottom came from the representatives and sympathizers of the 26th of July movement in the United States and particularly those in Washington.

Senator EASTLAND. What is the name that you named as one of them who is now president of——

Mr. SMITH. No, he is not. He has the same name. It is not the same man. His name was Betancourt. He was the legal official representative, registered and legally accepted of the Cuban revolutionaries in Washington.

Many of these people, who later became members of the first Cabinet of Castro were asylees in the United States. They had close contacts with members of the State Department.

To name a few: Urrutia, the first President of Cuba; Agramonte, the first Foreign Minister of Cuba; the first Prime Minister of Cuba, Miro Cardona. As a matter of fact, the first time that I met Cardona was after Batista had left the country. It was about January 4, 1959, in the presidential palace. He turned to me and said, "I am a good friend of William Wieland, a very good friend of William Wieland."

Also, many other revolutionary sympathizers had access to the State Department. These people brought continual pressure on the Department.

Senator EASTLAND. Do you know at the same time the Latin American desk was receiving advices from other Latin American countries of Castro's Communist affiliation?

Mr. SMITH. No, sir, I did not. They never told me that. No, sir, I did not.

In my own Embassy there were certain ones of influence who were pro-26th of July, pro-Castro, and anti-Batista.

Senator Eastland. Who were they?

Mr. Smith. Do I have to answer that question, Senator?

Senator Eastland. Yes, I think you have to. We are not going into it unnecessarily.

Mr. Smith. I don't want to harm anybody. That is the reason I asked.

I would say the Chief of the Political Section, John Topping, and the Chief of the CIA Section. It was revealed that the No. 2 CIA man in the Embassy had given unwarranted and undue encouragement to the revolutionaries. This came out in the trials of naval officers after the Cienfuegos revolution of September 1957.

Senator Eastland. Did Castro ever win a battle?

Mr. Smith. Castro never won a military victory. The best victories that Castro ever won were raids upon Cuban guardhouses that are spread out through the hinterland and small skirmishes with Government troops.

Senator Eastland. How did he come to power? First, why did Batista leave?

Mr. Smith. Why did Batista leave?

Senator Eastland. Yes.

Mr. Smith. If the United States had been completely impartial, in my opinion, Batista would not have had to leave Cuba until after the inauguration of the president-elect (Rivero Aguero).

Senator Eastland. He didn't have to leave. He had not been defeated by armed force.

Mr. Smith. Let me put it to you this way: that there are a lot of reasons for Batista's moving out. Batista had been in control off and on for 25 years. His government was disintegrating at the end due to corruption, due to the fact that he had been in power too long. Police brutality was getting worse.

On the other hand there were three forces that kept Batista in power. He had the support of the armed forces, he had support of the labor leaders. Cuba enjoyed a good economy.

Nineteen hundred and fifty-seven was one of the best years in the economic history of Cuba. The fact that the United States was no longer supporting Batista had a devastating psychological effect upon the armed forces and upon the leaders of the labor movement. This went a long way toward bringing about his downfall.

On the other hand, our actions in the United States were responsible for the rise to power of Castro. Until certain portions of the American press began to write derogatory articles against the Batista government, the Castro revolution never got off first base.

Batista made the mistake of overemphasizing the importance of Prio, who was residing in Florida, and underestimating the importance of Castro. Prio was operating out of the United States, out of Florida, supplying the revolutionaries with arms, ammunition, bodies, and money.

Batista told me that when Prio left Cuba, Prio and Alameia took $140 million out of Cuba. If we cut that estimate in half, they may have shared $70 million. It is believed that Prio spent a great many millions of dollars in the United States assisting the revolutionaries. This was done right from our shores.

Senator Eastland. No effort was made to stop it?

Mr. Smith. The Batista government complained continually about the airlifts and airdrops of bodies and arms from the United States. I always kept the State Department fully informed.

But we seemed to have great trouble in enforcing our neutrality laws. I have sometimes wished that we had been half as diligent at that time in enforcing our neutrality laws as we have been lately.

Senator Hruska. Mr. Smith, you mentioned the time when the United States through the press did these things and so on. Do you mean the United States officially or the press as an institution?

Mr. Smith. Certain elements of the American press I should say.

Senator Hruska. The American press?

Mr. Smith. Well, let us say world press.

Senator Hruska. The world press, yes, the press in general?

Mr. Smith. Certain elements of the press in general.

Senator Hruska. Didn't they have access to the same information that you and other people did with reference to the Marxist influences in Castro's thinking and his actions?

Mr. Smith. There are certain influential people in the United States who are definitely antirightist dictators, but seem to look upon leftist dictators as being progressive.

Now whether that is an answer to your question or not, sir, I don't know. I do believe that too much concentration sometimes is placed upon the removal of a dictator and not enough thought is given upon what will take place afterward. I tried to cover that in the statement which I read here before Senator Eastland came in.

Senator Eastland. You said that you wished that we had been as zealous——

Mr. Smith. Pardon me?

Senator Eastland. You said that you wished we had been as zealous in enforcing our neutrality laws——

Mr. Smith. That is correct, sir.

Senator Eastland. In dealing with Castro.

Mr. Smith. That is correct.

Senator Eastland. As we are at the present time.

Mr. Smith. That is correct.

Senator Eastland. Of course when we enforce them now, we are in fact aiding Castro, are we not?

Mr. Smith. I would say that when Castro came to power, that we were very diligent in enforcing our neutrality laws. We even moved people out of Florida; people whom the United States thought might be active in any counterrevolutionary movement.

However, when I was Ambassador to Cuba, we seemed to have great trouble in enforcing our neutrality laws.

Senator Eastland. I know, but enforcing those laws now is an aid to the present Government of Cuba, is it not?

Mr. Smith. Yes, sir.

Senator Hruska. Mr. Smith, moving into another area, what was the attitude and what were the manifestations on the part of American investors in Cuba in regard to Batista and Castro prior to the time that Castro actually took charge?

Mr. Smith. I would say that American business was for the Government of Cuba, because the Government of Cuba gave normal protection to American business.

Senator Hruska. What truth is there to some representations that some of the big business investments there, investors there, paid a part of their taxes to Castro and a part of their taxes to Batista in the latter time of Batista's administration?

Mr. Smith. All right, sir; I am glad you brought that question up.

The revolutionaries under Fidel Castro demanded tribute throughout Cuba. By the fall or the late summer of 1958, they decided to also demand tribute from American business and American property holders.

As soon as I heard this, I wrote a letter to every American business in Cuba in which I clearly stated that Americans should not pay tribute, and I asked them not to give any money to the revolutionaries, that we were still doing business with a friendly government, and that as Americans we had no right to pay money to active revolutionaries who were trying to overthrow a friendly government by force.

This letter was approved by the State Department before it was sent out. Every week I regularly had a meeting in my embassy, of some of the leading businessmen in Havana, and they assured me that the Americans were not paying money.

However, toward the closing days of the Batista regime, I believe some Americans did pay protection money. They were paying taxes to the Batista government and were also paying taxes to the Castro people. I couldn't prove it. They wouldn't let me know.

It was unofficially reported that the revolutionaries demanded $500,000 from a large oil company. Otherwise, the rebels said, they would blow up the refinery of this oil company. The American officials of the company refused to pay tribute. I give you this as an example of what took place.

Senator Hruska. To the extent that it might have gone on, that would be testimony to the idea that Batista's hold and control and ability to protect property was dissipating?

Mr. Smith. That is true.

Senator Hruska. His ability to protect was dissipating?

Mr. Smith. Disappearing?

Senator Hruska. Yes, was disappearing.

Mr. Smith. That is correct; it was disappearing toward the end, but now you are speaking of the last 2 or 3 months of Batista's regime.

In the middle of November 1958—I do not recall exactly the date—I went to the State Department and I informed Wieland and Rubottom that the Batista government was on its last legs.

They said, "Why do you say that now?" This was a complete reversal from my previous position. My previous position had been that the Batista government was surviving. For many months I had found it necessary to counteract the slanted opinions of certain people who wanted to portray chaotic conditions in Cuba and who wanted to give the impression that the Government of Cuba would momentarily fall.

It was an uphill fight to keep reports factual.

In November, I virtually informed the Department that the Batista government could not survive much longer. They said: "Why is it going to go? Why do you say that?"

And I said, "Because, until now, the revolutionaries have been taking amateurish acts in trying to destroy the economy"—the amateurish acts were such things as burning the sugarcane, kidnaping the Argentine automobile driver, hijacking airplanes, kidnaping Americans—"but now they are getting professional advice."

They said, "What do you mean by 'professional advice?' "

I said, "Now they are learning how to destroy the economy by disrupting the main arteries of transportation."

They have learned how to blow up the correct bridges, to bomb the main highways so that commerce cannot move in Cuba.

And I said, "They obviously are receiving professional advice."

That was in November. By that time it was clearly obvious that the tide had swung the other way.

Senator Eastland. Who were those individuals in the State Department?

Mr. Smith. That were doing what, sir?

Senator Eastland. That were slanting the news that way; that were telling falsehoods; that were pro-Castro?

Mr. Smith. There were quite a few, Senator.

Senator Eastland. Who were they?

Mr. Smith. I repeat again, Do I have to mention names?

Senator Eastland. Yes. We have reasons, Mr. Smith.

Mr. SMITH. Yes, sir. You see my point: I do not want to get people in trouble, either.

Senator EASTLAND. Well, I know that.

Mr. SMITH. Because I do not believe that they are dangerous. If I thought they were dangerous, I would not hesitate.

Senator EASTLAND. I am not certain about that.

Mr. SMITH. All right, sir.

Senator EASTLAND. We have sources of information.

Mr. SMITH. Yes.

I believe Wieland, William Wieland, and that is as far as I would like to go in the State Department. I had my own troubles in the Embassy, but I corrected it in the Embassy by never allowing one single cable to go out that did not have my signature.

I wrote practically every political cable that went out.

Senator EASTLAND. Who is William Wieland?

Mr. SMITH. He is Director of the Caribbean Division and Director of Mexican Affairs in charge of San Domingo, Cuba, Haiti, Mexico.

At that time he had all of Central America in addition to these.

In an embassy where I served as Ambassador at that time, when I first went there, I saw the difference. Those in the economic field were pro-Batista because they were dealing with American business. Those in the political section and the intelligence section were prorevolutionary. We could say for humanitarian reasons, or whatever the reasons may be.

Mr. SOURWINE. Mr. Smith, you spoke earlier of the No. 2 CIA man in your mission having been caught giving aid and comfort to the Castro forces.

Would you tell us just what it was he did?

Mr. SMITH. Yes. In September 1957, the Navy had an uprising at Cienfuegos, Cuba. We in the American Embassy were familiar that a revolt of some type would take place. That information came to us through the CIA, or some other source in the Embassy.

If I may divert for a minute, that is the trouble with Cubans; they talk too much. We did not know when it was going to take place.

We finally heard that the revolt at Cienfuegos had been called off. However, the Navy in Havana forgot to notify the Navy at Cienfuegos, and they went on with the revolt while the Navy in Havana did not participate.

This revolt was squashed by the Batista government.

In the trial of the naval officers, it came out that the No. 2 man had said that if the revolution was successful, that the United States would recognize the revolutionaries.

I do not believe that the No. 2 man in the CIA intended to convey that thought. His story to me was that he had been called over to interview some men believed to be doctors, because they were dressed in white coats, and when they advised him of the revolt that was to take place, they wanted to know what the position of the United States would be.

And he inadvertently intimated something to the effect of which I am not quite sure, that the United States might give recognition.

As soon as the Embassy learned of this, I called a meeting of the Embassy staff and laid down the law that neither Ambassador, nor anyone could give word as to whom the United States would recognize; that there were only two people in the United States that had that authority:

One was the Secretary of State and the other was the President of the United States.

The information of what had taken place was brought to me by Batista. Batista was very indignant. However, I explained what happened and told him—Batista—that the CIA man had done this inadvertently and had not realized what he was saying or to whom he was talking.

Batista was cooperative and did not ask to have the man leave the country.

Senator HRUSKA. Mr. Smith, a little bit ago, you made reference to the press, certain segments of the press, certainly here in America or even perhaps the world press, who are hostile to the rightest dictators but rather receptive to leftist dictators.

Mr. SMITH. I did not use the word "receptive."

Senator HRUSKA. Sympathetic?

Mr. SMITH. I said certain influential sources in the United States who are strongly against dictatorships sometimes seem to feel that leftist dictators are progressive.

Senator HRUSKA. Are progressive.

What is your observation or appraisal of the present attitude of those people with reference to Castro?

Mr. SMITH. I note with interest that certain portions of the press who strongly advocated Castro have not yet admitted their error.

Senator HRUSKA. Have some admitted?

Mr. SMITH. Yes, sir, I do not want to mention them. There is no point in my being crucified by the press, too. But there are certain very important groups who had a great deal to do with Castro's rise to power who I note even today still speak—well, this I can't say definitely, but I was told that a certain newspaper wrote an editorial saying it would be better to have the fall of the Generalissimo Trujillo in San Domingo and take a chance of having another bearded man as there is in Cuba than to have the present dictator remain.

I note that such papers still do not admit the error of their ways.

Senator HRUSKA. It is of interest and it is of importance, as you can appreciate, because, after all, this is a composite picture.

Mr. SMITH, Yes.

Senator HRUSKA. You indicated that yourself: that there were Members of Congress, there were the press.

Mr. SMITH. That is right.

Senator HRUSKA. There were certain business interests.

Mr. SMITH. That is true.

Senator HRUSKA. There were certain people in the Government, State Department, and elsewhere.

Mr. SMITH. That is true.

Senator EASTLAND. He said more than that, Roman. He said the American Government, he would say, through all of its branches.

Mr. SMITH. When I say the "American Government," obviously, we are talking about the agencies which compose the American Government.

Senator EASTLAND. Of course, but they were primarily responsible for the rise of Castro.

Mr. SMITH. Without the United States Castro would not be in power today. I will put it as straight as that to you, sir.

Senator HRUSKA. But the responsibility for that is a composite thing?

Mr. SMITH. Is a composite, that is correct.

Senator HRUSKA. There may have been certain quarters in which there were more virulent advocates than others, but, just the same, it is a composite thing. Without that composite nature, very likely, the result which did follow may not have happened.

Mr. SMITH. That is correct.

In other words, I do not think it is fair to say that this individual or that individual or that particular agency, in itself, per se, is responsible for Castro coming to power. It is the composite.

Senator EASTLAND. The composite of the U.S. Government, is that it, and its branches?

Mr. SMITH. Composite of those elements that formed the U.S. Government.

Senator EASTLAND. That formed the U.S. Government.

Mr. SMITH. I mentioned segments of the press, certain Members of Congress, the CIA, the State Department. All of them took a hand in this, Senator.

Senator DODD. But in any composite picture, I think we all recognize that there are some influences that are stronger than others. They are never all the same.

Mr. SMITH. No. Some must share a greater part of the guilt than others.

Senator DODD. And some can do more than others.

Mr. SMITH. And some are in a position to do much more.

Senator DODD. That is what I think we are driving at.

Senator EASTLAND. And the agencies of the U.S. Government could do, of course, more than Members of Congress or the press or anyone else.

Mr. SMITH. That is true. You have all sorts of agencies.

Senator DODD. Certainly, you can say it the other way. You can say that without the U.S. Government, the other factors of the composite picture could not do anything. If the Government had stood firm and said, "We will not assist Castro," the fact that there were many other elements of our society who were sympathetic to him could not have brought it about; isn't that true?

Senator HRUSKA. Conversely, if the other elements—and I take what we would consider exterior elements; let's take business and the press—for example, had the press, in its opinion-making power, been antagonistic toward Castro, no amount of formal governmental action could have overcome that massive factor.

Mr. SMITH. That is true.

Senator HRUSKA. The same thing is true with reference to implementing Castro. If and when business located and having investments in Cuba would either by blackmail or by so-called taxes support financially the Castro movement, that was something which, likewise, would be very helpful to those who in formal Government circles would say, "Let us also help Castro."

Mr. SMITH. Those who paid tribute at the end were doing it for their own self-protection because they felt that if they did not do it they were going to lose their holdings.

Senator EASTLAND. As a matter of fact, now, wasn't it the impartiality of the U.S. Government that brought Castro to power?

Mr. SMITH. Wasn't it the impartiality?

Senator EASTLAND. Yes.

Mr. SMITH. Senator, we are responsible for bringing Castro in power. I do not care how you want to word it.

Senator DODD. Wouldn't you want to say the partiality?

Senator EASTLAND. I mean the partiality, certainly.

Mr. SMITH. Senator, let me explain to you that the United States, until the advent of Castro, was so overwhelmingly influential in Cuba that, as I said here a little while ago, the American Ambassador was the second most important man in Cuba; sometimes even more important than the President.

That is because of the reason of the position that the United States played in Cuba. Now, today, his importance is not very great. I think there is one point I would like to bring up, Senator, and that is the recognition of Castro.

It has always been the policy of the U.S. Government not to be one of the first or one of the last to recognize a friendly government. It has always been the policy of the U.S. Government, before they recognized a new government, to be sure of the following. I do not place them in order of their importance, but they are—

(a) If a government is Communist or too much infiltrated with communism.

(b) Whether a government will honor its international obligations.

(c) That the new government can maintain law and order.

And we always hope that they have the support of the people.

In this case, I believe that we were very hasty in the recognition of the Castro government.

Senator Eastland. How long?

Mr. Smith. Batista left in the early morning hours of January 1, 1959. Several days later, a few days later, a very few days later, I was called by telephone—Rubottom told me to come to the United States.

I said I could not do it right away because at that time I was in the process of evacuating 2,000 American students and tourists. There was a complete general strike in effect. I was primarily interested in seeing that no harm would come to any of these Americans stranded in Cuba.

I said I could not leave the country and occupy a seat on a plane as long as an American was trying to get out, so they said, "All right, when do you think you can come?"

I said I would come as soon as possible.

As soon as all the Americans had been evacuated, I flew to Washington.

We evacuated all the Americans in 2 or 3 days, the whole 2,000.

Then as soon as I arrived in Washington, they told me that we were going to recognize the new government and I was to rush back and do it.

I think it was approximately about 5 days—the 5th, or let's say around the 6th, of January. At that time Castro had not even arrived in Havana. Castro was still out in the eastern part of the islands, wending his way toward Havana.

I am sorry that we did not take more pains in trying to insure that Castro would honor his international obligations before we recognized him.

I think we were very hasty in our recognition.

Mr. Sourwine. Mr. Chairman, I have a few points here that I think, for the record, would be helpful. When you were appointed Ambassador and before you took that post, did you consult with your predecessor, former Ambassador Arthur Gardner?

Mr. Smith. We had lunch together at the 1925 F Street Club, and I believe that was the only time we met before I went down there.

Mr. Sourwine. Did you have any instructions from the State Department with regard to seeing Gardner or not seeing him?

Mr. Smith. I do not believe I was told anything one way or another. I do not believe his name was mentioned in that regard.

Mr. Sourwine. After Castro had established his headquarters in Oriente Province, were you interviewed by Herbert Matthews in the New York Times?

Mr. Smith. After Castro had what?

Mr. Sourwine. Had established his headquarters in Oriente Province.

Mr. Smith. Yes. He was already in Oriente Province. Matthews wrote his articles which appeared on the front pages of the New York Times in February 1957, and my interview with Castro took place in the city of New York in May or June of 1957.

Mr. Sourwine. I was asking if you had an interview with Matthews after——

Mr. Smith. What did I say—Castro?

Senator Dodd. Yes.

Mr. Smith. Would you mind reading back what I said. I want to correct that.

Senator Dodd. You meant Matthews?

Mr. Smith. Let me correct that.

Matthews' articles appeared in the New York Times in February 1957. My interview with Matthews was in New York in May 1957.

Castro landed in the southern portion of Oriente in December 1956.

Mr. Sourwine. I mean after you were Ambassador, and while Castro was still in Oriente Province, did you have another interview with Matthews?

Mr. Smith. I saw Matthews a number of times when he came to Havana; he would either come to my office at the chancery or he came to see me at the residency.

Mr. Sourwine. Do you remember a specific occasion on which Matthews suggested to you, or urged upon you, that you visit Santiago; that you go by the heart of rebel territory?

Mr. Smith. I do not believe that we ever had a conversation along those lines.

Mr. Sourwine. Did you, in fact, visit Santiago, Cuba?

Mr. Smith. I visited Santiago de Cuba in the latter part of July 1957.

Mr. Sourwine. Did something occur there about which you protested?

Mr. Smith. Yes, it did.

Mr. Sourwine. What was that?

Mr. Smith. The rough handling of women in the square of the city of Santiago, the women who were known as the Mothers of Santiago.

Mr. Sourwine. That is, rough handling by the Batista forces?

Mr. Smith. By the police.

Mr. Sourwine. Did you protest this by issuing a statement to the press?

Mr. Smith. When I came out of the city hall, having received the keys to the city, the police were then putting the firehoses and using the clubs on the women and the press asked me for a statement.

I made the following statement:

"I regret that the people of Santiago are using my presence in Santiago to protest against their government."

Whereupon, the press said:

"In other words, are you going to condone these actions? Is this all you have to say?"

The press demanded to know if the appointment of a new Ambassador didn't mean a change in U.S. policies. Did the U.S. approve such violence or not? Diplomatic doubletalk would not suffice.

I said that I would have a press conference later in the afternoon. This was at approximately 12 o'clock.

I went to a luncheon, had a meeting with the approximately six or seven members of the Embassy staff who accompanied me to Santiago, and I issued the following statement, to the best of my recollection:

I repeated what I had said above: that I was sorry that the people of Santiago were using my presence to protest against their government.

And then I added the sentence:

"And I abhor police brutality."

I also added another sentence:

That I had received a letter from the mothers of Santiago which I could not answer but would read with careful consideration, something along those lines.

Mr. Sourwine. In doing this, were you acting upon instructions from the State Department?

Mr. Smith. No. I went to Santiago with the approval of the State Department and with the approval of the Batista government.

At that time I had been in Cuba approximately 2 weeks, and I felt that sooner or later, that I would have to meet up with the issue, which had us portrayed as being too close to Batista—when I say "issue," let me explain that.

I would have to meet the issue, the issue being that we were considered too close to the Batista government; and I was trying to accomplish step No. 1—to have the U.S. Embassy considered as being impartial. If I was to carry out the Department's briefings to detach ourselves gradually from our past overfriendliness with Batista, this was the time to do it.

Mr. Sourwine. When you made that protest, did you consider it an intervention in the internal affairs of Cuba?

Mr. Smith. No, sir, I did not, and I explained that at great length to Batista, and Batista agreed with me that he would have done the same thing under all circumstances.

Mr. Sourwine. Did you subsequently discuss that protest with Portuondo Nunez?

Mr. Smith. Did I subsequently discuss that protest? When I came to New York or when I went to Washington and went through New York, to the best of my recollection, it was shortly after that I stopped in at the United Nations and had a talk with Senator Lodge and then I met Nunez Portuondo at the Brook Club at 111 East 54th Street, and we had about an hour's conference, in which I tried to explain to him the reasons for my statement, and we had a very friendly exchange of views.

Mr. Sourwine. Former Ambassador Gardner has told this committee that William Wieland had a strong influence on Mr. Rubottom. I take it you agree with that?

Mr. Smith. That is correct.

Mr. Sourwine. Mr. Smith, did you have anything to do with the arrangements for Castro's visit to the United States in April of 1958, to address the American Society of Newspaper Editors?

Mr. Smith. I most certainly did not.

Mr. Sourwine. Did you ever talk with Mr. Rubottom about this visit?

Mr. Smith. No, sir.

Mr. Sourwine. Did Mr. Herbert Matthews of the New York Times have anything to do with the arrangements for Castro's visit to the United States?

Mr. Smith. I would not know that.

Mr. Sourwine. Did you ever express yourself to the Department regarding the wisdom of this visit?

Mr. Smith. It took place before I became Ambassador. Therefore, it would not be incumbent upon me to make any remarks.

Mr. Sourwine. From your testimony——

Senator Eastland. Before you became Ambassador?

Mr. Smith. It took place before I became Ambassador.

Senator Dodd. Castro's visit?

Mr. Smith. Castro's visit.

Senator Dodd. That cannot be so.

Mr. Smith. After I was Ambassador. Castro's visit took place in the spring of 1960.

(Discussion off the record.)

Mr. Smith. Correction on that. Castro's visit to the United States took place several months after I was no longer Ambassador to Cuba.

Senator Eastland. He came here in April 1959.

Mr. Smith. And I left Cuba January 20, 1959.

Senator Eastland. That is right.

Mr. Sourwine. From your testimony, it would appear that prior to about September or October of 1958, it was the policy of the United States to furnish arms and other supplies to the Batista government; is that right?

Mr. Smith. Prior to when?

Mr. Sourwine. About September or October of 1958.

Mr. Smith. Would you mind reading that question again? I am sorry I did not get that.

Mr. Sourwine. Prior to about September or October of 1958, it was the policy of the United States to furnish arms and other supplies to the Batista government?

Mr. Smith. No, sir; that is not correct.

Mr. Sourwine. That is not correct?

Mr. Smith. No, sir.

Mr. Sourwine. Would you correct that, please?

Mr. Smith. The policy of the U.S. Government to stop the shipment of arms to Cuba ended in March of 1958—March of 1958.

Earlier in this testimony, I spoke about the Garand rifles, the 1950 Garand rifles. That was stopped, I believe, in March 1958. From that time on, we no longer licensed the shipment of arms or permitted the shipment of arms to Cuba.

Mr. Sourwine. Former Ambassador Gardner told this committee that during his last year as Ambassador to Cuba, there had been an endless number of shipments of arms and other things to Castro from the United States.

You testified these shipments continued during your term as Ambassador?

Mr. Smith. The tempo increased.

Mr. Sourwine. And they were not suspended or curtailed when we stopped sending arms and supplies to Batista?

Mr. Smith. The United States did stop and did apprehend certain individuals from time to time, but according to the statement of the revolutionaries themselves, for about every one that the United States apprehended, nine would get through.

It was about a 10-to-1 ratio.

So I want to make it clear in the testimony that not all shipments got through. There was an effort made, and they did stop shipments.

Senator Eastland. It was not as effective as the effort now?

Mr. Smith. That is correct, sir; nowhere near—nowhere near.

Mr. Sourwine. Do you know whether any arms for Castro came from the American base at Guantanamo?

Mr. Smith. The revolutionaries did steal some arms out of Guantanamo Base through the Cubans which are attached there. At Guantanamo Base there are about 10,000 people, 2,500 marines and sailors, 2,500 American dependents, and about 5,000 Cubans who work there. The Cubans would steal arms and ammunition; yes.

Mr. Sourwine. Former Ambassador Gardner expressed the opinion in testifying before this committee that the State Department was anxious, in his words, "to replace Batista with Castro."

Do you agree with this?

Mr. Smith. "Was anxious to replace"? No; I do not agree with that. I think that the State Department did not believe that Batista should remain in power. However, on the other hand, I am sure that those who are on the fifth floor of the State Department did not think very highly of Castro.

Senator Dodd. Who is on the fifth floor?

Mr. Smith. The top, the top echelon. That is the mistake we made. Decisions were made on the fourth floor.

Senator Eastland. That is right; that is what you have said, at the lower echelons.

Mr. Smith. And the people on the fifth floor, which is the top echelon, did not think much of Castro.

Senator Eastland. But you have said they did not make the policies.

Mr. Smith. I said the policies were made on the fourth floor.

Senator Eastland. All right.

Now, how did they feel toward Castro?

Mr. Smith. That is another question.

Senator Eastland. Well, how did they feel? They were pro-Castro, were they not?

Mr. Smith. I think most of these things, in light of the events, are self-evident.

Senator Eastland. That they were pro-Castro?

Mr. Smith. The word "pro-Castro," Senator, is very strong. I think that they were sympathetic to Castro.

Senator Dodd. Do I understand correctly from what you tell us—let me put it two ways: (1) The fifth floor did not know what the fourth floor was doing. Is that your position?

Senator Eastland. Yes; he said——

Mr. Smith. I say it this way: I think that the fifth floor was not as interested in the affairs of Cuba, until late in 1958, as I had hoped they would be.

I have learned from experience and observation that in our system the actions by the lower echelon and those who are influential in the lower echelon form our policy, and when those higher up act upon them, the policies have already been determined by events.

That is the reason why a little earlier I said I would like to make a recommendation that, when something as important as our attitude toward a friendly government arises, the National Security Council or some such body determine what is in the best interests of the United States. All governmental department actions should be unified and guided according to the policy laid down from above.

Senator Eastland. That means you had no confidence in the fourth floor, then?

Mr. Smith. When you are an Ambassador, you have nothing to do with policy. You follow your instructions.

Senator Eastland. I understand that.

Mr. Smith. All you can do is recommend, and I recommended plenty. I am not bashful, Senator. If you will subpena records, you will see I recommended plenty of them, sir.

Senator Eastland. It means you had no confidence in the fourth floor, doesn't it?

Mr. Smith. At times there was disagreement between me and the fourth floor of the State Department.

Senator Eastland. Yes.

Mr. Smith. Yes.

Senator Dodd. Where did Rubottom—where was his office, fourth or fifth floor?

Mr. Smith. He is the top man on the fourth floor.

Senator Dodd. He is the upper, upper middle?

Mr. Smith. No, sir. He is the Assistant Secretary of State for Latin American Affairs, and he sits on the fourth floor, and when you go to the fifth floor, that is where the Secretary of State and the Under Secretaries are.

Mr. Sourwine. Former Ambassador Gardner told us there was no question—in his words—"that Mr. Roy Rubottom, while he was in charge of Latin American affairs for the State Department, favored Castro."

Do you agree with this?

Mr. Smith. Once I had made up my mind, which was obvious, that if Castro succeeded to power, that it was not in the best interests of the United States, and also not in the best interests of Cuba, I used every power within my means to try to have the State Department cooperate with the existing government and to adhere strictly to a nonintervention policy.

I believe that Roy Rubottom, when I first went down to Cuba, would like to have cooperated with the existing regime.

He was, I repeat, under terrific pressure by Members of Congress, I repeat. He was called before a subcommittee such as this on a number of occasions, by the press, by all these various sources that I mentioned. He told me once over the telephone that it was perfectly evident to him now that as far as the sympathy of the United States was concerned, it was no longer with Batista.

I think that is the best answer I can give you to the question.

Senator Eastland. Yet, he yielded to the pressure?

Mr. Smith. He sure yielded, yes, sir; he said he did.

Mr. Sourwine. Mr. Smith, did you have, or do you have, any reason to believe that the State Department or State Department officials knew in December 1958 that Castro was coming into power at the end of the year?

Mr. Smith. The State Department knew that Batista was through in December 1958, and as soon as Batista was through, it was obvious that only one person was going to come into power, and that was Fidel Castro.

Mr. Sourwine. Did you know that Mr. Dulles had urged a Cuban diplomat in December 1958 to leave Cuba immediately with his entire family and without giving anyone any explanation?

Mr. Smith. A Cuban diplomat?

Mr. Sourwine. Yes.

Mr. Smith. To leave?

Mr. Sourwine. Yes.

Mr. Smith. No, sir; I did not.

Mr. Sourwine. Do you know of any warnings that were given anyone by the State Department, or State Department officials, to get out before Castro came in?

Mr. Smith. No; I do not think we gave anybody any warnings to leave. Thirty days before Batista left, I sent a telegram to the State Department reporting a meeting of the leading American businessmen and myself at the Embassy, and I said that Batista probably would not survive beyond January 1.

We hit the date right on the nose—the day he left.

I further went on to say that we would either have to step in and support a broadly based provisional government or Castro would take over and that if Castro took over, the only ones that would benefit would be the Communists.

Mr. Sourwine. Mr. Smith, former Ambassador Gardner expressed the view that Castro was a Communist tool rather than being himself an active Communist.

Do you agree with that?

Mr. Smith. Castro was a revolutionary and a terrorist.

From the time that he was a university student, he was a gun-toter. I was informed by a diplomat that he had killed one nun and two priests in Bogotá during the uprising in 1948.

I checked very carefully into Mr. Castro's background shortly after I was there and talked to people in Cuba who were anti-Batista but who knew Castro well; I would rather not mention their names because I do not want to get them into trouble. There were many.

There is no question that Castro was a revolutionary and a terrorist but whether he started out as a Communist or not, I doubt. I believe that the beginning of his 26th of July Movement was a leftist revolutionary movement. There are many that exist in the world. But his brother Raul was different; "Che" Guevara was different. Guevara was and is a Marxist.

I do not think there is any question or doubt about their Marxist theories.

But Fidel Castro did make a number of statements at Costa Rica and out of Mexico which clearly showed his Marxist line of thinking. He was also an active member, as a student, of the FEU (a radical group).

I brought that to the attention on numerous occasions of various newspaper people when they came down and asked them, when they visited Castro in the hills, whether they would get Castro to repudiate any of those statements. To the best of my knowledge, he never did.

Mr. Sourwine. Is there any doubt in your mind that the Cuban Government, under Castro, is a Communist government?

Mr. Smith. Now?

Mr. Sourwine. Yes.

Mr. Smith. I would go further. I believe it is becoming a satellite.

Senator Dodd. You mean a Communist satellite?

Mr. Smith. A Communist satellite. I made a speech in Miami early last winter in which I said that I believe that there would be a mutual security pact formed between Cuba and the U.S.S.R. and the reasons for it were:

That there was no doubt that Fidel Castro was now close to the Soviets. Otherwise, he would not have been as brazen in his attacks upon the United States. It was perfectly obvious that he knew he could get support from the Soviets.

The Russians for some time have been very piqued—the word "piqued" is probably a mild word—with the fact that the United States has mutual security pacts with Turkey and Iran, which are directly on the borders of Russia.

The Chinese, as you know, do not like our mutual security pact with Formosa and are particularly indignant at our having the position we have taken regarding the islands of Quemoy and Matsu.

The logical thing for the Russians to do would be to move into Cuba, which they had already done, and to take over, which they would do by a mutual security pact.

Then, when the United States objects, all they have to say is:

"We will get out of Cuba when you get out of Turkey."

Senator Dodd. You are not suggesting——

Mr. Smith. That is a speech I made in February.

Senator Dodd. Yes, but you are not suggesting that the Communists will cease and desist from their activities in Cuba and Central and South America, or anywhere else, if we get out of these other places?

Mr. Smith. Out of Turkey?

Senator Dodd. Yes.

Mr. Smith. It would mean a great deal to them if we got out of Turkey. I am no expert on Turkey.

Senator Dodd. You do not have to be an expert on Turkey, but you ought to be a little bit of an expert on the Communists to know this would not follow at all.

Every time we have retreated from one place, they have moved into new areas.

Mr. Smith. Senator, I did not say what they would do.

Senator Dodd. I know, but——

Mr. Smith. That they would move into Cuba to retaliate with us.

Senator Dodd. This is a statement being made all the time. It is not very pertinent to our inquiry today, but I think it is doing great damage in the sense it is confusing the American people.

People like you are telling the American people if we get out of Formosa, off Quemoy and Matsu, and abandon our bases in Turkey and other places, which we have there because of the aggressive conduct of the Communists, that, therefore, the Communists would cease to be aggressive.

It is one of the most sinister and, I think, damaging things that is being said and done. I am sorry to say that to you but I must say so.

Mr. Smith. Senator, I did not say——

Senator Dodd. I do not say it is intentional, but it is confusing our people.

Mr. Smith. Senator, I did not say that what we were doing in Formosa or in Turkey was not correct. I merely said that if you think through the Russian point of view, it was logical to assume that they would move into Cuba as a retaliation for what we are doing to them. That is all I said.

Senator Dodd. I do not want to argue the point.

Mr. Sourwine. I have just one or two more questions, sir.

Do you, or did you, know General Tabernilla, the former chief of staff of the Cuban Army?

Mr. Smith. Yes, sir.

Mr. Sourwine. General Tabernilla has told this committee that just before he resigned his post, he conferred with you.

Mr. Smith. That is correct.

Mr. Sourwine. Do you remember this? Can you give us briefly the gist of that conference?

Mr. Smith. I believe it was the day after Christmas, December 26, 1958. I received word from the military attaché that General Tabernilla, who was in charge of all the armed forces of Cuba, and his son, Gen. Carlos Tabernilla, who was in charge of the air force, and Gen. Del Rio Chaviano, who had formerly been in charge of the forces in Oriente Province, wanted to have an interview.

So it was arranged at the American Embassy.

They arrived in their police cars and they came into the Embassy residence.

General Tabernilla said he wished to talk with me alone and his son and the other general went in the adjoining room.

At the time General Tabernilla said that the Cuban soldiers would not fight any longer and that the Cuban Government, per se, would not be able to last.

He stated that the purpose of his visit to me was to save Cuba from chaos, Castro, and communism.

He said he wanted to form a military junta comprised of himself, I believe the names were General Cantillo, General Soa Quesada, Colonel Casores, and an officer of the navy.

He said that they wanted to give Batista safe convoy out of the country, wanted to know whether I would support such a junta.

I said that I would report the conversation to the State Department, but that I was sure they would not give me a direct reply to give to him, and I said that would be correct, because I added:

"If we answer you directly, it would be undermining General Batista, and I can only do business with Batista because I am accredited to him."

General Tabernilla asked me what suggestions I had to make.

I said, "Have you mentioned this visit to me to Batista?"

And he said, "No, I have not." He said, "I have not told him I was coming to see you, but I have discussed in general our future possibilities with Batista."

I asked him what Batista said, and he replied, "He told me to come up with a plan."

I told Tabernilla he should go back and talk it over with Batista and that any suggestion coming from Batista, I would relate to the State Department. Then we could continue our exchange of views.

If you wish me to go into more detail on this meeting, I would be very glad to do it. That is generally in capsule form what took place.

Mr. Sourwine. Was this after you had seen Batista and advised him that the American Government felt that his Government could not persist and he had to get out?

Mr. Smith. I saw Batista on December 17, 1958, and this conference you are talking about took place December 26, 1958.

Mr. Sourwine. So when you saw Tabernilla, you already had told Batista he ought to get out?

Mr. Smith. I did not tell Batista he ought to get out. I would not put it so bluntly as that. I spent 2 hours and 35 minutes trying to tactfully explain that the Department believed he had lost effective control. To avoid further bloodshed, did he not think it might be in the best interests of all concerned if he retired. This had to be done without giving the impression that I was intervening.

Mr. Sourwine. I have just two more little matters.

One, do you think the U.S. Naval Base at Guantanamo is in any danger?

Mr. Smith. I think five platoons of Marines could lick the rebels. How could the naval base at Guantanamo be in any danger?

Mr. Sourwine. One more thing.

What do you think of the proposal that a Spanish language radio station be established at Key West or some similar point to acquaint the Cubans with the U.S. position?

Mr. Smith. I think that would be very helpful.

Senator Eastland. Mr. Smith, we certainly thank you.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I am happy to yield to my friend from Pennsylvania.

Mr. KEARNS. Mr. Speaker, the distinguished gentleman from North Carolina has done a magnificent job on the Committee on the District of Columbia. I should like to state that for the record. As I leave Congress I hope many more Members like him are elected. And, do you know why? Because he was in attendance. I oppose people who are assigned to committees who do not attend and who, when we bring a bill to the floor, do not know anything about it.

With reference to Cuba, we do have a serious situation. I earnestly hope that a solution can soon be found. The Cuban people have my profound sympathy as they continue to strive for the better life.

Mr. WHITENER. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, as I have already said, I think that at a time of crisis such as we face now we in Congress should recognize the splendid service of men such as Ambassador Smith whose leadership and guidance, had it been followed, would have prevented the situation which has developed in Cuba and which has resulted in such unfortunate conditions for so many thousands of people in that beautiful little land.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield.

Mr. ROGERS of Florida. I appreciate the remarks the gentleman has made. I personally know the Ambassador, who is a resident of my area, and I have read the testimony. I think the gentleman is correct that the Ambassador did give warning, according to his testimony there. He was most forthright in bringing to the attention of the people in charge at that time the problem that was existing. As the gentleman says, in those early days this could have been remedied.

Mr. WHITENER. I thank the gentleman. I know that he knows whereof he speaks when he refers to Ambassador Smith, who is a neighbor of his in West Palm Beach. The Ambassador and I spoke of the gentleman from Florida [Mr. Rogers] when I was in Havana in 1958. While I cannot speak for the Ambassador, I feel I am on safe ground when I say that I know that the Ambassador has the same high regard for the gentleman from Florida that I know the gentleman from Florida has for this distinguished citizen of his district, Ambassador Smith.

CREATING JOBS

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, the foremost issue in the minds of America's working men and women is the issue of job creation and job security.

Some progress has been made in driving home the fact that our unemployment problem today is not so much caused by inadequate demand, but rather is the result of our failure to match up our unemployed men and women with the millions of jobs going begging in America. Three recent newspaper articles have appeared which clearly and cogently discuss this problem.

The first, which appeared in the Wall Street Journal of July 30, was written by Dr. Harley L. Lutz, professor emeritus of public finance at Princeton University. Dr. Lutz disputes the belief that inadequate overall demand is the basic cause of our unemployment and makes clear that Government spending will not automatically cause those now unemployed to be put to work. He discusses the true nature of the problem and the proper remedial action. Dr. Lutz believes that the solution to our chronic unemployment lies in an improvement in worker skills and in the creation of a better economic climate. He believes that this better economic climate can largely be achieved by Government policies in the areas of taxation, labor, the budget, and business regulation which stimulate and encourage private enterprise.

A second article which appeared in the Wall Street Journal of August 6, points out that a survey made by that newspaper found a wide variety of jobs in many cities going begging. Several reasons exist for this, including choosiness among jobless workers and a lack by the unemployed of the specialized training or skills required to fill the job openings.

On September 19, the New York Times reported that the Government would announce shortly a research project to test what type of training best helps unemployed workers to get and hold new jobs. The question has often been asked about manpower training and retraining programs, "Training for What?" This project may help provide at least a part of the answer to that key question.

I am particularly happy that this project, which is the first research project under the new Manpower Development and Training Act, was drawn up by the Government in cooperation with staff members of United Steelworkers of America. All of us, as individuals, as members of unions, as business executives, and as officials on all levels of government, must participate together in the vast and exciting task of upgrading the skills of our people to meet the needs of our changing economy in the years to come.

[From the Wall Street Journal, July 30, 1962]

Creating Jobs—Federal Role Should Be To Smooth Way for Private Enterprise

(By Harley L. Lutz)

The persistence in recent years of a substantial amount of unemployment, whether measured in absolute terms or as a percentage of the civilian labor force, should have demonstrated, by this time, the error of the typical political diagnosis and prescription. The diagnosis is that demand is not sufficient to absorb the goods that the unemployed might have produced had they been at work and the prescription is that more Government spending will overcome the deficiency of demand and thus provide jobs.

In its report of January 1962, the Council of Economic Advisers stated that inadequate demand had been in recent years a major cause of unemployment and excess capacity. This report strongly supported the President's request for standby authority to inaugurate a $2 billion public works program when a specified increase of unemployment had occurred. It also endorsed the proposals to extend and strengthen the unemployment compensation system and to permit the President to order a temporary reduction of personal income tax rates. The Depressed Area Act of 1961, which provided for $400 million of loans and grants, was followed, this year, by a bill to authorize an additional $600 million of public works in these areas.

Underlying these spending plans is the theory that more Government spending will automatically cause those now unemployed to be put to work. This theory ignores both the true nature of the problem and the proper remedial action.

There are wide differences in the relative amount of unemployment, depending on age, sex, race, education, occupation, degree of previously acquired skill, and geography. Despite these differences, all unemployed persons have one thing in common, which is that no employer has, or is willing to provide, a place for them in his establishment and on his payroll.

This is not because of prejudice or hardheartedness on his part. Rather, it is the outcome of two elementary but fundamental factors in our economic system of things. These are: The value of the worker's product in relation to the wage which the employer must pay; and, the amount of capital available for putting people to work. What we define as unemployment could be quickly ended by putting on the public payroll all who now have no job—provided that Government were to waive the wage value of service test. However, if that test were applied, Government would encounter the same barrier as now confronts private employers.

PRODUCT VALUE AND WAGE COST

Any employer who expects to stay in business must continue to realize a return that covers both his out-of-pocket costs and a yield on the capital invested sufficient to induce investors to keep their money in the business and to provide additional funds as needed. The costs are determined not only by the employer's direct expenditure for wages, but also by the costs of those who supply his materials, plant, equipment, and the like. These upstream costs are in turn determined by the wages and other expenses incurred by the suppliers.

At any given stage in the productive process, wage levels involving production costs higher than can be recovered in the price of the product, lead to unemployment of those whose productivity falls below their wage cost. At the bottom, this wage cost is set by the Federal minimum wage law and at top it is set by union wage scales plus fringe benefits. At both ends of the employment scale job opportunities are squeezed by these arbitrary rules relating to the price of labor. A considerable, though statistically indeterminate, amount of unemployment is caused by this pricing of labor out of the market.

CAPITAL AND UNEMPLOYMENT

The need for more capital in the private economy is obvious, first to avoid capital dilution and lower productivity per worker as the labor force increases and, second, to permit increased productivity per worker by utilizing the improved quality of capital which comes about with technological advance. Increasing productivity per worker is the only economically justifiable basis for wage increases. The appropriate measure of productivity would be the overall national average rather than the particular industry or plant result. Also, in the long run, wage increases should be held somewhat below even the national average productivity in the interest of all consumers and to keep the prices of export products effectively competitive in foreign markets.

The flow of new capital and the combination of labor and capital in private productive operations are alike dependent on the prospect of profit. The health of the ecoomy requires that new capital funds be provided from the savings of individuals as well as from the retained earnings of operations that are already profitable. There must be many new business ventures and not solely an increase of business size through internal financing, however useful and important this course may be.

The frequent references to excess plant capacity in recent discussions have been taken to imply that there is no present need for more capital since we are not making full use of what we have. Unused capital and unused labor have at times been linked together, the idea being, apparently, that both excess capacity and unemployment would disappear if the unemployed were moved into the excess capacity plants and put to work.

This overlooks the fact that many of the unemployed are in that situation because the value of their product would not cover the wage demanded, whether by reason of Federal law or union wage scales. While this condition prevailed, they could not get jobs even if there were idle plants.

Moreover, the concept of excess capacity is hazy and indefinite. The standard of measurement is never clear. It varies depending on whether it relates to one, two, or three shifts, or to comparatively obsolete plant and equipment that could be put into service if needed, or to given plant and equipment in a declining industry. Even if there could be general agreement on the meaning of excess capacity, its existence would not necessarily indicate a defective allocation of resources.

On the contrary, the economy needs some margin of capacity to meet variable or emergency needs and to permit flexible adaptation of output to the market. If there were absolutely no excess capacity in the economy, it would not be possible to meet a sudden, increased demand for defense material, or medical, housing or education facilities. It would not even be possible to supply additional quantities of the materials that would be required for the sudden implementation of a public works program without diverting them from existing construction projects.

DEMAND AND UNEMPLOYMENT

A popular explanation of unemployment, endorsed by the Council of Economic Advisers, is that overall demand is insufficient.

It is beyond dispute that business cannot continue without sales, including both consumer goods and the tools and materials used in further production. Too often, in this phase of the discussion, there is inadequate consideration of the source of the income which makes demand effective in the market. Obviously, this income must be generated, initially, through production. The benefits paid to retired or unemployed persons, known as "transfer payments," are derived from income siphoned off in various ways from the productive factors.

The unemployed can contribute to total demand only by spending income paid to them for productive services. But this brings us back again to the basic fact that no employer can afford to pay a wage in excess of the value of the worker's product. Here is the fundamental imbalance which must be corrected if those now unemployed are to receive income and thus contribute their quota to the total demand for goods and services.

The lines of remedial action have been indicated above. They involve: Measures affecting the unemployed as persons not presently employable; and, measures affecting the economic climate.

IMPROVING WORKER SKILLS

If a person cannot get, or hold, a job because of low productivity, the obvious course is, if possible, to make him more productive. New or improved worker skills are always required to keep up with changing methods of production and the different kinds of equipment made available by general progress as well as technological advance. From the standpoint of these ever-changing requirements, those counted as unemployed fall into two groups:

Persons capable through training to become eligible for employment under the new conditions.

Persons so lacking in mental capacity, dexterity, emotional stability or determination as to be incapable of acquiring the proficiency through training to hold a job at good wages. Some, perhaps many, of these are kept out of jobs which they could perform because neither special skill nor intensive training is required by the Federal minimum wage law.

The training, or retraining, of workers in the new skills and occupations requires extensive collaborative action but it does not call for Federal programing or underwriting. It must begin with those individuals who are energetic and ambitious enough to want such improvement. Collaborative action includes industry cooperation such as is now being provided on an increasing scale, because inplant training is no doubt the most efficient way of inculcating new or different skills.

Non-Federal collaboration requires, also, educational programs which offer sound vocational guidance and training for those who do not want to enter college, and some of the brightest high school graduates do not. State and community employment services must be so organized and managed as to establish the best possible contacts between those seeking work and those employers needing more workers.

In all this there is no real, constructive place for Federal action. It would be more costly than beneficial. The unemployed are individuals, people living in specific communities, not statistical units in a total. Most of them must find jobs in or near their home communities since, for many reasons, wholesale migrations to and fro across the country are neither feasible nor functional. The local businesses and industries, the local schools, and the local employment services are best equipped to discover the facts and are more competent than a Federal bureau to deal with them effectively.

A BETTER ECONOMIC CLIMATE

Neither a bird nor an airplane can fly on one wing. The most highly skilled workers would be out of a job if there were no tools to work with, and no amount of retraining will put people into jobs if capital is lacking. There must be, also, a prospect of profitable use of capital. Basically, therefore, there must be a better climate for the profit motive, which is the main driving force in a private enterprise economy.

This is what the Employment Act of 1946 intends as the Government's role. It is not for the Government to provide employment and prosperity, but to promote the conditions under which the free private enterprise system can best achieve the objectives of high level production, employment and income. The efforts to realize profit or avoid loss—since ours is a profit and loss economy—lead to new products, new plants, new processes, and new jobs. The quest for profit and the need to avoid loss, in combination, allocate the available productive sources of the Nation into the channels where these results appear to be most fully attainable.

AREAS FOR ACTION

The principal areas in which Government policy can do most to improve the economic climate are taxation, labor, the budget, and business regulation.

The most sensible approach to tax rate reform and to the correction of other features of the Federal tax system is not to "tax Peter to subsidize Paul," as the pending bill does, but rather to reduce tax burdens for all taxpayers, both individual and corporate. Bills to accomplish this result are before the tax-writing committees of both House and Senate. They should be considered and approved as a substitute for the administration's tax program.

Federal labor policy permits actions by unions which, if engaged in by employers, would be subject to prosecution as conspiracies in restraint of trade. Collective bargaining, as now generally practiced, is not an effort by both sides to ascertain what wages would be in a free labor market, but rather a process of pressuring employers to choose between union demands and an industrywide strike.

Federal budget policy has been characterized, especially in recent years, by a steady increase of spending for purposes not connected with national defense. This policy has carried the expenditure estimates for 1963 to the third highest level in our history, being exceeded only by the war years 1944 and 1945. The justifications offered for the expansion of nondefense spending are that we can afford it and that urgent needs require it—such as, in this case, the unemployed.

The doctrine underlying social-benefit spending is that Government spending induces economic growth. The argument runs: Public spending increases demand for economic product and the greater the demand, the greater the product; and, to complete the circle, the greater the product, the more we can afford to spend.

The fallacy of this lies in equating demand with the wherewithal for the creation of product. Government spending in itself is demand spending; it is a kind of consumption expenditure. As such it comprises the acquisition of goods and services produced in the private economy. Government purchase orders could not be filled unless there existed, somewhere, plant, equipment, inventory and personnel capable of producing the goods specified. Thus, Government spending is dependent upon already created capital; it does not generate new capital. And further, the taxes required to support a high-level budget prevent the private saving and investment essential to the creation of more private enterprise capital.

The constitutional authorization to regulate interstate commerce and the common law doctrine that monopoly is inimical to the public interest have been expanded from their proper scope into a policy of "Governmental bossiness" which has already had a chilling effect on management initiative. Unless this trend is reversed, the time is not far distant when no important business decision can be made without first getting the consent of some Federal official.

The private economy is the source of jobs for the people and income for the Government. The growth of Government through ever-expanding activities and spending does not promote, but rather impedes, the capacity of the private economy to support the people and the Government. The road to greater economic growth is not greater Government consumption of resources but greater private application of resources to profitable use.

[From the Wall Street Journal, Aug. 6, 1962]

Hard-to-Hire Help—Even the Unemployed Turn Down Many Jobs Because of Hours, Pay—Search for Waitresses Fails in Cleveland; Texan Flies Far To Fetch a Governess—Some Employers Choosy, Too

In Cleveland, the Ohio State Employment Service has failed for 6 months to fill 100 job openings for waitresses. Of 2,000 unemployed women it has interviewed, only 30 have been willing to take what most of the 2,000 considered substandard work.

In Dallas, several companies are having trouble recruiting office or management trainees. Many youths who might be suitable, says one employment agency official, "have $100-a-month car payments and $120-a-month apartments; they say they can't live on the money an employer can offer them."

And in San Francisco, some financial firms find it difficult to locate clerical help despite a plentiful supply of unemployed men looking for office jobs. One placement official complains banks and brokers overlook the men and seek to hire girls even though "in this city there are never enough females to fill female jobs."

In rather extreme form, these three situations illustrate a paradoxical trend in the U.S. job picture. Across the Nation, unemployment remains high enough to raise strong doubts in Washington about the vigor of the economy. But at the same time, a Wall Street Journal survey finds a wide variety of jobs in many cities is going begging. A big reason: Highly choosy attitudes among jobless workers, and sometimes among their would-be employers as well.

MACHINISTS, SOCIAL WORKERS AND DOORMEN

The list of hard-to-fill jobs cuts across all categories of employment—skilled, semiskilled, and unskilled. It shows some pronounced regional variations, temporary farmhands are next to impossible to locate in the area outside Philadelphia, easy to recruit in Michigan. The job list is almost bewilderingly diverse; a partial rundown of currently open positions would include sausagemakers in Detroit, machinists in Chicago, psychiatric social workers in Jacksonville, Fla., and hotel and apartment doormen in New York.

Choosiness among jobless workers is not the only reason some jobs are going begging, of course. A good many of the available jobs, even outside the professional category, demand specialized training or skills few of the unemployed possess.

In the office field, for instance, employment agencies in Philadelphia and elsewhere report a glut of unskilled clerks. But General America Corp., a Seattle, Wash., insurance firm, has despaired of finding rate clerks qualified to compute the premiums to be charged policyholders and has begun training its own. Even at that, an official complains, "we may look for a month or six weeks before finding someone with the right aptitudes."

Social changes have cut off the supply of workers for other jobs. So few girls have trained to be governesses in recent years that in some cities the job has almost disappeared; one Fort Worth, Tex., father had to fly 230 miles to Houston to fetch a tutor for his 5-year-old. Boys for general office are becoming scarce, says Irwin Bacal, director of New York's Allied Employment Agency, because nowadays most nicely dressed and polite youths go off to college.

JOBS OF LAST RESORT

But a good many of the hardest-to-fill jobs—maid, dishwasher, busboy, gas station attendant, to name just a few—demand only minimum qualifications that many of the unemployed could meet. They go unfilled, employment agency officials say, mostly because even jobless workers rarely want to take them unless they think they will have no other choice.

Some jobs suffer from a lack of social prestige. "Many unskilled persons won't work as maids, housekeepers or gardeners," says Aaron Scheinfeld, chairman of Manpower, Inc., a Chicago employment agency. "They consider domestic work a form of servitude and would rather hire out as day laborers or draw unemployment compensation." And Mrs. E. Speller, proprietor of a Philadelphia agency, says her night training classes for maids attract few women because "everybody wants to be the madam and nobody wants to be the worker these days."

Other jobs go begging because prospective workers consider them distasteful or onerous. George R. Jolley, owner of Jellinick's Employment Service in Los Angeles, says he has "50 orders for odd-job workers that I can't fill" because jobseekers don't want to scrub floors or wash windows. Hotels have difficulty finding switchboard operators and other help, says the New York State Employment Service, because applicants dislike night and weekend work.

PAY VERSUS RELIEF

Most often, however, jobs go unfilled because those who might take them consider the pay too low—sometimes in comparison with other work, but often in comparison with unemployment compensation or even relief checks.

In Houston, for instance, ABC Employment Service has been unable to get many of its clients to take jobs as dishwashers. "They tell me 'I'm drawing $28 a week unemployment now; why should I take a $30 job?' " reports Michael Grant, a partner. In Cleveland, Leo Haase, assistant job placement officer for the Cuyahoga County Welfare Board, has been trying since February to fill a private club's order for a busboy to work for $50 to $55 a week, plus meals, but says he "can't find anyone without a prison record who's willing to take it."

Even jobs offering a good prospect for advancement sometimes are spurned because of their starting salaries. In Cambridge, Mass., Joseph Boyce, manager of the Central Employment Service, reports about 100 local machine and sheet-metal shops are eager to hire young men as trainees, but get few applicants. The shops now offer a high school graduate $1.50 to $1.65 an hour to start, up from $1.25 to $1.35 a year ago, he says. But, he adds: "The youngster sees his buddy who got a job driving a truck, maybe a route truck for a bakery, making around $100 a week or more and driving a nice convertible, so he isn't satisfied to start as a trainee in a machine shop."

And some Texas agencies are having trouble finding management trainees to start work at around $325 a month. The college men these programs are designed to attract often demand $400 a month, says Mrs. Hazel Baker of Dallas Sacks Employers Service, because they have heavy payments on expensive cars and high rent on luxury apartments and need that much to get by. If employers won't meet their demands, she adds, many of these youths say they'll fall back on their families for support or trundle their wives off to work to meet their debts.

While placement officials have little if any sympathy with such choosiness many indicate that in other cases where jobs go begging, employers must take part of the responsibility. Several imply that the hours and working conditions involved in some hard-to-fill jobs make their unpopularity something less than surprising.

A NEW AGE

"Take cook-gardener couples, for instance," says Mrs. Helen Bradley, owner of Cleveland's Star-Louis Employment Agency. "They're hard to find," she asserts, "because most of the immigrant couples who used to snap at these jobs now feel emancipated and resent working from 6 in the morning to midnight—it's a new age." A Pittsburgh placement official who like many of his colleagues, finds live-in servants among the hardest of all workers to locate adds: "Quite frankly, domestics don't want to live in anymore because this usually means additional duties and longer hours. And confidentially, I don't blame them."

Some placement officials also indicate employers shouldn't be surprised if the pay in some hard-to-fill jobs finds few takers. Extreme example: Daniel J. Ryan, superintendent of the Detroit Welfare Department, says some householders call his aids, state they are taxpayers, and demand the department send them domestic help. Their terms: room and board, no pay.

In addition, several employment agencies indicate, employers make some jobs hard to fill by exercising a degree of choosiness of their own. The Jacksonville office of the Florida State Employment Service, for instance, says it has been able to refer candidates for only 7 of 14 recent openings for gas station attendants. "The problem," says one official, "is that the attendant may handle money, so the employer insists on an established local resident" and excludes out-of-towners who might be eager to take the job.

TOO MUCH EDUCATION?

"A big problem in filling some unskilled or semiskilled jobs is that the applicants we offer have more education than an employer wants," adds one North Carolina placement official. For example, he says, employers often refuse to hire down-on-their-luck machinists as lathe operators—a job involving less skill and lower pay—because they fear the employees will quit as soon as they see a chance to practice their old skill again. And E. C. Schulze, an official in the Ohio State Employment Service's Cleveland office, believes some local restaurants could solve their waitress shortage if they were more willing to hire Negroes—who, of course, account for a heavy proportion of national unemployment.

In some cases, employers and placement officials are taking steps to make hard-to-fill jobs more attractive. To make live-in maids' jobs seem more glamorous, the Cleveland office of the Ohio Employment Service has begun telling candidates they "can live like a millionaire on only $35 a week." "What we mean," says Mr. Schulze, "is that the live-in domestic can be employed by the millionaire" and reside in luxurious surroundings.

RAISES FOR MAIDS, COUNTERMEN

More important, employers are raising salaries for hard-to-fill jobs in many cities. Maids employed through Dallas' Maid Service agency now get a minimum of $7 a day, against $6 a year ago, while Philadelphia pay for cleaning women has risen to $8 or $10 a day from $7 to $8 in mid-1961. Some restaurant workers are getting more, too. Mr. Boyce of Cambridge says diners in his area now pay $65 to $80 a week for counterman who can fry an egg or cook a hamburger, up about 10 percent from a year ago.

But higher pay isn't the answer in filling some jobs that go begging. In Jacksonville, for instance, placement officials note high salary scales ($350 to $450 a month) have not prevented what they term a drastic shortage of top-flight secretaries. The trouble is that "the girls are not taking studies to prepare themselves to be good secretaries," says one official. "They're all looking for shortcuts, so they go to these business schools that claim they can make you a good secretary in 6 weeks"—a claim he believes is rarely fulfilled.

And in Michigan, where unemployment has been especially severe, low pay didn't deter applicants for one job that workers in some other areas of the Nation disdain. Two weeks ago the Michigan Employment Security Commission successfully rounded up 1,537 unemployed to answer an emergency call from fruitgrowers for hands to pick cherries that were ripening unexpectedly early. An MESC spokesman estimates some of them might earn "maybe $1 an hour if they work like blazes."

[From the New York Times, Sept. 19, 1962]

U.S. TO RESEARCH JOB RETRAINING—PILOT PROJECT IS PLANNED IN MCKEESPORT REGION

(By John D. Pomfret)

MIAMI BEACH, September 18.—The Government is expected to authorize a research project shortly to test what type of training best helps unemployed workers get and hold new jobs.

Labor Department manpower experts believe that the project has an important potential for helping Federal, State, and local officials devise retraining programs that will effectively teach new skills to workers made jobless by automation and other causes.

Staff members of the United Steelworkers of America had an important part in planning the project. Officials of the union and the Government hope that details of the plan can be ironed out in time for it to be announced at the union's 11th biennial convention here this week.

Vice President JOHNSON told the 3,000 convention delegates today that the Kennedy administration would not rest until it has obtained "adequate measures to combat unemployment throughout the Nation."

The research project would be the first under the new Manpower Development and Training Act.

The act represents the first attempt at a nationwide effort to cope with the unemployment problems caused by rapid technological change.

Jobless workers may receive retraining allowances equal to their State's unemployment benefits for up to 52 weeks while undergoing training at Government expense.

About 70,000 workers are expected to receive training in the first year of the program. Seventy retraining projects have already been approved.

M'KEESPORT IS CHOSEN

The research project would be carried out in McKeesport, Pa., a steelmaking center 16 miles southeast of Pittsburgh. Unemployment in the McKeesport area is running 15 percent of the work force—2½ times the national average.

Staff members of the United Steelworkers of America have an important part in planning the project. Officials of the union and the Government hope that details can be worked out in time for official announcement of the project at the union's 11th biennial convention here.

The project would involve 4 groups of 75 workers each. One group, composed of workers who have finished high school, would be given vocational training in various specialties. The three remaining groups would be composed of workers who have not finished high school. One would be given the equivalent of a high school education, another would be given only vocational training. The third would be given both the equivalent of a high school education and vocational training.

A group of 200 workers not in line for any training would serve as a control group.

University of Pittsburgh researchers would keep track of all the workers to see which groups fared best in getting and holding jobs.

Mr. JOHNSON, in his speech, predicted that more progress would be made in eliminating racial discrimination in employment in the Kennedy administration's first term than in the rest of the Nation's history.

Mr. JOHNSON is Chairman of the President's Committee on Equal Employment Opportunity, which has the responsibility for eliminating discrimination in Government and Government-contract employment.

ADMINISTRATION'S FARM BILL EXPLAINED

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LATTA] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LATTA. Mr. Speaker, President Kennedy will at last get revenge for his overwhelming presidential election defeat in the farm belt. Last year, the President boldly requested Congress to surrender its legislative authority to him on farm legislation so he could write his own programs. The Congress refused. Earlier this year, he wanted the Congress to pass a bill to shackle the farmers with mandatory controls. Again, the Congress refused. In the dying days of this session, he has succeeded in rounding up enough Democrat votes in the House to pass a bill which serves up a bread tax to the consumer, a hybrid Brannan-type program for 1963, a vicious two-price wheat certificate plan for 1964—which will be extremely detrimental to our Ohio farmers—and topped off with 80-cent-per-bushel corn in 1964. This bill passed the House by a vote of 202–197, with all Republicans but 2 voting against it.

Mr. Speaker, this latest administration concoction for American agriculture seeks to lure farmers into its 1963 program with Brannan-type compensatory payments on wheat and feed grains at 18 cents per bushel hoping to keep them there until 1964 when it lowers the boom on them as well as the consuming public.

The questions of cost of the 1963 Brannan-type program went unanswered during the limited 1-hour debate on the bill, but the American Farm Bureau has stated that it will double the $900 million spent on the 1962 program for feed grains.

CORN 80 CENTS PER BUSHEL FOR 1964

Contrary to Candidate Kennedy's pledge of "parity of income" for the American farmer, this Democrat bill provides a 1964 price support for corn from 50 percent to 90 percent of parity—without any 1963 Brannan-type payments—but must be no higher than what the Secretary determines will not increase CCC stocks of corn. The Department of Agriculture advised Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, that this figure would have to be around 43 percent of parity if CCC stocks are not to be increased. This means that the Secretary must set the price support for corn in 1964 at the bill's minimum figure of 50 percent of parity, or 80 cents per bushel. The Secretary could then dump surplus stocks on the market at 84 cents per bushel plus carrying charges.

Mr. Speaker, the 80-cent-per-bushel corn planned by this administration for the American farmer in 1964 would severely reduce the income of every farm family in my district. The wheat section of this bill providing for cheap livestock feed wheat would permit upward to 175 million bushels of cheap wheat to be moved into the feed grain market in competition with corn. Everyone slightly familiar with agriculture knows that cheap feed will result in lower livestock prices.

WHEAT 92 CENTS TO $1.40 PER BUSHEL FOR MOST OHIO PRODUCERS IN 1964

Mr. Speaker, another vicious and ruinous part of this bill for the family farmer is its wheat section. It provides for a new two-price system for wheat in 1964. Wheat used for human consumption and export would be set at one price and wheat used for feeding livestock would be set at a much lower price. This price differential has been estimated between a low of 60 cents per bushel and a high of $1.08 per bushel. Only farmers signing up and agreeing to take the reduction to be dictated by Mr. Freeman would be eligible to sell a portion of their wheat at the higher price. Here's how the plan is supposed to work:

A farmer having a 100-acre wheat allotment would be forced to put 20 acres or more—as the Secretary determines—into a land diversion program for which payments would be made for only 2 years. On his remaining wheat acres he would be given wheat certificates representing his share of the wheat that the Secretary determines is needed in the United States for human consumption and export. This is estimated to be about 85 percent of current production. He would then receive the lower livestock feed price for the remaining 15 percent and for his excess over normal production. The Secretary has indicated he would set the price of food and export wheat at $2 per bushel which means that the higher he sets the value of the certificate the lower would be the price of livestock feed wheat and vice versa. In setting the support price of livestock feed wheat, the Secretary must take the price of corn, its relative livestock feeding value to wheat, and the world wheat prices into consideration. The difference between the livestock feed wheat price and $2 will be the value of the wheat certificate.

The most devastating part of this two-price system for our Ohio farmers is the fact that approximately 80 percent of them plant less than 15 acres of wheat and have been producing under a so-called 15-acre exemption. As a consequence, they have not been subjected to past Government programs. They are now selling their wheat on the open market for about $2.03 per bushel. This Democrat-supported administration bill specifically abolishes the 15-acre exemption and instead sets up a small farm exemption based on the average number of acres planted during 1959, 1960, and 1961. If a farmer did not plant during one of these years he gets no credit for it. The catch is if he uses the new small farm exemption he will not be issued wheat certificates necessary to bring his price to $2 per bushel and will be forced to sell all his wheat for the cheaper livestock feed price to be set by the Secretary somewhere between 92 cents and $1.40 per bushel. The New Frontier pill becomes even more bitter to Ohio farmers—and other farmers east of the Mississippi River—when you consider that they are producing a type of wheat used primarily in pastries and which has historically not been adding to our surplus.

Mr. Speaker, where does this new scheme leave the consumer which includes these same farm families? He pays a bread tax by reason of the fact that the miller is forbidden by law from milling wheat not accompanied by wheat certificates. Whatever increase in total cost caused by the purchase of these certificates by the miller will be passed on to the consumers.

Among other things, Mr. Speaker, this bill repeals the 30-acre wheat-for-feed exemption as well as the 55-million-acre national wheat acreage minimum.

Needless to say, Mr. Speaker, I opposed the passage of this legislation.

CUBA AND THE MONROE DOCTRINE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROUSSELOT] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, the mail I have been receiving indicates that there is widespread concern among my constituents about the disinclination of our President to vigorously enforce the Monroe Doctrine in the case of Cuba. Believing that the United States must move now to take back Cuba for freedom—obviously freedom-loving Cubans cannot do this alone—I introduced Joint Resolution 885 on September 14 last. This resolution authorizes the use of armed force, if necessary, to wrest Cuba from Communist control and encourage the founding of a Cuban Government in exile.

There appeared in the September 16, 1962, issue of the Los Angeles Herald-Examiner an editorial by William Randolph Hearst, Jr., which I feel will be of interest to my colleagues. In this editorial the position is taken that the Soviet military buildup in Cuba constitutes a clear and present danger to the security of the United States and hence we must move now to stop the buildup, even if this means establishing a blockade. I agree. Under unanimous consent, I place the editorial in the CONGRESSIONAL RECORD.

CUBA: WHEN IS THREAT A THREAT?

(By William Randolph Hearst, Jr.)

You may have read in this column before that I felt that the Presidential press conference was one of the best running shows on TV. Well, every show has its offnights and I'm afraid last Thursday's performance was one of them.

Both the star—President Kennedy—and the supporting cast—the Washington press corps—were considerably under their best form. The President's handling of his lines in this high drama of the Cuban crisis lacked the fire of forcefulness and the warmth of reassurance so many of us in the audience were waiting for.

The press boys bobbled their lines. They neglected to ask the question the script cried for: "Why not a blockade?" Then they missed the cue to follow up when the President (pointedly, it seemed to this listener) ignored the question about how he interprets the Monroe Doctrine.

The "drawing the line" specifications laid down by the President were disappointing to worried Americans because—by default—they accepted the announced Soviet presence in Cuba.

Mr. Kennedy listed items he would consider enough of a threat to the United States to warrant cracking down. But the already established military buildup of a Russian colony off Florida wasn't among them. This although it is in flagrant defiance of the U.S. Monroe Doctrine.

And for the administration, which has made a major program of reestablishing use of conventional weapons as a hoped-for means of averting the big nuclear blowup, the failure to list blockade among alternative courses for the United States also was disappointing.

If ever there was a time-honored conventional weapon, it is the blockade, which our preponderance of sea and air power—plus the advantage of geography—make a cinch to enforce.

The fact is that the military reinforcement of Soviet Cuba is a big score of "one-upmanship" for Khrushchev. It is a black eye for U.S. prestige and another for the morale of the American people.

To undo it, I think, requires more than a policy declaration that we will wait for the Communists to make further moves.

WHY THE SILENCE?

The President made it clear that it isn't lack of power that makes the United States sit on our collective hands.

Then why the silence on the Monroe Doctrine? Here's the quote from the press conference text:

Question. Mr. President, in this same line, do you—have you set for yourself any rule or set of conditions at which you will determine the existence of an offensive rather than a defensive force in Cuba? And in that same connection, in your reading of the Monroe Doctrine what do you—how do you define intervention? Will it require force to contravene the Monroe Doctrine or does the presence of a foreign power in any force, but not using that force, in this hemisphere amount to contravention of the doctrine?

Answer. Well, I have indicated that if Cuba should possess a capacity to carry out offensive actions against the United States, the United States would act. I've also indicated that the United States would not permit Cuba to export its power by force in the hemisphere.

The United States will make appropriate military judgments after consultation with the Joint Chiefs of Staff and others, after carefully analyzing whatever new information comes in as to whether that point has been reached where an offensive threat does exist. And at that time the country, the Congress, will be so notified.

The Monroe Doctrine part of the question was just plain bypassed.

SOME APPLAUD STAND

Now unquestionably there are Americans who approve of the President's statement, including so responsible a columnist as my friend Arthur Krock of the New York Times. Arthur called it a calm, factual, and otherwise admirable statement which made it clear that he (the President) alone will decide what measures by the United States will be required in the Caribbean, and when, whether or not our Latin American partners go along.

Mr. Kennedy did make that clear, and he was also calm, factual, and otherwise admirable in ticking off potential situations where the United States would be compelled to act.

They would come about if the Communist buildup in Cuba endangered our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of American citizens in this country, or if Cuba should ever export its aggressive purpose by force or threat of force against any nation in this hemisphere or become an offensive base of significant capacity for the Soviet Union.

That sounds fine. But the question—the really basic question—is whether the increasing Soviet buildup in Cuba constitutes a present danger that calls for action now. I think it does, not by invasion but by a blockade that would permit foodstuffs to go through but would shut off the flow of Soviet war materiel.

In the same issue of the Times there was a column by its military specialist, Hanson W. Baldwin. Mr. Baldwin cited the presence of up to 4,000 Soviet military personnel in Cuba (to call them technicians is an evasive quibble). He cited the Soviet MIG jet fighters and fighter bombers, which a defecting Cuban pilot last week said numbered 200. He cited Soviet tanks, artillery, rocket launchers, antiaircraft missiles, torpedo and gun boats, some missile equipped.

Then Mr. Baldwin said what this column emphasized last week—"that nearly any weapon can be used offensively as well as defensively."

He went further. He said Cuba "has greatly strengthened" her capability of exporting subversion, of sending small groups of well-armed men to neighboring islands or countries to act as guerrilla cadres to stimulate revolution in the Khrushchev strategy of "wars of national liberation."

Also, quoting Mr. Baldwin, "the new weapons will, in time, tend to neutralize or at least reduce the military importance of the U.S. naval base at Guantanamo."

CANNOT POSTPONE ACTION

All this, as I read it, does not postpone recognizing the Soviet presence and arms in Cuba as a hemispheric danger to some remote future date nor does it base such recognition on the contingencies Mr. Kennedy spelled out. And I don't think—going back to his statement—that it is loose talk to say so.

There is one other possibility which in fairness needs mention. It is that the President—who concededly must know more than the rest of us—is marking time for reasons that he considers sound and realistic.

This may find corroboration in a story by Marianne Means, Hearst Headline Service White House correspondent, published in our papers Friday. Marianne wrote that the two top GOP spokesman in Congress—Senate Minority Leader DIRKSEN and House Minority Leader HALLECK privately pledged their support of Mr. Kennedy's present policy on Cuba. Marianne's sources of information are excellent and she makes a habit of being right.

Another significant straw in the wind was the President's assurance that he would work closely with leaders of Cuban exiles in our country "who are dedicated as we are to that Nation's future return to freedom."

Heaven knows, I do not pretend to know all the answers. As indicated, there are differing views as there are bound to be in a situation as grave as that which confronts us.

But, I have been informed that the President reads this column fairly regularly. If he finds time to read this one, I end it with a question which he might consider answering at his next press conference. It is:

Mr. President, if the supply of Soviet war materiel and military personnel continues, as seems certain, at what point, if any, would you invoke the Monroe Doctrine?

FORWARD THINKING FARM IMPROVEMENTS

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HALL. Mr. Speaker, after election to the 87th Congress and prior to being seated on January 3, 1961, I appointed a farm advisory council on recommendation of the various county agents of the Seventh Congressional District in Missouri. Each nominated three, with requests for only geographical coverage and that of the various facets of our farming industry.

Agriculture is basic in our district and is represented in many and varied forms, although we are primarily dairy products and livestock producers, because of our terrain. The resulting council of farmers has been enthusiastic and diligent in its work. They have traveled the length and breadth of the district for field studies, research, and on-the-spot investigations of different problems. All of this at their own expense and in the interest of their fellow man, and good farming practices in particular. They have advised me constantly on farm legislation, represented the congressional problems to the people of the district, and provided a sounding board to this congressional office. More tangible and worthwhile to the Members now, and the future Congresses, are their succinctly tied-up recommendations and packages of forward thinking farm improvements published in a letter herewith, "To all whom it may concern." I received it September 23, 1962, and am most anxious to share it with our colleagues for such value as may pertain as we all strive mutually to prepare better farm legislation in the future:

INTRODUCTION

We are a group of farmers appointed by Congressman DURWARD G. HALL on nomination in various farm fields by the several county agents for the purpose of transmitting to him ideas regarding the agricultural problems of the Seventh Missouri Congressional District. Our further mission was to work out possible solutions which would benefit farmers, small business, and the rural community.

We are under no obligation to anyone in making these studies or in giving our report. We work without pay of any kind, and all of us pay our expenses in traveling over the district for the purpose of making observations and gathering information.

BACKGROUND

Our mutual interest is sharpened by the following facts:

1. Canning factories are no longer in this district. The tomatoes they processed are no longer grown here.

2. Strawberries, once an important crop, are no longer produced in quantity. Many of our orchards have disappeared.

3. For the first time in 15 years the egg breaking plant at Carthage, Mo., did not open in 1962.

4. The dairy industry has been reduced by 28 to 30 percent or more in places. All these are economic losses to the rural community which various smalltown chambers

of commerce are trying to overcome by attracting industrial factories of almost any kind.

5. We also note that our growing feeder-pig enterprise is now being threatened by the production of SPF pigs elsewhere; because, as the experts seem to think, Ozark farmers are not qualified to produce them. We do not agree with these experts on this.

6. One bright spot is the great progress we have made in using fertilizers on our soils. This has resulted in a three to four hundred percent increase in crop production. This still does not represent our potential capacity.

In an attempt to find the reason for our loss of various markets and the economic stagnation which results, Congressman Durward Hall has asked this committee to advise him of the basic facts, the problems involved, and suggest some means of solving them. We have found farmers, processors and industrialists, school and Government authorities, and particularly the local county agents cooperative in our endeavors.

ACTIVITIES

After many meetings over the area at private farms, the School of the Ozarks, and at the Missouri University Experiment Farm, Mount Vernon, Mo., and on various subjects, the committee was soon in full agreement on the following thoughts as guides for holding our suggestions at a practical, workable level:

1. Farmers and businessmen as individuals should strive to solve their individual problems, and work collectively to solve community problems.

2. Our suggestions deal with the means of helping them do so.

3. Most of the assistance needed can be provided through agencies already available at both State and Federal levels.

4. There seems to be a need to provide these agencies with a definite course of action directed to the problem as called to their attention by the people of the community in which it is of importance and applies. By definite course of action we mean:

(a) Research on those problems needing it and which are outlined by the people of the Seventh District.

(b) Demonstrations showing how to apply the research facts already known, to point up their value.

(c) Part of the necessary funds to be provided locally by the community, so as to stimulate their interest and achieve definite results.

RESOURCES

The big problem or task, broadly stated, is to find the best way for the people of the district to use, to their best advantage and in the most rewarding way, the natural resources available to them. This means information along many lines; capital where needed, and markets for new products or old ones which can be grown and manufactured by the people of the Seventh District out of resources available to them. These resources as we evaluate them are:

1. An abundant labor force.

2. A favorable climate to agricultural production and manufacturing.

3. Attractive recreational facilities.

4. Adequate supplies of water provided by an annual rainfall or nearly 50 inches.

5. Soils which are, or can be made, very productive in growing of grains, fruits and vegetables, livestock and livestock products. Soils now occupied by low-grade timber which can be converted to productive grasslands.

6. Both high and low grades of timber and brush, some of which presents a serious problem in places.

STUDIES

Here we suggest an approach to a more rewarding use of these resources by the people in the Seventh District. The final success depends on the full cooperation of all agencies cooperating with local business groups and farmers along a very definite course of action, for the purpose of achieving a very definite result.

1. The abundant supply of labor is a well-known statistical fact and there needs little comment on our part.

2. This favorable climate for agricultural production is also proven by statistical information. The annual rainfall is near 50 inches. The average temperature is a comfortable 76 degrees in summer and a comfortable 37 degrees in winter. The growing season is a long 204 days of favorable temperatures and rainfall. We believe that these facts are of first importance in the kind of farming, and the kind of industrial development the Seventh District should encourage. More later as we consider research and demonstrations of various types of farming land use and irrigation.

3. Our third resource of attractive recreational facilities is also very well known in terms of good hunting and fishing; large lakes, clear streams, and beautiful landscape with a significant historical background of interest to many people. This historical background needs more emphasis. The nearly 6 million people spending a total of $632.5 million for the services and use of recreational facilities last year (1961) offer farmers and rural towns a chance to expand their services to the tourist population. Research and demonstration concerning handmade products which can be made by Ozark people out of Missouri timber and agricultural products should be encouraged on a demonstrative basis. New ways and new products, added to the old ones of hardwood chairs and baskets should be investigated. Pumpkins, calico corn, and processed wild flowers sold to tourists are suggested to supplement seasonal income.

FIRST RECOMMENDATION

4. Often we look upon our generous rainfall of nearly 50 inches per year as a curse causing floods, erosion and loss of property. Our people should be better informed and educated in the proper use of this great natural resource. One such use, for irrigation, which this committee saw, has been under demonstration and in practical use for 10 years. This project so completely conserves water that it cannot reach the ocean until it again falls as rain.

The water is impounded during a wet spell on the highest place on the farm by using either gravity flow or a farm tractor driving a small cheap pump often available as used equipment. One or more large steel pipes carry the water through the dam of the impoundment, delivering it into easily handled plastic pipes. These pipes empty it through properly spaced holes on to the soil to be irrigated. The project is located within 4 miles of the plateau where the streams begin.

The record of the filling of the reservoir following a complete winter drought indicates that enough water had come downstream with the first 6¼ inches of rain falling over a period of 3 months to fill the reservoir, and bypassed enough water to have filled it 12 more times. This reservoir and a smaller one have an area of about 15 acres and hold water to a depth of 20 feet. The capacity for irrigation is about 300 acres covered with water nearly 6 inches deep, which is more than has been needed in the past several years. At some time during every year since the unit was built, it has been used for increasing the yield of a crop. The cost is comparable to that of one deep well with a capacity to water only 15 acres. The delivery capacity, if all outlets were used, is 120 acres per day. This committee believes that this method of irrigation, plus proper fertilization, could be used by small Ozark farmers on their creek bottom and valley fields, so as to supply all of their winter feed they need for their dairy animals, and thus reestablish the dairy business on a profitable basis. Grass growing on Ozark hills provides the cheapest possible feed for animals during the summer. Proper fertilization of valley fields and low-cost irrigation, we believe, can solve the winter feed problem.

The committee also suggests that this type of irrigation be used in river bottoms to demonstrate the practical and sure way to grow vegetables for canning and freezing. Such crops are the raw materials which will attract industry which will employ the surplus labor on the small farms of the Ozark region. The industry using raw material produced in the community causes the employment of many other people outside the factory who grow, harvest, and haul the products to the factory. Various methods can be used to divert water during a flood, away from the channel of the river, to reservoirs built on the higher ground of the nearby land until they are filled. The water would remain there until used the following summer for irrigation by gravity flow on the land below the ponds. Floods would be controlled, the subsoil water replenished; and the water itself would be put to a very practical and profitable use, making it a blessing in place of a curse.

5. The increasing productivity of our agricultural soils and cropland of the Seventh District has been the one bright spot in our agricultural economy. In this one field, we lead other States. The research of the soils department of the college of agriculture under Dr. W. A. Albrecht, and the effective ways it has been brought to the farmers through soil testing laboratories and fertilizer companies, appears to be the reasons for our leadership. One hybrid corn seed company in another State says, "We will test your soil according to the Missouri method," knowing of the excellent results which follow when using fertilizer according to these tests. If it were not for this great advancement in soil fertility and the resulting capacity of our soil to produce in competition with the lands which are still rich in their natural state, this committee would be reluctant to encourage research for finding better and more adapted varieties of fruits, vegetables, grain crops, and animals to fit our region.

We know, however, from our observation, that irrigation water can be supplied to much of our lands at a very low cost.

Much of our large area of nontillable land is suitable for production of forage grasses. Problems of controlling woody (winged elm and cedar) vegetative growth, determining the best varieties of grass and legumes to be seeded, and most profitable program of fertilization are very apparent. We have observed a Federal research attempt to kill cull timber and brush with costly chemicals, with in some respects acceptable results.

We have also observed the killing of brush done quite well under the direction of a farmer by controlled burning. The cost in this case is very low.

These problems need more study and research to develop better methods, lower cost, and uniform results. We are inclined to be critical of the snail's pace at which we have been moving, and critical of the agencies which should be showing us the best way to go at a more rapid rate.

SECOND RECOMMENDATION

We therefore urge you, our Congressman, to encourage our college of agriculture, the various Federal agencies, and the chambers of commerce of the various towns to, as a cooperating unit, consider our soil and water resources as untapped, gigantic reservoirs with capacity for future agricultural development and as producers of industrial products for food and nonfood uses. We urge the consideration of a farm, town, and factory development along this line for the Seventh Congressional District.

6. Our sixth resource is good timber and worthless brush occupying potential pasture land. The good timber has its place. Its value is evident. We are concerned with the troublesome brush. This committee is ready to urge research along another line. It would be based on considering the brush as having value and being harvested as a crop. This thought gained encouragement when we found large amounts of lapsiding being used in the Ozark regions which is made of waste paper in one case, and wood shavings in another. We were also encouraged to know that the Forest Products Laboratory at Madison, Wis., had already done the research necessary for a method to convert worthless Black Jack Oak and brush into boards of excellent quality; treated to resist water and insect damage and take a good coat of paint. We know of the interest chambers of commerce and industrial development groups have in attracting industries to their towns. We therefore urge these agencies dealing with our forests to cooperate with such chambers of commerce with the idea of building one or more pilot plants which would prove a practical way to make usable products out of worthless brush, thus enabling farmers to clear their land at a profit in place of a cost of $20 to $40 per acre.

CONCLUSIONS

7. These are only a few of many new courses we can explore to solve old problems. It is easy to say "They" should do it, meaning the State and Federal tax-supported institutions. We doubt that they have been asked. We doubt that anyone has suggested special research problems, or pilot-plant demonstrations. People should ask the Army Corps of Engineers or the Soil Conservation Service, to undertake controlling downstream floods by upstream water impoundment to control water at its source to be used for irrigation, as we have observed being done. People should ask the Forest Service at the State and Federal level for a pilot plant using the brush from our hillsides as a raw material for making lumber products.

Perhaps the people should ask the College of Agriculture to demonstrate moneymaking ways of farming to Ozark farmers with new adapted varieties of strawberries, higher yielding tomatoes of superior flavor, followed up with land replenishments, a practical low-cost way of growing and storing winter feeds, ways to eliminate the necessity for costly machines on small farms; and a large number of other products utilizing new crops and drug plants which have never been touched.

We believe, as a committee, that these tax-supported agencies should do the research people ask of them necessary to the solving of our local problems. We also believe that if the personnel assigned to the research fail to solve the problem they should be replaced by others. Tax money comes from people. We believe they have the right to expect tangible economic results from the various agencies, State and Federal, serving the Seventh Congressional District, in Missouri.

This report has the endorsement of Congressman Hall's farm advisory council composed of the following members: Andy Luys, coordinator, Carthage, Mo.; John Larson, Webb City, Mo.; Albert Lohkamp, Monett, Mo.; Edgar Lampe, Monett, Mo.; Robert A. Neal, Nixa, Mo.; D. Frank McGrath, Marshfield, Mo.; J. L. Matthews, Forsyth, Mo.; Cecil E. Letsinger, Mansfield, Mo.; John W. Hutcheson, Bolivar, Mo.; E. M. Poirot, Golden City, Mo.; Herbert Webster, Bradleyville, Mo.

CASTRO AND THE PRESS

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks in the body of the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KEITH. Mr. Speaker, American journalism has a worldwide reputation for accuracy, speed, responsibility and breadth of news coverage. It is, of course, a most important stimulus in the molding of America's public opinion.

America's press is justly proud of its accomplishments, particularly in its willingness to report both sides of most questions before the country and the Congress.

In its efforts to acquaint the public with all sides of the personality and the cult of the sometimes colorful Communist, Mr. Castro, the press gave him a status that he did not deserve. He was even invited, back in 1959, to be the principal speaker at the annual meeting of the American Society of Newspaper Editors. Here he was granted a worldwide audience, enhancing him in the eyes of his followers.

The editor of the New Bedford Standard-Times proposed that the invitation to Mr. Castro be withdrawn and, when the society nevertheless proceeded with its program, the editor refused to attend the meeting and continued in his efforts to acquaint his readers with Castro's true character and his ultimate goal—that of alining Cuba and the Cuban people with the Communist aim of world domination.

Now, a mistake was made in recognizing the Castro regime in the first place. That we now freely admit. Quarterbacking Saturday's football game on Sunday is always an easier chore than the same job the day the game is played.

But I am proud to call the attention of the House to the foresight of the press of my Congressional District, the Ninth of Massachusetts. Its foresight appears now to have been far sharper than that of our own Department of State, which placed the United States in the forefront of world powers recognizing Castro as holding the reins of the "legitimate" government in Cuba.

I am glad to detect the new awareness among American news media of the dangers Mr. Castro and his Kremlin-dominated government pose to the American hemisphere and ultimately to the security of the world.

The New Bedford Standard Times warned its readers long ago of this menace. Much of the American press has only recently recognized Castro for what he is.

The Standard-Times, along with most of the American public, has been ahead of the press and of our Government in the whole question of Cuba and world communism.

MANIPULATION OF FUNDS OF TEAMSTER'S UNION

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bell] may extend his remarks in the body of the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BELL. Mr. Speaker, from the pages of the Los Angeles Times and from the skilled research and reporting of Gene Blake and Jack Tobin, two Times journalists who enjoy great stature in California, has come a series of articles on the manipulation of pension funds of the Teamsters Union which I believe to have profound significance and to be deserving of national attention and discussion.

We live in a time when enormous concentrations of wealth are accumulated and reinvested through corporate and labor union pension and welfare programs. It is in the national interest, as well as in the interest of the contributing individuals, that such funds be managed honestly, competently, and with adequate understanding of the total economic responsibility involved.

How vast and far reaching these funds can be is effectively pointed out in the series which began on May 10 of this year. How vulnerable these funds are to corrupt practices and questionable ethics is similarly demonstrated by the writers.

Neither the Los Angeles Times nor Reporters Blake and Tobin suggest that there is anything illegal, immoral, or un-American about the desire of Teamsters fund trustees to invest money at the highest possible rate of return or for others to borrow from the funds on the most favorable terms for legitimate business enterprises. Indeed the newspaper investigation shows that many of these transactions appear to be earning good return for future pensioners in sound, secure commercial ventures.

At the same time the well-documented research project spotlights many other Teamsters pension fund investments which are open to serious question for reasons ranging from the reputations of the interested parties, to the character of enterprises in which the money of members is placed, to the policies which tolerate excessive finder's fees and overloans.

Mr. Speaker, I wish to take this opportunity to commend the Los Angeles Times for the performance of a notable public service in undertaking this investigation. I would like, also, to compliment Gene Blake and Jack Tobin for their able handling of what may prove to be one of the most important stories developed by the vigilant, hard-working press of our Nation during the year 1962. What has been uncovered about the management of the Teamsters pension fund is not only important in its own right, it is important because it raises serious questions about the need for greater public information and, perhaps, greater Government protection and supervision of similar funds.

It is for this reason, Mr. Speaker, that I call this series to the attention of my colleagues in the House of Representatives and the Senate by including these articles, which have appeared to date, herewith in the Congressional Record:

From the Los Angeles Times, May 10, 1962:

> Multi-million-dollar investments of midwestern Teamsters Union pension funds in Las Vegas gambling casinos and various Los

Angeles area ventures are under Federal investigation.

The Times has learned that intricate financial manipulations are being scrutinized closely by Government investigators and a Federal grand jury.

In an exclusive interview with the Times here last week, Teamsters President James Riddle Hoffa exploded in anger when questioned about certain persons known to have benefited from the loans.

Among them is Morris B. (Moe) Dalitz, identified in Kefauver crime committee testimony as a onetime Cleveland gambling kingpin and representative of the notorious Lucky Luciano, Bugsy Siegel, and Meyer Lansky.

STORMS AT INTERVIEWERS

"Moe Dalitz is a respected citizen" Hoffa stormed at Times reporters as he abruptly halted the interview in the presidential suite of the Ambassador.

He accused the Times' representatives of trying to elicit information for a grand jury. He acknowledged he was aware that a grand jury probe of the matter was in progress here.

Hoffa is a trustee of the Central States, Southeast, and Southwest areas pension fund, a combined operation for some 180,000 Teamsters in 29 States with headquarters in Chicago.

He insisted that although a grand jury inquiry into the pension fund loans situation is going on, Teamsters as such are not involved.

The Times learned, however, that witnesses before the grand jury have included Francis J. Murtha, of Chicago, executive secretary of the pension fund, and Roy L. Williams, of Kansas City, one of the fund trustees.

Hoffa is under indictment in Florida on fraud charges for allegedly misusing $500,000 of his Detroit local's funds in a real estate scheme.

Williams, recently appointed a general organizer for the Teamsters, also is under indictment in Kansas City for embezzlement. He is accused with six others of taking $42,400 from Union treasuries.

WOULDN'T PRODUCE RECORDS

A third trustee of the pension fund—William Presser, president of the Ohio Conference of Teamsters—stands convicted of obstructing justice for refusing to produce certain records for the McClellan rackets committee.

The $167 million Central States pension fund and its investments are self-administered by 16 trustees equally representing employers and Teamsters. Hoffa's influence on the other trustees is reported to be powerful.

In the western conference of Teamsters, covering approximately 200,000 members in the Western States, pension fund trustees have no hand in investments, which are administered by Prudential Insurance Co.

Reportedly of interest to Government investigators is the fact that about 60 percent of the Central States pension fund assets are in real estate loans and mortgages.

The 60-percent figure stands in sharp contrast to those in a recent study reprinted by the UCLA Institute of Industrial Relations. It showed that all corporate pension funds reporting to the Securities and Exchange Commission average only 2.3 percent of total assets in mortgages.

PERCENTAGES COMPARED

Sixteen unilaterally (employer) managed pension funds in southern California averaged only 4.2 percent in mortgages and 21 funds managed bilaterally (union and employer) averaged 13.7 percent, according to the study.

There is a move afoot to remove the Teamsters' western conference pension fund from the aegis of Prudential Insurance Co. Western Teamsters reportedly are opposing a merger with the Central States fund.

One proposal would convert the western fund to self-insurance, but place management of investments under corporate trustees.

Although Hoffa is reported to be pushing for a merger of the two funds, he told the Times' representatives last week that such a move is not essential. He spoke fervently, however, in favor of a self-administered fund.

QUESTIONED ON INVESTMENTS

Visiting here briefly on another matter, Hoffa genially discussed pension fund administration with Times reporters. When asked about investments of the Central States fund on the west coast, he replied:

"OK, I know all about them. We have two in this area. What do you want to know about them?"

Even when told that the Times had uncovered evidence of nine investments totaling more than $18.5 million, Hoffa continued to insist there were only two—both of them in the Los Angeles area.

He grudingly admitted the others, however, when a Times reporter ticked them off. He explained he did not consider some of them west coast investments.

His reasoning was that in some cases the loans had been made to persons he considered Texans, Clevelanders or Chicagoans, even though the real estate is in the Los Angeles area, San Francisco, or Las Vegas.

Perhaps inadvertently, Hoffa confirmed some investments which the Times had been unable to verify from public records.

The total of the Central States pension fund investments in the West apparently comes to something like $30 million.

LAS VEGAS VENTURES

In Las Vegas they include two large gambling hotels, two golf courses and a residential tract, a hospital, an office building, and a taxicab company, for a total of about $12 million.

In the Los Angeles area there are seven large downtown buildings, a health club, two large laundries and an exclusive residential tract, totaling more than $11 million.

Additionally, $4 million went to a Chicago holding company which controls a chain of motels and hotels in Los Angeles, San Francisco and Palo Alto.

The Times is reliably informed that approximately $3 million has been committed for a large San Francisco hotel, although Hoffa denied knowledge of this transaction.

INQUIRY CONFIRMED

He confirmed an inquiry had been made to the pension fund concerning a possible loan of a $30 million ranch acreage planned for development on the Los Angeles-Ventura County line, but said it hasn't gone through.

But when it came to discussing individuals who have obtained the loans, Hoffa drew the line and unceremoniously ended the interview.

"I'm not going to talk any more about individuals" he snapped. "I'm not giving you any information for the grand jury."

From the Los Angeles Times, May 11, 1962:

Investments in the Las Vegas gambling strip area by a midwestern Teamsters Union pension fund include nearly $6 million in the Dunes Hotel, the Sunrise Hospital and the Paradise Valley Country Club.

Borrowing the money were combines of men prominent in Las Vegas gambling and hotel enterprises. Some have interesting reputations among law enforcement officials.

These and similar loans in both Las Vegas and the Los Angeles area—totaling an estimated $30 million—have been under investigation by Government agents and a Federal grand jury, the Times has learned.

IN RACKETS REPORT

One of the Las Vegas beneficiaries of the loans—Morris B. (Moe) Dalitz—can be traced in the pages of the McClellan rackets committee reports to a connection with Teamsters President James Riddle Hoffa dating back as far as 1949.

Dalitz, then owner of a Detroit laundry, was asked by fellow laundry owners threatened with a Teamsters strike to see what he could do, witnesses testified.

He put them in touch with persons alleged to be Hoffa representatives. Later, these same men reportedly accepted a $17,500 payoff—and Hoffa walked into negotiating sessions to announce personally that the strike was off, according to committee testimony.

Dalitz, 62, is considered the No. 1 man in the Las Vegas combines which have been getting loans from the Teamsters' Central States, Southeast, and Southwest areas pension fund.

Hoffa is one of the fund trustees, who equally represents employers and union members in a 20-State area exclusive of the far east and far west.

Dalitz, according to testimony before the Kefauver committee, was a prohibition era rumrunner and later a Cleveland gambling kingpin with crime syndicate connections.

"Moe Dalitz is a respected citizen," Hoffa protested last week in an exclusive Times interview here.

RECORDS REFUTE HOFFA

Second in command of the Las Vegas group receiving Teamster pension fund loans is Allard Roen, 41. Although Hoffa denied last week that Roen has been involved in the loans, public records prove otherwise.

Roen pleaded guilty to one count of stock fraud in a New York Federal court on March 20 in the United Dye & Chemical Corp. case. His sentencing has been put off until after the trial of other defendants.

This is the case in which mystery financier Alexander L. Guterma was the key Government witness. The Government charged that a $100,000 bribe was paid to the late Senator George A. Bender, Republican, of Ohio, to quash the investigation of the chemical company case.

Others in the Las Vegas combines include Merv Adelson, Irwin A. Molasky, Bernard Rothkopf, and Milton (Peanuts) Jaffe.

All have or have had interests in various Las Vegas gambling or casino hotel enterprises. And all are members of partnerships or corporations which have enhanced their investments through Teamster pension fund loans.

Dalitz is president of Karat, Inc., which operates the Stardust, and vice president of D. I. Operating Co., which runs the Desert Inn. He holds a 22-percent interest in Karat, Inc., and a 13-percent interest in the D. I. Operating Co.

Roen is secretary-treasurer of both Karat, Inc., and D. I. Operating Co., and is considered the operating head of both the Desert Inn and the Stardust. He has a 2 percent interest in Karat, Inc., and a 2.5 percent interest in D. I. Operating Co.

CASINO MANAGER

Jaffe, casino manager at the Stardust, holds a 2 percent interest in Karat, Inc. A former Pennsylvanian, he has a record of a 1941 conviction of maintaining a gambling house there and was a handler for former light heavyweight champion Billy Conn.

Rothkopf, casino manager at the Desert Inn, also holds a 2 percent interest in Karat, Inc., and a 2.5-percent interest in D. I. Operating Co.

Adelson and Molasky were coowners of the Colonial House in Las Vegas and held restricted gambling licenses there in 1959 and 1960.

The first hint in public records of a possible tieup between this Las Vegas combine and the Teamsters pension fund millions came April 14, 1959. On that date, Sunrise Hospital, Inc., executed an assignment of its account to Congress Factors, a California corporation then at 117 West Ninth Street, Los Angeles.

Adelson signed the document as president of the hospital, located on Maryland Parkway near Desert Inn Road, a mile east of the glittering Las Vegas strip. Milton Dranow signed as vice president of Congress Factors.

Dranow is a brother of Benjamin Dranow, formerly of Beverly Hills and Minneapolis, whose connections with Hoffa and the pension fund were detailed in the reports of the McClellan rackets committee.

Benjamin Dranow had obtained $1.2 million in loans from Teamsters pension or welfare funds on a Minneapolis department store which went bankrupt. He is appealing from a fraud conviction and recently was convicted on income tax evasion in a Minneapolis Federal court.

MILLION BORROWED

Less than 6 months after Adelson assigned the hospital accounts to Milton Dranow, a partnership known as A. & M. Enterprises borrowed $1 million on the hospital property from the Teamsters Central States, Southeast, and Southwest areas pension fund.

Documents on file in the Clark County recorder's office show that A. & M. Enterprises—consisting of Molasky, Adelson, Roen, Dalitz, J. A. Garcia (acting as a trustee for an unnamed person), Nathan Adelson and Eli Boyer—executed a $1 million trust deed and chattel mortgage on September 1, 1959.

They were stated to be security for a $1 million loan from the pension fund. Hoffa and 14 other trustees of the pension fund were named beneficiaries.

The documents, first recorded September 3, 1959, and again on January 30, were requested to be returned to E. Parry Thomas at the Bank of Las Vegas, whose name appears frequently in subsequent transactions.

FURNISHINGS PLEDGED

Hospital equipment and furnishings requiring 16 pages to list were pledged to the Teamsters pension fund by the chattel mortgage. Also attached was a $1 million promissory note giving terms of the loan repayment at 6 percent interest.

For the first year, payments were to be made on $600,000 at the rate of $5,063.40 a month. The remaining $400,000 was to be disbursed as a construction loan with only interest to be paid.

Beginning October 1, 1960, principal and interest on the entire $1 million was to be paid at the rate of $8,333,34 a month.

NOTICE CANCELED

On December 3, 1959, Milton Dranow canceled the notice of assignment of the hospital accounts to Congress Factors.

The loans on the Dunes and the Paradise Valley Country Club would be impossible to connect with the Teamsters pension fund from publicly recorded documents, but Hoffa voluntarily confirmed them in his interview with the Times.

He said the golf course loan involved Herman (Hank) Greenspun, Las Vegas newspaper publisher, and the Bank of Las Vegas.

Greenspun told the Times the loan was originally made through the Bank of Las Vegas and the mortgage later was sold to the pension fund. Later the pension fund advanced more money on additional collateral, he said.

"In 1956 I made arrangements with the Bank of Las Vegas for a loan to build a golf course and country club in Paradise Valley," Greenspun said. "The security was a mortgage which was later purchased by the pension fund. This was paid down to $200,000."

Greenspun said when additional funds were needed, the pension fund advanced the money on collateral to bring the total loan to $475,000.

CALLED LEGITIMATE

"This will be completely paid off this coming August," Greenspun said. "This was a perfectly legitimate loan, put through the bank and I was grateful for it."

A letter of commitment from the pension fund reportedly was used to advance $4 million to the Dunes. The Times is reliably informed that the commitment was made in 1958 to be picked up in 1962.

In the meantime, the loan apparently was obtained from the Bank of Las Vegas and a laundry-dry cleaners union. It is expected to be formalized soon as a pension fund loan for $5 million.

Landlord of the Dunes is James (Jacob) Gottlieb, formerly a principal with his brother John in a Chicago trucking company which, according to Hoffa, was one of the first to sign labor contracts with the Teamsters.

A principal in the company which operates the Dunes is Major A. Riddle, also formerly in the trucking business in the Midwest.

Recorded documents show that James Gottlieb and Western Realty Co., of which he is president, received loans from the Bank of Las Vegas in the amount of $1.5 million on June 22, 1960, and $2 million on October 7, 1960. A large addition to the Dunes was built.

From the Los Angeles Times, May 13, 1962:

Adjoining the Paradise Palms residential tract and just a short distance from the Las Vegas strip gambling hotels is the plush new Stardust Golf Club.

Like a dozen or more other properties in the West, it is mortgaged to a midwestern Teamsters Union pension plan, in this case for $1.2 million.

Teamsters President James Riddle Hoffa and 15 other trustees of the pension fund loaned the money to a combine of men prominent in Las Vegas gambling or casino hotel enterprises, headed by Morris B. (Moe) Dalitz.

Investments in the Las Vegas and Los Angeles area by the Chicago-based Central States, Southeast, and Southwest areas pension fund total about $30 million.

UNDER INVESTIGATION

The financial manipulations and principals in the loans are under investigation by Government agents and a Federal grand jury here, the Times has learned.

According to testimony before the Kefauver crime committee, Dalitz, 62, has a background as a prohibition era rumrunner, a Cleveland gambling kingpin, and connections with a nationwide crime syndicate.

McClellan rackets committee testimony also connected Dalitz with Hoffa as an intermediary in a purported $17,500 payoff to forestall a Detroit laundry strike in 1949.

No. 2 man in the Las Vegas group is Allard Roen, 41, who is awaiting sentencing on his plea of guilty to stock fraud in the United Dye & Chemical Corp. case in New York.

Others include Merv Adelson, Irwin A. Molasky, Bernard Rothkopf, and Milton (Peanuts) Jaffe.

In a recent exclusive interview with the Times, Hoffa described Dalitz as "a respected citizen." He conceded he knows Roen, but denied the loans involved him—although public records prove it.

OFFICIALS IN FIRM

Dalitz is president and Roen is secretary-treasurer of Karat, Inc., which operates the Stardust. Dalitz also is vice president and Roen is secretary-treasurer of D.I. Operating Co., which runs the Desert Inn.

Roen is considered the operating head of both the Desert Inn and the Stardust. Dalitz has a 22-percent interest in Karat, Inc., and a 13-percent interest in D.I. Operating Co.

Roen's interests are 2 percent in Karat, Inc., and 2.5 percent in D.I. Operating Co.—the same as Rothkopf's, who is casino manager at the Desert Inn. Jaffe is casino manager at the Stardust and has a 2-percent interest in Karat, Inc.

Adelson and Molasky held restricted gambling licenses in 1959 and 1960 as coowners of the Colonial House in Las Vegas.

The Stardust Golf Club and Paradise Palms residential tract evolved through a complicated series of transactions involving these same persons—and the Teamsters pension fund.

It began April 4, 1960, when Joseph Warford Drown, wealthy Los Angeles land developer and hotel man, sold about 238 acres of desert land east of the glittering Las Vegas strip hotels to Paradise Vista Corp. Revenue stamps on the grant deed indicated that $181,000 changed hands.

Two weeks later, on April 19, 1960, Paradise Vista Corp. borrowed $321,117.95 on the property. Half of the money was put up by the late Marion Hicks, then majority stockholder in the Thunderbird, who died last year.

Drown advanced a little more than 40 percent himself and the rest was put up by Larry Tripp.

The trust deed on the property executed as security for this loan was signed by Adelson as president of Paradise Vista Corp. and David Goldwater, Las Vegas attorney, was secretary.

On March 6, 1961, Adelson and Goldwater signed all but two parcels of the property over to Star Investment Co., a partnership consisting of Dalitz, Adelson, Molasky, Roen, and Rothkopf. The grant deed indicated no taxable consideration changed hands.

A lease on a 131-acre portion of the property, dated November 22, 1960, with an addendum affixed March 6, 1961, was made by Star Investment Co. to Karat, Inc. (care of Wilbur Clark's Desert Inn) and to Paradise Homes, Inc.

The lease was for the express purpose of operating a golf course and golf clubhouse, the building to be erected by Star Investment Co. Terms of the lease were 20 years, from November 1, 1961, through October 31, 1981, at $8,946.81 a month.

Signators on November 22, 1960, were Adelson for Star Investment Co., Jaffe and Roen for Karat, Inc., and Molasky and Adelson for Paradise Homes, Inc.

The addendum of March 6, 1961, was signed by Dalitz, Adelson, Molasky, Roen and Rothkopf as general partners of Star Investment Co.; Dalitz and Roen as president and secretary of Karat, Inc., and Molasky and Goldwater as president and secretary of Paradise Homes, Inc.

At the same time—on March 6, 1961—the five partners of Star Investment Co. gave a trust deed on the same property it had acquired from Paradise Vista Corp. to the trustees of the Teamsters Central States, Southeast and Southwest areas pension fund.

It was stated to be security of a $1.2 million loan from the pension fund. Hoffa and 15 other trustees of the fund were named beneficiaries.

The trust deed provided that Star Investment Co. could release contiguous one-acre parcels not utilized for a golf course or a clubhouse by paying $6,500 for each acre to the pension fund.

GOLF COURSE INTEREST

Also at the same time, Dalitz, Adelson, Molasky, Roen and Rothkopf as partners of Star Investment Co. assigned all their interest in the golf course and clubhouse lease to the Teamsters pension fund as additional security for the loan.

Several other transactions involving the same parties in the same area can be found in the files of the Clark County recorder's office.

On March 21, 1961, Star Investment Co. granted a 19-acre portion of the previously excluded parcels to Lorellen, Inc., for no taxable consideration. Molasky and Adelson signed the deed.

Last February 6, the partnership granted another 18-acre portion to Desert Golf Properties, Inc. By this time Harry R. Lahr had replaced Roen in the partnership.

At the same time, Desert Golf Properties, Inc., put up 56 lots in Paradise Palms Unit No. 7 as security for a loan of $300,000 from the Bank of Las Vegas. Harry R. Lahr signed the trust deed as vice president of Desert Golf Properties, Inc.

On March 21, 1961, Star Investment Co. turned over about 44 acres in another nearby section land to Molson, Inc., for no taxable consideration.

On the same date, B.A.R.M., Inc. (Adelson, president; Molasky, secretary), ADEMO, Inc. (Adelson, president; Goldwater, secretary). Adelson and Molasky as individuals deeded to Lorellen, Inc., some property near that portion mortgaged to the Teamsters pension fund.

Last March 1, B.A.R.M., Inc. granted other nearby property to Desert Golf Properties, Inc., for no taxable consideration. The next day, Desert Golf Properties, Inc., trust deeded 54 lots in Paradise Palms Units No. 3 and No. 5 to the Bank of Las Vegas as security for a loan of $1,127,000.

Advertisements for the Paradise Palms tract show it was built by Paradise Homes, with land by Milson, Inc., and Lorellen, Inc.

Today, the lavish Stardust Golf Club at 1911 Desert Inn Road is open to residents and guests. Families are moving into the Paradies Palms, billed as a planned country club community of 1,500 homes selling from $20,875 to $65,000.

It was made possible by a Las Vegas gambling combine, financed at least in part by a Teamsters pension fund.

From the Los Angeles Times, May 14, 1962:

In the heart of Las Vegas, gambling capital of the world, $4 million in midwestern Teamsters Union pension funds are helping erect a 14-story addition to the Fremont Hotel, largest of the downtown casino hotels.

A block away, an additional $850,000 of the pension funds have been invested in the Nevada Building, a modern four-story structure housing more than a score of retail stores and offices.

These are but two of a dozen or more investments in the West by the Central States, Southeast and Southwest areas pension fund. They are being scrutinized closely by Government agents and a Federal grand jury, the Times has learned.

The total of the investments in the Las Vegas, Los Angeles and other west coast areas is about $30 million.

One of the pension fund's 16 trustees is Teamsters President James Riddle Hoffa, whose alleged underworld associations and financial manipulations have been the target of congressional investigators and the Justice Department for years.

Of the two downtown Las Vegas investments, the Nevada Building deal was engineered first and involved two gambling entrepreneurs with interesting reputations among law enforcement officials.

They are Allard Roen, 41, and William Israel (Izzy Lump-Lump) Alderman, 60.

Roen pleaded guilty to stock fraud last March 20 in the United Dye & Chemical Corp. case in New York. He will be sentenced after the trial of other defendants.

This is the case in which it was charged that a $100,000 bribe was paid to the late Senator George A. Bender, Republican, of Ohio, to quash the investigation. Mystery financier Alexander L. Guterma was the key Government witness.

Alderman, 60, was linked by police for years with top underworld figures. He has a record of arrests from 1925 to 1946 in New York, Chicago, Minneapolis and Las Vegas on such charges as robbery, larceny, carrying a concealed weapon, assault, disorderly conduct and even murder—but no convictions.

INVOKES FIFTH

He was subpenaed before the Indianapolis Federal grand jury investigating the Terre Haute gambling syndicate in 1958, but invoked the fifth amendment rather than answer questions.

Roen is secretary-treasurer of Karat, Inc., which operates the Stardust on the Las Vegas strip, and of the D.I. Operating Co., which runs the Desert Inn. He is considered operating head of both these casino hotels.

His financial interests are 2 percent in Karat, Inc., and 2.5 percent in D.I. Operating Co.

Alderman was a stockholder in Las Vegas' El Cortez Hotel from 1945 to 1948, in the Flamingo from 1948 to 1954 and in the Riviera from 1954 to 1959.

PROPERTY INVOLVED

A recorded document dated April 17, 1961—just 3 days after Roen was indicted in the New York stock fraud case—shows Hoffa and 15 other trustees of the Chicago-based Teamsters pension fund made the $850,000 loan to Roen and Alderman.

Part of the property involved, consisting of four lots at the corner of 3d and Fremont Streets in downtown Las Vegas, was leased July 21, 1954, by H. John Gluskin from the Las Vegas Lodge No. 32, Free and Accepted Masons.

Six days later, on July 27, 1954, Gluskin assigned the lease to David Goldwater, a Nevada attorney who has represented members of the Las Vegas gambling combine in other transactions involving Teamsters pension fund loans.

ASSIGNED LEASE

On February 2, 1955, Goldwater assigned the lease to the Three-O-One Corp. And on October 23, 1955, Three-O-One Corp. entered into a lease with Nevada Building Co.

Three-O-One Corp. executed a trust deed on its leasehold interest in the property April 17, 1961 in favor of the trustees of the Teamsters Central States, Southeast and Southwest areas pension fund, as security for the $850,000 loan.

On the same day, the corporation trust deeded three adjoining lots and a portion of a fourth as additional security for the loan.

The documents were signed by Alderman as president and Roen as secretary of Three-O-One Corp.

SIGN DOCUMENTS

On April 25, 1961, Three-O-One Corp. and Nevada Building Co. each assigned its interests as lessees of the modern 4-story retail store and office building to the pension fund as additional security.

Alderman and Roen signed the documents both as officers of the Three-O-One Corp. and as partners in Nevada Building Co.

Attached was a list of 22 tenants paying a total guaranteed rental of some $12,500 a month, with provisions for increased rentals.

A notation requested that all documents be returned after recording to the Bank of Las Vegas.

At about the same time, the Fremont Hotel was obtaining a $4 million loan from the Bank of Las Vegas to erect a lavish skyscraper addition.

On June 1, 1961, Fremont Hotel, Inc., gave a trust deed on its real property, plus a chattel mortgage on all the hotel's existing furnishings and those to be installed in the future addition, as security for $4 million loan.

They were subject to a prior chattel mortgage on the furnishings and two previous trust deeds on the real property for loans with total unpaid balances of $3 million.

Signing the documents were Edward Levinson, president, and Bryant R. Burton, secretary, of Fremont Hotel, Inc., and E. Parry Thomas, executive vice president of the Bank of Las Vegas.

Less than 5 months later—October 20, 1961—the Bank of Las Vegas assigned the trust deed and chattel mortgage to the trustees of the Teamsters Central States, Southeast, and Southwest areas pension fund.

FOR VALUE RECEIVED

E. Parry Thomas—by this time identified as president of the Bank of Las Vegas—signed the assignments, which were said to be made "for value received" and "for valuable consideration received."

Hoffa and other trustees of the Teamsters pension fund thus acquired a $4 million third mortgage on downtown Las Vegas' largest casino hotel, where a pretentious addition is now under construction.

Plans call for 14 stories, 500 deluxe rooms, 1,000-seat convention hall, 400-car indoor parking garage, Olympic size swimming pool, cabanas, sun deck, and Las Vegas' largest restaurant.

Across the street, the Fremont Hotel, Inc., also is building a parking garage for the Horseshoe Club, having mortgaged the land and personal property to the Bank of Las Vegas last February 22 for a $600,000 loan.

Levinson is president of both the Fremont, in which he is the largest stockholder with 20 percent and the Horseshoe Club, another downtown Las Vegas casino, where he holds a 27½-percent interest.

He has a record of seven gambling arrests from 1928 to 1951 in Detroit and Miami but only one conviction, for which he was fined $1,500.

Burton, who signed the documents as secretary of the Fremont Hotel, Inc., recently appeared in court here in connection with a Los Angeles Federal grand jury investigating organized crime.

An attorney with offices at 611 Wilshire Boulevard, Burton testified he managed properties for Joseph W. Hills, including the Moulin (Doc.) Stacher of Beverly Rouge theater restaurant here.

Burton has served as attorney for several of the Las Vegas gambling hotels. He holds a 5-percent interest in the Fremont, 2 percent in the Horseshoe Club and 1 percent or more in the Sands.

From the Los Angeles Times, May 16, 1962:

A former official of a Teamsters Union local in Los Angeles has been set up in a taxicab business in Las Vegas with the help of a midwestern Teamsters pension fund loan of at least $255,000.

Trustees of the Chicago-based $167 million Central States, Southeast, and Southwest areas pension fund made the loan. Teamsters President James Riddle Hoffa is one of the fund trustees.

Although the trustees equally represent employers and union members, Hoffa is reported to have powerful influence over the others. Together they decide on investments of the funds under their trust.

In its investigation, The Times has uncovered more than a dozen loans in the West totaling about $30 million. Some went to Las Vegas gambling entrepreneurs with interesting reputations among law enforcement officials. Others went into various ventures in the Las Vegas, Los Angeles, and other west coast areas.

U.S. INVESTIGATING DEALS

The financial manipulations and principals in some of the loans also are under intensive investigation by Government agents and a Federal grand jury, the Times has learned.

Pension funds of the Western Conference of Teamsters are under different management and are not involved in the inquiry.

The Teamsters-official-turned-taxicab-executive is Homer L. "Dutch" Woxberg, secretary of Teamsters Long Line Drivers Local

224 here for about a decade until he resigned a few months ago.

Woxberg once was considered Hoffa's leading spokesman in West Coast Teamsters affairs. He supported Hoffa for international president in the so-called rigged convention in 1957.

In later years, however, the mantle fell on Frank Matula and Mike Singer as Hoffa's chief lieutenants here.

FEAR REPORTS MISSING

Several members of local 224 have reported that at recent membership meetings they were told their local is under investigation by the Department of Justice.

They said it was also reported that during this investigation, some of the local's financial records were found to be missing.

It is believed, they said, that the local 224 investigation is not connected with the other investigation of the midwestern pension fund investments.

It is common knowledge in Las Vegas and in Teamster circles here that Woxberg is operating the Checker Cab Co. in the gambling capital. He is referred to either as "owner" or "general manager."

Teamster friends have boasted about how Woxberg is running a first-class operation, bringing in new equipment and introducing the first air-conditioned cabs in the desert area.

UNION GIVEN MORTGAGE

But anyone would be hard pressed to find Woxberg's name on any official public document connected with the operation. After an intensive search, the Times finally did.

There's no question about the Teamsters pension fund loan, however.

A document filed in the Clark County recorder's office shows that on January 19, Ardmore Leasing Corp. gave a chattel mortgage to the trustees of the Central States, Southeast, and Southwest areas pension fund as security for a $255,000 loan.

The mortgage also was stated to be security for any further sums, up to an additional $500,000, which might be loaned.

Property itemized as mortgaged to Hoffa and 14 other trustees of the pension fund included 62 automobiles, 63 taxicab meters, 40 taxicab radios, broadcasting equipment, a 70-foot transmitting tower, office and garage equipment, all valued at $110,280.

The mortgage was signed by Robert J. Arthur, as president, and Gertrude G. Arthur, as secretary, of the Ardmore Leasing Corp.

Las Vegas city license records show that Checker, Inc., doing business as Checker Cab Co., lists Robert J. Arthur as president; R. J. Collet, vice president; and Gertrude G. Arthur, secretary.

The Checker Co. started doing business January 26, the license records show. Ardmore Leasing Corp., with the same officers, filed articles of incorporation December 11, 1961, and applied for a license March 9.

Jean Dutton, Las Vegas supervisor of licensing and revenue, says the city has dealt with Woxberg as general manager of the cab company. He recalls that Woxberg paid for the license for the first 6 months, although Arthur signed the check.

Checker's executive offices were listed on the license as 3051 Paradise Road, suite 3, Paradise Professional Building, Las Vegas, and its operating headquarters as 1400 South Commerce Street, Las Vegas.

ENTER WOXBERG

At the office building the door suite 3 is lettered with the names of both Ardmore Leasing Corp. and Checker, Inc. At 1400 South Commerce Street, however, the Checker cabs operate from a building labeled only Ardmore Body Shop.

But on March 22, an application was filed for a business license for the Ardmore Body Works, 1400 South Commerce Street. The applicant—Homer L. Woxberg.

On this application Woxberg identified himself as an employee of Checker Cab Co. at the same address. He stated that his auto body repair business was to be conducted on the property of Checker Cab Co.

Purpose of the business, he stated, was to do auto body repair work for Checker Cab Co.—and some outside public work.

Arthur, 63, president of both Ardmore Leasing Corp. and Checker, Inc., told the Times he is a retired lawyer from Indiana. He lives at 23816 Malibu Crest Drive, Malibu.

ARTHUR TELLS OF LOANS

"I got interested through a man who used to live next door to me—Homer Woxberg," Arthur said. "He is the general manager and is running the company."

Arthur said he himself handled the loan negotiations, however, and made a trip to Chicago to complete the arrangements.

"I don't know about those other people who got loans but, believe me, it wasn't easy," Arthur said.

Arthur said he and his wife Gertrude visit Las Vegas at the end of each month to go over the books and get out a statement.

Collet, the vice president and a director, is a Las Vegas businessman, in real estate and insurance, Arthur said. He said it was felt they should have someone on the board who was well known in Las Vegas.

"Woxberg and I own the thing," Arthur said. "He and I own all the stock."

NO WOXBERG COMMENT

Asked why Woxberg's name does not appear on any of the corporate papers of record, Arthur explained:

"At the time we were being organized he was still with local 224 and we didn't want to have any conflict-of-interest question."

Reached by telephone at the cab company offices in Las Vegas, Woxberg declined to comment on the matter for the Times.

Documents on file in the Los Angeles County recorder's office show that in late 1960 Woxberg had a home next door to Arthur's at 23854 Malibu Crest Drive, Malibu.

The documents related to acquisitions and transfers of property on Malibu Crest Drive—one parcel passing from the Arthurs to Woxberg and his wife, Portia.

POWER OF ATTORNEY

Another document recorded here could very well explain why Arthur—instead of Woxberg—appears as president of Ardmore Leasing Corp., signing for the loan from the Teamsters pension fund.

It is a power of attorney, dated December 7, 1960, and recorded January 27, 1961.

By this document, Homer L. Woxberg and Portia W. Woxberg appointed Robert J. Arthur to transact any business for them as though it were their act—including acquisition of property and borrowing money.

At any rate, a former Los Angeles Teamster official is running a flourishing Las Vegas cab business, financed by a Chicago-based Teamsters pension fund.

From the Los Angeles Times, May 17, 1962:

The exclusive new Trousdale Estates development in Beverly Hills, which boasts former Vice President Nixon among its well-known residents, was financed to the extent of $6,706,257 in loans from a midwestern Teamsters Union pension fund to the Murchison interests in Texas.

Among other investments in this area by the Teamsters Central States, Southeast and Southwest areas pension fund is $1,150,000 in the Globe and Riverview laundries.

Additionally $4 million was loaned to a Chicago holding company which controls—through subsidiaries—the Hyatt House hotels and motels here and in other west coast cities.

RANCH ACREAGE

"Feelers," and possibly commitments, have been made for the pension plan to finance at least part of a proposed $30 million purchase of ranch acreage straddling the Los Angeles-Ventura County line. This deal is tied up in litigation.

Altogether about $30 million in loans in the West by the Midwestern Teamsters pension fund have been verified by the Times. They include nearly $12 million in the Las Vegas gambling area, previously detailed.

Some of the financial manipulations and principals involved in the loans have been under intensive investigation by Government agents and a Federal grand jury, the Times has learned.

Teamsters President James Riddle Hoffa is one of the trustees representing both employers and union members who administer the Central States pension fund. The Teamsters' Western Conference pension fund is under different management and is not involved in the inquiry.

TRUST DEED GIVEN

In a recent exclusive interview with the Times here, Hoffa said he did not consider the Trousdale Estates deal a west coast investment because the loan was made to "the Murchisons in Texas."

Stanco Paving, Inc., a subsidiary of the powerful Murchison interests in Texas, obtained the loans on the Trousdale real estate development in two large chunks.

Documents on file in the county recorder's office show that Stanco Paving gave a trust deed on 141 of the choice Trousdale Estates lots to the trustees of the pension fund on February 26, 1959. It was security for a loan of $4 million.

DUAL POSITIONS

Another loan of $2,706,257, secured by a trust deed on 121 additional lots, was obtained from the pension fund by Stanco Paving on December 14.

Both trust deeds were signed by Gene W. Hewett, vice president, and A. L. Crosier, secretary, of Stanco Paving, Inc., in Dallas, Tex.

Hewitt and Crosier hold the same positions in the parent Tecon Corp., of which multimillionair Celine W. Murchison, Jr., is president. Stanco Paving shares offices with other Murchison interests in downtown Dallas.

Murchison and Paul W. Trousdale, Southland contractor and large-scale developer, have teamed in several other building projects, here, in Burlingame, Calif., and in Hawaii.

The Beverly Hills property involved is the former Doheny Ranch. It was acquired by Trousdale's El Camino Real Development Co. in 1954 from Mrs. Leigh H. Battson, widow of Edward L. Doheny, Jr.

Now Hoffa and 14 other trustees of the Teamsters Central States, Southeast and Southwest areas pension fund, with headquarters in Chicago, hold mortgages of more than $6 million on the choice property.

TIGHT CONTROL

And, to protect the interest of the pension fund, they exercise tight control over how the lots in the subdivision are being sold, the trust deeds' complicated provisions reveal.

Minimum prices for which each of the lots may be released from the encumbrance of the trust deeds are set forth. They range from $20,700 to $45,500.

The initial trust deed's provisions for release of the lots to individual buyers and for construction loans on them were amended four times in 1959, 1960, and 1961. Hoffa personally signed two of these documents on behalf of the pension fund.

One of the lots and a portion of another in the tract were purchased by former Vice President Nixon for $35,000 on June 16. The Nixon family recently moved into their new home at 410 Martin Lane, built with the help of a $100,000 loan from Home Savings & Loan Association.

LAUNDRY INVESTMENT

The Teamsters pension fund investment of $1,150,000 in two laundries here went to Home Service Co., a limited partnership, on August 10.

John Gottlieb, general partner of Home Service Co., signed a trust deed on real property and a chattel mortgage on fixtures, equipment, furniture, machinery, leasehold improvements and vehicles, as security for the loan.

The property mortgaged to Hoffa and the 14 other pension fund trustees is that of the Globe Laundry, 1157 Crocker Street and the Riverview Laundry, 451 San Fernando Road.

Limited partner in Home Service Co. is Ben Weingart, prominent builder and hotel operator. He reportedly contributed $25,000 to the partnership and has a 25-percent interest.

TRUCKING CONNECTION

Gottlieb, 64, of 1012 North Crescent Drive, Beverly Hills, is a former colonel in the Army Transportation Corps and a principal in Midwest trucking companies.

His brother, James (Jake) Gottlieb, also was formerly connected with midwestern trucking companies. He is now landlord of the Dunes Hotel in Las Vegas, which has received a $4 million loan commitment from the Teamsters' pension fund.

"I've known John Gottlieb for 30 years," Hoffa told the Times. "He was one of the employers who signed one of the first contracts with the Teamsters."

Colonel Gottlieb also is in the midst of the litigation over a $30 million deal to purchase acreage in Conejo Valley, an area booming with residential, commercial, and light industrial development.

Hoffa confirmed that an "inquiry" has been made concerning a Teamsters' pension fund loan on this property, but said it has not gone through. He said he could not remember who made the inquiry, but it was "some investment outfit."

Gottlieb claims in a civil suit that his $30 million offer for the 11,500 acres was accepted orally by Albertson Co., owner of the ranch land.

American Hawaiian Steamship Co. contends that it submitted a $32 million offer through Developer Trousdale and it was accepted in writing.

In a deposition hearing, Colonel Gottlieb refused, on advice of counsel, to reveal the identity of his financial backers, until ordered to do so by the court. Then, on court order, he reportedly testified he had three sources of money, one a midwestern pension fund, and that he had talked to Hoffa about it.

WILL SEEK ORDER

It is understood Gottlieb refused to give further details, however, and attorneys for the Albertson Co. will seek a court order that he testify in open court.

This case presents the strange paradox of two men who have benefited from Teamsters' pension fund loans in the past—Trousdale and Gottlieb—battling over the same piece of property—on paper, at least.

Hyatt House properties on the west coast and elsewhere are benefiting from a $4 million loan made by the Teamsters' Central States pension fund to Hyatt Corp., Chicago, according to Hoffa.

HOLDING COMPANY

This is a holding company for the Pritzker family interests, who include Jay A. Pritzker, Donald Pritzker, Jack Pritzker, and A. N. Pritzker. Several of the Pritzkers formerly were in a law partnership with Stanford Clinton, attorney for the Teamsters' pension fund.

A new subsidiary of the holding company is Hyatt Corp. of America, Burlingame. Its holdings include Hyatt Houses on Century and Sepulveda Boulevards, here. Recently it purchased Rickey's Studio Inn in Palo Alto for $4 million.

From the Los Angeles Times, May 18, 1961:

More than $3.5 million in loans from a midwestern Teamsters Union pension fund went to a New York corporation which purchased seven downtown Los Angeles buildings and the lease on a Beverly Hills area health club.

But the corporation paid less than $3 million for the buildings and subsequently sold the health club lease reportedly at a profit.

The net result it appears was an investment by the pension fund of $500,000 in excess of the money subsequently invested by the corporation. The pension fund still holds mortgages on the properties as security for the loans.

REPORTED UNDER STUDY

Of the dozen or more investments totaling about $30 million in the West by the midwestern Teamsters Union pension fund, these two appear to be of most interest to Government agents and a Federal grand jury, the Times has learned.

They are the only ones. Teamster president, James Riddle Hoffa readily affirmed in a recent interview with the Times—until he was prompted about the others. He acknowledged a grand jury inquiry was going on.

The transactions involved purchase of the seven Connell buildings in the downtown Los Angeles garment district in 1960 by First Berkeley Corp. a New York firm for nearly $3 million. They are now known as the Cornell buildings.

Also purchased by First Berkeley Corp., at about the same time for approximately $400,000 was a 99-year lease on the Beverly Wilshire Health Club at 1125 South Beverly Drive. It is now know as the Executive Club of Beverly Hills.

Both transactions were financed by the Teamsters Central States, Southeast and Southwest areas pension fund, 20 East Madison Street, Chicago. Hoffa is one of the fund trustees who represent both employers and union members.

President of the First Berkeley Corp. is S. George Burris, 64, New York accountant, who figured in 1959 hearings of the McClellan Rackets Committee.

ACTED AS FRONT

On that occasion Burris admitted in testimony he had acted as a front for Benjamin Dranow in an attempt to rescue a Florida land scheme for which Hoffa now faces trial on fraud charges.

Dranow, who lived in Beverly Hills, near the health club, is a long time associate of Hoffa. Several years ago he obtained $1.2 million in loans from Teamsters' welfare and pension funds on a Minneapolis department store which went bankrupt.

Nearly a year later, on April 27, 1961, First Berkeley Corp. gave another trust deed on the Connell properties to the pension fund trustees as security for an additional loan of $300,000. It was signed by Burris.

NEARLY 110 PERCENT

That brought the total loaned by the pension fund on the Connell properties to $3,266,000—nearly 110 percent of the purchase price.

A check of the city building and safety department records shows no permits for improvements—other than small ones totaling less than $3,000—have been issued since First Berkeley Corp. acquired the buildings.

At about the time of the second loan, First Berkeley Corp. sold out its interest in the health club for a reported $450,000 to a group headed by Milton Silberstein and Mel Kahn, operators of the Beverly Hills Health Club at 8612 Santa Monica Boulevard.

A notice of intention to sell to the Executive Health Club of Beverly Hills (Silberstein and Kahn) was executed by Rosenberg on May 17, 1961.

And on June 1, 1961, Rosenberg assigned the lease to Silberstein and Kahn, who accepted it subject to its pledge by First Berkeley Corp. as security to the Teamsters' pension fund.

At the same time, Silberstein and Kahn, as president and secretary of the Executive Health Club of Beverly Hills, executed a chattel mortgage on the club's same furnishings and fixtures.

It was in favor of the pension fund trustees, as security for First Berkeley's $266,000 indebtedness of the previous year. In other words, the new owners assumed the obligation of the loan.

HISTORY OF CLUB

The story of the transaction would not be complete without some of the history of the club and its personnel, and that of Murray Randolph & Co., Inc., broker in the Connell buildings deal.

The interlocking characteristics of the transactions and the companies or persons involved are illustrated by the following facts:

The club was operated by Rosinsky and later by First Berkeley under several different company names—R. F. & B. Corp., F. R. & B. Corp., Fourmont Investment Co., and Crenex Co., Inc. Rosinsky also was in the used car business on South Vermont Avenue.

In 1959, a Los Angeles vice squad raiding force of 36 officers arrested six men at the club and broke up what police called a $10,000-a-day bookmaking ring.

Among those arrested on suspicion of conspiracy to commit bookmaking were Rosinsky, then 56, of 356 North Poinsettia Place, and his son Harley, 22, of 332 South Rexford Drive. Charges against them were dropped, however.

All the stock in the Crenex Co. was acquired by First Berkeley Corp., owned entirely by Burris, president of Crenex was Burris, vice president was Rosenberg.

Serving as vice president and secretary of Crenex, however, was Irving V. Link, who is also vice president of the Murray Randolph & Co., Inc., and acted as real estate broker for First Berkeley in the Cornell buildings transaction.

MARRIAGE TIES

Link, 55, of 1465 Lindacrest Drive, Beverly Hills, reportedly is related by marriage to Benjamin Dranow, Hoffa's crony who stands convicted of fraud and income tax evasion in Minneapolis.

Associated with the health club for a time was Hyman Greenberg, who was authorized to sign official mail and checks for First Berkeley Corp.

Greenberg, 59, of 304 North Foothill Road, Beverly Hills (just across the street from Rosenberg's residence), also is reported to be related by marriage to Dranow.

In 1955, Greenberg contemplated investing $15,000 in the New Frontier casino hotel at Las Vegas but subsequently withdrew from the negotiations.

NOW AT RENO

Acting as manager of the club for Crenex for a time was Louis Gladstone, reported to be another brother-in-law of Dranow and now an employee at the Riverside Hotel, Reno.

An anouncement to the press in August 1960, reported that the health club had been sold for $500,000 to Bill Miller, former operator of the Riviera Club at Fort Lee, N.J.

Such a sale was not consummated, although Miller reportedly acted as manager of the club for a time. He is said to be a lifelong friend of Dranow.

FIVE MILLION DOLLAR VENTURE

In November 1960, Miller purchased 65 percent of the Riverside Hotel casino in Reno, reportedly in a $5 million joint venture with actor Donald O'Connor.

Miller, 57, of 6675 Whitley Terrace, formerly was a minor investor in the Sahara, Royal Nevada, and Dunes hotel casinos on the Las Vegas strip.

Randolph, 65, 617 North Rexford Drive, Beverly Hills, formerly was an investor in the Last Frontier Hotel casino on the Las Vegas strip.

From the Los Angeles Times, June 1, 1962:

Seven downtown Los Angeles buildings mortgaged to a midwestern Teamsters Union pension fund for more than $3.2 million have been under the management of a convicted felon, the Times has learned.

He is Hyman Greenberg, 57, of 304 North Foothill Road, Beverly Hills, whose criminal record came to light last week when a Federal grand jury here indicted him on charges of income tax evasion.

Government agents identified Greenberg as a "property management broker" and manager of the seven Cornell buildings in the Los Angeles garment district.

Details of transactions in which the Teamsters Central States, Southeast and Southwest areas pension fund loaned $3,532,000 on the Cornell buildings and a Beverly Hills area health club in 1960 and 1961 were given by the Times on May 18.

ABOUT $30 MILLION UNCOVERED

The loans went to the First Berkeley Corp., a New York corporation of which S. George Burris is president.

Midwestern Teamsters pension fund investments of about $30 million have been uncovered in the West by the Times. These enterprises range from commercial properties in southern California to luxury hotels on the Las Vegas strip.

Although Federal agents investigating the transactions have declined comment, the Times has learned that the loans made to First Berkeley Corp. have been under particularly close scrutiny.

The Times also has learned that Federal grand juries in various parts of the country have developed three broad areas of inquiry.

FINDER'S FEES PAID

The first concerns the circumstances under which "finder's fees" have been paid in some of the pension fund transactions. The second has to do with operations carried on behind the facade of complex corporate structures, and the third involves the possibility that inflated appraisals have led to excessive investments in some of the properties.

There are also indications that in addition to the inquiries in southern California and southern Nevada, pension fund investments in Florida are under investigation.

One of the pension fund trustees (who equally represent employers and union members) is Teamsters' President James Riddle Hoffa. He is under Federal indictment in Florida and Tennessee on charges unrelated to the pension fund investments.

Hoffa's link to Burris, the president of First Berkeley Corp., was brought out in 1959 hearings of the McClellan rackets committee.

Burris admitted then that he had acted as a "front" for Benjamin Dranow in an attempt to rescue the Florida land scheme for which Hoffa has been indicted on fraud charges. Burris also testified he had done some accounting work for the Teamsters and had obtained pension fund loans.

WELFARE FUND LOANS

Dranow also had obtained Teamsters' pension and welfare fund loans on a Minneapolis department store which went bankrupt. He recently was convicted there in Federal court for mail fraud and income tax evasion.

Both Burris and Dranow were accused before the McClellan committee of having asked from 5 to 10 percent for helping others get loans from the Teamsters' pension fund.

Greenberg, whose name doesn't appear officially in the recorded transactions of the First Berkeley Corp. here, is a brother-in-law of Dranow.

In 1955 Greenberg was associated here in a factoring concern, Progress Factors, with Dranow's brother, Milton Dranow. It was for that year he is accused of having evaded income taxes.

A Federal grand jury charged last week that Greenberg owed a tax of $2,135 on taxable income of $10,024, but paid only $461 on reported income of $2,550. He is scheduled to appear June 18 before U.S. Judge William M. Byrne.

In late 1955, Greenberg became associated with Mid-City Iron & Metal Co. here. In 1958 he was charged in municipal court with violating the business and professions code by shortweighting on a purchase of sheet metal and cast iron.

He pleaded guilty to one count and paid a $100 fine.

In 1959, Greenberg was indicted by a Federal grand jury here on charges of receiving stolen property from an interstate shipment. He was accused of buying nine tons of pig iron which he knew to have been stolen from a railroad car.

Convicted by a jury on two counts, Greenberg was sentenced to prison for 2 years and fined $2,500. The prison sentence was suspended, however, and he was placed on probation.

BOUGHT CLUB, BUILDINGS

In 1960, while still on probation, Greenberg was employed as controller of the Beverly Wilshire Health Club, 1125 South Beverly Drive.

The health club lease had just been purchased by First Berkeley Corp. with the aid of a $266,000 loan from the Teamsters Central States, Southeast and Southwest areas pension fund. Greenberg was authorized to sign checks for First Berkeley Corp.

At the same time, First Berkeley Corp. purchased the seven Cornell Buildings for $2,975,000 with the help of a $2,966,000 loan from the same Teamsters' pension fund.

About a year later, First Berkeley Corp. sold the health club—then renamed the Executive Health Club of Beverly Hills—and borrowed an additional $300,000 from the pension fund on the Cornell Buildings.

This brought the pension fund investment in the Cornell Buildings to $3,266,000—about 110 percent of what First Berkeley Corp. paid for them.

The pension fund continued to hold the $266,000 mortgage on the health club which was assumed by the new owners.

PROPERTY MANAGEMENT

It was apparently shortly after First Berkeley Corp. acquired the Cornell Buildings that Greenberg went into the property management business.

He reportedly took over management of the Cornell Buildings from Samuel Rosenberg, 57, of 301 North Foothill Road, Beverly Hills, who was listed as vice president, treasurer and resident agent of First Berkeley Corp.

Greenberg maintains his office in an 11th-floor penthouse atop the Cornell Building at 746 S. Los Angeles Street.

One other item appears on Greenberg's record which came to light following last week's indictment.

In 1934 he was arrested twice by New York police. One charge was dismissed and he paid a $5 fine on the other.

The charges: Using slugs in a subway coin box.

From the Los Angeles Times, July 5, 1962:

When a midwestern Teamsters Union pension fund revoked a $2,333,000 loan commitment on the Whitcomb Hotel in San Francisco, it opened a Pandora's box of strange dealings and intriguing ramifications.

From the many interesting facets uncovered in the course of the Times' investigation, these salient points emerge:

1. The $2,333,000 loan commitment by the Teamsters' Central States, Southeast and Southwest areas pension fund, made on a 50-year-old Market Street hotel originally built as San Francisco's temporary city hall, went to a nonexistent corporation.

2. One of the world's largest coffee import-export firms, which owned the hotel, apparently paid a $350,000 fee—more than 10 times the amount necessary—to assure the loan commitment and sale.

MAN LEAVES COUNTRY

3. When the deal fell through, the socially prominent president of the $28 million import-export firm left for Central America and the company went bankrupt.

4. Bankruptcy trustees and Government agents reportedly are investigating three or four persons in an attempt to trace nearly $300,000 of the fee.

The part of the story to be related today revolves around the efforts of a leading San Francisco financier to save his empire from collapse, and a dreary, rundown hotel which is a relic of the city's postearthquake reconstruction days.

BEGAN IN 1917

The Whitcomb is a seven-story building with 460 rentable rooms at 1231 Market Street, near civic center. It was built in 1911–12 as a temporary city hall, and began operating as a hotel about 1917.

Its surrounding property includes a convention center and parking areas.

In February of 1957 all outstanding shares of Hotel Whitcomb, Inc., were purchased by Otis, McAllister & Co., one of the world's largest green coffee importers.

Otis, McAllister & Co. had headquarters in San Francisco and subsidiaries throughout the United States, Central and South America. In 1961 it had assets of $27.8 million and was doing an annual business of about $106 million.

PUT UP FOR SALE

President and majority stockholder was J. B. Sprague Johnson, a prominent San Francisco member of the Bohemian Club and owner of Crown Towers Cooperative Apartments at 666 Post Street. His son, Ben Johnson, was president of Hotel Whitcomb, Inc.

In late 1960 and early 1961, the elder Johnson needed cash and put up the Whitcomb for sale. The prospects did not appear promising until a group from Phoenix appeared on the scene with what seemed to be a good offer and financial backing.

The story, as reportedly related by Johnson, was that a spokesman for the group offered $3.5 million, representing that a loan of $2,333,000 could be obtained from the Teamsters' Central States, Southeast, and Southwest areas pension fund—of which Teamsters' President James Riddle Hoffa is a trustee.

Joker in the deal, according to Johnson's purported account, was that he would have to come up with a 10-percent fee of $350,000.

AGREES TO DEAL

Johnson, apparently strapped for cash to save his crumbling empire, is said to have agreed to the deal, disguising the payments as loans to one of the Phoenix group. The loans were made through one of the Otis, McAllister & Co. subsidiaries, on unsecured demand promissory notes which later were assigned to the parent company.

An application for the pension fund loan was made in the name of a new corporation, to be known as Whitcomb Hotels, Inc., instead of Hotel Whitcomb, Inc. At the time the application was made, the corporation was not even in existence. However, it was made to appear to be already profitably established.

On April 13, 1961, a letter signed by Francis J. Murtha, executive secretary of the Central States, Southeast and Southwest areas pension fund, stated the fund trustees had approved a loan commitment of $2,333,000. The letter was addressed to Whitcomb Hotels, Inc.

Although, to repeat, $350,000 in fees changed hands, the only required fees set forth in the letter were a service charge of $23,330 (1 percent) for the pension fund and an appraisal fee of $5,000 for Real Estate Research Corp.

TRANSFER ALLOWED

The letter stated the loan was to be disbursed between June 1 and August 1, 1962, but possibility of assignment of the commitment to another lending institution for an interim loan was provided for.

On the day before the sale was to close, however, Johnson withdrew. He reportedly disclosed he had been paid a visit by an FBI agent.

His only explanation for backing out was that he had taken a personal dislike to the spokesman for the Phoenix group.

On November 9, 1961, Otis, McAllister & Co. filed a petition in Federal Court for an arrangement to pay its debts under chapter XI of the Bankruptcy Act. Johnson signed the petition.

FUND LISTED

Among the company's investments listed in the petition was $2.3 million in the Whitcomb Hotel.

Johnson appeared December 6 at a hearing before bankruptcy referee Lynn J. Gillard, giving 666 Post Street as his home address. C. E. Strobel was appointed receiver for the company and was authorized to conduct the business.

In his affidavit of December 6, Johnson said he made a written proposal November 27 to the Bank of America for additional financing to pay creditors. An essential element of this proposal was an immediate sale of the Whitcomb.

He said an offer was about to be made to purchase a portion of the properties owned by Hotel Whitcomb, Inc., including the hotel itself, for $2.5 million, with closing of the deal expected by February 15, 1962.

NEVER RETURNED

Johnson appeared at a hearing set for February 1, which was continued to February 15 and then to March 1. He showed up February 15, but failed to appear March 1 and has never returned, despite repeated court orders.

On March 16, Otis, McAllister & Co. was adjudged bankrupt, with total debts of $28,488,947.67 and about $16 million in assets in the United States. Creditors are expected to get about 50 cents on the dollar.

A court order for Johnson to appear May 24 was served by mail at La Verbena Farm, San José, Costa Rico. But he appeared only through an attorney.

Hearings have been adjourned to July 12, and Johnson is under a restraining order not to transfer or pledge any of the company's Latin American holdings.

EFFORT TO SELL

Meanwhile, the receiver and later the bankruptcy trustees have attempted to sell the Whitcomb and hold the Teamsters' pension fund to its loan commitment.

Complicating the picture is a suit filed by Bank of America, which had extended $10 million credit to Otis, McAllister & Co. The company's holdings—including the Whitcomb—had been pledged as collateral for this credit.

The pension fund takes the position that this suit changes the situation and the loan commitment is no longer binding. Bankruptcy trustees disagree, claiming a stipulation from Bank of America that it will not foreclose on the hotel property.

At any rate, the pension fund trustees revoked the loan commitment on March 30.

Now, the bankruptcy trustees are contemplating legal action seeking return of the $350,000 assertedly paid out in fees. Who is involved in this phase of the transaction—and how—will be revealed in Friday's episode.

From the Los Angeles Times, July 6, 1962:

Documentary evidence concerning negotiations for sale of San Francisco's Whitcomb Hotel reveals the strangest machinations yet uncovered in the Times' investigation of a midwestern Teamsters' Union pension fund investments.

When questioned by the Times on May 2 about a possible pension fund loan on the Whitcomb, Teamsters' President James Riddle Hoffa replied, "Never heard of it."

Yet Hoffa is one of the trustees of the Central States, Southeast and Southwest areas pension fund. The trustees approved a $2,333,000 loan commitment on the Whitcomb dated April 13, 1961 and revoked it March 30, 1962.

REFERRED TO ATTORNEY

Francis J. Murtha, the pension fund executive secretary, who signed the letter of commitment, refused to comment on the matter and referred all queries to the pension fund attorney, Stanford Clinton.

Clinton, in turn, declined to answer the Times' questions, saying he would not discuss a client's affairs.

From documentary evidence in possession of the Times, however, and from the comments of those involved who were willing to talk about it, much of the story can be pieced together.

UNLOADING "LEMON"

Early in 1961 the Whitcomb was put up for sale by J. B. Sprague Johnson, president of its parent firm, Otis, McAllister & Co., one of the world's largest coffee import-export firms but now bankrupt.

In attempting to dispose of the 50-year-old hotel, which first served as San Francisco's temporary city hall, Johnson was unloading a "lemon" in a desperate effort to raise cash.

He wasn't having any luck until he was approached by Carl Long, a promoter in Scottsdale, Ariz. Long is said to have offered $3.5 million on behalf of a Phoenix group, representing that they could obtain a $2,333,000 loan from the Teamsters' pension fund, on condition that Johnson put up a $350,000 fee.

Johnson assertedly agreed and arranged to advance the money to Long by means of unsecured loans from a subsidiary coffee company. Long previously had borrowed large sums from the company in connection with coffee dispensing and motel-restaurant operations.

NEW CORPORATION

The subsidiary company which operated the hotel was Hotel Whitcomb, Inc., but the purchasing group was to form a new corporation to be called Whitcomb Hotels, Inc.

An undated application to the Central States, Southeast, and Southwest areas pension fund for a loan of $3.6 million was made in the name of Whitcomb Hotels, Inc. Listed as officers of the corporation were Long, as president; L. L. Stroud, as vice president; and V. J. Corsaro, as secretary-treasurer.

Stroud, a Phoenix motel developer and operator on a nationwide scale, told the Times he withdrew from the deal very early. He now has a suit on file in San Luis Obispo County against Long and others, asking more than $3 million damages in connection with a Paso Robles motel deal.

WAS TO BE BROKER

Corsaro, whose name is signed to the pension fund loan application, is vice president of HMC Investment Co. in Phoenix. He reportedly was to act as broker in the Whitcomb transaction.

Information on the loan application gives the impression that Whitcomb Hotels, Inc., had been in business at Ninth and Market Streets in San Francisco for 4 months beginning January 1, 1961, and was incorporated in California.

But there is no record of a Whitcomb Hotels, Inc., with either the secretary of state or the State corporations commissioner. Articles of incorporation were filed April 26, 1961, for a Whitcomb Hotel Co., Inc., listing as directors three members of a San Francisco law firm. They declined to reveal to the Times the principals they represented.

At any rate, in a letter dated April 13, 1961, the Teamsters pension fund granted the $2,333,000 loan commitment to the nonexistent Whitcomb Hotels, Inc.

SIGNED NOTE

On April 19, 1961, Long signed an unsecured demand promissory note to the subsidiary coffee company for $100,000. On the same date, he wrote a $100,000 check on his account at the California Bank in El Monte, payable to Jim Corsaro. (Corsaro's given names are Vincent James.)

A notation in the upper left corner of the face of the canceled check reads, "Part Payment Loan Fee Whitcomb Hotel."

The next link in the chain of documentary evidence is a telegram dated June 2, 1961, from Ben Cohen, Miami Beach attorney, to a Los Angeles attorney who acted in behalf of the seller, Hotel Whitcomb, Inc. It reads:

"Re Whitcomb I have been authorized by pension funds to advise you that takeout for mortgage shall be no sooner than June 1, 1962, nor later than August 1, 1962. This shall be first mortgage and fund disregards an inferior mortgage. All papers shall be drawn according to California law."

FOLLOWED BY LETTER

That was followed by a letter dated June 6, 1961, to Cohen in Miami Beach from Murtha, executive secretary of the pension fund in Chicago. It reads:

"Enclosed herewith is original and two copies of commitment letter dated April 13, 1961, which has been modified this date insofar as article 6, paragraph 1 in concerned to reflect a disbursement no sooner than June 1, 1962, and no later than August 1, 1962.

"It is further understood that this commitment shall not be enforcible or in effect until such time as the provision of article 6, paragraph 2, is completed. It is my understanding that you will not deliver same to the applicant until such time as you have the $28,330 commitment and appraisal fees in your possession in such a manner as will permit you to wire same payable to the Central States, Southeast and Southwest areas pension fund."

ADDENDUM DRAWN

The next step came in Los Angeles on June 8, 1961. An addendum to the April 13 letter of commitment was drawn up (also under date of April 13) so as to direct the loan commitment to either Hotel Whitcomb, Inc., or Whitcomb Hotels, Inc.

This was signed, "Frank Murtha by Ben Cohen."

On the same date (June 8, 1961) Long signed promissory notes to the subsidiary coffee company for $244,000 and $6,000, and four checks on a temporary account in the Los Angeles main office of the Bank of America as follows:

1. To V. J. Corsaro, for $100,000. Written in the upper left corner on the face of the canceled check is, "Commission on Whitcomb Hotel." The signature endorsement of V. J. Corsaro is initialed "CL."

$46,600 CHECK

2. To HMC Investment Co., Inc., for $46,600. Written in the upper left corner on the face of the canceled check is, "Commission on Whitcomb Hotel. It bears a stamped endorsement to the Valley National Bank, in Phoenix.

3. To Ben Cohen, for $23,330. Written in the upper left corner of the canceled check is, "Legal fee on Whitcomb."

4. To Carl Long (by Carl Long), for $45,000, bearing no notation.

Also on June 8, 1961, Long's account at the Los Angeles main office of the Bank of America was debited $28,330 for a certified check, applied for by Ben Cohen and payable to the Central States, Southeast, and Southwest areas pension fund.

Immediately upon receiving his second $100,000 check, the Times learned, Corsaro cashed it at the bank and received currency in large denominations.

IN COSTA RICA

Repeated efforts by the Times to reach Long for comment on the transactions have been unavailing. Johnson is in Costa Rica, trying to hold the remains of his shattered empire together.

Cohen, well-known and powerful Miami Beach attorney, is mentioned in reports of the Kefauver crime subcommittee and the McClellan rackets subcommittee as reportedly having acted in a legal capacity on occasions for the Teamsters, Hoffa, and a Florida gambling syndicate.

Reached by the Times in Miami Beach just before leaving on his annual vacation trip to Europe, Cohen commented frankly on his role in the Whitcomb transaction.

COLLECTED FEE

He said he represented Corsaro and a Morton Fromberg of the Miami area, not the pension fund. (Fromberg reportedly was with Cohen here for the final negotiations of June 8, 1961.)

"Sure, I collected a fee," Cohen said. "It was 1 percent—$23,330. I was supposed to get more, but I never did. I was supposed to have an interest in the hotel."

Cohen said he acted as an agent for Murtha, the pension fund executive secretary, only in signing his name to the addendum on the letter of commitment.

"While we were engaged in final negotiations it came up that the corporation to exercise the commitment might be the Whitcomb Hotels, Inc., or the Hotel Whitcomb, Inc.," he said. "I called Mr. Murtha, explained what was desired and he authorized me to sign the addendum in his name."

CHECK BOUNCED

Why did he apply for the certified check to pay the fees to the pension fund?

"They (Long, etc.) gave a check to the fund and it bounced on two occasions," Cohen said. "They (the fund) asked me to get a certified check, which I did."

He said the deal fell through because the buyers failed to meet the loan commitment conditions that three floors of the hotel be refurbished.

Cohen said he had no knowledge of any other fees amounting to about $300,000. And he reiterated that he never represented the pension fund or any of its trustees.

"Fromberg told me he and I were to get 25 percent of the hotel," Cohen explained.

Who is Fromberg and where can he be reached?

"Oh, I don't know exactly," Cohen replied. "He's in and around a lot but I can't tell you where to reach him or what he does for a business."

The Times was unable to locate a Morton Fromberg in the Miami area. Records show a man by that name in Miami applied for a chauffeur's license in 1956 and later was arrested on a bad check charge which was not prosecuted.

Corsaro, reached at the HMC Investment Co. in Phoenix, denied that Cohen had represented him in the transaction but declined to comment on other details, including the checks he assertedly received.

"I told my story to the people concerned, to those who I should, and I have nothing further to say," Corsaro declared.

Meanwhile, Government agents and trustees for the bankrupt coffee importing firm reportedly are trying to solve the biggest mystery remaining:

Why was it necessary to pay $350,000 in fees? And to whom did the bulk of the fees ultimately go?

[From the Los Angeles Times, Aug. 1, 1962]

Miami.—A Miami banker who has testified before several Federal grand juries investigating Teamsters pension fund loans—including one in Los Angeles—says he is severing all of his obligations to the fund.

He is Lou Poller, president of Miami National Bank, 12th largest in this southern resort area and one of the fastest growing in the country.

Poller told the Times he obtained a $2,570,000 loan in 1959 from the Teamsters Central States, Southeast and Southwest areas pension fund by pledging his stock in the bank.

At the same time, he said, the pension fund invested directly in the bank by purchasing the remaining shares from his associates after a proxy fight. Poller said he was given an option to repurchase the shares from the pension fund, which he exercised in November.

"I increased my loan (from the pension fund) to $4,160,000 to include their debt," he said, "but it will be paid off within 30 days."

SELLING BANK SHARES

Poller said he is liquidating the loan by offering sufficient shares of the bank for public sale over the counter.

The original loan, Poller said, was negotiated by one of his associates, Tom Webb, identified by Poller as a Washington, D.C., attorney for the Murchison interests. He said he took over the loan when he acquired control of the bank.

He said the second loan was made to Hi-Vi Corp., of which he and his wife, Rose, are the only stockholders.

Poller said his loans from the fund were not the subject of his appearances before Federal grand juries in Los Angeles, New Orleans, Washington, D.C., Orlando, Fla., and here.

"We (the bank) handled disbursements for some of their loans," he said. "I was not personally involved * * * only as an officer of the bank, to identify records."

Poller said he was questioned in Los Angeles about pension fund loans to the First Berkeley Corp. Previous articles in the Times have detailed these loans totaling $3,532,000.

They were made to purchase the seven Cornell buildings in the downtown Los Angeles garment district and the Beverly Wilshire Health Club (now the Executive Club of Beverly Hills).

QUESTIONED ON TRUSTEE

Poller said First Berkeley maintained an account in his bank through which checks were cleared and to which funds were wired from a Los Angeles bank.

He named Benjamin Dranow and Abe Weinblatt as those who maintained the account at the Miami bank. Dranow previously has been identified as having close ties to Teamsters President James Riddle Hoffa and the pension fund.

Poller said he was questioned in Washington about a loan to Fred W. Strecker, Jr., of St. Louis, one of the pension fund trustees. Labor Department records show this loan went to the 4306 Duncan Corp. and had a book value of $838,234.60 as of last January 31.

"I met him once," Poller said of Strecker.

Poller said he was questioned in New Orleans about a loan for the Fontainebleau Motor Hotel there, and in Orlando about the Sun Valley real estate development which led to an indictment of Hoffa. He could not recall the subject of his Miami appearance.

From the Los Angeles Times, August 2, 1962:

Miami.—A prominent Miami banker, interviewed by the Times here this week in connection with Teamster Union pension fund loans, was indicted Wednesday in Washington by a Federal grand jury.

Lou Poller, 54, president of the Miami National Bank, was accused of perjury before the District of Columbia grand jury. It is one of several grand juries throughout the country investigating loans by the Teamsters Central States, Southeast and Southwest areas pension fund.

LOANS DISCUSSED

The Times' own investigation of the pension fund loans led this week to Miami and Poller. In the interview here, Poller discussed his own loans from the funds and his appearances before five Federal grand juries—including one in Los Angeles.

Attorney General Kennedy said Poller was accused in the indictment of perjuring himself four times on February 21, and three times on March 1.

He was being questioned about loans totaling $840,000 made to the 4306 Duncan Corp. of St. Louis, in an effort to determine whether Fred W. Strecker, Jr., an employer-trustee of the pension fund, had any interest in the loans.

The grand jury was probing possible violation of the Welfare and Pension Funds Disclosure Act in reports to the Labor Department describing the loans, Kennedy said.

Poller was accused of lying about a meeting said to have taken place in his office about November 12, 1959. Present at the meeting, the grand jury charged, were Poller, Strecker, Max Federbush, a New York City businessman, and S. George Burris, New York City accountant.

LIE CHARGED

The grand jury charged Poller lied when he denied knowledge of such a meeting or of an agreement by Federbush to purchase some property from Strecker at 4306 Duncan Street, St. Louis.

He also was accused of lying when he denied seeing a $15,000 check from Federbush to Strecker on that occasion.

When told there had been testimony before the grand jury about such a conference, the indictment said, Poller replied:

"If there is, I have absolutely no such knowledge or recollection of any such."

And when shown the $15,000 check for a second time in the grand jury room, Poller testified:

"I will repeat that to the best of recollection and ability, the first time I saw this check is when you showed it to me here about a week ago."

ALSO INVESTIGATED

Burris, mentioned in the indictment as having been present in the meeting, is president of First Berkeley Corp., whose loans from the pension funds in Los Angeles also are under investigations by a Federal grand jury.

The First Berkeley Corp. loans totaling $3,532,000, previously detailed by the Times, were made to purchase the seven Cornell buildings in the downtown Los Angeles garment district and the Beverly Wilshire Health Club (now the Executive Club of Beverly Hills).

First Berkeley Corp. funds cleared through an account in his bank here, Poller told the Times earlier this week. He said he was questioned about these financial records before a Federal grand jury in Los Angeles.

CALLS IT PHONY

Interviewed again by the Times here after the indictment Wednesday, Poller said the Justice Department was "trumping up a phony" charge.

"This is a great piece of perjury," he said. "They asked me if a certain man ever was in my office 2 years ago. I told them I couldn't remember. A lot of people come through my office every day."

Poller said he had met Strecker only once or twice and wasn't sure he would know him if he walked in.

"To indict anyone connected with the fund today is a status symbol," he said. "If this is the most they can get to indict on, things are in a terrible state.

VENDETTA CHARGED

"The Justice Department is now proving they will go to any lengths in a vendetta against other people.

"It's an example of totalitarianism. We're spending $50 million a year to fight communism and things like this can take place. I think we're blowing $50 million a year fighting communism."

Poller said he has talked to Burris many times. He identified Federbush as a client of Burris in New York who also has business interests in Miami.

A former owner of radio stations in Arlington, Va., Milwaukee, Oklahoma City, and Chester, Pa., Poller said he retired in 1954 at the age of 46. He was active in the 1956 presidential campaign of Senator ESTES KEFAUVER.

BACKED JAI ALAI

In 1957, Poller was an investor in a plan to bring jai alai to Anne Arundel County, Md. A license was issued less than 24 hours after the county legalized the sport, but it apparently never materialized.

Poller took control of the Miami National Bank here in 1959 and since then it has shown rapid growth. It is the 12th largest in the Miami area.

He also took over a $2,570,000 loan from the Teamsters pension fund. The fund itself invested $1,269,000 in the bank's stock.

SALE OF SHARES

Poller said he increased his pension fund loans to $4,160,000 last November and bought out the fund's shares in the bank. He told the Times he will have his total indebtedness to the pension fund paid off within 30 days through a public sale of banks' shares.

In 1961, Poller was active leader in the tractors-for-Cuba drive. He started the Miami campaign with a $25,000 loan on behalf of the bank and a $1,000 donation.

He is scheduled to be arraigned on the perjury indictment Friday in the Federal District Court in Washington. Maximum penalty on conviction would be 5 years in prison and a $2,000 fine for each of seven counts.

From the Los Angeles Times, August 26, 1962:

Plans for a multi-million-dollar hotel to be built at the gateway to Los Angeles International Airport by a company backed with Teamsters Union pension funds are under close Government scrutiny.

The transactions involve several persons whose participation in other teamsters' pension fund deals under Federal investigation here and in Las Vegas has been revealed previously by the Times.

Of general concern to the public are two additional aspects:

1. The company's proposed sale of stock to the public in California and Illinois was questioned by State officials, and the applications were withdrawn.

2. Although the company is under investigation by one agency of the Federal Government, another Federal agency ironically has entered into a contract with the same company.

MIAMI AIRPORT HOTEL

The details, gathered by the Times in a painstaking investigation in Los Angeles, in Miami, and in Birmingham, will be presented in three articles beginning today.

The company originally was incorporated in Florida in 1958 as Airway Hotel, Inc., but changed its name in 1961 to International Airport Hotel System, Inc.

Its first project was to obtain a lease from the Dade County (Miami) Port Authority in 1959 and construct a 264-room hotel atop the Miami International Airport terminal building. It was completed in late 1959 and has been operated by the company since then.

The hotel was built at a cost of $2,071,722, which the port authority is repaying to the company at $165,000 a year, including interest at 4½ percent. The 25-year lease calls for the company to pay the port authority a minimum of $165,000 a year applied against a percentage of gross receipts.

ASSIGNED TO TEAMSTERS

To finance construction of the hotel, the company borrowed $2 million from an "institutional lender." Official records of Dade County show this loan is secured by a leasehold mortgage deed and a chattel mortgage on the hotel furnishings.

Dated December 1, 1959, these mortgages are in favor of Midwest Mortgage Co., a Missouri corporation. Interest rate on the loan is 6 percent and payments are $16,877.14 a month.

The Times was reliably informed that these mortgages were assigned almost immediately to the trustees of the Teamsters Central States, Southeast, and Southwest areas pension fund. One of the trustees is Teamsters President James Riddle Hoffa.

But no such assignment appears in the Dade County official records. The Times sought the reason.

Burton M. Cohen, Miami lawyer who is secretary, a director, and general counsel of the hotel company, declined to comment other than to say that checks are made payable to Midwest Mortgage Co.

FUND HOLDS MORTGAGE

On the other hand, Saul S. Cohen, president of the hotel company, said he thinks the payments are made to the Teamsters pension fund.

"I imagine they (Midwest Mortgage Co.) must have sold the mortgage," he said.

John Meyer, comptroller of Midwest Mortgage Co., was reluctant to discuss the matter at all but, when pressed, said:

"We do not hold the mortgage. To the best of my knowledge the pension fund holds the mortgage. The hotel pays us and we in turn transfer the monthly payments to the fund."

William Cleveland, assistant director of the port authority, and Andrew Psalidas, member of the port authority legal staff, said they had no knowledge that the loan was assigned to the pension fund.

Moreover, they made it clear they couldn't care less.

Nevertheless, the Times is reliably informed that payments on the $2 million mortgage are being made to a trust account in a Chicago bank for the Teamsters pension fund.

BIRMINGHAM PROJECT

Next project for the hotel company was obtaining a lease from the city of Birmingham and constructing a 120-room motel facing the entrance to the new Municipal Airport terminal building there.

This was done through an affiliated Alabama corporation, Airway Motel, Inc., whose stockholders were substantially the same as those of the Florida company and which became a wholly-owned subsidiary before the deal was finished.

A 20-year lease with the city of Birmingham was entered into August 2, 1960. It was amended to 25 years on March 10, 1961 and amended again September 8, 1961 to provide for financing.

On September 14, 1961, a temporary construction loan of $850,000 was made to Airway Motel, Inc., by the First National Bank of Birmingham.

On December 21—a day after the parent company changed its name—it acquired all outstanding stock of the Alabama subsidiary by exchanging newly issued shares.

And then, on December 27, 1961, a long-term loan of $1 million was made to Airway Motel, Inc., by an institutional lender. In this case, however, there was no question who the lender was.

NAMED IN MORTGAGE

A mortgage deed on the leasehold estate and a chattel mortgage on the motel furnishings, filed in the Probate Records of Jefferson County, Ala., are in favor of the Teamsters Central States, Southeast and Southwest areas pension fund.

They are security for a loan of $1 million, bearing 6½ percent interest and payable at $7,500 a month.

The company has operated the hotel since it opened in December.

At Houston, the company has entered into a 20-year lease to operate a 210-room hotel being constructed by the lessor across the street from the Houston International Airport terminal building.

And at Chantilly, Va., where Dulles International Airport is being built to serve Washington, D.C., the company has entered into an agreement with the United States for construction and exclusive operation of a $3,250,000, 242-room hotel.

MADE WITH FAA

This agreement, including terms of a 40-year lease, was made between a wholly-owned subsidiary, Airway Hotel of Washington, Inc., and the director of the Bureau of National Capital Airports, Federal Aviation Agency. It was dated February 24, 1961, and amended November 1, 1961.

It reportedly came as somewhat of a shock to the Justice Department—and to a congressional committee which oversees Government operations—when they discovered it.

The company was one of three bidders for construction and operation of a hotel at Lambert-St. Louis Airport, serving St. Louis, Mo. It also is in negotiations for development of airport hotels at another major U.S. city and one in western Europe.

But the one now under development at the northeast corner of Century and Sepulveda Boulevards, directly across the street from the only entrance to the new Los Angeles International Airport, will be the biggest and most elaborate of all.

The 600- by 600-foot plot of land alone cost $2.6 million. It is conservatively estimated that another $7.5 million will go into construction of the 13-story, 690-room first unit.

A 500-room addition is contemplated for the future. Total investment may eventually reach $15 million or more.

Chances are pretty good that trustees of the Teamsters Union pension fund are standing by, ready to finance the construction if necessary.

From the Los Angeles Times, August 27, 1962:

When plans for a swank high-rise hotel at the gateway to Los Angeles International Airport first became public last November, there was no hint that a Florida-based company backed by Teamsters Union pension funds was in the picture.

The 600-by-600-foot site at the northeast corner of Century and Sepulveda Boulevards was occupied by the 20-year-old die-casting plant of the Harvill Corp.

Since 1957, the property had been owned by the McCulloch Corp., which has adjacent property and an industrial plant on Century Boulevard. High-rise office and commercial buildings are planned for the McCulloch property under a lease arrangement with the Del E. Webb Corp.

ZONING PETITION

An application for a change of zone from industrial to commercial so that a hotel could be built on the choice corner lot was filed last November by the McCulloch Corp. John D. Cavanaugh, vice president of the McCulloch Corp., signed the document.

But the address of the applicant was given as "care of Bryant R. Burton, 611 Wilshire Boulevard." Burton was listed as the person to whom notice of public hearings should be sent.

Burton ordered a tract map prepared. And Burton appeared at the public hearing as the applicant's representative to urge the zone change.

HOTEL PROMOTER

Burton, a Los Angeles attorney, is vice president and a director and one of the promoters of International Airport Hotel System, Inc.

As outlined in Sunday's article, this Florida corporation and its subsidiary obtained loans totaling $3 million from the Teamsters' central States, southeast and southwest areas pension fund to build airport hotels in Miami, Fla., and Birmingham, Ala.

Burton also is secretary of Fremont Hotel, Inc., in Las Vegas, and a shareholder in the Fremont, Horseshoe Club, and Sands gambling casinos.

As revealed by the Times last May 14, Burton and Ed Levinson, president of the Fremont, signed a $4 million mortgage to finance a 14-story addition to the Fremont. The mortgage later was taken over by the Teamsters' pension fund.

GRAND JURY QUIZ

Burton also has figured in a Federal grand jury investigation here reportedly inquiring into possible underworld connections of various west coast gambling figures.

(He testified in an open court hearing of the Federal grand jury last February 26 that he managed properties—including the Moulin Rouge Theater-Restaurant here—for Joseph "Doc" Stacher, Las Vegas, and Beverly Hills figure believed to be a principal target of the investigation.

(The Russian-born Stacher's naturalized citizenship has been canceled because he concealed a long arrest record and aliases. In 1953 he pleaded guilty in Saratoga, N.Y., to conspiracy to commit forgery and gambling charges, paid a $10,000 fine and received a 1-year suspended jail sentence.)

SEEK PUBLIC SALE

The zone change on the McCulloch property was approved January 29 by the city council. But underwriters for International Airport Hotel System, Inc., already had applied in California and Illinois for permission to offer a public sale of the company's stock.

A prospectus filed with the Securities and Exchange Commission January 4 stated the express purpose of the proposed stock offering was to complete purchase of the real estate for the hotel here.

The proposed public sale of stock, however, met resistance from officials of both Illinois and California.

A special bulletin of the Illinois secretary of State, securities division, put it this way:

PROFITS LACKING

"An examination of the application disclosed among other things, that the company had not been in the business in which it was engaged for 5 years and did not have profits in each of the last 3 years.

"Accordingly, since the company was in the promotional and development stage, counsel was advised that an appraisal of the assets * * * would be required.

"In addition, the equivalent of 125,000 shares of common stock had been issued to directors, officers and promoters of the issuer at prices less than 2 cents and 4 cents per share in December of 1961, while the proposed public offering price was $12 per share * * *."

Charles F. Carpentier, Illinois secretary of State, told the Times:

"Our action was based in part upon the belief that a substantial dilution of the equities which were to be offered to the public in Illinois had occurred when directors, officers and promoters of the issuer took a substantial number of shares of common stock at extremely low prices."

ESCROW REFUSED

"This situation could have been remedied if these shares would have been delivered into escrow * * *. However, holders of the securities in question refused to place them into escrow."

In California, the proposed offering for public sale was $1.7 million of debentures and 170,000 shares of common stock. Said California Corporations Commissioner John G. Sobieski:

"The division of corporations had informally questioned certain aspects of the proposed offering * * * One of the problems discussed, for example, was the proposed $10 price for the shares to be sold to the public.

"It appeared that the promoters had received several hundred thousand shares at an average price of 34 cents per share."

PURCHASE DELAYED

In its prospectus the company conceded that after sale of the stock the public would own 31.2 percent of the shares at a cost of $2,705,000, while original stockholders would own 68.8 percent for which they paid only $127,000.

After the questions raised by officials of Illinois and California but before any official decisions were made, the applications for public sale in those States were withdrawn. Purchase of the property here was postponed.

However, the company is entitled to sell stock publicly in 20 other States, including New York and Florida. It was being traded over the counter Friday at $3⅝ bid, offered at $4⅛.

On May 3, 1962, all the shares proposed for public sale were purchased by a group of 17 underwriters. And on July 3, purchase of the property by International Airport Hotel System, Inc., from McCulloch Corp. was consummated.

DEMOLITION COMPLETE

A corporation grant deed on file in the recorder's office here bears Internal Revenue stamps of $2,860, indicating that $2.6 million was paid for the property. Demolition of the old Harvill plant is now completed.

Saul S. Cohen, president of the hotel company insists the hotel here will have conventional financing rather than the Teamsters' pension fund.

"In Miami and Birmingham," he said, "we did not qualify for the usual type of financing—bank, insurance company and so forth—mainly because of the short-term leases we hold with the airports.

"In Los Angeles we have purchased the property outright and we are qualified for any type of conventional financing from any lending agency."

Cohen said a Federal grand jury is not looking into the Los Angeles International Airport Hotel situation, as far as he knows.

He admitted, however, that George M. Simon, executive vice president, a director and chairman of the executive committee of the company, appeared briefly before a Federal grand jury here some months ago.

From the Los Angeles Times, August 28, 1962:

Federal investigators reportedly are digging into the backgrounds of some of the principals involved in the dealings of a Florida-based company backed by Teamsters' Union pension funds and planning a luxury hotel at the gateway to Los Angeles International Airport.

One member of the group, Bryant R. Burton, a Los Angeles lawyer and one of the promoters of International Airport Hotel System, Inc., was discussed in Monday's article.

Burton is vice president and a director of the company, as well as secretary of Fremont Hotel, Inc., in Las Vegas and a shareholder in the Fremont Horseshoe Club and Sands gambling casinos there.

His participation with Ed Levinson in a $4 million loan on the Fremont from the Teamsters' Central States, Southeast, and Southwest areas pension fund was disclosed by the Times in May.

Another promoter of the hotel company is Solomon Levine, treasurer and a director. He is identified in the company's stock prospectus as president of Greater Boston Finance Co. and a brother-in-law of Henry Garfinkle, another of the hotel company's promoters.

FIGURED IN PROBE

What the prospectus did not mention is that both Levine and Garfinkle figured in investigations of the McClellan labor-management rackets committee of the U.S. Senate in 1959.

Levine was summoned by the committee as vice president of Manhattan News Co., wholesale distributor of magazines in New York which employed about 50 union drivers. He took the fifth amendment when asked whether he had made payoffs to a union official.

Levine then held stock in Manhattan News Co. in trust for Garfinkle's children, Myron and Gail—just as he does for them now in International Airport Hotel System, Inc.

Garfinkle was then and still is president of the American News Co., of which Union News Co. is a division. There was testimony before the McClellan committee that he set up a relative, William Levine, in the trucking business in Queens and forced a competitor out of business.

Garfinkle's Union News Co. obtained the exclusive concession for restaurant and cocktail lounge facilities in the Miami International Airport Hotel—which the hotel company financed with a $2 million loan from the Teamsters' pension fund.

REAPS BIG PROFITS

The hotel company's stock prospectus reveals that Jack Cooper, whose wife Gertrude holds considerable stock, is another promoter of the company.

It also reveals that Cooper was paid $75,000 by the company for "services rendered" in connection with obtaining the lease and arranging for financing and construction of the Miami Hotel.

Not revealed, however, is that Cooper recently was convicted of evading income taxes totaling $259,218 for 1953–54. He was sentenced April 28 to a 3-month prison term plus 9 months probation and fined $15,000.

Cooper, former vice president of the Miami Marlins baseball club and of the West Flagler Kennel (dog racing) Club, contended in defense to the income tax evasion charges that he merely was acting as a purchasing agent for representatives of the Dominican Republic.

He claimed he helped Rafael Trujillo, Jr., son of the former Dominican Republic dictator, embezzle $744,000 in an airplane deal.

COMPANY PROMOTER

Cooper also was in the import-export business in 1953 and was one of three officers of a Connecticut apartment project which reaped windfall profits of $52,124 on an FHA development in 1954.

Although not mentioned in the prospectus, payment of another "finder's fee" in connection with the Miami hotel deal was confirmed to the Times by the company president, Saul S. Cohen. He said it went to S. George Burris.

The Times is reliably informed that Burris was paid $40,000 and his son, Herbert, an additional $13,000.

S. George Burris, a New York accountant and president of the First Berkeley Corp., is a well-known figure in dealings with the teamsters' pension fund, as revealed previously by the Times.

Loans totaling $3,532,000 from the pension fund to First Berkeley Corp. for purchase of the seven Cornell Buildings and the Beverly Wilshire Health Club here are reported to be under grand jury scrutiny.

Burris also was said to be present during negotiations which led to a Federal grand jury perjury indictment August 1 of Miami banker Lou Poller, another recipient of Teamsters' pension fund loans.

And in testimony before the McClellan committee in 1959, Burris admitted he had acted as a front for Benjamin Dranow in an attempt to rescue the Sun Valley (Fla.) land scheme for which Teamsters' president James Riddle Hoffa now faces trial on fraud charges.

(Dranow, reported to be the most powerful intermediary with Hoffa for pension fund loans, was sentenced on August 7 to a 7-year prison term and fined $10,000 for income tax evasion.

(The prison term will run concurrently with an earlier sentence for mail and bankruptcy fraud, growing out of Dranow's operation of a Minneapolis department store on which he obtained Teamsters' welfare and pension fund loans.

TEN BANK ACCOUNTS

(Dranow, a commuter between Beverly Hills and Miami, deposited a total of $2,944,000 in 10 different bank accounts throughout the country between 1954 and 1959, McClellan committee investigators found.)

Maxwell M. Rabb, chairman of the board of International Airport Hotel System, Inc., is in a somewhat different category.

Rabb, a New York attorney, served as secretary to President Eisenhower's Cabinet from 1953 to 1958 and as special assistant to Sherman Adams in the White House. He left Government service in 1958.

In 1956, Rabb was accused of leaking to a writer some confidential Cabinet information which Congress was unable to get. He refused an invitation to be questioned about it by the McClellan committee.

SEVERAL INTERESTS

Rabb is now a director or officer of several companies, including Kratter Corp., Gotham Bank, Precision Film Laboratories, J. A. Maurer, Inc., American News Co., Seven Arts Productions, Ltd., Decker Corp. and Thorncliffe Park, Ltd.

Acting as commercial representative for the hotel company here is Irving V. Link of the Murray Randolph Co., Beverly Hills. Link, who served in the same capacity for First Berkeley Corp. in the Cornell Buildings deal, is related by marriage to Dranow.

The Times asked Saul S. Cohen, president of the hotel company, if Link received a finder's fee in connection with the hotel to be erected across the street from Los Angeles International Airport.

"Link found this property for us," he replied. "A fee was paid and as part of his broker's fee he will lease whatever stores we will have in the hotel."

The company's stock prospectus shows that in addition to the $2.6 million paid for the property here, an additional sum of about $130,000 was required "for brokerage fees and other related expenses."

Of that amount, the prospectus said, legal fees of $40,000 were to be paid to Bryant R. Burton, the company's vice president.

The company's agreement to purchase the property here was dated June 15, 1961, and was amended June 19 and December 20, 1961. The escrow instructions were dated February 15.

As late as March 27, however, the company was expressing interest in bidding on a proposed lease of airport property for a hotel.

LARGE BILLBOARD

Although the company's promotional material as late as July 1 indicated the hotel on the private property would be named Airways Hotel, a large signboard erected on the property bears the name, "Los Angeles International Airport Hotel."

Acting on a resolution adopted by the airport commission, the city attorney's office has notified the company that unless it stops using this name, legal steps will be taken.

Cohen, the hotel company president, conceded to the Times that it may have been a "mistake" to get financing from the teamsters' pension fund for the hotels in Miami and Birmingham, although he could find nothing basically wrong with it.

He ruefully confided that the Birmingham hotel itself, on which the pension fund loaned $1 million, has turned out to be a "mistake" because the occupancy rate is not living up to expectations.

But he pleaded with the Times for kindly treatment.

"I don't feel we have done anything wrong," he said, "to get any bad public relations in your paper or in your city.

"We are coming into your city to operate a first-class hotel on a long-term basis. We hope to get a friendly reception."

Wednesday: Teamsters' pension fund backing of another airport area hotelman and hotel chain is revealed.

From the Los Angeles Times, August 29, 1962:

An outspoken opponent of a proposed hotel on Los Angeles International Airport leased land got a $2 million Teamsters Union pension fund loan to finance a hotel near San Francisco International Airport.

He is Jack D. Crouch, 45, who once considered bidding on the lease for a similar hotel on San Francisco airport property. Now he is on the other side of the fence—both figuratively and literally.

Crouch has been a vice president of Hyatt Corp. of America and general manager of the Hyatt Houses since the first one was established here in 1954 at 5547 West Century Boulevard. He is still a director.

CONTROLLED BY PRITZKERS

The parent corporation in Chicago is controlled by members of the Pritzker family. Some of the Pritzkers formerly were law partners with Stanford Clinton, attorney for the Teamsters' Central States, Southeast and Southwest areas pension fund.

The parent company also received a loan of $4 million from the pension fund. The Times has been told by Teamsters' president James Riddle Hoffa, one of the fund trustees.

These and other Teamsters' pension fund loans, totaling more than $30 million in the West and at least $112 million throughout the country, are under investigation by Federal grand juries and Government agents.

THREE MINUTES FROM AIRPORT

Crouch obtained the $2 million pension fund loan in 1959 on the Hyatt House at 1333 Old Bayshore Highway, Burlingame, just 3.5 miles and 3 minutes by limousine from San Francisco International Airport.

Documents tracing Crouch's various transactions on the property are on file in the San Mateo County recorder's office, Redwood City.

They begin July 9, 1958, with a memorandum of agreement to sell the property improved with a 219-room motel. Crouch was the buyer; Don Hawley Enterprises, Inc., the seller.

At the same time, Don Hawley Enterprises gave a trust deed to Hyatt House, Inc., as security for a note of $90,000, payable at the close of escrow.

PARTIAL PAYMENT

Nearly a year later, on May 27, 1959, Don Hawley Enterprises turned the property over to Crouch by grant deed. Revenue stamps affixed indicated a consideration of $48,500, most likely representing a partial payment.

At the same time, Crouch gave a trust deed to Don Hawley Enterprises to secure a note of $107,000, apparently the balance due.

An unrecorded lease, in favor of Hyatt House, Inc., and the memorandum of agreement of sale were released and discharged on the same date.

On June 15, 1959, Margo Church quitclaimed the property to Crouch, vesting title in the husband as separate property.

EXECUTES TRUST DEED

Then, on August 31, 1959, Crouch executed a trust deed on the property and a chattel mortgage on all personal property in the Hyatt House as security for a $2 million loan from the Teamsters Central States, Southeast and Southwest areas pension fund.

Crouch next gave a second trust deed on the property December 5, 1959, to Barker Bros. Corp. It was security for a note of $514,080, Crouch having contracted with the company for furnishings and fixtures.

On March 28, 1960, Hyatt House & San Francisco—a partnership operating the Hyatt House Hotel in Burlingame—gave a second chattel mortgage on the furnishings to Barker Bros. Corp. as additional security for the $514,080 note.

SIGNED BY PARTNERS

This document was signed by Jay A. Pritzker and Jack Crouch as partners of Hyatt House, San Francisco.

Finally, on January 17, Jack Crouch and Mary Margaret Crouch turned the property over to Hyatt Corp. of America by grant deed. No Internal Revenue stamps were affixed, indicating no taxable consideration changed hands.

Since then, Crouch has been active—in association with builder Fritz Burns—as president of the Airport Marina Hotel, a $5 million complex going up at 8639 Lincoln Boulevard, between the new Los Angeles International Airport and the new Marina del Rey.

He identified himself as such when he appeared before the Airport Commission on April 18 to oppose leasing of airport property for a hotel. He called it "complete infringement on private enterprise."

Crouch said that private enterprise has spent millions of dollars keeping up with growing needs in the airport area.

The airport commissioners, he said, have "the tools to choke us out" by "entrapment of passengers" at an on-the-spot hotel.

Nevertheless, the commissioners approved the airport hotel.

City Councilman Ernani Bernardi then introduced a resolution opposing the hotel. He was supported by Councilmen C. Lemoine Blanchard, Gordon R. Hahn, and Ransom M. Callicott and Councilwoman Rosalind Wyman.

PROPOSAL DEFENDED

At a meeting of the council's industry and transportation committee on June 7, President Melvin J. Erickson of the Airport Commission defended the airport hotel proposal.

He said the hotel would not be a city operation, but would be built, maintained, and operated by private enterprise. This, he noted, is the same system used in leasing airport space for restaurants, gasoline stations, shops and parking lots.

Income from the hotel to the airport, to be used to help retire bonds, has been estimated at between $150,000 and $200,000 a year.

Among those speaking in opposition once again was Crouch, this time representing the Airport Hotel and Motel Association. The committee made no recommendation and the full council has scheduled a public hearing for September 6.

When the same sort of proposal was under consideration in San Francisco, Crouch took a different position from the one he has assumed here, the Times learned.

Belford Brown, general manager of San Francisco International Airport, said:

"Jack Crouch came up to see me when we were preparing to ask for bids for a hotel on airport property. He then held an option on ground just off airport property but was interested in bidding.

PERCENTAGE TOO HIGH

"When I told him of our proposed minimum terms, he said the percentage was too high and we wouldn't get a single bidder. If we did, he said, he would build another motel on his property which would prove more successful."

Brown said minimum terms were 5 percent on the first $2 million gross and 6 percent on everything over $2 million. Hilton Hotels bid successfully and built the hotel.

"It has been very, very successful," Brown said. "We are getting $100,000 to $120,000 revenue each year to the airport. It is a 40-year lease."

Brown said the $2.5 million, 309-room Hilton Inn is expanding with 50 more rooms and a convention center at a cost of about $1 million. He said occupancy is so good that Hilton people say they could fill another 100 rooms 3 nights a week.

"It must be fairly good," Brown pointed out, "because Crouch came up and built the Hyatt House and last year the Thunderbird was constructed and all seem to be doing very well."

A TRIBUTE TO PROGRESS: FIRST ANNIVERSARY OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, 1 year ago, following unanimous approval by the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, Congress established the U.S. Arms Control and Disarmament Agency within the Department of State. I was privileged to be a cosponsor of the legislation which established the Agency.

This action was particularly significant, for it was probably the first time any government ever created an agency with the sole task of promoting disarmament and arms control.

During its first year this Agency, under the able directorship of William C. Foster, was active in coordination, research, advice, and negotiation. The need for coordination comes from the fact that many aspects of public policy would be affected by an arms control agreement. Such policy must be in harmony with related policies of other agencies.

Several staff units give full time to research into matters relevant to arms control policy. The Bureau of Science and Technology coordinates and sponsors scientific research. It has been especially concerned this past year with the problem of weapons test detection and has worked closely with the Department of Defense. The Bureau of Weapons Evaluation and Control conducts research into the impact of arms control proposals on existing weapons systems and on military security in general. The Bureau of Economics studies the long-range economic consequences of arms control and disarmament schemes that might be approved. Top level policy advisement and the determination of long-range research projects are functions of the disarmament advisory staff. Another important function performed by Arms Control and Disarmament Agency is the preparation and dissemination of public information concerning the difficult problems of arms control and disarmament. The International Relations Bureau is charged with managing the day-to-day negotiations. It must furnish background data and position papers for U.S. negotiators. This requires considerable research, and in this it is aided by the Political Affairs and the Political Research and Analysis Offices.

During its first year, the U.S. Arms Control and Disarmament Agency carried out its responsibility for negotiating with foreign governments with persistence and astuteness. Soviet intransigence, reversals, and the resumption of testing made negotiating difficult and trying. But the performance of this new Agency must not be measured in terms of concrete agreements with the Soviet Union. Its intrinsic importance is not dependent on Russian good will. Rather it provides an expert corps of people which will give sustained attention to one of the great problems of our age.

In the past year an excellent foundation was established which will permit an orderly expansion of the Arms Control and Disarmament Agency to meet increasing demands for service. The Agency has done remarkably well with a staff of 126 people, and the increase in staff to 220 invisioned in the House approval of a budget of $6,500,000 will permit a greatly stepped-up research and public affairs program. It will also go far in enabling the Agency to fully acquaint the public with the information on disarmament that is so vitally needed.

I am hopeful that this research will place even greater emphasis on the stated objectives of the act; on the "economic, political, legal, social, and psychological factors, related to the prevention of war." I believe that intensified research for conversion to a peacetime economy is a must. The Agency has exerted leadership within the executive branch toward the achievement of the objective of disarmament, but more emphasis should be placed on the achievement of this goal. Answers must be found to the problems caused by a spiraling arms race.

The House action is commendable. I hope that favorable action in the Senate will make this vital expansion possible. The Agency in its brief existence has earned the support of Congress.

Mr. Speaker, my commendations to the Agency on the great strides it has made and my compliments to it on its first anniversary.

COMMITTEE ON WAYS AND MEANS

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight, Tuesday, October 2, to file a conference report on H.R. 11970, the Trade Expansion Act of 1962.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CEREMONIES COMMEMORATING ISSUANCE OF SAM RAYBURN COMMEMORATIVE STAMP

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ROBERTS] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROBERTS of Texas. Mr. Speaker, on September 16, 1962, the late Honorable Sam Rayburn was honored in his hometown of Bonham, Tex., in a ceremony observing the first issuance of the Sam Rayburn commemorative stamp.

It was my distinct privilege to participate in the ceremonies and to have the high honor of introducing the principal speaker, the Honorable LYNDON B. JOHNSON, the Vice President of the United States, who served as a Member of the House of Representatives with the late Speaker. At this point in the RECORD, I would like to include my introduction of the Vice President, along with his remarks:

ADDRESS AND INTRODUCTION OF THE VICE PRESIDENT BY CONGRESSMAN ROBERTS OF TEXAS

Judge Moore, Mr. Vice President, Postmaster General Belen, Senator Yarborough, Mr. Bentsen, Mrs. Bartley, Mrs. Thomas, and friends, we are gathered here to honor the memory of a great man.

Sam Rayburn walked among his friends with modesty and good fellowship, yet he stood tall among the statesmen of the world. His image as a true world leader grows with each passing day.

I am honored to stand in the edge of his reflection and to follow a few steps along the road which he chartered.

The nationwide and worldwide clamor for the stamp that is being issued today is coming not only from the collectors who realize that it will be a stamp of historic significance, but from people who have never saved a stamp in their lives. These are the people who shared our deep regard for the Speaker, Sam Rayburn—people who never had the opportunity, as you and I had, to know him personally, but admired him as a great American.

Always a man to shun personal publicity, he dismissed with gruff good will all public demonstrations in his behalf.

History only acknowledges modesty, though, and does not hesitate to reward greatness.

Even though Mr. Rayburn would have scoffed at the idea, as long as history of the United States is written, there will be an important chapter for Speaker Sam Rayburn.

As his successor as Congressman of this great Fourth District, it is an honor and a privilege to be here to pay tribute to his memory.

I feel a great sense of responsibility today. I am here to present a member of one of the most justly famous legislative teams in our history at a ceremony honoring the other member of the team.

For many years two names dominated the legislative scene. They were Speaker of the House Sam Rayburn and Senate Majority Leader LYNDON B. JOHNSON.

The luster that was attached to those names did not arise solely from legislative skill or political leadership. The Rayburn-Johnson combination was much more than that. It was, in fact, the symbol of responsible, patriotic leadership in which the long-range needs of our country are always to be placed above the temporary exigencies of party necessity.

The relationship between these two men was one which began long before the events which placed them on the national and international scene. The friendship of the late Speaker Rayburn with the Johnsons began with the Vice President's father and was one that continued throughout his life.

It was a relationship that was fortunate for the two men, because they found within each other mutual sources of strength in their common dedication to the service of their country. It was also a relationship which was fortunate for the country because between the two of them they demonstrated so that all could see that the American system was so strong it could survive the strains of heated partisanship and still maintain a common front against the enemies of freedom.

Both were men of humble beginnings. But both were also men of persistence and perseverance. Their close relationship continued even after LYNDON JOHNSON left the Senate to serve in the high office of Vice President of the United States, and in a real sense I think the relationship continues today, because Sam Rayburn is a man who will never really leave us.

As a Texan, I am very proud that two of the most distinguished statesmen of our century have been Texans. And I am very proud of the honor that has been accorded to me today.

As our Vice President, LYNDON B. JOHNSON has established a record without parallel in our history. He has conducted delicate and difficult diplomatic negotiations in the far corners of the globe. He has been entrusted with sweeping responsibilities in the vital field of outer space. He has been assigned the task of assuring equal employment opportunity to the lowly who must have an advocate. He has been present in the highest councils of our Nation, where his voice has been heard in some of the most crucial decisions of our times.

It is my honor, it is my privilege, to present to you that great Texan and that great American, the Vice President of the United States, LYNDON B. JOHNSON.

ADDRESS BY VICE PRESIDENT LYNDON B. JOHNSON

It is a privilege to be here with so many Texans, all of whom knew and loved Mr. Sam Rayburn, as the Post Office Department honors the Speaker with his commemorative stamp.

The real strength of a man can be determined by the way his works are carried on beyond his life and the manner in which his neighborhood honors his memory.

Bonham, Tex., was the Speaker's home; the House was his working place and his life, but the whole of the United States was his neighborhood.

With us today we have the strongest evidence of the ties he made during his stewardship in our behalf.

The Post Office Department tells us that few first-day stamp issuances have created the interest that this one has.

The Sam Rayburn Foundation and its program of scholarships and fellowships for political science is making swift, steady strides toward a successful start.

His hometown friends, his home State friends, and his friends from all the other States stand ready to carry out his wishes in the foundation and at the museum here in Bonham.

Sam Rayburn gained the opportunity to use all of his many fine talents because the people of his home saw in him the raw elements of greatness that he developed to the finest degree.

From the earliest days of statehood, Texas has shown uncommonly good judgment in sending to Congress men who have had the ability and capacity for high national responsibility and it is my firm belief that the greatest of them all was Mr. Sam Rayburn.

Every day I am reminded that it is to my everlasting benefit that I had the great privilege of walking with him a considerable way down the road.

For the Speaker, the road ended last November 16. We miss him now very much. The country misses him.

But we can find wisdom and strength from the lessons he taught and the heritage he left.

He taught responsibility. He was an example of devotion to country and dedication to duty. As he was never stampeded by pressure, he was never held back by fear. He sought always the public good rather than courting mere public approval. These are good things to remember.

But the heritage he left is a heritage of respect for the people which ought to be the hallmark of every public career.

There was never a person in the United States who couldn't see the Speaker. It caused consternation in his staff, but he made his own appointments, at times on the back of the first envelope he pulled from his pocket.

He read all of his own mail. He once told me: "When someone writes me on tablet paper with a lead pencil, I figure what he's writing about is pretty important to him."

The House of Representatives was his alpha and omega. Political writers for years to come will endeavor to analyze Mr. Rayburn who held sway over the House longer than any other mortal.

And they can turn to him for their text: "You can't really say how you lead. You feel your way, receptive to those rolling tides of sentiment. And if a man can't see and hear and feel, why then, of course, he's lost."

The Speaker could do all three. He was part of the good earth.

He furnished much of our straightforward thinking and talking. He was made in the same stalwart, forthright mold that marked our Nation's founders.

He was younger than most of us. What he disliked more than "old fogies," as he put it, was "young fogies."

He believed in staying always alert to new ways to serve social progress and human freedom.

In his last speech in the House—the day he doubled Henry Clay's record as Speaker—he stood in the well so familiar to him and said: "I have so much faith in human beings. I know that people are good folks."

One evening, reminiscing with friends, he put it well. He recalled how good people always had been to him. He talked of Flag Springs, the little town in the old Fourth District where he attended a one-room school.

"All of us are just a little way from Flag Springs," he said. "You know I just missed being a tenant farmer by a gnat's heel."

Whether we come from San Antonio or McKinney, from Graham or Johnson City—each of us is "just a little way from Flag Springs." So long as we remembered that—so long as we remember that we in public life are only servants, that the people who send us here are the masters—then we shall be worthy of the trust vested in us and this Republic shall endure.

Mr. ROBERTS of Texas. Mr. Speaker, on September 16, 1962, it was my privilege to participate in ceremonies observing the first issuance of the Sam Rayburn commemorative stamp held in Bonham, Tex., the hometown of the late Speaker.

Among the many distinguished friends gathered to pay tribute to Mr. Rayburn was his friend, the distinguished senior Senator from Texas, the Honorable RALPH W. YARBOROUGH. At this point in the RECORD I would like to include Senator YARBOROUGH's remarks at the ceremonies:

ADDRESS BY SENATOR RALPH W. YARBOROUGH, OF TEXAS

When Sam Rayburn left us here, 10 months ago today, and 22 years after he was first elected Speaker, 180 million Americans wept, and three Presidents stood on a cold hillside to honor a parliamentary leader whose likes they would not see again.

More than 74 of his 79 years were lived in Fannin County, among you, his relatives, friends and neighbors. You knew him best. His physical characteristics have been reproduced on these U.S. Government stamps, first offered to the people today, here in his beloved Bonham, for hundreds of millions to see and honor.

Beautiful is the artwork and faithful is the picture, but the real Sam Rayburn is pictured best on the hearts and minds of his neighbors. His image reflects the love you feel for a thousand acts of kindness that poured forth from his generous nature as freely as water flowed from the rock that Moses touched.

But if Sam Rayburn were here today, he would put a stop to all this.

He would look about him at this great crowd and say: "Who's keeping the store?"

Yet, I count it as one of the great honors of my life to be here, a part of this ceremony to honor a man whose dedication and ability made him one of the tallest Americans of them all.

> He was a man who could chop wood and hoe cotton; a man who could raise the national prestige of the House of Representatives and advise eight Presidents; a man who could talk gently to a child, or push through tough legislation in a divided Congress to build a mighty army on the eve of war.
>
> I'm proud to have been a Texan in Sam Rayburn's time; to have served in the U.S. Congress and to have known firsthand the true greatness of this man.
>
> I'll tell you why I know Sam Rayburn was not a man to go seeking honors.
>
> Last year, when Mr. Speaker left Washington for the last time to return to his beloved Bonham, with the advice, counsel, and support of some of his closest friends, I introduced in the U.S. Senate a resolution to have a gold medal struck in recognition of his services to his country—his unparalleled service to his country.
>
> On the following day I received in Washington a telegram from Speaker Rayburn which I would like to read: "I hear by the radio that you have introduced a resolution to give me some kind of medal. I appreciate the friendship and generosity displayed by you in this matter, but I do trust that you do not try to pass such a resolution because I do not think that medals of this kind are appropriate for the living and, if it passed, it would be embarrassing to me.
>
> "I trust that you will, as usual, regard my wishes in this matter."
>
> Fellow Americans, as almost everyone in Washington was accustomed to do, I respected his request. All work to get the medal resolution passed was halted, even though 50 Members of the U.S. Senate—in those few hours—signed as cosponsors of the resolution.
>
> In January 1962 I returned from Texas to the new session of Congress, a session starting for the first time in 50 years without Sam Rayburn, and asked for passage of the resolution. Last Wednesday the resolution was passed by the Senate and the House in less than 3 hours in further tribute to the beloved "Mr. Sam." It is to be signed by the President in a few days.
>
> It will be a gold medal bearing a design yet to be chosen, and will go to the Rayburn estate, and probably ultimately will be placed in the library here. Thus it will return to the people Sam Rayburn loved and served. Bronze copies of the medal will be made by the mint and sold to the public at cost.
>
> We are saying, with these stamps and with this medal, to history and to the generations of public servants who are to follow us in the Congress that Sam Rayburn was a great example of the finest tradition of public service in the United States. He heard when the country called, and he knew how to respond. His legacy, his example of service devoted to his country, will be an inspiration to men and women, young and old, so long as his country lives and parliamentary government survives.

And thus it is with the stamp issued here today.

These are modest honors for a man whose stature will tower in history as it did in his lifetime. All of us here are privileged to live a part of his heritage to democracy.

What influences shaped this greatness? Two: heredity and environment—in simpler words the good mind and sound body and examples of good character all around him in his family, and the sense of honor, steadfastness, and high purpose of the people among whom he grew to manhood. Sam Rayburn's life and character are an enlarged photograph of the lives, and the best hopes, ideals, and patriotism of the people of Fannin County.

HON. JOHN F. HENNING: UNDER SECRETARY OF LABOR

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SHELLEY] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SHELLEY. Mr. Speaker, it is my feeling that our President could not have made a better or a wiser choice to fill the position of Under Secretary of Labor than he did in choosing John F. Henning.

The position of Under Secretary of Labor requires, first, a man of experience in the administration of labor legislation and labor programs. Mr. Henning has served with distinction as the director of the California Department of Industrial Relations since 1959. He will bring to the U.S. Department of Labor invaluable experience in administering one of the largest State labor departments in the country. This experience will materially aid him to fulfill the duties of Under Secretary of Labor, in handling the day-to-day operations of the major bureaus of the Department.

Mr. Speaker, it requires, second, a man who has worked in the broad range of human relations. Today, as never before, the Department of Labor is in the forefront of agencies responsible for the solution of our domestic and world problems. Among the most serious and important of these is the problem of interracial and intergroup relations.

Mr. Henning has had a lifelong interest in such problems. Most important, he has shown a deep concern with fundamental personal rights and interracial justice. He is a longtime member of the San Francisco Council for Civic Unity. He is a member of the advisory committee of the Catholic Interracial Council of San Francisco. He was a forceful commissioner of the first fair employment practices commission to be established in California, the San Francisco Committee on Equal Employment Opportunity. As director of the California Department of Industrial Relations, much of his effort was directed to making its division of fair employment practices the workable and viable instrument that it is today.

In international affairs, Mr. Henning has served as a member of the executive committee and trustee of the World Affairs Council of Northern California. In 1961 he was the recipient of an award from the Government of Israel for friendship for and support of the State of Israel.

Mr. Speaker, Mr. Henning has served with many other organizations concerned with public affairs. Among them, he has been a member of the Public Welfare Commission for the City and County of San Francisco. He is a member of the U.S. Department of Labor Advisory Committee on Young Workers. He is vice president of the San Francisco Recreation Center for the Handicapped.

For some 10 years he served as research director of the California State Federation of Labor where he worked closely with Mr. C. J. Haggerty, then secretary of the State federation of labor, and now president of the AFL-CIO Building Trades Department.

Among the honors he has received is the University of San Francisco's 1961 Regis Award for distinguished service in the field of labor-management relations. In September of this year he became the first recipient of the Catholic Labor Institute's Public Service Award.

Mr. Speaker, it is my judgment that Mr. Henning will serve with great credit in this key position in the operation of the Federal Government. He will bring dispassionate fairness and good will to the difficult and important post of Under Secretary of Labor.

EXCELLENCE IN EDUCATION

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FOGARTY. Mr. Speaker, recently I commented in the CONGRESSIONAL RECORD on the concern of the Congress and the administration relative to the role of the Office of Education in the Federal structure.

Sterling McMurrin has resigned as Commissioner of Education to return to the teaching of philosophy at the University of Utah. Among the many scholarly contributions Sterling McMurrin made during his term of office was his definition of an educated man:

> He has hope for the future, but refuses to deny the tragedies of the present. [He] is one who loves knowledge and will accept no substitutes and whose life is made meaningful through the never-ending process of the cultivation of his total intellectual resources.

These observations of Dr. McMurrin quite obviously reflect his firm belief that nothing less than excellence in education will suffice in this age of peril. He was not satisfied with education as he found it. He asked for the collective effort of the best minds, educators, and laymen alike, in the identification of the large needs in education and in the charting of the course to satisfy them. He called for vigor in education; for critical study of the aims and purposes of education; for courage in recognizing and examining the weaknesses in education; and for deliberate and forceful action in effecting needed changes.

He is totally committed to the need for the improvement of instruction in all basic subjects. He includes among the basic subjects the study of history and philosophy, as well as education in the arts—which are essential to the quality and character of our culture and to general national strength, and which encourage the creativity that is a part of the fabric of our freedom and our society.

Dr. McMurrin believes that the Office of Education must be the chief source of leadership in American education—of leadership in ideas, leadership in incentive, and of genuine inspiration for the forward movement of American education. To that end, his administration emphasized quality education for teachers and students to satisfy the large national needs before us now and in the future. He firmly believes that the quality of education is determined mainly by the kind and character of our teacher education.

Under his administration, the Office of Education has provided the leadership needed to upgrade the teaching of English in our schools and this year the Office will inaugurate a similar program in the social studies.

Under Sterling McMurrin's leadership the Office of Education has played a major role in focusing national attention on the need for education for freedom and world understading. Programs for education in our great urban centers have received the special attention of the Office of Education during McMurrin's period of leadership.

Dr. McMurrin was greatly concerned by the impact on the American educational system of Federal programs affecting education. In addition to the study and the assessment of such Federal programs called for by the National Defense Education Act, he took the leadership in policy discussions with the heads of other Federal agencies with respect to science education and closer coordination between the Office of Education and other agencies involved in international educational programs which draw upon the same domestic resources.

Other emphases during Dr. McMurrin's administration dealt with the expansion of educational opportunity, the encouragement of greater educational attainment, and education for public service.

These actions reflect Dr. McMurrin's ability to see problems in terms of their far-reaching consequences for the Nation and the world and his deep personal interest in having the Office address itself to major problems confronting American education.

In his farewell remarks to the staff of the Office of Education, Sterling McMurrin has this to say about the future of the Office:

> I believe that the future of the Office deserves the careful and continuing consideration of all of us, and of all those who are interested in the future of American education. Many good things have come from the Office of Education in the past, and many, many more things must come from it in the future. It must be the chief source of leadership in American education—of leadership in ideas, leadership in incentive, and of genuine inspiration for the forward movement of American education. I have found, as a matter of fact, that many people in the Office of Education have been somewhat apologetic about the role which they have performed in relationship to education in the Nation at large, and it seems to me, in relationship to some institutions and some educational organizations. I would like to insist that the U.S. Office of Education should never be compared in any way whatsoever with any of the educational organizations that represent institutions or that represent educational functions or that represent segments of the educational profession. It, in a sense, stands over and above any educational organization that we can identify simply by reason of its being a basic function and agency of the Federal Government, and it should, it seems to me, be the chief source of leadership in American education. I have no doubt that it will continue to be a source of genuine leadership and will continue to increase in its command of respect from the educational world.

In summary, Dr. McMurrin is a man of imagination, of the highest personal integrity, and of total commitment to the improvement of education.

WHY NOT SHEA STADIUM?

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Rooney] may extend his remarks in the body of the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROONEY. Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House, I am pleased to include with these remarks the "Over the River" column of Edward Zeltner published in the New York Mirror of Thursday, September 6, 1962.

To name the new stadium in Queens, New York City, now under construction, where the New York Mets baseball team will play their home games, Shea Stadium is a splendid and worthwhile suggestion. No one has done more to return National League baseball to New York City than my longtime friend, the Honorable William A. Shea, and I sincerely trust that the proper authorities in New York City will name the stadium Shea Stadium.

Over the River—Start Drive for Shea Stadium

(By Edward Zeltner)

A second for Mr. Gimbel: Merchant Prince Bernard Gimbel, in a letter to the Mirror the other day, proposed that the new Mets ballpark being built in Flushing Meadows be named "Shea Stadium"—to recognize the man who—more than anyone else is responsible for the return to National League baseball to New York City.

Unhesitatingly, we second Mr. Gimbel's motion.

What's more, we herewith inaugurate our own campaign to enlist popular support for the Gimbel proposal.

Attorney William A. (Bill) Shea, an "old Dodger like myself (and dyed-in-the-wool Brooklynite) as spearhead of Mayor Wagner's Citizens Committee to bring a National League club back to New York—to take up the void left by the lamming Giants and Dodgers—lived with his assignment almost around the clock—until success was achieved.

Mr. Gimbel points this out. Gimbel should know. He was a member of Shea's committee. So were genial Jim Farley and Clint Blume, who, I am sure, would readily nod assent to the "Shea Stadium" proposal. So would all of my sports writing confreres who shadowed Shea through every step of his tireless negotiations until they reached fruition.

We'd like to see Brooklyn Beep Abe Stark, who had a firsthand gander of Shea in action, as a member of the board of estimate; Queens Beep Clancy, Richmond Beep Al Maniscalco join the proponents of a "Shea Stadium." Also, Shea's old buddy, Tom Deegan, another forward-looking gent who is a top member of Bob Moses' official World's Fair family—and a ton of others among the high brass, I could name.

Shea Stadium would indeed be a deserving honor for an old Brooklyn boy who did his job—and did it well.

So, let this be an open invitation to our over-the-river readers to join our "let's call it Shea Stadium committee," which we're in the process of organizing. Send us a note—or even a card—to 235 East 45th Street, New York, N.Y., saying you agree—and we will channel it to the authorities who will make the ultimate decision. Let's go.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Taber (at the request of Mr. Kilburn), on account of illness in his family.

Mrs. Hansen, for September 27, 28, balance of week, and indefinite period, on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ashbrook, for 60 minutes, today.

Mr. Whitener, for 10 minutes, today.

Mr. Rogers of Florida, for 5 minutes, today.

Mr. Saylor, for 60 minutes, tomorrow.

Mr. Halpern (at the request of Mr. Nelson), for 10 minutes, today.

Mr. Moore (at the request of Mr. Nelsen), for 1 hour, on October 1.

Mr. Moore (at the request of Mr. Nelsen), for 1 hour, on October 2.

Mr. Gallagher (at the request of Mr. Waggonner), for 1 hour, tomorrow.

Mr. Holifield (at the request of Mr. Waggonner), for 30 minutes, following special order of Mr. Gallagher.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Harsha and to include the results of a public opinion poll.

Mr. Gathings.

Mr. Smith of Iowa.

Mr. Arends and Mr. Broomfield (at the request of Mr. Nelsen) to revise and extend their remarks on Senate Joint Resolution 230 and include extraneous matter.

(The following Member (at the request of Mr. Nelsen) and to include extraneous matter:)

Mr. Jonas.

(The following Members and to include extraneous matter:)

Mr. Corman.

Mr. Garmatz.

Mr. Abbitt.

Mr. Fogarty in two instances.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12391. An act to improve and protect farm income, to reduce costs of farm programs in the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products of consumers to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes; and

H.R. 12526. An act to amend section 172 of the Internal Revenue Code of 1954 to provide a 7-year net operating loss carryover for certain regulated transportation corporations.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits;

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes;

S. 2798. An act to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof;

S. 2977. An act to amend the Life Insurance Act of the District of Columbia;

S. 3358. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank;

S.J. Res. 60. Joint resolution to establish the sesquicentennial commission for the celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes; and

S.J. Res. 224. Joint resolution to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 25, 1962:

H.R. 218. An act to provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States;

H.R. 575. An act to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes;

H.R. 1304. An act for the relief of Jung Hae;

H.R. 1960. An act to amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts, and for other purposes;

H.R. 2604. An act for the relief of Pietro Dettoli;

H.R. 5312. An act for the relief of certain additional claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N.C., on March 7, 1942;

H.R. 5320. An act for the relief of Robert Knobbe;

H.R. 6016. An act for the relief of William Thomas Dendy;

H.R. 6649. An act for the relief of C. W. Jones;

H.R. 6998. An act for the relief of Anthony Pirotta;

H.R. 6999. An act for the relief of Henry Massari;

H.R. 7123. An act for the relief of Mrs. Takako Coughlin;

H.R. 7438. An act for the relief of Anna Caporossi Crisconi;

H.R. 7704. An act for the relief of Chyung Sang Bak;

H.R. 8626. An act for the relief of Wilfrid M. Cheshire;

H.R. 9578. An act for the relief of Annie Yasuko Bower;

H.R. 9587. An act for relief of Anthony E. O'Sorio;

H.R. 9603. An act for the relief of Lt. Cmdr. Joseph P. Mannix;

H.R. 9893. An act for the relief of Tedeusz Sochacki;

H.R. 9995. An act for the relief of Dwight W. Clarahan;

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.;

H.R. 10678. An act for the relief of Angelo A. Russo;

H.R. 10720. An act for the relief of Rexford R. Cherryman, of Williamsburg, Va.;

H.R. 11164. An act to approve an amendatory repayment contract negotiated with the Quincy Columbia Basin Irrigation District, authorize similar contracts with any of the Columbia Basin Irrigation Districts, and to amend the Columbia Basin Project Act of 1943 (57 Stat. 14), as amended, and for other purposes;

H.R. 11266. An act to amend the act of March 8, 1922, as amended, to extend its provisions to the townsite laws applicable in the State of Alaska;

H.R. 12416. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of chestnut extract proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.R. 12818. An act to amend the act of July 13, 1946, to authorize the construction, maintenance, and operation of certain additional toll bridges over or across the Delaware River and Bay; and

H.J. Res. 730. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week;

On September 26, 1962:

H.R. 12391. An act to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes.

ADJOURNMENT

Mr. WAGGONNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Thursday, September 27, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2580. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1962, submitting a report, together with accompanying papers and illustrations, on a comprehensive report on the Four River Basins, Fla., requested by resolution of the Committee on Public Works, U.S. Senate, adopted May 12, 1950, and other resolutions of that committee and of the Committee on Public Works, House of Representatives, and of the River and Harbor and Flood Control Acts listed in the report (H. Doc. No. 585); to the Committee on Public Works and ordered to be printed with illustrations.

2581. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to establish an additional office of Assistant Secretary qf Agriculture, and for other purposes"; to the Committee on Agriculture.

2582. A letter from the Secretary of Labor, transmitting a report on the operation of title III, union trusteeships, of the Labor-Management Reporting and Disclosure Act of 1959, which section 305 of that act requires at the expiration of 3 years from enactment; to the Committee on Education and Labor.

2583. A letter from the Secretary of Defense, transmitting the semiannual report relating to the authority to establish or develop installations and facilities required for advanced research projects, pursuant to Public Law 85–685; to the Committee on Armed Services.

2584. A letter from the chairman, Foreign Claims Settlement Commission of the United States, transmitting the 15th Semiannual Report of the Foreign Claims Settlement Commission of the United States as of December 31, 1961, pursuant to section 9 of the War Claims Act of 1948, as amended, and the International Claims Settlement Act of 1949, as amended; to the Committee on Foreign Affairs.

2585. A letter from the Comptroller General of the United States, transmitting a report on the examination of purchases of certain major components for Redstone and Jupiter missiles by Chrysler Corp., Detroit, Mich., as prime contractor under Department of the Army cost-plus-a-fixed-fee contracts; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. House Resolution 773. Resolution authorizing the employment of additional personnel for the Offices of the Doorkeeper and Postmaster of the House of Representatives; without amendment (Rept. No. 2479). Ordered to be printed.

Mr. DAWSON: Committee on Government Operations. Twenty-sixth report pertaining to contract operations (Rept. No. 2480). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-seventh report pertaining to decentralizing Federal activities (Rept. No. 2481). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOWDY: Committee on the Judiciary. S. 699. An act to amend the act entitled "An act to incorporate the Hungarian Reformed Federation of America", approved March 2, 1907, and for other purposes; without amendment (Rept. No. 2482). Referred to the House Calendar.

Mr. FORRESTER: Committee on the Judiciary. Senate Joint Resolution 214. Joint resolution authorizing the President of the United States to designate the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week; with amendment (Rept. No. 2483). Referred to the House Calendar.

Mr. WALTER: Committee on the Judiciary. H.R. 11086. A bill to amend title 28, United States Code, to provide for additional commissioners of the U.S. Court of Claims, and for other purposes; with amendment (Rept. No. 2484). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORRESTER: Committee on the Judiciary. H.R. 11944. A bill to incorporate the American Symphony Orchestra League; with amendment (Rept. No. 2485). Referred to the House Calendar.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 1288. An act to amend section 362(b) of the Communications Act of 1934; without amendment (Rept. No. 2486). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIAMS: Committee on Interstate and Foreign Commerce. S. 962. An act to amend the Federal Aviation Act of 1958, as amended, to aid the Civil Aeronautics Board in the investigation of aircraft accidents, and for other purposes; with amendment (Rept. No. 2487). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHELF: Committee on the Judiciary. H.R. 12886. A bill for the relief of Dr. Olga Marie Ferrer; without amendment (Rept. No. 2478). Referred to the Committee of Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 13231. A bill to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 13232. A bill to amend the Legislative Reorganization Act of 1946 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States; to the Committee on Rules.

By Mr. INOUYE:

H.R. 13233. A bill to amend the Internal Revenue Code of 1954 to provide that the deduction for real property taxes shall be allowed to a tenant in certain cases; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 13234. A bill to amend subsection (e) of section 44 of the Trademark Act; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 13235. A bill to provide for the establishment of a permanent Commission on Aircraft Noise Abatement Problems; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON:

H.R. 13236. A bill to simplify payroll administration in the House of Representatives by providing that the salaries of certain employees of the House and the clerk hire allowance of Members, shall consist of aggregate annual amounts rather than basic annual amounts plus additional amounts, and for other purposes; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H.R. 13237. A bill for the relief of certain persons having summer homes in the Rio Grande Canyon summer home group, in the Rio Grande National Forest; to the Committee on Agriculture.

By Mr. TOLLEFSON:

H.R. 13238. A bill to authorize a per capita distribution of $500 from certain funds of the Yakima Tribes of Indians; to the Committee on Interior and Insular Affairs.

H.R. 13239. A bill to authorize a per capita distribution of $350 from funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation; to the Committee on Interior and Insular Affairs.

By Mr. MORRIS K. UDALL:

H.R. 13240. A bill to terminate price supports and acreage and marketing restrictions on basic agricultural commodities and feed grains, and to provide for acreage payments during a transitional period; to the Committee on Agriculture.

By Mr COOLEY:

H.R. 13241. A bill to amend section 309 of the Food and Agriculture Act of 1962; to the Committee on Agriculture.

By Mr O'HARA of Michigan:

H.R. 13242. A bill to amend the National Defense Education Act of 1958 in order to extend the provisions of title II relating to cancellation of loans under such title to teachers in private nonprofit elementary and secondary schools and in institutions of higher education; to the Committee on Education and Labor.

H.R. 13243. A bill to provide wage standards for persons engaged by Federal contractors or subcontractors to furnish services or maintenance work to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mrs. DWYER:

H.J. Res. 893. Joint resolution to amend the Constitution to enable the Congress to function effectively in time of emergency or disaster; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 894. Joint resolution providing for an immediate air and naval blockade of Cuba for the purpose of implementing the Monroe Doctrine; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 570. Concurrent resolution expressing the sense of the Congress with respect to the situation in Berlin; to the Committee on Foreign Affairs.

By Mr. FEIGHAN:

H. Con. Res. 571. Concurrent resolution expressing the sense of the Congress with respect to the situation in Berlin; to the Committee on Foreign Affairs.

By Mr. COLMER:

H. Con. Res. 572. Concurrent resolution expressing the sense of the Congress with respect to the situation in Berlin; to the Committee on Foreign Affairs.

By Mr. ST. GERMAIN:

H. Con. Res. 573. Concurrent resolution providing that certain violations of human rights by the Government of Poland shall be brought to the attention of the General Assembly of the United Nations; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Con. Res. 574. Concurrent resolution authorizing the printing of a wall map of the United States, and for other purposes; to the Committee on House Administration.

By Mr. JUDD:

H. Con. Res. 575. Concurrent resolution expressing the sense of the Congress with respect to the situation in Berlin; to the Committee on Foreign Affairs.

By Mr. CUNNINGHAM:

H. Res. 809. Resolution to amend the Rules of the House of Representatives to increase the period for which printed committee hearings and reports on general appropriation bills must be available before such bills may be considered in the House; to the Committee on Rules.

By Mr. GLENN:

H. Res. 810. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. SIKES:

H. Res. 811. Resolution concerning the recognition of a free Cuban Government-in-exile; to the Committee on Foreign Affairs.

By Mr. SMITH of California:

H. Res. 812. Resolution to permit committees to broadcast and televise hearings; to the Committee on Rules.

By Mr. CURTIN:

H. Res. 813. Resolution to amend rule XXI of the Rules of the House of Representatives to require the yeas and nays in the case of final action by the House of Representatives on general appropriation bills; to the Committee on Rules.

By Mr. ROGERS of Texas:

H. Res. 814. Resolution to create a select committee to investigate personnel and procedures in the U.S. Department of Agriculture; to the Committee on Rules.

By Mr. SMITH of Mississippi:

H. Res. 815. Resolution authorizing an increase in the allowance for stationery for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 13244. A bill for the relief of Demetrios Diamantis Mitsakopoulos; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 13245. A bill for the relief of Marie Horava; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H.R. 13246. A bill for the relief of Yin-Chio Ton; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 13247. A bill for the relief of Col. Ray O. Busch; to the Committee on the Judiciary.

H.R. 13248. A bill for the relief of Gordon W. Heritage, Sr., and Sara Martha Heritage; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 13249. A bill for the relief of Genzig M. Nazim; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 13250. A bill for the relief of Mrs. Justine M. Dubendorf; to the Committee on the Judiciary.

By Mr. CLEM MILLER:

H.R. 13251. A bill for the relief of Edward A. Feike; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 13252. A bill for the relief of Doo Tun Woo; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H.R. 13253. A bill for the relief of Rosa Cleta; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 13254. A bill for the relief of Robert LaBounty; to the Committee on the Judiciary.

H.R. 13255. A bill for the relief of Margot von Opel; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 13256. A bill for the relief of Lim Ok Sook; to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 13257. A bill for the relief of Anastasia Bonaros; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.J. Res. 895. Joint resolution authorizing the President of the United States to issue a proclamation declaring Sir Winston Churchill to be an honorary citizen of the United States of America; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The ASC Farmer Committees

EXTENSION OF REMARKS

OF

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. GATHINGS. Mr. Speaker, the farmer committee system of administering farm programs is under attack due to the shortcomings of a great minority of these groups.

The ASC committee system is not only government of and for farmers—it is government by farmers. The regulatory programs such as marketing quotas and orders rest upon favorable referendums among producers concerned. The farmer committees taking the leadership in explaining provisions and helping farmers understand not only what the program provisions are, but why they exist, and how the programs themselves relate to the total national economy.

Since it was created in 1936, the farmer committee system has weathered many storms and it has done so because of its good record. That record continues to add luster to the role of committeemen. Recently, as a result of the Billy Sol Estes affair, another all-out campaign is underway to undermine public confidence in the farmer committees.

I think the record should show the facts. In addition to 50 State committees, there are more than 3,000 county committees consisting of 9,160 elected committeemen.

And there are more than 27,000 community committees, also elected. Altogether there are about 90,000 county and community committeemen. Are all these to be punished because of the transgressions of a very few individuals? That would be rather like throwing the baby out with the bath.

The men comprising the committee system must be credited with much of the successful operation of the wheat stabilization and feed grain programs of the past 2 years, with their ultimate savings to taxpayers through reduction in surplus buildup of Commodity Credit Corporation stocks. Farmer committees are entitled to much of the credit for the $1.1 billion rise in farm income last year. This money is being spent with businessmen in small towns. It helps build schools and educate young folks.

The ASC farmer committees have worked hard and frequently under pressure of time to translate congressional authority into locally adaptable programs. Their dedication is not only to farmers but also to farm communities and to agriculture.

Better living standards go hand-in-hand with farm programs. We in Congress—and all Americans everywhere—owe much to the efficiency of ASC committees and their employees in county offices. Their truly remarkable achievements are helping all of us use our agricultural abundance to build a stronger and increasingly more virile America.

Congressman William H. Harsha Announces Results of Public Opinion Poll of Ohio's Sixth District

EXTENSION OF REMARKS

OF

HON. WILLIAM H. HARSHA, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. HARSHA. Mr. Speaker, for the past month I have been conducting a public opinion poll in the Sixth Congressional District of Ohio, which I have the honor to represent here. It has been my purpose to solicit the opinions of the people to determine their feelings about important issues that are awaiting action by the House of Representatives so that I could give the best representation possible. Participation in the poll was not limited to any special group. Through the mailing of a questionnaire and the cooperation of district newspapers, which kindly reprinted the questionnaire as a public service, the opportunity to participate was made available to all of those interested in expressing their views.

The poll contained nine questions relating to matters of domestic and foreign policy. The results of this opinion survey are now available. It is surprising that the tabulation indicates such definite trends in the thinking of the people of the district. The results show that opinions on over half of the questions registered more than 75 percent support or opposition.

The people expressed great concern over the weakness of our foreign policy and the concessions being offered to the Soviet Union by relaxing inspection requirements on nuclear testing.

Another issue of vital importance and concern to the citizens of the Sixth District is the activity of labor leaders who have encouraged strikes at our missile bases, thereby placing our national defense program in jeopardy. The citizens of the district want such strikes outlawed.

Of course, there was considerable opposition to the Federal Government subsidizing transportation facilities in urban areas. Apparently the citizens of the Sixth District feel this is a matter of local concern that should be handled by private enterprise with the users of the facilities paying for the service as is customary with utilities whether it be a commodity or a service that is being sold.

Likewise considerable opposition was expressed to the construction of fallout shelters.

Every survey has its limitations. Brevity in questioning does not permit comprehensive answers embracing all facets of an issue. It is extremely difficult to answer a question by a simple yes or no.

Many thousands of persons returning the questionnaire added comments discussing the issues. Although these comments are extremely helpful to me in assessing the feelings of the people of the district, it is not possible, unfortunately, to reflect them in statistical form. However, I wish to point out that a very large proportion of those making comments expressed serious concern and outspoken opposition to increasing the powers of the President and greater Federal expenditures that are producing mounting deficits and adding to the burden of the national debt.

Following are the detailed results of the poll:

1. Do you favor Federal aid for construction of public fallout shelters? Yes, 14 percent; no, 77 percent; undecided, 9 percent.

2. Do you favor a program of matching grants amounting to approximately $1 billion for construction of new medical and dental schools? Yes, 12 percent; no, 57 percent; undecided, 31 percent.

3. Do you favor the Urban Mass Transportation Act providing for $500 million in Federal grants for mass transportation facilities and equipment in urban areas? Yes, 10 percent; no, 79 percent; undecided, 11 percent.

4. Are you in favor of a Youth Conservation Corps to provide employment for the unemployed young men of America? Yes, 54 percent; no, 35 percent; undecided, 11 percent.

5. Do you favor a law that prohibits racial discrimination in federally assisted housing? Yes, 42 percent; no, 45 percent; undecided, 13 percent.

6. Do you favor legislation outlawing strikes on missile bases? Yes, 82 percent; no, 12 percent; undecided, 6 percent.

7. Do you favor a firmer attitude in U.S. foreign policy? Yes, 89 percent; no, 6 percent; undecided, 5 percent.

8. Do you favor relaxing inspection requirements now demanded by the United States in a nuclear test ban treaty? Yes, 8 percent; no, 84 percent; undecided, 8 percent.

9. Do you favor an across-the-board cut in income taxes? Yes, 43 percent; no, 45 percent; undecided, 12 percent.

Public Opinion Poll, Eighth District of North Carolina

EXTENSION OF REMARKS

OF

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. JONAS. Mr. Speaker, earlier in the year I distributed 45,000 questionnaires among the residents of the Eighth Congressional District of North Carolina. Approximately three-fifths were sent to residents of rural areas because many people in the district work in town but receive their mail on rural routes, and the remainder went to residents of the towns and cities in the district.

The response to this questionnaire was gratifying—5,321 returned questionnaires or almost 12 percent. The returns came from farmers, laborers, executives, storekeepers, clerks, teachers, housewives, and professional men and women.

Many who returned questionnaires extended their answers by adding explanatory comments. Some discussed issues not even listed on the questionnaire. I have personally read all of these supplementary comments and appreciate the willingness of so many people to share their views with me on important issues facing our country.

Although the final responsibility for votes I cast in Congress must necessarily be my own, and is always based upon a careful consideration of all of the pro and con arguments on a given bill, I believe the people should have an opportunity to express their views on current issues and to know that their views will receive consideration by me. The use of such a questionnaire is the most practicable way I know to give them that opportunity and I am pleased that so many took advantage of it.

Following are the questions and answers indicated on a percentage basis:

1962 questionnaire

	Percent		
	Yes	No	No opinion
(1) Do you favor establishing a new Cabinet-level Department of Urban Affairs and Housing?	16	77	7
(2) Do you favor giving the President standby authority to adjust income taxes without prior act of Congress?	11	86	3
(3) Should the U.S. Government build and supply fallout shelters?	23	66	11
(4) Do you think the House Un-American Activities Committee serves a useful purpose?	65	19	16
(5) Do you favor giving the President authority to reduce tariffs below present levels?	28	63	9
(6) Do you favor spending an additional $5,000,000,000 to $10,000,000,000 to send a man to the moon?	42	50	8
(7) Do you favor a Government-sponsored medical care program for the aged?	44	49	7
(8) If so, which plan do you prefer?			
(a) A compulsory system for all persons under social security, regardless of need, to be financed by increasing social security taxes?	19	25	56
(b) Expanding the present Federal-State medicare program (Kerr-Mills) administered by the States?	29	16	55
(9) President Kennedy has proposed that the U.S. Government purchase ½ of a $200,000,000 United Nations bond issue to finance United Nations operations in the Congo. Do you favor this proposal?	27	65	8
(10) Do you favor additional Federal aid for education?	38	56	6
(11) If so—			
(a) Would you restrict it to school construction?	20	17	63
(b) Would you provide aid for general operating expenses, including teacher salaries?	16	22	62
(c) Would you favor the Government relinquishing to the States a percentage of individual income taxes, or, say tobacco taxes, and earmark these funds for use by the States only for support of education, without any limitation as to use?	34	18	48
(12) Do you favor extending or expanding the existing Federal program of loans to college students?	44	42	14
(13) Or would you prefer legislation that would grant an income tax deduction for college tuition and expenses?	57	26	17
(14) Do you think postage rates should be adjusted periodically to make the postal service self-supporting?	75	18	7
(15) If so, do you believe each class of mail should pay its own way in accordance with cost ascertainment figures compiled by the Post Office Department?	69	15	16
(16) Or should some of the costs of certain classes of mail be provided out of general revenues because of their educational and cultural values?	21	50	29
(17) President Kennedy is proposing a $10,000,000,000 increase in the national debt limit. Do you favor this?	19	73	8
(18) If a Communist takeover could be prevented only by sending U.S. troops, would you favor doing so in—			
(a) Latin America	72	12	16
(b) Southeast Asia	49	22	29
(c) Africa	48	25	27
(d) Elsewhere outside the United States	59	14	27
(19) With respect to Berlin, would you—			
(a) Maintain our position at all costs	74	10	16
(b) Negotiate a settlement on the best terms available	18	27	55
(20) With respect to Cuba, would you—			
(a) Accept the status quo	9	37	54
(b) Support an invasion with enough forces to win	44	18	38
(c) Impose all possible economic sanctions	65	5	30
(d) Continue to seek support of the Organization of American States for strong cooperative action	70	6	24
(21) Do you favor the United States resuming nuclear bomb testing in the air?	71	18	11

Mr. Smith Goes to Washington

EXTENSION OF REMARKS

OF

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. CORMAN. Mr. Speaker, I know that many of my colleagues both here and in the Senate recall with fondness a motion picture of some years ago called "Mr. Smith Goes to Washington." It was the first of several films which came out of my district in California, dealing with the subject of this Congress. None have dealt with the subject with more warmth, good humor, and realism than "Mr. Smith."

It is my pleasant duty at this time to call the attention of my colleagues to a rebirth of this compelling motion picture, but this time in the medium of television. This series, which stars Fess Parker in the role created by James Stewart 25 years ago, will be premiering shortly on nationwide television. I had the good fortune to see an episode of this series recently in my district, and it stimulated some thoughts on the subject which I should like to pass on here.

In addition to being entertaining, it seems to me that the series, "Mr. Smith Goes to Washington" has a real opportunity to bring greater interest in and understanding of our Congress to the American people. This, I suggest, is most important in a system where all of the people are truly and equally sovereign if, and only if, they understand and accept their responsibility. Too often Congressmen and Senators are thought of as different from other people, either put on a pedestal as being all wise and powerful, or relegated to the gutter as crooked politicians squandering the taxpayer's money. The concepts are equally erroneous.

"Mr. Smith" will do much to show the American public that we are all the same—limited by human frailties but sincerely interested in people and in our job, and dedicated to seeing that this form of government of ours survives. Those making the "Mr. Smith" series are substantially helping us here in Congress. I wish them much success, and eagerly await my half-hour visit with the Senator in my living room.

Agricultural Stabilization and Conservation Committeemen Deserve a Vote of Thanks

EXTENSION OF REMARKS

OF

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. ABBITT. Mr Speaker, our agricultural abundance has caused many problems in the past several years for farmers, the Congress, and others interested in this most important segment of our overall economy.

There are today several congressionally enacted programs dealing with our agricultural production and conservation of our natural resources. Responsibility for many of these programs is under the general direction of farmer-elected ASC committeemen. These committeemen have a major responsibility for seeing that farmers and others are informed about the agricultural programs that are available and the eligibility requirements to participate in these programs.

The ASC committeemen are key people in seeing the programs involving millions of farmers and billions of dollars are carried out fairly and in accordance with official regulations. The committee's policies and decisions greatly determine the course of action taken by the county office manager and clerks in the ASC county office.

It is essential that correct information be given farmers regarding programs for cotton, tobacco, rice, peanuts, wool, the agricultural conservation program, and all the other programs including the wheat and feed grain programs which we enacted in 1961 and again in 1962. Furnishing correct information, establishing policies and making decisions in connection with these programs is a tremendous responsibility for ASC committees.

The tremendous success of the programs speaks adequately for the way in which committeemen have met their responsibility. I have no doubt but that the same fine dedicated service will be rendered by farmer-elected committeemen in future years. I feel we owe the ASC committees a vote of thanks. This is one way we can let them know they are fully appreciated.

Congressman Brewster Addresses Kings Point Club—American Seapower at the Crossroads

EXTENSION OF REMARKS

OF

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. GARMATZ. Mr. Speaker, the Kings Point Club of Baltimore, Md., Milton G. Nottingham, president, observed Maritime Day with a dinner on September 24. All of the members of the club are alumni of the Merchant Marine Academy. Among the guests of honor were Rear Adm. Gordon McLintock, Superintendent of the Academy, Rear Adm. Halert C. Shepherd, USCG (retired), the mayor of Baltimore and several members of the Maryland congressional delegation.

We were privileged to hear an excellent address by our colleague, DANNY BREWSTER, who ably discussed maritime affairs as they affect the Nation, and also the port of Baltimore. Because this is a subject of concern to all of us, I am inserting his remarks in the RECORD for the perusal of the Members.

AMERICAN SEAPOWER AT THE CROSSROADS

(Remarks of the Honorable DANIEL B. BREWSTER, of Maryland, before the Kings Point Club of Baltimore, Monday, Sept. 24, 1962)

Let me begin by stating two categorical imperatives.

First, a strong, modern American merchant marine is vital to our country's interests. Without it, we cannot have a balanced defense capability, and we cannot hope to increase the rate of our economic expansion as fast as we must to compete in today's world.

Second, the port of Baltimore is the most important single factor in our State's industrial community. The continued expansion and improvement of the port's facilities is vital to Maryland's economic well-being.

You who are here tonight represent almost every facet of the American maritime industry—its supporting services, its related industries—and interested local, State, and Federal agencies. You, more than any other group, can vouch for the validity of these statements.

Now, let's examine together some of the varied aspects and the problems of our present situation.

American seapower, in its total sense, is one of our most potent weapons in the cold war struggle with international communism. Today, more than ever in our history, we are, as a maritime nation, dependent upon the combined capability of our naval and commercial fleets.

Our seapower is more than Polaris submarines and high speed luxury liners. It is tankers, ore carriers, tramps, and coastwise carriers. It is our shipbuilding capacity and the technical and design skills of our naval engineers working in concert with the skills of our shipyard workers. It is the know-how and the dedication of the men who man the ships and those who handle them at portside; and behind this, there is our wealth of natural resources and our geographical advantages.

In short, we have all the tools which enable a nation to use the sea to its advantage during peace or in time of war. We cannot, however, take our maritime position for granted. We must overcome past neglect and shortsightedness. We must push forward to new maritime frontiers.

We must proceed without delay to modernize and build up our U.S. merchant marine. We must make maximum use of new technologies. This, of course, means spending substantial sums of money. But, as important as the bookkeeper is, we cannot allow him to be the final arbiter of our national maritime policy.

Recent events make it imperative that we aggressively compete for a larger share of world trade.

The European Common Market is now a firm reality. It has become one of the main bulwarks against the spread of communism into Western Europe. It also represents a tremendous economic challenge to the United States. It can be either our toughest competitor or our best customer. The choice is largely up to us.

Passage of the President's new liberal trade bill represents a significant shift in U.S. trade and tariff policies. It marks a signal victory for the advocates of free trade and promises to materially aid our efforts to secure a larger share of world markets for U.S. industry and agriculture.

The volume of trade between us and our Allies and the uncommitted nations will undoubtedly expand greatly in the years ahead. We must find a way to insure that our merchant marine carries a much larger share of this trade.

In our struggle with the Communist world, trade is a key factor—a potent weapon for the side which uses it most effectively. The Russians were late in arriving on the maritime scene, but it is apparent that they fully understand the importance of mercantile seapower.

Soviet expansion, in both naval and merchant fleets, shows their determination to replace us as the world's No. 1 seapower. The primary position given to submarines in the growing Soviet Navy openly shows their intention to cut our sea links, of trade and supply, in time of war. Growing emphasis on merchant shipping shows the value the Soviets place on world trade for attaining their objectives.

Russia now has a merchant marine of about 900 ships—over 4½ million deadweight tons. Her satellites provide an additional 200 ships, totaling 1¼ million tons. This fleet is steadily expanding through building in Soviet bloc shipyards and purchases from the free world. Last year the chairman of the Russian shipbuilding ministry was quoted as saying that the demand of the Soviet merchant marine was increasing so rapidly that Soviet shipyards no longer could fully cope with it and that by 1965 the volume of Soviet seaborne freightage would be almost tripled compared with 1958.

Soviet ships and trade are integral and vital parts of the Communist economic offensive. We need only look to Cuba 90 miles off our Florida coast to see a sobering example of the effective use of seapower in carrying out Communist penetration.

This is not the proper time for me to discuss all the ramifications of the Cuban situation, but I will say this much. I am deeply disturbed—in fact I am boiling with anger over the sight of ships flying NATO nation flags carrying war material and so-called technicians into Cuban ports. It is high time that some of our friends learned that this is a two-way street. Many Members of Congress share my feeling and I predict that unless the governments of these countries take steps to halt this invidious practice some of our programs designed to help these nations are in for rough sailing on Capitol Hill.

The Soviet merchant fleet is a political as well as an economic weapon. Their merchant marine is not hindered by the necessity of trying to make a financial profit. Political profit is their prime motivation.

We must act now to restore our position of primacy at sea. The degree of interdependence between our naval power and the strength of our merchant marine is greater than ever before. One of the tasks of naval power is to protect and control the sealanes in the face of potentially the most massive submarine threat of our experience. It is the job of the merchant marine to bring in the vast quantities of raw materials—imports such as metals, ores and petroleum—which are now vital to our national strength.

Consider the degree of our present vulnerability. Over 1½ million barrels of petroleum per day are imported by ship—less than 5 percent of it in ships flying the U.S. flag. About 99,000 tons of iron ore are daily imported in ships, nearly all under foreign flags. There are, of course, other critical items: the raw materials for the space age must be imported into the United States by ship.

Our capacity to project our limited war capability needs a well-balanced naval-military force working closely with a modern, effective merchant marine, active and in being.

The movement of troops and military material by sea is not obsolete.

There is, of course, no substitute for an adequate airlift. Its ability to rapidly move a few thousand troops and their light equipment is invaluable.

But when divisions and armies are to be moved, sealift can accomplish the job more rapidly and of course much more efficiently, both in terms of military effectiveness—as troops arrive concurrently with their heavy equipment—and in terms of resources expended.

The ships to do the job—the passenger ships, cargo ships and tankers—must be modern, fast, and efficient. More than that, they must be in being and actively employed. If they are to be ready to serve in an emergency, they must be built, manned and gainfully employed before the emergency occurs.

We do not now have these ships, except in limited numbers.

Only 15 percent of our active merchant tonnage is less than 6 years old. Seventy-five percent is over 14 years old.

To make up for past neglect, the replacement rate on our berth line cargo and passenger ships must be increased.

We must determine realistically what appropriate portion of the national budget should be allocated to the strengthening of our merchant marine. We must create the domestic climate of intraindustry cooperation in which that merchant marine can thrive and prosper.

We are all aware of the importance of seapower to the port of Baltimore and the State of Maryland. Baltimore's protected deep water harbor is Maryland's greatest natural asset. It is the most important single factor in our State's rapid industrial growth.

The Baltimore metropolitan area is, of course, most directly affected by the port's status as a major junction in world trade.

Port-related employment exceeds 125,000—over 60 percent of the total industrial labor force in the area. These employees earn over $456 million annually—which is more than 65 percent of the total manufacturing payroll.

Each year some 6,000 oceangoing vessels use our port's facilities. The average ship visit means about $50,000 to our community through the payment of crews' wages, purchase of supplies, service charges, and longshoremen's wages.

Some 6,000 longshoremen, thousands of employees of brokers, freight forwarders, railroads, and hundreds of Federal and State employees in customs, immigration, and public health depend on the port for their livelihood.

These 6,000 ships bring 200,000 seamen into Baltimore each year. Their expenditures benefit many Baltimore businesses—in fact, I am sure that at this very moment some of these hardy seafarers are sampling Baltimore's world renowned hospitality within a few blocks of where we meet tonight. I bid them welcome and wish them good luck.

Many factors have played a part in the success our port has enjoyed. Of these, one of the most important has been a stable, efficient labor force.

The efficiency of Baltimore's labor is recognized in international commercial circles. The handling of cargo by the Baltimore waterfront labor force was the most efficient in the United States during World War II. This efficient labor force directly affects the costs of handling cargo at Baltimore with the result that comparable cargos can be loaded or offloaded at Baltimore at considerably less cost than at competing ports of the North Atlantic and Great Lakes.

We must zealously guard this advantage. Reasonable men—meeting and bargaining in good faith—can solve any problem.

I agree with the view of former Secretary of Labor Arthur Goldberg when he said:

"We want to preserve the freedom of the right to strike in the maritime industry. But preserving the right to strike does not mean to indicate that strikes ought to be incurred. We ought to preserve the freedom but this ultimate test of economic power which is a necessary attribute of freedom is also an indication that collective bargaining is not realizing its real objective, which is sensible, reasonable settlements arrived at through the process of collective bargaining. A strike may be necessary in a given situation but a strike should be regarded by both parties as a failure to realize the fruits of a mature collective bargaining relationship."

As a member of the Maryland Legislature and more recently as a Member of Congress, I have had the opportunity to play a small part in furthering the development of our port.

When I was a member of the Maryland Legislature, I was Baltimore County's representative on the original commission which drafted the legislation which created the Maryland Port Authority. In the intervening years, I have closely followed the authority's activities and I would be remiss at this point if I did not compliment John Kronau, the authority's chairman, and Joseph Stanton, its executive director, for their tireless efforts in behalf of the port. They have maintained constant contact with the members of Maryland's congressional delegation, and their advice and counsel has been of inestimable value.

As a Member of Congress, I have joined EDDIE GARMATZ and my other Maryland colleagues in the long fight to repeal the 6-percent differential which has allowed west coast shipyards to underbid our yards at Bethlehem-Sparrows Point and Maryland Drydock Co. This obsolete section of the Maritime Act has cost Maryland workers hundreds of thousands of hours of employment, with the necessary attendant loss to the economy of the whole community.

I am glad to report that both the House and the Senate have approved this legislation. West Coast interests will undoubtedly use delaying tactics to stall the final enactment of this long overdue reform, but in the end, we shall prevail.

Your Baltimore area Congressmen, GEORGE FALLON, SAM FRIEDEL, and ED GARMATZ have fought the fight and won the battle to secure realistic appropriations for the widening and deepening of the Baltimore channel. I know I need not impress you with the importance of this accomplishment.

In conclusion, I want to commend and congratulate the members of the Kings Point Alumni. Kings Point, Annapolis, West Point, and Denver all have the same mission—to train, and give to us, the highly qualified officers who must man the frontlines of freedom throughout the world.

These are days of constant change and challenge. We face the challenge of finding the most effective way to assure the development of seapower, and supporting port facilities, that our national policy requires.

The responsibility for doing this falls in some degree on every person in the room and those whom they represent. I know that you and those you represent will meet this challenge. Thank you.

Dental Disease

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. FOGARTY. Mr. Speaker, because dental disease does not often have the dramatic consequences of death or crippling disfigurement, its importance in relation to the total health and well-being of our people frequently is overlooked.

Recently the dental profession through its national organization, the American Dental Association, submitted to the Committee on Interstate and Foreign Commerce the following rather startling statistics:

> Almost 160 million people in the United States have dental disease or face the certain prospect of suffering from tooth decay, periodontal disease, oral cancer, malocclusion, or cleft lip and palate.
>
> The best estimates are that 97 million persons have tooth decay; 23 million have periodontal disease; 21 million persons are without teeth; 16 million have malocclusion; 65,000 children under 18 have cleft palate, cleft lip, or both.
>
> Twenty-three thousand persons develop oral cancer each year.
>
> It is estimated that 85 million man-hours of industrial production are lost annually owing to oral disease.
>
> The total amount of dental service provided each year is not sufficient to treat the new dental needs occurring during the year. The accumulated backlog of need for dental service is so large that to remove it would require a year's full-time service from a dental force five times its present size.

Over the years of my service as chairman of the appropriations subcommittee dealing with health matters, I have become acutely aware of the significance of dental diseases, and I have attempted to assure that this important segment of health receives the attention it deserves.

With the support of other members of the Appropriations Committee and the Congress, funds have been provided to establish an outstanding dental research program at the National Institutes of Health. The National Institute of Dental Research was founded only a few years ago, but I am pleased to say that its accomplishments since then have been remarkable and have paid rich dividends to the betterment of the health of our people.

The discovery that fluoridation of public water supplies would reduce the incidence of dental caries by as much as 60 percent has alone prevented untold suffering and saved millions of dollars in dental bills. Other contributions too numerous to mention here also have been made through research into the causes and cures of oral diseases.

Last year, with the approval of my subcommittee, a new dental health center was established by the Public Health Service in San Francisco in order to accelerate the practical use of new research findings. Significant new programs are now underway in that institution. Top level research and training programs are going forward in all dental schools in the country; students are learning how to provide more and better dental care for all our citizens as a result of the Federal grant programs authorized by Congress.

It is to the great credit of the members of the dental profession that they have taken the lead in initiating and supporting these and other measures in behalf of better dental health. I know of no other professional group that has a finer record in seeking actively to improve the health of the public.

But the dental profession believes, and I agree, that not enough is being done. The American Dental Association currently is strongly supporting Federal legislation to provide grants for the construction and expansion of facilities for training health personnel and to strengthen State and local dental public health programs. I have cosponsored and supported both of these badly needed bills and will continue to do so.

The dental profession also is attempting to extend the availability of dental care by extending coverage under dental prepayment plans. The dental association in my own State of Rhode Island recently has pioneered a program in this field.

Vigorous work also is going forward in bringing dental care to the handicapped, the aged, and other unfortunate people who are institutionalized or otherwise unable to receive conventional treatment.

In these and many other ways, the dental profession is recognizing and attempting to carry out its responsibilities to the people of this Nation.

In my opinion, these efforts deserve the commendation and wholehearted support of all Members of Congress.

Toward Closer Federal-State Cooperation

EXTENSION OF REMARKS

OF

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. SMITH of Iowa. Mr. Speaker, Representative L. H. FOUNTAIN, of North Carolina, on September 24 of this year addressed the National Association of State Departments of Agriculture in Grand Rapids, Mich., regarding a matter of closer cooperation between State and Federal agencies. I have been interested in this subject matter for a long time and am the author of legislation, referred to in Representative FOUNTAIN's speech, which is now on its way to the White House for the President's signature. In view of the importance and the timeliness of this speech, I want all my colleagues to have an opportunity to read it.

TOWARD CLOSER FEDERAL-STATE COOPERATION

(Address by Congressman L. H. FOUNTAIN, of North Carolina, at the Annual Convention of the National Association of State Departments of Agriculture, Grand Rapids, Mich., Sept. 24, 1962)

Coming as I do from a small town in an agricultural area, I feel right at home with you, the leaders of our State departments of agriculture, and I am grateful for the honor of being invited to participate in your annual convention.

We are confronted at the present time with a host of very real and important problems involving Federal-State relations. I should like to take this opportunity today to talk first about some of the broader considerations in the Federal Government's relationship with the States and then, more specifically, about some intergovernmental problems in the field of agriculture.

More than a century ago that wise and penetrating foreign observer, de Tocqueville, sensed the importance of the American Federal system to the vitality of our democratic political institutions.

In his classic "Democracy in America," published in 1835, de Tocqueville wrote:

"The Federal system was created with the intention of combining the different advantages which result from the greater and the lesser extent of nations; and a single glance over the United States of America suffices to discover the advantages which they have derived from its adoption.

"In great centralized nations the legislator is obliged to impart a character of uniformity to the laws which does not always suit the diversity of customs and of districts; as he takes no cognizance of special cases, he can only proceed upon general principles; and the population is obliged to conform to the exigencies of the legislation, since the legislation cannot adapt itself to the exigencies and the customs of the population, which is the cause of endless trouble and misery. This disadvantage does not exist in confederations. Congress regulates the principal measures of the National Government, and all the details of the administration are reserved to the provincial legislatures. It is impossible to imagine how much this division of sovereignty contributes to the well-being of each of the States which compose the Union. In these small communities, which are never agitated by the desire of aggrandizement or the cares of self-defense, all public authority and private energy is employed in internal amelioration. * * * It is generally believed in America that the existence and the permanence of the republican form of government in the New World depend upon the existence and the permanence of the Federal system."

This commentary, I submit, is as valid today in its general principles as in de Tocqueville's day. In the Federal principle we have an admirable political concept well suited to the conditions of a country as large and diverse as ours. This extraordinary political invention of the Founding Fathers has weathered the tests of time and adaptability to changing conditions.

The clear-cut division of functions between the States and the National Government, while appropriate in the early days of the Republic, in time gave way to a sharing of certain responsibilities in response to the advent of new economic and social conditions. Various methods of intergovernmental cooperation, like the grant-in-aid and the tax credit device, were found to assure the continued workability of our Federal structure. The challenge is now ours to discover practicable methods for further strengthening the Federal system to better serve contemporary America and future generations. Political inventiveness is sorely needed if we are to deal successfully with the newer problems of government, such as those associated with a mobile population and a rapidly changing technology.

It has been said that the extension of Federal legislation into program areas traditionally a State responsibility has come about because of inactivity on the part of the States. While true in part, this is far too simple an explanation for a very complex situation. Unquestionably, the States can, and must, be more responsive to public needs if they are to occupy the position of equality which is rightfully theirs in the Federal structure.

It is not merely a question of shoring up the States to preserve in actuality as well as in theory the division of powers. The Federal Government needs help. With the demands of national defense, international relations, and space exploration increasingly requiring more of the Federal Government's energies, it is only logical that the States should equip themselves to assume more responsibility for domestic programs.

Centralization and uniformity are neither essential for, nor will they necessarily produce, the excellence which our Nation must attain in public programs. But a centralized program sometimes becomes a necessary expedient for satisfying public needs when those who have the primary responsibility wait too long to take effective action. It is axiomatic that the less we solve public problems at the State and local levels, the more such problems will be dealt with at the national level. Whether we like it or not, the consequence will almost surely be a further concentration of power in the Federal Government if the States and localities neglect their responsibilities.

Unfortunately, the notion is still widely held that Government services are of a fixed kind and amount which remain constant as our economy grows. Many Government activities, on the contrary, are intimately related to economic growth and technological progress, both as a consequence and a stimulant.

Witness, for example, the new regulatory problems created by the use of atomic energy and the use of powerful chemical pesticides which contribute so mightily to agricultural productivity. Such advances in technology increase our consumable private income but are not without their social costs. So, too, the growth and concentration of population in metropolitan centers necessitates proportionately larger Government expenditures to cope with the resulting problems of water supply, air and water pollution, traffic congestion, and commuter transportation.

In the perspective of this general discussion of intergovernmental relations in the United States, I would like now to discuss some of the work in which our subcommittee is presently engaged which may be of more direct interest to you as officers of the State departments of agriculture.

The Intergovernmental Relations Subcommittee, of which I have the privilege of being chairman, has two basic responsibilities. One is to study intergovernmental relations between the Federal Government and the States and their political subdivisions. The other is to study the operation of certain Federal departments and agencies—principally the Departments of Agriculture; Health, Education, and Welfare; and Labor—with respect to their economy and efficiency.

In keeping with both these responsibilities, the subcommittee has been engaged for more than a year in a questionnaire study of consumer protection activities of the Federal, State, and local governments, and the intergovernmental relationships and problems involved. Our first report on this subject, entitled "Consumer Protection Activities of Federal Departments and Agencies," was issued last year as House Report No. 1241 by our full Committee on Government Operations. It is hoped that the first volume of a similar report on State activities will be completed in the near future.

Although departments of agriculture were originally established to serve farmers, they have over the years taken on a number of activities for the protection of the consumers of agricultural products. I am referring to such activities as the inspection and grading of meats, poultry, eggs, fruits and vegetables, milk and other dairy products, and the regulation of pesticides and feed additives. These are some of the most important and far-reaching Government activities for the protection of the public as a whole.

Responsibility for these activities is vested largely in departments of agriculture, both at the Federal and State levels. Moreover, these are activities which, by their very nature, require a high degree of Federal-State cooperation.

For a number of reasons, neither the Federal nor the State Governments can do the job alone.

To begin with, the Federal legislation authorizing these activities is based upon the interstate commerce clause of the Constitution, and irrespective of the criteria used to distinguish "interstate" from "intrastate" commerce, there will almost always be some of both in specific situations.

Secondly, it would be a physical impossibility for either the Federal agency or the respective State agencies alone to cover all phases in the production, processing, transportation and marketing of food products.

Finally, the high cost of providing such services, which require highly trained personnel and expensive equipment and facilities, necessitates a division of responsibility. This point was made in a recent report by the House Appropriations Committee on the 1963 Appropriation Act for the Department of Agriculture. After pointing out that the cost of Federal meat inspection has risen nearly 170 percent in the past 15 years, from $9 million in 1947 to more than $24 million in 1962, the report states:

"Unless some changes in inspection procedures and coverage are made, the potential cost of meat inspection will soon expand beyond reason. In this connection, the Department is requested to make a special study to determine to what extent it can certify State meat inspection services and license them to inspect meat which moves in interstate commerce."

Despite the obvious need for close Federal-State cooperation in these activities, the replies to the subcommittee's recent questionnaires indicate there is much room for improvement. These replies also shed light on some of the major obstacles to closer Federal-State cooperation. I should like to discuss some of these very briefly and to suggest some possible avenues for improvement.

One of the greatest difficulties seems to be the tendency to rely on a sharp distinction between interstate and intrastate commerce in regulatory fields. As I noted earlier, the clear-cut division of functions between the State and National Governments established early in our history has gradually given way in many fields to a further sharing of responsibility in response to new economic and social conditions. In my judgment, serious efforts toward closer intergovernmental cooperation are long overdue in the regulatory areas of agriculture.

There is evidence that other Members of the Congress share this view. The passage I quoted from the report of the House Appropriations Committee reflects that committee's concern for greater Federal-State cooperation and economy in the meat inspection program. Moreover, Congressman SMITH of Iowa, a member of our subcommittee, has introduced a bill (H.R. 12802) which would provide for further Federal-State cooperation in programs relating to the marketing of agricultural products, and to the control or eradication of plant and animal diseases and pests, by permitting the Secretary of Agriculture to authorize qualified State agencies to participate in the administration and enforcement of Federal laws and regulations. This legislation was passed by the House last Wednesday, and the identical Talmadge-Aiken bill (S. 3475) was passed by the Senate the previous week. I understand that this legislation has the endorsement of your association.

This measure appears to be a step in the right direction. However, it is only a first step for the improvement of Federal-State relations in this vital area. There are many problems which must be overcome before the cooperative program which it envisages can become a reality.

In describing some of the obstacles to closer Federal-State cooperation in the regulation of agricultural products, the U.S. Department of Agriculture pointed out, in response to the subcommittee's questionnaire, that there are tremendous variations among the States in their laws, administrative arrangements, standards, funds, and quantity and quality of personnel for these activities. The State departments of agriculture, in turn, pointed out that there is a lack of effective communication on the part of the Federal agencies, and in some cases a disregard of State interests and a lack of respect for State programs.

These are indeed serious problems, but they are not insoluble. They can and must be resolved, if adequate protection is to be provided to the millions of consumers of agricultural products in this country.

I am, and always have been, a firm believer in States rights, but I also believe that with States rights go States responsibilities. While serving in the Congress, I have heard many generalized criticisms of the way things are done by Federal agencies and of their condescending attitude toward State agencies. But seldom are we in the Congress able to obtain the chapter and verse necessary to substantiate these charges. If the committees and the Congress are to help improve Federal-State cooperation, we must have full, frank, and specific information about particular problems.

When difficult problems arise, the solution is not to turn back the clock to some romanticized golden age of the past. Nor is there so easy a solution as sending these problems to Washington. The need, rather, is for all units in our Federal system to go forward with imagination, initiative, and determination in dealing with the complex problems of our time.

Throughout our history, we Americans have demonstrated a genius for adapting our political institutions to new conditions and new problems, although the timelags have sometimes given cause for concern. Unencumbered by slavish adherence to rigid political dogmas, while steadfastly devoted to the heritage of our democratic ideals, we have been a Nation of political pragmatists. This national trait is pointedly reflected in Grover Cleveland's famous remark: "It is a condition and not a theory which confronts us."

One recent innovation that deserves special mention in this connection is the Advisory Commission on Intergovernmental Relations. The Advisory Commission, established by the Congress in 1959 through legislation which I introduced, is a truly intergovernmental body that includes in its membership representatives from all levels of government as well as from both the executive and legislative branches. During its brief existence, the Commission had already made a number of useful and significant studies of intergovernmental problems. It is my belief that the Commission is fast becoming an important and constructive force in helping to plot a sound and orderly course for the future development of intergovernmental relations in this country.

I believe deeply in our Federal form of government and in the desirability of preserving and strengthening this remarkable political institution. It is my sincere hope that in the decade of the 1960's we will see an era of close and rewarding cooperation among the levels of government—Federal, State, and local—and a resurgence of State leadership in governmental affairs. I look to you gentlemen to help provide that leadership.

Fogarty Reports Dramatic Health Improvement Progress—Rhode Island Aids Key Problems Drive

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 1962

Mr. FOGARTY. Mr. Speaker, the closing days of the 87th Congress provide an opportunity to review again the progress that has been made in the quest for better health, to salute those individuals and groups that have made this progress possible, and to consider the opportunities for further progress in the years ahead.

This review is particularly meaningful to me because the 87th Congress brought me to my second score of years in service to the people of the Second District of Rhode Island. In addition, I have had the rare privilege of having served eight Congresses as chairman or ranking minority member of the House subcommittee responsible for the Federal programs for health and other matters. These Congresses—including the 87th—have reviewed the reports of our deliberations, listened to our pleas for adequate funds to support new and expanding programs for health research and related matters, and have strongly voiced the will of the people for invigorated conquests of disease and for improved health.

The 87th Congress, following positive recommendations by my committee, has taken necessary action to provide for meaningful expansion of ongoing programs and for substantial new efforts to improve the health of this Nation. I should like to cite a few:

The vaccine development program has reached the point where scientists believe they can start developing practical vaccines against at least some of the annual afflictions we call colds, and against other virus-caused diseases, such as the encephalitis that recently plagued one of our great Southern States and is an ever-present threat elsewhere.

Second. The general research support grant program, made possible through action of this 87th Congress, enables our universities, hospitals, and other medical research and research training institutions to carry on their important research functions with greater academic freedom and flexibility, so that we may expect improved results.

In recognizing the value of increased medical research, this 87th Congress has not neglected the health needs of peoples and communities across our broad land. In the first session passage of the Community Health Services and Facilities Act authorized the Surgeon General to make grants to public or nonprofit private agencies for the development of outside-the-hospital health services, thereby enabling States and communities to modernize various health services.

This Congress has been responsible also for a great expansion of clinical research to bring effective means of treatment for disease to patients faster than before.

I hope that this Congress will also provide for increased research on the health problems of two large and important segments of our population—our children and our older citizens. The bill now pending for creation of a new Institute for Child Health and Human Development also would establish an Institute of General Medical Sciences for increased research on the control of many diseases and disorders.

I look for enactment of H.R. 4999, incorporating the major provisions of a bill which I introduced. It calls for a 10-year program of matching grants to construct teaching facilities for medical, dental and other public health personnel and to provide a student loan program. It also would permit private institutions to enlarge and modernize their facilities for medical research.

These are just a few of the reasons why I salute my colleagues in the Congress and express my appreciation for their knowledgeable support of my subcommittee in its aspirations to keep this country the world leader in medical research.

These past 2 years have also seen heartening changes in the attitude of the executive branch. Over the years, I have had to answer numerous charges that Congress was usurping the budget-making prerogatives of the executive, but the Congress has simply been responsive to the hopes and aspirations of our people for better health and for scientific progress. The past 2 years, however, indicate that the Kennedy administration is seeking to provide the administrative leadership which medical research programs have long deserved. And so I salute President Kennedy—not only for his presentation of the first health research budget in 10 years that even approximated what this Nation could support and needed to carry out, but also for his direct and personal interest in many aspects of disease and disability.

The committee is also keenly aware of the advice, assistance, and support it receives from the hundreds of private individuals and groups interested in medical research and its two related and interrelated components—education and service. An invaluable service is provided by expert citizen witnesses—scientists, educators, and others—who give of their own valuable time to help assure that the recommendations of our committee incorporate a three-way balance between public need, scientific opportunity, and total national goals.

I also salute the voluntary health organizations that reach into every city, town, and village across this Nation—organized to provide health education and community services, and support for research. I am particularly happy to see that increased Federal support for health research and related activities has not stopped the activities of these groups. The voluntary health agencies in my own State of Rhode Island are typical of those that continue to grow in organized strength and effectiveness. May they continue to shine as an exemplary challenge to those who must rely on big brother in a totalitarian state.

Fundamental to the progress of health and medicine in this country are the scientists in search of new health knowledge and the physicians and other health workers who bring the latest in health practice to the ultimate recipient—the patient. In the many years that I have had a major responsibility for congressional action on Federal programs for the support of medical research, tremendous progress has been made in increasing the numbers of young people undergoing training for a career in medical research. Under programs of the National Institutes of Health—principal research arm of the Public Health Service—funds for these programs increased from $70,000 in fiscal year 1946 to $130 million in fiscal year 1962. At the same time, funds for individual research projects increased from $85,000 in fiscal year 1946 to $333 million in fiscal year 1962.

The dividends that this investment has brought to the American people are amply demonstrated by just a few of the advances that have been made. One measure of our gains in health is to be found in the increase of life expectancy of our people. As we have developed and applied vaccines against what used to be called the common childhood diseases—diphtheria and whooping cough, for example—and as we have learned and applied better methods of nutrition, and as the sanitary quality of our water, milk and other foods has been vastly improved, our life expectancy has increased to 69.7 years, almost the Biblical three score and ten. Think back 30 years to the annual crippling and killing toll of polio. Today, polio is a rapidly vanishing disease. Soon we shall see measles disappearing, thanks to the newly developed vaccine against it. Typhoid fever is so rare that few medical students today ever see a case. And smallpox has disappeared to the extent that a single case creates a nationwide stir.

As we have triumphed over the acute infectious diseases, we have turned our attention to the chronic and disabling afflictions. Here, too, we can point to accomplishments such as cortisone and other steroids for treatment of rheumatoid arthritis, surgical operations for congenital heart malformations, antibiotics and other drugs for prevention of heart-crippling rheumatic fever, drugs that are conquering some forms of mental illness, development and widespread use of fluoridation to prevent tooth decay, 5-year cures by chemotherapy of a form of cancer in women.

More recently we learn of a new freezing method for treating stomach ulcers, and of a new test for detecting cancer of the bladder and kidneys. While these and other similar findings must yet stand the test of time before their real value can be told, they are evidence of the advances currently being made in our attack on disease.

This year marks Cancer Progress Year, so designated through a resolution I had the privilege of sponsoring, to commemorate the 25th anniversary of the National Cancer Institute which a previous Congress in its wisdom established. This is the 25th year, also, of the nationwide educational activity of the American Cancer Society, a voluntary organization which has done much to allay ignorant fear of cancer and consequent needless deaths through its campaigns to fight cancer with knowledge. Partly through the educational efforts of this society, and partly through the research we have supported and the advances in medicine and surgery, we can now save 1 out of 3 cancer patients, instead of fewer than 1 of 5 who were saved a few short years ago.

As I think of all these advances toward better health for our Nation, I should like to pay tribute to the many who have made them possible: the scientific researchers, the practicing physicians and surgeons, the great voluntary health organizations, the institutions of higher learning where our researchers and physicians are trained, our public health officers in State and local communities, health workers everywhere—the professionally trained and the skilled technicians and all those who work as part of the research and health and medical teams.

Many of the gains that have been and are being made are the result of an alert, well-informed and health-conscious general public. In the final analysis, perhaps, the informed public represents the most critical factor in the success of programs aimed at improving the general levels of health. And the largest segment of the public—the taxpaying public—makes a direct contribution in the form of about 1 cent of each dollar that comprises the Federal budget, perhaps the best tax buy the American people have ever made. The continued support of all our people will be required if we are to meet the current and emerging problems of disease and disability. Despite our tremendous advances, great problems remain.

Each year, for example: over quarter of a million people still die of some form of cancer; over 925,000 die of heart disease; over 250,000 infants are born with some form of abnormality or neurological deficit; 250,000 people begin the long and painful fight against arthritis or related disorders; an estimated 218 million useful days are lost from work and 195 million days lost from school by our children because of upper respiratory infections—or the common cold; and almost 40,000 lives are lost because of automobile accidents.

These are only a few of the problems that today stand in the way of further increases in our lifespan and impede our capacity for enjoyment of a full and productive life.

I am not only convinced but fully dedicated to the proposition that the answers to our health problems must come through a three-way effort of medical research, education, and medical service. I am pleased, proud, and thankful that during the past 22 years, Rhode Island has emerged as one of this Nation's truly great health and medical centers. Our State institutions and organizations—both public and private—have made giant strides in building medical research and health programs that have not only been of direct benefit to the people of Rhode Island but have also served as outstanding examples of what could be done in other States as well.

Rhode Island institutions have achieved such a high degree of excellence recognized throughout the scientific community that today they are able to compete on the basis of scientific merit with any institution in the world. In contrast to a level of practically zero in 1946, Rhode Island institutions this past year attracted over $1.6 million in funds to help the Public Health Service carry out its programs. For example, research projects are underway in Brown University, Providence College, the University of Rhode Island, and the Rhode

Island State Hospital for work on such problems as radiation, genetics, blood factors, neurophysiology, and water pollution.

Our institutions are also building the supply of medical research manpower for the future. Twenty-one young scientists at Brown University have won fellowships from the National Institutes of Health for further research training. Brown University itself has been awarded training grants in such areas as neurophysiology, genetics, and child psychology. Similar training programs are underway in the Rhode Island Hospital, the Emma Pendleton Bradley Hospital, Providence College, and the Providence Child Guidance Clinic.

And further steps are being taken to insure that our research facilities keep pace with our capabilities. I am pleased to report that four major projects won the support of the Public Health Service during the year. A new health science building and laboratories with the capacity to do shellfish and stream pollution research are now beyond the dream stage and approaching reality. Completion of laboratories for cancer research and the installation of scientific equipment at the Rhode Island Hospital will be possible through a grant of over $110 million. And Brown University is further enhancing its ability to do research in biology with the addition of new equipment.

Perhaps one of the most heartening developments in Rhode Island this year was the approval in June by the corporation of Brown University of a report authorizing the establishment of a full-scale medical education program here. For a number of years I have advocated taking this important step not only because we have the talent and capacity for such a move, but because Rhode Island needs a medical school. And, according to the best professional minds concerned with the problem, our national needs for physicians and physician-scientists are great and will undoubtedly become greater.

Rhode Island has passed another milestone in its move toward becoming one of the greatest health centers in the Nation. It continues to improve its capacity to help in the nationwide attack on the health problems we face. I am confident that our people will play an important part in some of the dramatic scientific breakthroughs to which we look forward: The causes of cancer, knowledge and treatment of hardening of the arteries and high blood pressure, vaccines to prevent tuberculosis, the common cold and other diseases, answers to the particular problems of both the young and older citizens of our country.

With the continued support of all the millions of people concerned with these health programs, continued success will be ours.

SENATE

THURSDAY, SEPTEMBER 27, 1962

The Senate met at 9 o'clock a.m., and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father: To the waiting altar of Thy mercy we come, each with his private need which Thou only knowest. The din of words assails our ears from an agitated world. Grant us an inner calm undisturbed by any violent winds that blow. In Thy might may we move forward with a strong and dauntless faith, remembering that the only limit to our realization of the radiant dreams for tomorrow is the doubts which darken today.

In spite of our willfulness, we are grateful that in the voice of conscience, whose voice cannot be drowned by any sophistry, in quiet hours when above earth's strident noises the still, small voice whispers to our inner selves, in thoughts with wings that will not stay on the ground, in deep needs that drive us to a strength beyond our own, in the sacrament of human love, in the spiritual heritage of our race, and in Christ, over all, Thou dost stand at the door and knock. May we open that door, whose only latch is on the inside, and give hospitality to noble impulses and to dedicated good will across all gulfs and borders.

We ask it in the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 27, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 26, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 26, 1962, the President had approved and signed the joint resolution (S.J. Res. 133) to provide for the coinage of a medal in recognition of the distinguished services of Sam Rayburn, Speaker of the House of Representatives.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 588)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, as amended, I transmit herewith a report on the projects and progress of the National Aeronautics and Space Administration for the period of July 1, 1961 through December 31, 1961. This is the sixth of these reports since the passage of the legislation establishing that agency.

This report reveals evidence of the constructive impact of the decision, made earlier in the year and supported strongly by the Congress, to accelerate our space efforts. The accomplishments summarized and detailed in this document constitute an important part of the national program, in which the National Aeronautics and Space Administration, as well as other Government agencies, cooperate.

JOHN F. KENNEDY.

THE WHITE HOUSE, *September 27, 1962.*

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes, and it was signed by the Acting President pro tempore.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, notwithstanding the unanimous-consent agreement which has been entered into, I ask unanimous consent that the Senate now proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Committee on Commerce:

E. William Henry, of Tennessee, to be a member of the Federal Communications Commission.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. BEALL. Mr. President, from the Committee on Armed Services, I report favorably the nominations of one major general and seven brigadier generals for appointment as Reserve commissioned officers in the U.S. Air Force. I ask that these names be printed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. The nominations will be placed on the Executive Calendar, as requested by the Senator from Maryland.

The nominations are as follows:

Brig. Gen. Collins H. Ferris, Wisconsin Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, in the rank of major general; and

Col. Gordon L. Doolittle, Oregon Air National Guard, Col. Robert W. Gilbert, Iowa Air National Guard, Col. Magnus B. Marks, Michigan Air National Guard, Col. Glennon T. Moran, Missouri Air National Guard, Col. Donald J. Smith, Illinois Air National Guard, Col. Robert W. Tucker, Rhode Island Air National Guard, and Col. I. G. Brown, Arkansas Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, in the rank of brigadier general.

Mr. BEALL. Mr. President, in addition, I report favorably 65 nominations in the Air Force, in the grade of captain and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk, for the information of any Senator.

The ACTING PRESIDENT pro tempore. The nominations will lie on the desk, as requested by the Senator from Maryland.

The nominations are as follows:

William T. Coon, and sundry other persons, for appointment in the Regular Air Force; and

Joseph R. DeTrani, Jr., John A. Mellen, and Clarence H. Shub, distinguished military students of the Air Force Reserve Officers' Training Corps, for appointment in the Regular Air Force.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Additional Office of Assistant Secretary of Agriculture

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish an additional office of Assistant Secretary of Agriculture, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report on Installations and Facilities for Advanced Research Projects

A letter from the Secretary of Defense, reporting, pursuant to law, on the establishment or development of installations and facilities required for advanced research projects, for the period January 1, 1962, to June 30, 1962; to the Committee on Armed Services.

Report of Foreign Claims Settlement Commission of the United States

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, as of December 31, 1961 (with an accompanying report); to the Committee on Foreign Relations.

Report on Inadequate Control Over Certain Ship Construction Material at the Ingalls Shipbuilding Corp., Pascagoula, Miss.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the inadequate control over cerain ship construction material at the Ingalls Shipbuilding Corp., Pascagoula, Miss., dated September 1962 (with an accompanying report); to the Committee on Government Operations.

Report on Examination of Purchases of Certain Major Components for Redstone and Jupiter Missiles by Chrysler Corp., Detroit, Mich.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of purchases of certain major components for Redstone and Jupiter missiles by Chrysler Corp., Detroit, Mich., dated September 1962 (with an accompanying report); to the Committee on Government Operations.

Report on Union Trusteeships

A letter from the Secretary of Labor, transmitting, pursuant to law, his report on union trusteeships, dated September 1962 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

S. 765. A bill to consolidate Vicksburg National Military Park and to provide for certain adjustments necessitated by the installation of a park tour road, and for other purposes (Rept. No. 2166); and

H.R. 4094. An act to amend the act of July 15, 1955, relating to the conservation of anthracite coal resources (Rept. No. 2175).

By Mr. CARROLL, from the Committee on Interior and Insular Affairs, without amendment:

S. 3714. A bill to amend the act of August 9, 1955, for the purpose of including the Southern Ute Indian Reservation among reservations excepted from the 25-year lease limitation (Rept. No. 2171).

By Mr. CARROLL, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3713. A bill to provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes (Rept. No. 2172).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 11590. An act to provide for the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma (Rept. No. 2173).

By Mr. McCLELLAN, from the Committee on the Judiciary, with an amendment:

H.R. 12513. An act to provide for public notice of settlements in patent interferences, and for other purposes (Rept. No. 2169).

By Mr. McCLELLAN, from the Committee on the Judiciary, with amendments:

S. 2639. A bill to amend the provisions of title 35 of the United States Code relating to the oath of applicant for patent, and the provisions of the Trademark Act of July 5, 1946, relating to verification by the applicant of application for trademark registration, and for other purposes (Rept. No. 2168).

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 12276. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1963, and for other purposes (Rept. No. 2170).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

H.R. 11099. An act to amend the Public Health Service Act to provide for the establishment of an Institute of Child Health and Human Development, and for other purposes (Rept. No. 2174).

FEES PAYABLE TO THE PATENT OFFICE—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 2167)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I report favorably, with an amendment, the bill (S. 2225) to fix the fees payable to the Patent Office, and for other purposes. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Tennessee [Mr. Kefauver], a member of the committee.

The ACTING PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

TO PRINT AS A SENATE DOCUMENT A COMMITTEE PRINT OF A "REPORT OF THE NATIONAL FUELS AND ENERGY STUDY GROUP ON AN ASSESSMENT OF AVAILABLE INFORMATION ON ENERGY IN THE UNITED STATES"—REPORT OF A COMMITTEE

Mr. JACKSON (for Mr. Anderson), from the Committee on Interior and Insular Affairs, reported an original resolution (S. Res. 408); which was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed with illustrations as a Senate document the committee print, with appropriate foreword, entitled "Report of the National Fuels and Energy Study Group on an Assessment of Available Information on Energy in the United States," issued by the Committee on Interior and Insular Affairs during the Eighty-seventh Congress, second session.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 3756. A bill to amend section 309 of the Food and Agriculture Act of 1962; to the Committee on Agriculture and Forestry.

By Mr. JACKSON:

S. 3757. A bill for the relief of Jessie V. Robertson; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3758. A bill for the relief of Arie Katzman, his wife, Zipora Katzman, and their two minor children, Orfa and Orna Katzman; to the Committee on the Judiciary.

By Mr. KEATING:

S. 3759. A bill for the relief of Yoo Sei Chun; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 231. Joint resolution expressing declaration of will of the American people and purpose of their Government to achieve complete victory over the forces of the world Communist movement; to the Committee on Foreign Relations.

(See the remarks of Mr. Thurmond when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. HUMPHREY:

S.J. Res. 232. Joint resolution to establish a joint congressional committee for the purpose of awarding a Medal of Merit to citizens of the United States who have made significant contributions to the humanities and the arts; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Humphrey when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. CLARK (for himself, Mr. Scott, and Mr. Beall):

S.J. Res. 233. Joint resolution to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Susquehanna River Basin, for the improvement of navigation, reduction of flood damage, reduction and control of surface subsidence, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

EXPRESSION OF SENSE OF CONGRESS IN FULL SUPPORT OF EFFORTS TO ENFORCE COMPLIANCE WITH THE MANDATES OF THE FEDERAL COURTS

Mr. KEATING (for himself, Mr. Douglas, Mr. Javits, and Mr. Proxmire) submitted a concurrent resolution (S. Con. Res. 96) to express the sense of the Congress in full support of efforts to enforce compliance with the mandates of the Federal courts, which was referred to the Committee on the Judiciary.

(See the above concurrent resolution printed in full when submitted by Mr. Keating, which appears under a separate heading.)

RESOLUTIONS

TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "UNITED STATES PRIVATE FOREIGN AID PROGRAMS"

Mr. GOLDWATER submitted the following resolution (S. Res. 407); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed as a Senate document a study entitled "United States Private Foreign Aid Programs"; and that one hundred and three thousand additional copies be printed for the use of the Senate.

TO PRINT AS A SENATE DOCUMENT A COMMITTEE PRINT OF A "REPORT OF THE NATIONAL FUELS AND ENERGY STUDY GROUP ON AN ASSESSMENT OF AVAILABLE INFORMATION ON ENERGY IN THE UNITED STATES"

Mr. JACKSON (for Mr. Anderson), from the Committee on Interior and Insular Affairs, reported an original resolution (S. Res. 408); which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Jackson, which appears under the heading "Reports of Committees.")

VICTORY OVER FORCES OF WORLD COMMUNIST MOVEMENT

Mr. THURMOND. Mr. President, I realize that it is late in the session, but I do not feel that I can permit the Congress to adjourn without proposing to the Senate a resolution expressing the will of the Congress that our Government set as its aim in the cold war victory over the forces of world communism. I have made numerous speeches on the Senate floor and to the public on the importance of changing our present no-win policy to a win policy.

On June 12, 1961, Representative Donald C. Bruce, of Indiana, proposed in an eloquent speech on the floor of the House what has come to be known as House Joint Resolution 444—the victory resolution. I have had an opportunity to study this resolution in detail, Mr. President, and I feel that it should be presented to the Senate for its consideration prior to the convening of next Congress because our policy in the cold war must be changed immediately—before we reach the point where a change in policy would have little effect on the ultimate outcome of the cold war. Events around the world, Mr. President—particularly those in Cuba today—should provide enough evidence for our policy planners to realize that any policy which depends on the Communists to evolve or mellow into peaceful socialists is the height of folly and can only lead to ultimate enslavement and destruction of our free institutions.

Mr. President, I introduce, for appropriate reference a companion of House Joint Resolution 444, and ask that it be printed in full at the conclusion of these remarks.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 231) expressing declaration of will of the American people and purpose of their Government to achieve complete victory over the forces of the world Communist movement, introduced by Mr. Thurmond, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Whereas numerous findings, resolutions, and condemnations in United States law, Presidential proclamations, and treaties which bind the United States, proclaim that the world Communist movement pursues invariably the same object, world conquest, and evinces a clear-cut design to reduce all peoples under its absolute despotism; and

Whereas the supranational world Communist movement does not represent the Russian and other peoples under its totalitarian control, but rather, in violation of their legitimate national aspirations, commands their lands and resources as an industrial-military base for its global campaign; and

Whereas the world Communist movement operates on every level of human activity, using all conceivable pressures—ideological, psychological, economic, military, paramilitary, and so forth—to bring about a widening influence and ultimately absolute control over every human thought, aspiration, and action in the nations it subverts and conquers; and

Whereas the United States of America has taken numerous steps including the use of armed forces to withstand the global aggression of the world Communist movement in certain areas in various foreign countries and within our borders; and

Whereas these steps which constituted a determination to resist certain individual thrusts of that aggression, in their totality have not met the full challenge of the global state of hostility that has been declared in dogma and prosecuted in deed by the world Communist movement; and

Whereas the nature of the threat demands the engagement of the full will of the American people against the hostile universal dedication of the enemy, and the application of a complete global policy to meet and defeat on every front the widespread coordinated forces of the world Communist movement: Therefore be it,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a state of hostility exists, and, finding no longer tolerable the abuses and usurpations of the global aggression unjustly thrust upon men by the world Communist movement, in order to bring peace and security to this Nation and the family of nations and to realize the hopes expressed in law for the freedom of Communist-enslaved peoples, it hereby is and henceforth shall be the indomitable national will of the people of the United States of America and the unswerving purpose of their Government to achieve complete victory over the forces of the world Communist movement in all its names, its parties and sections, and to this great end we urge similar action by all independent nations and humbly beseech the strength and guidance of Almighty God; and be it further

Resolved, That the President shall prepare for the approval of the Congress a program to achieve this total victory.

JOINT COMMITTEE TO AWARD A MEDAL OF MERIT FOR CONTRIBUTIONS TO THE ARTS

Mr. **HUMPHREY**. Mr. President, I introduce for appropriate reference, a joint resolution to establish a joint congressional committee for the purpose of awarding a Medal of Merit to U.S. citizens who have made significant contributions to the humanities and the arts.

I think it is entirely proper that Americans who have contributed greatly to our national culture and the culture of the world be recognized in a way every bit as fitting as the recognition given wartime heroes. Such an award would be similar to the Congressional Medal of Honor given for service beyond the call of duty in times of crisis to protect our liberties and freedom.

All too often today we tend to think in terms of armaments, missiles, and military strength in measuring our ability to keep the peace. Important as these are to our preservation of a democratic form of government, I believe there are still other measures such as the contributions being made by our musicians, our artists, and our writers which are equally important to our democratic way of life.

This joint resolution, similar to legislation introduced by Representative FRED SCHWENGEL in the House in July of this year, would create a committee made up of Members of both Houses, which would from time to time award such a Medal of Merit to those persons who have made truly significant contributions in the arts. The committee would be made up of an equal number of members of each political party thereby being free of partisanship. The committee could seek the advice and counsel of such experts as members of the Fine Arts Commission, the Librarian of Congress, and members of the American Academy of Arts and Letters, the American National Theater and Academy and the American Council of Learned Societies.

The President and his gracious wife have done much to encourage the development and performance of the arts in this Nation. I think it is time the Congress made a more dynamic pronouncement of its interest in the humanities and the arts and give much more recognition to these fields where it is indeed long overdue.

These American men and women who have captured the spirit of our times in their music, literature, and paintings are recording for posterity the freedom, beauty, and sense of progress which America and her people so proudly and ably possess. Let us encourage and commend these people and their talents not only in words, but also in a tangible way. Let the gold Medal of Merit stand out to all who see it as a symbol of due recognition for outstanding contributions to the culture of this great Nation.

Mr. President, this is an appropriate time to comment briefly on another cultural achievement of historic proportions. I am sure many other Senators shared my enthusiasm over the splendid concert presented last Sunday evening at the opening of the Lincoln Center for the Performing Arts in New York City. Leonard Bernstein and the New York Philharmonic are to be complimented for such an auspicious beginning in their new home.

As a resident of Washington for a good portion of each year, I must confess to a substantial degree of envy when I consider the magnitude of Lincoln Center and the great contribution it will make to the cultural life of New York. Of course, the benefits of Lincoln Center are for every American and for citizens of foreign lands as well, to enjoy. We are grateful to John D. Rockefeller III and his associates, the driving forces behind the Center, for their persistence in bringing Lincoln Center to a reality. It is truly a magnificent achievement.

This fact, however, does not lessen the urgent need for adequate cultural facilities in Washington. In fact, it further highlights the serious deficiencies that exist here.

Every person concerned with the cultural life of this city received a good deal of encouragement 2 weeks ago with the release of Edward Durrell Stone's new design for the National Cultural Center. This design contains the essential elements: a 1,200-seat theater, a 2,700-seat symphony hall, and a 2,500-seat hall for opera. The cost of this scaled-down version is a realistic $30 million.

While there is still some discussion over the location of the National Cultural Center, it is obvious that the one central objective remains: to raise the $30 million as quickly as possible and to begin construction. I understand that a national fund drive to raise this money will begin on November 29 with a special closed-circuit telecast to 100 cities. I, for one, intend to give this effort my full support and backing, and I hope that many of my colleagues will do likewise.

Of course, proponents of a National Cultural Center have one great advantage, the personal interest and concern of the First Lady of this country, Mrs. John F. Kennedy. Her impact on the cultural life of this country, but on Washington in particular, has already been profound. Her leadership in this effort to achieve a National Cultural Center is the one essential ingredient in the formula for success.

Lincoln Center has given us an indication of what is possible in Washington. It is an exciting prospect and I hope we will witness the completion of the National Cultural Center before too many more years elapse.

Mr. President, I ask unanimous consent that the joint resolution, and editorials from the Washington Post and the Evening Star supporting the plans for a National Cultural Center be printed in the RECORD at this point in my remarks, together with an article by William Schuman, president of Lincoln Center, from Sunday's New York Times Magazine describing the creation of Lincoln Center.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution, editorials, and article will be printed in the RECORD.

The joint resolution (S.J. Res. 232) to establish a joint congressional committee for the purpose of awarding a Medal of Merit to citizens of the United States who have made significant contributions to the humanities and the arts, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a joint congressional committee (hereinafter referred to as the "joint committee") which shall be composed of eight members as follows:

(1) four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, not more than two of whom shall be members of the same political party; and

(2) four Members of the Senate to be appointed by the President of the Senate, not more than two of whom shall be members of the same political party.

(b) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(c) The joint committee shall select a chairman and a vice chairman from among its members upon its initial organization and at the beginning of each Congress. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The vice chairman shall act in the place of the chairman in the absence of the chairman, and shall be selected from the House other than the House from which the chairman is appointed.

(d) A majority of the joint committee shall constitute a quorum thereof for the transaction of business.

SEC. 2. (a) The joint committee shall from time to time, but not periodically, award for outstanding and sustained excellence in the arts and for the permanent enrichment of American culture, a Medal of Merit which shall be struck in gold and designed with suitable emblems, devices, and inscriptions, as may be determined by the joint committee. Individuals to whom such medal is awarded shall be selected by the committee. Such awards shall be given in the name of the Congress of the United States and shall express the Nation's recognition of, and gratitude for, work of the highest and most enduring excellence.

(b) For the purpose of selecting individuals to be awarded the Medal of Merit, the joint committee may seek the advice and assistance of, among others, the following: The Chairman of the Commission of Fine Arts, the Secretary of the Smithsonian Institution, the Librarian of Congress, the American Academy of Arts and Letters, the National Institute of Arts and Letters, the American Council of Learned Societies, the American Studies Association, the Modern Language Association, the Bibliographical Society of America, the American National Theatre and Academy, and American Book Publishers Council, and the National Music Council.

Sec. 3. For the purposes of this joint resolution, the joint committee is authorized to (1) procure such printing and binding, (2) make such expenditures, (3) utilize such services, information, and facilities of any department, agency, or instrumentality of the United States with the consent of the head thereof, and (4) employ and fix the compensation of such experts, consultants, and other employees, as it deems advisable.

Sec. 4. The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee on vouchers approved by the chairman of the joint committee, except that not more than $2,500 shall be expended in connection with each Medal of Merit awarded under this resolution.

The editorials and article presented by Mr. Humphrey are as follows:

[From the Washington Star, Sept. 1, 1962]

A Plug for Culture

Words never have told so well the need for a National Cultural Center as did the recent departure from this country of a singer named Albert Dacosta. Loser in a 7-year struggle for adequate employment, this better-than-average tenor headed for Europe where opera is a way of life.

Mr. Dacosta spoke for hundreds of other Americans when he said the United States was failing its young artists by offering them no chance to grow. And this is a paradox, for even the Russians admit we have the finest musical education in the world. What many young people face after education is a soul-searing withering on the vine.

It is the aim of the National Cultural Center to prove this is neither necessary nor desired in a country teeming with musicians and music lovers. Still in its formative stage, the Center hopes to show its board of trustees next month that it is much needed in the Nation's Capital. At that time the staff will present its conception of a permanent development program, not only for Washington, but for the Nation. For one thing, it will stress the need for pooling national resources in money and talent in order that young artists in all fields shall have broader career opportunities. This would include cooperative efforts of many sources—impresarios, the Center itself, foundations, civic groups, labor unions, and the State Department.

These are encouraging times for realists behind the National Cultural Center dream. They are insisting that the scope shall indeed be nationwide. The first realization of this will come November 29 in the 2-hour, closed-circuit television show which already is set up for about 50 cities from Texas to Maine to Washington. By paying their way to the show, the public in those cities will be contributing something to the National Cultural Center, but more than half the proceeds will be retained by the cities for their own cultural or charitable work. This is a promising beginning for a day when the singers and dancers and actors of this land will have more room for expression and appreciation.

[From the Washington Post, Sept. 15, 1962]

Home for the Arts

No other major world capital has more inadequate facilities for the performing arts than Washington, D.C. The National Symphony performs in Constitution Hall, a cavernous shell never intended for concerts. The Washington Opera Society stages its productions in Lisner Auditorium, where the orchestra pit is best suited for chamber-size ensembles. Ballet is consigned to a movie theater, stages for drama are in short supply, and touring troupes of dancers sometimes can find no place to perform.

The best long-term solution is the construction of a National Cultural Center that can end once and for all the reproach that Washington is a hopeless hick town. Supporters of a Cultural Center were frankly dismayed when plans were produced in 1958 for a building that would have cost $75 million. The figure was so astronomic that it seemed that a millennium would be necessary to raise the money, as planned, from private contributors.

Wisely, the sponsors of the National Cultural Center have revised their goal in a more realistic direction. Edward Durrell Stone, the distinguished architect, has redesigned the building—and to us, at least, the scaled-down plan seems an improvement on the original. His new design will include a 1,200-seat theater, a 2,700-seat symphony hall and a 2,500-seat hall for opera—and the total estimated cost is $30 million.

The center will be located on a 13-acre park that commands a panoramic view of the Potomac, the Capitol and the memorials along the mall. Three levels of underground parking are provided, with space for 1,500 cars. On the center's rooftop, there will be two restaurants and a garden-like terrace will provide room for 3,000 to 4,000 people to attend band concerts, art exhibits and a theater-in-the-round in an open court. The structure will be ornamented in gold and bronze and will have a retractable roof for year-round open-air performances.

No design can be expected to please everybody, but Mr. Stone has come up with a plan that seems serviceable and ornamental—and obtainable. On November 29, a closed-circuit telecast will be presented in about 100 cities in order to start the fund-raising drive with a flourish. A warm response can help make Washington more than a political capital and can turn Mr. Stone's imaginative design into an enduring reality within the next few years. All Americans have a stake in the outcome of an overdue campaign.

[From the Washington Star, Sept. 13, 1962]

Cultural and Practical

Edward Durrell Stone is a handy architect to have around. Told that his plans for a $75-million National Cultural Center were a little too rich for the blood, he promptly came up with a relatively modest $30-million number. Really not so modest after all (it extends 630 by 200 feet and rises 100 feet above the Potomac), the new design already has paid off in enthusiastic acceptance. Even Architect Stone says he finds the less spectacular creation more satisfactory.

While giving up some frills, Mr. Stone retained the essentials—three commodious halls—one for opera, musical comedy and ballet; another for symphonic concerts, and a third for theater. A bonus is the garden-like roof for such summer pleasantries as band concerts, art exhibits and theater-in-the round. A retractable-roof feature will make this area available in good weather or bad.

There are other advantages in the lower cost approach. There will be more ground space for lovelier landscaping and terraces. With all the halls on one level, it will be easy to handle the expected busy flow of stage props from a rear ramp. And there still is the Potomac River vista for roof-restaurant diners and others—the Foggy Bottom site Mr. Stone calls "one of the world's most exciting and glorious settings for a public building."

Even more gratifying, there now is a reachable goal in this enterprise to be paid for by the Nation's citizens. Advisory committeemen from all over the country, after seeing the new model unveiled, returned home. * * *

[The New York Times Magazine, Sept. 23, 1962]

Lincoln Center—The Idea: "A Creative, Dynamic Force"

(By William Schuman)

Lincoln Center is an idea. It is an idea embracing every aspect of the performing arts: the creative, the educational, the organizational, the physical, the political, and the economic. It is an idea giving bold and concrete expression to confidence in man's survival, to the enduring values of art as a true measure of civilization.

It is an idea rooted in the belief that the role of the arts is to give more than pleasure; that music, drama, and dance provide enrichment beyond understanding—encounters with qualities of perfection, nobility, and splendor which engage the heart, the spirit, the intellect—a belief that to the extent that this enrichment is provided, we create more civilized communities—not only locally, but nationally and internationally as well.

The enormously complex task of realizing the Lincoln Center idea has been the self-imposed responsibility of devoted men and women from all segments of our society. Lincoln Center exists because leaders in the arts, education, business, labor, the professions, philanthropy and government do, in fact, believe that the arts are a true measure of a civilization, and Lincoln Center is rising because Americans believe deeply enough in the importance of the arts to give generously of their time and resources to create it.

Lincoln Center is one of sixty-nine art centers in this country, either under construction or in the planning stage, ranging in size from the most modest to Lincoln Center itself. These centers are one unmistakable sign that in this country today there is a new realization of the value of the arts. The one sees crowds standing in line four and five deep to see a painting or hear music, one cannot escape the fact that Americans are being deeply stirred by art. And when one considers that civilizations—the glory and grandeur of cities, States, and Nations—survive in man's memory down the centuries because of their art more than because of any other thing, that one of the proudest titles of history is Patron of the Arts, one becomes hopeful for this great country because it is experiencing this phenomenal cultural expansion. Lincoln Center represents the grand concept which can come to fruition only in one of the world's great cultural capitals.

For each of the many individuals concerned with its building and development, Lincoln Center, despite its size and complexity, is something personal. In time the center will have a strong personal meaning for the great public. The sentiments of people toward a Carnegie Hall or a Metropolitan Opera House stem from the deeply moving personal experiences of millions of individuals over the years. The same sentiments toward Lincoln Center will develop in direct proportion to our abilities as people of the arts—creators, performers, and patrons—to use the center with the imagination worthy of the challenge of its idea.

This challenge is for my colleagues and me a personal one. We have come to the end of the prolog and the beginning of the realization. The prolog has been an exciting period of more than 7 years, filled with thousands of hours of planning. But how, specifically, will the center realize its potential? What is Lincoln Center?

Lincoln Center is organized as a group of constituent institutions, each of which retains its artistic and fiscal autonomy, while each, at the same time, is committed to the idea of collaboration. Each organization is represented on the board of directors of Lincoln Center. The board of directors also has members from the public at large, distinguished men of achievement in business and the professions who are devoted to the Lincoln Center idea. The board also has, as ex officio members, the mayor of the city of New York and the commissioner of parks for the city.

In addition to the Lincoln Center Board, there is a second group called the Lincoln Center Council. The council is composed of the chief professional officer of each of the center's constituent organizations. The council, which meets regularly with the administrative officers of the center, advises on all professional matters.

The activities of Lincoln Center are, first, the regularly scheduled programs of each of the constituent organizations; second, the programs presented by visiting organizations and individual artists; and, third, special projects sponsored by the Lincoln Center Fund for Education and Creative Artistic Advancement.

The Lincoln Center Fund was included in the planning of Lincoln Center from the very beginning. It enables the center to initiate and develop specialized projects in the performing arts. New works in all areas will be commissioned from established talents as well as new ones. Already $5,500,000 has been allocated to the fund; eventually the total will be $10 million. We consider the fund the creative heart of Lincoln Center.

Physically, Lincoln Center consists of six buildings: the Vivian Beaumont Theater, Philharmonic Hall, the Metropolitan Opera House, the Juilliard School of Music, the New York State Theater, and the Library-Museum of the Performing Arts. Each of these structures has been designed by a leading architect, not only to be esthetically pleasing in itself and in relation to the others, but, most important, to supply the most practical and efficient facilities for carrying on its specialized programs.

The Lincoln Repertory Company, which will be housed in the Vivian Beaumont Theater, is a new organization created by Lincoln Center. Although there have been a number of attempts in the United States to establish permanent repertory companies, and from time to time some of these efforts have been on a high artistic level indeed, there has been no single company which has achieved for this country a theater comparable in stability and artistic excellence to the Comédie Française, the Old Vic, or the National Theater of Greece, to mention but three.

The Lincoln Repertory Company, with a theater designed for the utmost flexibility in dramatic presentations, gives promise of meeting the need for a permanent repertory company who can present a wide variety of productions and styles, ranging from the contemporary back to the classics of Greek literature. These goals cannot be achieved through the star system and the separate casting of each new play offered for as long a run as the box office will sustain. The new company will develop a body of players fused into a working unit of artistic cohesion committed to the company for long periods of time.

Under the sponsorship of the Lincoln Center Fund, $500,000 has been earmarked to cover the cost of organizing the company and financing an initial rehearsal period of at least 7 months before the first production is presented for public viewing. The Lincoln Repertory Company has already attracted the devoted participation of leading figures in the theater world, who are willing to forgo the higher financial rewards of the commercial theater for the deeper satisfaction of an artistic enterprise of such exciting potential.

Philharmonic Hall has been designed as the permanent home of America's oldest orchestra, the New York Philharmonic. When the Philharmonic itself is not performing there, the hall will be available to other orchestras and artists, choral groups, jazz and folk musicians, film presentations and lectures. The Metropolitan Opera House will be the new home for the Metropolitan Opera Association. At such times as this company is not in residence, the house will be available for the presentations of other companies. The New York Philharmonic and the Metropolitan Opera Association were the first two constituents of Lincoln Center, and it was out of their mutual need for new halls that the idea of the center itself first began to take shape.

The Juilliard School of Music, to be housed in its new structure at Lincoln Center, was the third constituent to join the center. From the beginning, the Lincoln Center idea included education in the arts at the professional level. Juilliard, in accepting the invitation to join the center, agreed not only to concentrate exclusively on the most gifted young performers and composers, but to add as well a program in drama training to its existing curriculum in music and dance. It was recognized that the cost of this addition went beyond the purpose of the school's endowment for musical education. The inauguration of the program in drama training will be made possible by a grant of $2,500,000 from the Lincoln Center Fund. Juilliard at Lincoln Center, in accepting only students of truly professional caliber, will enjoy the unprecedented opportunity of the closest possible working relationships between the young and the mature artists who perform at the center.

The Juilliard School building, in addition to containing space for the needs of the school's educational program and dormitories for its students, will also include a chamber music and recital hall which will be operated by Lincoln Center. Indeed, one of the center's opportunities will be in the development of a vital program for the presentation of various forms of chamber music, organized with a view to stability and continuity.

The New York State Theater has been planned primarily for dance and operetta. During the New York World's Fair, 1964–65, Lincoln Center will present in this theater great performing arts companies from this country and abroad. In fact, during these two summers, Lincoln Center, serving as the performing arts wing for the World's Fair, will be responsible not only for the program in New York State Theater, but in its other auditoriums as well. After the World's Fair seasons, it is expected that the New York State Theater will be used primarily by the New York City Center, which organization, it is hoped, will join Lincoln Center as a constituent organization.

The Library-Museum of the Performing Arts will house the music, drama, and dance archives of the New York Public Library. A portion of the space of this building will be allocated for museum purposes. Here it is anticipated that special exhibits relating to the performing arts will be presented in a new and interesting manner for the education and pleasure of the general public.

In brief, these are the buildings of Lincoln Center and the constituent organizations which will operate in them. But the role of Lincoln Center is not that of a passive landlord and housekeeper for its distinguished tenants—although it is a nonprofit corporation which owns the properties. Lincoln Center is conceived as a creative and dynamic force.

Lincoln Center, in addition to underwriting the formation of the Lincoln Repertory Company and the inauguration of Juilliard's program in drama training through the Lincoln Center Fund has, for the past 2 years, been actively engaged in operating the Lincoln Center student program.

Working in cooperation with the New York City Board of Education and the boards of neighboring communities, Lincoln Center has given experiences with music to more than a quarter of a million young people from the public schools of New York and the metropolitan area. It has brought students to special concerts and rehearsals of the New York Philharmonic in Carnegie Hall, and this year will bring them to the new Philharmonic Hall.

Through the Metropolitan Opera Studio, which was especially organized for this purpose, it has taken Mozart's opera "Cosi fan tutte" and Rossini's "The Barber of Seville" to more than 100 school auditoriums. Many of the youngsters who heard these performances had never before heard an opera or a symphony concert "live."

In addition to offering these one-time encounters to many, Lincoln Center is providing experience in depth to a few. During the past academic year, 150 especially talented and interested public high school students, selected by the schools, were invited to 15 performances at the Juilliard School. These were preceded by classes conducted by a leading composer-teacher, where the students met the performers, and often the composers of the evening's concert to hear their views and analytical comments.

In 1966, Lincoln Center plans to hold the first session of a new organization it will create, the Lincoln Center Teachers' Institute. The purpose of the institute is to give teacherss from all over America an opportunity to advance their skills in the arts they teach.

Anyone familiar with the requirements of pedagogical certification recognizes that teachers of the performing arts study under severe curricular handicaps. They are obliged to meet so many general requirements, centering in the techniques of teaching itself, that more often than not they are denied an opportunity fully to develop their own professional skills. As one who has observed this scene intimately for some 30 years, I am convinced that millions of students have been denied an inspirational introduction to the arts because their teachers were not skilled in artistically acceptable terms.

Dedication is no substitute for proficiency. At the Lincoln Center Teachers' Institute, teachers will work with artists. They will act in plays. They will dance. They will compose. They will perform in orchestras, in chamber music ensembles, in choruses. They will be asked to return to their own communities and, in the winter season, give their fellow teachers the benefit of their Lincoln Center experience. The same teachers will be invited to return for at least a second summer. The need for mastery of subject content on the part of secondary school teachers has been recognized in other fields. It is time to extend this recognition to the arts.

The activities sponsored by the Lincoln Center Fund are not conceived as static or final. Projects will be added over the years, some of short duration, others of a more permanent nature, as in the instance of the Teachers' Institute and of the Lincoln Center festivals.

Lincoln Center "Festival '66" will take place during the summer of that year, the first of an annual series. It will differ from any other festival in the scope of the performing media involved and in its emphasis on new works. These annual festivals will encompass opera, drama, dance, operetta, choral music, orchestral music, chamber music, vocal and instrumental recitals, motion pictures, creative jazz and educational programs.

The Lincoln Center Fund has allocated $100,000 for commissioning new works in all branches of the performing arts during "Festival '66." The Lincoln Center Council and other advisers will select composers, writers and choreographers to create the new works commissioned by the fund. First consideration will be given to native artists, but commissions will also be extended to those of other countries. The first festival will run from 4 to 6 weeks.

Nothing matters so much in the performing arts as the constant renewal of the dialog between the creator and the performer, between the performer and the listener. Each generation and age must make its own statement and its own contribution, and each generation must hear its own voice.

Lincoln Center is aware of the economic problems of the artist and art institutions. If the performing arts are to have the caliber of artists they need, compensation must be adequate to attract and hold a continuing supply of young people. This is a difficult problem because all performing arts organizations are "deficit financed"—a quaint phrase which means very simply that they inevitably lose money and someone must pay the bills out of love for the arts and a belief in their importance. Even if every seat in the house were fully subscribed in advance, the Metropolitan Opera Association and the New York Philharmonic would still lose money. Every concert goer and opera goer pays far less than the cost of his seat—just as every college undergraduate pays far less than the cost of his education. The difference is subsidy.

Lincoln Center shares with all institutions in the arts an interest in the broad question of subsidy. It considers Government support vital but not the answer to all the problems in the arts. What seems crucial is the development of an effective, planned, and balanced union of public and private sources of subsidy. There is very little planned support for the arts and other cultural assets of our communities in the Nation as a whole today. The center will continue to seek Government support at National, State, and local levels, with broad private support of individuals and organizations as the core.

Finally, at a time when so much attention is being given to urban renewal, we should remind ourselves that the arts are not merely ornaments to the great communities of the world—New York, London, Paris, Rome, Vienna—but central to their appeal. Communities suffer far more than is generally realized from malnutrition of the spirit—neglect of the cultural diet. The physical slums of any community are all too apparent, and their evil is plain enough. But a community in which the spirit is not fed—where it does not often enough encounter the perfections of the arts—is just as certainly underprivileged.

The Lincoln Center idea, then, is many sided. But before all others, it is a living monument to the dedication of freemen acting together on the basis of their own initiative and idealism.

UNIFICATION OF APPORTIONMENT OF LIABILITY IN CASES OF COLLISION BETWEEN VESSELS, AND RELATED CASUALTIES—AMENDMENTS

Mr. MORSE submitted amendments, intended to be proposed by him, to the bill (S. 2313) to unify apportionment of liability in cases of collision between vessels, and related casualties, which were ordered to lie on the table and to be printed.

LIMITATION OF LIABILITY OF SHIPOWNERS—AMENDMENT

Mr. MORSE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the bill (S. 2314) to limit the liability of shipowners, and for other purposes, which was ordered to lie on the table and to be printed.

TEMPORARY SUSPENSION OF DUTIES ON CORKBOARD INSULATION AND CORK STOPPERS—AMENDMENT

Mr. SMATHERS submitted an amendment, intended to be proposed by him, to the bill (H.R. 12213) to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers, which was ordered to lie on the table and to be printed.

BOOKS FOR ARMLESS READERS—CHANGE OF REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from the further consideration of S. 3719, the bill introduced by the Senator from Texas [Mr. TOWER], to amend the act providing books for the adult blind so as to make books also available to armless readers, and that it be referred to the Committee on Rules and Administration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, the Washington Daily News of September 22 carries an editorial on our distinguished colleague, the Senator from Wisconsin [Mr. PROXMIRE]. It reveals the exceptional character of the able Senator. He is big enough to acknowledge past mistakes and to admit that he had something to learn after he came to the Senate.

I want to say, Mr. President, that no Member of this body has worked harder at his job and learned more than the Senator from Wisconsin. And, in recent years, he has contributed immensely to responsible government—particularly in fiscal matters. He has become one of the outstanding specialists in the Senate on Federal spending. He has done much for our understanding of where the public's dollar is going and how to use it better, and I anticipate that his great contribution in this connection will bear increasing fruit as time goes on.

Mr. President, I ask unanimous consent that the editorial be included at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MAKING OF PROXMIRE

When he first came to the Senate, in 1957, WILLIAM PROXMIRE, of Wisconsin, quickly stamped himself as a member of the faction which seems to think taxpayer dollars can solve almost any problem.

He introduced legislation which, it was variously estimated, might have cost the taxpayers $23 billion or more. Even former President Eisenhower singled out Senator PROXMIRE as a leading example of the liberal spenders.

In the present session of Congress, the Wisconsin Democrat has made an entirely different name for himself. He has been a persistent opponent of big spending, even to trying to cut sacred appropriations on the Senate floor, often with little or no support from others.

The Senator himself explains this contrast:

"I came to Washington eager to set the world on fire. I made the mistake a new Senator makes—of moving into fields with no special knowledge, trying to save the country, instead of waiting for the experience and knowledge which come after several years of careful research and study."

Now, he says:

"I learned that the Government is becoming so enormously big that it is getting out of control. We need discipline in Federal spending. When we get up to the $100-billion-a-year rate, waste is just as sure as the sunrise. The only way to cut down on this waste is to pound away as hard as you can, challenge the usefulness of all programs, insist upon justification for every item."

Senator PROXMIRE hasn't made much progress with his moneysaving proposals in Congress. But he obviously has made a lot of progress with his conscience. So much that when a Democratic chairman in Wisconsin assailed him for not backing President Kennedy's proposals more consistently, the Senator was able appropriately to reply: "I was elected by the people of Wisconsin, not appointed by the President."

Senator PROXMIRE is said to be more or less persona non grata with some of the higher flying spenders in the Senate. But his standing with the taxpayers is improving—especially, we would hope, in Wisconsin.

TRIBUTE TO MRS. EVELYN NORTON LINCOLN

Mr. MANSFIELD. Mr. President, in a recent edition of Look magazine, senior editor Laura Berquist has a story full of warmth and human interest about a warm and interesting person—the "Lincoln in the White House." It is a sketch of Mrs. Evelyn Norton Lincoln, the President's personal secretary.

Those of us who have had the privilege of knowing this charming and disarming lady can appreciate that the article states with accuracy her exceptional attributes of alertness, kindness, consideration, and dedication. As the Mexicans repeatedly described her to me during the recent Presidential mission to Mexico, she is completely "simpatica."

Whether or not we have had the opportunity of knowing her personally, it is not difficult to realize her key importance in facilitating the President's work for the Nation. The article properly salutes her, Mr. President, for she is a most worthy first secretary of the Nation. I ask unanimous consent to have this article inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ANOTHER LINCOLN IN THE WHITE HOUSE

When the Presidential jet roared off for Mexico on June 29, the President's personal secretary, Mrs. Evelyn Norton Lincoln, was aboard as usual. She sat close to the Boss, a bulging briefcase in her lap. In rapid order, Kennedy asked her for 20 or so documents for scanning aloft, which she fished up instantly. Then he requested a pencil. She rummaged, grew flustered when she could not find one handy. "Well," said J.F.K. with affable tolerance, "anyone is entitled to a slip-up after all these years."

To quote another longtime Kennedy loyalist, Bostonian David Powers, J.F.K.'s official greeter: "For 9 years, Evelyn has been the President's indispensable girl Friday 365 days a year, his traffic manager, buffer, and personal cop. I know she'll hate to hear this, but she's 'old reliable.' She opens and closes the White House." The Presidential office opens for crises with her arrival at 7:45 a.m. She seldom departs before 7 or 8 p.m., hasn't missed a day's work since January 1961. A fine summer Saturday morning invariably finds her back at the desk, "cleaning up odds and ends."

This slight, disarming, folksy woman, nearing 50, is undeniably the irreplaceable female of the White House inner circle—apart from the more celebrated First Lady and daughter Caroline. (She is a great fan of Caroline, who in turn regards her as a favorite nonrelative aunt and confidante.) She also confounds critics who darkly suspect that Kennedy intimates run exclusively to shrewd Boston Irish "pols" and/or Harvard eggheads.

For " 'Miz' Lincoln," as the Boss calls her, is pure Midwest and Scandinavian. Her grandfather was a Swedish immigrant homesteader and stanch Republican. A man of "great character," she recalls. Charles Norton farmed 200 acres in Nebraska, 75 miles from Lincoln, and changed the family name from Norden to Norton, when the Government insisted on addressing his mail that way. He was also founder of Swede Plain Church, and his granddaughter is a devout Swedish Methodist. Her father John Norton, in turn, farmed 80 acres of wheat and corn across the way from the old homestead, and his daughter, come rain, sleet or snow, walked a mile daily to school. This old American custom, she insists, has left her "permanently physically fit." Her baptism in politics came early. Her father was a State legislator who ran unsuccessfully for Governor, but moved later to Washington, D.C., when he became that rarity in GOP Nebraska, a two-term Democratic Congressman. He was a loyal ally of the famous liberal, Senator George Norris.

Her own office today, just outside the Presidential inner sanctum, is run a bit like a Nebraska farm kitchen—efficiently and with warmth. Her desk, topped with neat piles of paperwork, rests on wall-to-wall carpet now christened "Lincoln's Highway." A good share of the world's VIP's and no few Presidential critics have trod it since Inauguration Day, but her philosophy remains: "Basically, people are real nice." Mrs. Eleanor Roosevelt, calling on the President, pauses at Mrs. Lincoln's desk to say, "I won't go until I say hello to you." On a Saturday morning, ex-Congressman Brooks Hays, of Arkansas, may drop by to inquire about the White House "sweetheart" and ask, "Aren't you tired of seeing me here?" "We never tire of seeing you, Congressman," says Mrs. Lincoln.

Of the Lincoln-Kennedy affinity, her pretty assistant, Priscilla Wear, says, "The President likes to have people around him who are calm, easy and nonhysterical. He especially appreciates her kindness to people. Somehow, she always gets things done without fuss—even though the phones are ringing like mad, the President is buzzing for her, and some foreign dignitary is arriving. You need signals to regulate traffic in this office." Mrs. Lincoln answers the phone as if she had all the time in the world and couldn't be more overjoyed to hear from the caller, frequently sprinkling her talk with "All righty." (On her Mexican junket, she picked up a new goodby, "Adios.")

The Nation's first secretary, quixotically, never had notions of being one, and her shorthand and typing are self-taught. She studied law for 2 years at George Washington University in Washington, D.C., after sampling French, dramatics and English as an undergraduate. Her formal education brought her one bonus, however—her husband for 19 years, Harold Lincoln, who now works for the Veterans' Administration.

Evelyn Lincoln takes all the President's dictation, logs his every phone call. Before a special Presidential chair was installed in the Cabinet room, she saw to it that his rocking chair was moved there in readiness for top-level conferences. Presidential friends who can't crash the barriers set up by P. Kenneth O'Donnell, J.F.K.'s official appointment secretary, often phone Mrs. Lincoln, "Don't you want to talk to the President himself?" she may ask a flabbergasted caller. "The worst SOB can call me and get no place," says O'Donnell, "but Evelyn is so darned nice and softhearted she always says, 'Hello.' " "Sometimes, especially just before lunch," notes another aid, "Mrs. Lincoln has as many people in the Cabinet room waiting to see the President as have been officially scheduled all morning."

When in White House residence, Caroline never fails to pay a morning call on her favorite nonrelative aunt. She is so addicted to plunking on the electric typewriter that Mrs. Lincoln once suggested "I'll bet you're going to be a secretary when you grow up." "Oh, no," confided Miss K., "I'm going to be a horsewoman."

As the mother hen of the White House inner circle, Mrs. Lincoln's desk is stocked with chocolates for nibblers, plus cookies sent up by the White House French chef. There are aspirins for New Frontiersmen with headaches, cigars for politicos, PT-boat tie-clasp mementos for visiting celebrities like Spaceman Scott Carpenter, pencils for forgetful notetakers. She acknowledges all gifts sent the President by the public (none accepted worth more than $15), and a rather bizarre assortment of these gimcracks adorns the shelves near her desk. Recent acquisitions include a stuffed bear, the University of California mascot, sent to Caroline, who left it on the premises to "play with." Caroline also wildly admires the Indian doll and headband presented to Mrs. Lincoln by the Chickasaw Tribe of Oklahoma, along with the title "Queen Iphana Ohoyo," or "Learned Lady." "I'll bet you know a lot about Indians," said Mrs. L. to Caroline during one of their morning palavers. "Oh, yes," agreed Caroline, "I know all about Minnehaha."

In the Eisenhower regime, the Presidential desk was topped by at least 6 phones and studded with 10 or more buzzers for summoning aids. J.F.K. has streamlined his communications to one phone and two buzzers, one each for his real indispensables—O'Donnell, the appointment secretary, and Evelyn Lincoln. Frequently, the restless, curious J.F.K. pops out from inner sanctum to give her instructions himself, or riffle through the folders of interesting mail she has compiled on her desk. (The White House post now brings in about 30,000 letters weekly; J.F.K. sees every 50th, plus correspondence from citizens on important issues, a minimum of 100 missives to be read a day, to say nothing of very important official documents.) Nights, Mrs. Lincoln packs his black alligator briefcase full with more reading. "He's always reading," she says. "Sometimes I draw an article to his attention, but he usually says, 'Oh, I've read that.' "

During Presidential press conferences, Mrs. Lincoln usually stays glued to the office TV set. She is especially tickled by the President's "funny throwaway lines" as he winds up answering a question, invariably tells him his performance was "wonderful." When she lauded his stand on the Supreme Court prayer decision, he asked dryly, "But do you think the Methodists will like it?"

By contrast to more flamboyant New Frontiersmen, she is so self-effacing, such a perpetual appreciator of other people's jokes and talk, that her acumen and humor are sometimes underrated. (Recently, however, she jolted a White House staffer with this mildly naughty sally: "Do you know what went wrong in the Garden of Eden? It wasn't the apple in the tree, but the pear (pair) on the ground.")

Eleven years ago, while working as secretary for Congressman Elijah Forrester of Georgia, she spotted a young "comer" in the House, He was Congressman John F. Kennedy, who was making the big try for the Senate. She volunteered to work evenings on the Kennedy senatorial campaign, "because I thought he might be going someplace; because I liked his philosophy."

"When he filed," she recalls, "everyone thought he was crazy, just as they did when he ran for President. I never doubted for a minute that he'd win—how could he lose with all that determination and capacity for hard work?"

In Congress, J.F.K. had a secretary named Mary Davis, who couldn't bear to leave the ambience of the House for the Senate when he triumphed. And so Evelyn Lincoln inherited the job, with historic result. (The eventful years since are marked on her charm bracelet by gold replicas of the Kennedy family plane, the *Caroline*, and a PT boat, both gifts of the Boss.)

In the past 9 years, she has shared every crisis and triumph of his life—except for his near-fatal illness. In the long months when he was recovering from spinal operations, she was quite mortally ill herself. She spent 4 agonizing months in hospitals, first with an ulcer operation, later with major surgery for a tumor of the spine. "I had to learn to walk all over again," she says, "just as he did."

Mrs. Lincoln is not the kind of woman who will ever write her White House memoirs, nor is she loquacious about her boss, but when she does speak of him, it is always in terms of 100 percent glowing. "He has a tremendous capacity for recalling facts and figures," she says. "That man can remember back to the year 1. He's like me—he knows you have to apply yourself and work hard for anything you want. No one knows how terribly hard he works better than I do." Then, she adds, with indignation, "He can do 15 things absolutely right. Then one thing goes wrong, and everybody jumps on him. I believe, however, that 85 percent of the people are absolutely with him."

Apart from the President's wedding, Mrs. Lincoln says, the most exciting event of his life was the night he heard the news of his nomination for the Presidency at his Los Angeles hideout. "It was the culmination of everything he'd worked for, for so long. Watching TV, I completely lost my head and jumped up, shouting 'Hooray!'"

Her mother-hen pride in him is still unflagging. Recently, when he greeted the first delegation of foreign students to visit the White House rose garden, an aid drafted a one-page speech for J.F.K.'s delivery. The President glanced at it once as he trotted briskly from his office to the garden. Then, says his ever-loyal fan, "he gave it almost verbatim, adding little jokes and flourishes of his own."

Any day now, she expects another regular morning caller, John, Jr. Already, she has applauded one of his first major efforts—learning to walk. "He came toddling out of the President's office one morning," says Mrs. L., "and I was so surprised I said, 'Well, look at you, John.' He sat, bump, right down, on his fat bottom. You watch that boy—he's going to be another Kennedy barn burner.

"You know, some people say I should pay to work this job, and maybe they're right. Where else could you find an office atmosphere this informal and homey?"

THE KENNEDY ADMINISTRATION'S HANDLING OF FOREIGN POLICY

Mrs. SMITH of Maine. Mr. President, the September 22, 1962, issue of the Lewiston (Maine) Evening Journal in its lead editorial gave strong support to my speech in the Senate the day before. That editorial stated the situation even more effectively and more succinctly than my speech.

I ask unanimous consent that it be placed in the body of the RECORD and I invite the attention of the Members of the Senate to it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR SMITH'S WARNING

Maine's Senator MARGARET CHASE SMITH is not one of those Members of the Senate who makes frequent and lengthy speeches. When the Senate's far-and-away best known lady member does make a formal address, she more often than not has something to say of importance.

Along with this fact has been her excellent sense of timing—that is, her subject matter and her personal position on it ties in with significant events of the times. Her "declaration of conscience" speech embracing the late Senator McCarthy makes a good reference in point.

Friday Mrs. Smith discussed the Kennedy administration's handling of foreign policy in general and our military position. It is with regret we find we must agree with her conclusion that the United States has lost ground in the continuing struggle for influence between the United States and the Soviet Union.

As Mrs. SMITH asked: "Who is really so blind as not to see that under the pressures of the last year the outlook for us has deteriorated steadily?"

The United States hope of maintaining a pro-Western Laos was dashed by Soviet and Chinese Communist help for the Communist Pathet Lao forces. Now Laos is doomed to a pro-Red existence. In Berlin the Russians and East Germans were permitted to construct a permanent barrier between East and West Berlin. In Cuba we allowed what could have been a successful invasion to fail, and currently are uneasily wondering what to do about heavy Russian equipment of modern armaments to the Castro dictatorship.

This deterioration has happened and appears continuing even though the United States possesses, both in the opinion of Senator SMITH and in that of many other highly qualified sources of information, the overall capacity to administer a ruinous defeat upon the Soviet Union in case of war. No American desires war, but neither does any American wish to see our country's position erode to the point where Russia holds military preeminence.

Surely it is time for our Government to take the firmest of stands with respect to Cuba, Berlin and other issues which currently embroil East and West. We must cease giving ground here and giving ground there. The Soviet Union and its Red allies must be told flatly that the United States has lost interest in making further concessions in order to gain what amounts to a spurious peace.

RICHARD LANGHAM RIEDEL

Mr. WILEY. Mr. President, 44 years ago today, September 27, 1918, Richard Langham Riedel, who serves the Senate as press liaison, under the Office of the Sergeant at Arms, took the oath of office as a Senate page, at the age of 9 years, in a room which is now a part of the office of Vice President LYNDON JOHNSON.

In addition to his other duties as a page he was assigned to the task of helping members of the press in their contacts with the Senators, and for a number of years he did clerical work in the Office of the Sergeant at Arms, during the interims between sessions of Congress.

Although helping the press in a capacity separate from the Press Gallery, he has served the Washington newspaper correspondents, consecutively, longer than anyone else. He was the first person to aid the radio correspondents in arranging their interviews with the Senators.

Now with the aid of three able assistants he handles appointments between Senators and all the press, radio, and television correspondents, the periodical press, and members of the White House News Photographers Association.

There are no Senators now living who were Members of the Senate when Richard came to work here, the late Senator Kenneth McKellar, of Tennessee, being the last.

Forty-four years ago World War I was nearing its climax, Woodrow Wilson was President and Thomas R. Marshall was Vice President. Among other prominent Senators of that era were Henry Cabot Lodge, Sr., John Sharp Williams, Boise Penrose, Hoke Smith, Warren G. Harding, Jim Reed, "Cotton" Ed Smith, William E. Borah, Hiram Johnson, and from my own State of Wisconsin, Bob La Follette, Sr., and Irving L. Lenroot.

I extend my congratulations and best wishes to Richard on this anniversary in his life, as he now approaches the half-century mark in the service of the Senate. May he enjoy many years of continued happiness with his wonderful family, his lovely, talented, and beautiful wife Angela, and their two lovely and precious little daughters, Angela Lynn and Kathleen Cody, at their beautiful little home, "Horizons West," 25 miles out in the Virginia countryside.

REUNION OF FAMILIES SEPARATED BY WORLD WAR II

Mr. McGEE. Mr. President, one of the great tragedies of the cold war is the separation of families and loved ones by the Iron Curtain. Although those dedicated to the advance of communism have proved to be less than willing to enter into the compromises and agreements that could lessen international tension, some small success in dealing with the U.S.S.R. for the reunion of families separated by World War II and subsequent tensions has been achieved by a New York attorney, Marshall MacDuffie.

His story shows how persistent effort, even in dealing with people as recalcitrant as the Russians, can sometimes pay off. The story of this man's work appeared in the June 1962 issue of Pageant magazine and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HELPFUL AMERICAN

(By Gerald Walker)

His quiet perseverance has reunited Soviet relatives, who had almost lost hope, with their families in the United States.

Although 17-year-old Chrystyna Nowozeniuk arrived from Moscow at New York International Airport on a chill November evening in 1960, a summery glow lit her country-girl face as she went into a four-cornered embrace with her parents and younger brother. Chrystyna had been separated from her mother and father for 16 years; she was seeing Ihor, 15, for the first time.

The family was split when the Eastern Front swirled through their native Lithuania in 1944. The Russians shipped 11-month-old Chrystyna, along with her aunt and grandparents, in a cattle car to Siberia, where she grew up. Her parents, Stefan and Irena, were made slave laborers by the Nazis; in 1949 they made their way to America as displaced persons and became citizens. For years the Nowozeniuks tried to get their daughter released, but not even the U.S. Embassy in Moscow could cut through the Soviet redtape. Russian bureaucrats denied each new appeal for an exit visa with an inscrutable, immovable "nyet."

But now the family—three in trim American clothes, one in boots, shawl, and bulky Russian greatcoat—was together again.

Off to one side, eyes beaming at this reunion scene, stood a ruddy-cheeked, balding man of 51. He was Marshall MacDuffie, an affable, successful New York attorney, who played a key role in changing the Soviet answer to "da."

An influential New York Democrat (he held high-level campaign posts when Adlai Stevenson ran for the Presidency and during Herbert H. Lehman's senatorial race) with a long record of public service (he served a 4-year wartime oversea tour of duty for several Government agencies), MacDuffie has labored for 6 years with selfless devotion and seasoned ingenuity to reunite Americans with war-separated relatives still held inside Russia. In doing so, he has shown why his natural gifts have led him to a legal career in which he has specialized as a negotiator.

All told, he has taken on 41 cases involving the freedom of 65 men, women, and children. On their behalf, his Scotch-Irish persuasiveness has mobilized support from such diverse sources as Richard Nixon,

Eleanor Roosevelt, Dr. Milton Eisenhower, Adlai Stevenson—and Nikita Khrushchev, who gave MacDuffie a personal promise of cooperation that largely has held despite cold war ups and downs.

So far MacDuffie has raised the Iron Curtain on a dozen cases similar to the Nowozeniuks', enabling 19 persons to rejoin loved ones in this country. Indirectly, his efforts have led to the release of hundreds of others, who have gone not only to America, but to Australia, England, Canada, Sweden, and Argentina.

Married but childless, MacDuffie says his private crusade is motivated by the belief that family unity should supersede international boundaries.

"Nobody could disagree," he says, "after witnessing one of these airport reunions. I try to be there whenever a case is concluded, and the emotional impact is enormous. First you see their eyes searching every corner of the terminal. Then comes that indescribable instance when parent and child or husband and wife recognize each other after 10, 15, or even 20 years. Finally they just dash and burrow into one another with kisses, hugs, and tears. This sight is the best legal fee I can imagine for handling such a case."

Frequently it is the only payment besides gratitude, that MacDuffie receives from his struggling immigrant clients. But he goes right on donating his services when necessary to the humanitarian end of bringing families together again.

Marshall MacDuffie dates his involvement in this cause to 1946 when Herbert H. Lehman, then director general of the United Nations Relief and Rehabilitation Administration, appointed him head of the UNRRA Mission to the Ukraine. Khrushchev was Ukrainian Premier at the time and went out of his way to establish a cordial relationship with the American who was in charge of delivering $180 million worth of much-needed relief supplies.

For almost a year MacDuffie had near-daily contact with Khrushchev ranging from private conferences to swapping toasts and banter at official dinners. The relationship, founded on Russian self-interest about Khrushchev's personal curiosity about Americans with whom he then had little acquaintance, was cemented by a shared sense of humor.

"During our first meeting in Khrushchev's office," MacDuffie recalled, "I said something about 'needling' the UNRRA to keep Ukrainian supplies coming. The interpreter translated it as something like 'steeskeevat,' and Khrushchev laughed almost as if he could see the needle going in. This was unusual. Soviet officials are generally on the formal, if not stuffy, side. But Khrushchev's combination of toughness, humor, and casualness reminded me more than anything of a New York political boss. From then on we got along easily."

On one occasion, while the UNRRA team was watching the May Day parade in Kiev, the Premier marched by and gave MacDuffie and the others a big smile and a flourishing hello-boys wave.

Khrushchev set the tone for his subordinates. During MacDuffie's stay in the Ukraine, he enjoyed relaxed contact with other leading Soviet officials, including the former Ambassador to the United States, Mikhail Menshikov.

His job done (MacDuffie calls it "the first foreign inspection team ever allowed in the Soviet Union"), he left Russia with Khrushchev's words of appreciation ringing in his ears and returned to New York to resume his law practice and political activities. And there his relationship with the Soviets rested for nearly 7 years.

When Stalin died in 1953, Comrade N. S. Khrushchev was reported to be Chairman of the Funeral Arrangements Committee. To MacDuffie, this was an indication of Khrushchev's steady climb up the ladder of the Soviet hierarchy. And when Khrushchev succeeded the new Soviet Premier, Georgi Malenkov, as Secretary of the Central Committee of the Communist Party, it was plain that he was No. 2 man in Russia.

In the late spring of 1953, MacDuffie sent Khrushchev a cable asking permission to revisit Russia and observe the changes that had taken place since 1946. By October, on a visa received directly from Khrushchev, MacDuffie had begun a 65-day, 10,000-mile tour from Leningrad to the Chinese border. He traveled and talked freely in areas where no Westerner had been for 20 years, winding up with an exclusive 4-hour interview with Khrushchev. It is worth noting that MacDuffie received this special treatment at a time when cold war tensions had made the Soviet Union and its leaders inaccessible to all other non-Communist, non-fellow travelers.

When MacDuffie wrote a book, "The Red Carpet," and a prize winning magazine series about his trip, he earned a reputation as "the American who knows Khrushchev." This is what impelled him to take up his current endeavors.

After publishing another article about a subsequent 3-hour Khrushchev interview, which took place while he was on a business trip to Russia in January 1955, MacDuffie began receiving appeals for help from people caught in a cruel legal snarl: Although U.S. laws permitted entry of Soviet relatives of American citizens, postwar Russia relentlessly barred emigration that would reunite families.

The first plea came from William Gavcus, an Oak Lawn, Ill., businessman. He had been separated for 10 years from his wife and two children, who along with thousands of other Lithuanians had been transported to Siberia during World War II. The second appeal came soon after from Jacob Olin. A frail New York bank messenger in his mid-fifties, Olin had married his childhood sweetheart the day before he left Russia to come to America in 1937. He had not seen her since. Both Gavcus and Olin asked MacDuffie to use his influence with Khrushchev to help them.

Initially uncertain as to how much "influence" he had in matters of Soviet policy, MacDuffie hesitated. But at the strong urging of his wife, Rose, who was much moved by the letters from Gavcus and Olin, he decided to try.

Using the same "needling" technique on Khrushchev that they had once laughed over, MacDuffie showed great public relations ability in alternating what might be called the four P's of persuasion: personal contact, pressure, praise, publicity. He made his first move while on a business trip to Moscow in January 1956. He had another long talk with Khrushchev, now the No. 1 man in the Soviet.

"My marriage is going to be in trouble," MacDuffie remarked at one point to the Premier, "if I don't bring this up."

When Khrushchev chuckled and waved him on, MacDuffie explained that his wife had asked him to do something about the Gavcus and Olin cases, whose details he outlined. Khrushchev thought about it, then replied that the relatives of these Americans could leave "if they wanted to." On leaving the leader's Kremlin office, MacDuffie announced this precedent-breaking promise to the world press.

Both families applied for exit visas, but they met unexplained delays. Sure the snag was caused by low-level bureaucrats, MacDuffie sent several cables to Khrushchev and Foreign Minister Andrei Gromyko reminding them that the promise as yet had not been carried out. He also planted newspaper stories about the lawyer who expected Khrushchev to keep his word and about the two patiently waiting husbands. With no new developments, he had to assume that his messages had not gotten through to the busy Russian chief.

Back in Russia in October 1956, as counsel to 50 touring American and Canadian industrialists, MacDuffie made a personal inquiry at the Foreign Ministry, where he was told merely that the cases were "under consideration." Dissatisfied with official channels, and with Khrushchev out of town at the time, MacDuffie made a special trip to Kiev to the home of Mrs. Olin.

"I got up at 6 in the morning—when my guides were asleep," explains MacDuffie. "I walked until I found Mrs. Olin's address, then I introduced myself and asked if she wanted to rejoin her husband. She said, 'My suitcase is packed.' As I'd suspected, her papers were being held up by the local police."

Back in America, MacDuffie traveled regularly to Washington to put pressure on Ambassador Menshikov to bypass this bottleneck. He also continued to give out stories to the press and fire off cables and letters to Khrushchev, Gromyko, and other Soviet officials.

After 6 months of this barrage, MacDuffie heard that Mrs. Eleanor Roosevelt was planning a trip to Russia in the fall of 1957, and he arranged to have lunch with her. After hearing the facts of the Gavcus and Olin cases, Mrs. Roosevelt agreed to take up the matter personally with both Khrushchev and Gromyko. On her return to the United States, she told a Dayton, Ohio, lecture audience, "I was just Mr. MacDuffie's messenger."

Her intervention tipped the scales of persuasion. A month later Mrs. Gavcus and her two children landed in New York, where they were met by Marshall and Rose MacDuffie. The two women embraced, weeping happily. Then the newly arrived trio changed planes for Chicago and a reunion with the waiting William Gavcus. That Christmas, the Gavcus family sent season's greetings to the MacDuffies, and a bracelet for Rose MacDuffie with a date of their release engraved on it.

After a period of waiting for action on the Olin case, MacDuffie sent a stiff cable to Moscow Police Headquarters. It contained this key sentence:

"I realize that there are always some necessary delays, but I am sure Mr. Khrushchev wants you to see that this is expedited and I am therefore asking you first about the matter before I again take it up with Mr. Khrushchev." Result: Mrs. Olin's immediate release.

The outcome of these two cases brought similar appeals for help. Through early 1959, MacDuffie compiled dossiers on new clients and submitted them to Ambassador Menshikov. MacDuffie continued to get newspaper publicity on the backlog of cases, and even persuaded the State Department to make official inquiries.

In June, before nine Governors were to leave for Russia, MacDuffie briefed them on the still unresolved cases. They agreed to take the matter up with various Soviet officials.

To add still more pressure, MacDuffie contacted Vice President Nixon and Dr. Milton Eisenhower, who were to visit Russia in July. "The more we can hammer home," MacDuffie wrote them, "their [the Soviets'] reluctance to permit old parents, young children, and wives of Americans to leave their country, the more we may shame them into action. They will respond not out of kindness but because of embarrassment and because it will be practical, and when they seek to appear friendly and conciliatory."

Agreeing, Nixon and the President's brother both raised the topic for discussion in Moscow.

The strongest push yet came during Khrushchev's tour of the United States in the fall of 1959. When the Russian Premier accepted an invitation from Roswell Garst to visit his enormous corn farm in Coon Rapids, Iowa, the stage was set. Garst, a friend of MacDuffie's, invited the New York attorney and Adlai Stevenson to be house guests during Khrushchev's stay.

"Mr. Garst," MacDuffie later wrote one of his clients, "while riding around the countryside with Mr. Khrushchev, first took up the subject of what we called the compassion cases * * *. Later at luncheon Mr. Garst arranged for Mr. Stevenson and me to have a private talk on many political matters with Mr. Khrushchev. At the end of our conversation both Mr. Stevenson and I pressed him heavily about these cases. We concluded by saying that the cases were few in number and meant a great deal to individuals and would promote good will between our countries. Khrushchev finally nodded in agreement and told us to give our list of cases to Mr. Gromyko, the Foreign Minister, for action."

In October, the State Department compiled a list of 200 names—30 of them were MacDuffie's clients—to be sent to Gromyko. Thanks to MacDuffie's dedicated efforts, the logjam was broken: The slow trickle of immigrants from Russia had become a steady flow.

Figures compiled by the B'nai B'rith's Coordinating Board of Jewish Organizations tell the story. From 1953 to 1959, the Soviets issued 55 of its citizens passports to join American spouses. "Progress since the fall of 1959," says the B'nai B'rith report, "has been notable. In March 1960, Western diplomats in Moscow were quoted by the Associated Press as saying that the U.S.S.R. has quietly allowed about 1,000 of its citizens to emigrate during the previous 6 months in order to rejoin families abroad."

Not even the breakup of the 1960 summit conference in Paris, nor the continuing tensions of the Berlin crisis, have stopped the stream of Russian immigrants from entering this country in an attempt to patch up lives shattered by the war so many years ago.

MacDuffie alone has obtained the release of 15 clients in the past 2 years. Every time one of his people gets out, he conscientiously acknowledges it to Russian officials. But he still feels that the Soviets are playing a cat-and-mouse game with these pathetic people and he bitterly resents it.

As he puts it, "I'm gratified, but not satisfied with what's been accomplished so far."

You can tell he means it by the doggedly determined expression in his eyes every time he looks over at his file of incompleted cases. Some of his clients may never know the joy of family reunion, the joy of people like the Nowozeniuks, the Gavcuses, and the Olins. But Marshall MacDuffie will continue his crusade. For, undoubtedly, he is today's most ardent defender of what he himself has dubbed the fifth freedom: freedom to leave.

STEPS TO BRING SOVIET RELATIVES TO THE UNITED STATES

If you have relatives in the Soviet Union and want to try to bring them to this country, Marshall MacDuffie recommends the following procedure:

"1. Write to the relative to make sure he or she wishes to come to the United States and is willing to file a request for an exit visa with the Soviet authorities. Some relatives still are afraid to do this.

"2. Send a letter of invitation to the relative. This should be written in English and Russian and should give the relationship between the U.S. sponsor and the Soviet relative. It also must state that the sponsor is willing and able to support the relative. The invitation should be notarized; the clerk of the court of the county where the notary public is commissioned should certify the notarial authority. The secretary of state of the State in which the document is executed should certify to the official status of the clerk of the court.

"3. The relative must submit the letter of invitation and a formal application of an exit visa to the Section of Visas and Registration of the local Soviet militia (OVIR). The major cities in each of the Republics have such offices.

"4. The U.S. relative should communicate with the nearest office of the Immigration and Naturalization Service, Department of Justice, to obtain necessary forms and instruction for submission of a request for admission of the Soviet relative as a nonquota immigrant (children or spouses) or as a preference quota immigrant.

"5. If the exit vist is granted, the Soviet authorities will notify the American consul in Moscow. After checking with the United States that the documents are in order (see 4 above), the consul summons the Soviet relative to Moscow for his U.S. entry permit.

"6. The Soviet relative will need funds for travel to Moscow and the cost of a short residence in Moscow. Also funds for travel to the United States will be necessary. If desired, the U.S. sponsor may pay for the air travel in the United States and have the ticket available in Moscow. Then, reunion."

STRIKES AT DEFENSE INSTALLATIONS

Mr. McGEE. Mr. President, for some time now we have been hearing complaints that members of America's labor unions think so little of our Nation's security that they do not hesitate to strike even though such action slows construction of missile and other defense installations.

I am confident that these attacks, like so many others upon organized labor, often are based on oversimplification, incomplete knowledge of the facts and prejudice against labor.

As an example of the job American organized labor can do for our defense effort I would like to cite the Atlas missile wing completed last year at Francis E. Warren Air Base at Cheyenne, Wyo. The construction on this wing was not completed on time, it was completed a month ahead of schedule with the resulting saving of more than $1 million.

After the job was finished the contractor ran an advertisement in a local newspaper to thank his employees and the townspeople for the cooperation in helping meet the construction schedule.

Part of this ad said, "This important defense project was troubled very little by labor disputes. We are happy to report that almost every building tradesman with whom we worked conscientiously endeavored to deliver 'a day's work for a day's pay.'"

Mr. President, I ask unanimous consent that this advertisement and a newspaper article from the Wyoming Eagle, describing completion ceremonies, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

WAB Nation's First All-Missile Wing

(By George Johnston)

Missile age history was made yesterday when Warren Air Force Base became the Nation's first operational Air Force all-missile wing.

The turnover to the Strategic Air Command of nine missile operationally configured Atlas "E" intercontinental ballistic missile sites marked completion of the first missile wing.

Warren's 389th Strategic Missile Wing consists of 3 squadrons composed of 24 Atlas ICBM's. The missiles are located in Colorado and Nebraska, as well as Wyoming, and all are within a 50-mile radius of Cheyenne.

Warren Air Force Base thus becomes the first Air Force facility devoted exclusively to the missile age.

Turnover of the third and final Warren missile squadron was made yesterday at a ceremony at Missile Complex 11, 32 miles south of Cheyenne, near Nunn, Colo.

Col. William E. Todd, site activation task force commander for the Air Force Ballistic Systems Division, made the symbolic key presentation to Brig. Gen. William S. Rader, commander of the 13th Air Division.

In his remarks, Colonel Todd stated that "Today's ceremony completes site construction, installation, and checkout more than a month ahead of the schedule set down back in 1957.

"The Warren completion ahead of schedule was also done at a saving to the taxpayers of more than $1 million," he added.

The first two Warren squadrons are Atlas D's. The third squadron is the more advanced Atlas E.

Key to the newest missile complex was passed on by General Rader to Col. James W. Yeater, who will be commanding officer of the 566th Strategic Missile Squadron.

Also taking part in yesterday's ceremony in the shadow of a giant Atlas ICBM raised to firing position were L. I. Medlock, Warren operations manager for General Dynamics, maker of the Atlas, and Maj. Gen. Don R. Ostrander, vice commander of the Ballistic Systems Division.

A small group of Cheyenne civic leaders, Air Force and contractor officials, and the press attended the ceremony.

The new Warren Atlas E facilities store the giant missile on its side under a sliding roof until time for launching. The roof can be rolled back, the missile rapidly erected to launch position and pumped full of liquid oxygen and fuel in a matter of minutes.

It took approximately 3,850 persons 30 months to construct each launch pad and to install and check out its equipment.

In addition to the problems involved in excavation and building the subterranean concrete and steel complex, approximately 7,500 mechanical parts, 1,100 hydraulic parts, 1,375 pneumatic parts, 650 miles of electrical wire connected to 27,000 terminals, and 1,500 miscellaneous equipment items had to be installed.

Water is supplied from a well on or near the site. Electric power sufficient for a city of 5,000 is provided by diesel/electric generators located inside the launch operations building, along with prime components of the heating and compressed air systems, other utilities, dining facilities and accommodations for operational personnel.

Electric and electronic consoles, monitors, and displays with which the launch control officer controls and observes the progress of all operations which check out and launch the missile are also housed in this underground structure. A tunnel 10 feet in diameter and approximately 150 feet long connects the building with the launch and service building, which is primarily the launching pad.

Nearby are located the units which transmit a logical sequence of signals to the ground support mechanisms and to the missile, the tanks and control valving for the propellant loading system and other system components. Concrete and steel doors weighing 400 tons shelter the missile storage area against blast over-pressures and can be completely opened in 25 seconds.

Each of the nine Atlas E launch sites at Warren consists of an integrated launch operations building (blockhouse) and launch and service building (pad), affording independent launch capability at each site. A common squadron maintenance area supports the sites. Principally underground, their low, exposed profiles enable the structures to withstand nominal blast forces.

The components of the system required to control the vast number of sequential and simultaneous operations required to erect, ready and launch a missile, enables a single operator to actuate the automated electronic equipment. The console displays the completion of each successive operation in the launch cycle. It can halt the final countdown at any point prior to engine start. The countdown may also be stopped prior to engine start by countermanding signals from squadron headquarters.

AN OPEN LETTER TO THE PEOPLE OF CHEYENNE, SOUTHEAST WYOMING, NORTHEAST COLORADO, AND SOUTHWEST NEBRASKA

On of before May 1 our firm will turn over to the Air Force the last of the nine Atlas E missile sites being constructed at Warren Air Force Base, Squadron III under our contract with the U.S. Army Corps of Engineers.

We are very proud of this May 1 completion because it represents ontime completion of a very important phase of our Nation's defense. It means that no slippage has occurred in our total construction program despite the impact of numerous major changes in our construction plans made necessary by important improvements in the missile. The May 1, 1961, completion date for this project was established in November of 1959. This long-established completion date has been met.

We wish to take this opportunity to thank you, the residents of this area, for the excellent cooperation you have given to our firm and its employees in accomplishing our task. Our project had problems (no major construction project is without problems) but your assistance and cooperation made their solution less difficult.

We wish to thank first the many mechanics and laborers of the building trades whose efforts made possible our timely completion. This important defense project was troubled very little by labor disputes. We are happy to report that almost every building tradesman with whom we worked conscientiously endeavored to deliver "a day's work for a day's pay."

Thanks also to our office staff who worked long and hard in processing the paperwork necessary for a project of this size.

Our thanks goes out to the people of Cheyenne and this three-State region for providing living facilities to our workmen. We have enjoyed being your guests and appreciate your hospitality.

We wish to thank the staff of the Cheyenne Chamber of Commerce and the Cheyenne city officials for locating for us a suitable office from which we could direct and coordinate our widespread operation.

We wish to thank our subcontractors and those who supplied materials and services for their well-coordinated, cooperative efforts in rendering fast and effective service.

To the U.S. Army Corps of Engineers and the U.S. Air Force we extend our congratulations for obtaining ontime completion of this project and our thanks for your cooperation in the solution of the problems inherent in this fast-moving missile program.

Yours very truly,

MARTIN K. EBY CONSTRUCTION CO., INC.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

The ACTING PRESIDENT pro tempore. Under its order of yesterday, the Senate will now resume the consideration of H.R. 7927, the postal rates and Federal salaries bill.

The question is on agreeing to the amendment lettered F-9-25—62, proposed by the Senator from Pennsylvania [Mr. CLARK], upon which there is a limitation of debate of 1 hour, equally divided and controlled by the Senator from Pensylvania [Mr. CLARK] and the Senator from South Carolina [Mr. JOHNSTON].

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the unanimous-consent agreement which has already been entered into, I may be allowed to suggest the absence of a quorum, to have a brief quorum call—for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The 10 minutes having expired, the order for the quorum call is rescinded.

ORDER FOR ADJOURNMENT TO 9 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I yield myself one-half minute.

I ask unanimous consent that when the Senate adjourns today, it adjourn to meet at 9 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

The ACTING PRESIDENT pro tempore. Time is being taken from both sides until Senators yield time.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. When I left the Chamber last night I was told that, while my amendment was the pending business, it would follow the morning hour. I assumed that, as is usually the case, an adequate quorum call would be given before the amendment was taken up and time began to run on the consent agreement. If time is running on this amendment, I think I should ask unanimous consent that no time should run on the amendment. I am sure my friend the majority leader would not oppose such a request.

The ACTING PRESIDENT pro tempore. No time started to run until the Senator from Pennsylvania entered the Chamber, and the Senator from Montana has used half a minute.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr MANSFIELD. There was a 10-minute quorum call, exclusive of the time for debate, so I think we have kept faith with the Senator from Pennsylvania. We have kept to the rules, to which I know the Senator from Pennsylvania wants us scrupulously to adhere. We have done our best to do what was possible under the rules of the Senate.

Mr. CLARK. I appreciate the courtesy of the majority leader. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. As I read the unanimous-consent agreement, there is nothing in it which states that the time necessary to develop a quorum shall be taken from the time of either side. Is that correct?

The ACTING PRESIDENT pro tempore. It was not taken out of the time of either side.

Mr. CLARK. I ask unanimous consent that I may suggest the absence of a quorum, without the time being taken from either side.

Mr. MANSFIELD. Mr. President, reserving the right to object, I think this can be carried too far. I am willing to go along for another 5 minutes, but I think the Senate ought to get on with the business at hand. Senators know what the business of the Senate is. Senators know the understanding reached yesterday. If the Senator would agree to a 5-minute extension of the time already given, I would be willing to go that far.

Mr. CLARK. Will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CLARK. I ask this question in all good faith: Does the Senator from Montana wish to proceed on this very important question involving the constitutionality of a key provision, the committee proposal, a matter which should be given careful attention by all Senators, without a greater effort to develop a quorum of the Senate before the limitation of time goes into operation?

Mr. MANSFIELD. The Senator is being unfair. A 10-minute attempt was made, when the Senator from Pennsylvania was not on the floor, to protect his rights and those of the Senator from South Carolina, and the 10 minutes were granted, exclusive of the time agreed to under the agreement yesterday, for the purpose of suggesting the absence of a quorum.

I think the Senate ought to make progress on the bill. Senators understand the implications in it, because on more than one occasion the Senator from Pennsylvania has taken the floor to explain them, and I am sure every Senator understands them. Furthermore, I am sure the question was thoroughly discussed in the Post Office and Civil Service Committee.

I would be willing to have the attachés on the Democratic side call the offices of all Democratic Members of the Senate and ask them to please come to the Chamber. I would assume the Republicans would do the same thing. I ask unanimous consent, if I may——

Mr. JOHNSTON. Mr. President——

Mr. MANSFIELD. I withdraw the request.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. JOHNSTON. I will say for our majority leader that he did ask for a quorum call, which started immediately after the prayer.

Mr. MANSFIELD. No; after the morning business was concluded.

Mr. JOHNSTON. After the morning business. There was practically no morning business.

Mr. MANSFIELD. There was none.

Mr. JOHNSTON. At that time it was done to protect the Senator from Pennsylvania, who was not in the Chamber, and whose amendment was pending. No advantage was taken of him at the time.

The truth of the matter is we want a quorum. This morning the weather is a little unusual, and I fear some Senators may have been detained. For that reason, we wanted to be as lenient on Senators as we possibly could, since the Senate met at 9 o'clock this morning. Those of us present are ready to do business.

Mr. CLARK. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I do not have the floor.

Mr. MANSFIELD. The Senator did have the floor.

Mr. President, I would like the attachés to call every Senator's office and ask Senators to be present.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. CLARK. I do not have the floor.

Mr. MANSFIELD. I yield.

Mr. BOGGS. I just left the Republican cloakroom. We are already calling the Republican Members' offices and reminding them of the unanimous-consent agreement and asking them to be present.

Mr. MANSFIELD. Mr. President, I appreciate that. Will the Senator from South Carolina yield me a quarter of a minute?

Mr. JOHNSTON. I yield.

Mr. CLARK. Mr. President——

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Business and Commerce Subcommittee of the Committee on the District of Columbia be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

Mr. MANSFIELD. Mr. President, I should like to suggest once again the absence of a quorum, and ask that the time limitation of 10 minutes be placed on that suggestion, as was done previously.

Mr. CLARK. Mr. President, reserving the right to object—and I shall object——

Mr. MANSFIELD. Mr. President, I withdraw my request.

The ACTING PRESIDENT pro tempore. The suggestion is withdrawn. Does the Senator from Pennsylvania yield himself time?

The question is on agreeing to the amendment offered by the Senator from Pennsylvania. Time is running.

Mr. CLARK. Mr. President, I yield myself one-half minute.

The ACTING PRESIDENT pro tempore. The Senator may proceed for one-half minute.

Mr. CLARK. I want to be very friendly to my friends from Montana and South Carolina, for whom I have great affection, but I am not going to proceed on this amendment, time or no time, unless a quorum of the Senate is present. If the majority leader insists that the time to develop a live quorum be taken out of my time, I suppose that is his right, although I do not think the agreement entered into last night so contemplated.

Mr. President, I suggest the absence of a quorum. I will ask for a live quorum. If the Senator does not want to use any time in debate on this important amendment, he may be within his rights. I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, I object. Now, Mr. President, I renew my request, and I hope no Senator will object.

Mr. CLARK. A parliamentary inquiry, Mr. President. Can the majority leader object to the suggestion of the absence of a quorum?

The ACTING PRESIDENT pro tempore. No.

Mr. CLARK. Under what rule of the Senate is a Senator not entitled to suggest the absence of a quorum, if he agrees to take the time out of his time under a unanimous-consent agreement?

The ACTING PRESIDENT pro tempore. Will the Senator from Pennsylvania permit the Chair to rule?

Mr. CLARK. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has a perfect right to suggest the absence of a quorum, and the time for the call of the roll will come out of his time. The Chair was about to suggest that the clerk call the roll.

Mr. CLARK. I thank my friend. I regret my impetuosity.

Mr. MANSFIELD. Mr. President, would the Senator withhold his suggestion briefly?

Mr. CLARK. Yes.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield me 1 minute?

Mr. JOHNSTON. I yield.

Mr. MANSFIELD. Mr. President, again to resolve this question—and, I hope, to avoid an embarrassing situation—I should like, with the concurrence of Senators present, again exclusive of the time allotted to the Clark amendment, which is now the pending question, to ask unanimous consent to suggest the absence of a quorum, with the understanding that the call of the roll not exceed 10 minutes.

Mr. CLARK. Mr. President, under the circumstances, I shall not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The 10 minutes allotted for the quorum call have expired. No time has been taken from either side up to the present time.

The time allotted under the unanimous-consent agreement will start running as of now.

Mr. CLARK. Mr. President——

The ACTING PRESIDENT pro tempore. How much time does the Senator from Pennsylvania yield to himself?

Mr. CLARK. I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. CLARK. Mr. President, the Senate, the greatest deliberative body in the world, is now proceeding to consider an important amendment to a most important bill. The provision of the bill, for which my amendment is a substitute, would impose a governmental detention system on the mails with respect to Communist propaganda. It would violate basic constitutional civil liberties. It would be an affront to the commonsense and patriotism of the American people, because it would treat the overwhelming majority of the people as little boys and girls in whose hands Communist propaganda could not be trusted because the Government thinks it might subvert them against the cause of freedom and to the cause of communism. It would do great harm to our foreign policy because it would invite retaliatory action by the Communist against Western mail which is being delivered in significant and increasing volume in Communist areas.

As the Senate proceeds to consider the amendment, there are five Senators in the Chamber—one Republican and four Democrats. The five include the Acting President pro tempore.

Mr. MANSFIELD. There are six Senators present.

Mr. CLARK. Mr. President, the majority leader has quite properly corrected me. There are six Senators in the Chamber, not five. There are five Democrats and one Republican.

If I may paraphrase an old saying without being profane, this is a most unusual way to run a railroad.

Mr. President, a seventh Senator has just entered the Chamber.

I am proceeding to discuss my amendment because to buck the establishment any further would do no good to the cause of the amendment. It would get no votes for it. Therefore I am going forward.

Mr. President, here come the eighth and ninth Senators.

Mr. JOHNSTON. Mr. President, will the Senator yield 1 minute?

Mr. CLARK. Mr. President, does the Senator from South Carolina wish to have the time necessary for his statement taken out of my time?

Mr. JOHNSTON. I will take it out of my time.

Mr. CLARK. I yield to the Senator from South Carolina on his own time.

Mr. JOHNSTON. I was present in the Senate Chamber at 9 o'clock this morning, and Senators had to wait 10 minutes for the Senator from Pennsylvania to arrive.

Mr. CLARK. Mr. President, I assume that 15 seconds have been taken out of the time of the Senator from South Carolina.

The pending amendment would do three things. Before I describe what they are, I should like to state that the pending amendment, with one modification, is a bill sponsored by the Honorable FRANCIS E. WALTER, chairman of the House Committee on Un-American Activities. The bill passed the House by a vote of 369 to 2 on the 18th of September 1961. It has been reported favorably by the Senate Committee on the Judiciary with an amendment of which I shall speak in a moment.

No one can say that the chairman of the House Committee on Un-American Activities is less than zealous in his effort to prevent Communist propaganda from coming into this country or any other Communist subversive activity.

So I think all Senators who wish to beat their breasts to let the country know how anti-Communist they are and how pro-American they are can vote with clear consciences for the amendment. No one could ever say that anybody who voted for the amendment was soft on communism because its author is that Member of the House of Representatives who has attained a justified reputation as being the toughest anti-Communist in the whole House.

The amendment would do three things.

First. It would authorize the Postmaster General to publish by appropriate notices posted in post offices the fact that Communist propaganda and obscene matter is coming through our mails.

Second. It would notify recipients of mail, when the postmaster deems it appropriate, that the U.S. mails may contain not only Communist propaganda but obscene, lewd, lascivious or indecent matter. Certainly we desire to stop that kind of material from going through the mails, too.

Mr. President, for the record I note that a 10th Senator has just entered the Chamber, but another has left.

Third. The amendment would permit any person to file a written request at his local post office to detain such propaganda or such obscene matter, and when the Postmaster General received such request, he would be authorized to detain and dispose of such mail for such period as the request is in effect, thus preventing embarrassment to the recipient from having a flood of this propaganda which he does not want to have come to him.

This will be especially helpful to new refugees coming into this country, who are subjected to the "come back to the homeland" type of propaganda. I urge support of the amendment.

The 11th Senator has just entered the Chamber, but a few others have left; so there are now present less than 10 Senators.

I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator desire to yield some time?

Mr. JOHNSTON. I do not. I want to vote and am ready to vote.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to take some time?

Mr. CLARK. I shall take 2 minutes more. I call the attention of the Senate to a statement made by Representative WALTER in the House of Representatives, which appears in the CONGRESSIONAL RECORD, volume 107, part 15, page 20052, when he spoke in a colloquy with Representative CUNNINGHAM, the author of the provision which is now under discussion in a modified form.

> Mr. WALTER. I am willing to accept the judgment of the staff of the Committee on Un-American Activities and disregard my own feelings in the matter. Certainly the amendments that the gentleman in his well-understood anxiety to do something about this are entitled to attention. The gentleman has been most zealous over the years in trying to bring to the attention of the American people an appreciation of the fact that there is such a thing as a cold war. But I am afraid if we adopt something that will not stand the test of the courts this futile gesture will delay the time when we can do something constructive about this problem.

In other words, Mr. WALTER, who was speaking to Representative CUNNINGHAM, thought that the Cunningham amendment was unconstitutional, and he thought his amendment was constitutional. I agree with Mr. WALTER. I would much rather have an amendment which deletes the modified Senate committee version of the Cunningham amendment in the bill, but that effort was defeated last night. I now give an opportunity to my colleagues in the Senate to support the Walter proposal, which the chairman of the Un-American Activities Subcommittee in the House believes is as far as we can go constitutionally in order to deal with the problem of Communist propaganda in the mails.

Now, Mr. President, noting that, as the roll is about to be called, there are 10 Senators in the Chamber, I am prepared to yield back the remainder of my time and have a yea and nay vote on a matter involving the Constitution of the United States, the foreign policy of the United States, and an administrative monstrosity.

The ACTING PRESIDENT pro tempore. The yeas and nays have not been ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

Mr. CLARK. Ten Senators are not enough for the ordering of the yeas and nays. Let the RECORD note that there are not enough Senators in the Chamber to order a yea and nay vote.

Mr. MANSFIELD. Would the Senator from South Carolina yield me a half minute?

Mr. JOHNSTON. I gladly yield to the majority leader.

Mr. MANSFIELD. Much as I admire and agree with the Senator from Pennsylvania in so many things which he advocates, I believe it is highly unfair and improper for him to single out Senators as they come into the Chamber and to state, for the benefit of I know not whom, exactly how many Senators are present.

We ought to try to keep this body as dignified as possible, and not downgrade it. We have our weaknesses, and we ought to understand one another. I hope this kind of procedure will not continue in the future.

Mr. CLARK. I yield myself 1 minute. I did not single out Senators by name.

Mr. MANSFIELD. By number.

Mr. CLARK. Not by name.

Mr. MANSFIELD. But by party.

Mr. CLARK. By party, but not by name. I think it is high time that the American people know what goes on in this body. If the Senator from South Carolina is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of my time.

Mr. JOHNSTON. I yield back my time.

Mr. CLARK. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back.

Mr. MANSFIELD. If the two Senators would please modify their request to yield back all of their time except for 15 minutes, there could be a quorum call for that length of time before the vote.

Mr. CLARK. I am happy to cooperate.

Mr. JOHNSTON. I am glad to cooperate with the majority leader.

Mr. MANSFIELD. So there will be a yea-and-nay vote at 10 o'clock. Then the quorum call will cease, and the vote will start.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Fifteen minutes have expired; and, under the unanimous-consent order, the quorum call is automatically rescinded.

Mr. CLARK. Mr. President, I should like to have one-half minute.

Mr. MANSFIELD. Mr. President, because of the unusual circumstances this morning, I ask unanimous consent that the Senator from Pennsylvania be permitted to proceed for 2 minutes, and that then the Senate proceed to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. I thank the majority leader for his courtesy. I shall not need more than 30 seconds.

I wish to call official attention, in the RECORD, to an article published this morning in the New York Times, on page 30. The article is entitled "Postal Rate Bill Fought in Senate," and is published under the byline of C. P. Trussell. The article misstates my position as favoring reinstatement of a system of censorship of foreign mail. Nothing could be further from the truth, as anyone who has been in the Senate or who has read the Congressional Record knows. I hope that in due course a correction will be printed by the New York Times.

Mr. President, I yield back the remainder of the time available to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment lettered "F" of the Senator from Pennsylvania [Mr. Clark].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Colorado [Mr. Carroll], the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Humphrey], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], and the Senator from Michigan [Mr. McNamara] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dodd] and the Senator from Louisiana [Mr. Long] would each vote "nay."

On this vote, the Senator from Colorado [Mr. Carroll] is paired with the Senator from Minnesota [Mr. Humphrey]. If present and voting, the Senator from Colorado would vote "nay," and the Senator from Minnesota would vote "yea."

On this vote, the Senator from North Carolina [Mr. Jordan] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from North Carolina would vote "nay," and the Senator from Alaska would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from Maryland [Mr. Butler], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from New York [Mr. Javits], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Maryland [Mr. Butler], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from Indiana [Mr. Capehart]. If present and voting, the Senator from New York would vote "yea," and the Senator from Indiana would vote "nay."

The result was announced—yeas 23, nays 51, as follows:

[No. 260 Leg.]

YEAS—23

Bartlett
Burdick
Case
Clark
Hart
Jackson
Kefauver
Long, Hawaii
Mansfield
McCarthy
McGee
Metcalf
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Randolph
Smith, Mass.
Williams, N.J.
Yarborough
Young, Ohio

NAYS—51

Allott
Beall
Bible
Boggs
Bush
Byrd, Va.
Byrd, W. Va.
Cannon
Chavez
Church
Cooper
Curtis
Dirksen
Douglas
Eastland
Ellender
Engle
Ervin
Fong
Goldwater
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, Idaho
Keating
Kerr
Kuchel
Lausche
McClellan
Monroney
Mundt
Murphy
Prouty
Proxmire
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NOT VOTING—26

Aiken
Anderson
Bennett
Bottum
Butler
Capehart
Carlson
Carroll
Cotton
Dodd
Fulbright
Gore
Gruening
Hartke
Hickey
Humphrey
Javits
Jordan, N.C.
Long, Mo.
Long, La.
Magnuson
McNamara
Miller
Morton
Pearson
Tower

So Mr. Clark's amendment F was rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Pennsylvania identified as "B."

The Chief Clerk. On page 30, line 14, after "(a)" it is proposed to insert the following:

> When the President of the United States determines that it is in the national security interest because of the failure of any Communist country or countries to handle mail from the United States in accordance with international postal agreements or for any other reason, the President is authorized to direct that.

Mr. CLARK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, yesterday I made my main argument against the Senate watered-down version of the House Cunningham amendment. In that argument I pointed out that it would be wiser to rely on the commonsense and patriotism of the American people to reject propaganda than to take the first small step toward a police state by creating a censorship of Communist propaganda coming in through the mails of the United States.

The Senate version on this subject incorporates a definition of Communist propaganda which is completely and utterly unenforceable. It would require the Secretary of the Treasury to determine the belief or intent of the author of the propaganda being sent to an American citizen. It would require him to translate this propaganda from the Russian, Chinese, Bulgarian, Rumanian or any one of hundreds of Communist bloc languages. Then if the Treasury decided that the propaganda related to the policy or interest of a foreign government or our Government, regardless of whether their policies or interests and ours coincided, he would detain the mail. It would impose an impossible administrative burden on the Secretary of the Treasury, and on the Postmaster General.

In my opinion, the Senate version of the amendment is unnecessary. It would be costly as well as unconstitutional, and it would damage our foreign policy.

That it would be damaging to our foreign policy there can be no doubt, for that was testified to before the committee by Mr. Edward R. Murrow, Director of the USIA, and by Assistant Secretary of State William Tyler, who is in charge of U.S.S.R. and East European policy affairs. Mr. Tyler spoke for himself and for Ambassador Llewellyn Thompson, recently returned from 5 years in Moscow. These gentlemen stated that the amendment risked retaliatory action by the Communist bloc countries in detaining our propaganda going to Iron Curtain areas. The facts establish clearly, beyond peradventure of doubt, that Western mail to Russia is increasing and the mail from Communist countries to the United States is decreasing. We are getting into a more favorable position behind the Iron Curtain, bringing the voice of freedom to the people of those countries. Let us not now build a wall of ignorance.

As Mr. Murrow well said, one candle lighted in the darkroom of the countries behind the Iron Curtain is worth 100 candles lighted in the sunshine of the free nations.

I wish to cite what the President of the United States said with respect to the Cunningham amendment:

> I think the American people are used to hearing all sides, and I don't think that they are particularly impressed by a good deal of what I have seen of propaganda.

The President has made it abundantly clear that he is opposed to any mail screening process. The President has made it abundantly clear that he does not believe it would do anything other than damage our foreign policy. The President of the United States should be given the authority to make up his own mind as to how to deal with the ticklish, delicate question of the exchange of information between our country and foreign countries.

The amendment now pending would give the President such authority.

I ask the support of my colleagues for the amendment, which would provide that "when the President of the United States determines that it is in the national security interest because of the failure of any Communist country or countries to handle mail from the United States in accordance with international postal agreements or for any other reason, the President is authorized to direct that" the provisions of the Senate amendment come into effect.

In other words, the amendment calls for cooperation between the legislature and the Executive. It would lay down a policy determined by the legislature and provide that the President of the United States should have the discretion to determine, in his conduct of the foreign affairs of this Nation, when the policy should come into effect in the national interest and when it should not.

I ask the support of Senators on this amendment on the ground that it would prevent our putting into effect a costly, unnecessary, unconstitutional provision, derogatory to the interests of all ordinary American citizens, derogatory to the cause of freedom, unless and until the President of the United States determines that this policy is required in our national security.

Mr. President, I ask for the yeas and nays on my amendment "B."

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield 10 minutes to the Senator from Virginia [Mr. Robertson] from the time on the Clark amendment.

BUDGET DEFICIT

Mr. ROBERTSON. Mr. President, the fact that in the midst of what could be called our period of greatest prosperity, because both the production of goods and services and the national produced income are at an alltime high, it gives me great concern to face the unpleasant fact that we are headed for an alltime peacetime deficit in the current fiscal year.

Last January, the President estimated receipts for the current fiscal year at $93 billion, expenditures at $92½ billion, showing a pleasing surplus of $500 million which would follow a deficit of something over $6 billion. Since that time, the estimate of receipts has decreased and the estimates of spending have increased.

This month, the Treasury has revised its January estimates of receipts down to $88.7 billion. We must take another loss of $1½ billion from a recent revision by the Bureau of Internal Revenue of depreciation schedules and another estimated loss of $1.3 billion from the tax bill on which we have recently agreed. That brings our estimate of revenue down to $85.9 billion, while the present Bureau of the Budget estimate of spending has risen to $94 billion. The difference, of course, between those two estimates of revenue and expending is a deficit of $8.1 billion. But that does not include the emergency public works program which apparently will provide, in the pending public works bill, an additional $400 million for unbudgeted area redevelopment, urban renewal, and community facility projects to be selected by the President.

And, of course, everybody anticipates that there will be a tax cut early next year, the only difference of opinion being as to how much revenue will be lost under the new bill. But if the labor leaders have their way, and all too frequently they do, the new tax bill will occasion an additional revenue loss of $10 billion, and if, as we may anticipate the major beneficiaries of the tax cut are those in the first income bracket, few new jobs will be created to offset a deficit which could reach the alltime peacetime peak of $18 billion.

For what little consolation it may give to Members of Congress when they contemplate that fiscal program, I wish to point out that the spending program I have enumerated is well below the requested spending program submitted to the Congress in the official budget request. The largest single spending bill was, of course, the defense bill, and that was $229 million below the budget even after letting the budget take credit for an additional spending for long-range bombers of $514 million, which was only a bookkeeping credit. That was an unspent fund carried over from the previous budget, and the Defense Department wanted to spend it without counting it in the new budget but the Appropriations Committees of the House and Senate canceled the old appropriations and appropriated new money which made it appear that we were $514 million above the budget when actually there had been no increase.

My tabulation of current appropriations indicates that we are now $760 million below the budget, including the $514 million of phony bookkeeping. I hesitate to give a firm figure of how much we will be under the budget on foreign aid but my offhand guess is that we will be $500 million below the budget. Yet, the unpleasant fact remains that we are headed into an unprecedented peacetime deficit which has been increased rather than diminished by the bill pending before us relating to postal rates and increased pay for all Government workers. When in full operation, it will make a permanent addition of over a billion dollars to the annual cost of operating the Federal Government. Two years ago, the House passed a bill to increase the pay of Government workers by 11 percent to offset past and anticipated increases in the cost of living. The Senate reduced that bill to 7½ percent and the President vetoed the Senate bill on the ground that the increase in the cost of living had been only 3 percent. Early this year, the President recommended for postal workers a two-stage pay increase which he claimed would fully meet the increased cost of living and when accompanied by a recommended increase in postal rates would give us substantially a balanced budget for the Post Office Department.

During recent years, it has been my unhappy duty to report each year to the Senate an appropriations bill for the Post Office Department in which expenditures exceeded receipts by some $800 million. Since the volume of mail was increasing, the population to be served was increasing and necessarily the number of postal workers was increasing, the only practical way to secure a balanced budget for the Department was to put all classes of mail on a self-supporting basis. Consequently, I have repeatedly recommended a sufficient increase in postal rates to cover the expenses of the Department. In that connection, it should be recalled that the only socialistic venture incorporated in our Constitution was the authority for the Federal Government to own and operate post offices. That provision was inserted upon the insistence of Benjamin Franklin who, operating a crown concession to deliver the mail in Pennsylvania, had made a substantial revenue from the business and he contended that if the Federal Government operated such a monopoly it could greatly reduce the current charges of delivering a letter which for short distances ranged from 25 to 50 cents and at the same time operate on a balanced budget.

In the early days of our Government that was done but in more recent years it has never been done. The anticipated postal deficit for the current fiscal year is now estimated at more than $900 million and the bill that is pending before us, which turns down the recommendations of the President of a plan to balance the postal budget makes the situation worse instead of better. To cover an increase in the cost of living of 2.2 percent which has occurred since the last pay raise went into effect, the pending bill provides for postal workers an immediate increase of 8.6 percent and of a subsequent increase of 2.6 percent making a total of 11.2 percent. For other Government employees known as classified civil service employees all in the first three grades get an immediate promotion and in addition a cost-of-living pay increase, first of 5.5 percent and then of 4.1 percent, making a total of 9.6 percent.

Mr. President, I ask unanimous consent to have printed in the Congressional Record at this point a letter from the Postmaster General with accompanying tables which indicate that there has been no time since serious inflation started during World War II when the Congress has not advanced the pay of postal workers faster than the increased cost of living.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Postmaster General,
Washington, D.C., September 26, 1962.

Hon. A. Willis Robertson,
Chairman, Subcommittee on Treasury-Post Office Departments Appropriations, Washington, D.C.

Dear Mr. Chairman: Last evening we received by telephone your request for answers to six questions relating to H.R. 7927 as it was reported out of the Senate Committee on Post Office and Civil Service on September 24. The question and our answers are attached.

In developing estimates of the additional costs and revenues that would result from this bill, we have used current levels of employment and mail volume throughout even though the ultimate increases for pay and postal rates adjustments will not be reached until January 1, 1964, and January 1, 1965, respectively. The estimates are of necessity rough but we believe indicate the order of magnitude of the financial impact of the proposed legislation.

In any comparison of increases in cost of living with salary increases for postal workers, it is important to bear in mind that at the close of World War II postal pay was seriously out of line with private industry and that a substantial portion of the increases since that time were in an effort to abridge that gap. As I testified on the pay bill, one of the objectives of the administration's proposal is to bring Federal salaries in line with those of private industry and cannot, therefore, be entirely evaluated by comparisons with changes in cost of living.

Sincerely yours,

J. EDWARD DAY,
Postmaster General.

QUESTIONS SUBMITTED TO THE POST OFFICE DEPARTMENT BY SENATOR A. WILLIS ROBERTSON, SEPTEMBER 25, 1962, WITH REPLIES BY THE POST OFFICE DEPARTMENT

1. How much has the cost of living advanced since the end of World War II?

Reply: Between July 1945 and August 1962 the cost-of-living index advanced 66.9 percent. Between July 1939 and August 1962 the CPI advanced 118 percent.

2. How much pay has the postal workers bill advanced since that time?

Reply: Postal workers' pay has increased on the average of 151.3 percent over the period referred to in the reply to question 1. Since July 1939 pay has increased 194 percent.

3. How much has the cost of living advanced since the last pay raise?

Reply: Between July 1960, the date of the last pay increase, and August 1962 the cost-of-living index advanced 2.2 percent.

4. How much will the pay be advanced by the bill reported to the Senate?

Reply: It is estimated that on the average the pay of postal workers will be increased by 8.6 percent under schedule 1 and by an accumulative total of 11.2 percent when schedule 2 is in effect.

5. How much will be left of the increase on postal rates if that pay increase is put into effect?

Reply: It is estimated that the maximum postal rate prescribed by the bill will produce $603 million additional revenue and that the maximum pay increases, based on levels of employment used when the bill was prepared, will cost $375 million annually. There would, therefore, be left $228 million of the postage increase to apply against the postal fund deficiency. A further credit would be allowed through the increases in public service provisions permitting the chargeoff of possibly as much as $370 million in public services compared with $248 million originally estimated for fiscal 1963 under existing legislation.

6. What will be the anticipated deficit for the current fiscal year if the proposed bill is put into effect?

Reply: Under existing legislation a postal fund deficiency of $907 million is projected for 1963. If the first pay increase is made effective October 13, 1962, and the rate increases are made January 7, 1963, it is estimated that the current year's deficit will be reduced by $39 million. In addition, there would be the increase in the amount of the public service writeoff referred to in the reply to question 5 which could bring the total public service allowance for fiscal 1963 up to $375 million. These figures do not include any factor for the proposed increases in parcel post rates and size and weight limitations now pending before the Interstate Commerce Commission. The effective date of these changes cannot be estimated because the matter has been thrown into the courts by the Railway Express Agency.

(NOTE.—See explanatory comments in accompanying letter of September 26, 1962 to Senator ROBERTSON.)

Mr. ROBERTSON. These tables indicate that in spite of some modest increases in second- and third-class mail rates and a major increase in the rates on first-class mail, which is already on a self-supporting basis, the proposed 11.2-percent pay raise will result in a Post Office Department deficit for the current year of $868 million.

There is an old maxim to the effect that "A man must be just before he is generous." Ever since I served on the Post Office Committee in the House, I have had a high regard and a genuine affection for postal workers. I have voted for every pay raise that Congress has given them during the past 30 years. I regret to find myself in opposition to the pending 11.2-percent pay raise. I would gladly have supported a raise sufficient to cover the increase cost of living but, as I have pointed out, the proposed raise is more than five times the increase in the cost of living during the past 2 years and it will be paid with borrowed, and I fear, inflationary dollars because as I said, we can now anticipate a deficit in the current fiscal year in excess of $8 billion without a tax cut and the type of tax cut which I anticipate the Congress will vote next year under the urging of labor leaders will increase that deficit to $18 billion.

While my impulses are to deal generously with my postal friends, my sense of justice to the taxpayers of the Nation impel me to vote against this bill.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERTSON. Mr. President, will the distinguished Senator from South Carolina yield to me an additional 30 seconds?

Mr. JOHNSTON. I yield 30 seconds to the Senator from Virginia.

Mr. ROBERTSON. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the Senator from Virginia for setting forth the idea of an automatic pay raise geared to the cost of living and putting it on a businesslike basis, rather than having a recurring pressure over salaries.

Mr. ROBERTSON. I think that might be a good idea. But there has been proposed a pay raise that would go into effect before the election and postal rates that would go into effect after the election, which is calculated to make everyone happy except the taxpayers.

Mr. CURTIS. I agree with the Senator.

Mr. BUSH. Mr. President——

Mr. CLARK. Mr. President, I believe that the distinguished Senator from South Carolina and I are in control of the allotted time. Does the Senator wish me to yield to him?

Mr. BUSH. I wish to speak against the Clark amendment.

Mr. CLARK. Mr. President, will the Senator withhold his request? The majority leader, who must leave to attend a meeting, desires me to yield to him 1 minute. I yield to him at this time. I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, in perusing the amendment offered by the distinguished Senator from Pennsylvania [Mr. CLARK], I find that it has a great deal of merit. Furthermore, it would not eradicate, delete, or knock out the section having to do with Communist political propaganda as carried in the bill. What the Senator from Pennsylvania is doing is offering a prelude to that particular segment of the bill now before us. In it he provides the following:

> When the President of the United States determines that it is in the national security interest because of the failure of any Communist country or countries to handle mail from the United States in accordance with international postal agreements or for any other reason, the President is authorized to direct that—

Then the section in the bill continues. That section was approved by the committee as a whole and was reported to this body.

It seems to me that there is much merit in the proposal of the Senator from Pennsylvania, and I hope that the amendment will be agreed to by the Senate.

Mr. KUCHEL. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. If I have the time.

Mr. KUCHEL. Does the Senator speak for the administration when he makes his recommendation?

Mr. MANSFIELD. I speak for the Senator from Montana.

Mr. KUCHEL. Does the administration support the amendment offered by the Senator from Pennsylvania?

Mr. CLARK. I cannot categorically say it does, but I believe it does.

Mr. YARBOROUGH. Mr. President, will the Senator from Pennsylvania yield me 2 minutes?

Mr. JOHNSTON. Mr. President——

Mr. CLARK. The Senator from Texas must leave to attend an important meeting.

The PRESIDING OFFICER. The time must be yielded by either the Senator from South Carolina or the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, the distinguished majority leader has called to the attention of the Senate the effect of the amendment proposed by the Senator from Pennsylvania. I point out that the amendment would leave in the bill all the provisions on this point that have been worked on for weeks by the Post Office and Civil Service Committee and reported from that committee. But the amendment would merely add a provision giving the President of the United States discretionary power in the national security interest to put into effect certain postal regulations on this subject.

Mr. President, we give the President of the United States the power to command the Armed Forces of this country and all the vast power that goes with that grant. That is in accordance with the Constitution of the United States, article II, section 2, which provides that the

President shall be the Commander in Chief of the Armed Forces of the United States. Treaties are negotiated, by officers appointed by him subject to ratification by the Senate.

If we vest in the President of the United States power to control the Armed Forces, power to preside over and direct a National Security Council, power to decide the issues of peace and war—because under modern technological conditions, he cannot wait for a declaration by Congress—it seems to me that to deny the President this little shred of power with respect to the effect of importation of mailed matter on our national security would be strange, indeed.

The President is in charge of the CIA. He is in charge of our intelligence operations around the world. He is in charge of our diplomatic negotiations around the world. He commands the vast Armed Forces of our country. It would seem strange indeed to turn him down on this small requested aid in our propaganda war with the Soviets by voting against the Clark amendment. We would be saying, in effect, that we will not let him, in the national security interest, act on the mere question of the flow of mail between countries.

This would be an almost inconceivable action for us to take, when we give the President all these greater powers, dealing with foreign nations—and of course this special amendment deals with foreign nations—particularly the flow of mail with Communist nations.

I thank the Senator for yielding time to me. I shall vote for the Clark amendment.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **JOHNSTON**. I yield 7 minutes to the Senator from Connecticut [Mr. Bush].

Mr. **BUSH**. Mr. President, I have listened to the Senator from Pennsylvania advocating his amendment. It seems to me that the question involved is whether we want to make the control of propaganda strictly discretionary with the President of the United States, or whether we want to make it a matter of law. The amendment Senators have have been discussing has been referred to as the Cunningham amendment. Actually, it is a modification of a bill which I introduced on January 25. It is referred to in the committee report in that way. Therefore, the question before the Senate is whether we wish to establish a law with respect to the control of Communist propaganda, or leave it to the discretion of the President.

It seems to me, inasmuch as the regulations contained in my proposal now embodied in the bill are almost exactly in the same form or the regulations that were in effect under President Truman and President Eisenhower, it is appropriate that this provision should be a matter of law. I believe the committee was almost unanimous in approving the amendment.

I remind the Senate, as a matter of history, that the precedent for screening of foreign political publications was established in 1940, and was aimed primarily at Nazi propaganda. The legal basis for the restrictive action rested on an interpretation by the Attorney General of the Foreign Agents Registration Act of 1938.

According to a report by the General Counsel of the Post Office Department. the emphasis of the detention program was shifted in 1948 from Nazi publications to Communist propaganda. Following this switch in emphasis there was thereafter no detention of material ordered by libraries, universities, political scientists, or individuals who had formally notified the Post Office Department that they had ordered the publications.

In 1958, the policy was amended further. Individual addressees from that time through the termination of the program were asked whether they wanted delivery of the publications. If they did, the material was delivered.

It must be remembered that the detention program did not apply to first-class mail. The opening of first-class mail would be censorship in a form for which there is no existing statutory authority.

The amendment to the committee bill, as I understand it, merely reinstates the policy which was adopted under President Truman and followed under President Eisenhower. It was discontinued early in the Kennedy administration, on the theory that it served no useful purpose. However, it is interesting to note that in 1960 the number of pieces of Communist printed matter turned over by the Post Office Department to the Customs Service, excluding first-class mail, was 21,607,000.

The most vicious propaganda campaign is being conducted against the United States by both Communist China and Communist Russia. Inasmuch as the Communist Party is outlawed in the United States—and I voted for that measure in the Senate, and it was adopted, I believe, by a unanimous vote, several years ago—it is not unreasonable for us to restrict propaganda of a Communist nature, to the extent, at least, that the people of this country want it restricted.

People can have it sent to them if they want it. They would have to ask the Postmaster General to let it come to them. All schools and libraries and educational institutions are excluded from the provisions of the bill, so students of Communist propaganda would be in no way deprived of their right or opportunity to study it.

I believe that the danger is growing day by day, almost minute by minute, as we see Russians move into Cuba to establish another base, for the servicing of their so-called fishing fleet.

I have confidence in the President of the United States. I have not the slightest doubt that he hates communism as much as I do. However, I think it is entirely appropriate for Congress to state whether it wishes as a matter of law to restrict the flow of Communist propaganda into this country. That is all the bill would do.

The committee amendment is very moderate. It does not impinge upon intellectual freedom. It is designed merely to protect the interests of the United States and to avoid involuntary cooperation with the Communist propaganda machine, which is certainly an immense machine. I have seen the effects of it in various countries around the world, particularly in Latin America and Central America, at our back door.

Therefore, I hope the Clark amendment will be defeated and that the Senate will insist upon making the committee amendment a part of the law.

Mr. President, I ask unanimous consent to have printed in the Record at this point the section of the report on the bill beginning with the third paragraph on page 22 and continuing to the end of that page.

There being no objection, the excerpt from the report (Report No. 2120) was ordered to be printed in the Record, as follows:

> The substitute drafted by the committee, which appears as section 305 of the bill, consists of a modification of S. 2740, introduced by Senator Bush on January 25, 1962, which would have had the effect of reinstating the program of screening Communist political propaganda substantially as that program was conducted prior to March 17, 1961.
>
> Section 305 provides for a program under which, with certain exceptions, Communist political propaganda coming into the United States from foreign countries would be intercepted and would be delivered only upon the request of the addressee within a reasonable time, which shall not exceed 60 days.
>
> Section 305 specifically provides that mail matter, except sealed letters, originating in a foreign country and which is determined by the Secretary of the Treasury to be Communist political propaganda shall be detained by the Postmaster General upon its arrival for delivery in the United States, or upon its subsequent deposit in the U.S. domestic mails, and the addressee shall be notified that such matter has been received. Such detention would not be required in the case of any matter which is otherwise ascertained by the Postmaster General to be desired by the addressee.
>
> Exempted would be matter addressed to Government agencies, to libraries, or to colleges, universities, graduate schools, scientific or professional institutions for advanced studies, or any individual connected therewith. Likewise, material addressed for delivery in the United States pursuant to a reciprocal international agreement under which the U.S. Government mails an equal amount of material for delivery in a Communist country, would be exempted.
>
> In order to furnish guidelines to the Secretary of the Treasury as to what constitutes Communist political propaganda, the entire definiton of political propaganda contained in the Foreign Agents Registration Act of 1948 is incorporated by reference and related to matter issued by or on behalf of any country from which tariff concessions have been withdrawn under section 5 of the Trade Agreement Extension Act of 1951 or section 231 of the Trade Expansion Act of 1962, or which is denied assistance under section 620 (f) of the Foreign Assistance Act of 1961, as amended.

Mr. **JOHNSTON**. I yield 5 minutes to the Senator from South Dakota.

Mr. **MUNDT**. Mr. President, I rise in opposition to the Clark amendment and in support of the position expressed so ably by the Senator from Connecticut. I urge the Senate not to retreat in the face of this third successive attack on the anti-Communist mail provision. We have stood up against the attack twice. Let us stand up the third time.

This is the most intriguing and insidious attack of the three, because by adding the prelude we destroy entirely the purpose of the amendment.

It would be just as logical and effective to eliminate the language written by the committee itself, which would leave the residual authority in the hands of the President. The same effect would be achieved as if we were to add the prelude, as is proposed now. We would merely be authorizing the President to do what he has already done—namely, rescind the restrictions against Communist propaganda.

Therefore, if the Senate is really sincere in its determination to stop the distribution of Communist propaganda at the expense of the American taxpayer, this is the place and this is the way to do it, by defeating the Clark amendment.

I congratulate the distinguished Representative from Omaha, Nebr., Representative GLENN CUNNINGHAM, who has made such a valiant fight in this connection. I congratulate also the Senator from Connecticut [Mr. BUSH] for his constructive role in this fight.

It seems to me that of all the errors of history, this would the most serious, if the Senate were to say, "As far as we are concerned, we are willing to approve the distribution of Communist propaganda through our American mails at the taxpayers' expense."

I suspect that I have had no greater amount of mail on any other subject than this one during this session of Congress. People send in the propaganda that they have received from Communists, and say, "Why do we receive this? We do not want it. Is this what we have to pay for as American taxpayers?"

The answer is "Yes." It will continue to be "yes" if the Clark amendment is not defeated.

Now is the time to stop it. This is our opportunity to do so. We ought to look seriously at the danger from communism.

Why did we pass a resolution on Cuba the other day? It was because of the Communists. Why did we vote to give the President authority to call up reservists on an emergency basis? It was because of the Communists. Why do I now leave the floor to go to a committee meeting, there to wrestle with the problems of a multibillion-dollar foreign aid bill? Foreign aid for what? It is foreign aid designed to protect the free world against the Communists.

The U.S. Senate, on a yea-and-nay vote, can affirm or reaffirm its attitude toward Communist propaganda. We cannot constantly tend to encourage the cancer of communism. We cannot continue to coddle it. We cannot retreat on every action. We cannot worry about what some Communist satellite country or some neutralist government will think about us if we pass a resolution against communism. We cannot expect to stop communism alone by calling up the Reserves, passing a pious resolution about Cuba and appropriating billions of dollars for foreign aid.

We must develop a sustained policy, a firm policy. Those supporting the Clark amendment talk about American foreign policy. If we adopt the Clark amendment, it will have the effect of letting Communist countries write the postal legislation of America, because the amendment provides that if Communist countries do certain things, the United States must do certain things. That would put the triggering off of American foreign policy in the hands of other people. There has been too much of that sort of thing already in connection with American foreign policy.

The U.S. Senate is supposed to have something to say about foreign policy. Its duty is to advise and consent. Here is a chance for the Senate to advise by stating our belief that the door ought to be shut against the uninvited Communist propaganda which is sought to be distributed at the expense of the taxpayers generally. That is the issue simply put.

Let us defeat this third attack from the same source, just as we have defeated the other two, and write a bit of history today, that the U.S. Senate means business, that it means to resist communism.

Mr. LAUSCHE. Mr. President, who has the floor?

The PRESIDING OFFICER. The time is in control of the Senator from Pennsylvania [Mr. CLARK] and the Senator from South Carolina [Mr. JOHNSTON].

Mr. CLARK. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 22 minutes remaining.

Mr. CLARK. I yield 5 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I intend to vote for the Clark amendment. I should like to have my reasons clearly understood, because this subject is of concern to the Nation and, of course, to all of us in the Congress.

I recognize the deep conviction of the Senators who support the committee provision, and I respect and appreciate their convictions. Last year a bill containing a provision similar to the committee amendment, and sponsored, I believe, by the Senator from South Dakota, was brought before the Senate. I remember that I raised that day the questions that I expect to raise today. After some debate, the majority leader moved to lay that bill aside.

With all due respect to the Senator from South Dakota [Mr. MUNDT] and other Senators, I do not accept the terms in which he has placed the vote that the Senate is about to take on the amendment. It has been said or indicated that we shall be voting on the question of whether or not we approve Communist propaganda coming into this country, and the dissemination of Communist propaganda through the mail. I do not approve Communist propaganda—I reject it, because I know its falsity, and its subversive purpose. And I know that everyone in the Congress feels and believes as I do, and the able Senator from South Dakota. But that is not the issue. The issue is what we can constitutionally do.

I do not approve Communist propaganda but I approve and support the Constitution of the United States. The first amendment of the Constitution provides:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press.

The courts have held and great judges have said that mail is an aspect of free speech, and therefore cannot be censored.

Mr. MUNDT. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I would prefer to yield when I have finished my remarks.

Mr. MUNDT. The Senator mentioned my name; I thought he might wish to yield.

Mr. COOPER. The Senator is correct; I yield.

Mr. MUNDT. I point out that the constitutional provisions are not violated, because the proposed legislation submitted by the commitee does nothing whatsoever to stop first-class mail. The issue is whether there is anything in the Constitution or in good conscience which would compel citizens of the United States generally to finance the distribution of Communist propaganda in this country. If one is willing to pay the postage and send it through the mail, the proposed legislation will not apply. I think the RECORD should be clear as to that.

Mr. COOPER. I understand that argument, but I do not accept it in view of what I consider the Constitution to mean.

The committee amendment provides that mail may be detained. It provides that it may be destroyed. It provides that it may be censored. If anyone who has read the Constitution and the cases with respect to the first amendment believes that censorship of mail, detention of mail, and destruction of mail do not involve the first amendment, I do not believe he has studied very seriously the first amendment to the Constitution. The courts have laid down the standards under which free speech can be restrained—but not in the terms of the committee provision.

I have received Communist propaganda through the mail. Curiously enough, I have not received it from abroad but from New York City, where it was printed. I have received Communist propaganda on such subjects as Khrushchev's position on Berlin. The information in the propaganda was false.

I am aware of the serious situation which confronts the country as respects the cold war.

I know there is always the possibility that the cold war may lead to a hot war. And difficult situations in the past have resulted in legislation contravening the Constitution of the United States. We remember the Alien and Sedition Act. During the Civil War, an effort was made to place certain areas of Northern States in the theater of operations, and thus within the jurisdiction of military courts, to suppress anti-Union opinion. If I had lived then, I would not have liked anti-Union opinion, because my family, which lived in the Southern State of Kentucky, supported the Union, and served in the Union Army. Yet the Supreme Court held that the action of the Federal Government was unconstitutional.

I believe this question of Communist propaganda should be referred to the Committee on the Judiciary, so that the lawyers on the committee can consider it.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. CLARK. I yield an additional minute to the Senator from Kentucky.

Mr. COOPER. The question ought to be seriously considered by the administration to determine if proper and constitutional action can be taken. I understand the United States is a party to the Postal Convention, which permits the entry of mail from Communist countries. I do not know whether the convention can be denounced in a way that the entry of propaganda can be excluded from entering into the United States.

This is a subject which, because of the constitutional questions involved, requires recommendations to the Congress by the administration; and if the administration will not recommend, by the thorough study of the Committee on the Judiciary rather than the Committee on Post Office.

But I say that even considering the serious position in which we find ourselves with respect to the Soviet Union, to chip away at the first amendment of the Constitution is not a good thing to do. We must adhere to the Bill of Rights.

I should like to comment further. I do not believe I have made many statements referring to myself on the floor of the Senate. However, I am sure that I will receive a large amount of mail on this subject, and all will not like my remarks. Just as has the Senator from South Dakota, I, too, have received much mail on it already. And some mail places this question on the basis of "toughness" on communism.

Like many who write, I, too, am a member of the Veterans of Foreign Wars and of the American Legion. I have served overseas as have thousands of fellow Americans.

I do not like to speak personally, but as a member of the U.S. delegation to the United Nations in 1951, I represented the United States on the issue when the first condemnation of the Soviet Union in the United Nations—and perhaps the only one—was secured, for its action against Nationalist China. I fought the proposal through to the end.

After World War II, as a captain in Germany, I urged General Patton to issue an order to prevent the displaced persons in Germany—whom the Soviet representatives were attempting to force, against their will, to return to Russia—from being forcibly separated from their own country, their spouses and children of other than Russian birth and returned, as the Soviet Union insisted. I took it in my hands as a captain to oppose my superior officers and insist that the question go to General Patton, and was upheld and was cited for my action in so doing.

This is not a question of "toughness." We are dealing with the Constitution. I am strong for the Constitution of the United States.

Mr. JOHNSTON. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I do not subscribe to the amendment offered by the Senator from Pennsylvania. The plan of operation proposed by the committee's version of the bill would reinstate the practice which was in effect during the Truman administration and the Eisenhower administration. When that practice was in effect, there was no disturbance and no complaints came from any source—especially no complaints about a lack of strength. But suddenly it was decided to change the plan and to allow the U.S. postal service to deliver Communist propaganda to American citizens. Since that time, difficulty has arisen. The complaints have been numerous. People have asked, "Why am I compelled to receive mail of a Communist propaganda type when I have not asked for it?" The citizen then finds that that mail has been carried practically free of charge. Then he says, "Not only am I forced to receive this unwanted mail, but as a taxpayer I am compelled to pay a part of the carrying charge." That is a rather forceful argument, and I do not think it can be answered.

With respect to the constitutional issue involved, every Communist propagandist can have the use of our postal service by mailing his propaganda first-class and paying that charge. Does not that give to every person a full right to enjoy his constitutional privileges? He is told, "You may use the mail and you may send Communist propaganda if you send it by first-class mail."

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, may I have 1 more minute?

Mr. JOHNSTON. I yield 1 more minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 more minute.

Mr. LAUSCHE. Mr. President, what is wrong with requiring the Post Office Department to impound Communist propaganda, notify the addressee that it has been impounded, and inform him, "If you want it mailed to you, let us know, and we will deliver it to you?"

I see nothing wrong with this whole plan; and for that reason I will vote against the Clark amendment.

Mr. GOLDWATER. Mr. President, will the Senator from South Carolina yield to me?

Mr. JOHNSTON. I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. GOLDWATER. Mr. President, I fully respect the position of the distinguished Senator from Kentucky [Mr. COOPER] in upholding the constitutional right of the people. But I point out that Congress also has the right to declare war. Today we are in a different kind of war than we have ever been in before; we are engaged in a so-called cold war, in which propaganda probably plays the most important part.

I hold in my hand a piece of so-called Russian literature entitled "Information Bulletin No. 5, Soviet Peace Committee." One paragraph of it is interesting, as it relates to the propaganda which is placed in the hands of American citizens, without any charge being made for delivering it by our mail service:

> Havana will soon have a monument, the Dove of Peace, in place where the monument to the American cruiser *Maine* had stood. This is highly symbolic of present-day Cuba; henceforward, instead of the rapacious American eagle, a snow-white dove will soar over beautiful Havana.

In addition, the pamphlet contains a rather vicious attack upon me. However, I shall not read that into the RECORD.

They have a right to their opinion; but I have enough trouble being a Republican in a country which has a dominance of Democrats, without having foreigners attack me in publications which are carried in this way by the American postal service.

All the indications we can get show that the Communists refuse to allow free circulation and mailing privileges in their country to American publications. I have before me a statistic which shows that the Saturday Evening Post sends only 10 copies to Russia.

I do not think the bill as reported violates any constitutional right. I think the bill as reported by the committee is in line with the right and duty of Congress. If we are to sit back and continually allow Russian propaganda to seep into our country and into other free countries, without the Soviets giving us any opportunity to do the same with our propaganda, I think that situation in itself requires the passage of this bill as reported; and I, for one, will vote against the Clark amendment.

Mr. PELL. Mr. President——

Mr. CLARK. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, I rise to support the Clark amendment, and to submit one thought which I think has been lost sight of; namely, that thus far the argument is based on the thesis that Communist printed propaganda is effective.

To my mind, this is not correct. It is, in fact, most ineffective.

Mr. President, based upon my own experience over a period of years in the Foreign Service in the Eastern European area and as an officer of the International Rescue Committee, actually concerned with opposing Soviet redefection efforts, when I examined many pieces of Communist propaganda, I was most struck with its ineffectiveness, trashiness, and poor presentation. I believe that no matter what may be the flow of Communist propaganda, we do not pay a compliment to our people if we think that the opinion of our American citizens would be affected by it.

In addition, it is important to remember that we usually come out on top in any exchange with the Communists whether in regard to propaganda or otherwise. An excellent evidence of this point is that people flee from the Communist countries to our country, but very few indeed go from our country to the East.

Mr. CLARK. Mr. President, it is argued that this provision of the bill is constitutional because the first-class rate can be paid. I am startled to find that the Senator from Ohio, who is also an excellent judge, would make such an argument, which seems to me to be so patently unsound, on a constitutional basis.

Mr. HART. Mr. President——

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Michigan [Mr. HART], who wishes to speak on this subject.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, it was not my intention to speak on this question; but I was moved, as I think all other Senators were, by the remarks of the Senator from Kentucky [Mr. COOPER].

I, too, heard the distinguished Senator from Ohio make his argument that because a certain rate can be paid by those who wish to enjoy the privileges of the Constitution, it is all right to deny the lower rate to certain types of mail. I understand that the mail service for such material is provided at rates which are subject to an international convention. I am not certain what the rate is in this case.

It seems to me that the amendment of the Senator from Pennsylvania gives us an opportunity to provide circumstances which will require this sort of protection. I think it would be tragic if the day were to come when we would have to shut off from the people of this country printed material coming from another country.

This amendment would permit us to avoid raising what I think is a very serious constitutional question in connection with the case made by the Senator from Kentucky. Is not this the "meat and potatoes" of the first amendment? Is not ours the society which argues that ideas are very powerful and that the exchange of ideas is essential if the truth is to be discovered? Yet we would shut off, by means of the bill as reported by the committee, the expression—at least by other than first-class mail—of ideas with which we do not agree.

If the Clark amendment is rejected, I think the Senate will be making possible the passage of a bill which will raise a very serious constitutional question.

Mr. BUSH. Mr. President——

Mr. CLARK. Does the Senator from Connecticut wish to have some time yielded to him?

Mr. BUSH. I should like to have about 1 minute.

Mr. CLARK. I shall need all the time which remains under my control.

Mr. JOHNSTON. I have only 2 minutes remaining.

Mr. CLARK. Mr. President, I ask unanimous consent that the time available to the Senator from South Carolina be extended by 2 minutes, in order that he may yield to the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield 2 minutes to the Senator from Connecticut.

Mr. BUSH. I thank the Senator very much.

I should like to direct my comment to the Senator from Pennsylvania, especially because his amendment is under discussion.

There is not a great deal of difference between his amendment and the committee's provision. The only difference is that the amendment of the Senator from Pennsylvania would permit the President, rather than the Congress, to judge whether such a requirement should be made because the national security was involved or for any other reason. Implicit in the amendment of the Senator from Pennsylvania is the fact that it may be necessary, in the opinion of the President, for any reason, to restrict the flow of Communist propaganda, as outlined in the committee amendment. So, really, he is not arguing philosophically about this question, but only politically, as to where the power should lie to do so, with the President or with the Congress.

I say again that it is not a constitutional question, with all due respect to my dearest friend, the Senator from Kentucky. I cannot agree that the restriction of Communist propaganda proposed in the bill is designed to breach freedom of speech or of the press, as guaranteed by the Constitution.

Mr. CLARK. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. MCCARTHY].

The PRESIDING OFFICER (Mr. PELL in the chair). The Senator from Minnesota is recognized for 3 minutes.

Mr. McCARTHY. Mr. President, I support the amendment offered by the Senator from Pennsylvania. First, I should like to respond to the Senator from Connecticut. I think there is a clear case for giving this authority to the President. Some Members of the Senate seem to support the committee's position on the ground, not that there is any danger to this country now, not that the people are being affected by Communist propaganda now, but that there might come a time when they could be. If that is a possibility—and I suppose no one can say there is not that possibility—the Senator from Pennsylvania admits the possibility of its happening and makes this concession to them.

The Senator from Pennsylvania, in offering the amendment, has indicated he does not feel this lack of confidence. He would like to have this whole section stricken from the bill.

Every day we talk about how we have effectively met the military challenge of communism. Every day we hear how we are meeting the economic challenge. I think we are meeting the political challenge of the Communists. Every day we talk about the superiority of our ideology. We say if only we could get the people to hear our story, they would accept our position; that if we could only get the people of the world to learn about our ideology and our ideas, we would have no problems.

Today we are saying we cannot trust the American people to screen what is true from what is false, as presented by Communist Russia.

A vote against the amendment of the Senator from Pennsylvania [Mr. CLARK] would be a clear indication of lack of confidence in the American people; beyond that, a lack of confidence in American education, a lack of confidence in every institution that has been established in this country to help form the minds and wills of the people, a basic lack of confidence in the American way, a lack of confidence in the Constitution of the United States and the traditions and principles which have developed since the Constitution was adopted, and I think, too, an expression of lack of confidence in the President.

I hope the Clark amendment will be adopted.

Mr. CLARK. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. CLARK. I yield myself 5 minutes.

Mr. President, as this debate progresses, it seems to me clear that it concerns itself with three questions.

The first is, Is American propaganda in Russia more effective than Russian propaganda is in the United States? I believe it is. I believe we have made great inroads on censorship behind the Iron Curtain in recent years.

My belief is buttressed by testimony given to the committee by the Chief of the U.S. Information Service, Mr. Murrow, whose job it is to know the answer to that problem. My contention is also buttressed by the testimony given by the Assistant Secretary of State for European Affairs, Mr. Tyler, who in turn said his views coincided with Ambassador Llewellyn Thompson, who has just come back to this country after 5 years in Russia. These experts tell us American propaganda in the Soviet Union is very effective; that it is being delivered in increasing volume.

Mr. President, every Member of the Senate should know that the American people are not being fooled by any of the claptrap that is being sent into this country by Russia. Fifteen million pieces were intercepted under the censorship system in effect here from 1951–61. Was our security enhanced by these actions. Of course not.

I come back to what I said previously—that one candle in the dark room of the Iron Curtain countries lighted by the magazine Amerika, by material being sent by American citizens or agencies into Russia and other Iron Curtain countries, is worth far more than propaganda sent into our country, which is paid for, incidentally, under international postal rates, which, in my opinion, is doing nothing to subvert any group of our American citizens.

Unless we give the President the authority which would be given him under this amendment, it is very likely that we shall invite retaliation by Russia, China, Bulgaria, Rumania, and other countries to prevent propaganda from going into their countries from this country. That would be a great loss to America in the pursuit of its foreign policy objectives.

This debate has established pretty clearly that American propaganda is better than Russia propaganda, that it is doing more good than Russian propaganda is doing harm, and that we would be foolish indeed if we in the Senate voted to cut it out without giving the President of the United States, our Commander in Chief, the right, which he has under the Constitution, to direct our foreign policy.

The testimony before the committee was clear that our foreign policy would be adversely affected if the Senate committee version were to pass without the amendment which we now have under consideration.

The second question involved is that of the national security interest. It is perfectly clear, from the testimony we heard, that the national security interest would be adversely affected if we were to cut off propaganda going behind the Iron Curtain by inviting the retaliation which would be quite sure to come if we adopted the committee proposal. That testimony came from all concerned. The record is replete with it.

The third question which has developed in debate is the impossibility of administering the provisions of the committee amendment at all. I have adverted to it at such length before that I shall not again speak about the unenforceable provisions in the Senate version of the bill. There is hardly a Senator who does not recognize that situation. I suggest that making a pious declaration by enacting a law which we know cannot be enforced is a foolish thing for us to do.

Finally, as the Senator from Michigan has pointed out, the provision is clearly unconstitutional.

I ask the Senate to give the United States of America, through its President, the opportunity to continue to pursue effectively our sound long-range foreign policy interests.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. I am prepared to yield back all except 2 minutes of my time.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. CLARK. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I was delayed in a plane and could not reach the Chamber in time for the preceding vote. I announce myself as for the Clark amendment.

I think we should not let this bill pass in the present form. I think it is very unwise because of the fact that it shows some lack of confidence in our own people. I think we have every reason for confidence in the ability of the American adult and the American young person to screen what is right from what is wrong.

There was an example of that in New York recently in the case of Sir Oswald Mosley. We hate everything he said. Nevertheless, he was permitted to say it, because that is the kind of stimulating liberty we have in this country. It seems to me that that is one of the things that will toughen up, and not soften, America.

For those reasons, I would have voted for the Clark amendment. It is for those reasons that I shall vote for the pending amendment, for I consider it an assertion of confidence in my fellow Americans.

Mr. JOHNSTON. Mr. President, I have listened to the various Senators speak on this particular amendment. I call attention to the fact that under the Truman administration and under the Eisenhower administration there was a screening of Communist political propaganda. The program was stopped. There was a reason for stopping it. I do not think it was a good reason, but court action was threatened.

I think the provision in the bill takes the burden off the President and does what we think is right at the present time.

That is the reason why the committee took this attitude. It is not that we do not trust the President. I do not think we should shovel on him all the responsibility to act under all the circumstances.

If the pending amendment is agreed to, we might as well wipe out the amendment in respect to Communist political propaganda, for that would leave the situation where it is today.

The President has a right to act, not only under law, but under his powers as President of the United States. That could be questioned, I realize, but he has power in this regard.

If we put the language which has been proposed in the bill, we would impose on the President a responsibility to act.

The language which is in the bill has been discussed with the White House. It has been discussed with the Post Office Department. They say they can live under the particular language which is in the bill.

The amendment that is proposed now, known as the Clark amendment, would leave the situation just as it is now. For that reason I think the Senate ought to take the responsibility and say that we wish to blot out the delivery of Communist political propaganda through the U.S. mails.

Mr. CLARK. Mr. President, I yield the remainder of my time to the distinguished senior Senator from Minnesota, the majority whip [Mr. HUMPHREY], who, shoulder to shoulder with the majority leader, is supporting this amendment.

The PRESIDING OFFICER. The Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, how much time is there remaining?

The PRESIDING OFFICER. Three minutes.

Mr. HUMPHREY. Mr. President, I wish to say to the chairman of the committee, first, that the language in the bill is much better language than has been prepared on this subject in other instances. I know the purpose of that language is to give some flexibility and to not seal off the movement of mail or seal off what one might call the exchange of ideas, or even propaganda. It is a responsible amendment.

I appeal to my colleagues to remember that when we deal with matters relating to other countries, when we deal with matters relating to international agreements, we are dealing with matters affecting our Nation's foreign policy.

The President of the United States is the spokesman of this country in the field of foreign policy. We have no other. There can be no individual spokesman in the Congress. There are 100 equals in the Senate. Every Member of the House of Representatives is an equal. There are 437 equals in the House of Representatives. Surely we should not try to design a program in which the Congress itself feels it can conduct foreign policy.

The amendment offered by the Senator from Pennsylvania is a very sensible amendment. It states, very candidly, that, "When the President of the United States determines that it is in the national security interest because of the failure of any Communist country or countries to handle mail from the United States in accordance with international postal agreements or for any other reason" the President may set in motion the formula and the procedure designed in the bill. In other words, we would say to the President, "Mr. President, we do not want to complicate your life any more than it is. We do not want to add burdens on you in terms of restraints and restrictions in the conduct of our foreign policy."

The President speaks for the Nation. If he finds that the national security interest is not being served by the manner in which mail is being handled by other nations, particularly Communist bloc countries, or if he finds that the national security interest is not being served because there is a failure on the part of Communist bloc countries to handle the mail according to international covenants and agreements, the President can authorize and direct that the procedure outlined in the bill shall go into effect.

I think that is sensible. That is why I support the amendment offered by the Senator from Pennsylvania.

The Senator has made a proposal which is in the national interest, which will protect the national security, and will see to it that if agreements are not kept we shall reciprocate.

The PRESIDING OFFICER. The time has expired.

Mr. HUMPHREY. I have heard other Senators say there has been no reciprocity. I am for reciprocity. I want the President to have that authority.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment offered by the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Magnuson], and the Senator from Arkansas [Mr. McClellan] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] are necessarily absent. If present and voting, the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senator from Kansas [Mr. Carlson], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], and the Senator from Texas [Mr. Tower] would each vote "nay."

The result was announced—yeas 33, nays 48, as follows:

[No. 281 Leg.]

YEAS—33

Bartlett
Burdick
Byrd, W. Va.
Carroll
Case
Church
Clark
Cooper
Engle
Hart
Hayden

Humphrey
Jackson
Javits
Kefauver
Long, Hawaii
Mansfield
McCarthy
McGee
McNamara
Metcalf
Morse

Moss
Muskie
Neuberger
Pastore
Pell
Randolph
Smith, Mass.
Symington
Williams, N.J.
Yarborough
Young, Ohio

NAYS—48

Allott
Beall
Bible
Boggs
Bush
Butler
Byrd, Va.
Cannon
Chavez
Curtis
Dirksen
Dodd
Douglas
Eastland
Ellender
Ervin

Fong
Goldwater
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kerr
Kuchel
Lausche
Long, La.
Monroney
Mundt

Murphy
Prouty
Proxmire
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Wiley
Williams, Del.
Young, N. Dak.

NOT VOTING—19

Aiken
Anderson
Bennett
Bottum
Capehart
Carlson
Cotton

Fulbright
Gore
Gruening
Hartke
Hickey
Long, Mo.
Magnuson

McClellan
Miller
Morton
Pearson
Tower

So Mr. Clark's amendment was rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, the points of controversy centered in H.R. 7927 have occupied considerable time of the Senate in committee and in floor debate. The so-called Cunningham amendment has attracted the attention of news and editorial writers, and informed citizens throughout the Nation. The bill, as reported from the Committee on Post Office and Civil Service, contains provisions authorizing the interception and censorship of Communist political propaganda, a condition which, while on the surface appearing to be beneficial to this Nation, could ultimately bring irreparable harm.

The modified Cunningham provision which most Senators seek to embrace in H.R. 7927, while in my view, is more reasonable than the House measure, provides that all mail matter, with the exception of sealed letters, which originate in Iron Curtain countries and which are determined by the Secretary of the Treasury to be Communist political propaganda, shall not be delivered unless the addressee gives notification of his desire to receive such material.

It is my firm belief that such legislation is based on the assumption that the citizens of the United States require censorship to protect them from foreign ideas and reflects an appalling lack of faith in the most basic principles underlying our free society. For these reasons I firmly oppose the proposal.

In its issue of June 1, the New York Times published an editorial entitled "Two Strikes on the Postal Bill" stating that such censorship "represents the kind of pseudo-anti-Communist activity that actually hurts America's cause by aping some features of the very Communist totalitarianism we oppose." Mr. President, I concur in this expression.

Further, Mr. President, the proposed Senate amendment to H.R. 7927 inadequately defines Communist political propaganda as "any expression reasonably adapted to prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions."

Deputy Attorney General Nicholas deB. Katzenbach has strongly criticized such a definition in a statement before the Senate Post Office and Civil Service Committee, of which I am privileged to be a member.

Mr. Katzenbach affirmed that—

> It is highly probable that all newspapers or magazines of general circulation published in Communist-bloc countries would fall within this definition. It might also cover newspapers in neutral or friendly countries which take a position on any particular question consistent with the position taken by a Communist country. It might even cover publications in which statements from Communist sources are reprinted for their news value * * *. The possibilities for arbitrary application in interpretation of this standard are obvious.

It occurs also that some manner of administrative hearings are necessary prior to any determinations by the Secretary of the Treasury. The demands of departmental litigation and judicial review must be added to the burdens of enforcement at the initial level, and procedures for making these first determinations will of necessity be quite lengthy. Indeed, Deputy Attorney General Katzenbach has expressed doubt that such measures could be practically applied.

Another flaw in this provision becomes apparent when we recognize that its adoption would separate American citizens into two distinct categories: those courageous enough to indicate their interest in receiving Communist political propaganda and willing to have their names placed on an official Government list, and those persons who are too timid to undergo such regulation. In my remarks on yesterday I stressed this fact.

The New York Times commented editorially on this question in its September 25 issue, as follows:

> Should Congress write into the statutes of this country a system of political censorship and screening of the mails? This is the real issue posed by one section of the new postal-rate and pay-raise bill reported out yesterday by the Senate Post Office and Civil Service Committee.
>
> The Senate committee was seeking to meet the problem raised by the House-approved Cunningham amendment, which would go far toward preventing American citizens from receiving mail from the Soviet Union and other Communist countries. The Senate version is more reasonable, since it contains important exemptions. But it still declares, in effect, that there are two kinds of Americans: those who can be trusted to receive any kind of mail from the Communist world, and those who cannot. The Senate provision, like the Cunningham amendment, is probably unconstitutional, and certainly contrary to the most fundamental traditions of our country.

Mr. President, there are certain exemptions delineated in the proposed legislation intended for those who work for U.S. Government agencies or educational institutions who may require access to Communist political propaganda. However, there are many individuals in this country who continually make productive use of materials from Iron Curtain countries, and who do not fall within the exemptions outlined. For example, a retired Coast Guard officer with the unique avocation of studying various navigational problems confronting the Russian fleet would be prevented from receiving required source material contained in Soviet periodicals, and thus would be unable to carry on his studies. This is but another evidence of the inadequacy of the Senate amendment to H.R. 7927.

Mr. President, it has been gratifying to note that some citizens and certain news media in West Virginia remain true, as I see it, to the national interest, and informed as to the possible impact of this proposed measure on the foundation of our American way of life. In a compelling editorial of February 14, 1962, the Charleston (W. Va.) Gazette commented effectively on the adverse effect which would derive from adoption of H.R. 7927. The Gazette asserted:

> We hardly will have freedom of speech and freedom of the press if the people are to be limited to selected subjects in their discussions and reading.
>
> We say little for the American system if we fear the people will abandon it, and adopt communism, just by having access to Communist propaganda.
>
> It seems plausible that some people might be won over to communism, or become sympathetic toward it, by the very fact that our Government prohibited them from knowing what the Communists were saying.

Included in a letter I received from the West Virginia Library Association, Huntington, W. Va., are the following forthright and pertinent statements regarding H.R. 7927:

> The fact that no increases for the educational and library materials rates were included is very commendable but the Cunningham amendment should not be included. This amendment could have a very adverse effect on research libraries. If this legislation were really enforced there would be times when even the New York Times would not be delivered because it contained a speech of Khrushchev or other Communist leaders. Interlibrary loan between research libraries of source materials on communism could even be banned.
>
> Our students here at Marshall must have these materials in order to understand the Communist methods of gaining footholds in our country. Such titles as "Current Digest of the Soviet Press" included translations of the Soviet press and which could be called propaganda as it is the information that the Communist government gives to the people. To be well informed we must understand what the Russian people are being told of world events in their press. This publication could very well be prohibited from being carried in the mails under the Cunningham amendment.
>
> As you can see this is a very dangerous amendment, please explain to your colleagues the importance of leaving the Cunningham amendment out of the bill.

From a letter sent by the American Association of University Professors come the following thoughts:

> In effect, the amendment would result in the exclusion from the mails of material which the Attorney General held to be "Communist political propaganda." The AAUP views this amendment as being harmful to academic research, public affairs, and education since it would seriously impair the scholarly study and analysis of arguments being used by the Communists in any worldwide propaganda campaign.

An official of the Huntington Public Library writes:

> The Huntington Public Library receives several major reputable publications, which in the past frequently have included items which conceivably might be considered Communist propaganda. Newspapers such as the New York Times and the Christian Science Monitor have carried, and undoubtedly will carry, texts of statements by Communists, both foreign and domestic, and indeed, such statements have been read into the CONGRESSIONAL RECORD, which we also receive. Should such publications come within the provisions of such an amendment as this, the library's provision of source materials on economic and political ideologies, could be seriously obstructed.
>
> With your awareness of libraries and library needs, you may well be aware of the threat to us by the so-called Cunningham amendment. As a member of the Senate Post Office Committee, you can continue your help to West Virginia libraries by seriously considering the effects of the amendment, and, I hope, urge work for its defeat.

Mr. President, on August 17 I received a letter from William P. Fidler, general secretary of the American Association of University Professors, which summarizes one of the principal flaws in H.R. 7927 and the Senate amendment thereto, with regard to screening from the mails all Communist political propaganda. I quote:

> The reports to us from research scholars and teachers throughout the community of higher education—whatever their type of institution or their particular discipline—call attention to the fact that these provisions would hamper considerably the study, knowledge, and understanding of key developments and position in the Communist-dominated countries, and, as a result of their broad scope of Communist program and activity in other countries as well. Again and again, these reports emphasize, as a matter of deep concern to the general, as well as to the academic community, that this would happen at the very time and under the very conditions when it is so basic that we be and keep fully informed as to the developments and position of Communist countries and Communist activity in other countries.

Yet another objection to this proposed approach becomes apparent when we consider that substantial quantity of American literature and reading material is made available behind the Iron Curtain through the joint efforts of the U.S. Information Agency, and officials of the various Communist countries. Senator CLARK and I stressed this fact last evening in debate. Such printed matter is distributed by the government of the nations in question, and does much to create increased understanding of the American way of life, and respect for our principles. Testimony given by U.S. Information Agency Director Edward R. Murrow before the Post Office and Civil Service Committee indicates that the influence of these books, pamphlets, and magazines is considerable, and represents a significant portion of the mission of his Agency. The senior Senator discussed this development on yesterday in this forum.

Is it not reasonable to assume, Mr. President, that this privilege of free exchange of information allowed by the Communists would swiftly be withdrawn were we to ban their literature from our mails? Thus we would be denied an effective and straightforward means of extending the message of truth and freedom to enslaved peoples who are enduring Communist domination.

It is worth noting also, that the Senate version of H.R. 7927 would revive a program which has already been tried in this country, and which was ended in 1961 by order of President John F. Kennedy.

From 1950 until March 17, 1961, the Post Office seized books, magazines, and other non-first-class mail which came from behind the Iron Curtain. The program was widely denounced by scholars and others interested in studying life in Communist countries, and was attacked by other Americans who were justly concerned about what they considered a violation of their right to read and think as they wished. This was a point I made during my earlier remarks during discussion on this vital subject.

During the term of office of Dwight D. Eisenhower, the discontinuance of mail interception was unanimously recommended by the Planning Board of the National Security Council. Further, and most significantly, in announcing that mail screening and censorship was to be stopped, President Kennedy noted that responsible officials of the Departments of State, Treasury, Justice, and the Post Office Department had found the program to be without "useful intelligence function." I spoke of this finding on yesterday.

A news story in the New York Times of September 25, 1962, states:

> The Senate committee's version of the postal rate bill would revive a controversial program, ended by President Kennedy last year, of intercepting Communist propaganda in mail from abroad.
>
> From 1950 until March 17, 1961, the date of the Kennedy order, the Post Office seized books, magazines, and other non-first-class mail coming in from behind the Iron Curtain. About 15 million pieces of mail a year were intercepted.
>
> Until 1958 the Post Office did not inform addressees that their mail was being withheld. Then it began to advise them that they could get the foreign political propaganda if they returned a card saying they wanted it.
>
> The program drew attack from scholars and others who complained about interference with studies of life in the Soviet Union and other Communist countries. The program was also denounced as a violation of Americans' freedom to read and think as they wish.
>
> NO USEFUL FUNCTION SEEN
>
> In ending the program, Kennedy said the State, Treasury, Justice and Post Office Departments had found it to be without "useful intelligence functions."
>
> During the Eisenhower administration, he notes, the Planning Board of the National Security Council unanimously recommended discontinuance of the mail interception.

Mr. President, I reiterate my opposition to the proposed Senate amendment to H.R. 7927, and emphasize my belief that such legislation would not be in the best interests of the citizens of the United States. The measure is probably unconstitutional; it is very probably unworkable; it would doubtless cause the Communists to withdraw the U.S. Intelliency Agency's presently held privilege with regard to distribution of our own literature; it would work extreme hardship and detriment upon those scholars and other citizens who study facets of life behind the Iron Curtain; and finally, and perhaps most important, mail censorship represents a dangerous departure from our traditions as a free society wherein men and women can think as they choose.

For my part, I am confident of the ability of my fellow Americans to withstand the blandishments of Communist ideology, and to gain strength of conviction in our cherished mode of life through a free exchange of ideas.

I have the considered conviction that the Senate has voted unwisely. There will be an undesirable impact by the action on the proposal in question. Let us be careful that we do not erect a wall—of a different type to be sure—but a barrier nevertheless against the basic concepts of freedom and justice. I feel deeply that we cannot strengthen our Republic by the means indicated in the rollcall just completed.

Mr. HOLLAND. Mr. President, will the chairman of the committee yield so that I may ask him a question?

Mr. JOHNSTON. I yield.

Mr. HOLLAND. I should like to address a question to the chairman of the committee who is handling the bill on the floor. There is a provision in existing law, in the Farm Credit Act, to the following effect:

> *Provided*, That the salary of not more than three positions of deputy governor each shall be fixed by the board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended.

Earlier in the year the Farm Credit Board understood that the proposed legislation might repeal that particular provision. I should like to ask the distinguished chairman of the committee what the situation would be with respect to that particular provision of existing law under the proposed legislation we are considering today if it were enacted into law.

Mr. JOHNSTON. That particular act is still in existence. We do not affect it in any way. We leave it exactly where it is and where it has been.

Mr. HOLLAND. I thank the distinguished chairman. The provision relates to deputy governors of the Farm Credit Administration, who are paid by the Farm Credit Administration. This salary had to be fixed at that level before appropriate personnel to fill these positions could be obtained.

Mr. JOHNSTON. That it true. That is why we have left it that way.

Mr. HOLLAND. I thank the chairman.

Mr. LAUSCHE. Mr. President, I offer an amendment, which would change lines 6, 7, and 8 on page 33 of the bill and line 19 also on page 33.

The bill as now written reads:

> Federal salary rates shall be comparable with private enterprise salary rates for the same levels of work.

My amendment would change the language so as to read that the Federal salary rates shall be comparable with rates paid by private enterprise, and by municipal, county, and State governments. Instead of the Federal rate being comparable only to the rate paid in private enterprise, I would make it comparable to the average rate paid by private enterprise, and county, municipal, and State governments.

To achieve this, two sections of the bill must be modified. These are sections 502 and 503. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PASTORE. What would be the situation in the District of Columbia? It would mean would it not, that the people in the District would be making twice as much as the people of the State of Ohio.

Mr. LAUSCHE. I assume that we must achieve a general application, and that we cannot expect to have perfection. That is the general experience in the enactment of all laws. However, I submit that it is wrong to have the Federal rate compared only to private enterprise, and not to the rate paid by Rhode Island, by Providence, by Cleveland, and by Ohio, or Montana.

Mr. PASTORE. I realize that, but the Senator's answer is not responsive to my question. The Senator admits, does he not, that a different situation exists in the District of Columbia? The formula will not apply.

Mr. LAUSCHE. If it should be modified further, that can be done. But basically, I declare the principle that a comparison cannot be made only with private enterprise. The comparison ought to be with the rates which other governments are paying, and not merely what private enterprise is paying. That is the way the rate should be determined, if it is desired to be logical.

Mr. PASTORE. I understand the Senator's argument, but I again say that there will be defections, so far as the District of Columbia is concerned, where most of the Federal employees are employed. So we would be using a sledge hammer to drive in a little tack.

Mr. LAUSCHE. My answer is that we are responsible for the inequality. We are responsible for the fact that the Federal employees who work in the District of Columbia are getting many times more than the pay which is received in the States of the Nation. Congress is responsible for that. We have been loose. What I seek to do is to move along a path which will be the right one for all.

The Senator from Rhode Island may not agree with the course I am proposing; but if the Federal Government is to pay rates which are comparable with those paid by private enterprise, I respectfully say, as I pointed out yesterday, that pipefitters and plumbers in the San Francisco area are now earning $7.50 an hour by agreement. I have checked that information, and my statement is correct. Are all pipefitters and plumbers who do Federal contractual work or who are employed by the Federnment to be paid $7.50 an hour? That is the rate which is paid to such workers in the San Francisco area for a 39-hour week.

On that basis, if such employees in the Federal Government worked 2,000 hours, they would earn $15,000, with the Federal taxpayer paying the bill. That is why I say it is wrong to make the comparison only with the rates paid by private enterprise. If a comparison is to be made, we ought to ascertain what is paid the civil service workers of Ohio or Rhode Island.

Mr. MANSFIELD. Mr. President, would the Senator from Ohio be agreeable to a unanimous-consent agreement on his amendment?

Mr. LAUSCHE. Mr. President, I told the majority leader that I would agree to a unanimous-consent request; but I am not yet prepared to make an agreement as to time.

Mr. ROBERTSON. Mr. President, will the Senator from Ohio yield

Mr. LAUSCHE. I yield.

Mr. ROBERTSON. Does the language of the Senator's amendment contemplate fringe benefits, or only the actual money paid?

Mr. LAUSCHE. It contemplates the entire rate structure.

Mr. ROBERTSON. Including fringe benefits?

Mr. LAUSCHE. Surely; they are a part of the salary.

Mr. ROBERTSON. Including annual leave and sick leave?

Mr. LAUSCHE. Yes; they are a part of the salary.

Mr. PASTORE. Mr. President, I understand and appreciate the contention of the distinguished Senator from Ohio; but his amendment, which was drawn up in a hurried fashion, simply will not work. I agree that no one should be paid more than he deserves, whether he works for private industry, for a State government, for a municipal government, or for the Federal Government. That applies to Senators of the United States as well as to anyone else. No one should receive a nickel more than he is worth.

The Senator's amendment, drawn up in haste, really does not solve any problems, because the majority of the Federal workers under civil service are located in the District of Columbia. The Senator's amendment does not begin to affect them.

As far as plumbers are concerned—and this subject was discussed at length yesterday—the fact is that plumbers and janitors who work for the U.S. Government do so under the blue collar formula. The blue collar formula provides that they cannot be paid more than is paid in private industry in the particular area where they work. That has been the law for many years.

To leave the impression that plumbers who work for the U.S. Government will begin to receive $7.50 an hour is ridiculous. It is ridiculous to leave that impression because most of those people work at much lower rates of pay. The actual amount which is paid plumbers, carpenters, and janitors who work for the U.S. Government does not compare with the rates of pay for similar work in private industry. I see nothing dishonorable, extravagant, or wrong in paying people who work for the U.S. Government on a basis comparable with that of private industry. Why? Because ours is a land of private industry. Our free enterprise system is the heartbeat of American progress.

When we begin to say that a person who works for his Government is not worth as much as a man who does comparable work in private industry, we are downgrading the U.S. Government, and we should not do that.

Mr. LAUSCHE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. LAUSCHE. My amendment contemplates giving full consideration to what is paid in private enterprise, but adds to that consideration a recognition of what is paid by State and municipal governments. I think that is the only comparison that can be made which will enable us to make an overall consideration of salaries in determining what the Federal Government should pay.

I subscribe to the belief that private enterprise should guide us in our determination, but so also should State and local governments.

Mr. PASTORE. Mr. President, I understand the argument of the Senator from Ohio, but I still insist that we are reaching for a headline which will read well when we begin to leave the impression that we are working today on a bill that plans to provide that a plumber who works for the U.S. Government will begin to receive $7.50 an hour. It is absolutely wrong and unfair to leave such an impression, because that is not the case. It never was and never will be. If it is sought to reach for headlines by such a suggestion, trying to downgrade the bill by unfair inference, I say an injustice will be done to many thousands of persons who work for the U.S. Government.

There is not a plumber in the United States who works for the Federal Government who even begins to reach $7.50 for several hours' work, let alone for 1 hour's work.

The Senator from Ohio has referred to the rate paid plumbers in San Francisco. But what about Los Angeles? I do not know what plumbers are paid in Los Angeles. I have been to Los Angeles only twice. The last time I was there was to attend the Democratic Convention. I do not know how much plumbers are paid there.

Mr. KUCHEL. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from California.

Mr. KUCHEL. First, I invite the Senator from Rhode Island to return to Los Angeles. When he does, I want him to be my guest. He will do me a great honor.

Mr. PASTORE. I could not have a better host in the State.

Mr. KUCHEL. I am grateful to the Senator.

Second, the statement of the Senator from Rhode Island is unassailably correct. I served in the government of California for a few years after World War II. I know something about the downgrading of public employees in some States of the American Union. The reason why my State of California has been so progressive is that some officials in the government of California tried to demonstrate by the rate of take-home pay of Federal employees that it was a great honor to be employed by the government of Californa. That is why the State government over the years began to suffer less and less from attrition among those who entered the State government service and then had to leave.

So far as I am concerned, the Senator from Rhode Island speaks for me 100 percent in his argument.

Mr. PASTORE. Furthermore, there is today a large number of postal employees who, in order to support their families, let alone nourish the hope of sending their children to college, as many of us in the Senate of the United States are privileged to do, must go outside and obtain for themselves extra work. Many of them must do odd jobs on the side in order to bring home sufficient money to buy the bread that is needed for the table.

It is a cruel distortion of fact if we stand on the floor of the Senate and create the impression that everyone who works for his Government is excessively paid. I think we are doing a great injustice. That is all I have to say.

Mr. KUCHEL. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. KUCHEL. I come from a small town in California—at least, it used to be a small town; I suppose it is a big city now. It is Anaheim, Calif., known as Disneyland. I belong to a fraternal organization in that town, and most of my fellow townsmen also belong to it. I know a postal worker there whose wife must work, too, in order to make ends meet. I resent that situation; and when I have an opportunity to help in that situation, I am going to do so. I have an opportunity to do that today, by means of my vote on this proposed legislation.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

Mr. LAUSCHE. Mr. President, I am not asking that my amendment be considered now. I merely sent it to the desk, to be printed.

The PRESIDING OFFICER. Very well.

Mr. LAUSCHE. Mr. President, the Senator from California has referred to the salaries paid in the States. I submit that my amendment contemplates giving full recognition, in connection with the fixing of the Federal salaries, to the salaries in California and in other States. So the argument of the Senator from California fits in completely with my argument. I am asking that Senators consider the situation in California and the other States.

Second, we have the question of whether the Federal Government has to pay the rates of pay fixed by collective bargaining in the various parts of the country. Undoubtedly in California, under every contract covering Government work, the workers are paid on the basis of the salary level fixed in that community, as established by a Federal statute, which provides—and I voted for it—that the provisions of the Bacon Act shall apply. That means that in California, the workers on jobs under Federal contracts are paid the rates fixed by collective-bargaining agreements.

Mr. President, I yield to no other Senator in compassion for workers. I want the postal service employees to get their raise in pay, and I will support it. I have no hesitation in doing so, and I have told that to delegation after delegation.

But I am not in favor of having inordinate pay raises given to employees who already are receiving large salaries. On that point I differ from the general arguments which are being made. I want to help those who are struggling with low salaries, but I will not vote to have the salaries of workers who now are receiving $17,500 increased to $18,500. Neither will I vote to increase my own salary. However, I anticipate that 2 years from now there will be a vote on the question of increasing the salary of Senators.

My position is taken on the basis that I want to lift the burden from the taxpayers a little.

Mr. President, little thought is given on this floor to the taxpayers. The only thought we give is when we say we are going to lower their taxes. Of course it is simple to advocate lowering taxes and increasing spending, but where will that course lead us? The end of that road will be the poorhouse and calamity.

If the argument being made were to lower taxes and to keep expenditures in line, I would say we would then be moving on a sound basis. But almost every bill which has been brought up on this floor—and especially the weak ones—is advocated on the basis of the demagogic argument that the bill is based on a feeling of compassion for fellow human beings; and the implication is that some Senators are devoid of such compassion.

Mr. President, compassion does not reside in one person more than in others.

However, I submit to the Senate that realistic facts which cannot be avoided must be considered. I will support the measure which calls for increasing practically all salaries, but I will not go along with the program to increase the pay of those who already are receiving high salaries.

Mr. CLARK. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. CLARK. I respect the arguments being made by the Senator from Ohio, as I always do, although I drastically disagree with him.

I wonder how he thinks the committee is buying votes when it advocates increasing the salaries—and increasing them to only an inadequate extent, I emphasize, from my point of view—to be paid to the real brains the Federal Government has in the civil service. If one wished to buy votes, he would advocate increasing the salaries of the people with strong backs and weak minds. So it seems to me it takes a great deal of courage to advocate—as the chairman of the committee has done—that the salaries of those with good brains be increased. I do not think votes are being bought in that way. In this regard, I support the chairman of the committee. I do not think the salaries would be raised high enough.

Mr. LAUSCHE. I suppose there is much to what the Senator from Pennsylvania has said. However, I refer to the practice in an election year of supporting all sorts of giveaway programs. How is it that all the bills of that sort come before the Senate in an election year? Why do they not come before the Senate in a nonelection year? Mr. President, I know the answer to that question; and I think everyone else knows it too.

Mr. CLARK. Mr. President, will the Senator from Ohio yield again to me?

Mr. LAUSCHE. I yield.

Mr. CLARK. I wonder whether the Senator from Ohio thinks there are enough good brains in the Federal Government.

Mr. LAUSCHE. I cannot answer that question; but I know that if salaries at the Federal level are increased, private enterprise firms engaged in space work and electronics work will, in their quest for engineers, increase the salaries they pay; and then the Federal Government will have to increase, once again, the salaries it pays; and thus the competition will continue, and the problem never will be solved.

As Governor of Ohio, I had a similar experience. I increased the salaries of our mental-hygiene workers; but as soon as I did that, I found that the other States did likewise, and the problem was never solved.

Mr. CLARK. Mr. President, will the Senator from Ohio yield again to me?

Mr. LAUSCHE. I yield.

Mr. CLARK. Does not the Senator from Ohio agree that today private industry pays from two to three or four times what the Federal Government pays to workers with good brains?

Mr. LAUSCHE. I agree; but I think the Federal Government is responsible for that situation. I repeat that the Federal Government is responsible for the high salaries that are being paid in private industry. We are letting contracts on a cost-plus basis in the field of space and electronics. Those contractees, knowing that whatever they pay in salaries will be paid by the taxpayers, are robbing one another of employees, lifting salaries all the time, robbing the Federal Government of employees; and thus the chase on the treadmill goes on.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CLARK. Does the Senator not agree that about 91 percent of the higher salaries is returned to the Federal Government in income taxes? Is that not true?

Mr. LAUSCHE. I suppose that is so, but what does that prove? Does it prove that we give it to them and then steal it from them?

Mr. CLARK. Does the Senator think the income tax laws are a thief?

Mr. LAUSCHE. But that is in effect what the Senator says—we give them 100 cents and then take 91 cents away from them, so everything is fine.

Mr. CLARK. It seems to knock the Senator's argument into a box.

I personally would like to see the high income tax brackets come down. The point of the bill is to see to it that the brains represented in the upper and middle income brackets can be made available to the U.S. Government as well as to private industry. That is why I support the committee.

Mr. LAUSCHE. I agree with the Senator from Pennsylvania—I want our Government to get men with brains, but I cannot see how we are going to do it in this race by trying to determine who will pay the highest salaries and by providing that salaries for engineers and scientists shall be raised. The moment we do it, the companies to whom we are assigning contracts will raise the salaries of their scientists; and we will be back where we started. We are not getting to the cause, I say to the Senator from Pennsylvania.

Let me now summarize my position on the bill. I am in favor of adopting the principle of comparability, but the comparison of salaries should not be confined to a comparison of what is paid by private enterprise and what is paid by the Government. If a just rule is to be arrived at, the salaries paid by State, local, municipal, and county governments must be included.

I favor the granting of a pay raise at this time generally as envisioned in the bill, with a few exceptions. The exceptions are that I will not support the section giving a pay increase to the legislative branch of the Government.

While I am on that subject, has the Senator from South Carolina been able to get the figures showing what the potential cost of this bill will be in the increases which can be given to legislative employees? I asked for that information yesterday. Basically, I am in favor of that phase of the bill, except for the items I have mentioned.

Mr. JOHNSTON. Mr. President, the maximum amount of the cost of the pay raise for all employees of the U.S. Senate, provided each employee was given the full amount of the increase provided, would be $1,650,000.

Mr. PASTORE. Mr. President, has the Senator from Ohio concluded?

Mr. LAUSCHE. Yes.

Mr. PASTORE. Mr. President, no one Senator has a monopoly on compassion. No one Senator has a monopoly on the public interest or interest in the welfare of the taxpayers. When it comes to a regard for the taxpayer, his interest, and his welfare, I defer to no one, just as I am sure the Senator from Ohio defers to no one.

All I am saying is that if a girl is working in one's office here in Washington as a stenographer, or if there is a mail carrier going his rounds in the State of Rhode Island, I would not want their pay determined by whether the State of Massachusetts, for example, pays more or pays less for comparable work. The standard for Federal wages should not be the measure by which salaries in one State government may be paid as against those paid in another State government. The minute we begin to follow a formula that the pay of Federal employees will be based on what is paid in a certain State or municipality, we shall have a lopsided civil service establishment. There is no question about it.

We have a responsibility. As legislators in the American Congress, we have a responsibility to fix wages for Federal employees, and that job should not be done by the State legislatures. I realize that many States may pay higher salaries than they should. I am aware there are scandals alleged in many States. Merely because a higher salary is paid in a State does not mean that a Federal employee working in that State should be paid more than he deserves. By the same token, if the salary in a certain State is lower, it does not mean that a Federal employee working in that State should be paid less than he deserves.

The formula suggested by the Senator from Ohio will not work. It is impracticable. For that reason it should be defeated.

Mr. JOHNSTON. Mr. President, is the amendment pending before the Senate now?

The PRESIDING OFFICER. No; the amendment has not been offered.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. What is the amendment before the Senate?

Mr. PASTORE. Mr. President, I ask for the third reading, if there is no further amendment to be offered.

The PRESIDING OFFICER. The question is on the committee amendment in the nature of a substitute for the bill.

Mr. MORSE. Mr. President, is an amendment in order now?

The PRESIDING OFFICER. An amendment is in order.

Mr. MORSE. I call up my amendments, identified as "9-26-62—D."

The PRESIDING OFFICER. The amendments offered by the Senator from Oregon will be stated.

The **LEGISLATIVE CLERK.** It is proposed on page 11, beginning with line 1, strike out all through line 9 on page 32.

On page 32, line 10, strike out "Part II" and insert "Part I".

On page 101, line 8, strike out "Part III" and insert "Part II".

Amend the title so as to read: "An Act to adjust the salaries of Federal employees, and for other purposes."

Mr. MORSE. Mr. President, I shall not take very long on these amendments.

I would like to have the attention of the majority leader. I am open to the possibility of a unanimous-consent agreement limiting time on this amendment, because there is the record of years standing of objection by the senior Senator from Oregon to combining pay increases with rate increases. I would like to have a yea-and-nay vote on the amendments. I would be willing to enter into an agreement limiting ourselves to 10 minutes on a side. We all know how we are going to vote, anyway.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I am so surprised I hardly know what to say, but I would like to make a unanimous-consent request along the lines indicated by the Senator from Oregon, limiting debate on the amendment to 10 minutes to a side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, I would like to suggest that the majority leader call for a quorum, and then withdraw it when there are enough Senators present to order the yeas and nays on the amendments.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendments of the Senator from Oregon.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, my speech in support of the amendment was made yesterday. I just think it is bad public policy to hitch postal rates to postal pay and pay for other civil service employees. It is a bad precedent. It will rise to plague the Senate and the parties concerned.

The precedent is going to be cited some time in the future that there cannot be a consideration of pay increases unless there is an increase in rates. I think it is bad legislative policy both for the postal service, and for all the services of the Federal Government.

If the Senate is going to tie salaries to rates now, is the Senate ready to do it in connection with all Government services? Let us take the large body of proprietary interest in the Federal Government. Let us take the Bonneville Administration, the TVA, any of the Government services in the field of utilities. Does the Senate want to set a precedent that there cannot be pay increases for those Federal employees unless there are changes in the rates in the operation of the proprietary interest that will pay their way?

As a matter of principle, the combining of postal rate increases and pay increases cannot be justified as good political science.

This goes back to the whole history of the purpose of the postal service. We cannot erase the pages of American history on this subject matter. When the postal service was established there was never any intention on the part of our Constitutional Fathers that it should pay its way. To the contrary, there were debates at the time of the Constitutional Convention in regard to this matter, and there was strong opposition to the idea that there ought to be a private enterprise system in connection with the delivery of mail. In some colonies the mail was distributed in that manner. That was an efficient service, because the people in charge of the business distributed the mail from the standpoint of making a profit. They gave service accordingly.

As a result, there was not a uniformity of service. It was decided there should be established a Federal postal service to serve the people of this country, to give assurance that there would be uniformity of efficiency to the extent possible, and that there would be uniformity of service to the American people, whether they lived in the mountains, on Main Street, in Washington, D.C., or anywhere else.

I think that is the way we ought to keep it.

I quite agree that there should not be waste in the postal service. I quite agree that the rates ought to be reasonable. But the idea that it is necessary to raise the rates so that there will be no deficit in the postal service, in my judgment, overlooks the fact of its original purpose.

Do Senators wish to apply that principle in terms of fire protection? Do Senators wish to apply that principle in regard to all the other public services to which we know a free people are entitled?

What do I propose? I say, "Separate them." That is what the amendment would do. It would eliminate from this bill the whole of part I on postal rates. We could pass part II and part III. In January we could consider another bill to deal with the matter of rates, at a time we could deliberate on it and I think do a more thorough job than we can now do. Or, if Senators wish, even in the closing days of this session we could consider an independent bill with regard to postal rates. We could debate that to our heart's content and present in some detail the evidence which I think ought to be presented against an increase in the postal rates, particularly in the rates on first-class mail and airmail.

That is my case. I am only making a plea today for the application of sound political science to the legislative process in the Senate.

Mr. President, I yield back the remainder of my time.

Mr. JOHNSTON. Mr. President, I shall use only 4 or 5 minutes.

I agree with most of what the Senator from Oregon has said. I also believe that salaries of employees of the Government should not be absolutely dependent upon increases in rates, especially in the Post Office Department.

I think, along with the Senator from Oregon, we ought to provide certain things under the postal service which do not pay all their way. I do not think all must pay their way.

With respect to first-class mail, we must look at the overall situation. A person may send a telegram and may pay for 10 words. A person may write 50 words and send the telegram immediately, at any time during the day, or he may send it in the form of a night letter, at a cheaper rate.

The same is true in this regard to the Post Office Department. First-class mail receives preferential treatment. Those letters go out first. If time is available, the second-class mail is handled. When second-class mail has been handled, the third-class mail is then handled, and so on down the line until all classes of mail have been processed.

For this reason, rates should be a little cheaper for various classes other than first class, since they do not receive preferential treatment.

We should think about these things in regard to regulating rates.

Coming back again to the question of salaries, I would not wish to have anybody at any time think that an employee should not have his salary raised until the budget is balanced. Never would I believe that. If I did, certainly the employees would not be getting the increases they deserve. I think the salaries of employees should depend upon whether or not the employees do their work and the amount to which they are entitled for doing the particular work they do, whatever it is. That is my position, and it has been at all times.

We did not want to tie the two bills together. For the information of the Senator, we would not have been able to get any pay increase for the employees if we had not tied the bills together.

A bill has not come to the Senate from the House with regard to the pay raise, and for that reason we have tied the two bills together, in order to do something for the employees and at the same time do something to the increase in postal rates.

Both of these are equitable.

We have also provided in the bill retirement provisions, so that they may be passed.

We think all these proposals are equitable.

I do not agree with everything that is in any bill of this scope. Every committee chairman has to give and take in committee. When the committee reports a bill, it is my duty as chairman, to do everything possible to see that the bill is passed by the Senate in the form reported by the committee unless there should be some very unusual provision that goes too much against the grain. Of course, I am not tied, and no other Senator is tied, to follow the committee recommendation 100 percent. However, in considering the bill in the Senate it becomes necessary at times to go along with matters in which one Senator may not thoroughly believe.

We cannot follow the Senator in regard to this particular amendment. If we should do so, there would not be any increase in salaries for employees. There would not be any retirement provisions passed this year. There would not be, this year, any increase in rates provided.

We hope all of these things will go into effect, in order that we may have a better postal system and do justice to the employees at the same time.

Mr. MORSE. Mr. President, if I may, I will take back 1 minute of my time.

I understand the position of the Senator from South Carolina. It is the same position that Senator after Senator has stated to me. It is the old story that many have told me, that the political science principle for which I am fighting is absolutely sound; but apparently there are some problems of expediency which will smother out a sound political science principle.

I offer the amendment. I think it is a proper amendment. I suspect I shall be defeated on the yea-and-nay vote, but I do not think I should be, for I think the way to pass legislation properly is on the basis of my amendment.

I hope that my amendment and the vote on it, the legislative history we are now making, will at least blunt somewhat the argument which may be made in the future pointing back to this hour as an hour of precedent in regard to the question of linking pay increases with rate increases or linking pay increases with the argument, "You can get them only if that particular part of the Government service pays its way."

If I have performed that service I have accomplished at least something, and I am glad I have offered my amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator from Oregon yield to me for a question?

Mr. MORSE. I yield to the Senator.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. My time has expired.

Mr. JOHNSTON. I yield 1 minute to the Senator, so that he may ask a question.

Mr. LONG of Louisiana. In view of the fact that some of us would be tempted to vote, if the measures were separated, for the pay raise portion and against the rate increase portion, I am somewhat curious as to the Senator's attitude in that regard. Does the Senator think we ought to defeat the rate increase and vote for the pay increase, or would he vote for both, even though separated?

Mr. MORSE. If they could be separated I would vote against the rate increase in the form provided in the bill, unless it were drastically modified.

Mr. MONRONEY. Mr. President, will the Senator yield me 2 minutes?

Mr. JOHNSTON. I yield 2 minutes to the distinguished Senator from Oklahoma.

Mr. MONRONEY. I rise in opposition to the amendment offered by the distinguished Senator from Oregon. Having campaigned throughout the years and crusaded against joining together proposed legislation relating to a pay raise and a postal rate increase, I dislike having to do so now. The only time I remember that our committee supported such a measure was when we made an effort to avoid the killing of a proposed pay increase through a Presidential veto.

Today we are faced with a different situation. Time has run out on the opportunity to consider the two bills separately, and to do a satisfactory job on a most necessary measure, namely, a bill which would raise $600 million in revenue every year to help pay for the operation of the Post Office. I point out that the pending bill would cover only a portion of the necessary revenue. The $308 million of the proposed pay increase will have to be charged to public service. To postpone action on the rate bill and take up the pay bill now would unquestionably result in a loss of approximately $300 million before the mail rate bill could later be passed.

Furthermore, I am convinced from the information that our committee has that without a rate bill, which should have been passed separately if we could have finished our job, I doubt very seriously that the President of the United States would sign proposed legislation which would extend over $1 billion in pay increases in the half of the bill that we might pass, while we neglected to provide the $600 million necessary increase in revenue from additional postal rates.

I agree with the distinguished Senator from Oregon. We never wish to set a precedent on the question. The lateness of the session explains the reason the proposal is necessary, and I hope the amendment will be rejected.

Mr. JOHNSTON. Mr. President, I yield back my remaining time.

Mr. MORSE. Mr. President, I yield back any time I may have remaining.

The PRESIDING OFFICER. All time is yielded back.

Mr. MANSFIELD. Mr. President, I should like to suggest a brief quorum call. I do so because one of the cars going to the new Senate Office Building is out of commission. Furthermore, I understand that the bells in the Public Works Committee room have not been ringing. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Oregon. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], the Senator from California [Mr. Engle], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Humphrey], and the Senator from Washington [Mr. Magnuson] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson], the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], the Senator from California [Mr. Engle], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Wyoming [Mr. Hickey], the Senator from Minnesota [Mr. Humphrey], and the Senator from Missouri [Mr. Long] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Illinois [Mr. Dirksen] is detained on official business.

If present and voting, the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] would each vote "nay."

The result was announced—yeas 6, nays 72, as follows:

[No. 282 Leg.]

YEAS—6

Cooper
Kuchel
McGee
McNamara
Morse
Proxmire

NAYS—72

Allott
Bartlett
Beall
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Carroll
Case
Chavez
Church
Clark
Curtis
Dodd
Douglas
Ervin
Fong
Goldwater
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kefauver
Kerr
Lausche
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
Metcalf
Miller
Monroney
Moss
Mundt
Murphy
Muskie
Neuberger
Pastore
Pell
Prouty
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—22

Aiken
Anderson
Bennett
Bottum
Capehart
Carlson
Cotton
Dirksen
Eastland
Ellender
Engle
Fulbright
Gore
Gruening
Hartke
Hickey
Humphrey
Long, Mo.
Magnuson
Morton
Pearson
Tower

So Mr. Morse's amendment was rejected.

Mr. MORSE. Mr. President, I call up my amendment designated "9–26–62—E" and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 11, it is proposed to strike out lines 3 to 8, inclusive, and renumber succeeding section numbers accordingly.

On page 11, beginning with line 12, strike out all through line 15.

On page 11, line 16, strike out "(3)" and insert "(1)".

On page 11, line 4, strike out "(4)" and insert "(2)".

Mr. MORSE. Mr. President, I should like to offer the majority leader another unanimous-consent proposal: That there be a limitation of 10 minutes to a side on this very sound and speaking-for-itself amendment, and that we have a yea-and-nay vote on it. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Chair entertain the request of the Senator from Oregon that the time on the amendment be limited to 20 minutes, 10 minutes to a side?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, my amendment strikes out the increases provided in the bill for first-class mail and airmail. The case is made for me by the committee on page 2 of the report. I ask Senators to turn to page 2 and examine the table entitled "Comparison of Estimated Cost Coverage."

The first item in the table is "First class, current rates." That class returns to the Post Office 100.4 percent of the carrying charges. In other words, the return on first-class mail, now being carried with a 4-cent stamp, is 0.4 percent more than the cost of carriage.

I ask Senators to look at the second item in the table—airmail. Airmail is now being carried through the mail at 112.8 percent of the current rate. In other words, the Government receives 12.8 percent more than it costs to carry the airmail.

What does the committee propose with respect to these two items? I ask Senators to examine the last column of the table, headed "Senate Amendment." That is the amount which will be received for first-class mail if the bill is passed. According to the table, the amount to be received will be 127.4 percent of the cost of carrying first-class mail. In other words, the senders of first-class mail will be paying a subsidy of 27.4 percent to the other branches of mail to help pay a part of their carrying costs. That is much more than the subsidy they are now paying, which is about four-tenths of one percent.

In contrast, even when the increases for second- and third-class mail have gone into effect, second class will be paying only 35 percent of its carrying cost, and third class 82 percent.

What about airmail? Under the committee bill, 127 percent of the cost of carriage will be received. I do not think that is right or fair. I do not believe it is fair to the senders of first-class mail to require them to pay what is really a subsidy to the users of other classes of mail, who will not be paying nearly their share of the load. I do not believe it is fair to the senders of airmail, who will be paying a subsidy, in effect, of 27 percent.

Nor do I think, if anyone has any doubt about it, that it is fair or right to charge the users of second- and third-class service the full cost of sending that mail.

The reason for that, heard so many times from the lips of the senior Senator from Oregon—I shall not dwell on it at length now—is that I hold to the proposition that the whole purpose of the postal system is to render a public service to the American people, so that there will be a guarantee of quick and cheap dissemination of knowledge and information into the homes of America, which is essential to keeping men and women free; for we will not keep freedom in this country unless we keep knowledge at the hearthstones of America. It will not be possible to keep freedom in this country unless we keep the people enlightened; and the postal service is one of the great educational institutions in America. It is a part of our educational system. It should not be maintained on a pay-as-you-go basis.

Certainly we should not be expecting the senders of first-class mail and airmail to subsidize the senders of magazines and newspapers and the other users of second- and third-class mail. If there is to be a subsidy—and I am for it, because that is what this proposal is, in effect—it ought to be paid out of the Treasury of the United States by all the taxpayers, and not be paid by some select group.

As a matter of policy, I believe that where subsidies are desirable, they should be financed from general revenues and not borne by just one group.

I simply do not believe it is fair or right to increase the charge of first-class mail to 5 cents and for airmail to 10 cents, in order to subsidize the other users of the mail.

In my opinion, the rates for these two classes should remain at their present levels. Those classes are paying their cost; in fact, airmail is more than paying its cost. I think that to retain the first-class and airmail rates at their present levels would be fair and equitable. Therefore, I offer my amendment.

Mr. JOHNSTON. Mr. President, if the amendment of the Senator from Oregon is adopted, the following amounts of revenue will be eliminated: The increased amount of revenue for first-class mail under the bill will be $437,800,000. The proposed increase in rate for airmail will result in $21,200,000 additional revenue. So the adoption of the amendment of the Senator from Oregon would result in eliminating $459 million of revenue from the bill. That would leave very little revenue remaining.

First-class mail has always paid more than its cost of delivery. That has been true since almost the beginning of the carrying of the mails. At one time it was carried at 170 percent of the cost of delivery. When the first-class rate was increased to 3 cents in 1933, it can well be imagined just what part of the cost it was carrying at that particular time. As I remember, it was 170 percent of the cost. So, first-class has always more than paid its cost.

This is true in the main because first-class mail receives preferential treatment. It is the mail which is delivered first. When it comes into the post office, it is the first mail sorted. Although in many instances it is sorted 11 times, each time it is sorted first and keeps getting into the front row, so to speak. It is given preferential treatment all the way through the post office. And it is because first-class mail receives preferential treatment that an additional amount is paid.

The committee believes that the proposed rates are equitable under the circumstances at this time.

Mr. MORSE. Mr. President, I yield back the remainder of my time.

Mr. JOHNSTON. I yield back the rest of my time.

Mr. BIBLE. Mr. President, for the same reason as was advanced previously, I suggest the absence of a quorum. It is my understanding that some of the bells are not ringing; therefore, a short quorum call is desired.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the amendment lettered "E" of the Senator from Oregon. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from New Mexico [Mr. Chavez], the Senator from Louisiana [Mr. Ellender], the Senator from California [Mr. Engle], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Magnuson], and the Senator from Georgia [Mr. Russell] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Illinois [Mr. Dirksen] and the Senator from New York [Mr. Javits] are detained on official business.

If present and voting, the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New York [Mr. Javits], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] would each vote "nay."

The result was announced—yeas 12, nays 65, as follows:

[No. 283 Leg.]

YEAS—12

Bartlett
Cooper
Hart
Kefauver
Long, La.
McCarthy
McGee
McNamara
Morse
Neuberger
Proxmire
Young, Ohio

NAYS—65

Allott
Beall
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Carroll
Case
Church
Clark
Curtis
Dodd
Douglas
Eastland
Ervin
Fong
Goldwater
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kerr
Kuchel
Lausche
Long, Hawaii
Mansfield
McClellan
Metcalf
Miller
Monroney
Moss
Mundt
Murphy
Muskie
Pastore
Pell
Prouty
Randolph
Robertson
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—23

Aiken
Anderson
Bennett
Bottum
Capehart
Carlson
Chavez
Cotton
Dirksen
Ellender
Engle
Fulbright
Gore
Gruening
Hartke
Hickey
Javits
Long, Mo.
Magnuson
Morton
Pearson
Russell
Tower

So Mr. MORSE's amendment was rejected.

Mr. LAUSCHE. Mr. President, I call up my amendments identified as "9-26-62—F."

The PRESIDING OFFICER. The amendments offered by the Senator from Ohio will be stated.

The CHIEF CLERK. It is proposed on page 96, beginning with line 9, strike out all through line 17 on page 99.

Renumber sections 1006, 1007, and 1008 as 1005, 1006, and 1007, respectively.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MANSFIELD. With the acquiescence and support of the Senate, I wish to make a unanimous-consent request that 10 minutes be allowed on the pending amendment, 5 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. With the further provision that, when the Senator from Colorado [Mr. CARROLL], calls up his amendment, 30 minutes be allowed, 15 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. CARROLL. Mr. President, reserving the right to object, I would like to have the yeas and nays on my amendment. I understand the Senator from Ohio does not want them on his amendment, but I would like to have them on mine.

Mr. MANSFIELD. At the appropriate time the yeas and nays will be requested.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. Mr. President, my amendments, if adopted, would strike from the bill those provisions which authorize a discretionary pay raise of 7 percent to the employees of the legislative branch of Government.

Senators are thoroughly familiar with this problem. It requires no argument on my part to point out the facts as I see them supporting my position, or for other Senators to point out the facts as they see them in support of their position in favor of the proposal.

Two years ago a pay raise of 10 percent was granted. I recognize that it was not mandatory that the pay raise be put into effect. It was discretionary with each Senator. However, when the employees of Senators B, C, and D receive a pay raise, it is pretty hard for another Senator to say, "No, I cannot do it."

Therefore, I urge the adoption of my amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a minute and a half remaining.

Mr. LAUSCHE. I yield to the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, a few years ago, when this same matter came before the Senate, I opposed any increase for employees of the legislative branch. As I indicated then, we of the legislative branch have a system of our own that we can utilize to fix salaries of our employees. Depending on the size of the respective States, Senators have a base salary allowance ranging from $52,980 to as much as $79,980. Thus any Senator can hire the number of employees he specifically needs and fix salaries of his choice. This is something that is left up to individual Senators. After all, each Senator should know best how many employees he needs to serve his constituents.

It is true that a Senator is limited in the amount he can pay his administrative assistant. The maximum base for such positions is $8,820. But this is not the full amount of the salary. There is a special fund which raises the base salary to a gross salary of $17,525 per year. As my good friend the Senator from Ohio has indicated, I think a salary of that size is sufficient.

I do not like to see this practice of coupling a salary raise for other employees of the Federal Government with a raise in salaries for post office employees. I would cheerfully vote for an increase in the salaries of post office employees if I could get the opportunity to do so because I believe they are underpaid. However, I do not believe it is wise for us to vote for a bill at this time which will raise salaries to such a great extent for a host of Federal employees. This proposed salary raise would increase Federal expenditures over $1 billion a year.

As I had said earlier this year, I am in favor of an increase in pay rates for postal employees if it is coupled with an increase in postal rates. However, I am not in favor of increasing the maximum salary for a Senator's administrative assistant from $17,525 per year to $18,880 per year or of increasing the salary of a GS-17 by $1,768 per year. I think salaries paid people in these positions are high enough.

I repeat: If the bill dealt only with increasing salaries of postal employees along with an increase in postal rates, I would vote for it. If it includes pay raises for any other Government employee, I am against it.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from South Carolina is recognized.

Mr. JOHNSTON. Mr. President, speaking for the committee, we decided that 7 percent would be an equitable amount to increase the fund for each Senator to have available. The raise would be left entirely to the Senator.

We did establish a ceiling, so to speak, in respect to salaries of employees in the offices of Senators and for the staffs of the committees.

We think that amount is well within the line. If a Senator did not wish to increase the salary of anybody working in his office, he would not have to do so. The Senator could submit a letter, after the bill is signed by the President, any time before the next pay day, setting salaries for those in his office at any salary rates he desires.

However, the Senator could not provide salaries amounting to more in the aggregate than was assigned to his particular office, nor could he raise the salary for any particular person above the ceiling.

We thought it was right and just to provide for employees on Capitol Hill and to put the appropriation in each Senator's allotment, so to speak, so that Senators could act according to their wishes.

I wish to invite attention to one other thing before the Senate. Senators from difficulty answering mail which comes to their offices. That is the report which has come to us from New York, Pennsylvania, Illinois, and other States. There has been a plea for a larger allowance in regard to particular States because of the additional burden of answering the mail and carrying on correspondence in the office. I am informed that some Senators must pay expenses out of their own pockets.

That is not a question for our committee. The large States have a great deal of mittee. We could not adjust that situation. I only bring it to the attention of the Senate, so that the committee which can properly deal with it and the Appropriations Committee can make the proper adjustments to see that justice is done to all the States.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. ELLENDER. Is the base figure to be raised?

Mr. JOHNSTON. No.

Mr. ELLENDER. How would the additional amount be given, let us say, to the employees in the Senator's office?

Mr. JOHNSTON. Each base would be given an additional amount. A person receiving a base pay of $5,000, for instance, would receive a gross pay of more than $5,000.

Mr. ELLENDER. The Senator says the base would not be changed?

Mr. JOHNSTON. The base would not be changed.

Representatives of the Disbursing Office came before the committee and said that would be the easiest way to handle the problem.

Mr. ELLENDER. Is there to be an increase over and above some base as now exists?

Mr. JOHNSTON. Does the Senator refer to the base?

Mr. ELLENDER. In other words will the same base be used with a salary increase coming out of a special or contingent fund?

Mr. JOHNSTON. The base the Senator gets will provide a gross of 7 percent more.

Mr. ELLENDER. That is the question I was asking. The Senator said the base would not be changed, but the amount of salary will be raised from the same base.

Mr. JOHNSTON. The base would not be changed, but the gross would.

Mr. ELLENDER. Assume that a Senator wished to give an employee the highest salary possible. At the present time the base pay is $8,820, which would make it possible for the employee's gross salary to be $17,525.

Mr. JOHNSTON. Yes.

Mr. ELLENDER. How would the Senator effectuate the addition over $17,525?

Mr. JOHNSTON. The same base pay would provide for the additional amount. That has been the procedure used in the past.

Mr. ELLENDER. In other words, if the Senator fixed the base pay at the same rate the employee now has, the gross salary of the employee would automatically be augmented, to give an additional 7 percent.

Mr. JOHNSTON. It would vary in some grades a little bit, but very little. It averages out the same.

Mr. ELLENDER. Would the funds come from the contingency funds of the Senate?

Mr. JOHNSTON. They would.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. YOUNG of OHIO. Is it a fact if the amendment offered by my colleague, the senior Senator from Ohio, were rejected, an administrative assistant, an assistant to a Senator, might receive a salary of approximately $18,250 maximum?

Mr. JOHNSTON. The administrative assistant would get that much. The pay scale would be graduated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Ohio? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. It happens that my colleague and I both represent what is called a big State, because the State of Ohio now has a population in excess of 10 million. I disagree with statements made earlier today that the Senators representing populous States lack sufficient clerical allowance to pay our staff members who assist us. I feel that we are given ample allowances at the present time to pay salaries to our employees and my vote will be recorded in support of my colleague's amendment.

Furthermore, as to administrative assistants, we can use that fancy title if we wish, nevertheless very few work as hard as we Senators nor as long hours, we see them loafing around the Senate Chamber when important issues are before the Senate frequently lining the sides and rear of the Senate Chamber as curious spectators.

An administrative assistant in my office or in any other Senator's office who receives in excess of $18,000 a year would really be receiving more money than the Senator.

Senators maintain two homes. We want to maintain two homes. We are glad to maintain a home in the State we represent. We travel back and forth a great deal, and often at our own expense.

In addition, if a Senator runs for reelection, he must spend a great deal of money in his campaign. Furthermore a Senator has no expense or entertainment allowance. We are glad to entertain our constituents at our own expense. Each of us spends substantial amounts for charities and entertainment.

I feel that we have been very liberal to the staff assistants under our present system, and I support the amendment offered by my colleague to maintain the status quo instead of giving this handout as a gift.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to the amendment offered by the Senator from Ohio. (Putting the question.)

Mr. MILLER. Mr. President, I ask for a division.

Mr. ELLENDER. I ask for a division, Mr. President.

The PRESIDING OFFICER. A division has been requested.

On a division, the amendment was rejected.

Mr. CARROLL. Mr. President, I offer my amendment which is at the desk, and I ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 13, beginning with line 12, it is proposed to strike out the remainder of the page and insert in lieu thereof the following:

(3) The rates of postage on publications of a qualified nonprofit organization mailed in accordance with subsection (a) are as follows:

[In cents]

	Mailed after Jan. 6, 1963, and prior to Jan. 1, 1964	Mailed during calendar year 1964	Mailed after Dec. 31, 1964
Rate per pound	1.6	1.7	1.8
Minimum charge per piece	.125	.125	.125

Mr. CARROLL. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CARROLL. Mr. President, the amendment is very simple. There is nothing complicated about it. I had the privilege of debating the subject with the able Senator from Oklahoma [Mr. MONRONEY] just 4 years ago.

My amendment does one thing. It retains in existing law the historical and traditional second-class postage rate for publications of nonprofit organizations. I have reference to the newspapers and magazines published by religious, educational, scientific, philanthropic, agricultural, labor, veterans, and fraternal organizations. Through the years, those engaged in the publication of such newspapers have always had a one-eighth cent minimum per copy rate for bulk mailing. The House of Representatives has always retained this rate. The present House bill retains this rate, but unhappily the Senate committee saw fit to increase it by 100 percent.

Yesterday I had printed in the RECORD certain letters which I have received in opposition to the action of the Senate committee, and at that time I made an extensive statement on the subject.

Senators, I am sure, are fully informed on the merits of this proposal.

I would like to emphasize the fact that my amendment involves only a small amount of revenue. About $1 million would be involved in relation to these many publications that bring inspiration, information, and pleasure to those who receive them.

The committee heard testimony by representatives of the American Legion, the Veterans of Foreign Wars, the DAV, and other veterans' organizations, from Protestant groups, from the Christian Herald, from Jewish groups, Catholic groups, the Association for the Blind, the National Council of Boy Scouts, and the National Foundation of Medical and Scientific Research. There was also testimony from representatives of crippled children's organizations. All agreed upon the importance of preserving the postage rate for nonprofit publications.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. CARROLL. I yield.

Mr. HUMPHREY. Would the Senator's amendment include the parent-teachers' association bulletin?

Mr. CARROLL. It would include anything that is nonprofit.

Mr. HUMPHREY. Would it include the Easter Seal program?

Mr. CARROLL. Exactly.

Mr. HUMPHREY. Philanthropic and charitable organizations?

Mr. CARROLL. Yes.

Even though pound rates have been increased my amendment does not alter the commitee bill in this respect. Although it is preferable that there be no change at all in second-class mailing rates for the publications of non-profit organizations; I believe it is most important that the minimum piece rate remain unchanged. For this reason my amendment is directed to that end.

In his testimony before the committee, the Postmaster General made an important point:

> Of course, the entire loss under the public service approach that we advocate on these nonprofit publications is picked up in public service. Our philosophy in regard to taking on that area of controversy was that the amount we could probably anticipate and obtain by a hard-fought battle to increase not-for-profit rates would not justify that entirely separate and extremely difficult area of dispute which we would get into.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. CARROLL. I am happy to yield.

Mr. PASTORE. Is the Senator from Rhode Island correct in saying that the House left the rate exactly where it had been theretofore?

Mr. CARROLL. The Senator is exactly correct. Many witnesses appeared before the House committee and testified to the point. I have placed some of that testimony in the RECORD. The House refused to raise the rate for these publications. Able representatives of organizations also came before the Senate committee and testified. They did not dream that the committee would take the extreme action which it has.

Four years ago the able Senator from Oklahoma and I debated this same issue on the floor of the Senate. At that time I felt that the provision was a "sleeper." My people at home did not understand the complex formula proposed. We had about 24 hours to marshal our forces.

The vote on the issue on February 28, 1958, as shown by the CONGRESSIONAL RECORD, was 35 to 49.

We were defeated in the Senate. However, the bill went to conference, and the provision was eliminated in conference by the House conferees. The rate was not raised.

What is the present danger? I have heard certain rumors to the effect that when the Senate passes the bill, there may not be a conference. That is why I have asked for the yeas and nays on the amendment. This may be our last chance to strike this increase from the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield.

Mr. PASTORE. Is it true that the Senate amendment applies only to nonprofit organizations?

Mr. CARROLL. That is exactly correct. I have drafted it very carefully.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. CARROLL. I yield to the Senator from Nebraska.

Mr. CURTIS. I am interested in the Senator's amendment. Last evening I received a telephone call from a distinguished clergyman from the State which I have the honor in part to represent. His particular assignment was to publish a religious newspaper. The newspaper was sent primarily to missionary forces around the world. It also went to many in this country. The clergyman reported to me that the doubling of the rate from one-eighth cent per piece to one-fourth cent per piece would annually cost his paper between $3,000 and $4,000 additional. It has no income. It is supported through the money that the good people of the country give to support missionary causes. Were the proposal to increase the rate included in a bill that would bring the income and the outgo into balance, I might be inclined to say to that man that we should go along with it. But in the light of the great increases that would be given to some, I do not believe that we should raise all or a part of that money by increasing the postage on religious nonprofit publications.

Has the Senator any idea what portion of the nonprofit publications affected are publications of an established church or religious organization?

Mr. CARROLL. I do not know the percentage, but there are many such publications, in every State. As the able Senator from Nebraska has said, the provision in the bill would double the costs of these papers and magazines. I have been informed that if the Senate position on the proposed increase prevails, some of these fine publications will not be able to continue their fine work, they will "wither on the vine." We heard that expression in some of the testimony.

Mr. CURTIS. What other postal rates would be doubled in the bill?

Mr. CARROLL. I do not know that there is any other that would be increased 100 percent.

Mr. CURTIS. I venture to guess that there are no other postal rates in the bill that would be doubled.

Mr. CARROLL. I should emphasize that historically, nonprofit groups that have been printing newspapers have always had a lower rate than the regular newspaper rate. But I assure the Senator from Nebraska that his statement is absolutely correct. The increase would go across the board with relation to these groups, and they would suffer greatly.

Mr. CURTIS. Their rates would be doubled.

Mr. CARROLL. Their rates would be doubled not next year, but the following year.

Mr. CURTIS. I cannot find any provision in the bill in which the rate of any other class of postage would be doubled.

Mr. CARROLL. I am not an expert on the bill, but I know that in the instance about which I speak the rates would be doubled.

Mr. President, how much additional time have I?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. CARROLL. Mr. President, I yield myself an additional 1½ minutes.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. ERVIN. What have the organizations to which the Senator has referred been required to pay for postage on their publications?

Mr. CARROLL. The present rate is one-eighth of a cent.

Mr. ERVIN. What was it before?

Mr. CARROLL. It has always been one-eighth of a cent.

Mr. ERVIN. In other words, the rate would be increased from one-eighth of a cent to one-quarter of a cent per pound?

Mr. CARROLL. No, per copy. I am leaving the pound rate alone. We are speaking of what is called the minimum rate for newspaper copy.

I wish to reserve some of my time, to reply to the spirited argument that will be made by the Senator from Oklahoma [Mr. MONRONEY]. The question before us is whether we are prepared to allow this increase to stop these great organizations from informing their people.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. KUCHEL. This proposal provides that a year from now there will be a 100-percent increase with respect to what can be described generally as nonprofit or religious or charitable organizations. Is that correct?

Mr. CARROLL. That is correct. I will yield myself another half minute.

Mr. KUCHEL. A local organization, in which I am interested, would be affected, as I understand. It is the Columbia Lighthouse for the Blind. They would be gouged under the present committee amendment.

Is that correct?

Mr. CARROLL. That is correct.

Mr. KUCHEL. I will vote for the amendment of the Senator. I hope the Senate will adopt the amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CARROLL. Yes; but I wish to save some time to answer the great debater from Oklahoma.

Mr. HUMPHREY. The Senator is making such a formidable argument for his amendment that he may find that he has taken some of the fight out of the opposition. When was this proposal last before us?

Mr. CARROLL. In 1958. I wish to read the statement made by the Senator from Minnesota at that time. He said:

> Mr. HUMPHREY. Yet the increase, if it goes into effect, might very well threaten the existence of certain important scientific, educational, philanthropic, and church publications. We are not dealing with a subsidy of $250 million or $600 million. We are dealing with a small amount of money. Yet we are dealing with the very basic principle of American life, the right to be heard by the Government. Secondly, there is involved the principle of utilization of the services and facilities of the Government to promote the industry and the enlightment, and the scientific progress and the spiritual improvement of the American people.

The Senator made a great speech that day in 1958. It is as true today as it was then. The Senator could not improve upon this statement of his.

Mr. HUMPHREY. I am delighted that the Senator from Colorado has read that statement. It was a good speech. I feel exactly the same way today. With the oratorical abilities of the Senator from Colorado, I am more and more convinced than ever. I support the Senator.

Mr. CARROLL. I thank the Senator.

Mr. PASTORE. Mr. President, I wish to associate myself with the statement made by the Senator from Minnesota 4 years ago.

Mr. CARROLL. I thank the Senator.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has a total of 1½ minutes remaining.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. CARROLL. I have only 1½ minutes left.

Mr. CURTIS. Only for a unanimous-consent request.

Mr. CARROLL. As long as it does not come out of my time, I will be happy to yield.

Mr. MONRONEY. I yield 1 minute to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I ask unanimous consent to have two telegrams printed in the RECORD at this point.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

OMAHA, NEBR.,
September 27, 1962.

Senator CARL CURTIS,
Senate Office Building,
Washington, D.C.:

We are strongly opposed to raise in minimum per piece postal rate for nonprofit second-class publications.

Respectfully,
MSGR. EDMOND C. WALSH,
The True Voice, Omaha.

BELLEVUE, NEBR.,
September 26, 1962.

Senator CARL T. CURTIS,
U.S. Senate,
Washington, D.C.:

The Far East magazine Organ of the Columban Fathers strongly opposes in union with all Catholic publications the proposed minimum per piece rate increase in new postal rates bill, our survival is at stake, please help, thanks.

REV. DONAL O'MAHONEY,
Editor, St. Columbans, Nebraska.

Mr. MONRONEY. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Colorado, knowing how little good it will do, because most Members of the Senate have already spoken in favor of it. I do wish to take this time, however, at least to call the attention of the Senate to the situation that they face in the magnitude of the so-called nonprofit publications. There are now 9,903 so-called nonprofit organizations, and I believe that the bill would add two or three more.

According to the testimony of Postmaster General Day, at page 38 of the hearings, the total loss for second-class mail is $342 million, and the total loss for the so-called reduced rate publications of nonprofit organizations is $93 million. That does not mean that we are subsidizing them to the extent of $93 million. It means that they, along with other low rate second-class publications, are failing to pay their own way to the extent of $93 million; and the same is true of other segments of second-class mail. These include some wonderful publications. Many of them are worthy and deserving. Many of them have church connections. Many of them have fraternal connections. Others have connections with labor organizations.

It seems to me, however, that inasmuch as we are asking that the first-class postage be raised from 4 cents to 5 cents, and thereby authorizing a burden of $437 million to be placed on the individual users of letter mail, and on the air mail users of $21.2 million; and inasmuch as we have required the very small country and county weeklies and dailies—and they agreed to it—to give up their privilege of free mailing, we owe a duty to those users of the mail to make some increase through the whole second- and third-class area, in order that each class may carry a part of the load being passed along so heavily to the first-class users.

Therefore, although the amendment represents a 100-percent increase, it means an actual cash increase of only one-eighth of a cent a year, or one-fourth of 1 cent spread over 2 years. In other words, there would be an increase of one-sixteenth of a cent per copy per year for 2 years before the rate would reach one-fourth of 1 cent.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. PASTORE. No matter how it is calculated, the amount that would be paid by these users would be twice as much as now.

Mr. MONRONEY. That is true. Most of this mail comes from church and charitable and similar organizations. There are other big users of it also, particularly labor publications. One labor newspaper publishes many thousand copies, and because of its size goes out at the ⅛-cent rate. We feel that they could pay the extra one-eighth cent, and in 2 years pay a total of a quarter of a cent. The publications we are talking about can be mailed from New York to Alaska, or from New York to Hawaii or from California to Florida, and they are now carried at the ⅛-cent rate.

I am convinced that the attitude of Senators is not to make this increase. They fear that it might injure religious publications and other small magazines. I have no further desire to press it to a yea-and-nay vote. If the chairman wishes to accept the amendment of the Senator from Colorado, I will not insist on a yea-and-nay vote.

Mr. JOHNSTON. I agree with what the Senator from Oklahoma has said. We should realize that we are dealing with eleemosynary corporations and nonprofit corporations. If the request for the yea-and-nay vote is rescinded, I am willing to accept the amendment, with the understanding that a study will be made next year of eleemosynary corporations. They have grown, until today there are 9,900 such eleemosynary corporations in the United States using the mails. Let me show Senators how far reaching this cost to the Government is. It is possible to send 40 pieces of such mail, with the expenditure of the same time in sorting and making delivery of it that is expended on the handling of one first-class letter. For 5 cents, 40 of these pieces of mail are carried. I want to look into these eleemosynary corporations, to see which ones are qualified to use this low rate, yet placing proper rates upon some of the others. But we have not been able to do that, so at this time I think it would be equitable to accept the Senator's amendment.

Mr. CARROLL. Mr. President, I commend the Senator from Oklahoma [Mr. MONRONEY], who is an expert in this field. He has worked on this subject for many years.

What the distinguished chairman has stated is true. The subject needs reexamination and further study. I hope that along with the study, the committee will consider the vital groups of which I have spoken.

Mr. President, since the Senator has accepted my amendment, I ask unanimous consent to withdraw my request for the yeas and nays. I am ready to vote. As I understand, the Senator from South Carolina will accept the amendment.

Mr. JOHNSTON. I will accept the amendment.

The PRESIDING OFFICER. The request for the yeas and nays is withdrawn.

Mr. HUMPHREY. Mr. President, I commend the Senator from South Carolina upon his decision, and I commend the Senator from Colorado [Mr. CARROLL] and the Senator from Oklahoma [Mr. MONRONEY] for the effort which they have made to achieve a better understanding of the situation and to make what I consider to be a very sensible decision. I hope the study will be undertaken, as it must be.

Mr. JAVITS. Mr. President, I associate myself with the position of the Senator from Colorado, the Senator from Rhode Island, the Senator from Minnesota, and the Senator from Oklahoma, who have agreed upon this excellent method of handling the problem. I favor the amendment.

Mr. CARROLL. Mr. President, I desire to have the RECORD show that the Senator from Michigan [Mr. HART] has been a source of great comfort and support to me as we have compiled the data for discussion. I did not want the vote to be taken without making this statement, since the Senator from Michigan is not in the Chamber at the moment, and Senators should not be foreclosed from speaking. I desired to give proper recognition to the Senator from Michigan.

I am ready for the vote.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado [Mr. CARROLL].

The amendment was agreed to.

Mr. JAVITS. Mr. President, before the final vote is taken on the bill, I should like to make some comment upon the action of the Senate in regard to the increases in postage rates. I deprecate tying postal rates to postal pay and have disapproved of this practice. But as it has been done by the committee with the clear indication that without it there would be no postal pay raise this year, realism requires its support. For the right of the postal workers to a fair raise is to me very clear and the issue is to actually achieve one by the means which are required to achieve it.

Like many Members of Congress, I have received a great volume of mail in protest against the rate increases provided for in the House version of the bill, and which has now been beneficially adjusted in the Senate version. The problem of raising sufficient revenues to cover a major part of the cost of our postal system is a longstanding one and one which the committee in reporting this bill is frank to admit is not entirely solved by the bill. But the bill does seek to reduce materially the deficit in the operation of the postal system, and recognizes it is most important that in doing so the Congress not stifle certain public interest uses of the mails for which rightfully we as a people and as taxpayers should pay.

I believe that the committee has attempted to satisfy this need in dealing with second- and third-class mail provisions, which in the House bill would have very materially reduced the economic viability of many worthwhile publications. The committee eliminated the heavy surcharge which the House had placed on second-class mail, which includes magazines and newspapers, and also reduced somewhat the very large House increase in third-class rates, which relate to circulars, pamphlets, and certain other unsealed mailings.

While no one wishes to see the cost of his doing business increased, it is my understanding that users of second- and third-class mail will be able to continue their operations under the Senate version of the bill and I strongly urge that the Senate conferees insist upon that version.

From what I have heard in the Chamber this morning, that is the general purport of the feeling among Senators.

Mr. MONRONEY. Mr. President, I offer an amendment and ask that it be read. I ask unanimous consent that the distinguished Senator from Colorado be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, in the last line of the table appearing between lines 9 and 10, it is proposed to strike out "¼" and insert in lieu thereof "⅛".

Mr. MONRONEY. Mr. President, the amendment is required because of the attempt to equalize two rates, one rate being for the very small country weekly, which was raised to one-fourth of a cent from one-eighth of a cent.

Representatives of the National Editorial Association and other editorial groups representing the press, and particularly the smaller press, appeared before the committee and voluntarily agreed to give up the historic free-in-county rate.

I ask unanimous consent to have printed at this point in the RECORD a letter from the National Editorial Association to the editor of the Washington Post, dated September 27, 1962.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL EDITORIAL ASSOCIATION,
Washington, D.C., September 27, 1962.
EDITOR, THE WASHINGTON POST.

DEAR SIR: In your editorial (September 26) regarding the postal rate bill, which incorporates the amended Federal pay rates, reference is made to the fact that the proposed revision in postal rates "alters a historic policy of the Federal postal service in a way that may unhappily turn out to be decisive for some publications. It will eliminate the traditional free-in-county service so important to many country newspapers."

The National Editorial Association, as the organization representing these country and community newspapers before the Congress, would like to point out that the majority of the State newspaper trade associations, which comprise the structure of the National Editorial Association, have voted to recommend the abandonment of free-in-county. One of the foremost proponents of this position is the Virginia Press Association, one of our 39 affiliated newspaper trade groups.

A condition for voluntarily recommending to the Senate and the House Post Office Committees that free-in-county be abandoned after three-quarters of a century was that this segment of the press in America be accorded fair treatment in this postal rate bill. As the measure now stands before the Senate, we do consider it fair and equitable.

At one time free-in-county was of immense value to the hometown press. It encouraged the establishment of local newspapers produced in local printshops that could also supply the business needs of the community. If it was a Federal subsidy, it was one for the benefit of the subscriber rather than the newspaper publisher.

Newspaper publishers everywhere have resented the implication that this was a subsidy for newspapers. They will be relieved when that charge can no longer be made, since an overwhelming majority are not in favor of Federal subsidies of any nature.

As the economy of this country has changed, so has that of the country newspaper. In recent years the community newspapers, country and suburban, have enjoyed a resurgence in economic vitality and in increased services to their readers.

We must also be frank to admit that the expansion of population in many communities has permitted the Post Office to provide carrier delivery of the mails. Where such carrier service is provided, then free-in-county is not available to the newspaper and its readers.

We must compliment the Senate Post Office and Civil Service Committee membership for listening attentively to the presentations made by our representatives in this regard.

Sincerely,

THEODORE A. SERRILL,
Executive Vice President.

Mr. MONRONEY. Mr. President, I call attention especially to the third paragraph, which reads:

> A condition for voluntarily recommending to the Senate and the House Post Office Committees that free-in-county be abandoned after three-quarters of a century was that this segment of the press in America be accorded fair treatment in this postal rate bill. As the measure now stands before the Senate, we do consider it fair and equitable.

That was when we had raised the rates for everyone else and had not imposed an added burden on the free-in-county publications. Therefore, I asked the chairman of the committee if, in light of the action which the Senate has just taken with respect to mail from nonprofit groups, which can be sent across the 50 States, the rate for the in-county publications could be frozen at the former rate of one-eighth cent per copy minimum.

Mr. JOHNSTON. I think we would be doing nothing but justice by accepting this amendment as we have accepted the other amendment; and also because in-county-publication deliveries have been discontinued.

Mr. MONRONEY. Incidentally, the information we have received shows that the post office will save $16 million on the basis of the cost ascertainment for free-in-county publications. But the newspapers wanted to give it up because they did not want to be subsidized.

Mr. CARROLL. Mr. President, I am happy to associate myself as a cosponsor of the amendment. I think it is fair and equitable and, under the circumstances, ought to be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. MONRONEY].

The amendment was agreed to.

Mr. JOHNSTON. Mr. President, I send to the desk an amendment to correct a possible misinterpretation that some salaries might be raised beyond $20,000. I think the amendment is proper. It does not change the provisions of the bill one iota; it is merely a clarifying amendment to make certain that the limit will be $20,000.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 101, between lines 7 and 8, it is proposed to insert a new section, as follows:

CEILING PROVISION

SEC. 1009. Except as provided in section 1005, no rate of compensation which exceeds $20,000 per annum shall be increased or established by or pursuant to this Act and no increase made by or pursuant to this Act shall cause any rate of compensation to exceed $20,000 per annum.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JOHNSTON. Mr. President, in preparing the bill, a number of errors in spelling, punctuation, and figures were noted. I submit an amendment to make these corrections. The amendment does not change any substantive provision of the bill; it merely inserts the proper amounts. I ask that the amendment be accepted as presented.

The PRESIDING OFFICER. Without objection, the amendment will be printed without being read.

The amendment is as follows:

On page 16, line 17, before the period, insert a comma and the following: "effective January 1, 1963".

On page 57, in the first table preceding line 1, in the space containing the rate for the fifth step of level 4, strike out "6,205" and insert in lieu thereof "5,205".

On page 57, in the second table preceding line 1, in the space containing the rates for the fourth and fifth steps of level 18, strike out "17,500" and "17,400' and insert in lieu thereof "17,000" and "17,500", respectively.

On page 83, in the table appearing between lines 7 and 8, in the space containing the rate for the third step of class 2, strike out "$11,900" and insert in lieu thereof "$16,900".

On page 84, in the table appearing between lines 3 and 4, in the space containing the rate for the sixth step of class 2, strike out "12,795" and insert in lieu thereof "12,975"; and in the space containing the rate for the fifth step of class 8, strike out "5,790" and insert in lieu thereof "5,740".

On page 101, line 17, strike out "followng" and insert in lieu thereof "following".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. MANSFIELD. Mr. President, one or two Senators may have amendments to be called up. We have sent for some of the absent Senators, to give them an opportunity to reach the Chamber, so that they may call up amendments if they desire to do so.

So, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I call up the amendment which I have at the desk.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The CHIEF CLERK. On page 33, it is proposed to strike out lines 6 to 8, inclusive, and to insert in lieu thereof:

> (b) Federal salary rates shall be comparable with salary rates for the same level of work paid on an average by private enterprise and by State, county, and municipal governments.

On page 33, in line 19, after the word "enterprise", it is proposed to insert "and to the extent possible with the rates of salary paid for the same levels of work by State, county, and municipal governments."

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. MANSFIELD. Mr. President, I propose the following unanimous-consent agreement: that on the pending amendment of the Senator from Ohio, there be a time limit of 30 minutes, with 15 minutes thereof to be controlled by the Senator from Ohio, and 15 minutes to be controlled by the chairman of the committee [Mr. JOHNSTON].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, the following language appears on page 6 of the committee report:

> Title I of part II states proposed Federal salary policy, provides for continuing application of the governing principles, and clarifies the role of the Executive.
>
> The bill offers a basis for Federal pay reform by the adoption of two principles:
>
> The comparability principle: Federal salary rates shall be comparable with private enterprise rates for the same levels of work.

That is the principle which is supposed to be the foundation for approaches to salary adjustments in the future.

Again I point out that the language of the bill provides that in the future salaries shall be adjusted on the basis of comparability with salaries paid in private enterprise.

My amendment contemplates declaring it as a principle that Federal salaries shall be related to the average salary paid by private enterprise, municipal, county, and State governments.

It is justified to ask: Why does the principle embody only the salaries paid by private enterprise, and not by municipal, counties, and State governments? In fixing salaries on the Federal level, should we not give consideration to what is paid by municipalities, counties, and State governments? My answer to that question is that it is inequitable and illogical to make the comparison only on the basis of salaries paid by private enterprise. A logical comparison would be the relationship with salaries paid by governments. Then we would have the approach by which governments, by their legislative branches, fix salaries. Governments are more amenable to public reaction than is private enterprise.

The bill as it is now written says, "Pay no attention to what States, counties, and municipalities are paying, but relate Federal salaries only to salaries paid by private enterprise."

Now I wish to read from page 7 of the report:

> ESSENTIAL FLEXIBILITIES
>
> To maintain Federal salaries at levels comparable with private enterprise levels and to assure that other features of statutory salary systems are corrected and improved as experience shows the need, the bill provides that the President shall require an annual report, from an agency he designates—

And I suppose it will be the Labor Department—

> on the relationship of Federal salaries to those in private enterprise and shall submit an annual report to Congress recommending the adjustments in salary schedules, structure, and policy he considers advisable.

It will be observed that the bill requires the President to designate an agency to make a study of the salaries paid in private enterprise; and, when that study is made, to recommend to Congress what is needed to be done to equitably relate Federal salaries with those of private enterprise. Nowhere is it mentioned that the salaries of Connecticut, Ohio, California, Wisconsin, or Iowa should be studied.

I have some knowledge on that subject, because I was Governor of Ohio for 10 years, and I know the Federal Government was constantly pirating the employees of the State.

The salaries of the States, under the language of the bill, will not be considered at all. I submit to the Senate that that is not a proper approach.

Let us take a look at what happens when the salaries in private enterprise are considered. I do not intend to be denunciatory in what I am saying; but, the way we are heading, private enterprise is pricing itself out of world markets. If we follow salaries being paid in private enterprise we shall build up a salary obligation on the part of the Federal Government that will further increase the burdens on the already bent backs of the taxpayers of our country.

In the report there are discussions pointing out that private industry is paying salaries of $32,000, $35,000, and $40,000 a year. I supose that is so, but the Federal Government is primarily responsible for it as a result of the work in which it has engaged in space and defense.

About 6 or 8 weeks ago, I called a meeting of economists, businessmen, and university leaders of Ohio to learn why Ohio was losing research and development assignments. I asked the question of practically every one of the 25 or 30 persons present, "Are you losing scientists and research men to the Federal Government and to competing scientific institutions?" The answer invariably was, "Yes."

In space work and in defense contracts, frequently assignments of research are let on a cost-plus basis. Competitors A, B, C, D, and E are all engaged in the same type of research work for the Federal Government. The Federal Government says to A, B, C, D, and E, "You do the research, hire the scientists you need, pay them whatever salaries you must, and we will reimburse you." The result is that A, B, C, D, and E begin to compete with each other, pirating from each other the scientists needed in their development work. The consequence is that the salary structures have been built up to $25,000, $30,000, and $35,000.

Mr. CURTIS. Madam President, will the Senator yield?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Nebraska.

Mr. CURTIS. I think the amendment of the distinguished Senator from Ohio has a great deal of merit. I saw an article a few moments ago concerning teachers in Nebraska. Teachers are taxpayers, too, and many of them render a great public service. The article referred to Grand Island, Nebr., the third largest city in Nebraska. The article reads:

> Under the new schedule, which was explained to the faculty at a general meeting Monday afternoon at senior high school, teachers with a bachelor's degree can earn to a maximum of $5,600 annually.
>
> Those with master degrees will get a minimum of $4,700 a year and a maximum of $6,200 a year.

When that is considered in the light of some of the salaries to be paid under the terms of the bill, it certainly causes one to pause in reference to the bill. I thank the Senator.

Mr. LAUSCHE. Of course that is true. We make the condition worse all the time. The more we pump up our salaries the worse becomes the relationship with those whom the Senator describes.

Mr. HICKENLOOPER. Madam President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. I was interested in the Senator's discussion a minute ago about the competition of the Government for scientists. As I understood the Senator's statement, I believe it was absolutely correct.

I have not had a check made for 3 or 4 years, but we heard for many years in the committee that the Atomic Energy Commission needed to increase salaries—and it did—because the Government was having such a great competition in regard to getting scientists and scientific personnel to work for the Commission.

We made several checks. Finally, when witnesses took the stand, where they had to give their testimony, they testified that they had no trouble getting scientists to work for the Government at the salaries they were paying; that there was no shortage for their needs; and that they probably got a greater share; proportionately, than did business and some of the educational institutions. Government really was having no trouble at that time, although the claim was made, when the salary scale was presented, that the Commission was having a death struggle to induce these people to work for Government.

A short time ago one of the Washington newspapers conducted a survey, and discovered that 95 percent of all the schedule C jobs in Government, which are the policymaking jobs, were held by individuals who were receiving more pay in the Federal Government than they ever got in private life.

Mr. LAUSCHE. Yes.

Mr. HICKENLOOPER. That survey was conducted by one of the newspapers.

Mr. LAUSCHE. Madam President, under the terms of the bill the President is to appoint an agency to gather statistics. That agency, under the language of the bill, is to gather statistics only from private enterprise. My proposal is that the agency also learn what is being paid by municipal, county, and State governments. I wish the statistics were available. I called the Department of Commerce, and that Department does not have them. I found out what the State of Ohio pays from the State of Ohio.

I see that the Senator from Idaho [Mr. JORDAN], the former Governor of that State, is in the Chamber. I hazard the statement that if the Senator would compare the salaries paid by the Federal Government with those paid to State employees in his State, he would find they probably are 40 percent more than the salaries paid in the State.

Perhaps there are some State or local government employees who are paid more, but the problem really is one of the States being unable to obtain employees in competition with the Federal Government.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired. The Senator from South Carolina has 15 minutes.

Mr. LAUSCHE. Madam President, may I ask for the yeas and nays at this time?

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. LAUSCHE. Will the Senator from South Carolina yield so that I may request the yeas and nays?

Mr. JOHNSTON. I yield for that purpose.

The PRESIDING OFFICER. The yeas and nays have been requested.

The yeas and nays were ordered.

Mr. JOHNSTON. Madam President, I yield to the Senator from Florida [Mr. SMATHERS].

Mr. SMATHERS. Madam President, as we all know, three pieces of badly needed legislation have been under careful consideration by the Senate Committee on Post Office and Civil Service for some while. The bills were to provide a just and equitable pay raise for all postal and Federal workers, a long-overdue postage rate increase, and a modern and humane upward adjustment of annuities for retired Federal employees.

As the time for the adjournment of Congress approached, there were some Members of this body who grew apprehensive about the fate of these bills. The time was growing short. The technicalities involved in getting the proposed legislation out of committee were great.

However, those who were apprehensive underestimated the quality of leadership with which the distinguished chairman of the Senate Post Office and Civil Service Committee [Mr. JOHNSTON] is endowed, and reckoned not with the wisdom and bipartisan liberality of the committee members—particularly the able Senator from Oklahoma [Mr. MONRONEY], and the distinguished Senator from Pennsylvania [Mr. CLARK]—both among the majority and the minority. With infinite care and consideration they sifted the testimony on all three proposed pieces of legislation, ironed out the "bugs" and the inadvertent inequities, and produced an omnibus bill covering all three areas where improvement is needed. In my opinion, Madam President, this was committee work at its best, and the Senators who produced this legislation should be roundly congratulated by all the Members of this body.

We have an opportunity now to fulfill three pressing needs in approving a single bill. This is intelligent legislation. It is fair legislation. It is badly needed legislation. I certainly hope that this body will support the unanimous action of the Post Office and Civil Service Committee as quickly as possible.

I thank the Senator for yielding.

Mr. JOHNSTON. Madam President, I thank the Senator from Florida for his remarks. I know the committee as a whole appreciates what he has said about the committee and its members.

The PRESIDING OFFICER. Does the Senator from South Carolina yield back his remaining time?

Mr. JOHNSTON. Madam President, I yield 2 minutes to the Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. KEATING. Madam President, I commend the committee for bringing the bill before the Senate. Personally I should have preferred to see the proposed legislation brought before the Senate in two packages, one dealing with postal rates, and the other dealing with pay raises for postal and other Federal employees. However, to oppose the bill as it stands would be to seek to defeat the effort to give well-justified relief to underpaid postal and other civil service employees, whose compensation in general, even after the passage of the bill, will be substantially less than that paid for comparable work in private industry.

Particularly as regards the postal workers, these pay increases are warranted, not only by the cost of living but also by the continuing fine work and effort of employees. Without the benefit of their labor, the Nation's mail could not be distributed and a very large part of the Nation's business could not be transacted. Without their labor individuals could not communicate with one another and overcome the barriers of distance which separate many of us from our loved ones. In short, their work is indispensable. We could not do without it, ever.

Yet the conditions under which many postal employees work are not always easy or pleasant ones. The work is tiring. The pay rates have never, in all fairness, been generous. Raises have been hard to get. Although the pay raise recommended in this bill is a moderate one, the increase will make it easier for postal workers, many of whom hold two jobs, to provide better for their families and to make ends meet and it will provide well-deserved recognition for their serious needs. The committee has acted wisely in rejecting the proposal to put off any pay raise until next year.

Mr. President, I am very happy to support particularly that title of this legislation which provides for a fully merited pay raise for the Nation's postal and other Government employees. I hope this bill will pass by an overwhelming vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. MAGNUSON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from South Dakota [Mr. BOTTUM], the Senator from Indiana [Mr. CAPEHART], the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Kentucky [Mr. MORTON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Hampshire [Mr. MURPHY] is detained on official business.

On this vote, the Senator from South Dakota [Mr. BOTTUM] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Kentucky would vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Kansas [Mr. CARLSON]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Kansas would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 21, nays 59, as follows:

[No. 284 Leg.]

YEAS—21

Allott
Bush
Butler
Byrd, Va.
Cannon
Curtis
Dodd
Goldwater
Hickenlooper
Holland
Hruska
Jordan, Idaho
Lausche
Miller
Mundt
Robertson
Saltonstall
Thurmond
Wiley
Williams, Del.
Young, Ohio

NAYS—59

Aiken
Bartlett
Beall
Bible
Boggs
Burdick
Byrd, W. Va.
Carroll
Case
Chavez
Church
Clark
Cooper
Dirksen
Douglas
Eastland
Ellender
Ervin
Fong
Hart
Hayden
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Keating
Kefauver
Kerr
Kuchel
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—20

Anderson
Bennett
Bottum
Capehart
Carlson
Cotton
Engle
Fulbright
Gore
Gruening
Hartke
Hickey
Hill
Long, Mo.
Magnuson
Morton
Murphy
Pearson
Russell
Tower

So Mr. LAUSCHE's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mrs. SMITH of Maine. Madam President, I send an amendment to the desk and ask that it be read.

The legislative clerk proceeded to state the amendment.

Mrs. SMITH of Maine. Madam President, I ask unanimous consent that the further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 97, line 17, after "(d)" insert "(1)".

On page 98, line 2, strike out "$8,880" and insert in lieu thereof "$9,480".

On page 98, line 3, strike out "$18,880" and insert in lieu thereof "$20,000".

On page 98, between lines 4 and 5, insert the following:

"(j)(1) The second proviso in the paragraph relating to the authority of Senators to rearrange the basic salaries of employees in their respective offices, which appears in the Legislative Branch Appropriation Act, 1947, as amended (2 U.S.C. 60f; Public Law 87–130); is amended to read as follows: '*Provided further*, That no salary shall be fixed in a Senator's office under this section at a basic rate of more than $5,100 per annum, except that (1) the salary of one employee may be fixed at a basic rate of not more than $6,540 per annum, (2) the salary of one employee may be fixed at a basic rate of not more than $8,460 per annum, (3) the salary of one employee may be fixed at a basic rate of not more than $8,880 per annum, and (4) the salary of one employee may be fixed at a basic rate of not more than $9,000 per annum.'

"(2) The paragraph relating to rates of compensation of employees of committees of the Senate, contained in the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 72a–1a; Public Law 85–462), is amended by striking out so much of the second sentence thereof as follows the words 'First Supplemental Appropriation Act, 1947,' and inserting in lieu thereof the following: 'the basic compensation of any employee of a standing or select committee of the Senate (including the majority and minority policy committees and the majority conference of the Senate and minority conference of the Senate), or a joint committee of the two Houses the expenses of which are paid from the contingent fund of the Senate, whose basic compensation may be fixed under such provisions at a rate of $8,000 per annum, may be fixed at a rate not in excess of $8,460 per annum, except that the basic compensation of one such employee may be fixed at a rate not in excess of $9,000 per annum and the basic compensation of two such employees may be fixed at a rate not in excess of $8,880 per annum.' "

Mr. MANSFIELD. Madam President, will the Senator yield briefly?

Mrs. SMITH of Maine. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. I should like to have the attention of the Senate, to propound a unanimous-consent agreement. This has been cleared with interested Senators on both sides, especially with the author of the amendment. I ask unanimous consent that 20 minutes of debate be allotted to the amendment, 10 minutes to be under the control of the Senator from Maine, and 10 minutes under the control of the chairman of the Committee on Post Office and Civil Service, the Senator from South Carolina [Mr. JOHNSTON].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. SMITH of Maine. Madam President, the amendment is identical with the amendment identified as "9–25–62—D," which was originally prepared and was to be offered by the distinguished senior Senator from Pennsylvania [Mr. CLARK].

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mrs. SMITH of Maine. Madam President, the amendment is very simple. It would place legislative employees on the same basis as employees of the executive department.

I now yield 2 minutes to the senior Senator from Pennsylvania.

Mr. CLARK. Madam President, first I thank the Senator from Maine for calling up this amendment; secondly, I thank her for yielding me this time.

If Senators will refer to my individual views, at page 41 of the committee report, I can summarize very quickly what I have to say about the amendment.

The problem of attracting to the Federal service the best qualified careerists is already serious. It will only intensify in the future. Can we truly say we are prepared to face the challenge of this decade and those to come when, in fact, salaries for employees at the higher levels of the various schedules are a decade behind? I do not think so, and I do not believe we will until the reform is completed.

Employees who are treated worst are the employees of Senators and also the employees of committees, on which Senators serve.

This bill also falls short in its treatment of the employees of the legislative branch. It sets a ceiling for compensation of top legislative employees substantially below that paid top career officials in the executive branch. I do not concede that the responsibilities of the staff directors of Senate committees or of the senior assistants in Senators' offices are less than those of GS–17's and GS–18's in the executive branch, but the bill before us would place the upper limit on legislative staff pay at a point somewhat below the top pay allowed to a GS–17.

I therefore support the amendment of the Senator from Maine, and I hope that on a bipartisan basis we will vote to do justice to our own employees.

Mr. SCOTT. Madam President, I support the amendment offered by the distinguished Senator from Maine [Mrs. SMITH] and the views of my colleague, the senior Senator from Pennsylvania [Mr. CLARK].

The trouble with Senators is that they are always afraid—I do not use the word in a derogatory sense—to do justice whenever their own staffs or they themselves are concerned. There is a certain timidity which sometimes causes a Senator to say, "What will the press say about me or what will a commentator say about me if I say that my employee is as good as an employee in an executive department?" In my judgment, if my employees did not work harder than some drones I have seen downtown, I would not have them on my staff.

I say to the Senator from Maine that while I have no personal intention of presently taking advantage of this particular proviso, the opportunity to do justice exists, the reservation exists, and I think it would be unfair for anyone to be critical of the proponents of the amendment, even though I am not a cosponsor of it, because if we do not meet the whole problem of fair and proper compensation, we will end by having a group of pompous knotheads downtown receiving more than they are worth, while many hard-working people downtown and on Capitol Hill are receiving less. Therefore, I am happy to support the amendment.

Mrs. SMITH of Maine. Madam President, I thank the distinguished Senators from Pennsylvania for their support of the amendment. I offered it only because the senior Senator from Pennsylvania [Mr. CLARK] advised me that he would not present it. However, I am grateful to him for having had it drafted. I urge its adoption.

Mr. JOHNSTON. Madam President, I always dislike opposing the distinguished senior Senator from Maine. She is one of our finest Senators. However, the committee made a profound study of this particular subject and concluded that a 7-percent increase was the amount that should be recommended for all these salaries.

If it is the desire of the Senate to increase the amount to 14 percent for the higher brackets, the Senate should adopt the amendment now before the Senate. I believe that the amount provided in the bill is a proper increase. As I remember, the committee was unanimous in that same view. Of course, some members of the committee proposed a higher amount.

If the bill is passed as it is written, it will do justice and work equity for our employees. I hope the amendment of the Senator from Maine will be rejected.

Mrs. SMITH of Maine. Madam President, I see no reason for placing our own people on whom we depend so much in a secondary citizen category.

I cannot subscribe to the view that our committee staff members and our individual staff members are inferior to the executive department employees and are less deserving in compensation for the importance, the quality, the efficiency and the loyalty of their service.

What is good for the executive department employees is surely good enough for our legislative department employees.

To hold any other view is to belittle the very people upon whom we depend so much in our own service to the people of our States.

Mr. KEATING. Madam President, will the distinguished Senator from Maine yield?

Mrs. SMITH of Maine. I yield.

Mr. KEATING. As I understand it, the amendment would not increase in any way the overall allowance. It would merely permit a Senator to make what he believed was a more equitable distribution within the controlled amount which each Senator is given.

Mrs. SMITH of Maine. That is correct. The amendment would not increase the overall amount; it would only provide equity as between the executive and legislative departments.

Mr. KEATING. I thank the Senator from Maine.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. JOHNSTON. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Maine. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from New Mexico [Mr. Chavez], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Alabama [Mr. Hill], the Senator from Washington [Mr. Magnuson], the Senator from Georgia [Mr. Russell], the Senator from Alabama [Mr. Sparkman], and the Senator from Mississippi [Mr. Stennis] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Mississippi [Mr. Stennis]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Mississippi would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Arizona [Mr. Goldwater] is detained on official business. If present and voting, the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Kansas [Mr. Pearson], and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from Kentucky [Mr. Morton] is paired with the Senator from Kansas [Mr. Carlson]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 38, nays 40, as follows:

[No. 285 Leg.]

YEAS—38

Aiken
Bartlett
Beall
Butler
Carroll
Case
Clark
Dirksen
Dodd
Douglas
Eastland
Ervin
Fong
Hart
Hruska
Javits
Jordan, Idaho
Keating
Kefauver
Kuchel
Long, Hawaii
Long, La.
McGee
McNamara
Murphy
Neuberger
Proxmire
Randolph
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Symington
Wiley
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—40

Allott
Bible
Boggs
Burdick
Bush
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cooper
Curtis
Ellender
Engle
Hayden
Hickenlooper
Holland
Humphrey
Jackson
Johnston
Jordan, N.C.
Kerr
Lausche
Mansfield
McCarthy
McClellan
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Pastore
Pell
Prouty
Robertson
Talmadge
Thurmond
Williams, Del.
Young, Ohio

NOT VOTING—22

Anderson
Bennett
Bottum
Capehart
Carlson
Chavez
Cotton
Fulbright
Goldwater
Gore
Gruening
Hartke
Hickey
Hill
Long, Mo.
Magnuson
Tower
Stennis
Sparkman
Morton
Pearson
Russell

So the amendment of Mrs. Smith of Maine was rejected.

Mr. PASTORE. Madam President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MILLER. Madam President, I send to the desk an amendment and ask to have it stated.

Mrs. SMITH of Maine. Madam President, will the Senator yield, so that I may place additional amendments before the Senate?

Mr. MILLER. I yield.

Mrs. SMITH of Maine. I send amendments to the desk and ask to have them stated.

The PRESIDING OFFICER. The amendments offered by the Senator from Maine will be stated.

The Chief Clerk. It is proposed——

Mrs. SMITH of Maine. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and without objection, the amendments may be printed in the Record.

The amendments offered by Mrs. Smith of Maine are as follows:

On page 37, strike out the last two lines in each of the two compensation schedules following line 11 and insert in lieu thereof in each case the following:

"GS-17	18,000	18,250	18,500	18,750	18,880	
GS-18	18,880					".

On page 57, strike out the last two lines in each of the two compensation schedules preceding line 1 and insert in lieu thereof in each case the following:

"19	16,750	17,250	17,750	18,250	18,750	18,880	
20	18,000	18,250	18,500	18,880			".

Mr. MANSFIELD. Madam President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. MANSFIELD. I ask unanimous consent that 20 minutes be allotted to the amendment, 10 minutes to a side, to be controlled by the Senator from Maine [Mrs. Smith] and the Senator from South Carolina [Mr. Johnston].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. SMITH of Maine. Madam President, I ask for the yeas and nays on the amendments.

The yeas and nays were ordered.

Mrs. SMITH of Maine. Madam President, now that the Senate has rejected the amendment to raise the ceiling with respect to legislative department employees to the same level as that of executive department employees, I offer this amendment to remove the discrepancy between the lower ceiling of legislative department employees and the higher ceiling of executive department employees by cutting down the ceiling for executive department employees to the same figures as the $18,880 for legislative department employees.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

Does the Senator from South Carolina yield back his time? The question is on agreeing to the amendment of the Senator from Maine.

Mr. JOHNSTON. Madam President, has the Senator from Maine yielded back her time?

Mrs. SMITH of Maine. I shall be glad to, if the Senator will yield back his time.

Mr. JOHNSTON. I would like to have a moment or two to make a statement.

Mrs. SMITH of Maine. I do not yield back any time until the Senator from South Carolina has completed his statement.

Mr. JOHNSTON. Madam President, the amendment now before the Senate would change the entire plan of the Classification Act. It would throw it all out of order. If the Senate accepts the amendment it will have the worst bill it could possibly create, for the simple reason that it would apply to certain groups; it would conflict with others, and collide with those above, and there would be nothing but a conglomerated mess.

For that reason, I could not accept the amendment.

Furthermore, I point out that the committee made a study of this question, over a period of many weeks. We worked with almost every department downtown in an effort to arrive at a solution for this particular bill, and the classifications in it. There are dozens of classifications and in-grade steps, as Senators who are on the committee know.

For those reasons, I think the Senate should by all means defeat the amendment.

Mr. PASTORE. Madam President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. PASTORE. Madam President, if I may have the attention of Senators for a moment, I hope the amendment will not be agreed to because I am afraid the amendment is to some extent in retaliation for what the Senate has just done. I voted against the previous amendment for the obvious reason that legislative employees have never been included under the civil service system. That subject has been handled by the Appropriations Committee. Time and time again we have received requests to make certain adjustments. We have considered them and have made equitable adjustments over several years.

It falls to my lot, as chairman of the Appropriations Subcommittee on Legislative Matters, to deal with this problem year in and year out. Possibly the Senator from Maine has a point, but we have not been given an opportunity to consider it. That is the reason why I voted against her previous amendment.

With respect to the pending amendment, I do not think we ought to disrupt the formula that has been arrived at by the Democratic and Republican members of the Post Office and Civil Service Committee. I assure the Senator from Maine, for whom I have the highest respect, that come next year, we shall be perfectly willing to listen to whatever arguments she has respecting any problems she has within her own office, and do what is equitable.

If the ceiling were raised, with the appropriation made to each office, I fear that we would be in serious trouble. If the ceiling for the salaries of the three top employees were raised and all the money were used, the money would be taken away from those at the bottom of the list.

I fear that the Senate acted too hastily on the previous amendment, but, I assure the Senator from Maine that, come the next session of the Congress, we will consider any complaints or suggestions made on the part of any Members of the Senate with reference to the operation of their own offices; but I do not think we ought to take out of this bill those who deserve an increase.

Mrs. SMITH of Maine. Madam President, I think perhaps the distinguished Senator from Rhode Island does not recall the fight I made on this very question in the Appropriations Committee. I am not talking solely about staffs of all Senators. I am also talking about members of committee staffs in the Senate.

Mr. PASTORE. Madam President, will the Senator yield for a question?

Mrs. SMITH of Maine. I yield.

Mr. PASTORE. Does she not feel that our committee, of which she is a member, has jurisdiction over this subject?

Mrs. SMITH of Maine. I do. But if the committee, of which we are both members, does not act, we have a right to seek consideration on the floor of the Senate.

Mr. PASTORE. The Senator did not present this question. We have just gone through the consideration of the bill. This is the first time I have heard of the proposal. The Senator from Pennsylvania asked that the fourth person on his staff be given the same salary as the third person, and we went along with that suggestion. We have never resisted the charming Senator from Maine.

Mrs. SMITH of Maine. I thank the distinguished Senator for his kind words, but as a member of the legislative subcommittee of the Appropriations Committee, I took this question up and worked very hard on the problem 4 or 5 years ago. Not only did I receive no response; I got no cooperation whatever. I think it is time for Senators to realize that our employees, both in our offices and in our committees, should be recognized in the same way that similar employees are recognized in other branches of the Government.

Mr. LONG of Louisiana and Mr. PASTORE addressed the Chair.

Mrs. SMITH of Maine. Madam President, I do not appreciate the Senior Senator of Rhode Island becoming personal with respect to my own staff. In his first statement on this amendment he implied that I was offering this amendment just to help my staff. That is not true. I offer this amendment with respect to all Senators' staffs, and all Senate committee staffs and it would affect probably two hundred or more Senate employees—not just the members of my staff.

Mr. LONG of Louisiana. Madam President, will the Senator yield?

Mrs. SMITH of Maine. I am glad to yield.

Mr. LONG of Louisiana. I say to the Senator from Maine that I did not hear the previous debate, but came into the Chamber in time to vote on the amendment. As one Senator, I appreciate what the Senator from Maine has tried to do with respect to administrative assistants. I know that a number of Senators have had administrative assistants who have come to our offices from jobs which paid them more than they are now receiving. They came at a considerable sacrifice.

I have had the experience of having someone on the committee staff come to me to ask for a recommendation for a position in the executive branch because he could no longer afford to make the sacrifice of serving the legislative branch. Invariably those are the most dedicated and deserving employees, who cannot be given raises because of the situation which prevails.

Perhaps some Senators do not have administrative assistants who are as good as others. That is the only excuse I can think of for the Senate declining to go along with the previous amendment.

Mrs. SMITH of Maine. I thank the Senator.

Mr. LONG of Louisiana. However, I am not sure I can go along with the Senator on this amendment. I think we should take action to see that deserving employees are paid what they should be getting, rather than to reduce the pay of employees in another branch of the Government.

Mrs. SMITH of Maine. I thank the Senator from Louisiana.

Mr. SCOTT. Madam President, will the Senator yield?

Mrs. SMITH of Maine. I am glad to yield to the Senator.

Mr. SCOTT. To do justice is to love equity. That is what we seek to do, in support of the amendment offered by the Senator from Maine.

If Senators voted against the other amendment on the ground that they were voting for economy, surely they should vote for this amendment on the ground that they will be voting for economy, because the amendment undertakes to reduce certain salary schedules.

If Senators wish to go to their home States and say, "I voted for economy" this is an opportunity to vote for economy.

I shall vote for the amendment because I believe there should be an even, fair, and equitable relationship between the legislative employees and the employees in the executive departments. I have heard nothing whatever from my own staff members in this regard; and I am sure that other Senators have not. This is merely an attempt to provide equal treatment for those who serve on Capitol Hill, who work very hard indeed, and who have earned recognition of equality in the handling of their salaries, particularly considering the fact that the salaries paid to many who have much less responsibility for supervision will now be above the salaries paid on Capitol Hill.

Therefore, if Senators wish to vote for justice, equality, or economy, there are three fine reasons to support the amendment offered by the Senator from Maine.

Mr. HICKENLOOPER. Madam President, will the Senator yield?

Mrs. SMITH of Maine. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. I think this is a very timely and proper amendment. I did not support the Senator's previous amendment, because it would have increased salaries which I think are already adequate, but I believe the pending amendment is very good. I think equality should be established.

I agree with some of the sentiments expressed by the Senator from Pennsylvania. I am also quite convinced that there is no dearth of applicants for jobs at the salaries which are being paid.

A while ago I called attention to the fact that I understand a survey conducted by one of the local newspapers a short time ago showed that 95 percent of the schedule C policymaking jobs in Government now are held by employees who are getting more than they ever received by way of salary in private life. Apparently, salary is not the inducement. The attempt by the departments downtown is to increase the pay of those who are already in office.

I shall support the Senator's amendment at this time.

Mrs. SMITH of Maine. Madam President, I thank the Senator from Iowa.

Madam President, I see no reason for placing our own people, on whom we depend so much, in a secondary citizen category.

I cannot subscribe to the view that our committee staff members and our individual staff members are inferior to the executive department employees and are less deserving in compensation for the importance, the quality, the efficiency and the loyalty of their service.

What is good enough for the legislative department employee is surely good enough for the executive department employees.

To hold any other view is to belittle the very people upon whom we depend so much in our own service to the people of our States.

Mr. YARBOROUGH. Madam President, will the Senator yield?

Mr. JOHNSTON. I yield 2 minutes to the Senator from Texas, Madam President.

The PRESIDING OFFICER. The Senator from Texas may proceed for 2 minutes.

Mr. YARBOROUGH. Madam President, it seems to me that most of the discussion of the pending amendment has been about the legislative pay raise. I wish to point out that the pending amendment would not apply to the legislative employees, but would apply to the pay of those who serve in the executive branch. It would cut back some of the salaries in the higher brackets.

The amendment would cut back the salaries so far that a number of the salaries in the higher brackets would be cut back to a point lower than the salaries of those in lower brackets in the Government service.

We heard much testimony in this regard. The committee considered the problem for a long time.

The report was a unanimous report by the Democratic and Republican members of the committee. We did not seek to raise the level of salaries of those in the executive department as the House committee recommended. We did not seek to raise them as the executive department recommended. We held them down to minimal raises, with the thought that a comprehensive bill could be offered next year with respect to the desires of the executive branch to obtain people who have exceptional talent.

If this is cut back in the manner proposed, it will hurt our scientific research program. The very purpose of the raises for employees in the executive branch is to make it possible to obtain technical and skilled personnel.

I point out for the information of Senators the tables appearing at pages 84 and 85 of the report. I respectfully invite attention of the Senate to the proposed raises.

The amendment would cut back the salaries for surgeons in the Veterans' Administration, the salaries for Foreign Service officers, the salaries for scientific personnel, though we are losing them now because of higher salaries paid in private industry. We cannot hold these employees at the present salary rates.

I respectfully urge, after having listened to this discussion and to the testimony for many days in the committee—for this question was discussed many days in executive session, and did not have merely 1, 2, or 3 days' consideration, but had weeks of consideration in executive session—that the amendment not be agreed to.

Again I point out that the bill was unanimously agreed to by Senators on both sides of the aisle. We did not provide the high raises requested. That matter was reserved for later consideration, in a proposal to be presented next year.

I respectfully urge the Senate not to cut back the modest raises provided for those in the executive branch.

Mr. PASTORE. Madam President, will the Senator yield me 2 minutes?

Mr. JOHNSTON. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island may proceed for 2 minutes.

Mr. PASTORE. Madam President, I merely wish to leave one further thought with the Members of the Senate. The power to regulate salaries of legislative employees has always been reserved to the Congress. We have never included that power under the civil service provisions.

What was bad about the previous amendment is that we would have been delegating authority. We would have been writing that authority under the civil service law.

We do not preclude consideration of what was intended by the previous amendment. I am only asking that we consider these things at the proper time. We can consider the problem next year, in the next session of Congress. The request can be renewed at that time.

The distinguished Senator from Maine said that 4 or 5 years ago she tried to do this, and has tried to do it for 4 or 5 years. Unfortunately I was not the chairman of the subcommittee.

I ask the distinguished lady from Maine to give me an opportunity to consider the problem. I have been chairman of the subcommittee only a year. I hope she will give me an opportunity.

Mr. LONG of Louisiana. Madam President, will the Senator yield?

Mr. PASTORE. I yield to the Senator.

Mr. LONG of Louisiana. Could the Senator possibly consider this problem in the remaining days of this session of Congress?

Mr. PASTORE. That would be quite impossible. I do not think we could work it out with the House. It is not that urgent. After all, any adjustment can be made in good time. There is no emergency involved.

It is true that if we raise the wage scales under the civil service law we may be compelled, in all equity, to do the same for the legislative employees. We should go into the questions of whether the money appropriated would be sufficient to do so, and other related matters. We should like to hear from all Senators. But this ought to be done in an unhurried and systematic way.

What I say this afternoon is "Don't delegate away the authority we have. We have reserved this to ourselves. Don't give it to the Civil Service Commission under the law."

Mrs. SMITH of Maine. Madam President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mrs. SMITH of Maine. Is the Senator from Rhode Island willing to give the Senate some idea of the date we might consider this in the legislative subcommittee next year?

Mr. PASTORE. Within the first week after we come back in January.

Mrs. SMITH of Maine. I thank the Senator.

Mr. FONG. Madam President, will the Senator yield me 2 minutes?

Mr. JOHNSTON. I yield 2 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii may proceed for 2 minutes.

Mr. FONG. Madam President, I am a member of the Committee on Post Office and Civil Service. We spent long hours considering the bill.

I sympathize with what the senior Senator from Maine is trying to do. In fact, I tried to do the same thing in the committee, but I was not successful.

I voted with the Senator on the first amendment. I thought our administrative assistants should have the same pay as the GS–17's.

The amendment of the Senator from Maine would lower the wages of those classified as GS–17, which would wreak havoc upon the schedule which has been presented to the Senate. The schedule presented to the Senate has been devised by experts. The differences between one grade and one step and other grades and steps must be calculated very meticulously. If the Senate should agree to the amendment of the Senator from Maine, the action would be disastrous to the schedule. So I ask Senators not to vote for the amendment.

I sympathize with what the Senator from Maine is trying to do. I believe that the administrative assistants should have the same pay as those in grade GS–17. When such a measure comes before the Senate again, I shall vote for it.

The PRESIDING OFFICER. Does the Senator from South Carolina yield back the remainder of his time?

Mr. JOHNSTON. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mrs. SMITH of Maine. Madam President, in view of the assurances of the chairman of the Subcommittee on Legislative Appropriations, I ask unanimous consent that the order for the yeas and nays be rescinded and that the amendment be voted upon by voice vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Maine [Mrs. SMITH].

The amendment was rejected.

VISIT TO THE SENATE BY HON. NICK McKENNA, MINORITY LEADER OF THE AUSTRALIAN SENATE

Mr. DIRKSEN. Madam President, today we are honored by the presence in the Chamber of a distinguished visitor. He is the minority leader of the Australian Senate. His name is Nick McKenna. The minority party there is known as the Australian Labor Party. It is my pleasure to present at this time Hon. Nick McKenna, minority leader of the Australian Senate. [Applause, Senators rising.]

The PRESIDING OFFICER. The Senate is pleased to have the distinguished visitor with us, and hope that his visit will be rewarding.

Mr. DIRKSEN. Madam President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, so that Senators may meet our distinguished visitor.

There being no objection, at 3 o'clock and 33 minutes p.m., the Senate took a recess, subject to the call of the Chair.

At 3 o'clock and 36 minutes p.m., the Senate reassembled on being called to order by the Presiding Officer [Mrs. NEUBERGER in the chair].

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

Mr. KERR. Madam President, yesterday the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], placed in the RECORD a statement by the Senator from Oklahoma on the pending bill, H.R. 7927, with reference to certain positions in the National Aeronautics and Space Administration.

I invite the attention of the chairman of the committee, the distinguished Senator from South Carolina, to the following statement, which appears in the middle of page 20854 of the RECORD, and ask him if he has read the statement and if it sets forth accurately the intent of the bill as the Senator from South Carolina understands it:

STATEMENT BY SENATOR KERR ON H.R. 7927

I note that this measure, H.R. 7927, made no changes in the number of excepted positions for the National Aeronautics and Space Administration. The space program and the Nation faces its greatest scientific and technological effort, and NASA is this coming year doubling its effort in this regard.

I am happy to see that the Committee on Post Office and Civil Service raised from $19,000 to $20,000 the current ceiling for NASA's 395 excepted positions. However, the 30 positions currently authorized to be paid up to $21,000 were unaffected. I assume that these latter positions fall in category of positions which the committee points out in its report will be considered "in conjunction with a reform of top-level executive salaries which were not included in the proposals submitted by the President and a consideration of the executive pay problem in its full dimensions at one time rather than by treating one part now and the rest later."

It was the intent of the administration proposal that in addition to its excepted positions the needs of NASA above GS–15 would be met under the authority of the Civil Service Commission to allocate positions to GS–16, GS–17, and GS–18. Since this is a different measure, I nevertheless understand that this is still true and that these NASA needs will be met by the Civil Service Commission from the authority it obtains in this bill in section 606(a), which provides for the allocation, without limitation, of professional engineering positions primarily concerned with research and development.

Mr. JOHNSTON. Replying to the Senator from Oklahoma, I agree that what is set forth is correct.

Mr. KERR. I thank the Senator.

Mr. MILLER. Madam President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. On page 32, line 2, it is proposed to strike the words "for delivery" and insert in lieu thereof the following: "which is promptly delivered".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. MILLER. Madam President, my amendment is designed to make a little more meaningful the provision in the bill relating to the mailing of Communist literature. The bill as it is presently drafted provides for an exception to the restrictions on Communist literature in the case of the material addressed for delivery in the United States pursuant to a reciprocal international agreement under which the U.S. Government mails an equal amount of material for delivery in any country. That provision is not meaningful because we all know that we can send mail to one of these nations and it can be "for delivery," but there is no guarantee and no assurance that it will be delivered. Furthermore, we know that there are instances in which it has not been.

My amendment provides that in lieu of the words "for delivery" the words "which is promptly delivered" would be substituted therefor.

I recognize very well that such a provision would not be easy to administer. I recognize that it would be virtually impossible in some instances to maintain a current check. Nevertheless, the very fact that there is such language in the bill would put countries on notice that we expect prompt delivery, just as we furnish prompt delivery to them; that we will be checking up on them, and that if they do not deliver mail promptly we will be in a position to call the deal off. This is a good amendment. It would merely clarify what is already in the bill. I believe it is in harmony with the intention of the committee.

Mr. JOHNSTON. Madam President, the amendment the Senator from Iowa has offered should not be accepted. Therefore, I am opposed to it. The language in the bill is agreed to by the majority of the committee whether every member thereof agreed to the particular amendment or not.

Mr. CLARK. I sustain my chairman in his position. I would not like to see adopted the language proposed by the Senator from Iowa. I hope his amendment will be defeated.

Mr. JOHNSTON. It would be impossible to define "promptly delivered." Therefore, I oppose the amendment.

Mr. MILLER. I ask for the yeas and nays. I understood that the Senator from South Carolina might have some substitute language to propose.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Washington, [Mr. MAGNUSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Mississippi [Mr. STENNIS], are absent on official business.

I further announce that the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Indiana [Mr. HARTKE], the

Senator from Alabama [Mr. Hill], the Senator from Tennessee [Mr. Kefauver], the Senator from Washington [Mr. Magnuson], the Senator from Alabama [Mr. Sparkman], the Senator from Mississippi [Mr. Stennis], the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Kentucky [Mr. Morton] and the Senator from Texas [Mr. Tower] are necessarily absent.

On this vote, the Senator from South Dakota [Mr. Bottum] is paired with the Senator from Kansas [Mr. Carlson]. If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Kansas would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Kansas [Mr. Pearson]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 15, nays 62, as follows:

[No. 286 Leg.]

YEAS—15

Allott
Curtis
Dirksen
Dodd
Goldwater
Hickenlooper
Hruska
Jordan, Idaho
McClellan
Miller
Mundt
Prouty
Scott
Thurmond
Wiley

NAYS—62

Aiken
Bartlett
Beall
Bible
Boggs
Burdick
Bush
Butler
Byrd, W. Va.
Cannon
Carroll
Case
Church
Clark
Cooper
Douglas
Eastland
Ellender
Engle
Ervin
Fong
Hart
Hayden
Holland
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Keating
Kerr
Kuchel
Lausche
Long, Hawaii
Long, La.
Mansfield
McCarthy
McGee
McNamara
Metcalf
Monroney
Morse
Moss
Murphy
Muskie
Neuberger
Pastore
Pell
Proxmire
Randolph
Robertson
Saltonstall
Smathers
Smith, Mass.
Smith, Maine
Symington
Talmadge
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—23

Anderson
Bennett
Bottum
Byrd, Va.
Capehart
Carlson
Chavez
Cotton
Fulbright
Gore
Gruening
Hartke
Hickey
Hill
Kefauver
Long, Mo.
Magnuson
Morton
Pearson
Russell
Sparkman
Stennis
Tower

So Mr. Miller's amendment was rejected.

Mr. MUNDT. Madam President, for myself and on behalf of the Senator from New York [Mr. Keating], the Senator from Ohio [Mr. Lausche], the Senator from Arizona [Mr. Goldwater], the Senator from Connecticut [Mr. Bush], the Senator from Nebraska [Mr. Hruska], the Senator from Maryland [Mr. Beall], the Senator from Delaware [Mr. Williams] and the Senator from South Carolina [Mr. Thurmond] I offer an amendment which I ask to have stated.

The Chief Clerk. On page 32, after line 9, it is proposed to add a new section to be identified as "Sec. 307":

NOTICE WITH RESPECT TO OBSCENE MATTER DISTRIBUTED BY MAIL AND DETENTION THEREOF

"Sec. 307. In order to alert the recipients of mail and the general public to the fact that large quantities of obscene, lewd, lascivious, and indecent matter are being introduced into this country from abroad and disseminated in the United States by means of the United States mails, the Postmaster General shall publicize such fact (1) by appropriate notices posted in post offices, and (2) by notifying recipients of mail, whenever he deems it appropriate in order to carry out the purposes of this section, that the United States mails may contain such propaganda or such obscene, lewd, lascivious, or indecent matter. Any person may file a written request with his local post office to detain obscene, lewd, lascivious, or indecent matter addressed to him, and the Postmaster General shall detain and dispose of such propaganda and such matter for such period as the request is in effect. The Postmaster General shall permit the return of mail containing obscene, lewd, lascivious, or indecent matter, to local post offices, without cost to the recipient thereof. Nothing in this section shall be deemed to authorize the Postmaster General to open, inspect, or censor any mail except on specific request by the addressee thereof. The Postmaster General is authorized to prescribe such regulations as he may deem appropriate to carry out the purposes of this section.

Mr. MUNDT. Madam President——

Mr. MANSFIELD. Madam President, will the Senator from South Dakota yield?

Mr. MUNDT. I yield.

Mr. MANSFIELD. After consultation with Senators who expect to offer amendments, with the minority leadership, and with the chairman of the Committee on Post Office and Civil Service, I should like to propose a unanimous-consent request to the effect that as to the amendment offered by the Senator from South Dakota, which is now pending, and the amendment to be offered by the Senator from New York [Mr. Javits], the time for debate be limited to 40 minutes on each amendment, 20 minutes to a side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that with respect to each of the two amendments to be offered by the Senator from Iowa [Mr. Miller], the time be limited to 20 minutes, 10 minutes to a side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MUNDT. Madam President, although 40 minutes have been allotted for the consideration of this amendment, I am very much inclined to believe—knowing the chairman of the committee as I do—that he will accept the amendment, and that it will not be necessary to have a yea-and-nay vote. Of course, if the chairman of the committee does not accept the amendment, we shall request that a yea-and-nay vote be taken.

In view of the fact that the Senate has taken similar action, in order to keep Communist propaganda from being distributed to the homes of the people of America, against their will, the amendment merely provides that similar action be taken against the distribution of lewd, pornographic, or similar material which may be received from abroad. The amendment does not apply to such material which may originate in this country; but at least the amendment tends to close the door insofar as the importation of lewd pictures and lascivious material is concerned.

Mr. CLARK. Madam President, will the Senator from South Dakota yield for a question?

Mr. MUNDT. I yield.

Mr. CLARK. Is this amendment about the same sort of proposal as the one which Representative Granahan brought before the House, last year?

Mr. MUNDT. I believe that it resembles it. It also resembles the amendment the Senator from Pennsylvania submitted earlier today.

Mr. CLARK. It does, indeed; but that was what is called the Walter amendment. I am merely seeking clarification.

Mr. MUNDT. We call this the Mundt-Keating - Bush - Goldwater - Lausche amendment.

Mr. CLARK. That suits me fine.

Mr. MUNDT. Madam President, I point out that the Senate has twice gone on record against this filthy business, which has developed into a million-dollar business of distributing filthy material in our country; but the House has failed to act. Twice the Senate has approved legislation introduced by the senior Senator from South Dakota to take action against this smut racket. Unfortunately the House has failed to act.

Now we have set a pattern in regard to the treatment to be given to Communist propaganda material; therefore, it seems to me that we should take a similar step to protect the youth of America against this filthy and obscene material which originates from abroad. Often it is indirectly financed and supported by Communists seeking to demoralize American youth. The amendment provides that the head of the family shall be given adequate notice, by means of the establishment of notices in the lobbies of post offices; and the amendment also provides that the intended recipients of such mail shall have an opportunity to have their names taken off the delivery list.

I am inclined to believe that the chairman of the committee will accept the amendment. Therefore, for the time being I yield the floor.

Mr. PASTORE. Madam President, will the Senator from South Dakota yield for a question?

Mr. MUNDT. I yield.

Mr. PASTORE. Would the name of an intended recipient who was an innocent party be published?

Mr. MUNDT. No. This information would be for the use of the Postmaster General, to notify him of the sources of such material.

Mr. PASTORE. But the name of an innocent recipient who had nothing to do with it would not be included?

Mr. MUNDT. Definitely not.

Mr. KEATING. Madam President, will the Senator from South Dakota yield to me?

Mr. MUNDT. I yield.

Mr. KEATING. The amendment covering Communist propaganda material has now been rejected, although the Judiciary Committee unanimously voted to report such a provision to the Senate. Therefore, provisions in regard to Communist propaganda have been omitted from this amendment, because the Senate has already dealt with that matter.

The pending amendment is in precise terms the same as the amendment offered by the Senator from Pennsylvania [Mr. CLARK], except that the pending amendment includes only the part relating to obscene, lewd, and lascivious material.

I regretted, in a way, that I felt compelled to vote against the amendment offered by the Senator from Pennsylvania, because I wished to strike a blow against such dirty, filthy material coming from abroad. But because I felt that the amendment would weaken the bill as reported by the committee, I voted against it.

However, the pending amendment would reinstate in the law what has been unanimously approved by the Senate Judiciary Committee, insofar as lewd and lascivious material or matter is concerned; by notices posted in the post offices, the public would be alerted to the fact that such material was coming into this country. Innocent persons would be able to prevent future delivery to them of obnoxious or obscene mail originating overseas.

Mr. MUNDT. Madam President, I thank the Senator from New York for his contribution.

Let me say that the Senator from South Carolina [Mr. THURMOND] has asked that his name be added as a cosponsor of the amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HRUSKA. Madam President, will the Senator from South Dakota yield to me?

Mr. MUNDT. I yield.

Mr. HRUSKA. As a member of the Judiciary Committee, I recall that this measure was considered in that committee, and was reported unanimously.

I subscribe to the thesis and content of the amendment, and I should like to support it; and, if I may have the permission of the Senator from South Dakota, I should like to have my name added in the records of the Senate as one of the cosponsors of the amendment.

Mr. MUNDT. I shall indeed be happy to have that done. I know the Senator from Nebraska was an ardent supporter of the two previous measures which I introduced on this subject, both of which were passed rather overwhelmingly by the Senate.

Madam President, I have also been asked to add as cosponsors of the amendment, the names of the Senator from Maryland [Mr. BEALL] and the Senator from Delaware [Mr. WILLIAMS]; and I am definitely in accord with having such additional sponsorship recorded, Madam President.

The **PRESIDING OFFICER.** Without objection, that will be done.

Mr. MUNDT. Madam President, unless the chairman of the committee is willing to accept the amendment, I ask that on the question of agreeing to the amendment the yeas and nays be ordered.

Mr. JOHNSTON. Madam President——

The **PRESIDING OFFICER.** Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. MUNDT. I am happy to yield to the distinguished Senator from South Carolina.

Mr. JOHNSTON. Madam President, the Judiciary Committee, of which I am a member, voted unanimously for the provision the Senator from South Dakota has submitted by means of his amendment.

Mr. MUNDT. That is correct.

Mr. JOHNSTON. Therefore, I am inclined to accept the amendment of the Senator from South Dakota. Personally, I think the Post Office Department is already doing what is called for by the amendment.

For that reason, Madam President, at this time I accept the amendment of the Senator from South Dakota.

Mr. MUNDT. It may be that the Post Office Department has such authority, but the question is whether it is using it at the present time.

Mr. JOHNSTON. Madam President, I accept the amendment.

The **PRESIDING OFFICER.** Does the Senator from South Carolina yield back the remainder of the time available to him?

Mr. JOHNSTON. I do.

Mr. MUNDT. Madam President, I do likewise.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment submitted by the Senator from South Dakota [Mr. MUNDT], on behalf of himself and other Senators.

The amendment was agreed to.

Mr. MILLER. Madam President, I offer the amendment which I send to the desk and ask to have stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The LEGISLATIVE CLERK. On page 104, in line 5, after the word "rise", it is proposed to insert "or fall".

On the same page, line 8, after the word "increased", it is proposed to insert "or decreased, as the case may be,".

On page 104, in line 12, after the word "rise", it is proposed to insert "or fall".

On the same page, in line 15, after the word "increased", it is proposed to insert "or decreased, as the case may be,".

On page 104, between lines 17 and 18, it is proposed to insert a new subsection (3), as follows:

> (3) Contributions to the civil service retirement and disability fund shall be increased or decreased, as the case may be, by such percentum as will preserve the actuarial or fiscal soundness of the fund.

Mr. MILLER. Madam President, my amendment is relatively simple. I do not plan to ask for a yea-and-nay vote on the question of agreeing to the amendment.

The purpose of the amendment is quite evident. On page 104 of the bill, provision is made for an increase in annuities, based on any increase in the cost of living. It seems to me that while we are dealing with that subject, we might as well provide, also, for a decrease in the annuities if there is a decrease in the cost of living. That is the reason for proposing insertion of the words "or fall" after the word "rise."

Inasmuch as the bill provides that if there is a rise of 3 percent, there shall be an increase in the annuity, I believe, also, that if there is a decrease by a similar percentage, there should be a decrease in the annuity.

This amendment ties in with the escalation clause which today is prevalent in so many industries.

Finally, my amendment is designed to make sure that the fiscal integrity of the civil service retirement fund will be preserved. It provides that contributions by participants in the system will be increased if there is an increase in the annuities paid as a result of the increase in the cost of living. Similarly, if there is a decrease in the annuities as a result of a decrease in the cost of living, contributions will be decreased, providing what would be necessary for the fund to be fiscally sound.

That is all there is to the amendment. I am happy to yield the floor.

Mr. JOHNSTON. Madam President, I yield 2 minutes to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Madam President, as chairman of the Subcommittee on Retirement of the Committee on Post Office and Civil Service, which reported the bill to the full committee, let me say that in my opinion this amendment is unwise, unsound, and unnecessary. I hope it will be defeated. It attempts to put a standard in the act with respect to retirement which has never been there before.

The real question is whether the fund is operationally sound, not whether it is actuarially sound. In a footnote to a table reflecting whether the fund is actuarially sound, it is stated:

> There is no question but that the fund is operationally sound under the present system.

The amendment has not been requested or suggested by the Civil Service Commission, any representative of the fund, or anyone else. It will throw administrative and other roadblocks in the way of sound administration. I hope the amendment will be defeated.

Mr. JOHNSTON. Madam President, I call to the attention of the Senate that several years ago, when retirement benefits were increased, and the amounts paid into the fund were increased, it was said that the fund would not be actuarially sound. I am glad to report to the Senate that since that time the surplus has increased from approximately $2 billion to $12 billion. That is the amount in the fund at the present time.

I hope the Senate will defeat the amendment.

Mr. MILLER. Madam President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. MILLER. If what the Senator has said with regard to several billion dollars being in the fund is true, what possible objection could the Senator have to the wording of my amendment, which merely provides that the actuarial or fiscal soundness of the fund shall not be impaired?

Mr. JOHNSTON. How can the amount paid out be increased at any time unless it is endangered?

Mr. MILLER. That is exactly the point of the amendment. The point of the amendment is to provide that there will be an increase in the contributions necessary to prevent the fund from being impaired.

Mr. JOHNSTON. Since the amounts of contributions into the fund were increased several years ago, the surplus has been increasing by leaps and bounds, almost annually. The reason for the difference in the figures is that in the actuarial accounting I do not think there is taken into account the fact that there is a turnover of 20 percent of the Federal employees each year. When those employees leave the civil service, they draw out the money they have contributed into the fund, and the amount the Government put into the fund to match the employees' contributions remains in the fund. This results in a building up of the fund year by year to a greater extent than the actuarial figures show.

Mr. MILLER. Madam President, will the Senator yield further?

Mr. JOHNSTON. I do.

Mr. MILLER. I invite the Senator's attention to a statement I made which appears in the RECORD of July 11, 1962, at page 13278, in which I said:

> We are running into a similar problem—

That is, a similar problem with respect to the lack of proper funding of the social security trust fund—

> now with respect to the retirement of our Federal civil service employees. In the July 2 issue of the Washington Evening Star, a timely article by Joseph Young, staff writer for the Star, calls attention to the present unfunded liability of the civil service retirement fund of $32 billion and to warnings by CSC officials that the fund will go bankrupt by 1980 if additional means of financing it are not secured.

My question to the Senator is, granted that this is merely an article——

Mr. JOHNSTON. It is an article. That might be true if every Federal employee remained in his employment and drew the maximum amount after the maximum number of years' service after he retired. This will never happen, however.

Mr. WILLIAMS of Delaware. Madam President, will the Senator yield?

Mr. MILLER. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I think the RECORD should be clear, lest there be any misunderstanding, this retirement fund is not actuarially sound. I am quoting now not from a newspaper but from a letter I received from the Civil Service Commission under date of August 21, 1962. The letter is signed by John W. Macy, Jr., Chairman of the Civil Service Commission. This report was prepared at my request.

> The amount of the unfunded liability as of June 30, 1962, is estimated at $33.7 billion. We estimate that enactment of S. 2937 would increase this amount as follows:

Section 1 cost $700 million, section 3 cost $900 million; or a total of $1.6 billion of unfunded liability.

S. 2937 was the bill which at that time was pending on the Senate calendar, and the substance of which is embraced in the bill before us.

So, based on the Civil Service Commission's own report, the provisions of the retirement measure before us would increase the unfunded liability of the civil service retirement fund by $1.6 billion, and there is no provision in the bill to provide for payment of the increased expenditures.

I ask the Department in the event the contributions today being made by the employees are unchanged, and those made by the U.S. Government are continued as provided under existing law, when the fund will be depleted. I quote from the same letter:

> We have previously estimated that if the Government payments to the retirement fund are limited to the present agency matching contributions, the fund balance would be depleted by 1987, with increasing direct appropriations required from that year forward in order to meet benefit payments.

We may as well recognize the fact that as we increase retirement benefits without increasing contributions correspondingly from employees' pay or without increasing the contributions by the Federal Government, within a matter of a few years the fund will be depleted. That estimate is based not on any newspaper reports but on a report compiled by the Chairman of the Civil Service Commission. I would favor a liberalization of the payments if those proposing these increases would also include the method for raising the money.

I ask unanimous consent that the letter be incorporated in full as a part of my remarks at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 21, 1962.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: This is in response to your telephone conversation of August 15 with Mr. Ruddock, in which you requested certain estimates for each section of S. 2937, a bill to adjust annuities under the Civil Service Retirement Act.

Section 1 provides a 5-percent increase, effective January 1, 1963, to annuitants then on the roll. Annuities commencing between January 2, 1963, and December 31, 1966, would be increased on a scale graded down from 4 percent to 1 percent. Survivors of annuitants who received any of the above increases would receive the same percentage increases in their own annuities, regardless of commencing date. The ceilings on increases granted in 1952 and 1955 would be removed prospectively.

Section 2 establishes a plan for future automatic adjustment of annuities, based on changes in the cost of living. Section 3 liberalizes the reduction required to provide annuities to the surviving widows and widowers of employees retiring after its effective date and increases the survivor's rate from 50 percent to 55 percent of the basic annuity of the retiring employee. This same increase would apply to the annuities of widows and dependent widowers of employees dying in the service.

None of the following estimates include possible future cost-of-living adjustment of annuities as proposed in section 2 of the bill, since we do not feel qualified to predict future changes in the Consumer Price Index. The first such adjustment could occur no sooner than April 1, 1964. If it were at the minimum rate of 3 percent which is required to trigger an adjustment, the first year cost would be about $29 million.

The increase in benefit disbursements during the next 10 years, if sections 1 and 3 of S. 2937 were enacted, is estimated as follows:

[In millions]

Calendar year	Increase in benefits		
	Total	Sec. 1	Sec. 3
1963	$57	$56	$1
1964	61	58	3
1965	64	59	5
1966	66	59	7
1967	66	57	9
1968	66	55	11
1969	65	52	13
1970	65	50	15
1971	65	48	17
1972	65	45	20
Total	640	530	101

The amount of the unfunded liability as of June 30, 1962, is estimated at $33.7 billion. We estimate that enactment of S. 2937 would increase this amount as follows:

	Billion
Section 1	$0.7
Section 3	.9
Total	1.6

We have previously estimated that if Government payments to the retirement fund are limited to the present agency matching contributions, the fund balance would be depleted by 1987, with increasing direct appropriations required from that year forward in order to meet benefit payments. Enactment of S. 2937 would hasten this situation by about 2 years.

Sincerely yours,
JOHN W. MACY, JR.,
Chairman.

Mr. WILLIAMS of Delaware. Madam President, I concur in the opinion of the Senator from Iowa that the time has come when if we are going to grant increased benefits from the retirement fund, we have the responsibility as directors of the fund to see that the fund remains solvent. It would be a bad situation if we should reach the point at which a retiree in the latter years of his life would find that the fund had been depleted and some future Congress had decided not to underwrite the cost.

If we want to vote for an increase in retirement benefits we should also provide for an increased contribution by the employees and the Government to pay for it. When we vote for an increase in pay for Federal employees then we should provide for corresponding increases in revenue. If we are not willing to increase contributions on the part of Federal employees and the Federal Government in order to keep the fund solvent we should not be so eager to vote increased benefits on the eve of every election.

By the same token I would support a salary increase to cover the increased cost of living, but this bill represents an increase of 8 percent to 14 percent. It will cost over $1 billion, and we can only meet this cost by borrowing the money and further increasing our debt.

To make matters worse the same group promising these salary increases and extra expenditures in every other phase of Government are also promising tax reductions.

As evidence of the political character of this pay increase I call attention to the fact that its effective date is such the Government employees will get their first paycheck bearing these increases just a few days before the election.

Mr. MILLER. Madam President, I am grateful for the statement and the statistics furnished by the Senator from Delaware.

I suggest that the argument by the Senator from Pennsylvania [Mr. CLARK] is completely unresponsive to the point. He refers to actuarial soundness. This argument is not to be applied to actuarial soundness. The argument would have been responsive if he had talked about fiscal soundness, but he did not. That is the point. Are we willing to pass legislation which would tear down the fiscal soundness of the civil service retirement fund? My amendment is designed to protect the fund. It is that simple. I hope it will be adopted.

I yield back the remainder of my time.

Mr. JOHNSTON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. MILLER].

The amendment was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. MILLER. Madam President, I yield to the Senator from Ohio.

Mr. LAUSCHE. Madam President, I merely wish to have the RECORD show that I voted "yea" on the amendment.

Mr. MILLER. I thank the Senator from Ohio.

Madam President, I offer the amendment which I send to the desk, which is my final amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 101, lines 12 and 13, it is proposed to strike the words "by 5 per centum of the amount of such annuity" and insert in lieu thereof the following: "by such amount as can be paid from the fund, but not in excess of 5 per centum of the amount of such annuity, without impairing the actuarial or fiscal soundness of the fund and without reliance on congressional appropriations to the fund".

On page 101, lines 18 and 19, it is proposed to strike the words "in accordance with the following table" and insert in lieu thereof the following: "by such amount as can be paid from the fund, but not in excess of the amounts shown in the following table, without impairing the actuarial or fiscal soundness of the fund and without reliance on congressional appropriations to the fund".

Mr. MILLER. Madam President, this amendment is similar to my previous amendment, except that it relates to the increase provided on page 101 of the bill. The objective is the same.

The amendment provides that the increase of 5 percent be replaced by the language "not in excess of 5 per centum" and only by such an amount of increase as will still leave the civil service retirement and disability fund in a sound actuarial or fiscal condition.

I wish to point this up with a little further quotation from the CONGRESSIONAL RECORD, page 13278 for July 11, 1962, by a further reference to the article by Mr. Joseph Young, to which I previously referred, at which time I stated:

> Mr. Young reports that a considerable number of Members of Congress believe the situation—

This is the desperate situation facing the civil service retirement fund—

> poses a greater threat to the civil service retirement system than any plan to coordinate the retirement system with social security, as the administration is expected to advocate next year.

Madam President, I hope that in his comments on my amendment the distinguished chairman of the committee, who is in charge of consideration of the bill, will give the Senate some indication as to whether or not it is the intention of his committee to do what Mr. Young says the administration plans to do, which is to try to get the civil service retirement system integrated into the social security system next year.

I suggest that if my amendment is not adopted the situation with respect to the civil service retirement and disability fund will become so desperate that the only solution to the problem would be to integrate it with the social security retirement system, which, as we know, is already over $300 billion unfunded.

Madam President, I yield the floor.

The PRESIDING OFFICER. Does the Senator from Iowa relinquish the remainder of his time?

Mr. MILLER. No. The Senator from Iowa does not relinquish the remainder of his time, but yields the floor. Does the Senator from South Carolina wish to speak?

The PRESIDING OFFICER. Is the Senate ready to vote?

Mr. JOHNSTON. All I have to say is that I am not in favor of the amendment.

The PRESIDING OFFICER. Does the Senator from South Carolina relinquish the remainder of his time?

Mr. JOHNSTON. I will yield back my remaining time, if the Senator from Iowa will do so.

Mr. MILLER. Madam President, I ask the Senator from South Carolina if he will respond to my question with respect to the intention of the committee.

Mr. JOHNSTON. I answer the Senator in this manner: We have not studied that question at all. Neither have I studied it to see what we ought to do, or what we should consider next year. That being the position, I am not able to answer the Senator's question, because I do not know whether we will do it or not. The Senator talks about combining the civil service retirement fund and the social security fund.

Mr. MILLER. Madam President, I should like to ask the Senator a further question. Could the Senator give us some assurance that as of now there is no plan or no intention on the part of his committee that the two systems be integrated?

Mr. JOHNSTON. I answer the Senator by saying that the committee had a bill before it this year and decided not to act favorably upon the bill. That is all I can say. Does that answer the Senator's question? That is what we did. We decided not to act favorably upon the bill.

Mr. MILLER. Madam President, that does not quite answer the question by the Senator from Iowa.

Mr. JOHNSTON. The bill will die with the end of the session.

Mr. MILLER. I should like to ask the Senator from South Carolina if he is in favor of such an integration?

Mr. JOHNSTON. We have not made a thorough study. So far as I am concerned personally, I have not made up my mind on it, as I said a few moments ago. My mind is open, to look into the question to see what would be for the best interests of all the people in the United States; that is, the taxpayers as well as the recipients who would derive the benefits.

Mr. MILLER. I thank the Senator for being as frank in answer to my question as he has been.

Madam President, I suggest that Mr. Joseph Young's intimation that the administration is going to favor integration between the social security and civil service retirement systems next year probably is accurate. I hope it does not happen, but the failure to adopt the pending amendment would hasten the day.

Madam President, I yield back my remaining time.

Mr. JOHNSTON. I can only reply by saying that the bill came before the committee this year, and the committee did not act favorably upon it.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Iowa [Mr. MILLER].

The amendment was rejected.

Mr. JAVITS. Madam President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 107, following line 22, it is proposed to insert:

> (f)(A) Section 1(j) of the Civil Service Retirement Act is amended by substituting a comma for the period at the end thereof and adding the following: "or such unmarried child between eighteen and twenty-one years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school,

technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-first birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 10(d) to have attained the age of twenty-one on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed four months and if he shows to the satisfaction of the Commission that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim."

(B) The third sentence of section 10(d) of the Act is amended to read as follows: "The child's annuity shall commence on the day after the employee or Member dies, and such annuity granted under this Act or under the Act of May 29, 1930, as amended from and after February 28, 1948, or any right thereto shall terminate on the last day of the month before (1) his attaining age eighteen unless incapable of self-support, (2) his becoming capable of self-support after age eighteen, (3) his marriage, or (4) his death, except that the annuity of a child who is a student as described in section 1(j) shall terminate on the last day of the month before (1) his marriage, (2) his death, (3) his ceasing to be such a student, or (4) his attaining age twenty-one."

(C) Notwithstanding any other provision of law, the benefits resulting from enactment of this amendment shall be paid from the civil service retirement and disability fund.

Mr. JAVITS. Madam President, I yield myself 5 minutes. The amendment I am proposing is the subject of a bill which was favorably reported.

Mr. JOHNSTON. Madam President, to conserve time, I am willing to accept the amendment.

Mr. JAVITS. I am very grateful.

Mr. JOHNSTON. I have consulted with the members of the committee who are in the Chamber, and they have agreed.

Mr. JAVITS. I am very grateful to my colleague.

So that the RECORD will be clear, the amendment proposes that the survivors, between the ages of 18 and 21, receiving benefits under the Civil Service Retirement Act, pursuing courses in college or the schools named, may continue to receive benefits while pursuing those courses; making the provision analogous to that for the survivors of veterans.

I am very grateful to my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. JAVITS].

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 7927) was read the third time.

Mr. McGEE. Madam President, the debate on H.R. 7927 has had as a basic concern the spending of money—money for postage stamps and money for the salaries of Federal employees. And I think that there the connection between the two ends.

It is no secret that first-class and airmail, before the current proposed increase, paid their own way. This is the type of postal service of which the average citizen makes the most use. I voted against any raise in these rates because I do not believe that Mr. and Mrs. Average Citizen should be made to subsidize less efficient forms of postal service. I am prepared to listen to arguments that some classes of mail cannot pay their own way but I cannot believe it is either just or logical to insist that those classes that do should make up the difference.

Nor can I see that there is a connection between the wage rate for Federal employees and the cost of the mail. I believe that our civil servants should be paid a just wage for the service performed. I am in favor of the increase contained in H.R. 7927; and I so indicated by my vote, because I believe that in many cases Federal salaries have not kept up with comparable civilian salaries and in many cases salaries are too low to attract competent personnel.

Nothing could be more pennywise and pound foolish than to skimp on salaries and then see any savings go right out the window because of mediocrity of performance. Nor is it fair to trade on the patriotism and devotion of Federal employees by expecting them to work at substandard wages simply because they are doing important Government work. It is true that patriotism cannot be purchased, but neither can it be preserved with contempt.

MAGAZINES AND NEWSPAPERS: THEIR VALUE TO THE NATION

Mr. SYMINGTON. Madam President, it is not my purpose in these remarks to embark on a technical discussion of postage ratemaking; rather, to present for the consideration of my colleagues the magnificent contribution which the magazine and newspaper industry has made to the growth, the development and the unity of the United States.

The magazine and the newspaper have frequently been described as the twin pillars of free government; and we all know that the first defense against tyranny is a free press.

In Soviet Russia and the other Communist countries, thought is a perpetual prisoner of the state, primarily because there is no privately owned press and because the Government controls every avenue of public information.

In contrast to life in a democracy, the people of Russia are compelled to live in an intellectual prison—to the point where, for the vast majority of Americans, life under such conditions would be intolerable.

But the contribution of magazines and newspapers to our national life has been something more than the negative one of preserving basic freedoms against the encroachments of tyranny. This industry of America is a unique institution; and in the creation of present-day America, it carried out a role which no other agency could have done. For business and professional groups, for farmers and educators, the magazine and the newspaper have become the normal means for carrying on that constant exchange of new ideas which is so important to the development of their work. It has performed the same service for all those interested in the Nation's social and cultural progress.

But the unique contribution of the newspaper and magazine industry is that to a remarkable degree it has quickened the creative talent of the American people. In a hundred different ways, life in the United States has become more rich and more varied, because magazine and newspaper editors have deliberately set out to stimulate and provoke new ways, and better ways, of doing things. The newspapers and magazines which specialize on homemaking and home gardening, the popular science units, those which devote themselves exclusively to travel or fashion or recreation, or the care of children—these publications over the years have provided a veritable treasure trove of new ideas for their faithful readers. The specialist magazine, independent or included as part of your newspaper, is, in fact, an American invention.

In the field of economics, the contribution of these two media has been equally impressive. Because it found ways to make the printed advertisement so attractive to its readers, this industry helped to create mass markets for the new products of all American industry which otherwise might have taken years to catch on. At the same time, by popularizing these new machines and chemicals and household appliances, newspapers, and magazines have helped to relieve the women of America from much of the neverending drudgery of household and domestic tasks.

In short, magazines and newspapers in America have helped to make life brighter, easier and happier for millions of citizens.

And they have made other contributions to the national well-being which I shall mention briefly during these remarks. At this point, let me point out that the sincerest tribute ever paid to the newspapers and magazines of America is the fact they are so widely copied in other countries. Not only private firms abroad, but even a larger number of governments now issue publications, most of which are copies, in style and format, of their American cousins.

Since the foundation of the United States, the preservation of a free press has been a goal of the National Government. The Citizens Advisory Committee, which made a comprehensive study of the postal service a few years back, reported the interesting fact that after the war with Great Britain, and even before the Declaration of Independence, the first action ever taken by the Congress was to reduce the postal rates which had been put in effect for the Colonies by the British Government.

Through all the years since, both Congress and the executive branch have continually shown this same concern for the health and well-being of the Nation's press.

Nearly a century ago, the Congress established second-class mail rates for the express purpose of aiding the spread of ideas and knowledge through magazines and newspapers. In this way, the Federal Government made it a fixed policy that the Post Office Department was more than just a business organization—it was a public service institution.

I believe that this policy of helping circulation has paid enormous dividends in terms of national understanding, national development, and national unity. Once again, the farseeing men who framed policy during the early days of the Republic knew what they were doing. These founders acted on the principle that the quick and easy transport of ideas was vital to the growth of the Nation and the preservation of democratic principles.

In our day, no one questions the validity of that proposition; but in their day it was revolutionary. In the old, closed societies of Europe the printing press was looked upon as a potential troublemaker, the handy weapon of agitators whose only purpose was to stir up discontent and strike down the established order.

In the United States the printing press was hailed as a new ally in the battle for human rights.

This attitude, so prevalent among the Founding Fathers, was well expressed by Thomas Jefferson when he said there were only two ways to influence a man—operate on his mind or operate on his body. In other words, "convince him or you can shoot him."

This was Jefferson's unique way of expressing the supremacy of the "idea" in the affairs of men. He made the idea supreme in his generation; and in this nuclear-space age, the survival of the United States may depend more upon our stockpile of ideas than it does upon our stockpile of atomic bombs.

In a December statement the President put the case well when he said:

> An open society grows or withers according to the power of its ideas and to the validity of its interior dialog.
>
> If ever the United States should reach a point where the clash of ideas comes to an end, where debate disappears, where everybody agrees with everybody else on everything, then we are finished as a nation—and the idea of freedom, to which our Nation has been dedicated since the time of Washington and Adams, Jefferson and Hamilton, perishes.
>
> From the beginning of the Republic, newspapers and magazines have provided a major forum for carrying on the interior dialog of American society.

As the President said, the great debate about every phase of life in a democracy has been going on in the press and magazines since colonial times.

It is the freedom of this discussion which has made us a great nation; in fact, full and frank political debate is the very soul of democracy. This has been the American substitute for internal wars that have tranfsormed some nations into military cockpits—the release valve which lets men expose their violent emotions in words instead of deeds.

The privately owned newspaper or magazine is the constant testing ground for new ideas in the political, social, and economic life of America; and the American people get more of this constant debate than any people on earth.

The number of privately owned and operated magazines and newspapers—daily, weekly, monthly, quarterly, and semiannually—is a phenomenon that never ceases to amaze visitors from abroad. Along with our unprecedented development in material resources, there has kept pace a gratifying increase in publications, many of which please the eye as well as feed the mind.

The average dentist has more publications piled up in his waiting room than some families in other lands are privileged to see, not in 1 year, but in 10 years. Surely this is a rare form of public wealth and I am delighted the pioneering fathers had the vision to encourage this phenomenon by means of relatively low postal rates.

A publisher of earlier years used to say that these media, whose circulation reached from coast to coast, had knitted the spiritual, political, and cultural unity of the United States.

Perhaps pride in his profession caused him to overstate the case; but it is a fact that the early United States had a problem faced by few other nations. The facts of geography had very largely made the French people into one nation, and the English people one nation, and ultimately the German people one nation. But the territory of the United States was large, and therefore in danger of sectional rivalries. Those papers and periodicals which regularly went across the State lines did much to develop in the average citizen loyalty to the National Government and a sense of pride in being an American.

There is one further performance by magazines for which they deserve the lasting gratitude of the American people. They have functioned for generations as the seedbed for genuine literary talent. Since the time of Edgar Allen Poe, they have served as the first outlet, and in many cases the sole outlet, for aspiring young writers who later went to enduring fame because of the excellence of their output. Many well-known American writers got their first paycheck from magazine editors and something more besides—the first vote of confidence in their own worth as creative writers.

The story of Thomas Wolfe and his editor is the tale of an authentic genius whose great talents might have been lost forever except for the endless patience and warm sympathy of a great editor.

What happened to Thomas Wolfe has happened time and again in the editorial sanctum of the country's leading publishers. William Faulkner, Ernest Hemingway, Willa Cather—such towering figures on the literary landscape—plus a host of others, were helped along the road to success, in some degree, through these media.

We have a right to be proud of our literary heritage and we owe a debt of gratitude to those who played such a prominent part in its creation.

This land is fairly sprinkled with publications which are privately owned but which continue in business, not only to make a profit, but also because they are sincerely devoted to the development of the arts and sciences. Some have great prestige and some are virtually unknown; some are famed for their literary excellence and some are not. But their great value lies in the fact they are exploring and illuminating our conceptions about every facet of American life.

In these days of television and motion picture, some good citizens are under the mistaken impression that the printed word has less significance than it formerly had. This is a misconception. The television and the printed word are not mutually exclusive; each one has a special job to do in this modern world of high-speed communication.

In its thirst for world conquest, Soviet Russia has converted the printing press into the most effective political weapon of the 20th century.

Mr. Khrushchev continues to boast about his stock of nuclear weapons, but the fact is that international communism has made its greatest advances by means of the printed word. There are many students of the subject who believe that the downfall of China was carefully prepared by the deluge of Communist propaganda which saturated that unhappy country before the actual takeover.

There are estimates that Soviet Russia is spending as much as $100 million annually on propaganda in South America alone. While the Communists make liberal use of the radio, the bookshop is the major weapon in this gigantic effort to subvert the political and economic thinking of our Latin neighbors. Books and pamphlets are distributed in heavy quantities, stressing the alleged virtues of Marxism and attempting to corrupt the minds of youth.

What is going on now in South America, and what went on in China a decade ago, is going on also in the new republics of Africa and throughout the Orient.

It would be a matter of deep regret if the Soviets can do more for tyranny through the printed word than we can for freedom.

For these reasons I am glad the Senate Post Office and Civil Service Committee reduced the high rates on second and third class mail. The publishers of some of the Nation's most distinguished news media testified before this committee that the original rates would have compelled them to suspend publication.

In my own State of Missouri, no institution exerts a healthier force for intelligent leadership and active cooperation among all community interests for the common good than our strong, locally edited, locally published newspapers. In recognition of this fact, our State established and supports the world's first and most famous undergraduate college in this field—the School of Journalism at the University of Missouri.

Mr. RANDOLPH. Madam President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. RANDOLPH. Madam President, since I was in attendance during the hearings of the Senate Committee on Post Office and Civil Service, I can testify to the truth of what the distinguished Senator from Missouri has said this afternoon.

I was particularly impressed by the witnesses who appeared representing newspapers and magazines, so essential to the entertainment and enlightenment of the citizens of this country. These publications perform a significant service. We are a better informed people; and even though we seem to read as we run, there are substantial values which sustain us. A free press is a strengthening influence in our Republic.

Mr. SYMINGTON. Madam President, I thank my friend, the Senator from West Virginia, for his constructive remarks, especially since he did so much to get the bill in its present form before the Senate.

More than 300 community weeklies and 50 dailies are represented in the Missouri Press Association, whose manager, William Bray, is not only a former outstanding young weekly newspaper editor in our State, but also serves as professor of community service journalism at the Missouri University School of Journalism.

In speaking of the postage rate bill prior to its revision by the Senate committee, Mr. Bray said:

> I believe the proposed rates will destroy at least a dozen Missouri newspapers in the beginning, and as many as 40 within 5 years.

However, under the rates now recommended by the Senate committee, this peril is reduced so that our community newspapers, as well as our magazines, should be able to survive and continue their contribution to the Nation's welfare.

The periodicals of America constitute one of the Nation's great cultural and spiritual storehouses. They constitute one of the first lines of defense for the preservation of democratic freedoms. They are indispensable to the well-being of America—and I sincerely hope that government at all levels will continue to guard their growth and prosperity, as it has since the Nation was founded.

ILLNESS OF SENATOR DIRKSEN—DESIGNATION OF ACTING MINORITY LEADER

Mr. KUCHEL. Madam President, I very much regret to announce that our minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], has had an abdominal upset. He has been compelled to go to the hospital for a checkup. I rise not only to make that announcement, for I know all Senators will share my very deep regret, but also to have the RECORD show very clearly that, were the distinguished minority leader present, he would wholeheartedly support the bill which is now before the Senate. He believes implicitly in what the distinguished Senator from South Carolina [Mr. JOHNSTON], the chairman of the committee, and the distinguished Senator from Kansas [Mr. CARLSON], the ranking Republican member of the committee, and all other members of the committee have fashioned in the proposed legislation.

He believes that the scale of pay provided in the bill is commensurate with the abilities and capacity of employees in the postal and civil service of the Federal Government, and would give them what they deserve. He believes also that what has been accomplished jointly and unanimously by all I have named in relation to postal rates has been in the public interest. I wish the RECORD clearly to demonstrate that point.

Mr. MANSFIELD. Madam President, I join in what the distinguished Senator from California has said. The distinguished minority leader has gone to the hospital and will be there for several days. We all anticipate that he will return next week hale and hearty.

Mr. KUCHEL. The Senator is correct.

Mr. MANSFIELD. Madam President, I ask unanimous consent that a letter dated September 27, 1962, addressed to me by the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], designating the Senator from Nebraska [Mr. HRUSKA] to serve as acting minority leader on Friday and Saturday of this week, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
September 27, 1962.

Hon. MIKE MANSFIELD,
The Majority Leader,
U.S. Senate, Washington, D.C.

DEAR MIKE: I designated Senator ROMAN L. HRUSKA to serve as acting minority leader for Friday and Saturday of this week in the absence of both Senator KUCHEL and myself. I have also notified the other members of the minority leadership. Thanks much for everything.

Sincerely,
EVERETT MCKINLEY DIRKSEN,
Minority Leader.

POSTAL SERVICE AND FEDERAL EMPLOYEES SALARY ACT OF 1962

The Senate resumed the consideration of the bill (H.R. 7927) to adjust postal rates, and for other purposes.

Mr. MANSFIELD. Madam President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. CHAVEZ. Mr. President, within the past 2 weeks I raised the salaries of my office help $1,200 a year. I do not wish the proposed additional raise to apply to them. I ask the Senator from South Carolina if each Senator will be allowed to fix the salaries of employees in his own office under the provisions of the bill?

Mr. JOHNSTON. Yes. The Senator will have a right to adjust the salaries of all employees in his office as he sees fit.

Mr. COOPER. Mr. President, I shall not be able to have my vote recorded in the regular way on this bill, because I have a pair with my dear friend and colleague, the distinguished Senator from Illinois [Mr. DIRKSEN]. For that reason I wish to speak briefly and give my reasons why I shall vote against the bill.

I vote against the bill with reluctance, because in past years I have supported many bills which have been brought before the Senate to adjust pay scales of Federal employees and to raise their pay. Among these, were bills in 1955, 1958, and 1960 increasing pay by 7½, 10, and 7½ percent, respectively, a total of 25 percent. I vote against the bill with reluctance also because I find no fault with the provisions of the bill. Good work has been done by the committees, with the purpose of adjusting equitably Federal pay scales and providing increases where they are needed.

I shall vote against the bill, first, because we do not know, and have no way of knowing, what the fiscal situation of our country will be in the latter months of this year and in the early months of 1963. We know there will be a large budget deficit. We know the deficit will be much larger than the estimate that was given by the administration when it submitted its budget at the beginning of the year. We know that items of expenditures have been added by the administration and the Congress which will increase the deficit. An addition reaching $400 million will be made for the emergency public works program, to help people without any jobs at all. Added appropriations have been made for defense.

A loss of revenue of $700 to $800 million is the result. The tax bill we have passed, and next year a second tax bill will be passed which will cause a further loss in revenue. A deficit reaching $5 to $8 billion can affect injuriously our economy, still moving slowly, with 4 million people out of work.

I am not opposed to the substance or the principle of the bill, but I believe we should not take this action until we meet again in 1964—when we will have a clearer idea of the state of our economy, on which all of our citizens depend, and which is the base of our strength and national security. Its provisions should not become effective until fiscal year 1964, for it represents an ultimate cost of about $1,400 million a year.

I would be very happy if I could vote for that section of the bill which would increase immediately the annuities of employees who have retired, and of their survivors, because they are in a different situation from those who are now employed.

I believe also that the passage of the bill this year contravenes the declared policy of the administration—that of asking labor to defer its petitions for pay increases, and industry to show restraint in raising the prices of their products.

I believe it inconsistent to ask restraint of others—and not exercise similar restraint both on the part of the administration and the Congress.

I do not believe it is proper to join the mail-rate bill to the pay raise bill. The savings from the mail-rate bill will accrue to the general revenue. However, the fact that these two bills have been joined to insure the passage of each indicates that a chief reason for the increases in mail rates is to reduce the additional deficit that will be occasioned by the pay raise sections of the bill.

It is inequitable to place upon those who use first-class mail, perhaps not technically, but certainly practically, this burden of paying for the pay raise in 1 cent additions to letters and post cards.

As I have said, it is with reluctance that I cast my vote against the bill. I will be paired with my distinguished friend, the Senator from Illinois [Mr. Dirksen]. I support the substance and principle of the bill, and I recognize the devoted service of those who labor for our Government.

I base my reasons for voting against the bill on what I have said. Because of the unknown factors relating to our fiscal and monetary position, the fears of recession, the policy of restraining increases in wages and prices, and the possibility that we may have to spend billions more for defense, I think it is inappropriate to pass the bill at this time.

I would have been glad to vote for this bill if the effective date had been made July 1, 1963. I did not offer such an amendment, because I knew it would have been useless to do so. There was no point in putting Senators on record, because they had already made up their minds. I recognize that deferral until 1963 would work some hardship on certain employees. But they are at work, while millions are out of work. And the first responsibility of all of us who serve the Government is to the largest interests of the Nation itself.

Mr. LAUSCHE. Mr. President, I contemplate voting against the bill. At the beginning I wish to commend the Senator from Kentucky [Mr. Cooper] for the position he has taken, and the sound reasons he has outlined in support of his conclusions.

Page 11 of the report shows that for fiscal year 1963 the cost of the pending bill will be $280 million above the cost of the bill recommended by the President of the United States. In 1964, the cost will be $167 million above the plan recommended by the President. In 1965, it will be $111 million more.

There have been deficit operations of the post office, and they will continue this year. The bill has gone the full limit in attempting to provide salary increases, not only to the low bracket employees, who definitely are entitled to increase, but also all the way up to the top of the ladder.

I am opposed to the bill because it contains a built-in formula that will plague Congress in the handling of the wage scale of its employees. The bill provides that, instead of Congress fixing the salaries, the salaries shall be fixed by ascertaining what wages are being paid in private industry. I do not subscribe to that abdication of power.

The bill is in complete noncomformity with the President's recommendation. It will add to the deficit that has been created. For that reason I cannot support it. I will give a live pair to the Senator from Indiana [Mr. Capehart] on the bill. If he were present and voting he would vote for it. I would vote against it.

The PRESIDING OFFICER (Mr. Cannon in the chair). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COOPER (when his name was called). On this vote I have a pair with the junior Senator from Illinois [Mr. Dirksen]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. CURTIS (when his name was called). On this vote I have a pair with the senior Senator from Kansas [Mr. Carlson]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. LAUSCHE (when his name was called). On this vote I have a pair with the senior Senator from Indiana [Mr. Capehart]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. ELLENDER (after having voted in the negative). On this vote I have a pair with the junior Senator from Missouri [Mr. Long]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Alabama [Mr. Hill], the Senator from Washington [Mr. Magnuson], the Senator from Georgia [Mr. Russell], and the Senator from Alabama [Mr. Sparkman] are absent on official business.

I further announce that the Senator from Alaska [Mr. Gruening], the Senator from Wyoming [Mr. Hickey], and the Senator from Missouri [Mr. Long] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Georgia [Mr. Russell], the Senator from Alabama [Mr. Sparkman], the Senator from Alabama [Mr. Hill], the Senator from Wyoming [Mr. Hickey], the Senator from Arkansas [Mr. Fulbright], and the Senator from Tennessee [Mr. Gore] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Indiana [Mr. Capehart], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Illinois [Mr. Dirksen], the Senator from Arizona [Mr. Goldwater], the Senator from Kentucky [Mr. Morton], and the Senator from Texas [Mr. Tower] are necessarily absent. If present and voting, the Senator from Utah [Mr. Bennett], the Senator from South Dakota [Mr. Bottum], the Senator from Arizona [Mr. Goldwater], and the Senator from Kentucky [Mr. Morton] would each vote "yea."

The respective pairs of the Senators from Kansas [Mr. Carlson], that of the Senator from Illinois [Mr. Dirksen], and that of the Senator from Indiana [Mr. Capehart] have been previously announced.

On this vote, the Senator from Kansas [Mr. Pearson] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Kansas would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 72, nays 3, as follows:

[No. 287 Leg.]

YEAS—72

Aiken
Allott
Bartlett
Beall
Bible
Boggs
Burdick
Bush
Butler
Byrd, W. Va.
Cannon
Carroll
Case
Chavez
Church
Clark
Dodd
Douglas
Eastland
Engle
Ervin
Fong
Hart
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kefauver
Kerr
Kuchel
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Murphy
Muskie
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Stennis
Symington
Talmadge
Thurmond
Wiley
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Byrd, Va.
Robertson
Williams, Del.

NOT VOTING—25

Anderson
Bennett
Bottum
Capehart
Carlson
Cooper
Cotton
Curtis
Dirksen
Ellender
Fulbright
Goldwater
Gore
Gruening
Hartke
Hickey
Hill
Lausche
Long, Mo.
Magnuson
Morton
Pearson
Russell
Sparkman
Tower

So the bill (H.R. 7927) was passed.

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JOHNSTON. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mr. Cannon in the chair). The question is on agreeing to the motion of the Senator from South Carolina.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the bill as amended and passed by the Senate be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 4333. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended;

H.R. 5144. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes;

H.R. 5165. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes;

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter;

H.R. 7708. An act for the relief of Mr. and Mrs. Gerald Beaver and Sgt. and Mrs. Cecil P. Fisher;

H.R. 8134. An act to authorize the sale of the mineral estate in certain lands;

H.R. 8205. An act to provide tax relief to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America Local 863 pension fund and the contributors thereto;

H.R. 8738. An act to amend sections 1 and 5b of chapter V of the Life Insurance Act for the District of Columbia;

H.R. 8824. An act to modify the application of the personal holding company tax in the case of consumer finance companies;

H.R. 9472. An act for the relief of Janina Tekla Gruszkos;

H.R. 10022. An act to amend section 510 (a)(1), Merchant Marine Act, 1936;

H.R. 10937. An act to amend the act providing for the economic and social development in the Ryukyu Islands;

H.R. 11059. An act relating to the effective date of the qualification of Bricklayers Local 45 (Buffalo, N.Y.) pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954;

H.R. 11217. An act to amend section 6112 of title 10, United States Code;

H.R. 11728. An act to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war-risk insurance fund in securities of, or guaranteed by, the United States;

H.R. 12589. An act to amend the Smith-Lever Act of May 8, 1914, as amended; and

H.R. 13067. An act to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes.

AID AND RESEARCH

Mr. HUMPHREY. Mr. President, I should like to call to the attention of the Senate a report which summarizes a study which is being done for the research, evaluation, and planning assistance staff of the Agency for International Development. The Brookings Institution, an organization with which I am sure we are all familiar, is carrying out this very extensive study.

An outstanding scholar, Mr. Wilfred Owen, is supervising the study. Mr. Owen is one of this country's most eminent authorities and writers on the subject of transportation. Among his efforts have been the books "The Metropolitan Transportation Problem and National Transportation Policy." These credits, along with his many other accomplishments in the field of transportation, thoroughly qualify him for this task.

The study, one of several being conducted by the research evaluation, and planning assistance staff, will yield information long needed by the Agency for International Development, and will prove invaluable in that Agency's efforts to coordinate present activities with long-term objectives.

Among other things, the report points out how extremely important transportation is to any aid program undertaken. Money alone cannot assure the success of any program. The important question is how effectively the money is used. Transportation's role in development must be considered, for if it were neglected, the entire aid program might be a dismal failure.

The research, evaluation, and planning assistance staff is headed by Dr. Edward C. Fei. Doctor Fei is to be congratulated for REPAS's fine effort during the first trying and uncertain months of its existence. I know that in the future it is going to contribute much to the success of our AID program.

Mr. President, I ask unanimous consent that the first 5 pages of this report be printed in the Record at this point in my remarks.

There being no objection, the excerpt from the report was ordered to be printed in the Record, as follows:

Transport Research Program

(Study by the Brookings Institution, Economic Studies Division)

The Brookings Institution is conducting a major 5-year program of research on the role of transportation in development. The effort to advance the stage of knowledge in this relatively neglected area will enlist the participation of individual scholars, universities, and other agencies throughout the country and abroad in a comprehensive program of studies involving economics, political science, and technology.

The new program follows from a continuing series of transportation studies conducted by Brookings staff over an extended period of time. Previous undertakings have involved a variety of issues relating to national transportation policy, urban transportation, and the transport problems of Asia, Africa, and Latin America. The present effort is made possible by a grant from the Agency for International Development, which has provided $1,470,000 for the first 3 years' work, with support for the balance of the program to be determined at the end of that period.

PURPOSE AND SCOPE OF THE PROGRAM

The work to be undertaken is designed (a) to increase our understanding of the role that transportation plays in development, in order to help guide resource allocation in emerging economies and in foreign assistance programs; (b) to shed light on the possibilities that science and technology offer for the solution of transport problems, both with respect to transport methods and to innovations outside the transport field that affect transport; (c) to develop criteria for judging among transport investments and between transport investments and investments in other sectors of the economy; (d) to determine the kinds of transportation facilities which are best suited to the transport tasks to be performed in a given environment; (e) to assess what is needed to implement transport programs, including an evaluation of alternative organizational arrangements and financial policies in the public and private sectors.

All of these factors are involved because all of them play a role in achieving an optimal use of resources for transportation. At present, there is no clear understanding of the developmental effects of transport improvements, the desirable timing of transport investments, nor the potentials for achieving economic, social, cultural, and political objectives through transport. The many factors that need to be taken into account in selecting desirable transport methods have not been given proper consideration, and there has been no systematic appraisal of the role of public and private enterprise, of various administrative solutions, nor of different approaches to financing, ratemaking, and regulation. Yet all of these aspects of the transport program can have profound effects on development.

What is unique about the Brookings program is that we are studying the transport sector as it relates to the total environment. And we are exploring the problem and the benefits of achieving greater mobility with all of the ingredients of mobility under examination. This is not a study of transportation per se, but of transportation's role in development. And since accessibility and mobility are essential to almost everything that underdeveloped countries are striving to accomplish, it follows that transportation may be a key factor in the success or failure of the entire development effort. This does not mean that transport is all-important, for it is food, shelter, health, education, and jobs that are the ultimate objectives. Transport may be the catalyst, however, and this is the function that makes it important.

What research approach do these considerations imply? Essentially they dictate that the research should be concerned with applying transport technology to the realization of development objectives. At the same time, they imply an approach which not only looks at transportation as a whole (each form of transport is usually planned and provided separately), but which looks beyond transport itself to the processes of production and distribution that the transport system is called upon to serve.

One goal common to most developing countries is the production of more food. The role that transportation can play in attaining this objective is to provide access to arable lands, to help communicate new agricultural techniques, to make possible the delivery of seeds and fertilizer, and to assemble and move the increased product to consumers. If the transport goal is thought of as serving agriculture, then the research must include more than an examination of the type of transport facilities needed. It should also be concerned with the organization and financial arrangements for keeping roads passable; necessary arrangements to enable producers to purchase vehicles; and provision for transshipment to line-haul truck, railway, or inland water carrier. The objective is to close the gap between the producer of agricultural surpluses and the consumers who need food.

Looking at transport in this broader framework may lead to solutions that are satisfactory from a transportation standpoint but which are still unsatisfactory from a development standpoint. The goal of increasing the food supply may not be served best by expediting movement at all. One alternative may be to provide storage facilities. When storage is made possible in producing areas, peak traffic demands typical of agricultural economies can be flattened by spreading the transport burden over a longer time period, and transport capacity requirements can be reduced accordingly.

For some types of perishables the solution may not be storage but processing. The establishment of processing centers close to sources of supply will reduce spoilage and eliminate the need for speedy transport or for refrigerated equipment. Processing may have the added advantages of creating local employment, providing a source of local capital accumulation, making agricultural waste available for fuel or local manufactures, and reducing the weight and bulk of commodities flowing into the transport system. This kind of solution to the transportation problem may emerge if attention is focused on the objective of raising per capita food consumption rather than simply on making areas of production more accessible.

The concept of optimizing resource use for development also applies to the accommodation of transport facilities to industry. Various aspects of the industrial program may be dictated by transport limitations, including the location and size of industrial plants and the decision to favor a concentration or dispersal of industrial activity. It may be necessary on transportation grounds to modify completely the types of industrial activities to be engaged in. Modification may be necessary because transport costs are excessive, or because transport possibilities suggest comparative advantages through interregional or international specialization and trade.

The same need to look at the total environment is encountered in the analysis of factors governing the choice of alternative technological solutions. To judge the feasibility of road, rail, river, pipe, or air transport alternatives requires matching the demands for transport with conditions governing the supply of transport facilities. What are the relative requirements for capital, managerial talent, foreign exchange, and maintenance? How much time will elapse before the investment will begin to pay off? What are likely to be the forward and backward linkages, the multiplier effects? What kinds of direct and indirect employment will result, and to what extent will entrepreneurship and new resource development be encouraged? What social and political impacts can be anticipated?

These questions are all part of the process of selecting wisely among technological alternatives because the ultimate objective is higher standards of living, and not merely higher standards of moving.

TOPICS FOR RESEARCH

Thinking in these terms, with higher levels of living as the goal, makes clear that there is an essential unity in the program despite an apparent heterogeneity. The fact that the program has many aspects stems from the fact that transportation performs many functions. But the following general categories cover all of the principal research needs:

1. Evaluation of the Role of Transport in Development.
2. Determination of Transport Investment Requirements.
3. The Economics of Technology.
4. Minimizing the Demand for Transport.
5. Organizational and Administrative Solutions.
6. Financial Support and Expenditure Policies.

ORDER OF BUSINESS—CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, with the concurrence of the Senate, I should like to have the Senate proceed to the consideration of some measures on the calendar to which there is no objection, and thereafter proceed to the consideration of certain measures on the calendar to which there are only minor objections.

SETTLEMENT OF CERTAIN CLAIMS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2087. House bill 310, providing for the settlement of certain claims.

The motion was agreed to; and the bill (H.R. 310) to amend title 10, United States Code, to authorize the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the Treasury to settle certain claims for damage to, or loss of, property, or personal injury or death, not cognizable under any other law was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the Record a statement of the reasons for the bill.

There being no objection, the excerpt from the report (No. 2123) was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to permit the Secretary of Defense, the Secretary of the Treasury with respect to the Coast Guard, and the military Secretaries to settle claims up to $1,000 caused by actions of military personnel and civilian employees of such departments outside the scope of their employment involving the use of Government vehicles anywhere and the use of other Government property on Government installations.

SECTION-BY-SECTION ANALYSIS

Subsection (a) of the proposed section 2736 would authorize the Secretary of a military department or the Secretary of the Treasury, as regards the Coast Guard, to settle claims of not more than $1,000 for damage to or loss of property, or personal injury or death arising from the use of a Government vehicle anywhere or incident to the use of any other property of the United States on a Government installation when the claim would not be cognizable under any other law.

Subsection (b) grants the Secretary of Defense equivalent authority resulting from the activities of officials or employees of the Department of Defense when the claims would not be covered by the provisions of subsection (a).

Subsection (c) bars the allowance of a claim where the damage, loss, personal injury, or death was caused in whole or in part by a negligent or wrongful act by a claimant, agent, or employee.

Subsection (d) limits a claim for personal injury or death under the proposed section to an amount which does not exceed the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid for by the United States.

Subsection (e) requires a claim to be submitted in writing within 2 years after it accrues.

Subsection (f) requires that an amount accepted under these provisions be accepted as payment in full satisfaction of the claim.

Subsection (g) bars subrogated claims, and also bars payment of any claim or part of a claim which is recoverable by the claimant under an indemnifying law or indemnity contract.

Subsection (h) requires uniform regulations for the military departments insofar as possible, and requires that regulations prescribed by the Secretaries of the military departments must be approved by the Secretary of Defense.

Part (1) (B) of the bill adds the section to the chapter analysis of chapter 163 of the code.

Part (2) of the bill repeals section 7625 of title 10. Section 7625 now contains authority for the Secretary of the Navy to settle claims which to a limited degree are similar to those now covered by the proposed language. It is also provided that the reference to section 7625 be stricken from the chapter analysis of chapter 163.

STATEMENT

At the present time the Secretary of the Navy, under title 10, United States Code, section 7625, has settlement authority for claims up to $500 arising from acts of persons in the naval service beyond the scope of their employment. This authority does not extend to claims arising from accidents involving civilian employees nor to claims covering claimants' personal injuries. Delegation of authority by the Secretary of the Navy is not permitted. No authority, such as presently held by the Secretary of the Navy, exists for the other military Secretaries, for the Secretary of Defense, or for the Secretary of the Treasury.

This legislation as recommended by the Department of Defense not only would create the authority previously lacking as to the settlement of claims but also would do away with numerous requests to Congress for private relief brought about by denial of claims filed against the Government arising from the use of Government property by military personnel and civilian employees of the military departments outside the scope of their employment. There would be no interference with the functioning of the Federal Tort Claims Act (28 U.S.C. 2671–2680) which would recognize claims generated by personnel acting within the scope of their employment. Basically the bill provides a means of dealing with situations presently providing the basis for requests to the Congress for private relief legislation. The bill concerns the subject of claims arising from the use of a vehicle of the United States, or the use of any other property of the United States on a Government installation. These claims are of a type which presently are not cognizable under any other provision of law for that fact is specifically set forth in the new section provided for in the bill. As will be readily recognized from the fact that the claims specifically covered include those which "arise from the use of a vehicle of the United States," a goodly number of the claims which prompted this proposed legislation involve the use of Government vehicles by unauthorized drivers or a substantial deviation by authorized drivers from assigned missions. This committee is aware of these cases, for it has been called upon to consider private bills which have been introduced to compensate the unfortunate victims of accidents involving such Government vehicles.

As is pointed out in the communication of the Secretary of Defense, which is appended to this report, since the new section 2736 which would be added to title 10 of the code in accordance with this proposal contains the specific limitation that it would only apply when the claim is not cognizable under any other law, the present application of the other statutes concerning claims against the Government would not be changed. It therefore must be recognized that the new section would not apply to claims resulting from activities of personnel acting within the scope of their employment. Such claims would, in appropriate cases, continue to be handled under sections 2671–2680 of title 28 and section 1346(b) of the same title which sections set forth the codified provisions of the Federal Tort Claims Act. Similarly the claims authority now contained in sections 2733, 2734, 4801–4806, 7621–7624, and 9801–9806 of title 10 will continue to be applied in appropriate cases.

This committee feels that there is a clearly defined need for this type of legislation. The activities which would give rise to claims cognizable under the provisions set out in H.R. 310 are of the sort that place a moral responsibility on the part of the United States to extend relief to an individual. Compassionate relief subject to the limitations of the proposed section should be available to victims of accidents occurring under such circumstances. This committee has, therefore, determined that this legislation meets a clearly defined need, and the committee agrees with the recommendations contained in the executive communication of the Department of Defense. Accordingly, the committee recommends favorable consideration of H.R. 310 without amendment.

Attached hereto and made a part hereof is the executive communication submitted to the Speaker of the House of Representatives by the Secretary of the Navy in behalf of the Secretary of Defense:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington D.C., January 13, 1961.

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: There is enclosed a draft of proposed legislation entitled to amend title 10, United States Code, to authorize the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the Treasury to settle certain claims for damage to, or loss of, property, or personal injury or death, not cognizable under any other law.

This proposal is part of the Department of Defense legislative program for 1961, and the Bureau of the Budget on December 23, 1960, advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The responsibility for representing the Department of Defense on this legislation has been delegated to the Department of the Navy. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposal is to permit the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the Treasury to settle claims resulting from the use of Government property, including Government vehicles, by military personnel and civilian employees of such departments outside the scope of their employments. In the case of the Department of the Treasury, application would be only to military personnel and civilian employees of the U.S. Coast Guard.

The proposed legislation would expand the power presently held by the Secretary of the Navy under 10 U.S.C. 7625 so as to give to the other military Secretaries and to the Secretary of the Treasury equal power with respect to their departments, as well as to increase the settlement authority from $500 to $1,000, to include claims arising from accidents involving civilian employees, to cover personal injuries suffered by claimants, and to allow the delegation of authority by the Secretaries concerned.

The proposed legislation would eliminate a substantial number of requests to Congress for private relief occasioned by the necessary denial of claims arising from the use of Government property outside the scope of employment by military personnel and civilian employees of the military departments. Such claims normally involve the use of Government vehicles by unauthorized drivers or substantial deviation by authorized drivers from the mission assigned. The proposed legislation, by its own terms, would be inapplicable to claims cognizable under other settlement authority and therefore claims generated by personnel acting within the scope of their employment would, in appropriate cases, continue to be handled under sections 2671–2680 of title 28, United States Code (popularly referred to as the Federal Tort Claims Act), and sections 2733, 2734, 4801–4806, 7621–7624, and 9801–9806 of title 10, United States Code.

The present authority of the Secretary of the Navy to settle claims contained in 10 U.S.C. 7625 would be repealed by this proposal.

The proposed legislation was introduced in and enacted by the 85th Congress as H.R. 1061. The President subsequently vetoed H.R. 1061 because of the doubtful constitutionality of the provision on the bill which would have authorized the Congress to "amend or disapprove" regulations prescribed by the military Secretaries. The proposal, in its present form, has been changed to meet the constitutional objections raised by the President. H.R. 470, 86th Congress, the same as the enclosed proposal except for technical changes, was introduced in and passed by the House of Representatives April 8, 1959. It failed, however, to be reported by the Committee on the Judiciary of the Senate.

COST AND BUDGET DATA

It is not possible accurately to estimate additional cost at this time. It is believed that any additional cost would be a negligible amount for fiscal year 1961 and could be absorbed within applicable appropriations.

Sincerely yours,

F. A. BANTZ,
Acting Secretary of the Navy.

RECOMMITTAL OF HOUSE BILL 12080, TO PERMIT PAYMENT OF HIGHER INTEREST RATES ON TIME DEPOSITS OF FOREIGN GOVERNMENTS

Mr. ROBERTSON. Mr. President, I understand that the Senator from Illinois [Mr. DOUGLAS] wishes to have recommitted to the Banking and Currency Committee a measure now on the calendar.

In March 1961, the President of the United States sent to the Senate a message recommending a change in the law which prohibits banks from paying whatever rate of interest they choose to pay on time deposits. The purpose was to permit banks, principally in a few central cities—such as New York, Boston, Philadelphia, Chicago, and San Francisco—to pay a higher rate of interest on official foreign time deposits than they were authorized to pay on domestic deposits, so as to keep the foreign governments from demanding gold.

I introduced the bill, by request. The bill was introduced in the House of Representatives by Representative SPENCE. However, the House did not act on the bill until rather recently, and our committee did not receive the bill until September 12. We gave notice in regard to it, and held a hearing on September 18. I hold in my hand a copy of the hearing.

A quorum of the committee was not present when the time came to vote on the question of reporting the bill. But since none of the committee members present objected to having the bill reported, we proceeded to report the bill and have it placed an the calendar.

Today I learned that the distinguished Senator from Illinois [Mr. DOUGLAS] objects to having the bill reported, and subsequently placed on the calendar, at a time when a quorum of the committee was not present.

Let me ask the Senator from Illinois whether I have correctly stated the case.

Mr. DOUGLAS. Well, Mr. President, reserving the right to object—and I may not object unless I find that the facts are as I fear they are—let me ask how many members of the Banking and Currency Committee were present at that time.

Mr. ROBERTSON. Five were present, and one more came in and asked that his vote be recorded on the question of reporting the bill.

Mr. DOUGLAS. Am I correct in my impression that there are 15 members of the Banking and Currency Committee?

Mr. ROBERTSON. That is correct.

Mr. DOUGLAS. And that therefore a quorum of the committee consists of eight members?

Mr. ROBERTSON. That is correct.

Mr. DOUGLAS. Mr. President, under the circumstances, I must make the point of order that the bill was reported at a time when a quorum of the committee was not present.

Mr. ROBERTSON. Mr. President, I must admit the validity of the point of order, but I must also state that that was not the first occasion of that sort. The action was taken on a day late in the session, and the gold supply was involved.

However, I cannot deny the right of one of the outstanding leaders of the New Frontier to raise this issue in regard to a measure which his President, as well as mine, urged Congress to pass.

Therefore, I ask that the bill be recommitted to the Committee on Banking and Currency.

Mr. DOUGLAS. Mr. President, the Senator from Virginia has constantly urged that orderly procedure be followed both in the committee and in the Senate Chamber. Therefore, I must follow his lead, and must insist that bills not be reported to the Senate unless a quorum of the committee is present.

I do this with great reluctance; but inasmuch as the Senator has insisted that the minutiae of the rules be followed, I have no choice. But I do this with great reluctance.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that the bill be recommitted to the Committee on Banking and Currency.

The PRESIDING OFFICER (Mr. PELL in the chair). Will the Senator from Virginia state the number of the bill?

Mr. ROBERTSON. It is Calendar No. 2081, House bill 12080, to permit domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors.

Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Banking and Currency.

Mr. ROBERTSON. Mr. President, I wish to give notice—and I am glad the distinguished Senator from Illinois [Mr. DOUGLAS] is present in the Senate at this time so that he will have personal notice of the meeting—that the Banking and Currency Committee has already scheduled a meeting at 3 p.m. tomorrow, to consider H.R. 13044, a bill relating to loans by savings and loan associations on apartments and I intend at that time to bring up this bill, H.R. 12080, to the committee's attention and perhaps the committee can then report it legally.

However, only once in 2 months has a quorum been present in the Banking and Currency Committee. That is the situation which has confronted us.

It is all very well for a Senator to say, "Let us proceed regularly;" but some Senators do not come to the committee meetings, to enable us to proceed regularly. That is the situation with which I have been confronted.

Mr. DOUGLAS. Mr. President, on a matter of personal privilege, the Senator from Virginia neglects the fact that at the time these bills were considered by the Banking and Currency Committee, the Finance Committee had under consideration both the tax bill and the trade expansion bill, and Senators who are members of both committees have been hard put to it to cover both bases simultaneously. That is the reason why I was not present.

Mr. ROBERTSON. The Senator from Virginia must admit the soft impeachment. He realizes the pressures under which Senators were operating.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, in view of the statements made, I ask unanimous consent that the Committee on Banking and Currency be permitted to sit during the session of the Senate tomorrow.

Mr. ROBERTSON. Mr. President, that is very fine, because a Senator might raise an objection to that meeting.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT OF HATCH POLITICAL ACTIVITIES ACT

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to S. 919.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 919) to amend section 9(b) of the act entitled "An Act to prevent pernicious political activities" (the Hatch Political Activities Act) to eliminate the requirement that the Civil Service Commission impose no penalty less than 90 days' suspension for any violation of section 9 of the act, which were, to strike out all after the enacting clause and insert:

> That section 9(b) of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended (5 U.S.C. 1181(b)), is amended by striking out "*Provided further,* That in no case shall the penalty be less than ninety days' suspension without pay:", and inserting in lieu thereof "*Provided further,* That in no case shall the penalty be less than thirty days' suspension without pay:".

And to amend the title so as to read: "An Act to amend section 9(b) of the Act entitled 'An Act to prevent pernicious political activities' (the Hatch Political Activities Act) to reduce the requirement that the Civil Service Commission impose no penalty less than thirty days' suspension for any violation of section 9 of the Act."

Mr. CANNON. Mr. President S. 919, a bill to amend the Hatch Political Activities Act of 1939, as amended, was aimed at removing from the act a provision which imposed a minimum 90-day suspension without pay for any infraction of the act, no matter how slight.

The bill was passed by the Senate and sent to the House of Representatives, which did not accept the Senate version, but substituted a 30-day suspension without pay for the existing 90-day suspension.

The House amendment leaves something to be desired, but the reduction of the penalty from 90 days to 30 days is a great improvement and a boon to employees subject to the Hatch Act.

The Subcommittee on Privileges and Elections recommends unanimously that the Senate accept the bill as passsed by the House.

I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SEYMOUR K. OWENS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2093, Senate bill 2928.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2928) for the relief of Seymour K. Owens.

Mr. JAVITS. Mr. President, may I ask the indulgence of the majority leader for 5 minutes? We are meeting on appropriations, and I wish to make a short statement. I shall be glad to make it either now or a little later, whichever the Senator prefers.

Mr. MANSFIELD. Would the Senator be willing to wait a moment or two?

Mr. JAVITS. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to proceed to the consideration of the bill.

The motion was agreed to; and the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of chapter 55 of title 10, United States Code, relating to medical and dental care for members and certain former members of the uniformed services and their dependents, Seymour K. Owens, of Miami, Florida, the son of the late Commander Seymour D. Owens, United States Navy, shall be held and considered to be the dependent of a former member of the uniformed services within the meaning of that term as defined in paragraph (2)(E)(ii) of section 1072 of title 10, United States Code, notwithstanding that the said Seymour K. Owens, who lost one leg below the knee prior to attaining the age of twenty-one years and who is suffering from a severe case of diabetes which was incurred prior to attaining twenty-one years, may be capable of partial self-support.

DR. FELIX NABOR SABATES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2095, Senate bill 3453.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3453) for the relief of Dr. Felix Nabor Sabates.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Dr. Felix Nabor Sabates shall be held and considered to have been lawfully admitted to the United States for permanent residence on January 16, 1956.

CHAO HUA-HSIN

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2096, Senate bill 2600.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3600) for the relief of Chao Hua-Hsin.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Chao Hua-Hsin, shall be held and considered to be the natural-born alien child of Arthur E. Link, a citizen of the United States: *Provided,* That the natural parents of the said Chao Hua-Hsin shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

LASZLO JANOS BUCHWALD

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2097, Senate bill 2683.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2683) for the relief of Laszlo Janos Buchwald.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, at the beginning of line 4, to insert "and 212(a)(19)"; in line 8, after the word "the", to strike out "exemption" and insert "exemptions"; and in line 9, after the word "to", to strike out "a ground" and insert "grounds"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212 (a)(9) and 212(a)(19) of the Immigration and Nationality Act, Laszlo Janos Buchwald may be issued a visa and be admitted to the United States for permanent residence if he is otherwise admissible under the provisions of that Act: *Provided,* That the exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC RIVER COMPACT OF 1958

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2119, House Joint Resolution 659.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 659), granting consent of the Congress to a compact entered into between the State of Maryland and the Commonwealth of Virginia for the creation of a Potomac River Compact of 1958.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the joint resolution was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2120, House Joint Resolution 693.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 693) granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, and for other purposes.

Mr. MANSFIELD. Mr. President, in explanation of the joint resolution, I ask unanimous consent that extracts from the report of the Committee on the Judiciary (Rept. No. 2156) be printed at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to grant the consent of Congress, as required by article I, section 10 of the Constitution, to four amendments adopted by Maryland and Virginia to the Washington metropolitan area transit regulation compact between Maryland, Virginia, and the District of Columbia, and to authorize and direct the Commissioners of the District of Columbia to effectuate said amendments on behalf of the United States for the District of Columbia.

STATEMENT

The facts in relation to House Joint Resolution 693 appear in House Report No. 1979, and are as follows:

BACKGROUND

In 1960, the Congress granted its consent and approval to the Washington metropolitan area transit regulation compact, an agreement between the States of Maryland, Virginia, and the District of Columbia (Public Law 86-794, 74 Stat. 1031).

The compact created the Washington Metropolitan Transit Commission as an agency to regulate the transportation of passengers for hire in the Washington metropolitan area. This area includes the District of Columbia, the counties of Montgomery and Prince Georges in Maryland, the counties of Fairfax and Arlington, and the cities of Alexandria and Falls Church in Virginia.

The amendments to the compact, set forth in House Joint Resolution 693, were proposed by the Transit Commission, which deems them to be vitally important to the proper functioning of the Commission. In proposing these amendments, the Commission cleared with the following parties, all of whom have indicated their agreement with, or lack of opposition to, the same:

Bureau of the Budget.

District of Columbia Public Utilities Commission.[1]

Civil Aeronautics Board.

District of Columbia Board of Commissioners.

Interstate Commerce Commission.

Federal Aviation Agency.

National Capital Transportation Agency.

National Capital Planning Commission.

National Capital Regional Planning Council.

National Capital Local Division 689.

D.C. Transit System, Inc.

A.B. & W. Transit Co.

W.V. & M. Coach Co., Inc.

W M A Transit Co.

The Gray Line, Inc.

These amendments have been enacted by the Legislatures of Virginia and Maryland, subject to the consent of Congress.

AMENDMENTS TO WHICH THERE ARE NO OBJECTIONS

No objection has been raised to the following three of the four amendments which are the subject of the joint resolution:

1. Article I of the compact is amended in two respects:

(a) The geographical jurisdiction (Metropolitan District) of the Transit Commission is expanded to embrace that portion of Loudoun County, Va., occupied by the Dulles International Airport. It is felt that the Dulles Airport is an integral part of the metropolitan area. Furthermore, transportation facilities to and from the airport must be coordinated with the facilities that serve the metropolitan area.

(b) All cities incorporated within the Metropolitan District subsequent to the effective date of the compact are to become part of the Metropolitan District. This amendment is necessary, particularly in regard to Virginia where the transformation of a town to an independent city makes the city a separate entity apart from the county. A case in point is the city of Fairfax which became an independent city following the approval of the compact. Since the city of Fairfax is no longer a political subdivision of the county of Fairfax, it could be argued that such city is no longer within the Commission's jurisdiction.

The following comparative print highlights the proposed amendments to article I of the compact. Additions to the existing article are set forth in italic, deletions are enclosed in brackets:

"(Act of September 15, 1960, Public Law 86-794, 74 Stat. 1031, at 1032)

"ARTICLE I

"There is hereby created the Washington Metropolitan Area Transit District, hereinafter referred to as Metropolitan District, which shall embrace the District of Columbia, the cities of Alexandria and Falls Church, the counties of Arlington and Fairfax, and political subdivisions of the State of Virginia located within those counties, *and that portion of Loudoun County, Virginia, occupied by the Dulles International Airport* and the counties of Montgomery and Prince Georges, in the State of Maryland and political subdivisions of the State of Maryland located within said counties[.], *and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties, cities and airport.*"

2. Section 1(a)(4) of article XII of the compact is amended to comply in substance with the consent legislation by which Congress approved the original compact. Under the proposed amendment, the jurisdiction of the Transit Commission will not extend beyond the Metropolitan District, and carriers such as Greyhound and Trailways will not be subject to the jurisdiction of the Commission. The amendment proposed by Congress is modified to make clear that a carrier engaged in the performance of mass transportation within the Washington area, such as D.C. Transit, cannot escape the jurisdiction of the Commission by merely extending one of its routes to a point outside the Metropolitan District. The following comparative print highlights the proposed amendment to section 1(a)(4) of article XII of the compact. Additions to the existing article are set forth in italics, and deletions within brackets.

"(Act of September 15, 1960, Public Law 86-794, 74 Stat. 1031 at 1035-1036: art. XII, sec. 1(a))

"(a) This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service, except—

"(1) transportation by water;

"(2) transportation by the Federal Government, the signatories hereto, or any political subdivision thereof;

"(3) transportation by motor vehicles employed solely in transporting school children and teachers to or from public or private schools;

"(4) transportation performed in the course of an operation over a regular route [, the major portion of which is outside the Metropolitan District except where a major portion of the passenger traffic begins and ends within the Metropolitan District;] *between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between points on such regular route within the Metropolitan District as to interstate and foreign commerce, if authorized by certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any carrier whose only transportation within the Metropolitan District is*

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[1] By letter dated June 20, 1962, the District of Columbia Public Utilities Commission advised Chairman Willis that it objected to the third proposed amendment. Thereafter, by letter dated June 27, the Public Utilities Commission withdrew its objection on strength of a letter from the Transit Commission stating that it regards sightseeing operations as being included in the term "bona fide taxicab service" and therefore immune from the requirement of a certificate of public convenience and necessity.

within this exemption shall not be deemed to be a carrier subject to the Compact; provided, however, if the primary function of a carrier's entire operations is the furnishing of mass transportation service within the Washington Metropolitan Area Transit District, then such operations in the Metropolitan District shall be subject to the jurisdiction of the Commission;

"(5) transportation performed by a common carrier by railroad subject to part I of the Interstate Commerce Act, as amended."

In view of the proposed adoption of the amendments to section 1(a)(4) of article XII of the compact, section 2 of House Joint Resolution 693 repeals section 5 of Public Law 86–794 (74 Stat. 1050).

3. Section 24 of article XII of the compact is amended to provide for the submission of the Transit Commission's annual report on a fiscal year basis instead of a calendar year basis. The following comparative print highlights the proposed amendment to section 24 of article XII of the compact, with italic indicating additions to existing law:

"(Act of September 15, 1960, Public Law 86–794, 74 Stat. 1031, at 1049, art. XII, sec. 24)

"The Commission shall make an annual report *for each fiscal year ending June thirtieth* to the Governor of Virginia and the Governor of Maryland, and to the Board of Commissioners of the District of Columbia as soon as practicable after *June thirtieth, but not later than* the 1st day of January of each year, which shall contain, in addition to a report of the work performed under this Act, such other information and recommendations concerning passenger transportation within the Metropolitan District, as the Commission deems advisable."

AMENDMENT TO THE TAXICAB EXEMPTION

The proposed amendment of section 1(c) of article XII of the compact, which would limit the present taxicab exemption from the Transit Commission's jurisdiction over taxicabs and other small vehicles to those vehicles performing a bona fide taxicab service, is the only proposed amendment to which objection has been raised.

The Transit Commission contends that it already has the authority it is attempting to confirm through this amendment. However, the Commission's interpretation of section 1(c) has been questioned and the Commission is seeking an amendment which more clearly expresses what it claims to be the intended meaning of the existing exemption.

Basically, section 1(c) concerns the normal taxicab exemption contained in the Federal Motor Carrier Act and a few of the State Motor Carrier Acts.

Section 1(c) of the compact now reads as follows:

"Notwithstanding the provisions of paragraph (a) of this section, this Act shall apply to taxicabs and other vehicles having a seating capacity of eight passengers or less in addition to the driver thereof with respect only to (i) the rates or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage."

The Transit Commission contends that section 1(c) should be read in conjunction with section 2(d), which defines a taxicab. Section 2(d) of article XII reads as follows:

"The term 'taxicab' means any motor vehicle for hire (other than a vehicle operated, with the approval of the Commission, between fixed termini on regular schedules) designed to carry eight persons or less, not including the driver, used for the purpose of accepting or soliciting passengers for hire in transportation subject to this Act, along the public streets and highways, as the passengers may direct."

The contention has been raised that under the language of sections 1(c) and 2(d) above, all vehicles with a seating capacity of eight passengers or less are exempt from the Commission's jurisdiction, except as to rates and insurance. The Transit Commission argues, however, that if this were the real intent of the language, taxicabs would not have been prohibited from operating between fixed termini and on regular schedules. The Transit Commission contends that the parenthetical phrase in section 2(d), proves that it was intended to require Transit Commission approval for the operation of vehicles of eight passengers or less when operating between fixed termini on regular schedules. This is the point which the proposed amendment is intended to clarify, so that section 1(c) would read as follows, the additions being italicized:

"Notwithstanding the provisions of paragraph (a) of this section, this Act shall apply to taxicabs and other vehicles *used in performing a bona fide taxicab service* having a seating capacity of eight passengers or less in addition to the driver thereof with respect only to (i) the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage."

With specific reference to motor carrier transportation service between fixed termini and on regular schedules to and from airports the Transit Commission concedes that such transportation is exempt from regulation under the Federal Motor Carrier Act. However, it points out that this vacuum in regulation, insofar as the National Capital region is concerned, has been filled by the compact. The Transit Commission notes that nowhere in the compact or in the legislative history was any mention made of exempting transportation to and from airports by motor vehicles, and that the only question which arose during the congressional hearing on the compact concerning the Commission's jurisdiction over transportation to and from airports was the question of jurisdiction over helicopters. It was agreed that the Commissioner's jurisdiction would not extend to cover helicopter operations. This, in the Transit Commission's contention, evidences an intention to give the Commission jurisdiction over all other forms of transportation except, of course, over vehicles falling within the taxicab exemption.

The Transit Commission claims that if it is to properly and effectively regulate transportation to and from airports, the size of the vehicle must not be allowed to defeat such regulation, and that unregulated transportation by vehicles of eight passengers or less, performed between fixed termini on regular schedules would seriously impair the efficient operation of a carrier which had large sums of money invested in larger equipment.

The committee notes that the Transit Commission has taken the position that "bona fide taxicab service" includes incidental sightseeing operations performed by taxicabs. Indeed, the Commission has stated the opinion that normal sightseeing operations being conducted by limousines in the Washington metropolitan area are in fact a type of taxicab service, and that it is not the Commission's intention to require certificates as a prerequisite to engage in such operations. The Commission has stated that its major concern in proposing the amendment to section 1(c) of article XII is that the present wording might be construed to allow operators of vehicles carrying eight passengers or less to operate helter-skelter in competition with mass transit.

The committee believes that the position of the Transit Commission is well taken and recommends that Congress give its consent to all four of the proposed amendments.

THE QUESTION OF GRANDFATHER RIGHTS

At the hearing on House Joint Resolution 693 before Subcommittee No. 3, Montgomery Charter Service, an operator of limousines, raised an objection of a special kind to the amendment limiting the taxicab exemption. Montgomery is engaged in litigation with the Transit Commission over the question whether the taxicab exemption of existing law applied to Montgomery's limousines. Montgomery objects to the amendment only insofar as its adoption would render a court victory by Montgomery worthless to it. Montgomery, therefore, offered an amendment to House Joint Resolution 693 which would create "grandfather rights" for carriers who have been operating lawfully under existing law. The purpose of this amendment is to enable Montgomery to continue to operate, without going through a full hearing and a certificate of public convenience and necessity, if, but only if, it wins its pending lawsuit. Montgomery concedes that if it loses the lawsuit its proposed amendment will be of no help to it.

The Transit Commission agreed that Montgomery's position is equitable but it opposed Montgomery's amendment because, it contends, this would constitute a substantive change in what the two States have enacted, and would, therefore, be improper.

After the hearing, in an effort to compose these differences, the Transit Commission sent the following letter to Montgomery, and a copy thereof was supplied to the committee:

"During the hearing on House Joint Resolutions 694 and 693, you proposed an amendment to create legislation which would have the effect of establishing "grandfather rights" in the event a court of competent jurisdiction would rule that the Commission's interpretation of section 1(c), as it presently reads, is erroneous, and that the proposed amendment of section 1(c) in fact represents a change in the law rather than a mere clarification of the law.

"Your proposed amendment is objectionable for two important legal reasons. First, the amendment is inappropriate for compact consent legislation because it adds to the language of the amendments adopted by the States of Maryland and Virginia and submitted to the Congress for consent. Second, the amendments adopted by Maryland and Virginia are specifically conditioned upon their being approved by Congress in their present form. Thus, any amendment by Congress, whether it be procedural or substantive, would, in the Commission's opinion, have the effect of voiding the amendments adopted by Maryland and Virginia. It is my understanding that you do not desire to impair or defeat the amendments adopted by the States.

"The Commission agrees in principle with your objective in desiring to protect your rights under the existing law. We feel, however, that your proposed amendment would merely confirm existing general legal principles and the intent of the compact as amended by the States of Maryland and Virginia.

"The Commission is firmly of the opinion that if the proposed amendment to section 1(c) as set forth in the resolution does in fact amount to a substantive change in the compact, contrary to the Commission's interpretation, any person transporting passengers for hire affected by the substantive change and exempt from the certificate requirements of the compact prior to the substantive change is, as a matter of law, entitled to a certificate authorizing such theretofore exempt operations.

"The interest of any person affected by a court's subsequent decision, finding that the proposed amendment to section 1(c) is a substantive change, would be protected as a matter of law, and as such entitled automatically to a grandfather certificate authorizing such operations as that person was bona fide and legally engaged in on the effective date of the House joint resolution.

"In short, if your interpretation of the present language of section 1(c) is sustained by a court of competent jurisdiction, it is the intent of this Commission to issue your client, without further proceedings or hearings, appropriate authority covering its theretofore exempt operations. Such action by the Commission would be in accordance with a reasonable interpretation of section 4(a) of article XII of the compact.

"Sincerely yours,

"DELMER ISON,
"Executive Director."

In response to the aforesaid letter from the Transit Commission, Montgomery notified the committee that it desires and believes in the propriety of its proposed amendment; but that, as a second best alternative, it would find a measure of protection in a committee report reciting the substance of the Transit Commission's letter to Montgomery.

The committee agrees with the views expressed in the letter of the Transit Commission last above quoted. It believes that Congress should refrain from writing a new "grandfather clause" into the compact amendments which have been adopted by the two States. On the other hand, the committee believes that the existing "grandfather clause" of the compact as approved by Congress, which is found in section d(a) of article XII, clearly evidences the intention of the two States to refrain, if possible, from putting out of business carriers who were operating lawfully before the enactment of the regulatory legislation, and that nothing has been shown to indicate any intention to apply a different policy in the case of the proposed limitation on the taxicab exemption. The committee shares the Transit Commission's agreement in principle with Montgomery's position, and also agrees that Montgomery's purpose can and should be effectuated by the Commission if the joint resolution is enacted, without the necessity of inserting in the resolution an amendment or condition.

RESERVATION

Section 3 of the joint resolution reserves the right of Congress to alter, amend, or repeal the consent granted by House Joint Resolution 693. The original compact legislation, in section 7(c), thereof already reserves the right of Congress and its committees to require the Transit Commission to disclose and furnish to Congress and its committees such information as may be deemed appropriate.

The committee, after a review of the foregoing, concurs in the action of the House of Representatives and recommends that the resolution, House Joint Resolution 693, be considered favorably.

Letters from the following agencies bearing on the joint resolution are attached and made a part of this report:

Bureau of the Budget.

District of Columbia Public Utilities Commission.

Civil Aeronautics Board.

District of Columbia Board of Commissioners.

Interstate Commerce Commission.

Federal Aviation Agency.

National Capital Transportation Agency.

National Capital Planning Commission.

National Capital Regional Planning Council.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to proceed to the consideration of the House joint resolution.

The motion was agreed to; and the House joint resolution was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF ALL RIGHT, TITLE, AND INTEREST OF THE UNITED STATES RESERVED OR RETAINED IN CERTAIN LANDS HERETOFORE CONVEYED TO CITY OF EL PASO, TEX.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2126, House bill 11887.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11887) to provide for the conveyance of all right, title, and interest of the United States, reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I understand that the bill meets the Morse formula.

Mr. MORSE. Mr. President, will the Senator explain the bill?

Mr. YARBOROUGH. Mr. President, if the Senator will yield, the bill more than meets the Morse formula. I understand they have offered to pay the reasonable value of the land.

Mr. MORSE. I have no objection.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN STATE OF CALIFORNIA TO CITY OF NEEDLES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2127, House bill 2952.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill—H.R. 2952—to direct the Secretary of the Interior to convey certain public lands in the State of California to the city of Needles.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, it is my understanding that this bill also, on the same basis as the previous bill, meets the Morse formula.

I ask unanimous consent to have printed in the RECORD at this point in explanation of the bill extracts from the report, No. 2163, of the Committee on Interior and Insular Affairs.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 2952 will provide for the sale to the city of Needles, Calif., of 340 acres of public lands at fair market value in order to permit the orderly growth and development of the municipality in accordance with the city's plans and zoning ordinances, and to provide the city with lands for municipal structures, recreational use and schools, as well as lands which may subsequently be subdivided by the municipality or a purchaser from the municipality.

H.R. 2952, as originally introduced, provided for the sale of 492.6 acres of both public and acquired lands. In its report to the House of Representatives, the Department of the Interior objected to the inclusion of several tracts of acquired lands and lands on which title was in question or for which the Federal Government had continuing use. A subcommittee of the House Interior Committee inspected the area and found that most of the lands would be best used to provide for the orderly development of the city.

The House committee eliminated from the bill the acquired lands which, when no longer needed by the Federal Government, can be disposed of under the Federal Property and Administrative Services Act of 1949. It eliminated the tract on which title was in question. It eliminated 10 acres on which Federal housing is situated. As enacted by the House, the bill provides that a tract for which the Government has temporary continuing need for the extraction of gravel shall be made available to the city only after the Secretary of the Interior determines that there is no further Federal need for this public land.

The House amendments reduced the total acreage from 492.6 to 340 acres, which is the amount authorized for sale to the city in the measure enacted.

The House bill provides:

1. That conveyances will reserve to the United States oil, gas, and other minerals that can be disposed of by the Secretary of the Interior under lease;

2. That the city will reimburse the Government for cost of appraisal but not for the cost of survey and extinguishing adverse claims; and

3. Preserves the right of the United States to collect charges for any prior unauthorized use of the land.

The Senate committee feels that the House has wisely modified the measure to make it acceptable and agrees with the House conclusion that the municipality can make the best and highest use of the lands involved.

BACKGROUND

The Senate committee does not approve a negotiated sale of public lands to municipalities for resale to private owners where the transaction is for the purpose of avoiding competitive bidding or otherwise favoring a private developer. The House record makes it clear, however, that in this instance, although part of the land may ultimately be used for subdivision, the municipality's purpose is orderly development of the city. Officials of the city of Needles have testified that there are no present applicants for resale of any of the land, that a portion of it under the city plan now being developed by the city of Needles is to be used for a civic center, that other portions will be used for recreational, educational, and church purposes, and that the city might itself, under California law, undertake the subdivision to assure that it conforms with the city plan and zoning ordinances. In at least one instance in the past the city of Needles has itself subdivided a tract of land before turning it over to private interests for final development.

Because of present geographic restriction on the growth of the city and because of the assurance that the request for authority to purchase the property by the city of Needles is to assure the city's orderly growth, the Senate Interior and Insular Affairs Committee recommends that the bill do pass.

COST

It is not anticipated that there will be any increase in the budgetary requirements as a result of the enactment of H.R. 2952.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

PHONOGRAPH RECORDS BEARING FORGED OR COUNTERFEIT LABELS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2118, House bill 11793.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 11793) to provide criminal penalties for trafficking in phonograph records bearing forged or counterfeit labels.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 4, after the word "than", to strike out "$10,000" and insert "$1,000", and in line 5, after the word "than", to strike out "ten years" and insert "one year".

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the Record, in explanation of the bill, extracts from the report of the Committee on the Judiciary.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation, as amended, is to deter the counterfeiting of phonograph records and labels by providing a criminal penalty for such action.

STATEMENT

H.R. 11793 is a successor bill to H.R. 6354 as a result of hearings in the Judiciary Committee of the House of Representatives. The report of the Library of Congress dated August 14, 1961, was directed to S. 2341, a similar bill to H.R. 6354, as introduced. Subsequent to the passage of H.R. 11793, a further report was furnished by the Library of Congress dated June 29, 1962, in which the Register of Copyrights states he is not opposed to the enactment of H.R. 11793, inasmuch as the undesirable features of the aforementioned bills, H.R. 6354 and S. 2341, have been removed from H.R. 11793. Both of the aforementioned reports and the report of the Department of Justice are attached hereto and made a part hereof.

Testimony before the Committee on the Judiciary of the House of Representatives indicated that there exists a widespread practice whereby phonograph records, including labels, produced by reputable phonograph record manufacturers are counterfeited and sold in interstate commerce in competition with the genuine records. It was estimated that in 1960 more than $20 million was diverted from the legitimate music industry. The Federal Government is denied the payment of excise and other taxes. The creators and musicians are deprived of their royalties. Frequently, the counterfeit record sold to the public is of an inferior quality.

The committee has been informed by the Department of Justice that it is unaware of any Federal criminal statute which deals directly with this problem. Furthermore, the committee was told by the Department of Justice that, in general, State law enforcement authorities have been unable to take effective action. Present Federal law provides only for civil remedies.

It is the view of the committee that since counterfeit records are being shipped in interstate commerce it is desirable that the Congress enact a Federal criminal statute. H.R. 11793, as amended, would amend the Federal Criminal Code by declaring the interstate traffic in counterfeit records to be a felony and providing for a prison term of not more than 1 year and a fine up to $1,000, or both.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2083, House bill 8556.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 8556) to amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 2, line 10, after "October 1,", to strike out "1961" and insert "1962", and on page 3, after line 18, to insert a new section, as follows:

Sec. 3. Section 1001 of the National Defense Education Act of 1958 is amended by striking out subsection (f) and inserting in lieu thereof the following:

"(f)(1) No part of any funds appropriated or otherwise made available for expenditure under the authority of this Act shall be used to make payments or loans to any individual unless such individual has taken and subscribed to an oath or affirmation in the following form: 'I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic'.

"(2) No fellowship shall be awarded to any individual under the provisions of title IV of this Act unless such individual has provided the Commissioner (in the case of applications made on or after October 1, 1962) with a full statement regarding any crimes of which he has ever been convicted (other than crimes committed before attaining sixteen years of age and minor traffic violations for which a fine of $25 or less was imposed) and regarding any criminal charges punishable by confinement of thirty days or more which may be pending against him at the time of his application for such fellowship.

"(3) The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to the oath or affirmation required under paragraph (1) of this subsection and to the statement required under paragraph (2).

"(4)(A) When any Communist organization, as defined in paragraph (5) of section 3 of the Subversive Activities Control Act of 1950, is registered or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, it shall be unlawful for any member of such organization with knowledge or notice that such organization is so registered or that such order has become final (i) to make application for any payment or loan which is to be made from funds part or all of which are appropriated or otherwise made available for expenditure under the authority of this Act, or (ii) to use or attempt to use any such payment or loan.

"(B) Whoever violates subparagraph (A) of this paragraph shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(g) Nothing contained in this Act shall prohibit the Commissioner from refusing or revoking a fellowship award under title IV of this Act, in whole or in part, in the case of any applicant or recipient, if the Commissioner is of the opinion that such award is not in the best interests of the United States."

Mr. MORSE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that, as thus amended, the language of the bill be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. MORSE. Mr. President, I send to the desk further clarifying amendments to the committee amendments and ask that they be stated by the clerk. I wish to say to the Senator from Vermont [Mr. Prouty] that these are only to clear up clerical errors. They were submitted by the Senator from Arizona. They have been cleared on both sides of the aisle. There is nothing substantive in nature in them.

Mr. PROUTY. Mr. President, if the Senator will yield, I am perfectly aware of it.

Mr. MORSE. I wanted the Senator to know we are considering them.

The PRESIDING OFFICER. The amendments offered by the Senator from Oregon will be stated.

The Legislative Clerk. It is proposed on page 4, line 6, after the word "fellowship" to insert the words "or stipend".

On page 4, line 7, after the words "Title IV" insert the words "or of Part A of Title VI".

On page 4, line 16, after the word "fellowship" insert the words "or stipend".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and to amend the National Defense Education Act of 1958 with respect to certain requirements for payments or loans under the provisions of such act, and for other purposes."

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NAVAL OIL SHALE RESERVES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2026, and as soon as the bill is laid before the Senate, I shall yield to the Senator from New York [Mr. JAVITS].

The **PRESIDING OFFICER.** The bill will be stated by title.

The **LEGISLATIVE CLERK.** A bill (H.R. 5423) to amend title 10, United States Code, to authorize the Secretary of the Navy to take possession of the naval oil shale reserves, and for other purposes.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. I yield to the Senator from New York.

THE SITUATION IN MISSISSIPPI

Mr. JAVITS. Mr. President, I had in mind saying a few words before we adjourn tonight about the rapidly developing situation in Mississippi, to which I addressed myself yesterday. I have noted all the news reports, and some extremely wild things are being said of Mississippi by, I notice, the Governor of Arkansas, Governor Faubus, and the Governor of Alabama, Governor Patterson, and also former Maj. Gen. Edwin A. Walker, who seeks to rally people around the standard of defying the United States, according to news reports, by force of arms. This situation in Mississippi seems to be blowing up quite a storm.

I am glad to say my two colleagues, the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. KEATING], have joined together in introducing a resolution urging us to express our support of the President in full in whatever measures he must take to see that the mandates of the courts and laws of the United States are carried out.

I have already asked that I be signed as a party to it. I think it is helpful. I am glad to see it done, but I think the question goes much deeper than that, when people talk about opposing marshals of the United States by force and when hundreds of policemen are mobilized on a college campus, equipped for full battle, within the limitations of what the police can do. We feel we are fighting Sumter all over again, and we have just celebrated the 100th anniversary of the Emancipation Proclamation.

Mr. President, the United States cannot back down. The spirit of the United States, which was the spirit of Lincoln, is still the spirit of the United States. There may come a time—perhaps that time is now, this evening—when Senators will have to stand on the floor of the U.S. Senate and be as courageous as were the Senators in Lincoln's day, who were ready to face any issue.

Mr. President, I believe that, by crystallizing the issue as sharply as they have, the police officials and governmental officials who have taken this dreadful responsibility in their hands may very well be bringing much closer the time when in every part of the United States Negroes will be citizens of the same class as whites, rather than as they are today, when there seems to be a differentiation in certain parts of our country.

Mr. President, only one thing can be done now. It is the plain duty of the President of the United States and of the Attorney General of the United States. It is our duty here in the Senate. It is the duty of the people of the country.

The courts of the United States cannot be defied, as the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. KEATING] so properly say in their resolution.

If we allow the courts to be defied we shall have anarchy. We cannot endure a government in which any State still believes, in 1962, that it can interpose its authority between the citizen as a citizen of the United States and the authority of the United States to protect his rights as a citizen of the United States under the Constitution of the United States.

It is not unusual in the affairs of men for a nation to be up against a grave domestic emergency at the same time it faces a "Cuba" or some other grave international emergency. Somehow or other these things seems to be endemic in the affairs of men. Other nations have faced exactly the same problems. France has faced them. Britain has faced them. Other nations have, also. Mr. President, they have not quailed before this double responsibility. Neither will the United States.

This is no time to talk about anything in respect to Mississippi except support for the President in the serious responsibility which he must face, to strengthen and to hold up his hand, as the resolution indeed proposes to do.

We all know that if anybody tried to put this resolution through the Congress at this stage of the session it would be filibustered, but, as the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. KEATING] have said, a majority of Senators can be cosponsors of it. After all, it is a "sense" resolution. Its sense will be just as vital, just as important, and will have just as much impact if a majority of Senators sponsor it as if it were passed by a majority. The meaning will be clear to all the world.

That is one thing we can do.

Another thing we can do is to let the President of the United States know with as many tongues as there are in this Chamber who speak with him—and I think it is almost a responsibility for Senators to speak to this issue, no matter how briefly—that we will hold up his hand, whatever may be the decision he feels he must make—that we are determined that the laws of the United States are not to be flouted by any archaic or outmoded doctrine of interposition or by anybody who thinks the laws of Mississippi are superior to the laws of the United States, any more than the State of Mississippi would allow any one of us to flout its laws.

Even though we are Senators, or even if we occupied any other high office in the United States, if we were within the jurisdiction of Mississippi, we all know well what would happen to one of us who violated the laws of Mississippi in Mississippi.

There is no reason why Governor Barnett or any other high official, or a police officer, each of whom is a citizen of the United States like any of the rest of us, is not amenable to Federal Government process.

We thought we had done with these matters in the Whiskey Rebellion and in the Civil War. Apparently they rise to plague us again and again, when people begin to lose their perspective as a result of their emotions.

I do not argue about sincerity on this issue. The issue is infinitely greater than the question of segregation or no segregation, or of allowing a Negro to enter upon the campus of the University of Mississippi.

The question is, What are we? Are we a collection of 50 separate sovereignties, or is there the sovereignty of the United States in matters within the compass of the Constitution of the United States?

We must uphold the hand of the President. I hope as many Senators as feel so moved will let him know this in unmistakable terms. In respect to a decision like the one the President faces, that is the least to which he is entitled.

NAVAL OIL SHALE RESERVES

The Senate resumed the consideration of the bill (H.R. 5423) to amend title 10, United States Code, to authorize the Secretary of the Navy to take possession of the naval oil shale reserves, and for other purposes.

Mr. SYMINGTON. Mr. President, the pending business is H.R. 5423, Order No. 2026, to amend title 10, United States Code, to authorize the Secretary of the Navy to take possession of the naval oil shale reserves, and for other purposes.

H.R. 5423 was approved by the House of Representatives on August 16, 1962. It was referred to the Subcommittee on the National Stockpile and Naval Petroleum Reserves of which I am chairman.

The bill received the approval of the Subcommittee and of the full Committee on Armed Services. It was reported to the Senate on September 18.

I hope that this bill will receive the approval of the Senate today and be sent on to the President. In order that Senators may have a full understanding of the purposes behind this bill, I ask unanimous consent that an excerpt from the report of the Committee on Armed

Services may be printed at this point in the RECORD.

There being no exception, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would (1) authorize the Secretary of the Navy to take possession of and to administer the naval oil shale reserves in the same manner as he now administers the naval petroleum reserves, and (2) authorize the Secretary of the Interior to take possession of and to administer the experimental mine and plant located on Naval Oil Shale Reserves Nos. 1 and 3 near Rifle, Colo.

BACKGROUND

Naval Oil Shale Reserves 1, 2, and 3 were created by withdrawals from the public domain by Executive order for the exclusive benefit and use of the Navy. Reserves Nos. 1 and 3 are located in Garfield County, Colo. Reserve No. 2 is located in Carbon and Uintah Counties in Utah.

The Navy never has had authority to develop or operate the oil shale reserves. Under the Synthetic Liquid Fuels Act of 1944, the Secretary of the Interior constructed an experimental facility on Reserve No. 3. The operation of this facility was discontinued in 1956. Since that time there has been a jurisdictional void over the experimental facility. In 1958 the Attorney General rendered an opinion that neither the Secretary of the Navy nor the Secretary of the Interior has authority to lease the experimental facility. One of the purposes of the bill is to confer authority on the Secretary of the Interior to encourage the use of this facility in research, development, test, evaluation, and demonstration. The Secretary would be empowered to use the facility or to contract or lease the use of the facility to public or private persons or organizations. Removal of any oil shale or products would be subject to consultation with the Committees on Armed Services of the Senate and House of Representatives.

The second purpose of the bill is to provide appropriate authority for the administration of the naval oil shale reserves. Chapter 641 of title 10, United States Code, now contains provisions governing the jurisdiction, control, administration, and protection of oil reserves. The bill would insert in appropriate sections of this chapter comparable jurisdiction, control, administration, and protection over the naval oil shale reserves. As is true in the case of the naval petroleum reserves, actions affecting the naval oil shale reserves would require approval of the President and consultation with the Committees on Armed Services of the Senate and the House of Representatives.

PLANS TO LEASE DEMONSTRATION FACILITY

The committee was informed that the Department of the Interior intends to offer the facility at Rifle for lease in a manner that would permit research on behalf of both the Government and private industry. In general the lessee would be required to—

(a) Assume responsibility for proper custody of the facilities;

(b) Maintain certain parts of the facilities at a minimum level of maintenance;

(c) Salvage any existing material or equipment designated by the Department of the Interior;

(d) Actively carry out research projects on any minerals for any branch of the U.S. Government under appropriate agreement with the agency concerned, and in general at a priority over other projects;

(e) Actively carry out research projects on any minerals for local governments, educational institutions, U.S. companies, groups or individuals. All resulting patents and data will be the property of the sponsor of a project and not automatically that of the U.S. Government. However, any lease shall provide that the U.S. Government will have the free use of such technology for Government installations whenever, but only when, the Secretary of the Navy, with the approval of the President, finds that the production of oil shale from the reserves is needed for national defense and the production is authorized by a joint resolution of Congress;

(f) Act as a source of oil shale and shale oil for research and development work for various public and private organizations; and

(g) Act as a general shale oil laboratory for private assay work, etc.

As protection against the possibility that a private company might secure a lease and suppress active research and experimental work for its own benefit, the committee was informed that any lease of the facility will include an appropriate termination clause.

NEED FOR DEVELOPMENT

The oil from shale in the reserves and the surrounding areas may be needed in the event of a national emergency, but the oil cannot be made available until such time as an oil industry has been established to extract oil from the shale and to convert it into usable products. There is no commercial production of shale oil in the United States today. It seems likely that in future years the peacetime industrial requirements of this Nation will have to be satisfied in part by the use of shale oil. The Department of the Navy and the Department of the Interior are convinced that it is necessary to encourage continued experimentation in oil shale.

If authority is granted to lease the facility at Rifle, this facility can become an asset in the advancement of our national oil shale technology at no greater cost than custody alone now involves.

COST

Enactment of this bill will not result in the expenditure of Federal funds. It is hoped that a successful lease will relieve the Government of expenditures for custody and maintenance.

Mr. SYMINGTON. Mr. President, H.R. 5423 has two major purposes.

First, to authorize the Secretary of the Navy to take possession of and to administer the naval oil shale reserves in the same manner as he now administers the naval petroleum reserves; and, second, to authorize the Secretary of the Interior to take possession of and to administer the experimental mine and plant located on naval oil shale reserves Nos. 1 and 3 near Rifle, Colo.

Four years ago the Attorney General informed the Secretary of the Navy that a jurisdictional void existed concerning the administration and operation of the naval oil shale reserve.

This bill would make it clear that the Secretary of the Navy has legal authority to develop, operate, or lease these reserves.

In 1944 the Department of the Interior constructed an oil shale demonstration plant on the reserves near Rifle, Colo., and a research program was carried on there until June 1956.

At that time the program was discontinued, and for the past 6 years only custodial and maintenance functions have been performed there.

If a lease could be negotiated with a private company, the Government would be saved the present expenditures for custody and maintenance.

Our oil shale reserves represent a great natural resource; and I would hope that this fact is not forgotten.

H.R. 5423 would recognize this potential.

Under the terms of the bill, commercial development and operation by the Government in competition with private industry would not be authorized.

At this time I would thank the two distinguished Senators from Colorado and also the distinguished chairman of the Interior Committee of the House of Representatives [Mr. ASPINALL] for their support. They have been of great assistance in this matter.

I hope that the Senate will approve H.R. 5423 in the form reported by the Committee on Armed Services.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my able colleague from Colorado.

Mr. CARROLL. I am well pleased, Mr. President, that at long last we are close to final congressional approval of a measure leading to the reactivation of the experimental oil shale facilities at Rifle, Colo.

I am hopeful the Senate will this afternoon give its approval to H.R. 5423, the companion bill to S. 3623, which it was my privilege to introduce in the Senate.

As the able Senator from Missouri stated, the bill was considered by the subcommittee of the Committee on Armed Services and by the full committee. I thank the able Senator from Missouri for the time and attention he has given to the bill, the chief importance of which lies in the State of Colorado.

The importance of this bill cannot be overestimated. Reactivation of the oil shale plant at Rifle will be important now to the economy of the western slope, and it will be increasingly more important in the years to come. The resumption of experiments with oil shale as a source for liquid fuels will be of great importance to our Nation and to our defense efforts both now and in the future.

The importance of proceeding with oil shale experimentation has been recognized for many years by the Colorado congressional delegation—both in the House and in the Senate.

It is due in large part to the consistently able and wise leadership of Representative WAYNE ASPINALL, chairman of the House Interior and Insular Affairs Committee, that, after years of effort, this measure has now received the approval of the House.

The able and determined work of the senior Senator from Colorado [Mr. ALLOTT] is also well known. He has worked to reactivate the Rifle facilities ever since they were first brought to a halt. He has introduced oil shale legislation in the 85th, 86th, and 87th Congresses. His efforts, Mr. President, are both widely known and widely appreciated in our State of Colorado.

The experimental oil shale facilities at Rifle were constructed in 1944 by the Department of the Interior at a cost of $4,500,000. They were operated by that Department until 1956.

At that time, with the loss of congressional appropriations, all further work was stopped at the plant and mine. Since then the equipment and facilities at Rifle have been kept on standby basis by the Federal Government at a cost of $150,000 a year.

On March 13, 1958, the Attorney General ruled that the Secretary of the Navy had no legal authority to develop, operate, or lease the reserves and that the Secretary of the Interior had no legal authority to make agreements concerning operations on, or in relation to lands within these reserves. The Attorney General also ruled that there was question as to general jurisdiction over the surface use of the naval oil shale reserves including such matters as soil and animal conservation.

Since 1958 the shale reserves have remained in this legal limbo, neither the Secretary of the Navy nor the Secretary of the Interior has had the authority to operate the facilities or to lease them for private operation.

The bill before us today, Mr. President, represents a solution to the legal difficulties created by the Attorney General's ruling. At last we have before us a measure which has the full approval of all parties concerned. I am happy to be able to say that this bill has the full approval of the Department of the Interior and of the Department of the Navy. It has the support of the House of Representatives and the Senate Armed Services Committee.

Let us make clear, Mr. President, precisely what this bill would do and what it would not do:

First. This bill would give possession and control of the oil shale reserves to the Navy.

Second. It would authorize the Department of the Interior to take possession of and to administer the experimental mine and plant located near Rifle, Colo.

Third. It would give to the Navy the same authority over the oil shale reserves that it now has over the petroleum reserves. And it would require that the Committees on Armed Services of the Senate and the House be consulted and the President's approval be obtained before any sale or leasing of these reserves by the Navy became effective.

Fourth. It gives the Department of the Interior the authority needed to lease the experimental facilities at Rifle for the use of private oil companies, research organizations, schools, or private engineering companies.

Fifth. It provides a clause guaranteeing that the facilities leased shall be used for active research and experimental work.

This bill does not and is not intended to authorize the production of oil commercially or by the Government. The bill authorizes removal of only such oil shale as will be needed for experimental purposes. Actual production of oil would require approval of the President and a joint resolution of the Congress.

The Congress would still retain full control over the utilization of the oil shale reserves and the plant facilities at Rifle.

It is my understanding, Mr. President, that there is nothing within this bill which would restrict leasing of the facilities to any one firm or association.

It is also my understanding that nothing in this legislation would restrict the operations at the Rifle plant to experiments with oil shale. It is possible that future work might be done on other minerals found with the reserves.

In past sessions of the Congress, the Senate has approved such legislation as this. This session, however, marks the first time this measure has received the approval of the House of Representatives.

The House has approved a sound measure representing the work and efforts of many people both in the administration and in the Congress. Should difficulties arise in the administration of this measure—and I do not say they will—there is no reason to believe that the Armed Services Committees of the two Houses will not be able to resolve the problems, or that Congress will not in future sessions be willing and able to amend this legislation as needed.

Mr. President, I urge the prompt approval of this measure without amendment.

The significance of this legislation to the defenses of our Nation and the economy of the western slope of Colorado are well set forth in an article and editorial from the respected Denver Post. I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Denver Post, July 29, 1962]

SHALE OIL EXPERT'S FORECAST: WEST SLOPE EXPECTED TO BE BOOM REGION

A Navy shale oil expert Saturday predicted a tremendous boom for Colorado's western slope when oil interests begin mining extensive shale deposits near Rifle, Colo.

Capt. Kenneth C. Lovell, director of the naval petroleum and oil shale reserves, was in Denver Saturday after visiting the area around Rifle where the Navy holds shale oil reserves.

Lovell said a shale oil industry is inevitable to satisfy the energy requirements of a growing country, especially as liquid deposits diminish.

Population and industrial growth will be phenomenal on Colorado's western slope and areas in Utah and Wyoming where the Green River shale formation extends, he said.

He said the Bureau of Mines estimates the Green River formation contains about 1 trillion barrels of recoverable oil.

"When the shale industry starts you'll have more miners digging shale than are employed in the entire mining industry today," he said.

Lovell noted that such a population influx would require goods and services, spurring industrial growth of all kinds.

Shale, a sedimentary rock formed by the consolidation of clay, mud, or silt, contains kerogen, a bituminous material yielding hydrocarbon.

Pilot projects experimenting with techniques for producing shale oil have evolved a process in which the shale is crushed and heated after it is mined. The hydrocarbon components of kerogen are thus vaporized, condensing into liquid oil.

RUSSIA AHEAD

Although shale oil is being produced in the Soviet Union, there has been no significant development of shale oil deposits in the West outside of the experimental pilot projects established in this country by the Bureau of Mines and a few commercial oil companies.

Lovell said the main factor inhibiting commercial development of shale oil is the large investment required.

He lamented what he said was the small amount of research being done by oil companies to devise new production techniques which "could crack the economic barrier."

Lovell testified before a House subcommittee in Washington this week on a bill designed to stimulate such research. Lovell said a bill pending before the subcommittee is designed to eliminate what he termed a jurisdictional void between the Navy and the Interior Department over the Navy's reserves of shale oil in the Rifle region.

Should the bill become law, the Interior Department would supervise the facilities at the Rifle plant and would make them available to all for experiments in extracting the shale oil.

NAVY WILLING

In applauding this possibility Lovell said, "The Navy does not contend that it and it alone is the proper and only agency to put this facility to use.

"We merely urge that further experimentation and development concerning oil shale are vital, and that someone should be doing the work."

The Navy's interest in encouraging production of shale oil stems from a desire to have sufficient domestic oil reserves to provide for the Navy's petroleum needs should crude oil imports be curtailed, Lovell said.

He pointed out that the United States imports oil primarily from three areas—North Africa, the Middle East, and Venezuela, all of which are noted for capricious governmental policies and recurrent strife.

Lovell said that economics of shale oil production are "largely controlled" and that "they could be manipulated to encourage private investment."

Along this line, he suggested depletion tax allowances for shale oil producers equivalent to the 27½ percent granted to liquid oil producers.

President Kennedy is on record in favor of a reduction in the oil depletion allowance as part of his general tax reform plan. Congress, however, has shown little interest during the present session in the question of tax reform.

[From the Denver Post, Aug. 6, 1962]

OIL SHALE STILL HOLDS PROMISE

The public may have become a little disenchanted by the words "oil shale," a hydrocarbon of which Colorado has many millions of tons.

Each time new processes are announced it is tempting to predict a modern "gold" rush, unlimited wealth, and huge new cities—all because of oil shale.

So far, after some 15 years of fairly intensive research, nobody is producing shale oil commercially.

This isn't the fault of oil shale. Nor can it be blamed on the people who are striving earnestly for economical processes of shale mining, retorting, and refining.

Indeed, most of the answers have been found. If we did not have the capacity to overproduce from petroleum, if foreign oil were not so plentiful, if demand accelerated more rapidly, then the if of oil shale might be overcome.

But the need for producing oil and fuel from the vast, trillion-barrel shale beds of the Green River formation in western Colorado almost certainly will be real. It is a question of time.

In this light, recent developments in regard to oil shale in Congress have been encouraging. Bills before Congress would straighten out administration of shale research and shale ownership and add depth to present research.

The U.S. Navy would be given authority to handle the oil shale reserves much as it handles its petroleum reserves. The Bureau of Mines would be returned control of the experimental plant at Rifle, Colo., where it spent $19 million from 1947 to 1956 on shale research. The Bureau, under the new plan, would be authorized to renew experiments, possibly in cooperation with private or educational agencies.

A sum of $125,000, over and above the regular budget of about $800,000, is presently in the offing for Bureau studies at its Laramie, Wyo., plant. This research is to center on byproducts of shale oil refining and on retorting procedures. Additionally, the Bureau plans to survey in greater detail the oil shales of the North Piceance Basin in northwest Colorado.

While it is not easy to be encouraged over the immediate prospect of shale development, it is fairly likely that with the growth of fuel usage and depletion of other fuels, we are likely to need shale oil in the next decade or two.

Nuclear energy, perhaps, holds the key to the world's energy needs. But, looking back on this field of research, it has developed plenty of "ifs" itself.

The world's energy needs are vast and, because of that size, seem to develop ponderously. One must consciously think in terms of decades.

An estimate that we will need shale oil in 15 or 20 years sounds academic. It isn't. Building a commercial oil shale plant would take 5 years. Getting an industry of any size would take 10 years.

In that light, oil shale isn't so academic. Research needs to be maintained and encouraged. The current bills in Congress seem modest enough, considered in that light. The legislation promises to keep the door open for entry of private shale firms into production the moment the Nation's fuel economics says production is feasible. Further research may, indeed, hasten the day.

CIVIL AERONAUTICS BOARD

Mr. SMATHERS. Mr. President, as in executive session, from the Committee on Commerce I report favorably on the nomination of Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1968. I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDING OFFICER. The nomination will be stated.

The LEGISLATIVE CLERK. Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1968. (Reappointment.)

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the nomination.

Mr. MANSFIELD. Mr. President, I wish to join the Senator from Florida [Mr. SMATHERS] in urging the Senate to support the renomination of Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1968. He has indeed been a member of outstanding ability and integrity; and I join the Senator from Florida in urging unanimous consideration and approval of the nomination by the Senate.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 90. Concurrent resolution authorizing the printing for the use of the Joint Economic Committee of additional copies of its hearings entitled "State of the Economy and Policies for Full Employment"; and

S. Con. Res. 91. Concurrent resolution authorizing the printing of additional copies of the hearings on Department of Agriculture handling of pooled cotton allotments of Billie Sol Estes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

S. 455. An act to amend the act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional 2-year period, and for other purposes; and

S. J. Res. 230. Joint resolution expressing the determination of the United States with respect to the situation in Cuba.

NAVAL OIL SHALE RESERVES

The Senate resumed the consideration of the bill (H.R. 5423) to amend title 10, United States Code, to authorize the Secretary of the Navy to take possession of the naval oil shale reserves, and for other purposes.

Mr. CARROLL. Mr. President, the junior Senator from West Virginia [Mr. BYRD] has received a letter from one of his constituents regarding this bill. Sometime in 1961 the Assistant Secretary of Interior, Mr. John M. Kelly, had written a letter to the effect that the Department of Interior was not in favor of the bill as it was then drawn, and the Senator's constituent was concerned over the Department's opposition.

I called to the attention of the Senator from West Virginia, who was then able to give the information to his constituent, the fact that the committee report dated August 7, 1962, changes the situation as set forth in the letter written by John Kelly. I have personally talked with John Kelly, and have informed the junior Senator from West Virginia with reference to what the position of the Department of the Interior is now. I read from page 7 of the House report:

> The purposes of H.R. 5423 are to eliminate the jurisdictional void concerning the oil shale reserves and to help create an incentive to the minerals industry by making the Rifle facilities available to all.

I am now reading from the report of the House committee:

> The committee recommends favorable action by the Congress to effect these purposes which can be done by enactment of this bill which fulfills the requirements of—

And I emphasize these words—

> and is acceptable to both the Navy and Interior Departments.

After imparting that information to the able and distinguished junior Senator from West Virginia and his constituents, they were both satisfied that the letter of 1961 written by the Department of the Interior had been rescinded.

Mr. ALLOTT. Mr. President, I appreciate the remarks of my colleague. We have both been interested in this subject for a long time. Experimentation with oil shale is undoubtedly one of the greatest values historically and in the future that our country has.

I would like to state emphatically my views concerning the history of the naval oil shale reserves, the present existing authority of the Department of the Navy and the Department of the Interior, together with my recommendations. It is my desire to see this matter properly settled in accordance with congressional intent by securing the reactivation of the Rifle, Colo., facilities and furthering appropriate research and experimentation with oil shale.

My position is well known as I have advocated for some time the need to reactivate the Rifle facilities before their complete deterioration, and have introduced bills to secure that objective in the 85th, 86th, and 87th Congresses. There is a pressing need to carry forward experimentation with oil shale as a source for liquid fuels and other products.

As I have stated, the program of experimentation with oil shale is of unquestionable and critical importance to the defense of the country. Specifically, with respect to the Rifle facilities, it is nothing more or less than a simple matter of economics to utilize the facility to get a return on our investment. Further, this experimentation and research is essential to the development of fuel supplies that may be urgently needed in this country to avoid utter dependence on foreign supplies in the future.

Historically, the naval oil shale reserves were withdrawn by Executive order to "be held for the exclusive use or benefit of the U.S. Navy." Such Executive orders do not vest the Navy with any specific jurisdiction over the reserves, nor do the orders authorize the Navy to perform any acts with respect thereto. The present authority of the Navy with respect to the oil shale reserves is dissimilar to its authority with respect to naval petroleum reserves. In fact, Congress, in making certain amendments to the 1920 naval petroleum reserves legislation, expressly included the following restriction:

> Nothing herein contained shall be construed to permit the development or operation of the naval oil shale reserves (Act of June 30, 1938, 58 Stat. 1234, 10 U.S.C 7438).

The Department of the Interior, on the other hand, was denied authority to make agreements concerning operations on or in relation to lands within the borders of the naval oil shale reserves by virtue of certain amendments to the

Minerals Lands Leasing Act of February 25, 1920.

The Department of the Interior since 1910 has had the province and duty, on behalf of the Government, to investigate mineral fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient mining, preparation, treatment and use.

In 1944, Congress passed the Synthetic Liquid Fuels Act (58 Stat. 280) which directed the Department of the Interior to undertake certain research and experimentation and provided funds which were used to construct the facilities at Rifle, Colo. Before the construction of such facilities, the Department of the Interior secured the consent of the Department of the Navy. It apparently was felt that the restriction on development and operation did not preclude the Navy from consenting to the use of oil shale by the Department of the Interior to conduct research and experimentation.

The Attorney General, in his letter of opinion, concluded that neither the Secretary of the Interior nor the Secretary of the Navy had the right to lease to nongovernmental entities the shale deposits within the naval oil shale reserves. Such opinion, however, quite properly excluded consideration of the respective rights of the Secretary of the Navy or the Secretary of the Interior to make use of such shale deposits by the Government for experimental and research purposes.

In view of the historical role of the Department of the Interior in mineral resources research and experimental development, I am now convinced that it would be more appropriate to continue such activities in the Department of the Interior. Technology that has been developed to date has been developed by the Department of the Interior and the program which has been conducted in this area, and specifically at the Rifle facilities, should be continued and encouraged. This historical role and the program heretofore conducted by the Department of the Interior is fully documented in the House committee report.

I am very appreciative of the presence in the Senate Chamber and the great interest of the distinguished Senator from Missouri [Mr. SYMINGTON], the chairman of the subcommittee. When I first received the bill, there were certain clarifications that I thought should be made. The first of these is that I would expect the Secretary of the Interior to take possession of and operate the experimental demonstration facilities near Rifle, Colo., and that all of the facilities operated heretofore in connection with oil shale research, including the mine and other appurtenances, would be included in the word "facility."

The bill merely uses the one word "facility." I should like to ask the distinguished Senator from Missouri if in his contemplation of the bill the use of the word "facility" would not only include the mining area where they have previously taken out shale and the adjacent area, but also the administration buildings, the laboratory buildings, the retorts, crushers, and all the adjacent facilities there.

Mr. SYMINGTON. Mr. President, first, I thank my friend, the able senior Senator from Colorado, for his kind words with respect to my efforts on the bill.

Second, I agree with his analysis of the word. I am confident that the legislative history will verify his interpretation.

The able Senator had received a letter, as I remember, from the chairman of the House Armed Services Committee, on this subject, in which another word was discussed. That word was "consultation."

Mr. ALLOTT. The Senator is correct.

Mr. SYMINGTON. I congratulate the Senator for obtaining that letter. I believe that clarifies not only the relative positions of both the Navy Department and the Department of the Interior, but also goes into considerable constructive detail as to how the bill can now function to the advantage of the country under the Secretary of the Navy.

Mr. ALLOTT. Yes. The Senator has seen that letter. I believe he agrees with the interpretation of the word "consultation" and the way in which the distinguished chairman, Mr. VINSON of the House of Representatives, analyzes it.

Mr. SYMINGTON. I believe the Senator is performing a constructive function in clarifying in the legislative history both the word "facility" and the word "consultation."

Mr. ALLOTT. I thank the Senator. I assume that the Secretary of the Interior will be granted complete authority to carry out such research and experimentation with oil shale as is appropriate, and that such authority will include the right to enter into agreements with private parties to accomplish the results.

I am sure that no one disagrees with that interpretation, because, at page 8 of the bill, it is provided:

> (b) The Secretary of the Interior, subject to the approval of the President, shall by contract, lease, or otherwise encourage the use of the facility described in subsection (a) above in research, development, test, evaluation, and demonstration work.

May I ask the distinguished Senator from Missouri, the chairman of the subcommittee, if in his opinion the bill—and I refer particularly to page 8—would provide that the Secretary of the Interior could enter into contracts or leases, not only with nonprofit organizations and universities and foundations, but also with private persons, entities, or corporations?

Mr. SYMINGTON. I believe the Senator is correct, in that the Secretary could do so. The only reservation—I know the Senator agrees with me—is that there may not be direct competition in an operating manner with private industry.

Mr. ALLOTT. That is correct. I am speaking only about research and development and test and evaluation and demonstration work.

Mr. SYMINGTON. The Senator is correct. I may add that, based on the past experience I have had with the National Security Resources Board, the vast oil shale reserves in this country, a major portion of which are in the State of Colorado, are very important to the future security of the United States.

Mr. ALLOTT. I thank the Senator. I know that we subscribe to that statement completely. Of course, the adjoining States of Wyoming and Utah have great reserves, and there is also a lower grade reserve to the east of Colorado and west of us here in Washington, called the Chattanooga Ledge, which someday may be significant also.

There is another matter which I wish to clear up. Is it the understanding of the Senator that the Secretary of the Interior would have the right to use oil shale from the naval oil shale reserve in any research, experimental, or development work? I refer particularly to subparagraph (b) on page 8 of the bill. Would the Secretary of the Interior have the right to use the oil shale from the naval oil shale reserves in research and experimental and developmental work, which he may contract or lease or however he may handle it?

Mr. SYMINGTON. Without question.

Mr. ALLOTT. There is one additional question that I should like to have cleared up. The Senator has already referred to the fact that the bill in no instance would authorize or seek to authorize, directly or indirectly, commercial development and operation of individual oil shales reserves. Is that the Senator's understanding?

Mr. SYMINGTON. The Senator is correct. However, we do not want to overemphasize that, because he knows that a tremendous amount of oil today comes to us from abroad. If certain conditions changed in the world, as, for example, a major change in the situation in the Middle East, the entire production aspect of oil in this country would undergo a major change from the standpoint of need as against supply. Therefore, I would hope, having spent a good deal of time on this matter of oil shale reserves, some 10 years ago, that the research and development would proceed as expeditiously as possible. I was glad to note in the letter from the chairman of the House Armed Services Committee, the able Representative from Georgia, that he referred to 2,000 tons a day as what could be mined in this development. I was glad to see that figure, because that shows that we are getting out of what might be called the laboratory and into practical development.

Mr. ALLOTT. I wish to make my own position clear. In saying that the bill does not refer to commercial use, I am referring to the provisions of the bill contained in the last section of the bill, section (12) which amends section 7438, entitled "Rifle, Colo., Plant; Possession, Use, and Transfer of."

Mr. SYMINGTON. That is correct.

Mr. ALLOTT. The sole purpose of this section is to provide for the use, through lease or contract, of these facilities, or "facility," if we use the collective noun of the term which we have adopted; and that it may be used not only by nonprofit organizations but also by private individuals.

There is one other question. I know the Senator is very hard pressed for time, and that he must leave. Before he leaves I should like to ask the Senator whether it is his understanding from the facts that if the Secretary of the Interior enters into a lease or a contract for a portion of the facility, whether it were one retort or two retorts, or whatever it might be, the Secretary of the Interior could still, beyond that, enter into contracts or leases or agreements with a second or third or fourth party for use of the facility, either jointly or separately, so that research work could be carried on there separately, whether the organizations which occupied a part of the premises were actually joined together in a joint enterprise or not.

Mr. SYMINGTON. That is a question which is a little difficult for me to answer based on my understanding of the situation. Certainly there is no provision for an exclusive contract on the part of the Secretary of the Interior. I should say that he could make more than one contract. I hope that in the operation, subject to the word "consultation" as discussed in the letter from the chairman of the House Committee on Armed Services, what the Secretary would do would be to work jointly with the Secretary of the Navy, so that as quickly as possible we could get the results that would show to the maximum degree that oil shale was available; and that the development would go on as rapidly as possible and make it available on a competitive basis. As I understand the purpose of the bill and the letter writen by Chairman Vinson in explanation of the bill, it has to do primarily with just that, to get this moving so that if we do need oil we can have it on a production basis at minimum cost as a result of increased research and development.

Mr. ALLOTT. That is true. Since the purpose of the bill is research and development, I take it that the legislative history is clear that independent lines of research and development may be carried on, on the premises at one and the same time, and the Secretary of the Interior has the power to enter into multiple agreements or contracts or leases.

Mr. SYMINGTON. That is my understanding of the bill.

Mr. ALLOTT. Or a cooperative agreement.

Mr. SYMINGTON. I would hope it would be cooperative, especially with the Secretary of the Navy.

Mr. ALLOTT. I express my deep appreciation to the Senator from Missouri for remaining with us to clear up this legislative history. At the conclusion of my remarks, I shall place in the Record letters which I have addressed to the Secretary of the Interior, the Secretary of the Navy, and to Mr. Vinson, the distinguished chairman of the Committee on Armed Services of the House, to clear up this matter.

Mr. SYMINGTON. I thank the able Senator from Colorado. It has been a privilege to work with him and with the distinguished junior Senator from Colorado.

Mr. HRUSKA. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. HRUSKA. The Senator from Illinois [Mr. Dirksen] had prepared a comment and an analysis of H.R. 5423. On his behalf, I ask unanimous consent that the text of the statements be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Dirksen

When I was a young fellow, there used to be a game called "scrambles." It was a test of speed and aggressiveness. It could be played at a Fourth of July picnic or at almost any time. The game was really very much like its name. We kids would scramble for a coin or a piece of candy thrown in our midst by some kind person. Now, H.R. 5423 reminds me of that game of scrambles. It started because, as the House Committee on Armed Services said in its report discussing the background of the bill:

"Legislation of this nature is necessary to fill a jurisdictional void in the law, since the Attorney General on March 13, 1958, by letter, advised that the Secretary of the Navy has no legal authority to develop, operate, or lease either the reserves or withdraw public lands and the improvements thereon in the naval oil shale reserves and that the Secretary of the Interior has no legal authority to make agreements concerning operations on or in relation to land within the borders of these reserves."

Once that jurisdiction void had been discovered, both the Department of the Navy and the Department of the Interior scrambled to fill the void with proposed legislation. The issue raised by the bill is: "Who gets what?" Each Department contends that it should have the basic authority with respect to the development of oil shale reserves. H.R. 5423, as introduced, would have authorized the Department of the Navy to take possession of and administer an experimental plant located near Rifle, Colo. The Department of the Interior objected strongly and presented its alternative legislative proposal.

There is no question about the basic facts which are involved. The House committee report from the Committee on Armed Services states:

"The oil from shale in these reserves and the surrounding areas may well be needed in the event of a national emergency, but it cannot become available until such time as an oil shale industry has been established in the area to extract the oil and convert it into usable products. There is no commercial production of shale oil in the United States.

"Further, it seems inevitable that peacetime industrial and defense oil requirements of this Nation will in time have to be satisfied in part by the use of shale oil."

The report goes on to say:

"The Navy has never used the shale oil reserves for experimental purposes.

"Historically the Department of the Interior has been the agency of the executive branch which has dealt with mineral resources development."

The report of the Senate Committee on Armed Services adopts this language and these conclusions.

Thus the Armed Services Committees of both the Senate and the House are convinced that an oil shale industry must be developed to serve the Nation in both its peacetime pursuits and its defense needs. Both committees are also in accord that such development has been carried out historically by the Department of the Interior rather than by the Navy.

If it is to be our job to resolve this game of "scrambles" in which the Department of the Navy and the Department of the Interior are contending for the right to do, or supervise, experimental work in the development of methods of extracting oil from shale, I suggest that we do not depart from this historical division of functions particularly when this matter has reached the Senate floor without any hearings being held on it by a Senate committee.

I regret the fact that there have been no hearings held on a matter of such importance to the country, especially when it has such a substantial bearing on the long range sources of energy available for both peacetime and defense uses. It might be a wiser course of action to hold off on this matter until hearings can be held. Without such hearings, all I can do is to urge that we follow our precedent and that we clearly provide for the various contingencies which may arise. For this reason I wish to have those who urge this bill at this time clearly set the record straight on a few points.

First, I believe it should be made clear that subsection (a) of section 7438 clearly covers both the experimental mine and plant located near Rifle, Colo. It seems to me that this is the intention from the language in both the House and Senate reports which refer to "mine and plant" although some confusion might later arise because of the use of the word "facility" in the singular in the bill. I would, therefore, like assurance on this point.

Second, I believe that we need assurance that this development of oil shale reserves will remain the responsibility of the Secretary of the Interior. If we are to proceed in this matter without hearings in the Senate, I believe we should not depart from our precedent in placing the development of mineral resources in the Department of the Interior. Therefore, I believe we should clearly spell out what we mean by providing for the easy transfer of this facility "by letter" to the Secretary of the Navy. Both committee reports state that it is necessary for both our peacetime use and national defense that an oil shale industry be established and both reports indicate that it is contemplated that part or all the development work at the facility will be done by private organizations. I doubt we will find any responsible organization to undertake such work unless we make clear now the conditions under which the facility can be transferred to the Navy for its use.

Third, the bill presently provides that the Secretary of the Interior cannot act in connection with the mining of any shale for experimental purposes until after the Secretary of the Navy has consulted with the Committees on Armed Services of the House and Senate. In view of the fact that the only mining which the Secretary of the Interior is authorized to do is with respect to the experimentation authorized by the bill, I believe that we should have assurance at this time that the Secretary of the Navy will consult with the Committees on Armed Services promptly upon the request of the Secretary of the Interior.

Fourth, in view of the fact that these facilities were in the past constructed and operated by the Department of the Interior, I would not rule out the possibility of the use of the facilities in the future by the Department, or by the Department in cooperation with others. Therefore, I believe we should have a clear understanding that the term "lease" includes such cooperative agreements.

Lastly, in view of the urgency reflected in the reports of both the House and Senate committees, I would have used a stronger word than "may" in the provisions relating to the powers of the Secretary of the Interior. If we mean that there is urgency, I believe we should make it clear at this time that we intend that the Secretary shall take steps to use or lease the facilities for this development work and mine or authorize the mining of such oil shale as may be necessary to carry out the work.

And so, I want to put to those who urge this legislation at this time without hearings the following questions:

(1) Does "facility" include both the plant and the mine?

(2) Under what conditions can the facility be transferred by letter to the Secretary of the Navy?

(3) Has the Secretary of the Navy agreed to consult with the Committees on Armed Services promptly upon request of the Secretary of the Interior?

(4) Does the term "lease" include cooperative agreements between the Government and private organizations?

(5) Is it our intention that the Secretary of the Interior take prompt steps to use or lease this facility for this development work and to mine or authorize the mining and removal of the necessary oil shale to this facility and other facilities used by the Government and private organizations in connection with this experimental development work?

Mr. HRUSKA. The statement contains several questions, which it was the desire of the Senator from Illinois to propound to the Senator from Colorado, for the purpose of establishing a legislative history on the measure. On behalf of the Senator from Illinois, I shall undertake to propound those questions and would appreciate having the Senator from Colorado respond to them, if he will be so kind as to do so. It may be a little repetitious with respect to points which have been established, but in deference to the Senator from Illinois I shall ask the questions, notwithstanding.

First, according to the Senator from Illinois, it should be made clear that subsection (a) of section 7438 clearly covers both the experimental mine and the plant located near Rifle, Colo. It seems that this is the intention from the language in both the House and Senate reports which refer to "mine and plant" although some confusion might later arise because of the use of the word "facility" in the singular in the bill. Therefore, the Senator from Illinois would like assurance on this point. Can the Senator from Colorado give that assurance?

Mr. ALLOTT. Mr. President, the history of this situation is such that a large amount of the administration and research work for this area has not only gone into the retorts and that sort of thing, but also a large amount of experimental work has been done in connection with the methods of mining. So there is no question in my mind, as the distinguished Senator from Missouri answered a while ago, that when we use the word "facility" as a collective noun, we are referring to the mines, the land immediately adjacent, the administration building, the laboratory building, retorts, crushers, and means of access to all of them including the mines, crushers, and retorts.

Mr. HRUSKA. The second question which the Senator from Illinois was interested in having answered was as to the conditions under which the facility can be transferred, by letter, to the Secretary of the Navy. The Senator from Illinois had in mind, in that connection, that traditionally and by precedent we usually find the development of mineral resources as being within the domain of the Department of the Interior. However, there is a provision for transfer, by letter, to the Secretary of the Navy. Under what conditions may that be done?

Mr. ALLOTT. I think perhaps it would be wise to read, first of all, the language of the bill, which provides:

For such purposes the Secretary of the Interior may use, lease for use by institutions, organizations, or individuals, public or private, or transfer by letter to the Secretary of the Navy the facility described in subsection (a) * * *.

I addressed the same question to the Secretary of the Interior.

Mr. President, I ask unanimous consent that my letter to the Secretary of the Interior and his reply may be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 7, 1962.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I invite your attention to H.R. 5423, a bill presently pending before the Senate Armed Forces Committee. In its present form, the bill raises several questions, which should be clarified prior to, but in anticipation of, enactment. In view of the fact that persons within your Department worked closely with the Navy and Members of the House of Representatives in formulating this compromise version, your comments will prove most helpful and informative. All of my questions relate to section 7438.

H.R. 5423 grants possession of the Rifle, Colo., experimental facilities to you. I am concerned that the language of the bill is vague insofar as it relates to the number of institutions and/or individuals that can use the facilities simultaneously or concurrently. It would not, in my judgment, be in the best interests of the United States to have the facility "locked up" by a single institution or one particular group of individuals. What are your views on this matter? And may I inquire as to your interpretation.

Amongst the alternatives granted is your right to transfer the facility at Rifle, by letter, to the Secretary of the Navy. I do not like this arrangement, preferring to see Interior or Navy with a clear-cut mandate to make a success out of Rifle. However, my questions relating to this arrangement are (1) would you contemplate executing the transfer during the existence of a valid lease or contract upon the premises? If so, under what circumstances? (2) How long do you propose to maintain possession of the Rifle facility in the event no contract or lease is secured?

My final area of concern deals with your authority to mine and remove oil shale from the naval reserve. The specific language in question is as follows: "The Secretary of the Interior may, after consultation by the Secretary of the Navy with the Committees on Armed Services of the Senate and the House of Representatives, mine and remove, or authorize the mining and removal of any oil shale or product therefrom from lands in the naval oil shale reserves that may be needed for such experimentation." Do you foresee any difficulty in the administration of this provision? Frankly, the meaning of the key word "consultation" is not altogether clear to me. I see no mandatory requirement obligating the Secretary of the Navy to act, in your behalf. What are your views?

The possibility exists that I shall appear on September 13, 1962, before the full Armed Services Committee of the Senate. Your reply to this letter, no later than September 12, would be greatly appreciated and would assist me in framing my testimony. At this writing, I am considering offering some amendments designed to cure the defects which appear to exist and which I outlined above. It may be that your response would provide reassurances which would make some or all of my amendments unnecessary.

Best regards.

Sincerely yours,
GORDON ALLOTT,
U.S. Senator.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 11, 1962.
Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: This is in reply to your letter of September 7 concerning certain aspects of section 7438 of H.R. 5423, presently pending before the Senate Armed Services Committee.

We agree that it would be unwise to permit the Rifle facility to be "locked up" under any contractual arrangement. The proposed legislation gives the Department of the Interior possession of the Rifle facility while providing flexibility in its authority to contract oil shale research, to lease the facility, or to conduct research on its own account. In the event that the Department is successful in contracting or leasing operation of the Rifle facility in whole or in part, you may be assured the terms of the arrangement or arrangements will provide safeguards for the public interest. At this point it is impossible to determine the nature of future operations at Rifle or the number of lessees that might be involved. The Department of the Interior intends, however, to oversee operations at this facility in such a manner as to insure that the broadest public interest will be served.

Should this proposed legislation become law, the Department of the Interior plans to maintain active control over the Rifle facility while conducting its own research and development work or throughout the term of any contracts or leases. The Department regards this legislation as a mandate to bring about productive use of the Rifle facility.

The length of time this Department would maintain possession of the Rifle facility, in the event that no contract or lease were secured, cannot be determined. The alternative provided in section 7438 of transferring the facility from this Department to the Department of the Navy is, therefore, solely in the nature of a safeguard. Should it become necessary at some future point, because of lack of funds or a shift in emphasis of the Bureau's program, the transfer could be accomplished expeditiously. At this time, however, there are no plans to effect such a transfer.

The Department anticipates no difficulties in the administration of the provision for mining and removal of shale from the naval reserve, inasmuch as this provision was mutually agreed upon at a meeting of representatives of the Department of the Interior and the Department of the Navy. The Navy assured us that it would notify the congressional committee promptly upon our request. The language in the proposed legislation simply spells out the procedure for authorizing the mining and removal of shale. It does not in our view create any administrative problems.

Sincerely yours,
__________,
Secretary of the Interior.

Mr. ALLOTT. Mr. President, in reply to this particular question, in his letter of September 11, the Secretary of the Interior said:

> The length of time this Department would maintain possession of the Rifle facility, in the event that no contract or lease were secured, cannot be determined. The alternative provided in section 7438 of transferring the facility from this Department to the Department of the Navy is, therefore, solely in the nature of a safeguard. Should it become necessary at some future point, because of lack of funds or a shift in emphasis of the Bureau's program, the transfer could be accomplished expeditiously. At this time, however, there are no plans to effect such a transfer.

So when the Secretary of the Interior uses the words "solely in the nature of a safeguard," I take it for granted—and I believe this is a part of the legislative history—that it is not something to be transferred upon a whim, but that it would be transferred only on very good cause shown and after it had been demonstrated that the whole picture surrounding oil shale and oil shale development and experimentation had changed.

I might answer further by saying that Representative VINSON also answered the question. He was the principal author of the bill in the House. He said:

> Also, the bill clearly recognizes the responsibility of the Secretary of the Navy to provide oil shale and products therefrom for national defense needs. It seems to me that the national interest is best served by permitting transfer of the facilities from Interior to the Navy. I say this because there may arise circumstances under which Interior, for one reason or another, might be unable to operate the plant during peacetime. Under such a circumstance, it would seem quite reasonable for the Department of the Navy, as a military department, to take over the facilities in order to accelerate the experimental work which could mean so much to the Nation in an emergency.
>
> Indeed, I might say that in my opinion this language does not weaken the congressional mandate to the Department of the Interior but rather strengthens our overall national flexibility in this important area.

Mr. HRUSKA. The bill provides that the Secretary of the Interior may not act in connection with the mining of any shale for experimental purposes until after the Secretary of the Navy has consulted with the Committees on Armed Services of the House and Senate. In view of the fact that the only mining which the Secretary of the Interior is authorized to do is with respect to the experimentation authorized by the bill, it is considered desirable that there be assurance at this time that the Secretary of the Navy will consult with the Committees on Armed Services promptly upon the request of the Secretary of the Interior. Are such assurances contained in the record, or can they be given?

Mr. ALLOTT. In reply to the Senator's question, I read again from the letter of Representative VINSON:

> Next, you note that the bill as written authorizes the Secretary of the Interior to remove shale "after consultation by the Secretary of the Navy with the Committees on Armed Services of the Senate and the House of Representatives." You note that the bill contains no definition of the word "consultation," and for this reason, you express concern that there would be no obligation upon the Secretary of the Navy to initiate consultation if he chose not to do so. You ask whether I regard this as a problem.
>
> It is true that the bill does not contain any definition of the word "consultation." However, the practice of consulting with the Armed Services Committee is one which has a long history in connection with the petroleum reserves. While not defined, the word has an accepted meaning so far as the executive branch and the committee are concerned which has enabled congressional surveillance of our petroleum reserves for many years, and, in my opinion, to the great benefit of the Government.
>
> Actually, "consultation" is a word of considerable elasticity which has been expanded and contracted over the years to fit particular situations as they have arisen. Its main purpose is simply to assure that the cognizant committees of the Congress are aware at all times of what action is being contemplated by the executive branch with respect to these very important oil reserves. The fact that we have now included the oil shale reserves within the consultation process will mean nothing more than a continuation of the well-established and effective practice which has been in existence for a very long time.

If I may reply further to the Senator from Nebraska, I directed, by letter, the same question to the Secretary of the Navy and I received a reply, dated September 11, 1962, as follows:

> In fact, "consultation" means action taken by the Secretary of the Navy to inform the Armed Services Committees of intended action and new programs relating to the reserves. The subjects have not been limited to those specifically required by the statute. The committees are consulted on other matters concerning major actions or policy decisions affecting the reserves. The "consultation" is usually accomplished informally by letters. This process affords the committees the opportunity to keep abreast of current developments, to register objection, and if they so desire, to hold formal hearings or to take corrective legislative action.
>
> Because of the interest the Congress has in the naval petroleum and oil shale reserves, the Department of the Navy maintains a close working relationship with those committees thereon, and it is the Secretary's policy to keep them fully informed upon all matters relating thereto. I want to assure you that the language in H.R. 5423 concerning consultation is amply sufficient to insure prompt action and cooperation by the Secretary of the Navy on any request of the Department of the Interior to mine and remove any amount of oil shale as may be needed for experimentation.

Mr. HRUSKA. That information certainly is reassuring. It indicates that there is a pattern for this type of consultation which is an approved routine, and it is helpful to know that this particular situation is being embraced in that pattern and routine.

Mr. ALLOTT. Yes; and I think perhaps even more important is the last sentence, which involves a question which concerns me very much—namely, the assurance that when the Department of the Interior informs them, the Navy will immediately take steps to see to it that the Department can mine the shale, can provide for the development, and so forth.

Mr. HRUSKA. These facilities were provided by the Department and were operated by it. Therefore, there exists the possibility that in the future they might be operated by the Deparment or in cooperation with others; and there is the understanding that the term "leased," as used in the bill, provides for such cooperative agreements between those two entities or between others, does it not? Can that assurance be given?

Mr. ALLOTT. I believe so. A moment ago the Senator from Missouri [Mr. SYMINGTON] said, when I mentioned cooperative agreements, that he hoped the action taken would be along that line; and I call attention to subparagraph (b), which provides that the Secretary of the Interior, subject to the approval of the President, shall, by contract, lease, or otherwise, encourage the use of the facility. The use of the word "otherwise," together with the legislative history established by the Senator from Missouri, does establish that; and I support the bill today with that concept; namely, that it can be done by cooperative agreement, also; and I am glad the Senator from Missouri volunteered that information.

Mr. HRUSKA. Mr. President, in view of the committee reports, I would have used a stronger word than "may." If we believe there is urgency in this connection, I believe we should provide that we intend that the Secretary shall take steps to use the lease and facilities for the developmental work of the mine, or authorize such developments of the shale as may be necessary to carry out the work.

What are the thoughts of the Senator from Colorado in regard to that matter?

Mr. ALLOTT. My thoughts are as follows: Some 4 or 5 years ago Congress shut off funds for carrying on further experimentation and developmental work at the mine and the facility at Rifle. Therefore, it seems futile to direct him to do it, when there is no authorization here and when we do not provide funds for it. I hope that by cooperative agreement, perhaps, this might come along in the future.

But it is clear—and the legislative history being made here should be perfectly clear from all that the Senator from Missouri has said, and from all that my colleague has said—that we intend by this bill that the Secretary of the Interior will utilize every effort to use the whole mechanism of agreements, leases, contracts, cooperative agreements, or whatever else may be helpful, in order to carry out the purpose of section 7438 for the development, research, and experimentation on oil shale.

I should like to ask my colleague whether it is his understanding that this is the purpose of this section, without the mandatory provisions, that the Secretary of the Interior will do it.

Mr. CARROLL. That is clearly my understanding. Moreover, if the Secretary of the Interior does not do it, we convey certain rights and clear up the title for the Navy. We place this facility in the hands of the Department of the Interior, and that means all that goes with it. But if something happens so that the Department of the Interior does not function in this way, I have

no doubt that Congress will give the facility to the Navy and will let the Navy develop it, although traditionally and historically this experimentation function belongs in the Department of the Interior. From some conversations I have had with the Department of the Interior, I have been led to believe that the Department of the Interior is ready to proceed and will not delay with this development.

So I support the position taken by my colleague.

Mr. ALLOTT. I thank my colleague.

Mr. President, in referring further to the letter of September 11 from the Department of the Interior, I note the following sentence:

> The Department regards this legislation as a mandate to bring about productive use of the Rifle facility.

So I think that answers the question.

Mr. President, I ask unanimous consent to have printed in full in the RECORD my letters to the Secretary of the Interior, to the Secretary of the Navy, and to Chairman VINSON, of the House Armed Services Committee, together with the replies.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 1962.

Hon. CARL VINSON,
Chairman, Committee on Armed Services, House Office Building, Washington, D.C.

DEAR CONGRESSMAN: Thank you very much for your kind and complete answer to my inquiry of September 7, concerning H.R. 5423.

I think your letter, together with the other information I have, will serve as a legislative history which should take care of most of the questions I had raised.

Best regards.

Sincerely yours,
GORDON ALLOTT,
U.S. Senator.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., September 13, 1962.
Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: I want to thank you for your letter of September 7, 1962, concerning H.R. 5423, a bill relating to the naval oil shale reserves. I think that the first paragraph of your letter is a fine summary of the importance which this bill has to the Nation from the standpoint of defense and to your own State from the standpoint of the local economy. You do, however, express concern over some of the provisions of the bill. I will try to respond to the matters which you have raised.

First, you note that although the bill vests authority over the experimental plant at Rifle in the Department of the Interior, it permits the Secretary of the Interior to transfer these facilities to the Secretary of the Navy. You feel that full jurisdiction should be vested in one or the other department in order to encourage a maximum effort to use these facilities. I would say in response to this that the bill recognizes the historic role of the Bureau of Mines of the Department of the Interior in mineral resources development. Actually, the provision which you refer to does not permit the Department of the Interior to transfer to the Navy any of the responsibility or the incentive that it has to advance mineral resources development. It permits the Interior to transfer only the facilities near Rifle, Colo., to the Navy, which to my mind is quite a different thing.

Also, the bill clearly recognizes the responsibility of the Secretary of the Navy to provide oil shale and products therefrom for national defense needs. It seems to me that the national interest is best served by permitting transfer of the facilities from Interior to the Navy. I say this because there may arise circumstances under which Interior, for one reason or another, might be unable to operate the plant during peacetime. Under such a circumstance it would seem quite reasonable for the Department of the Navy, as a military department, to take over the facilities in order to accelerate the experimental work which could mean so much to the Nation in an emergency.

Indeed, I might say that in my own opinion this language does not weaken the congressional mandate to the Department of the Interior but rather strengthens our overall national flexibility in this important area.

Next, you note that the bill as written authorizes the Secretary of the Interior to remove shale "after consultation by the Secretary of the Navy with the Committees on Armed Services of the Senate and the House of Representatives." You note that the bill contains no definition of the word "consultation" and for this reason, you express concern that there would be no obligation upon the Secretary of the Navy to initiate consultation if he chose not to do so. You ask whether I regard this as a problem.

It is true that the bill does not contain any definition of the word "consultation." However, the practice of consulting with the Armed Services Committee is one which has a long history in connection with the petroleum reserves. While not defined, the word has an accepted meaning so far as the executive branch and the committee are concerned which has enabled congressional surveillance of our petroleum reserves for many years and, in my opinion, to the great benefit of the Government.

Actually, "consultation" is a word of considerable elasticity which has been expanded and contracted over the years to fit particular situations as they have arisen. Its main purpose is simply to insure that the cognizant committees of the Congress are aware at all times of what action is being contemplated by the executive branch with respect to these very important oil reserves. The fact that we have now included the oil shale reserves within the consultation process will mean nothing more than a continuation of the well established and effective practice which has been in existence for a very long time.

You ask whether the Department of the Interior must initiate a consultation each time shale is needed for experimental purposes. I will answer this question in the negative. I would visualize that the procedure will be somewhat as follows: First, a determination will be made by the executive branch as to the amount of shale needed for experimental purposes. Let us say that this determination contemplates mining some 2,000 tons daily. The Armed Services Committee will study this requirement and if it agrees that 2,000 tons daily is a reasonable amount, it will advise the Department that no objection will be interposed to the mining of this amount for the ensuing year or some such time. After this, no consultation will be required during the stated period unless, of course, it is found that a greater amount is needed, in which event another similar consultation would be held.

With respect to your expression of concern that the Secretary of the Navy is under no obligation to initiate consultation, I would say this: The interest of the Department of the Interior and that of the Deparment of the Navy are identical in their end result. I cannot see that any difficulty whatsoever could arise from this source. It must be kept in mind, I think, that this bill is a joint product of the Navy and Interior and is based on their understanding as how best to mine and remove oil shale from the reserve for experimentation. I cannot conceive of any circumstance under which the Navy would be unwilling to initiate consultation and to carry through from that point. Indeed, I can hardly believe, in any event, that such a matter would not come to my attention if any difficulty of this nature arose.

I can well understand the concern which you feel about this so important matter and I am wholly appreciative of your desire to raise these questions and receive answers to them. I hope that what I have written above does provide answers to your questions but I want to assure you if there is any point which I have not covered in sufficient detail or indeed if there are other matters not mentioned in your letter concerning which you would like my views, please let me know and I will be most happy to do my best to provide further information.

Sincerely,

CARL VINSON, *Chairman.*

SEPTEMBER 7, 1962.

Hon. CARL VINSON,
Chairman, House Committee on Armed Services, Washington, D.C.

DEAR MR. CHAIRMAN: You are aware, I am certain, of my keen interest over the years in the development of oil shale. A capability to produce petroleum from shale in commercial quantities is in the national interest. I have pressed for the development of research in this field, hoping that a commercially feasible technique can ultimately be realized. Oil extracted from shale may well prove to be the vital asset in the event of a national emergency. It could, as well, give rise to a new industry beneficial to the State of Colorado and the entire economy. For these reasons I introduced bills in the 85th, 86th, and 87th Congresses in an effort to resolve conclusively the legislative hiatus which, even today, denies either to the Department of the Interior or the Navy Department the use of the facilities at Rifle, Colo.

H.R. 5423, reported from your committee and passed by the House, deals with this problem and does so in a very constructive way. The bill, however, gives rise to a number of questions which should be answered, in order to have a full and complete understanding of the legislation. Since I heartily concur with the objectives of H.R. 5423 and would hope for its speedy enactment, it would be of great assistance if you, as the principal architect of the bill, would furnish me with your views regarding the ensuing questions—all of which relate to the amendment of section 7438.

While vesting authority over the Rifle plant and facilities with the Secretary of the Interior, the bill permits him to transfer these facilities, by letter, to the Secretary of the Navy. In my judgment, a firm and full authority should vest in one or the other Department, in order to encourage a maximum effort to use the facilities in accordance with the congressional mandate. The alternative provision in the bill wrests from Interior the full measure of incentive which would be present if it had the sole responsibility for tackling the job. If, in 6 months to a year, the Department is unsuccessful in leasing the facilities, the alternative afforded to it, to transfer by letter, is quite expedient. Despite the fact that the provision is borne out of compromise, its merits are doubtful. What is your view?

I turn next to the authority to mine and remove shale from the naval oil shale reserves for experimental purposes. As written, the bill authorizes the Secretary of the Interior to remove shale after "consultation by the Secretary of the Navy with the Committees on Armed Services of the Senate and the House of Representatives." The interpretation of such language turns upon the word "consultation" and I am unable to find a definition of it anywhere in the bill. What concerns me is the fact that I see no obligation upon the Secretary of the Navy to initiate the consultation if he does not choose to do so. Do you regard this as a problem and what, in your judgment, could the Secretary of the Interior do to require Navy to initiate a consultation? How often would consultation take place? Is it your view that Interior would have to initiate a consultation each time shale were needed for experimental purposes?

The Secretary of the Navy, by present law, is required to consult with the Armed Services Committees before using the petroleum reserves. I am sure that has proven a satisfactory arrangement to all concerned for that situation. The Secretary is espousing and presenting his own cause. When, however, a third party intervenes; namely, the Secretary of the Interior, this introduces an element for which the arrangement was not designed.

I share your view that the surveillance of naval oil shale reserves be every bit as strict as that which is practiced upon the petroleum reserves. What concerns me is that the procedure which is presently contemplated, relating to shale for experimentation purposes, may prove stultifying—a result which none of us would want, of course.

Your comments are invited to these questions, because of your long experience and devoted service in these matters. I have only one objective and that is to see the Rifle facilities put to use in the best interests of the United States. If the present bill, H.R. 5423, can, by legislative history, be made crystal clear, amendments to it would serve no better purpose.

Best regards.

Sincerely yours,

GORDON ALLOTT,
U.S. Senator.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., September 11, 1962.

Hon. GORDON ALLOTT,
U.S. Senate,
Washintgon, D.C.

MY DEAR SENATOR: This is in reply to your letter of September 7, 1962, to Secretary Korth concerning H.R. 5423. Under the allocation of the Secretary's duties, I am assigned matters relating to the naval petroleum and oil shale reserves.

First, I want to express to you my thanks and appreciation for your interest in this piece of important legislation, in which you question the adequacy of the requirement, on page 8 of the bill, for consultation with the Armed Services Committees of the Senate and the House of Representatives. You express apprehension that the language is not sufficiently imperative and obligatory upon the Secretary of the Navy to assure the Secretary of the Interior of action by the Secretary of the Navy to seek consultation and to respond to Interior's need to mine and remove oil shale from the reserve for experimental purposes.

This language in the bill is not new to the administration of the naval petroleum and oil shale reserves. It is patterned after section 7431 of title 10, United States Code, which requires consultation with the Armed Services Committees, and approval by the President, on certain kinds of matters relating to the naval petroleum reserves. The legislative history of that section reveals that following the scandals in the 1920's involving the reserves, the Congress insured its continuous working knowledge and supervision over them by requiring "consultation." The form of consultation has never been defined by statute. Consequently, the committees have great latitude in effecting their supervision.

In fact, "consultation" means action taken by the Secretary of the Navy to inform the Armed Services Committees of intended action and new programs relating to the reserves. The subjects have not been limited to those specifically required by the statute. The committees are consulted on other matters concerning major actions or policy decisions affecting the reserves. The "consultation" is usually accomplished informally by letters. This process affords the committees the opportunity to keep abreast of current developments, to register objection, and if they so desire, to hold formal hearings or to take corrective legislative action.

Because of the interest the Congress has in the naval petroleum and oil shale reserves, the Department of the Navy maintains a close working relationship with those committees thereon, and it is the Secretary's policy to keep them fully informed on all matters relating thereto. I want to assure you that the language in H.R. 5423 concerning consultation is amply sufficient to insure prompt action and cooperation by the Secretary of the Navy on any request of the Department of the Interior to mine and remove any amount of oil shale as may be needed for experimentation.

Thank you again for your interest, and I trust this reply will serve the purpose of your inquiry.

Sincerely yours,

KENNETH E. BELIEU.

SEPTEMBER 7, 1962.

Hon. FRED KORTH,
Secretary of the Navy,
Department of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: I invite your attention to H.R. 5423, a bill presently pending before the Senate Armed Services Committee. In its present form, the bill raises a question which should be clarified prior to, but in anticipation of, enactment. Since persons within your Department worked closely with the Department of the Interior and Members of the House of Representatives in reaching a compromise version, your comments will prove helpful and informative. My question deals solely with respect to language contained in section 7438 on page 8 of the bill. The language which gives me considerable concern is "The Secretary of the Interior may, after consultation by the Secretary of the Navy with the Committees on Armed Services of the Senate and the House of Representatives, mine and remove, or authorize the mining and removal, of any oil shale or products therefrom, from lands in the naval oil shale reserves that may be needed for such experimentation." The interpretation of such language turns upon the word "consultation" and I am unable to find a definition of it anywhere in the bill. What concerns me is the fact that I see no obligation imposed upon you to initiate the consultation. While I recognize the overriding spirit of cooperation which should and must exist amongst all of the Departments in the executive branch, nevertheless, it is not unforeseeable that a controversy might arise. Under such circumstances, what compulsion exists to require you to "consult" with reference to the mining and removal of oil shale or products therefrom with the respective committees on Armed Services and in behalf of the Secretary of the Interior?

It is a possibility that I shall appear on September 13, 1962, before the full Armed Services Committee of the Senate. Your reply to this letter, no later than September 12, would be greatly appreciated and would assist me in framing my testimony. At this writing, I am considering offering some amendments designed to cure the defects which appear to exist and which I outlined above. It may be that your response would provide reassurances which would make some or all of my amendments unnecessary.

Best regards.

Sincerely yours,

GORDON ALLOTT,
U.S. Senator.

Mr. HRUSKA. Mr. President, I should like to ask another question.

Mr. CARROLL. First, Mr. President, I ask the Senator to yield, so that I may make the record clear at this point: It goes without saying that Congress must appropriate money, so that these things may be done; and it will not be the fault of the Department if Congress does not give it the opportunity to function. I think we should not blame the Department if Congress does not do its part.

Mr. HRUSKA. Would there be anything to prevent the transportation of shale to facilities elsewhere than at Rifle, Colo., in connection with this developmental and experimental work.

Mr. ALLOTT. I see nothing to prevent it.

Mr. HRUSKA. I thank the Senator from Colorado for his patience and also for the clarity of his responses to the questions which have been propounded. I am sure the other Senators join me in this expression of appreciation.

Mr. ALLOTT. I thank the Senator from Nebraska.

Mr. MANSFIELD. Mr. President, I wish to state that in my 10 years here, I have never seen as good a legislative history as this one developed in connection with any other bill. This is the best legislative history in regard to any bill that has been before us on the floor.

Mr. President, I hope the bill will now be voted on.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

Mr. KEATING. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator from New York be so kind as to permit the vote on this bill to be taken?

Mr. KEATING. Yes, I shall yield for that purpose, although I have already yielded for other matters about five times.

Mr. MANSFIELD. If the Senator from New York will yield for this purpose, and then will yield to have another measure laid down and made the unfinished business, I shall appreciate that very much.

Mr. KEATING. I shall be glad to do so.

Mr. MANSFIELD. Mr. President, I call for the third reading of the bill.

The ACTING PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5423) was ordered to a third reading, was read the third time, and passed.

Mr. ALLOTT. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. CARROLL. Mr. President, I move that the motion to reconsider be laid on the table.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senator from New York [Mr. KEATING] has shown great patience.

ADMITTANCE OF VESSEL "CITY OF NEW ORLEANS" TO AMERICAN REGISTRY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of Calendar No. 1747, Senate bill 3115, to authorize admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade, so that the bill will be laid before the Senate and be made the unfinished business.

The **ACTING PRESIDENT** pro tempore. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 3115) to authorize the admittance of the vessel *City of New Orleans* to American registry and to permit the use of such vessel in the coastwise trade.

CONCURRENT RESOLUTION EXPRESSING CONGRESSIONAL SUPPORT FOR EFFORTS TO ENFORCE COMPLIANCE WITH MANDATES OF FEDERAL COURTS

Mr. KEATING. Mr. President, on behalf of the Senator from Illinois [Mr. DOUGLAS] and myself, and joined by my colleague [Mr. JAVITS] and the Senator from Wisconsin [Mr. PROXMIRE], I submit a concurrent resolution expressing the full support of Congress for the efforts of the President to enforce compliance with the mandates of the Federal courts in Mississippi by every means appropriate to that end.

I ask unanimous consent that the concurrent resolution be ordered to lie on the table until the close of business on Tuesday, October 2, in order to permit other Senators to join in sponsoring the concurrent resolution.

The **ACTING PRESIDENT** pro tempore. Without objection, the concurrent resolution will lie on the table, as requested by the Senator from New York.

Mr. EASTLAND. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I yield.

Mr. EASTLAND. The distinguished Senator from New York has a resolution which has to do with the Governor of the State of Mississippi; is that correct?

Mr. KEATING. No. The resolving clause of the concurrent resolution reads as follows:

> *Resolved*, That the Congress expresses its full support of the efforts of the President to enforce compliance with the mandates of the Federal courts in Mississippi by every means appropriate to that end.

It is a concurrent resolution to support the President of the United States and the Department of Justice in their efforts to enforce the law.

Mr. EASTLAND. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield for a question.

Mr. EASTLAND. Does the Senator realize he is trying to hitch a ride on Governor Barnett's coattails and that Governor Barnett would not have him?

Mr. KEATING. The Senator from New York is not trying to deal with Governor Barnett or any other official except as any official might defy the Federal courts.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. KEATING. I would prefer to proceed for 2 or 3 minutes, and then I shall be glad to yield.

Mr. EASTLAND. May I ask the Senator a question?

Mr. KEATING. As soon as I complete my statement.

Mr. EASTLAND. No——

Mr. KEATING. Events unfolding in Mississippi, it seems to me——

Mr. EASTLAND. Why is it——

The **PRESIDING OFFICER.** Does the Senator from New York yield?

Mr. KEATING. Mr. President, I do not yield.

Events unfolding in Mississippi, it seems to me, cannot be completely ignored by the Congress. It is our solemn obligation to lend the full support of the legislative branch of the National Government to the efforts being made by the President and the Department of Justice to secure obedience to the law.

The rule of law is a free nation's most distinguishing characteristic. Its preservation is the vital obligation of every American. The people of the United States cannot condone a state of anarchy in any part of our Union. They cannot condone open defiance of the law in any part of our Union. The supremacy of the law must be maintained by every means appropriate to that end.

We applaud the determination of the President and the Attorney General to obtain full compliance with the mandates of the Federal courts in Mississippi.

I believe firmly in States rights, but no State has the right to defy the Constitution. No State official has the right to put himself above the law. No mob has the right to impede the enforcement of the law. These are not States rights, but States wrongs.

I am confident that the overwhelming majority of the American people are ashamed of the cruel measures which certain officials in Mississippi have pursued to prevent an American from attending a State university because of the color of his skin. The antics of these officials are repugnant to our entire heritage of freedom and justice.

It is the obligation of the Congress as much as any other branch of government to express its support for law and order in the fateful struggle now being waged in Mississippi.

Our resolution makes it clear that what is happening in Mississippi does not represent the true character and beliefs of America. The resolution reflects the overwhelming sentiment of our people in favor of equal justice for all Americans. It lends the full prestige of the Senate to the efforts of those attempting to enhance respect for the majestic power of the law in every part of our land.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. In one minute I shall be happy to yield.

The reason why we have asked that the resolution be ordered to lie on the table until the close of business on Tuesday is to permit our colleagues to join as cosponsors, and it is the hope of the Senator from Illinois [Mr. DOUGLAS] and myself—I am sure he agrees—that it will be cosponsored by a majority of Senators before it is printed. Of course, we realize that at this late stage in the session it would be quite impossible to obtain action in the committee to which this resolution would be referred in the normal way, but certainly to have this statement of conscience, this declaration of conscience, which is what the resolution amounts to, subscribed to by many Members of this body, would be very helpful.

I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD at this point.

There being no objection, the concurrent resolution (S. Con. Res. 96) was referred to the Committee on the Judiciary, as follows:

> Whereas the rule of law is a free Nation's most distinguishing characteristic; and
>
> Whereas preservation of respect for the law and obedience to its commands is the obligation of every American; and
>
> Whereas certain officials in the State of Mississippi have set themselves above the law, are defying the mandates of the Federal courts, and have adopted cruel measures to deny equal protection of the law to an American citizen because of his race; and
>
> Whereas the actions of these officials have cast discredit on our Nation and misrepresented the character and sentiments of the American people; and
>
> Whereas the President and the Attorney General have taken certain steps to enforce the law of the land in Mississippi; and
>
> Whereas the Congress as the representatives of the people and the States of the Union should make manifest its support of the President in the fateful struggle now being waged in Mississippi; and
>
> Whereas an expression of support by the Congress would enhance respect for the rule of law and reflect the overwhelming sentiment of our people in favor of equal justice for all Americans: Now, therefore, be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That the Congress expresses its full support of the efforts of the President to enforce compliance with the mandates of the Federal courts in Mississippi by every means appropriate to that end.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. EASTLAND. Of course, the distinguished Senator knows, does he not, that the Governor of Mississippi is protecting and preserving the Constitution of the United States? I would like to tell the distinguished Senator from New

York that I received a telegram from the NAACP alerting me that the distinguished Senator from New York and the distinguished Senator from Illinois—both my friends—were going to introduce this resolution. I am certain the NAACP has not influenced them in their action in any regard.

Mr. KEATING. In reply to the distinguished Senator, as to the first part of his question I would not characterize the action of anyone, unless I had seen the record, purely based upon newspaper accounts, but, from the newspaper accounts, it would appear to me that the Governor of Mississippi is not supporting the Constitution, but is defying the Constitution and the dignity and the power of the Federal Government.

As to the second part of the Senator's question, I know nothing about the telegram from the National Association for the Advancement of Colored People, except that I assume they would be very much interested in this action.

The resolution was drawn by the Senator from Illinois [Mr. DOUGLAS] and myself without any help whatever from any outside agencies. I presume they were aware of the fact that the resolution was being submitted, and I am very glad that they have communicated with the Senator from Mississippi. I hope their communication will bear fruit and that the Senator from Mississippi will see the light and will join the Senator from Illinois [Mr. DOUGLAS] and myself, as the National Association for the Advancement of Colored People has requested.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. I yield to my friend.

Mr. EASTLAND. Is it not peculiar that they had advance notice and that they telegraphed Senators to be on the lookout and to watch for the resolution introduced by the Senator from New York and the Senator from Illinois? I know the Senator is free and independent and is a great Senator. So is the Senator from Illinois. I respect the Senator, but is not that a peculiar circumstance?

Mr. KEATING. The Senator from Illinois and I issued a press release, which was sent to the press gallery, many hours ago. Neither I nor my office had any contact with the NAACP before the resolution was prepared or before the press release was prepared. As the distinguished majority leader knows, I have been seeking to obtain recognition. I did not want to interfere with the progress of the pay bill. But it is a fact that not only did the Senator from Mississippi, but many others, including, no doubt, the NAACP, knew what we were planning to do. There is no secret about it. I am glad they knew, and I am glad they telegraphed the Senator. I hope they will have weight with the Senator. They have not had before, but the Senator sometimes shows an open mind, and it may be that this time the NAACP will be able to convince him.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. EASTLAND. I tell my distinguished friend that I do have an open mind, and because my mind is open and free, I know the Governor of Mississippi is a great Governor, that he is conscientious and sincere, and is doing what he can to protect this system of government as he knows it.

I bring no accusation against my friend from New York or my friend from Illinois. The Senator knows one cannot convict a man on circumstances.

But it is not a peculiar circumstance that before the resolution was submitted there came a telegram from the NAACP that it would be, with a request to give it support. I am not going to support it, certainly.

Mr. KEATING. That comes as no surprise to the Senator from New York, but it is always a disappointment to me to witness the Senator's position on this problem.

Mr. EASTLAND. Of course that would not surprise the Senator.

I would not presume to question the motives of anyone. I think my friend from New York is honest. I know he is highly intelligent. I know he is a very fine Senator. I say that also for my friend the Senator from Illinois. But this circumstance I cannot explain. I am sure, if my friend from New York says he wrote the resolution, that he wrote the resolution.

Mr. KEATING. I say to my friend from Mississippi that if I had been in control of the NAACP I would have saved the money which was used in sending that telegram to the distinguished Senator from Mississippi.

Mr. EASTLAND. The fact is that the telegram has gone out—I judge to all Senators—alerting them that the resolution would be before the Senate.

Mr. KEATING. I presume it very well may have been so, because the entire text of the resolution was in the press gallery at noon. And, as I have said, I had no contact with the NAACP at any time before the preparation of the resolution or the release.

Mr. EASTLAND. I see. The explanation is that they had nothing to do with it, they knew nothing about it, except that they got the information from the text of the resolution which was at the press gallery at noon.

Mr. KEATING. I say to my friend that they knew nothing about it from anything which I have conveyed to them before that time and I am quite sure that is true with respect to the distinguished Senator from Illinois.

Mr. DOUGLAS. I can assure the Senator in that regard.

Mr. EASTLAND. We are still confronted with a peculiar circumstance. We were alerted that the resolution would be presented.

Mr. KEATING. As I have said, I assume that it was picked up from the ticker.

Mr. EASTLAND. Then it came out of the closet. The resolution was submitted, exactly as was stated.

Mr. KEATING. That is true. That fact has been on the public record for many hours.

Mr. EASTLAND. Mr. President, I accept, of course, what my friend from New York and my friend from Illinois say about it. We will have to overrule the peculiar circumstance in their favor.

Mr. KEATING. There is no peculiar circumstance about it, I say to my friend on my honor as a Senator. There would have been nothing improper in it, but I say to the Senator that I had no communication whatsoever with anyone connected with the NAACP before or during the preparation of the resolution on release.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. I merely assume the NAACP obtained its information the way everybody else does. But I must certainly commend the NAACP on its alertness and initiative in moving so rapidly on this very important matter.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. EASTLAND. The Senator does not have to tell me anything on his honor as a Senator. I accept his word as gospel.

Mr. KEATING. I appreciate that.

Mr. EASTLAND. In all cases, except, when I can think for myself. In a case in which I know nothing about the facts, of course, I know the Senator is truthful and righteous. I am not questioning that. The Senator does not have to tell me anything on his honor as a Senator. I accept what he says about it.

Mr. KEATING. That is very kind of the Senator. I assume that the NAACP is very much interested in this resolution and that when they learned about it in midday, they sought to get as much support for it as quickly as possible, but I really think it was not necessary to send a telegram to the Senator from Mississippi.

Mr. EASTLAND. No. They wasted money. That is correct.

Mr. KEATING. Unfortunately, that is exactly the way I would view it.

I wish to add, as to the Governor of Mississippi—because the Senator from Mississippi has a very clever method, and is a very agile and able Senator with an adroit method of tying two things together—that all the resolution would do is to support the President and the Congress in their efforts to support the law. If the Governor of Mississippi is correct, he will have ample opportunity, I believe, on next Friday morning at 10 o'clock, to present his case. He will be given the right of appeal, which is extended to every other citizen. If he is right and the President and the Attorney General are wrong, that will be determined in the courts of our land. That is the way we operate. I hope we always continue to do so.

Mr. EASTLAND. Will the Senator yield to me?

Mr. KEATING. I yield.

Mr. EASTLAND. I tell my distinguished friend from New York that if he knew the judges who compose the fifth circuit as I do, there never was a western horsethief who would get a fairer trial than the Governor of Mississippi would get there. I think that can be established by the record.

Mr. KEATING. I do know the distinguished chief judge of that court, Judge Tuttle. I know him to be a man of great honor, of high integrity, of outstanding ability; one of the finest lawyers and jurists in this land.

Mr. DOUGLAS. Mr. President, I felt it my duty to join with the two Senators from New York and the Senator from Wisconsin in sponsoring the concurrent resolution, which I think is very temperately and very accurately drafted.

I wish to emphasize that we are not attacking the people of Mississippi or the people of the South. We recognize that the people of the South are, in a sense, prisoners of history, prisoners of the customs and institutions which developed under slavery, and that while the formal institution of chattel slavery was eliminated, so far as the power to move armies is concerned, a century ago, the habits of mind and the social customs generated by that institution continue in large measure.

I think the moral opinion of the country and indeed of the major portion of the South has rejected the theory of slavery; namely, that Negroes are by that very fact grossly inferior to whites and should not be permitted the liberties, rights and privileges which are given to white citizens.

I think it is this difference between the social beliefs of a section of the South and the beliefs of the overwhelming remainder of the country which has created this feeling of indignation over the actions by the State officials of Mississippi. After all, the issue at stake is whether a mature man—apparently a very gentlemanly man—of 29 should be admitted to study at a State university.

While I understand the historic basis for the objection to the admission of Mr. Meredith, I think the moral judgment of mankind has held them to be not well taken.

I was once alderman in a ward in Chicago which was one-third Negro and where the Negro section was sharply differentiated from the white section by a park. People of the white two-thirds of my ward were in constant terror lest the Negro one-third cross the park and take up abode amongst the white citizens; and, very frankly, I was fearful there would be violence. I spent a good deal of time and effort trying to prevent violence, trying to obtain a peaceful adjustment of these prejudices. I am very happy to say that we were successful in that regard. It would be incorrect for me to claim that the coexistence of the two races has been entirely without incidents, but on the whole the adjustment has taken place with a relatively high degree of harmony. This was much more of a mass problem, I may say, involving many thousands of people, than the question of the admission of one very mature man to a university with many thousands of white students.

The Senator from New York [Mr. KEATING] and I were very careful in drafting the amendment to make no reflection upon the people of Mississippi. We worded the release and the resolution in a temporate fashion to concentrate attention upon the fact that the high officials of the State of Mississippi were acting in an unconstitutional and an illegal fashion.

Before I go into the constitutional aspects, I wish to say that very commonly people fear events such as the admission of a Negro student to a previously "white" college and, if I may say so, they acquire almost a psychosis about them. But when the event occurs, it is found to be not so dire and terrible after all.

Some years ago I had the privilege of visiting on the campus of the University of Arkansas, which had a few years previously taken what seemed to be the daring step of admitting Negroes to the law school. I talked with students who had originally opposed the admission of these Negroes and they voluntarily, and without any stimulation on my part, said that it had worked out very well, that it had really broadened their own point of view, and that they were glad that it had happened. I think that has been the experience of a number of southern institutions.

I like to think of the people of the South as a generous people who, as I say, have been handicapped by the institution of slavery, by the Civil War and by the events which grew out of the Civil War. I do not believe that either I or any member of the so-called civil rights group can be charged with ever reflecting on the character or innate decency of the people of the South. Quite to the contrary. Fortunately, we of the North were spared by climate and history from the evil institution of slavery which still hangs as an albatross around the minds and thoughts of many of the people in the South.

Our great hope is that the saner elements in the South may take control, and that ways will be worked out for peaceful adjustment of these difficulties.

I hope the junior Senator from Mississippi will forgive me if I say that his constant attitude of kindliness and personal fair dealings has, I believe, impressed all of us from the North. And we say in no condescending fashion at all that we believe he represents the true South. If the law is obeyed, as we hope it will be, the final events will be much better than many people in Mississippi now fear.

As I listened to the discussion, a few lines of John Greenleaf Whittier came to my mind. I think perhaps they may be appropriate. Whittier states that events which are feared frequently turn out to be liberating. If the Senate will forgive me, I should like to quote those lines as I remember them:

> The clouds which rise with thunder
> Slake our thirsty souls with rain
> The blow most dreaded falls to break
> From off our limbs a chain.
> And wrongs of man to man but make
> The love of God more plain.

If I may speak very briefly on the constitutional question, our southern friends constantly appeal to the 10th amendment to the Constitution, which, as we all know, provides—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

When the inquiry arises as to the specific power in the Constitution which grants to the Federal Government the right to desegregate schools, or to prevent discrimination in voting or in the use of public facilities, and when such powers cannot be found within the confines of the first 10 amendments, then the assertion is frequently made that there are no such powers. What our good friends ignore are the post-Civil War amendments, not merely the 13th amendment, which abolished chattel slavery, which is recognized, but also the 14th and 15th amendments. The 14th amendment is particularly appropriate. The more I read that amendment, the more I see in it. I hope I may be excused if I repeat the first section:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

There are at least four points in that amendment which are essential. First, everyone who is born or naturalized in the United States has a citizenship, not only of the State wherein he resides, but also of the United States as well. There are no first-class citizens or second-class citizens, and no citizens exclusively of Illinois, Mississippi, New York or Alabama. They are citizens of those States, yes, because they reside there. But they are also citizens of the United States. One citizen has the same right as any other citizen.

The next clause provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

This means that the rights guaranteed under the first 10 amendments of the Constitution, and which under the first 10 amendments are protected against congressional or national interference, are by this clause also protected against interference by the States or the civil subdivisions of the States.

The Federal Government, therefore, throws this protection around people, to see that these privileges or immunities are not abridged.

Then comes the third phase:

> Nor shall any State deprive any person of life, liberty, or property without due process of law.

At times in the past the emphasis has been on property, but increasingly the conscience of the country and the opinions of the Court have emphasized life and liberty, along with property. This prohibition against depriving a person of those things without due process of law means that the Federal Government has the right to intervene in order to enforce this protection.

Mr. JAVITS. Mr. President, will the Senator yield at this point, if it is convenient for him to do so?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I should like to say to the Senator, first, that it is typical of him to join in the resolution with the conviction with which he has. Of course, I understand so well what he has done, from the longstanding association with him which my colleague from New York [Mr. KEATING] and I have had with him in the Senate.

I wish to underline the point which the Senator has been making, and that is, that a situation of confrontation between Federal and State power is nothing which anyone in his right mind would seek, or out of which anyone would get any pleasure.

Mr. DOUGLAS. The Senator is correct.

Mr. JAVITS. On the contrary, I know that the distinguished Senator from Mississippi yesterday spoke of the fact that the Supreme Court should first decide this question. That is what the junior Senator from Mississippi [Mr. STENNIS] said. I was eager to join him in that plea. That is the way it ought to be done.

The point I wish to make is that the Governor has the right to apply to the Supreme Court for a stay. He does not have a right to refuse to honor the mandate of the circuit court of appeals. By doing so, he disables himself of asserting his right, by not comporting himself as a citizen who accepts the normal processes of the courts. I believe it is important to point out that the Governor of Mississippi may follow an entirely honorable course, consistent with complete sincerity on his part, by going into court. If the circuit court rules against him, and he does not win—we can assume it, because the court has already indicated its view—he can seek a stay in the Supreme Court. That stay can be granted by one judge. In a case like this, no doubt it would be granted. Then the case goes through the processes of the Supreme Court. Then the mandate comes down. As a loyal citizen of our country, he will obey.

If the Governor deprives himself of this privilege, of accepting the processes, of granting the court not only the courtesy, but by responding to the right the court has, by appearing before the court, himself or by counsel, then he deprives himself of the benefit of the orderly processes of law, and only makes us, as the Senator has so properly said, feel disheartened by the fact that these very processes of law, which the Senator from Illinois and my colleague from New York have so properly and ingeniously, I might say, sought to have us invoke, are not used because he refuses to play the game of being an American.

Mr. DOUGLAS. I thank the Senator. The last provision of the first section of the 14th amendment provides:

> Nor deny to any person within its jurisdiction the equal protection of the laws.

This does not mean that only white people shall have the equal protection of the laws. It means that no person, white or colored, rich or poor, man or woman, shall be denied the equal protection of the laws.

This is a guarantee from the Nation.

In article III of the Constitution it is provided:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

In section 2 of article III it states:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

Thus there is no question about jurisdiction.

Similarly, the 15th amendment, which is not directly involved in the Meredith case, but which is involved in concomitant disputes, provides, in section 1:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

Under the authority of the 15th amendment, legislation was enacted in 1957 and 1960. It was not very good legislation, but it was some legislation.

Let me close by saying that we want a united country. It cannot be united by the suppression of human beings in given sections of the Nation or by acts which deny the equal protection of the laws, or which abridge the privileges or immunities of citizens of the United States, or deprive people of life, liberty, and property, without due process of law.

Citizenship is universal for those who are either born or naturalized in the United States. The Federal Government has not only the obligation, but also the responsibility, to protect those rights.

Mr. STENNIS. Mr. President, I regret extremely that this resolution was submitted, particularly at this time, when the subject matter is somewhat inflammatory. I appreciate the remark of the Senator from Illinois, that it makes no attack on the people of Mississippi, or on the people of the South. I know that is the sentiment also of the Senator from New York, with whom I had an opportunity to discuss the matter previously this afternoon. However, I believe that, with all deference to these Senators, the remarks about chattel slaves or references to slavery in the old days, certainly have no application to this very important and very urgent matter that we have before us now.

I do not believe the resolution will do any good.

I trust that the Senate will not give it any consideration. In the first place, there is no time now for its proper consideration, particularly in view of the fact that it has such a far-reaching effect.

For another thing, it should not be initiated in this session, particularly in the dying days of this session. The question is still pending before the Supreme Court. There seems to be a great deal of sentiment that this issue should be fully decided by the Supreme Court of the United States. That is exactly what the State of Mississippi has been trying to do. It has been trying to obtain full consideration of the entire case and a stay of the proceedings until a final decision could be rendered by the Supreme Court. That is the very matter that was applied for, and which Justice Black denied. He denied any consideration of it. There is an appeal pending. All Senators should realize that fact. An appeal is pending now in the Supreme Court of the United States. The case is coming up on its merits. That is a petition for certiorari, which will bring the matter before the Court. What was denied by Justice Black was a stay of the proceedings. So my point is that an issue should not be raised on the floor of the Senate by a formal resolution. The issue should be before the Supreme Court of the United States in the form of a petition for a stay of proceedings. This would require but a few weeks. As matters now stand, the entire State and its Governor are involved in the controversy. I shall address myself a little further to that point in a few minutes.

I believe that the sending of a telegram by the National Association for the Advancement of Colored People was most unfortunate. Of course, one always has the right to petition Congress; that is a fundamental constitutional right. But at this time the action of the NAACP is most unfortunate and has no application and no place in the proceedings.

Mr. President, the situation in Mississippi arising out of the efforts of the Justice Department and the NAACP to force the admission of James Meredith as a student at the University of Mississippi presents the most serious legal question and the gravest constitutional issue to face the people of this Nation during the last 100 years.

The Meredith case started out as a private suit between Meredith and the Board of Trustees of the Mississippi State Institutions of Higher Learning, and the entire case, until just last month, proceeded on that basis. The trial on the merits was held in the U.S. district court in Jackson, Miss., before one of the most able and distinguished judges in the entire country—a trial judge with many years of experience, both as a practicing attorney and as a judge. After hearing all the evidence and arguments of counsel and considering the matter, strictly on the merits, the district judge ruled against the admission of Meredith. The case was appealed to a three-judge panel of the fifth circuit court of appeals and that court reversed the decision and ruled that Meredith should be admitted. One of the most learned and respected judges of the fifth circuit issued a stay of execution of the judgment of the fifth circuit court of appeals, thus holding in abeyance the actual admission of James Meredith pending an appeal to the Supreme Court of the United States. The attorney general of Mississippi, representing the board of trustees, timely filed in the Supreme Court of the United States a petition for a writ of certiorari. This was done on August 16, 1962.

In the meantime, the fifth circuit court of appeals vacated the stay of execution, another stay was entered, and it, too, was vacated. When a third stay of execution was entered, application was made to the Supreme Court to vacate that stay of execution.

This application was on file in the Supreme Court just a few days, and although briefs were filed by the attorney general of Mississippi, representing the board, attorneys for Meredith and the Justice Department, amicus curiae, one member of the Supreme Court, Justice Hugo L. Black, issued a ruling vacating the stay of execution. Justice Black acted on September 10, saying:

> Although convinced that I have the power to act alone in this matter, I have submitted it to each of my brethren, and I am authorized to state that each of them agrees that the case is properly before this Court, that I have power to act, and that under the circumstances I should exercise that power as I have done here.

This is certainly not judicial consideration of the case on its merits. This is not the type of searching thought and application of legal principles which should be given such a serious case. Is it really true that a Governor might be held in contempt of court, or sent to jail, or a sovereign State might be invaded by Federal troops and its citizens terrorized at the point of bayonets, on this fragmentary attention by one judge? I raise that point most gravely and most seriously.

Justice Black further expressed the opinion that there was very little chance that the Supreme Court would hear an appeal on the Meredith case because essentially it involved only factual issue.

Mr. President, I have briefly outlined the procedural aspects of the Meredith case to emphasize this point: The Supreme Court of the United States has never considered this case, as a Court, on its merits. A petition for a writ of certiorari was filed before the Court on August 16, and a brief in response has been filed. But no oral arguments have been held and from that day until this, the Court has not considered the case on its merits and it stands now as a pending matter in the Supreme Court of the United States.

And yet, on this flimsy procedure and without the State of Mississippi having a chance to be heard in the Highest Court of the land, talk is abundant in Washington that the Federal Government is considering sending a Governor of a sovereign State to jail or sending Federal troops against its own citizens.

The time is here when we must stop and ponder the wisdom of such hasty action. In their haste to cram integration down the throats of the people of Mississippi, the Justice Department and the NAACP are ignoring sound constitutional principles and rights reserved to the people of Mississippi, and every State, under the 10th amendment to our Constitution.

Mr. President, in all history there has never been a similar case, and it is unthinkable that any responsible person with the most elementary understanding of constitutional principles would consider for a single minute action to imprison a Governor or send troops to a sovereign State to enforce a court order when the Highest Court of the land has not considered the case on its merits for even one instant.

Mr. President, the State of Mississippi is entitled to present its case to the Supreme Court of the United States, make oral argument and have a full panel of nine Justices to listen attentively, seriously consider the briefs, make exhaustive legal research, search all the precedents, and apply sound logic and wisdom in rendering a fair, just, and impartial decision based on strict constitutional law without reference to political consideration or sociological theories.

This is a grave issue, and the State of Mississippi or any other State must have ample opportunity to present its case and have it decided, on the facts and law, by the Highest Court in the land.

This is not an unreasonable suggestion. In fact, I think a careful reading of the Constitution reflects that it was the intention of the Founding Fathers that no decision would be enforced in a proceeding by the United States against a State, or one State against another, without consideration of the case by the Supreme Court.

The Meredith case started out as private litigation, but now the Federal Government and the Justice Department have taken it over lock, stock, and barrel and are handling the entire litigation as a suit by the United States. It seems to be immaterial that Congress has not authorized the Attorney General to represent individual citizens in cases of this kind and to become private counsel for individuals. In fact, as I have pointed out earlier, the Senate on three separate occasions has soundly defeated proposals to give the Attorney General the very authority to exercise the powers which he has now assumed. I will speak more on this later but point out here that in spite of the fact that the Department of Justice is acting beyond its authority, the fact is that the United States is the moving party in the Meredith case as it now stands.

The events of the past few days have thrown a different light on this entire proceeding. Not only has the Attorney General become general counsel for Meredith and, in effect, substituted the United States as a party to the suit, but in Mississippi other legal questions have been raised, including the doctrine of interposition, and the State of Mississippi and its Governor are likewise indispensable and vitally affected participants in the litigation.

The Constitution of the United States, in spirit if not in letter, clearly contemplates that in any proceeding wherein the sovereign powers or rights of a State or its Governor are in issue, and the Federal Government is likewise involved, the case shall be heard on its merits by the Supreme Court of the United States. In fact, real logic supports the conclusion that the Supreme Court might have original jurisdiction in such a case.

Clause 2, section 2, article III, of the Constitution of the United States provides as follows:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

I think it is clear and unmistakable that those who drafted the Constitution intended that in all serious questions affecting the rights of the sovereign States of this Nation, the Supreme Court should have an opportunity to decide the case.

This case involves the State of Mississippi, but it affects all States.

In view of the serious legal and constitutional questions involved and the impact of this controversy not only on my State but on all 50 States, all proceedings should be halted immediately and the status quo maintained until these constitutional questions of the gravest kind can be argued by the parties involved before the Supreme Court of the United States and the State of Mississippi can have its case decided by the highest court of the land.

Mr. President, as I have said, I expect to develop some of those points further, and I shall do so on some appropriate occasion.

Again I wish to emphasize that I shall greatly appreciate the indulgence, consideration, and understanding of my colleagues; and I trust that in the dying days of this session there will be no disposition on the part of any appreciable number to try to rush through to a conclusion some kind of resolution which has no proper bearing upon this case, or any like case, and particularly one which now is pending before the Supreme Court of the United States, in which there ought to be a stay of proceedings by that Court until the Court itself has ruled on the question involved in the regular American way.

ASSIGNMENTS OF FOREIGN SERVICE OFFICERS

Mr. PELL. Mr. President, the September issue of the Foreign Service Journal contained a most interesting exchange of letters concerning a letter of resignation by Mr. Edward E. Wright from the Foreign Service and comments by the Division of Personnel of the Department of State on Mr. Wright's letter.

As a former Foreign Service officer, I naturally, read with great interest this exchange, and I commend the editors of the Foreign Service Journal for publishing these items. I ask unanimous consent that the letter of resignation of Mr. Edward E. Wright and the comments made on Mr. Wright's letter by the Division of Personnel of the Department of State, be inserted in the RECORD at this point.

There being no objection, the letter and the statement were ordered to be printed in the RECORD, as follows:

A LETTER OF RESIGNATION

MARCH 6, 1962.

I doubt whether you are much interested in publishing letters of resignation from the Foreign Service but in the event you are, here is my own:

My assignments in the Foreign Service over the past 5 years have run more or less as follows: Assistant to the Director of the Office of Public Affairs, ARA (4 weeks, 1957), Assistant to the Officer in Charge of Brazilian Affairs, ARA (15 months, 1957–58), deputy to the special assistant to the Under

Secretary of State for Law of the Sea, U/LA (17 months, 1958–60), adviser to the U.S. delegation to the 2d United Nations Law of the Sea Conference, Geneva (6 weeks, 1960), staff aid to the U.S. Ambassador to NATO and deputy secretary of the U.S. delegation to NATO, Paris (22 months, 1960–62).

EDWARD E. WRIGHT.

USRO, PARIS.

FEBRUARY 8, 1962.

DEAR MR. SECRETARY: I submit my resignation as a Foreign Service officer of the United States.

In resigning from the Foreign Service after several years of connection with it, I am conscious of feelings of regret at ending my association with you, and with fellow officers whom I esteem. The experience has been personally rewarding in many ways. The opportunity for Government service it has provided is, and will continue to be, a source of pleasure to me. These sincere feelings, together with the high worth of Foreign Service work in these difficult times, cause me to think I should try to give you an explanation of the reasons that prompt me to leave the Service.

The Foreign Service Officer Corps does not, insofar as I can see, offer a unified and coherent career of service to one deeply interested in the conduct of our foreign relations. Service assignments are marked by an absence of direction or effective choice and are often unrelated to an officer's principal interests. With respect to junior officers, I have found it somewhat rare that the duties of assigned positions can evoke an absorption and performance that approximate the officer's capabilities. It is my impression also that, toward the end of successful and rewarded service, senior officers, with great frequency, are unable to influence the formation of foreign policy decisions of most immediate impact upon their area of responsibility. Lastly, throughout the ranks, including the highest positions, the most deeply felt differences with prevailing foreign policy—on which members of the Foreign Service are more knowledgeable than any other group—must be silently confined within the internal processes of the Government.

The reasons last mentioned, it might be said, are, after all, historic limitations on working for the Government. That is so. But if at the end and height of a lifetime in the field of foreign affairs an officer's accumulated experience and judgment must be silently buried when it does not prevail, the Nation itself loses the advantages of informed, audible argument over foreign policy, and it can be wondered if the career can thus rest upon foundations capable of giving genuine personal satisfaction.

To suggest that my resignation at this early stage is influenced by differences which I feel, or expect to feel, over our foreign policy, makes my case probably somewhat unusual. I do not believe it is unusual, however, with regard to my other reasons.

Foreign Service officer positions in the last few years have taken on great variety. The fact itself has become a subject of common, if muted, grievance within the Service. In the range of conceivable assignments, there exists a large proportion of jobs only obliquely related to the political and economic interests which motivate the main body of officers to join. Those who have reached the summit may be inclined to look back with indulgence on a curious course. Those who are looking upward can only see the path as vague and more than a little demoralizing. The Service ranks consequently reflect, I believe, a lack of the "esprit de corps" an organization has whose members are satisfied with their posts, their future prospects, and their sense of direction.

Despite sharing, in various measure, the feelings which I have described, the majority of officers nevertheless choose to stay in. If many do so for a negative reason, for the lack of a concrete and attractive alternative, many also of course do so for reasons of satisfaction with their immediate work, which can be considerable, or of devotion and self-sacrifice. But it would be a mistake I think to hold a presumption that the ablest of junior officers by and large are staying in the Service, or, if they are, that years of assignment in the Service will result in their evolution as senior officers best qualified for the demands of the Foreign Service. It may appear a bizarre proposal, but we would have a better Foreign Service, I suggest, if FSO ranks 5–8 were substantially abolished, if there were no officer positions which did not confer heavy responsibilities, and if promotion, or outside recruitment, into all ranks, occurred freely, on the basis of conspicuous qualification. The principal rationale for containing junior officers in the Service is that they are expected eventually to staff responsible positions and must be trained. Such training as occurs however is for the most part limited, or accidental.

There are numerous exceptions and qualifications to the views I have expressed which I would not hesitate to concede. My own assignments have not particularly been the cause of my views, I might say, as they have been somewhat exceptional. But it is my judgment that the Foreign Service has profound deficiencies which must be remedied if its appeal, its esprit, and its performance in the Nation's service are to reach the high ground required of it. In requesting that you accept my resignation, I take the liberty of expressing these personal views in the hope that the Service may somehow be the beneficiary.

EDWARD E. WRIGHT.

REPLY FROM PER

Mr. Wright's letter raises some basic questions which are, or should be, of real concern to all of us in the Foreign Service.

Perhaps the weakest of Mr. Wright's arguments is his contention that senior officers are unable to influence the formulation of senior policy, and that they suffer from their inability to make public their dissents. While it is true that final decisions in matters of foreign policy are, and should be, made at the highest level by the President and the Secretary, the role of senior and even, at times, middle-ranking officers, in the Department and abroad, is considerable. Where disagreements with current policy exist within the Department, it is difficult to see how the latter could be expected to function if these differences were regularly brought out onto the public forum. It is questionable, furthermore, whether this obvious need of having the executive branch speak with one voice is either detrimental to the Nation or the individuals involved. As long as debate over foreign policy is freely and actively pursued in Congress, the press, and among the public in general, there is little danger that valid opinions will go unvoiced.

Whether failure to give public voice to dissenting views prevents "genuine personal satisfaction" for individual Foreign Service officers, as claimed by Mr. Wright, is, of course, a matter which each officer will have to decide for himself. Basic disagreements with policy within the Service are certainly more the exception than the rule, and, when they do occur, most officers are content to wage a silent battle for their views without the benefit of a public audience.

If Mr. Wright's long-range criticisms of the Service appear to be of somewhat marginal significance, his arguments concerning the nature of work to which junior officers are assigned and the effects of such assignments raise certain serious and basic considerations. It is true that some assignments have had and continue to have a negative impact on the morale of some of our junior officers. The work involved in a number of FSO positions has relatively little initial appeal to the average officer entering through the current examination process.

A partial answer to Mr. Wright is, of course, that such assignments represent useful experience for later assignments of broader responsibility and that the discipline involved is a desirable quality to develop in our young officers. There is certainly much to be said for this argument. The Foreign Service is a career service. If this much-abused term is to mean anything, it certainly must mean that our career officers must be prepared to serve in a variety of jobs, not always of their choosing, both to meet the needs of the Service and for the purpose of developing the officers themselves. Our many positions in program direction (from principal officer at a consulate to ambassador) can generally better be filled by officers with a wide breadth of experience than by too narrow specialists.

Having made the above point, it is only fair to recognize that some of our junior officer positions have only marginal significance even in terms of the above criteria.

If Mr. Wright's objections are not, therefore, entirely without foundation, his rapid discouragement with the Service would seem to be somewhat less justified. The concern he voices has, for some time, been shared by many and action is already being taken to remedy the situation.

There are several ways of approaching the problems. A first step, which has already been taken, has been to revitalize the staff corps. By removing the ceilings which resulted from the Wriston program and by making it possible to assign FSS personnel to FSO positions, it should be possible in the next few years to assign an increasing number of qualified FSS personnel to lower ranking consular and administrative positions. Another important step, currently under active study, is to modify the entrance examination in such a way as to attract a larger percentage of FSO's interested in consular and administrative work (as well as more qualified economists).

A further move, which bears directly on the issue at stake, has been the recent decision to assign all new FSO's in a central complement status permitting extensive rotation during the first tour. If this policy is properly implemented in the field, and other measures mentioned are carried through, most junior officers should be able in the future to obtain wide experience in their first 2 years and thence proceed in areas of primary interest to them.

Still another desirable change would be to realine our job classification and class structure at the lower levels. At present there is a considerable discrepancy between the number of officers in classes 7 and 8 and the number of meaningful jobs at these levels. Such a realinement would provide greater job satisfaction for our younger officers as well as better manpower utilization for the Government.

To sum up, it would appear that Mr. Wright has raised some partially valid criticisms, but that much can be and already is being done to meet them. The Service has seen many changes from the days when only a financially privileged elite could expect to serve. It will never be a satisfactory home for those who expect built-in perfection or for the faint of heart. It will continue to improve and meet its responsibilities to the extent the best of its members remain with it and relentlessly press forward.

Mr. PELL. Mr. President, from my own experience, I cannot agree with Mr. Wright that "senior officers, with great frequency, are unable to influence the formation of foreign policy decisions of most immediate impact upon their area of responsibility," nor can I agree with Mr. Wright's contention that deeply felt differences concerning policy should be publicly aired by Foreign Service officers. Foreign Service officers speak for the U.S. Government; and if high-ranking officers publicly took different positions, we would have chaos and confusion. It seems to me that if an officer feels strongly about a particular policy, to the point where he believes he must make known publicly his dissent, the only honorable thing for him to do is to be transferred to another post or to resign; and then he has, of course, every right and duty to make known his views publicly.

I have the impression that this is one of the reasons why Mr. Wright is resigning; and I respect him for his conviction.

However, by virtue of my own experience and frequent contacts with friends in the Foreign Service, I can sympathize with Mr. Wright's observations concerning the type of assignments which junior Foreign Service officers sometimes receive. I believe that we currently lose too many promising young Foreign Service officers because they are assigned to positions which do not make use of their full potential and basic interest. In this connection, I was glad to note that the memorandum by the Division of Personnel of the Department of State recognized that Mr. Wright's comments on this point "are not * * * entirely without foundation," and that steps are being taken to remedy the situation.

Basically, to my mind, many of the problems in the Foreign Service today result from the unscrambling of the omelet caused by Wristonization. To compel a good desk officer to go into the field, where he has no desire to be; to compel administrative officers to be general officers and to compel general officers to be administrators for prolonged periods of time, are actions that, to my mind, do not make the best use of the capabilities of the men concerned. I notice that a real effort is being made to unscramble the omelet and to revitalize the Foreign Service Corps. I particularly support the Department's intention in this regard.

If this could be done, it would accomplish a desirable double purpose. On the one hand, it would help to eliminate the assignment of young Foreign Service officers to detailed administrative positions when they have little or no interest in such positions. Conversely, Foreign Service Staff officers who have years of experience in administration and consular work, who currently find themselves in political and economic reporting assignments which they do not like, would have an opportunity to return to fields which interest them.

I also noted with interest the other programs the Department of State is considering to help insure that junior officers are placed in challenging work which makes full use of their potentialities.

I was particularly intrigued with the portion of Mr. Wright's letter in which he suggests that FSO ranks from 5 to 8 be substantially abolished, that there be no officers positions which do not involve heavy responsibility, and that promotion or outside recruitment, into all ranks; occur freely, on a basis of conspicuous qualification.

It is indeed important in this time of crisis that we make every effort to insure that our Foreign Service is administered in a manner which will attract and keep capable young Foreign Service officers. Moreover, I think that it is always healthy for any organization to have new ideas and new people enter it at various levels.

Mr. President, I shall continue to watch with great interest the development of our Foreign Service.

VOLUNTARY PENSION PLANS BY SELF-EMPLOYED INDIVIDUALS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, and for other purposes. I ask unanimous consent for the present consideration of the report. I do so at this time in the absence of the Senator from Florida, who has temporarily left the Chamber, and at his specific request.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 25, 1962, pp. 20567–20575, CONGRESSIONAL RECORD.)

Mr. MANSFIELD. Mr. President, I assure Senators that no final action will be taken on the conference report tonight.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, I have been in contact with the distinguished Senator from Tennessee [Mr. GORE], who is one of the U.S. delegates to the United Nations. He is now in New York City, carrying out his obligations in that capacity. I have also been in touch with the distinguished minority leader [Mr. DIRKSEN], who now is in the hospital, and with other Senators who are interested in this proposal; and, with the approval of the Senator from Tennessee, I ask unanimous consent that the vote on the conference report on H.R. 10 be taken at 11 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr President, in view of the fact that there are not many Senators in the Chamber at this particular time, I wish to say that a motion to extend that time, tomorrow, will be given every consideration by the leadership.

Mr. KEATING. How will the time be divided?

Mr. MANSFIELD. I assume that the time will be divided between the majority leader and the minority leader or Senators whom they may designate.

Mr. KEATING. I thank the Senator from Montana.

The order as subsequently reduced to writing is as follows:

Ordered, That the Senate vote at 11 a.m. on Friday, September 28, on the conference report on H.R. 10, the voluntary pension plans, with the time for the debate to start at the conclusion of the morning business, and that it be equally divided and controlled by the majority and minority leaders, respectively, or someone designated by them. (Sept. 27, 1962.)

THE BALLET FOLKLORICO OF MEXICO

Mr. MANSFIELD. Mr. President, earlier this week, Washington audiences were treated to a colorful glimpse of the rich cultural heritage of Mexico when the Ballet Folklorico of Mexico gave two performances at Loew's Capitol Theater. The performances marked the end of a cross-country tour for the group. The tour began at the World's Fair in Seattle. The debut here was received with praise and enthusiasm by the press and public, as shown by the reviews which appeared in the Washington Post and the Washington Evening Star. Mr. President, I ask unanimous consent that the articles written by Jean Battey, of the Post, and by Harry MacArthur and Patricia Saltonstall, of the Star, be included in the RECORD at the end of my remarks.

The Ballet Folklorico of Mexico also performed for President and Mrs. Kennedy on their recent visit to Mexico City. Mrs. Mansfield and I had the good fortune to attend that performance, and were most impressed with the beauty and artistry of the group. I am delighted that they could come to the United States, and am pleased to note that they will return next year for a 6-month tour. This is indeed good news, and I know the people of the United States will welcome, again, this outstanding ballet, which in my opinion is one of the world's best.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 25, 1962]

BALLET FOLKLORICO ENCHANTS VIEWERS

(By Jean Battey)

Dance is a born revelation. It records, illustrates, and embellishes.

And seldom was this more artfully demonstrated than last night when the Ballet Folklorico of Mexico gave the first of its two performances at Lowe's Capital. The company appears again tonight at 8:30.

The engaging group is vivid proof of its country's rich cultural background and present vitality.

The entire program was directed and choreographed by Amalia Hernandez, who has used her Mexican sources with a free, theatrical hand, with varying degrees of success. The opening number "Los Hijos del Sol," deals with Aztec funeral and war celebrations. It felt too far removed from its rather primitive and powerful subject and seemed too balletic in technique.

Other dances were closer in spirit to their original models. A Yaqui Indian deer dance was mesmerizing in its fleet movements and death throes of the deer.

One of the most enchanting moments of the evening was "Tehuantepec," a sacred wedding ritual. The dance had the slow elegance of a dream, if a dream could be that beautifully technicolor.

The costumes, in this and throughout the evening, were extraordinarily colorful and imaginative. They played a major role in the program's visual delight. The costumes were designed by Dasha, who is, incidentally, a former Washingtonian.

Other gifted collaborators made the evening a particular theatrical pleasure. Robin Bond (another former Washingtonian), Miguel Covarrubias, and Antonio Lopez designed the excellent sets and Edmundo Arreguin did the effective lighting.

There was a variety of musical instruments on stage—ranging from brilliant trumpets to bass guitars and the Mexican harp, flutes, and conch shell horns. The company's chorus was especially fine in "La Revolucion," celebrating the civil war of 1910.

Ballet Folklorico of Mexico is a handsome company with an appealing and interesting repertoire. Was it the fatigue of touring or Washington or what, that made them seem so serious at first? Whatever, by the end of the evening their charm and grace had won the audience completely, and made Patrick Hayes' first dance night of the season a great success.

[From the Washington Star, Sept. 25, 1962]

Mexico's Folklorico a Beguiling Troupe

(By Harry MacArthur)

Sol Hurok, the culture importer, has found another winner (and on this side of the Iron Curtain, too) in the Ballet Folklorico of Mexico. The company was rousingly greeted last night on its first Washington appearance and undoubtedly will be received with the same enthusiasm when it repeats the performance tonight on the stage of Loew's Capitol Theater.

The Mexican dancers' specialty is just what the name of the troupe implies. It is folk dancing, though, with a generous embellishment of showmanship. Amalia Hernandez, director and choreographer of Ballet Folklorico's program, is a woman with a fine flair for pageantry.

Virtually everything her dancers perform develops into an eye-dazzling splash of color in costumes and settings. It heightens the excitement considerably.

There is much more to Mexican folk dancing than that hat dance, it soon develops when Miss Hernandez' charges get to work. There seem to be as many varied dance styles as there are ethnic groups in Mexico's native population—Aztec, Spanish-Indian, Yaqui, Yucatecan, Huastecan, etc.

Some of the numbers show a definite kinship with the dances everywhere of people wooing fertility in the fields at planting time. Others display unmistakable signs of Spanish ancestry. Still others may remind you—and don't expect an explanation of it here—of Scottish and Irish folk dances, an effect especially noted when the accompaniment includes a shrill pipe that will take the top of your head off.

Whatever the style or origin of any given number, it is performed with skill, enthusiasm, and affection by these talented and high-spirited visitors.

There naturally is considerable variety, too, in the music to which the Mexicans perform their terpsichorean frolics. To run the gamut of Mexico's music, Ballet Folklorico travels not with one orchestra but with six instrumental and singing units—the Mariaches of Jalisco, a Veracruz Band, an Isthmus Marimba Band, the Yucatecan Trio, a Huastecan Band, and a group of Indian players.

One of the more colorful numbers in a program that abounds in color, both figuratively and literally, is the "Fiesta Veracruzana," which serves as a rousing finale to the first half of the show. This involves the entire company and puts some of them through dance paces that seem close to the impossible.

Montezuma, having been a big man around there, naturally figures in the company's numbers with an Aztec flavor. One of these, "Danza de los Quetzales," ties in with the legend that he had a headdress fashioned from 24 feathers plucked at great risk from the tails of these mythological birds. It features as spectacular a set of headdresses as you ever saw on any dancers.

"Los Hijos del Sol," the program's impressive opening number, recreates the mourning dance for the deceased Ahuizod back in 1466 and the dances in honor of the newly crowned Montezuma.

The Spanish influence is most notable in "Sones Antiguos de Michoacan," which means old dances of Michoacan, a state noted for its intermingling of Spanish and Indian bloodlines.

A high point of excitement is reached in "La Huasteca," a story dance that is climaxed with a machete duel between a pair of suitors of the same girl. The duelists use real machetes and real sparks fly.

The Mexicans, not to be outdone by any Russian dancers, even bring on their rifle-bearing women. They're authentic, too, turning up in "La Revolucion," a ballet and song memorial to Mexico's Revolution of 1910.

There's a tribute, too, in "Danza del Venado," to the proud spirit of the Yaqui Indians, a tribe of such rugged individuality that they still maintain the right to govern themselves.

Mexico's Ballet Folklorico is a company without stars, but it has a large assortment of handsome, talented and vivacious dancers to beguile vou.

[From the Washington Star, Sept. 26, 1962]

Kennedy Salutes Dancers—A Thrilling Moment for Ballerina Anaya

(By Patricia Saltonstall)

"Haven't I seen you somewhere before?" President Kennedy asked a flabbergasted member of the Folklorico of Mexico.

The young dancer was one of three singled out to be introduced to the President yesterday at the White House.

Miss Cristina Anaya, who had met the President and Mrs. Kennedy during their June visit to Mexico City, said later at a Mexican Embassy luncheon honoring the artists. "I was shaking—I was so impressed. And I answered with a very small 'yes'."

THANKS DANCERS

Referring to the group's generosity to him and Mrs. Kennedy during their Mexican trip, the President said to the dancers, "You made us feel as though we were not in a foreign country, but visiting the home of a friend."

Adding that he and Mrs. Kennedy had been impressed with their dancing, he ended his speech with a "Viva Mexico."

In reply to the warm welcome Choral Director Ramon Noble led the choir in a plaintive folksong of farewell.

Mexican Ambassador Carillo Flores interpreted the song and added that the performers hoped to return.

He and Chief of Protocol Angier Biddle Duke stood with the President at the 12:30 meeting in the Rose Garden. Before leaving for the luncheon, the visitors treated the President to a loud college cheer.

The lively group then turned the Mexican Embassy into a world of song and dance.

There to cries of "Ole!" Miss Anaya joined her fellow soloists, Miss Martha Garcia, Miss Isabel Salcedo and Miss Angelica Lopez to beat out the staccato tempo of their flamenco-derived folk dances.

Explaining that her company is sponsored and was originally underwritten by the Mexican Government's Theater of Fine Arts, Directress and Choreographer Mrs. Amalia Hernandez proudly noted they are now self-supporting after only 9 years' existence.

PRAISES U.S. AUDIENCES

Both she and Miss Anaya praised American audiences as responsive and effusive.

The group is on its first American tour, which has taken them from the Seattle World's Fair to their last stop, Washington.

Producer Sol Hurok, also a guest at the 1 p.m. buffet given by Ambassador and Mrs. Carillo Flores, said they would return for a 6-month tour next year.

International Monetary Fund and Inter-American Bank Director Raul Martinez Ostos and his wife stayed over from last week's monetary conferences for the luncheon.

Mexico's Ambassador to the Organization of American States and Mrs. Vicente Sanchez Gavito and Assistant Secretary of State and Mrs. Edwin M. Martin were more who met the 75-member group.

Unknown to many of the guests was the identity of the announcer who was making tapes and films for U.S. Information Service distribution. He was actor Ricardo Mantalban's brother, Carlos.

Mr. MANSFIELD. Mr. President, I thank the Senator from Rhode Island for his usual courtesy and kindness.

AID TO INDIA, AND U.S. FOREIGN POLICY

Mr. PELL. Mr. President, I should like to submit for insertion in the Record a very fine article by Chester Bowles which appeared in the July 29 issue of the New York Times Magazine. The article is entitled "Counters for Russia's Maneuvers." With his usual skill, Ambassador Bowles brilliantly contrasts alternative policies of rigidity and flexibility for dealing with the Soviet Union. I am thoroughly in agreement with his conclusion that we must adopt an imaginative flexibility in dealing with Russia in economic and cultural matters.

I should like to draw particular attenton to Mr. Bowles' comments on the importance of our aid to India. As our distinguished colleague—the former Ambassador to India—the Senator from Kentucky [Mr. Cooper] has often pointed out, the contrast between India's democratic road toward development and Red China's brutal totalitarian approach has been, and will continue to be, closely watched by the new nations. We would do well to remember that developing countries do not look so much to the United States and the Soviet Union to discover whose economy is the more vigorous, but, rather, they look to the competition between India and Red China.

During the fifties, it seemed that Red China was progressing more rapidly than India. By keeping consumption as low as possible, the Communist regime was forcing a rate of investment of 22 percent a year which caused their gross national product to grow at a rate of 8 percent a year. At that time, India's gains were more modest. Because it chose not to compel near-starvation rates of consumption, India invested only 8 percent of its gross national product each year, and grew at a rate of 3½ percent a year.

For a while, it seemed that freedom might be a luxury which the poor must forego until they could afford it. Slavery appeared, to some, to be the best way of breaking through the many vicious circles which prevent an underdeveloped country from attaining self-sustaining growth.

But, today, we are in a better position to assess the successes and failures of India and Red China during the past decade. In the past 4 years we have seen Red China's supposed "great leap forward" result in a drop in daily calorie consumption from 2,200 calories a person each day to 1,350 per day. Red China's GNP fell 8 percent per capita between 1958 and 1961. The situation on the Chinese mainland seems today, more than ever, to be little short of chaotic. In the spring refugees started pouring into Hong Kong, if only to get one good meal before being regretfully sent back. Now we hear that the Communists have reversed their much-touted anti-birth-control policy in further admission of their inability to feed their burgeoning population.

India's fortunes have been in sharp contrast. She has stepped up her growth rate to 6½ percent in 1960 to 1961. Since 1959, her GNP has increased 7 percent on a per capita basis. And over the past decade, as Ambassador Bowles points out in his article, there have been important increases in food grain production, the number of schools in rural areas, and improved prevention of diseases.

To be sure, we do not always agree with India and I, too, find certain Indian actions and spokesmen unpleasant, to say the least. But, it is in the nature of free nations and freemen to disagree. It is also the nature of free nations, contrary to Communist dogma, to cooperate in the peaceful and prosperous extension of freedom. Our aid to India is in the cause of development in freedom.

In connection with formulating American foreign policy, Mr. Bowles also stresses the need for new ideas to meet challenging new situations. He very correctly points out that we as a nation "have grown strong precisely because we have preferred creative, responsible action to the rigidities of the status quo."

I heartily commend Ambassador Bowles for his thoughtful, balanced, and stimulating article, and I ask unanimous consent that "Counters for Russian Maneuvers" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COUNTERS FOR RUSSIA'S MANEUVERS

(By Chester Bowles)

Can a freewheeling democracy of 185 million people such as ours create, administer, and sustain an effective foreign policy in today's complicated world?

More than a century ago de Tocqueville expressed grave doubts about the ability of democratic governments to deal effectively with the complexities of foreign relationships. He felt that this crucial area of public policy called for qualities more readily associated with an aristocracy than with the representatives of a democratic people.

Present-day critics of U.S. foreign policy have similar forebodings. If the President allows congressional and public pressures to shape his policies, they point out, there will be harmful compromise and delay. If he ignores these pressures, he will lose popular support. If he adopts a yes-and-no position, he will satisfy neither our national interests abroad nor public and congressional opinion at home.

No one who has been near the center of the decisionmaking process in Washington will lightly brush aside these doubts. There have been instances, where a congressional majority has overruled the administration in ways which have been deeply damaging to our foreign policy objectives.

Yet it does not follow that a democratic government is unable effectively to conduct its relations with the rest of the world; indeed, there is ample evidence to the contrary.

For instance, the succession of skilled strategists and administrators who directed Britain's foreign policy during the long Pax Britannica between Waterloo and the Battle of the Marne operated within the framework of a remarkably coherent and consistent foreign policy consensus.

Generations of hard experience had convinced Englishmen in all walks of life that the British Navy must control the seas, and that Britain must be prepared to fight any power or combination of powers that threatened to dominate Europe or to sever Britain's lifeline to Imperial India.

A British Government, acting within this framework of national agreement, was assured public support; a government which ignored it faced near-certain defeat.

What about the United States 50 years later? Does a similar national consensus on foreign policy exist in America today? On three key aspects of foreign policy I believe that the answer is affirmative:

1. The need for powerful Armed Forces and the will to use them, if necessary, to oppose aggression.

2. The fact that nuclear weapons have brought a new dimension into the military situation so that any war can quickly become an exercise in mutual annihilation.

3. The importance of the political and economic forces which in less than 20 years have so dramatically reshaped maps of the world and altered the lives of hundreds of millions of Asians and Africans.

The remaining differences among us relate to questions of method and priority; more specifically, to our dealings with the Communist nations and with the alined nations. These differences should be discussed frankly if we are to close the gap and establish a framework of national agreement within which our Government can act with confidence.

In their approach to these questions, most Americans fall into one of two groups, each committed to a peaceful, more orderly world, each aware that no panaceas are available to us, but with sharply divergent views on the nonmilitary aspects of American foreign policy.

In this regard, one group may be said to advocate a policy of maximum rigidity; the other a policy of maximum maneuverability.

Those who support the maximum rigidity approach hold, in essence, to the old aphorism that he who is not with us is against us. They believe that the lines of conflict must be tightly drawn everywhere. They hold that there is no basis for cooperation with those who do not share our interpretation of the world, and that eventually the Communist side or the democratic side will emerge as the dominant world force.

The application of this maximum rigidity approach to specific questions of foreign policy is illustrated by recent actions of the U.S. Senate when it first voted to reduce our support for India and again when it voted to eliminate U.S. assistance to Poland and Yugoslavia. Although these provisions were subsequently removed from the bill in conference, the Senate action was symptomatic of the pervasiveness of this school of thought.

The advocates of the opposing policy of maximum maneuverability stress that the balance of forces within the Communist world is in a constant state of flux, and that this flux creates increasing pressures for change within each country and in their relations to one another. Our policies, they believe, should be designed to encourage this process.

While aware of the hard military requirements, their definition of power goes beyond military weapons and industrial capacity to include people and the ideas that move them. Thus they attach special importance to the yearnings for justice, dignity, and progress which shape the views and policies of the developing nations.

Against this background, let us explore these two approaches—one of rigidity, the other of maneuverability—as they affect the three frontiers that lie between Communist interests and our own: the military, economic, and cultural frontiers.

Although the character and significance of these three frontiers vary greatly, advocates of maximum rigidity would largely ignore these differences. In their view, each frontier is a barrier to be relentlessly held, not simply against tanks, but against trade, aid, people, and ideas.

In contrast, the advocates of maximum maneuverability believe that the differences among these three frontiers are the decisive key to an effective foreign policy in the nuclear age. What are these differences?

The military frontier extends from the Baltic along the Iron Curtain to the Aegean Sea. Here Soviet and NATO troops, tanks, and planes confront each other across a barrier of barbed wire, watchtowers, and mined areas. Through CENTO, SEATO, and a variety of other multilateral and bilateral military pacts, it continues with varying effectiveness to the South China Sea. Behind this complex of troops and alliances stands the awesome nuclear capacity of two opposing power blocs.

In respect to this military frontier, our national foreign policy consensus is clearly established. Both the maximum rigidity and maximum maneuverability schools agree that weakness in the face of armed aggression or threatened aggression would lead to more aggression and therefore cannot be accepted.

But at that point agreement comes to an abrupt end. When considering the economic frontier, advocates of a rigid approach would apply the same inflexible terms as they do to the military frontier. They would maintain a barrier not only to troops but to trade, technicians, and capital.

The advocates of greater maneuverability disagree. They look at the economic frontier as an opportunity for boldness, flexibility, and initiative.

The differences between the two schools are brought into clear focus by their views on the question of economic assistance to Yugoslavia. Advocates of a rigid approach believe that this assistance has merely strengthened a potential adversary. Advocates of a policy of maximum maneuverability believe that such aid has been wise and productive.

The decision to support Yugoslavia was reached by President Truman and a Republican Congress soon after the former Soviet satellite announced its independence in 1948 and appealed to us for help. (Policies of continued support were adopted by Presidents Eisenhower and Kennedy.) Since then substantial changes have occurred within Yugoslavia itself and the nation's independent example has had a powerful effect in the Communist bloc.

From the beginning the objective of our aid was to assure the Yugoslav Government freedom to make its own basic choices and to encourage a similar sense of independence among the peoples of other Communist nations. By and large, it seems to me, this objective has been attained.

Poland affords a similar example. Caught between Red Army units in East Germany and the Soviet Union, Poland, in matters of foreign policy, consistently supports the Kremlin. Yet modest economic assistance from the United States has helped create a new sense of confidence and independence among the Polish people. Forty-two percent of Polish foreign trade is now with the non-Communist nations.

Let us now consider another key sector of the economic frontier where the argument between the two schools continues: the new and emerging nations of Africa, Asia, and Latin America.

Here the advocates of "maximum rigidity" would assist only those peoples whose governments support the policies of the United States. The advocates of maximum maneuverability believe that this "either or" approach would force the new developing nations to choose between subservience to either Moscow or Washington on the one hand, or chaos and continued misery on the other.

The issue may fall in clearer perspective if we examine the situation we now face in the developing continents.

The emerging nations of Asia, Africa and Latin America are wrestling with awesome problems of illiteracy, ill health, poverty, and injustice. Unless their people can be convinced that reasonable progress is being made toward the elimination of these evils, orderly political growth will be impossible.

U.S. efforts to help these new nations have been complicated by the cantankerous political attitudes of many Asian, African, and Latin American leaders, who have been embittered by their own past experience with the economically privileged, and in some cases, race-conscious, colonial nations of the West.

When these Afro-Asian spokesmen criticize U.S. policies in the United Nations and elsewhere, editorial writers chastise them as "ungrateful Communist dupes" and Members of Congress rise to demand that our aid programs to such uncooperative nations be terminated forthwith.

Although such reactions are understandable in terms of our own jangled nerves and frustrations, they will not cause the complex realities of our world to disappear.

A key Communist objective is control of the resources and markets of Africa, Asia, and Latin America, on which the industrialized nations of the West are heavily dependent. A primary task of U.S. foreign policy is to block this effort and to help the developing nations fully to establish their independence with an increasing measure of political stability and economic progress.

However unpredictable they may appear to us, the new nations have no desire to exchange British, French, Belgian, and Dutch rule, from which many of them have recently emerged, for the more ruthless domination of the Russians. Moreover, their own cultures and history encourage a deeply rooted diversity that does not easily succumb to foreign pressures and ideologies.

As the Kremlin strategists are discovering by harsh experience, these indigenous counterforces provide formidable barriers to the Leninist objective of a Soviet-dominated world.

Advocates of a policy of "maximum maneuverability" believe that a flexible, well-administered, sensitive economic assistance program can further strengthen these built-in barriers. They stress, however, that our minds must be clear as to the purposes and limitations of this effort.

Governments that can be "bought" with American dollars can no more be counted on to stay bought than can individuals purchased in the same manner. Nor can nations as wealthy as ours expect to be loved by those less fortunate; the best we can expect on that score is respect.

Our true objectives, therefore, should be twofold: first, to help increase and spread economic progress in those developing nations which are genuinely anxious to help themselves; second, to do so in such a way as to encourage broader participation among the people of those nations so that each citizen achieves an increasing personal stake in national independence.

With these objectives in mind, let us analyze the application of the two contrasting approaches—one of rigidity, the other of maneuverability—to the Republic of India, the largest and most crucial of the new independent nations.

Eleven years ago our Government began to recognize India's decisive importance to world stability. The Peiping Government had then recently announced its breathtaking goals for the organization of 600 million Chinese in a program of industrialization and economic progress. At the same time independent India, with its 440 million people, set out to accomplish through democracy what the Chinese were attempting to do through communism.

The result through the 1950's was a dramatic and portentous contest between the two most heavily populated nations in the world, one using totalitarian techniques, the other committed to democracy.

In the last year or two the results have become clear: India is a long way toward success, while Communist China faces failure.

The Indian record in economic and political development has been deeply impressive. In a single decade schools have been provided for 60 percent of all rural children; malaria cases, which totaled 100 million annually a decade ago, have been reduced to 3 million; food grain production has risen 61 percent; 30 million additional acres have been brought under irrigation, and industrial output, largely through private initiative, has been growing at the rate of 14.8 percent annually.

In the political field, India has established a democratic constitution based on our Federal-State system, with full guarantees of civil rights. In three national elections the percentage of those voting has been higher than in our own.

While India has been proving that a competent democratic government can provide an increasing measure of bread, freedom, and opportunity, Communist China has fallen under an avalanche of internal troubles. Industrial production has sagged and food has become increasingly scarce.

Although the primary credit for India's progress under democracy belongs to India's leaders, civil servants and people, generous American assistance has played a crucial role. Yet, today, just as the results of the fateful contest between China and India have become clear, American advocates of a policy of maximum rigidity propose that our crucially important aid to India should be emasculated.

This proposal may be explicable in terms of irritation over what many Americans believe to be misguided actions by the Indian Government and by Indian sensitivity to any criticism from others. In my opinion, however, it will appear foolhardy to those who write the history of our era.

What now of the third frontier between East and West—the cultural frontier?

With the exception of radio propaganda, the maximum rigidity school argues that the cultural frontier, like the economic frontier, should be made to conform to the military frontier. The maximum maneuverability school again favors flexibility and initiative. Which is the wiser course?

Since the Geneva Conference of 1955, there has been a steady flow of scholars, students, artists, musicians, farmers, and scientists across the military frontier that separates the Soviet world and the Western world.

To those who subscribe to the philosophy of maximum rigidity, this two-way cultural exchange seems dangerous and even immoral. Advocates of a flexible program of maneuver, on the other hand, assert that it is helping to establish people-to-people understanding and to give the citizens of each world a clearer appreciation of the other.

If the conflicts that now separate East and West are eventually eased, they say, it will only be as a result of increased understanding, which has slowly and painfully been cultivated on both sides of the military frontier.

To some extent we are all the prisoners of stereotypes. We see each other in terms of distorted and oversimplified images. Better communication in the realm of ideas, of the arts, and of science can help refashion these false images. And by seeing more clearly we may act more wisely.

In my mind, the choice between the two positions is simple. Why should we, a free people, be afraid of ideas? Isn't it the Communists who should fear them?

What are the prospects for the future?

Although the nuclear impasse is dangerous, our position on the military frontier is strong. Russian deadlines have come and gone, but West Berlin, an outpost of this frontier, still stands as a shining example of the determination of freemen to defend their freedom.

In the last 2 years, our military power generally has become better balanced, more mobile, and hence more effective in defending the military frontier. Meanwhile, we must continue to hope that eventually the Soviet leaders will recognize the folly of a continuing, escalating contest between the two greatest industrial powers of all time to see which can develop the greatest capacity to destroy each other.

On the economic and cultural frontiers, the prospects for continuing progress and change appear generally promising.

The non-Communist world is poised on the threshold of more rapid economic growth than ever before. As we build a more prosperous, more interrelated society of freemen, the Soviets may be forced to modify even further the sterile rigidities of their own system.

In the meantime, the burgeoning flow of trade, capital, technicians, Peace Corps volunteers, wheat, cotton, orchestras, and ideas across the economic and cultural frontiers will continue to open up minds, undercut dogma, and encourage diversity.

We Americans have always prided ourselves on our eagerness to experiment, our adaptability to new situations and our imagination in devising new courses of action. Within a framework of unflinching dedication to democratic principles, we have grown strong precisely because we have preferred creative, responsible action to the rigidities of the status quo.

Why should we abandon this traditional concept now as we seek the basis for a rational peace? And why should we, of all people, expect the proud new developing nations to see the world precisely as we see it? Was any new nation ever more outspoken, independent, and unalined than the young America of Jefferson, Jackson, and Lincoln?

We end on the question with which I began: Can a democratic government create and administer a foreign policy that is adequate to the complexities of today's world?

The answer depends on our capacity to create a national consensus that will provide the President with a solid foundation from which to exercise world leadership.

Since the war we have taken long strides toward the creation of such a consensus. The nagging differences that remain involve our approach to the satellites on the one hand and to our relationship with the unalined new nations of Asia and Africa on the other.

This gap threatens to undercut the effectiveness of America foreign policy at a critical moment in history. It can be closed only by forthright and responsible public debate. The views which I have expressed here are one man's contribution to that debate.

A COMMON MARKET FOR CENTRAL AMERICAN REPUBLICS?

Mr. PELL. Mr. President, I think we are all very much concerned by the steady stream of distressing accounts of economic crisis and political unrest in Latin America. The administration, through the Alliance for Progress, has rightly highlighted the importance of the problems and aspirations of our good neighbors to the south. There were great hopes that a new era of cooperation and progress was launched, with the Alliance for Progress. Now, a year later, we are hearing a great deal of criticism of the Alliance along with pessimistic forecasts for the future of Latin America. Even the Latin American Free Trade Association, when compared with the highly successful experience of the European Economic Community, seems a pale and disappointing experiment.

While it would be dangerous to underestimate the challenges which face all those involved with the Alliance, we must guard against undue pessimism. I want to comment briefly on a most heartening development in Latin America which has gone all but unnoticed since, as we know, it is usually only the most sensational occurences which are usually publicized.

I have in mind that the Central American Republics are well on their way to creating a common market.

There are many economic factors involved in the Central American undertaking. Yet, the fact that five nations with a history of internicine feuding are managing to put the common good above national interest and pride is, indeed, a remarkable development which merits our attention and commendation.

Since World War II, there has been a growing awareness in Central America that economic development, and consequently, social progress, cannot be achieved under existing conditions. This recognition has created a desire to end overdependence on one or two agricultural exports and to stimulate the growth of national industries. At the same time, there is understanding that the domestic markets in the five republics are too small to support industrial production on an economic scale. At present, the populations are: Costa Rica, 1.3 million; Nicaragua, 1.6 million; Honduras, 1.9 million; El Salvador, 2.7 million; and Guatemala, 4 million.

The efforts of the farsighted statesmen who have been working through the years for a Central American common market culminated in a meeting which took place in July when Costa Rica, under the new leadership of President Francisco Orlich, signed the basic treaties which will make a Latin American common market possible. Ratification by the Costa Rican Legislature is expected momentarily. Thus, the Central American Republics are, indeed, well on the way to creating a common market.

In the next 5 years the Central American countries will have eliminated most internal customs barriers for products of Central American origin. Further, they have established a common external tariff surrounding the five-nation area. One agreement just negotiated in Costa Rica brings coverage by the common external tariff to about 95 percent of all products traded in the area. Products passing this barrier are to have free access to the entire five-nation area without payment of further customs levies. For example, United States or European exports entering Guatemala will have free access to markets in Honduras, Costa Rica, Nicaragua, and El Salvador.

However, this is one aspect of the new agreements which I hope the signatories will give most careful scrutiny. The creators of the concept of Central American economic unity have considered the removal of trade barriers insufficient to achieve the industrial stimulation they seek. Consequently, the Agreement on the System of Central American Industries, signed in June 1958, is intended to provide for the rational use of the economic resources of the five countries through joint planning of new enterprises and prevention of what the drafters regarded as unhealthy competition. Products of designated "integrated" factories will be traded freely in the five countries. This benefit, plus the limitation of competition from nonintegrated plants, is intended to encourage capital investment in the region. To prevent undue concentration of integrated industries in any one country in the initial stages of the program, the agreement prohibits the certification of a second plant or industry in a country until all of the five countries have received their first plant or industry.

While one can sympathize with the purpose of the "integrated industries" program, creating a monopoly situation in the Central American Common Market could give rise to a multitude of new problems.

Mr. President, the United States, I believe correctly, has viewed with great sympathy Central American efforts to create regional economic unity. A combined market of some 11 million people, while still comparatively small, holds greater promise of attracting investments into new industries than do 5 fragmented markets. Moreover, as economic ties strengthen among the participating nations and cooperation in the economic field becomes habitual, it does not seem unreasonable to assume that political affinity will follow, bringing an era of peaceful cooperation for the general welfare of all the people of the Central American isthmus.

I congratulate Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica for their steadfast efforts in the last decade, and I know that the Senate joins us in wishing them luck with their experiment in economic integration.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 27, 1962, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1291. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits;

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, St. Johns, V.I., and for other purposes;

S. 2793. An act to amend the District of Columbia Traffic Act, 1925, as amended, to authorize the Commissioners of the District of Columbia to assess reasonable fees for the restoration of motor vehicle operators' permits and operating privileges after suspension or revocation thereof;

S. 2977. An act to amend the Life Insurance Act of the District of Columbia;

S. 3358. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the Inter-American Development Bank; and

S.J. Res. 60. Joint resolution to establish the sesquicentennial commission for the celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes.

ADJOURNMENT TO 9 O'CLOCK A.M. TOMORROW

Mr. PELL. Mr. President, in accordance with the previous order, I move that the Senate adjourn until tomorrow morning at 9 o'clock.

The motion was agreed to; and (at 7 o'clock and 13 minutes p.m.) under the previous order, the Senate adjourned until tomorrow, Friday, September 28, 1962, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 27, 1962:

POSTMASTERS

ALABAMA

Luth C. Faison, Stapleton.

ARKANSAS

Sam E. Adkisson, Conway.
Edward L. Pace, College Heights.

CALIFORNIA

Elaine G. Metivier, Jamul.

CONNECTICUT

James L. McPherson, Marble Dale.

FLORIDA

Edward A. Burnette, Frostproof.
Wilton B. Manning, Ponce de Leon.
Roma M. Lomax, Whitehouse.

GEORGIA

Eugene B. Dalton, Baldwin.

ILLINOIS

Stephen B. Evans, Ellsworth.
Leonard A. Finnegan, Mattoon.
Bernard C. Wilson, Minier.
Lawrence H. Dreyer, Percy.

IOWA

Harold M. Daily, Belle Plaine.
Dean C. Van Horn, Hampton.
Marvin E. Nelson, Roland.
John L. Sloan, Waucoma.

KANSAS

Ferdinand A. Boling, Clyde.
Francis P. McGaughey, McCracken.
Lorn R. Lahey, Sr., McCune.

KENTUCKY

Freda L. Gooch, Kings Mountain.
Pauline P. Terry, Upton.

MAINE

Erroll E. Grant, Abbot Village.
George A. Haines, Easton.

MARYLAND

Erma M. Pickens, Fork.
Charles R. Taylor, Riderwood.

MASSACHUSETTS

Samuel A. Vinniti, Seekonk.

MICHIGAN

Rex E. Lewis, Cement City.
Marie P. Alexander, East Saugatuck.
David O'Donnohue, Jr., Harbert.
Dallas R. Ries, Sand Creek.
Wendell R. Gerring, South Boardman.
Leonard W. Kennedy, Topinabee.

MISSOURI

Joseph H. Kiley, Baring.
Elmo C. Martin, Jackson.
J. Denzel Koontz, Larussell.
Albert J. Prior, Wright City.

MONTANA

William T. Surmi, Jr., Sandcoulee.

NEW YORK

Welland L. Hitchcock, Bainbridge.

NEBRASKA

James C. Bryant, Ashland.

NORTH CAROLINA

Ophelia S. Wilson, Columbus.
William C. White, Cooleemee.
James B. Teal, Hoffman.
Nell H. Cox, Linwood.
Julia E. Mangum, Pinebluff.
Cecil S. Hargett, Richlands.
Louise L. Taylor, Seaboard.
Randolph G. O'Neal, Jr., Wanchese.
Eugene Reed, Whittier.
Coy M. Maye, Wingate.

NORTH DAKOTA

Lorraine I. Gilbertson, Dunn Center.

OHIO

James E. Myers, Bethel.
Malcolm M. Maynard, Chardon.
Richard L. Zehringer, Fort Recovery.
Sue A. Carman, Harveysburg.
Joseph Presznick, Lodi.
David A. Jasper, New Burlington.
Harold G. White, West Milton.

OKLAHOMA

Arnold E. Krause, Corn.
Max Anderson, Snyder.

PENNSYLVANIA

Michael A. Eannace, Burgettstown.
A. Aaron Boyce, Columbia Cross Roads.
Robert J. Bandel, Eightyfour.
Mable A. Simpson, Enon Valley.
Daniel G. Phillips, Dunns Station.
Leonard R. Santore, Greensboro.
Willard K. Allison, Jr., Hickory.
Roger V. Courtwright, Wind Ridge.

SOUTH CAROLINA

Joel C. Butler, Dillon.
Linwood A. Robinson, Summerton.
Joe E. Murphree, Walhalla.

TENNESSEE

Virginia F. Spurlin, Riceville.
Mrs. Cecil M. Knott, St. Andrews.

TEXAS

Laura A. Williams, Glen Flora.
Jack E. Easton, Lovelady.
C. Max Ohr, Ranger.
George W. Finch, San Benito.
Wallace A. Kristensen, Timpson.

UTAH

Clare S. Larson, Eureka.

VERMONT

Wilmer E. Bowen, Derby.
Arlene E. Lavigne, Hinesburg.

VIRGINIA

Billie B. Rose, Carrsville.
Fred W. Dougherty, Gate City.
Robert A. Lacy, Wytheville.

WASHINGTON

Melburn E. Mason, Battle Ground.
Earl H. Luiten, Ritzville.
Kenneth D. Crofoot, Riverside.
Lester O. Johanson, Warden.

WEST VIRGINIA

James E. Gore, Ranson.

WISCONSIN

Gordon E. Mead, Dalton.
Richard P. Nelson, Jim Falls.
Beatrice J. Houtz, Somers.
Marold A. Johnson, Somerset.

CIVIL AERONAUTICS BOARD

Alan S. Boyd, of Florida, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1968.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 27, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Amos 5: 24: *Let judgment run down as waters, and righteousness as a mighty stream.*

Almighty God, grant that in the midst of the turmoil and trouble of these days we may be inspired with the triumphant and all-transfiguring faith that truth and righteousness will ultimately be victorious.

No matter how dark and desperate the present crises in world affairs may become, help us to see beyond the shadows and take our refuge in Thee.

Show us how we may detect and defeat the subtle attacks that are being made by the adversary to shatter our faith and to fill us with mingled feelings of terror and despair.

May our President, our Speaker, our Congress, and all our citizens courageously and heroically meet the demands of our time with a faithful and firm reliance upon the Lord our God from whose thoughts and love we are never absent.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 25, 1962:

H.R. 298. An act to provide for the recovery from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States;

H.R. 2125. An act for the relief of Soon Tai Lim;

H.R. 5393. An act to amend the Bankruptcy Act, as amended;

H.R. 6413. An act to extend to fishermen the same treatment accorded farmers in relation to estimated income tax;

H.R. 9280. An act to amend section 2 of the act of July 31, 1947 (61 Stat. 681), and for other purposes;

H.R. 9578. An act for the relief of Annie Yasuko Bower;

H.R. 9728. An act to amend the Cooperative Forest Management Act;

H.R. 9914. An act for the relief of San-Man Inn of Manning, Inc.;

H.R. 9954. An act to amend the act of June 6, 1924, chapter 270 (43 Stat. 463), relating to the National Capital Park and Planning Commission, as amended by the National Capital Planning Act of 1952 (66 Stat. 781; 40 U.S.C. 71);

H.R. 10062. An act to extend the application of certain laws to American Samoa;

H.R. 10160. An act for the relief of Mrs. A. R. Lendian;

H.R. 12459. An act to provide for the relief of certain enlisted members of the Coast Guard;

H.R. 12689. An act to repeal section 557 and to amend section 559 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; and

H.R. 12870. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1963, and for other purposes.

On September 26, 1962:

H.R. 11974. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 474. Concurrent resolution extending the greetings and felicitations of the Congress to the Bethel Home Demonstration Club of Bethel Community, Sumter County, S.C.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8952. An act to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 151. An act for the incorporation of the Merchant Marine and Maritime Service Veterans Association;

S. 2873. An act for the relief of Claude S. Reeder and Reeder Motor Co., Inc.;

S. 3698. An act to incorporate the McCarran Foundation, and for other purposes;

S.J. Res. 208. Joint resolution to establish a Commission to develop and execute plans for the celebration of the 150th anniversary of the Battle of Lake Erie, and for other purposes; and

S.J. Res. 213. Joint resolution to provide for the actual participation of the United States in the West Virginia Centennial celebration.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 455. An act to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

REPORT ON PROJECTS AND PROGRESS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 588)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, as amended, I transmit herewith a report on the projects and progress of the National Aeronautics and Space Administration for the period of July 1, 1961, through December 31, 1961. This is the sixth of these reports since the passage of the legislation establishing that agency.

This report reveals evidence of the constructive impact of the decision, made earlier in the year and supported strongly by the Congress, to accelerate our space efforts. The accomplishments summarized and detailed in this document constitute an important part of the national program, in which the National Aeronautics and Space Administration, as well as other Government agencies, cooperate.

JOHN F. KENNEDY.

THE WHITE HOUSE, *September 27, 1962.*

COMMITTEE ON PUBLIC WORKS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Public Works Committee may have until midnight tomorrow night to file a report on the omnibus rivers and harbors bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DRUG AMENDMENTS OF 1962

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 808 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11581) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the Act; and to amend related laws. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

That after the passage of H.R. 11581, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill, S. 1552; that it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 11581 as passed.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 253]

Alexander
Ashley
Aspinall
Bailey
Barry
Bass, N.H.
Belcher
Bell
Berry
Blitch
Bolling
Bolton
Bonner
Breeding
Brewster
Bromwell
Broomfield
Cahill
Celler
Chiperfield
Clancy
Coad
Conte
Curtis, Mass.
Curtis, Mo.
Davis, James C.
Davis, Tenn.
Derwinski
Diggs
Dominick
Dooley
Elliott
Flynt
Frazier
Garland
Goodling
Green, Oreg.
Griffiths
Halleck
Hansen
Harrison, Va.
Harvey, Ind.
Herlong
Hiestand
Hoffman, Mich.
Johnson, Wis.
Jones, Ala.
Kearns
Kee
King, N.Y.
Loser
McDonough
McIntire
McSween
McVey
Macdonald
Michel
Moorehead, Ohio
Moss
Moulder
O'Brien, Ill.
Pilcher
Pirnie
Powell
Reifel
Riehlman
Robison
Rogers, Tex.
Santangelo
Saund
Scranton
Seely-Brown
Shelley
Shipley
Short
Siler
Smith, Miss.
Spence
Steed
Taber
Thompson, N.J.
Vanik
Van Pelt
Vinson
Weis
Wright
Yates

The SPEAKER. On this rollcall, 344 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DRUG AMENDMENTS OF 1962

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and, pending that, yield myself such time as I may consume.

The SPEAKER. The gentleman is recognized.

Mr. SISK. Mr. Speaker, House Resolution 808 provides for the consideration of H.R. 11581, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws. The resolution provides an open rule with 3 hours of general debate.

The principal purpose of H.R. 11581 is to protect better the public health by imposing additional requirements and improving procedures in connection with controls of manufacture of drugs to assure that manufacturing methods are in conformity with current good manufacturing practice. It would require that new drugs be shown to be effective as well as safe and would require the keeping of records and furnishing of reports in connection with safety and effectiveness of new drugs and antibiotics.

It would outline procedures to be followed in the testing of investigational drugs, including patients' consent, and agency procedures to be followed in approving new drugs. Also, it would provide summary suspension of new drugs where there is an imminent hazard to public health and withdrawal of new drugs when their safety or effectiveness is no longer assured.

The bill would require certification of all antibiotics for man, factory inspection of establishments manufacturing as simplification of drug nomenclature, to make available adequate information concerning safety and effectiveness of drugs advertised to physicians, as well as simplification of drug nomenclature.

Mr. Speaker, I urge the adoption of House Resolution 808.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from California [Mr. SISK], House Resolution 808 provides for an open rule for the consideration of the bill H.R. 11581 and 3 hours debate. In addition it provides the opportunity to substitute whatever language is agreed to in H.R. 11581 into the already passed Senate bill, S. 1552, in an effort to save some time, and get to conference more quickly in that way.

As stated by the gentleman from California, the purpose of this legislation is set forth on pages 1 and 2 of the report.

There are 11 different reasons mentioned therein as to why this bill should be supported, 11 reasons in support of the legislation. I would recommend that you read those 11 different statements. Then after you have read them I would suggest that you try to figure out if anybody on the floor of the House knows what this bill actually contains.

The committee held hearings on this bill earlier in the year. There were two bills, as a matter of fact—H.R. 11581 and H.R. 11582—the cosmetic bill.

Mr. Speaker, when hearings were held, I believe the Secretary was present for a short period of time, and another witness was present. The hearings broke up and they let the matter go for some period of time inasmuch as it was a very controversial subject, and there are extremists on both sides and a number of questions involved.

Mr. Speaker, I doubt very much that we would have this bill here today for consideration if it were not for the thalidomide episode. However, by the same token, this is not an antithalidomide bill. In any event, the President did write to Senator EASTLAND and requested that some action be taken and suggested that he preferred parts of the House bill more than he did the Senate bill.

Mr. Speaker, the Senate then passed S. 1552. Hearings were held, I believe, last week by the Committee on Interstate and Foreign Commerce of the House on this particular bill. The report came out on Monday of this week. The matter was heard before the Committee on Rules on Tuesday, and here it is today, Thursday, when we have this bill before the House for consideration, with little history upon which to proceed and with little, if any, chance to submit the final bill and report to the various manufacturers of these drugs and other interested people in our districts, to find out whether or not they are for or against this particular measure.

Mr. Speaker, it seems to me we might have done better had we sent the bill out of the Rules Committee in sufficient time so that the public would know that we intended to hear the subject and then upon the return of the 88th Congress they could at that time go into this subject and study it and have a few more hearings on it in an effort to resolve some of these things about which we are now uncertain.

Mr. Speaker, as an example, take title II of this particular bill: I assume that the manufacturers and developers of drugs are using their own money and expense and experts to develop various types of drugs and then attempt to patent these drugs, because they have to protect their patent rights, their proprietary rights and know-how. With reference to their efforts along this line they have used to develop certain drugs, as I understand it, in title II there is a provision which states that this information is confidential. But, by the same token, another sentence in title II says that it is not confidential insofar as Senate and House committees are concerned, which means that a committee of either body could demand all of the proprietary data and information of any manufacturer or firm which has developed various items, and order or ask them to come to the committee.

As you well know, that is the same as putting it in the newspapers, or putting it out over the radio, because everyone will then have that particular information.

Mr. Speaker, the testimony before the Rules Committee indicated that the Interstate and Foreign Commerce Committee thinks it is a pretty good bill. There will be opposition and there will be support for the bill. But actually what is going to happen, in my opinion, will be that we will pass H.R. 11581 here today when few of us, if any, have had an opportunity to study this very serious and important subject. Then it will go to conference and it will be up to the members of the staff of the conference and the conferees to write a bill and bring it back here in the closing days of the session, and then we will be asked to approve the conference report.

Mr. Speaker, I have no doubt that this may go along the same lines upon which we have proceeded heretofore in other instances where there will be material in this conference report which will not be in either of the bills.

Mr. Speaker, inquiry has been made in connection with this particular matter as to why the Federal Government has gone so far in connection with this bill to interfere with private enterprise. The answer given to us is that the U.S. Government has a responsibility to protect the lives and the health of individuals and that is the reason why they have gone so far.

Mr. Speaker, another question is this: We have all heard of H.R. 3. We remember the Steve Nelson case and the efforts made by the distinguished gentleman from Virignia [Mr. SMITH], chairman of the Rules Committee to correct this preemption doctrine in line with the Supreme Court decision holding that the Federal law preempts the State law. However, there is no language in this bill which says anything to the effect that this particular measure will not preempt all State food and drug laws. Many States are doing a great deal along this line. In fact, there was an article which appeared in the paper today as to what California is doing in connection with testing drugs.

Mr. Speaker, it seems to me that if we are going to pass this law, someone ought to offer an amendment to make certain that the passage of this bill, which gives all of this additional power to the Department of Health, Education, and Welfare and the Food and Drug Administration, will not preempt any State laws.

Mr. Speaker, the gentleman from California [Mr. YOUNGER] was just showing me a number of telegrams which have been received from various organizations, including the Stanford Hospital and others throughout the country, which includes UCLA Medical School, objecting to the so-called Friedel amendment which is contained in this particular measure.

Therefore, Mr. Speaker, I am sorry that we are going to have to take up this very important subject today because all of us on the floor of the House want to do that which is absolutely right and to make certain that our drug laws are correct and that we take care of the lives of our people, and that we do it in a safe, sane manner. In my opinion we are acting too quickly in considering this measure today.

However, we have it here today and I hope we can make a reasonably good bill out of it so that we can say to our constituents and the public that we have done as good a job as possible under the circumstances.

Mr. Speaker, I know of no objection to the rule; and I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. CASEY.]

Mr. CASEY. Mr. Speaker, yesterday we passed a resolution expressing our strong concern over the situation in Cuba. On the dock at the port of Houston for the last 48 hours there has been unfolding a drama and a lesson which I think the State Department could well observe and could well follow. The people are tired of talk and no action. There is a boat riding at the dock at the port of Houston called the *Drzic.* It is a Yugoslavian-flag ship. It just unloaded Russian cargo in Cuba and came to Houston to pick up a load of flour under the Public Law 480 program. They are lending aid to our avowed enemy, Castro, and then they come over here expecting you, the taxpayers, to help pay their freight, to help this flagship operate in carrying flour to another country, the United Arab Republic.

The patriotic Maritime Union workers have put up a picket line around that ship; the patriotic longshoremen of Texas will not cross that picket line. Patriotic citizens have joined with them in this picket. The Masters, Mates, & Pilots Union say they will not hook a tug to that ship if it loads with this flour.

We expressed the sentiment that we want every bit of pressure put on Castro that we can. Here is one way we can do it, to tell these flagships, if you are going to carry our free gifts to other countries, you are going to have to quit carrying cargo to Cuba. If you want to carry cargo to Cuba, go ahead and carry it, but you go back empty. You are not to be carrying our cargo.

I have been waiting for the Department of Agriculture to draft a policy statement now for over 24 hours. They have not come up with it yet, a statement covering this condition. But they are going to say that the United Arab Republic is paying their freight cost for this shipment. But indirectly we are paying because you know and I know that that flour is not going to cost them one cent. All we get is, what one of my favorite colleagues, the gentleman from North Carolina, HERBERT BONNER, calls "Chickasola" currency that we cannot spend; it is worthless. So we are paying for it. We are depriving our own seamen of their jobs by allowing our bounty, our gift, ot be hauled on foreign-flag ships. We are kicking our own foreign policy in the teeth on the one hand and also kicking our own economy in the pants on the other.

It is a double-barreled slap at the taxpayers and the patriotic citizens of this country.

I brought this to the attention of President Eisenhower as early as July 1960. I have been calling it to the attention of the State Department, the executive branch, frequently since that date, and many of you have joined me. The gentleman from Florida [Mr. Rogers] introduced a bill to stop all shipments to Cuba from the United States, and I and others joined with him and introduced similar bills. We passed the bill in the House. Later the President put this into effect by Executive order, before the Senate action.

If we are going to talk tough, let us act tough. Let us not wait for the man on the street to show us what to do. They are sick and tired of their officials not following their words with action.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. CASEY. I yield.

Mr. ROGERS of Florida. I thank the gentleman. Certainly his efforts in trying to do something about this situation are to be commended. He has been a real leader in the fight. I point out now as I did yesterday that this can be stopped by administrative action right now under the Export Control Act. There is authority now for the President to stop the shipment of any export on any ship coming into an American port. The administration can now consider this and do it. I am sure the gentleman has been working on the problem, and I hope by constant insistence for action we can get this done and done quickly.

Mr. CASEY. I thank the gentleman for his contribution. His contributions in this regard are well known and appreciated. He has been a tireless worker in the fight against Castro.

If we want to save the lives of some American boys, if we do not want to spill their blood on the sands of Cuba, let us bring to bear the pressures we can bring peaceably by stopping this economic aid. Castro can be overthrown only by three ways: First, by internal revolution, second, by invasion by Cuban exiles, and third, by American boys on the beaches.

I urge your support in trying to get something done now.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Cramer].

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, I listened with a great deal of interest to the remarks of the gentleman from Texas [Mr. Casey] and I am in sympathy with his attitude toward the problem. There was written into the mutual security appropriation bill an amendment to cover the problem to withhold aid to any country that trades with Cuba, the problem being to get the administration or the executive branch of the Government to carry out what is the clearly expressed will of the House.

Yesterday the House had an opportunity on the motion to recommit to strengthen the Cuban resolution, to put some teeth and backbone into it, to refuse to rubberstamp the buildup in Cuba that has already been accomplished, to refuse to give a stamp of approval to it as a pattern for Communist infiltration in this hemisphere into other countries by declaring that the present arms buildup in Cuba is a violation of the Monroe Doctrine. I think it was most interesting to note the lack of support from the other side of the aisle.

It is one thing to talk about getting tough on Cuba, it is another thing actually to get tough with them. I am sure the Members of this House are just as concerned as I am, and I believe I speak for all Members of the House when I say that when this administration permits the Soviet Union to establish a "fishing port"—quote, unquote—we know what they are fishing for, the defeat of freedom. To let the Communists establish a "fishing port," the histories of which in other places have proven they soon become submarine ports permitted to be established in this hemisphere in Cuba without even so much as a protest from the Government of the United States of America.

What else are we going to let them do? It is inconceivable to me under these circumstances that at the very time the House is considering a resolution with regard to getting tough on Cuba, at the very same time the Russians are setting up a "fishing port" in Cuba—when are we going to start doing something about it? The passing of resolutions and apparently even the passing of amendments to the Mutual Security Act are not having that effect on the Executive so far as taking action is concerned.

I ask the Members of the House this question: Is the administration going to take effective action before, or are they going to wait until it happens that Cuba joins the Warsaw Mutual Defense Pact? This is the first step of it—this fishing port. Are we going to wait until Cuba joins the Warsaw Pact nations and enters into a common defense compact with the Reds? I hope the administration will heed the action of the House yesterday even thought not as forceful as I would have liked, and the clearly expressed action of the House previously in the mutual security bill and do something about Cuba to get rid of Castro and communism in this hemisphere.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. Meader].

Mr. MEADER. Mr. Speaker, I take this time to raise a question and direct it to the chairman of the Committee on Interstate and Foreign Commerce, if I may.

I might say by way of introduction, I am a member of the antitrust subcommittee of the House Committee on the Judiciary which for many weeks sat in hearings on the so-called Celler-Kefauver drug bill.

First I want to congratulate the Committee on Interstate and Foreign Commerce on having taken action in this field related solely to amendments to the Food, Drug, and Cosmetic Act so that we do not have before us some of the very controversial provisions of the Celler-Kefauver bill, such as compulsory drug patent licensing.

I would like to ask the gentleman if he heard the remarks of the gentleman from California [Mr. Smith] with reference to the effect of the passage of this bill upon existing State laws in the field of regulation of foods and drugs? Was any thought given in the Committee on Interstate and Foreign Commerce that by the passage of this bill and by giving additional authority to the Food and Drug Administration, we may be striking down existing State laws and interfering with existing State machinery in this field because of the preemption doctrine of the Nelson case.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman.

Mr. HARRIS. I can say to the gentleman that there is nothing in this bill that in any way preempts the authority and prerogatives of the States with reference to this program.

Mr. MEADER. It was not the intention of the committee, then, in the adoption of this phraseology in any way to interfere with the operation of existing State laws in this field?

Mr. HARRIS. No, I do not think there is anything here that would do that or that would even imply that it would do that.

Mr. MEADER. I may say to the gentleman in passing additional Federal criminal laws, the Committee on the Judiciary has been careful to insert in each one of them a little H.R. 3 declaring our intention that when we make something a crime, that is, a Federal crime which has not been a Federal crime before, that we do not intend to interfere with any existing State laws in the same field. Does the gentleman not think that language of that kind would be appropriate here to avoid any possibility of a result which I fear?

Mr. HARRIS. I would say to the gentleman, I have had no opportunity to consider any amendment along the line that the gentleman had mentioned. As I said before, I do not think it is necessary. There is nothing in this bill that in any way takes anything away, any rights and prerogatives of the States. We stayed strictly with the Federal prerogatives in connection with this important problem.

Mr. MEADER. I thank the gentleman.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma, the distinguished majority leader [Mr. Albert].

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the statement made by the gentleman from Florida that the motion to recommit the

Cuban resolution would have strengthened it is a political self-serving declaration and cannot be justified upon the basis of the language either in the resolution itself or the language in the motion to recommit.

Mr. Speaker, the truth of the matter is, that a plain reading of the language in the resolution clearly indicates that this country is determined to prevent Communist aggression in this hemisphere whether such aggression is in violation of the Monroe Doctrine or otherwise.

The language of the motion to recommit, language which incidentally was changed and weakened before it was offered, limited action to so-called violations of the Monroe Doctrine.

Mr. Speaker, the Cuban resolution passed this House by a vote of 384 to 7. The gentleman from Florida voted for it. I think the time has come to stop playing politics with this issue. Partisan arguments which divide our people should not be made in connection with the problems which relate to our security in this hemisphere.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF DOCUMENT

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I offer a privileged resolution (H. Res. 795) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the document entitled "Free Trade, Tariff Legislation, and Common Markets for the Western Hemisphere: A Collection of Excerpts and Selected References Prepared by the Legislative Reference Service of the Library of Congress", be printed as a House document; and that there be printed eleven thousand additional copies for the use of the House of Representatives.

Mr. SCHENCK. Mr. Speaker, reserving the right to object, I ask my colleague from Ohio whether the resolutions he is now presenting are now for printing.

Mr. HAYS. I am sorry I did not have the chance to consult the gentleman from Ohio, but this opportunity presented itself suddenly and I wanted to take advantage of it.

Mr. SCHENCK. All were approved by the subcommittee and the full committee?

Mr. HAYS. Absolutely, unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF WALL MAP OF THE UNITED STATES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up House Concurrent Resolution 574, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be compiled and printed fifty-eight thousand eight hundred copies of a wall map of the United States prepared for the Bureau of Land Management, Department of the Interior, by the Geological Survey, Department of the Interior, showing the extent of public surveys, national parks, national forests, Indian reservations, national wildlife refuges, and reclamation projects, size six and a half feet by four and a half feet, of which fifteen thousand copies shall be for the use of the Senate; and forty-three thousand eight hundred copies shall be for the use of the House of Representatives.

Mr. GROSS. Mr. Speaker, reserving the right to object, there are no employees in any of these, as there was in one resolution a year or 2 ago, no additional employees?

Mr. HAYS. No employees, just printing.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up House Concurrent Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Appropriations, House of Representatives, ten thousand additional copies of the hearings entitled "Education for All Children—What We Can Learn From England".

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. CANNON. Mr. Speaker, the Committee on Appropriations has had an unprecedented demand for this document. We have exhausted all copies the committee is authorized to print and an unfilled backlog of more than 12,000 requests.

The resolution, which was introduced some days ago, provides for 10,000. That would not be sufficient to fill the requests already on file.

I will say, Mr. Speaker, that these requests come from school men, from teachers, from parent-teacher associations, and they come from every State in the Union.

It is merely a professional discussion in which the school men of the Nation are deeply interested, and most of these requests are from superintendents of schools, college faculties, or from those interested in national defense.

Russia is every year turning out more skilled engineers and scientists than all American colleges and universities combined.

Would the gentleman from Ohio consider increasing the number from 10,000 to 20,000?

Mr. KYL. Mr. Speaker, reserving the right to object.

Mr. HAYS. Mr. Speaker, actually I thought I yielded to the gentleman from Missouri.

The SPEAKER. Unanimous consent is required for this resolution to be considered because it has not been formally reported by the committee. The gentleman is operating under a unanimous-consent request for the consideration of the resolution.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Iowa.

Mr. KYL. May I ask the distinguished chairman of the Committee on Appropriations this question: Is it possible that the printed material could carry a statement from the committee indicating that this is the report of a personal view of an individual who is not an educator rather than an approved document of the Appropriations Committee? I ask this question because many people have said, is this being suggested by the Congress of the United States? Among other things that are being suggested is, Are we establishing a system of national standards for education? There is also some criticism by the British people that the summary of their educational system is not accurate. If the appraisal is not accurate, would it be possible to include some disclaimer on the part of Congress indicating this is not a recommendation by the Committee on Appropriations of the Congress?

Mr. CANNON. Mr. Speaker, in response to the suggestion, which I think is well taken, all hearings are merely the personal opinion of the witnesses who appeared before the committee. They do not necessarily reflect the opinion of the committee. The committee has not issued any report or any recommendation on the matter. It is an expression of the opinion of Admiral Rickover alone. The committee has not formally considered it and has issued no report on the subject.

Mr. HAYS. Mr. Speaker, I withdraw the unanimous-consent request and by direction of the Committee on House Administration I send to the desk a privileged report and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Appropriations, House of Representatives, ten thousand additional copies of the hearings entitled "Education for all Children—What We Can Learn From England."

Mr. HAYS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS: On page 1, strike "ten thousand" and substitute in lieu thereof "twenty thousand."

The amendment was agreed to.

The House concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS OF JOINT ECONOMIC COMMITTEE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report and ask for the immediate consideration thereof.

The Clerk read the Senate concurrent resolution (S. Con. Res. 90), as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Joint Economic Committee five thousand additional copies of its hearings of the Eighty-seventh Congress, second session, entitled "State of the Economy and Policies for Full Employment".

The SPEAKER. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF HEARINGS ON DEPARTMENT OF AGRICULTURE HANDLING OF POOLED COTTON ALLOTMENTS OF BILLIE SOL ESTES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up Senate Concurrent Resolution 91 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Committee on Government Operations two thousand additional copies of all parts of the hearing held by its Permanent Investigating Subcommittee during the current session on Department of Agriculture handling of pooled cotton allotments of Billie Sol Estes.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DRUG AMENDMENTS OF 1962

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11581) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11581), with Mr. Flood in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. Harris] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. Bennett] will be recognized for 1½ hours.

The Chair recognizes the chairman, the gentleman from Arkansas [Mr. Harris].

Mr. HARRIS. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I think by now most everyone here knows that the drug bill we are considering today is one of the most important measures to come before the Congress during this session. This bill, H.R. 11581, and a companion bill, H.R. 11582, was introduced by me on May 3, 1962, at the request of the Secretary of Health, Education, and Welfare.

Mr. Chairman, H.R. 11581, as amended by the committee, deals principally with drugs and factory inspection. The other bill requested by the Secretary, H.R. 11582, deals principally with cosmetics and therapeutic devices. Together these bills sought to provide the legislative program to give effect to a part of the President's message on consumer protection, that portion of it which dealt with strengthening the regulatory authority of the Food and Drug Administration with respect to food, drugs, cosmetics, and devices.

Mr. Chairman, the Committee on Interstate and Foreign Commerce initiated hearings on these two bills June 19. In view of what the gentleman from California [Mr. Smith], a member of the Committee on Rules, said a few moments ago, I hope all of the members of the committee will listen as I discuss this matter.

Mr. Chairman, we conducted hearings for several days. Many witnesses were heard. The former Secretary of the Department of Health, Education, and Welfare, our former colleague here in the House, the Honorable Abe Ribicoff, was the leadoff witness and was on the witness stand all day. Commissioner Larrick, whom many of the members of the committee know, was present with the Secretary, and also testified. Members of Congress testified.

We heard industry witnesses. And then in view of the fact that the committee's attention was directed to other important bills to be considered in this Congress, we suspended the drug hearings in order to consider these other matters.

Then on August 20 we returned to the drug hearings and continued with them all that week, including some late night sessions. So the committee worked very hard during the course of the hearings in an effort to develop a full and complete record on this important subject. I would not want the Members of this House to get the impression, which might have been left by our colleague from California, that thorough consideration was not given to this program.

In addition to that the committee met for several days in executive session in marking up the bill.

Mr. Chairman, I want to say here that the members of this great committee are to be complimented on their dedicated efforts to doing a good job not only with this important proposal but with almost everything we bring to this House for your consideration.

The members of this committee sat long hours during the day, morning, and afternoon and at night. When the bill was finally reported it was about 7 o'clock in the evening. Therefore, I feel that thorough consideration has been given to it and I say to you that in my judgment the members of the committee are quite familiar with what is in this bill.

At this point I would like to suggest that you get a copy of the committee report which is available. It would not take very long to read the major part of the report and see the basic problems that were dealt with. As a matter of fact, the first seven pages in this report summarize the entire bill and you can get a good idea of what we have dealt with and what is included in the bill. Then if you will take just a little more time and read further, there is a section-by-section analysis of the bill. You can turn to any section and very quickly read what is included in any part of the bill.

Then we had pending before the committee the Senate-passed bill, S. 1552. We had the benefit of the long and tedious consideration that was given to it by the other body. Let me say that I have some knowledge of the consideration that was given to it by the committee in the other body.

It was after lengthy hearings and much study and consideration by members of the committee and the staff and after consultations with the Government agencies involved and consultations with the industry that we reported the bill. Therefore we gave thorough consideration all across the board to the provisions of the bill which is of such great importance to the health of the American people.

Then we had the staff prepare a comparative print for the committee's benefit and consideration. In this comparative print we have the original bill, H.R. 11581, and S. 1552. The committee decided that we would limit our consideration to the drug portion in the bill H.R. 11581. We decided we would not tackle the problems in H.R. 11582, which dealt with cosmetics and therapeutic devices.

We had the committee staff take the original bill dealing with drugs and the bill as passed by the Senate, S. 1552, and prepare for us a comparative print, with a brief explanation of both the House bill and the Senate bill. It is one of the best jobs I have seen done on an important bill. It is highly technical and complicated, but I wanted it done for the information of the committee. If anyone wants a copy of it I think we can get sufficient copies to make them available to you. It is a comprehensive print with information as to what we are dealing with in this bill. In the back of the comparative print we show what the present law is and how the law would be changed, in other words, the Ramseyer rule, by the House bill as introduced and the bill that was passed by the Senate.

So I would say to the gentleman who said that we do not know what is in this bill that at least the members of the committee, 33 of them, are throughly familiar with the provisions of this bill, and we can make available momentarily any information any Member wants if he cares to inquire about it. So I think it has had thorough analysis and study and consideration.

The purpose of the reported bill, Mr. Chairman, is to provide consumers with better and safer drugs. This is achieved by imposing additional requirements and improving procedures in connection with, one, controls of manufacture of drugs to assure that manufacturing methods are in conformity with current good manufacturing practice. You may raise some question as to what is "current good manufacturing practice." That is a term which was developed and used in the Food and Drug Act over a period of years, so it is presently a term that has been a part of the basic legislation and therefore has by precedent and by administration become a part of this program and understood by both those administering the law in the agency and the industry involved.

Two, requirement that new drugs be shown to be effective as well as safe.

You have heard a great deal about this question of "efficacy" and "effectiveness." There has been a lot of talk and publicity about it. It seems that the Government agencies that deal with this problem want this provision in the law, and they want it pretty bad. The industry which is greatly concerned raises all kinds of questions and they think it ought not to be included on the ground that it is giving entirely too much authority to the Government agency. The Senate committee used the words "effective" and "effectiveness" in lieu of the words efficacy and efficacious. I gave some attention to this during the course of the hearings and asked a good many questions. I asked the staff to look up the definition as well as the derivation of these terms to try to see how we might resolve this. So help me, I am unable to find that there is any difference at all in the definition or meaning of the two terms.

It may be that a usage has developed in the industry and it may be that there is some connotation involved. But, we are writing legislation here and I think we understand the English language. Therefore, we see no difference in the meaning of the two terms and, consequently, we use in this legislation the words "effective" and "effectiveness" instead of the terms "efficacy" and "efficacious." In my judgment, it does not make any difference and I see no reason why we should spend so much time on it.

The third item we have given consideration to here is the keeping of records and furnishing of reports in connection with safety and effectiveness of new drugs and antibiotics.

Fourth. We deal with procedures to be followed in the testing of investigational drugs including the patient's consent. There is one matter that you have heard a great deal about from your doctors and the industry.

The gentleman from Maryland [Mr. Friedel] offered an amendment in the course of the marking up of this legislation providing that before an investigational drug can be used by a doctor, the doctor had to inform the patient or his representative and get consent. Now this is all rather an emotional thing. It is only natural to say, if you are going to give me an experimental drug that I am going to take into my system, I should be advised as to what it is. And there is a lot to be said for that viewpoint. If you are going to give somebody honey, why should you not let them know they are getting honey? If you are going to give them vinegar, which they might not like, why should they not know about it? So there is a lot of feeling in connection with this matter.

The committee adopted the amendment. Personally, I thought it was not the wise thing to do and I so expressed myself to the committee. I think some thought has been given to this question since then, but I am not going to be one of those who is going to try to modify or attempt to modify it here today. I think we should go on with it and, after we get all the information together and the various viewpoints and facts that we should have, we might modify that provision in the conference.

Mr. COOLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. HARRIS. I yield to the gentleman.

Mr. COOLEY. What would be the situation in the event the patient is unconscious?

Mr. HARRIS. His representative or a member of the family could give consent.

Mr. COOLEY. Suppose he has no representative.

Mr. HARRIS. We would have to assume that somebody represents him.

Mr. COOLEY. A man may be far away from home and rendered unconscious; what about such a situation?

Mr. HARRIS. That is one of the problems that was raised during the course of consideration of the amendment, I personally think it is not the thing to do. I can say that one of the scientists who had a lot to do with the development of two of the three antidepressant drugs for mental cases advised me that if there had been such a restriction in the law at that time he was fairly certain that these drugs would never have been developed. But those are the things we want to develop and I think we can handle it in conference and work it out. The author of the amendment, I understand, would be agreeable to it. I do not think he is present right now.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. PIKE. The gentleman touched lightly upon a point I wanted to ask about. There was some question in regard to people who are mentally incompetent. Is there any provision for consent to be provided in the case of people who are mentally incompetent?

Mr. HARRIS. In that case in accordance with the amendment that is included in this bill the doctor would have to get the consent from a representative.

Mr. HOLIFIELD. Is it not true that such a person would be a ward of the State or county and that the State could exercise the right? I am speaking now of a mentally incompetent person, who might not have a legally appointed guardian.

Mr. HARRIS. I think that would come into play; yes.

Mr. HOLIFIELD. I would like to ask the gentleman if this provision applies to new drugs or to all drugs?

Mr. HARRIS. The use of new drugs; yes. It is experimental drugs; I will put it that way.

Mr. HOLIFIELD. Does not the gentleman believe that if a person is going to be experimented on with some type of new drug that he should know about it? It just seems reasonable to me. If a doctor is going to do any experimenting on me I would like to know that it was an experiment. I might agree and probably would if my doctor said: "Now, we do not know what the result of this will be, but we think it will be good, we are hopeful."

Mr. HARRIS. That was a point that was developed during the hearings. There were a number of other facts brought to our attention, that maybe under certain conditions the doctor himself should make the decision on a professional basis as to whether or not the person should know or be made aware of it. That is just one of the things that is involved here and that is why I think we should sit down around the table and try to work it out.

Mr. HOLIFIELD. The question is whether it should be made mandatory.

Mr. HARRIS. I think the author of the amendment has in mind that a modification might be appropriate or desirable.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I just want to say to my distinguished chairman that I agree with him. I think at the present time ethics require a doctor to notify a patient before he uses an experimental drug. However, there are cases that have been pointed out where there may be a situation that consent cannot be obtained in an extreme emergency. Again, for instance, the person might have cancer and the doctor not want to tell the patient what the drug is or what it is used for, because such knowledge might do the patient harm. There are instances, I think, where this provision would be too stringent, and, as the chairman has said, modification certainly would be in order.

Mr. HARRIS. Then also we considered and dealt with here the procedures and prescribed what the agency shall follow in approving new drugs. We have heard a lot about that in the last few months, I would say, and certainly weeks. We deal with that problem, and we think adequately here.

Sixth. We improve procedures in connection with the summary suspension of new drugs where there is an imminent hazard to public health.

Seventh. The withdrawal of new drugs when their safety or effectiveness is no longer assured. We have developed a lot about that and could cite numerous examples if time permitted.

Eighth. Certification of all antibiotics for man. The present law requires only certification of certain antibiotics.

Then there is the very sticky and difficult subject of factory inspection of establishments manufacturing prescription drugs. We deal with that and I think we have worked out a very satisfactory solution to it, one that will meet the problem.

Then we deal with drug advertising. That problem will come in for some discussion a little later on. Apparently some efforts have been made to resolve some of the controversy in the different views here. As I understand it, maybe we will work that out during the course of consideration of the bill under the 5-minute rule.

Finally we deal with simplifying drug nomenclature.

I shall comment on some of these items.

ADEQUATE MANUFACTURING CONTROLS FOR ALL DRUGS

The manufacturing of drugs is a business that requires highly qualified and trained personnel, and special laboratory and other facilities and most careful internal manufacturing, packaging, and labeling controls. These requirements are necessary to the assurance that the drugs will be safe for the user and will have, and so far as possible retain, the identity, strength, quality, purity, and effectiveness that they purport to have.

Except in the case of those drugs for which the Federal Food, Drug, and Cosmetic Act requires premarketing clearance—that is, new drugs, certain antibiotics, and insulin—and except for drugs prepared or held under insanitary conditions, nothing can be done under the present act if these essential requirements demanded by good manufacturing practice are not met, until a particular shipment of drugs is marketed and the Food and Drug Administration can prove that the drug itself is deficient. This is not adequate assurance of consumer protection. People with inadequate experience, equipment, and technical competence can, and do, enter the business of making drugs.

Section 101 of the reported bill would amend section 501(a)(1) of the Federal Food, Drug, and Cosmetic Act to deem a drug to be adulterated if the methods, facilities, or controls used in its manufacture, processing, packaging, or holding fail to conform to, or are not operated or administered in conformity with, good manufacturing practices as determined in accordance with regulations to be issued by the Secretary of Health, Education, and Welfare which are designed to assure that the drug is safe and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. The phrase "operated or administered in conformity with current good manufacturing practice" encompasses key technical and professional personnel responsible for the safety of the drug, and its identity, strength, quality, and purity characteristics.

The promulgation of these regulations would be subject to opportunity for hearing and judicial review. Thus, legal action could be brought against firms failing to abide by these standards and against the products they ship.

PREMARKETING PROOF OF EFFECTIVENESS OF NEW DRUGS

Section 505 of the Food, Drug, and Cosmetic Act prohibits interstate shipment of a "new drug"—that is, one that is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof or one that has not been used to a material extent or for a material time other than in safety investigations—unless it is first cleared for safety through the filing of a new-drug application by the manufacturer.

The scientists of the Food and Drug Administration may and sometimes do have serious reservations about the ability of the drug to accomplish the therapeutic benefits claimed for it. However, except where the question of the drug's effectiveness is a consideration in passing on its "safety"—as in the case of toxic drugs claimed to be valuable in the treatment of a disease, or in the case of drugs offered for treatment of life-threatening diseases—proof of effectiveness is not required before a product is marketed. Even where the effectiveness of a new drug enters into determining its "safety," the Food and Drug Administration cannot, if it finds the drug "safe," refuse clearance because the claim of effectiveness is exaggerated. Rather, the Administration would have to stultify itself by allowing clearance and then causing court action to be brought for misbranding. The Administration claims that many new drugs that have cleared the safety requirements of the law are marketed with unproved claims of therapeutic effectiveness. As a result, good medical practice is hampered, and the consumer is misled until, perhaps years later, the Government has gathered the necessary evidence to sustain its burden of proving the violation in court.

Section 102 of the reported bill would require all new drugs to be proved effective as well as safe for use under the conditions prescribed, recommended, or suggested in the labeling, before they may be marketed. The definition of "new drug" would, correspondingly, be revised so that drugs not generally recognized as safe and effective, or not used materially except in safety and efficacy investigations would be considered "new drugs."

DRUGS FOR INVESTIGATIONAL USE

The clearance of a new drug is necessarily based on the scientific data then before the Department of Health, Education, and Welfare. Regardless of the competence and integrity of the scientists whose investigations produced these data, unexpected adverse effects from the drug may develop in actual clinical experience—effects that might call for warnings to physicians to exercise special caution in using or prescribing the drug, or might even justify its withdrawal from the market. Thus, it is highly important for the Department to keep informed about all such developments. The Department claims that it often learns of adverse reactions attributed to new drugs along after the manufacturer has received complaints about them from physicians, hospitals, pharmacists, consumers, or others. An adequate procedure is particularly needed to permit the Department to determine immediately when a new drug, thought to be safe, presents an unsuspected hazard and thus should be taken off the market.

Similarly, the Department needs to be informed promptly as experience, particularly adverse experience, develops with respect to the effectiveness of such products.

Existing law directs the Secretary to promulgate regulations providing for exempting new drugs from preclearance for safety on condition that they are labeled and intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs.

Present regulations require that the investigational drug be labeled "Caution: New Drug—Limited by Federal Law to Investigational Use." Such drugs may be shipped only to persons qualified by scientific training and experience to investigate the safety of new drugs who have certified to the drug manufacturer that they are properly qualified and have adequate facilities for the investigation. These investigators are required to maintain records on the investigation.

The reported bill—section 103 and 106—would enable the Department to require a manufacturer to establish and maintain records and reports of data relating to clinical experience and other data and information and to advise the Secretary of Health, Education, and Welfare promptly of reports of adverse reactions attributed to his new drugs, and to keep the Department informed of clinical experience with the drugs which has a bearing on their safety or effectiveness.

Furthermore, the reported bill provides that the Secretary may establish regulations for conditioning the exemption of a new drug upon the submission to the Secretary before any clinical testing is undertaken of reports by the sponsor of such drug of preclinical tests which, in the opinion of the Secretary, would be adequate to justify clinical testing. Such regulations may also provide for conditioning the exemption upon the sponsor of a new drug proposed to be distributed to investigators for clinical testing that the sponsor obtain a signed agreement from each investigator that the patients to whom the drug will be administered will be under his personal supervision or under the supervision of the prime investigator and that he will not supply such drug to any other investigator or to clinics for administration to human beings.

Such regulations would effectively prevent another thalidomide tragedy which occurred abroad that we have been hearing so much about lately.

The bill also provides that the sponsor will require investigators to notify the patients that they are being given drugs in an investigational program, obtaining their consent, and certifying to the sponsor that consent has been obtained.

The same requirements as to records, reports, and experiences apply to antibiotics.

NEW DRUG CLEARANCE PROCEDURE

The committee bill eliminates the provisions of existing law under which a new drug application becomes effective automatically at the expiration of 60 or 180 days if the Department does not take positive action to prevent this. Under the bill, a new drug application is not effective unless it has affirmative approval both for safety and effectiveness.

The Secretary would have 180 days, after filing of a new drug application, to approve the new drug application or to give the applicant notice of an opportunity for hearing. The applicant has 30 days after notice to accept the opportunity for hearing. The hearing must start within 90 days, unless a different date is agreed upon, and it must proceed on an expedited basis. The Secretary has 90 days, after completion of the hearing to issue his order. There are other provisions dealing with denying, revoking, or suspending approval of a new drug application and with judicial review.

SUSPENSION OF NEW DRUG APPLICATIONS

Under existing law, an application with respect to any new drug must, after notice and opportunity for a hearing, be suspended if experience shows that the drug is unsafe or that the application contains any untrue statement of material fact. The Secretary of Health, Education, and Welfare cannot terminate a clearance of a new drug on the basis of a lack of substantial evidence of the drug's safety. Rather, he must prove affirmatively that the drug is unsafe before he can terminate its clearance.

The committee amendment provides, in addition, that approval of an application will be withdrawn if new evidence shows that the drug is not safe, or if new information, evaluated together with other evidence, indicates that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have.

In the event the Secretary or Acting Secretary of Health, Education, and Welfare finds that there is an imminent hazard to public health, he may suspend the approval of an application immediately, but he must give the applicant an opportunity for an expedited hearing.

Under the committee amendment, the Secretary may also withdraw approval of an application if he finds that, first, the applicant has failed to establish an adequate system for maintaining the required records or has refused to permit access to those records; or, second, that new information shows that the methods used in manufacture of the drug are inadequate and are not corrected promptly; or, third, that new information indicates that the labeling, based on a fair evaluation of all material facts, is false or misleading, and is not properly corrected.

CERTIFICATION OF ANTIBIOTICS

Presently, the requirement of batch-by-batch certification of antibiotics applies only to drugs composed wholly or partly of one of five specified antibiotics—penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or their derivatives.

Under the committee amendment, antibiotic drugs not previously subject to the certification requirement, and already on the market after clearing the new drug safety requirements of present law, would not initially require an affirmative finding that the drug is effective with respect to the conditions of use prescribed, recommended, or suggested in the labeling covered by the new drug application. However, the Secretary could later amend or repeal the regulations on certifications on the ground of lack of efficacy of the drug under such conditions of use, on a finding that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under such conditions of use.

ANIMAL FEED

The committee amended the anticancer clause of the food additives amendment and the color additive amendment of the Federal Food, Drug, and Cosmetic Act by making this cause inapplicable to chemicals such as veterinary drugs when used in feed for food-producing animals if the Secretary finds first, that under the conditions of use and feeding specified in the proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animals for which such feed is intended; and second, that no residue of the additive will be found—by methods of examination prescribed or approved by the Secretary by regulations—in any edible portion of the animal after slaughter or in any food such as milk or eggs yielded by or derived from the living animal.

STANDARDIZATION OF DRUG NAMES

The committee bill would authorize the Secretary of Health, Education, and Welfare to promulgate regulations establishing a single standard name for a drug whenever, in his judgment, such is necessary or desirable in order to achieve usefulness and simplicity of drug nomenclature, or because two or more names exist for the same drug, or because the common or usual name of a drug is misleading, confusing, or not sufficiently informative, or because there exists no common or usual name for a drug. Such regulations could include any related or additional information which, in the Secretary's judgment, is desirable to facilitate the correct and effective use of such standard name. In no event, however, shall a standard name be established so as to infringe upon a valid trademark.

This amendment will facilitate better understanding of drug nomenclature and facilitate the prescribing of less expensive drugs.

AMENDMENTS AS TO ADVERTISING

The Federal Food, Drug, and Cosmetic Act does not presently apply to drug advertising, except when it is used as labeling. The Federal Trade Commission Act does not, with respect to the advertising of prescription drugs, require adequate information to appear in each advertisement.

The committee amendment would deem a prescription drug to be misbranded unless all advertisements for the drug contain the established name of the drug, printed prominently and in type at least half as large as that used for the trade name of the drug, the quantitative formula of the drug, and such information relating to side effects, contraindications, and effectiveness as the Secretary of Health, Education, and Welfare would require by regulation. This jurisdiction over prescription drugs would be exercised by the Secretary and not by the Federal Trade Commission. However, where the advertisement fails to give the quantitative formula or information about side effects, contraindications, or effectiveness, the drug advertised would not be deemed to be misbranded if such information were freely available in labeling materials distributed to licensed practitioners upon their request to the advertiser and if the advertisement contains a conspicuous statement of such availability. The drug labeling, whether distributed in the package or separately is presently required to make full disclosure of such information.

Mr. Chairman, in recent years there has been a spectacular growth in the development of new drugs, particularly new prescription drugs. A very large number of drugs now on the market did not exist 10 or 20 years ago. The rapid development has created some problems with which the existing Federal Food, Drug, and Cosmetic Act is not adequate to cope. Therefore, we have brought this legislation to the House. The Committee on Interstate and Foreign Commerce gave this bill very careful consideration and recommends its passage. The pharmaceutical industry generally speaking supports this legislation. It is not a perfect bill in all respects but realizing that we are dealing here with many controversial issues, the results we obtain are the best obtainable under the circumstances.

With this bill enacted into law we will take a great step forward in the protection of public health. This bill is very much in the public interest.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from California.

Mr. YOUNGER. The question has been raised, and I will ask, is it not true that under the present law the FDA inspector going into a pharmacy does not have the right to inspect prescriptions?

Mr. HARRIS. Yes. The Food and Drug Act of 1938 originally dealt with that. Then in 1953, if the gentleman will remember, we dealt with that subject, and very impressively and clearly explained the provisions of the law and just what authority was extended. This is the law today. As a matter of fact, my attention has been called on several occasions to a statement I made at that time. But it was a fact. We did not extend authority to the agency to go into the prescription formula and so forth, and we do not change that procedure here.

Mr. YOUNGER. This bill does not change that procedure?

Mr. HARRIS. No; it leaves it as it is insofar as prescriptions in the drug stores are concerned.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. First of all I would like to commend the chairman of the committee for making, as he always does, a good presentation of anything he brings to the floor. Earlier the gentleman made the statement that as the committee considered this in its deliberations it became aware of the fact that the Government agencies very much wanted this legislation, at least those agencies which are affected and which would be charged with the responsibility of administering this particular act. However, by contrast, industry itself was opposed to it. They were opposed to it because they felt it involved too much Government regulation or interference. At this point I take neither of those positions. But I do take the position that I am concerned very much with protecting the health of the average American in the street today and I am wondering, without trying to provoke anything of scare proportions, if the chairman could very briefly tell the committee, so that we might better understand this problem, just exactly what is wrong with present legislation and what has happened that makes this legislation necessary. I feel that a brief statement along that line will be helpful to all the Members of the House.

Mr. HARRIS. First, permit me to thank the gentleman for his very fine compliment. We always like to hear compliments.

I have just taken most of 25 minutes to call to the attention of the members of the committee very briefly the things which we think need improving. If the gentleman would get the report and read those 11 points that I have pointed out to the committee, it will give the gentleman the exact information.

The facts are that we have about 200 to 300 new drugs every year that go on the market. It has been acknowledged by most everyone, including doctors who have written me, as well as representatives of the industry who have talked to me about it, and those in the agencies who have anything to do with it, that there are certain loopholes and procedures that need to be closed. I have explained what these are.

Mr. WAGGONNER. I have read the report and listened attentively to the chairman of the committee, and perhaps I phrased my statement in the wrong way. I perhaps could have asked a simple question, and that is this:

Is it the opinion of the chairman of the Committee on Interstate and Foreign Commerce, as well as the committee, that there have been too many ineffective and faulty drugs reaching the market, which have worked to the detriment of the health of the public in times gone by and for that reason you feel this legislation is necessary? Am I correct?

Mr. HARRIS. I say to the gentleman I do not think there is anyone, regardless of whether he is in manufacturing or distribution or testing who does not feel that there are some improved procedures which are necessary. The only controversy which has arisen has to do with the question of how much tightening up should be done.

Mr. WAGGONNER. If the gentleman will yield further, the point in controversy which arises is how much tightening up should be done in the regulations?

Mr. HARRIS. I do not think that is a real controversy. As a matter of fact, we have got this down to where it is acknowledged by most everyone who knows what we are dealing with, that it is pretty well worked out, with one exception, and that has to do with advertising of drugs. But the rest of the bill has been worked out fairly well insofar as the industry is concerned—that is, with both the Senate and the House bill—and insofar as the agencies are concerned and everyone who has anything to do with it.

I do want to say that I think in some respects the Senate might have some provisions in its bill that would be more desirable than the House bill.

I think in some respects the House bill might be more desirable than what is included in the Senate bill. You are well aware how these things work. But basically the same problem is dealt with in both bills. I do not say that this is the answer. I am sure that there will be, as time goes on, other matters that will develop with which we will have to deal, but I do say to you, Mr. Chairman, that I think, generally speaking, we have done a fairly good job with this important and difficult problem.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Michigan.

Mr. BENNETT of Michigan. Mr. Chairman, I wish to commend our distinguished chairman for the excellent statement he has made on this bill. As the gentleman from Louisiana [Mr. WAGGONNER] has pointed out, he always makes an excellent, clear-cut explanation of the issues of the legislation reported from our committee. I think the House recognizes and appreciates that fact.

I want to ask the gentleman a question or two in the interest of clarification. If you will refer to the bill, section 101, on page 34, we adopted some language that was different in some respects from the original House language. The language to which I wish to direct attention concerns the word "personnel." That means the personnel of the drug manufacturing concern. In section 101 there is no mention of personnel. But if you will turn to page 2 of the committee report in the explanation of section 101 you will find this language—and I am quoting from the committee report.

Mr. HARRIS. What page?

Mr. BENNETT of Michigan. Page 2, near the bottom of the page, explaining section 101.

> The phrase "operated or administered in conformity with current good manufacturing practice" encompasses key technical and professional personnel responsible for the safety of the drug, and its identity, strength, quality, and purity characteristics.

Since there is no mention of the word "personnel" in the section of the bill itself my question is this: Is not the reference in the committee report, particularly the word "encompasses" ambiguous and likely to lead to misinterpretation and misunderstanding of what the language in the bill actually intends in that regard?

Mr. HARRIS. The gentleman has expressed some interest in this provision heretofore and I am aware of his concern. I feel, however, that it is our responsibility and duty to be perfectly frank and in all candor express what we think this language does encompass. If we did not do so I think we would not be doing our duty to bring information to the Members of this House. If the gentleman will refer to the language of the bill as reported by the committee on page 34, line 11:

> (B) If it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packaging, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice * * * to assure that such drug meets the requirements of this act—

And so forth. I think in all candor that that language includes the technical personnel insofar as the word "administer" is concerned.

Mr. BENNETT of Michigan. The word in question is the word "encompasses." I agree with what the gentleman has said.

Mr. HARRIS. Let us say it includes this. If there is any question about the word "encompasses," that may very well include it.

Mr. BENNETT of Michigan. Is it not a fact that what we actually intended by this language was to give the Food and Drug Administration the authority to test the performance and the operations of the drug concern, and of course to that extent the performance and operations would include the work performed by personnel. But I do not believe we intended here to include the right of the Food and Drug Administration to determine the qualifications of the specific personnel to do the job that they were required to do.

Mr. HARRIS. When we struck out the general authority on personnel, which is on page 3 of the bill originally introduced, we proposed to give the Food and Drug Administration authority over the personnel of these manufacturing industries. That we struck out. We said, no, they should not have that authority.

Then in order to get to what we thought and what was thought in this language would be necessary, in my judgment, the language which I read would include all those elements that go into the operation and administration in conformity with current good manufacturing practice. If I did not give my best judgment on what this would mean and how it would be interpreted in its administration, I think I would be derelict in my responsibility here, and I feel I should let the Members of the House know.

Mr. BENNETT of Michigan. My reason for calling it to the gentleman's attention——

Mr. HARRIS. I am going to let the gentleman take some of his own time to discuss this.

Mr. BENNETT of Michigan. I will yield the gentleman time.

Mr. HARRIS. I would rather do that later. I would be glad to talk to the gentleman about this. Let me yield to others who want to talk about it. I have given the gentleman my best judgment. That is what I think it is.

Mr. BENNETT of Michigan. Very often in these matters—and I have seen it happen and I know the chairman has, too—language in a committee report supersedes the language of the bill itself.

Mr. HARRIS. I cannot agree that that is a fact, because if you go back to the natural gas bill, which we fought over around here for a good many years, I think you will find the Supreme Court paid no attention to that at all. They put their own language in there. The gentleman was on the other side of that issue.

Mr. ROBERTS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. ROBERTS of Alabama. Was it not the intention of the committee that in no event would this apply to technical personnel?

Mr. HARRIS. Only technical personnel that are necessary in connection with the language which spelled it out very explicitly and clearly. I repeat, Mr. Chairman, that we do not claim that we have all the answers here, but we do feel that we have closed some loopholes, the closing of which is badly needed. The thalidomide situation is one of those that helped to emphasize this. I have some personal feelings about that. I think in the administration of it there could have been some positive action taken. It may be that the way the thing worked out was best for our people. Nevertheless, it did point up, as it did in other examples that we had presented to us, the need for some action to be taken. We feel we have done as good a job as we could under the circumstances and with the information we had and with the advice and counsel we had. I strongly urge the House to approve this legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNETT of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not want to belabor this point about the language of the committee report on the question of personnel. On the other hand, I do think it is important. I say that not as one who has come on this committee recently, because I have been a member for a good many years and have participated in some of the prior amendments, including the Humphrey-Durham amendments, which were enacted by this Congress, I think, in 1951, or before that time.

I say the language in the committee report is important and sometimes in spite of what my distinguished friend, the chairman of our committee, says to the contrary, I still say that very often, in fact too often, the courts in interpreting the provisions of a bill which we in the Congress enact here use the language of the committee report as being the proper and correct explanation of what is in any particular section of the law and what the Congress intended when it passed the bill.

I do not think it was intended here to give the Food and Drug Administration authority to tell a drug manufacturer whom he could or could not employ. I think the intention is to give the Food and Drug Administration the authority to supervise the operating practices of the manufacturer in the manufacturing processes of his product. But operating practices and personnel qualifications are two entirely different subjects and ought not to be confused.

What our primary purpose has been here, and everything else has been subordinate to that, is to tighten up and strengthen the provisions of existing law insofar as they relate to the testing of experimental drugs and to the placing of new drugs on the market. Heretofore there has been a question as to the real extent of the authority of the Food and Drug Administration to require, in connection with the testing of experimental drugs, that the agency has been given reports of preclinical tests adequate to justify clinical testing. Furthermore, what we sought to do here is to make clear in a case where the Secretary of Health, Education, and Welfare finds that a new drug is imminently dangerous to the public health it can be taken off the market immediately.

Thereafter the drug concerns would have their day in court, but pending the investigation of this situation, because it involves human life, this authority is given in this legislation to the Secretary of Health, Education, and Welfare; and I think very properly so.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Michigan. I yield.

Mr. COLLIER. Let me say to the gentleman from Michigan that I share the same concern, that legislative history is always made as part of the committee report, and I questioned our staff as to the reference to personnel. I feel that perhaps where the justification might come in is in the use of the language in title 1, starting in line 13, page 34, "or holding do not conform to or are not operated or adminstered in conformity with."

I think when we get to the word "administered," there is an implied inclusion of personnel. And I might say to that end I intend to offer an amendment to the factory inspection authority of the bill, title 2, and I hope to point out at that time there should be some restrictions as to the intent of the legislation insofar as it affects personnel and the qualifications of technical and professional personnel.

Mr. BENNETT of Michigan. As I was saying, Mr. Chairman, the prime intent of the legislation is to tighten up, to give the Food and Drug Administration and the parent agency, HEW, greater authority in the area of protecting the public from dangers flowing from experimentation with drugs not yet approved or from the sale of new drugs which are placed upon the market and which later are found to be dangerous. To that end I think the legislation is excellent, and I think it does its job.

There are other parts of this bill that need not have been included, but that is the case with all legislation that is written here. I believe, generally speaking, we have come up with a good bill.

My original inclination was to support the bill passed by the Senate as the best way that would resolve this problem during this session, but I frankly feel that the bill our committee has reported is better than the Senate bill, and I think that from the conference we will probably come back with a bill substantially similar to our committee bill.

Therefore, Mr. Chairman, I am happy to join my distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS] in urging prompt passage of the committee amendment to H.R. 11581. The gentleman from Arkansas has very ably stated in detail the provisions of this bill and there is no need for me to repeat all that he said.

I would, however, like to comment on some parts of the bill. As I see it, one of the most important provisions relates to preclinical testing of new drugs. Until the present time, new drugs developed by the pharmaceutical companies have not been required to get a clearance for safety if they are intended only for investigational use. The only requirement, and this is a requirement by regulation of the Food and Drug Administration, is that such investigational drug be labeled as follows: "Caution: New Drug—Limited by Federal Law—To Investigational Use." And with this label the drug may be shipped all over the United States to qualified doctors and scientists for experimentation on humans and animals. There is no present requirement of any proof of its safety or effectiveness.

I believe this is a wrong practice. It would seem to me that there should be some showing by the manufacturer or sponsor of the new drug, that the drug is safe for use on humans before he may be permitted to use them, even on an experimental basis. No one knows for sure how extensive these experiments may be.

They may involve thousands of doctors and scientists and hundreds of thousands of patients.

We have heard a lot of talk about thalidomide lately. Very fortunately for us, the citizens of this country did not suffer the horrible experiences of people in Europe where the drug was widely used. But we now find that although thalidomide was not yet approved as a new drug until the new drug clearance procedure of the Federal Food, Drug, and Cosmetic Act, thanks to the Food and Drug Administration, nevertheless it apparently was distributed in fairly large quantities to physicians all around the country for investigational purposes.

The bill would provide for the American public a large measure of protection in this area. It provides that with respect to drugs intended solely for investigational use, the Secretary of Health, Education, and Welfare may exempt them from meeting the stiffer requirements which apply to commercial drugs sold on the market. But he may condition this exemption upon the submission to him of reports on preclinical tests adequate to justify the use of this new drug in clinical testing. Also, the Secretary may require the manufacturer of a new drug being proposed for clinical testing to obtain signed agreements from his investigators that the patients who will undergo the clinical testing will be under his personal supervision and that he will not supply this drug to any other investigators.

If the authority being granted to the Secretary of Health, Education, and Welfare will be used and enforced it would eliminate the sad spectacle we witnessed with the investigational use of thalidomide in this country when it was found that many doctors had possession of this drug and, apparently, were prescribing it to patients without the knowledge of the distributor of this drug. Certainly such loose practices should be drastically curtailed, if not eliminated.

The Secretary could also require, as a condition for granting an exemption, the maintenance of records by the investigator of the results of the experiments on investigational drugs and furnishing such reports to the Secretary. It would seem elementary that an investigator using an experimental drug on patients should be required to establish and maintain records on his experiment.

Another important provision of the bill is the requirement that new drugs be required to pass the test of effectiveness as well as safety which is presently required. The test of effectiveness means that the sponsor of the drug will henceforth have to prove that he has "substantial evidence" to prove that the drug will have the effect it purports to have under the conditions of use prescribed, recommended, or suggested in the labeling. This is a fair requirement.

If a drug is represented as being a remedy for a given ailment, the sponsor should be able to furnish substantial evidence that his claim can be supported. New drugs which have already been approved will also be subject to this new test of effectiveness.

Another key provision is the one which authorizes the Secretary of Health, Education, and Welfare to suspend the approval of a new drug immediately if he finds that there is an imminent hazard to the public health. If this should happen the sponsor of the drug would be afforded an opportunity of an expedited hearing on the revocation.

The bill requires the maintenance of records and reports. It imposes additional requirements with respect to manufacturing controls on drugs to assure that manufacturing methods are in conformity with "current good manufacturing practices." It provides that new drug applications will require affirmative approval by the Secretary before they could become effective. Presently these applications become effective automatically after the expiration of 60 or 180 days unless the Secretary takes positive action to prevent this. It authorizes increased powers over factory inspection of prescription drug manufacturing plants.

All these proposals—and there are others in the bill which I have not mentioned—will strengthen existing law and are in the public interest. I shall vote for the bill, and I hope it will pass.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Michigan. I yield.

Mr. HARRIS. I would not want the Record necessarily to have what I said earlier regarding the history to stand without further comment. I agree with the gentleman that the purpose of the report is to make an effort to further explain what is intended by the committee. I agree with the gentleman that agencies administering these programs and the courts themselves should take into consideration the legislative history, not only the report, but also the debate such as we are engaging in here today.

I also recognize finally that a court when it construes the language, taking into consideration what is said, must finally and does finally give its own opinion as to what a particular line, phrase, or language says and means. So that is the reason I say in the language I read here with reference to this provision I could not feel anything else but what it would be interpreted for this limited purpose only and technical personnel would be included.

Mr. BENNETT of Michigan. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. Schenck].

Mr. SCHENCK. Mr. Chairman, the Committee on Interstate and Foreign Commerce, of which I am proud to be a member, worked hard and diligently on the bill which the committee has brought to the floor of the House today. We had lengthy and thorough hearings on this subject beginning several months ago and more recently extending over a period of 2 weeks including several night sessions when everyone who had the desire to testify and express views on this subject was afforded the opportunity to do so.

We started out with two bills, H.R. 11581 and H.R. 11582, both introduced by the distinguished chairman of the committee, the gentleman from Arkansas [Mr. Harris]. As I understand it, these bills were recommended to the Congress by the former Secretary of Health, Education, and Welfare, the Honorable Abraham Ribicoff, and they encompassed the entire scope of legislative recommendations in this field recommended by the President in his consumer message to the Congress. H.R. 11581 deals with drugs and factory inspection; H.R. 11582 has to do chiefly with cosmetics, therapeutic devices, and so forth.

The bill, H.R. 11581, which the Committee on Interstate and Foreign Commerce presents to you here today deals only with drugs. It is a good and workable bill which merits your support. We did not have sufficient time to give to the other subjects in this broad area, and it is my understanding the chairman of our committee has indicated that these remaining subjects will be given consideration in the next Congress.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman from Arkansas.

Mr. HARRIS. I am glad the gentleman reminded me of the matter he just mentioned. We thought we should advise the membership of the House on that subject. These are important matters with reference to drugs that the committee felt should be given more consideration. One of those important problems involves barbiturates and another involves biologicals. We thought they were of such importance to the health and welfare of our people that further consideration should be given. If I have anything to do with it, it is my purpose to see that further hearings and consideration will be given to the matter perhaps by the subcommittee headed by the gentleman from Alabama [Mr. Roberts] and the subcommittee of which the gentleman from Ohio is a member. Then, of course, the cosmetics field is another one. Those will be considered in the next Congress.

Mr. SCHENCK. I thank the gentleman for his clarification.

Mr. Chairman, it is my firm conviction and considered judgment that the doctors, medical scientists, and all other scientific personnel in the field of human health here in the United States are by far the best trained and most expert professional men and women in the entire world.

Tremendous advances and great progress have been made in the treatment of the ills and health problems of all kinds. Tremendous and continuous progress is being made in the development of new drugs. These drugs are very properly referred to as miracle drugs because the helpful results are often unbelievable. Literally millions of people are living active, happy, and productive lives today as the result of recovery from illnesses which only a few years ago were nearly always fatal. Thus we owe a very great debt of gratitude to the dedicated men and women in all the professions connected with the medical and health sciences.

Mr. Chairman, our Nation also has the best food and drug laws in the world today and these laws are on the books for only one reason—to protect the health and safety of each and every citizen.

Occasionally, of course, these laws need to be updated and strengthened to meet new conditions and situations as they arise. No nation in the world today has anything like the controls over drugs of all kinds which are exercised in the United States for the protection and safety of the health and well-being of its citizens. In fact, in any number of other nations very potent drugs can be bought over the counter by anyone while in the United States these same drugs can be obtained only as the result of a written prescription signed by a qualified physician.

Recently here in the United States a great deal of consternation properly arose because of the experimental use of a drug which caused children to be born with malformed bodies. Information was developed also that another drug which had been given approval by the Food and Drug Administration was showing side effects harmful to human health. The Food and Drug Administration took prompt action, however, in immediately stopping the use of the experimental drug and also took immediate and successful steps in withdrawing approval and stopping the use of the other drug which had been previously approved. Thus it was shown conclusively that the Food and Drug Administration had the authority, the means, and the determination to protect the safety and health of our citizens. The Food and Drug Administration is to be commended for promptly taking the actions it did in these instances.

Mr. Chairman, food and drug legislation is always complex and complicated and careful judgment must be exercised to make sure that proper legislative controls and authority are available to adequately protect the public health and safety and yet also maintain the degree of flexibility which is so necessary to encourage the research and development of new drugs to meet the challenges of the day. This is indeed a very fine line of demarcation to draw and observe. On the one hand the health and safety of the people is at stake and must be adequately protected, and if we are to err we must err on the side of safety. On the other hand, if we discourage and stifle research and development in new life-saving drugs and treatments, many lives will be needlessly lost. Thus we must legislate with great care and wisdom to provide the Food and Drug Administration with all the authority necessary to properly discharge its responsibilities in the public interest without granting the authority to control just for the sake of controls through the creation of ever-increasing Federal bureaucracy. All of the legislatures and the administrations in each of the 50 States of our Nation are also fully aware of their responsibilities in the field of human health. Many very helpful State laws are in effect; many such laws in some instances are even stronger than Federal laws for the protection of human health in the public interest. We here in the Congress should take no action to interfere with these strong and effective laws already approved by State legislatures and doing very effective work in this important effort to protect and improve human health.

At the conclusion of our hearings, the committee went into executive session and gave the bill, H.R. 11581, a great deal of careful attention. We had before us not only the House bill but also the Senate bill (S. 1552) which had been approved in the other body. The bill which the committee reported is a composite of the House and Senate bills and I am convinced it is sound legislation which I heartily recommend to the House. It will give added protection to the consumer in areas where it is most needed. We provide in the bill many of the things that our colleague, the chairman of the committee, so well stated.

The chairman of the committee, the distinguished gentleman from Arkansas [Mr. Harris] has already gone into a detailed explanation of these items, and I do not believe it necessary for me to repeat what he has already stated except for the purpose of emphasis we provide in this bill, H.R. 11581, for the following:

First. Controls of manufacture of drugs to assure that manufacturing methods are in conformity with current good manufacturing practices.

Second. Requirement that new drugs be shown to be effective as well as safe.

Third. Requires the keeping of records and furnishing of reports in connection with safety and effectiveness of new drugs and antibiotics.

Fourth. Provides procedures to be followed in the testing of investigational drugs.

Fifth. Outlines agency procedures to be followed in approving new drugs.

Sixth. Provides for summary suspension of new drugs where there is an imminent hazard to public health.

Seventh. Provides for the withdrawal of new drugs when their safety or effectiveness is no longer assured.

Eighth. Certification of all antibiotics for man—present law requires only certification of certain antibiotics.

Ninth. Factory inspection of establishments manufacturing prescription drugs.

Tenth. Requires that manufacturers make available complete and adequate scientific and factual information concerning safety and effectiveness of drugs to physicians.

Eleventh. Simplifying drug nomenclature.

The recent disclosures in the press in regard to thalidomide have impressed upon me the fact that the present Federal Food, Drug, and Cosmetic Act is deficient in regard to the procedures involved in the testing of drugs for investigational use. The only requirement under the present act—and this is done by regulation of the Food and Drug Administration—is the requirement that the experimental drug be labeled to indicate that it is a new drug for investigational use only. With that labeling requirement met, the pharmaceutical companies could proceed to distribute it to physicians and other investigators for testing on humans and animals.

It seems to me that more is required in the way of protection for the public in the use of experimental drugs. I, therefore, proposed an amendment to section 103(b) of the bill which was approved by the committee and which provides:

> Such regulations may provide for conditioning such exemption upon—
>
> (1) the submission to the Secretary, before any clinical testing of a new drug is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug, of preclinical tests of such drug adequate to justify the proposed clinical testing;
>
> (2) the manufacturer or the sponsor of the investigation of a new drug proposed to be distributed to investigators for clinical testing obtaining a signed agreement from each of such investigators that patients to whom the drug is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug to any other investigator, or to clinics, for administration to human beings; and
>
> (3) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such drug, of data obtained as the result of such investigational use of such drug, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drug in the event of the filing of an application pursuant to subsection (b).

My amendment authorizes the Secretary of Health, Education, and Welfare to issue regulations for the testing of experimental drugs on humans upon the condition that before any tests are undertaken on humans, the Secretary may require the submission of reports to which I have referred.

This language, it seems to me, is necessary to protect the health and safety of people and is a perfectly reasonable requirement to have in the new law. It does not compel the Secretary of Health, Education, and Welfare to do these things and is permissive, but it grants him authority to proceed if he thinks it appropriate and necessary.

I also offered an amendment to section 101 of the bill having to do with adequate controls in the manufacture of drugs.

My amendment to section 101 of the bill, which was approved by the committee, provides simply that the drug will be deemed to be adulterated and subject to seizure if the methods, facilities, or controls used in the manufacture of the drug do not conform with current good manufacturing practice, as determined in accordance with regulations promulgated by the Secretary.

The purpose of this provision is to enable the Secretary to require all companies producing drugs to observe the high standards that are now followed by the better manufacturers. It is intended that the Secretary's regulations will define minimum standards of good manufacturing practice, rather than setting forth an exclusive method by which some particular drug product may be made. Manufacturers whose methods, facilities, and controls exceed the minimum standards will not be required to lower their own standards, so long as they can show that their own practices meet or exceed these minimum requirements.

The principal purpose of the provision is to assure that the same high manufacturing standards are followed in making so-called old drugs that the law now requires in the making of so-called new drugs. Before any manufacturer is permitted to make a new drug he must file complete details of his manufacturing process with the Food and Drug Administration. It is not intended that the regulations issued under section 101 will apply to the manufacturer of new drugs insofar as concerns the methods, facilities, or controls used in making these new drugs but that the Food and Drug Administration will require that such drugs meet the requirement of this act as to safety, and has the identity and meets the quality and purity characteristics which it purports or is represented to possess.

The committee adopted an amendment which would make the formal rulemaking procedures of section 701(e) of the Federal Food, Drug, and Cosmetic Act applicable to regulations referred to which may be made pursuant to the above amendment.

I am opposed to the amendment in section 101(b) of the bill which would require the Secretary to hold a formal hearing under section 701(e) of the Federal Food, Drug, and Cosmetic Act in order to issue regulations as to what constitutes "current good manufacturing practice." I favor the approach adopted by the Senate under which this determination is made pursuant to section 701(a) of the act. This procedure permits the Secretary to issue such regulations as he desires and their scope and effect will be the same as that of other regulations issued under such general authority. This procedure is more flexible. Numerous regulations have been issued under this section and they have been the subject of consideration and application in the courts in actions arising under the various provisions of the act not now subject to formal rulemaking procedures.

I am also opposed to the interpretation on page 2 of the committee report which states that the phrase "operated or administered in conformity with current good manufacturing practice" encompasses key technical and professional personnel. It seems to me that this means the performance of the personnel so used. I do not believe that the Food and Drug Administration should have the authority to set the standards for industrial personnel and pass upon the qualifications of such personnel. This prerogative should remain with the industry. Good manufacturers of quality drugs are already using the greatest care and have established very high standards for well-qualified personnel.

I trust, Mr. Chairman, that the House will approve this bill by an overwhelming majority, because it is good, sound legislation in the best public interest and for the protection and well-being of the citizens of our great Nation.

Mr. YOUNGER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, dealing with any legislation of a highly technical and complex nature is, in itself, one which demands considerable soul searching on the part of any conscientious legislator; and to deal with this type of subject matter in an atmosphere of emotion and frenzied hysteria was the situation our committee faced in the bill before you today. Hence the thalidomide episode only added to the grave difficulty of an already tough problem.

Hearings on this bill were begun by the committee late in June. The original legislation was indeed broad in its scope and reached far beyond the areas of the legislation before us today. Less than a month after these committee hearings began, the tragic thalidomide story hit the front pages of newspapers across the country. However, at this very time, the story of thalidomide and its effects upon newborn babies was old news overseas for the British press had already aired these findings many months ago.

Be that as it may, the pressure mounted to provide the Food and Drug Administration with sweeping new powers. Some of these powers were prescribed with frightening vagueness—and I might add that we have by no means removed from H.R. 11581 certain areas of vagueness, particularly in the factory inspection section identified as title II of the bill. And while I repeat that this bill as reported has been vastly improved over its original form, we must realistically accept as fact that legislative and regulatory sanction cannot promptly provide a solution to all of the associated problems of drug evaluation and the side effects.

Certainly no one in this Congress or in the industry denies the need for tightening up drug practices.

Dr. Louis C. Lasagna, associate professor of medicine and associate professor of pharmacology and experimental therapeutics at Johns Hopkins University School of Medicine, summed the situation up as concisely and clearly as anyone was able to do during the hassle on this issue when he said, and I quote, "What really needs emphasis is that any required modifications in existing laws and regulations should be made after appropriate deliberation and discussion with clinical investigators and pharmaceutical firms and not as a quick-change act performed in the purple spotlight of hysteric and sensational news headlines." He warned, and I again quote, "The basic rights of patients must not be infringed upon, to be sure, but the passage of laws requiring written or verbal agreement before the administration of any new drug may retard medical progress in unpredictable ways."

In other words, while we are charged with the responsibility of providing the Food and Drug Administration with the tools necessary to protect the public and prevent abuses and misuse of drugs in this country, we must also be fully aware of the public welfare to the extent also that we do not act to retard the development of drugs that are life prolonging or lifesaving. Thus, public welfare becomes a two-way street; one which provides protection from abuses on the one hand and the other which provides the continued advantages to which the public is entitled through the research and development of new and effective drugs.

Earlier in my statement, I mentioned that there are vague areas of new authority granted to the Food and Drug Administration in this legislation. It will be argued that Congress cannot spell out to the letter of the law the authority of an agency which must deal with the complex and technical phases of food and drug administration. With the exception of the factory inspection authority of this bill, I think the committee has done a good job as did the other body. But I must remind the House that Justice Douglas, in the Supreme Court case of United States against Cardiff said:

> The vice of vagueness in criminal statutes is in the treachery they conceal either in determining what persons are included or what actions are prohibited.

For this reason, I intend to offer an amendment to title II to clarify an area of vagueness which I think is essential to improving this section of the bill.

I feel that I would be remiss if I did not at this time compliment the chairman of the committee who worked diligently and long in bringing to us a bill, late in the session though it is, to meet the prime needs for authority for the Food and Drug Administration; and it is my further hope that the bill before us will be unanimously passed.

Mr. HARRIS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HEMPHILL], a member of the committee.

Mr. HEMPHILL. Mr. Chairman, before I discuss the particular part of this legislation in which I am greatly interested I want to thank and salute my chairman for the leadership he gave in bringing this legislation here before the end of this session of Congress. I think the committee has done a good job under his leadership and I am proud to have been a part of it.

I think one of the greatnesses of this country lies in the fact that we have such legislation as the Food and Drug Act. If you will take the report you will see that we have tried to spell out the purpose of the legislation. We have covered the needs in the bill as we could leaving out anything that would be obnoxious to the manufacturer of good safe drugs.

I want to turn now to a part of the legislation I was particularly interested in. When the legislation was scheduled for hearing I was besieged with a great many letters and other communications from people in the cosmetology profession saying that this bill, if passed, was going to put them out of business. Naturally I was interested in keeping this segment of our American professional effort in business. I was interested in the fine testimony given by our colleague from Missouri, the gentlelady from St. Louis, who is here in the chamber today, and none of us wanted to take any step which would in anywise hurt these people who are in a very necessary and productive business.

So by leave of the committee I inserted into the legislation—this appears on page 57—a provision, line 6:

> SEC. 509. This chapter, as amended by the Drug Amendments of 1962, shall not apply to

any cosmetic unless such cosmetic is also a drug or device or component thereof.

So if you go back home and are asked what effect it has you can tell them that in the bill we have provided here that where the item or the particular things used by a cosmetologist are not of such nature or used in such way that it might be a drug or device or component thereof they are perfectly safe. We have spelled out that the legislation recognizes the needs of the hairdressing profession in this area of safety and effect, and we give legislative intent and direction that the products are pure. The hairdressers want that, but they want a minimum of interference and my amendment provides this.

We have provided that the ladies who go to the beauty parlors in the future will be absolutely safe because of the provisions of this bill so far as any drugs are concerned. The people who are in the business of hairdressing or cosmetology, I know, depend on the manufacturers to give them a measure of protection through this kind of legislation, and I feel, after talking to them, that they are thoroughly in accord with the committee sentiments. The cosmetics that do not contain any drug or component thereof are exempt. We are talking about drugs, because the word "drugs" has a connotation. It has a common application of doing something different to you. Years ago we had a particular drink that we called a "dope" because people thought that that particular drink affected you in some way. It was a suspicion that was not justified in any way.

Here we have an obligation. These people are considerably worried. I do not know who went to the hairdressers and cosmetologists and told them we were trying to put them out of business, but I hope whoever told them now has the integrity to commend this committee and the Congress for this legislation, for it is an effort not only to protect the people who patronize that industry but it is an effort to protect the ladies and gentlemen who practice that profession. We have done that here in this particular legislation.

Let me dwell on one other feature of the legislation that is not included in the committee amendment, which I hope we are going to pass today. Perhaps you have had some letters, as I have, on the question of whether or not we were going to back into the manufacturer's place of business and try to find out his formulas. The committee felt that was not proper. We want it safe, we are going to insure it is safe. We want it effective and we use the word "effective." But the real meaning of this particular legislation is honesty. If you say you are marketing something that will do human beings some good, then it will do them good. If you say it will do them good and it does not do them good, then you are violating the law. That is so necessary because we have no intimate knowledge of internal medicine.

All of us recognize in hospitals as well as the home the practice of internal medicine and, because the scientific progress we have made has become significant, a large part of the American public depends on the medicines, pills, and the other injections it receives in order to sustain health or bring somebody back to health. So, what I feel we are doing here today, I am hoping we are doing it, is doing something for every single person in the United States. We are saying to them: "Your Congress is concerned, your Congress is determined, that honesty shall be the byword and the password and the purpose insofar as the advertisement and use of drugs in this country are concerned."

Mr. HARRIS. Mr. Chairman, I yield 10 minutes to the distinguished gentlewoman from Missouri [Mrs. SULLIVAN].

THE DRUG CONTROL BILL

Mrs. SULLIVAN. Mr. Chairman, I wish this were the Sullivan bill, H.R. 1235, which we were considering here today. Instead, it is the Washington Post bill. By that, I mean, that if it had not been for the dramatic news story carried in the Washington Post some months ago about Dr. Frances E. Kelsey of the Food and Drug Administration blocking the sale of thalidomide in this country, I imagine we would have had no bill at all this year. The one we have before us is limited strictly to drug control, as a means of providing the kind of safeguards we should have had in the law before Dr. Kelsey's long fight with thalidomide. It meets none of the other serious deficiencies in the Food, Drug and Cosmetic Act—none of them. I could list them all here, but it is probably unnecessary, since I have been doing that, off and on, here on the House floor ever since January 3, 1961—nearly 21 months ago—when I introduced the first omnibus bill since 1938 to close all of the major loopholes in the 1938 Act.

It took from January 3, 1961, to March 15 of 1962 for the Administration to decide on the extent to which it wanted to go in seeking changes in the Food, Drug and Cosmetic Act. The President in his consumer message of that date endorsed nearly all of the major features H.R. 1235 was intended to cover. But then there was another long delay—until mid-May—before two bills were sent up as Administration bills to carry out the same major objectives as H.R. 1235. Many of the provisions were identical, down to the last comma and semicolon. I went to former Secretary Ribicoff many months before that to ask that he accept H.R. 1235, or modify it, as a vehicle for seeking these terribly long overdue changes in our law. If that had been done, I think we could have begun work on this problem long in advance of the timetable which was followed.

Perhaps, if we had acted earlier without the spur of the thalidomide incident, the final legislation might have been less effective in drug control. But I believe it would also have covered cosmetics and therapeutic devices and amphetamines and barbiturates and fake cancer cures and all of the other things which are in H.R. 1235 and the two administration bills but which were dropped by the wayside in the adjournment rush.

So, while I am disappointed at the delays which occurred in HEW in getting to this problem and coming forward with strong recommendations for legislation along the lines of H.R. 1235 until a year and a half after my bill was introduced, perhaps, as I said, we are better off, in getting stronger drug control legislation than would otherwise be feasible. Who would have predicted a few months ago that the Senate Judiciary Committee would recall the bill it had reported and completely rewrite it, and that it would pass the Senate 78 to 0? Not I.

The tragedy of all this is that the facts which formed the basis for the dramatic Washington Post story about Dr. Kelsey were known to many people in the drug industry at the very time they were bitterly fighting effective controls. Dr. Helen Taussig of Johns Hopkins back in April had brought back word from Europe of the thalidomide deformities. There were news stories on it. The regulations within the Department of Health, Education, and Welfare for control over experimental testing of new drugs were being studied to determine whether they should be revised in the light of the thalidomide experience. The industry knew all this. Few of us outside of the industry, however, knew much about the extent of the thalidomide tragedy. I inquired about this in April but had no reason to think our escape was as narrow as it turned out to be.

But some of us knew—and strongly urged at the June hearings of the committee—that our new drug laws must be strengthened because they are full of holes, and particularly the provision of present law which requires the Government to prove a drug is dangerous in order to stop its use once it has been approved. That was one of the key points in my testimony before the committee.

The most important thing we do here in this bill is to close that loophole. Anything else we do is extra—a dividend. The real harvest here is the ability to act quickly to protect the public when a drug in use—previously approved for use—turns out to be dangerous.

The next most important thing is the requirement for proof of effectiveness of new drugs. The antibiotics batch-testing is important, too. The authorization for tighter controls covering experimental testing will also help the consumer and particularly the sick. So we are doing a vital thing in passing this bill. It is too bad it took the shock of a dramatic news account about a heroic woman doctor—a personalized story—to make us act.

That is why I say this should be called the Washington Post bill. The news account which prompted—which inspired it—deserves the Pulitzer prize. Other articles have been written on this subject of equal significance, but this article was the trigger—it appeared at the right time in the right place, in a newspaper most Members of Congress and most of the top leaders of Government read.

And it came at a time when the best we could hope for in consumer protection legislation was a watered-down bill which may or may not have passed the Senate, with no House action of any kind scheduled.

Mr. Chairman, I applaud the staff work on the House Committee on Interstate Commerce on this legislation. The materials provided the committee and some of us who requested it were comprehensive and very useful. I applaud the members of the committee for coming back to Washington in August while the House was virtually in recess, and putting in 3 solid hard days of day and night hearings to move this bill forward, when the previous intention had been, following the week of hearings in June, to let it go over until next year.

Congress does not always move as fast as we would like or as fast as it should or as fast as it can. But when there is widespread public awareness of a problem, Congress can do wonders in moving quickly to meet it.

The Washington Post did not create the problem—but it created the interest in it. I am deeply grateful.

ASSOCIATED PRESS STORY OF APRIL 12 QUOTING DR. TAUSSIG

Mr. Chairman, some months before the Washington Post story appeared disclosing the heroic battle waged by Dr. Kelsey to keep thalidomide off the market in the United States, the Associated Press carried a warning report from Philadelphia—which I read in the Washington Post of April 12—quoting Dr. Taussig of Johns Hopkins on the gaps in our regulations dealing with the experimental testing of new drugs. That article was as follows:

EXPECTANT WOMEN WARNED: PILLS MAY CAUSE DEFORMITY

(By James V. Lamb)

PHILADELPHIA, April 11.—Dr. Helen Brooke Taussig, a prominent Baltimore physician, warned today of the dangers pregnant women face by taking new drugs before they have been adequately tested.

She backed up the warning with a report on an increase of congenital abnormalities in Europe known as phocomelia.

Dr. Taussig, who gave a special report to the American College of Physicians last night, said stricter controls on drug testing are needed in the United States.

Dr. Taussig, professor of pediatrics at Johns Hopkins Hospital, told a news conference that in West Germany figures indicate there will be between 3,500 and 5,000 babies born in 1962 afflicted with phocomelia—shortening and deformity of the limbs. Often the hands and feet are gone, or look like the extremities of a seal. About one-third die.

She said there "is extremely strong circumstantial evidence" that the abnormality could be traced to the use of drugs containing thalidomide—a sedative—by women in the first 2 months of pregnancy.

It is not for sale in this country.

She said that before the advent of the drug, the number of cases were rare. A physician "might see as many as 10 cases in his lifetime." Now, she said, there are thousands of cases. In Westphalia, Germany, medical experts predict there will be as many as 2,000 cases by year's end.

Dr. Taussig is just back from Europe where she studied many of the cases.

The drug was withdrawn from European markets last December. It had been on sale since 1958. The drug sold for a while in Canada, but has been dropped there, too, she said.

She said it is possible under present Food and Drug Administration regulations for a drug like thalidomide to be publicly sold. "We do not require testing of all drugs on pregnant animals," she said.

"We must strengthen our food and drug regulations," she added.

She also said her medical colleagues should exercise more care in prescribing new drugs, "especially for young or expectant mothers."

INQUIRY TO FOOD AND DRUG ADMINISTRATION

Mr. Chairman, I then directed the following inquiry to Dr. Larrick at FDA to determine whether it was true that under our regulations a drug like thalidomide could be placed on sale in this country and, if so, whether my bill would cover this situation adequately or whether amendments would be necessary to cover this point:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1962.

Mr. GEORGE P. LARRICK,
Commissioner, Food and Drug Administration, Washington, D.C.

DEAR MR. LARRICK: I am sure you must have seen the enclosed news article which appeared Thursday in the Washington Post on the consequences alleged to have occurred in Germany from use by pregnant women of a sedative pill not sanctioned for use in this country. What interests me in this is the statement attributed to Dr. Taussig in the article that it is "possible" under present FDA regulations for a drug like this to be publicly sold, and her further comment, "We must strengthen our food and drug regulations" presumably to cover that kind of situation.

May I ask if you know of the existence of the kind of danger Dr. Taussig mentioned, particularly in relation to her statement that: "We do not require testing of all drugs on pregnant animals." Furthermore, I would appreciate knowing—in case there is a gap in our new drug laws such as she indicates—whether H.R. 1235 would close it or whether additional wording would be necessary. I was under the impression our new drug laws were sufficiently tight to cover any and all eventualities in connection with the right to sell a drug for the first time; it was my further impression that the main gap in the new drug provisions lies in the grandfather's clause which protects them from delisting without overwhelming proof.

Naturally, I will appreciate your best advice on this.

Sincerely yours,
LEONOR K. (MRS. JOHN B.) SULLIVAN,
Member of Congress, Third District, Missouri.

REPLY FROM DR. LARRICK ON THALIDOMIDE

Dr. Larrick's reply on April 26, as follows, reassured me that the new drug law provided adequate authority for requiring, by regulation, whatever testing was necessary to assure the safety of a drug before marketing:

DEPARTMENT OF
HEALTH, EDUCATION, & WELFARE,
FOOD AND DRUG ADMINISTRATION,
Washington, D.C. April 26, 1962.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: We had seen the news article referred to in your letter of April 18 about the tragic results in Europe following use of a sedative pill not sanctioned for use in this country.

The thinking of the medical experts in this country and abroad about the types of tests that should be made to establish the safety of a new drug has been undergoing revision ever since the new drug section became a part of the law in 1938. While we do not at this time require the testing of all new drugs on pregnant animals, it is the practice of our medical officers to ask for results of such tests in all new drugs that are to be offered for use by pregnant women. We have been calling for this type of information for some time now.

You will be interested in knowing that the same drug that was allowed in Germany, thalidomide, was under consideration in this country. A manufacturer submitted a new drug application for the product in September 1960. However, we found that the information submitted was incomplete in a number of respects and did not establish the safety of the drug. From time to time during the next several months, the firm submitted additional information. During this period, however, we noted in the British medical literature reports about side effects (neurological toxicity) of the product which raised further questions about its safety.

Also, because the product was to be recommended in its labeling for use by pregnant women, we asked for data to show that it was safe in pregnancy.

Before all of the questions were answered, the manufacturer advised us that the product had been withdrawn from the German market because of the reports that it caused birth defects in infants whose mothers were taking the drug during pregnancy, and the firm withdrew its application for safety clearance.

Answering now the specific inquiry in your letter, I do not believe that further legislation is required to permit us to require the testing of a new drug on pregnant animals. We have the authority in the present new drug section to require any test that is necessary to demonstrate the safety of a new drug under its proposed conditions of use. Certainly, the foreign experience with thalidomide is permitting us to take a new look at our own requirements to be sure that they do call for all of the tests that should be requested in evaluating a drug before it may be marketed.

We do of course need additional legislation to deal with efficacy.

With best personal regards.

Sincerely yours,
GEO. P. LARRICK,
Commissioner of Food and Drugs.

TESTIMONY BY CONGRESSWOMAN SULLIVAN ON FOOD AND DRUG BILLS

Mr. Chairman, the above exchange reassured me that there was adequate authority under present law for revising our regulations, and those regulations now are in the process of revision. But as events have proved, and as I advised the House Committee on Interstate and Foreign Commerce in my testimony on the various pending bills when I testified on June 20, not only the drug portions of our law but the food and cosmetics and therapeutic device sections are in woeful need of overhaul. This bill we are passing today is a good step in the right direction, but it meets only part of the overall problem.

Mr. Chairman, under permission granted by the House, I submit at this point the testimony I gave on H.R. 1235 and the administration bills, out of which the bill now before us was drafted:

AN OMNIBUS BILL TO REWRITE THE FOOD, DRUG, AND COSMETIC ACT

(Testimony by Congresswoman LEONOR K. SULLIVAN, of Missouri, before House Committee on Interstate and Foreign Commerce, June 20, 1962)

It is certainly no criticism of this committee when I say that this is a moment I have been waiting for—impatiently—for a year and a half, or at least since the opening day of the 87th Congress on January 3, 1961, when I introduced H.R. 1235, an omnibus bill to rewrite the Food, Drug, and Cosmetic Act to bring it up to date in terms of today's needs and problems in protecting the American consumer. It is still the only measure pending in either House which would combine in one bill provisions for closing all of the major loopholes in consumer protections under the Food, Drug, and Cosmetic Act.

Chairman Harris and I discussed the importance of having the formal departmental reports from the Department of Health, Education, and Welfare and other Government agencies affected by or interested in the many complex and technical provisions of the bill before hearings could be scheduled.

Unfortunately, except for a "no comment" report from the Federal Trade Commission (subsequently clarified in an exchange of correspondence between me and FTC Chairman Dixon), none of the executive departments or agencies directly or indirectly affected by H.R. 1235 ever did file the requested reports to this committee on the specific provisions of the bill.

PRESIDENT ENDORSES MANY PROVISIONS INCLUDED IN H.R. 1235

On March 15, however, the President sent his comprehensive consumer message to the Congress which contained a formal endorsement on behalf of the administration of many of the changes in the law which are contained in H.R. 1235; and last month, as you know, Chairman Harris on behalf of the administration introduced two separate bills directed to those recommendations—H.R. 11581 dealing with drugs, and H.R. 11582, dealing with cosmetics and therapeutic devices. Together, these bills contain many of the features of H.R. 1235, but not all of them, and also contain some provisions not in H.R. 1235.

I suppose I wouldn't have minded the long delay nearly as much if, after all this time, the administration had reported that the approach in H.R. 1235 was completely wrong and impractical. However, now that most of the provisions of the administration bills are shown to be identical to, or at least very similar to, H.R. 1235, I am indeed sorry we couldn't have gotten to this matter a year or more ago, and thus with a better chance of final action in this Congress.

On Monday, I placed in the Congressional Record a detailed breakdown prepared for me by Mr. Raymond J. Celada, of the American Law Division of the Legislative Reference Service in the Library of Congress, showing in comparative tabular form all of the similarities and all of the differences when comparing H.R. 1235 with the two Harris bills, and also as compared with the widely discussed Kefauver-Celler bill. I felt it would be helpful to the committee and to all of your witnesses to have this material available prior to the start of the hearings for a better understanding of the technical points in the various bills. All of the bills share the one common objective of protecting the American consumer; all differ, however, in some significant respects.

The Kefauver-Celler bill is not before this committee, of course, since, as introduced, it is directed primarily at changes in the antitrust laws and the patent laws applying to drugs, and thus comes within the jurisdiction of the Judiciary Committee, even though it also contains many provisions amending the drug provisions of the Food, Drug, and Cosmetic Act. But I thought it would be useful to have the comparative breakdown of the various bills include this one, too, even though it is not officially before you.

GREAT CHANGES IN FOOD, DRUG, COSMETIC TECHNOLOGY

You are faced here in this committee with an assignment of great magnitude, in an area of supreme importance to the lives and health and safety and well-being of the American people, in connection with the purchase and use of the most personal and intimate of products—all of the foods we eat, all of the drugs and devices we use for health purposes, all of the cosmetics used not only by women but in increasing numbers by men, as well. In many respects, you are facing the same problem which confronted your predecessors on this committee a quarter century ago when it became obvious that the Wiley Act of 1906—a great legislative achievement in its time—was woefully out of date and replete with loopholes permitting practices which visited fraud, deceit, poisoning, blinding, and death upon untold numbers of trusting American consumers.

From 1906 to 1938—a period of 32 years—Congress amended the Wiley law in a number of very important respects to protect consumers but never quite succeeded in making the law as effective as we know it should have been. Congress in 1912, 1913, 1919, 1923, 1930, and 1934 closed loopholes as they became glaringly evident—just as this committee since 1938 has initiated many, tremendously important improvements in the 1938 act—the factory inspection bill, the pesticides bill, the food additives bill, etc. But the time has come now, just as it did in 1938, for a complete rewriting of outmoded provisions—a modernization and updating of the whole statute based on far-reaching changes in food, drug, and cosmetic technology and the dangers created for consumers by omissions in the law, or by court decisions, or by studied evasions and easy violations which are often almost impossible to prevent because of shortcomings in the law.

CATASTROPHE SHOULD NOT BE ONLY SPUR TO ACTION

So it is my hope, as I know it is the hope of every American consumer concerned about the health and safety of our people, that you will now do what was done in 1938—rewrite the statute from beginning to end, keeping what is good but replacing what is obsolete or ineffective. It required a series of horrible episodes to stir the 75th Congress finally to pass the basic statute now on the books, after the 73d and 74th Congresses had extensively discussed and debated similar legislation but let it die in squabbles over special interest amendments and exemptions. By the time the 75th Congress finally acted, it had before it a sickening parade of horror cases—of young women blinded by eyelash blackeners; of many Americans paralyzed by a poisonous substance in Jamaica ginger—the infamous "Ginger Jake" scandal; of at least 73 Americans dying from the use of a new prescription drug, elixer sulfanilamide at first considered a great medical breakthrough until horrified doctors watched many of their patients die in prolonged agony from its use.

No such mass poisoning or blinding or paralyzing or killing episodes have occurred, thank God, in recent years. I hope it never again requires such incidents to persuade Congress to act on a broad level to improve the Food, Drug, and Cosmetic Act. However, as we all here know, most of the changes and improvements in the act since 1938 have been on a piecemeal, limited approach basis. I complained of this in 1960 when the color additives bill was being considered. I felt if we were going to bail out the lipstick makers on the use of other than harmless colors, we should insist on something-for-something—that is, on a requirement for pretesting for safety of all ingredients used in cosmetics, not just the coloring matter. In fact, I felt so strongly about that aspect of it that even after you agreed to amend the hastily passed Senate bill to include an anticancer clause, I voted against the bill in the House.

COSMETICS NOT PRETESTED FOR SAFETY

Since 1938, when it first came under Government regulation, the cosmetic industry has had comparatively gentle treatment. Unlike drug manufacturers marketing a new product, or food manufacturers using a new ingredient, the cosmetic industry does not have to prove safety of a new product prior to marketing. If the product is believed unsafe, furthermore, the Government must furnish legal proof of danger to the consumer in order to force the item off the market. This is the situation which previously existed in connection with the use of food additives, and which we changed in 1958—relieving the Government of the obligation of proving a product dangerous in order to take it off the market. We now require, instead, that the manufacturer prove his additive is safe before putting it on the market.

As a result of our lax cosmetics controls there have been occasional cases of extremely painful injury to cosmetic users, and frequent cases of allergic reaction, because the cosmetic manufacturer is not required to pretest the product for safety or even to identify the ingredients in the product.

Of course, I do not maintain or believe that major cosmetic manufacturers are anxious to poison, or disfigure, or denail, or scalp, or burn, or otherwise injure the American consumer. Certainly, there is no profit in that, and these are firms anxious to make a profit by pleasing, not harming, the customer. But the competitive situation in the cosmetic industry is such, and the ease of entry of new firms into the field of processing cosmetics is such, that new products hit the market accompanied by a wave of high pressure advertising and promotion, and each firm tries to beat the other to the drug store or department store counter or supermarket shelf with the latest magic potion for making us attractive.

Cosmetics are as old as history, and the basic ingredients used are well known in the trade. So sales spurts must often depend upon mysterious "gimmick" additives—turtle oil to promote skin rejuvenation or tighten chin muscles (but did you ever see a turtle's skin?); shark oil, queen bee royal jelly; chick embryo extract; horse blood serum, pigskin extract—yes, these are all ingredients which have been introduced in face and skin creams to form the basis for extravagant claims of beauty in a jar.

INGREDIENTS NOT DISCLOSED EVEN TO FDA

They are seldom dangerous—but if they are, we never know about it until a lot of gullible consumers—or consumers who have assumed the product must be safe or it couldn't be sold—have been hurt. That has been the situation in cosmetic regulation for 24 years.

Since the 1938 act does not even require cosmetic manufacturers to identify ingredients in their products, the Food and Drug Administration must analyze new products to determine their content, in case it suspects the presence of a dangerous ingredient. It cannot even go to the firm and legally demand to know what is in the product. Consequently, the consumer never knows—has no way of knowing except by painful trial and error—whether an attractive cosmetic product contains an ingredient to which she knows she is allergic. And, even worse, if a child swallows a cosmetic, the parents and doctor have no way of knowing for sure what ingredients it contained and what antidote may be necessary.

These loopholes in the law applying to cosmetics should have been closed when we rescued the cosmetic industry from the color crisis in 1960. But we didn't do it then. We just dealt with color additives and nothing else.

It was after that experience—of seeing another blowout patch being placed on the old Food, Drug and Cosmetic Act to meet only a limited problem situation, just as we previously passed the factory inspection bill, and the pesticides bill and the food additives bill and the citrus red bill and so on, that I decided late in 1960 to draft a single bill to rewrite all of the obsolete provisions of the basic law. That resolve resulted in the introduction of H.R. 1235 the following January.

WHILE DIFFERING, HARRIS AND SULLIVAN BILLS COVER SIMILAR GROUND

As the Legislative Reference Service report points out, the two administration bills, H.R. 11581 and H.R. 11582, and my bill, H.R. 1235, cover substantially similar ground, while differing to some extent in language, approach, or, in a few instances, in content.

For instance, H.R. 1235 and H.R. 11581 both require more adequate controls over drug manufacturing to assure the quality of the product output, thus, for one thing, making it more likely that physicians would feel safe in prescribing by common names instead of the often more expensive trademark names; both require new drugs to be proved efficacious as well as safe for the purposes intended; both permit recall of previously approved drugs in case of substantial doubt of their safety; both require batch-by-batch testing and certification of all of the 30 or more groups of antibiotic drugs rather than just the five so-called wonder drugs in existence a dozen years ago; both call for extensive controls over the manufacture, distribution, sale and possession of habit-forming barbiturates and stimulant drugs to curb the flagrant bootlegging of these powerful and dangerous and death-dealing drugs; both clarify the existing factory inspection laws as they apply not only to drugs but also to foods and cosmetics.

Similarly, H.R. 1235 and the other Harris bill, H.R. 11582, both require pretesting of cosmetics for safety before marketing, including a Delaney anticancer clause; both require that therapeutic devices be proved safe—closing a serious and dangerous loophole—and also that therapeutic devices be proved effective for the purposes for which they are offered for sale; both bills repeal the provision in the present law which permits the sale of coal tar hair dyes containing poisonous or deleterious ingredients which may be injurious to the user (the present law merely requires a label warning of possible danger).

H.R. 11581 and H.R. 11582 have some other provisions in them which are not contained in H.R. 1235 and which are worthwhile. For instance, there is a tighter provision in H.R. 11582 than in H.R. 1235 on the recordkeeping requirements for cosmetic manufacturers after a new product has already been approved for sale, and in case consumer complaints or experience should indicate the existence of danger in the use of the product. H.R. 1235 contains such reporting and recordkeeping requirements on drugs and should have included cosmetics.

H.R. 11581 has a provision amending the Public Health Service Act requiring tests for efficacy of biological drugs—the provision the President referred to when he said hogs, sheep, and cattle receive somewhat greater protection in this respect than humans.

The same bill also proposes the assignment of standardized names by the Secretary of Health, Education, and Welfare in cases where such names do not already exist or there is a dispute over a particular name. Of course, as I said earlier, many doctors will not use generic names in prescriptions unless and until factory inspection authority is so strong that there is no chance of fly-by-night operators turning out inferior drugs for sale in the prescription departments of pharmacies.

However, I have strong doubts, I must admit, over the retreat on the Delaney anticancer clause on feed additives, as contained in H.R. 11582, particularly in view of the Government's experience several years ago with the hormone-treated chickens. It cost us $10 million to remove from the market the fowl treated with a drug considered safe for the purpose—after it was learned that there were residues of the cancer-inducing substance in the skin of the chickens. Too often for complacency, new testing methods disclose the existence of harmful residues which had not shown up in earlier tests, but by then the damage is done.

ADDITIONAL FEATURES OF H.R. 1235

Now, I would like to discuss some of the provisions of H.R. 1235 which are not in either of the administration bills and which I strongly believe should be made part of the Food, Drug, and Cosmetic Act.

First of all, there are the sections dealing with fake cancer remedies and useless dietary ingredients. If the law were strengthened in all other respects, as has been recommended, perhaps the FDA would then be able to reach the cancer quacks and put them out of business quickly. But I think the provisions of H.R. 1235 would be of invaluable assistance in this respect. As to the special dietary food section of H.R. 1235, it does not aim at legitimate dealers but at the charlatan who evades the law by making oral claims of special benefits to be derived from the inclusion of some exotic or unusual ingredient with no known nutritional value whatsoever.

H.R. 1235 also gets an exemption in the law for common carriers responsible for causing an article in commerce to become misbranded or adulterated. Carriers should be held accountable, I believe, for violations of the law, for which they are responsible. Under present law they are apparently exempt from responsibility for adulterated products in transit, even if the carrier's own neglect caused the violation.

A very important provision of H.R. 1235 which is not included in either administration would facilitate oversea inspection by U.S. officials of factories shipping substantial quantities of foods, drugs, or cosmetics into the United States. Importation could be refused any product from a manufacturer who would not permit reasonable inspection of his facilities on request. According to the testimony of Commissioner Larrick on the FDA appropriation bill, we import about $6 billion worth of foods, drugs, and cosmetics a year, of which only a fraction can be inspected on arrival. It is significant that nearly one out of every three sample analyses and wharf examinations uncover violations of the Food, Drug, and Cosmetic Act. Mr. Larrick acknowledged that this high rate of violations results from the selective nature of the inspection work—in other words, the inspectors pick out those shipments they suspect of violations, rather than depending upon a random sample. While there is at present no elaborate plans for sending inspectors overseas, yet it seems to me the authority should be there to require those foreign firms which ship substantial amounts of food, drug, or cosmetic items to the United States to give our inspectors the same right of entry on request as an American firm is required to do.

SPECIAL INTEREST LOOPHOLES ADOPTED IN 1938

Another loophole H.R. 1235 alone among the pending bills would close involves the label exemption under the present law for butter, cheese, and ice cream in revealing the presence of artificial color. This was a deliberate special interest provision written into the law in 1938 to quiet protests from the dairy interests, even though some Members of Congress said at the time there was no good reason for it. By law, coloring matter cannot be used unless it is safe, so why not let the consumer have this information if it means anything to him? Some people just don't like to buy artificially colored butter or cheese or ice cream—but at the present time, they have no way of indulging their wishes in this regard. All other food items must acknowledge on the label the existence of artificial coloring. So why not ice cream, butter, and cheese, too?

Another special interest exemption written into the 1938 act, and which H.R. 1295 would repeal, is the provision which declares that soap is not a cosmetic.

It is not a food, of course. Except in the relatively few instances in which certain therapeutic values are manufactured into—or claimed for—a soap product, it is not a drug, either. The law defines cosmetics as, among other things, "articles, including components of any such articles, intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance."

Soap is certainly intended for cleansing, and it is used by most of us also, if not consciously for beautifying, at least for promoting attractiveness in the removal of dirt from face and hands. Some soaps presumably will do far more for our appearance than that. Nevertheless, by law, soap is not a cosmetic. Under the Food, Drug, and Cosmetic Act of 1938, then, it is a nothing—it is not subject to the law in any way unless therapeutic values are claimed for it as a drug.

I am not so much concerned over the money spent trustingly and hopefully by women who are led to expect beauty miracles from the soap they buy, although the economic waste may perhaps be significant. What I am concerned about is that a complexion soap can be adulterated with unsafe chemicals or unsafe color additives, and the Food, Drug, and Cosmetic Act cannot touch it. And regardless of how fraudulently it might be packaged, there is not even a requirement that the size or net weight or anything else of an informational nature be printed on the label for the consumer's guidance. Why should soap be above the law?

READ THE LABEL—IF YOU CAN FIND IT

Unlike soap, products subject to the Food, Drug, and Cosmetic Act must carry certain label information, but the language of the law, and the rulings of the courts, are such that this information is often almost impossible to find. Just the other day, the FDA seized 16,000 plastic tubes of a well-known firm's deodorant product because, while the required information was printed somewhere on the product, the printed matter was the same color as the plastic container and was almost impossible to find and read.

H.R. 1235 provides for an effective attack on the labeling problem in foods, drugs and cosmetics by providing the Government with authority to spell out, in regulations, the degree of prominence required for certain label statements, including statements of the quantity of contents of foods, drugs and cosmetics, the common or usual names of drugs, and the ingredients in foods and cosmetics.

The present law prohibits labeling which is "not prominently displayed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use."

But, as the Senate Anti-Trust Subcommittee hearings brought out last year, you often need a magnifying glass to find the required label information on quantity and contents—before you get out the slide rule to figure the cost per ounce. As a nonlawyer, the present law seems very strong, to me, but apparently the courts have held it to be vague. That is why we now need the same authority in the Food, Drug, and Cosmetic Act to specify size and location of labeling information as you provided in the Hazardous Substances Labeling Act.

PREFERENCE FOR A SINGLE OMNIBUS BILL

If we are going to change the law on food, drugs, and cosmetics, then let us write a model law and close all of these loopholes.

I believe H.R. 1235, or a similar omnibus bill, would best serve as the vehicle for accomplishing this purpose. I see no valid reason for having two separate bills—one on drugs and the other on cosmetics and devices. They are part of the same overall problem—and under the jurisdiction of one agency. If there are omissions in H.R. 1235 based on the administration's 18-month study of the issue since I introduced that bill, it should be an easy matter to incorporate them into a single omnibus measure along the lines of H.R. 1235.

For instance, while H.R. 11581 provides for requiring proof of the efficacy as well as the safety of all new drugs, a similar provision dealing with therapeutic devices is contained in the different Harris bill, H.R. 11582. Since the pre-testing requirements for both drugs and devices would be similar, and are often intended for the same people, why not cover them in one piece of legislation? If you go through the detailed breakdown of H.R. 11581 and H.R. 11582, you find that substantially similar provisions in those two bills deal separately with drugs and devices. I am not a lawyer, but I suspect lawyers would have a field day over the years finding hidden meanings and significance in the fact that Congress used duplicate wording but in separate bills applying to different products in providing for pretesting for efficacy as well as safety of drugs and therapeutic devices. Obviously, some lawyer, some day, will argue, and perhaps successfully, that Congress didn't really mean to have these products treated alike in their safety requirements, or it would have placed them in the same bill rather than passing separate bills. Do I just imagine this?

Furthermore, while H.R. 11581 applies primarily to drugs—every specific provision applies only to drugs—yet it also would have the effect of amending the factory inspection laws applying to "any articles subject to" the Food, Drug, and Cosmetic Act, including, of course, food and cosmetic products. I think this is to the good—our factory inspection laws need strengthening, for food products and cosmetics as well as drugs. But why put a food inspection provision in what is exclusively a drug law? Why put a cosmetic inspection provision in a drug law, and leave it out of the proposed new cosmetic law? Obviously, there must be some rhyme or reason for dividing up the proposed improvements in the law in separate bills in this fashion, but I do not understand the value of it.

The use of H.R. 11582, primarily a bill dealing with pretesting of cosmetics and therapeutic devices, as a vehicle for amending the Hazardous Products Labeling Act dealing with household products, and also to amend the animal feed additives and food additives laws is, I believe, further evidence that we should have a single omnibus bill and not two separate bills, each covering one major area and a variety of unrelated ones.

Mr. Chairman and members of the committee, I appreciate your courtesy in hearing me. The subject matter of these hearings is of paramount importance to me from a legislative standpoint—and has been ever since I came to Congress in 1953 and introduced a safe cosmetic bill to carry out the recommendations of the Delaney investigation. I have introduced safe cosmetics bills in every Congress since then. I have supported this committee in every proposal it has made to strengthen the Food, Drug, and Cosmetic Act, and have opposed it in the few instances I thought the legislation would weaken consumer protections.

It would be a relatively simple matter for the committee at this late date in the final months of the life of the 87th Congress to pick out one of the many major areas of inadequacy in the law and recommend another blowout patch to tide us over temporarily. I hope you will not do that—that you will recommend legislation to close all of the major loopholes in the act.

In 1938, after attempts in two previous Congresses to replace the 1906 act had failed, the House Committee on Interstate and Foreign Commerce, in a report filed in the House on April 14, 1938, said of the Wiley law of 1906:

> "While the old law has been of incalculable benefit to American consumers, it contains serious loopholes and is not sufficiently broad in its scope to meet the requirements of consumer protection under modern conditions."

After two dozen years, the same words are exactly applicable today to the law passed in 1938. I hope this same committee will shortly file a report with the House containing those words, or similar words, in connection with a legislative accomplishment in 1962 as far reaching as that of 1938 in the field of consumer protection.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS of Alabama. Mr. Chairman, I shall not use all of the time which has been yielded to me. However, I simply would like to take a little time to thank the gentlewoman from Missouri [Mrs. SULLIVAN] for the gentlewoman's statement and for the gentlewoman's devoted interest in this problem. The gentlewoman appeared before our committee with reference to this legislation. She made a fine contribution. I am sure I bespeak the feelings and sentiments of all members of the Committee on Interstate and Foreign Commerce when I say that we are grateful to her for all the help she has given us.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I support this bill, H.R. 11581. I think it is a great step forward for the protection of the health of the people of our country. Last week I was gratified when the chairman of the Committee on Appropriations appointed me as a member of the House Appropriations Subcommittee on the Department of Health, Education, and Welfare. I look forward to working with the gentleman from Rhode Island, JOHN FOGARTY, who has done so much in the field of health, education, and welfare.

I have introduced today a bill and I intend to introduce an amendment to this bill, H.R. 11581, which will correct a defect which I think has been overlooked. This bill is quite complete and I am satisfied with it. But what we lack today are the means and the methods whereby we can disseminate the information which we obtain to all the practicing physicians of the United States and throughout the world.

The bill which I seek to introduce is going to try to establish within the Department of Health, Education, and Welfare a worldwide Medical Information Bureau which will disseminate to all physicians the vital current medical information from worldwide scientific sources concerning drug safety, efficacy, disease, and treatment. The Bureau would consist of a Director appointed by the Secretary of Health, Education, and Welfare. In addition, two physicians will be selected from each of the following groups: The American Medical Association, the Food and Drug Administration, the pharmaceutical industry, and two editors from the various medical journals. This Bureau may utilize the experience of recognized medical groups and journals to assist the efforts of the Bureau.

We are proud of the advances of our research institutions, our institutes and our universities and private clinics. But the information does not go out to the thousands of doctors who practice and minister to the needs of our people. There exists an adequate means of rapidly disseminating to the practicing physicians the vital medical information from worldwide sources.

It is a well-known fact that the doctor's time for reading information is limited and it is impossible for him to read the thousands of journals and articles of scientific importance. Medical authorities are in agreement that if the latest revisions on safety, efficacy and treatment were readily accessible to the doctor, he could better treat his patients and avoid future thalidomide tragedies.

Mr. Chairman, I have been working with Senator HUMPHREY along these lines since the thalidomide case broke. We find that among the present agencies and publications now contributing various facets of this drug information are about 9 or 10. But they are not complete and they do not reach everyone. And they have a limited source of distribution. Among the agencies and publications now contributing various facets of this drug information are:

First. The American Medical Association Council on Drugs publishes annually "The New and Non-Official Drugs." This reviews briefly the new drugs in general use not yet accepted by the U.S. Pharmacopoeia and National Formulary.

Second. The U.S. Pharmacopoeia and National Formulary catalog drugs approved by Federal Food and Drug Administration. This provides limited information only on accepted drugs.

Third. The "Modern Drug Encyclopedia and Therapeutic Index" with the monthly supplement lists drugs in common usage. It summarizes the manufacturers' presentation.

Fourth. "The Medical Letter" is a biweekly which reviews a very small number of new drugs.

Fifth. "The Physicians' Desk Reference" is an annual publication of manufacturers' product information of drugs with a quarterly supplement.

Sixth. "Operation Mediphone," now nonexistent, was a telephone service of drug information available upon request to subscribers only.

Seventh. The "Psychopharmacology Service Center Bulletin" and "Abstracts" are sponsored by the National Institute of Mental Health. These are distributed only to research investigators of psychopharmacology and are not considered part of the scientific literature.

Eighth. "Excerpta Medica" is a publication of abstracts of the worldwide medical literature not confined to drugs. It does not evaluate or compare relative merits of drugs.

Ninth. "The Compendium of Neuropsychopharmacology" is published in the bimonthly Journal of Neuropsychiatry. The compendium appraises psychiatric and neurological preparations based upon the worldwide drug literature. It is presented in chart form to provide the physician with readily accessible information concerning safety, efficacy, and treatment. This service has been proven to be useful and timesaving to the subscribers in its specialty. Doctors in other specialities, upon reading the compendium, requested of the editor that he provide an expanded service to include all fields of medicine. As a result a new publication of great potential is about to be launched, called "The Physicians' Drug Manual." This will appraise preparations that are extensively used in the various specialities and the general practice of medicine.

Of all these, the Physicians' Drug Manual seems to best meet the needs as a source of quick, concise medical information as to drug safety, efficacy, disease, and treatment. Its editor is a brilliant young doctor, Albert Laverne, of New York, the head psychiatrist of Bellevue Hospital in New York City.

The creation of this bureau, with the adoption of a source material such as the Physicians' Drug Manual, will be extremely favorable to the national and international prestige. It will enhance the Government politically in the eyes of the average American and may prevent drugs such as thalidomide from reaching an unsuspecting public through an uninformed medical profession.

Mr. Chairman, I hope this bill which we have before us today passes unanimously.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, the question of revising drug legislation has been with us for several years. It has been with us since the previous administration. Over these years we have heard a great deal about drug prices, about patents for drugs, about all sorts of things. Some of these issues are important. And some of the arguments they have engendered have struck me as particularly cogent. They have, however, opened up a wide field of disagreement. But I think all of us can agree on one thing. Patents and profits, important as they may be, cannot be compared in importance with drug safety.

This is why I think all of those who played a part in writing the legislation we are considering are to be congratulated. They have come up with a measure which puts first things first. I do not think we need to be particularly proud that it took an international catastrophe to make us realize that the first thing with drugs is safety. But we have learned this lesson. And when this bill finally becomes law, that too often forgotten individual—the consumer—is going to receive a vital additional measure of protection.

The record shows that we have been sitting on our hands for years when it comes to drug safety. Now that—under a Democratic administration—we are at last to get the needed legislation in this crucial field, let us be grateful that it goes directly to the heart of the matter. Let us be grateful that the Government of the United States is about to give a real added degree of protection to the one customer in the world who has no choice in what he buys: the sick person who must purchase prescription medicines.

Mr. HARRIS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. I want to pay tribute to the chairman of the committee for his able, conscientious, and sincere handling of this measure and I want to point out to my colleagues that were it not for the real leadership on his part and were it not for the extraordinary cooperation on the part of each member of the committee with our distinguished chairman that we might, perhaps, have had no drug bill because the committee worked under the most arduous of circumstances but worked rapidly and well in achieving what is substantially a good piece of legislation in the public interest. Mr. Chairman, I rise in general support of this measure as being a measure which is in the public interest. I rise also to point out a specific defect of rather grave concern to each Member of the House of Representatives who is interested in seeing to it that we have in this session of the Congress meaningful drug legislation.

I refer specifically to the changes to the Senate portion of the bill which were adopted in the committee.

I want to treat with one section. I refer my colleagues to the language which appears on page 58 of the amendment to the bill, lines 15 through 22. I wish to point out to my colleagues that this language taken together with the language in the four lines preceding to all intents and purposes completely eliminates any Federal concern over false and misleading advertisement of prescription drugs. The simple answer to perfecting this bill is to strike and to eliminate the language to which I refer. This language taken together with the elimination of Federal Trade Commission jurisdiction over prescription pharmaceutical advertisements appearing in the language immediately above, when it is read in context, stating that no prescription drug shall be deemed misbranded under the provisions of this paragraph if it simply advises a doctor that information is readily available from another source, allows a manufacturer to make extravagant and unfounded claims with regard to efficacy; enables a manufacturer to make extravagant and unfounded claims with regard to side effects; and enables a manufacturer to make extravagant and unfounded claims with regard to safety.

It enables the doctor to look at an advertisement and be assured of safety, efficacy, and the absence of side effects when, in fact, there really is a most dangerous situation with regard to the drug.

I would like to refer my colleagues, in this brief time that I have, to some language which appeared in the Senate report on this subject. I refer to the treatment of diabetes by a certain pharmaceutical house in this country. In its advertisements the manufacturer said that Diabinase was well tolerated with minimal side effects or almost complete absence of unfavorable side effects. The manufacturer went on to say, "In other instances, it provided more effective control of diabetes and it was generally safe."

Whereas, in effect, one of the manufacturer's own investigators, and this was known to it and brought out in the Senate hearings, reported a 27-percent incidence—a 27-percent incidence—among cases investigated of hepatitis, jaundice, and liver damage, if you please. The doctor who investigated for the manufacturer showed in a total of 1,922 cases investigated, 27 percent reported 1 or more side effects. This fact was concealed in advertisements to medical practitioners.

The effect of the language, as it is in the bill, will be to offer a sanctity to this kind of advertisement to go on confusing, to go on offering inadequate or untrue information to the American medical profession. What it says, in effect, is that you can offer an advertisement making extravagant and unsafe claims and statements with regard to a drug stating that there are no side effects or ignoring the fact that the drug creates dangerous side effects, things like extreme exfoliation of the skin or spreading of cancer, that it might perhaps cause falling hair, or baldness, or change the color of the hair, or cause any of the side effects that might occur, or that it might be dangerous to give to a patient who suffers from a severe heart condition, or that it might offer danger to a patient who has cancer, or who has virus infections, or that it might cause bone damage in specific instances, so long as the manufacturer states in his advertisement that further information is available to the medical profession upon request.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield.

Mr. NELSEN. I listened with interest to the gentleman's comments relative to the provision on page 18 and the language in lines 15 to 22. I believe an amendment can be worked out—the gentleman and I have discussed it to some extent—an amendment to meet the gentleman's objections without at the same time imposing too great a demand on the advertising of a drug which becomes a burden. I think the language could be changed and an amendment added, which I intend to offer at the proper time. We have discussed it. There has been some disagreement as to what section of the law should be amended, but I shall offer the amendment at the proper time that I think will meet the objection of the gentleman from Michigan.

Mr. DINGELL. I am delighted to hear my colleague, for whom I have the highest regard, in agreement with me with regard to a need for a change in the section I have been referring to. I, too, have an amendment which I propose to offer.

Let me go on with this dissertation upon their advertising. This is not a field in which doctors have any protection other than the requirement of the law. Let us take the advertisement in the case of a drug called Medrol, of which

I had photostats made. I was surprised to find in my study of material involving one medical practitioner that an ad appeared in one of the standard publications on the subject showing two photographs of a patient who allegedly suffered from colitis. I was further surprised to find in my additional study that this so-called reputable manufacturer who was advertising had actually gone so far as to use two X-ray photos of persons who had not received the drug. These two different photographs of two different patients appeared in the ad with statements in the advertisement purporting to indicate that it was the same patient on a before and after treatment basis, before and after he had received the drug Medrol.

This is the kind of advertisement that the amendment to the drug advertisement section tries to correct, to assure that the doctor shall receive to the fullest extent possible the fairest and most complete statement of side effects, contraindications and efficacy of the drug in a simple form.

Over and above this there have been studies made including one which was made by the American Medical Association. In this study it was surprising to note that doctors pointed out that perhaps the largest source of information to practitioners was the advertisements they received in the several medical journals.

Mr. SCHENCK. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. Glenn].

Mr. GLENN. Mr. Chairman, I want to pay my respect and honor to our chairman, the gentleman from Arkansas, Oren Harris. Now that we are nearing the end of the session it becomes apparent how much passed legislation has come from our Committee on Interstate and Foreign Commerce. And it has been due to the capable leadership of our chairman and his devotion to duty that has resulted in all this passed legislation. I marvel at his ability to digest and debate on so many complex subjects as we have had but he has done it in a masterly manner.

Mr. Chairman, in the consideration of H.R. 11581 it must be kept in mind that drugs have become a most important branch of medicine within the past decade. With the advent of the wonder drugs, which have become so important in the prevention and cure of disease and the saving of lives, comes also a certain amount of risk. Medicine has never been and never will be an exact science. Every human body is different in many ways from that of another. The Food and Drug Administration, therefore, has one of the most important assignments in our system of public health. It must weigh a balance between safety and efficaciousness on one side and to derive the benefits of derivatives and new drugs as soon as possible on the other side. In the final analysis it is the personnel of the Food and Drug Administration who must make the determination which is so vitally important to the American people. For instance, as it is now, the average time on testing a new drug may run 2 to 4 years. Under this bill, which adopts the test of efficaciousness, the time element of testing may run even longer, or from 3 to 6 years. This is a safeguard to the public, but at the same time lengthening the period of testing may cost lives which otherwise could have been saved. If the drug tested is finally found to be safe and an exact preventative and cure of certain diseases or ailments, some people suffering from such ailments or diseases will not have the benefit of the drug if the test time is to be extended to prove efficaciousness.

Therefore, even though we draft the law by the use of these words, it is incumbent on the Food and Drug Administration to apply these words in the most reasonable manner, weighing the factors which I have heretofore recited and which may mean the difference between life and death on either side. The bill as reported from the committee is as good as any that could be developed in the rush toward adjournment, but in the final analysis in dealing with such difficult factors as the committee has had to contend with, it will be in the application of the law where the real test will be made, and I have every confidence that the Food and Drug Administration will accept it in this light.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. Kornegay].

Mr. KORNEGAY. Mr. Chairman, the merits of this legislation have been thoroughly discussed and adequately brought to the attention of the House by other members of the committee and Members of the House who are interested in it.

This is a good bill, it is a bill that has been brought out of committee after a great deal of time in hearings and executive sessions. As the junior member of the committee, I would not take the time of the House to further comment on the bill or its merits. However, I would like to take this opportunity to congratulate the chairman of our committee for the wonderful leadership he has displayed and the swiftness with which he has brought to the floor this fine piece of legislation.

He is an amazing individual. It is a gratifying experience to me, as a member of the committee, to observe him in action and to witness his great knowledge about the many and divers propositions which are presented to our committee.

I again congratulate him and wish to say it is a real pleasure and honor for me to serve with him and under him on our Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. Friedel].

Mr. FRIEDEL. Mr. Chairman, I, too, wish to congratulate the chairman of our committee for his patience and for his diligent work and effort in bringing out a very good bill that protects all of the people.

I strongly favor the bill as reported by the Committee on Interstate and Foreign Commerce. In view of the detailed explanation given by the distinguished chairman of the committee, the gentleman from Arkansas [Mr. Harris], I shall not go into detail but I would like to discuss one amendment to the bill which I sponsored in the committee and which the committee adopted.

The amendment provides that the sponsor of a new drug being used experimentally on humans shall require the doctor or investigator using it to notify the patient or his representative that an experimental drug is being administered and to obtain the patient's consent or the consent of his representative.

Mr. Chairman, this great and wonderful country has always operated on the theory that the citizen has a right to know what is going on. We want an informed public opinion on all matters. That makes for good government.

The Government tells us about the dangers of atomic testing, radioactive fallout, war and threats of war, the great slaughter that occurs daily on our highways from automobile accidents, and other dangers to life and limb. We are informed about deposits of radioactive strontium in milk and other radioactive fallouts. Yes, we have even been told about the dangers of thalidomide, MER–29, and other dangerous drugs that have appeared on the market.

I feel that any patient has a right to know what the doctor is doing to his body. If he is to be used as a guinea pig, he ought to be informed. I feel that the doctor should not try out any experimental drugs on the patient without his consent or the consent of his representatives.

One thing to remember about this is that an experimental drug is one which has not yet been tested sufficiently to arrive at a firm scientific conclusion that it is safe and effective. Since this conclusion has not yet been reached, the patient should have the choice of either taking it or not taking it.

The Judicial Council of the American Medical Association has stated its position in regard to patient's consent very clearly. This appears in the form of a question and answer and is printed in the Journal of the American Medical Association for March 30, 1957, page 1158. Here is what the Journal says:

> Question. In the use of new drugs or new procedures still in the experiment stage what ethical limitations are placed on the physician?
>
> Answer. In order to conform to the principles of medical ethics of the American Medical Association, three requirements must be satisfied: (1) The voluntary consent of the person on whom the experiment is to be performed must be obtained, (2) the danger of each experiment must have been investigated previously by means of animal experimentation, (3) the experiment must be performed under proper medical protection and management.

In a later issue of the Journal of the American Medical Association, September 15, 1962, page 1022, there appears the following question and answer:

> Question. Is a physician required to advise a patient as to what the possible side effects of a drug may be before giving that drug?
>
> Answer. A physician has a legal obligation not to undertake any treatment of a patient without the patient's consent. The consent of a patient may not be valid and effective to protect the physician, if the physician

> withholds information about the treatment which might affect the decision of a patient to consent or not to consent to a particular treatment. If a particular drug is known to have side effects which may prove dangerous to the patient, the physician should make a reasonably full disclosure to the patient of the risks involved before obtaining the consent of the patient to the administration of the drug.

There you have the position of the American Medical Association on this subject. My amendment would make certain that the practice of obtaining patient consent is carried out.

I feel that the doctor-patient relationship is always a very important consideration in therapy. If the patient has sufficient confidence in the doctor and the doctor suggests to the patient that the use of an experimental drug will be helpful to him, either to alleviate or cure the ailment, I feel certain that the patient would gladly give his consent to the use of such experimental drug on him.

If sufficient confidence in the doctor is lacking, the patient may not give his consent but since it is the patient's body that the doctor is administering to, except for most unusual circumstances, the patient certainly ought to know and to give consent.

Mr. SCHENCK. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HOFFMAN] and ask unanimous consent that the gentleman from Illinois be permitted to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOFFMAN of Illinois. Mr. Chairman, today is the 20th day of a strike which has caused the people of the 14th Congressional District, which I have the honor to represent, as well as countless others who live in the nine-State area served by the country's third largest railroad in point of mileage, much hardship, inconvenience, and economic loss. I am referring to the strike which was called on August 30 against the Chicago & North Western Railway by the Order of Railroad Telegraphers in an effort by the union to compel the railroad to include the following rule in its contract:

> No position in existence on December 3, 1957, will be abolished or discontinued except by agreement between the union and the railroad.

An impartial emergency board which was appointed by the President to investigate the facts rejected the demands of the union as unreasonable, inefficient, and a hindrance to the managerial functions of the railroad. The emergency board also recommended that the railroad should provide a comprehensive program of employee protection.

The North Western accepted the recommendations of the Presidential emergency board. The union has not—although in a similar case on the New York Central Railroad—another Presidential emergency board recommended that the union withdraw its demand for a job freeze—just as the Presidential emergency board in the North Western case had done previously.

Mr. Chairman, I call your attention to the admonition of the President at his September 13 news conference to the aerospace industries to accept the recommendation of the Presidential emergency board in that case as the union had done. Why did he not at that same news conference request both parties in the North Western case to accept the recommendation of his emergency board and thereby have expedited the settlement of unnecessary work stoppage. Surely we cannot have one set of rules for the unions and another for management.

The arbitration panel which the President suggested on September 17 has still not been appointed. Why? Why does the President permit this strike to go on day after day jamming the expressways and streets of the Chicago area with commuters—displaced from their regular Chicago & North Western commuter trains—endeavoring to get to their place of employment?

This strike, as I have pointed out, is now in its 29th day. It should be settled without further delay. The prestige of our President should be brought to bear on both parties—just as it was in the steel price situation—and end this unnecessary hardship and inconvenience to the people who depend on the Chicago & North Western Railway for their passenger and freight transportation requirements.

Mr. BEERMANN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Illinois. I shall be glad to yield to the gentleman from Nebraska.

Mr. BEERMANN. Mr. Chairman, the strike against the Chicago & North Western Railway has halted all freight transportation in many areas of nine Midwestern States for 29 days. Not only have nearly 16,000 empolyees been out of work because of the strike of 1,000 telegraphers, but the entire region is suffering. The Chicago & North Western is a $600,000-a-day operation; already nearly $175 million has been lost to the economy of these States. Every day that the railroad is closed down further depresses the well-being of the people in these States.

A Presidential emergency board set up under provisions of the Railway Labor Act has made specific recommendations to settle the strike. The railroad has accepted these recommendations. The telegraphers union has not.

The President has failed to use the prestige of his office to end this strike. He did not hesitate to say in his press conference on September 13 that four aerospace industries should accept the recommendations of a similar factfinding board, which were acceptable to the unions but not to management. Yet in the same press conference he failed entirely to refer to the recommendations of his emergency board in the North Western case but simply stated:

> I am hopeful that both sides will make sufficient concessions, if that is the word, to permit an agreement, because the public interest suggests an agreement is due.

The President is a great expert on the public interest. He used his interpretation of the public interest to force the steel companies to rescind price increases. He invoked the public interest in demanding that Congress pass the $900 million standby public works bill. He pleaded in the public interest in trying to pass a farm bill. In fact, the public interest—as interpreted by the President—is used time and time again to get legislation through the Congress.

Mr. Chairman, do the midwestern farm States not get consideration when talking about the public interest? Is not a strike that is creating economic hardship in the breadbasket important enough to get at least a word or two of support for the recommendations of the President's own factfinding board?

Or does the President invoke the public interest for his own political purposes and not for the people?

Republican Congressmen represent most of the districts served by the Chicago & North Western Railway. Is this why it is so difficult for the President to determine that settling this strike is in the public interest?

When the administration set up the trial areas for the food stamp plan, 25 of the 26 were in districts represented by Democrats. Is this another example of the President playing politics when the public interest is involved?

Or is it because of the antibusiness attitude of the administration? Is this another application of the double standard used in dealing with labor and industry? Unions liked the closed-shop recommendations of the emergency board in the case of the aerospace industries. So the President made it clear that the blame for tieups in the vital missile field would rest on industry. Why does he not give the same kind of support to the recommendations of this emergency board?

Regardless of the reasons for the President's reluctance to act in this strike, the fact remains that a very important region of the country is suffering needlessly because the President is not using his influence to end a disastrous strike.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Illinois. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I would like to associate myself with the remarks which have been made by my colleague, the gentleman from Illinois [Mr. HOFFMAN], and point out that there are 35,000 commuters, thousands from my district, who have been using this service, who are placed under a terrific hardship in getting to and from work. I would like to also point out the sickening impact this strike has had on the economy of the area served by the Chicago & North Western Railway.

Mr. SCHENCK. Mr. Chairman, I have no further requests for time, and reserve the balance of my time.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, I rise to propound an inquiry in respect to one provision of section 102 which will sharply modify long-established relationships between industry and the Food and Drug Administration.

I refer to page 36 of the bill, lines 14–16, and page 39, lines 5–11.

The distinguished chairman of our committee will recall that, when we substituted the Senate-approved language for the original provisions of section 102, included in that language was an entirely new provision which gives the Secretary of Health, Education, and Welfare a new basis for disapproving a new-drug application, even when the drug is unquestionably safe and unquestionably effective. Under section 102, lines 14–16 on page 36, the Secretary may now disapprove a new-drug application on the ground that a proposed labeling is "false or misleading." A parallel provision, appearing on page 39, authorizes the Secretary to withdraw already-approved applications on the same ground.

Today, where the safety of a drug is clearly established, compliance with the broadly phrased statutory rules on labeling remains the manufacture's responsibility. A charge that any label wording is "false or misleading must be judicially determined on objective facts produced in open court. Under this bill, however, a manufacturer can be stopped from marketing a new drug, not because the drug is unsafe or ineffective, but because the proposed label of an acknowledgedly safe and effective drug is considered "false or misleading."

Now, in committee we recognized that the granting to FDA of a new authority of this kind could open the door to possible administrative abuse. To meet this contingency, we adopted an amendment requiring that a finding that a proposed label is "false or misleading" have an objective base—that is, the finding by the Secretary must be based on a fair evaluation of all material facts.

The question I now raise with the distinguished chairman of our committee is our intent in adopting this amendment. I construe it to mean this—that we have precluded a refusal of a new drug application or a revocation of an effective application on false or misleading grounds if the departmental objection is merely a subjective interpretation of a proposed label or any particular word appearing therein. We have required that there must be, to warrant a disapproval or a revocation, objective facts of record which make the proposed labeling demonstrably false or demonstrably misleading.

May I inquire of the distinguished chairman of our committee if this construction of this particular amendment fairly and accurately explains what our committee has sought to do?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. I am happy to yield to my chairman.

Mr. HARRIS. Mr. Chairman, if I understand correctly the question of the gentleman I would answer in the affirmative. However, I think if you read the language it is self-explanatory. The language provides a new basis for refusing to approve a new drug application. The gentleman quoted the language correctly "based on a fair evaluation of all material facts." I think that woud be the prevailing language in the interpretation. It is true that to warrant a disapproval or a revocation of the application objective facts of record which makes the proposed labeling is false or misleading would be necessary—demonstrably false or misleading. That is true. That must be a part of the consideration which would be given to this particular problem.

Mr. JARMAN. The concern that I have had, Mr. Chairman, is the danger that the departmental objection might be merely a subjective interpretation. My own understanding of the words that we put into the bill with this amendment is that we intended that it be based on objective facts of record that are clear and more definite than simply a matter of individual interpretation.

Mr. HARRIS. We must presume and certainly the Congress expects any Secretary of Health, Education, and Welfare administering this program to be fair in his decisions and the administration of the law. The gentleman raises the question of subjective decisions and objective decisions. We expect the Secretary to have wide latitude in his decisions. Certainly we do not expect by this language for any Secretary in the administration of the law to be arbitrary in his decisions but to be objective, after consideration of all the material facts, then to make the best decision objectively that he can make on it.

Mr. JARMAN. I thank the chairman for his clarifying remarks. I know they will be reassuring to the drug manufacturers, who have been concerned about the interpretation of this amendment.

Mr. HARRIS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I think there ought to be some clarification in connection with the colloquy between the gentleman from Oklahoma and the gentleman from Arkansas. There is always difficulty when an effort is made to draw a hard and fast line between subjective and objective showings. Can it be said that Dr. Kelsey's appraisal of thalidomide was entirely objective?

Mr. HARRIS. It was my understanding she never made a formal decision because the application was never completed.

Mr. YATES. It is my understanding that she never made a formal decision, but she certainly never approved the application as requested by the Merrill Co. Subsequent to the thalidomide disclosures, the Merrill Co. withdrew the application for the drug.

Mr. HARRIS. My understanding of the facts is that the Merrill Co. was trying to get a decision and the good Dr. Kelsey kept advising that she did not have enough information, and she kept asking for more information.

Mr. YATES. That is right.

Mr. HARRIS. During the interim all this publicity about thalidomide came out, and the company withdrew it.

Mr. YATES. But according to the story that was reported in the press of these activities, the reason Dr. Kelsey kept asking for additional information was that she was not satisfied that the drug would perform as the company intended. This was in great measure a subjective interpretation, was it not?

Mr. HARRIS. It might have been, but she did not make a formal decision. If she had made a formal decision on it, it might have been something different. She was not satisfied that the information that had come to the Department was complete enough for the Department to put its stamp of approval on it.

Mr. YATES. The only point I am making is that it seems to me you cannot try to draw a sharp and fast line between the terms "objective" and "subjective." It seems to me that the gentleman is right in referring the gentleman from Oklahoma to the language in the bill as he did which required the Department to act on the basis of a fair evaluation of all material facts.

Mr. HARRIS. I do not think we intend here that any administrator should be arbitrary in his decision.

Mr. YATES. I agree. There should be no arbitrary action by an administrator.

Mr. HARRIS. That is exactly what I intended in my efforts to explain this question to the gentleman from Oklahoma.

Mr. YATES. Apparently we are in substantial agreement. Nevertheless, I still think it would be better to rely on the section requiring action to be based on a fair evaluation of all material facts.

Mr. HALPERN. Mr. Chairman, I would like to express my support for the bill presently before the House. I feel that it is a desirable and necessary step toward more effective regulations of the drug industry and for meaningful protection of the public.

H.R. 11581 is the very least necessary if the public health of our Nation is to be safeguarded effectively. I have long been concerned with the needs of fully protecting our citizens in this area, and was a House sponsor of the original Kefauver bill. I offer my complete support for the provisions of this bill which are designed to provide the public with safer and more effective drugs and also enable our doctors to be informed more adequately concerning the many new drugs which we are marketing daily.

Laudable as this bill before us is, there are still areas of deficiency which have not been met by it, or by the watered-down Kefauver bill which was approved by the other body. Mr. Chairman, the areas of deficiency to which I am referring are those relating to licensing and patenting provisions. Provisions in these areas were embodied in the bill I introduced several months ago, and while heartily supporting the great strides to greater drug safety and efficacy embodied in H.R. 11581, I am convinced that licensure and patent requirements are necessary to the achievement of more realistic drug price and a greater degree of drug safety.

The excessively high prices of drugs as revealed by the Kefauver investigations point out the pressing need of patent laws which do not allow drug production monopolies. Lifegiving drugs should not be prohibitive in price.

Finally, I feel that a program of licensure to insure "the continued chemical structure, strength, quality, purity, safety, and efficacy" of the products of drug companies and the revoking of licenses of companies not meeting the standards would be a more effective and efficient form of enforcement for maintaining the standards upheld by this bill than the method of seizure proposed in the present form.

Of course, I offer my complete support to this bill which should provide the public with greater safety and improved use of new drugs as they are developed.

At the same time, I wish to emphasize that I had hoped for a bill that would go further along the lines I have mentioned concerning patents and licensing. I shall continue my every effort, along with the distinguished Senator from Tennessee [Mr. KEFAUVER], to get these measures passed into law.

Mr. Chairman, I strongly urge the overwhelming approval of this bill as a broad forward step in an area where legislation to fully protect the public has been long overdue and vitally needed.

Mr. FOGARTY. Mr. Chairman, several months have passed since the first reports that a drug was associated with the death or deformity of newborn babies in Germany and in other countries where the drug was released for general use.

It is now possible to view that event in some perspective—and it is necessary for us to do so because of its relevance to the legislation that is before us.

I do not need to recapitulate the story of thalidomide here. I am sure every Member of the House knows full well the details of the tragedy as reported to a shocked nation * * * a nation that was also stunned at the narrow margin by which Americans had been spared a human disaster that could have dwarfed earlier setbacks in man's efforts to control disease by medicines. The dedication to duty and to the public interest by Dr. Frances Kelsey and her colleagues in the Food and Drug Administration will long be remembered as illustrative of the best traditions of service by Federal employees.

In the public attention that has been given to thalidomide, one fact has tended to be obscured: The fact that the tragedy in other countries was not repeated here. It is as President Kennedy said in his comment at the time:

> The United States has the best and most effective food and drug law of any country in the world.

But he felt our law could be even better. The President went on to acknowledge the need for tighter controls on the investigational use of drugs. He urged the enactment of the bill before us, a bill that had been introduced by the distinguished gentleman from Arkansas [Mr. OREN HARRIS]. And he established twin national goals of drug safety and progress against disease—goals that are shared by all of us in this Chamber who must today record our judgment on the merits of a bill that represents a major step toward the fuller achievement of both goals.

I urge that our vote be a unanimous endorsement of the legislation. For health, like national defense and national security, is not and cannot be a partisan issue. When our Founding Fathers set "life, liberty, and the pursuit of happiness" as inalienable rights of the American people, they did not mean simply life as opposed to death. They meant an abundant and healthy life, as free as possible from pain and suffering and the specter of premature death. All of us recognize that advances in the practice of medicine and of public health are dependent upon advances in knowledge derived from research. By broadening and strengthening the powers of Government to regulate the industry that develops and produces and markets the medicines prescribed by physicians, the bill before us further assures life for all Americans in the years that lie ahead.

I would not have anyone think that the bill is a panacea. Man is a complex biological organism. The drug that helps 99 people may harm the 100th. The drug thought to have inconsequential side effects over a period of several years may suddenly cause problems that argue for its withdrawal from general use. There are no absolutes in medicine, no 100 percents, no sure cures. Our goal is to reduce the relative risks to the barest minimum. H.R. 11581 provides a greater margin of assurance of safety in that its long-term effect will be to establish high standards and raise the level of performance by the pharmaceutical industry as a whole toward the responsible levels of which the most reliable companies are demonstrably capable.

The House is fortunate in being able to act with knowledge of the careful consideration given this measure by a committee that has distinguished itself by its perceptive and realistic approach to health legislation. Mr. HARRIS and his colleagues and staff again deserve the commendations of the Congress and of the American people for their deliberations and their actions on this bill.

I speak as one who has dedicated nearly two decades of his adult life to serving the interests of the American people in the field of health. My colleague in the House and my constituents in Rhode Island have special reason to know the shape and direction that dedication has taken. For 22 years I have been a member of the committee responsible for appropriations to the health, education, welfare, and related activities of the Federal Government. For 12 years, I have been chairman of that committee. Since the Food and Drug Administration comes within the province of the committee, I am intimately familiar with the details of its operations—with its accomplishments and its remaining problems, with its strengths and its failures. The record will show that I have always been an advocate of building a regulatory body that increasingly has the authority and the manpower and the resources to meet the increasingly complex challenges presented by rapid advances in science and technology. During the 1950's and thus far in the 1960's, I have consistently sought appropriations for the Food and Drug Administration in excess of the President's budget request for that agency. Although I have been criticized in some quarters for my position, I am happy to stand on that record here today.

My extensive experience with the Food and Drug Administration I think gives me a certain prerogative to speak on the merits of H.R. 11581. I trust it will also give a certain weight to my judgment as the measure is on the floor to be voted on by the House. Let me simply say, without equivocation, that I believe there is need for broader consumer protection in the field of prescription drugs, that I am confident the bill provides such protection, and that I strongly urge its enactment before this session of Congress adjourns.

Lest there be any misunderstanding, let me emphasize that H.R. 11581 deals only with that part of the FDA's responsibility that has to do with the safety and usefulness of drugs prescribed by physicians. The bill does not deal with nonprescription drugs, with cosmetics, with food additives and food contamination, with deceptive packaging and labeling, with any of the other diverse fields of consumer protection that are the agency's province. In total, the American people pay some $117 billion each year for the products that are under the agency's purview. More than 100,000 commercial establishments produce these products and distribute them in interstate and foreign commerce.

Prescription drugs, in contrast, are but a small part of this increasingly complex regulatory responsibility. But they are a vital part, and it is well to single them out for the kind of special legislative attention that is reflected in the broadened statutory power in the bill before us. In so doing, we should be conscious of the fact that broadened powers are a hollow gesture unless the agency also has the resources to exercise those powers in the public interest.

We have tried, in the committee I chair, to foster continuing and orderly growth in the Food and Drug Administration. But it has still not kept pace with the challenges and responsibilities that lie ahead. While I point with pride to the record of our committee and to the recent action of the administration to increase the FDA staff by 25 percent, I also remind you that the job is not finished. I hope and confidently expect that all interested groups, including those whose actions are regulated by the FDA, will do everything they can to assure that the FDA progressively acquires the staff, the facilities, and the other resources it needs to administer effectively the amendments to the law that are here proposed and that certainly should be enacted.

In this connection, let me express a view on the well-intentioned proposal made in some quarters that the National Institutes of Health should serve as a testing ground for the FDA in establishing the safety and usefulness of new drugs. While I agree that everything possible should be done to facilitate the exchange of information between these two agencies, I am unalterably opposed to the concept that one agency should serve the other in a formal sense. Their missions are different, their philosophies are different, their procedures are different. The function of the FDA is regulation of consumer products. The function of the NIH is medical research.

The answer to the FDA's problems is not to superimpose burdensome and peripheral responsibilities on a sister agency, but rather to provide the FDA with those resources it needs and should have in order to carry out its own mission.

The need for such added resources is demonstrated in part by the almost incredible proliferation of new drugs in recent years. During the past year, for example, nearly 700 new drug applications were filed with the Food and Drug Administration—an average of almost two a day. This is a tremendous responsibility, particularly when one remembers that in each case, the decision to permit or not to permit marketing is a matter of judgment rather than simply of fact.

The number of new drugs is a reflection of advances in knowledge. It is also a reflection of advances in the application of knowledge through industrial technology. For the biochemical explosion has been accompanied by a comparable industrial explosion. The handful of drug manufacturers before World War II has grown to some 1,200 today. It is understandable if the industry has some growing pains. But since it has demonstrated no particular capacity to be self-regulating, and since the American people cannot and will not tolerate marginal or submarginal performances in matters so directly affecting their health and well-being, it is necessary for the regulatory agency of the Federal Government to act strongly in the public interest. And I for one feel strongly that they should have both the authority and the capacity to do so.

In dealing with the question of prescription drugs, we are seeking answers to questions which may affect every one of our constituents—questions of health and disease, comfort and pain, and—quite literally—life and death. Our duty, as I conceive it, is to make assurance doubly sure that we here in the United States may never be the victims of a tragedy of the magnitude of the one associated with the use of thalidomide in Germany and Great Britain. Whatever inadequacies now exist in legislation covering this vital field must most certainly be taken care of promptly, so that we may rest secure that the very medicines which hold out such bright promise of our ultimate freedom from disease do not themselves become a new cause of fear.

Safety is, of course, only one of our responsibilities in health matters. As the gentleman from Arkansas [Mr. Harris] has pointed out in calling also for progress against disease as important as providing all possible assurances of safety, is our obligation to maintain a legislative framework in which the benefits of new drug discoveries can be brought rapidly to those who need them. I wish it lay within the power of this body to legislate cancer or heart disease out of existence. If it were, I know that every one of you gentleman would join me in making this our first order of business. But, unfortunately, that is beyond our power. Nor can we legislate out of existence the elements of risk inherent in progress. We, as legislators, cannot hope to foresee every scientific contingency.

Let us consider for a moment the testing of a new drug before it is available on a physician's prescription. To start with, scientists emphasize that preclinical animal tests, no matter how exhaustive, cannot invariably predict all the effects of a drug on people. That is one of the reasons for clinical testing. I know that there have been expressions of shocked disbelief that human beings are involved at all in the test pattern of a new drug. Indeed, some have asked: Why test at all in humans? and then have suggested: Let us forbid the testing of a new drug in humans.

To this reaction there is, of course, only one answer: it is necessary to test in humans if we are to have new drugs. If this testing does not occur before a new drug is permitted to go on the market, then it must in effect take place afterwards, when the first physicians write the first prescriptions for it after marketing. Someone, somewhere, has to be the first human being to take a new drug.

Those who have seen the benefits of new drug therapy do not question the necessity of clinical testing. It is a procedure which has been repeated over and over again as our scientists in public and private institutions have brought forth new agents for the conquest of disease. The sulfa drugs, the vitamins, the antibiotics, the antiinflammatory drugs, the hormones, the vaccines, the mental health drugs, the drugs against heart disease—all have been made possible and available to prolong life and to preserve health because clinical testing provided an accurate evaluation of their benefits and their shortcomings.

And what of the so-called guinea pigs—the first patients to receive these new drugs?

The first patient in the United States to receive penicillin—discovered in England but developed as a therapeutic agent chiefly in this country—was a woman with blood poisoning who had undergone three operations, six transfusions and treatment with other drugs. Her temperature of over 105° was brought down to 98° within 12 hours with penicillin—and her subsequent recovery was called uneventful.

The first patient to receive streptomycin therapy was a young woman with far-advanced pulmonary tuberculosis. From a situation which at the time had looked hopeless, she recovered and has gone on to a full and active life which includes marriage and the bearing of three children.

And yet another young woman, the first patient to receive cortisone treatment, was confined to a hospital bed with painful arthritis which virtually immobilized her. Yet, a week after cortisone therapy was started, she was able to embark on a 3-hour shopping trip.

These three cases, each one dramatic in its effect not only on the patient but also on the subsequent course of medicine, are not isolated ones. They demonstrate clearly, I think, that the first persons to receive a new drug are anything but guinea pigs; they are, above all, patients who stand to benefit from a new medical discovery.

But this is behind us—all this lies in the past. We must look to the future—to the hope which burns in each of us that medical research will find a way to choke off the grim specter of cancer or of heart disease. The flow of new drugs to roll back even further the ravages of disease must continue—it must be encouraged to continue. We cannot overcome disease by keeping drugs off the market—by erecting well-nigh impossible barriers against bringing these agents of hope to those who need them.

Let us strengthen the Food and Drug Administration, but let us not make the mistake of overburdening that agency with responsibilities and decisions which properly belong to the relationship between the physician and his patient. Such a mistake would be doubly harmful, for it would not only impair the effectiveness of the FDA—which has served us so well—but would also tend to impose a stultifying straitjacket on the practice of medicine itself. Our Nation's doctors must have adequate freedom to exercise their professional judgment in the best interests of those whose health lies in their safekeeping.

Proposed new regulations recently issued by the FDA and a section of the bill before us seek to assure high standards of ethics and performance by clinical investigators and sponsors of clinical trials while drugs are being tested and before they are placed on the market. I believe this is a principle we can all endorse.

I want to point out, however, that in addition to the precautions taken by those who create new medicines, which are to be double-checked by the FDA under the new regulations, the first physicians to administer a new drug are guided by their own scientific code together with their own special knowledge of their patients. They know the probable limits and limitations—the effects to look for. And they do not use the drug capriciously—it is administered only to those patients who can be expected to benefit from it.

Despite all these precautions, we must acknowledge that risks remain in bringing a new drug to market. But we must also acknowledge that a far greater risk to health and to life itself would result from taking steps which would have the effect of preventing new drugs from reaching the market—and the patient who needs them. Our goal should be to encourage the maximum in medical progress with the minimum of risk to any human being.

Both the bill that is before us and the new regulations that are being proposed by the administration remind us that we are legislating and regulating in a most complex and sensitive area of human relationships and human endeavor.

While we must do what we can to strengthen the law and to stimulate optimum performance by the individuals and groups concerned, we must not forget that no one individual and no one group is—or can be—isolated. It is through interdependence, not independence, that research leads to discovery, and discovery to development, and development to testing, and testing to manufacture, and manufacture to distribution, and distribution to the ultimate purpose of a new drug use in man, on the basis of prescription by physician.

The paramount responsibility in this chain of progress, of course, is that of the physician. No act of Congress and no regulation of an executive agency extending and interpreting the law can or should contravene the fundamental responsibility of the physician to treat and if possible to help his patient.

All those who help to shape the environments in which medical care and medical research are carried out have special responsibilities, too—including responsibility to set standards that reflect the best in ethical and procedural considerations bearing on the welfare of patients.

The Government has very direct and clear-cut responsibilities to protect the public interest and improve the public health. It does not exercise this responsibility by assuming or usurping the powers and authorities of others, unless it finds that the job is not being done satisfactorily by the usual and normal channels. Thus, a part of the Government's function in this field is to foster the capacity and desire of nongovernmental groups, including medicine and industry, to meet their responsibilities without Government interference or control.

Finally, a word about the pharmaceutical industry. It seems to me it has a special obligation to act responsibly. It cannot assume unto itself the full range of rigid free enterprise prerogatives that may be characteristic of a maker of toys, for example, or clothing, or adornments of various kinds. What the industry produces has the power of giving or taking away health. The people who buy prescription drugs, for a variety of good and sufficient reasons, do not have free choice. If a doctor prescribes, they buy, and, if they value their life and health, they do not challenge the physician's professional judgment on what medicines they should use to get or stay well.

This is only one reason why the drug industry cannot consider itself the same as other industries. Another is that they are the direct commercial beneficiaries of a tremendous national medical research effort that has come into being during the past two decades. The people are the ultimate beneficiaries, of course. But in our society, which I trust will be perpetuated in strength and in freedom, products are made by the private, rather than the governmental, sector. The pharmaceutical industry contributes greatly to the national medical research effort by investing substantially of its own funds, derived from the profits on its products. But there is no question in my mind that the number and variety and value of new drugs have been increased tremendously by the knowledge derived from medical research supported by the tax and voluntary funds. The American people and the Congress of the United States look to the U.S. pharmaceutical industry to act responsibly—and this includes setting responsible prices—because of these factors.

The controversies of the past several years about drugs may tend to undermine public confidence in medicine and public health. I do not hold such gloomy views of the future. I am certain that abuses will be corrected, misunderstandings eliminated, and issues resolved, so that those who search for new medical knowledge and those who apply that knowledge for the benefit of mankind can move swiftly and certainly forward toward the achievement of health goals that are visible clearly on the horizon today.

While I am on the subject of responsibility, I want to comment briefly on a situation that has just been brought to my attention by my constituents in Rhode Island.

The situation is that we simply cannot get the influenza vaccine needed to protect the aged, those afflicted with chronic diseases, and other high-risk groups. And the little vaccine that is available is reported to be priced considerably above last year's price—when, if my memory serves me right, there was also a shortage of flu vaccine.

I have asked the Surgeon General to give me a report on the vaccine supply picture nationally, and on the prices being asked by manufacturers and by retailers, so I can find out whether the people of Rhode Island are being discriminated against.

But let me make this point here and now. Science has given society the tools with which to prevent and control influenza. I am sure many of my colleagues here in the House can remember, as I can remember, when the word "influenza" would strike terror in every household; today, we have vaccines to prevent it, better drugs to treat it, and better medical care to reduce its aftermath. But we must use these tools to the fullest. And we are not doing so.

I do not know yet where the responsibility lies. Federal, State, and local public health authorities appear to be doing their part. Medicine is cooperating. The public is responding to appeals to protect themselves. And I see by the papers this morning that the flu vaccine manufacturers claim to have increased their production this year to almost double last year's levels. You would think there would be enough vaccine for everyone who needs and wants it. But there isn't.

In my own State, responsible efforts have been made to organize key groups to assure their protection against influenza—including certain key industries whose work is closely related to the national interest, and other groups such as firemen, policemen, and teachers, whose ranks must not be thinned unnecessarily by disease. They have done their part, and it is ironic, yes, and potentially tragic, that vaccine cannot be widely available, and at a reasonable price, to protect them.

It seems to me that in those fortunate instances when we have everything we need to make good use of an advance in public health—a receptive public, a willing profession, a productive industry, and a Government that has led in stimulating use of the vaccine in the national interest—there is no excuse for failure. And I call upon everyone involved to redouble their efforts to achieve maximum protection against influenza before the flu season is upon us in full force.

Mr. RYAN of New York. Mr. Chairman, throughout our Nation today there is a new concern with the effects of drugs upon the public health of every citizen. Realization of this concern and safeguards for alleviating many of its causes are expressed in the bill before us. It is our responsibility to see that these necessary safeguards are enacted; we must realize the dire need of strengthening our drug laws to insure the people of the United States that their medicine cabinets will contain the means of enhancing, rather than endangering, good health.

Although our country's drug regulations have been praised as the most comprehensive standards of any country in the world, it has become evident that they are not sufficient for our needs. Since the enactment of the Food, Drug, and Cosmetic Act in 1938, the pharmaceutical industry has grown by leaps and bounds. However, the law has not grown with them; legislation has lagged behind as the drug and medicine production has forged ahead at a terrific momentum.

The extensive 2-year investigation of the drug industry by the Senate Antitrust Committee indicated the existence of this lag, and as a result of these hearings Senator KEFAUVER introduced the drug industry antitrust bill (S. 1552) in an attempt to tighten the existing law. The recent and highly regrettable thalidomide tragedy has left no doubt that the need for such strengthening exists.

It is not enough to hope that the thalidomide pills which were received by approximately 1,073 U.S. doctors for experimental use and pills obtained by Americans from European sources will not result in tragedies similar to those experienced throughout Europe. We must realistically evaluate existing regulations and act to prevent future threats to public health. This bill provides safeguards which are essential to this end.

Under this bill drug manufacturers will be required to register with the Government. Thus we will eliminate the existing situation wherein a totally untrained person can manufacture a number of drugs without adequate facilities and controls. To insure the continued maintenance of high standards of manufacturing the bill authorizes more extensive drug factory inspection, including records of technical and professional personnel to ascertain their qualifications.

Once a company is registered and deemed qualified to produce drugs, the Food and Drug Administration must be given substantial evidence that each drug produced is effective as well as safe. Under present law a company could stick a name on bottled water and attempt to sell it for medicinal use simply because it is not harmful. This has been one of the greatest defects in our existing law; a producer should be required to show that his product will do what is claimed of it. When a person pays his money at the drug counter, he should have some degree of assurance of the efficacy of the product he buys.

I feel strongly that the drug companies should provide information relating to side effects resulting from use of the drug.

Drug advertisements should be required to give similar information.

Because of the rapidity with which new drugs appear on the market, medical practitioners cannot keep abreast of extensive medical articles on each drug. This information must be easily and readily accessible to them. Neither can the FDA, with its tremendous workload, be expected to establish the side effects of each drug without the cooperation of the drug companies. Therefore, these provisions are essential for preventing possible disasters resulting from unknown side effects, and they would enable the medical profession to more fully and knowledgeably utilize the large and continuously changing drug supply.

I regret that H.R. 11581 contains language—lines 15 through 22, inclusive, on page 58—which nullifies the effect of section 131. It provides that the information need not be included if such information on a drug's side effects be "freely available * * * upon request." Mr. Chairman, I will support the amendment to strike this language which the gentleman from Minnesota [Mr. BLATNIK] intends to offer. I hope that this escape hatch will be closed.

Advertisements along with drug labels will also be required to show the generic name of the drug. This requirement promotes the interests of doctors and consumers by simplifying drug terminology and classification. Furthermore, by standardizing the drug name and eliminating the confusion, the physician could intelligently prescribe by the generic name and thus allow free market factors to determine more realistic drug prices.

H.R. 11581 also extends the present 60-day drug approval time of FDA to 180 days and states that no drug be allowed on the market until the Secretary has approved it. Not only is the approval time inadequate in the present law, but also the possibility of a drug entering the market with no form of approval is highly detrimental to the unsuspecting public.

One of the strongest provisions for safeguarding the public against the dangers that might occur from unforeseen effects of a drug after it has been placed on the market contained in the bill authorizes the Secretary to remove a drug from the market immediately if it poses a hazard to public health. This authority would back up the preventive measures of the bill in the event that all precautions failed to protect the consumers from suffering ill effects produced by a drug. Such removal would be of national consequence, and thus it could be achieved rapidly and effectively only by a Federal agency.

H.R. 11581 strengthens the controls over drug manufacturing, raises the standards of drug safety and efficacy, requires that the FDA, doctors, and the public be more fully informed and protects the public from harmful drugs.

Mr. Chairman, I support this bill and urge my colleagues to approve it.

Mr. REUSS. Mr. Chairman, there is for consideration before this body a bill intended, and I quote in part:

> To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs.

I refer, of course, to H.R. 11581 introduced by the gentleman from Arkansas [Mr. HARRIS]. Quite generally, this bill would give the Food and Drug Administration greater responsibilities than it has had in the past in the area of drug protection and it would provide greater authority for the Food and Drug Administration to act on behalf of all of us who, at one time or another, must depend upon a drug product to protect our health or to preserve our lives. I want to go on record as strongly urging the passage of this bill which will go a long way in assuring our Nation that its drug products maintain the highest quality and are safe, reliable, and effective in their purposes.

I have had a continuing interest and concern for the safety of our Nation's drug products. Recent events have shown me, as they have shown us all, that this is no idle concern. I refer, of course, to the tragic results from use of the drug thalidomide by pregnant women in Europe. There is no means now of consoling these mothers for the birth of their deformed children, nor for turning back the clock and preventing these sorrowful births.

But, we in this country can thank the Food and Drug Administration and that agency's Dr. Kelsey for preventing the same harsh happenings in our Nation and can help in a great measure to assure that such tragedies never occur here through passage of H.R. 11581.

So, as the thalidomide tragedy has shown, the Food and Drug Administration does now have limited authority that can prevent a major disaster resulting from the wide use of an unproven, insidious drug. But, the limited authority FDA now has is not enough to assure the high standards of quality, the reliability, and the effectiveness that our citizens have a right to expect in the drugs they take.

All of the provisions in H.R. 11581 are important and necessary for the public good, but if I should point to one as being most important, it would be the provision that new drugs be proved effective before they are marketed.

A dismal proportion of consumers' resources are spent on worthless drug products. This unnecessary and wasteful extravagance might not be so bad if it were not coupled with the deplorable fact that ineffective drugs can mean the difference between a man's health and sickness or his life and death. The bill before us would help to assure our sick that the drugs they take will in fact be effective in their purpose.

The bill is seriously defective in one respect. The last sentence of section 131(a)—lines 15–22, inclusive, on page 58—would make the proposed tighter control of prescription drug advertising a mockery. It would allow advertisers to avoid giving full and honest information in prescription drug advertisements by inviting doctors to write in for further information, a thing overworked doctors just are not going to do. This sentence should be stricken.

In summary, let me record my vital interest that the public's health be protected by adequate and meaningful drug legislation; and my endorsement of the Drug and Factory Inspection Amendments of 1962, H.R. 11581 when properly strengthened.

Mr. FOUNTAIN. Mr. Chairman, I want to commend the able chairman and his committee for adopting the amendment to section 202, which I proposed at its hearings. The amendment provides that nothing in the Food, Drug, and Cosmetic Act "shall authorize the withholding of information from the duly authorized committees of the Congress." This amendment was strongly supported by the distinguished gentlemen from California [Mr. MOSS] who in addition to being on your committee, is also chairman of the Special Government Information Subcommittee of the Committee on Government Operations.

This amendment was necessitated by the original language of section 202 of the bill which extended the confidential treatment presently afforded only to trade secrets under section 301(j) of the Food, Drug, and Cosmetic Act to all information obtained by the Food and Drug Administration under specified sections of the act. As chairman of a Subcommittee of the Committee on Government Operations, I had seen the Food and Drug Administration use the trade secrets proviso of section 301(j) to withhold from the subcommittee access, not only to trade secrets, but to their entire files.

One such situation which I described in my testimony on this bill involved the withdrawal from the market of two drugs due to the discovery of dangerous and injurious side effects. One of the drugs in question caused cataracts, skin disorders, and falling or graying hair. The other is known to have caused 54 cases of hepatitis resulting in 15 deaths.

Since both drugs had been cleared for safety by the Food and Drug Administration, the subcommittee, in an effort to determine whether that agency had fully and effectively met its responsibilities, requested access to the files containing the new drug applications for these two drugs.

This request was denied on two grounds. The first ground was the trade secrets proviso of section 301(j). Such denial was a misuse of that section. The second was a Food and Drug Administration regulation providing that all information submitted in connection with new drug applications will be treated as confidential. This regulation has no basis in law and its use to withhold information from the Congress was a further abuse of FDA's power. The original language of section 202 of H.R. 11581 was a thinly disguised attempt by FDA to provide a statutory basis for this regulation, thereby enabling the agency to withhold any and all information from the Congress at will. The amendment which I proposed, if sustained in conference, will prevent such withholding action.

As I have tried to demonstrate, occasions do arise when it is both desirable and necessary for committees of the Congress to examine all information in an agency's files in order to properly evaluate that agency's administrative performance. Yet, such a request can and has been denied under the guise of protecting trade secrets. It is my position, therefore, that the Congress should reserve to itself this right.

I sincerely hope that when this legislation goes to conference, the conferees on the part of the House will insist upon the language of section 202(3) as approved by the House.

The question has been raised in some quarters as to whether section 202 of the bill as reported would deny to the press and the public the kinds of information which have heretofore been available from the Food and Drug Administration. I do not believe this is the intent or the effect of the legislation. To confirm this, I would like to read a letter which the gentleman from California [Mr. Moss] today received from Commissioner Larrick of the Food and Drug Administration on this subject:

Department of Health, Education, and Welfare, Food and Drug Administration,
Washington, D.C., September 27, 1962.

Hon. John E. Moss,
House of Representatives,
Washington, D.C.

Dear Mr. Moss: In response to a telephoned request yesterday from Mr. Archibald of your staff, we are pleased to give you our interpretation of section 202 of H.R. 11581 as reported by the Committee on Interstate and Foreign Commerce.

In our view, there is nothing in section 202 that would derogate from the authority given to the Secretary by section 705 of the Food, Drug, and Cosmetic Act to collect, report, and illustrate the results of investigations of the Department.

As originally introduced, section 202 of H.R. 11581 contained a provision recommended by our Department which amended section 301(j) of the Food, Drug, and Cosmetic Act so that it would prohibit the using of information obtained under the factory inspection section of the law and certain other sections, other than as authorized by law. This would apply whether or not the material involved concerned a method or process which, as a trade secret, is entitled to protection. We suggested this change in order to make it perfectly clear that, under the expanded factory inspection proposed in the bill, there would be adequate safeguards against the using of material obtained by inspection to the advantage of one of the Department's employees.

It would be our purpose, if H.R. 11581 is enacted as reported by the House committee, to continue under authority of section 705 the public information functions of the Food and Drug Administration which are in the public interest so that the American people would continue to have, as they have had in the past, a full reporting of those facts relating to the activities of the Food and Drug Administration which are in the public interest.

Sincerely yours,
Geo. P. Larrick,
Commissioner of Food and Drugs.

This letter should put at rest any fears by the press.

Mr. Chairman, I would like to include for the benefit of the House and Senate conferees the following statement which I made before the Committee on Interstate and Foreign Commerce relative to section 202 of H.R. 11581:

STATEMENT OF HON. L. H. FOUNTAIN

Mr. Chairman and members of the committee, my purpose here today is not to take a position on the general merits of H.R. 11581, but to express my objection to a particular section thereof which would, in my opinion, seriously hamper the work of the congressional committees which have responsibilities with regard to food, drug and cosmetic legislation or the operations of the Food and Drug Administration. I refer to section 202 of H.R. 11581, amending section 301(j) of the Federal Food, Drug, and Cosmetic Act.

As section 301(j) is presently written, it prohibits "the using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this act, any information acquired under authority of sections 404, 409, 505, 506, 507, 704, or 706 concerning any method or process which as a trade secret is entitled to protection."

The effect of the amendments proposed in section 202 of H.R. 11581 would be to extend this confidentiality beyond "trade secrets" to include any information acquired by the Food and Drug Administration under the stated sections of the Food, Drug, and Cosmetic Act.

Since only the officers and employees of the Department and the courts are given access to confidential information under section 301(j), passage of section 202 in its present form would, in my opinion, make it virtually impossible for the congressional committees which have responsibilities in connection with food, drug, and cosmetic legislation or the operations of the Food and Drug Administration to obtain the information necessary for the effective discharge of those responsibilities.

Under the rules of the House, the Committee on Government Operations has the duty of "studying the operation of Government activities at all levels with a view to determining its economy and efficiency."

The responsibility for studying the operations of the Food and Drug Administration, as well as those of a number of other Federal agencies, has been delegated by the Committee on Government Operations to its Intergovernmental Relations Subcommittee, of which I am chairman. Our past experience in trying to fulfill this responsibility has shown that on occasion the Food and Drug Administration has used section 301(j) as a basis for withholding access to information which the subcommittee deemed necessary for the proper discharge of its responsibilities to the full committee and to the House. I have copies of two letters of recent date which will, I believe, demonstrate this problem. I would like to read them at this time.

They relate to a situation which arose in late April of this year when two prescription drugs were withdrawn from the market due to the discovery of dangerous side effects. Both drugs had previously been approved by the Food and Drug Administration under its new drug procedure and had been on the market for some time. In an effort to determine whether the Food and Drug Administration had fully and effectively met its responsibilities in the clearing of these two drugs for the market, the subcommittee sent the following letter to Commissioner Larrick:

May 2, 1962.

Hon. George P. Larrick,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Larrick: In connection with its responsibility for studying the activities of the Food and Drug Administration with respect to efficiency and economy of operation, the Intergovernmental Relations Subcommittee wishes to obtain information concerning two drugs which were recently withdrawn from the market due to the discovery of dangerous side effects. They are MER-29, manufactured by Richardson-Merrill Co., and Flexin, manufactured by McNeill Laboratories.

Will you please arrange for Mr. Donald Gray of the subcommittee's staff to examine your files containing the new drug applications for these two drugs and any other information you may have concerning them.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,
L. H. Fountain,
Chairman, Intergovernmental Relations Subcommittee.

I received the following letter from Mr. Larrick in reply:

May 10, 1962.

Hon. L. H. Fountain,
Chairman, Intergovernmental Relations Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

Dear Mr. Fountain: We have your letter of May 2, 1962, requesting us to arrange for Mr. Donald Gray of the subcommittee staff to examine our files covering the new drug applications for Mer-29 and Flexin.

We want to be as helpful as possible to your committee. However, the Federal Food, Drug, and Cosmetic Act imposes certain restrictions on us which we must respect. Under the law, we are forbidden to disclose any information submitted in connection with a new drug application that is entitled to protection as a trade secret. Our regulations further emphasize the fact that all information submitted in connection with new drug applications will be treated as confidential. The reason for these restrictions is to encourage manufacturers to make as full a disclosure as possible when they submit their new drug application, including information involving doctor-patient relationships.

We have uniformly declined to make the files on new drugs available to anyone except employees of the Food and Drug Administration. We are confident, however, that we can prepare a summary of these new drug applications that will contain all pertinent information. We will undertake the preparation of these summaries promptly and they will be sent to you as soon as they are completed.

After you have had an opportunity to review them, we will be glad to arrange for a meeting between Mr. Gray and our personnel who are familiar with these files to clarify any questions you may have. We should point out that even though these drugs have been removed from the market, we are actively investigating both of these cases to determine whether false statements were made in connection with the new drug applications or whether there was a failure to disclose material facts.

We hope that our suggested handling of your request will be satisfactory. Again let me say that we want to furnish you with all information that we possibly can within the limitations imposed on us by the statutes.

Sincerely yours,
Geo. P. Larrick,
Commissioner of Food and Drugs.

Following receipt of this letter, members of the subcommittee staff talked with Assistant Commissioner Rankin and Mr. William W. Goodrich, the Department's Assistant General Counsel, Food and Drug Division. The staff assured Mr. Rankin and Mr. Goodrich that neither they nor the subcommittee were interested in seeing any information entitled to protection by law as a trade secret. I might point out that Mr. Larrick incorrectly states in his letter that his agency has uniformly declined to make the files on new drugs available to anyone except employees of the Food and Drug Administration. The fact is that our subcommittee staff has examined such files in the past, and FDA had not previously in our experience claimed confidentiality for these records.

The subcommittee staff was then assured by Mr. Rankin that, in view of these facts, our request would be reconsidered by the Food and Drug Administration. However, despite numerous telephone inquiries from the staff, no further action has yet been taken on the request; nor have the summaries which Mr. Larrick promised in his letter of May 10 been received.

I have gone into these details merely to demonstrate the difficulty which our subcommittee has encountered in obtaining certain information from the Food and Drug Administration under the existing section 301j. I believe that the amendments proposed in section 202 of H.R. 11581 translate into law the interpretation which the Food and Drug Administration has already placed upon section 301j, as outlined in Mr. Larrick's letter of May 10, and which I believe to be incorrect.

In view of the experience which our subcommittee has had under the existing section 301j, I believe that enactment of section 202 of H.R. 11581 in its present form would be most undesirable and would make it virtually impossible for the subcommittee to perform its duties in connection with the operations of the Food and Drug Administration. For this reason, Mr. Chairman, I would like to propose for the committee's consideration an amendment to section 202 of H.R. 11581 to read as follows: On page 32, line 25, immediately before the period, insert the following: "and inserting in lieu thereof the following: *Provided*, That nothing in this Act shall authorize the withholding of information from the duly authorized committees of the Congress' ".

This language has been successfully used I understand in the organic act setting up the National Aeronautics and Space Administration and in the legislation setting up an Advisory Committee on Weather Control.

I believe that the adoption of this or a similar amendment would enable our subcommittee and the other committees and subcommittees of the Congress having responsibilities with regard to food, drug, and cosmetic legislation or the operations of the Food and Drug Administration to meet their responsibilities, more effectively and with greater dispatch. To me it is unthinkable that information, other than trade secrets, which is available to officers and employees of the Department of Health, Education, and Welfare, as well as to the courts, should not also be available to the Congress, which passes legislation and appropriates the funds necessary for the Department's operations.

I thank you for the opportunity to be heard on this point which I believe to be of the utmost importance to the Congress.

Mr. YATES. Mr. Chairman, this bill is of vital importance and I strongly urge its passage. I want to congratulate the chairman and the committee for coming in with a good bill.

Several weeks ago our Nation barely escaped what could have been one of the very worst tragedies in its history—a tragedy which other Nations were not so fortunate to escape. In Germany, we are told, there will be about 5,000 children afflicted for life by some of the most hopeless deformities imaginable because their mothers, while in early stages of pregnancy, took a drug known as thalidomide. We are told that in England, in Japan, in Canada, and in various other parts of the world, several thousand additional infants will be added to the list of these grossly deformed individuals. We barely escaped that tragedy here in the United States, thanks to the courage, tenacity and good judgment of Dr. Frances Kelsey and several of her associates at the Food and Drug Administration. I say that we barely escaped this tragedy because, under our present laws, there are really no reliable safeguards to prevent such a tragedy. Dr. Helen Taussig of Johns Hopkins University, recently made this point. Our consumer drug protection laws go back to 1938 and have hardly been changed since then. They were probably all right nearly a quarter of a century ago, but today these laws are unable to provide the American consumer with the kind of protection he deserves and needs at a time when the whole technology and science of drug production and manufacture is changing radically.

Whereas consumers were spending about $150 million each year on prescription drugs back in 1938, today they are spending well over $3 billion. Even in the past one-half dozen years, we have seen the drug industry increase its pharmaceutical research and development expenditures from about $105 million in 1956 to an anticipated $275 million in 1962. On the average, there are about two new drugs developed in the United States of America every single day of the year. For example, in fiscal year 1962, FDA received 693 new drug applications. In addition, drugs already approved by FDA and on the market are constantly being modified. For example, in fiscal year 1962, the Food and Drug Administration received 3,497 requests by the drug industry to approve changes in drugs already available to consumers.

As I indicated, Mr. Chairman, the law of 1938 was written for another age with another set of circumstances. We have moved at a tremendous rate since then, both in population and in technology. No one back in 1938 could have dreamed or imagined in any way the advances that have evolved since then. It is imperative, therefore, that we in this House enact legislation to protect American consumers and provide Americans with a degree of protection which this day and age require.

The bill that is before us, H.R. 11581, will amend the law of 1938, the Federal Food, Drug, and Cosmetic Act, and provide the Food and Drug Administration—through the Secretary of HEW—with much of the additional authority it needs to catch up with the quarter century that has elapsed since 1938 and to confront the challenges facing consumers today. It does this in a number of ways.

Today, the Food and Drug Administration has no authority to require drug manufacturers to open some of their files to FDA inspection. We are not talking here about files that contain financial, sales, and pricing data. We are not talking here about files that contain confidential personnel data. We are not trying in this bill to compromise the competitive position of industry. We are talking about files that contain reports of adverse reactions to drugs. We are talking about files that contain data on the qualifications of those who are doing the research and who pass judgment on new drugs. We are talking about files in which the controls used in the manufacturing process of these drugs are spelled out and elaborated. We are talking about files that contain the qualifications of those individuals who are testing and investigating new drugs for these manufacturers.

This kind of information, the availability of which is not now assured to the Food and Drug Administration, is essential if FDA is to be permitted to remove from investigational channels drugs, such as thalidomide, that could cause tragic consequences. It is information of this nature that can give the FDA's medical officers, such as Dr. Kelsey, information to verify the data that is sent to them by the drug manufacturers. It is this kind of information that can provide FDA with leads to certain drugs on the market that are producing adverse reactions.

This is the kind of authority that the Federal Government must have if it is to provide the kind of protection we all want for the consumers of this Nation. H.R. 11581 proposes to make this kind of information and files available for examination by appropriate authority.

Another provision of H.R. 11581 is to give the Food and Drug Administration the authority to approve not only the safety of a new drug but also its efficacy. It is almost unbelievable that for all these years we have never had a statute to assure the American public that the drugs being prescribed on the market are effective as well as safe. Undoubtedly, each year there are many drugs that reach the market that are quite safe but are probably quite ineffective to relieve the ailment for which they are marketed. Unless the manufacturer of such a drug makes gross overstatements in his labeling and advertising, nothing can be done to prevent a drug from reaching the consumer. Needless to say, this is not only a serious handicap to the consumer's pocketbook, but it can also be a very serious danger. A doctor who prescribes such a drug thinking that it will be effective might seriously jeopardize the health of his patient when another drug on the market, which is truly effective, could have been used. H.R. 11581 would remedy this deficiency.

However, I call attention to a serious gap in the advertising portion of the bill. The so-called Younger amendment which was added in committee, lines 15 through 22 on page 58 of the bill, would, for practical purposes, kill section 131 of the bill. This amendment should be stricken.

Mr. Chairman, I will not elaborate any further on the importance of this legislation we are acting upon today. I have just pointed to some of its many provisions. I could go on and say something about the antibiotics provision that would change the current law so that FDA can approve and certify for safety and potency on a batch-by-batch basis all antibiotics rather than just a handful of antibiotics as the law now stipulates. I could speak at length about provisions requiring more effective reporting of adverse drug reactions to FDA, doctors, and the public. I could point to the provisions that will greatly strengthen FDA's ability to require drug manufacturers to improve the manufacturing controls they use in the production of drugs, controls that are essential to assure that drugs contain the right ingredients in the right amounts. Sufficient to say, that nearly a quarter of a century after the pure food and drug law was last given a thorough overhaul—years that have witnessed amazing changes in practically all aspects of our daily lives but certainly in our creation, production, and distribution of drugs—we have today an opportunity to strengthen our outmoded drug laws for the protection of all Americans. I sincerely believe that this legislation will be remembered as one of the most constructive and important bills passed by this session of the 87th Congress.

Mr. MACK. Mr. Chairman, I want to join with my colleagues in commending the distinguished chairman of our committee, the gentleman from Arkansas, the Honorable OREN HARRIS, on the great work he has done in the closing days of this session on this bill which amends the Federal Food, Drug, and Cosmetic Act to further protect the public by strengthening and clarifying the present law. This bill comes to the House floor after prolonged hearings by the Interstate and Foreign Commerce Committee and careful consideration in executive sessions.

I am proud to support the provisions of this bill which are designed to protect the public health by imposing additional requirements with regard to the manufacture and distribution of drugs and antibiotics. I feel that this bill will provide additional safeguards which are necessary but it will not have a limiting effect on research or development of new drugs. We must continue to make progress in this field but we must adequately protect the public in the testing of investigational drugs. I am hopeful that this bill will be enacted into law.

Mr. BARRY. Mr. Chairman, certainly no event in the past year so affected the American conscience as the tragedy evoked by the knowledge that the drug thalidomide was causing grotesquely malformed babies. Similar tragedy in the United States was averted by the professional competence of Dr. Frances E. Kelsey, of the Food and Drug Administration. Despite strong pressure, her steadfast determination not to clear the controversial drug remained undaunted. By her heroic effort the drug was precluded from general marketing in this country. This is probably the most cogent reason why this bill is before Congress this session.

In January of this year a poll among my constituents of Westchester and Putnam Counties and their response clearly indicated that they were cognizant of the need for reform of our drug laws. Of those replying to the poll 67 percent were in favor of tighter restrictions on the drug laws.

Hearings conducted this year before the Interstate and Foreign Commerce Committee reaffirmed my convictions of the need for more stringent laws regarding the control, certification, marketing, and effectiveness of drugs for sale to the American public. I favor that information on old and new drugs be disseminated on a wider, more complete, and effective basis. We should not continue to countenance misinformation or an absence of opportunity for our citizens to acquire such knowledge. These deficiencies are among other loopholes remedied in the bill presented to the House.

Mr. Chairman, in legislation of a highly technical nature, pitfalls may arise out of its subsequent implementation. Any legislation which too stringently regulates and restricts—contains the specter of the ramifications of too much control which could diminish research incentive. We must be watchful not to frustrate research and development of drugs which have greatly contributed to our world leadership in medicine and public health. However, it will only be through its application that we can accumulate sufficient evidence to correct deficiencies, if any. I believe this bill avoids the pitfalls of too much control.

Because of the need for a more effective law, and because this bill corrects some of the defects in our present law, I support this legislation. It is necessary for the public health and safety of our citizens, and will not impede the continuation of the role of the United States as a world leader in the most humane of our exports—technical medical skill and medicine.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee substitute amendment now in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "Drug Amendments of 1962".

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TITLE I—DRUGS

Part A—Amendments to assure safety, effectiveness, and reliability

Requirement of Adequate Controls in Manufacture

SEC. 101. (a) Clause (2) of paragraph (a) of section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended to read as follows: "(2)(A) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (B) if it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice (as determined in accordance with regulations promulgated by the Secretary) to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess;".

(b) Section 701(e) of such Act (21 U.S.C. 371(e)) is amended by striking out, in the first sentence, "501(b)" and inserting in lieu thereof "501 (a) or (b)".

Effectiveness and Safety of New Drugs

SEC. 102. (a)(1) Section 201(p)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)(1)), defining the term "new drug", is amended by (A) inserting therein, immediately after the words "to evaluate the safety", the words "and effectiveness", and (B) inserting therein, immediately after the words "as safe", the words "and effective".

(2) Section 201(p)(2) of such Act (21 U.S.C. 321(p)(2)) is amended by inserting therein, immediately after the word "safety", the words "and effectiveness".

(b) Section 505(b) of such Act (21 U.S.C. 355(b)) is amended by inserting therein, immediately after the words "is safe for use", the words "and whether such drug is effective in use".

(c) Section 505(d) of such Act (21 U.S.C. 355(d)) is amended to read as follows:

"(d) If the Secretary finds, after due notice to the applicant in accordance with subsection (c) and giving him an opportunity for a hearing, in accordance with said subsection, that (1) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; (4) upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions; or (5) evaluated on the basis of the information submitted to him as part of the application and any other information before him with respect to such drug, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or (6) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; he shall issue an order refusing to approve the application. If, after such notice and opportunity for hearing, the Secretary finds that clauses (1) through (6) do not apply, he shall issue an order approving the application. As used in this subsection and subsection (e), the term 'substantial evidence' means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof."

(d) Section 505(e) of such Act (21 U.S.C. 355(e)) is amended to read as follows:

"(e) The Secretary shall, after due notice and opportunity for hearing to the applicant, withdraw approval of an application with respect to any drug under this section if the Secretary finds (1) that clinical or other experience, tests, or other scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was approved; (2) that new evidence of clinical experience, not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved; or (3) on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof; or (4) that the application contains any untrue statement of a material fact: *Provided*, That if the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the public health, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority ocnferred by this proviso to suspend the approval of an application shall not be delegated. The Secretary may also, after due notice and opportunity for hearing to the applicant, withdraw the approval of an application with respect to any drug under this section if the Secretary finds (1) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with a regulation or order under subsection (j), or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection; or (2) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or (3) that on the basis of new informaion before him, evaluated together with the evidence before him when the application was approved, the labeling of such drug, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of. Any order under this subsection shall state the findings upon which it is based."

Records and Reports as to Experience on New Drugs

SEC. 103. (a) Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end thereof the following new subsection:

"(j)(1) In the case of any drug for which an approval of an application filed pursuant to this section is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) of this section.

"(2) Every person required under this section to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records."

(b) Section 505(i) of such Act (21 U.S.C. 355(i)) is amended (1) by inserting "the foregoing subsections of" immediately after "operation of"; (2) by inserting "and effectiveness" immediately after "safety"; and (3) by adding at the end thereof the following new sentences: "Such regulations may provide for conditioning such exemption upon—

"(1) the submission to the Secretary, before any clinical testing of a new drug is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug, of preclinical tests of such drug adequate to justify the proposed clinical testing;

"(2) the manufacturer or the sponsor of the investigation of a new drug proposed to be distributed to investigators for clinical testing obtaining a signed agreement from each of such investigators that patients to whom the drug is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug to any other investigator, or to clinics, for administration to human beings; and

"(3) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such drug, of data obtained as the result of such investigational use of such drug, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drug in the event of the filing of an application pursuant to subsection (b).

Such regulations shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that (1) experts using such drugs for investigational purposes inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and obtain the consent of such human beings or their representatives, and (2) such experts certify to such manufacturer or sponsor that such consent will be obtained. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs."

(c) Section 301(e) of such Act (21 U.S.C. 331(e)) is amended to read as follows:

"(e) The refusal to permit access to or copying of any record as required by section 703; or the failure to establish or maintain any record, or make any report, required under section 505 (i) or (j), or the refusal to permit access to or verification or copying of any such required record."

(d) Subsection (a) of section 302 of such Act is amended by striking out "(e),".

New Drug Clearance Procedure

SEC. 104. (a) Section 505(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(a)), is amended to read as follows:

"(a) No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) is effective with respect to such drug."

(b) Section 505(c) of such Act (21 U.S.C. 355(c)) is amended to read as follows:

"(c) Within one hundred and eighty days after the filing of an application under this subsection, or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either——

"(1) approve the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies, or

"(2) give the applicant notice of an opportunity for a hearing before the Secretary under subsection (d) on the question whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within thirty days after such notice, such hearing shall commence not more than ninety days after the expiration of such thirty days unless the Secretary and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the Secretary's order thereon shall be issued within ninety days after such hearing is completed."

(c) Section 505(f) of such Act (21 U.S.C. 355(f)) is amended to read as follows:

"(f) Whenever the Secretary finds that the facts so require, he shall revoke any previous order under subsection (d) or (e) refusing, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate."

(d)(1) The first four sentences of section 505(h) of such Act (21 U.S.C. 355(h)) are amended to read as follows:

"(h) An appeal may be taken by the applicant from an order of the Secretary refusing or withdrawing approval of an application under this section. Such appeal shall be taken by filing in the United States court of appeals for the circuit wherein such applicant resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a written petition praying that the order of the Secretary be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm or set aside such order, except that until the filing of the record the Secretary may modify or set aside his order."

(2) The ninth sentence of such section 505(h) is amended to read as follows: "The judgment of the court affirming or setting aside any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code."

(3) The amendments made by this subsection shall not apply to any appeal taken prior to the date of enactment of this Act.

(e)(1) Section 301(l) of such Act (21 U.S.C. 331(l)) is amended by (1) inserting "approval of" before "an application", and (2) striking out "effective" and inserting in lieu thereof "in effect".

(2) Clause (C) of section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)) is amended by striking out "effective" and inserting in lieu thereof "approved".

(f)(1) Clause (A) of paragraph (3) of section 409(c) of such Act (21 U.S.C. 348(c)) is amended by inserting before the semicolon at the end thereof the following: ", except that this proviso shall not apply with respect to the use of a substance as an ingredient of feed for animals which are raised for food production, if the Secretary finds (i) that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animals for which such feed is intended, and (ii) that no residue of the additive will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsection (f) and (g)) in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal".

(2) Subparagraph (B) of paragraph (5) of section 706(b) of such Act (21 U.S.C. 376(b)) is amended by inserting before the period at the end of the subparagraph a colon and the following proviso: "Provided, That clause (i) of this subparagraph (B) shall not apply with respect to the use of a color additive as an ingredient of feed for animals which are raised for food production, if the Secretary finds that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animals for which such feed is intended, and that no residue of the additive will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsection (d)) in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animal".

Certification of All Antibiotics

SEC. 105. (a) The heading of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) is further amended to read "Certification of Drugs Containing Antibiotics", and the first sentence of subsection (a) of such section 507 is amended to read as follows: "The Secretary of Health, Education, and Welfare, pursuant to regulations promulgated by him, shall provide for the certification of batches of drugs composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin or any derivative thereof, and of drugs intended for use by man and composed wholly or partly of any other kind of antibiotic substance (including the chemically synthesized equivalent of any such substance)."

(b) Such section 507 is further amended by adding at the end of such section the following new subsection:

"(h) In the case of a drug for which, on the day immediately preceding the effective date of this subsection, a prior approval of an application under section 505 had not been withdrawn under section 505(e), the initial issuance of regulations providing for certification or exemption of such drug under this section 507 shall, with respect to the conditions of use prescribed, recommended, or suggested in the labeling covered by such application, not be conditioned upon an affirmative finding of the efficacy of such drug. Any subsequent amendment or repeal of such regulations so as no longer to provide for such certification or exemption on the ground of a lack of efficacy of such drug for use under such conditions of use may be effected only if (1) such amendment or repeal is made in accordance with the procedure specified in subsection (f) of this section and (2) the Secretary finds, on the basis of new information with respect to such drug evaluated together with the information before him when the application under section 505 became effective or was approved, that there is a lack of substantial evidence (as defined in section 505(d)) that the drug has the effect it purports or is represented to have under such conditions of use."

(c) Section 502(l) of such Act (21 U.S.C. 352(l)) is amended to read as follows:

"(l) If it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof, or a drug intended for use by man and composed wholly or partly of any other kind of substance within the purview of section 507, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 507, and (2) such certificate or release is in effect with respect to such drug: *Provided,* That this paragraph shall not apply to any drug or class of drugs exempted by regulations promulgated under section 507 (c) or (d)."

Records and Reports As to Experience on Antibiotics

SEC. 106. (a) Section 507 of such Act (21 U.S.C. 357) is amended by adding at the end thereof the following new subsection:

"(g)(1) Every person engaged in manufacturing, compounding, or processing any drug within the purview of this section with respect to which a certificate or release has been issued pursuant to this section shall establish and maintain such records, and make such reports to the Secretary, of data relating to clincal experience and other data or information, received or otherwise obtained by such person with respect to such drug, as the Secretary may by general regulation, or by order with respect to such certification or release, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to make, or to facilitate, a determination as to whether such certificate or release should be rescinded or whether any regulation issued under this section should be amended or repealed.

"(2) Every person required under this section to maintain records, and every person having charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records."

(b) Section 507(d) of such Act (21 U.S.C. 357(d)) is amended by adding at the end thereof the following new sentences: "Such regulations may provide for conditioning the exemption under clause (3) upon—

"(1) the submission to the Secretary, before any clinical testing of a new drug is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug, of preclinical tests of such drug adequate to justify the proposed clinical testing;

"(2) the manufacturer or the sponsor of the investigation of a new drug proposed to be distributed to investigators for clinical testing obtaining a signed agreement from each of such investigators that patients to whom the drug is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug to any other investigator, or to clinics, for administration to human beings; and

"(3) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such drug, of data obtained as the result of such investigational use of such drug, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drug in the event of the filing of an application for certification or release pursuant to subsection (a).

Such regulations shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that (1) experts using such drugs for investigational purposes inform any human beings to whom such drugs, or any controls used in connection therewith are being administered, or their representatives, that such drugs are being used for investigational purposes and obtain the consent of such human beings or their representatives, and (2) such experts certify to such manufacturer or sponsor that such consent will be obtained. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs."

(c) Section 301(e) of such Act (21 U.S.C. 331(e)), as amended by section 103(c) of this Act, is further amended by striking out "505 (i) or (j)" and inserting in lieu thereof "505 (i) or (j), or 507 (d) or (g)".

Effective Dates and Application of Part A

SEC. 107. (a) Except as otherwise provided in this section, the amendments made by the foregoing sections of this part A shall take effect on the date of enactment.

(b) The amendments made by sections 101, 103, 105, and 106 of this part A shall, with respect to any drug, take effect on the first day of the seventh calendar month following the month in which this Act is enacted.

(c) The amendments made by this Act to the Federal Food, Drug, and Cosmetic Act, insofar as such amendments relate to the effectiveness of drugs (except clause (3) of the first sentence of section 505(e) of such Act), shall not apply to any drug with respect to which an application under section 505 of the Federal Food, Drug, and Cosmetic Act was effective on the day immediately preceding the date of enactment of this Act, so long as amendment of such application is not proposed and approval of such application has not been suspended or withdrawn under section 505 of such Act, as amended by this Act. An application filed pursuant to section 505(b) of such Act which was effective on the day immediately preceding the date of enactment of this Act shall, upon the date of enactment of this Act, be deemed to be an application approved by the Secretary. If an application filed with respect to a new drug pursuant to such section 505(b) prior to the date of enactment of this Act is still pending before the Secretary on such date, the running of the period within which the Secretary must act on such application pursuant to section 505(c) of such Act, as amended by this Act, shall be deemed to have commenced on the day immediately following the date on which such application was in fact filed.

(d) The amendments made by this Act to section 201(p) of the Federal Food, Drug, and Cosmetic Act shall not apply to any drug which, on the day immediately preceding the date of enactment of this Act, (1) was commercially used or sold in the United States, (2) was not a new drug as defined by section 201(p) of the Federal Food, Drug, and Cosmetic Act as then in force, and (3) was not covered by an effective application under section 505 of that Act, when intended solely for use under conditions prescribed, recommended, or suggested in labeling with respect to such drug on that day.

Part B—Standardization of drug names

Authority To Standardize Names

SEC. 111. (a) The Federal Food, Drug, and Cosmetic Act, as amended by this Act, is further amended by adding at the end of chapter V the following new section:

"Authority To Standardize Names

"SEC. 508. Whenever in the judgment of the Secretary such action is necessary or desirable in the interest of achieving usefulness or simplicity of drug nomenclature, or because of the existence of two or more nonproprietary names (other than the systematic chemical name) for the same drug (or for two or more drugs which are identical in their active ingredients and substantially identical in their pharmacological action, strength, quality, and purity), or because the common or usual name of a drug is misleading, confusing, or not sufficiently informative, or because there exists no common or usual name for a drug, he may promulgate regulations establishing a single standard name for such drug (or for such identical drugs), together with any related or additional information which in the judgment of the Secretary is desirable to facilitate the correct and effective use of such standard name. In no event, however, shall the Secretary establish a standard name so as to infringe a valid trademark."

(b) This section shall take effect on the date of its enactment.

Name to be Used on Drug Label

SEC. 112. (a) Section 502(e) of such Act (21 U.S.C. 352(e)) is amended by—

(1) inserting the subparagraph designation "(1)" after "(e)";

(2) striking out the words "If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient", and inserting in lieu thereof "If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (i) the established name (as defined in subparagraph (2)) of the drug, if such there be, and (ii), in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient";

(3) striking out the words "the name" and inserting in lieu thereof the words "the established name";

(4) inserting therein, immediately after the colon following the words "contained therein", the following: *Provided,* That the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and (B) for any prescription drug the established name of such drug or ingredient, as the case may be, on such label is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient:";

(5) striking out the words "clause (2) of this paragraph" in the proviso to such paragraph and inserting in lieu thereof "clause (A)(ii) or clause (B) of this subparagraph"; and

(6) adding at the end of such paragraph the following new subparagraph:

"(2) As used in this paragraph (e), the term 'established name', with respect to a drug or ingredient thereof, means (A) the applicable standard name established pursuant to section 508, or (B), if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient: *Provided further,* That where clause (B) of this subparagraph applies to an article recognized in the United States Pharmacopeia and in the Homoeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopeia shall apply unless it is labeled and offered for sale as a homoeopathic drug, in which case the official title used in the Homoeopathic Pharmacopoeia shall apply."

(b) Section 502(g) of such Act (21 U.S.C. 352(g)) is amended by inserting immediately before the period at the end thereof a colon and the following proviso: "*Provided further,* That, in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail".

(c) This section shall take effect on the first day of the seventh calendar month following the month in which this Act is enacted.

Nonapplicability to Cosmetics

SEC. 113. Chapter V of the Federal Food, Drug, and Cosmetic Act, as amended by section 111 of this Act, is further amended by adding at the end thereof the following:

"Nonapplicability to Cosmetics

"SEC. 509. This chapter, as amended by the Drug Amendments of 1962, shall not apply to any cosmetic unless such cosmetic is also a drug or device or component thereof."

Part D—Amendments as to advertising

Prescription Drug Advertisements

SEC. 131. (a) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is further amended by adding at the end thereof the following new paragraph:

"(n) In the case of any prescription drug distributed or offered for sale in any State, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor, with respect to that drug a true statement of (1) the established name as defined in section 502 (e), printed prominently and in type at least half as large as that used for any trade or brand name thereof, (2) the formula showing quantitatively each ingredient of such drug, and (3) such other information relating to side effects, contraindications, and effectiveness as shall be required in regulations which shall be issued by the Secretary in accordance with the procedure specified in section 701(e) of this Act: *Provided,* That (A) except in extraordinary circumstances, no regulation issued under this paragraph shall require prior approval by the Secretary of the content of any advertisement, and (B) no advertisement of a prescription drug, published after the effective date of regulations issued under this paragraph applicable to advertisement of prescription drugs, shall, with respect to the matters specified in this paragraph or covered by such regulations, be subject to the provisions of sections 12 through 17 of the Federal Trade Commission Act, as amended (15 U.S.C. 52–57). No prescription drug shall be deemed to be misbranded under this paragraph by reason of the failure of any advertisement to include information complying with clauses (2) and (3) of the preceding sentence, if information complying with those clauses is freely available in other written materials to licensed practitioners upon their request to the advertiser of the prescription drug, and if such advertisement contains a conspicuous statement of such availability."

(b) No drug which was being commercially distributed prior to the date of enactment of this Act shall be deemed to be misbranded under paragraph (o) of section 502 of the Federal Food, Drug, and Cosmetic Act, as added by this section, until the earlier of the following dates: (1) the first day of the seventh month following the month in which this Act is enacted; or (2) the effective date of regulations first issued under clause (3) of such paragraph (o) in accordance with the procedure specified in section 701(e) of the Federal Food, Drug, and Cosmetic Act.

TITLE II—FACTORY INSPECTION AUTHORITY

Factory inspection

SEC. 201. (a) Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended to read as follows:

"(a) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. In the case of any factory, warehouse, or establishment in which prescription drugs are manufactured, processed, packed, or held, the inspection shall extend to all things therein (including records, files, papers, processes, controls, and facilities) bearing on whether prescription drugs which are adulterated or misbranded within the meaning of this Act, or which may not be manufactured, introduced into interstate commerce, or sold, or offered for sale by reason of any provision of this Act, have been or are being manufactured, processed, packed, transported, or held in any such place, or otherwise bearing on violation of this Act. No inspection authorized for prescription drugs by the preceding sentence shall extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data, relating to new drugs and antibiotic drugs, subject to reporting and inspection under regulations lawfully issued pursuant to section 505 (i) or (j) or section 507 (d) or (g) of this Act, and data, relating to other drugs, which in the case of a new drug would be subject to reporting or inspection under lawful regulations issued pursuant to section 505(j) of the Act). A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. The provisions of the second sentence of this subsection shall not apply to—

"(1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, upon prescriptions of practitioners licensed to administer such drugs, or patients under the care of such practitioners in the course of their professional practice and which do not, either through a subsidiary or otherwise, manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of their business of dispensing or selling drugs at retail;

"(2) practitioners licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice;

"(3) persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale;

"(4) such other classes of persons as the Secretary may by regulation exempt from the application of this section upon a finding that inspection as applied to such classes of persons in accordance with this section is not necessary for the protection of the public health."

(b) Section 302(a) of such Act (21 U.S.C. 332(a)) is amended by striking out "(f),".

(c) Nothing in the amendments made by subsection (a) of this section shall be construed to negate or derogate from any authority of the Secretary existing prior to the enactment of this Act.

Confidentiality of information obtained by inspection

SEC. 202. Section 301(j) of such Act (21 U.S.C. 331(j)) is amended by—

(1) inserting "or as authorized by law," after "Act,";

(2) striking out the following: "concerning any method or process which as a trade secret is entitled to protection"; and

(3) inserting immediately before the period at the end thereof the following: ": *Provided,* That nothing in this Act shall authorize the withholding of information from the duly authorized committees of the Congress".

Effective date

SEC. 203. The amendments made by this title shall take effect on the date of enactment of this Act.

Mr. HARRIS (during the reading of the substitute committee amendment). Mr. Chairman, may I say while I personally have no objection to the reading of every line in the bill, I also would like to suggest that each section of the bill amends present law and refers to a paragraph or a subparagraph or a clause in existing law and anyone who just reads what is printed here simply would not get too much out of it. Therefore, I ask unanimous consent that the further reading of the amendment in its entirety be dispensed with, be printed in the RECORD at this point and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SCHENCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHENCK: On page 34, line 14, strike out the parenthetical phrase in lines 14, 15 and 16.

On page 34, strike out lines 20, 21 and 22.

Mr. SCHENCK. Mr. Chairman, it would seem to me by striking out this language, it improves the entire situation. I discussed this with our chairman and I wonder if the chairman has any comment to make.

Mr. HARRIS. Mr. Chairman, may I say for the information of our colleagues that this is an amendment which was offered by the gentleman from Ohio. It is taken, in part, from the Senate bill, S. 1552, page 9, lines 11 to 22 of that bill. The gentleman from Ohio advised me of the need not to tie this provision in with section 701(e). I also understood that the gentleman in offering the amendment does not intend to include the language which is in parentheses which was just read.

Mr. SCHENCK. That is correct.

Mr. HARRIS. That being true and since it is the gentleman's own amendment and since he wants it to be as he intended, I think he is entitled to have it that way. Therefore, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SCHENCK].

The amendment was agreed to.

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 45, line 13, strike out lines 13 through 24, inclusive, and on page 46 strike out lines 1 through 3 and renumber the succeeding sections accordingly.

Mrs. SULLIVAN. Mr. Chairman, everything in the bill before us, except for two short paragraphs is intended to tighten our laws covering drugs. I have just offered an amendment to knock out of the bill one of the two paragraphs which have no place in this bill because they are not drug items and they weaken instead of strengthen our consumer protections. They are in the wrong bill.

My amendment would delete a provision of the committee bill which is intended to permit more feed manufacturers to add a cancer-inducing substance, stilbestrol, to animal feeds for meat animals. The Delaney clause of the Food Additives Act of 1958 prevents them from using this additive. But some firms which were using it, with Government approval, prior to the passage of the 1958 act, can continue to do so, under a grandfather clause. Now we are being asked to open up this loophole to all feed manufacturers.

If we strike this section from the bill, as I propose, stilbestrol can still be used as a feed additive by the firms now manufacturing such feeds, but new firms could not enter the field. This would appear to be discriminatory. A lot of the feed producers are complaining about it. But here is the point, Mr. Chairman:

So far—up to now—on the basis of present knowledge and test methods—there is no evidence that the cancer-inducing substance stilbestrol leaves any residue in the meat after the animal is slaughtered. So presumably it is safe to use it. Apparently, the meat animals are not permitted to live long enough to develop cancer from the additives, and apparently they do not build up any residue of the cancer-inducing substance in the meat which we eat.

But only a few years ago, we were told the same thing was true about poultry—that stilbestrol pellets used to fatten poultry were perfectly safe because there was no residue in the meat. What a shock it was to all concerned to learn, as a result of improvements in testing methods, that this was not true—that there was a residue, not only in the skin but in the livers and kidneys. It cost the taxpayers of this country $10 million to buy up the stilbestrol-treated chickens, as a condition to obtaining voluntary agreement of the poultry industry not to use this hormone in promoting faster growth of chickens.

Mr. HARRIS. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I shall be happy to yield.

Mr. HARRIS. The gentlewoman is aware of the fact that this does not include the right to feed this material to chickens.

Mrs. SULLIVAN. No; it relates just to meat animals.

Mr. HARRIS. The reference to the chicken situation is not germane. It is simply with reference to large animals such as cattle.

Mrs. SULLIVAN. What I was pointing out was that at the time it was fed to chickens it was said it was not dangerous, but they found out by later methods of testing that it was dangerous. So that is why I say that there might be danger in the future.

Mr. HARRIS. Mr. Chairman, will the gentlewoman yield further?

Mrs. SULLIVAN. I yield.

Mr. HARRIS. The point I wanted the membership to understand that it was decided and determined after very careful research had been made that the chickens where they had put the pellets in the top of the head did affect them and leave a residue that was not gotten rid of but that it was in the skin and in the liver.

But insofar as cattle are concerned and such animals they do not feed this type of feed to. Within a certain period of time, 24 or 48 hours, it has also been determined positively that there is no residue.

Mrs. SULLIVAN. I thank the gentleman.

The hearings of the committee reveal that the industry which now wants this new loophole put in the law doesn't like the prohibition it contains against any residue in the meat. For, as their spokesmen point out, new testing methods may later show there is residue, and then they will automatically have to stop using stilbestrol and they would lose large amounts of money on the feed already prepared or marketed containing an additive later found to be prohibited. So the very people who stand to benefit from the provision of the committee bill to weaken the Delaney clause want it weakened even further—as perhaps could happen in Conference, since this is not in the Senate bill at all. So we would end up with a free-for-all to add cancer-inducing substances to more animal feeds, and the Government would then have to prove the product dangerous in order to move against it.

That is the kind of situation the entire bill before us is intended to end and correct insofar as prescription drugs for humans are concerned.

The proponents of the stilbestrol clause in this bill will argue, I know, that there is a safeguard in the proposal to protect the consumer that in case of residue found in the meat of animals fed this additive, the Government could immediately order an end to the use of stilbestrol even for those manufacturers previously authorized to use it in their product under the "grandfather's clause" of 1958.

Well, let me reassure you on that point: Under the rest of the bill we are considering—under the new drug law as we will write it in this legislation—the Government will acquire that power in any event. It will be able to move against stilbestrol in animal feeds at the first sign of a residue of this cancer-inducing hormone in our meat supply. We do not need the safeguard written into this section of the bill; we have it in the entire bill. As it is included in this part of the bill, it is only sugar coating to a provision weakening the consumer protections. We are passing a drug law—exclusively.

I do not know why feed producers should get piggyback ride on this bill. The consumers get nothing in it except long-overdue safeguards on drugs. There is nothing in here on barbiturate control, or amphetamine control, or safety or effectiveness of therapeutic devices, or pretesting of cosmetics. We are told only drugs can be covered in this bill.

The stilbestrol clause is special interest legislation for feed manufacturers, and does not belong here. Under permission granted me by the House, I submit at this point the testimony I gave before the subcommittee in opposition to this proposal when hearings were conducted on several bills limited only to this matter, as follows:

Statement by Congresswoman Leonor K. Sullivan, of Missouri, Before Subcommittee on Health and Safety, House Committee on Interstate and Foreign Commerce, August 6, 1962

Chairman Roberts and members of the subcommittee, I have mixed feeling about appearing this morning to oppose a bill introduced by the chairman of this subcommittee, whom I regard not only as a good friend and an outstanding Member of Congress but as one who has probably done more than any single American to protect the safety of the American people on the highways of this Nation. The attack on exhaust fumes and the increasing use of seat belts in automobiles can be attributed largely to the work of this subcommittee and its chairmen. And in the general field of health legislation, hospital construction, and health professions education, this subcommittee has a proud record.

Thus, I would never take the position that this subcommittee, under Congressman Kenneth A. Roberts, is interested in weakening the protections of the American consumer from dangerous food products, or that it is interested in undermining, in any way, the effectiveness of the Food, Drug, and Cosmetic Act. On the contrary, I am sure the subcommittee joins me in wishing to see the Food, Drug, and Cosmetic Act, 1938, brought up to date and made much more effective in protecting our lives and health and safety.

Nevertheless, I feel I must go on record here that I believe strongly that we should not enact as a separate piece of legislation H.R. 12437 by Chairman Roberts or H.R. 12420, the bill introduced by Congressman Nelsen, even though the language of these bills was taken out of one of the administration bills to amend and strengthen provisions of the Food, Drug, and Comestic Act. When I testified before the full Committee on Interstate and Foreign Commerce in June on H.R. 11581, the administration bill on drugs, and H.R. 11482, the bill dealing with cosmetics and therapeutic devices, containing together most of the major provisions of my own bill introduced 19 months ago—H.R. 1235—I raised some questions about the validity and the justification for this pafticular provision of H.R. 11582, the feed additives amendment, which has now been reintroduced as a separate bill. After mentioning approvingly some of the few provisions of H.R. 11581 and H.R. 11582 which are not in H.R. 1235 but which I would be willing to see added on to my bill, I turned to this particular provision on feed additives, relaxing the Delaney clause, and said:

"However, I have strong doubts, I must admit, over the retreat on the Delaney anticancer clause on feed additives, as contained in H.R. 11582, particularly in view of the Government's experience several years ago with the hormone-treated chickens. It cost us $10 million to remove from the market the fowl treated with a drug considered safe for the purpose—after it was learned that there were residues of the cancer-inducing substance in the skin of the chicken. Too often for complacency, new testing methods disclose the existence of harmful residues which had not shown up in earlier tests, but by then the damage is done."

NOT INCLUDED IN PRESIDENT'S CONSUMER MESSAGE

Mr. Chairman, it will be noted that my comments at the time on this particular provision of one of the administration bills were mild indeed. I thought I recognized why this provision had been included in the package of administration proposals making drastic changes to close loopholes and eliminate unsafe features in the 24-year-old Food, Drug, and Cosmetic Act. Most of the administration proposals, like nearly all of those in H.R. 1235, are tough changes in the law—necessarily so—to cope with increasing evidences of danger to the consumer. The President touched on some of these in his March 14 message to Congress on consumer protection, but there was not a single word in the President's message about relaxing or changing the Delaney anticancer clause in either the food additives or color additives sections of the law.

On the other hand, he strongly endorsed proposals—all of them in H.R. 1235—for requiring pretesting for safety of all cosmetics; for requiring proof of efficacy as well as safety of all new drugs; for requiring proof of safety and efficacy for all new therapeutic devices; for tightening up drastically our powers to cope with the illicit sale of pep pills and sleeping pills; for rewriting the factory inspection authorization to enable the Food and Drug Administration inspectors to ferret out dangerous conditions in the manufacture, distribution, warehousing and sale of foods, drugs, and cosmetics; for promoting the feasibility of having doctors prescribe by generic terms instead of trade names as a means of bringing down the cost of prescription drugs, and, for enabling the Government to move quickly—immediately—in taking off the market any previously approved drug about which serious doubts have developed after the drug has gone on sale.

These are the major provisions of H.R. 1235 and of those sections of H.R. 11581 and H.R.11582 which amend the Food, Drug, and Cosmetic Act. None of these purposes would be accomplished by passage of either of the two bills now before you this morning.

LEGISLATION BENEFITS ONLY SOME BUSINESS FIRMS

Instead, you propose in this legislation to take out of the administration package of proposals to strengthen the Food, Drug, and Cosmetic Act one obscure provision which does nothing whatsoever for the consumer, but puts profits into the pockets of some businesses making animal feeds.

Perhaps there are inequities in the feed additives "grandfather" clause which permit some feed manufacturers to continue to use cancer-inducing substances or coloring matter in their animal feed products if the particular firms were permitted to do so prior to the passage of the Food Additives Act of 1958 and the Color Additives Act of 1960, and as long as the Government cannot prove danger to the consumer on the other hand, a feed manufacturer not authorized before 1958 to use cancer-inducing chemical substances and not authorized before 1960 to use cancer-inducing coloring matter in animal feed cannot use them now, because of the Delaney clause, contained in both the 1958 and 1960 acts. So it is a competitive inequity.

But, gentlemen, let us look at it from the consumer standpoint. There is no value whatsoever to the consumer—none—in having our meat and poultry supply fattened for market with the aid of feed additives containing materials which could cause cancer. Some of the hormones are of economic value to the producer—fattening his livestock quicker with less feed.

I don't believe it means a single cent's difference in the consumer price of the meat, and it could endanger the consumer's health. That is why the stilbestrol-treated chickens had to be taken off the market several years ago at huge cost to the taxpayers. The Government had sanctioned the use of the stilbestrol pellets on the basis of evidence that no residue was found in the edible portions of the meat. Later—much later—with better testing methods, traces of this dangerous and cancer-inducing substance were found in the skins, and also in the livers and kidneys of the chickens. Who among us can guarantee that the further improvement of testing methods in the near future—or the distant future—will not demonstrate similar consequences from use of the cancer-inducing materials now permitted in some animal feeds under the "grandfather's" clause?

PROBLEM MUCH MORE SERIOUS IN NEW DRUGS

I did not come here to be obstructive. I know there is a competitive problem among feed manufacturers based on when a particular firm happened to begin marketing a particular feed additive which competitors later going into the field could not legally use. But the problem goes much deeper than the competitive situation in the animal feed industry.

Our present law on new drugs requires very stringent proof of the safety of a new drug before it can be marketed. Thalidomide could not be marketed in this country because the manufacturer was not able to convince Dr. Frances Kelsey of FDA that such beyond-a-doubt proof existed. She has testified that, for a long time, she could not put her finger on the exact danger.

If she had approved the drug, based on what appeared to be very convincing proof of safety as a result of widespread usage abroad, she would not have been the heroine she is now, but I am sure she would not have been criticized for accepting the scientific proof presented to her as sufficient. This is a terribly complex scientific problem in the clearing of new drugs, since, as we know, any new drug carries dangers with it and the question is whether the good it can do—under proper medical supervision—outdoes the potential danger. Think how long it took before researchers connected this drug to the sudden increase in the birth of malformed infants.

But here is my point: If Dr. Kelsey had approved the application for sale of this drug, the Food and Drug Administration would then have had to wait for legal and incontrovertible proof of its danger before it could then have removed it from the market. The "tingling sensation" Dr. Kelsey had read about in a letter to the editor of the British Medical Journal—a piece of information which alerted her suspicions—would hardly have been the proof necessary to stop sale of the drug if it had already been approved for sale in this country.

That is the big loophole in our new drug law. The bills you are considering this morning seek to meet this problem as it involves feed additives by providing that the Secretary can quickly move to withdraw from sale any feed additive containing a chemical or color additive which he has once approved, if later he has substantial doubt of its safety. That part of the Roberts-Nelsen bill is all to the good.

OTHER CHANGES NEEDED IN DRUG LAW

But this problem is much more serious with drugs than it is with feed additives. We should not call forth a mouse when we need a massive solution to this problem of removing from the market drugs once approved but later found to be dangerous. Thus, if we are going to do anything on this, we should change all of the appropriate provisions of the food, drug, and cosmetic law to cover not only feed additives, but all drugs—in fact, I believe the feed additives involved in this matter are technically drugs under the act, and the safety feature of H.R. 12437 would be accomplished by H.R. 1235 or the administration bills.

Dr. Kelsey's experience points up the need for another important change in the drug laws: extending the period during which the Government has to act on a new drug application, as H.R. 1235 and H.R. 11581 both provide. Secretary Ribicoff and Commissioner Larrick testified on this during the full committee hearings in June. Dr. Kelsey herself has said that such a change in the law is needed to give her and other FDA scientists sufficient time for evaluating new drug applications. We don't need legislation to tighten up on experimental testing of drugs—FDA can now do that. But we need legislation to close other loopholes in the drug laws and it is urgent that we pass such legislation as I have proposed and the President has called for.

I know the present jurisdiction of the subcommittee is somewhat limited by the fact that H.R. 11581, H.R. 11582 and H.R. 1235 are pending before the full committee, and that this feed additives amendment alone, rather than any of the omnibus bills, is all that is before you right now.

But I think it would be most unfortunate if, out of all of the truly vital, urgent—changes needed in the Food, Drug, and Cosmetic Act right now, the Congress should rush to pass only a bill giving profits to feed manufacturers who happened to have run into a technicality in the law which prevents them from marketing feeds containing cancer-inducing substances, while other firms may still do so.

Furthermore, I refer you to the information I supplied this committee 2 years ago in connection with the color additives bill—information from experts at the NIH—that there is no such thing as a harmless portion of a cancer-inducing substance in food or in drugs or in anything which might be ingested. Tests so far have shown that small quantities of some cancer-inducing substances fed to or injected in some classifications of meat animals, notably beef cattle, in animal feed, to speed the fattening process or for similar economic purposes, do not show up in the edible meat and apparently also do not harm the animal. But please keep in mind that the same "proof" existed on the use of stilbestrol pellets in chickens. That "proof" was faulty, just as the "proof" of the safety of thalidomide was faulty.

GIVE THE CONSUMER "SOMETHING FOR SOMETHING"

I ask that you put this legislation aside as a separate bill. If the Food and Drug Administration can give you incontrovertible evidence that this proposed change in the law is important or necessary, then—even then—I would say, make it part of an omnibus bill which also does something for the consumer. This is one of the few sections of any of the omnibus bills which any indusrty will enthusiastically support. I say: If you're going to go out of your way to provide relief, as this bill would, to some feed manufacturing companies, make it, to use the Latin, a quid pro quo—something for something—in other words, as part of the price the consumer must pay for getting a whole lot more consumer protection in the law. Otherwise, the industry gets what it wants, and the consumer gets nothing.

Mr. Chairman, I have the whole story of what happened on the stilbestrol pellets case involving chickens several years ago. This consists of a statement by former HEW Secretary Flemming, at a news conference December 10, 1959, when HEW announced its agreement with Agriculture that stilbestrol would not be used in chickens and that the Government would then buy up all fowl which had been treated with this previously approved drug. Also, at the same time, Mr. Flemming released a chronological report on how the crisis had developed. This is my only copy. I believe it should be part of the hearing record on this legislation. I ask that you include this material—that you obtain copies from HEW and insert this information in your hearings. It shows what happened when it was discovered that this harmless use of stilbestrol in chickens was not harmless after all—and why the Government could not move quickly on its own authority when the evidence indicated substantial doubt as to safety. The lesson we should learn from it is this: We should be extremely wary about authorizing any cancer-inducing substance under any circumstances in food, drugs or cosmetics, as the Delaney clause provides. I do not believe the Delaney clause should now be weakened. We fought too hard to get it into law to see it weakened merely to help some animal feed manufacturers improve their competitive situation.

Mr. Chairman, I ask that my amendment be accepted to delete this section.

Mr. **DELANEY**. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to associate myself with the amendment and the remarks of the gentlewoman from Missouri. The bill originally dealt with drugs for human consumption. That is the way the bill started originally in the Senate. I want to compliment both the Senate committee and the Committee on Interstate and Foreign Commerce for the fine work they have done on this bill insofar as drugs for human consumption are concerned.

But sandwiched in between is an animal feed clause that I feel has no place in this bill. That is a matter that should be treated in a separate bill when we have more time. It is a very deep subject. I know the committee has held hearings over an extended period of time and they have come, as far as I know, to no conclusion except to include it in this drug bill.

I say that the use of stilbestrol that has been proved to be dangerous and cancer inciting in poultry could possibly prove to be dangerous in animal feed. I feel we should go into this subject in great detail.

I do not agree with the interpretation on the grandfather clause aspect of this bill that permits in certain instances some companies that have been manufacturing to continue to manufacture. I recognize, too, that there is a slight loophole there, but I do not think in this bill on drugs for human consumption it belongs in here. It should be debated at great length. Therefore, I say I favor the amendment offered by the gentlewoman from Missouri. I feel that clause should be striken out of this otherwise fine bill.

Mr. **ROBERTS** of Alabama. Mr. Chairman, will the gentleman yield?

Mr. **DELANEY**. I yield to the gentleman from Alabama.

Mr. **ROBERTS** of Alabama. I have discussed this matter many times with the gentleman from New York who appeared before the subcommittee that held extensive hearings on this matter. As I understood the gentleman in his testimony before the subcommittee, and if I understood it correctly, he said that he opposed a widening of the grandfather clause. He would like to do away with all grandfather clauses. We come back to the proposition that the Food and Drug Administration in the final analysis is the agency upon which we must rely for decisions in these matters. Is that true?

Mr. **DELANEY**. I think the gentleman has stated my testimony before his committee correctly.

I still feel that this is a matter that should be treated separately. I for one feel that the use of stilbestrol in animal feed should be barred altogether until we are absolutely sure that it is not harmful for human consumption.

Mr. **ROBERTS** of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sure that I have the same respect for the gentlewoman from Missouri [Mrs. SULLIVAN], and the gentleman from New York [Mr. DELANEY], as other Members of the House with reference to their interest in this proposition. However, in legislating we have to legislate not in the area of suspicion, but we have to legislate as best we can according to what the scientists and what the experts tell us.

Mr. Chairman, the situation now existing that would be brought about by the amendment which has been offered by the gentlewoman from Missouri [Mrs. SULLIVAN], would not be improved one bit. There would be no less stilbestrol than is sold today. The only difference is that through the adoption of the gentlewoman's amendment we would simply perpetuate an inequity in the law whereby those manufacturers who qualify and who have been certificated under the 1958 act would continue to use it, and many manufacturers desiring to build new plants with new and better equipment would be denied it. It is used in about 80 to 85 percent of the cattle feed which is consumed. Both Secretary Flemming and Secretary Ribicoff asked that this change be made so as to permit its use, under two conditions: first, that there must be no residue in the meat. Second, that it must not be harmful to the animal.

Mr. Chairman, the safety of its use in animals—in beef, in lamb and in other large animals—has been the subject of various studies. I call the attention of the Members of the Committee to the fact that in 1957 a study was made by the American Medical Association, testing as to the safety of its use. Also, the National Institutes of Health made a statement to that effect, after studying and after reviewing very sensitive tests.

Dr. Harvey of the Food and Drug Administration testified before our subcommittee and testified in favor of this amendment. We did hear the bill separately from the other bill. It is rather peculiar to me that the gentlewoman from Missouri [Mrs. SULLIVAN], would introduce this amendment today, because I shall quote the words of the gentlewoman. We did exactly what the gentlewoman advised the subcommittee that she desired be done. The gentlewoman said, as follows:

> I ask that you put this legislation aside as a separate bill if the Food and Drug Administration would give you incontrovertible evidence that this proposed change in the law is important or necessary. Then, even then, I would make it a part of an omnibus bill which also does something for the consumer.

What we have done in this omnibus bill is to give the Administrator the power of instant withdrawal from the market. We have also given him power whereby in case of imminent hazard to life, he can instantly and summarily, if you will, withdraw this drug.

Mr. Chairman, I say that I think my record is fairly good in the area of public health. I certainly would not come here sponsoring an amendment if I had any doubt as to its safety or to its efficacy. We have produced all of the proof which the scientists and doctors have been able to offer—the Food and Drug Administration, and others familiar with this particular drug—that it is safe and has been found safe in all instances in which it has been tested.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Alabama. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I agree with the gentleman from Alabama, the chairman of the subcommittee, and oppose this amendment.

The subcommittee has gone into this matter very thoroughly. It has been a subject of discussion for a long time. Even the Food and Drug Administration supports this strongly, and the gentleman from New York [Mr. DELANEY] so testified in his statement before the committee when he stated he had a letter from Deputy Commissioner Harvey wherein Mr. Harvey stated that the changes proposed in this legislation would fully protect the public health. He says, of course, that is the responsibility of the Food and Drug Administration, which it is.

I think, too, this amendment helps eliminate a ridiculous situation under the present interpretation.

If the company is now producing this drug, which is perfectly all right, and goes through all of the necessary procedures, and the Food and Drug Administration approves it, and if that company has one of its plants burn down and they rebuild the plant and improve the facilities and make them more sanitary than they were ever before, even though it was approvd before, under the present law they could never again produce this drug that was produced in that plant.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. ROBERTS] has expired.

Mr. DELANEY. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. ROBERTS] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DELANEY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Alabama. I yield to the gentleman.

Mr. DELANEY. I would like to ask this one question. Were we not assured by the Food and Drug Administration that stilbestrol, which it was said was safe for use in poultry, was later found upon more modern tests to be a carcinogenic agent, containing cancer-bearing effects?

Mr. ROBERTS of Alabama. That is correct. I will say this, if the Secretary had had the power that we give him under this bill, it would not have cost the Government $10 million to pay for all those chickens.

Mr. DELANEY. We opposed just as strenuously at this time the use of stilbestrol in poultry and other chickenfeeds.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Alabama. I yield.

Mr. HARRIS. Is it not true that when they found that there was a residue in the poultry, that the use of stilbestrol pellets in poultry was discontinued. And is it not true that we provide in this amendment the authority for the Secretary to see that no residue of the additive shall be found?

Mr. ROBERTS of Alabama. That is correct.

Mr. DELANEY. Mr. Chairman, will the gentleman yield further?

Mr. ROBERTS of Alabama. I yield.

Mr. DELANEY. Is it not true that in the heart, the kidney, the liver and the skin of these chickens, these poultry, that the cancer-inducing element was found?

Mr. ROBERTS of Alabama. I will admit that as to the poultry that is true. But we are not here talking about poultry. We are talking about large animals in this particular case.

Mr. NELSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to make a comment in opposition to the amendment. We find that manufacturer X may use a product, and manufacturer Y may not. As I interpret this debate, it is not a debate as to whether or not a certain drug should or should not be used. If a drug should not be used, it should be barred. But if one manufacturer may use it, it certainly seems unreasonable to say that another may not. That is my concern with this legislation. I would certainly be the last one to endorse the use of any kind of drug that was harmful to human beings. If the drug that has been mentioned is harmful, I think it is up to the Food and Drug Administration to bar its use completely. But to say that one may use it and another may not seems to me to create a ridiculous situation and one that it would be very difficult to administer by the Food and Drug Administration. I think it is an unfair situation and I hope this amendment will not be adopted.

If the Food and Drug Administration needs more power, let us give it to them.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield.

Mr. SCHENCK. I asked my colleague to yield for the purpose of asking the question of the chairman of our subcommittee, the gentleman from Alabama [Mr. ROBERTS]. Am I correct in my understanding at this time that under the present law the Food and Drug Administration may not withdraw the use of a drug that they find to be or feel will be harmful; but that the language you put in this bill is stronger because it permits the Food and Drug Administration immediately to withdraw?

Mr. ROBERTS of Alabama. That is correct. There is another place in the bill where they have it. They have immediate power of withdrawal. So we are giving them more power than they have ever had with reference to this situation or any other drug situation.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman has addressed himself to the problem which feed dealers have experienced. I think the gentleman said, did he not, that that problem is being solved by this legislation?

Mr. NELSEN. My feeling is that the bill that is proposed would permit if X manufacturer may use the product then another manufacturer also may use it. This amendment would deny the extension of the grandfather clause to the other manufacturers. I feel the amendment that is proposed should be defeated because it keeps this operation so exclusively in the hands of just a few on this particular type of use.

Mr. JENSEN. The thing I am interested in, and I am sure is of interest to the gentleman from Minnesota also, will all feed dealers that mix feed for animals be in the same identical category if this bill is made the law of the land?

Mr. NELSEN. Right.

Mr. ROBERTS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield.

Mr. ROBERTS of Alabama. Is it not true that under the present procedures under the present law the burden of proof is on the Food and Drug Administration to prove that a drug is unsafe?

Mr. NELSEN. Right.

Mr. ROBERTS of Alabama. In this bill we shift the burden of proof to the manufacturer. He has to prove now that it is safe. Is not that a step forward in the power of the Food and Drug Administration to remove drugs if there is any question as to the safety of the drug? The Food and Drug Administration will have more power than it has ever had before in that respect.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. JENSEN. Under the provisions of this bill the people that administer this law will have about the same privilege and equal responsibility in the kind of drugs that are used in human medicine as well as in animal feeds?

Mr. HARRIS. If I understand what the gentleman means, the amendment here is an effort to correct the situation that exists with reference to the feed producers. There is a certain group of them that can use certain drugs; others that cannot use the same drugs. This amendment places the responsibility on the Secretary of Health, Education, and Welfare to make a positive finding that under the conditions of use and feeding specified in the proposed labeling and reasonably certain to be followed in practice, the feed additive will not, first, affect the animal; and, second, that no residue of the additive will be found in any edible portion of the animal after slaughter. All feed manufacturers would be put on the same and equal terms.

Mr. JENSEN. All right. I understand now. Now let me ask the gentleman, Did this bill come from his committee with unanimous approval?

Mr. HARRIS. It was reported by a unanimous vote of the committee.

Mr. JENSEN. After the original bill was considerably amended?

Mr. HARRIS. Yes; it was. We amended the original bill extensively. We took a good many of the amendments the Senate had made and made some of our own.

Mr. JENSEN. There was a bill whose number I think was H.R. 11582?

Mr. HARRIS. That bill has to do primarily with cosmetics and therapeutic devices. We did not deal with that subject in this bill.

Mr. JENSEN. The cosmetologists are not included in any way in this bill?

Mr. HARRIS. No.

Mr. JENSEN. I thank the gentleman.

Mr. BEERMANN. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. BEERMANN. If I, as a cattle feeder, want to buy cattle feed with stilbestrol in it by the language of this bill with this amendment in it, I will be able to buy stilbestrol feed from any feed manufacturer; is that correct?

Mr. HARRIS. Yes; after the manufacturer has obtained proper clearance under the new drug procedure.

Mr. BEERMANN. So it takes out the inequities that we have had heretofore?

Mr. HARRIS. Yes.

Mr. BEERMANN. I thank the gentleman.

The **CHAIRMAN.** The question is on the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN].

The amendment was rejected.

Mr. O'BRIEN of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'BRIEN of New York:

On page 55, on line 12, after the word "label" insert "(or on any labeling therefor)".

On page 55, on line 15, after the word "ingredient" insert the following: "(or, in the case of labeling, is so printed at the first place, and at the most conspicuous place if other than the first place, at which such proprietary name for such drug or ingredient, as the case may be, is used)".

Mr. O'BRIEN of New York. Mr. Chairman, I find myself in a position somewhat similar to that of the gentleman from Ohio, a few minutes ago, in that I am proposing an amendment to an amendment which I offered in the committee. The bill, as it now reads, requires that for any prescription drug, the established name of such drug or ingredient must be printed prominently on the label and so forth. Inadvertently, I failed to offer an amendment in the committee which would cover "labeling" and in the opinion of most people "labeling" is just as important as "label".

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, the gentleman talked to me about this previously. This is a conforming amendment and I see no objection to it.

Mr. SCHENCK. Mr. Chairman, we have no objection to the amendment.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from New York [Mr. O'BRIEN].

The amendment was agreed to.

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLIER: On page 60, line 1, strike the period after the word "therein" and all thereafter through the period on line 24 and insert the following language: "pertinent sanitation methods, analytical reports on unfinished materials, quantitative formula data for inactive ingredients, facilities for weighing and measuring, packaging facilities, sterility controls, active ingredients assay controls, coding systems, facilities for maintaining separate identity for each drug, cleaning of equipment, methods for quarantine of drugs until after clearance with control laboratory and file of complaints from licensed medical practitioners and licensed medical institutions, shipping records, and data as to qualifications of technical and professional personnel performing functions subject to this act."

Mr. COLLIER. Mr. Chairman, as I said earlier in my remarks from this well, I thought this was a good, sound piece of legislation. However, like everything else that is not perfect, there is room for improvement and I sincerely believe that the adoption of this amendment will improve this bill. I say this because what in reality this does is to spell out, as I think it is the intent of this Congress and of our committee, the authority that we intend in the public interest for the Food and Drug Administration to have with regard to factory inspections. Let me ask anyone in this House listening to the reading of this amendment—what possible area beyond what is clearly and concisely defined in my amendment, the Food and Drug Administration would need to serve the public interest to see that any drugs are safe and to provide all of the protection that the public needs in this field?

On the other hand, considering the language of the bill before us, which is, in reality, the language adopted in the Senate, there are areas of vagueness. I do not think this House wants to enact legislation in a field that embraces the complexities, the technical problems, and their implications in an area of vagueness. Hence I feel that the adoption of this amendment which very specifically and very concisely spells out in detail factory inspection authority provided herein. Then we will not in the future run into any situation where we could not know from the language of the existing bill what the intent of Congress was or what its intent was not. Therefore, in the interest of improving this legislation I hope the House will adopt this improving language to that section of the bill.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield.

Mr. HARRIS. I am very sorry I was not able to follow the reading of the gentleman's amendment. Is his amendment the same amendment that was offered in the committee, which the committee considered but did not approve?

Mr. COLLIER. It is not the same amendment. It is substantially the same amendment which did have substantial support in the committee, but perhaps insufficient support because, as the chairman will remember, we became involved in the substitution of the Senate amendment.

What I have done in addition is providing the very concise and defined language that I offered in the committee. I have added the only thing that I felt might have been the reason for objection on the part of any member of the committee. This addition includes "shipping records, data as to the qualifications of the technical and professional personnel performing functions subject to this act." What is spelled out in this amendment with reference to factory inspection is in the interest of the public and in the interest of the industry as a whole.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further?

Mr. COLLIER. I yield.

Mr. HARRIS. Then do I understand that the part which your amendment inserts in the bill is item (D) referring to personnel data other than data as to the qualifications of technical and professional personnel?

Mr. COLLIER. I have covered in the amendment which was read by the Clerk that additional language because I felt that corrected what was objected to.

Mr. HARRIS. Can the gentleman then tell me what he has left out of the committee bill?

Mr. COLLIER. What I have left out of my amendment?

Mr. HARRIS. What is there in your amendment that you have left out of the bill that you undertook to do that we did not do?

Mr. COLLIER. I would not attempt to say, Mr. Chairman, what has been left out, because the purpose of the amendment is to clarify the intent and the purpose of this act; and, therefore, all my amendment does is to spell out in detail exactly what information shall be turned over to a factory inspector, item by item, and step by step. I can find nothing in what is here that the inspector does not need to protect the public interest in every respect. As far as the committee language or the amendment that was adopted in the committee that embraced the Senate language is concerned, what this does is make clear in this legislation just what we intended.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the amendment be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk again read the amendment.

Mr. HEMPHILL. Mr. Chairman, I rise in opposition to the amendment, and the reason I rise in opposition to this amendment is, in the first place, I do not think the amendment fits into what the distinguished gentleman from Illinois meant for it to do. If I may direct his attention to me, and I want to be of help if I can, instead of striking out part of line 1 beginning with the word "in" on page 60 down to line 24, why not change the period to a semicolon and insert the language offered by the gentleman from Illinois and leave in the language which the gentleman from Illinois seeks to strike from the bill? If the gentleman will bear with me, there is a reason for that. One of the fears that people had about this legislation was that we would go in, or the Food and Drug people would go in, and inspect the records which were neither incidental or necessary to the safety or efficacy of the drug. In part of the language the gentleman from Illinois seeks to strike out, we find this protection which I think the industry deserves and which the industry itself recommended.

Down on page 60, line 12, it is stated:

> No inspection authorized for prescription drugs by the preceding sentence shall extend to (a) financial data.

Which means you are not going into somebody's business and make them give up financial data that does not have anything to do with that situation.

The next is sales data, which again does not have anything to do with what we are trying to accomplish here. Pricing data. We are not going into that. This is not the OPA and there is no necessity for seeking pricing data at this time. Personnel data, other than data as to qualifications of technical personnel. We take care of this, as the chairman explained in his initial statement. Research data, and so on.

So if the gentleman's amendment prevails, and I hate to be in opposition to him, it would undo much of the good work that has been done in this legislation.

I wonder if the gentleman would consider a change, and I would like for my chairman to answer me on whether or not what I propose, adding the gentleman's language, which he says is all inclusive, and in striking the language, would not accomplish the purpose and preserve the protection.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from Illinois.

Mr. COLLIER. I agree with the gentleman 100 percent with regard to the foreclosure or requesting of information such as price data, financial data, and so on, but I take the position that good legislation or legislation at its best should say "Here is what you may do" instead of saying "This is what you may not do." So my approach in this amendment is to spell out what in fact the investigators may do and the information they are entitled to, whereas this language which says they shall not have access to financial data and so forth, if it is not provided in that which they can do, obviously you do not know and do not tell them what they cannot do.

Mr. HEMPHILL. I think if the gentleman will accept the compromise, what I am trying to do is to make sure everybody is served here. We not only spell out what you can do, we spell out what you cannot do. I do not know how anybody can improve on that kind of an approach to legislation. It says the intent of Congress is you shall have this authority but the intent of Congress is also expressed by the language that you cannot do certain things. If the gentleman would rephrase his amendment, we might be able to get together.

Mr. COLLIER. I would be willing to add this language. I think it leaves the portion here that is redundant in, but for the purpose of clarifying the intent of my amendment, I will be happy to accept it. But this is my personal feeling. I think it has to go beyond that.

Mr. HEMPHILL. Would the chairman of the committee agree to that? The gentleman says he is trying to spell out what the administration can or cannot do. The language, as I see it, that he seeks to strike out is that language which tells them what they can do. If we tell them what they can do and what they cannot do, we can correct it.

If the chairman will accept that, I will make the unanimous-consent request and correct the difficulty.

Mr. HARRIS. If the gentleman will yield, personally, I think the provision in the amendment that is in the bill includes just about all, if not all, of what the gentleman from Illinois has in his amendment. As a matter of fact, part of the gentleman's amendment, as I read it, contains identical language which is in the bill. I agree with the gentleman that if we accept his amendment to the provision in the bill there will be a lot of redundant material in it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word, and then yield to the gentleman from South Carolina [Mr. Hemphill].

Mr. Chairman, it seems to me that it would be necessary if the gentleman feels that there is something in the language which he thinks ought to be included, I would have no objection to accepting the gentleman's language at the proper place, on line 24, where the period is placed, and taking it to conference and working out.

If the gentleman from Illinois [Mr. Collier] wants us to do that, why, I would have no objection to that.

Mr. COLLIER. Mr. Chairman, would the chairman of the full Committee on Interstate and Foreign Commerce please restate his remarks?

Mr. HARRIS. If the gentleman feels that there is something in his amendment that is not included in the language of the bill that should be included, I have no objection to taking his language at the place suggested by the gentleman from South Carolina, striking out the period and including that language, and then taking it over to conference and working it out. The redundant part could be worked out and left out.

Mr. COLLIER. Mr. Chairman, I would have no objection to that.

Mr. HEMPHILL. Mr. Chairman, I ask unanimous consent that the amendment at the desk be changed to read:

> Strike out the period on line 1 of page 60, and then insert the language proposed by the gentleman from Illinois [Mr. Collier] in the original text of the gentleman's amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. HARRIS. Mr. Chairman, reserving the right to object, so I can definitely understand what is proposed, as I understand it the gentleman from South Carolina [Mr. Hemphill] has made a unanimous-consent request that the amendment of the gentleman from Illinois be modified by striking the language beginning after the period on line 1, page 60, down through the period on line 24, but in lieu thereof, he would strike out the period on line 24 and add the language that he read to the committee.

Mr. COLLIER. That is my understanding and hope. Of course, any redundancy which would exist by reason of this adoption would be clarified in the conference.

Mr. HARRIS. I would have no objection to that amendment.

The CHAIRMAN. Without objection, the first amendment is withdrawn, and the Clerk will now report the modified amendment as proposed by the gentleman from Illinois [Mr. Collier].

There was no objection.

The Clerk read as follows:

> On page 60, line 24, strike the period and insert "pertinent sanitation methods, analytical reports on unfinished materials, quantative formula data for inactive ingredients, facilities for weighing and measuring, packaging facilities, sterility controls, active ingredents assay controls, coding systems, facilities for maintaining separate identity for each drug, cleaning of equipment, methods for quarantine of drugs until after clearance with control laboratory, and file of complaints from licensed medical practitioners and licensed medical institutions, shipping records, and data as to qualifications of technical and professional personnel performing functions subject to this Act."

The CHAIRMAN. The question is on the modified amendment of the gentleman from Illinois [Mr. Collier].

The modified amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Virginia: On page 62, after line 21, insert the following:

"EFFECT ON STATE LAWS

"Sec. 203. Nothing in the Federal Food, Drug, and Cosmetic Act, as amended, shall be construed as invalidating any provision of State law which would be valid in the absence of such Act unless there is a direct and positive conflict between such Act and such provision of State law."

And renumber the following section accordingly.

Mr. SMITH of Virginia. Mr. Chairman, there are some confusing decisions of the Court which hold that whenever the Congress enacts a law it preempts jurisdiction over all matter contained in the act to the exclusion of all State laws. This results in some unnecessary reduction of State inspections, and so forth, on various and sundry matters, particularly with respect to food products. This would merely say that this Food and Drug Act shall not be construed as the intent of Congress to abolish all State laws on the same subject where they are not in conflict with the Federal law. That is the substance of the amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, earlier in the debate today I was asked the question by one of our colleagues about the preemption of State laws and made the categorical statement that this legislation did not preempt any State laws and was not so intended. The gentleman was kind enough to call to my attention his amendment, prior to this time. I have had occasion to look it over and I have no objection to it. I think it is in line with the statement that I made previously on the floor of the House.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Ohio.

Mr. SCHENCK. Mr. Chairman, as the gentleman will recall in my statement on the floor I pointed out that there are many instances where State laws in the area of food and drugs and health are even stronger than some of the Federal laws. I pointed out also that the Federal law should not preempt in those fields. I would like to assure the gentleman from Virginia that I have no objection to his amendment.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. RIVERS of South Carolina. Does this now include the Steve Nelson case?

Mr. SMITH of Virginia. This would not include anything other than food inspections.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Smith].

The amendment was agreed to.

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harris: On page 42, line 15, strike out "335" and insert in lieu thereof "355".

On page 58, line 25, and on page 59, line 5, strike out "(o)" and insert in lieu thereof "(n)".

Mr. HARRIS. Mr. Chairman, these are just clarifying amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Sullivan: On page 46, line 4, strike out lines 4 through 19.

Mrs. SULLIVAN. Mr. Chairman, my previous amendment was directed at a proposal to allow more feed manufacturers to use a cancer-inducing substance in feed for meat animals. There is some economic justification for using stilbestrol in fattening cattle, if it can be proved completely safe—as it has not been so far. But farmers can fatten their livestock to market weight much faster and on less feed by using these additives, and therefore, in the absence of overwhelming proof of danger to the consumer from eating meat from such animals, the farm people believe they should have the right to use this additive in feeding livestock.

But, Mr. Chairman, there is no justification—economic or otherwise—for permitting the use of cancer-inducing coloring matter in this feed. The animals, I believe, cannot distinguish colors. But the farm hands apparently can. So the dangerous additive, which must not be fed to the cattle for at least several days before slaughter, to make sure there is no residue in the meat, is identified with coloring matter to differentiate one kind of feed from another.

Now just look what we are getting into here. The feed manufacturers say they have to use colors, which are now prohibited for this use because they can cause cancer. Are we allowing this very potent and very dangerous cancer-inducing substance, stilbestrol, to be handled by farmhands who are unable to read directions on the label or package, and must have special colors used to guide them—colors which are cancer inducing?

Before the color additives act was passed in 1960, I obtained and put in the Congressional Record evidence from National Institutes of Health scientists, cancer experts, that there is no such thing as a harmless amount of a cancer-inducing substance as far as humans are concerned.

In this bill—in the section to which I previously offered an amendment—we would let more feed manufacturers use a cancer-inducing substance in animal feed for economic reasons. Now, in this section, we would be saying: put a little more cancer in, for color, to help the farmhand know which sack to use in the final days before slaughter. Are we to believe our farmers are too dumb to handle this material otherwise?

If the man can't read or understand directions, how do we dare trust him with these potent, dangerous, substances, to use the right proportion or amount?

There is no justification for permitting cancer-inducing coloring matter in anything going into our food supply. The Delaney clause prohibits it. Let us uphold that principle. This provision of the bill must come out.

Mr. ROBERTS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the same arguments that apply with reference to the gentlewoman's other amendment apply to this amendment. The only reason, I suppose, for offering this amendment is that veterinary drugs have been classified both as food additives and as color additives. I repeat that there was no proof before the subcommittee that the use of stilbestrol as presently used under the direction of the Food and Drug Administration has been shown to induce cancer in animals. No residue has been found, no harm to the animal.

The same proposition was before the House a few minutes ago on a similar amendment, and with the additional power of withdrawal contained in the omnibus bill those people who might have some suspicion of this stilbestrol are in a better position than they ever have been before. The Food and Drug Administration testified in favor of this amendment. It has been asked for by Secretary Ribicoff when he was head of the Department of Health, Education, and Welfare, also Secretary Flemming. It has been approved by studies made by the American Medical Association and by the National Institutes of Health. I would respectively ask that the House vote "no" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Mrs. Sullivan].

The amendment was rejected.

Mr. BLATNIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Blatnik: On page 58, strike out line 15 and all that follows down to, but not including, the quotation marks in line 23.

Mr. BLATNIK. Mr. Chairman, this amendment is a straightforward and simple amendment. It is simple in technique but important in meaning. What it does is to strike out the seven lines that were added to section 131 of this bill. This addition—lines 15 through 22 on page 58—nullifies the previous language of section 131 beginning on page 57, line 11 down to line 14 on page 58, the language in the committee bill that asks that in the advertisements to doctors, there also be included three points of information:

First, the established generic names as defined in section 502(e) of this bill.

Second, the formula showing the quantitative ingredients.

Third, and most important, the information relating to side effects, contraindications, and effectiveness of the drug.

The language which I am striking out makes unnecessary the listing of these three points of information and merely states that, if you write to the manufacturer in response to an ad, he would be required to tell you the rest of the story.

Mr. Chairman, I am offering this amendment to section 131 of H.R. 11581 because I believe that an overwhelming record of evidence has demonstrated that many drug advertisements are misleading and that in some instances they are outright false. To allow advertisements of this nature to appear unpoliced can be highly detrimental and even dangerous to the health and safety of the people of this Nation. There is ample evidence to demonstrate that because of time limitations physicians rely on drug advertisements a great deal in deciding which they should prescribe for their patients. It is incumbent upon us to assure that no false or misleading information is inadvertently relied upon. Little more than a small notation on the advertisement indicating harmful side effects, effectiveness, or contraindications is needed to accomplish this purpose. Deletion of the lines added in committee will assure that this minimum amount, but essential information, will appear so that doctors will have all the facts, pro and con.

First. Lines 15 through 22 on page 58 divest the Federal Government of any regulatory authority over false and misleading advertising of prescription drugs. They leave the policing of this vitally important field to the industry itself. It goes counter to the whole concept of national policy settled long ago in both the Wheeler-Lee amendment to the Clayton Act and the Food and Drug Act itself.

Second. It is argued that these exceptions apply only to those ads where other information on side effects, and so forth, are available from the manufacturer. The implication is that some ads would, therefore, not be eliminated from Federal regulations. The fact is that under existing law—Food and Drug Act—the manufacturer of a prescription drug is required to provide full disclosures on any literature used in promoting the drug, especially medical journal ads. In other words, this part of section 131 is a waiver from the requirements of section 131 of the bill, the original purpose of which was to require a statement of side effects, contraindications, and effectiveness. I include at this point an explanation of why my amendment is necessary:

First. What does this proviso do? It nullifies all of section 131—starting on page 57 of H.R. 11581 down through line 14 of page 58 of the bill—by stating that the information required by the first part of section 131—lines 11, page 57 through lines 14, page 58—is unnecessary if there is a brief statement on the advertisement indicating further information can be obtained from the drug manufacturer, found on most advertisements already, and if this information is available from the manufacturer, already required by law.

Second. Effect of lines 15 through 22, page 58 of H.R. 11581. Waive in all instances the provisions of section 131 which require that a formula showing quantitatively each ingredient of the drug advertised and requiring information relating to side effects, contraindications and effectiveness through use of a completely noninformation phrase which directs the reader to write to the manufacturer for further information. The condition in the Younger amendment that the information be readily available upon request is redundant, since this is already required by statute.

A. Divest Federal Government of any regulatory authority over false and misleading advertising of prescription drugs.

Since the Federal Trade Commission's authority to take action against false and misleading advertising is transferred to FDA through section 131 of H.R. 11581—lines 8 through 14 of page 58—and the Food and Drug Administration cannot take action if there is a brief line stating information is available if reader writes to the manufacturer, the Federal Government cannot regulate false and misleading advertising. Medical journal advertisers are left free to "employ half-truths, part of the truth, or outright falsehoods."

B. It is inconsistent with the recommendation of the President made to the Senate Committee on the Judiciary, that drug ads "should be required to make fair disclosure of the information—good or bad—needed to do a better job of selecting drugs for use in their practice." The President stated that—in same letter—the language he recommended for this provision was "designed to eliminate misleading drug advertising directed to doctors."

C. Quote from Washington Post, page A20, Thursday, September 27, 1962:

> Chairman Paul Rand Dixon of the Federal Trade Commission, said the amendment "completely nullifies" the Government's existing, but admittedly clouded, authority over prescription-drug ads in medical journals.

I can cut my explanation down very briefly by just showing you two examples of how ads can mislead.

Here is the first one. Here is a three-page advertisement.

The headline says:

> For the first time, the drug that lowered this patient's blood pressure without side effects.

Obviously, they had quite a bit of space because you notice at the bottom one-third of the left-hand page is a picture of a scale. Now that does not provide any fundamental basic medical knowledge to a doctor because he knows what a weighing scale looks like, but it is in the picture.

On the right-hand side of the page is a little line which states as follows:

> It has infrequent side effects. The true advantage of Singoserp over other derivatives of Rauwolfia seems * * * to be the relative infrequency with which it produces disturbing side effects.

But here it implies that for the first time something was done without side effects.

But the Advertising Committee of the American Medical Association which is the clearing committee for advertisements intended to be printed in their own official organ, the Journal of the American Medical Association, looked at this ad and they rejected it and refused to carry it. Here is what they said. They felt this advertisement, and I quote, "carries a misleading implication of a broad, too all-inclusive nature."

Yet, 1 month later this three-page advertisement—"misleading" and "broad" and "all-inclusive" appeared in four widely used medical journals that do not have a screening committee.

Let me give you an even worse story. The situation to which I have just referred was merely a case of misleading advertisement.

Take a look at this advertisement of Tao, a new drug. It is an antibiotic. Notice that the left-hand page is all wasted except for the picture of a slide rule. Would you not think they would have used that space to tell what the bad effects, the side effects might be? In short, to tell the whole story. They do not need a slide rule to illustrate what the drug does. Listen to what it says: On the first page it is implied that Tao is a superior antibiotic. And on the other page it says:

> Tao encompasses even strains of common pathogens (notably straphylococci) resistant to penicillin and erythromycin.

They say it is superior to penicillin.

What does the American Medical Association say about it? They said that this was "altogether too strong and misleading" a statement. This is a quote about this particular advertisement. This particular advertisement claimed that the drug had a greater range of efficacy than penicillin. The American Medical Association committee reported to the advertising agency that this claim "seems completely false since clinically it is quite inferior to penicillin in the treatment of most infections."

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent Mr. BLATNIK was allowed to proceed for 2 additional minutes.)

Mr. BLATNIK. The American Medical Association rejected this as being completely false and misleading, yet 6 months later the same ad appeared in four widely used medical journals which reached all of the doctors of America.

Now, on the left-hand page at the bottom of this ad in very small print appears the following statement—they do comply with the law—"Complete bibliography and product information available on request." If you write for a comprehensive brochure you get the whole story. This is what lines 15 to 22 on page 58 of the bill would continue despite these experiences.

What I am asking is to strike out lines 15 through 22 and leave the remaining language in. Under Federal law as it now stands manufacturers and pharmaceutical companies, manufacturers of drugs, must by Federal law send a brochure with all the information, good, bad, and all, to druggists. But druggists do not prescribe.

I want to see this bill so drawn as to make sure that doctors get all available information, because even they from time to time need reminders of the side effects, because some are very dangerous.

I do urge, and strongly urge the adoption of this amendment. It must be deleted.

We, as holders of the public trust, will be sadly remiss in our duty to the American people if we do not assure that honest and safe advertising is provided to physicians throughout the land. Acceptance of my amendment will provide the essential information without inconveniencing the drug advertisers.

Mr. YOUNGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in view of the fact that the gentleman has mentioned my name I think I have a right to speak. The amendment which I introduced was introduced in connection with the House bill. When the committee considered the bill they substituted the Senate section for the House section. The wording of this amendment is not mine. Therefore, I have no objection whatsoever to the amendment which the gentleman from Minnesota [Mr. BLATNIK] offers.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I think the membership should know what they are doing. We could very quickly find ourselves in a position where we will be in the middle of a situation difficult to explain.

The gentleman from Minnesota, author of the amendment, has given you examples of advertisements justifying why this language should be stricken. But let me remind you that he told you that these advertisements were misleading. Under section 15 of the Federal Trade Commission Act today the law deals with that subject. This section provides that no advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession and contains no false representation of a material fact, and so forth. So today there is in the law sufficient authority to deal with the misleading advertisements that the gentleman from Minnesota relies upon insofar as his amendment is concerned.

Let me point up to you what the problem is here. I do not say I like the amendment that is included in the bill which the gentleman from Minnesota seeks to strike out. However, if everything is stricken out, there will be no opportunity to work it out when we get to conference.

Are we going to take the position, shall we say, that a doctor is going to practice medicine and determine what drugs to prescribe for anyone by reading an advertisement in the Journal of the American Medical Association or a State medical journal or magazine? Is that what you are going to say to the people of this country? Are we going to say that we expect the physicians, the professional people in whose hands we place our lives, to practice medicine by an advertisement contained in a magazine somewhere? If that is what you are going to say, let me show you how difficult it would be to include everything about a drug in an advertisement in some medical journal somewhere.

When you try to say that everything with respect to side effects, contraindications, and effectiveness has to be put into an advertisement somewhere, I can say to you it is not possible to do it. You can get scientists and doctors, you can get pharmaceutical people and all those who work in laboratories and drug manufacturing companies to express different opinions all over the lot in many cases as to whether or not there is a side effect or this, that, or the other thing. As I say, I am not satisfied with the language.

From various sources the doctor marshals his facts relating to a particular drug and makes his own decision as to whether or not to prescribe it for a particular patient.

I think it is almost an insult to the medical profession to give the impression that they practice medicine from advertisements in medical journals. I think it is an indication that we do not trust the doctors in making up their minds as to what drug should be prescribed for a patient for a particular ailment. I would not want my doctor to prescribe by reading an advertisement somewhere, and I do not think anyone else would, either.

So I think we better be careful about tying this amendment down, and not giving us an opportunity to work it out. I know that there has been a lot of interest in it down in the Department of Health, Education and Welfare. I know a letter has been circulated by the Secretary. I am not sure that we can require every new drug that comes out to state all of these things in an ad somewhere.

There are two things to consider. You have received letters from doctors all over the country on this subject. They were worried and disturbed about this provision. When the amendment was adopted, it was a vehicle for working something out. State medical societies contacted every Member, and you had on your desk a statement as to the problem with which they would be faced. You had information from the advertising people saying that what you were going to do through this procedure was effectively to destroy the advertising that goes in medical journals which serve a very useful purpose to doctors all over the country.

Mr. Chairman, I am just telling the members of the committee what the facts are. I do not believe we ought to take hasty action here which would prevent us from working this matter out when we get into conference on it.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, comment was made that this is going to require the publication of an ad in a medical journal to be voluminous. Permit me to read the language of the bill. The bill on line 1 says: "and such other information relating to side effects, contraindications, and effectiveness shall be required in regulations which shall be issued by the Secretary in accordance with the procedure specified in section 701(e)."

Mr. Chairman, this means after a hearing. It means an opportunity to be heard by the party concerned. That is what it means. It does not mean that there are going to be vast, voluminous statements in these ads. It does not mean that the people placing the ads are going to be denied an opportunity to put them into the medical journals.

Mr. Chairman, what this amendment says is this: That no longer will irresponsible manufacturers be able to put in medical documents, statements which are disproved by the Journal of the American Medical Association, which are disproved as irresponsible and unfactual statements with regard to effectiveness, and unfactual and irresponsible statements with regard to contraindications.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I would be glad to yield to the gentleman from California.

Mr. YOUNGER. Is the gentleman going to propose the other section up there which the gentleman said he was going to put in?

Mr. DINGELL. I shall be happy to do so. As a matter of fact, if the gentleman desires, I will ask unanimous consent to include that language in the amendment offered by the gentleman from Minnesota.

Mr. YOUNGER. If the gentleman will yield further, it was my understanding that the gentleman was going to put that in.

Mr. DINGELL. I was at the time our negotiations were going on. I would be happy to do so, if the gentleman desires.

Mr. YOUNGER. I think it ought to go in.

Mr. DINGELL. Mr. Chairman, in order to facilitate this, I ask unanimous consent that the amendment offered by the gentleman from Minnesota [Mr. BLATNIK] be amended to include a further amendment as follows:

> On line 1, page 58, after the word "information" insert "in brief summary".

Mr. HARRIS. Mr. Chairman, reserving the right to object—and I do not like to object to the gentleman's request—I am afraid the gentleman is hastily doing something here which has not been given the fullest consideration. I have been talking with the gentleman from Minnesota, and I think we have language that we can include which is a little different from what the gentleman from Michigan has offered.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Is it in order for the gentleman from Michigan to offer his language as an amendment to the amendment which has been offered by the gentleman from Minnesota?

The CHAIRMAN. If it is an amendment to the amendment. But that is not clear, of course. I may say to the gentleman that the unanimous consent request is now pending which has been requested by the gentleman from Michigan.

Mr. YATES. I understood the gentleman from Arkansas objected to it.

The CHAIRMAN. The gentleman from Arkansas has reserved the right to object.

Mr. YATES. Had the gentleman from Arkansas objected?

Mr. HARRIS. I will if necessary.

Mr. YATES. I ask that the distinguished chairman offer the language as an amendment to the amendment of the gentleman from Minnesota.

Mr. HARRIS. I think we can probably work something out.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment in order that we may proceed.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] withdraws his request. Is there objection to the request?

There was no objection.

Mr. DINGELL. Mr. Chairman, with regard to the statement made about the attitude of doctors, permit me to read from a survey made for the American Medical Association as a service to the Ethical Pharmaceutical Industry:

> The following was found to be the reaction of doctors to drug advertisements—

And listen to this. The most heinous and despicable practice that doctors found was this—

> a company knowingly misleading the doctor through bad advertising.

According to the survey, this is accomplished in three ways. First, by "exaggerated product claims." Second, by "releasing news on a drug to the medical profession before it has been fully tested." And, third—the worst of all—"advertising the advantages of a drug without mentioning its side effects." On this last point, the survey found, 90 percent of the doctors consider it "the most heinous crime a pharmaceutical company can commit."

What we say is that the doctors should be protected as they desire to be according to their own survey from ads which fail to give a full statement as to contraindications, a full statement as to side effects.

You have all heard about norlutin. It was a substance which was marketed and made available to mothers. This substance created male hermaphroditism in female infants. Three months after this fact was found and was reported on in a circular to the medical profession, the manufacturers' ads were still proclaiming the safety of norlutin.

This is what we seek to stop. We seek to stop irresponsible advertising to the medical profession. We seek to see to it that insofar as is reasonably possible a doctor, when he prescribes, has the fullest information that is available and that the ads which he receives and which surveys by the medical profession have found to be the largest influencing factor on doctors in their prescription of medicine make available the full truth.

Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CELLER. Mr. Chairman, the drug bill before the House today is sorely needed, and it has my wholehearted support.

This bill is the outgrowth of years of painstaking investigation and hearings by both Houses of the Congress. It is a response to a longfelt need to reform the abuses which have been found in the marketing and promotion of the new drugs.

As a result of the disclosures before the Antitrust and Monopoly Subcommittee of the other body under the distinguished and able chairmanship of Senator KEFAUVER, I joined with Senator KEFAUVER on April 12, 1961, in introducing H.R. 6245—the counterpart of S. 1552, the original Senate drug bill. The hearings held before the Antitrust Subcommittee of the Committee on the Judiciary on H.R. 6245 in May of this year, developed overwhelming evidence of the need for such legislation as we now have before us. At our hearings—where the tragic thalidomide story was told for the first time by Dr. Helen Taussig of Johns Hopkins—a number of distinguished members of the medical profession strongly supported a new drug-control law with most cogent reasons.

There is one provision in this bill, however, which gives me pause. The bill, as adopted unanimously by the other body, requires truth in drug advertising. It provides that a prescription drug shall be deemed misbranded "unless the manufacturer includes in all advertisements and other printed matter with respect to that drug a true statement of, first, the established name, second, the formula, and third, such other information relating to side effects, contraindications, and effectiveness as shall be required."

This provision is in full accord with the President's Consumer Message of March 15, 1962, wherein the President said:

> The physician and consumer should have the assurance * * * that any drug or therapeutic device on the market today is safe and effective for its intended use; * * * and that the accompanying promotional material tells the full story—its bad effects as well as its good.

There has been added to this bill, however, a destructive qualification that the drug manufacturer is relieved of the responsibility for telling the truth, and the whole truth, and nothing but the truth about his drug, if the advertisement invites the doctor who reads it to write for a brochure which does tell the truth. It is to the last degree unlikely, I submit, that the busy doctor can find time in his crowded day to write the dimly remembered manufacturer to get the full story about a drug he has seen described in an alluring, but uninformative, advertisement.

Here, where health, indeed life itself, may be at stake—here above all is the outworn doctrine caveat emptor obsolete.

Our securities laws provide that stock may not be sold to the public against false or misleading information. I fail to see why we should not be equally stringent in the sale of lifesaving—but potentially dangerous—drugs.

While I am well aware of the many medical miracles wrought by our modern wonder drugs, and while the drug companies have many splendid accomplishments of which they may justly be proud, I am not convinced that false or misleading drug advertising is the price we must pay for pharmaceutical progress.

During the hearings of our Antitrust Subcommittee on H.R. 6245, a veritable parade of eminent doctors protested the excesses and abuses of drug advertising.

Dr. Leona Baumgartner, then the distinguished commissioner of the New York City Department of Health and now the newly appointed Deputy Administrator of AID, testified before the Antitrust Subcommittee—page 67:

> In short, the physician is bombarded with seductive advertising which fails to tell the truth, the whole truth, and nothing but the truth.
>
> This often misleads him into prescribing a new drug without adequate warning or information about its possible side effects and, indeed, without any solid clinical evidence that the drug is effective or is even as safe as the advertisers claim. It is not sufficient to say that some law in some book presently forbids some of these practices. Long before governmental authorities are in a position to prove the illegality of these practices and get the cumbersome legal machinery into motion and remove the drug from the market, grave harm has been done.

Dr. Baumgartner added—page 72:

> I can say, however, from personal experience and from the experiences of literally hundreds of doctors with whom we are in close contact that the torrent of new drug advertising which cascades daily into the office of the practicing physician is at once confusing and often misleading.
>
> The doctor is daily overwhelmed with more material than he can possibly read, to say nothing of remembering the vaguely worded warnings, if, indeed, there is any warning, in small print at the back of an advertising brochure. Even where warning is given in an initial brochure, it is frequently followed by a stream of literature which extols the claimed virtues of the drugs so glowingly as to take all attention away from any hazards in use of the drug.

Dr. Baumgartner described some 15 drugs—12 of them prescription drugs—which had to be recalled from the market after extensive advertising because of such side effects as "cataracts, baldness or thinning of the hair, serious skin changes such as severe skin peeling and hardening of the skin, reduction of white blood cells, impotence, diminishing libido, vomiting, and vaginal smear alterations."

Dr. Baumgartner was followed by Dr. M. Harold Book, assistant professor of neuropathology in the Graduate School of Medicine at the University of Pennsylvania. Dr. Book testified before the subcommittee—pages 105 and 106:

> In doing an autopsy on a patient who has had a serious illness and has been treated by a number of different drugs, as is usually the case when the doctor is striving desperately to save the patient, I have the distinct impression that the patient has suffered from the treatment as well as from the disease. * * * Sometimes it is apparent that the treatment has shortened the life of the patient. This might be considered a sort of involuntary euthanasia.

From personal experience with such tragic cases, Dr. Book delivered this scathing indictment of drug advertising—pages 101 and 102:

> The drug houses are noticeably coy in publicizing the exact number and seriousness of side effects attending the use of their new products. In their advertisements, their brochures, their detailmen's pitch, and so

> forth, they speak rather diffidently in terms like "side effects are minimal," "with few significant side effects," "no serious side effects noticed," and so forth.
>
> However, they are careful to refrain from giving the number of the side effects, both slight and serious, per hundred treated cases.

Dr. Book also pointed out that the revenues provided by drug advertising offers a strong temptation for the medical journals to indulge the exuberant advertising claims of the drug manufacturers. Dr. Book testified—page 108:

> For example, the advertising by the drug manufacturers, much of it of questionable nature, as has been amply demonstrated in the Senate hearings, has increased to the point where it now finances roughly half of the activities of the American Medical Association.
>
> The CHAIRMAN. Please explain in what way the American Pharmaceutical Association finances half of the activities of the American Medical Association.
>
> Dr. BOOK. I say that the advertising in the journals of the American Medical Association now pays for roughly half of the operating expenses of the American Medical Association.
>
> The CHAIRMAN. Because of this practice there may be something akin to a conflict of interest.
>
> The American Medical Association is supposed to act as the judge of the clinical and therapeutic value of these drugs. Therefore, knowing on what side their bread is buttered, they might lean to the side of the drug manufacturers who have so materially helped them by placing their ads in the medical journals. Is that what you are trying to drive at?
>
> Dr. BOOK. That is right. That is exactly the feeling I get.
>
> There is a distinct dichotomy between the editorial pages in the journals and the advertising pages. The editorial pages are of a very high plane of excellence. I cannot say the same for the advertising.

Asked whether most doctors would prescribe drugs for their patients on the basis of drug advertising before engaging in further research as to possible side effects, Dr. Book testified—page 113:

> I have the impression, which is based on no survey, that doctors simply do not have the time to go into all of these things.
>
> One might say that they should take the time—that may be true—but I have the feeling that they do not, because there are just too many of these things for them to cope with.

Here is cogent evidence indeed of the devitalizing effect of an amendment which would dispense with truth in drug advertising, provided only that the doctor be able to write the manufacturer in order to obtain the true facts.

Further revealing testimony on the abuses of drug advertising was given by Dr. Martin Cherkasky, director of Montefiore Hospital in New York City. Dr. Cherkasky testified—page 201:

> Many of us in the medical profession have known for years that there are grave defects in the whole system of the manufacture, promotion, and distribution of ethical drugs.

Dr. Cherkasky accurately summarized the purposes of this bill when he stated—page 202:

> I would like to make certain that our harassed and overburdened physicians are not confounded and confused by the conflicting claims, the myriad of names, and the ever-present pressure of the pharmaceutical competition for the doctor's brain and prescription pad.

According to Dr. Cherkasky, a requirement of truth in drug advertising is urgently needed because present-day malpractices are endangering the ability of our doctors to care for their patients—the American people. Dr. Cherkasky testified—pages 211 and 212:

> The quantity and quality of the promotion and advertising of pharmaceuticals by the drug industry is undoubtedly seriously interfering with the ability of the average physician to render the highest quality of medical care.
>
> Even a large teaching hospital such as my own, with highly sophisticated professional control and supervision, must be ever on guard against the vigorous pressures of the drug salesmen. Up until 4 years ago, detailmen from the drug manufacturers were allowed on occasion to set up displays at the entrance to the hospital cafeteria. We have discontinued this practice since we found that our physicians, especially our young house staffmen, were being confused by the insistent pressures of the "educational" efforts of the detailmen.
>
> I checked with several other leading hospitals in New York City and found that they, too, have taken this step. Should it not give us all some cause for thought that teaching institutions find it desirable to shield young doctors from the "educational" efforts of the drug companies?
>
> Of course, we cannot do anything to protect the doctors from the promotional materials which come through the U.S. mails or as presented in the numerous medical journals.
>
> Mr. JOHNSON. Mr. Chairman, may I interrupt here a moment?
>
> Doctor, are not the detail men the people on whom the general practitioner is apt to rely for information on new drugs?
>
> Dr. CHERKASKY. When you consider the fact that there were almost 6,000 new drugs introduced in a 10-year period from 1949 to 1959, you know, it is impossible for any doctor, from his own resources, to be able to pick out the good drugs from the bad ones.
>
> Unfortunately, many doctors rely heavily, and sometimes almost exclusively, on detailmen for information with regard to drugs, and, of course, as you know, I use the term "education" in quotes. The detail man does not educate, he indoctrinates; and there is an enormous difference between "education" and "indoctrination."
>
> Mr. JOHNSON. In other words, the detail men are, so to speak, the shock troops in the assault on the doctor's attention, is that not correct?
>
> Dr. CHERKASKY. When you also think of the fact that there are approximately 150,000 practicing physicians in the United States and there are approximately 15,000 detail men, that is about 1 for every 10 physicians, so that you can see the troops are thick.

Think of it, one detail man, whose compensation must necessarily depend on his success in promoting his employer's products, for every 10 doctors. Of course the detail man "indoctrinates" and, as Dr. Cherkasky put it, "the troops are thick" indeed. Dr. Cherasky continued—pages 212 and 213:

> But what of the average general practitioner being bombarded daily with what has been estimated as about $5,000 worth of drug promotional material a year for each doctor?
>
> An article in Fortune magazine of May 1960 has this to say about doctors' response to drug advertising:
>
> "Drug companies have learned that doctors respond to the same kinds of emotional appeals as laymen. They are influenced by the same advertising techniques that are used for mass consumer advertising. They accept new drugs with amazing rapidity * * * this is true in part because it would appear that a physician's own market position is strongly influenced by his reputation for using the latest drug."
>
> Or, take the statement in the 1960 Drug Market Data published by the National Wholesale Druggists Association:
>
> "One of the reasons for the success of the supermarket is that the consumer does not have to ask for what she wants. She sees and recognizes what she wants. The merchandise is right there to suggest its purchase and perhaps to remind her that she needs something she does not have on today's shopping list. This same principle produces results in medical journals carrying a large volume of advertising."
>
> Is that not distressing? After all, we are not buying soapsuds.
>
> As a response to this, I agree fully with Senator KEFAUVER, who said in his speech before the Senate introducing the Senate bill, that here "we are not dealing with gadgets, but products of health, life, and death."
>
> Dr. Dixon, the new Chairman of the Federal Trade Commission, was quoted in the New York Times of June 1, 1961, as saying:
>
> "Twenty-four cents of every dollar the drug manufacturer gets for a prescription is used to promote advertising and sell their products."
>
> It has been reported that approximately $750 million a year is spent on advertising and sales promotion.
>
> Is it not startling, when you think of this figure, to realize that in 1957 the total expenditure of all of the medical schools in the United States for education was about $200 million? And I would guess that today we could say all the expenditures of medical schools and all the expenditures in hospitals for the training of more than 40,000 interns and residents does not approximate the amount of money the drug companies spend on advertising of drugs.
>
> Mr. RODINO. It is a very interesting observation.
>
> Dr. CHERKASKY. It is a tough competition between education and indoctrination, as you can see.
>
> These vast sums of money spent in this manner increase the costs of drugs to the consumer and to the hospital. Just as serious is the danger that the busy physician, so inundated, will be unable to discriminate intelligently between which drugs are valuable and safe, and those which are useless or even on occasion, harmful.

In short, these extravagant expenditures by the drug companies lavished on advertising not only result in higher prices to the consumer, and some of these prices are extortionate, they actually endanger the patient by confusing the doctor.

Dr. Cherkasky was asked about the pernicious effects of advertising which contains exaggerated therapeutic claims for the drug. This was his testimony—page 214:

> Doctor, if you give a patient a drug which is ineffective when he is very sick, what you are really doing is delaying treatment with a drug that would be effective?
>
> Dr. CHERKASKY. Of course you are. You are not treating him appropriately, and, as a matter of fact, there may be other drugs

which are a little older, which have been swept aside by the new ones, which may not be any better or not as good.

Mr. Johnson. So that could be equally as bad as giving him drugs with side effects?

Dr. Cherkasky. It could be deadly.

The Senate committee at its hearings last year heard much testimony concerning the reliability of the printed advertising material which the practitioner receives. These are often misleading and slanted. The cases of Decadron and Diabinese immediately come to mind (pp. 202 and 210 in the report of the committee hearings).

In both instances these drugs had very serious side effects, which are virtually absent from the advertising. You read the advertising for these two drugs, and you would not have a clue that there are serious problems attending their use.

As a matter of fact, one of the things that is so distressing about it is that Diabinese came out after Orinase. They are both oral preparations used for the treatment of diabetes. Orinase is a fine drug, with very, very few side effects, and this other material was introduced as, presumably, being better because it was more powerful, when, in fact, it has considerable and significant side effects, and the general practitioner out in the community, reading the advertisements, would not have an idea about this at all.

Referring to an article by Dr. Charles May, professor of pediatrics at the College of Physicians and Surgeons of Columbia University, in the January 1961 issue of the Journal of Medical Education, Dr. Cherkasky testified—page 215:

Dr. May also refers in his article to an example of serious conflict between promotional material and scientific information appearing in the same issue of the Journal of the American Medical Association. A synthetic progesteroid compound called Norlutin was advertised in the March 5, 1960, Journal without any reference to side effects. In the same issue of the magazine, a Dr. Wilkins reports on 36 cases of female pseudohermaphroditism in infants born of mothers who during pregnancy had been given norlutin. Again quoting Mr. May:

"The same advertisement for norlutin has continued to appear regularly in the J.A.M.A. for the ensuing 3 months since the article by Wilkins appeared in that Journal; in spite of this. 'During the past year or two, norlutin has caused fetal masculination with sufficient frequency to preclude its use or advertisement as a safe hormone to be taken during pregnancy.' "

A drug which is advertised in the same issue of the Journal, without pointing out the dangerous side effects, and this advertisement is continued for 3 months, whereas there is an article in the same Journal which says this is not a safe drug to be used durin pregnancy.

Think of it. A drug which has been associated with male sex characteristics in female babies, and the manufacturer does not have the candor to warn the doctors of the possible danger.

Indeed, the manufacturer has now applied for a license to sell norlutin as an oral contraceptive. One can only hope that norlutin is 100-percent effective for this purpose, else we shall have another thalidomide disaster.

Dr. Cherkasky's testimony continues—page 215:

Potent drugs inevitably have dangers of one sort or another. You may further sales, but certainly not the public's health by disregarding, omitting, or minimizing hazards. * * * I would say that when you see in the same edition of the Journal a scientific article pointing out the dangers and you have almost side by side an advertisement which does not mention those dangers and those advertisements continue for 3 months, you must come to the conclusion that the advertising people and the doctor people are not talking to one another, or not reading one another.

Speaking of the contrast between the expenditures of the drug companies on advertising and the money they devote to research, Dr. Cherkasky testified—page 218:

I do not know exactly what they spend for research, but I would be perfectly willing to swap it and say that what they spend for promotion and advertising ought to be spent for research and what they spend for research ought to be spent for promotion and advertising.

Mr. Rodino. The figure that we have is 6.3 percent spent for research, and advertising, I think this is the area of some 24 or 25 percent.

Lastly, Dr. Cherkasky testified—page 222:

I would say that advertisements are a prime source of prescription or drug information for many of the practicing doctors.

He added—pages 222 and 223:

When you recognize that there are 400 or 500 drugs introduced each year, and when you think of the enormous amount of literature that a doctor might have to wade through, it is physically beyond the capacity of a general practicing doctor to really look up the source material. Some drugs are brought on the market where the material dealing with their danger or effectiveness is so skimpy that even experts could not find out.

In the light of all this testimony, it is not surprising that Dr. Helen Taussig of Johns Hopkins concluded her testimony before the Antitrust Subcommittee on the thalidomide tragedy with the specific recommendation that warnings as to side effects and contraindications—page 149—"be printed in type as least as large and as prominent as are used for any trade name or brand thereof."

Dr. Taussig added: Page 420:

This is to prevent the warnings being printed in such fine print that people will overlook reading.

It seems simple, but it is an important point to bring to the attention of the doctors.

I have reviewed so fully the testimony before the Antitrust Subcommittee on this subject, both because it might otherwise be overlooked, and more important, because it establishes beyond a peradventure, in my judgment, that the truth-in-drug-advertising provision in this bill will be a grisly joke unless the harassed and busy doctor is relieved of the burden of learning the truth from the manufacturer, as this bill now provides.

At the urging of the President, the Judiciary Committee of the other body inserted, and the Senate unanimously approved, a truth-in-drug-advertising provision which would not be hamstrung by any such self-defeating qualification.

We have it on the authority of the Secretary of HEW that there is "no justification" for any such provision watering down this central feature of the bill. To believe otherwise would be to fly in the face of experience, to say nothing of the unanimous testimony of the distinguished doctors before the Antitrust Subcommittee which I have canvassed above.

To sum up, therefore, I strongly endorse this much needed drug bill, but I earnestly hope the House will amend the bill to make effective its truth-in-advertising provisions.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. Moss] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MOSS. Mr. Chairman, in my opinion the committee bill on H.R. 11581, the drug amendments of 1962, is an excellent bill in many respects, but it is my feeling that it does not meet all the problems. I support the amendment to correct one important deficiency, namely, the advertising of prescription drugs to physicians. This would require that drug advertisements contain information relating to side effects and efficacy. This is substantially the same requirement as is contained in the bill passed unanimously by the Senate. The requirement stems from the failure of most drug advertisements to provide adequate information, even on the critical matter of injurious side effects of new drugs. The committee heard testimony from leading physicians to the effect that it is impossible for them to keep currently informed of the state of medical knowledge to be found scattered in more than 400 medical journals on the approximately 300 new drugs introduced each year. If the bill, amended as proposed, does not meet all the problems, I believe it will be urgent that further consideration should be given the matter early in the next Congress.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have discussed the proposed amendment of the gentleman from Michigan, Mr. Dingell, to the amendment of the gentleman from Minnesota, with them and with the staff. I think the gentleman from Minnesota is now in a position where he is willing to ask unanimous consent that his amendment be modified in line with the suggestion of the gentleman from Michigan, Mr. Dingell, a moment ago; that is, on page 58, line 1, after the word "information" insert "in brief summary."

Mr. BLATNIK. Mr. Chairman, I ask unanimous consent that I be permitted to modify my amendment as suggested by the distinguished chairman, on page 58, line 1, following the word "information" insert "in brief summary".

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. Blatnik]?

Mrs. CHURCH. Mr. Chairman, reserving the right to object, I rise to protest against legislation of this importance being written in this manner on this floor. If the rest of the House is not confused as to what is going on, under these tactics, I confess that I certainly am. The gentleman from Michigan first mentioned that certain negotiations had been in being, of which the House certainly has not been informed; and furthermore I would like to ask how it could actually be expected that anyone could adequately express in "brief summary" the side effects of many drugs? Is this even a practical suggestion?

Mr. DINGELL. Mr. Chairman, if the gentlewoman is addressing that question to me, I should be very happy to answer it.

Mrs. CHURCH. No; I was directing the question to the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHURCH. I yield to the gentleman.

Mr. HARRIS. As I understand it, after listening to the gentleman from Michigan [Mr. DINGELL] and talking to the gentleman from Minnesota [Mr. BLATNIK], who is the author of the amendment, what he has in mind is in line with the conclusion we have all come to that it would accomplish the purposes that were desired here and what was intended by the committee when the amendment was adopted.

We do not intend to have an ironclad policy that the advertisement should not contain all the information that the manufacturer has and that can be put in there, but we do contend that we should not, by legislation, require it to be something which it cannot be. We think that this language, which goes with the rest of the language in the bill, would accomplish the purposes which we intended.

Mrs. CHURCH. Further reserving the right to object, Mr. Chairman, may I ask the chairman of the committee if he feels that however impractical this amendment appears, he feels that he could go to conference with it and work out something that would be reasonable? Granting that we all wish to give adequate protection to the public, there is a responsibility also not to place impossible requirements upon members of the drug industry of proven integrity.

Mr. HARRIS. As I have told the gentleman from Minnesota, we could take this to conference and analyze it further and improve on it if necessary.

Mrs. CHURCH. Again pointing out that it might well be impossible, whatever the intent, to give total or adequate description of the side effects of a given drug in brief summary, I would urge the gentleman to give full consideration in conference to all the implications involved.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to modify his amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

> Amendment offered by Mr. BLATNIK: On page 58, strike out line 15 and all that follows down to but not including the quotation marks in line 22, and on page 58, line 1, after "information" insert "in brief summary".

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have asked for this time for the purpose of clarification. I am a little bit confused at the position in which we stand at this time. I should like to ask the author of the amendment, the gentleman from Minnesota [Mr. BLATNIK], if his amendment as now presented to the House for action still retains the strikeout of lines 15 to 22.

Mr. BLATNIK. Yes.

Mr. HOLIFIELD. As to the addition of the words "in brief summary," I should like to ask just exactly what those words mean. The words "brief" and "summary" leave a loophole wide enough to drive a 10-ton Mack truck through. I do not know how brief it would be or how much of a summary it would be.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Michigan.

Mr. DINGELL. I am the individual who was responsible for drafting the original language. It is to see to it that information in capsule form goes to doctors in connection with the advertising. A situation arose about mycetin where it was permitted to go on the market, but it had severe side effects. It was permitted to go on the market but with the requirement that each and every advertisement set forth in brief form these side effects. These side effects were covered in about six lines, about six words across. I assure the gentleman this amendment will offer adequate protection to the American people and allow sufficient authority to the Food and Drug Administration to police closely bad advertising.

Mr. HOLIFIELD. I am glad to have that assurance from the gentleman.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. FARBSTEIN. Is there any objection to the inclusion in that phrase of the word "adequate"? This is "in brief summary." We should include the word "adequate" in the phrase.

Mr. DINGELL. I would be happy to go further in perfecting this, but I say a brief summary would be adequate to provide protection to the American people under the regulations which would be adopted by the Food and Drug Administration.

Mr. HOLIFIELD. With the assurance of the two gentleman who offered this amendment, I am prepared to support it. I just cannot see how we can write this legislation and in one instance require information to be furnished to the distributor and manufacturer and not require adequate information to be furnished to the doctors in these advertisements.

Now let us be realistic about this thing. These medical journals are looked at by doctors a lot more than they look at their textbooks once they get into their medical practice and I believe that this language that the gentleman from Minnesota has offered is certainly good language and I hope the committee supports it.

Mr. YOUNGER. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. JUDD] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JUDD. Mr. Chairman, not many Members of the Congress have had the opportunity to obtain more first-hand information regarding the American drug manufacturing industry than I. It is not possible to attain perfection in any field dealing with human beings, no two of whom react exactly the same way to a given drug or anesthesia or operation. Should we refuse our patients the blessings of anesthesia because, despite our study, and experience, and precautions, an occasional patient dies unpredictably under the very safest anesthetic?

It is with genuine concern that I hear attack by some upon the safety of our American medicines. In the agitation we have all experienced following upon the horrors of the thalidomide episode, I am afraid we have lost sight of the most important point of all.

We are forgetting that, as a matter of actual record and fact, American drugs are the safest in the world. We are overlooking the truly exemplary safety record of the American drug industry. Some have minimized—even assailed—the remarkable system we now have for bringing to our people lifesaving new medicines.

I ask you to bear in mind that thalidomide never came on the market in the United States. That is the heart of the matter. The drug was never marketed here precisely because the system we have for testing and appraising new drugs is an effective system.

As a nation, we have expressed our gratitude for the vigilance and dedication of Dr. Frances Kelsey of the Food and Drug Administration. Dr. Kelsey deserves this tribute. But we should never lose sight of the fact that Dr. Kelsey's action was taken as part of a system. It is a system of check and countercheck that has made possible an intelligent and productive partnership between private industry and Government.

Thalidomide is not an example of the failure of our system. On the contrary—it is proof of its effectiveness. In thalidomide, we have seen a dramatic demonstration that our existing laws are fashioned to protect the people, and at the same time to provide a climate of freedom in which research can be conducted.

It is also true, I believe, that progress is never made without some danger. The early history of aviation certainly bears out this point and the occasional tragedy despite all the safeguards known. You will remember that when Astronaut John Glenn appeared before us here, he also warned that lives may be lost as man pioneers in outer space; and he urged us not to let inevitable tragedies stand in the way of scientific progress.

I regret that the American drug industry is being criticized as a whole on the score of safety because the criticism is not justified. There is no evidence to show that our drugs are to any significant degree unsafe. Quite the contrary. Let me give you some figures.

In the past 4 years, according to the Food and Drug Administration, only about 15 of some 780 new products have been withdrawn from the market because of a question of safety. And in the case of these 15 drugs, most were voluntarily withdrawn by the companies producing them. Moreover, in most of these situations, the drug companies themselves discovered the side effects that raised a question of safety, and voluntarily reported this information to the Food and Drug Administration.

This is a record of safety that would be hard to beat. In every profession or business there will be some who do not live up to the highest standards. That is why we pass laws designed to protect the good from the bad. But it is equally wrong to impute to an industry any practice which the industry itself fights to eliminate.

The Pharmaceutical Manufacturers Association recently issued a statement entitled "Safety of Prescription Drugs," which gives some idea of how this safety record has been achieved. I should like to quote from this statement:

> Testing of drugs in industry before they are marketed is extremely thorough. For example, the Pharmaceutical Manufacturers Association estimates that its member firms made use of nearly 9 million animals in 1961, including 5.7 million mice, 2.2 million rats, 739,000 chickens, 107,000 guinea pigs, 98,000 rabbits, 36,000 dogs, and 18,000 cats, and thousands of other birds and animals.
>
> Beyond a certain point the testing of a drug in animals may be of little help in determining its safety and effectiveness for man. Untoward effects in humans may appear only after several years of use, and adverse reactions in man may not be demonstrable in animals.
>
> But if research is to proceed, testing in humans must at some point be carried out. A new drug will be administered to humans only when, in the opinion of the responsible physician, animal studies have indicated that the drug may be used without undue hazard and that it has probable usefulness in the practice of medicine.
>
> When the drug seems safe and effective in a small number of humans, it must be tried on a wider scale under expert scientific supervision. Finally, a large enough sample of its use in man must be obtained to determine the safety and utility of the drug in actual clinical practice.
>
> At each of these clinical testing stages, many compounds obviously are eliminated. At the conclusion of the final stage, only one out of an estimated 3,000 compounds originally synthesized by the pharmaceutical manufacturer survives as a drug.

It is easy enough, using hindsight, to chastise a drug manufacturer because he sought to put thalidomide on the market. But remember that the manufacturer did so only after conducting exhaustive tests—tests that were at the time convincing to informed scientific judgment in the United States as well as abroad. Had thalidomide not been on the market in Europe, there would have been no evidence of its dangers. Had thalidomide not been on the market in Europe, there probably would have been no scientific reason to prohibit its sale here. Experience, and experience alone, gave the key to the drug's true nature.

I am not opposed to making drugs as safe as they can possibly be, quite the contrary. In considering the legislation before us, we must keep in mind three considerations.

First, we must have the best possible laws to prevent the marketing of unsafe drugs. Second, we must be certain beyond all reasonable doubt that those laws will not stand in the way of scientific research and medical progress. Third, we must not belittle the accomplishments of the American drug industry, which now takes and has in the past taken every step that is scientifically practical to see that safe drugs are produced.

I am asking that we keep a level head on this issue. No one—least of all the American people—is done a service by saying that our drugs are unsafe. Such statements are misleading, and are likely to undermine public confidence in the safety and quality of our medicines.

The fact is that a question of safety has been raised about only a tiny percentage of the many hundreds of new drugs put on the market in recent years. While we properly concern ourselves with safety, let us remind ourselves also of the great accomplishments of the drug manufacturing industry.

Since the introduction of potent new drugs in 1944, the death rate from influenza, tuberculosis, and rheumatic fever dropped dramatically. New drugs have made mastoiditis, once a common and painful ailment, so rare that medical schools now have difficulty in locating cases for teaching purposes. New medicines and health measures have lengthened our lifespan by up to 20 years and made it possible to live in better health than ever before.

Finally, let me remind you that the drug industry itself — through its Pharmaceutical Manufacturers Association—has appointed a learned commission to investigate the question of drug safety. This industry has a long and distinguished reputation for taking responsible action, and I am confident that this commission will do its utmost to find practical scientific solutions to the problems of drug safety.

I ask only that, in all fairness and in concern for the future well-being of our people, we do not damage with unjustified charges an industry that has done so much to make America the healthiest nation in the world.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. BLATNIK].

The amendment was agreed to.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MULTER. Mr. Chairman, this is a good bill. Its enactment is long overdue. It will be a better bill with the adoption of the Blatnik amendment.

A few weeks ago Mr. Howard K. Smith presented in very dramatic fashion the important changes that have taken place in the advertisement of prescription drugs. He demonstrated quite clearly that the practices of the whole industry have changed in recent years and that physicians are being subjected to a veritable barrage of advertising gimmicks to persuade them to prescribe medicines for their patients.

As late as the 1940's, the advertising of prescription drugs was factual and was presented without the techniques of Madison Avenue. Today, advertising, using pictures of pretty girls and happy people, swell the journals of the American Medical Association and other scientific groups. Senator KEFAUVER's investigation established that promotion expenditures of 22 selected drug firms in the American Medical Association Journal alone had grown from approximately $2 million per year to $4 million per year. One advertiser grew from approximately $71,000 per year in 1955 to one-half million dollars in 1960. Plainly, expenditures of this magnitude do play a very important role in what the doctor prescribes. It should be remembered that the person who orders does not buy and the person who buys does not order prescription drugs. When the doctor is persuaded, the patient has no choice over the matter.

The impact of these advertisements is tremendous in persuading physicians to order medicines for their patients. In fairness, both to the physician and to his patient, the advertisement of a drug should not be allowed to express only the good points and to leave the bad to some promotional material that the physician may see at a later time or may never see. If the advertisement can give a brief description of the merits and advantages of using a particular prescription drug, space can be found for a fair summary of any relevant side effects, contraindications, cautions, and related information, to provide a rounded and fair story.

It does not seem to me that it would be asking too much to make the picture of the beautiful woman, or the happy child, or his relieved parents a little smaller in the interest of providing the physician who orders the medicine for his trusting patient a minimum word of caution about possible adverse effects.

The opposition to disclosing side effects, contraindications, warnings, and cautions in the advertising for prescription drugs is based on a false premise that this will destroy medical advertising and with it a number of medical journals.

This is a gross exaggeration of what the full disclosure requirements in advertising would entail. The Secretary is directed to prescribe by regulations the information relating to side effects, contraindications, and effectiveness that would be needed, and the bill provides that except in extraordinary circumstances no such regulation shall require prior approval of the exact content of the advertisement.

The Secretary's regulations necessarily would be limited to a fair summarization of side effects, contraindications as well as effectiveness so that a balanced story appropriate to an advertising page could be presented.

What has happened is that the drug firms and their advertising agencies are trying to scare the medical journals to take up the battle for them.

There can be no justification for half truths either in an advertising piece or in labeling copy. We are dealing with drugs that are lifesaving and which are used in serious, debilitating diseases. Fairness alone requires that the message to the physician be a balanced one giving both the good and the bad of the drug, within the limits of advertising copy, and that the patient's interest not be obscured by a glowing picture of the effectiveness of the drug with no mention at all of its possible side effects and contraindications.

Mr. JOELSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOELSON: After the semicolon on line 6, page 41, strike out the word "and", and add the following:

"The Secretary shall in consultation with professional organizations representing the medical profession and upon the recommendation of such organizations establish a list of physicians competent as clinical investigators to conduct such investigation; and".

Mr. JOELSON. Mr. Chairman, I think I speak for practically everybody in the House of Representatives when I say we owe a debt of gratitude to the chairman of the committee who has come up with a good bill protecting the American public from unsafe drugs and ineffective claims. However, I believe the bill can be tightened in this respect. The drug companies give drugs wholesale to the physicians for testing. Many of these physicians, although competent doctors, are not clinical investigators. Of course, we would not send a man needing brain surgery to a general practitioner. In medicine today there are specific techniques. All my amendment would do would be to require the clinical investigators to be certified as competent—not by the U.S. Government because we should have nothing to do with it, but I think we should encourage the American Medical Association and the various State societies representing doctors to see to it that the people who test these products are competent physicians trained in the skill of clinical investigation. I think my amendment would encourage the medical profession to stimulate this type of work.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I merely want to say, I think the gentleman has a good idea and there is some merit in what he proposes. But it certainly would not fit in here because it would follow these words which are now in the bill: "Such regulations may provide for conditioning such exemption upon—" and so forth and so on to enumerate subparagraphs 1, 2, and 3. Therefore, it would be completely out of order and the amendment should not be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. JOELSON].

The amendment was rejected.

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 57, immediately after line 8, and the following new section:

"SEC. 114. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

" 'SEC. 510. The Secretary shall publish in convenient and readable form and shall distribute on a current basis to physicians, hospitals, medical and nurse training schools, depository libraries, and Federal, State, and local government offices concerned with the handling and utilization of drugs, true and correct copies of all printed matter which the Secretary has required to be included in any package in which any drug is distributed or sold or brochures approved by the Secretary available to practitioners on request.'

"(2) This subsection shall take effect on the first day of the seventh month following the month in which this Act is enacted."

Mr. DINGELL. Mr. Chairman, very briefly, this is the language of the Senate bill which in the consideration by the House committee in some strange and unknown way fell out.

There was no opposition whatsoever to this language in the Senate. The pharmaceutical industry has expressed no opposition whatsoever to the requirements of this provision.

The only thing this language would require of the Department of Health, Education, and Welfare is that as the new drug applications are approved pursuant to this act, a simple, brief, readable statement of efficacy, contraindications, side effects, and other highly pertinent medical knowledge go forth from the Secretary of Health, Education, and Welfare to each of the 170,000 doctors in the United States.

This will make available a regular service to the doctors so that they will have from an official source, without impeachment, thoroughly reliable information each time a new drug is approved.

The cost will run about $10,000 a week according to the highest estimates. This is based upon the number of doctors and the number of copies mailed out.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield.

Mr. SCHENCK. I was going to ask the gentleman to estimate the cost, and also whether or not this does not add an extra burden to the Secretary of Health, Education, and Welfare to become a publishing agent of material already developed and published by pharmaceutical manufacturers.

Mr. DINGELL. It really is not duplication because no really comparable service exists. One publishing house runs about 16,000 copies a year, and this is the information which is available from the American Medical Association only in the bound volumes of their publication.

The United States Pharmacopoeia is published only once every 5 years and gives mostly chemical information, not very much medical information.

The other services, like the Physicians Desk Reference, are services which are actually paid on a sold-space basis by sales from the publisher to the drug houses which put these drugs on the market and they put into these publications only such information as they desire.

These are the reasons why this is important: First of all, other services do not come out with a sufficient frequency. Second, packaged inserts do not meet the needs of the doctors. Third, the information put out by HEW would be authentic and come at such intervals as to be really useful to the doctors.

Mr. SCHENCK. May I ask the gentleman if there is any reason to believe that the information to be published by the Secretary of Health, Education, and Welfare will be any more authentic or reliable than that which is already published by pharmaceutical manufacturers, because you would have to get that information from that source, anyway.

Mr. DINGELL. I think it would be a little more reliable. It will be published not so much in the sense of advertising but in the sense of advising the doctors fully.

Let me say about cost. This was not objected to by anyone in the course of its consideration in the Senate. It had unanimous bipartisan support by Members on both sides of the aisle. The maximum cost would not run over a quarter of a million dollars a year for the cost of publishing, packaging, and mailing back to the doctors throughout the country. I feel it makes available to the doctors a service which will be valuable to them and which will enable them to vastly better serve and protect and to care for the health and welfare of the patients.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Where does the gentleman get this estimate? There would be 170,000 copies. He stated $10,000 a week. That would not cover the postage.

Mr. DINGELL. This is the estimate that comes from the Senate committee staff which worked on this particular matter.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan. I do not believe the amendment is necessary. The committee considered the amendment and did not agree to it. I do not want to take the position that we are putting the Department of Health, Education, and Welfare in the business of publishing and distributing a lot of material. We do not know what it would cost. I do not think the gentleman from Michigan knows what it would cost. Also Members of Congress would be called upon to get these publications, like many other things, and we would have to be sending literature all around the country. I do not believe the Congress wants to get into that kind of a situation that we do not know anything about.

Mr. Chairman, I ask that the amendment be defeated.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Michigan [Mr. **Dingell**].

The amendment was rejected.

The **CHAIRMAN**. The question now recurs on the substitute committee amendment as amended.

The substitute committee amendment as amended was agreed to.

Mr. **HARRIS**. Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks in the Record on this bill.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. **Flood**, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11581) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws, pursuant to House Resolution 808, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. **HARRIS**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1552) to amend and supplement the laws with respect to the manufacture and distribution of drugs, and for other purposes, strike out all after the enacting clause, and insert in lieu thereof the provisions of H.R. 11581, to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws, just passed.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Industry Act of 1962".

INFORMATION OF PATENTS FOR DRUGS

Sec. 2. Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized and directed, upon request from the Commissioner of Patents, to furnish full and complete information with respect to such questions relating to drugs as the Commissioner may submit concerning any patent application. The Secretary is further authorized and directed, upon receipt of any such request, to conduct or cause to be conducted, such research as may be required."

REGISTRATION

Sec. 3. (a)(1) Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end thereof the following section:

"REGISTRATION OF PRODUCERS OF DRUGS

"Sec. 508. (a) As used in this section—

"(1) the term 'manufacture, preparation, propagation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

"(2) the term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

"(b) On or before December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall register with the Secretary his name, places of business, and all such establishments.

"(c) Every person upon first engaging in the manufacture, preparation, propagation, compounding, or processing of any drug in any establishment which he owns or operates shall immediately register with the Secretary his name, place of business, and such establishment.

"(d) Every person duly registered in accordance with this section shall immediately register with the Secretary any additional establishment which he owns or operates and in which he begins the manufacture, preparation, propagation, compounding, or processing of a drug or drugs.

"(e) The Secretary may assign a registration number to any person or any establishment registered in accordance with this section.

"(f) The Secretary shall make available for inspection, to any person so requesting, any registration filed pursuant to this section.

"(g) This section shall not apply to—

"(1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, upon prescriptions of practitioners licensed to administer such drugs, or patients under the care of such practitioners in the course of their professional practice and which do not manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of their business of dispensing or selling drugs at retail;

"(2) practitioners licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice;

"(3) persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale;

"(4) such other classes of persons as the Secretary may by regulation exempt from the application of this section upon a finding that registration by such classes of persons in accordance with this section is not necessary for the protection of the public health.

"(h) Every establishment registered with the Secretary pursuant to this section shall be subject to inspection pursuant to section 704 and shall be so inspected by one or more officers or employees duly designated by the Secretary at least once in the two-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive two-year period thereafter."

(2) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any establishment in any State (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act as amended by this Act) engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs, shall, if he first registers in accordance with subsection (b) of section 508 of that Act (as added thereto by paragraph (1) of this subsection) prior to the first day of the seventh calendar month following the month in which this Act is enacted, be deemed to have complied with that subsection for the calendar year 1962. Such registration, if made within such period and effected in 1963, shall also be deemed to be in compliance with such subsection for that calendar year.

(b) Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end thereof the following new paragraph:

"(o) The failure to register as required by section 508."

(c) Section 502 of such Act (21 U.S.C. 352) is amended by adding at the end thereof the following new paragraph:

"(n) If it is a drug and was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 508."

FACTORY INSPECTION

Sec. 4. (a) Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended to read as follows:

"(a) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. In the case of any factory, warehouse, establishment, or consulting laboratory in which prescription drugs are manufactured, processed, packed, or held, the inspection shall extend to all things therein (including records, files, papers, processes, controls, and facilities) bearing on whether prescription drugs which are adulterated or misbranded within the meaning of this Act, or which may not be manufactured, introduced into interstate commerce, or sold, or offered for sale by reason of any provision of this Act, have been or are being manufactured, processed, packed, transported, or held in any such place, or otherwise bearing on violation of this Act. No inspection authorized for prescription drugs by the preceding sentence shall extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data, relating to new drugs and antibiotic drugs, subject to reporting and inspection under regulations lawfully issued pursuant to section 305 (i) or (j) or section 507 (d) or (g) of this Act, and data, relating to other drugs, which in the case of a new drug would be subject to reporting or inspection under lawful regulations issued pursuant to section 505(j) of the Act). A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. The provisions of the second sentence of this subsection shall not apply to—

"(1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, upon prescriptions of practitioners licensed to administer such drugs, or patients under the care of such practitioners in the course of their professional practice and which do not, either through a subsidiary or otherwise, manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of their business of dispensing or selling drugs at retail;

"(2) practitioners licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice;

"(3) persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale;

"(4) such other classes of persons as the Secretary may by regulation exempt from the application of this section upon a finding that inspection as applied to such classes of persons in accordance with this section is not necessary for the protection of the public health."

(b) Section 704(b) of such Act (21 U.S.C. 374(b)) is amended by inserting after "warehouse," the words "consulting laboratory,".

(c) Subsection (a) of section 302 of such Act (21 U.S.C. 332(a)) is amended by striking out "(f),".

(d) Nothing in the amendments made by subsections (a) and (b) of this section shall be construed to negate or derogate from any authority of the Secretary existing prior to the enactment of this Act.

QUALITY MANUFACTURING CONTROLS

SEC. 5. Section 501(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 351(a)(2)) is amended to read as follows:

"(2)(A) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (B) if it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packaging, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess."

NEW DRUG CLEARANCE PROCEDURE

SEC. 6. (a) Section 505(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335 (a)), is amended to read as follows:

"(a) No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) is effective with respect to such drug."

(b) Section 505(c) of such Act (21 U.S.C. 355(c)) is amended to read as follows:

"(c) Within one hundred and eighty days after the filing of an application under this subsection, or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

"(1) approve the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies, or

"(2) give the applicant notice of an opportunity for a hearing before the Secretary under subsection (d) on the question whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within thirty days after such notice, such hearing shall commence not more than ninety days after the expiration of such thirty days unless the Secretary and the applicant otherwise agree. Any such hearing shall thereafter be conducted, and the Secretary's order thereon shall be issued, on an expedited basis."

(c)(1) The first four sentences of subsection (h) of such section 505 (21 U.S.C. 355 (h)) are amended to read as follows:

"(h) An appeal may be taken by the applicant from an order of the Secretary refusing to approve an application or withdrawing approval of an application under this section. Such appeal shall be taken by filing in the United States court of appeals for the circuit wherein such applicant resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a written petition praying that the order of the Secretary be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm or set aside such order, except that until the filing of the record the Secretary may modify or set aside his order."

(2) The ninth sentence of such subsection (h) is amended to read as follows: "The judgment of the court affirming or setting aside any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code."

(3) The amendments made by this subsection shall not apply to any appeal taken prior to the date of enactment of this Act.

RECORDS AND REPORTS AS TO EXPERIENCE ON NEW DRUGS AND ANTIBIOTICS

SEC. 7. (a) Subsection (i) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended (1) by inserting "the foregoing subsections of" after "operation of"; (2) by inserting the words "and effectiveness" after the word "safety"; and (3) by adding at the end thereof the following new sentences: "Such regulations may provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, of data obtained as the result of such investigational us of such drugs, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drugs in the event of the filing of an application pursuant to subsection (b): *Provided, however,* That regulations issued under this subsection and under subsection (j) shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulations are applicable, of similar information received or otherwise obtained by the Secretary. Such regulations may, within the discretion of the Secretary include among other conditions relating to the protection of the public health, provisions for adequate tests in animals and disclosure to the Secretary of the results of such tests before a new drug may be distributed by a manufacturer to scientific experts for testing and evaluation of its effects in human beings, and for revoking the exemption if the Secretary finds that it is not reasonably safe to make such tests in human beings, and may within the discretion of the Secretary, also include provisions requiring said experts to register with the Secretary, to keep records with respect to the tests performed, and to furnish to the Secretary simultaneous copies of their reports to the manufacturer and, upon request of the Secretary, reports at other times."

(b) Section 505 (21 U.S.C. 355) of such Act is further amended by adding at the end thereof the following new subsection:

"(j)(1) In the case of any drug for which approval of an application filed pursuant to this section is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) of this section.

"(2) Every person required under this section to maintain records, and every person in charge or custody thereof, shall upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records."

(c) Subsection (d) of section 507 of such Act (21 U.S.C. 357(d)) is amended by adding at the end thereof the following new sentence: "Such regulations may provide for conditioning the exemption under clause (3) upon the establishment and maintenance of such records, and the making of such reports to the Secretary, of data obtained as the result of such investigational use of such drugs within the purview of this section, as the Secretary finds will enable him to evaluate the safety and effectiveness for use of such drugs within the purview of this section in the event of an application for certification or release pursuant to subsection (a): *Provided, however,* That regulations issued under this subsection and under subsection (g) shall have due regard for the professional ethics of the medical profession and shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulations are applicable, of similar information received or otherwise obtained by the Secretary."

(d) Section 507 of such Act (21 U.S.C. 357) is further amended by adding at the end of such section the following new subsection:

"(g) (1) Every person engaged in manufacturing, compounding, or processing any drug within the purview of this section with respect to which a certificate or release has been issued pursuant to this section shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such drug within the purview of this section, as the Secretary may by general regulation, or by order with respect to such certification or release, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to make, or to facilitate, a determination as to whether such certification or release should be rescinded or whether any regulation issued under this section should be amended or repealed.

"(2) Every person required under this section to maintain records, and every person having charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records."

(e) Section 301(e) of such Act (21 U.S.C. 331(e)) is amended by inserting before the period at the end thereof a semicolon and the following: "or the failure to establish or maintain any record, or make any report, required under section 505 (i) or (j) or 507 (d) or (g), or the refusal to permit access to or verification or copying of any such required record".

(f) Section 302(a) of such Act (21 U.S.C. 332(a)) is amended by striking out "(e),".

EFFECTIVENESS AND SAFETY OF NEW DRUGS

SEC. 8. (a) (1) Section 201(p)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)(1)), defining the term "new drug", is amended by (A) inserting therein, immediately after the words "to evaluate the safety", the words "and effectiveness", and (B) inserting therein, immediately after the words "as safe", the words "and effective".

(2) Section 201(p)(2) of that Act is amended by inserting therein, immediately after the word "safety", the words "and effectiveness".

(b) Section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended by inserting therein, immediately after the words "is safe for use", the words "and whether such drug is effective in use".

(c) Section 505(d) of such Act (21 U.S.C. 355(d)) is amended to read as follows:

"(d) If the Secretary finds, after due notice to the applicant in accordance with subsection (c) and giving him an opportunity for a hearing, in accordance with said subsection, that (1) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; (4) upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions; or (5) evaluated on the basis of the information submitted to him as part of the application and any other information before him with respect to such drug, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or (6) such labeling is false or misleading in any particular; he shall issue an order refusing to approve the application. If, after such notice and opportunity for hearing, the Secretary finds that clauses (1) through (6) do not apply, he shall issue an order approving the application. As used in this subsection and subsection (e), the term 'substantial evidence' means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof."

(d) Section 505(e) of such Act (21 U.S.C. 355(e)) is amended to read as follows:

"(e) The Secretary shall, after due notice and opportunity for hearing to the applicant, withdraw approval of an application with respect to any drug under this section if the Secretary finds (1) that clinical or other experience, tests, or other scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was approved; (2) that new evidence of clinical experience, not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved; or (3) on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof; or (4) that the application contains any untrue statement of a material fact: *Provided*, That if the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the public health, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this proviso to suspend the approval of an application shall not be delegated. The Secretary may also, after due notice and opportunity for hearing to the applicant, withdraw the approval of an application with respect to any drug under this section if the Secretary finds (1) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with a regulation or order under subsection (j), or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection; or (2) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or (3) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such drug is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of. Any order under this subsection shall state the findings upon which it is based."

(e) Section 505(f) of such Act (21 U.S.C. 355(f)) is amended to read as follows:

"(f) An order refusing to approve, or withdrawing or suspending approval of, an application with respect to any drug under this section shall be revoked whenever the Secretary finds that the facts so require."

(f)(1) Paragraph (1) of section 301 of such Act is amended by (1) inserting "approval of" before "an application", and (2) striking out "effective" and inserting in lieu thereof "in effect".

(2) Clause (C) of section 503(b)(1) of such Act is amended by striking out "effective" and inserting in lieu thereof "approved".

(g)(1) As used in this subsection, the term "enactment date" means the date of enactment of this Act; and the term "basic Act" means the Federal Food, Drug, and Cosmetic Act. Except as otherwise provided in this subsection, the amendments made by the foregoing provisions of this section shall take effect on the enactment date.

(2) An application filed pursuant to section 505(b) of the basic Act which was "effective" within the meaning of that Act on the day immediately preceding the enactment date shall be deemed, as of the enactment date, to be an application "approved" by the Secretary within the meaning of the basic Act as amended by this Act.

(3) In the case of any drug with respect to which an application filed under section 505(b) of the basic Act is deemed to be an approved application on the enactment date by virtue of paragraph (2) of this subsection—

(A) the amendments made by this section to section 201(p), and to subsections (b) and (d) of section 505, of the basic Act, insofar as such amendments relate to the effectiveness of drugs, shall not, so long as approval of such application is not withdrawn or suspended pursuant to section 505(e) of that Act, apply to such drug when intended solely for use under conditions prescribed, recommended, or suggested in labeling covered by such approved application, but shall apply to any changed use, or conditions of use, prescribed, recommended, or suggested in its labeling, including such conditions of use as are the subject of an amendment or supplement to such application pending on, or filed after, the enactment date; and

(B) clause (3) of the first sentence of section 505(e) of the basic Act, as amended by this Act, shall not apply to such drug when intended solely for use under conditions prescribed, recommended, or suggested in labeling covered by such approved application (except with respect to such use, or conditions of use, as are the subject of an amendment or supplement to such approved application, which amendment or supplement has been approved after the enactment date under section 505 of the basic Act as amended by this Act) until whichever of the following first occurs: (i) the expiration of the two-year period beginning with the enactment date; (ii) the effective date of an order under section 505(e) of the basic Act, other than clause (3) of the first sentence of such section 505(e), withdrawing or suspending the approval of such application.

(4) In the case of any drug which, on the day immediately preceding the enactment date, (A) was commercially used or sold in the United States, (B) was not a new drug as defined by section 201(p) of the basic Act as then in force, and (C) was not covered by an effective application under section 505 of that Act, the amendments to section 201(p) made by this section shall not apply to such drug when intended solely for use under conditions prescribed, recommended, or suggested in labeling with respect to such drug on that day.

CONSPICUOUSNESS OF OFFICIAL NAMES

SEC. 9. (a) Section 502(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(e)) is amended by—

(1) inserting the subparagraph designation "(1)" after "(e)";

(2) striking out the words "If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient", and inserting in lieu thereof "If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (i) the established name (as defined in subparagraph (2)) of the drug, if such there be, and (ii) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient";

(3) striking out the words "the name" and inserting in lieu thereof the words "the established name";

(4) inserting therein, immediately after the colon following the words "contained therein", the following: "*Provided*, That the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and (B) the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient:";

(5) striking out the words "clause (2) of this paragraph" in the proviso to such paragraph and inserting in lieu thereof "clause (A)(ii) or clause (B) of this subparagraph"; and

(6) adding at the end of such paragraph the following new subparagraph:

"(2) As used in this paragraph (e), the term 'established name', with respect to a drug or ingredient thereof, means (A) the applicable official name designated pursuant to section 509, or (B), if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient: *Provided*, That where clause (B) of this subparagraph applies to an article recognized in the United States Pharmacopeia and in the Homoeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homoeopathic Pharmacopoeia shall apply."

(b) Section 502(g) of such Act is amended by inserting immediately before the period at the end thereof a colon and the following proviso: "*Provided further*, That in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail."

(c) This section shall take effect on the first day of the seventh calendar month following the month in which this Act is enacted.

REVIEW AND DESIGNATION OF OFFICIAL NAMES

SEC. 10. The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.), as amended by this Act, is further amended by adding after section 508 the following new section:

"SEC. 509. (a) The Secretary may designate an official name for any drug if he determines that such action is necessary or desirable in the interest of usefulness and simplicity. Any official name designated under this section for any drug shall be the only official name of that drug used in any official compendium published after such name has been prescribed or for any other purpose of this Act.

"(b) Within a reasonable time after the effective date of this section, and at such other times as he may deem necessary, the Secretary shall cause a review to be made of the official names by which drugs are identified in the official United States Pharmacopeia, the official Homoeopathic Pharmacopoeia of the United States, and the official National Formulary, and all supplements thereto, to determine whether revision of any of those names is necessary or desirable in the interest of usefulness and simplicity.

"(c) Whenever he determines after any such review that (1) any such official name is unduly complex or is not useful for any other reason, (2) two or more official names have been applied to a single drug, or to two or more drugs which are identical in chemical structure and pharmacological action and which are substantially identical in strength, quality, and purity, or (3) no official name has been applied to a medically useful drug, he shall transmit in writing to the compiler of each official compendium in which that drug or drugs are identified and recognized his request for the recommendation of a single official name for such drug or drugs which will have usefulness and simplicity. Whenever such a single official name has not been recommended within one hundred and eighty days after such request, or the Secretary determines that any name so recommended is not useful for any reason, he shall designate a single official name for such drug or drugs. Whenever he determines that the name so recommended is useful, he shall designate that name as the official name of such drug or drugs. Such designation shall be made as a regulation upon public notice and in accordance with the procedure set forth in section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

"(d) After each such review, and at such other times as the Secretary may determine to be necessary or desirable, the Secretary shall cause to be compiled, published, and publicly distributed a list which shall list all revised official names of drugs designated under this section and shall contain such descriptive and explanatory matter as the Secretary may determine to be required for the effective use of those names.

"(e) Upon a request in writing by any compiler of an official compendium that the Secretary exercise the authority granted to him under section 509(a), he shall upon public notice and in accordance with the procedure set forth in section 4 of the Administrative Procedure Act (5 U.S.C. 1003) designate the official name of the drug for which the request is made."

INFORMATION TO PHYSICIANS AND OTHERS

SEC. 11. (a)(1) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352), as amended by this Act, is further amended by adding at the end thereof the following new paragraphs:

"(o) In the case of any prescription drug distributed or offered for sale in any State, unless the manufacturer, packer, or distributor thereof maintains for transmittal and transmits, to any practitioner licensed by law of that State to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter approved by the Secretary available to practitioners on written request. Nothing in this paragraph shall be construed to exempt any person from any labeling requirements imposed by or under other provisions of this Act.

"(p) In the case of any prescription drug distributed or offered for sale in any State, unless the manufacturer, packer, or distributors thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor, with respect to that drug a true statement of (1) the established name as defined in section 502(e), printed prominently and in type at least half as large as that used for any trade or brand name thereof, (2) the formula showing quantitatively each ingredient of such drug, and (3) such other information relating to side effects, contraindications, and effectiveness as shall be required in regulations which shall be issued by the Secretary in accordance with the procedure specified in section 701(e) of this Act: *Provided*, That no advertisement of a prescription drug, published after the effective date of regulations issued under this paragraph applicable to advertisements of prescription drugs, shall, with respect to the matters specified in this paragraph or covered by such regulations, be subject to the provisions of sections 12 through 17 of the Federal Trade Commission Act, as amended (15 U.S.C. 52–57)."

(2) No drug which was being commercially distributed prior to the date of enactment of this Act shall be deemed to be misbranded under paragraph (p) of section 502 of the Federal Food, Drug, and Cosmetic Act, as added to that section by this subsection, until the earlier of the following dates: (1) the first day of the seventh month following the month in which this Act is enacted; (2) the effective date of regulations first issued under clause (3) of such paragraph (p) in accordance with the procedure specified in section 701(e) of the Federal Food, Drug, and Cosmetic Act.

(b)(1) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.), as amended by this Act, is further amended by adding after section 509 the following new section:

"SEC. 510. The Secretary shall publish in convenient and readable form and shall distribute on a current basis to physicians, hospitals, medical and nurse training schools, depository libraries, and Federal, State, and local government offices concerned with the handling and utilization of drugs, true and correct copies of all printed matter which the Secretary has required to be included in any package in which any drug is distributed or sold or brochures approved by the Secretary available to practitioners on request."

(2) This subsection shall take effect on the first day of the seventh month following the month in which this Act is enacted.

CERTIFICATION OF ANTIBIOTICS

SEC. 12. (a) Section 507(a) of such Act (21 U.S.C. 357(a)) is amended by adding at the end thereof the following new sentence: "For purposes of this section and of section 502(l), the term 'antibiotic drug' means any drug containing any quantity of any chemical substance which is produced by a micro-organism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including the chemically synthesized equivalent of any such substance)."

(b) Section 507(a) of such Act (21 U.S.C. 357(a)) is further amended by striking the word "or" preceding the word "bacitracin" and adding after the word "bacitracin" a comma and the following: "or any other antibiotic drug,".

(c) Section 502(l) of such Act (21 U.S.C. 352(l)) is amended by striking the word "or" preceding the word "bacitracin" and adding after the word "bacitracin" a comma and the following: "or any other antibiotic drug,".

(d) Section 507(c) of such Act (21 U.S.C. 357(c)) is amended by adding at the end thereof the following: "In deciding whether an antibiotic drug, or class of antibiotic drugs, is to be exempted from the requirement of certification the Secretary shall give consideration, among other relevant factors, to:

"(1) Whether such drug or class of drugs is manufactured by a person who has, or hereafter shall have, produced fifty consecutive batches of such drug or class of drugs in compliance with the regulations for the certification thereof within a period of not more than eighteen calendar months, upon the application by such persons to the Secretary; or

"(2) Whether such drug or class of drugs is manufactured by any person who has otherwise demonstrated such consistency in the production of such drug or class of drugs, in compliance with the regulations for the certification thereof, as in the judgment of the Secretary, is adequate to insure the safety and efficacy of use thereof.

When an antibiotic drug or a drug manufacturer has been exempted from the requirement of certification, the manufacturer may still obtain certification of a batch or batches of that drug if he applies for and meets the requirements for certification. Nothing in this Act shall be deemed to prevent a manufacturer or distributor of an antibiotic drug from making a truthful statement in labeling or advertising of the product as to whether it has been certified or exempted from the requirement of certification."

(e) The first sentence of section 507(e) of such Act (21 U.S.C. 357(e)) is amended to read as follows: "No drug which is subject to section 507 shall be deemed to be subject to any provision of section 505 except a new drug exempted from the requirements of this section and of section 502(l) pursuant to regulations promulgated by the Secretary: Provided, That, for purposes of section 505, the initial request for certification, as thereafter duly amended, pursuant to section 507, of a new drug so exempted shall be considered a part of the application filed pursuant to section 505(b) with respect to the person filing such request and to such drug as of the date of the exemption."

(f) This section shall take effect on the first day of the seventh month following the month in which this Act is enacted.

DEFINITION

SEC. 13. Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end thereof the following new subsection:

"(v) The term 'State' means any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause and insert the following: "That this Act, divided into titles and sections according to the following table of contents, may be cited as the 'Drug Amendments of 1962'.

"TABLE OF CONTENTS

"Title I—Drugs

"Part A—Amendments to Assure Safety, Effectiveness, and Reliability

"Sec. 101. Requirement of adequate controls in manufacture.
"Sec. 102. Effectiveness and safety of new drugs.
"Sec. 103. Records and reports as to experience on new drugs.
"Sec. 104. New drug clearance procedure.
"Sec. 105. Certification of all antibiotics.
"Sec. 106. Records and reports as to experience on antibiotics.
"Sec. 107. Effective dates and application of part A.

"Part B—Standardization of Drug Names

"Sec. 111. Authority to standardize names.
"Sec. 112. Name to be used on drug label.
"Sec. 113. Nonapplicability to cosmetics.

"Part C—Amendments as to Advertising

"Sec. 131. Prescription drug advertisements.

"Title II—Factory inspection authority

"Sec. 201. Factory inspection.
"Sec. 202. Confidentiality of information obtained by inspection.
"Sec. 203. Effective date.

"TITLE I—DRUGS

"Part A—Amendments to assure safety, effectiveness, and reliability

"Requirement of Adequate Controls in Manufacture

"SEC. 101. Clause (2) of paragraph (a) of section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended to read as follows: '(2)(A) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (B) if it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of this Act ,as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess;'.

"Effectiveness and Safety of New Drugs

"SEC. 102. (a)(1) Section 201(p)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)(1)), defining the term 'new drug', is amended by (A) inserting therein, immediately after the words 'to evaluate the safety', the words 'and effectiveness', and (B) inserting therein, immediately after the words 'as safe', the words 'and effective'.

"(2) Section 201(p)(2) of such Act (21 U.S.C. 321(p)(2)) is amended by inserting therein, immediately after the word 'safety', the words 'and effectiveness'.

"(b) Section 505(b) of such Act (21 U.S.C. 355(b)) is amended by inserting therein, immediately after the words 'is safe for use', the words 'and whether such drug is effective in use'.

"(c) Section 505(d) of such Act (21 U.S.C. 355(d)) is amended to read as follows:

" '(d) If the Secretary finds, after due notice to the applicant in accordance with subsection (c) and giving him an opportunity for a hearing, in accordance with said subsection, that (1) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; (4) upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions; or (5) evaluated on the basis of the information submitted to him as part of the application and any other information before him with respect to such drug, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or (6) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; he shall issue an order refusing to approve the application. If, after such notice and opportunity for hearing, the Secretary finds that clauses (1) through (6) do not apply, he shall issue an order approving the application. As used in this subsection and subsection (e), the term "substantial evidence" means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.'

"(d) Section 505(e) of such Act (21 U.S.C. 355(e)) is amended to read as follows:

" '(e) The Secretary shall, after due notice and opportunity for hearing to the applicant, withdraw approval of an application with respect to any drug under this section if the Secretary finds (1) that clinical or other experience, tests, or other scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was approved; (2) that new evidence of clinical experience, not contained in such application or not available to the Secretary until after application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved; or (3) on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof; or (4) that the application contains any untrue statement of a material fact: *Provided*, That if the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the public health, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this proviso to suspend the approval of an application shall not be delegated. The Secretary may also, after due notice and opportunity for hearing to the applicant, withdraw the approval of an application with respect to any drug under this section if the

Secretary finds (1) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with a regulation or order under subsection (j), or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection; or (2) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or (3) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such drug, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of. Any order under this subsection shall state the findings upon which it is based.'

"Records and Reports as to Experience on New Drugs

"Sec. 103. (a) Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end thereof the following new subsection:

"(j) (1) In the case of any drug for which an approval of an application filed pursuant to this section is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) of this section.

"'(2) Every person required under this section to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.'

"(b) Section 505(i) of such Act (21 U.S.C. 355(i)) is amended (1) by inserting 'the foregoing subsections of' immediately after 'operation of'; (2) by inserting 'and effectiveness' immediately after 'safety'; and (3) by adding at the end thereof the following new sentences: 'Such regulations may provide for conditioning such exemption upon—

"'(1) the submission to the Secretary, before any clinical testing of a new drug is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug, of preclinical tests of such drug adequate to justify the proposed clinical testing;

"'(2) the manufacturer or the sponsor of the investigation of a new drug proposed to be distributed to investigators for clinical testing obtaining a signed agreement from each of such investigators that patients to whom the drug is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug to any other investigator, or to clinics, for administration to human beings; and

"'(3) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such drug, of data obtained as the result of such investigational use of such drug, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drug in the event of the filing of an application pursuant to subsection (b).

Such regulations shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that (1) experts using such drugs for investigational purposes inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and obtain the consent of such human beings or their representatives, and (2) such experts certify to such manufacturer or sponsor that such consent will be obtained. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs.'

"(c) Section 301(e) of such Act (21 U.S.C. 331(e)) is amended to read as follows:

"'(e) The refusal to permit access to or copying of any record as required by section 703; or the failure to establish or maintain any record, or make any report, required under section 505 (i) or (j), or the refusal to permit access to or verification or copying of any such required record.'

"(d) Subsection (a) of section 302 of such Act is amended by striking out '(e),'.

"New Drug Clearance Procedure

"Sec. 104. (a) Section 505(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a)), is amended to read as follows:

"'(a) No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) is effective with respect to such drug.'

"(b) Section 505(c) of such Act (21 U.S.C. 355(c)) is amended to read as follows:

"'(c) Within one hundred and eighty days after the filing of an application under this subsection, or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

"'(1) approve the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies, or

"'(2) give the applicant notice of an opportunity for a hearing before the Secretary under subsection (d) on the question whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within thirty days after such notice, such hearing shall commence not more than ninety days after the expiration of such thirty days unless the Secretary and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the Secretary's order thereon shall be issued within ninety days after such hearing is completed.'

"(c) Section 505(f) of such Act (21 U.S.C. 355(f)) is amended to read as follows:

"'(f) Whenever the Secretary finds that the facts so require, he shall revoke any previous order under subsection (d) or (e) refusing, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate.'

"(d)(1) The first four sentences of section 505(h) of such Act (21 U.S.C. 355(h)) are amended to read as follows:

"'(h) An appeal may be taken by the applicant from an order of the Secretary refusing or withdrawing approval of an application under this section. Such appeal shall be taken by filing in the United States court of appeals for the circuit wherein such applicant resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a written petition praying that the order of the Secretary be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm or set aside such order, except that until the filing of the record the Secretary may modify or set aside his order.'

"(2) The ninth sentence of such section 505(h) is amended to read as follows: 'The judgment of the court affirming or setting aside any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.'

"(3) The amendments made by this subsection shall not apply to any appeal taken prior to the date of enactment of this Act.

"(e)(1) Section 301(l) of such Act (21 U.S.C. 331(l)) is amended by (1) inserting 'approval of' before 'an application', and (2) striking out 'effective' and inserting in lieu thereof 'in effect'.

"(2) Clause (C) of section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)) is amended by striking out 'effective' and inserting in lieu thereof 'approved'.

"(f)(1) Clause (A) of paragraph (3) of section 409(c) of such Act (21 U.S.C. 348(c)) is amended by inserting before the semicolon at the end thereof the following: ', except that this proviso shall not apply with respect to the use of a substance as an ingredient of feed for animals which are raised for food production, if the Secretary finds (i) that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animals for which such feed is intended, and (ii) that no residue of the additive will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (f) and (g)) in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal'.

"(2) Subparagraph (B) of paragraph (5) of section 706(b) of such Act (21 U.S.C. 376(b)) is amended by inserting before the period at the end of the subparagraph a colon and the following proviso: '*Provided,* That clause (i) of this subparagraph (B) shall not apply with respect to the use of a color additive as an ingredient of feed for animals which are raised for food production, if the Secretary finds that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animals for which such feed is intended, and that no residue of the additive will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsection (d)) in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animal'.

"Certification of All Antibiotics

"Sec. 105. (a) The heading of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) is further amended to read 'CERTIFICATION OF DRUGS CONTAINING ANTIBIOTICS', and the first sentence of subsection (a) of such section 507 is amended to read as follows: 'The Secretary of Health, Education, and Welfare, pursuant to regulations promulgated by him, shall provide for the certification of batches of drugs composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin or any derivative thereof, and of drugs intended for use by man and composed wholly or partly of any other kind of antibiotic substance (including the chemically synthesized equivalent of any such substance).'

"(b) Such section 507 is further amended by adding at the end of such section the following new subsection:

"'(h) In the case of a drug for which, on the day immediately preceding the effective date of this subsection, a prior approval of an application under section 505 had not been withdrawn under section 505(e), the initial issuance of regulations providing for certification or exemption of such drug under this section 507 shall, with respect to the conditions of use prescribed, recommended, or suggested in the labeling covered by such application, not be conditioned upon an affirmative finding of the efficacy of such drug. Any subsequent amendment or repeal of such regulations so as no longer to provide for such certification or exemption on the ground of a lack of efficacy of such drug for use under such conditions of use may be effected only if (1) such amendment or repeal is made in accordance with the procedure specified in subsection (f) of this section and (2) the Secretary finds, on the basis of new information with respect to such drug evaluated together with the information before him when the application under section 505 became effective or was approved, that there is a lack of substantial evidence (as defined in section 505(d)) that the drug has the effect it purports or is represented to have under such conditions of use.'

"(c) Section 502(l) of such Act (21 U.S.C. 352(l)) is amended to read as follows:

"'(l) If it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof, or a drug intended for use by man and composed wholly or partly of any other kind of substance within the purview of section 507, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 507, and (2) such certificate or release is in effect with respect to such drug: *Provided*, That this paragraph shall not apply to any drug or class of drugs exempted by regulations promulgated under section 507 (c) or (d).'

"Records and Reports as to Experience on Antibiotics

"Sec. 106. (a) Section 507 of such Act (21 U.S.C. 357) is amended by adding at the end thereof the following new subsection:

"'(g) (1) Every person engaged in manufacturing, compounding, or processing any drug within the purview of this section with respect to which a certificate or release has been issued pursuant to this section shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such drug, as the Secretary may by general regulation, or by order with respect to such certification or release, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to make, or to facilitate, a determination as to whether such certification or release should be rescinded or whether any regulation issued under this section should be amended or repealed.

"'(2) Every person required under this section to maintain records, and every person having charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.'

"(b) Section 507(d) of such Act (21 U.S.C. 357(d)) is amended by adding at the end thereof the following new sentences: 'Such regulations may provide for conditioning the exemption under clause (3) upon—

"'(1) the submission to the Secretary, before any clinical testing of a new drug is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug, of preclinical tests of such drug adequate to justify the proposed clinical testing;

"'(2) the manufacturer or the sponsor of the investigation of a new drug proposed to be distributed to investigators for clinical testing obtaining a signed agreement from each of such investigators that patients to whom the drug is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug to any other investigator, or to clinics, for administration to human beings; and

"'(3) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such drug, of data obtained as the result of such investigational use of such drug, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drug in the event of the filing of an application for certification or release pursuant to subsection (a).

Such regulations shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that (1) experts using such drugs for investigational purposes inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and obtain the consent of such human beings or their representatives, and (2) such experts certify to such manufacturer or sponsor that such consent will be obtained. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs.'

"(c) Section 301(e) of such Act (21 U.S.C. 331(e)), as amended by section 103(c) of this Act, is further amended by striking out '505 (i) or (j)' and inserting in lieu thereof '505 (i) or (j), or 507 (d) or (g)'.

"Effective Dates and Application of Part A

"Sec. 107. (a) Except as otherwise provided in this section, the amendments made by the foregoing sections of this part A shall take effect on the date of enactment.

"(b) The amendments made by sections 101, 103, 105, and 106 of this part A shall, with respect to any drug, take effect on the first day of the seventh calendar month following the month in which this Act is enacted.

"(c) The amendments made by this Act to the Federal Food, Drug, and Cosmetic Act, insofar as such amendments relate to the effectiveness of drugs (except clause (3) of the first sentence of section 505(e) of such Act), shall not apply to any drug with respect to which an application under section 505 of the Federal Food, Drug, and Cosmetic Act was effective on the day immediately preceding the date of enactment of this Act, so long as amendment of such application is not proposed and approval of such application has not been suspended or withdrawn under section 505 of such Act, as amended by this Act. An application filed pursuant to section 505(b) of such Act which was effective on the day immediately preceding the date of enactment of this Act shall, upon the date of enactment of this Act, be deemed to be an application approved by the Secretary. If an application filed with respect to a new drug pursuant to such section 505(b) prior to the date of enactment of this Act is still pending before the Secretary on such date, the running of the period within which the Secretary must act on such application pursuant to section 505(c) of such Act, as amended by this Act, shall be deemed to have commenced on the day immediately following the date on which such application was in fact filed.

"(d) The amendments made by this Act to section 201(p) of the Federal Food, Drug, and Cosmetic Act shall not apply to any drug which, on the day immediately preceding the date of enactment of this Act, (1) was commercially used or sold in the United States, (2) was not a new drug as defined by section 201(p) of the Federal Food, Drug, and Cosmetic Act as then in force, and (3) was not covered by an effective application under section 505 of that Act, when intended solely for use under conditions prescribed, recommended, or suggested in labeling with respect to such drug on that day.

"Part B—Standardization of drug names

"Authority to Standardize Names

"Sec. 111. (a) The Federal Food, Drug, and Cosmetic Act, as amended by this Act, is further amended by adding at the end of chapter V the following new section:

"'Authority to standardize names

"'Sec. 508. Whenever in the judgment of the Secretary such action is necessary or desirable in the interest of achieving usefulness or simplicity of drug nomenclature, or because of the existence of two or more nonproprietary names (other than the systematic chemical name) for the same drug (or two or more drugs which are identical in their active ingredients and substantially identical in their pharmacological action, strength, quality, and purity), or because the common or usual name of a drug is misleading, confusing, or not sufficiently informative, or because there exists no common or usual name for a drug, he may promulgate regulations establishing a single standard name for such drug (or for such identical drugs), together with any related or additional information which in the judgment of the Secretary is desirable to facilitate the correct and effective use of such standard name. In no event, however, shall the Secretary establish a standard name so as to infringe a valid trademark.'

"(b) This section shall take effect on the date of its enactment.

"Name To Be Used on Drug Label

"Sec. 112. (a) Section 502(e) of such Act (21 U.S.C. 352(e)) is amended by—

"(1) inserting the subparagraph designation '(1)' after '(e)';

"(2) striking out the words 'If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient', and inserting in lieu thereof 'If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (i) the established name (as defined in subparagraph (2)) of the drug, if such there be, and (ii), in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient';

"(3) striking out the words 'the name' and inserting in lieu thereof the words 'the established name';

"(4) inserting therein, immediately after the colon following the words 'contained therein', the following: *'Provided,* That the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and (B) for any prescription drug the established name of such drug or ingredient, as the case may be, on such label (or on any labeling therefor) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient (or, in the case of labeling, is so printed at the first place, and at the most conspicuous place if other than the first place, at which such proprietary name for such drug or ingredient, as the case may be, is used):';

"(5) striking out the words 'clause (2) of this paragraph in the proviso to such paragraph and inserting in lieu thereof 'clause (A)(ii) or clause (B) of this subparagraph'; and

"(6) adding at the end of such paragraph the following new subparagraph:

"'(2) As used in this paragraph (e), the term "established name", with respect to a drug or ingredient thereof means (A) the applicable standard name established pursuant to section 508, or (B), if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient: *Provided further,* That where clause (B) of this subparagraph applies to an article recognized in the United States Pharmacopeia and in the Homoeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopeia shall apply unless it is labeled and offered for sale as a homoeopathic drug, in which case the official title used in the Homoeopathic Pharmacopoeia shall apply.'

"(b) Section 502(g) of such Act (21 U.S.C. 352(g)) is amended by inserting immediately before the period at the end thereof a colon and the following proviso: '*Provided further,* That, in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail'.

"(c) This section shall take effect on the first day of the seventh calendar month following the month in which this Act is enacted.

"Nonapplicability to Cosmetics

"SEC. 113. Chapter V of the Federal Food, Drug, and Cosmetic Act, as amended by section 111 of this Act, is further amended by adding at the end thereof the following:

"'Nonapplicability to cosmetics

"'SEC. 509. This chapter, as amended by the Drug Amendments of 1962, shall not apply to any cosmetic unless such cosmetic is also a drug or device or component thereof.'

"Part D—Amendments as to advertising

"Prescription Drug Advertisements

"SEC. 131. (a) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is further amended by adding at the end thereof the following new paragraph:

"'(n) In the case of any prescription drug distributed or offered for sale in any State, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor, with respect to that drug a true statement of (1) the established name as defined in section 502 (e), printed prominently and in type at least half as large as that used for any trade or brand name thereof, (2) the formula showing quantitatively each ingredient of such drug, and (3) such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required in regulations which shall be issued by the Secretary in accordance with the procedure specified in section 701(e) of this Act: *Provided,* That (A) except in extraordinary circumstances, no regulation issued under this paragraph shall require prior approval by the Secretary of the content of any advertisement, and (B) no advertisement of a prescription drug, published after the effective date of regulations issued under this paragraph applicable to advertisements of prescription drugs, shall, with respect to the matters specified in this paragraph or covered by such regulations, be subject to the provisions of sections 12 through 17 of the Federal Trade Commission Act, as amended (15 U.S.C. 52–57).'

"(b) No drug which was being commercially distributed prior to the date of enactment of this Act shall be deemed to be misbranded under paragraph (n) of section 502 of the Federal Food, Drug, and Cosmetic Act, as added by this section, until the earlier of the following dates: (1) the first day of the seventh month following the month in which this Act is enacted; or (2) the effective date of regulations first issued under clause (3) of such paragraph (n) in accordance with the procedure specified in section 701(e) of the Federal Food, Drug, and Cosmetic Act.

"TITLE II—FACTORY INSPECTION AUTHORITY

"Factory Inspection

"SEC. 201. (a) Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended to read as follows:

"'(a) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. In the case of any factory, warehouse, or establishment in which prescription drugs are manufactured, processed, packed, or held, the inspection shall extend to all things therein (including records, files, papers, processes, controls, and facilities) bearing on whether prescription drugs which are adulterated or misbranded within the meaning of this Act, or which may not be manufactured, introduced into interstate commerce, or sold, or offered for sale by reason of any provision of this Act, have been or are being manufactured, processed, packed, transported, or held in any such place, or otherwise bearing on violation of this Act. No inspection authorized for prescription drugs by the preceding sentence shall extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data, relating to new drugs and antibiotic drugs, subject to reporting and inspection under regulations lawfully issued pursuant to section 505 (i) or (j) or section 507 (d) or (g) of this Act, and data, relating to other drugs, which in the case of a new drug would be subject to reporting or inspection under lawful regulations issued pursuant to section 505(j) of the Act) pertinent sanitation methods, analytical reports on unfinished materials, quantitative formula data for active ingredients, qualitative formula data for inactive ingredients, facilities for weighing and measuring, packaging facilities, sterility controls, active ingredient assay controls, coding systems, facilities for maintaining separate identity for each drug, cleaning of equipment, methods for quarantine of drugs until after clearance with control laboratory and file of complaints from licensed medical practitioners and licensed medical institutions, shipping records, and data as to qualifications of technical and professional personnel performing functions subject to this Act. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. The provisions of the second sentence of this subsection shall not apply to—

"'(1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, upon prescriptions of practitioners licensed to administer such drugs, or patients under the care of such practitioners in the course of their professional practice and which do not, either through a subsidiary or otherwise, manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of their business of dispensing or selling drugs at retail;

"'(2) practitioners licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice;

"'(3) persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale;

"'(4) such other classes of persons as the Secretary may by regulation exempt from the application of this section upon a finding that inspection as applied to such classes of persons in accordance with this section is not necessary for the protection of the public health.'

"(b) Section 302(a) of such Act (21 U.S.C. 332(a)) is amended by striking out '(f),'.

"(c) Nothing in the amendments made by subsection (a) of this section shall be construed to negate or derogate from any authority of the Secretary existing prior to the enactment of this Act.

"Confidentiality of Information Obtained by Inspection

"SEC. 202. Section 301(j) of such Act (21 U.S.C. 331 (j)) is amended by—

"(1) inserting 'or as authorized by law,' after 'Act,';

"(2) striking out the following: 'concerning any method or process which as a trade secret is entitled to protection'; and

"(3) inserting immediately before the period at the end thereof the following: ': *Provided,* That nothing in this Act shall authorize the withholding of information from the duly authorized committees of the Congress'.

"Effect on State Laws

"SEC. 203. Nothing in the Federal Food, Drug, and Cosmetic Act, as amended, shall be construed as invalidating any provision of State law which would be valid in the absence of such Act unless there is a direct and positive conflict between such Act and such provision of State law.

"Effective Date

"SEC. 204. The amendments made by this title shall take effect on the date of enactment of this Act."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

The title was amended so as to read: "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, effectiveness, and reliability of drugs, authorize standardization of drug names, and clarify and strengthen existing inspection authority, and for other purposes."

Mr. HARRIS. Mr. Speaker, I move that the House insist upon the provisions of the bill passed by the House and request a conference with the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. Harris, Roberts of Alabama, O'Brien of New York, Rogers of Florida, Bennett of Michigan, Schenck, and Nelsen.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7927. An act to adjust postal rates, and for other purposes.

PROGRAM FOR THE BALANCE OF THE WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the majority leader if he can tell us anything about the program for tomorrow and anything about the program for next week, which the gentleman might have in mind.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The only business in order, at least, the only major legislative business in order tomorrow will be the continuing appropriation resolution.

I am not in a position as yet to discuss with the gentlemen of the House the program for next week. However, I shall be ready to announce the program tomorrow.

Mr. ARENDS. The one other bill which was scheduled on the calendar for this week is off?

Mr. ALBERT. It will go over until next week.

Mr. ARENDS. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so have 5 legislative days in which to extend their remarks on the bill H.R. 11581 which was under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE NATIONAL MOTTO "IN GOD WE TRUST"

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 740) to replace the 11 stars above the Speaker's desk in the Hall of the House with the national motto, "In God We Trust."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SCHENCK. Mr. Speaker, reserving the right to object, I ask my colleague from Missouri whether or not the language in this resolution was changed to indicate some of the letters would be replaced?

Mr. JONES of Missouri. There is a committee amendment which I shall offer at the proper time.

Mr. SCHENCK. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if there remains enough gold in this country to install this lettering?

Mr. JONES of Missouri. I think so. I think I can assure the gentleman there is. This resolution was considered in the Committee on House Administration. It was introduced by the gentleman from Minnesota [Mr. Marshall] and, as far as I have been able to find out, there is unanimous approval of it. I hope the House will adopt it immediately.

Mr. GROSS. Mr. Speaker, 'I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read as follows:

Resolved, That the Architect of the Capitol shall provide for replacing the eleven stars located above the Speaker's desk in the Hall of the House with the national motto of the United States, "In God We Trust", in gold lettering.

Mr. JONES of Missouri. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. Jones of Missouri: On page 1, line 2, strike out "the eleven" and insert "some or all of the".

The committee amendment was agreed to.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, one day our late colleague, Louis Rabaut, and I were admiring the appearance of the House Chamber. I am sure that all of us who have served and are serving in the House of Representatives appreciate the great traditions surrounding our Chamber. It so happened that both of us commented about the 15 stars above the Speaker's chair. We both had been questioned as to why there were 15 stars. We, at the time, felt that there was some significance to 15 stars but did not know what it was. Later we found that it was purely for decorative purposes.

We both commented what a fine place it would be for something of significance to our great Chamber. We both discussed some wording or a motto which might be placed there. I suggested that the words "In God We Trust" would be a remainder to all of us and would reaffirm our faith in God. Louis Rabaut expressed his satisfaction to me concerning the wording and suggested that I might proceed to draw up a resolution accordingly.

In reading past historical documents, our forefathers repeatedly expressed their feeling toward Almighty God, realizing the need of His bountiful blessings if the new Republic was to survive. It is fitting that some reminder be made at this time since 100 years ago this country was torn in conflict and during those dark days our great President, Abraham Lincoln, repeatedly expressed his faith in Almighty God.

During the times when our country is facing great crises, it is well that we remind ourselves of our reliance upon God and reaffirm our faith in Him. I hope that the House will unanimously adopt this resolution and when Members read the wording they will be inspired to greater faith. It will be a constant reminder to visitors in the Chamber of this country's faith in the words "In God We Trust."

Our distinguished Speaker has taken a personal interest in this matter and I am pleased to include herewith a letter signed by him, addressed to the Honorable Omar Burleson, chairman, Committee on House Administration, which is self-explanatory, as well as certain other appropriate correspondence:

The Speaker's Rooms,
U.S. House of Representatives,
Washington, D.C., September 4, 1962.

Hon. Omar Burleson,
Chairman, Committee on House Administration, U.S. House of Representatives, Washington, D.C.

Dear Omar: I have had called to my attention your letter of August 9 to the Honorable J. George Stewart, Architect of the Capitol, in relation to House Resolution 740, introduced by Congressman Fred Marshall, of Minnesota. As a result of your letter to Mr. Stewart, he contacted Mr. John Harbeson who was architectural consultant on the restoration of the House Chamber in 1949 and 1950. I enclose, for your information, the letter which Mr. Stewart received from Mr. Harbeson.

I have been informed that the 15 stars located about the Speaker's rostrum are decorative and have no symbolic significance. For example, 13 stars might. I personally feel that the suggestion of Congressman Marshall, if it can be worked out, would be one that would be desirable.

I have no opposition to House Resolution 740, in fact, I have an affirmative state of mind favorable to the same. The words "In God We Trust" symbolizes the journey that our country has always taken since its origin and, pray God, will always take.

With kind personal regards, I am,

Sincerely yours,

JOHN W. MCCORMACK.

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C., August 9, 1962.
Hon. J. GEORGE STEWART,
Architect of the Capitol,
Washington, D.C.

DEAR MR. STEWART: Attached are two copies of House Resolution 740 which directs the Architect of the Capitol to replace the 11 stars located above the Speaker's desk in the Hall of the House with the national motto of the United States, "In God We Trust," in gold lettering.

Your views and recommendations would be most helpful to the committee in its consideration of the resolution.

With best wishes, I am,

Sincerely yours,

OMAR BURLESON, *Chairman.*

AUGUST 24, 1962.

Mr. JOHN F. HARBESON,
Philadelphia, Pa.

DEAR JOHN: I am enclosing herewith copy of letter of August 9, 1962, from Hon. OMAR BURLESON, chairman, Committee on House Administration, enclosing copy of House Resolution 740, 87th Congress, introduced by Congressman MARSHALL of Minnesota, relating to a change in the House Chamber.

Since you were the architectural consultant on the House Chamber remodeling project, I would appreciate your views and recommendations on changes proposed in the resolution.

Sincerely yours,

J. GEORGE STEWART,
Architect of the Capitol.

PHILADELPHIA, PA., *August 30, 1962.*
Hon. J. GEORGE STEWART,
Architect of the Capitol,
U.S. Capitol, Washington, D.C.

DEAR GEORGE: On returning from a short vacation in Maine, I find your letter of August 24, 1962, enclosing copy of one from Congressman OMAR BURLESON discussing a resolution introduced by Congressman MARSHALL suggesting a change in the House Chamber.

1. I have studied the drawings and photographs showing the location where the proposed change would take place, above the Speaker's desk in the Hall of the House.

2. The replacing of some of the stars located on the frieze of the central motive by the words "In God We Trust" in gold lettering is entirely feasible from the standpoint of construction, would result in an appearance completely satisfactory esthetically, and would entail a minimum cost, as the letters used could be made from patterns already existing.

3. Both the stars and the words "In God We Trust" occur on our national coinage and, therefore, would be appropriate in the House Chamber. We recommend that the letter forms used be of the classic type used elsewhere in the House Chamber.

If you wish us to make a layout showing what the resulting appearance would be we shall be glad to do so.

Sincerely,

JOHN HARBESON.

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 4, 1962.
Hon. FRED MARSHALL,
U.S. House of Representatives,
Washington, D.C.

DEAR FRED: For your information, I enclose a copy of a letter that I have sent to Chairman BURLESON, together with a copy of the letter that Mr. Stewart received from Mr. John Harbeson.

With kind regards, I am,

Sincerely yours,

JOHN W. MCCORMACK.

SEPTEMBER 7, 1962.

Mr. JOHN F. HARBESON,
Philadelphia, Pa.

DEAR JOHN: Thank you for your letter of August 30, 1962, relating to the installation of the lettering "In God We Trust" in place of the 11 stars located above the Speaker's desk in the House Chamber at the Capitol.

I have shown your letter to the Speaker of the House, Hon. JOHN W. MCCORMACK, and he is pleased with the suggestion and has so advised Chairman BURLESON.

I would be glad to have you prepare and present to me a layout showing the resulting appearance, as suggested in the final paragraph of your letter.

With best wishes, I am,

Sincerely yours,

J. GEORGE STEWART,
Architect of the Capitol.

SEPTEMBER 10, 1962.

Hon. OMAR BURLESON,
Chairman, Committee on House Administration, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of August 9, 1962, requesting my views and recommendations on House Resolution 740, directing the Architect of the Capitol to replace the 11 stars located above the Speaker's desk in the Hall of the House with the words "In God We Trust" in gold lettering.

By letter of August 24, 1962, I brought the resolution and your letter to the attention of Mr. John F. Harbeson, architect, of Philadelphia, who served as the architectural consultant for the remodeling of the House Chamber in 1949–50.

After receiving Mr. Harbeson's affirmative reply, I took the matter up with Hon. JOHN W. MCCORMACK, Speaker of the House.

The Speaker was favorably impressed with the suggestion and, as a result, wrote letter to you of September 4, 1962, with which he sent letter from Mr. Harbeson.

I have asked Mr. Harbeson to prepare a layout showing the resulting appearance after the proposed change. As soon as the layout is received, I will be pleased to bring it to the attention of both your committee and the Speaker.

With best wishes, I am,

Sincerely yours,

J. GEORGE STEWART,
Architect of the Capitol.

Mr. RANDALL. Mr. Speaker, when the House adopted House Resolution 740 it wrote a page of history which causes wonderment as to why all of us so long neglected to do the thing that has been done today. But better now than even later there is to be permanently inscribed before the eyes of all the Representatives of the people of these United States whenever they sit in the House Chamber, our national motto.

The resolution adopted today was first introduced on August 1, 1962, by Congressman FRED MARSHALL, of Minnesota, our good friend and a fellow Member loved and respected by all of his colleagues. He recently announced his retirement at the conclusion of the current session but his thoughtfulness in causing to be introduced this resolution will provide him a secure place in the hearts and thoughts of the membership of this House for years and years after he has departed the Chamber.

The resolution is simple in its content. It simply directs the Architect to remove some of the gold stars that appear over and back of the Speaker's chair. There are 11 stars in the center panel and 2 on each side for a total of 15, and the resolution calls for removal of as many as may be necessary and to be put in their place our national motto, "In God We Trust." The gold stars were quite decorative but they had no particular significance or meaning, being there purely as a decoration. Hereafter, we are to have continuously before our eyes our recognition of Almighty God and that our faith, trust, and hope are reposed in His goodness.

"In God We Trust" has appeared on most issues of our coins since about the beginning of the Civil War. For some reason there was an increase of religious sentiment engendered by the outbreak of the war between the States and the Reverend M. R. Watkinson, of Ridleyville, Pa., along with many devout persons throughout the country wrote to the Secretary of the Treasury, Salmon P. Chase and urged that the Diety be recognized on our coins. On November 13, 1861, after the Union forces had been shaken by a series of battlefield defeats and suffered a great loss of morale the Reverend Watkinson wrote, "from my heart I have felt our national shame in disowning God as not the least of our present national disasters." It was letters such as these that led to the recognition of Almighty God on our coins, and accordingly, Secretary Chase ordered the director of the mint at Philadelphia to commence work to prepare a desirable motto and backed coinage legislation which authorized use of this slogan. Several forms were proposed, among them being, "God Our Trust," and "God and Our Country," and finally the inscription we have all learned to love so well, "In God We Trust."

The first appearance of our national motto was upon coins struck off in 1864 and then it disappeared in 1866 and continued to disappear and reappear on various coins until 1955 when the Congress of the United States at long last got around to the much neglected legislation and ordered it placed on paper money and all coins.

There is something of a parallel here because just as it took the Congress from 1864 to 1955 to provide that our paper money and coins should be so inscribed, so it has taken the House of Representatives all the years and through the many changes, renovations and doing over of the House Chamber to finally correct an omission that now seems difficult to believe had not been proposed long ago. Things of this kind must slip the mind of us lawmakers because it was not until 1955 that Congress got around to set apart a room for prayer, when by concurrent resolution, the Capitol prayer room was authorized.

All of us in the House owe a debt of gratitude to the author of the resolution and to the Committee on House Administration for its conclusion that no hearings were necessary and for the favorable report from the Architect and the good letter from our beloved Speaker. We are likewise indebted to the member of the House Administration Committee who handled the resolution on the floor, our colleague the gentleman from Missouri [Mr. Jones].

We sincerely believe the House by its historic action today calling for this inscription to be placed constantly before the eyes of every Member emphasized anew that we are not only a God-fearing people but that we all realize that only by faith and trust in God can there be any hope for the solution of what seems to be the endless problems facing the Congress in world affairs and within our country. The House in providing for the inscription put our great national motto in the most prominent place in the greatest legislative hall in the world. By this we speak out to the entire world that we are not an atheistic country or a godless Nation like our enemies behind the Iron Curtain; that we cast our lot on the side of the Almighty and reposing faith in His guidance we will ultimately win all of our struggles.

We suppose that the actual work will be accomplished during the fall recess of the House and when the 88th Congress assembles in January there will be among that group many new Members who will see this national motto and little realize it had not been a part of the House Chamber since the beginning. For those who return and know how this inscription came to be there will be the good feeling that something has been done which should have been accomplished years ago.

One of the byproducts of our act today is that we have given perhaps not directly but yet in a not so subtle way our answer to the recent decision of the U.S. Supreme Court order banning the regents prayer from the New York State schools. At the conclusion of the session some Members were heard to say that we had just reversed the decision of the Supreme Court. They may be right but this we know that our action of today will go a long way to reaffirm the faith of every Member in our Heavenly Father by the constant reminder of our national motto, "In God We Trust."

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OCEANOGRAPHIC ACT OF 1962

Mr. DINGELL submitted a conference report and statement on the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include a speech of the President today at the White House Conference on Narcotics.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, today President Kennedy opened the White House Conference on Narcotic and Drug Abuse, a milestone in attacking the complex problem of drug addiction. The President and the Attorney General have seized the initiative and shown the continuing interest of the administration in seeking and finding solutions. I am sure that my colleagues will be interested in the President's remarks welcoming the participants. I include them at this point in the Record:

Remarks of President John F. Kennedy Before the White House Conference on Narcotic and Drug Abuse

Mr. Chairman, participants in this Conference on Narcotic and Drug Abuse, and guests, for more than half a century this Nation has faced persistent and vexatious problems arising out of the abuse of narcotic and nonnarcotic drugs. It is especially tragic and upsetting that this great loss to our society in the form of human suffering and misery and lost productivity flows directly from agents which possess the capacity to relieve pain and suffering. Properly and expertly used, they contribute significantly to the improvement and betterment of our lives, a fact to which millions of us can give personal testimony—improperly used, their fruits can be degradation, incapacitation, and crime.

This national problem merits national concern. I am confident that this White House Conference—the first ever held in this field—will help focus attention on the various aspects of the problem and most importantly, will permit a pooling of our information and experiences to the end that an orderly, vigorous, and direct attack can be undertaken on all levels: local, State, Federal, and international. Assembled here today are representatives from cities, States, and 12 different Federal agencies, including many of the Nation's most distinguished men and women in the fields of medicine, law, sociology, education, and law enforcement.

There is universal agreement that the two key objectives of an effective program are the elimination of illicit traffic in drugs and secondly, the rehabilitation and restoration to society of the drug addict.

In recent years we have seen a drastic and dramatic reduction in the volume of illegal narcotics and drugs brought into this country. This is a result of the cooperative effort of numerous Federal, State, and local agencies, but I must single out the Federal Bureau of Narcotics for special note. Under the forceful and purposeful leadership of Commissioner Anslinger the Bureau reduced this misery-producing traffic so effectively that where 35 years ago addicts could purchase 100 percent, or pure, heroin, the sharply curtailed amount entering the United States today requires traffickers to dilute their product to the point that the addict obtains only 3 to 5 percent heroin in the packet he purchases.

This morning I presented a special citation to Commissioner Anslinger expressing the appreciation and gratitude owed him by the people of the United States and the world community for the enormous contribution he has made to the control of illicit drug traffic.

This vital aspect of the attack on the drug abuse problem must continue—surely the conference panel devoted to this subject will bring together our Nation's most experienced and skilled personnel.

Although there is admittedly some divergence of view regarding the remedial action which is most appropriate for the addict who peddles illicit narcotics, there is no divergence of opinion on the need for vastly improved techniques and programs aimed at rehabilitating all addicts. The discouragingly high degree of relapse among addicts who leave our medical institutions free of any physical dependence on drugs is clear evidence that more must be done. It comes as no surprise to learn that a great majority of those who leave our institutions to return to the same physical environment, to the same friends and to the same pressures which initially compelled them to addiction will soon succumb again and repeat the cycle. Positive efforts to break the cycle will obviously be more successful—and indeed much less costly—than a system which treats the symptoms and disregards the causes.

A group of eight eminent scientists has, at my request, spent the past 3 months preparing a report on drug abuse to serve as a working paper for this conference. The document, circulated to all participants, suggests many areas of inquiry. One meriting special attention deals with the growing abuse of nonnarcotic drugs, including barbiturates and amphetamines. Society's gain will be illusory if we have reduced the incidence of one kind of drug addiction only to have new kinds of drugs substituted. Abuse of these drugs is increasingly creating problems of abnormal and antisocial behavior, highway accidents, juvenile delinquency, broken homes. An especially disturbing aspect of the alarming increase in the illegal traffic in these drugs is their particular attraction to juveniles because of the ease with which they can be obtained and their extremely low cost in comparison with narcotic drugs. The Congress is now considering legislation which I have requested to strengthen Federal authority to control the manufacture and distribution of barbiturates and stimulant drugs. This key area should be the subject of continuous intensive scrutiny. The sooner effective devices for preventing abuse of these drugs are implemented, the less severe the problem will be.

Our focus on national issues must not obscure the international aspects of our drug abuse problem. Criminals responsible for international traffic in illicit narcotics have no respect for national boundaries. Many nations have a real concern in controlling illicit traffic, and toward this end, the United States, through our representation on the United Nations Commission on Narcotic Drugs, has sought international cooperation in dealing with this evil trade. In addition, the U.S. Government will continue to work directly with other nations to secure adequate international controls.

In my recent conversations with President Mateos, of Mexico, we discussed the eradication of illegal drug traffic, and agreed to redouble our efforts and our cooperation to achieve it.

The Bureau of Narcotics has cooperated with narcotic enforcement officers in Europe and the Near and Middle East to strike at the foreign sources of illicit narcotic drugs intended for U.S. consumption. These efforts have been so successful that the activity of the Bureau of Narcotics is being expanded to other parts of the world, a program which will be implemented before the end of this year.

It is unfortunate that in this area of drug abuse there have been conflicting approaches, a dearth of hard factual data, and only partial cooperation between Federal, State and local governmental levels. It is our hope and expectation that the convening of this conference will provide a forum where this frequently tragic and dangerous social problem of drug addiction can be systematically explored and a unified approach developed. As you begin your humane task, let me assure you of the full cooperation of the Federal Government and of our earnest intention to insure that drugs not be employed to debase mankind, but to serve it.

FISHING PORT IN CUBA

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, I note in today's papers that the State Department is aware of the announcement by the Soviets and Castro that a fishing port will be built in Cuba. Officials of the Department of State will watch the development closely. Will that watching be as "sidewalk superintendents"? Or will they face up to the fact that this port—and radio station—with facilities for handling more than 100 ships, submarines, or what have you, without a doubt will become a hostile naval base just 90 miles off our shores.

In a column adjacent to the news story about the State Department's watchful waiting for developments in the construction of the naval base was another story. It relates the concern of Americans over the Communist military buildup in Cuba and its threat to the peace and security of this Nation and the Western Hemisphere. The article I refer to was headlined "Pickets Halt Loading of Red Ship." Patriotic Americans at Houston, Tex., including housewives, children, and a group of Cuban refugees, picketed a Yugoslav freighter thereby halting the loading of U.S. surplus flour aboard a vessel which has just carried Russian grain to Cuba.

When are responsible officials going to awaken? Communism with great military potential as a threat to America's security is now within easy missile distance of the United States.

HITTING THE BEACHES

Mr. ALGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, I am happy to report to the House that the statement made yesterday by the gentleman from Ohio [Mr. Hays] in which the gentleman from Texas now addressing the House and the gentleman from New York [Mr. Pillion], were mentioned, I have been assured privately, in no sense was intended to be derogatory, that we would be slow to hit the beaches with the gentleman from Ohio in case we ever, God forbid, became engaged in combat. I understand that no such implication was intended either in that part that was added under permission to revise, which we did not hear on the floor.

CHELSEA RIVER-BOSTON HARBOR PROJECT

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, for many years I have been interested in securing the assistance of the Federal Government to improve navigation on the Chelsea River, which is a coastal stream emptying into Boston Harbor.

Boston is the major port that serves all the six New England States. Chelsea River, bordered by East Boston and the cities of Chelsea and Revere, is vital to the Port of Boston. This river is used primarily for the receipt of petroleum products, which are distributed by truck and rail over a large area. It accounts for over 39 percent of the petroleum receipts in Boston Harbor. Annual waterborne commerce is more than 5 million tons. Commercial vessels, with drafts ranging up to 34 feet, make thousands of trips in and out of this river each year.

Chelsea River is the heart of the petroleum supply line upon which the military installations and the concentration of defense industries depend, in addition to the growing needs of the New England economy.

The original authority for this project dates back to a resolution of the Public Works Committee, U.S. House of Representatives, adopted February 1, 1946. Improvements under the original project have proved to be inadequate.

After a thorough survey, the Corps of Engineers, U.S. Army, has recommended that prospective commerce in petroleum and petroleum products is sufficient to justify deepening the channel to 35 feet from the Boston Harbor main ship channel to the Chelsea Street Bridge generally 225 to 250 feet in width, a channel 35 feet deep varying in width from 250 to 430 feet above the Chelsea Street Bridge; and a maneuvering basin 35 feet deep with 800 feet average width and 1,000 feet average length.

Because of the larger sized tankers now in use for the waterborne transportation of petroleum, present shallow depths make navigation hazardous and results in delays to deep-draft commercial traffic using the harbor.

The estimated cost for these improvements, based on the price level of July 1960, would be:

Federal	$2,843,000
Non-Federal	2,140,000
Total	4,983,000

The annual benefits would be:

Transportation savings	$531,350
Towboat savings	66,900
Reduction in tidal delays	184,000
Total	782,250
Benefit-cost ratio	4.0

In addition to the recommendations of the U.S. Army Engineers, the U.S. Department of the Interior and the Commonwealth of Massachusetts favor this project, and the U.S. Bureau of the Budget offers no objections.

All the evidence points to the need for an early start on these improvements—House Document No. 350, 87th Congress—because they are essential to the economy of Massachusetts and New England.

OPERATION 85

The SPEAKER. Under previous order of the House, the gentleman from Nebraska [Mr. Cunningham] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I am a member of what is called on our side of the aisle the 85th Club. This club is composed of Members who entered this Chamber 6 years ago.

Early this year in conference with each other and jointly we felt that we would want to offer something constructive as our contribution as a project to the improvement of the various maneuvers and programs of the Congress.

I do not know what to call this particular special order. It might be called "Operation 85." It might be called "A Program to Modernize Procedures." It might be called "A Program for a 'Do Something Congress.'"

This certainly is no reflection upon our distinguished Speaker and our distinguished majority and minority leaders because now as we are drawing to the close of this session I think we have accomplished a great deal. Our concern was that not enough attention was focused upon some of the procedures in the Congress that many of us felt, if improved and revised, might allow the proceedings in the Congress to be a little smoother and perhaps allow it to accomplish just as much as we accomplish now, only with less time spent upon it.

The members of the 85th Club who, as I said, are Members on our side of the aisle, are the gentleman from Michigan [Mr. Broomfield], the gentleman from Michigan [Mr. Chamberlain], the gentleman from Illinois [Mr. Collier], the gentleman from Pennsylvania [Mr. Curtin], the gentleman from New York [Mr. Dooley], the gentlewoman from New Jersey [Mrs. Dwyer], the gentleman from New Jersey [Mr. Glenn], the gentleman from Michigan [Mr. GRIFFIN], the gentleman from Illinois [Mr. MICHEL], the gentleman from West Virginia [Mr. MOORE], the gentleman from Minnesota [Mr. QUIE], the gentleman from New York [Mr. ROBISON], the gentleman from California [Mr. SMITH], and myself.

As I mentioned, about a year ago we sat down collectively to go over some of the various proposals that have been made by Members on both sides of the aisle and also to think among ourselves about some of the things that we think might be adopted or at least considered to improve the operation of this great and distinguished body.

There are many things that have come to our minds. Some of these proposals have been introduced before—some are of our own thinking. I would like briefly to recite some of the things we have in mind. Again may I emphasize that this is in no way a reflection either on the majority party or the minority party, but it is a sincere effort to give some attention to procedure which would increase the efficiency of this great body. For example, we thought of a proposition having to do with a more effective valuation of fiscal requirements of the executive agencies. We gave consideration to the item veto. We gave consideration to the joint sponsorship of bills as they do in the other body rather than individual bills as prevails in this body. We gave consideration to clerk hire allowances on a gross basis or population basis. This system now is so complicated that it almost takes a mathematician to figure out what the salaries of our employees should be.

We gave consideration to provisions for appointment of Representatives in case of disaster that might affect our country so that this great deliberative body could carry on. We gave consideration to back-door spending; to prefiling of bills during recess to allow earlier starts on departmental reports as is now being done in the New York State Legislature.

Also to give committee and subcommittee chairmen authority to allow broadcasting and telecasting of hearings and provide automatic rollcalls on all appropriation bills.

To confine extension and revision of remarks in the RECORD to grammatical and typographical corrections.

To amend the Reorganization Act of 1946 to provide that Congress will adjourn by the last day of August.

And following June 1, only the committee chairmen, subcommittee chairmen, and ranking minority Members may introduce bills with the understanding that such bills in each case will be limited to those which will be expected to be referred to the committee or subcommittee involved. This is done in many legislatures including that of my own State.

To limit each Member to include articles for extension in the RECORD only when such material pertains to matters of legislation.

To provide that appropriation bills will be laid on the table following House consideration until all have received tentative approval and the latest budget estimates are available and then fiscal action can be taken on the entire budget.

For seniority purposes in determining committee chairmen, all Members with 20 years' experience are considered equals. This would allow selection of committee chairmen who are representative of the majority of the Members of the committee.

For full reports in the CONGRESSIONAL RECORD of expenditures by committees, Members, and employees on official trips.

For an increase in the minority staff members of the committees.

For a summer recess which would allow all of us to have a couple of weeks with our families whom we are so often apart from to go back to our districts together or to go for some relaxation and come back refreshed so that tempers having gone through the hot summer months and for many months of the session would not be so short.

For a congressional student intern program where it would be provided that each congressional office might employ for a 3-month period a legitimate college student to be an intern in a Congressman's office. We also would provide more time for the study of appropriation bills.

Mr. Speaker, most of the proposals have been introduced in the last few days or earlier and others will be as the Members are able to have them framed.

Mr. Speaker, one of the bills that I have dropped into the hopper provides for more study of appropriation bills. At the present time after the filing of the committee report 3 calendar days elapse before a vote is taken. My proposal would provide that 5 legislative days should elapse, because these are very technical and very intricate measures, and it would give us all an opportunity to study them in greater detail.

Mr. Speaker, I am pleased to join my colleagues from the 85th Club in sponsoring a portion of this program for constructive action to improve the procedures of the Congress.

We do not seek to place blame on either party, nor do we criticize leadership or Members of this body. We are offering constructive and concrete suggestions—in one place and in one time—which we sincerely believe will increase the efficiency of the House of Representatives.

We are interested in doing the best possible job for the people we represent. We are interested in seeing that we are able to do the best possible job and that we and our colleagues are not hindered by antique rules which have outlived their usefulness.

The suggestions we are offering are not new or radical. Instead, we studied the many legislative ideas advanced by Members of this body and selected those we felt had the most merit. We agreed to divide those up among our number but to seek action on them jointly in hopes that through this means we would succeed where individuals have not had the time to push their separate proposals, as meritorious as they may be.

I believe the gentleman from California [Mr. SMITH] will in due time mention the other Members of this body who have already sponsored these ideas we endorse or ideas very similar to them. We appreciate the work these colleagues have done and heartily congratulate them for their efforts. We hope we can be of assistance.

The legislation I have introduced, House Resolution 809, will provide additional time for study by all Members of this body of hearings and reports on general appropriation bills before they are brought to the floor for debate and action next year. At present, there is only a necessity for 3 calendar days to pass following the formal filing of the Appropriations Committee report on a general appropriation bill before that bill is called up for decision.

I subscribe to the belief that if we are to represent, we must be informed on the bills before us. Without for one moment inferring that the Appropriations Committee of this body is not diligent and most effective, I believe that we can all use more time to study the record of hearings and the Appropriations Committee's written report prior to action on appropriations bills.

Accordingly, the resolution which I sponsor will provide that at least 5 legislative days shall pass after the filing of the Appropriations Committee's report before the general appropriation bill covered by the report may be brought to the floor for action.

This should not delay the work of the House for 1 minute. But it will allow all of us to be even more familiar with the details of multibillion-dollar appropriations bills which we vote on. We are responsible to our constituents for the spending of these billions of dollars. Certainly we must have time to be aware of just what these bills provide.

I appreciate the opportunity to be a part of this program. I urge my colleagues on both sides of the aisle to join in this program and to give every possible support to these bills as they move into the committees.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Speaker, I would like to compliment and commend the gentleman from Nebraska for what I know to be a very sincere effort on his part to provide some means by which we, as Members of Congress, can make a constructive reappraisal of the legislative processes and many of those things with which we deal.

Mr. Speaker, the frightening public indebtedness and the critically low condition of our gold reserves should shake every fiscally responsible Member of Congress into taking positive action to curb the practice of back-door spending.

First, may I call to the attention of the Members of the House that section 9 of article I of the U.S. Constitution specifically states:

> No money shall be drawn from the Treasury but in the consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

There is grave doubt in my mind as to whether the Congress has not repeatedly in the past exceeded its constitutional authority in committing the Treasury to obligations on a long-term basis and beyond the current fiscal year during which such commitments were made by law.

Under the Boggs decision rendered in 1949, language contained in measures calling for expenditures from debt receipts was declared "not to come under the definition of appropriations." Since that decision was rendered there has been a vacuum in the area of any positive definition of what actually constitutes a commitment upon the Treasury by the Congress.

Aside from the constitutional concept of commitments voted on a long-term basis, we are today facing critical problems which we must not continue to sidestep. My colleagues, just as sure as the sun will rise tomorrow, the people of this country will have to face up to the fact that we cannot go on spending and spending indefinitely with only verbal concern for our present astronomical Federal indebtedness.

In President Kennedy's inaugural address of January 20, 1961, he pledged to do whatever might be needed to insure the soundness of the dollar. In fact, the Chief Executive reiterated to Congress that it was not his intention to advocate any program of expenditures that would of and by itself unbalance the budget. This, however, has certainly not been the pursued policy of the administration.

The sad fact is that Congress not only continues to consistently appropriate funds in excess of revenues, but, in fact, pledges the good faith of the U.S. Government in commitments that stretch far beyond each fiscal year.

The fact of the matter is that we, as responsible representatives of the people of this Nation, have a solemn obligation to preserve the fiscal integrity of the country—and this most certainly embraces an obligation to the next generation which will be saddled with the great indebtedness which now obviously will become the sad heritage of your children and mine, and even our grandchildren. It would seem that our experiences of the past and the present state of the Treasury finances would shake more elected representatives into realizing that we cannot roll merrily on, ignoring the simple facts of addition, subtraction, and multiplication, as they apply to our national income, pattern of expenditures, and excessive interest rates on refinancing.

It is all well and good to say that the answer lies in an expanded economy which will bring increased revenues, but is this not wishful thinking in the face of our experience?

Although it may not always be politically expedient to forgo the appropriation and commitment of Federal funds, we will have to either do it voluntarily or we will ultimately be forced to embark upon a program of Government control in our economy. This would be a sad plight for a nation that has built its strength upon a free economy. It seems to me that we are heading for a new era of inflation which can only retard prosperity and create new serious problems for all of our citizens. It is about time that we put into practice some degree of the sacrifices which President Kennedy promised would be forthcoming. It is about time we start looking about for ways in which we can do something for our country rather than constantly seeking that which the Government can do for us. We spend billions each year for national defense and to maintain our strength in a world which is plagued with an ideology and philosophy that would destroy our way of life. And yet we have displayed no honest effort to make any sacrifice to keep the foundation of our fiscal house solid.

Early action on House Resolution 321 will be the first step toward doing that which is our responsibility to do. It will prescribe a course that will stem any new inflation. Our economy depends upon it and our position of strength in the world today depends upon the fiscal stability of this Nation.

Mr. **CUNNINGHAM**. I thank the distinguished gentleman from Illinois, who has, with the rest of us, worked very hard on this project, which, as I say, is certainly in no sense a political matter, but there are things that should be done and we hope everyone will help in this project.

Mr. **QUIE**. Mr. Speaker, will the gentleman yield?

Mr. **CUNNINGHAM**. I yield to the gentleman from Minnesota.

Mr. **QUIE**. Mr. Speaker, at this late date I think everyone will agree that the House needs some reorganization, not only because of the late date but in order that we may do our duty more responsibly. The gentleman should be commended for the work he has done, as the gentleman from New York [Mr. ROBISON] who has worked with him on this matter of developing ways that the Congress can work more responsibly.

I notice as we consider appropriation bills we consider them in different packages, never realizing until the end of the session whether we have appropriated money within or without the budget. The experience of the past year shows that we have been appropriating more money and spending more money than we have taken in. I believe a plan can be devised by which we can operate more efficiently and responsibly and take in the whole picture of our Federal spending before the appropriation bills are finally passed.

When the mailman brings you a bill from the department store or drugstore, when he brings renewal notices from insurance companies or magazines, or when you have other financial obligations, do you sit right down and write a check? Or do you first find out how many bills you will receive this month and whether they must be paid in full or in installments?

Most of us have a budget of some kind or at least an idea of what we will have to pay each month in bills. We base our spending on this budget. We do not buy everything we want right now, but we keep our eyes on the total we have available and spend as we feel we can each month.

Do you realize that the Congress does just the opposite? The Congress blindly appropriates money more than a dozen times each year without having any clear idea of how much the total will be, or how much tax money will be available to pay the bills. That is, in my opinion, why we have had so many deficits in recent years.

We still operate in Congress as they did in Civil War days. We have no clear idea of how much we will spend each year, despite the close scrutiny given each separate appropriation bill by the Appropriations Committees of the House and Senate.

This is because each major Government department is provided for in a separate bill. Each department's appropriation bill comes up at a different time during the year. Each bill is passed without any clear idea of what the total of all these bills will be. It is a foolish and dangerous procedure.

We need a more responsible procedure. I am proposing one. Basically—it works like this:

When the appropriation bill for the Agriculture Department comes to the House, the House will consider it and make a judgment on it. But then, instead of passing the bill, we will hold it until we have considered appropriation bills for all the other departments and agencies.

After all of the bills have been considered, we will know how much the total is and how it compares to the amount of anticipated tax revenue. We will know pretty well whether we are going to spend less than the Government receives—or spend $1 billion, $2 billion, or $10 billion more than we expect to receive. If it turns out that we are way over expected revenues, the House can go over all these bills again and cut out some of the new programs and reduce others until we have a balanced budget.

And at this time, the forgotten Americans—the taxpayers—can let everyone here know just how they feel about big Federal spending programs.

The way things are done now, the taxpayers have to be on the alert every week to watch for the many separate appropriation bills, and I know it is a hard job to keep up with all the goings-on in Congress when your interests are naturally concentrated on earning a living and raising a family. Yet the lobbyists and special interest people are here every week, plugging away for their special projects and programs, pleading for a few more million dollars for this department and that agency. They have a lot of success, for their arguments are persuasive and they claim to represent a lot of people interested in these special programs.

As I say, the taxpayers of the country have to counteract every one of the hundreds of lobbyists all through the year. Now, if my suggestion is adopted, the lobbyists will find it harder to operate. The taxpayers will find out the total amount Congress expects to appropriate and can easily see whether this is any time for expanding old programs and starting new ones, or whether the state of the Nation's finances make it desirable to cut back, pull in our belts a notch, and hold off on these special interest projects until there is money available, if that day ever comes.

We have a national debt of over $300 billion. In addition, this Government is obligated to pay about $750 billion more for other programs and activities already started. It is time we brought some order out of our chaotic appropriation methods. I sincerely believe it is time Uncle Sam took a lesson from all his nephews and nieces on how to run a budget.

Mr. CUNNINGHAM. I thank the gentleman from Minnesota, because he has also worked diligently on this project.

Mr. CURTIN. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. CURTIN. Mr. Speaker, I wish to commend the gentleman from Nebraska for his leadership in this matter and, as a participant in the program just outlined by Mr. CUNNINGHAM, I wish to take a few minutes of the time of this body to speak on a resolution which would require a vote of the House, by the yeas and nays, on all appropriation bills. I speak of House Resolution 813, which I introduced yesterday, and all similar resolutions previously introduced.

This is a matter which Members have discussed over the years but which has never reached the point of affirmative action.

As we look back over the action of the House during this Congress and consider the various appropriation and supplemental appropriation bills which have been brought before us, there would seem to be no real reason why our individual votes should not have been recorded by the yeas and nays in each instance.

We very frequently appropriate billions of dollars in a single appropriation bill and this, by any standard, is a lot of the taxpayers' money. The taxpayers of this country at large, and particularly the taxpayers who are our constituents, should have no doubt as to how each of us voted on each of these bills which so affect their individual pocketbooks.

I have heard no valid arguments against this position except the statement that it is always done on certain appropriation bills. This is correct and I am glad of it, but we should extend the practice to all such bills.

As we approach the closing day of this 87th Congress, let us firmly resolve to give this matter very serious consideration in the next Congress.

I thank the gentleman for yielding.

Mr. CUNNINGHAM. I thank the distinguished gentleman, our colleague from Pennsylvania, who, as a member of the 85th Club which I have mentioned, has worked diligently on this project. I certainly hope that some serious consideration can be given to his particular proposal.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, while I am not a member of the 85th Club, I am a member of the 86th Club.

Mr. Speaker, I feel that we owe to the 85th Club a vote of thanks and commendation for their efforts which they have so well discussed here today in bringing about various circumstances relative to our Government and to the welfare of our country.

Mr. Speaker, many of us who adopt a rather conservative line are sometimes criticized for that. But I think it must be remembered that if our country is to be strong militarily, if we are to protect our balance of trade, if we are to protect our gold reserve and our fiscal integrity, a part of it is because of the fact that one of the contributing factors to that end is careful administration of our governmental affairs.

Mr. Speaker, I note in the discussion today those factors have been highlighted. I wish to endorse that feeling, and I wish to compliment the gentleman in the well of the House, the gentleman from Nebraska [Mr. CUNNINGHAM], for the gentleman's leadership and for the gentleman's work in that direction.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Nebraska.

Mr. BEERMANN. Mr. Speaker, I too am not a member of the 85th club nor the 86th club. But as a member of the 87th club and a fellow colleague of my distinguished friend, the gentleman from the Second Congressional District of Nebraska, I would like to compliment the gentleman for the gentleman's work performed in all fields about which I know since I have been here. I want to take this time to thank the gentleman personally and publicly for the help and assistance which the gentleman gave to me when I first came to Congress with reference to procedures and the various workings of the House of Representatives in order that I could do my job more effectively.

Mr. Speaker, I would like to close by saying that I hope the gentleman continues in this work. I know we shall see some results from the fruits of his efforts.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. Speaker, I ask unanimous consent at this point to insert, following the remarks of the gentleman from Nebraska, the remarks of the gentleman from New York [Mr. ROBISON].

The SPEAKER pro tempore (Mr. LIBONATI). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The remarks referred to follow:

Mr. ROBISON. Mr. Speaker, I am pleased to join with my colleagues on this side of the aisle who entered their congressional service in the 85th Congress, in introducing legislation to bring about desirable reforms in the procedures and housekeeping aspects of the House of Representatives.

All of us are aware of the complicated and faintly ridiculous formula by which the salaries of employees of the House are computed. Beginning with the Federal Employees' Pay Act of 1945, cost-of-living and percentage increases made in the salaries of staff personnel of the House of Representatives, including the staffs of Members of Congress, have been made by adding such increases to a basic sum which was the annual salary prior to the 1945 act. This has now reached such an extreme that, to compute the salary of any employee of the House, it is necessary to take the basic salary and go through such additional steps involving nine separate increases, in order to arrive at the actual gross salary which the employee receives.

There have been regular outcries against this archaic procedure, and these protests have generally been made at the time pay raises have been enacted by the House. There have always, in answer to these protests, been assurances by various members of the leadership and by the Committee on House Administration that studies would be made and consideration given to modernizing and reforming these procedures. The net result has been nothing except the further confusion of additional steps added to the formula.

With the possibility of a further Federal pay increase being considered by the House in a few days, we face the distinct probability that a tenth step will be added to the salary formula.

Various reasons are given for the inaction in modernizing this system. But, regardless of the true reason, editorial criticism is often made that the basic reason for inaction is the desire on the part of the Congress to cloud and obfuscate the actual salaries being paid its employees, by stating such salaries according to a basic figure. I do not believe this. The gross salaries of all Members of the House are available to anyone who wishes to visit the Disbursing Office and study the payroll. This is as it should be, and surely there is no logical reason for continuing the archaic system of salary computation now used which, among other things, poses a huge and needless workload on the personnel of the House Disbursing Office.

Accordingly, I have introduced H.R. 13236 to simplify the payroll administration in the House of Representatives by providing that the salaries of employees of the House and the clerk hire allowance of Members which consist of aggregate annual amounts rather than basic annual amounts plus the nine additional amounts now used. I strongly urge that this body take steps to modernize itself. The legislative subjects with which we deal bring home forceably that we are living in the second half of the 20th century. Yet, the House continues to function under rules and regulations which are decades out of date.

Mr. CUNNINGHAM. Mr. Speaker, I now ask unanimous consent to insert an article which appeared in the U.S. News & World Report of September 12, 1960, entitled "What's Wrong With Congress—118 Members Answer."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The material referred to follows:

WHAT'S WRONG WITH CONGRESS—118 MEMBERS ANSWER

(One more Congress has just ended its work—and once again, as always, there are complaints about what it did or did not do.

(Is there something really wrong with the way Congress operates? Has it failed to keep pace with the growth of the Nation and its problems?

(Is it time for changes to be made?

(To find out what Members themselves think, U.S. News & World Report asked them 12 questions. Answers came back from 28 Senators and 90 House Members, providing a cross-section of opinion in both Houses.

(Generally, the survey shows, the lawmakers are more proud than alarmed about their performance. Yet they find many things that they think wrong, and feel that they could do better.

(Presented here are their criticisms, and their suggestions for improvement.)

The big complaints:

Tuesday-to-Thursday Club—3-day workweek.

Nineteenth-century methods.

Not enough staff to handle work.

Mounting, incessant demands on Members.

Too many problems from States and cities.

Gradual destroying of Senate as deliberative body.

Short, overcrowded sessions.

Too much power for committee chairmen.

Lobbyists and pressure groups increasing.

Too busy to study legislation.

For 172 years, the Congress of the United States has charted this Nation's course. It has shaped policies, voted appropriations, levied taxes to pay ever-growing bills.

In all of that time, Congress has been under fire.

There are complaints that Congress does not do enough, or that it does too much. Its acts are attacked as either too radical or not radical enough.

Yet, in war and in peace, in time of prosperity and of depression, under the rule of one party and then of another, Congress has gone along its way.

The First Congress legislated for a nation of 4 million people, the 86th Congress for a nation of 180 million. The first Senate had 26 Members, the first House 65 Members. The 87th Congress, to be elected November 8, will have 100 Senators and 437 House Members.

Always, as its size and responsibilities have grown, there has been a feeling that something is wrong with Congress.

Is there really something wrong? To get an answer, U.S. News & World Report went directly to the men and women who serve in Congress. Each individual Senator and Representative was asked 12 questions, all related to this overall question: "What is wrong with Congress?"

Answers were received from 28 Members of the Senate and 90 Members of the House, giving an appraisal of Congress and its work by 118 of its Members. An additional 40 Members replied that lack of time alone prevented them from giving their appraisals.

From their answers, you learn that Members of Congress find much that they regard as wrong.

Much criticism is directed at what has become a Tuesday-to-Thursday workweek for most of a legislative session. Procedures and rules under which work is carried out in both Houses are widely regarded by Members as faulty and needing change.

There is a strong feeling in the House that its Members should be elected for 4-year terms instead of 2-year terms. Both Representatives and Senators are convinced of the need for larger staffs to deal with multiplying problems that arise in a growing nation.

Some criticism is made of the way committees operate, although the choice of committee chairmen by seniority is almost unanimously approved.

While finding much that is wrong, Congress' Members also find much of which to be proud. Overall, there is an evident feeling that the system, whatever its flaws, works surprisingly well.

What follows are the questions put to Members of Congress by U.S. News & World Report, and the answers they gave.

QUESTION: WHAT, IN YOUR OPINION, IS WRONG WITH THE WAY CONGRESS FUNCTIONS?

This opening, shotgun-type question produced a spirited defense of Congress by many Members. At the same time, there were many sharp criticisms. Such as these:

Representative Charles B. Hoeven, Republican, of Iowa: Congress "wastes too much time in accomplishing its work."

Representative William E. Hess, Republican, of Ohio: "All necessary legislation could be enacted over a shorter period of time."

Representative Fred Marshall, Democrat, of Minnesota: "The dilatory tactics on the part of the Senate ought to be curtailed."

A Republican Senator, who preferred to remain anonymous: "Congress is too much motivated by fears and anxieties concerning pressure groups and the 'next election.' Best recent example: The pay-raise bill of 1960."

Representative Wint Smith, Republican, of Kansas: "Congress has become subservient to labor bosses and international pressure groups."

Representative Harlan Hagen, Democrat, of California: "There is too much control over individual legislation residing in too few hands."

"Tuesday-through-Thursday club"

Much of the timewasting was blamed on Members themselves. Most common criticism, in this respect was directed at something that has come to be known in congressional circles as the "Tuesday-through-Thursday Club." This club, as Members describe it, is made up of lawmakers who leave Washington on Thursday night and don't come back until Tuesday morning.

Representative W. R. Poage, Democrat, of Texas, tells about the "Tuesday-through-Thursday Club" in these words:

"So many Members of Congress go home to meet their constituents, to perform their legitimate duties and, in some cases, to practice law or operate a business that it becomes, for practical purposes, impossible to have any sessions Friday, Saturday, or Sunday, and nothing vital is done on Monday.

"There are about 250 Members of what we know as the TTT club (Tuesday through Thursday). They all live in the Northeast and as far west as Chicago. Other Members are no better, but a man in my area simply cannot afford either the time or the money to go home each weekend. * * * Very few of the TTT club Members will bother to attend a committee meeting if it is inconvenient. The result is we do not get the work done. I think that any Member of Congress should be dropped by a committee unless he attends, or offers a legitimate excuse such as sickness, at least half of the committee meetings."

Senator Karl E. Mundt, Republican, of South Dakota, commented:

"The major difficulty with the way Congress functions is our failure to set and maintain a definite adjournment for each session. Consequently, the leadership in both Houses tends to adjust congressional schedules to the 'Tuesday through Thursday' routine, which best fits the convenience of Members on the east coast, and tends to delay the completion of business much longer than would be true if full schedules of activities were followed from Monday through Friday."

Representative Frank Chelf, Democrat, of Kentucky, said:

"In my opinion, a considerable amount of our inability to operate early in the session is because of the powerful influence of the T. & T. club—in Tuesday and out Thursday."

Representative W. J. Bryan Dorn, Democrat, of South Carolina, observed:

"A lot of lawyers in the East want to go home and practice law every weekend."

Representative John Taber, Republican, of New York, who has been in Congress 38 years, concluded:

"We should get back to work on the old basis, where we were there 6 days a week while the House was in session."

Out-of-date rules

Congressional rules of procedure drew much criticism.

Representative Burr P. Harrison, Democrat, of Virginia, called it "operation in the 20th century century on 19th century procedures."

Representative Robert J. Corbett, Republican, of Pennsylvania, said: "Rules need modernizing. Unnecessary delay is too easy."

Representative James A. Haley, Democrat, of Florida, commented: "The Congress has become too big and too unwieldy. Its duties and its procedures need to be streamlined."

Representative LeRoy H. Anderson, Democrat, of Montana, complained: "Under the present system, the committee frequently does not function as a committee but as a tool of the chairman. Legislation not having the support of committee, or subcommittee, chairmen usually has little chance. This is not representative government with 437 coequal Representatives."

Senator Joseph S. Clark, Democrat, of Pennsylvania, singled out the Senate rules for special attack, saying:

"There is no other legislative body in the free world as incapable of action, when action is desired by a large majority but strongly resisted by a minority, as the Senate of the United States.

"It is my contention that the present rules of the Senate are obsolete, unworkable in the modern world, and a real danger to our American form of government at the Federal level. The political lag in reforming these rules which we have permitted ourselves should promptly be brought to an end."

Rules Committee a target

A favorite target for criticism by lawmakers was the House Rules Committee, which sets the schedules for consideration of measures on the floor after they have cleared other committees. The charge was made repeatedly that the Rules Committee often blocks a vote on a bill which it does not favor.

Representative Byron L. Johnson, Democrat, of Colorado, said there is "too much power in the Rules Committee."

An east coast Representative suggested:

"I believe there should be a limit on the time the Rules Committee can block action on any measure unanimously reported from another committee."

A Democratic Representative who asked not to be identified by name said:

"The Rules Committee as presently constituted is the most obvious and most serious example of the No. 1 problem—the great difficulty encountered by the majority of Members of the House in expressing their will. At the present writing (in August), for example, the House is effectively blocked from even voting on some major items of legislation affecting millions of Americans—education, health insurance for the elderly, and housing, to cite but three.

"Few Americans, even well-informed ones, know that the majority-minority ratio of membership on the three most powerful committees of the House—Rules, Ways and Means, and Appropriations—did not change at all following the large increase in Democratic margins in the 1958 elections.

"The majority-minority ratio on all other committees changed roughly reflecting the majority-minority ratio in the full House. But on the big three, the change in public opinion was in not the slightest degree reflected in the popular body of Congress.

"At a time of the greatest challenge to democratic government from a highly centralized totalitarian dictatorship in history, we can no longer afford the luxury of seeing the Nation's highest legislative body paralyzed by a small group of men who come in some instances from thinly populated or gerrymandered districts and who therefore need pay little attention to the views of the majority of the millions of their fellow citizens.

"The present system tends to give undue power to the smaller towns and rural areas of the country, not only in the Senate, where population is, of course, not intended to count, but in the House as well."

Too many distractions

There was one complaint that was voiced by almost everyone replying to the U.S. News & World Report survey.

Representative Ralph J. Scott, Democrat, of North Carolina, summed it up like this: "Too much of the Members' time is consumed in attending to matters that have no relation whatever to legislation."

Representative Burr P. Harrison, Democrat, of Virginia, described the harried life of a Congressman in these words:

"A major fault is an intolerably vexatious, inefficient management of the time of its Members, which time has been purchased by the taxpayers. Congressional duties have increased enormously in the past quarter century.

"Social demands arise from the practice of annual congressional banquets held in Washington by business, agricultural, labor, veteran, fraternal, and other groups. The absence of a Member often is resented. Particularly in the spring, invitations of this kind can account for three or four evenings a week, and attendance upon the functions becomes work.

"Finally, for the majority of Members who now view their congressional service as a career rather than a short-term experience [there is] the task of maintaining contact with the home area through attendance on community functions, acceptance of speaking invitations and sampling of trends in public opinion by personal tours and correspondence. For a House Member, faced with biennial campaigns, this activity makes a constant demand on his time."

Senator John Stennis, Democrat, of Mississippi, said:

"I seem to thrive on the work. But after 13 years of service here, I frankly believe that the Senate as a deliberative body is gradually being destroyed, due to the mounting and incessant personal demands made on the time and attention of a Senator to so many personal requests and matters which are really outside and beyond the legislative field.

"Frankly, I do not know what, if anything, can be done about this situation. But, with the increased means of easy transportation and with the highly developed means of communication, combined with the fact that the people are financially able and are willing to come to Washington, the total effect is that through these personal demands a Senator is being made, in effect, a Congressman-at-large. It is impossible to serve such a large area and so many people on a personal basis."

Too much asked of Congress

Another complaint voiced by many Congressmen is that Congress is being forced to deal with problems that used to be handled at State or local levels.

A veteran Senator, who declined to be named, said:

"I have little criticism to offer as to the way Congress functions. The trouble, if any there be, stems from the fact that the legislative branch has embarked on too many programs that should be left to the individual States. Our Government is becoming more and more centralized. The States are becoming increasingly dependent upon the Federal Government for support in many fields in which, in the past, they assumed responsibility.

"Uncle Sam is becoming paternalistic to a very high degree, and my fear is that this trend will continue. Thus, the trouble lies, not in the manner in which Congress operates, but in the scope of its activities."

Senator Strom Thurmond, Democrat, of South Carolina, expressed a similar view:

"The constitutional design was for Congress to perform the legislative function of a central government whose powers were strictly limited in scope. Most of those isues which now require a preponderance of the time of Senators and Representatives are those which under the original conception of our Government would have been handled in each State by the State legislature."

More pride than alarm

In spite of all this growth and all these criticisms of certain details in congressional procedure, the majority of Members seemed to feel more pride than alarm about the accomplishments of Congress.

Representative Byron L. Johnson, Democrat, of Colorado, expressed the sentiment of many Members in this way:

"I cannot conclude my answer to your questions without observing that the Congress has run for 172 years with amateurs. No one can possibly be adequately trained, regardless of his background, for the complex demands the job involves. I think it is a remarkable tribute to the democratic process that the practices we have hammered out in this great Anglo-Saxon tradition have worked so well."

Senator Frank J. Lausche, Democrat, of Ohio, said:

"In my opinion, there is nothing wrong with the procedure under which Congress functions. It may be slow functioning, but under the circumstances, it is practically inescapable. However, in the slowness of the process, the Senators are able to accumulate extensive information on the many diverse bills that are pending. Discussions on the same subjects may seem repetitious, but, in the course of time, they begin to have their impact, acquainting Senators with the negative and affirmative aspects of an issue."

Representative Clark W. Thompson, Democrat, of Texas, comments: "The function of the Congress, like any other body of human beings, occasionally merits criticism with deficiencies due more to the frailties of men than to any inherent defects in the system. Over the years, I have sometimes contemplated changes, but I always come up with the conclusion that, cumbersome as it may be sometimes, Congress does a good job."

QUESTION: DOES A SENATOR OR REPRESENTATIVE HAVE TIME TO STUDY FULLY THE ISSUES UPON WHICH HE MUST CAST A VOTE?

Agreement was almost unanimous on this question.

The answer was: "No."

Following are some typical comments:

Senator John Stennis, Democrat, of Mississippi: "A Senator does not have time even for a sketchy study, much less a full study, of all the issues upon which he must cast a vote."

Senator Frank J. Lausche, Democrat, of Ohio: "The time available to make an adequate study of all the bills that are pending is too meager. A Member can acquaint himself with the merits and demerits of the major bills. Frequently, however, there are bills which pass through the Senate unobserved, on the basis that they are of minor significance and noncontroversial when, in fact, involved in them is some basic principle of importance."

Senator Thomas J. Dodd, Democrat, of Connecticut: "No individual could hope to become fully informed on the hundreds of complex questions upon which Senators must vote each year. Members of the committees concerned with these questions can become thoroughly informed, and a Senator must frequently rely upon the judgment of the committees, unless his special interest in a particular problem or his basic political philosophy leads him to the contrary position."

Representative George H. Mahon, Democrat, of Texas, answered the question with: "No, but this is typical of most people in positions of responsibility in or out of Government. There is just not enough time in this modern age for citizens to do all the reading, studying and working that should be done. The problem is not peculiar to Congress."

Committee system helps

Senator John Marshall Butler, Republican, of Maryland, said:

"No Senator or Representative has the time to study fully all the issues coming before him. This situation, however, is overcome to a large degree by the committee system and its areas of responsibility. But even with the committee system, the demands upon the time of a Senator or Congressman are such as to require concentration upon those items of particular importance to his State or the Nation."

Representative Carl Albert, Democrat, of Oklahoma, made this comment:

"No system could be devised, in my opinion, which would enable a Senator or Representative to study fully every issue upon which he must cast a vote. Congress, like most large organizations, functions through a division-of-labor method known in this case as the committee system. Members must trust their colleagues to specialize and to do the necessary research and conduct the necessary investigations in the various fields."

A few members took the view that, despite the shortage of time, a lawmaker could usually learn enough about pending measures to vote intelligently. Their comments follow:

Representative LeRoy H. Anderson, Democrat, of Montana: "Normally, no Member can be fully informed on every matter coming before the House; if, however, he studies the committee reports, he can know the issues involved in each question. On that basis, he will either know what his position should be or know that he needs to dig a little further and get more information about the subject. In general, then, the answer is 'Yes.'"

Representative Clark W. Thompson, Democrat, of Texas: "Personally, I have time to study the issues on which I vote. I don't pretend to know the details of every bill, but I know men on each committee in whom I have great confidence. I consult with them and listen to their advice. Also I listen to the debate in cases where I do not feel adequately informed."

Representative B. Carroll Reece, Republican, of Tennessee: "A Representative or Senator does have time to study legislation, and I think a review of the discussion on important legislation indicates a thorough understanding of the legislation by the Members. Of course, each Member is not a specialist in every area, but those who are supposed to be specialists in a particular area do a thorough job as a rule."

Representative Melvin R. Laird, Republican, of Wisconsin: "It depends upon the individual Congressman—his ability, his homework, and how well his party leadership and committee leadership keep him informed. To be effective, a Congressman must be able to organize his own time and his personal staff."

QUESTION: WHAT TAKES UP MOST OF THE TIME OF A MEMBER OF CONGRESS?

Nearly all Members complained about the time they are compelled to spend "running errands" for constituents. Following are some sample criticisms:

Representative Abraham J. Multer, Democrat, of New York: "In my district, one half of my time is taken up running errands."

A southern Congressman, who did not want to be quoted by name, said: "I would say that answering correspondence (we average more than 100 letters a day from our district) and doing favors for constituents, totally unrelated to the business of legislating (arguing veterans' cases, handling social security matters and the like), take up the greater part of my time."

Representative Francis E. Walter, Democrat, of Pennsylvania: "Most of my time, as well as that of my staff, is consumed in receiving and servicing the innumerable telephone calls, telegrams, letters and visits from the constituents whom I represent."

Senator John Stennis, Democrat, of Mississippi: "A great deal of a Senator's time is taken up with visitors at the office, and with what are almost mandatory social and semisocial engagements with people from his home State, and with what I shall term 'extralegislative' matters. Legislative matters which should be given priority and a great deal of time do receive attention, all right, but all too frequently are pushed to the last or relegated to second place."

Mostly: Just plain hard work

By and large, however, the picture painted of a lawmaker's day is one of hard work: attending committee hearings and floor sessions, answering letters, doing research and reading bills and committee reports.

Representative John J. Rhodes, Republican, of Arizona, gave this as a typical working schedule:

"Time of the Member is taken up about as follows:

"(a) Committee work—30 percent.

"(b) Attendance on the floor of the House—20 percent.

"(c) Preparation for legislative matters—20 percent.

"(d) Answering correspondence—15 percent.

"(e) Activities on behalf of one's district—10 percent.

"(f) Entertainment of constituents and miscellaneous—5 percent."

Representative Jamie L. Whitten, Democrat, of Mississippi, was one of many who listed committee hearings as the one activity taking most of a Member's time. He said: "This, of course, varies considerably, dependent upon the individual Member's committee assignment. In my own case, I attend committee hearings from 10 a.m. until 5 p.m., with an hour off for lunch, probably 4 days out of every 5 of a session."

Representative Louis C. Rabaut, Democrat, of Michigan, agreed: "If I had to select one as most time consuming, I believe I would point to committee duties."

Representative Burr P. Harrison, Democrat, of Virginia, gave this description of a hectic day in the life of a Congressman:

"The various activities of the Congress are in progress at the same time, like a three-ring circus. If one duty is to be done properly, it is likely another must be content with a lick and a promise. Committees sit as the floor debate proceeds, and constituents wait in the offices.

"A Member busy in committee will be summoned by the bells to vote on the floor on a measure as to the merits of which he has heard no debate. A Member occupied on the floor, or in his office, will hurry to committee to propound a series of questions to a witness on points which the witness had discussed fully in testimony prior to this Member's arrival.

"During the course of an average day, a Member will spend a great deal of time in the Capitol Hill tunnel system, moving from committee, to floor, to office."

QUESTION: WHY HAS THE INSTITUTION OF CONGRESS HAD TO GROW TO ITS PRESENT SIZE?

To get an idea of just how big Congress has become, look at these figures: It costs $92 million a year to operate. It has 7,500 employees. The value of its land and buildings will soon reach $235 million.

Congress not large enough?

Yet many Members of Congress answering the survey made it clear they regard Congress as still too small and bound to grow even larger in the future. Their statements explain why.

Representative Basil L. Whitener, Democrat, of North Carolina:

"Your question indicates that you feel that Congress is inordinately large in its membership. I do not concur in that thought.

"It is my opinion that one of the big problems that this country is now facing, and will face in the future, is the increasing number of constituents to be represented by individual Members of Congress.

"It seems to me that, with a greatly expanded Government with correspondingly increasing demands upon the time of the individual Member of Congress, that we should have a fixed number of people to be represented by a Member of the House and that in the future the House of Representatives would increase in number as the population increased. This would not be inconsistent with good government, but would in fact, preserve a more representative form of government in our country."

Representative John M. Slack, Jr., Democrat, of West Virginia:

"I believe the Congress is not large enough to properly reflect the interests of a nation with 180 million people.

"With the growth of population and the continuing expansion of Federal activities, there is a continuing increase in the purely service activities of a congressional seat. A House Member who represents a district containing perhaps 500,000 persons or more has literally no time off the job, especially when he must campaign for reelection every second year."

Senator John Stennis, Democrat, of Mississippi:

"The Congress has grown to an institution of its present size because we have continued to add layer on top of layer of additional programs and departments of the Federal Government. The chairman of the Appropriations Subcommittee handling the appropriations bill for the Department of Agriculture, a subcommittee of which I am a member, recently told me that, of the 765 items in the bill for this year, every program, with the exception of 3 or 4, has been added since he first became a Member of the Senate a little more than 30 years ago."

Senator Frank J. Lausche, Democrat, of Ohio:

"Within the body of every political institution, there seems to be a natural power that motivates growth whether the work required to be done justifies it or not. My experience as a mayor of Cleveland for 3 years, Governor of Ohio for 10 years, and presently, Senator for 3½ years, has convinced me that political institutions grow in the number of employees even though the business and work of the agency do not require it, and also reach out to take in operations whether they do or do not properly belong to that particular agency, solely to conform to this seeming demand for growth."

Friend of the public

Representative Craig Hosmer, Republican, of California, said that "it has been very necessary that Congress grow to its present size. Millions of Americans have no place to turn except to their elected representatives when they have a problem or even just want to get a complaint of a general nature off their chests. To my mind, the availability of Members of Congress to the public has been the safety valve which has prevented accumulations of public dissatisfactions, which in some other countries have led eventually to revolutions."

Representative Don L. Short, Republican, of North Dakota, said: "I'm not sure the institution of Congress had to grow to its present size. Committee staffs are overloaded in some instances, and there are a great many unnecessary congressional employees."

A House Member: "The institution of Congress has grown to its present size largely because Members of Congress themselves do not have the courage to say 'No' to the many asinine requests they get from their constituents."

QUESTION: DOES TOO MUCH POWER LIE IN THE HANDS OF COMMITTEE CHAIRMEN? IS SENIORITY THE BEST WAY TO DETERMINE WHO WILL BE COMMITTEE CHAIRMEN?

On these two points—the power of committee chairmen and the seniority system—Congress is often criticized by outsiders and sometimes by its own Members. Yet, in the U.S. News & World Report survey, a large majority of the Members responding said that committee chairmen do not have too much power. And there was almost unanimous agreement that the seniority system is the only practical way to pick committee chairmen.

Powerful chairmen or chaos

Following are typical comments of lawmakers who hold that committee chairmen are not too powerful.

A Senator, not desiring to be named, who heads an important committee:

"Speaking as chairman of a committee, I would say that I do not have too much power. Under the rules, any action I take as chairman can be overruled by a majority of the committee, and this quite often happens."

Representative William S. Broomfield, Republican, of Michigan:

"In the House at least, a strong chairman is a necessity, or else the legislative process would hopelessly bog down. There are simply too many members on most committees and too many divergent opinions on very controversial subjects."

Representative James B. Utt, Republican, of California:

"Without this power there would be chaos."

Representative John R. Pillion, Republican, of New York:

"The committee chairmen do not have too much power. The members can readily voice their will and take necessary legislative steps under the rules to obtain action desired by the majority."

Senator Howard W. Cannon, Democrat, of Nevada:

"The majority can always work its will in Congress, regardless of the power of one man or one group."

Some Members, however, took the opposite view, as in the following comments:

Representative LeRoy H. Anderson, Democrat, of Montana:

"Too much power, particularly to kill legislation they don't like, does lie in the committee chairmen's hands. The rules of Congress should make it easier to get legislation before the House in spite of the personal opposition of the chairman of the Rules Committee or the chairmen of other committees."

Representative Dante B. Fascell, Democrat, of Florida:

"Too much power lies in the hands of committee chairmen if they are able to keep a committee from considering legislation, either by refusing to call a committee meeting or by refusing to take up a bill. Perhaps provision should be made to make it possible for a committee to meet either on the call of its chairman or on the call of a majority of the committee with notice to the chairman."

A Senator who prefers not to be quoted by name said: "The rules of Senate committees are sometimes ignored" by their chairmen.

Senator JOHN STENNIS, Democrat, of Mississippi, after 13 years in the Senate, believes this: "The question of how much power rests in the hands of a committee chairman depends entirely upon the attitude of the chairman and the personnel and membership of the committee."

Seniority: How else?

Senator WARREN G. MAGNUSON, Democrat, of Washington, chairman of the Interstate and Foreign Commerce Committee, summed up what appears to be the majority view on the seniority system:

"I believe seniority is the best way to determine who will be committee chairmen. I know of no other system that would work in a legislative body. If the selection were by a majority vote of the committee, there would be contests, which in turn would leave scars and hard feelings that, in my judgment, would seriously impair the work of the committee. Occasionally the seniority system brings to the top men of inferior quality, but in the main, the system works very, very well."

Representative FRANCIS E. WALTER, Democrat, of Pennsylvania, head of the House Un-American Activities Committee, said:

"I am firmly convinced that seniority is the best method to select chairmen of the various congressional committees. Experience has taught us that there is no better substitute for this system.

"If selection of a chairmanship were based on any other system, I believe that politics would be the overriding factor in the selection of a chairman, and in this I do not believe the public good would be served. There is no substitute for experience and, as the record indicates, men who become chairmen of congressional committees have, on the whole, proved wise and able."

Representative CARL ALBERT, Democrat, of Oklahoma:

"Committee chairmen are generally men who have served for a long time. They are acquainted with the background of the legislation with which their committee is concerned. They know the rules of Congress and are familiar with the legislative process. While it may not always be true, I think it is generally true that the senior Members of the House are usually among the abler Members."

Representative BURR P. HARRISON, Democrat, of Virginia, brought up a point that many Members made: "The difficulty is in selecting a better system. Prior to the inauguration of the seniority system, the power was in the Speaker and the party leadership, who exercised the power so arbitrarily and capriciously that seniority was substituted."

A Representative from a Southern State said: "If the chairmen were selected by any other method there would be too many opportunities for pressure groups to operate as opposed to the national interest. The longer a person remains in Congress, the greater his respect for it and for the Government."

Urged: Overhaul of system

Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, spoke for opponents of seniority as follows:

"I think that election by members of a committee of their committee chairmen would generally result in more competence and broader representation of the interests of the whole Nation. At the same time I recognize that it is very difficult and perhaps impossible to eliminate the seniority system without the vigorous cooperation of a very strong President—as in the first Wilson administration.

"I have suggested as a compromise that the seniority system might be continued as the basic method of selecting committee chairmen, but that it be modified so that no one section of the country be permitted to receive more than one-half of the 15 important committee chairmanships in the Senate. At the present time, the 11 Southern States of the old Confederacy enjoy 10 of the 15 important committee chairmanships. Under my proposal, a senior nonsoutherner would succeed the three most recently appointed southern committee chairmen."

Senator THOMAS J. DODD, Democrat, of Connecticut:

"The real objection is that the seniority system concentrates in the positions of power representatives of those sections of the country where there is little real competition between rival parties or rival political philosophies.

"Incumbent Senators who face no such clashes have a tremendous advantage in staying in office and thus in building up seniority, an advantage that is not enjoyed by representatives from other sections, who are subjected to the shifting tides of public opinion and party dominance. As the two-party system extends into these one-party areas, this artificial advantage which has distorted the seniority picture will tend to disappear."

Changes were recommended in the seniority system by a number of Congressmen.

A Representative from the South wants "a provision added to the House rules requiring committee chairmen to step down between the ages of 65 and 70. Such a provision would, in my opinion, serve to infuse the committee system with new ideas, perhaps, and provide a fresh approach to legislative matters."

Representative CHARLES E. BENNETT, Democrat, of Florida, suggested:

"In the case of ill health or extreme age involving a degree of disability it would be sound judgment for the chairman to defer to the next in line in the event that health seems to dictate this policy. This has been in fact done at least one time to my knowledge, and perhaps has been done more often in the past."

Representative HARLAN HAGEN, Democrat, of California:

"My recommendation would be that there be a limit on the number of years that any one man could serve as chairman—for example, 6 years."

QUESTION: WHY DOES CONGRESS DRIFT ALONG FOR 6 OR 7 MONTHS AND THEN RUSH THROUGH LEGISLATION IN CLOSING DAYS OF THE SESSION? DOES THIS METHOD RESULT IN THE BEST TYPE OF LEGISLATION?

More than a few Congressmen felt it was "unfair" to say that Congress "drifts" in the first few months of a session.

Senator James E. Murray, Democrat, of Montana, stated:

"It is far better for Congress to consider measures carefully and act upon them after hearings and consideration than to attempt to start passing bills the day after Members get here, without information, to give a public impression of activity. Is this question fair? Are we 'drifting along' in the perod when the hearings and study is under way, and then rushing through legislation because, at the end of the study period, there is expeditious action on the floor?

"The Interior Committee recently considered 20 bills in a day-long executive session. In the preceding months, each and every one of these bills had been subjected to departmental reports, hearings, and careful study. I do not think the committee can properly be charged with drifting for taking the time to study them, or 'rushing through legislation' because, when study had been completed, we acted on the bills expeditiously. The description of congressional conduct in this question represents your conclusion, which, I respectfully contend, is not entirely accurate or fair."

Representative JOSEPH E. KARTH, Democrat, of Minnesota: "I think it is erroneous for one to assume that Congress drifts along for 6 or 7 months and then puts on the rush act in the closing days of the session. The first 6 or 7 months of a congressional session are put to very good use. Most of the committees of the House are extremely busy holding hearings in an endeavor to get the public reaction, whether it be favorable or unfavorable to legislation in their committee. I firmly believe it is extremely important to have exhaustive hearings on all legislative matters of any consequence * * *. To do anything less would be a serious abridgment of our democratic process of government. Although this democratic procedure is lengthy, it is this very basic fundamental that makes our country one of the people, by the people, and for the people."

One session: 17,850 bills

Senator OREN E. LONG, Democrat, of Hawaii, calling attention to the workload on Congress, said:

"The number of bills that Congress has to deal with runs into several thousand—about 17,850 during the 86th Congress, for example. Individual Members cannot study all of them. Furthermore, the merits of a bill cannot be studied on the floor. The result is that they are divided up among a number of major committees. Each committee may have before it several hundred bills for its consideration. Obviously, this requires a long period of study. Extensive hearings in many instances must be held. The result is that, during the first months, very few bills are disposed of, while information concerning the bill accumulates. There comes a time when the loose ends are tied up, and specific recommendations made to the entire body. Naturally this development tends to come during the end of the session. When a great many bills are passed during the closing weeks or even days of a session, it does not mean that snap judgment is being taken. It is just the opposite."

Some Members said they believed the end-of-session logjam of laws was deliberate, at least in part.

A Republican Senator put it this way: "This tendency is partly due to procrastination in facing up to thorny and controversial measures, but in my opinion, the real reason is a studied and intentional policy on the part of the leadership to hold up consideration of difficult and controversial measures and then shoot them through in the hurly-burly of the closing days when there is little time to examine and weigh them."

"Exhaustion and confusion"

Representative SAMUEL L. DEVINE, Repub-publican, of Ohio, voiced the same opinion: "The leadership is entirely responsible for permitting Congress to drift along for 6 or 7 months and then legislate by exhaustion and confusion. Obviously, this does not result in the best type of legislation."

Representative THOMAS B. CURTIS, Republican, of Missouri, had a similar comment, with some additional points: "The leadership of the House, on both sides, has found that legislation can be killed or gotten through during the period of adjournment rush more as they wish it.

"Furthermore, the Congressmen from 'safe' political districts are those with greatest seniority and therefore have the greatest control over the House machinery. They no longer live in their districts. They live in Washington, D.C. As long as Congress is in session they have an answer to their constituents back home of why they aren't home.

"I opposed the congressional pay increase a few years back on the grounds that a

Congressman's job was part time, not full time, and needs to remain part time if the theory of representative government was to work.

"In my judgment this [pay raise] did more to seal the doom of representative government in the United States than any single thing I can think of. By implication, it made Representatives full-time employees and encouraged them to be Washington residents, instead of people living in, and part of, the communities they were elected to represent."

Representative CLARK W. THOMPSON, Democrat, of Texas, by contrast, thinks most of the delay is due to "human nature." His comment:

"Human nature being what it is, we are inclined to take it a little bit easy in the early phases of the Congress, and then, in order to meet the required deadlines, burn the midnight oil in the later weeks."

Federal agencies blamed

Some of the slowdowns in the legislative process are blamed on executive agencies.

Senator DENNIS CHAVEZ, Democrat, of New Mexico, and chairman of the Senate Public Works Committee, noted that factor:

"The committees of Congress have grown exceedingly dependent upon the reports of the Federal agencies on bills and upon the attitude of the Bureau of the Budget. It requires 2 months or more for the agencies to report on a bill, generally speaking, and thus legislation introduced in January of each year is not acted upon earlier than March.

"As the hour of adjournment draws near, Members tend to push committees to act on their bills rather than exerting these efforts during the time of March to June, when committees could handle the bills if they had the supporting evidence to act."

Senator WARREN G. MAGNUSON, Democrat, of Washington, chairman of the Senate Interstate and Foreign Commerce Committee, brought up this suggestion to help speed the work of committees:

"The necessity of hearing witnesses is the chief cause of the pile-up of legislation toward the end of the session. It has been suggested that more of the responsibility for hearing witnesses be delegated to competent staff members. Staff performing a part of the 'hearing function' would operate under such tested procedures as are employed by regulatory commissions and the courts. For example, the staff in the category of referee or examiner might be appointed to take testimony, to wade through the hearings and to report objectively to the committees themselves."

QUESTION: DO SECTIONAL PROBLEMS AND DEMANDS OF CONSTITUENTS BECOME A MATTER OF MAJOR CONCERN? DOES THE NATIONAL INTEREST, AS A RESULT, TEND TO GET OVERLOOKED IN MANY CASES?

There is candid agreement by Members of both Houses of Congress that much of their time and effort is devoted to local matters, rather than broad issues that affect the whole Nation.

"Wheels that squeak"

A western Senator with long experience replied flatly:

"Sectional matters do sometimes become a matter of major concern—to the detriment of the national interest."

Representative THOMAS M. PELLY, Republican, of Washington, explained it in this way:

"Sectional problems and constituents' demands are the wheels that squeak, and as a result invite a Member's major concern. A careful analysis of the pattern of voting would show that the majority of Members do not vote on record against the interests of their constituents even when the overriding national interest could lie in the other direction."

Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, cited examples:

"On the basis of my limited time—3 years—in the Senate, I feel there are few basic and serious contradictions between sectional interest and national interest. Civil rights may be one. Tax advantages of certain producers, such as oil and gas producers, may be another. The regulation of certain industries may be a third.

"At the same time, it seems to me that the frank and open championing of a section's interests by its Senators has strong merit."

Senator WALLACE F. BENNETT, Republican, of Utah, put the problem this way:

"A Senator has four areas of responsibility and loyalty: (1) the national interest, (2) the interest of his State, (3) the interest of his party, (4) the interests of individual constituents. The emphasis as between these also shifts constantly. People involved in each of the last three always tend to associate their interest with the national interest."

In the view of many Members of Congress, this tug of interests actually works out to produce legislation that benefits the entire Nation.

Senator HARRISON A. WILLIAMS, JR., Democrat, of New Jersey, reached this conclusion:

"I would say that the national interest is often served when representatives of varying regions, speaking eloquently for the interests of those regions, work together and finally compromise on a program that serves the entire Nation."

Conflicts—and compromise

Representative CLIFFORD G. MCINTIRE, Republican, of Maine, said:

"Sectional and constituent demands cannot very well operate to thwart the national interest, for these demands are of such a diverse nature that they tend to play one against the other. Hence, one Congressman representing the interests of his constituents finds himself opposed by another Congressman who finds those interests in conflict with the wishes of the citizens he represents.

"The direct result is that the interests denoted in the first instance are either canceled out or tempered by those expressed in the second instance. Counterbalancing forces spring into being throughout the whole of Congress, with the direct result that any set of section or constituent interests becomes, in effect, a compromise rather than a demand."

Representative SAMUEL L. DEVINE, Republican, of Ohio, stated:

"Although demands of constituents and sectional problems do occupy a great deal of time, I am not convinced that the national interests generally suffer. Frankly, if the problems of local constituents are met realistically, the national problems take care of themselves."

Congressmen estimated that they give from 30 to 50 percent of their time to local problems of their constituents. Most of these problems, however, are handled by clerks and staff members.

Senator James E. Murray, Democrat, of Montana, summed up the whole issue in this way:

"There is no question that Members of Congress have a considerable concern with the problems of their States, districts, and constituents. In a properly staffed office, although the bulk of staff time may be devoted to sectional affairs, it is not necessary for the Senator or Representative to give a disproportionate amount of time to them. Competent staff people handle 99 percent without bothering their principal.

"Sectional problems should not be disassociated from the national interest and welfare. Economic development anywhere in the Nation is good for the whole Nation. An implication that giving local affairs the attention they deserve is at the expense of the national welfare is unjustified."

This all brings up another related question.

QUESTION: HAVE SENATORS AND REPRESENTATIVES TENDED TO BECOME AGENTS OF THEIR STATES OR OF INDIVIDUAL INTERESTS IN STATES, RATHER THAN OF THE NATION?

There enters, at this point, a situation that was referred to by a number of Senators. Originally, Senators were chosen by State legislatures, not by direct election of the people. The 17th amendment to the Constitution called for the direct election of Senators. Point is made that Senators, as a result, tend to be agents of their own States and under increasing pressure from people back home, instead of representing the Nation as a whole.

Senator Francis Case, Republican, of South Dakota, said this:

"Since the direct election of Senators, following the 17th amendment, Senators have tended to become agents of their States rather than of the Nation. Representatives in Congress were, originally, expected to represent their individual congressional district. Senators were Senators of the United States from such-and-such a State."

Representative JAMES A. HALEY, Democrat, of Florida, described the result like this:

"To a large extent, Senators and Representatives have become agents of their States. I think that it may have been a wrong move when the Senators became elected by popular vote rather than being elected by the legislatures. I presume that up until that time, Senators could and did represent the State more than the Representatives in the House who were closer to the people.

"The Nation probably has suffered because of this change."

Senator JOHN MARSHALL BUTLER, Republican, of Maryland, said:

"As far as I am concerned, I consider myself to be a representative of the State of Maryland and it is my duty to safeguard the interests of the State and its residents, individually and collectively. I also consider myself to be a U.S. Senator with responsibilities to the Nation. Seldom, if ever, have I found myself in a position where there is a conflict between the interests of Maryland and its people and those of the Nation."

Senator OREN E. LONG, Democrat, of Hawaii, stated: "On basic issues. Members are generally motivated by national interest."

Representative FRANCIS E. WALTER, Democrat, of Pennsylvania: "It is my opinion that most of the Members of both the House and the Senate tend to favor the local interest which they represent over the national interest."

Both views appear to be widely held. A few Congressmen, in addition, see a trend toward more, not less, concern with the national interest.

Senator MIKE MANSFIELD, Democrat, of Montana, drew this conclusion:

"I would say that the Congressmen, historically, were agents of their States or districts and have tended to become, as the Nation has evolved, more and more concerned with the problems of the Nation as a whole, rather than the reverse as the question implies."

QUESTION: HAVE DEMANDS ON CONGRESS FROM INDIVIDUAL GROUPS AND LOCAL INTERESTS BECOME SO GREAT AS TO BE UNMANAGEABLE?

Influence of "pressure groups" on day-to-day workings of Congress is a growing worry to many Members, the U.S. News & World Report survey shows. Senators, especially, are critical of the rising power of organized groups that back special interests and work from both the local end and in Washington. Typical are the comments that follow:

A Senator who prefers to be anonymous: "Everyone has now found out the power of pressure groups. In my opinion, two or three strong pressure groups now control Congress."

Senator Leverett Saltonstall, Republican, of Massachusetts: "Demands from individual groups and local interests have become greater the longer I have been here in Washington. I would not say they were unmanageable; but I would say that the so-called pressure groups sometimes exercise, in my opinion, too much power.

Senator Frank J. Lausche, Democrat, of Ohio: "During the session of Congress, Washington hotels and the lobby of the Capitol are filled with representatives of special interests wanting special legislation. They have adopted a technique to bombard the Congressman's office at various intervals with their representatives, hoping that by repeated visits of different groups, the Congressman will eventually yield or make some sort of statement upon which a claim of commitment can be made."

Pressure versus commonsense

The chairman of a powerful Senate committee: "It is my contention that we are gradually drifting away from representative government, in that pressure groups are becoming so powerful that many Congressmen and Senators are prone to yield to such pressures instead of exercising their God-given commonsense."

Senator Strom Thurmond, Democrat, of South Carolina: "Unquestionably, the demands of pressure groups at times seem to have reached the point of being unmanageable, and certainly undesirable."

That Members of the House feel the same way is shown by the following comments:

Representative Bob Wilson, Republican, of California: "A number of pressure groups wield too much power over the actions of most Representatives."

Representative William M. Colmer, Democrat, of Mississippi: "I think the greatest evil connected with the Congress is the influence of pressure groups, whether it be individual or national. The most recent and possibly the best illustration of this was the pressure exerted on the recent sessions by Government employees for a pay increase. Of course, there are other pressure groups, such as labor."

Not all Senators and Representatives are impressed by lobbyists' pressure, as the following comments indicate:

Senator Wallace F. Bennett, Republican, of Utah: "If a Senator or Congressman has enough strength of character to make his own decisions," he doesn't find demands "unmanageable."

Representative William S. Broomfield, Republican, of Michigan: "There are various 'pressure groups' with well-paid lobbyists here in Washington, but I have yet to run into a situation in which I have been told what to do, 'or else.'"

Senator William Proxmire, Democrat, of Wisconsin: "During 3 years in the Senate, I have received very little pressure of the arm-twisting variety. Seldom have constituents called on the telephone to urge a particular course of action. Only very rarely has a constituent come to my office to plead for a particular course in relationship to a bill. It is true that very often there has been an inundation of telegrams and letters urging a particular course. This pressure is easy to analyze, assess, and can certainly not be construed as unmanageable."

The "breakfast" technique

Senator Harrison A. Williams, Jr., Democrat, of New Jersey, describes one of the techniques invented to deal with the physical problem of meeting with all the various pressure groups that try to see Senators:

"One innovation in recent years has been the 'breakfast' system. We legislators meet with groups who discuss issues of special interest to them at a breakfast session. It seems like a good way to receive their arguments, even though sometimes the 'breakfast' doesn't end until 10:30 or 11 a.m."

Representative D. R. (Billy) Matthews, Democrat, of Florida, tells how special-interest groups have complicated the problem of the Congressman who tries to steer a middle-of-the-road course:

"There are conservatives or middle of the roaders in Congress who dare not reflect their honest convictions on certain issues, because to do so would invite political suicide.

"If their own political life was merely at stake, that would be one thing, but far more important is the fact that a consistently conservative vote would preempt their place in the Congress in the very next election and assure the seating of one whose political philosophy was much more to the left.

"This is a point that conservative constituents often overlook. They cannot understand that to vote conservative all the way down the line means the eventual death of conservatism. A Congressman today must, except in very few instances, try to maintain some sort of balance between conservatism and liberalism in order to be effective."

QUESTION: IS THE ADMINISTRATIVE STAFF OF CONGRESS, DUE TO INCREASING DEMANDS, TENDING TO BECOME TOO POWERFUL?

This is a question heard with growing frequency as congressional staffs keep expanding. Each Representative now has a staff of up to eight people, who handle much of his official business. A Senator may have as many as 22 people on his personal staff. A congressional committee usually has a staff of its own, with experts who wield considerable influence.

Senator Frank J. Lausche, Democrat, of Ohio, expresses the concern left by many about this strategically placed group in this way:

"In my opinion, the staff of the Congress and the staffs of the various committees are tremendously powerful. In fact, they frequently formulate policies without the Congressman knowing that the policy is being formulated by the staff members."

Senator Francis Case, Republican, of South Dakota, said: "The administrative staff of Congress is tending to become too powerful."

What's happened to increase the size and importance of congressional staffs? The answers followed this line:

Representative Samuel L. Devine, Republican, of Ohio, stated: "If the administrative staffs of Congress are becoming too powerful, the responsibility lies with Congress itself. I think that the staffs have become overgrown and there is too much duplication.

A southern Senator, unwilling to have his name used, wrote:

"Congressmen consistently receive requests for assistance from constituents who know nowhere else to turn for aid. Everyone is familiar with the expression, 'Write your Congressman.' As a result, Members of Congress receive a vast correspondence on subjects in which Congress has no voice and which should have been addressed, in the first place, to some other governmental official and at a different level."

Representative William S. Moorhead, Democrat, of Pennsylvania, said:

"With the tremendous pressure of legislation and the variety of problems before the Congress today, it is necessary for a Congressman to have an adequate and competent administrative staff. A legislator often depends on this staff for information and advice.

"However, I have seen no example of too much power being wielded by the Members' staffs. There is a greater danger of such usurpation of power by the staff of a congressional committee."

Representative William H. Bates, Republican, of Massachusetts, discounted the danger:

"It is quite evident that the administrative staff of Congress is tending to become very powerful. This is particularly true in reference to technical matters. While this situation warrants close scrutiny, the checks and balances of the administrative branch of Government, the lobbyists, the news media, minority clerks, and the members of the committee serve to limit the exercise of such power."

In defense of staffs

Senator Harrison A. Williams, Jr., Democrat, of New Jersey, defending the staffs in Congress, said:

"A staff broadens a legislator's viewpoint; it does not limit it. A good staff reflects the legislator's thinking and his basic purpose as a legislator; it doesn't make its own policy. There's the 'ghost writer' complaint, for instance. It's true, I haven't seen many Congressmen dictating their speeches word for word to a secretary. But usually they have discussed the speech with an assistant who then tries accurately to express those thoughts in a speech draft. It's a very personal effort by the Congressman and by staff members who have worked with him long enough to know what he thinks about many issues."

Senator Mike Mansfield, Democrat, of Montana, provided this defense of the present congressional staffs:

"Compared with staff personnel in the executive branch, congressional staffs are of minute size and influence. Congressional staff employees, moreover, are without assured tenure, and are subject to full control of elected officials so that any influence which they exercise is at the direction and discretion of popularly responsible officials. Compare that situation with what exists in the executive branch."

A midwestern Senator, urging expansion of the staff system, said:

"I do not believe that the administrative staff of Congress is becoming too powerful. On the contrary, it is my distinct feeling that staffs should be increased, and the job done for the people we represent would thereby improve.

"Research and technical assistance needed to legislate and perform our other constitutional obligations should be increased. Similarly, the committees of Congress would benefit by additional, competent staff members. And I am inclined to believe that at least a portion of these staff members should be responsible politically to the majority and minority."

QUESTION: DOES CONGRESS REALLY WORK BEST IN TIME OF CRISIS WHEN THE NATIONAL INTEREST SUPERSEDES SECTIONAL OR PRIVATE INTERESTS?

It is when war threatens or economic disaster strikes that Congress appears to act fastest and pass its most important legislation affecting the Nation's basic interest. To many this indicates that the atmosphere of crisis is needed for the present machinery of Congress to work at its best.

Representative Emanuel Celler, Democrat, of New York, chairman of the House Committee on the Judiciary, said Congress works best in time of crisis because:

"Then sectional differences and petty sparring for place disappear in favor of a workable united front, spurred on by the emergency."

Representative Clark W. Thompson, Democrat, of Texas, said:

"If we did not work best in time of crisis, the Nation would long since have fallen apart. At such a time, there is no thought except of the general good. I hasten to add the remark that it is very seldom that an effective Member of Congress lets sectional or private interests interfere with the best interests of the Nation."

Representative Thomas J. Lane, Democrat, of Massachusetts, observed:

"I believe Congress does its best work in time of crisis when the national interest must supersede all else. At such times, Congressmen find a fulfillment that is missing during humdrum sessions when they sometimes feel that they are messenger boys rather than statesmen."

The impression that Congress may be doing its best work during a crisis could be deceiving, however, in the view of many Members of both Houses. They explain it this way:

Representative George H. Mahon, Democrat, of Texas: "There are two sides to this coin. The rubberstamp atmosphere, which at times obtains during a crisis, tends to prevent objective and critical analysis and permit mistakes which might be avoided in a less tense atmosphere. In some ways it works best; in other ways it does not."

Crisis brings haste

Senator Thomas J. Dodd, Democrat, of Connecticut: "No, it does not. In times of crisis, the Congress usually feels compelled to carry out the wishes of the President without its usual deliberative process. It is true that congressional action is greatly speeded up in crises and that many needed steps are quickly taken in time of danger. But, on the whole, I do not think the deliberative process of the Congress works best in times of crisis."

A southern Senator: "I doubt that Congress works best in time of crisis. It is prone to follow the leader at such times. For instance, during World Wars I and II Congress did little but appropriate the funds necessary to prosecute those wars. Other war and emergency measures were adopted without too much resistance to our Commander in Chief. We seem to veer away from real democracy in time of crisis."

Representative Byron L. Johnson, Democrat, of Colorado: "A time of crisis frequently demands a burst of speed. Speedy consideration is not always the best consideration of legislative matters."

Representative John Taber, Republican, of New York: "Congress does not work best in time of crisis—then there is a tremendous tension. The Members work a great deal better right after a crisis is past than they do in it."

Representative William S. Moorhead, Democrat, of Pennsylvania, who went along with this reasoning, summed up the feelings of many Congressmen in this way:

"I would not agree that Congress works 'best' in times of crisis. Careful, sound legislating takes time which may not be available in time of crisis. However, it is certainly true that Congress has proved its ability to work efficiently and promptly in response to a crisis."

QUESTION: IS THERE ANYTHING THAT COULD BE DONE, IN YOUR OPINION, TO IMPROVE THE WORKING OF CONGRESS?

Representative Edith Green, Democrat, of Oregon, part facetiously, suggested this answer:

"1. A 4-year term for House Members.

"2. Increased staffs for Members.

"3. A 48-hour day."

The first two of her suggestions found echoes among many of the lawmakers responding to the U.S. News & World Report survey. And more than a few indicated that they felt a need for longer days, as well.

Longer House terms?

A 4-year term for Representatives—instead of 2 years—was widely advocated.

Representative Elmer J. Holland, Democrat, of Pennsylvania, summed up the ideas of numerous Members with this argument:

"One main difficulty a Congressman has is the fact that he is always running for reelection. I believe a 4-year term would give a Congressman more time to attend to the business of the Nation and the people and not to force him to campaign continually during his 2-year term of office.

"In order to keep the House closer to the people and more aware of public reaction than are the Members of the Senate, one-half of the House could change every 2 years. In other words, 50 percent of the House would be up for reelection every 2 years, although the term of office would be 4 years.

"Truthfully, it takes almost 2 years for a Congressman to acclimate to Washington and learn his way about the various governmental departments and agencies and become familiar with the workings of our National Government. It is then time to run for reelection and 6 months of the 2-year term is lost in electioneering."

Representative Thomas J. Lane, Democrat, of Massachusetts, complained:

"As it is now, no sooner is one election won than a Member must start to prepare for the next campaign. With no respite from the exigencies of 'politics,' Members cannot give their full time and effort to the work at hand as they would prefer to do."

Representative John H. Kyl, Republican, of Iowa, suggested that with a 4-year term "tenure in office would become a period of service rather than a 2-year campaign for the next election."

A western Congressman, speaking anonymously, added that "the pressure of groups would be greatly lessened, Members would have more time to devote to legislative matters and to study, and better legislation would be the result."

Representative Francis E. Walter, Democrat, of Pennsylvania, spoke for many House Members with this suggestion:

"Provision for an administrative assistant to a Member of the House of Representatives will do much to take from the shoulders of the Member the administrative burdens which he must now bear because of the demands of his constituents. Such a position would permit him the time to devote more effort to function as he properly should, namely, as a legislator."

Representative Dante B. Fascell, Democrat, of Florida, said:

"I think it would be helpful if each of us on the House side had a legislative assistant whose principal duty would be research. I think the biggest problem I face as a legislator is to obtain all the facts."

Representative Emanuel Celler, Democrat, of New York, agreed:

"A Representative should have a greater staff, exclusively devoted to the study of the various issues, upon whom the Congressman could call for information."

Split sessions of Congress?

Dividing a congressional session into two parts—one for general legislation and another for passage of appropriation bills—was one suggestion for expediting the work of Congress.

Senator Warren G. Magnuson, Democrat, of Washington, said: "In my judgment, the work of Congress could be expedited in at least two important ways. First, a rule of germaneness would tend to reduce the length of debates. Second, division of a particular Congress into a legislative and a fiscal session would make for more orderly and efficient procedure.

"On the latter point, here briefly is what I am thinking about. The Government's fiscal year is from July 1 to July 1. The Congress, however, convenes in January and runs from 7 to 10 months. Thus, the sessions of Congress and the Government's fiscal year do not coincide. In effect, we are never able to balance our books. Legislation we pass, say in May, possibly calls for new expenditures, and as such bills multiply, continuous calls are made upon us, through supplemental budget requests, for additional appropriations.

"Private business does not encounter this type of anomalous situation. Private concerns operate in such a way that their books can be balanced at the end of their fiscal year.

"Because of the problem above outlined, I am advocating a fiscal and a legislative session. Thus, our congressional year would be broken into two parts. During the first half of the session, we would consider only legislative matters with the understanding that appropriations to finance any new programs authorized would not be considered until the next fiscal session.

"In the second part of the session, we would consider fiscal matters—bills representing appropriations needed to carry forward those legislative programs already on the books. Some deviations would be required to meet emergencies, but under such a program Congress could give its entire attention to one problem at a time and, in my judgment, by so doing could achieve more effective control of expenditures than is currently possible."

Representative Jamie L. Whitten, Democrat, of Mississippi, had a similar proposal:

"It is my belief that if the Congress were to provide one period for hearings, reports on bills, etc., without legislating, and a later period for purely legislative action, requiring that its legislative action be completed in such period each year, it would be for the best. Of course, provision would have to be made to meet extraordinary situations. While I did not serve in Congress at that time, I believe we took a step backward when we eliminated the "lame duck" session. A Congress always in session gets further away from the people and more and more subservient to special-interest pressures.

"I further believe that in view of the increasing population of the United States, and increasing number of so-called Federal problems, the size of the House of Representatives, where hearings are held in much greater detail, might be enlarged to some degree—largely in order that a Member might not be required to spread his time so thinly as at present. These two suggestions would also reduce necessary reliance on congressional staffs in the handling of Federal business, including legislation."

Representative John R. Pillion, Republican, of New York, had a different idea about handling appropriations:

"The House, in accordance with its rules, should prepare its own budget of appropriations and revenues. Since the House has first responsibility in this field, it should not rely on the President's budget. The present practice is a delegation of power and responsibility. It violates the theory of separation of powers.

"Under our present system, appropriations are initiated by the Federal bureaucracy that has no responsibility for raising the needed taxes.

"Today, there is very little relationship in the House or Senate, as legislative bodies, between appropriations and revenues. This procedure amounts, in fact, to a carnival pea shell game. It hides from the public the responsibility in these bodies for spending, for taxes and, in general, fiscal responsibility.

"The House also should establish a finance committee to coordinate the spending of the legislative committees with the appropriations and with the tax revenues. The function of this committee would be that of first determining the overall expenditures and the overall tax program that is in the national interest. Legislative programs, appropriations, and taxes could then be coordinated and fitted into this overall national purpose."

Representative William S. Broomfield, Republican, of Michigan, suggested:

"One big help would be to start congressional sessions about the first of September rather than the first of January. Either national elections could be rescheduled through a constitutional amendment, or else early sessions could be limited to nonelection years. This would mean that Congress could wind up its business in spring or early summer each year and that there would be plenty of time to consider appropriation bills in detail before the next fiscal year begins. Also, this would be a help to the homelife of Congressmen, and would permit their children to remain in one school rather than the present practice of changing residences twice a year."

The "filibuster" issue

A proposal that had numerous backers was one to prevent "filibusters." A "filibuster," in congressional terminology, is the making of long speeches to delay or prevent a vote when the "filibusters" face probable defeat. It is made possible by the Senate rule which permits free and unlimited speech unless two-thirds of the Members vote for a limit.

The longest filibuster—that against civil rights legislation last March—lasted 82 hours.

House rules prevent filibustering by requiring only a majority vote to limit debate.

Senators, as well as House Members, spoke out against filibusters.

One midwestern Senator, who prefers not to be identified, said: "There should be a change in the cloture rule in the Senate to permit debate to be cut off, after ample time for all to be heard, by majority vote."

A western Senator also speaking anonymously, said: "Great freedom is needed in the Senate, but there should be a more realistic means of closing debate without prejudice to the rights of those who may be in the minority on a given question."

Representative James M. Quigley, Democrat, of Pennsylvania, said:

"The Senate rules must be changed to prohibit unlimited filibusters. The minority has its rights and certainly foremost among these is the right to be heard. But the majority has its rights, too, and foremost among them, under our system of government, is the right to rule."

A number of minor changes were proposed in rules, committee structures, schedules, and other operating procedures of Congress.

Representative Charles E. Bennett, Democrat, of Florida, said:

"It seems to me that it would be an improvement on the committee structure if the chairmen of subcommittees could be elected by the subcommittee's personnel. In this way the burden of legislation could be shifted around to younger men and new leadership could develop, for persons have become so advanced in years that their physical well-being is endangered by strenuous and persistent work of the exacting type of committee chairmanships. But I would not favor this procedure for the main or full committee chairmanships."

Representative Glenn Cunningham, Republican, of Nebraska, said:

"To improve the functioning of the Congress, I would suggest, as I have in the past, that during the first 2 months of the Congress, the two bodies meet for 1 full day each week. The 4 remaining days of the week should be devoted to full-day sessions of the various committees.

"It might be advantageous during the second month of the session to have the two bodies meet 2 days a week and the committee 3 full days. The point is that there is no sense in having the Congress meet every day when nothing is ready for consideration, at least nothing of importance.

"It would then be my suggestion that there be a limit on the time when legislation could be introduced by individual members."

A southern Representative did not wish to be identified by name with this idea: "It is a wild proposal, but each district would be better off if it had two Congressmen—one to do the favors and extralegislative chores, and the other to confine himself strictly to legislation."

Representative Katharine St. George, Republican, of New York, suggested several changes: "Congress would be more efficient if Senators were appointed by the State legislatures and therefore were true representatives of sovereign States, as was intended under the original Constitution. The term of a Representative in the House should be 4 years instead of 2. The Representatives should be elected with the President and their terms should coincide with his. Finally, the Speaker of the House should be an expert parliamentarian, nonpartisan, and not a party leader as at present."

Representative Melvin R. Laird, Republican, of Wisconsin, thinks time can be saved in committees: "The Secretary of Defense, for example, appears before 10 or 12 different committees, often for protracted periods, during one session of Congress. This demonstrates the great duplication among committees."

Senator Mike Mansfield, Democrat, of Montana, majority leader, suggested: "It is over a decade since the last Congressional Reorganization Act, and the time may be ripe for another full-scale consideration of legislative procedures which could open the way to many procedural improvements."

Senator John Marshall Butler, Republican, of Maryland, was one of several Members who saw no need of changing the rules of Congress. He said:

"I believe that the Senate of the United States presently constitutes man's highest attainment in truly representative government. There has never been an organization comparable to it and, tragically, if present trends continue, there will never be one like it again.

"The Congress, in my opinion, does not need better rules—it needs better men."

HORSE-AND-BUGGY METHODS IN THE JET AGE

(By Representative Wright Patman, Democrat, of Texas, veteran of 32 years in Congress)

Many things are wrong with Congress; but, to put them in perspective, I would say that the basic problems are two.

First, the volume and variety of duties of a Member of the House constitute a workload which the Members are very poorly equipped to handle. I am speaking mostly of legislative duties, which are almost endless in scope of subject matter and, for the most part, highly complex. The volume of errand-running and miscellaneous chores which a Member must perform for his constituents has been growing, too, and this would constitute a rather heavy workload by itself. But these duties are really not the problem.

During my 32 years in Congress, the country has moved from the T-model era into the jet age, and legislative problems have increased accordingly. Yet, in this time, Congress has improved its equipment and its methods little beyond those that would be suitable for the horse-and-buggy era.

The principal inadequacy, at least in the House, is that the Members do not have enough professional staff. And it does not help matters that the Congress operates in an obsolete and inefficient physical plant and clings to some cumbersome and time-consuming mechanical procedures.

Congress appropriates billions annually for the executive branch to have tens of thousands of scientists, technicians, and specialists in all fields, as well as clerical staffs and modern mechanical aids, down to the newest and most advanced electronic computers.

In contrast, the Congress—particularly the House—has been timid to the point of negligence in providing itself with professional assistants. House Members can vote billions for the Executive without batting an eye, but are horrified at the thought of voting a few millions to equip themselves. These millions, they feel, would constitute a personal raid on the taxpayers' pocketbooks—or at least would be interpreted as such.

This brings me to the second fundamental problem of Congress, and one which is at the root of all the others. This is in the wholly inadequate communications between Congress and the general public.

Most of the time the public does not know what Congress is doing and, all too frequently, Members of Congress do not know what they are doing. The two conditions are not unrelated.

I realize that the public press undoubtedly has its own problems and limitations, which I am unable to appraise, and I say this without impatience or disrespect: The public press is failing to inform the American people of what Congress is doing, and it frequently gives the public a spotty and misleading conception of what the Congress is doing.

Let me give two illustrations:

1. Recently, the big story was abuses of congressional expense accounts. The topic most headlined by the daily papers and most examined in the editorial columns had to do with the fact that on occasion a traveling Congressman has visited a fancy bar and put the tab on his expense account.

At the time this story was being publicized, Members of Congress were giving considerable attention to a proposal—one which is still pending—to make lobbying expenses tax deductible.

This legislation would have the general taxpayers pay the corporate lobbying expenses, which will include, you may be sure, plenty of free drinks for all Members of Congress who care to partake of them.

One question the press might ask is: "Won't it be even worse for the taxpayers to pay for the drinks the lobbyists dispense to Congressmen than to pay for the Congressman's drinks directly?"

My purpose is not to answer the question but to point out that the press has not asked the question. If the usual pattern is followed, this proposal will receive little or no attention if and when it is enacted.

2. Early last year the big story was nepotism—some Members of Congress employ their wives or other members of their families to serve as secretary, clerk, and so on. The newsman who wrote that story received a Pulitzer Prize for it. Let's examine two aspects of it.

First, the practice in question is as old as the Congress itself, and most of the facts "exposed" were long known to every newspaperman in town. Furthermore, all of the details were a matter of public record and easily available to any newsman. Isn't it rather remarkable, then, that the press had so neglected reporting facts which, when reported, warranted a Pulitzer Prize?

The second point to be noted is that the bigger part of this story was never reported. This has to do with how the story arose and how it changed the course of Congress.

The attention of the prizewinning journalist was attracted to this matter in the first place because the House was about to act on a resolution to provide each of the Members with a professional administrative assistant.

The sentiment in the House was overwhelmingly in favor of the action, although there was forceful opposition from some groups who prefer that the Members receive their information in the ways they now receive it, rather than from independent study.

The upshot of the nepotism story was that Members of the House were swept by a great wave of timidity, let the resolution die on the vine, and the public was the loser.

It is manifest that representative government depends upon an informed public. Yet it is the exceptional legislation, such, perhaps, as medical aid for the aged, which receives anything like adequate reporting.

Many of the bills Congress passes are never mentioned in the public press, either before or after passage. And most are mentioned only in a capsuled way, characterized with slogans which frequently mislead more than they inform. There is usually someone around to supply the slogans which the press picks up.

The Congressional Record needs special comment. Relatively few copies of the daily Record are printed—and a few suffice.

One might judge from the appearance of this document that it is calculated to discourage readers, rather than to help the public know what the Congress is doing. The print is microscopic; it is printed on a poorer grade of newsprint than any metropolitan daily would use; it is neither organized nor indexed; and House rules permit the insertion of all manner of irrelevant materials to be intermixed into the record of the business being transacted.

It is my view that any citizen should be able to learn, without cost, what his Congress has done on the previous day. Considering the importance of what Congress is doing, measured in dollars and cents if nothing else, a clear and readable public record seems warranted.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to insert at this point in the Record remarks by our distinguished U.S. Senator, Senator Keating, of New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The material referred to follows:

Keating Sets Five-Point Plan for Efficiency

(By J. A. O'Leary)

Senator Keating, Republican, of New York, last night revived the controversial proposal to let the President veto individual items in appropriation bills.

He listed it as part of a five-point program to promote efficiency in government.

The other steps he recommended:

1. Establish a joint congressional committee to examine the Federal budget as a whole.

2. Hold special sessions of Congress in November and December of each year, to be devoted solely to the appropriation bills, before Congress meets in January to consider general legislation.

3. Set up a Hoover-type commission to review the entire tax structure and recommend changes "geared to the times and designed to eliminate inequities."

4. Create a "know your Government" service, which the Senator said would "break down the wall of secrecy that lies between the people and their Government."

In a speech prepared for delivery at Olean, N.Y., Senator Keating said the establishment of the item veto would be the most effective single step Congress could take to eliminate waste and "pork barrel" items.

The item veto has been debated in Congress at intervals for many years, however, and there are no indications that this Congress is any closer to adopting it than its predecessors.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to insert at this point in the Record an article taken from the Washington World of September 25, 1962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The material referred to follows:

Is Machinery of Congress Bogging Down?

STAFF ANALYSIS

(Unless at least a few changes are made, the role of Congress may continue to diminish at the same time executive and administrative powers reach their alltime height.

(While some papers have made radical suggestions about congressional reform (aimed mainly at getting their pet programs enacted), sound, well-informed observers in Washington suggest the following as substantive changes which would assist future sessions of Congress to deliberate and legislate instead of merely spending the hot Washington summers chewing the legislative fat and spending money commuting to far-off districts to see constituents.)

1. The first requirement for a more effective Congress would be a year-round session (except possibly in election years) with a 3-month summer hiatus when the humidity in the Capital is most oppressive and when traditionally the least is done, anyway.

WOULD PROVIDE DEFINITE SCHEDULE

This would enable a scheduled period of time in the District with the family for each Member; with meetings planned long in advance with key constituent groups. It would also eliminate the traditional last week into which hundreds of bills are jammed in a desperate effort to quit Washington by October.

2. The second requirement would entail more scheduled meetings between the President and the legislative leadership of both parties.

While this has been done in some instances insofar as foreign policy is concerned, it is even more necessary in the domestic area where there is a great misunderstanding among Republicans as to just what the President does and does not want—and a misunderstanding on the part of the President as to what areas of his domestic program should be changed to insure congressional enactment and for the benefit of the Nation.

CAN'T EXAMINE APPROPRIATIONS PROCESS

3. Congress has no machinery to provide for an examination of the appropriations process. If some agency should spend unwisely or in violation of Federal law, no one knows about it until the General Accounting Office issues a report in 4 or 5 years.

Most Capitol Hill observers would press for a Joint Committee on Appropriations or a similar group to take into account the status of our economy, future trends of authorizations and appropriations, and recommend priorities in spending legislation. This would show Congress just what the effect of their voting for a bill would be, instead of surprising them later on with the news that we have run a $10 billion deficit for a fiscal year instead of a surplus, on account of action taken 3 or 4 years before.

4. One of the reasons why Congress, especially the House, must delay for some 20 days each election year is because of primary elections held in various States from March through September. If the primary is on a Tuesday, no legislative business of a vote-producing nature is customarily scheduled that day—nor will any work be done on Monday since Members spend that day traveling in the State involved.

DELAYED 3 WEEKS BECAUSE OF LABOR DAY

In 1962 the foreign aid bill was delayed in the House for some 3 weeks due to Labor Day and several primaries in early September. States should be encouraged to hold their primaries on the same day or at least in the same relative time of the year to eliminate this sapping of the legislative schedule.

5. The committee structure in the House is especially bad. The House usually has nothing to do for 3 months each session waiting for committee consideration and reporting of bills. The solution for this dilemma is relatively simple. During the first year of a session, many experts feel Congress should not even bother holding formal sessions until March while committees work on the Presidential program and other major legislation during the first 2 months.

Committees might well meet during November and December to work on the program for the second session so that Congress could get right to work and dispose of major issues before the political campaigns begin in earnest. To accomplish this, the Presidential program in these years must be revealed by a preliminary message 2 months before the traditional state of the Union report.

6. Finally, Congress must take action to approximate the professional staff technique as developed in English political and parliamentary systems. Minorities must receive top professional staff opportunities in order to develop programs which in time might become accepted by the majority of Congress or of the voters.

Majorities must be encouraged to use professional rather than political staff members, again so that committee work might be expedited and their final product could be justified. In this way, debate and enactment of legislation can be done on a more logical and a quicker basis in the House as a whole.

With these improvements in mind, Congress could once more become, in the eyes of most experts, the true instrument of democratic representative government it was in the past.

Mr. CUNNINGHAM. Mr. Speaker, in closing I want to offer my sincere thanks and appreciation to our great and beloved Speaker. I have not known a great many great men in my life. But this gentleman is a man who is one of the very greatest I have had the pleasure to know. His heart, in my opinion, is as big as a bathtub.

He always has time to sit down and talk with Members about their individual problems. He has taken a great deal of his time to discuss legislative matters with me. And so I want to congratulate him on the wonderful job he has done during this trying session.

I also want to pay tribute to our distinguished majority leader, the gentleman from Oklahoma [Mr. Albert] and, of course, to our distinguished minority leader, the gentleman from Indiana [Mr. Halleck]. These gentlemen have given us leadership. We have had political differences, but we have worked together and, as we reach the closing days of this session, as one Member of Congress, I want to pay my tribute to them and express the hope that some of these suggestions that we have made here today may be approved by the House of Representatives in order that our Speaker, the majority leader, and the minority leader, whoever they may be, will have less bothersome problems and a better method of operating and of producing the needed legislation which we know will be before us in the coming years.

Mrs. DWYER. Mr. Speaker, it is not a pleasant prospect to contemplate the possibility of nuclear destruction in the United States, or of any other form of national emergency which could threaten a breakdown of the orderly and effective processes of our national life.

Yet, in a world in which such destructive power exists, it would be the height of folly to close our eyes to it or to refuse to take those steps which prudence would indicate could equip us to deal with disaster effectively.

For this reason, I have introduced House Joint Resolution 893, a proposed amendment to the Constitution to enable the Congress to function effectively in time of emergency or disaster. This is only one of a number of legislative proposals which a number of us have joined together to introduce and to talk about as a way of calling attention to some of the important things Congress should do to prepare for the momentous challenges ahead.

The purpose of House Joint Resolution 893 is no less fundamental than this: to permit free and representative government to continue to function at a time when we would need it most, at a time when chaos could conceivably lead frightened survivors to abandon representative government unless advance preparations for its preservation had already been made.

We need not be fearful or despairing or unduly imaginative, Mr. Speaker, to consider this matter seriously. It is a question of commonsense—the same commonsense that has led us to invest in national defense, in personal insurance programs, in foreign aid, and in a host of other public and private precautions against possible future dangers.

Indeed, under the Constitution and by means of various statutes, we have already provided for a significant degree of continuity and succession in our public life. With respect to the Presidency, Congress in 1948 approved legislation specifying 12 successors to the office, from the Vice President, to the Speaker of the House, the President pro tempore of the Senate, and nine members of the Cabinet.

Under the Constitution, the President has authority to reconstitute the Federal judiciary, by virtue of his power to fill vacancies on the Supreme Court and other Federal benches with the advice and consent of the Senate.

The Constitution, too, through the 17th amendment, provides the basis for continuity in the Senate. Under the amendment, 49 of the 50 States have empowered the Governors to fill vacancies by appointment until elections are held.

At the State and local levels of government, great progress has been made in recent years in assuring continuity in government in the event of disaster. The Office of Civil Defense, in cooperation with State, county, and local government organizations, has developed proposed legislation and local ordinances for this purpose. At least 45 States have adopted parts of this program, and in 31 States, at last count, the legislatures had approved continuity-in-government amendments to their constitutions.

In the perspective of representative government, therefore, only the continuity of the U.S. House of Representatives has not been assured, and I find this fact deeply disturbing. Without a functioning House, freedom in America would be seriously jeopardized.

We must assume, I believe, that in the event of a nuclear attack on the United States, or other form of national disaster, casualties among Members of the House would be roughly proportionate to total casualties. If Congress were in session, of course, the proportion would undoubtedly be much greater. Under the Constitution, article I of section 2, vacancies in the House can be filled only by election. In the event of disaster, however, it would conceivably be many weeks or months before elections would be possible in many parts of the country. In the interim period, it would be essential that Government function effectively and that the Congress be in position to provide the central authority on which the Government must depend.

For these reasons, Mr. Speaker, I believe it is urgent that some method be found—a temporary method until elections can be held—whereby vacancies in the House of Representatives could be filled in the event of a disaster. I suggest that the method proposed by House Joint Resolution 893 would be simple, sound, and effective. Whenever the total number of vacancies exceeded 145, the Speaker or, if there was no Speaker, the Clerk, or such other person designated by Members of the House present and voting, would certify this fact to the President. Following the issuance of a Presidential proclamation to this effect, the executive authority of each State would be empowered to make temporary appointments to fill any vacancies from his State in the House of Representatives which might exist during a period of 90 days from the issuance of the proclamation.

Mr. Speaker, it seems to me that Congress has a special responsibility to see to its own survival as an instrument of free and representative government. To do so, we must prepare for any contingency. We cannot wish away the possibility that catastrophe might some day strike us. We must be ready to carry on in any and all eventualities.

DRUG AMENDMENTS OF 1962

The SPEAKER pro tempore (Mr. LIBONATI). Without objection, the bill, H.R. 11581, will be laid on the table.

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask what was the request?

The SPEAKER pro tempore. The provision creating this situation was in House Resolution 808 which reads:

> That after the passage of H.R. 11581, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1552; that it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 11581 as passed.

The only purpose here is to save the money by not printing the House bill.

Mr. GROSS. Mr. Speaker, it was my understanding that no business would be transacted after special orders were called.

I object.

BURNS CREEK MUST NOT BE INCLUDED IN ANY OMNIBUS RIVERS AND HARBORS BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks; and also that the gentleman from Texas [Mr. ROGERS] may extend his remarks following mine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. KYL] be permitted to insert his remarks in the RECORD following those of the gentleman from Pennsylvania [Mr. SAYLOR] and the gentleman from Texas [Mr. ROGERS].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SAYLOR. Mr. Speaker, we are rapidly coming close to the end of the 87th Congress. This has been an interesting and productive Congress—productive both for what it has accomplished and for what it has prevented some of the bureaucrats in the Administration from doing to deprive American citizens of some of their freedoms. I do not know of another Congress, however, which has been subjected to the raw and naked exercise of political power such as the present administration has tried to exert on the 87th Congress. I do not say this from a narrow partisan point of view; but, rather, I feel the American people have a right to know some of the intricacies of the attempted maneuvering of this youthful administration to force its will on the duly elected representatives of the people.

Mr. Speaker, I have chosen one example to discuss in detail today because of its implication on the entire legislative process and its reflection of a basic philosophy of government being espoused by some individuals. I refer to the Burns Creek public power project in southeastern Idaho.

BURNS CREEK REJECTED BY INTERIOR AND INSULAR AFFAIRS COMMITTEE

The Burns Creek Dam and Reservoir was originally proposed for construction by the Bureau of Reclamation in 1956. The first legislative bill was introduced in January 1957, and referred to the Interior and Insular Affairs Committee. This conscientious and responsible committee—on which I have had the privilege of serving for many years—held comprehensive hearings on the Burns Creek project in 1958, 1959, 1960, and

1961. We heard witnesses from the Bureau of Reclamation, proponents of the project and opponents of the project. In February of this year, 1962, with this wealth of knowledge and background at our disposal, the House Interior and Insular Affairs Committee by a positive vote rejected the Burns Creek proposal as being unnecessary, uneconomic and unworthy of construction.

Under normal circumstances, one would assume that when the appropriate legislative committee had so thoroughly studied an issue and expressed its will in positive terms that this would mark the end of an unworthy proposal. But unfortunately this was not the case with Burns Creek. In an almost unprecedented move, the administration—despite the adverse vote of the Interior and Insular Affairs Committee—instructed the Corps of Army Engineers to include a request that the Bureau of Reclamation be authorized to construct the Burns Creek project in the corps request for authority from the Public Works Committee. This was a blatant disregard for clearly established legislative processes, and I consider it to be a personal affront to the sincere and hardworking chairman and members of the Interior and Insular Affairs Committee.

With the 87th Congress having perhaps less than 2 weeks to live, the master strategists are trying to force the Burns Creek project into an omnibus rivers and harbors and flood-control bill with a thought that it could thus be steamrollered through the Congress and signed into law.

Mr. Speaker, what is this Burns Creek project that has caused the administration to attempt such an underhanded method of operation to force its will on the Congress? I have studied this project long and hard, and let me tell you, my friends and colleagues in this Chamber and the American people, just what we have here in the Burns Creek project.

The Burns Creek project would be located about 30 miles northeast of the existing Palisades Dam on the upper Snake River in southeastern Idaho. The dam would be 1,900 feet long and 176 feet high impounding about 234,000 acre-feet of water. The powerplant would have 90,000 kilowatts of hydroelectric generating capacity.

The Bureau of Reclamation reports that this project, at 1959 price levels, would cost about $48,130,000—including $2,700,000 in interest during construction.

It is claimed—contrary to all facts submitted in the hearings—that the project is for the prime purpose of reregulation of the Palisades project; to assist in the irrigation of arid and semiarid lands; to assist in the control of floods; and to provide for the conservation and development of fish and wildlife. The bill also provides for the generation of hydroelectric power which is the true reason for the project since $46,752,000 or 97.1 percent is being allocated to power and only $1,329,000 or 2.9 percent to irrigation. Not 1 cent is allocated to river reregulation. Not 1 cent is allocated for flood control. Not 1 cent is allocated for fish and wildlife.

This project is undesirable for a number of significant reasons.

NO EVIDENCE OF NEED FOR REREGULATION

The Secretary of the Interior, in a letter dated March 10, 1961, transmitting a favorable report on the proposal, states:

> The prime purpose of the Burns Creek development is reregulation of releases from Palisades.

The Bureau of the Budget, in clearing the report, also put primary emphasis on the reregulating aspect of the project. Actually, only 17,000 acre-feet or 7 percent of the dam's total storage capacity of 234,000 acre-feet of storage is assigned for such purpose should reregulation ever be required. What is more important, however, is the fact that the Bureau of Reclamation, in allocating the project costs, did not allocate even one penny for reregulating purposes.

Extensive hearings held by the House Irrigation and Reclamation Subcommittee clearly revealed that operating experience with the Palisades project has not indicated the need for a reregulating reservoir as of the present time. The hearings further revealed that if the need for reregulation ever became apparent in the future, it could be supplied by construction of a 17,000 acre-feet reservoir estimated to cost about $6 million at current price levels—a small fraction of the cost of the proposed Burns Creek project.

Testimony presented during the hearings showed that in 1953 the Bureau of Reclamation did give consideration to construction of a small reservoir to provide for the claimed reregulation need. And, at that time, the Bureau estimated such a reregulating dam and reservoir could be constructed for approximately $2,128,000. In connection with this, a Bureau of Reclamation witness testified in August 1959:

> It was a feasible undertaking in the sense that the benefits exceed the cost.
>
> However, we could accomplish the same thing cheaper if we purchased power to firm up Palisades; therefore, we did not believe it was a justified investment [$2,128,000].

The cost of purchased power required to firm up Palisades without Burns Creek, according to Bureau of Reclamation's own studies, would be $27,000 per year; on the other hand, the Bureau would still have to spend, again according to its own studies, $23,000 per year for purchased power to firm up Palisades after construction of Burns Creek, a reduction of only $4,000 per year. The expenditure of almost $50 million for the prime purpose of reregulation when the reduction in the cost of power to firm up Palisades is only $4,000 certainly cannot be justified under the guise of reregulation.

The Bureau of Reclamation tries to make one further claim for the benefit of reregulation; that is, the generation of additional peaking power at Palisades. In this connection, it should be noted that the Bureau of Reclamation economic studies do not show any sale of, or revenue from the sale of peaking power nor the inclusion of even $1 for such claimed benefit.

We should also note that if reregulation of the Snake River downstream from the Palisades project is needed, it also would be required below the Burns Creek project, because the same water would be released into the same streambed. River surges from the 90,000 kilowatt Burns Creek project would have almost the same effect on the downstream irrigation facilities as released from the 114,000-kilowatt Palisades project.

THIS IS NOT A RECLAMATION PROJECT

Although the proponents of this Burns Creek project seek to justify the project in order to assist in the irrigation of arid and semiarid lands, actually irrigation plays a very small part in it. Out of a total estimated annual benefit of $2,886,000, only $33,000 would result from irrigation. This is only 1.1 percent of the total. Power benefits would amount to $2,851,000 or 98.8 percent and recreational benefits only $2,000. As pointed out previously, of its total cost of $48,130,000, only $1,329,000 or 2.9 percent would be allocated to reclamation. Something like 100,000 acre-feet of the storage capacity of the reservoir would, on occasion, be used for irrigation purposes. But, according to spokesmen for the Bureau of Reclamation, water stored in this space would be used by irrigators only two or three times in any 50-year period. In fact, Secretary of the Interior, Stewart Udall, in effect admitted this when he wrote:

> The relatively minor part of irrigation in this project will have little bearing on the success of the project.

Neither on the basis of the project's irrigation benefits, nor on the basis of the allocation of the project cost to irrigation, nor on the basis of its repayment schedule does it appear to be fair or appropriate to assert, as do the advocates of this project, that Burns Creek should be approved to assist in irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho.

THIS IS PRIMARILY A POWER PROJECT

This project is now before the Public Works Committee masquerading as a flood control project, but Department of Interior witnesses have actually admitted that there are no flood control or significant wildlife benefits involved in it. A spokesman of the Bureau of Reclamation has admitted that this is primarily a power project. As I said a moment ago, this project is 97.1 percent power. The feasibility report on the project admitted that reclamation storage would be kept at a minimum to maximize power revenues. The report said:

> Assignment of more than 100,000 acre-feet of this total to irrigation is not financially feasible because of the reduction in power revenues that would result (85th Cong., H. Doc. No. 147, p. 12).

Although the power produced at Burns Creek standing alone would be very costly; it would be marketed at a relatively low price, substantially below its actual cost of production. This unusual result would be accomplished by combining the power to be produced at Burns Creek with that from Palisades Dam. All of the power would be sold at rates yielding an average of about 3.7 mills per kilowatt hour.

For the power facilities of the Burns Creek project to pay out in 50 years, the resulting power would have to sell for an average of at least 4.88 mills per kilowatt-hour. Nevertheless, the Department of the Interior has indicated that power from Burns Creek would be marketed at the same rate as the power from Palisades Dam. This would mean that on the average it would be sold at about 1.18 mills per kilowatt-hour less than its cost of production, with the deficit resulting from Burns Creek power operations being made up out of whatever surplus might result from Palisades. Instead of using, as is normal, any surplus power revenues to pay reclamation costs beyond the financial ability of water users to pay, such surplus from Palisades would be diverted to subsidize the few wholesale consumers of Burns Creek power.

An Assistant Commissioner of Reclamation has said in hearings on this bill that Burns Creek power, if disposed of at the proposed rates, would be selling at less than its cost of production. In fact, he admitted, in answer to a specific question, that Burns Creek power revenues would not be sufficient to pay even the interest on the power investment.

THE PROJECT WOULD BE DETRIMENTAL TO RECLAMATION

Evidence presented shows that the Burns Creek project actually would be detrimental to reclamation, to the water users, and to the taxpayers. The Palisades project standing alone without Burns Creek would repay all of its reimbursable costs by 1988, and by the year 2006 a surplus of $22,245,333 would be built up from earnings of Palisades. Under existing law, this would go to the Treasury and, should Congress so decide, it would be available to finance additional reclamation projects, the cost of which might be beyond the financial capacity of water users.

But should Burns Creek be included in an omnibus rivers and harbors bill and construction concluded in fiscal year 1967, and should Burns Creek and Palisades market their power at the Palisades rate, then all of the reimbursable costs of the two projects would not be recovered until the end of year 2006. Palisades alone by this date would have a surplus of $22,245,333. Thus $22,245,333 would be diverted from the Treasury to subsidize the users of Burns Creek power.

Therefore, as a result of the construction of Burns Creek and the sale of its power under the Palisades rate, $22,245,333 less would be available to the Treasury that could, should Congress so decide, be used to pay reclamation costs that might be beyond their financial capacity than would be the case if Burns Creek were not built.

This would be a radical departure from the normally accepted principle of Federal reclamation policy; that is, that power is the paying partner of reclamation. For example, Harold T. Nelson, regional director of the Bureau of Reclamation for region 1, including Idaho, said in 1958 relative to power projects of the Bureau on the Snake River:

> These plans were built primarily to furnish a power supply to Federal irrigation project pumping loads but there has been surplus capacity and energy, particularly during the irrigation season to serve preference customer loads and for off-project markets for secondary energy. In every case off-project revenues are required to assist in the repayment of project costs allocated to irrigation and to maintain reasonable irrigation pumping rates.

Now, however, the Burns Creek proposal would change this established policy. Rather than power revenues helping to finance the irrigation of Western aridlands, the water users would be penalized to subsidize power production.

BURNS CREEK WOULD BE DETRIMENTAL TO COAL MINING INDUSTRY

Testimony presented by representatives of both the United Mine Workers and Coal Mine Operators reveal the fact that this project would adversely affect the already depressed coal mining industry in the Rocky Mountain area. The 500 million kilowatt-hours generated each year at Burns Creek could displace as much as 250,000 tons of coal a year with the resulting loss of 20,000 manshifts of coal mine labor, $40,000 per year in the miners' welfare fund, together with all other related benefits associated with mining that quantity of coal in an area.

BURNS CREEK DOES NOT INCREASE FIRM GENERATION AT PALISADES

Contrary to claims made for Burns Creek, it would not double the firm power generation at Palisades. A more accurate claim would have been that additional power would be generated by the proposed Burns Creek project as a result of adding 90,000 kilowatts of new generating capacity. This additional generating capacity, however, would cost over $500 per kilowatt as contrasted to costs allocated to power at Palisades of only $185 per kilowatt. If Burns Creek should be constructed, the cost allocated to power will be increased 238 percent above the cost of Palisades. Increase in revenues, however, will amount to only 94 percent.

WITH PRESENT COSTS THE BURNS CREEK PROJECT WOULD NOT BE FINANCIALLY FEASIBLE

Although the benefit-cost ratio tends to indicate that Burns Creek nominal benefits might barely exceed its nominal costs, this does not demonstrate that revenues will even equal actual costs. Actually, it has been admitted that the project's annual revenues will be less than its actual costs. At the very outset it should be understood that economic feasibility as measured by the benefit-cost ratio is a completely different test than financial feasibility in the sense that revenues will at least equal money costs. The most obvious and significant difference is that the economic benefits used in the ratio may be of such a nature that no one is willing to pay for them at their full alleged economic value. As a consequence, actual monetary revenues from a project producing even vendable commodities—such as power—frequently are much less than the estimated benefits attributed to such functions.

It is very difficult to say whether this project would be feasible economically. Even when first proposed, this project had a low ratio of benefits to cost. The Bureau in its original report—85th Congress, House Document No. 147, page v—found that on the basis of 1956 date the project would have a benefit-cost ratio of 1.26 to 1. This was assuming the project would cost only $40,267,000. In 1957 the cost of the project had increased to $44 million, and the Department then indicated that the benefit-cost ratio had declined to 1.19 to 1.

In 1959 the Bureau admitted that the project with interest during construction would cost $48,770,000 or about 20 percent more than the 1956 estimate. It has submitted no official computation of the benefit-cost ratio on this estimate to costs, but evidence adduced indicates that it probably had fallen too close to 1.14 to 1. In 1961 the Bureau contended that the project had a favorable ratio of 1.33 to 1 over 50 years. This upward revision was based on a downward revision in the allowances for depreciation and replacements.

Irrespective of whether the project allegedly would be economically feasible, its monetary revenues would be less than its reimbursable costs. This is because of the difference between theoretical power benefits and actual revenues from the sale of power. It should be remembered that frequently the so-called power benefits used in determining economic feasibility are far in excess of actual power revenues. Thus, for Burns Creek the power benefit is shown at $2,851,000, but the power revenue would be only $1,702,000—85th Congress, House Document No. 147, pages 16, 26. Further, actual annual costs might well be higher than those used in the ratio. One reason for this is that in computing the benefit-cost ratio the Department uses interest at 2.6329 percent on the power facilities although by reclamation law the power costs are to be amortized with interest at 3 percent. Why 2.6329 percent was used instead of 3 percent as required by law is not clear.

Actually, the project standing alone would not be financially feasible if its power should be sold at Palisades rates. A representative of the Bureau of Reclamation told a subcommittee of this committee in 1958:

> Burns Creek would be impossible, standing alone.

And as indicated previously, representatives of the Department of Interior have admitted that power would be sold at less than its cost and that the power revenues from this project would not even pay the interest on the power investment.

THE LIMITATION ON USE OF WATER FOR PRODUCING AGRICULTURAL COMMODITIES THAT ARE IN EXCESS SUPPLY IS MEANINGLESS

Proponents of Burns Creek claimed that for 10 years from the date the project was constructed no water should be delivered from the project for production on newly irrigated lands of agricultural commodities in surplus supply. This restriction would be meaningless because the water from Burns Creek would not be used on newly irrigated lands but only as a supplementary supply for lands now under irrigation. Bureau of Reclamation witnesses, however, have admitted that power from this project would be used to pump water to irrigate from 55,000 to 65,000 acres of land not now being cultivated. This would be additional acreage not now in production, but no water from the project would be delivered to it. Thus, this limitation would not apply to production on the only new lands that would be irrigated as a result of Burns Creek. Obviously, the language designed to prevent this project from adding to agricultural surpluses is meaningless and would not attain its objective.

Testimony given in hearings on this bill substantiates this conclusion. A representative of the Bureau of Reclamation said that sugarbeets would be raised on 5,000 to 6,000 acres of the land to be irrigated through pumping power supplied by this project. Potatoes and alfalfa are other crops that also will be produced. Significant surpluses now exist for all these crops. But since the land involved would not be supplied with water from the project, this limitation would be inapplicable.

TO JUSTIFY THE PROJECT, RECLAMATION CLAIMS A UTILITY RESPONSIBILITY

Although it is a generally admitted fact that there is no power shortage in southeastern Idaho and that none is likely in the foreseeable future, the Bureau of Reclamation has, in effect, asserted that the United States has a utility responsibility to supply the increasing power needs of the preference customers in the area. The claim that such a responsibility exists was made by the present Assistant Commissioner of Reclamation, Mr. N. B. Bennett, then chief of the project development division of the Bureau of Reclamation, while appearing on another occasion to justify this project. He said:

> Mr. Nelson has recently analyzed the power loads to be anticipated from the existing customers, if you please, that are now customers of the Federal Government in southern Idaho, and he finds that in order to meet that load alone we must have Burns Creek on the line starting in 1966 and that their loads will exceed the capabilities of the combined Federal system in southern Idaho by about 1972. If these are loads to be served by continuing Federal Government supply of power, it cannot possibly in my judgment have an effect on the Kemmerer steamplant.
>
> True, if the Utah Power & Light, or the Idaho Power, in whose market area most of these customers are, is the agency to serve these increased loads, then that is a different question, but these people now have contracts for power with the Federal Government and we believe that they should continue to receive from the Federal Government power to meet their growing loads.

Further, in the hearings on this bill held by a subcommittee of this committee in March 1960, Mr. Bennett said:

> I think it has been known probably for quite some time that, along about 1962–63, in there somewhere, the ability of the existing Federal plant in that area would not be sufficient to furnish the growing loads of the customers then served.

From this second quotation it is apparent that Mr. Bennett was attempting to justfy Burns Creek as being needed to meet the growing power needs of the present customers of the Bureau of Reclamation. In fact he went on to point out that the load of these customers will continue to grow and would exceed the capacity of Palisades by 1963 and of Burns Creek by 1972, and that by the latter date still more power would be needed.

Further, the Bureau wants to continue to serve these customers even though this would require the construction of additional projects. Thus in effect the Bureau is saying to Congress that it has a responsibiilty to build electric power projects because they would be needed to meet the increasing load of the Bureau's own customers. The net result of this attitude would be that the Bureau of Reclamation should assume a utility responsibility toward its power customers. In this way, it would be taking on an obligation of an investor-owned electric company to build generating plants primarily to meet the forthcoming load of its power customers.

AFTER BURNS CREEK, WHAT NEXT?

In the quotations previously set forth the spokesman for the Department of Interior pointed out that Burns Creek would meet the power needs of its service area only until 1962. After that, what will happen? What would be next? What will the Bureau want to do after that to meet the probably increasing power load? Mr. Harold T. Nelson, the regional director of the Bureau of Reclamation, said on another occasion concerning the prospect that the increasing preference customer load might exceed the Bureau's capacity to supply power from reclamation projects:

> So, we are sort of in a position of a banker who has more loans than he has funds, and we would certainly like to do something about it.

On that occasion he endorsed the construction of the Burns Creek project and he pointed out that there are at least two other projects in the Snake River Valley with large amounts of generating capacity. One of them is the Garden Valley division of the Snake River project which would have an ultimate generating capacity of 368,500 kilowatts, and the other is the Guffey unit of the Mountain Home division, which would have a capacity of 140,000 kilowatts. The Bureau already has underway a $1,300,000 study to determine the feasibility of these projects. Of this sum about $916,000 has already been spent.

In addition, just over the line in Wyoming above the Palisades project is the site of the as yet unauthorized Snake Narrows project. The Bureau expects shortly to complete a planning report on this project. This feasibility report cost over $191,000. The project would have a 270,000-kilowatt powerplant and about 90 percent of its total cost would be allocated to power. The irrigation storage that would be provided would be used only about once in 26 years.

On the Bear River in southeastern Idaho the Bureau also is studying the feasibility of another hydro project involving about 45,000 kilowatts of generating capacity. This $1,065,000 study probably is close to completion. Congress probably will be asked in the next few years to authorize some or all of these projects on the ground that they too will be necessary to meet the Bureau's preference customers' ever-growing need for power.

Further, the regional director of the Bureau has intimated to another committee that when the Bureau runs out of hydro projects in the area, it would seek authority to build steam projects. Only 2 years ago he said:

> I have enough confidence in the development picture that I see ahead in the Northwest to know that before too many years we are going to have to have a large thermal electric component in order to make a better use of our hydro.

Inasmuch as he was speaking as a regional director of the Bureau of Reclamation, the "we" and the "our" can logically refer only to the Bureau of Reclamation.

WHY DO BUREAU CUSTOMERS WANT IT TO ASSUME A UTILITY RESPONSIBILITY?

Why is it that the Bureau's preference customers in the Snake River Valley look to the Bureau of Reclamation to supply their growing power needs? It is not because there is any power shortage in the area. A number of proponents of the project admitted this under questioning. Among these was Assistant Secretary of the Interior Kenneth Holum. The feasibility study justifying Burns Creek mentioned 65,000 acres west of Idaho Falls in need of water to be supplied by pumping—85th Congress, House Document No. 147, page 9. Since this report appeared in 1957 over 30,000 of these acres have been irrigated by pumping with power supplied by an investor-owned electric company, and probably more than 10,000 additional acres in this area will be so supplied this year. In fact Assistant Secretary Holum admitted that there is sufficient power available to bring water to this land. A report of the Federal Power Commission indicated that in 1959 in southern Idaho there was a power reserve or surplus of 376,000 kilowatts with an installed generating capacity of 1,560,000 kilowatts. By 1963 the two electric companies will have 1,700,000 kilowatts of generating capacity, and by 1972 this will increase to about 2,900,000 kilowatts. All during the next decade there will be a substantial area reserve or surplus capacity at times amounting to as much as 636,000 kilowatts.

If no power shortage exists or is likely to develop in the next decade, why do the preference customers insist that Reclamation assume a utility responsibility? The answer is simple; they want subsidized power, that is power to be sold at a price below its true cost. Such low price would be made possible only because of significant tax and interest subsidies from all the Nation's taxpayers.

It should be remembered that electric companies pay about 23 percent of their gross revenues in Federal, State, and local taxes. This means that about 23 percent of the electric bills of their customers goes to pay for taxes. Electric customers who consume power from Federal projects do not have to pay a comparable tax burden through their power bills. Further, the rates for power from reclamation projects must reflect—in addition to other costs—interest at only 3 percent on the power investment. Actually 3 percent is substantially below the cost of new long-term money now being borrowed by the Treasury. The interest yield on long-term Treasury bonds is in excess of 4 percent at present. The net result is that money costing the Government at least 4 percent is used for power projects; but the power users through their power rates have to pay only 3-percent interest on the power facilities. As a consequence of these significant subsidies, it is not surprising that the relatively few preference customers demand construction of Federal power projects to meet their growing needs and even insist that the Government has a responsibility to build them for that purpose.

Actually this is what they are now doing in the Snake valley. For example: the mayor of Burley, Idaho, told another committee of this House:

> It is the city's position and contention that the Bureau of Reclamation does have a power responsibility to the city and other public power distributors. These moral and physical factors coupled with the expressed provisions of a written contract clearly spell out a utility obligation and responsibility to the public power distributors. The first and primary problem is future supply of power and secondarily is the price to be paid.

In the hearings on this bill this same mayor said:

> Sir, since the city has never received power from any other source, I feel that we do have some justification to look to the Federal Government for continued supply inasmuch as they have been serving us for 55 years and have been the only supplier we have had. It would be a change of economy to go to a higher source of electrical energy.

The mayor of Idaho Falls also said in 1955:

> I could not honestly say of my own knowledge that there is a shortage of power in this area. I do say there is a shortage of public power, so we are going to work with the Bureau of Reclamation and also the Army Engineers, to see if it isn't possible to get this reregulating dam built downstream from Palisades, which will also produce an additional 25,000, 30,000, or 40,000 kilowatts of power.

Obviously he is referring to Burns Creek.

A representative of a cooperative in Idaho said that the cooperatives did not want to buy power from the electric company because such power cost them more than they would have to pay for similar power bought from the Bureau of Reclamation.

In 1955 a Member of the House of Representatives asked the regional director of the Bureau of Reclamation why cities did not build their own power plants as Idaho Falls had done. Mr. Nelson replied:

> They could do that. I think it is a question of economics with them.

And then the Congressman asked him:

> It is a question of whether they want to do that, and they are not going to want to do that if they can persuade the Bureau of Reclamation and the Federal Government to provide it for them. Isn't that the answer to that question?

Mr. Nelson replied:

> I think they would prefer to—it is a question of economics.

Preference customers make such demands even though the Commissioner of Reclamation on May 4, 1955 wrote:

> All power sales contracts which the Bureau has made during the past 8 or 10 months contain a provision as follows: "Nothing in this contract contained shall obligate or be construed to obligate the United States to increase any contract rate of delivery hereunder. If additional power is not available from the United States, the responsibility for securing additional power shall rest solely with the contractor." Although this provision was not included in the older contracts in the Minidoka area, nevertheless, it is the guiding principle now in effect throughout the Bureau system.

Obviously for more than 6 years the Bureau's customers in this area have been on notice that the obligation to secure additional power to provide for their growing need is wholly their responsibility. For this reason, it is rather incongruous now for Reclamation to assume such a responsibility.

BURNS CREEK MUST NOT BE INCLUDED IN OMNIBUS RIVERS AND HARBORS BILL

Mr. Speaker, it was based upon these facts that the House Interior and Insular Affairs Committee in 1962 clearly refused to authorize construction of this project. The Burns Creek project obviously is not a genuine reclamation proposal; but rather is a flagrant example of an attempt to use the good name of reclamation as a vehicle for furthering public power. To approve this project in this way would cause irreparable harm to the Nation's whole western reclamation program. When this attempt failed in the Interior Committee, the proponents of this unworthy project again tried to mislead the Congress and the American people with the claim that it was a flood control project; and, therefore, worthy of consideration as a part of the omnibus flood control bill.

This is not a flood control project any more than it is a reclamation project. It is a hydroelectric power proposal being put forth in an effort to have the Federal Government assume a utility responsibility for supplying subsidized power for the growing needs of a very small handful of preferred public power customers. The project will admittedly drain revenues from the Palisades project in order to make Burns Creek appear to be economically palatable. Succinctly stated, Burns Creek is unnecessary, uneconomical, unworthy of construction.

The present attempt to force the Congress to accept this project as a part of the omnibus flood control bill must fail. The proponents of this project seem to have so little regard for the integrity and backbone of the Members of this House that they feel we will not have the courage to vote against any project in such a bill.

It is because of this apparent contempt for the integrity of individual Members of Congress and the flagrant disregard for clearly established rules of congressional procedures that this proposal must be soundly rejected.

I, for one, have enough confidence and trust in the sound judgment and integrity of my colleagues to believe they will not allow an overbearing administration to coerce them into accepting a proposal which they know to be unworthy.

I yield to the gentleman from Wyoming [Mr. HARRISON].

Mr. HARRISON of Wyoming. I thank the gentleman.

Mr. Speaker, I want to compliment the gentleman for taking the time today to bring to the attention of the House and the Members of Congress as well as the general public the situation surrounding the so-called Burns Creek project which had previously been introduced and assigned to the Committee on Interior and Insular Affairs of the House.

I am a member of that committee with the gentleman from Pennsylvania. I am also a member with him on the Subcommittee on Irrigation and Reclamation. We sat together for many days of hearing on this bill, which was submitted as a reclamation project. Following fair and intensive hearings, this project was rejected by the full committee.

I want to point out that during the time of the hearings and the time of the testimony from the witnesses no testimony whatsoever was introduced regarding the flood control provisions or benefits of this project. It was placed before the committee strictly as a reclamation project. But the testimony did show that it was over 98 percent public power, less than 1 percent reclamation, and the balance for wildlife and fish and recreation.

The State of Wyoming is very much interested in this project because we feel it will be very detrimental and very injurious to our State. For that reason we oppose it. It would prevent the mining of coal and the use of coal in the State. It would, under testimony which was not refuted, mean a loss of 250,000 tons of coal from the Kemmerer area in Wyoming which could be used should this project not be built.

The Utah Power & Light Co. is constructing at the present time a steam generation plant in that area which will when completed serve the whole area which this proposed Burns Creek project is supposed to serve as a public power project.

The Utah Power & Light Co. project would pay taxes not only to the Federal Government but also to the State of Wyoming, and would supply employment to the miners in that area, who are desperately in need of that work.

For this reason, the State of Wyoming and I oppose this project strenuously.

The peculiar situation to me is that within 2 months from the time our committee in good faith considered this legislation I received a notice that the Corps of Engineers was contemplating taking this project over as a flood control project. No notice was received by me. No notice was received by the State of Wyoming. When I contacted the Army Engineers they said that because this project was wholly within the State of Idaho, Wyoming was not notified, nor was this congressional delegation. It seems strange to me because the Army Engineers also said that they were well aware of the situation in the House Committee on Interior and Insular Affairs and the objections by the State of Wyoming and others to this project, but they deliberately refused to notify either the State or the congressional delegation.

I certainly protest the way this project will be brought before the House in the public works authorization bill. It is my understanding that both the subcommittee handling it and the full committee have now approved it. No testimony was ever adduced before the House Committee on Interior and Insular Affairs as to the flood control benefits of this project, yet it was considered in a closed hearing, and no testimony was allowed by anyone who might want to oppose this project. The cost was raised. To my knowledge, the only witness was one witness from the Corps of Engineers.

I say that this is a very peculiar way to handle legislation which once has been acted upon in good faith and rejected by one committee in the House, a major committee, for it then to be taken to another committee in great secrecy, the cost of the project raised, closed hearings held so that no opposition could be raised, and then be passed and brought before the House. I say that if there is flood control in this legislation for the Burns Creek project there should be an open hearing. The general public should have an opportunity to know what their money will be spent for. If under those circumstances it can be shown that it is a fair and reasonable project, of course I have no objection to its being approved.

I do, however, strenuously protest the way this legislation is being brought before the House. I think it is very peculiar and I shall not use any stronger words. I think this project should be removed from the so-called public works appropriation bill until at least it has had further study, a fair study, and an open study.

I thank the gentleman for yielding to me at this time, and I want to commend him again for his action. He has been one of the outstanding Members of the House of Representatives and of the Committee on Interior and Insular Affairs. It is through his efforts that the public of this country have been saved many, many millions of dollars which would otherwise have been spent on wasteful projects on which authorization has been sought. The gentleman from Pennsylvania is doing good work and I assure you it is a privilege for me to serve on the same committee.

Mr. SAYLOR. I thank my colleague, the gentleman from Wyoming.

Mr. ROGERS of Texas. Mr. Speaker, the omnibus rivers and harbors and flood control bill drawn up by the Committee on Public Works includes language which would authorize the Bureau of Reclamation to construct the Burns Creek project in southeastern Idaho at a cost of about $50 million. To put it mildly, inclusion of this project in the omnibus authorization bill came as a distinct surprise and shock to me, for I was of the opinion that the Committee on Interior and Insular Affairs had settled the question of this project earlier this year.

As the Members know, I am a member of the Committee on Interior and Insular Affairs and I am privileged to serve as chairman of the Subcommittee on Irrigation and Reclamation. My subcommittee has jurisdiction over irrigation and reclamation project authorization requests and as a result, considered the Burns Creek project frequently and carefully over the years since the first Burns Creek bill was introduced in 1957.

During the 86th Congress, for example, the Subcommittee on Irrigation and Reclamation heard 36 witnesses during hearings on the Burns Creek project. These witnesses represented the Federal agencies concerned and also many non-Government organizations. In addition, the subcommittee incorporated in the record of the hearings 51 statements concerning the Burns Creek project.

Further hearings on Burns Creek were held by the subcommittee in this Congress, at which time 27 witnesses testified before the Subcommittee on Irrigation and Reclamation and 45 statements were received and incorporated in the hearing record. As before, these witnesses and the statements filed with the subcommittee represented a wide cross-section of interest in the Burns Creek project.

Subsequent to the close of public hearings on Burns Creek in this Congress, my subcommittee took under advisement the many views expressed in support of and in opposition to the project. The subcommittee considered, for instance, the fact that hydroelectric power from the Burns Creek project would be used to pump-irrigate large tracts of new land which would be used for the production of sugarbeets, thereby increasing such production in an area where it is not needed at all.

After careful and objective consideration of all the technical and economic facts and all the views expressed concerning the project, the Committee on Interior and Insular Affairs, on February 7, 1962, voted to reject the project.

Mr. Speaker, we find now that a project rejected by one committee of the House, after extensive investigation and careful consideration of all the facts, has been revived by another and thrust upon the floor of this House with practically no study and investigation. If the Committee on Public Works took time to read the records of the hearings held by my subcommittee in this Congress and the last, it is inconceivable to me that the committee could have reached a conclusion that this was a worthy project.

But it is doubtful that the Committee on Public Works read the records of the Committee on Interior and Insular Affairs on this matter, for I am led to understand that the Committee, in considering Burns Creek as part of this omnibus bill, took testimony only from the Corps of Engineers and permitted the filing of absolutely no statements by others interested in this project.

Having studied all facets of this project over a period of several years, I am convinced that no intelligent Member can cast a meaningful vote on this project in the absence of detailed information on Burns Creek. The Committee on Interior and Insular Affairs declined to even report the project to the House for consideration, but had it chosen to do so it could have provided each Member with volumes of data concerning the project. The Committee on Public Works has seen fit to report Burns Creek to the House for consideration, but it cannot provide the Members with detailed information on the project because it was unable to obtain any significant information on the basis of brief testimony from only one witness.

Mr. Speaker, I suggest to the Members that the course of action taken by the Interior Committee on Burns Creek was the wiser and more proper and that the Members can, in good conscience, vote to strike this project from the authorization bill concerning these rivers and harbors and flood control projects.

Mr. KYL. Mr. Speaker, I have listened carefully and with great interest in what the distinguished gentleman from Pennsylvania [Mr. SAYLOR], had to say about this Burns Creek project. As a member of the Interior and Insular Affairs Committee, I would like to compliment him on the thoroughness with which he has exposed this unworthy proposal for just what it is. I wish to associate myself with him in this expression of concern over the attempt to include Burns Creek in the omnibus rivers and harbors and flood control bill.

Mr. Speaker, this is not a flood control project and should not even have been considered by the Committee on Public Works. Has our legislative committee system deteriorated to such a low point that it can be manipulated at the will of the executive agencies like a magician manipulates his props to pull a rabbit out of the hat? Whether the administration recognizes it or not, the Congress is a coequal arm of the Government; and, in fact, according to constitutional precedence should be the most important arm. The Congress makes the laws and policies and the executive agencies merely carry them out.

There are several important points that our colleagues should keep in mind when they consider whether this Burns Creek project should be left in the omnibus bill.

The report of the Interior Department to Congress on Burns Creek—upon which the Corps of Engineers reported to the Public Works Committee—was prepared in March 1956, and was based on January 1956 price levels, and 1955 or 1956 data. These data are, therefore, out of date at this time. In this original report, the estimated cost of the project was about $40 million and the benefit-cost ratio was 1.26 to 1. This assumed a 50-year payout for the costs, rather than the 3 percent required by the reclamation laws. By 1957 the Interior Department estimated the cost would be nearer $44 million and the benefit-cost ratio dropped to 1.19 to 1, still using the 2¼-percent interest figure. The costs are estimated now to be almost $50 million or a 20-percent increase over the past 5 years. The Bureau of Reclamation, however, has not undertaken a new study nor made a recomputation of the benefit-cost ratio based upon 1960 price data and using a 3-percent interest figure. A special report, prepared in February 1960, by a staff member of the House Appropriations Committee revealed that a benefit-cost ratio for Burns Creek calculated on a proper basis would be less than 0.8 to 1. For this reason, the Corps of Engineers should at least be requested to prepare a new report showing economic justification data based on 1961 or 1962 prices, power supply and demand data, and using the 3-percent interest payments required by law.

Evidence was presented at the House Irrigation and Reclamation Subcommittee hearings in 1958, 1959, 1960, and 1961, to indicate that Burns Creek is not a genuine reclamation project in the generally accepted sense of the reclamation laws. Rather, it is purely and simply a hydroelectric power project proposed to supply the growing power needs for a few preference customers. The historical concept of incidental power production to aid water users would be changed to deprive water users of future funds for the benefit of preference power users.

Proponents of the Burns Creek project have attempted to hide its true purpose under the mantle of assistance to irrigation and the need for river reregulation below the existing Palisades Dam and flood control. However, even the authors of the legislation in the 87th Congress admit that not one single acre of new land would be brought under irrigation as a result of water stored in this project. Furthermore, no evidence exists, after about 5 years of operating Palisades, to prove a need for reregulation at this point of the Snake River. Actually, if such reregulation were necessary to control surges of water from the 114,000 kilowatt Palisades Dam, reregulation would also be necessary below the 90,000 kilowatt Burns Creek Dam because there would be the same water surges in the same river bed. It is further shown by the record that less than 2 percent of the total project costs are allocated to irrigation and not 1 single cent is allocated to river reregulation. About 97.1 percent of the almost $50 million cost is allocated to power. Testimony before the House subcommittee revealed clearly there is no flood control in the project and no fish and wildlife conservation.

There is no power shortage in the area now nor will there be in the foreseeable future. Electric companies now serving the area have and are planning to provide for all the power needs for their own and preference customers. The only shortage which might arise in the next few years is in tax-subsidized Federal power for a few preferred customers, who are mostly industries, commercial establishments, or residents of urban areas.

The Burns Creek project is economically unsound. Considered alone, it will never repay the initial construction costs. In fact, it will not even repay the interest charges on the construction costs. Estimated net annual revenues derived by adding Burns Creek would be about $1.125 million which would be almost $311,000 short of paying the annual interest charges on the original construction costs figures on the basis of 3 percent. It must be integrated financially with the sound Palisades project in order to show a payout at all, thereby weakening the financial status of the later project. Such integration would extend the payout period on Palisades for a period of 26 years; thus, depriving the reclamation fund of about $30 million of power revenues over the years which could be used for genuine and necessary water development projects, if the Burns Creek were not constructed.

Since Burns Creek would be purely a Federal power project and would be built in an area where there are already ample supplies of power, the question arises as to why it should be built at all. The answer to this appears to be that some, who are categorized as preference customers under the law, feel the Federal Government should assume a utility responsibility to supply all their future power needs, regardless of cost to the Nation's taxpayers. Burns Creek, therefore, is to meet the future power needs of a few preference customers in southeastern Idaho—mainly municipalities—over half the Government power produced in the area is allocated to the three municipalities of Idaho Falls, Burley, and Rupert. Thus the principal beneficiaries of this power will be urban residents and businesses. Originally preference customers came into being when power was incidental to a truly multiple-purpose project. Now the needs of these preference customers have grown beyond the available incidental power so they want the Federal Government to build power projects to serve their needs.

This is what is involved in this issue. And this is why it is important to realize that Burns Creek is not a flood control project, not an irrigation project, but a power project. It should not be allowed to slip through this Congress by such a subterfuge.

H.R. 11581 LAID ON THE TABLE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the bill, H.R. 11581, be laid on the table, it being a bill similar to the Senate bill, S. 1552 which was passed earlier today.

The **SPEAKER** pro tempore (Mr. LIBONATI). Without objection, it is so ordered.

There was no objection.

A TRIBUTE TO SAM RAYBURN

The **SPEAKER** pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Texas [Mr. ROBERTS] is recognized for 60 minutes.

Mr. ROBERTS of Texas. Mr. Speaker, this statement has been prepared as a small and personal memorial to Speaker Sam Rayburn. It is the story of the man in action in his element, against the background of his almost one-man struggle to have built the national monument that is the new east front extension of the Capitol Building. It is my hope that this short recountance will give a glimpse of the man himself and the unusual combination of qualities that made him a great national leader. Sam Rayburn possessed immense power, but greater than his power was his love for his fellow man and his country. His deep humor and love of a skirmish enabled him to accomplish more than many other powerful men.

It is a great tragedy that he did not get to enjoy the fruits of his labor.

THE EAST FRONT OF OUR CAPITOL

Recently completed atop Capitol Hill in Washington, D.C., is a project that brought cries of "outrage" and "desecration" from a lot of people several years ago. Now, in its final stage of completion, the words used to describe the new east front extension of the Capitol Building have changed from harshness to praise.

The serene marble masterpiece of the new addition in no way reflects the decades of controversy that make up the stormy story behind the stone.

It took a man with great foresight, great courage of his convictions, and the willingness and savvy to overcome the tremendous obstacles of public opinion and reactionary thinking to get the job underway. That man, of course, was Sam Rayburn.

The east front extension is more than just an extension. It is a new monument. It is the latest addition in that magnificently unified hodgepodge that is our Capitol. Physically the new extension stretches on either side of the grand east portico almost to the east fronts of the House and Senate wings. It provides long-needed architectural balance and at the same time provides much-needed space. That the new extension even exists is somewhat marvelous, considering the history and harangue that stretches back more than 150 years.

In 1859, as the sweeping House and Senate wings were being added to the Capitol, another project was underway: the construction of the great dome. The architects who planned the enlargement of the building realized that the old dome designed by Charles Bullfinch would seem squatty and undersized on the new, larger structure. The breathtaking magnificence of the building demanded a new centerpiece. In order to build a dome that was of the size to properly dominate the extended mass of the Capitol, some method had to be devised to support the structure that was actually bigger than the walls it was to rest on. The great center room, or rotunda, which had been under the old dome was too small to directly support the huge new dome.

An ingenious system of brackets was devised by which the outer edge of the new dome was supported. And there is the root of all the controversy.

The stately columns of the dome and the octagonal skirt below them appeared to rest entirely on the roof of the pediment over the east portico. No other support was visible. What this means is that any visitor looking at the east front of the Capitol would be struck by the illusion that part of the dome was hanging over the edge by 15 feet or so.

This fault and other more subtle architectural faults were well known to the Capitol Architect at the time of the dome's construction. Thomas Walter, the designer of the wings and dome, stated in his annual report of 1864:

> Now that the new dome and the wings are approaching completion, it must be apparent to everyone that the extension of the center building on the east, to the line of the new wings, is an architectural necessity.

Walter left plans for the completion of the work to be concluded "in harmony"—architecturally—with what had already been done. Remember, all this was taking place before 1865. And, it might be added, nothing was concluded at all for a hundred years, and then with considerably more noise—nonarchitectural—than harmony.

It was after the Civil War, in fact quite a bit after, that enough agreement could be scraped together to start trying to amend the flaws. The House of Representatives passed an approval to extend the east front and appropriated the initial money for the job in 1903. The bill died in the Senate. The Senate itself passed bills twice authorizing the extension—in 1935 and 1937. These bills could not get over the House hurdles. In the meantime, the dome just kept hanging over the east front wall of the Capitol.

In 1955 Sam Rayburn decided it was time something was done about the situation.

Rayburn was an eminently practical man. His first consideration of the matter stemmed from the fact that the growing Congress was desperately in need of space. This is not to say that he was not a man capable of appreciating the artistic values and traditions of our national buildings. It simply means that he was a practical man first. Mr. "Sam" was actually recognized as one of the ablest lay spokesmen in Washington on classical architecture.

Other practical men had felt the squeeze of space in the burgeoning National Government. Speaker Joe Cannon was fed up with the elbow-to-elbow situation in 1903, and he sparked the first attempt at Capitol expansion. The result was the construction of the original House and Senate Office Buildings. The squeeze play was on again in the 1930's when the matter came up twice more. The new congressional office buildings were born in that attempt.

But in 1955 the problem was different. Every possible committee had been moved to the office buildings. There were no more Congressmen's offices in the Capitol Building. It was simply a matter of too many people. The tourist load in the building was growing constantly, totaling more than 5 million eager souls per year by 1955. A Congressman with visitors from home might have to wait half an hour or more, standing in the hall trying to get a place in the Capitol lunch room. The Joint Committee on Atomic Energy had commandeered the Old Senate Chamber for its important work and needed to expand still farther.

Rayburn went to work. He incorporated in the Legislative Appropriation Act of 1955 authorization for the extension. The act authorized a portion of the money for the job, a commission to oversee the undertaking, and a complete study of what was needed to solve all existing and future problems on the matter. The commission was made up of Rayburn, Vice President Nixon, House Minority Leader Joseph Martin, and Senate Minority Leader William Knowland, along with the Capitol Architect, George Stewart. By getting himself elected chairman of the commission, Rayburn was assured that he could keep watch over the project and guide it away from the many dead ends in the Congress with which he was so familiar.

The act passed both the Senate and the House this time. All might have seemed in good order to the outsider. The bill had now passed the Senate three times and was safely through the House for the second time. The behind-the-scenes work was started. But Rayburn knew what lay ahead, and he was preparing for the storm that was bound to break.

By 1957, all plans and engineering studies were sufficiently complete to report to the Commission on the progress.

About this time a new Republican Congressman, Fred Schwengel, from Iowa, decided to nip the project in the purse strings and submitted a bill to halt proceedings. However, Schwengel, an ex-history teacher, looked further into the background of the east front extension and withdrew his bill. During a speech to the House he said that Rayburn was right, the project was called for, both by tradition and practicality. Some say the Speaker personally brought Schwengel up to date on the subject, but the Republican Congressman says this was not the case.

Schwengel's withdrawal was a major step in making House support of the extension a bipartisan matter.

In 1958 all was in readiness, and the Commission gave the go-ahead for work on the east front. Suddenly the cat was out of the Pandora's box.

Newspapers across the country carried the story that the Capitol Building was to be modified. The news was read with horror, if with considerable lack of comprehension, by civic groups, patriotic organizations, architectural associations and historic societies.

The fulmination was immediate and overwhelming.

That is, it would have overwhelmed any man, perhaps, except the imperturbable Sam Rayburn.

Telegrams and petitions, letters, and phone calls poured into the Congress. What was this desecration of our best known building? Had the Congress no respect for historic tradition? The DAR and the National Trust for Historic Preservation, the Oregon Historical Society, and the Museum of New Mexico, the Preservation of Historic Buildings Committee, and the American Institute of Architects, and dozens of other groups bombarded Washington with protests, vilifications, and denunciations concerning the proposed expansion.

Jovial Master Architect Roscoe DeWitt, of Dallas, one of the planners of the extension, commented:

> We got one telegram from somebody in Oregon telling us we were horrible to be thinking about changing the White House. That's how much they knew.

But nothing gets action in Washington like a flood of protests from the voters. Immediately a large group of Senators declared that they did not know anything about the authorization back in 1955, and that the whole thing had been "sneaked through" by that foxy old devil, Rayburn. The Capitol Architect's Office says this is rather difficult to swallow since the Congressional Record shows considerable attention was given to the provision by the Senate at the time the bill was passed. "They just wanted an out," said one of the Assistant Architects with a smile.

A bill was quickly introduced in the Senate that would have halted everything concerning the extension. The bill itself was pretty much of a case of locking the barn after the foxy old devil was out. Preparatory work was well underway. The contracts were drawn up, and the pens were practically poised above the dotted lines, waiting until the panicky Senate voted on its bill.

The Subcommittee on Public Works held a furious hearing that resulted in 80 pages of testimony, a good portion of which involved the printing of telegrams and letters against the construction.

Rayburn, meanwhile, was quietly lining up support among the leveler heads in the upper body. Senate majority leader—and longtime compatriot—Lyndon Johnson took up the fight. Bill Knowland and Dick Russell gave their considerable support. Craggy Carl Hayden threw in, saying, "If Sam's for it, it's OK."

The press in Washington was split on the issue, but around the country papers generally were on the side of the clamoring, uninformed public. They took up the cry of the hesitant Senators, that Sam Rayburn is putting one over on us. Editorials called for the national conscience to put a halt to all this mess. Letters to the editors crammed aside Sputnik and moratoriums to accuse Rayburn of thinking he owned the Capitol and of being a tyrannical dictator. There are rumors of mysterious guffaws coming from Rayburn's office when he read the papers in those days.

However, if Rayburn didn't kowtow to public foibles, he at least appreciated the power of public opinion. So he set out to put the public straight. He mobilized the highly respected architects on the project into a veritable public relations juggernaut. This group consisted of the working architects, Roscoe DeWitt, of Dallas, Alfred Easton Poor, of New York, and Jesse M. Shelton, of Atlanta; along with the consultants, John F. Harbeson, of Philadelphia;

Henry R. Shepley, of Boston; Arthur Brown, Jr., of San Francisco; and Gilmore Clarke, of New York. This redoubtable group produced a fusillade of speeches, articles, letters and press releases to enlighten the architectural community to the absolute necessity and propriety of the extension.

The men in Congress who were lining up behind Rayburn for the showdown were armed by the architects with extensive information in defense of the action.

And Rayburn himself went to the hard core of the news world, the National Press Club, to state his case before the public. He did something he rarely did—spoke from a prepared manuscript rather than off the cuff.

He started his talk to the influential gathering in a jocular manner, then quickly got down to facts and fallacies. The fallacies he dismissed with a flush of statistics and historical references. The facts he presented flawlessly and in tall Texan good humor.

He politely slapped down the arguments of those who cried out to preserve our national monuments. The most important purpose of the east front extension, he said, is the preservation of the building itself. He proceeded to document the terrible shape of the soft sandstone of the old front. The weather-beaten old stone was cracking, flaking, and generally attaining an unrepairable condition.

> Sections of the cornice have fallen off, varying in size from a baseball—

He said holding a fist in demonstration—

> to chunks weighing as much as 60 pounds. It would be rather tragic to have even a stone as big as a baseball fall on the head of a President—getting inaugurated—as he comes to be sworn in—much less a slab weighing 60 pounds.

There was not really much left for the preservationists to say.

The Press Club listened with great interest. They knew a master rebuttal was in progress.

> The old stones we can't save. The design we can save.

The indisputable logic rang reminiscent of many a Rayburn-won battle on the House floor.

He then launched into a complete and authoritative defense of the architectural correctness of the extension. He ran through the historical background, kicking over, one after the other, the misinformed arguments, the misplaced pleas for tradition, and the incorrect generalities about desecration.

He told of Capitol Architect Thomas U. Walter advising President Lincoln that the east front must be extended to correct the architectural fault. With a deadpan expression the veteran Speaker said:

> Now this is going back into the history of the thing * * * even longer than I have been dealing with it.

The venerable old statesman paused for the laughter to die down and continued:

> This is nothing new. Rayburn is not trying to spring something new on the folks. The overwhelming weight of expert professional opinion has been behind this project for generations.

He pointed out to the red-faced American Institute of Architects that a long list of revered American architects approved the east front extension. Such men as John Russell Pope, whose work included the Jefferson Memorial, the National Archives, and the National Gallery of Art; and Henry Bacon, designer of the Lincoln Memorial, were on record as being solidly behind the extension.

Without giving his opponents time to catch a breath, Rayburn let fly with a list of contemporary architects intimately involved with Capitol Building projects. They were all behind him.

Riding high on the wave of indisputability, Rayburn debunked the traditionalists by pointing out that the Capitol was really a remarkable conglomeration of endless changes, modifications, and extensions. Maybe, he suggested, we should never have put in electric lighting or air conditioning or even fixed sagging roofs or slanting floors. He did not laugh down the objectors. He did not have to. The National Press Club did it for him.

So the bill to stop the work was roundly defeated in the Senate, and the next day contracts were let and the gears started turning. Rayburn's inexhaustible energy and flawless strategy, that he could bring to bear on issues in which he believed, had overcome immense obstacles.

Sam Rayburn did not live to see the completion of the project, nor did he ever occupy the new Speaker's chambers in the extension. But he did live to see the completion of the exterior of the new east front in time for the inauguration of President Kennedy, and he was visibly pleased when the President-elect climbed the steps for his inaugural ceremony.

The beautiful and practical east front extension of the U.S. Capitol Building stands now as another tangible tribute to a man who had the courage—some say the only man who could have managed—to "get something done about the situation."

THE DILEMMA OF OUR TIME

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, our Nation is dedicated to the establishment and preservation of a universal peace. We reject the practice of military aggression as a national technique.

Yet we find ourselves devoting our scientific talent and our great industrial capability to the building of the strongest military force in the world.

Our annual tax burden is in the neighborhood of $85 billion. In the face of great domestic needs for education, vocational training, hospitals and medical care, modern roads and housing, we turn from the fulfillment of those needs and divert approximately 60 percent of our tax revenues—almost $50 billion—annually to military expenditures.

We yearn for peace.

We need vital domestic improvements and services.

But, our major national efforts are directed to preserving our Nation through military strength.

This is the dilemma of our day and time.

On March 3, President Kennedy said:

> Seventeen years ago man unleashed the power of the atom. He thereby took into his hands the power of self-extinction.

In my opinion, this is a true statement but it does not foreclose the possibility that man will not use this dread power to the point of self-extinction.

Certainly the most important objective which men of good will can pursue in the 20th century is that of preventing nuclear war. Any kind of nuclear war whether it be partial or total carries with it such grave consequences to the lives of millions now living and the genetic damage to billions yet unborn, that reason decrees that it shall not come to pass.

We look at the history of man and sadly we realize that reason has not always been enthroned as the director of human events.

In century after century, greed for markets, political and territorial ambitions, religious emotions and racial hatreds have hurled reason from her throne and dictated for the human race of each era its bitter fate of suffering and death.

Can we suddenly conclude that the evil forces, which have so often betrayed the rule of reason, have now suddenly changed into benevolent forces? Can we now determine that ideological fanaticism, national ambition, greed and covetousness for the land and goods of others has been magically eliminated?

We know that we cannot answer affirmatively to these questions. As we look at a world in turmoil and revolution; as we stand on the free world side of the Iron and Bamboo Curtains we know, if we are honest, that we must report we live in a world of turmoil, violence, and denial of human rights and moral and spiritual values.

We know naked, ruthless force has replaced reason and justice for more than half of the human race.

We also know, if we are honest, the naked force of totalitarianism grows upon the basic principle of expansionism. Like a malignant cancer it not only destroys the normal body cells in the area of original infection, but it spreads and spreads its roots and tentacles to every section of its perimeter.

Malignancy, whether it be somatic or political, is a dynamic force whose very existence depends on growth on an ever-widening circle of domination.

Some may say, "Yes, we admit that as a matter of objective analysis you have reported honestly the condition of the world." But, these deeply concerned people say, "Somehow we must find a way to combat this malignant and dangerous situation."

I agree with the necessity for such a quest. However, while we are looking for ways and means to combat or overcome these dangers, we cannot assume the quest itself, eliminates the danger. The danger persists and continues to threaten our existence as individuals and nations.

Others will say, "The new power embodied in nuclear weapons is so great, its misuse would be so catastrophic to mankind that nuclear war is unthinkable."

It is true that any kind of a nuclear war would be terribly damaging to the human race. It would be catastrophic if it is massive in scope. The concerned person who says it would be unthinkable actually means it would be so unreasonable, so horrible that not only should all nuclear powers reject the use of nuclear weapons, but we should immediately conclude there will not be a nuclear war. If we follow this line of argument we, in effect, say reason is enthroned and is now directing and will continue to direct the destiny of the human race.

I wish I could follow this line of argument and reach this comforting conclusion. I almost said "delusion."

Suffice it to say that from my point of vantage, I cannot in honesty reach such a conclusion. I cannot allow my fear of nuclear war, my love for family and mankind, and my intense desire for peace to cause me to shut my eyes to the evil forces which, in their purpose and design of malignant growth, are pushing against the Iron Curtain, the Berlin wall, and the Bamboo Curtain.

I must, because of my access to classified as well as unclassified information, retain my capacity for objectivity in evaluating the various hazards facing our persons and our institutions. I must not let my emotions blind me to the malignant and evil forces of our time.

If we, as most of us do, exercise reasonable objectivity, and if we do conclude that we live in the most dangerous time in human history, then where do we as enlightened and objective analysts find ourselves?

How can we, who believe we are possessed of high ethical, moral and spiritual principles, accommodate our high principles with the necessity to live in this dangerous age and cope with these malignant forces which threaten—not only our lives—but every precious advance the generations of man have made from the pits of savagery to the present level of human dignity?

Some of us can solve our dilemma by escaping into pure pacifism, into a world of illusion where we demand immediate reformation of human behavior.

We can shut our eyes to the realities, the horrible, the "unthinkable" realities which surround us and which persist despite the powers of love, justice and reason.

Some of us can refuse to try to find a solution because the problems are unpleasant, even frightening and because they are most difficult they seem insoluble. We will therefore ignore them—turn our minds toward pleasant or inconsequential things, and presto. Some day the problems will disappear.

Frankly, I sometimes envy the quietude of mind, the flight from reality and possibly the happiness of people who practice these forms of escapism from our dangerous problems. As I said, I sometimes envy these people who have found havens which free them from the quest for solutions to the great and frightening challenges of our time.

I am sure I do not stand alone today as one who has not found a haven of escapism. Along with millions, I seek for answers to problems which seem insoluble.

I believe it mandatory that we gain time while the people behind the curtains develop to the point where they have a stake in a standard of living, a stake which is high enough to cause them to fear losing that stake in a game of world conquest by force.

I am hopeful that if we gain enough time, the advance in literacy which is occurring behind the curtains will cause a constructive quality of intellectual curiosity to arise in their minds. This intellectual curiosity could be the base for criticism and evaluation of comparative economic and political institutions.

If this should occur in the period of time which we hope to gain, then evolution may help to solve our problem of a genuine peaceful coexistence.

During this period of time which we hope to gain there is now, and will continue to be, exploding problems of evolution and revolution throughout the neutral and uncommitted world. These new nations will be deciding between the democratic way of life and the Communist way. The quality of leadership we offer them through technical, economic, and political techniques will help to determine their fate and ours.

How do we gain this period of time which we need so badly and which we must use so wisely?

I must conclude we cannot gain time by surrender to Communist threats to use force. If we surrender and retreat from any legitimate bastion of liberty we will start a chain of similar retreats throughout the world. We must, therefore, stand firm in support of the ideals of liberty and freedom wherever they are challenged. This standing firm means that there must be no comparative dimunition of our military strength and the will to use that strength if we are to put to the test.

This is a grim statement. It is fraught with danger. But it is a statement I must make because I do believe our military strength and the credibility of our willingness to use that strength is the dominant factor in halting the timetable of Communist world conquest.

Unfortunately, the Soviets are not responsive to the moral and spiritual principles of the Judeo-Christian concept. They worship force and utilize force as a justifiable procedure to gain their objective. They respect counterforce and will refrain from pursuing their objective. If they fear a collision with a counterforce which could defeat them in a test of strength or inflict too much damage.

The maintenance of our military strength, therefore, furnishes a deterrence at this time against war. It is true that the time we gain is gained because of a stalemate in military strength. It is a situation which Winston Churchill once called a "peace based on a balance of terror."

I know of no other means of gaining a period of time for evolution behind the curtains and elsewhere.

The alternative is, first, surrender on our part to Communist world-wide aggression through force; or, second, a Soviet decision to renounce their basic ideology of eventual world conquest.

I do not accept the thesis of surrender to communism.

I do not anticipate a formal renouncement by the Soviets of their ideological goal of world conquest.

Although I do not expect a formal renouncement, I have hopes of a gradual decrease in their fervent advocacy of achieving this goal through force.

This redirection of Soviet strategy is indicated in several areas and I list a few:

First. The postponement of violent Soviet action in Berlin notwithstanding their ultimatum.

Second. The growing gulf between Peiping and Moscow.

Third. The Khrushchev struggle within the Cominform to obtain acceptance of the principle of coexistence.

We know there is a substantial group of traditional believers in the Marx-Lenin doctrine of Socialist expansionism by force, and of course, this Cominform pressure could explain, at least in part, Mr. Khrushchev's truculence and periodic resorts to nuclear missile rattling.

In any event, we have had an uneasy time period of some 17 years since the ending of World War II in 1945. During that time period tremendous changes, mostly evolutionary in nature, have been occurring in the nondeveloped and underdeveloped and war-devastated free world.

Our firmness in defending the principles of democratic government in Korea, Laos, Vietnam, Jordan and Africa has been invaluable in assisting the process of political evolution.

Our firmness in supporting the United Nations organization has, in my opinion, kept this noble attempt to substitute international negotiation for international armed conflict from destruction.

But, the struggle to enthrone reason as an arbiter of human destiny has not ended. Seventeen years is a short time in which to reverse the centuries-old behavior patterns of nations steeped with ambitions, hatreds and jealousies.

We may need many decades of time to establish international order under the rule of law and reason.

No man can peer through the darkening clouds of tension and terror and see with certainty that humanity will not again follow its age-old pattern of using force and violence.

If it does, and if it chooses to use total nuclear war to decide its controversies then indeed we can write finis to civilization.

I choose to hope that we who carry the torch of liberty may so acquit ourselves that others may join their strength with ours. I dare to hope man's destiny is not in the abyss of suicidal action.

I hope through our dedication to the preservation of freedom and the establishment of individual human dignity, we may save mankind from following a pattern of past behavior which is inadequate for today's challenges.

Let us then face our problems with realistic appraisal of the dangers we face.

Let us make the effort. Let us accept the sacrifices, whatever they may be, to buy the time we need and let us use every precious moment of that time to enthrone reason and law as the arbiter of human destiny.

REPORT TO THE PEOPLE OF THE 14TH DISTRICT OF ILLINOIS BY CONGRESSMAN ELMER J. HOFFMAN

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. HOFFMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HOFFMAN of Illinois. Mr. Speaker, as the 87th Congress draws to a close, I am submitting this report to my constituents of the 14th District of Illinois covering a résumé of major legislation and my activities as your Representative in Washington. In reading this, you will have a better understanding and an appreciation of the reasons why I have not been able to come back to the district as much as I would like to visit with you and personally take part in the fall campaign.

The 2d session of the 87th Congress convened at noon January 10, 1962. At the close of business of the House Friday, September 21, 1962, 15,468 bills and resolutions had been introduced and we have had 141 legislative days.

MEDICAL CARE FOR THE AGED

This has been a major issue in the Congress even before I was elected as your Representative. Since assuming office and particularly during this session, a great deal of discussion has been had on this subject. The House did not have an opportunity to consider this subject in the 87th Congress as no bill was reported by the Ways and Means Committee. The Senate considered and defeated the proposal sponsored by the administration embodied in the King-Anderson bills in spite of the fact that the membership of the Senate is composed of 64 Democrats and 36 Republicans. The proponents of this legislation attempted, and in many cases succeeded, in instilling in the minds of our elderly citizens that the King-Anderson bill is an overall coverage of medical care. This is not true. If enacted, it would provide certain health care benefits for those over 65 who are eligible for social security benefits. It is estimated that 4.5 million persons 65 and over would not be eligible because they are not covered under the social security system. It would cover a limited amount of hospitalization and some nursing home care, home health services and outpatient diagnostic services.

It would not cover cost of a doctor's services at home, office, or hospital.

It would not pay for medicines used outside a hospital or nursing home.

It would not cover costs of preventive medicine—beneficiaries could not collect anything until they were sick enough to go to a hospital or nursing home.

It would not cover all hospital costs—the patient would be required to pay $10 a day for the first 9 days of hospitalization, with a minimum of $20 for each complete diagnostic study.

The King-Anderson bill would establish a compulsory plan for everyone covered by social security—regardless of need, or financial status. It calls for a tax increase of one-fourth of 1 percent for employees and employers alike, three-eighths of 1 percent for the self-employed. Let me emphasize again that this would be a compulsory tax for everyone covered by social security.

The proponents of the provisions of the King-Anderson bills also attempted to have our elderly citizens believe we Republicans are calloused and have no realization of their needs. The gentleman from Ohio, Congressman FRANK BOW, Republican, of the 16th District, introduced a major bill which, had it been enacted, would have permitted all persons over 65 who pay Federal income tax to deduct from such tax $125 per year for the purpose of purchasing a noncancelable health insurance policy. Those who do not pay any tax would still be able to obtain from the Government a $125 certificate—$250 per couple to be used to pay the annual premium. Said policy to be issued by duly licensed companies. The Kerr-Mills Act passed in the 86th Congress provided Federal funds to the States to enable each State to furnish financial medical assistance to aged needy individuals. The Illinois Legislature passed enabling legislation and services thereunder began in September 1961. If the administration had exerted its efforts in behalf of the complete coverage of the Kerr-Mills Act, rather than attempting to force new legislation in the form of the King-Anderson bill, it would now be operating successfully in most of the States.

MANPOWER DEVELOPMENT AND TRAINING ACT

This is one of the major pieces of legislation sponsored by the administration to pass early this session. I voted against this measure because it would place the Federal Government into the business of guaranteeing jobs. Private industry does not guarantee jobs, and I question if the Federal Government can. It places in the hands of the Secretary of Labor vast executive power and entails large expenditures by the Federal Government. It will not cure unemployment. There will have to be a comprehensive survey first covering the impact of automation, imports, labor disputes, screening and an analysis to evaluate a man's skill to determine whether or not he possesses the skills to take such training. It is impractical to administer. Many States are already carrying out such a training program, and the Federal Government entering into such a program would seem unwise.

NATIONAL DEBT LIMIT

The Congress was called upon for the third time within a year to raise the national debt limit. A bill raising the debt limit from $300 billion to $308 billion was passed by a vote of 211 yeas to 192 nays. I opposed this measure. If the administration had held nonmilitary expenditures within the amount estimated in the summer of 1961 when we voted the last increase in debt limitation, this action would not have been necessary. As the debt goes up, so must interest payments. The projected rate of expenditures by the Federal Government has increased by more than $1 billion per month and is still increasing. In fiscal 1962 our debt reached the highest point in history, and we are told that a further increase in the debt limit will be required in the future.

DEPARTMENT OF URBAN AFFAIRS AND HOUSING

This came to the House in the form of a reorganization plan submitted by the administration to set up a new Cabinet post. It was rejected by an overwhelming vote of 264 yeas to 150 nays. I voted with the majority against this proposal. It would not accomplish what its proponents represented, and would have provided the mechanism with which the Federal Government could involve itself in every imaginable local activity. This would be contrary to sound principles of Government organization that the States and local entities manage their own affairs. The cost and size of this proposed new Department was staggering.

ADMINISTRATION'S TAX BILL

This measure passed the House in March by a record vote of 219 yeas to 196 nays. Prior to passage, a Republican motion to recommit the bill to eliminate the 7-percent investment tax carried for new business equipment, and to eliminate the provisions for withholding 20 percent of dividends and interest was defeated by a vote of 190 yeas to 225 nays. I voted for the motion to recommit and against final passage of the bill. I voted against the bill because it violates the conception of sound tax policy and fiscal responsibility. This approach to tax reform cannot provide this Nation with the tax structure that will insure continuing health and noninflationary economic growth. This measure then went to conference. It is expected that the conferees will file their compromise recommendations within the next few days.

PEACE CORPS

Legislation making the Peace Corps a permanent agency of the Federal Government passed the House September 14, 1961, by a record vote of 287 yeas to 97 nays. I voted against this legislation in the first place because it was presented by the President in an Executive order issued March 1, 1961, on a temporary pilot basis under existing authority of the Mutual Security Act. On the same day the President sent a message to the Congress recommending that it be established as a permanent agency of the

Federal Government. Many of us felt that an opportunity should be given, in all fairness to the Corps, to prove itself before making it a permanent agency. During the House debate, an amendment was offered to establish the Peace Corps for a period of 3 years. Under strong pressures from the administration, this amendment was rejected and its insistence that the Corps become a permanent agency prevailed.

Over and over again we hear the word "volunteers" as a selling point in recruiting personnel for the Corps. "Volunteers" to most of us means rendering services free, or at least for nominal remuneration. Second, the cost of its operation is phenomenal. For the fiscal year 1962, $30 million was appropriated for the operation of the Peace Corps.

An appropriation of $52 million has been approved to finance the activities of the Corps during fiscal year 1963, or an increase of $22 million above the 1962 appropriation. The appropriation for 1963 will provide Peace Corps strength of approximately 8,270 volunteers. Information supplied to the Appropriations Committee of the House indicated that if the Peace Corps were to stabilize its operations at approximately 10,000 volunteers, the cost would be approximately $90 million per year. It was called to the attention of the House, during the debate, that the Peace Corps is the fastest growing agency in the Federal Government and there never has been in the history of our Federal Government an agency that has grown as fast. Of the 1962 appropriation, approximately $10,300,000 was spent for the administration alone.

The Director and Deputy Director receive $20,000 and $19,500 per annum, respectively. Volunteer leaders—supervisors, or special duty services—who are employed at a ratio of 1 to 25 volunteers receive termination pay at the rate of $125 per month of satisfactory service, as well as living, travel, leave allowances, housing, transportation, subsistence, health care, orientation, language, and other training for their spouses and minor children. Such personnel are also entitled to the benefits of the Federal Employment Compensation Act, Federal Tort Claims Act, seniority rights for subsequent employment and benefits under the Civil Service Retirement Act.

In addition, not to exceed 275 persons may be permanently employed in the United States; 30 of this number may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed 20 may be compensated at rates higher than those provided for in grade GS–15—$13,000 per annum—and of these not to exceed 2 may be compensated at a rate not in excess of the highest rate for grades of such general schedule, but not in excess of $19,000 per year. These positions shall be in addition to those filled by Presidential appointment. The act making the Peace Corps a permanent agency also provides participation of foreign nationals, a 25-member Advisory Council, and employment of experts and consultants on a per diem basis.

UNITED NATIONS BOND BILL

This legislation was introduced as a result of the President's special message to the Congress concerning the financial deficit of the United Nations, and the General Assembly's proposal that the issuance of bonds in the amount of $200 million to bear interest at 2 percent per annum, with principal and interest to be paid in 25 annual installments. The President requested legislation to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation therefor in the amount of $100 million. Accordingly, the bill was introduced January 30, 1962.

I recognize the need for an international forum in which representatives of sovereign nations may sit down together to discuss and negotiate international issues. Evidence produced during the hearings pointed to a single, virtually inescapable conclusion that the financial difficulties of the U.N. can be attributed almost solely to the expense of U.N. operations in the Congo. U.N. military operations in the Congo were initiated pursuant to a series of resolutions adopted by the U.N. Security Council, and a resolution of the General Assembly. Since July of 1960 these operations have cost over $240 million. As of June 30, 1962, they accounted for an estimated $82.7 million of the U.N. deficit of $137 million. Article I of the U.N. charter envisions collective action on the part of its members to maintain international peace and security. The U.N. force is not in the Congo to resolve an international crisis. It is there to resolve a conflict between political subdivisions within the Congo, a conflict which is domestic in nature. On June 30, 1962, of the 104 members of the U.N., 66 were in arrears on their Congo account and 56 were in arrears for the Middle East assessment. The result is that the United States has paid 47.70 percent—$114.5 million—of the Congo military costs and 46.95 percent—$57.6 million—of the U.N. emergency forces. It is interesting to note what two of my colleagues, one a Democrat and one a Republican, who are knowledgeable in the operation of the U.N. had to say:

> We also noted a continuous expansion of activities by the United Nations through interpretations given to the broad language of its charter. In our opinion it would have been more beneficial for the organization to have proceeded at a slower pace in developing its many agencies and programs. There has been a persistent tendency for the United Nations to assume more tasks than its resources of men and money can properly support. The result has been a proliferation of the ranks of an international bureaucracy that finds endless problems to engage its attention and to assure its perpetuation. The present financial plight of the United Nations points up its most serious limitation. This in itself should impress upon our policymakers that further expansion of activities should not be supported by our Government. The organization has already undertaken too many programs that involve heavy financial commitments, the greater portion of which is expected to be, and probably will be, paid by the United States. More important, this trend if unchecked may result in the gradual erosion of large measures of our national sovereignty. To this we are unalterably opposed.
>
> In this connection, we think that the United States has hurt its own position, and similarly has hurt, rather than helped, the United Nations by assuming a totally disproportionate share of the expenses. The vitality and effectiveness of the organization could be increased if it were forced to "cut the pattern to fit the cloth." It certainly would increase the degree of responsibility of other member nations if they were paying their proportionate share. It would lessen suspicion of and resentment toward the United States. A benefactor who overassumes and overpays his legitimate share invariably produces such a reaction.
>
> Certainly we do not believe that a further unfair financial burden should be placed on our taxpayers. Nor can we fail to consider the effect on our mounting national debt.

Because of the above considerations, I am not convinced that the U.N. bond issue approach will solve the current deficit problems or that it will not be used again and again as the U.N. encounters difficulties in the future. This legislation was debated and passed the House on September 14, 1962, by a vote of 256 yeas to 134 nays. Prior to final passage, an amendment was offered to recommit the bill to the House Committee on Foreign Affairs with instructions to report it back forthwith, with the following amendment:

> SEC. 5. No loan may be made to the United Nations under this Act until the General Assembly of the United Nations adopts the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations.

The motion was rejected by a vote of 171 yeas to 219 nays. I voted for the motion to recommit and against final passage of the bill.

FARM BILL

On June 21 this year by a narrow margin of 215 yeas to 205 nays the House recommitted the President's farm bill. I voted for the motion to recommit. Forty-eight members of the President's own party voted with we Republican Members to recommit the legislation. A new bill was introduced and it passed the House July 19 by a vote of 229 yeas to 163 nays. After it passed the Senate, amended, on August 22 it went to conference to iron out the differences of the bill as passed by the House and Senate. The conference report was adopted September 20 by a narrow margin of 202 yeas to 197 nays. I voted against passage of the bill and against the adoption of the conference report. I believe in flexible price supports and I am opposed to a continuation of subsidies of any sort. While we must continue to search for solutions to the farm problem and what to do about huge surpluses, the answer does not lie in legislation which will give the Secretary of Agriculture virtually unlimited power to put stringent controls on American farmers. The bill extends the temporary feed grain program for the 1963 crops. I do not favor this program because it gives the Secretary of Agriculture broad authority to influence prices in the open market. Its provisions relating to the dairy industry do not represent a sound solution for the serious dairy problem or for assisting this industry. Just as the problems of our urban areas cannot be resolved by transferring them to Washington, the farm problem will not be solved by legislating broad powers in the hands of the Secretary of Agriculture.

TRADE EXPANSION ACT

While we need a wide market for American manufactured goods and American products, protection of our own industries, farmers, and laborers against foreign competition is greater now than at any other time. The measure passed by the House in June goes far beyond the existing trade agreements program. The President is empowered to reduce tariffs by 50 percent over a 5-year period in return for mutual concessions from countries with whom we trade; moreover, the President is granted authority to repeal outright, duties on items exported between the Common Market and the United States of America. Finally, the President is authorized to negotiate on mutual tariff reductions on broad categories of goods rather than on the usual item-to-item basis.

Under section 241 of the bill, the President shall appoint, by and with the advice and consent of the Senate, a Special Representative for Trade Negotiations with the rank of Ambassador, who shall be the chief representative of the United States in negotiations and ex-officio member of the Interagency Trade Organization to be set up by the President. The adjustment and assistance provisions of the bill set up a super unemployment compensation system in addition to individual programs of our 50 States. The bill permits workers or management to seek a finding that they are injured by imports. Should the Secretary of Labor determine workers are entitled to receive assistance they then become eligible for a special program of unemployment compensation and training. Unemployment compensation and training, no matter how liberal, is a poor substitute for a job. Should the Secretary of Commerce determine that firms are entitled to receive assistance, the bill provides a long and complicated procedure for technical, financial, and tax assistance.

In view of the above and other ramifications of this all-important phase of our American economy, it would seem that a wise course would have been to extend the present law for 1 year. The bill passed the House June 28, 1962, by a vote of 299 yeas to 125 nays. Prior to passage, a motion was made to recommit the bill with instructions to report back a 1-year extension of the present law. The motion to recommit was defeated by a vote of 171 yeas to 253 nays. I voted for the motion to recommit and against final passage of the bill. The measure went to conference to iron out the differences of the provisions as passed by the House and Senate. It is expected that the conferees will file their compromise recommendations within the next few days.

TO ESTABLISH A U.S. ARMS CONTROL AND DISARMAMENT AGENCY

I voted against the establishment of this agency for several reasons. Since World War II there have been some 70 international conferences and meetings concerning disarmament attended by both the United States and the Soviet Union. On June 29, 1961, the President requested legislative authority to establish a strengthened and enlarged Disarmament Agency. In the House there were some 70 identical, or similar bills, for the establishment of this Agency. In the first place there was considerable confusion as to the intent and purposes of this Agency. The bill, as originally introduced in the House, carried the title, "To Establish a United States Disarmament Agency for World Peace and Security." In the course of the hearings objection was raised by the American Legion and other veteran organizations to the word "disarmament." The bill reported by the committee carried the title, "To Establish a U.S. Arms Control Agency," yet contained provisions for disarmament. During the debate on the floor, the question was raised as to why the word "disarmament" was dropped from the title of the bill. An amendment was then offered to change the title to read "U.S. Peace Agency for World Disarmament and Security."

This amendment was rejected and the title of the bill as passed by the House was "To Establish a U.S. Arms Control Agency." After passage by the House and Senate, the conferees agreed upon the title "To Establish a U.S. Arms Control and Disarmament Agency," which became law.

In addition to the above, we are spending $47 billion to build up our arms. Also it would indicate to our allies, or supposed to be allies, a sign of our weakness; and furthermore, I cannot see any reason why we should be spending millions to set up an agency that would grow and grow and not have any foreseeable success.

The act provides the Director's annual salary will be $22,500; the Deputy Director shall receive an annual salary of $21,500; four Assistant Directors at an annual salary of $20,000. The President may appoint by and with the advice and consent of the Senate, a General Advisory Committee consisting of not more than 15 members.

FOREIGN AID

The appropriation bill this year for foreign aid and related agencies was the highest in amount of any money bill reported for this program in the past 8 years. Since the end of World War II, we have carried this foreign aid program into 101 of the 113 nations of the world, including those who will receive aid this year. This aid program is not limited to so-called free nations but we are pouring funds into dictatorships, so-called neutral nations, Communist-influenced and Communist-dominated nations, and into outright Communist countries. This giveaway program is a major factor contributing to the continuing annual increase in our public debt; it is primarily responsible for our annual budget deficits; it is responsible to a large extent for the depletion of our gold reserves; it is depleting our wealth and resources and frankly many of the nations which are recipients of our aid are rapidly losing faith in our ability to manage our economic and monetary system. Furthermore, I do not believe that this pending program is the solution to the problems in our struggle against communism.

Last year, 1961, it took 12,856 persons employed by the Federal Government to operate the foreign aid program; 6,478 of them were Americans, of whom 4,466 were in oversea positions. In addition, the services of 4,600 foreign nationals overseas and 1,778 persons employed by the U.S. contractors were used. All of these were paid out of American foreign aid funds from your tax dollars.

In several instances the Soviet Union has actually made use of American funds to further the Soviet foreign aid program. This information is contained in a report issued by the House Committee on Government Operations on June 25, 1962.

The President's request was for $7.2 billion for foreign aid and related agencies; $4.7 billion of this amount was for foreign aid, from which the House cut $1.33 billion. Cries about cuts in the foreign aid program are not new. We have wrecked this program about 10 or 15 times but it is still going stronger today than ever before. I voted against this appropriation when it passed the House September 20, 1962. This legislation is pending in the Senate.

TO SET THE RECORD STRAIGHT ON THE SO-CALLED HOFFA SPEECH

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, politicians are often the target of arrows and javelins of cruel and unfair criticisms. It is my opinion that false accusations are terrible things to happen to anybody but there is some comfort in knowing that when the truth finally prevails the public responds magnificently.

There is no better evidence of this than in the tribute we now pay to Lincoln. It was during Lincoln's Presidential administration, which of course was also the period of his greatest service to his country when he received more of these arrows and javelins of cruel and unfair criticism than any person at that time and since.

Robert Taft received more than his share when some labor bills were passed and when he criticized the Government's method of handling the criminal question in the German trials.

That justice finally prevails is evidenced in the fact that both of these men now have impressive monuments built to their memories. It was mainly because they were men of principle.

Recently, I, with other Members of the Congress, have been the subject of a news article that implied we were in some way coordinating our efforts to interfere with the orderly procedures of the courts in this land, that we were in league with the forces of evil somehow and that we were trying to impede the cause of justice. This news story, Mr. Speaker, was written by one of America's finest, most honored, and I believe, thorough reporters. However, the implications left have not had what I would call a desired result nor has the result of it been entirely fair to the participants.

Since only the accused or guilty can testify or confess to the facts, and because I have great confidence in the character of the men who spoke on this subject, I am taking this opportunity to set the record straight.

The article I am referring to appeared in the Des Moines Register, September 21, 1962. It is headed, "Bobby Unfair to Hoffa, Say 11 in House." Then the article reads as follows in the first three paragraphs:

> Eleven Congressmen have launched a sharp attack on Robert F. Kennedy, saying they fear unfair tactics are being used in prosecution of Teamster President James R. Hoffa.
>
> A torrent of speeches on the House floor Wednesday coincided with a similar attack Hoffa's attorneys were making in Federal court in Nashville, Tenn.
>
> The critics of the Attorney General included three Democrats and eight Republicans. The Democrats were Representatives James Roosevelt, of California; Don Magnuson, of Washington; and John Blatnik, of Minnesota.

This is followed by the subtitle, in bold type, which reads, "Include Schwengel," followed by the list of the Republican Members.

I should like to point out, Mr. Speaker, that this implies that I made a speech on this subject. I did not and the Record clearly says so on page 19961.

Now, Mr. Speaker, in the first place I should point out the difference in extending remarks and making a speech. I did not speak from the floor of the House at that time; I submitted my remarks to tbe printed in the Record. Mr. Speaker, I was there and I listened to all who did make speeches. They included Mr. Bray, who had asked for and received unanimous consent to speak 30 minutes on the subject. During the time he held the floor, and on his time, Mr. McGregor, Mr. Curtis, and Mr. Roosevelt spoke, and I believe Mr. Pelly, Mr. Magnuson, and Mr. Moore, of West Virginia spoke.

All of these people, as I interpreted their speeches, indicated to me that they had no sympathy whatsoever for Hoffa—indeed they may not have known all of the facts of the Hoffa conflict with the Attorney General's Office. They, as I understood it, were questioning the method and procedure and some were even lamenting, as I have in the past, the fact that this situation has not been properly dealt with.

It is significant to note, too, that of all the people who were there that day—and there were many Members on the floor—none rose to defend the Attorney General. So, I think it is clear then that everybody there understood that no one was defending Hoffa or anything sinister in government, or had the least desire to impede the wheels of justice. Rather, they were deeply concerned, as I am, when established principles of law and accepted procedures of law are not recognized—indeed may even be violated.

Now, Mr. Speaker, I have a great interest in this discussion because in April, when the steel crisis was on, I, as every citizen of the United States, was well aware of some very grave mistakes that were made by both the President and the Attorney General. I voiced concern privately and publicly many times since that time about the fact that the heavy hand of Government threatened to reach in and assume the position and attitude of a police state. Because one of the most brilliant speeches made on that subject was made by a Congressman from Iowa, and because it said so clearly and effectively what I had in mind on the subject, and because I though it would serve the public interest, on May 31, I took occasion to insert in the Congressional Record a copy of this speech. At that time I made the following introduction:

> Mr. Speaker, my esteemed colleague, the Honorable James E. Bromwell, of Iowa's Second Congressional District, delivered an address on May 14 at the annual teachers' appreciation dinner, sponsored by the Johnson School Parent-Teacher Association, in Cedar Rapids, Iowa, which sounds an alarm as important today as those sounded by Thomas Paine and Samuel Adams at the time of the American Revolution. At that time, the danger was from another system of government directed from outside our shores. The danger to which Congressman Bromwell refers, "the deadly growth of power in the executive arm of the Federal Government," is a threat within our own system, within our own shores. I commend this address to my colleagues. I urge them to read it, to talk about it, and to circulate it among their constituents so that all of us can have their help in seeing that we do not pass the point of no return in this situation.

Then, I asked for permission to have this brilliant speech put in the Record. In this speech he says:

> Some historian may someday name the month of the year in which things got out of hand; someone bolder may do better and tell us the early symptoms of a breakdown in popular control of our national affairs. So far he or she has not been generally recognized and proven sound, and until these things happen we shall feed on fear.
>
> It has happened more than once since Sumter and it can happen again. A chain of events begins, effect follows cause with acceleration, the point of no return is passed, the tide becomes irreversible, then unchangeable, and we come to a time of troubles in which even the best of us can only make the best of it.
>
> Where are we going? The answer lies in the future and is speculative. As your Congressman I shall give you my opinion. Unless citizens act by public opinion and the franchise we shall continue to surrender rights to the Government, uncheck and unbalance its powers, and grant power to the Presidency until we shall have reverted to despotism. Mr. Lincoln's word is good enough for me. The tyrant will not come to America from across the seas. If he comes, he will ride down Pennsylvania Avenue from his inauguration and take his residence in the White House. We have, in the last 15 months in the Congress, inadvertently and carelessly, we must assume, moved at a hellish rate to establish preconditions of dictatorship. There will be no coup d'etat. Rather, at the worst, there will be an extension and vigorous exercise of the powers we have granted.

Because of this, Mr. Speaker, and because I voiced the belief of many people in Government that the Attorney General's Office is the most important office so far as the enforcement of the law is concerned that can be found anywhere in the world, and it calls for appointment of the best attorney that is available in the whole United States, and because I firmly believe that our present Attorney General is not the best attorney, I have some concern about the way that Office has been and will be run.

Therefore, I decided, during the period these other speeches were being made, that I should write out a statement to be extended in the Record to indicate my concerns, to make some pertinent observations, and in this way serve notice that this problem was being noted in the halls of Congress.

Now, Mr. Speaker, I reiterate I did not make a speech, so I could not have said what this fine reporter quoted me as saying. Second, I say to you that I do not know enough about the Nashville, Tenn., situation to talk intelligently about it. I do know, judging from visits with other Members of the Congress, that there is some truth to the statement attributed to O'Konski, which I was reported to have spoken on, but I did not. The article quotes the earlier statement attributed to me and O'Konski, but it made no mention of my introduction, which reads as follows:

> I compliment the gentleman from Indiana, who is leading the discussion that involves basic principle of law.
>
> Mr. Speaker, the passing of impartial laws to apply equally and fairly to every citizen of the United States is the sole ultimate purpose of the Congress of the United States.
>
> Whenever we legislate on matters that deal with the courts or in any way to knowingly pass laws that can or will influence the outcome of a trial, we are ourselves violating the basic principle and of accepted principle of law that has become almost sacred.

If this had also been published it would have been obvious that the statement about the Nashville, Tenn., situation does not naturally follow these opening remarks.

The reporter reported it as it was printed in the Congressional Record. Evidently something happened in the printers' office or the reporters' office because I followed this opening statement with a reference to the fact that the Attorney General who was on trial before the Congress today is also the same Attorney General who has recommended certain legislation to legalize wire tapping and according to his testimony goes far beyond anything ever contemplated and clearly is an invasion of private and personal rights guaranteed in the Constitution. In my remarks I referred to a statement I had made in May and to the brilliant speech made by Congressman James Bromwell on the steel crisis and its implications. This did not appear in the Record.

Then, as I recall, I commented on the fact that this was the same Attorney General who mistreats his dog by bringing him down to the office and assuming that a dog enjoys being led around by pretty girls in violation of the law and in an atmosphere where there is much danger for a dog to be loose and to run free when we all know a dog would rather be out in the country atmosphere where he could enjoy the company of little children and if it could not be one's own little children there are always neighbor children who would be glad to have the opportunity to play with such a fine and lovable animal as this dog must be. Then I observed maybe this was the New Frontier's new way to kick or drag a dog around. These remarks did not appear in the Record either. I have asked and been granted the privilege to have the Record amended and corrected.

Let me say, in addition to all of this, that my record on attacking corruption, dishonesty, collusion in Government I think is pretty clear. I, as most Members of the Congress know, was the first to recommend a watchdog committee for the Interstate Highway System which has and is saving millions.

I was the first to introduce a resolution on the Estes scandal and it was not until that resolution was introduced and I started making some speeches on the importance of this matter and did some investigating of some facts that the hearings began in the House and Senate.

Further, I reiterate that I hope the Hoffa proposition and all other scandals in Government and in which the Attorney General and others have a responsibility will be prosecuted to the limit under the established laws and procedures of government without any undue interference by anybody anywhere.

CONGRESSMAN SCHADEBERG'S RECORD ON ECONOMY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. King] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KING of New York. Mr. Speaker, I have watched with great interest the voting record of my colleague, the gentleman from Wisconsin's First District, the Honorable Henry C. Schadeberg. He has consistently made his decisions in favor of economy with a respect for the taxpayer. He has repeatedly reminded us that the Government has nothing to give anyone which it does not first take from the people.

It was with more than passing interest that I noted that each free publication the residents of the First District of Wisconsin will be receiving in the future will bear a reminder that they, the taxpayers, are paying for the services they receive from their congressional office. Instead of the usual message "With the compliments of the Honorable John Dough, Member of Congress" used by most of his colleagues, Mr. Schadeberg is stamping all material sent to his constituents "From the office of Congressman Henry C. Schadeberg, with the compliments of the American taxpayers." I want to commend my colleague for his realistic approach in trying to inform his people on the subject of "who pays."

HALF-TRUTHS AND DISTORTIONS BY SECRETARY OF AGRICULTURE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Dole] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DOLE. Mr. Speaker, perhaps at this time of the year those of us in public office who are candidates for reelection should be accustomed to half-truths and distortions. This has not been my policy, and therefore those Members who may have opposed any of Secretary of Agriculture Orville Freeman's policies in the past should be aware of his possible direct activity in your campaign. Perhaps it is not surprising to learn this member of the President's Cabinet is guilty of distortion and outright untruths in replying to an inquiry from any Member of Congress. I feel it is my duty as a Member who has felt the wrath of this political Secretary to point out what I consider to be proof that Freeman has become a political hatchetman for the Kennedy administration.

On September 20 I directed a letter to Mr. Freeman, protesting the shipment of Kansas grain from Kansas farms and elevators to the west coast. In that letter I stated:

> It seems to me that wheat should remain in the general area where it was produced, if storage space is available, and should be moved only to meet domestic and export needs.

Certainly we should move grain for export or domestic purposes, but not just for the purpose of relocating and storing it in other areas. Last year Kansas farmers and grainmen were threatened with the possible relocation of many millions of bushels of Kansas wheat under the guise of civil defense which would have cost the American taxpayers some $47.2 million. Also yet unexplained is the shipment of over 5 million bushels of wheat from Kansas elevators to the Billie Sol Estes empire in Plainview, Tex. At any rate, I felt justified in asking the Secretary how much wheat he planned on moving from Kansas for purposes other than for export or domestic needs, and this was the purpose of my September 20 letter.

In his reply delivered by special messenger on the 24th day of September, Mr. Freeman completely evaded the question, but in an obvious effort to assist my opponent who is campaigning in Kansas, distorted the truth, misrepresented my inquiry, and falsely accused me of opposing export development programs and of favoring the storage of wheat rather than shipping it to Japan and other countries. He stated, "In joining with the grain trade to protest the efforts of wheatgrowers to increase wheat exports, you have taken a most short-sighted position."

I take this time to point this out and would caution you against writing anything to Mr. Freeman as this would give him an opportunity to deliberately misinterpret and misconstrue it. Remember, we are dealing with a man who only last year sought quotas on every known agricultural commodity, including livestock, with a man who this year sought legislative authority to confine dairy farmers in the Federal penitentiary for not keeping proper books and records and who sought authority to fine wheat producers up to $5,000 for not keeping proper books and records or following departmental regulations, but above all we should remember that Secretary Freeman seeks to control American agriculture, and it was under his administration that the Billie Sol Estes scandal mushroomed.

Remember, too, just a few days ago Freeman, at the insistence of a fellow Democrat House colleague, apologized to Odin Langen, a Republican member of the House committee investigating the Estes case. Freeman accused Langen of "the grossest kind of irresponsibility," and the fact that Freeman apologized only after urging by the subcommittee chairman reflects who is guilty of gross irresponsibility.

Mr. Freeman is certainly welcome to come to Kansas, and I invite his participation in my campaign, but believe it should be restricted to outright campaign activity rather than issuance of false statements under the cover and protection of his office.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PUBLIC REACTION TO FOUNDATION STUDY

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PATMAN. Mr. Speaker, on July 23, 1962, and August 20, 1962, I presented to the House my first and second interim reports on the study of 524 tax-exempt foundations, which has been conducted by the House Small Business Committee. They appear in the Congressional Record of those dates.

Our study has been confined to privately controlled, tax-exempt foundations that are required to file tax return form 990–A or 1041–A. This excludes, first, religious organizations; second, educational organizations if they normally maintain a regular faculty and curriculum and normally have a regularly organized body of pupils or students in attendance at the place where their educational activities are regularly carried on; third, charitable organizations, or organizations for the prevention of cruelty to children or animals, if supported in whole or in part by funds contributed by the United States or any State or political subdivision thereof, or primarily supported by contributions of the general public; and, fourth, or organizations operated, supervised, or controlled by or in connection with a religious organization described in section 501(c) (3) of the Internal Revenue Code.

Since July 23, I have received thousands of letters in support of our investigation. They express deep concern over the ever-growing number and influence of tax-exempt foundations.

The reactions to our study will no doubt be of interest to the Members. I, therefore, wish to insert in the Record at this point excerpts from a few of the letters received to date. These are in addition to those which I placed in the Record of August 23, 1962, and September 6, 1962.

M.A.S., Jr., Fresno, Calif.: "Please send me a copy of the tax exempt foundations study. I appreciate your dedication to the United States of America and to good government."

E.C., Miami Beach, Fla.: "You are to be congratulated on your efforts to oppose the tax-free foundations."

J.M.H., Eureka, Mo.: "I would appreciate receiving a copy of your report on tax exemptions to foundations. Wishing you success in your much-needed service."

A.B.L., Manhattan Beach, Calif.: "I was especially impressed by the charge you made, to the effect that there is great danger in the increasing concentration of economic power in various foundations."

T.D.C., Chula Vista, Calif.: "I wish to thank you for the courage which you displayed in speaking out against the 'legalized tax dodging' of tax exempt foundations. As you know, many of these foundations are engaged in political activities—especially the Ford, Carnegie, and Rockefeller Foundations. Such organizations should not be tax exempt."

C.M.M., Corpus Christi, Tex.: "I am for you 100 percent in your battle with the foundations. Keep after them."

C.E.R., Chevy Chase, Md.: "You are to be commended for your investigation of tax-exempt foundations, and I wish you much success in getting the facts about them. Such foundations, like commercial banks, are growing and attempting to enter all fields of activity in our commercial and social life. Some, for example, run restaurants in their tax-free buildings, in competition with taxpaying restaurants in their neighborhood; some print or distribute books, in competition with taxpaying bookstores, etc. I hope you are able to get them back on the tax rolls, to some extent at least."

O.B., Wallingford, Pa.: "First, I must congratulate you for launching your investigation of the tax-free foundations. * * * To me it is outrageous that these groups which are set up to avoid paying taxes can use that money to indoctrinate a whole generation and bring about, through them, a complete change in our form of government. To me this is legalized theft (if there is such a thing)."

L.C., Chicago, Ill.: "Your comments on the necessity of an 'agonizing reappraisal' by Congress on the control of foundations deserves the wholehearted support of all concerned Americans."

C.H.K., Houston, Tex.: "I am very pleased to know that someone has taken a peek into so-called philanthropic foundations. Clean out the foundations."

B.B., Berlin, N.H.: "Good for you. For being against tax-free foundations. There is too much of this going on in this country. So few of us are paying all the taxes and don't think I am of the so-called well to do, but my husband makes a little over $6,000 a year and the taxes he pays makes us both ill when we realize where the money is going."

B.E.W., Amarillo, Tex.: "We read about your attack on the misuse of tax-free foundations. We are most fortunate to have capable men like you to defend the people of the United States before the Congress."

J.W., Wichita Falls, Tex.: "Your stand on tax-exempt foundations is well taken. I believe with you that the profits of some of these foundations are being used for political activity against the best interests of freedom in the United States."

C.A.S., Laguna Beach, Calif.: "Congratulations on your recent report regarding the tax-exempt foundations. Please advise us if there is anything we can do to help."

L.F.M., Seattle, Wash.: "What you said concerning tax-exempt foundations 'hit the nail on the head.' Thanks so much for the rare courage to say what needed to be said for a long time. We stand firmly behind you. * * * God be with you as most of the American people will be when they learn the truth about these foundations."

M.K.M., Orange, Calif.: "I'm herewith thanking you for your rare courage in attacking our tax-exempt foundations. Please continue until you awaken the lax Internal Revenue Service."

J.E.R., Seattle, Wash.: "I would like to know if there is any chance that a law could be passed whereby these so-called foundations must be taxed? Why must the multimillionaires be allowed to put their money into tax-free foundations, the poor people pay no taxes and live on welfare, and we in the middle are caught in the squeeze and carrying the financial burden for the whole Nation? Is this ruining our middle class—what is happening to America?

P.H., Jamaica, N.Y.: "The article (in the New York Herald Tribune) tells of a report issued by you dealing with the assets of many of our largest tax-free charitable trusts. I would like to commend you for your work in this field because I believe that a study of this kind has been needed for many years. I, myself, have frequently questioned the altruism of some of our charitable foundations. If any tax loopholes or other unfair preferential treatment exist in this area, I hope your report will help to improve the situation.

D.J.D., Stamford, Conn.: "It is indeed a pleasure to congratulate you and wish you happy hunting as you gun for big game—the tax-exempt subversive foundations. They are public enemy No. 1. * * * You should be backed vehemently in your major offensive against subversion and tax dodging."

E.H., Phoenix, Ariz.: "My main complaint with the operations of some of our larger foundations is that they come under the control of men who use these huge resources and the power that goes with it to put into practice ideas of their own or even ideas that are alien to the American way. You are on the trail of real pay dirt, Congressman, keep on the trial. This quest, if carried to its conclusion, combined with income tax revision, could do this Nation a world of good."

F.W.N., Pompano Beach, Fla: "I want to thank you for your courageous speech of July 23 to Congress"

E.S., Bradford, Pa.: "I do wish to thank you and wish you well in this probe."

S.S., Brooklyn, N.Y.: "I am sure the findings of your committee will illuminate an important though heretofore neglected area of tax exempt foundation operations."

H.L., Wethersfield, Conn.: "I have just read in our newspaper today of your position concerning tax-exempt foundations and you certainly have my prayers and support for a project badly needed and long overdue by our Congress. It is becoming increasingly obvious, Congressman Patman, that the chief objective of some foundations is tax avoidance rather than pure philanthropy. Thank you and may God grant you courage to see this through."

B.J., Butler, N.J.: "Thank God someone is directing a few minutes to this foundation racket. Too many of us are fed up to the teeth with what the Government does and does not do to bring some fairness in our tax situation. Personally, I have known for years on end that many so-called foundations are merely blinds for big business."

A.E.A., New York City: "I have been watching your commendable exposé of the tax-free foundation with much satisfaction. It is time these people were made to bear their fair share of the national tax burden."

W.A.F., Highland Park, N.J.: "Would you be kind enough to send me a copy of the report of the investigation of 'tax-exempt foundations' by your fine and able committee. Over the years I have followed with great interest and admiration your congressional career since the magnificent bonus victory of some decades ago. Thanking you and wishing you the best."

D.E.L., Oxford, Pa.: "This letter is in encouragement of your stand on tax-free foundations. While in theory the foundations are to be commended, in practice they have produced a Frankenstein, which if unchecked or not ameliorated can threaten to become a source of (financial) power to rival and maybe threaten the Government. Perhaps some sort of antitrust regulation could be designed to circumscribe their growth to reasonable proportions."

G.W., Chambersburg, Pa.: "I think that your investigation into the improper use of foundations is a most essential step to stop the obvious abuses to which this enabling legislation has been subjected. We have a privately owned girls' school here which has been run for profit for many years. This operation has been made into a foundation, with no change in the operation or management. It now claims tax exemption on all levels, including the local real estate levy. I hope that you will be able to show that the creation of foundations has offered a substantial tax loophole and is materially narrowing the tax base, and can influence the Congress to take the necessary steps to correct these abuses."

C.J.R., Houston, Tex.: "We are 100-percent behind you. Thank you and God bless you."

H.W.S., La Mesa, Calif.: "You and your committee are to be commended, I am sure, by the voters and taxpayers, for initiating a study of this very important subject."

M.B.D., Washington, D.C.: "Please allow me to congratulate you on the magnificent job you have done in the study on foundations. It is an excellent report and provides volumes of information on this facet of our economy."

V.W.L., Shreveport, La.: "Since we are down here not so far from 'home' we will write you to let you know that we admire your stand on the foundations issue. They certainly need investigating, and something done about them."

J.R.H., Kansas City, Mo.: "I can appreciate the interest your committee has shown in the tax exemption status of many foundations existent in our society today. If our tax structure were not so antiquated and unworkable, would we have these tax-dodging devices? The greatest thing this country could do to strengthen its own position immeasurably, and indirectly the position of the rest of the free world which depends so strongly upon us, is to revamp this tax structure. If we can afford to reequip corporate producers overseas, why can't we do it here? If we can give millions and billions away over there, why can't we give our own people a break that will pay off over there quickly? I realize we do not live in a vacuum, but this business of trying to reshape the entire world in the American dream with American money don't work. We can spend a lot of this money on better educational facilities for our children and gifted students who will assure us of supremacy in these technological races linked definitely to our security. We can spend much of this money on medical research. We can build a network of superhighways which will certainly give our economy a much-needed boost. We can also spend a great deal of it on promoting better understanding between labor and management, which I believe is a crying necessity."

M.F.F., Bronx, N.Y.: "I have often wondered about these organizations and their operations and you are to be congratulated on undertaking your inquiry of them. May good luck and lots of cooperation attend your undertaking in this matter."

A.M.S., New York City: "I have noticed with great interest the excellent work which you and your committee is doing in respect of making public possible abuses of some foundations. It would be very much appreciated if you would be good enough to send me a copy of any report or reports."

A.J.K., Elkhorn, Wis.: "I would like to commend your courage in opposing the tax evasions of powerful foundations."

B.W.K., Philadelphia, Pa.: "I have been deeply impressed by the information conveyed in press reports, based on the second part of your report to the House of Representatives, on your investigation into the activities of tax-exempt foundations. You have surely brought clearly to the minds of intelligent people, a number of abuses of which such foundations may be guilty if there is not closer supervision by duly appointed Government representatives. I know that the work of investigation is frequently not pleasant, but the dangers which you have brought to the public mind are surely worth any such discomfort."

F.S., Jr., Canyon, Tex.: "I see in the local paper that you are attempting to get the enormously wealthy tax-free foundations brought under taxes. As an overburdened taxpayer this makes a lot of sense. With all of the billions at their disposal why shouldn't they carry their share of the Federal expenditures the same as you and I, and the masses of small people?"

F.E.S., New York City: "You are absolutely correct in your statement regarding the tax-exempt million-dollar foundations. I have never seen it estimated what the total worth of all these exemptions amount to—but I do know that they are, in some instances, in the real estate business in competition with taxpaying realtors; that they earn large fees with mortgage loans and are free to do most any kind of lending business. I will look forward to hearing more from your research along these lines."

W.B.G., Santa Paula, Calif.: "We support your courageous investigation of the powerful tax-exempt foundations. It is most unfair to the small taxpayer, like ours, that these wealthy organizations should not pay their share because that makes the burden all the heavier on us. We urge legislation to prohibit any foundations from tax-exempt status."

J.S., Oaks, Pa.: "I am one person of millions in this country who operate as a one-man business, and am fortunate enough to be able to pay my way, by the grace of God, as long as my health continues and work comes my way.

"I must give you an estimate of my income, because I have a business, and am obliged to pay in advance 25 percent of the estimate quarterly. In 1961 my earnings were $5,000. my tax $800. My self-employment tax $216. After food, shelter, clothing, nothing left.

"Why don't foundations * * * come under the same kind of scrutiny annually and eliminate the need for millions of dollars for investigations?

"I wish I had some money on my credit sheet that I might plough back into my business. At this writing my business is down several thousand dollars below what I made last year. Will there be any tax relief? Exemptions such as cover foundations * * * are detrimental to our morale."

C.I.M., Sarasota, Fla.: "You are to be commended for your efforts in behalf of the American people. There are entirely too many organizations in this country operating tax free."

J.U., Spokane, Wash: "Could we have a moratorium until revised laws can be made?"

A.L., Forest Lake, Minn.: "I am writing to you in strong support for your courage in speaking on tax exempt foundations. It is time these tax dodgers were made to foot the bill the same as the rest of us."

R.E.M., Jackson, Miss.: "I certainly concur with your thinking in this matter. In 10 years, the foundations will be as large as all the businesses in the country."

F.W.E., Venice, Calif.: "This card is to commend you on the report in re the tax exempt foundations. May I have two copies of this?"

G.S., Asheville, N.C.: "So glad to hear you are investigating tax-free foundations. * * * Great harm has been done the citizens of this country and taxpayers, I might add, by these foundations."

A.B., Santa Monica, Calif.: "There is obviously a need for Congress to devise new laws for foundations."

V.W., Manhasset, Long Island, N.Y.: "I commend you for your study of foundations and think an investigation is long overdue. I am in a study course with 50 women. How can we help?"

T.L., Kinston, N.C.: "Please keep up your splendid work investigating tax-exempt foundations."

J.N., Los Angeles, Calif.: "Congratulations on your investigation of foundations, the most needed ever to confront Congress. Just about 60 years overdue but you're starting so we're ahead. Don't let pressure stop you."

C.D.H., Amarillo, Tex.: "We thank you for all you are doing along this line. We pray that you may be successful."

C.A.C., Washington, D.C.: "The logic and the truth are all with you—so please use both fists relentlessly."

E.F., Northridge, Calif.: "I want to take this means of congratulating you in this wonderful and courageous effort. Please don't let anyone or anything intimidate you in having this matter fully brought to the attention of all Americans. Once again I want you to know that all good Americans are behind you 100 percent."

SELF-ANALYSIS BY MINING LAW ADMINISTRATORS

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. Aspinall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ASPINALL. Mr. Speaker, on Tuesday, September 25, 1962, at the 1962 convention of the American Mining Congress in San Francisco, I acted as chairman of a session on the public lands. It was my privilege at that time to introduce as a speaker one of the outstanding executives of the Kennedy administration, a young man who is among the most able and most industrious officials of the Department of the Interior, the Assistant Secretary of the Interior for Public Land Management, John A. Carver, Jr.

Mr. Carver's speech was a discerning and refreshingly frank discussion of executive agency operations. It furnishes a background against which we can understand past actions while at the same time, it serves to form the frame within which we may anticipate the future. As chairman of the Committee on Interior and Insular Affairs, I welcome this self analysis.

I am pleased to include the text of Mr. Carver's speech for the benefit of all.

Remarks of Assistant Secretary of the Interior, John A. Carver, Jr., Annual Convention of the American Mining Congress, San Francisco, Calif., September 25, 1962

On his return from the Soviet Union recently, Secretary of the Interior Udall told me about a conversation that took place between one of the American group and his Russian counterpart at a large Soviet hydroelectric project. The American asked the Russian what kind of delays they experienced in condemnation of rights-of-way for the reservoir and the project area.

I chuckled at the story for, after all, everyone who thinks about it knows that in the Soviet system there is neither private property to be condemned nor procedural obstacles to the state taking what land it needs without regard to the impact on the individual occupant.

Unthinkably, I had asked a similarly foolish question a few years ago when visiting a Swedish sawmill. I asked the manager what his workmen's compensation insurance rates were, forgetting that in his country there is universal medical care by the state.

We can't, I hope these stories show, achieve insight without an understanding of the governmental environment. A Swedish sawmill, or a Russian hydro project, may look very much like their American counterpart—operating or building them may pose entirely different challenges.

The administration of the mining laws by the Department of the Interior can be understood only with knowledge of the Department, and the relationships of the Department with the Congress, with the public, and with the courts. This is the governmental environment.

I would like to suggest the nature of this environment by the use of a metaphor. The Department of the Interior is the manager of certain lands and resources. Part of its authority derives from the President by delegation or redelegation of Executive power, but for the purposes of our metaphor, I am speaking primarily of those managerial functions committed to the Department or its head by our board of directors, the Congress of the United States.

The relationship of a board of directors to its hired general manager tends to vary. Boards can be strong or weak, sometimes changing as the stockholders, the voters in our case, shake them up. Boards can be strong in some areas and weak in others, depending on their collective interest or the personalities of their senior members, and boards of directors can show a minute interest as to some kinds of programs and an airy and magnanimous disinterest as to others.

The general manager's responsibilities are a resultant of many forces. He may be power hungry or timid, or both at once. A strong manager encroaches on the policy formulating prerogatives of his board, and a weak one may exasperate his board by petty questions and general indecisiveness. Good managers willingly take responsibility, but keep the board fully informed; bad ones duck responsibility, and conceal errors. First and foremost, and above everything else, the brilliant manager understands the nature of the relationship itself—the paramountcy of law, the necessity for both deference and dash, the willingness to share successes and to shoulder failures generously.

So it is in the various mining laws which this Department is called upon to manage. Our board of directors has time and again expressed confidence in the Department as a true and faithful servant of the interest of the stockholders, the people of the United States. It has done this by committing much of the decisionmaking process to the discretion of the head of the Department. Some managers have carried this too far; others have been diffident and timid. A Secretary like Carl Schurz or Harold Ickes could lecture or cow a Congress into submission or subservience on a given issue, or at a given time, but the most flamboyant of Secretaries in this custodial Department's long history could never successfully arrogate to themselves the lawmaking power for very long.

When administrators take over the function of legislating, free government ends.

The metaphor invites further pursuit, but lest you think it too simple and easy, let me suggest a couple of complicating conditions. It is only very, very rarely that the Secretary of a major Government Department makes the action-decision which fixes, for good or ill, the impact of a law upon the individual citizen. Mostly the Department's action is taken by one of the dozen or so bureaus and offices into which the management responsibilities of the Department have been divided.

So whether a Secretary is strong or weak, grasping or retiring, noisy or quiet, does not fully tell the story of the relationship of the manager to its board. The Department is an institution, and it tends to take to itself the personality of its Secretary. But bureaus have personalities, too, and there may be wide variance among them and within each of them. The Department is not so much a manager as a management team, and sometimes the team is not very unified.

The different specialists on the management team often have to consider, each from his own viewpoint, proposed actions in furtherance of the managerial responsibilities committed to the Department. Particularly in the fields of public lands and mineral administration where responsibilities are frequently shared, it is more common than not that bureaus reporting to different assistant secretaries must act in concert.

The Solicitor, as the general counsel on the management team, must measure the impact of the law upon given fact situations, and where he deems it advisable, he may expound what the board of directors really meant or didn't mean when it used certain language. Occasionally these measured and assured phrases fall less than lightly on the ears of the members of the board, still around and active, who devised the language in the first place.

The board itself has contemplated that its general instructions, the laws, shall be translated into detailed regulations, which are promulgated and published in the Code of Federal Regulations. The body of regulations assumes in certain areas truly formidable proportions—consider the regulations implementing the Mineral Leasing Act of 1920.

The board may be aware of, but it hasn't affirmatively authorized, a different kind of compendium of what the managers think its real intentions were. That is the persistent, and occasionally pernicious, adjunct of the Code of Federal Regulations, the "Manual." The Manual, any manual, as those of you who are veterans of Government service know, is a device intended for the dissemination of internal instructions and procedures. Where these procedures involve substantive matters that are more properly regulative it too frequently then becomes the device to remove commonsense from the administrative process. It is internal; not designed for the public; it is revered by its authors and some of its users, because in its attempt to produce uniformity it may convert decisionmaking into a rote or mechanical process. Manuals try to anticipate and provide for all conceivable contingencies, and inferentially to invite total inaction if a given situation doesn't fit, at least until the manual is changed. I believe that instructions which guide departmental decisionmaking ought to be public and published, not concealed in manuals.

Manuals interpret regulations; regulations interpret statutes; but, in theory at least, the facts and law are wedded in published decisions and opinions. These, taken together, form a distinct reference source for one who seeks insight into the governmental environment. Indexed, cross-referenced, and digested, they are the departmental equivalent of precedent case law which fills out the chinks of the legislative structure.

I hope I have not inferred that the failure of the Department to be monolithic is a bad thing, by itself. On the contrary, this fractionation of responsibility serves a useful purpose. An inbuilt system of checks and balances has restrained or prevented many a hasty or ill-advised effort to exercise improvidently the management responsibilities committed to the Department.

Congress occasionally plays a part in this fractionation. It commits programs to specific bureaus; it created an assistant secretaryship for a specific program interest, although it earlier had approved a reorganization plan which left the assignment of responsibilities among lesser officials as a prerogative of the Secretary.

Congress pronouncements for different programs within the Department sometimes seem difficult to reconcile each with the others as the different bureaus seek to carry them out.

Complexity alone, however, is neither a check nor a balance. Let me repeat: I believe that instructions which guide Departmental decision making ought to be public and published, not concealed in manuals. And I firmly contend that stare decisis is a peculiarly inappropriate crutch to justify decisions if those decisions fly in the face of the facts and commonsense.

An appellate system independent of command channels is vital to procedural due process. But an independent appellate review does not necessarily require an abdication of supervisory responsibility. Some of the Department's actions at the field level are affirmed on appeal in circumstances where a supervisory reconsideration would admittedly have resulted in a different decision or action. Furthermore, an appellate system develops a great deal of information which may never be fed back to the administrators. Constant vigilance as to the efficacy of existing law and regulations to accomplish the objectives laid down by the Congress is the duty of all. Conformance with the intricacies of regulations is a necessary requisite to the acquisition of the valuable rights which Congress has authorized the Department to dispense. But time and attention should go too to a consideration of whether the rules could be made less intricate and the procedures more simple.

A manager who comes to a board meeting without suggestions for action by the board is only partly doing his job. An institutional manager, like the Interior Department, needs all the information it can get as to where and how the system might be improved, both internally, and by revisions of the laws. The Department—any department—automatically and instinctively insists that things are always going perfectly until the fact that they are going highly imperfectly becomes painfully obvious to the whole world.

At some point in time, I must relate all of this metaphorical generality to the administration of the mining laws, and I suspect I can't put it off any longer.

What can I say about the administration of the mining laws in this governmental environment which isn't a justification of action or inaction, or a rationale of decisions made?

The mining law of 1872, as currently interpreted and administered, gives rather more authority to the Department in the matter of controlling the acquisition of public land for mining purposes, and control of its occupancy, than the Congress would be likely to give it in any general revision which we might suggest.

What does the Mining Act of 1872 permit us to do? Section 2319 of the Revised Statutes provides now, as it has since 1872, that certain "valuable mineral deposits in lands belonging to the United States * * * shall be free and open to exploration and purchase." Section 2322 still purports to give locators exclusive and inheritable rights of possession and enjoyment of the surface, even though it was modified to provide for multiple use of the surface in 1955.

A 90-year-old law ought to have achieved some precision of meaning. In law school I read Mr. Lindley's treatise, and found, as did a succession of generations of western lawyers, a test which still seems to me to be adequate for the administrator of the public land laws:

"While it is difficult to formulate a definition sufficiently comprehensive in itself to cover all possible exigencies, we think that a conservative application of the rules governing statutory construction, heretofore enumerated in connection with the adjudicated cases and rulings of the land department, permits us to deduce the following:

"The mineral character of the land is established when it is shown to have upon or within it such a substance as—

"(a) Is recognized as mineral, according to its chemical composition, by the standard authorities on the subject; or

"(b) Is classified as a mineral product in trade or commerce; or

"(c) Such a substance (other than the mere surface which may be used for agricultural purposes) as possesses economic value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts;

"And it is demonstrated that such substance exists therein or thereon in such quantities as render the land more valuable for the purpose of removing and marketing the substance than for any other purpose, and the removing and marketing of which will yield a profit; or it is established that such substance exists in the lands in such quantities as would justify a prudent man in expending labor and capital in the effort to obtain it."

Now let us examine the rule of discovery and the so-called marketability test as it presently applies. In a memorandum to me, the Bureau of Land Management quite boldly states that our interpretation of the basic statute has undergone considerable change:

"The Department continually reiterates that it consistently adheres to the prudent man rule as a test for determining validity of discovery in mining claims located under the general mining laws of 1872. Nevertheless, from a review and comparison of the decisions of today as against those of yesteryear it is readily apparent that the concept of 'prudence' has undergone a radical change and is unquestionably more strict today than previously. While the rule appears unchanged, the criteria now required to show a valid discovery have become much more stringent."

In the other instance we found ourselves bound by an interpretive standard of the mining laws which constituted a separate and additional standard to the prudent man rule laid down by Judge Lindley. In it, we found the doctrine of present marketability carried to the extreme of rejecting good judgment and commonsense.

The question was whether a patent could issue to certain claims for nonmetallic minerals not necessarily of widespread occurrence. Two paragraphs summarize the issues:

"The probabilities of success in any mining venture are never certain. Unforeseen and unknown circumstances may work to bring disaster upon the most prudent of plans. However, in this situation it appears to us, after considering all known factors, that an ordinary prudent man would be justified in further expenditure of time and effort in the reasonable expectation of developing a paying mine. This we conclude despite the fact that it has not been demonstrated that the product can be presently marketed at a profit. We base this conclusion upon the following considerations: (1) there is an existing market for the product, (2) this market, over the past 10 years, has shown considerable expansion and increase, (3) the applicant for patent is a reputable company of recognized management ability and to date had expended approximately $30,000 in the development of this deposit with the expectation of an ultimate profitable operation, (4) no other significant conflicting use exists for the land and the applicant has apparently acted in good faith and does not seek the land for nonmining purposes, (5) nonmineral surface land values are insignificant, (6) two operations mining this product now exist within the State.

"Only two issues are involved: (1) the deposit is of medium quality and due to certain color variations may command a restricted market, and (2) the establishment of a profitable operation would depend upon the negotiation of a favorable freight rate. Considering these two points it appears reasonable to conclude that the applicant may have the management ability to develop or expand existing outlets or to capture a portion of the existing market. The question of freight rates is one of negotiation. The issues here are very narrow and the success or failure of the operation is largely dependent upon the business acumen and managerial ability of the applicant. In these circumstances it appears unnecessarily restrictive to require, as an absolute certainty, that there be a demonstration of present marketability of the product at profit. We are of the opinion that the prudent man concept has been met in this case and if reexamination of the rule of the decisions previously mentioned will permit, we recommend that patent issue."

The application of the present marketability rule in the case discussed above may now be reviewed in light of a new memorandum opinion which stresses two points:

"There are two points which we wish to stress. The first is that the marketability test is only one aspect of the prudent man test, albeit a very important aspect since in the absence of marketability no prudent man would seem justified in the expenditure of time and money. The second is that each case must be judged on its own facts. The rigid application of rules mistakenly interpreted from departmental decisions could lead to incorrect decisions in the field."

For another expression of view on this subject, I refer you to the comments of Mr. Byron Mock, who traces the bootstrap odyssey of the "present marketability" test in a fine paper delivered at the Rocky Mountain Mineral Law Institute last year.

If this case, taken as an illustrative example only, were controlled by the present marketability doctrine in the manner just outlined, it would not have stood, in my view, for a desirable management objective, unless denying patent is by itself always a desirable objective. *Foster* v. *Seaton,* often cited to be judicial recognition of the present marketability test, said that the Department's application of the test to deny a mineral patent in favor of a competing and departmentally favored use of the land, was not unreasonable. Denial of patent in my illustration might be said to have had the virtue of saving the stockholders of the claims from the recklessness of their board and managers, who presumably would have spent further money developing the property notwithstanding a governmental conclusion that they were bound to lose. But not all cases are this simple.

Today a multitude of beneficial uses competes for a dwindling public land inheritance, compelling those who administer the public land laws (including the mining laws) to be ever more mindful of the trust reposed in them. If, in these circumstances the mineral industry should insist upon use of the "prudent man" rule as a cure-all for the land tenure problem, it would do itself a signal disservice. Can we honestly expect a local public land administrator to decide whether or not it would be prudent to invest in the development of, say, a porphyry copper deposit, a titaniferous magnetite deposit, or a limestone deposit, lying undeveloped and far from existing markets? Corporate decisions in such cases must be based largely on economic factors not only unavailable for consideration by public land administrators, but also beyond their capacity to evaluate, even if made available to them. Local administrators cannot be expected to realistically second-guess such major corporate decisions as the erection of copper smelters, steelworks, or cement plants, with only drill logs and engineer's reports before them. It thus becomes clear that when we attempt to apply the "prudent man" rule to the exploitation of major mineral resources, we find we are no longer evaluating the mineral resource itself, but rather the good faith and the corporate ability of the mining company. And if the mining company is unwilling or unable to demonstrate factually a high probability of future profit from such undeveloped mineral resources, then the public land administrator, faced as he is with the necessity of balancing so many aspects of broad public interest, can scarcely be blamed if he concludes the venture to be merely speculative and not worthy of investment of a "prudent man's" risk capital.

The matter of possession of the surface also presents a somewhat different situation, for here the courts' early pronouncements decried surface occupancy for nonmining purposes. Even so, we can find evidence of a major change in the attitude of the Department. Formerly, the sovereign reviewed nonmining surface use when it was called to its attention—generally when other rights were challenged or other governmental use or disposition interfered with. I should mention, of course, that the 1955 act restricted the use of the surface for nonmining purposes.

Consequently, section 2322 of the Revised Statutes, which specifically provides for an inheritable possessory right to the surface where a valid mineral location is made and the laws are complied with, has been relied upon by whole communities in some mineralized areas which are built on unpatented mining claims.

But reliance on this kind of title is illusory, and this Department, seeking to make the land available for other uses, and responding to some extent to public criticism for "permitting" nonmining use of these claims, undertook to oust as squatters, some people who had remained in peaceful and undisturbed possession of an unpatented mining claim for a half century or so.

The impact of this program was so harsh, and seemed so inequitable, that the Department did what a good manager should—it took the matter up with its board. Cooperating with the Congressman of the district most seriously involved, legislative action was recommended by the Department to permit these "equities" to be recognized. Congressman JOHNSON's bill and Senator CHURCH's similar bill have passed the two Houses of Congress and are awaiting final resolution of differences between them.

Here I do not conceive that the manager can fairly be charged with any relaxation of his stewardship of public resources. Making recommendation for legislative action in a situation where any impartial student would conclude that the rules governing were changed in midstream is a duty of the manager. To make recommendations which conform with a basic standard of fairness and fairplay is also indicated.

One final instance: In 1955 the Congress amended the Materials Act to withdraw deposits of common varieties of sand, stone, gravel, pumice, pumicite, and cinders from locatability under the historic mining law. During legislative consideration of the bill, the Senate Interior Committee pondered whether limestone suitable for use in the manufacture of portland cement would continue to be locatable, and that committee concluded in its report that it should.

A legal opinion in rather unfortunate language concluded that, as vast deposits of limestone exist throughout the United States and could be manufactured into portland cement, limestone was not subject to location under the mining laws. Accordingly, the language in the Senate report could not be relied upon to modify an unambiguous statute, and would have to be ignored.

This matter eventually was resolved by a clarifying amendment of our regulations, conforming to the expression of legislative intent. I discuss the case, not to criticize the opinion, but to call attention to the reason this matter engendered so much concern.

It is not always appreciated that as it is administered and interpreted in this Department, the basic 1872 act grants to the Department a power much broader than the right to deny a patent. A denial of a patent usually means that the claim is void. Its voidness, logically, relates to its very beginning, the failure to make a discovery of a valuable mineral deposit. So in recent years, the Department has uniformly accompanied a denial of patent with a cancellation of the claim.

Thus, a decision or an opinion in a particular case has significance far beyond the one claim or the one locator in question. Equal treatment of persons similarly situated as well as proper protection of the public interest demands prompt and affirmative action to void all claims in the same category. So a single decision creates a sword of Damocles suspended over the collective head of any industry whose future is dependent upon located claims of that character—or a community of third-generation residential occupants. The stakes become enormously high, even when the immediate claim in controversy is of modest proportions.

The most restrictive position which the Department could take with reference to the mining laws of 1872 is their administrative repeal—to retain land in Federal ownership by administration and interpretation so that acquisition of title to mining claims as a practical matter becomes impossible. A simple thing like failing to get around to the mineral examination which is necessary prior to patent can stall a claim until all but the hardiest applicants give up.

This involves a perfectly moral objective. There isn't anything sacred about the principle of free exploration and purchase of valuable deposits of minerals on the public lands of the United States. When we were asked recently to suggest legislative approaches to eliminate the nonmining use of the surface of mining claims, I suggested (unofficially) that a perfectly constitutional and supportable law could be passed making all minerals leasable.

But a moral objective does not justify an immoral procedure. Disagreement with a law's objective does not relieve the responsibility of its enforcement. Repeal or amendment of statutes is as much the legislature's prerogative as is their enactment. This Department can interpret the words "valuable mineral deposit" until the courts or the Congress say to us nay, but to use this power of administration and interpretation to repeal the law itself ought to be beyond the pale.

I have discussed with several distinguished Western lawyers, long experienced in the mining business, how it has come about that such a sweeping change could take place in the interpretation of a very simple statute.

Scholarly legal papers have been written on the anatomy of the change. Philosophically, I would guess that the root of the matter is in the word "free"—"valuable mineral deposits in lands belonging to the United States, shall be free"—in the 1872 act. Courts have been willing to accord to the manager considerable leeway in interpreting statutes which authorize transfer of property from public to private ownership for less than full consideration. Judge Lindley could not have written his summary of the law as including the "prudent man" concept in the early part of this century had this not been the case.

And as the country has become more and more crowded, this original interpretive process has simply been extended, until the process of extension itself has achieved a measure of judicial recognition.

Of late, getting judicial review has been difficult. This is usually the case where one of the parties is the sovereign, and the sovereign is almost always an interested party now that the remaining public land is in a withdrawn status.

As to our own hearing and appellate system, I can only observe that the hearing examiners seem to a considerable extent to be prisoners of the intradepartmental system of jurisprudence, if citation of authority is any measure.

I have said to this association in the past that I think the mining laws were conceived in a Jeffersonian philosophy for handling of the public lands and settling the West with which I agree. The right to explore the public domain lands for minerals provided for in 1872 has been relatively little interfered with; certainly not so much as the concomitant right to occupy and purchase. This right to explore continues to serve a useful public purpose.

Furthermore, I defend this Department's right and duty to manage the lands and mineral resources in the light of the changed and changing conditions of the 20th century, and I know that the Congress and the people demand that we hold to that standard.

That we have the ability to nullify the mining laws by interpretation and administration does not mean that we have done so. Quite to the contrary, it seems that not only the land speculators, unscrupulous leeches on the poor and the defenseless, but the exotic, promotional type mining operators have been able to make quite a good thing out of the mining laws, particularly placers.

Modern technology makes even present marketability a test which can be met in certain low-grade mineral values. The gold dry placering operation and the so-called black sands, alluvial deposits of magnetite, ilmenite, hematite, garnet, rutile, chromite, and the like, have accounted for probably a half million acres of recent locational activity in Arizona. Since that State's laws require a discovery hole, grazing and other permitted surface uses are being interfered with.

Misuse of the mining laws by the land speculators is a particularly virulent evil, which works its damage before the Government can do much about it.

The absence of a mining claim recordation system is an extremely hurtful administrative handicap.

But you don't get rid of bad laws by bad administration, nor do you get rid of the bad features of good laws by bad administration. Where we face administrative difficulties by reason of misuse of the mining laws, money to get more policemen to drive off the occupants is a stopgap measure, and no substitute for legislative assault upon the evil itself.

No, the answer I think lies to some extent in what I have tried to do here today—to suggest that we've pulled, twisted, and hauled on the mining laws until we've virtually paralyzed ourselves in achieving the necessary improvements.

A necessary first step toward relieving this paralysis is to lay open, before the interested public, the details of the workings of the entire organism of mining law administration—the governmental environment, I called it earlier.

Now that I've done part of this job, or tried to, I am sure I shall be charged with advocating that the Department be more liberal in its interpretations of the present mining law. This I deny, just as I deny that I advocate being more strict. All I advocate is the quite unexceptionable proposition that we ought to leave to the legislature that which is legislative, and try to do a great deal better job of administering.

Mining law administration must be seen in the context of the relationship of the Department to the Congress, in the context of the somewhat divided administrative responsibility within the Department, and in the philosophical context of how courts interpret laws which give administrators the right to dispense privileges or benefits.

If the Mining Act of 1872 has become a weapon of the administrator, as well as a refuge of the miner, as I think it has, then recognition of the fact may further the consideration by the Congress of what amendments are indicated.

I look at this as an exercise in the art of government, a subject which delights me. This free Government of ours is worth all the time and attention it can get from each and all of us.

Others on this panel may see in the growing conservatism which I have described an erosion of the laws of discovery. But so long as the mining laws remain blind to the broader aspects of public land management and continue to grant supplemental benefits in land and resources unrelated to mining, the administration of those laws must inevitably demand of miners an ever stricter demonstration that a valuable mineral deposit exists upon their claims. If this gives miners a chilly feeling of exposure, it is not because the Department of the Interior is trying to pull away from them the warm blanket of the law's protection, but because the needs and problems of the mining industry have grown too large for adequate coverage by this statute. Our mutual concern is properly a hand-in-glove effort for an improved statute which could be administered in the interests of mineral development, free from the interplay of tensions between a frustrated industry and an apprehensive public.

Like Mark Twain's reference to the weather, it is almost habitual to say that the mining laws are outmoded and demand revision. Unlike the weather, however, it is within our competence to solve this problem and to conform these laws to the needs of the current time. But talking about it doesn't get the job done.

For the better part of an hour now I have engaged in something of an intellectual striptease—an introspective analysis of the processes which have been at work in the administration of the mining laws. Most of you are familiar, in one degree or another, with the results of this process. Some of you have been vocal in your criticism of these results. One of my purposes has been to show that there is a logical pattern of cause and effect for the situation in which we find ourselves—not as an apology, but to lay the groundwork for what I believe to be the lessons of this experience.

No devotee of self-flagellation, I have not indulged in this process as a public confession of administrative fault. Nor can I be satisfied with carping criticism aimed at those who conduct the governmental process—whether they be lawyers, geologists, economists, or any other variety of land management specialists. The present state of the mining law is a complex of many influences—all of which fall under the umbrella of a changing society in a world of change. The plain, cold fact of the matter is that in 1962 we are trying to do business in a building whose cornerstone reads "1872." It has been added to, patched up, and propped up—but its basic character still remains as the primary influence on our method of doing business. So long as we work in an antiquated environment, those who are charged with doing the job will be forced to devise ways of making the result compatible with the prevailing public interest, as they see it.

What I am really saying is that every incentive and motivation in the present framework of Federal mining law tends toward the kinds of tortured construction that I have cited. It is morally offensive to any person dedicated to the public interest to see hundreds of thousands of acres of a public trust siphoned off under the guise of "free and open" access for mineral development when it seems obvious that the highest and best use of this land lies in some other direction. I maintain that it is totally unrealistic to expect this attitude to change until we bring the legal framework of the mining system into conformity with the actual social and industrial environment of this decade.

Is it the obligation of the Government to assume this burden alone? I think not. If not, who else has the most direct interest and responsibility? My frank answer is that you—the organization and the people present in this room and those you represent—must make your constribution out of your own self-interest as well as a decent respect to your own peculiar obligation to the public interest.

I say this, not as a way of shirking my part of the job, but out of a realistic appreciation that success can come only with your cooperation. Certainly, if the industry comes out in monolithic opposition to sensible change, we will be condemned to wallow in this morass until an aroused public demands radical reform. History teaches us that many unwise things are done in the heated atmosphere of such crusades.

I have been intentionally open and frank in my self-analysis here. It seems to me incumbent upon a responsible industry to do likewise—not in open forum, but with equal honesty in your own councils. Your industrial future is at stake and you owe it to yourselves and the Nation to take a comprehensive inventory which will permit a precise definition of the mining industry's proper stake in the public land heritage of the American people.

The objective of the Department of the Interior in this administration is to manage the public land resources in a manner which will promote the total national welfare. This means, among other things, the intelligent development of the mineral resources to meet the needs of an expanding economy. It means full recognition of the legitimate interests of the mining industry to the end that it participates in the Nation's prosperity. I call upon you to define the metes and bounds of that interest and to join in a mutual effort to translate that definition into a public lands mining policy which the Congress can adopt as the law of a prosperous land.

TRIBUTE TO COUNTY AND COMMUNITY AGRICULTURE COMMITTEES

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. Rains] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RAINS. Mr. Speaker, during our recent deliberations in an attempt to solve our so-called agriculture problem through the enactment of suitable legislation, I could not help but think of the men who make up the 3,056 county committees in this great Nation of ours and the 27,000 community committees who will have the enormous task of taking these laws we pass here and implementing and administering them to their fellow farmers there at home.

I think it is only fitting that we recognize the tremendous task that is theirs and the achievements they have accomplished in the past. Under our existing law, which I hope will never be changed, the local administrative responsibility for administering farm programs is placed with these farmers through the community, county, and State committees. Farmers participating in programs in the community elect annually from their number a community committee of three members. The newly elected chairman or vice chairman, respectively, of the community committee serves as a delegate to the county convention. These delegates elect from the farmers participating in the programs in the county a county committee of three members. The county agent is an ex officio member of the committee unless elected secretary of the committee. As I said before, there are 27,000 community committees and 3,056 county committees.

Community committees provide local leadership and supervision in assisting the county committees in carrying out programs assigned to them. They inform the farmers of the purposes and provisions of programs and arrange for and conduct community meetings of program participants. In addition to the above, they perform such other duties as may be assigned by the office manager under the direction of the county committee. Farmer-elected ASCS committeemen are aware of the impact of the farm income on the economy, not only on his immediate community but also upon the Nation as a whole. These farmer-committeemen know that their fellow businessmen are almost completely relying upon the income received from farms, which moves from the hands of the farmers to the businessman.

This makes the farmer-committee system of utmost importance to the overall economy of the Nation and the will of the Nation to resist communism and preserve our American way of life and strive to free the enslaved people throughout the world.

We owe our farmer-elected ASCS committeemen a great debt of gratitude for giving freely of their time to help their fellow farmer and the Nation as a whole in trying to make our farm programs work as efficiently and as effectively as possible.

I want to take this opportunity to point out to each of you and to the Nation as a whole the contributions being made by these men and I strongly feel that they should be commended for their efforts.

GOVERNOR BARNETT, OF MISSISSIPPI

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Nix] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. NIX. Mr. Speaker, the recent defiance of Federal authority by Gov. Ross Barnett, of Mississippi, evokes and merits the condemnation of millions of our law-abiding citizens. I, therefore, herewith bring to the attention of my colleagues my telegram to President Kennedy dispatched this day:

September 27, 1962.

President John F. Kennedy,
The White House,
Washington, D.C.:

In the event that Gov. Ross Barnett, of Mississippi, refuses to appear before the Fifth U.S. Circuit Court of Appeals in New Orleans, La., on Friday, September 28, the power of the Federal Government must be invoked immediately. Yes, even the use of U.S. troops must be utilized to bring the offenders to book.

I urge in the strongest possible terms that prompt and positive action be taken against Barnett and all others found to be in contempt, as an assurance to the millions of law-abiding people of this country that this administration will not tolerate any threat to this Nation whether it comes from within or without.

Respectfully,

Robert N. C. Nix,
Member of Congress.

RETIREMENT OF ASSISTANT SURGEON GENERAL ARNOLD B. KURLANDER

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FOGARTY. Mr. Speaker, I would like to draw the attention of the House to the retirement on September 30 of one of our distinguished commissioned officers of the Public Health Service.

I refer to Assistant Surgeon General Arnold B. Kurlander, who is leaving after 23 years of outstanding service to this Nation.

Dr. Kurlander has devoted his professional career to the Public Health Service. A native of Cleveland, Ohio, he attended Western Reserve University and obtained his medical degree from Ohio State University's School of Medicine in 1939. He earned his master of public health degree from the University of Michigan in 1947.

Upon completion of his internship at the Public Health Service hospital in New Orleans in 1939, Dr. Kurlander became a commissioned officer and served in Public Health Service hospitals in Galveston, Tex.; Norfolk, Va.; and Boston, Mass. Following assignment to the Arizona State Health Department from 1945 to 1946, he was detailed to the Ohio State Health Department for 3 years.

In 1950, Dr. Kurlander was given his first headquarters post in Washington as Chief of the Program Development Branch, Division of Tuberculosis Control. He was then made Assistant Chief of the Division of Chronic Diseases and Tuberculosis Control and subsequently Chief of the chronic disease program.

In 1957 he was named Assistant to the Surgeon General and a year later, Assistant Surgeon General for program. In June of 1958 he was promoted to Deputy Chief of the Service's Bureau of

Medical Services. He was appointed Assistant Surgeon General of the Service in January 1960.

During World War II, Dr. Kurlander served as Assistant Surgeon of the U.S. Coast Guard, whose medical care program is under the direction of the Public Health Service. From 1948 to 1950 he was instructor and then assistant professor of preventive medicine at Ohio State University's School of Medicine.

Like most of his colleagues in the Public Health Service, Dr. Kurlander belongs to a number of professional associations and is an active participant in several organizations in the field of disease prevention. He is on the board of directors of the Chronic Disease Research Institute, of Buffalo, N.Y., and is a trustee of the Health Research Foundation, Inc., of Asheville, N.C. He is a diplomate of the American Board of Preventive Medicine and Public Health, a fellow of the American Public Health Association and the American College of Preventive Medicine, and a member of the American Medical Association and the Association of Military Surgeons.

Although he is primarily concerned with public health, Dr. Kurlander has had practical experience as a clinician and surgeon. And he is, of course, a veteran administrator of Federal, State, and local programs whose impact on the Nation's health has been widespread and deeply felt.

A career such as his typifies the kind of genuine service, devotion to duty, integrity and high-level performance that we have come to expect from members of the Public Health Service commissioned officers.

Now, after more than a score of years in public service, Dr. Kurlander stands on the threshold of a new career. He has accepted the post of director of Sinai Hospital in Baltimore, Md., a position for which he is ably qualified.

On behalf of the American people I want to thank him for a job well done and wish him continued success in his new undertaking.

H.R. 11581

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Hechler] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HECHLER. Mr. Speaker, I call the attention of the House to the following telegram which I received today:

Hon. Ken Hechler,
House Office Building,
Washington, D.C.:

The Friedel amendment to H.R. 11581 would gravely impede medical progress. Discussions with other responsible medical investigators indicates that were the opportunity provided they would have testified to the strangling effect that such a provision would have on the development of new weapons in our fight against disease. The public welfare will be harmed grievously by this amendment.

Nathan S. L. Kline, M.D.,
Director of Research, Rockland State Hospital.
Louis Lasagna, M.D.,
Associate Professor of Pharmacology, Johns Hopkins Medical School.

THE 25TH ANNIVERSARY OF HOUSING PROGRAM

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, this month marks the beginning of the 25th anniversary year of public housing, of a congressional charter, if you will, that has served notice that decent housing for every American is a matter of governmental concern and action.

We can pay tribute today to the humanity and farsightedness of the 75th Congress and to President Roosevelt in setting this foundation stone of governmental assistance in housing and urban affairs.

The Honorable Marie C. McGuire is the eighth appointed PHA Commissioner since the low-rent program was established, and the first woman to hold this post. Her agency works with more than 1,700 communities in a partnership designed to meet the housing needs of low-income families.

Although she was born here in the Nation's Capital, Mrs. McGuire showed rare judgment and perspicacity at an early age by "going West" to Texas. She studied community planning and design at the Architectural School of the University of Texas, and the theory of real estate practices and property management at the University of Houston.

At San Antonio, this adopted daughter of our fair State administered the Housing Authority—12 public housing projects with a total of 5,154 dwellings, still the largest program in the country to be directed by a woman. In 1960, the justly celebrated Victoria Plaza opened its 9 floors and 185 apartments for persons over 65. The first floor community center, always a beehive of activity, is operated jointly by the Housing Authority and the Community Welfare Council of San Antonio. Victoria Plaza is a realization of the ideal in housing for the elderly, in design criteria, as well as in community and social services.

Since enactment of the Housing Act of 1961, 136 new local authorities have been created, 18 of them in counties. More than 60 percent of housing authorities is in the smaller, rather than in the larger cities and towns—areas under 2,500. For example, of these new local housing authorities, 47 are in areas under 2,500 population, 45 in communities under 10,000, 21 in cities between 10,000 and 49,999, 4 in the 50 to 99,000 category, and 1 in a city of 126,000. Here in the East, even that last one is probably a whistlestop by today's big city standards.

In my own sovereign State of Texas, interest, activity, and construction is snowballing in low-income public housing for senior citizens. In 50 separate localities, a total of 1,798 dwelling units have been earmarked for the elderly, with 225 already under management.

Public Housing is 25 years old—an occasion, I am gratified to note, that is receiving widespread recognition by all responsible elements of the press. I hold here in my hands an editorial of the Weekly Bond Buyer, a journal dedicated to business interests. They took occasion to note the 25th anniversary at length and in depth. I would hope that this recognition that public housing has come of age augurs a trend among enlightened business interests concerned, in a spirit of constructive self-interest, with the well-being of all our citizens and the health and happiness of our Nation. With such support, this program, serving the greatest area of housing need, can be encouraged to find solutions which, until recently, were made more difficult in an atmosphere of unenlightened and specious controversy.

This front-page editorial is titled "A House Can Be a Home," and was written by Mr. John Gerrity, Washington editor for the Daily and the Weekly Bond Buyer. Following is the statement:

A House Can Be a Home

(By John Gerrity)

Washington, September 1.—Humanism, once a concept scorned by cynics and decried by pragmatists as no better than maudlin, has come of age in the Nation.

Vivid proof of this abounds today, as the Public Housing Administration—possibly the best of all Government efforts to portray a country's concern for its young and its aged, its poor and infirm—marks its 25th anniversary, and the start of a year that hopefully will see the beginnings of grand new schemes to erase forever the awful blight of subordinate citizenship.

Few endeavors undertaken by this Government, or any other, for that matter, can equal the performance of public housing over the last quarter of a century as a showcase of democracy at work.

Along with the Marshall plan, the Truman doctrine and the vision and hope that fostered the conception of the Alliance for Progress, it is one of the most exportable and exploitable items of evidence that a democratic system, encumbered though it may be, can generate and sustain great progress, without infringing on the rights of the individual.

Viewed from a domestic aspect it is a prime case history of the workability of the system of federalism.

DEMONSTRATION OF THE PROPER FEDERAL ROLE

Since its very inception, the public housing law has functioned on a completely cooperative basis between the Federal Government and local housing authorities. In so doing, it has demonstrated that a central government can perform efficiently without usurping the prerogatives of local governments or their agencies.

The statistical record of the past 25 years is bright and impressive. This local Federal program has produced more than a half million homes, and during this period, adequate, if not elaborate, shelter for more than

5 million persons at one time or another—half of them children, and nearly 125,000 elderly citizens, possessed of small or very modest incomes.

Today, it affords homes for nearly 2 million persons, and there are under construction some 40,000 low-rent dwellings and more than 100,000 others in various stages of preconstruction planning and design.

In some 1,400 cities and counties scattered across the Nation it has worked tirelessly to banish the awful blemish of slums, to restore simple dignity to those whose only fault was to be poor or relatively so, to help erase the stigma that somehow still clings to pigmentary prejudices—and to accommodate itself to the gigantic task of building the great metropolitan areas and strip cities that have come to characterize the population and industrial complex of the Nation today—and, even more so, of tomorrow.

The evolution of public housing as an instrument of social and economic advance, contains elements not revealed in the mere recitation of housing statistics—and it is in these elements that the factors that stir men's imaginations move.

At the very outset, the program, of course, was devised and initiated primarily to meet an insistent need: livable homes for the indigent or near-indigent, the jobless, the unemployables, the untrained, uneducated and handicapped, the aged and the young, all part of the vast army of casualties who wandered homeless, or nearly so, throughout the land in the wake of the economic upheavals of the thirties.

CREATION OF AGENCY MEETS OPPOSITION

In the beginning, as is the lot of all government agencies that appear at least on the surface to be invading the sector of the economy set aside for private interests, the Public Housing Administration met with considerable hostility.

In time this hostility softened into grudging acceptance, and then during the war years, when a hiatus enveloped nearly all housing, public and private, the program retreated into the obscurity of war-enforced inactivity. In the immediate postwar period, however, when much of the social structure of the Nation was disjointed by large numbers of returning veterans, a sudden influx of new families and a shift in industrial emphasis, with resulting dislocations of migrant workers, the PHA was restored to its own, in a manner of speaking.

Again there was a mix of hostility, and suspicion on the part of some and frank enthusiasm on the part of others, but in a short time this mix faded with the widespread acknowledgement of the basic fact that in housing that there will always be a level below which private enterprise cannot produce homes for fair profits, or on acceptable economic standards.

Thus, the choice was apparent. Either this void was to be filled by worsening slums, or else public housing would function in an uneconomic area for private enterprise.

Once this hurdle was successfully surmounted the emergence of two other new concepts followed in natural course.

While the initial objective of public housing was to provide safe, decent, and inhabitable homes for low-income groups, with the consequent emphasis on construction to meet a need, this is not the sole aim today. In short, the broader goal is to meet the basic need, but to place the emphasis on people, rather than on the sheer accomplishment of building.

THE REALIZED IDEAL OF ESTHETICS

Collateral to this development was the mass awakening to the fact that to be useful and economical didn't necessarily mean that a project had to be grim or ugly; that there would be nothing abortive in a union of architectural attractiveness with utilitarianism.

Stimulating this awareness, of course, was recognition of the fact that somehow or other low-cost public housing ought to be fitted in with the overall rehabilitation of the Nation's great cities.

Today no more forceful advocate of these two ideas exists than Marie C. McGuire, Commissioner of the Public Housing Administration. To her, the future development of metropolitan areas and public housing projects are virtually indivisible, if for no other reason than the fact that population shifts which have today placed 8 out of every 10 Americans in urban areas will continue rather than diminish.

She makes no bones about her horror at the thought of expansion of "stratified Government projects" or the barracks-type structure that is only small improvement over the slums it replaces.

"Public housing in its development," she says, "should not be clearly identifiable, even when faced with density problems.

"Unfortunately, too often in cities around the country, public housing facilities have been so designed that, instead of blending with the architectural patterns surrounding them, they stick out like sore thumbs creating a sense of pride neither in the occupant nor in the community. This certainly need not be. It costs no more to produce good design than poor design."

SURVEYS UNDERWAY IN THREE AREAS

To prove this point an on-the-spot survey, under the sponsorship of the PHA, the Community Facilities Administration and the Housing and Home Finance Agency, is now being made of Houston, San Francisco, and Greater New York, to determine how well and in what ways public housing can be fitted into the architectural schemes of areas where density is one of the worst problems.

Mrs. McGuire, a seasoned veteran of the housing wars for more than 20 years, is a visionary, but one not addicted to pie-in-the-sky dreams. A tough fighter for lofty but attainable goals (she handles a cigarette like a man, but smokes like a lady), and rigid in her adherence to the principles of public service, she is satisfied but not exhilarated over the performance of public housing in the past.

She thinks the program has adequately met the challenges of the past. But since public housing will be with us so long as the poor will be, she is convinced that the acid test will come in the next few years.

It is largely because of her efforts, for instance, that the new homes being built for the low-income aged are tailored to meet the demands and needs of people first, and construction specifications second. Similarly, she perceives a growing need for low-cost housing for the thousands of youngsters who will be building new families within the next 4 or 5 years.

And these homes for the young, as well as those for the aged, she thinks, ought to be livable in broader terms than those that are merely equated in symbols like a roof overhead and four walls and a floor.

Despite the fact that public housing has been part of the American scene in its present form for a quarter of a century, Mrs. McGuire thinks that much must still be done to educate the public to its needs and potentials.

THE CENTRALIZING JOB OF THE PHA

She commends most local housing authorities for their initiative and drive. Nevertheless, it is a continuing job to enforce the basic concept of partnership between governments and to induce local governments to assume a larger share of what is fundamentally a local responsibility.

She is convinced that a department of urban affairs is essential. Not because she has any great love or tolerance for bureaucracymaking, but simply because she finds it impossible to separate the problems of area redevelopment for mass transportation, for example, from those of mass living.

And mass living is Mrs. McGuire's business. But building for building's sake is not her concern. Her's is a problem of people. How they live together in ever diminishing space, and do so healthily and sanely, falls within the province of public housing, possibly more so in many ways than it does with private housing.

In this context, a 25th anniversary to her is not a terminal point; it is merely the beginning of a new era, when very probably the challenges will be greater, but so, too, will the rewards of achievement.

CALIFORNIA WINES

Mr. CLEM MILLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEM MILLER. Mr. Speaker, I wish to draw attention to the present-day maturity of a great California industry. This is spelled out in an article by John D. Weaver, appearing in Holiday magazine, September 1961. It gives an accurate and interesting account of the California wine industry.

The achievements of this industry impels us to cast a fresh, appraising eye over our old ideas about wines. It seems France has been regarded by Americans as the very synonym for fine wine. Since Roman times, there can be no doubt France has produced distinguished vintages. Rabelais wrote long passages extolling the wines of France, two centuries before this country came into existence.

Thus, our respect is well founded. It takes time for great wines to come into being. Our California wines have now come into their own. It is established opinion, all over the world, by those who know wines, that our California wines are of the best. This high quality and high standard of production of our American wines now demand respect. Over the past century, we in California have developed a tradition of distinctive wine production. Our vines prosper in the rich soil and favorable climate of California, and particularly in the district I am privileged to represent. Our casks and fermentation processes are closely watched to protect the health of the consumer to a degree that would startle continental wineries. The result is an excellent selection of delicate wines not to be surpassed anywhere in the world.

I am confident that Mr. Weaver's article, which follows, will supplement our knowledge of this great and rising industry:

THE VINEYARDS OF CALIFORNIA

(By John D. Weaver)

Although I have lived in Los Angeles for 20 years, I had never explored the California wine country until last spring. "Don't drink the water," a friend warned me before I set out, then added as an afterthought, "And don't drink the wine." He was right about the water, but wrong about the wine. American wines, I discovered, are somewhat in the same position as American literature before Emerson declared its independence of England. Our wines, like our literature, are capable of standing on their own sturdy feet but they still bear the "domestic" stigma. As I drove happily from winery to winery, I felt rather like an expatriate American stumbling for the first time across the work of Mark Twain.

The countryside in spring was a blend of the Atlantic seaboard and the California coast range, of pink dogwood and gnarled manzanita, of lilac and redwood, snowball bushes, and camellias. The budding vineyards were ablaze with yellow mustard, the gently sloping hills sprinkled with orange poppies and blue lupine. Deer darted out from pine and cypress groves. Magpies gossiped on every fencepost. Sheep and white-faced cattle were grazing in the foothills, the lambs standing knock kneed in the range grass, the calves bawling, an occasional colt frisking on its spindly, uncertain legs.

Spring is the quiet time when the vines are leafing and the young wines of the last crush are being tested in the laboratory and tasted in the wood. The winegrower scrambles up a ladder to the top of a 2,000-gallon oak cask, carrying a curved glass tube—the French pipette, the American "wine thief." Samples of the aging wine are "thiefed" from the cask and released into tulip-shaped tasting glasses. The wine is held to the light for color, then swirled, sniffed, and tasted. The swirling releases the wine's aroma (the fragrance of the grape) and bouquet (the fragrance of the wine). What the nose detects, the palate confirms, perhaps elaborates. This is the time of decision, when the wine is either graduated to the bottle or held back in the wood.

The winemaking cycle begins in September, when the grapes of the new vintage are harvested. This is the time of fairs and festivals, the start of the winegrower's new year. The vineyards come alive with pickers, the roads with trucks. The wineries are drenched in the overpowering fragrance of freshly crushed grapes. Visitors walk into a montage of whirling crushers, flowing troughs and bubbling tanks. They see the grapes crushed and stemmed, the free-run juice, or must, pumped into tanks where fermentation is touched off by wild yeasts. The fermented juice becomes wine through the conversion of sugar to alcohol. It is essentially a simple, natural process, ageless and universal.

A new vintage, like a newborn child, is a perpetual source of wonder, its character as yet unformed, its future unpredictable. Wine is a living thing. As it grows, it takes on individual traits. In the equable climate of California, vintages are much alike, but to the makers of wine each crush is as distinct as the children of a large family. One may be harsh, another smooth; one mellow with age, another sour. The precocious child may never fulfill his promise, whereas the backward wine, apparently born to the ignominy of a commercial blend, may turn out in 10 or 15 years to be the family's pride.

"With children and wine, you should always use gentle guidance, never rigid regimentation," John Daniel, Jr., tells guests at his Inglenook Vineyards, speaking as a father and as a winemaker.

The wineries are always open to visitors, who are piloted through grapy forests of oak and redwood casks and tanks, where white hoses lie coiled like cobras on freshly washed floors, and into dark, cool, limestone tunnels, where the wine ages in carved-oak cooperage. Their tour completed, visitors are ushered into the tasting room, where they learn to distinguish among generic labels which bear the name of the wine's characteristic grape. Thus, a burgundy becomes a binot noir, a beaujolais, a gamay, a chablis, a chardonnay, a sauterne, a sauvignon blanc or semillon. Cabernet sauvignon is the aristocratic grape of the red wines of Bordeaux, the Englishman's claret.

Innocents abroad in the wine country are often surprised to discover that most of the vineyards of California and the Continent are planted in the same classic varieties of Old World grapes grafted onto the same New World rootstock. This marriage of convenience came about because of phylloxers, an American vine louse which slipped across the Atlantic on some native cuttings in the mid-19th century and, after nearly wiping out the European wine industry, hitchhiked home on foreign vines to decimate the California vineyards. The louse was finally subdued by mating the European vines (Vitis vinifera) with phylloxera-resistant American roots (Vitis rupestris).

The California vineyards have recovered from phylloxera, but they have yet to recover from a more devastating blight—prohibition. This folly not only laid waste the vineyards, a few of which survived by producing sacramental and medicinal wines, but also changed the drinking habits of an essentially temperate people. The California vines have sprung back to life since the long drought, but the growers, in one generation, have not been able to graft a wine tradition onto a Martini root stock.

"California is superior in all the conditions of soil, climate and other natural advantages to the most favored wine-producing districts of Europe," Agoston Haraszthy told the State legislature in 1862. Haraszthy was a high-born Hungarian political exile who settled in California after founding Sauk City, Wis. When he reported to the California Legislature, he had just returned from a 5-month trip to the Côte d'Or, Johannesberg, Asi, and Malaga vineyards in Europe, where he had purchased 100,000 cuttings, of some 300 grape varieties, which established European vines in the north coast vineyards of California.

Count Haraszthy (he picked up the title in Wisconsin) had been experimenting with European vines ever since his arrival in America. One spring day in 1852 he was looking over a bale of imported cuttings, some of which had come from Hungary, when he noticed a faded inscription which seemed to identify a certain vine as a "Zinfandel," a variety he had never tracked down. He planted the cuttings in his vineyards south of San Francisco and was delighted to discover these curious Zinfandel vines were highly productive. The reddish-black grapes grew in large, heavy clusters. The fragrant, fruity Zinfandel wine, with a distinctive flavor reminiscent of a freshly crushed blackberry, proved worthy of the now legendary grape of California's vineyards.

Colonel Haraszthy (he went in for titles) later developed the Buena Vista estate in Sonoma, where at one time he controlled some 6,000 acres, the world's largest vineyard. It is now the property of Frank Bartholomew, the president of United Press International, who has a deep affection for the count, whose restless, imaginative spirit still seems to hover over the Buena Vista Vineyards. The Bartholomews may have felt the presence one Sunday afternoon in November 1943, when they were spending a weekend in Sonoma. As they were driving with friends through Haraszthy's old estate, overrun with weeds and scrub growth, someone casually remarked that the property was to be sold next day in competitive bidding at Sacramento.

"We had no intention of buying a vineyard," Bartholomew recalls, "but we fell in love with the place. We broke open our piggy banks, cashed in our E bonds, put the bite on our friends and next morning at 10 o'clock, there we were in Sacramento."

The Bartholomews have now restored the two old stone wineries. Visitors, with the pleasant feeling of having wandered into a French clos, park beside a brook, shaded by eucalyptus trees, one of which is thought to be the largest in California. In a candlelit underground tasting room the Buena Vista wines are set out for sampling. Some visitors ask for the Green Hungarian, since only one other California winery (Souverain) makes it. Others prefer a Pinot Noir or a chilled Chardonnay. The history-bent sentimentalist will select the Buena Vista Zinfandel and, in the count's own cellers, toast the happy accident which entrusted this distinctive California red wine to Haraszthy's hands, like a waif left in a church doorway.

Plaques on the restored winery and in Sonoma's historic plaze salute Haraszthy as "the father of California viticulture," but his real monument is to be found in the vineyards themselves. Grapes now grow from the Mexican border to the Oregon State line, some 800 miles away. Of the 5½ billion pounds of grapes harvested each year, half are eaten, dried for raisins, or squeezed into grape juice. The other half goes into wine.

The warm inland valleys, where the grapes develop less acid and more sugar, produce the dessert wines which, with the apéritifs, account for three-fourths of California's wine production; the prestige, if not the profits, of the industry rests on its finer table and sparkling wines, most of which are made within a leisurely hour's motoring from San Francisco Bay. It is the cool, moist air from the bay which provides natural air conditioning for the north-coast vineyards. Santa Clara to the south, Livermore to the east, and, to the north, separated by the Mayacamas Mountains, the Napa, and Sonoma Valleys.

The Indians named the valley "Sonoma," or "many moons," because they believed seven different moons rose above the mountains to the east. Sonoma, since the days of the Spanish padres, has always been a winegrowing region. Gen. Mariano Vallejo, the amiable Mexican commandante, was a discriminating maker of wine. Sonoma is one of the rare tile-and-abode California towns which has managed to preserve much of its pueblo past without lapsing into the self-consciousness of Santa Barbara or the unrelenting quaintness of Carmel. A choice of accommodations is offered between the 20th century (El Pueblo Motel) and the 19th (the Country Inn). A recent visitor from London, a young woman in tweeds and sensible shoes who had picked the Country Inn, could be heard humming in her room, delighted to have discovered a provincial English inn tucked away in the American wilderness of standardized creature comforts.

The Valley of the Moon, as no visitor can escape noticing, is Jack London country. London's ranch is in nearby Glen Ellen, where he settled with his second wife and soon fell victim to the 1909 eucalyptus boom which hit California as a result of a shortage of eastern hardwoods. He planted nearly 150,000 trees, hoping to make a killing which would liberate him from the agonizing necessity of having to write for a living. Before he was through, he managed to drop close to $50,000.

While London was planting his trees, an Italian immigrants, Samuele Sebastiani, was peddling his robust red wines in 5- and 10-gallon kegs to quarry workers hacking at the Sonoma hillsides for cobblestones to pave the streets of San Francisco. Sebastiani's son, August, now sits in the front office of the family winery, just 10 feet from where he was born 47 years ago. Over a bottle of his excellent Barbera, we got to talking about the old days, when his father had set himself up in business with a 501-gallon stave tank and enough grapes to fill it. Those days, August felt, were long gone.

"I still buy grapes from some of the same farmers who used to sell to my father and they still treat me like a kid," August said, "but the small winegrower is dying off. Unless you operate on a large scale, you can't make a profit, not after you've spent $4,000 on a tractor and another thousand on a diskplow."

August, like many local winemakers, hangs out at a lively Sonoma landmark, the Swiss Hotel, which faces the plaza on West Spain Street. The Swiss Hotel has a $3 bill, issued by the Farmers & Merchants Bank of Memphis, Tenn., on May 1, 1854, framed above its bar. In the dining room, no less rare, Ted and Helen Dunlap serve real bread, a yeasty surprise for palates resigned to presliced loaves of reclaimed cleaning tissue. Much of the conversation of the winemakers and grape farmers these days centers on their wealthy new neighbor, whose hilltop winery was modeled on his own photographs of the famed Clos Vougeot in Bordeaux.

The new neighbor is James D. Zellerbach, former Ambassador to Italy and board chairman of the Crown Zellerbach Corp. At the Hanzell Vineyards (Zellerbach contracted his wife's name, Hana, and his own), the retired diplomat has planted some 16 acres of Chardonnay and Pinot Noir grapes in terraced vineyards. Ivan Schoch, a Napa Valley grower who seems continually amused by the human scene ("The fun of this business is the assorted individualists who cast such gigantic sparks into the atmosphere"), likes to tell of the time he replanted the Hanzell Vineyards after the first young vines had been washed out.

"With newly cleared land, you always have trouble with displaced wildlife, especially the birds. I was called in to do something about them. We set up a series of small carbide containers which could be exploded at intervals. Unfortunately, nobody thought to tell Mrs. Zellerbach about them. She drove up to the house one day just as the heavy artillery cut loose and it scared the life out of her. It scared the birds, too, for a while, but they soon caught on to the idea. Now we have a sort of border patrol of schoolboys stationed around the perimeter with .22 rifles. They're getting the job done."

Northwest of Sonoma, Route 12 plunges abruptly into the redwood empire of the Russian River Valley, where sawmills along the road darken the sky with burning waste. It was the fur-trading Russian colonists entrenched in this rugged mountain country who prodded the Spanish into establishing the Sonoma Mission in 1823 to discourage further czarist expansion in California. When Frol R. Kozlov, First Deputy Premier of the Soviet Union, visited the valley a few years ago, he revealed an unexpected familiarity with the workings of providence by remarking, "God must have meant this place especially for vineyards."

The country was opened to winemaking early in the 1880's by the three Korbel brothers, who cleared the land and planted vines around burned-out redwood stumps too formidable to be dislodged. With a long champagnemaking tradition behind them, the three Heck brothers—Adolf, Paul, and Ben—acquired the Korbel Vineyards in Guerneville 7 years ago. The Hecks, a close-knit, good-humored, hard-riding family, have added a Hollywood touch by installing on their ranch a swimming pool in the shape of a champagne bottle.

Visitors are received in the old Korbel depot, built in 1876, or in what used to be the brandy room, now a spacious reception room with a semicircular bar constructed from an old redwood fermenting tank. The winery still specializes in bone-dry champagnes made by the tedious, traditional methods of Epernay. The Hecks have no truck with the controversial plastic cork, which has set off secondary fermentation in California champagne circles.

"Our yeast is the big secret," Dolf Heck told me over a bottle of Korbel champagne brut. "Yeast is the most important thing in making champagne. We got ours in Europe in 1938. That's what makes the difference."

A California champagne is priced according to the process by which it is made. The process must be identified on the label, but to understand the terms it is advisable to visit the Weibel champagne cellars, a mile south of Mission San José on Route 21, where the different processes can be observed. Weibel makes a variety of table wines and a new specialty, Tangor, but is best known as California's largest producer of champagne. For its finest champagnes, made from the Chardonnay grape, Weibel uses the traditional method of bottle fermentation, which simply means that the secondary fermentation (this is what makes the bubbles) takes place in the bottle, as the label must state. Under the bulk process, the fermentation is carried out in tanks lined with glass or stainless steel, a laborsaving method which reduces both the price and the quality.

Napa is the Indian word for plenty, and nowhere in the wine country are so many vineyards huddled so closely together as in the upper reaches of this valley. South on Route 29, from Calistoga to St. Helena, wineries bob up on either side of the road, like resort hotels along the Strip in Las Vegas. Having bedded down in St. Helena at the El Bonita Motel ("Yes," the owner winced when I discreetly brought up the subject of gender, "I know, but it was that way when I bought the place, and I can't afford to change the name"), I had to choose between turning right toward Rutherford and Oakville or left through St. Helena. I turned left, heading for Charles Krug. It was an excellent choice.

Although the old winery still bears the name of the Prussian who pioneered winemaking in the Napa Valley, it is now in the hands of the two Mondavi brothers, Robert and Peter. Bob is the family salesman, Peter the scientist. Both have a warm lively humor; both are dedicated winegrowers. Like so many of the younger men in the industry, they are quick to try new processes, challenge old concepts. On Sunday afternoon guests gather on the lawn beneath towering oaks and, in blind tastings, pit Mondavi wines against comparable foreign ones.

"We do a little better than 50-50," Bob Mondavi said when I asked how the local wines came out in the test. While we were on the subject, he wanted to know if I had ever tried a blind tasting of American soft drinks. I hadn't. "Try it sometime," he said. "You may be surprised."

The sugary carbonated concoctions which confuse the American palate in childhood are of more concern to California winemakers than the cocktails which maul it in later life. The average American, I learned from the Wine Institute, drinks 12 gallons of soft drinks a year compared to only nine-tenths of a gallon of wine. Some of the larger commercial wineries have capitulated to this sweet tooth by offering flavored wines with a high sugar content. Others have sought an honorable compromise, such as Paul Masson with its Emerald Dry and Charles Krug with its not-so-dry Chenin Blanc.

Across the road from Charles Krug, at the Christian Bros., I had a delightful visit with Brother Timothy, admired his corkscrew collection and, when an old friend dropped by, heard about the time Brother Timothy was invited to a black-tie affair in San Francisco and politely wrote back to ask if a reversed white collar would do just as well. At Louis M. Martini, I joined a 45-minute winery tour, which is virtually a seminar on oenology. At Beringer Bros. I drank a glass of Barenblut in a massive stone-and-timber Rhineland mansion built in 1883. At Inglenook, the tasting room turned out to be a handsome museum of carved oak, with stained-glass windows, ancient goblets, German lamps, and Flemish glass. Next door, at Beaulieu, I was enchanted with an arbor of topped, trellised sycamores which led to the magnificent formal gardens landscaped to focus on Mount St. Helena.

The contrasting cultures of the California wine country are nowhere so strikingly highlighted as in the Napa Valley. John Daniel, Jr., of Inglenook is the great-nephew of a seafaring Finn. André Tchelistcheff, Beaulieu's production manager, is a French-trained Russian. Louis M. Martini, a towering figure in the industry, is an Italian peasant-philosopher, rooted in the soil from which he sprang. Hanns Kornell, whose champagnes are among California's finest, is a German refugee who arrived in the United States with $2 in his pocket. Jack Taylor, at the Mayacamas Vineyards, is a quietly humorous Englishman. "Please don't give up now! You're almost there," a sign warns approaching visitors as their feeling of being lost in the Mayacamas Mountains begins to crystallize into certainty.

The Napa growers meet once a month at the Miramonte in St. Helena, where Signora Basilio Lucchesi prepares their luncheon, but their daily meeting place is El Real, a Rutherford restaurant where they sit around a long table with a red-checkered cloth. This is their club, coffeehouse, and forum. To understand what is going on in the California wine country, it is not enough to tour the wineries and taste the wines. The picture must be filled in with a visit to El Real.

"Ninety percent of all wine, American and foreign, is ruined in this country by mishandling," I heard André Tchelistcheff contend, starting a discussion which ended with most of his colleagues in agreement but inclined to scale the figure down. All of them have had cases returned, the wine spoiled from storage in an overheated warehouse or from standing upright on the shelves of a package store, the corks dried and shrunk, the wine oxidized.

"We have no wine merchants in America," Tchelistcheff pointed out, "That is the missing link in our chain. It is a tragedy."

A French maitre de chai, who produces a distinguished, perhaps a great, red wine, can safely assume the bottle will be placed on its side in a cool, dark place and, on achieving maturity, will be decanted with care and drunk with respect. The California winemaker must assume his wine may be left standing on a retailer's shelf, possibly for years. If the wine finds its way to a sophisticated palate, it will be dismissed as "vinegar" and the blame fixed not on the seller but on the maker.

When the subject of inexpensive California wines, many of which are sold in half-gallon jugs, was tossed into play, Tchelistcheff suddenly became enthusiastic. He spoke of Gallo's remarkable technical resources, which reminded me of the impressive research and development department I had recently visited at Italian Swiss Colony in Asti. "Our vin ordinaire," Tchelistcheff said, "is incomparably superior to that of any other country." Louis M. Martini agreed. "It's true," he said. "The vin ordinaire here is made by master winemakers with modern equipment. In Europe it is made by anybody, anywhere, under any conditions."

As I left St. Helena, I notices two signs, one welcoming visitors to "this world famous winegrowing region," the other advertising "new homes, home sites, and large walnut orchard lots—liberal financing." I remembered the latter sign as I drove southeast into Livermore, then southwest to Santa Clara Valley, where burgeoning subdivisions and shopping centers pose a new and serious threat to the north coast vineyards.

"We survived phylloxera and prohibition," an alliterative grape farmer told me, "but I don't know whether we're going to survive people."

The tract-home blight is threatening Sonoma and Napa valley; it is well advanced in Livermore, where new housing has crept to the edges of vineyards first planted in the early 1880's by James Concannon, of County Galway, and Carl Wente, of Hanover, Germany. Their grandchildren now run the vineyards.

Livermore, is a saucerlike basin in the heart of the coast range, some 40 miles east of San Francisco. Hemmed in by high, rolling hills, its gravelly soil was for years a rich, sheltered source of tomatoes, sugarbeets, grain and grapes. The quiet, horsy city of Livermore, where Haraszthy used to buy his pacers, is now a bustling center of nuclear research. Its population in the last 10 years has shot up from 4,300 to 16,000. The figure will top 70,000 by 1980, the chamber of commerce predicts, thus dooming vineyards which produce what many regard, as California's finest white wines.

"We have a low water table here," Karl L. Wente told me, "so this population explosion is draining us dry."

Karl, like John Daniel, Jr., the Mondavi brothers and the Concannon brothers, James and Joseph, just across the road from Wente Bros., is a third-generation winemaker, typical of the college-trained farmer-scientists who are now coming into control of the north coast vineyards. The late Herman Wente, Karl's uncle, was for years the industry's elder statesman. Herman was the winemaker, his brother Ernest, Karl's father, the grape farmer. Karl is both, equally at home in the cellar and in the fields.

"The wind, that wicked wind," he muttered under his breath as we stepped outside the old frame winery and stood shivering in a cold gust of wind. "It's sucking all the moisture from the ground." He shook his head, his attention suddenly caught by the cattle grazing on the range behind the winery. "My father keeps telling me, 'Never sell the cattle. Prohibition may come back, but the Americans will never give up their steaks.'" He laughed and the conversation turned to the pomace, the fermented pulp left in the tank after a new wine has been drawn off. Some wine growers use pomace for fertilizer, others sell it or feed it to the livestock.

"We feed ours to the cattle," Karl said. "They come running in the fall when they spot that pomace truck. Some of the old girls have developed quite a taste for the stuff. They get a little high, flop down and snore. Sometimes they forget to cough up their cud and it keeps fermenting. Gives them heartburn. Best beef you've ever tasted, though. Marinated on the hoof."

The Livermore no downpayment virus, which has hit Wente Bros. and Concannon, is mild when compared to the outbreak in the lovely fertile Santa Clara Valley, southwest on Route 21.

"They always take the best farmland," Ed Mirassou said when I visited him in Evergreen, where his family has been farming for 100 years. He and his brother, Norbert, are fourth-generation wine growers, caught now in the squeeze between the bulldozer and the tax assessor. "You can sell the land, put the money in stocks and make more money," Mirassou said, "but you'd rather go broke in the business than make money in another."

To the north and east of San Francisco Bay, the wine country appears predominantly Italian and German. South, in the prune and apricot country of the Santa Clara Valley, the vineyard tradition is French. Almadén, near Los Gatos, was founded by Etienne Thée, who planted his first vines in 1852 and built the house where Louis Benoist, the wealthy present-day owner, carries on the same prodigal hospitality, raising his own partridges and pheasants and serving them with his own champagnes. Once, so the story goes, Benoist was entertaining Louis Martini, who sipped his champagne, and exclaimed, "This is the best California champagne I've ever tasted." As Benoist beamed, Martini paused, frowned, and added quickly, "but maybe I've got a cold."

In setting out the first Almadén vines imported from Bordeaux, Burgundy, the Rhone Valley and the Champagne District, Thée enlisted the help of Charles Lefranc, who married Thée's daughter, then had the good luck to hire a stout, amiable Burgundian, Paul Masson, whose name dominated the California wine industry for a generation. Masson, following the practical precedent set by his employer, married Lefranc's daughter, then formed a partnership with his father-in-law. Later, in the hills above Saratoga, where the present owners have recently built the most strikingly modern winery in California, Paul Masson established his own vineyards. Every summer a series of concerts, "Music at the Vineyards," is given in this natural amphitheater, with champagne served during intermission.

While the wineries woo visitors with tours and tastings the wine country has been slow to promote wine drinking itself. With the exception of the Swiss Hotel in Sonoma and El Real in Rutherford, I was somewhat taken aback by the prevailing apathy toward wine in a major wine-growing district. In many restaurants there were no wine lists. "Which do you want, red or white?" waitresses asked me. When wine lists were available, few were representative of the region's finest wines, although they might be growing a mile away. Most startling of all, however, was the abuse of wine through ignorance.

Bob Mondavi told me he once sent back a bottle of his Charles Krug Pinot Noir, which had been served chilled. His waiter took the bottle to the kitchen and ran it under a hot-water faucet. John Daniel told of being served a warm bottle of French sauterne. When he complained, the waitress tagged him for a square and explained, "It's supposed to be hot." She pointed triumphantly to the label, which identified the wine as an "Haut-Sauterne." "You see," she said, "hot sauterne."

Inevitably, as you wander through the wine country, you discover your own winery, as in Europe you discover your own city. It may be a small winery like Hallcrest, in the Santa Cruz Mountains, where Chaffee Hall steals time from his San Francisco law practice to tend his vineyards; or Souverain, on the slopes of the Howell Mountain above the old Silverado trail, where Lee Stewart makes Green Hungarian. It may be an estate operation, like Beaulieu or Inglenook; a local landmark like Buena Vista, Charles Krug, or Cresta Blanca; a larger winery like Almaden or Paul Masson. Be it small or large, you come away with a proprietary feeling. It becomes your winery, as Rome or Paris or Copenhagen becomes your city, because you discovered it. And when you spot its label, it evokes a picture of a pleasant place where charming people are indulging the harmless lunacy of crushing alien grapes for what they hope will someday become a native beverage.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. INOUYE, for Thursday, September 27, and Friday, September 28, 1962, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROBERTS of Texas, for 1 hour, today, and to revise and extend his remarks and to include extraneous matter.

Mr. SCHWENGEL (at the request of Mr. NELSEN), for 1 hour, on October 2, 1962.

Mr. RIVERS of South Carolina (at the request of Mr. WAGGONNER), for 1 hour, on Tuesday, October 2, and Wednesday, October 3.

Mr. O'NEILL (at the request of Mr. WAGGONER), for 2 hours, on Wednesday, October 3.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. HOLIFIELD (at the request of Mr. WAGGONNER) was given permission to revise and extend the remarks he made in his special order today and include extraneous matter.

(The following Member (at the request of Mr. NELSEN) and to include extraneous matter:)

Mr. AVERY.

(The following Members (at the request of Mr. WAGGONNER) and to include extraneous matter:)

Mr. TOLL.

Mr. CELLER.

Mr. MORRIS K. UDALL.

Mr. SLACK.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 151. An act for the incorporation of the Merchant Marine and Maritime Service Veterans Association; to the Committee on the Judiciary.

S. 2873. An act for the relief of Claude S. Reeder and Reeder Motor Co., Inc.; to the Committee on the Judiciary.

S. 3698. An act to incorporate the McCarran Foundation, and for other purposes; to the Committee on the Judiciary.

S.J. Res. 208. Joint resolution to establish a commission to develop and execute plans for the celebration of the 150th anniversary of the Battle of Lake Erie, and for other purposes; to the Committee on the Judiciary.

S.J. Res. 213. Joint resolution to provide for the actual participation of the United States in the West Virginia centennial celebration; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4333. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946, as amended;

H.R. 5144. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes;

H.R. 5165. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes;

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter;

H.R. 7708. An act for the relief of Mr. and Mrs. Gerald Beaver and Sergeant and Mrs. Cecil P. Fisher;

H.R. 8134. An act to authorize the sale of the mineral estate in certain lands;

H.R. 8205. An act to provide tax relief to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America Local 863 pension fund and the contributors thereto;

H.R. 8738. An act to amend section 1 and 5b of chapter V of the Life Insurance Act for the District of Columbia;

H.R. 8824. An act to modify the application of the personal holding company tax in the case of consumer financed companies;

H.R. 9472. An act for the relief of Janina Tekla Gruszkos;

H.R. 10022. An act to amend section 510 (a)(1), Merchant Marine Act, 1936;

H.R. 10937. An act to amend the act providing for the economic and social development in the Ryukyu Islands;

H.R. 11059. An act relating to the effective date of the qualification of Bricklayers Local 45 (Buffalo, N.Y.) pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954;

H.R. 11217. An act to amend section 6112 of title 10, United States Code;

H.R. 11728. An act to amend section 1208 (a) of the Merchant Marine Act, 1936, to authorize investment of the war risk insurance fund in securities of, or guaranteed by, the United States;

H.R. 12589. An act to amend the Smith-Lever Act of May 8, 1914, as amended;

H.R. 12711. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes; and

H.R. 13067. An act to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 455. An act to amend the act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional 2-year period, and for other purposes; and

S.J. Res. 230. Joint resolution expressing the determination of the United States with respect to the situation in Cuba.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5144. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes;

H.R. 5165. An act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes;

H.R. 12526. An act to amend section 172 of the Internal Revenue Code of 1954 to provide a 7-year net operating loss carryover for certain regulated transportation corporations; and

H.R. 12711. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1963, and for other purposes.

ADJOURNMENT

Mr. WAGGONNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Friday, September 28, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2586. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 6, 1962, submitting a report, together with accompanying papers and illustrations, on a review of the reports on the James River, Va., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 13, 1954, and March 30, 1955 (H. Doc. No. 586); to the Committee on Public Works and ordered to be printed with 12 illustrations.

2587. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 7, 1962, submitting a report, together with accompanying papers and illustrations, on a survey of the Scioto River Basin, Ohio, authorized by the Flood Control Act, approved August 28, 1937 (H. Doc. No. 587); to the Committee on Public Works and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 513. Concurrent resolution for printing additional copies of hearings; without amendment (Rept. No. 2488). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 90. Concurrent resolution authorizing the printing for the use of the Joint Economic Committee of additional copies of its hearings entitled "State of the Economy and Policies for Full Employment"; without amendment (Rept. No. 2489). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 91. Concurrent resolution authorizing the printing of additional copies of the hearings on Department of Agriculture handling of pooled cotton allotments of Billie Sol Estes; without amendment (Rept. No. 2490). Ordered to be printed.

Mr. ROBERTS of Alabama: Committee on Interstate and Foreign Commerce. H.R. 134. A bill to provide that seat belts sold or shipped in interstate commerce for use in motor vehicles shall meet certain safety standards; with amendment (Rept. No. 2491). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-eighth report pertaining to Federal Home Loan Bank Board (Rept. No. 2492). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee of conference. S. 901. An act to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes (Rept. No. 2493). Ordered to be printed.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 12968. A bill to amend section 901(b) of the Merchant Marine Act, 1936, to eliminate certain time limitations; with amendment (Rept. No. 2494). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3396. An act to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds; without amendment (Rept. No. 2495). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLEM MILLER:

H.R. 13258. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to its application to grapes to be used in the making of wine; to the Committee on Interstate and Foreign Commerce.

H.R. 13259. A bill to amend the Federal Food, Drug, and Cosmetic Act to require imported wine to meet the same sanitation standards required of domestic wine; to the Committee on Interstate and Foreign Commerce.

By Mr. SANTANGELO:

H.R. 13260. A bill to establish in the Department of Health, Education, and Welfare a Medical Service Bureau to serve as a center for the worldwide dissemination of current medical information; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 13261. A bill to amend the joint resolution of September 10, 1962, to provide that any Reserve ordered to active duty thereunder shall be entitled upon request to be appointed a member of a regular component in the same grade as that held by him at the time he requests such appointment; to the Committee on Armed Services.

By Mr. TOLLEFSON:

H.R. 13262. A bill to exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.J. Res. 896. Joint resolution proposing an amendment to the Constitution of the United States pertaining to the offering of prayers in public schools and other public places in the United States; to the Committee on the Judiciary.

By Mr. MORRIS K. UDALL:

H. Con. Res. 576. Concurrent resolution for a study of the procedures of Congress; to the Committee on Rules.

By Mr. CHAMBERLAIN:

H. Res. 816. Resolution amending the Rules of the House of Representatives relating to the appointment of professional and clerical staffs of the committees of the House; to the Committee on Rules.

By Mr. DAWSON:

H. Res. 817. Resolution to amend the Rules of the House of Representatives with respect to the location of activities of the Committee on Government Operations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 13263. A bill for the relief of Mrs. Rose D'Arienzo; to the Committee on the Judiciary.

By Mr. FINNEGAN:

H.R. 13264. A bill for the relief of Dr. Mehmet Cemil Alpaslan; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 13265. A bill for the relief of (Mrs.) Chryssi Kourounis; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 13266. A bill for the relief of Masis Bedian; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H.R. 13267. A bill for the relief of Richard H. Marshall; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 13268. A bill for the relief of Chin Tau Sun; to the Committee on the Judiciary.

H.R. 13269. A bill for the relief of Wong Shee Heung; to the Committee on the Judiciary.

H.R. 13270. A bill for the relief of Tam Suey Kin and Tam Lai Ping; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 13271. A bill for the relief of Dr. René A. Arcilla; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 13272. A bill for the relief of Dr. Arturo Marinay Riego; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Young Democratic Clubs of America Announce Their National Observance Day on Saturday, September 29: Thirty Years' Service for Party and Country—1932-62

EXTENSION OF REMARKS

OF

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1962

Mr. MORRIS K. UDALL. Mr. Speaker, young Democratic groups had existed in various States and localities for many years prior to the founding of the Young Democratic Clubs of America in 1932, but no national organization existed to coordinate and stimulate the work of these groups. In January of 1930 serious efforts were begun toward the creation of a national organization.

The Honorable Jouett Shouse, chairman of the Democratic National Committee, wrote to party leaders in August 1931, suggesting that they encourage increased activity among the younger members of the party. The 1932 meeting of the national committee adopted a resolution approving the idea. The committee, however, strictly adhered to the position that the young Democrats, if they wished to form a national organization, must do so on their own initiative. The committee felt that it could do no more than properly welcome such an organization and cooperate with it after it was formed.

The Young Democratic Clubs of America will this Saturday celebrate the 30th anniversary of the forming of their national organization. These young people did have the initiative to create their own national group, and I believe we should on this occasion commend the Young Democratic Clubs of America for their organization work and support of their party throughout the last 30 years.

Elected ASCS Farmer Committeemen Administer Farm Programs

EXTENSION OF REMARKS

OF

HON. JOHN M. SLACK, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1962

Mr. SLACK. Mr. Speaker, although the farm bill we recently passed was not all we would have liked to have had, I do hope that this legislation will achieve a reduction in our farm commodity surpluses and prevent a further reduction in our farm income. In fact, I would hope that this bill might achieve an increase in farm income.

When the ayes and nays are taken and the final vote counted, our work is then done. There is nothing more we can do to make it work or to make it help the people for which it is intended. Who does make it work? Who does see that it helps the people for whom it is intended? Who does explain it to each of the farmers who might take advantage of its provisions? Yes, there is much more to be done after the bill leaves this Chamber that we never see and often never realize. The men who make it work are our farmer ASCS committeemen who are elected by the fellow farmers to administer and carry out our farm programs at the local level. The farmer ASCS committeemen meet at specified or regular intervals which is determined by the amount and size of the program they have to administer in their individual county.

On such occasions, they keep minutes of their deliberations which are a matter of record in the county office. These meetings are presided over by the chairman of the committee and regular motions are made and passed on and majority rule prevails. Good county committeemen cannot let personal prejudices or favoritism creep into the decisions of the committee. They know they must be willing and prepared to defend their decisions to their fellow farmers.

They approve and disapprove such matters as allotments, yields for farms, agricultural conservation program practices, facility loans, appeals, and many other matters which may come before them. They may be called upon to get into a number of other matters which may come before them.

They may be called upon to get into a number of other assignments, including disaster area plans, emergency drought area designations, and civil defense activity. They have been known to be instrumental in many cases in assisting and recruiting voluntary labor for a resident of their county stricken by sickness or other misfortune.

In addition to the county committeemen there are individual community committees. These are the men who carry out the person-to-person, farmer-to-farmer contact which makes the program work.

I would like to ask that each Member of this body look seriously at the tremendous job being done by the ASCS farmer-elected committeemen in each of the counties of his district. I am sure that, if you do not already know, you will be quite surprised at the tremendous workload they carry and the contribution they are making, not only to agriculture but to our entire Nation.

A Record of Accomplishments

EXTENSION OF REMARKS

OF

HON. HERMAN TOLL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1962

Mr. TOLL. Mr. Speaker, legislative bodies rarely complete their deliberations and produce results until the session is ready to end. Emergency periods have produced legislation to cope with the acute conditions. The usual practice, however, is to wind up a session with action in the last weeks.

The 2d session of the 87th Congress is nearing its termination and action has been taken on many important issues. Some have been favorable and some have been rejected. The voting record of the Members on the issues which were considered will be examined by the people in the coming election on November 6 and the attitude of the voters will be expressed in their approval or disapproval of the action taken by the Congressmen of both parties.

The following bills represent the major accomplishments in this session:

NATIONAL DEFENSE AND INTERNAL SECURITY

H.R. 11737 authorizes $3.81 billion for National Aeronautics and Space Administration for fiscal 1963, including $263 million for planetary and lunar exploration—Public Law 87-584.

INTERNATIONAL AFFAIRS

The Trade Expansion Act has been passed by the House and Senate and will be recorded as the outstanding accomplishment of this Congress. President Kennedy called this bill the strongest trade bill since Congress first delegated tariff negotating power to the President in the 1934 Trade Agreements Act.

H.R. 11970 empowers the President, subject to safeguard provisions, to cut duties on imports by agreements with other nations, particularly the European Economic Community, for concessions to the U.S.-exported products; provides aid to domestic workers and industries adversely affected.

S. 2996 authorizes $4.6 billion foreign assistance program for 1963, including military support funds, development loans and grants, and program for Latin America at $600 million a year through 1966—Public Law 87-565.

S. 2768 extends and expands Peace Corps, authorizes $63.7 million for fiscal 1963—Public Law 87-442.

NATIONAL ECONOMY

S. 1991 authorizes $435 million, 3-year program of training of unemployed in vocational schools, or on-the-job retraining, to develop new skills; first 2 years' cost to be paid by Federal Government; third year 50-50 with States—Public Law 87-415.

S. 2965 authorizes and appropriates $900 million to undertake and accelerate Federal public works and for matching grants to local projects in communities with excess unemployment—Public Law 87-658.

H.R. 11040 authorizes creation of a commercial corporation, owned 50-50 by the public and the communications industry, to establish and operate a communications satellite system under regulation of the FCC, in cooperation with NASA; three members of the board of directors to be appointed by the President—Public Law 87-624.

S. 2970 increases lending authority of Small Business Administration for business loans and disaster loans to a combined total of $1.109 billion; investment company loans from $325 million limit to $341 million; authorizes loans to firms in need of assistance under Trade Expansion Act; establishes combined revolving fund—Public Law 87-550.

SOCIAL SECURITY, HEALTH, AND WELFARE

H.R. 8723 amends Welfare and Pension Plans Disclosure Act of 1958 by providing Secretary of Labor with powers of enforcement, to establish regulations and interpret the statutes; fixes penalties for violations—Public Law 87-420.

H.R. 10606 amends Social Security Act, to reduce public assistance rolls by: Providing grants to States that establish work programs for needy; increasing U.S. share of administrative costs; extending for 5 years payments to families of unemployed father and other needy children; raising by $4 per month ceiling on Federal matching grants for aged, blind, and disabled; and increasing grants for child welfare services—Public Law 87-543.

H.R. 12628 provides for low- and moderate-cost housing for elderly in urban and rural areas; authorizes $200 million for loan funds for new construction and other programs.

S. 205 authorizes matching Federal grants up to $1 million for any State to purchase TV transmission equipment for educational purposes, providing the State or sponsoring agency furnish the land, building, and guarantee to operate and maintain the channel—Public Law 87-447.

H.R. 10 encourages self-employed and professional to establish individual pensions plans by granting income-tax deduction for funds set aside up to $2,500 per year.

GOVERNMENTAL REORGANIZATION

Senate Joint Resolution 29 proposes constitutional amendment to prohibit poll taxes—adopted.

Legislative action is still expected in the Food and Drug Administration field on H.R. 11581, drug and factory inspection, amendments of 1962. A report was filed September 25, 1962, for consideration of a committee substitute amendment to this bill which is proposed to assure the safety, efficacy, and reliability of drugs—House Report 2467. The Senate bill on this subject is S. 1552.

The Kennedy administration's efforts to produce new laws providing medical care for the aged under social security, broad Federal aid to education, Urban Affairs Department in the Cabinet, Youth Conservation Corps, and wilderness-recreation service did not succeed in the 87th Congress. I supported all these measures and the chances of passage will be enhanced in the 88th Congress, which will be elected on November 6, if public support for President Kennedy's program is reflected in the new Congress.

Summary of 2d Session of the 87th Congress

EXTENSION OF REMARKS

OF

HON. WILLIAM H. AVERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1962

Mr. AVERY. Mr. Speaker, each year at the close of Congress, I submit a report to the residents of my district. The following is a summary of the 2d session of the 87th Congress.

A significant feature of this session has been the failure of the administration in its effort to gain support for New Frontier legislation in a Congress controlled by the same party. Federal aid to education, medicare, withholding of interest and dividends, a mandatory farm bill, and other similar-type bills were defeated by a Congress composed of 329 Democratic Senators and Representatives and 210 Republican Senators and Representatives.

As in the first session of this Congress, the international situation was the biggest concern to Members of Congress. Cuba, Laos, Vietnam, the wall in Berlin, together have served as the basis for congressional approval of the largest peacetime budget in history and the Presidential authority to call the National Guard and Reserves to active duty in 1961. Increasing international tension was responsible for the House and Senate approval of another resolution in September 1962, authorizing the President to call up 150,000 reservists and to extend the terms of service to those on active duty up to 12 months. A resolution was also passed intended to reassert the principle of the Monroe Doctrine in regard to the establishment of any foreign control or influence in the Western Hemisphere. The resolution further stated that the United States would use force to restrain such penetration, if necessary. The worsening Cuban situation was, of course, the reason for this action. In this area, there has been a bipartisan effort to give the President every opportunity to cope with the international crisis.

Of necessity, I am compiling this report while Congress is still in session. It now appears this session will be one of the longest, if not the longest, in recent times, with only a nominal amount of legislative activity. To date, over 20,000 bills and measures have been introduced in the House and Senate. It has taken some 26,942 pages in the CONGRESSIONAL RECORD to record the proceedings and debates of the Congress, while 20,244 pages were amassed during the first session. Only 552 bills, including private bills, have been enacted into law thus far; 685 bills became law in the 1961 session.

During this session, your Congressman had a 100 percent attendance record for the meetings and conferences of the Small Business Committee. For the Rules and Private Calendar Committees, a 99 percent attendance record was recorded. As ranking minority member of the Private Calendar Committee, I had the responsibility of making certain before final passage that some 400 private bills were in the public interest and did not undermine our internal security. In this connection, it was necessary to personally research and study almost one-half of the bills which came before the three-man committee.

It was my honor to become the second Kansan in history to serve on the important House Rules Committee. Only 5 of the 175 Republicans in the House serve on this committee. Generally, the membership of the Committee is chosen to represent all areas of the country. The Rules Committee must approve legislation before it is considered by the House.

As an indication of the office operation for the period January 1 to September 1, 1962, a total of almost 18,000 pieces of mail was received. This included over 6,600 first-class letters from the district. The mailout during this period was about 20,000 pieces, of which 14,450 were first-class letters. In addition, we subscribe to almost 150 newspapers per week from the district to keep informed on Kansas news, and 15 per week from elsewhere. During this Congress, a record number of visitors signed the guest book in room 250 of the Old House Office Building, which is your office in Washington. The guest book in the office shows some 1,285 signatures of Kansans and their friends who stopped to visit or for assistance. We appreciate having visitors and we hope you and your friends will stop by when in Washington.

The following is a brief summary of appropriations and some Federal activity for our district: civil works projects—flood control activity—$24,141,000; soil conservation and ACP work, $2,631,337; military construction, $7,332,000.

One of the most significant activities of your office in Washington is the "Week in Washington," a nonpartisan, educational project for college juniors to learn government firsthand. The program has been in existence for over 3 years, with 24 students participating, from Kansas University, Kansas State University, Washburn University, St. Benedict's College, Mount St. Scholastica College, and St. Mary College. While in Washington, the students visit Congress, committee hearings, both national party headquarters, and historic sites. Appointments are arranged with Members of both political parties. In general, it is our desire to have the students attempt to obtain a broad idea of practical legislative procedure and politics at the national level. Some students who participated were later awarded a Rhodes or Fulbright scholarship, and others Woodrow Wilson fellowships. The total of honor and academic achievements amassed by students at their respective schools is a credit to Kansas institutions. It is gratifying to note that the majority of these students have indicated a desire to continue their education in graduate work in preparation for a teaching career.

During the past year, over 50 young men have competed for appointment to the service academies. Each is given an equal opportunity to compete. The Academic Board at each Academy chooses the best qualified individual. This impartial process of selection is not used by all Members. The young men presently at the Academies, or just graduated, from our district include: West Point, Richard Goldsmith, Topeka; John Byrns, Leavenworth; Peter Linn, Manhattan; John Kozak, Leavenworth. Naval Academy, Edwin Rector, Topeka; William Benson, Topeka; Elroy McAlexander, Mayetta; James Moyer, Hamlin. Air Force Academy, Michael Blaisdell, Topeka; David Roe, Topeka; George Barnes, Corning; Loren Steinbrink, Hiawatha; Leroy Stutz, Effingham; David Nolting, Nortonville; Edward Petersen, Topeka; and Lewis Moore, Wakarusa.

Your Congressman personally reads and answers mail from constituents. A weekly news report is sent to all newspapers in the district. In an effort to learn the opinions of constituents, over 100,000 legislative questionnaires were sent out. A weekly taped radio report is prepared as a public service. A district office in Kansas is maintained while Congress is not in session. An extensive tour of the entire district is made every year, visiting each county at least twice or more depending upon the date of congressional adjournment. Appearances are made before civic and professional organizations to present special legislative reports, when requested.

Here is a listing of some of the bills introduced by your Congressman:

Introduced bill to amend Internal Revenue Code to provide a tax reform for small and independent business—investment credit provision in 1962 tax bill is a partial form of this proposal.

Introduced legislation to extend the conservation reserve of the soil bank for 3 years—incorporated into feed-grain program under name of "diverted acres."

Introduced and testified before Judiciary Committee on a bill to provide for the appointment of a third Federal judge for Kansas—such a provision enacted into public law.

Offered an amendment to the Interstate Commerce Act to insure adequacy of the railroad car supply.

Introduced a bill pertaining to the establishment of the Prairie National Park in Kansas. Proposal recommended by National Advisory Committee. Avery's concern is to give Kansas national recognition but to make certain Kansas interests are fully protected.

Proposed amendment to Constitution relative to equal rights for men and women.

Offered an amendment to Packers and Stockyards Act to assist livestock producers for better marketing.

Introduced bill which has passed Congress and enacted into law to assist in sale of surplus property for the benefit of the Potawatomi Indians in Jackson and Brown Counties.

VOTES ON PRINCIPAL BILLS

The following is for your interest and information, showing the votes cast by your Congressman on major legislation considered by the House of Representatives during the second session:

Spoke for and voted for Cuban resolution which warns Russia that the United States will use force if necessary to prevent Communist penetration in Western Hemisphere.

Voted for authorization for procurement of missiles, naval vessels, and aircraft including RS-70 big bombers.

Voted against Kennedy proposal to create a Department of Urban Affairs and Housing.

Opposed New Frontier version of New Deal WPA, by voting against the $900 million accelerated public works bill which was not in the budget recommendation.

Opposed Kennedy-Freeman farm bill designed to impose rigid controls and assess undue penalties on the farmer.

Opposed backdoor spending provisions for foreign aid program.

Voted against tax bill providing withholding of interest and dividends.

Opposed broad Federal aid to education program providing funds for teachers' salaries and construction of facilities to public, private, and parochial elementary schools.

Supported passage of funds in sum of $1.45 billion for construction and improvement of Army, Navy, and Air Force bases and installations, including family housing units.

Voted for foreign assistance program for Latin America.

Voted against expanding $63.7 million Peace Corps.

Voted for proposal to prohibit in interstate or foreign commerce commodities imported to the United States from Cuba.

Voted in favor of payment of war damage awards to the Philippine Republic.

Supported resolution expressing sense of Congress that Organization of American States reevaluate role of Cuba in inter-American affairs and take such steps necessary for sanctions.

Voted for provision to permit taxpayers who suffered property damage in storm disaster areas to deduct noninsured losses from their income tax.

Supported a bill to permit for 1 year granting of GI insurance to veterans with service-connected disabilities who heretofore failed to exercise eligibility.

Opposed $170 million Fryingpan-Arkansas reclamation project and other projects costing $406 million that will increase agricultural surplus.

Voted for a program of vocational rehabilitation for veterans with service-connected disability serving between World War II and Korean conflict and thereafter.

Supported extension of corporate tax and current schedule of excise taxes on liquor, cigarettes, and so forth, and repeals 10 percent levy on rail and bus fares.

Supported proposal raising temporary debt limit to accommodate defense cost.

Voted for increase on postal rates to achieve sound Post Office Department fiscal operations.

Supported increased lending authority of Small Business Administration for business and disaster loans.

Voted for bill requiring public disclosure of identical bids on Government contracts.

Voted for bill to make permanent a provision of the Soil Bank Act permitting harvesting of hay on conservation reserve acreage under disaster conditions.

Supported increase in rates of compensation for service-connected disabled veterans.

Supported proposal to curb the usage of the mails for the distribution of Communist propaganda.

Voted against taxpayer funds being spent for subsidized electric power for preferential areas—Hanford project.

Voted for extension of direct housing loan program for veterans.

During adjournment, I will be traveling in all the counties that make up the new Second District. The new area contains the following counties: Atchison, Brown, Clay, Doniphan, Geary, Jackson, Leavenworth, Marshall, Nemaha, Pottawatomie, Riley, Shawnee, Wabaunsee, Washington, and the County of Wyandotte outside of city limits of Kansas City, Kans.

My aim will be to meet with as many people as possible in each county. While your office in Washington will be open as usual to take care of your inquiries and requests, in addition for your service, we will have a district office in the Hotel Jayhawk in Topeka. I hope you will contact me at any time if you feel we can be of assistance. It is no imposition or bother; our office is organized with the aim of serving and working for you.

Where I Stand as a Congressman and as a Democrat

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 1962

Mr. CELLER. Mr. Speaker, the issues before this 87th Congress have been complex and varied. I have sought in this session to discharge my responsibility in the interest of the voters of my district and in the national interest. How I have done so is very much the business of my constituents. Where I stand and why, on the legislation upon which Congress has acted and also upon which it has remained silent, should be reviewed by those who will cast their ballot in the coming election. I ask you, therefore, to look at the record and judge thereby.

I insert at this point a number of the major bills which I have authorized and guided through to enactment and which are now the law of the United States. You will find among them acts specifically designed to combat crime, acts to reform the judicial machinery so that the industry of justice may best be served, a constitutional amendment eliminating the poll tax as a requirement for voting in a Federal election. The list that follows is necessarily incomplete since the preparation of this record had to be made before adjournment so that it could reach you before election day:

Public Law 87-20: To designate the 1st day of May of each year as Law Day, U.S.A.

Public Law 87-36: To provide for the appointment of additional circuit and district judges, and for other purposes.

Public Law 87-216: To amend chapter 50 of title 18, United States Code, with respect to the transmission of bets, wagers, and related information.

Public Law 87-218: To provide means for the Federal Government to combat interstate crime and to assist the States in the enforcement of their criminal laws by prohibiting the interstate transportation of wagering paraphernalia.

Public Law 87-228: To amend title 18, United States Code, to prohibit travel or transportation in commerce in aid of racketeering enterprises.

Public Law 87-317: To amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment.

Public Law 87-331: To amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes.

Public Law 87-336: To amend section 5021 of title 18, United States Code (Youth Corrections Act).

Public Law 87-338: To amend section 35 of title 18, United States Code (conveying false information).

Public Law 87-409: To reimburse the city of New York for expenditure of funds to rehabilitate slip 7 in the city of New York for use by the U.S. Army.

Public Law 87-681: To amend the Bankruptcy Act, as amended.

Public Law 87-664: To authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes.

Public Law 87-668: Extending the duration of copyright protection in certain cases.

Public Law 87-669: To amend section 2103 of title 28, United States Code, relating to appeals improvidently taken.

Public Law 87-673: To amend the act of January 30, 1913, to provide that the American Hospital of Paris shall have perpetual succession.

Public Law 87-677: To amend the Bankruptcy Act in respect to the salaries of retired referees.

The passage of a law is a troubled and uncertain journey. A bill must pass through subcommittee, full committee, sometimes the Rules Committee, pass the floor and be sent over to the Senate where, again, it goes through the same process, at the end of which process it must be signed by the President. It is, therefore, understandable why few Members have acts bearing their names. In that respect, I am most fortunate in having been able to secure passage of such a large number of bills. The list you see before you is incomplete since a number of my bills are still awaiting action by the Senate at this time. It is with pardonable pride I refer to this record of achievement. But over and beyond these public laws, which bear my name, there are other vital areas of congressional concern which are your concern as well. I want you to know where I stand on these.

IMMIGRATION

While we have not been able to erase from the books the restrictive national origins theory embedded in our immigration law, nonetheless, as chairman of the Committee on the Judiciary, I am happy to be able to state that every session has brought into being a liberalizing statute making the immigration law a little less restrictive, a little more human. We have enacted into permanent legislation a good bill for alien orphans, permitting their entry into the United States nonquota; we have reunited families; we have waived many of the excluding provisions such as tuberculosis and minor crimes which heretofore had barred immigrants; we have removed from the waiting lists and permitted entry, nonquota, those who have been registered in countries abroad for a period of 10 years; we have liberalized preference sections of the act.

More remains to be done, and it is my hope that it will be done before my service in Congress ends. I have offered bills to do away with the restrictive and unfair national origins theory of immigration, which discriminates unfairly against intended immigrants, who may have been born in Hungary, Rumania, Poland, Czechoslovakia, Italy, Greece, and other countries of southern and eastern Europe. I have every reason to believe that this too shall come to pass.

CIVIL RIGHTS

As author of the Civil Rights Acts of 1957 and 1960, I am still far from satisfied that we have reached our goal of equal opportunities for all of our citizens regardless of race, color, or creed. This year I succeeded in guiding through the House the constitutional amendment to prohibit poll taxes in Federal elections. This constitutional amendment is now before the State legislatures and when 38 States have ratified this proposal, it will become part of our Constitution. I have introduced extensive civil rights legislation and, while progress is slow, it is nonetheless being made. It is my hope that in the next session I shall be able to guide such legislation into enactment, particularly, the legislation which prohibits the use of literacy tests to bar otherwise qualified voters from the polls.

NATIONAL DEFENSE AND INTERNAL SECURITY

I have consistently supported President Kennedy's requests for an appropriation to strengthen our national defense and internal security. I have supported appropriations for the procurement of missiles, for space exploration, for emergency civil defense measures. I have supported a step-up in the production of the Polaris submarine and have supported increased research for moon-orbiting projects.

INTERNATIONAL AFFAIRS

I have stanchly supported the foreign assistance program and the Alliance for Progress project. I voted for the establishment of the U.S. Peace Corps and for its expansion in the second session of this Congress. It is now universally agreed that the Peace Corps is one of our most effective measures, as important in its way as was, and is, the point 4 program of help through self-help.

Public Law 87-510 which authorizes aid for the resettlement of refugees from Iron Curtain countries abroad, and for Cuban refugees, came from the Judiciary Committee, of which I am chairman, and it is a measure of which I am particularly proud.

I have supported vigorously the President's foreign trade proposal since it is my conviction that only with such a proposal can we compete successfully with Europe's Common Market.

I favored the enactment of the law which established a U.S. Arms Control and Disarmament Agency, in the interest of peace, and also supported the act to use surplus farm produce to aid the people and the economy of underdeveloped nations.

In the interest of peace and international understanding, I supported the programs of educational and cultural exchange of persons between the United States and other countries and participated in promoting our contributions to the Inter-American Children's Institute, an agency within the Organization of American States.

In my interest in promoting peace, wherever possible, I have urged, and shall continue to urge, that the Middle East be kept free of conflagration and that the United States use its good offices to bring about peace talks between the Arab nations and Israel. I have supported aid to some Communist-controlled countries because I feel that the good people of Poland, Czechoslovakia, and Yugoslavia have still within them the passionate desire for freedom. I have supported such aid to these countries for I felt that these people should not be permitted to be punished because they now lie prone under the iron heel of Communist dictatorship and control.

NATIONAL ECONOMY

I approve of the act which authorizes the program to provide 13 additional weeks of unemployment compensation. I feel strongly that the act which provided a 3-year program of training of unemployed in vocational schools or on-the-job retraining to develop new skills, is one of the most important acts of this Congress as is the act granting loans for public works projects in communities with excess unemployment.

I have supported the increase in the lending authority of the Small Business Administration so that in this era of bigness, the small businessman shall not be completely submerged.

In keeping with my philosophy, I voted for and supported vigorously the increase of a minimum wage to $1.25 an hour.

I favored the legislation which became law to develop an Interstate and Defense Highway System. Roads are the arteries of our civilization.

Within the area of national economy I must, of course, stress my abiding interest in the antitrust laws. This has been a continuing interest for the 40 years I have been in Congress. The enactment of antitrust legislation is not easy but through the work of the Antitrust Subcommittee, of which I am chairman, we have kept a watchful eye on all developments from price-fixing activities to unwarranted mergers. A free enterprise system cannot exist without vigorous enforcement of our antitrust laws. I feel fortunate that I have been able to steer through to enactment, Public Law 87-664, authorizing the Attorney General to compel the production of documents required as evidence in civil antitrust investigations. With Senator KEFAUVER, I am coauthor of the Celler-Kefauver Act which prevents mergers of corporations that throttle competition and would elbow small business off the sidewalk.

My Antitrust Subcommittee is likewise engaged in an investigation of the concentration of newspaper ownership, as well as the impact of giant firms on our economy.

We were likewise successful in this Congress in amending the antitrust laws to permit television broadcasting of professional sport games. The Antitrust Subcommittee played an important role in bringing to light 105 violations of the Shipping Act in our examination of the shipping industry, which investigation led to the organization of a Maritime Commission. Much of our findings in all influenced amending of the Shipping Act. Public Law 87-346 tightened up the antitrust aspects relevant to the shipping industry.

I voted for the Communications Satellite Act after the respective committees had adopted several of my amendments to strengthen public control over those private interests which are developing the communications satellite.

SOCIAL SECURITY, HEALTH AND WELFARE

I am in complete accord with the act we passed extending payments to families of unemployed fathers and other needy children and grants for the aged, blind, and disabled to be administered by the States together with State contributions. This has relieved the State of New York from a very heavy burden.

I supported the program of loans to colleges and universities for construction and improvement of classrooms, laboratories, and libraries and scholarship aid to college students.

I supported the program for low and moderate cost housing, urban renewal, and the program of Federal grants to States for the construction of nursing homes, training of public health personnel, and improved health services for the aged outside hospitals.

I supported medicare under social security. I do not want older people who are feeble and sick to be cast aside like broken tools. They must have decent hospital care.

Most certainly, I support a strong bill for the regulation of the drug industry and for the distribution of new drugs. As chairman of the Committee on the Judiciary, I have held hearings thereon, and it was before this very committee that the dangers of thalidomide were first made public in May of this year.

CRIMES AND THE COURTS

I am particularly proud of Public Law 87-36 which created 63 additional U.S. court judgeships and 10 in the circuit courts. So crowded had been our court calendars that it had proved that justice delayed is justice denied. I am proud of that part I played in the legislation, now law, putting new weapons into our law enforcement agencies to curb the ravages of organized crime. In the list above are outlined the public laws which I guided into enactment. I am the author of H.R. 8140 which strengthens the Federal criminal laws relating to bribery, graft, and conflict of interest. I did succeed in having the House adopt this bill. It is now pending in the Senate, and I hope before adjournment that this legislation, too, will become public law.

VETERANS AND SERVICEMEN

I supported vigorously the legislation which now permits members of the Armed Forces to accept fellowships, scholarships, and grants, and legislation which extended the period of vocational rehabilitation for blinded veterans. I am proud that the 87th Congress authorized the Veterans' Administration hospitals to offer medical care for peacetime veterans with non-service-connected disabilities. I supported legislation which increases by some 9 percent the compensation of service-connected disabilities and supported the law which increased basic allowances for living quarters for members of the Armed Forces and, of course, I approved the act which increased payments to veterans' widows and blinded veterans.

NATURAL RESOURCES

I approved the 10-year comprehensive program of oceanographic research and service, as well as the water pollution control program and the study for saline water conversion.

NEW YORK

As chairman of the steering committee, a bipartisan group consisting of New York Representatives and Senators, I have devoted a good deal of my time and efforts to obtain defense contracts for the State of New York. In this, the steering committee has had an appreciable degree of success.

The steering committee, under my leadership, likewise succeeded in having the United States participate in the New York World's Fair. We succeeded in having an appropriation of $17 million granted by the Department of Commerce for the defrayal of expenses in connection with Federal participation in the New York World's Fair. I am both pleased and proud to be a member of the board of directors of this fair.

The full weight of the steering committee, as I noted before, has been thrown into increasing New York's share of the U.S. defense business. I have been in constant communication with the Secretaries of Defense, Labor, and Commerce and with the General Services Administration to stimulate the channel of Federal contracts into areas of labor surplus. The steering committee has worked toward the introduction and passage into law creating a New York New Jersey Transportation Agency to serve New York's transportation needs.

We have worked for the transfer of 1,265 acres of the former Sampson Air Force Base to the State for its use in park and recreational facilities.

The steering committee has prevented withdrawal of facilities of the Brooklyn Army Terminal and has prevented Air Force removal of missile-ship work from the Bethlehem Steel Corp. shipyards in Brooklyn, and we have pressed for increased appropriations for the Long Island beach erosion and hurricane protection project arising out of the March 1962 storm damage.

You will note in the above list the enactment of Public Law 87-409, to reimburse the city of New York for expenditure of funds to rehabilitate slip 7 in the city of New York for use by the U.S. Army.

I have devoted additional time to the problems of the Brooklyn Navy Yard which are many and which are complex. I have not ceased my labors to see that work is channeled into the Brooklyn Navy Yard. I have sought to do all I could do to prevent a reduction in force.

This, of course, is an abbreviated account of my activities in the 87th Congress. I beg to remind you of some of the basic legislation which I have authored during the 20 Congresses in which I have served. Among such legislation you will find the Federal Register Act; the Celler-Kefauver antimerger bill; the Displaced Persons Act; the Foreign Trade Zone Act; the Celler-Sparkman Act providing for the finality of the Clayton Act orders; the Celler-O'Mahoney Automobile Act; the Federal Tort Claims Act, and many others.

ADMINISTRATIVE WORK

I have taken a deep interest in each of my constituents who have approached me on personal problems of their own. Thus I have been in the fortunate position of being able to help thousands of my constituents. Daily, my office is busy with problems of veterans and their families. Pleas concerning immigrants are carefully perused. Loans for small businessmen are successfully prosecuted through the Small Business Administration. I have aided scores and scores of people in their quests for housing apartments. Pleas of Federal post office and civil service employees never go unheeded. I have secured for New York City numerous public buildings, such as post offices and public works structures.

I was a member of the platform committee at the Democratic National Convention at Los Angeles in 1960 that fashioned the platform upon which President Kennedy was elected. I stand four square behind that platform, and I fully support the policies of President John F. Kennedy.

I have served you for almost 40 years. If it is your wish, I shall continue to serve you with the same vigor, with the same interest in your welfare and the welfare of our country, and with the same pride I have in being the Representative of a district that is alive, not only to domestic affairs but also alive to the great issues that confront us as leaders of the free world.

I do hope that upon the above record I will be approved by you for reelection.